APR 25 1972

UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS
FIRST SESSION

VOLUME 117—PART 8

APRIL 5, 1971, TO APRIL 19, 1971
(PAGES 9469 TO 10870)

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Congressional Record

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PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Monday, April 5, 1971*

The House met at 12 o'clock noon.

Rev. Floyd H. Gayles, St. James Baptist Church, Washington, D.C., offered the following prayer:

Almighty God, the fountain of all wisdom, the giver of every perfect gift, endow the Members of Congress with a right understanding and a pure purpose. We pray for all nations that each may be given the blessing of your light and truth, a right mind, and a just council.

Grant peace on earth and good will to all men. Guide this Congress and strengthen our President as they continue to work for the good of our Nation.

Sustain us by a vision of freedom and brotherhood. Guide and direct the leaders of our cities in their efforts to bring a more peaceful environment for all citizens. On this day, as we recall the memory of a cherished leader in our American society, he who fell before the assassin while in pursuit of those beliefs, let us remember his spirit of racial progress through nonviolence. For as we stand in life at midnight, we are always on the threshold of a new dawn.

Through our Lord, amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 789. An act to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 31. An act to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

The message also announced that the Presiding Officer announced, on behalf of Mr. Long, chairman of the Finance Committee, and pursuant to section 8002 of the Internal Revenue Code of 1954, the selection of Mr. Talmadge and Mr. Curtis to be members, on the part of the Senate, of the Joint Committee on Internal Revenue Taxation.

The message also announced that the Vice President, pursuant to Public Law 77–250, appointed Mr. Bennett as a member, on the part of the Senate, of the Joint Committee on Reduction of Federal Expenditures.

WELCOME TO REV. FLOYD H. GAYLES, GUEST CHAPLAIN

(Mr. DANIEL of Virginia asked and was given permission to address the House for 1 minute.)

Mr. DANIEL of Virginia. Mr. Speaker, I arise to extend a cordial welcome to our guest chaplain, who once lived in the district which I have the honor to represent. Mr. Gayles began his call to the ministry about a quarter century ago, following an honorable discharge from the U.S. Army as a decorated combat veteran of World War II. He took up residence in the Nation's Capital over 20 years ago, and became involved, not only in the broad spectrum of the city's community affairs, but also the developing and building of a fine house of worship for a loyal and enthusiastic congregation.

Here in Northeast Washington the realization of his two decades of stewardship will be rewarded in July of this year. On the site of the first St. James Baptist Church where he started with a few dedicated followers, he will soon open for the first time the doors of a beautiful new church in the company of his over-300 congregation of proud and inspired men, women, and children.

But this is not the total sum of Mr. Gayles involvement in the Washington area. He is a career Federal employee, and was recently appointed as community relations assistant to the Public Printer of the United States. In this position he is assisting the Public Printer to assure that the Government Printing Office, one of the largest employers in the District, meets its responsibility to the community, and plays an active role in contributing toward the development of the inner city.

Reverend Gayles, we commend you for your activities in the District of Columbia, and are proud to honor you here today. May we extend a welcome to your family, to your fellow employees from the Government Printing Office, and to your friends and associates throughout the community who have attended this session today as guests of Congress in order to pay you this tribute.

CONSIDERATION OF FEED GRAIN BASES POSTPONED

Mr. BOGGS. Mr. Speaker, I take this opportunity to announce to the House that at the request of those Members handling the feed grain bill or the beet bill, it has been put off until a later date this week.

ADJOURNMENT FROM WEDNESDAY, APRIL 7, TO MONDAY, APRIL 19

Mr. BOGGS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 257) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. Con. Res. 257

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, April 7, 1971, it stand adjourned until 12 o'clock meridian, Monday, April 19, 1971.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM THE SENATE AND SPEAKER TO SIGN ENROLLED MEASURES DULY PASSED AND TRULY ENROLLED NOTWITHSTANDING ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House from April 7 to April 19, 1971, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

THE PASSING OF CHARLES A. CANNON

(Mr. RUTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUTH. Mr. Speaker, Mr. Charles A. Cannon of Kannapolis, N.C., died on Friday, April 2, 1971, at the age of 78.

While he is best remembered as a leader of the textile industry who provided jobs for thousands and as a philanthropist who befriended individuals, churches, hospitals, educational institutions, and numerous charities. I remember him as a grassroots conservative who hated waste and loved hard work. He gave of himself to both individuals and groups who worked hard and placed thrift high on their list of priorities.

His death marks the fading of an era which was led by men of Mr. Cannon's caliber. America still sorely needs men like him. Long live Charles A. Cannon.

BOYS' CHORUS OF SHANLEY HIGH SCHOOL, FARGO, N. DAK.

Mr. ANDREWS of North Dakota. Mr. Speaker, today the city of Washington, D.C., is playing host to the Red Coats, the Red Coats in this case being the boys' chorus of Shanley High School in Fargo, N. Dak. This is an outstanding group of young Americans who have worked hard selling candy and doing other things to make enough money to be able to make this tour.

While here they are taking in the historic significance of Washington, D.C., their Nation's Capital. They sang at the Cherry Blossom Festival and they sang on the steps of the Lincoln Memorial.

They sang at the National Shrine. They met Patrick Cardinal O'Boyle this morning.

They are doing all the things which give them insight to this Nation of theirs and why it is a great nation. But they, after all, Mr. Speaker, are the reason why this is a great American country and why it will continue to be great. It is a privilege to have them here in Washington and to play host to them.

DIRECTOR OF THE FBI J. EDGAR HOOVER SHOULD RESIGN

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker and my colleagues, I apologize for my voice. I have a cold.

What I am going to say I say in sorrow, because it is always tragic when a great man who has given his life to his country comes to the twilight of his life and fails to understand it is time to leave the service and enjoy retirement.

Mr. Speaker, I am talking about Mr. J. Edgar Hoover, the Director of the Federal Bureau of Investigation. The time has come for the Attorney General of the United States to ask for the resignation of Mr. Hoover.

When the FBI taps the telephones of Members of this body and of Members of the Senate, when the FBI stations agents on college campuses to infiltrate college organizations, when the FBI adopts the tactics of the Soviet Union and Hitler's Gestapo, then it is time—it is way past time, Mr. Speaker—that the present Director thereof no longer be the Director.

The greatest thing we have in this Nation is the Bill of Rights. We are a great country because we are a free country under the Bill of Rights. The way Mr. Hoover is running the FBI today it is no longer a free country.

I was astonished to read in the paper this morning where Mr. Mitchell says that he is a law-and-order man; therefore, Mr. Hoover, being a law-and-order man, will stay on. If law and order means the suppression of the Bill of Rights, infiltration of college campuses, the tapping of the telephones of Members of Congress of the United States, then I say "God help us."

I ask again that Mr. Mitchell, the Attorney General of the United States, have enough courage to demand the resignation of Mr. Hoover.

CRITICISM OF FBI SHOULD BE SUPPORTED BY FACTS

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I listened with great care to the statements made by the distinguished majority leader. Some of the allegations are a matter of fact, that is, whether certain wiretapping was done or whether it was not done, but there was one statement, if I listened correctly, that I do not think is a fair accusation and I would vigorously protest what I believe the gentleman from Louisiana stated.

If my recollection is accurate, the gentleman said that the FBI is turning its operations into Gestapo-type activities. I categorically deny that the FBI does carry on such activities. I suggest that the gentleman from Louisiana submit proof before he makes such a charge or to buttress such an allegation by facts in the future.

The history of the FBI is a fine one. They may have made mistakes from time to time. They are humans, as we are. But this country is fortunate that we have had the FBI over the years, and we are fortunate that that organization has had Mr. Hoover as its head for such a long period of time.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.
April 2, 1971.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's office at 1:20 p.m. on Friday, April 2, 1971 said to contain a Message from the President wherein he transmits to the Congress his report on the operations in 1970 of the International Coffee Agreement of 1968 in accordance with the provisions of Title III, Section 305 of Public Law 90–634, the International Coffee Agreement Act of 1968, and of Section 3 of Public Law 91–694, the International Coffee Agreement Act of 1968, as amended and extended, together with a letter from the Secretary of State.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

REPORT ON OPERATIONS OF INTERNATIONAL COFFEE AGREEMENT OF 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means:

To the Congress of the United States:

I transmit herewith my report on the operations in 1970 of the International Coffee Agreement of 1968.

Events during 1970 once again demonstrated the capacity of the Agreement to protect the interests of both its consumer and producer members. The International Coffee Council acted decisively in August to curb a precipitous increase in world coffee prices caused by damage to the Brazilian coffee crop in mid-1969. At the same time the judicious measures adopted by the Council enabled producing countries to maintain their foreign exchange earnings from coffee exports at a level consistent with the objectives of the Agreement.

I am also pleased to inform the Congress that we have reached an agreement with Brazil relating to our trade with that country in soluble coffee, which settles the U.S. complaint against Brazil under Article 44 of the International Coffee Agreement. This Agreement improves the competitive conditions of access to Brazilian green coffee by U.S. soluble coffee processors in a manner which safeguards the interests of consumers.

In terms of the bilateral accord, which will be valid as long as the United States continues to implement the International Coffee Agreement, Brazil will make available for sale to American soluble coffee manufacturers an appropriate quantity of green coffee free of Brazilian contribution quota. American firms will qualify to purchase this coffee, which will be of suitable quality, in proportion to their historical production of soluble coffee. The enclosed letter from the Secretary of State provides a more detailed account of the settlement and the negotiations which led up to it.

In the light of the Agreement's benefit to American consumers in 1970, its undoubted value to the developing coffee producing countries, and the resolution of our problem with Brazil, I urge timely Congressional action to extend the necessary implementing legislation until September 30, 1973, when the 1968 International Coffee Agreement terminates. Prompt passage will reaffirm to the Agreement's 41 exporting members the strength of our commitment to their economic development. Expeditious approval will, moreover, remove any uncertainty on the part of our own industry as well as foreign countries concerning the future of international coffee cooperation.

RICHARD NIXON.

THE WHITE HOUSE, *April 1, 1971.*

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

AMENDMENT OF THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS CONCERNING ASSISTANT U.S. ATTORNEYS

The Clerk called the bill (H.R. 4209) to amend the Revised Organic Act of the Virgin Islands.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to know, Mr. Speaker, if there is any limitation on the number of assistants to the district attorney for the Virgin Islands in the inherent legislation?

Mr. DONOHUE. Mr. Speaker, will the gentleman yield?

Mr. HALL. I would be delighted to yield to the gentleman from Massachusetts.

Mr. DONOHUE. At the present time may I state to the gentleman from Missouri there is a limitation upon the number of assistants to the district attorney for the Virgin Islands. That is the only area where such a restriction exists. And, the purpose of this bill is to remove that restriction and place the Virgin Islands in practically the same position as is every other district throughout the United States?

Mr. HALL. Mr. Speaker, if I may paraphrase the distinguished barrister and my good friend from Massachusetts, is what he says to me properly stated by stating this would simply bring the Virgin Islands into conformity with the other States and Commonwealths of the United States of America?

Mr. DONOHUE. The gentleman is correct.

Mr. Speaker, the bill H.R. 4209 would amend section 27 of the Organic Act of the Virgin Islands in two respects: First, it would correct the internal reference in that section to the chapter in title 28 concerning U.S. attorneys so that it will correctly refer to chaper 35 of that title; and second, the bill would delete the exception in section 27 which limits the U.S. attorney in the Virgin Islands to one assistant.

The bill H.R. 4209 was introduced in accordance with the recommendations on an executive communication from the Department of Justice which recommends its enactment. The amendments contained in the bill have been recommended by the Department of Justice because the work of the office of the U.S. attorney for the Virgin Islands has increased significantly in recent years and there is a demonstrated need for an additional assistant district attorney. In order to be more fully informed concerning this situation, a hearing was held on March 10, 1971, on this bill and the companion measure. At that hearing, the witness appearing in behalf of the Justice Department pointed out that the workload in the Virgin Islands actually exceeds several of the six districts which are presently allocated two assistant U.S. attorneys. In addition, the present lack of flexibility in the appointment of assistants in the Virgin Islands has had the effect of creating a substantial case backlog.

The U.S. attorney in the Virgin Islands has the additional responsibility of prosecuting felonies as defined in the laws of the Virgin Islands. It was pointed out at the hearing on March 10, 1971, that this responsibility has served to compound the workload problem of this particular office. This additional responsibility is based upon language found in section 27 of the revised Organic Act itself. It is there provided that the U.S. attorney is to prosecute in the district court in the name of the government of the Virgin Islands all offenses against the laws of the Virgin Islands which are cognizable by that court. It is his responsibility to prosecute all such cases unless he consents to a transfer of the function to the attorney general of the Virgin Islands. This aspect of the U.S. attorney's duties was the subject of extended discussion and explanation at the hearing. It was pointed out that it is a part of the government operation in the islands that the U.S. attorney is to have this jurisdiction over local crimes as well as the usual responsibility of the U.S. attorney over Federal crimes. The result is that the U.S. attorney is responsible for the prosecution of offenses other than misdemeanors. In the Federal area, it was also observed that the burden placed upon the office in connection with immigration cases also contributes to the workload. The problem of illegal entrants has been a continuing one which appears to have increased in recent years and represents a law enforcement problem.

The members of the subcommittee were interested in the comparative figures concerning cases handled by the average assistant U.S. attorney as compared with the assistant in the Virgin Islands. In the United States for the year 1970, the average number of cases handled by an assistant U.S. atorney was 139. In the Virgin Islands, the cases handled during the same year by the assistant was 389. This is a disproportionate figure when an allowance is made for the different type of cases being handled by the various districts.

Another local aspect that must be considered when one is considering the work of the U.S. attorney in the Virgin Islands relates to the geographical situation. The group is made up of three principal islands and the U.S. District Court is held on the island of St. Thomas as well as on the island of St. Croix. Should a judge be holding court on St. Thomas at the same time as a judge is holding court on St. Croix, the office of the U.S. attorney has a dual responsibility. Should the U.S. attorney be required to appear in a case before the court of appeals in Philadelphia, which is where the U.S. Court of Appeals for the District of the Virgin Islands meets generally, the pressures placed upon the office are obvious. Since the U.S. attorney's offices is responsible for the prosecution of felony cases, it is necessary for a representative of the U.S. attorney's office to appear in local courts in connection with preliminary hearings for felonies. There are four local courts in the islands which conduct these preliminary hearings and these courts meet on the island of St. Croix and St. John as well as St. Thomas. The responsibility before these courts as well as before the district court for a U.S. attorney's office with only two attorneys available to perform the work has proven to be a difficult matter at times.

On the basis of the information supplied to the committee at the hearing on the bill and the facts outlined in the executive communication, it is urged that the bill be considered favorably.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, further reserving the right to object, I am interested in why the cost of the additional assistant district attorneys to the Virgin Islands cannot be estimated and stated in the report.

Mr. DONOHUE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Of course, I yield to the gentleman from Massachusetts.

Mr. DONOHUE. I might say to the gentleman from Iowa that we inquired into that. The representative of the Department of Justice did say that they would endeavor to ascertain the cost and submit it to the committee. Unfortunately, it was not submitted prior to the printing of the report.

Mr. GROSS. And, so, the question remains unanswered?

Mr. DONOHUE. I would say so as of the moment, but I can assure the gentleman from Iowa that this information will be obtained.

Mr. GROSS. Of course, it comes a little late to ascertain the information with respect to what this particular bill will, in effect, authorize by way of expenditures, but——

Mr. DONOHUE Whereas that might be true——

Mr. GROSS. Does the gentleman anticipate more than one assistant attorney general?

Mr. DONOHUE. No.

Mr. GROSS. Or, district attorney, rather?

Mr. DONOHUE. No; I would say to the gentleman from Iowa that we were assured that as of the present time that one additional assistant will be able to take care of the increased caseload that has developed in the Virgin Islands over the last 3 or 4 years.

Mr. GROSS. Do they work pretty hard down there? Does the gentleman know?

Mr. DONOHUE. I would say so to the gentleman because we must appreciate the geographic situation that exists in the Virgin Islands, along with the unique situation that exists with respect to its operations. They hold court not only in St. Thomas but also in St. Croix.

When there are any claims or cases on appeal then the U.S. attorney himself must journey up to Philadelphia where the Appeal Court sits, and the assistant is left to handle the courts, whether they are sitting in St. Croix or St. Thomas.

I might point out also to the gentleman that the situation down there is unique in another respect, and that is that the district attorney not only handles offenses against the United States, or in violation of the United States Code, but must also handle all felony cases that develop against the laws in the Virgin Islands.

Mr. GROSS. I thank the gentleman. I do not often have the opportunity of hearing the gentleman speak on the floor of the House, and I find he is a most interesting speaker. I have no desire to prolong this, but it is a very nice winter climate, is it not, in the Virgin Island? They do have a nice winter climate there?

Mr. DONOHUE. I would say it is one of the most salubrious climates that we have, next to Hawaii, probably.

Mr. GROSS. So it would be an attractive place for a assistant district attorney to be, would it not?

Mr. DONOHUE. I would certainly look forward to being hired down there if I were a young lawyer again.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 4209

A bill to amend the Revised Organic Act of the Virgin Islands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 27 of the Revised Organic Act of the Virgin Islands, as amended (73 Stat. 569, 48 U.S.C. 1617), is amended as follows:

(a) delete the words "chapter 31" and insert in lieu thereof the words "chapter 35".

(b) delete the words "except that the Attorney General shall not appoint more than one assistant United States attorney for the Virgin Islands".

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF SECTION 2735 OF TITLE 10, UNITED STATES CODE, TO PROVIDE FOR THE FINALITY OF SETTLEMENT EFFECTED UNDER SECTION 2733, 2734, 2734a, 2734b, OR 2737

The Clerk called the bill (H.R. 5814) to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, I notice that in the report on the bill on page 2 it states:

> The effect of the provision as to finality is merely to provide that a final settlement is final in the full sense of the word and will not be subject to reopening as to that specific claim. This does not prevent an appeal of the decision to higher authority as provided in the law nor would it preclude the settlement authority who made the decision from reconsidering its action.

The question I would like to ask is, in the first place, supposing that an excessive award was made, would the appeal provision in the law permit the Federal Government or enable the Federal Government to file an appeal against the award of the settlement officer, if it were an excessive award?

Mr. DONOHUE. Mr. Speaker, if the gentleman will yield, insofar as settlements are concerned, I would suggest to the gentleman that the awards are reviewed by higher military authorities and ultimately the head of the department. Under the present law all of these claims when they are settled are final. Releases are obtained from the claimants, and that closes the case.

Mr. Speaker, the bill H.R. 5814 would amend section 2735 of title 10, United States Code, concerning finality and conclusiveness of military claims settlements, by adding references to sections 2734a, 2734b, and 2737 of that title. A reference to repealed section 2732 would be deleted from section 2735.

The bill H.R. 5814 was introduced in accordance with the recommendations of an executive communication from the Air Force in behalf of the Department of Defense which recommends its enactment.

The present provisions of section 2735 provide for finality of settlement for property and personal injury claims under section 2733 and 2734 of title 10. Section 2735 was included in its present form as a part of chapter 163 of codified title 10 when it was enacted into law on August 10, 1956. Since that time section 2732 was repealed, but the section still carries a reference to the repealed section. In addition, the three new sections 2734a, 2734b, and 2737 have been added to chapter 163.

The bill will bring the section up to date by deleting the repealed section and by adding references to the three subsequently enacted sections.

An identical bill in the 91st Congress, H.R. 17695, was the subject of a subcommittee hearing on May 27, 1970, and the testimony at that hearing established that the same reasons for providing finality to settlements under the sections now referred to in section 2735 also apply to finality of settlements under the three other sections as is provided for in this bill. In fact, it appears that the purpose of section 2735, which is clearly to provide for finality of settlement in military claims matters, requires such an amendment.

In connection with this amendment, it is pertinent to note that similar finality of settlement statutes are applicable to claims settled under the provisions of the Federal Tort Claims provisions in title 28—28 U.S.C. 2672—as well as admiralty claims involving the military departments—10 U.S.C. 4806, 2672 (d), 7623(d), and 9806. Finality of settlements under section 715 of title 32 of the United States Code concerning claims generated by National Guard activities is provided for by subsection (g) of that section. The amendments provided for in this bill are consistent with the pattern and provisions for finality presently contained in other claims statutes.

At the hearing on the bill of May 27, 1970, the members of the subcommittee were assured that the actions of personnel will continue to be subject to supervision and examination. It should be added that the testimony at that hearing restated the facts previously given the subcommittee at a hearing on a similar bill which was favorably reported and passed by the House during the 90th Congress. The effect of the provision as to finality is merely to provide that a final settlement is final in the full sense of the word and will not be subject to reopening as to that specific claim.

The Comptroller General in a report to the committee on the bill stated that the General Accounting Office would have no objections to extending finality to settlements made under the additional sections as provided for in the bill. The Comptroller General also noted that the experience of the military departments under the present provisions of section 2735 demonstrated the practicality of statutory provision for final and conclusive settlements.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, if the gentleman from Missouri would permit me to ask one or two further questions then I will yield to the gentleman.

I would ask the gentleman from Massachusetts if the gentleman means to say that if this bill passes and there is a question of finality, that the General Accounting Office can come in in 1 year or 2 years after that, upset the award, and come back and demand a refund of an excessive settlement?

Mr. DONOHUE. If the gentleman will yield further, I would say that that is not correct. Under the present law—and most of these claims have to do with claims arising within the military for personal injuries or for property damage, and the amounts are fixed by law as to the maximum. Those amounts in the two sections 2733 and 2734 at the present time are fixed at $15,000. In other words these military can administratively enter into negotiations with claimants, and adjust the claims up to that amount. Above that amount they must come to the Congress. When the agreements are reached and the final papers are signed, such as releases, that ends them—that ends the procedure.

Now insofar as the GAO opposing that settlement, that is not possible. They merely can review the procedures of the negotiating personnel within the military, and if there are any irregularities they, of course, will endeavor either to reprimand or to recommend a correction.

Mr. JOHNSON of Pennsylvania. I have one more question. It says that the settlement authority would not be prohibited from reconsidering their actions.

Is there a statute of limitations as to how long after the settlement authority had made the award and the releases have been signed—how long would it be before they would be precluded from a reconsideration of the matter?

Mr. DONOHUE. I would have to answer the gentleman this way. Once an agreement is reached and once the releases are signed, neither party can reopen it. That is a contract.

Mr. JOHNSON of Pennsylvania. Then

the reconsideration would have to be done by the settlement authority before it went to finality and before the releases were signed?

Mr. DONOHUE. That is right. We must appreciate that these settlements, and the negotiations, are made after the claims have been investigated. They start by investigating the claims. After the investigation is completed, and the investigation is thorough in nature, then it goes probably to the legal officer within the particular branch of the military within which the claim arose. Again probably eventually it finds itself in the Judge Advocate's office for a further review. Then it is taken up again with the claimant and they undoubtedly barter back and forth until they reach a common ground. When that point is reached, it is in the nature of a finality, and then the necessary legal papers are signed, just as in the private sector of our society.

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I think my interest in this type of amendment to title X of the United States Code has long been remarked in the Halls of Congress, including the settlements and the maximum amounts that can be agreed upon by the various members of the armed services. But the bill itself, and its analysis, as it comes before us, under unanimous consent today, is a little bit confusing in that it says that the purpose of the bill is to "finalize settlements of claims," under these various sections of title X, United States Code. But, at the same time it says that there "shall be no prevention of an appeal to higher authority, or a reconsideration by that authority which made the settlement, as my colleague the gentleman from Pennsylvania and member of the distinguished Committee on the Judiciary, the gentleman from Massachusetts, has just stated.

Perhaps my questions could be answered quickly—yes or no. Is this bill, as it is presented today, identical to the one that passed the 91st Congress?

Mr. DONOHUE. Yes; and I would say to the gentleman from Missouri that this is merely correlating these different sections and coordinating them so that they will be properly referred to in section 2735.

It is my understanding that all of these sections are now on our statute books. In a real sense this carries out the aim of the codification.

Mr. HALL. If the gentleman will yield further, this would merely correlate or codify them into one section?

Let me ask further if it does change the limitations that the various services can settle on someone who has lost property by transfer or warehouse fire.

Mr. DONOHUE. Would the gentleman mind repeating his question?

Mr. HALL. My second question is whether or not there is anything in this bill which would increase, or change in any manner, the limitations presently placed by law on the settlements of the claims officers of the various services. I believe it is now $10,000 for a warehouse or in-transit loss of personal property.

Mr. DONOHUE. This bill, I may say to the gentleman from Missouri, does not change the amounts of the limitations in any way.

Mr. HALL. Mr. Speaker, is it the opinion of the distinguished gentleman that this would perhaps be a step further in the elimination of private bills which might come before the Congress for settlement of such excess damages ?

Mr. DONOHUE. I would say that it would diminish the number of private bills that are now submitted to the subcommittee.

Mr. HALL. I thank the gentleman.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 5814

A bill to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2735 of title 10, United States Code, is amended to read as follows:

"§ 2735. Settlement: final and conclusive

"Notwithstanding any other provision of law, the settlement of a claim under section 2733, 2734, 2734a, 2734b, or 2737 of this title is final and conclusive."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. That concludes the call of the Consent Calendar.

TO AUTHORIZE ADDITIONAL INVESTIGATIVE AUTHORITY TO THE COMMITTEE ON EDUCATION AND LABOR

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 333 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 333

Resolved, That, notwithstanding the provisions of H. Res. 213, Ninety-second Congress, the Committee of Education and Labor, or any subcommittee thereof, is authorized to make a full and complete investigation and study (1) in the countries of Asia and Europe, of the operation by the Federal Government of elementary and secondary schools, with a view to determining means of assuring that the children of civilian officers and employees, and members of the Armed Forces, of the United States receive high-quality elementary and secondary education; (2) in the Soviet Union, in India, in Japan, and in the countries of Europe, of the policies, programs, and activities in such countries in the following areas: educational technology, early childhood education, educational research and innovation, higher education (including graduate and professional education), and vocational education; and (3) in the countries of North America and of Europe, of (a) the circumstances surrounding production in foreign nations of goods which are subsequently sold in the United States in competition with domestically produced goods; (b) the laws and practices relating to labor-management relations in such countries; (c) welfare and pension plan programs in such countries; (d) occupational health and safety laws and practices, including coal mine health and safety laws and practices in such countries; (e) manpower policies and programs in such countries; and (f) circumstances surrounding the importation of foreign labor under contract from such countries.

SEC. 2. (a) Notwithstanding the provisions of H. Res. 213 of the Ninety-second Congress, local currencies owned by the United States shall be made available to the Committee on Education and Labor of the House of Representatives and employees engaged in carrying out their official duties for the purpose of carrying out the committee's authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(b) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones.

Mr. O'NEILL (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with, and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike all after the word "Resolved," and insert:

"That notwithstanding the provisions of House Resolution 213, Ninety-second Congress, the Committee on Education and Labor, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction regarding educational research, development and innovation, and early childhood development and education in the following countries: the United Kingdom, France, Norway, Germany, Poland and the Union of Soviet Socialist Republics.

"For purposes of carrying out such investigations and studies, the committee is authorized to send not more than ten members of the committee, seven majority members and three minority members, and three staff assistants, two majority assistants and one minority assistant to the countries named above.

"SEC. 2(a) Local currencies owned by the United States shall be made available to the Committee on Education and Labor of the House of Representatives and employees engaged in carrying out their official duties for the purposes of carrying out the committee's authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

"(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

"(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

"(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

"(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

"(b) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones."

Mr. O'NEILL (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the amendment, and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The gentleman from Massachusetts is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, I yield myself such time as I may consume, and at the conclusion of my remarks I will yield to the gentleman from California (Mr. SMITH).

Mr. Speaker, House Resolution 333, as amended, authorizes the Committee on Education and Labor to send not more than 10 members—seven majority and three monthly—and three staff assistants—two majority and one minority—to the United Kingdom, France, Norway, Germany, Poland, and Russia to make investigations within its jurisdiction regarding educational research, development, and innovation, and early childhood development and education.

The resolution authorizes the use of counterpart funds and includes the so-called Hall amendment which denies amounts of per diem for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of time zone differences.

Mr. Speaker, the Committee on Education and Labor plans to make the investigation during the Easter recess and I urge the adoption of the resolution.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. O'NEILL

Mr. O'NEILL. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. O'NEILL:

In the second paragraph of the committee amendment, strike out the words "one minority assistant" and insert in lieu thereof "two minority assistants."

The SPEAKER. The gentleman from Massachusetts is recognized in support of his amendment.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I note there are seven majority Members, and only three minority Members. Is there any significance to the disparity of seven majority and three minority who are scheduled to go on this junket?

Mr. O'NEILL. Mr. Speaker, I would have to say to the gentleman from Iowa that is the way the request came to our committee from the chairman of the committee and the chairman of the subcommittee.

Mr. GROSS. Mr. Speaker, it seems an unusual number of majority Members as compared with the minority Members. I wonder what is the difference between the two and why there are not more Members of the minority and fewer Members of the majority?

Mr. O'NEILL. All I can say to the gentleman is that there is an agreement between the Members of the committee with regard to this matter, and that is how the request came to us, with no objection from the minority and with complete agreement by the minority.

The SPEAKER. The question is on the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. O'NEILL

Mr. O'NEILL. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendmend offered by Mr. O'NEILL:

On page 4, line 13, after the word "development", delete the comma.

The amendment to the committee amendment was agreed to.

Mr. SMITH of California. I yield myself such time as I may consume.

Mr. Speaker, may I simply say that the original resolution as presented by the committee was for 2 years of travel, which was a little bit extensive to be considered in the short period of time we had before the Rules Committee. Accordingly, after discussion with the majority and the minority, the resolution is confined to the one trip which it is anticipated will be taken during the Easter recess.

As to the number asked for, the seven majority and three minority, I had no objection. The minority, however, did decide it would take two staff members. I talked to the gentlemen from Kentucky (Mr. PERKINS), and he said the two were agreeable with him.

The minority said they did not need three, and that is why the agreement is in for two staff members.

The Rules Committee said it would hear the balance of the requests shortly after the Easter recess, at which time they would hear requests for approval of travel during the remainder of this session.

Mr. Speaker, I support the resolution and urge its adoption.

The SPEAKER. The question is on the committee amendment, as amended.

The committee amendment, as amended was agreed to.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FULL PARDON FOR LIEUTENANT CALLEY

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDMONDSON. Mr. Speaker, today I have introduced a resolution expressing the sense of the House of Representatives that 1st Lt. William L. Calley, Jr., should receive an immediate full pardon of the conviction rendered March 31, 1971, by the military court at Fort Benning, Ga., which found Lieutenant Calley guilty of murder in the Mylai incident.

I have introduced this resolution because I believe it reflects the deep feelings of the vast majority of Americans. I do not recall ever during my service in Congress receiving such a spontaneous reflection of the public feeling on any single issue. I have received literally hundreds of letters and telegrams—and I emphasize that they do not reflect any evidence of an organized campaign—since the conviction of Lieutenant Calley. Not one of them supports the conviction.

This is an issue, Mr. Speaker, which I believe goes far beyond one man's guilt or innocence. The President, in fact, must take into full account a number of matters as well as the specific question of Lieutenant Calley's legal guilt or innocence and individual accountability for what happened at Mylai.

The President, as Commander in Chief and our highest executive authority, must consider both our national interest and unity and other considerations of overwhelming import.

The President, to begin with, must regard with great seriousness the strong, deep response of the American people to this conviction of a young soldier. The conviction is under attack from all sides. It has apparently united those who are for an immediate and unconditional withdrawal from South Vietnam, and those who believe—as I do—that such a withdrawal of all forces should come only after the war prisoner issue, for one, has been resolved. Ironically and tragically, the conviction of Lieutenant Calley, if allowed to stand, may cloud and endanger the future of other Americans who are war prisoners in Vietcong prisons.

Second, the President must consider the effect that this widely publicized trial has already had on Lieutenant Calley and others in our Armed Forces. Whether Lieutenant Calley serves a sentence in prison, or is pardoned, he will suffer from his war experience and prosecution for the rest of his life. In a sense, the entire Nation has shared in the ordeal of his trial and the tragedy of both Mylai and the court-martial.

For these and other reasons, I personally believe this young man should be given a full and unconditional pardon without further delay and without the additional ordeal of prolonged review and appeal. I am convinced such an action would be a constructive step to restore the morale of our Armed Forces and the public at large.

Mr. Speaker, I believe a large majority of the American people and of this great body will be found in substantial agreement on this matter. If I am correct, I believe this body should communicate this feeling to the President for his guidance as he considers what action he must take in the final disposition of the Calley case.

I hope this resolution can be brought to an early vote in the House.

THE INTEGRATED EDUCATION ACT OF 1971

(Mr. CORMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORMAN. Mr. Speaker, on the first legislative day of the 92d Congress, I introduced H.R. 1954, the Integrated Education Act of 1971.

The bill offers school districts, under legal, legislative and executive obligation to integrate their schools and districts that have voluntarily determined to integrate their schools, financial assistance to achieve the goal. While the bill seeks neither to add nor to diminish existing legal and administrative policies regarding school integration, it does aim to assist such school districts to meet the educational and physical problems that often arise in connection with the implementation of integration plans.

Mr. Speaker, it has been almost 3 years now since the National Advisory Commission on Civil Disorders, of which I was proud to be a member, concluded that—

> Our nation is moving toward two societies, one black, one white—separate and unequal.

In the course of its study, the Commission chaired by then Gov. Otto Kerner, of Illinois, found that the racial disorders of 1967 grew out of pervasive discrimination and segregation against black people—discrimination in employment and education and enforced confinement in segregated housing and schools, black migration into and white exodus out of our major cities, and the growth of black ghettos where segregation and poverty have intersected to destroy opportunity and hope and enforce failure. Added to this were the frustrated aspirations of minorities aroused by the persistent gap between promise and fulfillment, the increase of violence in America, and sense of powerlessness among minorities which brought about the outbursts of that year and suddenly and clearly set before us the deep racial crisis confronting our Nation.

The Kerner Commission concluded that the only way of reversing the movement of this country toward two unequal societies and moving toward the goal of "freedom for every citizen to live and work according to his capacities and desires, not his color" is through the pursuit of integration as a broad national policy. Further, the Commission concluded that—

> Only a greatly enlarged commitment to national action—compassionate, massive, and sustained, backed by the will and resources of the most powerful and the richest nation on this earth—can shape a future that is compatible with the historic ideals of American society.

It is with this in mind, in the specific area of education, that I introduced this legislative proposal.

Mr. Speaker, I am pleased to know that Senator HARRIS, of Oklahoma, who also served on the Kerner Commission, has today introduced the Integrated Education Act in the Senate Chamber. The Senator shares my view that 17 years—from 1954 to 1971—is a long enough time for the Nation to test various methods and ways to achieve lasting school integration in America. The issue today is a fundamental one—will we adopt a national concept that funds should be appropriated specifically for the purpose of achieving total school integration? The bill Senator HARRIS and I have introduced may not solve all attendant problems in this issue, but it is a meaningful beginning—a beginning that must be made if we really mean to eliminate racial isolation in our American school system.

The Integrated Education Act of 1971 would authorize grants to local education agencies to establish integrated school systems and to fund programs designed to meet the special challenges of education in integrated school systems. It defines an integrated school system as one in which the ratio of minority to nonminority students varies no more than 20 percent from the ratio for the system as a whole and in which the faculty ratio of minority to nonminority is substantially the same in each school as it is in the entire district. It specifically provides for construction of new school facilities, and improvement of existing ones, consolidation of school systems, creation of new school attendance zones, and development and implementation of methods of grouping pupils in classes to assure integration within schools. In addition, there are funds for the development of plans and pilot projects establishing integrated schools in connection with development of comprehensive integration plans. Such an integration plan must be prepared and administered with the participation of an advisory committee broadly representative of the community composed equally of minority and nonminority persons, at least 50 percent of whom must be parents of enrolled schoolchildren.

It is the purpose of my bill to deal with the educational harm inflicted upon all children by segregation on the basis of race, color, or national origin in public education, regardless of its cause. There are many desegregating systems with a 20-percent variation in the percentage of minority group children enrolled in their schools. These districts tend to be small, formerly de jure segregated rural systems in the South. While they would be eligible for assistance under this bill, my main objective in introducing this legislation is to provide an incentive for the urban school systems of this country to reverse the trend toward increasing segregation of their schools, whether de facto or de jure segregation, which is exacerbating the racial crisis in our Nation.

The evidence of increasing segregation of schools—particularly those outside the South—is mounting. Recently the Secretary of Health, Education, and Welfare issued a report based on his Department's 1970 national school survey showing that while school segregation in the South is decreasing, other parts of the Nation are seeing little or no progress. In too many instances, racial isolation is increasing at an alarming rate.

The Kerner Commission found that the vast majority of innercity schools are rigidly segregated. It found that racial isolation in large city school systems is chiefly the result of residential segregation and the use of the "neighborhood school" policy which transfers segregation from housing to education. Right now this phenomenon is increasing with the black population in America becoming more unbanized and more metropolitan. In 1966 almost 70 percent of all blacks lived in metropolitan areas, compared with 64 percent of all whites. In the South, more than half the black population now lives in cities. As black people have moved into urbanized settings, they have not dispersed themselves throughout metropolitan areas but rather have concentrated in central cities. Regardless of socioeconomic levels, the Commission found that "most Negro families have remained within predominantly Negro neighborhoods, primarily because they have been effectively excluded from white residential areas."

Growing black neighborhoods have meant increasing numbers of black schools. It is estimated that by 1975, if the current patterns are not broken, that 80 percent of all black pupils in the 20 largest cities, comprising nearly one-half of the Nation's black population, will be attending 90 to 100 percent black schools. As the Kerner Commission pointed out, segregation reduces the quality of education in schools serving disadvantaged minority children.

First. Most of the residents of these areas are poor and their children are not as well equipped to learn rapidly in school as children from more advantaged homes.

Second. Disadvantaged children who are racially isolated in schools are deprived of exposure to other children with strong educational backgrounds, a significant ingredient of quality education.

Third. There is a strong influence on student achievement which is derived from the tendency of school administrators, teachers, parents, and the students themselves to regard ghetto schools as inferior. Students attending such schools lose confidence in their ability to shape their future.

Adding to these adverse educational results of segregation are the general problems associated with the decay of our Nation's central cities, where most segregated schools are located. The central city revenue base is eroded by the retreat of industry and white middle-class families to suburbs; its budget and tax rate is inflated by rising costs and increasing numbers of dependent citizens; and its public facilities—schools, hospitals, jails—are deteriorated by age and long deferred maintenance. In addition, central cities have had great difficulty in finding adequate revenues to meet rising demands for services generated by population increase. Tax bases have been slow growing, or even declining, and property taxes, upon which all U.S. cities are highly dependent are relatively unresponsive to changes in income.

As a result, with the most affluent population in the residential suburbs and the less affluent in the central cities, the increasing burden of municipal taxes frequently falls upon the part of the urban population least able to pay it. The result for the central city educational system in physical terms is not unexpected—acute overcrowding, shortages of textbooks and supplies, double shifts, utilization of mobile classrooms, and adaptations of hallways and other nonclassroom space for class instruction. Even programs for massive construction cannot always keep up with increased overcrowding. The Kerner Commission reported:

> Overcrowded and inadequately supplied schools have severe effects upon the quality of education, the most important of which is that teachers are forced to concentrate on maintaining classroom discipline, and thus have little time and energy to perform their primary function—educating the students.

In order to overcome the destructive effects of school segregation and to relieve the decay of the central city school system the Commission on Civil Disorders judged that "racial and social class integration is the most effective way of improving the education of ghetto children." In addition, the Commission put forth several strategies to be pursued with accompanying program suggestions. In the proposed Integrated Education Act of 1971, I am attempting to provide for implementation of the first and basic strategy recommended by the Commission.

The first strategy recommended by the Commission called for increasing efforts to eliminnate de facto segregation through, first, increased aid to school systems seeking to eliminate de facto segregation either within the system or in cooperation with neighboring school systems; second, establishment of educational parks, magnet schools, and supplemental education centers; and third, eliminating discrimination in northern schools.

In the bill, a strong Federal incentive is provided to school systems to integrate their schools. Grants would be made to local educational agencies upon submission of an integration plan to be accomplished not later than September 1976 for school systems with less than 100,000 pupils and September 1979 for systems with over 100,000 pupils, provided their elementary schools will be integrated by September 1976. The integration plan must provide for a minority and nonminority student variation of no greater than 20 percent in each grade level of all the system's schools, and a minority-to-nonminority faculty assignment ratio in each school which is substantially the same as the ratio for the entire district. In addition, school systems may develop plans individually or jointly with neighboring systems, and may receive funds for the development of their plans. In specific instances, grants can be made for pilot projects establishing integrated schools while a district is developing its districtwide integration plan.

The decay of our central cities with age, rising costs, and inadequate revenues together with the migration of black and poor people into the central city, has resulted in educational disaster in the form of old, seriously overcrowded, and racially isolated schools. New schools are desperately needed by urban school systems, and they cannot be constructed without Federal assistance. It is time for the Federal Government to assume this financial responsibility and, while doing so, to begin to move this Nation toward one society through the construction of integrated schools in integrated school systems. The Integrated Education Act provides for major construction such as magnet schools with special curriculums to serve students from a wide area, supplemental education centers with specialized facilities and instruction for students from different schools in a city or its suburbs for a portion of the school day, and educational parks which consolidate or cluster existing schools and therefore broaden attendance areas to inclued a more racially and economically heterogenous population. The bill also provides for the alteration, remodeling, improving, or enlarging of existing school facilities.

Truly integrated education requires the elimination of all discrimination. Title VI of the Civil Rights Act of 1964 prohibits racial or national origin discrimination in all federally funded programs. As six civil rights organizations have recently told us in their reports on the emergency school assistance program and southern school desegregation, integration is a sham without strong title VI enforcement. Title VI would apply to this proposal as it does to all Federal-aid activities. Under my bill school officials would have to provide assurances that they are not engaging in discriminatory and certain other practices. These assurances include that the Federal funds authorized by the bill be used to supplement and not supplant other funds available, that a reasonable effort be made to utilize other funds for meeting the needs of children, that public school property not be transferred to segregated private schools, that staff members not be employed or otherwise treated in a discriminatory manner, that testing and other grouping procedures not be used which isolate or discriminate against children, and that any additional information needed by the Commissioner of Education will be furnished.

One of the most serious problems discovered by the Commission on Civil Disorders was the sense of hostility toward and irrelevancy of the schools left by inner-city parents and students. It found that teachers often live far from their students and have little sympathy for their life style, and that many urban systems have grown so large and complex that they have compromised the accountability of the local schools to the communities and reduced the ability of parents to influence decisions affecting their children's education. The Commission concluded:

> Ghetto schools often appear to be unresponsive to the community, communication has broken down, and parents are distrustful of officials responsible for formulating educational policy.

Public support and participation in our educational system is essential to achieve quality education. In times of changes, such as the integration of formerly racially isolated schools, citizen involvement in the planning and implementing of such changes is a requirement for success. Therefore, my bill requires biracial committees consisting equally of minority and nonminority members, to participate and advise in the preparation and administration of applications for funds.

Mr. Speaker, the Integrated Education Act does not purport to be the solution to the many complex problems accompanying efforts to integrate schools. Although it is not a final answer, it is a beginning on the needed greatly enlarged commitment to national action to reverse the movement apart in this country. It is a start toward the implementation of a national policy of equal educational opportunities, and it recognizes that lack of physical facilities, adequate planning and limited experimental pilot projects are frequently deterrents to meaningful and lasting school desegregation. It is a step toward the Commission's goal "realization of common opportunities for all within a single society."

THE PRESIDENT'S CALL FOR MAJOR COURT REFORMS

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, I strongly indorse the President's call for major court reforms, and would call the attention of my colleagues to two recent editorials supporting the President on this issue. Both cite the need for swift action on the proposals.

The first is from the Los Angeles Times and the second from the Seattle Post Intelligencer.

COURT REFORMS CANNOT WAIT

President Nixon's proposals for major court reforms could not have come as a surprise to the judges and lawyers of the National Conference on the Judiciary whom he addressed last week. Better than anyone else they know that, because of soaring case loads, inefficient administration, and archaic and rigid procedures, the courts of America are perilously close to collapse.

What was especially commendable and significant about Mr. Nixon's comments was that, for the first time, a President has put the weight of his personal concern behind the effort for important changes in the administration of justice. Earlier Presidents had clearly been aware of the growing threat to the courts. Heretofore, however, the response has been to call for more judges, more money, more courtrooms, but with minimal attention to the internal reforms that go to the heart of the matter. This approach, Mr. Nixon said, will no longer do.

The President gave his strong endorsement to a number of recommendations made earlier by Chief Justice Warren E. Burger, who has taken a leading role in behalf of improving the processes of justice. Among them are these:

Establishing agencies outside the courts to deal with such "victimless" crimes as drunkenness, minor traffic offenses and the like, which now take up a great deal of court time but which could be handled just as well by administrative rather than judicial means.

Turning many routine and essentially nonjudicial tasks now required of judges over to qualified "parajudges," to make it possible for "judges to spend more time judging" and less on paper work.

Bringing into the courts modern management techniques and information retrieval systems to streamline the purely mechanical parts of court administration and reduce the time judges must spend on record keeping, movement of cases and just looking things up.

The problem of antiquated procedures and immense backlogs of cases is by no means limited to the federal courts. At the local level, and especially in large urban areas, the situation frequently is far more severe. In Los Angeles, for example, case filings in Superior Court have been increasing five times as fast as the population. Meanwhile, the length of the average jury trial has also increased. The result is growing delay in the hearing of cases, greater costs to litigants in civil matters, and often forced and inequitable out-of-court settlements for those who cannot afford to wait for hearings in damage or injury cases.

The federal judiciary can take the lead in court reforms; it cannot impose modernization on state systems. This is essentially the job—and, given the obvious need, the responsibility—of state legislatures. The trouble is that many legislatures are lawyer-dominated, and too many lawyers have grown comfortable and prosperous with the present antiquated and slow judicial system.

This legislative barrier to change is not unbreachable. It is the public which pays for and suffers from inefficient court processes; it is the public which should and must exert the pressures for reforms.

A CLEAN SWEEP

A P-I View: President Nixon's recommendations on judicial reform merit swift attention.

President Nixon has urged a clean sweep of the national criminal justice system in an address to a distinguished panel of jurists and law enforcement officials headed by former Supreme Court Justice Tom C. Clark.

In his comments at a Williamsburg, Va., meeting of the first national conference on the judiciary, Mr. Nixon emphasized that reform of the archaic machinery of the U.S. judicial system is vital and that special attention should be given to present inadequate court procedures on federal, state and local levels.

The meeting was sponsored by the Law Enforcement Assistance Administration which was created by the Omnibus Crime Control and Safe Streets Act of 1968 and which has been working diligently in all criminal justice areas.

Original appropriations for LEAA in 1969 totaled $63 million in block grants to states. But they increased substantially to $268 million in 1970 and now the President has promised close to a half billion dollars in the 1971–72 fiscal year.

Included in the President's remarks was a pledge that his federal revenue sharing proposal will give states and localities more funds to reform penal institutions and provide better methods of correction.

Both the general remarks and the specific proposals of the President deserve the special attention of all legislators concerned with law enforcement, penal procedures and especially the peculiar ineptness of the courts on all levels to administer justice both swiftly and fairly. The inefficiencies and inequities of our judicial system are a cancer that must be removed if our society is to function properly. The time for reform is along overdue.

THE BASIC FACTS OF THE CALLEY CASE

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, as one member of the four-member special congressional subcommittee which originally investigated the details of the Mylai incident more than a year ago and issued its detailed report on July 15 of last year, I believe it would not be proper for me to comment directly on the court-martial verdict handed down last week in the Calley case.

I have come to this conclusion for three reasons. First, because our committee studiously avoided getting into the question of the guilt or innocence of any specific individuals, so that we would not interfere in any way with the rights of individuals who were facing or were likely to face court-martial proceedings. Second, because the final decision in the Calley case is still proceeding through the chain of military review; and third, because there are still other court martials connected with the Mylai incident that are either in process or pending.

In view of the tremendous public outpouring of sentiment in connection with the Calley verdict, however, I do believe that those of us who are particularly familiar with this case have a responsibility to make certain that there is a public awareness of exactly what the undisputed facts of this situation are.

I have been disturbed in recent days to realize that a very large share of the public reaction to the Calley verdict is based on a misapprehension of just what the basic facts of this case are, facts that were indeed accepted by both sides during the recent court-martial proceedings, and were therefore not in dispute.

These facts are these, namely, that what happened at Mylai was that a substantial group of unarmed, unresisting men, women, and children, people already under military custody, were deliberately put to death.

This kind of action has never been regarded as proper in our Army, and would not be proper even if those put to death had been enemy soldiers in uniform who had similarly been unarmed and were in custody awaiting proper disposition.

Who was guilty for this action was, of course, for the court-martial to decide. But the basic facts, as I have indicated them here, were never in dispute at that court-martial.

Yet many of the comments that have been made since last Monday appear to be based on the assumption that what happened there was the killing of civilians as a part of an armed attack on the village of Mylai itself, and that it might therefore properly be compared with what happens when a bomb is dropped from an airplane on a military objective and some innocent civilians happen to be killed in the process.

If the day ever comes, Mr. Speaker, when that kind of thing is no longer regarded as improper, even if the people in question were enemy soldiers in uniform, then our Army will be in real trouble, and our own prisoners of war now in the hands of the North Vietnamese could also be in trouble.

Mr. Speaker, several editorials and articles which appeared in the press over the weekend which have provided a measure of balance in this discussion, and have brought out these facts which I mention. Under leave to extend my remarks I include an editorial from the Washington Sunday Star of April 4, an editorial from the New York Times of April 4, an article by William Greider of the Washington Post which appeared this morning, and a column by Joseph Alsop which also appeared in the Washington Post this morning:

[From the Washington Sunday Star, Apr. 4, 1971]

A NATION TROUBLED BY THE SPECTER OF MYLAI

The conviction of Lieutenant Calley has precipitated a wave of protest in this country. If the majority of the calls to this newspaper are typical, the tenor of the pro-Calley callers (who are greatly in the majority) reflects more intensity of emotion than either clarity of logic or dedication to a discernible code of ethics.

Be that as it may, this wave of protest exists. And it has thrown into each other's embrace such unlikely bedfellows as superdoves and superhawks, congressmen and clergymen, housewives and hippies. President Nixon, a helmsman never slow to trim his sails to a prevailing political wind, has acknowledged the strength of this sou'wester by ordering Calley's release from the Fort Benning stockade, pending the appeal of his life sentence on which the White House yesterday said the President himself will make the final decision for the military.

It is clear, from what many of those protesting the jury's decision say, that they either have not read or have failed to understand or believe the testimony of 104 witnesses in the longest military trial in American history.

Many, for instance, appear to be under the impression that Calley was convicted for killing enemy soldiers. Others hold that, whatever he did, he was ordered to do it. The first is untrue; the second is under dispute, with the weight of the evidence running against Calley.

His victims, who may well have been ideologically hostile to the United States, were 22 unarmed, unresisting *South* Vietnamese civilians of both sexes, ranging in age from small children to elderly people. There was not a word of testimony at the trial to indicate that as much as a single shot was fired at Calley's platoon on March 16, 1968. The only American casualty sustained that day was a man who shot himself in the foot. So much for the imputation that Calley was engaged in heavy combat and acted in self-defense.

As for Calley's contention that he was acting under orders to "waste" (kill) everyone in My Lai 4, his commanding officer, Captain Ernest L. Medina (who also is facing murder charges) denies having issued such orders. Charlie Company's other platoon leaders have testified that they heard no such orders. Had such an order been issued, it would have been an unlawful one and obedience to it would not have constituted a valid defense.

It is clear that some of those most vehemently protesting Calley's conviction and sentencing really do not *care* how many South Vietnamese he may have killed or under what circumstances. Their attitude is that any American soldier in a war zone has an unlimited license to kill, particularly if the victims are "mere gooks." The abhorrent and self-defeating nature of this view is so obvious as not to require comment.

Others hold that because Calley was young, probably scared and certainly in command of troops who could hardly be described as elite, his conduct fell within the limits of what is permissible in enemy territory in time of war. True, Calley was young, 24 at the time. But literally tens of thousands of other lieutenants younger than he have faced greater provocation and greater danger without reverting to "Jack the Ripper." Certainly the probability is that he was scared when he began the operation. But he met no resistance, he held all the cards and he played the one impermissible one. Surely his troops were green and had sustained casualties on previous operations. But it was not a question of restraining his troops from doing something but of *ordering* them to do it. In short, Calley had viable alternatives; he did not choose them. He killed unresisting, helpless human beings.

The Army never has taught its officers to murder civilians. The nation's first military code, drawn up during the Civil War, states that "men who take up arms against one another in public war do not cease on this account to be moral beings, responsible to one another and to God." That still holds, or ought to.

A more sophisticated protest has come from the left end of the political spectrum. These protesters want Calley let off because they are after bigger political and doctrinal fish. So convinced are they of the wrongness of the war and the detestable nature of the government in Saigon that they seek to extend Calley's guilt on up through the Army and, ultimately, to the White House.

Their argument is based primarily on the Nuremberg principles and on what has come to be known as the Yamashita precedent. The Nuremberg trial of the Nazi leaders established the principle of the responsibility of political leaders for acts committed by their armies. The 1946 trial of General Yamashita, the Japanese commander in the Philippines, resulted in his death by hanging for atrocities committed by his troops, although no evidence was offered that he had ordered, condoned or even known about these acts. The military commission's finding was confirmed by the Supreme Court of the United States.

In a prophetic dissenting opinion, Associate Justice Frank Murphy wrote:

"In the sober afterglow will come the realization of the boundless and dangerous implications of the procedure sanctioned today. No one in a position of command in an army, from sergeant to general, can escape these implications. Indeed, the fate of some future President of the United States and his chiefs of staff and military advisers may well have been sealed by this decision."

What Justice Murphy was saying—and what Calley's supporters on the left are implying—is that the Vietnam War has been conducted in such a way that, if Calley was guilty, so were General Abrams, General Westmoreland, President Johnson, President Nixon and most of Congress.

We reject that contention. And in so doing, we have to face up to the fact that the Nuremberg and Tokyo trials were verdicts imposed by the victors upon the vanquished; that they resulted in much—although not all—bad law. That, of course, is small compensation to General Yamashita's family, but we think it ought to be said.

The question has also been raised as to whether it is more moral to dump bombs on civilians from 30,000 feet, as was done (at lower altitudes) by both sides during World War II and by ourselves in Vietnam, than to gun them down in a ditch, as Calley has been convicted of doing at My Lai. The end effect after all, is much the same for civilians involved. That is true. But a quality of wantonness, of callousness to one's fellow human beings, is required to stare a child in the face and then snuff out his life.

And, indeed, while it may be possible to postulate that if Calley is guilty, the pilots are guilty, it does not follow that, because the pilots are technically guilty, Calley should be set free.

In the end, it comes down largely to what you want to think of your army and your country. We think—in fact we know—that the United States Army and the other branches of the service are composed in the main of honorable men who have tried, and usually succeeded in their efforts to make the best of the dirty job which war always is. And precisely because we do think highly of the Army, we refuse to believe that Calley's actions were typical, much less exemplary. We believe that the six officers who convicted him, all of whom had been decorated for gallantry in action and five of whom had seen combat in Vietnam, voted as they did because they recognized Calley's actions as exceeding any conceivable standards of behavior in warfare. If Calley's sentence is found by an appeal court to be excessive, or if testimony at the three remaining My Lai trials produces new evidence bearing on his case, the possibility of a commutation remains open.

But the day this country goes on record as saying that unarmed civilian men, women and children of any race are fair game for wanton murder, that will be the day that the United States forfeits all claims to any moral leadership of this world. We do not believe that black day has come.

[From the New York Times, Apr. 4, 1971]

THE PRESIDENT AND MYLAI

No development in the whole tragic history of the Vietnam war has produced a more spontaneous outcry than the conviction of First Lieut. William L. Calley, Jr. The protests have brought into unaccustomed unity such divergent national figures as Gov. George C. Wallace of Alabama and Dr. Benjamin Spock, to say nothing of millions of Americans not normally given to public expressions of outrage.

But the mass clamor in no way alters the correctness of the judgment reached by the court-martial after agonizing deliberation. Exoneration of Lieutenant Calley would have dishonored both the American military tradition and the solemn commitments this country has subscribed to under the Geneva and Hague Conventions on the rules of war.

On that basis, President Nixon's decision to intervene in the Calley case, first to order the officer's release from the stockade and yesterday to announce his intention to review the case and to make a final determination on the sentence, represents an unfortunate interference with the processes of military justice.

It would have been perfectly appropriate, if unusual, under established Army practices for the commanding general at Fort Benning to have ordered Lieutenant Calley released from the stockade and confined to quarters pending review of his conviction on charges of murdering Vietnamese civilians.

Similarly, it would have been quite proper for Mr. Nixon to have reviewed the case and its outcome at the end of all judicial proceedings. This could even have been considered his duty. But the precipitous manner in which Mr. Nixon publicly intervened over the heads of military authorities to make an exception that is not ordinarily granted to prisoners convicted of capital crimes and more especially his public announcement at this stage that he will himself make the final decision creates a prejudicial atmosphere affecting all intermediate steps in the appeals process. He has now in his capacity as Commander in Chief identified himself with the intemperate public outcry against the initial court-martial.

With the White House admission that Mr. Nixon has acted in response to "widespread public interest" to provide a "different quality of review," it is all too clear that he bowed to intense public pressure, something he has repeatedly declared no responsible leader could ever do when it came to decisions involving the Vietnam conflict.

The President's moves at a time of high political fever undermine confidence in the impartiality of the outcome he will ultimately decree. This appearance of Executive partisanship has been reinforced by the ill-considered remarks of Vice President Agnew in an interview just hours before Lieutenant Calley's court-martial sentencing to life imprisonment was announced.

In an indirect but unmistakable reference to the Calley trial, Mr. Agnew said: "The point comes out to this: many of the people in America—particularly those of us who served in the service—understand that the rather abnormal fears and the conditions in a military operation are not subject to Monday-morning quarterback judgment by someone sitting comfortably in an office in Washington."

The men who passed judgment on Lieutenant Calley were not such Monday-morning quarterbacks. Six combat infantry officers, five of them veterans of Vietnam, unanimously found him guilty of murdering at least 22 unarmed civilians at Mylai. They acted after hearing months of testimony and deliberating for thirteen days. "To even consider that any American soldier would ever do such a thing is beyond my own comprehension," one of the jurors declared after the verdict. "I wanted to believe it didn't happen, that it was a hoax."

But Mylai did happen. A House Armed Services subcommittee long ago concluded that: "What obviously happened at Mylai was wrong. It was contrary to the Geneva Conventions, the Rules of Engagement, and the MACV directives."

The task of the President and other political leaders is not to sit as judge and jury in courts-martial but rather to address themselves forthrightly to the broader issues that the Calley trial have brought into agonizing public focus—the question of responsibility at higher levels for the acts committed at Mylai and elsewhere in Vietnam and the problem of ending a war that continues to inflict misery and death on the peoples of Indochina.

[From the Washington Post, Apr. 5, 1971]

"Be Prepared To Get What You Give": Calley's Trial: The Moral Question and Battlefield Laws

(By William Greider)

Fort Benning, Ga., April 3.—Americans have chosen some strange popular heroes in the last decade, but none of them was a convicted mass murderer.

This is the guy, remember, who was held responsible by a jury of his peers for "wasting" 22 lives. He picked up a baby, threw him into a ditch and shot him. He is the soldier who butt-stroked an old man in the face, then shot him at point-blank range and blew away the side of his head. Some hero.

But the public clamored for Lt. William L. Calley's release and, after thousands of telegrams, President Nixon responded. The President "personally felt" that Calley should not be confined in the stockade with the common criminals.

Lt. Calley spent three nights in jail and don't bet any big money that he will ever return to prison again. The pressure against that will be enormous.

The President's personal intervention puts the military judicial system on notice that, if any reviewing officer upholds Calley's conviction and sentence, he risks re-igniting the public anger—and directing more heat at their commander-in-chief.

For comparison's sake, an enlisted man here at Fort Benning was sentenced to five years in prison last year for pushing a warrant officer. The Air Force recently sent a colonel away for three years for smoking marijuana. Howard Levy, the doctor who refused to train soldiers bound for Vietnam, served two years for disobeying an order.

The point is not that Calley ought to spend the rest of his life in prison. On the contrary, his lawyers can make a strong argument that, in terms of criminal attitudes, Calley has already been rehabilitated by the ordeal of his long trial.

The question is: if the President and the nation reject the verdict of guilty, rendered by six combat veterans, what is left of the law which the Army attempted to uphold—the international covenant that, even in combat, soldiers do not shoot defenseless people who are captured and unarmed?

If that principle is undone by the public uproar over Calley's conviction; the Army is stuck with a different kind of problem: should it give up the battlefield discipline required by U.S. law and the Geneva Conventions? Should it open the doors at Ft. Leavenworth, Kan., and release all the other soldiers convicted of the same offense as Calley?

Contrary to popular belief, Calley is not the first American soldier prosecuted for killing people in middle of this war. There have been scores of men—soldiers and Marines—tried for the murder of Vietnamese captives in the midst of combat situations. Many of them are still in prison. The only difference is that, instead of 22 people, most of them killed only one or two.

Right now, there are 75 to 80 men serving time in Ft. Leavenworth on murder charges which originated in Vietnam. Some of their victims were fellow Americans, but most were Vietnamese. Some of them, just like Calley, still have their appeals pending. Still more are imprisoned at the Naval Prison in Portsmouth, N.H., where convicted Marines are sent.

They're sitting in prison unknown, while Lt. Calley is famous and confined to his quarters on post.

On the left, Senator George McGovern, certified anti-war spokesman, declares that Calley should not be held responsible because his crimes were part of a larger sickness, the strategic war crimes of U.S. involvement in Vietnam.

On the right, the legionnaires chant "war is hell" and, likewise, protest the verdict.

If you follow the logic of either position, Lt. Calley is, as his defense attorneys kept saying, "a typical American youth who was fighting for his country." Or, the brutality of Mylai is not distinguishable from the general brutality of war, especially this war.

Millions of Americans apparently believe that, but six Army officers did not. They appreciated, after listening to the evidence for four months, that something different and obviously wrong happened at Mylai and Lt. Calley was to blame for part of it.

None of these questions—which need answers and which have undoubtedly influenced public opinion—were before this jury. They decided a much narrower point—that lumping Lt. Calley's actions together indiscriminately with other GI's is slanderous to thousands of men who did not shoot babies, who did not herd their prisoners into an irrigation ditch and execute them.

That is not to say that Calley is the only soldier who ever did that (the Army and Marines, by the cases they have prosecuted, admit that the battlefield crime is unusually linked to this war). That does not settle the accusations of greater war crimes committed by military or civilian leaders who designed U.S. strategy.

Convicting Calley does not absolve any generals for the devastation of village after village by aerial bombardment or poisoning the wells or burning huts and shooting livestock "just for sport," as one Charlie Company veteran put it. But letting Calley go does not bring any generals closer to prosecution either.

The lieutenant, after all, was not judged by a bunch of left-wing peaceniks or by elitist West Pointers looking down their noses at an OCS graduate who never finished college. Most of the jurors never finished college either. They too have been shot at in battle, wounded, decorated for bravery. Five of them served longer in Vietnam than Calley.

They were not asked to determine if other Mylai's ever happened elsewhere in the war, though perhaps they have on a smaller scale. They were not supposed to decide whether Calley's superiors—the company commander or the division commander—should also stand trial. They did not attempt to analyze the grand strategy of U.S. military involvement in Vietnam and decide whether war crimes are involved in the pattern bombing, the defoliation, the napalm, the use of "free fire zones" and "body counts."

The idea of assuming collective national guilt for Mylai—a notion which may be satisfying to people who opposed the war anyway—does not settle anything. When you say we are all guilty for Mylai, that has truth in it, but it is also another way of saying no one is guilty.

The six jurors, again, operating in the narrower context, said simply that infantry officers, who have some discretion in whom they kill, cannot kill their prisoners.

A TV interviewer asked Maj. Harvey G. Brown if the verdict wasn't a little harsh, considering all of the circumstances at Mylai, the fear of combat, the threat of booby traps, the Viet Cong's guerrilla tricks with women and children. Brown agreed that it was, but reminded him of what Lt. Calley did with the people in the ditch. "That was pretty harsh, too," the major said.

The cynics thought the Army was staging a charade all along and would be happy with an acquittal so it could be done forever with the Mylai scandal. Nearly everyone was surprised by the severity of the jury's finding—premeditated murder. Contrary to initial reports, it is now understood that one and possibly two of the jurors voted for a lesser offense, such as unpremeditated murder, though there was no dissent among them on the question of Calley's guilt.

What the critics cannot explain very well is why these men who were in the war themselves seem, in the end, less compassionate than the fireside war critics who cry "scapegoat." The answer may be that these men—while well aware that war is hell—know also that there is killing and then there is killing.

The issue of legal and illegal killing gets terribly confused. Vietnam veterans, who feel great sympathy for the lieutenant, like to point out that they killed people too so they can see themselves in Calley's shoes. The next time you hear that from an ex-GI, ask him if he herded people together, unarmed and unresisting, put them in a ditch, then stood over them and fired. If he says no, he is typical. Most infantry men in Vietnam barely saw who they were shooting at, much less who they killed. If he says yes, you're talking to a murderer.

"People are saying that Mylai's happen in every war," Brown said. "Maybe so. That wasn't the issue in the Calley case. The issue is whether Mylai's are right or wrong."

Well, why is it wrong? Why is it wrong for infantrymen to kill all those people, suspected Viet Cong collaborators, when B–52's might just as well wipe them out with blanket bombing?

One answer is that human life is precious, that soldiers are meant to be merciful to the helpless if they can be. Even a soldier is not supposed to kill without provocation.

An infantryman, admittedly, has more discretion over that than a bombardier but the excesses of aerial bombardment should not be made into an excuse for cold-blooded murder on the ground.

That level of morality is too sentimentalized, apparently, for many Americans. They were, after all, Oriental babies, perhaps even communist babies (though they were not wired with booby traps as one witness suggested imaginatively).

If you put aside the moral issue, soldiers still have a practical reason for observing the laws of the battlefield. A senior Army officer at Ft. Benning stated it succinctly: "You can have any standard you want for the conduct of warfare, but you better be prepared to get what you give."

If America adopts as a customary standard—barbaric as it is—the rule that it's permissible to shoot prisoners, then America should be prepared to accept the results of that standard. The link between the Mylai victims and the American POW's held in Hanoi is real and important—they are protected by the same rules. It is a great national hypocrisy to rally outrage on the POW issue, then pat Calley on the back for what he did to the prisoners at Mylai.

Actually, there were a few genuine heroes involved in that operation. One of them was Lt. Hugh Thompson, the helicopter pilot who couldn't understand why the troops were lining up people and shooting them. He intervened and saved some lives and that took courage.

Jim Dursi, just a rifleman, was a hero too. Lt. Calley, his platoon leader, offered him a turn at the irrigation ditch shooting people, but Dursi refused. That took some courage for him and the others who wouldn't kill.

In a different way, there were men like

the brilliant young prosecutor, Capt. Aubrey M. Daniel III, people in uniform who helped the Army, in its own clumsy way, to try as an institution to make a point of honor. Despite all of the imperfections, despite all of the other culprits who got away, the Army did make its point, when it easily might have ducked it. Though the President blurred it, the lesson still is tormenting the nation's conscience, stirring new painful questions about war and national responsibility.

If Lt. Calley had been acquitted or given a light sentence, any uproar would have been mild and temporary. No one knew that better than the six jurors, the men who are now suffering from the anger which grows out of the national disgrace.

Maj. Brown, the most outspoken of the jurors, got a death threat. Col. Clifford H. Ford, the court-martial president, took the name plate off his front door to avoid further harassment. So did the prosecutor.

The sick and sorrowful joke circulating around Ft. Benning is that the people sprung Calley—now they's going to lock up the jury.

[From the Washington Post, Apr. 5, 1971]

(By Joseph Alsop)

Calley Verdict Outcry

"It's the strongest, most nearly unanimous reaction I have seen since I have been in the Senate." Thus Sen. Edward Kennedy of Massachusetts, on the subject of the popular protest against the verdict of Lt. Calley.

While calling for human sympathy—a most reasonable demand—Sen. Kennedy had the grace and consistency to stand by the judgment of the combat officers who rendered the verdict on Calley. Not so, however, some surprising persons on Sen. Kennedy's side of the Vietnam argument.

That veteran peace-Democrat and famous snake-oil merchant, Sen. Abraham Ribicoff of Connecticut has attacked the verdict itself, with many a pious word. Sen. Frank Moss of Utah has followed suit.

The leading peace-Republican (and the sorriest of the lot), Sen. Mark Hatfield of Oregon, has in effect exculpated Calley. In a perfect torrent of self-righteous phraseology, Hatfield argued that the wretched young man was no more guilty of a war crime than the whole of American society.

Other examples might be cited. The telegrams and letters inundating the peace-senators; the craven behavior of certain among these eminent persons and the telegrams pouring into the White House—these were no doubt the factors that moved President Nixon to give Lt. Calley what amounts to a reprieve for the time being.

The spectacle of the peace-senators running for cover, prating as they sprint, combines sordidness and ludicrousness in about equal parts. The President's action also seems terribly mistaken, unless he is aware of evidence that might alter the court's verdict on Lt. Calley.

The point is, quite simply, that on the evidence as published to date, Lt. Calley was guilty of a military crime that has been a crime, under U.S. Army regulations, almost since the U.S. Army began. The crime was killing undefended war prisoners.

In the last report in this space, by no fault of this reporter, the persons Lt. Calley was convicted of killing were miscalled "civilians." Above the level of really tiny children, they were no more civilians than Lt. Calley, although they did not wear a uniform.

These victims from Mylai, in fact came from a "combat hamlet" of a "combat village." From about the age of four on up, all persons in a VC "combat village," of both sexes, are trained to kill. By the iron rules of the Vietcong, if they do not follow their training, they are killed themselves after one of the VC kangaroo-trials.

Because of the Vietcong rules and training, attacking such a place is always a hideous business. But attack is one thing, and the time after the attack is another.

When an attack succeeds, and the enemy throws down his arms and throws up his hands, the U.S Army regulations already mentioned automatically begin to operate No order concerning the attack, even if ill-judged, can supercede those regulations. And they make it a crime to kill prisoners who have already yielded.

Just that, to be precise, is what the evidence says Lt. Calley did.

It is not a common crime in the U.S. Army, thank God, as it is in the North Vietnamese army, for example. But it is a crime that sometimes occurs, in the midst of war's other uglinesses; and thus, it is a crime, alas, that American soldiers have been punished for in every war this country has fought in the Twentieth Century.

Sen. Hatfield's self-righteous oozings cannot alter those facts, and it is to be hoped that the same facts will govern the President's final decision. Precisely because war is always a very ugly business, a large measure of human sympathy is called for in this Calley case, just as Sen. Kennedy said. But that, once again, cannot alter the basic facts. facts.

Finally, it is to be hoped the peace-senators take note of another fact. Suppose they finally manage to snatch defeat from the very jaws of victory. In that event, the heat they will later feel, as the real authors of the first American defeat in history, will make the heat they are now feeling resemble the mild warmth of a tea-cosy.

FREE EQUAL TELEVISION TIME

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, Democratic National Chairman O'Brien's frantic pursuit of free equal television time for his party shows that he is sinking deeper into the confusion he inherited when he took over the leadership.

Obviously, Mr. O'Brien's trouble is that he does not recognize the difference between purely partisan efforts and Presidential prerogatives. And this lack of understanding underlines his recent maneuvers, such as demanding free equal time to answer two recent television appearances by President Nixon, and also the threat of court action if his bid is rejected.

I personally believe that high on the agenda of any President of the United States is an obligation to keep people informed on what is going on, both at home and abroad, and what the administration is doing to meet the problems involved. In this respect, President Nixon has done an admirable job and his exercise of candor has drawn nationwide laudatory comment.

More than ever today the need for a display of unity is paramount. But the damage potential of instant partisan dissent is far beyond calculation and a disservice to the Nation.

Under no circumstances can I imagine O'Brien as custodian of a stable full of Democratic presidential hopefuls using free time for responding to a Presidential telecast for any other reason than for purely partisan purposes.

I do not believe that the networks have any obligation to make this possible when the President speaks as our Chief Executive and not as his party's leader.

ATTORNEY GENERAL MITCHELL TO DISCUSS WIRETAPPING

(Mr. SCHMITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHMITZ. Mr. Speaker, the distinguished majority leader has asked for the resignation of Mr. J. Edgar Hoover on the basis of alleged FBI wiretap activities directed toward Members of the Congress of the United States. The distinguished majority leader, however, has not brought forth any evidence to support this grave allegation against one of the United States most distinguished public servants.

In point of fact the Federal Bureau of Investigation comes under the auspices of the Department of Justice. Attorney General John Mitchell will appear on the David Frost Show this Wednesday, April 7, to discuss this subject of alleged FBI wiretaps of Federal Representatives in some detail.

This statement by the Attorney General, unequivocally declaring that the Federal Bureau of Investigation is not tapping the phones of Congressman or Senators, will hopefully set this spector aside once and for all.

There is the abstract possibility that some Senator or Congressman has had a conversation recorded by the FBI. If an individual happens to make a call to a party whose line is being monitored because he is a national security risk or is thought to be involved with an organized criminal syndicate his conversation would naturally be recorded. Now I suppose we could insert a clause in the law which we passed giving the Attorney General the power to authorize wiretaps in certain cases to the effect that any conversations of Federal Representatives monitored while conducting electronic surveillance of national security risks or individuals connected with organized crime must be immediately erased. However this would hardly be conducive toward preserving public confidence in their Congress.

Mr. J. Edgar Hoover and Attorney General Mitchell are both honorable men. Mr. Hoover's record as a public servant over the last half century is unsurpassed. Before we go making unsupportable accusations which impugn the integrity of men whose long and dedicated service to our Nation deserve only our admiration and gratitude let us check the facts.

I highly recommend that all my colleagues tune in the Attorney General on the David Frost Show this Wednesday. If there is any evidence which contravenes his open and frank statement let it be brought forth in a documented fashion. If there is not let us refrain from unjust and unfounded criticism.

PROPOSED REVIEW OF UNITED NATIONS CHARTER

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, today I have been joined by 32 of my colleagues in reintroducing a resolution proposing a review of the United Nations Charter. These Members, representing both political parties, 14 States, and Puerto Rico, cosponsored my resolution which reads as follows:

Whereas, the United Nations General Assembly voted on December 11, 9170, to request the Secretary General "to invite Member States to communicate to him, before 1 July 1972, their views and suggestions on the review of the Charter of the United Nations" (General Assembly Resolution 2697 (XXV)): Now, therefore, be it

Resolved, by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) The United States should continue in its historic role of providing world leadership in working for modernization and reform of the United Nations, and toward the establishment and preservation of a civilized family of nations in accordance with the highest aspirations of mankind.

(2) The President is hereby requested to initiate high-level studies in the executive branch of the Government to determine what changes should be made in the Charter of the United Nations, to promote a just and lasting peace through the development of the rule of law, including protection of individual rights and liberties as well as the field of war prevention. The President is further requested to report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives before March 31, 1972, the results of such studies.

(3) The Government of the United States should support the formal calling of a conference to review the United Nations Charter in accordance with article 109 of the charter, not later than 1974.

The basic purpose of U.S. foreign policy is achievement of a just and lasting peace and advancement of fundamental human rights and freedoms. No such peace and no such rights can exist without the development of the rule of law and of the institutions of law in the international community.

The problems of peacekeeping, pollution, adequate diet, and disease control all require effective global solutions. The United Nations, as presently constituted under its existing charter, is incapable of solving these problems.

The United States, as the first nation to ratify the charter of the United Nations and as the nation which at the 10th U.N. General Assembly provided the leadership in obtaining an overwhelming vote favoring conventing of a conference to review the U.N. Charter at an appropriate time, should continue its initiative.

With our police courts clogged and the International Court of Justice virtually unused, let us declare this an appropriate time for the reexamination and, if possible, invigoration of the machinery for the peaceful settlement of international disputes, and as a forum open to all men for the certain protection of their basic human rights.

I hope many more of my colleagues will join me in providing this excellent opportunity for Congress to participate in developing the U.S. position on United Nations Charter review.

OFFICE OF EDUCATION AND RELATED AGENCIES APPROPRIATION

(Mr. HATHAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HATHAWAY. Mr. Speaker, at the appropriate time on Wednesday during consideration of H.R. 7016, which carries the funding of the Office of Education and related agencies for the coming fiscal year, I shall offer an amendment increasing the sums recommended in the committee bill by $728.6 million. The specific increases in the general areas of elementary and secondary education, impacted areas, public housing—part C of Public Law 874—special education for handicapped children, vocational education, higher education, and library services, are set forth on a table as follows:

COMPARISON TABLE OF OFFICE OF EDUCATION FUNDING—SELECTED PROGRAMS

[In millions]

Educational area	Comparable appropriation fiscal year 1971	Committee bill	Amendment add-on
Elementary and secondary education	$1,813.143	$1,791.393	$208.0
Impacted areas (Public Law 874)	536.068	562.0	63.0
Part C of Public Law 874 (Public Housing)	0	0	75.0
Education for the handicapped	105.0	115.0	5.0
Vocational education and adult education	494.196	558.042	121.82
Higher education	967.639	1,215.451	215.98
Education professions development	135.8	135.8	8.0
Libraries and educational communications	78.426	72.109	28.3
Research and development	105.0	105.0	3.5
Other programs			
Total, Office of Education programs	4,428.145	4,654.281	728.6

Mr. Speaker, since a great many of my colleagues are anxious to gain information on the components of the increase and the programs affected, and in order to provide background material for the debate tomorrow, I would like to have a more detailed comparison chart and the justification sheets I have prepared on each of the items of increase printed at this point in my remarks:

	(In millions) 1971 comparable appropriation	Committee recommendation	Amount of increase in package
Elementary and Secondary Education:			
ESEA I	$1,500.0	$1,500.0	+$150.0
ESEA II	80.0	85.0	+5.0
ESEA III	143.393	143.393	+15.0
NDEA III	50.0	20.0	+30.0
SEA VIII (dropout)	10.0	10.0	+1.0
EESEA V–A	29.75	33.0	+7.0
School assistance in federally affected areas: Public Law 874	536.068	562.0	+63.0
Public housing (pt C)			+75.0
Education for the handicapped	105.0	115.0	+5.0
Vocational and adult education	494.196	558.042	+85.0
Adult education	55.0	55.0	+35.0
State advisory councils	2.38	2.38	+1.82
Higher education:			
Student assistance grants and work-study	327.7	[1] (116.4) (411.6)	+30.0
Special programs for the disadvantaged: Upward Bound, etc	50.035	50.1	+5.0
Institute assistance:			
HEA III	33.85	38.85	+52.0
Grants (HEFA I)	43.0		+99.0
HEA I	9.5	9.5	+6.5
Aid to land-grant colleges	10.08	5.04	+7.08
HEA VI	7.0		+7.0
College personnel development:			
NDEA IV	47.35	26.91	+8.4
EPDA (pt. E)	10.0	10.044	+1.0
Education professions development: Personnel training and development	67.9	59.7	+8.0
Libraries and educational Communications:			
LSCA I, III	$40.709	$40.709	+$14.0
LSCA II	7.0925	8.0	+2.0
College library resources:			
HEA II–A	15.325	10.0	+10.3
HEA II–B	3.9	2.0	+2.0
Research and development	98.077	105.0	+3.5
Total			728.6

[1] The total appropriation of $528.0 is designed for the first time to cover 18 months; $116.4 is in the nature of a supplement to the fiscal year 1971 appropriation of $327.7. Only $411.6 will be available for the 1972–73 academic year.

JUSTIFICATION OF PACKAGE ELEMENTS

Program: Educationally deprived children, ESEA I

1971 appropriation	$1,500,000,000
Committee bill	1,500,000,000
Amendment add-on	150,000,000

PROGRAM DESCRIPTION

Narrative

Basic Authorizing Legislation

Title I of the Elementary and Secondary Education Act of 1965, as amended provides additional funds to supplement State and local money in local educational agencies with large numbers of children from low-income families. The money is intended to aid in redressing the environmental factors which deny poor children an equal educational opportunity. Amendments under Public Law 91–230 (approved April 13, 1970) added two new parts to the legislation which became effective in fiscal year 1971. Part B provides Special Incentive Grants and Part C provides Special Grants to Urban and Rural Schools with the Highest Concentrations of Children from Low-income Families. Parts B and C are to be implemented when the appropriation level exceeds $1,396,975,000.

Title I also provides services for the priority needs of educationally deprived non-public school children. The effort to implement this aspect of Title I has increased since 1968 when 4.3 percent of Title I participants in local educational agencies were enrolled in private schools. The percentage increased to 6.5 in 1969. At that time, reading led all other Title I activities for private school students. At a time when these schools are experiencing severe financial problems, Title I becomes critically important for those private school students in greatest need.

During fiscal years 1970 and 1971, a wide variety of Title I projects with some or all of these characteristics resulted in significant achievement gains for students. For example, the general Title I report of the Decatur, Illinois, school district described a readiness test given in May 1970 to all kindergarten children in the city. The Title I groups' scores were 20 to 30 points higher than comparable classes in previous years. First grade reading results in Oakland, California, public schools receiving Title I funds were one month ahead of the national norm. A draft summary report of the results of achievement tests given New York City public school children during 1970 reveals a notable success in reading scores for the second grade. The scores surpassed the national norm by two months. By comparison, city second graders in 1969 were one month ahead of the norm. The draft report attributed the improvement in reading gains to the special effort which the school system has made in early education using Title I funds.

Many other Title I projects recently reported significant gains: Hartford, Connecticut, operated special instructional classes for groups of fifteen 4th and 5th graders with reading difficulties. Phonics, word-attack skills, basal reading and individualized reading were emphasized. Result: Gains of 1 to 1½ years in vocabulary and reading comprehension for 9 months instruction. Indianapolis, Indiana, operated a tutoring program for a group of first graders for 15 or 30 minutes a day by non-professional teachers (high school graduates) who received 18 hours of group instruction and on-the-job training. Result: Adjusted experimental scores for the first grade were 20 percent higher than adjusted control scores. New York City's College Bound program during 1969–70 spent about $8 million in Title I funds in addition to the Board of Education's allocation to the program for the 10,000 students involved at 27 of the city's 64 academic high schools. With the objective of obtaining college admissions for a maximum number of its "high risk" participating students, the program succeeded in placing 786 (95%) of the 827 who graduated in June 1970. This outstanding record was twice as high as the national average of 45 percent of all graduating high school seniors who attend college; it was achieved with students from poverty neighborhoods who entered high school usually two or more years behind the norm in reading and mathematics. Most of the 786 seniors entered college in the fall of 1970 with the kind of grades and academic strengths that would not require additional remedial work during their freshman year. The education given the College Bound students, however, reaches the cost range ($2,500 annually per pupil compared to $1,300 for a regular New York City academic program) of the most affluent suburban high school systems.

In fiscal 1969, special programs for handicapped children involved 182,000 children and the expenditure of $23,711,000 in funds. Similarly, programs for neglected and delinquent children in institutions located in local educational agencies benefitted 71,500 youngsters and involved expenditure of $10,771,604.

The number of migratory children served by Title I Migrant Program has increased from 112,996 in 1967 to an estimated 235,000 in fiscal 1972.

During 1971, schools operated by the Bureau of Indian Affairs, served approximately 58,700 children; an estimated 60,000 children will be served in fiscal 1972. An amount of $11,702,304 was available in 1971 which provided $199 per student.

JUSTIFICATION OF ADD-ON AMOUNTS

Since 1967–68 the current expenditure per pupil in average daily membership for elementary and secondary day schools has risen each year by 10% over the previous year. The 1970–71 increase was 9% (source: Research Report 1970–R15 "Estimates of School Statistics, 1970–71 a publication of the Research Division—National Education Association). Source: Congressional Record, February 22, 1971, page 3453.

If this trend continues in fiscal 1972 it will require a ten percent increase in funding to buy the same educational goods and services as were available in fiscal 1971. Ten percent of the 1.5 billion dollars is 150 million dollars. The increase sought by the amendment prevents a ten percent cutback, either in the services provided, or in the number of children served.

Program: Library resources, ESEA II

	Million
1971 appropriation	$80
Committee bill	85
Amendment add-on	5

PROGRAM DESCRIPTION

To make grants available to States to acquire school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers, in public and private elementary and secondary schools. The legislation is aimed at remedying some of the deficiencies existing in these materials in the Nation's schools. Such materials furnish a sound foundation for the teaching process and education process.

In fiscal 1968, new library and instructional materials were made available to 45.3 million children and 1.7 million teachers in public and private elementary and secondary schools in fiscal 1968.

Establishment of 11,680 new school libraries is attributed to the stimulation and assistance provided by ESEA Title II in FY 1966 through 1968. Of these, 10,277 were public elementary school libraries serving 4.6 million students, and 1,403 were public secondary school libraries serving over 939,000 pupils.

Grants for the improvement and expansion of existing libraries resulted in the upgrading of 133,436 public elementary school libraries and 60,147 public secondary school libraries.

The average expenditure per elementary and secondary school pupil for library resources increased from $2.70 in 1965 to $5.30 in 1967—a gain of 65 percent in the first two years of ESEA II.

Private elementary and secondary schools, most of them church supported, educate 11 percent of all pupils—close to six million school children. (President's Message on Education to the Congress, March 3, 1970.)

An average of 5.5 million private elementary- and secondary-school children participated in ESEA II, fiscal year 1966–68, or about 99 percent of private school children eligible to participate.

Increasing numbers of children are placing additional demands on school libraries. From the fall of 1965 to the fall of 1969, the enrollment in elementary and secondary schools grew from about 48,000,000 to 51,800,000—an increase of 3 million students to be served.

A number of States with low populations and large rural areas, particularly in the West and New England, were able under Title II to have State school library and audiovisual supervisors for the first time. These States just beginning school media programs are frequently those States where the percent of public elementary schools without centralized libraries is highest. (Senate Report No. 91–634.)

JUSTIFICATION OF ADD-ON AMOUNTS

An estimated 40 percent of elementary school libraries still have no central library facility, and many others have inadequate resources to supplement the needs of the pupils. The fiscal 1969 appropriation of $50,000,000 provided for the purchase of about 9,000,000 books or filmstrips, or about 1 book or 1 filmstrip for every five children participating in the Title II program. The number of volumes needed to bring school libraries up to standard is estimated to be 425,000,000. The standard for filmstrips is 3 per pupil.

$5 million more is needed just to maintain the programs.

A survey of ESEA Title II recipients in 10,639 school districts show priority needs for high-interest, low vocabulary materials for both elementary and secondary pupils and materials for advanced placement as a high priority need for secondary school pupils. Such unmet needs underline the importance of ESEA Title II in the improvement of reading, and the close relationship which must exist between Title II and the Right-to-Read Effort.

Source: Vol. 2, pg. 318; '72 House OE Appropriations Hearings.

QUALITY OF MATERIALS PURCHASED WITH TITLE II, ESEA, FUNDS

Mr. Hull. Along the same line, has any study been made on the quality of materials being purchased as to the role of the publishers in the programs?

Dr. Phillips. There is information available on the quality of material and that information would dictate to us that there is not any reason to be unnecessarily concerned with the quality of material. There are wide variations as you would well understand.

Mr. Hull. Are you seeing quality purchases or merely frills?

Dr. Phillips. We are seeing quality purchases.

Source: Vol. 2, pg. 228.

Program: Supplementary services, ESEA III

	Million
1971 appropriation	$143.393
Committee bill	143.393
Amendment add-on	15.0

PROGRAM DESCRIPTION

Title III of the Elementary and Secondary Education Act authorizes grants to States for use by local educational agencies to support supplementary educational centers and services and for guidance, counseling, and testing activities reflecting the consolidation called for by the 1969 amendments (P.L. 91–230). Fifteen percent of each State's allotment is reserved to the Commissioner of Education for grants to local educational agencies under Section 306. The balance is used as the State indicates in the State plan.

The National Advisory Council on Supplementary Centers and Services is required by the authorizing statute to review the administration, general regulations, and operation of Title III toward its effectiveness in meeting the statutory purposes; review, evaluate, and transmit to the Congress and the President the State advisory council annual reports; evaluate the projects carried out under Title III and disseminate the results thereof; and make an annual report to the President and the Congress with recommendations for improvement in title III.

In fiscal year 1971, the National Advisory Council was supported by $150,000 grant. During the year, the Council established a task force comprised of State and local officials to study the following areas of concern: (1) State Advisory Councils; (2) project continuation after Federal funding has terminated; (3) non-public school participation; and (4) guidance, counseling, and testing. In the early part of fiscal year 1971, the Council convened two meetings to review the progress of the task force in its program review. An annual meeting is scheduled for March, at which time the Council will present its Annual Report. For fiscal year 1972, $145,000 is requested to enable the Council to conduct its statutory duties and responsibilities.

Accomplishments in Fiscal Years 1970 and 1971

Approximately 7 million children were served by the grant programs supported by these funds in 50 States, the District of Columbia, and outlying areas. A major portion of these grants are used by the local school districts under State plans to support supplementary educational centers and services and to stimulate and assist in the development of exemplary elementary and secondary education programs. In 1971, approximately $12,000,000 was used to fund guidance, counseling, and testing activities.

With the funds reserved to the Commissioner of Education, about 110 projects will be supported. Of these, 21 projects in 12 States were continued for their third and final year, amounting to $2,800,000. At least one new project will be initiated in each State at an average cost of $193,000. Programs initiated during FY 1971 addressed educational problems common to all or several States, and dealt with the following program areas: 1. Reading, 2. Environmental and ecological education, 3. Special programs for disadvantaged children in urban and rural communities, 4. Human diversity and cultural pluralism, 5. Student activism, 6. Drug abuse, 7. Early childhood education.

Committee hearings record: Page 171, part 1

"Title III, ESEA projects during the past year have directly served over 7 million elementary and secondary schoolchildren, including more than 900,000 children enrolled in nonprofit private schools."

JUSTIFICATION OF ADD-ON

At an average cost per program supported of $193,000, the Committee bill would provide for less than $6 million or 50 new starts, 1 per state. The add-on of $15 million would permit 3 per state. Two examples of types of program follow:

Reduction of Student Absenteeism

One school district discovered a marked increase in the absences of its student body, both elementary and secondary. The district developed a project which included the employment of additional counselors to reduce pupil/counselor ratios and to increase the contacts between the schools and the pupils' families. Absenteeism was reduced by 70%, and failures by more than 50%.

6. Reduction of Youth Unemployment

One large metropolitan school system has organized a Career Development Center in each of its high schools. Each Center has a job placement coordinator, a work-study coordinator, and a vocational counselor who work as a team in maintaining working contracts with employers, the Employment Service, and the school faculty in helping students make a smooth transition from school to the world of work. The city in which this program is located has one of the lowest youth unemployment rates of major cities in the country.

Source: Committee hearings record, pps. 347–348 of part 2, Office of Education and Related Agencies for 1972.

GRANTS TO STATES, ESEA V SPECIAL PROJECTS

Program

	Million
1971 appropriation	$29.75
Committee bill	33.0
Amendment add-on	7.0

PROGRAM DESCRIPTION

Narrative

Purpose and Scope of Activity

Title V, Part A, of the Elementary and Secondary Education Act of 1965 authorizes grants to States to strengthen leadership resources and reinforce their ability to identify and to meet the needs of elementary and secondary education. Grants also are made to State agencies to pay part of the cost of special projects for dealing with problems common to all or several States.

Accomplishments Fiscal Year 1971

Grants to the 50 States during this period began to shift emphasis from reinforcing ongoing operations to program development and evaluation, planning, recruitment of personnel, acquisition of management information and development of systems. Special interstate projects under section 505 will be initiated in urban education and environment or ecological education and the national educational finance project will be continued.

The five annual reports of the Advisory Council on State Departments of Education have given detailed evidence of the effective use made by the State educational agencies in striving toward attainment of the role of educational leadership in the Nation which Congress believed they must fulfill. The self-strengthening through use of the basic Title V funds during fiscal year 1969 averaged about 38 percent for general administration, about 27 percent for leadership and consultative assistance to local educational agencies for improvement of instruction, and about 6 percent for similar services to help LEA's improve their administrative functions. This distribution is not markedly different from that in the preceding years.

Although their responsibilities have multiplied, the State agencies have been unable, even with the aid of the Title V and other Federal funds, to obtain sufficient numbers of qualified additional personnel commensurate with their new tasks. By now, most State legislatures have acted to remove civil service and pay-level impediments that had prevented their educational agencies from attracting better trained and more experienced professionals; but other factors still check the supply. In the first four years of Title V, the State educational agencies utilized these funds to increase their professional personnel by 560 in 1966, and to 780, 1,140, and 1,091, in each succeeding year. (Figures for fiscal year 1970 are not yet available.) These numbers were considerably below their needs. Inservice training and other means of staff developments have become a fixed tenet of management in most States, aided by Title V funds.

This activity also show funds appropriated in 1970 and 1971 in the planning and evaluation activity for State grants. With these funds six States centralized comprehensive planning and evaluation operations already underway; 18 States expanded these units beyond the starting stage; and the other States used these funds as the impetus and means to organize a serious comprehensive planning and evaluation operation for the first time.

Source: P. 329, pt. 1 of Committee Hearing Record on OE Appropriations.

JUSTIFICATION OF ADD-ON

Parts "B" and "C" of Title V have not been funded. $7 million more will permit a start for "B" allowing grants to flow through the States to Local Educational Agencies to improve administrative competency and improve local school programs and under "C", begin the job of developing comprehensive state-wide planning for educational programs.

Program: Dropout prevention, ESEA VIII

	Million
1971 appropriation	$10
Committee bill	10
Amendment add-on	1

PROGRAM DESCRIPTION

To develop and demonstrate educational practices in dropout prevention which show promise in reducing the number of children who fail to complete their elementary and secondary education.

In 1969 there were 3,830 dropouts reported for the target schools. In 1970 there were 2,837 dropouts reported for the target schools. Thus, there was a reduction of 993 dropouts between 1969 and 1970. This amounted to an overall 25% decrease in the number of student dropouts for the target schools. The goal was at least a 10% decrease in the number of dropouts. (House Appropriations Hearings Record: Office of Education and Related Agencies for 1972, p. 200, Part 1.)

DROPOUT PREVENTION PROGRAM BRANCH SUMMARY, 1969–70

Project	Number students participating 1969–70	Number dropout in 1969	Number dropout in 1970	Difference between 1969–70	Percent of difference 1969–70
Baltimore, Md	4,202	746	562	−184	−24.6
Fredonia, N.Y	5,730	323	132	−191	−59.0
Dayton, Ohio	2,557	383	218	−165	−43.0
Fall River, Mass	6,796	469	423	−46	−9.7
Miami, Fla	5,811	344	[1] 438	+94	+27.0
Paducah, Ky	4,653	166	141	−25	−15.0
Seattle, Wash	3,543	305	163	−142	−46.5
Batesland, S. Dak	2,338	130	97	−33	−25.3
St. Louis, Mo	4,013	581	301	−280	−48.0
Texarkana, Ark	4,676	383	362	−21	5.5
Total	44,319	3,830	2,837	−993	[2] −25

[1] Miami had a court order that moved selected potential dropouts and trained staff to many different schools. Our project had to start over at mid-year. This is the reason for an increase in dropouts.

[2] Average.

Dr. Bell. We have these from one district to another here in our testimony, and our backup materials. I might quote some of these, if I may.

The Seattle dropout prevention program, the rate for students participating in the program has decreased down to 4 percent. The overall dropout rate was around 20 percent. I might add the national average according to our data is around 21 percent. In Dayton, Ohio, there was a decrease in students suspended from school and a decrease in the number of students who dropped out.

In the Miami program, the dropout rate was reduced to 10.26 and there were quite significant gains in some remedial reading achievement.

Earn and learn program in Baltimore resulted in a very high attendance in their dropout prevention programs, and the dropout in these particular target areas was almost at 50 percent. The reports we have from the Baltimore target area indicates that their dropout rate was reduced to 24.6 percent. I won't go into more detail on some of the other programs in St. Louis and other places, but I would like to say we are encouraged with the success of the dropout prevention program, and feel that it is significantly touching the lives of students who would otherwise possibly have a very unsuccessful life and would likely wind up on welfare rolls.

I might indicate that the crime rate among dropouts according to data we have is three times that of the average students, and the possibility of these students that drop out, winding up on welfare rolls is also very high.

Sources: 1, p. 229 of Part 1, pg. 201 Committee Hearings on Office of Education Appropriations

Let's take the dropout prevention program, which everybody has talked about. I am enthused about it too. I am only saying this to help you, I hope.

Dr. Bell. Right, sir.

Mr. Patten. You reach 50,000. I can tell you that, in mentioning New Brunswick and my schools, we think this is marvelous. You are saying you are reaching about one out of every 40 that we should be reaching.

Dr. BELL. Right.

Mr. PATTEN. We authorized $31.5 million and you are asking for less than one-third. I don't want to go on down the line, but that is the pattern.

Source: Committee Hearings—(Part 1, p. 237).

JUSTIFICATION OF ADD-ON AMOUNTS

The average success for all 19 projects reduced the dropout rate by 25%. One thousand children remained in school who otherwise would have dropped out of school in these locations. The suspension rate was decreased by more than 1,600 youngsters. Twenty thousand youngsters profited from social services in guidance, medical care—(Part 1, page 199 House OE Appropriations Hearings).

$1 million is needed to meet costs of education increases and minimal program expansion beyond limited demonstrations.

Program: Maintenance and operations, Public Law 874

	Million
1971 appropriation	$536.068
Committee Bill	562.0
Amendment add-on	63.0

PROGRAM DESCRIPTION

Narrative

Titles I and III of Public Law 81–874 authorize financial assistance for the maintenance and operation of local school districts in which enrollments are affected by Federal activities. Payments are made to eligible school districts which provide free public education to children who live on Federal property with a parent employed on Federal property (Section 3(a)); to children who either live on Federal property or live with a parent employed on Federal property (Section 3(b)); to those school districts having a substantial increase in school enrollment resulting from Federal contract activities with private companies (Section 4); and to school districts when there has been a loss of tax base as a result of the acquisition of real property by the Federal Government (Section 2). Where no State or local education agency is able, because of State law for other reasons, to provide suitable free public education to children who live on Federal property, the Commissioner is required to make arrangements for such education (Section 6).

Major disaster assistance may be granted to local educational agencies for providing elementary and secondary school education if the need for these funds has been attested to by the Governor, and the Commissioner of Education, or the extent of the disaster has been confirmed by the Director of the Office of Emergency Planning (Section 7).

Under existing legislation a local school district is eligible for payment for all of its sections 3(a) and 3(b) pupils if (1) they amount to at least 10 in number and to at least 3 percent of the district's total number of children in average daily attendance during the year, or (2) they amount to 400, whichever is lower. All entitlement rate data are based on data of the second fiscal year preceding the year of application. For Section 3(a) children, the rate per child is equal to the rate derived from expenditures from local sources in generally comparable school districts in the same State, or one-half the national average per pupil cost, or one-half the State per-pupil cost. For Section 3(b) pupils, the rate is 50 percent of the rate for Section 3(a) pupils. Under Section 6, Federal funds pay the full cost per pupil.

Fiscal Year 1971

Under the appropriation voted by the Congress for 1971, the amount of $536,068,000 is estimated to provide full funding for schools operating under Section 6, full funding for Section 3(a) children where the number of such children represents 25 percent or more of the total in attendance as determined in the preceding year, payment for other Section 3(a) children at 90 percent, and payment for Section 3(b) children and other sections of the Act (but not including low-rent housing) at approximately 73 percent of entitlement.

Under proposed Appropriation Committee language, the amount of $562 million will provide full funding for schools operating under Section 6, full funding for Section 3(a) children where the number of such children represents 25 percent or more of the total in attendance as determined in the preceding year, payment for other Section 3(a) children at 90 percent, and payment for Section 3(b) children and other sections of the Act (but not including low-rent housing) at approximately 68 percent of entitlement.

Accomplishments in 1971: In 1971 grants were made to over 4,000 school districts to benefit some 2.6 million children.

JUSTIFICATION OF ADD-ON AMOUNTS

$32 million needed to provide at least 90% eligibility for "B" students, as was the practice since 1950, except for the past two years.

Fiscal year	Appropriation	Percent of entitlements paid under secs. 2, 3, and 4
1951	[1] 29,080,788	96.0
1952	51,570,000	100.0
1953	60,500,000	100.0
1954	72,350,000	100.0
1955	75,000,000	99.5
1956	90,000,000	100.0
1957	113,050,000	100.0
1958	127,000,000	100.0
1959	157,362,000	100.0
1960	186,300,000	100.0
1961	217,300,000	100.0
1962	247,000,000	100.0
1963	282,322,000	100.0
1964	320,670,000	100.0
1965	332,000,000	100.0
1966	388,000,000	100.0
1967	416,200,000	98.7
1968	486,355,000	98.0
1969	505,900,000	91.7
1970	[2] 507,900,000	84.7
1971	536,068,000	(3)
1972	[4] 425,000,000	(5)

[1] Includes $380,788 from uncommitted funds appropriated to other Federal agencies.

[2] Includes $2,500,000 from uncommitted funds appropriated to the Department.

[3] Appropriation language provides 90% (and 100% in some cases) for sec. 3 (a); remainder of appropriation allows funding secs. 2, 3(b), and 4 at 73.5%.

[4] Request.

[5] Current appropriation language would provide 90% (and 100% in some cases) for sec. 3(a); remainder of budget request amount would provide about 40% funding for secs. 2, 3(b), and 4. Without current appropriation language, the amount of the budget request would fund secs. 2, 3, and 6 at about 55%.

Source: Committee Hearings, Record on OE appropriations, p. 464, pt. 1.

Program: Public housing, Public Law 874, Part C

	Million
1971 appropriation	$0
Committee bill	0
Amendment add-on	75

PROGRAM DESCRIPTION

The Act was further amended by Public Law 91–230 to include low-rent housing as eligible Federal property, by adding subsection 14(c) assistance to financially distressed districts in which a substantial part of the area of the district on Federal lands and a substantial percentage of this membership is unhoused, and by making subsections 14 (a) and (b) (Indian children) equal to Section 10 for priority purposes.

Priority of Funding Projects

Public Law 81–815, as amended by Public Law 91–230, provides that applications under subsections 14(a) and (b) must be given priority in funding equal to that given Section 10 applications. Applications filed under Section 16 must be funded first. Then, applications filed under Sections 9, 10, and subsections 14(a) and (b) are funded and any remaining funds are used to fund the highest priority projects under sections 5, 8, and subsection 14(c) regardless of the year of submission. In the event all available funds are not sufficient to fund all eligible applications under Sections 9, 10, 16, and subsections 14 (a) and (b) the estimated amount needed for Section 16 is set aside from the funds available. The remaining funds are divided between Sections 9, 10, and subsections 14(a) and (b) in proportion to the total amount eligible for each section to the grand total amount eligible for Sections 9, 10, and subsections 14(a) and (b).

The budget request and the action of the full Appropriations Committee does not provide payments for children residing in low-income public housing—the new category C.

As under the other Impact Aid categories, when the Federal government encourages public housing construction, the land involved becomes tax exempt. In all cases, there is no decision-making power vested in the school district to reject the Federal program. In addition, with recent Supreme Court holdings striking down residency requirements for welfare services, public housing will only cause shifts of people within the district to tax exempt land, but also will invite persons to move in from outside—hence increasing public school enrollments.

The Battelle Report states that revenues lost by public housing would amount to somewhat less than $100 per pupil. This figure does not include the per pupil expenditure for children whose families are drawn into the district by public housing (or at least drawn in part by public housing). Nor does it take into account revenues lost from alternate land use by private industry (and indirect revenues flowing therefrom) in cases where industry has no other realistic site on which it can locate within the district.

Last year, the program authorized an expenditure of $268 million—or a bit over $200 per pupil. Had it been fully funded, highly populated states such as Pennsylvania and Illinois would have received 18 and 22 million dollars, respectively. Even the more moderately populated states such as Kentucky would have received over $4 million. An increase to $300 million is authorized for 1972. Even if, after weighing the economic burden of public housing plus inflation, it is conceded that public housing payments of $200 per pupil may be high, it does not follow that this conceptually sound program should receive zero funding. But this is what the Administration budget request is saying. Source: Committee Hearing Record p. 159 part 2.

JUSTIFICATION OF ADD-ON AMOUNTS

The increase asked in funding is at the level of $75 million or at the level of $50 per pupil. This is only ¼ of the authorized amount.

Equipment and materials and minor remodeling, NDEA III–A

Program:	*Million*
1971 appropriation	$50
Committee bill	20
Amendment add-on	30

PROGRAM DESCRIPTION

Title III of NDEA provides funds, on a 50–50 matching basis, to schools, under a state plan, for the acquisition of equipment and materials, and for minor remodeling. Such equipment and materials acquired, under the NDEA III guidelines, must be integrated into the school's ongoing curriculum or be the focus of a change in direction of that curriculum, along with appropriate teacher training. Experience indicates that equipment and materials purchased ranges from foreign language laboratories to scientific laboratory equipment, from films to programmed materials. NDEA III focuses on innovation in the educational system through the application of modern educational media to the teaching-learning process.

JUSTIFICATION OF PACKAGE ELEMENTS

To bring this program—first-passed in 1958 with strong bipartisan support—back up to the funding level of last year, $50 million. Two years ago it received an effective appropriation of only $37.5 million; for three years previous to that it received appropriations in the neighborhood of $79 million.

The Subcommittee received testimony (see p. 40, vol. 2, hearings) from the Association for Educational Communications and Technology, an affiliate of the National Education Association, representing some 10,000 educators, indicating that NDEA III coordinators in the several States currently feel that they could wisely use an appropriation of $109 million; and that local funds are available for matching purposes.

The matching feature of NDEA III makes it one of the few remaining "self-accountable" programs in education: since schools are required to match Federal dollars with their own funds, they see to it that funds are used for essential purposes and are administered with tight controls.

Title III of NDEA has been instrumental in strengthening curriculum development and improving the quality of instruction in our elementary and secondary schools. It has also been effective in providing teachers with the opportunity to up-date their skills and knowledge of the new approaches to education which are being researched and developed.

Assertions to the contrary notwithstanding there is very little overlap as between NDEA III and other programs; in fact, many schools applying under this title are not eligible to receive funds elsewhere.

ESTIMATED NEEDS FOR FEDERAL ASSISTANCE UNDER TITLE III, NATIONAL DEFENSE EDUCATION ACT, BY STATE, CONTRASTED WITH CURRENT APPROPRIATION

State	1971	1972
Alabama	$1,178,102	1,178,000
Alaska	89,329	150,000
Arizona	524,184	830,000
Arkansas	628,766	1,250,000
California	3,711,208	14,000,000
Colorado	551,171	2,000,000
Connecticut	490,883	500,000
Delaware	128,038	200,000
Florida	1,530,833	3,000,000
Georgia	1,417,027	2,000,000
Hawaii	220,309	300,000
Idaho	236,312	550,000
Illinois	2,085,107	4,000,000
Indiana	1,266,125	3,000,000
Iowa	685,028	2,000,000
Kansas	585,495	2,000,000
Kentucky	978,991	1,500,000
Louisiana	1,284,753	5,000,000
Maine	278,958	500,000
Maryland	867,364	1,000,000
Massachusetts	1,035,756	2,000,000
Michigan	2,201,969	5,000,000
Minnesota	1,024,086	1,500,000
Mississippi	832,903	1,600,000
Missouri	1,096,191	1,600,000
Montana	220,631	357,000
Nebraska	368,321	500,000
Nevada	100,270	120,000
New Hampshire	178,522	275,000
New Jersey	1,250,444	1,800,000
New Mexico	383,566	600,000
New York	2,812,817	4,500,000
North Carolina	1,591,243	2,500,000
North Dakota	209,586	320,000
Ohio	2,661,598	5,000,000
Oklahoma	663,255	1,000,000
Oregon	477,709	1,000,000
Pennsylvania	2,550,412	4,000,000
Rhode Island	184,219	400,000
South Carolina	921,353	1,000,000
South Dakota	219,343	750,000
Tennessee	1,170,620	1,850,000
Texas	3,305,878	10,000,000
Utah	376,667	630,000
Vermont	$127,367	$240,000
Virginia	1,257,728	2,500,000
Washin gton	751,341	1,000,000
West Virginia	540,853	1,000,000
Wisconsin	1,103,652	2,000,000
Wyoming	104,092	(*)
Total	47,288,273	109,099,000

Source: Committee hearing record, p. 54, pt. 2.

Program: College teacher fellowships, NDEA IV

	Million
1971 appropriation	$47.35
Committee bill	26.91
Amendment add-on	8. 4

PROGRAM DESCRIPTION

Authority and Purpose

Title IV of the National Defense Education Act of 1958 as amended, authorizes the awarding of three year fellowships to qualified graduate students studying for the Ph.D. degree, or equivalent, who intend to become college teachers. An accompanying grant is made to the students' institutions to help defray the costs of their education. The Higher Education Amendments of 1968 authorize extending these fellowships to four years under certain circumstances.

It is the purpose of the National Defense Education Act, Title IV Fellowship Program to:

(a) Increase, as needed, and maintain the number of well qualified college and university teachers by assisting doctoral students to prepare for academic careers.

(b) Encourage the strengthening and full utilization of graduate programs leading to the doctorate.

(c) Expand opportunities for advanced study by supporting a wide geographic distribution of doctoral programs.

Legislative Requirements

Limits of assistance

Fellowship holders receive a first year stipend of $2,600, a second year stipend of $2,800, and a third year stipend of $3,000. In addition, they receive a dependency allowance of $500 per eligible dependent per year. The Fellow's institution receives an educational allowance of $2,500 per year.

Student Qualifications

To receive a fellowship award, a student must—

(a) Intend to enroll in a full-time course of study leading to the Ph.D or equivalent degree and signify an intention to teach at the college or university level.

(b) Be admitted by the graduate school which nominates him for the fellowship.

(c) Be a citizen or national of the United States or have immigration status indicating that he is in the United States for other than a temporary purpose.

Operation of the Program

Institutions of higher education submit applications requesting approval of as many of their doctoral programs (except those in religion) as they choose. In doing so, they provide information on their programs in accordance with guidelines supplied by the Office of Education.

Consultants selected from the faculties of universities throughout the country review these applications and recommend to the Commissioner which doctoral programs should be approved for fellowship support in each applicant institution. On the basis of the consultants' recommendations, the Office of Education allocates a number of fellowships to each institution which in turn may distribute these fellowships among their approved programs.

Students apply directly to institutions for fellowships. Institutions then nominate the most highly qualified applicants to the Commissioner of Education for a fellowship award. The Office of Education reviews the qualifications of nominees for technical eligibility before the award is made by the Commissioner.

The National Defense Education Act, Title IV program has been a forward funded program; that is, appropriations made in fiscal year support fellowships for the following academic year.

The Need

While higher education enrollments will substantially increase in the years ahead and accordingly there will be a continuing need for more teaching faculty, and while graduate education is a great national enterprise which is deserving of Federal support, nonetheless on a priority basis in the allocation of scarce dollars, it has been determined that no new National Defense Education Act, Title IV fellowships will be requested for 1971. (Emphasis supplied)

The request does provide for continuing commitments to National Defense Education Act, Title IV Fellows who will be on their second and third year of tenure and for meeting the needs of returning veterans who were on fellowship tenure upon entering the armed services.

Source: committee hearings record: p. 164, pt. 1

"Mr. CONTE. Thank you, Mr. Chairman.

"You mention the overall flood in the market of persons with Ph. D.'s. Are there significant shortages of these degrees in any academic disciplines?

"Mr. MUIRHEAD. Yes, there are. I think, as we heard yesterday from Dr. Leestma, there clearly is a shortage of Ph. D. trained people in languages of nations other than the Western European nations.

"There is, I think, increasing evidence, Mr. Conte, that there is and will continue to be a shortage of well-trained college teachers for servicing community colleges, the fastest growing facet of higher education.

"There are areas in the more advanced hard sciences where there continues to be a shortage. But what has happened, and has happened, I think largely as a result of effort by people such as those around this table, is that we have cracked a very difficult nut by providing enough college teachers to serve a higher education population that doubled in the short space of 10 years. That is a very significant achievement."

Source: committee hearings record p. 1530, part 1.

JUSTIFICATION OF ADD-ON

$8.4 million will permit 1500 new starts, the same number as FY '71. Unless money is added, only continuation amounts are available.

Program: Training programs, college personnel development, EPDA, part E

	Million
1971 appropriation	$10.0
Committee bill	10.044
Amendment add-on	1.0

PROGRAM DESCRIPTION

Authority and Purpose

Title V, Part E of the Higher Education Act of 1965 authorizes grants to and contracts with colleges and universities for the purpose of assisting them in the training of present or prospective college teachers, administrators and education specialists. Funds may be used to help cover the cost of education for the institution, including regular or short-term institutes and other pre-service and in-service training programs and for fellowships and traineeships except those leading to the doctorate and eligible for support under Title IV of the National Defense Education Act.

The need

The need for additional and better qualified faculty, administrators and specialists continues, especially at developing institutions and junior colleges.

Congress intended that Part E be designed to help alleviate the shortage of well prepared personnel for two-year colleges and critical shortage of personnel in certain areas for four year college and universities. It is estimated, for example, that two year institutions will require an additional 10,000 new teachers for each of the next five years plus an average of 1,500 new administrators and educational specialists annually during the same period.

These estimates may be somewhat conservative as new two-year colleges have been established at a pace of about one new one a week for the past several years reaching a point today where there are now well over 1,000 of these colleges educating a total of 2,250,000 students in 1970. This enrollment figure represents an increase of 15 percent over 1968–69. Various estimates show that upwards of 50 percent of college freshmen and sophomores will be enrolled in two-year colleges by 1980.

In addition, the increasing demand for the admission of more students from disadvantaged backgrounds to colleges and universities not only means that more personnel are needed to work with these students but also suggests that the preparation of new teachers, administrators, and educational specialists will have to be somehow different so that the special needs of the disadvantaged will not be overlooked.

Finally, the preparation of personnel to teach environmental education and reading have been identified as areas of critical national need. Consequently, Part E fellowships will be used to support training programs in these shortage areas.

Fiscal year 1971 and 1972

Fellowships

The fiscal year 1971 appropriation of $5,000,000 will support about 902 fellows. The fiscal year 1972 appropriation request of $5,044,000 would permit the support of 298 students in their second year of fellowship tenure and 618 in their first year.

Institutes

The $5,000,000 requested for this program in 1972 is the same amount as received for fiscal year 1971. This will permit holding the number of institutes at 93 and the number of participants at approximately 5,350.

FELLOWSHIPS (EPDA PART E)

	1971		1972	
	New	Continuing	New	Continuing
Number of fellowships	496	406	618	298
Average cost	$5, 400	$5, 725	$5, 400	$5, 725
Total	$2. 678, 000	$2, 322, 000	$3, 338, 000	$1, 706, 000
	Fiscal year 1971 [1]		Fiscal year 1972 [2]	
Institutes:				
Number of institutes	93		93	
Number of participants	5, 350		5, 350	
Average cost per institute	$53, 763		$53, 763	
Total	$5, 000, 000		$5, 000, 000	

[1] Includes 1971 summer sessions and 1971–72 academic year.

[2] Includes 1972 summer sessions and 1972–73 academic year.

JUSTIFICATION OF ADD-ON AMENDMENT

The one million dollar increase for Part E of the Education Professions Development Act (College Personnel Development) would cover the cost-of-education increase of 9.86 percent per year, thus bringing the program in fiscal year 1972 up to a funding status equivalent to that which obtained in fiscal year 1971.

Program: education for the handicapped

	Million
1971 appropriation	$105
Committee bill	115
Amendment add-on	5

PROGRAM DESCRIPTION

Reports submitted by the States indicate that more than 200 F.Y. 1970 projects are being continued in FY 1971 supported solely by State and local education agencies. This indicates that the anticipated muliplier effect of funding under this authority is beginning to take hold, as expected in the form of permanent services provided by the States.

This appropriation is authorized by the Education of the Handicapped Act (P.L. 91–230, Title VI) which consolidated several pieces of legislation that the Congress enacted over the past decade in a growing Federal commitment to the 7 million pre-school and school-age handicapped children. This legislation derives from Congressional study of existing educational opportunities for handicapped children which concluded that this group was not being adequately served by the Nation's schools. In spite of the progress stimulated by these programs, today only 40% of the handicapped children are receiving appropriate educational services. A critical need exists to supplement existing State and local sources of support to help the more than 4,200,000 still unserved handicapped children. An improved services for the students who are now served are also needed because educational quality, in many cases, is considered inadequate.

The multiplier effect of this funding is also illustrated by the experience in the training program. 263 training institutions have been developed, plus 50 State Education Agencies and 4 education agencies of the outlying territories, which continue to strengthen their programs in size and quality, train people who are not supported by this funding, and most importantly, prepare leadership personnel who in turn begin new training programs.

There are not enough specially trained teachers for existing programs. New programs for pre-school children and those with multiple handicaps are also seriously impaired by this deficiency. Funds are needed to facilitate recruitment of people into the field, and for dissemination of information about available resources for the handicapped. This information would help parents of handicapped children to contact service resources of all dimensions.

National programs have been authorized and initiated to expand instructional programs, to increase the number and quality of specially trained teachers, to carry out research on the special learning problems of the handicapped, to develop improved instructional materials and techniques, to apply modern technological advances to compensate for communicative and learning handicaps, to help reach handicapped children in the critical early years, to encourage and stimulate the interchange of information on education for the handicapped, and to open avenues of communication between the handicapped and the general population. This appropriation provides for the support of these programs.

In research, support is needed to continue current research and demonstration projects, to expand projects in curriculum research, and to seek solutions to specific, identified problems in educating the handicapped. Regional Resource Centers now function in 7 geographic areas which have no other services of a clinical or diagnostic nature. These will require operating support in 1972.

Deaf-Blind Centers are now in operation in 10 strategic regional locations, and will need operating support in 1972.

There are plans to complete, in FY 1971, 5 model demonstration centers for pre-school and school-age children with specific learning disabilities. These centers, requiring operating support in 1972, will provide model services, train personnel, and develop research responses for coming to grips with the problems of specific learning disabilities.

The continuing and growing demands for special emphasis on diagnostic services and educational assistance for handicapped children of pre-school age has been recognized through the funding of 64 Early Childhood Centers in 1971. Research evidence has shown that early educational intervention results not only in more lasting benefits but also in relieving the tendency of a handicap to become an educational disability.

An area of continuing effort is that of adaptation of instructional materials that have been developed for the deaf for use by children with other handicaps, and the development of new and appropriate equipment to educate and offer cultural contact to persons in all handicapped areas. The contemplated National Center on Educational Media and Materials for the Handicapped, will adapt, develop and disseminate appropriate materials and devices.

There are approximately one million preschool age children in the United States who suffer from a handicapping condition. Between 50 and 75 percent of these children fall into the categories of mild retardation, emotional disturbance, specific learning disabilities, and speech impairment. Research findings indicate that many of these children, with early childhood programming, would have an excellent chance of overcoming their handicaps by developing compensatory skills so they could attend regular classes. The alternative to early education is usually attendance in special classes for the handicapped which are expensive and may not help a child develop his potential. If it takes $750 a year to give a non-handicapped youngster a pre-school education, it may well take $1,500 to provide a handicapped youngster with an equivalent opportunity to develop his abilities. The rewards to society for investment in the handicapped have tremendous potential. The alternatives to a meaningful and productive life for a handicapped child are years in an institution. Heavy investments at an early age increase the probability that potential lifetime welfare recipients will be taxpayers. Community services for education of pre-school handicapped children in the United States are either non-existent or too few in number; therefore, it is particularly critical that stimulative Federal efforts be increased.

Program Impact

The reports of some of the early programs indicate that many of the children will be able to enter regular school and work within a regular classroom.

Systematic evaluation through program

analyses, cost effectiveness studies, and the development of measures and methodologies are also essential activities in assuring the most efficient and effective operation of the handicapped programs.

HANDICAPPED CHILDREN RECEIVING AND NOT RECEIVING SPECIAL EDUCATIONAL SERVICES[1]

Type of handicap	Number of handicapped children	In percent	
		Receiving services 90 60 30 0	No. receiving services 30 60 90
Mentally retarded	1,360,737	52	48
Hard of hearing and deaf	316,486	21	79
Speech impaired	2,180,589	51	49
Visually handicapped	66,679	34	66
Emotionally disturbed	767,108	13	87
Crippled	192,662	33	67
Other health impaired	1,089,817	15	85
Multihandicapped	35,918	26	74
National total	6,009,966	38	62
Total		2,258,395	3,751,571

PERSONNEL EMPLOYED AND YET NEEDED TO PROVIDE SPECIAL EDUCATIONAL SERVICES[2]

Mentally retarded	133,979	49	51
Hard of hearing and deaf	32,413	25	75
Speech impaired	36,210	38	62
Visually handicapped	10,963	34	66
Emotionally disturbed	77,611	15	85
Crippled	21,213	33	67
Other health impaired	69,573	19	81
Multihandicapped	8,567	26	74
National totals	390,529	32	68
Total		124,527	266,002

[1] Committee hearings, p 589, pt 1

[2] Committee hearings, p 138 pt 2

JUSTIFICATION OF ADD-ON AMOUNTS

$5 million is required to expand services needed by 10–15% of all school children.

Program: Vocational education

1971 appropriation	$438,296,000
Committee bill	502,142,000
Amendment add-on	50,000,000

PROGRAM DESCRIPTION

Part B of the Vocational Education Act of 1963 authorizes grants to States to assist them in making vocational education programs available to persons of all ages throughout the country. These programs must provide high-quality training and retraining which is realistic in the light of actual or anticipated opportunities for gainful employment. A wide range of programs must be offered to meet the needs, interests, and abilities of youth, adults, and the handicapped who have a wide variety of backgrounds and educational achievement.

a. Grants to States

This program supports vocational and technical education programs through formula grants to States. These funds may be used to help pay for the costs incurred by State and local education agencies, colleges and universities, and technical institutes in providing vocational and technical education programs, including: salaries of teachers, supervisors, counselors, and administrative personnel; training of teachers; construction of facilities; purchase of training materials and equipment; development of curricula; research, studies, and evaluation; and administrative costs of State agencies. These funds are not used for stipend payments to students.

Need for the Program

Approximately one million high school students drop out of school each year and about 80 percent of the students in high school will not graduate from college. Currently, only about one out of four students is enrolled in a vocational education program. Additional vocational education programs are needed to train these students so that they can become members of the labor force rather than join the ranks of the unemployed.

Many people already in the labor force need retraining because their skills have become obsolete due to technological changes. There is also need for additional training for individuals to enable them to advance to jobs requiring greater skills.

Special vocational education programs need to be developed for the large number of persons who are unable to succeed in regular vocational education programs due to academic, socio-economic, or physical handicaps.

The demand for skilled technicians far exceeds the supply. Some of the things which must be done before the potential supply of skilled manpower can be trained for jobs that are available are:

1. Vocational guidance and counseling must be provided to get students interested in vocational education programs, to help them select the kind of training in which they are most likely to succeed, and to help them relate training to the world of work.

2. Additional facilities and equipment must be provided.

3. Additional teachers and other personnel must be employed.

4 Both pre-service and in-service training for teachers and other personnel must be provided.

5. New training programs and materials must be developed and many of the current ones updated.

In fiscal year 1970 total enrollments in basic vocational education programs were an estimated 6,038,000.

In secondary vocational education, with an enrollment of 3,271,000, significant growth was noted in the areas of distribution and marketing, health occupations, and business and office occupations.

Source: Committee Hearings, p. 728, pt. 1.

JUSTIFICATION FOR ADD-ON

The $50 million add-on would be distributed as follows: $29,750,000 for basic grants to the States, VEA Pt. B; 150,000,000 for students with special needs, VEA Sec. 102(b); 3,750,000 for Consumer and Homemaking Educ., VEA Pt. F; 1,500,000 for Work-Study, VEA Part H.

The projected needs for FY 1972, taken from the State Plans filed with OE by State (page 645 of the Committee Hearings Pt. 2) show needs of $779.6 million for all programs. Enrollment in all Vocational programs shows evidence of a 2.1 million increase over 1970 for 1972.

In addition to the 6,615,000 persons enrolled in Basic Vocational Education Programs, approximately 2,889,000 persons were enrolled in separately funded programs in 1971—2,660,000 in Consumer and Homemaking Education, 153,000 in Cooperative Education, 50,000 in Programs for Students with Special Needs and 26,000 in Work-study. The total overall enrollment of 9,504,000 for 1971 will be an increase of 903,000 over 1970.

Although the proportion of young people who graduate from high school has risen during the past decade from less than two-thirds to more than three-fourths, it has been estimated that of every 10 pupils in the 5th grade in the Fall of 1961, only 4.5 entered college in the Fall of 1969 and of these only 2.2 are likely to earn 4-year degrees in 1973. This is highly significant when one realizes that almost 90 percent of the jobs in the economy do not require a baccalaureate degree. These facts underscore the need for more realistic career planning in the secondary schools.

Program: State advisory councils, Vocational Education Act of 1963, as amended, section 104(b)

	Million
1971 appropriation	$2.38
Committee bill	2.38
Amendment add-on	1.82

PROGRAM DESCRIPTION

Section 104(b) of the Vocational Education Act of 1963, as amended, requires each State to establish a State Advisory Council in order for the State to receive a grant under Title I of the Act. Section 104(c) authorizes the Commissioner to pay to each State Advisory Council an amount equal to one percent of the State's allotment, but not to exceed $150,000 nor be less than $50,000 to carry out its functions. The amount of $2,380,000 is requested for fiscal year 1972, the same level as fiscal year 1971.

State Advisory Councils must be established prior to the beginning of the fiscal year in which the State plans to participate in Federal Vocational Education programs.

Fiscal Year 1970 Accomplishments

State Advisory Councils have been established in each of the 56 States and territories to advise State Boards of Vocational Education, the National Advisory Council, and the Commissioner of Education on the administration of State plans; evaluate vocational education programs, services and activities; publish and distribute the results of their evaluations; and prepare and submit an evaluation report on vocational education programs carried out during the year.

Plans for Fiscal Year 1971

The first annual evaluation report by each State Council will be submitted in fiscal year 1971. These reports will include an evaluation on the effectiveness of vocational education and recommendations for such changes as may be warranted by the evaluation.

Plans for fiscal year 1972

Increased participation by State Advisory Councils in the development and administration of State Plans is anticipated in view of the flexibility which the States will have in determining the use of Federal funds for vocational education programs. The Councils will also carry out, on a continuing basis, advisory, evaluation and reporting activities.

JUSTIFICATION OF ADD-ON

In view of the increased program activity, and to permit the State Councils to perform their duties efficiently, particularly the evaluation and dissemination functions an add-on of $1.82 million is necessary.

Program: Adult education, Adult Education Act

	Million
1971 appropriation	$55
Committee bill	55
Amendment add-on	35

PROGRAM DESCRIPTION

The Adult Education Act authorizes grants to States and Territories, local educational agencies, and other public or nonprofit private agencies and organizations to encourage the establishment of programs of adult basic education and for special projects and training programs for personnel involved or preparing to work in adult education; and provides for a National Advisory Council on Adult Education. The amount of $55,000,000 is requested to carry out these programs in fiscal year 1972, the same level as in 1971.

(a) State Grant Programs

1971 estimate	$44,875,000
1972 estimate	44,875,000
Increase or decrease	

The State grant program is directed toward the more than 65,000,000 adults, 16 years of age and older, who lack a twelfth grade level of education, with special emphasis given to adult basic education programs except where such needs can be shown to have been met in the State.

In fiscal year 1971, the law provides a minimum allotment of $100,000 to each State and D.C. with the remainder of the available funds distributed on the basis of the population aged 16 and over with less than 6 grades of school completed. Beginning in fiscal year 1972; the formula changes to a basic amount of $150,000 to each State and D.C. with the remainder distributed on the basis of those 16 and over who do not have a certificate of graduation from high school (or its equivalent) and who are not currently required to be enrolled in school; and authorizes the appropriation of an amount not to exceed 5 percent of the amount available for grants to States to pay the cost of the administration and development of State plans and other activities required by the Act. (Emphasis supplied.)

The adult basic education program's sole purpose is to eliminate functional illiteracy among the Nation's adults. Some programs are operated in cooperation with other human resource development programs such as occupational training under the Vocational Education Amendments of 1968 and the Manpower Development and Training Act of 1962 as amended. Where serving the undereducated adult may best be achieved through non-vocational oriented classes, the program has the flexibility to emphasize such program areas as basic arithmetic enabling people to protect themselves as consumers or in developing proficiency in reading and writing so parents can help their children in school. Specifically, the program offers reading, writing, and computational skills to adults in order that they may be less likely to become dependent on others and may take advantage of occupational training to be more productive citizens.

ADULT EDUCATION ALLOTMENT FORMULA CHANGES

In your statement on page 6, Dr. Bell, you say the Adult Education Act makes two changes.

The first of these is the change in the allotment formula which will reduce the amount of Federal funds available to some States.

Now what do you refer to in that?

Dr. **Bell**. Yes, sir. The amendments to the act change the criteria for what persons could qualify under this. And this broadened the total numbers of people that could qualify, which affected the formula in such a way that some States are receiving less money than they were before, and of course others are receiving more.

We have a table of figures on that that I could, Mr. Chairman, provide for the record.

Mr. **Shriver**. Why do you not put that in the record if it is agreeable with the Chairman.

Dr. **Bell**. It indicates the States that gain and those that lose in this process. That is what we are making reference to there in our testimony.

(The information follows:)

ADULT EDUCATION—GRANTS TO STATES

[In dollars]

State and outlying areas	Fiscal year 1971 available	Fiscal year 1972 request	Decreases
Total	44, 875, 000	44, 875, 000	6, 259, 102
Alabama	1, 353, 404	896, 172	457, 232
Alaska	141, 671	184, 592	
Arizona	419, 113	387, 056	32, 057
Arkansas	785, 866	577, 596	208, 270
California	2, 422, 896	2, 853, 833	
Colorado	300, 470	438, 133	
Connecticut	559, 625	654, 018	
Delaware	171, 704	236, 372	
Florida	1, 308, 317	1, 168, 846	139, 471
Georgia	1, 713, 940	1, 035, 815	678, 125
Hawaii	272, 771	259, 916	
Idaho	160, 473	264, 507	12, 855
Illinois	1, 848, 667	2, 244, 096	
Indiana	705, 322	1, 070, 247	
Iowa	339, 237	654, 168	
Kansas	307, 754	538, 325	
Kentucky	1, 148, 538	884, 693	263, 845
Louisiana	1, 599, 212	858, 403	740, 809
Maine	219, 144	342, 887	
Maryland	763, 906	782, 469	
Massachusetts	938, 251	1, 119, 805	
Michigan	1, 248, 005	1, 686, 848	
Minnesota	435, 130	778, 938	
Mississippi	1, 054, 146	639, 208	414, 938
Missouri	926, 165	1, 100, 170	
Montana	173, 091	268, 018	
Nebraska	238, 968	401, 923	
Nevada	127, 168	198, 117	
New Hampshire	168, 729	270, 636	
New Jersey	1, 328, 860	1, 429, 901	
New Mexico	344, 103	315, 198	28, 905
New York	3, 748, 204	3, 722, 647	25, 557
North Carolina	1, 898, 912	1, 165, 732	733, 180
North Dakota	188, 322	273, 705	
Ohio	1, 526, 703	2, 070, 825	
Oklahoma	591, 894	628, 610	
Oregon	261, 821	468, 300	
Pennsylvania	2, 229, 201	2, 599, 408	
Rhode Island	264, 619	345, 876	
South Carolina	1, 190, 918	678, 703	512, 215
South Dakota	174, 424	279, 434	
Tennessee	1, 403, 582	987, 182	416, 400
Texas	3, 205, 110	2, 091, 353	1, 113, 757
Utah	160, 132	275, 643	
Vermont	140, 712	225, 840	
Virginia	1, 436, 435	986, 036	430, 349
Washington	365, 793	632, 732	
West Virginia	613, 710	582, 573	31, 137
Wisconsin	670, 924	919, 143	
Wyoming	131, 730	204, 458	
District of Columbia	249, 708	298, 339	
American Samoa	35, 900	35, 900	
Guam	62, 825	62, 825	
Puerto Rico	691, 075		
Trust Territory	71, 800		
Virgin Islands	35, 900		

Source: Committee hearings record, p. 696, pt. 1.

JUSTIFICATION FOR ADD-ON

It will require $35 million, because of formula changes, to assure that there will be no reduction in funds under FY '71 for the 17 States shown on the table.

Program: Grants—Institutional assistance, HEFA I

[In millions, for 25-year institutions only]

1971 appropriation	$43. 0
Committee bill	0
Amendment add-on	99. 0

PROGRAM DESCRIPTION

Authority and Purpose

Title I of the Higher Education Facilities Act authorizes grants to public community colleges and technical institutes and to other undergraduate institutions for the construction of academic facilities.

Limits of Assistance

Grants may not exceed 50 percent of the eligible development cost of the project.

Operation of the Program

Funds for Public community colleges and technical institutes and for other undergraduate facilities are allotted to States by separate formulas.

Title I of the Act provides grants to higher education institutions for construction of undergraduate academic facilities. Both private nonprofit and public colleges and universities are assisted in expanding enrollment capacity or capacity for on-campus extension and continuing education programs.

Title I funds are provided under two categories; Section 103 for public community colleges and technical institutes and Section 104 for other undergraduate facilities. Funds appropriated in one year are available through the next fiscal year. A State Commission may request that funds not applied for by institutions in one category by January 1 of each year be made available to the other group of institutions in that State. Different State allotment formulas are specified for the two categories. While the Act provides for twenty-four percent of the appropriation in 1970 to be reserved for grants to public community colleges and technical institutes under Section 103, it is proposed that approximately one-third be so reserved. This higher proportion of funds is consistent with action of Congress in 1968 in recognizing the tremendous enrollment explosion faced by these institutions.

Under Section 104 of the Act, funds are authorized for undergraduate institutions of higher education other than public community colleges and technical institutes. The formula for allotment among the States is based on full time college and high school enrollment.

College enrollment more than doubled between 1958 and 1968, and construction of Higher Education facilities has not kept pace. An assessment of the need for facilities shows that 5,957,000 students (full time equivalent) are expected on higher education campuses in the fall of FY 1970. Adequate academic space to provide educational opportunities for these students is estimated at 931,530,000 gross square feet. Of the 931.5 million square feet required, approximately 795.6 million will be available by the close of FY 1969; in other words, institutions face a gap of 135.9 million square feet at the beginning of the 1970 fall term.

Conservative estimates indicate that higher education enrollments will increase by 27.4 percent in the 5-year period from 1970 to 1975. Over two million new students will have to be accommodated. A deficit of over 19 million square feet of needed academic facilities already exists. Enrollment pressures then will continue to create the need for additional academic facilities.

At least three recent and responsible studies indicate that the annual need for academic facilities between now and 1977 will be from $2.5 to $2.8 billion. These figures demonstrate the wisdom of the Congress in authorizing $938 million a year in grants under title I of the Higher Education Facilities Act.

A total of $43 million is available for title I expenditures this fiscal year. After these funds have been allotted, other eligible and unfunded applications on hand will total many times this amount. This figure would have been much greater but for the fact that many urgently needed projects were not submitted because of the uncertainties of funding during the current fiscal year. The bill before you provides nothing to meet this need.

Source: Committee Hearings p. 149, pt. 2.

JUSTIFICATION OF ADD-ON

The $99 million add-on of the amendment cannot cover the construction gap set forth above, but it is more than a token recognition that the problem exists, and is serious. Space in colleges of all types for an additional 2 million students by 1975 must be planned and funded three years before the student appears at the door.

Program: Strengthening developing institutions, HEA III

	Millions
1971 appropriation	$33. 85
Committee bill	38. 85
Amendment add-on	52. 0

PROGRAM DESCRIPTION

Authority and Purpose

Title III of the Higher Education Act of 1965 authorizes grants to strengthen developing institutions. Developing institutions are defined by the Act as those "colleges which have the desire and potential to make a substantial contribution to the higher education resources of our Nation but which for financial and other reasons are struggling for survival and are isolated from the main currents of academic life. The extension and renewal of the Higher Education Act of 1965 is The Higher Education Opportunity Act of 1971 which reauthorizes the Title III program for a period of five years.

Limits of Assistance

The Act makes 77 percent of Title III appropriations available for four-year colleges and 23 percent of the appropriations available for two-year colleges. All grantee institutions must qualify under the definition of the Act as developing institutions.

Operation of the Program

Proposals submitted by institutions of higher education which meet the eligibility requirements will be considered by a panel of readers on the basis of the quality of the proposals and its appropriateness in responding to the priority of serving the needs of low-income students. Recommendations of the panel are then considered by the Title III staff who are accountable for final decisions.

Proposals supported by Title III reflect a variety of measures seen as necessary to improve the academic quality of the developing institutions. Over the past four years, a majority of the programs supported have had to do with curriculum expansion and/or revision. Similarly, a substantial effort has been made to upgrade the faculty in developing institutions either by supporting and encouraging the advanced preparation of faculty through National Teaching Fellowships or by nurturing collegial relationships among faculty from various institutions through joint conferences, workshops, and seminars. The establishment of cooperative arrangements is viewed as a basic strategy for bringing developing institutions into the mainstream of academic activity.

Between 1966 and 1970, all Title III grants were awarded for one year only. Beginning with the 1971–1972 funding period, a number of proposals are to be evaluated for awards of more than one year. Based on the assessments of readers and OE staff, some grantee institutions will be given a funding commitment (subject to the appropriations) of up to three years. The Multi-Year Award System is viewed as functioning to encourage more effective program administration and planning and institutional improvement over time. The system should allow controlled phasing out of some previously supported programs as well as the introduction of new programs compatible with the over-all movement of the developing institution.

The Need

During the present funding period, 712 institutions of higher education have submitted 470 Title III proposals requesting over-$100,000,000. The number of proposals submitted has increased substantially over the 1970–71 year. Funding priorities as established through the Bureau of Higher Education focus on supporting those institutions whose proposals show a determined effort to meet the needs of low-income students. This priority singles out at least two categories of institutions which have continuously been recipients of Title III grants—four-year, predominantly black institutions, and two-year, public institutions. Predominantly black, developing colleges enroll a high proportion of low-income youths who are often ill-prepared for the academic competition of a fully developed college. The fact that many of these youths are unable financially to afford the rising costs of a college education, suggests that certain developing colleges will continue to educate a large proportion of the low-income students now attending college. Similarly, the public two-year colleges, particularly those located in, or near metropolitan areas and in deep rural areas are enrolling increasing numbers of low-income students. Both the predominantly black colleges and the public two-year institutions have an opportunity to develop programs in career education specifically in tune with the needs of these students. (Emphasis supplied.)

Plans for Fiscal Year 1971

With the expenditure of $33,850,000 for fiscal year 1971, OE is expected to award approximately 263 grants for Title III proposals involving around 475 developing institutions either as direct grantees or as participating colleges.

Source: committee hearings record, pp. 1616–1617, part 1.

JUSTIFICATION OF ADD-ON AMOUNTS

Full funding of this program, by the Administration's own admission, would not meet the application backlog. Full funding will, however, enable greater participation of black institutions and junior and community colleges.

Program: Aid to land-grant colleges, Institutional Assistance, Higher Education Act

	Million
1971 appropriation	$10.08
Committee bill	5.04
Amendment add-on	7.08

PROGRAM DESCRIPTION

The annual appropriation under the Bank-Jones Act, in conjunction with the permanent appropriation authorized by the Second Morrill Act, is used by landgrant colleges and universities to support instruction in agriculture and the mechanic arts.

These funds may "be applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life, and to the facilities for such instruction," and "for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts." The term "facilities" is defined as instructional equipment; these grants may not be used for purchasing land or for purchasing or erecting buildings. The Act requires the institutions to offer instruction in military tactics, but no part of the Federal appropriations may be used for such instruction. About 94 percent of the funds each year is used for salaries of instructors, and the remaining six percent supports instructional equipment.

Source: Committee Hearing Record, P. 497, FY 1971, OE appropriations.

The Need

The amount of this appropriation is small compared with the total income of all land-grant colleges and universities, but it is of considerable importance to the smaller ones. In some institutions this program provides the principal support for instruction in agriculture or in engineering. In fact, such colleges and universities depend on this appropriation for support of particular essential departments or activities. In these times of rising costs and rapidly increasing enrollments, this assistance is most important to the further development of these institutions which enroll about 20 percent of the Nation's degree-credit enrollment.

The proposed reduction in instructional funds is the equivalent of some 1,200 faculty members who would teach at least 18,000 students—at a time when enrollments are at an all-time high, students are being denied admission for lack of adequate staff and resources, and there are persistent pressures for the colleges and universities to admit increasing numbers of students from disadvantaged families. Loss of these funds would mean a 10-percent reduction in the entering freshman class of these institutions unless the funds could be replaced from overburdened State budgets, immediate and substantial increases in tuition and fee charges, or other sources. Because of the unique flexibility of these funds, the funds proposed to be eliminated are the equivalent to an endowment of about $240 million.

We note particularly the impact of the proposed cut on the 16 land-grant institutions attended predominantly by Negro students, which involves a reduction in instructional support of more than $1 million, eliminating more than 100 faculty members and, through them, some 1,500 students, mostly from disadvantaged families. This is the equivalent of a 15- to 20-percent reduction in next year's freshman class at these institutions, unless the funds are replaced by emergency appropriations from State legislatures, many of which are not in session and some of which meet only biennially, or increases in student fees or tuitions. In some of these institutions, the Federal support proposed to be withdrawn represents the total amount of Federal funds going to them.

Funds from the developing colleges program cannot compensate for the loss to these institutions for the land-grant instructional funds. Funds under the developing colleges program are granted competitively on a project basis for limited periods of time and for specific purposes. They are not intended to provide support for the fundamental instructional program of the college on a continuing, predictable basis, as are the land-grant funds.

Source: Committee Hearing P. 308–9 Pt. 2.

Let me just say that at the level that this program has been supported, this is not minimal. It represents 1,200 faculty that are being supported and they are teaching approximately 13,000 students. If you wanted to use another statistic, it would represent 10 percent of the incoming class in our institutions.

Next are the predominantly black institutions. Incidentally, I would go back to the earlier testimony where, in my failure to follow immediately the outline and read it to you, I did pass over the importance of title III, which is the support for the developing institutions with particular emphasis on the predominantly black institutions in our country and the need for that kind of money. Let me say that the land grant money that goes into these is not money for a special purpose. It's money that is continuing. It's money that provides an option and the several million dollars of this money that goes into those institutions, the presidents of those institutions assure me, is very, very essential money.

This kind of support, although it's not big in terms of the total dollar, represents the kind of support that is really this third leg, if I may say so, what I consider a balanced program.

Source: Committee Hearings Record P. 360 Pt. 2.

JUSTIFICATION OF ADD-ON

While the Committee Bill rejected the Budget estimate of $0 for this program it restored less than half of the full amount necessary. The add-on plus the permanent appropriation will restore the full $14.7 million.

Program: Personnel training and development—education, professions development

	Million
1971 appropriation	$67.9
Committee bill	59.7
Amendment add-on	8.0

PROGRAM DESCRIPTION

Activity: Personnel training and development (Education Professions Development Act, Parts A (Section 504), B–2, D, and F).

Purpose: This activity provides support to broaden and strengthen training of teachers and other educational personnel under the Education Professions Development Act.

Explanation: Grants are made to States, higher education institutions, public educational agencies, and other organizations to recruit and train persons for careers as elementary and secondary teachers and teacher aides; identify and encourage high school and college students and other capable persons to enter or re-enter the field of education; to meet critical shortages of educational personnel, and to improve the quality of teaching at the pre-school through post-secondary vocational levels; and for developing and strengthening teacher education programs at the graduate level.

Authorization

Part B–2 of the Act authorizes grants to States to support the efforts of local communities to meet critical teacher shortages. The Higher Education Amendments of 1968, P.L. 90–575, amended this part to provide for a minimum allotment of $100,000 to each State, with the remainder being allotted to each State based on the number of children enrolled in public and private elementary and secondary schools.

Parts D and F of the Act authorize grants and contracts to meet critical shortages of educational personnel and to improve the quality of teaching at the preschool through post-secondary vocational levels. Recipients can be institutions of higher education and State and local education agencies. These parts apply to the training of educational personnel and those persons pursuing or planning to pursue a career in education.

Section 504 of the Act authorizes the Commissioner to make grants to, or contracts with, State or local educational agencies, organizations or institutions, and to enter into contracts with private agencies, institutions or organizations for the purpose of encouraging educational careers and publicizing educational career opportunities.

The following table summarizes the funds allocated to each of the above-mentioned priorities:

	1971 estimate	Committee bill	Increase or decrease
Training of teacher trainers	$12,200,000	$13,200,000	$+1,000,000
Special education	6,900,000	6,900,000	
Vocational education	6,900,000	6,900,000	
Early childhood	5,900,000	5,900,000	
Teacher development in desegregating schools	4,900,000	4,900,000	
Personnel services staff	4,900,000	4,900,000	
Educational leadership	3,900,000	3,900,000	
Bilingual education	1,000,000	1,000,000	
Correctional institutional teachers	400,000		−400,000
State grants for attracting and qualifying teachers	15,000,000	7,000,000	−8,000,000
Attracting qualified persons	500,000	300,000	−200,000
Media specialists	1,800,000	1,800,000	
School personnel utilization	3,000,000	3,000,000	
Special needs for education and personnel	600,000		−600,000
Total	67,900,000	59,700,000	−8,200,000

Activity: Career opportunities and urban/rural school programs (Education Professions Development Act, Part D)

Fiscal Year 1970 and 1971 Accomplishments

Career Opportunity Grants were made to States, higher education institutions and local education agencies. During fiscal year 1970, support was provided for 8,000 participants in 130 projects and fiscal year 1971 will provide support for 10,000 participants in 130 projects. In fiscal year 1971, the Urban/Rural Program will initiate support for 7,600 participants in 28 projects.

Some 8,000 COP auxiliaries, 12 percent of them Vietnam veterans, work in the schools with cooperating teachers, principals, parents, older students, and university teachers. The auxiliaries are organized as six-member teams in each school for inservice training, counseling and planning with their counterparts. About eight percent of all COP auxiliaries have less than a high school diploma, and the remainder have little or no college.

The urban/rural school development program has been designed to build on the talents and energies of dedicated, experienced personnel who are now at work in poverty area schools. They have many ideas about the needs of children in their schools, and they will play a major role in development and implementing changes in schools participating in the Urban/Rural School Development Program.

JUSTIFICATION OF ADD-ON

To restore funding to '71 level.

Program: University community services, HEA I

	Million
1971 appropriation	$9.5
Committee bill	9.5
Amendment add-on	6.5

PROGRAM DESCRIPTION

Authority and Purpose

University community services, as authorized by Title I of the Higher Education Act, promotes reform and innovation in higher education by (1) encouraging all qualified institutions of higher education to contribute as fully as possible to the solution of community problems through community service and continuing education programs, and (2) encouraging colleges and universities to improve their institutional competencies to effectively assist the people of the United States in the solution of community problems. The States and colleges are aided in re-allocating available resources and developing new policies and programs that provide problem solving assistance to community residents, organizations and agencies. The program also emphasizes the establishment of statewide systems for community service and the establishment of new inter-institutional arrangements for the delivery of educational services and programs. Colleges and communities cooperatively plan, develop and carry out such programs. Community-university partnerships have been established to attack problems related to the urban and rural disadvantaged, to local government operations and to institutional change. An amount of $9,500,000 is requested in 1972, the same amount available in 1971.

Legislative Requirements

Federal funds are allotted to State agencies on a fiscal year basis under a formula established in the authorizing legislation. Each of the fifty States and the District of Columbia receives a base of 100,000 while Guam, Puerto Rico, the Virgin Islands, and American Samoa are allotted $25,000 each. The balance of the appropriations is distributed on the basis of estimated total resident population. Federal allotments must be matched on a 66⅔% Federal and 33⅓ non-Federal basis. A limit of $25,000 in Federal funds or 5% of the total cost of the program, whichever is greater, may be used by each State agency to administer the Statewide program.

Restrictions are placed upon the States to award these funds only to eligible institutions of higher education to provide new, expanded or improved community service programs. A "community service program" means an educational program, activity, or service, including a research program and a university extension or continuing education offering, designed to assist in the solution of community problems. If courses are offered they must be of college level, nonsectarian, not otherwise available and for adults who have either completed or had their education interrupted. Schools or colleges of divinity are not eligible to participate.

Operation of the Program

The program is administered in each State by a State Agency appointed by the Governor, under a State Plan approved by the U.S. Commissioner of Education. The State Agency determines annually the problem areas to which it wants to apply Title I resources. While the State Agency establishes program priorities for its State and approves institutional proposals to be funded, the Office of Education provides consultation and exercises leadership to improving program performance and encouraging activities designed to meet national needs.

Need

As community problems grow increasingly complex and students strengthen their demand for enriched and "relevant" learning experiences, the need for focusing faculty and student resources on the community's problem solving processes becomes more critical than ever before. Higher education must become more responsive than in the past to the needs of communities for expertise and educational assistance.

Experience gained under this program has demonstrated that Title I, HEA funds support activities that lead to significant changes within institutions of higher education and that these changes serve to enhance the role of colleges and universities in helping to build problem solving competence in America's towns and cities. Under this program institutions of higher education are given the opportunity and incentive to change institutional attitudes, procedures, and priorities with regard to community involvement and are becoming increasingly committed to long-range community service programming.

Providing college and university assistance toward the solution of specific community problems continues to characterize the program. In addition, however, a major concern is that of seeking ways to optimize the impact of Title I—HEA on higher education itself—reforming it, revitalizing it and enabling its faculty and students to respond effectively to the community's need for problem solving assistance.

Fiscal Years 1970 and 1971

In FY 1970, 600 Community Service and Continuing Education Projects were conducted which involved 508 institutions of higher education and nearly 1,000,000 adult community residents. The dominant focus of these projects was upon strengthening the community service capabilities of the institutions through program innovations and institutional reform, and upon providing educational assistance in the community problem solving process.

During FY 1971, programs relevant to environmental and ecological education, Model Cities areas, and the disadvantaged are being emphasized. The States are being encouraged to support fewer but larger and more comprehensive programs than in the past. Capitalizing on past experience we are attempting to develop programs that will effectively utilize faculty and students in meaningful long term community service programs that will survive as permanent features of the institutions beyond the period of Title I funding. It is estimated that 550 institutional projects will be conducted during FY 1971 by 530 institutions of higher education involving some 1,000,000 adult participants. This will show a net decrease of 50 in the number of projects, but will involve 22 more institutions than in FY 1970.

Source: Committee Hearings Record pp. 1633–1634 part 2.

JUSTIFICATION FOR ADD-ON AMOUNTS

The $6.5 million add-on will enable the program more effectively to reach small villages and communities of middle-size throughout the nation. There is a need for practical training programs for training of municipal employees and county staff in the fields of health and sanitation.

Program: College library resources, HEA II–A

	Million
1971 appropriation	$15.325
Committee bill	10.0
Amendment add-on	10.3

PROGRAM DESCRIPTION

Authority and Purpose

Title II, Part A, of the Higher Education Act of 1965 authorizes grants to institutions of higher education to assist and encourage them in the acquisition of library materials—books, periodicals, documents, magnetic tapes, phonograph records, audiovisual materials, and other related library materials (including necessary binding).

The authorization for this program is scheduled to expire in fiscal year 1971. Extension legislation will be proposed which will permit greater concentration of funds on the neediest institutions.

Fiscal Year 1970

In fiscal year 1970, 2,201 basic grants and 1,783 supplemental grants were awarded to 2,201 institutions of higher education for a total of $9,816,000. No special purpose grants were awarded.

Fiscal Year 1971

In fiscal year 1971, this program was redirected to provide support through 750 basic and 750 supplemental grants to those institutions of higher education with the greatest need, such as new colleges, junior colleges, post-secondary vocational schools, and developing institutions with a large proportion of disadvantaged students.

In fiscal year 1971, 66 special purpose grants will be awarded to institutions of higher education with programs providing for the sharing of library resources with needy institutions, including those with a combination of special needs.

Source: Committee Hearing Record, p. 800, part 1.

JUSTIFICATION OF ADD-ON AMOUNTS

The Amendment add-on of $10.3 million is required for the following reasons: The increases in student enrollments have direct bearing on the cost of college library operation, as do increases in the number of faculty members.

	Number of Students
Fall, 1959	3,571,000
Fall, 1965	5,920,000
Projected, fall 1970	7,832,000
Projected, fall 1975	9,772,000

	Total instructional staff [1]
1959–60	283,080
1965–66	432,000
Projected, 1970–71	544,000
Projected, 1975–76	646,000

[1] Full and part-time for resident and degree credit.

Although 5 percent of the total educational and general budget of the institution has been determined by authorities on higher education finance to be the minimum amount for the library to perform its proper services, the actual amount expended in recent years for this purpose is less than 3.5 percent.

Libraries have been affected since World War II by the great explosion of knowledge which has resulted in a veritable flood of printed and published materials. These the college library must acquire and make available to students and faculty. For example, in the field of natural sciences alone—and the same is true in many other fields—some 50,000 journals are now being published annually in addition to scientific books and reports. In 1958, 13,426 new titles in all fields were published; this figure rose to 23,321 in 1968.

The development of new fields of science, the increasing concern of the people of the United States with other parts of the world, and the necessarily broadening curriculum of our colleges and universities demand more books.

Book prices rose an average of 50 percent between 1957 and 1967. In some fields, however, the difference is even greater: a work of general literature for a college library that cost $5.00 in 1957, cost $10.30 in 1967. Periodicals in the fields of mathematics, botany and geology have risen 250% in cost from 1958–59 to 1968. The cost of films and other audiovisual and instructional materials and equipment has risen correspondingly.

Program: Librarian training, HEA II–B

	Million
1971 appropriation	$3.9
Committee bill	2.0
Amendment add-on	2.0

PROGRAM DESCRIPTION

Authority and Purpose

Title II, Part B, of the Higher Education Act of 1965 authorizes grants to institutions of higher education to assist them in training persons in library and information science. Such grants may be made for fellowships, traineeships or institutes for library personnel. The authority for this program is scheduled to expire in fiscal year 1971. Extension legislation will be proposed.

Fiscal Year 1970

In fiscal year 1970, 147 institutes with 1,351 participants and 386 fellows were funded under this program. The institute program contributed to updating and upgrading the skills of those already in the profession or preparing to enter the profession.

Fiscal Year 1971

In fiscal year 1971, this program was redirected as priority shifted from the fellowship program to the institute program. Only those 124 candidates continuing at the doctoral level received fellowship awards. Through institutes exemplary, innovative programs will be funded in fiscal year 1971 to (1) stimulate new approaches in the recruitment, training and utilization of library personnel and manpower, (2) attract minority and low-income group members into the library field and provide training as professionals and paraprofessionals, (3) train and retrain library professionals to serve disadvantaged groups, and (4) provide training in National priority areas such as drug abuse education, right-to-read, early childhood education and environmental education. Approximately 4,496 participants will be trained in both short and long-term programs.

Source: Committee Hearings Record p. 802, part 1.

JUSTIFICATION OF ADD-ON AMOUNTS

To restore 1971 levels of funding.

"THE LIBRARIAN SHORTAGE

"Mrs. REID. What is the present situation in regard to the shortage of librarians?

"Mr. LAMKIN. The estimated need to staff all libraries to provide adequate services indicates a shortage of approximately 125,000 librarians. The actual number of budgeted vacancies indicates a shortage of approximately 7,000 librarians. The difference can be attributed in part to the nonavailability of funds at State, local, and university levels to support additional librarian positions."

Source: Committee record, page 783, part 1.

The shortage of trained librarians is crucial. It is estimated that thousands of librarians would be needed to meet current minimum staffing standards of school, college, university and public libraries. The existing library schools graduate each year only slightly over 6,000 new professionals. Among academic libraries, for example, the number of students served per professional librarian has risen from 378 in 1959–60 to 466 in 1967–68. (American Library Association.)

Program: Grants and work-study payments—Student assistance, Higher Education Act

	Million
1971 appropriation	$327.7
Committee bill:	
1971–72 school year	(116.4)
1972–73 school year	(411.6)
Amendment add-on	30.0

PROGRAM DESCRIPTION

Purpose: Educational opportunity grants, and college work-study payments are part of the "student financial aid package" to enable all who wish a post secondary education to receive one regardless of their financial means. The cooperative education program provides not only financial assistance but also work experience in the student's major field.

Explanation: In fiscal year 1971, grants and work-study funds are being distributed to the States on a formula basis. For fiscal year 1972 funds are to be distributed according to need. For cooperative education grants, eligible institutions will submit proposals to OE for review by a panel of outside consultants. Final decision is made by the Commissioner of Education.

Accomplishments in 1971: In fiscal year 1971 an appropriation of $167,700,000 for educational opportunity grants and $158,400,000 for college work-study payments for a total of $326,100,000 will be used to fund work-study payments for second semester of academic year 1970–71 and for grants and work-study payments for all of academic year 1971–72. Cooperative education funds in the amount of $1,600,000 will assist about 30,000 students at 70 institutions.

Source: Committee Hearing, pg. 1648, Pt. 1.

The current family income criteria are:

1. The educational opportunity grants program has an income eligibility limit of $9,000 gross annual income or a parental contribution of $625 per year.

2. The college work-study program has no set income limit; however, the law states that preference must be given to students from lower income families. (Vol. 1, pg. 1446)

Work-study/grant programs are a means of aiding low-income students, but are beneficial even in the absence of financial need. By alternating periods of full time academic study with periods of full time career related work, the student acquires valuable experience to which he can relate his academic studies, and acquires a realistic picture of the career toward which he is striving.

WORK-STUDY PROGRAMS THAT TAKE INTO CONSIDERATION THE NEEDS OF THE VETERANS

We are not aware of any work-study programs as such, which are designed specifically for veterans. Veterans are, of course, eligible to receive assistance through this program (as well as the other federally supported student aid programs), and we feel sure that a great number of veterans are participating in the college work-study program.

Ibid., pg. 1535.

ADD-ON JUSTIFICATION

Mr. MUIRHEAD. Mr. Chairman, I think that the overriding reason why we are before you with this type of budget and why at the same time we are before the appropriate other committees in the Congress with a program that would support this budget in this very situation here: That despite what I consider to be the very courageous efforts of this committee and the authorization committees in the Congress in extending additional opportunity to young people from low-income families, we still have in the United States a situation that is intolerable.

Ibid., pg. 1444.

Mr. MUIRHEAD. If a young person comes from a family earning less than $3,000, of that group about 18% go on to college.

If he is lucky enough, however, to come from a family that is earning $10,000 or $15,000, the chances of going to college are

86%. Or to put it more succinctly, if you come from a well-to-do family in this country, your chances of going on beyond high school are five times greater than if you come from a poor family, and that is what this program is all about.—(Ibid., pg. 1446).

In 1966 approximately 100,000 freshmen received educational opportunity grants. Since that time, colleges have added 1,500,000 additional students of whom 338,000 came from the bottom quarter of the income distribtuion.

In 1971, only 100,000 educational opportunity grants will be offered to freshmen: exactly the same number as five years ago. One million five hundred thousands students later, and no increase, means that we have failed to keep pace with this need.

There have been some increases in the funds for work study programs, but they too have fallen short in keeping pace with the need. In 1971, with costs having risen, with unemployment for students increasing, we need $30 million above the committee recommendation. This would help 57,000 more low-income students than would the committee bill.

Program: Special programs for disadvantaged students—talent search, special services in college, Upward Bound, etc.

	Million
1971 appropriation	$50.035
Committee bill	50.1
Amendment add-on	5.0

PROGRAM DESCRIPTION

Purpose: The special programs for disadvantaged students encompasses "Talent Search," "Upward Bound" and "Special Services in College." All these are concerned with helping disadvantaged students receive a post-secondary education. Talent Search seeks out those who are financially and culturally needy but are of obvious college material. Upward Bound looks for those whose potential is hidden or at least not academically discernible. Special Services in College provides guidance, counselling, remedial teaching and other encouragement to those already accepted by or in college who need special attention just to start off even with other students.

Explanation: Talent Search—Grants to or contracts with institutions of higher education, public and private agencies, combinations of institutions of higher education, and public and private nonprofit agencies and organizations may be made in amounts up to $100,000 per year.

Upward Bound—Proposals are accepted from any accredited institution with residential facilities. They are reviewed by the program staff and recommendations made to the Commissioner for final approval.

Special Services—Grants are awarded on a competitive basis from proposals submitted by institutions of higher education or combinations of same.

Accomplishments in 1971: In fiscal year 1971, $50,035,000 will support 532 projects serving 193,050 students. This is an increase of $5,423,000 and 34 projects but a decrease of 4,150 students over fiscal year 1970. The decrease of students is in the Special Services program and reflects an attempt to maintain quality programs in the face of rising costs.

Objections for 1972: In fiscal year 1972, an amount of $50,100,000 will fund 526 projects serving 180,250 students. These figures show again the need to decrease the number of projects and therefore students aided under the Special Services program while funding for that activity remains the same.

Source: Committee Hearings, p. 1651, Part 1.

Mr. Muirhead:

In addition to financial aid, we also provide other forms of student assistance through the special programs for disadvantaged students. These include talent search, upward bound, and special services in colleges. Although lack of funds is undoubtedly the greatest barrier to higher education for the disadvantaged, ignorance of educational opportunities, inadequate elementary and secondary school preparation and difficulty in coping with the unfamiliar and seemingly hostile middle class environment found on most college campuses are also formidable obstacles to the successful achievement of a higher education. I am pleased to report that these three special services programs have achieved considerable success in helping young people overcome these handicaps. In order that they may continue their good work, we are asking for a total of $50,100,000, an increase of $65,000 over this year.

(Ibid. p. 1439, Part 1.)

JUSTIFICATION OF ADD-ON AMOUNTS

The cost of education has increased by 10%. The $5 million add-on is a step in the direction of returning to the 1971 level of student participation.

Program: Undergraduate instructional equipment, HEA VI

	Million
1971 appropriation	$7
Committee bill	0
Amendment add-on	7

PROGRAM DESCRIPTION

Authority and Purpose

Title VI, Part A of the Higher Education Act authorizes grants to institutions of higher education and to combinations of such institutions for acquisition of instructional equipment (including closed circuit television equipment), materials and minor remodeling to improve undergraduate instruction.

Legislative Requirements

Limits of assistance

The grants may not exceed 50% of the cost of the project except that in extreme financial hardship cases such grants may be increased not to exceed 80%.

Eligible Applicants

Public and private institutions of higher education, one-year technical institutes, and other post-secondary educational institutions.

Operation of the Program

Funds are allotted among the States on the basis of higher education enrollment and per-capita income. The program is administered through State commissions in each State. Institutions of higher education submit grant applications to the State commissions which rank the applications in accordance with a priority system set forth in the State plan and recommend the amount of the Federal share. Authority for final grant approval rests with the Office of Education.

Fiscal Year 1971 and Prior Fiscal Years

It is estimated that about 700 grants will be approved in fiscal year 1971. Funds were not provided for this program in fiscal year 1970. Since the inception of the program in fiscal year 1966 through fiscal year 1969, 3,565 grants were approved. These grants have helped defray the rising cost of higher education, and the matching feature of the program helped stimulate other sources of support for the equipment.

Fiscal Year 1972

Funds are not being requested for this program in 1972.

JUSTIFICATION OF PACKAGE ELEMENTS

Title VI of the Higher Education Act is the only Federally assisted education program aimed specifically at improving the quality of undergraduate classroom and laboratory instruction in all the major subjects of the college curriculum. In essence, it is a continuation of Title III NDEA, and it makes little sense to have adequate teaching materials available in high schools and not in colleges. This is particularly true in the instance of colleges of teacher education, for the old adage is true, that "teachers teach as they are taught, not as they are taught to teach."

The package amount of $7 million would bring HEA VI up to last year's level of funding. Existing demands under this program are in excess of $50 million. In 1969 only 48 percent of otherwise eligible and meritorious projects requested to be funded by the States could be funded, because of the lack of money.

Title VI, HEA is designed to assist needy schools and small departments of colleges and universities. Grants, based in part on the applicants' financial need, provide funds solely for the improvement of instruction, not for plant or faculty costs.

As a matching program, Title VI of HEA has a built-in element of accountability: since Federal funds have to be matched by institutional resources, sound use and administration of Federal moneys are assured.

Program: Grants for public libraries, LSCA I—Interlibrary Cooperation, LSCA III

	Million
1971 appropriation	$40.709
Committee bill	40.709
Amendment add-on	14.0

PROGRAM DESCRIPTION

Authority and Purpose

Title I of the Library Services and Construction Act authorizes grants to States for the extension of public library services to areas without such services or with inadequate services. Title I, as amended in 1970, now incorporates library services to State institutions and physically handicapped persons previously supported under Title IV. In addition, the Act focuses priority on services to the disadvantaged in urban and rural areas and on strengthening State library administrative agencies and metropolitan public libraries which serve as national or regional resource centers. The authorization for fiscal year 1972 is $112,000,000.

Legislative Requirements

The Federal share ranges from 33 percent to 66 percent, except the Trust Territory which is 100 percent Federally supported; the States' matching requirements are in proportion to their per capita income.

Fiscal Year 1970

In fiscal year 1970, public libraries continued their cooperative efforts of coordination with other public agencies and focused increasing attention to serving the educationally and culturally disadvantaged in urban and rural areas. For example, in Maine a bookmobile service continued to be an effective way of reaching people in small, isolated rural areas. The effectiveness of this program was evident in the fact that seven bookmobiles loaned 430,824 volumes, the largest number ever loaned in one year. In fiscal year 1970, these funds were also used to provide library services to approximately 300,000 patients/inmates in approximately 594 State institutions and 70,000 physically handicapped people.

Fiscal Year 1971

In 1971, library services to the disadvantaged were intensified. New York continued its disadvantaged pre-school program. Through ten branch locations and the outreach arm of the Library-Go-Round, pre-school children are being provided with their first contact with the library and their only group experience before entering school. In those cases where children have no one to accompany them to the Picture Book Program, they are transported by a staff member. This has developed early rapport between the ghetto child and the library which hopefully will establish a pattern for future years.

These funds also provided library services to 302,000 patient/inmates in approximately 602 institutions and 70,000 physically handicapped persons to help prepare them for employment within their capabilities as well as to enrich their daily lives. For example, Delaware used a portion of its Federal funds for a pilot vacation project for handicapped children designed to (1) stimulate reading through acquaintance with special materials, (2) introduce them to new interests, and (3) offer them the opportunity to develop friendships with other young people. To overcome the barriers between the "normal" child and the "handicapped" child, a group of girl scouts also attended the sessions. While it took some time to overcome the feeling of division between the two groups, the barriers did fall, friendly relationships did develop, and an enjoyable experience was shared by all.

Source: committee hearing, pp. 795–796 pt. 1.

Authority and Purpose

Title III of the Library Services and Construction Act, as amended, authorized grants to States for establishing and maintaining local, regional, State and/or interstate cooperative networks of libraries. The purpose of such networks or systems is to provide a systematic and effective coordination of resources of school, public, academic, and special libraries and information centers to develop a more economical operation and, in turn, provide better service to all users. The authorization for fiscal year 1972 is $15,000,000.

Legislative Requirements

The Federal contribution is 100 percent.

Fiscal Year 1970

In fiscal year 1970, Federal funds helped support 95 library cooperative projects in 49 States, Guam, the Trust Territory and the Virgin Islands to support the national goal of achieving a coordinated network in which all libraries will participate to provide a greater access to informational resources.

Fiscal Year 1971

In fiscal year 1971, support of these projects was continued plus an additional 9 new projects were funded as States diverted funds from initial surveys to implementation of new systems.

An excellent example of this type of coordination of resources is the establishment of a telecommunication network in Nebraska involving sixteen regional library centers, three university libraries and the Bibliographical Center in Denver. It has provided funds for in-depth research on the feasibility of centralized processing for all types of libraries in Nebraska.

Ibid pp. 797–798 part 1.

JUSTIFICATION OF ADD-ON

Library Services and Construction Act, Title I—Library Services

Grants to States are needed for service to all citizens, especially the urban and rural disadvantaged, prison inmates and hospital patients, the blind and the handicapped. Almost 15 million people in all walks of life still have *no* library service at all. There is a deficit of at least 357 million volumes in public libraries which would have to be eliminated in order to meet national standards. Public library income from all sources this year will be an estimated $435 million less than what it should be to provide adequate service.

Program: Construction, LSCA II

	Million
1971 appropriation	$7.0925
Committee bill	8.0
Amendment add-on	2.0

PROGRAM DESCRIPTION

Authority and Purpose

Title II of the Library Services and Construction Act authorizes grants to States to support the construction of public libraries.

Funds may be used for the construction of new buildings, for additions to existing buildings and for renovation or alteration of existing buildings or the acquisition of an existing building to be used for public library purposes. The authorization for fiscal year 1972 is $80,000,000.

Legislative Requirements

The Federal share ranges from 33 percent to 66 percent, except for the Trust Territory which is 100 percent Federally supported.

Fiscal Year 1970

In fiscal year 1970, $7,807,250 was available from sums appropriated for allotment to the States plus an additional $1,754,393 carried over from fiscal year 1969, making a total of $9,561,643 available for obligation. Of this amount $5,094,809 was obligated providing 65 new or expanded library facilities adding approximately 768,175 square feet of floor space.

Fiscal Year 1971

In fiscal year 1971, the new appropriation of $7,092,500 added to the 1970 carryover of $4,427,413 makes a total of $11,519,913 available for obligation. It is estimated that these funds will provide 138 library facilities which will add 1,630,884 square feet of new, renovated or expanded floor space.

Source: Committee Hearings Record, p. 799, part 1.

JUSTIFICATION OF ADD-ON AMENDMENTS

Almost 10 million people in all walks of life still have *no* library service.

Three hundred towns in the U.S. actually have buildings in the planning stage for which federal aid is imperative; many other communities need to replace outmoded facilities. Good service is seriously hampered by cramped, inefficient quarters. Some libraries report drastic curtailment in the purchase of new books because of lack of space.

Many of the construction projects awaiting this appropriation are to bring library services to inner-city areas, often as part of model cities programs. They may call for remodeling a room in a public housing project or for setting up a storefront library. Other construction projects on the drawing boards awaiting support under title II are for rural areas which now have no libraries or only overcrowded, wornout buildings.

The $2.0 million dollar increase over the subcommittee recommendation of 8.0 million would permit the building of between 30–36 additional libraries.

Accomplishments in 1971: In fiscal year 1971, 138 construction projects are being supported, an increase of 73 over fiscal year 1970. These projects add an additional 1,630,884 square feet of new or renovated space, an increase of 862,709 over 1970.

Program: Research and Development

	Million
1971 appropriation	$98.077
Committee bill	105.0
Amendment add-on	3.5

PROGRAM DESCRIPTION

The Cooperative Research Act (P.L. 531, 83rd Congress), as amended authorizes the appropriation of "such sums as may be necessary" to carry out the purposes of section 2 of that Act which includes grant support to universities and colleges for research, surveys and demonstrations in the field of education.

The Committee, while approving the budget of $105 million, earmarked increases of $3.5 million over the proposed amounts of the administration request for funding of drug abuse education and nutrition and health. The Committee report states:

"Since the latter two items are increased by a total of $3,500,000 over the budget request, the Committee recognizes that some re-programming within the total appropriation will be necessary."

The add-on of $3.5 million will avert the necessity of decreasing other programs in this area.

Mr. Speaker, the material I have developed from the hearings record, and the Office of Education materials incorporated therein, in my judgment present a solid justification for the amount included in the amendment, and more.

The facts we must face are simple. Our population is growing, half of them are under the age of 27, in the prime school attendance years. We do not, without our action now, begin to meet the need for the classrooms required by our 2- and 4-year institutions of higher education for the students who will be at the college doors 3 years from now.

Only 4.5 of every 10 students in the fifth grade in 1961 entered college in 1969 and only 2.2 of that 4.5 are likely to earn degrees in 1973. Secondary and postsecondary training for those who will fill the 90 percent of the jobs in our economy which do not require a degree, costs us money. And, in this area, given a 9.68 percent increase per year in the cost of educational goods and services, we can expect, if we hold the line to the level of the previous years' expenditure, either that about 10 percent fewer will receive the equivalent educational goods and services or that the educational offerings will be quantitatively 10 percent poorer.

I hope that Members will read and reflect upon this material, for if they do, I am confident that they will gain the respect and thanks of parents and all who serve in the educational community.

Mr. Speaker, I am indebted to my good friends in the American Library Association who have brought to my attention five very helpful paragraphs which contain capsule information on the major library programs under the Office of Education. Because I know they can be very helpful to Members, I include them at this point in my remarks:

LIBRARY PROGRAMS

ELEMENTARY AND SECONDARY EDUCATION ACT, TITLE II

An appropriation of $97,000,000 for fiscal 1972 would just enable school libraries to stay abreast of the 22 percent increase in book prices which has occurred since 1969. $90,000,000, which is being proposed in the amendment, would purchase about ⅓ of a book per school child. There are over 47 million children enrolled in public elementary and secondary schools alone.

School districts report that 50 percent of elementary schools, and from 45 percent to 67 percent of secondary schools, fail to meet their State standards for school library resources in one or more respects. It is estimated that 425 million volumes are needed to bring school media centers up to nationally recognized standards, and films, tapes, recordings, and other types of instructional materials are likewise desperately needed to meet the demands of modern teaching-learning methods.

HIGHER EDUCATION ACT, TITLE II–A

A growing number of 2-year and 4-year colleges need help in establishing new libraries or keeping present ones in step with new curriculum demands and growing enrollment. The Office of Education reports that 1800 applications totaling $29,000,000 in basic and supplemental grants have been received for fiscal 1971, and 500 applications amounting to $5,000,000 in special purpose grants are expected shortly, making a requested total of $34,000,000.

An extensive survey of college librarians indicates that federal funds are crucial to the development of adequate collections and for the stimulation of additional support for the library from the college administration. The national average of volumes per student in the Nation's colleges has declined from 52.4 in 1960 to 43.3 in 1968.

HIGHER EDUCATION ACT, TITLE II–B, TRAINING

Master's and doctoral fellowships are needed to build manpower for all types of libraries, which currently are understaffed by more than 10,000 professional librarians. Since the Title II–B training program's first funding in fiscal 1966, almost three times as many applications have been received as could be funded. For the coming academic year, library school deans report that 692 Master's fellowships and 149 Ph. D. fellowship grants are needed.

Only about 373 Master's fellowships and 135 post-master's and doctoral fellowships could be funded with an appropriation of $4,000,000. In addition, for the institute program which provides continuing education opportunities for librarians, $15 million in requests have been submitted to USOE for fiscal 1971. Even with the increased amount provided in this amendment, only a small proportion of the requests for assistance could be granted.

LIBRARY SERVICES AND CONSTRUCTION ACT, TITLE I

Increased grants to the States are needed to provide essential service to all citizens, 15 million of whom still have no public library services. P.L. 91–600 added three new programs to LSCA, and implementation of these will depend on greater appropriations: service to the rural and urban disadvantaged; strengthening of metropolitan libraries which serve as regional resource centers; and strengthening of the State library administrative agencies.

Less than half of the State-supported institutions such as hospitals, prisons, homes for the aged and homes for dependent children, are receiving federal aid for libraries, and only about 2 percent of the physically handicapped persons in the Nation have been able to use the scarce materials and reading aids available for them.

Public library income from all sources this year will be an estimated $435 million less than what it should be to provide adequate service. There is a deficit of at least 357 million volumes in public libraries, according to national standards.

LIBRARY SERVICES AND CONSTRUCTION ACT, TITLE II

Federal funds are imperative to over 300 cities and towns in 43 States, which presently have approved public library construction projects and the necessary local matching money. The total value of these projects is set at over $138,000,000, of which about $49,000,000 would be federal dollars. Many other communities need to replace outmoded facilities, but do not yet have the plans drawn. Good service is seriously hampered by cramped, inefficient quarters. Some libraries report drastic curtailment in the purchase of new books because of lack of space.

J. EDGAR HOOVER ATTACKS RENEWED

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, the Washington Post, a leading voice of the Nation's liberal left in attacks against decency, respect, and law and order, has done it again. The morning's edition front page carries a feature story by one Ken W. Clawson, which announces the clarion call for renewed attacks and vilification of J. Edgar Hoover and the FBI. This call for a full mobilization of antagonists is carried as news.

We can shortly expect other allied agitators and manipulators in the art of public opinion confusion to join in the attack. Although the real reason for this "nonviolent" dramatization will receive little publicity.

The columnists Evans and Novak made the target date with the Life magazine being behind schedule 4 days in their blast, and the old habitual FBI-baiter, Carl Rowan—who knows what Hoover's threat is—has already parroted the call to arms with a vitriolic attack called an editorial on the Washington Post TV station.

Few around our Nation will behold this overreaction from the leftwing without understanding that the latest move against J. Edgar Hoover is a well organized and coordinated program. The timing and rhetorical unison are far too harmonious to be spontaneous.

Most Americans have respect for law and order; and many who recollect the threats to individual liberty and Constitutional government from organized crime, power syndicates, and totalitarian un-American movements revere the FBI and give full acclaim to Mr. Hoover for the creditable job he has done and is doing protecting our people and our country.

If more Americans were as dedicated to the cause of individual liberty under God and a peaceful America as Mr. Hoover, who has dedicated his life to our country, such criticism of J. Edgar Hoover would be branded for what it is—a threat against constitutionally secured freedom.

It is obvious to most Americans that those who hurl abuse at Mr. Hoover and the FBI are not without guilt in the problems that confront us. Many stand indicted by their own accusations.

I personally regard J. Edgar Hoover as a great American, a courageous defender of law and order, a responsible champion of the weak and oppressed and a staunch advocate of constitutional government. Those who would attack him, attack history, peace, progress, and their own country. J. Edgar Hoover is the symbol of law and order in America—and the free world. Underlying the many veneered causes for the attacks on Mr. Hoover is the simple fact that he is an anticommunist. He also holds the trump card—wiretap evidence in FBI files—which could prevent the canonization of Martin Luther King. This was the reason for the earlier "misunderstandings" between Mr. Hoover and Bobby Kennedy, Ramsey Clark, Carl Rowan and the MLK Historical Society. His antagonists best beware lest Mr. Hoover be forced to play his trump card.

Mr. Speaker, it is obvious that Mr. Hoover, like most other Americans, has numerous antagonists and enemies, but it is also obvious that Mr. Hoover's antagonists and enemies are those of the American people.

I only wish we had 10,000 more J. Edgar Hoovers.

I include two newsclippings from the Washington Post following:

[From the Washington Post, Apr. 5, 1971]

UNTOUCHABLE HOOVER, FBI UNDER FIRE

(By Ken W. Clawson)

After decades of near immunity from public criticism, the Federal Bureau of Investigation and its director, J. Edgar Hoover, within the last five months have become a punching bag for an ever-broadening segment of the nation.

The FBI has managed to step from one controversy into another in a manner so uncharacteristic of the agency that it prompted a knowledgeable Justice Department official to remark, "It's almost as if the director pushed the self-destruct button."

Two Democratic presidential hopefuls, Sens. ——— and ———, have already called for the resignation of the 76-year-old Hoover. His stewardship of the FBI is likely to become an issue in the 1972 campaign.

Criticism also has come from such predictable sources as the peace movement and civil liberties groups as well as from carefully disguised sources within the FBI itself. There is even some grumbling at the White House, and the Justice Department.

But despite these signs of growing unhappiness, the nation's No. 1 G-man is currently in no danger of being eased out. Nor is his highly personalized method of running the FBI being challenged.

Sources close to President Nixon and Attorney General John N. Mitchell contend that Hoover "still enjoys the full confidence" of both of them.

One White House source said, "It's axiomatic that in a law-and-order administration, you don't fire your top policeman, especially one with the credentials of Mr. Hoover. He's a great man."

But top administration officials have been irritated with the FBI and Hoover during the past few months because of calamitous events originating with the bureau that have resulted in intense pressure on the government.

The events started Nov. 16, 1970, when Hoover called former Attorney General Ramsey Clark a "jellyfish" and disclosed that he didn't speak to Robert F. Kennedy during his last six months as Attorney General. He also revealed his high regard for Mitchell.

Administration officials were delighted with the vintage Hooverism, but ——— thought it unseemly and made an initial attack on Hoover that has escalated into open warfare.

TESTIFIES ABOUT PLOT

Shortly afterwards, Hoover asserted in testimony before a Senate subcommittee that the FBI had uncovered a plot to kidnap a presidential adviser and to blow up government heating plants.

This disclosure, made during the investigatory phase of what later became the Berrigan 6 case, opened the floodgates of criticism. Rep. ——— led the attack on Hoover, and explanations varied widely on the reasons for the premature disclosure.

The FBI at first said the testimony was secret and was not intended to be public. But on the day Hoover testified, reporters picked up copies at the Justice Department. Others, however, believe that Hoover misjudged the impact of what he said, and that his normal desire to give a congressional unit "something hot to chew on" during an appropriations hearing was behind the disclosure.

Hoover had already raised hackles in a Dec. 14 interview with Time magazine.

He enraged Spanish-speaking people by saying, "You never have to bother about a President being shot by Puerto Ricans or

Mexicans. They don't shoot very straight. But if they come at you with a knife, beware."

The Jan. 12 indictments of the Rev. Phillip Berrigan and five other Catholic antiwar activists was accompanied by charges that the whole thing was staged to get Hoover off the hook for his earlier disclosures.

On Jan. 17, the Los Angeles Times reported that Hoover had blackballed an FBI agent, Jack Shaw, because he had written a letter on the strengths and weaknesses of the FBI to a professor at John Jay College in New York.

The letter, which was never sent, was reconstructed from torn pieces in a wastebasket in the FBI's New York field office. Shaw resigned under pressure after Hoover assigned him to Butte, Mont., for exhibiting "atrocious judgment."

Shaw, who said he couldn't accept a transfer because his wife was seriously ill, later said he couldn't get another job because his resignation was accepted "with prejudice." Mrs. Shaw has since died.

Shaw has filed a civil suit against Hoover and other top government officials.

The Shaw incident was grabbed by ——— as indicative of Hoover's leadership. It also disclosed further dissension within FBI ranks. Ten FBI agents wrote the South Dakota Democrat that Hoover was "stifling" initiative and promoting personal publicity.

As ——— called for a congressional investigation of the bureau, the FBI helped keep the issue alive by sending the senator a letter, signed by 21 senior FBI officials, calling ——— an irresponsible, reprehensible opportunist.

In the midst of this controversy, it was disclosed that Hoover has been provided with a bulletproof car annually since 1937. Five or six of these vehicles reportedly are on-call for Hoover's use in Washington, New York, Los Angeles and Miami.

According to Rep. ———, chairman of the House Appropriations subcommittee that covers the FBI, the disclosure of the existence of these vehicles has generated more mail to him than any other issue.

——— said he is not critical of providing these cars, the last of which cost the government $27,665. ——— said that President Johnson used these FBI vehicles occasionally when he was in cities where they are located.

With the Berrigan case and Shaw incident still smoldering, a powerful bomb exploded on the ground floor of the Capitol during the early-morning hours of March 1. The explosion followed by 33 minutes a telephone call to the Capitol saying a bomb had been placed there in "protest of the Nixon involvement in Laos."

The FBI mobilized its maximum resources to deal with a case that was characterized by President Nixon as a symbolic attack on the foundation of the Republic.

Thirty-six days after the bombing, there have been no arrests. During recent testimony on Capitol Hill, Hoover reported that progress was being made, but he did not give specifics.

The most far-reaching and perhaps most embarrassing incident occurred March 8 when the FBI's Media, Pa., resident agents' office was burglarized and its files stolen.

The extent of the theft—more than 1,000 documents—was not disclosed until a packet of 14 documents was sent to ——— and three newspapers.

What was made public, according to the Justice Department, were selected files that were designed to create an impression that the FBI is trampling on civil liberties.

Included among the 14 documents, however, is some all-encompassing material like a Nov. 4 Hoover memo that ordered "an increase in both quality and quantity of intelligence information on black student unions and similar groups which are targets for influence and control by violence-prone Black Panther Party and other extremists. Advance information on disorders and violence is of prime importance. We must target informants and sources to develop information regarding these groups on a continuing basis . . ."

Justice Department officials contend their examination of the reconstructed stolen files show the FBI used great restraint in its intelligence activities and they point out that the stolen files, containing everything from raw intelligence to rumors, was never intended to be used by anybody except the FBI.

One source pointed to a document that appeared to be a policy change permitting the FBI to recruit informers from the age group 18 to 21. He said the directive bears directly on public criticism that the FBI has not been successful in solving campus-type crimes, such as bombings and arson usually directed at ROTC facilities.

"You can't catch an 18-year-old bomber by using a 25-year-old informer," he said. Although he would not pinpoint the date, he said the order to use younger informers was issued after Mitchell took office.

"What I am telling you is that the FBI didn't tap this age group before. If that isn't restraint, I don't know what is."

Hoover himself has said publicly that there are no FBI agents on the nation's campuses despite widespread belief to the contrary.

Whatever the contents of the stolen documents, the thieves can choose when, where and how many more of the documents they wish to make public.

Justice Department sources who believe but cannot prove a connection between the Berrigan case, the Capitol bombing and the document thefts, have many theories on how the documents could be used. But a common thread is a goal to undermine and erode the FBI.

"That is why I would not say that at some future date Mr. Hoover might indeed be replaced," one source said. "If the President is faced with a choice of saving the FBI or Mr. Hoover, I'm certain he will save the Bureau."

Rep. ———, a member of Rooney's appropriations subcommittee, said the documents theft is a "deliberate act of anarchists trying to make the system break down."

In his own dealings with the FBI and Hoover, ——— says the "outfit is more vigorous and sharper than ever before."

Chairman Rooney, 68, a longtime admirer of the FBI, says he views the Bureau realistically and admits they make mistakes. "But they're entitled to a few boners once in a while."

Asked about increasing criticism of the Bureau and ———'s attack on Hoover, Rooney dismissed on grounds that "he's a lightweight."

As for ———, who recently said Hoover should retire and indicated he was responsible for a "clut of personality," Rooney said he nearly wrote the Maine Democrat a letter when he heard of his stand on Hoover.

What he was going to write to ———, Rooney said, was "I will not support you for anything."

[From the Washington Post, Apr. 5, 1971]

ROWLAND EVANS AND ROBERT NOVAK—NIXON DILEMMA OVER HOOVER

The prospect of serious embarrassment for the government in the Berrigan conspiracy trial has underlined a grim dilemma facing President Nixon: He deeply wants J. Edgar Hoover to quit as director of the Federal Bureau of Investigation but can try easing him out only at great political risk.

The love affair between the Nixon administration and Hoover had cooled even before he bungled the Berrigan case. Key officials at the White House and Justice Department have long felt that Hoover, in his 47th year running the FBI, ought now to step aside for his own sake and the bureau's. But these sentiments have now spread to two men who were once Hoover's undeviating admirers: Attorney General John Mitchell and President Nixon.

But how to ease him out? Hoover has no intention of resigning. Any private White House suggestion that he do so likely would trigger a public blast from Hoover, stirring the director's legion of supporters and shaking Mr. Nixon's tenuous conservative constituency. Besides, administration official fear any official criticism of Hoover would play into the hands of the far left's campaign to discredit law enforcement.

Actually, at age 76, Hoover is in excellent health and as mentally alert as ever. But Nixon administration officials confide that he shows inability to cope with a new set of problems and thereby undermines his own place in history.

More important than Hoover's historical status is the FBI's present position. What worries high officials is Hoover playing the unwitting handmaiden to the accelerating leftist drive to discredit the FBI with the public. If so discredited, the bureau's ability to fulfill its role against violent revolutionaries of both the left and right will be severely impaired.

All these factors intersect in the Berrigan case. By prematurely disclosing information to Congress, Hoover may have fatally undermined the case against the Rev. Philip F. Berrigan five other radicals indicted on charges of conspiring to kidnap presidential adviser Henry Kissinger and blow up the heating systems of federal buildings here. That disclosure, four months ahead of actual arraignment, squeezed Mitchell into ordering prosecution on shaky evidence.

Indeed, FBI agents are still frantically seeking additional evidence. The dismal truth: High officials privately admit that the case, if brought to trial today, probably would result in an acquittal—with calamitous results.

Even now, liberal journalists have helped apotheosize into heroic martyrs the Berrigan clique, whose squalid life style and far-out politics will be demonstrated by physical evidence brought to court. Should they be acquitted, their deification will be complete while the government will be humiliated. This sorry state might well have been avoided save for Hoover's interference.

The Berrigan Case coincides with Hoover's vendetta forcing the resignation "with prejudice" of agent John Shaw, threatening an adverse court decision against the FBI. Friends of the FBI in Congress have been shocked by the intemperate language in letters to ——— by Hoover's lieutenants. Public confidence in the bureaus ability to keep its own house secure has been shaken by the theft of secret documents from the FBI office in Media, Pennsylvania.

A change at the FBI now, high officials believe, would cut off the far left's campaign of vilification. Mr. Nixon would not name one of Hoover's FBI lieutenants but would go outside for a prestigious figure, preferably with some political know-how.

There is one other compelling reason for immediate change. Some high Justice Department officials worry what kind of FBI director would be named by a Democratic president should Mr. Nixon lose for reelection (with all serious Democratic candidates favoring Hoover's ouster). A new director named now by Mr. Nixon could entrench himself to survive the 1972 election returns.

But there seems no way Mr. Nixon can find a symbolic gold watch to soften J. Edgar Hoover's retirement. To ease him out, Mr. Nixon would risk unpleasant consequences that only a President with immense political courage would willingly bring upon himself.

ABORTION ON MILITARY BASES

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 15 minutes.

Mr. HOGAN. Mr. Speaker, I was elated to learn this past weekend that President Nixon has overturned a Defense Department regulation issued last year liberalizing abortion rules in military hospitals.

On February 17 of this year I wrote to the President expressing my shock and distress at this Defense Department ruling. I urged the President to repeal this policy and prohibit abortions from being committed at military hospitals. Abortion in military hospitals is in direct conflict with the laws in an overwhelming number of States which forbid abortion.

I applaud President Nixon for reversing this regulation and directing that the policy on abortions in American military hospitals in the United States be made to correspond with the laws of the States where those bases are located.

I am even more gratified, however, with the President's strong public stand against liberalized abortion. In his statement issued this weekend from the San Clemente White House, the President said that he considers abortion "an unacceptable form" of population control and that unrestricted abortion policies cannot square with his personal belief in the sanctity of human life.

As a staunch opponent of liberalized abortion policies myself, I couldn't be more pleased or proud that the President has made this public commitment in support of the humanity of the unborn child. As the leader of the American people and the highest elected official in our country, President Nixon has symbolically proclaimed that Americans will stand up for the right to life of any human being.

But this, Mr. Speaker, is the point that so many Americans miss—particularly the staunch abortion advocates who do not realize that the unborn fetus is a human being. Inasmuch as an unborn infant feels, turns, kicks, somersaults, swallows, swims, makes a fist and may even suck his thumb, can he be anything but a human being?

And knowing this, can any American really believe that it can be right—that it can be legal—to end one human life for the personal convenience of another human being?

I think not. And I am convinced that if this message—the message of the fundamental humanity of the unborn fetus—is more widely disseminated, most Americans will agree that abortion is akin to murder.

In my own State of Maryland, this message was carried to our State legislators by thousands of dedicated Marylanders and resulted in the defeat of a liberalized "abortion on demand" bill by a vote of 77 to 59.

It is my sincere prayer that the President's public acknowledgment of his personal views on this matter will go a long way toward convincing misguided and misinformed citizens that "abortion on demand" is not the way to solve this Nation's social or economic problems.

PANAMA CANAL BASIC ISSUES: SOVEREIGNTY AND MODERNIZATION

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, among the grave questions now facing the United States one of the most vital, which affects the security of the entire Western Hemisphere, is the interoceanic canal problem. This issue, which has been before the Congress repeatedly since 1945, was rendered acute by the submission on December 1, 1970, of the report of the Atlantic-Pacific Interoceanic Study Commission under Public Law 88–609, which was headed by Robert B. Anderson.

This report recommends construction of a new canal of so-called sea level design entirely in the Republic of Panama about 10 miles west of the existing canal at an initially estimated cost of $2,880,000,000, exclusive of the cost of the right-of-way and the inevitable indemnity to Panama. It would have two tidal gates 25 miles apart, one of them 11 miles from the Atlantic and the other 15 miles from the Pacific. The purpose of the proposed sea level canal is to obtain better treaty relationships with Panama and some of its leading advocates admit that it is not economically justified and may never be constructed. Moreover, the proposal is being vigorously challenged from many angles by competent independent experts.

The two questions now being frequently asked in the Congress and in various parts of the Nation are:

First, what is the present status of the canal situation?

Second, what should be done in the way of increased transit facilities?

Before answering these two queries some elemental historical facts must be understood if we are to arrive at wise conclusions.

The first and most basic of these is that the United States, under the treaty of November 18, 1903, with the Republic of Panama negotiated pursuant to act of Congress, acquired exclusive sovereign rights, power, and authority over the Canal Zone in perpetuity for the construction, maintenance, operation, sanitation, and protection of the Panama Canal, and to the entire exclusion of the exercise by Panama within the zone of any such sovereign rights, power, or authority. In addition to such sovereignty, the United States obtained clear title to all privately owned land and property in the zone. In every sense, this strategic area is constitutionally acquired domain of the United States. The total net investment of our country in the Panama Canal enterprise, including its police protection and military defense, from 1904 through June 30, 1968, was more than $5,000,000,000, all paid for by the American taxpayer.

In 1939, primarily as a defense measure, the Congress, without adequate investigation, authorized the construction of an additional set of larger locks at a cost of $277,000,000, known as the third locks project. Work on this proposal was suspended in May 1942 because of more urgent war needs. The total amount expended on it under Congressional appropriations was more than $76,000,000, mostly on lock site excavations at Gatun and Miraflores. No excavation was started at Pedro Miguel.

Though that suspension seemed regrettable at the time, it was fortunate because it afforded Panama Canal officials an opportunity to make more mature and fundamental planning studies derived from operational experience that aimed to secure the best canal for the transit of vessels. These studies resulted in the development of what is known as the Terminal Lake—third locks plan, which attracted wide attention as a fundamental contribution.

This carefully reasoned solution provided for the removal of the Pedro Miguel locks, the consolidation of all Pacific Locks south of Miraflores, raising the summit level of Gatun Lake from 87 feet to 92 feet, the enlargement of Gaillard Cut, and the creation of a summit lake in the Pacific sector of the canal to serve as a traffic reservoir.

At this point, Mr. Speaker, I would stress that any major plan for the Panama Canal that does not eliminate the locks at Pedro Miguel is without intrinsic merit and should be summarily dismissed as unworthy of consideration.

On August 15, 1970, an important part of the above-enumerated program, consisting of the enlargement of Gaillard Cut and other channel improvements, was completed at a total cost of about $95 million. Added to the amount expended on the suspended third locks the total is more than $171 million already expended toward the major modernization of the existing Panama Canal. Moreover, this construction was authorized by the Congress in accordance with current treaty provisions and its completion does not require the negotiation of a new treaty with Panama. The last fact is a paramount consideration that ought to be controlling.

The terminal like solution won the support of the Secretary of the Navy—Knox—and the President—F. D. Roosevelt—who approved it as a postwar project. It was recommended by the Governor of the Panama Canal—Edgerton—to the Secretary of War—Stimson—for comprehensive investigation and later approved in principle by a succeeding Governor of the Panama Canal—Mehaffey—as the preferred plan for modernizing the existing canal in testimony on November 15, 1945, before the House Committee on Merchant Marine and Fisheries.

As was foreseen during World War II, the development of the Terminal Lake—third locks proposal served to stimulate the resurrection of the corpse of the old sea-level canal idea, long ago aptly described by former Gov. Jay J. Morrow of the Panama Canal as a "hardy perennial" for which there would always be someone to advocate it regardless of how often the impossibility of realizing any such scheme within reasonable limits of cost and time may be demonstrated.

The history of the advocacy of the

old sea-level dream, known as "battles of the levels," shows that it is rooted in fears of the alleged greater vulnerability of the lake-lock type than the sea-level design and it is not remotely related to the needs of navigation.

In 1905–06 it was the alleged danger from naval gunfire used by sea level advocates who were overcome by the knowledge and vision of Chief Engineer John F. Stevens and President Theodore Roosevelt.

In 1939 it was the alleged danger of enemy bombing which led to the defectively developed third locks project and its failure.

In 1945 it was a hysterical fear of the atomic bomb that resulted in the abortive 1946–48 canal investigation under Public Law 280, 79th Congress, the report of which recommended only a sea level canal on the basis of its alleged greater security. This recommendation failed to receive the approval of President Truman because of the exposure in the Department of Defense of the security and national defense fallacies in the arguments for it.

In 1964 it was the danger of sabotage from two sticks of dynamite that led to the recent inquiry.

In 1970 it was the danger of guerrilla warfare.

Now, in 1971, it is the danger of earthquakes, despite the fact that the recent quake at Panama caused no damage to canal structures—locks, dams, or spillways.

From this tabulation it is clear that the bugbears of justification are changed when earlier arguments prove ineffective.

The defense needs for the Panama Canal are for the existing canal and not for some hypothetical and extravagant sea level undertaking, which, as previously stated, some of its leading advocates have publicly admitted may never be built. Moreover, the defense of the Panama Canal, like that of the major air and sea ports, and transportation systems of the United States, depends not upon passive measures that may be embodied in features of design but upon the combined military and naval might of the United States.

The only safe criteria in the planning of any future Panama Canal is what is best for the transit of vessels. When the problem is evaluated from all significant angles that plan is the Terminal Lake-third locks proposal, which was developed as the result of World War II experience.

As all close observers of the subject know, the Panama Canal has been under juridical and subversive attack for many years, and it still is. In line with Soviet objectives since 1917, these attacks aim to wrest control of the canal from the United States. As I have often stated on previous occasions, the transcendent issue on the Isthmus is not Panamanian control of the Panama Canal versus U.S. control but U.S. sovereignty versus Soviet domination of this strategic link.

That, Mr. Speaker, is the issue that the Congress must face quickly and forthrightly, and this can be done by identical resolutions on Panama Canal sovereignty now pending in the House. The 1959 takeover of Cuba and the recent takeover of Chile emphasize the importance of the sovereignty angle for the security of the entire Western Hemisphere.

In spite of these facts, the recommendation for a sea level canal in the Anderson report hinges upon the surrender by the United States of its sovereignty over the Canal Zone to Panama. In view of the fate of Cuba and Chile and what is in process in other Latin American countries, any such recommendation is, to say the least, incomprehensible and unthinkable. My extensive correspondence clearly indicates that no President or administration that permits the surrender of the Canal Zone or Panama Canal can be reelected.

As to the present status of the canal situation, the facts are brief:

First. The report of the Anderson panel was submitted to the President on December 1, 1970, but he has not yet acted.

Second. Before the report is acted upon, it will probably be reviewed by the National Security Council.

Third. On March 4, 1971, at the Smithsonian Institution, there was conducted an extensive symposium by recognized scientists about the effects of a sea level project on Isthmian biota—fauna and flora. Their views were overwhelmingly in opposition to any sea level proposal.

Fourth. Identical resolutions are now pending in the House that aim to clarify and make definite U.S. sovereign rights, power, and authority at Panama—House Resolution 154.

Fifth. Identical bills for the major modernization of the Panama Canal are now pending in both House and Senate—H.R. 712 and S. 734.

Mr. Speaker, as one who has devoted many years to the serious study of interoceanic canal problems, I would urge the prompt consideration of the pending canal resolutions and bills so that the executive branch of our Government can know what the Congress, especially the House that controls appropriations, considers in the best interests of the United States and the world at large, including Panama itself.

The texts of the resolution and bill introduced by me follow as parts of my remarks:

H. Res. 154

Whereas it is the policy of the House of Representatives and the desire of the people of the United States that the United States maintain its indispensable sovereignty and jurisdiction over the Canal Zone and Panama Canal; and

Whereas under the Hay-Pauncefote Treaty of 1901 between the United States and Great Britain, the United States adopted the principles of the Convention of Constantinople of 1888 as the rules for the operation, regulation, and management of said canal; and

To express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone.

Whereas by the terms of the Hay-Bunau-Varilla Treaty of 1903 between the Republic of Panama and the United States, the Republic of Panama granted full sovereign rights, power and authority in perpetuity to the United States over the Canal Zone for the construction, maintenance, operation, sanitation and protection of the Panama Canal and to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority; and

Whereas under the Thomson-Urrutia Treaty of April 6, 1914, proclaimed March 30, 1922, between Republic of Colombia and the United States, the Republic of Colombia recognized that the title to the Panama Canal and Panama Railroad is vested "entirely and absolutely" in the United States and the United States granted important rights in the use of the Panama Canal and Railroad to Colombia; and

Whereas from 1904 through June 30, 1968, the United States has made an aggregate net investment in said canal, including defense, or over $5,000,000,000; and

Whereas said investment or any part thereof could never be recovered in the event of Panamanian seizure, United States abandonment of the canal enterprise, or under any other circumstances; and

Whereas under article IV, section 3, clause 2 of the United States Constitution, the power to dispose of territory or other property of the United States is specifically vested in the Congress; and

Whereas 70 per centum of Panama Canal traffic either originates or terminates in United States ports; and

Whereas said canal is of vital strategic importance and imperative to the hemispheric defense and to the security of the United States as well as of Panama itself; and

Whereas, during the preceding administration, the United States conducted negotiations with the Republic of Panama which resulted in proposed treaties under the terms of which the United States would relinquish its control over the Canal Zone and Panama Canal with the gift of both to Panama; and

Whereas the present revolutionary Government of Panama seeks to renew negotiations with the United States looking toward a similar treaty or treaties; and

Whereas the December 1, 1970, report by the Atlantic-Pacific Interoceanic Canal Study Commission revives the entire canal situation, including surrender of the Canal Zone to Panama and operation of the Panama Canal by an international organization not subject to laws of the United States.

Whereas the recommendations of said Commission would place the United States in a position of heavy responsibility without requisite authority and invite a takeover by Soviet power of the isthmus as occurred in Cuba, other Latin American countries, and at the Suez Canal: Now, therefore, be it

Resolved by the House of Representatives, That it is the sense of the House of Representatives that the Government of the United States should maintain and protect its sovereign rights and jurisdiction over said Canal Zone and Panama Canal and that the United States Government should in no way forfeit, cede, negotiate, or transfer any of these sovereign rights, jurisdiction, territory or property to any other sovereign nation or to any international organization, which rights, sovereignty and jurisdiction are indispensably necessary for the protection and security of the entire Western Hemisphere including the canal and Panama.

H.R. 712

A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Panama Canal Modernization Act".

Sec. 2. (a) The Governor of the Canal Zone, under the supervision of the Secretary of the Army, is authorized and directed to prosecute the work necessary to increase the capacity and improve the operations of the Panama Canal through the adaptation of the Third Locks project set forth in the report of the Governor of the Panama Canal, dated February 24, 1939 (House Document Numbered 210, Seventy-sixth Congress), and authorized to be undertaken by the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), with usable lock dimensions of not less than one hundred and forty feet by not less than one thousand two hundred feet by not less than forty-five feet, and including the following: elimination of the Pedro Miguel Locks, and consolidation of all Pacific locks near Miraflores in new lock structures to correspond with the locks capacity at Gatun, raise the summit water level to its optimum height of approximately ninety-two feet, and provide a summit-level lake anchorage at the Pacific end of the canal, together with such appurtenant structures, works, and facilities, and enlargements or improvements of existing channels, structures, works, and facilities, as may be deemed necessary, at an estimated total cost not to exceed $850,000,000, which is hereby authorized to be appropriated for this purpose.

(b) The provisions of the second sentence and the second paragraph of the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), shall apply with respect to the work authorized by subsection (a) of this section. As used in such Act, the terms "Governor of the Panama Canal", "Secretary of War", and "Panama Railroad Company" shall be held and considered to refer to the "Governor of the Canal Zone", "Secretary of the Army", and "Panama Canal Company", respectively, for the purposes of this Act.

(c) In carrying out the purposes of this Act, the Governor of the Canal Zone may act and exercise his authority as President of the Panama Canal Company and may utilize the services and facilities of that company.

Sec. 3. (a) There is hereby established a board, to be known as the "Panama Canal Advisory and Inspection Board" (hereinafter referred to as the "Board").

(b) The Board shall be composed of five members who are citizens of the United States of America. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate, as follows:

(1) one member from private life, experienced and skilled in private business (including engineering);

(2) two members from private life, experienced and skilled in the science of engineering;

(3) one member who is a commissioned officer of the Corps of Engineers, United States Army (retired); and

(4) one member who is a commissioned officer of the line, United States Navy (retired).

(c) The President shall designate as Chairman of the Board one of the members experienced and skilled in the science of engineering.

(d) The President shall fill each vacancy on the Board in the same manner as the original appointment.

(e) The Board shall cease to exist on that date designated by the President as the date on which its work under this Act is completed.

(f) The Chairman of the Board shall be paid basic pay at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The other members of the Board appointed from private life shall be paid basic pay at a per annum rate which is $500 less than the rate of basic pay of the Chairman. The members of the Board who are retired officers of the United States Army and the United States Navy each shall be paid at a rate of basic pay which, when added to his pay as a retired officer will establish his total rate of pay from the United States at a per annum rate which is $500 less than the rate of basic pay of the Chairman.

(g) The Board shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a Secretary and such other personnel as may be necessary to carry out its functions and activities and shall fix their rates of basic pay in accordance with chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The Secretary and other personnel of the Board shall serve at the pleasure of the Board.

Sec. 4. (a) The Board is authorized and directed to study and review all plans and designs for the Third Locks project referred to in section 2(a) of this Act, to make on-the-site studies and inspections of the Third Locks project, and to obtain current information on all phases of planning and construction with respect to such project. The Governor of the Canal Zone shall furnish and make available to the Board at all times current information with respect to such plans, designs, and construction. No construction work shall be commenced at any stage of the Third Locks project unless the plans and designs for such work, and all changes and modifications of such plans and designs, have been submitted by the Governor of the Canal Zone to, and have had the prior approval of, the Board. The Board shall report promptly to the Governor of the Canal Zone the results of its studies and reviews of all plans and designs, including changes and modifications thereof, which have been submitted to the Board by the Governor of the Canal Zone, together with its approval or disapproval thereof, or its recommendations for changes or modifications thereof, and its reasons therefor.

(b) The Board shall submit to the President and to the Congress an annual report covering its activities and functions under this Act and the progress of the work on the Third Locks project and may submit, in its discretion, interim reports to the President and to the Congress with respect to these matters.

Sec. 5. For the purpose of conducting all studies, reviews, inquiries, and investigations deemed necessary by the Board in carrying out its functions and activities under this Act, the Board is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Board is given power to designate and authorize any member, or other personnel, of the Board, to administer oaths and affirmations, subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Board may deem revelant or material to the performance of the functions and activities of the Board. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control or jurisdiction of the United States, including the Canal Zone.

Sec. 6. In carrying out its functions and activities under this Act, the Board is authorized to obtain the services of experts and consultants or organizations in accordance with section 3109 of title 5, United States Code, at rates not in excess of $200 per diem.

Sec. 7. Upon request of the Board, the head of any department, agency, or establishment in the executive branch of the Federal Government is authorized to detail, on a reimbursable or nonreimbursable basis, for such period or periods as may be agreed upon by the Board and the head of the department, agency, or establishment concerned, any of the personnel of such department, agency, or establishment to assist the Board in carrying out its functions and activities under this Act.

Sec. 8. The Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

Sec. 9. The Administrator of General Services or the President of the Panama Canal Company, or both, shall provide, on a reimbursable basis, such administrative support services for the Board as the Board may request.

Sec. 10. The Board may make expenditures for travel and subsistence expenses of members and personnel of the Board in accordance with chapter 57 of title 5, United States Code, for rent of quarters at the seat of government and in the Canal Zone, and for such printing and binding as the Board deems necessary to carry out effectively its functions and activities under this Act.

Sec. 11. All expenses of the Board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Board or by such other member or employee of the Board as the Chairman may designate.

Sec. 12. There are hereby authorized to be appropriated to the Board each fiscal year such sums as may be necessary to carry out its functions and activities under this Act.

Sec. 13. Any provision of the Act of August 11, 1939 (54 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), or of any other statute, inconsistent with any provision of this Act is superseded, for the purposes of this Act, to the extent of such inconsistency.

THE NEED FOR REGULATING ADVISORY COMMISSIONS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, in a recent speech Dr. Milton Eisenhower chided the Nixon administration for failing to produce a coordinated program to improve the administration of justice and to combat the social causes of violence. Dr. Eisenhower is quoted as saying that having presented the—President's Commission on the Causes and Prevention of Violence—report to President Nixon in December of 1969, he was disappointed that we have not had a commitment by either the executive or legislative branch of the Government to produce a coordinated program to tackle this pressuring problem.

Dr. Eisenhower appeared at a panel at Brown University with former Gov. William W. Scranton who chaired the President's Commission on Campus Unrest and U.S. Circuit Court Judge, Otto Kerner, Chairman of the National Advisory Commission on Civil Disorders. A principal issue of their discussion was the disillusionment experienced by panel members upon finding that there were seldom any specific results from committee recommendations.

I was happy to see this interest in advisory commissions because the Special Studies Subcommittee of the House Government Operations Committee which I chaired last year, was responsible for the report of the Government Operations Committee entitled "The Role and Effectiveness of Federal Advisory Committees," which was published on December 11, 1967. On the question of utility, the committee reached the following conclusions:

> The cost of many of these commissions is substantial. By creating and funding committees and subsequently ignoring their reports and recommendations, the Executive Branch wastes very considerable public funds. There is need for a procedure that provides for executive branch accountability to the public and the Congress.
>
> The work product of a committee composed of distinguished and knowledgeable individuals appointed by the President to advise him is presumed to have value and should be considered. There should be a focal point in the Executive Office of the President with the responsibility and function of evaluating committee reports made to the President. Proper utilization of advisory groups and their work product can be of tremendous benefit to the Government. The executive branch, to be adequately accountable, should disclose after an appropriate interval of a year the actions taken as a result of the public reports of interagency and advisory groups.
>
> To justify the use of committees, it is not enough to find efficiency and economy in committee operation and management but it is also necessary to determine how well its product is considered or used.

Further in this point, the Government Operations Committee Report stated:

> The National Advisory Commission on Civil Disorders report stated that this report essentially mirrored the reports that had been written on the Chicago riots in 1919 and the Harlem riots of 1935. The report of the 1930 National Commission on Law Observance and Enforcement differs very little in its essential conclusions about criminal justice from those of the 1965 National Commission on Law Enforcement and the Administration of Justice or those of 1969 National Commission on the Causes and Prevention of Violence. The Presidential Commission on Campus Unrest of 1970 went over much of the ground covered by the "Eisenhower" Commission which after two sets of conferences with university presidents, an extensive study of the strike at San Francisco State College, other campus disorders and student violence issued an "Interim Statement on Campus Disorder" on June 9, 1969. This was incorporated as an integral part of the overall "Eisenhower" Commission report issued in December 1969.
>
> The "Eisenhower" Commission made its report with recommendations to the President about a year ago, yet there has been no public response from the executive branch of the Government. The "Eisenhower" Commission cost the Government about $1,651,000. The "Scranton" Commission expenses came to about $685,000. The Administration has made no official response either to the report of the "Scranton" Commission or its recommendations but has spoken with differing unofficial answers. Past administrations have acted similarly. There are many other examples where with the passage of time, or the occurrence of a new but similar crisis results in another committee to repeat the performance.

Many other examples are cited by the committee.

Many reports of advisory committees and their recommendations have great importance, but if they receive no consideration or implementation, they have little or no value. Accordingly, a procedure was devised by the committee which would insure an adequate followup on such reports and help to justify the use of advisory groups and their cost.

It was meant to assure that funds would not be wasted but used as economically and efficiently as possible. Because the procedure provides accountability to the public and the Congress, the Government Operations Committee believed that it would insure discriminating use of advisory groups. Therefore, the committee recommended:

> The President should establish responsibility with the Domestic Council for evaluation and follow-up action, if appropriate, of the public reports made to the President by interagency or advisory groups, not related to national security matters.
>
> The President should submit to the Congress within one year of receipt of the public report of an advisory group made to the President, his views on the conclusions and recommendations, and state either his proposals and actions or his reasons for nonaction.

In furtherance of this goal, I have further introduced H.R. 4383, cosponsored by Messrs. GALLAGHER, MYERS, MOORHEAD, ROSENTHAL, and MANN.

Section 6 of this bill specifically establishes a procedure of accountability to the public and to the Congress for considering, evaluating, and carrying out the recommendations of Presidential and national commissions. I hope that my colleagues will support this needed legislation.

At this point in the RECORD, I insert the recent article from the Washington Post, dated March 12, 1971, relating to the Brown University symposium and Dr. Eisenhower:

EISENHOWER RUES LAG ON REPORTS

(By George Lardner, Jr.)

PROVIDENCE, R.I.—Milton E. Eisenhower chided the Nixon administration last night for failing to come up with a coordinated program to improve the administration of justice and combat the social cause of violence.

Addressing an overflow crowd of more than 1,000 at Brown University here, Eisenhower, who headed the Presidential Commission on the Causes and Prevention of Violence, said the ghettos of American cities must, somehow, be transformed.

"Instead," he said, "the affluent suburbs have become armed camps."

For the moment, Eisenhower said, he recognized that he could not expect the "millennium as far as getting the appropriations" that are needed. But he said he was still "disappointed, having presented the (commission's) report to President Nixon in December of 1969, that we have not had a commitment, both by the executive and legislative branches of the government, to come forward with a coordinated program to tackle the problem."

The commission called for an initial investment of $20 billion a year in the nation's social problems and a corresponding reduction in the defense budget. Eisenhower said he saw no reason why this much and more could not be squeezed out of the federal budget once the war in Vietnam is over.

He advocated cutting the government's agricultural spending of $15 billion a year in half and trimming back the space program.

The brother of the late President spoke at a lecture program here with former Pennsylvania Gov. William W. Scranton, head of President Nixon's Commission on Campus Unrest, and U.S. Circuit Judge Otto Kerner, chairman of President Johnson's Commission on Civil Disorders.

Defending President Johnson's diffident public reception of his panel's ambitious suggestions, Kerner said that, as governor of Illinois, he had had problems similar to Mr. Johnson's at the White House.

"When I pressed too hard, I failed," Kerner said. 'When I kept my mouth shut . . . I was more successful."

Wryly, Scranton told of a letter he got from a young man disillusioned to find that "nothing happened" in response to the Kerner and Eisenhower commission reports. As for Scranton's report, the youth told him, "I don't think I'll read yours, because three strikes are out."

Scranton maintained, however, that many changes advocated by his commission last fall are already under way.

THE BEGINNING AND THE END OF THE CIVIL WAR

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, a friend and constituent, Mr. Rupert Peyton, has written an original and provocative article which appeared in a recent issue of the Bossier Press, edited in my congressional district, on the beginning and end of the Civil War.

It is of historical interest and offers information unknown to most historians and, indeed, most individuals.

It is worthy of inclusion here in the RECORD and I present a copy of it for the attention of all:

BOSSIER PARISH IN RETROSPECT

(By Rupert Peyton)

When and where did the Civil War in America begin, and when and where did it end?

According to popular conception the war began at 4:30 a.m., April 12, 1861, when Confederate cannon fired on Fort Sumter in Charleston Harbor, and ended when General Robert E. Lee surrendered to General Ulysses S. Grant at Appamatox, Va., April 9, 1865.

But all this is wrong according to the descendants of the proud Southern "Rebels" of Bossier and Caddo Parishes (counties) located adjacently in the northwestern corner of Louisiana.

Did you ever hear about how the citizens of Bossier declared war on the United States on November 26, 1860, at the tiny community of Rocky Mount, Louisiana? This preceded the South Carolina secession by almost a month and Fort Sumter by almost five months. It also rivals the declaration of independence at Mecklenberg, N.C., during the Revolutionary period.

Or have you heard that the Confederate forces in the West remained afield and did not lay down their arms until June 2, 1865, at Shreveport, La., nearly two months after Lee's surrender?

According to the records of the North Louisiana Historical Association these two important but little known events occurred within a radius of 20 miles.

No where in the Southland was the spirit of rebellion stronger than in Bossier Parish, and nowhere was the resentment to the election of Abraham Lincoln to the presidency more bitter. Not a single vote was cast for Lincoln in the entire parish, the majority going to John C. Breckinridge, the Southern Democrat, with a sprinkling of votes for Stephen Douglas, the Northern Democrat, and John Bell, the Union Democrat.

The news of Lincoln's election stirred the Bossier residents to immediate action so on November 26, 1860, they met in mass meeting, and after some discussion, took drastic action. Did not the election of a "Vile abolitionist," Lincoln, mean war? It was inevitable, argued the speakers. Why piddle around with mere secession? Let us take up arms and protect our homes. War! Let it come!

In vain did the Congressman from the district, John Sandige, a resident of Bossier, seek to modify the action, but his pleas fell on deaf ears, and a resolution declaring war "For the protection of our homes" was almost unanimously adopted, when J. W. Rabb, chairman of the meeting put the question to a vote. W. T. Crawford acted as secretary.

The Rocky Mount meeting was followed three days later at the meeting at the communities of Bellevue and Collinsburg where similar action was taken.

Immediately a company of militia under the name of the minute men of Bossier was organized and officers were elected with N. W. Sentell as captain, and J. O. Nuckolls, clerk. Uniforms and weapons were purchased and drilling was begun. Later the company was to become the Bossier Volunteers, which five months later marched off to war, many never to return.

"The only reason that bloodshed was not immediate," said one old-timer, "was that there were no Damn Yankees around to shoot at."

With the capture of New Orleans by Federal forces under Gen. Ben Butler and Adm. David Farragut in 1862, the Confederate capital was moved to Shreveport, which also was the headquarters of the army of Trans-Mississippi under the command of Gen. E. Kirby Smith. Here, too, was the office of Gov. Henry W. Allen.

Throughout the war Shreveport was a prime target of the Union forces, but no army was able to take it until after the surrender. On April 8, 1864 forces under the command of Gen. Nathaniel P. Banks was routed at Mansfield (Sabine Cross Roads), forty miles south of Shreveport, by Gen. Smith's army under the direct command of Gen. Richard Taylor, son of Gen. Zachary Taylor. This was the last significant Confederate victory of the war. Hundreds of prisoners were taken and much war stores captured.

When the news of the surrender of Generals Lee and Johnston reached Shreveport, General Smith saw no reason to end the war. Instead on April 21, twelve days after the surrender of Lee, Smith issued a plea to the public and his troops to continue the struggle, expressing the hope that England and France would come to the aid of the South. Eight days later a giant rally was held in Shreveport at which military and civilian leaders urged the continuance of the war. It was against this background that Col. John T. Sprague, of the United States army, under a flag of truce, brought a message to General Smith enclosing a copy of correspondence between Lee and Grant, suggesting the surrender of the Trans-Mississippi army on similar terms, and stating that further resistance would be useless as the entire Federal forces could now be sent to the West. On May 9, exactly one month after Appamatox, General Smith rejected the terms and continued his plea for further resistance. However, events began to move swiftly toward a climax. General Smith quietly departed from Shreveport on May 18, leaving Gen. Simon Bolivar Buckner in Command. General Buckner was the father of Gen. Simon Bolivar Buckner, Jr., who died of natural causes while serving in the World War II. Smith also left instructions for the removal of the army to Houston.

Meanwhile, morale of the Confederate soldiers sank very low. Unpaid and hungry they began looting the army stores. Order, however, was restored by a regiment of Missouri soldiers under the command of Gen. John Shelby.

Finally General Buckner accepted surrender as his only alternative, and signed the requested terms at New Orleans on May 26. This was ironic in view of the fact that General Buckner was the first Confederate to surrender to Union forces at the beginning of the war when he gave up Fort Donelson to General Grant. Smith formally ratified the surrender terms at Galveston, Texas, June 2nd, and then sought asylum in Mexico. On the same day Governor Allen gave an address on the Shreveport Court House Square. In his speech he said:

"My countrymen, we have for four long years waged a war we deemed to be just in the sight of high heaven. We have not been the best, the wisest nor the bravest people in the world, but we have suffered more and borne our suffering with greater fortitude than any people on the face of God's green earth. Now let us show the world that as we have fought like men, like men we will make peace. Let there be no acts of violence, no heart burning, no intemperate language, but with manly dignity submit to the inevitable events".

After this speech Allen departed from Shreveport and along with General Smith sought asylum in Mexico.

On the same date Federal officers and men came to Shreveport and began collecting arms and patroling the Confederate soldiers. They laid down their arms and were paroled in order of their distances from home, the nearest to home surrendering last. Thus it was that the men of Shreveport were the last to lay down their arms. And thus it was in the words of J. Fair Hardin, Shreveport Historian, "So here in truth we may say that the Sun which rose in such material glory at Manassas, on the hills of the Potomac, sank forever here in Shreveport, on the banks of the Red."

And in his book, The Rise and Fall of the Confederacy, Jefferson Davis wrote, "With the surrender of the Army of Trans-Mississippi the Confederate flag ceased forever to float over land."

Sic transit gloria mundi!

EPILOGUE

On November 26, 1960, the Citizens of Bossier parish and surrounding areas observed the hundredth anniversary of the "Declaration of War" in a special celebration. A re-enactment of the historic event was preformed at Rocky Mount by school children and members of the North Louisiana Historical Association.

But there was no similar observance at Shreveport on June 2, 1965. After all one does not celebrate a defeat.

SUPPLEMENTAL FUNDS FOR SECTION 236—HOUSING PROGRAM

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the drastic shortage of decent, adequate housing continues across the Nation. One of the key Federal programs which could be, and should be, employed to meet this crisis is the section 236 rental assistance program. This program is used to bring down the cost of interest on multifamily dwellings; in New York, this reduction translates into reduced rentals or carrying charges of $4.50 per room per month for each percentage point of interest reduction.

Despite the enormous importance of the section 236 program, the administration has failed to request a supplemental appropriation for fiscal year 1971 of the $25 million which could be appropriated, were the full authorized amount to be used. In an effort to encourage the administration to take this step, I have introduced H.R. 1115—companion bills H.R. 4001 and H.R. 4160—with 25 cosponsors, which provides for appropriation of this $25 million, as well as appropriations up to the full authorized levels for the section 235 program, the urban renewal program, the model cities program, and the rent supplement program.

The 25 Members who have cosponsored this legislation are:

Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Begich, Mr. Biaggi, Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Dellums, Mr. Donohue, Mr. Dow, Mr. Drinan, Mr. Fraser, Mr. Halpern, Mrs. Hicks of Massachusetts, Mr. Koch, Mr. Mikva, Mrs. Mink, Mr. Mitchell, Mr. O'Neill, Mr. Podell, Mr. Rangel, Mr. Reid of New York, and Mr. Wolff.

Still, the administration has made no supplemental appropriation request.

In addition to my legislation, numerous national groups have gone on record urging such action. On January 18, 1971, the National Association of Home Builders adopted a resolution providing:

> Now, therefore, be it resolved, that NAHB urge there be appropriated as soon as possible all funds authorized for fiscal year 1971 under the Housing Act of 1970 for Sections 235 and 236 . . .

And in testimony on March 3, 1971, before the Subcommittee on Housing and Urban Affairs of the Senate Committee on Banking, Housing and Urban Affairs, John A. Stastny, president of NAHB stated:

> Making available during this fiscal year the $25 million that was authorized for each of these programs (Section 235 and Section 236) would certainly help. It could result in total new starts in excess of 60,000 units.

Appearing before the same subcommittee on behalf of the National League of Cities and the U.S. Conference of Mayors on March 3, Mayor Lee Alexander of Syracuse, N.Y., and Mayor Thomas J. D'Alesandro of Baltimore, Md., stated:

> We call upon this Administration to make full use of the funds that are available for these important housing programs and to seek a supplemental appropriation for Section 235 and 236 for the balance of this fiscal year.

The National Association of Housing and Redevelopment Officials was also represented before the same Senate subcommittee on March 3, and its statement said:

> This committee is aware of the success of these programs, of their future potential, and of their popularity. The present backlog in applications—approximately 250,000 units in 236 and 100,000 units in 235—is evidence of need and popularity. A supplemental appropriation would fund up to 50,000 of the units in this backlog . . .

Now why is section 236 so important? The answer is provided in an article by Alan S. Oser which appeared in the March 14, 1971, issue of the New York Times.

> Government must now underwrite virtually all new apartment construction in the city. Only in this way can rents be achieved that even upper middle-income people can afford. To bring rents down to middle-income range, Federal mortgage interest subsidies (e.g., Section 236 subsidies) are required.

This is the case for New York City. And many urban areas across the country have already arrived at, or are fast coming to, the same point New York has already reached. There exists a situation which Joseph Kahn, in an article in the March 22, 1971, edition of the New York Post, entitled "The State of the City: Housing," termed "dismal," adding that it is perhaps worse than most experts care to admit.

So, given the fact that section 236 is so crucial to our urban areas—and given the fact also that it is particularly usable in New York by virtue of my amendments adopted in the 1968 and 1970 Housing Acts making Mitchell-Lamas eligible for section 236 subsidies—the next step is to conclude that we must have the money for the program. The need for these funds is enormous. A memorandum prepared for me by the Housing and Development Administration of New York City reports:

> A total of $75.8 million in Section 236 subsidies is required for City assisted and State Urban Development Corporation projects within New York City. This total includes funds for projects in construction prior to July, 1970, those already begun or scheduled to start in fiscal year 1971, and projects slated for development in fiscal year 1972. Of the required funds, only $18.6 million has been committed to date.

Of course, even if the supplemental appropriation of $25 million for fiscal year 1971 were obtained, New York City would receive only a portion of it, since the need exists across the Nation. But, even that portion is tremendously important as are the amounts other States and cities would receive. The name of the game, to use perhaps a crass expression, is money. The administration knows what the game is, but it has not joined in. This simply cannot continue. That money is essential. After all, the defeat of the SST saved $134 million. Why is that saving not being translated into dollars for housing programs? There is no reasonable answer to that.

At this point, I am including the text of the January 18, 1971, resolution of the National Association of Home Builders; the March 14, 1971 article by Alan S. Oser, entitled "Public Sector Failing To Close Housing Gap," which appeared in the New York Times; the response to Mr. Oser's article of S. William Green, Regional Administrator, HUD, printed in the March 28, 1971, edition of the New York Times; the March 22, 1971, article by Joseph Kahn, entitled "The State of the City: Housing," which appeared in the New York Post; and the memorandum prepared by the New York City Housing and Development Administration detailing New York City's needs for section 236 funds.

The material referred to follows:

NAHB RESOLUTION—HOUSING FOR LOW INCOME FAMILIES COMMITTEE—FUNDING

Whereas, meeting the nation's housing goals for low-and-moderate-income families requires higher levels of production than possible under the present authorizations and appropriations, and

Whereas, the production of such low-and-moderate-income housing requires long lead time for planning and processing, and

Whereas, there presently exists in most FHA offices a substantial number of applications which cannot be acted on because of the lack of available funding,

Now, therefore, be it resolved, that NAHB urge there be appropriated as soon as possible all funds authorized for fiscal year 1971 under the Housing Act of 1970 for Sections 235 and 236, and

Be it further resolved, that as speedily as possible there be authorizations and appropriations for an additional $50 million for each of Section 235 and 236 for fiscal year 1971, and

Be it further resolved, that there be authorizations and appropriations for an additional $100 million for each of Sections 235 and 236 for fiscal year 1972, and

Be it further resolved, that the President of the United States be petitioned to instruct the Office of Management and Budget, upon such appropriations, to release these funds for their immediate use in these programs.

[From the New York Post, Mar. 22, 1971]

THE STATE OF THE CITY

(By Joseph Kahn)

Q: What is the city's housing picture?

A: In a word, dismal. Perhaps worse than most experts care to admit.

Q: How bad is it? What are the facts?

A: Abandonment of once healthy apartment houses has reached epidemic proportions, accelerating to about 1000 living units a week. Sound structures by the thousands have caught the disease and are rapidly going over the hill.

Code enforcement and landlord responsibility are words without real meaning. What is done is merely wrist-slapping which in the end is like applying scotch tape to a broken leg. Rehabilitation is a drop in the bucket.

Over a million citizens live in squalor, and in 1970 only 2240 units were rehabilitated with the help of public funds. And, while old housing is gasping, private builders, frustrated by zoning restrictions, a tough rent control law, higher taxes and mortgage rates and spiraling labor and maintenance costs, are sitting tight, bitterly repeating to the city administrators: "We told you so."

Q: If rehabilitation is only a drop in the bucket now, is there any way it can be turned into a reservoir of good housing?

A: Rehabilitation is only being applied at a snail's pace compared to the speed of deterioration, and it is expensive—perhaps more costly than new housing based on its life span.

This is the way the City Club has it figured: "If it costs $20,000 to own and rehabilitate a 1000-square foot apartment which is good for 10 years, the cost per square foot per year of useful life is $2. If it costs $30,000 to build a new 1000-square foot apartment which is good for 30 years, the cost per square foot of useful life is $1."

The one house-here-and-a-house-there rehabilitation is wasted money. It has been demonstrated that a newly renovated building on a slum block quickly goes downhill since there is no general upgrading and no accompanying social services.

But the city's Municipal Loan Program, despite a shaky foundation and a current investigation into irregularities, has managed to provide low-interest money and tax abatement to hundreds of slum landlords who have been able to save their buildings and supply clean, sound apartments at reasonable rents.

Emergency rehabilitation or emergency repairs can't be given serious consideration because it is basically patchwork, a temporary measure to get tenants over hazardous conditions. If rehabilitation and restoration are to make any kind of a dent in the housing devastation, the program must be a massive one. It must be given a real shot in the arm, perhaps the same kind of expertise and money that went into the moon shot.

Q: Can anything be done to stop abandonment and to get owners to keep their buildings from decaying?

A: The buildings that have been abandoned can only be resurrected by a miracle. The owners will not return, so that leaves the government—and the city doesn't want any part of the private housing business. In fact, the housing it owns now (acquired through tax arrears, etc.) is generally in bad shape and poorly maintained.

Well meaning but unrealistic groups have suggested that the city take over all residential dwellings and rehabilitate them. But they fail to spell out where the money will come from. There is a chance to save a lot of deteriorating housing but, again, great sums are needed plus plenty of motivation and push.

Builders and banks won't invest a dime in declining housing. They want to be guaranteeded a healthy profit, and nobody is ready to underwrite such an agreement. So, as of now, it looks as if the city must come up with such inducements as tax abatement, subsidies, relaxed zoning and controls or sit back and watch more buildings slide down the drain.

Q: What is the city doing about new housing?

A: Not much. Hardly enough to talk about. There is a need for 800,000 units now—and the minimum need is for 40,000 new and rehabilitated units a year to keep abreast of the fading housing stock. Last year, only 3003 public housing units were started, while 135,000 families were on the city's waiting list.

Q: Where is the hitch?

A: Housing Administrator Walsh says: "It is no secret . . . New York's housing problems boil down to one, single, enormous obstacle: money. We don't lack sites, we don't lack authority, we don't lack skill, and we don't lack concern. All we lack is funds, and that lack is desperate."

Q: Why doesn't the city have the money?

A: The easy answer is to say it's broke and the empty till is the result of evergrowing financial demands from everywhere. Specifically, housing funds must come from Washington and they're not coming fast enough or in big enough chunks. Walsh has said the city needs $1 billion a year in federal help and in the peak year of 1968, got only one-tenth the amount.

Q: What about Mitchell-Lama middle income housing?

A: This is probably the best program undertaken by the city and state which give tax abatement and low-interest financing. But trouble is brewing. Many projects can't pay their bills due to rising maintenance and mortgage costs. Construction costs for new projects are way up, pushing rents as high as $100 a room. Only federal subsidies can keep middle-income rents from becoming a myth.

Q: Is it possible to get private builders to build apartments again?

A: Not unless the city provides the right climate—and the price of that climate is high. Recently, a large organization of builders offered to spend $4.5 billion in the next five years—if . . .

Their list of inducements included the establishment of a non-political housing commission which would have super-powers over city agencies, relaxed zoning laws, tax abatements and a subsidized mortgage interest program.

The suggestions are now under consideration by the city's housing officials and their aides. If the city doesn't go along with the major ones, the builders will go elsewhere to build or put their money and talents into less risky pursuits.

Q: Is rent control to blame for the housing mess? Is it here to stay?

A: Some experts say controls have caused the breakdown in building maintenance by limiting the landlord's income while his costs have gone up. Others point to every big city in the nation without rent control and where the same problems of abandonment and deterioration exist.

Urbanologist Dr. George Sternlieb of Rutgers University says there will be rent control throughout the country in the next three to five years because of the severe shortage of housing which has created a sellers market. Rent control, Steinlieb concludes, has substantially benefited the middle and upper classes who move less frequently than the poor. It also has contributed to the high rate of abandonment.

Rent controls for now are obviously needed here, but they should be administered realistically so that rent levels are automatically adjusted as operating costs rise. If tenants can't afford higher rents, they must be subsidized. So, no matter what the recipe is or how it's whipped together, the one ingredient that can't be left out is money.

Q: How big a problem is relocation?

A: Too big. The cupboard is bare. Housing officials will only admit it off-the-record. The reason for their reticence is the city's uncertain position with the federal Dept. of Housing and Urban Development which requires a "feasible" relocation plan before it will subsidize a project.

HUD, frankly, is not pleased with the city's relocation resources; however, it has assumed the role of a patient parent who doesn't want to admit his son is in trouble for fear he might be blamed, too.

The facts are that over 10,000 families are waiting under miserable conditions to be relocated from urban renewal sites and the city doesn't know where to put them.

Meanwhile, as city officials try desperately to find excuses for the high rents paid for the housing of welfare families in shoddy hotels, tenant and legal groups are readying suits against HUD for continuing its projects without adequate relocation plans. The best estimate now is that it may take years before new housing catches up to the city's relocation needs.

Q: The housing crisis seems insurmountable. Is there any hope?

A: There's always hope, but prayers and good intentions will not build apartments. Any big housing effort must have public support—and, of course, it will need money, plenty of it.

Gov. Rockefeller has proposed a $4-billion bond issue which would include a substantial amount for the rehabilitation of the slums. Housing bond issues over the last 10 years have been repeatedly defeated at the polls.

This time, however, the Governor has attempted to make the referendum more attractive by including aid to industry and private developers and rural and suburban sewage facilities.

The Lindsay administration has sent a far-reaching legislative package to Albany which includes the establishment of a housing finance agency that would provide funds through bond sales to save existing housing and build more middle income apartments.

According to legislative observers, some of the proposals have little chance of passage because they involve too much money and the state is broke.

Another optimistic note is sounded by the backers of revenue-sharing which would give states a larger slice of federal money, some of it for housing. But even if all of the short-term and long-term propositions were realized, there would still be a need for a massive public works construction program which would produce at least 500,000 units a year. Workers could be recruited from the slums who would be trained and eventually admitted into the unions. In this way not only would housing be built but rising unemployment figures would be reversed.

[From the New York Times, Mar. 14, 1971]

Public Sector Failing To Close Housing Gap

(By Alan S. Oser)

The collapse of the private sector as a producer of housing in the city has left the public sector with the unaccustomed burden and challenge of providing the bulk of the city's housing needs. It is proving far from equal to that task.

Government must now underwrite virtually all new apartment construction in the city. Only in this way can rents be achieved that even upper middle-income people can afford. To bring rents down to middle-income range, Federal mortgage interest subsidies are required.

This means that if the housing shortage is to be overcome through the public sector's performance, there must be an acceleration of subsidies far beyond present levels or expectations, and a level of performance by the public sector far beyond anything previously achieved.

According to one informed estimate, mortgage interest subsidies totaling $60-million a year would be needed to build 35,000 units a year of publicly aided middle-income housing. This is almost half the total national appropriation of these so called Section 236 funds, which cut mortgage costs to 1 per cent.

Even in its most productive years, publicly aided housing has not yet demonstrated a capacity to produce more than 10,000 to 15,000 units a year. Since the city is said to need at least 35,000 new units each year to maintain housing quality, provide for new family formations and afford housing mobility—some say 50,000 is more realistic because of the high rate of housing losses—there are great doubts about meeting housing goals.

One of the likely costs to the city is a continued exodus of business and jobs. One of the prime motivations for corporate moves is the absence of housing in and near the city for executive-level employes. This also has the effect of discouraging business from expanding in the city despite other advantages.

Meanwhile, housing authorities foresee little likelihood of a significant comeback in the private sector soon. That would require a major reduction in mortgage interest costs.

More than that, it would require a slowdown in the steep rise in construction costs and a reversal of municipal constraints on zoning, relocation and construction standards.

If all this came about, there is still a question whether investors would consider private housing a safe investment. Because of concern that rents on new housing may some day he placed under control, investors are not likely to come to that conclusion.

In this situation, government-assisted housing has taken on a new importance for higher and higher income levels. Such housing is normally built nowadays under the state Mitchell-Lama Act. The act enables limited-profit private sponsors—usually unions, churches or community groups—to get low-interest mortgage loans through the city or state. The source of the funds is the tax-exempt bonds sold by the state Housing Finance Agency. More recently the state's Urban Development Corporation also has been given bonding authority to build housing.

Numbers tell the story of the housing calamity of recent years.

In 1970, the private sector produced only 2,796 units—individual apartments—of non-subsidized, fully taxpaying housing, figures developed by the city's Housing and Development Administration show.

That is the lowest total for so-called "luxury" housing for any year since 1946.

Also in 1970, the city was losing about 27,000 units through demolition, conversions to nonhousing uses and abandonments.

That 27,000 figure is greater than all the units—21,300—produced in the city by the public and private sectors combined. Thus in 1970 there was an apparent net loss of 5,700 housing units—the fourth year in a row in which a net loss occurred. Previously, each year had recorded a net gain.

While the private sector can no longer produce housing at realistic costs and rents, the public sector has so far proved incapable of taking up the slack.

Numbers also tell that story.

The total of publicly assisted housing units built in 1970 was 8,864. Of that total 5,800 units were in the state-aided Co-op City development in the Bronx. The total of city-aided units was a mere 900.

Only three times in the postwar period has publicly aided production exceeded 10,000 units in any year. In his first mayoral campaign, Mayor Lindsay set a goal of 40,000 units a year of public and publicly aided housing. That goal was set at a time when housing losses—through demolition, conversion to nonhousing uses and owner abandonments—were running far below the current rate.

Despite the relatively weak performance of the public sector when measured against total need, the trust of municipal policy is toward accelerating it as the only way to provide housing that most people can afford.

News releases emanating from the Housing and Development Administration routinely adopt a cheerful note. For example, on March 3 the agency submitted plans to the City Planning Commission for two housing developments—Lavanburg Community in the Bronx, with 903 units, and Ocean-View apartments in Queens, with 147 units.

"With these developments, totaling over a thousand units, we are hopefully off to another good year in housing production," the announcement said.

Rents in Lavanburg Community would average $70.32 per room a month based on a 7 per cent mortgage, with the city providing 95 per cent of the mortgage money (or $36,478,000, whichever is less). An application has been filed for a Federal mortgage interest subsidy. This would cut the average rent per room to $33.04 a month.

In figures on housing starts rather than completions, the H.D.A. is currently reporting an improvement in the public sector. These figures show that the total of public and publicly assisted apartments started in 1970 was 24,420 compared with 8,865 the year before. This includes 3,303 rehabilitations.

These figures, broken down, show a major jump in starts on city-aided Mitchell-Lamas. Completion usually takes two to three years.

An insight into how seriously the shortage of Section 236 funds affects the city's capacity to build publicly aided housing comes from the following city estimate; to build the 12,000 units the city projects as starts in the next fiscal year would require about $28-million in Section 236 funds. This is based on 6 per cent of a total development cost of $480-million, or $40,000 a unit.

In the current fiscal year the city's entire share of Section 236 funds was $2.1-million.

Mitchell-Lama projects built without Section 236 funds generally must charge rents of $75 to $80 a room per month under present costs. But there are few sites in a "ready to go" condition that can command such rents. At a per-room cost of $76.50 a month, a typical two-bedroom apartment built under the state-assisted program would rent for about $344 a month.

By contrast, the 1970 housing census has shown that under 10 per cent of the renters in the city pay more than $200 a month for their apartments. This indicates that the rental cost of a new "middle-income" apartment is far higher than what the average New Yorker is currently paying for housing.

The overriding factor affecting the cost of new housing is the mortgage interest rate at which money must be borrowed to produce the buildings. In a state Mitchell-Lama project, every one percentage point change in mortgage interest rates means a change in rents of about $7 a month per room. That means that the rent in a typical two-bedroom apartment would drop $32 a month every time mortgage rates drop by one percentage point.

The current high level of Mitchell-Lama rents also has the effect of pushing up the maximum allowable income of a "middle-income" tenant. Under the law, a family of three or fewer can qualify for Mitchell-Lama housing if its annual income is less than six times the annual rent. A family of four or more can qualify if its income is less than seven times the annual rent.

The city's interest in trying to achieve other social and planning goals often conflicts with the economic imperatives of housing.

There is no shortage of investment money for projects on choicer sites, since Federal tax laws were changed to encourage investment in housing. Private investors stand ready to produce the 5 per cent to 10 per cent of equity needed to generate Mitchell-Lama housing.

But a great many of the available sites are in older neighborhoods of the South Bronx and central Brooklyn that cannot generate the rents needed to build housing without the Federal mortgage-interest subsidy. These are the very neighborhoods that the city is hoping to strengthen socially and economically through housing.

Municipal officials also look with disfavor on massive new developments such as the state Division of Housing and Community Renewal is proposing for Floyd Bennett Field in outer Brooklyn. This might produce 40,000 units.

The city contends that a diversion of Federal subsidy money to this project would undercut several other projects. "It is essential that every dollar not only produce the maximum amount of housing but also have the greatest impact on improving existing neighborhoods," a memorandum prepared in the Department of City Planning contended.

Moreover, the city maintains that a community for 180,000 people in Floyd Bennett Field would not be self-contained or self-supporting, as the state believes, but would instead require major capital budget and expense budget expenditures.

Similarly, in Battery Park City, a choice site off the western shore of Lower Manhattan, informed officials believe that the one-third, one-third, one-third housing mix of income groups finally approved by the Board of Estimate has thrown into doubt whether that major housing program can be launched. Mayor Lindsay's original proposal was to make Battery Park City housing fully tax-paying, but political opposition based on the desirability of mixing income groups ultimately prevailed.

Other problems also emerge to retard the pace of publicly aided housing. Sponsoring groups are frequently community organizations with no money and little know-how, but definite ideas that are often less than practical.

"They often say, 'I want what I want when I want it, and I want it our way,'" remarked Edward R. Levy, a former state housing official who recently became first deputy commissioner in the H.D.A. This attitude has delayed processing.

The trend in recent years toward localism—with community planning boards, borough offices of the City Planning Commission and various local groups increasingly exercising a wider sway in the planning process—has also delayed processing.

It has been estimated that from the day a site is assigned to the day it goes into construction in the city there is an average lapse of three to four years.

The Urban Development Corporation is empowered to bypass these channels, and it already has 4,000 units under way in the city. It has reduced the time lag from site assignment to construction date to a year and a half, and is aiming to cut it still further to one year. But it too is hampered by the lack of Federal subsidy money.

"We have the capacity to process 10,000 to 15,000 units a year if we had the money," Frank S. Kristof, the agency's chief housing economist, said.

HOUSING COMPLETIONS

Year	Private sector		Publicly assisted sector						
	Apartment units	1 percent 2-family houses	Public housing	City-aided Mitchell-Lama	State-aided Mitchell-Lama [1]	Other programs	Total new units	Conversions [2]	Total additions
1946	1,278	3,306	16	0	0	0	4,600	5,400	10,000
1947	5,899	7,048	1,753	0	0	2,000	16,700	14,000	30,700
1948	7,624	6,451	7,125	0	0	3,000	24,200	3,600	27,800
1949	13,274	8,787	6,739	0	0	5,000	33,800	4,300	38,100
1950	8,412	9,771	4,417	0	0	1,800	34,400	4,800	39,200
1951	30,712	8,039	8,749	0	0	1,500	49,000	4,100	53,100
1952	22,755	7,564	7,381	0	0	0	37,700	5,000	42,700
1953	11,875	7,003	5,522	0	0	1,100	25,500	6,000	31,500
1954	7,221	5,413	8,866	0	0	800	22,300	7,700	30,000
1955	13,655	6,446	6,199	0	0	1,100	27,400	6,500	33,900
1956	15,139	6,969	5,392	0	0	1,700	29,200	6,700	35,900
1957	12,107	7,143	7,350	0	0	900	27,500	6,000	33,500
1958	16,824	6,820	5,456	0	965	3,200	33,265	4,900	38,165
1959	22,052	7,267	4,921	800	160	2,600	37,800	4,700	42,500
1960	20,238	7,354	2,761	500	547	3,900	35,200	5,000	40,200
1961	17,708	6,358	7,625	700	209	2,500	35,100	5,300	40,400
1962	24,610	7,443	6,340	5,500	207	3,200	47,300	6,300	53,600
1963	42,158	6,591	4,359	3,500	3,392	0	60,000	5,200	65,200
1964	20,900	5,835	10,344	5,200	8,021	1,600	51,900	3,700	55,600
1965	21,671	5,848	8,582	2,400	8,799	2,200	49,500	3,600	53,100
1966	21,933	4,887	2,018	800	1,462	900	32,000	3,500	35,500
1967	3,212	3,967	3,038	9,600	1,883	1,200	22,900	2,900	25,800
1968	4,110	4,444	3,633	2,600	1,413	1,500	17,700	2,854	21,544
1969	7,502	4,149	3,377	500	3,072	1,500	20,100	2,322	22,422
1970	2,796	5,940	1,700	900	6,964	1,000	19,300	[3] 2,000	21,300

[1] Figures for 1968 include 100 Co-op City; for 1969, 2,600 Co-op City; for 1970, 5,800 Co-op City. None of these units have permanent certificates of occupancy. Other completions figures are based on permanent certificates of occupancy.

[2] Single unit converted to 2 units, counted as 1 conversion.

[3] Assumed figure; actual figure not available.

Source: The New York Times, with the Housing and Development Administration.

HOUSING LOSSES

Year	Demolitions	Mergers [1]	Abandoned [2]	Total [3]
1946	12,700	11,200	[4] 5,000	[5] 23,900
1947	4,200	2,400		6,600
1948	4,300	1,100		5,440
1949	3,300	1,200		4,500
1950	5,900	1,400		7,400
1951	4,400	1,700		6,100
1952	4,400	1,400		5,800
1953	10,100	1,800		11,900
1954	10,200	2,500		12,800
1955	13,800	2,100		16,000
1956	17,100	1,400		18,500
1957	13,000	1,300		14,200
1958	10,600	1,200		11,800
1959	18,100	1,100		19,100
1960	20,200	1,000	1,000	22,200
1961	16,100	1,300	2,000	19,400
1962	10,400	1,200	2,000	13,600
1963	12,500	1,300	4,000	17,800
1964	7,200	1,200	8,000	14,400
1965	5,000	1,200	12,000	16,200
1966	6,900	1,500	18,000	23,500
1967	6,000	1,200	20,000	27,200
1968	12,083	1,815	20,000	33,898
1969	13,176	1,801	18,000	29,977
1970	10,830	1,341	[6] 18,000	27,171

Footnotes at end of table.

[1] Units converted to nonhousing uses.

[2] Apartments in totally vacant buildings abandoned by owners but still standing. Estimate of 105,000 abandoned apartments from 1960 through 1969 derived by Dr. Frank S. Kristof of the Urban Development Corporation from 1960 and 1970 census figures and city records, and distributed through decade. Of the total, 20,000 appear in table as demolitions also. Subtracting these and adding 5,000 abandoned apartments in old buildings in inventory since World War II leaves estimated 90,000 apartments in wholly vacant, still standing abandoned buildings. The count excludes cleared buildings awaiting demolition on sites designated for future construction. In addition, there are undetermined number of owner-abandoned buildings still partially occupied, which appear in no figures. Figure of 18,000 for 1970 is assumed.

[3] Unincluded in charted figures is estimated loss of 56,000 rooming houses through demolitions in last decade.

[4] Fixed figure carried steadily in inventory since World War II.

[5] Statistical correction for earlier years.

[6] Assumed figure; actual figure not available.

[From the New York Times, Mar. 28, 1971]

To THE EDITOR:

The news article "Public Sector Failing to Close Housing Gap" [March 14] seriously understates the availability of Federal housing help to New York City under the Section 236 interest subsidy program. The article states: "In the current fiscal year the city's entire share of Section 236 funds was $2.1-million."

In fact, this $2.1-million is only the amount of money allotted to the city's Mitchell-Lama program. In addition, approximately $12-million has been allocated statewide to projects of the state Mitchell-Lama and Urban Development Corporation, and a like-amount to projects insured by the Federal Housing Administration. A majority of these funds will undoubtedly be committed to New York City.

Thus the total amount of Section 236 money available to New York City will be many times what the article suggests.

The report also contained a miscalculation of the amount of Section 236 [mortgage reduction] funds required to sustain a $480-million construction program. Quoting city officials, it calculates the amount at 6 percent of total development cost, or about $28-million, apparently based on reducing a 7 per cent interest rate to 1 per cent on the total development cost.

However, the amount of Section 236 annual subsidy commitment is calculated on the average mortgage balance outstanding over the life of the mortgage. Because the mortgage is amortized, a 40-year, 7 per cent mortgage would require a Section 236 subsidy of approximately 4.9 per cent of the initial mortgage, rather than 6 per cent. Thus a $480-million construction program—even assuming 100 per cent mortgage—would require $23,352,000 in Section 236 money, not $28-million.

The possibility of an additional reduction in the interest rate cannot be discounted. Such a lower interest rate would reduce still further the amount of Section 236 funds required to sustain a $480-million construction program.

S. WILLIAM GREEN,
Regional Administrator U.S. Department of Housing and Urban Development.
MARCH 15, 1971.

NEW YORK CITY HOUSING AND
DEVELOPMENT ADMINISTRATION,
March 18, 1971.

SECTION 236 INTEREST SUBSIDY REQUIREMENTS IN NEW YORK CITY

A total of $75.8 million in Section 236 subsidies is required for City assisted and State Urban Development Corporation projects within New York City. This total includes funds for projects in construction prior to July 1970, those already begun or scheduled to start in fiscal year 1971, and projects slated for development in fiscal year 1972. Of the required funds, only $18.6 million has been committed to date. The table below indicates New York City's Section 236 requirements by fiscal year, the amounts committed to date, and additional funds not yet committed.

TOTAL FHA SECTION 236 INTEREST SUBSIDY REQUIREMENTS, NEW YORK CITY PUBLICLY ASSISTED HOUSING

[Dollars in thousands]

	No. of projects	No. of dwelling units	236 Subsidy		
			Total required	Committed to date	Not yet committed
In construction prior to July 1970	81	6,665	$8,694	$4,403	$4,291
Fiscal 1971	155	18,326	29,163	13,981	15,182
Fiscal 1972	200	23,694	37,939	261	37,678
Calendar 1971	228	23,684	37,220	4,699	32,521

Of the $57.2 million in Sec. 236 funds for New York City not yet committed $19.5 million is required in this fiscal year for projects already under construction or which will begin prior to July 1, 1971.

A supplemental appropriation of the additional $25 million for Sec. 236 authorized in the Housing and Urban Development Act of 1970 for fiscal year 1971 is essential not only to meet New York City's need of $19.5 million but also to provide essential Sec. 236 funds in other areas. According to the National Association of Housing and Redevelopment Officials there is a nationwide backlog of applications for Sec. 236 funds for 250,000 units.

For fiscal year 1972, New York City alone will require $37.9 million in Sec. 236 funds. Appropriation of the full $200 million authorized in the 1970 Housing Act is a minimum to meet fiscal year 1972 Sec. 236 funding requirements in New York and other cities.

The need for additional Sec. 236 funds in New York City is acute, not only in regard to FHA insured projects, but also to reduce rents and carrying charges in the City's Mitchell-Lama program. Current Mitchell-Lama projects are coming in at an average monthly rental of $327.32 for a two bedroom apartment. Section 236 subsidies, however, can reduce debt service by 65% thus reducing the above rental figure by $148 a month; which results in a monthly rental figure for the same apartment of $179. Only with Sec. 236 subsidies can rentals and carrying charges in new Mitchell-Lama projects be brought within the means of moderate and middle income families.

Of the additional $19.5 million in Sec. 236 funds required in New York City for this fiscal year, $10.3 million is needed to subsidize 5,395 Mitchell-Lama units already under construction or which will be started by June 30, 1971. For fiscal year 1972, $20.3 million of the $37.9 million in Sec. 236 funds which New York City will require, will assist in reducing rents and carrying charges in 10,285 City Mitchell-Lama units scheduled to start during that period.

MARTIN LUTHER KING: HE SHOULD BE HONORED IN THE CAPITOL

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, yesterday, April 4, 1971, was the third anniversary of the assassination of this country's most revered civil rights leader, the Reverend Martin Luther King, Jr. He served his country in his efforts to establish equality for all Americans. He made the public recognize the injustices which oppressed and humiliated many Americans. His life was committed to nonviolence in social change, and his leadership provided the impetus for the Voting Rights Act of 1965, and the Civil Rights Acts of 1964 and 1968. His social achievements, won him the Nobel Peace Prize in 1964. I happened to be near Atlanta, Ga., on January 15, 1971, the most recent anniversary of his birth. And I noticed the following eloquent testimonial to Martin Luther King on the editorial page of that day's edition of the Atlanta Constitution:

PILOT TO THE FUTURE

Few are the men in any century who may be said to have put history on a new course. Those who do so live either in fame or infamy. These pilots toward the future may be rulers or generals or other men of action; they may be men of science or ideas; or they may be men who simply have a dream.

Martin Luther King Jr. was a man who might have lived out a worthwhile but obscure life as a minister in Alabama. But he had a dream and one day man and events met. The history of this country began to change. The American dream was broadened and enriched by Martin Luther King's dream.

The change in our nation's racial attitudes, still progressing, was no doubt inevitable—but this does not alter the fact that one man's powerful personality and dedicated action hurried America on to something better. He gave his life for that dream and it is right that today we honor his memory.

It is Martin Luther King's dream and dedication to help America that should be honored, for that dream and that dedication serve to inspire others. Martin Luther King was a man of great leadership ability. His courage carried on unrelentingly, through jailings, rock throwing, and violence directed against him. But through it all he stood up for his ideals.

It is for these reasons that I have again introduced a resolution—House Resolution 100—to commission and place a statue or bust of Martin Luther King in a suitable place in the Capitol Building of the United States, and I shall very shortly circulate an invitation to other Members of the House to join me in support of this measure. Though there have been many great black Americans, none has ever been honored by a statue, bust, or portrait in our Capitol. I think that Martin Luther King should be accorded this honor. His life was a testimonial to freedom for all Americans and we should create our own memorial to his dream and his achievements.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STEELE (at the request of Mr. GERALD R. FORD) through April 23 on account of official business as a member of the House Committee on Foreign Affairs.

Mr. MATSUNAGA (at the request of Mr. O'NEILL) for today through April 7 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCCOLLISTER) and to revise and extend their remarks and include extraneous matter:)

Mr. KEMP for 15 minutes on April 6.

Mr. HOGAN for 15 minutes today.

Mr. HOGAN for 10 minutes on April 6.

(The following Members (at the request of Mr. JAMES V. STANTON) and to revise and extend their remarks and include therein extraneous matter:)

Mr. FLOOD, for 30 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DONOHUE, to revise and extend his remarks on the two bills passed today on the Consent Calendar.

Mr. HALL (and other Members, at the

request of Mr. Hall) to revise and extend their remarks made today during colloquy on Consent Calendar bills.

Mr. Kuykendall, and to include extraneous matter.

(The following Members (at the request of Mr. McCollister) and to include extraneous matter:)

Mr. Springer.
Mr. Gude.
Mr. Harvey.
Mr. Steiger of Wisconsin.
Mr. Archer in five instances.
Mr. Johnson of Pennsylvania.
Mr. Hosmer in three instances.
Mr. Broyhill of Virginia in two instances.
Mr. Whitehurst.
Mr. Carter in two instances.
Mr. Schwengel in two instances.
Mr. O'Konski.
Mr. J. William Stanton.
Mr. Schmitz in two instances.

(The following Members (at the request of Mr. James V. Stanton) and to include extraneous matter:)

Mr. Hébert.
Mr. Gibbons in five instances.
Mr. Sarbanes in five instances.
Mr. Evans of Colorado.
Mr. Mitchell.
Mr. Scheuer in three instances.
Mr. Hagan in two instances.
Mr. Pucinski in six instances.
Mr. Rarick in three instances.
Mr. Gonzalez in two instances.
Mrs. Sullivan in two instances.
Mr. Bingham in four instances.
Mr. Evins of Tennessee in two instances.
Mr. Ryan in two instances.
Mr. Hungate in two instances.
Mrs. Chisholm.
Mr. Slack in two instances.
Mr. Roncalio in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 31. An act to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 789. An act to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

ADJOURNMENT

Mr. JAMES V. STANTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 47 minutes p.m.) the House adjourned until tomorrow, Tuesday, April 6, 1971 at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

518. A letter from the president, Girl Scouts of the United States of America, transmitting the 21st annual report of the Girl Scouts, covering the fiscal year ended September 30, 1970, pursuant to section 7 of the act of March 16, 1950, as amended (H. Doc. No. 92–79); to the Committee on the District of Columbia and ordered to be printed with illustrations.

519. A letter from the Secretary of Health, Education, and Welfare transmitting the reports of the 1971 Advisory Council on Social Security, pursuant to section 706 of the Social Security Act (H. Doc. No. 92–80); to the Committee on Ways and Means and ordered to be printed with illustrations.

520. A letter from the Under Secretary of Agriculture transmitting a draft of proposed legislation to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain; to the Committee on Agriculture.

521. A letter from the Deputy Assistant Secretary of Defense (Manpower and Reserve Affairs) transmitting a report on the adequacy of pay and allowances of the uniformed services, pursuant to 37 U.S.C. 1008 (a); to the Committee on Armed Services.

522. A letter from the Secretary of Health, Education, and Welfare transmitting the first annual report of Gallaudet College on the establishment and operation of the Model Secondary School for the Deaf, for the year ended June 30, 1970, pursuant to section 4(c) of Public Law 89–694; to the Committee on Education and Labor.

523. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report on the amount of Export-Import Bank loans, insurance, and guarantees, issued in January and February, 1971, in connection with U.S. exports to Yugoslavia pursuant to the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

524. A letter from the Secretary of State transmitting the 18th report of the Department of State on its activities under the Federal Property and Administrative Services Act of 1949, covering calendar year 1970, pursuant to section 404(d) of the act; to the Committee on Government Operations.

525. A letter from the Secretary of the Interior transmitting a report on the activities of, expenditures by, and donations to the Charles R. Robertson Lignite Research Laboratory of the Bureau of Mines at Grand Forks, N. Dak., for calendar year 1970, pursuant to 62 Stat. 85; to the Committee on Interior and Insular Affairs.

526. A letter from the Secretary of the Interior transmitting a copy of a proposed amendment to a concession contract for the operation of the Lake Mead Marina and related facilities and services for the public within Lake Mead National Recreation Area, Nev., for the year ending December 31, 1971, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

527. A letter from the Assistant Secretary of the Interior transmitting a draft of proposed legislation to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

528. A letter from the regional solicitor, Tulsa, region, U.S. Department of the Interior, transmitting a copy of a decision on appeal in the matter of the heirship determination of Louis Joncas, deceased halfbreed Kaw allottee, pursuant to 82 Stat. 1420; to the Committee on Interior and Insular Affairs.

529. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judicairy.

530. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend title 28, United States Code, to transfer Charlotte and Lee Counties from the middle to the southern district of Florida and Highlands County from the southern to the middle district of Florida; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

531. A letter from the Comptroller General of the United States transmitting a report on serious problems in accounting for military leave, Department of the Army; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Alabama:

H.R. 7171. A bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in providing an urban environmental forestry program, and for other purposes; to the Committee on Agriculture.

H.R. 7172. A bill to authorize the appropriation of additional funds for cooperative forest management; to the Committee on Agriculture.

H.R. 7173. A bill to authorize the appropriation of additional funds for cooperative forest fire protection; to the Committee on Agriculture.

By Mr. BARING:

H.R. 7174. A bill to preserve and stabilize the domestic gold mining industry and to increase the domestic production of gold to meet the needs of national defense; to the Committee on Armed Services.

By Mr. BOGGS:

H.R. 7175. A bill to limit, in the case of certain vessels, the application of the duties imposed on equipments and repair parts purchased for, and repairs made to, U.S. vessels in foreign countries; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 7176. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 7177. A bill to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:

H.R. 7178. A bill to provide a private right of action to protect the air, water, and other natural resources of the United States and the public trust therein; to the Committee on the Judiciary.

H.R. 7179. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders; to the Committee on the Judiciary.

By Mr. CLEVELAND:

H.R. 7180. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus supplies and equipment to State and local public recreation agencies; to the Committee on Government Operations.

H.R. 7181. A bill to establish a national cemetery in New England; to the Committee on Veterans' Affairs.

By Mr. DEVINE (for himself and Mr. Betts):

H.R. 7182. A bill to amend the Social Security Act to provide for the establishment of Professional Standards Review Organizations; to the Committee on Ways and Means.

By Mr. DONOHUE:

H.R. 7183. A bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. ESCH:

H.R. 7184. A bill to establish limits on the assignment of a member of the Armed Forces to a combat zone and for other purposes; to the Committee on Armed Services.

By Mr. GARMATZ:

H.R. 7185. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GIBBONS:

H.R. 7186. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mrs. GREEN of Oregon (for herself, Mr. Perkins, Mr. Dent, Mr. Daniels of New Jersey, Mrs. Chisholm, Mr. Badillo, Mr. Dellenback, and Mr. Esch):

H.R. 7187. A bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local, State, and Federal levels of government; to the Committee on Education and Labor.

By Mr. MILLER of California:

H.R. 7188. A bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968; to the Committee on Science and Astronautics.

H.R. 7189. A bill to authorize appropriations to carry out the Standard Reference Data Act; to the Committee on Science and Astronautics.

By Mr. O'KONSKI:

H.R. 7190. A bill to amend section 1331(c) of title 10, United States Code, to authorize the granting of retired pay to persons otherwise qualified who were Reserves before August 16, 1945, and who served on active duty during the so-called Berlin crisis; to the Committee on Armed Services.

H.R. 7191. A bill to declare that certain federally owned land is held by the United States in trust for the Bad River community and to make such lands parts of the reservation involved; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR:

H.R. 7192. A bill to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives; to the Committee on Interior and Insular Affairs.

By Mr. SCHEUER:

H.R. 7193. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

H.R. 7194. A bill to provide for the establishment of an Institute on Retirement Income which shall conduct studies and make recommendations designed to enable retired individuals to enjoy an adequate retirement income; to the Committee on Ways and Means.

H.R. 7195. A bill authorizing payment under medicare for services performed by a household aide; to the Committee on Ways and Means.

H.R. 7196. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board-benefit increase with subsequent cost-of-living increases, to raise the earnings base, to liberalize the retirement test, to increase widows' and widowers' benefits, to improve benefit computation, to increase the lump-sum death payment, to provide benefits for additional disabled children and dependent parents of insured individuals, and to liberalize qualification for disability benefits; to provide medicare benefits for all individuals receiving cash benefits based on disability; to provide benefits for dependent brothers and sisters of retired, disabled, or deceased insured individuals; and to provide a $5,000 income tax exemption for individuals 65 years of age or over; to the Committee on Ways and Means.

By Mr. SHOUP:

H.R. 7197. A bill to amend the Rail Passenger Service Act of 1970 in order to expand the basic rail passenger transportation system to provide service to certain States; to the Committee on Interstate and Foreign Commerce.

By Mr. WAGGONNER:

H.R. 7198. A bill to support the price of manufacturing milk at not less than 85% of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. CHARLES H. WILSON:

H.R. 7199. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

By Mr. WINN:

H.R. 7200. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

H.R. 7201. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. ZWACH:

H.R. 7202. A bill to amend the Agricultural Act of 1949, to require the Secretary of Agriculture to make advance payments to producers under the feed grain program with respect to crops of wheat; to the Committee on Agriculture.

H.R. 7203. A bill to insure that participants in the feed grain program will receive a preliminary payment of 32 cents for corn; to the Committee on Agriculture.

By Mr. HUNGATE (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Anderson of Illinois, Mr. Begich, Mr. Bolling, Mr. Burton, Mr. Clark, Mr. Córdova, Mr. Donohue, Mrs. Dwyer, Mr. Edwards of California, Mr. Frenzel, Mr. Halpern, Mrs. Hansen of Washington, Mr. Harrington, Mr. Kastenmeier, Mr. McCloskey, Mr. McDade, Mr. Matsunaga, Mr. Moss, Mr. Pepper, Mr. Price of Illinois, Mr. Rangel, and Mr. Rees):

H. Con. Res. 258. Resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mr. HUNGATE (for himself, Mr. Rodino, Mr. Roe, Mr. Rosenthal, Mr. Scheuer, Mr. Sikes, Mr. White, Mr. Williams, and Mr. Wolff):

H. Con. Res. 259. Resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mr. BROOMFIELD:

H. Res. 364. Resolution expressing the sense of the House of Representatives relative to the relations between the United States and the People's Republic of China; to the Committee on Foreign Affairs.

By Mr. LINK:

H. Res. 365. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials of the following title were presented and referred as follows:

103. By the SPEAKER: Memorial of the House of Representatives of the State of Hawaii, relative to exempting the State of Hawaii from restrictions concerning the types of food products which may be purchased under the food stamp program; to the Committee on Agriculture.

104. Also, Memorial of the Legislature of the State of South Carolina, relative to the use of excess property at Clark Hill Reservoir, S.C.; to the Committee on Public Works.

105. Also, Memorial of the Legislature of the State of South Carolina, relative to textile imports; to the Committee on Ways and Means.

106. Also, Memorial of the Legislature of the State of Montana, relative to the proposed Federal Family Assistance Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. ABZUG:

H.R. 7204. A bill for the relief of Lenny Y. Alikpala; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 7205. A bill for the relief of Giuseppe Svizzero and Maria Svizzero; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 7206. A bill authorizing the President to award the Medal of Honor to Harry S. Truman; to the Committee on Armed Services.

By Mr. GARMATZ:

H.R. 7207. A bill authorizing the President to award the Medal of Honor to Harry S. Truman; to the Committee on Armed Services.

By. Mrs. SULLIVAN:

H.R. 7208. A bill authorizing the President to award the Medal of Honor to Harry S. Truman; to the Committee on Armed Services.

By Mr. EDMONDSON:

H. Res. 366. Resolution expressing the sense of the House of Representatives of the United States that 1st Lt. William L. Calley, Jr., should receive an immediate full pardon; to the Committee on Armed Services.

By Mr. WAGGONNER:

H. Res. 367. Resolution expressing the sense of the House of Representatives of the United States that 1st Lt. William L. Calley, Jr., should receive an immediate full pardon; to the Committee on Armed Services.

SENATE—*Monday, April 5, 1971*

The Senate met at 10 a.m. and was called to order by Hon. LLOYD M. BENTSEN, a Senator from the State of Texas.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Spirit, amid the pageantry of palms and the panoply of buds and blossoms, we pause to renew our loyalty to Thee, the giver of life and the King of the Universe. Give us grace, wisdom, and strength to serve the people of this Nation, and to help bring to fulfillment the reign of the Prince of Peace.

Prepare our hearts, O God, for the way of the cross and its deeper meaning—that it is by suffering love we are redeemed. Make us to know that it is by dying we live, by giving life we find it again. Lift our vision to the glory of the resurrection and the life that abides all change. Help us so to live and so to serve as to be worthy of eternal life.

In the name of Him who is the resurrection and the life. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 5, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. LLOYD M. BENTSEN, a Senator from the State of Texas, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. BENTSEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON THE OPERATIONS IN 1970 OF THE INTERNATIONAL COFFEE AGREEMENT OF 1968—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. BENTSEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Finance:

To the Congress of the United States:

I transmit herewith my report on the operations in 1970 of the International Coffee Agreement of 1968.

Events during 1970 once again demonstrated the capacity of the Agreement to protect the interests of both its consumer and producer members. The International Coffee Council acted decisively in August to curb a precipitous increase in world coffee prices caused by damage to the Brazilian coffee crop in mid-1969. At the same time the judicious measures adopted by the Council enabled producing countries to maintain their foreign exchange earnings from coffee exports at a level consistent with the objectives of the Agreement.

I am also pleased to inform the Congress that we have reached an agreement with Brazil relating to our trade with that country in soluble coffee, which settles the U.S. complaint against Brazil under Article 44 of the International Coffee Agreement. This agreement improves the competitive conditions of access to Brazilian green coffee by U.S. soluble coffee processors in a manner which safeguards the interests of consumers.

In terms of the bilateral accord, which will be valid as long as the United States continues to implement the International Coffee Agreement, Brazil will make available for sale to American soluble coffee manufacturers an appropriate quantity of green coffee free of Brazilian contribution quota. American firms will qualify to purchase this coffee, which will be of suitable quality, in proportion to their historical production of soluble coffee. The enclosed letter from the Secretary of State provides a more detailed account of the settlement and the negotiations which led up to it.

In the light of the Agreement's benefit to American consumers in 1970, its undoubted value to the developing coffee producing countries, and the resolution of our problem with Brazil, I urge timely Congressional action to extend the necessary implementing legislation until September 30, 1973, when the 1968 International Coffee Agreement terminates. Prompt passage will reaffirm to the Agreement's 41 exporting members the strength of our commitment to their economic development. Expeditious approval will, moreover, remove any uncertainty on the part of our own industry as well as foreign countries concerning the future of international coffee cooperation.

RICHARD NIXON.

THE WHITE HOUSE, *April 1, 1971.*

MESSAGE FROM THE PRESIDENT—APPROVAL OF A JOINT RESOLUTION

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries, announcing that on March 31, 1971, the President had approved and signed the following joint resolution:

S.J. Res. 55. A joint resolution to provide a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, April 1, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF RULE VIII

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the calendar under rule VIII be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

U.S. AIR FORCE

The assistant legislative clerk read the nomination of Maj. Gen. Homer I. Lewis, U.S. Air Force Reserve, to be Chief of the Air Force Reserve.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. SCHWEIKER. Mr. President, at the recent hearings before the Committee on Armed Services, I was privileged to vote along with my colleagues on the committee to recommend the confirmation of the nomination, in the Office of Chief of Reserves in the Department of the Army, of one of my good friends and an outstanding citizen of my State, Brig. Gen. J. Milnor Roberts, Jr.

General Roberts, in a real sense, represents the tradition of the citizen-soldier in the United States; he is a successful man in his profession in civilian life, and he has, at the same time, given extraordinary service to his country in uniform, as a Reserve officer in both war and peace. We in Pennsylvania are proud of his record and we anticipate with confidence his ability and dedication to the challenge which he faces in leading the Nation's Army Reserve, in what may be its most critical hour.

General Roberts, completing his 4 years of ROTC training in 1940 at Lehigh University in Pennsylvania, was called to active duty as a very young officer in World War II. He was assigned to the perhaps most hazardous duty in the Army, that with the glider infantry, commanding a glider infantry company in preparation for the Normandy Beach landing, in which he participated on the first day, subsequently serving with bravery and distinction in the great crusade, which ended in the liberation of the Western European peoples.

Mr. President, I was particularly impressed at yesterday's hearing with the responses of General Roberts to questions presented him by our distinguished chairman and other members of the committee with regard to his own attitude to the military services, and particularly the Reserves, which he will lead. We know that this Nation traditionally has depended upon its citizens to come to the defense of the country in times of crisis, and that if our Nation is to survive in this turbulent world we must continue to rely upon this motivation for service from throughout the national community.

General Roberts fully understands and is dedicated to this principle; he knows that his responsibility of leadership is not a casual one, and that the fate of this Nation may rest upon the citizen-soldier leaders of this Nation, of which he is a representative.

I believe it is important for the Senators to understand the type of man we are placing this great responsibility upon. An article prepared for publication in the Officer magazine, the official publication of the Reserve Officers Association, sheds some light upon his personality and qualifications, and I ask that it be included in my remarks at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW ARMY RESERVE CHIEF, SURVIVOR OF "THE LONGEST DAY" HAS OUTSTANDING RECORD IN COMMAND AND LEADERSHIP ROLE

Maj. Gen. J. Milnor Roberts, Jr., the new Chief of Army Reserve on the Army Staff, went from command of Co. E., of the 88th Glider Infantry Regiment, to the post of Battlefield Aide, to the V Corps Commander on the Omaha Beach on D-Day, 6 June 1944, only to find himself so often exposed to enemy fire in so many different situations that he landed the next morning on the casualty list.

"I encountered an old college friend the next morning who greeted me with, 'My God, I thought you were dead.'

"Funny thing," recalled Gen. Roberts with a not too funny laugh, "It took me a little time to convince him that I was alive and generally speaking all right, and I was concerned as to how far reports of my name being on the KIA list had proceeded. I especially wanted my family back home to know that the report was, indeed, greatly exaggerated."

Roberts was a captain at the time, just four years after receiving his commission from ROTC at Lehigh University, Bethlehem, Pa., and just approaching his 25th birthday. But from the time of that historic Normandy Beachhead landing until the end of the war, he was involved in the roughest action of World War II, as Allied forces plowed across France and Germany, before uniting with the Russian allies and accepting the German surrender, a traumatic 11 months later. Meanwhile, he had become a key member of the V Corps Staff, first as Assistant G–5, Executive Officer of the G–5 Section, and then Assistant G–2, before being released from active duty in December 1945, carrying home with him various military decorations, including the Bronze Star Medal, the Croix de Guerre with Silver Star (French), and Military Cross of 1939 (Czechoslovakian).

Before shipping overseas to an English training base, he served as instructor at the Infantry School at Ft. Benning, and in various instructor and training assignments in the infantry and glider infantry. By coincidence, his glider infantry experience parallels that of then Lt. Col. Strom Thurmond, a much decorated officer of the D-Day landing, who today is the second senior Republican member of the Senate Armed Services Committee, Past National President of ROA, and recent recipient of the ROA Minute Man of the Year award. They first met when they shared a battered jeep on a wild dash up a country road during an advance inland from the Beachhead. Thurmond was then operations officer of the G–5 Section of First Army and Roberts was Executive Officer, G–5 Section, V Corps. They have been personal friends since.

About "The Longest Day", the history making novel by Cornelius Ryan, which was the basis for a fabulous motion picture, the premiere showing of which was sponsored in many places by ROA, Roberts had been a rich source of material because of his activity for his Commander, General Leonard Gerow, in rushing from one point on Omaha Beach to another. One story he recalls, which has never been told, was the delightful one about the messages to the troops from the President of the United States and the invasion forces' surgeon.

President Roosevelt's message was couched in the loftiest inspirational prose, exhorting the men to respond to their sacred challenge to liberate in the name of God and justice the enslaved beloved friends of all Americans. The Surgeon General, in a more practical sense, emphasized the issuance of duplicate essential articles to all soldiers going out to fight and reminding them that the romantic aspects of their liberation efforts should be guarded with care. Gen. Roberts used one of his—in which to wrap his wrist watch, and he recalled later that his watch was the only thing about him dry after he got ashore. "This is the watch I have on my wrist today," he says with some pride.

After World War II, Gen. Roberts continued in the active reserve, serving as S–2, S–3 and Executive Officer, 314th Infantry Regiment; Commanding Officer, 1st Battle Group, 314th Infantry Regiment; Commander, Combat Command Section, 79th Command Headquarters (Divisional); as a Mobilization Designee to the Office, Chief of Information, Department of the Army, and Commander of the 99th ARCOM.

Gen. Roberts was selected and confirmed for two star rank, but gave up his opportunity to become a major general when he accepted an appointment on 1 October 1970, as Deputy Chief of Army Reserve, being the first Army Reserve General Officer to fill this position. As Chief, he regained his two-star rank.

A native of Pittsburgh, Gen. Roberts, in civilian life, was President of Sykes Advertising, Inc., and has been active in various civic, professional and patriotic activities.

He became Commander of the 99th ARCOM in December 1968, and was promoted to Brig. Gen. in May 1968.

In addition to the infantry school and glider operations course, he has completed the command and general staff college associate and combat refresher courses, the National War College Defense Strategy Seminar and the National Security Seminar of the Industrial College of the Armed Forces. He has also attended the Army War College Senior Reserve Component Officers Course.

Gen. Roberts' wife, "Ginger", petite and auburn-haired, has been completing a four year effort to obtain a Master's Degree in Social Work from the University of Pittsburgh, since he has been in the Pentagon. The Roberts, parents of a college-age son, a high school senior, Class of 1971, and two other teenagers, had just completed and warmed up a home they had designed by a leading contemporary architect to meet requirements of this day: an adult section of the house, connected by a second story bridge to a section of the house occupied by their children, underneath of which is a garden patio. The site is on a mountainside overlooking the Allegheny River, and the most scenic part of suburban Pittsburgh.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE AIR FORCE

The assistant legislative clerk proceeded to read sundry nominations in the Air Force, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE NATION'S CONSCIENCE

Mr. MANSFIELD. Mr. President, in the New York Times of March 28, 1971, and the Christian Science Monitor of April 2, 1971, there were published commentaries by Mr. Richard L. Strout and Mr. Neil Sheehan. While I do not endorse all the assumptions, questions, and conclusions raised in either the essay or the column, I do think that Mr. Strout and Mr. Sheehan raise a matter which will be given increasing consideration in the days ahead. Because this will be a question for discussion and consideration, I ask unanimous consent to have the two articles printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 28, 1971]

Should We Have War Crime Trials?

(By Neil Sheehan)

(Note.—Neil Sheehan, who spent three years in Vietnam, is a correspondent in The Times Washington Bureau.)

"The tragic story of Vietnam is not, in truth, a tale of malevolent men bent upon conquest for personal gain or imperial glory. It is the story of an entire generation of leaders (and an entire generation of followers) so conditioned by the tensions of the cold war years that they were unable to perceive in 1965 (and later) that the Communist adversary was no longer a monolith . . . Lyndon Johnson, though disturbingly volatile, was not in his worst moments an evil man in the Hitlerian sense . . . Set against these facts the easy designation of individuals as deliberate or imputed 'war criminals' is shockingly glib, even if one allows for the inexperience of the young."—Townsend Hoopes, the former Under Secretary of the Air Force, January, 1970.

Is the accusation glib? Or is it too unpleasant to think about? Do you have to be Hitlerian to be a war criminal? Or can you qualify as a well-intentioned President of the United States? Even when I saw those signs during the March on the Pentagon in 1967, "Hey, Hey L.B.J. How Many kids did you kill today?" they didn't make me think that Lyndon Johnson, the President of the United States, might be a war criminal. A misguided man perhaps, an egomaniac at worst, but not a war criminal. That would have been just too much. Kids do get killed in war. Besides, I'd never read the laws governing the conduct of war, although I had watched the war for three years in Vietnam and had written about it for five. Apparently, a lot of the men in Saigon and Washington who were directing the war didn't read those laws either, or if they did, they interpreted them rather loosely.

Now a lot of other people are examining our behavior in Vietnam in the light of these laws. Mark Sacharoff, an assistant professor of English at Temple University, has gathered their work together into this bibliography. By this simple act he has significantly widened our consciousness. If you credit as factual only a fraction of the information assembled here about what happened in Vietnam, and if you apply the laws of war to American conduct there, then the leaders of the United States for the past six years at least, including the incumbent President, Richard Milhous Nixon, may well be guilty of war crimes.

There is the stuff of five Dreyfus affairs in that thought. This is what makes the growing literature on alleged war crimes in Vietnam so important. This bibliography represents the beginning of what promises to be a long and painful inquest into what we are doing in Southeast Asia. The more perspective we gain on our behavior, the uglier our conduct appears. At first it had seemed unfortunate and sad; we were caught in the quicksand of Indochina. Then our conduct appeared stupid and brutal, the quagmire was of our own making, the Vietnamese were the victims and we were the executioners. Now we're finding out that we may have taken life, not merely as cruel and stubborn warriors, but as criminals. We are conditioned as a nation to believe that only our enemies commit war crimes. Certainly the enemy in Indochina has perpetrated crimes. The enemy's war crimes, however, will not wash us clean if we too are war criminals.

What are the laws of war? One learns that there is a whole body of such laws, ranging from specific military regulations like the Army's Field Manual 27–10, "The Law of Land Warfare," to the provisions of the Hague and Geneva Conventions, which are United States law by virtue of Senate ratification, to the broad principles laid down by the Nuremberg and Tokyo war crimes tribunals. These laws say that all is not fair in war, that there are limits to what belligerent man may do to mankind. As the Hague Convention of 1907 put it, "The right of belligerents to adopt means of injuring the enemy is not unlimited." In other words, some acts in war are illegal and they aren't all as obviously illegal as the massacre of several hundred Vietnamese villagers at Mylai.

Let's take a look at our conduct in Vietnam through the viewing glass of these laws. The Army Field Manual says that it is illegal to attack hospitals. We routinely bombed and shelled them. The destruction of Vietcong and North Vietnamese Army Hospitals in the South Vietnamese countryside was announced at the daily press briefings, the Five o'Clock Follies, by American military spokesmen in Saigon.

So somebody may have committed a war crime in attacking those hospitals. The Manual also says that a military commander acquires responsibility for war crimes if he knows they are being committed, "or should have knowledge, through reports received by him or through other means," and he fails to take action to stop them. President Johnson kept two wire-service teletypes in his office and he read the newspapers like a bear. There are thus grounds for believing that he may have known his Air Force and artillery were blowing up enemy hospitals. He was the Commander in Chief. Did his knowledge make him a war criminal? The Army Manual says that "every violation of the law of war is a war crime."

Let's proceed to one of the basic tactics the United States used to prosecute the war in South Vietnam—unrestricted air and artillery bombardments of peasant hamlets. Since 1965, a minimum of 150,000 Vietnamese civilians, an average of 68 men, women and children every day for the past six years, have been killed in the south by American military action or by weapons supplied to the Saigon forces by the United States. Another 350,000 Vietnamese civilians have been wounded or permanently maimed. This is a very conservative estimate. It is based on official figures assembled by Senator Edward M. Kennedy's Senate Subcommittee on Refugees and on a study for the Subcommittee by those eminent Government auditors, the General Accounting Office. The real toll may be much higher. This conservative attitude makes the documentation put together by the Senator and his staff aides, Jerry Tinker and Dale S. de Haan, among the most impressive in the bibliography. Many, perhaps the majority, of those half-million civilian casualties were caused by the air and artillery bombardments of peasant hamlets authorized by the American military and civilian leaders in Saigon and Washington.

The United States Government tried and hanged in 1946 a Japanese general, Tomoyuki Yamashita, because he was held responsible for the deaths of more than 25,000 noncombatants killed by his troops in the Philippines.

Can a moral and legal distinction be drawn between those killings in World War II, for which General Yamashita paid with his life, and the civilian deaths ordered or condoned by American leaders during the Vietnam war? Again, if you accept only a portion of the evidence presented in this bibliography, and compare that evidence to the laws of war, the probable answer is, No. And President Nixon has spread this unrestricted bombing through Laos and Cambodia, killing and wounding unknown tens of thousands of civilians in those countries.

Looking back, one realizes that the war-crimes issue was always present. Our vision was so narrowly focused on the unfolding details of the war that we lacked the perspective to see it, or when the problem was held up to us, we paid no heed. This lesson becomes clear in reading the proceedings of the Russell Tribunal now published in "Against the Crime of Silence." The proceedings were widely dismissed in 1967 as a combination of kookery and leftist propaganda. They should not have been. Although the proceedings were one-sided, the perspective was there.

One saw the substance all the time in Vietnam in the bombing and shelling of the peasant hamlets. In November, 1965, I found five fishing hamlets on the coast of Quangngai Province in central Vietnam, not far from Mylai, which had been ravaged over the previous two months by the five-inch guns of United States Navy destroyers and by American and South Vietnamese fighter-bombers. The local Vietnamese officials told me that at least 184 civilians had been killed. After a day of interviewing the survivors among the ruins, I concluded that a reasonable estimate might run as high as 600 dead. American Army officers working in the province told me that the most serious resistance the Vietcong guerrillas in the hamlets had offered was sniper fire. The hamlets and all their inhabitants had been attacked just because the Vietcong were present. I discovered that another 10 hamlets in the province had also been gutted and about 25 others severely damaged, all for like reasons.

Making the peasants pay so dearly for the presence of guerrillas in their hamlets, regardless of whether they sympathized with the Vietcong seemed unnecessarily brutal and politically counter-productive to me, since this Hun-like treatment would alienate them from the Saigon authorities and the American forces. No common-sense military purpose seemed to be served. When I wrote my story describing the agony of the fisher folk, however, it did not occur to me that I had discovered a possible war crime. The thought also does not seem to have occurred to my editors or to most readers of The Times. None of the similar stories that I and other reporters wrote later on provoked any outrage, except among that minority with the field of vision to see what was happening. As Lieutenant Calley told the prosecutor at Fort Benning, "It wasn't any big deal, sir."

Reading through the news dispatches from 1965, 1966 and 1967 that Seymour Melman of Columbia and Richard Falk of Princeton assembled to document accusations of war crimes made by The Clergy and Laymen Concerned About Vietnam, "In the Name of America," is to view those scenes again in this new and disturbing perspective. Frank Harvey, in "Air War—Vietnam," recounts with the power of anecdotal narrative the casual destruction of peasant hamlets in the Mekong Delta by the United States Air Force. Usually the excuse was that a squad or so of guerrillas might be present in the hamlet or the mere location of the hamlet in guerrilla-dominated territory. Harvey is a convincing witness because he concludes with a defense of the war.

You might argue that this destruction, and concomitant loss of civilian life, were not deliberate, that they were among those haphazard horrors of war. The record says otherwise.

As early as the fall of 1965, the American Embassy in Saigon distributed to correspondents a Rand Corporation study on the air and artillery bombardments. The study concluded that the peasants blamed the Vietcong when their hamlets were blasted and their relatives killed; in effect, that shrapnel, white phosphorous and napalm were good political medicine. The study was dismissed by reporters as macabre proof that the Government could always find a think-tank to tell it what it wanted to think.

In the summer of 1966, however, a lengthy secret study of the pacification program was done for the Embassy and military headquarters in Saigon by some of the most experienced Americans in the country. One of the study's recommendations was that this practice of unrestricted bombing and shelling should be carefully re-examined. According to the study there was evidence that the practice was driving hundreds of thousands of refugees into urban slums and squalid camps, causing unnecessary death and suffering, and angering the peasantry. The proposal for a re-examination was vetoed at the highest levels of American authority in Saigon.

By deciding not to reconsider, the American leadership in Saigon was deciding to ordain the practice, to establish a de facto policy. During those earlier years at least, the policy was not acknowledged in writing, as far as I know, but neither can there be any doubt that this was the way things were to be done and that those American military and civilian leaders directing the war knew the grim cost of their decision not to look. Why did they establish the policy? Because devastation had become a fundamental element in their strategy to win the war.

I remember asking one of the most senior American generals in the late summer of 1966 if he was not worried by all the civilian casualties that the bombing and shelling were causing. "Yes, it is a problem," he said, "but it does deprive the enemy of the population, doesn't it?" A survey of refugees commissioned later that year by the Pentagon indicated that 54 per cent of those in Dinhtuong Province in the Mekong Delta were fleeing their hamlets in fear of the bombing and shelling. So this was the game. The firepower that only American technology can muster, the General Motors of death we invented in World War II, was to defeat the Vietnamese Communists by outright military attrition, the body count, and by obliterating their strategic base, the rural population.

If you destroyed the rural society, you destroyed the resources the enemy needed to fight. You deprived him of recruits in the South, of the food and the intelligence the peasantry provide; you reversed Mao Tse-tung's axiom by drying up the sea (the peasantry) in which the guerrillas swam.

All of those directives issued by the American military headquarters in Saigon about taking care to avoid civilian casualties, about protecting the livestock and the homes of the peasantry, were the sort of pharisaic prattle you hear from many American institutions. Whenever you say the institution is not behaving as it says it should, the institution can always point to a directive and say you must be mistaken. (General Electric had directives forbidding price fixing when some of its vice presidents were convicted of price fixing.) No one was fooling himself when he marked off those "free-fire zones,' and ordered those "pre-planned airstrikes'" and that "harassing and interdiction fire" by the artillery. People and their homes were dehumanized into grid coordinates on a targeting map. Those other formalities, like obtaining clearance from the Vietnamese province chief before you bombed a hamlet, were stratagems to avoid responsibility, because he almost never refused permission. (Such legal fictions, by the way, are expressly forbidden by the laws of war.)

Out in the countryside the captains and majors did not disguise the design. One day in a heavily-populated province in the Mekong Delta, a young Army captain swept his hand across the map over a couple of dozen hamlets in guerrilla-dominated territory near the provincial capital and remarked that the peasants were evacuating them and moving in near town. Why? I asked. "Because it's not healthy out there. We're shelling the hell out of them," he said.

By 1967, this policy of unrestricted air and artillery bombardments had been orchestrated with search and destroy operations by ground troops, B–52 strikes, and crop destruction with chemical herbicides into a strategy that was progressively laying waste much of the countryside. (The question of whether herbicides were dumped on the landscape to an extent that may constitute a separate war crime is treated at length in several of the books Mr. Sacharoff lists.) That year Jonathan Schell went to Quangnai to document the creeping destruction of the rural society in a two-part article that first appeared in The New Yorker magazine. It was later published with a title of understated irony, "The Military Half." Schell estimated that by this time about 70 per cent of the 450 hamlets in the province had been destroyed.

Did the military and civilian leaders directing the war from Washington know what was happening in Vietnam? How could they have avoided knowing? The newspapers, magazine articles like Schell's and the reports of the Kennedy Subcommittee indicated the extent of what was being done in their name. The statistics alone are enough to tell the tale; five million refugees, nearly a third of South Vietnam's population of 16 million people, and that conservative estimate of the civilian casualties from what is called "friendly" military action, of at least 150,000 dead and 350,000 wounded or maimed.

These peasant hamlets, one must bear in mind, were not being plowed under because American or South Vietnamese ground troops were attempting to seize them from the enemy in pitched battles. The hamlets were being bombarded in the absence of ground combat.

One might argue that though regrettable, though even immoral, the indiscriminate air and artillery bombardments of civilians in Vietnam were not a war crime. The Allies engaged in terror bombing of Japanese and German cities in World War II. Look at the incendiary raids on Dresden and Tokyo and the nuclear holocausts of Hiroshima and Nagasaki. None of the defendants at the Nuremberg and Tokyo trials were convicted of war crimes involving the bombing of civilian populations, because the prosecutors had done the same thing. By custom, therefore, one might argue, terror bombing is an accepted practice of war. Similarly, in the Korean War, the United States Air Force bombed Korean towns and cities.

But is Vietnam the same kind of war? There is good reason to think that it is not. In World War II opposing industrialized societies were fighting a war of survival. In this context of total war, the cities inevitably became targets to be destroyed. They contained the industries and fueled their opponent's war machine and the workers who manned the factories. The worker was as much a combatant as the uniformed soldier. Korea was also, more or less, a conventional conflict between uniformed armies, although bombing practices there would bear examination in the perspective of history.

In Vietnam, however, the most advanced technological nation in the world intervented in a civil war in a primitive, agricultural country. The Vietnamese Communists possess negligible industry, no air force of any size, and no intercontinental missiles that pose a threat to the survival of the United States. The intervention was, rather, undertaken for reasons of domestic politics and foreign policy, to avoid the repercussions at home of losing a war to Communists and to maintain a position of power and influence for the United States in Southeast Asia.

Moreover, as the literature in Sacharoff's bibliography amply documents, the use of the air weapon underwent a subtle and important change in South Vietnam from the previous two wars. Air power, and artillery as a corollary weapon, were directed by an occupying power, the United States, at the civilian population in the rural areas of the country under occupation. The targets of the bombs and shells were the noncombatants themselves, because it was believed that their existence was important to the enemy. Air power became a distinct weapon of terror to empty the countryside. Samuel P. Huntington, of Harvard, has even coined a marvelously American euphemism for the technique—"forced-draft urbanization and modernization." Some of us prefer a quotation from Tacitus that the late Bernard Fall was fond of citing: "Where they make a desert they call it peace."

One key to understanding this use of airpower in South Vietnam is to compare the unrestricted bombing in the south with the elaborate restrictions that surrounded the air campaign against North Vietnam.

Although the North Vietnamese may not believe it, in the North a conscious effort was made to bomb only military, and what limited industrial targets were available, and to weigh probable civilian casualties against the military advantages to be gained from a particular airstrike. The ultimate objective of the air campaign against the North was, to be sure, political rather than military. It sought to intimidate the North Vietnamese into withdrawing their forces from the South and taking the Vietcong guerrillas along with them. And undoubtedly the restrictions were also designed to escape the unfavorable publicity that would result from severe civilian casualties in the North.

The mere fact that an attempt was made to avoid them throws into sharp understanding the very different motives that lay behind the bombing in the south and the inherent acceptance of great civilian suffering. When Harrison Salisbury, an assistant managing editor of The New York Times, visited North Vietnam in December, 1966, to write his memorable series of articles on the destruction wrought by American air raids there (civilian homes, schools, hospitals and churches had been wrecked because the air campaign had never been the surgical operation Pentagon propaganda portrayed it as being), the most severe example of civilian deaths the North Vietnamese claimed was 89 in the town of Nandinh southeast of Hanoi, from six months of bombings, less than half the official South Vietnamese estimate of the number of civilians killed in the five hamlets I found on the coast of Quangngai Province in 1965.

Did the employment of the air weapon and the artillery in South Vietnam thus exceed the limits sanctioned by the laws of war?

The Untied States Army . . . Field Manual says: "The law of war . . . requires that belligerents refrain from employing any kind or degree of violence which is not actually necessary for military purposes and that they conduct hostilities with regard for the principles of humanity and chivalry." The Manual goes on to explain what is meant by "actually necessary for military purposes," i.e. military necessity. "The prohibitory effect of the law of war is not minimized by 'military necessity' which has been defined as that principle which justifies those measures not forbidden by international law which are indispensable for securing the complete submission of the enemy as soon as possible. Military necessity has been rejected as a defense for acts forbidden by the customary or conventional laws of war inasmuch as the latter have been developed and framed with consideration for the concept of military necessity." In short, if you can demonstrate certain measures are required to defeat the enemy, and those measures are not specifically forbidden by the laws of war, you employ them.

Assuming that the use of air power in South Vietnam was not specifically forbidden by the laws of war, was this means necessary to defeat the enemy? He could have been deprived of the rural population by another, more humane method. This would have involved putting sufficient American ground troops in South Vietnam to occupy most of the countryside and thereby gain control over the rural hamlets. National mobilization and the dispatch of upwards of 600,000 troops to South Vietnam was proposed by the Joint Chiefs of Staff and rejected by President Johnson and his advisers, because this strategy would have meant higher draft calls, wage and price controls, and other measures that would have been unpopular with the American public. So there are grounds for believing that the use of the air weapon in the South was not a military necessity but a political convenience, a substitute for sufficient infantrymen to hold the countryside.

I am not saying that garrisoning South Vietnam with ground troops would have made the war a sensible enterprise. I am suggesting that the war's impact upon the Vietnamese might have been more merciful. The Marines, because of their pre-World-War-II experience with pacification in Central America and the Caribbean, did make an attempt to hold a good many of the hamlets in central Vietnamese provinces where they operated. Life for a Vietnamese farmer within these zones was safer than for his brethren in other regions.

In any case, to address the basic question of legal sanctions, it appears that the employment of air and artillery to terrorize the peasantry and raze the countryside was an act specifically forbidden by the laws of war. The Geneva Convention of 1949 Relative to the Protection of Civilian Persons in Time of War states:

"The High Contracting Parties specifically agree that each of them is prohibited from taking any measure or such a character as to cause the physical suffering or extermination of protected persons [civilians] in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

"No protected person may be punished for an offense he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

"Pillage is prohibited.

"Reprisals against protected persons and their property are prohibited."

The paragraphs seem to be a reasonably fair description of what was inflicted upon much of the South Vietnamese peasantry by the United States.

The Army Field Manual is more specific. "The measure of permissible devastation is found in the strict necessities of war," it says. "Devastation as an end in itself *or as a separate measure of war* [italics added] is not sanctioned by the law of war."

The adoption of devastation as a basic element of strategy also seems to have led American leaders into what may be related war crimes against South Vietnamese civilians. The Geneva Convention of 1949 states that a belligerent power has a duty, in so far as it is able, to care for the victims of war.

"The wounded and the sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect. As far as military considerations allow, each party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment."

The consignment of Vietnamese civilian war wounded to provincial hospitals that were little better than charnel houses has been a national scandal for the United States. The reports of the Kennedy Subcommittee describe the scenes of two wounded to a bed, no sheets or mattresses, no showers, filthy toilets, open sewers and swarms of flies spreading infection. In contrast, the United States military hospitals are models of medical science. Given the wide publicity the deplorable conditions in these Vietnamese civilian hospitals have received over the years, would it be possible for the responsible leaders of the United States to contend that the neglect was not deliberate?

A similar war crime may have been committed against civilians forcibly evacuated from their homes. These persons would appear to fall under the category of internees in the Geneva Convention of 1949. The Convention lays out in great detail the obligation of a belligerent power to provide such persons with adequate food, housing and medical care. Here is an excerpt from a report to the Kennedy Subcommittee by a team from the General Accounting Office which inspected so-called refugee camps in South Vietnam last summer. The excerpt describes a camp in Quangnam Province on the central coast:

"At this location, there were about 2,070 people. We were informed that only 883 were recognized as refugees and that they would receive temporary benefits. We were advised that these people were all Vietcong families and that they were relocated by force in February or March 1970. These people are under heavy guard by the Vietnamese military.

"During our inspection, we observed there were no latrines, no usable wells, no classrooms, and no medical facilities. The shelters were crudely constructed from a variety of waste material, such as empty ammunition boxes and cardboard. We observed that the number of shelters would not adequately house these people . . . The [American] refugee adviser stated that there were no plans to improve the living conditions at this site."

The fact that these persons are being held by the South Vietnamese authorities apparently does not absolve the United States of responsibility under the laws of war. Legally they remain our refugees. As the Army Field Manual explains:

"The restrictions placed upon the authority of a belligerent government cannot be avoided by a system of using a puppet government, central or local, to carry out acts which would be unlawful if performed directly by the occupant. Acts induced or compelled by the occupant are nonetheless its acts." The Saigon regime is not a puppet government, but it is a client regime whose existence is dependent upon the United States. A good argument could be made that because of this client relationship, the United States induces these acts. Telford Taylor, of Columbia, the former chief American prosecutor of Nuremberg, quantifies the neglect of the civilian war wounded and refugees. In "Nuremberg and Vietnam: An American Tragedy," he notes that the United States spent, at the most, a quarter-billion dollars to ease the civilian plight over the three years from 1965 through 1967. You will think this is a lot of money, until he tells you the amount was less than four per cent of the cost of air operations over the same period.

What about a relationship between the use of airpower and artillery in South Vietnam and the garden variety war crimes that many of the books in this bibliography allege—the individual acts of torture and murder of prisoners and civilians by American soldiers, the burning of peasant huts in "Zippo raids," the looting and the rape? Did the conduct of the war as approved at the highest levels create an atmosphere in which the lives of the Vietnamese were so cheapened that they became sub-humans in the eyes of the soldier? If so, did this atmosphere help to incite these individual war crimes, given the traditional racism of Americans towards Asians—the dinks, the gooks, the slopeheads—and the psychological stress upon the soldier of fighting in a country where much of the population is hostile, where women and children do set mines and boobytraps and shoot at you?

The two accounts of the My-lai massacre mentioned in this bibliography, Richard Hammer's "One Morning in the War" and Seymour Hersh's "My Lai 4," as well as the testimony that has emerged at the court martial of Lieutenant Calley, of practices like driving civilians ahead of the troops to detonate mines with their bodies suggest that the general conduct of the war did contribute to these individual atrocities.

The word Lieutenant Calley used to describe the act of slaughtering the 102 men, women and children for whose deaths he is being held responsible evokes this atmosphere in uncanny fashion. He told the prosecutor that he was ordered "to waste the Vietnamese . . . waste, waste them, Sir." Were this just Lieutenant Calley speaking the word would not carry much meaning, but the word is from the argot of the American soldier in Viet-nam. Human beings are "wasted" there, they were "blown away." Soldiers have a unique ability to find words to describe the reality of their wars.

Given such an atmosphere, the massacre at Mylai would be a departure from the norm only in that it consisted of the direct murder by rifle and machine gun fire of several hundred Vietnamese civilians at one time. The soldiers in Lieutenant Calley's platoon, whose moral sense led them to disregard his orders and not participate in the killings, do not appear to have been shocked by the lesser, individual atrocities that occurred prior to Mylai. Looked at coldly, Lieutenant Calley and the soldiers who did join him in the massacre were doing with their rifles what was done every day for reasons of strategy with bombs and artillery shells. There are Calleys in every army. What makes them dangerous is a set of circumstances in which their homicidal abberations can run amok. The laws of war say that it is the responsibility of the highest leadership to do all in its power to prevent such circumstances from occurring.

Both the Army Field Manual and the Nuremberg Principles address this central issue in delineating when a claim of superior orders can constitute a defense against a charge of war crimes. "The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, *provided a moral choice was in fact possible for him"* [italics added], the Nuremberg Principles say. The Army Field Manual is a bit more elaborate. "In considering the question whether a superior order constitutes a valid defense, the court shall take into consideration the fact that obedience to lawful military orders is the duty of every member of the Armed Forces; that the latter cannot be expected, in condition of war discipline, to weigh scrupulously the legal merits of the orders received; that certain rules of warfare may be controversial; or that an act otherwise amounting to a war crime may be done in obedience to orders conceived as a measure of reprisal," the Manual says.

Curiously, Lieutenant Calley's lawyers have claimed that he has a robot-like personality incapable of resisting any orders from his superior, Capt. Ernest Medina, but they have not sought to defend Calley on the grounds that, given the general atmosphere in which the war was being conducted, and his interpretation of his orders that morning in Mylai, he may not have been capable of a moral choice. They may have hesitated to do so because they would have had to put the entire command structure from President Johnson on down in the witness chair. Telford Taylor notes in his book that a court martial at Fort Benning is too limited a forum for such a far-reaching inquiry.

Nevertheless, the question of higher responsibility hangs over Mylai. It hangs over the individual atrocities described in these books, it hangs over the use of airpower and artillery to lay waste the Vietnamese villages, if that, too, constitutes a war crime and the greatest one of all.

Many would contend, as Townsend Hoopes did in an exchange of articles with two reporters for the Village Voice who accused him and his colleagues of being war criminals, that raising the issues of war crimes in Vietnam is absurd and unwarranted in the context of a democracy like the United States. Worse, many would argue, it is vindictive, capable of perversion into a new McCarthyism. Hoopes was a Deputy Assistant Secretary of Defense and Under Secretary of the Air Force in the Johnson Administration. He wrote an admired account of the inside events behind the March 31, 1968, decision to restrict the bombing of North Vietnam and open peace negotiations. His view is important because it appears to be widely held.

Hoopes argued that since the President is elected, since the war was prosecuted from well-meaning if mistaken motives, since Congress voted the funds and there was broad public support at the outset, no official should acquire criminal liability. Judgment, he said, should be confined to voting the Government out of office. Attacking this position in his introduction to the Russell Tribunal proceedings, Noam Chomsky of M.I.T. states that Hoopes is claiming an immunity for American leaders which this country denied to the leaders of Japan and Germany. Marcus Raskin, co-director of the Institute for Policy Studies in Washington, the think-tank of the New Left, asserts that Congress cannot be held responsible as a body, because many Congressmen voted funds merely to ensure that American soldiers had the means to defend themselves. Telford Taylor, a mugwump Democrat, remarks that though good intentions may be mitigating circumstances, they do not negate the fact of a crime, if one occurred.

Taken to its logical end, the Hoopes argument also means that all Americans were responsible for the actual conduct of the war. If so, then the adult majorities of Japan and Germany should have been punished for war crimes. They applauded the beginning of World War II. And if everyone is responsible, of course no one is responsible. The Nuremberg and Tokyo tribunals rejected Hoopes's argument by making a distinction between those in the audience and those who held power, as do the laws of war. The Army Manual denies a collective copout: "The fact that a person who committed an act which constitutes a war crime acted as the head of a State or as a responsible government official does not relieve him from responsibility for his act."

(Hyperbole in describing what war crimes may have taken place in Vietnam seems just as unhelpful as the Hoopes argument. Chomsky in "At War With Asia," accuses the United States of intending genocide in Vietnam. So do Richard Falk, the international legal scholar, and Gabriel Kolko, the revisionist historian, both of whom have otherwise diamond-cutting minds, in "War Crimes and the American Conscience," the published proceedings of a Washington symposium on war crimes last year. Genocide does not appear to be an accurate characterization of American conduct in Vietnam. The story is more complicated and the facts do not support the charge. The population of the country has grown despite the war, from an estimated 15-million in 1962 to about 17-million now.)

But how is this country to determine whether war crimes were really committed in Vietnam and who is responsible for them?

Not even the wildest of anticommunist politicians has predicted the conquest of the United States by the Vietcong guerrillas and the North Vietnamese army. So it seems equally outlandish to imagine that a tribunal with the power of those at Tokyo and Nuremberg will ever sit in judgment on the leaders of this country.

The Army, the principal service involved in the Vietnam war, has shown that it will not enforce military law and judge itself. The dismissal of charges against Maj. Gen. Samuel W. Koster, the division commander of the troops at Mylai, demonstrated that the current leadership of the Army considers Lieutanant Calley and Captain Medina to be its only real war criminals. Barring unforeseen disclosures, no one more important than a few captains, a major and a colonel or two are likely to join Calley and Medina in the dock. For the Army has a good case against General Koster, who was in his helicopter over the Mylai area that morning. What the Army lacked was the will to prosecute.

Perhaps it is expecting too much of human nature to think that the Army would sit in judgment on its own conduct in Vietnam. A command structure so traumatized, so emotionally defensive because of its failure in Vietnam, is not, except under great outside duress, about to begin charging members of the inner circle with war crimes.

Indeed, the military services are in the greatest danger of becoming the scapegoats of a public witchhunt that could come from the left over the war crimes issue if responsible men do not prevail. Mark Lane's collection of purported eye-witness accounts of atrocities in Vietnam, "Conversations with Americans," is an example of the kind of scurrilous attack that is already being made. The military have few defenders in the current climate. Much of the intellectual communities and many of the students are almost childishly indiscriminate in their assaults. A number of the former senior civilian officials of the country, who have changed their minds about the war they helped us prosecute, are now all too eager to blame everything on the generals.

Professional soldiers, whose frame of reference is almost by nature circumscribed, are being criticized for not having displayed the kind of broad wisdom and judgment self-proclaimed statesmen did not exhibit. If the generals did commit war crimes in Vietnam, they did so with the knowledge and consent of the civilians. If seeking to pacify with the fire and the sword of the 20th century, airplanes and howitzers, constitute a war crime, then the civilians helped to induce this crime by denying the generals sufficient troops to garrison the countryside.

President Johnson and his closest advisers, Robert S. McNamara, Walt W. Rostow, and Dean Rusk, directed the unfolding of the conflict just as President Nixon and his senior advisers now do. The military almost always played a subordinate role. Mr. McNamara, for example, supervised the planning and execution of the war for the President as the chief of a European General Staff would have done. In 1965 he often said: "We're going to trade firepower for men." He had no criminal intent, of course. What he meant was that he planned to expend ten bombs to kill five North Vietnamese soldiers, instead of trading the lives of five American infantrymen for the same job. But when the bombs were targeted on civilians, Mr. McNamara did not cry halt. This is not to say that the generals would be absolved of responsibility, only that the highest, and therefore the greatest, responsibility does not rest with them.

For precisely this reason, one cannot expect the Nixon Administration, of its own accord, to institute any meaningful inquiry into war crimes. Mr. Nixon is using the same airpower tactics in Laos and Cambodia that his predecessor employed in South Vietnam. His strategy of Vietnamization is even more dependent upon the unrestricted use of airpower than was Mr. Johnson's. Mr. Nixon has also sensed even more keenly the political convenience of this weapon. He has calculated correctly that the public will not worry much about the dead, or about their age or sex, so long as the bodies are far enough away that the photographers and the television crews can't get to them too often and so long as they are, most important of all, not American.

The Kennedy Subcommittee estimates that civilian casualties in Laos, which has a population of only three million, are now exceeding 30,000 a year, including more than 10,000 dead. Many of these casualties are attributable to American bombs. Classified military documents specifically talk about bombing villages in Communist-held areas "to deprive the enemy of the population resource." No one knows what the civilian casualty toll is in Cambodia, where the same kind of air attacks are taking place. The Kennedy Subcommittee guesses there are now about a million and a half refugees in Cambodia out of a population of 6.5 million and that civilian casualties are running in the tens of thousands a year.

When I asked a responsible official at the State Department about the refugees he said he didn't have an estimate. Why? I asked. "The Cambodians haven't really asked us for any assistance with refugees and until they do it's not our concern. Our staff in the Embassy is pretty small and they have a lot of other fish to fry." What about the civilian casualties? "The Cambodians haven't been compiling them," he said. "We're dependent on their statistics and they don't keep careful statistics on anything." Really, that's what he said. The new American aid program for Cambodia contains no funds specifically marked for civilian medical relief.

Yet the cleansing of the nation's conscience and the future conduct of the most powerful country in the world towards the weaker peoples of the globe, demand a national inquiry into the war crimes question. What is needed is not prison sentences and executions, but social judgments soberly arrived at, so that if these acts are war crimes, future American leaders with not dare to repeat them.

The sole hope for such a national inquiry would appear to rest with the Congress or a commission of responsible men, with military and judicial experience, appointed by Congress and empowered to subpoena witnesses and examine documents. They might try to answer one fundamental question that I have not attempted to deal with here because the arguments are still so tangled—whether the United States intervention in Vietnam was itself a violation of the Nuremberg Principles forbidding wars of aggression. There does not seem to be the stomach for such an inquiry in Congress now, but attitudes may change as the full import of the issue becomes known.

If Congress fails to undertake an inquiry that carries the authority of the nation, then hypocrisy will be added to our sins. The Nuremberg judgments upon such diabolical Nazi crimes as the extermination of the Jews will still stand as a monument to international justice. Even under the most critical scrutiny, nothing the United States has perpetrated approaches the satanic evil of Hitler and his followers. The Nazis were in a class by themselves.

But the other, lesser judgments at Nuremberg, and the verdicts at the Tokyo Tribunal, will become what many said they were at the time—the pronouncements of victors over vanquished. We ought to remember that at the Tokyo Tribunal, the United States went so far as to establish the legal precedent that any member of a Cabinet who learns of war crimes, and subsequently remains in that Government acquires responsibility for those crimes. Under our own criteria, therefore, Orville Freeman, the Secretary of Agriculture under President Johnson, could acquire responsibility for war crimes in Vietnam.

Recently, when I discussed with a Japanese friend the condemnation of General Yamashita for the death of more than 25,000 noncombatants in the Philippines, he remarked: "We Japanese have a saying. The victor is always right."

History shows that men who decide for war, as the Japanese militarists did, cannot demand mercy for themselves. The resort to force is the ultimate act. It is playing God. Those who try force cannot afford to fail. I do not mean to suggest that men should be free to attempt anything in war to ensure victory. Quite the opposite. The laws of war seek to mitigate the evil of war, to save what lives can be saved in the midst of great killing. War nonetheless remains an evil that imposes a unique burden upon those responsible. This will sound cynical to many, but if the Johnson Administration had won the war in Vietnam, few would be searching for war crimes among the physical and human ruins of Indochina. Evidence of murder and brutality on a grand scale would have been hushed in the shouts of success. The resort to force has failed, however, and that failure has helped to make the issue of war crimes in Vietnam a very real and a very fair one to be dealt with. Our failure presents an opportunity for humanity that should not be lost.

[From the Christian Science Monitor, Apr. 2, 1971]

THE NATION'S CONSCIENCE

(By Richard L. Strout)

WASHINGTON.—Americans are going to have to live with what they have done in Indo-China for a long time. According to opinion polls most Americans now think it was a mistake to get into Vietnam. President Nixon is now pulling GIs out and the movement seems irreversible.

The United States went in with idealistic notions to "save" Vietnam. Few small nations will want to be saved under such circumstances. American opinion appears to be hardening against the war. Time magazine begins this week's issue with a somber quotation from the syndicated columnist Arthur Hoppe: "The radio this morning said the allied invasion of Laos had bogged down. Without thinking, I nodded and said 'good.' And having said it, I realized the bitter truth: now I root against my own country. That is how far we have come in this hated and endless war." Time's comment: ". . . the overriding desire now is for a clear-cut finish."

But can it be "clear-cut"? Mr. Nixon proposes to pull out combat troops leaving perhaps 50,000 by the end of 1972. Presumably U.S. artillery and air power will continue. An article by Orville Schell Jr., in Look magazine, April 6, on "Silent Vietnam" carried a dramatic aerial photograph of a river meandering through a green mangrove forest 50 miles east of Saigon, with a contrasting photograph below—a similar scene wilted and yellowed from herbicides. This area it says, "like half the mangrove stand in Vietnam, has been destroyed by 'agent orange' (a herbicide) from U.S. planes."

An American officer in the war said of a native village "to save it we had to destroy it." In testimony here, Sen. Gaylord Nelson (D) of Wisconsin, March 18, before the Senate Foreign Relations Committee advocated that the U.S. join other nations under the Geneva protocol in banning chemical herbicides. (It seems strange to some that the U.S. is a hold-out in this field.) He noted the preliminary report of a special commission sent to Vietnam by the American Association of the Advancement of Science last December. It found:

> Over the past nine years approximately one-seventh of South Vietnam has been sprayed with chemical herbicides for purposes of defoliation and crop destruction. This is an area the size of Massachusetts.
>
> Southwest of Saigon mangrove swamps cover 3,000 square kilometers where about half have been sprayed. Aerial checks show essentially all vegetation killed with little regrowth after three years, and with normal bird and animal life departed.

A fifth of South Vietnan's marketable hardwood forest has been sprayed. "Over large areas most of the trees appeared dead, and bamboo has spread over the ground."

Crop land sufficient to feed 600,000 persons for a year has been destroyed. (South Vietnam exported 48,000 metric tons of rice in 1964; imported 675,000 tons four years later.)

Peasants had no recourse, it is reported, but to flock into cities and refugee camps to escape bombardment and spraying. Refugees number 2 to 4 million in Vietnam, 1.5 million in Laos, 1 million in Cambodia.

In a long, provocative essay-review in the New York Times Sunday Book Review, March 28, former war correspondent Neil Sheehan considers a bibliography of 33 books dealing with alleged U.S. "war crimes" in Indo-China. In low-keyed language Mr. Sheehan searches the precedents of the U.S. Army's Field Manual, "The Law of Land Warfare," and The Hague and Geneva Conventions, and the Nuremberg and Tokyo War Crimes Tribunals. It appears that some acts of war are illegal (if there is anybody to enforce them!). In 1946 the U.S. Government tried and hanged a Japanese general held responsible for the deaths of 25,000 noncombatants alleged to have been killed by his troops in the Philipppines.

But how about air and artillery bombardments of peasant hamlets in Vietnam? As Newsweek notes, in discussing the Sheehan review, the author is hardly a fanatic; only last December he sharply exposed what the magazine calls "numerous factual discrepancies" in a muckracking book on My Lai, and warned against emotional distortions.

Now Mr. Sheehan asks what the moral and legal distinction is between the Axis atrocities of World War II "and the civilian deaths ordered or condoned by American leaders" in Indo-China? It will take more than this year or the next, he sadly concludes, for "the cleansing of the nation's conscience."

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania request recognition at this time?

Mr. SCOTT. No, Mr. President, I yield back the time customarily allotted to me at this time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Illinois (Mr. STEVENSON) is recognized for a period not to exceed 15 minutes.

SENATE CONCURRENT RESOLUTION 17—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE 1971 SOUTH VIETNAMESE ELECTIONS

Mr. STEVENSON. Mr. President, I introduce, for myself and Senators MANSFIELD, INOUYE, MUSKIE, MCGOVERN, HUGHES, CRANSTON, GRAVEL, HUMPHREY, and KENNEDY, a concurrent resolution and ask that it be received and appropriately referred.

The ACTING PRESIDENT pro tempore. Without objection, the resolution will be received and appropriately referred.

Mr. STEVENSON. Mr. President, for a decade, we have justified our military involvement in South Vietnam as an effort to support the freedom and the rights of self-determination of the people of South Vietnam.

That has been our purpose, professed time and again. In his only visit to South Vietnam as President, Mr. Nixon spoke of the vitally important object of seeing that the people of South Vietnam have the right to choose their own future.

In the name of freedom and self-determination we have fought and bled for the regimes of Diem, General Ky, and now Mr. Thieu.

We have fought in South Vietnam; we have fought in Cambodia and in Laos. We have sacrificed the lives of 43,000 young Americans. And the purpose for which these men died remains unfulfilled. Indeed, it may be forgotten.

The invasion of Laos has demonstrated again the futility of attempting to resolve a deeprooted Indochinese political conflict with B-52's, helicopter gun ships, and South Vietnamese combat troops.

It does not help us to anguish over the mistakes of the past, to blame one another, or to reopen the wounds this tragic war has inflicted upon our society. The Nation is already tormented by anger and guilt. It does behoove us to learn from our mistakes and to renew our commitment to self-determination for the people of South Vietnam.

Instead of supporting the people of South Vietnam in their search for peace and freedom, we seem to be supporting a regime which is committed to prolonging the war. For as long as that remains our policy, the drain upon our lives, our Treasury, and our national conscience will continue. To gain freedom for Americans held prisoner in the North, the war must be ended, not prolonged.

The people of South Vietnam, in common with all Americans, want desperately to end this war which has ravaged their hamlets and decimated their populace. Some 300,000 South Vietnamese civilians have been killed; thousands have been maimed; 3.5 millions have been driven from their homes; an area the size of Massachusetts has been defoliated. And now to the war's bloody toll in South Vietnam must be added hundreds of thousands of men, women, and innocent children in Laos and Cambodia. All humanity cries out for an end to the senseless killing and maiming of human beings and the wanton destruction of their homeland. But it now appears to be our object, not to end the war, but to continue it as a proxy war between Asians.

I hear little from our own Government about the morality of what we are doing in Indochina, even less about the welfare of the people of Indochina and virtually nothing about the long-term possibilities for popular, progressive, and neutral governments in Indochina.

We are concerned instead, it seems, with destroying supplies, interdicting supply routes, chasing imaginary enemy headquarters, and publishing the grim body counts. And all the while the policies of Indochina becomes more polarized, and the dangers of a confrontation with the People's Republic of China grows as the Chinese commitment to North Vietnam, the Vietcong, and Pathet Lao grows.

The continued quest for a military solution risks our continued military involvement. It also risks the freedom and independence of the people of Indochina for short-term military gains. A precipitate withdrawal of all U.S. troops could run the same risk. I support the withdrawal of all American forces by a fixed date. I believe that such a policy could start serious negotiations and bring about our disengagement. But I recognize—all Americans must recognize—the risk inherent in terminating our military involvement in Indochina without a negotiated settlement covering amnesty, withdrawal of all troops, and the return of our prisoners.

It is not too late to follow a course which may not only hasten our departure from Indochina, but also leave behind something durable and decent for all our expenditure of blood and treasure.

The people of South Vietnam will elect a new House of Representatives in August and a President and Vice President in October. Our military involvement almost inevitably works to the political advantage of the men in power. It thus threatens to involve us in the electoral politics of the people of South Vietnam, even if only by an appearance of support for the present regime. The close cooperation with the Government of South Vietnam required by our military commitment inevitably creates an appearance of support for Thieu and Ky.

There is, moreover, reason to be concerned that U.S. support for the Thieu-Ky regime is as real as it is apparent. The New York Times of February 2 reported:

> National surveys of Vietnamese public opinion, which are prepared and analyzed by the United States mission (in Saigon), are being used to assist President Nguyen Van Thieu in his re-election campaign this year.

The surveys referred to are conducted by CORDS, a U.S. civilian agency responsible for the pacification effort in South Vietnam. The survey is conducted monthly in all 44 provinces, and its results are turned over to the Thieu-Ky Government. The questionnaire made available to the New York Times contained three questions relating specifically to the forthcoming elections: which men are most likely to run; what kind of man should be elected; and what are the decisive issues. To give Mr. Thieu the answers to these questions is to promote his self-perpetuation rather than the self-determination of the people of South Vietnam.

The United States cannot be true to its commitment to self-determination in the world and also support the election of one candidate or another, however covertly, in South Vietnam. To do so would be wrong. It would repeat mistakes of the past. It may be that other governments view free elections in the third world as inconsistent with their interests. But I would submit that it is better politics, and morally right, for the United States to aline itself with—not against—the rights of self-determination we ourselves first articulated as a nation.

Because I believe that U.S. neutrality in the electoral process of the people of South Vietnam is both morally right and politically right, I am today introducing a concurrent resolution which reaffirms the political neutrality of the United States. It calls upon the President to implement a policy of strict neutrality in the forthcoming Vietnamese elections. It would also create a congressional commission with a staff in South Vietnam to oversee the activities of the United States, its citizens, and its Government, during the campaign, in a continuing effort to assure the people of South Vietnam that we as a nation are truly committed to their rights as a free, self-governing people.

This commission would have 10 members, five each from the Senate and the House. I had thought at first to include five additional Presidential appointees. But I concluded that the impartiality of the commission would then be questioned by the South Vietnamese.

There is too much evidence that the President is perceived in South Vietnam as supporting the reelection of Thieu and Ky. His Ambassador in South Vietnam, Mr. Bunker, was quoted in the South Vietnamese press last fall as saying that the United States supports the reelection of President Thieu in 1971. The American Embassy in Saigon denied the statement attributed to Mr. Bunker, but the fact remains that that is how our position is widely perceived among the people of South Vietnam.

Only last week my distinguished colleague, the Senator from Idaho (Mr. CHURCH), cited the testimony of an official of the U.S. Information Agency that USIA has used its vast and varied resources in South Vietnam—

> To assist the Vietnamese Government in developing a means of communicating *with the electorate* and to provide technical and professional advice.

The evidence of U.S. support, real or apparent, for the reelection of President Thieu requires a counterweight if the United States is to avoid involvement in the electoral politics of South Vietnam. The resolution which I am introducing today is intended to offer such a counterweight. It is a reaffirmation of neutrality and our commitment to the rights of the people of South Vietnam to choose their own government. I believe that the people of South Vietnam might well respect an expression of political neutrality by the elected representatives of the American people in their Congress.

Given the sensitivity of the South Vietnamese people to any interference in their domestic affairs by foreign governments, I am hopeful that the commission would be welcomed not only by the people, but also by the government of South Vietnam, and would be helped in its effort to assure the noninvolvement of the United States in the electoral politics of that nation.

This resolution goes a step further toward guaranteeing the people of South Vietnam the right to choose their own government. It declares that we shall as a nation support only a freely elected government and, therefore, that all U.S. support will henceforth be withheld from any government which gains, or retains, power in South Vietnam by means of a coup or other corrupt or coercive means.

I would not expect the Government of South Vietnam to permit the candidacy or the election of men representing factions or nations with which it is at war. But it is most unlikely that the people of South Vietnam would freely choose a President associated with the repressive, indeed often times brutal, conduct of Hanoi or the Vietcong. There are, however, men and groups in South Vietnam not associated with Hanoi or the Vietcong who are committed to peace and reconciliation, to the fulfillment of the national aspirations of the people of South Vietnam, and to a negotiated settlement of the war.

I do not know if they will choose to run. I do hope so. I do not know if they could succeed against a well-entrenched and powerful government, however unpopular it may be. I do know that the people of South Vietnam should be given a chance to elect such men.

The intent of this resolution is not to defeat Thieu and Ky, but to neutralize the political advantage which our military involvement affords them, and to insure that this advantage is not augmented by the activities, overt or covert, of representatives of the U.S. Government during the forthcoming election campaign in South Vietnam.

By affirming our neutrality in the campaign, this resolution may well encourage the candidacy of men who will commit themselves to a negotiated settlement of the war. And by lessening the advantage which even the appearance of U.S. support gives to the existing regime, this resolution may encourage Thieu and Ky to heed the desire of the people of South Vietnam for peace and reconciliation.

In short, I believe this resolution could help create the climate in which a negotiated settlement would be possible, and in which all American forces could be withdrawn more quickly than might otherwise be possible.

Moreover, this resolution, if adopted by the representatives of the American people in their Congress, would reaffirm for the people of South Vietnam and of the world our commitment to the rights of peoples everywhere to choose their own governments.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, the resolution will be printed in the RECORD.

The concurrent resolution, which reads as follows, was referred to the Committee on Foreign Relations:

S. CON. RES. 17

Resolved by the Senate (the House of Representatives concurring),

Whereas a declared purpose of United States military involvement in South Vietnam is to protect the freedom and rights of self-determination of the people of that nation;

Whereas the support of the United States for a regime which acquires or retains power through coercive or corrupt means would run counter to the fundamental principles of American democracy and popular sovereignty;

Whereas the 1971 South Vietnamese elections will determine the composition of the South Vietnamese House of Representatives and the identity of the President and the Vice President of South Vietnam and thereby affect directly and substantially the conduct of the war, the rate of American withdrawal, and the prospects for a negotiated settlement;

Whereas the goal of self-determination for the people of South Vietnam requires that the United States not only avoid actual support for any candidates or parties but also the appearance of any such support; and

Whereas the necessarily close relationship between the United States and the government of South Vietnam could create a false appearance of support for the re-election of President Thieu or Vice President Ky: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

SEC. 1. The Congress reaffirms the neutrality of the United States in the 1971 South Vietnamese elections and urges the President of the United States to assure that the United States maintains strict neutrality and impartiality with respect to such elections and that no United States support in any form will be provided to any candidate, faction, party or group in those elections.

SEC. 2. It is the sense of the Congress that no United States troops or other military assistance shall be furnished to any South Vietnamese regime which hereafter acquires, or retains, power through a coup d'etat or any corrupt or coercive means.

SEC. 3. (a) There is established a body to be known as the South Vietnamese Election Commission (hereafter referred to as the Commission). The Commission shall have as its purpose the observation and study of U.S. involvement in the 1971 elections in South Vietnam.

(b)(1) The Commission shall consist of the following 10 members:

(A) Five members of the Senate appointed by the President pro tempore of the Senate, three of whom shall be members of the majority party and two of whom shall be members of the minority party; and

(B) Five members of the House of Representatives appointed by the Speaker of that House, three of whom shall be members of the majority party and two of whom shall be members of the minority party.

(2) The Commission shall select a chairman and vice chairman from among its members. Vacancies in the membership of the Commission shall not affect the power of the remaining members to execute the duties of the Commission, and shall be filled in the same manner as in the case of the original selection.

(c) Personnel, including persons speaking the language of South Vietnam, shall be employed by the Commission as soon as practicable after this concurrent resolution is agreed to. Such personnel as may be designated by the Commission shall immediately thereafter be sent to South Vietnam to observe the election campaign and the activities of U.S. agencies, officials and citizens and shall remain in that country for such period of time as the Commission considers appropriate.

(d)(1) The Commission shall make its first interim report to the Congress not later than July 15, 1971. The Commission shall thereafter submit regular interim reports to the Congress and shall submit a final report not later than November 30, 1971. Each report shall include such findings, conclusions, and recommendations with respect to the duty imposed upon the Commission and with respect to such other matters as the Commission considers appropriate.

(2) The Commission shall cease to exist 30 days after submission of its final report.

(e) For purposes of this concurrent resolution, the Commission is authorized, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to hold hearings, (3) to sit and act at any time or place, (4) to employ personnel, (5) to subpoena witnesses and documents, (6) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (7) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, (8) to interview employees of the Federal government and other individuals, and (9) to take depositions and other testimony.

(f) Expenses of the Commission under this concurrent resolution, which shall not exceed $450,000, shall be paid from the contingent funds of the Senate upon vouchers approved by the chairman of the Commission.

SEC. 4. Nothing in this concurrent resolution shall be construed as creating any commitment of military assistance to any South Vietnamese government, howsoever that government comes to power.

SOUTH VIETNAM

Mr. SCOTT. Mr. President, I listened with interest to the remarks of the Senator from Illinois (Mr. STEVENSON) in connection with the introduction of the resolution. I think the nature of it could be better understood if we turned it about.

Suppose the Legislature of South Vietnam were to enact a resolution providing for a congressional commission of South Vietnamese to report on or to supervise or to seek to maintain the fairness of the operation of American elections. South Vietnam is a sovereign state and, as the distinguished Senator from Illinois noted, while we hear little about the morality of our involvement there, I submit it is a little late for us to be concerned about the morality of our original involvement. The morality involved is a continuing matter.

While we support the people of South Vietnam, and I agree as to that, I wonder how this can be done by a repudiation of the Government of South Vietnam.

The resolution calls for a commission of Senators and Representatives to provide congressional oversight. Yet all Senators and Representatives on such a commission would have long since expressed themselves one way or another on the war in Southeast Asia; and having known positions they would operate more to influence the election than not to influence the election. Such a resolution in itself could only be interpreted as a covert move to undermine the government, or maintain it, according to the composition of those congressional overseers who had been placed by action of the U.S. Congress over and above the people of South Vietnam.

I am sure the resolution is well intended and motivated but I am equally sure it would do more harm than good.

Mr. MANSFIELD. Mr. President, first, allow me to commend the Senator from Illinois for the initiative he has undertaken in this most difficult and dangerous area. I would like to ask his permission that I be included as the cosponsor of the resolution.

Mr. STEVENSON. I would be grateful to the Senator if he would be willing to cosponsor the resolution.

Mr. MANSFIELD. Mr. President, I ask that I be added as cosponsor of the resolution.

The ACTING PRESIDENT pro tempore (Mr. BENTSEN). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I have read the remarks of the distinguished Senator from Illinois and the resolution. As we all know, Vietnam and Indochina are a corrosive cancer on the American body-politic, and something must be done and something will be done to bring this mistaken and tragic war to a close.

This resolution is an attempt on the part of my distinguished colleague to face up to a situation which he points out will take place in August when members of the Vietnamese House and Senate will stand for election, and in October when the President and Vice President will stand for election. It is my belief that elections in South Vietnam should be free and open and that all South Vietnamese should have a chance to participate. That was not the case in the last election.

The statement was made that South Vietnam is a sovereign state. I think that is open to question because on the basis of the situation that has developed since we have become more and more involved there, I think the relationship could be more like that of client than sovereign.

Furthermore, I express the hope on the basis of the election next November that then the South Vietnamese will take over completely the defense of their country and the future of their country and do so on a basis which they consider best and not on a basis of what we might like done.

I have said many times so far as Indochina is concerned that it is not vital to the security of this Nation and never has been. I felt that way before we became involved. I have not changed my opinion since.

The Senator points out that we have fought in South Vietnam, Cambodia, and Laos; that we have sacrificed the lives of 43,000 young Americans, and the purpose for which these young men dies remains obscure; indeed, it may be forgotten. For what purpose, may I ask—for what purpose?

As far as the figures are concerned, on the basis of a summary issued by the Department of Defense through March 13, 1971, it is true that 44,676 were killed in combat, but it is also true that 9,335 were killed in noncombat activities. Furthermore, the wounded, as of March 13, amounted to 296,034. So as of March 13 total casualties which this Nation has suffered in that far away place, which is of no vital interest to us, amounted to 350,046. It has increased considerably since then.

I would point out that the South Vietnamese at the present time have an army of regulars which numbers 1.1 to 1.2 million, and that in addition they have regional and popular forces numbering 520,000. I would point out, also, that in Cambodia there are 20,000 South Vietnamese regulars, and in Laos there was until recently something on the order of 18,000 to 20,000 South Vietnamese regulars—the cream of the crop, so to speak.

We have been through a Cambodian invasion, sometimes referred to as an incursion. We have given air, artillery, and logistic support to a Laos invasion, sometimes called an incursion, and the result is that now we have brought about a concentration of North Vietnamese troops along the DMZ and the Laotian South Vietnamese border. At the present time there is fighting going on in South Vietnam itself, and the Laos incursion or invasion has been, in some degree, responsible for this concentration and stepup in the war.

Furthermore, because of the invasion of Laos there has been a return of an unspecified number of Chinese labor troops into North Vietnam to keep the railroads repaired and running for the purpose of sending supplies to Hanoi.

According to the press this morning, or the radio, it is estimated that in northern Laos, instead of 10,000, 12,000, or 13,000 Chinese labor troops and antiaircraft troops, as well as combat troops, there are now about 18,000 to 20,000 along the road down from Meng La in Yunnan to Muong Sai and along the road extending east toward Dien Bien Phu, and all that is needed there is a bridge to complete that road.

There is also the road going down westward to the town of Pak Beng, which will bring it pretty close to the Thai border.

All of these developments are, I think, significant. The time for talking is past as far as Vietnam is concerned, and the time for action is here on the part of both the Congress and the administration, and I think the American people. Both Houses of Congress have made their views well known in that respect.

The Senator indicates in his remarks, and I quote him:

> It does not help us to anguish over the mistakes of the past, to blame one another, or to reopen the wounds this tragic war has inflicted upon our society. The Nation is already tormented by anger and guilt. It does behoove us to learn from our mistakes and to renew our commitment to self-determination for the people of South Vietnam.

We have preached self-determination at least since the time of Woodrow Wilson. It was one of the 14 points laid down at the end of the First World War. And I think it is about time to put into effect that principle, not just to talk about it, but to do something about it.

May I point out that the Senator is correct when he says it does not do any good to look back to the past; it does not do any good to blame one another; or to reopen old wounds, because all of us have our share of responsibility to bear. This is not just a war waged by a Republican administration; this is a war which was started by a Democratic administration, and we cannot gainsay it no matter how much we try to gloss over that fact.

So I will not point the finger at anyone, because, I repeat, there is enough blame, there is enough guilt, for all of us to share.

Then there is that part of his speech about morality, and again I quote the distinguished Senator:

> But I would submit that it is better politics, and morally right, for the United States to aline itself with—not against—the rights of self-determination we ourselves first articulated as a nation.

True. It only emphasizes what has been said previously, and I am glad to join the distinguished Senator in what he had to say in his outstanding initial speech in the Senate.

Then he points out that there is a question that even now we are intervening in the elections, and while our Ambassador to South Vietnam, Mr. Bunker, or someone on his staff, has denied it, nevertheless I think the evidence is there to indicate that the people who are attached to the USIA and other agenices have been carrying on campaign activities out in the Provinces:

> To assist the Vietnamese government in developing means of communication with the electorate and to provide technical and professional advice.

That, I think, is something which is most serious. I think this Nation has involved itself in the affairs of too many other nations. I think it is about time that we begin to look at the affairs of this Nation as they apply to this Nation's security—period. We have not been too good at that. We have been loath to face up to the realities of the present. We have looked back upon policies which were good 10 and 20 years ago and some still insist they are good today. I think it is about time that, regardless of the names hurled at us, we live up to our responsibilities and face up to the realities of the present.

They say that would make one a neoisolationist. That is getting to be a popular term for those who are opposed to the war and who, like me, are opposed to any more Vietnams anywhere in the world, because when I say one Vietnam is one Vietnam too many, I mean it. We overstretched ourselves. We overexpended. We overspent. Vietnam has cost in excess of $115 billion. For what? For what?

We have all these problems here at home with people in need. Whom are we going to think of? Our own people or some other people? It is not that I do not have sympathy with other people throughout the world, because I believe that, whether we like it or not, we are all internationalists and we cannot avoid being so labeled. This globe is too small. It is shrinking more and more every day. The means of transport and communication are becoming more rapid day by day. We live with our neighbors, one with another, whether we like it or not, and we will help our neighbors to the extent of our ability and one would hope that they will help us in return.

But I would emphasize that the population of this Nation is not unlimited, and I would point out that the resources of this Nation are not unlimited, either.

We are not the world's policeman. We are not and should not be the Nation which will go in and fill some vague voids which are created when other nations pull out their military power. We will face up to our international responsibilities. We will honor our word. We will honor our pledge. But I think it is about time that we get out of this particular area of excessive military involvement, that we face up to the realities of the moment, that we do not become involved any more in this kind of adventure, with its guilt, with its graft, with its corruption, with its drugs and disease, with its loss in manpower, with its expenditure of treasure.

It is high time that this corrosive cancer be cut from the American body politic and that we return to the present and unity. That is not the fact at this time.

I again commend the distinguished Senator from Illinois.

Mr. STEVENSON. I thank the Senator.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin is recognized for a period of not to exceed 20 minutes.

(The remarks of Mr. PROXMIRE when he introduced Senate Joint Resolution 83 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New York (Mr. JAVITS) is recognized for not to exceed 15 minutes.

SOME PERSPECTIVES ON THE CALLEY CASE

Mr. JAVITS. Mr. President, I want to make some observations on the Calley case, in view of the fact that interest in this case has burgeoned very considerably.

In the first place, so that the law may be clear, I ask unanimous consent to have printed in the RECORD a memorandum which I have had prepared for me, detailing the legal steps in the case from where it stands now, under the Articles of War and the Uniform Code of Military Justice, up to and including the review by the Commander in Chief, which he has announced he will make personally.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM

The following are the Post Conviction Court Martial Procedures in the case of Lieutenant William L. Calley.

1. He was convicted under the provisions of Title 10, U.S. Code, section 918 which is article 118 of the Articles of War contained in the Uniform Code of Military Justice. Automatic appellate procedures provided for in the Code now come into play.

2. The basic initial review is accomplished by the Judge Advocate and the Commanding General of Ft. Benning, Georgia. They can approve or disapprove the findings of the Court Martial. The Judge Advocate reviews the case and makes a report with recommendations to the Commanding General. If he approves the findings, the case goes to the United States Court of Military Review which acts as the intermediate appellate court. If it is again affirmed, the case automatically goes to the United States Court of Military Appeals for final disposition.

3. The jury in the military case is approved by the convening authority who is the Commanding General.

4. The President has the authority to review the verdict and sentence in the case at any time. Acting as the Commander-in-Chief it is assumed that the President would not intervene until all steps in the appeal process has been concluded since the final verdict has not yet been entered against Calley. The President may reduce any sentence or restrictions imposed upon Calley or pardon him completely.

Mr. JAVITS. Mr. President, since last week's decision by the Calley court-martial jury—fellow officers, themselves veterans of Vietnam and men of conscience—there has been a national outpouring of feeling against the verdict. Public opinion polls offer conflicting versions of the national sentiment on the Calley case, but they do indicate a great division in our land and a great deal of sentiment against the verdict. I believe much of the outcry is predicated upon the view that Lieutenant Calley is nothing more than a scapegoat for a bad national policy in Vietnam. Nonetheless, because the matter will have a very profound effect on our country, it deserves the attention of all of us, and I wish to make my statement today.

Certainly, no one can take any comfort from the fact that any American soldier has come to this fate. Vietnam is a vicious war which brutalizes men; this war has even called into question our national purpose in the world.

While I share the feeling of sadness which pervades many, let us not forget, in this great outpouring of sympathy for Lieutenant Calley, what is the essence of this case. Let us remember the national revulsion which swept the country—and the world—when the My Lai story broke.

At this stage, as the case moves into the levels of review to which Lieutenant Calley is entitled under military law, including review by the highest command official—in this case, as announced, the President himself—the real question is whether there has been a miscarriage of justice here—and I think there has not. The Army has made a difficult—indeed an unprecedented decision—in charging one of its own officers with the murder of unarmed civilians during wartime. Victors do this to the vanquished, but to enforce such discipline upon ourselves is unusual. In doing so, the United States has said to the world that in spite of this brutalizing war, we remain essentially a humane people. Our soldiers do not murder children; we do not observe the "gook rule"—treating orientals as somehow subhuman.

In the last several days, a great deal has been said about the responsibility of the soldier to give obedience to the orders of his superiors. Although Lieutenant Calley asserted that he was following the orders of Captain Medina, the jury of his peers concluded in fact that first, no such order was given, or second, even if it was given, Lieutenant Calley acted illegally in blindly following an illegal order.

Beyond the purely legal aspect of this question, we seem to have forgotten a central keystone of our heritage as a compassionate and civilized people, as heirs to the Judeo-Christian ethical tradition: that the highest duty of individual man is to exercise his own free choice, responding to his own conscience—as indeed several did at My Lai—rather than to allow himself to be subsumed in a group ethic of barren sterility, in a system which sees no ethical or moral question. Lieutenant Calley's action ran afoul of that duty, and the jury's verdict found his acts utterly repugnant to that tradition.

We are also told that we are all guilty—that our society must accept a collective guilt for what happened at My Lai. While this may figure in a different context from the one we have been discussing, even such a belief requires that we must nevertheless allocate individual responsibility for the specific acts of barbarism at My Lai. That means not only judging the actions of Lieutenant Calley but also those of Captain Medina, Colonel Henderson, General Coster, and any others who had specific responsibility for the conduct of our men on that terrible day.

To say merely that society or the system is guilty and to say no more is to abdicate individual responsibility and to assert that Lieutenant Calley and others never had a choice at My Lai. That simply is not true.

In agonizing over the Calley case, our Nation has essentially been looking inward—considering the impact of the case upon the draft, upon the Army as an institution, and upon the attitudes of our people as Americans toward the Vietnam war. But what about its impact upon the Vietnamese people—North as well as South—and the people of Asia and Africa and Latin America, and upon the world community as a whole?

Is there a double standard at Nuremberg and My Lai?

Who can justify the killing of infants with their mothers, the ill, the aged, and the infirm, at My Lai?

Who would undertake to defend, on any grounds, the annihilation of all human life within a radius of action or a so-called free fire zone?

We have said to the world that we are a civilized people, and that even in war we will not abandon respect for human life and belief in the worth of every man, whatever his race or color. Whether or not Lieutenant Calley's sentence is reduced is really immaterial—although I hope and expect that in mercy and compassion it will be. But if the Nation really is encouraged to believe that he did nothing wrong—indeed that he is a hero—then we have changed as a people, during the course of this tragic war, even more disastrously than I had imagined.

In all of the discussion about the impact of this case upon Army morale, let us consider what would have been the impact of acquittal on Army morale. Would we not be saying to the members of Lieutenant Calley's own platoon who refused to fire at women and children, "You needn't have a conscience. Whatever you do is justified"?

Would we not be saying to the soldier who worked for a year to bring this case to public attention, "You should have kept quiet"?

Would we not be saying to our young soldiers in Vietnam, "The American people regard you primarily as killers, not as human beings with a conscience, so don't think twice about herding unarmed civilians into a ditch and shooting them down. It is really what we expect of you"?

What would the acquittal of Lieutenant Calley have done to the morale of the men who want our professional army to be of the highest quality and the best standards, who believe that there is a place in our military for the sensitive and intelligent man?

The ultimate answer to My Lai must be found in our national tradition. The use of military power without conscience can develop a dynamic and an ethic of its own and can destroy humanity all together. It is invested with a sense of direction only by moral principles. It is the function of morality to define the extent to which military power may be used justifiably.

As a moral problem, the incidents at My Lai command that we as a people preserve and reaffirm the principles of justice which must govern our actions in the community of man. The use of force in the world community is never a problem only for generals or presidents or senators or diplomats; the responsibility is with all the people.

I am profoundly disappointed that this duty in social morality is being overlooked by many in our country today.

Medals, marches, and honors for Lieutenant Calley, rather than sadness over what a young American was brought to, in a brutal and misguided Vietanm war, are not patriotism, but anti-patriotism.

It is in times of crisis that our most profound beliefs and commitments are tested. The crucible of Vietnam is such a crisis for the United States. We are being tested as a people. By the degree to which we decline to admit our mistakes and reaffirm our commitment to the universal principles of justice, we shall have failed to grasp the meaning of our own tradition, and shall have been truant to its promise.

(The remarks of Mr. JAVITS when he introduced S. 1486 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. CHILES). Under the previous order the distinguished Senator from Iowa (Mr. MILLER) is now recognized for 15 minutes.

(The remarks of Mr. MILLER when he introduced S.J. Res. 82 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of routine morning business for a period not to exceed 30 minutes, with statements therein limited to 3 minutes.

ORDER FOR THE RECOGNITION OF SENATORS PACKWOOD AND DOLE WEDNESDAY, APRIL 14, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday, April 14, immediately following the recognition of the minority and majority leaders under the standing order, the distinguished Senator from Oregon (Mr. PACKWOOD) be recognized for not to exceed 15 minutes and that he be followed by the distinguished Senator from Kansas (Mr. DOLE) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BENTSEN) laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation to Remove Certain Limitations on the Establishment of Acreage Allotments

A letter from the Under Secretary of Agriculture, submitting a draft of proposed legislation to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain (with accompanying papers); to the Committee on Agriculture and Forestry.

Report on Apportionment of Appropriation for the Department of the Interior for Resources Management, Bureau of Indian Affairs

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation for the Department of the Interior for "Resources Management," Bureau of Indian Affairs, for the fiscal year 1971, had been apportioned on a basis indicating a need for a supplemental estimate of appropriation; to the Committee on Appropriations.

Report Covering Military Contracts Awarded Without Formal Advertising

A letter from the Acting Secretary of the Army, transmitting, pursuant to law, the semi-annual report of Department of the Army contracts for military construction awarded without formal advertising for the period July 1 through December 31, 1970 (with an accompanying report); to the Committee on Armed Services.

Report on the National Industrial Reserve

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, the 23rd annual report to the Congress on the National Industrial Reserve (with an accompanying report); to the Committee on Armed Services.

Proposed Legislation To Authorize Certain Construction At Military Installations

A letter from the Secretary of Defense, submitting a draft of proposed legislation to authorize certain construction at military installations and for other purposes (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation To Authorize Additional Appropriations for Research, Development, Test, and Evaluation for the Navy

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize additional appropriations during the fiscal year 1971 for research, development, test, and evaluation for the Navy (with accompanying papers); to the Committee on Armed Services.

Report on the Air Force Military Construction Contracts Awarded Without Formal Advertising

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on the Air Force military construction contracts awarded by the Department of the Air Force without formal advertisement for the period July 1, 1970 through December 31, 1970 (with an accompanying report); to the Committee on Armed Services.

Report of Department of Defense Procurement From Small and Other Business Firms

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report of Department of Defense Procurement from Small and Other Business Firms for July through December 1970 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Report on Export-Import Bank Loans

A letter from the Office of the Secretary, Export-Import Bank of the United States, reporting on the amount of Export-Import Bank loans, insurance and guarantees, issued in January and February 1971, in connection with United States exports to Yugoslavia; to the Committee on Banking, Housing and Urban Affairs.

Report of the GSA's First Dual-Fuel Vehicle Experiment

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a report on the General Services Administration's first dual-fuel vehicle experiment which is part of the President's overall anti-pollution program (with an accompanying report); to the Committee on Commerce.

Report Relating to Laboratory Animal Welfare

A letter from the Director of Science and Education, Department of Agriculture, reporting, pursuant to law, on changes in laboratory animal welfare legislation (with accompanying papers); to the Committee on Commerce.

Proposed Legislation To Continue the Duty-Free Status of Certain Gifts by Members of the Armed Forces Serving in Combat Zones

A letter from the Acting Secretary of the Navy, submitting a draft of proposed legislation to continue for two additional years the duty-free status of certain gifts by members of the armed forces serving in combat zones (with accompanying papers); to the Committee on Finance.

Reports of the 1971 Advisory Council on Social Security

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, reports of the 1971 Advisory Council on Social Security (with an accompanying report); to the Committee on Finance.

Report on Purchases and Sales of Gold and Other Reserve Assets and the State of the U.S. Gold Stock

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on purchases and sales of gold and other reserve assets and the state of the U.S. gold stock, July 1 through December 31, 1970 (with an accompanying report); to the Committee on Foreign Relations.

Report on HemisFair 1968, Federal Participation

A letter from the Secretary of Commerce, transmitting, pursuant, to law, a final report on the Federal participation in HemisFair '68, San Antonio, Texas (with an accompanying report); to the Committee on Foreign Relations.

Report of the Social Progress Trust Fund

A letter from the Executive Vice President, Inter-American Development Bank, transmitting, pursuant to law, the Tenth Annual Report of the Social Progress Trust Fund (with an accompanying report); to the Committee on Foreign Relations.

Report of the Department of State on Its Activities Under the Federal Property and Administrative Services Act of 1949

A letter from the Secretary of State, transmitting, pursuant to law, the eighteenth report of the Department of State on its activities under the Federal Property and Administrative Services Act of 1949 for the calendar year 1970 (with an accompanying report); to the Committee on Government Operations.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on serious problems in accounting for military leave, Department of the Army (with an accompanying report); to the Committee on Government Operations.

Report of Small Reclamation Project Loan Application—Graham Curtis Project

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application by the Graham Canal Company and the Curtis Canal Company for loans and a grant under the Small Reclamation Projects Act (with an accompanying report and papers); to the Committee on Interior and Insular Affairs.

Proposed Concession Contract With McCulloch Properties, Inc.

A letter from the Secretary of the Interior, submitting a proposed amendment to a concession contract under which McCulloch Properties, Inc., will be authorized to continue to operate Lake Mead Marina and provide related facilities and services for the public within Lake Mead National Recreation Area, Nevada (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Concession Contract With Government Services, Inc.

A letter from the Secretary of the Interior, submitting a proposed amendment to the concession contract under which Government Services, Inc., will be authorized to provide and operate certain concession facilities and services within the areas administered by the National Capital Parks, for a term of one year from January 1, 1971, through December 31, 1971 (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Legislation To Extend the Desalting Program Being Conducted by the Secretary of the Interior

A letter from the Assistant Secretary of the Interior, submitting a draft of proposed legislation to extend the desalting program being conducted by the Secretary of the Interior (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of Charles R. Robertson Lignite Research Laboratory of the Bureau of Mines

A letter from the Secretary of the Interior, reporting, pursuant to law, on the activities of, expenditures by, and donations to the Charles R. Robertson Lignite Research Laboratory of the Bureau of Mines at Grand Forks, North Dakota, for the calendar year 1970; to the Committee on Interior and Insular Affairs.

Proposed Legislation To Transfer Charlotte and Lee Counties From the Middle to the Southern District of Florida, and To Transfer Highlands County From the Southern to the Middle District of Florida

A letter from the Director, Administrative Office of the United States Courts, submitting a draft of proposed legislation to amend Title 28, United States Code, to transfer Charlotte and Lee Counties from the Middle to the Southern District of Florida and Highlands County from the Southern to the Middle District of Florida (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation Removing the Statutory Ceiling on Salaries Payable to U.S. Magistrates

A letter from the Director, Administrative Office of the United States Courts, submitting a draft of proposed legislation to remove the statutory ceiling on salaries payable to United States magistrates (with accompanying papers); to the Committee on the Judiciary.

Orders Suspending Deportation

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders suspending deportation, and list of persons involved (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation To Authorize Appropriations for the Commission on Civil Rights

A letter from the Chairman, United States Commission on Civil Rights, submitting a draft of proposed legislation to authorize appropriations for the Commission on Civil Rights (with accompanying papers); to the Committee on the Judiciary.

Report of the Girl Scouts of America

A letter from the President and National Executive Director, Girl Scouts of the United States of America, transmitting, pursuant to laws, the 21st annual report of the Girl Scouts of the United States of America (with an accompanying report); to the Committee on Labor and Public Welfare.

Report of the National Advisory Council on the Education of Disadvantaged Children

A letter from the Chairman, National Advisory Council on the Education of Disadvantaged Children, transmitting, pursuant to law, the 1971 annual report for the President and the Congress, title I, ESEA, The Weakest Link: The Children of the Poor (with an accompanying report); to the Committee on Labor and Public Welfare.

Proposed Legislation To Provide That the Federal Government Shall Assume the Risks of Its Fidelity Losses

A letter from the Secretary of the Treasury, submitting a draft of proposed legislation to provide that the Federal Government shall assume the risks of its fidelity losses (with accompanying papers); to the Committee on Post Office and Civil Service.

Prospectus Which Revises the Authorized Federal Law Enforcement Training Center at Beltsville, Md.

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which revises the authorized Federal Law Enforcement Training Center at Beltsville, Md. (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. BENTSEN):

A resolution adopted by the House of Representatives of the Legislature of the State of Hawaii; to the Committee on Agriculture and Forestry:

"HOUSE RESOLUTION 264

"Whereas, under the Food Stamp Act of 1964, as amended, the Congress of the United States initiated a federal-state program of food assistance to help to achieve a fuller and more effective use of food abundances and to provide for improved levels of nutrition among economically needy households; and

"Whereas, low-income families using the food stamp coupons are eating much more and better foods, with more than eighty per cent of this increased consumption in livestock products, fruits, and vegetables; and

"Whereas, as presently administered, the list of foods which may be purchased with food stamps includes domestically produced foods but excludes foreign and ethnic foods; and

"Whereas, the State of Hawaii's unique situation as a conglomerate of many and varied racial backgrounds, each assimilated into the American way of life but retaining distinct ethnic tastes in culture, necessitates a consideration for certain exemptions as to the food list in the Food Stamp Program; and

"Whereas, the purpose of the program is not to change the diet of the people but rather to improve the quality of their food and to expand the variety of foods which may be eaten thereby achieving a balanced diet; and

"Whereas, many of these ethnic foods which have been excluded do contain the necessary and vital nutrients which contribute to a balanced diet; now, therefore,

"Be it resolved by the House of Representatives of the Sixth Legislature of the State of Hawaii, Regular Session of 1971, that the Congress of the United States be requested to exempt the State of Hawaii from restrictions concerning the types of food products which may be purchased under the Food Stamp Program; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, the Secretary of the Department of Health, Education and Welfare, the Secretary of the Department of Agriculture, the Secretary of the Department of Commerce, and the members of Hawaii's Congressional Delegation."

A memorial of the Senate of the Legislature of the State of Idaho; to the Committee on Agriculture and Forestry:

"SENATE JOINT MEMORIAL No. 110

"(Joint memorial to the Honorable Senate and House of Representatives of the United States in Congress assembled, and the Honorable Congressional delegation of the State of Idaho)

"We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-First Idaho Legislature, do respectfully represent that:

"Whereas, the family farm is one of the mainstays of the Idaho economy, and

"Whereas, the family farm has come to depend on operating loans advanced by the Farmers Home Administration, and

"Whereas, the Farmers Home Administration has exhausted its available supply of loan funds for family farms, and

"Whereas, there is still a pressing need for operating loans for family farms in Idaho, and these family farms cannot secure credit from any other source, and

"Whereas, this vital loan service could be made available by an act of Congress.

"Now, therefore, be it resolved by the First Regular Session of the Forty-first Idaho Legislature, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States to make additional funds for operating loans for family farms available to the Farmers Home Administration as soon as possible.

"Be it further resolved that we respectfully urge our congressional delegation to continue their fine efforts toward obtaining this additional appropriation for the Farmers Home Administration.

"Be it further resolved that the Secretary of the Senate be, and he is hereby authorized and directed to forward certified copies of this Memorial to the leadership of the Senate and House of Representatives of Congress, and to the Senators and Representatives representing this state in the Congress of the United States."

A joint memorial resolution of the Legislature of the State of Idaho; to the Committee on Agriculture and Forestry;

"HOUSE JOINT MEMORIAL NO. 2

"(A Joint Memorial, the Honorable President of the United States, the Honorable Senate and House of Representatives of the United States in Congress Assembled, the Honorable Congressional Delegation of the State of Idaho, and the Honorable Secretary of the United States Department of Agriculture)

"We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do hereby respectfully represent that:

"Whereas, a majority of the world's population does not receive adequate foodstuffs to maintain a balanced diet, and many people are actually starving; and

"Whereas, the American farmer has been encouraged to increase production to help meet the demand of the world's population while still sustaining the health of the citizens at home; and

"Whereas, while the farmer has increased production, he has also paid higher prices for the products and services he has utilized including higher wages to labor, higher rates for transportation, and higher prices for equipment; and

"Whereas, the farmer is now receiving proportionately less for the products of his labor than he has received at any time in the last two decades, and many farm families are being forced to abandon their livelihood in agriculture; and

"Whereas, this plight of the farmer has not improved and has actually deteriorated despite the higher prices the consumer is paying for farm products.

"Now, therefore, be it resolved by the First Regular Session of the Forty-first Legislature of the state of Idaho, now in session, the House of Representatives and Senate concurring, that we most respectfully urge the President of the United States, the Congress, and the Secretary of Agriculture to recognize the problems facing agriculture and undertake to provide solutions for the great disparity between the prices paid to the farmer and the prices paid by the consumer for agricultural products.

"Be it further resolved that the Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, to the Senators and Representatives representing this state in the Congress of the United States, and to the Honorable Secretary of the United States Department of Agriculture."

A joint memorial of the Legislature of the State of Idaho; to the Committee on Banking, Housing and Urban Affairs:

"House Joint Memorial No. 3

"(A Joint memorial to the honorable Senate and House of Representatives of the United States in Congress assembled, and the Honorable congressional delegation representing the State of Idaho in the Congress of the United States.)"

"We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do hereby respectfully represent that:

"Whereas, the year 1976 shall mark the bicentennial anniversary of the founding of this great nation: and

"Whereas, it is appropriate that such a great event be commemorated by an object as solid and beautiful as the freedom and resolve upon which our government is based; and

"Whereas, throughout the history of these great United States of America silver has played a predominant role in the nation's coinage.

"Now, therefore, be it resolved by the First Regular Session of the Forty-first Idaho Legislature, now in session, the Senate and the House of Representatives concurring, that the Congress of the United States provide for the minting of a bicentennial coin of one ounce of nine hundred proof silver and to provide further that the Congress of the United States call for a world-wide design contest to insure a design for the coin equal to the event it marks.

"Be it further resolved that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the Senators and Representatives representing this state in the Congress of the United States.

A joint memorial of the Legislature of the State of Idaho; to the Committee on Commerce:

"Senate Joint Memorial No. 106

"(A joint memorial

To the Honorable President of the United States, the Secretary of Transportation, President of the Senate and Speaker of the House of Representatives of the Congress of the United States and the Senators and Representatives representing the State of Idaho in the Congress of the United States.)"

"We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do hereby respectfully represent that:

"Whereas, the people of the state of Idaho are separated and sometimes isolated by the mountainous terrain and severe climatic conditions and depend upon the passenger rail system as a vital link for communication and transportation within the borders of the state and among the neighboring states; and

"Whereas, loss of passenger rail service within Idaho, and between Idaho and her neighbors would have a harsh impact upon the Idaho employee and upon the economic health of Idaho in general; and

"Whereas, the state of Idaho, which includes various sites of growing tourist and recreational attraction, depends upon convenient transportation system for the continued expansion of these recreational resources; and

"Whereas, the final plan for the basic national rail passenger system, which has been presented, fails to provide a single point of service to the state of Idaho and her citizens, and therefore does not recognize the needs of people located within the area stretching from the Wyoming border on the east to the Oregon and Washington borders on the west, and from Utah and Nevada on the south to Montana and Canada on the north.

"Now, therefore, be it resolved by the First Regular Session of the Forty-first Idaho Legislature, the Senate and the House of Representatives concurring, that we most respectfully urge the Congress of the United States to take the action necessary to insure that the people of the state of Idaho may participate in and benefit from the basic national rail passenger system and shall not suffer disadvantage therefrom by including the southern Idaho east-west and north-south routes under the system.

"Be it further resolved that the Secretary of the Senate be, and he is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the Secretary of Transportation, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and the Senators and Representatives representing this state in the Congress of the United States.

"I hereby certify that this is a true and correct copy of Senate Joint Memorial No. 106 that was passed by the Forty-first Legislative session of the State of Idaho."

A joint memorial of the Legislature of the State of Idaho; to the Committee on Finance:

"House Joint Memorial No. 7

"A joint memorial to the Honorable Richard M. Nixon, President of the United States, the Honorable Senate and House Representatives of the United States in Congress assembled; the Senators and Representatives of Congress representing the State of Idaho in Congress, Secretary of the Interior, Secretary of Commerce, administrator of environmental protection agency, and the chairman of the Idaho air pollution control commission."

"We, your Memorialists, the Legislature of the state of Idaho, assembled in its First Regular Session of the Forty-first Idaho Legislature, do respectfully represent: that

"Whereas, the state of Idaho is using its best effort in the matter of natural ecological protection by means of environmental controls; and

"Whereas, the state of Idaho has established ambient air standards regarding sulfur dioxide levels and requiring that emissions must be reduced to meet these levels; and

"Whereas, the state of Idaho is receiving cooperation from industry in its efforts to meet such standards of control through technological research and, where such technological knowledge is attained, by the application of its use through the construction of byproduct facilities to meet those quality standards; and

"Whereas, the mining and smelting industry in Idaho has responded to its obligation to meet control standards, and to that end expended great sums of money in the construction of plants for the recovery of sulfur dioxide and its conversion to sulfuric acid for fertilizer use; and

"Whereas, the mining and smelting industry is unable to market its sulfuric acid production on a competitive basis because of the unrestricted, duty-free import of byproduct elemental sulfur from our Northern neighbor, Canada, which is reaching the markets and can be converted into sulfuric acid for use at a cost substantially below that of our domestic byproduct producers; and

"Whereas, without markets for their sulfuric acid these byproduct plants become inoperable, which results in a failure of the attainment of our atmospheric improvement; and

"Whereas, we deem it an obligation of government, where within its power, to make economically tolerable the fulfillment by industry of the standards which are fixed for the improvement of our environment; and

"Whereas, in the present market situation of byproduct sulfuric acid, it is within the means of government to provide the requisite protection to our own domestic industry necessary to assist it in meeting the federal and state goals for atmospheric improvement;

"Now, therefore, be it resolved by the House of Representatives of the state of Idaho, and the Senate concurring, that we direct this problem to the attention of the President and Congress of the United States and request that action be taken in a solution of this environmental control byproduct marketing problem, and to this end it is suggested that the following remedies may be considered:

"1. Subsidization of the byproduct sulfuric acid producer as necessary to meet competition in his nearest domestic market.

"2. Imposition of tariffs on elemental sulfur imports adequate to place byproduct sulfuric acid in a competitive position.

"3. Imposition of quotas on foreign sulfur by law or by agreement with the importing nations.

"Be it further resolved that the Secretary of the Senate be, and he is hereby authorized and directed to forward certified copies of this Memorial to the Honorable Richard M. Nixon, President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, Senators and Representatives representing the state of Idaho in Congress, Secretary of the Interior, Secretary of Commerce, Administrator of Environmental Protection Agency, and the Chairman of the Idaho Air Pollution Control Commission.

A joint memorial of the Legislature of the State of Idaho; to the Committee on Finance:

"Senate Joint Memorial No. 101

"(A joint memorial to the Honorable Senate and House of Representatives of the United States in Congress assembled.)"

"We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do respectfully request that:

"Whereas, the revenue sources of local units of government in Idaho is primarily limited to taxation of real property, and

"Whereas, local units of government must meet the increasing needs of the citizenry at ever increasing costs, imposing a heavy burden upon real property, and

"Whereas, the people of the United States, through the government of the United States, are the non-resident land owners of approximately two-thirds of the land in the state of Idaho, and

"Whereas, these lands are being held in public ownership so that the people of this nation, both now and in the future, may enjoy the various benefits of ownership, and

"Whereas, this public ownership withdraws a large portion of the local tax base by withdrawing land and resources from private ownership.

"Now, therefore, be it resolved by the First Regular Session of the Forty-first Idaho Legislature, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States to adopt legislation to provide for payment in lieu of taxes to the state of Idaho and its local units of government, and to other states and local taxing units similarly affected.

"Be it further resolved that we respectfully urge our congressional delegation to continue efforts toward obtaining adoption of this legislation.

"Be it further resolved that the Secretary of the Senate, be, and he is hereby authorized and directed to forward certified copies of the Memorial to the leadership of the Senate and the House of Representatives of Congress, and to the Senators and Representatives representing this state in the Congress of the United States."

A joint resolution of the Legislative Assembly of the State of Montana; to the Committee on Finance:

"Senate Joint Resolution 47

"(A joint resolution of the Senate and House of Representatives of the forty-second Legislative Assembly of the State of Montana approving in principle the proposed Federal Family Assistance Act.)"

"Now, therefore, be it resolved by the Senate and House of Representatives of the State of Montana:

"That this legislative assembly approves in principle the proposed Family Assistance Act providing a basic national income supplement for all needy families with children, the aged and unemployable, and the inclusion of working incentives, child care services for working mothers, job training, and like provisions aimed at creating self-sufficient independent families.

"Be it further resolved, that a copy of this joint resolution be sent by the secretary of the state of Montana to the president of the United States; to the vice-president of the United States in his capacity as president of the United States senate; to the speaker of the house of representatives in congress; and to each of the members of the congressional delegation of Montana."

A concurrent resolution of the Legislature of the State of New Jersey; to the Committee on Finance:

"Senate Concurrent Resolution No. 42

"(A concurrent resolution memorializing the Congress of the United States to enact appropriate legislation to provide that all sales taxes paid by individual taxpayers shall be treated for Federal income tax purposes as credits against Federal income tax due, rather than as deductions against income for such purposes.)"

"Whereas, It is generally recognized that taxation in this country has reached a crisis level, and that tax relief should be granted whenever feasible; and

"Whereas, Federal income tax law presently provides that all sums paid by individual taxpayers for sales taxes are to be treated as deductions to reduce the income subject to the Federal income tax; and

"Whereas, Amending the aforementioned tax law to provide that all sums paid for sales taxes shall be treated for Federal income tax purposes as credits against Federal income tax due rather than as deductions against income for such purposes would be an appropriate form of tax relief that would not unduly effect the economy; now, therefore,

"Be it resolved by the Senate of the State of New Jersey (the General Assembly concurring):

1. That the Congress of the United States be, and it is hereby, respectfully memorialized to consider the enactment of legislation to provide that all sums for sales taxes paid by individual taxpayers shall be treated for Federal income tax purposes as credits against Federal income tax due, rather than as deductions against incomes for such purposes as is presently provided.

2. The Secretary of the Senate shall cause duly authenticated copies of this resolution to be sent to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and the members of the Congress of the United States elected from New Jersey."

A resolution of the Senate of the State of Wisconsin; to the Committee on Finance:

"Senate Resolution 9

"Informing congress of Wisconsin's need for its share of held-back federal highway trust funds.

"Whereas, an exceptionally harsh winter has left the surfaces of Wisconsin's highways in need of extensive repairs; and

"Whereas, the construction of new and improved highways is vital to this state's growing transportation needs; and

"Whereas, Wisconsin's climate, because of rapidly changing seasons, provides only a limited number of months suitable for highway construction, making it necessary that highway work commence as soon as the weather allows; and

"Whereas, despite these pressing present needs the United States department of transportation is holding back highway trust funds; and

"Whereas, this state's share of these funds will reach an estimated $55,000,000 by July 1 of this year; now, therefore, be it

"Resolved by the senate, That congress be immediately informed of this state's needs and urged to take action necessary to release this state's share of held-back highway trust funds at the earliest possible date; and, be it further

"Resolved, That duly attested copies of this resolution be transmitted to the secretary of the federal department of transportation, the secretary of the senate of the United States, the chief clerk of the house of representatives and the members of Wisconsin's congressional delegation."

A resolution of the Senate of the State of Washington; to the Committee on Foreign Relations:

"Senate Resolution 41

"Whereas, Greece, the land of the earliest recorded democratic republic, has valiantly withstood the threat of Communists even though she geographically stands within the shadow of the Iron Curtain; and

"Whereas, Greece remains an important ally of the United States and other free nations in the defense of the Eastern Mediterranean from the foes of freedom; and

"Whereas, The patriotic people of Greece challenged the forces of oppression and began a long struggle for restoration of their nation and the freedom of their people; and

"Whereas, Their cause was just and Greek people were dedicated to freedom; strong support developed so that after many difficult years the Ottoman Sultan was forced to acknowledge the independence of Greece; and

"Whereas, The people of Greece have clearly demonstrated that where there is a will to be free, ways and means to secure and defend freedom will be found; and

"Whereas, Through the centuries the Greek people have continually earned the admiration of the world for their courage, self-reliance and love of freedom; and

"Whereas, We, the members of the Senate gratefully acknowledge the many citizens of Greek ancestry within this State and their contributions to our cultural heritage, as well as appreciate this opportunity to pay respect to the Honorable Spiro T. Agnew, Vice President of the United States, who so willingly gave of his time to address this Legislature; and

"Whereas, The One Hundred Fiftieth Anniversary of Greek Independence was yesterday, March 25, 1971;

"Now, therefore, be it resolved, That the members of the Senate on behalf of the people of the state of Washington, now join in paying tribute to their neighbors of Greek ancestry and to the people of Greece upon the occasion of the One Hundred Fiftieth Anniversary of Greek Independence;

"Be it further resolved, That the Secretary of the Senate be and he is hereby ordered to send a copy of this resolution to the Honorable Spiro T. Agnew, Vice President of the United States and to the Rev. A. Homer Demopulos of Saint Demetrios Greek Orthodox Church, Seattle, Washington."

A resolution of the Legislature of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"Resolutions Memorializing the Congress of the United States To Protest to Hanoi the Mistreatment of American Prisoners of War

"Whereas, There are over 1600 U.S. servicemen listed as prisoners of war or missing in action and many missing in action may be in prison camps, and more than 200 U.S. servicemen have been held more than three and one half years, longer than any U.S. serviceman was held prisoner in World War II; and

"Whereas, Hanoi has shown itself very sensitive to the state of opinion in the U.S., it would be very useful to let Hanoi see something of the unity and the impatience of the American people over the long standing proven mistreatment of U.S. men in North Vietnamese prison camps; now, therefore, be it

"Resolved, That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to protest to Hanoi the mistreatment of U.S. prisoners of war held in North Vietnam; and be it further

"Resolved, That a copy of these resolutions be transmitted forthwith by the Secretary of

the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth."

Two joint memorials of the Legislature of the State of Idaho; to the Committee on Interior and Insular Affairs:

"HOUSE JOINT MEMORIAL NO. 1

"(A Joint Memorial to the President of the United States, the Honorable Senate and House of Representatives of the United States in Congress assembled, the House Committee on Interior and Insular Affairs, the Senate Committee on Interior and Insular Affairs, and to the Senators and Representatives representing this State in the Congress of the United States)

"We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do respectfully represent that:

"Whereas, the Congress of the United States has before it various proposals for legislation which would affect the future management of the present Sawtooth Primitive Area and adjacent lands; and

"Whereas, this is a region of incomparable scenic beauty and a rich historical past; and

"Whereas, this area is under increasing pressures of public and private use; and

"Whereas, uncontrolled development in the Sawtooth Valley, the Stanley Basin, and the environs of the Sawtooths threaten destruction of the natural beauty of the area; and

"Whereas, it is urgently required, in the public interest, that a definite permanent plan for the management of the Sawtooths be adopted as soon as possible; and

"Whereas, this matter has been the subject of considerable study by the United States Congress including public hearings in the area of the Sawtooths; and

"Whereas, the weight of past study and public sentiment favors the creation of a Sawtooth National Recreation Area; and

"Whereas, such action would permit continued management of the Sawtooths by the United States Forest Service, allowing the broadest multiple use of the area—for example, permitting grazing and timber management where possible; and

"Whereas, a national recreation area would permit continued management of fish and game by the Idaho Fish and Game Department.

"Now, therefore, be it resolved, by the First Regular Session of the Forty-first Idaho Legislature, now in session, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States of America to proceed at the earliest possible date to enact the necessary legislation to authorize the establishment of the Sawtooth National Recreation Area and Wilderness.

"Be it further resolved that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President and the Vice President of the United States, the Speaker of the House of Representatives of Congress, to the House Committee on Interior and Insular Affairs, to the Senate Committee on Interior and Insular Affairs, and to the Senators and Representatives representing this state in the Congress of the United States."

"SENATE JOINT MEMORIAL NO. 104

"(A joint memorial to the President of the Senate, the Speaker of the House of Representatives of the United States Congress and to the Senators and Representatives representing this State in the Congress of the United States.)

"We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do hereby respectfully represent that:

"Whereas, many of the ore deposits now found in the Sawtooth, White Cloud, and Boulder ranges are of the type which require open pit development; and

"Whereas, the laws of this state and the national government related to these more modern methods of development are in need of revision to bring them up to date to deal with such matters as restoration, stream pollution, and other ecological considerations; and

"Whereas, it is desirable to postpone further development until revisions as may now be required and deemed necessary have been adopted.

"Now, therefore, be it resolved by the First Regular Session of the Forty-first Idaho Legislature, now in session, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States of America to proceed at the earliest possible date to enact the necessary legislation to withdraw, subject to valid and existing claims, such lands as are described in H.R. 18899 introduced in the 91st Congress, 2nd Session, which include the rugged and scenic areas of the Sawtooth, White Cloud and Boulder ranges adjacent to the Sawtooth Valley and Stanley Basin, from all forms of locations and entry under, and operation of the mining laws of the United States for a period of five years.

"Be it further resolved that the Secretary of the Senate be, and he is hereby authorized and directed to forward copies of this Memorial to the President of the Senate, the Speaker of the House of Representatives of the United States Congress, and to the Senators and Representatives representing this state in the Congress of the United States."

A joint memorial of the Legislature of the State of Idaho; to the Committee on the Judiciary:

"SENATE JOINT MEMORIAL NO. 109

"A joint memorial to the Honorable Senate and House of Representatives of the United States in Congress assembled

"We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the First Regular Session of the Forty-first Idaho Legislature, do hereby respectfully represent that:

"Be it resolved by the First Regular Session of the Forty-first Idaho Legislature, now in session, that we most respectfully urge the Congress of the United States to disregard and consider withdrawn the requests of this body contained in Senate Joint Memorial No. 4, 1963, regarding a proposal to call a convention for the purpose of proposing an amendment to the Constitution of the United States, and contained in Senate Joint Memorial No. 1, 1965, regarding a proposal to call a convention for the purpose of proposing an amendment to the Constitution of the United States.

"Be it further resolved that Senate Joint Memorial No. 4, 1963, and Senate Joint Memorial No. 1, 1965, be, and the same are hereby withdrawn.

"Be it further resolved that the Secretary of the Senate be, and he hereby is, authorized and directed to forward copies of this Memorial to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and to the Senators and Representatives representing this state in the Congress of the United States."

A concurrent resolution of the General Assembly of the State of Delaware; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION NO. 13

"(Relative to the proposed amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older.)

"Whereas, at the first session of the 82nd Congress of the United States, begun and held at the City of Washington on the 21st of January, 1971, it was resolved by the Senate and the House of Representatives of the United States in Congress assembled (two-thirds of each House concurring therein), that the following Article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SEC. 1. The right of citizens of the United States who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"SEC. 2. The Congress shall have power to enforce this Article by appropriate legislation"; and

"Whereas, the citizens of Delaware, through their elected representatives in General Assembly of the State of Delaware, are desirous of reaffirming their pride and faith in young adults; and

"Whereas, the citizens of Delaware are desirous of continuing the tradition of leadership so nobly initiated on December 7, 1787.

A resolution of the Legislature of the Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

"Resolutions memorializing the President and the Congress of the United States to rescind the moratorium on the application of the Davis-Bacon Act in the Federal Construction Field."

"*Whereas,* The President of the United States has recently by presidential proclamation ordered a moratorium on the application of the Davis-Bacon Act in the federal construction field; and

"*Whereas,* The Davis-Bacon Act provides for the payment of the prevailing rate of wages in the particular area wherein federal construction projects are being undertaken; and

"*Whereas,* The suspension of said Act will, in the opinion of counless labor and government officials, be detrimental to the economy in general as well as to all in the public construction industry; now, therefore, be it

"*Resolved,* That the Massachusetts Senate unequivocally urges the President and the Congress of the United States to rescind the current moratorium or suspension on the application of the Davis-Bacon Act because of its adverse effect upon both labor and management in the public construction field; and be it further

"*Resolved,* That a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, to the presiding officer of each branch of Congress and to each member therof from the Commonwealth.

"Senate, adopted, March 22, 1971."

A joint memorial of the Oregon Legislative Assembly; to the Committee on Post Office and Civil Service:

"HOUSE JOINT MEMORIAL 4

"To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

"We, your memorialists, the Fifty-sixth Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

"Whereas it is apparent that the process of counting population and the apportionment procedure for seats in the House of Representatives of the United States are in profound need of reexamination which must be undertaken before the 1980 census perpetuates the present inequity; and

"Whereas one of the primary purposes of the federal decennial census is to assure the proper allocation of congressional seats; and

"Whereas the census figures on which the 1970 congressional reapportionment will be based allow the inclusion of mobile populations, such as students and military personnel, in the state in which they were found when the census was taken notwithstanding the fact that the state may deny to them the right to participate in its election processes; and

"Whereas rules of the Census Bureau for assigning residency, although authorized by law, are not consistent with the objective of equal representation for equal numbers; and

"Whereas even the validity of the method by which congressional seats are apportioned after the census is taken may be questioned under recent 'one-man, one-vote' decisions of the United States Supreme Court; and

"Whereas it is unclear which states have acquired seats at the expense of the two states, Oregon and Connecticut, most obviously deprived of additional seats under the pending reapportionment; and

"Whereas there is precedent for the Congress of the United States to afford exceptional relief to Oregon and Connecticut; now, therefore,

"Be it Resolved by the Legislative Assembly of the State of Oregon:

"(1) The Congress of the United States is memorialized to increase temporarily the size of the membership of the House of Representatives of the United States by two, assigning those seats one each to Oregon and Connecticut.

"(2) The Congress of the United States is further memorialized to seek and enact a more consistent and equitable method of computing population and apportioning seats prior to the 1980 federal decennial census.

"(3) A copy of this memorial shall be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States and to each member of the Oregon Congressional Delegation."

A resolution adopted by the American Veterans of World War II, Department of Pennsylvania, regarding the treatment of American prisoners of war; to the Committee on Foreign Relations.

A petition from the Citizen-Sons of Culebra outlining their philosophy; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following report of a committee was submitted:

By Mr. BYRD of West Virginia (for Mr. Jackson) from the Committee on Interior and Insular Affairs, with amendments:

S. Res. 45. A resolution to authorize a study of national fuels and energy policy (Rept. No. 92-53). Ordered referred to the Committee on Rules and Administration.

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 76. A resolution authorizing supplemental expenditures by the Committee on Agriculture and Forestry for an inquiry and investigation pertaining to rural development (Rept. No. 92-54).

S. Res. 77. A resolution authorizing the printing for the use of the Committee on Interior and Insular Affairs of additional copies of its committee print entitled "Congress and the Nation's Environment" (Rept. No. 92-55).

S. Res. 83. A resolution authorizing the printing of the report entitled "National Program for the Conquest of Cancer" (Rept. No. 92-56).

S. Con. Res. 15. A concurrent resolution pertaining to the printing of additional copies of part I of the hearings before the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary (Rept. No. 92-57).

S. Res. 78. A resolution authorizing the printing for the use of the Committee on Interior and Insular Affairs of additional copies of its committee print entitled "A Review of Energy Issues and the 91st Congress" (Rept. No. 92-58).

S. Res. 80. A resolution authorizing the printing of additional copies of the committee print entitled "Legislative History of the Federal Construction Safety Act" (Rept. No. 92-59).

S. Con. Res. 18. An original concurrent resolution authorizing the printing of additional copies of Senate Report 91-1548, entitled "Economics of Aging: Toward a Full Share in Abundance" (Report No. 92-60).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable report of a protocol was submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with understandings and declarations:

Executive H, 91st Congress, second session, Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America, signed at Mexico City on April 1, 1968 (Ex. Rept. No. 92-5).

The following favorable reports of nominations were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

George C. Guenther, of Pennsylvania, to be an Assistant Secretary of Labor;

Horace E. Menasco, of Washington, to be Administrator of the Wage and Hour Division, Department of Labor;

Alan F. Burch, of Maryland;

James F. Van Namee, of Pennsylvania; and Robert D. Moran, of Massachusetts, to be members of the Occupational Safety and Health Review Commission.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as indicated:

By Mr. BENTSEN:

S. 1481. A bill for the relief of Jose Amaral de Souza. Referred to the Committee on the Judiciary.

By Mr. SPONG:

S. 1482. A bill to amend the Act entitled "An Act to establish a boundary line between the District of Columbia and the Commonwealth of Virginia, and for other purposes", approved October 31, 1945 (59 Stat. 552). Referred to the Committee on the Judiciary.

By Mr. TALMADGE:

S. 1483. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing Farm Credit law to meet current and future rural credit needs, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. HARRIS:

S. 1484. A bill to promote the integration of education in the Nation's public elementary and secondary schools. Referred to the Committee on Labor and Public Welfare.

By Mr. RIBICOFF (for himself, Mr. Burdick, Mr. Cannon, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Montoya, Mr. Pell, Mr. Randolph, Mr. Talmadge, Mr. Williams, and Mr. Schweiker):

S. 1485. A bill to establish a Department of Education. Referred to the Committee on Government Operations and then, if reported by the Committee on Government Operations, to the Committee on Labor and Public Welfare.

By Mr. JAVITS (for himself, Mr. Hruska, Mr. Cooper, Mr. Dole, Mr. Pell, Mr. McGee, and Mr. Tower):

S. 1486. A bill to establish an Antitrust Review and Revision Commission. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself, Mr. Mondale, Mr. Tower, and Mr. Packwood):

S. 1487. A bill to provide for continuation of authority for regulation of exports. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MUSKIE (for himself, Mr. Anderson, Mr. Hart, Mr. Humphrey, Mr. Metcalf, Mr. Stevenson, and Mr. Mondale):

S. 1488. A bill to require an immigrant alien to maintain a permanent resident as a condition for entering and remaining in the United States, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. PACKWOOD:

S. 1489. A bill for the relief of Park Jung Ok. Referred to the Committee on the Judiciary.

By Mr. McINTYRE (for himself, Mr. McGovern, Mr. Metcalf, and Mr. Stevens):

S. 1490. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care for the 1970's by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance available to all Americans, and for other purposes. Referred to the Committee on Finance.

By Mr. BEALL:

S. 1491. A bill concerning medical records, information, and data to promote and facilitate medical studies, research, education, and the performance of the obligations of medical utilization committees in the District of Columbia. Referred to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 1492. A bill for the relief of Jung Ok Park. Referred to the Committee on the Judiciary.

By Mr. BEALL:

S. 1493. A bill for the relief of Gaspar Bodmer Camacho. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 1494. A bill for the relief of Pete Kayafas. Referred to the Committee on the Judiciary.

By Mr. STEVENS:

S. 1495. A bill to amend the Internal Revenue Code of 1954 to permit a deduction from gross income based upon the cost of living in certain States; and

S. 1496. A bill to amend the Internal Revenue Code of 1954 to exempt from tax a portion of the income of individuals not employed by the Federal Government who live in a State in which Federal employees receive an allowance based on living costs and conditions of environment. Referred to the Committee on Finance.

S. 1497. A bill to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. NELSON (for himself and Mr. McGovern):

S. 1498. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. EASTLAND:

S. 1499. A bill to amend title 18, United States Code, with respect to certain offenses against the security of the United States;

S. 1500. A bill to amend the Immigration and Nationality Act, and for other purposes;

S. 1501. A bill to amend titles 18 and 28, United States Code, with respect to proceedings before committees of the Congress, and for other purposes;

S. 1502. A bill to amend the Internal Security Act of 1950, and for other purposes;

S. 1503. A bill to amend the Foreign Agents Registration Act of 1938; and

S. 1504. A bill to provide for the internal security of the United States Government, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. PROUTY:

S. 1505. A bill to amend the Social Security Act so as to add thereto a new title XX under which blind or disabled individuals will be assured a minimum annual income of $1,800. Referred to the Committee on Finance.

By Mr. WILLIAMS:

S.1506. A bill to amend section 37 of the Internal Revenue Code of 1954 to update the retirement income credit. Referred to the Committee on Finance.

By Mr. PEARSON (for himself, Mr. Allott, Mr. Bennett, Mr. Burdick, Mr. Gravel, Mr. Hart, Mr. Hatfield, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. McGovern, Mr. McIntyre, Mr. Mansfield, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Nelson, Mr. Prouty, Mr. Randolph, Mr. Stevens, Mr. Stevenson, and Mr. Thurmond):

S. 1507. A bill to provide for the establishment of a National Rural Development Center, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. MONDALE:

S. 1508. A bill to amend the Wild and Scenic Rivers Act by designating a certain river in the State of Minnesota as a potential addition to the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

By Mr. BURDICK (for himself, Mr. Scott, and Mr. Tunney):

S. 1509. A bill to encourage and help implement improvements in the judicial machinery of our State and local courts by creating an Institute for Judicial Studies and Assistance, the purpose of which shall be to make grants to State and local courts and nonprofit organizations to carry out the objectives of the act and to serve as a reservoir of up-to-date information on court management and organization. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 1510. A bill to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents' medical care program. Referred to the Committee on Armed Services.

By Mr. HART:

S. 1511. A bill to relieve the Archdiocese of Detroit from liability for interest attributable to certain late payments of taxes. Referred to the Committee on Finance.

By Mr. MONDALE (for himself, Mr. Javits, Mr. Nelson, and Mr. Schweiker):

S. 1512. A bill to amend the Economic Opportunity Act of 1964 to provide for a comprehensive child development program in the Department of Health, Education, and Welfare. Referred to the Committee on Labor and Public Welfare.

By Mr. SCHWEIKER:

S. 1513. A bill for the relief of Franco Silvestri. Referred to the Committee on the Judiciary.

By Mr. MILLER:

S.J. Res. 82. A joint resolution expressing a proposal by the Congress of the United States for securing the safe return of American and allied Prisoners of War and the accelerated withdrawal of all American military personnel from South Vietnam. Referred to the Committee on Foreign Relations.

By Mr. PROXMIRE:

S.J. Res. 83. A joint resolution to provide for a study and investigation of the effectiveness of the interdiction bombing by the United States in Southeast Asia. Referred to the Committee on Armed Services.

By Mr. CRANSTON (for himself, Mr. Nelson, and Mr. Tunney):

S.J. Res. 84. A joint resolution to establish the Tule Elk National Wildlife Refuge. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TALMADGE:

S.1483. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes. Referred to the Committee on Agriculture and Forestry.

THE FARM CREDIT ACT OF 1971

Mr. TALMADGE. Mr. President, I introduce today legislation to rewrite our farm credit laws to enable the farm credit system to meet the credit needs of modern American agriculture. Hopefully the introduction and consideration of this legislation will lead to a searching examination of the credit needs not only of American agriculture, but rural areas in general.

The bill that I am introducing today has been under consideration by the administration for some time but has not yet received final clearance. However, farmers and farm leaders from my State as well as elsewhere have come to me urging that I introduce this important legislation now. They point with pride to the fact that it concerns their own credit system and not a Federal agency. They feel that it will be of great value to rural America by modernizing existing farm credit law under which the Federal Land Banks, Production Credit Association, Federal Intermediate Credit Banks, and Banks for Cooperatives are chartered.

I have not yet had time to study the bill fully. But I am impressed by the claims made by those who have given it close study. This bill has been in the development process for well over a year. A Commission on Agricultural Credit, composed of 27 national farm leaders and leaders in the Farm Credit System, was appointed in May 1969, to study present and future credit needs of agriculture. After a 10-month study the Commission laid down a detailed set of recommendations for modification of the Farm Credit System to assure that it will continue to be responsive to the rapidly growing and changing credit needs of rural people.

Subsequently, these recommendations were examined, discussed, and developed into proposals for legislative changes through group action of the various Farm Credit Boards at all levels and from all areas of the counrty.

In general the legislative proposal would completely rewrite the farm credit laws, expanding activities of the land banks, intermediate credit banks, and production credit associations to include rural housing loans, loans to persons providing custom farm services, and the providing of financial related services, such as estate planning. The bill would also provide additional flexibility in the making of loans, commitments, participations, and stock issuance and other financing. In short, it would enable the Farm Credit System to respond effectively to the ever increasing credit needs of farmers and to serve a wider segment of rural America.

And credit needs of farmers have been increasing. In order to remain in business they have had to make many changes in their operations. They are forced into increasing the size of their farms. Today, farms in this country average 389 acres, up 31 percent in just the last 10 years.

Farm real estate values in the last decade increased by 60 percent and now total about $209 billion. On a per acre basis land values have increased by 66 percent and now average $193.

Farmers have been forced to invest more in machinery and equipment. Total value of motor vehicles, machinery and equipment on farms has increased by 54 percent and in 1970 amounted to $34.3 billion.

The value of livestock and poultry on farms has increased by 55 percent since 1960 and now totals $23.5 billion.

In order to achieve their goal of a more productive and more economic unit, farmers have been forced to make greater and greater use of credit. In 1970 farmers owed a total of over $55 billion in both mortgage and short-term debt. This is an increase of 134 percent over 1960 debt.

And what of the future? Most people closely associated with agriculture believe that farmers' needs for credit in the future will be immense. Farmers are concerned because they find themselves continually using more credit. Lenders are concerned for they want to be able to be able to assure borrowers of adequate financing. The farmer-owned Farm Credit System is doubly concerned for it is a system of borrowers and lenders.

Agricultural economists of the Federal Reserve System recently predicted that farmers would require a minimum of $3 to $4 billion additional credit each year in the remainder of the seventies. They estimate that farm debt could increase to as high as $137 billion by 1980. This projection represents only the average annual increase in farmers' use of credit each year during the past 10 years.

Other economists forecast with assurance that a family farm unit by 1980 will require a minimum of $250,000 to $500,000 of capital, depending on the particular farm type.

Of course, many factors contribute to this spiraling requirement for capital in agriculture. New farming techniques. Bigger, more efficient but more expensive farming equipment. Greater reliance on purchased farm inputs. Inflation. Whatever the reasons, the availability of a dependable supply of credit on terms suited to farmers' needs is essential to the continued growth and development of American agriculture.

And this is exactly what the new proposal of the Farm Credit Administration is designed to achieve. Today this independent agency has over $15 billion in loans outstanding to farmers and their cooperatives. It brings more than $1 billion of new money into agriculture each year: none of it from Government coffers. And American farmers have more than $1 billion invested in this, their own credit institution.

In the past, the farm credit system has worked together with the Farmers Home Administration, life insurance companies, commercial banks, and other lending institutions and persons in providing farmers with the money needed to operate effectively and efficiently. They intend to continue to perform in this manner, but feel that in order to accomplish the purpose for which they were organized it is necessary to eliminate existing obsolete provisions of law, simplify procedures, and make such other changes which would enable them to respond effectively to farm credit needs.

I believe that the introduction of this bill will provide an excellent vehicle for examining the credit needs not only of American agriculture, but of all of rural America. Such an examination is long overdue. The problems of the rural or smalltown family who wants to buy a decent house, the problems of a smalltown mayor who wants to install an adequate water and sewer system, and the problems of a smalltown chamber of commerce that wants to attract new industry are equally as pressing as the problems of our hard pressed American farmer.

The President's Task Force on Rural Development recommended in its report of March 1970 the establishment of a Rural Development Credit Bank. The task force recommended that this bank be structured in law as a wholly new title in an amendment to the Farm Credit Act. The task force recommended that this bank be established—

> Within the farm credit system, but completely apart from farm loans to provide private capital for such uses as rural housing, water and sewer systems, water resource projects, rural industries, recreational facilities, and rural utilities including rural electric and telephone systems.
>
> Loans should be made to private individuals, cooperative, corporations, municipalities or other appropriate public authorities established under State law.
>
> The capital needs for this investment are too great in total, and too large in individual amounts, to be met in full by existing local banking and financial institutions.

During 1970 I offered an amendment to the Agricultural Act of 1970 to require reports from the administration in a number of areas which would enable the Congress to legislate more effectively for rural communities development. This amendment was enacted into law as title IX of the Agricultural Act of 1970. In addition to four other reports, the executive branch is required to report to the Congress on the possible utilization of the Farm Credit Administration and the agencies in the Department of Agriculture to fulfill rural financial assistance requirements not filled by other agencies. The President is required to submit this report, together with such legislative recommendations as he deems appropriate, on or before July 1, 1971.

Presently, the staff of the Senate Committee on Agriculture and Forestry is examining proposals to establish a Rural Community Development Bank. The committee will be most interested in receiving the President's recommendations on this subject.

Already we have numerous Government programs aimed at meeting such rural credit needs as the need for rural housing and the need for rural water and sewer systems. Unfortunately, all of these programs are badly underfunded. All are subject to the whims of officials in the Office of Management and Budget.

Although rural America contains only one-third of the Nation's population, it contains fully two-thirds of the Nation's occupied substandard housing.

The Department of Housing and Urban Development is primarily concerned with cities and suburbs. It has very little interest in small town America. The Farms Home Administration has a good program for housing loans in rural areas. However, this program is pitifully small when compared with the need for rural housing financing.

Moreover, the Farmers Home Administration's program is aimed at low-income families. There are often no sources of credit available to rural families with an income of over $8,000 who want to purchase a nice home. Recently I received a letter from a friend of mine who is a banker in a small Georgia town. My friend has summed up the situation concisely.

> At present, I have five loan applications for long term real estate loans on people from this county with Atlanta mortgage brokers. The loans qualify in every respect, but the normal mortgage purchasers, i.e., large insurance companies, will not purchase conventional mortgages in rural communities. For this reason, these families will be unable to build houses in the $30,000.00 to $50,000.00 bracket although they already have between 20% and 30% cash equity in the homes.

If rural America is to retain its population, it must have adequate housing for its middle-income residents, as well as its low-income families. One of the key features of the bill that I introduce today is the provision giving the Federal land banks authority to make long-term mortgage loans for housing in rural areas. This provision would enable the Federal land bank to make housing loans to those individuals who do not qualify as low-income borrowers under the Farmers Home Administration program.

The credit needs of small towns are enormous. Before any small town can experience substantial economic growth, it must have an adequate water and sewer system. According to a Farmers Home Administration survey conducted in 1969, over $11 billion would be required to provide adequate water and sewer systems for our rural areas. The Farmers Home Administration survey covered all communities with populations of 5,500 or less.

How are we meeting this $11 billion need at the present time? Congress appropriated $100 million for water and sewer grants to rural areas for fiscal 1971. The administration is refusing to spend one-half of this small amount. The administration's water and sewer insured loan program has been increased from $130 million for fiscal 1971 to $189 million for fiscal 1972. But this $59 million increase is infinitesimal when compared with the need of $11 billion.

The bill I am introducing will not provide financing for water and sewer systems and other public service for rural areas. However, the proposals for rural community development banks would meet this need.

The Senate Committee on Agriculture and Forestry will welcome any new suggestions for meeting the credit needs of the American farmer and of rural America. I believe that the bill I am introducing today will go a long way toward closing the credit gap in rural America and I will welcome any comments on this legislation and any additional proposals for meeting our farm credit needs.

Mr. President, I ask unanimous consent to have the text of this legislation, together with a summary of principal provisions and a list of key proposals, printed at the conclusion of my remarks.

There being no objection, the bill and other material were ordered to be printed in the RECORD, as follows:

S. 1483

Be it enacted by the Senate and House of Representatives of the United States of Americe in Congress, That this Act may be cited as the "Farm Credit Act of 1971".

POLICY AND OBJECTIVES

SEC. 1.1. (a) It is declared to be the policy of the Congress, recognizing that a prosperous, productive agriculture is essential to a free nation and recognizing the growing need for credit rural areas, that the farmer-owned cooperatve Farm Credit System be designed to accomplish the objective of improving the income and well-being of American farmers and ranchers by furnishing sound, adequate, and constructive credit and closely related services to them, their cooperatives, and to selected farm-related businesses necessary for efficient farm operations.

(b) It is the objective of this Act to continue to encourage farmer- and rancher-borrowers participation in the management, control, and ownership of a permanent system of credit for agriculture and to modernize and improve the authorizations and means for furnishing such credit and credit for housing in rural areas made available through the institutions constituting the Farm Credit System as herein provided.

SEC. 1.2. The Farm Credit System. The Farm Credit System shall include the Federal land banks, the Federal land bank associations, the Federal intermediate credit banks, the production credit associations, the banks for cooperatives, and such other institutions as may be made a part of the System, all of which shall be chartered by and subject to the supervision of the Farm Credit Administration.

TITLE I—FEDERAL LAND BANKS AND ASSOCIATIONS

PART A—FEDERAL LAND BANKS

SEC. 1.3. Establishment; title; branches. The Federal land banks established pursuant to section 4 of the Federal Farm Loan Act, as amended, shall continue as federally chartered instrumentalities of the United States. Their charters or organization certificates may be modified from time to time by the Farm Credit Administration, not inconsistent with the provisions of this title, as may be necessary or expedient to implement this Act. Unless an existing Federal land bank is merged with one or more other such banks under section 4.10 of this Act, there shall be a Federal land bank in each farm credit district. It may include in its title the name of the city in which it is located or other geographical designation. When authorized by the Farm Credit Administration, it may establish such branches or other offices as may be appropriate for the effective operation of its business.

SEC. 1.4. Corporate existence; general corporate powers. Each Federal land bank shall be a body corporate and, subject to supervision by the Farm Credit Administration, shall have power to—

(1) Adopt and use a corporate seal.

(2) Have succession until dissolved under the provisions of this Act or other Act of Congress.

(3) Make contracts.

(4) Sue and be sued.

(5) Acquire, hold, dispose, and otherwise exercise all the usual incidents of ownership of real and personal property necessary or convenient to its business.

(6) Make loans and commitments for credit, accept advance payments, and provide services and other assistance as authorized in this Act, and charge fees therefor.

(7) Operate under the direction of its board of directors.

(8) Elect by its board of directors a president, any vice president, a secretary, a treasurer, and provide for such other officers, employees, and agents as may be necessary, including joint employees as provided in this Act, define their duties, and require surety bonds or make other provision against losses occasioned by employees.

(9) Prescribe by its board of directors its bylaws not inconsistent with law providing for the classes of its stock and the manner in which its stock shall be issued, transferred, and retired; its officers, employees, and agents are elected or provided for; its property acquired, held, and transferred; its loans and appraisals made; its general business conducted; and the privileges granted it by law exerised and enjoyed.

(10) Borrow money and issue notes, bonds, debentures, or other obligations individually, or in concert with one or more other banks of the System, of such character, terms, conditions, and rates of interest as may be determined.

(11) Accept deposits of securities or of current funds from its Federal land bank associations and pay interest on such funds.

(12) Participate with one or more other Federal land banks in loans under this title on such terms as may be agreed upon among such banks.

(13) Approve the salary scale of the officers and employees of the Federal land bank associations and the appointment and compensation of the chief executive officer thereof and supervise the exercise by such associations of the functions vested in or delegated to them.

(14) Deposit its securities and its current funds with any member bank of the Federal Reserve System and pay fees therefor and receive interest thereon as may be agreed. When designated for that purpose by the Secretary of the Treasury, it shall be a depository of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; may be employed as a fiscal agent of the Government, and shall perform all such reasonable duties as a depository of public money or financial agent of the Government as may be required of it. No Government funds deposited under the provisions of this subsection shall be invested in loans or bonds or other obligations of the bank.

(15) Buy and sell obligations of or insured by the United States or of any agency thereof, or securities backed by the full faith and credit of any such agency, and make such other investments as may be authorized by the Farm Credit Administration.

(16) Conduct studies and make and adopt standards for lending.

(17) Delegate to Federal land bank associations such functions vested in or delegated to the bank as it may determine.

(18) Amend and modify loan contracts, documents, and payment schedules, and release, subordinate, or substitute security for any of them.

(19) Perform any function delegated to it by the Farm Credit Administration.

(20) Require Federal land bank associations to endorse notes and other obligations of its members to the bank.

(21) Exercise by its board of directors or authorized officers, employees, or agents all such incidental powers as may be necessary or expedient to carry on the business of the bank.

SEC. 1.5. Land bank stock; value; shares; voting; dividend. (a) The capital stock of each Federal land bank shall be divided into shares of par value of $5 each, and may be of such classes as its board of directors may determine with the approval of the Farm Credit Administration.

(b) Voting stock of each bank shall be held only by the Federal land bank associations and direct borrowers through agents, which stock shall not be transferred, pledged, or hypothecated except as authorized pursuant to this Act.

(c) The board of each bank shall from time to time increase its capital stock to permit the issuance of additional shares to the Federal land bank associations so that members of such associations purchasing stock or participation certificates therein may be eligible for loans from the bank.

(d) Nonvoting stock may be issued to the Governor of the Farm Credit Administration, and may also be issued to Federal land bank associations in amounts which will permit the bank to extend financial assistance to eligible persons other than farmers or ranchers. Participation certificates with a face value of $5 each may be issued in lieu of nonvoting stock when the bylaws of the bank so provide.

(e) Dividends shall not be payable on any stock held by the Governor of the Farm Credit Administration. Noncumulative dividends may be payable on other stock and participation certificates of the bank. The rate of dividends may be different between different classes and issues of stock and participation certificates on the basis of the comparative contributions of the holders thereof to the capital or earnings of the bank by such classes and issues, but otherwise dividends shall be without preference.

SEC. 1.6. Real estate mortgage loans. The Federal land banks are authorized to make long-term real estate mortgage loans in rural areas, as defined by the Farm Credit Administration, and continuing commitments to make such loans under specified circumstances, or extend other financial assistance of a similar nature to eligible borrowers, for a term of not less than five nor more than forty years.

SEC. 1.7. Interest rates and other charges. Loans made by a Federal land bank shall bear interest at a rate or rates, and on such terms and conditions as may be determined by the board of directors of the bank from time to time, with the approval of the Farm Credit Administration. In setting rates and charges, it shall be the objective to provide the types of credit needed by eligible borrowers, at the lowest reasonable costs on a sound business basis taking into account the cost of money to the bank, necessary reserves and expenses of the banks and Federal land bank asociations, and providing services to stockholders and members. The loan documents may provide for the interest rate or rates to vary from time to time during the repayment period of the loan, in accordance with the rate or rates currently being charged by the bank.

SEC. 1.8. Eligibility. The services authorized in this title may be made available to persons who are or become stockholders or members in the Federal land bank associations including (1) farmers and ranchers, (2) persons furnishing to farmers and ranchers farm related services necessary to their agricultural production, including basic processing and marketing, and (3) owners of rural homes.

SEC. 1.9. *Security*. Loans by the Federal land banks shall be secured primarily by interest in rural real estate, the value of which shall be determined by appraisal under appraisal standards prescribed or approved by the Farm Credit Administration, to adequately secure the loan. However, additional security may be required to supplement real estate security, and credit factors other than the ratio between the amount of the loan and the security value shall be given due consideration.

SEC. 1.10. *Purposes*. Loans made by the Federal land banks to farmers and ranchers may be for any agricultural purpose and other credit needs of the applicant. Loans may also be made to rural residents for rural housing financing under regulations of the Farm Credit Administration. Loans to persons furnishing farm related services to farmers and ranchers may be made for the necessary capital structures and equipment and initial working capital for such services. The banks may own and lease, or lease with option to purchase, to persons eligible for assistance under this Title, facilities needed in the operations of such persons.

SEC. 1.11. *Services related to borrowers' operations*. The Federal land banks may provide technical assistance to borrowers, members, and applicants and may make available to them such financial related services appropriate to their operations as determined to be feasible, under regulations of the Farm Credit Administration.

SEC. 1.12. *Loans through associations or agents*. (a) The Federal land banks shall, except as otherwise herein provided, make loans through a Federal land bank association serving the territory in which the real estate offered by the applicant is located. If there is no active association chartered for the territory where the real estate is located, or if the association has been declared insolvent, the bank may make the loan through another such association, directly, or through such bank or trust company or savings or other financial institution as it may designate. When the loan is not made through a Federal land bank association, the applicant shall purchase stock in the bank in an amount not less than $5 nor more than $10 for each $100 of the loan and the loan shall be made on such terms and conditions as the bank shall prescribe.

PART B—FEDERAL LAND BANK ASSOCIATIONS

SEC. 1.13. *Organizations; articles; charters; powers of the Governor.* Each Federal land bank association chartered under section 7 of the Federal Farm Loan Act, as amended, shall continue as a federally chartered instrumentality of the United States. A Federal land bank association may be organized by any group of ten or more persons desiring to borrow money from a Federal land bank, including persons to whom the Federal land bank has made a loan directly or through an agent and has taken as security real estate located in the territory proposed to be served by the association. The articles of association shall describe the territory within which the association proposes to carry on its operations. Proposed articles shall be forwarded to the Federal land bank for the district, accompanied by an agreement to subscribe on behalf of the association for stock of the land bank equal to not less than $5 nor more than $10 per $100 of the amount of the aggregate loans desired or held by the association members. Such stock may be paid for by surrendering for cancellation stock in the bank held by a borrower and the issuance of an equivalent amount of stock to such borrower in the association. The articles shall be accompanied by a statement signed by each of the members of the proposed association establishing his eligibility for, and that he has or desires a Federal land bank loan; that the real estate with respect to which he desires a loan is not being served by another Federal land bank association; and that he is or will become a stockholder in the proposed association. A copy of the articles of association shall be forwarded to the Governor of the Farm Credit Administration with the recommendations of the bank concerning the need for the proposed association in order to adequately serve the credit needs of eligible persons in the proposed territory and a statement as to whether or not the territory includes any territory described in the charter of another Federal land bank association. The Governor for good cause shown may deny the charter applied for. Upon the approval of the proposed articles by the Governor and the issuance of such charter, the association shall become as of such date a federally chartered body corporate and an instrumentality of the United States. The Governor shall have power, in the terms of the charter, under rules and regulations prescribed by him or by approving bylaws of the association, to provide for the organization, management, and conduct of the business of the association, the initial amount of stock of such association, the territory within which its operations may be carried on and to direct at any time changes in the charter of such association as he finds necessary in accomplishing the purposes of this Act.

SEC. 1.14. *Board of directors.* Each Federal land bank association shall elect from its voting shareholders a board of directors of such number, for such terms, in such manner, and with such qualifications as may be required by its bylaws.

SEC. 1.15. *General corporate powers.* Each Federal land bank association, subject to supervision of the Federal land bank for the district and of the Farm Credit Administration, shall have the power to—

(1) Adopt and use a corporate seal.

(2) Have succession until dissolved under the provisions of this Act or other Act of Congress.

(3) Make contracts.

(4) Sue and be sued.

(5) Acquire, hold, dispose, and otherwise exercise all of the usual incidents of ownership of real estate and personal property necessary or convenient to its business.

(6) Operate under the direction of its board of directors in accordance with this Act.

(7) Elect by its board of directors a manager or other chief executive officer, and provide for such other officers or employees as may be necessary, including joint employees as provided in this Act; define their duties; and require surety bonds or make other provisions against losses occasioned by employees. No director shall, within one year after the date when he ceases to be a member of the board, be elected or designated a salaried employee of the association on the board of which he served.

(8) Prescribe by its board of directors its bylaws, not inconsistent with law, providing for the classes of its stock and the manner in which its stock shall be issued, transferred, and retired; its officers and employees' elected or provided for; its property acquired, held, and transferred; its general business conducted; and privileges granted it by law exercised and enjoyed.

(9) Accept applications for Federal land bank loans and receive from such bank and disburse to the borrowers the proceeds of such loans.

(10) Subscribe to stock of the Federal land bank of the district.

(11) Elect by its board of directors a loan committee with power to elect applicants for membership in the association and recommend loans to the Federal land bank, or with the approval of the Federal land bank, delegate the election of applicants for membership and the approval of loans within specified limits to other committees or to authorized employees of the association.

(12) Upon agreement with the bank, take such additional actions with respect to applications and loans and perform such functions as are vested by law in or delegated to the Federal land banks as may be agreed to or delegated to the association.

(13) Endorse and become liable to the bank on loans it makes to association members.

(14) Receive such compensation and deduct such sums from loan proceeds with respect to each loan as may be agreed between the association and the bank and may make such other charges for services as may be approved by the bank.

(15) Provide technical assistance to members, borrowers, applicants, and other eligible persons and make available to them such financial related services appropriate to their operations as it determines, with Federal land bank approval, are feasible, under regulations of the Farm Credit Administration.

(16) Borrow money from the bank and, with the approval of such bank, borrow from and issue its notes or other obligations to any commercial bank or other financial institutions.

(17) Buy and sell obligations of or insured by the United States or any agency thereof or of any banks of the Farm Credit System.

(18) Invest its funds in such obligations as may be authorized in regulations of the Farm Credit Administration and approved by the bank and deposit its securities and current funds with any member bank of the Federal Reserve System, with the Federal land bank, or with any bank insured by the Federal Deposit Insurance Corporation, and pay fees therefor and receive interest thereon as may be agreed.

(19) Perform such other function delegated it by the Federal land bank of the district.

(20) Exercise by its board of directors or authorized officers or agents all such incidental powers as may be necessary or expedient in the conduct of its business.

SEC. 1.16. *Association stock; value of shares; voting.* (a) The shares of stock in each Federal land bank association shall have a par value of $5 each. No person but borrowers from the bank shall become members and stockholders of the association. If an application for membership is approved and if the applied-for loan is granted, the member of the association shall subscribe to stock in the association in an amount not less than 5 per centum nor more than 10 per centum of the face amount of the loan as determined by the bank. Stock shall be paid for in cash by the time the loan is closed. Stock shall be retired and paid at fair book value not to exceed par, as determined by the association, upon the full repayment of the loan and if the loan is in default may be canceled for application on the loan, or under other circumstances, for other disposition, when approved by the bank. The aggregate capital stock of each association shall be increased from time to time as necessary to permit the securing of requested loans from the bank for the association's members.

(b) The stock issued by an association may be voting stock or nonvoting stock of such classes as the association determines with the approval of the bank under regulations prescribed by the Farm Credit Administration. Each holder of voting stock shall be entitled to only one vote, and no more, in the election of directors and in deciding questions at meetings of stockholders. Participation certificates may be issued in lieu of nonvoting stock when the bylaws of the association so provide.

PART C—PROVISIONS APPLICABLE TO FEDERAL LAND BANKS AND FEDERAL LAND BANK ASSOCIATIONS

SEC. 1.17. *Land bank reserves; dividends.* (a) Each Federal land bank shall, at the end of each fiscal year, carry to reserve account a sum of not less than 50 per centum of its net earnings for the year until said reserve account shall be equal at the end of such year, after restoring any impairment thereof, to the outstanding capital stock and participation certificates of the bank. Thereafter, a sum equal to 10 per centum of the year's net earnings shall be added to the reserve account until the account shall be equal to 150 per centum of the outstanding capital stock and participation certificates of the bank. Any amounts added to the reserve account in excess of 150 per centum of the outstanding capital stock and participation certificates may be withdrawn from such reserves with the approval of the Farm Credit Administration.

(b) Any bank may declare a dividend or dividends out of the whole or any part of net earnings which remain after (1) the maintenance of the reserve as required in subsection (a) hereof, (2) the payment of the franchise tax as required by section 4.0 for any year in which any stock in the bank is held by the Governor of the Farm Credit Administration, and (3) with approval of the Farm Credit Administration.

SEC. 1.18. *Association reserves; dividends.* (a) Each Federal land bank association shall, out of its net earnings at the end of each fiscal year, carry to reserve account a sum not less than 10 per centum of such earnings until the reserve account shall equal 25 per centum of the outstanding capital stock and participation certificates of such association after restoring any impairment thereof. Therefore, 5 per centum of the net earnings for the year shall be added to such reserve account until it shall equal 50 per centum of the outstanding capital stock and participation certificates of the association. Any accounts in the reserve account in excess of 50 per centum of the outstanding capital stock and participation certificates may be withdrawn with the approval of the Federal land bank.

(b) Any association may declare a dividend or dividends out of the whole or any part of net earnings which remain after (1) maintenance of the reserve required in subsection (a) hereof and (2) bank approval.

(c) Whenever any association is liquidated, a sum equal to its reserve account as required in this Act shall be paid and become the property of the bank in which such association is a shareholder.

SEC. 1.19. *Agreements for sharing gains or losses.* Each Federal land bank may enter into agreements with Federal land bank associations in its district for sharing the gain or losses on loans or on security held therefor or acquired in liquidation thereof, and associations are authorized to enter into any such agreements and also, subject to bank approval, agreements with other associations in the district for sharing the risk of loss on loans endorsed by each such association.

SEC. 1.20. *Liens on stock.* Each Federal land bank and each Federal land bank association shall have a first lien on the stock and participation certificates it issues, except on stock held by the Governor of the Farm Credit Administration, for the payment of any liability of the stockholder to the association or to the bank, or to both of them.

SEC. 1.21. Taxation. Every Federal land bank and every Federal land bank association and the capital, reserves, and surplus thereof, and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation, except taxes on real estate held by a Federal land bank or a Federal land bank association to the same extent, according to its value, as other similar property held by other persons is taxed. The mortgages held by the Federal land banks and the notes, bonds, debentures, and other obligations issued by the banks or associations shall be deemed and held to be instrumentalities of the Government of the United States and, as such, they and the income therefrom shall be exempt from all Federal, State, municipal, and local taxation, other than Federal income tax liability of the holder thereof under the Public Debt Act of 1941 (31 U.S.C. 742 (a)).

TITLE II—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDITS AND PRODUCTION CREDIT ASSOCIATIONS

PART A—FEDERAL INTERMEDIATE CREDIT BANK

SEC. 2.0. Establishment; branches. The Federal intermediate credit banks established pursuant to section 201(a) of the Federal Farm Loan Act, as amended, shall continue as federally chartered instrumentalities of the United States. Their charters or organization certificates may be modified from time to time by the Farm Credit Administration not inconsistent with the provisions of this Title as may be necessary or expedient to implement this Act. Unless an existing Federal intermediate credit bank is merged with one or more other such banks under section 4.10 of this Act, there shall be a Federal intermediate credit bank in each farm credit district. It may include in its title the name of the city in which it is located or other geographical designation. When authorized by the Farm Credit Administration, it may establish such branches or other offices as may be appropriate for the effective operation of its business.

SEC. 2.1. Corporation existence; general corporate powers. Each Federal intermediate credit bank shall be a body corporate and, subject to supervision of the Farm Credit Administration, shall have power to—

(1) Adopt and use a corporate seal.

(2) Have succession until dissolved under the provisions of this Act or other Act of Congress.

(3) Make contracts.

(4) Sue and be sued.

(5) Acquire, hold, dispose, and otherwise exercise all of the incidents of ownership of real and personal property necessary or convenient to its business.

(6) Make and discount loans and commitments for credit, and provide services and other assistance as authorized in this Act, and charge fees therefor.

(7) Operate under the direction of its board of directors.

(8) Elect by its board of directors a president, any vice president, a secretary, a treasurer, and provide for such other officers, employees, and agents as may be necessary, including joint employees as provided in this Act, define their duties and require surety bonds or make other provision against losses occasioned by employees.

(9) Prescribe by its board of directors its bylaws not inconsistent with law providing for the classes of its stock and the manner in which its stock shall be issued, transferred, and retired; its officers, employees, and agents elected or provided for; its property acquired, held, and transferred; its loans and discounts made; its general business conducted; and the privileges granted by law exercised and enjoyed.

(10) Borrow money and issue notes, bonds, debentures, or other obligations individually, or in concert with one or more other banks of the System, of such character, and such terms, conditions, and rates of interest as may be determined.

(11) Purchase nonvoting stock in or paid-in surplus to, and accept deposits of securities or of current funds from production credit associations holding its shares and pay interest upon such funds.

(12) Deposit its securities and its current funds with any member bank of the Federal Reserve System, and pay fees therefor and receive interest thereon as may be agreed. When designated for that purpose by the Secretary of the Treasury, it shall be a depository of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; may be employed as a fiscal agent of the Government, and shall perform all such reasonable duties as a depository of public money or financial agent of the Government as may be required of it. No Government funds deposited under the provisions of this subsection shall be invested in loans or bonds or other obligations of the bank.

(13) Buy and sell obligations of or insured by the United States or of any agency thereof, or securities backed by the full faith and credit of any such agency and make such other investments as may be authorized by the Farm Credit Administration.

(14) Delegate to the production credit associations such functions vested in or delegated to the intermediate credit bank as it may determine.

(15) Approve the salary scale of the officers and employees of the associations and the appointment and compensation of the chief executive officer thereof and supervise the exercise by the production credit associations of the functions vested in or delegated to them.

(16) Amend and modify loan contracts, documents, payment schedules, and release, subordinate, or substitute security for any of them.

(17) Conduct studies and make and adopt standards for lending.

(18) Enter into loss sharing agreements with other Federal intermediate credit banks and production credit associations.

(19) Exercise by its board of directors or authorized officers, employees, or agents all such incidental powers as may be necessary or expedient to carry on the business of the bank.

(20) Participate with one or more other Federal intermediate credit banks or production credit associations in the district, in loans under this title on such terms as may be agreed upon among such banks and associations.

(21) Perform any function delegated to it by the Farm Credit Administration.

SEC. 2.2. Federal intermediate credit bank stock; value; dividends; additional stock; retirement. (a) The capital stock of each Federal intermediate credit bank shall be divided into shares of par value of $5 each and may be of such classes as its board of directors may determine with the approval of the Farm Credit Administration.

(b) Voting stock of each bank shall be held only by the production credit associations which stock shall not be transferred, pledged, or hypothecated except as provided in this title or as authorized under regulations of the Farm Credit Administration.

(c) The board of each bank shall from time to time increase its capital stock to permit the issuance of additional shares to production credit associations in such amounts as shall be determined by the board.

(d) Nonvoting stock may be issued to the Governor of the Farm Credit Administration. Nonvoting stock may also be issued to production credit associations in such amounts as will permit the association to extend financial assistance to eligible persons other than farmers, ranchers, and producers or harvesters of aquatic products. Participation certificates, with a face value of $5, may be issued in lieu of such nonvoting stock when the bylaws of the bank so provide.

(e) Participation certificates also may be issued by a bank to financing institutions other than production credit associations which are eligible to borrow from or discount eligible paper with the bank.

(f) Dividends shall not be payable on any stock held by the Governor of the Farm Credit Administration other than the tax imposed by section 4.0(c), but noncumulative dividends may be payable on other capital and participation certificates in an amount not to exceed a per centum permitted under regulations of the Farm Credit Administration, in any year as determined by the board of directors. Such dividends may be in the form of stock and participation certificates or, when the Governor of the Farm Credit Administration holds no stock in the bank, in cash. The rate of dividends may be different between different classes and issues of stock and participation certificates on the basis of the comparative contributions of the holders thereof to the capital or earnings of the bank by such classes and issues, but otherwise dividends shall be without preference.

(g) Each Federal intermediate credit bank, with the approval of the Farm Credit Administration, may determine the amount of the initial or additional stock in the bank to be subscribed for by the production credit associations in the farm credit district served by the bank in order to provide capital to meet the credit needs of the bank. The amount so determined shall be allotted among the associations in the district upon such basis that, as nearly as may be practicable, the sum of the stock already owned and the additional amount to be subscribed for by such association will be in the same proportion to the total amount of stock already owned and to be subscribed for by all of the associations in the district that the average indebtedness (loans and discounts) of each association to the bank during the immediately preceding three fiscal years is of the average of such indebtedness of all associations to the bank during such three-year period. Each association shall subscribe for stock in the bank in the amount so allotted to it. Such subscriptions shall be subject to call and payment therefor shall be made at such times and in such amounts as may be determined by the bank.

Whenever the relative amounts of stock in a bank owned by the associations differ substantially from the proportion indicated in the preceding paragraph, and additional subscriptions to stock through which such proportion could be reestablished are not contemplated, the bank, with the approval of the Farm Credit Administration, may direct either separately or in combination such transfers, retirements, and reissuance of outstanding stock among the associations as will reestablish the aforesaid proportion as nearly as may be practicable. Outstanding stock which is retired for this purpose, except as otherwise approved by the Farm Credit Administration, shall be the oldest stock held by the association and the bank shall pay the association therefor at the fair book value thereof not exceeding par.

The banks may issue further amounts of participation certificates with the same rights, privileges, and conditions, for purchase by institutions other than production credit associations which are entitled to receive participation certificates from the bank as patronage refunds. Participation certificates held by other financing institutions may be transferred to other such institutions upon request of, or with the approval of the bank.

After all stock held by the Governor of the Farm Credit Administration has been retired, the bank may retire other stock at par and participation certificates at face amount under regulations of the Farm Credit Administration. Such other stock and participation certificates shall be retired without preference and in such manner that, unless otherwise approved by Farm Credit Administration, the oldest outstanding stock or certificates at any given time will be retired first. In case of liquidation or dissolution of any production credit association or other financing institution, the stock or participation certificates of the bank owned by such association or institution may be retired by the bank at the fair book value thereof, not exceeding par or face amount, as the case may be.

(h) Except with regard to stock held by the Governor, each Federal intermediate credit bank shall have a first lien on all stock and participation certificates it issues and on all allocated reserves and other equities for any indebtedness of such capital investments to the bank.

(i) In any case where the debt of a production credit association or other financing institution is in default, the bank may retire all or part of the capital investments in the bank held by such debtor at the fair book value thereof, not exceeding par or face amount as the case may be, in total or partial liquidation of the debt.

SEC. 2.3. *Loans; discounts; participations; leasing.* (a) The Federal intermediate credit banks are authorized to make loans and extend other similar financial assistance to and discount for, or purchase from, any production credit association with its endorsement or guaranty, any note, draft, or other obligation presented by such association, and to participate with such association and one or more intermediate credit banks in the making of loans to eligible borrowers, all the foregoing to be secured by such collateral, if any, as may be required in regulations of the Farm Credit Administration. The banks may own and lease or lease with option to purchase to persons eligible for assistance under this title, equipment needed in the operations of such persons.

(b) The Federal intermediate credit banks are authorized to discount for, or purchase from, any national bank, State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, credit union, and any association of agricultural producers engaged in the making of loans to farmers and ranchers, with its endorsement or guaranty, any note, draft, or other obligation the proceeds of which have been advanced or used in the first instance for any agricultural purpose, including the breeding, raising, fattening, or marketing of livestock; and to make loans and advances to any such financing institution secured by such collateral as may be approved by the Farm Credit Administration: *Provided*, That no such loan or advance shall be made upon the security of collateral other than notes or other such obligations of farmers and ranchers eligible for discount or purchase under the provisions of this section, unless such loan or advance is made to enable the financing institution to make or carry loans for any agricultural purpose.

(c) No paper shall be purchased from or discounted for any national bank, State bank, trust company or savings institution under subsection (b) if the amount of such paper added to the aggregate liabilities of such national bank, State bank, trust company or savings institution, whether direct or contingent (other than bona fide deposit liabilities), exceeds the lower of the amount of such liabilities permitted under the laws of the jurisdiction creating the same, or twice the paid-in and unimpaired capital and surplus of such national bank, State bank, trust company, or savings institution. No paper shall under this section be purchased from or discounted for any other corporation engaged in making loans for agricultural purposes including the raising, breeding, fattening, or marketing of livestock, if the amount of such paper added to the aggregate liabilities of such corporation exceeds the lower of the amount of such liabilities permitted under the laws of the jurisdiction creating the same, or 10 times the paid-in and unimpaired capital and surplus of such corporation. It shall be unlawful for any national bank which is indebted to any Federal intermediate credit bank, upon paper discounted or purchased under subsection (b), to incur any additional indebtedness, if by virtue of such additional indebtedness its aggregate liabilities direct or contingent, will exceed the limitations herein contained.

SEC. 2.4. Terms. Loans, advances, or discounts made under section 2.3 shall be repayable in not more than seven years from the time they are made or discounted by the Federal intermediate credit bank, and shall bear such rate or rates of interest or discount as the board of directors of the bank shall from time to time determine with the approval of Farm Credit Administration, but the rates charged financing institutions other than production credit associations shall be the same as those charged production credit associations. In setting the rates and charges, it shall be the objective to provide the types of credit needed by eligible borrowers, at the lowest reasonable costs on a sound business basis taking into account the cost of money to the bank, necessary reserves and expenses of the banks and production credit associations, and providing services to borrowers from the banks and associations. The loan documents may provide for the interest rate or rates to vary from time to time during the repayment period of the loan, in accordance with the rate or rates currently being charged by the bank. No obligation tendered for discount by a financing institution, without the approval of the Farm Credit Administration, shall be eligible for discount upon which the original borrower has been charged a rate of interest exceeding by more than 1½ percent per annum the discount rate of the bank.

SEC. 2.5. Services related to borrowers' operations. The Federal intermediate credit banks may provide technical assistance to borrowers, members, and applicants from the banks and production credit associations, including persons obligated on paper discounted by the bank, and may make available to them such financial related services appropriate to their operations as determined to be feasible under regulations of the Farm Credit Administration.

SEC. 2.6. Net earnings—Determination; annual application; surplus account; absorption of net loss. (a) If, at the end of a fiscal year a Federal intermediate credit bank shall have stock outstanding held by the Governor of the Farm Credit Administration, such bank shall determine the amount of its net earnings after paying or providing for all operating expenses (including reasonable valuation reserves and losses in excess of any such applicable reserves) and shall apply such net earnings as follows: (1) to the restoration of the impairment, if any, of capital stock and participation certificates, as determined by its board of directors; (2) to the restoration of the amount of the impairment, if any, of the surplus account established by this subsection, as determined by its board of directors; (3) 25 per centum of any remaining net earnings shall be used to create and maintain an allocated reserve account; (4) a franchise tax shall be paid to the United States, as provided in section 4.0 of this Act; (5) reasonable unallocated contingency reserve account may be established and maintained; (6) dividends on stock held by production credit associations and on participation certificates may be declared as provided in section 2.2(f) of this title; and (7) any remaining net earnings shall be distributed as patronage refunds as provided in subsection (b) of this section.

Amounts applied to reserve account as provided in (3) above, either heretofore or hereafter, shall be allocated on the same patronage basis and have the same tax treatment as is provided in subsection (b) of this section for patronage refunds. Such allocations of reserve account shall be subject to a first lien as additional collateral for any indebtedness of the holders thereof to the bank and in any case where such indebtedness is in default may, but shall not be required to, be retired and canceled for application on such indebtedness, and, in case of liquidation or dissolution of a holder thereof, such reserve account allocations may be retired, all as is provided for stock and participation certificates in section 2.2(g) of this title. At the end of any fiscal year that the allocated reserve account of any bank exceeds 25 per centum of its outstanding stock and participation certificates, such excess may be distributed, oldest allocations first, in voting stock to production credit associations and participation certificates issued as of the date of the allocations and, with the approval of the Farm Credit Administration, also in cash.

If and when the relative amounts of stock in a Federal intermediate credit bank owned by the production credit associations are adjusted to reestablish the proportion of such stock owned by each association, as provided in the first or second paragraphs of section 2.2(g) of this Title, amounts in the reserve account that are allocated to production credit associations may be adjusted in the same manner, so far as practicable, to reestablish the holdings of the production credit associations in the allocated legal reserve accounts into substantially the same proportion as are their holdings of stock.

No part of the surplus account established by a Federal intermediate credit bank on January 1, 1957, consisting of its earned surplus account, its reserve for contingencies, and the surplus of the production credit corporation transferred to the bank, shall be distributed as patronage refunds or as dividends. In the event of a net loss in any fiscal year after providing for all operating expenses (including reasonable valuation reserves and losses in excess of any such applicable reserves), such loss shall be absorbed by: first, charges to the unallocated reserve account; second, impairment of the allocated reserve account; third, impairment of the surplus other than that transferred from the production credit corporation of the district; fourth, impairment of surplus transferred from the production credit corporation of the district; fifth, impairment of voting stock and participation certificates; and sixth, impairment of nonvoting stock.

(b) If at the end of a fiscal year a Federal intermediate credit bank shall have outstanding capital stock held by the Governor of the Farm Credit Administration, patronage refunds declared for that year shall be paid in voting stock to production credit associations and in participation certificates to other financing institutions borrowing from or discounting with the bank during the fiscal year for which such refunds are declared. The recipients of such patronage refunds shall not be subject to Federal income taxes thereon. All patronage refunds shall be paid in the proportion that the amount of interest earned by the bank on its loans to and discounts for each production credit association or other financing institution bears to the total interest earned by the bank on all such loans and discounts outstanding during the fiscal year. Each participation certificate issued in payment of patronage refunds shall be in multiples of $5 and shall state on its face the rights, privileges, and conditions applicable thereto. Patronage refunds shall not be paid to any other Federal intermediate credit bank, or to any Federal land bank or bank for cooperatives.

(c) If, at the end of a fiscal year a Federal intermediate credit bank shall have no outstanding capital stock held by the Governor of the Farm Credit Administration, the net earnings of such bank shall, under regulations prescribed by the Farm Credit Administration, continue to be distributed on a cooperative basis with an obligation to distribute patronage dividends and with provision for sound, adequate capitalization to meet changing financing needs of production credit associations, other financial institutions eligible to discount paper with the bank, and other eligible borrowers, and prudent corporate fiscal management, to the end that the current year's patrons carry their fair share of the capitalization, ultimate expenses, and reserves. Such regulations may provide for the application of less than 25 per centum of net earnings after payment of operating expenses to the restoration or maintenance of the allocated reserve account, additions of unallocated contingency reserve account of not to exceed such per centum of net earnings as may be approved by the Farm Credit Administration, and provide for allocations to patrons not qualified under the Internal Revenue Code, and the payment of patronage in stock, participation certificates, or in cash, as the board may determine. If during the fiscal year but not at the end thereof a bank shall have had outstanding capital stock held by the Governor of the Farm Credit Administration, provision will be made for the payment of the franchise tax required in section 4.0.

SEC. 2.7. Distribution of assets on liquidation. In the case of liquidation or dissolution of any Federal intermediate credit bank, after payment or retirement, as the case may be, first, of all liabilities; second, of all stock held by the Governor of the Farm Credit Administration at par; third, of all stock owned by production credit associations at par and all participation certificates at face amount; any remaining assets of the bank shall be distributed as provided in this subsection. Any of the surplus established pursuant to section 2.6 (excluding that transferred from the production credit corporation of the district) which the Farm Credit Administration determines was contributed by financing institutions other than the production credit associations discounting with or borrowing from the bank on January 1, 1957, shall be paid to such institutions, or their successors in interest as determined by Farm Credit Administration, and the remaining portion of such surplus (including that transferred from the production credit corporation of the district) shall be paid to the holders of voting and nonvoting stock pro rata. The contribution of each such financing institution under the preceding sentence shall be computed on the basis of the ratio of its patronage to the total patronage of the bank from the date of organization of the bank to January 1, 1957. The allocated reserve established pursuant to section 2.6 shall be paid to the production credit associations and other financing institutions to which such reserve is allocated on the books of the bank. Any assets of the bank then remaining shall be distributed to the production credit associations and the holders of participation certificates pro rata.

SEC. 2.8. Taxation. Every Federal intermediate credit bank and the capital, reserves, and surplus thereof and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation except taxes on real estate held by a Federal intermediate credit bank to the same extent, according to its value, as other similar property held by other persons is taxed. The obligations held by the Federal intermediate credit banks and the notes, bonds, debentures, and other obligations issued by the banks shall be deemed to be instrumentalities of the Government of the United States, and, as such, they and the income therefrom shall be exempt from all Federal, State, municipal, and local taxation, other than Federal income tax liability of the holder thereof under the Public Debt Act of 1941 (31 U.S.C. 742 (a)).

PART B—PRODUCTION CREDIT ASSOCIATIONS

SEC. 2.10. Reorganization and charters. Each production credit association chartered under section 20 of the Farm Credit Act of 1933, as amended, shall continue as a federally chartered instrumentality of the United States. Production credit associations may be organized by ten or more farmers or ranchers or producers or harvesters of aquatic products desiring to borrow money under the provisions of this title. The porposed articles of association shall be forwarded to the Federal intermediate credit bank for the district accompanied by an agreement to subscribe on behalf of the association for stock in the bank in such amounts as may be required by the bank. The articles shall specify in general terms the objects for which the association is formed, the powers to be exercised by it in carrying out the functions authorized by this part, and the territory it proposes to serve. The articles shall be signed by persons desiring to form such an association and shall be accompanied by a statement signed by each such person establishing eligibility to borrow from the association in which he will become a stockholder. A copy of the articles of association shall be forwarded to the Governor of the Farm Credit Administration with the recommendations of the bank concerning the need for such an association in order to adequately serve the credit needs of eligible persons in the proposed territory and whether that territory includes any area described in the charter of another production credit association. The Governor for good cause shown may deny the charter. Upon approval of the proposed articles by the Governor and the issuance of a charter, the association shall become as of such date a federally chartered body corporate and an instrumentality of the United States. The Governor shall have the power under rules and regulations prescribed by him or by prescribing in the terms of the charter or by approval of bylaws of the association, to provide for the organization, management, and conduct of the business of the association, the initial amount of stock of the association, the territory within which its operations may be carried on, and to direct at any time such changes in the charter as he finds necessary for the accomplishment of the purposes of this Act.

SEC. 2.11. Board of directors. Each production credit association shall elect from its voting members a board of directors of such number for such terms, with such qualifications, and in such manner as may be required by its bylaws.

SEC. 2.12. General corporate powers. Each production credit association, subject to supervision by the Federal intermediate credit bank for the district and the Farm Credit Administration, shall have power to—

(1) Have succession until terminated in accordance with this Act or any other Act of Congress.

(2) Adopt and use a corporate seal.

(3) Make contracts.

(4) Sue and be sued.

(5) Acquire, hold, dispose, and otherwise exercise all of the usual incidents of ownership of real and personal property necessary or convenient to its business.

(6) Operate under the direction of its board of directors in accordance with this Act.

(7) Subscribe to stock of the bank.

(8) Purchase stock of the bank held by other production credit associations and stock of other production credit associations.

(9) Contribute to the capital of the bank or other production credit associations.

(10) Invest its funds as may be approved by the Federal intermediate credit bank under regulations of the Farm Credit Administration and deposit its current funds and securities with the Federal intermediate credit bank, a member bank of the Federal Reserve System or any bank insured under the Federal Deposit Insurance Corporation, and may pay fees therefor and receive interest thereon as may be agreed.

(11) Buy and sell obligations of or insured by the United States or of any agency thereof or of any banks of the Farm Credit System.

(12) Borrow money from the Federal intermediate credit bank, and with the approval of such bank, borrow from and issue its notes or other obligations to any commercial bank or other financial institutions.

(13) Make and participate in loans, accept advance payments, and provide services and other assistance as authorized in this title and charge fees therefor.

(14) Endorse and become liable on loans discounted or pledged to the Federal intermediate credit bank.

(15) Enter into loss sharing agreements with the Federal intermediate credit bank and other production credit associations.

(16) Prescribe by its board of directors its bylaws not inconsistent with law providing for the classes of its stock and the manner in which its stock will be issued, transferred, and retired, its officers and employees elected or provided for, its property acquired, held, and transferred, its general business conducted, and the privileges granted it by law exercised and enjoyed.

(17) Elect by its board of directors a manager or other chief executive officer, and provide for such other officers or employees as may be necessary, including joint employees as provided in this Act, define their duties, and require surety bonds or make other provisions against losses occasioned by employees. No director shall, within one year after

the date when he ceases to be a member of the board, be elected or designated a salaried employee of the association on the board of which he served.

(18) Elect by its board of directors a loan committee with power to approve applications for membership in the association and loans or participations or, with the approval of the bank, delegate the approval of applications for membership and loans or participations within specified limits to other committees or to authorized officers and employees of the association.

(19) Perform any functions delegated to it by the bank or the Farm Credit Administration.

(20) Exercise by its board of directors or authorized officers or employees, all such incidental powers as may be necessary or expedient to carry on the business of the association.

SEC. 2.13. Capital stock; classes of stock; transfer; exchange; and dividends. (a) A production credit association may issue voting stock, nonvoting stock, preferred stock, participation certificates, and provide for an equity reserve. Holders of stock, participation certificates, and equity reserve shall have such rights, not inconsistent with the provisions of this section, as are set forth in the bylaws of the association. Stock shall be divided into shares of $5 par value each, and participation certificates shall have a face value of $5 each.

(b) Voting stock may be purchased only by farmers and ranchers, or producers or harvesters of aquatic products, who are eligible to borrow from the association. Each holder of voting stock shall be entitled to no more than one vote except as otherwise provided in subsection (d) hereof. No voting stock or any interest therein or right to receive dividends thereon shall be transferred by act of the parties or by operation of law, except to another person eligible to hold voting stock, and then only as provided in the bylaws.

(c) Nonvoting stock may be issued to the Governor of the Farm Credit Administration and to other investors.

(d) Preferred stock, which shall be nonvoting, may be issued to the Governor and to other investors when authorized by a majority vote of the outstanding shares of voting stock, by a majority vote of the outstanding shares of the nonvoting stock, and by a majority vote of the outstanding shares of preferred stock, except that all stock held by the Governor shall be excluded from voting hereunder. For the purpose of this subsection only, the holders of such stock shall be entitled to one vote, in person or by written proxy, for each share of stock held. The authorization to issue preferred stock shall state the privileges, restrictions, limitations, dividend rights (either cumulative or noncumulative) redemption rights, preferences, and other qualifications affecting said stock, and the total amount of the authorized issue to which it belongs.

(e) Participation certificates may be issued to persons eligible to borrow from the association to whom voting stock is not to be issued.

(f) Each borrower from the association shall be required to own at the time the loan is made voting stock or participation certificates as provided in the bylaws of the association, in an amount equal in fair book value (not exceeding par or face amount, as the case may be), as determined by the association, to $5 per one hundred dollars or fraction thereof of the amount of the loan. Such stock and participation certificates shall not be canceled or retired upon payment of the loan or otherwise except as may be provided in the bylaws. Notwithstanding any other provision of this section, for a loan in which an association participates with a commercial bank or other financial institution other than a Federal intermediate credit bank or another production credit association, the requirement that the borrower own stock or participation certificates shall apply only to the portion of the loan which is retained by the association.

(g) Voting stock shall, within two years after the holder ceases to be a borrower, be converted into nonvoting stock at the fair book value thereof, not exceeding par. Consistent with the provisions of this Part, and as provided in the bylaws of the association, each class of stock and participation certificates shall be convertible into any other class of stock except preferred stock, and into participation certificates.

(h) As a further means of providing capital, an association may, as provided in its bylaws, and with the approval of the bank, require borrowers to purchase stock or participation certificates in addition to that required in subsection (f) hereof, or invest in the equity reserve, in an aggregate amount not exceeding $5 per $100 or fraction thereof of the amount of the loan. Any portion of the amounts invested under this subsection which is no longer required for the purposes of the association may be returned to the owners thereof by revolving or retirement in accordance with its bylaws.

(i) Dividends shall be paid on preferred stock in accordance with the authorization of the stockholders to issue such stock. Dividends on stock other than preferred stock, and on participation certificates may be paid by an association as provided in its bylaws at such rate or rates as are approved by the Federal intermediate credit bank in accordance with regulations of the Farm Credit Administration, and may be paid, upon such approval, even though the amount in the surplus accounts is less than the minimum aggregate amount prescribed by the bank as provided in section 2.14.

(j) Except with regard to stock held by the Governor, each production credit association shall have a first lien on stock and participation certificates it issues, allocated surplus, and on investments in equity reserve, for any indebtedness of the holder of such capital investments and, in the case of equity reserve, for charges for association losses in excess of reserves and surplus.

(k) In any case where the debt of a borrower is in default, the association may retire all or part of the capital investments in the association held by such debtor at the fair book value thereof, not exceeding par or fact amount, as the case may be, in total or partial liquidation of the debt.

SEC. 2.14. Application of earnings; restoration of capital impairment; and surplus account. (a) Each production credit association at the end of each fiscal year shall apply the amount of its earnings for such year in excess of its operating expenses (including provision for valuation reserves against loan assets in an amount equal to one-half of one per centum of the loans outstanding at the end of the fiscal year to the extent that earnings in such year in excess of other operating expenses permit, until such reserves equal or exceed three and one-half per centum of the loans outstanding at the end of the fiscal year, beyond which three and one-half per centum further additions to such reserves are not required but may be made) first to the restoration of the impairment, if any, of capital; and second, to the establishment and maintenance of the surplus accounts, the minimum aggregate amount of which shall be prescribed by the Federal intermediate credit bank.

(b) When the bylaws of an association so provide, available net earnings at the end of any fiscal year may be distributed on a patronage basis in stock, participation certificates, or in cash, except that when the Governor holds any stock in an association the cash distribution shall be such percentage of the patronage refund as shall be determined under regulations of the Farm Credit Administration. Any part of the earnings of the fiscal year in excess of the operating expenses for such year held in the surplus account may be allocated to patrons on a patronage basis.

SEC. 2.15. Short- and intermediate-term loans; participation; other financial assistance; terms; conditions, interest, security. (a) Each production credit association, under rules and regulations prescribed by the board of directors of the Federal intermediate credit bank of the district and approved by the Farm Credit Administration, may make, guarantee, or participate with other lenders in short- and intermediate-term loans and other similar financial assistance to (1) farmers and ranchers and the producers or harvesters of aquatic products, for agricultural purposes and other requirements of such borrowers, (2) rural residents for housing financing in rural areas, under regulations of Farm Credit Administration, and (3) persons furnishing to farmers and ranchers farm related services necessary to their agricultural production, including basic processing and marketing. Each association may own and lease, or lease with option to purchase, to stockholders of the association equipment needed in the operations of the stockholder.

(b) Loans authorized in subsection (a) hereof shall bear such rate or rates of interest as are determined under regulations prescribed by the board of the bank with the approval of the Farm Credit Administration, and shall be made upon such terms, conditions, and upon such security, if any, as shall be authorized in such regulations. In setting rates and charges, it shall be the objective to provide the types of credit needed by eligible borrowers, at the lowest reasonable cost on a sound business basis, taking into account the cost of money to the association, necessary reserves and expenses of the association, and services provided to borrowers and members. The loan documents may provide for the interest rate or rates to vary from time to time during the repayment period of the loan in accordance with the rate or rates currently being charged by the association. Such regulations may require prior approval of the bank or of Farm Credit Administration on certain classes of loans; and may authorize a continuing commitment to a borrower of a line of credit.

SEC. 2.16. Other services. Each production credit association may provide technical assistance to borrowers, applicants, and members and may make available to them such financial related services appropriate to their operations as is determined feasible, under regulations prescribed by the Farm Credit Administration.

SEC. 2.17. Taxation. Each production credit association and its obligations are instrumentalities of the United States and as such any and all notes, debentures, and other obligations issued by such associations shall be exempt, both as to principal and interest from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States or any State, Territorial, or local taxing authority. Such associations, their property, their franchises, capital, reserves, surplus, and other funds, and their income shall be exempt from all taxation now or hereafter imposed by the United States or by any State, Territorial, or local taxing authority; except that interest on the obligations of such associations shall be subject only to Federal income taxation in the hands of the holder thereof pursuant to the Public Debt Act of 1941 (31 U.S.C. 742(a)) and except that any real and tangible personal property of such associations shall be subject to Federal, State, Territorial, and local taxation to the same extent as similar property is taxed. The exemption provided in the preceding sentence shall apply only for any year or part thereof in which stock in the production credit associations is held by the Governor of the Farm Credit Administration.

TITLE III—BANKS FOR COOPERATIVES

SEC. 3.0. Establishment; titles; branches. The banks for cooperatives established pursuant to sections 2 and 30 of the Farm Credit Act of 1933, as amended, shall continue as federally chartered instrumentalities of the United States. Their charters or organization certificates may be modified from time to time by the Farm Credit Administration, not inconsistent with the provisions of this Title, as may be necessary or expedient to implement this Act. Unless an existing bank for cooperatives is merged with one or more other such banks under section 4.10 of this Act, there shall be a bank for cooperatives in each farm credit district and a Central Bank for Cooperatives. A bank for cooperatives may include in its title the name of the city in which it is located or other geographical designation. The Central Bank for Cooperatives may be located in such place as its board of directors may determine with the approval of the Farm Credit Administration. When authorized by the Farm Credit Administration each bank for cooperatives may establish such branches or other offices as may be appropriate for the effective operation of its business.

SEC. 3.1. Corporate existence; general corporate powers. Each bank for cooperatives shall be a body corporate and, subject to supervision by Farm Credit Administration, shall have power to—

(1) Adopt and use a corporate seal.

(2) Have succession until dissolved under the provisions of this Act or other Act of Congress.

(3) Make contracts.

(4) Sue and be sued.

(5) Acquire, hold, dispose, and otherwise exercise all of the usual incidents of ownership of real and personal property necessary or convenient to its business.

(6) Make loans and commitments for credit, provide services and other assistance as authorized in this Act, and charge fees therefor.

(7) Operate under the direction of its board of directors.

(8) Elect by its board of directors a president, and a vice president, a secretary, a treasurer, and provide for such other officers, employees, and agents as may be necessary, including joint employees as provided in this Act, define their duties and require surety bonds or make other provisions against losses occasioned by employees.

(9) Prescribe by its board of directors its bylaws not inconsistent with law providing for the classes of its stock and the manner in which its stock shall be issued, transferred, and retired; its officers, employees, or agents elected or provided for; its property acquired, held, and transferred; its loans made; its general business conducted; and the privileges granted it by law exercised and enjoyed.

(10) Borrow money and issue notes, bonds, debentures, or other obligations individually or in concert with one or more other banks of the System, of such character, and such terms, conditions, and rates of interest as may be determined.

(11) Participate in loans under this Title with one or more other banks for cooperatives and with commercial banks and other financial institutions upon such terms as may be agreed among them.

(12) Deposit its securities and its current funds with any member bank of the Federal Reserve System, and pay fees therefor and receive interest thereon as may be agreed. When designated for that purpose by the Secretary of the Treasury, it shall be a depository of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; may be employed as a fiscal agent of the Government, and shall perform all such reasonable duties as a depository of public money or financial agent of the Government as may be required of it. No Government funds deposited under the provisions of this subsection shall be invested in loans or bonds or other obligations of the bank.

(13) Buy and sell obligations of or insured by the United States or of any agency thereof, or securities backed by the full faith and credit of any such agency and make such other investments as may be authorized by the Farm Credit Administration.

(14) Conduct studies and adopt standards for lending.

(15) Amend and modify loan contracts, documents, and payment schedules, and release, subordinate, or substitute security for any of them.

(16) Perform any function delegated to it by the Farm Credit Administration.

(17) Exercise by its board of directors or authorized officers, employees, or agents all such incidental powers as may be necessary or expedient to carry on the business of the bank.

SEC. 3.2. *Board of directors.* (a) In the case of a district bank for cooperatives, the board of directors shall be the farm credit district board and in the case of the Central Bank for Cooperatives shall be a separate board of not more than 13 members, one from each farm credit district and one at large. One district director of the Central Bank Board shall be elected by each district farm credit board and the member at large shall be appointed by the Governor with the advice and consent of the Federal Farm Credit Board.

(b) For the purposes of this section the provisions of sections 5.1 (b) and (c), 5.4, 5.5, and 5.6 shall apply to and shall be the authority of the Central Bank for Cooperatives the same as though it were a district bank.

SEC. 3.3 Bank for cooperatives stock; values; classes of stock; voting; exchange. (a) The capital stock of each bank for cooperatives shall be in such amount as its board determines, with the approval of Farm Credit Administration, is required for the purpose of providing adequate capital to permit the bank to meet the credit needs of borrowers from the bank and such amounts may be increased or decreased from time to time in accordance with such needs.

(b) The capital stock of each bank shall be divided into shares of par value of $100 each and may be of such classes as the board may determine with the approval of the Farm Credit Administration. Such stock may be issued in fractional shares.

(c) Voting stock may be issued or transferred to and held only by cooperative associations eligible to borrow from the banks and other banks for cooperatives and shall not be otherwise transferred, pledged, or hypothecated except as consented to by the issuing bank under regulations of the Farm Credit Administration.

(d) Each holder of one or more shares of voting stock which is eligible to borrow from a bank for cooperatives shall be entitled only to one vote and only in the affairs of the bank in the district in which its principal office is located unless otherwise authorized by the Farm Credit Administration, except that if such holder has not been a borrower from the bank in which it holds such stock within a period of two years next preceding the date fixed by the Farm Credit Administration prior to the commencement of voting, it shall not be entitled to vote.

(e) Nonvoting investment stock may be issued in such series and in such amounts as may be determined by the board and approved by the Farm Credit Administration and may be exchanged for voting stock or sold or transferred to any person subject to the approval of the issuing bank.

SEC. 3.4. Dividends. Dividends may be payable only on nonvoting investment stock, other than stock held by the Governor of the Farm Credit Administration, if declared by the board of directors of the bank in accordance with regulations of the Farm Credit Administration.

SEC. 3.5. Retirement of stock. Any nonvoting stock held by the Governor of the Farm Credit Administration shall be retired to the extent required by section 4.0(b) before any other outstanding voting or nonvoting stock shall be retired except as may be otherwise authorized by Farm Credit Administration. When those requirements have been satisfied, nonvoting investment stock may be called for retirement at par. With the approval of the issuing bank, the holder may elect not to have the called stock retired in response to a call, reserving the right to have such stock included in the next call for retirement. When the requirements of section 4.0(b) have been met, voting stock may also be retired at fair book value not exceeding par, on call or on such revolving basis as the board may determine with approval of the Farm Credit Administration with due regard for its total capital needs: *Provided, however,* That all equities in the district banks issued or allocated with respect to the year of the enactment of this Act and prior years shall be retired on a revolving basis according to the year of issue with the oldest outstanding equities being first retired. Equities issued for subsequent years shall not be called or retired until equities described in the preceding sentence of this proviso have been retired.

SEC. 3.6. Guaranty fund subscriptions in lieu of stock. If any cooperative association is not authorized under the laws of the State in which it is organized to take and hold stock in a bank for cooperatives, the bank shall, in lieu of any requirement for stock purchase, require the association to pay into or have on deposit in a guaranty fund, or the bank may retain out of the amount of the loan and credit to the guaranty fund account of the borrower, a sum equal to the amount of stock which the association would otherwise be required to own. Each reference to stock of the banks for cooperatives in this Act shall include such guaranty fund equivalents. The holder of the guaranty fund equivalent and the bank shall each be entitled to the same rights and obligations with respect thereto as the rights and obligations associated with the class or classes of stock involved.

SEC. 3.7. Lending powers. The banks for cooperatives are authorized to make loans and commitments to eligible cooperative associations and to extend to them other technical and financial assistance, including but not limited to discounting notes and other obligations, guaranties, collateral custody, or participation with other banks for cooperatives and commercial banks or other financial institutions in loans to eligible cooperatives, under such terms and conditions as may be prescribed by the Farm Credit Administration, including provisions for avoiding duplication between the Central Bank and district banks for cooperatives. Each bank may own and lease, or lease with option to purchase, to stockholders of the bank equipment needed in the operations of the stockholder.

SEC. 3.8. Eligibility. Any association of farmers, producers or harvesters of aquatic products, or any federation of such associations, which is operated on a cooperative basis, and has the powers for processing, preparing for market, handling, or marketing farm or aquatic products; or for purchasing, testing, grading, processing, distributing, or furnishing farm or aquatic supplies or furnishing farm business services or services to eligible cooperatives and conforms to either of the two following requirements:

(a) No member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein; or

(b) does not pay dividends on stock or membership capital in excess of such per centum per annum as may be approved under regulations of the Farm Credit Administration;

and in any case

(c) does not deal in farm products or aquatic products, or products processed therefrom, farm or aquatic supplies, or farm business services with or for nonmembers in an amount greater in value than the total amount of such business transacted by it with or for members, excluding from the total of member and nonmember business transactions with the United States or any agency or instrumentality thereof or services or supplies furnished as a public utility; and

(d) a percentage of the voting control of the association not less than 66⅔ per centum, or such higher percentage as established by the district board is held by farmers, producers or harvesters of aquatic products, or eligible cooperative associations as defined herein;

shall be eligible to borrow from a bank for cooperatives.

SEC. 3.9. Ownership of stock by borrowers. (a) Each borrower at the time a loan is made by a bank for cooperatives shall own at least one share of voting stock and shall be required by the bank with the approval of the Farm Credit Administration to own additional voting stock or nonvoting investment stock at that time, or from time to time, as the lending bank may determine, but the requirement for the ownership of stock at the time the loan is closed shall not exceed an amount equal to 10 per centum of the face amount of the loan. Such additional ownership requirements may be based on the face amount of the loan, the outstanding loan balance at the beginning of any fiscal year or on a percentage of the interest payable by the borrower during any year or during any quarter thereof, or upon such other basis as the bank, with the approval of the Farm Credit Administration, determines will provide adequate capital for the operation of the bank and equitable ownership thereof among borrowers. In the case of a direct loan by the Central Bank, the borrower shall be required to own the necessary stock in the district bank for the district in which its principal office is located and the district bank shall be required to own a corresponding amount of stock in the Central Bank.

(b) Notwithstanding the provisions of subsection (a) of this section, the purchase of stock need not be required with respect to that part of any loan made by a bank for cooperatives which it sells to or makes in participation with financial institutions other than any of the banks for cooperatives. In such cases the distribution of earnings of the bank for cooperatives shall be on the basis of the interest in the loan retained by such bank.

SEC. 3.10. Interest rates; security; lien; cancellation; and application on indebtedness. (a) Loans made by a bank for cooperatives shall bear interest at a rate or rates determined by the board of directors of the bank from time to time, with the approval of the Farm Credit Administration. In setting rates and charges, it shall be the objective to provide the types of credit needed by eligible borrowers at the lowest reasonable cost on a sound business basis, taking into account the cost of money to the bank, necessary reserves and expenses of the bank; and services provided. The loan documents may provide for the interest rate or rates to vary from time to time during the repayment period of the loan, in accordance with the rate or rates currently being charged by the bank.

(b) Loans shall be made upon such terms, conditions, and security, if any, as may be determined by the bank in accordance with regulations of the Farm Credit Administration.

(c) Each bank for cooperatives shall have a first lien on all stock or other equities in the bank as additional collateral for the payment of any indebtedness of the owner thereof to the bank. In the case of a direct loan to an eligible cooperative by the Central Bank, the Central Bank shall have a first lien on the stock and equities of the borrower in the district bank and the district bank shall have a lien thereon junior only to the lien of the Central Bank.

(d) In any case where the debt of a borrower is in default, or in any case of liquidation or dissolution of a present or former borrower from a bank for cooperatives, the bank may, but shall not be required to retire and cancel all or a part of the stock, allocated surplus or contingency reserves, or any other equity in the bank owned by or allocated to such borrower, at the fair book value thereof not exceeding par, and, to the extent required in such cases, corresponding shares and other obligations and other equity interests held by a district bank in the Central Bank or another district bank on account of such indebtedness, shall be retired or equitably adjusted.

SEC. 3.11. *Earnings and reserves; application of savings.* (a) Each bank for cooperatives, at the end of each fiscal year when said bank shall have stock outstanding held by the Governor of the Farm Credit Administration, shall determine the amount of its net savings after paying or providing for all operating expenses (including reasonable valuation reserves and losses in excess of any such applicable reserves) and shall apply such savings as follows: (1) To the restoration of the amount of the impairment, if any, of capital stock, as determined by its board of directors; (2) 25 per centum of any remaining net savings shall be used to create and maintain a surplus account; (3) it shall next pay to the United States a franchise tax as provided in section 4.0 of this Act; (4) reasonable contingency reserves may be established; (5) dividends on investment stock may be declared as provided in this Title; and (6) any remaining net savings shall be distributed as patronage refunds as provided in subsections (c) or (d) of this section: *Provided,* That any patronage refunds received by a district bank from any other bank for cooperatives shall be excluded from net savings of the district bank for the purpose of computing such franchise tax. Amounts applied as provided in (2) and (4) above after January 1, 1956, shall be allocated on a patronage basis approved by the Farm Credit Administration. At the end of any fiscal year any portion of the reserve established under (4) above which is no longer deemed necessary shall be transferred to the surplus account and, if the surplus account of any such bank for cooperatives exceeds 25 per centum of the sum of all its outstanding capital stock, the bank may distribute in the same manner as a patronage refund any part or all of such excess which has been allocated: *Provided,* That any surplus and contingency reserve shown on the books of the banks as of January 1, 1956, shall not be distributed as patronage refunds. In making such distributions except as otherwise provided in section 3.6 and distributions by the Central Bank, the oldest outstanding allocations shall be distributed first. Wherever used in this title, the words "surplus account" as applied to any bank for cooperatives shall mean any surpluses and contingency reserves shown on the books of the bank as of January 1, 1956, and any amounts applied as provided in (2) above after said date. Said surplus account shall be divided to show the amounts thereof subject to allocation as provided in this subsection and may be further subdivided as prescribed by the Farm Credit Administration.

(b) Whenever at the end of any fiscal year a bank for cooperatives shall have no outstanding capital stock held by the Governor of the Farm Credit Administration, the net savings shall, under regulations prescribed by the Farm Credit Administration, continue to be distributed on a cooperative basis with an obligation to distribute patronage dividends, and with provision for sound, adequate capitalization to meet the changing financing needs of eligible cooperative borrowers and prudent corporate fiscal management, to the end that current year's patrons carry their fair share of the capitalization, ultimate expenses, and reserves related to the year's operations. Such regulations may provide for application of less than 25 per centum of net savings to the restoration or maintenance of an allocated surplus account, reasonable additions to unallocated surplus, or to unallocated reserves of not to exceed such per centum of net savings after payment of operating expenses as may be approved by Farm Credit Administration, and provide for allocations to patrons not qualified under the Internal Revenue Code, *or* payment of such per centum of patronage refunds in cash, as the board may determine. If during the fiscal year but not at the end thereof a bank shall have had outstanding capital stock held by the United States, provision will be made for payment of franchise taxes required in section 4.0.

(c) The net savings of each district bank for cooperatives, after the earnings for the fiscal year have been applied in accordance with subsection (a) or (b) of this section whichever is applicable, shall be paid in stock or in cash, or both, as determined by the board, as patronage refunds to borrowers of the fiscal year for which such patronage refunds are distributed. Except as provided in subsection (d) below, all patronage refunds shall be paid in proportion that the amount of interest and service fees on the loans to each borrower during the year bears to the interest and service fees on the loans of all borrowers during the year or on such other proportionate patronage basis as the Farm Credit Administration may approve.

(d) The net savings of the Central Bank for Cooperatives after the earnings for the fiscal year have been applied in accordance with subsections (a) or (b) whichever is applicable, shall be paid in stock or cash, or both, as determined by the board, as patronage refunds to the district banks on the basis of interests held by the Central Bank in loans made by the district banks and upon any direct loans made by the Central Bank to cooperative associations, or on such other proportionate patronage basis as the Farm Credit Administration may approve. In cases of direct loans, such refund shall be paid to the district bank or banks which issued their stock to the borrower incident to such loans, and the district bank or banks shall issue a like amount of patronage refunds to the borrower.

(e) In the event of a net loss in any fiscal year after providing for all operating expenses (including reasonable valuation reserves and losses in excess of any applicable reserves), such loss may be carried forward or carried back, if appropriate, or otherwise shall be absorbed by: First, charges to unallocated reserve or surplus accounts established after the date of enactment of this Act; second, charges to allocated contingency reserve account; third, charges to allocated surplus account; fourth, charges to other contingency reserve and surplus accounts; fifth, the impairment of voting stock; and sixth, the impairment of all other stock; *Provided, however,* That any tax deficiency assessment for any year may be paid from unallocated surplus or any other account.

(f) For any year that a bank for cooperatives is subject to Federal income tax, it may pay in cash such portion of its patronage refunds as will permit its taxable income to be determined without taking into account savings applied as allocated surplus, allocated contingency reserves, and patronage refunds under subsections (a) or (b) of this section.

SEC. 3.12. Distribution of assets and liquidation or dissolution. In the case of liquidation or dissolution of any bank for cooperatives, after payment or retirement, first, of all liabilities; second, of all capital stock issued before January 1, 1956, at par, any stock held by the Governor of the Farm Credit Administration at par, and all nonvoting stock at par; and third, all voting stock at par; any surplus and reserves existing on January 1, 1956, shall be paid to the holders of stock issued before that date, stock held by the Governor of the Farm Credit Administration, and voting stock pro rata, and any remaining surplus and reserves shall be distributed to those entities to which they are allocated on the books of the bank. If it should become necessary to use any surplus or reserves to pay any liabilities or to retire any capital stock, unallocated reserves or surplus, allocated reserves and surplus shall be exhausted in accordance with rules prescribed by Farm Credit Administration.

SEC. 3.13. Taxation. Each bank for cooperatives and its obligations are instrumentalities of the United States and as such any and all notes, debentures, and other obligations issued by such banks shall be exempt, both as to principal and interest from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States or any State, Territorial, or local taxing authority. Such banks, their property, their franchises, capital, reserves, surplus, and other funds, and their income shall be exempt from all taxation now or hereafter imposed by the United States or by any State, Territorial, or local taxing authority; except that interest on the obligations of such banks shall be subject only to Federal income taxation in the hands of the holder thereof pursuant to the Public Debt Act of 1941 (31 U.S.C. 742(a)) and except that any real and tangible personal property of such banks shall be subject to Federal, State, Territorial, and local taxation to the same extent as similar property is taxed. The exemption provided in the preceding sentence shall apply only for any year or part thereof in which stock in the bank for cooperatives is held by the Governor of the Farm Credit Administration.

TITLE IV—PROVISIONS APPLICABLE TO TWO OR MORE CLASSES OF INSTITUTIONS OF THE SYSTEM

PART A—FUNDING

SEC. 4.0. *Stock purchased by Governor; retirement; franchise tax; revolving fund.* (a) The Federal land banks, the Federal intermediate credit banks, the banks for cooperatives, and subject to section 2.13 (d), the production credit associations may issue stock which may be purchased by the Governor of the Farm Credit Administration on behalf of the United States as a temporary investment in the stock of the institution to help one or several of the banks or associations to meet emergency credit needs of borrowers. The ownership of such stock shall be deemed to not change the status of ownership of the banks or associations, but during the time such stock is outstanding, the pertinent provisions of the Government Corporation Control Act shall be applicable.

(b) The Governor shall require the retirement of such stock at such time as in his opinion the bank or association has resources available therefor and the need for such temporary investment is reduced or no longer exists. If the Governor determines that a production credit association does not have resources available to retire stock held by him, but in his judgment, the Federal intermediate credit bank of the district has resources available to do so, the Governor may require such bank to invest in an equivalent amount of nonvoting stock of said association and the association then shall retire the stock held by the Governor.

(c) For any year or part thereof in which the Governor holds any stock in an institution of the System, such institution after complying with Secs. 1.17, 2.6, 2.14, 3.12, respectively, and before declaring any dividends or patronage distribution, shall pay to the United States as a franchise tax a sum equal to the lower of 25 per centum of its net earnings for the year or a rate of return on such temporary investment calculated at a rate determined by the Secretary of the Treasury equal to the average annual rate of interest on all public issues of debt obligations of the United States issued during the fiscal year ending next before such tax is due, multiplied by the percentage that the number of days such stock is outstanding is of 365 days. Such payments shall be deposited in the miscellaneous receipts in the Treasury.

SEC. 4.1. Revolving funds and Government deposits. (a) The revolving fund established by Public Law 87–343, 75 Stat. 758, as amended, shall be available at the request of the Governor of the Farm Credit Administration for his temporary investment in the stock of any Federal intermediate credit banks or production credit associations as provided in section 4.0 and for any other purpose authorized by said Act. Funds received from the partial or the full retirement of such investments shall be deposited in this revolving fund.

(b) The revolving fund established by Public Law 87–494, 76 Stat. 109, as amended, shall be available at the request of the Governor of the Farm Credit Administration for his temporary investment in the stock of any bank for cooperatives as provided in section 4.0 of this Act. Funds received from the partial or full retirement of such investments shall be deposited in this revolving fund.

(c) The Secretary of the Treasury is authorized, in his discretion, upon the request of the Farm Credit Administration, to make deposits for the temporary use of any Federal land bank, out of any money in the Treasury not otherwise appropriated. Such Federal land bank shall issue to the Secretary of the Treasury a certificate of indebtedness for any such deposit, bearing a rate of interest not to exceed the current rate charged for other Government deposits, to be secured by bonds or other collateral, to the satisfaction of the Secretary of the Treasury. Any such certificate shall be redeemed and paid by such land bank at the discretion of the Secretary of the Treasury. The aggregate of all sums so deposited by the Secretary of the Treasury shall not exceed the sum of $6,000,000 at any one time.

SEC. 4.2. *Power to borrow; issue notes, bonds, debentures, and other obligations.* Each of the banks of the System, in order to obtain funds for its authorized purposes, shall have power, subject to supervision of the Farm Credit Administration, to—

(a) Borrow money from or loan to any other institution of the System, borrow from any commercial bank or other lending institution, issue its notes or other evidence of debt on its own individual responsibility and full faith and credit, and invest its excess funds in such sums, at such times, and on such terms and conditions as it may determine.

(b) Issue its own notes, bonds, debentures, or other similar obligations, full collateralized as provided in section 4.3 (b) by the notes, mortgages, and security instruments it holds in the performance of its functions under this Act in such sums, maturities, rates of interest, and terms and conditions of each issue as it may determine with approval of the Governor.

(c) Join with any or all banks organized and operating under the same title of this Act in borrowing or in issuance of consolidated notes, bonds, debentures, or other obligations as may be agreed with approval of the Governor.

(d) Join with other banks of the System in issuance of Systemwide notes, bonds, debentures, and other obligations in the manner, form, amounts, and on such terms and conditions as may be agreed upon with approval of the Governer. Such Systemwide issue by the participating banks and such participations by each bank shall not exceed the limits to which each such bank is subject in the issuance of its individual or consolidated obligations and each such issue shall be subject to approval of the Governor.

SEC. 4.3. Aggregate of obligations; collateral. (a) No issue of long-term notes, bonds, debentures, or other obligations by a bank or banks shall be approved in an amount which, together with the amount of other bonds, debentures, long-term notes, or other similar obligations issued and outstanding, exceeds 20 times the capital and surplus of all the banks which will be primarily liable on the proposed issue, or such lesser amount as the Farm Credit Administration shall establish by regulation.

(b) Each bank shall have on hand at the time of issuance of any long-term notes, bonds, debentures, or other similar obligations and at all times thereafter maintain, free from any lien or other pledge, notes and other obligations representing loans made under the authority of this Act, obligations of the United States or any agency thereof direct or fully guaranteed, other readily marketable securities approved by the Farm Credit Administration, or cash, in an aggregate value equal to the total amount of long-term notes, bonds, debentures, or other similar obligations outstanding for which the bank is primarily liable.

SEC. 4.4. Liability of banks; United States not liable. (a) Each bank of the System shall be fully liable on notes, bonds, debentures, or other obligations issued by it individually, and shall be liable for the interest payments on long-term notes, bonds, debentures, or other obligations issued by other banks operating under the same title of this Act. Each bank shall also be primarily liable for the portion of any issue of consolidated or Systemwide obligations made on its behalf and be jointly and severally liable for the payment of any additional sums as called upon by the Farm Credit Administration in order to make payments of interest or principal which any bank primarily liable therefor shall be unable to make. Such calls shall be made first upon the other banks operating under the same title of this Act as the defaulting bank, and second upon banks operating under other titles of this Act, in proportion to the capital, surplus, bonds, debentures, or other obligations which each may have outstanding at the time of such assessment.

(b) Each bank participating in an issue shall by appropriate resolution undertake such responsibility as provided in subsection (a), and in the case of consolidated or Systemwide obligations shall authorize the Governor to execute such long-term notes, bonds, debentures, or other obligations on its behalf. When a consolidated or Systemwide issue is approved, the notes, bonds, debentures, or other obligations shall be executed by the Governor and the banks shall be liable thereon as provided herein.

(c) The United States shall not be liable or assume any liability directly or indirectly thereon.

SEC. 4.5. Finance committee. There shall be established a finance committee for the banks organized and operated under titles I, II, and III, respectively, of this Act, composed of the presidents of each bank. Each such committee may have such officers and such subcommittees for such terms and such representation as may be agreed upon between the banks. When appropriate to the performance of their function, the subcommittees, or representatives thereof, of the various banks shall constitute such subcommittees in connection with Systemwide issues of obligations. The finance committees and subcommittees acting for the banks of the System shall, subject to approval of the Governor, determine the amount, maturities, rates of interest, and participation by the several banks in each issue of joint, consolidated, or Systemwide obligations.

SEC. 4.6. Bonds as investments. The bonds, debentures, and other similar obligations issued under the authority of this Act shall be lawful investments for all fiduciary and trust funds and may be accepted as security for all public deposits.

SEC. 4.7. Purchase and sale by Federal Reserve System. Any member of the Federal Reserve System may buy and sell bonds, debentures, or other similar obligations issued under the authority of this Act and any Federal Reserve Bank may buy and sell such obligations to the same extent and subject to the same limitations placed upon the purchase and sale by said banks of State, county, district, and municipal bonds under 12 U.S.C. 355.

SEC. 4.8. Purchase and sale of obligations. Each bank of the System may purchase its own obligations and the obligations of other banks of the System and may provide for the sale of obligations issued by it, consolidated obligations, or Systemwide obligations through a fiscal agent or agents, by negotiation, offer, bid, syndicate sale, and to deliver such obligations by book entry, wire transfer, or such other means as may be appropriate.

SEC. 4.9. Fiscal agency. A fiscal agency shall be established by the banks for such of their functions relating to the issuance, marketing, and handling of their obligations, and interbank or intersystem flow of funds as may from time to time be required.

PART B—DISSOLUTION AND MERGER

SEC. 4.10. Merger of similar banks. Banks organized or operating under titles I, II, or III, respectively, may, upon approval of a majority of their stockholders and the Farm Credit Administration, merge with banks in other districts operating under the same title of this Act.

SEC. 4.11. Board of directors for merged bank. In the event of merger of two or more banks to serve borrowers in more than one farm credit district, a separate board of directors shall be created for the resulting merged bank. The board thus created shall be composed of two directors elected by the district boards, at least one of which shall have been elected by the eligible stockholders of or subscribers to the guaranty fund of the merging banks, and one director appointed by the Governor with the advice and consent of the Federal Farm Credit Board. Notwithstanding the foregoing, the bylaws of the merged bank may, with the approval of the Farm Credit Administration, provide for a different number of directors selected in a different manner. The board so constituted shall have such separate and distinct powers, functions, and duties as are normally exercised by a district board related to the operations and policies of the banks which were merged.

SEC. 4.12. Dissolution; voluntary liquidation; mergers; receiverships; and conservators. (a) No institution of the System shall go into voluntary liquidation without the consent of the Farm Credit Administration and with such consent may liquidate only in accordance with regulations prescribed by the Farm Credit Administration. Associations may voluntarily merge with other like associations upon the vote of a majority of each of their stockholders present and voting or voting by written proxy at duly authorized meetings, and with the approval of the supervising bank and the Farm Credit Administration. The Governor of the Farm Credit Administration may require such merger whenever he determines, with the concurrence of the district board, than an association has failed to meet its outstanding obligations, failed to provide adequate credit services at reasonable cost, or failed to conduct its operations in accordance with this Act.

(b) Upon default of any obligation by any institution of the System, such institution may be declared insolvent and placed in the hands of a conservator or a receiver appointed by the Governor and the proceedings thereon shall be in accordance with regulations of the Farm Credit Administration regarding such insolvencies.

TITLE V—DISTRICT AND FARM CREDIT ADMINISTRATION ORGANIZATION

PART A—DISTRICT ORGANIZATIONS

SEC. 5.0. Creation of districts. There shall be not more than twelve farm credit districts in the United States, which may be designated by number, one of which districts shall include the Commonwealth of Puerto Rico. The boundaries of the twelve farm credit districts existing on the date of enactment of this Act may be readjusted from time to time in the discretion of the Federal Farm Credit Board, and two or more districts may be merged as provided in section 5.18(1).

SEC. 5.1. District boards of directors; membership; eligibility; terms. (a) There shall be in each farm credit district a farm credit board of directors composed of seven members. Each farm credit district board may include in its title the name of the city in which the banks of the System for the district are located or other geographical designation.

(b) To be eligible for membership on a farm credit district board a person must be a citizen of the United States for at least ten years, and a resident of the district for at least two years.

A person shall not be eligible who—

(1) Is or has, within one year next preceding the date of election or appointment, been a salaried officer or employee of the Farm Credit Administration or of any institution of the System;

(2) Has been convicted of a felony or adjudged liable in damages for fraud; or

(3) If there is at the time of his election another resident of the same State who was elected to the district board by the same electorate, except where a district embraces only one State.

No director of a district board shall be eligible to continue to serve in that capacity and his office shall become vacant if, after his election or appointment as a member of a district board, he continues or becomes a salaried officer or employee of the Farm Credit Administration, of any institution of the System, or a member of the Federal Farm Credit Board, or if he becomes legally incompetent or is finally convicted of a felony or held liable in damages for fraud. In any event, no director shall, within one year after the date when he ceases to be a member of the board, be elected or designated to serve as a salaried employee of any bank or joint employee of the district for which he served as director.

(c) The terms of district directors shall be for three years, except that the terms of appointed directors may be for a shorter or longer term to permit the staggering of such appointments over a three-year period but in no event shall such appointed director be eligible to serve for more than two full terms.

SEC. 5.2. Same; nomination; election; appointment. (a) Two of the district directors shall be elected by the Federal land bank associations, two by the production credit associations, and two by the borrowers from or subscribers to the guaranty fund of the bank for cooperatives. The seventh member shall be appointed and may be removed by the Governor with the advice and consent of the Federal Farm Credit Board.

(b) At least two months before an election of an elected director the Farm Credit Administration shall cause notice in writing to be sent to those entitled to nominate candidates for such elected director. In the case of an election of a director by Federal land bank associations and borrowers through agencies, such notice shall be sent to all Federal land bank associations and borrowers through agencies in the district; in the case of an election by production credit associations, such notice shall be sent to all production credit associations in the district; and in the case of an election by cooperatives which are voting stockholders or subscribers to the guaranty fund of the bank for cooperatives of the district, such notice shall be sent to all cooperatives which are eligible, voting stockholders or subscribers to the guaranty fund at the time of sending the notice. The notice in the case of associations shall state the number of votes the board of each association is entitled to cast for nomination and election based on the voting stockholders of the association as determined by the Farm Credit Administration as near as practicable to the date of the notice. After receipt of such notice those entitled to nominate a director shall forward nominations to the Farm Credit Administration. The Farm Credit Administration shall from the nominations received within 60 days after it sends such notice, prepare a list of candidates for such elected director, consisting of the 3 nominees receiving the highest number of votes, except that for elections to fill vacancies the Farm Credit Administration may specify a shorter period than 60 days but not less than 30 days.

(c) At least one month before the election of an elected director, the Farm Credit Administration shall mail to each person or organization entitled to elect the elected director a list of the 3 candidates receiving the highest number of votes from those nominated in accordance with subsection (b). In the case of an election of a director by the Federal land bank associations and each direct borrower and borrowers through agents, the directors of each land bank association shall cast the vote of such association for one of the candidates on the list. Each association shall be entitled to cast the number of votes specified in the notice prior to the nomination pool as determined by the Farm Credit Administration to be the number of voting stockholders of each association, and each direct borrower and borrowers through agents shall be entitled to cast one vote. Each production credit association shall be entitled to cast the number of votes specified in the notice of nomination poll as determined by the Farm Credit Administration to be equal to the number of voting stockholders of such association. Each cooperative which is the holder of voting stock in or a subscriber to the guaranty fund of the bank for cooperatives shall be entitled to cast one vote except as provided in subsection 3.4(d). The votes shall be forwarded to the Farm Credit Administration and no vote shall be counted unless received by it within 60 days after the sending of such list of candidates, except that for elections to fill vacancies the Farm Credit Administration may specify a shorter period than 60 days but not less than 30 days. In the case of a tie another runoff election between those tying shall be held.

SEC. 5.3. District directors constitute boards of directors for Federal land banks, Federal intermediate credit banks, and district banks for cooperatives. The members of each farm credit district board of directors shall be and shall have all the functions, powers, and duties of directors for the Federal land banks, the Federal intermediate credit banks, and the district banks for cooperatives in their respective districts.

SEC. 5.4. District board officers. Each farm credit district board shall elect from its members a chairman and a vice chairman and shall appoint a secretary from within or without its membership as it may see fit. The chairman, vice chairman, and secretary shall hold office for a term of one year and until their successors are selected and take office.

SEC. 5.5 Compensation of district board. Members of each farm credit district board shall receive compensation, including reasonable allowances for necessary expenses, in attending meetings of the board as district board and as directors of the district banks including travel time. The compensation shall not be in excess of the level set by the Farm Credit Administration. In addition to attending said meetings, a director may not receive compensation and allowances for any services rendered in his capacity as director or otherwise for more than 30 days or parts of days in any one calendar year without the approval of the Farm Credit Administration.

SEC. 5.6. Powers of the district farm credit board. (a) Each farm credit district board shall have power to—

(1) Act as the board of directors for the district and of the several banks of the System in the district.

(2) Provide rules and regulations, governing the banks and associations in the district, not inconsistent with law.

(3) Elect or provide for joint officers and employees for the banks in its district which are institutions of the System or, upon agreement with banks in other districts, joint officers and employees of institutions in more than one district. The salary or other compensation of all such joint officers and employees and the allocation thereof between the banks shall be fixed by the district farm credit board. Officers and employees elected or provided for by the district farm credit board, whether separate officers and employees of the institutions or joint officers and employees, shall be officers and employees of the district institutions served by them. Employment, compensation, leave, retirement, except as provided in subsection (b) of this section, hours of duty, and all other conditions of employment of such joint officers and employees and of the separate officers and employees of the institutions in the district provided for by the board of directors shall be without regard to the provisions of Title 5 of the United States Code relating to such matters, but all such determinations shall be consistent with the law under which the banks are organized and operate. Appointments, promotions, and separations so made shall be based on merit and efficiency and no political test or qualification shall be permitted or given consideration. The limitations against political activity and conflict of interest of such officers and employees shall be in accordance with rules and regulations prescribed by the Farm Credit Administration.

(4) Authorize the acquisition and disposal of such property, real or personal, as may be necessary or convenient for the transaction of the business of the banks of the System located in its district, upon such terms and conditions as it shall fix, and to prorate among such banks the cost of purchases, rentals, construction, repairs, alterations, maintenance, and operation, in such amounts and in such manner as it shall determine. Any lease, or any contract for the purchase or sale of property, or any deed or conveyance of property, or any contract for the construction, repair, or alteration of buildings, authorized by a district farm credit board under this subsection shall be executed by the officers of the bank or banks concerned pursuant to the direction of such board. No provision of law relative to the acquisition or disposal of property, real or personal, by or for the United States, or relative to the making of contracts or leases by or for the United States, including the provisions set out in Titles 40 and 41, and including provisions applicable to corporations wholly owned by the United States, shall be deemed or held applicable to any lease, purchase, sale, deed, conveyance, or contract authorized or made by a district farm credit board or the banks of the System under this subsection.

(5) Authorize, with the approval of the Farm Credit Administration, agreements for the provision of joint services between institutions of the System in the district and between districts for those bank and association functions and for those services to borrowers which can most effectively be performed by joint undertakings of the district or districts, consistent with the provisions of this Act.

(6) Formulate broad policy considerations concerning the funding operations of the banks in the district and, in concert with the other district boards, furnish unified long-range policy guidance for the funding of the System.

(b) The provisions of subsection (a) of this section are qualified as follows:

(1) Each officer and employee of the banks of the System who, on December 31, 1959, was within the purview of the Civil Service Retirement Act, as amended, shall continue so during his continuance as an officer or employee of any of such banks or of the Farm Credit Administration without break in continuity of service. Any other officer or employee of such banks and any other person entering upon employment with any such banks after December 31, 1959, shall not be covered under the civil service retirement system by reason of such employment, except that (1) a person who, on December 31, 1959, was within the purview of the Civil Service Retirement Act, as amended, and thereafter becomes an officer or employee of any such banks without break in continuity of service shall continue under the civil service retirement system during his continuance as an officer or employee of any of such banks without break in continuity of service and (2) a person who has been within the purview of said Act as an officer or employee of such banks and, after a break in such employment, again becomes an officer or employee of any of such banks may elect to continue under the civil service retirement system during his continuance as such officer or employee by so notifying the Civil Service Commission in writing within thirty days after such reemployment.

(2) Each of the banks of the System shall contribute to the civil service retirement and disability fund, for each fiscal year after June 30, 1960, a sum as provided by section 4(a) of the Civil Service Retirement Act as amended, except that such sum shall be determined by applying to the total basic salaries (as defined in that Act) paid to the employees of said banks who are covered by that Act, the per centum rate determined annually by the United States Civil Service Commission to be the excess of the total normal cost per centum rate of the civil service retirement system over the employee deduction rate specified in such section 4(a). Each bank shall also pay into the Treasury as miscellaneous receipts such portion of the cost of administration of the fund as is determined by the United States Civil Service Commission to be attributable to its employees.

PART B—FARM CREDIT ADMINISTRATION ORGANIZATION

SEC. 5.7. The Farm Credit Administration. The Farm Credit Administration shall be an independent agency in the executive branch of the Government. It shall be composed of the Federal Farm Credit Board, the Governor of the Farm Credit Administration, and such other personnel as are employed in carrying out the functions, powers, and duties vested in the Farm Credit Administration by this Act.

SEC. 5.8. The Federal Farm Credit Board; nomination and appointment of members; organization and compensation. (a) There is established in the Farm Credit Administration a Federal Farm Credit Board. The Board shall consist of not more than 13 members, one of whom shall be designated by the Secretary of Agriculture. The remainder of the Board shall be appointed by the President, with the advice and consent of the Senate, one from each farm credit district, to be known as the appointed members.

(b) In making appointments to the Board, the President shall have due regard to a fair representation of the public interest, the welfare of all farmers, and the various types of cooperative credit interests in the Farm Credit System, with special consideration to persons who are experienced in cooperative argicultural credit, taking into consideration the lists of nominees proposed by the Farm Credit System as hereinafter provided.

(c) Each appointed member of the Board shall have been a citizen of the United States and shall have been a resident of the district from which he was appointed for not less than ten years next preceding his appointment, and the removal of residence from the district shall operate to terminate his membership on the Board. No person shall be eligible for nomination or appointment if within one year next preceding the commencement of his term he has been a salaried officer or employee of the Farm Credit Administration or a salaried officer or employee of any institution of the Farm Credit System. Any person who is a member of a district farm credit board when appointed as a member of the Federal Farm Credit Board shall design as a member of the district board before assuming his duties as a member of the Board. No person who becomes an appointed member of the Board shall be eligible to continue to serve in such capacity if such person is or becomes a member of a district farm credit board, or an officer or employee of the Farm Credit Administration, or director, officer, or employee of any institution of the Farm Credit System. No director shall, within one year after the date when he ceases to be a member of the Board, be elected or designated to serve as a salaried officer or employee of any bank, joint officer or employee, or officer or employee of the Farm Credit Administration.

(d) The Secretary of Agriculture shall designate one member of the Board to serve at the pleasure of the Secretary. He shall be known as the Secretary's Representative on the Board. He shall be a citizen of the United States and shall have been a resident of the United States for not less than ten years preceding his designation on the Board. No person shall be designated by the Secretary if such person is a member of a farm credit district board, an officer or employee of the Farm Credit Administration, or an officer or employee of any institution operating under the supervision of the Farm Credit Administration. The Secretary's Representative shall not be eligible to serve as Chairman, Vice Chairman, or Secretary of the Board but shall otherwise possess all the rights and privileges of membership on the Board.

(e) The term of office of the appointed members of the Board shall be six years and such members shall serve until their successors are duly appointed and qualified. No appointed member of the Board shall be eligible to serve more than one full term of six years and, in addition, if he is appointed to fill the unexpired portion of one term expiring before his appointment to a full term, he may be eligible thereafter for appointment to fill a full term of six years.

All vacancies for the offices of appointed members shall be filled for the unexpired portion of the term upon like nominations and like appointments: *Provided, however,* That the district board of directors may select a representative to meet with the Board, without the right of vote, prior to the filling of a vacancy occasioned by death, resignation, disability, or declination in the office of member from that district, under rules and regulations prescribed by the Board.

(f) A list of nominees for appointment as an appointed member of the Board shall be presented to the President for consideration in the filling of any office of Board member. The list shall be composed of one selected by each voting group in the district in which the member's term is about to expire or in which a vacancy occurs, determined in accordance with the procedure prescribed in section 5.2 of this title for the nomination and election of members of a district farm credit board, except that the list of candidates for appointment shall be the two nominees of each voting group receiving the highest number of votes.

(g) The members of the Board shall meet and subscribe the oath of office and annually organize by the election of a Chairman and Vice Chairman. The Board shall appoint a Secretary from within or without the membership. Such officers of the Board shall serve for one year and until their successors are selected and take office. The Board may function notwithstanding vacancies exist, provided a quorum is present. A quorum shall consist of a majority of all the members of the Board, for the transaction of business. The Board shall hold at least four regularly scheduled meetings a year and such additional meetings at such times and places as it may fix and determine. Such meetings may be held on the call of the Chairman or any three Board members.

(h) Each of the Board members shall receive the sum of $100 a day for each day or part thereof in the performance of his official duties at regular and special meetings of the Board and regular and special meetings of district boards. In addition to attending said meetings, members may receive compensation for services rendered as member for not more than 30 days or parts of days in any calendar year, and shall be reimbursed for necessary travel, subsistence, and other expenses in the discharge of their official duties without regard to other laws with respect to allowance for travel and subsistence of officers and employees of the United States. The Secretary's Representative if he is a full-time officer or employee of the United States shall receive no additional compensation for his official duties on the Board, but may receive travel and subsistence and other expenses.

(i) The Board shall adopt such rules as it may see fit for the transaction of its business, and shall keep permanent records and minutes of its acts and proceedings.

Sec. 5.9. Powers of the Board. The Federal Farm Credit Board shall establish the general policy for the guidance of the Farm Credit Administration and the Farm Credit System in carrying out this Act; may require such reports as it deems necessary from the institutions of the Farm Credit System; provide for the examination of the condition of and general supervision over the performance of the powers, functions, and duties vested in each such institution, and for the performance of all the powers and duties vested in the Farm Credit Administration or in the Governor which, in the judgment of the Board, relate to matters of broad and general supervisory, advisory, or policy nature. The Board shall function as a unit without delegating any of its functions to individual members, but may appoint committees and subcommittees for studies and reports for consideration by the Board. It shall not operate in an administrative capacity.

Sec. 5.10. Governor; appointment; responsibilities. The Governor of the Farm Credit Administration shall be appointed by and serve at the pleasure of the Federal Farm Credit Board. He shall be responsible, subject to the general supervision and direction of the Board as to matters of a broad and general supervisory, advisory, or policy nature, for the execution of all of the administrative functions and duties of the Farm Credit Administration. During any period in which the Governor holds any stock in any of the institutions subject to supervision of the Farm Credit Administration, the appointment of the Governor shall be subject to approval by the President and during any such period the President shall have the power to remove the Governor.

Sec. 5.11. Compensation; salary and expense allowance. The compensation of the Governor of the Farm Credit Administration shall be at the rate fixed in the Executive Pay Schedule. The Board shall fix the allowance for his necessary travel and subsistence expenses or per diem in lieu thereof.

Sec. 5.12. Compliance with Board orders. It shall be the duty of the Governor of the Farm Credit Administration to comply with all orders and directions which he receives from the Federal Farm Credit Board and, as to third persons, all acts of the Governor shall be conclusively presumed to be in compliance with the orders and directions of the Board.

Sec. 5.13. Farm Credit organization. The Governor of the Farm Credit Administration is authorized, in carrying out the powers and duties now or hereafter vested in him by this Act and acts supplementary thereto, to establish and to fix the powers and duties of such divisions and instrumentalities as he may deem necessary to the efficient functioning of the Farm Credit Administration and the successful execution of the powers and duties so vested in the Governor and the Farm Credit Administration. The Governor shall appoint such other personnel as may be necessary to carry out the functions of the Farm Credit Administration: *Provided,* That the salary of positions of Deputy Governors shall not exceed the maximum scheduled rate of the general schedule of the Classification Act of 1949, as amended. The powers of the Governor may be exercised and performed by him through such other officers and employees of the Farm Credit Administration as he shall designate.

Sec. 5.14. Seal. The Farm Credit Administration shall have a seal, as adopted by the Governor, which shall be judicially noted.

Sec. 5.15. Administrative expenses. The Farm Credit Administration may, within the limits of funds available therefor, make necessary expenditures for personnel services and rent at the seat of Government and elsewhere; contract stenographic reporting services; purchase and exchange lawbooks, books of reference, periodicals, newspapers, expenses of attendance at meetings and conferences; purchase, operation, and maintenance at the seat of Government and elsewhere of motor-propelled passenger-carrying vehicles and other vehicles; printing and binding; and for such other facilities and services, including temporary employment by contract or otherwise, as it may from time to time find necessary for the proper administration of this Act.

Sec. 5.16. Allocation of expenses for administrative services by the Farm Credit Administration; disposition of money. (a) The Farm Credit Administration shall prior to the first day of each fiscal year estimate the cost of administrative expenses for the ensuing fiscal year in administering this Act, including official functions, and shall apportion the amount so determined among the institutions of the System on such equitable basis as the Administration shall determine, and shall assess against and collect in advance the amount so apportioned from the institutions among which the apportionment is made.

(b) The amounts collected pursuant to subsection (a) of this section shall be covered into the Treasury, and credited to a special fund, which fund is authorized to be appropriated to said Administration for expenditure during each fiscal year for salaries and expenses of said Administration as set forth in an appropriation act or acts. As soon as practicable after the end of each such fiscal year, the Administration shall determine, on a fair and reasonable basis, the cost of operation of the Farm Credit Administration and the part thereof which fairly and equitably should be allocated to each bank and association as its share of the cost during the fiscal year of such Administration. If the amount so allocated is greater than the amount collected from the bank or other institutions, the difference shall be collected from such bank or other institutions, and, if less, shall be refunded from the special fund to the bank or other institutions entitled thereto or credited in the special fund to such bank or other institutions for use for the same purposes in future fiscal years.

Sec. 5.17. Quarters and facilities for the Farm Credit Administration. As an alternate to the rental of quarters under section 5.15, and without regard to any other provision of law, the banks of the System, with the concurrence of two-thirds of the district boards, are hereby authorized—

(1) To acquire real property in the District of Columbia or elsewhere for quarters of the Farm Credit Administration.

(2) To construct, develop, furnish, and equip such building thereon and such facilities appurtenant thereto as in their judgment may be appropriate to provide, to the extent the Federal Farm Credit Board may deem advisable, suitable, and adequate quarters and facilities for the Farm Credit Administration.

(3) To enlarge, remodel, or reconstruct the same.

(4) To make or enter into contracts for any of the foregoing.

The Board may require of the respective banks of the System, and they shall make to the Farm Credit Administration, such advances of funds for the purposes set out in this section as in the sole judgment of the Board may from time to time be advisable for the purposes of this section. Such advances shall be in addition to and kept in a separate fund from the assessments authorized in section 5.16 and shall be apportioned by the Board among the banks in proportion to the total assets of the respective banks, and determined in such manner and at such times as the Board may prescribe. The powers of the banks of the System and purposes for which obligations may be issued by such banks are hereby enlarged to include the purpose of obtaining funds to permit the making of advances required by this section. The plans and decisions for such building and facilities and for the enlargement, remodeling, or reconstruction thereof shall be such as is approved in the sole discretion of the Board.

Sec. 5.18. Enumerated powers. The Farm Credit Administration shall have the following powers, functions, and responsibilities in connection with the institutions of the Farm Credit System and the administration of this Act:

(1) Modify the boundaries of farm credit districts, with due regard for the farm credit needs of the country, as approved by the Federal Farm Credit Board.

(2) Issue and amend or modify Federal charters of institutions of the System and approve change in names of banks operating under this Act; approve the merger of districts when agreed to by the boards of the districts involved and by a majority of the voting stockholders and contributors to the guaranty funds of each bank for each of such districts; approve mergers of banks operating under the same Title of this Act, merger of Federal land bank associations, merger of production credit associations and the consolidation or division of the territories which they serve; and approve consolidations of boards of directors, or management agreements. Such mergers shall be encouraged where such action will improve service to borrowers and the financial stability, effect economies of operation, or permit desirable joint management, or consolidation of territories and office quarters.

(3) Make annual reports to the Congress on the condition of the System and its institutions and, from time to time, recommend legislative changes.

(4) Approve the salary scale for employees of the institutions of the System, and approve the appointment and compensation of the chief executive officer of such institutions, except of associations.

(5) Coordinate the activities of the banks in making studies of lending standards, including appraisal and credit standards; approve national and district standards, procedures, and appraisal forms; prescribe price and cost levels to be used in such standards, appraisals, and lending; supplement the work of the district under the foregoing where necessary to accomplish the purposes of this Act.

(6) Prescribe loan security requirements and the types, classes, or numbers of loans which may be made only with prior approval.

(7) Conduct loan and collateral security review.

(8) Approve the issuance of obligations of the institutions of the System and execute on behalf of the banks consolidated and Systemwide obligations for the purpose of funding the authorized operations of the institutions of the System, and prescribe collateral therefor.

(9) Approve interest rates paid by institutions of the System on their bonds, debentures, and similar obligations, the terms and conditions thereof, and interest or other charges made by such institutions to borrowers.

(10) Make investments in a stock of the institutions of the System as provided in section 4.0 out of the revolving fund, and require the retirement of such stock.

(11) Regulate the borrowing, repayment, and transfer of funds and equities between institutions of the System.

(12) Coordinate and assist in providing services necessary for the convenient, efficient, and effective management of the institutions of the System.

(13) Undertake research into the rural credit needs of the country and ways and means of meeting them and of the funding of the operations of the System in relation to changing farming and economic conditions.

(14) Prepare and disseminate information to the general public on use, organization and functions of the System and to investors on merits of its securities.

(15) Require surety bonds or other provisions for the assets of the institutions of the System against losses occasioned by employees.

(16) Prescribe rules and regulations necessary or appropriate for carrying out the provisions of this Act.

(17) Exercise such incidental powers as may be necessary or appropriate to fulfill its duties and carry out the purposes of this Act.

SEC. 5.19. Delegation of duties and powers to institutions of the System. The Farm Credit Administration is authorized and directed, by order or rules and regulations, to delegate to a Federal land bank such of the duties, powers, and authority of the Farm Credit Administration with respect to and over a Federal land bank or Federal land bank associations, their officers and employees, in the farm credit district wherein such Federal land bank is located, as may be determined to be in the interest of effective administration; and, in like manner, to delegate to a Federal intermediate credit bank such of the duties, powers, and authority of the Farm Credit Administration with respect to and over a Federal intermediate credit bank or production credit associations, their officers and employees, in the farm credit district wherein such Federal intermediate credit bank is located, as may be determined to be in the interest of effective administration; to authorize the redelegation thereof; and, in either case the duties, powers, and authority so delegated or redelegated shall be performed and exercised under such conditions and requirements and upon such terms as the Farm Credit Administration may specify. Any Federal land bank or Federal intermediate credit bank to which any such duties, powers, or authority may be delegated or any association to which any power may be redelegated, is authorized and empowered to accept, perform, and exercise such duties, powers, and authority as may be so delegated to it.

SEC. 5.20. Examinations and reports. Except as provided herein, each institution of the System, and each of their agents, at such times as the Governor of the Farm Credit Administration may determine, shall be examined and audited by farm credit examiners, but each bank and each production credit association shall be examined and audited not less frequently than once each year. If the Governor determines it to be necessary or appropriate, the required examinations and audits may be made by independent certified public accountants, certified by a regulatory authority of a State, and in accordance with generally accepted auditing standards. Upon request of the Governor or any bank of the System, farm credit examiners shall also make examinations and written reports of the condition of any organization, other than national banks, to which, or with which, any institution of the System contemplates making a loan or discounting paper of such organization. For the purposes of this Act, examiners of the Farm Credit Administration shall be subject to the same requirements, responsibilities, and penalties as are applicable to examiners under the National Bank Act, the Federal Reserve Act, the Federal Deposit Insurance Act, and other provisions of law and shall have the same powers and privileges as are vested in such examiners by law.

SEC. 5.21. Conditions of other banks and lending institutions. The Comptroller of the Currency is authorized and directed, upon request of the Farm Credit Administration to furnish for confidential use of an institution of the System such reports, records, and other information as he may have available relating to the financial condition of national banks through, for, or with which such institution of the System has made or contemplates making discounts or loans and to make such further examination, as may be agreed, of organizations through, for, or with which such institution of the Farm Credit System has made or contemplates making discounts or loans.

SEC. 5.22. Consent to the availability of reports and to examinations. Any organization other than State banks, trust companies, and savings associations shall, as a condition precedent to securing discount privileges with a bank of the Farm Credit System, file with such bank its written consent to examination by farm credit examiners as may be directed by the Farm Credit Administration; and State banks, trust companies, and savings associations may be required in like manner to file a written consent that reports of their examination by constituted State authorities may be furnished by such authorities upon the request of the Farm Credit Administration.

SEC. 5.23. Reports on conditions of institutions receiving loans or deposits. The executive departments, boards, commissions, and independent establishments of the Government of the United States, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal reserve banks are severally authorized under such conditions as they may prescribe, upon request of the Farm Credit Administration, to make available to it or to any institution of the System in confidence all reports, records, or other information relating to the condition of any organization to which such institution of the System has made or contemplates making loan or for which it has or contemplates discounting paper, or which it is using or contemplates using as a custodian of securities or other credit instruments, or a depository. The Federal reserve banks in their capacity as depositories, agents, and custodians for bonds, debentures, and other obligations issued by the banks of the System or book entries thereof are also authorized and directed, upon request of the Farm Credit Administration, to make available for audit by farm credit examiners all appropriate books, accounts, financial records, files, and other papers.

PART C—OTHER LAWS

SEC. 5.24. Jurisdiction. Each institution of the System shall for the purposes of jurisdiction be deemed to be a citizen of the State, commonwealth, or District of Columbia in which its principal office is located. No district court of the United States shall have jurisdiction of any action or suit by or against any production credit association upon the ground that it was incorporated under this Act or prior Federal law, or that the United States owns any stock thereof, nor shall any district court of the United States have jurisdiction, by removal or otherwise, of any suit by or against such association except in cases by or against the United States or by or against any officer of the United States and except in cases by or against any receiver or conservator of any such association appointed in accordance with the provisions of this Act.

SEC. 5.25. State legislation. Whenever it is determined by the Farm Credit Administration, or by judicial decision, that a State law is applicable to the obligations and securities authorized to be held by the institutions of the System under this Act, which law would provide insufficient protection or inadequate safeguards against loss in the event of default, the Farm Credit Administration may declare such obligations or securities to be ineligible as collateral for the issuance of new notes, bonds, debentures, and other obligations under this Act.

SEC. 5.26. Repeal. (a) The Federal Farm Loan Act, as amended; section 2 of the Act of March 10, 1924 (Public No. 35, 68th Congress, 43 Stat. 17), as amended; section 6 of the Act of January 23, 1932 (Public No. 3, 72d Congress, 47 Stat. 14), as amended; the Farm Credit Act of 1933, as amended; sections 29 and 40 of the Emergency Farm Mortgage Act of 1933; Act of June 18, 1934 (Public No. 381, 73d Congress, 48 Stat. 983); Act of June 4, 1936 (Public No. 644, 74th Congress, 49 Stat. 1461), as amended; sections 5, 6, 20, 25(b), and 39 of the Farm Credit Act of 1937, as amended; sections 601 and 602 of the Act of September 21, 1944 (Public Law 425, 78th Congress, 58 Stat. 740, 741), as amended; sections 1, 2, 3, 4, 5, 6, 7, 8, 16, and 17(b) of the Farm Credit Act of 1953, as amended; sections 2, 101, and 201(b) of the Farm Credit Act of 1956 are hereby repealed. All references in other legislation, State or Federal, rules and regulations of any agency, stock, contracts, deeds, security instruments, bonds, debentures, notes, mortgages and other documents of the institutions of the System, to the Acts repealed hereby shall be deemed to refer to comparable provisions of this Act.

(b) All regulations of the Farm Credit Administration or the institutions of the System and all charters, bylaws, resolutions, stock classifications, and policy directives issued or approved by the Farm Credit Administration, and all elections held and appointments made under the Acts repealed by subsection (a) of this section shall be continuing and remain valid until superseded, modified, or replaced under the authority of this Act. All stock, notes, bonds, debentures, and other obligations issued under the repealed acts shall be valid and enforceable upon the terms and conditions under which they were issued, including the pledge of collateral against which they were issued, and all loans made and security or collateral therefor held by, and all contracts entered into by, institutions of the System shall remain enforceables according to their terms unless and until modified in accordance with the provisions of this Act; it being the purpose of this subsection to avoid disruption in the effective operation of the System by reason of said repeals.

SEC. 5.27. Amendments to other laws. (a) The Executive schedule of basic pay, 80 Stat. 458, 5 U.S.C. 5311–5317, as amended is further amended by striking from Positions at level IV the "Governor of the Farm Credit Administration" (5 U.S.C. 5315 (51)) and inserting in Positions at level III the additional position "(55) Governor of the Farm Credit Administration' (5 U.S.C. 5314 (55)).

(b) Amend the section title and substance of 12 U.S.C. 393 to read as follows:

"§ 393. Federal reserve banks as depositaries for and fiscal agents of Federal land banks, intermediate credit banks, banks for cooperatives, and other institutions of the Farm Credit System.

"The Federal reserve banks are authorized to act as depositaries for and fiscal agents of any Federal land bank, Federal intermediate credit bank, bank for cooperatives, or other institutions of the Farm Credit System."

SEC. 5.28. Separability. If any provision of this Act, or the application thereof to any persons or in any circumstances, is held invalid, the remainder of this Act and the application of such provision to other persons or in other circumstances shall not be affected thereby.

SEC. 5.29. Reserve right to amend or repeal. The right to alter, amend, or repeal any provision or all of this Act is expressly reserved.

SUMMARY OF PRINCIPAL PROVISIONS OF PROPOSED FARM CREDIT ACT OF 1971

The Federal Farm Credit Board in May of 1969 commissioned a panel of 27 national farm leaders representing all of the major farm organizations, the academic community, the financial community, and the farm press, with representatives of the Farm Credit institutions and their borrower owners, to study the present and future credit needs of agriculture. The study included an in-depth examination of existing authorities and services. It resulted in recommendations for additional means of meeting the anticipated rural credit needs. This was against a background of economic forecasts that farmers during the next decade will need twice as much capital credit as they are now using.

The report of that Commission recommended an overall objective for the Farm Credit System, 11 separate goals, and some 44 specific recommendations for implementing those objectives and goals. Its recommendation for further study of the funding of the System in the future was immediately implemented by the appointment of an advisory committee on finance composed of fiscal experts outside of the System. The Finance Committee recommended significant modernization in the System's funding operations.

In addition, the Report of the President's Task Force on Rural Development, particularly Chapter VII on financing rural development, particularly its suggestions for possible participation by the Farm Credit System, was examined in depth. The provisions of section 901 (f) of the Agricultural Act of 1970 were also considered. From all of these reports and recommendations and from the experience of over 50 years of the successful operation of the cooperative System, the owners and management of the Farm Credit banks and associations and their advisers recommended to the Federal Farm Credit Board substantial revisions of existing law.

Most of the Federal land bank law dates back to the original 1916 Act. The precautionary limitations incorporated therein, necessary and appropriate as they were in those early years, are now inhibiting the extension of the amount and types of credit demanded by the owners of the System and other farmers and rural residents. Intervening enactments, including those relating to the production credit associations, the Federal intermediate credit banks, and the banks for cooperatives, were cast in much broader terms which has resulted in an extremely complex set of laws to be administered. There are unwarranted differences in eligibility and credit standards employed by the several branches of the System. Much of the present law is entirely obsolete. Modernization of other provisions is essential. No satisfactory way was found to implement the accepted recommendations by simple amendments.

Hence, the draft bill will replace existing law. Nevertheless, the bill does not change the existing structure of the System and the Farm Credit Administration as an independent executive agency charged with providing general policy guidelines for and supervision of the lending institutions. It does, however, authorize more credit decisions to be made locally and more supervision of the associations will be the responsibility of the banks.

The tremendous needs for agricultural credit and of credit for rural development led to the recommendation that other branches of the System might subsequently be needed. However, this bill addresses itself to rural development only by authorizing the Federal land banks to make long-term loans for housing in rural areas and the production credit associations and Federal intermediate credit banks to assist in making short-term housing loans. The industrial development so important to rural areas seems to require approaches to funding which are not compatible with the philosophy of borrower ownership and control on a cooperative basis. In many instances such development will require some public investment or tax exemption on municipal securities. The development of water and sewer and other environmental improvement likewise are public or quasi-public undertakings, the funding of which can hardly be brought within the concept of a self-sustaining, cooperative borrower-owned and managed institutions funding these improvements in the wholesale money market. This is not to say that the System cannot be useful in community development and in the implementation of other programs funded through existing or newly suggested institutions for financing such development.

TITLE I—FEDERAL LAND BANK AND ASSOCIATIONS

New authority is granted the land banks for long-term mortgage loans for housing in rural areas, to be defined by regulations. It is intended to fill a gap for nonfarm housing credit between the areas primarily served by savings and loan associations and other mortgage lends and the subsidized credit for public housing and Farmers Home Administration low income borrowers.

Financial related services such as assistance in estate planning, transfer of farms between generations, and other services essential to profitable financial management of farms would be available to borrowers through the banks and associations.

Loans to persons furnishing custom-type services to farmers is a modern necessity in view of the changes in farm labor, cost of equipment, and other operating expenses. Leasing of facilities necessary for their agricultural production would also be permitted.

By removal of the 65 percent loan-value ratio and the narrow statutory limits for normal value appraisals, the banks, under Farm Credit Administration regulations, will have more authority and responsibility in credit decisions. They will be in a position to give sound consideration to security other than a first lien on farm land and to other credit factors, the principal one of which is repayment ability of the borrower. Other security not needed for short-term credit could be taken, supplementing the land security where the long-value ratio might be between the present 65 percent limit and the value of the real estate mortgage. A first lien would no longer be required. The Commission recommended a look-through theory on loans to corporate farming entities. By omitting the present statutory definition of corporate eligibility for land bank loans, it is believed that through regulations comparability can be achieved by the land bank and production credit associations in corporate eligibility rules.

Permissive authority to issue nonvoting stock, probably to nonfarm borrowers; additional capitalization, by requiring borrowers to purchase stock of not less than 5 percent nor more than 10 percent of the amount of the loan; payment of different dividend rates on different classes of stock; and other corporate powers, permitting more flexible operations of the banks and associations would be provided.

The legal reserve requirements for land banks and associations would remain unchanged as well as the present tax exemption.

It is not contemplated that these changes would result in substantial shifts in the pattern of land bank loans but would permit the extension of credit services required to meet the varied situations in our modern farm economy.

TITLE II—INTERMEDIATE CREDIT BANKS

Aside from enumerating corporate powers to achieve compatibility with the land bank powers, the functions of the intermediate credit banks would remain primarily as discount banks for paper representing loans by production credit associations and for other financial institutions making agricultural short- and intermediate-term loans. These banks would be authorized to participate with production credit associations in the larger loans, furnish custom services and financial related services of the character described in Title I. The credit banks would be authorized to discount short- and intermediate-term loans by production credit associations for repair, maintenance, and improvement of nonfarm rural homes. Credit for the lower priced homes or mobile could be accomplished in the intermediate-term credit range.

Other changes relating to the intermediate credit banks include authorization to issue different classes of stock, investment by the banks in the capital of the production credit associations, extension of the maturities of banks' debentures and other obligations beyond the existing 5-year maturity limit, to establish a reasonable reserve of unallocated surplus, to undertake loss sharing agreements, and other supervision of the production credit associations.

PRODUCTION CREDIT ASSOCIATIONS

Additional authority for the production credit associations to make short- and intermediate-term loans for rural housing, loans for persons furnishing custom-type services to farmers, and permit the associations to furnish financial related services would be granted.

Authority would be granted to the production credit associations to participate with commercial banks in loans to farmers. This would permit country banks to continue their line of credit with their customers and have the production credit association carry the overline.

Such associations would be given the opportunity to increase their capital by requiring borrowers to invest not less than $5, as presently required, nor more than $10 in the capital of the association. They could, also, under the new provisions, purchase capital stock and equity reserves in other production credit associations.

TITLE III—BANKS FOR COOPERATIVES

The authority of the banks for cooperatives is clarified to make continuing commitments for lines of credit, furnish technical and other services to borrowers, and participate with commercial banks and other lenders as well as other banks for cooperatives.

Capital structural changes include authorization to issue nonvoting investment stock, without the present 4 percent dividend limitation, permit the requirement of advance purchase of stock to the extent of not more than 10 percent of the loan, as well as the existing stock override purchases related to the quarterly interest payments of borrowers, and to permit more freedom in the retirement of allocated surplus.

The ratio of authorized debentures to net worth would be raised from the present 8 to 1 limit to the ceiling now available to other branches of the System 20 to 1.

The definition of cooperation eligible to borrow from the banks for cooperatives would be stated separately from that in the Agricultural Marketing Act and would permit district banks to make loans to cooperatives in which at least 66⅔ percent of the voting control is held by farmers. Under present law, as administratively interpreted, 90 percent of the voting media must be so held.

More flexibility would be given, when there is no Government stock investment in the banks for cooperatives, in the distribution of net savings to permit a larger portion of the patronage refunds to be in cash; to the establishment of reasonable unallocated reserves; and to provide the mechanics for payment of unexpected obligations not related strictly to the year's operations.

TITLE IV—FUNDING OPERATIONS OF THE BANKS

Existing authorizations for purchase of stock by the Governor of the Farm Credit Administration are preserved and, in the case of the land bank, the authority of the Secretary of the Treasury to deposit not more than $6 million in the lands banks for their use under certificates of indebtedness. The payment of franchise tax by the intermediate credit banks and the banks for cooperatives when the Governor holds such stock is likewise preserved. These stock purchases, and payments in retirement thereof, by the banks for cooperatives, the intermediate credit banks, and the production credit associations are to be funded from the two existing revolving funds.

Other provisions common to all the institutions of the System will continue their authority to issue, on their own responsibility and credit, obligations for short-term borrowing from commercial institutions, collateralized bonds, and debentures and similar obligations, and their authority to join in the issuance of consolidated collateralized bonds and debentures and other obligations. In this connection, permission is given to utilize all modern funding devices as appropriate in modern financial circles, rather than the somewhat restrictive existing authority. For example, the land banks are now authorized to issue "farm-loan bonds" fully collateralized by first liens. The success of the System and the reputation it has built in the financial community no longer require that rigid limitation.

One of the strong recommendations of the Finance Committee was to reduce the entries into the wholesale money market by means of Systemwide single security issues. Authority is sought to use such instruments if its feasibility can be established.

Other provisions common to the several institutions would permit mergers of like institutions where necessary or appropriate for accomplishing their objectives in a most economical manner.

TITLE V—DISTRICTS AND FARM CREDIT ORGANIZATION

The present democratic process for owners of the System to elect directors and provisions for district boards of directors to serve as common boards for the three banks in each district are retained. The use of the idea of joint employees and joint services is augmented by authorizing the same technique across district lines.

The organization and function of the Federal Farm Credit Board and its policy-making role is preserved. The powers of the Farm Credit Administration are assembled in one place rather than spread throughout the context of the law relating to each institution. These powers have been carefully outlined to permit the maximum direction and operation of the banks of the System by their owners and their representatives. The overall authority for correlation of the activities of the banks and associations and the examination and supervision of the operations of the institutions have nevertheless been retained in the Farm Credit Administration.

FARM CREDIT ACT OF 1971—KEY PROPOSALS

FEDERAL LAND BANKS—(TITLE I)

1. Removes 65% loan limitations.
2. Authorizes rural residence loans.
3. Permits security other than first mortgage on real estate.
4. Permits financing of farm related services.
5. Permits financially related services.
6. Eliminates $100,000 FCA approval.
7. Delegates loan closing authority to associations.
8. Permits variable interest rates.
9. Permits open-end mortgages.
10. Permits requirement for stock investment of up to $10 per $100 of loans.
11. Broadens association loss-sharing agreements.
12. Permits issuance of non-voting stock and participation certificates.

Permits FLBs to own and lease facilities needed by eligible borrowers.

14. Removes quick asset statutory requirements and places in regulations.
15. Removes specific provisions and limitations on fees and charges.
16. Eliminates mandatory personal liability in loans to corporations and makes it a credit decision.
17. Permits FLBs to participate in loans with other FLBs.

FEDERAL INTERMEDIATE CREDIT BANKS—(TITLE II)

1. Permits FICBs to purchase stock in or contribute to the surplus of production credit associations.
2. Permits FICBs to participate in loans and loss-sharing plans with other FICBs and production credit associations.
3. Authorizes production credit associations to issue non-voting stock and participation certificates.
4. Authorizes transfer of participation certificates held by other financing institutions.
5. Permits creation and maintenance of reasonable unallocated contingency reserve accounts.
6. Permits loans to producers or harvesters of aquatic products.
7. Permits financing of farm-related services.
8. Permits financially-related services.
9. Authorizes rural residence loans of a short- and intermediate-term nature.
10. Permits FICB's to own and lease equipment needed by eligible borrowers.
11. Removes the 5-year maturity limitation on FICB debentures.

PRODUCTION CREDIT ASSOCIATIONS—(TITLE II)

1. Permits the purchase of stock in and contribution to the capital of other PCA's and FICB's.
2. Permits participation in loans and loss-sharing plans with FICB's.
3. Permits loans to producers or harvesters of aquatic products.
4. Permits rural residence loans of a short- and intermediate-term nature.
5. Permits financing of farm-related services.
6. Permits financially-related services for farmers and ranchers.
7. Permits PCA's to issue participation certificates.
8. Permits participation with commercial banks in loans to farmers and ranchers.
9. Permits associations to own or lease, or lease with option to purchase to stockholders of the association equipment needed in the operations of the stockholder.
10. Permits PCAs to require stock and other equity investment of up to $10 per $100 of loans.

BANKS FOR COOPERATIVES—(TITLE III)

1. Provides flexibility under FCA regulations, when there is no Government stock investment in a bank, in the distribution of annual net savings to permit a large portion of patronage refunds to be in cash and the establishment of reasonable unallocated reserves to provide a source for the payment of any unexpected obligations not related strictly to a current year's operations.
2. Permits increase in the maximum ratio of authorized debentures or similar obligations to the net worth of the BCs from the present 8 to 1 statutory limit to 20 to 1, the ceiling now available to other branches of the System, or such prudent lesser ratio as may be established by FCA regulation.
3. Increases flexibility in the composition and management of the capital structures of a BC.
4. Provides additional authority to borrow money by issuance of individual or consolidated BC notes, bonds, debentures or other obligations, as may be approved by FCA.
5. The eligibility of cooperatives borrowing from the BCs would be separately stated and maintained by granting permissive authority for a district board to reduce the bank's required level of farmer voting control in a cooperative borrower to not less than 66⅔%.
6. Clarifies and expands the present power of a BC to make loans to eligible cooperatives to permit extension of technical and other financial assistance including guarantees, collateral custody, leasing of equipment to stockholders, and participation with other

financial institutions in loans to eligible cooperatives.

7. Permits loans to fishery and other aquatic product cooperatives.

8. Authority for determination of location of Central Bank for Cooperatives would be vested in its board of directors with approval of FCA.

PROVISIONS APPLICABLE TO TWO OR MORE CLASSES OF INSTITUTIONS OF THE SYSTEM—(TITLE IV)

1. Permits, in addition to presently authorized consolidated bank group securities, the issuance of Systemwide (37 banks) notes, bonds, debentures and other obligations.

2. Extends provisions applicable to purchase and sale by the Federal Reserve Banks of Farm Loan Bonds of the land banks to other obligations issued by any of the banks of the System.

3. Broadens the authority of the banks' Fiscal Agent to permit handling cash flow and interbank and intersystem transfer of funds.

4. Provides for the voluntary merger of a bank with one or more like banks in other districts operating under the same title of the act.

5. Authorizes Governor of Farm Credit Administration to require mergers of like associations for default of obligations, failure to provide adequate credit services for which they are chartered, or failure to conduct operations in accordance with applicable law.

DISTRICT AND FARM CREDIT ADMINISTRATION ORGANIZATION—(TITLE V)

1. Provides for the voluntary merger of one or more of the 12 Farm Credit Districts.

2. Throughout existing law there are over 200 references to powers of the Farm Credit Administration. In lieu thereof, each title of the bill provides for general supervision; assembled in this section are the few specific powers reserved to Farm Credit Administration which appear to be essential to effective supervision and operation of the System. The purpose of this change is to secure effective administration of the act as close to the borrower beneficiary as can be accomplished. To this end, district boards are given more specific authority for rules and regulations governing district banks and associations, and authority to redelegate these powers when appropriate to the associations.

3. Authorizes the payment of rent for Farm Credit Administration office quarters and eliminates the present requirement that these quarters be housed in the Department of Agriculture. Authorizes the banks of the System as an alternative to paying assessments for rent to acquire or construct and own a building to house the Farm Credit Administration.

By Mr. HARRIS:

S. 1484. A bill to promote the integration in the Nation's public elementary and secondary schools. Referred to the Committee on Labor and Public Welfare.

INTEGRATED EDUCATION ACT OF 1971

Mr. HARRIS. Mr. President, we all are well aware of the 1968 conclusion of the National Advisory Commission on Civil Disorders that, "our nation is moving toward two societies, one black, one white—separate and unequal." That language from the Commission's report recalled the landmark ruling of the Supreme Court in the Brown decision of 1954 in which it was held that separate but equal schools are inherently unequal.

In the 14 years after 1954, our Nation had progressed from a ruling that segregated education was inherently unequal and, therefore, unconstitutional to a point in time when a commission appointed by the President of the United States could conclude that we are rapidly becoming two societies—separate and unequal.

It is now almost 3 years later, and we have a new standard against which to measure our progress—or lack of it—toward an end to segregation in one important aspect of American life. Just a few weeks ago, the Department of Health, Education, and Welfare reported that 38 percent of the black elementary and secondary students in the Deep South are attending schools with a majority of white students. This represents progress to be sure; the figure stood at only one-tenth of 1 percent in 1954 and only 1 percent 10 years later when Congress enacted the Civil Rights Act. Since the passage of the act with titles IV and VI, each of which has been effective to some extent in converting unconstitutional dual school systems to unitary, desegregated systems, the progress toward integrated education in the South has been slow but nonetheless real.

Unfortunately, the same cannot be said for areas outside the South. As a matter of fact, Mr. President, there are strong indications that while segregated education is becoming less common in the South, it is increasing in many areas outside the South. The statistics released by HEW showed that 28 percent of the black students in the North and West are in majority white schools—10 percent less than in the Deep South.

In the South, school systems prior to the Brown decision of 1954 were segregated on the basis of race under State laws. That type of segregation has become known as de jure segregation—separation of students brought about by legal authority. The Supreme Court declared it was unconstitutional—a denial of equal education opportunity. Subsequent court decisions have dealt with the pace with which desegregation must be accomplished, culminating with the 1969 Supreme Court decision in Alexander against Holmes County, Mississippi, requiring an immediate completion of the long process of converting from dual to unitary systems.

States outside the South either had eliminated segregated education prior to the Brown decision or had never officially sanctioned racially segregated assignment of students. School segregation or racial isolation in such areas has traditionally been defined as de facto—not caused by legal authority. Regardless of the cause, however, the deleterious effect of segregation on the child is the same, and this is what we should be concerned about. Moreover, I agree with those who maintain that in many instances, investigation of what we call de facto segregation will reveal that official actions—de facto factors—are involved, factors such as zoning restrictions, decisions as to where schools should be located, location of public or low-cost, Government-subsidized housing or other factors. But I am not trying today to rekindle a debate we have had on numerous occasions in this Chamber.

Mr. President, I think most of us would agree—now that the courts and the Department of Health, Education, and Welfare have proclaimed the end of the dual school system as it has been known for years in the South—that the Congress should now move ahead with a national program promoting the integration of all school systems throughout the Nation, regardless of whether the racial separation has resulted from de jure or de facto factors. If racial isolation is harmful to children, if children learn better in racially and economically integrated classrooms—as I firmly believe they do—then I think the Federal Government has a responsibility to enact a comprehensive program to bring about such integration, and, in so doing, to maximize the opportunity for American children to secure a quality education. There is another reason why the Congress and the Nation should move vigorously in this direction, and I refer here back to the report of the Commission on Civil Disorders.

It was my privilege to serve on that Commission, chaired by the distinguished and very able former Governor of Illinois, Otto Kerner, along with the disguished junior Senator from Massachusetts (Mr. BROOKE) and our able colleague from the House, the gentleman from Ohio (Mr. MCCULLOCH), the gentleman from California (Mr. CORMAN) and other distinguished American citizens. The deliberations of the Kerner Commission brought home to me most emphatically the fact that the schools of our Nation—along with the homes, the churches, the neighborhoods and all other elements in our society—must be involved in the national effort to bring our people together. We in the Congress should encourage this effort legislatively.

Mr. President, our colleagues, the senior Senator from Minnesota (Mr. MONDALE), the junior Senator from Massachusetts (Mr. BROOKE), the senior Senator from New Jersey (Mr. CASE) and the senior Senator from Connecticut (Mr. RIBICOFF) have taken the lead in introducing a bill which would authorize a national program to encourage integration of schools. I am a cosponsor of that bill (S. 683) together with other of our colleagues. The administration also is supporting a desegregation assistance bill (S. 195), introduced by the senior Senator from New York (Mr. JAVITS) and the junior Senator from Michigan (Mr. GRIFFIN), but I do not believe this measure can be considered a national integration bill in the same sense as S. 683.

S. 683 is clearly preferable, and I strongly endorse it as an important and needed initiative toward a more comprehensive school integration program. We must learn to walk before we can run, and I hope Congress will enact at least the equivalent of S. 683.

But more will be needed, and that is why I am today introducing the proposed Integrated Education Act of 1971. My bill is similar to one introduced on January 22 of this year by Congressman CORMAN of California, my colleague on the Kerner Commission. Mr. CORMAN's bill is numbered H.R. 1954, a number with symbolic significance, recalling as it does the year the Supreme Court of the United States declared that segregation of students on the basis of race was unconstitutional—that it generated in black children such "a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

Mr. President, my bill recognizes that in many school districts—particularly those in larger urban and suburban areas—meaningful integration will require substantial construction of new facilities, not to serve the same neighborhoods, which in many cases are segregated, but to accommodate students from larger, more diversified areas. The bill would assist construction of educational parks, magnet schools, and other facilities; reorganization of grade structures and redrawing of attendance zones to change the racial and economic makeup of school enrollments. It would, in short, provide the kind of financial inducement school officials need to bring about lasting and meaningful integration of their schools. I believe the Congress should make available the kind of substantial assistance envisioned in my bill. As a nation, we can ill afford to delay in moving comprehensively on the problem of racial isolation. My bill can be the vehicle for that movement.

Mr. President, I ask that a fact sheet summarizing the major provisions of the Integrated Education Act of 1971 be printed at this point in the RECORD and that the text of the bill be included following the fact sheet.

There being no objection, the fact sheet and bill were ordered to be printed in the RECORD, as follows:

SUMMARY OF INTEGRATED EDUCATION ACT OF 1971

1. Authorizes $14 billion over a five-year period for the following purposes:

A. At least 75% of the funds to school districts individually or jointly for implementing plans for the establishment of integrated school systems within three years or within five years for districts with more than 100,000 pupils and for the costs of programs designed to meet the special challenges of education in *integrated school systems*. An integrated school system is one in which in every school the variation between the percentage of minority group pupils in it and the whole system is 20 percent or less and the variation between the proportion of minority group members of the faculty in it and the whole system is insubstantial. Activities which may be funded include construction and alteration of facilities, consolidation of school systems, creation of new attendance zones, development and implementation of methods of grouping pupils in classes that will integrate pupils within schools, and necessary transportation of students.

B. Up to 25% of the funds for pilot projects to school districts individually or jointly for the 1) establishment of integrated schools, provided that funds not be available for construction, and 2) the costs of programs designed to meet the special challenges of education in integrated school systems.

C. Up to 10% of the funds to school districts individually or jointly for the development of plans for the establishment of integrated school systems.

2. Other provisions

A. Safeguards prohibiting aid to school districts aiding private teachers, or assignment procedures, including testing, within schools resulting in the isolation of minority group children.

B. Public information and community participation provisions requiring that all documents relative to the application must be made public and developed with the participation of a community advisory committee composed equally of minority and non-minority persons, at least 50 percent of whom must be parents of children directly affected by projects to be carried out under the program.

S. 1484

A bill to promote the integration of education in the Nation's public elementary and secondary schools

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Integrated Education Act of 1971".

DECLARATION OF NATIONAL POLICY

SEC. 2. In recognition of the educational harm inflicted upon all children by segregation according to race or national origin in public education, regardless of its cause, and in recognition of the educational benefits conferred upon all children by integrated education, the Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies, or groups of local educational agencies, for integration of public elementary and secondary school systems, and for improving the quality of education in integrated public elementary and secondary school systems.

GRANTS FOR INTEGRATION OF SCHOOL SYSTEMS

SEC. 3. (a) The Commissioner shall make grants to local educational agencies, either individually or jointly, to pay, in whole or in part—

(1) the cost of implementation of plans which the Commissioner determines will accomplish expeditiously, and not later than September, 1974, the establishment of integrated school systems, or with respect to school systems with enrollments of more than 100,000 pupils, plans which the Commissioner determines will accomplish expeditiously and not later than September, 1976, the establishment of integrated school systems, where the Commissioner determines that all elementary schools will be integrated schools not later than September, 1974; or

(2) the cost of programs which the Commissioner finds designed to meet the special challenges of education in integrated school systems or in school systems implementing a plan which meets the requirement of paragraph (1).

(b) Grants under this section may be used for—

(1) construction of elementary and secondary school facilities within a local educational agency or local education agencies; and

(2) consolidation of existing school systems;

(3) alteration, remodeling, improving or enlarging of existing school facilities;

(4) creation of new school attendance zones; and

(5) development and implementation of methods of grouping pupils in classes that will integrate minority group pupils with nonminority group pupils within schools.

Grants under this section and under section 5 may include sums to cover the cost of necessary transportation of students.

GRANTS FOR PLANNING

SEC. 4. The Commissioner is authorized to grant funds to local educational agencies, either individually or jointly, for development of plans for submission to the Commissioner under section 3. Grants under this section in any fiscal year may not exceed 10 percentum of the total amount appropriated in that fiscal year for expenditrue under this Act.

GRANTS FOR PILOT PROJECTS

SEC. 5. The Commissioner is authorized to make grants to local educational agencies, either individually or jointly, for—

(1) the cost of establishment of integrated schools;

(2) the cost of programs which the Commissioner finds designed to meet the special challenges of education in integrated schools. Grants under this section shall be available only for pilot projects in connection with the development of a plan submitted under section 3(a). Grants under this section in any fiscal year may not exceed 25 percentum of the total amount appropriated in that fiscal year for expenditure under this Act. No funds under this section shall be available for construction of new schools.

APPLICATION

SEC. 6. (a) A local educational agency or agencies may receive a grant under this Act only upon application therefor approved by the Commissioner, upon his determination, consistent with such basic criteria as he may establish, that payments will be used for the purposes established under this Act, that implementation of the plan or project for which a grant is sought will accomplish lasting integration of minority-group with nonminority-group pupils within the school system or project schools and that the application has been prepared, and will be administered, with the participation and advice of a committee established pursuant to subsection (b).

(b) The application of local educational agencies or groups of local agencies desiring to apply for assistance under this Act must set forth the annual steps toward accomplishing integration that it, or they, expect to take during the three or five year periods, whichever is applicable. Each local educational agency or groups of local educational agencies shall report to the Commissioner at the end of each school year the progress made. The Commissioner shall determine whether a local educational agency or group of local educational agencies is or are eligible to continue to receive funds under this Act on the basis of annual progress made.

(c) (1) Each local educational agency desiring to apply for assistance under this Act shall select not less than five but not more than fifteen organizations which in the aggregate are broadly representative of the minority and nonminority communities to be served. Those organizations which have been established pursuant to, or with respect to, other Federal programs, such as Community Action Agencies, City Demonstration Agencies, Title I Advisory Committees, Head Start Parents Advisory Committees, and 4–C Committees and civil rights organizations, should ordinarily be among those selected. Each such organization selected by the local educational agency may appoint one member to an advisory committee.

(2) In addition to member appointed to the advisory committee by organization selected by the local educational agency pursuant to paragraph (1) of this subsection. the local educational agency shall appoint to the advisory committee such additional persons from the community as may be needed in order to establish an advisory committee composed of equal numbers of minority and nonminority persons, at least 50 percent of whom shall be parents whose children will be directly affected by the project to be carried out under the program.

(3) The local educational agency shall consult with the advisory committee established pursuant to this subsection with respect to policy matters arising in the development, administration and operation by such agency

of each project assisted under the program. The advisory committee shall be given a reasonable opportunity to observe and comment upon all project-related activities of the local educational agency.

(d) Applications and all written material pertaining thereto shall be made readily available to the public by the applicant and by the Commissioner.

(e) An application for assistance under this Act shall contain assurances satisfactory to the Commissioner, accompanied by such supportive information as he may require that—

(1) Federal funds made available under the program for any fiscal year will be so used to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be available to the applicant from non-Federal sources for purposes which meet the requirements of the programs, and in no case to supplant such funds;

(2) Federal funds made available under the program will not be used to supplant funds which (A) were available to the applicant from non-Federal sources prior to the implementation by the applicant from order or plan for the desegregation of its schools or of a plan or project under this Act, and (e) have been withdrawn or reduced as a result or desegregation or of implementation of a plan or project under this Act. For the purposes of this paragraph, a reduction shall not be deemed to have taken place where non-Federal funds available to a local educational agency pursuant to State statute are reduced by operation of such statute, solely on account of a decline in such agency's enrollment or its transportation needs;

(3) A reasonable effort is being made to utilize other Federal funds available for meeting the needs of children;

(4) The applicant (A) has not, since the beginning of the 1970–71 school year, engaged in the gift, lease, or sale of property or services, directly or indirectly, to any nonpublic school or school system which, at the time of such transaction, practices discrimination on the basis or race, color or national origin, where such gift, lease, or sale was for the purpose of, or had the effect of, encouraging, facilitating, supporting, or otherwise assisting the operation of such school or school system as an alternative available to nonminority group students seeking to avoid desegregated or integrated public schools; and (B) will not engage in the gift, lease, or sale of property or services to any such school or school system for any purpose;

(5) Staff members of the local educational agency who work directly with children, and professional staff of such agency who are employed on the administrative level, will be hired, assigned, promoted, paid, demoted, dismissed, and otherwise treated without discrimination based upon race, color, or national origin.

(6) No practices or procedures, including testing, will be employed by the local educational agency in the assignment of children to classes, or otherwise in carrying out curricular or extra-curricular activities, within the schools of such agency in such a manner as (A) to result in the isolation of minority and nonminority group children in such classes or with respect to such activities; or (B) to discriminate against children on the basis of their being members of a minority group;

(7) The applicant will furnish to the Commissioner such additional information as he may deem necessary for the administration of the program.

APPROPRIATIONS AUTHORIZED

SEC. 7. There are authorized to be appropriated to carry out the provisions of this Act $1,000,000,000 for the fiscal year ending June 30, 1972, $2,000,000,000 for the fiscal year ending June 30, 1972, $3,000,000,000 for the fiscal year ending June 3, 1974, and $4,000,000,000 for each fiscal year thereafter through the fiscal year ending June 30, 1976.

DEFINITIONS

SEC. 8. (a) For the purposes of this Act, the term—

(1) "Integrated school" means a public elementary or secondary school which meets applicable State law standards concerning integration of minority-group children and faculty and with respect to which

(a) the variation between—

(i) the percentage of minority-group pupils enrolled in such schools, and

(ii) the percentage of minority-group pupils enrolled in the grade levels served by such school, in all schools administered by the local educational agency, or where more than one educational agency is joining in the submission of an application under this Act, in all schools administered by the cooperating local agencies, is 20 percentum or less; and

(b) (i) the variation between—

(I) the proportions of minority-group members of the teaching and of the supervisory staffs of such schools, and

(II) the proportion of minority-group persons within the geographical boundaries of the local educational agency administering such school, or where more than one local educational agency is joining in the submission of an application under this Act, within the geographical boundaries or the cooperating local educational agencies is insubstantial, or

(ii) the Commissioner determines that the local educational agency, or where more than one local educational agency is joining in the submission of an application under this Act, the local educational agencies, concerned are implementing a plan to increase the proportion of minority-group teachers, supervisors, and administrators in all schools administered by the local educational agency or agencies, and the variation between

(I) the proportions of minority-group members of the teaching and of the supervisory staffs of such school and

(II) the proportions of minority-group teachers and minority-group supervisors in all schools administered by the local educational agency administering such school, or where more than one local agency is joining in an application under this Act, by the cooperating local educational agencies, is insubstantial;

(2) "School system" means public elementary and secondary schools under the administration of a local educational agency, or where more than one local educational agency is joniing in the submission of an application under this Act, under the administration of the cooperating local educational agencies;

(3) "Integrated school system" means an intergrated school system in which all of the schools are integrated schools;

(4) "Minority-group" includes persons who are Negro, Spanish-surnamed, Oriental, and American Indian;

(5) "Local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent or other school district located within a State. Such term includes any State agency which directly operates and maintains facilities for providing free public education.

(6) "Elementary school" means a day or residential school which provides elementary education, as determined under State law; and

(7) "Secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(b) Except as otherwise provided in this section, the definition contained in section 303 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) are applicable to this Act.

By Mr. RIBICOFF (for himself, Mr. Burdick, Mr. Cannon, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Montoya, Mr. Pell, Mr. Randolph, Mr. Talmadge, Mr. Williams, and Mr. Schweiker):

S. 1485. A bill to establish a Department of Education. Referred to the Committee on Government Operations and then, if reported by the Committee on Government Operations, to the Committee on Labor and Public Welfare.

Mr. RIBICOFF. Mr. President, for myself and Senators Burdick, Cannon, Harris, Hart, Hartke, Hollings, Hughes, Humphrey, Jackson, McGee, McGovern, McIntyre, Mondale, Montoya, Pell, Talmadge, Williams, Schweiker, I introduce for appropriate reference a bill to establish a Department of Education.

Congress will shortly be considering major proposals to reorganize the executive branch of the Federal Government. The President has transmitted a message containing the rationale and the outlines of the realignment he has recommended for our consideration.

These are important, far-reaching, and long-term recommendations. They deserve our careful examination and the most considerate attention, since reorganization proposals on this scale do not come before us very often. It is especially important, therefore, that we examine as complete an array of alternative proposals as can be soundly devised. It is in that spirit and with that intention that I introduce today a bill to create a Department of Education headed by a Secretary of Cabinet rank.

I introduced similar proposals in 1965 and again in 1967. The intervening years have only increased the importance of coordinating the Federal role in education. Today 29 Federal agencies spend over $12 billion on education, often with no coordination and little cooperation. Millions of Americans are educated through Federal programs as diverse as those of the Office of Child Development, the Defense Department, the Job Corps, and the Bureau of Indian Affairs. Nearly 6 percent of the Federal budget supports education. The $12 billion we now spend is a 500-percent increase over our activities in 1962 when I was Secretary of Health, Education, and Welfare. In addition, there are now more than 20 imperfectly coordinated Federal advisory councils and commissions for education.

The bill I am introducing today consolidates and coordinates responsibility for education at the Federal level and affords an opportunity for the first time to rationalize, analyze, present, and carry out Federal policy for education in this Nation. Whether we accomplish these goals through enactment of this bill or the President's reorganization proposals is less important than recognizing the need for prompt action.

Education plays a critical role in the lives of all Americans. More than 60 million Americans are now full-time students; 3.3 million more are professional staff. These figures do not include the millions of children who watch "Sesame Street," or the millions who receive formal education each year from industry, the Peace Corps, the military, Federal manpower programs, and adult and continuing education. When we include all of these people, 125 million Americans are part of this country's education system.

Expenditures for formal education will exceed $65 billion this fiscal year and will be handled by 50 States, five territories, the Federal Government, 18,000 operating school districts, and more than 2,500 institutions of higher education.

But arguments of scale are only one part of the reason for better coordination and execution of the Federal role in education. We must also recognize the present importance of education and educational policy to American society, and the increase in that significance in the decades ahead. This is not just a question of increasing enrollments or expenditures.

Our society and the technology which supports it continue to increase in complexity and require individuals possessed of more sophisticated educational background and preparation. In addition, one of the dominant features of contemporary life is change. It is all about us, its pace increasing, its impact on our lives more insistent.

High technology, population growth, greater human density, unprecedented advances in communications and data processing, the systematic pursuit of knowledge, and the managerial revolution have stamped the present and the future with the characteristic of continual change.

Things are moving so fast we are beginning to suffer from what author Alvin Toffler calls future shock. He contends that the rapid pace of change is not merely creating a changed society, but developing an entirely new society.

The study of the future as a way of gaining a firmer grasp on the present has begun to attract the attention of an increasing number of scholars and analysts. The presence of change places great stress on education. In earlier times, for example, we could afford to think of education as preparation for life. Our society, our technology, our way of life evolved at a comparatively slow pace so that each of us could prepare for a career upon which we could then enter and remain.

Now we experience three, four or five career changes in the course of our lives. Old techniques and skills become obsolescent; new ones need to be acquired. Education is still preparation, to be sure, but it now must be preparation for change. And education has become equally important as a continuing or recurrent activity, following us along in our professional and personal lives to the point of retirement and beyond.

This new relationship of education to our lives requires that we reconsider the education system's capacity to renew and redefine itself, to reflect, anticipate, and help guide the changes which we will all experience.

A serious study and consideration of the Federal role in education is a logical place to begin. I hope that the bill I introduce today together with the President's reorganization proposals for a Human Resources Agency will help focus this question.

My bill is not complicated. First, it establishes a separate Department of Education to serve as a focal point within the Federal Government for defining educational policy and administering Federal education programs. The function and purpose of the proposed department would be to advise the President of the United States about the progress and the future of education and the appropriate policies and programs needed to foster the orderly growth and development of educational resources and facilities in the Nation. The department would conduct necessary studies, collect data, and provide information and other assistance to those engaged in the development of educational policy. It would assist other agencies and institutions in the development of comprehensive planning relating to education.

The new Department would be specifically charged with responsibility for facilitating the continuing renewal of education in America. To assist in this function, a National Institute of Education would be established to carry out the full range of research and development required to improve education in the Nation.

My bill also establishes two principal advisory bodies. The first, the Federal Interagency Committee on Education chaired by the Secretary of Education, would consist of appropriate representatives of designated departments and agencies in the Federal Government. This Committee would assure the effective coordination and consistent administration of Federal programs affecting education which remain distributed across the Government.

The second advisory body, the National Advisory Commission on Education, is designed to provide the Secretary with a high-level policy advisory board. The need for such a body has been well documented by Senator CLAIBORNE PELL of Rhode Island and was included as a result of his efforts in Public Law 91-230 in the form of a National Council on Quality in Education. The National Advisory Commission proposed in my bill would be appointed by the President, confirmed by the Senate, and staffed independently. The Commission would assess the general progress of education, particularly in the light of Federal policy, offer advice concerning present and future direction of such policies and programs, and work with the Secretary to devise a rational and effective advisory structure for the Department.

Within the new Department, the bill would create the positions of Secretary, Under Secretary, six Assistant Secretaries, and a chief counsel.

The core of the new Department would consist of the Office of Education, Head Start, Follow Through, the Job Corps, and the institutional training programs of the Manpower Development and Training Act. The bill would transfer to the Department the instructional materials development, computer innovation, and teacher retraining responsibilities of the National Science Foundation, the educational television facilities programs now within the purview of the Secretary of Health, Education, and Welfare, and the college housing program administered by the Department of Housing and Urban Development.

Responsibility for the Bureau of Indian Affairs schools and the dependents' schools now operated by the Department of Defense would be transferred to the new Department, and the Secretary would be an ex officio member of the Board of Directors of the Corporation for Public Broadcasting. The school lunch program and responsibility for administering the graduate school now run by the Department of Agriculture would now be within this new Department. Additional transfers may be made upon the recommendation of the President and the submission of a reorganization plan to the Congress.

Finally, the Secretary would be required to report annually to the Congress on the progress of education with special weight to the kinds of data necessary for Congress to legislate effectively. Particular attention is given to the presentation of data concerning the results of education, whether as a consequence of Federal programs or not. The Secretary is also required under the terms of the bill to identify each year policy issues which in his judgment are of particular importance and to present to the Congress a detailed analysis of the full dimensions of those issues—what their causes are, why they are important, what possible solutions exist and what the positive and negative consequences of those alternative solutions might be.

The primary objective of this legislation is to locate responsibility for analyzing and defining educational policy within the Federal Government. But several other principles are also essential.

First, those responsible for policy need to be familiar with the operational problems of the area within which they work. The tradition of Federal responsibility for education is long—it dates back to the Northwest Ordinance—but the tradition of local control of education dates back even further and has been firmly established within our constitutional framework.

Two school systems, however, have long been operated by the Federal authorities. The schools operated by the Bureau of Indian Affairs and the Department of Defense would be better served by becoming the responsibility of the new Department of Education. This change in organizational location would improve the administration of these schools and provide the Department with meaningful experience about the problems associated with at least elementary and secondary education.

In making this recommendation I am indebted to the pioneering work done by the late Senator Robert F. Kennedy and

Senator Edward M. Kennedy of Massachusetts, in disclosing the serious deficiencies in Indian education. Unfortunately, President Nixon's reorganization plan proposes to leave the Bureau of Indian Affairs untouched within the new Department of Natural Resources. Questions such as this are precisely the ones that should be aired in the course of hearings on executive reorganization.

A second principle in this bill is the need to plan for the future. Educational policy must be oriented to the future. The time between the identification of educational policy needs, the incorporation of solutions into operational programs, and the achievement of desired results is often many years. Graduate programs, for example, require 4 to 8 years to begin to produce desired types of manpower. It will be 12 to 20 years before Headstart has its hoped-for effect in the society. In light of leadtimes like this, long-range future perspectives are essential.

Third, my legislation recognizes the broad range of educating agencies and institutions in our society. Educational policy deliberations are normally directed to schools, colleges, and universities. But we have developed a more refined understanding in recent years of the numerous agencies and influences beyond the schools which have an impact on education.

Major surveys like the Coleman report have suggested how strong nonschool influences are in predicting academic achievement. The success of "Sesame Street" is coming just as we are begining to understand the tremendous impact mass media are having on the education of our young. We know that doctors, lawyers, policemen, and our courts perform educational functions in our society as Charles Silberman has provocatively discussed in his recent book "Crisis in the Classroom." We know that industry, the military, the Peace Corps, and VISTA all perform educational functions, formal and informal, intended and unintended. The President's proposal for a family assistance program has widespread implications for education which go far beyond its day care provisions.

As the new Department addresses educational policy issues, therefore, it should consider such issues from the dual perspectives of the basic educational systems—preschool, elementary and secondary schooling, and higher education—and the nonschool educational systems such as those just identified. To stimulate this kind of concern, my bill defines education very broadly and appoints the Secretary an ex officio member of the Board of Directors of the Corporation for Public Broadcasting.

Finally, an idea that occupies a central position in this bill is the concept that the Federal role in education should be to stimulate, facilitate, and help bring about renewal in the educational systems of the Nation. This idea is closely related, of course, to the impact of the future and rapid change in our society upon educational goals and the institutional structures the Nation possesses for education.

The Federal Government should lead the way in uncovering the knowledge, developing new techniques, and making them available to our schools and colleges. Our curriculums must be up-to-date and the methods used should be based on the most current knowledge about learning and teaching. Schools and universities should be structured to generate their own renewal.

The administration should be commended for emphasizing reform and renewal as the policy underlying its 1972 budget proposals. The proposals already before the Congress to establish a National Institute of Education and a National Foundation for Higher Education will also help stimulate innovation that is long overdue throughout education.

The time has come to end the uncertain status of education in the Federal Government. Education must be represented at the highest levels of policy discussion. Its weak voice must be strengthened through the consolidation of programs which rightly belong together. These needed steps would be accomplished through the provisions of the bill I introduced today.

I ask unanimous consent that the bill be referred to the Committee on Government Operations and if and when this bill is reported by that committee, that it be referred to the Committee on Labor and Public Welfare for its consideration.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I also ask unanimous consent that the text of the bill and a section-by-section analysis be printed at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 1485

A bill to establish a Department of Education

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Education Act".

FINDINGS AND PURPOSE

Sec. 2. The Congress finds that—

(1) education is the largest single category of domestic public expenditure in the Nation;

(2) the role and importance of education increases as our society becomes more complex and more affluent;

(3) public policy toward education is vital to the present and long-range interests of the United States;

(4) education must be broadly conceived in terms of all those forces, institutions, and agencies which function as educating influences in the United States;

(5) the United States is the only major nation which does not have a Cabinet-level department of education; and

(6) it is essential therefore to establish a Department of Education to administer and coordinate Federal education legislation, weigh and consider major educational policy issues confronting the Nation, and facilitate a continuing renewal of the educating institutions of the United States.

DEPARTMENT OF EDUCATION ESTABLISHED

Sec. 3. There is hereby established as an executive department of the Government, the Department of Education.

OFFICERS

Sec. 4. (a) The Department shall be administered by a Secretary of Education who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department an Under Secretary of Education who shall be appointed by the President by and with the advice and consent of the Senate. The Under Secretary shall perform such duties and exercise such powers as the Secretary shall prescribe during the absence or disability of the Secretary, or in the event of a vacancy in the office of the Secretary, the Under Secretary shall act as Secretary.

(c) There shall be in the Department six Assistant Secretaries of Education and a General Counsel. Each of the Assistant Secretaries shall be appointed by the President, by and with the advice and consent of the Senate. Each Assistant Secretary shall perform such duties and exercise such powers as the Secretary shall prescribe. During the absence or disability, or in the event of vacancies in the offices, of the Secretary and Under Secretary, the Assistant Secretaries and the General Counsel shall act as Secretary in the order prescribed by the Secretary.

FUNCTIONS OF THE DEPARTMENT

Sec. 5. (a) It is the principal function of the Department to promote the cause and advancement of education throughout the United States.

(b) In addition to any other function of the Secretary under the provisions of this Act, the Secretary is authorized to—

(1) advise the President with respect to the progress of education;

(2) develop and recommend to the President appropriate policies and programs to foster the orderly growth and development of the Nation's educational facilities and resources especially in the light of long-range requirements;

(3) exercise leadership at the direction of the President in coordinating Federal activities affecting education;

(4) conduct continuing comprehensive surveys, collect, analyze, and disseminate relevant information concerning education in the United States;

(5) provide information and such other assistance as may be authorized by the Congress to aid in the maintenance of efficient school, college, and university systems;

(6) encourage comprehensive long-range planning by State and local governments, especially with respect to coordinating Federal, State, and community educational activities at the local level; and

(7) conduct studies, make recommendations, and administer discretionary programs to facilitate the continuing renewal of the American educational system.

TRANSFER OF AGENCIES

Sec. 6. (a) All officers, employees, assets, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the following agencies, offices or parts of agencies or offices, are hereby transferred to the Department:

(1) the Office of Education of the Department of Health, Education and Welfare;

(2) the Office of Child Development of the Department of Health, Education and Welfare;

(3) the Office of the Assistant Secretary of

Health, Education and Welfare for Education;

(4) any advisory committee in the Department of Health, Education and Welfare giving advice to and making recommendations concerning education.

(c) In any case where all of the functions of any agency or office are transferred pursuant to this title, except any committee transferred under paragraph (4) of subsection (a) of this section, such agency or office shall lapse.

TRANSFER OF FUNCTIONS

SEC. 7. (a) There are hereby transferred to the Secretary all functions of the Secretary of Health, Education and Welfare—

(1) with respect to and being administered by him through the Office of Education;

(2) with respect to and being administered by him through the office of Child Development;

(3) with respect to all laws dealing with the relationship between Gallaudet College, Howard University, Freedmen's Hospital, and American Printing House for the Blind, and the Department of Health, Education and Welfare;

(4) under section 394 of the Communications Act of 1934, relating to Federal grants for the construction of television broadcasting facilities to be used for educational purposes;

(5) under part B of title II and title III of the Manpower Development and Training Act of 1962 which the Director of the Office of Management and Budget determines relate to institutional manpower training; and

(6) under the Drug Abuse Educational Act of 1970.

(b) There are hereby transferred to the Secretary all functions of the Director of the Office of Economic Opportunity—

(1) under sections 222(a) (1) and (2) of the Economic Opportunity Act of 1964 relating to the project Headstart and Follow Through programs; and

(2) under part A of title I of the Economic Opportunity Act of 1964 relating to the Job Corps.

(c) There are hereby transferred to the Secretary all functions of the Secretary of Defense with respect to the operation of schools for dependents of members of the Armed Forces.

(d) There are hereby transferred to the Secretary all functions of the Secretary of the Interior with respect to the operation of schools for Indian children being administered by him through the Bureau of Indian Affairs.

(e) There are hereby transferred to the Secretary all functions of the Secretary of Agriculture—

(1) under the National School Lunch Act;

(2) with respect to the operation of the Graduate School, U.S. Department of Agriculture.

(f) There are hereby transferred to the Secretary all functions of the Secretary of Housing and Urban Development under title IV of the Housing Act of 1950 relating to college housing.

(g) There are hereby transferred to the Secretary all functions of the Secretary of Labor under title III of the Manpower Development and Training Act of 1962 which the Director of the Office of Management and Budget determines relate to institutional manpower training.

(h) There are hereby transferred to the Secretary all functions of the National Science Foundation which the Director of the Office of Management and Budget determines relate to instructional personnel development programs, instructional program development and programs in computer innovations designed for use in education.

REDESIGNATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SEC. 8. (a) The Department of Health, Education, and Welfare is hereby redesignated the Department of Health and Welfare, and the Secretary of Health, Education, and Welfare is hereby redesignated the Secretary of Health and Welfare.

(b) All laws, orders, regulations, and other matters relating to the Department of Health, Education, and Welfare or to the Secretary of Health, Education, and Welfare shall, insofar as they are not inconsistent with the provisions of this Act, be deemed to relate to the Department of Health and Welfare or to the Secretary of Health and Welfare.

NATIONAL INSTITUTE OF EDUCATION

SEC. 9. (a) There is established within the Department of Education a National Institute of Education. The Institute shall be administered by a Director appointed by the Secretary under the provisions of title 5, United States Code, governing appointments in the competitive civil service. There shall be a Deputy Director, appointed by the Secretary under the provisions of title 5, United States Code, governing appointments in the competitive civil service, who shall act for the Director and exercise such functions as the Director may prescribe. There is hereby established a National Advisory Council on Educational Research and Development.

(b) The Institute shall, in accordance with the provisions of this section, seek to improve education in the United States by—

(A) conducting research and related activities designed to identify and resolve problems in education in the United States and to achieve the objectives of education in the United States;

(B) advancing the practice of education, as an art, science, and profession;

(C) strengthening the scientific and technological foundations of education; and

(D) building an effective educational research and development system.

Activities authorized under this section shall be carried out with express attention to the unique characteristics of behavioral and social science research and development together with an awareness that the principal responsibilities for education is State and local throughout the United States.

(c)(1) The Council shall consist of fifteen members appointed by the President, by and with the advice of the Senate, the Director, and such other ex officio members who are officers of the United States as the President may designate. Eight members of the Council (excluding ex officio members) shall constitute a quorum. The Chairman of the Council shall be designated by the President.

(2) The term of office of the appointed members of the Council shall be three years, except that (A) any member appointed to fill a vacancy shall serve only such portion of a term as shall not have been expired at the time of such appointment, and (B) in the case of initial members, five shall serve terms of two years and five shall serve terms of one year. Any person who has been a member of the Council for six consecutive years shall thereafter be ineligible for appointment to the Council during the two-year period following the expiration of such sixth year.

(d) Subject to general regulations of the Secretary promulgated for the management of the Institute, the Council shall——

(1) advise the Director and the Secretary on the policies, priorities, and management procedures of the Institute;

(2) review, and advise the Secretary on the status of educational research in the United States;

(3) meet at the call of the Chairman, except that it shall meet (A) at least six times during each fiscal year, or (B) whenever one-third of the members request a meeting in writing, in which event one-third of the members (excluding ex officio members) shall constitute a quorum; and

(4) submit an annual report to the President on the activities of the Institute, and on educational research in general, which shall include such recommendations and comments as the Council may deem appropriate, and shall be submitted to the Congress as part of the Secretary's annual report.

(e) Each major division of the Institute shall be headed by an Assistant Director of the institute. Such Assistant Director shall be compensated at the rate prescribed for grade GS–18 in section 5332 of title 5, United States Code, and shall perform such functions as the Director may prescribe.

(f) In order to carry out its objectives, the Institute is authorized to—

(1) conduct educational research,

(2) collect and disseminate the findings of educational research,

(3) train individuals in educational research and related activities,

(4) assist and foster research, collection, and dissemination or information, and training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals,

(5) promote the coordination of such research and research support within the Federal Government,

(6) construct or provide (by grant or otherwise) for such facilities and equipment as he determines may be required.

(g) The Director is authorized, in accordance with regulations promulgated by the Secretary, to appoint and compensate, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule rates, such technical and professional personnel as may be necessary to accomplish the functions of the Institute.

(h) No grant or contract shall be made by the Institute without first securing the advice and counsel of a panel of non-government experts qualified to review the topic and type of research or related activity proposed to be undertaken through such grant or contract.

(i) There are hereby authorized to be appropriated, without fiscal year limitation, $400,000,000, in the aggregate, for the period beginning July 1, 1972, and ending June 30, 1974, to carry out the functions of the Institute. Sums so appropriated shall, notwithstanding any other provision of law unless enacted in express limitation of this subsection, remain available for the purposes of this subsection until expended.

FEDERAL INTERAGENCY COMMITTEE ON EDUCATION

SEC. 10. (a) There is hereby established a "Federal Interagency Committee on Education".

(b) The Committee shall study and make such recommendations as may be necessary to assure effective coordination of Federal programs affecting education, including—

(1) development of Federal programs in accordance with the educational goals and policies of the Nation;

(2) consistent administration of policies and practices among Federal agencies in the conduct of similar programs;

(3) full and effectve communication among Federal agencies to avoid unnecessary duplication of activities;

(4) adequate procedures for the availability of information on educational matters requested by the Secretary; and

(5) full and effective cooperation with the Secretary on such studies and analyses as are necessary to carry out the purposes of this Act.

(c) The Committee shall be composed of the Secretary, who shall be the Chairman, and one appropriate representative of each of the following: The Department of State, the Department of Defense, the Department of Agriculture, the Department of Labor, the Department of Health and Welfare, the National Science Foundation, the Atomic Energy Commission, the National Aeronautics and Space Administration, and the National Endowments for the Arts and the Humanities. Other members may be added by Executive Order of the President as he determines may be necessary.

(d) The Chairman may invite Federal agencies in addition to those which are represented on the Committee under the provisions of subsection (c) of this section to designate representatives to participate in meetings of the Committee on matters of substantial interest to such agencies which are to be considered by the Committee.

(e) The Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Executive Director of the Domestic Council, and the Director of the Office of Science and Technology may each designate a member of his staff to attend meetings of the Committee as observers.

(f) Each Federal agency which is represented on the Committee under the provisions of subsection (c) of this section, shall furnish necessary assistance to the Committee in accordance with section 214 of the Act of May 3, 1945 (31 U.S.C. 691).

NATIONAL ADVISORY COMMISSION ON EDUCATION

SEC. 11. There is hereby established a National Advisory Commission on Education composed of fifteen members appointed by the President, by and with the advice and consent of the Senate from among individuals—

(1) who are familiar with the educational needs and goals of the United States,

(2) who have competence in assessing the progress of educational agencies, institutions, and organizations in meeting those needs and achieving those goals,

(3) who are familiar with the administration of State and local educational agencies and of institutions of higher education, and

(4) who are representative of the mass media, industry and the general public.

Members shall be appointed for terms of three years, except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one-year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any terms shall be for such portion only.

(b) The National Commission shall—

(1) review the administration of, general regulations for, and operation of Federal education programs;

(2) advise the Secretary and other Federal officials with respect to the educational needs and goals of the Nation and assess the progress of the renewal of appropriate agencies, institutions, organizations of the Nation in order to meet those needs and achieve those goals;

(3) conduct objective evaluations of specific education programs and projects in order to ascertain the effectiveness of such programs and projects in achieving the purpose for which they are intended;

(4) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of Federal education programs;

(5) consult with Federal, State, and local and other educating agencies, institutions, and organizations with respect to assessing education in the United States and the improvement of the quality of education, including—

(A) areas of unmet needs in education and national goals and the means by which those areas of need may be met and those national goals may be achieved.

(B) determination of priorities among unmet needs and national goals; and

(C) Special means of improving the quality and effectiveness of teaching, curricula, and educational media and of raising standards of scholarship and levels of achievement;

(6) conduct national conferences on the assessment, improvement, and renewal of education, in which national and regional education associations and organizations, State and local education officers and administrators, and other education-related organizations, institutions, and persons (including parents of children participating in Federal education programs) may exchange and disseminate information on the improvement of education; and

(7) conduct, and report on, comparative studies and evaluations of education systems in foreign countries.

(8) advise and assist in the coordination of all the advisory bodies to Federal education programs.

(c) The National Commission shall make an annual report, and such other reports as it deems appropriate, concerning its findings, recommendations, and activities to the President for submission to the Congress once each year.

(d) In carrying out its responsibilities under this section, the National Commission shall take, together with the Secretary, whatever action is necessary to carry out section 438 of the General Educational Provisions Act, to devise a manageable and effective advisory structure for the Department. The National Commission shall advise the Secretary on the number of advisory bodies that are necessary and the manner in which such bodies relate to one another. The National Commission shall consult with the National Advisory Council on the Education of Disadvantaged Children, the National Advisory Council on Supplementary Centers and Services, the National Advisory Council on Education Professions Development, the National Advisory Council on Educational Research and Development and such other advisory councils and committees as may be appropriate to carry out its functions under this subsection. All Federal agencies are directed to cooperate with the National Commission in carrying out its functions under this subsection.

(e) The National Commission is authorized to engage such technical assistance as may be required to carry out its functions and the Secretary shall, in addition, make available to the National Commission such secretarial, clerical, and other assistance and such pertinent data prepared by the Department as the National Commission may require to carry out its functions.

(f) Members of the National Commission who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the National Commission or while otherwise engaged in the business of the National Commission, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service for grade GS–18 under section 5332 of title 5, United States Code, including travel time, and while so serving on the business of the National Commission away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(g) The President shall appoint the National Commission not later than thirty days after the date of enactment of this Act.

POWERS AND DUTIES OF THE SECRETARY

SEC. 12. (a) The Secretary shall be responsible for the exercise of all functions of the Department, and shall have authority to direct and supervise all personnel and activities thereof.

(b) (1) The Secretary is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions, as may be necessary to carry out the purposes and functions of this Act.

(2) The Secretary may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(c) The Secretary may promulgate such rules and regulations as may be necessary to carry out the functions vested in him or in the Department, and he may delegate authority for the performance of any such function to any officer or employee under his direction and supervision.

(d) The Secretary shall cause a seal of office to be made for the Department, of such design as the President shall approve, and judicial notice shall be taken thereof.

(e) The Secretary shall as soon as practicable after the end of the fiscal year make a report to the President for submission to the Congress on the activities of the Department during the preceding fiscal year. Such report shall also contain objective data on: enrollments; expenditures; numbers of teachers and other categories of professional and related personnel; numbers of professionals who lack full qualifications; needs for classrooms and other construction; special needs of critical concern such as the disadvantaged, rural and urban education, and progress made toward the continuing renewal of education; the results and outcomes of education and schooling; budget projections for five years based on actual or anticipated appropriations for the fiscal year in which the annual report is issued; the advisory structure of the Department including the names and composition of advisory committees and councils and the relationships the committees and councils bear to one another; and similar data. The report shall also include each year a complete discussion of one or more basic educational policy issues which in the Secretary's judgment have great salience.

TRANSFERRED PERSONNEL

SEC. 13. Each officer or employee of the United States or any department or agency thereof who is transferred at any time to the Department of Education shall be deemed, effective as of the date of such transfer, to be an officer or employee of the Department. No reappointment of any such officer or employee shall be required because of his transfer to that department. Except as otherwise specifically provided by this section, no such officer or employee shall be reduced in rank, grade, seniority, or rate of compensation because of any such transfer.

TECHNICAL AMENDMENTS

SEC. 14. (a) Section 19(d)(1) of title 3, United States Code, is hereby amended by inserting before the period at the end thereof a comma and the following: "Secretary of Education".

(b) Section 101 of title 5, United States Code, is amended by inserting at the end thereof the following:

"The Department of Education".

(c) Subchapter II of chapter 53 of title 5, United States Code (relating to executive schedule pay rates), is amended as follows:

(1) Section 5312 is amended by adding at the end thereof the following:

"(13) Secretary of Education,".

(2) Section 5314 is amended by adding at the end thereof the following:

"(57) Under Secretary of Education."

(3) Section 5315 is amended by adding at the end thereof the following:

"(95) General Counsel, Department of Education."

"(96) Assistant Secretaries of Education (6)."

"(97) Director, National Institute of Education, Department of Education."

(4) Section 5316 is amended by adding at the end thereof the following new paragraph:

"(130) Deputy Director, National Institute of Education, Department of Education."

(d) (1) Effective 90 days from the date of enactment of this Act, section 516 and 517 of the Revised Statutes of the United States (20 U.S.C. 1, 2) are repealed.

(2) Effective 90 days from the date of enactment of this Act, the Cooperative Research Act is amended by striking out sections 2 and 3 thereof.

SAVINGS PROVISIONS

Sec. 15. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any agency or office, or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or office, or part thereof, functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the agency or office, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this question takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or office, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any agency or office, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any agency or office, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such agency or office, or any part thereof, is transferred to the Secretary, or

(B) any function of such agency, office, or part thereof, or officer is transferred to the Secretary,

then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the Secretary, in which case the suit shall be continued by the agency, office, or part thereof, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any agency, office, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the department or officer in which such function is vested pursuant to this Act.

(e) Orders and actions of the Secretary in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Secretary.

(f) In the exercise of the functions transferred under this Act, the Secretary shall have the same authority as that vested in the agency or office, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or office, or part thereof.

AMENDMENT TO THE COMMUNICATIONS ACT OF 1934

Sec. 16. Section 396(c)(1) of the Communications Act of 1934 is amended by inserting after the first sentence thereof the following sentence: "The Secretary of Education shall be an ex officio member of the Board.".

CODIFICATION

Sec. 17. The Secretary is directed to submit to the Congress within two years from the effective date of this Act, a proposed codification of all laws which contain functions transferred to the Secretary by this Act.

FEDERAL CONTROL PROHIBITED

Sec. 18. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any local or State educational agency, institution, or school system.

DEFINITIONS

Sec. 19. As used in this Act, the term—

(1) "Committee" means the Interagency Committee on Education;

(2) "Council" means the National Council on Educational Research and Development of the National Institute of Education;

(3) "Director" means the Director of the National Institute of Education;

(4) "Department" means the Department of Education;

(5) "education" means that process by which individuals and groups develop or acquire skills, competencies, attitudes, values, and new understandings. Formally or informally, education may be undertaken in, offered by, or received from preschool elementary, secondary, and post-secondary institutions as well as other kinds of institutions, agencies, organizations, and individuals, including but not limited to the home and family, the mass media, industry, and the military;

(6) "educational research" includes research, planning, surveys, evaluations, invesigations, experiments (including experimental schools), development, demonstration and dissemination in the field of education;

(7) "function" includes powers and duties;

(8) "National Commission" means the National Advisory Commission on Education;

(9) "Secretary" means the Secretary of the Department of Education;

(10) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts, or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and

(11) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

Sec. 20. (a) This Act, other than this section, shall take effect ninety days after the enactment of this Act, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a), any of the officers provided for in subsections (a), (b), and (c) of section 4 may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Department pursuant to this Act.

DEPARTMENT OF EDUCATION BILL—SECTION-BY-SECTION ANALYSIS

Section 2. States the Congressional finding that education is of great importance in our complex and affluent society, that public policy respecting education is therefore of vital interest to the present and long-range interests of America, that educational policy must include all the educating influences in our society, and that the United States is the only major Nation which does not have a Cabinet level department of education.

Section 3. Establishes a Department of Education.

Section 4. Creates the office of Secretary, Under Secretary, six Assistant Secretaries, and a General Counsel.

Section 5. States that the Department is to promote the cause and advancement of education throughout the United States, to advise the President respecting the programs of education, to develop policies and programs to foster the orderly growth and development of educational resources and facilities, to coordinate Federal activities affecting education, to conduct surveys, collect and analyze data, and disseminate information, to provide information and assistance to aid in the maintenance of school, college, and university systems, to encourage long-range planning by State and local government, and to facilitate the continuing renewal of the American educational system.

Sections 6 & 7 (generally). Transfer the Office of Education, the Office of Child Development, the Office of the Assistant Secretary of Health, Education and Welfare for Education, and any advisory committees in HEW concerning education to the Department of Education. Also included in the transfer are the functions of the Secretary of HEW respecting educational television broadcasting facilities and the Manpower Development and Training Act of 1962 relating to institutional manpower training.

Also transferred to the new Department are Head Start, Follow Through, Job Corps, Department of Defense dependents' schools, school operated by the Bureau of Indian Affairs, the Graduate School operated by the Department of Agriculture, and the National School Lunch Act. College housing is transferred to the Department as are the functions of the Secretary of Labor under Title III of the Manpower Development and Training Act which relate to institutional manpower training and the functions of the National Science Foundation relating to curriculum development, computer innovations in education, and teacher retraining.

Section 8. Redesignates the Department of Health, Education and Welfare as the Department of Health and Welfare.

Section 9(a). Establishes a National Institute of Education within the Department of Education headed by a Director and Deputy Director. Establishes a National Advisory Council on Educational Research and Development.

Sections 9(b) & 9(f). Authorize the Institute to seek to improve education by conducting research and related activities to identify and resolve problems in education and to achieve the objectives of education, to advance the practice of education, to strengthen the scientific and technological foundations of education, and to build an effective research and development system. The Institute is also authorized to collect and disseminate findings, train researchers, grant and contract for research, promote the coordination of research, and provide for facilities and equipment.

Section 9(c). Establishes a three-year term for the fifteen-member Advisory Council.

Section 9(d). Requires the Advisory Council to advise the Secretary and the Director on the policies, priorities and management of the Institute and the status of educational research in the United States, and to present an annual report to the President on these matters.

Section 9(e). Authorizes the appointment of directors of the major divisions of the Institute at a grade of GS–18.

Section 9(g). Authorizes exceptions to the Civil Service regulations for the purpose of employing scientists and technicians.

Section 9(h). Requires panel review of Institute grants and contracts.

Section 9(i). Authorizes $400,000,000 in the aggregate through the period ending June 30, 1974.

Section 10. Establishes a Federal Interagency Committee on Education to study and make recommendations to assure effective coordination of Federal education programs. Appoints the Secretary chairman and provides for appropriate representatives from the Departments of State, Defense, Agriculture, Labor, and Health and Welfare, and the National Science Foundation, Atomic Energy Commission, the National Aeronautics and Space Administration, and the National Endowments for the Arts and the Humanities.

Section 11 (generally). Establishes a National Advisory Commission on Education to review the operation of Federal education programs, advise the Secretary on educational needs, goals, and renewal, conduct objective evaluations of education programs and projects, make recommendations for the improvement of Federal programs, consult with Federal, State and local agencies respecting the improvement of the quality of education, and conduct conferences on the assessment, improvement, and renewal of education.

Section 11 (d). Authorizes the Commission to assist the Secretary in establishing a rational and well-integrated advisory structure for the Department.

Section 12. Defines powers and duties of the Secretary. Requires an annual report containing objective data on education including the results and outcomes of education, five-year budget projections, progress toward the renewal of education in the Nation, and a report on the advisory structure of the Department. The report is also to include each year a complete analysis of major educational policy issues.

Section 13. Makes provisions for all transferred personnel insuring no loss of rank, grade, seniority, or rate of compensation because of transfer.

Section 14. Contains technical amendments to the United States Code.

Section 15. Contains savings provisions to assure that all actions pending before preexisting agencies or programs remain in force and standing despite the transfer of those agencies or programs to the new Department.

Section 16. Amend the Communications Act of 1934 by making the Secretary of Education an *ex officio* member of the Board of the Corporation for Public Broadcasting.

Section 17. Requires the Secretary to submit within two years of enactment a proposed codification of all laws which contain functions transferred to the Secretary by this Act.

Section 18. Prohibits Federal control of education with respect to any State or local educational agency.

Section 19 (generally). Defines terms used throughout the Act.

Section 19(5). Defines education to include not only concern for preschool, elementary, secondary, and post-secondary education but also concern for the educational functions of other agencies and institutions such as the home and family, the military, industry, and the mass media.

Section 20. Establishes the effective date of the Act as 90 days after enactment.

Mr. MONDALE. Mr. President, I commend the senior Senator from Connecticut (Mr. Ribicoff) for introducing a bill to create a Cabinet level Department of Education.

Education has never received the priority it deserves, and I am delighted to support proposals such as these which are designed to make more visible and tangible our commitment to the education of American children. While I have reservations about some parts of the proposed legislation—such as the provision which would place Headstart and child development programs in this newly created Department—I strongly support the concept and thrust of this proposal and I am pleased to be a cosponsor of it.

Senator Ribicoff, who previously served as Secretary of Health, Education, and Welfare, and brings that knowledge and expertise to this problem, is doing the cause of education a great service by introducing the bill, and I commend him for it.

Mr. HUMPHREY. Mr. President, I am pleased to join the distinguished Senator from Connecticut (Mr. Ribicoff) in the introduction of the Department of Education Act. The senior Senator from Connecticut is to be highly commended for his continued legislative effort, initiated out of his firsthand experience as Secretary of Health, Education, and Welfare, to establish a focal point for education within the Federal Government and to give a decisive emphasis to America's educational priorities.

Education is a matter of paramount concern to the American people. It is the largest single category of domestic public expenditure in the Nation. It is recognized as an essential human resource investment of the highest economic and social importance. Surely, in the midst of rhetoric about Federal departmental reorganization to improve the delivery of services, the reform of our educational bureaucracy demands priority attention by Congress. There must be a high level authority and responsibility within the Federal Government for the development of a new education policy for America.

In the Record of March 30, 1971, I presented the outline of this education policy. I believe that the Department of Education Act offers the essential administrative framework for drafting that policy by which we can at last assure excellence, imagination, and full opportunity in American education. We must put the full educational resources of the Federal Government at the disposal of the American people, over one-fourth of whom are of school age—5 to 17—with 8.5 million more enrolled in postsecondary education courses. That can only be done through the creation of a department under a Cabinet-level Secretary of Education, providing a spokesman for education at the summit of Government and bringing together our scattered Federal educational activities. In addition to the reorganization and transfer of educational functions of Federal agencies, this act provides for the establishment of a Federal Interagency Committee on Education to assure the effective coordination of all Federal programs affecting education.

The establishment of a Department will also enable us to inaugurate a decisive forward advance in American education. Included in this substantially revised and comprehensive legislation, for example, is a provision for the establishment, within the Department, of a National Institute of Education to undertake and foster research on important problems and new directions in education. Moreover, there would be a National Advisory Commission on Education, appointed by the President, by and with the advice and consent of the Senate, to bring competent public participation to bear in the review of the administration of Federal education programs and in providing valuable counsel on the educational needs and goals of the Nation. The legislation also calls for annual reports to the President and Congress to assure effective oversight of progress in the meeting of these critical needs and toward the achievement of all-important goals for the enrichment of the lives of our children and youth.

Let it be clear that this bill does not

call for any so-called Federal control of education, but rather for an end to duplication and confusion in Federal programs of assistance to our States and communities that are today hard pressed to find the funds and resources to assure quality standards and unrestricted opportunities in education for all our people.

Mr. President, there must be no further delay in addressing the critical education needs of America. I believe there is an overwhelming national consensus that the time has come to establish a Department of Education to guarantee that these needs will be met now with the full resources of the Federal Government.

By Mr. JAVITS (for himself, Mr. Hruska, Mr. Cooper, Mr. Dole, Mr. Pell, Mr. McGee, and Mr. Tower):

S. 1486. A bill to establish an Antitrust Review and Revision Commission. Referred to the Committee on the Judiciary.

Mr. JAVITS. Mr. President, on behalf of myself, Mr. Hruska, Mr. Cooper, Mr. Dole, Mr. McGee, Mr. Pell, and Mr. Tower, I introduce a bill to establish an Antitrust Review and Revision Commission. I ask that the bill be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, this bill would establish an 18-member bipartisan Commission composed of eight Members of Congress, four members of the executive branch, and six experts from the private sector, to be chosen in such a manner as to be broadly representative of the various interests, needs, and concerns which the antitrust laws may affect. The Commission would be charged with the duties of examining our antitrust laws and making recommendations for revising them. The Commission would specifically be asked to investigate the effect of the antitrust laws upon:

Price levels, product quality and service;

Employment, productivity, output, investment and profit;

Concentration of economic power and financial control;

Foreign trade and international competition; and

Economic growth.

The bill provides a period of 2 years for this study, in order that fundamental and basic relationships between the antitrust laws and our increasingly complex economy can be thoroughly analyzed and so that proposals for revision of the laws may be given careful and thoughtful review.

There are several reasons why I believe a review and revision of the antitrust statutes has become an economic necessity for our country. Three major reasons are as follows: First, the market structure of our economy and even the nature of the economy itself have changed radically since the adoption of the Sherman Act in 1890; statutes designed to meet the needs of a 19th century economy cannot be expected to provide direction for economic policies of the 1970's; second, the vague language of the existing antitrust statutes and the lack of clarity as to the purposes of those statutes have left the courts, the bar, and the business community with little guidance for deciding cases, predicting results, or making business decisions; the result has been confusion, conflict and uncertainty in the law; third, the general language of the law has required that the major antitrust policies be shaped and expressed by the judiciary, which has no significant expertise in the economy. This has led to irrational applications of and developments in the law, some of which may be said to be anticompetitive and genuinely in conflict with the declared purposes of our antitrust statutes. I will briefly discuss each of these three points in turn.

Two major historical developments affecting the nature and market structure may have rendered obsolete many 19th century conceptions of antitrust and, at the same time, have generated a need for different antitrust rules and weapons.

The first of these historical changes is the evolution of an essentially laissez-faire economy into a mixed economy, characterized by pervasive government involvement as participant and regulator.

The second is the growth of a nation of many small businesses and few "trusts" into one whose economy is dominated by corporate giants which, it has been suggested, operate more economically as far as the consumer is concerned under stable conditions conducive to planning than can small businesses in a perfectly competitive economy.

Our antitrust laws, as interpreted by the courts, have not kept pace with these changes. Perhaps the courts are not to be blamed for this, for the judicial function is to interpret statutes consistently with their purpose. However, Congress has the responsibility for seeing that laws and their purpose are kept up to date; antitrust policy in changing times should be made by Congress and not the courts.

It is my hope that the Commission to be established by my bill would give full consideration to the implications of these historical trends for antitrust policy and suggest to Congress appropriate corrective action.

Our antitrust laws are rife with conflict and uncertainty. Vague statutory terms about restraints of trade and attempts to monopolize have been given substance and content by the courts with practically no guidance from Congress. Indeed, it could be argued that Congress has given worse than no guidance by imposing conflicting and contrary mandates on the courts, for it is difficult to reconcile the philosophy of earlier statutes with the price-equivalency of the Robinson-Patman Act, which dampens competition—though it may be necessary for public policy reasons. Confusion has been increased by the overlapping jurisdictions of the Justice Department and the Federal Trade Commission, which should serve separate prosecutorial and regulatory functions, and by the uncertain relationship between private antitrust actions and suits brought by the Government.

The problem facing lawyers and businessmen was well summarized by Robert H. Jackson when he was Assistant Attorney General for Antitrust:

> In view of the extreme uncertainty which prevails as a result of these vague and conflicting adjudications, it is impossible for a lawyer to determine what business conduct will be pronounced lawful or unlawful by the courts. The situation is embarrassing to businessmen wishing to obey the law and to government officials attempting to enforce it.

If anything, the situation has become far worse since that statement was made in 1938. The Antitrust Review and Revision Commission could perform a great service by laying a basis for a consistent and predictable antitrust law.

In large part because of the lack of economic expertise in the courts and even in the Justice Department, where prosecutorial zeal or political considerations seem sometimes to outweigh economic realities, both the enforcement and interpretation of antitrust statutes have at times been economically irrational or anticompetitive. For example, corporations are prohibited from making practical arrangements with wholly owned subsidiaries; mergers of small town banks are forbidden by the Supreme Court while horizontal mergers between corporate giants sometimes go unchallenged; rules relating to geographical or product market definitions are stretched beyond reason in order to foreclose conglomerate mergers with respect to which Congress has expressed no policy; the Robinson-Patman Act is interpreted in a manner designed further to limit rather than promote competition. The Commission I envision would investigate into such matters and could contribute greatly to the formation of new, economically rational antitrust policies by the Congress.

Congress now has the benefit of two recent Presidential Task Force reports on the antitrust laws, commissioned by Presidents Johnson and Nixon. These reports made several interesting observations and suggestions. Proposals for legislative action ranged in scope from the breakup of very large firms in highly concentrated industries to a limitation on the duration of antitrust decreases. I believe two general features of the reports tended to render them ineffective. First, in large part the focus of the reports was on the technical improvement of existing laws rather than the clarification and reordering of fundamental concepts. It may be of course that intensive investigation would support the basic principles of our existing laws, but I believe that it is most important that such an investigation be made. A Commission would have the mandate and the time to do so. Second, the task forces were not made up of officials in a position to effectuate their policy conclusions; the reports were simply forwarded by experts to officials who had not participated in making the studies and recommendations.

The Commission to be established by my bill would insure the involvement of Congressmen and executive officials who would be in a position to help implement their proposals. These are some of the reasons why I believe it is necessary to establish a high-level Commission to study all aspects of our antitrust policy and make appropriate recommendations to Congress for revising the law. Only on the basis of the recommendations of such a Commission is Congress likely to be moved to action. Such a Commission could be a very effective instrument of reform.

I am not suggesting that we scrap our antitrust laws or that competition is an anachronism. Nor am I so naive as to think that the Commission will resolve all the disparate views about the role of antitrust policy into one broad consensus. However, the time has come when I feel the Commission could make recommendations which would attract broad support in Congress and have a major effect in improving and facilitating our whole enterprise system.

The Commission could profitably give its attention to marketing techniques. With the growth of the economy a number of novel marketing techniques have evolved, and with them have come, inevitably, antitrust problems. These problems include resale price maintenance, fair trade laws, limitations on competition between distributors and a whole panoply of problems connected with franchising.

The Commission could perform a valuable service by clarifying the relationship between the Justice Department and the FTC in the enforcement scheme. At present, there is a good deal of overlap in their functions, particularly under the Clayton Act. Similarly the relationship between private antitrust actions and government actions could be clarified.

Another extremely valuable contribution the Commission could make would be to determine if the Robinson-Patman Act, forbidding price discrimination, continues to serve a useful purpose and, if so, to rewrite the act so that the courts which must interpret it, and the businessmen who must obey its commands, can make some sense out of it. For years now the courts have been extending pointed invitations to Congress to do something about this problem, and it is time the invitation was accepted.

Another area in which the Commission clearly could make a most valuable contribution is in the application of our domestic antitrust laws to foreign trade and investment. For many years, experts have been pointing out how the rigid application of the antitrust laws has put our exporters at a serious disadvantage abroad. That is not a matter to be taken lightly in these days of concern with our balance of payments and our trade balance.

No less pressing is the need to encourage the investment of private capital of the United States and other developed countries in the developing countries. Again it is widely felt that our antitrust laws are an inhibiting factor, particularly to the establishment of consortia of United States and other private companies from industrialized countries grouping to invest in less developed countries. In both instances, there is a deep conflict between our antitrust philosophy and other major national policies when there should be coordination and thoughtful accommodation between them.

Many experts have concluded that uncertainty about the enforcement of U.S. antitrust laws extraterritorially is the greatest single inhibitor to increased foreign trade and investment. The report of the ABA Committee on Trade Regulation in 1963, for example, highlights the following specific areas of uncertainty in this field:

First, uncertainty as to the terms under which a U.S. business may enter into a joint venture with a competitor, either American or foreign, to engage in business abroad;

Second, uncertainty as to the extent to which U.S. business may cooperate in association with foreign competitors, even when the association is required or permitted by the laws of the foreign country where the activity takes place;

Third, uncertainty as to the extent to which a U.S. business may include territorial and other limitations in patents, trademarks, and know-how licenses;

Fourth, uncertainty due to conflicts between antitrust laws of the United States and the laws of foreign countries and, most unfortunately, economic communities, such as the European Common Market; and

Fifth, protests by foreign governments due to the extraterritorial application of U.S. antitrust laws to their nationals.

The list of critical cases which the proposed Commission would be charged with studying could be elaborated at much greater length. But these are some of the major areas of concern.

In the last analysis the enormous job of studying, recommending, and enacting the antitrust laws is with the Congress. The tendency has been in recent years for a major part of the antitrust policy to be articulated by the enforcement agencies and the courts. The Commission I propose would enable Congress, if it will, again to establish basic antitrust policy; and such policy is basic to the economic future of the United States at home and abroad and to its leadership in world affairs.

In short, the keystone to effective operation of the modern American economy may be a revision of the antitrust laws. Our antitrust laws, now over 80 years old, have become obsolete. It is high time that Congress take the matter in hand and determine our national policy on U.S. business—marvel of our world and of economic history. We could help enable it to perform its legendary feats for our people and for peace and well-being and justice in the world, if we reviewed the rules under which it operates.

Mr. President, I have introduced somewhat similar bills in other Congresses, generally with one cosponsor, or none; but this bill enjoys very distinguished cosponsorship including the ranking Republican member of the Committee on the Judiciary, the committee which is required to deal with legislation of this kind.

In addition, I would like to state that I believe this bill is quite consistent with everything the administration believes in, and I hope that the administration will not only be for the bill but also be a leader in getting it enacted. I think that the administration, more than previous administrations, has a commitment to the American people to provide the most effective and efficient administration of American business of which it is capable under our law; and here we have laws—the antitrust statutes—which are out of date and harmful in their operation, working in reverse to what they were intended to do in many cases.

I hope very much that this proposal to study and revise the antitrust laws will, at long last, have the effective and positive action which it so richly needs and deserves in the interest of the American economy.

Mr. President, I yield back the remainder of my time.

EXHIBIT 1

S. 1486

A bill to establish an Antitrust Review and Revision Commission

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established an Antitrust Review and Revision Commission (hereinafter referred to as the "Commission") constituted in the manner hereinafter provided.

PURPOSE OF THE COMMISSION

SEC. 2. The Commission shall study the antitrust laws of the United States, their applications, and their consequences, and shall report to the President and the Congress the revision, if any, of said antitrust laws which it deems advisable on the basis of such study. The study shall include the effect of said antitrust laws upon:

(a) price levels, product quality and service;

(b) employment, productivity, output, investment and profits;

(c) concentration of economic power and financial control;

(d) foreign trade and international competition; and

(e) economic growth.

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of eighteen members appointed by the President as follows:

(1) four from the executive branch of the Government;

(2) four from the Senate, upon the recommendation of the President of the Senate;

(3) four from the House of Representatives, upon recommendation of the Speaker of the House of Representatives; and

(4) six from private life.

(b) REPRESENTATION OF VARIED INTERESTS.—The membership of the Commission shall be selected in such a manner as to be broadly representative of the various interests, needs, and concerns which may be affected by the antitrust laws.

(c) POLITICAL AFFILIATION.—Not more than one-half of the members of each class of members set forth in clauses (2), (3), and (4) of subsection (a) shall be from the same political party.

(d) VACANCIES.—Vacancies in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

ORGANIZATION OF THE COMMISSION

SEC. 4 The Commission shall select a Chairman and a Vice Chairman from among its members.

QUORUM

SEC. 5. Ten members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 6. (a) MEMBERS OF CONGRESS.—Members of Congress, who are members of the Commission, shall serve without compensation in addition to that received for their services as Members of Congress, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) MEMBERS FROM THE EXECUTIVE BRANCH.—Notwithstanding section 5533 of title 5, United States Code, any member of the Commission who is in the executive branch of the Government shall receive the compensation which he would receive if he were not a member of the Commission, plus such additional compensation, if any, as is necessary to make his aggregate salary not exceeding $36,000 and he shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in the performance of the duties vested in the Commission.

(c) MEMBERS FROM PRIVATE LIFE.—The members from private life shall each receive not exceeding $200 per diem when engaged in the performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

POWERS OF THE COMMISSION

SEC. 7. (a) (1) HEARINGS.—The Commission or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee may deem advisable. Subpenas may be issued under the signature of the Chairman or Vice Chairman, or any duly designated member, and may be served by any person designated by the Chairman, the Vice Chairman, or such member.

(2) In case of contumacy or refusal to obey a subpena issued under paragraph (1) of this subsection, any district court of the United States or the United States court of any possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is being carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(b) OFFICIAL DATA.—Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this Act.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $200 a day for individuals.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

SEC. 8. The Commission shall transmit to the President and to the Congress not later than two years after the first meeting of the Commission a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations as it deems advisable. The Commission may also submit interim reports prior to submission of its final report.

EXPIRATION OF THE COMMISSION

SEC. 9. Sixty days after the submission to Congress of the final report provided for in section 8, the Commission shall cease to exist.

Mr. HRUSKA. Mr. President, I welcome the opportunity to join the distinguished senior Senator from New York (Mr. JAVITS) in sponsorship of a bill which would establish a Commission to review Federal antitrust laws.

The able Senator has set forth many good reasons why such a study should be made. I shall not repeat them here. I have in the past and shall continue in the future to stress, however, the need for action now while this bill makes its way through the legislative process.

What action can we take now? On March 2, 1971, Representative LOUIS C. WYMAN, of New Hampshire, said in the other body:

> Over the years anti-trust enforcement has been effective in curbing monopoly, price fixing, and other business abuses . . . Congress has legislated definitively in this field but being careful not to curtail or infringe upon legitimate business activity. For example, Congress has consistently rejected the proposition that size alone should be a test in anti-trust proceedings. Congress has refused to so legislate and the courts have been equally adamant in rejecting the bigness alone argument.

Those views have been echoed on many occasions by this Senator, Mr. President, in public hearings and elsewhere throughout the United States. It is my opinion that the executive branch should immediately review and reconsider enforcement practices that go beyond the laws of Congress, especially those in which the courts have sustained the congressional view.

The need becomes more significant at this time, when the confidence of business and the consumer is needed to overcome the economic sluggishness resulting from the inflationary policies of the past administration.

Aside from the confidence it will instill in business and the consumer, appropriate and logical enforcement of our antitrust laws will do much to lessen the load on our Federal courts. We are all acutely aware of the fact that the courts have fallen far behind in their workloads.

I am informed by the Administrative Office of the U.S. Courts that Federal antitrust cases have increased in number and in time consumed, thus contributing materially to the burden. The number of antitrust cases rose 17 percent in 1970 over 1969.

Recent data reveals antitrust cases are heavily responsible for the mounting burdens of docket congestion in Federal district courts. This demonstrates an urgent need for thoughtful reassessment of existing antitrust enforcement machinery.

The weight assigned to Government antitrust cases, for example, is 8.0 compared with 1.2 for tax cases and 1.7 for condemnation cases. Private antitrust cases are weighted at 4.0 compared to only 1.8 for civil rights cases and 0.7 for Fair Labor Standards Acts suits. In both instances, this means a greater time burden is placed upon the higher weighted cases.

It is my hope that this legislation will move forward speedily. In the meantime, however, a review such as I have discussed would be extremely helpful in many ways. It should be made promptly by the executive branch. It should have the cooperation and participation of appropriate committees of the Congress.

In a statement to this body in 1969, the Senator from New York said:

> I am particularly concerned that the manner in which the anti-trust laws are now being applied may be having an adverse effect upon our domestic productivity, on our long-range economic growth, and on our foreign trade policy generally. . . .
>
> But it is evident that the anti-trust laws are only one of a whole series of devices presently available to Government to control excesses in our economic system . . . government licensing, tax policy, money supply and interest rates, securities registration, limitation on foreign private investment and lending and labor-management relations to name just a few.
>
> The essence of the problem is that we have allowed the courts, the FTC, and the Justice Department to make our antitrust policy, whereas in my view this responsibility is in Congress.

The responsibility is definitely ours, Mr. President, and we should assert our prerogatives to the fullest extent.

By Mr. SPARKMAN (for himself, Mr. MONDALE, Mr. TOWER, and Mr. PACKWOOD):

S. 1487. A bill to provide for continuation of authority for regulation of exports. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I send to the desk for myself, Senator Mondale, Senator Tower, and Senator Packwood, a bill that would extend the Export Administration Act of 1969 from June 30, 1971, through June 30, 1975—in other words, a 4-year extension of this act.

Very briefly the Export Administration Act of 1969 authorizes the President to regulate exports of U.S. goods and technology to the extent necessary: First to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand; second, to further significantly the foreign policy of the United States and to fulfill its international responsibilities; and third, to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States.

One of the policy declarations in the act encourages trade with all countries with which the United States has diplomatic or trading relations, except those with which such trade has been determined by the President to be against the national interest. Another policy declaration provides that U.S. economic resources and trade potential should be used to promote the sound growth and stability of the economy, as well as to further national security and foreign policy objectives.

Mr. President, this is an administration bill. We see no particular objection to it, and hope that early action on it may be obtained.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1487

A bill to provide for continuation of authority for regulation of exports

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Export Administration Act of 1969 (83 Stat. 847; 50 U.S.C. App. 2413) is amended by striking out "1971" and inserting in lieu thereof "1975".

By Mr. MUSKIE (for himself, Mr. ANDERSON, Mr. HART, Mr. HUMPHREY, Mr. METCALF, Mr. STEVENSON, and Mr. MONDALE):

S. 1488. A bill to require an immigrant alien to maintain a permanent residence as a condition for entering and remaining in the United States, and for other purposes. Referred to the Committee on the Judiciary.

IMMIGRATION AND NATURALIZATION AMENDMENTS OF 1971

Mr. MUSKIE. Mr. President, I introduce for appropriate reference a bill (S. 1488) to prevent aliens from unfairly taking jobs from American citizens and to assist education, housing, manpower training, and economic development in our troubled border communities. This bill, which is a reintroduction of S. 3545 from the 91st Congress with revisions, will amend the Immigration and Nationality Act to require an immigrant alien to establish and maintain a permanent residence as a condition for entering and remaining in the United States. I ask unanimous consent that the text of this bill be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore (Mr. BENTSEN): Without objection, it is so ordered.

(See exhibit 1.)

Mr. MUSKIE. Mr. President, for too long we have tolerated distressing conditions in many of our border areas—a combination of immigration abuse and stagnation of economic development. These conditions have plagued some of our northern border areas, including parts of my own State of Maine, and created substantially greater distress in many of our southwestern border communities.

The problems stem in large part from the entrance of large numbers of alien workers, many of them illegal entrants, who take American jobs. These aliens, especially in the Southwest, have raised unemployment levels, lowered wage scales, forced the welfare rolls upward, and exposed Americans and aliens alike to exploitation by unscrupulous employers.

The disproportionately heavy impact of immigration on border towns, an impact which is probable regardless of what system of immigration is employed, creates a severe strain on schools and housing in many of these areas. And economic development, particularly in the creation of new jobs, has lagged far behind the needs of many of these border areas.

Each year that I have been in the Senate I have received mail from my constituents in the border communities of Maine complaining about these border problems. I am sure Senators and Congressmen representing the 15 border States have heard similar complaints. The looseness of immigration laws and the longstanding neglect of border community needs has led to much unnecessary bitterness.

One of my constituents wrote to me about the loss by American citizens of jobs to alien workers who continue to live in Canada. "A worker in a community who lives in a foreign country adds nothing to the social and economic betterment of the community," he commented:

> I could cite you many instances when friends and relatives have been out of work and unable to get employment for long periods of time,

Another man wrote,

> While Canadians and other were daily entering the United States . . . to work in the United States and live in Canada. If these circumstances were reversed and happened to your relatives and friends, I am sure that the impact would hit you more directly. . . .

The time has come to rectify these deplorable conditions: To stop the abuse of our immigration system; to stop the loss by Americans of jobs taken by illegal entrants; to stop the strikebreaking and depressed wage rates which have resulted from an uncontrolled influx of alien workers; to commence studies jointly with Mexico and Canada on ways we can revitalize our common border regions; and, to insure that our border residents have adequate schools and decent housing.

Abuse of the immigration system, which lies at the root of many of these problems, has been flagrant for many years. The abuse stems from very loose control over "green cards," the common name for I-151 alien registration receipt cards.

Normally, all immigrants to the United States must have valid immigrant visas upon any entry or reentry to this country. However, green cards are issued as substitutes for valid immigrant visas to persons who are returning to a permanent residence in the United States after a temporary absence abroad not exceeding 1 year.

Abuse of these green cards has developed because "greencarders," who were supposed to have been alien immigrants, frequently have maintained their homes in Mexico or Canada. They commute daily or frequently to work in the United States. Under an "amiable fiction" that they are alien immigrants, they have been able to enter the United States regularly with their green card in lieu of an immigrant visa or reentry permit. Thus, the green card system has been allowed to evolve into a kind of work permit system. And a system of large proportions. A count made by the Immigration Service on October 31, 1969, indicates over 49,000 "greencarders" crossed the Mexican border on that day alone.

In addition, there are estimated to be from 100,000 to 400,000 greencarders who enter this country for several weeks or months at a time to do seasonal migratory farm labor.

The harmful effect of this large, uncontrolled labor influx on the wages and unemployment of American workers has been documented in a report prepared by the U.S. Department of Labor for the Select Commission on Western Hemisphere Immigration. I ask unanimous consent that the pages 113–130 of this report be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MUSKIE. Mr. President, characteristic of this data is a study made in Laredo, Tex., where unemployment was 11.3 percent of the total domestic work force. Two large garment manufacturing firms were found to employ 88 greencard commuters as sewing machine operators at the very time the Texas Employment Service listed 156 U.S. sewing machine operators at that time were unemployed. A comparison of wages paid by firms employing only U.S. workers was found to be 38 percent higher than the wages paid by firms employing commuters in identical occupations.

Another unfortunate consequence of immigration abuses has been the reports in recent weeks that greencard strikebreakers have been imported to the Abatti Company strike sites in southern California in an effort to cripple legitimate legal strikes by the United Farm Workers Organizing Committee. The greencard commuter system was found to have caused similar strikebreaking and other consequences detrimental to American Workers in Delano, Calif., in May of 1968, by a high-level Labor Department report. I ask unanimous consent that the text of this report be printed in the RECORD following my remarks.

The 1965 amendments to the Immigration and Nationality Act place a limitation of 120,000 on total annual immigration to the United States from all nations in the Western Hemisphere. Given this limited quota, it seems unfair that a single one of these 120,000 positions be used by any person who does not intend to come to permanently and physically live, work in, and become a part of American society.

The legislation I am introducing today recognizes that the greencard commuter problem will be eliminated only by specific congressional action. Mr. Charles Gordon, General Counsel for the U.S. Immigration and Naturalization Service, wrote in the Case Western Reserve Journal of International Law—volume 1, No. 2, spring, 1969, that legislation is needed. He said:

> It is unlikely that there will be any significant changes in the administrative approach to the (greencard) commuter problem. As I have noted, proposals to end or modify the program have been rejected by the administrators on the ground that they have been enforcing the will of Congress. Consequently, it may be expected that unless changes are enacted by Congress the alien commuter program will continue to operate as it has for the past 40 years. Thus, if changes are to be made they apparently will have to be accomplished by new legislation.

The legislation I am introducing would not entirely bar Mexicans and Canadians from working in the United States. It recognizes that these workers sometimes perform jobs for which there is no American labor available. This is particularly true in some of our economically integrated communities which span the border communities. The bill is designed to insure an orderly, controlled immigration policy which does not have a harmful effect on the American worker.

Specifically, my bill:

First. Would redefine the term "lawfully admitted for permanent residence" under the Immigration Nationality Act so that all immigrants must permanently and physically reside in the United States.

Second. Would establish a nonresident work permit system for communities within 20 miles of the border to replace the greencard commuter system. This new form of border-crossing authorization is needed for economically integrated communities which span the border.

Work permits would be issued only after the Secretary of Labor certified that American workers are not available and, if none are available, that the wages and working conditions of Americans similarly employed would not be adversely affected. I have included a provision for periodic review of such certification. My intention is to give the Secretary of Labor wide discretion in determining under what conditions work permits should be granted or withdrawn. Specifically, I have in mind situations where work-permit holders are used as strikebreakers. In such cases the Secretary of Labor would revoke the work permit. In brief, I would grant to the Secretary of Labor authority to promulgate such rules and regulations as he feels are needed in implementing these amendments.

Third. The bill would establish a 2-year grace period during which time the present greencard commuter system would be phased out. During this time, greencard commuters would have to either become bona fide United States residents by moving to this country or transfer to a nonresident work permit status. During the 2-year period, greencard commuters would be subject to rules and regulations promulgated by the Secretary of Labor for the work permit holders.

Fourth. The bill would authorize a total of 12,000 numbers to be added to the Western Hemisphere numerical limit for use of new permanent resident during the 2-year period following the enactment of this Act. This would provide for greencard commuters who decide to make a bona fide move to the United States under the provisions of this bill. The Immigration and Naturalization Service, for immigration purposes, would extend to an entire family the same priority date as their U.S. "greencard" principal.

Fifth. The bill would eliminate the present exemption applicable to employers from the so-called "harboring" provisions of section 274(a)(4) of the Immigration and Nationality Act. Thus, it would be a criminal offense for employers willfully or knowingly to induce the entry of any alien not lawfully entitled to enter or reside in the United States. This criminal offense currently applies to all nonemployers. This offense would apply to cases involving aliens who accepted United States employment in violation of the law, including green card holders, nonresident work permit holders and Form I-186 visitors.

Sixth. This bill would establish a new civil action provision which may be invoked in a Federal court by any person aggrieved by violations of these amendments. This gives American workers a new form of protection against competition from alien workers.

Seventh. This bill would authorize, on a one-time basis only, $25 million for school systems affected by the influx of greencard commuters moving their families to the United States under provisions of this act, as determined by the Department of Health, Education, and Welfare.

Eighth. This bill would authorize an additional $25 million in Manpower Act—MDTA—funds to provide manpower and employment assistance to green-card commuter families moving to the United States under the provisions of this act. This would be done either directly or through the appropriate State public employment service.

Ninth. This bill would authorize, on a one-time basis only, $50 million for housing to residents of communities within 20 miles of the border whose housing opportunities are adversely affected by the immigration authorized by this act and to immigrants under this act. This provision has been added to S. 3545, the bill I introduced last year.

Tenth. This bill would authorize separate binational study commissions with Mexico and Canada to review the potentialities for binational cooperation in the economic development of border areas, especially in the creation of new jobs. This is also a new provision I have added this year to strengthen the bill. We would join these commissions with the understanding that under no circumstances would American jobs be transferred to the other side of the border.

Mr. President, I urge early and favorable consideration of this bill. This bill recognizes the complexity of the human, economic, and legal problems of our border areas. I can assure you that much thought and expert consultation have been devoted to this legislation, and I feel it is measurably improved on the bill I introduced last year. This bill will bring a greater measure of social justice to the inhabitants of our border communities, especially in the Southwest. It will insure an orderly immigration system and lay the groundwork for revitalizing the economy in some of our depressed border communities.

EXHIBIT 1

S. 1488

A bill to require an immigrant alien to maintain a permanent residence as a condition for entering and remaining in the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Immigration and Nationality Act Amendments of 1971".

IMMIGRANTS

SEC. 2. (a) Section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)) is amended to read as follows:

"(20) The term 'lawfully admitted for permanent residence' means the status of an immigrant who—

"(A) has been lawfully accorded the privilege of residing permanently in the United States in accordance with the immigration laws;

"(B) at the time of making an application for an immigrant visa, intends to reside permanently in the United States; and

"(C) following his admission into the United States as a permanent resident, thereafter permanently and physically resides in the United States;

such status not having changed."

(b) Section 212(a) of such Act is amended—

(1) by striking out the period at the end of paragraph (31) and inserting in lieu thereof a semicolon; and

(2) by adding at the end thereof the following new paragraph:

"(32) Any alien who seeks to procure, has sought to procure, or has procured an immigrant visa without any intent to reside permanently in the United States."

(c) Section 221(a)(1) of such Act is amended by inserting after "section 222" the following: "(including the statement and oath required by subsection (a)(2) of such section)".

(d) Section 222(a) of such Act is amended—

(1) by inserting after the subsection designation "(a)" the following: "(1)";

(2) by striking out the following: "whether or not he intends to remain in the United States permanently;"; and

(3) by inserting at the end thereof the following new paragraph:

"(2) Each immigrant shall sign a separate statement, under oath, at the end of such application that he intends to reside permanently in the United States. The statement of such intent shall be considered a material fact of the application."

(e) Section 241(a) of such Act is amended—

(1) by striking out the period at the end of paragraph (18) and inserting in lieu thereof a semicolon and "or"; and

(2) by adding at the end thereof the following new paragraph:

"(19) was admitted as an immigrant and failed to maintain the immigrant status in which he was admitted or to which it was adjusted pursuant to section 245, or to comply with the conditions of such status."

(f) The introductory matter preceding paragraph (1) of section 244 (a) of such Act is amended by inserting after "suspension of deportation" the following: "(which application shall include a statement signed by the alien, under oath, that he intends to reside permanently in the United States)".

(g) Section 245 (a) (1) of such Act is amended by inserting after "such adjustment" the following: "(which application shall include a statement signed by the alien, under oath, that he intends to reside permanently in the United States)".

HARBORING ALIEN EMPLOYEES

SEC. 3. Section 274 of the Immigration and Nationality Act is amended—

(1) by striking out of subsection (a) (4) the colon and the following: "*Provided, however*, That for the purposes of this section, employment (including the usual and normal practices incident to employment) shall not be deemed to constitute harboring"; and

(2) by adding at the end thereof the following new subsection:

"(c) (1) A person, or his representative, who is aggrieved by another person who commits an act in violation of clause (1), (2), (3), or (4) of subsection (a) of this section, may commence a civil action, without regard to the amount in controversy, in the judicial district in which the defendant resides, has his principal place of business, or in which the defendant may be found.

"(2) If the court finds that the defendant has committed any act in violation of any such clause, it shall order the defendant to cease such violation immediately, and grant such other relief as the court considers appropriate. Failure to obey an order may be punished by the court as contempt of the court."

NONRESIDENT WORK PERMITS

SEC. 4. (a) Section 101(a) (15) (H) of the Immigration and Nationality Act is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "or (iv) who is going to commute regularly to the United States to perform skilled or unskilled services or labor at a point not more than twenty miles away from a border between the United States and the foreign country of residence of such alien;".

(b) Section 214(c) of such Act is amended—

(1) by inserting after the designation "section 101(a) (15) (H)" the following: "(i), (ii), or (iii)"; and

(2) by inserting after the first sentence the following new sentence: "The question of importing an alien as a nonimmigrant under section 101(a) (15) (H) (iv) in any specific case or specific cases shall be determined by the Attorney General, upon petition of the person who intends to employ such alien, and only after the Secretary of Labor has certified to the Attorney General that (1) there are not sufficient workers in the United States who are able, willing, qualified, and available at the time and at the place to which the alien is destined to perform such skilled or unskilled services or labor, and (2) the employment of such alien will not adversely affect the wages and working conditions of the workers in the United States similarly employed."

(c) (1) Chapter 7 of title II of such Act is amended by inserting after section 265 the following new section:

"TERMINATION OF EMPLOYMENT STATUS

"SEC. 265A. The status of an alien admitted to the United States as a nonimmigrant under section 101(a) (15) (H) (iv) shall terminate when the employment with the employer petitioning for the admission of such alien ends. The employer filing the petition for such alien, shall, within five days after the alien ceases working for such employer, notify the Attorney General in writing that the employment has terminated and the date of such termination. The employer shall also furnish such additional information as to the Attorney General may require."

(2) The table of contents of such Act is amended by inserting between items 265 and 266 the following new item:

"SEC. 265A. Termination of employment status."

(d) Section 266 of such Act is amended by adding at the end thereof the following new subsection:

"(e) Any employer who fails to give the written notice to the Attorney General, as required by section 265A, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not to exceed $200 or be imprisoned not more than thirty days, or both."

(e) (1) Chapter 9 of title II of such Act is amended by adding at the end thereof the following new section:

"REVIEW OF NONIMMIGRANT LABOR CERTIFICATIONS

"SEC. 294. Not less than once every six months, the Secretary of Labor shall review the certification he has made under the second sentence of section 214(c) on behalf of an alien admitted as a nonimmigrant under section 101(a) (15) (H) (iv). If upon review the requirements of such sentence are no longer met, the Secretary of Labor shall revoke such certification and shall so notify the Attorney General immediately, and the alien shall be subject to deportation. The Secretary of Labor shall have authority to promulgate rules and regulations necessary to carry out his duties under such sentence and this section."

(2) The table of contents of such Act is amended by inserting after item 293 the following new item:

"SEC. 294. Review of nonimmigrant labor certifications."

(f) An alien lawfully admitted for permanent residence prior to the date of enactment of this Act (as such term was defined in section 101(a) (20) of the Immigration and Nationality Act prior to such date) may be reclassified, if otherwise eligible, as a nonimmigrant alien under section 101(a) (15) (H) of such Act, as amended by this section.

WESTERN HEMISPHERE NUMERICAL LIMITATIONS

SEC. 5. During the two-year period following the date of enactment of this Act, beginning on the first day of the first month following such date, a total of 12,000 aliens may be classified as special immigrants, as defined by section 101(a) (27) (A) of the Immigration and Nationality Act, which total shall be exclusive of special immigrants who are immediate relatives of United States citizens as described by section 201(b) of such Act and shall be in addition to the total authorized by section 21(e) of the Act of October 3, 1965.

ASSISTANCE TO SCHOOL DISTRICTS

SEC. 6. In order to minimize the impact upon school districts resulting from the provisions of this Act, there is authorized to be appropriated to the Commissioner of Education an amount not to exceed $25,000,000, to be administered by the Commissioner for operating expenses of school districts determined by the Commissioner to have an increased enrollment as a result of the provisions of this Act. The Commissioner shall distribute the funds authorized by this section, in such manner and under conditions as he may determine, on an equitable basis after considering the impact of the additional numbers of children enrolled in the schools of each local educational agency as a result of this Act and the amount appropriated pursuant to this Act. Such amount shall remain available until expended.

MANPOWER TRAINING

SEC. 7. There is authorized to be appropriated to the Secretary of Labor an amount not to exceed $25,000,000, to be expended for manpower development and training programs authorized by the Manpower Development and Training Act of 1962, title I of the Economic Opportunity Act of 1964, or any other manpower development and training program administered by or through the Department of Labor, for aliens lawfully admitted to the United States for permanent residence prior to the date of enactment of this Act, and their families. The Secretary shall distribute the funds authorized by this section, in such manner and under such conditions as he may determine, on an equitable basis after considering the numbers of such aliens and their families locating in any State.

ECONOMIC DEVELOPMENT STUDY

SEC. 8. (a) During the two-year period following the date of enactment of this Act, the President, in consultation with the Secretary of Labor, is authorized to create separate study commissions with the Governments of Mexico and Canada to review binational measures that may be undertaken to provide for the economic development of common border areas, and to make recommendations for economic development, especially recommendations which, if adopted, will provide additional jobs in those areas.

(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

BORDER HOUSING ASSISTANCE

SEC. 9. (a) Notwithstanding any other provision of law, in the administration of low- and moderate-income housing programs, including but not limited to rent supplement programs, low-rent public housing programs, and programs under sections 235 and 236 of the National Housing Act, the Secretary of Housing and Urban Development is authorized to accord a preference or priority to individuals or families who reside in communities within 20 miles of the southern or northern borders of the United States, and (1) whose housing opportunities are adversely affected by this Act or amendments made by this Act, or (2) who are immigrants who establish permanent residence in such communities.

(b) To carry out the provisions of this section, there is authorized to be appropriated the sum of $50,000,000 during the two-year period following the date of enactment of this Act. Any amount appropriated under this section shall remain available until expended.

APPLICABILITY

SEC. 10. (a) Except as provided in subsection (b), the amendments made by section 2 of this Act shall apply only to an alien who has not been granted an immigrant visa prior to the date of enactment of this Act.

(b) The amendments made by section 2 of this Act shall apply, commencing 2 years after the date of enactment of this Act, to any immigrant who was granted an immigrant visa prior to the date of enactment of this Act.

EXHIBIT 2

THE "COMMUTER" PROBLEM AND LOW WAGES AND UNEMPLOYMENT IN AMERICAN CITIES ON THE MEXICAN BORDER

(Prepared for the Select Commission on Western Hemisphere Immigration by The Bureau of Employment Security, Office of Farm Labor Service, U.S. Department of Labor, April 1967)

For many years the American Government has permitted alien immigrants to the United States to reside in Mexico and Canada and commute to jobs in the United States without losing their immigrant status.

In effect, employment is equated with residence. This practice has been bitterly opposed by residents of U.S. towns on the Mexican border. They feel the Mexican immigrants are not really immigrants to the United States—they only enjoy the material benefits of working for U.S. wages and working conditions while living in Mexico where living standards and costs are much less. With lower living costs than U.S. residents, alien commuters are able, it is argued, to accept less pay than reasonable for U.S. residents to accept. Thus wage rates are undercut and American workers suffer.

It is not just that the commuters settle for lower wages and a lower living standard. They also avoid much of the *costs* of public services in the United States, some of which they enjoy: public highways, medical and police protection services, shopping facilities, and sometimes even schools. This further reduces the real income of U.S. residents.

Opposition to the alien commuter was succinctly expressed in a February 3, 1961, Resolution of the Texas AFL–CIO Executive Board that is typical of feeling on the border.

"The citizens along the U.S.-Mexican border . . . are the victims of the unfair competition for jobs of border crossers who commute daily . . . from the low cost-of-living areas south of the border. These people are willing to work at a wage which is insufficient to provide a decent standard of living for the American citizen living in the United States.

The 'commuters,' moreover, have at times been used as strikebreakers in an effort to destroy unions of American citizens . . .

"There can be no hope that thousands of American citizens living in the Rio Grande Valley or El Paso or other border cities ever will be able to earn a living wage so long as commuting by border crossers is permitted . . ."

This paper examines readily available data that may shed some light on the extent to which U.S. residents living on the Mexican border are affected by commuters. No effort is made to discuss the legal aspects of the American Government's policy permitting commuting which has also been challenged by U.S. groups opposed to the practice. Perhaps the best discussion of this may be found in the House Judiciary Committee's 1963 publciation, "Study of Population and Immigration Problems and Commuters," an unpublished paper prepared by John W. Bowser, Deputy Assistant Commissioner, Inspections, U.S. Immigration and Naturalization Service.

Extent of commuting. Unfortunately commuters are not routinely identified in the operating reports of the Immigration Service. That Agency has made several special identification checks of border crossers to try and pinpoint the volume of commuting; the results of these checks are probably the best measure of commuting. The U.S. State Department and the Mexican governmental agency, Programa Nacional Fronterizo, have also made estimates of commuting that yielded data roughly comparable to the I&NS survey results.

In part, some of the difficulty with understanding the commuter problem lies in the difference between the popular conception of what is a commuter and the technical, legal definition.

The general public probably would regard anyone living in Mexico and working in the United States as a commuter. Furthermore, all aliens working in the United States would also be regarded as part of the commuter problem, even though they do not commute.

In the legal sense, only *aliens* living in Mexico are commuters. United States citizens living in Mexico are not; aliens living and working in the United States are not. The situation is further compounded by the fact that most of the alien commuters have family or friends living in the United States and may themselves reside occasionally in the United States. Very frequently aliens will give U.S. addresses to their employers and may reside some of the time in the United States and some of the time in Mexico.

One other problem exists. American policy basically is designed to facilitate travel between Mexico and the United States. Many thousands of Mexican citizens are permitted to enter this country for business or pleasure with entry documents that do not permit them to work. Undoubtedly some of these visitors do work, despite the best efforts of U.S. authorities. Such illegal, wetback, workers would be regarded in the popular mind as commuters but would not appear in any official or semiofficial estimate of the volume of alien commuters. Indeed, officials of the Immigration Service would probably deny that there are many illegal commuters. But residents of border communities do not agree.

The wide difference between the popular view of the commuter problem and the legal view has been discussed to emphasize that the official statistics really only describe a limited part of a general problem. In an economic sense the public view is right. The existence of a large number of unskilled workers making themselves available for U.S. jobs serve to depress wage rates; it makes no difference whether the worker is an alien or a United States citizen living in Mexico; whether he is an alien residing in the United States; whether he enters and works legally or illegally. The impact is the same: wage rates are lowered.

The latest I&NS special survey identified about 44,000 alien commuters January 17, 1966. Almost 95 percent worked in eight borders areas—El Paso, Laredo, Brownsville and Eagle Pass, Tex.; Nogales and San Luis, Ariz.; and Calexico and San Ysidro, Calif. Illustrating the fact that the alien commuters do not fully describe the economic impact of commuting, another 18,000 United States citizens lived in Mexico and worked in the United States—almost 30 percent of the total commuters. Table 1 lists various estimates of the volume of commuting made by different agencies and at different time periods; table 2 presents a comparison of alien and U.S. citizens commuting at the time of the latest I&NS survey.

TABLE 1.—NUMBER OF MEXICAN ALIEN COMMUTERS

	Jan. 17, 1966[1]		Jan. 11, 1966[3]		May 17, 1963[1]	May 8, 1963[3]	January 1960[2]	Jan. 24–Feb. 1, 1960[1]	Mexican estimates[1]
	Total	In agriculture	Total	In agriculture					
Major points of entry:									
Texas:									
Brownsville	2,032	226	2,552	619	1,796	1,729	135		3,500
Hidalgo	1,163	805	1,000	511	366	532			
Roma	208	187	146	125	89	108			
Laredo	2,581	175	2,239	209	2,490	2,382	3,000		
Eagle Pass	1,604	536	2,195	901	1,586	1,037	1,400		
Del Rio	513	99	489	82	237	314	400		
Fabens	274	219	267	207	307	316			
Ysleta	248	137	266	115				111	
Cordova	2,932	80	3,455	164				2,273	
Santa Fe Street Bridge (El Paso)	8,592	590	7,605	944	13,492	13,332		10,884	15,700
Arizona:									
Douglas	418	96	470	93	307	288			
Naco	127	20	134	19	202	134			
Nogales	1,614	108	1,392	53	1,464	1,854	1,132		
San Luis	4,234	3,583	3,654	3,024	1,239	1,038			
California:									
Calexico	7,616	6,468	8,098	7,324	4,692	5,342	183		
San Ysidro	9,281	3,967	8,460	3,134	5,855	5,374	15,000–20,000		15,000
Minor points of entry	250	161	219	129	87	101			
Grand total	43,687	17,457	42,641	17,653	34,223	33,867			

[1] Special I. & N.S. surveys on dates indicated.

[2] U.S. State Department estimates based on U.S. consulate reports.

[3] Programa Nacional Fronterizo: Tijuana, B.C.; Ciudad Juarez, Chih.; and Matamoros, Tamps., Mexico, 1962. The Mexican figures probably include commuters who are U.S. citizens residing in Mexico.

TABLE 2.—WORKERS RESIDING IN MEXICO COMMUTING TO JOBS IN THE UNITED STATES, MAJOR ENTRY POINTS, JAN. 17, 1966

	Total	Mexican aliens	U.S. citizens	
			Number	Percent of total
Texas:				
Brownsville	3,503	2,032	1,471	42
Hidalgo	2,561	1,163	1,398	55
Laredo	3,715	2,581	1,134	31
Eagle Pass	2,710	1,604	1,106	41
Del Rio	831	513	318	38
Cordova	4,290	2,932	1,358	32
Santa Fe Bridge	12,913	8,592	4,321	33
Arizona:				
Douglas	587	418	169	29
Arizona—Continued				
Nogales	1,882	1,614	268	14
San Luis	4,858	4,234	924	13
California:				
Calexico	9,957	7,616	2,341	24
San Ysidro	12,333	9,281	3,052	25
Total	60,140	42,580	17,560	29
All other areas	1,806	1,107	699	39
Total	61,946	43,687	18,259	29

[1] Source: Special survey of border crossers by Immigration and Naturalization Service.

Evidence of depressed U.S. wage scales.—Comprehensive information about wage rates is not available for most border areas. Most of the border towns are very small and not included in the statistical series that contain wage rate information. The discussion that follows is based primarily upon very scattered and fragmentary information. Notwithstanding their limitations, the data do show clearly that wage rates are low in the border areas.

The presence of the alien commuters, however, is not the sole cause of low wage rates. Many factors determine wage levels—a surplus or shortage of workers; the kinds of jobs involved (higher-skilled jobs demand higher wages); the kinds of industry (usually durable goods manufacturing pays higher wages); the extent to which viable trade unions exist. In general, the factors which produce high wage rates are not found as frequently in border areas as they are in interior areas. But the factors which produce low wages are commonly present in the border towns and quite often are interrelated with the alien commuter problem.

Most of the border areas have relatively large labor surpluses, partly because of the commuters, but also because of large numbers of low-skilled U.S. citizens and resident aliens residing in the United States. Thus, not all of the low wage problem is due to the commuters.

Comparisons of area wage levels in the same state do not always reveal that wages in the border areas are always the lowest in the state. Interior areas in a border state also have large labor surpluses that cause wages in these areas to be as low, or lower, than wages in the border areas. The northeastern corner of Arizona, far removed from the border, where the poverty-stricken Navajo Indians live, is a case in point.

Some border areas have concentrations of heavy industry, or establishments where the wage structure is determined by collective bargaining agreements or other factors not primarily concerned with conditions in the border towns. In such instances, the wages in the border towns may be higher than in interior areas where no such establishments exist. But wages on the border are seldom, if ever, higher than in the interior for the same kind of work at the same kind of firm.

TEXAS

Farm wage data are available from the monthly reports of the Texas Employment Commission. Monthly estimates of average hourly earnings in manufacturing, durable and nondurable goods industries are published by the Texas Employment Commission. Median earnings data are available from the 1960 census of population for one Texas border city, El Paso, and five other major Texas cities: Fort Worth, Beaumont-Port Arthur, Dallas, Houston, and San Antonio. Two special surveys were made in El Paso and Laredo in 1961 by the Department of Labor specifically designed to explore some aspects of the commuter problem. These surveys contain information about wages in the occupations in which most commuters are employed.

A. *Farm wages.*—Farm wage rates in Texas are lowest in border areas. Average hourly farm wages for seasonal farm work in the three agricultural reporting areas on the border were $0.76 in November 1966—31 percent less than the $1.10 average in the remainder of the state. The lowest wage rates are in the Lower Rio Grande Valley, $0.75; slightly higher in the next area, Rio Grande Plains, $0.77; and highest of all the border areas, $0.83 in the Trans Pecos area.

The highest farm wages in Texas are in the areas farthest removed from the border—$1.20 and $1.24 in the Northern Panhandle and the High Rolling Plains. The following map of Texas shows the geographic pattern of average wage rates for seasonal farmwork.

Large numbers of alien and U.S. citizen commuters are employed in agriculture in the border areas. The January 17, 1966, I&NS survey identified 1,584 citizen commuters and 1,282 alien commuters in the Valley; 531 citizen and 810 alien commuters in the Rio Grande Plains; and 973 citizen and 1,078 alien commuters in the Trans Pecos areas. Commuters to agricultural jobs formed a very large proportion of the commuters in the Valley and the Rio Grande Plains areas. In the former area, 51 percent of the U.S. citizen commuters and 37 percent of the alien commuters worked in farm jobs. The corresponding percentage in the Rio Grande Plains were 21 and 17 percent. In the Trans Pecos area, where most of the commuters went to nonfarm jobs in El Paso, only 11 percent of the citizens and 9 percent of the alien commuters worked in agriculture.

Communters constituted a significant proportion of the seasonal farm work force in the border areas. In the Lower Rio Grande Valley about 15 percent of the seasonal farmworkers were commuters, with alien commuters making up about 7 percent of the seasonal farmworkers. In the Rio Grande Plains, about 9 percent of all seasonal workers were commuters, and 5 percent were alien communters. In the Trans Pecos area almost all seasonal farmworkers were commuters. However, in this area farm work is a very minor activity—only about 1,500 seasonal workers were employed in January 1966, compared to 19,700 seasonal workers in the Valley and 15,600 in the Rio Grande Plains.

Wage rates were higher in the Trans Pecos area than in the other two border areas because of two factors: the area is isolated without a large resident farm population; the bulk of jobs in the area are found in the El Paso metropolitan area where nonfarm wage levels tend to be higher than levels in rural areas. In contrast, the Valley and Rio Grande Plains areas have no large metropolitan areas. They have a large rural population, largely composed of Mexican-Americans, both citizens and resident aliens. The level of economic activity in the latter areas is much lower than in El Paso. The low-wage levels in the Valley and the Rio Grande Plains areas are probably primarly due to the large surplus of poor, unskilled, poorly educated, rural people (most of whom are Mexican-American) residing in the areas. But augmenting this labor surplus by adding commuters from Mexico, persons who are even poorer, more unskilled, and less educated, serves to depress an already intolerable situation.

B. *1960 census of population median earnings data.*—Median earnings data reveal earnings of El Paso workers are significantly lower than in most other major Texas metropolitan areas. Of the 11 major occupational-sex groupings, median earnings were lowest in El Paso for four groupings (male clerical workers, female clerical, sales, and private household workers); and second lowest for three other groupings (male sales, clerical workers, and operatives and kindred workers). The highest El Paso ranked among the six areas was in the male service worker classification where it ranked third.

One other aspect of the census of population data must be mentioned. Since the data are obtained from a household enumeration, residents of Mexico are not included in the census statistics because their households were not enumerated. Thus, for El Paso, the census statistics overstate the incomes of persons that work in that city because they omit the earnings of commuters who work for the most part in the city's lowest paid jobs.

Table 3 contains pertinent median earnings data obtained in the 1960 census of population.

TABLE 3.—MEDIUM EARNINGS IN 1959 OF PERSONS IN THE EXPERIENCED LABOR FORCE BY SEX AND OCCUPATION

[6 standard metropolitan statistical areas in Texas]

Occupation	El Paso		San Antonio		Dallas		Fort Worth		Houston		Beaumont-Port Arthur	
	Earnings	Rank	Earnings	Rank	Earnings	Rank	Earnings	Rank	Earnings	Rank	Earnings	Rank
All male workers	$4,199	(5)	$3,725	(6)	$4,560	(4)	$4,657	(3)	$4,915	(2)	$5,207	(1)
Clerical and kindred	4,186	(6)	4,272	(5)	4,543	(4)	4,904	(2)	4,871	(3)	5,124	(1)
Salesworkers	4,437	(5)	4,414	(6)	5,562	(1)	4,833	(3)	5,526	(2)	4,776	(4)
Craftsmen and foremen	4,691	(5)	4,346	(6)	4,802	(4)	5,056	(3)	5,374	(2)	5,833	(1)
Masons	3,246	(6)	3,566	(5)	4,334	(4)	4,414	(3)	4,634	(2)	5,854	(1)
Painters	3,505	(3)	2,993	(6)	3,454	(4)	3,408	(5)	3,605	(2)	3,739	(1)
Operators	3,388	(5)	2,945	(6)	3,861	(4)	4,131	(3)	4,376	(2)	5,381	(1)
Auto service station attendant	2,172	(4)	1,926	(5)	2,498	(2)	2,527	(1)	2,341	(3)	1,831	(6)
Truckdriver	3,334	(5)	3,021	(6)	3,892	(1)	3,748	(2)	3,717	(3)	3,691	(4)
Welders	4,595	(3)	3,710	(6)	4,471	(5)	4,571	(4)	5,343	(2)	5,625	(1)
Service workers	2,788	(3)	2,362	(6)	2,702	(5)	2,833	(2)	2,771	(4)	3,486	(1)
Barbers	3,022	(4)	3,019	(5)	3,519	(2)	3,507	(3)	3,566	(1)	2,985	(6)
Cooks	2,682	(5)	2,577	(6)	2,719	(3)	2,685	(4)	2,987	(2)	4,678	(1)
Guards	3,793	(1)	3,051	(5)	3,291	(4)	3,671	(2)	3,393	(3)	1,808	(6)
Waiters	2,203	(1)	1,454	(4)	1,856	(3)	1,538	(6)	2,174	(2)	1,635	(5)
Laborers, except farm and mine	2,386	(4)	2,057	(6)	2,367	(5)	2,552	(3)	2,903	(2)	3,027	(1)
Manufacturing	2,775	(5)	2,506	(6)	2,843	(4)	3,322	(3)	3,619	(2)	4,655	(1)
Nonmanufacturing	2,337	(3)	1,904	(6)	2,296	(4)	2,413	(2)	2,526	(1)	2,107	(5)
All female workers	1,836	(5)	1,938	(4)	2,322	(1)	1,970	(3)	2,197	(2)	1,615	(6)
Clerical and kindred	2,656	(6)	2,865	(4)	3,125	(2)	2,867	(3)	3,225	(1)	2,748	(5)
Bookkeepers	2,855	(5)	2,864	(4)	3,286	(2)	2,805	(6)	3,331	(1)	2,887	(3)
Cashiers	1,724	(5)	1,617	(6)	2,089	(1)	1,762	(3)	1,785	(2)	1,751	(4)
Secretaries	3,147	(4)	3,089	(5)	3,568	(2)	3,269	(3)	3,707	(1)	3,015	(6)
Stenographers	3,290	(6)	3,322	(5)	3,417	(4)	3,607	(3)	3,791	(1)	3,733	(2)
Telephone operators	2,996	(6)	3,133	(5)	3,353	(2)	3,276	(4)	3,348	(3)	3,408	(1)
Typists	2,601	(3)	2,927	(1)	2,530	(5)	2,584	(4)	2,707	(2)	1,828	(6)
Salesworkers	1,292	(6)	1,478	(4)	1,817	(2)	1,460	(5)	1,900	(1)	1,513	(3)

TABLE 3.—MEDIAN EARNINGS IN 1959 OF PERSONS IN THE EXPERIENCED LABOR FORCE BY SEX AND OCCUPATION—Continued

Occupation	El Paso		San Antonio		Dallas		Fort Worth		Houston		Beaumont-Port Arthur	
	Earnings	Rank	Earnings	Rank	Earnings	Rank	Earnings	Rank	Earnings	Rank	Earnings	Rank
All female workers—Continued												
Operators	$1,711	(4)	$1,559	(6)	$2,223	(1)	$1,848	(3)	$1,886	(2)	$1,576	(5)
Laundry	1,376	(4)	1,279	(5)	1,544	(1)	1,420	(2)	1,403	(3)	1,184	(6)
Private household	617	(6)	745	(3)	799	(2)	709	(4)	831	(1)	637	(5)
Service workers	1,130	(4)	1,171	(3)	1,321	(1)	1,116	(5)	1,316	(2)	1,002	(6)
Industrial attendants	1,388	(5)	1,588	(2)	1,445	(4)	1,190	(6)	1,599	(1)	1,485	(3)
Cooks	1,071	(6)	1,308	(2)	1,262	(3)	1,175	(5)	1,342	(1)	1,203	(4)
Waitresses	984	(3)	929	(4)	1,014	(2)	906	(5)	1,025	(1)	859	(6)

Source: U.S. Bureau of the Census, "Census of Population, 1960."

C. *Manufacturing average hourly earnings*.—Wages in El Paso manufacturing are extremely low. El Paso ranked lowest of the eight major Texas areas (El Paso, Austin, San Antonio, Beaumont, Corpus Christi, Dallas, Fort Worth, and Houston) for which the Texas Employment Commission published average hourly earnings in manufacturing.

Austin and San Antonio had lower earnings for durable goods, but El Paso had by far the lowest average for nondurable goods.

El Paso did not rank on the bottom for durable goods because it is the location of a large copper refinery and a large copper smelter. Wages in these establishments are high because the workers have effective trade unions. The refinery and smelter are branches of large corporations and collective bargaining between management and labor is on a regional basis, thus causing the unique situation of El Paso with its commuter problem to be of little importance in the determination of wages of El Paso copper workers.

Nondurable goods employment in El Paso is heavily concentrated in garment manufacturing—almost 75 percent of all nondurable goods workers are in this industry. The wage rates in garment manufacturing are little more than the minimum required by the Fair Labor Standards Act. Large numbers of alien commuters (mainly women) are employed in this industry. The existence of this industry is a recent phenomenon and many local residents believe garment firms moved to El Paso to take advantage of the large supply of labor and the low-wage scale; both conditions are due, in part, to the commuter situation.[1]

Table 4 contains average hourly earnings data in manufacturing in El Paso and other Texas cities.

TABLE 4.—AVERAGE HOURLY EARNINGS IN MANUFACTURING INDUSTRIES, 8 MAJOR TEXAS CITIES, 1966

	Average hourly earnings		
	All manufacturing	Durable goods	Nondurable goods
Texas	$2.57	$2.62	$2.52
El Paso	1.90	2.46	1.72
Austin	1.98	1.71	2.26
Beaumont	3.35	3.03	3.48
Corpus Christi	$2.96	$2.57	$3.26
Dallas	2.37	2.52	2.10
Fort Worth	2.81	2.97	2.39
Houston	3.00	2.87	3.16
San Antonio	1.98	1.92	2.02

Source: "The Texas Labor Market" Texas Employment Commission.

D. *Special commuter survey—Laredo*.—A special study of alien commuter problems—jobs held by commuters, wages received, and availability of domestic workers for these jobs—was made by the U.S. Department of Labor in the summer of 1961.

The study showed that commuters were employed in most occupations and industries, but concentrated most heavily in garment manufacturing, hotels, restaurants, and retail trade and service establishments. A sample of firms employing 3,000 workers was contacted. These firms employed 438 Mexican aliens identifiable as commuters. In addition, the survey team suspected that other alien employees of these firms were commuters, although they had given U.S. addresses to their employers.

When the survey was conducted, unemployment was very heavy in Laredo—11.3 percent. Large numbers of U.S. workers had the same occupational skills as the alien commuters and were unemployed at the time of the survey. For example, the two garment manufacturing firms in the sample employed 88 alien commuters as sewing machine operators. The Texas Employment Commission office files contined applications from 156 unemployed U.S. workers with this occupation.

The survey revealed a very common pattern of firms employing alien communters paying lower wages than did firms employing U.S. workers. From the data collected in the survey, it was possible to make comparitern of firms employing alien commuters sums of the wage rates paid for 19 occupations by firms engaged in similar activities. The firms employing ony domestic workers paid higher rates for 15 of the occupations; in one occupation the rates paid were the same; and for three occupations the firms employing alien commuters paid higher rates. There were also instances where the same firms paid its alien commuters less than it paid U.S. workers for the same work. The average of the wage rates for these 19 occupations paid by the firms employing only U.S. workers was 38 percent higher than the average rates paid by the firms employing alien commuters. Table 5 lists the occupational wage data obtained in survey.

TABLE 5.—OCCUPATIONAL WAGE STRUCTURE, LAREDO, TEX., JUNE 1961

Industry and occupation	Average wage rate (per week)	
	Firms employing only domestic workers	Firms employing domestic and alien commuter workers
Hotels and motels:		
Cook	$58	$34
Maid	20	17
Hall boy	25	20
Waiter	[1]15	[1]18
Busboy	[1]25	13
Bartender	58	46
Bellboy	[1]15	[1]16
Drugstores and related firms:		
Cashier	27	12
Stock clerk	52	40
Fountain girl	16	[2]23
Drug clerk	77	55
Grocery and related firms:		
Cashier	$24	$24
Stock boy	35	20
Produceman	45	35
Butcher	65	52
Warehouseman	37	31
Miscellaneous retail firms:		
Porter	53	35
Warehouseman	73	21
Stockman	53	45

[1] Plus tips. [2] Plus $3 meal allowance.

Note.—Data were collected in the survey concerning the different rates paid each occupation in each firm. For some occupations monthly rates were reported; these were converted to weekly rates by dividing the monthly rate by 4.33. The number of workers paid each rate was not reported in all cases, making it impossible to compute an average rate weighted by the number of workers paid each rate. The average rates shown in the table represent the average of the highest and lowest rates paid. These averages correspond quite accurately with the weighted averages computed or the few occupations where data were reported for each worker.

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[1] Other border areas in Texas, Laredo and Eagle Pass, have also attracted garment firms recently. A recent economic survey of Eagle Pass reports: ". . . it seems that the factors that have drawn garment manufacturers to Eagle Pass as a production site, *conspicuously the low cost of labor*, are likely to continue in the future." (Italic supplied.) Robert H. Ryan, Charles T. Clark, and L. L. Schkade, "Bridge into the Future Eagle Pass, Texas," Area Economic Survey No. 18 (Austin: Bureau of Business Research, University of Texas, 1964) pp. 82–83. Quoted by Lamar B. Jones, "Mexican-American Labor Problems in Texas," unpublished Ph. D. thesis, University of Texas, 1965.

E. *Special commuter survey—El Paso.*—The El Paso special study was similar in concept and scope to the Laredo survey discussed above. The survey was made in the summer of 1961. Seventy-five firms were surveyed. At least 1,000 alien commuters were employed by these firms. However, it is believed many more were employed: some firms did not provide information about the residence of their workers. In other cases, workers identified as alien residents of the United States were probably, in fact, residents of Mexico and had provided false addresses. One garment manufacturing firm, for example, claimed none of its employees were commuters; *but it ran a bus to the border to pick up workers.*

For the most part, the alien commuters were employed in the less skilled and more menial occupations—busboy, dishwasher, laborer, salesclerk, maid, housecleaner, sewing machine operator. Alien commuters, however, were also employed in skilled jobs. Many worked in organized firms and were members of trade unions.

The data collected in the El Paso survey cannot be summarized as were the Laredo data (table 5). In some industries studied, all of the sample firms employed commuter aliens. In other industries, the sample firms refused to provide wage information or attempt to determine if any of their employees were alien commuters. The wage structure in other firms was determined by collective bargaining agreements negotiated on a national or regional basis and thus unaffected by commuters.

Where information was supplied, it was apparent that wage rates paid alien commuters were usually low. In about one-half of the occupations studied, the wage rates paid commuters were lower than what unemployed job applicants registered for work with the Texas Employment Commission said they would accept. These occupations were: sales men and women, cooks, laundry workers, painters, carpenters, and general manufacturing workers. In other classifications, salesclerks, kitchen helpers, packinghouse workers, laborers, and truckdrivers, the commuter aliens were paid rates commensurate with the expectations of unemployed domestic workers.

Following is a summary of the survey results:

Eleven construction firms.—Six firms employed only U.S. residents; five employed alien commuters. Two-thirds of the firms employing only U.S. residents paid the union scale. Only 20 percent of the firms employing commuters paid the union scale. The lowest rates were paid by the nonunion firms that employed commuters.

Four retail dry goods stores.—Three firms employed alien commuters. They paid lower wage rates than the firm that employed only U.S. residents.

Four wholesale and warehouse firms.—Three firms employed alien commuters. The firm employing only U.S. residents paid the highest wage rates.

All sample firms in the following industries employed alien commuters: Garment manufacturing (11 firms); restaurants (five firms); meatpacking (three firms); and laundries (four firms). Of interest is the fact that in the one laundry where wage rate data were supplied for both alien commuters and U.S. residents, the commuters were paid less than $0.50 per hour while the U.S. residents were paid about $0.80 per hour.

Insufficient wage and employment data were obtained to make any comparison for seven transportation and storage firms; two cotton processors; and three hotels and motels.

In several industries, refineries (four firms); miscellaneous manufacturing (seven firms); and miscellaneous firms (five establishments), there was no difference in the rates paid by firms employing alien commuters and those employing U.S. workers. One refinery, two miscellaneous manufacturing, and two of the other miscellaneous firms employed commuters.

Six other retail trade firms were included in the sample, but meaningful comparisons could not be made because the nature of their operations and the occupations of the workers they employed were too dissimilar.

F. *Unemployment in Texas border cities.*—The Texas Employment Commission prepares and publishes unemployment estimates for 22 Texas cities. In 1966 these data revealed that unemployment in border towns was substantially greater than in interior cities. Laredo had the highest rate—9.6 percent. The average rate for the four border areas (Brownsville-Harlingen-San Benito; El Paso; Laredo; and McAllen-Pharr-Edinburg) was 6.6 percent, almost 95 percent greater than the 3.4-percent rate in the 18 interior areas.

High unemployment rates are indicative of labor surpluses, surpluses that in turn cause lower wage rates as employers find it unnecessary to bid up wages to attract workers. The fact that unemployment is heavy and wage rates are low in the border towns is not coincidental. Workers residing in Mexico contribute to the labor surplus by filling jobs that United States residents would otherwise have—and frequently take them at wage rates unacceptable to United States residents.

Table 6 lists 1966 local unemployment rates for Texas; table 7 compares the volume of alien commuters in January 1966 with estimated unemployment in each of the Texas border towns for the same time period.

TABLE 6.—UNEMPLOYMENT RATES IN 22 TEXAS CITIES, 1966

City	Rate	Rank
4 border cities	6.6	
Brownsville-Harlingen-San Benito	6.5	21
El Paso	4.4	17
Laredo	9.6	22
McAllen-Pharr-Edinburg	5.8	20
18 interior cities	3.4	
Abilene	3.6	11
Amarillo	2.9	4
Austin	2.6	3
Beaumont-Port Arthur-Orange	4.0	15
Corpus Christi	3.7	12
Dallas	2.5	2
Fort Worth	2.9	4
Galveston-Texas City	4.7	19
Houston	2.4	1
Longview-Kilgore-Gladewater	3.3	8
Lubbock	3.8	13
Midland-Odessa	3.4	9
San Angelo	3.4	9
San Antonio	4.3	16
Texarkana	3.8	13
Tyler	3.3	7
Waco	4.4	17
W'chita Falls	3.0	6

Source: "The Texas Labor Market," Texas Employment Commission.

TABLE 7.—TEXAS BORDER CITIES; UNEMPLOYMENT AND ALIEN COMMUTERS, JANUARY 1966

City	Unemployed U.S. residents		Alien commuters
	Number	Rate	
Brownsville-Harlingen-San Benito	3,020	6.2	2,032
El Paso	5,050	4.8	11,772
Laredo	3,365	12.6	2,581
McAllen-Pharr-Edinburg	4,190	6.9	1,163

Source: Unemployment data from "The Texas Labor Market," Texas Employment Commission; alien commuter data from I. & N.S. survey, Jan. 17, 1966.

ARIZONA

Alien commuters do not constitute as much of a problem in Arizona as they do in Texas. Only two border towns have any significant volume of alien commuter workers—San Luis, 4,200 and Nogales, 1,600. About 400 alien commuters cross the border at Douglas and another 100 at Naco. Employment and wage data for local Arizona communities are very limited, making it difficult to evaluate the economic impact of commuters. Farm wage data are available from the reports of the Arizona State Employment Service and that Agency has also published some occupational wage data for nonfarm jobs in its annual publication, "Arizona Basic Economic Data." Since Arizona has no sizable border cities, no earnings data are available from the 1960 census.

A. *Farm wage data.*—Data concerning wages for seasonal farm work in Arizona do not reveal any adverse impact exerted by alien commuters, despite a heavy volume of commuting into Yuma County where over half the farm workers employed are commuters who cross at San Luis. In the three major farming areas in Arizona, Maricopa, Pinal, and Yuma Counties, wages were highest in Yuma County, the only county where alien commuting occurs. The average hourly wage for seasonal farmwork in Yuma County, November 1966, was $1.31 per hour versus $1.29 in Pinal County and $1.26 in Maricopa County.

The reason for this anomalous situation, compared to wage patterns in other border areas, stems from unique conditions in the Yuma area. The farm work force in Yuma County for many years was dominated by Mexican aliens—Mexican contract workers admitted under Public Law 78 and/or illegal wetback workers prior to the wetback cleanup in the early 1950's. There was practically no resident domestic work force doing seasonal farm work in Yuma County. The prevailing wage rate in Yuma was whatever the Department of Labor required be paid to the Mexican contract workers.

When Public Law 78 ended in 1964, this situation changed. No longer was the labor force for seasonal farm work furnished by the Government. Growers had to compete with each other for available workers by bidding up wages. For the most part, the workers they were trying to attract were Mexican immigrants, some of whom lived in Yuma County; others lived in Mexico; and still others moved into Yuma from other areas in Arizona and California. In other areas of Arizona, the labor force was not so heavily composed of contract workers and the impact of Public Law 78's termination was not as severe; more local residents were available to replace the contract workers. Thus in Yuma there was more active competition in the wage area; this competition was successful in attracting workers, but many of the new workers were Mexican immigrants who chose to live in San Luis, Mexico, rather than in the United States.

Between May 1963 and January 1966, alien commuting increased almost fourfold, from about 1,100 to about 4,000. (Data are not available concerning the proportion of the 1963 commuters that worked in farm jobs. In 1966, about 85 percent did farm work.) Between 1963 and 1966 wage rates for seasonal farmwork in Yuma County increased 35 percent, compared to a 25-percent increase in Maricopa County, and a 10-percent increase in Pinal County where contract workers were largely eliminated prior to 1963.

B. *Nonfarm occupational wage data.*—The Arizona State Employment Service has published wage rate ranges, by county, for about a dozen occupations. Separate data are published for two Cochise County towns, Douglas and Bisbee. Although the two towns are only about 20 miles apart, there is a significant difference in the pattern of alien commuter employment. Douglas is directly on the border and about 400 aliens commute to jobs in the United States from Agua Prieta, Mexico; about 75 percent of them work in Douglas, the remainder in farm jobs in the Elfrida area, north of the city. There is very limited public transportation between Bisbee and Douglas, and very few alien commuters, or even Douglas residents for that matter, work in Bisbee. While Bisbee itself is only 10 miles from the border, the closest Mexican border town, Naco, is very small. Only about 100 alien commuters cross from Naco to work in the Bisbee area. Thus, alien commuters would have a much greater impact upon Douglas than upon Bisbee, despite the closeness of the towns.

The Employment Service data reveal lower wage rates existing in Douglas than in Bisbee, indicating that the commuter situation may have adversely affected rates in Douglas. As shown in table 8, seven occupations are listed which can be compared. Comparing the low point of the wage ranges shown for each occupation, four of the occupations in Douglas have lower rates while the other three are the same. Comparing the high point of the wage ranges, five of the occupations are lower in Douglas, one higher and one the same.

TABLE 8.—WAGE RATES PAID IN BISBEE AND DOUGLAS, ARIZ.: SELECTED OCCUPATIONS, 1966

Occupation	Bisbee	Douglas
Staff nurse	$425 to $525 per month.	$400 to $525 per month.
Stenographer	$400 to $535 per month.	$350 to $420 per month.
Salesperson	$1.25 to $2.15 per hour.	$1.25 to $2 per hour.
Cook	$10 to $14 per day	$10 to $12 per day.
Carpenter	$2.50 to $4.645 [1] per hour.	$2.50 to $4.685 [1] per hour.
Auto service station attendant.	$1.25 to $1.50 per hour.	$1 to $1.25 per hour.
Welder	$3 to $4.70 per hour.	$1.50 to $2.75 per hour.

[1] Higher rate is union scale.

Source: "Arizona Basic Economic Data," October 1966, Arizona State Employment Service, Phoenix, Ariz.

Of the three Arizona counties where any appreciable volume of alien commuting occurs, commuting to nonfarm jobs is greatest in Santa Cruz County (Nogales is the major town in this county). The 1,600 alien commuters make up about one-third of the county's work force; over 90 percent work mainly in nonfarm jobs. In contrast, the alien commuters working in Cochise County (Bisbee and Douglas) constitute only about 3 percent of the work force. In Yuma County (San Luis is the border entry point) alien commuters make up 19 percent of the work force, but are heavily concentrated in agriculture. Over half of the farmworkers employed in the county are alien commuters, while only about 5 percent of the nonfarm workers are alien commuters. Thus, any impact of alien commuters upon the nonfarm wage structure in Arizona would be primarily concentrated in Santa Cruz County.

Occupational wage data published in "Arizona Basic Economic Data" clearly show that wage rates in Santa Cruz County tend to be lower than in other areas. Of the nine occupations for which data are available for 12 areas in the State, wage rates in Santa Cruz County are lowest (or tied for lowest) for five occupations—clerk typist, carpenter, auto service attendant, truckdriver, and welder; second lowest for stenographer and cook; third lowest for nurse; and fourth lowest for salesperson. Table 9 lists the occupation wage data published in "Arizona Economic Data."

Mr. Ben Zweig, currently Executive Director of the Santa Cruz County and city of Nogales Economic Opportunity Community Action Committee, and formerly the American Consul at Nogales (1943–51) and Nuveo Laredo (1957–63), commented upon the commuter situation in an interesting fashion before the President's National Advisory Commission on Rural Poverty. Mr. Zweig said, "There is no doubt the daily influx of more than a thousand workers into this small community depresses wages." He went on to state commuters live in Mexico for two reasons: ". . . because living is cheaper, but also because they are unable to obtain immigrant visas for the immediate members of their families." According to Mr. Zweig, the reason visas cannot be obtained is the commuters earn such low wages they cannot prove their families would not become public charges. If Mr. Zweig's comments are correct, we have a situation that would be ludicrous if it were not so pitiful: Mexican aliens are admitted as immigrants. They satisfy the public charges requirements of immigration policy by accepting work in low paid jobs. But the jobs are so low paid they are not viewed as meeting the public charge requirements for the workers' families.

TABLE 9.—WAGE RATES FOR SELECTED OCCUPATIONS, BY COUNTY, 1966

Occupation	Apache and Navajo	Cochise	Coconino	Gila	Graham and Greenlee	Maricopa	Mohave	Pima	Pinal	Santa Cruz	Yavapai	Yuma
Nurse (per month)	$315–$335	$400–$525	$250–$480	$400–$500	$275–$350	$420–$463	$395–$420	$340–$400	$250–$400	$325–$375	$425–$475	$400–$475
Stenographer (per month)	275–325	350–534	285–450	265–310	260–350	325–400	300–325	285–300	275–300	250–325	240–320	200–335
Clerk typist (per month)	240–260	325–410	200–400	220–265	215–260	270–360	250–275	225–315	240–260	200–250	225–275	275–316
Salesperson (per hour)	1–1.25	1.25–2.15	1.10–2	.90–1.25	1–1.25	1.10–1.66	1.25–1.50	1.25–1.40	1.25–1.75	1.25–1.35	1.25–1.35	1.25–1.75
Cook (per day)	12–14	10–14	9–22.50	10–16	10–12	10–18	12–18	14–18	9–11	10–12	10–130	16–20
Carpenter (per hour)	2.25–5.25	2.50–4.685	2.50–4.505	3.20–4.50	3–4	3–4.685	3–5.13	3–4.50	2.50–4.385	2–4.25	2.50–4.505	2.50–4.385
Auto service station attendant (per hour)	1.10–1.40	1–1.50	1.25–1.75	1–1.50	1.25–1.75		1.25–1.50	1.25–1.35	1.10–1.25	1–1.25	1.10–1.35	1.25–1.50
Truck driver, light (per hour)	1.15–1.35		2.12–3.78	1.50–2	1.50–2		1.25–1.50	1.25–1.75	1.25–1.50	1.25	1.50–2	1.35–1.75
Welder (per hour)	2.75–4.97	1.50–4.70	2.76–4.86	3.19–5.04	2–2.50		2–4.25	2.50–4.65	2–2.50	1.50–2	2.25–2.86	2.50–3.25

Source: "Arizona Basic Economic Data," October 1966, Arizona State Employment Service, Phoenix, Ariz.

The 1960 census also contains data relating to the low earnings in Santa Cruz County supporting the previous discussion that indicated wages in this area are among the lowest in the State. According to the census, median earnings in 1959 of Santa Cruz County male residents were $3,666—lower than any county except Apache. (Earnings in this county are depressed because of the large Indian population.) For female residents, Santa Cruz County ranked 11th among the 14 Arizona counties.

CALIFORNIA

Large numbers of alien commuters work in California, crossing at two major points of entry, Calexico and San Ysidro. Calexico is in the rich farming area of the Imperial Valley. About 85 percent of the 7,500 to 8,000 alien commuters work in agriculture. San Ysidro is within the San Diego metropolitan area and about 40 percent of alien commuters work in agriculture with the remainder working in a wide variety of nonfarm jobs. Data concerning the occupational characteristics of the alien commuters working in nonfarm jobs in San Diego are not available, but there is no reason to suspect that such workers would be much different than those crossing into El Paso. There they worked for the most part in the lowest skilled, most menial jobs.

Data concerning wages, employment, and unemployment in border areas and the alien commuter problem in California indicate that in this state, as in Texas and Arizona, economic conditions are much worse on the border.

A. *Farm wages.*—According to data collected by the California Department of Employment, farm wages in California are lowest in the border areas. The average wage for seasonal farmwork in November 1966 was $1.42 per hour in the two border counties, Imperial and San Diego. Wage rates for similar work in the remainder of the state were 6 percent higher.

Most of the seasonal farm work in the border areas is done by alien commuters. The number of alien commuters that cross at Calexico is equal to about 90 percent of seasonal farm employment in Imperial County. Some of the alien commuters actually commute out of Imperial County to jobs in the Coachelle Valley, over 60 miles north of the border. In all, however, alien commuters probably make up about 85 percent of the seasonal work force in Imperial County. The same situation prevails in San Diego County. The number of alien commuters crossing at San Ysidro is equal to almost all of the workers employed in seasonal farm jobs in the county. Since some aliens also commute out of the San Diego County, the proportion that aliens constitute of the seasonal work force is less than 100 percent—probably about 85 or 90 percent.

There is also a significant volume of commuting by U.S. citizens residing in Mexico. About 1,600 such workers cross at Calexico to do farmwork and another 800 enter the United States at San Ysidro. It is clear that for practical purposes nearly all of the seasonal farmworkers employed in San Diego and the Imperial Valley live in Mexico.

Considering this fact, it is perhaps surprising that farm wage rates are not even lower. They are not because of the same factor present in the Yuma, Ariz., situation—the termination of Public Law 78. When this program was in existence, most of the seasonal farmwork was done by contract Mexican workers. As the program ended, farmers had to compete for whatever domestic workers were available. For the most part, these were Mexican aliens who had previously been admitted as immigrants. They accepted the farm jobs formerly held by alien contract workers at the higher wage rates employers were offering. When the alien contract workers dominated the farm labor force, particularly in Imperial County, farmworker housing was geared to the contract workers. Barracks-type housing for single male workers was the standard. Family housing for farmworkers was available only on a very limited basis. Thus when alien contract workers were replaced by U.S. citizens or alien immigrants, almost the only available family housing was in Mexico.

On the border in California, as in Arizona, the end of the bracero program increased alien commuting. But at the same time it also caused sharp wage rate increases, thus militating against—perhaps disguising is a more apt description—the adverse impact of the commuter situation. Total alien commuting jumped over 50 percent[2] between 1963 and 1966, but seasonal farm wages still increased 35 percent, one-fourth greater than the increase in wages for the same kind of work in the rest of the state.

B. *1960 census of population median earnings data.*—The published statistics of the 1960 census contain data for eight major metropolitan areas, one of which was San Diego. However, the area is so large that the smaller number of alien commuters would not be expected to have very much impact. The total volume of alien commuters amounted to less than 3 percent of the total labor force; those working in nonfarm jobs to only about 1.5 percent of nonfarm employment. Furthermore, the structure of industry in San Diego includes several relatively well paid industries. The Federal Government has a large naval installation in the area and several aircraft manufacturing firms are also present.

Nonetheless, there is evidence to indicate that economic conditions in San Diego are poorer than in other major California cities. San Diego ranked only fifth highest among the eight major cities in median earnings of male workers, and fourth highest for female workers. Earnings were lower in San Diego than in the largest urban areas, but higher than earnings in the interior valley cities where farming is an important activity. Of particular significance are the data for the occupations in which most of alien commuters probably work. The earnings of farm laborers, $1,621, were the lowest of all eight areas. Comparing Los Angeles and San Diego, the earnings of San Diego residents were 8 percent lower for male salesworkers; 18 percent lower for male farmworkers; 5 percent lower for female clerical workers; 8 percent lower for female salesworkers; 18 percent lower for female private household workers; and 14 percent lower for female service workers. As was previously mentioned, the census data, which are collected from households in the United States, do not fully measure the impact of commuters because they reside in Mexico. If commuters were included in the census enumeration, the census median earnings would be lower than was reported. This is demonstrated by social security program data. These data show, for 1965, that average earnings in San Diego County were seven percent lower than in Los Angeles County. However, the census data showed median earnings of all male workers to be only .2 percent lower in San Diego County. The median earnings of women workers were about 8 percent lower. Table 10 lists earnings data from the 1960 census of population.

C. *Unemployment in California border area.*—The California Department of Employment has prepared estimates of unemployment for both San Diego County and the Imperial Valley. The unemployment rate in 1966 in San Diego was 5.2 percent, somewhat higher than the Los Angeles-Long Beach rate of 4.5 percent and San Francisco-Oakland rate of 4.4 percent. In the Imperial Valley, where alien commuters form a much greater proportion of the work force, the unemployment rate was 10 percent, double the average rate for the entire state.

TABLE 10.—MEDIAN EARNINGS IN 1959 OF PERSONS IN THE EXPERIENCED LABOR FORCE, BY SEX AND OCCUPATION—MAJOR CALIFORNIA CITIES

Occupation	San Diego	Los Angeles-Long Beach	Bakersfield	Fresno	Sacramento	San Bernardino-Riverside-Ontario	San Francisco-Oakland	San Jose
All male workers	5,672	5,684	5,119	4,498	5,709	5,069	5,705	5,998
Farmers and farm managers	3,331	3,731	6,537	4,317	4,242	3,796	4,070	4,500
Clerical and kindred	5,259	5,108	5,247	4,982	5,179	5,182	5,166	5,344
Salesworkers	5,338	5,828	5,473	5,445	5,554	5,216	5,816	5,971
Salesmen and clerks	5,397	5,885	5,467	5,481	5,639	5,309	5,913	5,090
Retail trade	4,850	4,940	4,817	4,775	4,880	4,552	5,056	5,107
Craftsmen, foremen	6,182	6,088	6,035	5,448	6,113	5,582	6,223	6,435
Carpenters	5,803	5,701	5,398	5,085	5,907	5,119	6,065	6,188
Painters	5,368	4,761	5,165	4,510	5,624	4,634	5,320	5,511
Plasterers	6,468	6,068	6,049	5,978	6,122	5,487	6,011	6,534
Operatives and kindred	5,216	5,089	5,142	4,404	5,078	4,825	5,270	5,339
Attendants, auto	2,750	2,869	2,520	2,802	2,730	2,573	3,003	2,589
Meatcutters	6,051	6,104	5,739	5,804	5,747	5,871	6,096	6,419
Truckdrivers	5,390	5,550	4,650	4,941	5,391	4,987	5,848	5,939
Welders	5,991	5,431	5,879	5,094	5,777	5,322	5,832	5,829
N.E.C. manufacturing	5,237	5,068	5,595	4,306	5,165	4,836	5,320	5,198
Durable	5,305	5,018	4,631	4,195	5,500	4,901	5,113	5,413
Nondurable	4,863	5,169	5,922	4,399	4,784	4,502	5,518	4,674
Service workers	4,042	3,977	3,909	3,594	4,076	3,605	4,193	3,873
Barbers	4,757	4,315	4,244	4,149	4,932	3,873	4,501	4,535
Cooks	3,777	4,234	3,619	3,737	3,942	3,847	4,321	4,533
Guards	5,390	4,416	4,073	3,357	5,094	4,591	4,481	4,258
Waiters	4,266	3,637	3,870	3,489	3,631	3,368	4,090	2,448
Farm laborers and foremen	1,621	1,964	2,281	1,960	1,815	1,785	1,999	2,274
Laborers, except farm and mine	3,753	3,684	3,462	2,924	3,965	3,407	4,473	3,760
Manufacturing	4,413	3,929	4,446	3,109	3,765	4,018	4,292	3,817
Durable	4,457	3,852	4,346	3,007	4,021	4,140	4,295	4,603
Nonmanufacturing	3,761	3,402	3,473	2,883	3,841	3,206	4,066	3,988
Construction	4,370	4,309	4,233	3,944	4,422	3,906	4,313	4,526
All female workers	2,729	2,957	2,154	2,038	3,042	2,307	3,165	2,635
Clerical	3,304	3,484	3,221	2,927	3,512	3,142	3,577	3,226
Bookkeepers	3,318	3,653	3,219	3,016	3,512	3,112	3,638	3,138
Cashiers	2,410	2,937	2,635	2,248	2,491	2,557	3,004	2,408
Office machine operators	3,606	3,612	3,548	3,154	3,526	3,509	3,634	3,384
Secretaries	3,525	4,034	3,649	3,161	3,945	3,338	3,976	3,574
Stenographers	3,589	3,799	3,713	3,648	3,814	3,388	3,885	3,498
Telephone operators	3,285	3,363	3,369	3,351	3,465	3,147	3,659	3,325
Typists	3,081	3,091	2,887	2,814	3,356	2,993	3,244	2,683
All other	3,277	3,287	3,049	2,628	3,420	3,061	3,456	3,093
Salesworkers	1,859	2,021	1,494	1,666	1,936	1,773	2,426	1,805
Retail trade	1,892	1,935	1,494	1,693	1,831	1,783	2,365	1,842
Operatives	2,866	2,676	1,733	1,529	1,976	1,872	2,696	1,947
Laundry	2,226	2,196	2,123	2,273	2,199	1,988	2,467	2,600
Private household	724	886	672	654	643	659	842	691
Live out	667	807	665	635	623	641	780	647
Service	1,698	1,969	1,589	1,594	1,871	1,545	2,191	1,843
Institute attendants	2,369	2,440	2,448	2,309	2,390	2,815	3,043	2,492
Cooks	2,163	2,203	1,773	1,690	2,020	1,901	2,348	2,231
Waitresses	1,464	1,638	1,329	1,312	1,472	1,354	1,802	1,565

Source: U.S. Bureau of the Census, Census of Population, 1960.

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[2] There is reason to suspect alien immigrant commuting increased more than 50 percent. In 1963 alien contract workers employed in the Imperial Valley were permitted to live in Mexico and commute to their jobs. Some of these workers may have been counted as commuters in the 1963 I&NS survey.

SUMMARY

The "commuter" problem and low wages and unemployment in American cities on the Mexican border

About 44,000 alien commuters live in Mexico and work in U.S. cities.

Another 18,000 U.S. citizens commute to their U.S. jobs from residence in Mexico.

90 percent of the commuters are in eight border areas: Brownsville, Laredo, Eagle Pass, and El Paso, Tex.; Nogales and San Luis, Ariz.; Calexico and San Ysidro, Calif.

Unemployment in Texas border cities is almost 95 percent greater than in Texas interior cities.

Alien commuters work most often in the lowest skilled, most menial, and lowest paid jobs: seasonal farmwork, maids, kitchen helpers, salesclerks, sewing machine operators.

Wages for seasonal farmwork in Texas border areas are over 30 percent less than in the rest of the State.

Firms that employ alien commuters tend to pay lower wages than firms that employ only U.S. residents.

Firms that employ alien commuters frequently pay them less than what they pay U.S. residents for the same work.

Wage rates paid to commuters are often less than what unemployed U.S. residents say they are willing to accept.

Greatest number of alien commuters in Arizona cross the border at San Luis for farmwork in the Yuma area. Farm wages, however, in this area are high because the great number of alien commuters is a relatively new phenomenon resulting from efforts to attract a new labor supply after Public Law 78 terminated.

Wage rates for nonfarmwork in Arizona border areas are very low in comparison to rates in other areas. Workers in Santa Cruz County, where most nonfarm alien commuters work, have the lowest earnings in the State, except for Apache County where poverty on the Navajo Indian Reservation depresses earnings.

California farm wage rates are lowest in the border areas. The bulk of the farmwork force in these areas is composed of alien commuters.

Alien commuters loom the largest in the Imperial Valley where they constitute about 30 percent of the total work force, and about 85 percent of the farmwork force. Unemployment in this area was 10 percent of the labor force in 1966, twice the average rate for the entire State.

In San Diego, another area where large numbers of alien commuters work, wage rates were lower, and unemployment higher, than in Los Angeles.

EXHIBIT 3

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, June 19, 1968.

Hon. RAMSEY CLARK,
Attorney General,
Washington, D.C.

DEAR RAMSEY: I am enclosing a report with recommendations from the Labor Department staff on the Delano situation. I have seen a draft of the Immigration and Naturalization Service report, and I realize there are some differences in interpretation of the troubled relations between the INS and the United Farm Workers Organizing Committee in California. Our staff believes that the hostility and mistrust are so deep that there must have been some cause, whether it be poor judgment, lack of communication, or whatever. They also believe some ameliorative steps have been taken. However, the basic problem still lies in the whole concept of immigrants who reside in another country. The aggravation of this low-skilled and low-wage work force on the workers of the Southwest grows daily. Much of the energy and anger of the growing Mexican-American militancy in the Southwest is aimed at the workers who live in Mexico, but who claim the economic benefits of being a U.S. citizen. The Mexican-American social groups and the unions such as the UFWOC cannot rest until this problem has been resolved.

Therefore, I urge that the Federal Government move to control the impact of the commuters. A new and simpler strike regulation which excludes all commuters from struck firms should be promulgated immediately. A system of identifying commuters should be devised, and to that end, I will provide Labor Department staff to help absorb the workload. Ultimately, all commuters should be excluded unless than can prove they are not adversely affecting U.S. workers.

I urge your careful consideration of this matter. Stan Ruttenberg and I would like to discuss this with you personally at the earliest opportunity.

Sincerely,

WILLARD WIRTZ,
Secretary of Labor.

ALIEN COMMUTER PROBLEMS

(Report of Labor Department members of joint Labor-Justice fact-finding group)

Because of pronounced irreconcilable differences in their reactions to meetings and discussions with union officials during the Delano visit, the Task Force members have agreed to submit separate reports. This report, then, is submitted by the Labor Department representatives of the Joint Justice-Labor Task Force.

On Monday, May 6, the members of a joint fact-finding group of the Justice Department and Labor Department met in Bakersfield, California. Present were:

Mario Noto, Associate Commissioner, INS.

Charles Gordon, General Counsel, INS.

Donald Coppock, Deputy Associate Commissioner, in Charge of Border Patrol, INS.

Michael Fargione, Deputy Regional Director, Southwest Region, INS.

Leonard W. Gilman, Associate Deputy Regional Director, Southwest Region, in Charge of Travel Control, INS.

Frank Borda, Deputy Assistant Secretary for Manpower, DOL.

Ken Robertson, Regional Manpower Administrator, San Francisco, DOL.

Lawrence W. Rogers, Assistant to the Administrator, BES, DOL.

Roberto Ornales, Mexican American Desk Director, Manpower Administration, DOL

Mr. Noto outlined the mandate given to the task force by the Attorney General as follows: Review the entire situation concerning the use of commuter green card workers by employers in the Delano area. The examination was to assure that the proper policy emphasis on enforcement of the regulation was made clear to all Immigration and Naturalization Service personnel. The procedures for administering the regulation were to be examined to see what improvements could be made. Finally, meetings would be held with the United Farm Workers Organizing Committee to create a proper liaison with that organization.

The task force discussed the various problems they might encounter in Delano in carrying out the Attorney General's directive. The prominent problem seemed to be the attitude which the union and its members have toward the Immigration and Naturalization Service, which specifically is alleged discrimination by the Service against the union and its members in favor of the employers in this particular area.

Subsequent to the foregoing discussions, the Labor Department representatives urged that the task force convene at Delano, California, since the problems to be reviewed centered around that city. The INS members agreed, although there were some misgivings that undue public attention might result.

Mr. Cesar Chaves, Director.

Mr. James Drake, Member.

Mr. Jerry Cohen, Counsel.

Mr. Leroy Chapfield, Administrative Officer.

Mr. Marshall Ganz, Executive Board Member.

Mr. Larry Itliong, Assistant Director.

Mr. William Kircher, Director of Organization, AFL–CIO.

Mr. Kircher had been present at the meeting with the Attorney General when it was agreed to form the fact-finding committee. He presented the problem of the union. It soon became evident that the basic complaint of the union was that Immigration Service personel were not enforcing the regulation restricting the use of commuter workers at strikebound firms. There were numerous meetings during this one day at which the union representatives fully aired their grievances. The union representatives repeatedly stated they were not asking for special treatment; they were only asking that the regulation be vigorously enforced. In essence, the union's allegations were:

1. The attitude of the Border Patrol is "provincial," anti-union, and anti-Mexican. This attitude was linked to the treatment which the union felt it had received at the hands of INS supervisory field staff. The union reported several instances of brusque and uncooperative encounters with District Directors in San Francisco and Los Angeles and the officers in charge of the Bakersfield office. The union felt that the INS supervisors did not want to cooperate with the union in the enforcement of the regulation, and that this attitude was transmitted to the Border Patrolmen.

2. That the Border patrol favors the "growers" in the enforcement of their responsibilities. Border Patrolmen do not adequately interrogate geen card workers to ascertain if they are subject to the regulation. Field checks are far too brief. Border Patrolmen are too willing to accept inadequate answers as evidence that particular individuals are not subject to the regulation.

3. That the union has additional information regarding aliens illegally in the U.S. but will not furnish it to the Service unless it could be satisfied that the Service will take action on it.

4. That violators of 8 CFR 211.1(b) are not apprehended by the INS and prevented from working in the struck fields. The only exception was 10 cases which the Union maintains were acted on by INS only after a civil suit was filed by the Union against the 10 employees and their employer.

The Union developed one general question which it presented to the INS to elicit answers on the policy and procedures for enforcing 8 CFR 211.1(b). The INS officials offered, instead, a list of 14 questions and answers, prepared by the Service for internal use at all operating levels (Attachment "A"). However, the Union would not examine it nor accept it. There was discussion of various problem situations, and ultimately the INS agreed to provide the Union with a statement about how the regulation works.

In response to Union allegations that the Service had not taken action on violations reported by the Union, the Service offered to furnish to the Union representatives the results of the investigations which have been conducted and actions taken thereon. The Supervisory Patrol Inspectors of the Bakersfield station were called in and they were subjected to examination by the Union representatives and by members of the task force.

During the examination it was apparent that the Union's allegations had merit, at least in the lack of evidence available to show that the INS had acted on complaints. The demeanor of the officers and the Union representatives made it apparent that considerable hostility and antagonism exists. From the incompleteness of information available concerning the officers' prior investigatory work it appeared that the investigations were either very superficial or the records were totally inadequate to support the conclusions made by the officers.

The Bakersfield officers explained the modus operandi used by the Border Patrol in locating and processing illegal aliens. As evidence of its good faith, the service agreed that with respect to 38 cases in which the Union had expressed an interest and which had been referred by the Border Patrol for further investigation to determine whether there had been any violations of 8 CFR 211.1(b), the Service would furnish them on the following day with detailed information concerning actions taken and results achieved. This was done on the following day and no further question was raised by the Union with respect to these cases.

In response to the allegations made by the Union representatives that the Border Patrol of the Service was not searching for illegal aliens, INS furnished the group with a statistical account of the result of Border Patrol efforts made between February 8, 1968 and April 30, 1968. This was not acceptable to the Union officials since the results showed few persons found on struck farms who were covered by the regulation. Rather, the Union felt this supported their contention that the INS was not doing an adequate job of seeking out violators and properly interrogating suspected violators.

In support of allegations made by the Union that the Service attitude was anti-Union, Union representatives cited alleged instances of remarks made and attitudes shown by Service officers which were interpreted by them to reflect such attitudes. A typical example cited by the Union is reflected in a statement made by a person who alleges to relate an incident between Service District Director at San Francisco and one Jose Lune (Attachment "C"). It is observed at this point that at a conference held with INS officials on May 8, 1968 at San Pedro, California, the Service District Director at San Francisco denied the Union's interpretation of the incident in question, and in support thereof produced a letter which expressed appreciation by Union representatives for what is now characterized as an antagonistic attitude (Attachment "D"). However, it should be noted that the letter essentially is a polite thank you note returning $10 advanced by the District Director.

On May 7, 1968 additional meetings were held. During the morning the members of the task force actually observed and participated in Border Patrol field operations in locating and examining aliens employed on struck farms. While the members of the task force were favorably impressed by the inquiries conducted by Patrol officers during these investigations, the nature and conduct of the investigations indicated that prior investigations, and some of the current procedures, were inadequate to give meaningful protection to U.S. workers as contemplated by the regulations.

1. The questioning of suspect aliens was a time-consuming process. The brief time spent in some prior investigations observed by Union representatives, a charge not denied by the Bakersfield officers, would indicate the prior investigations were rather superficial, if the current investigations are a representative standard.

2. Of the small group questioned a significant number of suspect aliens were found. In fact, one alien who by his own statement was clearly in violation of the regulation, was found.

3. There was no effort made by the Border Patrolmen to immediately remove suspect aliens. The Border Patrol procedures call for only identifying the suspect aliens and their referring the case to other INS personnel for further, more detailed investigation. This permits the suspect alien to leave the employer or the area, only to return clandestinely, if he so chooses, at another time when he is not under scrutiny by INS officials. Unless there is an immediate investigation and removal of suspect aliens the enforcement of the regulation will continue to be a problem.

During the meetings on May 7 the same matters which had been discussed previously were reiterated. The Service representatives agreed to make any necessary changes in the procedures of the Border Patrol. The Union representative demanded that in demonstration of good faith, the group should reduce to writing the matters on which changes in procedures had been agreed to. During this discussion the Justice Department representatives declined to incorporate a commitment made the preceding day that the Service would establish a system to identify all commuters by using some sort of special identification marks on the I-151. The Justice Department representatives felt the expense of such an operation precluded its adoption at this time but that they would consider it further. Unfortunately, the failure to keep what the Union and Labor Department representatives felt was an unequivocal commitment exacerbated relations between the INS and Union representatives.

Additional tension was created when the Justice Department representatives declined to personally investigate some of the aliens cited by the Union as being in violation of the regulation. Earlier the union representatives had made an issue about turning such information over to INS because they felt thorough investigations would not be made. The Union information had been treated with some disdain by INS officials in the past who characterized investigations of their data as "wild goose chases." After being assured that their information would be carefully investigated, they changed their position about not furnishing it to INS as a good faith demonstration on their part. They were completely taken aback by the failure of the task force to make personal investigations. INS did bring officers into Delano immediately to investigate the cases, which helped ease the situation. Both the Justice and Labor Department representatives were invited by the Union to observe the network established by the Union in Delano and surrounding communities to identify suspect aliens. The Labor Department representatives joined the union representatives on such a tour the night of March 7. No investigations were made and none of the commuters were either visited or interrogated.

Notwithstanding the heightened tension at the end of the meetings, the Memorandum of Conversation finally agreed upon (Attachment "E") was accepted by the Union as an act of good faith on the part of INS.

As the meeting came to an end, it was most evident that while there remained an undertone of hostility and suspicion toward INS by the Union representatives, the climate was markedly improved over what it had been. It is believed that the Union has accepted the good faith of the Service as a result of the discussions held.

On May 8 the Immigration members of the Task Force proceeded to San Pedro, California, where a meeting of supervisory officers involved in this operation was convened.

The Labor Department representatives continued meeting with the Union representatives May 8. The Union's picketing operation was observed, its headquarters office was visited. Strike problems and Government policy were discussed at great length. On May 9 the Labor Department representatives met with Members of its regional staff in San Francisco. The Delano discussions and commitments were discussed. Plans were discussed for the investigation of several farms to determine if they were still involved in the labor dispute. The extreme sensitivity of the Delano situation was emphasized and the regional staff was cautioned concerning the necessity of maintaining a fair, impartial and unbiased posture toward both sides in the dispute.

FINDINGS OF LABOR DEPARTMENT REPRESENTATIVES

1. That the issue at Delano really goes far beyond the narrow problem of the enforcement of 8 CFR 211.1(b) or even that of a dispute between a trade union and several employers. Underlying the situation at Delano is the striving of a minority group, Mexican-Americans, that has suffered odious economic, politcal and administrative discrimination for many years. The aspirations of this group are now centered in the Delano struggle, primarily because the Union leader, Mr. Cesar Chavez, has succeeded in projecting himself as not only a trade union leader, but as a charismatic leader of a people fighting for redress of long accumulated grievances. It is highly significant that the Union is refered to as "la causa," that the folk hero of the members is Emilio Zapato, that its patron is the Virgin of Guadalupe. All are symbolic of the struggles of an oppressed people. Unless the Delano issue is recognized for what it is, an integral part of the present civil rights struggle in America, measures to solve the particular issues investigated by the Task Force are likely to be ineffectual.

2. That there is considerable distrust and resentment by the United Farm Workers Organizing Committee, and probably shared by the Mexican-American community, of Government agencies and employees arising both as a survival of past feelings and as a result of current attitudes and practices.

3. That Mexican alien immigrants with homes in Mexico have been, and are now, employed on farms involved in the labor dispute despite the promulgation of 8 CFR 211.1(b). This arises because of insufficient enforcement techniques, but, more importantly, because the regulations do not provide meaningful protection to U.S. workers. In essence, U.S. workers are looking to the regulation to provide more of a safeguard of U.S. wages and working conditions than it can give. Enforcement measures are considered very inadequate and the Government attitude toward the workers' plight viewed as a deceitful sham simply because the regulation is not preventing commuters from working as strike breakers.

RECOMMENDATIONS OF LABOR DEPARTMENT REPRESENTATIVES

1. That the commitments made by the task force be honored. Specifically this means implementing the Memorandum of Conversation (Attachment "E") and furnishing the United Farm Workers Organizing Committee with a response to its questions to the task force.

2. That INS undertake a systematic program of identifying all commuters, seasonal or daily, to facilitate the identification of aliens possibly subject to 8 CFR 211.1(b). To assist in this the Labor Department will make staff help available to INS. Once this identification is completed, only holders of this card could cross the border. The ordinary green card holder would be required to have a re-entry permit.

3. That the enforcement techniques of INS be changed. Aliens suspected of being in violation of 8 CFR 211.1(b) should be removed from the farms in question as soon as grounds for such a suspicion are found. The INS investigatory staff stationed in Delano should be increased: this includes both Border Patrol and INS staff. Union allegations concerning aliens employed in violation of 8 CFR 211.1(b) should be investi-

gated promptly and complete written reports of the investgiations made promptly to the Union. That INS station in Delano an employee of Mexican-American ancestry, in whom the Union has confidence, to work with the Union, as a liaison officer.

4. That the Government agencies involved immediately conduct extensive employee training to eradicate any attitudes of bias or prejudice against Mexican-American farm workers; that if such attitudes cannot be changed, the employees involved be transferred to jobs involving no work responsibilities with Mexican-Americans.

5. That 8 CFR 211.1(b) be amended to preclude the employment with a strikebound firm of any alien immigrant who maintains a residence outside of the United States. This would eliminate the vexing enforcement problem existing under the present regulation of determining the date of an alien's employment at such a firm and the date and purpose of his entry into the United States.

6. That a regulation be promulgated that would condition any alien's commuter status upon a periodic determination by the Secretary of Labor that his employment in the United States does not adversely affect the wages and working conditions of U.S. workers.

The recommendations of the Labor Department Task Force members admittedly go beyond that Delano strike. But, as stated earlier, the issue itself involves more than the Delano strike. At issue is the relation of the Government, and specifically this administration, toward a minority group that in an era of social revolution is asking redress for accumulated grievances. The action of the Government in the Delano strike, the commuter regulation barring employment of commuter strikebreakers, and its enforcement (or lack of enforcement) is alienating the Mexican-American community from the administration. This will worsen until there is an effective resolution of the whole commuter problem. Unless far-reaching administrative action is taken, and taken soon, there is a real and immediate danger that solution will be sought in the streets with grave national and international repercussions.

Frank Borda.
Kenneth Robertson.
Lawrence W. Rogers.
Roberto Ornales.

ATTACHMENT A

1. Q. An alien previously admitted as an immigrant who maintains a home and family in Mexico commutes daily to and from work in the United States. In May he moves farther north and discontinues returning home each night. After several weeks of varied employment, he secures work at a place where the Secretary of Labor has already determined a labor dispute exists. After a short term of employment, he returns to Mexico to visit his family. Two weeks later he applies for readmission to continue his employment at the place where the dispute exists. Is his Form I–151 valid for reentry?

A. No. His primary purpose is to be employed at the place where the dispute exists and his employment there commenced after the determination of a labor dispute was made.

2. Q. An alien previously admitted as an immigrant who has no residence in the United States and does maintain a residence in Mexico is working close to the border and returning home every week or two to visit his family. The Secretary of Labor determines a labor dispute exists at the alien's place of continuous employment. The determination is made subsequent to commencement of the alien's employment. The alien visits his family for a few days and applies for readmission. Is his Form I–151 valid for reentry?

A. Yes. The alien's employment was continuous since prior to the Secretary of Labor's determination.

3. Q. An alien previously admitted as an immigrant is employed at a place prior to the time the Secretary of Labor determines a dispute exists. Due to seasonal work, the alien is temporarily "laid off." He returns to his home in Mexico and accepts employment there. A few weeks later he applies for readmission to continue his work with his former employer. Is his I–151 valid for reentry?

A. No. We consider the continuity of his employment broken.

4. Q. A legal resident alien who maintains his home and family in the United States accepts employment at a place where the Secretary of Labor has determined a labor dispute exists. He makes a visit outside the United States. Is his Form I–151 valid for reentry?

A. Yes—since his primary purpose in seeking reentry is to resume residence.

5. Q. An alien previously admitted as an immigrant but now domiciled in Mexico attempts reentry for the purpose of seeking work. He has made no arrangement for employment and has no particular place in mind. There are several places in the area where labor disputes have been determined and announced by the Secretary of Labor. The applicant is warned that seeking work where a labor dispute exists will invalidate his Form I–151 for admission. He is subsequently found employed at a place where a determined and announced dispute exists. Is he deportable? Is he excludable at next entry?

A. On the basis of the facts presented the alien would be deportable under section 241 (a)(1) in that he was excludable at time of entry as his Form I–151 was invalid as a document in lieu of a visa or permit to reenter. Absent a waiver or new immigrant visa he would be excludable at his next attempted entry.

6. Q. An alien who was initially admitted as an immigrant in 1956 works each year in northern California for the same employer from March to September, then follows the harvests until December. He spends December, January, and February in Mexico. His wife and children, who were also admitted as immigrants, accompany him. He has no fixed place of residence in the United States and usually he lives in housing furnished by the employer. During the period the alien was in Mexico (December through February) the Secretary of Labor determined and announced a labor dispute at the alien's regular place of employment. In March the alien applies for admission destined to the place where the dispute exists. Is his Form I–151 valid?

A. We now have several factors to consider. Was his employment continuous since before the dispute determination? Apparently not as he usually leaves that employer and follows the harvests in the United States from October through December. Is he seeking admission primarily to accept employment at the place where the dispute exists? Because of his habits there is indication the primary purpose is to resume residence. This would have to be decided by the facts in the case.

7. Q. An alien previously admitted as an immigrant and now domiciled in Mexico last entered the United States after the effective date of the amended regulation (July 10, 1967) at which time he was destined to an employer where no dispute existed. He later accepted employment at a place where a dispute had been determined. Is he deportable?

A. If an alien entered the United States after the announcement of the labor dispute and went to work, even though intervening employment, he is presumed to be in violation of the regulation. Facts should be developed.

8. Q. Is the Form I–151 of the alien described in the last question valid if he goes to Mexico and seeks reentry?

A. No. His employment commenced at the place where the dispute exists subsequent to the determination.

9. Q. An alien and his entire family have been admitted for permanent residence. They work as migrant agricultural workers and follow the harvest nine or ten months each year. In December they establish residence in a border city in Mexico and the principal alien commutes daily to work near the border. His children commute daily to school. He accepts employment at a place where a labor dispute has been determined. Is his Form I–151 valid for entry?

A. No. His primary purpose in seeking admission is to work at the place where the dispute exists.

10. Q. An alien previously admitted as an immigrant commutes daily from Mexico. He is employed in agricultural work but has no definite employer. He is picked up each morning by a labor contractor and does not know exactly where he will be employed. He is paid daily by the contractor. He enters the United States using his Form I–151 in lieu of a visa and is found that afternoon employed by the labor contratcor on a farm where a labor dispute has been determined. Is he deportable?

A. Yes. We believe employment by a labor contractor at a place where a dispute exists to be equivalent to employment by the owner or operator. This rule should also be applied concerning continuity of employment if the employment continues at the same place. However, continuous employment by a labor contractor who places an alien at a place after a dispute is determined shall not exempt the alien from provisions of the regulation.

11. Q. An alien formerly admitted as an immigrant and who maintains no domicile in the United States last entered the United States in 1966 and worked for a labor contractor starting in May 1967. The contractor, who paid the alien's salary, continuously employed the alien on a specific farm. A labor dispute was determined on that farm in July 1967. The alien, although continuing in the same actual employment, was in August 1967, placed on the payroll of the farm where the dispute existed. In September he went to Mexico to visit his family and applied for readmission in October to continue his employment. Is his Form I–151 valid for reentry?

A. Yes. The regulation bars employment at a specified place whether the alien receives his pay from a labor contractor or from the owner or operator. This point is also covered in question and answer no. 10. Therefore if an alien has worked continuously at a place where a labor dispute exists since a date prior to the Secretary of Labor's announcement, the fact that he was subsequently changed from a labor contractor's payroll to the owner's or operator's payroll would not be material.

12. Q. Given the same set of circumstances except the alien continued employment with the labor contractor rather than transferring to the payroll of the disputed place. Is his Form I–151 valid for reentry?

A. Yes. We would consider his employment continuous and it was accepted prior to the effective date of the regulation and the determination.

13. Q. An alien previously admitted as an immigrant who maintains no residence in the United States entered the United States seeking employment. He accepted employment at a place where, a few days later, the Secretary of Labor determined and announced a labor dispute. What action is needed?

A. Even if employment commenced prior to the determination he will be considered in violation if we are satisfied the employment was actually entered into in anticipation of the labor dispute.

14. Q. The Secretary of Labor, on January 2, determined and announced a labor dispute at employer A. An alien previously admitted as an immigrant who maintains his residence in Mexico enters the United States on January 5 destined to employer B, where no dispute exists, and accepts employment there. On January 6 he leaves employer B and accepts employment with employer A. What action, if any, is indicated?

A. He is considered in violation of the regulation in that his actions indicate an intent to circumvent the regulation.

ATTACHMENT C

STATEMENT OF JOANNE EDELSON, HOLLISTER, CALIF.

Mr. Luna then mentioned the incident where Immigration officials went to see Cesar and inspect his green card, calling this very insulting. Mr. Fullilove explained that the officials "did not go to see Cesar", but that Cesar was parked in a car alongside the field where they were checking. They asked to see his green card as part of their routine check of all Mexicans. He says Cesar refused to show it or even simply state he was Cesar Chavez—a behavior Fullilove labeled as "very uncooperative". He explained that Immigration sometimes has a hard time distinguishing between Mexicans and Mexican-Americans, and that they constantly had to be on the look-out for wetbacks.

Then we started to talk about the quotation Willard Wirtz and Ramsey Clark made last summer to the effect that no green carders shall work behind a picketline. Of Mr. Wirtz he said, "Mr. Wirtz is not in my department—he is in the Department of Labor, and Immigration is the Department of Justice." Of Mr. Clark he said, "Ramsey Clark is in Washington—must not know that there are two classes of people with green-cards: resident aliens and commuters. We cannot enforce that law as he stated in the press". He then made the comment (paraphrased). "Don't listen to the journalists, don't listen to the politicians—Mr. Willard Wirtz and Mr. Ramsey Clark are politicians. They are not the ones to be sued if they should apply the law against the resident aliens. I am the one who will be sued". He said they shouldn't have made their statements because they can't be carried out on the local level.

Then he went into a long thing about all the problems Immigration has with wetbacks, and people who slip into Florida illegally from the West Indies.

We asked how many men were assigned to the job of making sure Commuters weren't scabbing. He was very evasive on this, saying only that he would send in as many men as needed to do the job. He then said, "If your Union has positive proof that "commuters", not resident aliens are in Giumarra's fields, and you can furnish a list of names and addresses, then call the border patrol. If they don't act immediately, then you call me and I PERSONALLY will make sure they are thrown out." (He said this about three times).

ATTACHMENT E MEMORANDUM

(A memorandum of conversation between a task force composed of representatives of the Departments of Justice and Labor, and representatives of the United Farm Workers Organizing Committee, AFL-CIO, at Delano, Calif., on May 7, 1968)

1. The Immigration Service will investigate every alien found at certified struck plant.

2. Service will suggest that violators of strikebreaker regulation leave the struck employment. If they fail to do so, proceedings will be brought against violators who refuse.

3. Union will furnish to service any information as to violations and Service will inform Union as to results of such investigations.

4. Service will make every effort to eliminate any provincial attitudes and Union will cooperate with Service in performing its enforcement responsibility.

5. Service will furnish a further statement to Union to clarify scope of strikebreaker regulation.

6. For Greencard holders covered by strikebreaker regulation, the latest date of entry is the one to be considered.

By Mr. McINTYRE (for himself Mr. McGOVERN, Mr. METCALF, and Mr. STEVENS):

S. 1490. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care for the 1970's by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance available to all Americans, and for other purposes. Referred to the Committee on Finance.

THE NATIONAL HEALTH CARE ACT OF 1971

Mr. McINTYRE. Mr. President, on behalf of the distinguished Senator from South Dakota (Mr. McGOVERN, the distinguished Senator from Montana (Mr. METCALF), the distinguished Senator from Alaska (Mr. STEVENS), and myself I introduce for appropriate reference the National Health Care Act of 1971 to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care for the 1970's by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance available to all Americans, and for other purposes.

Mr. President, America is living with a new fear—the fear of financial disaster if illness strikes.

It is not simply the fear of losing wages if the breadwinner of the family falls sick. It is the fear of financial ruin if any member of the family is struck down by catastrophic illness.

The cost of medical care, already cresting the inflationary wave, is reaching such proportions that only the rich can afford to get sick—and even they do not rest easy.

But the problem, as you well know, Mr. President, is not simply money, not simply the cost of health care. It is also access to health care.

Nearly 5,000 American communities have no practicing physician. There are inner city ghettoes without a doctor.

There are isolated rural communities without a doctor, some in the north country of my own State of New Hampshire. And there are prosperous Midwestern towns without a doctor.

Many Americans, Mr. President, must wonder how it is possible for us to bring a man back from the moon when they cannot even bring a doctor to their doorstep when their children are sick, or find medical help on a Saturday night or a Sunday morning.

And it will get worse, Mr. President.

The situation is certain to become more critical in rural areas, for instance because family medicine in those areas is practiced for the most part by older physicians who are not replaced when they die or retire.

Right now, Mr. President, there are 325,000 doctors in America.

Right now, Mr. President, this country needs at least 48,000 more doctors.

At the moment, there are 102,000 dentists in America. We need at least 120,000 dentists. And by 1980 we will need still another 57,000.

The same holds true for nurses. The 700,000 we have now are 150,000 less than we need. And by the start of the next decade we will be short more than 200,000. And as for allied health personnel, we are short 266,000 now, and we will be short nearly half a million in the next 10 years.

Now let us consider the first half of the double-edged health care problem—costs.

In 1965 we enacted medicare to relieve those Americans hit hardest by rising health care costs—those over 65.

Medicare brought blessings to millions by putting health care dollars in their pockets.

But it complicated the problem, Mr. President. It complicated it because it did not provide more health care to meet increased demands by those older citizens who were suddenly able to afford it.

It did not provide one more doctor.

It did not provide one more nurse.

It did not provide one more medical assistant to make a doctor more efficient or more productive.

In short, while it provided more dollars for services, it did not provide more services.

And, Mr. President, we all know what happens when supply remains constant and demand goes up. Prices soar. So the price of health care went up—for all of us.

Since 1965, when medicare was enacted, the overall Consumer Price Index has gone up 18 percent.

But in that same period doctor's fees have gone up 30 percent, and daily hospital charges have risen 70 percent.

Mr. President, Americans individually, now are paying 100 percent more for health care than they did just 10 years ago. Health care costs have increased four times more than the aggregate price rise.

And medicare is paying more, too.

When medicare was initiated, the Congress enacted a social security wage tax calculated to cover the projected cost of the program. But just 2 years later—in 1967—the Congress had to vote a 25 percent wage tax increase to keep medicare solvent.

That measure raised the wage base upon which the tax is levied to $7,800, the level at which it now stands. And under that law, the tax rate went from 4.4 to 5.2 percent.

This means that workers making $7,800 a year or more today pay a total Federal wage tax of $405.60. This is matched by the employer.

Self-employed pay about 50 percent more.

But that is not the whole story, Mr. President.

Under the present law, further increases are scheduled to take place. In 1972, the base will go to $9,000, which means everyone making that much or more will pay at least an extra $60. In 1973, the rate will climb to 5.65 percent; in 1976—to 5.85 percent; in 1980—to 5.95 percent; and in 1987—to 6.05 percent. Thus, if there are no new taxes enacted, the wage tax for the average American will still go from $405 to $545.

But, in January of 1969, Health, Education, and Welfare Department experts measured these new tax rates against the rate of rising costs and projected a $49 billion deficit over the next 25 years.

Eleven months later, the same experts revised their projections to forecast a deficit of $127 billion.

And only 3 months after that—in February of 1970—the prediction was bumped up another incredible $85 billion to a total foreseen deficit of $216 billion.

This is the excess of cost over tax income—a deficiency which will have to be made up in some way if the program is to remain solvent for the next quarter century.

Now, clearly, Mr. President, what this means is that a greater and greater wage tax burden will have to be borne by our young and middle-aged workers.

With no change in the present law's schedule of rate increases, the overall increase will be over 33⅓ percent.

Now, we must keep in mind, Mr. President, that this represents a gross tax on wages, a tax imposed on the very first dollar a person earns. No personal exemption is provided. And no provisions are made for deductions of medical expense, work-related expense, casualty loss expense, or for any other of the deduction items allowed under our income tax laws.

Thus, the student, for instance, who earns a very small amount will pay no income tax, but he will pay this tax. And so will the worker with a family whose income tax obligation is canceled out because his earnings are so low.

Indeed, the wage earner is hit from both sides in this situation. On the one hand, he must pay higher wage taxes to finance Government health insurance programs, and at the same time he must pay higher premiums for his own private health insurance because health care costs have been driven up by the pressures of rising demand against limited supply of services.

Simply expanding medicare, Mr. President, would only aggravate the problem, not solve it, because the average citizen would only trade high health insurance premiums for higher taxes, and health care costs would soar even higher.

We do not need higher taxes, Mr. President. We need health care, at a cost we can afford.

So let us stop treating symptoms and go after the disease itself. Instead of feeding the fever of inflation, let us focus some healing radiation on the maglignant cause—the shortage of health care services.

Dollars are worthless, Mr. President, if the care is not there to buy.

Simply agreeing to pay for health services for all, simply to write a blank check to the providers of health service, will only boom what already is a seller's market.

It is the buyer we are concerned about, so what we must do, then, is, first, make more medical services available, and, second, make them available to all, at a cost we can all afford.

Now, Mr. President, I am not so naive as to believe private enterprise can solve our every problem or meet our every need. It cannot. Some things private enterprise simply cannot, or will not, do. And then the Government must assume the responsibility.

In short, I believe we can make medical services available, make them available to all at reasonable cost, and preserve the freedom and initiative of our doctors, nurses, and health technicians through the private enterprise system, with the help of Government.

All right. How do we do it?

First, Mr. President, we must strengthen health planning.

Without comprehensive health planning, we cannot possibly know what we are doing or how we are doing. And thus we waste our large, but not limitless resources.

We must have a rational way to identify needs and a rational plan to meet them.

Communities differ, Mr. President. Some need more hospital beds. Others have too many and the temptation to keep them filled is always there, no matter how wasteful and costly.

We need to eliminate duplication of facilities. Every hospital in a given city may want an advanced—and prestigious—cobalt machine or a heart center, for instance, but the community may only need one.

So we need a local planning agency, an agency backed up at the State and the National level, to determine needs, to publicize them, and to review all plans for new facilities.

And it cannot be a paper tiger agency. It must have teeth to insure conformance.

It must be able to cut off any Federal funds, interest subsidies or depreciation allowances under any Federal program to any institution which proceeds to install new facilities without first obtaining the planning agency's approval.

Second, we must increase our health manpower.

We cannot provide health care to all if we do not have the people to do it. And we simply do not have enough doctors, nurses, and allied health personnel to do the job.

Particular attention must be given to training physicians who will provide primary care to families and to developing allied health personnel to help them.

After all, Mr. President, you do not necessarily have to go through medical school to learn how to give an injection or put on a cast. The medical corpsmen in our armed service have demonstrated that.

And we also need doctors trained in the special skill of managing teams of physicians and allied health personnel in health centers.

The brightest health care hope of the future lies in group practice and the use of health centers. But someone has to be in charge.

What we need, then, is the consolidation of all Federal Government loan programs for health manpower into one comprehensive program.

Such a program should allow students to borrow the full cost of tuition, room and board. And the Government should forgive that loan on a year-by-year basis for service in a medically needy area—either rural or urban.

Mr. President, I might point out that the Community Health Act which I introduced on March 3 sought the same goal by providing for Government repayment in full of the education debt incurred by any graduating doctor, dentist, optometrist or health technician who contracted to practice in a medically deprived area for a period of 3 years.

I am not concerned about the mechanics of the incentive. I think the same goal can be achieved either through forgiving a government education loan for medical training or by Government payment of incurred educational costs.

What is important is to get health personnel into those areas so crucially in need.

My own State of New Hampshire may be better off in this regard than many States, Mr. President, but as I pointed out earlier, there are some medically deprived areas, particularly in what we call the North Country, and the statistics bear out the fact that the ratio of doctors to residents is widening in New Hampshire as well as elsewhere.

But training more doctors also will require more training personnel, Mr. President, so Federal grants must be made to medical schools to develop the teachers and courses for the skills that are needed.

As a further incentive, laws applying to the licensing of medical personnel should be reformed and revised to provide for upward mobility on the career ladder.

In other words, each job should be a stepping stone, not a dead end. Nurses aides should be able to earn credits toward a nursing diploma, and nurses credit toward an M.D.

Laws should not only keep out the incompetent, Mr. President. They should encourage the capable.

Take the medical corpsmen returning from Vietnam, for example. Each of these men has received up to $25,000 in training to provide front-line medical care. They could continue to provide supplementary medical care in civilian life if they had the proper encouragement. Certainly they could provide many basic health services and, with further training, have even more mutually rewarding health careers.

Third, Mr. President—and along the same line—we must promote ambulatory care.

Hospital care is the most expensive kind of care—and the hardest to obtain.

Yet we encourage it, because alternatives often do not exist.

Furthermore, many health insurance payments are made only if the patient is admitted to a hospital. So in consideration of the patient's pocketbook, the family doctor often will advise a hospital stay that not only removes the patient from his work—it removes him from the familiar comforts of his home as well.

It is a fact that if we could cut just one day from the average hospital confinement, we could save close to $2 billion a year.

And yet, Mr. President, studies have shown that properly equipped ambulatory centers could do 25 percent of the surgery now done in hospitals, much of the diagnostic X-rays and other tests—and at a cost much less for all of us.

So ambulatory health care benefits should be included in all health insurance programs. And they should be in all Government health insurance programs.

They should be included in all employee group health insurance if the employer expects to get a Federal income tax deduction for premiums paid.

And no health insurance should be approved which would make the patient pay more for an outpatient service than he would pay for the same service in a hospital.

And we must build ambulatory centers, Mr. President, build them through a Federal program of grants and loan guarantees which will encourage their construction and include setup costs.

These loans and grants not only would provide much-needed health care facilities, they would also give a much-needed shot in the arm to the building industry and to the general economy by providing both projects and jobs.

Fourth, Mr. President, we must come up with better cost controls.

Federal dollars should be denied any health care institution that does not have a qualified professional review committee that effectively checks the quality and the necessity of patient treatment.

No Federal dollars should reimburse any professional services that have not been subjected to effective professional peer review—or are found to have been unnecessary.

Nor should payment be made, Mr. President, for any portion of a fee which exceeds the prevailing rate in a given community.

No Federal dollars of any kind should go to any hospital that does not use controlled charges for all its patients.

Under an effective system of controlled charges, Mr. President, an institution would set its charges in advance, according to a budget approved in consultation with a community review agency. If the budget was inefficient, or the charges out of line, the budget would not be approved by that agency.

Under present law, of course, institutions are reimbursed, after much auditing, on a cost basis. There is no incentive to become more efficient.

But under a controlled charge system that institution which delivered its services at a figure below the approved budget level could keep the extra money. This, in effect, then, provides a built-in incentive for more efficient performance.

Fifth, Mr. President, we must establish a National Health Advisory Council.

The President of the United States, and his Cabinet, must have available and available on a continuing basis the most expert advice they can get—advice completely free from political influence and pressures.

The crucial importance of developing a national health policy which, of necessity, will be extremely complex, demands nothing less than free and independent judgment by those who would counsel the leaders of the land.

Finally, Mr. President, we must make health care available to all.

Let me make it clear that my proposal is not directed toward buying health insurance for bankers and doctors and lawyers through higher wage taxes on our workingmen.

It is directed, with the methods I have described, toward bringing costs down to where most of us can afford to pay our own way.

Today 90 percent of the population under 65—a total of 164 million people—are covered by health insurance programs.

And more than 60 percent of our people under 65 are covered under employer group health insurance programs.

There is no need to duplicate this, Mr. President, nor to scrap it and start over.

We should build on it.

We should build on it by establishing Federal minimum standards qualifying group policy-contributing employer for his tax deduction.

We should give individuals who buy their own health insurance a special tax break if that insurance meets Federal standards.

And these standards should encourage ambulatory care and preventive care, allow employees to join approved health maintenance organizations, require coverage for permanent part-timers and temporary workers who stay on the job more than several months, and require continuing the coverage for disabled employees and for dependent children who are totally disabled.

These Federal minimum standards, Mr. President, should prescribe by law the best schedule of benefits our economy is geared to produce.

And as our capacity to deliver health care increases, those benefits, in turn, would be increased.

Mr. President, to insure this, I would have these scheduled increases specified in the law now and for the entire coming decade.

Furthermore, these Federal standards would require coverage for catastrophic illness.

Our citizens—all of our citizens—deserve nothing less, because a truly dread disease in time could bring any of us to bankruptcy.

Federal employees are protected against catastrophic illness with coverage up to $50,000.

Every citizen deserves at least that much protection, Mr. President, and I would propose the legislative establishment of a Federal standard of benefits which could exceed this level.

But what of the poor who are not covered and cannot afford health insurance? Of those who are uninsurable because they cannot pass a physical examination? How can they be protected?

My proposal would require every insurance carrier in every State to participate in an individual State reinsurance pool which would be subsidized by the Federal Government.

This pool would make available to the poor, the near-poor, and the uninsurable a uniform health insurance plan which would meet those Federal minimum standards.

The poor would pay no premiums.

The near-poor would pay only partial premiums.

The uninsurable would pay a full, but reasonable, premium.

All income determinations, Mr. President, would be based on Federal income tax determinations.

An "uninsurable" would be anyone turned down by a private insurance company, a working definition that would cut through bureaucratic redtape and costly administrative determinations.

Under this proposal, the insurance pools would be operated on a State-by-State basis so that any actuarial mistakes would tend to cancel each other out and the chances for any mammoth miscalculations, such as occurred with medicare, would be minimized.

Furthermore, Mr. President, under this proposal all citizens would have health care made available on an equal basis.

There would be no second-class citizens.

Mr. President, earlier in my remarks I said that there were some problems that could not be solved, some needs that could not be met, by private enterprise alone.

I believe that America's health care crisis can be solved, that our people's health care needs can be met by private enterprise—but only in partnership with Government.

The National Health Care Act of 1971 that I am introducing today blends the resources of private enterprise with the resources of Government in the traditional meld that has inspired and accomplished the astonishing progress our Nation has made since its inception.

It is a uniquely American blend, Mr. President, a uniquely American approach to meeting our health care needs by:

Increasing the supply of health manpower.

Promoting ambulatory and preventive health care.

Strengthening health planning.

Improving controls over cost and quality of health care.

Developing national health care objectives.

Making comprehensive health insurance, including catastrophic protection, available to all.

I invite every colleague who shares my reservations about relying exclusively upon Government, or exclusively upon private enterprise to resolve the growing health care crisis to join with me in this partnership approach, an approach deeply rooted in our traditions and soundily proven by the test of time.

Mr. President, I ask unanimous consent at this time to have printed the National Health Care Act of 1971 in the RECORD and further I ask unanimous consent to follow the printing of the bill with a section-by-section analysis of this act.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1490

A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care for the 1970's by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance available to all Americans, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "National Healthcare Act of 1971".

Sec. 1. Short title.

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

Sec. 101. Findings.

Sec. 102. Declaration of purpose.

TITLE II—PROVISIONS TO INCREASE THE SUPPLY AND IMPROVE THE DISTRITION OF HEALTH CARE PERSONNEL.

Sec. 201. Student loans for training in the health professions and nursing.
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Sec. 203. Training for personnel needed in comprehensive ambulatory health care centers.
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Sec. 205. Effective date.

TITLE IIII—PROVISIONS TO ENCOURAGE COMPREHENSIVE AMBULATORY HEALTH CARE CENTERS

Sec. 301. Amendment of purpose.
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Sec. 303. State allotments.
Sec. 304. Priority of projects.
Sec. 305. State plans.
Sec. 306. Recovery of funds.
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TITLE IV—PROVISIONS TO STRENGTHEN HEALTH CARE PLANNING

SUBTITLE A—HEALTH REPORT OF THE PRESIDENT; COUNCIL OF HEALTH POLICY ADVISERS

Sec. 401. Health report of the President.
Sec. 402. Council of Health Policy Advisers.
Sec. 403. Employment of officers, employees, experts and consultants.
Sec. 404. Responsibilities of Council.
Sec. 405. Consultation with other advisory bodies and representative groups; cooperative utilization of services, facilities, and information.
Sec. 406. Compensation of members.
Sec. 407. Authorization of appropriations.

SUBTITLE B—DEPARTMENTAL RECOMMENDA-AND REPORTS

Sec. 411. Statements regarding effect of departmental proposal on Nation's health care.
Sec. 412. Agency's obligations under other Federal statutes.

SUBTITLE C—COMPREHENSIVE HEALTH PLANNING AMENDMENTS

PART A—DEFINITION OF "APPROPRIATE COMPREHENSIVE HEALTH PLANNING AGENCY"

Sec. 431. Appropriate comprehensive health planning agency defined.

PART B—STATE AND AREAWIDE COMPREHENSIVE HEALTH PLANNING AGENCIES

Sec. 441. State agency review and certification.
Sec. 442. Areawide comprehensive health planning agencies.
Sec. 443. Comprehensive procedure for review and certification.
Sec. 444. Definitions: "appropriate comprehensive health planning agency" and various other definitions relating to Federal financial assistance.

SUBTITLE D—EFFECTIVE DATE

Sec. 451. Effective date.

TITLE V—PROVISIONS TO MAKE COMPREHENSIVE HEALTH CARE INSURANCE AVAILABLE TO ALL

SUBTITLE A—ESTABLISHMENT OF MINIMUM STANDARD HEALTH CARE BENEFITS

Sec. 501. Definition of minimum standard health care benefits.

SUBTITLE B—QUALIFIED EMPLOYEE HEALTH CARE PLANS

Sec. 511. Employer's deduction for employee health care expenditures.

SUBTITLE C—QUALIFIED INDIVIDUAL HEALTH CARE PLANS

Sec. 521 Qualified individual health care plans.
Sec. 522. Procedure for rulings on qualification of employee and individual health care plans.
Sec. 528. Regulation.

SUBTITLE D—GRANTS TO STATES FOR QUALIFIED STATE HEALTH CARE PLANS FOR THE NEEDY AND UNINSURABLE

Sec. 531. Grants to States for qualified State health care plans.
Sec. 532. Conforming amendments to title V of the Social Security Act.
Sec. 533. Conforming amendments to title XVIII of the Social Security Act.
Sec. 534. Conforming amendments to title XIX of the Social Security Act.
Sec. 535. Conforming amendments regarding reasonable costs.
Sec. 536. Conforming amendments to the Internal Revenue Code.
Sec. 537. Carrier compliance.
Sec. 538. Effective date.

SUBTITLE E—EFFECTIVE DATE

Sec. 541. Effective date.

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

Sec. 101. Findings.

The Congress hereby finds that:

(a) America confronts a critical testing of its capacity to meet for all of its citizens one of the most basic of human needs, that of protecting and maintaining personal health;

(b) Every citizen of the United States of America should have access to quality health care, but too many Americans find it difficult to secure quality health care when they need it, where they need it, at prices they can afford;

(c) The Nation needs systems of health care organizations, delivery, and financing which combine the high scientific and technical competence of the medical and allied health professions; the flexibility, innovativeness, efficiency, and managerial skills of private enterprise; the legislative and fiscal capacities of government at all levels; and the potentialities of consumer and community participation in developing and maintaining such systems of health care.

Sec. 102. Declaration of purpose.

The Congress declares the purpose of the Act to be to improve the organization, delivery, and financing of health care for all Americans by increasing health personnel, promoting ambulatory care, strengthening health planning, establishing national standards of health care benefits, encouraging provision of such benefits through comprehensive health care insurance, and by assisting persons of low income or in poor health to secure that insurance.

TITLE II—PROVISIONS TO INCREASE THE SUPPLY AND IMPROVE THE DISTRIBUTION OF HEALTH CARE PERSONNEL

Sec. 201. Student loans for training in the health professions and nursing.

(a) STUDENT LOANS FOR TRAINING IN THE HEALTH PROFESSION.—Subsection (a) of section 741 of the Public Health Service Act is amended to read as follows:

"(a) In the case of any student, the total of the loans from a loan fund established under this part for any academic year (or its equivalent, as determined under regulations of the Secretary) may not exceed the full cost of tuition and fees, and reasonable expenditures for supplies, books, room and board, and other related costs as determined in accordance with regulations. In the granting of such loans, a school shall give preference to persons who enter as first-year students after June 30, 1971."

(b) CANCELLATION OF STUDENT LOANS.—Subsection (f) of such section is amended to read as follows:

"(f) Where any person who obtained one or more loans from a loan fund established under this part—

"(1) engages in the practice of medicine, dentistry, optometry, or osteopathy in an area in a State determined by the Secretary, upon recommendation by the appropriate State comprehensive health planning agency (designated or established pursuant to section 314(a)(2)(A) of the Public Health Service Act), in accordance with regulations provided by the Secretary, to have a shortage of and need for physicians, optometrists, or dentists; and

"(2) the appropriate State comprehensive health planning agency certifies to the Secretary in such form and at such times as the Secretary may prescribe that such practice helps to meet the shortage of and need for physicians, optometrists, or dentists in the area where the practice occurs; then 20 percent of the total of such loans, plus accrued interest on such amount, which are unpaid as of the date that such practice begins, shall be canceled thereafter for each year of such practice, up to a total of 100 percent of such total, plus accrued interest thereon."

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 742 of such Act is amended by—

(1) deleting the words "and $35,000,000 each for the fiscal year ending June 30, 1970, and the next fiscal year" in the first sentence and adding the following: $35,000,000 for the fiscal year ending June 30, 1970, $50,000,000 for the fiscal year ending June 30, 1971, $70,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 each for the fiscal

year ending June 30, 1973, and the two succeeding fiscal years."; and

(2) striking out "1972" in the third sentence and inserting in lieu thereof "1976" and striking out "1971" in the same sentence and inserting in lieu thereof "1975."

(d) Conforming Amendment.—Section 743 of such Act is amended by striking out "1974" wherever it appears therein and inserting in lieu thereof "1978".

(e) Student Loans for Nurse Training.—Subsection (a) of section 823 of such Act is amended to read as follows:

"(a) In the case of any student, the total of the loans for any academic year (or its equivalent, as determined under regulations of the Secretary) made by schools of nursing from loan funds established pursuant to agreements under this part may not exceed the full cost of tuition and fees, and reasonable expenditures for supplies, books, room and board, and other related costs as determined in accordance with regulations. In the granting of such loans, a school shall give preference to licensed practical nurses and to persons who enter as first-year students after June 30, 1971."

(f) Cancellation of Nursing Student Loans.—Subsection (b) (3) of such section is amended to read as follows:

"(3) not to exceed 50 percent of any such loan (plus interest) shall be canceled for full-time employment as a professional nurse (including teaching in any of the fields of nurse training and service as an administrator, supervisor, or consultant in any of the fields of nursing) in any public or nonprofit private institution or agency (including comprehensive ambulatory health care centers), at the rate of 20 percent of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each complete year of such service, except that such rate shall be 33⅓ percent for each complete year of service as a professional nurse in any area in a State determined by the Secretary, upon recommendation by the appropriate State comprehensive health planning agency (designated or established pursuant to section 314(a) (2) (A) of this Act), in accordance with regulations of the Secretary, to have a substantial shortage of such nurses, and for the purpose of any cancellation at such higher rate, an amount equal to an additional 50 percent of the total amount of such loans plus interest may be canceled;".

(g) Authorization of Appropriations.—The first sentence of section 824 of such Act is amended by striking everything after "1970" and adding the following: "$25,000,000 for the fiscal year ending June 30, 1971, $50,000,000 for the fiscal year ending June 30, 1972, and $75,000,000 each for the fiscal year ending June 30, 1973, and the two succeeding fiscal years, and such sums for the fiscal year ending June 30, 1976, and each of the two succeeding fiscal years as may be necessary to enable students who have received a loan for any academic year ending before July 1, 1975, to continue or complete their education.".

(h) Conforming Amendment.—Section 826 of such Act is amended by striking out "1974" wherever it appears therein and inserting in lieu thereof "1978".

Sec. 202. Scholarship grants and student loans for training in the allied health professions.

(a) Recommendations of Council of Health Policy Advisers.—Subsection (a) of section 794B of the Public Health Service Act is amended by adding the following after the word "prescribe": ", with due regard to any relevant recommendations of the Council of Health Policy Advisers established pursuant to title IV of the National Healthcare Act of 1971".

(b) Scholarship Grants for Training in the Allied Health Professions.—Subsection (d) of such section is amended to read as follows:

"(d) Any such scholarship awarded from grants under subsection (a) to any individual for any year shall cover such portion of the student's tuition, fees, books, equipment, and living expenses as the agency, institution, or organization making the award determines, in accordance with regulations provided by the Secretary, the student needs for such year on the basis of his requirements and financial resources."

(c) Authorization of Appropriations.—Subsection (f) of such section is amended to read as follows:

"(f) For the purpose of carrying out the provisions of this section there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971, $30,000,000 for the fiscal year ending June 30, 1972, and $50,000,000 each for the fiscal year ending June 30, 1973, and the two succeeding fiscal years."

(d) Student Loans for Training in the Allied Health Professions.—Subsection (b) (1) of section 794D of the Public Health Service Act is amended to read as follows:

"(b) (1) In the case of any student, the total of loans from a loan fund established under this section for any academic year (or its equivalent, as determined under regulations of the Secretary) may not exceed the full cost of tuition and fees, and reasonable expenditures for supplies, books, room and board, and other related costs as determined in accordance with regulations. In the granting of such loans, the agency, institution, or organization shall give preference to persons who enter as first-year students after June 30, 1971."

(e) Cancellation of Student Loans.—Subsection (b) (2) (C) of such section is amended to read as follows:

"(C) not to exceed 50 percent of any such loan (plus interest) shall be canceled for full-time employment as an allied health professional in any public or nonprofit private institution or agency (including comprehensive ambulatory health care centers), at the rate of 20 percent of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each complete year of such service, except that such rate shall be 33⅓ percent for each complete year of service as an allied health professional in any area in a State which is determined by the Secretary, upon recommendation by the appropriate State comprehensive health planning agency (designated or established pursuant to section 314(a) (2) (A) of this Act), in accordance with regulations of the Secretary, to be an area which has a shortage of and need for such allied health professionals, and for cancellation at such higher rate, an amount equal to an additional 50 percent of the total amount of such loans plus interest may be canceled;".

(f) Authorization of Appropriations for Loans.—Subsection (c) of such section is amended to read as follows:

"(c) There are authorized to be appropriated to the Secretary for Federal capital contributions to the student loan funds pursuant to subsection (a) (2) (B) (i) $7,500,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, $40,000,000 for the fiscal year ending June 30, 1973, $60,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30 1975, and such sums for the fiscal year ending June 30, 1976, and each of the two succeeding fiscal year as may be necessary to enable students who have received a loan for any academic year ending before July 1, 1975, to continue or complete their education. Sums appropriated pursuant to this subsection for the fiscal year ending June 30, 1971, or any subsequent fiscal year shall be available to the Secretary (1) for payments into the fund established by subsection (f) (4) and (2) in accordance with agreements under this section for Federal capital contributions to schools with which such agreements have been made, to be used, together with deposits in such funds pursuant to subsection (a) (2) (B) (ii), for establishment and maintenance of student loan funds."

(g) Distribution of Assets From Loan Funds.—

(1) Subsection (e) of such section is amended by striking out "1977" wherever it appears therein and inserting in lieu thereof "1978."

(2) Subsection (f) (1) (A) of such section is amended by striking out the word "two" and inserting in lieu thereof "four."

(3) Subsection (f) (3) of such section is amended by striking out "$35,000,000" and inserting in lieu thereof "$100,000,000."

Sec. 203. Training for personnel needed in comprehensive ambulatory health care centers.

(a) For purposes of this section, the definition of "comprehensive ambulatory health care center" is the same as in section 645 of the Public Health Service Act, as amended by section 308 of this Act.

(b) Section 795 (1) (A) of the Public Health Service Act is amended—

(1) by inserting "health care center administration," immediately after the first reference to "dental hygiene"; and

(2) by inserting "which shall include the curriculums for various types of allied health professions which the Secretary finds to be necessary for the effective operation of comprehensive ambulatory health care centers (defined in section 645)," immediately after "regulation,".

(c) Section 795(1) (C) of the Public Health Service Act is amended to read as follows:

"(C) which, if in a college or university which does not include a teaching hospital or a comprehensive ambulatory health care center (defined in section 645) or in a junior college, is affiliated (to the extent and in the manner determined in accordance with regulations) with such a hospital or a comprehensive ambulatory health care center,".

(d) Title VII of the Public Health Service Act is amended by adding the following new part H after section 794D as follows:

"PART H—GRANTS FOR PLANNING AND ESTABLISHMENT OF CURRICULUMS FOR TRAINING COMPREHENSIVE AMBULATORY HEALTH CARE TEAMS

"Sec. 794E. (a) There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971, $25,000,000 for the fiscal year ending June 30, 1972, $40,000,000 for the fiscal year ending June 30, 1973, and $50,000,000 each for the fiscal year ending June 30, 1974, and the succeeding fiscal year, for special project grants under subsection (b) of this section. The portion of the sums so appropriated for each fiscal year which shall be available for grants under such section shall be determined by the Secretary unless otherwise provided in the Act or Acts appropriating such sums for such year.

"Special Project Grants

"(b) Grants may be made, from sums available therefor from appropriations under section 794E of this title, to assist schools of medicine, training centers for allied health professions (defined in section 795), and other educational institutions—

"(1) to meet the cost of special projects to plan, develop, demonstrate, and evaluate curriculums or establish new programs or modifications of existing programs of education, to train physicians to coordinate teams of health care personnel engaged in providing comprehensive health care on an ambulatory basis; or

"(2) to meet the cost of developing curriculums and training programs for new levels or types of health professions, nurses and allied health professions needed to staff comprehensive ambulatory health care centers (defined in section 645); or

"(3) to meet the cost of planning experimental teaching facilities or other facilities necessary to initiate, strengthen, improve, or expand programs to train persons to administer and staff such comprehensive ambulatory health care centers.

"Applications for grants

"(c)(1) The Secretary may from time to time set dates (not earlier than in the fiscal year preceding the year for which a grant is sought) by which applications for grants under subsection (b) for any fiscal year must be filed.

"(2) To be eligible for a grant under this part, the applicant must (A) be a public or other nonprofit school of medicine, training center for allied health professions, or other educational institution which includes or is affiliated with a comprehensive ambulatory health care center (defined in section 645), and (B) be accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirement of this clause (B) shall be deemed to be satisfied if in the case of a school which reason of no, or an insufficient, period of operation is not, at the time of application for a grant under this part, eligible for such accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application.

"(3) The Secretary may approve any application for a grant under this part if he determines, after giving due consideration to any relevant findings or recommendations of the Council of Health Policy Advisers, that the proposed grant will serve to alleviate the shortage of health care personnel.

"(4) A grant under this part may be made only if the application therefor—

"(A) is approved by the Secretary upon his determination that the applicant meets the eligibility conditions set forth in subsection (c)(2) of this section;

"(B) contains such additional information as the Secretary may require to make the determinations required of him under this part and such assurances as he may find necessary to carry out the purposes of this part; and

"(C) provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this part.

"(5) In determining priority of projects, applications for which are filed under subsection (c)(1) of this section, the Secretary shall give consideration to—

"(A) the extent to which the project will increase enrollment of full-time students receiving the training for which grants are authorized under this part;

"(B) the relative need of the applicant for financial assistance;

"(C) the extent to which the project may result in development of curriculum, curriculum improvement, or improved methods of training or will help to reduce the period of required training without adversely affecting the quality thereof; and

"(D) the health care needs of the Nation and the extent to which the proposed project will assist in the alleviation of shortages in health care personnel."

Sec. 204. Grants to personnel in the health professions, allied health professions, and nursing for service in areas of critical need.

Title VII of the Public Health Service Act is amended by adding after section 794E (as added by this Act) the following new part I as follows:

"PART I—GRANTS TO PERSONNEL IN THE HEALTH PROFESSIONS, ALLIED HEALTH PROFESSIONS, AND NURSING FOR SERVICE IN AREAS OF CRITICAL NEED

"SEC. 794F. (a) There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971, and $50,000,000 for each of the fiscal years in the period beginning July 1, 1971, and ending June 30, 1975, for the establishment and operation of a special fund from which the Secretary shall make grants to personnel in the health professions, allied health professions, and nursing for the purpose of alleviating the maldistribution of such health care personnel and improving health care services in areas having a critical need for such personnel.

"Applications for grants

"(b)(1) The Secretary may from time to time set dates (not earlier than in the fiscal year preceding the year for which a grant is sought) before which applications for grants under this part for any fiscal year must be filed.

"(2) To be eligible for a grant under this part, the applicant must be (A) a health professional, allied health professional, or nurse or (B) a person engaged in a course of training who will, at the time the grant is to commence, be a health professional, allied health professional, or nurse.

"(3) Applications for grants from the special fund established by this part may be approved by the Secretary only if—

"(A) the applicant is qualified by education and training to provide a type of health care service determined by the Secretary, upon recommendation of the appropriate State comprehensive health planning agencies, to be needed in areas which have a critical need for health care personnel;

"(B) the applicant agrees to perform health care services in an area of a State which has been designated by the Secretary, upon recommendation of the appropriate State comprehensive health planning agency, as having a critical need for such health professional, allied health professional, or nurse; and

"(C) the application contains reasonable assurance that the applicant will provide health care services in an area of critical need for a period of not less than two years.

"(4) Any application for a grant filed by a person mentioned in subsection (b)(2)(B) may be approved by the Secretary only on the condition that such applicant shall have met the qualifications of subsection (b)(2)(A) and subsection (b)(3) at or before the time the grant is to commence.

"GRANTS FOR SERVICE IN AREAS OF CRITICAL NEED

"(c) The Secretary or his designee is authorized to enter into individual contracts with applicants approved pursuant to subsection (b) of this section. Such contracts shall provide for the payment of grants from the special fund established under this part and shall provide for payment to be made quarterly on an annualized basis. Such contracts shall also specify that at the end of each contract year an additional payment shall be made, if necessary, in an amount sufficient to guarantee that the applicant receives, from all payments made under this part with respect to the contract year and all other income derived during the contract year from providing health care services in the area of critical need, a total amount equal to at least 110 per centum of the national annual median income for persons of comparable education and training or 110 per centum of the applicant's earnings from providing health care services in the previous year, whichever is greater.

"In determining the actual amount of a grant under this part the Secretary or his designee shall take the following factors into account:

"(1) the national median annual income for the applicant's profession, determined in accordance with regulations;

"(2) the cost of living in the area in which the applicant is to serve;

"(3) the background, training, and education of the applicant;

"(4) the amount of income the applicant can reasonably expect to receive from service in the area of critical need;

"(5) the number of persons of the applicant's profession needed in the area of critical need;

"(6) where appropriate, all or part of the reasonable cost of equipment, supplies, and facilities; and

"(7) such other factors as the Secretary deems reasonable."

Sec. 205. Effective date.

Title II of this Act shall take effect upon enactment.

TITLE III—PROVISIONS TO ENCOURAGE COMPREHENSIVE AMBULATORY HEALTH CARE CENTERS

Sec. 301. Amendment of purpose.

Section 600(a) of the Public Health Service Act is amended by inserting ", including comprehensive ambulatory health care centers" immediately after "other facilities".

Sec. 302. Authorization of appropriations for construction and modernization grants.

(a) Section 601 of the Public Health Service Act is amended by adding after paragraph (c) the following new paragraph:

"(d) $200,000,000 for grants for the construction and modernization of comprehensive ambulatory health care centers, and for those administrative, operating, and maintenance costs during the first three years of operation of such centers as may be approved by the Secretary."

(b) The amendment made by subsection (a) shall take effect with respect to appropriations made under such section 601 for fiscal years beginning after June 30, 1971.

Sec. 303. State allotments.

Effective with respect to appropriations pursuant to section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1971, section 602(a)(1) of such Act is amended to read as follows:

"(a)(1) Each State shall be entitled for each fiscal year to an allotment bearing the same ratio to the sums appropriated for such year pursuant to subparagraphs (1), (2), and (3), respectively, of section 601(a), to an allotment bearing the same ratio to the sums appropriated for such year pursuant to section 601(b), and to an allotment bearing the same ratio to the sums appropriated for such year pursuant to section 601(d), as the product of—

"(A) the population of such State, and

"(B) the square of its allotment percentage,

bears to the sum of corresponding products for all of the States."

Sec. 304. Priority of projects.

Section 603(a) of the Public Health Service Act is amended by adding after subparagraph (7) thereof the following new subparagraph:

"(8) in the case of projects for the construction of comprehensive ambulatory health care centers, to facilities located in densely populated areas where such facilities do not now exist, as determined by the Secretary."

Sec. 305. State plans.

(a) Section 604(a) of the Public Health Service Act is amended by redesignating subparagraphs (4)(D) and (4)(E) thereof as subparagraphs (4)(E) and (4)(F) respectively and inserting after subparagraph (4)(C) thereof the following new subparagraph:

"(D) the comprehensive ambulatory health care centers needed to provide adequate ambulatory health care services for patients residing in the State, including many services which traditionally have been rendered in hospitals, and a plan for distribution of such centers throughout the State."

(b) Section 604(a)(5) of the Public Health Service Act is amended by inserting "comprehensive ambulatory health care centers" immediately after "outpatient facilities."

Sec. 306. Recovery of funds.

Section 609(b) of the Public Health Service Act is amended by inserting "comprehensive ambulatory health care center," immediately after "outpatient facility,".

Sec. 307. Loan guarantees and loans for modernization and construction of comprehensive ambulatory health care centers.

Section 621 of the Public Health Service Act is amended by inserting "comprenensive ambulatory health care centers," immediately after "outpatient facilities," in subparagraphs (1) and (2) of paragraph (a) thereof.

Sec. 308. Definition of comprehensive ambulatory health care center.

Section 645 of the Public Health Service Act is amended by adding after paragraph (1) the following new paragraph:

"(m) The term 'comprehensive ambulatory health care center' means a facility (located in or apart from a hospital) which is organized, equipped, and staffed so as to provide to individuals and families, on a coordinated and continuing basis, a broad range of ambulatory health services, including diagnosis, treatment, and rehabilitation services, mental health services, family planning services, dental care, vision care, and drugs, and which:

"(1) has a staff of physicians licensed to practice medicine who provide medical and surgical care for patients not requiring hospitalization;

(2) possesses one or more operating rooms and appropriate recovery rooms, adequately equipped and staffed, in accordance with standards promulgated by the Secretary, to perform those surgical procedures which can be safely performed on a nonconfinement basis;

(3) is equipped to provide a broad range of diagnostic tests, including X-rays and electrocardiograms, and either has its own laboratory facilities or has reasonable access to such facilities;

(4) maintains a unified medical record, stored in a central file, for each patient treated in such facility;

(5) has arrangements with a general hospital and, to the extent possible, with convalescent institutions, home health agencies, and custodial care institutions to assure that services of such institutions will be available to patients of such facility when they can no longer be treated on an ambulatory basis;

(6) provides preventive care services, including a health education program;

(7) has a program of peer review to assure quality care and efficient utilization of services; and

(8) has a program to utilize allied health personnel to assist its professional staff to the maximum extent practicable.

Sec. 309. Effective date.

Except as otherwise provided in this title, the provisions of this title shall take effect upon the date of enactment of this Act.

TITLE IV—PROVISIONS TO STRENGTHEN HEALTH CARE PLANNING

SUBTITLE A—HEALTH REPORT OF THE PRESIDENT; COUNCIL OF HEALTH POLICY ADVISERS

Sec. 401. Health report of the President.

The President shall transmit to the Congress not later than July 1 of each year, beginning in 1972, a health report (hereinafter referred to as the "Health Report") which shall set forth (1) the status and condition of the health care system of the Nation; (2) current and foreseeable trends in the health care needs of the Nation, the organization, financing, delivery, and quality of health care services, and the effects of those trends on the health of Americans and the social, economic, and other requirements of the Nation; (3) the adequacy of available manpower and physical resources for fulfilling the health care needs of the Nation in the light of expected population pressures; (4) a review of the health programs and activities of the Federal Government, the State and local governments, and nongovernmental entities, with particular reference to their contribution to the achievement of the policy set forth in title I of this Act; and (5) a program for carrying out the policy set forth in title I of this Act, together with recommendations for legislation.

Sec. 402. Council of Health Policy Advisers.

There is created in the Executive Office of the President a Council of Health Policy Advisers (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments is exceptionally well qualified to analyze and interpret trends in the health care field; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; and to formulate and recommend national policies to promote the improvement of health care.

Sec. 403. Employment of officers, employees, experts, and consultants.

The Council is authorized to employ and fix the compensation of such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary to carry out its functions under this Act in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

Sec. 404. Responsibilities of Council.

(a) GENERAL FUNCTIONS AND DUTIES.—It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Health Report;

(2) to review and appraise the health programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations with respect thereto;

(3) to develop and recommend procedures for the interagency coordination of Federal health programs, to propose interagency consolidations of programs and eliminations of programs to assure efficient, effective, and economic operation of all Federal health programs and to avoid waste and duplication;

(4) to develop and recommend goals for a national policy to foster and promote the improvement of the organization, financing, delivery, and quality of the Nation's health care;

(5) to conduct studies, surveys, research, and analyses relating to health care in the Nation;

(6) to conduct a continuous evaluation of policies and programs related to the Nation's health care and make recommendations for the revision, expansion, and improvement of such policies and programs, including the assignment of priorities to the implementation of such recommendations in accordance with their relative urgency or desirability;

(7) to develop and recommend measures designed to assure the provision of adequate manpower, services, and facilities for the Nation's health care, including the mobilization, allocation, utilization, and retention of such manpower, services, and facilities;

(8) to develop and recommend guidelines for the allocation of funds for health care designed to furnish all citizens equal access to quality health care; and

(9) to make and furnish such studies, reports thereon, and recommendations with respect to matters of health care policy and legislation as the President may request.

(b) ANNUAL HEALTH REPORT TO THE PRESIDENT.—The Council shall submit to the President a first report not later than April 1, 1972, and an annual report not later than April 1 of each year thereafter. Each such report shall also be transmitted to the Congress supplementary to the next Health Report of the President.

(c) CONTENTS OF INITIAL ANNUAL HEALTH REPORT.—In its first report and in the first of its annual reports to the President as required by subsection (b) of this section, the Council shall (1) specially report on all Federal programs which provide grants, loans, or other financial aids for the training and development of health manpower of any type; (2) appraise the adequacy of such programs to meet the health care needs of the Nation; (3) develop and recommend procedures for the consolidation, coordination, expansion, and improved efficiency of administration of such existing programs; and (4) develop and recommend measures designed to assure the wider dissemination of public information regarding the existence and purpose of such programs, the aids available thereunder, and the advantages and benefits of training for career opportunities in the health, nursing, and allied health professions.

Sec. 405. Consultation with other advisory bodies and representative groups; cooperative utilization of services, facilities, and information.

In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the National Advisory Health Council established by section 217(a) of the Public Health Service Act, with any other advisory council or committee required or permitted to be created under any provision of the Public Health Service Act, and with such representatives of consumer groups, providers of health care, health researchers and educators, insurers, health service organizations, public agencies concerned with health care, voluntary health and welfare organizations, and other groups, as it deems advisable;

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

Sec. 406. Compensation of members.

Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates

(5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

Sec. 407. Authorization of appropriations.

There are authorized to be appropriated such sums, not to exceed $1,000,000 in any fiscal year, as may be necessary to enable the Council to carry out its functions under this Act.

SUBTITLE B—DEPARTMENTAL RECOMMENDATIONS AND REPORTS

Sec. 411. Statements regarding effect of departmental proposal on Nation's health care.

(a) The Congress authorizes and directs that, to the fullest extent possible, all agencies of the Federal Government shall include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting human health and the organization, financing, delivery, and quality of the Nation's health care, whether with regard to all citizens generally or only to classes or segments of the public, a detailed statement by the responsible official on—

(1) the impact of the proposed action on human health and the Nation's health care system;

(2) Any adverse effects which cannot be avoided should the proposal be implemented;

(3) alternatives to the proposed action;

(4) the relative priority, if any, assigned to the proposed action (or to any similar or alternative proposal designed to fulfill the same immediate purpose or need) by the Council of Health Policy Advisers established by subtitle A of this title in its most recent report to the President submitted pursuant to section 404(b) thereof; and

(5) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(b) Prior to making any detailed statement required by subsection (a), the responsible Federal officials shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any impact on human health and the Nation's health care system. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies which have responsibilities in such areas shall be made available to the President, the Council of Health Policy Advisers and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes.

Sec. 412. Agency obligations under other federal statutes.

Nothing in section 411 shall in any way affect the specific statutory obligations of any Federal agency (1) to accord priorities or preferences to applications for Federal financial aids in public health and health care programs and activities, based on factors required to be considered by law or regulations pursuant thereto, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting, contingent upon the recommendations or certification of any other Federal or State agency.

SUBTITLE C—COMPREHENSIVE HEALTH PLANNING AMENDMENTS

PART A—DEFINITION OF "APPROPRIATE COMPREHENSIVE HEALTH PLANNING AGENCY"

Sec. 431. Appropriate comprehensive health planning agency defined.

by—

(1) redesignating subsections (m), (n), (o), and (p) thereof as subsections (n), (o), (p), and (q), respectively; and

(2) adding after and below subsection (1) thereof a new subsection (m) as follows:

"(m) The term 'appropriate comprehensive health planning agency' shall have the meaning assigned to it by section 314(h) (4) (C) of this Act;"

PART B—STATE AND AREAWIDE COMPREHENSIVE HEALTH PLANNING AGENCIES

Sec. 441. State agency review and certification.

Section 314(a) (2) of the Public Health Service Act is amended by—

(1) redesignating subparagraphs (D), (E), (F), (G), (H), (I), (J), and (K) thereof as subparagraphs (E), (F), (G), (H), (I), (J), (K), and (L), respectively; and

(2) adding after and below subparagraph (C) thereof a new subparagraph (D) as follows:

"(D) provide for the performance of the functions assigned to it by subsection (c) (3) of this section with respect to certification by the appropriate comprehensive health planning agency;"

Sec. 442. Areawide comprehensive health planning agencies.

Section 314(b) of the Public Health Service Act is amended to read as follows:

"(b) (1) PROJECT GRANTS FOR AREAWIDE HEALTH PLANNING.—

"(A) Grants for Areawide Agency Authorization of Appropriation

"The Secretary is authorized, during the period beginning July 1, 1966, and ending June 30, 1973, to make, with the approval of the State agency administering and supervising the administration of the State plan approved under subsection (a) of this section, project grants to any other public or nonprofit private agency or organization (but with appropriate representation of the interests of local government where the recipient of the grant is not a local government or a combination thereof or an agency of such government or combination) to cover not to exceed 75 per centum of the costs of projects for developing (and from time to time revising) comprehensive regional, metropolitan area, or other local area plans for coordination of existing and planned health services, including the facilities and persons required for the provision of such services and including the provision of services through home health care; except that in the case of project grants made in any State prior to July 1, 1968, approval of such State agency shall be required only if such State has such a State plan in effect at the time of such grants. For the purposes of carrying out this subparagraph (A), there are hereby authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1971, $40,000,000 for the fiscal year ending June 30, 1972, and $60,000,00 for the fiscal year ending June 30, 1973.

(B) Grants for State Agency Acting in Areawide Planning

"Project grants may be made by the Secretary under subparagraph (A) with respect to a particular region or area to the State agency designated or established pursuant to subsection (a), but only if (i) no application for such a grant with respect to such region or area has been filed by any other agency or organization qualified to receive such a grant, (ii) such State agency certifies, and the Secretary finds, that ample opportunity has been afforded to qualified agencies and organizations to file application for such a grant with respect to such region or area and that it is improbable that, in the foreseeable future, any agency or organization which is qualified for such a grant will file application therefor, and (iii) such State agency has made or will make provision for acting as the appropriate comprehensive health planning agency with respect to such region or area for the purposes of subsection (c) of this section.

"(2) Planning agency representation, interests of hospitals, other facilities, and physicians

"No grant may be made under paragraph (1) (A) after June 30, 1971, to any agency or organization to develop or revise health plans for an area unless the Secretary determines that such agency or organization provides means for representation of the interests of hospitals, other health care facilities and practicing physicians serving the general public.

"(3) Additional grant conditions

"No grant may be made under paragraph (1) after June 30, 1971, to any agency or organization unless the application therefor contains or is supported by reasonable assurance that—

"(A) there has been or will be established, in or for the area with respect to which such grant is sought, an areawide health planning council, which shall include representatives of public, voluntary, and nonprofit private agencies, institutions, and organizations concerned with health (including representatives of the interests of local government, of the regional medical program for such area, and of consumers of health services), and that a majority of the members of such council are or will be representatives of consumers of health services;

"(B) such agency or organization had made or will make provision for determining the present and future health needs of its area on a continuing basis;

"(C) such agency or organization has developed or will develop measures designed to coordinate all health care facilities and programs in its area to the fullest extent possible and to assist such facilities in (i) planning their programs for capital expenditures for replacement, modernization, and expansion, consistent with the State plan approved under subsection (a), (ii) developing efficient systems of administration; (iii) incorporating in such systems incentives for optimum use of manpower, facilities, and equipment; (iv) entering into agreements with other facilities and institutions, where feasible, for the combined purchasing of equipment and the cooperative use of services and facilities; and (v) adopting and instituting such other management techniques appropriate to the use of health care facilities, equipment, and services without duplication and otherwise in the most efficient and economical manner;

"(D) such agency or organization has made or will make provision, when it acts as the appropriate comprehensive health planning agency, for reviewing, commenting on, and, as appropriate, making certifications as to the applications referred to in subsection (c) and pursuant to the procedures set forth therein;

"(E) such agency or organization will make provision for (i) consulting with the areawide health planning council, and other groups as it deems advisable, in connection with the carrying out of its assurances pursuant to this subsection; (ii) enlisting public support for the areawide plan as developed and from time to time revised; and (iii) educating the public in its area concerning the proper use of the facilities and services available therein."

Sec. 443. Comprehensive procedure for review and certification.

Section 314 of the Public Health Service Act is further amended by—

(1) redesignating subsections (c), (d), (e), (f), and (g) thereof as subsections (d), (e), (f), (g), and (h), respectively; and

(2) adding after and below subsection (b) thereof a new subsection (c) as follows:

"(c) When any provision of law or regulation pursuant thereto requires that an application for a Federal grant, loan, loan guarantee, or other Federal financial aid may be approved by the Secretary or other responsible Federal official only after certification by the appropriate comprehensive health planning agency and the application involves an amount in excess of $100,000, the Secretary or such other responsible official may not approve any such application unless he is satisfied (on the basis of evidence contained in or submitted in connection with the application) that—

"(1) reasonable opportunity for review of and comment on such application has been provided to the appropriate comprehensive planning agency;

"(2) such agency (if it is not the State agency designated or established pursuant to subsection (a)(2)(A)), after review, has communicated its comments in writing to both the person making application and such State agency and, if the appropriate comprehensive health planning agency recommends approval of the application, has made certification as to the essential need for and high priority of the project in the region, metropolitan area, or other local area, as the case may be;

"(3) the State agency designated or established pursuant to subsection (a)(2)(A) has certified as to the need for and priority of the project under the State plan approved pursuant to subsection (a), either (i) following its own initial review and comment on the application as provided in clause (1) hereof, (ii) followng initial review and comment, and certification of need and priority by the appropriate comprehensve health planning agency, as provided in clause (2) hereof, or (iii) if such appropriate comprehensive health planning agency initially received the application but has withheld certification and approval, following the holding by such State agency of a public hearing thereon within the area concerned at which the person making application and such other agency were afforded an opportunity to present views on the application;

"(4) the application is for a project which is entitled to priority over other projects within the State under the State plan approved pursuant to subsection (a);

"(5) if the area for planning of the agency referred to in clause (2) hereof includes areas in two or more States, the State agency for each State designated or established pursuant to subsection (a)(2)(A) has made a separate certification to the need for and priority of the project within such State."

Sec. 444. Definitions: "Appropriate Comprehensive Health Planning Agency" and various other definitions relating to Federal assistance.

Section 314(h) of the Public Health Service Act (formerly section 314(g) thereof as redesignated by section 443 of this Act) is amended by—

(1) striking out "subsection (d) of this section" in clause (1) thereof and inserting in lieu thereof "subsection (e)";

(2) striking out "subsection (a) or (d) of this section" in each of clauses (2) and (3) thereof and inserting in lieu thereof at each place "subsection (a) or (e) of this section";

(3) striking out "and" at the end of subparagraph (A) of clause (4) thereof;

(4) deleting the period at the end of subparagraph (B) of such clause (4) and inserting in lieu thereof a semicolon; and

(5) adding after and below subparagraph (B) of such clause new subparagraphs (C) and (D) as follows:

"(C) The term 'appropriate comprehensive health planning agency' means—

"(i) in the case of a project affecting an entire State, the State agency designated or established pursuant to subsection (a)(2)(A), or

"(ii) in the case of a project affecting a region, metropolitan area, or other local area, either the agency or organization which has received a project grant with respect to such area pursuant to subsection (b)(1)(A), the State agency which has received a project grant with respect to such area pursuant to subsection (b)(1)(B), or such other public or nonprofit private agency which is determined in accordance with regulations to be performing health planning functions for such area similar to those performed by an agency or organization of the kind referred to in subsection (b)(1)(A); and

"(D) As used in subsection (c), the term 'other Federal financial aid' includes a Federal contract; the term 'application' with reference to a contract includes a bid, offer, or proposal to contract; and the term "project' means the object of the Federal grant, loan, loan guarantee, or other Federal financial aid, whether such object be facilities or goods, services, training or scholarship."

Subtitle D—Effective Date

Sec. 451. Effective date.

Except as otherwise provided in this title, the provisions of this title shall take effect upon the date of enactment of this Act.

TITLE V—PROVISIONS TO MAKE COMPREHENSIVE HEALTHCARE INSURANCE AVAILABLE TO ALL

SUBTITLE A—ESTABLISHMENT OF MINIMUM STANDARD HEALTHCARE BENEFITS

Sec. 501. Definition of minimum standard healthcare benefits

(a) IN GENERAL.—Section 213 of the Internal Revenue Code of 1954 is amended by adding at the end thereof (following the new subsection (g) thereof added by this Act) the following new subsection:

"(h) DEFINITION OF MINIMUM STANDARD HEALTHCARE BENEFITS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection or in other provisions of law to which the provisions of this subsection are made applicable, the Minimum Standard Healthcare Benefits, and the priority designations thereof, shall be as specified in the Table in subparagraph (A).

"(A) TABLE OF MINIMUM STANDARD HEALTHCARE BENEFITS.—The Table referred to in the first sentence of this paragraph is as follows:

"TABLE OF MINIMUM STANDARD HEALTHCARE BENEFITS

Benefit—The plan shall pay the charges described in this column	Copayment except that the covered individual shall pay such portion of such charges as is specified in this column	Priority and required coverage for any such charge shall be in accordance with the priority indicated in this column
1. Charges made by a licensed physician for professional services rendered—		
(a) At a physician's office (by the physician or, at his direction by his staff of nurses (RN) and allied health professionals)—		
(i) For diagnosis and treatment of one or more conditions (except pregnancy) other than by surgery or radiation therapy:		
(A) On the first 3 days of such care per year per individual	$2 per day per physician's office	I.
(B) On the next 3 days of such care per year per individual	do	II.
(C) On any additional day of such care per year per individual:		
Mental conditions	50 percent	III.
All other conditions (except pregnancy)	$2 per day per physician's office	III.
(ii) For 1 or more surgical procedures for treatment of conditions (other than pregnancy) including any charge for anesthesia or the rendering thereof, for casts, dressings, or other surgical supplies, and for postoperative visits—all days of such care per year per individual).	do	I.
(iii) For radiation therapy for treatment of conditions (other than pregnancy) by X-ray or radioactive materials including charges for such materials—all days of such care per year per individual.	do	I.
(iv) For diagnostic X-rays, laboratory tests, electrocardiograms, and other diagnostic tests required in connection with care described in (i), (ii), (iii) above and (b) below.	None	I.
(v) For counseling on birth control and for fitting of contraceptive devices	do	II.
1. (a) (vi) For pregnancy—see item 9 below		
(vii) For periodic health examinations, including immunizations:		
(A) For infants under age 5 (well baby care)—during first 6 months following birth—first 6 such exams.	None	I.
During next 18 months—first 6 such exams	None	II.
During next 3 years—first 3 such exams	None	III.
(B) For individuals ages 5 through 39—1 such exam every 5 years	None	III.
(C) For individuals ages 40 and over—1 such exam every 2 years	None	III.
(viii) For physical therapy	20 percent	II.
(ix) For speech therapy	20 percent	III.
(x) For eye examinations—see item 5 below		
(b) At the individual's home or elsewhere (other than at a hospital, extended care facility, or the physician's office) by the physician for diagnosis and treatment of—		
(i) Mental conditions	50 percent	III.
(ii) All other conditions (except pregnancy)	$5 per day per physician	III.
(c) At a hospital, by the physician for the diagnosis and treatment of one or more conditions other than pregnancy:		
(i) During first 30 days of the confinement	$2 per day (applicacable only to the charges of the attending physician).	I.
(ii) During 31st through 120th days of the confinement		II.
(iii) During 121st through 300th day of the confinement		III.
(iv) In any day of the confinement for which no hospital benefit is payable under item 6(a) below	$5 per day per physician	I.

"TABLE OF MINIMUM STANDARD HEALTHCARE BENEFITS—Continued

Benefit—The plan shall pay the charges described in this column	Copayment except that the covered individual shall pay such portion of such charges as is specified in this column	Priority and required coverage for any such charge shall be in accordance with the priority indicated in this column
(d) At an extended care facility by the physician for the diagnosis and treatment of one or more conditions other than pregnancy:		
(i) During first 60 days of confinement	$2 per day (applicable only to the charges of the attending physician).	I.
(ii) During 61st through 120th days of the confinement		II.
(iii) During 121st through 180th days of the confinement		III.
(iv) On any day of the confinement for which no extended care benefit is payable under Item 7(a) below.	$5 per day per physician.	I.
2. Charges by a qualified independent laboratory for laboratory examinations prescribed by a licensed physician pursuant to his rendering the services described in item l.(a) (i), (ii), (iii) and item 1.(b) above.	None	I.
3. Charges by a licensed dentist for professional services rendered either by the dentist or at his direction by his office staff of allied health professionals for—		
(a) Annual oral examination (including prophylaxis and dental X-rays)—		
(i) Individuals under age 19	None	II.
(ii) All others	None	III.
(b) Amalgam fillings, extractions, dentures for—		
(i) Individuals under age 19	20 percent	II.
(ii) All others	do	III.
(c) Other dental care (except orthondontia)	50 percent	III.
4. Charges for the following when prescribed by a licensed physician:		
(a) Drugs requiring a prescription, and insulin, digitalis, and such other life-preserving nonlegend drugs as are specified by the Secretary of Health, Education, and Welfare.	$1 per prescription	II.
(b) Contraceptives for birth control	None	II.
(c) Prosthetic appliances	20 percent	II.
(d) Services of physical therapist	do	II.
(e) Services of speech therapist	20 percent	III.
5. (a) Charges for eye examinations by a licensed physician or optometrist for—		
(i) Individual under age 19—no more than 1 examination per year	None	III.
(ii) Individual age 19 and over—no more than 1 examination every 3 years	50 percent	III.
(b) Charges for eyeglasses prescribed by a licensed physician or optometrist—		
(i) Individual under age 19—no more than 1 set of frames and lenses per year	None	III.
(ii) Individual age 19 and over—no more than 1 set of frames and lenses every 3 years	50 percent	III.
6. (a) Charges by a hospital for ward or semi-private accommodations and for ancillary services used while the individual is confined as an inpatient for 2 or more conditions other than pregnancy:		
(i) first 30 days of the confinement	$10 first day and $5 per day thereafter	I.
(ii) 31st through 120th days of the confinement	$5 per day	II.
(iii) 121st through 300th days of the confinement	$5 per day	III.
(b) Charges by a hospital for services rendered by it on a non-inpatient basis	Same as for equivalent services under Item 1(a).	
7. (a) Charges by an extended care facility for ward or semi-private accommodation and for ancillary services used while the individual is confined as an in-patient for one or more conditions other than pregnancy:		
(i) first 60 days of the confinement	$2.50 per day	I.
(ii) 61st through 120th days of the confinement	$2.50 per day	II.
(iii) 121st through 180th days of the confinement	$2.50 per day	III.
(b) Charges by an extended care facility for services rendered by it on a non-in-patient basis	Same as for equivalent services under Item 1(a).	
8. Charges by a home health agency for home health services rendered by it under a plan except for services rendered in connection with pregnancy:		
(i) first 90 days of the plan	$2.50 per day of services rendered	I.
(ii) 91st through 180th days of the plan	$2.50 per day of services rendered	II.
(iii) 181st through 270th days of the plan	$2.50 per day of services rendered	III.
9. Pregnancy—Charges for any of the services referred to in Items (1), (2), (6), (7), and (8) above when such services are rendered in connection with a pregnancy and any complications thereof during the period commencing with the date of inception of the pregnancy and ending with the 90th day following termination of the pregnancy.	20 percent	II.

"(B) LIMITATIONS.—In applying subparagraph (A), any two or more periods of confinement shall be considered a single period of confinement unless separated by at least 60 days without any confinement for any cause.

"(C) EXCLUSIONS.—The benefits specified in subparagraph (A) do not include any of the following:

"(i) any charge for care for any injury or disease arising out of and in the course of employment;

"(ii) any charge for hearing aids;

"(iii) any charge for treatment for cosmetic purposes;

"(iv) any charge for travel (other than travel by local professional ambulance to the nearest health care institution qualified to treat the illness or injury);

"(v) any charge for confinement in a private room to the extent in excess of the institution's charge for its most common semiprivate room; or

"(vi) any charge by health care institutions specified in the table to the extent that it is determined under section 208 of title XX of the Social Security Act that the charge exceeds the rates approved thereunder, or any charge for services or supplies rendered or prescribed by a physician, dentist, or other health care personnel specified in the Table to the extent that it is determined under the procedures established in section 2002 (e)(2) of title XX of the Social Security Act that the charge is unreasonable or that the services for which the charge is made are not medically necessary.

"(D) DEFINITIONS.—The following terms in the Table of Minimum Standard Healthcare Benefits in subparagraph (A) shall have the following meanings:

"(i) The term 'physician' means a doctor of medicine (M.D.), doctor of osteopathy (D.O.), and, for purposes of oral surgery only a doctor of dental surgery (D.D.S.).

"(ii) The term 'physician's office' means any facility in which the physician usually treats his ambulatory patients. For purposes of determining the amount of copayment due in subparagraph (A), a physician will be considered to have a separate office unless he is a member of a group of physicians who have joined together under a contractual arrangement and bill as a single entity, in which case the group of physicians shall be considered to have a single 'physician's office.'

"(iii) The term 'attending physician' means the physician having primary responsibility for the medical care rendered the individual.

"(iv) The terms 'extended care facility,' 'home health agency' and 'hospital' (herein referred to as 'health care institutions'), and 'home health services' shall have the meanings assigned to them in section 1861 of the Social Security Act.

"(v) The term 'licensed' means that the practitioner or health care institution is legally authorized by the State to provide the services rendered in that State.

"(2) PRESIDENTIAL POWER TO DEFER PHASE-IN OF BENEFITS.—The President of the United States, after receiving from his Council of Health Policy Advisers the Council's Annual Health Report for any year, may find that there are not then in being in the Nation sufficient health care facilities and services to supply any benefit in the Table of Minimum Standard Health Care Benefits having a priority designation such that the benefit is not then required (under the applicable provisions of law otherwise fixing the time for phase-in of such benefit) to be provided as a condition to qualification of a Qualified Employee Health Care Plan (defined in section 280(c)), a Qualified Individual Health Care Plan (defined in subsection (g)) or a Qualified State Health Care Plan (defined in section 2002 of title XX of the Social Security Act). If he so finds, the President may, by Executive order issued not less than 12 months prior to the time otherwise scheduled for phase-in of such benefit under such a plan, defer the time for phase-in of such benefit. If the President, by Executive order issued by him pursuant to the provisions of the preceeding sentence, defers the time otherwise scheduled for phase-in of a benefit under such a plan, no such benefit shall be required to be provided under such a plan until such date as shall be fixed by Executive order issued by the President for phase-in of such benefit."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SUBTITLE B—QUALIFIED EMPLOYEE HEALTH CARE PLANS

SEC. 511. EMPLOYER'S DEDUCTION FOR EMPLOYEE HEALTH CARE EXPENDITURES.

(a) IN GENERAL.—Part IX (relating to items not deductible) of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new section:

"SEC. 280. EMPLOYER'S DEDUCTION FOR EXPENDITURES FOR EMPLOYEE HEALTH CARE.

"(a) LIMITATION ON DEDUCTION.—Except as provided in subsection (b), no deduction shall be allowed for one-half of any amount otherwise allowable as a deduction for the taxable year under section 162, 212, or 404 for any amount paid or incurred by the taxpayer for medical care of any employee of the taxpayer or of any dependent or relative of such employee.

"(b) EXCEPTION WHERE EMPLOYER MAINTAINS QUALIFIED EMPLOYEE HEALTH CARE PLAN.—The limitations of subsection (a) shall not apply for any portion of any taxable year during which the taxpayer has in force a Qualified Employee Health Care Plan which satisfies all the requirements of subsection (c).

"(c) QUALIFIED EMPLOYEE HEALTH CARE PLAN DEFINED.—For the purposes of this title, the term 'Qualified Employee Health Care Plan' means a plan of employee health care benefits (as defined in subsection (d)(4)) which satisfies all of the following requirements:

"(1) IN WRITING.—The plan must be in writing.

"(2) ADOPTED BY EMPLOYER.—The plan must be adopted by the taxpayer employer.

"(3) COMMUNICATION TO EMPLOYEES.—The terms of the plan must be communicated by the taxpayer to his employees.

"(4) MINIMUM STANDARD HEALTHCARE BENEFIT PRIORITIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the plan must provide at least the Minimum Standard Healthcare Benefits (described in section 213(h)) in accordance with the following schedule:

"(i) Priority I benefits after December 31, 1972;

"(ii) Priority I and II benefits after December 31, 1975; and

"(iii) Priority I, II, and III benefits after December 31, 1978.

"(B) PRESIDENTIAL DEFERRAL OF SCHEDULE FOR PHASE-IN OF BENEFITS.—The President of the United States, by Executive order issued by him pursuant to the provisions of section 213(h), may defer the date otherwise scheduled under subparagraph (A)(ii) or (A)(iii) for phase-in of any priority II or priority III benefit, but only if such Executive order defers on like terms the date otherwise scheduled for phase-in of such benefit for purposes of Qualified Individual Healthcare Plans (described in section 213(g)).

"(5) ELIGIBILITY.—The plan must be one under which the individuals eligible to be covered include—

"(A) all active full-time and all part-time employees of the taxpayer who work not less than 20 hours a week for not less than 26 weeks during the calendar year,

"(B) any such employee's spouse, and

"(C) any such employee's dependent unmarried child under age 19.

The plan also must make any new employee of the taxpayer eligible for coverage within 3 months after commencement of his employment.

"(6) COVERAGE CONTINUATION.—The plan must provide for continuation of coverage under each of the following circumstances:

"(A) Coverage for the employee and his covered dependents must be continued for at least 1 month during a layoff or labor dispute, with no increase in required contributions and with provision for continuation for up to 11 more months during such layoff or labor dispute, subject to the employee not being required to contribute at a rate more than the premium then required under the plan for the coverage of the employee and his covered dependents for such period.

"(B) Upon termination of employment, other than as a result of death of the employee, the employee must be permitted to have coverage under the plan continued for himself and for his covered dependents for 3 months, subject to payment at the date of termination of employment of the premium then required under the plan for such 3-month period.

"(C) Upon the death of an employee, his covered dependents must be permitted to have coverage under the plan continued for 3 months, subject to payment, within 15 days following the date of death, of the premium then required under the plan for such 3-month period.

"(D) During an employee's absence due to illness or injury, coverage for the employee and his covered dependents must be permitted to continue for up to 24 months from the beginning of such absence. The employee must not be required to contribute more for such continued coverage than he would have contributed had he remained an active employee.

"(E) Coverage for an employee's dependent unmarried child must be permitted to continue until the child's twenty-first birthday, provided the child was covered under the plan prior to attaining age 19, became totally disabled prior to that age, and remains so disabled. The employee must not be required to contribute more for such coverage than would have been required were the child a dependent under age 19.

"(F) Any employee or dependent entitled to continuation of coverage under any of the above subparagraphs at a time when the employer changes his plan and who would thereby lose his continuation of coverage, must be eligible under any successor plan for not less than the continuation of the coverage that would have been required to be continued had the prior plan remained unchanged.

"(G) For purposes of this paragraph, a "covered dependent" is any individual, other than the employee, who by reason of his relationship to the employee was covered as a dependent under the plan just prior to the event described in subparagraph (A), (B), (C), or (D) above. A child born after the event described in subparagraph (A), (B), (C), or (D) but before the end of the continuation period so specified, shall be deemed a covered dependent. Coverage for a covered dependent shall not be required to be continued beyond the date the dependent would have ceased to be eligible for coverage as a dependent if the event described in subparagraph (A), (B), (C), or (D) above had not occurred.

"(II) Notwithstanding subparagraphs (A), (B), (C), and (D), coverage need not be continued for a covered individual beyond the date such individual first becomes eligible for benefits under title XVIII of the Social Security Act.

"(7) COORDINATION OF BENEFITS PROVISION.—The plan must include a provision identical with or substantially similar to the suggested model group anti-duplication provision contained in exhibit B of the first report of the industry task force on coordination of benefits attached to the minutes of the E–7 Subcommittee to Study Benefits and Coordination of Accident and Health Insurance of the National Association of Insurance Commissioners as set forth in volume II of the 1970 proceedings of the National Association of Insurance Commissioners.

"(8) EMPLOYEE ELECTION FOR COVERAGE BY APPROVED HEALTH MAINTENANCE ORGANIZATION.—The plan must permit any employee required to be made eligible for coverage thereunder to elect instead to apply for coverage from any approved health maintenance organization (as defined in subsection (d)(5)) and to have the employer pay toward the cost of coverage by such organization an amount equal to the amount the employer would pay toward the cost of coverage of such employee under the employer's plan. Such election shall be required to be permitted in respect of any particular approved health maintenance organization only if—

"(A) 10 or more eligible employees of the employer so elect and are accepted by such organization, and

"(B) the employer has 50 or more employees who are eligible under paragraph 5(A) for coverage under the employer's plan.

"(9) OPTIONAL PROVISIONS.—The plan shall not be treated as failing to meet the reuirements of this subsection by reason of the inclusion therein of any one or more of the following optional provisions:

"(A) DEDUCTIBLE.—The plan may require a deductible (in addition to the authorized copayments) which may apply before benefits for some or all types of health care expenses are payable. The amount of the deductible may not be greater when a service is rendered on an ambulatory basis than when that service is rendered on an inpatient basis in a hospital or other health care institution. With respect to the expenses for which Minimum Standard Healthcare Benefits must be provided in any calendar year pursuant to paragraph (4), there shall be a maximum limit on the aggregate of the deductibles for that year for the employee and all covered members of his family, which shall in no event exceed $100.

"(B) COPAYMENTS.—In lieu of the copayment amounts prescribed under section 213(h)(1)(A) in the Table of Minimum Standard Healthcare Benefits, the plan may requre copayments for health care expenses in excess of any required deductible in an amount not to exceed 20 percent of such expenses, except where a higher percentage copayment for a given benefit category is provided for in such Table of Minimum Standard Healthcare Benefits. With respect to the expenses for which minimum Standard Healthcare Benefits must be provided in any calendar year pursuant to paragraph (4), there shall be a maximum dollar limit on the aggregate of the deductible and copayments required in that year for the employee and all covered members of his family, which shall in no event exceed $1,000.

"(C) ADDITIONAL BENEFITS AND COVERAGE.—The plan may provide any benefits for medical care in addition to those required under the Table of Minimum Standard Healthcare Benefits and may also cover any individual in addition to the individuals required under paragraph (5) to be made eligible for coverage.

"(D) EMPLOYEE CONTRIBUTIONS.—The plan may require employee contributions toward its cost.

"(d) DEFINITIONS.—For purposes of this section—

"(1) EMPLOYEE.—The term 'employee' shall have the meaning prescribed by section 3121(d).

"(2) MEDICAL CARE.—The term 'medical care' shall have the meaning prescribed by paragraph (1), as limited and modified by paragraphs (2) and (3) of section 213(e).

"(3) DEPENDENT.—The term 'dependent' as used in this section in reference to a dependent of an employee means an individual over half of whose support, for the calendar year in which the taxable year of such employee begins, was received from such employee.

"(4) PLAN OF EMPLOYEE HEALTH CARE BENEFITS.—The phrase 'plan of employee health care benefits' as used in subsection (c) includes—

"(A) a contract or contracts of insurance (whether one or more group contracts or a group of individual contracts) covering medical care for employees;

"(B) any uninsured arrangement established by an employer to provide medical care for employees;

"(C) an arrangement to secure medical

care for employees from any approved health maintenance organization; and

"(D) any combination of (A), (B), or (C) above.

"(5) Approved health maintenance organization.—The term 'approved health insurance organization' shall have the meaning prescribed by section 2015(d) of title XX of the Social Security Act."

(b) Conforming Clerical Amendments.—(1) Section 162(h) of the Internal Revenue Code of 1954 (relating to cross references) is amended by adding at the end thereof the following new paragraph:

"(3) For limitation on employer's deduction for employee health care, see section 280."

(2) Section 404 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

"(g) Cross Reference.—

"For limitation on employer's deduction for employee health care, see section 280."

(3) Section 212 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following cross reference:

"Cross Reference.—

"For limitation on employer's deduction for employee health care, see section 280."

(4) The table of sections for part IX of subchapter B of chapter I of subtitle A of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new item:

"Sec. 280. Employer's Deduction for Expenditures for Employee Health Care."

(c) Effective Date.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1972.

(2) Certain Collectively Bargained Plans.—In the case of any plan providing benefits for medical care of employees which was established by an employer taxpayer pursuant to an agreement which resulted from collective bargaining between the employer and representatives of his employees and which has not expired at the time specified in paragraph (1), the amendments made by this section shall not apply to such employer taxpayer until the first taxable year beginning on or after the date such agreement first expires or the date 3 years after the time specified in paragraph (1), whichever such date occurs first.

SUBTITLE C—QUALIFIELD INDIVIDUAL HEALTHCARE PLANS

Sec. 521. Qualified individual healthcare plans.

(a) Unlimited Deduction for Medical Insurance Expenses of Individual Covered by Qualified Healthcare Plan.—Section 213 (a)(2) (relating to individual's deduction for medical insurance expense) of the Internal Revenue Code of 1954 is amended to read as follows:

"(2) the sum of—

"(A) an amount (not in excess of $150) equal to one-half of the expenses (other than those deductible under subparagraph (B)) paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents (as defined in section 152); and

"(B) in the case of a taxpayer who at any time during the taxable year is covered under a Qualified Individual Healthcare Plan (as defined in subsection (g)), a Qualified Employee Healthcare Plan (as defined in section 280(c)), or a Qualified State Healthcare Plan (as defined in section 2002 of title XX of the Social Security Act), an amount equal to all the expenses paid during the taxable year for any insurance (whether provided under such a qualified plan or otherwise) which constitutes medical care for the taxpayer, his spouse, or dependents (as defined in section 152), and which constitutes coverage during such portion of the taxable year as the taxpayer is covered by such a qualified plan.

SUBTITLE C—QUALIFIED INDIVIDUAL HEALTHCARE PLANS

(b) Definition of Qualified Individual Healthcare Plan.—Section 213 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

"(g) Qualified Individual Healthcare Plan Defined.—For purposes of this title, the term 'Qualified Individual Healthcare Plan' means insurance which covers medical care referred to in subparagraphs (A) and (B) of subsection (e)(1) and which satisfies all of the following requirements:

"(1) Minimum standard healthcare benefit priorities.—

"(A) In general.—Except as provided in subparagraph (B), the plan must provide at least the minimum Standard Healthcare Benefits (described in subsection (h)) in accordance with the following schedule:

"(i) Priority I benefits after December 31, 1972;

"(ii) Priority I and II benefits after December 31, 1975; and

"(iii) Priority I, II, and III benefits after December 31, 1978;

"(B) Presidential deferral of schedule for phase-in of benefits.—The President of the United States, by Executive order issued by him pursuant to the provisions of subsection (h), may defer the date otherwise scheduled under subparagraph (A)(ii) or (A)(iii) for phase-in of any priority II or priority III benefit, but only if such Executive order defers on like terms the date otherwise scheduled for phase-in of such benefit for purposes of Qualified Employee Health Care Plans (described in section 280(c)).

"(2) Contract requirements.—Each contract of insurance forming a part of the plan must contain provisions—

"(A) which obligate the insurer to renew the contract until at least the date on which the individual in whose name the contract was issued first becomes eligible for coverage under title XVIII of the Social Security Act, which also reserve to the insurer the right to adjust premium rates by classes in accordance with its experience under the type of contract involved;

"(B) which enable the individual in whose name the contract was issued to secure priority II and priority III benefits at such times as those benefits are required to meet the requirements of paragraph (1); and

"(C) which, upon the death of the individual in whose name the contract was issued, permits every other individual then covered under the contract to elect (within such period as shall be specified in the contract) to continue his coverage (under the same or a different contract) until such time as he would have ceased to be entitled to coverage had the individual in whose name the contract was issued lived.

"(3) Optional provisions.—An insurance contract shall not be treated as failing to meet the requirements of this subsection by reason of the inclusion therein of any one or more of the following optional features:

"(A) Insurance with other insurers.—The contract may contain a provision coordinating its benefits with any other contract if such provision is approved by the appropriate regulatory authority of the State of issue.

"(B) Deductibles.—The contract may require the covered individual to pay a deductible before benefits for some or all types of health care expenses are payable under the plan. The amount of the deductible may not be greater when a service is rendered on an ambulatory basis than when that service is rendered on an inpatient basis in a hospital or other health care institution.

"(C) Copayments.—In lieu of the copayment amounts described under subsection (h) in the Table of Minimum Standard Health Care Benefits, the contract may require copayments for expenses in excess of any required deductible, in an amount not to exceed 20 percent of covered expenses, except where a higher percentage copayment for a given benefit expense category is provided for under the Minimum Standard Healthcare Benefits.

"(D) Additional benefits.—The contract may provide any benefits for medical care in addition to those required under the Table of Minimum Standard Health Care Benefits."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1972.

Sec. 522. Procedure for rulings on qualification of employee and individual healthcare plans.

In exercise of the power to issue rulings which is vested in him under section 7805 of the Internal Revenue Code of 1954, the Secretary (or his delegate) may accept the determination of the state insurance regulatory authority that a plan of health care benefits filed with and approved by such authority is a plan satisfying all requirements for qualification either as a Qualified Employee Healthcare Plan (as defined in section 280(c) of the Internal Revenue Code of 1954) or as a Qualified Individual Healthcare Plan (as defined in section 213(g) of the Internal Revenue Code of 1954).

Sec. 523. Regulations.

Any regulations promulgated by the Secretary (or his delegate) with regard to amendments of the Internal Revenue Code of 1954 made by subtitles A, B, or C of this title shall be promulgated in final form not less than 120 days prior to the first day of the calendar year during which they will apply. Such regulations shall be effective only if (i) promulgated in final form within the time prescribed in the preceding sentence, and (ii) notice of such regulation in proposed form and of opportunity for public hearing thereon shall have been published not less than sixty days prior to the date of promulgation thereof in final form.

SUBTITLE D—GRANTS TO STATES FOR QUALIFIED STATE HEALTHCARE PLANS FOR THE NEEDY AND UNINSURABLE

Sec. 531. Grants to states for qualified state healthcare plans.

The Social Security Act is amended by adding after title XIX the following new title:

"TITLE XX—GRANTS TO STATES FOR QUALIFIED STATE HEALTHCARE PLANS

"Sec. 2001. Appropriations.
"Sec. 2002. Qualified State Healthcare Plan definition.
"Sec. 2003. Eligibility for enrollment.
"Sec. 2004. Determination and review of premium rates.
"Sec. 2005. Procedure for enrollment.
"Sec. 2006. Individual and family contributions and State premium payments.
"Sec. 2007. Extension and termination of coverage.
"Sec. 2008. Approval of institutional rates of reimbursement by State Health Care Institutions Cost Commissions.
"Sec. 2009. Review of levels of institutional rates of reimbursement by Secretary of Health, Education, and Welfare.
"Sec. 2010. Operation of the Qualified State Healthcare Benefits Pool.
"Sec. 2011. Furnishing of information by other agencies.
"Sec. 2012. Provisions and conditions for Federal appropriations.
"Sec. 2013. Eligibility of those now covered under certain State or Federal programs.
"Sec. 2014. Premium taxes.
"Sec. 2015. Definitions.
"Sec. 2016. Regulations.

"APPROPRIATIONS

"SEC. 2001. For the purpose of providing comprehensive health care insurance to needy individuals and families in a manner which will enhance personal dignity, and to make available comprehensive health care insurance coverage to individuals who are uninsurable, there is authorized to be appropriated for each fiscal year a sum sufficient to carry out this title. The sums made available under this section shall be used for making payments pursuant to Qualified State Healthcare Plans which have been approved by the Secretary of Health, Education, and Welfare.

"QUALIFIED STATE HEALTHCARE PLAN DEFINITION

"General Rule

"SEC. 2002. (a) A Qualified State Healthcare Plan shall be a contract or other agreement between a State and an administering carrier (as defined in section 2015(d)), and shall pay to practitioners, health care institutions and other providers, on behalf of the individuals and families required under section 2003 to be made eligible therefor, the Minimum Standard Healthcare Benefits (described in section 213(h) of the Internal Revenue Code of 1954) in accordance with the following schedule:

"(1) Priority I and II benefits for policy years beginning before July 1, 1976, and

"(2) Priority I, II, and III benefits for policy years beginning after June 30, 1976, except as provided in subsection (b).

"Presidential Power To Defer Priority III Benefits

"(b) If the President of the United States, by Executive order issued by him pursuant to section 213(h) of the Internal Revenue Code of 1954, defers the date otherwise scheduled under subsection (a) (2) for phase-in of Priority III benefits, such benefits shall not be required to be provided under Qualified State Healthcare Plans until such date as shall be fixed by the President for phase-in of Priority III benefits.

"Option To Elect Coverage Under an Approved Health Maintenance Organization

"(c) An individual or family eligible for enrollment in the Qualified State Healthcare Plan under section 2003 may, upon written request, submitted to the administering carrier with his enrollment application, elect coverage, if available, under an arrangement between the administering carrier and an approved health maintenance organization (as defined in section 2015(e)), in lieu of coverage under the Qualified State Healthcare Plan: *Provided, however,* That the per capita charges made to the State through the administering carrier for such alternative coverage shall not exceed the premiums then applicable for that risk category for the current policy year for enrollment in the Qualified State Healthcare Plan, as determined pursuant to section 2004(b).

"Reinsurance Condition

"(d) The contract risk under a Qualified State Healthcare Plan shall be reinsured, through the Qualified State Healthcare Benefits Pool described in section 2010, by all carriers (profit and nonprofit) licensed in or otherwise authorized by the State to issue coverage for one or more items of health care, by all health maintenance organizations doing business in the State, and by all other persons in the State who provide uninsured plans.

"Limitations and Exceptions

"(e) (1) The copayments specified in the table of Minimum Standard Healthcare Benefits (described in section 213(h) of the Internal Revenue Code of 1954) shall be limited as follows:

"(A) the aggregate copayments per policy year for a single individual described in section 2003(a) shall be limited to 6 per centum of the excess over $2,000 of the individual's adjusted gross income (as defined in section 2003(a) (2)), or $30, whichever is the larger;

"(B) the aggregate copayments per policy year for a family of two described in section 2003(a) shall be limited to 6 per centum of the excess over $3,000 of the family's adjusted gross income (as defined in section 2003(a) (2), or $30, whichever is the larger; or

"(C) the aggregate copayments for a policy year for a family of three or more described in section 2003(a) shall be limited to 6 per centum of the excess over $4,000 of the family's adjusted gross income (as defined in section 2003(a) (2)), or $30, whichever is the larger.

"(2) (A) No charge for a benefit otherwise described by this section, other than charges by a health care institution, shall be reimbursed to the extent that it exceeds a reasonable charge. In determining the reasonable charge for a given health care service there shall be taken into consideration the charge for the service, when rendered under comparable conditions, which is customarily made by the physician, dentist, or other persons furnishing such service, but in no event shall the payment be in excess of the prevailing charge in the locality for the service. The prevailing charge in a locality shall be the amount at the seventy-fifth percentile of a low to high distribution of the actual charges made for similar services in the same locality during the preceding calendar year. The prevailing charge shall be recalculated each year by the administering carrier upon the basis of the actual charges during the preceding calendar year and such prevailing charge shall be in effect from July 1 of the current year until June 30 of the succeeding year. When a service is rendered a relatively small number of times in a locality in a given year, the prevailing charge for that service shall be determined by the administering carrier in accordance with regulations specified by the Secretary for this purpose.

"(B) No charge for a benefit otherwise described by this section shall be reimbursed to the extent that it is for health care determined not to be necessary according to professionally established guidelines. Payment for health care services beyond such guidelines may be made only if approved, after review, by an appropriate health services review organization, or in the absence of such organization by the health professional staff of the administering carrier of the Qualified State Healthcare Plan.

"(C) No charges for care rendered in any health care institution shall be reimbursed if it is determined, in accordance with and subject to the provisions of section 2008, that the health care institution is not complying with the prospective rate approval conditions established by section 2008.

"(3) No charge for a benefit otherwise described by this section shall be reimbursed to the extent it is a proper reimbursement under any other insurance plan providing health care benefits, including, but not limited to, benefits provided under title XVIII of the Social Security Act.

"ELIGIBILITY FOR ENROLLMENT

"Needy individuals and families

"SEC. 2003. (a) Every individual or family (as defined in subsection (c))—

"(1) who is a resident of the State;

"(2) whose individual (combined for a family) adjusted gross income (as defined by section 62 of the Internal Revenue Code of 1954) for his last taxable year preceding the date on which he makes an application to enroll in the Qualified State Healthcare Plan was either—

"(A) less than—

"(i) $3,000 for a single individual,

"(ii) $4,500 for a family of two, or

"(iii) $6,000 for a family of three or more; or

"(B) was greater than the applicable amount in subparagraph (A) and the individual or family is a Federal cash recipient as defined in section 2015(i);

"(3) who is not eligible to enroll in a Qualified Employee Health Care Plan (as described by section 280(c) of the Internal Revenue Code of 1954) on the date on which he makes an application to participate in the Qualified State Health care Plan; and

"(4) who, if eligible to enroll in the supplementary medical insurance program for the aged described in part B of title XVIII of the Social Security Act, is, in fact, enrolled in said insurance program—

shall, in accordance with, and subject to the other provisions of this title, be eligible to enroll in the Qualified State Healthcare Plan.

"Uninsurable Individuals

"(b) Every individual—

"(1) who is a resident of the State;

"(2) who is not eligible to enroll in a Qualified State Healthcare Plan because he fails to meet the conditions specified in subsection (a) (2);

"(3) who is not eligible to enroll in the insurance program described in part B of title XVIII of the Social Security Act;

"(4) who meets the condition specified in subsection (a) (3); and

"(5) (A) who has made an application, to three carriers licensed to issue individual health care insurance in the State, at least one of which is licensed to issue individual health care insurance in all the 50 States and the District of Columbia, for an individual health care insurance policy providing benefits equivalent to the Minimum Standard Healthcare Benefits described in section 2002(a), and each such carrier either—

"(i) refused to issue such a policy, or

"(ii) offered such a policy only for premium rate greater than 200 per centum of the current premium rate being charged to the State for a single individual enrolled in the Qualified State Healthcare Plan, or

"(B) who became disabled while insured under a Qualified Employee Healthcare Plan, has been disabled at least 9 months, and whose coverage has continued under a temporary extension of the Qualified Employee Healthcare Plan—

shall, in accordance with and subject to the other provisions of this title, be eligible to enroll in the Qualified State Healthcare Plan during an open enrollment period.

"Definition of Family

"(c) An individual and his spouse (not legally separated under a decree of divorce or of separate maintenance) and each of their dependents (as defined in the introductory clause of section 152(a) of the Internal Revenue Code of 1954) unmarried children who have not attained the age of 19, or an individual and each of his dependents as defined in this subsection shall be regarded as a family for purpose of this title.

"Rules for Eligibility

"(d) For the purpose of applying the conditions of eligibility under this section, all determinations shall be made on the day application for enrollment for the policy year is made.

"DETERMINATION AND REVIEW OF PREMIUM RATES

"General Rule

"SEC. 2004. (a) The premium rate to be charged under a Qualified State Health-care Plan for each policy year shall be actuarially established in each State for each of the risk categories—

"(1) single individual,

"(2) family of two, and

"(3) family of three or more.

"Composition of Premium

"(b) (1) The premium rate for a given risk category to be charged for the initial policy year shall be determined by the administering carrier on the basis of the sum of only the following factors—

"(A) the arithmetic average of the separate estimates of incurred claim costs for that risk category for the first policy year filed with the insurance regulatory authority of the State pursuant to requests by such authority of two nondomestic insurance companies licensed to issue health care insurance in the 50 States and the District of Columbia, two domestic insurance companies licensed to issue health care insurance in the State, one domestic nonprofit hospital expense indemnity organization, and one domestic nonprofit medical expense indemnity organization;

"(B) the charge for administration as set for the policy year by the administering carrier; and

"(C) a risk charge equal to 1 per centum of the amount determined in subparagraph (A).

"(2) The premium rate for a given risk category to be charged for each subsequent policy year shall be determined by the administering carrier on the basis of the sum of only the following factors—

"(A) the incurred claim costs for that risk category for the prior policy year;

"(B) an amount equal to any projected increase or decrease in incurred claim costs for that risk category for the policy year;

"(C) an amount, if needed, to repay in full any pool losses (described in subsection 2010(c)) of prior years borne by the reinsurers of the pool and not yet recovered by them;

"(D) the charge for administration as set for the policy year by the administering carrier; and

"(E) a risk charge equal to 1 per centum of the sum of the amounts in subparagraphs (A) and (B).

"Review of the premium rates

"(c) (1) The premium rates determined for each State for each policy year pursuant to subsection (b) and the utilization and other assumptions underlying the rates are to be filed by the State with the chief actuary for the Social Security Administration, and if, within ninety days after such filing, the chief actuary determines that the rates are unjustifiably high for the State, he shall recommend to the Secretary a commensurate reduction in the Federal Healthcare Percentage described in section 2012(e). The Secretary, to the extent he concurs in and adopts such recommendation, shall advise the State of the reduction he proposes to promulgate.

"(2) The State may request a hearing within thirty days after receipt of notice of the proposed reduction pursuant to paragraph (1). In such event, the Secretary shall, upon request by the State for a hearing and within thirty days thereof, appoint a hearing board of three actuaries, each of whom shall be a member in good standing of the American Academy of Actuaries, including one actuary who shall be appointed with the concurrence of the Governor of the State, and one actuary who shall be appointed with the concurrence of the administering carrier.

"(3) If a State does not request a hearing, or if the hearing board appointed pursuant to paragraph (2) concurs in the finding that the rates are unjustifiably high, the Secretary shall promulgate the proposed reduction in the Federal Healthcare Percentage, which shall apply throughout the period that the rates on which the hearing was based remain in effect.

"(4) If the hearing board appointed pursuant to paragraph (2) determines that the rates are not unjustifiably high for the State, the Federal Healthcare Percentage shall not be reduced.

"PROCEDURE FOR ENROLLMENT

"General rule

"SEC. 2005. (a) (1) The appropriate State agency shall enroll each Federal cash recipient, required under section 2003 to be made eligible therefor, in the Qualified State Healthcare Plan, and shall file his application with the administering carrier on forms to be provided by the administering carrier.

"(2) All other individuals, or the member of a family who provides the family's chief support, otherwise required under section 2003 to be made eligible therefor, may enroll in a Qualified State Healthcare Plan upon filing an application with the administering carrier on a form to be provided by the administering carrier.

"Information Required of Each Applicant

"(b) Each eligible applicant described in section 2003 shall provide the administering carrier all information and evidence required to make an eligibility determination, and provide or certify any other essential information required under regulations prescribed by the Secretary, including but not limited to—

"(1) certification of his eligibility as a Federal cash recipient;

"(2) certification of his, or his family's, adjusted gross income as defined by section 2003(a) (2); and

"(3) certification that he and his applicable family members, if eligible for the supplementary medical insurance program for the aged described in part B of title XVIII of the Social Security Act, are enrolled thereunder; or, if not then eligible, certify that he and his applicable family members who may become eligible during the policy year for the insurance program described in part B of title XVIII will enroll in such program.

"Enrollment Periods

"(c) Applications for enrollment in a Qualified State Healthcare Plan shall only be made and filed during an open enrollment period which shall be the calendar month of April of each year for coverage commencing for the policy year beginning the following July 1, except applications for enrollment—

"(1) shall be made by the appropriate State agency on behalf of an individual or family who establishes (other than during an open enrollment period) that he is a Federal cash recipient eligible for enrollment, but not then enrolled; and shall be filed with the administering carrier by the appropriate State agency within thirty days following the day on which such individual or family establishes eligibility as a Federal cash recipient; or

"(2) may be made by other individuals or families who meet the conditions for eligibility under section 2003(a)—

"(A) if such individual or family was eligible to enroll in a Qualified Employee Healthcare Plan during the latest enrollment period, but prior to the next open enrollment period ceases to be eligible for enrollment in a Qualified Employee Healthcare Plan, and

"(B) if the application is filed with the administering carrier by the individual or family within thirty days following the day on which such individual or family ceased to be eligible for continued enrollment in the Qualified Employee Healthcare Plan.

"Covered periods

"(d) (1) Except as otherwise provided in section 2007, Qualified State Healthcare Plan coverage for individuals and families properly enrolled during an open enrollment period shall commence for the forthcoming policy year beginning July 1, and coverage shall remain in force for the balance of the policy year for each individual who was eligible for enrollment on the day the application for his or his family's enrollment was made.

"(2) Except as otherwise provided in section 2007, Qualified State Healthcare Plan coverage for individuals or families properly enrolled (other than during an open enrollment period) in accordance with subsection (c) shall commence the first day of the third month following the month in which the application of the individual or family was filed with the administering carrier, and coverage shall remain in force for the balance of the policy year for each individual who was eligible for enrollment on the day the application for his or his family's enrollment was made.

"INDIVIDUAL AND FAMILY CONTRIBUTIONS AND STATE PREMIUM PAYMENTS

"Individual and family contributions

"SEC. 2006. (a) Individuals and families enrolled in a Qualified State Healthcare Plan shall be required to contribute toward the cost of the plan only as follows:

"(1) Each single individual described in section 2003 (a) shall pay to the administering carrier a contribution equal to 18 per centum of the excess over $2,000 of the individual's adjusted gross income (as defined in section 2003(a) (2)), reduced (but not below zero) by the total premium, if any, paid for that year by the individual to the Social Security Administration for enrollment in the supplementary medical insurance program for the aged described in part B of title XVIII of the Social Security Act.

"(2) Each family of two described in section 2003(a) shall pay to the administering carrier a contribution equal to 18 per centum of the excess over $3,000 of the family's adjusted gross income (as defined in section 2003(a) (2)), reduced (but not below zero) by the combined aggregate premium, if any, paid for that year by the family to the Social Security Administration for enrollment in the supplementary medical insurance program for the aged described in part B of title XVIII of the Social Security Act.

"(3) Each family of three or more described in section 2003(a) shall pay to the administering carrier a contribution equal to 18 per centum of the excess over $4,000 of the family's adjusted gross income (as defined in section 2003(a) (2)), reduced (but not below zero) by the combined aggregate premium, if any, paid for that year by the family to the Social Security Administration for enrollment in the supplementary medical insurance program for the aged described in part B of title XVIII of the Social Security Act.

"(4) Each individual described in section 2003(b) shall pay to the administering carrier a contribution equal to the full premium determined under section 2004 to be applicable for the risk category of a single individual.

"Exceptions

"(b) (1) Each individual or family who enrolls in a Qualified State Healthcare Plan during an excepted enrollment period as provided by section 2005(c) shall have his contribution prorated on the basis of the number of months of coverage remaining in the current policy year as at the date coverage commences.

"(2) Each individual or family who, but for this subsection, would be required to make a contribution pursuant to subsection (a), and who has established that he is a Federal cash recipient at the time his application for enrollment in a Qualified State Healthcare Plan was filed, shall not be required to pay such contribution, but the amount of the contribution thus waived nevertheless shall be paid by the State to the administering carrier.

"(3) Each individual or family, who establishes eligibility as a Federal cash recipient during a calendar month subsequent to the calendar month in which his application for enrollment in a Qualified State Healthcare

Plan was filed, shall not be required to pay any installment or installments of the contribution for that policy year that fall due on or after the first day of the third calendar month in which the individual or family established eligibility as a Federal cash recipient, but such installment or installments shall nevertheless be paid by the State to the administering carrier.

"State's Share of the Premium

"(c) Each State which has a Qualified State Healthcare Plan shall pay the administering carrier an amount equal to the total premium cost for the policy year less the total amount of contributions actually paid to the administering carrier by the individuals and families as provided for in this section.

"Nonvariability of Contributions and Premiums

"(d) The amount of annual contribution and the amount of annual premium shall be established by family size category on the day application for enrollment was made, and shall not change as a result of a change in family size thereafter.

"Due Date of Contributions and State Premium Payments

"(e)(1) Except as provided in this subsection, any contribution required of an individual or family, or of the State on behalf of a Federal cash recipient, for the forthcoming policy year or the balance of the policy year shall be due and payable in advance of the effective date of that individual's or family's coverage under the Qualified State Healthcare Plan.

"(2) An individual or family who enrolls during an open enrollment period and whose total contribution for a policy year exceeds—

"(A) $40, may elect to pay one-fourth of the contribution in advance of the policy year, and one-fourth prior to the first day of the third, sixth, and ninth months following the first month of the policy year, or

"(B) $120, may elect to pay one-twelfth of the contribution in advance of the policy year, and one twelfth prior to the first day of each of the eleven months following the first month of the policy year.

"(3) Any individual or family member who qualifies for payment of his contribution in installments in accordance with subsection (e)(2) and who is an employee (as defined in section 3121(d) of the Internal Revenue Code of 1954) may require his employer to make periodic deductions from his wages, and remit each contribution installment to the administering carrier on or before the due date specified in subsection (e)(2).

"(4) The premium payments required to be made by the State in accordance with subsection (c) shall be due in equal monthly installments to the administering carrier prior to the first day of each calendar month. If payment of any installment is not received by the first day of the month it is due, the administering carrier shall not be liable for benefit payments thereafter.

"State Payment of Premiums for Part B Medicare Benefits

"(f) Each State which has a Qualified State Health-care Plan shall be required to make available, and pay premiums for, supplementary medical insurance benefits under part B of title XVIII of the Social Security Act to any individual or family member who is enrolled in that State's Qualified State Health-care Plan, who is eligible for such supplementary medical insurance benefits and who either:

"(1) has established eligibility as a Federal cash recipient at the time his application for enrollment in the Qualified State Health-care Plan is made; or

"(2) had individual (combined for a family) adjusted gross income (as defined by section 62 of the Internal Revenue Code of 1954), for the last taxable year preceding the day on which his most recent application for enrollment in the Qualified State Healthcare Plan was made, less than—

"(A) $2,000 for a single individual,

"(B) $3,000 for a family of two, or

"(C) $4,000 for a family of three or more.

Such benefits shall be made available pursuant to an agreement entered into under section 1843 of the Social Security Act, or by reason of the payment of premiums under such title by the appropriate State agency on behalf of the individuals.

"EXTENSION AND TERMINATION OF COVERAGE

"General Rule

"SEC. 2007. (a) Except as provided in subsection (d), subject to timely payment as specified in section 2006(e) of any contribution required under section 2006 by the individual or family and subject to timely payment of the State's share of the premium as specified in section 2006(e), Qualified State Healthcare Plan coverage shall remain in force for the balance of the policy year for each individual who was eligible for enrollment on the day the application for his or his family's enrollment was made.

"Extended Coverage

"(b) Qualified State Healthcare Plan coverage shall immediately extend to any child born to, or adopted by, any eligible family member subsequent to the day the application for enrollment was made, and shall continue in force until the beginning of the policy year following the next open enrollment period.

"Continued Coverage

"(c) Qualified State Healthcare Plan coverage during the policy year shall not be terminated because an individual who was an eligible family member on the day the application for enrollment was made ceases to be an eligible family member subsequent to the date of application.

"Termination of Coverage

"(d)(1) Qualified State Healthcare Plan coverage shall not commence or shall terminate as of the first day of any month if any contribution due prior to such date pursuant to section 2006(e) has not been paid by such date.

"(2) If Qualified State Healthcare Plan coverage is terminated in accordance with paragraph (1) and a request for reinstatement is made within 30 days following the day coverage terminated, the individual or family will be extended continuous coverage upon payment of the overdue contribution or installment and all remaining installments due during the balance of that policy year plus a reinstatement expense charge of $10.

"(3) If Qualified State Healthcare Plan coverage is terminated in accordance with paragraph (1) and the individual or family fails to request reinstatement as provided for in paragraph (2), the individual or family shall not qualify for the payment of contributions in installments specified in section 2006(e) for the next policy year.

"(4) If a Federal cash recipient described in section 2003(a)(2)(B) ceases to be eligible for public cash assistance after the State has enrolled the individual or family, the State shall so notify the administering carrier within thirty days of such cessation and Qualified State Healthcare Plan coverage shall terminate as of the first day of the fourth month following the month in which eligibility for public cash assistance ceased.

"APPROVAL OF INSTITUTIONAL RATES OF REIMBURSEMENT BY STATE HEALTH CARE INSTITUTIONS COST COMMISSIONS

"State Commission

"SEC. 2008. (a) In the operation of a Qualified State Healthcare Plan no charge for services rendered or supplies furnished by hospitals, extended care facilities or Home Health Agencies (herein collectively referred to as "health care institutions") shall be reimbursed to the extent that such charges exceed the rates approved by a State Health Care Institutions Cost Commission. Such Commission shall be a State agency designated by the Governor of each State for the purpose of performing the functions described in this section. Such Commission shall operate with the advice of a council appointed by the Governor. The council shall include at least two consumer representatives, one hospital representative, one extended care facility representative, one Home Health Agency representative, one hospital service organization representative, one insurance company representative, and one representative of the State health planning council established pursuant to section 314(a)(2)(B) of the Public Health Service Act. One of the representatives shall be designated as chairman of the advisory council.

"Review of Budgets and Charges

"(b) The Commission shall review budgets and proposed charges for the health care institutions in the State in order to establish prospectively approved charges for purposes of reimbursement under this title. Once each year, each health care institution shall file its budget and proposed charges with the Commission. The Commission may approve the use of a single charge for all of a group of services commonly rendered a class of patients or a single all-inclusive daily charge for all in-patient services of the health care institution. Filed charges shall be deemed approved unless disapproved by the Commission within 60 days after filing.

"Standards for Health Care Institutions

"(c) In reviewing the proposed charges of health care institutions in the State, the Commission shall require at least the following standards of each such institution—

"(1)(A) an active review committee of qualified physicians and other personnel that effectively determines whether the services rendered are—

"(i) of good quality,

"(ii) needed for the proper treatment of the patient, and

"(iii) provided only as long as necessary within the health care institution; and

"(B) management that takes effective and prompt action with respect to adverse findings;

"(2) utilization of a standard system of accounting and cost finding established by the Commission;

"(3) utilization of the approved charges for all patients; and

"(4) a budget of its expenses for the fiscal years, using the approved standard system of accounting and cost finding, and established charges for services reasonably related to the cost of efficient production of such services.

The Commission shall also take into consideration economic factors in the health care institution's geographical area, costs of comparable institutions providing comparable services, capital requirements, and the need for incentives to improve service and institute economies which might be secured from the sharing of joint services with other health care institutions.

"Amortization of Capital Costs

"(d) In reviewing that portion of a health care institution's charges which results from financing costs and depreciation relating to prior capital expenditures, the Commission shall accept the determination, if any, of the appropriate comprehensive health planning agency (as defined in section 2 of the Public Health Service Act) that the construction of such facility was consistent with the health needs of the area.

"Appeal by Health Care Institution Following Disapproval by Commission

"(e) If the budget submitted by a health care institution reveals significant operating inefficiencies or if the proposed charges otherwise appear to be unjustifiably high, the Commission shall disapprove the proposed charges. If the proposed charges are disapproved, the affected health care institution may request consideration of the advisory council constituted by virtue of subsection (a). Upon receipt of such request, the council shall hold a hearing at which the interested parties may appear to present the facts which support the Commission's decision and the facts which support the affected health care institution's position. Following such hearing the council shall advise the Commission of its recommendation, and the Commission shall thereupon render a final decision.

"Federal Appropriation for Cost Commission's Expenses

"(f) The Secretary shall pay to any State which has a Qualified State Health-care Plan an amount equal to 75 percentum of the reasonable amounts expended by the State each quarter as found necessary by the Secretary for the proper and efficient administration of the State's Health Care Institutions Cost Commission and its advisory council except that there shall be no reimbursement by the Secretary for the cost of any institutional audits that may be conducted by the Commission.

"REVIEW OF LEVELS OF INSTITUTIONAL RATES OF REIMBURSEMENT BY SECRETARY OF HEALTH, EDUCATION, AND WELFARE

"Filing With the Secretary

"SEC. 2009. (a) Annually on a date specified by the Secretary, each State Health Care Institutions Cost Commission shall file with the Secretary, on a form prescribed by him, a report of the level of rates of institutional reimbursement approved by the Commission for such categories of health care institutions as shall be established by the Secretary. The categories shall take into consideration the type and size of the institutions and differing economic characteristics by geographic areas within each State so that each category will include institutions with similar conditions of operating cost.

"Review by the Secretary

"(b) In the event the Secretary determines that the level of rates approved for a given category of health care institution in a State is unjustifiably high in relation to those of other States, he shall order a reduction for that State in the Federal Medical Assistance Percentage (as defined in section 1905(b) of title XIX of the Social Security Act), and a reduction in the Federal Healthcare Percentage (as defined in section 2012 (c)) to compensate for the excess cost resulting from the unjustifiably high level of rates for that category of health care institutions in the State. The State may appeal the Secretary's decision, and upon receipt of an appeal, the Secretary shall appoint a hearing board of three members which shall hold a hearing at which the interested parties may appear to present the facts which support the Secretary's decision and the facts which support the appellant State's position. The members of the hearing board shall each be knowledgeable with respect to the costs of operating health care institutions of the category concerned and may not be an employee or an owner of any of the health care institutions concerned. Following such hearing the hearing board shall advise the Secretary of its recommendation, and the Secretary shall thereupon render a final decision. There shall be no further right of appeal or review by the State. If the State, whose Federal percentages have been reduced, takes action to correct the situation which produced the unjustifiably high level of rates for the category of health care institutions, it may so notify the Secretary and request restoration of the full amount of the Federal medical assistance percentage and the full amount of the Federal Healthcare Percentage. If the Secretary is satisfied that corrective action has been taken, he shall restore the Federal percentages to their full amount for that State as of the date he deems the corrective action to have eliminated the unjustifiably high level of rates.

"OPERATION OF THE QUALIFIED STATE HEALTH-CARE BENEFITS POOL

"General Rule

"SEC. 2010. (a) The Qualified State Healthcare Benefits Pool (hereinafter in this section referred to as the Pool) shall be administered by the carrier administering the Qualified State Healthcare Plan.

"Fiscal Operation

"(b) (1) The premiums collected pursuant to this title, 2004 the fees for reinstatement of coverage described in section 2007(d) (2) and the reimbursements for Pool losses described in subsection (c) (2) shall be paid into the Pool.

The Pool shall be available—

"(A) without fiscal year limitation to pay all Qualified State Healthcare Plan benefit claims certified by the administering carrier;

"(B) without fiscal year limitation to pay premiums to approved health maintenance organizations (as defined in section 2015(e));

"(C) to pay the risk charges specified in section 2004(b);

"(D) to repay to Poll reinsurers the losses, if any, specified in section 2004(b) (2) (C);

"(E) to pay the administrative charges of the administering carrier described in section 2004(b); and

"(F) to pay any other charges for which the Pool has a liability.

"(2) The moneys in the Pool shall be invested and reinvested in interest-bearing obligations, which may be sold for the purpose of the Pool. The interest on, and the proceeds from the sale of, such obligations become a part of the Pool.

"Experience Accounting

"(c) (1) At the close of each policy year, an experience accounting for the Pool for the policy year shall be prepared by the administering carrier and submitted to the Secretary, to the State, and to all reinsurers specified in section 2002(d).

"(2) (A) All reinsurers shall participate in any Pool losses in accordance with such formula as the Pool participants may devise with the approval of the State. The aggregate Pool losses for any policy year, to be apportioned among the Pool participants, shall be limited to 3 per centum of the Qualified State Healthcare Plan premiums collected by the Pool for the year. Losses in excess of this limitation shall be borne by the State.

"(B) The State shall collect the uninsured plans' share of the Pool losses, and remit such amount together with the State's payment for its share of the losses to the administering carrier within forty-five days after the experience accounting has been submitted. The other reinsurers shall remit their share of the loss to the administering carrier within thirty-one days after the experience accounting has been submitted.

"(3) If the experience accounting reflects a gain (computed after deduction of the reinsurers' risk charge described in section 2004(b)) for the policy year, the gain shall be retained in the pool and used to minimize future premiums to be paid by the State.

"FURNISHING OF INFORMATION BY OTHER AGENCIES

"General Rule

"SEC. 2011. (a) The head of any Federal or State agency shall furnish such information as the administering carrier needs for purposes of spot auditing eligibility for the Qualified State Healthcare Plan, or verifying other information with respect thereto.

"Carrier's Liability

"(b) A reliance by the administering carrier on information furnished by any Federal or State agency shall relieve the carrier from liability for failure to charge sufficient premiums, overpayment of benefits, or any other erroneous act resulting from the carrier's reliance on such information.

"PROVISIONS AND CONDITIONS FOR FEDERAL APPROPRIATION

"Appropriation for Qualified State Healthcare Plan Premiums

"SEC. 2012. (a) The Secretary shall pay to any State which has a Qualified State Healthcare Plan an amount equal to the product obtained by multiplying the total premiums for the Qualified State Healthcare Plan paid by State to the administering carrier by the Federal Healthcare Percentage defined in subsection (e). In applying the preceding sentence, the amount used as total premiums paid by a State for a Qualified State Healthcare Plan shall not include any portion thereof that is determined by the Secretary to be attributable to benefits provided under the Plan which are in excess of the Minimum Standard Healthcare Benefits then required by section 2002(a) to be provided. "Appropriation for Qualified State Healthcare Benefits.

Pool Losses

"(b) The Secretary shall pay to any State which has a Qualified State Healthcare Plan an amount equal to the product obtained by multiplying the excess Pool losses paid by the State to the administering carrier (as provided by section 2010(c) (2) (A)) by the Federal Healthcare Percentage defined in subsection (e). For the purpose of this subsection, the Federal Healthcare Percentage shall be as determined before any reduction thereof provided for under section 2004(c) (3), or section 2009.

"Condition for Payment

"(c) The amounts appropriated by the preceding subsections shall not be paid to the State unless the State has filed with the Secretary sufficient evidence to substantiate the expenditures described by the preceding subsections.

"Payments Under Titles V and XIX Conditioned on State Compliance

"(d) In order for a State to be eligible for Federal appropriations on or after July 1, 1973, pursuant to titles V and XIX of the Social Security Act, it must have in operation a Qualified State Health Care Plan.

"Federal Healthcare Percentage

"(e) The term 'Federal Healthcare Percentage' for any State shall be 100 per centum less the State percentage; and the State percentage shall be that percentage which bears the same ratio to 45 per centum as the square of the per capita income of such State bears to the square of the per capita income of the continental United States (including Alaska and Hawaii); except that (1) the Federal Healthcare Percentage shall in no case be less than 70 per centum or more than 90 per centum, and (2) the Federal Healthcare Percentage for Puerto Rico, the Virgin Islands, and Guam shall be 70 per centum. The Secretary shall promulgate the Federal Healthcare Percentage for each State as soon as possible after enactment of this title, which promulgation shall be conclusive for each of the four quarters in the period beginning July 1, 1972, and ending with the close of June 30, 1973. Thereafter, the Federal Healthcare Percentage for any State shall be promulgated in accordance with the provisions of section 1101(a) (8) (B) of title XI of the Social Security Act.

"ELIGIBILITY OF THOSE NOW COVERED UNDER CERTAIN STATE OR FEDERAL PROGRAMS

"Federal Programs

"SEC. 2013. (a) Any class of individuals or families, other than employees of the Federal Government and their families, whose members at the time of enactment of this Act, are receiving all, or substantially all, of their medical care under a Federal program, other than a program pursuant to the Social Security Act, shall not be eligible for coverage under a Qualified State Healthcare Plan unless—

"(1) all members of the class who are resident in the State are enrolled in the Plan;

"(2) the Federal Government pays the premium for supplementary medical insurance benefits under part B of title XVIII of the Social Security Act for all such members of the class as are eligible therefor;

"(3) the Federal Government arranges for the enrollment of such individuals and families in the Qualified State Healthcare Plan and pays the full premium therefor on behalf of such persons without requiring any sharing by the State; and

"(4) the Federal Government agrees to pay the State that proportion of any excess Pool losses, charged to the State pursuant to section 2010(c)(2)(A), which the average number of such persons enrolled in such Plan during the policy year bears to the average number of all persons enrolled in such Plan during that year. In applying section 2012(b), the amount of such payment shall reduce the excess Pool losses to which the Federal Healthcare Percentage would otherwise be applied.

"State Programs

"(b) Any class of individuals or families, other than employees of a State or local government and their families, whose members, at the time of enactment of this Act, are receiving all, or substantially all, of their medical care under a State program of medical care, other than a program pursuant to the Social Security Act, and who are not otherwise eligible for enrollment in the Qualified State Healthcare Plan, shall be eligible for coverage in a Qualified State Healthcare Plan provided—

"(1) all members of the class who are resident in the State are enrolled in the Plan;

"(2) the State pays the premium for supplementary medical insurance under part B of title XVIII of the Social Security Act for all such members of the class as are eligible therefor;

"(3) the State arranges for the enrollment of such individuals and families in the Qualified State Healthcare Plan and pays the full premium therefor on behalf of all such persons; and

"(4) the State agrees to absorb, without any sharing by the Federal Government, that proportion of the excess Pool losses, charged to it pursuant to section 2010(c)(2)(A), which the average number of such persons enrolled in such plan during the policy year bears to the average number of all persons enrolled in such Plan during that year. In applying section 2012(b), such amount shall reduce the excess Pool losses to which the Federal Healthcare Percentage would otherwise be applied.

"PREMIUM TAXES

"SEC. 2014. In order to be eligible for Federal appropriations pursuant to this title, a State (or any political subdivision thereof)—

"(1) may not impose any tax of any kind on or with respect to any premium, benefit, income, or other transaction or occurrence connected with any Qualified State Healthcare Plan or Benefits Pool provided for under this title, and

"(2) may not impose any tax on or with respect to any health care insurance contract, the premiums therefor, or the benefits provided thereunder unless such tax is applied equally to all carriers which provide health care insurance in the State.

"DEFINITIONS

"SEC. 2015. As used in this title the following terms shall have the following meanings:

"Health Care

"(a) 'Health care' means the medical care referred to in subparagraphs (A) and (B) of section 213(e)(1) and all of the services and supplies described in section 213(h) of the Internal Revenue Code of 1954.

"Secretary

"(b) 'Secretary' means the Secretary of Health, Education, and Welfare.

"States

"(c) 'State' shall include each of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

"Administering Carrier

"(d) 'Administering carrier' means either:

"(1) a carrier licensed to issue health care insurance in each of the 50 States and the District of Columbia, or

"(2) an assemblage of domestic carriers operating statewide which in the aggregate issue 10 per centum of the total health care insurance issued in the State and operate as one administering unit. The administering carrier for a Qualified State Healthcare Plan shall be designated by the State and approved by the Secretary.

"Approved Health Maintenance Organization

"(e) 'Approved health maintenance organization' means a public or private organization (profit or non-profit) which—

"(1) provides, either directly or through arrangements with others, health care services to enrollees on a per capita prepayment basis;

"(2) provides with respect to such enrollees all of the Minimum Standard Healthcare Benefits specified in section 213(h) of the Internal Revenue Code;

"(3) provides physicians' services directly through physicians who are either employees or partners of such organization or under an arrangement with an organized group or groups of physicians which is or are reimbursed for services primarily on the basis of an aggregate fixed sum or on a per capita basis;

"(4) demonstrates to the satisfaction of the Secretary proof of financial responsibility and proof of a capability to provide either directly or through arrangements with others comprehensive health care services, including institutional services, efficiently, effectively, and economically; and

"(5) has arrangements for assuring that the health care services required by its enrollees are received promptly and appropriately and that the services that are received measure up to quality standards which it establishes in accordance with regulations.

"Policy Year

"(f) 'Policy year' means a period beginning any July 1 and ending the close of the following June 30.

"Carrier

"(g) 'Carrier' means an insurance company, hospital service or hospital expense indemnity organization, a medical service or medical expense indemnity organization, dental service or dental expense indemnity organization or other similar organization providing coverage for one or more types of health care.

"Uninsured Plans

"(h) 'Uninsured plan' means a plan provided by a person (other than a carrier or a health maintenance organization) having an arrangement which has been communicated or described in writing to covered individuals, and which covers at least 26 individuals for at least 26 weeks of the calendar year, and which provides, pays for, or reimburses the whole or any part of the cost of the health care of such individuals, but shall not include the Federal Government with respect to programs established by it.

"Federal Cash Recipient

"(i) 'Federal cash recipient' means an individual or family who has established eligibility for public cash assistance under a program financed in whole or in part by Federal funds.

"REGULATIONS

"SEC. 2016. Any regulations promulgated by the Secretary (or his delegate) with regard to this title shall be promulgated in final form not less than nine months prior to the first day of the policy year during which they will apply. Such regulations shall be effective only if (i) promulgated in final form within the time prescribed in the preceding sentence, and (ii) notice of such regulation in proposed form and of opportunity for public hearing thereon shall have been published not less than sixty days prior to the date of promulgation thereof in final form."

Sec. 532. Conforming amendments to title V of the Social Security Act.

Section 505(a) of title V of the Social Security Act is amended by deleting the word "and" at the end of paragraph (13), substituting "; and" for the period at the end of paragraph (14), and adding a new paragraph (15) as follows:

"(15) effective upon adoption of a Qualified State Healthcare Plan under title XX of this Act, but in no event later than July 1, 1973, excludes payment of any services covered (or co-payment required) under a Qualified State Healthcare Plan."

Sec. 553. Conforming Amendments to Title XVIII of the Social Secuirty Act.

Title XVIII of the Social Security Act is amended—

(1) by adding after section 1837(e) the following new subsection:

"(f) In lieu of the limitations provided by subsections (a), (b), (c), and (d), there shall be a general enrollment period during the month of April in each year for individuals who are enrolling for the first time in a Qualified State Healthcare Plan described in title XX of the Social Security Act."; and

(2) by adding after section 1843(h) the following new subsection:

"(i) The Secretary shall, at the request of a State, enter into a modification of an agreement entered into with such State pursuant to subsection (a) under which the covered group described in subsection (b) and specified in such agreement is broadened to include individuals who are described in section 2006(f) of title XX of the Social Security Act."

Sec. 534. Conforming Amendments to Title XIX of the Social Security Act.

Title XIX of the Social Security Act is amended by adding at the end thereof the following new section:

"EXCLUSION FROM COVERAGE

"SEC. 1908. Notwithstanding any other provision of this title, no payment may be made under this title (a) for any expenses incurred for items or services (1) which are covered under a Qualified State Healthcare Plan (as defined in title XX), (2) which are incurred after July 1, 1973, and would have been covered under a Qualified State Healthcare Plan had the State adopted such a plan, or (b) for any co-payment required under a Qualified State Healthcare Plan."

Sec. 535. Conforming amendments regarding "reasonable costs."

Wherever reference is made in titles V, XVIII, and XIX of the Social Security Act to making payments to a provider on the basis of "reasonable costs" or "reasonable charges", with regard to any amount paid after June 30, 1972, that payment shall not be considered reasonable to the extent that it exceeds the amount which would be determined to be reasonable and necessary under section 2002(e)(2) of title XX of the Social Security Act.

Sec. 536. Conforming amendments to the Internal Revenue Code.

The Internal Revenue Code of 1954 is amended by striking the period at the end of paragraph (2) in section 115(a) and inserting in lieu thereof "; or" and by adding after paragraph (2) the following new paragraph:

"(3) interest, or any other item of income, derived from any investment by a Qualified State Healthcare Benefits Pool (as defined in section 2010 of title XX of the Social Security Act)."

Sec. 537. Carrier Compliance.

Nothing contained in antitrust legislation enacted by the Congress of the United States or by the legislatures of one or more of the several States shall be construed as limiting or in any other way applying to carriers in any activity undertaken in compliance with or in an effort to comply with any provision of title V of this Act.

Sec. 538. Effective date.

The amendments made by this subtitle shall become effective on the date of enactment of this Act, except that a Qualified State Healthcare Plan provided for under new title XX of the Social Security Act shall not provide benefits before July 1, 1972.

SUBTITLE E—EFFECTIVE DATE

Sec. 541. Effective date.

Except as otherwise provided in the title, the provisions of this title shall take effect upon the date of enactment of this Act.

NATIONAL HEALTHCARE ACT, SECTION-BY-SECTION ANALYSIS

TITLE I—FINDS AND DECLARATION OF PURPOSE

Section 101: This section states that: (a) America confronts a critical testing of its capacity to meet for all of its citizens one of the most basic of human needs, that of protecting and maintaining personal health; (b) every citizen of the United States of America should have access to quality health care, but too many Americans find it difficult to secure quality health care when they need it, where they need it, at prices they can afford; (c) the nation needs systems of health care organization, delivery, and financing which combine the high scientific and technical competence of the medical and allied health professions; the flexibility, innovativeness, efficiency, and managerial skills of private enterprise; the legislative and fiscal capacities of government at all levels; and the potentialities of consumer and community participation in developing and maintaining such systems of health care.

Section 102: This section declares the purpose of the Act to be to improve the organization, delivery, and financing of health care for all Americans by increasing health personnel, promoting ambulatory care, strengthening health planning, establishing national standards of health care benefits, encouraging provision of such benefits through comprehensive health care insurance, and by assisting persons of low income or in poor health to secure that insurance.

TITLE II—PROVISIONS TO INCREASE THE SUPPLY AND IMPROVE THE DISTRIBUTION OF HEALTH CARE PERSONNEL

Student loans for training in the health professions and nursing

Section 201: The medical student loan provisions of the Public Health Service Act are amended to allow a medical student to borrow the full cost of tuition, fees, and reasonable amounts for room, board, books, supplies, and other related costs. The loan will be forgiven at the rate of 20 percent a year in return for practice in an area found by the Secretary of HEW and the appropriate State comprehensive planning agency to be in need of physicians, optometrists, or dentists.

The bill authorizes $50 million for FY 1971, $70 million for FY 1972, and $100 million a year for FY 1973, 1974, and 1975 for this purpose.

Loan provisions for student nurses are amended to allow loans covering the full cost of tuition, fees, and reasonable amounts for room, board, books, supplies and other related costs. Up to half of the loan may be forgiven at the rate of 20 percent a year for service in a public or nonprofit private institution or agency. Up to 100 percent of the loan may be forgiven at the rate 33⅓ percent a year for appropriate service in an area designated as having a substantial shortage of nurses.

The bill authorizes $25 million for FY 1971, $50 million for FY 1972, $75 million a year for FY 1973, 1974, and 1975 for this purpose.

Scholarship grants and student loans for training in the allied health professions

Section 202: Scholarship grants may, in accordance with regulations of the Secretary of HEW, be awarded according to the needs of the individual, up to the full cost of his tuition, fees, books, equipment and living expenses.

The bill authorizes for this purpose $10 million for FY 1971, $30 million for FY 1972, and $50 million a year for FY 1973, 1974, and 1975.

Loan provisions for students in the allied health professions are amended to allow loans covering the full cost of tuition, fees, and reasonable amounts for room, board, books, supplies, and other related costs. Up to half of the loan may be forgiven at the rate of 20 percent a year for service in a public or nonprofit private institution or agency. Up to 100 percent of the loan may be forgiven at the rate of 33⅓ percent a year for appropriate service in an area designs having a substantial shortage of allied health professionals.

The bill authorizes $7.5 million for FY 1971, $15 million for FY 1972, $40 million for FY 1973, $60 million for FY 1974 and $75 million for FY 1975 for this purpose.

Training for personnel needed in comprehensive ambulatory health care centers

Section 203: For purposes of training grants under the Public Health Service Act, this section amends the term "training center for allied health professions" to include junior colleges, colleges and universities which offer training in health care center administration or curriculums providing the allied health-professionals needed to operate comprehensive ambulatory health care centers.

It also establishes a new program of special project grants to help education institutions meet the cost of developing curriculums and training programs to develop the skills needed to administer and staff comprehensive ambulatory health care centers.

The bill authorizes $10 million for FY 1971, $25 million for FY 1972, $40 million for FY 1973, and $50 million a year for FY 1974 and 1975 for this purpose.

Grants to personnel in the health professions, allied health professions, and nursing for service in areas of critical need

Section 204: This section establishes a program of Federal grants to medical personnel in return for service in urban and rural areas of critical need to alleviate the maldistribution of health care personnel.

The Secretary of HEW is authorized to contract with individual health professionals, nurses, or allied health professionals who agree to provide health care services for a period of at least two years in an area designated by the Secretary, upon recommendation of the appropriate State comprehensive health planning agency, as having a critical need for those services.

The purpose of the grant is (1) to compensate the individual for providing health care services in an area where his normal compensation for services is less than equivalent health personnel receive elsewhere, and (2) to compensate the individual for his loss of time in getting established in a more lucrative area.

The amount of the grant, therefore, is that amount which, when added to the recipient's income from providing health care services for each contract year, provides a total income equal to 110 percent of the national annual median income for persons of comparable education and training, or 110 percent of his earnings from providing health care services in the previous year, whichever is greater.

In determining the precise amount of the grant, the Secretary may consider such factors as he deems relevant. He must consider, however:

(1) the national median annual income for the applicant's profession;

(2) the cost of living in the area of need;

(3) the background, training, and education of the applicant;

(4) the amount of income the applicant can reasonably expect to receive from service in the area;

(5) the number of persons of the applicant's profession needed in the area; and

(6) where appropriate, cost of equipment, supplies, and facilities.

The bill authorizes $10 million for FY 1971 and $50 million a year thereafter until June 30, 1975, for this purpose.

Effective date

Section 205: Title II becomes effective upon enactment.

TITLE III—COMPREHENSIVE AMBULATORY HEALTH CARE CENTERS

The purpose of this Title is to provide for grants to comprehensive ambulatory health care centers (as defined in amendments made by Section 309). The Public Health Service Act currently provides for grants for the construction or modernization of "out-patient facilities," but no funds are earmarked specifically for such facilities, nor are the facilities required to provide comprehensive ambulatory health care services. This Title would set up a special category of grants to comprehensive ambulatory health care centers which offer a greater range of medical services than current law now specifies for "out-patient facilities" grants.

Amendment of purpose

Section 301: This section amends the declaration of purpose of Title VI of the Public Health Service Act to recognize specifically the concept of a comprehensive ambulatory health care center.

Authorization of appropriations for construction and modernization grants

Section 302: For fiscal years commencing after June 30, 1971, an additional $200 million is provided hereunder in grant authority to be used for the construction of comprehensive ambulatory health care facilities, or the modernization of such existing facilities. This sum is provided through a new allotment category which is separate from existing allotment categories for construction and modernization of hospitals and other medical facilities. It is contemplated that a portion of the funds available for grants hereunder will be used to assist nearly-constructed facilities to pay initial start-up and operation expenses during the first three years of operation of such centers.

State allotments

Section 303: Funds available for the construction and modernization of comprehensive ambulatory health care centers will be allotted to the several states on the same basis as allotments are now made for construction of hospitals and other medical facilities. Transfers from allotments for the construction and modernization of comprehensive ambulatory health care facilities to allotments for the construction of other types of facilities are not authorized. Existing law permitting carryovers of unused allotments from one fiscal year to the other is unchanged.

Priority of projects

Section 304: Priorities for awarding grants to comprehensive ambulatory health care centers would be given to proposed facilities in densely populated areas now lacking such facilities. This is to relieve pressures on general hospitals in such areas, to bring preventive and treatment facilities to populous areas not now receiving coordinated health care, and to create lower-cost facilities in lieu of expanding high-cost in-patient facilities.

State plans

Section 305: In its evaluation of the health needs of its citizens, the State health planning agency would be required to determine as part of its planning process the number of comprehensive ambulatory health care centers needed in the state and a plan for distribution of such centers. It would also have to adopt a program providing for construction of those comprehensive ambulatory health care centers identified as needed in its State plan, or for modernizing such existing facilities.

Recovery of funds

Section 306: This section would add comprehensive ambulatory health care centers to the list of types of health facilities from which recovery of federal funds may be made by the federal government from facilities which no longer qualify.

Loan guarantees and loans for modernization and construction of comprehensive ambulatory health centers

Section 307: The Public Health Service Act provides for loans, guarantees and interest subsidies for qualified agencies wishing to construct or modernize health facilities. This section adds comprehensive ambulatory health care centers to the list of types of facilities which qualify for such loans, guarantees and interest subsidies.

Definition of comprehensive ambulatory health care center

Section 308: Comprehensive ambulatory health care centers are specifically defined so as to encompass only facilities which provide a wide range of preventive, diagnositic and treatment services for ambulatory patients and thus relieve overutilization of general hospitals and make health care more accessible.

TITLE IV—PROVISIONS TO STRENGTHEN HEALTH CARE PLANNING

Subtitle A—Health Report of the President; Council of Health Policy Advisers Health Report of the President

Section 401: Beginning in 1972, the President shall make a health report to the Congress no later than July 1 of each year on the status of the nation's health needs and health care system with a program for meeting those needs.

Council of health policy advisers

Section 402: This section creates a three-man Council of Health Policy Advisers in the Executive Office of the President, its members appointed by the President with the advice and consent of the Senate.

Employment of officers, employees, experts and consultants

Section 403: The Council is authorized to hire officers, employees and such experts and consultants as may be needed.

Responsibilities of council

Section 404: This section outlines the responsibilities of the Council in assisting the President in the preparation of his Health Report and the setting and coordination of overall health policy.

The Council is required to make an annual health report to the President not later than April 1 of each year, starting in 1972. This report shall be transmitted to the Congress as a supplement to the next Health Report of the President to the Congress. In its first report to the President the Council shall specifically review and advise the President on health programs. The Council shall develop and recommend goals for a national health policy to promote efficiency, eliminate waste and duplication in the utilization of health facilities and resources, and shall recommend specific programs to streamline and consolidate health manpower programs.

Consultation with other advisory bodies and representative groups—cooperative utilization of services, facilities and information

Section 405: The Council shall consult with the National Advisory Health Council, other advisory councils or committees as well as such representatives of the private sector as it deems advisable and shall utilize the services, facilities and information of other public and private organizations to the fullest extent to avoid unnecessary overlapping or duplication of effort.

Compensation of members

Section 306: The Chairman shall be compensated at the rate of Level II and the other members at the rate of Level IV of the Executive Schedule Pay Rates.

Authorization of appropriations

Section 407. Authorizes such sums as are needed to enable the Council to function, not to exceed $1 million in any fiscal year.

Subtitle B—Departmental Recommendations and Reports

Statements regarding effect of departmental proposal on Nation's health care

Section 411: Every agency of the Federal Government is required to include, to the fullest extent possible, in each report on proposals for legislation or other major Federal action significantly affecting health or the health care system, the impact of the proposal on the nation's health care system, adverse effects, alternatives, the relative priority established by the Council of Health Policy Advisers, and any irreversible or irretrievable commitments of resources involved. Prior to making this report the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise relative to the health impact of the proposal. These comments, with comments of appropriate Federal, State and local agencies shall be made available to the President, the Council, and the public, and shall accompany the proposal through the existing agency review process.

Agency obligations under other Federal statutes

Section 412: The preceding section (sec. 411) shall not affect the obligations imposed on Federal agencies by other Federal statutes.

Subtitle C—Comprehensive Health Planning Amendments

Part A—Definition of "appropriate comprehensive health planning agency"

Section 431. Adopts for purposes of the entire Public Health Service Act the definition of "appropriate comprehensive health planning agency" provided in section 444 of this bill.

Part B—State and areawide comprehensive health planning agencies

State agency review and certification

Section 441: In order to qualify for the comprehensive health planning grants currently provided by section 314 of the Public Health Service Act, a State plan for comprehensive State health planning must, in addition to existing requirements, provide for the project certification procedures established by this Part B.

Areawide comprehensive health planning agencies

Section 442: This section increases the funds authorized for project grants for areawide health planning to $25 million for FY 1971, $40 million for FY 1972 and $60 million for FY 1973.

To be eligible for the grants the agency must be prepared to function as the "appropriate comprehensive health planning agency" for the area or region. The agency must be prepared to play a strengthened role in coordinating areawide health affairs, including the determination of health needs, capital expenditure programs, cooperative use of facilities, optimum use of available manpower, and improved management techniques. The agency must provide for consultation with the areawide health planning council and other groups, for the representation of health care facilities and physicians, for enlisting public support, and for educating the public concerning the proper use of facilities and services available.

Comprehensive procedure for review and certification

Section 443: In the case of applications for Federal grants, loans, or other financial aid involving more than $100,000 which require certification by the appropriate comprehensive health planning agency, the application may be approved by the Secretary only after he is satisfied that the review provisions of this section have been met. The section, strengthening the role of the agency, requires that it have reasonable opportunity to review and comment on the application, and has certified to its essential need and high priority. If the "appropriate comprehensive health planning agency" is a metropolitan or other local planning agency, that agency, after reviewing the application, must have communicated its comments to both the applicant and the State agency. The State planning agency must make its own determination that the application fits in with the State's overall needs and priorities as expressed in the State plan. If two or more States are involved, each State agency must make a separate certification as to the need and priority of the project in its State.

Definitions

Section 444: In the case of a project affecting an entire State, the appropriate comprehensive health planning agency is the agency designated in the State plan. In the case of a project affecting a region, metropolitan area, or other local area, the appropriate comprehensive health planning agency is the agency or organization designated under section 442 of this bill or such other public or nonprofit private agency determined in accordance with regulations to be performing the required health planning functions.

TITLE V—PROVISIONS TO MAKE COMPREHENSIVE HEALTH CARE INSURANCE AVAILABLE TO ALL

Title V of the bill contains provisions designed to accomplish three major objectives:

(1) To establish minimum nationwide standards for individual health care benefits;

(2) To establish a system of nationwide health care insurance, utilizing both privately and publicly financed plans, which will assure that every individual requiring medical care will have the funds required to pay the cost of the care when his need for it arises, irrespective of his economic status; and

(3) To control the cost and quality of medical care to the consumer by strengthening controls over the prices charged by institutional and individual providers of medical care that may be exercised by the public and private insurers who pay the providers' charges. Provisions to achieve the first of these objectives appear in Subtitle A, which establishes the Minimum Standard Healthcare Benefits, as well as in provisions of the remaining subtitles which implement these minimum standards by requiring that they be met as a condition to eligibility for the tax and other public financial incentives provided under those other subtitles. Provisions to serve the second of these major objectives appear in Subtitles B and C, which provide federal tax incentives for the establishment of private health insurance plans by employers and individuals, and in Subtitle D, which supplies public financial assistance, to be shared by federal and state governments, for state health care insurance plans designed to meet the needs of needy and uninsurable individuals. Provisions to accomplish strengthening controls over the cost and quality of medical care to the consumer, although woven into the fabric of all the provisions of Title V, appear mainly in the institutional rate reimbursement provisions of Subtitle D, in those provisions of Subtitle A which permit private insurers to impose limits on the charges for which providers of medical care may be reimbursed, as well as in those provisions of Subtitle A which, through the definition of minimum standard health care benefits, shift emphasis from high-cost in-patient hospital care to lower-cost types of ambulatory and preventive care.

SUBTITLE A

Minimum nationwide standard health care benefits established

Section 501: Minimum national standards for the health care of all individuals are prescribed by section 501 of the bill. The terms of the bill by which these standards are to be put into effect will make them nationwide in their application; will guarantee that the minimum standards of health care required will be at least as high or higher for needy and uninsurable individuals as for others; will assure that the standards prescribed will operate to set a minimum rather than a maximum for health care actually obtainable by an individual; will shift emphasis from the present day concentration on high-cost institutional and specialized health care to lower-cost ambulatory and preventive care which serves the comprehensive health care needs of an individual; and will permit the minimum standards to be phased in over a period of time in accordance with a schedule of priorities that will not give rise to unrealistic expectations for medical care beyond the level of medical facilities and professional talent the Nation is capable of delivering.

Nationwide application of minimum health care standards laid down by section 501 is effected by insertion in federal law, namely the Internal Revenue Code and the Social Security Act, or requirements that benefits paying for not less than the health care required under the minimum standards must be included in private or state established health care plans as a condition of eligibility for the federal tax or other public financial assistance accorded under the bill (see I.R.C. §§ 280 and 213, added by the bill).

To assure that the health care standards prescribed under section 501 will operate only as a minimum and will not discourage an individual's initiatives to secure even higher standards of health care for which he is willing to pay, the bill contains several provisions making it clear that the standards named are only minimums and that provision of benefits for high levels of medical care will not prevent a health care benefit plan from qualifying for advantages accorded under the new law. Such provisions include the one making it clear the standards established are only minimums (I.R.S. § 213(h); the ones specifically permitting additional benefits (I.R.C. §§ 280(c)(9)(C) and 213(g)(3)(D); the ones permitting a qualified private health care plan to provide for a covered individual's payment of medical expenses exceeding established "deductible" and "co-payment" standards (I.R.C. §§ 280(c)(9) and 213(g)(3)); and the ones permitting qualifying health care plans to include various other "optional" provisions (I.R.C. §§ 280(c) and 213(g)(3)).

Provisions in the bill to assure that the minimum standards of health care required to be provided needy and uninsurable individuals will be no less than those required for the more fortunately situated appear in the sections that apply the defintion of minimum standard health care benefits to private and publicly assisted plans alike (Social Security Act § 2002(a); I.R.C. §§ 280(c)(4) and 213(g)(1)), as well as in the benefit phase-in schedules requiring the timing of benefit implementation to be faster under publicly assisted plans for needy and uninsurable individuals (Social Security Act § 2002(a)) than under private qualified plans (I.R.C. §§ 280(c)(4) and 213(g)(1)).

Provisions in the bill to stimulate a shift in emphasis to the provision of comprehensive health care on an ambulatory and preventive care basis, and away from reliance on higher-cost in-patient institutional care appear throughout the definition of the Minimum Standard Healthcare Benefits generally (see I.R.C. § 213(h)) and particularly in provisions which bar higher co-payments for ambulatory-treatment of a given condition than for institutional treatment of the same condition.

The bill contains provisions to meet the problem of preventing the required minimum standard of health care benefits from outstripping the Nation's health care delivery capabilities. This is accomplished by provisions in the bill which assign one of three "priority designations" to each of the benefits in the Table of Minimum Standard Healthcare Benefits (I.R.C. § 213(h)(1)(A)) and by related provisions which require benefits in the several priority categories to be phased-in in accordance with a schedule prescribed in the law (I.R.C. §§ 280(c)(4)(A) and 213(g)(1)(A)). To permit the flexibility required to deal with unexpected shortfalls in development of the health care facilities and services needed to deliver the care covered by a particular benefit, the President is empowered, under restricted conditions stated in the law, to defer the scheduled time for phase-in of benefits that have not become legislatory at the time he acts.

The initial Minimum Standard Healthcare Benefits for individuals covered under qualified private plans and those for individuals covered under qualified public plans include the following:

(A) For non-occupational accidents and illnesses other than pregnancy:

(1) Diagnosis and non-surgical treatment by a physician in his office or at a hospital on a non-in-patient basis—three visits per year for individuals covered under private plans and six visits per year for individuals covered under public plans. Patient pays $2.00 per visit.

(2) Treatment by surgery or radiation therapy by a physician in his office or at a hospital on a non-in-patient basis—unlimited visits under both private and public plans. Patient pays $2.00 per visit.

(3) X-rays, laboratory tests, electrocardiograms, and other diagnostic tests performed in connection with care provided in (1) or (2) above—unlimited coverage under both private and public plans. No co-payment required.

(4) Birth control counseling by a physician in his office—covered only under public plans. No co-payment required.

(5) Well-baby care during first six months—six examinations covered under both private and public plans. No co-payment required.

(6) Well-baby care during next 18 months—six examinations covered only under public plans. No co-payment required.

(7) Physical therapy rendered or prescribed by a physician—covered only under public plans. Patient pays 20%.

(8) Diagnosis and treatment of any condition by a physician in a hospital or extended care facility—unlimited subject to co-payment of $3.00 per day during the first 30 days of confinement and $5.00 per day thereafter for individuals covered under private plans, and $2.00 per day for the first 120 days of confinement and $5.00 per day thereafter for individuals covered under public plans.

(9) Annual oral examination by a dentist (including prophylaxis)—applicable only to children under age 19 covered under public plans. No co-payment required.

(10) Amalgam fillings, extractions, and dentures—applicable only to children under age 19 covered under public plans. Patient pays 20%.

(11) Drugs requiring a prescription and certain life-preserving non-legend drugs prescribed by a physician—covered only under public plans. Patient pays $1.00 per prescription.

(12) Prosthetic appliances—covered only under public plans. Patient pays 20%.

(13) Hospital services (semi-private accommodations and ancillary services while confined as an in-patient)—the first 30 days of confinement for individuals covered under private plans and the first 120 days of confinement for individuals covered under public plans. Patient pays $10.00 the first day and 5.00 for each additional day of covered confinement.

(14) Extended care facility services (semi-private accommodations and ancillary services while confined as an in-patient)—the first 60 days of confinement for individuals covered under private plans and the first 120 days of confinement for individuals covered under public plans. Patient pays $2.50 per day of covered confinement.

(15) Home health agency services under a prescribed plan—those rendered during the first 90 days of the plan for individuals covered under private plans and during the first 180 days of the plan for individuals covered under public plans. The patient pays $2.50 per day of services rendered.

(B) For pregnancies. Diagnosis, treatment, and institutional confinement for pregnancy and any complications thereof from date of conception until the ninetieth day following termination of the pregnancy—covered only under public plans. Patient pays 20%.

Co-payments by patients have been used as a deterrent to excessive utilization of certain services. However, families have been protected against having these co-payments be a serious financial burden by means of a limit on the total amount of co-payments that may be required in any one year.

In the absence of a Presidential deferral, those Minimum Standard Healthcare Benefits that are initially provided individuals covered under qualified public plans but not private plans will become available to individuals covered under qualified private plans on January 1, 1976. Similarly the proposed 1976 improvements in the Minimum Standard Healthcare Benefits for qualified public plans will become effective for qualified private plans in 1979.

SUBTITLE B AND C

Qualified employee and individual healthcare plans

Subtitles B and C of the bill provide significant federal income tax incentives to stimulate the extension of comprehensive health care insurance under qualifying privately financed plans maintained by employers for employees, or by individuals for themselves and their dependents.

Qualified employee healthcare plans

Section 511: The bill amends the Internal Revenue Code to restrict the federal income tax deduction otherwise allowable to an employer for any amount paid or incurred by the employer for medical care of any employee or his dependents. This deduction is restricted to 50 percent of the described expense for medical care of the employee. If the employer establishes and maintains a Qualified Employee Healthcare Plan, the restriction will not apply, and 100 percent of the described expense is deductible. This section is applicable to taxable years commencing after December 31, 1972, except that, in the case of any employer plan providing medical care for employees which was established pursuant to a collectively-bargained agreement, the restrictions on the deduction will not apply until the expiration of the agreement, or December 31, 1975, whichever occurs first.

Each Qualified Employee Healthcare Plan must provide at least the Minimum Standard Healthcare Benefits described in Subtitle A. A qualified plan must be in writing, adopted by the employer, and communicated to his employees. Substantially all active full-time employees must be eligible to be covered, and the coverage must continue upon certain terminations of employment or certain temporary absences of the employee. A coordination of benefits provision must be included in a qualified plan to avoid costly duplication of coverage. The plan also must permit eligible employees to seek coverage instead from any approved health maintenance organization in cases which specified conditions are satisfied.

Qualified individual health-care plans

Section 521: The Internal Revenue Code presently restricts an individual's deduction for his expenses paid for insurance which constitutes medical care to an amount (not in excess of $150) equal to 50 percent of the amount actually paid. The portion of the expense not so deductible may be deducted only to the extent that it exceeds 3 percent of adjusted gross income. The bill amends the Internal Revenue Code, for taxable years commencing after December 31, 1972, to remove these restrictions and to allow 100 percent of medical care insurance premiums as a deduction, if such expenses are paid by an individual who is covered by a Qualified Individual Healthcare Plan, a Qualified Employee Healthcare Plan, or a Qualified State Healthcare Plan.

Each Qualified Individual Healthcare Plan must provide at least the Minimum Standard Healthcare Benefits described in Subtitle A. A qualified individual insurance contract must contain provisions which obligate the insurer to renew the policy, and allow covered dependents to continue their coverage under the policy after the death of the insured as if he were still alive.

SUBTITLE D

Grants to States for qualified State healthcare plans for the needy and uninsurable

Section 531: The bill adds a new Title XX to the Social Security Act to provide for the establishment of publicly subsidized health care insurance plans on a state by state basis. Each state will have a health insurance pool, which all private entities in that state (both profit and non-profit) which currently indemnify the cost of health care would be required to underwrite. One or more private insurance carriers will be designated by the state to administer the state plan on a retention accounting basis. These state plans will guarantee that Minimum Standard Healthcare Benefits are made available to individuals and families who previously were unable to purchase health care insurance, either because of their low income or their extremely poor health (secs. 2001; 2002(a); 2002(d); 2003(a); 2003(b); 2010; 2015(d) of Title XX).

In order to encourage a state to establish a plan, federal appropriations otherwise payable to the state pursuant to Titles V and XIX of the Social Security Act are conditioned on the state's having in operation a Qualified State Healthcare Plan. The benefits required to be provided by a state plan are designed to stimulate the nationwide development of improved methods for organizing and delivering health care services (secs. 2002(a) and 2012(d) of Title XX).

Individuals or families who are eligible to receive public cash assistance under a program financed in whole or in part by federal funds will be enrolled in the state plan automatically, and without cost. Those individuals who are financially capable of procuring health insurance, but who are uninsurable because of poor health, may enroll in the state plan at their own expense; however, these individuals may not be charged more than the established rate for other individuals enrolled in that state plan. Enrollment of other individuals and families who had low incomes the previous year (less than $3,000 for single individuals, less than $4,500 for a family of two, and less than $6,000 for a family of three or more) is voluntary. Such individuals and families would elect to be enrolled once each year and would be required to make modest contributions toward the cost of insuring their own health care, depending on the size of their family and the amount of their income. No assets or other means tests are required (secs. 2003(a); 2003(b); 2005(a); 2005(c); 2006(a); 2006(b) of Title XX).

The premiums to be charged for each policy year under a state plan will be actuarially determined in each state, and for each family size risk category. The established premiums are subject to annual review by designated federal and state agencies, and if the premiums are found to be unjustifiably high within a particular state, the Secretary of Health, Education, and Welfare may direct a reduction in the federal appropriation for that state's premium cost. Each state has the primary obligation to provide the uncontributed premium cost for its plan; but if the state implements and utilizes controls which are designed to promote the delivery of lower-cost higher-quality institutional health care services, if it exempts Qualified State Healthcare Plan transactions from state taxation, and if it eliminates discriminatory state tax treatment of health care insurers, then the state will receive federal appropriations reimbursing it for a percentage of its total uncontributed premium cost. This federal percentage reimbursement is greater in poor states than in richer states. The base figure may be between 70 and 90 percent, depending on the state's per capita income, but further adjustments to this percentage may be made if institutional rates charged in any particular state for health care services are unjustifiably high in comparison with other states. States are given the authority to review in advance the rates to be charged by health care institutions for their services, and to refuse to approve these rates for payment under the state plan. The cost and quality of health care services provided by physicians and other medical practitioners will be controlled in each state.

A professional service, otherwise covered by these state plans, shall be reimbursed only if it falls within professionally established utilization guidelines or is found to be necessary health care by a qualified peer review committee. Furthermore, no charge for a necessary service shall be reimbursed to the extent that it exceeds the prevailing charge in a locality for similar services (secs. 2002(e)(2); 2004; 2006(e); 2008, 2009; 2010(c)(3); 2012(a); 2012(e) 2014 of Title XX).

If the premiums collected and other monies received under the state plan are not sufficient to pay the claims incurred and the other costs of operating; the state plan, the private underwriters of the plan shall bear the losses to the extent of 3 percent of the premiums collected for that year. The state will bear the excess losses and will receive a federal appropriation reimbursing it for that portion of the excess losses equal to the base federal percentage for that state's premium costs (secs. 2010 and 2012(b) of Title XX).

To avoid costly duplication of coverage, enrollment is not available to those individuals or families covered under a Qualified Employee Healthcare Plan; enrollment is not generally available to classes of individuals or families who will receive substantially all of their medical care under a non-Social Security federal or state program; all eligible state plan enrollees must have Medicare Part B supplementary medical insurance coverage, the material cost of which would be borne by the state and the benefits of which would be coordinated with state plan benefits (secs. 2002(e)(3); 2003(a)(3); 2003(a)(4); 2013 of Title XX).

Specific provision is made in the bill (sec. 2012 of Title XX) to protect the federal government against having to bear such part of the cost of a Qualified State Healthcare Plan as may be attributable to a state's decision to have the plan provide greater benefits than the minimum required for qualification under Title XX.

Applicants for enrollment in the state plan must provide and certify all information required to make an eligibility determination. Any federal or state agency may be required to furnish information deemed by the administering carrier to be necessary to verify eligibility (secs. 2005 and 2011 of Title XX).

Conforming amendments to title V of the Social Security Act

Section 532. The bill amends Title V of the Social Security Act (Maternal and Child Health and Crippled Children's Services) to avoid unnecessary and costly duplication of federally subsidized health care programs. Title V presently pays for the cost of various medical items and services which will be required to be provided under Qualified State Healthcare Plans. On July 1, 1973, or upon a state's establishment of a Qualified State Healthcare Plan, whichever occurs first, payment for items and services now covered under Title V would be excluded, if they also would be covered under a Qualified State Healthcare Plan. Title V will continue to pay for items and services which are not covered by Qualified State Healthcare Plans.

Conforming amendments to title XVIII of the Social Security Act

Section 533: Individuals and families eligible for enrollment in the Medicare Part B supplementary medical insurance program are required to be enrolled in said program as a condition for enrollment in a Qualified State Healthcare Plan. Section 1837 of Title XVIII of the Social Security Act is amended by the bill to remove existing limitations on Medicare Part B enrollment which might prevent otherwise eligible state plan enrollees from qualifying for Qualified State Healthcare Plan coverage. Each state which has a Qualified State Healthcare Plan is required to pay the premium for supplementary medical insurance benefits under Part B of Title

XVIII of the Social Security Act for individuals and families who are eligible to enroll in the Part B program and who are also eligible to receive public cash assistance under a federally financed program. Section 1843 of Title XVIII is amended by the bill to allow a state to enter into an agreement with the Secretary of Health, Education, and Welfare pursuant to which all of these indigent state plan enrollees will be enrolled under the program established by Part B of Title XVIII.

Conforming amendments to title XIX of the Social Security Act

Section 534: The bill amends Title XIX of the Social Security Act (Grants to States for Medical Assistance Programs), to avoid unnecessary and costly duplication of federally subsidized health care programs. Title XIX presently pays for the cost of various medical items and services which will be required to be provided under Qualified States Healthcare Plans. On July 1, 1973, or upon a state's establishment of a Qualified State Healthcare Plan, whichever occurs first, payment for items and services now covered under Title XIX would be excluded if they also would be covered under a Qualified State Healthcare Plan. Title XIX will continue to pay for items and services which are not covered by Qualified State Healthcare Plans.

Conforming amendments regarding "reasonable cost"

Section 535: The bill (sec. 531 of the bill and secs. 2002(e)(2); 2008; and 2009 of the new Title XX it adds) establishes standards for strengthening controls over the quality and cost to enrollees for health care services provided by physicians or other medical practitioners and for health care services rendered to state plan enrollees in health care institutions. The bill provides that these standards shall apply to determine "reasonable cost" under the existing federally subsidized health care programs established by Titles V, XVIII, and XIX of the Social Security Act.

Conforming amendments to the Internal Revenue Code

Section 536: The premiums and other monies received pursuant to the operation of a Qualified State Healthcare Plan will, to the extent feasible, be invested by the administering carrier in interest-bearing obligations and other income-yielding securities. The bill amends Section 115 of the Internal Revenue Code to exempt this interest or other income from federal income taxation.

Carrier compliance

Section 537: The bill requires insurance carriers to pool their efforts and resources to insure that all individuals and families will receive higher-quality, lower-cost health care benefits. This section provides that these carriers will not be subject to federal or state antitrust legislation solely as a result of their efforts to comply with the provisions of Title V of the bill.

Effective date

Section 538: Sections 531, 532, 533, 534, 535, 536, and 537 of the bill are to become effective upon enactment, except that Qualified State Healthcare Plans will not provide benefits before July 1, 1972, and the federal tax exemption for investment income derived pursuant to Qualified State Healthcare Plan investments will apply only to taxable years ending after June 30, 1972.

By Mr. STEVENS:

S. 1495. A bill to amend the Internal Revenue Code of 1954 to permit a deduction from gross income based upon the cost of living in certain States. Referred to the Committee on Finance.

COST-OF-LIVING TAX ADJUSTED

Mr. STEVENS. Mr. President, today I am introducing legislation to exempt from Federal taxation a portion of the income earned by non-Federal employees who reside in States in which Federal employees receive an allowance based on living costs and other conditions.

At present, the Federal Government provides a 25-percent cost-of-living adjustment to Civil Service employees who reside in Alaska. This nontaxable adjustment is added to the base pay of such employees. Private employers and the State government cannot and should not be required to provide proportionate salary increases based on the cost of living.

An alternate approach is provided in my bill. Under this legislation, the gross income of an individual who resides and is employed in a State in which Federal employees receive an allowance under section 5941 of title 5, United States Code, would not include a percentage of income received during the taxable year as compensation for personal services equal to the percentage of basic pay received by employees of the Federal Government as an allowance under this section. Because Federal employees already receive such an allowance in certain States, the cost-of-living adjustment provided in my bill would not apply to them. Moreover, if an individual resides for only part of the taxable year in a State which qualifies under section 5941, the provisions of my bill would apply only to compensation attributable to the period during which the individual resided in such a State.

The bill which I have just outlined would help to lighten the tremendous tax burden presently imposed on non-Federal employees, who are not eligible for the 25-percent cost-of-living adjustment provided in section 5941. However, this legislative approach is not the entire answer. Federal employees in States like Alaska, where the cost of living is 40 percent above the national average, continues to be subject to a very heavy tax burden which is only partly offset by the 25-percent Federal adjustment. Similarly, providing an analogous 25-percent differential to non-Federal employees will not completely resolve their Federal tax problem. Accordingly, I have introduced another measure which would allow a taxpayer to deduct the percentage of the total amount of his personal exemptions equal to the percentage by which the cost of living in the State in which he resides during the taxable year exceeds the average cost of living in the United States for that year.

I believe that the combination of these two bills will provide much-needed Federal tax relief to the beleaguered taxpayers of my State and certain others where the cost of living is very high. Moreover, these bills should also help to accelerate the economic and social progress of these States. Business concerns will find it more attractive to locate in them, and citizens from other parts of the country will not be deterred from residing in them solely because of the high cost of living. Accordingly I urge the careful consideration of this legislation.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1495

A bill to amend the Internal Revenue Code of 1954 to permit a deduction from gross income based upon the cost of living in certain States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 218 as 219, and inserting after section 217 the following new section:

"SEC. 218. COST OF LIVING DEDUCTION

"(a) Allowance of Deduction.—In the case of an individual, there shall be allowed as a deduction a percentage of the total amount of the personal exemptions to which he is entitled equal to the percentage (determined by the Secretary or his delegate under subsection (c)) by which the cost of living in the State in which he resides during the taxable year exceeds the average cost of living in the United States for that year.

"(b) Limitations.—The amount of the deduction allowable under subsection (a) shall be adjusted appropriately for any period of time during a taxable year during which the taxpayer was not residing in the State on which he bases his deduction under such subsection. In the case of a taxpayer who, during any taxable year, resides in more than one State which qualified him for such deduction, the amount of the deduction shall reflect the proportionate periods of time during which he resided in such State. In the case of a taxpayer whose taxable year is not the calendar year, the amount of the deduction shall reflect proportionately the calendar years which fall within his taxable year.

"(c) Determinations by the Secretary.—On or before December 1 of each year, the Secretary or his delegate shall determine with respect to each State whether the cost of living in such State is greater than the average cost of living in the United States. If the Secretary or his delegate determines that the cost of living in any State is greater than the average cost of living in the United States, he shall determine and make available the percentage (rounding off to the nearest whole percent) by which the cost of living in such State exceeds the average cost of living in the United States. The determination shall be made for each year on the basis of indices and other information available from all departments and agencies of the Government covering the first nine months of such year, and the determination of the cost of living in each State shall be made on the basis of such indices and information applicable to the three largest cities or metropolitan areas in such State.

"(d) Finality of Determinations.—Determinations by the Secretary or his delegate under subsection (c) shall be final and shall not be subject to review by any other officer of the United States or by any court.

"(e) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) The table of sections for such part VII is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 218. Cost of living deduction.

"Sec. 219. Cross references."

SEC. 2. Section 62 of such Code (relating to the definition of adjusted gross income) is amended by inserting after paragraph (9) the following new paragraph:

"(10) Cost of living deduction.—The deduction allowed by section 218."

SEC. 3. The amendments made by this Act shall apply with respect to taxable years beginning after December 31, 1970.

By Mr. STEVENS:

S. 1496. A bill to amend the Internal Revenue Code of 1954 to exempt from tax a portion of the income of individuals not employed by the Federal Government who live in a State in which Federal employees receive an allowance based on living costs and conditions of environment. Referred to the Committee on Finance.

EQUALIZATION OF PERSONAL EXEMPTIONS

Mr. STEVENS. Mr. President, today I am introducing legislation to provide much-needed Federal tax relief to the beleaguered taxpayers of Alaska and other States where the cost of living is above the national average.

My bill would allow a taxpayer to deduct a percentage of the total amount of his personal exemptions equal to the percentage by which the cost of living in the State in which he resides during the taxable year exceeds the average cost of living in the United States for that year. The amount of the deduction allowable under this provision would be adjusted for any period during the taxable year when the taxpayer was not residing in the State on which he bases his deduction. In such cases, the amount of the deduction would reflect the proportionate periods of time during which he resided in different States. Under my bill, the Secretary of the Treasury would be responsible for determining the relationship of the cost of living in each State to the national average.

This legislation is introduced in recognition of the tremendous tax burden imposed on citizens who reside in States, such as Alaska, where the cost of living is significantly above the national average. Thus, for example, the cost of living in my State of Alaska is 40 percent above the national average. In recognition of this fact, the Federal Government provides a 25-percent cost-of-living adjustment to Civil Service employees living in that State. This nontaxable adjustment is added to the base pay of such employees. However, even this additional income does not truly compensate Alaskan Federal employees for the extremely high prices which they must pay for food, shelter, clothes, and other essentials. Moreover, workers in the private sector and in State government receive no Federal tax relief.

The Alaskan price structure, which is largely due to the tremendous costs incurred in transporting goods and material to Alaska and within the State, has impeded the economic and social progress of our people. Business concerns often find it unattractive to locate in Alaska, and people from the "South 48" States who might choose to reside in the State are deterred from doing so because of the high cost of living. Regrettably, senior citizens who have resided in Alaska most of their lives are often compelled to return to the continental United States after retirement since the high cost of living has an especially deleterious impact on people with fixed incomes.

These manifestations of the cost of living situation are also experienced in other States where the cost of living significantly exceeds the national average. I believed that the bill which I have introduced today will go a long way toward ameliorating the heavy tax burden which so complicates the already exacerbated situation.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1496

A bill to amend the Internal Revenue Code of 1954 to exempt from tax a portion of the income of individuals not employed by the Federal Government who live in a State in which Federal employees receive an allowance based on living costs and conditions of environment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 124 as 125, and inserting after section 123 the following new section:

"SEC. 124. PARTIAL EXCLUSION OF INCOME OF INDIVIDUALS RESIDING IN CERTAIN STATES.

"(a) General Rule.—In the case of an individual who resides and is employed in a State in which employees of the Government of the United States receive an allowance under section 5941 of title 5, United States Code, gross income does not include a percentage of income received during the taxable year as compensation for personal services (including fees, commissions, and similar items) equal to the percentage of basic pay received by employees of the Government of the United States as an allowance under such section.

"(b) Limitations.—

"(1) Federal employees.—The provisions of subsection (a) shall not apply to amounts received by an employee of the Goverment of the United States as pay and allowances from the Government.

"(2) Residents for less than a taxable year.—If an individual does not reside in such a State for the entire taxable year, the provisions of subsection (a) shall apply only to compensation attributable to the period during which such individual resides in such State.

"(c) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such part III is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 124. Partial exclusion of income of individuals residing in certain States.

"Sec. 125. Cross references to other Acts."

SEC. 2. The amendments made by this Act shall apply to taxable years beginning after December 31, 1971.

By Mr. STEVENS:

S. 1497. A bill to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. STEVENS. Mr. President, today I am introducing, for myself and Senator GRAVEL, legislation to authorize an addition to the Sitka National Monument in the State of Alaska.

Our bill authorizes the Secretary of the Interior to acquire the Russian mission site and related lands identified on the map referred to in the bill for addition to the present Sitka National Monument. Our bill also redesignates the monument as the "Sitka National Historical Park" and directs that this park be administered in accordance with existing legislation relating to such parks. Section 3 of this measure authorizes the appropriation of the sums necessary to carry out these purposes.

In order to appreciate fully the need for this legislation, one must know something of Sitka's rich history. Little more than a century ago, this city was the center of trade and civilization in the Northeast Pacific—the chief outpost of the Russian-American company in a vast and little known land. Because of its commercial importance, Yankee Clipper ships from New England stopped in Sitka on their way to the Orient. In addition, Sitka became the center of commerce between Russian merchants and the Indians of southeastern Alaska. As such, it was the site of the only Indian battles fought in Alaska.

Today, there are few remaining vestiges of Alaska's early history. Most of the structures which were built during the city's Russian period have long since disintegrated with age or have been destroyed. One of the remaining buildings is the Russian mission and school. Built of logs in 1842 and used continuously for 128 years, this valuable historic structure can be saved only through its inclusion in the Sitka National Monument.

While there are other structures, such as the Blockhouse Hill complex, which also have great historical value and should be preserved, the mission is in the most dire need of immediate protection. At present, this building is exposed to the elements and is vulnerable to vandalism. Recognizing the urgency of this situation, the people of Sitka have requested that Senator GRAVEL and I introduce a bill specifically designed to preserve the Russian mission. Accordingly, we are proposing this legislation which will provide the National Park Service with the authority to acquire and preserve this unique historical treasure.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1497

A bill to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership for the benefit and inspiration of present and future generations of Americans an area which illustrates a part of the early history of the United States by commemorating Czarist Russia's exploration and colonization of Alaska, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, for addition to the Sitka National Monument, the lands and interests therein, and improvements thereon, including the Russian Mission, as generally depicted on Drawing Numbered 314–91,001, dated April

1970, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Lands and interests in lands within such area owned by the State of Alaska or any political subdivision thereof may be acquired only by donation.

SEC. 2. The Sitka National Monument is hereby redesignated as the Sitka National Historical Park, and it shall be administered, protected and maintained by the Secretary in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4) as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 *et seq.*).

By Mr. NELSON (for himself and Mr. McGOVERN):

S. 1498. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

STRIP MINING

Mr. NELSON. Mr. President, recently Congressman KEN HECHLER of West Virginia introduced a bill to ban strip mining for coal in the United States in 6 months. Today I am introducing the same bill in the Senate, with the Senator from South Dakota (Mr. McGOVERN) as a cosponsor. Although other measures are pending before us, including my proposal, S. 77, to deal with the environmentally devastating practice of strip mining, Congressman HECHLER's measure also merits the consideration of the Senate.

In introducing his bill, Congressman HECHLER has raised the question whether strip-mined lands can ever be effectively restored, especially in mountainous areas.

The damage from strip mining, Congressman HECHLER argues, "is so great that even the best of reclamation practices does not eliminate some of its ugly scars."

Already, an estimated 1.8 million acres have been disturbed by strip mining in this country. And at presently accelerating rates, the figure will reach 5 million acres, an area about the size of New Jersey, by 1980, the Interior Department estimates.

Yet the Department finds that only 56,000 acres have thus far been reclaimed after strip mining.

If the damage from strip mining cannot be undone, the consequence is not only the loss of natural beauty, but a permanent handicap on the economy of the strip mined area. What promise of future economic strength and diversity can there be in an area whose landscape is left polluted and barren forever, with reclamation efforts making only the most superficial progress toward recovery?

Is this country willing to trade away the future of whole regions and their people just to provide the supposed easiest, cheapest way out of meeting our endless resource demands?

What price Appalachia? What price the areas of the 37 States with significant coal or lignite deposits in them?

These are the questions that must be considered just as seriously as any other economic issue that may be raised in the coming debate over action on strip mining. Indeed it is true that human resources, and jobs, and the quality of life, and the strength of the economy are in the balance in these grave environmental matters. And in the long run, this country will find that paying the price now of environmental cleanup is going to be far less than continuing to pay the gigantic and rapidly mounting annual toll in damages from environmental problems we continue to ignore.

In considering strip mining legislation, Congress must frankly ask whether reclamation is possible, and if so, in what circumstances. And we must also review the environmental impact and the cost of recovery involved in the alternative of underground mining.

Thus, I introduce the measure to ban all strip mining for coal because it raises serious questions which must be considered in any action on this critical, unresolved environmental and human problem confronting the Nation.

And if environmental action on strip mining causes an economic impact on a mined area in the short run, I would support Federal aid to help in the transition.

Because I have explained my own measure in earlier statements in this and previous Congresses, I will only briefly review it here: In addition to banning surface mining in areas where reclamation is not feasible, this proposal would regulate present and future strip mining through a Federal-State program which would set and require compliance with standards, and provide financial assistance for reclamation.

By Mr. EASTLAND:

S. 1499. A bill to amend title 18, United States Code, with respect to certain offenses against the security of the United States;

S. 1500. A bill to amend the Immigration and Nationality Act, and for other purposes;

S. 1501. A bill to amend titles 18 and 28, United States Code, with respect to proceedings before committees of the Congress, and for other purposes;

S. 1502. A bill to amend the Internal Security Act of 1950, and for other purposes;

S. 1503. A bill to amend the Foreign Agents Registration Act of 1938; and

S. 1504. A bill to provide for the internal security of the United States Government, and for other purposes. Referred to the Committee on the Judiciary.

Mr. EASTLAND. Mr. President, I send to the desk six bills, and ask that they be appropriately referred. Mr. President, considered together these six bills make up a package which includes substantially all the provisions that were contained in my bill S. 12, which died on the calendar of the Senate Committee on the Judiciary at the end of the 91st Congress, after having been reported favorably by the Internal Security Subcommittee.

Senators will recall that S. 12 proposed to rewrite the Internal Security Act quite extensively, so as to plug various loop holes, and restore the efficacy and enforceability of various segments of our internal security laws along the lines suggested by a series of Supreme Court decisions which found these various security provisions inadequate in one respect or another, or ineffective to accomplish their purposes.

Mr. President, 20 Senators join me in sponsoring S. 12, and yet the bill spent nearly 2 years on the calendar of the Judiciary Committee without action. I have come to the conclusion that one reason for this may have been the fact that the bill involves so many different provisions in a single package that Senators were reluctant to take it up while they were faced with various other responsibilities of great importance, as the Committee on the Judiciary was during both sessions of the 91st Congress.

Mr. President, I will not take the time today to discuss at length each of the several bills I have introduced; but I want to identify them so that Senators may have a general idea of what they involve.

The first of these six bills is a proposed Security Offenses Act of 1971. It would amend the criminal code in various ways for the purpose of strengthening security. Among its major provisions are: First, strengthen definitions of "war premises" and "national defense premises"; second, a provision for suspension of the running of the statute of limitations applicable to offenses involving the performance of official duty by Government employees; third, the statute of limitations on the crimes of treason, espionage; fourth, a series of amendments to restore the efficacy of that law; and fifth, a prohibition against the giving of aid or comfort to a foreign government engaging our Armed Forces in combat.

The next of these six bills in the order in which I have sent them to the desk is a bill to amend the Immigration and Nationality Act, with a view toward increasing both immigration security and passport security. This bill carries the short title of the Immigration and Passport Security Act. Among other provisions, this bill embraces a short travel control act which would give the Secretary of State, subject to the approval of the President, necessary authority for travel control, entirely independent of passports.

The third of the six bills which I have sent forward is a proposed Congressional Inquiries Act of 1971, which contains necessary provisions for facilitating congressional investigations. Among these provisions is a new immunity statute for congressional witnesses, provisions dealing with the service of congressional subpenas abroad, a section prohibiting reprisals against congressional witnesses, and a section providing that no court of the United States shall presume to decide whether a congressional committee is performing or has performed its duties effectively or satisfactorily, any such determination being an exclusive legislative prerogative.

The fourth of the six bills is a series of amendments proposed to the Internal Security Act of 1950, which together bear the short title "Internal Security Act of

1971." Among other provisions, these amendments would:

First, make a series of changes in the Subversive Activities Control Act to increase the efficiency and effectiveness of the Subversive Activities Control Board;

Second, effectively prohibit the employment of Communists in Defense Facilities;

Third, prohibit employment of Communists as teachers in any school system supported wholly or partly by Federal funds;

Fourth, deny tax exemptions to subversive organizations or individuals, and

Fifth, disallow tax donations to Communist organizations.

The fifth of the six bills I have introduced today would amend the Foreign Agents Registration Act of 1938.

The sixth and last of these bills which carried the short title of the Government Security Act of 1971, would provide for the establishment of an independent agency in the executive branch of the Government to handle all of the investigations and evaluations in personnel security cases, except with respect to employees of agencies in the intelligence community and employees of the armed services. This new Central Security Agency would not grant clearances, that power being left to the heads of the respective employing agencies or departments.

Mr. President, I hope it may be possible to move at least some of these bills to the floor of the Senate during the present session. It will be my purpose to do what I can to see that all of them move toward the floor of the Senate as rapidly as possible, so that the Senate may work its will with respect to these matters, which so urgently concern the internal security of this country.

By Mr. PROUTY:

S. 1505. A bill to amend the Social Security Act so as to add thereto a new title XX under which blind or disabled individuals will be assured a minimum annual income of $1,800. Referred to the Committee on Finance.

Mr. PROUTY. Mr. President, I send to the desk, for appropriate reference, a bill to establish the Blind and Disabled Income Assurance Act of 1971. This bill is a companion measure to the Older Americans Income Assurance Act, S. 1384, which I introduced on March 25.

Our Nation's welfare system has evolved into a mystic maze of costly, inadequate programs. There are currently five general categories for Federal welfare assistance. Three of these categories offer assistance to those adult Americans who have little possibility of maintaining completely self-sufficient lives. Old-age assistance, aid to the blind, and aid to the permanently and totally disabled are programs which offer assistance to a relatively stable number of individuals. Old-age assistance now serves about 2 million older Americans. In the categories of aid to the blind and aid to the permanently and totally disabled there are just under 1 million recipients. These programs now cost the States a billion dollars annually.

Recently, we have read that the Committee on Ways and Means in the House is considering welfare reform proposals which will completely federalize the adult welfare categories. This approach should be commended. It will relieve some of the burden carried by our States by increasing available resources. The reforms will affect those federally assisted programs which have the least amount of conflict developed between competing ideas as to the best way to assist these persons in need.

When I introduced the Older Americans Income Assurance Act, I stressed the fact that my proposal should be seen as a supplement to the President's revenue-sharing proposals. My proposal will take those programs which can most easily benefit from revenue sharing. It will federalize those programs where cash assistance is the best possible strategy for aiding persons in need.

The adult categories of Federal welfare assistance are those in which the recipient can benefit most from a simple cash grant. The problems of how best to care for the dependent children in our society are ones which deserve extensive discussion of alternative proposals.

Our aid to dependent children program is designed to assist those families who cannot adequately care for their own. Our aid goes to parents to assist them in raising their young. In these programs we are hopeful that our adult recipients will develop into useful and productive citizens. In essence, it should be the goal of our program for aid to dependent children to relieve this group of their need for assistance. Our training and education programs for the blind and disabled have the more limited goal of assisting those recipients in learning how to function in spite of their disability.

The rehabilitation services available to those blind and disabled Americans now receiving Federal welfare assistance are well established. It will be a simple matter to federalize the cash assistance for these citizens.

By federalizing welfare payments in these three categories we will be utilizing a function which the Federal Government can perform most efficiently—the distribution of cash income. The Federal Government has proven its capabilities to those 26 million Americans who receive a social security check each month.

The Blind and Disabled Income Assurance Act will guarantee every blind or disabled American qualifying under the act a minimum cash income of $150 per month. The Social Security Administration will make payments to individuals to bring their cash income to the guaranteed level. Payments for the Blind and Disabled Income Assurance Act will be made from the general revenues. In determining income, both earned and unearned income will be computed. Under my bill the computation of income for married persons will consider one-half of the spouse's income to establish a base payment.

One of the major problems of the present system, which will be eliminated by my bill, is the variation in standards which now face those receiving aid. Currently, our blind and disabled Americans face a myriad of confusing regulations for qualification. In the programs for aid to the blind there are five different age levels which individual States apply for qualification. There are three standards of citizenship. There are at least eight standards established for need. Evaluations of property and income limitations vary widely from State to State.

Mr. President, is there any reason why blind Americans can receive benefits as early as age 5 in one State and must wait until age 21 in another? If there is not, then why should we allow these inequities to continue?

My bill will also establish uniform definitions of blindness and disability throughout the Nation. Currently, there are variations in definitions of blindness and disability which perpetuate inequities between States. What qualifies for disability assistance in one State may not qualify in another. There is no reason for this patchwork therapy.

The average payment for aid to the blind stretches from a high of $175.55 to a low of $66.70 per month. In the disabled categories this disparity runs between a high of $173.80 and a low of $49.65 per month. My bill will bring the minimum monthly standard in every State to $150. For those States which now average more than $150 my bill includes a hold harmless provision to insure that the sum paid to the individual will be equal to the benefits he would have received as of May 1, 1971, if they are greater than the established minimum.

The entire process will be administered through the Social Security Administration. The federalization of these programs will thus lower the cost of overhead for the programs by eliminating the need for individual State agencies to administer the programs and distribute benefits. It will create a more efficient distribution system by eliminating much of the duplication of effort now present in the system.

The simplicity and directness of my program will add savings to the administration costs of the program, as well as insuring the dignity and self-respect for the citizens receiving benefits.

Mr. President, the reforms proposed in my Older Americans Income and Blind and Disabled Income Assurance Acts offer a better, less complicated system for those receiving assistance. My bills also offer the States over $1 billion in added revenue.

Most importantly, my bills offer the essential ingredient lacking in our system today. Those Americans now receiving assistance in the adult categories will be assured economic security and self-respect.

Mr. President, I ask unanimous consent that the text of my bill and several tables and explanations be added at the conclusion of my remarks.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1505

A bill to amend the Social Security Act so as to add thereto a new Title XX under which blind or disabled individuals will be assured a minimum annual income of $1,800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Blind and Disabled Income Assurance Act of 1971."

SEC. 2. The Social Security Act is amended by adding after Title XIX thereof a new title XX as follows:

"TITLE XX—ASSURED MINIMUM ANNUAL INCOME BENEFITS FOR THE BLIND AND DISABLED

"ELIGIBILITY FOR BENEFITS

"SEC. 2001. Every individual who—

"(1) is blind or disabled,

"(2) is a resident of the United States (as defined in section 2009),

"(3) has an annual income (as determined pursuant to section 2004) of less than $1,800 (or a sum equal to the amount to which he would have been entitled in his State of residence on May 1, 1971, if greater)

"(4) has filed application for benefits under this title, shall (subject to the succeeding provisions of this title) be entitled to assured minimum annual income benefits for the blind and disabled.

"PAYMENT OF BENEFITS

"SEC. 2002. (a) Benefits under this title shall be paid on a monthly basis, except that, if the benefit payable to an individual for any month is less than $5, such benefit may be paid on such other basis (but not less often than semi-annually) as the Secretary shall by regulations provide.

"(b) Benefits under this title shall be payable to any individual only for months (i) after the month in which his entitlement thereto is established pursuant to an application therefor filed under section 2001, and (ii) prior to the month in which such individual dies.

"AMOUNT OF BENEFITS

"SEC. 2003. The amount of the monthly benefit of any individual under this title shall be equal to one-twelfth of the amount by which $1,800 (or a sum equal to the amount to which he would have been entitled in his State of residence on May 1, 1971, if greater) exceeds the amount of such individual's annual income (as determined under section 2004) for such year.

"DETERMINATION OF ANNUAL INCOME

"SEC. 2004. (a) For the purposes of this title, the term 'annual income' means, in the case of an individual, the total amount of income (other than income derived by reason of benefit payments under this title) from all sources received in the calendar year with respect to which a determination of annual income is made except that, in determining the annual income of any individual who, during the calendar year, engaged in any trade or business, there shall be deducted any expenses incurred in carrying on such trade or business, and except that, income derived from the sale or exchange of property shall be taken into account only to the extent of the gain derived therefrom.

"(b) In determining the amount of annual income, for purposes of this title, of any individual who is married and living with his spouse, the annual income of such individual shall be regarded as one-half the sum of the annual income of such individual and of the spouse of such individual.

"REPORT OF INCOME TO SECRETARY

"SEC. 2005. (a) Any individual applying for benefits under this title shall submit with his application for such benefits and thereafter reports to the Secretary of his income and of any other matter which is relevant to his entitlement to receive, or the amount of, any benefit payable under this title. Such reports shall be filed at such time, in such form, and shall contain such information as the Secretary shall by regulations prescribe.

"(b) Benefits otherwise payable to an individual for any month shall be suspended until such time as any report required pursuant to subsection (a) to be filed prior to such month shall have been received and evaluated by the Secretary.

"SUSPENSION OF BENEFITS FOR MONTHS WHEN INDIVIDUAL IS ABSENT FROM THE UNITED STATES

"SEC. 2006. Any benefit otherwise payable to an individual under this title for any month shall not be paid if such individual is physically absent from the United States (as defined in section 2009) during all of such month, or if such individual is not, during all of such month, a resident of the United States (as so defined).

"OVERPAYMENTS AND UNDERPAYMENTS

"SEC. 2007. Whenever the Secretary finds that more or less than the correct amount of payment has been made to any individual under this title, proper adjustment or recovery shall be made in accordance with regulations of the Secretary patterned so as to conform, to the maximum extent feasible, to the provisions of section 204 (relating to overpayments and underpayments of benefits under title II).

"ADMINISTRATION

"SEC. 2008. This title shall be administered by the Secretary and (to the extent feasible) through the organization and personnel engaged in the administration of title II.

"DEFINITIONS

"SEC. 2009. For purposes of this title-

"(a) the term 'United States' means the fifty States and the District of Columbia.

"(b) the term 'blind' refers to an individual who is suffering from blindness (as defined in section 216(i)(1); and

"(c) one term 'disabled' refers to an individual who is disabled from engaging in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

"APPROPRIATION

"SEC. 2010. There are hereby authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this title."

EXPLANATION: BLIND AND DISABLED INCOME ASSURANCE ACT OF 1971

BACKGROUND

The present welfare system is admittedly inadequate and inefficient. The present system has five categories: old age assistance; aid to the blind; aid to the disabled; aid for dependent children; and general assistance. The Older Americans Income Assurance Act (S. 1384) and the Blind and Disabled Income Assurance Act would in effect completely federalize the first three categories of the present welfare system.

HOW IT WORKS

All aged, blind and disabled persons would be assured a minimum annual income. The Social Security Administration would make monthly payments sufficient to bring an individual's cash income up to a guaranteed level. Both earned and unearned income is subtracted from the guaranteed level in order to determine the exact payment. Payments are made from general revenue and in no way affect the Social Security Trust Funds.

Levels: Older Americans Income Assurance Act:

Individuals age 65 or over—$150 per month—($1800 per year)

Couples age 65 or over—$200 per month—($2400 per year)

Blind and Disabled Income Assurance Act:

$150 per month for individuals eligible as disabled or blind (or a sum equal to the amount paid by the State of residence on May 1, 1971, if greater)

REVENUE FOR STATES

S. 1384, the Older Americans Income Assurance Act—revenue of over $659 million for State and local governments.

The Blind and Disabled Americans Income Assurance Act—revenue of over $440 million for State and local governments.

Total revenue for State use is over $1 billion for the first year following enactment.

EXAMPLES

Blind and Disabled Americans Income Assurance Act:

1. Joe Smith is determined to be blind. He has trust income of $240 a year ($20 per month); $840 a year from the Lighthouse for the Blind ($70 per month) and $120 per year ($10 per month) from family gifts. His annual income is $1,200; therefore, he would get $50 per month ($600 per year) from the Social Security Administration. Any food stamps, vocational education, free lodging or free medical care would not count as unearned income.

2. Mary Jones is determined to be disabled. She has no cash income but lives with her parents. She would receive the full $150 a month since she has no cash income. Her free lodging would not be considered income.

3. Bill Baker is determined to be disabled. The State Vocational Rehabilitation Agency provides training for Bill and pays his travel expenses to and from the vocational training school. He earns $100 a month and free lodging as a hotel night clerk. His payment would be $50 per month since neither his free lodging or free travel would count as earned or unearned income.

Older Americans Income Assurance Act—S. 1384:

1. Mr. and Mrs. Smith are age 65 and own their own home. Together they receive $1,800 a year in regular Social Security benefits. They have no other income. They would receive $600 a year under the Older Americans Income Assurance Act ($50 a month) to bring their cash income up to $2400 a year. Ownership of their home would not be considered in computing their income.

2. Miss Jones is 65. She has a teacher's pension of $100 a month and interest on savings of $300 a year ($25 per month). She would receive $25 per month ($300 per year) to bring her annual cash income up to $1,800 per year.

CHART A.—AVERAGE MONTHLY BENEFITS PAID BY STATES TO AID TO BLIND AND AID TO DISABLED AND NUMBER OF RECIPIENTS

	Aid to the blind		Aid to the permanently and totally disabled	
State	Number of recipients	Average monthly payment	Number of recipients	Average monthly payment
Total	80,700	$103.40	912,000	$95.10
Alabama	1,900	70.60	19,100	49.65
Alaska	92	175.55	820	173.80
Arizona	530	80.90	8,500	79.40
Arkansas	1,700	80.10	11,400	72.80
California	13,900	157.65	182,000	132.35
Colorado	220	86.30	10,300	83.10
Connecticut	250	97.95	7,400	127.15
Delaware	360	104.75	1,400	119.55
District of Columbia	210	102.95	7,400	108.65
Florida	2,300	73.55	21,400	71.70
Georgia	3,200	67.25	35,200	62.65
Hawaii	67	127.95	1,800	132.70
Idaho	110	82.60	2,800	80.95

State	Aid to the blind: Number of recipients	Aid to the blind: Average monthly payment	Aid to the permanently and totally disabled: Number of recipients	Aid to the permanently and totally disabled: Average monthly payment
Illinois	1,600	$93.35	43,700	$90.20
Indiana	1,300	72.90	5,500	59.05
Iowa	1,200	122.85	3,100	142.55
Kansas	410	80.10	6,000	77.55
Kentucky	2,100	74.10	17,100	73.85
Louisiana	2,400	77.25	22,300	55.50
Maine	220	88.90	3,900	98.30
Maryland	360	93.25	16,400	86.60
Massachusetts	2,800	151.25	17,800	129.90
Michigan	1.400	105.60	29.000	106.25
Minnesota	860	95.20	11,000	66.15
Mississippi	2,100	59.90	22,100	59.05
Missouri	4,000	91.55	19,700	77.35
Montana	190	93.05	2,300	90.40
Nebraska	330	94.10	4,700	75.00
Nevada	170	95.85		
New Hampshire	230	168.90	850	142.85
New Jersey	980	100.30	13,700	105.70
New Mexico	360	79.05	8,700	75.20
New York	3,800	129.15	87,800	129.70
North Carolina	4,500	84.35	27,900	77.10
North Dakota	84	109.20	2,200	98.65
Ohio	2,700	75.10	31,800	76.65
Oklahoma	1,300	106.30	22,500	96.70
Oregon	620	102.65	7,700	74.75
Pennsylvania	8,000	120.45	40,200	96.45
Rhode Island	120	81.75	4,100	92.35
South Carolina	1,900	66.70	10,600	56.00
South Dakota	120	94.40	1,500	71.40
Tennessee	1,800	70.65	26,100	68.10
Texas	4,000	79.20	23,600	66.45
Utah	170	90.20	9,300	70.70
Vermont	110	99.15	2,000	102.65
Virginia	1,100	87.40	8,200	82.65
Washington	490	96.15	17,600	96.55
West Virginia	560	70.90	11,700	64.15
Wisconsin	680	90.05	7,300	94.95
Wyoming	35	(1)	890	66.30

[1] Averages not computed on base of fewer than 50 recipients.

CHART B—ANNUAL COST FOR AID TO THE BLIND AND AID TO DISABLED BY STATES

	Maintenance assistance fiscal year 1971 estimate total, Federal, State and local: Blind	Disabled
Alabama	1,725,000	12,447,000
Alaska	180,000	1,643,000
Arizona	494,000	8,016,000
Arkansas	1,945,000	14,572,000
California	27,923,000	320,012,000
Colorado	249,000	13,218,000
Connecticut	314,000	10,575,000
Delaware	493,000	2,112,000
District of Columbia	270,000	10,357,000
Florida	1,996,000	17,772,000
Georgia	2,494,000	26,983,000
Hawaii	106,000	3,165,000
Idaho	107,000	2,779,000
Illinois	2,645,00	69,297,000
Indiana	2,203,000	11,725,000
Iowa	1,702,000	5,700,000
Kansas	449,000	11,022,000
Kentucky	1,803,000	15,496,000
Louisiana	2,301,000	16,563,000
Maine	334,000	5,135,000
Maryland	459,000	17,949,000
Massachusetts	5,970,000	31,300,000
Michigan	1,798,000	39,292,000
Minnesota	1,266,000	31,996,000
Mississippi	1,552,000	17,063,000
Missouri	3,240,000	17,981,000
Montana	234,000	2,567,000
Nebraska	630,000	7,134,000
Nevada	226,000	
New Hampshire	471,000	1,675,000
New Jersey	1,188,000	17,278,000
New Mexico	366,000	8,891,000
New York	5,442,000	99,953,000
North Caolina	4,687,000	26,935,000
North Dakota	105,000	2,430,000
Ohio	2,806,000	34,277,000
Oklahoma	1,737,000	27,568,000
Oregon	1,077,000	15,991,000
Pennsylvania	12,230,000	39,300,000
Rhode Island	155,000	4,870,000
South Carolina	1,604,000	8,102,000
South Dakota	132,000	1,862,000
Tennessee	1,510,000	24,447,000
Texas	4,242,000	27,817,000
Utah	211,000	7,426,000
Vermont	154,000	2,520,000
Virginia	1,342,000	10,519,000
Washington	536,000	22,333,000
West Virginia	466,000	5,224,000
Wisconsin	783,000	7,742,000
Wyoming	43,000	981,000
Total	106,545,000	1,144,757,000

CHART C.—DIRECT REVENUE SAVINGS ACCRUING TO STATES UNDER PROUTY PROPOSAL

	Blind	Disabled	Total
Alabama	371,000	2,671,000	3,042,000
Alaska	126,000	1,163,000	1,289,000
Arizona	142,000	2,613,000	2,755,000
Arkansas	394,000	2,950,000	3,344,000
California	13,962,000	160,006,000	173,968,000
Colorado	109,000	5,785,000	5,894,000
Connecticut	157,000	5,288,000	5,445,000
Delaware	274,000	1,212,000	1,486,000
District of Columbia	135,000	5,178,000	5,313,000
Florida	551,000	4,801,000	5,352,000
Georgia	613,000	6,561,000	7,174,000
Hawaii	52,000	1,559,000	1,711,000
Idaho	33,000	864,000	897,000
Illinois	1,323,000	34,648,000	35,971,000
Indiana	875,000	4,721,000	5,596,000
Iowa	761,000	2,550,000	3,311,000
Kansas	191,000	4,654,000	4,845,000
Kentucky	457,000	3,631,000	4,088,000
Louisiana	647,000	3,795,000	4,442,000
Maine	106,000	1,626,000	1,732,000
Maryland	219,000	7,368,000	7,587,000
Massachusetts	2,985,000	15,650,000	18,635,000
Michigan	899,000	19,646,000	20,545,000
Minnesota	545,000	13,774,000	14,319,000
Mississippi	264,000	2,900,000	3,164,000
Missouri	1,002,000	5,559,000	6,561,000
Montana	83,000	906,000	989,000
Nebraska	279,000	2,580,000	2,859,000
Nevada	107,000		107,000
New Hampshire	192,000	684,000	876,000
New Jersey	594,000	8,639,000	9,233,000
New Mexico	92,000	2,226,000	2,318,000
New York	2,721,000	49,977,000	52,698,000
North Carolina	1,579,000	7,015,000	8,594,000
North Dakota	31,000	1,723,000	1,754,000
Ohio	999,000	12,306,000	13,305,000
Oklahoma	510,000	11,694,000	12,200,000
Oregon	470,000	6,980,000	7,450,000
Pennsylvania	5,552,000	17,842,000	23,394,000
Rhode Island	76,000	2,353,000	2,429,000
South Carolina	393,000	1,821,000	2,214,000
South Dakota	40,000	560,000	600,000
Tennessee	381,000	6,180,000	6,561,000
Texas	1,257,000	7,560,000	8,817,000
Utah	65,000	2,359,000	2,424,000
Vermont	54,000	883,000	937,000
Virginia	469,000	3,677,000	4,146,000
Washington	268,000	11,166,000	11,434,000
West Virginia	116,000	1,120,000	1,236,000
Wisconsin	351,000	3,468,000	3,819,000
Wyoming	14,000	306,000	320,000

CHART D.—AVERAGE INDIVIDUAL MONTHLY BENEFIT GAIN UNDER PROUTY PROPOSAL

	Aid to the blind	Aid to the permanently and totally disabled
Alabama	$79.40	$100.35
Alaska		
Arizona	69.10	71.60
Arkansas	69.90	77.20
California		17.65
Colorado	63.70	66.90
Connecticut	52.05	22.85
Delaware	45.25	30.45
District of Columbia	47.05	41.35
Florida	76.45	78.30
Georgia	82.75	87.35
Hawaii	22.05	17.30
Idaho	67.40	69.05
Illinois	56.65	59.80
Indiana	77.10	90.95
Iowa	27.15	7.45
Kansas	69.90	72.45
Kentucky	75.90	76.15
Louisiana	72.75	94.50
Maine	61.10	51.70
Maryland	56.75	63.40
Massachusetts		20.10
Michigan	44.40	43.75
Minnesota	54.80	83.85
Mississippi	90.10	90.95
Missouri	58.45	72.65
Montana	56.95	59.60
Nebraska	55.90	75.00
Nevada	54.15	
New Hampshire		7.15
New Jersey	49.70	44.30
New Mexico	70.95	74.80
New York	20.85	20.30
North Carolina	65.65	72.90
North Dakota	40.80	51.35
Ohio	74.90	74.35
Oklahoma	45.70	53.30
Oregon	47.35	75.25
Pennsylvania	29.55	53.55
Rhode Island	68.25	57.65
South Carolina	83.30	94.00
South Dakota	55.60	78.60
Tennessee	79.35	81.90
Texas	70.80	83.55
Utah	$59.80	$79.30
Vermont	50.85	47.35
Virginia	62.60	67.35
Washington	53.85	53.45
West Virginia	79.10	85.85
Wisconsin	59.95	54.05
Wyoming		83.07
National average	46.60	54.90

By Mr. WILLIAMS:

S. 1506. A bill to amend section 37 of the Internal Revenue Code of 1954 to update the retirement income credit. Referred to the Committee on Finance.

UPDATING THE RETIREMENT INCOME CREDIT

Mr. WILLIAMS. Mr. President, I introduce, for appropriate reference, a bill to update the retirement income credit for retired teachers, policemen, firemen, and other Government annuitants.

This proposal is identical to S. 4345, which I introduced during the last Congress. That measure was adopted in modified form as an amendment to the 1970 social security legislation.

However, no final action was taken because a conference committee could not be called to resolve the differences in the House and Senate-passed social security bills.

The retirement income credit was originally enacted in 1954 to provide Government pensioners with comparable tax relief as social security beneficiaries.

Social security benefits are, or course, exempt from Federal income tax. Government annuitants or persons with little or no social security benefits receive comparable tax treatment by claiming a 15-percent credit on their qualifying retirement income—pensions, annuities, rents, interest, and dividends.

Today the maximum amount for computing the credit is $1,524 for a single person and $2,286 for a couple. This maximum base must be reduced though by the amount of, first, tax exempt pensions, such as social security and railroad retirement, and, second, earned income, depending upon the individual's age and the extent of his earnings.

But the retirement income credit no longer provides equivalent tax relief because it has not been modernized for 9 long years. During this time there have been four badly needed social security raises, which I have strongly supported.

But we must not forget our Government pensioners or other individuals, with little or no social security coverage. They must not become second-class citizens under our tax system.

For far too long a time, their needs have been overlooked or ignored. For too long, they have had to struggle with an outdated tax relief measure.

Equity in our tax system presents a compelling argument to place these taxpayers on an equal footing with social security beneficiaries.

The bill that I introduce today would help to correct this longstanding inequity.

First, it would raise the maximum amount for computing the 15-percent credit from $1,524 to $2,278 for a single person, and from $2,286 to $3,417 for an elderly couple. These amounts would be consistent with the maximum benefits now payable under social security. For a retired single person, this could mean a tax savings up to $113. And for an elderly couple, this measure could provide $170 in badly needed tax relief.

In addition, the maximum amount for computing the credit would be adjusted automatically with increases in social security benefits. This will be especially helpful in protecting Government annuitants from long delays in updating the credit.

Last year significant improvements were made in simplifying the retirement income credit schedule. As a result of hearings and a report issued by the Committee on Aging, the number of computations and schedule transfers on this year's tax form have been reduced substantially. Moreover, elderly taxpayers can elect to have the IRS compute their credit, provided they list the amount of their qualifying retirement income, tax-exempt pensions, and earned income.

If it is possible to make these procedural changes to protect the aged from overpaying their taxes, then I believe substantive changes can also be made in the law to provide fair and equitable tax treatment for these overburdened taxpayers.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1506

A bill to amend section 37 of the Internal Revenue Code of 1954 to update the retirement income credit

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 37 of the Internal Revenue Code of 1954 (relating to retirement income credit) is amended—

(1) by striking out "$1,524" in subsection (d) and inserting in lieu thereof "$2,278",

(2) by striking out "2,286" in subsection (i) (2) (B) and inserting in lieu thereof "$3,417"; and

(3) by redesignating subsection (j) as (k) and by inserting after subsection (i) the following new subsection:

"(j) Annual Adjustments of Limitations.—

"(1) Certification by Secretary of Health, Education, and Welfare.—Before the beginning of each calendar year (beginning with 1972), the Secretary of Health, Education, and Welfare shall certify to the Secretary or his delegate the largest old-age insurance benefit that could be payable for any month during such year under title II of the Social Security Act to any individual who, in such year, attained age 65 and first became entitled to monthly insurance benefits under such title.

"(2) Substitution of limitations.—For taxable years beginning within the calendar year 1972 and each calendar year thereafter—

"(A) subsection (d) shall be applied by substituting, for the $2,278 amount contained therein, the amount certified under paragraph (1) for such calendar year; and

"(B) subsection (i) (2) (B) shall be applied by substituting, for the $3,417 amount contained therein, one and one-half times the amount certified under paragraph (1) for such calendar year."

(b) The amendments made by subsection (a) shall apply to taxable year beginning after December 31, 1971.

By Mr. PEARSON (for himself, Mr. Allott, Mr. Bennett, Mr. Burdick, Mr. Gravel, Mr. Hart, Mr. Hatfield, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. McGovern, Mr. McIntyre, Mr. Mansfield, Mr. Metcalf, Mondale, Mr. Montoya, Mr. Nelson, Mr. Prouty, Mr. Randolph, Mr. Stevens, Mr. Stevenson and Mr. Thurmond):

S. 1507. A bill to provide for the establishment of a National Rural Development Center, and for other purposes. Referred to the Committee on Agriculture and Forestry.

NATIONAL RURAL DEVELOPMENT CENTER ACT

Mr. PEARSON. Mr. President, I introduce, for appropriate reference, a bill to create a National Rural Development Center.

I am pleased to have the following Senators join in cosponsoring this measure:

Senators Allott, of Colorado; Bennett, of Utah; Burdick, of North Dakota; Gravel, of Alaska; Hart, of Michigan; Hatfield, of Oregon; Hollings, of South Carolina; Hughes, of Iowa; Humphrey, of Minnesota; McGovern, of South Dakota; McIntyre, of New Hampshire; Mansfield, of Montana; Metcalf, of Montana; Mondale, of Minnesota; Montoya, of New Mexico; Nelson, of Wisconsin; Prouty, of Vermont; Randolph, of West Virginia; Stevens, of Alaska; Stevenson, of Illinois; and Thurmond, of South Carolina.

Mr. President, the need for a comprehensive, continuing effort to stimulate the economic and social development of our rural areas so as to achieve a more balanced national growth is now widely accepted. President Nixon in his state of the Union message of 1970 declared:

> We must create a new rural environment that will not only stem the migration to urban centers, but reverse it.

Also in 1970 the Congress committed itself to the objective of achieving a sound balance between rural and urban America—Public Law 91–524, title IX.

In recent years there have been many other manifestations of interest in and support for the objective of rural development, variously referred to as rural-urban balance, nonmetropolitan area development, and balanced national growth.

Thus Mr. President, I believe it is fair to say that we have come to see rural development and balanced growth as a national necessity.

Mr. President a few concrete legislative and administrative actions have been taken. Others have been proposed and we should move ahead with their consideration and adoption. But we also know that the objective of rural development and balanced national growth will not be quickly or easily achieved and that there is much we do not understand about the development process. The long-range prospects for achieving a fully successful rural development effort are dimmed by the absence of satisfactory supporting institutional arrangements for basic and applied research and policy evaluation. The state of our knowledge about the dynamics of the economic and social development of rural areas is insufficient and the institutional machinery for increasing our fund of knowledge is inadequate.

Mr. President, 70 percent of our people now live on 1 percent of the land. Thirty-five percent live in only 25 metropolitan centers. Eighteen percent are concentrated in the urbanized strip between Boston and Washington, D.C. And, if present trends continue, at least three-fifths of our people will be concentrated in but four such giant metropolitan strips by the year 2000.

Traditionally, we have considered the economic and social forces, which have produced this great gathering-in of people and industry, to be not simply desirable but inevitable. Only recently have we come to recognize that the results have not been altogether desirable and, therefore, only recently have we begun to question their inevitability. But as this sense of questioning has grown we have come to perceive the need for expanding and improving our knowledge of how best to control and guide these forces to achieve our desired objectives.

Mr. President, there are a great number of urban research centers and institutions around the country as well as urban studies programs in many of our universities. But there are no adequate institutional counterparts to foster the study and understanding of the total rural community and its development. But clearly the specialized problems and needs of rural America demand specialized institutional attention.

DESCRIPTION OF THE BILL

Mr. President, the effort to redirect the ongoing trends of spatial economic and population growth represents an undertaking of revolutionary proportions and will be several decades in the making.

If the effort is to succeed, and to succeed in a way that all elements of American society benefit, it must be based on the best possible informational foundation. The creation of the National Rural Development Center which I propose today would constitute an important and vital part of that foundation.

It would carry on an extensive research program of its own. It would also serve as a catalytic agent for research by other institutions and would function as a clearinghouse for all relevant information on rural development. While basically a research institution it would have a limited-action role in the area of technical assistance and field experimentation. Beyond these tangible activities the establishment of the Center would provide an institutitonal focus for the general rural development movement.

The specific functions as provided in the bill are:

First, the Center would conduct basic and applied research programs aimed at broadening and deepening our understanding of all aspects of the rural community, the dynamics of change and growth, and the process of community, area, and regional development.

I would not attempt to suggest a list of research topics but I would anticipate that the Center carry on research programs in such areas as: the economies and/or diseconomies of varying patterns of population concentration, the administrative and political structures necessary to area planning and development, the motivational factors of migration and the costs and/or gains of migration, the role of transportation and communications in the development process, the factors of industrial location, the relationship between community infrastructure and growth, the economic and social components of development, the relationship between family farm agriculture and the overall rural economy, to mention only a few general categories.

The increase of knowledge is good in and of itself but as the operational goal here is the redirection of population and economic growth trends, the Center would contribute to proposing and evaluating National, State, and local policies for rural development.

Another important aspect of the research effort would be the development of new techniques and the application of advances in science and technology to the rural development effort. For example, there is a need for the development of technologies particularly adapted to invigorating the smaller-scale enterprises in rural areas or for creating new enterprises capable of achieving economic vitality. New technologies in transportation and communication can reduce the disadvantages of distance and lack of population density. Small-scale sewage and water systems for towns and villages can be improved. New medical technologies can strengthen health delivery systems in rural areas. Information gathering and communications technology can be adapted to strengthen administrative capacities of smalltown governments. Technologies to strengthen small- and medium-scale farming systems can be developed.

Second, the Center would be charged with the function of information exchange and the promotion of communication among individuals, institutions, and organizations interested in rural development as well as among officials of Federal, State, and local governments.

In almost all areas our state of knowledge is usually considerably greater than our general awareness of it. And as we move into a new policy area such as rural development, the function of information exchange and communication is particularly important.

But the Center would function as more than a passive conduct for coordinated information exchange and communication. It would play a leadership role in stimulating research and information gathering by other institutions and would help to foster and delineate the national debate on rural development and balanced national growth.

Third, the Center would be assigned a limited action responsibility. From time to time it would be appropriate and useful for the Center to design and to conduct, or cause to be conducted, experimental field projects intended to test out research findings. In these situations, the principal contribution of the Center would be through its expert and entrepreneurial talents rather than its financial resources.

In addition, the Center would be authorized to offer technical assistance to public officials of rural areas upon request and as the Center's Director deemed appropriate after considering the other demands upon the Center. In addition, the Center, after establishing the requirements for technical assistance in carrying out a comprehensive rural development effort, would seek to encourage other institutions to develop adequate technical assistance programs.

Mr. President, the Center itself would have the authority and the resources to carry out programs in all the functional responsibility assigned to it. It would also have the authority and the resources to make grants and contracts so as to stimulate additional activity in other private and public institutions.

The Center would be governed by a Board of Trustees appointed by the President. To assure a blend of action officials, experts, and the general public, five members would be appointed from among officials of Federal, State, and local public agencies, five would be appointed from among individuals engaged in educational, research, or other scholarly work, and five would be appointed from the general public, and who by virtue of their residence, interest, or vocation are specially qualified to serve on the Board. In making the appointments the President would give consideration to achieving geographical, interest, organization and political balance on the Board.

To assure independence, the Center would have the authority to receive grants from private sources and would be encouraged to do so. The Board rather than the President would appoint the Director of the Center. Terms of the Board members would be staggered and would be for 6 years. The terms of the Director and Deputy Director would also be for 6 years.

Mr. President, I have not at this time suggested an appropriations level for the Center. This will be determined after further study and by the deliberation of the committee to which the bill is referred. However, the funding should be at such a level needed to suggest a very substantial research effort, both by the Center's own personnel and by personnel of other institutions supported by the Center's grant and contract program.

Finally, Mr. President, I would point out that no attempt is made in the language of the bill to precisely define the term rural. In current usage, the term is assigned a variety of meanings. The Bureau of the Census defines rural as farming areas, other open countryside and incorporated places of under 2,500 in population. The Congress has given the Farmers Home Administration authority to carry out its rural housing program in places up to 10,000 in population. For the purpose of delineating certain program jurisdictions, the present administration has defined rural as all those communities outside the standard metropolitan statistical areas. A few individuals even suggest that the term rural should be used to encompass cities of up to 100,000 in population.

As a result of committee hearings a precise definition of the term rural may be written into the bill. However, I would think that this is not of vital importance and that it would be more appropriate to establish only basic guidelines, leaving to the Center the flexibility necessary to a research institution.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1507

A bill to provide for the establishment of a National Rural Development Center, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Rural Development Center Act."

DECLARATION OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that—

(1) it is essential to the national interest to stimulate the economic and social development of the rural areas, including farm communities and the smaller towns and cities of the Nation;

(2) a more effective use of the resources of the rural areas of America will contribute to a stronger and more stable national economy;

(3) successful rural development efforts will help to slow the migration from rural areas and thereby help to reduce the increasingly complex pressures on urban centers;

(4) a greater exchange of information and communication among the various public and private agencies whose activities are related in one way or another with rural development and welfare is essential; and

(5) a comprehensive continuing research and information exchange program designed to analyze the problem of rural areas and the interrelationship between rural and urban America and to stimulate the economic and social development of rural areas should be conducted by a specialized qualified institution.

(b) It is therefore the purpose of this Act to establish a National Center for Rural Development.

CENTER ESTABLISHED

SEC. 3. (a) There is hereby established an independent agency of the Federal Government to be known as the National Rural Development Center.

(b) The Center shall be subject to the supervision and direction of a Board of Trustees. The Board shall be composed of fifteen members who shall be appointed by the President, by and with the advice and consent of the Senate, of whom five shall be appointed from among officials of Federal, State, and local public agencies concerned with some significant aspect of rural development; five shall be appointed from among individuals who are engaged in educational, research or other scholarly work relating to the development of rural communities; and five shall be appointed from among individuals from the general public and who by virtue of their residence, interest or vocation are specially qualified to serve on the Board. In making appointments, the President is requested to give due consideration to the appointment of individuals who, collectively, will provide appropriate regional, interest, organization, and political balance on the Board.

(c) The term of office of each appointive trustee of the Center shall be six years; except that (1) the members first taking office shall serve as designated by the President, five for terms of two years, five for terms of four years, and five for terms of six years, and (2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. No member may serve for a period in excess of eight years.

(d) Members of the Board who are not regular full-time employees of the United States shall, while serving on business of the Center, be entitled to receive compensation at rates fixed by the President, but not exceeding the rate prescribed for GS–18 of the General Schedule under 5332, title 5, United States Code, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The President shall call the first meeting of the Board of the Center, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve until one year after the date of their appointment. Thereafter each Chairman and Vice Chairman shall be elected for a term of two years. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Board shall elect an individual from among the members of the Board to fill such vacancy.

(f)(1) A majority of the trustees of the Center shall constitute a quorum.

(2) The Board shall meet at least four times a year.

OFFICERS

Sec. 4. There shall be a Director and a Deputy Director of the Center who shall be appointed by the Board. In making such appointments the Board shall give due consideration to the recommendations of the President. Under the direction of the Board, the Director shall be responsible for carrying out the functions of the Center, and shall have authority and control over all personnel and activities thereof. The Deputy Director shall perform such functions as the Director, with the approval of the Center, may prescribe, and be acting Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director. The Director and the Deputy Director shall each serve for a term of six years unless previously removed by the Board. The Director shall be compensated at a rate equal to the rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code. The Deputy Director shall be compensated at a rate equal to the rate prescribed for level V of the Executive Schedule.

FUNCTIONS OF THE CENTER

Sec. 5. (a) In order to carry out the purposes of this Act, the Center shall—

(1) conduct basic and applied research programs with respect to—

in lieu of subsistence, as authorized by

(A) a further understanding of the dynamics of the economic and social development of rural areas in the United States and their interrelationship with urban areas;

(B) the formulation and effectiveness of national, state, and local policy concerning rural development;

(C) to the effectiveness of existing institutions and the need for, and the appropriate form of, new institutions, such as regional development centers, necessary to contribute to advancing the purposes of this Act:

(D) the development of new techniques and the application of advances in science and technology to the problems of rural areas;

(2) collect, analyze, and disseminate to the public where appropriate, as well as to officials of Federal, State, and local governments, relevant information on rural development, especially information developed by the Center and facilitate the exchange of other relevant information on rural development among officials of rural areas, officers of quasi-governmental agencies in such areas, and appropriate educational and research institutions and private welfare and citizens organizations;

(3) conduct, or cause to be conducted, short-term educational programs for the personnel of public and private agencies of rural areas or serving the interests of such areas on matters of interest to such personnel; and

(4) design and conduct, or cause to be conducted, experimental projects and provide such technical assistance to public officials and rural areas upon request as the Director deems appropriate after considering the other demands made upon the Center.

(5) prepare at least annually a report concerning its activities together with such recommendations, including recommendations for additional legislation, as the Board deems advisable.

(b) In carrying out the functions of the Institute under this section, the Board may establish such laboratories and facilities as it deems necessary to be operated by the personnel of the Center. With a view to obtaining additional scientific and intellectual resources available, the Director shall, whenever feasible, enter into contracts with public or private educational or research institutions for the purpose of undertaking any particular study or research project authorized by this Act.

ADMINISTRATIVE PROVISIONS

Sec. 6. (a) In addition to any authority vested in it by other provisions of this Act, the Center, in carrying out its functions, is authorized to—

(1) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Center; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) in the discretion of the Center, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Center with a condition or restriction, including a condition that the Center use other funds of the Center for the purposes of the gift;

(4) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as deemed desirable to advise the Center with respect to its functions under this Act;

(5) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no more than three individuals so appointed shall receive compensation in excess of the rate prescribed for GS–18 in the General Schedule under section 5332 of title 5, United States Code;

(6) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the rate prescribed for GS–18 in the General Schedule under section 5332 of title 5, United States Code;

(7) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code:

(8) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this Act, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(9) provide for the making of such reports (including fund accounting reports) and the filing of such applications in such form and containing such information as the Director may reasonably require;

(10) make advances, progress, and other payments which the Board deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(11) make other necessary expenditures.

(b) Each member of a committee appointed pursuant to paragraph (4) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including travel time) as a member of a committee. All members shall be reimbursed for travel, subsistence and necessary expenses incurred in the performance of their duties.

DEFINITIONS

Sec. 7. As used in this Act the term—

(1) "Board" means the Board of Directors of the National Rural Development Center;

(2) "Center" means the National Rural Development Center; and

(3) "Director" means the Director of the National Rural Development Center.

AUTHORIZATION

Sec. 8. There are authorized to be appropriated to the Center such sums as may be necessary to carry out the provisions of this Act.

By Mr. MONDALE:

S. 1508. A bill to amend the Wild and Scenic Rivers Act by designating a certain river in the State of Minnesota as a potential addition to the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

Mr. MONDALE. Mr. President, we have been regrettably slow to protect the natural state of our great rivers.

The degradation of our rivers has been a national disgrace. To drink from any sizable river in the United States is foolhardy, and a safe, clean swim in a river is a memory from distant youth. Boating on major streams is often a cruise through trash heaps, many of them publicly maintained.

We have seen river pollution burn on the water's surface. We have erected dams and impoundments which have forever flooded irreplaceable natural wonders like Glen Canyon. In the name of developments we have bulldozed the banks of some of our greatest scenic rivers.

The National Wild and Scenic Rivers Act, Public Law 90–542, protects some of our most valuable natural treasures, our rivers, specifically those which possess outstanding geologic, scenic, historic, or wildlife values.

The act is designed to preserve these rivers "in free-flowing condition, that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations." The Congress declares in the act that the established national policy of dam and other waterway construction ought to be complemented by a policy preserving and protecting rivers wherever possible.

Having reviewed the guidelines established by the Secretaries of Interior and Agriculture for inclusions in the wild and scenic system, I am aware that Minnesota is fortunate enough to contain several such rivers.

At the same time, Minnesota includes and adjoins population centers of the North Central States area; preservation of wild and scenic rivers in this area insures that millions of our people will have access to waters preserved in their freeflowing, natural state.

One of the most impressive rivers in Minnesota which meets the wild and scenic guidelines is the Big Fork River, in the north-central section of our State.

In 1966, the Minnesota Department of Conservation recommended the Big Fork for inclusion in a State recreational river system.

The Big Fork was given the first priority over all other Minnesota rivers in wilderness classification, and was also given the No. 1 designation as a State canoe river. I believe that this magnificent river ought to be included in the national wild and scenic rivers system, and I am today introducing legislation to accomplish that objective.

The Big Fork River watershed unit has a total area of 2,063 square miles and is roughly 75 miles from south to north, with an average width of about 30 miles. The main stream follows a widely curving course to the north to its junction with Rainy River. The largest falls in the river, with a drop of 35 feet, are to be found at Big Falls.

The river starts at Dora Lake in the sandy outwash plain of the lake region in west central Itasca County. The river flows in a wide channel from this plain along the southeasterly edge of a glacial till area, through the Chippewa National Forest, an excellent recreation area. The river water is clean and clear, and the bottom is a mixture of sand and gravel, with a large amount of plant growth in the water. Rock outcroppings left by glaciers are visible in the river and offer numerous navigable rapids.

In general, no spot on the American Continent is better endowed with natural growth than the Big Fork Valley. Heavy stands of sugar maple cover the ridges in the Bowstring area. Fields of wild rice are found on the upper reaches of the stream. Fur-bearing animals abound, with beaver on every tributary. Waterfowl are abundant during their migrations, and moose graze in the shallows and marshes. Heavy stands of pine line much of the stream from source to mouth.

The exact time that a canoe first rode the waters of the Big Fork is not known, but no doubt the native Chippewa Indians with their birchbark craft used the stream and its tributaries as a means of transportation long before the white man made his appearance some 200 years ago. In keeping with these historical aspects, the Big Fork River canoe trail starts at Inger with its nearby Indian village. Further down are several Chippewa colonies where the descendants of the Red Man still live. Here, during the wild rice harvest, the Indians still use the same campgrounds and gather the cereal by the same primitive methods as did their ancestors of centuries past. On the west bank of the river, where the Popple joins the Big Fork, a historical plaque marks the site of what is believed to be the first wild rice processing mill in Minnesota. At Big Falls, Indians gathered on the rocky ledges to make their arrowheads. It was near the falls too, that Dan Campbell, the first white settler, squatted in 1877.

Where the Sturgeon River joins the Big Fork, east of Big Falls, a Hudson Bay trading post once stood. It is also the site of an old Indian campground and many artifacts may be found here. This is the ancient water route, via the Sturgeon and Tamarack Rivers to Red Lake—traveled by Indians of many years ago. Another Hudson Bay trading post was located near Keuffner's Landing further north of Big Falls.

At the mouth of the Big Fork, on the east bank, ancient burial grounds are to be found. These are under investigation at the present time by archeologists and the area is being considered as a site for Grand Mounds State Park.

With the railroad reaching Kenora, Ontario, in 1879, the Big Fork River and its tributaries for the next 30 years carried millions upon millions of feet of pine logs to the mills at Kenora and later to Spooner and Baudette. In a single season, as high as 100 million feet of timber floated down the stream into Rainy River on its way to the various mills.

The Big Fork represents a frontier past and, for the most part, the area is still a sparsely settled wilderness. Practically every species of wildlife that existed 200 years ago can still be seen. Resting a paddle for a moment's reflection, one realizes that he has traveled the same route in the same manner as did the Indians, the fur traders, the loggers and the frontier settlers.

I urge prompt inclusion of this great river in the national wild and scenic river system.

By Mr. BURDICK (for himself, Mr. SCOTT, and Mr. TUNNEY):

S. 1509. A bill to encourage and help implement improvements in the judicial machinery of our State and local courts by creating an Institute for Judicial Studies and Assistance, the purpose of which shall be to make grants to State and local courts and nonprofit organizations to carry out the objectives of the act and to serve as a reservoir of up-to-date information on court management and organization. Referred to the Committee on the Judiciary.

STATE COURT ASSISTANCE ACT

Mr. BURDICK. Mr. President, the recent National Conference on the Judiciary held at Williamsburg, Va., which was attended by over 450 representative judges, court administrators and lawyers from almost all of the States, has once again focused attention upon a problem that has been under consideration in the Senate since 1966. In the 89th Congress, former Senator Joseph D. Tydings, of Maryland, introduced a bill then entitled the "National Court Assistance Act"—S. 3725—and a bill to like effect has been introduced in both the 90th and 91st Congresses. Extensive hearings were held during the years 1967 and 1970, and resulted in several amendments to the original form of the bill.

Basically the bill has a twofold thrust: First it would create an Institute for Judicial Studies and Assistance, whose purpose it would be to collate existing studies and to further the adoption and development of improvements in the organization, procedure and administration of local and State courts; and second, it would authorize a grant-in-aid program, totaling 15,000,000 in the first 3 years, to assist in the planning and implementation of programs conceived by the States for improving the administration of justice in State and local courts.

The bill in its early form in the 89th and 90th Congresses would have created an agency within the Department of Justice operated by a Director, appointed by the President, and advised by a seven-member Advisory Council on Judicial Assistance also appointed by the President. This form of the bill evoked criticism from those who feared an extension of Federal influence into the court systems of the States and who saw a possibility of executive branch interference with the independence of the State courts. To overcome this objection, the bill was redrafted to provide for the creation of an independent agency known as the Institute for Judicial Studies and Assistance, supervised by a seven-member board composed of four State judges, two State court administrators and one attorney engaged in private practice, all of whom would be appointed by the President. The Director of the Institute would be appointed by the board. Another amendment required that an application for a grant to any local or State court must be approved by the highest judicial authority in the State.

This then was the form of the bill at the end of the 91st Congress and as such it had overcome many of the earlier objections to the proposal for Federal assistance to State court systems.

In reintroducing the bill, which I have more accurately entitled as the State Court Assistance Act, I do so fully aware that additional hearings may establish the need to make further amendments to the bill in order to take into account developments which have occurred since it was first conceived by Senator Tydings. There are at least three such developments to be considered:

First is the fact that since 1966 many of the States have conducted, in greater or lesser degree, studies of their own court systems. Beginning in 1967 with the exhaustive report of the President's Commission on Law Enforcement and Administration of Justice, the Federal Government has financially assisted the

States in making studies of its criminal justice system. Each State was offered through the Office of Law Enforcement Assistance a $25,000 grant for the purpose of evaluating its own criminal justice system. Additionally, some States have supplemented these Federal funds with public and private funds in order to broaden the effort toward reform of State courts. However, I have recently received correspondence indicating that many States, perhaps as many as a third, have not been able to make adequate studies for want of State financing.

Also, many of the studies made in the States have recognized that a court system has both a criminal side and a civil side and that the entire system must be improved if we are to insure that our courts are effectively administering justice to the people of this country.

A second development was the establishment in 1968 of the Federal Judicial Center and one of its functions is to conduct research in and the study of improved administration of the Federal courts.

A third development originated as a result of the recent Williamsburg Conference whereby an ad hoc committee was designated to assist in the planning for the creation of what has been called a National Center for State Courts. The purpose and function of such a center has not yet been spelled out. This ad hoc committee, originating from an unprecedented gathering of State jurists, should be given an opportunity to make an assessment of the merits of the proposed State Court Assistance Act.

It seems clear that additional hearings must be held to determine what limitations should be put on the use of funds for further studies, to determine whether there is an overlap with the Federal Judicial Center, and to determine whether Federal funds will be sought to carry out the reforms and improvements recommended by the Williamsburg Conference.

Mr. President, in reintroducing the State Court Assistance Act, I think it appropriate to point out that we must be careful lest the present emphasis on improvements in the criminal justice system has a secondary effect of impeding our courts in administering justice to civil litigants. We must recognize that the attainment of a goal of criminal trials within 60 days of indictment would still leave injustice in a court system whose civil calendar has backlogs of 2 to 5 years.

Mr. President, it is hoped that the State Court Assistance Act will serve as an appropriate vehicle to furnish Federal assistance to those States which have a sincere desire to improve the efficiency of their own court systems according to their own needs.

Mr. President, I ask unanimous consent that a statement prepared by the Senator from California (Mr. TUNNEY) be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR TUNNEY

Mr. TUNNEY. Mr. President, five years ago Senator Joseph Tydings of Maryland took the floor to introduce a bill which he called the "National Court Assistance Act" with these words:

"It is a matter of common knowledge that the dockets of many State and local courts across the nation are in a sorry condition. Their judicial machinery is creaking beneath the weight of heavy caseloads, a situation which seriously threatens the integrity of the judicial process."

In the five years that have passed since that day, the strength of our judicial system has been tested by riots in our cities, crime in our streets, bloodshed on our campuses and a war that sends some youth into exile and tries others for murder. Never before in our history have we demanded so much of our system of laws.

Yet at the same time we spend less on our federal judicial system than we spend on three days of warfare in the jungles of Southeast Asia.

In the words of the Chief Justice, in 1971 we are still trying to operate the courts with fundamentally the same basic methods, procedures and machinery that were inadequate in 1906. When the speed of our highways is seventy miles per hour, we are driving in a Model A Ford with a top speed of twenty.

The price we are paying is obvious in numerical terms. For example, in fiscal 1970 the backlog of civil cases in Los Angeles County Superior Court was 62,000 cases. The average time from filing a civil complaint to actual trial was approximately two years. These figures, I might add, resemble the blink of an eyelish when compared with other major metropolitan areas. In Philadelphia and Boston, the comparable time from filing to trial is barely under four years and in the Circuit Court of Chicago it is almost five years.

On the criminal side the delays are only slightly less dramatic. The average time from arraignment to sentencing in most major cities in this country in 1970 ranged from a low of four months to a more typical average of one year.

The social costs are less obvious but infinitely more dangerous to our society. A characteristic basic to democratic society is that its citizens take their complaints into court rather than out on the streets and yet the weight and frustration of the swelling backlog of cases could crush faith in our judicial system and leave the streets as the only alternative. The ancient adage that Justice delayed is justice denied has never held more truth. The robbery victim who waits ten months to testify against his assailant, the ghetto mother who loses her furniture to a fraudulent default judgment, the motorist who spends two days in court waiting to protest an unjust traffic ticket, these are the true measure of the crisis in our courts and in our society. Yet the delays and congestion are only a part of the crisis.

There is also the crisis of unequal access to our courts. We have entered an era in which the high promise of free legal services is threatened by application of political litmus tests by State governors who fear challenges to their policies by the poor. The result is a dangerous perversion of law and order into law for the rich, order for the poor.

There is the crisis of unequal legal representation. We are living in a time when corporate polluters can hire hundred man law firms while indigent defendants rely on public defenders, who must spread their efforts among scores of defendants.

Finally, there is the crisis of confidence in the fairness of our judicial system—we have seen the day in which the President of Yale University voiced doubts that a black man could receive a fair trial.

It is against this backdrop, that I rise today to reintroduce, together with my colleagues Senators Burdick and Scott, the bill shepherded by Senator Tydings through five years and three sets of hearings. We have labelled it more accurately as the State Court Assistance Act, but the bill is in all other respects identical to S. 3289 of the 91st Congress.

The bill is directly responsive to the summons issued by the President and the Chief Justice in February at Williamsburg for a national center for state courts. It creates an Institute for Judicial Studies and Assistance, operated and controlled by state court judges, to serve as a national center for information and assistance to state judicial systems. It is authorized to make grants to state and local courts to study and evaluate their systems, to develop proposals for reform, and to implement those proposals at the State and local level.

We have chosen to reintroduce the bill in substantially the same form as its predecessor in order that it may profit from the substantial record of examination and scrutiny which the earlier bill received. Thus it benefits from the gradual process of amendments designed to answer criticisms and fears of Federal interference in state judicial systems which were voiced in the hearings. From its original version featuring an office within the Department of Justice, the bill has evolved to its present form in which the governing board of the Institute is composed of two State appellate judges, two State trial judges, two State court administrators, and one attorney in private practice.

Similarly the bill now requires the approval of the highest court or judicial body in a state for any project to be funded in that state and expressly prohibits the Institute from exerting any control or influence over State or local courts.

In choosing to reintroduce the bill in identical form, however, we must look to additional hearings and amendments to refine further the concept of operation of the Institute.

It has become clear to me that many state judges are convinced that the studies are already available and that the need now is for money to implement them. Last week I met with a number of California state judges and the chief judge of the U.S. District Court in Los Angeles to discuss ways in which the Federal government can assist state courts. The message was loud and clear: Money to try some of the studies already completed.

The recommendations of some of those studies indeed show great promise. My home state of California has long been noted as a leader in court reform and innovation. Some of the reforms which have already been implemented there include jury selection without the presence of a judge, short-form procedures for personal injury cases, broader court conciliation sources, settlement conference panels and many other innovations. the Institute created by this bill, California's experience with these prodecures can be examined and evaluated by other states.

At the same time, recommendations as yet untried can likewise be launched through the Institute. Thus, for example, the Special Judicial Reform Committee of the Los Angeles Superior Court has recommended an entire series of substantive reforms designed to remove from our courts cases which can more properly be handled outside them. For example, it recommends a series of quasi judicial panels to handle technical and complex controversies such as those between insurance companies litigating policy coverage and interpretation. Grants by the Institute could allow some of those recommendation to be tried.

This bill is an excellent beginning. It is my hope that the ad hoc committee of state judges which has arisen from the Williamsburg conference to work for a state court center, will scrutinize this bill carefully and help us to build upon the substantial foundation which it provides. Their wisdom and the wisdom of all our judges will be of prime importance if we are to strengthen and improve the administration of our laws.

The State Court Assistance Act can provide a beginning. As the Chief Justice said at Williamsburg, in calling for a national center: "The time has come and I submit that it is here and now."

By Mr. TOWER:

S. 1510. A bill to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents' medical care program. Referred to the Committee on Armed Services.

AMENDMENT OF MILITARY MEDICARE ACT

Mr. TOWER. Mr. President, I would like to introduce today a bill to remove a restriction in the so-called Military Medicare Act, which excludes private profit institutions from qualification as accredited institutions for the care of military children. The existing act states that military dependents may only be place "in private nonprofit, public and State institutions and facilities . . ." for institutional care.

It is my feeling that private institutions should not be excluded from participation in any governmentally supported program where there is no reasonable basis for limiting participation to nonprofit institutions. The choice of an institution for child care is a parental decision, and parents should be able to select from among institutions which qualify under various local, State, or Federal regulations and licenses, as the case may be. The various prices, qualities, locations and other characteristics of each available institution, private or public, are the functional criteria for making this choice. There is no reason to exclude the class of profit institutions from the program since this class can compete with nonprofit institutions in all of the aspects relating to selection and should have the opportunity to do so.

Mr. President, I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1510

A bill to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents' medical care program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1079(d)(4) of title 10, United States Code, is amended by striking out the word "nonprofit".

SEC. 2. No payments shall be made to any person by virtue of the amendment made by the first section of this Act for any period prior to the date of enactment of this Act.

By Mr. MILLER:

S.J. Res. 82. A joint resolution expressing a proposal by the Congress of the United States for securing the safe return of American and allied prisoners of war and the accelerated withdrawal of all American military personnel from South Vietnam. Referred to the Committee on Foreign Relations.

Mr. MILLER. Mr. President, I introduce a joint resolution and I ask unanimous consent that the text of the joint resolution be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 82

A joint resolution expressing a proposal by the Congress of the United States for securing the safe return of American and allied Prisoners of War and the accelerated withdrawal of all American military presonnel from South Vietnam

Whereas the President of the United States in his address on peace in Indochina on October 7, 1970 publicly announced a series of proposals for consideration by the government of North Vietnam at the talks being held in Paris; and

Whereas one of the President's proposals was the humanitarian offer to immediately and unconditionally exchange all prisoners of war held by both sides; and

Whereas no precondition was indicated by the President for negotiation and action on this proposal; and

Whereas the purpose of the President's program of Vietnamization is to give the people of South Vietnam a reasonable opportunity to achieve the capability of defending themselves and their country against armed aggression from North Vietnam and against subversion and terror directed, controlled, and supplied from North Vietnam in order that the principle of national self-determination under the Charter of the United Nations may be maintained without further involvement of American military personnel in South Vietnam; and

Whereas the program of Vietnamization has been rapidly moving towards successful completion, permitting a continued reduction of large numbers of American military personnel in South Vietnam; and

Whereas it is the intention of the Congress of the United States that all American military personnel be withdrawn from South Vietnam consistent with the time reasonably necessary for completion of the program of Vietnamization and in conformity with the so-called "Nixon Doctrine" announced by the President at Guam on July 25, 1969; and

Whereas the flagrant violation by North Vietnam of the Geneva Agreement covering treatment of prisoners of war has destroyed the credibility of the offer of representatives of the government of North Vietnam to negotiate the exchange of prisoners of war after the complete withdrawal of American military personnel from South Vietnam: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States proposes that the United States agree to the complete withdrawal of all American military personnel from South Vietnam within twelve months following completion, under appropriate international supervision, of the exchange of prisoners of war as proposed by the President in his public announcement of October 7, 1970, and the accounting for men missing in action; and

Resolved further, That the Congress of the United States will fully support any efforts made by the President and his Administration to implement this proposal.

Mr. MILLER. Mr. President, the joint resolution I introduce today expresses a proposal of the Congress for securing the safe return of American and allied prisoners of war and the accelerated withdrawal of all American military personnel from South Vietnam.

The proposal calls for the complete withdrawal of all American military personnel from South Vietnam within 12 months following completion, under appropriate international supervision, of the exchange of prisoners of war, as proposed by the President last October 7, and accounting for men missing in action.

It will be recalled that last October 7 the President in his televised address on peace initiatives in Southeast Asia announced a series of proposals for consideration by the Government of North Vietnam at the talks being held in Paris. These called for a ceasefire-in-place, an Indochina Peace Conference, negotiation of an agreed timetable for complete withdrawals as part of an overall settlement, a political settlement in South Vietnam reflecting the will of the South Vietnamese people, and the immediate and unconditional release of all prisoners of war held by both sides. The President indicated that negotiations could proceed with respect to all or any of these proposals.

As all of us know, the other side in Paris has refused to enter into serious negotiations and has, not unexpectedly, merely used the meetings as forums for propaganda purposes.

Of major humanitarian concern to the United States and most other countries of the world has been the safe return of American and allied prisoners of war. This is understandable because of the flagrant violation by North Vietnam of the Geneva agreement covering treatment of prisoners of war.

Representatives of North Vietnam have offered to negotiate the exchange of prisoners of war after complete withdrawal of United States military personnel from South Vietnam. However, the flagrant violation by North Vietnam of the Geneva Agreement covering treatment of prisoners of war has destroyed the credibility of this offer.

The fatal and terrible defect of the majority views of the Senate and House Democratic Party caucuses is that they imply credibility to the North Vietnamese proposal. They would have all American military personnel withdrawn from South Vietnam by the end of this Congress and trust the fate of our prisoners of war to the unilateral dictation of the leaders in Hanoi. The socalled end the war proposals, establishing a fixed date for complete withdrawal of all American military personnel, are similarly defective. Additionally, as has often been pointed out, they would preclude settlement of the war by negotiations.

It is dismaying to read that 100 of 201 House Democrats voted, in caucus, to support complete withdrawal of American military personnel by December 31 of this year.

Their position and, indeed, that of the majority of both caucuses is almost impossible to understand unless it might be interpreted as the result of a psychopathic guilt complex over their Party's dismal record in the previous administration. But this does not excuse their cruel and cynical attitude towards our prisoners of war.

A Nation which has a conscience cannot rest until our prisoners of war are safely returned. What is needed is an incentive for the leaders in Hanoi to act on the President's proposal for the immediate and unconditional exchange of all prisoners of war. Because of the great emphasis the representatives of North Vietnam have placed on complete withdrawal of all United States military personnel from South Vietnam, it would seem that an agreement to do so would be the most effective incentive that could be offered.

This is what my resolution does.

Also, by providing for complete withdrawal within 12 months following completion of the exchange of prisoners of war, my resolution coincides reasonably with the President's Vietnamization program which has been rapidly moving forward. This program has been designed to give the people of South Vietnam a reasonable opportunity to achieve the capability of defending themselves and their country against armed aggression from North Vietnam and against subversion and terror directed, controlled, and supplied from North Vietnam in order that the principle of national self-determination under the Charter of the United Nations may be maintained without further involvement of American military personnel in South Vietnam. Under the socalled "Nixon Doctrine" announced by the President at Guam on July 25, 1969, financial and military equipment assistance would have to continue as long as Red China and the Soviet Union continue such assistance to North Vietnam; otherwise a military power balance could not be maintained.

If there were a complete exchange of prisoners by July 1 of this year, for example, I am satisfied that all American military personnel could be phased out of South Vietnam by July 1, 1972, consistent with the concept of reasonably opportunity for South Vietnam to handle its own military manpower problems. Also, an orderly withdrawal of all American military personnel and equipment other than that turned over to South Vietnam would require many months.

It would be to the advantage of North Vietnam to act quickly on this proposal, because the sooner the exchange of prisoners of war, the sooner the 12-month period would begin to run and the sooner all American military personnel would be out of South Vietnam.

It may be said that the President is already withdrawing large numbers of American military personnel, and there are intimations that the rate of withdrawal may be stepped up. Nevertheless, the President has made clear that there will be a substantial residual force maintained in South Vietnam until the prisoner of war problem has been resolved. Accordingly, the incentive for North Vietnam to act quickly on this proposal remains.

I hope that my colleagues will consider this resolution most carefully, and I trust that the Chairman of the Senate Foreign Relations Committee will include it for consideration by his committee at the hearings which he has indicated will soon be held on measures of similar import.

By Mr. PROXMIRE:

Senate Joint Resolution 83. A joint resolution to provide for a study and investigation of the effectiveness of the interdiction bombing by the United States in Southeast Asia. Referred to the Committee on Armed Services.

HOW COSTLY AND EFFECTIVE IS U.S. INTERDICTIVE BOMBING IN SOUTHEAST ASIA

Mr. PROXMIRE. Mr. President, in a recent speech on the Defense Department's "Electronic Battlefield" programs, I questioned the alleged effectiveness of our interdiction bombing campaign in Southeast Asia.

I pointed out that we have yet to see on the public record any evidence that it has seriously disrupted the flow of military supplies from North to South Vietnam. And I questioned the need, if indeed it has been effective, for our recent support of South Vietnamese ground troops themselves seeking to disrupt the same flow of supplies.

I want to return to this subject again today. What is at stake far transcends the more than $1 billion we have spent over the last 5 years for sensor surveillance and related equipment—the intelligence "eyes" of our bombing operations.

Based on my review of the public record, it is my belief:

First, that we have spent to date from $15 to $20 billion and are now spending at an annual rate of as much as $2 to $3 billion in support of our Southeast Asian interdiction operations;

Second, that a 50-percent reduction in the present sortie rate would almost certainly give us the same meager results at greatly reduced costs; and

Third, that the President should be urged to commission immediately an impartial and expert study of the true costs and effectiveness of U.S. interdiction bombing operations in Southeast Asia, a study analogous to the Strategic Bombing Survey ordered by President Roosevelt in 1944, so that we might know then, in the midst of a war for our very survival, the true impact of our bombing campaign in Europe.

THE SCOPE AND COSTS OF THE INTERDICTION CAMPAIGN

Interdiction operations—designed to limit the enemy's ability to sustain combat operations by destroying and disrupting his industry and transportation systems and his actual supply movements—have accounted for only a part of the costs of the overall air-war in Southeast Asia. Close air support and air-lift operations have also been extensive.

Nonetheless, interdiction strikes have obviously accounted for a substantial part of total air war expenditures. As one former Defense Department official has noted:

> Deep interdiction missions are very expensive in terms of resource requirements. Since they go far into enemy territory and hit at well-defended targets, the attrition is usually much higher than on close-support missions. And, since the attack aircraft must penetrate into heavily defended areas, they must be supported with expensive electronic countermeasures (ECM) aircraft and fighters, which raise the cost of the mission. For example, *for the same amount of money to fly one interdiction mission per day* against a power plant or a railroad yard in a war in Asia, *the United States could fly some three to seven close-support sorties per day with fewer pilot losses.*" (Emphasis added).

There have been two phases to our interdiction operations to date. From February 1965, to March 1968 the main target of operations was North Vietnam itself. During the course of those 3 years, our attack sorties against the North quadrupled in intensity, from 26,000 in 1965—the last year for which sorties figures were officially released—to an annual rate of approximately 100,000 just prior to the bombing halt. This increase in the intensity of the bombing raids was accompanied by a rising crescendo of public protest against them, due primarily to the belief that they would not succeed in their political objective of bringing an end to North Vietnamese aggression.

Since March 1968, public attention has been focused elsewhere, but the interdiction effort has quietly gone on, now with the primary objective of disrupting the flow of military supplies to the South.

The scope of these post-1968 operations have never been fully recognized by the American people. In fact, they have been carefully concealed.

It is clear from press reports, however, that immediately following the March 1968 bombing halt, the Johnson administration merely redirected the attacks previously flown throughout North Vietnam to the 170-mile deep area below the 19th parallel, the total number of sorties remaining very much the same.

Gradually, in the time since, the bulk of our interdiction efforts have been transferred to the Ho Chi Minh Trail through Laos, with interdiction operations elsewhere—the southern part of North Vietnam, Cambodia, and South Vietnam itself—being conducted at a lower level.

It is impossible from the public record to determine just how many interdiction sorties have actually been conducted in any of these areas. Successive administrations have persisted in revealing only the total number of strike sorties authorized for Southeast Asia as a whole, refusing to break this total down either by mission or geographical location. Prior to June of last year, B–52 sorties in Southeast Asia were programed at 1,400 per month, and other tactical air strikes at 14,000 per month.

Beginning with fiscal year 1971, the authorized rates became 1,200 and 10,000 respectively. Whether this reduction in total sorties was accompanied by a reduction in interdiction strikes, however, is not very clear, especially in light of the reduced level of ground fighting, and presumably, close air support missions during the past year. It is interesting to note that President Nixon, commenting on the reduction in a television address last year, said only that:

> We have cut tactical air operations in South Vietnam by more than 20 percent.

The Air Force candidly admitted last year to the Senate Armed Services Committee that:

> The interdiction effort is our most significant current activity in Southeast Asia.

One hint of just how significant the Laotian part of the effort may have become as early as 1969 is contained in the January 21, 1970, issue of the Air Force Times. The Times listed B–52 missions over South Vietnam for the first 11 months of 1969 at 2,461. While the Times made no mention of other B–52 sorties, it takes no advanced mathematics to recognize that these sorties represented only 20 percent of the 15,400 sorties authorized for the first 11 months of 1969 at the prevailing 1,400 per month rate. Nor is it an unreasonable deduction that the other 80 percent of our B–52 sorties were directed primarily to the Ho Chi Minh Trail.

Recent press reports confirm that little has changed since 1969. The February 15, 1971, edition of the U.S. News and World Report, for example, contains a story indicating that cutting the Ho Chi Minh Trail remains the No. 1 priority of U.S. air power. According to the story:

> As of early February, B–52 bombers had dropped more than 100,000 tons of bombs on the Trail, and American fighter-bombers were flying between 300–400 attack missions per day.

And only in the past few days we have reportedly stepped up our bombing to prevent the reestablishment of recently cut supply routes.

The costs of this continuing interdiction campaign in Southeast Asia have never been revealed to the American people.

Yet unofficial estimates of the air war against the North alone have run as high as $20 billion.

While this estimate may be rather high, it has been officially acknowledged that almost $6 billion worth of aircraft were shot down over the North. It would certainly not be unreasonable, in light of the large number of sorties flown, the vast quantities of munitions dropped, and the new air bases and support facilities erected to aid the bombing effort to presume that total expenditures during these 3 years were at least $12 billion.

It also seems probable that expenditures since March, 1968 have continued at a rate of $2 to $3 billion per year.

For example, the costs of our 14,400 B–52 sorties per year at the presently authorized rate are not difficult to calculate at least in rough terms.

The largest single component of these costs are air munitions, which as a rule of thumb have cost roughly $1 per pound in Southeast Asian operations. A single B–52 can carry an ordnance load of 29 tons, which would yield munitions costs alone per B–52 sortie of $58,000. B–52 ordnance, however, consists primarily of relatively inexpensive iron bombs, rather than the more expensive cluster bomb units carried by the F–4's, F–105's, and other fighter-bombers. Allowing for this fact that the possibility of less than fully loaded aircraft, a conservative estimate of munition costs per sortie might be $30,000.

But there are other variable costs also associated with individual interdiction sorties, costs for such items as fuel, attrition rates, consumable aircraft parts, the reconnaissance aircraft which locate targets, tanker refueling, pilots' flight pay, and other similar items. All these costs together might well equal another $30,000 per sortie.

If $60,000 per sortie is indeed a reasonable estimate, our 14,400 B–52 sorties alone are costing us $864 million per year.

Interdiction strikes by tactical aircraft such as our F–4's and F–105's may at the same time be costing us $800 million more.

And no provision has been made thus far for costs of a relatively fixed nature, costs unlikely to change with the number of sorties flown.

I have in mind such costs as the more than $1 billion we have invested to date on surveillance and data-processing gear to aid in our bombing strikes, together with the personnel and operating costs of our land and carrier air bases not only in Southeast Asia but in Guam and Okinawa as well. If these costs are considered, it is not unreasonable to conclude that the total costs of our interdiction campaign in Southeast Asia may well be running in excess of $2 billion per year.

THE EFFECTIVENESS OF INTERDICTION

Whatever the exact cost of our interdiction campaign to date, that cost has been quite substantial. And far more important than the precise figure is just what we have to show for the vast expenditures we have made.

According to official dogma, these expenditures have at least produced results. They have, it is argued, disrupted the flow of enemy supplies, thereby saving American and allied lives.

Yet the fact of the matter is that no adequate documentation of this claim has ever been presented to the American people. Not only have successive administrations concealed the real costs of our interdiction operations, they have also asked that we accept at face value the productiveness of the money spent.

Notwithstanding the wall of secrecy which has been erected, bits of very damaging information have from time to time slipped through.

Some of the best evidence of the relative futility of our interdiction efforts can still be found in the testimony of Secretary of Defense McNamara to the Preparedness Investigating Subcommittee during its 1967 hearings on the air war against the North.

McNamara must have found himself at the time in a rather uncomfortable position. Having himself directed the air war against the North, he was now required to defend that operation, the futility of which seems clear from his testimony, against a powerful group of Senators who sought more bombing still. Only months later, McNamara resigned. Shortly thereafter, the bombing itself was stopped.

After pointing out that North Vietnam has no real war making industrial base and hence none which could be destroyed by bombing, McNamara told the Preparedness Subcommittee:

> North Vietnam's ability to continue its aggression against the South thus depends on imports of war-supporting material and their trans-shipment to the South. Unfortunately for the chances of effective interdiction, this simple agricultural economy has a highly diversified transportation systems consisting of rails and roads and waterways. The North Vietnamese use barges and sampans, trucks and foot power, and even bicycles capable of carrying 500-pound loads to move goods over this network. The capacity of this system is very large—the volume of traffic it is now required to carry, in relation to its capacity, is very small.
>
> Precise figures on the amount of infiltrated material required to support the Vietcong and North Vietnamese Forces in the South are not known. However, intelligence estimates suggest that the quantity of externally supplied material, other than food, required to support VC/NVA forces in South Vietnam at about their current level of combat activity is very, very small. The reported figure is 15 tons per day, but *even if the quantity were five times that amount* it could be transported by only a few trucks. This is the small flow of material which we are attempting to prevent from entering South Vietnam through a pipeline which has an outlet capacity of more than 200 tons per day. (emphasis added)

When members of the Preparedness Subcommittee questioned the accuracy of his 15-ton-per-day estimate, noting that it amounted to only 2 ounces per man based on current estimates of enemy troop strength in Vietnam, McNamara replied as follows:

> I think it is perfectly clear that these calculations are inapplicable to the situation. A substantial percentage of their explosives comes from South Vietnam itself. The duds alone from our air and ground munitions supply them with a tremendous stock of ammunition.
>
> And beyond that . . . their combat maneuver battalions in effect are in combat only about 1 day per month, and these are factors that the intelligence estimators take into account. But I don't want to argue the 15 tons. Make it anything you want to within reason, and the argument stands.

McNamara was asked repeatedly during his appearance before the Subcommittee whether an increase in the bombing would not result in fewer allied casualties in the South. Repeatedly his answer was "No." Even more surprising, in light of his position as a defender of administration policy, were his thoughts on the effects of a possible reduction in interdiction missions:

> There are many who believe, and there is much evidence to support the conclusion, that the flow of men and material into the South is not determined by the air campaign in the North, but by the ability of the Vietcong and the North Vietnamese, *operating by the way, without, for all practical purposes, a single wheeled vehicle in all of South Vietnam,* to accept the men and material from the North (Emphasis added.)
>
> There is considerable evidence to indicate that it has been the inability of the logistical system of the Vietcong and North Vietnamese in South Vietnam to expand more rapidly that has limited the flow into that country, and that there has been a balance between the logistical system in the South and the movement from the North, determined in larger part by the capacity of the South rather than the input from the North.

Finally, when presented on his suggestion that the North Vietnamese could move greater quantities of supplies into South Vietnam anytime they wanted to, the Secretary said:

> Let me read to you from the latest intelligence report, dated July 28th. It covers the operations through July 18th. It is a monthly report. I should be receiving another one within a matter of a few days:
>
> "The North Vietnamese still retain the capability to support activities in South Vietnam and Laos at present or increased combat levels and force structure."
>
> *That exact appraisal has been in every report that I recall seeing during the past year.*" (Emphasis added.)

Other former Defense Department officials have likewise pointed to the almost complete futility of our air war against the North. They have noted the enemy's ability to offset all increases in American air strikes by a variety of simple tactics—moving by night rather than by day, multiplying the number of usable roads, increasing the number of trucks involved in the supply network, and improving antiaircraft defenses, to name only a few.

Alain Enthoven and Wayne Smith tell in their recent book about the conclusions of one Systems Analysis study of the interdiction campaign:

> In the face of steadily intensified bombing, the flow of men and supplies from North Vietnam had continued to increase. While the bombing may have destroyed roughly 10% of the men and supplies in a given flow going to the South, the enemy was able to replace these losses and still maintain or increase the desired flow.
>
> Similarly, the study indicated that the U.S. bombing in North Vietnam had little observable effect on enemy forces or activity levels in South Vietnam. Between 1965 and 1968, U.S. attack sorties against North Vietnam increased about four-fold. Over the same period, the enemy's main force increased its strength levels by 75 percent, its attacks five-fold, and its overall activity level nine-fold. For example, in the critical I Corps area (the area immediately south of the DMZ) VC/NVA attacks increased eight-fold between 1966 and 1968. Over the same period interdiction sorties in the DMZ and immediately to the north increased fourteen-fold; and tactical sorties in the I Corps itself doubled.

Things have changed little since attacks on the North ceased almost 3 years ago. Our interdiction strikes continue at a high rate. So does the movement of enemy supplies.

As the Chairman of the Joint Chiefs testified to the Senate Armed Services Committee last year:

> The most significant current indicator of enemy intention is the sharp increase in the level of his logistical activity. The enemy has initiated a major resupply program in the Laos panhandle, and activity in this area is greater than that observed at this time last year. In addition, he is making a determined effort to restore, improve, and protect his lines of communications in Laos. . . . These measures increase the enemy's capability to not only improve his logistical system, but to protect it as well. The enemy continues to import substantial amounts of war material.

And, according to the recent story on enemy supply efforts in U.S. News and World Report:

> The Air Force claims that, during the October 15th to January 12th period, only one ton in 32 actually reached front-line troops. To offset this high rate of destruction, the Communists are risking massive losses of trucks and critically scarce drivers to send more and more vehicles down the Trail. As a result, U.S. experts think that by the time the dry season ends, the Reds, through sheer saturation, will be delivering about one in every five tons.

Even in recent days—after years of bombing and a ground incursion as well—reports persist that up to 1,500 trucks remain in operation along the Ho Chi Minh Trail.

The Air Force itself has on rare occasions been candid about the effects of its interdiction efforts. Last year it requested $10 million of R. & D. funds to continue its truck interdiction development program, explaining the request with these words:

> During the intensified interdiction campaign of 1969, we determined that although we attacked and actually observed hits on a large number of vehicles, relatively few were destroyed. Although this limited truck-killing success cannot be blamed entirely on munitions, we feel that improvements to our present anti-vehicular devices and identification of optimum munitions combinations will improve our performance.

Mr. President, the evidence on the record seems clear to me. We may have killed a sizable number of trucks and bridges, but every increase in our interdiction activities has been offset by changes in the enemy's logistics systems.

We have forced him to move at night, either with more trucks, on foot, or even at times with 500-pound bicycles, but we have not stopped him from moving.

Our bombing of the North did not prevent the Tet offensive of 1968. And why, if it has disrupted the flow of supplies through Laos, have we recently been engaged in the support of South Vietnamese ground troops themselves seeking to disrupt the same flow of supplies?

Mr. President, my own review of the public record convinces me that we should effect at once at least a 50-percent reduction in the number of interdiction sorties now being flown in Southeast Asia.

Such a reduction, it seems to me, would pose no danger to American ground troops in South Vietnam, might save as much as $800 million this year, and could produce a significant decrease both in the number of Laotian refugees and the number of American pilots seized as prisoners of war.

Such a reduced rate would prevent the North Vietnamese from getting a free ride in the movement of their supplies. Selective, harrassing air strikes could upset the timing of enemy movements, preventing offensives from being launched until allied forces were fully ready.

Moreover, a reduced number of sorties would insure the continued diversion of numerous North Vietnamese regulars to logistics operations. According to recent official estimates, as many as half of the more than 60,000 North Vietnamese soldiers now in Southern Laos are at work repairing the damage from our air strikes. There would admittedly be an increased danger of allied casualties if these men became free to move into South Vietnam. But a much reduced sortie rate itself might keep them occupied. We surely need not fire at every truck coming down the Trail.

Our experience to date should have convinced us, I submit, that a diversion of enemy manpower and a disruption of enemy timing is all we can hope for from our interdiction efforts.

And there is one other thing I would like to make very clear. The problem has not been that our pilots have been inadequate, our planes unsuited to the interdiction mission, and our new surveillance equipment subject to malfunctions. The problem instead has been far more fundamental. We have misapplied our valuable resources—both human and material—to the performance of a task we have had no hope of accomplishing. Our most basic failure has been a failure to perceive the options by which the enemy could offset our every move.

THE BROADER IMPLICATIONS

But however important a reduced sortie rate may be—in terms of dollars saved, Laotians not made homeless, and American pilots kept free—it is the long-term implications of our present interdiction policy which most concern me.

We have heard a great deal during the past year about a winding down of the war, about the progress of Vietnamization. But our interdiction campaign is not winding down and is not about to be Vietnamized.

While we are helping the South Vietnamese to improve their close-air support capabilities, we are not turning over responsibility for interdiction operations. As Secretary of the Air Force Seamans told the Senate Armed Services Committee last year:

> As far as their air force is concerned, the plan calls for an increase from the present 20 squadrons to around (deleted) Squadrons. Admittedly, this force is for incountry operation. It would not give them a capability of interdicting the Ho Chi Minh Trail. It would purposely not give them a capability of being aggressive, going up into say North Vietnam.

What this means, of course, is that we will continue to bear the costs of the interdiction campaign, not only this year but indefinitely into the future.

It means, too, that interdiction operations will account in the future for a constantly increasing share of our total war expenditures.

And there is also a danger, as air strikes gradually become our only means of influencing the course of the war, that pressures for stepped-up bombing will slowly begin to build.

Such pressures are already strong in some corners, where the belief persists that the main mistake we made in the air war against the North was in not bombing heavily enough.

Advocates of this viewpoint can be expected to point to the new sensor equipment, new laser target designators, and other surveillance devices still not fully installed back in 1968.

And they will argue also the increased importance of supply systems from the

North now that the port of Kompong Som is closed.

Faced with these arguments, enemy capability to offset greatly increased bombing might possibly be overlooked. Overlooked, also, might be the words of Secretary McNamara, when the bombing of Haiphong was formerly urged on him:

> The present heavy reliance on Haiphong reflects convenience rather than necessity. Haiphong represents the easiest and cheapest means of import. If it and the other ports were to be closed, and on the unrealistic assumption that closing the ports would eliminate all seaborne imports, North Vietnam would still be able to import over 8,400 tons a day by rail, road and waterway. And even if, through air strikes, its road, rail, and Red River waterway capacity could all be reduced by 50 percent, North Vietnam could maintain roughly 70 percent of its current imports . . . The present level of North Vietnamese military efforts in South Vietnam . . . cannot, on the basis of any reports I have seen, be stopped by air bombardment—short, that is, of the virtual annihilation of North Vietnam and its people.

It is regrettable that the present administration has already evidenced its belief in the dubious capabilities of stepped-up bombing. Consider the remarks of President Nixon at his recent January 11 news conference with four network correspondents. Speaking of the U.S. Forces which will remain in South Vietnam as Vietnamization continues, the President said:

> Now, the President of the United States, as Commander-in-Chief, owes a responsibility to those men to see that they are not subjected to an overwhelming attack from the North. That is why we must continue reconnaissance, and that is why also, if the enemy at a time we are trying to de-escalate, at a time we are withdrawing, starts to build up its infiltration, starts moving troops and supplies through the Mu Gia Pass and the other passes, then I, as Commander-in-Chief, will have to order bombing strikes on those key areas.
>
> I have said that on eight different occasions on national television and national radio. I have said it also in other messages to them that have gotten to them very loud and very clear. So there is no question about (their) understanding.

That is why a study along the lines of the Strategic Bombing Survey is so crucial at the present time, before, rather than after, we compound our past mistakes.

The facts of our Southeast Asia interdiction operations have been shrouded in secrecy too long. It is difficult to see how revelation of the costs of these operations could possibly jeopardize our national security. And the enemy already knows more about their effectiveness than any Member of Congress.

Mr. President, it is high time that the American people had an accurate picture of just what our bombing can and cannot do.

Such a study is needed, moreover, regardless of the future course of the war in Indochina. We may, despite our hopes, face a new war in the future when interdiction bombing may again become an issue. Only if we understand the lessons of Southeast Asia will we be able to act wisely then, should the need in fact arise.

And such a study could significantly influence our procurement policies in the years immediately ahead. It is no secret that the Air Force has emphasized the interdiction mission heavily in its recent aircraft buys. An accurate assessment of our interdiction campaign in Indochina might cause us to change that emphasis. It could surely indicate what kinds of aircraft are most effective for interdiction use—fast, expensive planes like our F-4's and F-105's, or slower, more accurate planes which in Indochina have been used more sparingly.

On September 9, 1944, President Roosevelt wrote to the Secretary of War that:

> It would be valuable in connection with the air attacks on Japan and for postwar planning to obtain an impartial and expert study of the effects of the aerial attack on Germany which was authorized in enlarged scale as the combined bomber offensive at the Casablanca Conference.

The survey which resulted from that directive eventually covered Japan as well. It was directed, not by military men, but by a panel of independent consultants, of such stature that they could not be suspected of covering up military mistakes or of defending the record of the Roosevelt administration.

The chairman was Franklin D'Olier, president of the Prudential Life Insurance Co.; the vice-chairman, Henry C. Alexander, head of the Morgan Guarantee Bank; the secretary, Charles C. Cabot, distinguished Massachusetts lawyer and overseer of Harvard. Also on the panel were George Ball, John Kenneth Galbraith, Paul Nitze, and others. These men were assisted by a military-civilian staff of more than 600 specialists, ranging from engineers to diplomats.

One year after these men were chosen, their survey was completed and a public report submitted. The report showed that more than 1,440,000 bomber sorties and 2,680,000 fighter sorties of an interdiction nature had been flown against the Germans, and that almost 2,700,000 tons of bombs were dropped. It showed that United States expenditures on the campaign had exceeded $43 billion. It estimated civilian deaths from the bombing at 305,000 and wounded at 780,000.

Finally, the report—supported by more than 200 detailed studies—was candid in appraising both successes and failures of the air war. It was thoroughly covered by the press, and its recommendations were received with respect in Congress, the White House, and the Pentagon. They formed a basis for much of the country's postwar military policy.

The large costs and apparent ineffectiveness of our Southeast Asian interdiction campaign to date, together with the prospect of a step-up in that campaign, demand that a similarly impartial and expert study be commissioned by the President at once. Only such a study, by men inside and outside the Government, men every bit as able and objective as the directors of the 1944 survey, can resolve with any finality the merits of our present campaign, and perhaps keep it from becoming anew as contested a public issue as it was 3 years ago.

Accordingly, I am introducing in the Senate today a joint resolution of Congress which would require the President to establish immediately a Southeast Asian Interdiction Bombing Survey Commission.

Under the terms of that resolution, the Commission would be composed of 15 members.

Nine of these members would be chosen by the President. One, a private citizen of unimpeachable intelligence and integrity, would be designated by him as the Commissions' chairman. Of the other eight no more than four could be individuals serving in the executive branch of the Government.

The other six members of the Commission would be congressional appointees. Three would be chosen by the President of the Senate, on the recommendation of the majority leader two of whom would be members of that body, while the third would be a private citizen, who would serve as Vice-Chairman of the Commission. The remaining three members would be chosen by the Speaker of the House of Representatives, two from among the House membership and a third from private life, the latter to be designated as Secretary of the Commission.

The resolution would direct the members of the Commission to assemble a combined military-civilian staff of their own choosing, and it would authorize the funds necessary for the Commission to conduct its work.

The resolution would also give to the Commission all the powers—including the power of subpena—necessary for its investigation.

Due to the rapid progress of World War II in the months immediately following President Roosevelt's directive, the Directors of the 1944 Survey were able to follow the advancing front lines across Europe and to inspect the effects of the bombing campaign at first hand. Similar on-the-ground studies of the effects of interdiction strikes in Southeast Asia will probably not be possible.

Nevertheless, the members of the new Commission should be able to collect quickly significant amounts of information in the field—by making their own aerial photographs, by questioning prisoners and defectors, and by interviewing journalists and diplomats, from neutral as well as friendly countries. In addition, the Commission members should have complete access to American intelligence files and be authorized to talk freely and in confidence to anyone who might be useful, from bomber pilots to Vietnamese or Laotian peasants.

Finally, the resolution would call upon the Commission to report simultaneously to the President and the Congress within 1 year after the resolution is enacted into law.

Mr. President, I ask unanimous consent that I may introduce the resolution at this time, that it be appropriately referred, and that it be printed at the end of my remarks in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. BENTSEN). Without objection, it is so ordered.

(See exhibit 1.)

It is the best means I can think of for assuring an impartial, nonpolitical assessment of our air strikes of the last 6 years.

We have already dropped in Southeast

Asia more than twice as many tons of bombs as we dropped in Germany in World War II. Is it not time we looked at the results?

EXHIBIT 1

S.J. RES. 83

Joint resolution to provide for a study and investigation of the effectiveness of the interdiction bombing by the United States in Southeast Asia

Whereas the United States has now pursued for more than six years a policy of seeking through interdiction air strikes to disrupt and reduce the flow of men and supplies from North Vietnam to forces associated with that nation elsewhere in Southeast Asia; and

Whereas vast human and material resources have been expended and also destroyed in the pursuit of this policy and this objective; and

Whereas it has been deemed necessary to supplement these air strikes with ground incursions into Cambodia and Laos for the purpose of disrupting and reducing the same flow of men and supplies; and

Whereas it may be deemed necessary, in the event of increased military activity by North Vietnam and the forces associated with that nation, to increase these air strikes in the future; and

Whereas the costs of such air strikes, the effect of such air strikes on the movement of men and supplies, and the impact of such air strikes on United States casualties both in the air and on the ground have never been comprehensively studied and reported to the American people; and

Whereas a study of these matters, together with an evaluation of other matters affecting the merits of alternative United States interdiction policies, would serve as a valuable guide both in determining the future policy of the United States in Southeast Asia and in long-term post-war planning: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF COMMISSION

SEC. 1. There is hereby established a commission to be known as the Southeast Asian Interdiction Bombing Survey Commission (hereinafter referred to as the "Commission").

MEMBERSHIP OF THE COMMISSION

SEC. 2. (a) The Commission shall be composed of fifteen members appointed as follows:

(1) three members appointed by the President of the Senate, on the recommendation of the majority leader two from the membership of the Senate and one from outside the Federal Government;

(2) three members appointed by the Speaker of the House of Representatives, two from the membership of the House and one from outside the Federal Government;

(3) nine members appointed by the President, at least five of whom shall be from outside the Federal Government.

(b) The President shall designate one of the members of the Commission appointed from outside the Federal Government to serve as Chairman of the Commission.

(c) The member of the Commission appointed by the President of the Senate on the recommendation of the majority leader from outside the Federal Government shall be Vice Chairman of the Commission, and the member appointed by the Speaker of the House of Representatives from outside the Federal Government shall be Secretary of the Commission.

(d) All persons selected for appointment to the Commission shall be selected solely on the basis of their knowledge, experience, and qualifications to study and investigate the matters with which this joint resolution is concerned and not because they represent or favor any particular point of view with respect to any such matters.

(e) Eight members of the Commission shall constitute a quorum.

(f) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

DUTIES OF THE COMMISSION

SEC. 3. (a) The Commission shall conduct a comprehensive study and investigation of the effectiveness of the interdiction bombing by the United States military forces in Southeast Asia since February 1965. In carrying out such study and investigation the Commission shall, among other things, specifically consider—

(1) the annual costs of such interdiction bombing and the total cost thereof to date, together with an analysis of the constituent elements of such costs, both fixed and incremental;

(2) whether such interdiction bombing has been successful in disrupting and reducing the flow of men and supplies from North Vietnam to other areas of Southeast Asia, and if so to what extent;

(3) whether the sensor surveillance systems and related devices used by the United States have contributed to the effectiveness of such interdiction bombing, and if so to what extent;

(4) the ability of North Vietnam and the forces associated with that nation to offset the impact of such interdiction bombing by changes in their logistics systems;

(5) the degree of dependence of North Vietnamese and associated forces in South Vietnam on sources of military supplies from outside South Vietnam;

(6) the impact of such interdiction bombing on United States military casualties in Southeast Asia, both in the air and on the ground;

(7) the impact of such interdiction bombing on Vietnamese and other civilian casualties in Southeast Asia;

(8) the impact on the cost of such interdiction bombing, on the effectiveness of such bombing in disrupting and reducing the flow of men and supplies from North Vietnam to other areas of Southeast Asia, and on United States military casualties in Southeast Asia and on Vietnamese and other civilian casualties in Southeast Asia under each of the following conditions:

(A) if there had been an increase in the intensity and/or scope of such bombing;

(B) if there had been a decrease in the intensity and/or scope of such bombing;

(C) if there had been a change in the precise military targets and objectives of such bombing; and

(D) if there had been a change in the kinds of aircraft and aircraft support forces used in such bombing;

(9) the relative effectiveness of interdiction bombing and alternative actions available to the United States, such as the use of ground combat forces, in disrupting and reducing the flow of men and supplies from North Vietnam to other areas of Southeast Asia; and

(10) the conclusions to be drawn from the use of interdiction bombing by the United States in Southeast Asia that may prove useful in formulating future United States policy in Southeast Asia and in planning for the postwar period.

(b) Within one year after the date of enactment of this Act, the Commission shall submit simultaneously to the President and the Congress a report on the results of its study and investigation, together with such comments and recommendations as it deems appropriate.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 4. (a) Members of the Commission who are Members of Congress or who are officers or employees of the executive branch of the Federal Government shall receive no compensation for their services as members of the Commission, but shall be allowed necessary travel expanses (or in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence not to exceed the rates prescribed in sections 5702 and 5704 of title 5, United States Code), and other necessary expenses incurred by them in the performance of duties vested in the Commission, without regard to the provisions of subchapter I, chapter 57 of title 5, United States Code, the Standardized Government Travel Regulations, or section 5731 of title 5, United States Code.

(b) The members of the Commission appointed from outside the Federal Government shall each receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for travel, subsistence, and other necessay expenses in accordance with the provisions of the foregoing subsection.

POWERS OF THE COMMISSION

SEC. 5. (a) (1) The Commission, or at its direction any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or Vice Chairman and may be served by any person designated by the Chairman or the Vice Chairman.

(2) In the case of contumacy of refusal to obey a subpena issued under paragraph (1) of this subsection by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Attorney General of the United States, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, thereto produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

(b) The Commission is authorized to acquire directly from the head of any Federal department or agency information deemed useful in the discharge of its duties. All departments and agencies of the Government are hereby authorized and directed to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law. All such requests shall be made by or in the name of the Chairman or Vice Chairman of the Commission.

(c) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual shall receive compensation at a rate in excess of the maximum rate authorized by the General Schedule. In addition, the Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates for individuals not in excess of $100 per diem.

(d) The Commission is authorized to negotiate and enter into contracts with private organizations and educational institutions to carry out such studies and prepare such reports as the Commission determines are necessary in order to carry out its duties.

(e) In providing for its staff under this joint resolution, the Commission shall have a combined civilian military staff. Members of the armed forces shall be assigned to assist the Commission with the approval of the Secretary of Defense.

(f) The Secretary of Defense and the Director of the Central Intelligence Agency shall cooperate with the Commission to the maximum extent possible in making information available to the Commission for study and in making personnel of their respective department and agency, available for questioning. The Secretary of Defense shall also cooperate with the Commission to the maximum extent possible by making available for questioning prisoners held by the South Vietnamese forces and defectors from the North Vietnamese and associated forces, and by permitting the Commission and its staff to personally inspect areas before and after bombing raids and in obtaining its own aerial reconnaissance of air strike targets.

GOVERNMENT DEPARTMENTS AND AGENCIES AUTHORIZED TO AID COMMISSION

SEC. 6. Any department or agency of the Government is authorized to provide for the Commission such services as the Commission requests on such basis, reimbursable or otherwise, as may be agreed between the department or agency and the Chairman or Vice Chairman. All such requests shall be made by or in the name of the Chairman or Vice Chairman of the Commission.

TERMINATION OF THE COMMISSION

SEC. 7. Thirty days after the submission of the report provided for in section 3 of this joint resolution, the Commission shall cease to exist.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are hereby authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this joint resolution.

By Mr. CRANSTON (for himself, Mr. NELSON, and Mr. TUNNEY):

Senate Joint Resolution 84. A joint resolution to establish Tule Elk National Wildlife Refuge. Referred to the Committee on Interior and Insular Affairs.

TULE ELK NATIONAL WILDLIFE REFUGE

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a joint resolution to establish the Tule Elk National Wildlife Refuge.

On October 14, 1969, I introduced S. 3028, a bill to authorize a feasibility study of the desirability of establishing a national wildlife refuge for California's meager population of tule elk. A number of companion bills were introduced in the House. Subcommittee hearings were held during March 1970, in both the Senate and the House, but no action was taken primarily because the Interior Department indicated in an October 20, 1970, letter from Assistant Secretary Leslie L. Glasgow that "a number—of tule elk—substantially more than now exists is a desireable objective." Mr. Glasgow further promised to report back to Congress when "our plan of action to increase the tule elk numbers is complete."

I was delighted by this development, which seemed to indicate that steps would be taken to insure the herd would be allowed to increase in the Owens Valley.

Since then, however, there has been a notable turnover of Interior Department leadership, including Leslie Glasgow.

One of the most fortunate consequences of my tule elk bill is that it led to hearings in the House Subcommittee on Fisheries and Wildlife Conservation, which is chaired by the distinguished and able Representative from Michigan, JOHN D. DINGELL. Congressman DINGELL became quite interested in the plight of California's dwarf elk. After listening to testimony and reviewing the evidence, the Congressman concluded that the tule elk population should be expanded to 2,000. The Interior Department's proposal to increase the herd size was in response to what has become known as the Dingell plan.

The resolution I introduce today constitutes a legislative implementation of the Dingell plan. Congressman DINGELL is introducing the same bill this week in the House.

Briefly stated, the resolution declares that it is Federal policy to increase the tule elk herd to at least 2,000 members. To carry out this policy the Secretary of the Interior is authorized to acquire such lands in the Owens Valley as may be necessary to effect the increase. Such acquired lands and all other lands in the Owens River watershed under Interior Department jurisdiction shall constitute the Tule Elk National Wildlife Refuge. In addition, the Secretary is authorized to relocate some of the elk in various other areas of California under Federal or State jurisdiction where the elk may be ecologically compatible and where there is mutual agreement among the various parties involved.

The Secretary is also authorized by the resolution to enter into a cooperative wildlife management agreement with the State of California so long as such an agreement is compatible with the purposes of the resolution.

Finally, the Secretary of Agriculture is required to manage the Inyo National Forest in compliance with the purposes of this resolution, which may specifically involve decreasing the number of grazing permits issued by the U.S. Forest Service.

Mr. President, the 290 tule elk in the Owens Valley are the only free-roaming, unfenced survivors—unhybridized—of a species which formerly was common to the Sacramento and San Joaquin Valleys of California. The tule elk has waged a persistent and remarkable struggle for survival during the past century, having. in 1885, been reduced to a minimum of 28 animals. In fact, the harrassment of the tule elk was so intense that it survives today in an area where it is not indigenous. It was introduced to the Owens Valley, which is east of the Sierra Nevadas, only 40 years ago. The elk has not survived unfenced and free-roaming in California's central valleys where it is endemic.

The reasons for saving the tule elk range from scientific to ethical to pragmatic. Perhaps the best way I can summarize my feeling about the urgency of insuring a future for this little elk is that in an age when man's deflement of the biosphere has reached a state where there is serious question about whether environmental degradation is still reversible, at such a time every variety of life form must be considered a precious resource to be treasured and nurtured. This is particularly true since ecologists are only beginning to understand the function or importance of diversity among life forms in the defenses and survival of the ecosystems which perpetuate the biosphere. In a manner not yet perceived or understood, the preservation of large native mammals may be an asset in man's environmental struggle for survival.

The Dingell plan will substantially enhance the tule elk's prospects for survival. I believe it should become Federal policy.

Mr. President, I ask unanimous consent that the text of the joint resolution to establish the Tule Elk National Wildlife Refuge be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 84

Joint Resolution to establish the Tule Elk National Wildlife Refuge

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, Whereas, the tule elk once roamed the grasslands of central California in large numbers but has had to wage a persistent struggle for survival during the past century, as evidenced by the fact that the population was reduced to 28 animals at one time; and

Whereas, the tule elk, which is considered to be a rare, but not an endangered, species by the Department of the Interior, presently exists in a herd of approximately 290 head in the Owens Valley area of California where such animals were introduced four decades ago, but large scale grazing of cattle in that area has resulted in a reduced amount of forage available for the tule elk; and

Whereas, it is a well established criteria among conservationists that any species of less than 2,000 in number is a vanishing one that is highly subject to extinction, particularly if an epidemic should occur; and

Whereas, there is no scientific evidence that the present depleted population of tule elk is adequate to assure the species' survival, but the prospects for survival of the tule elk would be substantially enhanced if the herd were expanded to at least 2,000 animals; and

Whereas, the protection and maintenance of tule elk in a free and wild state is of educational, scientific, and aesthetic value to the people of the United States and its struggle to survive epitomizes the world-wide threat to the larger browse and graze mammals whose environments are shrinking and are being depleted as a result of civilization's incursions: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this joint resolution, the term "Owens River watershed area" means that area of land in Inyo County, California, which is south of

Laws but not south of the northernmost point of Owens Lake and which is bounded on both east and the west by the Inyo National Forest.

Sec. 2. (a) The Secretary of the Interior (hereafter referred to in this joint resolution as the "Secretary") is authorized to acquire any land and any easements, grazing rights, or other interests in land within the Owens River watershed area which he determines to be suitable for carrying out the purposes of this joint resolution; except that nothing in this Act shall be construed as authorizing the Secretary to acquire any rights to water which are held on the date of the enactment of this Act or may be acquired after such date by any State of local agency. All lands and interests in lands acquired pursuant to the preceeding sentence and all lands (including withdrawn lands) within the Owens River watershed area which on January 1, 1971 were under the jurisdiction of the Secretary shall be known as the Tule Elk National Wildlife Refuge (hereafter referred to in this joint resolution as the "refuge") which shall be established and maintained in an ecologically and environmentally sound manner in accordance with the laws and regulations relating to the National Wildlife Refuge System subject to the following conditions:

(1) The refuge shall be managed so as to build and sustain a herd of tule elk which at no time numbers less than 2,000 and, in order to achieve this purpose, the Secretary shall to the extent necessary limit the issuance of grazing and other land use rights within the refuge; except that if the Secretary at any time finds that the herd within the refuge cannot be maintained at a minimum of 2,000 head, he shall take such action as may be necessary to insure that the total number of tule elk at least equals such number, and such action may include the relocation of an appropriate number of tule elk to—

(A) other land within California under the jurisdiction of the Department of the Interior,

(B) land within California under the jurisdiction of any other Federal agency, but the relocation and management of such elk shall be subject to such arrangement as may be mutually agreeable to the Secretary and the chief executive officer of such agency,

(C) land under the jurisdiction of the State of California, but the relocation and management of such elk shall be subject to such cooperative agreement as may be mutually agreeable to the Secretary and the appropriate official of the State, or

(D) any combination of (A), (B), and (C);

(2) The Secretary and the appropriate official of the State of California may enter into, and from time to time modify, a cooperative agreement consistent with the purposes of this joint resolution with respect to the management of fish and wildlife within the refuge and such agreement may provide that—

(A) all or part of the laws and regulations of the State of California relating to the taking of fish and wildlife shall apply within the refuge; and

(B) no person may take any fish or wildlife within the refuge unless he holds a valid fishing or hunting license, as the case may be, issued by the State of California.

(b) The Secretary of Agriculture, in cooperation with the Secretary, shall, to the extent practicable, limit grazing and other public uses in the areas of the Inyo National Forest which adjoin the refuge in a manner appropriate to achieve the purposes of this joint resolution.

Sec. 3. (a) There are hereby authorized to be appropriated, to remain available until expended, such sums as may be necessary for the acquisition of lands and interests in lands the acquisition of which is authorized by this joint resolution.

(b) For the purposes of section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460-9), the tule elk shall be deemed to be a species of wildlife that is threatened with extinction and the Tule Elk National Wildlife Refuge a national area authorized for the preservation of such species.

ADDITIONAL CO-SPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 10

At the request of Mr. McClellan, the Senator from Florida (Mr. Gurney) was added as a cosponsor of S. 10, to establish a national policy relative to the revitalization of rural and other economically distressed areas by providing incentives for a more even and practical geographic distribution of industrial growth and activity and developing manpower training programs to meet the needs of industry, and for other purposes.

S. 211 AND 212

At the request of Mr. Bellmon, on behalf of Mr. Fong, the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 211, a bill to amend the Civil Service Retirement Act so as to permit retirement of employees with 30 years of service on full annuities without regard to age; and S. 212, a bill to provide certain retirement benefits under title 5, United States Code, for air traffic controllers.

S. 282

At the request of Mr. Nelson, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 282, a bill to amend the Solid Waste Disposal Act.

S. 685

At the request of Mr. Packwood, the Senator from Kentucky (Mr. Cook), the Senator from New Hampshire (Mr. Cotton), the Senator from Arizona (Mr. Fannin), and the Senator from Hawaii (Mr. Fong) were added as cosponsors of S. 685, the Humane Seal Protection Act of 1971.

S. 717

At the request of Mr. Packwood, the Senator from Indiana (Mr. Bayh), the Senator from New York (Mr. Javits), and the Senator from Minnesota (Mr. Mondale) were added as cosponsors of S. 717, a bill to establish the Hells Canyon-Snake National River in the States of Idaho, Oregon, and Washington.

S. 731

At the request of Mr. Javits, the Senator from Connecticut (Mr. Weicker) was added as a cosponsor of S. 731, a bill to make rules respecting military hostilities in the absence of a declaration of war.

S. 732

Mr. BYRD of West Virginia. Mr. President, at the request of my senior colleague from West Virginia (Mr. Randolph), I ask unanimous consent that, at the next printing, the name of the Senator from Oregon (Mr. Hatfield) be added as a cosponsor of S. 732, to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes.

The **PRESIDING OFFICER** (Mr. Brock). Without objection, it is so ordered.

S. 862

At the request of Mr. Nelson, the Senator from Wisconsin (Mr. Proxmire) was added as a cosponsor of S. 862, to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands.

S. 907

At the request of Mr. McClellan, the Senator from Texas (Mr. Bentsen), the Senator from Arizona (Mr. Fannin), the Senator from Arkansas (Mr. Fulbright), the Senator from Florida (Mr. Gurney), the Senator from South Carolina (Mr. Hollings), the Senator from Nebraska (Mr. Hruska), the Senator from Utah (Mr. Moss), the Senator from Georgia (Mr. Talmadge), and the Senator from South Carolina (Mr. Thurmond) were added as cosponsors of S. 907, to consent to the interstate environment compact.

S. 1037

At the request of Mr. Williams, the Senator from Oklahoma (Mr. Harris) and the Senator from Rhode Island (Mr. Pastore) were added as cosponsors of S. 1037, a bill for improving and increasing adult education.

S. 1124

At the request of Mr. Williams, the Senator from Rhode Island (Mr. Pell) was added as a cosponsor of S. 1124, a bill to amend the Older American Act of 1965.

S. 1300

At the request of Mr. Mondale, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of S. 1300, a bill to amend the Agricultural Act of 1949, to require the Secretary of Agriculture to make advance payments to producers under the feed grain program with respect to crops of wheat.

S. 1315

At the request of the Senator from Oklahoma (Mr. Harris), the Senator from Florida (Mr. Chiles), the Senator from Hawaii (Mr. Fong), the Senator from Wisconsin (Mr. Nelson), the Senator from California (Mr. Tunney), the Senator from New Jersey (Mr. Williams), the Senator from West Virginia (Mr. Randolph), the Senator from Nevada (Mr. Bible), the Senator from New York (Mr. Javits), the Senator from Minnesota (Mr. Mondale), the Senator from Indiana (Mr. Bayh), the Senator from South Dakota (Mr. McGovern), and the Senator from California (Mr. Cranston) were added as cosponsors of S. 1315, the Ocean Mammal Protection Act of 1971.

S. 1331

At the request of Mr. Williams, the Senator from Oklahoma (Mr. Harris) and the Senator from Illinois (Mr. Stevenson) were added as cosponsors of S. 1331, a bill to amend the Public Health Service Act, to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools and for other purposes.

S. 1382

At the request of Mr. MUSKIE, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 1382, a bill to authorize the Secretary of Transportation to carry out a special program of transportation research and development utilizing the unique experience and manpower of the airframe and defense industries.

S. 1383

At the request of Mr. WILLIAMS, the Senator from Nevada (Mr. BIBLE), the Senator from Washington (Mr. JACKSON), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 1383, a bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman.

S. 1408

At the request of Mr. MUSKIE, the Senator from South Dakota (Mr. MCGOVERN), the Senator from Missouri (Mr. EAGLETON), the Senator from Rhode Island (Mr. PELL), the Senator from Wisconsin (Mr. NELSON), and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors to S. 1408, a bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies.

S. 1428

At the request of Mr. PERCY, the Senator from Nevada (Mr. BIBLE), the Senator from Tennessee (Mr. BROCK), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Pennsylvania (Mr. SCOTT) be added as cosponsors of S. 1428, a bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

SENATE JOINT RESOLUTION 80

Mr. BYRD of West Virginia. Mr. President, at the request of my senior colleague from West Virginia (Mr. RANDOLPH), I ask unanimous consent that, at the next printing, the name of the Senator from Maine (Mr. MUSKIE) be added as a cosponsor of Senate Joint Resolution 80, a joint resolution expressing the support of Congress that the United States should convene in 1971 an International Conference on Ocean Dumping.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

SENATE RESOLUTION 96—SUBMISSION OF A RESOLUTION RELATING TO THE COURT-MARTIAL SENTENCE OF 1ST LT. WILLIAM L. CALLEY, JR.

Mr. CHILES submitted a resolution relating to the court-martial sentence of 1st Lt. William L. Calley, Jr.

The resolution (S. Res. 96), which reads as follows, was referred to the Committee on Armed Services:

S. RES. 96

Whereas a United States Army court-martial has determined that First Lieutenant William L. Calley, Junior, is guilty of certain crimes committed in the village of Mylai, South Vietnam, and has sentenced him to life imprisonment at hard labor; and

Whereas this Nation cannot condone the intentional killing of helpless men, women, and children, but neither can it allow Lieutenant Calley, a product of this Nation's system of military training and indoctrination for combat, to be held solely responsible for what happened at Mylai; and

Whereas the trial of Lieutenant Calley was confined to the narrow question of guilt or innocence of very specific acts, thus leaving unanswered the much broader questions of how much responsibility Lieutenant Calley should bear as opposed to his military superiors; and

Whereas Lieutenant Calley's military superiors should share the responsibility for the tragedy that occurred at Mylai: Now, therefore, be it

Resolved, That it is hereby declared to be the sense of the Senate that Lieutenant Calley should not be allowed to be the scapegoat for what occurred at Mylai and that the reviewing authorities, up to and including the President of the United States, should consider Lieutenant Calley's guilt and sentence in the total perspective of the events and circumstances surrounding the Mylai incident and should take appropriate action to reduce his sentence accordingly.

ADDITIONAL COSPONSOR OF RESOLUTIONS

SENATE RESOLUTION 10

At the request of Mr. SCHWEIKER, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of Senate Resolution 10, designating January 22 as Ukrainian Independence Day.

SENATE RESOLUTION 38

At the request of Mr. STEVENS, the Senator from Georgia (Mr. GAMBRELL) was added as a cosponsor of Senate Resolution 38, a resolution to give the Select Committee on Small Business authority to consider and report legislation relating to the problems of American small business.

NOTICE OF HEARING ON HOME RULE LEGISLATION

Mr. INOUYE. Mr. President, on behalf of Senator EAGLETON, who is holding Senate hearings out of town today, I wish to announce that the Senate District Committee will begin hearings on home rule legislation on Monday, April 26, 1971.

Hearings will be on a comprehensive home rule bill which Senator EAGLETON intends to introduce after the recess. The bill will be similar to bills introduced by Senators BIBLE, Tydings, and MATHIAS in previous Congresses. It is the hope of the committee that the administration will in the near future also come forward with its proposals for home rule for the District so that a comprehensive set of hearings may occur.

Persons wishing to testify or submit statements for the record on the problem of home rule should contact the District of Columbia Committee, 6222 New Senate Office Building, within the next 10 days.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT NIXON TO DISCUSS FUTURE COURSE FOR THIS NATION IN SOUTHEAST ASIA

Mr. BELLMON. Mr. President, on Wednesday night President Nixon will go before the TV audience of the world to discuss a future course for this Nation in Southeast Asia. Recent events cause the junior Senator from Oklahoma to be somewhat more sensitive than usual to the effects this historic appearance may have on the future developments in many parts of the world.

In the Southeast Asian war, President Nixon inherited one of the most difficult and tragic problems ever handed to an incoming American President. He has set a new course for our country in that war and a new policy for our Nation in dealing with future conditions of that kind. He has succeeded dramatically in strengthening the will and the ability of the South Vietnamese Government and people in protecting and preserving their national rights of self-determination. The same seems to be true in other Southeast Asian nations and elsewhere in the world. I believe he has followed a wise and courageous course which merits the support American citizens generally have accorded it. Had this policy received the support it deserves from Congress, that war might well have been concluded.

The manpower and materials now being consumed in the battlefield could now be deployed in rebuilding by both friend and foe.

The President's statement Wednesday night comes at a time when seemingly the prospects for peace are improving all around the world. The Laotian battle appears to give the North Vietnamese the face-saving opportunity they may have needed to allow them to negotiate seriously. I hope President Nixon in his TV appearance will preserve this possibility remote as it may seem.

Statements by leaders of Israel, Egypt, and even Russia seem to show that the possibilities of a "spring peace offensive" are real. President Nixon, who has demonstrated his courage and tenacity in adhering to a difficult course, now has the opportunity to further demonstrate his national and world statesmanship by noting and enhancing these hopeful trends. While Mr. Nixon needs no advice from the junior Senator from Oklahoma, I trust the new policies to be announced will be weighted heavily on the side of peace.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Saturday Review of April 3, 1971, and two newspaper articles from the Washington Sunday Star.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Saturday Review, Apr. 3, 1971]

DAVID BEN-GURION TALKS ABOUT ISRAEL AND THE ARABS: "PEACE IS MORE IMPORTANT THAN REAL ESTATE"

(By John McCook Roots)

(NOTE.—John McCook Roots, foreign correspondent, author, and editor, has been a close observer of Middle Eastern affairs for more than thirty years.)

Amid the imponderables of a Middle East thrown violently out of focus by the death of President Nasser, one towering personality remains—Israel's legendary elder statesman, David Ben-Gurion, father of the Jewish state, for fifteen years its iron-handed first Prime Minister, author of its declaration of independence, creator of its incomparable armed forces, and possibly the closest our age has come to the "philosopher-king" concept immortalized by his favorite author, Plato.

Today, when the question of conquered Arab territories has become a key issue, Ben-Gurion's forthright views on the terms and spirit of the final settlement assume a unique importance. Long enough out of office to see beyond the battle, yet intimately involved with the struggle for survival whose guidelines he originally laid down, the architect of Israel's rebirth as a nation speaks from a wealth of experience possessed by none of the current leaders on either side. Most Arab heads of state were figuratively in knee pants when Ben-Gurion first became a world figure. Most of those in the present Israeli cabinet are his pupils.

Recently I spent an afternoon with this remarkable man at his desert retreat—kibbutz Sde Boker—deep in the Negev. With Nasser's funeral rites in Cairo still a vivid memory, I wanted to know how Nasser's long-time rival envisaged the future of the Middle East. I was also anxious to probe the questing mind that, during early Egyptian air raids, immersed itself in the Greek and Chinese classics, to see if there might be found wisdom to illumine some of the confusions of the world scene.

The omens for peace were not auspicious. Israel's resolute Prime Minister Golda Meir, herself a Ben-Gurion protégée, was still insisting her country would never re-enter negotiations until the controversial Soviet-Egyptian anti-aircraft missiles had been moved back from the Suez cease-fire zone. Egypt's new President, Colonel Anwar Sadat, now firmly in the saddle, had responded by declaring once more that in that case a fresh round of fighting was inevitable. To Western reporters familiar with the long-embittered fears, frustrations, cynicism, and pent-up fury in both Jerusalem and Cairo, this dismal routine of charge and counter-charge, so happily broken for a few days by Secretary Rogers's summer truce proposal, appeared to offer no hope whatever for the peace both sides longed for so deeply and needed so much.

What did Ben-Gurion think about it all? The stocky figure, encased in a huge, gray turtle-neck sweater against the desert's winter chill, shot upright in his chair. The leonine head, massive atop the sturdy torso and crowned by the familiar aureole of now-thinning white hair, thrust close to mine. the blue eyes blazed as a stabbing forefinger punctuated his fluent, heavily accented English.

"Peace, *real* peace, is now the great necessity for us," he said. "It is worth almost any sacrifice. To get it, we must return to the borders before 1967. If I were still Prime Minister, I would announce that we are prepared to give back all the territory occupied in the Six-Day War except East Jerusalem and the Golan Heights—Jerusalem for history's sake, the Golan for security."

These were startling and controversial views. With the future of his country at stake, and considering the tough public line of his own government, did he really wish to go on record as strongly as this?

"Certainly," he shot back. "I am a realist and see things as they are. When I think of the future of Israel, I only consider the country before the Six-Day War. We must return to 1967. We should give all gains back, except Jerusalem and the Golan, and these we should negotiate about." Then, as if anticipating the obvious query: "Sinai? Sharm el Sheikh? Gaza? The West Bank? Let them go. Peace is more important than real estate. We don't need the territory. With proper irrigation we now have enough land right here in the Negev to care for all the Jews in the world—if they come. And they certainly will not all come. No, we don't require more land.

"As for security, militarily defensible borders, while desirable, cannot by themselves guarantee our future. *Real* peace with our Arab neighbors—mutual trust and friendship—that is the only true security."

Ben-Gurion, who studiously avoids political discussions, smiled at mention of the Gahal hard-liners whose clamor for even more territory than that gained in 1967 led last summer to their rejection of the American peace plan and resignation from the government.

"Of course," he conceded, gesturing toward a picture of Abraham Lincoln on the wall, "these frontiers I have indicated would be, from our point of view, far from ideal. But a bad peace is better than a good war."

Asked if others in his country now felt the same, he replied, "Yes. Many."

Regarding the question of the Arab refugees, Ben-Gurion believes two things: first, that the Jews cannot be allowed to become a minority in their own country; second, that the refugees clearly have rights which have been far too long denied and must be justly and promptly dealt with.

Concerning the first factor, Ben-Gurion recalled how Chiam Weizmann in 1931 lost his position as head of world Zionism "because he said that Jews would not need a majority in Israel." He quickly added, "Hitler changed his mind." As for the second, Ben-Gurion repeated again and again: "Remember, this land belongs to two peoples—the Arabs of Palestine and the Jews of the world." Undoubtedly, in his view, the unequivocal return of Gaza and the West Bank would contribute to a climate of conciliation in which this extremely thorny issue might be resolved.

Still ruddy and fit after nearly three-quarters of a century devoted to the Zionist cause, Israel's former leader has lived quietly at Sde Boker since his retirement from the government in 1963. The death of his wife Paula two years ago was a searing personal loss. But he maintains close touch with events, he stays trim with a three-mile walk twice a day, and devotes most of his time to work on his memoirs. Only Friday afternoons are available for friends and visitors. Appointments are rigidly controlled through the Tel Aviv office of his one-time aide Defense Minister Moshe Dayan.

The memoirs will be his legacy to the nation he brought into being. The first volume, now complete, covers events to 1933. "But so much happens after that," he quips, "that from then on it may have to be a volume a year!"

The former Prime Minister, long known as the country's leading "hawk," sees no conflict between his present advocacy of territorial withdrawal and his handling of the traumatic Suez crisis in 1956. At that time, in defiance of world opinion, he invaded Sinai, wiped out the hostile fedayeen bases at Gaza, secured the Red Sea outlet by seizing Sharm el Sheikh, and clung to his gains against massive pressure from the United States and the U.N. "If you offer me a choice," he had explained, "between all the ideals in the world, however attractive, and the security of Israel, I would unhesitatingly choose the latter."

Finally, at the last possible moment, after he had made his point and upon receipt of "assurances" from Washington that there would be an easing of the implacable Arab hostility toward his new state, there were a graceful yielding to the inevitable, a general withdrawal order, and an appreciative word from President Eisenhower.

Much of Israel's seeming intransigence today derives from the aftermath of this first withdrawal from conquered Sinai. A senior Foreign Office official in Jerusalem will cite you chapter and verse why Mrs. Meir, then Ben-Gurion's Foreign Minister and chief U.N. spokesman, feels her country was betrayed at that time by the Americans.

"These 'assurances' and 'assumptions' on which our 1956–57 withdrawal was based," he remarks bitterly, "proved meaningless. There was no change in the Arab attitude. Our ships continued to be banned from the canal. The U.N. force at Sharm el Sheikh, it is true, gave us for a while free passage through the gulf. But exactly ten years later U Thant, on Nasser's demand, suddenly pulled his men out, and we had no alternative but to reoccupy Sinai. Then, following the Six-Day War, came the 'Three No's' of the Arab summit at Khartoum—'no recognition of Israel; no negotiation with Israel; no peace with Israel.'"

That position has now changed dramatically. Last spring Secretary Rogers launched his peace initiative. In July President Nasser, confounding the skeptics, accepted the Rogers formula. By doing so, the Egyptian leader executed a spectacular reversal of the Arab position. He disavowed by implication all three "no's," repudiated his own repeated refusal to negotiate while his country was under occupation, risked personal assissination at the hands of the enraged Palestinian commandos, and, at his death in September, left as a legacy to his successors the reluctant but firm Arab acceptance of a permanent Jewish state in the middle East.

Nasser thus introduced a new factor into the current deadlock. Ever since the three-year-old U.N. resolution stipulating *both* Israeli withdrawal from its 1967 war gains *and* Arab recognition of Israel, the heart of the Middle East problem has been a simple matter of trust. In essence, it has been the problem of achieving simultaneous compliance with the terms of the resolution by antagonists who hate, fear, and deeply distrust each other and who therefore each insist that the other act first.

The late Egyptian President's contribution to resolving this dilemma was what amounted to a declaration of intent: If Israel withdrew, Arab recognition would follow. First stated publicly in May to Professor Roger Fisher of Harvard in a little-noted television interview, the declaration was officially confirmed by Nasser's "yes" to Secretary Rogers in July. On December 23, in a talk with James Reston of *The New York Times*, President Sadat repeated in substance the Nasser formula, and during a *Newsweek* interview in February, Sadat made the offer of a peace treaty explicit.

Israel, however, had not been heard from beyond the references to "safe, secure borders." Official definition of these borders is of course virtually impossible to achieve outside the conference room. Yet the absence of some declaration of intent, coupled with an Israeli occupation of Arab soil already nearly four years old, had fed deepseated fears in Arab capitals. Speaking on American television in December, the moderate King Hussein of Jordan put the matter briefly: "What are Israel's real aims? They have not said what they will do. Do they plan to expand? Our position is very simply that they can have peace or territory, but not both."

Now for the first time Hussein has an indication. Technically, Ben-Gurion's views are unofficial. But they come from Israel's greatest statesman. And they carry a special authority of their own. They mean that the man who as Prime Minister ordered the first withdrawal from Sinai is now willing, despite his earlier disillusionment with the Arab response, to risk withdrawal a second time, believing that in the altered circumstances of today it is an essential prerequisite to peace. What are those altered circumstances?

Undoubtedly the most compelling development has been the shift in the Arab posture brought about by the late Egyptian President before he died. Ben-Gurion spoke of it with amazement. "We have had to live for so many years," he explained, "under the threat of Nasser's hostility. I think I understood how he felt, and the pressures he was up against. And when he accepted the Rogers plan in July, it came as a complete surprise. I was frankly astounded. Perhaps he finally came to realize that Israel was here to stay. He must have changed his mind. And it takes a really big man, a really courageous man, to do that."

Related to this new factor—that responsible Arab opinion no longer expects to "push Israel into the sea"—is another. It is a dawning consciousness among many Israelis that their nation's long and agonizing fight for political identity has essentially been won, that Israel's physical survival over the short term is not now at issue, and that the chief question today concerns the country's relations with its neighbors, the Arab states, which alone can give it the lasting peace and security it craves. This realization is bound to induce a greater sensitivity to Arab desires regarding the final frontiers. It clearly conditions Ben-Gurion's approach to the settlement.

Then there is Russia. Ben-Gurion, like all Israelis, is greatly concerned about the increased Soviet presence in Egypt. He knows that Russia, unlike America, is a Middle East power—that in a showdown in the Mediterranean America would be at a disadvantage roughly comparable to that of Russia in the Caribbean during the Cuban missile crisis. Hence, the urgency about stopping the war on which this Soviet presence feeds.

Finally, there is his own highly developed sense of timing. At certain crises in Israel's brief history, fateful actions were ordered by Ben-Gurion on the authority, in the last analysis, of his inner convictions that "the moment" had arrived.

Clearly, today, Ben-Gurion senses once more that the hour of fate has struck. "In every conflict, there comes a time when to settle is more important than to get everything you want," he said. "And the time has come to settle. Today, above all else, as Jews and as humans, we must have an end to destruction and bloodshed. We must look to the future. The moment has come for peace, and we must seize it.

"One reason I feel so strongly about the need for bold steps now toward a settlement is that I am certain eventual Arab-Israeli cooperation is inevitable. In fact, an Arab-Israeli alliance. Geography and history make it so. The Arabs of the Middle Ages were the most civilized race in the world. They have much to give us, and I believe we in turn have much to give them.

"History has proved the absurdity of regarding traditional enmities as eternal. Nations which have been at each other's throats today may fall on each other's necks tomorrow. Look at France and Germany. Now, with the pace of change so rapid and radical, Arab-Jewish partnership may come faster than we think, and together we could turn the Middle East into one of the garden spots and great creative centers of the earth."

The former Prime Minister spoke again of President Nasser. He spoke with respect. There was a wistful note as he asked about the funeral in Cairo. "I often felt," he recalled, "that if he and I could have sat down together, we might have settled everything between us. He was by far the greatest of the Arabs. He was the one man, and Egypt the one Arab state, strong enough to make peace." Turning to the window, he spread his hands in a gesture of resignation. "And now he's gone," he said with emotion. "What a pity he had to die."

Ben-Gurion, a voracious reader whose long experience with men and affairs enables him to view Israel's dilemma with more detachment than most, then responded to questions on a broad variety of themes, ending with his favorite—world peace.

"The Middle East is not alone in being desperate for peace. Every nation needs it. We neeed to finish with wars and armies. Our Jewish prophets said: 'Nation shall not rise against nation, neither shall they learn war anymore.' Not only should we not make war, we should not *learn* war. It's nonsense to kill people. What is achieved? Why do it?

"Those who say that abolishing war is impossible forget that not long ago it was considered impossible to abolish slavery. Now it is slavery, not abolishing it, that is considered impossible. And war is worse than slavery."

[From the Sunday Star, Apr. 4, 1971]

Better United States-Soviet Relations Seen Possible by Gromyko

Moscow.—Soviet Foreign Minister Andrei A. Gromyko said yesterday the Indochina war "is the most dangerous and bloody military conflict since World War II," but he held out hope for an improvement of Soviet-American relations.

"The Soviet Union stands for normal relations with the United States," Gromyko told delegates to the 24th congress of the Soviet Communist party. "It believes that an improvement of Soviet-American relations is possible." Such an improvement would be in the interests of both countries, he said, but he added, "Washington must back its statements by concrete acts.

"ZIGZAGS" BY THE UNITED STATES

"We do not favor negotiations which resemble fencing. We are for serious negotiations," Gromyko said. But he complained that "zigzags in U.S. foreign policy . . . make dealings with the United States much more difficult."

"The United States' aggression against the peoples of Vietnam, Cambodia and Laos is the most dangerous and bloody military conflict since World War II," Gromyko said.

"Without direct support by the United States, Israel's aggression against its Arab neighbors would have petered out from the start and, most probably, would not have started at all."

Gromyko's speech seemed basically a reiteration of the foreign policy remarks Tuesday by party chief Leonid I. Brezhnev in his keynote address.

But Gromyko carried his boss' appeal for international understanding and cooperation a bit further.

NO TERRITORIAL CLAIMS

"We have no territorial claims to any state in the world and have no intention of doing damage to anybody's legitimate rights and interests," Gromyko said.

"But we also demand the same in respect of our country. Those who are really prepared to reach an agreement with us on questions demanding solution will always find the Soviet Union a serious partner with a sense of responsibility."

Gromyko urged a moderate tone in international relations with the statement: "Two things are equally untypical of us: to succumb to imperialist threats and to be carried away by ultrarevolutionary phrase mongering."

This appeared to be a jib at Communist China, the Soviet Union's main rival for leadership of the Communist movement, which has often accused the Russians of not being revolutionary enough.

"In short," Gromyko said, "either faintheartedness and failure to keep one's nerves in check during a collision with imperialism or ostentatious, pose striking ultrarevolution is not Marxism-Leninism. And our party resolutely rejects this."

TAKES POKE AT CHINA

Gromyko jabbed at the Chinese contention that "any agreement with capitalist states is declared to be something just short of 'collusion'."

Gromyko did not refer directly to China in this context—at least in the excerpts of his speech distributed by the Soviet news agency Tass. But only yesterday, China's party magazine, Red Flag, accused the Soviet Union of "colluding with U.S. imperialism and contending with it for world hegemony."

Despite criticism of some of China's policies, Gromyko echoed Brezhnev's appeal for better relations between the two Communist giants.

"As is known, our party and country have always attached great importance to questions concerning our relations with China," Gromyko said.

He added that improved relations would have "tremendous significance . . . for the common struggle imperialism and aggression.

[From the Washington Star, Apr. 4, 1971]

Israelis Expected to Reject Sadat Offer, May Counter It

Israel is expected to reject Egypt's new peace offer at a cabinet meeting today despite President Anwar Sadat's threat of renewed fighting along the Suez Canal by the end of this month, sources close to the cabinet said.

The sources said Premier Golda Meir would probably reject the Sadat proposal outright.

They said Israel may counter later with the so-called Dayan plan for reopening the canal. This plan, attributed to Defense Minister Moshe Dayan, calls for a gradual thinning of Israeli and Egyptian forces on both sides of the Suez with Egyptian technicians permitted to cross onto the Israeli-held east side for canal-clearing operations.

Sadat, quoted as saying a solution must be reached in April, offered to accept a new cease-fire and to reopen the canal if Israeli troops would pull back from the waterway and from part of the Sinai Peninsula. Under his proposal, Egyptian troops would then cross the canal and take up the territory now held by the Israelis.

Israeli officials condemned Sadat's offer but Deputy Premier Yigal Allon, in an interview over the state radio, said Israel has agreed in principle to the canal's reopening. Jerusalem, he said, "would no doubt have to submit soon its own proposal for a partial settlement" covering the canal that was blocked by scuttled boats in the 1967 war.

Information Minister Israel Galili, one of Mrs. Meir's closest associates, called Sadat's proposal "absurd" during a radio interview in Tel Aviv. Israel could not accept a takeover of the Sinai by an Egyptian army "and perhaps a Soviet army with it," he said.

Apparently stung by initial response to his plan, Sadat was quoted by the semiofficial Cairo newspaper Al Ahram as saying that April "is the month which shall decide between a solution and war."

ADDITIONAL STATEMENTS

DYNAMISM OF CURRENT MEXICAN ADMINISTRATION

Mr. MANSFIELD. Mr. President, I commend to the reading of Senators an excellent article by Washington Star staff writer Jeremiah O'Leary, describing the dynamism of the current Mexican administration as typified by its new President, Luis Echeverria.

Dynamism is not new for Mexican leadership. We have seen it in all past Presidents. But Mr. Echeverria seems to have added a new dimension to the term. According to Mr. O'Leary's article, the President's day normally runs from 7 a.m. to beyond midnight. Into these 18-hours days are crammed not only the usual rounds of meetings and conferences, but also, numerous side trips to all parts of Mexico. The effect of this extraordinary energy on the administration is predictable. Everyone must be on call, and this in turn puts a premium on the type of youthful vigor shown by the President. As a result, Mr. Echeverria is surrounded by people who are, for the most part, under 50 years of age.

Perhaps the most remarkable aspect of Mr. Echeverria's dynamism is that it need not occur at all. As head of what is, in effect, Mexico's only major political party, and one who was elected by a massive landslide, he could easily have followed a more leisurely pace. Instead, he has chosen to apply all of his enormous talents and energy, as well as that of his subordinates, to meeting headon the serious problems which face his nation. I wish him the best of success, I ask unanimous consent that the April 3 article, entitle, "Mexico Sheds Its Siesta Image," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Apr. 3, 1971]

MEXICO SHEDS SIESTA IMAGE

(By Jeremiah O'Leary)

Mexico's President Luis Echeverria is putting to rest the image of his country as a nation of peons dozing away the days under the shade of a wide sombrero.

In the four months since his inauguration, nobody around the dynamic Echeverria has been loafing. Echeverria, 49, puts in an 18-hour day and spends his weekends traveling around Mexico's 29 states and two territories seeing as many of his 50 million people as possible.

In the pyramid of Mexican governmental structure, the president sets the pace and it affects everyone down the line, especially the cabinet and other members of the official household.

Foreign Minister Emilio Rabasa, 46, thought he had long days and nights when he was ambassador to Washington, but now is almost wistful where he compares those days with his schedule in Mexico City.

YOUTH EMPHASIZED

Echeverria is emphasizing youth. Fausto Zapata Loredo, his press secretary, is 29. A former city editor of El Heraldo in San Luis Potosi, Zapata was once a student at McAlester College and is married to an American, the former Carol Miller.

Gen. Hermenegildo Cuenca Diaz, minister of defense, is the oldest man in the cabinet at 69. The important Interior Ministry is held by 38-year-old Mario Moya Palencia, a man to watch in the hierarchy of the ruling Institutional Revolutionary party.

National Properties Minister Horacio Flores de la Pena is 47; Mexico City's Mayor Alfonso Martinez Dominguez is 49; Hydraulic Resources Minster Lorenzo Rovirosa Wade is 50; Education Minister Victor Bravo Ahuja is 52; Communications and Transport Minister Eugenio Mendez Docurro is 47 and Social Security Institute Director Carlos Galvez Betancourt is 49.

NORMAL WORKING DAY

Zapata pointed out in Washington recently that a normal working day for Echeverria runs from 7 a.m. to 1 or 2 a.m. The way PRI works, which means the Mexican government, there is a domino effect because the whole system functions on political rewards or lack of them and no official dares to be out for siesta in case someone higherup calls. The caller often is the president himself.

Echeverria is changing PRI and he is changing Mexico. He knows that his country, with a population expected to reach 140 million by the end of the century, must modernize and industrialize or collapse.

Zapata said one prime target is to change the mix of college graduates which traditionally has produced more philosphers than technicians. Echeverria, with the canny use of scholarships, is trying to change the recent situation whereby the University of Mexico graduated 800 lawyers a year but only 18 mathematicians.

EXPULSION OF SOVIETS

That the new breed running the show in Mexico City is a tough one is something the Russians discovered recently when five Soviet Embassy staffers were ordered out of the country for the clandestine training of anti-government revolutionaries.

Without precisely saying so, Echeverria is trying to cast Mexico in the role of an industrial producer nation like the United States because he knows his country cannot succeed with 50 percent of the populace living on small dry farms.

If sheer energy and hard work will do the trick, Echeverria will keep Mexico jumping for the remaining 5½ years of his term and the change may be permanent.

INSIDE THE PRISONS OF HANOI

Mr. GRIFFIN. Mr. President, recently President Nixon and Congress participated in the national week of concern for Americans missing in action or being held prisoner of war in Southeast Asia.

Much news was focused on efforts by public officials and private citizens to improve the situation of these men.

This month Reader's Digest carries an excellent article concerning the treatment our men receive in the North Vietnamese prison camps. The story chronicles a day in the life of an American in the infamous Hanoi Hilton POW Camp.

This article is well worth reading. I hope every American will read it and will take time to clip out a coupon at the end of the article and mail it to the Red Cross in Washington, D.C.

The coupon is entitled: "We Want Proof, Not Propaganda." These coupons, hopefully by the millions, will be mailed by the Red Cross to Ton Duc Thang, President of the Democratic Republic of Vietnam.

Mr. President, I ask unanimous consent that the Reader's Digest article entitled "Inside the Prisons of Hanoi," written by Louis R. Stockstill, together with the text of the coupon, be printed in the RECORD.

There being no objection, the article and coupon were ordered to be printed in the RECORD, as follows:

INSIDE THE PRISONS OF HANOI

(By Louis R. Stockstill)

(The following report on the shocking conditions within the prisoner-of-war camps of North Vietnam, and on the threat these conditions pose to the survival of hundreds of U.S. citizens, has been drawn from lengthy interviews with some of the men who have been released, and from informed sources in Washington, Saigon and Paris.)

The truck lurches forward with thrashing gears. On the rough truck bed, an American lies on his back, blindfolded, hands and feet bound. He is jolted by each bump, jarred by thrusts of pain. Hearing clattering street noises and strident automobile horns, he knows they have entered Hanoi. Soon he will be prodded to his feet and led into one of North Vietnam's dread prisoner-of-war camps.

For almost two months, since his capture, the American has been herded from village to village. He is rarely fed. His captors doubletime him, on foot, moving steadily northward. In each village, they tether or cage him like an animal so that villagers can file past to strike him or urinate on his body. He is constantly hungry; his weight drops steadily, and nausea and fever plague him.

Eventually, his captors transfer him to a small hut with 12 bamboo cages, force him onto his stomach, thrust his feet into wooden stocks and tie his arms behind his back with wet rope. For 29 days they keep him in this position, freeing him only long enough to gobble a daily bowl of rice and to relieve himself. His face is obscured by a scraggly beard, his eyes burn from sunken sockets. Then he is told that he is to be moved to Hanoi.

Now, three days later, a truck deposits him at the looming triangular mass of the "Hanoi Hilton," an old French penitentiary covering approximately a city block and surrounded by glass-studded concrete walls. Within, two separate sections are reserved exclusively for U.S. prisoners-of-war. As in other POW camps in North Vietnam,[1] its tiny cells are cement-walled and heavily barred; bunks are either cement slabs or rough boards stretched across sawhorses. The only other furnishing is a toilet bucket. Terrazzo-like floors slope away from a central corridor toward open drains where rats enter and leave. Doors are thick teak, with peepholes.

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[1] There are two other prisons within the city, one called the "Zoo," the other the "Country Club." If there are others—and there probably are—the U.S. government, to safeguard security, cannot talk about them.

NIGHT WATCH

The misery and demoralization that American POWs experience in this subhuman environment can best be understood by looking at a typical prison day. Above the prisoner's hard, narrow bunk, with its paper-thin straw mat, a bare light bulb burns day and night. On the bunk he tosses and frets, searching vainly for a comfortable position for his calloused hips and thighs, relief for his pain-ridden body. He sleeps little, thinking daylight will never come, that the hated light bulb will never fade. There is no clock; the hours drag on.

Now it is winter, bringing the cold he detests and fears most. He has wadded a mosquito net around his frigid feet, wrapped one of his two flimsy blankets around the net, and covered his legs and torso as best he can with the other. He still wears his coarse pajama-like shirt and trousers. But the cold penetrates everything, numbing and taunting, him. His empty stomach rumbles, and now he is shaking convulsively, uncontrollably.

He will have to get up. He swings his stiffened legs to the floor, stands with great effort, slaps at his skinny legs, wasted backside and bony chest. The flesh feels dead. Sometimes he hears the muffled movements of another prisoner also fighting the cold. In a nearby cell a man cries out, "Oh, God. Oh, God!" He repeats the words to himself, only vaguely aware that the cry has nudged him into prayer.

How many hundreds of nights like this has he endured? He can no longer remember.

GONGS AND JUDAS HOLES

Finally daylight comes, and he watches the gray light filter slowly through the exposed portion of the small window far up the wall of his cell. He waits. He listens. He has learned to segment the days into sounds. The first one, at 5:30 a.m., is the harsh, reverberating jangle of the "gong," a metal ring periodically assaulted by a metal rod. It echoes and reechoes. And as it fades, he strains to bear the bolt being withdrawn on a distant door. He knows the guard is starting along the cells, slapping open the "Judas Hole" in each door to make certain the man inside is on his feet. Stiffly, the prisoner rises and begins to fold his "bedding." The sounds of the opening and closing of the peepholes come steadily closer until the guard peers into his own cell and passes on.

A loudspeaker over the door squawks to life. The voice of Hanoi Hannah enters his cell, seeking to "re-educate" him about the war. She tells him that the United States is suffering disastrous defeat, and that the American people couldn't care less. She frequently quotes American critics of the war. Her flow of bad "news" is salted with reports on riots and racial problems in the States. The half-hour monologue drones on like a funeral dirge. Then the loudspeaker dies. But he knows Hannah will be back in the evening with more cheerless news. She visits him twice a day, every day.

Now he hears the guard taking one of the men outside to empty his toilet bucket; the man is then returned and locked back up. He listens to a repetition of the same sounds, slowly passing from cell to cell. Soon, he too is taken out to the cesspool and then brought back to await the next event. If it is a washday, he will be allowed to wash. For him, this is the week's highlight. But he must await his turn. Precautions are always taken to prevent him from seeing or talking with other prisoners.

He is taken into one of several cubicles, each with a small tub of icy water. The guard locks the door. In the five minutes allotted him, he quickly strips, braces himself and begins sloshing the freezing water onto his body. If there is soap, he lathers and scrubs his skin. But, he must rinse thoroughly, for he knows that any trace of the abrasive, lye-like soap will produce a painful rash. He dresses rapidly and rinses his other suit of "pajamas." The guard returns and marches him back to his cell, allowing him to hang his laundry alongside the dripping clothing of other prisoners.

It is almost noon, time to be fed. He never thinks of the bread and watery soup as food. But he relishes the thought of having something—anything—in his stomach.

As the food is dispensed, each cell door is unlocked and locked in the familiar pattern. When the guard opens the door, the prisoner reaches down for the bowl and bread placed on the threshold. Anything he is given is placed on the floor so that he must always bend down in front of his captor. In appearance, if not in spirit, he must always display humility. (He wryly remembers the staggering blow from the rifle butt when he once, "disrespectfully," crossed his legs in the presence of an interrogating officer.) As he rises with the food, he must come to attention. And so he stands as the guards shuts the door.

Then he eats, forcing himself to chew the bread with great care, watchful for the small stones sometimes embedded in the dough. He has disciplined himself to eat every crumb, every drop. With the last of the bread, he mops the bowl.

He waits again. Soon another "gong" sounds, instructing him to lie down. The room is still cold, but his shrunken stomach is temporarily pacified. Now, more often than not, he is finally able to doze. But the fitful sleep ends abruptly, torn apart by another gong. It is two o'clock. For the next seven hours he can only pace or sit. He is not permitted to lie on his bunk again until 9 p.m. Periodically, unexpectedly, a guards slams open the Judas Hole to check.

BODY AND SOUL

As the prisoner paces, he gropes for something to occupy his thoughts. He has recited the names of the states forward and backward, the names of all the U.S. Presidents he can remember. He has built boats and houses in his mind, gone on imaginary walking tours, retraced most of the memorable events of his life, the plots of books and movies. But the monotony of these efforts has made it increasingly difficult to concentrate. His thoughts skitter away to questions he would prefer to avoid, to a maze of anxieties.

He thinks about the war. Can Hanoi Hannah be right? Has America given in to defeatist views? If so, what will happen to him? He worries about his health. He is half-starved, ridden with tiny things that crawl in his stomach. He has grown steadily weaker.

The question he dreads most, and that now recurs with frightening frequency, is: *Can I last?* And what about my family? Will my wife wait forever? Is she well? Will the children remember me? How do they manage without a father? Sadness overwhelms him.

Occasionally he gets a letter, but this is a recent development. And the six-line note that is permitted can never answer the hundreds of questions that roam his mind. Still, other prisoners have received nothing, so he must be considered fortunate.

At 4:30 he is fed the same food he received earlier, the same that he will also get twice tomorrow, and the next day and the next. There is no meat, nothing green, nothing sweet—always the same tasteless soup and bread. After this second feeding, he will wait 18 hours to be fed again.

It is dark now, and at 8:30 Hanoi Hannah is back. She stays until 9, and as the loudspeaker clicks off, the last "gong" rings out. He must crawl back onto his bunk to face the cold, and his lonely thoughts, until morning. He pleads with his body and soul for strength to survive yet another night under the light bulb.

SHATTERED RULES

How long this man and his fellow captives can last is anyone's guess. But their lives are more gravely threatened with each passing day. Some of the POWs have already died.[2] Others face almost certain death unless their treatment is drastically improved. One careful study of available information, compiled by Lt. Col. Joseph R. Cataldo, a doctor with the Green Berets, indicates that the POWs not only are severely malnourished, but that 80 percent have skin diseases, at least half suffer from intestinal worms, a quarter may have active tuberculosis, and many are afflicted with serious vitamin deficiencies, mental disorientation and muscular wastage.

Hanoi also has weakened men by systematic torture. Prisoners have been denied food or water for long periods, suspended from ceilings by their arms, burned with cigarettes, clubbed with rifle butts and physically beaten. In numerous cases, their captors have refused them adequate medical care, and have neglected to attend to major injuries.

Small wonder, then, that North Vietnam forbids inspection of the camps by the International Red Cross—in direct violation of the Geneva Conventions. Instead, "showcase" prisoners are paraded in propaganda films. When anti-war groups or friendly foreign journalists are selected to talk with or film small groups of prisoners, only the healthiest men, barbered and freshly clothed, are trotted into public view to parrot carefully rehearsed information. What the public never sees are the hidden cells, the men on crutches, those who can walk only with the aid of another prisoner, those with deformities, the badly emaciated, the sick in bed.

The Geneva Conventions require repatriation of the sick and wounded, as well as the release or transfer to a neutral nation of men whose long confinement jeopardizes their health. Yet Hanoi, which is a signatory to the Conventions, has ignored these rules as they apply to the 781 captured and missing in North Vietnam. And the enemy has made no effort to persuade the Vietcong and communist forces in South Vietnam and Laos even to identify the almost 800 other Americans captured or missing in these areas.

For the prisoners, meanwhile, years pile on lonely years. The first men captured are nearing their seventh year in captivity. More than 300 others soon face their fourth, fifth and sixth anniversaries in enemy hands.

Unless help is forthcoming, these men will continue to rot and die.

Here at home, private citizens and concerned organizations are reacting with growing impatience to North Vietnam's inhumane treatment of our prisoners. Public denouncements, mounting press attention, resolutions in the U.S. Congress and the United Nations, letter-writing campaigns and many similar efforts are beginning to have an effect. There is evidence that Hanoi is smarting under the attack.

In the past year North Vietnam's leaders have tried to muffle criticism by easing a few of the harsh restrictions imposed on the prisoners. Hanoi has, for example, permitted

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[2] North Vietnam told U.S. anti-war groups and Senators that 23 prisoners have died. But the lists cannot be regarded as completely accurate: all of the deaths were reported long after they supposedly occurred, and after a number of the men had been held captive up to five years.

an increase in mail between some of the men and their families, authorized more packages for the captives, boosted the weight-limitation on Christmas parcels and permitted families to mail previously forbidden items such as small games, medicines and vitamins.

But conditions are still deplorable. You can show your concern over Hanoi's treatment of our prisoners-of-war by signing the statement below (adding a personal message if you wish) and sending it at once to: "Help Our POWs," American Red Cross, P.O. Box 1600, Washington, D.C. 20013. The Red Cross will tabulate the responses and see that your message gets to the government of North Vietnam. Millions of protests from indignant Americans cannot fail to have impact, even in Hanoi. Don't wait. Sign and mail your letter right now, then call a friend and ask him or her to do the same. The one hope these prisoners have is that their fellow Americans will not forget them.

[Coupon]

President Ton Duc Thang,
Democratic Republic of Vietnam, Hanoi, c/o American Red Cross, "Help Our POWs," Box 1600, Washington, D.C. 20013

Mr. President: You have claimed repeatedly that American citizens held in your "detention camps" are being treated humanely. But you offer no proof of this. Except under the most restricted circumstances, you will not even allow foreign observers to enter these camps.

Proof of your sincerity would be the immediate repatriation of all sick and wounded captives and the release (or transfer to some neutral nation) of all prisoners whose health has been jeopardized by long confinement. By doing so, you could perhaps end some of the uncertainty and dismay your policies have created throughout the community of nations. I join with millions the world over in urging you to take these steps.

Name and address

If you wish up to ten more of these coupon letters for friends and family, contact your local Red Cross chapter or write to Reprint Editor (POW), The Reader's Digest, Pleasantville, N.Y. 10570.

NEEDED—A MODERN APPROACH TO OUR PUBLIC LANDS—ADDRESS BY SENATOR JACKSON

Mr. METCALF. Mr. President, this morning the Senator from Washington, chairman of the Committee on Interior and Insular Affairs (Mr. Jackson), gave an important and definitive address before the Legislative Conference of the National Association of Counties.

In that address, Mr. Jackson discussed and described the Public Domain Lands Organic Act of 1971. The measure will be the subject of hearings before the Interior Committee of both bodies. When its provisions become law, this will be landmark legislation guiding the management of our publicly owned lands.

I. ask unanimous consent that Mr Jackson's address be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Needed—A Modern Approach to Our Public Lands

It is a real pleasure for me to be here to share and exchange with you some ideas about one of the more important resources issues facing our country today—the management of the Nation's public lands. I believe that we have waited much too long to make important and fundamental policy decisions regarding these great assets. Now that the report of the Public Land Law Review Commission has been available for nine months, it is time to proceed with the task before us.

I have already introduced a bill this session which deals with the public domain lands administered by the Bureau of Land Management and with federally owned minerals. Other Members of Congress have submitted similar legislation. I think we are moving toward an idea whose time has come—indeed, an idea for revitalizing and updating the philosophy as well as the statutes which guide the management of our publicly owned lands.

The task is a large one, and it will take time. The Public Land Law Review Commission produced 137 specific recommendations and many, many more general ones. The important point is to get underway, and that is what I am trying to do as Chairman of the Senate Committee which has the predominate jurisdiction. As we are meeting here this morning, Senator Frank Church, Chairman of our Public Lands Subcommittee, is holding oversight hearings on public land management practices.

I compliment the National Association of Counties on your increased interest in public lands and environmental protection. I am also aware that you have a task force on public lands legislation which has been reviewing the report of the Public Land Law Review Commission in considerable detail. As a former member of the Commission, I understand very well the complexities of the issuers you face. As a Senator from a public land State, I know of the great importance of these lands to local economies and local governments.

I was delighted to see that your task force had adopted a 7-point policy relating to public lands which included many programs and concepts which I and other members of the Senate Committee on Interior and Insular Affairs have supported for some time. This included sales of public lands in certain specific situations where their highest and best use would be under private ownership; transfers of Federal lands to State and local governments for public purposes at less than fair market value; and use of Federal lands for the expansion of existing communities and development of new towns. In addition, your recommendation of long-range public land use plans consistent with State and local plans, is a concept embodied in the national land use policy legislation which I sponsored and which the Senate Interior and Insular Affairs Committee reported favorably near the end of the 91st Congress. Incidentally, hearings on this legislation, reintroduced in the 92d Congress as S. 632, are scheduled for May 18th. Your task force's support for strong environmental controls on public lands is most welcome. This reinforces the federal policy for maintenance and enhancement of environmental quality as established by the National Environment Policy Act of 1969.

Your task force has also recommended the concept of "multiple use" as a basic principle of public land management. The Senate last year reaffirmed its support of that principle when it passed my bill, S. 3389, the Public Land Outdoor Recreation Act of 1970, and I have again incorporated this philosophy in S. 921, which I will discuss shortly.

Finally, your task force supported the Commission's recommendations for a system of payment-in-lieu-of-taxes on public lands rather than the present system of shared revenues. This entire subject is extremely complex and will undoubtedly be given very careful study by the Congress before any legislation is passed. I can certainly sympathize with your feeling that any such payments should be made directly to the local governments involved rather than to State governments.

Therefore, in reviewing your own activities, I am pleased to note that there is much common "ground," (no pun intended) upon which we agree. I look forward to working with your legislative staff and the door to my committee is always open to receive your ideas and suggestions.

As many of you probably know, several of my colleagues have joined me in sponsoring Senate Bill 921 in this Congress. This bill relates to the public lands administered by the Bureau of Land Management and to the development of minerals on all Federal lands. I would like to discuss briefly with you today the reasons why I have introduced what we call the Public Domain Lands Organic Act of 1971.

I have long shared the concern of many about the Federal lands. As Chairman of the Senate Committee on Interior and Insular Affairs, and as a member of the Public Land Law Review Commission, I have enjoyed the privilege of carefully reviewing the problems relating to them. These lands comprise one-third of the area of the United States. Sixty per cent of all the Federal lands are administered by one agency, the Bureau of Land Management in the Department of the Interior. My study of the situation has led me to conclude that the Federal Government has by and large overlooked the value of the public domain. This neglect of 450 million acres must come to a halt. Over the years, Congress has legislated rather extensively concerning other categories of public lands, such as national forests, parks, recreation areas and wilderness. However, in my judgment, we have not placed enough emphasis on the public domain.

President Nixon recognized the value of these lands in his environmental message to the Congress. I would like to quote three very pertinent paragraphs from his message:

"The Federal public lands comprise approximately one-third of the Nation's land area. This vast domain contains land with spectacular scenery, mineral and timber resources, major wildlife habitat, ecological significance, and tremendous recreational importance. In a sense, it is the 'breathing space' of the Nation.

"The public lands belong to all Americans. They are part of the heritage and the birthright of every citizen. It is important, therefore, that these lands be managed wisely, that their environmental values be carefully safeguarded, and that we deal with these lands as trustees for the future. They have an important place in national land use considerations.

"The Public Land Law Review Commission recently completed a study and report on Federal public land policy. This Administration will work closely with the Congress in evaluating the Commission's recommendations and in developing legislative and administrative programs to improve public land management."

I am pleased that the President has recognized the need for legislation to modernize our public land laws and I pledge the full cooperation of my Committee in that endeavor.

The bill I have introduced (S. 921) would, I believe, provide the kind of authority the President referred to and would implement many of the recommendations of the Public Land Law Review Commission. While I am not wedded to all of the specific provisions in it, I am committed to the proposition that this kind of legislation must be enacted if we are to meet our responsibilities for proper stewardship of this great public resource.

My bill provides a statement of Congressional policy that public lands should be administered for multiple use and sustained yield of all their resources for the maximum long-term benefit of the general public. It also expresses the view that sound ecological management of these lands is vital to maintenance of a livable environment and essential to the well-being of the American people. It specifically provides that "multiple use" will not necessarily mean the combination of uses which give the greatest dollar return or the greatest unit output. Environmental values and ecological relationships must be considered in management decision-making. The bill contains a list of goals and objectives for public land management, including

(1) provision of adequate supplies of resources to meet national, regional and local requirements;

(2) development of outdoor recreation values, consistent with Statewide outdoor recreation plans;

(3) preservation of environmental quality;

(4) preparation of comprehensive land use plans;

(5) full public participation in public land decision making;

(6) payment by users of fair market value for land and resources; and

(7) provision of adequate tenure for resource users.

S. 921 would continue the classification process started by the Classification and Multiple Use Act passed in 1964, but the emphasis will be on retention and management of public lands. The bill provides that these lands be designated as national resource lands. This is in keeping with other designations of Federal lands such as national parks and national forests and hopefully will help give these lands the respect which they deserve.

The bill would provide a modern sale statute similar to the Public Land Sale Act of 1964. All sales would be at not less than fair market value of the lands. Sales to local governments would be negotiated while sales to private individuals would be through competitive bidding.

The bill would repeal many of the confused, obsolete disposal laws that now clutter the statute books, thus eliminating much red tape.

It is important for county and other local officials to note that the Recreation and Public Purposes Act would not be repealed. I am aware that this Act has been an extremely useful tool in allowing State and local governments to buy or lease public lands for public purposes at reduced prices. It is our intent that the Secretary of the Interior would still use this authority where appropriate.

The law would also give to the Bureau of Land Management certain basic administrative tools which it now lacks but which other agency land managers possess. These include authority to enforce regulations, acquire land and make land exchanges.

Title II of S. 921 would make major changes in the laws relating to management and development of federally owned mineral resources. The most significant would be the repeal of the 1872 mining law and establishment of single system for all Federal minerals similar to the current leasing system applicable since 1920 to oil and gas and a number of other minerals. Very few are satisfied with the present system of exploration and exploitation of the Federal mineral values under the "location" system of the mining law of 1872. No environmental safeguards are required. Our public officials have no real control or in some cases even knowledge of certain mining activity and the development which accompanies it. Roads may be constructed to get to a deposit without regard to a master plan for a forest or public domain area. Furthermore, exploration by heavy machinery can destroy fragile ecology without any requirement for restoration or rehabilitation.

Abandoned mining claims dot the public domain, casting clouds upon the title to property which belongs to all the people.

I have concluded that 99 years of this situation is enough. There may have been good reason a century ago to provide for disposal of a young Nation's resources in such a manner to encourage settlement and growth, but no longer. Just as we have moved out of the era of the old, solitary prospector with pick and shovel into a highly sophisticated mining technology, we need also to modernize our method of administering our Nation's mineral resources. I believe a mineral leasing system is the most practical way of achieving the proper balance. We must assure access to those lands that are available under existing law for mining, but we must provide for the protection of the land and for the other values at the same time. It is not the purpose of the bill to prohibit mineral activity. Indeed the forecast is for more minerals for the Nation's economy, not less. However, we must update and provide sensible laws for the administration of the land and minerals.

Therefore, the goals and objectives which the Federal leasing program will seek to meet include preserving the environment while also providing a supply of minerals for the Nation to satisfy its economic requirements. The public will have an opportunity to participate in the program, and the Government will receive fair market value for the public resources in a competitive environment. Lessees will be given adequate time to secure a fair return for their investment.

As introduced, S. 921 would make no change in the system of revenue sharing embodied in the present laws. In fact, it provides that the revenue-sharing provisions of the present mineral leasing law will not be affected by enactment of the new leasing system. It was my thought that the question of payments-in-lieu-of-taxes and revenue sharing should be considered in a separate piece of legislation. I would be interested in getting the view of your Association on that question as well as your specific thoughts as to what kind of legislation should be enacted. You may wish to include the "in lieu" question in this bill, and if so, I would be willing to consider your suggested amendments.

The Senate Interior Committee intends to hold executive public hearings on S. 921. I am fully aware that it is a rather sweeping measure which will affect many different interests. However, as I have already indicated, modernization of the public land laws is long overdue and we must get on with the job now.

In view of President Nixon's statement, we hope to have the full cooperation and support of the Executive Branch as we consider the bill.

One of the uncertainties projected into this picture involves the proposed reorganization of the Executive Branch. If there is indeed a new "Department of Natural Resources" as contemplated, then obviously many of our land management practices will be affected. But the need for sound, multiple-use, environmentally oriented principles will remain. It may very well be that the philosophy for proper management of public lands can be written into the reorganization legislation, and may thus serve very well as the "organic" act we have been seeking.

In any event there is no reason for further delay. We must now proceed to reform obsolete land laws. From past history we know it may take years to achieve the basic departmental changes which have been proposed.

County government has a vital interest in the proper management and use of the public lands. While the question of payment in lieu of taxes may be uppermost in your minds, I urge you not to overlook the need for sound legislative guidelines which will preserve this valuable asset for future generations. I believe that the Counties have a special contribution to make in the development of public land policies. I am sure that by working together we can provide the kind of legislative framework which will ensure that the American people realize the maximum benefit from their ownership of our public lands.

THE WAR POWERS ACT, S. 731

Mr. WEICKER. Mr. President, in the summer of 1787 delegates from the 13 Original States gathered in Philadelphia. Slowly they argued, lobbied, caucused, and compromised toward the creation of that greatest of all political documents—the American Constitution.

The world they saw from Philadelphia was well-ordered by today's standards. In 1787, the difference between war and peace was clear. Wars began with formal declarations and ended with formal treaties. Between wars, armies and navies were greatly reduced or disbanded altogether. Transportation was slow, and the threat of military challenge more remote in time. It made perfect sense, therefore, that our Founding Fathers felt they had adequately safeguarded the country against arbitrary and capricious entry into armed confict by dividing the war powers of the new Government between Congress and the President.

The President was made Commander in Chief of the Armed Forces with the power to wage war. Congress was given the power to declare war and to control the purse strings needed to raise and equip the Army and Navy.

With a few minor exceptions, this system worked well until the end of World War II. Before that the United States had remained more or less separated—by geography and inclination—from the intrigues of foreign nations.

The end of the war saw the beginning of a fundamental reversal of our traditions. Our Armed Forces were not disbanded. Our defense budget did not disappear. Conscription did not lapse. In short, at the request of the President, and with the consent of Congress, a permanent and powerful Military Establishment was maintained, reflecting the changed world and our position in it. However, the delicate constitutional balance was upset. No longer did the President—regardless of party—deem congressional action necessary to waging an undeclared war.

At the same time, as the two super powers with their intricate alliances squared off across an ideological void, it became clear that declared wars were not to be.

Slowly, through Korea, the Middle East, the Dominican Republic, Cuba, and Vietnam, we have seen how far the balance in foreign policy has tipped in favor of the President. The military is permanently established as time factors have made it essential that the President be able to act without delay when necessary. Thus, Congress, in the interest of protecting American lives, has been forced to support the troops the President has committed.

Faced, then, today, with the all encompassing power of the Presidency and the erosion of congressional authority, we must act to restore a constitutional balance.

Mr. President, the distinguished senior Senator from New York (Mr. JAVITS) has proposed legislation to deal with this serious problem, and I am proud to join, today, as a cosponsor of his War Powers Act. Hearings on this important bill have started, and I urge Senators to give it careful study. I am sure that after full consideration, all will agree that this bill is not an attempt to usurp the powers of the President, but to restore the balance envisioned by those men in Philadelphia—to restore Congress to the role of a full partner in the formulation of foreign policy

Mr. President, to facilitate the study of this legislation by this body and the American people, I ask unanimous consent that the complete text of S. 731 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That use of the Armed Forces of the United States in military hostilities in the absence of a declaration of war be governed by the following rules, to be executed by the President as Commander in Chief:

A. The Armed Forces of the United States, under the President as Commander in Chief, may act—

1. to repel a sudden attack against the United States, its territories, and possessions;

2. to repel an attack against the Armed Forces of the United States on the high seas or lawfully stationed on foreign territory;

3. to protect the lives and property, as may be required, of United States nationals abroad; and

4. to comply with a national commitment resulting exclusively from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment, where immediate military hostilities by the Armed Forces of the United States are required.

B. The initiation of military hostilities under circumstances described in paragraph A, in the absence of a declaration of war, shall be reported promptly to the Congress by the President as Commander in Chief, together with a full account of the circumstances under which such military hostilities were initiated.

C. Such military hostilities, in the absence of a declaration of war, shall not be sustained beyond thirty days from the date of their initiation except as provided in legislation enacted by the Congress to sustain such hostilities beyond thirty days.

D. Authorization to sustain military hostilities in the absence of a declaration of war, as specified in paragraph (A) of this section may be terminated prior to the thirty-day period specified in paragraph (C) of this section by joint resolution of Congress.

SEC. 2. (A) Any bill or resolution, authorizing continuance of military hostilities under paragraph C (section 1) of this Act, or of termination under paragraph D (section 1) shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it originates, be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determine by yeas and nays; and any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported from such committee within one day after it is referred to such committee, unless the Members of the House referring it to committee shall otherwise determine by yeas and nays.

(B) Any bill or resolution reported pursuant to subsection (A) of section 2 shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after such report, unless such House shall otherwise determine by yeas and nays.

SEC. 3. This Act shall not apply to military hostilities already undertaken before the effective date of this Act.

COORDINATION OF WATER AND RAIL TRANSPORTATION—ADDRESS BY JOHN A. CREEDY

Mr. HARRIS. Mr. President, recently in my State of Oklahoma, a further step in the development of the navigational facilities of the Arkansas River was taken by the dedication of the Tulsa Port of Catoosa. At this significant time, a thoughtful speech was made by John A. Creedy, president of the Water Transport Association. Mr. Creedy points out the potentials for improved efficiency and decreasing transportation costs which can result from voluntary cooperation between the different modes of transportation. He places special emphasis on the economies to be realized by coordination of water and rail transportation.

At present, great attention is being directed to the problems of our transportation industries, and various executive and legislative proposals are being considered which would effect major changes in the regulatory patterns affecting these industries. A complete legislative overhaul of the agencies now regulating the various facets of American transportation does not seem unlikely. Such action cannot, however, be undertaken without adequate study. In the interim, benefits to be acheived through voluntary cooperation and coordination of existing modes of transportation can prove highly important to all segments of the transportation industry.

Mr. President, I ask unanimous consent that Mr. Creedy's speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE TASK AHEAD: MAKING THE DIFFERENT MODES WORK TOGETHER

It is a great privilege to take part in the dedication of the Tulsa Port of Catoosa. I won't repeat the many things you have already heard about what this waterway is going to do for this great area. It is starting out to be much more successful than was anticipated and that may not be good for you if it leads to complacency and a general letting up of the tremendous efforts which brought this waterway into being. Tremendous efforts are still required.

This waterway is a fundamental addition to the public wealth—a facility which gives your region a whole new dimension for growth and the nation new access to the natural wealth of these states.

You've heard that before of course. I'm just back from Alaska where the Water Transport Association is doing a study of the transport developments of the State of Alaska over the past 10 years and its needs for the next decade. What I have seen there in the past few months has great relevance for you.

Alaska today is what the west must have been like in the middle of the last century—at the early dawn of development. But the key to its development is the same as the key to the development of the west—cheap transportation.

Alaska is a wild and beautiful land. I was unprepared to find it more beautiful, if possible, in winter than in summer. If you count all the miles of short-line of the United States, half of them are in Alaska. It is a difficult environment. I talked a week ago with the Captain of Sea-Land's containership, the Boston. He had just come up the Cook Inlet to Anchorage through heavy ice. He said he had experienced gales in the Gulf of Alaska so severe that they turned his ship around. He had steamed for eight hours in the wrong direction before he dared to turn around.

When smaller tugs were put into service some years ago to bring rail cars on barges from Seattle to Whittier, Alaska, it was not unusual for a tug and barge headed north on its way to connect with the Alaska Railroad to find itself blown at the end of the day 100 miles south of where it was at the beginning of the day. Fairbanks, a few weeks ago had a record cold of minus 70 degrees. At that temperature, railroad wheels freeze to axles so that the wheel is dragged along the rail. Truck tires freeze so that you don't know whether you have a flat until you get the truck into a warm garage. Trucks are modified so that hot air circulates around the fuel tank otherwise the diesel fuel, even the specially winterized diesel fuel, would turn to jelly. In those climates, you don't dare to stop an engine. You'd never get it started again.

Members of our association, Alaska Hydro-Train, Pacific-Alaska-Columbia Company, Foss Alaska Line and their affiliates, have developed a wide variety of ocean barges to fit the needs of the trade. One type of barge is capable of carrying 16 miles of 48" oil pipe across the Pacific from Japan. A similar barge will carry 56 rail cars; two such barges towed in tandem will transport 112 cars, more than the normal unit train. A huge flotilla of tugs and barges delivered 187,000 tons of pipe and supplies to Prudhoe Bay in the few weeks in which the wind blows the polar ice cap away from Point Barrow so that it is possible to sneak past the ice and unload supplies.

I mention all this for two reasons. The first is to emphasize the resourcefulness of the water carriers. The water carriers serving the Arkansas Valley and the Mississippi System are no less resourceful and no less adaptable to the great variety of special transportation tasks necessary for the development of your region.

The second is to stress the need for perspective. The transport modes must work together, as they do in Alaska, for the full benefits of efficient transport to be made available. I think it is highly probable that one of the recommendations we will make in our report on Alaska is for the extension of the Alaska Railroad north to Arctic Ocean and west to the Brooks Range. There will be roads too in a great land where there are few roads today. Cheap transportation provided by an expanded railroad system is essential for the future development of the state.

There are expensive temporary alternatives. Airplanes at over $300 a ton for the trip to the North Slope and winter-time ice road north from Fairbanks at over $200 a ton for 400 miles have both been used. For long term development, an expanded railroad is essential. Its rates would be 10 to 15 per cent of the amounts cited above.

I was shocked recently to read in Senate hearings on the railroads a statement by a leading west coast professor of transportation that the difficulties some of the railroads are encountering today mean that society "wants this technology phased out." Nothing could be greater nonsense.

Traditionally, the various modes have been hostile to each other. But, as more and more leaders of the transportation industry are saying, each does an essential job. What you must do in your new situation is make certain that they all work together as a single system in the interests of the most efficient development of the resources of the region.

The waterway has brought you navigation, the fifth spoke in the wheel of development. The plain fact is that railroads, trucks, pipelines, airplanes *and* navigation are needed for the proper development of a region. It is the interaction or competition of all the different modes that results in optimum transportation efficiency.

We have all heard of the labor theory of value. Add labor to a raw material and the value is increased. My friends in the Ohio River Company have been pointing out that there is also a transport theory of value. Phosphate rock in Florida is worth perhaps 3 to 5 cents a ton underground. It may be worth $4 to $5 a ton when it is mined and brought to the surface. But even this figure is meaningless. When transported 500 miles to the point where it can be processed into fertilizer and sold to farmers, the ultimate value is 20 times that at the mine. And, of course, the lower the transport cost, the more efficient the means of transportation, the more competitive your products are in distant markets.

Your concern therefore should be with the efficiency of all modes of transport. The product which starts by barge or rail is manufactured and delivered finally by truck or air. All modes form an inter-related system. If you know how to make the system work for you, you can accelerate the growth of the region and at the same time keep more of the new wealth in your own pockets.

Let me talk for a minute about what water transportation is. I've given you a glimpse of the extraordinary resourcefulness of those companies which operate ships, towboats and barges.

Typically, a barge company is, by modern standards of size, quite small. The man who runs it holds all the strings of the company in his hands. He knows his engines, the performance characteristics of different barges, his labor contracts, the details of financing, the market and profit alternatives. Overhead in the barge lines is very low and the typical business bureaucracy of the very large corporation is absent. The competition is intense and you should get your answers fast.

The inherent economy of barge lines for those commodities adapted to barge transportation is very great. Barges handle more than 9 per cent of the inter-city freight of the nation for less than half of one per cent of the nation's freight bill. The economies are similar to pipelines—indeed if you could take all the bends out of the rivers, barges would compete with pipelines, but they lose out on circuitry. Not always, of course. Petroleum is still the number one commodity on the rivers even after all the pipelines have been built.

It makes good sense to join the best efficiencies of barging and the best efficiencies of trucking and barging and pipelines and barging. The business relationship is highly cooperative.

But there has been a problem between the water carriers and the railroads. Lack of cooperation between the two modes has deprived shippers of valuable savings in overall transport costs. We are determined to bring about better cooperation. In the interest of efficient development of the resources of the region, we believe you should give this matter priority.

There are three things you should know about coordination of rail and water service.

In the first place there are substantial savings to be achieved in joining the best efficiencies of rail and water. The Water Transport Association studies of this issue indicate savings of from 10 to 30 per cent in overall transport costs and I believe these estimates are conservative because on the whole they do not take into account the impact of new investment in more efficient rail-to-water or water-to-rail transfer systems.

In the second place, the Water Transport Association has started a campaign to sell rail-water cordination to the railroads. It is frequently true that a water connection can result in higher earnings for the railroad than a railroad connection. The railroad, in effect, can share in the savings of water transportation. This is so for several reasons. The overall savings don't have to go to the shipper alone; they can be shared with the railroad. A run to the river port such as Tulsa-Port of Catoosa can give a railroad a long haul and a very quick turnaround on its equipment. And of course speeding the turnaround so that another load can be carried is the secret of improved railroad profitability. In a period of freight car shortages, railroads do not like to see their equipment go off line and often the water connection means that the railroad's equipment stays on line.

There are other advantages. The cheaper overall haul extends the market of a railroad which uses a water connection and this means expanded traffic. It may help reduce its capital requirements. Equipment used more intensively reduces the need for additional equipment. I think we have a lot to sell to individual railroads if they allow us in the front door. And, increasingly, they do.

Of course the most successful force is that of the shipper. If he is aware of the potential of rail-water service, he can knock heads together and get it accomplished. Your port, along with so many other ports in the country, must be alert to this potential and make sure, as we too will try to make sure, that the shippers in the region are aware of the savings available.

Third, the water carriers have invested hundreds of thousands of dollars in legal fees to give life to what seems to us a very clear sentence in Section 3(4) of the Interstate Commerce Act which reads as follows: "As used in this paragraph the term 'connecting line' means the connecting line of any carrier subject to the provisions of this part or any common carrier by water subject to Part III." What that means in plain English is that the ICC has the power to prescribe and order joint rail-water rates. There is nothing permissive about that sentence; it is mandatory power.

But it has taken us 25 years to get the ICC to use that power. I believe we are almost at the point at which we can present rail-water coordination to you, not as a permissive thing which the railroads can dodge if they want to, but as a mandatory thing which they have to do. It has taken three trips to the Supreme Court, but the message seems to be getting across.

Both the Commission and ourselves of course would much rather the coordination would be on a voluntary basis.

Let me tell you how we are going about the problem of encouraging voluntary "willing partner" rail-water coordination. There are no secrets today about railroad costs and how railroad rates are constructed. When we want to suggest a coordinated rail-water movement, we hire experts in determining rail costs and in the engineering of the most efficient rail movements. Such rail innovations as unit trains, multiple car movements, mini-trains fit well into the volumes needed for efficient water movement. We search out similar movements the railroads make for similar distances at rates which appear profitable. We put our proposed rail-water movement together, in effect saying to the railroad, if you can move this or a similar commodity from A to B for so much a ton, why can't you move it from C to the port for the same or a similar amount? Our figures indicate, we say, you are being paid, for example, 7/10ths of a cent per ton mile on the movement from A to B; if you connect with a water carrier you can do the same or better than that for a movement the same distance under identical circumstances.

The approach has been effective. I recommend that your port set up a committee on intermodal service to keep on the look-out for rail-water movements which will help build up the traffic in and out of the port. The economics of rail-water coordination are irresistible once they have been laid out properly. After years of litigation on this issue, the time is ripe to reap the benefits if you are willing to join with us in our program.

But it is important to remember my first point. Any major industrial or agricultural area needs us all. You won't hear me saying we can do without the railroads or the trucks, or the pipelines or the airplanes. All are needed and all must be financially healthy. If the Arkansas Waterway follows the example of the rest of the Mississippi System, the railroads of this region 10 years from now will show more benefits than any other part of your regional economy.

In Alaska earlier this month I caught an echo of a growing challenge to our traditional ideas about economic growth. In its most extreme form, it comes out, don't develop Alaska at all; keep it untouched for later generations. Some of our younger people feel this way. They never lived through the 1930's in the south, as I did, or the dust-bowl days. They don't know that as between the 1930's and now, now is better. They don't know how much hard work and dreaming went into the development of waterways such as the Arkansas which, with their multi-purpose objectives of flood control, bank stabilization, hydro-power, recreation, navigation and all the rest are the necessary key to unlocking the wealth of the country.

But although there sometimes appears to be a conflict between the environmentalists and the economic developers, there can be no real conflict, only misunderstanding. I think it was Bertrand Russell who said that if we could coordinate all the complicated calculations of our actions and reactions, we would always do the right thing out of pure self-interest. We believe in properly managed development as much as the environmentalists do. Perhaps we need to listen more closely to what they are saying and they in turn need to listen to what we are saying. We may find we're not as far apart as some people think. After all, one of the great strengths of this country is that from the very beginning we have listened to the young people and have recognized that on some things they make a lot of sense. This generation is no different from any other in that respect.

It is important for the young people particularly to catch the enthusiasm we have for these multi-purpose water resource programs. As friends of our children come through our house by the dozen, they seem to me on the whole better educated, more idealistic than we were at their age. The long hair is a problem for some of us, but, as my wife observed philosophically recently, long matted hair has been fashionable for many more thousands of years than short neatly combed hair. The U.S. water resource development program is among the most imaginative, massive and successful engineering projects ever undertaken by man. It should have great appeal for young people because, in a world of vague values, the projects have what they often seem looking for, very clear objectives and measurable results. Those interested in improving the environment should be our friends.

We appear to be finding increasing hostility among some of the advisers to the Office of Management and Budget. Those who like to reduce all estimates of future benefits to mathematical models are urging criteria which, if applied years ago, would have prevented this ceremony from ever happening. Equally qualified mathematicians claim that these advisers are working from indefensible assumptions. Some of our leaders in the Congress are warning that wrong assumptions, if they prevail, will bring all water resource development to a stop.

I thought of these experts when I read the recent personal recollections of Vannevar Bush, adviser to the President on scientific matters during World War II. One of his annoyances was the fanatic with silly ideas who had important connections. He tells about a man named Pyke who had an introduction from Winston Churchill and wanted to build an ice island to be used as a mid-Atlantic airport. Pyke got nowhere with British scientists or with Bush or Roosevelt or with an attempt to get Bush fired. But he did waste millions of dollars and unknown quantities of scientific man-hours in Canada, where defenses against fanatics with connections were not as good. The ice island never happened.

There are Pykes trying to advise the Office of Management and Budget today, men with fanatic faith in the magic of their crystal balls. We hope they represent a passing phase.

We should all remember that there is no new wisdom in the numbers these mathematical wizards give us. If they did their additions properly, they would come to the same conclusions today that Senator Robert S. Kerr, Senator John McClellan, former Senator Mike Monroney and Newton Graham and so many others came to years ago.

Mr. Jenkin Lloyd Jones, editor of the Tulsa Tribune, in an article I first read reprinted in the Anchorage Alaska Times, recently paid tribute to the work of the Senator Kerrs of this world "who ate the rubber chicken and panhandled for good causes and schemed for things that would improve the community."

The Arkansas-Verdigris waterway, Mr. Jones said, represents 35 years of planning, promotion and agitation. And in 35 years a lot of people die. Many of the pioneers of this project are gone.

But the Ellenders and the Edmondsons carry on with the same philosophy: so little time, so much to do. Not for me. But for someday.

The day has come for the Arkansas-Verdigris, but not yet for Senator Ted Stevens' dream of a canal between the Yukon River and the Kuskokwim in Alaska or for many other useful water management projects which will be fundamental additions to the nation's wealth.

We have achieved a one trillion dollar economy. If we are to keep our predicted rendezvous with a six trillion dollar economy in the year 2020, we will need all the drive, imagination and the dreams of the kind of citizens who made this project a reality.

COMMENDATION OF PRESIDENT NIXON FOR HIS ACTION IN CALLEY CASE

Mr. CURTIS. Mr. President, I commend President Nixon for the action that he has already taken in reference to Lt. William Calley. Millions of Americans were pleased when the President of the United States issued an order that permitted Lieutenant Calley to remain in his own quarters while his case is pending on appeal. The President's order that he should not be confined to the stockade is a just one.

Mr. President, trials of the type that were conducted in Lieutenant Calley's case are not in accord with sound public policy. The law should always be just. If a particular type of prosecution results in widespread injustice, it is contrary to the best public policy. This has always been the theory of the law.

On September 1, 1970, I joined as a cosponsor in Senate Resolution 444 which had been introduced by the Senator from Oklahoma (Mr. BELLMON). That resolution provided:

> That it is hereby declared to be the sense of the Senate that whenever civilian casualties occur in connection with any military operation carried out by members of the Armed Forces of the United States pursuant to lawful orders, the law does not hold such United States military personnel individually responsible for such casualties if inflicted incident to direct ground combat with members of an opposing armed force when the United States military personnel were being resisted by hostile fire from such an opposing armed force.

There are several military authorities which will yet have an opportunity to review Lieutenant Calley's case. In addition, he has a right to appeal to the U.S. Military Court of Appeals, which was set up by Congress following World War II for the very purpose of reviewing cases brought against the members of our Armed Forces. If Lieutenant Calley's case is not disposed of by these reviews and appeals, I then believe the President of the United States should give consideration to the use of executive clemency in this case.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter which I have sent to President Nixon.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., April 2, 1971.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: I commend you for the action you have taken in the case of Lt. Calley in saving him from the stockade and permitting him to remain in his quarters while his case is on appeal.

May I further express the hope that if Lt. Calley's case isn't appropriately disposed of upon review and appeal that you give consideration to granting him clemency in this matter.

Respectfully yours,
CARL T. CURTIS,
U.S. Senator.

NORTH CAROLINA PROTECTS RIGHTS OF MENTALLY ILL

Mr. ERVIN. Mr. President, since 1961, the Subcommittee on Constitutional Rights has been actively concerned with the constitutional rights of those in our society who are mentally ill. The 1964 District of Columbia Hospitalization of the Mentally Ill Act was a direct result of the subcommittee's work and has been widely acknowledged as model legislation in the area of civil commitment of the mentally ill. During the 91st Congress, the subcommittee held 7 days of hearings to review recent developments in this area of the law and to evaluate the operation of the 1964 act.

The subcommittee's studies in this field over the last decade have made clear that there still exists a considerable gap between promise and performance in securing the constitutional liberties of those Americans who are so unfortunate as to suffer from mental illness. Even in jurisdictions where legislation has been carefully drafted to protect the rights of the mentally ill, inadequate resources, and spotty implementation of legislative intent have frustrated the efforts to protect the constitutional rights of the mentally ill and to provide necessary medical treatment.

I am encouraged and proud to learn that my own State of North Carolina has taken action to reduce the gap between promise and performance in protecting the rights of the mentally ill. On November 19, 1970, the North Carolina State Board of Mental Health adopted a policy statement and implementing guidelines to enhance the dignity and welfare of the hospitalized patient and to protect his rights as a free man. Incorporated in these guidelines are recognition of the need for legal assistance; the right to fair compensation for work performed by patients for the hospital; the need for specific, individualized treatment programs for each patient; the rights of patients to refuse certain kinds of treatment; the right of privacy as to medical records; and the right of patients to be effectively informed of their rights under the law. In my judgment, the laudatory purposes for which this policy statement and these guidelines were issued and the specificity with which they purport to achieve these purposes make this document a model for other jurisdictions. Therefore, Mr. President, I ask unanimous consent that the policy statement and the implementing guidelines be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

POLICY ON PATIENT'S RIGHTS

It is the policy of the State Board of Mental Health that every person receiving the services of the Department of Mental Health be accorded, insofar as is within the reasonable capability of the Department and is consistent with therapeutic treatment, such care, treatment and privileges as enhance one's dignity, promote his welfare and protect his rights as a free man.

I. As a means of implementing this policy, the Department of Mental Health is hereby authorized to assure that all persons receiving services, subject to such limitations as may be reasonably necessary and which are entered in his treatment record, shall be allowed to:

1. Wear his own clothes;
2. Keep and use his own personal possessions, including toilet articles;
3. Have access to individual storage space for his personal articles;
4. Keep and spend a reasonable sum of his own money;
5. Receive remuneration for work done of value to facility;
6. Receive visitors on any day;

7. Have reasonable access to telephone, both to make and receive confidential calls;

8. Mail and receive unopened correspondence and access to a reasonable amount of letter writing material and postage;

9. To consult legal counsel.

II. The Department of Mental Health is hereby authorized to formulate procedures which assure:

1. A written therapeutic plan of treatment for each inpatient;

2. A record made of all such treatment and of a periodic review of the patient's treatment;

3. A comprehensive review of the patient's physical and mental condition at least annually and a finding stated in his record as to whether or not he should be retained in the facility or discharged, and any recommendations, for other appropriate treatment or disposition;

4. That physical restraint, including individual confinement, of a patient is to be utilized only to prevent danger of abuse or injury to himself or others, or as a measure of therapeutic treatment, and all instances of such physical restraint or individual confinement shall be recorded in the patient's treatment record;

5. That a patient may refuse electroshock therapy unless determined by a medical doctor, to be incompetent to make that decision and such finding be recorded in his treatment record;

6. That no unauthorized publication or use of a patient's treatment records shall be permitted. A patient's treatment records are deemed confidential and may be disclosed only on the following conditions and circumstances or as otherwise provided by law:

(a) As necessary between professional persons and/or agencies in the provision of services to the patient; or

(b) To those whom the patient or his legal representative designate; or

(c) To the extent necessary to make claims on behalf of a patient for legal or financial aid, insurance, or medical assistance to which he may be entitled; or

(d) To those engaged in research, pursuant to rules of the facility or the Department, provided that researchers maintain no identification and respect confidentiality; or

(e) Upon the order of a court of competent jurisdiction; or

(f) To the extent necessary to explain to a patient or his legal representative the reasons for and nature of a denial or limitation of his rights.

7. That upon discharge a patient receives, if needed, suitable clothing for and means of transportation to his residence;

8. A patient shall not be arbitrarily transferred;

9. All patients shall upon request be informed of their rights under the mental health laws of the state and the related policies and procedures of the Department and the facility. Printed copies thereof shall be furnished and/or posted in appropriate places;

10. That all employees of the Department are effectively informed of the rights of patients and the Department's policies and procedures for the care, treatment and promotion of patient welfare;

11. When any right of a patient or any policy or procedure of the Department is limited or denied, the nature, extent and reason for such limitation or denial shall be entered in the patient's records. Any continuing denial or limitation shall be reviewed every thirty (30) days and shall be recorded in his treatment record.

12. At such time as a person is initially admitted as an inpatient, unless he specifically objects, he shall inform the facility of the name and address of not more than two adults or corporate entities that he desires be advised of his admission, his rights, and the policies and procedures of the Department. The name and address of such persons shall be recorded in the patient's record, and the person notified. The facility shall make diligent effort to secure the name and address of the patient's legal representative, spouse, child, parent, a relative, attorney or friend. If the facility is unable to locate one of the above, that fact shall be entered in the patient's record and the Commissioner of Mental Health shall be notified. A patient may designate other persons upon a subsequent admission.

13. A patient, or a person designated in 12 above, who believes his rights have been or are being violated may give written notice to the facility which in turn shall promptly investigate the same and make *written* reply of its findings and disposition. A copy of both the notice and the reply shall be included in the patient's record. If the patient, or designated person, disagrees with the findings and/or disposition, he may make written request to the Commissioner of Mental Health for review. The Commissioner may cause such additional investigation as he deems necessary and shall make written reply with copy to the facility for inclusion in the patient's record. The Commissioner may make such recommendations or direct such actions as he deems appropriate. The Commissioner from time to time shall make report to the State Board of Mental Health of complaints received and dispositions made.

The Commissioner may designate one or more persons to receive such requests for review, to make investigations, and reply on his behalf.

THE PLIGHT OF SOVIET JEWS

Mr. GURNEY. Mr. President, it has always struck me as the height of hypocrisy for the Soviet Union to profess, before the world, adherence to the lofty principles of the United Nation's Universal Declaration of Human Rights and then systematically to harass and persecute minorities within the Soviet Union. Soviet preachments, as we know from history, are considerably different from Soviet practice.

Earlier this month, on March 14, 1971, I was honored to appear before the annual dinner of the Chesed L'Abraham Society at the Roosevelt Hotel in New York.

This group consists of the friends and supporters of Rabbi Portugal who now resides in New York. Rabbi Portugal, who is a saintly and distinguished cleric, began his rabbinical career in Rumania. After the war, he gathered to himself dozens of Jewish orphans whom he personally supported and instructed in their faith. For his pain, he was accused of antistate activities and was tried and imprisoned. Then the new regime in Rumania came to power, he was freed. He has now come to the United States to continue his humanitarian and educational activities. He is still working to bring Jewish children out from behind the Iron Curtain. Many of these youngsters have come to the United States, many have gone to Israel. He is personally sponsoring several schools in Israel which are providing religious training for newly arrived Israeli citizens.

I ask unanimous consent to have printed in the Record my remarks on that occasion.

I also ask unanimous consent to have printed in the Record an article by Morris Abram, the former president of Brandeis University, which recently appeared in the New York Times, setting forth legal and moral objections to the Soviet state policy of harassment of its Jewish citizens and Soviet failure to permit its Jewish citizens the right to expatriate themselves.

There being no objection, the items were ordered to be printed in the Record, as follows:

Mr. Gurney's Remarks at Chesed L'Abraham Dinner

Mr. Chairman, Honored Clergy, ladies and gentlemen: it is a pleasure to be with you here this evening.

I wish to pay a tribute to Rabbi Portugal, who is really responsible for bringing us together tonight. I really don't have to tell you about his charity and love of the law, his concern for youngsters, their education and religious training, his courage and dedication. You are familiar with this good man and his works. It is an honor for us to assist him, and I hope that your generosity and the generosity of other sympathetic Americans will permit him to continue his work of charity, education, spiritual and material.

I have recently returned from a trip to Israel and I think that you might be interested in some of my impressions about our friends in Israel and about the prospects for peace in the Middle East.

Mrs. Meir, of course, was an American citizen before she immigrated to what was then the British mandate of Palestine.

We met with Mrs. Meir, Moishe Dyan, Abba Eban and other cabinet members and had very candid and very friendly discussions. I was struck by the calmness and the confidence, not only of high government officials, but of the Israel citizens as a whole. Perhaps living on a war footing for almost 23 years now, the Israelis have developed a poise which allows them to cope with those enormous tensions.

They have been surrounded by hostile nations since independence was achieved in May 1948, neighbors who, on the one hand deny the existence of Israel, and on the other, vow to extinguish that existence. And three times in those years, in '48, '56, and '67, continual tension burst out into full fledged war and against these hopeless odds—80 million to 2½ million, Israel triumphed, preserving, not only its national identity, but earning the respect of fair minded people everywhere.

I think if I had to cite one incident which typified this whole experience for me, I would go back to that day in July of 1967—a month or so after the six day war ended—when prisoners of war were being repatriated. At the Syrian border, the Israeli Government repatriated about 1500 Syrian POW's to effect the release of a single Israeli aviator. I think his jet had run out of gas or developed motor trouble over Damascus: Down the road from the Syrian side came this jaunty redheaded boy, grinning from ear to ear to the welcome of his comrades, while a seemingly endless line of Syrian captives trudged back over their border, grimly and silently.

But, the lightning war of 1967, as we know, really didn't settle anything. For, in many ways, the situation is more ominous today than it was four years ago. And, I mean specifically the influence of the Soviet Union in the Middle East.

Virtually all of the Egyptian hardware captured or destroyed in the six day war has been replaced by the Russians. Sam I and II missiles have been introduced into the UAR by the Russians along with thousands of Russian "advisers". The Soviet fleet in the Mediterranean has increased enormously since 1967 and it is a modern and very sophisticated striking force. I don't think that there is any doubt that the Russians are in fact calling the shots for the Egyptian Government today. We can demonstrate this by the secret visit of Amuar Sudat to Moscow two weeks ago as the most recent truce was about to expire. It's fair, I think, to say that the relationship between Moscow and Cairo today is the relationship of master to servant. The Russians are systematically exploiting the hysterical Arab hatred of Jews, inflaming these age-old passions, rubbing salt into wounds that are ages old.

That is why I must agree with President Nixon's assessment of the Middle East as potentially the most dangerous situation in our foreign relations—more dangerous than Vietnam or Berlin or any other trouble spot, because it involves, potentially at least, a confrontation between the super powers.

Viewed historically, I think we can see in the Soviet's newest probes, an extension of great Russian expansionism that goes back to the 17th century. Russia expanded unopposed into what is now Soviet Asia in the 18th and early 19th century. Other attempts to establish toeholds in the eastern Mediterranean were blunted by the French and British presence there in the 19th and early 20th centuries. After World War II, however, the British and French influence with the Arab countries diminished—and as they were going out, particularly after the Suez invasion of 1957, the Russian offensive—diplomatic and economic began. The rallying point for this offensive has been, of course, the tiny state of Israel.

There is, of course, nothing new or unusual about Soviet hostility toward the Jews—in and out of the Soviet Union. To a certain extent, it is an extension of Russian state policy that goes back to Tsarist times.

We tend to neglect the lessons of history and I think we do so at our peril. For instance, while it is true that Russia left World War II as an ally, or at least a co-belligerent of the United States, we tend to forget that the Soviet Union began the war as the ally of Nazi Germany. In fact, the infamous Molotov-Von Ribbontrop Pact of August 1939 was the event that triggered the actual outbreak of hostilities and September of 1939 saw the rape of Poland jointly carried out by Hitler from the West and Stalin from the East. And the Russians devoured the Baltic States Latvia, Lithuania and Estonia in the same mouthful—and those once proud nations have never regained their independence or national status.

Throughout the Soviet empire since the end of World War II, Jews have been abused and intimidated—denied the right to profess their religion or express their culture or even study the Hebrew language. Rabbi Portugal can tell you much more graphically and more vividly than I can what it means to be a Jew behind the Iron Curtain and to what lengths the Soviets will go in their desperate and so far happily unsuccessful efforts to destroy religion in their empire.

The refusal of the Soviet Union to permit the departure of Soviet Jews who wish to leave is an outrage to world opinion. We hear more about it now. But it has been going on for fifty years.

The Soviets hypocritically proclaim adherence to the universal declaration of human rights—and that document specifically recites that all people shall have the right to expatriate themselves—to pass freely from state to state—to remove themselves from a jurisdiction which they find offensive or destructive of their rights. What is true of the Soviet Union is true also of its satellite states: Rabbi Portugal, I know is personally familiar with the Rumanian government's intransigence in this regard. I frankly do not understand Soviet attitudes. Soviet Jews are unwilling and unable to assimilate into the Soviet life style, into a society which is militantly atheistic, conformist and rigid. I would think the Soviets and their puppet states would be glad to see these citizens depart: they are not. They cruelly break up families, prevent the reunion of other families and harass and intimidate Jews who dare to even express a desire to leave—or apply for an exit permit. The "workers' paradise" builds walls to enclose its own citizens and cut them off from freedom. I sometimes think it is cruelty for cruelty's sake: sadism.

If Soviet internal policy is, from our point of view, blind and unreasoning, the same can be said of Soviet foreign policy particularly in the Middle East.

In the face of the Soviet threat in the Middle East, it seems to me that the United States must remain firm, and, we must realize that our National interests and the Israeli interests coincide. If Israel were overrun by her Arab neighbors, it would mean, in effect, Soviet hegemony in the Eastern Mediterranean. That is unthinkable from the point of view of American interests—indeed from the point of view of western civilization. The State of Israel the stumbling block in that grand scheme, and we as Americans, must see to it that Israel maintains her independence and integrity—first, because it is right, but also because it is in our own national interest to do so.

I welcome and applaud the peace initiatives that President Nixon has made in the last 18 months. While I would disagree with some of Secretary Roger's emphasis and his choice of words, I accept his efforts for what they are: genuine and thoughtful proposals on an extremely difficult problem. Our position is as it should be—that an imposed settlement is out of the question. The settlement must be hammered out by the parties to the controversy—the Israelis and the Arabs. Mark you, the Arabs—not the Russians. And I think that the Israeli position about the captured terriority is absolutely sound: to surrender the Golan Heights, the Sinai and the West Bank of the Jordan as a condition precedent—in other words, at the beginning of the negotiations, it would leave Israel nothing with which to negotiate. Mrs. Meir is quite correct in insisting that security be written into an agreement—secure and defensible boundaries are essential to Israel. It would be foolhardy for Israel to retreat to the pre-1967 boundaries—boundaries which invited attack and made war inevitable.

And now we might properly ask—what are the prospects for peace?

The Russians, as I have indicated, hold the key to peace, and, in my judgment, it will come when the Russians see it to be in their advantage to allow it to come.

I don't see any quick resolution of these enormous problems. For these problems are, after all, ages old. We must not allow our impatience to prod us in to any hasty action. We, both Israel and the United States, must remain firm and keep our resolve and our heads in these trying times. Although I do not see a solution immediately forthcoming, I am nevertheless confident that in the long run, Israel will endure and triumph.

There have been other times in the history of Israel when the despair was abroad in the land, when the future seemed hopeless, when her enemies seemingly triumphed. What sustained Israel then will sustain her now in these new troubles. And, in the end, we can sing with the psalmist a prayer of thanksgiving that is perhaps three millenai old:

Give thanks to the Lord for He is good; for His mercy endures forever.
Let the house of Israel say: His mercy endures forever.
In my distress, I shall call upon the Lord; Lord, hear me and set me free. I don't fear: what can man do to me?
The Lord is with me, my helper and I shall see my enemies confounded. It is better to take refuge in the Lord, than trust to man, than trust in princes.
All the nations surround me: in the name of the Lord, I destroyed them. On all sides they surrounded me, I destroyed them.
Being struck, I was pushed so that I might fall, but the Lord helped me. The Lord is my strength and my courage; and He has become my savior.
And the voice of rejoicing and salvation is in the tents of the just; the right hand of the Lord has done mightily. I shall not die, but live and I shall declare the works of the Lord.

I thank you for your kind attention.

[From the New York Times, Jan. 22, 1971]

THE RIGHT TO LEAVE—SOVIET UNION DEFIES BASIC HUMAN RIGHT ADOPTED BY THE U.N.

(By Morris B. Abram)

The recent vengeful trial of Jews attempting to leave Leningrad, the brutal beating and recapture of the Lithuanian seaman seeking asylum on an American Coast Guard vessel, the expressed fear of Solzhenitsyn that if he accepted a Nobel prize in Stockholm, he would be barred forever from his Russian homeland—all these events say something sad and significent about the Soviet Union fifty years after the revolution.

The Soviet Government is afraid to honor a basic and internationally recognized human right, the right of everyone to leave any country, and to return to his own country.

The principle is derived from natural law, was regarded by Socrates as an attribute to personal liberty, is upheld in Grotius's treatise on International Law and was guaranteed to Englishmen in the Magna Carta. Socrates, in his dialogue with Crito, stated the law of Athens and the reason: ". . . we further proclaim to any Athenian by the liberty which we allow him, that if he does not like us when he was become of age and has seen the ways of the city, and made our acquaintance, he may go where he pleases and take his goods with him."

During my five years of service in the United Nations, my Soviet colleagues were consistently hypersensitive to any discussion of the right to leave one's country. I knew, of course, that the Soviet Union had fought a last ditch fight against Article 13, finally proposing and losing an amendment to make the right conditional, "in accordance with the procedure laid down in the laws of that country."

Eventually, the Soviet Union abstained in the General Assembly vote. However, the force of the declaration was affirmed unanimously twenty years later in the Proclamation of Teheran that declared. "The Universal Declaration of Human Rights states the common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community."

In 1963, the United Nations Subcommission for the Prevention of Discrimination and Protection of Minorities considered a study of discrimination on the right of everyone to leave any country, including his own, and to return to his own, prepared by the Philippine jurist, Jose D. Ingles. Judge Ingles proposed very explicit draft principles based on Article 13. The Soviet bloc opposed its publication, demanded the deletion of material from authoritative sources giving instances of denials by Soviet-bloc nations of the right to leave the bloc countries, and voted against the draft principles. The Soviet representatives contended at the same that everyone was free to leave even the Soviet Union.

The Soviet Union is a great and powerful country, the bulk of whose citizens are as attached to that land as are citizens of other nations. Therefore, the Soviet unreasoning and unjustified fear of free exit perplexed me. One day at lunch with a man from one of the Soviet-bloc nations, I raised this question.

He acknowledged the Soviet fear and the shackles it had imposed on exits.

He explained: "The U.S.S.R. is a state of minorities, proclaimed by its leaders as the perfect society. If anyone chooses to leave, this is a blot on the claim and a bad example to Soviet minorities, many of whom have compatriots outside the borders."

I asked his opinion as to how many people would actually leave the Soviet Union if the doors were opened. "Not many," he replied, "and many who would leave would return if there were no stigma or impediments on leaving or reprisals on returning."

He drew from the recent history of his own country, which had opened its doors after World War II. "Many left—several hundreds of thousands, but soon, I myself processed the visas for a great flow of return." Then he said: "Where the gates swing freely both ways, the flow soon establishes an equilibrium."

The Soviet Union, however, has been totally obstinate while hypocritically contending that it has open doors. Only in the heat of debate when their guards are down do Soviet delegates tell the sad truth about the right to leave Russia and most Soviet-bloc countries today, for that matter.

The International Convention on the Elimination of all Forms of Racial Discrimination, ratified by 46 nations, including the U.S.S.R. and the Ukraine, is now in force. Included among the rights enumerated is "the right of everyone to leave any country, including his own, and to return to his own country."

The cruel fact, however, is that the Soviet Union, for all of its successes and achievements, is still in some ways a frightened, primitive nation, not anything like as advanced as the Athens of Socrates.

INDIAN HEALTH IN OKLAHOMA AND THE NATION

Mr. HARRIS. Mr. President, the health care being provided the American Indian, which is an obligation undertaken by the Federal Government in treaties with the Indians, continues to be a national shame.

Last week in Oklahoma City I held a statewide hearing on Indian health. More tha 300 Indians attended the hearing representing the major tribes of the State of Oklahoma, and I heard over 40 witnesses. I wish every Senator could have been there to listen to this testimony.

Witness after witness at the Oklahoma City hearing gave accounts of lack of proper care in Indian hospitals and at clinics because of a shortage of personnel, drugs, and supplies. In discussion with Indians from other States, I have heard accounts of outrageous shortages similar to these existing in Oklahoma.

I am firmly convinced that unless Congress and the Administration decide to do better this year in living up to a solemn promise of years ago to provide decent and adequate medical care for American Indians, there will be more needless and tragic deaths.

This week I testified before the Subcommittee on Department of the Interior Appropriations of the Committee on Appropriations, and I set forth certain requests for increases in the fiscal year 1972 budget for the Indian Health Service, based upon the testimony I received in Oklahoma City. When my office has transcribed the testimony, I will make it available to the entire Senate.

One major request that I made to the subcommittee was to increase the budget by $10,000,000 to provide sanitary facilities for existing Indian housing. This item is extremely important because we know that the high rates of gastroenteritis amoebic, and bacillary dysentery along with a mortality rate for infants 1 to 11 months of age that is three times that of the rest of the population, are directly related to the poor sanitation conditions that most American Indians are forced to endure. Unfortunately the budget request does not provide funds for sanitation improvements in existing homes, but only in new construction.

The distinguished chairman of the subcommittee (Mr. Bible) questioned me concerning the number of existing dwellings that would be involved if we undertook to improve existing housing. In the period October 1966, to June 1970, Indian families living in standard housing increased from 18,653 to 32,209, but during the same period the number of Indian families living in substandard housing also increased from 57,447 to 62,998. Even though the Department of Housing and Urban Development is attempting to accelerate its Indian housing program, little hope exists for making headway concerning the 36,430 Indian homes that currently need new or improved sanitation facilities. This 36,430 figure represents 45 percent of total housing available to rural and reservation Indians.

As I stated in my testimony to the subcommittee, a study published by the Rural Housing Alliance last year indicates that it might take as long as 281 years to fulfill the current needs for decent housing of Indian families under the jurisdiction of the Bureau of Indian Affairs, if trends in new housing starts for Indian families continue at present rates. Facing this unacceptable length of time, we must give attention to the sanitation needs of existing homes. The $10,000,000 increase which I propose would provide new facilities in the coming year for only about 920 Alaska homes or about 3,333 homes in the rest of the United States, and is a very modest request.

Mr. President, the appropriations for the Indian Health Service will be one of the most important matters we will consider this year. I hope the administration budget figures for this purpose can be substantially increased as I stated to the Senate appropriation subcommittee.

Mr. President, I ask unanimous consent that my testimony before the subcommittee on Interior Department appropriations be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Statement of Hon. Fred R. Harris, U.S. Senator From Oklahoma

INDIAN HEALTH SERVICE BUDGET INCREASE

Senator Bible. Our next witness is Senator Harris.

Senator Harris. Mr. Chairman, Members of the Committee, I appreciate the opportunity to appear before you to testify on the appropriations for the Indian Health Service. I consider this to be an extremely important matter.

Senator Bible. I am delighted to see you here at the hearing instead of meeting you first on the Floor with your team mates lined up.

Senator Harris. I hope my cause will be served well by my appearance here.

Last Thursday in Oklahoma City I held a state-wide hearing on the health problems facing the Indians of my state. Over three hundred Indians attended the hearing representing almost every tribe in Oklahoma, and I heard over forty witnesses. My office is transcribing the hearing, and I hope the Committee can keep this hearing record open until it is transcribed, and I will submit it as an official part of my testimony. I hope every member of this Committee and the Senate will read the testimony I received in Oklahoma City.

No one could have sat and listened to that eloquent and tragic testimony without being greatly saddened and greatly outraged.

At the conclusion of the Oklahoma City hearing, Mr. Lee Motah, Chairman of the Comanche Business Committee, presented a resolution to the group calling for an increase in the appropriation for the Indian Health Service to at least $200 million, and that resolution was adopted by a unanimous vote.

I don't believe that anyone who heard that testimony in Oklahoma City would question for one moment the need to increase the appropriation for the Indian Health Service to at least $200 million.

As we all know, the statistical evidence concerning the present condition of Indian health is indeed tragic and appalling. On the other hand, it is an indisputable fact that the health care of Indians has improved dramatically since 1955. At a time in history of unprecedented national wealth, medical care for Indians still lags behind the rest of the country by at least one generation.

Thus, while the death rates from tuberculosis have declined 75 per cent for Indians and Alaska Natives, Indian and Alaska Native tuberculosis mortality rates are still over four times as high as for the U.S. population generally. Despite the fact that the infant death rate among Indians and Alaska Natives declined 51 per cent between 1955 and 1970, the Indian and Alaska Native rate is still 1.4 times as high as that of the U.S. population which, in contrast to many other industrialized nations of the world, itself compares very poorly. Although deaths attributed to gastritis, duodenitis, enteritis, and colitis, have declined over 50 per cent in the same period for Indians and Alaska Natives, the Indian and Alaska Native rate is still almost four times that of the rest of the population.

Mr. Chairman, I realize that you and every member of this Committee is familiar with these statistics. I only wish that each of you could have heard the Indian people themselves last Thursday as they set forth from actual experience some of the tragedies that make up the cold statistics.

I am convinced that Indian health services are at a cross road and unless Congress acts, the conditions of Indian health will gradually worsen despite increased annual appropriations. This is probably already taking place. The seemingly generous increases in the fiscal year '71 budget for the Indian Health Service were probably more than eaten up by an incredible increase in the cost of medical services generally, pay raises and the rapid growth rate of the Native American population.

This year is no different. The Administration proposes to increase the IHS appropriation by more than $14 million. Anticipated inflation in health costs alone will cost more than $8 million (and I would like to remind you that we have been particularly inept in anticipating the unprecedented rise in health costs). The remainder of the proposed increase, approximately $6 million, will probably not be enough to meet the demands of normal population growth and unanticipated costs.

I am firmly convinced by what I have heard that Indian health is likely to get worse rather than better unless we act now. We cannot, as decent human beings, permit the deplorable conditions of Indian health to continue as they are—much less get worse. We cannot let this happen.

Senator BIBLE. Before you proceed, you made a request to incorporate the testimony that you took at your Oklahoma City hearing. How large a hearing record would that be?

Senator HARRIS. It will be rather large; there were about forty witnesses, and it will be rather lengthy testimony. I would imagine each witness spoke for a minimum of ten and a maximum of fifteen or twenty minutes, an average of around ten minutes each for forty witnesses. It took all day long. I started at 10 and wound up at 5:30.

Senator BIBLE. When do you think that will be ready?

Senator HARRIS. I can't tell you offhand, Mr. Chairman. What you could do is wait and see when you look at it and decide whether to receive it in the Committee's files or have it printed. I will in any case have it printed in the CONGRESSIONAL RECORD.

Senator BIBLE. If you are planning on doing that, we might very well avoid the duplication of the printing. We plan on keeping this record open until April 6 or 7. I don't know whether that gives you the time to submit it to us for our consideration. But in any event it certainly would be adopted by reference and it would be available to all of the members of the Committee, and in addition, if you are going to incorporate the results of those hearings into the CONGRESSIONAL RECORD, that would be another easily available source for anyone who wants to read them. We will see it's covered one way or the other.

Senator HARRIS. Sanitation: First let us consider the supplying of badly needed sanitation facilities to Indian homes. Since passage of Public Law 86–121 in 1959, over 50,000 Indian and Alaska Native homes have been provided with facilities for running water and waste disposal. Understandably, this program has been enthusiastically accepted by Native Americans. It cannot be disputed that the lack of safe water resources and adequate waste facilities is a major source of disease among America's Indian population.

The incredibly high rates for gastroenteritis, amoebic and bacillary dysentery along with a mortality rate for infants one to eleven months of age that is three times that of the rest of the population, are directly related to the poor sanitation conditions that most Native Americans are forced to endure. The abolition of these conditions should be a major priority in the area of preventive medicine.

Unfortunately, such is not the case. As a result of interagency agreements recent program funding has been directed exclusively into services for new or improved housing rather than for existing homes.

American Indians with whom I have talked and who testified in these hearings see that as particularly inconsistent that only those who get new homes or particularly improved homes can come under the program for running water and waste disposal, whereas many in existing homes do not.

Many of the existing homes for which there are no early plans for either replacement or repair still have not been serviced and are without safe water supplies or sanitary facilities. In addition many homes previously served with minimal facilities in the early years of the program need to have the service upgraded.

The argument has been made that limiting the installation of sanitary facilities to new housing is the most economical and efficient way to maximize dollar investments in eliminating unsanitary conditions in Indian housing. Such an argument is penny wise and pound foolish.

A study published by the Rural Housing Alliance last year indicates that it might take as long as 281 years to fulfill the current needs for decent housing of Indian families under the jurisdication of the BIA, if trends in new housing starts for Indian families continue at present rates.

This is the same as saying that we will never provide adequate housing for Native Americans. It also means that if improved sanitation facilities are tied exclusively to new housing, then America's Indian population is condemned to live forever in a dismal, squalid, disease-ridden existence.

It is obviously foolish economics to allow such a condition to continue. The tens of thousands of Indian houses that lack adequate sanitation facilities are a breeding ground for disease that will require hundreds of millions of dollars in IHS expenditures to alleviate in future years.

I propose that we make a modest start toward eliminating this situation once and for all by appropriating an additional $10 million to be used to provide sanitary facilities for existing Indian housing that will not be replaced in the foreseeable future. Such an expenditure will save lives, not to mention the millions of dollars that will not have to be spent in future years as a result of this preventive measure.

Senator BIBLE. On that subject we queried the Health Service people rather carefully, I believe. The thrust of their answer as to not putting the sanitation facilities in the older and the existing homes is primarily built around an argument that the old homes are in such a bad state of disrepair that this is in effect throwing good money after bad.

Do you have any statistics that refute that? I don't frankly, know because I don't know how many Indian homes there are in that condition today.

Senator HARRIS. You can go at it this way. It would be wise to find out to the degree you could what the Indian Public Health Service feels about sanitation. If the Chair and the Committee would simply consider the fact that it's going to take 281 years to replace present Indian housing at the rate we are going, that means that there are a great number of houses people are going to continue to live in because there is just no way they are going to be replaced.

Senator BIBLE. How many Indian homes are there of a class you are describing?

Senator HARRIS. I can't give you immediate figures, but I would be glad to check with the Indian Public Health Service or the BIA. This amount of money is actually based upon discussions with the people in the BIA and the Indian Health Service as to what numbers of houses they know for the foreseeable future are going to continue to be lived in. We are condemning a lot of kids in this country to continue to suffer the ravages of health problems that come from lack of sanitation facilities and water facilities.

That is a rather basic kind of public health service concept, and it seems to me that $10 million is an extremely low figure to try to prevent that kind of occurrence.

Senator BIBLE. I wish if you could that you would build up your argument with some actual statistical figures as to the number of houses that are in this condition. If they come to this conclusion within the Indian Health Service, they certainly must have a very good knowledge as to the classes of houses that Indians live in today; I mean nationwide, and that is what you are addressing yourself to.

Certainly there are many areas that do need upgrading in this respect.

Senator HARRIS. I shall do that, Mr. Chairman. The reason I didn't do it is because the number of substandard houses are so staggering that the $10 million is a drop in the bucket.

Senator BIBLE. I would just like to get an idea of the scope of the problem, that is all.

Senator HARRIS. I will do that.

(The figures not printed in the RECORD.)

Senator BIBLE. You may proceed.

Senator HARRIS. Back to my statement, as to medicines:

Second, we must make a renewed effort to correct the continuing lack of an adequate supply of drugs and medical supplies at IHS hospitals. We must put an end to the frightening situation where essential antibiotics, pain relievers, and even surgical dressings are unavailable when there is a critical need for them. In spite of the fact that chronic shortages in these essential items have been documented again and again.

This is an item I have spoken on the Floor about for the last several years, and the Senate has added some funds, but we can't seem to catch up.

The Administration does not propose to correct this continued alarming shortage in medicine and drugs.

I recommend an increase of $1,500,000 to bring the inventory of IHS drug and medical supplies up to minimum safety levels.

COMMUNITY PERSONNEL

Third, we need to address ourselves to a special problem involving the program for community health representatives. It is evident that the medical profession cannot meet its personnel needs without enlisting large numbers of paramedical people. This in itself is justification for extending the Indian community health aid program. Moreover, the community health representatives provide an essential link in understanding between the professional staff of IHS and many Indian communities.

Much needs to be done, however, on the part of IHS to provide additional training and career ladder opportunities for C.H.P.

Although the Administration budget provides for an additional 100 C.H.P., IHS has identified a need for nearly one thousand more CHR at the present time. I would hope that IHS in connection with the tribes would place an emphasis on employing returning Vietnam veterans with paramedical training in these CHR positions.

One lady testified that she has to serve four counties. Of course she can just barely scratch the surface as far as getting around and being of some assistance to the Indian people of those counties which happen to be in my home area.

While an increase of 100 CHP is slight in face of the overall need, it does represent a step in the right direction. This does not necessarily represent an increase in the total health aid program available to Indian communities. A similar program funded through OEO which supports 108 CHR in Arizona, Montana, North and South Dakota is about to be phased out by OEO effective June 30, 1971.

Unless this program is picked up by IHS, there will be an overall net decrease in CHR services available to Indian communities.

I recommend an additional $972,000 in order that the CHR program can be maintained at least at present levels in those four states.

DENTAL CARE

Fourth, dental care continues to be an area where the overall effort meets only a fraction of total need for services.

Some Indian people testified before my hearings about the sad state of the dental care for Indians in Oklahoma, which I know is typical of that around the country. They brought casts of the mouths of three little Indian children and described them as atypical cases of dental problems among Indian children in Oklahoma.

There were teeth which were badly rotted and misshapen causing very, very severe long-term problems of health and nutrition and self-confidence.

We continually receive reports which relate how Indian young people, many of whom are in their late teens, some to IHS Dental clinics for their first visit to a dentist in their lives. Moreover, the vast majority of Indian adults cannot now or in the foreseeable future expect to receive any measurable increase in dental health services.

You see so many older people who talk with their hands over their mouths, embarrassed by the way their teeth look and with no way to do anything about that.

The proposed Administration budget program increase of $400,000 is grossly inadequate to meet the overall need.

I recommend an increase of $1,500,000 as a first step toward making adequate dental care available for Native Americans.

TRANSPORTATION

Fifth, one of the most critical problems which I have become aware of and which is of constant concern to the people who depend upon IHS is their basic inability to use IHS because of lack of transportation. An Indian individual who lives as much as 100 miles from an IHS hospital or clinic and who cannot afford reliable transportation simply doesn't have the ability to use the health service when he most needs it.

It is not uncommon, then, for a minor illness to become a serious or even critical condition because of the delay involved in traveling long distances to IHS facilities. Instances where Indian families have been forced to pay exhorbitant sums for emergency transportation are not rare.

I recommend that a minimum of $1 million be appropriated for the purchase or lease of carry-all or van-type vehicles to be used exclusively by remote Indian communities for transporting Indian patients to health facilities on a regular and emergency basis. I believe that placing these vehicles in remote Indian communities that are willing to maintain them will greatly strengthen the relationship between IHS and these communities.

PERSONNEL

Sixth, additional personnel to staff IHS facilities continues to be a desperate need. Last year Congress provided an additional 300 positions in Indian hospitals and this has helped a great deal. However, IHS hospitals still have a need for an additional 750 staff positions. It would require an additional $9 million appropriation to meet this urgent and most life-and-death need for hospital staff.

At Fort Sill Indian hospital we lately have built a brand new hospital. As one witness said before my hearings, "it's a beautiful facility outside, I wish we could make it a beautiful facility inside."

It's a hospital built for 80 beds, but it only has 60 beds in it because we don't have the personnel to staff it. They have closed down the pediatrics ward.

I think that it is a scandal that we would build a new hospital like that and then not provide the staff to take care of it.

Mr. Lee Motah, who is the Chairman of the Comanche Business Council, lives in Oklahoma City a hundred miles away from that hospital, but, as is true of so many Indians in Oklahoma and around the country, he drives the long distance back there to get the benefit of those services.

He said the other day he and his wife drove to that hospital. He did not tell anybody that he was Chairman of the Comanche Business Council because he just wanted to see what regular service other people get. He needed medical attention. They waited from 9 o'clock in the morning until 4 o'clock in the afternoon without being waited on, as did a great many other people who were still in the waiting room all day long.

They drove back to Oklahoma City, a hundred miles, and the next morning drove back to Fort Sill Indian Hospital and started in line again at 9 o'clock and eventually were treated at 2 p.m.

There are actual cases of people dying in waiting lines because we do not have sufficient personnel. It just seems to me we must do much more about that.

The attitudes of a lot of these people are terrible toward the Indians whom they are supposed to serve, and then the very situation of having to sit there in the line for hours and hours is enough to degrade and dehumanize people and indicate to them that we don't really care much about them or put very much value upon their lives.

I think that we have got to do more in the personnel field, and we have got to do more for example with physicians' aides.

One of the bad things about the Indian Health Service is that doctors come in there and stay only two years and then go away somewhere else. As a result, Indians feel that they are not really very interested in them and that this is just a sort of two-year duty they have to do.

I believe we can do a better job of recruiting people who would be more concerned about Indian health.

More than that, I believe we could institute, as the Veterans Administration has begun to do, a program for training physicians' aides that could take a lot of these duties off of the doctors and work under the doctors' supervision and do a much better and more humane job.

Senator BIBLE. In this Fort Sill Hospital, how long ago has that been completed?

Senator HARRIS. I believe it has been three or four years now since the new facility was opened, it seems to me it's like three or four years.

Senator BIBLE. And over that period of time there is that many vacant beds in that hospital?

Senator HARRIS. That is right. It's built to be an 80-bed hospital; it's only being run at 60 beds. They don't have a pediatrics ward at all. It's a brand new, beautiful facility. The old building is still there that is vacant, and that is a shame.

There are plenty of things that ought to be done with the old building. For example, the old building could be used as a nursing home facility.

Another man, Taylor Noyabad, he is Vice Chairman of the Business Council, went down to Fort Sill Indian Hospital the other night with his grandchild and his daughter. When they brought the baby in there, the nurse put a towel on the baby in place of diapers, and he asked why that was so, and they said they didn't have a sufficient supply of diapers in that hospital.

Not only that, but I have heard witness after witness testify to what I think is the uncontroverted truth, that in a lot of places in Oklahoma, in these Indian hospitals, people have to bring sheets and blankets themselves because they don't have sufficient sheets and blankets in these hospitals.

It just seems to me that is, as I said a while ago, a scandal.

Senator BIBLE. What have you done within the Indian Health Service in the State of Oklahoma? Did you take this problem up about the Fort Sill Hospital with the authorities?

Senator HARRIS. Mr. Chairman, I just heard this very case this past Thursday, and I am taking it up with somebody who can do something about it, and that is you and this Committee. I talk with members of this Committee and the Indian Health Service every chance I get. Mostly the people in the Indian Health Service want to break into tears. It makes you so mad you can hardly talk, or it makes you so sad you want to cry.

It's primarily a matter of money, and we are talking about a drop in the bucket in the amount of money this government spends. It seems to me if we would get outraged enough, you and I would provide the funds to get this done. That is what it is; it's a matter of money.

Senator BIBLE. Do the authorities or the superintendent or director, whatever the title of the head man of Fort Sill Hospital, whatever his title is, does he request the additional funds to request these 20 beds?

Senator HARRIS. If he doesn't, he ought to be run off, Mr. Chairman.

You can go down there and take a look at it, as I have, or talk to the Indian Health Service here in Washington. How else would the Indian Public Health people here know what deficiencies there are? I have been talking about these kinds of deficiencies in drugs supplies and personnel for two or three years. I documented these shortages in the Record last year, and the same shortages exist this year.

They often don't have aspirins, because they are out of them. That is the fact of the matter, Mr. Chairman, and it's up to us to reach out and try to solve these problems by providing the funds which are so desperately needed.

Moreover, an additional 350 staff positions are desperately needed for IHS hospital outpatient department and field health centers. In the past few years there has been a substantial increase of ambulatory services provided at hospital and field clinics. This has resulted in a dramatic increase in outpatient visits. While this has been a real success story for IHS, it has resulted at the same time in critical staff shortages as Indian people more and more take advantage of outpatient treatment. We need to reinforce this encouraging trend in IHS, and I recommend that funds of $4,200,000 representing 350 positions be provided in 1972.

URBAN AREAS

Seventh, another terribly distressing factor in the entire field of Indian health is the fact that we are doing nothing for the health care of America's rapidly growing Indian population in urban areas. Perhaps as much as one-half of our entire Indian population live in urban areas and thus are outside the normal scope of IHS activities.

I understand that at one time IHS did provide some contract services for urban Indians, but as priorities were established elsewhere these were gradually dropped. I suspect this has been so largely because urban Indians have lacked organization and have not had effective advocates to express their needs. This is really an injustice. We tell Indian people, on the one hand, that they ought to have options open to them to live and work where they please and then penalize them if they choose to live in a city. We need to turn this situation around.

We know that there is an urgent need for health services for urban Indians. This is particularly true of those Indian people who have recently arrived from a reservation or rural area. People who have been dependent upon IHS and BIA services all their lives frequently find it extremely difficult to locate services in the urban maze.

The rapid growth of Indian centers which provide referral and other services to new arrivals is indicative of the need that Indian people have in the urban situation.

I believe that IHS should move in the direction of providing referral and health consultation services in urban areas. All our urban areas contain a wide variety of health services, both public and private, which many Indian people would take advantage of if they knew of them or had some assistance in locating them.

I propose that IHS conduct a demonstration program in several urban areas to help Indians receive better medical and health services from existing facilities. This program would utilize para-professional personnel as community health representatives who would be specially trained in the utilization of urban health resources. At the same time these persons would serve as a means to document the true health situation of urban Indians. I propose that this program operating as a limited demonstration in a limited number of cities be funded at $2 million.

Senator Bible. Is there any type of that service in any of the urban areas of the country today, this educational service or this community health representative?

I think the community health representative does serve a real useful purpose, but doesn't he operate in the urban areas at all?

Senator Harris. Not under the Indian Public Health Service. We have some OEO-funded projects working in some areas, but they are pitifully small. I think a little investment here would really go a long way toward getting people hooked up with these programs. A lot of non-Indian people who run the regular health service programs have the idea that Indians have some other program available to them. That is why in my own state people continue to drive 100 miles or more to go to an Indian hospital because there is an attitude on the part of non-Indians often that Indians are served somewhere else.

Also the Indians themselves sometimes feel they are not entitled to the regular services.

I think if we could get the two together through referrals and such centers, that it would be a very wise and practical investment.

PRE-PAID HEALTH CARE

In addition to this limited measure to serve urban Indians, I propose that IHS move aggressively into the area of promoting a demonstration pre-paid comprehensive health care program similar to the Kaiser plan in one or two cities.

I believe that such a program will successfully demonstrate how vastly improved medical services can be supplied to Indian people at a cost which is substantially less per person than is presently possible in the Indian Health program. If this should prove to be true, it would constitute a major achievement in providing a solution to the continuing crisis, not only in Indian health but in health care for all Americans. I recommend that $3 million be appropriated for this purpose.

HOSPITAL IMPROVEMENT

A great need exists to do something about the enormous backlog of modernization and replacement needs of IHS facilities. At the present time, one-fifth of all IHS hospitals lack accommodation because they are obsolete and have serious fire and safety problems. Quite frankly, many of the Indian hospitals are dangerous fire traps.

At the present time, the total replacement and modernization needs for all of IHS is estimated at $265 million. $36,200,000 is immediately needed just for essential repairs and maintenance and to eliminate serious fire and safety hazards. Yet the Administration has proposed a mere $2,599,532 in the face of this enormous need. I believe this should be increased by at least $36,200,000. I desperately hope that it will not take a disastrous fire resulting in loss of life in one of the IHS hospitals to convince us of the urgency of this matter.

CONTRACT MEDICAL CARE

At the Oklahoma City hearing I was particularly disturbed by the number of witnesses that testified to the fact that contract services for doctors and for dentists were not being paid by the Indian Health Service because of a shortage of funds.

It is unfortunate enough that the long waiting lines are a barrier to receiving care for the Indian, but add to that the failure to have his bills paid, which brings on embarrassment, and you have an intolerable situation.

Several witnesses mentioned the inability to obtain eyeglasses. I understand that the IHS readily recognizes that there is a great unmet need in this regard, and that because of a lack of funds only children and adults that can relate the need to employment, and not all of them, are furnished eyeglasses.

It is rather obvious that having a prescription does little to cure the ailment unless one can somehow obtain the drugs. Several witnesses at the Oklahoma city hearing pointed out this shortcoming.

People testified they could not get additional contract services because former bills that were approved by the Indian Health Service had not yet been paid because of a shortage of funds.

My staff, after a preliminary investigation of this matter, informs me that to meet the known needs the appropriation for contract care must be increased from $25 million to $43 million. If we fail to do so, approximately forty per cent of the known needs will go unmet. When placed in its proper context of the total federal budget, we recognize that from a dollar standpoint we are really just dealing with peanuts when we consider this appropriation.

When considered from the standpoint of the moral obligations of the federal government, no other appropriation has any more significance than this one. I request an additional appropriation of $18 million.

I know, better than ever before, that there is in fact a serious crisis in Indian health and that we are not doing enough to meet these most serious and basic needs. Since the time when the U.S. Government first began promising health services to American Indians in return for the cession of lands we were so determined to seize, an important and sovereign obligation has remained unmet.

So long as we fail to meet the legitimate health needs of Native Americans, there is a stain on our national honor.

I want to commend this Committee for all that it has done in the past to meet these needs. I realize that reconciling the many unmet needs of our society with the demands of the budget is the most difficult task. However, I do not believe there are any needs more urgent or more valid than those of American Indians and Alaska Natives.

Senator Bible. That is a very, very fine statement, Senator Harris.

I know of your great and continuing interest in this field. I do hope that in addition to the plea that you have made before this Committee that you would make arrangements to appear before the House Committee who will act first on this legislation. I don't know whether you have made arrangements to do that or not, but I would certainly urge that you do it.

They are hearing their Congressional witnesses on April 21, which might be a date you want to note. Mrs. Hansen, I am sure, has great sympathy for these problems, just as I do, as the members of the Subcommittee do.

We appreciate the additional contributions you have given us. This is a very fine statement you have given today, and we will do the best we can and work on it.

Senator Harris. I appreciate that suggestion; I will try to follow it up.

Senator Bible. Senator Byrd?

Senator Byrd. I would just like to say it's a very fine statement, a most comprehensive one. I think your suggestion for Senator Harris to appear before the House Committee is a good one. You could supply this Subcommittee with additional statistics substantiating the figures.

Senator Bible. Thank you, Senator Harris.

FUTURE HOMEMAKERS OF AMERICA OBSERVE NATIONAL FHA WEEK

Mr. GRIFFIN. Mr. President, March 28 to April 3 was observed as National Future Homemakers of America Week. Some 600,000 FHA members carried out special projects and activities during that period.

All Americans can take special pride in the young women of FHA. They are concerned not only with preparing for the responsibilities of later family life, but also with expanding their civic involvement to help less fortunate citizens, such as the sick, the poor, and the mentally retarded.

In Michigan more than 12,000 members from 163 chapters participated in National FHA Week.

Miss Lorri Jackson, a senior at Bad Axe High School and State president of the Michigan FHA Association, sent a press release to my office explaining the objectives of FHA during this week.

I ask unanimous consent, Mr. President, that the press release be printed in the Record.

There being no objection, the news release was ordered to be printed in the Record, as follows:

Future Homemakers of America Observe National FHA Week

Future Homemakers of America in Michigan will join with the 600,000 FHA members across the country in observing National FHA Week, March 28 through April 3, 1971. The 263 local high school chapters in Michigan will carry out special projects and activities during the week focused on the theme of FHA CARES.

According to Lorri Jackson, high school senior at Bad Axe High School and State President of the Michigan FHA Association, members of Future Homemakers of America care about a lot of things:

"They care about the many problems in our world today so they plan meetings and discussions around such subjects as drug abuse, the generation gap, boy-girl and family relationships, and friendships with people in other countries.

They care about continuing education so they contribute to scholarship funds and encourage members to stay in school and to receive education beyond high school.

Most of all FHA'ers care about the individual member and helping him or her develop to the highest potential so that both the individual and society may benefit."

The seventy members of the FHA Chapter at Bad Axe have scheduled a number of activities for this week. Plans outlined by Lorri and her adviser, Mrs. Mary Jackson include:

Show everyone that you *care* by working to advance FHA in this our twenty-fifth year, won't you please?

Sunday.—Show we care about our church activities by attending church of our choice.

Monday.—Show we care about FHA by

wearing our colors of red and white and appearing on local radio stations.

Tuesday.—Show we care about our teachers by preparing special treats for the teacher's room or apples for their desks.

Wednesday.—Show we care about our school by preparing hall exhibits and bulletin boards for FHA Week.

Thursday.—Show we care about our today by scheduling our chapter meeting with an adult and youth panel on mutual problems.

Friday.—Show we care about our community by a visit to the local county home to entertain the patients.

Saturday.—Show we care about our families by planning to do something special for those at home.

Future Homemakers of America is a nonprofit, self-supporting organization officially sponsored by the U.S. Office of Education and the American Home Economics Association and is correlated with the home economics program in the secondary schools. High school home economics teachers serve as advisers to the 12,000 local FHA chapters throughout the country. National Headquarters are located in Washington, D.C. The Michigan Association of FHA is chartered by the National organization of Future Homemakers of America and is co-sponsored by the Michigan Home Economics Association and the Michigan Department of Education in Lansing where Mrs. Thelma L. Graper serves as State Adviser.

In addition to President Lorri Jackson, other officers of the Michigan Association of FHA are:

First Vice President, Virginia Cropsey, Marcellus High School.

Vice President of Degrees, Pamela Bush, Bentley High School, Flint.

Vice President of Projects, Cynthia Brown, Haslett High School.

Vice President of Public Relations, Jerri Ross, Ithaca High School.

Vice President of Recreation, Pamela Petzold, Millington High School.

Vice President of Evaluation, Nancy Anderson, Hesperia High School.

Secretary-Treasurer, Jo Ann Huyck, Pickford High School.

Parliamentarian, Phyllis Crandall, Vandercook Lake High School, Jackson.

Historian, Barbara Jagger, Belding High School.

Song Leader, Jerrilyn Thiebaut, Mesick High School.

Pianist, Linda Wright, Morrice High School.

COMMISSION ON INTERGOVERNMENTAL RELATIONS RECOMMENDS CONSTITUTIONAL CONVENTION PROCEDURES ACT, S. 215

Mr. ERVIN. Mr. President, since I first introduced the Constitutional Convention Procedures Act, I have received support for my bill from many sources. Another in the long line of endorsements of S. 215 has come from the Advisory Commission on Intergovernmental Relations. A memorandum dated December 29, 1970, from the Executive Director to the Members of the Commission described the provisions of the bill and concluded:

> [T]he Commission recommends that Congress at the earliest opportunity enact the proposed Federal Constitutional Convention Amendment Act.

As Senators know, S. 215 provides procedures for the orderly conduct of a constitutional convention in the event one is called upon application of two-thirds of the States, as provided for by article V of the Constitution. On January 26, 1971, when I introduced S. 215, I described its provisions in some detail; therefore, at this time I shall mention only briefly its principal provisions: It provides procedures for the adoption of State applications and their transmittal to the Congress; for the receipt and the recording of applications, by the Congress; for the rescinding of applications; for limiting the effective period of applications to 7 years; for the adoption by the Congress of a concurrent resolution designating the place and time of the convention and the nature of the amendment or amendments; for the calling and convening of a convention; for the number and manner of electing delegates; for arrangements and facilities for holding a convention; for compensation of delegates and the payment of expenses; for the election of officers; for the proposing of amendments, with a limitation that no amendment may be proposed that was not named in the concurrent resolution; for voting and recordkeeping; for the termination of the convention; for the receipt by the Congress of the proposed amendment or amendments and transmittal to the States for ratification; for ratification by the States; for recision of ratifications; for proclamation of a constitution amendment; and the effective date of the amendment.

Mr. President, we are all aware that at the present time the States are intensely interested in the current revenue-sharing proposal, and at least eight States already have petitioned Congress to call a constitutional convention for the purpose of amending the Constitution to provide for revenue sharing.

I believe the passage of my bill is absolutely necessary to avoid the dangers that many legal scholars and other observers foresee in a constitutional convention called without rules to govern its conduct. I view with the gravest concern the intolerable situation that would exist if a convention were to be called without the safeguards of well-defined procedures, which do not exist today. I believe that Senators share my concern; and, once again, I urge that they support my measure.

OCEAN DUMPING

Mr. BEALL. Mr. President, on March 26, 1971, the Public Works Subcommittee on Air and Water Pollution, on which I serve, held hearings in Rehoboth Beach, Del., on the problem of ocean dumping. This is a serious problem in certain places today and has the potential of becoming even more serious as communities and industry look to the ocean as a possible source of their waste disposal. Congress has an opportunity to take preventive steps. That is why I am pleased to cosponsor the administration's measure, S. 1238, the Marine Protection Act of 1971, which would make certain that this does not happen. I ask unanimous consent that my testimony before the subcommittee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR J. GLENN BEALL, JR.

Mr. Chairman, it is a pleasure to be here today. One of the most valuable natural resources that we have in the State of Maryland is the beach at Ocean City. Certainly the clean water and the pure sand at Maryland's ocean resort provides one of the best recreational opportunities on the East Coast of the United States.

Because it is still clean, Ocean City provides an opportunity for us to protect an area from pollution so that its use is not lost to the great number of Marylanders and others who enjoy its benefits as has been the case for so many other recreational areas across the country.

For this reason, I joined Senator Boggs, of Delaware, and other members of the Subcommittee on Air and Water Pollution of the Senate Public Works Committee to hold hearings today in Rehoboth Beach on the subject of ocean dumping.

We have been alarmed recently to read and hear of sludge and garbage scows being towed out into the Atlantic Ocean and then dumping refuse which might eventually wash up on our shores. While this doesn't appear to present any immediate problem to Ocean City, it is something we want stopped.

The oceans comprise over 70% of the earth. The Statton Commission's Report, "Our Nation and the Sea," emphasized the importance of the sea when they said "the nation's stake in the use of the sea is synonymous with the promise and threat of tomorrow." The promise of the ocean is represented by:

The Ocean's potential as a source for food for a growing World population;

The Ocean's potential as a resource for new minerals;

The potential for the ocean's plant and animal life for the medicinal raw materials, and

The Ocean's importance in providing transportation, recreation, and a refuge from hectic pace of urban living for many Americans.

The dangers are represented by the National Security implications, such as submarine warfare, and the purpose of the hearings today—ocean pollution.

I for one want to take this opportunity to applaud the President's Council on Environmental Quality for its report "Ocean Dumping—a National Policy" which was issued to the country in October 1970. The report gave emphasis to the concern and prompted the legislative activity and the Committee's hearings today.

We know what can happen if dumping goes uncontrolled as illustrated by the so-called Dead Sea area, a contaminated ocean area off the New York Harbor. We are determined to prevent additional such areas, particularly off the Maryland-Delaware Beaches. That is why we are concerned over the 140 million gallons of sludge, 110 million by the city of Philadelphia dumped at the Cape May, Delaware Ocean sewage dump.

Although the amount of waste transported and dumped into the ocean is relatively small in terms of the total volume of pollutants reaching the ocean, indications are that the future impact of ocean dumping will show a marked increase relative to other sources, unless steps are taken and taken now.

About 48 million tons of waste were dumped into the oceans in 1968 at 250 disposal sites, 50% of which are located off the Atlantic coast. This waste includes dredge spoils, industrial waste, sewage sludge, which is a by-product of municipal waste and water treatment, construction and demolition debris, solid waste and radioactive waste. Projections indicate that the volume of waste dumped into the ocean is increasing rapidly and will likely increase even faster because of the decreasing capacity of present facilities, the lack of suitable nearby land areas, and the higher costs and political problems in acquiring new sites.

Statistics compiled by the President's Council indicate a fourfold increase in Ocean dumping from 1949 to 1968. Both the 1959–63 and 1964–68 periods showed a 28% increase in waste disposals at sea, largely resulting from dramatic increases in industrial and sewage sludge disposals. A study of population projections also indicate that the problem is likely to become more acute because more people simply mean more waste. Between 1930 and 1960 the population of our coastal areas increased by 78% compared with a 48% increase for the Nation as a whole. In 1970 our coastal population was estimated at 68,397,000 and by the turn of the century our coastal population is estimated to reach 106,900,000, a figure as great as the total population of the Nation 50 years ago.

Using the projected population increases for coastal areas and assuming .119 lbs. of sludge generated per person each day, one can estimate the potential sludge disposal of our coastal areas. It is estimated that last year 1.4 million tons were disposed at sea. By the year 2000, the number of tons generated in coastal areas will increase 50% to 2.1 million tons. The President's Council cautioned that this may underestimate future amounts of sludge pointing out for example, that in the Baltimore-Washington area the sludge generated will increase 140% from 70,000 tons to 166,000 tons.

I might say that we are deeply indebted to the President's Council on Environmental Quality who recognized not only the importance of the problem but also the need for an early and thorough report on Ocean dumping. Only named in April of 1970, the Council completed its study and issued an excellent report in October of last year. At this time President Nixon endorsed the Council's recommendations, as do I, and indicated that he would send legislation to the Congress on this subject. Present legislation and regulatory authority is inadequate. Many states have no controls over the ocean dumping, state's jurisdiction extends only to the territorial sea, out three miles. Corps of Engineers' regulatory authority in general has the same limitations.

On Tuesday, March 16, I joined Senator Boggs and others in introducing the Administration bill S. 1238, the "Marine Protection Act of 1971" which would require a permit for discharging of waste into the Oceans. The bill declares and provides legislative authority for a national policy "to regulate the dumping of all types of material in the oceans, coastal and other waters and to prevent or vigorously limit the dumping into the oceans, coastal, and other waters of any material which could adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities." I am hopeful that the Public Works Subcommittee on Air and Water pollution will take early and favorable action on this legislation.

Mr. Chairman, I believe that the American people should take heart over the developments in the environmental area. Although we certainly have not won the battle, we are committed to winning it. This very hearing illustrates that the President and the Congress are beginning to take action in anticipation of emerging environmental problems rather than responding to them after the problem has reached a crisis or disaster state. As the Council states, "The Nation has an opportunity unique in history—the opportunity to act to prevent an environmental problem which otherwise will grow to a great magnitude."

In closing Mr. Chairman, I believe the waste disposal is one of the most complex and critical problems facing this country. Finding a solution to the problem is going to require the mustering of the best minds and talents available in America. The waste problem was summed up in a recent Committee Executive Meeting when one Senator remarked, "Everyone wants us to pick up the waste, but no one will let us put it down". We simply must find better means of handling our waste materials. That is why I am deeply interested in recycling of waste. I believe recycling will prove more important in the years ahead. Recycling simply must become a part of our general practice. It is my understanding the technology exists today to recycle many types of paper, glass, aluminum and various materials. Also, I understand that 19% of the material used in the paper manufacturing process is recycled.

Certainly, we need an accelerated solid waste research program to produce new and needed technology in this area. This is important not only in helping to solve the vast and growing waste disposal problem, but also because there is a real need to conserve and use wisely our resources. After all our resources are not inexhaustible.

I have been following with great interest the federal research project in Prince George's County which involves the recycling of household waste. It is my understanding that the labor, equipment and building to process the waste is running $3.25 a ton. The end products of commercial grade metal and glass are selling for $12.00 a ton. This indicates we may be able to turn the liability of waste disposal into a profitable national asset.

I ask unanimous consent that a Sunday Star article of January 17, 1971 on this effort be made part of the Record.

Only recently, the Maryland Tin Companies of America, Continental, National Can announced they would commence a joint effort in recycling metal cans. One of these collecting centers is to be located in Dorchester County, it will be the first recycling center on the Eastern Shore. Reportedly six recycling centers will be operating in Maryland, three in Baltimore, one in Sparrows Point and two in Dorchester County.

I cite these developments as indicative of some of the developments and activity in the waste disposal field. Industry, cities, government and yes private citizens are all part of the problem and therefore all must be a part of the answer. Since paper products make up approximately 50% of solid waste and paper can be recycled, there is a great potential here not only for conservation of our resources, but also for easing of the waste disposal problem.

I am convinced that a concerted effort by all, preventive actions such as those represented by today's hearings, and an acceleration of research on recycling, will produce the breakthroughs necessary for us to deal with the mountainous problem of waste disposal.

I am pleased to be here and pledge that I will do everything I can to make certain that the potential of the ocean as a food source, as the habitat of fish and wildlife, and as a source of transportation, recreation and fun will be preserved for millions of Americans today and for posterity.

TROY GORDON, OF THE TULSA DAILY WORLD

Mr. HARRIS. Mr. President, one of the really outstanding newspaper columnists in the Nation is Troy Gordon, of the Tulsa Daily World.

Recently, while in Tulsa, I had an opportunity to visit at some length with Mr. Gordon. I enjoy these sessions very much, because he is an unusual and gifted man, with remarkable insights and a keen sense of humor.

The son of a Methodist minister, Troy Gordon was a highly respected reporter for several newspapers and the International News Service before joining the Tulsa World and starting his "Round the Clock" column. He writes with understanding and compassion, as well as humor, and I believe this is the reason why he has such a large following.

Mr. President, I believe Senators who are not familiar with Troy Gordon's writings would enjoy reading a sampling of his columns. Included in this sampling is the column dated March 5, 1971, concerning a press conference he attended before our visit, and parts of other columns which I have clipped in recent months. I do not claim that these are "The Best of Troy Gordon," but only that they are items which appealed to me when I read them in the Tulsa World.

I ask unanimous consent that a number of articles written by Troy Gordon be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ROUND THE CLOCK

(By Troy Gordon)

From time to time I like to check in on the working press to see what they're up to now. Thursday I chose Sen. Fred Harris' press conference.

The office space alloted to him in our federal building is much smaller than I had expected, and three television stations and their equipment forced me to huddle in a chair at the back of the room.

One news reporter, a tv on-camera newsman, a radio man or two, Mrs. Harris, and a couple of aides to the senator gave the place a lived-in look. I made it overflow.

Earlier when I tried to call to see if the press conference was to be held there, I learned that the phone is answered by a recording device, asking you to leave your message and your number and the senator will call later.

This was frustrating, so I told the recorder: I was trying to find out where the senator's press conference is to be, but I guess I've run up against a blank wall."

I got no answer, although later one of the aides said he had picked up the phone and listened to my plaint, but I hung up before he could reply.

Since I had been informed I was talking to a tape recorder, I'm glad.

The Senator sat at his desk and fielded the questions. He is voluble, interesting and witty.

Twice the phone rang during the conference, and he picked it up and hung it over the edge of a drawar. (Don't be offended, constituent, there was a press conference going on.)

Harris said he thinks Carl Albert "will be one of the great speakers," that "There is too much mealy-mouthed double-talking from some of the politicians, and the people are sick of that," and that "we (he) should do rather well with the new 18-20-year-old voters."

He said Sen. Edmund S. Muskie is "way out front for the Democratic presidential nomination."

Asked what he would discuss in a 10 a.m. Friday appearance at the University of Tulsa, Harris looked at his schedule and said:

"The topic written down here is 'Law and Order as a Political Factor,' but my real subject will be 'Why I should be reelected by acclamation'."

Did he think the Republicans would have more than one candidate for his seat in 1972? "I suspect they'll get their moneybags together and decide on one candidate."

After the tv men folded the cameras and noisily stole away, Harris conceded that his early stand against the Vietnam War had upset some people. He said one constituent told him:

"We sent you to Washington to save us, Fred, but we don't want to be saved that fast."

Harris said he is criticized for not spending enough time in Oklahoma, but he averages 24–25 trips back each year. People apparently don't notice, he said, adding:

"Bob Kerr used to spend almost all of his time in Washington, and everyone thought he was in Oklahoma, and Mike Monroney came back frequently and they thought he spent too much time in Washington."

I managed to talk to Mrs. Harris, LaDonna, without speaking with forked tongue. What did we discuss? Our respective children, of course.

Then I left the building with them. As we walked toward the elevator, the senator asked: "How's Jeanne?"

"Who?" I asked.

"Jeanne," he said.

"Do you mean Joanne?" I asked.

"Yes," he said.

What I had forgotten, you see, was that only a few months ago the senator had written me a note and closed it with the notation, "give my regards to Jeanne."

And I used an item on it chiding him, and asking him to pay my respects to LeDeana.

He was only striking back, as a senator should.

The federal building in Tulsa is huge. You can get lost in it, if you don't know the territory, and employees could get hungry walking back from lunch.

I'll match my "good old days" with those my kids will have when they grow up.

Overheard: "The speech was so long I thought my watch had stopped, but it turned out it was the speaker's brain."

The new telephone books are out, and right there in the front, on page 9, it says:

"Tulsa, the nation's 46th city in population, mixes oil, water, air and space to provide the principal economic base for this city of over 325,000 people."

I'm not quite sure what that mix would produce but it sounds a lot like we might be "the smog capital of the world."

* * * * *

The book, "The Will Rogers Book," has been on my desk for several days (why not quote the best?), and a cohort has said:

"I have no objection to your quoting him, but if I ever see you trying to twirl a rope, I'm calling for help."

Having said that, here's Will on education:

"All of our disgustingly rich men are at a loss to know what to do with their money. Funny none of them ever thought of giving it back to the people they got it from. Instead of these men giving money to found colleges to promote learning, why don't they pass a constitutional amendment prohibiting everybody from learning anything? And if it works as good as the Prohibition one did, in five years we would have the smartest race of people on earth."

* * * * *

John Hamill, Washington, D.C., writes:

"The quote of the week goes to one of the secretaries in our office (he works for a Minnesota congressman). During a lull in our conversation about families, she remarked:

"I've always wanted an older brother, but I guess it's too late now."

It's nice to know we have thinking like that in Washington.

* * * * *

The Cemetery Times, sub rosa newspaper at the Tulsa police department, reports:

Det. Rex Webb and his wife were at a party with friends the other night and old Rex pulled a little social error.

The hour was late and he was feeling a bit groggy when he said to his wife, "Well, come on, honey. It's getting late and we have to go."

Rex couldn't understand why everyone got quiet and gave him a hard look . . . until he remembered that he was the host.

* * * * *

Connie Condray, of the University of Tulsa, made a survey of desk tops in Kendall Hall at the local institution of higher education, and sent me these graffiti:

This school stinks.

John Hurdle sleeps with a nite-light and eats sparrow eggs.

Lassie kills and eats chickens.

John Wayne plays with dolls.

This desk is dirty.

Roses are red, violets are blue, Kinsey makes me sleepy, and Snuggs does too.

P.S.: I love you.

Yea, Fridays.

Good Lord can't you people refrain from writing on this desk?

God is alive and living in Argentina.

So is Pinky Lee.

Rules!!!

You keep running through the doorways of my mind.

Gentle Ben smokes grass.

Do away with plastic toilet seats.

* * * * *

"I don't understand why he does things like that," a guy will say of a friend, an enemy, a man of a different faith or color, a President.

And that's probably as near the truth as he can come. But rather than accept his own correct diagnosis, he then goes on to criticize the act. Not that this isn't all right in a free country.

But since he recognizes he does not understand, why not seek understanding, instead of turning to criticism which, despite opinions to the contrary, seldom is constructive.

Even walking a mile in his shoes won't do it. A thousand miles maybe.

Unfortunately even those who hurl accusations of instant analysis are issuing instant analyses.

To put it simply, a lot of people go around talking when they should be listening.

Please pass the collection plate. . . .

* * * * *

Mason Williams and some friends appeared with the Boston Pops orchestra on the educational channel Sunday night. What beautiful music they made together. (If you missed it, the show will be repeated at 7:30 p.m. Wednesday—Channel 11.)

Williams commented during the show:

"Tradition is a good thing, but sometimes it lasts too long."

To make the point, he said his mother always carefully removed the leg bone before cooking a certain type of roast. When he asked her why, she said she learned it from her mother.

When the chance came, Williams asked his grandmother why she removed the legbone?

"I don't know," she replied. "I learned it from my mother."

The next time he saw his great-grandmother, he asked her why, and she said, "My pan is too small."

* * * * *

That S. in Edmund S. Muskie stands for Sixtus, Newsweek says.

How does a potential presidential nominee go about explaining that?

Of course Adlai Stevenson 2nd managed to get most of the people to accept his unusual name and, generally, pronounce it right. That's something Averill Harriman never accomplished.

I can still hear Raymond Gary, then governor of Oklahoma, rising at the convention and saying into the microphone before the entire nation:

"Oklahoma casts (so-many) votes for Aravell Harriman."

* * * * *

Johnny Bench has launched a professional singing career, and is thinking of taking lessons.

Why would a baseball catcher think he needs lessons to sing professionally?

At least this sets up Phil Dessauer, who named Bench "the Binger swinger" (to mention his old home town), a chance to enlarge it to "the Binger singer swinger."

Although come to think of it, I just stole his opportunity.

There's no honor among anyone.

* * * * *

Over at the friendly neighborhood drive-in bank, teller Novella Carter has a sign in her window saying

"We give prompt service no matter how long it takes."

* * * * *

Don Johndrow says that with Congress working on legislation to take the pollutants out of gasoline, "Congress finally is doing what we've been after them to do for a long time—getting the lead out."

* * * * *

Don Harris reports his 5-year-old nephew told him this story:

"Do you know how to spell banana?" one boy asked another.

"Yes," said the other, "but I don't know when to stop."

* * * * *

Note to the Women's Liberation Movement:

You'll get your liberation, of course, and you'll find it's just what you deserve.

Then you'll want to give it back to man, and he (remembering an early incident involving an apple) won't take it.

Part of the problem, of course, is that woman has no equal.

Whether you regard that as a compliment or an insult will reflect your outlook on womanhood.

* * * * *

A news item out of Washington says that after 47 years the House has voted for a constitutional amendment to guarantee equal rights for women.

Mark my words—we'll rue this day. They're pushy.

* * * * *

Going to hell in a handbasket may be impossible today. First of all, it's hard to find a handbasket, and if you did it's a safe bet they don't make 'em like they used to.

* * * * *

The quote of the day is from Yvonne Litchfield, of the women's department, who looked around the newsroom and said:

"I'm going to quit wearing pants suits if every Tom, Dick and Harry is going to wear them."

* * * * *

A personalized licensed plate on the front of a car in Tulsa read PEW, and I had no way of knowing whether that was the driver's initials or an editorial opinion of things in general.

* * * * *

Here, once more, is the parody on "Oklahoma!" which I confess I wrote for a Tulsa gridiron about nine years ago. If you want to save it or burn it, clip it now, for I don't intend to repeat it soon—by popular demand.

Oklahoma! where the wind comes sweeping down the plain
And the highway bumps are more like jumps
And the graft falls like a heavy rain.
Oklahoma! Every year my honey lamb and I
Sit alone and sweat until we're wet
From the humid heat up in the sky.
We know we belong to the land
And the land we belong to is sand

And when we say, Yow! I yip I oh ee ay!
We're only saying you're doing good,
Oklahoma, Oklahoma, OK!
Oklahoma! where the twisters sweep away the plain,
Where the whirling cones can break your bones
As they hurl you through the window pane.
Oklahoma! Every night my honey lamb and I
Stay alone and crouch behind the couch
Watching crazy cyclones in the sky.
We know we belong to the land
And the land we belong to has scrammed
And when we say, Yow I yip oh ee ay!
We're only saying you're doing good, Oklahoma!
Oklahoma, OK!

* * * * *

Frankly, I've always wondered why the state didn't adopt that phrase, Oklahoma OK! as its official slogan.

* * * * *

So you'd like to be an intellectual without knowin' nuthin'? It's not hard at all. Just follow the instructions of an old master:

Go to the public library, draw out a few books and always carry a few of them with you.

Stick a Time or Newsweek or U.S. News and World Report in occasionally, and every once in a while add a Saturday Review.

The first thing you know, the people in the office will be bringing you the tough questions, and asking your advice.

Go ahead and give it to them, even if you don't know what you're doing. They won't follow it. People who read too much are just a bunch of eggheads anyway.

But here's the secret. You don't ever have to look inside the books or magazines. Just carry them. This impresses the majority who never even pick one up.

* * * * *

It used to be that as you traveled the highways your first sight of the next town was the water tower.

Then as mankind developed further, it was either a grain elevator or the tallest building (be it only three or four stories).

But now—alas—it's the cloud of smog.

As a matter of fact, the gob of smog hovering over Tulsa at the moment came to us from New England, due to an inverted something or other the weather bureau says.

What makes those Yankees think we need any help fouling up our atmosphere?

It would serve them right if we sent them one of our dust storms.

* * * * *

Administration officials concede prices and unemployment are still going up, but at a lower rate. Thus, they say, inflation is coming under control. Be Patient.

Meanwhile, the President is going to move the White House to the West Coast for another couple of weeks.

If I were President, I'd name Lyndon B. Johnson business manager of the country, with instructions to run it as if it were his own business.

It's the only way I know of to get it on a profit-making basis.

Of course, I'd have to be careful that it didn't wind up in LBJ's name.

* * * * *

A Tulsan called to say he was reading a government pamphlet on what to do in the event of nuclear fall-out, and it said that as a last resort, you should get behind a tree.

"Which side of a tree is going to be behind in case of fallout?" he asked.

I don't know, but if it occurs and I'm ready for a last resort, I guarantee I'll sure try to find out.

* * * * *

An Oklahoma woman who shall remain nameless recently was stopped by a Highway Patrolman for going through a stop sign.

"I did go through it," she said, "but I just oozed through."

He looked at her a moment, and then said: "OK, I'll let you go this time. But the next time you see a sign that says 'OOZE' you ooze, and if it says 'STOP' you stop."

* * * * *

Charles A. Lindbergh says he believes, in the perspective of history, the United States lost the war.—News item.

As one might expect, Will Rogers said it better and one war earlier:

"America never lost a war or won a peace."

* * * * *

If George C. Scott doesn't win an Oscar for his title role in Patton, he ought to slap somebody.

* * * * *

Bank robberies are on the decline, the AP reports.

No wonder, with interest that high.

* * * * *

My expert on practically nothing says the most devastating result of the recent interstate truck strike is that Tulsa is out of her brand of hair dye.

This gives you an opportunity to make a quick check to determine which of your friends are dyeing.

* * * * *

One of the editors commented the other day:

"Why is it that most of the best writing around here is on the bulletin board?"

* * * * *

The Homing News says: "The most important function of the brain is to tell the feet when it's time to run."

* * * * *

Johnny Walker, our chief photographer, interrupted his preparations to walk the sidelines during the game (part of which was played in the rain) to tell me a story.

It concerned a New York to Chicago flight, on which a man burst into the cockpit, pointed a gun at the pilot and said "Take me to Chicago."

"But that's where we're going," the pilot responded.

"That's what you said the last time and I wound up in Havana."

* * * * *

At a recent panel of news media representatives in north Tulsa, a great deal of time was spent in discussing with white members of the panel the lack of black reporters on their staffs.

Finally Jerry Parker, of the Community Relations Commission, turned to Bob Goodwin of the Oklahoma Eagle, the state's leading Negro paper.

"I assume the Eagle does hire black reporters," he said.

"Yes," he replied, "but I am glad to report the Eagle is making great strides in minority employment—one-fifth of our staff is white, namely, one reporter."

* * * * *

Meanwhile, a young black named Milton Thomas recently sought employment as a disk jockey at a radio station in the Tulsa area. He was given an audition, on tape, and was told later he had done great but he wouldn't be hired.

"Why not?" he asked.

"You don't sound black enough."

He spent some time considering taking diction lessons, but finally went to another station, where he was hired.

* * * * *

Good old Ed Brocksmith gave a news headline the other day: "An undesirable crime has occurred on the south side." Chuck Adams, disk jockey, heard that and commented, "Ed, I think you just gave Troy Gordon a column item."

The fact was at that moment I was scribbling down:

"Sometime on a day off, Ed, would you list the desirable south side crimes?"

* * * * *

A sword which once belonged to Robert E. Lee has been stolen from the Oklahoma Historical Museum.

Another tip that the south is getting ready to rise again.

* * * * *

Our loss of the $98.5 million space telescope Monday caused Riley Wilson to comment:

"Ninety-eight and a half million shot to heaven!"

* * * * *

Incidentally, my mother always told me to be kind to old ladies, and now I'm reaching the age where I enjoy it.

* * * * *

We're going into the bowl season in earnest. My favorite question on the subject came from Mrs. Fred Lankard several years ago.

She read and listened and watched the bowls and the East-West and North-South games, and asked quite logically:

"Why not have a game between the Edges and the Middle?"

* * * * *

Some of the old military men in the office frown on the changes being made in rules by the U.S. Army.

They feel relaxation of the strict rules will result in a deterioration of the men's effectiveness on the battle field.

But since we're fighting no-win wars, isn't it reasonable to have a can't win army?

* * * * *

One of the three lawyers running for Oklahoma attorney general says if he's elected he'll hire one of his opponents to sue the third—the incumbent.

Had you noticed that about lawyers?

* * * * *

Will Rogers, on the Senate:

Distrust of the Senate by presidents started with Washington who wanted to have 'em court-martialed. Jefferson proposed life imprisonment for 'em. Old Andy Jackson said, "To Hell with 'em" and got his wish.

Lincoln said, "The Lord must have hated 'em for he made so few of 'em." Roosevelt whittled a big stick and beat on 'em for six years. Taft just laughed at 'em and grew fat.

They drove Wilson to an early grave. Coolidge never let 'em know what he wanted, so they never knew how to vote against him, and Mr. Hoover took 'em serious, thereby making his only political mistake.—The Will Rogers Book by Paula McSpadden Love.

* * * * *

A sign along the Broken Arrow Expressway advertising the Northside Christian Church claims it is rated G.

* * * * *

There's one minority group which has kept a discreet silence—so far: The left-handers.

I'm sure you've heard some of our complaints, and you regard them as picky-picky-picky. But you have no idea, friends, how right-handed this world is.

But the time isn't right. The last thing the world needs right now is another left-wing organization.

* * * * *

Signs intrique me. There's one on the door of a laboratory there reading "Parenteral Solutions." I finally asked what is meant, and the nurse said it referred to solutions administered into the veins.

I had thought, for a few brief wild moments, that it had something to do with parenthood.

But then there's no known solution to parents, is there?

* * * * *

I keep getting press releases from the Bourbon Institute. Two of each, in fact. I don't know whether their mailing list is at fault or if someone's been sampling the product.

They seldom contain anything usable but

I always open them. How do I know one of them isn't an envelope full of dehydrated bourbon?

They did have one this month. It's a new game, called bourbon roulette. Three men sit in a room and each drinks a bottle of bourbon.

Then one of them gets up and leaves, and the other two try to figure out which one it was.

* * * * *

Dale Hart, Tulsa, received a message from his daughter, who is a senior in college:

"I know that you believe you understand what you think I said, but I am not sure you realize that what you heard is not what I meant."

There's nothing like bridging the generation gap.

* * * * *

Not too long ago at one of the summer high school basketball games, a player who was fouled reacted by roughly shoving the arms of the man who fouled him.

The coach quickly told his captain to call time out, gathered the team around him and in about 50 firm words told the player and the team there would be none of that.

Then he sent in a substitute for the offending player and kept him on the bench for another short lecture, which I'm sure he'll remember.

I mention this for one reason; I see what is happening to our nation in one generation reflected in the sportsmanship, or lack thereof, in our athletic programs.

When I was a boy, courtesy was a way of life in athletics, as well as in real life.

If an opposing player stepped to the free throw line, there wasn't a sound from the crowd.

If you bumped into a player and knocked him down, you stuck out your hand, helped him up and said "I'm sorry," and the game continued among a group of young people who didn't really know each other, but their common interest in the sport—and in sportsmanship—made them friends.

There is another Tulsa Coach who is on his feet at almost every whistle, complaining against infractions called against his team, and for infractions he thinks should have been called against the opponent.

His players complain a lot too (and so do his fans), but most of the time when a whistle sounds they look at the coach to see what he will do. Usually, it's worth watching, of you like temper tantrums.

There are those who claim you have to do this or the referee will not treat your team fairly. But I've never seen unfair treatment of the first coach's teams, and he never says a word.

The crowds, of course, follow the example of the coach and team.

I'm not saying all of our troubles result from the gradual collapse of sportsmanship in athletics. It's the other way around.

Our troubles in athletics result from the collapse of sportsmanship—respect, love, call it what you will—in every day life.

We have strayed from the feeling of mutual respect for one another.

Bigness is part of it. We don't know everybody in town now. But we're part of it too, especially if we just stand there.

Each of us needs to begin to remember to do to others what we'd like for others to do to us, and there's nothing in that phrase saying it shouldn't apply to strangers.

It doesn't start with someone else. If it starts with anyone at all, it's got to be you.

The sermon is over. Will the ushers please pass the collection plate?

COMMERCIAL FISHERIES ASSISTANCE NEEDED

Mr. STEVENS. Mr. President, I am pleased to be a cosponsor of S. 221, a comprehensive measure to provide certain essential assistance to the U.S. commercial fishing industry.

The bill provides for the expenditure of $26 million in a variety of programs during the coming fiscal year. Specifically, the bill provides for:

First. The creation of a Fisheries Extension Service to coordinate programs designed to disseminate information pertaining to commercial fishing, processing, and marketing. Ten million dollars would be authorized during fiscal year 1972, $15 million during fiscal year 1973 and $20 million during fiscal year 1974.

Second. Technical assistance grants to fishery cooperatives, marketing associations, and private agencies to cover costs incurred in making technological improvements for demonstration purposes. Five million dollars is authorized in fiscal year 1972 for this purpose, $7.5 million in fiscal year 1973 and $10 million in fiscal year 1974.

Third. The expenditure of $5 million in each of the next 3 fiscal years to promote the expansion of "unexploited or underexploited" species of fish. Funds would be provided to finance the conversion of fishing vessels and the acquisition of new gear.

Fourth. A comprehensive study of the laws governing commercial and recreational fishing, and an assessment of the effectiveness of this legislation. This study would lead to the promulgation of a set of model codes designed to harmonize the interests of commercial and recreational fishermen. A total of $1 million is allocated for this purpose during fiscal year 1972.

Fifth. A semiannual report by the Secretary of Commerce concerning the importation of fisheries products. This report would contain a profile of the quality and value of such products, a projection of future imports, and an analysis of the effect of the present import structure.

Sixth. The promotion of fish protein concentrate production through the establishment of demonstration plants authorized by the Secretary of Commerce; $1.5 million a year is allocated for this purpose.

Seventh. A system of grants to fishermen's associations to finance the purchase of fish products and the cost of storage; to provide operating capital; and to finance the acquisition of land, buildings, and equipment used in connection with the storing, processing, and preparation for market of fish and shell fish products.

Eighth. An antitrust law exemption for voluntary associations of fishermen, processors, cooperatives, and certain other organizations. This exemption would permit marketing agreements in certain joint promotional and product development activities. The antitrust exemption would extend to agreements to limit the quantity of fish or fish products, to establish reserve pools, to provide for inspection, to determine surpluses, and to prohibit unfair competition. A total of $1.5 million per annum would be authorized to provide grants to associations established under this title.

As a member of the Senate Subcommittee on the Oceans and Atmosphere, which has jurisdiction over matters pertaining to commercial fishing, I intend to urge the passage of this bill and other legislation designed to resolve the complex problems confronting the American commercial fishing industry. This industry contributes a great deal to our society in both economic and nutritional terms. It would, indeed, be a national catastrophe if we in Congress were to neglect the needs of our fishermen at this critical juncture.

HOWARD MASCHMEIER

Mr. RIBICOFF. Mr. President, Howard Maschmeier, a great citizen of Connecticut and a good and longtime friend of mine, has been named the recipient of the New Haven Advertising Club's Gold Medal Award for Distinguished Community Service.

Mr. Maschmeier, the General Manager of WNHC Television in New Haven, will receive the award at the advertising club's banquet April 29 at the Park Plaza Hotel in New Haven. Astronaut Alan B. Shephard, Jr., will be the guest speaker and Connecticut Gov. Thomas J. Meskill will present the award to Mr. Machmeier.

The Advertising Club Gold Medal Award dates back to 1936.

While perhaps best known to the viewing public as both the voice and face of WNHC's five-man editorial board, Mr. Maschmeier is also well known to many local and statewide organizations because of his involvement in community activities.

Mr. Maschmeier is president of the New Haven Rotary Club and is on the board of directors of the Connecticut Business and Industry Association and the New Haven Chamber of Commerce. He also serves on the board of the University of New Haven and the Quinnipiac Council of the Boy Scouts of America.

In addition, Mr. Maschmeier served on the Milton Eisenhower Commission on Crime and Violence and has been active in the field of human rights and minority affairs.

The ABC–TV Affiliates Association selected Mr. Maschmeier as chairman of the Association's board of Governors in 1960. He also was president of the Connecticut Broadcasters Association in 1964–65.

A veteran of 29 years in radio and television work, Mr. Maschmeier has won several awards for public service journalism, among them recognition from the national journalism fraternity Sigma Delta Chi in 1950 for outstanding national service to radio journalism.

Mr. Maschmeier began his career in Warren, Ohio, in 1941. For the past 17 years, he has been an executive of the Radio and Television Division of Triangle Publications, Inc. For the past 12 years, his assignment has been general manager of WNHC–TV, channel 8, New Haven/Hartford, the 15th largest TV market in the Nation.

Mr. Maschmeier is a member of the broadcast Pioneer Club, International Radio and TV Executives—New York; Poor Richard Club, Philadelphia; National Association of Broadcasters; New Haven Ad Club; New Haven Quinnipiack Club; and New Haven Country Club.

He attended Western Reserve University in Cleveland; and was program and station manager of the Armed Forces Radio Services in England, France, and Germany during World War Two.

Howard and his lovely wife Jane, the former Jane Southwick, of Cleveland, Ohio, live in Orange, Conn. Their daughter, Martha Louise, is a junior at the University of Pennsylvania and their son, William John, is a graduate of the University of Pennsylvania and is married to the former Lynn Murray of Milford.

The Gold Medal Award for Distinguished Community Service of the Greater New Haven Advertising Club is a most coveted recognition. For Howard Maschmeier, it is a much deserved award.

LAW ENFORCEMENT ASSISTANCE PROGRESS REPORT

Mr. HRUSKA. Mr. President, a most significant conference took place in historic Williamsburg, Va., a few weeks ago, which should chart the course for the judiciary for some time to come. It has become evident over the past few years that the third branch of Government—the courts—has been suffering from a severe case of overloaded dockets, creaky machinery, and a general inability to meet the demands of the 1970's. It was to seek solutions to these problems that the first National Conference on the Judiciary was convened.

Judicial personnel from both appellate and trial courts in our State and federal systems, prosecution and defense attorneys, crime commission planning officers, bar association representatives, court administrators and legislators met for 4 days in plenary sessions and discussion groups to examine and discuss ways to modernize our court systems and to better insure that justice will be available for all.

Those of us who were privileged to attend heard the President of the United States say:

> Our courts are overloaded for the best of reasons: because our society found the courts willing—and partially able—to assume the burden of its gravest problems. Throughout a tumultuous generation, our system of justice has helped America improve herself; there is an urgent need now for America to help the courts improve our system of justice.
>
> But if we limit ourselves to calling for more judges, more police, more lawyers operating in the same system, we will produce more backlogs, more delays, more litigation, more jails, and more criminals. "More of the same" is not the answer. What is needed now is genuine reform—the kind of change that requires imagination and daring, that demands a focus on ultimate goals.

Continuing where President Nixon left off in his remarks, the Chief Justice of the United States proposed one step that should be taken to enable the judiciary to "focus on ultimate goals":

> The time has come, and I submit that it is here and now at this conference, to make the initial decision and bring into being some kind of national clearinghouse or center to serve all of the States and to improve justice at every level. The need is great, and the time is now, and I hope this conference will consider creating a working committee to this end.

I previously had printed in the RECORD the complete statements of the President and the Chief Justice. See the CONGRESSIONAL RECORD of March 12, 1971, pages 6364–6369.

As the final act of its session, the conference did adopt a resolution along the lines proposed by the Chief Justice. In it the Executive Council of the Conference of Chief Justices was asked to form a National Center for State Courts within the next 90 days. I ask unanimous consent to have the text of the resolution printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the President of the United States has stressed the need for the establishment of a national center for state courts to serve and assist such courts and to perform services for them similar to those performed by the Federal Judicial Center for the federal courts and has invited the conferees of the National Conference on the Judiciary to suggest ways and means of expediting the formation of such a center; and

Whereas, the Chief Justice of the United States has urged the state judiciary to establish such a national center for state courts and has requested this Conference to form a committee to implement the formation of such a center, and, to that end has offered his full support; and

Whereas, it is the consensus of this assemblage that such a center could serve and assist the state courts in improving the administration of justice nationally and could also assist the following agencies presently functioning in the field of judicial administration, to coordinate programs designed to achieve that purpose, such as:

American Bar Association.
American Judicature Society.
Institute of Judicial Administration.
Conference of Chief Justices.
National Council on Crime & Delinquency.
National College of State Trial Judges.
National Conference of Metropolitan Court Judges.
North American Judges Association.
American Academy for Judicial Education.
National Conference of State Trial Judges.
National Conference of Special Court Judges.
Appellate Judges' Conference.
Section of Judicial Administration, ABA.
Institute for Court Management.
The several conferences of court administrators.
National Conference of Juvenile Court Judges.

Now, therefore, be it hereby resolved that this National Conference on the Judiciary endorses the formation of a national center for state courts and requests the Executive Council of the Conference of Chief Justices to carry this resolution into effect within a period not to exceed 90 days.

Mr. HRUSKA. Mr. President, the creation of this center should go a long way toward enabling our State court systems, where the great bulk of litigation takes place, to meet the burdens that currently face them. After a careful look at the categories of conflicts which are being taken to courts, at the procedures used by the judiciary to resolve thee sconflicts, at the types and numbers of personnel which currently man our courts, this center should be able to suggest solutions which will result in a quicker, more responsive, more effective judiciary system. If so, this conference will have made a lasting contribution to this Nation.

One of the sponsors of this Conference on the Judiciary was the Law Enforcement Assistance Administration of the Department of Justice. This instrument of the Federal Government is charged with helping to improve the criminal justice system throughout this Nation. One very important aspect of this system is the courts. Some 10 percent of LEAA funds are now allocated by the States for court programs. In fiscal 1971 this means that approximately $34 million will be made available to assist the States in their improvement of State court systems.

One of the important speeches given in Williamsburg was made by Richard W. Velde, Associate Administrator of the Law Enforcement Assistance Administration. He spoke on the subject of the external relationships of our courts. These include contact by the courts with the other major components of the criminal justice system, and also, as an end result of the work of the courts, relationships with citizens and society as a whole. In his remarks, Mr. Velde gave this charge to the men now sitting on the bench:

> Efforts to improve courts rest in large part on the extent of the role played by judges themselves in those efforts. For those judges who already are taking a vigorous part in criminal justice planning and improvement programs, I urge that the high level of activity be maintained. For other judges not yet fully involved, I urge them to expand their roles.

I ask unanimous consent to have the entire text of Mr. Velde's remarks printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

EXTERNAL RELATIONSHIPS OF THE COURTS

(By Richard W. Velde)

INTRODUCTION

I appreciate this opportunity to discuss the external relationships of the nation's courts. Those relationships include the contact by the courts with the other major components of the criminal justice system. But they also include, as an end result of the work of the courts, relationships with our citizens and society as a whole.

The role of the courts in the entire criminal justice system—police, corrections, probation and parole—is of critical importance today. Never before in our history has there been such widespread concern over the complex problems of crime and criminal justice. Never before has government moved in such massive ways to both reduce crime and enhance the quality of justice.

In these efforts, the courts occupy a central position.

As representatives of states or state court systems, this is a matter that concerns you directly.

It also concerns me directly, for the Law Enforcement Assistance Administration is charged with helping to improve the criminal justice system throughout the nation. LEAA does this, in large measure, by giving each state the means to improve its own system. One important area of concern is the courts.

Efforts to improve courts rest in large part on the extent of the role played by judges themselves in those efforts. For those judges who already are taking a vigorous part in criminal justice planning and improvement programs, I urge that the high level of activity be maintained. For other judges not yet fully involved, I urge them to expand their roles. There are, of course, some obstacles.

There are the pressures of overcrowded dockets. Administrative burdens placed upon almost every judge are staggering. In addition, judicial independence is a vital element of a well-run court, and taking an active part in criminal justice planning may run directly counter to what many judges consider their proper role. But the other side of the coin is that the responsibility of judges to the law and to justice and to society is not limited to activities directly related to their own court. They may serve the cause of law and justice even more effectively by serving on a criminal justice planning board or council.

Judges can make a great contribution to efforts to improve the quality of all the courts in their state and the rest of the system—police, corrections, probation and parole—as well. Some may disagree, but the state of corrections institutions and services is the direct concern of the judges who sentence men to jail or prison.

If we agree that court reform is essential, than we must ask how it can best be achieved. A key vehicle for improvements exists in the program of the Law Enforcement Assistance Administration.

The LEAA program first of all takes a comprehensive approach—that is, all components of criminal justice must be improved if the entire system is to be improved. Second, it provides financial resources on a scale that can bring a real impact—not a decade from now, but right now. Third, it vests the basic responsibility for improvement and reform where it belongs—with the states and the localities. While the federal government can urge and suggest and coax, it does not dictate.

The Judiciary must be independent, but it should not be insulated. Its effectiveness depends in part on the effectiveness of the other parts of the criminal justice system, and a spirit of cooperation and understanding may be able to solve all sorts of problems that have long plagued us.

This is why LEAA places so much emphasis on comprehensiveness in the criminal justice improvement program of each state. Courts are affected in very real ways by the operations and levels of efficiency of police and prosecutors. In addition, courts are affected by corrections agencies and probation and parole programs.

If programs for probation and community treatment are weak or non-existent, a judge may have no recourse but to sentence an offender to an institution. If the correctional institutions are poorly run, judges face agonizing decisions—especially where juveniles or first offenders are involved. Finally, because there so often is so little contact between the components, the courts may not have reliable information on the effects of their sentencing, on what has worked and on what has failed.

To achieve a successful space flight, each stage of the rocket must perform as designed; too often today, one or another components of our criminal justice system malfunction. The results are all too apparent as crime inflicts a terrible toll of suffering and expense.

I would like to turn now to a discussion of the LEAA program—detailing some of the things it has done in the courts area and looking ahead to what is planned for the future.

THE LEAA PROGRAM—AN OVERVIEW

In 1968, Congress enacted the Omnibus Crime Control and Safe Streets Act and established a federal aid program to assist state and local governments to upgrade and improve all aspects of the criminal justice system. Although our enabling legislation speaks of law enforcement, that term is broadly defined to include all aspects of criminal justice: police, courts, corrections, prosecution and defense, probation and parole, organized crime, disorders, juvenile delinquency, and narcotics control.

In the intervening three fiscal years, Congress has appropriated more than three-quarters of a billion dollars for the LEAA program. If it responds to pending budget requests for the coming fiscal year, that figure will nearly double again. These and other federal funds are being added to a system expending about $6.5 billion annually.

In establishing a massive federal presence in aiding law enforcement, there was an overriding Congressional concern that state and local systems would be strengthened, not pre-empted, and that federal help would not bring with it federal domination or control or lead to the establishment of a national police force. An elaborate structure of checks and balances was devised whereby the large bulk of federal assistance would be allocated among the states according to population. Each state would be free to assess its own needs, set its own priorities, and allocate its funds to its political subdivisions pursuant to its own comprehensive plan objectives.

The LEAA program has been the cutting edge of a new concept of intergovernmental relationships—the New Federalism. The experience gained in the implementation of this program has been a significant factor in the development of the President's revenue sharing proposals, whereby even more power and authority would be transferred from Washington to the state house and city hall.

LEAA operates basically through a block grant concept, with most of the funds given to states to spend themselves according to their own priorities. Before funds are awarded, the states must submit comprehensive plans each year for review and approval by LEAA. Our enabling legislation has defined six major programs: planning, action, research, academic assistance, statistics and technical assistance. I shall briefly describe each of these activities and their relation to state judicial systems.

PLANNING

Congress designed the LEAA program to encourage comprehensive reform of the nation's criminal justice system, to reduce fragmentation and duplication, and to make lasting, measurable improvements. Thus, Congress declared that those states desiring federal financial assistance must first establish state criminal justice planning agencies and develop and implement comprehensive plans dealing with all aspects of the criminal justice system within their respective jurisdictions.

To encourage planning, the federal government underwrites 90 percent of the cost of establishing and operating the planning agencies. Planning funds are made available on a block grant basis, but 40 percent going into each state must be made available to units of local government so that they also can meaningfully participate in the planning activity.

All 50 states and the District of Columbia, Puerto Rico, Guam, American Samoa, and the Virgin Islands have taken advantage of this opportunity. Almost $75 million of federal and state funds have been invested to date in these planning activities and three sets of manual comprehensive plans developed and submitted to LEAA.

These plans have carefully assessed the condition of criminal justice in the several states, set ordered priorities and schedules related to existing state resources and federal assistance, and set long range goals for reform and improvement. Particular attention is being paid to the needs of high crime areas.

A new profession, that of criminal justice planner, has been established. My agency, with about 350 employees, supports the salaries of more than three times as many state employees. The states, in turn, are supporting more than 450 regional and local planning groups.

While much is yet to be learned about the nature and dynamics of criminal justice in America, the planning documents which the states have developed represent a unique resource and accomplishment.

BLOCK ACTION GRANTS

The bulk of the LEAA program funds are in the form of action grants. Of the total available, 85 percent are distributed among the states according to population. This automatic formula is simple and is perhaps the best means of distribution that could be devised, since, in general, the more people, the higher the incidence of crime. Thus, the populous urban states such as California, Illinois, and New York receive the bulk of the funds, whereas the rural, sparsely populated states like Alaska, Montana, and Maine receive proportionally smaller shares.

Block action grants in LEAA have grown from $25 million in fiscal 1969, to $183 million in fiscal 1970, to $340 million this year. We are asking Congress for block grants totaling $413 million in the year starting July 1. As I indicated earlier, the record of judicial involvement in action programs supported by LEAA funds shows a substantial need for improvement.

In LEAA's first year, fiscal 1969, courts received only $1.4 million, or 5.5 percent of the LEAA block grant money which went to the states.

In the second year, states allocated $12.5 million on court programs, but the percentage rose to only 6.7 percent. There was a great spread in how states responded to court needs:

American Samoa, Guam and the Virgin Islands had no court programs, probably because of the small size of their overall block grants.

Some 15 states allocated less than three percent of their block grant money on court programs. They included Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Kentucky, Louisiana, Massachusetts, Mississippi, Nebraska, New Jersey, Rhode Island, South Carolina, and Vermont.

Some 12 states allocated 10 percent or more of their state block grants to the court area. They included Idaho, Illinois, Kansas, Maryland, Minnesota, Nevada, New York, North Dakota, Utah, Washington, Wisconsin, and Puerto Rico. Idaho and Pennsylvania allocated 20 percent or more.

Of the $12.5 million allocated for courts, almost two-thirds was directed at upgrading specific components of the court system, such as courts, prosecutors offices or defenders offices. The breakdown was 37 percent for court management and organization programs, 15 percent for defender services, and 12 percent for prosecutor services.

Of the remainder, 11 percent was for training programs, eight percent for procedural reform six percent for bail reform, four percent for code revision, three percent for alternatives to prosecution and three percent for construction. The rest went for miscellaneous programs.

As for fiscal 1971, so far we have received and analyzed 47 of the 55 state plans. These involve about $286 million of the $340 million block grant total for fiscal 1971. Of that $286 million, some $29.8 million, a little more than 10 percent, is allocated for courts programs. While that is roughly twice the percentage of two years ago, and represents a percentage half again as much as last year, it is still less than we believe the courts need and can constructively use.

I am happy to note that of those 47 state plans examined, only one, Utah, allocates less than three percent of its block grant funds for the courts.

Correspondingly, some 22 of them allocate 10 percent or more of their block grant funds. These include Alabama, Alaska, Arkansas, Delaware, Indiana, Kansas, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Vermont, West Virginia, Wyoming, American Samoa, and Puerto Rico.

I wish I could say that the action plans drawn up by the states in the court area were impressive, but I think the best that can be said is that they are steadily improving. There are exceptions, of course. Illinois has several excellent programs in the court area, and Michigans court planning is will thought out and shows what a state can do by careful and effective application of resources.

General criticisms of state planning in court improvement are that individual programs are too often underfunded for their stated goals; the level of funding for courts compared to other areas is inadequate; there are too many studies and not enough action programs; and funds allocated for court programs are too often reprogrammed later to non-court uses. Finally, of course, there is the simple fact that in many states little can be done to improve the administration of justice without active participation and commitment on the part of the judiciary.

Those are general criticisms, however, and it is much more heartening to consider specific examples of real progress.

The Illinois 1971 Plan calls for a total court expenditure of $1,445,000 in LEAA funds, which is only 7.6 percent of the LEAA block grant, but it involves several significant programs.

One is an ambitious project to improve operation of the 102 state attorneys' offices, through a survey of all the offices of the state, and establishment of several model offices. It offers promise of increasing effectiveness and professionalism in prosecutorial services in the state, and may well provide useful information and possibly models for other states to follow. Efforts will be made to develop minimum standards and uniform procedures as well. The project, which will involve $300,000 in LEAA funds and $740,000 in state funds, calls for establishment of several model state attorneys' offices: a district office serving five counties, a circuit office serving 13 counties, and a metropolitan office, which would be the Cook County State's Attorney's office. Finally, a model support unit to serve rural prosecutors will be developed.

The Illinois plan for 1971 also calls for a continuation of a project begun last year—the development of a statewide appellate defender service which looks toward a total statewide defense system for indigents accused of crime or delinquency. Since Illinois had no statewide defender system before, establishing a new system offers a classic opportunity to write on a clean slate, rather than, as in prosecution, attempting to build on an already established structure. The idea of a State "defender general" is one which has been implemented in few other states. Unlike the prosecutorial system, it was possible to design the defender system on a purely rational basis, with the defender units having the same geographical jurisdiction as the intermediate appellate courts which they serve. The prosecution system is working in the same direction, but with obvious obstacles. The defender project involves $495,000 of LEAA funds and $330,000 in state funds, and the establishment of a staff headquarters, four district offices in each of the other four judicial districts, and a pilot project which will serve the Cairo area and adjacent counties. The Cairo project will be trial-oriented, with assistant defenders hired to handle misdemeanor and felony cases. The Illinois defender program has been identified by the National Legal Aid and Defender Association as a model for defender services in other states.

Illinois also has a major program for judicial management and facility improvement, which involves a statewide system analysis of the courts in the state and also plans to build new courtrooms in Chicago.

Michigan is another state which used its court funds well. In contrast, it had only one large program and more than a dozen smaller ones in its 1971 plan. It's total court funding of almost $1.7 million came to more than 11 percent of its total LEAA block grant. The largest project, involving $550,000 of LEAA funds, involves a study of the specialized courts in Detroit with the objective of absorbing them into the Wayne County Judicial system. Among the other programs:

To provide qualified management and system staff to at least 10 circuit and district courts over the next two years in order to cut time betwen arrest and trial to no more than 90 days.

To codify criminal procedures.

To expand or establish an office for prosecution of appeals statewide on behalf of the people and assist prosecutors.

To continue a central office to coordinate activities of prosecutors and develop training programs.

To provide legal advisors to five police agencies.

To continue a law school prosecutor intern program, and a similar defender intern program.

To continue an appellate defender program to handle all criminal appeals and post-conviction proceedings for indigents on a statewide basis.

To expand the district defenders' office to provide well trained, experienced trial lawyers for indigents charged with high misdemeanors and felonies, and to establish three additional defender offices.

To develop and implement alternatives to prosecution and sentencing of non-traffic, non-assault misdemeant first-offenders such as alcoholics and minor sexual offenders. Last year Michigan had similar projects for felony offenders.

To train more than 1,000 judges, prosecutors, defense counsel and court personnel in interdisciplinary projects, with emphasis on training support personnel in court management techniques.

To develop and publish workable local and regional plans for district courts, police and prosecutors to implement in emergency conditions.

To continue a pre-trial release program. by creating an organization to provide judges with information to assist in setting bond and other pre-trial release conditions.

For one more example of state progress, we should look at Mississippi, which last year devoted only $42,000—or two percent—of its block action grant to courts. This year, the amount has been raised to $343,000—or nearly 10 percent—and the quality of its programs is high. They include:

Seminar courses for all of the state's judges on such subjects as court organization, administration, reforms, sentencing, and corrections.

A prosecutor training program, with law school studies to be supplemented by work in a prosecutor's office.

Construction, renovation, and improvement of judicial facilities.

Hiring an assistant district attorney or investigator to assist full-time district attorneys.

In addition, the Mississippi plan indicated that future priorities will include creation of the office of administrator of courts and creation of a judicial qualification commission.

In the words of one of our court specialists, criminal justice planners in Mississippi have rolled up their sleeves and made an impressive beginning on programs designed to solve the state's court problems.

The state's Fiscal 1971 plan represents a good beginning not only in amounts of funds for courts but quality of programs as well. Projections of program spending beyond Fiscal 1971 also are impressive.

For instance, in discussing multi-year action, Mississippi noted that it hopes in 1972 to increase the percentage of resources for courts substantially. This fiscal year, Mississippi plans to use 9.5 percent of its block grant—or $343,449—for courts activities. In Fiscal 1972, that would climb to 17.5 percent—or $1,649,000. And court expenditures from block grants would continue to rise, with $2 million in Fiscal 1973, and $3.4 million in Fiscal 1974.

Among new programs planned in later years are a statewide project to provide defense services for indigents, a program to train court reporters, seminars for judges, an in-depth study of the state's judicial system, and the creation of 20 Youth Court judgeships.

The plan also noted that there must be future efforts to improve the justice of the peace system and to revise the Mississippi Code.

DISCRETIONARY ACTION GRANTS

Of the total action funds available, the law provides that 15 percent are set aside as discretionary funds to be awarded to state and local governments by the LEAA Administrators outside of the block grant formula. During the first two years of the program, over $35 million was available for this purpose. For the current fiscal year, more than $70 million is available. These funds are distributed pursuant to a discretionary grant guideline which this year has defined over 30 programs under which applications are encouraged from potential grantees. Last year, more than 450 grants were approved out of about 1,000 applications. It is anticipated that about 600 grants will be awarded this year.

The current guidelines include five areas of court programs for which discretionary grants may be awarded. They are: Court management projects, training courses for judges, training courses for prosecutors, technical assistance and coordination units for prosecutors, and law student interns in the offices of prosecutors and public defenders.

Some $4 million has been earmarked for grants in those areas—with $2 million of it scheduled to finance court management projects. The projects may include all phases of internal operations, such as procedures, scheduling, forms, staff utilization. In addition, funds may be awarded to meet areas of special need, as well as for projects which are designed to bring better coordination between the courts and other crinimal justice agencies.

Discretionary grants for court programs were nonexistent in our first year. In our second year, fiscal 1970, last year, court programs accounted for only four percent of the $30 million available for all discretionary grants.

Originally LEAA earmarked almost $2 million for discretionary grants for courts, but only $1.2 million was actually awarded. An additional grant in the special "large city" category of discretionary grants brought this up to $1.3 million. An additional $500,000 in discretionary grants for court programs was approved by LEAA's courts division, but approval came too late for awards last year and these were carried over into fiscal 1971.

As for discretionary grants for programs in the current year, fiscal 1971, a total of $70 million is available. It is impossible to estimate how much of this will eventually be actually awarded for court programs, but of the $19 million in discretionary grants awarded so far, a tctal of $1 million has gone for court programs. This amounts to 5.5 percent, compared to the four percent of all of last year.

I would like to cite a few programs as examples of what we are trying to do.

Fiscal 1970 discretionary grants fcr court programs included:

$357,000 for the Institute of Court Management, at the Denver University Law School, and the National College of State Trial Judges, of Reno, Nevada, to conduct at least 10 court management studies of criminal courts and courts systems throughout the United States. One study will survey an entire state court system, the others will be in major metropolitan areas. The studies will be examined to devise standards and methodology applicable to all court management.

$150,000 for the improvement of court management and operation in Illinois, including a court management survey of felony and misdemeanor courts, development of a streamlined preliminary hearing procedure for felony cases in a circuit court, and a court ombudsman program for urban municipal cases, to assist and advise citizens on sources of legal counsel and to institute litigation for those otherwise without redress.

$143,000 to Missouri for the St. Louis Circuit Court to offer services to juveniles, including special treatment for the mildly disturbed or retarded.

$140,000 to Arizona for the Pima County Juvenile Court Center in Tucson, to develop a model management system for juvenile court operations.

$82,000 to support a management study in Ohio of Cuyahoga County's 15 courts by the Criminal Justice Coordinating Council of Cuyahoga County and the Cleveland Bar Association.

Fiscal 1971 discretionary grants for court programs so far approved include:

$250,000 to reduce delay in the recorders court of the City of Detroit, Michigan. This grant provides for the design, analysis, and implementation of a new management information system for processing of misdemeanor criminal prosecutions through the court.

$116,000 to provide the major source of funding for the judicial conference we are now attending.

$90,000 for a three-phase project in Ohio's Franklin County Municipal and Common Pleas Court. The goal is improvement of scheduling and calendaring procedures through the use of data processing techniques.

$75,000 for Georgia's Fulton County Juvenile Court, in Atlanta, to revise the intake forms in order to increase the information available to judges. The project will also allow projection of delinquency trends and formation of prevention programs.

$31,000 to provide technical assistance and coordination units for six prosecuting attorneys offices in Michigan. This is a very promising project, not merely because the information used will be made available to all the prosecuting attorneys offices in the State, but because it is serving as a model or pilot for a program we hope to establish in every state. Instead of surveys or seminars, it offers centralized expertise, on a daily basis, with technical assistance and the services of an outside management consultant. Instead of study, it offers action and real help.

GRANTS FOR CORRECTIONS

The recently enacted Amendments to the Omnibus Crime Control Act established a new program—called Part E—to accelerate correctional reform in addition to the regular funds that would be made available in the LEAA action programs. The guidelines for the new activity are just being issued and a supplemental budget for the balance of the fiscal year of some $50 million has been transmitted to Congress. For fiscal 1972, almost double that amount has been requested.

A separate comprehensive plan must be developed for those states wishing to participate in the special corrections program. Although the needs of corrections are great in all aspects, Congress has decreed that priority must be given to the development of community based programs, including probation and parole. Also, emphasis is to be given in the development of regional correctional facilities to replace the nation's crumbling and inhuman county jail system. While the needs are acute for the modernization or replacement of prisons, the costs, at least in the earliest years are almost prohibitive. So major state institutional construction programs will be deferred in most states until subsequent years, when funding levels may be substantially increased.

If Congress responds to our supplemental request, the combination of regular action funds plus the new Part E program could well approach $175 million since it appears that the regular Part C funds devoted to correction will be close to 35 percent of the total. If the same pattern holds true for the coming fiscal year, another quarter of a billion dollars of federal funds could be added to the total current expenditures of state and local government expenditures of about $1.5 billion. These new funds and the resulting new programs, personnel and facilities will mean the start of a major upgrading of corrections not seen in the two centuries of our national existence.

RESEARCH AND ITS IMPORTANCE

One of the greatest needs of the criminal justice system is the need to bring to bear the techniques and resources of modern science and technology on the chronic and severe problems that plague our criminal justice system. This is the mission of the National Institute of Law Enforcement and Criminal Justice, the research arm of LEAA. Although the funding level of the program has been very modest in relation to the needs—some $7.5 million for the current fiscal year—significant research efforts are underway. In response to congressional desires, primary emphasis has been given to the development of practical police hardware and equipment, but the Institute's Center for Law and Justice also has developed an impressive portfolio of research projects for court improvement.

LEAA's research efforts aimed at court problems has been well developed almost from the beginning of the agency. In fiscal 1969 LEAA gave more than 15 research grants and contracts related to courts. The principal one was a grant of $120,000 to the Committee on the Administration of Justice in the District of Columbia, to finance a management study of local trial courts.

In fiscal 1970, the National Institute devoted 20 percent of its $7.5 million budget, or $1.5 million, to court programs. Some examples:

$192,000 to the University of Notre Dame to finance a joint study by the law school and the engineering college on court delay. Systems engineering techniques will test the validity of mathematical models on court delays. Computers will be used to test the models under varying conditions to test the effectiveness which various improvements might have.

$105,000 to the Case Western Reserve University Law School to make a detailed examination of pre-trial procedures in felony cases, using the Cleveland courts. High priority will be given to determine whether the due process requirements could not be equally or better served by substitute procedures which would cut down the delay and increase the effectiveness of the system, with the aim of shortening the pre-trial process in a manner consistent with fairness.

So far in fiscal 1972 two new research projects have been approved. The first is for $146,000 to the Institute for Defense Analyses in Arlington, Virginia, to examine the rule of defense counsel in criminal cases, with an effort to see where defense counsel strategy and tactics delay the case, and to weigh the cost/benefit factors involved.

The second research project involves a grant of $165,000 to the Institute of Judicial Administration for the first phase of a multiyear effort aimed at developing a set of nationwide standards for juvenile justice, modeled on standards for criminal justice which IJA and the ABA have developed since 1969.

ACADEMIC ASSISTANCE

Another major program of LEAA is that of academic assistance. This year, more than $21 million in loan and grant funds are being utilized by almost 900 colleges and universities in assisting some 65,000 students to pursue college degree programs, either undergraduate or graduate, directly related to law enforcement careers.

Most of the students are in-service police officers who are taking evening or other part-time coursework.

Last year, more than 1,400 employees of courts were attending college with the assistance of LEAA funds. Since court personnel represent the smallest part of the criminal justice system, this seems to us a significant beginning, but we expect the number to grow in coming years.

With the new legislative amendments, our Office of Academic Assistance will have an expanded role in assisting in the development and support of college level training programs and short courses and also in the development of academic curricula.

We have made an important modification of our academic assistance program, although it is still too early to report on what extent it will be used. We have modified our flat prohibition on law school attendance to allow certain in-service personnel to attend law courses or study for a law degree. This was done because of the increasing demand for people with law enforcement experience and a legal education. This program is limited to police or correctional officers with at least five years of service with a state or local agency. Court personnel are presently excluded.

STATISTICS AND INFORMATION SYSTEMS

The development of reliable statistics and information systems programs is a key to improving and reforming the nation's criminal justice system. Reform must be premised on intelligent and comprehensive planning; planning must have an accurate, timely, and comprehensive data base or it will be nothing more than wishful thinking. This is the mission of our statistics program. The National Criminal Justice Information and Statistics Service (NCJISS), is about 18 months old and has been funded at a level of about $5 million. It has two major purposes: to support the development of statistical and information system programs in the several states; and to conceive, develop, and implement major criminal justice statistical series and studies of national scope. Among other things, we are engaged in an effort to build up the state statistical programs.

Here are sketches of five important national programs, plus greater detail on a sixth.

Last December the first full scale study on employment and expenditure of the nation's criminal justice agencies was published and distributed, including the first information on court agencies.

We have just released a National Jail Survey that represented a 100 percent census of the nation's 4,000 county jails. This is a comprehensive study of physical plants, programs, and inmate characteristics.

An advance report is being issued this month of a directory of the nation's 35,000 criminal justice agencies including names, addresses, phone numbers, zip code and a new coding system of unique identifiers for each agency for computerization. It will be periodically updated.

Work on this project was done for LEAA by the Census Bureau and the result will be the first National Criminal Justice Directory ever compiled. The second part of the survey, due for completion by the end of 1971, will involve further surveys of court organization. Some results from the first phase of the survey include: of the 45,850 criminal justice agencies, 13,421 or 29 percent were found to be court agencies. (The survey did not cover towns of 1,000 or less population, or minor courts where the judge's compensation is on a fee basis); when prosecutor and defender services are added to the courts the proportion rises to 49 percent of all criminal justice agencies; of the courts identified in the survey, 13 percent were at the state level, 47 percent at the county level, and 40 percent at the city, township or special district level.

A fourth NCJISS program is the development of the computerized data base, the Criminal Justice Data Base. It will contain population data from the 1970 decennial census, uniform crime reports, employment and expenditure and other information.

A fifth effort, conducted jointly by LEAA and the Census Bureau this spring will be a comprehensive Survey of Court Organization. This program is a first step in our long-range goal to develop National Court Statistics. The initial phase will cover about 8,000 court systems, including trial courts of general jurisdiction, state appellate courts and courts of limited jurisdiction. It will focus on the substructure of the system—number, type, geographic and statutory jurisdiction, and organizational alignment of courts in the system, administrative support, record-keeping practices, and distribution of workload as between civil and criminal cases. A detailed organizational directory will be prepared of the various divisions, departments and sub-units in each court system, jurisdiction at each level, distribution of workload, and location of records of court activity. We urgently need and request your support in making this survey effort complete and successful.

Finally, a major program of NCJISS is Project SEARCH, or the Systems for Electronic Analysis and Retrieval of Criminal Histories. LEAA has funded development of this program at a level of more than $3 million in discretionary funds, with an additional $2 million from the participating states. The purposes of SEARCH is to develop an operational system for the computerization and interstate exchange of criminal history records by police, court and correctional agencies. The system will provide arrest and disposition data on certain categories of offenders on a real-time basis; that is, when an inquiry is addressed to the system a complete record will be reconstructed in a matter of seconds from whatever state criminal justice system that individual has been acquainted with.

Project SEARCH involves a consortium of 15 states lead by California as coordinator state. The Michigan State Police has operated the central index facility for the demonstration. The 15 states in SEARCH, incidentally, account for about 75 percent of the nation's criminal transactions. The Attorney General has decided that when the system becomes operational next fall, the Federal Bureau of Investigation will operate the central index. It is anticipated that 20 to 25 states will go on line at that time and at least a half million existing records will be converted to the computerized format.

The implications of this system, when it becomes operational nationwide, are truly staggering. For the first time, the complete record of an individual will be available immediately, and this will obviously have significant meaning for courts, as it will for the entire criminal justice system.

This quick access to complete information will help a judge determine bail, decide whether or not to hold a suspect pending trial, in sentencing, in considering probation, and setting conditions for release. Even in a trial setting a prosecutor could use the system to check on the background of a surprise witness and could discredit the testimony as a result.

The operational uses aside, in the long run the most significant implications of SEARCH lie in its potential use as a tool for planning, management and research of the criminal justice system. For the first time, it will be possible to obtain timely information on the individual offender as he progresses—or doesn't progress—through each milestone in the criminal process. This will create a new statistical series on the effectiveness and efficiency of every component of our criminal justice system which will make possible comprehensive understanding of its dynamics—including strengths and weaknesses. Already Project SEARCH has successfully developed and demonstrated the prototype of this new series.

It should be noted that when the SEARCH System becomes operational police agencies will be the primary participants in it. This is due in large part to the pioneering work of the Federal Bureau of Investigation in its National Crime Information Center, which is a nationwide computer system for the exchange of operational police information such as stolen vehicles and wanted persons. Also, the Highway Safety program of the Department of Transportation has provided $40 million in federal aid to help police automate driver's license and traffic safety records. No similar investment has been made for the automation of court or corrections record systems, but LEAA is dedicated to substantially assist the states in this regard.

TECHNICAL ASSISTANCE

The final major program of LEAA is that of technical assistance. Now entering its second year, our efforts are quite well structured in the corrections and organized crime fields, some specialized aspects of police activities such as police aviation and bomb disposal, but are generally now just getting off the ground in the police and courts area. Last year Congress appropriated about $1.2 million for technical assistance and for the current fiscal year the funding level is $4 million.

The corrections technical assistance program last year responded to over 300 requests from state and local governments. These requests were for a variety of assistance, ranging from survey teams that went into states like Mississippi and Arkansas for comprehensive field surveys of state correctional systems, to individual architects or management specialists who went to a city or county to help solve specific problems. Open-end contracts were effected with three groups—the American Corrections Association, the National Council on Crime and Delinquency and the Institute of Government at the University of Georgia—to make a wide range of specialists available on demand. In addition, the Federal Bureau of Prisons and LEAA's own staff made numerous field visits. It is expected that by June 30, 1971 more than 600 additional requests will have been met.

For Courts, LEAA is now soliciting proposals for contracts to provide technical assistance for the courts. Some $200,000 is tentatively reserved by LEAA for this purpose, and we expect to make two or more contract awards before the end of the fiscal year June 30.

RATIOS AND NEEDS

I would like to turn now to a brief discussion of the LEAA effort in relation to overall spending by the nation for court programs.

Last year some $12.5 million in LEAA block grant funds were allocated for courts, some $1.5 million in LEAA research funds, and some $1.3 million in LEAA discretionary funds. Our Law Enforcement Education Program, of course, also benefited court personnel, and our National Information and Statistics Service supported development of an automated computerized system on criminal records, which when it becomes nationwide may greatly assist judges in making probation, release or sentencing decisions.

That total of LEAA spending amounts to only about six percent of that year's overall LEAA budget. On the national level, courts, prosecution and defender services accounted for 18 percent of the spending for criminal justice at the state and local level. LEAA's budgets of $268 million in fiscal 1970, of almost half a billion this year, and a request of almost $700 million for the year ahead, are respectable compared to the $6.5 billion state and local annual cost of the criminal justice system. LEAA's contribution of $15.3 million in fiscal 1970 compared to the state and local cost of operating our courts, including prosecution and public defender services—$1.2 billion—was not as high as it might have been.

A principal goal is greater participation by judges and court administrators in the criminal justice planning process. A high level of participation can help assure a greater share of LEAA funds for the courts.

If you consult the tables at the end of this paper, you can see where your own state stands in this area of funds for courts. LEAA can only do so much—the real impetus for improvement rests at the state and local levels.

Our philosophy at LEAA is and has been the one expressed by the President in his State of the Union Address, the need to solve state and local problems at the state and local level, with state and local talent doing the job. The Federal government will provide resources, because they are needed for progress to be made, but we have no desire to tell you how to run the courts of your state.

DEVELOPING NATIONAL STANDARDS AND GOALS

Finally, I would like to discuss the new major effort to be undertaken by LEAA in partnership with the states to develop national standards and set long-range goals for the improvement and reform of criminal justice in America.

In a recent address, Attorney General John N. Mitchell directed LEAA to begin at once to assemble working groups to review the present status of the various disciplines of criminal justice with the objective of developing national standards and setting long-range goals for the major system components. The Attorney General described the program this way:

"We have already begun to move in the right direction with the LEAA program of grants to states and localities. What is needed now is a set of national goals and standards in the operation of police forces, in the administration of courts, and in the upgrading of correction systems."

"I therefore propose that Federal, State, and local governments join together in establishing such standards and goals. The Federal Government's role would be to provide financial support and technical expertise. The State and local governments would bring to such discussions their own professional experience. Working together, the three levels of government could agree upon a set of specific objectives to be achieved on a nationwide basis."

"To this end I am directing the Law Enforcement Assistance Administration to provide the financial support and to take the initiative in establishing a proper method of holding these discussions and arriving at these goals. By pooling the talents of professionals at all levels of government, we can set yardsticks to measure our progress toward a 20th Century criminal justice system."

This new undertaking will not be just another study commission writing a scholarly tome. Rather, we will develop realistic blueprints for the rational allocation of resources. As I indicated earlier, the states have embarked on similar courses individually through the vehicle of their comprehensive state plans.

The time has arrived for this experience to be brought together collectively so that the best can be gleaned and then translated into standards and goals and priorities for the benefit of the entire nation.

It may be properly asked why the work of the President's Crime Commission of a few years ago would not suffice for this purpose. There are several reasons. First, that report was the result of studies conducted largely in 1965 and 1966; and much experience has been gained in the intervening years. Second, there have been significant advances in criminal justice planning, particularly the three sets of comprehensive plans through the LEAA program. Most important, however, the recommendations of the President's Crime Commission were more or less a random set of findings with no attempt to set priorities or define goals for improvement of the system. And those are the main tasks to be done.

How is all the work to be organized? It is our intention, at a very early date, to issue a call to the states to organize a consortium, much like that for Project SEARCH. It will be headed by a coordinator state and a central secretariat would be supported by LEAA discretionary funds. Other states would chair task forces in the various disciplines. Each task force would assemble representatives from the ranks of criminal justice agencies, the academic community, and the general public. These steering committees would be supported by the services of experts and consultants as may be necessary. LEAA will make available the services of its own staff to serve the task forces.

It is hoped that the work can progress rapidly enough so that at least interim results will be available to the states in time for preparation of their fiscal 1972 comprehensive plans. Final work should be completed so that LEAA may utilize them in reviewing the 1972 state plans prior to disbursement of block action grants. This means that final reports should be available nine months to a year from now.

Unlike the National Crime Commission, which went out of existence after completing its report, this new effort will be an ongoing one. To be relevant, standards and goals must keep pace with the times; they must be up-dated; they must be refined and improved as conditions change, old problems are solved, and new problems arise. A structure involving LEAA and the states will be retained for these continuing efforts. An important part of this work will be to evaluate not only the relevance of standards and goals as time goes by, but to evaluate the projects and programs which are being carried out to reach those goals.

A crucial role in this new national effort must be carried by the judiciary. I urge you, and your colleagues throughout the nation, to begin immediately to plan for creation of the national task force on the courts. And I urge you to take an active part in the work of that task force, as well as in the follow-up efforts.

The key to this, as in all of our other projects, is for the criminal justice system to work together. A new level of cooperation must be attained among police, courts and corrections, just as though the LEAA program a new level of partnership is being reached by state, local, and federal governments.

Working together, we can bring criminal justice fully into the 20th Century, and prepare for the next.

THE UNVERSITY IN A CHANGING SOCIETY

Mr. ERVIN. Mr. President, Chancellor D. W. Colvard, of the University of North Carolina at Charlotte, delivered an address entitled "The University in a Changing Society" at the sixth annual faculty convocation of that institution on September 14, 1970. This address merits the consideration of all who are concerned with the role of our higher institutions of learning in today's society.

For this reason, I ask unanimous consent that it be printed in the body of the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY IN A CHANGING SOCIETY

(Address by Chancellor D. W. Colvard at the Sixth Annual Faculty Convocation of the University of North Carolina, Sept. 14, 1970)

Those of us who have chosen to cast our lot with higher education need not be reminded that our enterprise is passing through a time of crisis. Enrollments are continuing to rise; funding sources are becoming scarce; unrest on some campuses has produced nightmarish, horrifying results; public outcries have become more general and in some instances have reached a crescendo.

There have been disastrous occurrences, especially during the spring, and even into the summer months. Many campuses have found themselves caught between a loss of academic freedom on the one hand and campus anarchy on the other.

This is a time when any individual who commits himself to a university career should consider seriously the role the university should play and the forces which interact and converge to aid or deter its effectiveness in performing its proper roles.

I tend to agree with R. E. Farson of the School of Design of California Institute of Arts when he said, "The problem is that modern man seems unable to redesign his institutions fast enough to accommodate the new demands, the new intelligence, the new abilities of segments of society. . . . Instead of trying to reduce the level of discontent felt," he said, we should, "try to raise the level of quality of discontent." Since the turn of the century the population of the United States has increased almost three-fold. On the other hand, the power available has multiplied 275 times. With this rate of change in the area of technology, no generation can expect to operate in tranquility nor can it postpone the task of attuning the institutions to the changing needs of the times.

The past decade has been marked with a growing sensitivity for the plight of the underprivileged and a more widely shared belief that it is possible to manage ourselves rationally with a higher degree of citizen participation in the management of their own fate.

The university today, in response to these dynamic changes in society, is itself undergoing extensive reappraisal and change: changes in governance and curriculum, in its community service, and in the thrusts of its academic research. There has even been a re-examination of some basic assumptions about teaching. Such rethinking is welcomed by most of us, I a sure. Yet in the midst of this restructuring and revitalizing of higher education, the fundamental commitment of the university must not be lost: the commitment to the pursuit of truth—to examine human life as it actually is and to respond to it with sensitivity and reason. Unless this basic tenet is accepted and the university is permitted to exist in a setting in which the pursuit of truth goes on unencumbered, it loses the essence of its existence no matter how contemporary the curriculum or modern the facilities.

As a marketplace of ideas, the university should not only welcome but seek opposing or unpopular ideas. As John Stuart Mill observed, "If our own views cannot withstand opposition, then they may not be worth holding; if they can, they have inevitably been strengthened by their exposure to criticism and counter-argument." We are justifiably accustomed, therefore, to thinking of the university as the place where truth, as an article of faith, is sought unconditionally in all its forms.

A basic corollary to the pursuit of truth, and vital to its attainment, is academic freedom. But while these are the best of times in terms of challenges and opportunities for the university, these are also the most precarious of times in terms of threats to the university's right to assert its academic freedom. Various segments of society, both outside and inside the university community, have created threats to this principle in one form or another.

There has obviously been a loss of confidence on the part of the general public in our universities. The public is alarmed over what it has seen take place on some campuses. It is alarmed, and rightly so, over the acts of violence that have convulsed certain institutions. It is alarmed also, and more than most would admit, in witnessing long-accepted life styles challenged by the college-age generation using the campus as a principal forum. While former generations may have attended the university to prepare for life, today's student views his experience at the university as life itself, and in this new context standing in loco parentis becomes increasingly unworkable.

Public discontent often becomes an outcry that carries to the ears of their delegated representatives, trustees, and legislators. Under the impact of public pressures it is not surprising that these bodies often feel impelled to act with urgency in regulating out of existence the turmoil within the universities. In the recent past, California has seen well over 200 bills affecting higher education introduced in its legislature. North Carolina experienced its share of such proposals. While new procedures have become necessary to deal with campus problems heretofore completely unknown, many legislative proposals have been presented in haste, are punitive in nature, and represent a peril to the delicate existence of academic freedom. These are the kinds pressures which tend to commit the university community to policies and actions without as much involvement of components of the university community as may be desired. Although frequently justified on the basis of a failure of the university to act to govern itself properly, extreme actions along these lines threaten to demolish the very cornerstone of the university—intellectual and academic freedom.

These threats to academic freedom come not only from outside pressures, they also have appeared within the campus community. There are those who, in response to the critical problems of the day, would like to politicize the university and have it assume a particular political position on contemporary issues. However, it must be recognized that it is perilous for a university to be involved as a university in such a manner. Involvement is a personal affair and members of a university community, as individuals, should be involved. But just as a university cannot speak for its members, its members cannot speak for and commit the university. Although we defend the individual's right to speak as an individual, we know that frequently the public interprets any utterance from a person identified with an institution as a part of institutional posture. Should the university begin assuming a political posture, its public credibility would be jeopardized and, perhaps even more serious, its members would be discouraged from dissenting from the official university position. It is axiomatic in a university that each member speak for himself. To sacrifice this role for institutional fiat is to threaten academic freedom.

Another threat to the university's academic freedom has been one that is most reckless and conspicuous in nature. As a citadel of freedom of expression, the university has perhaps been the institution in society most vulnerable to the use of force by a particular group who would assert their views at the expense of others. Such an action is not just a threat, it is a betrayal; it is the deepest repudiation of the freedom of thought and expression upon which an academic institution is founded. No person has the right to parade under the banner of academic freedom while at the same time supressing by one means or another the freedom of others to express divergent views. There is no place on campus for those vandals who delight in blasting buildings and who also blast the hopes of fellow students and faculty members as was done in Wisconsin recently. Any researcher, scholar or student is entitled to the protection of records produced by years of study. The time has come when vandals must be identified and held accountable.

Therefore, the integrity of the university must not be compromised if it is to cultivate the processes and values that will keep our society responsive and adaptable over the long term. It will not assist society if it sacrifices this principle to remedy intense pressures or needs of the moment whether those pressures come from within or without. The University serves more than just the immediate and present society; it also serves all mankind and succeeding generations. If those entrusted with responsibilities for the university and the college—namely, the faculty and administration—fail to act responsibly in defending academic freedom they should not be surprised to see pressures break through any efforts toward insulation. We must remember that the university is not operated just for faculty, students, and administration. It is a most vital institution created to perform important tasks in behalf of society.

The individual student is to be commended for expressing his views in the political arena. His schedule permits, or can be arranged to permit, considerable time for political activity while he is in college. But he has no right to expect the schedules of others to be patterned solely for his convenience. Our student-faculty Committee to Study Campus Tensions has recommended that discussion of election issues be arranged through political science forums, the Student Activities Board, and through other means. I support such a recommendation. President Friday has stated clearly that policies of the University of North Carolina do not include closing or canceling of classes for political activities.

Let me conclude my remarks by emphasizing my continuing confidence that in this University rationality and reason rather than force and enforcement will prevail as they have in the past. We have had freedom of expression and we have had order. It seems to me that one of our strengths is that we have no long-standing traditions to break down. Regardless of the differences in points of view we may hold as individuals, we are or should be united in our quest for a contemporary university worthy of the support of the public and of our unqualified personal commitment.

Each year brings new talents and new challenges into this growing University community. May this be our best year in educational growth and service. Let us lay a foundation capable of undergirding a truly great University.

BABCOCK ELECTRONICS CORP. LOCATES NEW PLANT IN ARIZONA

Mr. FANNIN. Mr. President, I have spoken many times about the alarming export of American jobs and technology to foreign nations.

Bleak as the picture is, there are occasional rays of hope. Today, I should like to place in the Record a story from the March 22, 1971, edition of the Casa Grande Dispatch. It tells of the decision of Babcock Electronics Corp. to locate its new plant in Arizona rather than to go overseas.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Ten Million Dollar Firm Set for Move to Coolidge

Coolidge.—A $10 million Costa Mesa, Calif. industrial firm culminated a long search that stretched from Hong Kong to Mexico before selecting this area for a new production facility.

Babcock Electronics Corp., a subsidiary of the $42 million Esterline Corp. (NYSE), will open a new plant here for the manufacture of industrial relays and electronic subassemblies, according to Stephen N. Donahoe, Babcock president.

With plans to launch its program here in the former Levi Straus building about mid-April, Babcock will start with a work force of 40 employees, representing an annual payroll of approximately $200,000. Present plans call for a steady increase in personnel to a full production complement of 125, representing an estimated annual payroll of $625,000, said William Boydstun, Babcock's director of manufacturing.

Babcock officials also said the initial investment here in shifting equipment and constructing internal facilities will cost about $100,000.

"We decided not to pursue some rather attractive foreign propositions. Instead, we chose to locate this plant in this country and relatively close to our main California facility," Donahoe stated. "Our new Arizona plant will recruit virtually all of its work force from the Coolidge area, located midway between Phoenix and Tucson, including many from the Pima Indian Tribe living on the Gila River Indian Reservation. Babcock planned this facility in part with the assistance of the Burean of Indian Affairs and its Regional Industrial Development Director, Mr. Ed Whelan."

Donahoe also expressed the company's deep appreciation to Sen. Fannin, Arizona's senior Senator, for his help and encouragement during the initial phase of this venture. Also singled out was Dwight Edwards, director of the Coolidge Industrial Development Corp., for his assistance in plant location.

The new plant will be managed by Leonard Ash, currently Chief Relay Design Engineer at Babcock's Costa Mesa facility. According to Boydstun, Ash brings many years of managerial capability to his new position, including direction of both U.S. and European operations of domestic relay firms, Babcock Electronics Corp. was founded in 1948 and in 1968 became a subsidiary of Esterline Corp., a multidivisional operating company of 22 separate divisions and-or subsidiaries. Esterline is involved in three broad fields of endeavor: measurement sciences, medical, and automation. Babcock, as a member of Esterline's Measurement Sciences Group, has as its principal activities the design and production of control products, including high-reliability and general-purpose relays for aerospace and industrial applications; plus electronic products comprising specialized remote aircraft control systems and electronic scoring systems for missile and personnel training programs.

MORE WELFARE MYTHS AND FACTS

Mr. RIBICOFF. Mr. President, the increasing welfare burden on State and local governments has forced many of them to cut back their programs. Last week, Governor Rockefeller turned to many of the old welfare myths to explain his proposals to limit New York's welfare program. The relationship of these myths to the actual facts is well documented by Martin Arnold's article entitled "Is the Governor Playing a Numbers Game?" published in the New York Times of April 4. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Is the Governor Playing a Numbers Game?

(By Martin Arnold)

At last someone has decided to "do something" about the state's welfare costs. At least, that's what Governor Rockefeller said he was about last week as he set forth a package of legislation aimed at meeting the the dilemma head on. His program had a broad popular appeal, and it helped break the legislation impasse over the new state budget.

For those taxpayers frustrated and outraged by what they view as the "welfare mess" and eager for easy solutions, the Governor's plan could be translated in these terms:

The loafers on welfare are going to be forced to go to work.

There's going to be a residency requirement, with funds available to ship back South the hordes of migrants who—everybody knows—come here for a free ride on the gravy train.

Welfare costs are going to be cut drastically by knocking down the so-generous cash payments to recipients by 10 percent, except those who are blind, aged or disabled. At present a welfare family of four in New York City receives $231 a month plus heat and rent. This will be cut to $208. The the savings: an estimated $18-million out of the Governor's original welfare budget proposal of $1.3-billion.

Further cuts would be made, but only if the Federal Congress enacts a proposed basic annual standard; the current proposal is $2,400 annually for a family of four. The Governor says he would implement such a figure for the metropolitan area on an "experimental" basis. As it now stands, the figure for a family of four, with city and state contributions, is a lordly $4,000 a year.

That's the theory, and that's the way many of the state's exasperated citizens like to describe it. But there is growing evidence that any resemblance between fact and theory is purely coincidental—not to say political.

One theory, for example, is that the welfare rolls are filled with people able but unwilling to work. But New York City's Department of Social Services says, that of the 1,174,632 people currently on the city's welfare rolls, only 2.4 per cent are employable. The Governor says the figure is higher, but gives no estimate of his own. Yet no one disputes the fact that 59.2 per cent are children, that 19.5 per cent are adults caring for children and that 6.4 per cent are aged.

The Governor would have every employable welfare recipient report twice each month to the state employment office in his municipality for job placement interviews. In New York City there are 30 such offices. The fact is that last month 52,607 people walked through their doors in search of jobs, and only 11,578 found them. Clearly, unless the economy is pumped to create jobs, the Governor's get-tough policy on welfare "loafers" is not going to save the taxpayer much money.

The Governor talks of a residency requirement and suggests that funds will be available to send people back down South. But the Supreme Court has ruled that residency requirements are unconstitutional. The theory is that the Governor can get around that because the Court indicated it might accept a residency requirement if the state can demonstrate that its welfare crisis is so acute the state is virtually bankrupt. That fact remains to be proved.

Even assuming that the nonworking newcomers can legally be shipped back home, the proposed one-year residency requirement has its flaws. Every survey done of migration to New York City shows that those poor black and Puerto Rican migrants—who make up 90 per cent of the city's welfare rolls—came here in the expectation of finding a job. The surveys also show that a vast majority who do finally land on welfare here do so only after several years of working at menial jobs or of living in crowded apartments of friends and relatives who have jobs.

The state's own social service officials say that fewer than 1 per cent of the migrants go on welfare within the first year of their residency here. The bus ticket home has its headline appeal to a populace sick of ever-increasing welfare costs, but it's not likely to have much money-saving value.

Even the plan to cut the basic annual level of aid from the present $4,000 to $2,400 for a family of four has its drawbacks. Given the current cost of living, it will of course work a cruel hardship on those affected. But such humanitarian considerations aside, just how much money will the measure save? Just who will be affected?

Not the aged and the disabled—they are exempt. Not most members of Aid to Dependent Children families, either. They would be given an opportunity to raise their incomes beyond the $2,400 level "through supplemental incentive benefits for regular school attendance and participation in work and work-training programs, as well as other programs designed to promote social responsibility."

It happens that the great majority of the welfare recipients in the state fall within that category. In New York City, for instance, 824,621 of those on welfare are members of A.D.C. families. They are the broken home families, the families with children born out of wedlock, the families deprived of support because of death or illness or desertion of the father. They are the families for whom day care centers will have to be built if the mother is to work. At present, in the city, there are only enough day care facilities for 20,000 welfare children.

And how high will the supplemental benefits for these families be? Privately, state officials indicate they'll probably be high enough to bring most of them up to the $4,000 level.

The measure of reality in the Rockefeller proposals is perhaps best exemplified by the fact that the Governor gave no estimate of how many persons would be affected by the welfare proposals he submitted last week or of how much money would be saved if his program were to be enacted. All the spokesman would say was: "We will be determining the numbers and the savings as this program develops."

If, then, as seems to be the case, there is a substantial gap between the theory and fact of the Governor's program, why has it been proposed?

One Republican legislator answered the question this way: "Rocky is seeking the best of all possible worlds—as he always does. That's his political genius."

Back in February, when the Governor introduced his $8.45-billion budget (it was slashed by $760-million last week), there was no mention of cutting welfare costs. Indeed, the Governor spoke then of welfare costs that would rise by 40 per cent, including a 7.2 per cent upward adjustment to make allowance for the higher cost of living.

But the state and the municipalities are being sapped of their financial resources by welfare, and the taxpayers are enraged and their representatives in the Assembly and Senate know it. And so it came to pass that, when the budgets squeeze began to really pinch, the Governor had a dramatic new plan to offer. It seemed at first flush to meet the welfare dilemma head on. It semed to promise big savings.

The budget-cutters in the Legislature were happy. The conservative members of Mr. Rockefeller's constituency were happy. And if the impact of the program, which currently seems assured of passage, turns out to be less financially rewarding than it was billed, all will not be lost. For then, a cynic among the Democratic legislators suggests, the Governor will be able to tell the liberal and poor members of his constituency: "The Legislature really wanted to cut welfare to the bone, but I held the line. You can see, my program didn't hurt very much."

Welfare in New York City: The rolls go ever higher

[Average monthly number of persons on welfare in New York City]

1962	344, 084
1963	377, 884
1964	431, 161
1965	487, 908
1966	560, 599
1967	707, 409
1968	889, 262
1969	1, 016, 467
1970	1, 095, 809
1971 to date	1, 174, 632

Source: HRA.

ACCOMPLISHMENTS OF SECRETARY VOLPE AND THE DEPARTMENT OF TRANSPORTATION

Mr. PROUTY. Mr. President, just a little over 4 years ago, the Department of Transportation came into being.

When Congress created the DOT in 1966, we outlined five objectives for the DOT to set its sights on:

To coordinate the Federal Government's transportation programs;

To stimulate technological advances in transportation;

To facilitate the development and improvement of coordinated transportation service by private enterprise;

To provide general leadership in the identification and solution of transportation problems; and

To develop and recommend national transportation policies and programs to accomplish these objectives.

At first, early difficulties in establishing organization took a disproportionate amount of the Department's time.

But since Secretary John A. Volpe took office in January 1969, the Department has made its greatest strides in coming to grips with the major transportation problems of our country.

As a member of the Committee on Commerce I speak from experience when I say that Secretary Volpe has worked long and hard with Congress to see that we have the safest and most efficient transportation network in the world.

During the 91st Congress, more significant transportation legislation was enacted into law than in any year since 1956 when we passed the Federal-Aid Highway Act.

Landmark measures were enacted to relieve airport and airways congestion, improve rail safety, and preserve rail passenger service. In addition, we enacted new programs to improve mass merchant marine.

Without Secretary Volpe's help, these measures never would have become law.

I invite the attention of Senators to an article entitled "The Department of Transportation Looks to the Future," written by Lawrence M. Lesser, and published in the January 1971, issue of Traffic Management.

The article examines the accomplishments of the DOT over the past year and outlines the Department's goals for 1971.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPECIAL REPORT: THE DEPARTMENT OF TRANSPORTATION LOOKS TO THE FUTURE

This month, the federal government's fifth largest Cabinet department begins its fifth year of service. Bolstered by a new national transportation policy, the Department of Transportation is about to enter a new phase of its young but eventful life.

Last year, Secretary of Transportation John A. Volpe compared his position as head of the infant DOT to that of a new franchise baseball coach with a team of rookies with lots of potential but no record. "That is all right for the first season," said the former governor of Massachusetts, "but from then on, the record is going to have to speak for itself."

When Congress created DOT in 1966, it gave the Department five jobs to do:

Coordinate the federal government's transportation programs.

Stimulate technological advances in transportation.

Facilitate the development and improvement of coordinated transportation service by private enterprise.

Provide general leadership in the identification and solution of transportation problems.

Develop and recommend national transportation policies and programs to accomplish these objectives.

Today, Secretary Volpe is "pleased and proud" of the record of his department, particularly in terms of its legislative accomplishments. During 1970, he successfully persuaded Congress to approve new landmark programs to aid air traffic congestion, rail passenger service and urban mass transit. In addition, a new rail safety statute, which DOT had sought, gives the Department the tools it needs to upgrade railroad safety and begin a program of rail safety research.

A former Federal Highway Administrator, Volpe said: "The passage of these measures will enable us to really come to grips with what I believe are the most pressing transportation problems in our country today."

The legislative achievements of Secretary Volpe are regarded by the President on down as unsurpassed among Cabinet members. President Nixon, who was highly critical of the record of the Democrat-controlled 91st Congress, said that when the record of the Cabinet is written for this session, "my guess is that the highest batting average will be that of Secretary Volpe."

Now that these measures have been enacted into law, to what new areas will DOT, which employs nearly 60,000 civilians and 36,000 Coast Guard personnel, devote its energies in 1971? To find the answers, Traffic Management asked the men who run the Department what they see ahead during this coming year.

Deputy Undersecretary John Olson forecasts a partial shift in DOT activity away from the legislative area toward the planning and management of new programs. Even though the demand or transportation capacity will double in 20 years, he feels it would be a mistake just to double the capacity of existing modes without developing fresh alternatives.

Thus, DOT currently is reviewing old priorities and establishing new ones so it will be able to point the direction in which transportation planning and investment should go in the future.

One area that is receiving high DOT priority this year is rail transportation. "I believe that the entire railroad field for years has been what you might call a stepchild insofar as federal programs are concerned," says Secretary Volpe. "This situation should and will change dramatically this year."

DOT's new authority in the rail safety, safety research and passenger fields, plus planned activities relating to freight car shortages, adequacy and condition of equipment and roadbeds, as well as the overall financial condition of the industry, are sure to elevate railroad-related activities in importance within the Department.

Many rail-related activities have been assigned to the Federal Railroad Administration, a bureau of DOT, which has embarked on an ambitious promotion, development and research course for 1971. Programs include promoting rail-truck intermodal line-haul and terminal systems; developing methods and hardware to reduce loading and unloading times for containers, and stimulating design of compatible rail car information systems.

For example, FRA would like to see an increase in the use of piggyback transportation in order to relieve highway congestion.

"Our objective is to reduce car delay and increase the car-days available for shippers, thereby reducing freight car shortages," says James H. MacAnanny, director of FRA's Office of Policy and Program Analysis. He points out that the railroads generally are time-competitive with motor carriers for line-hauls over 300 miles. But for shorter mileages, the ability of motor carriers to load and unload freight more quickly than the railroads transfers the advantage to the highway operators. Mr. MacAnanny feels that because railroads have a cost advantage down to about 300 miles, if service can be improved, long-haul traffic can and should be diverted from truck to rail.

FRA also is developing new tank car designs for the transportation of hazardous materials. In cooperation with the railroad industry tank car committee, FRA has initiated studies in pressure venting and shielding to prevent punctures and improve the structure of the tank car itself. Next, it will look into the placement of hazardous materials in trains in order to reduce possible dangers from a segment of transportation that has been growing at a rate of 18% per year for the past five years.

Several months ago, John H. Reed, chairman of the National Transportation Safety Board, called on the nation's railroads to separate tank cars containing flammable gases with cars containing noncombustible substances.

Another area of concern to DOT officials is maintenance of rail rights-of-way. "Upgrading roadbeds is one of the most serious problems in rail transportation today," says FRA Acting Administrator Carl Lyon.

While the railroads have spent an average of $1 billion a year over the past 10 years on roadbed maintenance, Mr. Lyon says this is not enough. And although he does not see the federal government providing any financial assistance to the railroads for this purpose, higher ranking DOT officials indicate there will have to be some federal initiative in this area. In fact, the new rail passenger statute clearly authorizes the Secretary to guarantee loans for roadbed improvements.

Undersecretary of Transportation James M. Beggs says there also will be "increased activity in the area of transportation regulation" in 1971. While DOT spent 1970 developing the means to increase federal resources in transportation, "we are now focusing on the problems of competition and the workings of the regulatory system," says Beggs.

He believes the increasing participation of the federal government in transportation "is largely related . . . to the fact that many of our modes of transportation are in trouble now."

This state of affairs means DOT not only will participate in regulatory proceedings on a "pick a case basis," as it has done heretofore, but will *initiate* proposals to the regulatory agencies, regarding national transportation policies, based on positions and concepts developed in the Department.

Charles D. Baker, Assistant Secretary for Policy and International Affairs, believes DOT "has an explicit responsibility" to intervene and present its case on behalf of the shipper, consumer and traveler users of the transportation system. And he adds, "I think there is an increasing feeling on the part of many interested parties, shipper groups, traveler groups, Congress and so forth, that the regulatory process in general is due for some analysis."

DOT regulatory-related activities for 1971 can be broken down along the lines of two broad objectives. First, to what extent should transportation be regulated? Second, how best can that regulation be carried out?

Department officials generally favor a policy of less regulation. And their plans are geared toward repeal of a wide range of economic activities dealing with carrier practices and procedures (loss and damage claims), carrier concentration (mergers) and carrier pricing (rate structure).

With concern mounting throughout industry and government over the institutional capacity of the regulatory agencies to improve the financial condition of rail, truck and air carriers, DOT in 1971 will begin to provide the "general leadership" in the regulatory area that Congress envisioned when it created the Department.

On the question of consolidating the Interstate Commerce Commission, Civil Aeronautics Board and Federal Maritime Commission into a single regulatory agency, Mr. Baker says, "I think this is something we will be prepared to discuss and take a position on at some length as part and parcel of our national transportation policy." The policy statement, which will be released shortly, urges a modernization of transport regulation.

With bills introduced in the last session of Congress to abolish the ICC and study the feasibility of merging the three regulatory agencies, DOT is certain to be called upon this year to take the initiative in restructuring transport regulation.

With respect to the concept of common ownership of modes of transportation, Undersecretary Beggs feels the idea has "a lot of merit," but needs "a lot more study." He believes the federal government must review the entire issue of common ownership in the new light of containerization and then "develop policy guidelines which reflect the more modern systems and procedures which are now available."

DOT also will increase its long-range planning and research efforts in 1971. "Most of our attention . . . this coming fiscal year focuses on an attempt to formulate a highly specific assessment of the nation's future transportation requirements and to specify the best ways those requirements can be met," says Richard J. Barber, Deputy Assistant Secretary for Policy and International Affairs.

To gauge the temper of the country, DOT has sent questionnaires to leaders of the transportation industry, all governors and mayors of cities of 50,000 population and over, and after assessing their responses, DOT will define and develop alternative areas in which public and private funds are needed through 1990 to finance railroads, highways, waterways, public transit systems, pipelines, airports and other terminals. DOT also will develop additional alternatives based on economic efficiency in transportation, safety and protection of the environment.

To carry out this objective, DOT has generated a quantitative, computer-backed capability to analyze alternative transportation systems, needs and their related costs. Much of the research will be carried out at a newly acquired Transportation Systems Center in Cambridge, Mass. Established July 1, 1970 in the facilities of the former Electronics and Research Center of the National Aeronautics and Space Administration, the center will provide a focal point for DOT planning.

The new center operates on a $22 million budget and will assist DOT to:

Obtain freight origin and destination data.

Analyze intermodal route structures, including freight terminal location and congestion.

Establish a statistical information base for transportation planning.

Analyze new transport technology, such as the supersonic transport, short takeoff-and-landing aircraft, tracked air cushion vehicles and rail tank cars.

Pointing out the significance for long-term planning of this development, Deputy Assistant Secretary Barber said: "We have attempted to put together what the United States is going to need in the future in the way of transportation for both passenger movement and goods movement and to match this up with the kind of transportation modes we have available."

Two other important areas that DOT will be involved in this year include a crime prevention program for cargo thefts and the provision of financial and technical aid in the development and implementation of standard documents and commodity codes for the transportation industry.

Looking ahead to 1972, DOT plans at that time to take its completed transportation needs study, evaluate it within the framework of its national transportation policy document and present to Congress a comprehensive program for the development of "a truly intermodal transportation program."

"Hopefully, by 1972", says a ranking DOT official, "people will know why DOT was created."

WHO SPEAKS FOR THE SHIPPER?

Who in the Department of Transportation speaks for the shipper? This is a question traffic people frequently ask.

While railroads, airlines, highway and mass transit interests have the modal administrators of the Federal Railroad Administration, Federal Aviation Administration, Federal Highway Administration and Urban Mass

Transportation Administration speak for them, to whom can shippers turn for consideration of their problems?

Some DOT officials say the secretary is the shipper's voice; that the secretary speaks for all users of transportation, both freight and passenger. They say: "What better spokesman could shippers want?"

Another DOT spokesman says: 'We represent ideas, as set out in our enabling legislation, not groups of people. If shippers have something worth pushing, we'll consider it, but we're not a public counsel."

Nearly all DOT activities and programs impact on shippers in some way. For example, the FRA seeks to improve rail freight car utilization and supply so shippers can move their products; the FHA expands the capacity of highways so freight can be distributed more efficiently; the St. Lawrence Seaway Development Corporation and the Coast Guard promote a longer shipping season on the Great Lakes; the FAA expands airports and airways, and the UMTA seeks to relieve traffic congestion by improving mass transit—all for the benefit of users of transportation.

Just last October, Secretary Volpe created an Office of Safety and Consumer Affairs, headed by an assistant secretary (Admiral Willard J. Smith), just to represent the interest of consumers of transportation.

When DOT intervenes in a proceeding before one of the regulatory agencies, its position generally reflects the shipper's point of view. However, responsibility in this area is splintered.

First, a decision must be made on whether to participate. This is the direct responsibility of the Office of Policy Review and Coordination, which comes under the Assistant Secretary for Policy and International Affairs, Charles Baker.

Next, a position is developed jointly by the Office of Policy Review and Coordination, headed by Robert Calhoun, and the Office of the General Counsel. Then the General Counsel's office presents the Department's case to the Interstate Commerce Commission, Civil Aeronautics Board or Federal Maritime Commission.

Some have suggested that DOT create a shipper administration or an office of shippers and consumers. Such an office would have as its sole obligation to look after the interests of the shipper.

So far, DOT officials have not given serious thought to the idea. Instead, they point to the fact that certain carrier groups also feel they are not being adequately represented.

DOT strategists rhetorically ask: "What would such an administration do? How would it operate in conjunction with other offices?" They say the purpose of an administration is to carry out a legislative program; yet, there are no programs per se for shippers.

"My office is explicity concerned with the shipper," says Mr. Baker, who has set up an industry analysis group within his office to analyze shipper problems. While there are no specific shipper statutes on the books, he points out that DOT does have a secretary and assistant secretaries to see that transportation does meet the needs of all its users.

The fragmented system DOT employs to represent the shipper interest appears to work fairly well from the Department's vantage point. But it makes it extremely difficult for the shipper who is located in "Podunk" to make his views heard and acted upon.

ARMS CONTROL PROPOSAL BY SENATOR JACKSON

Mr. INOUYE. Mr. President, on March 30, the Washington Evening Star published an editorial in support of a most interesting arms control proposal put forward by the Senator from Washington (Mr. JACKSON) in a speech on Monday, March 29, on the Senate floor.

In his speech, Senator JACKSON proposed an interim freeze on offensive land-based weapons as a means of saving the SALT talks from becoming outpaced by the developing Soviet ICBM deployments.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE JACKSON FREEZE

As usual, Senator Henry M. Jackson has got it about right. His proposal for an immediate freeze on further deployment of American and Russian land-based offensive missiles is the first we have seen that makes any real sense.

The Washington Democrat's proposal is based on the very real possibility that the Strategic Arms Limitation Talks (SALT) in progress in Vienna may be overtaken by events. Progress at the talks is understandably slow. And while they continue, the relative stability of the nuclear balance, on which the success of the talks ultimately will depend, is being seriously threatened by a continuing buildup of Soviet offensive weaponry.

What Jackson suggests is an interim arrangement to stabilize the situation while the effort to reach a comprehensive agreement goes forward. For a period of a year, both Russia and the United States would undertake to halt the further deployment of land-based intercontinental missiles, including those now under construction.

Both countries would be free to take measures to assure the survivability of their existing strategic land-based forces as long as these measures did not add to their offensive potential. Neither side would deploy anti-ballistic missiles designed to protect population centers—as opposed to missile sites—from nuclear attack.

The proposal, unlike others that have been heard, faces up to the central reality of the nuclear balance. Deterrence of nuclear war depends entirely on assuring on both sides the capability for a retaliatory nuclear second-strike. Stability is threatened whenever one side—in this case the Russians—begins to achieve a capability of destroying retaliatory forces with an opening attack. It is also threatened by deployment of an ABM system designed to protect cities against a retaliatory blow.

The Jackson plan, if accepted, would have the effect of stabilizing the present balance. It would give no advantage to either side in terms of first-strike potential. It would permit further protection of retaliatory forces, through greater hardening of missile silos and through the deployment of ABM defenses, designed exclusively for the protection of missiles.

The great question, of course, is whether the Russians would even consider such a proposal. What they are urging—incomprehensibly supported by some American politicians—is a ban limited entirely to defensive missiles, which would have the effect of destabilizing the balance at an even faster pace. They might well reject the Jackson proposals out of hand. But were they to do so, the Soviet intentions at the SALT negotiations will be clearer than they are today.

REUSE AND RECYCLING OF RESOURCES

Mr. FANNIN. Mr. President, the public awakening to environmental problems has put strong pressure on Government and industry to work out solutions. This pressure is good so long as it does not stampede us into an unwise course of action.

If we are to maintain anywhere near the high standard of living we have enjoyed in the past several decades in the United States, it will be industry that solves the pollution problem—not the Government. Government may provide the incentives, but not the pollution-free products that are desired.

Some communities have sought to cure their litter problem by banning the so-called throwaway soft drink and beer containers. It seems to me that this may be a shortsighted approach. Once deposits are required on all containers, then the incentive to perfect new containers is gone. We will have the same old bulky, heavy bottle that has been around for ever so long.

I also would like to raise the question as to where the line is to be drawn for requiring returnable containers for food items—or for any items. If everything on the grocer's shelf were put in returnable, deposit-required containers, then the trash disposal problem would be solved overnight. Of course, it would take a half-ton pickup truck to carry 2 weeks supply of groceries home from the store.

The point is that we must provide realistic incentives and regulations that promote the reuse and recycling of our resources. Given the chance and the encouragement, I believe that industry will solve many of these problems.

As an example, I would like to cite a telegram that Mr. George W. Taylor of Phoenix, sent March 31 to Mrs. Virginia H. Knauer, Assistant to the President for Consumer Affairs. Mr. Taylor is cochairman of the beverage industry recycling program—appropriately known as BIRP. I ask unanimous consent that the telegram be printed in the RECORD so that Senators will know what is being done to recycle beverage containers in Arizona.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

APRIL 2, 1971.

Senator PAUL FANNIN,
Washington, D.C.:

Copy sent Virginia H. Knauer, special assistant to the President on Consumer Affairs, the White House, Washington, D.C.:

"Am certain you would like to know of the Arizona reclamation center for glass, steel cans and aluminum cans opened today in Phoenix. The Beverage Industry Recycling Program (BIRP) is sponsored by Arizona Soft Drink Bottlers and Arizona Wholesale Beer Distributors in conjunction with the city of Phoenix who has supplied the 1½ acre site on $1 per year lease. We hope BIRP, non-profit partnership of our two industries, will help reduce litter and solid waste in the Phoenix area by offer of a monetary incentive to the public for glass steel and aluminum. Other centers are planned to be opened in Arizona by BIRP before summer, and we'll take items of glass, steel, cans and aluminum that are not containers for our products."

We believe BIRP is the first cooperative effort of its kind using the talents of all competitors in our two industries, working with a municipality, to attack some of the twin problems of litter and solid waste.

Publicity and advertising campaigns are about to start or, under way to acquaint the public with the reclamation center.

Cullet will be trucked to Los Angeles glass plants to be melted and reformed into glass containers. Steel cans will be processed here and used to extract copper from mine trailings dumps that would otherwise be a lost natural resource. Aluminum will be shredded and shipped by rail to be melted and reformed into secondary aluminum ingots for reuse.

We stand determined to continue to sell returnable packages and at the same time make one-ways available with a monetary incentive to the public to recycle them.

George W. Taylor,
Vice President and General Manager, Phoenix Coca-Cola Bottling Co., Chairman, BIRP.

THE GENOCIDE CONVENTION AND THE TREATYMAKING POWER

Mr. PROXMIRE. Mr. President, in my view, nothing in the U.S. Constitution prevents the United States from ratifying the Genocide Convention. Solicitor General Philip Perlman testified before the Foreign Relations Committee over 20 years ago in support of the Genocide Convention. His testimony is a brilliant rebuttal of the argument that U.S. action on the Convention is beyond the scope of the treatymaking power.

The treaty power of the United States extends to all subjects of negotiation between our government and the governments of other nations is clear (*Geofroy* v. *Riggs,* 133 U.S. 258, 266 (1890); *Asakura* v. *Seattle,* 265 U.S. 332, 341 (1924). The treaty-making power is broad enough to cover all subjects that properly pertain to our foreign relations * * * (*Santovincenzo* v. *Egan,* 284 U.S. 30, 40 (1931)).

The contention advanced by some of the critics of the convention that these subjects must be completely or exclusively "foreign" or "international" or "external" overlooks the whole history of treaty-making which has, from the first, dealt with matters having direct impact on subjects intimately of domestic and local concern.

That genocide is . . . a subject appropriate for action under the treaty-making power seems to us an inescapable conclusion. The historical background of the Genocide Convention indicates the view of the representatives in international affairs of practically all the governments of the world on the appropriateness and desirability of an international agreement to "outlaw the world-shocking crime of genocide." This Government has shared in this view; in fact, has taken a leading part in shaping the convention (p. 25–26, Hearings).

THE QUESTION OF CONSTITUTIONAL LIMITATIONS ON THE TREATY POWER

It is accurate to say that the treaty power extends to all proper subjects of negotiation with other governments, and that genocide or the Genocide Convention appears to be such a proper subject of negotiation. However, it has been suggested by critics of the convention that the treaty power is not without limitations, and that the convention or parts of it may conflict with these. The arguments are grounded principally in a statement contained in the case of *Geofroy* v. *Riggs* (133 U.S. 258, 267 (1890)):

The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the Government or of its departments, and those arising from the nature of the Government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. * * * But with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiations with a foreign country.

The constitutional restraints or limitations suggested by this statement appear to be of two kinds—express prohibitions, and those implied from the nature of the Government and the States. As a matter of fact the Supreme Court may have whittled down the breadth of the suggestion, in its later opinion in *Asakura* v. *Seattle* (265 U.S. 332, 341 (1924)) when it said:

"The treaty-making power of the United States is not limited by any express provision of the Constitution, and, though it does not extend 'so far as to authorize what the Constitution forbids,' it does extend to all proper subjects of negotiations between our Government and other nations."

In *Missouri* v. *Holland* (252 U.S. 416 (1920), the Supreme Court specifically eliminated the tenth amendment to the Constitution as a possible limitation on the treaty power. What Mr. Justice Holmes had to say for the Court on the existence of limitations on the treaty power generally is also of importance:

"Acts of Congress are the supreme law of the land only when made in pursuance of the Constitution, while treaties are declared to be so when made under the authority of the United States. It is open to question whether the authority of the United States means more than the formal acts prescribed to make the convention. We do not mean to imply that there are no qualifications to the treaty-making power; but they must be ascertained in a different way. It is obvious that there may be matters of the sharpest exigency for the national well-being that an act of Congress could not deal with but that a treaty followed by such an act could, and it is not lightly to be assumed that, in matters requiring national action, 'a power which must belong to and somewhere reside in every civilized government' is not to be found. * * * The case before us must be considered in the light of our whole experience and not merely in that of what was said a hundred years ago (252 U.S. at 433)."

It is significant that no treaty of the United States has been held unconstitutional.

The express power of Congress to define and punish offenses against the law of nations is not a limitation on the treaty power

An argument is made by those who oppose the Genocide Convention as a whole that Article I, section 8, clause 10, of the Constitution confers on Congress the power to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations; and that for the President and Senate to bind this country to a treaty obligating the United States to punish an offense under international law (per art. I of the convention) is a usurpation of the legislative power, particularly if the treaty is self-executing.

In order not to obscure the real argument with assumptions that are not factual, it should be observed at once that article V of the convention specifically contemplates domestic legislative action, in particular to prescribe penalties since none is provided. This part of the convention, requiring as it does legislative action, is not self-executing under the principles laid down by the Supreme Court, *Foster* v. *Neilsen* (2 Pet. 253 (U.S. 1829)); and for the United States to enact the necessary legislation to give effect to the provisions of the convention "in accordance with * * * [its] Constitution[s]" (convention art. V), and to try guilty persons "by a competent tribunal of the State in the territory of which the act was committed" (convention art. VI), requires action by Congress prescribing the offenses punishable and conferring criminal jurisdiction on the courts of the United States.

This is not to say that Congress may not, in its discretion, use the definitions of the offenses under international law, in this case as contained in the convention, just as it has validly provided punishment for the crime of piracy "as defined by the law of nations" (*United States* v. *Smith,* 5 Wheat. 157 (U.S. 1820)).

"Thus, as the result of the situation created by the very terms of the convention itself, there is removed from consideration any notion that the treaty, if accepted, will bypass the Congress, or will in itself legislate Federal criminal law" (p. 30–31, Hearings).

The testimony of Solicitor Perlman is ample evidence that the Genocide Convention is properly a matter of international concern and within the treaty making power of the United States. Mr. Perlman also demonstrates that the treaty is not self-executing, and that it will not in itself legislate Federal criminal law.

I urge the Senate to follow the action of the Foreign Relations Committee, which on Tuesday of last week approved the Convention by a vote of 10 to 4.

It is time to act on the Genocide Convention.

RELATION OF SCIENCE TO NEEDS OF WHOLE SOCIETY

Mr. STEVENS. Mr. President, earlier this month I heard Dr. W. D. McElroy, director of the National Science Foundation, address the 30th annual science talent search award banquet. Dr. McElroy's address related the role of science to the needs of our whole society, particularly the needs and desires of our young Americans. I ask unanimous consent that the address be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Dr. W. D. McElroy, Director, National Science Foundation, 30th Annual Science Talent Search Awards Banquet, Shoreham Hotel, Washington, D.C., March 1, 1971

YOUTH AND SCIENCE

Dr. Seaborg, Dr. Herwald, Mr. Sherburne, Distinguished Guests, Ladies and Gentlemen:

What makes the Talent Search Winners so special? Is it that 12 out of 40 of you are first in your class? Is it that half of you are members of the National Honor Society? Is it that more than half of you were picked for National Science Foundation summer programs at universities throughout the country? Certainly all these honors make any group special. They show that you are intelligent, energetic, and compete well. That's fine, but it's not the whole story. I think you, as a group, are special for three other reasons:

First, you have narrowed the generation gap. In the long journey which led to this evening, many people of all ages joined to help you. Business, schools, and parents worked together to make the framework in which the competition could take place. But without the zest of young people, without the congruence of interest they created, the gap which has widened elsewhere would not have narrowed here.

Second, you have shown that schooling for some young people is an opportunity, not a source of frustration. Through you, everyone can see that growth, freedom, discovery, the chance to do something you are proud of, can be part of the learning experience.

Third, you have demonstrated by many of your projects that science can serve the society of which it is part.

If these qualities make you special, they also mean that you have a special responsibility. We all know how much science and technology affects the kind of country we are and will be. We also know that many of the questions we face cannot be answered without the knowledge that scientists are and will be developing. Because of your talents for science, most of you will probably devote your careers to that effort. At the same time, you and the future scientists you represent, will face challenges which are not strictly scientific but yet involve all science and every scientist.

What, specifically, are these challenges which concern all scientists—especially young ones? Basically, they deal with the future role of science and scientists and how they relate to society.

Our society cannot survive without science—let alone advance. To prove the point it shouldn't be necessary, to this audience, to list the varied achievements of science and science-based technology. Instead, let me turn to the pragmatic field of trade where people, other than scientists, make hard choices for which they are willing to pay.

Over most of the past decade, only one category of exports has produced a favorable balance of American trade. That category is high technology manufactured items. During this time, agriculture, fuels and minerals, and low technology manufactured items had a negative balance of trade. Here is convincing evidence that science and technology are the basis for our economic success in competition with other nations. In other words, what we have that other people prize most depends, to a large extent, on the results of our research and development.

In my view, the key issue is not whether we should be a science-based, technological society, but what its future direction, methods, and pace should be. But today a counter view is proposed which would relegate science to a minor role. The most influential statement of this view appears in *The Greening of America* by Charles Reich, which has been first on the best seller list for more than 3 months. According to Mr. Reich, "a new consciousness will arise which seeks restoration of the non-material or spiritual elements of man's existence . . . (and) seeks to transcend science and technology."

This is a noble concept, one I can generally subscribe to. The impersonal machine, I believe, has often been too dominant in our lives and it's high time we reasserted the primacy of man's humanism. But we dare not lose our sense of balance; we dare not overreact to the point where science is damaged. Unfortunately, the anti-science attitudes of the "counter culture" have some currency with the young. But such attitudes ignore or deny the technical complexities and economic realities of our society. Where, for example, is the energy to come from to recycle waste, and to restore our lakes and rivers? How is that energy to be prevented from itself fouling the environment which is one of the "nonmaterial . . . elements of man's existence"? Like it or not, our future to a large extent depends upon science and the wise use of the resulting technology.

The future, then, lies not in de-emphasizing science and all rational processes. In large measure, it does lie in the enlightened use of science serving society, responding to man's individual and collective concerns for a better, more meaningful life. In my view, all science is relevant to man sooner or later, but today the severity of our problems is such that we must accelerate and concentrate scientific resources on such things as our ecological system, the behavior of individuals or social groups and institutions, and the effects of the resulting technology.

I have mentioned two contrasting views as to the relative importance of science in the future. Yet, despite the obvious differences, a closer examination reveals certain similarities of attitudes between many scientists and those of our more thoughtful young people—even those who are hostile to science. Youth is identified with change. Those who know science are well aware that science is also dedicated to change; it is probably the most profound generator of change on the current scene. And in the matter of style, there are similarities between the scientific community and members of the younger generation. Curiosity, imagination, individuality, and creativity are characteristic of both. Each tries to go beyond appearance to find reality. Each asks questions and questions answers. Where facts and theory conflict, theory bows.

I mention these likenesses because I think what unites youth and science is greater than what divides them. This is true even for those who are not science oriented. Perhaps most important of all, science is an indicator of society's commitment to the future—the inheritance of the young. We may disagree as to science priorities of one kind or another, but there need not be, nor should there be any clash of basic values.

There is another side to the role of science and scientists in society. If science is to have an expanding, active role in service to society, what are its limitations, what can we expect it to do?

Science has done so much so well that we often act as if it has no limits. But there are bounds to science which the scientists of the future must be increasingly aware of.

We often hear it said that we have the knowledge but lack the will to solve most of our critical problems. I believe there is much truth in this, but I suspect that in many cases we have the will but are not sensitive enough to how little we know and how careful we must be in the search for new knowledge. Too often we apply or search for scientific and technical knowledge and only later, when ill effects appear, become aware that our knowledge was incomplete or the investigation damaging. By that time, it may be very costly and even too late.

But even if we conduct research carefully and it results in useful knowledge, we should not lose sight of other factors which limit the usefulness of science. Political factors and social attitudes are often the most critical of these. As a matter of fact, the serious problems facing society seem to have one common feature: they will be settled principally by political division, by economic choice, and by the education of people. Granted that we must underpin such solutions by sound knowledge and understanding which comes from research, we must also accept the point—as Reich reminds us—that values and emotions have at least as much to do with some decisions as scientific knowledge.

For this reason we must distinguish what science can do, ought to do, and cannot do. Knowing there are limitations should keep us from promising more than we can deliver. But to speak of the limitations of science is not to say that there is some fixed line beyond which science has nothing to offer. Of course, it is the privilege and obligation of all scientists to probe and push the line back continually so that society has more options for its decision-making.

Another serious problem facing scientists, both young and old, is the danger of isolation from their larger community and from other fields of knowledge. Rachel Carson's *Silent Spring* dramatically emphasized that everything we do in nature affects something else. And anything affecting nature eventually affects everyone. It is for this reason that scientists must work jointly with humanists and other nonscientists to explore fully the social and human impact of what they are doing and plan to do. The walls which separate scientists from other fields of knowledge must be scaled by efforts involving many disciplines, diversification, and a clear understanding about what's important.

Using the privilege of this forum, I have talked to you about certain problems that all scientists face in the future regardless of age or their particular discipline. I do this to emphasize that science and technology are not autonomous or neutral—the process requires vast resources and the results affect humanity deeply. For this reason we have no choice but to relate science and technology to the needs and activities of society. Recognizing these needs and fulfilling them successfully requires that we harmonize and reconcile any tensions between the scientific community and the larger community which supports it. Our ability to harness science for sound and effective answers to national problems may depend on how well we succeed in bringing together the two viewpoints.

Recently, President Nixon, speaking at the University of Nebraska, pointed out that "young people need something positive to respond to, some high enterprise in which they can test themselves, fulfill themselves." He pointed out that "the destiny of this nation is not divided into yours and ours. It is one destiny. We share it together. We are responsible for it together. And in the way we respond, history will judge us together." I endorse that view without reservation and hope that my remarks tonight will stimulate you to achieve the creative unity we need.

EXPECTED PROTEST DEMONSTRATIONS AGAINST THE WAR THIS SPRING

Mr. MUSKIE. Mr. President, on April 24 this city will again be the site for a demonstration against our military involvement in Indochina. Its planners intend that it be a peaceful and constructive expression of concern.

The right of citizens to gather and petition their Government is one which derives from the earliest year's of our Nation's history.

It is a right which we, as Members of the Senate, must afford the greatest respect.

It is also a right which carries with it concurrent obligations:

For the demonstrators, to dissent peacefully and responsibly;

For us, as members of the Government to listen without prejudice to the voices of dissent.

These are minimal ground rules for democratic decisionmaking, and within the framework they provide, I endorse the efforts of those who are coming to Washington on April 24.

There is, this spring, much to cry out against:

The invasion of Laos;

The renewed and strengthened bombing of North Viet Nam;

Neglect of the talks in Paris;

A confusing and shifting rationale for developments in Indochina.

The result is a frustration that has now cut across divisions of age and occupation, region and party. Emotions run high, at times erupting in ways that are uncomfortable or dangerous.

But while such emotion can be deeply unsettling, it also has the potential for productive activity, for challenging the best that is within our people to find solutions to such problems as the spreading war in Indochina.

This is what I hope for in the coming weeks:

That the demonstrators commit themselves to ending this war not just with words but with responsible political activism;

That they recognize the opportunity they have for influencing the course of our Nation, with reason as well as emotion;

And that they not be satisfied with a single day of dissent, but rather return to their communities and campuses to mobilize the political support for ending American involvement in the war, political support waiting there to be expressed.

We must work for effective legislation requiring total withdrawal of our troops by the end of this year.

And this can be done, not in a day of protest, but in making constant and persistent efforts, all over the country, to change our Indochina policies.

Mr. President, I welcome these expressions of concern for the opportunities they offer for citizen participation in the decisions of our Government.

I endorse and support this meeting on April 24 for it represents a commitment to an effective, impassioned, and yet peaceful protest against the war.

And I urge those who participate to carry their arguments on, beyond the days of demonstrations, into the political processes and institutions of our Government. For the success of their cause lies there.

OREGON LEGISLATURE URGES REFUGES FOR WILD HORSES

Mr. HATFIELD. Mr. President, public concern is steadily increasing for the remaining free-roaming horses and burros in this country, and alarmed citizens in Oregon have taken their cause to the State legislature. In turn, a joint memorial has been introduced in the Oregon legislature, memorializing Congress and the Secretary of the Interior to place wild horses under the protection of the U.S. Government by the creation of refuges. It is this very concept which is embodied in S. 1116 sponsored by the Senator from Washington (Mr. Jackson) and myself. Hence, it can be seen that support for this type of legislation is broad-based, and I again urge Congress to pass S. 1116 quickly.

I ask unanimous consent that Oregon Senate Joint Memorial 6 be printed in the Record.

There being no objection, the memorial was ordered to be printed in the Record, as follows:

Senate Joint Memorial 6

(To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled, and the Honorable Secretary of the Interior:)

We, your memorialists, the Fifty-sixth Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

Whereas the wild horse is an animal symbolic of a colorful and historic chapter in the story of the West; and

Whereas the number of wild horses in this country has declined from nearly two million in 1900 to approximately 17,000 at the present time, and

Whereas the esthetic value of wild horses on public lands is a public asset that requires governmental protection; now, therefore,

Be it resolved by the people of the State of Oregon

(1) The Congress of the United States and the Secretary of the Interior are urged to place wild horses under the protection of the United States Government by the creation of refuges or other appropriate means.

(2) A copy of this memorial shall be transmitted to the Secretary of the Interior and to each member of the Oregon Congressional Delegation.

PREVENTION OF COMMUNICATION BY MEMBERS OF EXECUTIVE BRANCH WITH MEMBERS OF CONGRESS

Mr. FULBRIGHT. Mr. President, on March 20 the Washington Post published an article by Mike Causey concerning a new policy in the executive branch, intended to prevent members of the principal bureaus of the Government from communicating with Members of Congress. I have on many other occasions noted the difficulties which the Committee on Foreign Relations has had in obtaining information from our Government to which it is entitled, and which is essential for the discharge of our legislative responsibilities. I regard it as a most serious departure from our democratic constitutional system to find the agencies directing their employees not to communicate with Members of the Congress. If this is correct, it is essential that this policy be abandoned, and I hope that all Senators will give their attention to the matter. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Clam-Up Order Affects Some 800,000

(By Mike Causey)

Nearly 800,000 federal workers and military men are now under orders—some vague, some very blunt—not to talk with congressmen or reporters if they want to keep a job or avoid a court-martial.

Agencies that have slapped so-called gag rules on employees include the giant U.S. Postal Service, the academic-oriented National Science Foundation, and the Public Health Service, where it is considered unhealthy to coffee up with newsmen. PHS, incidentally, is in the process of some verbal back-pedaling on that score.

PHS has been in the midst of a political and emotional crisis since word leaked out that the administration is planning to close some, or all, of its hospitals and facilities around the country.

Earlier this week, United Press International reported that top hospital brass had been called into town, and had gotten orders to spread the keep-mum word among their civil service and commissioned officer corps.

PHS denied the wire service report, but without much feeling. It said that the decision to close was now before the Secretary of Health, Education and Welfare, and that individual personal comments or speculations by staffers would be "inappropriate," especially if made to members of Congress, the press or community leaders who want the hospitals kept open.

As the keep-quiet directive trickled down the line, some supervisors and administrators apparently "got carried away," according to top officials. One of them was the medical chief of a Baltimore PHS unit. His directive, which seems rather to the point, read:

"There are to be no press contacts by any individual in the hospital for other than simple questions as to records such as census, admission, etc.

"There are to be no contacts with members of Congress other than responding to simple questions of fact such as the above.

"Casual social contacts with press, members of Congress and other political organizations are to be avoided.

"Should any of the above conditions arise, you should refer them immediately to the directors office."

The memo finished off with this cheery warning: "You are reminded that failure to obey this directive can lead to court-martial for commissioned officers and discharge for Civil Service employees."

Despite the congressional contact ban, Rep. Gilbert Gude (R-Md.) got wind of the memo. It did not make him happy.

Gude fired off a short letter to HEW boss Elliot Richardson, blasting the firing, court-martial threat as "a serious infringement of rights." He called upon Richardson to repudiate the memo. PHS sources here yesterday said the thing would be "cleared up."

Late yesterday, PHS's parent unit, the Health Services and Mental Health Administration, said the Baltimore memo had been issued "in error" and will be withdrawn. Now the problem will be convincing employees that the disavowal outranks the edict.

But Postmaster General Winton M. Blount has not backed off from his no-contact-with-Congress order. His employees have been told not to discuss postal problems with Capitol Hill and to refer all such queries, such as a late arriving social security check in Missoula, Mont, to Washington.

Along that line, workers at the Air Force Data Systems Design Center here, are wondering about the effectiveness of the secrecy blanket.

Weeks ago, rumor had it that the Forrestal Building group, with about 800 civilian and military people, was to be transferred to Montgomery, Ala. But all those in-the-know were told the shift was classified as top secret until March 10. A complete story on the transfer appeared in a Montgomery newspaper two days before the secret deadline was to expire. That ought to say something about the value of top secret classifications where people's jobs are concerned.

ECONOMIC CHALLENGE

Mr. MATHIAS. Mr. President, last Thursday it was the privilege of a bipartisan group of Senators to meet with a distinguished assembly of citizens from all parts of the Nation to discuss the potential and the problems of economic conversion. The principal address at lunch was delivered by the senior Senator from Massachusetts (Mr. Kennedy). I ask unanimous consent that the text of his remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Economic Conversion—A National Challenge and a National Opportunity

Senator Clark, Professor Udis, and other distinguished guests and participants. In the course of the past two days, hundreds of concerned Americans from many different disciplines and many different walks of life have assembled here in the nation's capital to wrestle with the difficult problem of economic conversion. I am delighted to have the opportunity to appear before you in this concluding session, and I commend all of those who have devoted so much effort to make this conference a success.

We have come together here to meet a challenge, to seek a greater understanding, to shape a new national strategy that can transform our economy in ways that will make it responsive to our unmet needs.

The distinguished speakers, panelists, and participants in the conference have probed the need for such a strategy, the purposes at which it should be aimed, and the methods by which it may be attained. If one truth is self evident from the proceedings here this week, it is that economic conversion is one of our greatest national challenges, and one of our greatest national opportunities.

Time and again in these conference proceedings, we have heard depressing and dramatic demonstrations of the overriding need for a national program of economic conversion. Out of these proceedings have come a deeper perspective and understanding of the challenge we face, and a clearer realization of the opportunity we have.

For the America of the 70's, conversion is not just an economic and technical challenge. It is also a human and social opportunity. It is a chance—perhaps our last best chance in this generation—to recapture the meaning of the American dream.

In the decade of the Sixties, America had its rendezvous with reality. We began to lose our way in our historic quest for individual liberty, human dignity, and social compassion. We sacrifice our highest goals and aspirations on the false altar of military power and prestige.

Perhaps we shall never know the full costs of the Vietnam war. But they lie all around us. They begin with the hundred billions of dollars we have spent in Indochina, and the tens of thousands of lives we have lost there.

But that is not the end. The enormous costs of Vietnam are all measured by all the problems we have not faced because our priorities were wrong. Our cities are in decay, we face a crisis in health care, our schools are on the brink of bankruptcy, crime is rising, drugs are rampant and, worst of all, our national spirit is in eclipse.

More than thirty years ago, on the eve of the most popular war America has ever waged, President Franklin Roosevelt proclaimed to the nation that we had a "rendezvous with destiny." Confronted with a threat to our very survival as free Americans, we rose to the challenge and created a mighty war machine that overwhelmed our adversaries.

Following our victory, we had no sooner demobilized, when the "Cold War" was upon us. Later, in response to the Korean aggression, we re-armed once more, and vowed never to let our strength slip behind again.

Accordingly, we set about building a massive military-industrial-scientific machine, which the noted historian of civilization, Lewis Mumford, has eloquently called the "Pentagon of Power". The enormous dangers of this new direction in our society were soon perceived.

President Eisenhower was one of the first to see the threat. In his farewell address in 1961, he warned against the "unwarranted influence" of the military-industrial complex. By the end of the decade, the prophecy implicit in his warning had been fulfilled.

By 1970, our priorities were clearly out of joint. For every man, woman, and child in the United States, we were spending sums like these: $410 on national defense, $125 on the war in Vietnam, $19 on the space program, $19 on foreign aid, and only 89¢ to conquer cancer.

The Federal Government spends $1400 to train each South Vietnamese soldier, but only $54 to educate each American child.

By 1970, the military was receiving half of every tax dollar, and more than half of the Federal funds for research and development.

The Defense Department sends hundreds of lobbyists to Capitol Hill to sell its message to Congress. It employs thousands of public relations men around the world, to sell the message everywhere. From the end of World War II to 1969, America spent the staggering total of a trillion dollars for military defense.

Along with this massive allocation of manpower and resources to military purposes, there also went an insidious sapping of our moral strength, from which we have only now begun to recover. In our pursuit of the phantom of military victory in Vietnam, we have turned aside from the values for which America stands.

Mylai and the Calley trial are but the latest episodes in the fundamental immorality of the war. This is where the military myths have led us. Lieutenant Calley is a tragic figure, and the only hopeful sign I see is that the national indignation over the outcome of the trial is a cry from the heart of millions of Americans who suddenly now see the awful immorality of the war. If we view Calley and Mylai as a symptom of a system gone astray, if we dedicate ourselves to setting it straight again, if it helps us end the war, then this tragic moment in our history may someday, somehow, be requited, and the innocent victims—the men, women, and children of Mylai—will not have died in vain.

The fundamental immorality of Vietnam has also permeated our domestic society. Recent revelations show widespread military surveillance of civilian behavior, including even the surveillance of elected political officials. We know that wire-tapping and other forms of snooping in our society are on the rise. We know that electronic computer memories never forget. They never expunge the record of anything they learn, regardless of how invalid or unverified it may be. Too often, the beleagured individual has nowhere to turn as he seeks protection for the basic rights that belong to all Americans.

Indeed, it is not too much to say that as we approach the Bicentennial Anniversary of the Declaration of Independence, the nation is beset with difficulties and torn asunder as it has not been since the Civil War.

Suspicion, distrust, and fear run rampant—race confronts race; consumer interests contend with industry; environmentalists oppose polluters; the working man resents the welfare man; the white collar worker distrusts his union brother, suburbanites oppose the needs of the inner city; governors compete with mayors for limited Federal funds; and almost everyone views the Federal Government with distrust and disappointment.

Our catalogue of ills is not an attack on any Administration. The roots of our discontent go back many decades, and leaders of both parties have participated in the decisions that have led us to our present impasse. The question is not who is to blame for past decisions, but how to cope with present problems.

Everywhere we look, we find clearcut targets for constructive action. When we have the will to see our problems clearly, we can begin to build the will we need to solve them.

As President Kennedy told the students at American University in his Commencement Address in 1963: "Our problems are man made—therefore they can be solved by man. And man can be as big as he wants. No problem of human destiny is beyond human beings. Man's reason and spirit have often solved the seemingly insolvable—and I believe they can do it again."

Indeed, the very turmoil which characterizes our time can be turned to our advantage. For I believe that we stand at one of those fluid moments in history when old systems have lost their power, and new truths are in the process of being born. The military-industrial-scientific complex which we built up so laboriously in the past has been shaken to its foundation by the moral bankruptcy of the Vietnam war and our unmet needs at home.

The mounting pressure of unattended problems and priorities can no longer be denied. We have it in our power to reshape society to meet our needs. We cannot let this moment slip from our grasp.

Perhaps our greatest potential for reform—our key to future action—lies in changing the orientation of our society from defense to civilian activities. For a generation, defense has been the cornerstone of our economy. Still today, upwards of ten million citizens are employed in areas directly related to national defense—the Armed Forces, the Department of Defense, and defense-related industries. Many millions more are indirectly dependent on defense programs for their livelihood.

Now, however, the tide has begun to turn. According to the Economic Report of the President, between 1968 and 1971, defense-related employment in the United States will decrease by nearly 1.8 million workers from its peak within that period. We know that scientists and technical personnel have been hard hit by these cutbacks, since they are especially dependent on federally financed programs for employment.

We also know that reductions in Federal spending for research and development in recent years have had an enormous impact on scientists, engineers and technicians. In a little over a year, aerospace and related employment levels have declined 15%—from 2.7 million to 2.3 million, involving the layoff of almost 450,000 employees. New reductions during the current fiscal year will affect an additional 400,000. More than 60,000 scientists and engineers have lost their jobs. More than 10,000 men have been laid off in the single specialty of electrical engineering alone.

Overall, the estimated unemployment rate for engineers increased from 0.5% in the third quarter of 1968 to a record high of 3% in January, 1971—a sixfold increase in little more than two years. The rate is expected to climb even higher over the coming year. Tragically, we are now witnessing the highest unemployment levels for professional personnel since the Federal Government began keeping such statistics in 1958.

These lost jobs represent a serious hardship to the individuals and families concerned. They have a multiplier effect on the communities in which they occur. They endanger the entire scientific and technical enterprise of the nation.

But quite apart from the human hardships involved, these idle technical personnel represent a vast waste of one of the nation's most precious assets—its skilled manpower and resources. An enormous national investment went into the formal education and on-the-job training of this technical workforce. As long as they are unemployed, that investment is being wasted, and the nation is the loser. The rapidity with which new scientific knowledge and techniques are being generated means that many of their professional skills may be obsolete before they find new jobs.

Through the process of conversion, however, the current generation of scientists and engineers can direct their talents to solving our pressing social problems, restoring the integrity of our environment, and enhancing the quality of our lives. Economic conversion is not a welfare program for unemployed technicians, or a stimulus to the proliferation of unnecessary consumer products. Instead, it emphasizes the application of technical skills to our most urgent social problems—problems in areas like unemployment, poverty, crime, race, pollution, nutrition, housing, health care, transportation, education, and virtually every other aspect of our domestic life.

Take the field of poverty, for example. The Office of Economic Opportunity has officially estimated that the number of poor people in America increased by 1.1 million persons in 1970, to a total of 25.7 million. This is the first time in a decade that the number of Americans living in poverty has increased. The seriousness of the situation is heightened when we realize that poverty "officially" ends at an income level of only $3,700 a year for a family of four. This is an intolerable situation, a situation that can be greatly improved if we turn our technical talent to the creation of jobs in the civilian sector of the economy.

Or take the field of health. The United States ranks first in the world in Gross National Product and Military Spending, but we are 13th from the top in infant mortality and 11th in the number of physicians per inhabitant. Health care is the fastest-growing failing business in the nation—a $70 billion industry that fails to meet the urgent needs of our people. Today, more than ever before, we are spending more on health care and enjoying it less. In spite of our vaunted research and technology, unequalled by any other nation in the history of the world, America is an also-ran in the delivery of health care to our people.

The same disparity between potential and performance applies across the board to virtually every domestic problem—in transportation, mass transit, housing, education, pollution, law enforcement and crime control, and a multitude of other areas of major importance to our people. The needs we face cut across all political, economic, and geographic lines. They affect rich and poor, old and young, black and white, urban and rural, business and labor alike. Surely, a nation whose technology could have produced an SST can also produce the sort of clean, low-cost, non-polluting transportation systems we really need. Surely our scientific genius can help to answer the great questions of modern society, if only we have the courage to ask the proper questions.

Between now and the year 2000, the population of America will increase by nearly 100 million people. Unless we begin to solve our problems now, they will only be compounded in the future. The increased population is the equivalent of building 200 new cities with populations of 500,000 or 100 new cities with populations of 1 million. The development of such new cities, using advanced new technologies and systems analysis, may be the most important challenge we face, because it dramatizes the need for new research and development, in much the same way the challenge of Sputnik spurred the space program.

Our economy and social system abounds with technical challenges to which our vast reservoir of aerospace talent can respond. The transition will be difficult, but the effort will pay rich rewards for our people and the future of the nation.

To be specific, I think we need a national program of economic conversion, capable of accomplishing two goals: it must create a real civilian market for scientific talent, through substantially increased Federal funds. And, it must provide a comprehensive range of Federal financial assistance to ease the transition of professional personnel, including emergency assistance until conversion programs begin to function.

To meet these objectives, I have introduced two conversion bills in this Congress and I actively support additional measures to develop the strategy we need.

The first bill, the "Conversion, Research, Education, and Assistance Act," was introduced in January. It authorizes the appropriation of $500 million over a three year period to facilitate the shift of scientific and technical manpower from defense to social programs. The bulk of the legislation would be administered by the National Science Foundation, with the Small Business Administration administering programs to help small firms convert to civilian tasks.

In essence the bill asks Congress to establish three national policies in the area of economic conversion:

First, scientists must have continuing opportunities for employment, in positions commensurate with their professional and technical skill.

Second, Federal spending for civilian research and development must be raised to parity with defense-related research and development, and kept at or above that level in the future.

Third, the total federal investment in science and technology must continue to grow annually in proportion to increases in the gross national product.

The specific programs authorized by the bill will enable scientists and engineers to redirect their talents from defense-related activities to civilian-related activities, especially in areas like polluton, transportation, crime control, housing, education, and health care. The programs are designed so that thousands of unemployed scientists and engineers can participate directly, with the expectation that the resulting research and development activity will have a multiplier effect throughout the scientific and technical community and the economy at large.

Of the $449 million authorized for the National Science Foundation, $225 million would be distributed directly in Conversion Fellowships to individual scientists, engineers, and technicians, to enable them to participate in conversion retraining projects.

Another $63 million would enable the NSF to fund the establishment of Community Conversion Corporations in areas severely affected by defense and space cutbacks. The Community Conversion Corporations would be non-profit organizations designed to channel civilian research and development funds into the affected communities, and to provide immediate on-the-job retraining for unemployed scientists and engineers.

Another $45 million would be authorized for grants by the NSF to encourage State and local governments to hire scientists, engineers, and technicians to work on urban problems and other issues at the State and local level.

In addition, the Small Business Administration would be authorized to spend $45 million for grants to small scientific and technical firms to enable their personnel to participate in training programs. SBA would also have a revolving fund for guaranteed loans and interest assistance payments, in order to encourage small business firms to carry out conversion projects, including necessary changes in facilities and equipment.

The second bill, the Economic Conversion Loan Authorization Act was introduced in March. Its purpose is to provide emergency financial assistance to the thousands of scientists, engineers, and technicians throughout the nation who have already lost their jobs. The bill would enable banks to make low-interest, long-term Conversion Loans to unemployed technical personnel, in amounts up to 60% of their former salary, or $12,000 a year, whichever is lower. With these funds added to their unemployment compensation and other sources of income, unemployed scientists and other technical personnel will be able to maintain their family responsibilities, while making the difficult transition from defense to civilian work.

The bill authorizes $200 million over a three-year period for the purposes of the loan program, which will be administered by the National Science Foundation. The bulk of these funds will be used to provide interest subsidies and repayments of loans in default to banks and other lending institutions. In turn, these institutions will be able to make Conversion Loans of hundreds of millions of dollars to individual scientists and engineers. At a relatively small cost to the Federal Government, therefore, the impact of the program can be multiplied many fold.

Because their potential earning power is high, once their skills are successfully converted to civilian activities, the loan program is financially sound. More important, because their efforts can pay rich dividends in terms of progress against our urgent social problems, the nation's scientists and engineers constitute a unique group among the unemployed. At a time when, even now, we are producing only half the scientists and engineers required each year to meet the basic needs of our economy, it would be tragic to generate a climate that would discourage today's college generation from embarking on such careers.

At the same time, however, we cannot allow our emphasis on unemployed professional personnel to obscure the plight of millions of other unemployed persons in these times of economic crisis. The personal and family hardships they endure are often even more acute than the hardships suffered by unemployed professional personnel and they need assistance even more.

For this reason, I have strongly supported the imaginative manpower efforts by Senator Nelson in his pending legislation to provide public service jobs for unemployed workers in cities and counties across the nation. I also commend Senator McGovern for his forthcoming legislation to provide direct income support payments for unemployed defense workers, including incentives for enrollment in civilian retraining programs. In ways like these, we can insure that all the victims of unemployment are given emergency assistance in making the transition to new jobs.

Beyond the immediate crisis, however, we must begin now to build a long-run strategy for the effective use of our scientific and technological resources. In essence, the problem of economic conversion is a problem of national policy and priorities. With progressive legislation in Congress, and with imaginative action by the Executive Branch, we can press the attack on our urgent social problems, and reorient the nation to the unmet needs of our people.

But to enact that legislation and to elicit that effective Executive action will require strong national leadership, capable of focusing the talents of the country on the basic tasks we face.

The leadership we are seeking lies within ourselves. You who have joined this conference have already made a beginning. Through your personal commitment to these problems, you have already begun to constitute the leadership we are seeking. As you return to your communities, your jobs, and your own individual projects, I am confident we can continue to work together to achieve our common goals.

Through your efforts, we can make the spirit of America soar again as it began to soar in the early Sixties. No task is too great for men of conscience and concern. The challenges we face are larger, but we are equal to the jobs.

THE NEXT STEPS ON SOCIAL SECURITY

Mr. WILLIAMS. Mr. President both Houses of Congress have wisely and compassionately taken effective action to increase social security benefits by 10 percent, with retroactive payments dating back to January 1.

This action certainly was needed; and

it was needed without delay. But Congress would make a major mistake if it were to stop here on social security reform for this year. Additional actions, along the line recommended by the Senate committee report in its recent report "The Economics of Aging: Toward a Full Share in Abundance." As former chairman of that committee, I have introduced legislation which would implement many of the recommendations made in that report. I urge all members of Congress to give careful heed to those recommendations and to the mood of urgency which prompted them.

Mr. President, two recent editorials give forceful arguments for the committee recommendations and for early action. I ask unanimous consent that the editorials, one published in the Elizabeth N.J., Daily Journal, of February 5, the other published in the Sacramento, Calif., Bee of February 10, be printed in the RECORD.

There being no objection, the articles were order to be printed in the RECORD, as follows:

[From the Elizabeth (N.J.) Daily Journal
Feb. 5, 1971]

THE DISCARDED AMERICANS—THE OLD ARE LIVING LONGER WITH LESS; A NATIONAL POLICY IS NEEDED

Few groups in America have as much to complain about as the elderly.

They have been robbed of their savings by the worst inflation in history, yet they are often too proud to ask for help.

Loyal and able workers, they are denied jobs because of age barriers in insurance, pension and health benefits.

They are kept alive longer by modern medicine and then they are shunted off to die in depressing nursing homes.

Even their self-respect is being destroyed by a youth-oriented culture that is busy wrecking old values and traditions as things not relevant to modern society. The old, we are told, too often are conservative and stand in the way of change. Yet they are too weak to resist even if they wanted to stop the hurricane of social transition. They are, by and large, the silent, suffering victims.

A grim picture of the income problems of older Americans has been pieced together by the U.S. Senate's special committee on aging. It is worthy of examination.

Older Americans are twice as likely as younger persons to be poor. Some 4.8 million people 65 and older were living in poverty on 1969.

A new group of aged poor may be in the making among those now 55 to 59, because one out of every six men in that age group will be out of the work force by the time he reaches his 65th birthday if the present trend continues. And workers 45 and older are hardest hit by unemployment, which usually lasts longer than that of younger workers.

Inflationary pressures are especially severe on elderly homeowners because of the direct relationship between the local property tax and high cost of local government.

Social Security, despite increases, still is not automatically tied to the cost of living. By the time Social Security boosts have been approved by Congress and passed on to the aged, inflation has already wiped out most of the new benefits.

A task force of professional consultants in the field of aging posed these questions to the Senate committee:

"Every American, whether poor or rich, black or white, uneducated or college trained, faces a common aging problem: How can he provide and plan for a retirement period of intermediate length and uncertain needs? How can he allocate earnings during his working lifetime so that he not only meets current obligations for raising children and contributions to the support of aged parents, but has something left over for his own old age?"

Sen. Harrison A. Williams Jr., chairman of the special committee on aging, has put forward a bold set of proposals for dealing with the economics of aging. It promises to revolutionize the treatment of the elderly in America in matters ranging from Social Security, housing, Medicaid and job rights.

An important feature is that federal and state agencies would be required to make use of the employment potential of older workers through job counseling, retraining, public service employment, and prompt enforcement of the age discrimination law.

The economic situation of the aged today speaks ill of the solutions tried in the past. The elderly were hampered in their efforts to prepare for old age by two world wars, a major depression and lifetime earnings which were generally low. The important question persists: What are the prospects for the aged of the future?

Beverly Diamond, national consultant on the aging, testified before the Williams committee and struck a responsive chord when she noted: "The compelling fact is that we lack an overall, consistent approach, a comprehensive plan, a national commitment to implement it. We have no established priorities to tackle the most critical needs, no realistic appropriations, no orderly steps to assure effectiveness and continuity."

Instead, the government has offered a number of piecemeal approaches that reach too few. They are tokenism and wasteful.

Some of the solutions, but by no means all, are among the recommendations of the Williams committee. Its report, supported by evidence of experts and the aged from all over the nation, should form the basis for congressional action this year and for a comprehensive policy that is expected to emerge from a White House Conference on Aging later this year.

[From the Sacramento Bee, Feb. 10, 1971]

DIRE NEED FOR SOCIAL SECURITY HIKE

In view of the fact one in four Americans aged 65 or older lives on a bleak poverty-level income, one of the most urgent tasks facing the 92nd Congress is an increase in Social Security payments.

Last year the Senate voted a 10 per cent boost and the House approved a 5 per cent increase but the two branches never got together and the bills died.

It is shocking and unconscionable that at a time of oppressive inflation and unemployment this aged segment of the wealthiest nation on earth should have to live at a bare subsistence level. The high cost of rent, food and medicines results in a condition of squalor for some 4.8 million persons 65 and over.

These appalling facts have been documented by the Senate Special Committee on Aging. Its chairman, Sen. Harrison A. Williams Jr., D-N.J., says the problem is at a crisis level and urges a 10 per cent Social Security increase for 1971 and a 20 per cent increase for 1972.

His committee's study showed the aged have been hit not only by inflation, the major scourge, but also by rising unemployment. Those lucky enough to have had some kind of work have been the first to be laid off. Soaring property taxes jeopardize their efforts to hold onto their homes. Prospective medicare and medicaid cutbacks contribute to their woes.

The committee's report says general revenues should be used if needed to finance part of the Social Security increases. It also would expand medicare to cover prescription drugs for the chronically ill.

Congress should find it intolerable that the aged poor live in such abject circumstances and should enact the proposed measures of Williams' committee in the name of simple humanity.

PUBLIC CONCERN ABOUT NEWS MEDIA PERFORMANCE

Mr. ALLOTT. Mr. President, the properly thorough and lively national debate about the performance of the news media continues. This is as it should be.

Eternal citizen vigilance may be the price of media accuracy, and all true friends of the media should welcome any condition which will conduce to the accuracy of—and public confidence in—the media. And the media themselves should be gratified that in this country the Constitution assures them that they will suffer nothing more hazardous than a spirited debate.

The fact that this debate has continued now for nearly a decade indicates the depth of public concern about media performance. And the fact that the debate is carried on in numerous and diverse forums indicates the breadth of concern in our society.

Mr. President, this debate has now emerged in the pages of Sports Illustrated. The April 5 issue of that highly regarded magazine contains a most interesting and alarming article on some recent television reports on hunting. I am not concerned here with the subject of the controversial television reports. I am not concerned here to defend the particular hunting practices in question. But I am concerned with elementary fairplay. If the author of this article is correct, then we have evidence of still other instances of media inaccuracy. So that all Senators may consider the author's argument, I ask unanimous consent to have printed in the RECORD the article entitled "Everybody Is Up in Arms."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EVERYBODY IS UP IN ARMS

(By Dolly Connelly)

In a few days a documentary film that includes a particularly savage scene of an Alaskan polar bear hunt may be awarded an Oscar. The episode is a hoax. Yet with every showing, this supposedly factual film infuriates audiences and vilifies hunters.

A few months ago another editorially slanted documentary, one intimating that the hunting of exotic game on an island northwest of Seattle was a brutal slaughter, was shown on Walter Cronkite's CBS evening news program. The swell of public indignation that film generated is only now subsiding.

The trend—if it is one—toward picturing hunters and their sport as blood-thirsty and unprincipled is disquieting and unfair. Consider, specifically, the case of Safari Island, the focus of Cronkite's attention.

Safari Island lies in the San Juan archipelago, 31 miles off the northwest coast of Washington. It rises steeply from the tideline, with grassy open meadows on the south side and a forest of cedar and scrub fir to the north. Two years ago it was purchased by the Spieden Development Corporation for $675,000. The men behind the Safari Island project are Bert, Chris and Gene Klineburger, proprietors of Jonas Brothers of Seattle, the world's largest taxidermist, international safari travel agents, outfitters and top trophy hunters.

The idea was to turn the place into a combined game farm, resort and shooting preserve. The Klineburger brothers began stocking their new property with 2,100 game birds (quail, ringneck pheasants, guinea fowl, chukar partridge, jungle fowl and wild turkeys). Hundreds of rare animals—African Barbary sheep, Indian black buck, Corsican mouflons, Spanish goats, Indian spotted deer, Japanese sika deer, hybrid four-horned sheep and European fallow deer—were brought to the island. Some came from Chris Klineburger's ranch in Redmond, Wash. Others were purchased in Texas, where game raising is a sizable business.

The Klineburgers believed that animal conservation could be practiced on the island. The plan was to allow trophy hunters, for a price, to shoot the surplus game each year, and thus pay for the shareholders' investment, which now totals around $800,000. In April 1970 commercial hunters began arriving.

The first reaction, locally, to the venture was wry amusement. Then some distress. Native San Juan Islanders are well known for being opposed to change, any change, especially one that might bring accelerated tourism to the islands. They try to suppress the fact that there are state and county parks and even national historical monuments among their farms and fishing villages. It was not long before they were spreading stories of exotics that swarm to neighboring islands to escape the fusillade and arrived with price tags hanging around their necks, only to be shot by the natives for free.

Newcomers who have eased onto the island with vacation homes are no less opposed to fee hunting, considering it morally reprehensible and a stigma upon the fair name of the state. Mount Everest climber Jim Whittaker, whose summer home is on Johns Island directly across Spieden Channel from Safari, deplores the sound of rifle shots. "Suddenly the quiet is shattered," he says. "You know something is dying and the whole aura of heavenly peace out there is destroyed." One day when Whittaker and his sons were out fishing for cod, they watched a panicky deer swim toward their boat. They hauled it aboard, took the animal to Johns Island, where no hunting is allowed, and released it.

Though the Safari Island enterprise is private, and brochures advertising the preserve are sent out discreetly, only to friends and clients, angry letters began appearing in Puget Sound newspapers, Safari soon was being referred to as Slaughter Island—and various members of the anti-gun faction plumped for an open season on the Klineburgers.

The outrage was localized, however, until last November when CBS included a five-minute documentary on Safari Island on the Cronkite show. The program apparently gave to many of the 12 million viewers the nightmare impression of animals released from cages while hunters waited; rich and aging shooters ministered to by guides while they crippled animals in the hindquarters; hundreds of terrified animals trapped on a tiny island; a bloody, money-making business decimating animals. The film caused such anger that more than 2,500 people across the country wrote blistering letters to the Klineburgers.

Hunting is always a provocative and emotional subject. But there is little doubt that the CBS film was slanted. The sound track crackled with rifle shots and the way the film was spliced suggested that the animals were shot while confused, exhausted and wobbly-legged as they emerged from a stock truck barged to the island. A sampling of dialogue from the show:

"How a man can claim to operate a humane—be involved in the humane treatment of animals and operating a shooting preserve, I can't imagine. The two things are mutually exclusive. You're raising animals to be shot like targets, literally. You're using flesh and blood for target practice. There's no question about them being involved in animal humanity. Quite the opposite, it's animal cruelty in extreme form. . . .

"There are more than 3,000 private hunting preserves in this country, Safari Island being perhaps the most exclusive, places where animals are not meant to be seen, or touched or smelled, but to be hunted and stuffed and mounted and preserved—preserved for all time on the pine-paneled walls of somebody's den. . . .

"Want an African Barbary sheep? $650. $200 for a Spanish goat. $375 for a European fallow deer. No hunting season and no limit except a man's bank balance. . . ."

The Klineburgers are contemplating legal action against CBS and Cronkite. Meanwhile, a $1 million suit has been filed against David Wolper, the producer of the allegedly doctored Oscar nominee, *Say Goodbye*. In that movie, shown on NBC-TV, a female polar bear with two cubs appears to be killed by hunters who have stalked the animals by helicopter. The controversial footage was taken from an Alaska Fish and Game Department film on tagging bears, and spliced into a film of an actual hunt. The mother bear was downed by a dart gun, not a rifle, by anesthetic, not bullets. Not long after, she was up and roaring off with her cubs, but the viewers of *Say Goodbye* never witness that happy ending; instead they see the sequence as a chilling kill.

When the Klineburgers agreed to the Safari Island filming, they expected an objective report on national game farming. It has become increasingly popular, a new distribution of the world's game animals as wildlife habitat shrinks. There are 425 commercial big-game preserves in the U.S. alone. In the Southwest some ranchers feel they do better with rare deer, antelope and wild sheep than with cattle. Safari isn't even unique as an island preserve. Hunting wild Spanish goats on privately owned Santa Catalina Island dates back to the early 19th century, and the shooting of its Russian boars to the mid-1930s.

"The Cronkite crew came on October 1st to do the full story, all of it, or so we thought," says Chris Klineburger. "Joseph Lippincott, an elderly hunter of great skill and experience, agreed to allow the photographing of his hunt. The cameramen filmed him taking a black buck and a mouflon ram. The crew returned on October 28th to film the arrival of a truckload of animals that was barged to the island. After the long trip from Texas, naturally they were wobbly. They are not hunted until they are thoroughly acclimated and know the hiding places. Lippincott had long since gone home to Philadelphia, but the way the TV people fixed that film, you'd have thought he was standing there at the unloading chute ready to pot the animals."

The mail poured into Safari Island, hundreds of letters each day. Klineburger wives were harassed by anonymous phone calls. Humane societies, government officials and Washington Governor Dan Evans were swamped with letters and telegrams. Politicians began proposing legislation in the state capital. One lawmaker demanded action "to put Safari out of the sick business of killing for big money, coming and going, from fee shooting to taxidermy, an appallingly insensitive grab for the buck."

State Senator Lowell Peterson, Democrat of Concrete, a town located in the hunting country of the Cascade Mountains, took the trouble to tour the island. He came away disturbed that the film had done "a gross injustice and gives hunting in general a black eye."

The Klineburgers appear to be going about game farming wisely. Yes, surplus animals are sold to hunters as trophies, to zoos and other breeders, but this thinning of the herd, most conservationists believe, is beneficial to the propagation of many species, such as the Indian black buck, an animal that had become almost extinct in its native land but has been reintroduced there with stock from American game farms.

Safari has become more than a shooting preserve. It is now a resort, an island with a large lodge and cabins, swimming pool, skeet shooting, horseback riding, sport fishing, clam and oyster beaches, water skiing and trails for hiking. The animals are the gimmick. There is, in fact, more bird shooting, a more accepted sport, than game hunting. Many people come to vacation and photograph the animals, their blood sport restricted to salmon and bottom fishing. Prime customers are business concerns that use the facilities for executive "Think" sessions.

Normally, it takes about five years to grow a trophy animal. Terrain and natural browse limit the number of grazing animals on the island to a maximum of 300. The most extravagant guess is that in five years it may be possible to cull 50 to 100 trophy males per year. The 30 shot by hunters in the first year of operation were old males that came with the purchase of entire herds. All Safari hunts are guided and controlled, all trophies carefully selected and the guns used are not of magnum caliber. Most hunters want every bit of the dressed meat. If not, it goes to the lodge table. The island is a hobby—a lot of Klineburger enterprises are—but it is expected to pay its way.

Stocking exotics is expensive business. Purchase prices of the animals range from $100 for a Corsican sheep up to $400 for a black buck. When one considers care for the animal for five years, feed supplements in cold winters, constant surveillance and vet care, then Safari's hunting fees—target of much of the venom—do not seem excessive.

Many natives who wish the brothers had never come to the San Juan Islands must realize that during deer season hundreds of hunters—more than will visit Safari Island in a decade—appear on the big islands of the chain and the majority of these gunners pay farmers for the privilege of hunting their lands.

San Juan Island is, as well, the scene of annual carnage accepted as "sport"—the netting and bludgeoning or shooting of Belgian hares paralyzed in the spotlights of jalopy "bunny buggies." Not all kills, deer or hare or bird, are clean. Any islander can tell terrible stories of wounded animals hiding among sheep. For decades fishermen on Puget Sound have potted unprotected seals, sea lions and killer whales. Recently some hunters were apprehended shooting bald eagles.

Safari Island isn't all good, but it is not all bad, either. A legitimate criticism is that the island, which is 3½ miles long and a mile wide, is not large enough; the hunts lack challenge that the mystic respect that develops between man and hard-sought prey. It is disconcerting that at Safari the wild turkeys, normally the wariest of game birds, insist on assembling on the lodge porch for handouts of grain, and that little-hunted fallow deer show unmistakable signs of domestication. Yet they do not entirely forget their heritage. They can get lost in the blink of an eye. Carl N. Crouse, director of the Washington State Department of Game, remarks, "I have faith in animals' ability to care for themselves, even on an island fairly restricted in size. Once we fenced in a square mile as a test and planted the area with a known number of deer. Hunters were let in and fully expected to take the deer within hours. Their score was amazingly low over a period of many days. The deer escaped not by panicky rushing around but by moving silently into shade and cover, always out of sight of hunters only a few feet away." Crouse adds, "There is a place for shooting preserves which give hunters opportunity under the fair-chase concept. This practice is not detrimental to species, for rare animals are preserved in the basic breeding stock. This is a proper use for animals, as many people have neither time nor money to hunt exotics in their native lands."

Crouse's department is not supporting legislation against Safari, because exotics are private property outside its jurisdiction. Besides, restrictive legislation could throw a monkey wrench into the state's own highly successful farming program with its game birds, fish, California bighorns and Roosevelt elk. Game departments everywhere are in the business, and their operations are deemed successful when sportsmen take all but breeding stock.

Most conservative efforts are financed by hunters, who contribute because they do not want to see an end to their sport. The money comes from licenses, game tags, duck stamps, taxes on guns and ammunition, and from clubs such as Ducks Unlimited.

But with all this, the Klineburgers remain a target of violent threats. Chris protects himself, to some extent, by refusing to read the mail. Gene will not discuss the matter. Bert is the prime victim because he appeared in the Cronkite film with a plea for the preservation of scarce game. He has taken out a handgun permit.

In Seattle, bumper stickers have appeared reading "Death Row, Safari Island." Occasionally the Klineburgers find one pasted on the door of Jonas Brothers. Meanwhile the big auto ferries that ply Washington's inland sea between Anacortes and Vancouver Island, taking tourists on the scenic run, have altered course so that passengers can photograph the fascinating animals grazing.

To date, Safari Island has had just 140 guests, of whom 22% were big-game hunters, 29% bird hunters and the remainder fishermen, photographers and guests at business seminars and conferences. Thirty-five animals have been born this winter. There are no natural predators to attack them. All animals have withstood an unusually hard, snowy winter well with the exception of black bucks, which, like the birds, require feeding when snow is on the ground.

In contrast to death in nature, a clean kill by man with an appropriate weapon may be the most humane. As Chris Klineburger points out, "Animals don't die of old age. There are many ways to die, and none is pleasant, but worst of all is starvation of the old when they lose the ability to kill lesser species for food, or even chew forage. Once in Africa I saw wild dogs corner a wildebeest in the throes of giving birth. As her calf emerged they tore it from her body and consumed it, then ripped into her hindquarters and literally ate her alive. Elephant deaths, supposedly a romantic fading away in the legendary Valhalla where elephants go to die, are the cruelest. When their molars are gone, worn down so they can't get enough nourishment, they gradually weaken with starvation. When they no longer can stand, they lean against anthills, waiting sometimes for weeks for release from suffering. Vultures and hyenas find them and eat them alive.

"How can you make people understand that life on a game farm isn't a cruel fate? The whole idea is not to see how many animals can be killed, but how many raised. We tried to explain this in a form letter about Safari Island. It was mailed to all those who signed names and gave addresses. There have been few answers—perhaps because people don't want the truth.

"News media that approach a subject with preconceived opinions, and then seek out only those aspects that can be made to sustain a mistaken thesis, do a grave injustice in their manipulation of people and emotion."

Documentaries, if one accepts Webster's definition, must be completely factual and objective. But David Wolper, defending his craft and the accepted industry code, insists that producers are permitted cinematic license. That kind of license is hardly proper authorization in the hunting field.

AMERICA AS LIBERATOR OF MAN

Mr. FULBRIGHT. Mr. President, in a column published in the Washington Post on April 2, Mr. Nicholas von Hoffman, one of the most stimulating and controversial observers of the American scene, discusses one of the most sensitive subjects with which we are confronted today. I believe Mr. von Hoffman's observations are worthy of the attention of the Senate, and I ask unanimous consent that his column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 2, 1971]

AMERICA AS LIBERATOR OF MAN: WHOM DO YOU CHOOSE?

(A commentary by Nicholas von Hoffman)

Here in Washington there are more and larger demonstrations protesting the Russian treatment of their Jewish citizens. The demand for the Soviet government to let Russian Jews emigrate swells.

This agitation reminds you of the underground joke they're supposed to tell in Moscow . . . that if the Jews are given exist visas every man in Russia would soon be circumcised. Not a very good joke but it's the sour bread that people who live under tyranny must nourish their humor with.

It should also give us, here in America, pause before our sympathy for the demonstrators' aims is converted into pressure on the administration to do what they want and invoke sanctions against the Russians until they let the Jews leave. Before we do that, we ought to ask about the other people in Russia. The Ukranians, the Latvians, the Tartars, the writers, the scientists, the dozens of other groups who may not want to leave but who certainly want liberation.

Who is more oppressed? Who suffers the most? Who can make such a lugubrious calculation? If being the victims of the brute, bureaucratic state gives a person a claim to American protection, we'd have to demand that the Soviets expatriate maybe a third, maybe a half of the people living in their territories.

And what should we do about the other victimized people of the earth? Are the Jews of Russian more miserable than the blacks of South Africa? If we cut off trade to free the one, shouldn't we do the same for the other? Whose tears are worth more?

If you close your eyes and put your head back, you can hear the planet itself cry out from the pain of so many of the people who live on it. Rhodesia, Angola, Greece, Hungary, Spain, East Pakistan, Northern Ireland, Haiti, Taiwan, Brazil, Czechoslovakia and on and on.

Do we liberate them all? Or every other one? And in what order? By seniority in suffering or alphabetically? And what's our response if another country puts our name on the list of oppressor nations? What do we say when they point to the Indians, the blacks or the Chicanos? Vietnam is excluded because we did say, didn't we, that the reason we came there was to defend the weak from the oppressor.

We're in much too soiled a condition to reappear right now in the lists of history as emancipators. Nobody would believe us. We've squandered too much of the goodwill we once had, of the hope we once represented. How are we of the tiger cages and the electric shock torture of women prisoners going to shame the Russians for what they do?

Yet for 30 years there have been a succession of American groups that have clamored for our intervention in other countries' internal affairs. Nothing is sadder than Captive Nation's Day, and nothing has been more despicable than politicians who've exploited the anguish behind it, by suggesting we could "free" Poland or Estonia if we really wanted to. No single issue has given more impetus to the idea that there are secret Russian collaborationists in our government than this one.

The same kind of thing can happen with the Jewish Defense League pulling off mass arrest demonstrations. Embitterment will augment and even many politicians who're above enflaming emotions this way will be forced to strut more stiffly in front of the Russians to give the appearance of doing something.

This is bound to make coming to agreements with Russians in the areas where that may be possible all the harder. Yet while aggressive posturing may injure negotiations like the SALT talks, it's not going to get us to use any real power to intervene in the Soviet's private business, even if they are committing monstrous wickedness.

Great powers only intervene in the internal affairs of little powers. They don't mess with each other. We like to tell ourselves that we went to war with Germany because of the Nazi persecution of the Jews and the millions of the Third Reich's other victims, but it isn't so. Human decency was a small, unintended by-product of the Second World War.

Our indifference to Jewish suffering through the Nazi era should have taught us that a foreign policy which only serves a narrow and selfish definition of our national interest can be catastrophic. Yet more recent years teach us just the reverse, that we are capable of terrible things when we arrogate to ourselves the duty to judge the moral conduct of nations.

What's needed is an idealism that's tenacious but humble, blended with the understanding of our own national self interest that instructs us in our weaknesses and trains us in the moderation of practical men. Then, both by example and the judicious application of a little pressure, we can help in the work of the liberation of man.

BROADCAST STATIONS VERSUS COLUMBIA BROADCASTING SYSTEM

Mr. HANSEN. Mr. President, we have watched with considerable interest the controversy surrounding the question regarding the credibility, or lack of credibility, of certain major television network news presentations.

It appears inevitable that most of the people of the United States will express their concern about the national television credibility gap. Many Americans have been expressing their concern for many months.

A column by Mr. Rowland Evans and Mr. Robert Novak in the Washington Post of April 5, reported in a section entitled "Stations Versus CBS" that at least one network is starting to hear from the people. The article states that the affiliate stations of CBS have let the CBS executives know that they feel the network in some cases failed to report both sides of certain issues. I ask unanimous consent that this brief report be printed at this point in the Record:

There being no objection, the article was ordered to be printed in the Record, as follows:

Stations Versus CBS

In the midst of the public pasting it has been getting from Republican politicians over "The Selling of the Pentagon," the Columbia Broadcasting System got more of the same from its own affiliated stations behind closed doors in Chicago last week.

CBS executives headed by president Frank Stanton were given an earful by the 12-member advisory board of television network affiliated station managers—representing stations not owned by CBS. The consensus was unhappiness over "The Selling of the Pentagon," the documentary exposé of Defense Department press agentry.

The program had some defenders among the station managers, but they were outweighed by the critics. The basic complaint: The program showed only CBS investigative reporting, with Pentagon officials given no chance to present their side of the question.

Mr. HANSEN. Mr. President, the Washington Post, a publication with which the junior Senator from Wyoming is sometimes in disagreement, has continued to make some observations on this subject in its own editorials. On April 2, the Post printed an editorial which found fault with the position of infallibility, some network executives apparently attempt to portray. I have commented previously upon this facade assumed by some of the network executives.

The Post commented:

For somewhat longer than the Vice President has been on the scene, it has been our feeling that this is a genuinely dangerous surrender; that we can no longer afford to hold ourselves beyond reproach and above scrutiny and immune from criticism by ourselves—even while directing scrutiny and reproach and criticism at everything else.

Mr. President, I believe that is an important statement. I ask unanimous consent that the editorial entitled "F.Y.I.," and letters printed in the Post from Mr. Reuven Frank and Mr. Fred Friendly, on the same date, be printed in the Record.

There being no objection, the editorial and letters were ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 2, 1971]

F.Y.I.

Something approaching a state of hostilities seems to be developing between us and the network news people over some comments we made last week about the CBS documentary, "The Selling of the Pentagon." In essence, we said that certain editing techniques employed in a particular taped interview in one segment of the show were of the sort which could result in "a material distortion of the record" and that it was a pity to jeopardize, in this fashion, the credibility of what was on the whole a "highly valuable and informative exposition of a subject about which the American people should know more—not less."

Not exactly fighting words, we would have thought. But Mr. Richard Salant, president of CBS News, thought otherwise and last Monday in a letter from him and in an editorial in this space we exchanged views. That might have seemed enough to end the matter, except that Mr. Reuven Frank, president of NBC News, who was nowhere mentioned in our editorial, apparently thought he had been attacked, presumably because his editing techniques are the same as Mr. Salant's. So today we are publishing a singularly strident communication from him in the Letters space on the opposite page. Meanwhile, copies of their letters to us had apparently been distributed by both men to various other people, including Mr. Fred Friendly, the Edward R. Murrow Professor of Broadcast Journalism at Columbia University, and Time magazine, which obligingly praised Mr. Salant and Mr. Frank for having "effectively refuted" us before we had even received their letters, let alone put them into print. Mr. Friendly subsequently weighed in with a letter which also appears today.

Well, we seek no wider war. On the other hand, we do seek to be understood. And so, For Your Information, we would like to try to straighten out the tangle that has been made of the rather narrow issue at hand—by way of leading up to a broader and far more fundamental issue which these rebuttals raise.

As with Mr. Salant, Mr. Frank and Mr. Friendly both seem to think that we are proposing to surrender up some sacred journalistic right; that we are disinterested in the "protection of editorial independence," as Mr. Friendly puts it; or that we are proposing to "deny any reporter or editor not only the right but the responsibility of choosing which sentences in any public statement are interesting or important," as Mr. Frank puts it. Just to begin with, we were not even talking about public statements or speeches, and still less were we talking about newscasts or news stories—the run of the mill news fare. Both media of course reserve the right to exercise their own judgments about what to use and what to ignore, what to play up or down, how to paraphrase. And both are equally subject to errors of judgment in compressing material into limited time or space. But that, as any careful reading of the editorial in question would show, was not what we were talking about. There is no issue of "delegating the choosing process" here.

What we *were* talking about was what is called a question-and-answer interview (or "Q-and-A"), a technique common to both media whether it is reproduced in print or on film. Either way the "Q" is supposed to give rise to the "A." The reader or viewer is not only entitled, but positively encouraged, to believe that this is the case by the juxtaposition of the two. And what we were questioning was simply the practice of rearranging "Q's" and the "A's" arbitrarily so as to destroy or to distort their orginal relationship—to present as the "A" something that didn't in fact arise from the original "Q." This, as we demonstrated in our reply to Mr. Salant on Monday, is precisely what happened in an interview with a Pentagon official in "The Selling of the Pentagon" and we think the official was quite right to protest.

Of course, the print media edit transcripts of "Q's and A's" to shorten them, to enhance continuity, or simply to make them more comprehensible. But it does seem to us that when this happens the reader deserves to be forewarned that what he is getting has been excerpted; in print this is done by dots or asterisks. Surely television, which can instantly tell us when we are getting "simulated" space maneuvers or "instant replays," and when we are getting it "live," could figure out an easy way to identify disjointed excerpts as such. Nor does it seem to us to be too large a surrender or rights, when there has been serious rearranging of the original material, to allow the subject to at least look at the product before it is printed or aired and to argue about it; we offered this as an option, and "and/or" proposition in special cases, on the theory that if the subject doesn't recognize or accept the validity of what he is represented as having said, it has no validity.

Obviously the network news people don't agree, which is fair enough. What is disturbing to us, however, is the notion implicit in Mr. Frank's letter that for those in our business to raise any questions about our performance is to "Agnewize" (his phrase). If this means anything at all, it means that he would have us surrender all discussion of the news business to others—to people like Mr. Agnew. For somewhat longer than the Vice President has been on the scene, it has been our feeling that this is a genuinely dangerous surrender; that we can no longer afford to hold ourselves beyond reproach and above scrutiny and immune from criticism by ourselves—even while directing scrutiny and reproach and criticism at everything else. That is why we were examining our own performance and practices, in this space, under the rubric F.Y.I., long before Mr. Agnew launched his quixotic assault against the media a little more than a year ago. That is why we regularly print commentary on the news business by Richard Harwood on this page.

We do it because we believe there has been a long-developing deterioration of public trust in the news media—as in other institutions—and that the way to deal with this is not to stand aloof but to talk about it; to deal with our business as we treat everybody else's business; to be a little less arrogant about conceding the bare possibility of a mistake every once in a while. Mr. Frank calls this "introspection." We think of it as a matter of simple equity. How can we not treat our own business the way we treat the government, or the courts, or the church—or, for that matter, the Pentagon? Mr. Frank finds this "boring," and that may be. But if it is all that borning, you have to wonder what the gentlemen of the network news business are so wrought up about.

[From the Washington Post, Apr. 2, 1971]

Letters to the Editor: NBC News Chief Reuven Frank and Fred Friendly on Television

Your editorial of March 26 suggests that when television news uses excerpts of a speech or statement, it explain how such excerpting was done. If further suggests we ask the speaker to approve this use of some of his remarks, since we are not using all of them. This is admirable arrogance at a time of boring introspection, but I might wish you were more cavalier about your own practices and less about mine.

One can try so hard to appear to do one's job right as to be unable to do it right, and this is a good example. In television news film as in print, such remarks are excerpted for importance from material of less importance, for interest from material of varying interest, and for time because unlimited time, like unlimited space, is not available. To use up the time saved by explaining how and why is a little like allowing one's secretary, as Sam Goldwyn is reputed to have done, to throw away outdated files only if copies are made.

To deny any reporter or editor not only the right but the responsibility of choosing which sentences in any public statement are interesting or important is to deny that reporters or editors are needed. Both political parties have their own publications wherein only the interested parties decide what should be used. It is frightening to think that the lead editorial in an important American newspaper should suggest that widely circulated news reports in another medium should delegate this choosing process to the most narrowly interested party, the man who made the speech.

All this suggesting is in your last paragraph, in which you elect to prescribe for our ills. Your penultimate paragraph, in which you say in effect that all news reporting is distorted but television news reporting is more distorted than most, I consider one more example of the standard lament of the editorial writer that his colleagues reporting for the news pages are too interesting.

But I had thought we were at least a decade past those days when newspapermen considered freedom to gather and transmit information freely according to the tradition of their craft was somehow a chemical component of ink. But when The Washington Post can Agnewize in this fashion I hear a bell tolling. I hope that on reflection you do too.

REUVEN FRANK,
President, NBC News.

NEW YORK.

LETTER TO THE EDITOR

No newspaper has done more than The Washington Post to stimulate serious broadcast journalism. But your "pox on both houses" editorial, "Mr. Agnew versus CBS versus DOD," struck me as an unfortunate shotgun indictment of all who have tried to build a mature and responsible broadcast profession. It also seemed curious that you should choose to overlook the common bond between good broadcasting and what my colleague, Norman Isaac, calls good newspapering—fair and honorable editing.

That there is editing, "foreshortening and rearranging," in journalism is as evident to viewers of "The Selling of the Pentagon" as it is to readers of The Washington Post. Indeed, there may be even more editing and distillation in a single issue of The Post as in half a dozen documentaries or a month of Walter Cronkite news shows.

We can agree that responsible editing is essential both to intelligent broadcast and print journalism. Documentaries such as the Murrow-McCarthy broadcast in 1954, or "Harvest of Shame" or "Biography of a Bookie Joint," all praised by The Post, were the result of responsible editing as much as solid investigative reporting. The Annie Lee Moss broadcast which Mr. Murrow and I always considered a high point of our partnership, was the distillation of 20 minutes out of 90 minutes of hearings. The editing was painfully and carefully done with transcript in hand to preserve the meaning and tone of the original event.

Your editorial concedes the dangers of bad editing. But your remedy, that there be some indication "that something has been dropped and/or give the subject of the interview an opportunity to see and approve his revised or altered remarks," seems to imply that a double standard should exist—one for newspapers and one for broadcast. It has always been my understanding that one of the major points of newspaper independence has been never to permit a news source to review and/or edit what is to appear in the newspaper. Perhaps The Washington Post now operates under different rules, but I know that this protection of editorial independence is still a benchmark of broadcast news.

I can testify that the strongest motivation of a news producer or editor is to preserve original meaning. Producers often permit verbose politicians to continue endlessly in an effort to preserve the original, if redundant meaning, only to be victims of newspaper reviewers critical of "talking heads." Indeed, this too, is a price of integrity. Implicitly, in a question and answer sequence, the original context must be preserved.

I do not mean to imply the "The Selling of the Pentagon" was without its imperfections. I have spent some time and had considerable correspondence with its producers and its detractors. In every discussion and in every letter, it has become clear that the imperfections do not mar the central thrust of the broadcast, i.e., that "... this gigantic and colossal propaganda machine on the banks of the Potomac . . . is still turned on," as Congressman F. Edward Hébert once put it.

We need more such documentaries, not fewer. We need more interpretive reporting, more new anlysis, and this is precisely what the Vice President, the Federal Communications Commission and the Washington Post should be urging.

By equating film and tape editing with staging, I fear that your editorial tends to cloud the fundamental issue. It is akin to the Vice President charging that your reporters' copy is being distorted by your editors. I wonder what your response would be if one of your critices elected to focus on the "built-in problems" of those who deal in the permanence of the printed word.

FRED W. FRIENDLY,
Edward R. Murrow, Professor of Broadcast Journalism, Columbia University.

NEW YORK.

SCOTT HUNTER, MOST ILLUSTRIOUS SON OF PRICHARD, ALA.

Mr. ALLEN. Mr. President, on this coming Saturday, the city of Prichard, Ala., in conjunction with many local civic organizations, will pay tribute to its most illustrious athletic son, Scott Hunter.

Scott is a senior at the University of Alabama and for the past 3 years has been the starting quarterback for Coach Paul "Bear" Bryant's Crimson Tide eleven.

During his football career at Alabama, Scott led the Crimson Tide to three different postseason bowl games and set many individual records along the way.

In his three seasons at the University of Alabama, Scott gained 4,785 yards in total offense. He completed 382 of 672 passes for 4,899 yards and 27 touchdowns.

The records he holds are:

Career: Most passes attempted, 672. Most passes completed, 382. Most yards gained passing, 4,899.

Season: Most yards total offense, 2,157. Most yards averaged per game, 215.7. Most passes attempted, 262. Most passes completed, 157. Most yards gained passing, 2,188.

Game: Most passes attempted, 55 against Auburn, 1969. Most passes completed, 30 against Auburn, 1969. Most yards gained passing, 484 against Auburn, 1969. Most plays, 59 against Auburn, 1969. Most total offense yardage, 457 against Auburn, 1969.

In addition, he holds the Southeastern Conference record for yards gained by passing in one game, 484 against Auburn University in 1969.

Scott was also a standout in the classroom, where he maintained a B average in business and was twice named to the Academic All-SEC teams.

Mr. President, Scott is the latest in the line of great quarterbacks produced by Bear Bryant. Other great Bryant quarterbacks at the University of Alabama have been the late Dr. Pat Trammell, Steve Sloan, Ken Stabler, and of course, the fabulous Joe Willie Namath.

In the recent professional football draft, Scott was selected by the Green Bay Packers. He will understudy and be developed for his professional football career by another Alabama and NFL great, Bart Starr.

Let me also point out that in the summer of 1970, Scott went to Vietnam for 17 days on a special good will tour promoted by the NCAA and the Defense Department. He represented the Southeastern Conference on the trip and did an outstanding job of presenting a well-organized tour for our fighting men.

Scott is certainly well deserving of the day being given him by the people of the Prichard area and I am sure that in the years to come, Scott Hunter will rewrite many of the professional football records just as he did collegiate records while a member of the Alabama Crimson Tide.

When I speak of young men with the dedication and the athletic and academic prowess such as that possessed by Prichard's Scott Hunter, I am especially proud to be an Alabamian.

THE CALLEY TRIAL

Mr. BROOKE. Mr. President, some of the most careful and thoughtful coverage of the court-martial of Lt. William Calley has been provided by Willam Greider, of the Washington Post.

Out of his careful attention to the details of this tragic case, Mr. Greider has distilled a commentary which outlines many of the crucial issues and conclusions concerning this matter. Mr. Greider's column in today's Washington Post cuts through the understandable emotion and confusion which have erupted in the aftermath of the court-martial.

His observations are, I believe, essential reading for all Americans who value the standards of justice which we as a people have established for ourselves. Beyond the moral and legal considerations which require American soldiers to exercise a high degree of self-discipline, even in combat, there is the simple pragmatic and humanitarian concern which Mr. Greider underscores: the United States can scarcely insist on humane treatment for our own men held prisoners of war unless American forces provide humane treatment for prisoners and noncombatants under their control.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CALLEY'S TRIAL: THE MORAL QUESTION AND BATTLEFIELD LAWS

(By William Greider)

FT. BENNING, GA.—Americans have chosen some strange popular heroes in the last decade, but none of them was a convicted mass murderer.

This is the guy, remember, who was held responsible by a jury of his peers for "wasting" 22 lives. He picked up a baby, threw him into a ditch and shot him. He is the soldier who butt-stroked and old man in the face, then shot him at point-blank range and blew away the side of his head. Some hero.

But the public clamored for Lt. William L. Calley's release and, after thousands of telegrams, President Nixon responded. The President "personally felt" that Calley should not be confined in the stockade with the common criminals.

Lt. Calley spent three nights in jail and don't bet any big money that he will ever return to prison again. The pressure against that will be enormous.

The President's personal intervention puts the military judicial system on notice that, if any reviewing officer upholds Calley's conviction and sentence, he risks re-igniting the public anger—and directing more heat at their commander-in-chief.

For comparison's sake, an enlisted man here at Fort Benning was sentenced to five years in prison last year for pushing a warrant officer. The Air Force recently sent a colonel away for three years for smoking marijuana. Howard Levy, the doctor who refused to train soldiers bound for Vietnam served two years for disobeying an order.

The point is not that Calley ought to spend the rest of his life in prison. On the contrary, his lawyers can make a strong argument that, in terms of criminal attitudes, Calley has already been rehabilitated by the ordeal of his long trial.

The question is: if the President and the nation reject the verdict of guilty, rendered by six combat veterans, what is left of the law which the Army attempted to uphold—the international covenant that, even in combat, soldiers do not shoot defenseless people who are captured and unarmed?

If that principle is undone by the public uproar over Calley's conviction, the Army is stuck with a different kind of problem: should it give up the battlefield discipline required by U.S. law and the Geneva Conventions? Should it open the doors at Ft. Leavenworth, Kan., and release all the other soldiers convicted of the same offense as Calley?

Contrary to popular belief, Calley is not the first American soldier prosecuted for killing people in the middle of this war. There have been scores of men—soldiers and Marines—tried for the murder of Vietnamese captives in the midst of combat situations. Many of them are still in prison. The only difference is that, instead of 22 people, most of them killed only one or two.

Right now, there are 75 to 80 men serving time in Ft. Leavenworth on murder charges which originated in Vietnam. Some of their victims were fellow Americans, but most were Vietnamese. Some of them, just like Calley, still have their appeals pending. Still more are imprisoned at the Naval Prison in Portsmouth, N.H., where convicted Marines are sent.

They're sitting in prison unknown, while Lt. Calley is famous and confined to his quarters on post.

On the left, Senator George McGovern, certified anti-war spokesman, declares that Calley should not be held responsible because his crimes were part of a larger sickness, the strategic war crimes of U.S. involvement in Vietnam.

On the right, the legionnaires chant "war is hell" and, likewise, protest the verdict.

If you follow the logic of either position, Lt. Calley is, as his defense attorneys kept saying, "a typical American youth who was fighting for his country." Or, the brutality of Mylai is not distinguishable from the general brutality of war, especially this war.

Millions of Americans apparently believe that, but six Army officers did not. They appreciated, after listening to the evidence for four months, that something different and obviously wrong happened at Mylai and Lt. Calley was to blame for part of it.

None of these questions—which need answers and which have undoubtedly influenced public opinion—were before this jury. They decided a much narrower point—that lumping Lt. Calley's actions together indiscriminately with other GI's is slanderous to thousands of men who did not shoot babies, who did not herd their prisoners into an irrigation ditch and execute them.

That is not to say that Calley is the only soldier who ever did that (the Army and Marines, by the cases they have prosecuted, admit that the battlefield crime is unusually linked to this war). That does not settle the accusations of greater war crimes committed by military or civilian leaders who designed U.S. strategy.

Convicting Calley does not absolve any generals for the devastation of village after village by aerial bombardment or poisoning the wells or burning huts and shooting livestock "just for sport," as one Charlie Company veteran put it. But letting Calley go does not bring any generals closer to prosecution either.

The lieutenant, after all, was not judged by a bunch of left-wing peaceniks or by elitist West Pointers looking down their noses at an OCS graduate who never finished college. Most of the jurors never finished college either. They too have been shot at in battle, wounded, decorated for bravery. Five of them served longer in Vietnam than Calley.

They were not asked to determine if other Mylai's ever happened elsewhere in the war, though perhaps they have on a smaller scale. They were not supposed to decide whether Calley's superiors—the company commander or the division commander—should also stand trial. They did not attempt to analyze the grand strategy of U.S. military involvement in Vietnam and decide whether war crimes are involved in the pattern bombing, the defoliation, the napalm, the use of "free fire zones" and "body counts."

The idea of assuming collective national guilt for Mylai—a notion which may be satisfying to people who opposed the war anyway—does not settle anything. When you say we are all guilty for Mylai, that has truth in it, but it is also another way of saying no one is guilty.

The six jurors, again, operating in the narrower context, said simply that infantry officers, who have some discretion in whom they kill, cannot kill their prisoners.

A TV interviewer asked Maj. Harvey G. Brown if the verdict wasn't a little harsh, considering all of the circumstances at Mylai, the fear of combat, the threat of booby traps, the Viet Cong's guerrilla tricks with women and children. Brown agreed that it was, but reminded him of what Lt. Calley did with the people in the ditch. "That was pretty harsh, too," the major said.

The cynics thought the Army was staging a charade all along and would be happy with an acquittal so it could be done forever with the Mylai scandal. Nearly everyone was surprised by the severity of the jury's finding—premeditated murder. Contrary to initial reports, it is now understood that one and possibly two of the jurors voted for a lesser offense, such as unpremeditated murder, though there was no dissent among them on the question of Calley's guilt.

What the critics cannot explain very well is why these men who were in the war themselves seem, in the end, less compassionate than the fireside war critics who cry "scapegoat." The answer may be that these men—while well aware that war is hell—know also that there is killing and then there is killing.

The issue of legal and illegal killing gets terribly confused. Vietnam veterans, who feel great sympathy for the lieutenant, like to point out that they killed people too so they can see themselves in Calley's shoes. The next time you hear that from an ex-G.I., ask him if he herded people together, unarmed and unresisting, put them in a ditch, then stood over them and fired. If he says no, he is typical. Most infantry men in Vietnam barely saw who they were shooting at, much less who they killed. If he says yes, you're talking to a murderer.

"People are saying that Mylai's happen in every war," Brown said. "Maybe so. That wasn't the issue in the Calley case. The issue is whether Mylai's are right or wrong."

Well, why is it wrong? Why is it wrong for infantrymen to kill all those people, suspected Viet Cong collaborators, when B-52's might just as well wipe them out with blanket bombing?

One answer is that human life is precious, that soldiers are meant to be merciful to the helpless if they can be. Even a soldier is not supposed to kill without provocation.

An infantryman, admittedly, has more discretion over that than a bombardier but the excesses of aerial bombardment should not be made into an excuse for cold-blooded murder on the ground.

That level of morality is too sentimentalized, apparently, for many Americans. They were, after all, Oriental babies, perhaps even communist babies (though they were not wired with booby traps as one witness suggested imaginatively).

If you put aside the moral issue, soldiers still have a practical reason for observing the laws of the battlefield. A senior Army officer at Ft. Benning stated it succinctly: "You can have any standard you want for the conduct of warfare, but you better be prepared to get what you give."

If America adopts as a customary standard—barbaric as it is—the rule that it's permissible to shoot prisoners, then America should be prepared to accept the results of that standard. The link between the Mylai victims and the American POW's held in Hanoi is real and important—they are protected by the same rules. It is a great national hypocrisy to rally outrage on the POW issue, then pat Calley on the back for what he did to the prisoners at Mylai.

Actually, there were a few genuine heroes involved in that operation. One of them was Lt. Hugh Thompson, the helicopter pilot who couldn't understand why the troops were lining up people and shooting them. He intervened and saved some lives and that took courage.

Jim Dursi, just a rifleman, was a hero too. Lt. Calley, his platoon leader, offered him a turn at the irrigation ditch shooting people, but Dursi refused. That took some courage for him and the others who wouldn't kill.

In a different way, there were men like the brilliant young prosecutor, Capt. Aubrey M. Daniel III, people in uniform who helped the Army, in its own clumsy way, to try as an institution to make a point of honor. Despite all of the imperfections, despite all of the other culprits who got away, the Army did make its point, when it easily might have ducked it. Though the President blurred it, the lesson still is tormenting the nation's conscience, stirring new painful questions about war and national responsibility.

If Lt. Calley had been acquitted or given a light sentence, any uproar would have been mild and temporary. No one knew that better than the six jurors, the men who are now suffering from the anger which grows out of the national disgrace.

Maj. Brown, the most outspoken of the jurors, got a death threat. Col. Clifford H. Ford, the court-martial president, took the nameplate off his front door to avoid further harassment. So did the prosecutor.

The sick and sorrowful joke circulating around Ft. Benning is that the people sprung Calley—now they're going to lock up the jury.

NAPOLEON'S RETREAT FROM MOSCOW UPDATED

Mr. FULBRIGHT. Mr. President, Mr. Arthur Hoppe, who has such a talent for satire, has updated Napoleon's retreat from Moscow, which I find most interesting. I ask unanimous consent that Mr. Hoppe's piece be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NOT A RETREAT, NAPOLEON EXPLAINS

(By Arthur Hoppe)

PARIS.—Reports that France's Grand Army had retreated from Moscow in disarray were vigorously denied today by government spokesmen.

A War Ministry official said the army had merely engaged in "mobile maneuvers" and that everything was "going according to plan." He said French troops were "moving swiftly westward in an orderly fashion" and the enemy was "following in great confusion."

Meanwhile, Emperor Napoleon, who returned to Paris yesterday well ahead of his soldiers, remained cheerful and optimistic. He said he could now see "the end of the tunnel."

The emperor modestly declined to describe the Russian operation as a victory, saying it could not be assessed in "traditional terms." Its purpose, he told an interviewer, "was not to conquer territory, nor destroy an army, but simply to disrupt enemy supply lines and thus insure the safety of our French boys in Central Europe."

He said that "considerable progress" had been made "toward achieving those goals," pointing out that Moscow itself had been captured and burned and "vast quantities" of Russian arms seized—"arms that will no longer kill French soldiers."

Moreover, he said, Russian losses were five times French losses "by conservative estimates."

The emperor refused to set a firm date for the total withdrawal of all French troops from Central Europe "even though it would be very popular for me to do so."

He said such a move would sabotage peace talks with the Russians and the Prussians. Nor, he said, would he unilaterally withdraw the remaining French troops, "even though, politically, there is a great temptation to do it.

"After all of this sacrifice and all of the effort, if France, right at the time we are winding down this war and bringing our men home, were to throw in the towel, then we would suffer a blow all over the world," he said.

Peace, too, would suffer a blow, he added, for France "is the greatest peace-keeping nation in the world today."

At the same time, Napoleon urged Frenchmen to remain confident. He said the "limited Russian incursion" had delayed the enemy "at least six weeks."

The emperor decried eyewitness reports that the Grand Army had panicked during the mobile maneuvering. He said he had been assured by Marshal Ney that 18 out of every 22 battalions had maneuvered well. The eyewitnesses, he said, just happened to see the other four.

"I know what's going on," he said firmly. "We have a plan. It is being implemented." Moreover, he said proudly, the withdrawal of French troops from Russia "is proceeding well ahead of schedule."

Napoleon's candid assessment of the Russian incursion did much to ease growing French disquietude over the seemingly endless war.

Indeed, several of his ministers urged him to begin construction of a second Arc de Triomphe over the Champs Elysees to commemorate "the glorious success" of his Russian campaign.

With unexpected humility, the emperor declined.

OBSERVATIONS ON CALLEY TRIAL

Mr. ALLEN. Mr. President, Alabama, is blessed with many competent daily and weekly newspaper editors who delight in hard-hitting editorial commentary but few, if any, daily or weekly editorial writers in Alabama wield a more trenchant pen than Tom Johnson, editor of the Montgomery Independent, Montgomery, Ala.

Mr. President, in an editorial of April 1, 1971, Tom Johnson unloads a few choice observations and conclusions with respect to the Calley trial including a penetrating observation concerning "premeditated murder." The term "premeditated murder" when used in the context of a battlefield and under conditions of extraordinary tensions, fears, physical strain, and emotional fatigue, may strike lawyers as well as editors as an incongruous anomaly.

Mr. President, the editorial is captioned "Lt. Goat Calley" and ends as follows:

> End of sermon. The President of the United States will lead us in prayer.

There is much wisdom between the caption and this trenchant conclusion which I recommend to the thoughtful consideration of Senators and the public in general.

Mr. President, I request unanimous consent that the Tom Johnson editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LT. GOAT CALLEY

The conviction of a previously obscure lieutenant named Calley can only excite the utmost confusion in any reasonably sensible man. Here is a young officer—perhaps he is a swine (it doesn't matter)—who has been charged, convicted and, by the time this appears, perhaps sentenced for the premeditated murder of Vietnamese civilians.

Almost everything presented against Calley was abhorrent. He supposedly shot women, children and old people, all of whom allegedly were defenseless and non-belligerent. But trying to thrash your way out of the confusion, it is pertinent to remember that bomber pilots routinely destroy innocent lives, as do artillerymen, mortarmen and others who kill the unseen enemy and innocents alike. Is this the controlling factor—that the dumb, young, vacuous lieutenant who takes a life is more culpable because the victim is physically close and within his gunsights?

There are many things about this case which should cause Americans to examine themselves. For example, Calley stands convicted of "premeditated murder." Without being sophomoric about it, what is war in any case but premeditated murder? Also, if Calley, a bottom-of-the-line lieutenant, is answerable for his acts, so is the person above him, and the man above him, and him and him and him. Finally, under the Nuremberg principle, it would seem necessary to convict Gen. Westmoreland and impeach and remove from office and imprison the President in power at the time of the alleged crimes.

Wars were never fought to teach men the proper method of holding a tea cup and serving sherry. Wars condition men to destroy life without making nice distinctions. Even most of the combatants are there against their will, and many of them—as innocent as the most innocent civilians—go down in flames.

All of which is simply to say, with no intention of defending Calley. that the hell of war is that it is hell. Nice people get hurt and their lives are ruptured. Men, women and children suffer and die.

If an aberrant personality such as Calley comes along—assuming he is one—who bears the responsibility? Is it those who sit at home in ease or those who are sent forward as proxy warriors? Americans have much to search themselves about in the Calley episode, either for sending him where he was, for encouraging the atmosphere in which he acted or for condemning him when he committed warlike acts.

End of sermon. The President of the United States will lead us in prayer.

BANK OF AMERICA MOVES TOWARD SOCIAL ACCOUNTING

Mr. MONDALE. Mr. President, an unfortunate number of businessmen are not providing the leadership the country needs to identify and eliminate pressing social problems. For that reason it is especially gratifying to read the comments of Mr. A. W. Clausen, president of the Bank of America.

In a recent address, Mr. Clausen called for a more rational approach to the social aspects of American life. He suggested a social report that would help us to decide where we want to go, how we might get there, and what sort of progress we are making. He said we have not yet done this, but it is possible, and with some effort, it is possible in the near future.

It was because of views similar to Mr. Clausen's that I reintroduced, in January of this year, S. 5, The Full Opportunity and National Goals and Priorities Act. I think Mr. Clausen's comments, an American Banker editorial explaining them, and a March 8, 1971, Christian Science Monitor, article discussing them, are all very significant and would be helpful in the consideration of S. 5. Therefore, I ask unanimous consent that the three items be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BOFA MOVES TO SET QUALITY STANDARD TO GAUGE SOCIAL GAINS

Development of a national "arithmetic of quality" is urged by A. W. Clausen, president of the Bank of America NT&SA, San Francisco, so that progress and failure in coping with social and economic problems can be quantitatively measured. Mr. Clausen told the sixth annual financial conference of the Conference Board in New York that his bank has taken the first step by "asking our accountants to attempt to place detailed cost estimates on what management considers its major social responsibilities."

These annual financial conferences have always served a valuable purpose. They are a time for learning from the past, a time for evaluating the present, and, most importantly, a time for looking to the future and for charting a prudent and wise course for ourselves, our companies and our nation.

Despite some recent pressures, a look at the past shows that in the quarter century since World War II, American business, large and small, has produced an economy of imaginative enterprise and real strength. This economy's outpouring of goods and services has changed the aspirations and living standards of more people than any revolution in history.

Yet this success—this remarkable change in aspirations and living standards—has, in an ironic way, brought forth a growing questioning of our socio-economic system. Today, more and more people look out at the world and find it less and less satisfactory. There is no question in my mind—and I trust none in yours—that what we have come to call the quality of life is now, and will continue to be, the burning issue of the 1970s.

The quality of life issue is a cluster of inter-related problems: ecology, hypertechnology, pollution, over-population, urban blight, transit congestion, crime, minority and campus unrest—plus our continuing garden-variety socio-economic aspirations which have motivated American policy-making for virtually the past century: satisfying jobs, adequate housing, adequate care for the aged, adequate medical care, and so forth.

The important thing is that environment and the quality of life as a composite issue has captured our attention. William James once observed that, "What holds attention determines action." But he did not say what kind of action. And that is the difficulty now.

Our government has made tentative probes at tackling these issues. Many of the corporations represented in this room have embarked on imaginative programs to clean up the environment and improve the lot of the underprivileged. Yet when we add up all corporate and government effort we come to the conclusion that our national attack on the quality of life issue has been puny when compared to the magnitude of the problem.

I submit to you that a major reason for our inadequate response is that we find the quality of life issue confusing and that the prime cause of that confusion is a lack of even the crudest forms of measurement of quality.

I realize there are some who quite literally do not give a damn about the quality of our environment. In a memorable speech before Bank of America managers last month, Louis Banks, editorial director of Time, Inc., mentioned a vivid recollection of lunching in an elegant Manhattan apartment, surrounded by priceless impressionist paintings and hearing one of Wall Street's venerable geniuses remark: "I think this city is past saving, and I think my responsibility is to sit back and figure out how I can profit from its decline and fall." Mr. Banks went on to say he regretted to report that particular Nero is still fiddling—and still prospering.

More disturbing, however, is the prospect that this financier's particular Vision of Truth might yet become a reality for all of us. The problems of living here in New York are merely amplifications in one degree or another, of the problems that stalk the length and breadth of our land. Crime and congestion, pollution and poverty, urban decay and unrest . . . you know the list as well as I. And you, too, have heard the note of despair that all too often creeps into the conversation when these problems are discussed, even among reasonable, well-intentioned men.

Our ills are simply too enormous, they say, too grave, too far advanced to be susceptible to solution. Perhaps, they say, if we just go about the business of minding our own business in the same old way all will be well in the end. Which sounds a good deal more innocent than what Mr. Bank's Neroic friend had to offer, but ultimately amounts to about the same thing.

Today, I would like to suggest that there is a viable alternative to this philosophy. Without in any way trying to understate the magnitude of the problems, I would like to suggest that we need not let their enormity shock us into paralysis, nor their gravity stampede us into foolish and ineffective action. Yet at the same time, I must repeat a caveat that an associate of mine is fond of citing: that if you would eat an elephant you must do so one bite at a time.

Certainly one of the first bites that must be taken in coming to grips with contemporary social and economic problems is the development of what I choose to call an arithmetic of quality . . . and along with that, the evolution of something called a social report.

Development of an arithmetic of quality will not be easy—nor am I here to claim I know precisely how the job should be done. Accomplishment of the task will require the best efforts of many disciplines and institutions. But there will be no effective policy making without such an arithmetic of quality.

Much of the arithmetic must be refined—and in many cases innovated and developed from scratch—because we depend upon some mathematical form to assess any set of alternatives. And policymaking is nothing more than the act of trying to choose the right alternative.

At present, our economic arithmetic focuses on cyclical changes in total activity. It focuses on the flow of inputs and outputs, not on the total stock of assets in the nation. Somehow, changes in stocks in a much wider range of assets must be taken into account if we are ever to talk meaningfully and with precision about the quality of life.

We need a system where net output is increased or decreased by the amount that total assets—capital, knowledge, skills, physical environment and sociopolitical environment—are augmented or reduced as a consequence of our activities.

For example, deterioration of the physical environment because of pollution means that the flow of benefits from this asset is reduced. Thus, where economic growth deteriorates the physical environment, a set of accounts should register not only the usual increase in net output resulting from growth in the market sector, but also record any offset to the degree the physical environment assets depreciate, lessening the future flow of benefits.

If you do not feel the walls shaking or the floor rumbling, it is because there is nothing particularly new or dramatic about this idea. The idea of a social report has been around for some time. Our engineer-President, Herbert Hoover, set aside funds for work on such a project in 1929. It was dropped and all but forgotten, ironically, in the distress of the Great Depression.

More recently, a few experimental steps have been taken toward developing a social report. Daniel Bell has written extensively about the idea, and in 1968, a government-commissioned panel produced a study called "Toward a Social Report."

This study was not intended, as some critics mistakenly believed, as a definitive statement on the present condition of American society. It was, rather, an attempt to suggest a possible model for future social reporting—an attempt to ask some of the questions that must be answered to perfect the techniques of meaningful social measurement.

Ideally, a social report should identify, assess and measure those elements of our national life that are essential to our well-being—and which are not, and cannot be, measured by present economic indices.

While these goals must ultimately be decided through our normal political channels, I think Bell gives us an idea of the direction and scope of social goals when he suggests they should deal with the "ability of an individual citizen to establish a career commensurate with his abilities and live a full and healthy life equal to his biological potential, and include a definition of the levels on an adequate standard of living and the elements of a decent physical and social environment."

The exact outline of a workable social report, however, is not important for this discussion. Even in rather crude form, a social report of some sort would enable us to do at least five things better than we can now:

First, I believe it would help rationalize public support behind the solutions needed in our social problem areas.

Second, it would expedite actual formulation of rational private and public, corporate and legislative goals by furnishing a regular and systematic assessment of our social problems, and the costs as well as benefits of various proposed solutions.

Third, it would help us develop logical priorities by pointing out which problems are most critical, and the cost in economic assets and human terms—let me stress human terms.

Fourth, it would allow us to develop policy alternatives and select from them the most promising solutions to specific problems by pinpointing the precise nature, components, and scope of such problems.

And, finally, it would allow us to determine whether the programs we select to deal with such problems are actually working. It would provide a benchmark—even though possibly at first a crude one—of the effect of our efforts over time.

If you are with me this far—if you agree that some system for quantifying and reporting social problems would produce the benefits I have indicated—it seems pertinent to ask why progress has been so slow in developing such an arithmetic of quality.

Detractors from the idea seem to fall into three broad categories: those who say it cannot be done, those who say it already has been done, and those who say it should not be done. Let us look at these arguments one by one and see how well they hold up under scrutiny.

Those who say it cannot be done, at least for a period of decades, include even some of the most ardent champions of the social report concept.

I think they are wrong. Despite the complexity and magnitude of the task, I believe it can be done more quickly than is commonly thought. And I cite history as my proof.

Go back with me to the year 1945. Our economy was coming off a wartime binge. There was great concern that in the process of shifting factors of production from war to peace goods our economy might be thrown into utter chaos. The concern was different in kind but similar in degree to the comments we hear today about our ability to cope with social and environmental problems.

It was this depth and consensus of concern that led, I believe to the remarkably swift development of several measuring and reporting tools we have used to manage our economy in post-war years.

The gross national product immediately comes to mind. Many of its components had been developed over the years, but its consolidation as a comprehensive measuring device did not occur until 1945. The GNP has become so much a part of our day-to-day lives we sometimes forget it is a member of the under-thirty generation—it is only 25 years old!

While our record has not been perfect, we can take pride in our economic performance since 1945. On the whole, we have done a creditable job, and in so doing the tools that were refined and developed for measuring our progress have served us exceedingly well.

Aside from historical precedent, there is yet another reason to be confident that an arithmetic of quality can be developed.

Not too long ago, the analysis of statistical information of any significant diversity was physically inconceivable. But now with the aid of a new servant, the computer, a compilation that would have taken 500 scientists working 500 years to accomplish, can be done in the instant it takes to blink an eye. Literally.

The challenge is to set the computer to work on the right problems—to ask answers to the right and relevant questions.

A second category of detractors are those who say the job has already been done.

I simply cannot agree. It must be clear

to any observer of contemporary America that the tools at hand are no longer sufficient, in and of themselves, to enable us to accomplish the tasks we have set for ourselves. As we move away from strictly economic objectives, these tools fall short because they don't tell us how well we live.

Let me give one set of examples. The gross national product is one of those economic tools with which we measure our accomplishments regularly, from quarter to quarter, from year to year. It is widely used. It is a familiar and accepted standard. If GNP goes up, the widespread and popular assumption is that we are better off than if it were at some lower level. But in fact the GNP statistics can and do produce misleading information—or no information at all—about many of the things which make life worth living.

They have distorted some economic events to the point where an episode of social deterioration shows up as a gain rather than a loss, or even a success rather than a failure of deliberate policy.

A textbook situation involves almost any natural calamity—an earthquake, flood, fire or tornado. An earthquake like the one in Los Angeles 10 days ago can wipe out millions of dollars of physical assets. Yet, because labor is paid and materials purchased to rebuild the community, the result is a GNP rise even though the renovation may never be able to match the assets destroyed.

Another example is that of the company manager who fails to install an anti-pollution device on a factory smokestack. Over time, walls of nearby houses are blackened. The factory's saving—in not buying an anti-pollution device—becomes an added cost to homeowners, who must pay for labor and paint more frequently than normal to overcome smoke damage.

The irony here is that the gross national product is increased indifferently by both the manager's action—which adds to his company's profit—and the homeowner's costs for repair work. Clearly, here the GNP is an inadequate indicator of societal costs and benefits as well as economic ones.

The GNP is not the only economic statistical concept that can distort the true picture of life in the nation. The Consumer Price Index, which we have used for years to reckon what we claim is the "cost of living" regularly indicates that the cost of medical services has risen, adding to the inflationary bias of our view of the economy. Yet the index neglects to account for the fact that solid advances in the quality of medical care per dollar unit of expense have been achieved during the same period. And, of course, similar flaws can be identified in other components of the index.

Finally, and perhaps of all the economic indicators the one closest to the hearts of those in this room, is profit. By arguing for a new arithmetic of quality, I do not mean to suggest that businessmen should abandon their wholesome respect for the ruthless realism of the profit-and-loss statement.

In the market system that so far has served us so well, it is essential to understand the profit mechanism—which I contend is not incompatible with efforts to fullfill diverse socially beneficial goals. The businessman is a conciliator among the interests and claims of shareowners, creditors, customers and employees. As a fellow banker, Gabriel Hauge has noted with typical lucidity. "What we all share is an interest in efficiency, which means dividends for owner, security and interest for creditors, a good bargain for the customer and better rewards for the employee."

In the end, Mr. Hauge notes, the diverse interests in decisions converge. The role of profit is as much that of a balance wheel as a measuring stick: Profits that are too low suggest neglect of the consumer or lack of innovation, or a sacrifice of stockholders for the short-run interests of other groups, or just poor management.

"Profits that are too high suggest a lack of competitive vigor, and offer obvious targets for new entries, higher wage demands or governmental surveillance."

But as important as profits are, they are no longer sufficient as a sole determinant of corporate performance, from either the investor's or the corporate manager's point of view. Investment managers are coming to the conclusion that there will be precious little profit emanating from cities racked with disorder, choked on their own mass and polluted beyond human endurance.

Those investment analysts who are truly concerned with a company's social as well as profit performance—and they constitute a small but growing band—are hard put to evaluate the former. The traditional measures simply do not tell much. And the press releases and annual reports, which may be perfectly straightforward, are always slightly suspect as thoroughly objective measures.

The corporate manager is in an even more difficult position.

Pressured from all sides to improve his company's social contribution—by customers, by shareholders, by politicians, by young people—he has only the crudest sort of tools for analyzing alternative actions and measuring trade-offs among them. The very human tendency is to oil the wheel that squeaks the loudest and let it go at that.

Despite some of the heroic and bold efforts made by individual corporations here and there, we will not see any really substantial and intelligently directed commitment of private resources to public problems until we have developed an analytical framework by which such a commitment can be justified and monitored.

Which brings me to the last group of detractors—those who say a new arithmetic of quality should not be developed. They say this for two reasons. The reasons are subtle and difficult to answer in any absolute sense. But let me at least try to give you my perspective on them.

The first is often heard from young people. One of their principal grievances against the Establishment is that the so-called Technocracy—our present business, government and even academic system—has appeared to be overly preoccupied with statistics and numerical averages. And I do not think we can dismiss this criticism out of hand.

In a way, we have been tending toward a kind of intellectual indolence because of which we content ourselves with aggregates alone, regardless of the extraordinary exception. We have forgotten or chosen to ignore the statistical truth that a man can drown in a river with an average depth of three feet of water.

I cannot accept, however, the conclusion reached by some of our young people that the discipline of mathematics must be cast from our lives. Rather we need to learn how to use this discipline correctly . . . to temper it with human judgment and see that it remains a tool rather than a tyrant.

There is one other objection to the development of an arithmetic of quality. Many fear it will become an excuse for inaction. Their fears are based on the motion that it will take an impossibly long period to develop such a system of measurement and during the interim we will simply sit on our hands awaiting the evolution of rational guidelines.

I made it clear earlier that I think the proper measuring system can be developed a lot quicker than most predict. Of course, no comprehensive system is developed overnight. The seeds of our current system of economic statistical measures were planted decades ago in piecemeal efforts to measure change and report progress. We have come a long way from relying on pig iron and coal production, freight carloadings and bank debits to tell us about our economic health.

These early measures were useful and they offer some valuable insights as to the practical way to get started on our current problems. We must weave available bits and pieces of information into a total measurement system, filling in important data gaps as the need becomes evident.

But I do not mean to suggest that meanwhile we should sit on our hands. I think all of us as individual companies must move ahead as best we can to develop programs and practices designed to accommodate social and environmental as well as economic needs.

Each business management today must somehow decide what its own social priorites are—and then set out a program to accomplish them. And this implies some tangible means of measuring progress.

I am encouraged by some as-yet-experimental efforts at Bank of America—efforts which we hope will enlarge the practical dimensions of what we can afford to devote by way of manpower, management time and other resources in meeting social responsibilities.

We know we need a social cost budget as well as the conventional economic cost budget. We have taken the beginning step in asking our accountants to attempt to place detailed cost estimates on what management considers its major social responsibilities. We don't know how successful we will be, but we're certain some estimates are better than none. We are certain they will enable us to make better business judgments and thereby avoid abrupt changes in significant programs.

I commend the concept of a social cost budget to you—and call upon the accounting profession to help all of us work out this new arithmetic tool.

Since I have used the word "arithmetic" so extensively in my remarks this afternoon, perhaps it is appropriate to close with a story on that subject.

It is about the mathematics professor who is trying to explain the Theory of Limits to one of his students.

"Now look son," he says, "suppose you have a date and when you go by the dorm to pick her up she is sitting on the sofa waiting for you. You approach half the distance to the sofa and stop. Then you go half the remaining distance and stop. Then you go half of that distance, and so on. Do you ever reach her?"

"Well, sir," says the student, "mathematically speaking, I guess not. But if I keep going those half distances I'll sure as hell get close enough for all practical purposes."

I do not pretend that the arithmetic of quality I am calling for will, in and of itself, move us to the perfectly ideal society. But it is an essential first step. And maybe it can help us get close enough to the ideal, as the student said, "for all practical purposes."

[From the American Banker]

TOWARDS AN ARITHMETIC OF QUALITY

The quest for techniques whereby human events can be distilled into statistical measurements is one of the compulsions of the age, and carried to excess, as it often is, one of its minor curses. At worst, statistics can stupefy, overhelm, distort, mislead, and serve the rationale for false propositions.

But while the excess is distressing, the absence can lead to total frustration. Consider, for example, all moralizing aside, the immensely complicated mechanics of translating into sensible action the will of profit-making organizations to respond to the new demands being put upon them by new assertions of social concern. To formulate these equations requires a kind of corporate equivalent of the new math.

And so it is important that last week the head of the world's largest bank proclaimed his commitment to the development of what he called "an arithmetic of quality," as the basis for evolution toward "something called a social report."

"Development of an arithmetic of equality will not be easy, nor am I here to claim I know precisely how the job should be done," stated A. W. Clausen, president, Bank of America NT&SA, in a speech before the Conference Board (the full text of which is reprinted on the opposite page as Required Reading). "Accomplishment of the task will require the best efforts of many disciplines and institutions. But there will be no effective policy making without such an arithmetic of quality."

The economy's present statistical framework, he observed is simply not big enough. "Somehow, changes in stocks in a much wider range of assets must be taken into account if we are ever to talk meaningfully and with precision about the quality of life," Mr. Clausen maintained. "We need a system where net output is increased or decreased by the amount that total assets—capital, knowledge, skills, physical environment, and socio-political environment—are augmented or reduced as a consequence of our activities."

And he expressed confidence that "the proper measuring system can be developed a lot quicker than most predict.

"Of course, no comprehensive system is developed overnight," Mr. Clausen conceded. "The seeds of our current system of economic statistical measures were planted decades ago in piecemeal efforts to measure change and report progress. We've come a long way from relying on pig iron and coal production, freight carloadings, and bank debits to tell us about our economic health."

And as piecemeal was the beginning, Mr. Clausen suggested, so piecemeal may be the way to advance. "These early measures were to get started on our current problems," he said. 'We must weave available bits and pieces of information into a total measurement system, filling in important data gaps as the need becomes evident."

Bank of America has already gotten started, he reported. "I am encouraged by some as-yet-experimental efforts" there, he said, "efforts which we hope will enlarge the practical dimensions of what we can afford to devote by way of manpower, management time, and other resources in meeting social responsibilities.

"We know we need a social cost budget as well as the conventional economic cost budget," Mr. Clausen declared. "We've taken the beginning step in asking our accountants to attempt to place detailed cost estimates on what management considers its major social responsibilities. We don't know how successful we will be, but we're certain some estimates are better than none. We're certain they will enable us to make better business judgments and thereby avoid abrupt changes in significant programs."

Despite Mr. Clausen's disclaimers, these experimental efforts appear all but certain to pay off, and in many ways: as a practical means for the bank to find out answers to complicated problems; as a pilot project for a new system for articulating corporate consciousness; as an example for others to explore the same unmapped terrain.

For even worse than a surfeit of statistics is an insufficiency; the very quest for a social arithmetic is in itself a boon.

[From the Christian Science Monitor,
Mar. 8, 1971]

Taking Quality Into Account

Amid the current clamor for pollution control, environmental protection, and zero population growth, one phrase seems to stand out as central: the quality of life.

What does it mean? Probably most people visualize it in terms of pure air, sparkling rivers, and clean streets. Or safe streets. Comfortable, convenient transportation. Good schools and health facilities. Et cetera, on down the line.

Beautiful. But what, ask the practical ones, does it cost? Can we afford it?

Many committed environmentalists are ready to make an ecological leap of faith and say flatly that we cannot afford *not* to improve the quality of life.

There it is again, that old twin streak of idealism and pragnatism that run deep through the tissue of American life, usually in competition.

We would like to make a leap of faith of our own, on this premise: that the qualitative and quantitative aspects of life in a technological age are not necessarily and hopelessly at odds.

We watch with mixed feelings proposals that all economic and population growth be brought to a halt; that our economy move into an era of status quo; that we readjust our national priorities toward more humane ends.

The pragmatic side of us wants to quantify these assessments, to put a tangible handle on them.

Can it be done? For some years now, serious students of the "soft" sciences have been working at a social accounting system that would measure such intangibles as the relative value of, say, hiring an experienced schoolteacher for $10,000 a year against a greenhorn for $7,000. Which, in the end, costs the community more?

Social accounting has hit an uphill road. Economists tend to be leary of measuring intangibles. Some are openly hostile.

For this reason it is heartening to have A. W. Clausen, president of the Bank of America, call for "an arithmetic of quality."

Mr. Clausen's yardstick would ring a bell when any factor of "economic growth"—say an increase in the output of automobiles—would deteriorate the physical environment. His set of accounts would register not only the expected "growth" in the market sector, but would subtract from that the depreciation which the added cars would work on the environment.

We are a long way from realizing such a mathematical yardstick. But the fact that a leading banker calls for its development is itself a leading indicator that idealism and pragmatism continue to work together for the public good in the minds of enlightened thinkers and doers.

PROBLEMS OF THE AGED

Mr. BOGGS. Mr. President, the able and distinguished senior Senator from Illinois (Mr. Percy) delivered a perceptive analysis of the problems of the aged last Wednesday, March 31, at the annual membership meeting of the National Council on the Aging.

In his address to this group, the Senator commented on problems which are—or which should be—of major concern to all of us. Because solutions to these problems will require our serious attention and best efforts during the 92d Congress, I invite the attention of the Senate to the Senator's remarks, and ask unanimous consent that they be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Senator Charles H. Percy

It is a great privilege to appear before you today. I have long regarded the elderly as this nation's most shamefully neglected minority group. Considering the size of this minority—20 million Americans—and the obvious fact that providing for the elderly is synonymous with planning for our own futures, our collective callousness is particularly difficult to understand.

Older Americans—the one in every 10 who is over 65—constitute an invaluable reservoir of talent and experience. Yet this country does not draw upon this precious resource; an individual over 65 who wishes to continue to contribute to our society is actively discouraged by our Social Security laws from doing so. And, because of the inadequacy of our social programs for the elderly—in areas such as health, housing, nutrition, and transportation—many Americans over 65 are physically unable to contribute, even if they are willing to make the financial sacrifice that is required.

We simply cannot afford to squander our manpower. We must develop a coherent national policy for the elderly not only because it is morally right, but because it is in the national interest to do so. To tell Americans who have helped to build this country for four decades or more that they are no longer needed is so shortsighted, so obviously wrong, that one wonders how we could have perpetuated such an attitude for so long.

Americans do not send their elderly parents and grandparents out to sea to die, as some primitive societies have done. Rather, we cruelly ignore them, and hope they will disappear quietly, without a fuss. If they do assert themselves—if there is a fuss—we frequently shunt them off to nursing homes, many of which are squalid, cheerless waiting rooms for the grave, staffed by underpaid incompetents.

Anyone who watches television or reads a newspaper knows that this is a youth-oriented society. Maturity, stability, accumulated wisdom—these simply do not sell. We are conditioned to blot, color, tint, firm, smooth out or cover up any sign of approaching age. When the physical evidence can no longer be camouflaged, when illusions of immortality are shattered by the inevitable realities of the aging process, the aged individual suddenly feels lonely and abandoned, a member of a stigmatized subculture.

His physical deterioration ordinarily coincides with an abrupt loss of income and mobility, perhaps with a loss of a spouse or a relative and very frequently with a chronic illness. Having been categorized as one of the aged, he is separated from the mainstream of society. Our social and cultural attitudes deprive him of psychological support and he withdraws from society, facing a future so bleak that it is barely imaginable to most of us.

As Ann W. Simon, author of *The New Years: A New Middle Age*, has pointed out, our veneration of youth has distorted our understanding of the totality of life. She says: "Making youth the pivot of existence devalues the rest of life and prevents a view of the whole. Older people have nothing to live for, younger people nothing to grow up for."

Our discrimination against the old has grown so widespread that it has earned itself an ugly name—"age-ism." With its implications of segregation and alienation, it is as malignant a phenomenon as racism, and, I submit, equally commonplace. To remove this flaw in our national character will require a commitment as vast—in terms of governmental action and public education—as that which we have devoted to our race problems.

In this, the year of the White House Conference on Aging, we will doubtless hear many expressions of concern about the problems of the elderly. Hopefully, the conference itself will result in the formulation of a national philosophy on aging—something which we lack as a people, as John B. Martin, U.S. Commissioner of Aging, has noted. I would also hope that the conference will provide a forum for the presentation, analysis, discussion and synthesis of specific programs and proposals by all interested groups, public and private.

But those of us in Congress must take the lead now in proposing legislation that will alleviate the crisis that envelops the elderly. We cannot afford to wait until the results of the White House Conference in November have been assimilated and translated into concrete proposals, a process that can take years. Information is available now to document the plight of older Americans and I fully intend to go to work immediately to help restore to them the dignity and independence they deserve.

Next week, I will introduce in the Senate a package of seven bills dealing with the problems of old age. The legislation, which is described in detail in the press release which each of you has received, attempts to provide answers for some of the disturbing questions that we must ask ourselves about our treatment of the aged.

Why is it that one out of every four Americans over 65 is forced to live on a poverty level income? And why is the post-65 generation the only age group in which poverty is actually increasing?

Why is it, in this age of tremendous strides in medical research, that only 14 percent of all elderly Americans are free of chronic conditions, diseases or impairments?

Why do fewer than half of this country's 25,000 nursing homes—where five percent of our elderly reside—actually offer skilled nursing? Why have we permitted some of the nursing homes to continue operating when they are little more than "warehouses for the dying," as the *Chicago Tribune* so aptly termed them?

Why is it financially impossible for many older Americans to remain in their own homes during their retirement?

Why is their mobility so restricted that only one percent move from one state to another annually?

Why do we provide facilities for the elderly that only exacerbate their isolation and loneliness?

I do not suggest that the seven bills I will introduce next week are a panacea for the problems of the elderly. Years of indifference or scorn cannot be erased with one legislative package, no matter how comprehensive it may be. But I do believe that my bills represent an important first step in such areas of obvious need as income maintenance, health, transportation and housing.

Moreover, I pledge to you and to every tenth American who is over 65 that my commitment to the elderly will not terminate with the introduction of these bills. So frequently in this country a cause becomes fashionable for a time, then fades into obscurity; we seem quite capable of short bursts of energy, but as a nation we often appear to lack staying power.

I mean to insure that concern for the elderly does not become another ephemeral crusade. For as long as I am privileged to represent Illinois in the Senate, I will continue to seek to find ways to provide this generation, which has given so much to America, with a fair measure of repayment. The retirement years must become a period of relaxation, reflection and continued participation in our national life, not a time marked by a radical and degrading change in life style.

Since 1850, the percentage of Americans over 65 has quadrupled—from 2.5 percent to 10 percent of our total population. It is estimated that in the next 40 or 50 years, the number of elderly Americans will double, from 20 million to 40 million. If we do not begin now to reverse our attitudes toward older Americans, their problems may grow so overwhelming as to defy solution.

As I suggested at the outset, honor and respect for older Americans need not spring entirely from altruistic motives. We can help the elderly, but we also have much to learn from them, if we will only listen. As their own historians, they can be prophets to others. They can assess our culture with the perspective provided by years of experience, and they can prepare us for the day when we shall be the elderly generation. If we dismiss the ideas of those who have preceded us, we invite failure. As Henry Ford once observed: "You take all the experience and judgment of men over fifty out of the world and there wouldn't be enough left to run it."

The modern-day alchemists have transformed the words, "The Golden Years," into a base, cruel joke. This country can give these words substance, but only through the infusion of a massive dose of familial concern. If we show the elderly that they are not—in *Time* magazine's phrase—an "unwanted generation," our harvest will be a stronger nation and increased self-esteem. The question is not whether we *can* make tolerable the lot of older Americans, but whether we *will*. For a nation which has used its scientific and technical genius to stretch the life expectancy of its citizens from 47 to 70 since the turn of the century, it certainly should be possible to make these additional years bearable.

I invite you, the professionals in the field, to join me in the effort to secure congressional passage of the legislation I will introduce next week and the other bills that will follow. And I ask you to consider with me a passage I discovered recently in an article in the *Vista Volunteer*. I believe it poignantly captures the essential loneliness of the elderly of the United States. Yet it is a reminder to us that old age can mean more than despair and death. The passage reads:

"In the country of the young, old people move like shadows, stepping with minuet pace across our consciousness. They have preceded us as travelers in the land of youth, but we rarely stop to ask them the way. To remember that they were young is to remember that we will be old. We fear aging and avoid things that remind us of it. But old age need not be a space cubicled off at the end of life; for many people it is a continuation of life, a new experience."

IF THE COST OF DAIRY PRODUCTS IS INCREASED, THE FARMER IS NOT TO BLAME

Mr. NELSON. Mr. President, on March 16, I introduced S. 1277, which provided that the minimum support level for manufacturing milk be established at 85 percent of parity for the current milk marketing year. The purpose of the legislation was to override the ill-considered decision by the Secretary of Agriculture not to raise the support level from the $4.66 support price, something that would have cost dairy farmers $500 million nationally and $90 million in Wisconsin.

On March 25, the Secretary reversed his decision, and announced an increase in the support level to $4.93 of parity. The action accomplished by administrative order what the legislation would have accomplished.

The decision obviously was the result of S. 1277, which was cosponsored by 27 Senators, and a companion measure in the House which likewise had substantial support. It was the result also of thousands upon thousands of letters from farmers throughout the country who protested the earlier action by the Secretary as being another indicator of the administration's insensitivities toward the economic plight of rural Americans.

But now there are reports that consumer prices for dairy products will rise because of the increased support level. It should be made clear that if consumer prices for these commodities are raised, it will be the result of something other than support of producer prices.

The support-level increase is on manufacturing-grade milk, milk that is used for production of cheese, dry milk, and other products. In this category, the prices paid to producers were above the support level at the end of the marketing year that concluded March 31. Had the Secretary's decision of March 12 not been reversed, producers would have lost money because the market price would have been adjusted downward to reflect the support level.

The effect of increasing the support level to 85 percent of parity was to stabilize market prices and protect the producer from further losses due to inflation that can only harm him because he has no way of passing extra costs on to the consumer.

To those concerned about prices of grade A, bottled milk, it should be noted that those prices are adjusted according to the Wisconsin-Minnesota order area. This is quite apart from the support level for manufacturing grade milk. There will be no increase in cost to the consumer for grade A milk unless the Wisconsin-Minnesota formula is adjusted upward. And it has not been so far in the marketing year.

Even if the cost of bottled milk reflected the support level for manufacturing milk—which it does not—the 27-cent increase in the support level would mean less than a penny increase for a half-gallon of milk. The 27-cent increase is for hundredweight.

The facts in this case are clear. If the cost of dairy products increase, it will not be due to the support for prices paid to farmers. And farmers should not be made the scapegoat for price increases that are made by processors.

Mr. President, the Secretary of Agriculture responded to the outpouring of congressional and farmer concern over the initial decision on price supports by adjusting the support level upward before I added the 27 cosponsors to S. 1277. I ask unanimous consent that the cosponsors be listed at this time and that the full text of S. 1277 be printed in the RECORD.

The cosponsors are: The Senator from Minnesota (Mr. MONDALE), the Senator from Wyoming (Mr. MCGEE), the Senator from Iowa (Mr. HUGHES), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Kentucky (Mr. COOK), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Illinois (Mr. STEVENSON), the Senator from Missouri (Mr. EAGLETON), the Senator from California (Mr. TUNNEY), the Senator from Indiana (Mr. HARTKE), the Senator from Missouri (Mr. SYMINGTON), the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Oklahoma (Mr. HARRIS), the Senator from Maine

(Mr. Muskie), the Senator from Utah (Mr. Moss), the Senator from Wisconsin (Mr. Proxmire), the Senator from Alabama (Mr. Allen), the Senator from Louisiana (Mr. Long), the Senator from Hawaii (Mr. Inouye), the Senator from South Carolina (Mr. Hollings), the Senator from Arkansas (Mr. Fulbright), the Senator from Alabama (Mr. Sparkman), the Senator from Mississippi (Mr. Eastland), and the Senator from Texas (Mr. Bentsen).

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1277

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(c) of the Agricultural Act of 1949, as amended by the Agricultural Act of 1970, is amended by striking out the period at the end of the first sentence and inserting in lieu thereof the following: ": *Provided,* That, notwithstanding the foregoing sentence, the price of milk for the marketing year beginning April 1, 1971, and ending March 31, 1972, shall be supported at such level not in excess of 90 per centum nor less than 85 per centum of the parity price therefor as the Secretary determines necessary in order to assure an adequate supply.".

NEW DOMESTIC SPENDING BILLS

Mr. CURTIS. Mr. President, I have been concerned for a long time—and my concern grows with every passing year—about the propensity of some Members of Congress to continually introduce sweeping new domestic legislative proposals involving gigantic expenditures of Federal moneys.

I am concerned because these bills are introduced with little apparent regard for the ability of the Nation's taxpayers to pay for such "panaceas" or the impact that adoption of these programs would have on the carrying out of such vital and legitimate Federal responsibilities as national defense and security and adequate funding of domestic programs already adopted by the Congress which need support on a continuing basis.

A study dealing with the cost of legislation introduced thus far in the 92d Congress has been prepared at my request, Mr. President. It is highly revealing, and I have taken this time today to share with you some of the more significant data, as well as the several conclusions which must be drawn from it.

First, I should like to explain some of the difficulties one encounters in attaining meaningful comparability of cost figures for pending legislation.

There is, for one thing, a singular lack of consistency in the format of proposed legislation, as regards the drafting of the spending authority.

Some bills include a specific dollar authorization for a specific fiscal year or years. Others authorize specific appropriations but with no fiscal year limitations. Still others contain only an authorization for "such sums as may be necessary to carry out the purposes of the act." This early in the Congress, estimates have not yet been made for many of the bills in the latter category. And there is the further complicating factor that some authorizations are for 2 or 3 fiscal years, while others provide authorizations for 8 or 9 years and still others authorize a specific annual appropriation to continue year after year, ad infinitum.

Obviously, then, it becomes very difficult to obtain a single cost total. If a total is tabulated for fiscal year 1972, the real magnitude of expenditures anticipated in pending legislation is vastly diminished. If, on the other hand, a total is arrived at without regard to fiscal year limitations, it is less useful because expenditures are meaningful primarily in terms of the span of time in which they will occur. In addition, no such total can be developed with any precision since, as noted, some bills authorize specific annual appropriations without specifying a cutoff date.

Hence, certain guidelines were adopted to provide a meaningful framework in which to view the data. Two cost totals have been developed—a fiscal year 1972 total—which includes any authorizations for the remainder of fiscal year 1971, as well—and an overall total which assumes a 4-year span for programs where no termination date is specified.

The study includes a complete review of all Senate bills introduced through March 15 and all major House bills which had no Senate counterparts. Where the same or similar bills have been introduced in both bodies—or more than once in the same body—the figures were included only one time, using the highest funding level where variations in cost occurred.

Most importantly, the study covers only new programs or legislation vastly expanding or modifying the direction of existing programs. It thus excludes such important categories of legislation as the following:

First. Bills authorizing appropriations for the simple extension of existing programs.

Second. Bills relating to defense and military spending.

Third. Bills authorizing appropriations for public works.

Fourth. Bills establishing repayable loan operations such as the Rural Telephone Bank, National Student Loan Association, and so forth.

Fifth. Bills providing income tax deductions, exclusions, credits or incentives.

Sixth. Bills increasing benefits or modifying coverage under social security, veterans, civil service, and railroad retirement pension programs, except H.R. 1.

Seventh. Bills where no specific dollar figures were included in the authorizing language and no cost estimates are yet available. This includes most of the new public works bills and is the reason that entire category of bills was excluded, even though a few include specific appropriation authorizations.

Against that framework, let me analyze a few of the study's results and implications.

Eighty-five separate legislative proposals are included in the study and probably two-thirds that many additional measures should have been, had cost estimates been available.

These 85 measures represent proposed expenditures for fiscal year 1972 of $130,556,170,000. Thus, in slightly less than 60 days, Senators and Representatives have introduced legislation proposing new programs at a measurable cost of nearly 60 percent of the Federal budget estimate for that same fiscal year, which is $229,200,000,000.

Yet by far the greater part of the budget estimate covers fixed costs of existing programs. For instance, the defense budget at $77,512,000,000 accounts for 33.8 percent of the total budget and is the smallest allocation for defense, percentagewise, since 1950.

Viewed in this light it can easily be seen that the impact of proposed new legislation on the Federal budget would be staggering.

Even if only two-thirds of these bills were enacted, the cost would nearly equal 40 percent of the Federal budget, leaving virtually nothing, after meeting our defense needs, social security payments, and other fixed charges, for the funding of current programs of education, manpower, health, crime control, housing, environment, and the myriad other activities of the Federal Government.

Let us look at the matter in another way. The Federal revenue from personal income taxes for 1972 is estimated at $93,700,000,000, and it is anticipated that corporate taxes for the same period will amount to $36,700,000,000. When added together these produce a revenue figure of $130,400,000,000, almost precisely the same as the fiscal year 1972 figure for the measurable cost of proposed new legislation.

Another approach to the data is in terms of the total expenditures anticipated, without regard to fiscal year limitations. Here the figure leaps to $245,972,887,755, an amount substantially greater than the entire fiscal year 1972 budget. Such a figure is more than staggering—it is virtually incomprehensible.

Here are some of the proposals for spending very large sums which are included in this $245-billion-plus figure:

The most expensive single measure is S. 3, the so-called Health Security Act which the Secretary of Health, Education, and Welfare has conservatively estimated would cost $77 billion when fully implemented.

Another major item is H.R. 1, the Social Security Act amendments and family assistance plan legislation introduced in the House. Of course, a sizable part of the cost of that bill, the 10-percent social security benefit increase has already been added by the Senate on an amendment to H.R. 4690, a bill increasing the public debt limit, and enacted into law as Public Law 92–5.

The cost of H.R. 1 was estimated at $9.988 billion for fiscal year 1971 for both social security, and FAP with an additional $3.8 estimated for fiscal year 1972 for FAP only. No fiscal year 1972 estimate of the social security cost was available.

Another one of the more expensive items included in the study was S. 31, the Emergency Employment Act of 1971, which the Senate adopted by a vote of

62 to 10 on Thursday, April 1. I view this as a rather beneficent date for adoption of the measure, particularly from the point of view of the American taxpayer. This is a 2-year bill which authorizes appropriations of $750 million for fiscal year 1972 and $1 billion for fiscal year 1973.

Among the other larger items are S. 523, the National Water Quality Standards Act which totals $12.6 billion for fiscal years 1972 to 1976; S. 530, the Universal Child Care and Child Development Act, providing $12 billion for fiscal years 1972 to 1974; S. 1283, the Urban Education Improvement Act, pegged at $20.05 billion for fiscal years 1971 to 1982; H.R. 128, the School Children Assistance Act, costing $10.556 billion for fiscal years 1972 to 1973; H.R. 246, the Comprehensive Community College Act, at a cost of $6.01 billion for fiscal years 1971 to 1973; S. 1143, the Clean Water Commitment Act, providing for $16.04 billion for fiscal years 1971 to 1976, and H.R. 40, the Economic Opportunity Act extension authorizing appropriations of $15,415,682,755 for fiscal years 1972 to 1976 and S. 241, the State and Local Government Modernization Act at a cost of $24 billion.

These 11 bills account for a total cost of $211.22 billion out of the $245.48 billion cited earlier as the price tag on the entire package of 85 bills.

Many of these new proposals relate to health, so we might look at our present programs.

In 1945 we were spending 0.2 percent of the total Federal budget expenditures on programs relating to health. In 1950 that figure rose to 0.6 percent, in 1960 to 0.8 percent, in 1970 to 6.6 percent and the budget request for fiscal year 1972 allocated 7 percent of Federal spending to health. However, when one looks at the expenditures authorized by pending measures relating to health, that figure soars to 59.2 percent of the 1972 budget figure.

Looking at the matter in another way, in terms of total dollar figures, we spent in 1970 $13 billion on health programs. The estimated outlay for 1971 was $14.9 billion and the 1972 budget anticipates expenditures of $16 billion. When we look at the cost of pending legislation in this field, however, we find a figure of $77.3 billion.

I can give a comparable analysis for education and manpower programs. The budget analysis of the history of Federal spending combines these two categories and that analysis shows that we spent approximately 0.2 percent of the Federal budget outlays on programs of this type in 1945. By 1955 that figure had risen to 0.8 percent, to 1.9 percent in 1965, and to 3.7 percent by 1970. The budget estimate for fiscal year 1972 proposes spending in this category at a level of 3.8 percent. Pending legislation, however, involves proposed expenditures which would boost this total to 13.9 percent of the 1972 budget.

In terms of dollar figures we spent $7.3 billion on education and manpower programs in 1970. The estimated outlay for 1971 was $8.3 billion and the 1972 budget sets a figure of $8.8 billion. Pending legislation, on the other hand, would authorize spending at a level of $18.3 billion for new or expanded programs in these fields.

What is "a billion dollars?" How many people really grasp the significance of such a sum?

A cursory glance at the Federal budget, the Federal debt, or the cost of pending legislation might easily lead one to believe it is a relatively insignificant amount since each of those figures represents a large multiple of 1 billion.

For emphasis, let me repeat those figures: The Federal budget for fiscal year 1972 is $229.2 billion. The national debt, as of December 31, 1970, was $389.2 billion. The cost of legislation introduced in the 92d Congress if it could be fully measured would total far in excess of $245.9 billion.

Now let me reflect for a moment on what can be done with a billion dollars in terms the average citizen can comprehend.

According to the most recent estimate available to me, $1 billion would have paid for all the food produced and consumed on U.S. farms in 1961. It would have paid the grocery bill of every single American family for a week in 1955. In that same year such a sum would have paid the expenses of every student enrolled in an institution for higher education for the entire year, or the full year's dentist bill for every American family. And, of course, the buying power of a dollar has declined by 30 percent since 1955.

Perhaps a more dramatic way of expressing the magnitude of this vast sum is to note that it would take almost 2,000 years—all the time since the birth of Christ—to spend $1 billion at the rate of $1 per minute.

One billion dollars would have paid the costs of operation of our Federal Government for the first 60 years of its existence—from 1789 to 1848. Or, for the benefit of the rapidly increasing segment of our population who have come to believe that Uncle Sam owes them a living, I might point out that if 1 billion dollar bills were placed end to end, they would extend about four times around the world, and if one walked along picking that up at the rate of one per second, 40 hours a week, he would have to work 134 years to become a billionaire.

I believe that it is well that we consider just what it is that makes up the present budget. What are the items for the coming fiscal year, that is fiscal 1972, which call for over $229 billion in expenditures.

Our defense program will call for expenditures of $97.5 billion or 33.8 percent of the budget. Incidentally, this is the smallest allocation for defense percentagewise since 1950.

The interest on the national debt will take $19.7 billion or 8.6 percent of the budget.

We hear a lot about agricultural expenses. The total expenditures for agriculture are $9.5 billion or only 4.1 percent of the total budget. However, $5.8 billion of that amount is for the benefit of the consumers and the general public. I refer to such items as meat inspection, school lunch programs, and the like. That part of those expenditures which is intended to benefit the farmers is only $3.7 billion or roughly 1½ percent of the total budget.

Public works amount to $11.8 billion—but less than 5 percent of the budget—4.8 percent to be exact.

We hear a lot about space expenditures. The facts are that our expenditures in space have been reduced to almost one-half of what they were at their peak. These expenditures amount to $3.4 billion or only 1.4 percent of the total budget.

Under what we call income maintenance—this means social security, veterans, benefits, unempoyment and like compensation—there is allocated $57.66 billion, amounting to 25.1 percent of the budget.

For welfare and other domestic programs there is allocated $50.3 billion or 21.5 percent of the total budget.

It is evident that the high cost of Government results in a large measure from our existing programs of social legislation. Under these two headings we account for $108 billion or expenditures of more than 46 percent.

To return to my major thesis, it seems to me that the American people are not really aware of the profligacy with which some of their elected representatives propose to divest them of their hard-earned tax dollars or the extent to which such programs, if enacted, would heap new tax burdens upon them. I have taken the floor today in the hope of drawing to their attention the enormity of the situation that looms when we lift our focus from individual proposals and fix it, instead, upon the sum total of this many-tentacled octapus of proposed new Federal programs which threatens to strangle our free enterprise economy and, with it, the liberty we long have cherished.

Perhaps the direction of these proposals can better be seen when broken down into categories of spending. About 37 percent of the overall proposed spending—some $91,240,600,000—would go for health and welfare programs and another 35 percent for education—$52,016,500,000—and environment—$33,948,775,000.

In terms of spending for the remainder of fiscal year 1971 and fiscal year 1972, nearly 70 percent of the total proposed spending would go for health and welfare—$90,990,600,000—and another 15 percent for education—$13,035,500,000—and environment—$6,605,775,334.

No one will deny that these are matters of concern, but the current budget already reflects billions of dollars for existing programs in these areas.

For instance, the Federal investment in health and public assistance for fiscal year 1972 is budgeted at $28,457 million or approximately 12.5 percent of the total. The Federal input into education amounts to $13,500 million or 5.9 percent of the budget and for environmental programs we are budgeted to spend $3,127 million, which is 7.1 percent above the level of the preceding fiscal year, though only about 1.5 percent of the total Federal expenditures.

Pending legislation would, then, triple the level of spending for health and welfare, more than double the level for environmental programs, and nearly double that for education. To be sure, some small budgeted items are included in both totals, but the impact on percentages is minimal.

Perhaps more revealing than the categories into which the proposed new programs fall are the chief sponsors of many of the more expensive bills.

Two Members of the Senate alone have, individually or jointly, introduced bills totaling $79,768,700,000, or nearly one-third of the total measurable cost of pending legislation. Six Senators who are currently being described in the press as "presidential timber" are the authors or chief sponsors of bills totaling $143,731,425,000, or well over half the measurable cost of pending legislation.

Mr. President, these spending proposals should alarm both the Congress and the country. I do not exaggerate when I state that I believe that unbridled spending by our Federal Government carries the seeds of destruction for our Republic.

The United States will never be conquered by a foreign foe. Our citizens are too patriotic to permit the subversive elements within to take over our Government. Our danger lies in excessive spending, and the resulting depreciation of the value of our money and ruinous inflation. This could well be followed by chaos and a turn to socialism.

Mr. President, the time is at hand for the real friends of the people to expose and oppose these destructive trends.

ADDRESS BY SENATOR SAXBE BEFORE CLEVELAND JEWISH WELFARE FUND

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the address delivered by the distinguished Senator from Ohio (Mr. SAXBE) before the Cleveland Jewish Welfare Fund on April 1.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR WILLIAM B. SAXBE

Ladies and gentlemen. It is with great pleasure that I accepted your invitation to speak to the Cleveland Jewish Welfare Fund Appeal Dinner tonight. One week from tomorrow night a young child will rise at each of your dinner tables and ask his father this question, "Why is this night of the year different from all other nights?"

And his father will answer, "Once we were slaves unto Pharaoh in Egypt, and the Lord, in His goodness and mercy, brought us forth from that land, with a mighty hand and an outstretched arm. Had he not rescued us from the hand of the despot, surely we and our children would still be enslaved, deprived of liberty and human dignity. We, therefore gather year after year, to retell this ancient story. For, in reality, it is not ancient, but eternal in its message, and its spirit. It proclaims man's burning desire to preserve liberty and justice for all."

In fact, the message of Passover and the Jewish Exodus from the land of Egypt is more meaningful today than ever before. We are all grateful for living in an extraordinary country such as ours, a country with few impediments to hinder the upward mobility of those who seek it. Today the proportion of Jews in college is twice that of the general U.S. population. And the proportion of Jews enrolled in graduate and professional schools is triple that of other students. Although Jews account for only 3% of the U.S. population, they provide more than 10% of all American college teachers. At prestigious universities such as Harvard, Jews represent as much as one third of the faculty. In the elite Ivy League, Jews have recently been appointed presidents of Dartmouth, and the University of Pennsylvania, and as the deans of Yale, Columbia and Pennsylvania Law Schools.

Jews in other countries are not as fortunate. Witness the trial of the Leningrad Eleven in the Soviet Union. The Soviet Union's outrageous and contemptuous conduct in sentencing two of its citizens for allegedly trying to hijack an airplane has since been rescinded. Yet, the shabby treatment of three and a half million Jews in the Soviet Union who persist in pressing their right for religious self expression and right to leave the Soviet Union is shocking. A detailed court room account of the secret Leningrad trial has reached the West and was recently brought to my attention. Going far beyond the garbled fragments that filtered out at the time, and since, this Russian language account makes explicit that the fundamental accusation against the defendants was not hijacking, as commonly believed, but attempting to leave the Soviet Union without official permission. The trial culminated in dramatic vows that "some day we shall still live in Israel." It is a tragic indictment of a society that must imprison its citizens and persecute its minorities in an effort to divert attention from the stark failures of its leaders.

This cultural and religious persecution by the Soviet Union of its Jewish citizens has been dramatically called to world attention by the Brussels Conference on Soviet Jewry. The Soviet Union embarrassed by this world outcry prior to the meeting of its 24th Party Congress has permitted the exodus of three hundred of its Jewish citizens to Israel this March. The Israeli Embassy confirmed to me that this is the highest monthly emigration of Soviet Jews to Israel ever permitted.

Recently you celebrated the holiday of Purim. As you remember, I am sure, the scroll of Esther relates how the Jews of Persia were threatened with genocide. Faced with this threat, Mordecai said to Esther:

"Think not that you will escape in the king's house, more than any other Jew. For if you keep silent at this time, then relief and deliverance will arrive for the Jews from another place, but you and your father's house will perish."

These words are appropriate today—"If you keep silent at this time . . ."

Thirty years ago, too many were silent. And those that spoke out were not heard. Because of it six million people died! The words of Mordecai cannot be ignored!

Five years ago, Eli Wiesel, author of the recent best seller "A beggar in Jerusalem," went to Russia. In his book, "The Jews of Silence" he discusses a religious observance in the great synagogue in Moscow. Let me read his words—"Soviet Jewish youth has remained Jewish to a degree beyond anything we could have possibly expected. I do not know where all these young people came from. They did not tell me, although I asked. Perhaps there is no one answer. But tens of thousands came."

"Who sent them? Who persuaded them to come running to spend a Jewish holiday in a Jewish atmosphere and in accordance with traditional Jewish custom? Who told them when and where and why? I was unable to discover. Perhaps they knew but prefered not to say in public. Fine. Let them preserve their secret. All that matters is that they came."

"They came in droves from near and far, from downtown and the suburbs, from the university and from the factories, from the school dormitories. They came in groups, they came alone. But once here they became a single body voicing songs of praise to the Jewish people and its will to live."

He concluded, "I believe with all my soul that despite the suffering, despite the hardship and the fear, the Jews of Russia will withstand the pressure and emerge victorious. But whether or not we shall ever be worthy of their trust, whether or not we shall overcome the pressures we have ourselves created, I cannot say. I returned from the Soviet Union disheartened and depressed. But what torments me most is not the Jews of silence I met in Russia but the silence of the Jews I live among today."

Therefore we all must speak out loud and clear so that our voices may be heard. Recently a Jewish girl by the name of Alla Rusinek yearned to leave the Soviet Union and go to Israel. "They don't want me" she said about the Soviet Union. "I am a stranger, this is not my country. But where is a place for me?" She left the Soviet Union in November for Israel.

"You ask me what I think about Israel now that I live there? It is difficult to answer this question. It's the same as if you asked me what I thought about myself. I can't praise myself. Israel is me and I am Israel."

I have just returned from Israel. I attended a conference dealing with the legal problems of strengthening trade ties between the United States and Israel. I observed first hand its people and their spirit. Only by visiting Israel can one comprehend the magnificent achievements of World Jewry in 23 short years.

For the past twenty years, Israel has been one of the fastest growing, most dynamic societies in the world. We, who are primarily concerned with Israel's viability and development, recognize that Israel's achievements in maintaining a real gross national product growth rate, while fighting a war for survival, is a record matched by few.

Israel is a leader among nations in its progress and national development. It serves as a model for other less well advanced countries. Israel has much human talent and technical expertise and a body of developmental experience available to aid other countries and help speed the process of their development.

I saw the pride of a people which date back fifty-seven hundred years. This is a nation built from the ashes of six million dead in the Nazi holocaust and threatened for its very survival by three wars in the last twenty two years. Israel represents much more than a home for the Jewish people. It stands for the breaking of the chains of human bondage for all mankind and the freedom to think, to learn, to laugh, and to live.

This has incurred the wrath of the Soviet Union. Russia has sought to crush Israel as much as to break its spirit as it has to seek warm water ports on the Mediterranean and a strangle hold on the world's greatest known supply of oil. We are all familiar with the history of the past twenty-two years. Russia voted for the partition of Palestine and the creation of Israel and was among the first countries to recognize Israel's independence. At that time its central motive was to dislodge British influence from the area. A desire that has now been supplanted by its attempts to drive American influence from the Middle East—to drive out Western influence and increase its own.

As the Soviet Union has approached parity with the United States in strategic arms, it has sought to become more influential in the international arena. Russia's historic ambitions in the Middle East are well known. It was largely due to Russian encouragement that Nasser massed his armies in the Sinai, demanded expulsion of the U.N. Peace Keeping force, and blockaded the Straits of Tiran. These steps led directly to the Six-Day War. Israel won the war in 1967 and promptly became the victims of a myth. The myth held that once the Arabs had been truly defeated, not just thrown back as in 1948, not just penetrated briefly with foreign help as in 1956, but once they had their cultural and technological vulnerabilities thrust upon them in an utterly painful and total way, then, and finally then, would the Arabs abandon their dreams of undoing the existence of Israel and instead make peace. Yet, peace has been sought in vain. On June 23, 1968 President Nasser said "The following principles of Egyptian policy are immutable: 1. No negotiation with Israel, 2. No peace with Israel, 3. No recognition of Israel. These were the elements of policy originally pronounced at the Khartoum Arab Summit in September of 1967. The Khartoum formula in no way squared with the principles of the United Nations Resolution of November 22, 1967.

In the Spring of 1969, the Arabs launched the so-called war of attrition. The attrition policy was a joint Egyptian-Soviet strategy. Its purpose was to subject Israel to mounting military pressure and compel it and the United States to surrender to the Arab-Soviet political terms being pressed in the four power forum. Israel countered with penetration raids deep inside Egypt. Egypt with the help of the Soviet Union began installing SAM II missiles to make itself invulnerable while continuing its war of attrition on Israel. The purpose of the SAM II missiles was to protect the Egyptian heavy artillery which continued to pround away at the Israel positions on the Eastern side of the Suez Canal.

It was at this juncture in June 1970 that the United States proposed its political initiative for a cease fire standstill agreement to freeze the military situation along the Suez Canal and the Jordan River. In spite of its fears, Israel agreed. What happened subsequentially is a matter of Public record. On September 3, 1970 the United States confirmed Israel's charges that Egypt and the Soviet Union were massively violating the cease fire standstill agreement. The dense missile system of SAM II and SAM III missiles which Egypt had deployed in the standstill zone under the cease fire screen created a change in the strategic balance and produced a threat to Israel which had not existed before.

Because the Soviet Union and Egypt refused to roll back their illegally placed missiles, the United States Congress passed Section 501 of the Defense Procurement Act with the provision of some five-hundred million dollars in military credit for Israel.

President Sadat's decision on Sunday March 7th, not to extend the present cease first is an effort to increase international pressure on Israel for a full withdrawal from all Arab lands occupied during the 1967 war. Sadat's decision came after a secret trip to Moscow for consultations. The Jaring formula seeking from Israel a clear cut commitment to withdraw to the international boundry of the United Arab Republic is unsatisfactory, and I reject it.

There are two and a half million people living in Israel surrounded by a hundred million Arabs. The Israeli survival is at stake, the Arab survival is not. The United Nations resolution of 1967 calls for secured and recognized boundaries, and withdrawal. One cannot be negotiated without the other. The Soviet Union and the Arab States would have us believe that withdrawal was an absolute commitment with no reference to secured and recognized boundaries. On the other hand Israel says that there can be no withdrawal if the parties to the conflict cannot guarantee secured and recognized boundaries. It is impossible to achieve results if each side demands its own preconditions.

Even though the Arab states have promised a peace agreement with Israel on the precondition of a total Israeli withdrawal from their territories, there has never been an expression of peaceful intent by the Arab states. There are glaring differences in the statements Egyptian President Sadat issues for foreign consumption and those pronouncements he makes to his own people. I have yet to find an instance where Sadat has told his own people that at some point they would have to live in peace with Israel.

Recently the Egyptian representative at the United Nations Muhammed el-Zayyat acting on behalf of his government refused to accept Israeli proposals of February 26th from Ambassador Jarring because the document was headed as a communication "from the Government of Israel to the Government of the United Arab Republic." If Egypt is really prepared to recognize Israel's right to exist as it proclaims, why will its representative not accept even an indirect communication described as coming from the Government of Israel? What is needed now are intense negotiations governing all differences between the countries: Questions of absolute assurance of transit through the Suez Canal, command of Sharm el Sheik and passage through the Straights of Tiran, the de-militarization of the Sinai, border adjustments, and peaceful cooperation between the parties. Nothing must be imposed by the super powers. This is the perfect example of "the Nixon Doctrine" that the United States will aid a country that helps itself. Israel is a democratic country exercising self determination that has never asked for American troops to defend its boundaries.

Next Friday night you will read God's promise to Abraham to rescue and redeem Israel and you will recount:

"In every age oppressors rose against us, to crush our spirits and bring us low. From the hands of all these tyrants and conquerors the Lord did rescue and restore his people. Not in Egypt alone did Israel face the threat of total annihilation. In many lands and many ages, the flame of Jewish life faced the fierce winds of tyranny. In all these battles and desperate struggles. God's help and guidance assured our survival. Our hope is strong and our faith unshakable, that no enemy shall ever triumph over Israel."

Your efforts here tonight are in keeping with that promise. That promise will be kept.

APPARENT FAILURE OF PUBLIC SCHOOL DESEGREGATION IN BOSTON

Mr. ALLEN. Mr. President, the Washington Post of Sunday, April 4, 1971, printed an article by Peter Milius entitled "Apartheid in Urban Schools." The article describes in some detail the reasons why public school desegregation appears to have failed in Boston, Mass., despite the fact that the State had enacted in 1965 what was described as a tough Racial Imbalance Act. At the time of enactment the Boston public school system was about 25 percent black in enrollment and contained 46 of the State's 55 racially imbalanced schools. Today, it is admitted that the Racial Imbalance Act has not reduced racial imbalance in Boston. To the contrary, the Boston public school system is no longer 25 percent black in enrollment but 32 percent. It no longer contains 46 racially imbalanced schools; it contains 63.

Nevertheless, the racial balance dogma continues to be enforced in the South by the weapons of Federal suppression and deprivation of school children who are innocent victims of this irrational Socialist dogma.

Mr. President, when will we have a uniform Federal policy for desegregation of public schools? Is it unfair to ask that the South be given the right to have the "Boston policy" or that Boston be given the policy applied in the South?

Mr. President, the article mentioned is instructive and should be of interest to all Senators. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Apartheid in Urban Schools—Boston Typifies Battle Over Integration

(By Peter Milius)

Boston.—If Boston, Mass., were Little Rock, Ark., Sen John L. McClellan (D-Ark.) gruffly told the witness at a hearing in Washington last August, "you would be down there tomorrow."

The witness was Attorney General John N. Mitchell. He had just testified that, in his opinion, Boston's "open enrollment policy," a shaky exercise in the simultaneous appeasement of both whites and blacks on school integration, was unconstitutional.

The policy is a system under which black children are allowed to transfer out of black schools into white ones; it is a citywide invitation to integration. Yet it is also, as the senator had pointed out, a system under which white children, too, are allowed to escape into white schools if they are somehow assigned to black ones; it can and often does also lead toward segregation.

The South, as everyone in the room knew, had also had an "open enrollment policy." Its kind had been known as "freedom-of-choice," and it, too, had allowed black and white children to attend integrated schools, but only as they chose to.

Freedom-of-choice had been attacked by the Justice Department and struck down by the federal courts. What was Mitchell going to do now about open enrollment, McClellan asked.

There was nothing he could do, Mitchell said, because no Boston parent had complained.

The 75-year-old Arkansas senator exploded. "Now that," he said "is a double standard in America today."

The Department of Health, Education and Welfare has, since McClellan's outburst, quietly dispatched a small team of civil rights investigators to this Northern city. It says today that Boston is one—the largest—of about 50 Northern school districts in which it has looked or is looking intensively for violations of the federal civil rights laws.

It is one of the ironies of today's politics that a senior Southern senator should have helped spur on these investigations. Yet the whole episode—McClellan's scathing remarks, the government's halting response—is a telling summary of some powerful new truths about school integration in this country.

The first of these truths, and the most basic, is that the integration background has shifted. Today it is in the big cities. More than 50 per cent of the nation's 6.7 million black school children now attend its 50 largest school districts according to federal figures. Technically at least, and though problems still abound, the rural and small-town school districts of the South, the scenes of the big battles of the 1960's, have desegregated. The South's classic dual school system is no more.

And in some cities, the issue is rapidly becoming moot in any case. Washington, D.C.

is an example. Its school system is 95 per cent black, and there is no way to integrate.

The second truth is that, however they got that way, the cities of the North and South are today the same. Little Rock is where President Eisenhowever had to send armed troops in 1957 to safeguard the right of black school children to attend formerly white schools. Boston, as McClellan wryly noted at that hearing in August, "is the city often represented as the cradle of American liberty."

Yet in both today, there is something approaching educational apartheid. Blacks go primarily to black schools in black neighborhoods, white the reverse. The only apparent, immediate way to break up the pattern is to bus. But in both today, Boston and Little Rock, North and South, whites and increasingly, blacks as well, are resisting busing. For many blacks, integration is no longer the pathway to better education. Black control is.

The third truth is that integration thus is at a crossroads. Lawyers, judges, and the government used to make a distinction between "de jure" segregation—the deliberate, official kind, which is illegal—and "de facto" segregation—the kind that reflects residential patterns, and which is not illegal. The South was de jure, the North, for the most part, de facto. Yet today, in the cities at least, there is no difference between them. There is a widely recognized need for a new set of standards, one that would be both urban and national.

The Supreme Court is now trying to write such standards. It soon will decide two key urban cases, both from the South, one from Charlotte, N.C., the other from Mobile, Ala. Charlotte is busing, and has no more distinctly black schools. Mobile is not busing, and does. The President and the Justice Department are supporting the Mobile alternative. The Supreme Court must choose.

Congress also is writing a new law. It has before it President Nixon's $1.5 billion school desegregation bill. The questions are how the money should be used and to whom it should go, whether there should be pressure or a command in favor of full integration or something less. Congress, too, has to choose.

McClellan's hope, the hope of the Southerners, is that these emerging new standards will be weak ones. Their reasoning is that pressure now in the North will produce resistance now—and that, if the Bostons of the country can ultimately ward off integration, so can the Little Rocks.

In many ways, this city of historic landmarks and major universities seems an odd testing-place for school integration. It was, as every schoolboy knows, a home to the first American Revolution. It also was a breeding ground for the second. Leading abolitionists, men who sought to strike down slavery, wrote their tracts here. In 1855, the state legislature passed a law prohibiting discrimination in the public schools. In school admissions, the legislature said, "no distinctions shall be made on account of . . . race."

In 1965, 110 years later, the state seemed at the forefront of still a third revolution. The state legislature passed another law, the Racially Imbalance Act. It was then, and remains today, the strongest school integration law in the country.

Its key provision was a simple, powerful declaration that no public school in Massachusetts could any longer be "racially imbalanced" which it defined as more than 50 per cent nonwhite in enrollment. A school committee (local school board) that had such schools had to balance them or forfeit its state funds.

The primary target of the Act was the spreading "de facto" segregation—the kind that flows from housing patterns—here in Boston. The Boston public school system was then about 25 per cent black in enrollment. It had about 60 per cent of the state's nonwhite school children—and contained 46 of its 55 "racially imbalanced" schools.

The Racial Imbalance Act was, on paper at least, a high-water mark in the history of school integration. Time magazine printed a picture of the governor, John A. Volpe, as he "proudly" signed the bill. Standing behind him were the lieutenant governor, Elliot L. Richardson, the attorney general, Edward W. Brooke, and various others, black and white, who had supported the measure. "Another First for Massachusetts," Time proclaimed it.

Yet today that mild euphoria seems to have been misplaced. The Racial Imbalance Act has not reduced racial imbalance in Boston. The Boston public school system is no longer 25 per cent black in enrollment, but 32 per cent. It no longer contains 46 "racially imbalanced" schools. It contains 63.

The approaching racial harmony suggested by that six-year-old picture in Time also seems a thing of the past. For the last two months, a daily minimum of 1,000 black students has been boycotting the Boston schools. Their protest is not that their schools are too black, but that they are not black enough. They want more black teachers—Boston now has only 5 percent—more black principals and additional "black studies." Ultimately, their leaders say, they want black self-determination, some form of what is commonly known as community control. Their elders, many of them committed integrationists in 1965, are for the most part quietly supporting them.

The public officials in the Time photograph also have moved on. Volpe is now President Nixon's Secretary of Transportation; Brooke, the only black U.S. senator and a first for Massachusetts. Richardson is Secretary of Health, Education and Welfare. It is another of the ironies of this case that his department is now investigating Boston. "It is," as McClellan noted with considerable satisfaction at the hearing last August, "his home."

Richardson's team began its study of Boston last November. It is not expected to submit even its preliminary report for at least another month. In a sense, the study is itself a measure of the current confusion over what the Constitution requires, and what the federal government should require. The only question before the HEW team is how much of Boston's school segregation is the result of official policies, the kind that the lawyers call "de jure." Under the law now, that is the only kind of segregation HEW can attack.

In the South, the presumption has been that all segregation is de jure, the result of the old Southern laws. Yet in cities like Little Rock, with their ghettoes, that presumption becomes increasingly hard to sustain.

In the North, the presumption has been that most segregation is de facto, inadvertent and not illegal. That presumption, too, tends to fray on close study.

This city's 63 "racially imbalanced" schools are indeed a mirror of its social geography. Most of them lie well within its sprawling and spreading black neighborhoods, the heart of which is the area called Roxbury.

The school committee is able to point out that it has only 14 all-white schools, and only three all-black, out of a total of 193. Yet many others are tilted heavily in one direction or the other. Of all the black, pupils 31, 324—52 per cent, 16,280, are in schools 80 per cent or more black by enrollment. Seventy-six per cent, 23,893, are in the 63 schools more than 50 per cent black in makeup, those "imbalanced" under the state law.

As early as 1966, a team of social scientists from the Joint Center for Urban Studies here told both the city and state, which had solicited its views, that there was only one way to get white children into Roxbury schools, and black children out, and that was to bus.

"There is no foreseeable program," the team said, "which can eliminate more than a fraction of the racial imbalance which now exists in Boston without transporting children to schools outside their residential districts, presumably on buses."

Yet the Boston School Committee, all five of whose elected members are white, will not hear of busing, at least not on a large and compulsory scale. Nor, so far, has the state Board of Education, the agency responsible for enforcing the state law, been willing to insist upon it.

One argument against it is legal; the Racial Imbalance Act contains a partial ban on busing, nailed into it by the Boston delegation when the legislature passed it. Yet the ban, according to some civil rights lawyers, could be circumvented. The more compelling argument against busing is political. The former School Committee chairman, Louise Day Hicks, was elected last year to Congress, in large measure on the strength of her long record as an adamant supporter of "neighborhood schools." Her political success has not been lost on either her successors or her antagonists.

What the school committee has put forward as a substitute for busing—and the state board had so far approved—is an anti-imbalance plan based on two lesser alternatives, one long-range, the other short.

The long-range plan is to build about 20 new and, it is hoped, racially balanced schools of two distinct kinds. The first is what the school committee describes as "magnet schools," inside the black part of town. The second is a ring of peripheral schools on the city's black-white borders.

Both of these longer-range strategies have had their problems. The first of the magnet schools, Trotter Elementary, opened in the heart of Roxbury in 1968. It was and remains a high-expenditure, experimental and fully integrated (though not quite "racially balanced") school. The blacks enrolled are drawn from the neighborhood; the whites are bused in. A measure of the school's widely acknowledged success is that it has a waiting list of both whites and blacks.

Ironically, the whites already enrolled and on the waiting list represent the problem at Trotter. Trotter was the first new school built in a black neighborhood in Boston in what some blacks say was 30 years. It opened amid protest. Roxbury blacks were uphappy that half of its seats were reserved for whites. Is it better to have 350 Roxbury children in a racially balanced school, or 700 in a new school that happens to be all-black? The question is still being asked.

The problem with the peripheral schools is also one of race and residence, but far simpler. About 18 are planned; only one has been built. The black-white borders on which some of the others were planned are moving beyond them; the ghetto is growing out faster than the schools are going up. Some of them, if they are built where planned, will be as imbalanced as those they replace.

The school committee's shorter-range plan is also in trouble; its plan for the short run is simply to persist in its open enrollment policy. The committee says it adopted the policy in the early 1960's basically as a concession to blacks. It has the effect, as in the Exodus program, of allowing black children to move out of black schools into white ones. Yet it allows white children to do the same.

The Lewenberg Junior High School south of Roxbury was 25 per cent black in 1965. It is 96 per cent black today. The School Committee says the school was transformed only when the neighborhood was. Neil V. Sullivan, the state's commissioner of education, says the school was transformed first.

The open enrollment policy, Sullivan testified before a Senate committee last May in Washington, "permitted these middle-class children to escape from that school, continue to live in their community but go to all-white schools in Boston on the periphery."

It was Sullivan's testimony in May that led to McClellan's outburst last August, and that may be the ultimate irony of school integration in Boston. For Sullivan is perhaps the nation's leading practicing apostle of school integration. He is also, by his simple presence, the one good reason for thinking that school integration may yet come to pass here.

The commissioner came to Massachusetts in 1967 from Berkeley, Calif., which he had built into one of the most integrated major school systems in the country today. The Racial Imbalance Act helped to attract him; he is now in the process of cracking down, and trying to make its terms come true.

There are two other school systems in the state that have, in proportion to their size, major problems of racial imbalance. They are Springfield and New Pedford. The state board is insisting that both eliminate all their imbalance by next September. The tactic is ancient: Smaller fish first, the largest last.

Late last year, at Sullivan's urging, and at HEW's, too, the state board also ordered Boston to rewrite its open enrollment policy. Transfers would only be allowed if they reduced imbalance. Whites in black schools would have to stay, or not stay in the system.

The School Committee has threatened to take the state board into court. So far it has not.

Boston's only black city councilman, Thomas Atkins, who plans to run for mayor this fall, thinks Sullivan may have come too late. "At time when the problem was solvable," he says of the state Board of Education, "they were unwilling. Now they're willing, and it's unsolvable."

Whites here have their suburban schools, Catholics a huge parochial system, which in the city of Boston alone has an enrollment of about 30,000. Blacks, too, have now begun to develop "alternative schools;" there are three now, privately run, hard pressed for funds, predominantly black, in the Roxbury area.

Atkins' solution, much like that of the boycotting black students, is to carry these black alternatives one step further, toward a form of "community control."

Six years ago, Atkins, like other blacks, was calling for integration of the Boston public school system. Today, again like other blacks, he is calling instead for its dissolution.

"There is no reason why, if a (suburban) town is capable of running its own school system," Atkins says, "a big-city neighborhood is not. It's a fiction. We have to break down the concept of centrally administered systems."

Sullivan's answer is to generally recall something Robert F. Kennedy once said:

"If we don't have people of different colors and religious going to school together, we will have local school boards that are all black power or all middle-class Negro or all Irish or all Italian. They will put themselves in concrete, and we will never have any possibility of achieving a relationship among various ethnic groups."

In Sullivan's view, it is all quite stark. "The base of this whole thing," he says, "is the survival of the democracy."

EQUAL RIGHTS AMENDMENT

Mr. TOWER. Mr. President, I am pleased to cosponsor a measure that I cosponsored during the last Congress; a measure which passed the House of Representatives, but which unfortunately died in this body during the closing days of the 91st Congress: the equal rights amendment. This amendment would assure to women their full civil rights, as their political rights were assured to them under the 19th amendment to our Constitution. During the ensuing time period between the adoption of the political rights amendment and today, women have made great strides in all phases of American life. Rather than being somewhat revolutionary, as the 19th amendment was sometimes considered, this civil rights amendment would be more nearly a realization by us that women have accepted a larger role in charting the everyday course of the Republic. It is altogether fitting that we should adopt in the opening year of the decade of the seventies this amendment normalizing the role of women in exercising their full civil rights.

Mr. President, I am sponsoring this amendment today in basically the same form in which it passed the House last year and in which it has been introduced in every Congress since 1943. This differs from the form in which it has previously been supported in this Congress by some of my colleagues in that my amendment would preserve the language, "Congress and the several States," in the enforcement clause. There has been some consternation among the groups which most ardently support such an amendment because this phrase, "and the several States," had been omitted. According to Senator Austin, of Vermont, who devised the current language in 1943, the deletion of that phrase "surrenders to the Federal Government the power to enforce the article within the several States." I can basically see no reason why the proponents of women's rights in this Congress now see a need to remove the States from the enforcement clause of the amendment. Indeed, to do so could well endanger the prospects of the amendment in receiving the necessary ratification by three-fourths of the State legislatures that we must have for the amendment to become operative. I hope that the Judiciary Committee, when considering this amendment, will approve the version with the phrase, "and the several States." It would help to clear up an impeding confusion on this matter.

Mr. President, this recognition of the equal civil rights of women, coming as it is over 50 years after the adoption of the women's political rights amendment, is long overdue. While this amendment will not preclude all distinctions on the basis of sex—it will still be possible to specify the drafting of males only into the Armed Services—it will make certain that women will have full contractual rights with their male counterparts. In our free society, as in any truly free society, contractual rights are the most basic ingredient in the freedom syndrome. Clearly, if one is not free to contract as he sees fit, within broadly based public policy limits, then freedom is illusory. I hope that, at this hour in time, we here in the Congress will remove the last vestiges of restrictions on women's civil rights and give this amendment the approval that should have been forthcoming from this great body during the last Congress.

DECLINE OF AIR CARRIER OPERATIONS AT DULLES AIRPORT

Mr. SPONG. Mr. President, the economic slowdown which has affected airport business around the country makes it difficult to identify with certainty trends in any given area. Still, the most recent Federal Aviation Administration report showing a wide disparity in the loss of business at National and Dulles Airports seems to me quite significant and indicative of factors other than the general economic situation at work.

That report indicates that in February, the number of air carrier operations at Dulles declined by 9.1 percent over a year ago, while at the same time such operations at National were increasing by 1.6 percent. For the year to date, airline traffic is down by 10.3 percent at Dulles compared to a decline of only 3.7 percent at National.

That trend is reflected in passenger figures at the two facilities. Dulles showed an 11.3-percent decline in February which is more than 5 times the 2-percent decline at National. Since the beginning of the year, passengers have dropped at Dulles by 9.4 percent and at National by only 2.8 percent.

Mr. President, what makes these figures so interesting is that they correspond almost exactly to what experts said would happen if the large stretch jets were permitted to operate at National Airport. I repeat that it is difficult to state with certainty that that is the case, but it is certainly a factor which must be considered before any more of these jets are allowed to use National. Accordingly, Secretary Volpe has taken steps to freeze those flights at present levels until a further study can be made.

Mr. President, the taxpayers of this country put up $110 million to finance the construction of Dulles Airport to relieve congestion at National and to provide the Nation's Capital with a first-class jet port. Yet, today more than two-thirds of the business at Dulles is made up of military aircraft and small private planes. I believe the Congress owes the taxpayer a better accountability than that.

Mr. President, I ask unanimous consent to have printed in the RECORD the FAA's February airport report.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

FEDERAL AVIATION ADMINISTRATION, NATIONAL CAPITAL AIRPORTS, DULLES INTERNATIONAL AIRPORT ACTIVITY[1]

	January 1971	January 1970	Percent change from 1970, month
Operations:			
Air carrier	4,862	5,491	−11.5
General aviation	5,178	7,346	−29.5
Military	3,863	2,945	+31.2
Total operations	13,903	15,782	−11.9

Footnotes at end of table.

FEDERAL AVIATION ADMINISTRATION, NATIONAL CAPITAL AIRPORTS, DULLES INTERNATIONAL AIRPORT ACTIVITY[1]—Continued

	January 1971	January 1970	Percent change from 1970, month
Passengers:			
Domestic airlines	123,377	137,183	−10.1
International airlines	19,074	21,586	−11.6
Total airlines	142,451	158,769	−10.3
All others[2]	15,877	12,948	+22.6
Total passengers	158,328	171,717	−7.8
Cargo (thousand pounds):[3]			
Air mail:			
Domestic	986	1,062	−7.2
International	711	159	+347.2
Total air mail	1,697	1,221	+39.0
First-class mail	1,033	1,396	−26.0
Freight:			
Domestic	1,537	1,720	−10.6
International	1,213	1,060	+14.4
Total freight	2,750	2,780	−1.1
Express	120	141	−14.9
Total cargo	5,600	5,538	+1.1

[1] Totals of inbound and outbound traffic.
[2] General aviation and military.
[3] Partially estimated.

FEDERAL AVIATION ADMINISTRATION, NATIONAL CAPITAL AIRPORTS, WASHINGTON NATIONAL AIRPORT ACTIVITY[1]

	January 1971	January 1970	Percent change from 1970, month
Operations:			
Air carrier:			
Scheduled airlines	17,438	18,989	−8.2
Other carriers	4	10	−60.0
Total	17,442	18,999	−8.2
General:			
General aviation	6,798	8,792	−22.7
Government civil	187	335	−44.2
Air/carrier, non-rev	49	75	−34.7
Total	7,034	9,202	−23.6
Military	293	327	−10.4
Total operations	24,769	28,528	−13.2
Passengers:			
Domestic airlines	721,005	753,712	−4.3
International airlines			
Total airlines	721,005	753,712	−4.3
All others[2]	31,247	25,897	+20.7
Total passengers	752,252	779,609	−3.5
Cargo (thousand pounds):[3]			
Air mail:			
Domestic	3,066	2,662	+15.2
International			
Total air mail	3,066	2,662	+15.2
First-class mail	2,604	3,655	−28.8
Freight:			
Domestic	5,928	6,244	−5.1
International			
Total freight	5,928	6,244	−5.1
Express	2,790	1,727	+61.6
Total cargo	14,388	14,288	+0.7

[1] Totals of inbound and outbound traffic.
[2] General aviation and military.
[3] Partially estimated.

FEDERAL AVIATION ADMINISTRATION, NATIONAL CAPITAL AIRPORTS, TOTAL, WASHINGTON AIRPORTS ACTIVITY[1]

	January 1971	January 1970	Percent change from 1970, month
Operations:			
Air carrier	22,304	24,490	−8.9
General aviation	12,212	16,548	−26.2
Military	4,156	3,272	+27.0
Total operations	38,672	44,310	−12.7
Passengers:			
Domestic Airlines	844,382	890,895	−5.2
International airlines	19,074	21,586	−11.6
Total airlines	863,456	912,481	−5.4
All others[2]	47,124	38,845	+21.3
Total passengers	910,580	951,326	−4.3
Cargo (thousand pounds):[3]			
Air mail:			
Domestic	4,052	3,724	+8.8
International	711	159	+347.2
Total air mail	4,763	3,883	+22.7
First-class mail	3,637	5,051	−28.0
Freight:			
Domestic	7,465	7,964	−6.3
International	1,213	1,060	+14.4
Total freight	8,678	9,024	−3.8
Express	2,910	1,868	+55.8
Total cargo	19,988	19,826	+.8

[1] Totals of inbound and outbound traffic.
[2] General aviation and military.
[3] Partially estimated.

GROWTH OF ALABAMA BEEF CATTLE INDUSTRY

Mr. ALLEN. Mr. President, as a member of the Committee on Agriculture and Forestry, I am vitally concerned with problems of rural America and our agricultural economy in particular. In an area perplexed by so many problems, it is indeed encouraging to take note of bright spots in an otherwise rather bleak picture. One such bright spot is the growth of the beef cattle industry in Alabama which today adds $1 billion annually to the Alabama economy.

Today more than 12,137 Alabamians are members of the Alabama Cattlemen's Association which makes it the largest State cattlemen's association in America.

The growth of membership in the association and the tremendous growth in numbers of beef cattle in Alabama has taken place in the past 10 years under the exceptionally fine leadership of E. H. "Ham" Wilson, executive vice president of the association.

Mr. President, a decade of progress in the production of beef cattle in Alabama is described in a promotional brochure prepared by the Alabama Cattlemen's Association. Among other things the brochure indicates that Alabama, with 915,000 head of beef cows, ranks 16th in the Nation, whereas with a total of 1,973,000 head of all cattle, Alabama ranks 20th from the top in the Nation. The tables attached to the brochure indicate that every county in Alabama has a substantial number of beef cattle and that production is marketed in 60 licensed cattle auction markets scattered throughout the State. Mr. President, I salute the members of the Alabama Cattlemen's Association—I commend its leadership—and ask unanimous consent that the text of the brochure be printed in the RECORD.

There being no objection, the text of the brochure was ordered to be printed in the RECORD, as follows:

ONE OF THE STATE'S LARGEST AND MOST IMPORTANT INDUSTRIES: BEEF CATTLE—BILLION-DOLLAR INDUSTRY IN ALABAMA

During the past 10 years, the production of Beef cattle has boomed to become a billion dollar industry—making it one of Alabama's largest and most important.

As of Jan. 1, 1971, all cattle and calves on state farms and ranches totaled 1,973,000. This represented a one per cent increase over Jan. 1, 1970.

Beef cows that have calved totaled 915,000—a two per cent increase in the one-year span. Alabama now ranks 16th in the nation in the number of beef cows and 20th in the number of all cattle and calves.

The total value of cattle and calves in Alabama at the beginning of 1971 was almost $300 million—a whopping 12 per cent increase over the total the year before.

The total value was the highest on record and almost double the figure a decade ago. Average value per head was $150—$15 above the Jan. 1, 1970 figure.

Last year Alabama cattlemen sold more than a million head of cattle and calves for more than $150 million.

Alabama is primarily a cattle producing state, concentrating on growing good brood cows and selling weaning calves at an average weight of approximately 400 pounds.

Stocker and feeder cattle from Alabama enjoy a nationwide reputation for quality. Almost 500,000 head of stocker and feeder cattle are shipped annually to more than 30 states.

The driving force behind the beef cattle boom in Alabama has been the Alabama Cattlemen's Association. The Association, which has one of the top Beef promotion programs in the nation, now has 12,137 members, making it the largest such association in the world.

Stocker cattle can be purchased in Alabama every day of the year.

There continues to be a growing interest in feeding cattle to heavier weights and many state cattlemen are establishing small farm feedlots. Several commercial custom feedlots are now in operation.

Also, many Alabama cattlemen are beginning to carry their light weight cattle to yearling weights. These extra pounds can be put on cheaply by the use of the state's forage program.

Records show the production of beef cattle continues to use more land and more feed than any other agricultural commodity in Alabama. More than five million acres of land are now devoted to beef production in the state. This includes pasture and land for the production of hay, silage and grain crops.

During the past 10 years, many acres of once eroded hills and gullies have been transformed into rolling green pasture land as beef cattle have become firmly entrenched as one of the state's most important products.

One of Alabama's big drawing cards in the beef industry is its outstanding marketing system. The state has 60 licensed cattle auction markets located in every area of the state. These markets sell more than a million head of cattle each year. Cattle can be bought and sold at some markets in the state every day of the work week.

To go with this network of marketing facilities, Alabama has all the natural advantages for growing beef cattle. The state is endowed with large acreage, favorable climate, plenty of rainfall, ability to grow grass cheaply and nearness to eastern markets.

While the past has been productive, the future looks even brighter for the Alabama Beef cattle industry. The next 10 years should see Alabama recognized as one of the top beef cattle states in the nation.

1971 STATE RANKINGS FOR ALL CATTLE

Rank, State	1,000 head
1 Texas	12, 578
2 Iowa	7, 403
3 Kansas	6, 618
4 Nebraska	6, 457
5 Oklahoma	5, 085
6 Missouri	4, 989
7 California	4, 771
8 South Dakota	4, 498
9 Wisconsin	4, 158
10 Minnesota	3, 998
11 Colorado	3, 516
12 Illinois	3, 245
13 Montana	3, 104
14 Kentucky	2, 859
15 Mississippi	2, 537
16 Tennessee	2, 354
17 Ohio	2, 200
18 North Dakota	2, 190
19 Georgia	2, 002
20 Alabama	1, 973
21 Indiana	1, 937
22 Florida	1, 864
23 New York	1, 848
24 Arkansas	1, 787
25 Pennsylvania	1, 763
26 Idaho	1, 735
27 Louisiana	1, 705
28 Oregon	1, 609
29 Michigan	1, 527
30 Virginia	1, 489
31 Wyoming	1, 461
32 New Mexico	1, 372
33 Arizona	1, 289
34 Washington	1, 285
35 North Carolina	1, 081
36 Utah	840
37 South Carolina	661
38 Nevada	657
39 West Virginia	470
40 Maryland	430
41 Vermont	351
42 Hawaii	249
43 Maine	141
44 New Jersey	125
45 Connecticut	119
46 Massachusetts	114
47 New Hampshire	71
48 Delaware	32
49 Rhode Island	12
50 Alaska	9
U.S.	114, 568

1971 STATE RANKINGS FOR BEEF COWS

Rank State	1,000 head
1 Texas	5, 791
2 Oklahoma	2, 188
3 Nebraska	1, 913
4 Missouri	1, 909
5 Kansas	1, 899
6 South Dakota	1, 731
7 Montona	1, 570
8 Iowa	1, 517
9 Mississippi	1, 285
10 Colorado	1, 110
11 Kentucky	1, 087
12 North Dakota	964
13 Tennessee	948
14 Arkansas	920
15 Florida	917
16 Alabama	915
17 California	906
18 Louisiana	887
19 Georgia	856
20 Illinois	750
21 Wyoming	696
22 New Mexico	681
23 Oregon	676
24 Idaho	596
25 Minnesota	536
26 Virginia	511
27 Indiana	444
28 Ohio	375
29 North Carolina	367
30 Washington	361
31 Utah	347
32 Arizona	344
33 Nevada	343
34 South Carolina	274
35 Wisconsin	257
36 West Virginia	202
37 Michigan	137
38 Pennsylvania	97
39 Hawaii	89
40 New York	61
41 Maryland	56
42 Maine	9
43 New Jersey	9
44 Vermont	8
45 Connecticut	5
46 Massachusetts	4
47 Delaware	4
48 Alaska	2.5
49 New Hampshire	2
50 Rhode Island	1
United States	37. 557. 5

1971 COUNTY RANKINGS FOR ALL CATTLE

County	Number Head
1. M'gomery	98, 000
2. Lowndes	69, 500
3. Dallas	62, 500
4. Marengo	61, 500
5. Wilcox	49, 400
6. Madison	48, 900
7. Sumter	48, 300
8. Baldwin	47, 700
9. Hale	44, 500
10. Bullock	39, 800
11. Pike	39, 100
12. Covington	38, 500
13. Greene	38, 100
14. Perry	37, 600
15. Limestone	37, 100
16. Morgan	37, 000
17. Houston	36, 300
18. Elmore	35, 100
19. Lawrence	34, 900
20. Barbour	34, 100
21. Macon	33, 500
22. Monroe	33, 500
23. Jackson	32, 800
24. Geneva	32, 500
25. Laud'dale	32, 500
26. Cullman	31, 900
27. DeKalb	31, 700
28. Talladega	30, 200
29. Blount	30, 000
30. Mobile	30, 000
31. Butler	29, 600
32. Coffee	28, 500
33. Franklin	28, 500
34. Pickens	27, 600
35. Shelby	26, 600
36. Colbert	26, 500
37. Chambers	26, 100
38. Conecuh	25, 300
39. Crenshaw	24, 100
40. T'caloosa	23, 500
41. Russell	23, 400
42. Escambia	22, 700
43. Autauga	22, 400
44. Chilton	21, 400
45. Clarke	20, 600
46. Marshall	20, 600
47. Lee	19, 900
48. Etowah	19, 900
49. Henry	18, 500
50. Jefferson	17, 800
51. Clay	17, 500
52. Wash'ton	17, 400
53. Randolph	16, 700
54. Tallapoosa	16, 600
55. Choctaw	16, 300
56. St. Clair	16, 200
57. Dale	16, 100
58. Marion	16, 100
59. Calhoun	15, 200
60. Bibb	15, 000
61. Cherokee	13, 100
62. Fayette	12, 700
63. Lamar	12, 200
64. Walker	12, 100
65. Winston	12, 000
66. Coosa	9, 500
67. Cleburne	8, 300

Source: Ala. Crop & Livestock Reporting Service

ARTICLE WARNS OF EXPANDING THE IMPEACHMENT POWER

Mr. ERVIN. Mr. President, it is my deep conviction that our Federal judges should be independent of Congress, the executive branch, and one another.

My belief reflects one of the most important aspects of the doctrine of separation of powers between the three branches of our Government—that our Federal judges should serve during good behavior, subject only to impeachment by the House of Representatives and conviction by the Senate as provided for in the Constitution.

Unfortunately, there have been suggestions during the past several years that impeachment might be by-passed, and that Federal judges can be removed from office by a variety of methods, such as a commission of judges or other bodies not ordained by the Constitution.

As Chairman of the Judiciary Subcommittee on Separation of Powers, I have maintained a close watch on these proposals, especially those which were introduced in the form of legislation in the 91st Congress. S. 1506, which died in the last Congress, was an example. I am pleased to say that none of these proposals affecting Federal judges have become law.

During April and May of 1970, the Subcommittee on Separation of Powers conducted extensive hearings on "The Independence of Federal Judges," and the record of those hearings has recently been published by the subcommittee.

Testimony and other materials developed at those hearings indicate that impeachment is the only method of removing Federal judges from office, and there were many warnings of the dangers in a system of removal that would be less demanding than impeachment.

An article published in the October 1970 issue of the Fordham Law Review, "Impeaching Federal Judges: A Study of the Constitutional Provisions," written by John D. Ferrick, has provided a new and thorough study of the impeachment process.

Mr. Ferrick, a member of the New York Bar, pays particular attention in his article to how the impeachment procedure has been used in the past.

He studies closely the 12 impeachments that have been instituted during the history of our country and examines the origins of the impeachment provisions of the Constitution.

Mr. Ferrick concludes his article by saying:

> Impeachment should be resorted to only for cases of the gravest kind. The process of removing should be made as difficult as possible, though not to the extent of leaving the nation powerless to remove an official who betrays his public trust. If there be any doubt as to the gravity of an offense or as to an official's conduct or motives, the doubt should be resolved in his favor. In the author's opinion, this is the necessary price for having an Independent Judiciary and Executive. Tampering with that price by seeking to broaden the impeachment power invites the use of power "as a means of crushing political adversaries or ejecting them from office." Nothing could be more destructive of our system of government.

Mr. President, Mr. Ferrick has performed an excellent service in researching and presenting a very persuasive argument against broadening the impeachment power.

Mr. President, I should like to suggest that Senators read the article, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

IMPEACHING FEDERAL JUDGES: A STUDY OF THE CONSTITUTIONAL PROVISIONS

(By John D. Ferrick*)

I. INTRODUCTION

On April 15, 1970, Republican Leader Gerald R. Ford of Michigan reported to the House of Representatives on a study he had made concerning the law of impeachment and the behavior of Associate Justice William O. Douglas of the United States Supreme Court.[1] His report contained, in substance, five charges against Justice Douglas which, he said, would justify his removal from office. In the first charge, he stated that Justice Douglas voted in favor of Ralph Ginzburg, the editor and publisher of *Fact* magazine, in a libel suit brought against him and the publication by Senator Barry Goldwater.[2] While the case was pending in the lower federal courts, Justice Douglas wrote an article in *Avant Garde*, a Ginzburg publication and the alleged successor to *Fact*, entitled "Appeal of Folk Singing: A Landmark Opinion," for which he was paid three hundred and fifty dollars. The second specification was that Justice Douglas wrote an inflammatory book, *Points of Rebellion*, setting forth the thesis that "violence may be justified and perhaps only revolutionary overthrow of 'the establishment' can save the country." [3] The third allegation was that Justice Douglas allowed excerpts from *Points of Rebellion* to appear in *Evergreen* magazine near nude photographs and a caricature of President Nixon as King George III. As the fourth charge, he cited Justice Douglas' association with Albert Parvin and the Albert Parvin Foundation, in connection with which he allegedly assisted in organizing the Foundation in violation of federal law,[4] gave legal advice to the Foundation on dealing with the Internal Revenue Service, accepted from it an annual salary of twelve thousand dollars, and came in contact with alleged international gamblers. The fifth charge involved Justice Douglas' allegedly close association "with the leftish Center for the Study of Democratic Institutions," a "focal point for organization of militant student unrest."

Concerning the law of impeachment, Representative Ford expressed his conclusion that "an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history; conviction results from whatever offense or offenses two-thirds of the [Senate] considers to be sufficiently serious to require removal of the accused from office." [5]

On the same day that this report was delivered, Representative Andrew Jacobs, Jr. of Indiana introduced an impeachment resolution which incorporated all of the foregoing charges.[6] This resolution was referred to the Committee on the Judiciary, which appointed a Special Subcommittee to investigate the charges.[7] At this writing, the Subcommittee's investigation is in progress.[8]

The initiation of impeachment proceedings against Justice Douglas has once again brought into sharp focus the constitutional provisions relating to impeachment, reviving controversies of long standing regarding the meaning of those provisions.[9] Article I of the Constitution provides that the House of Representatives shall have the "sole Power of Impeachment" and that the Senate shall have the "sole Power to try all Impeachments." [10] Article I further provides that "no Person shall be convicted without the concurrence of two-thirds of the members present" and that the judgment "shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law." [11] Article II, Section 2 excludes cases of impeachment from the President's power to grant reprieves and pardons "for offenses against the United States." Article II, Section 4 provides that "[t]he President, Vice President and all civil officers of the United States, shall be removed from Office on Impeachment for, and conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." [12] Article III states that "[t]he Trial of all Crimes, except in Cases of Impeachment, shall be by jury," and also provides that "Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour. . . ."

These provisions give rise to a number of questions: What is an impeachable offense? Is it limited to something which is indictable, or does it embrace acts of a non-indictable nature? If the latter, does it extend to non-official as well as official conduct? Does the "good Behaviour" judicial tenure provision of Article III furnish an independent ground for impeachment in the case of judges?

The purpose of this article is to examine the impeachment provisions of the Constitution: [13] in particular, to trace their common law and colonial antecedents, to explore their development at the Constitutional Convention of 1787, to examine the twelve cases of impeachment in United States history, and to offer an interpretation of the constitutional provisions.[14]

II. DEVELOPMENT OF IMPEACHMENT PROVISIONS

A. Common law antecedents

While the origin of impeachment remains unsettled,[15] the first English impeachments are believed to have occurred during the reign of Edward III (1327–1377).[16] During the early part of this reign, Parliament formally separated into the two houses of Lords and Commons and acquired some of the legislative powers which it has today.[17] In 1376, the House of Commons instituted impeachment proceedings against Richard Lyons and, later that year, against Lords Latimer and Neville.[18] Upon conviction by the House of Lords, Lyons was forbidden to ever hold office, while Latimer was ousted from all his offices.[20] Both public officials and private individuals were subject to impeachment.[21] Conviction in the House of Lords was by majority vote,[22] and there generally was no limitation on the punishment that could be imposed.[23]

From 1376 to 1450, there were a number of cases in which ministers and judges were impeached.[24] Beginning in 1460 and continuing until 1620, impeachment fell into disuse because of the decline in the influence of Parliament. During that interval, bills of attainder were frequently utilized and the great state trials took place in the Star Chamber.[25] Between 1621 and 1787, more than fifty impeachment trials were held.[26] Many of these involved private individuals.

As early as 1388, Parliament employed the impeachment process against the judiciary. In that year Robert Belknap and five other judges were jointly impeached by the Commons for treason in answering "certain questions submitted to them as judges, wrongfully." [27] In convicting them, the Lords apparently thought themselves not bound by the common or civil law as used in the inferior courts, but only by the discussions and precedents of Parliament.[28] Similarly, in 1641 Sir Robert Berkley and others were impeached for high treason and misdemeanors.[29] Berkley, a judge of the King's Bench, was charged with attempting to subvert the laws of the kingdom by traitorous words, opinions, judgments and practices. The articles all concerned on-the-bench conduct.[30] Despite the charges against him, Berkley was tried only for his opinion in the ship money cases,[31] and was convicted by the Lords two years after his impeachment.[32] Twenty-six years later the Commons sought to impeach Lord Chief Justice John Keeling for improperly confining juries which had decided cases against his wishes.[33] After hearing his defense, the House of Commons dismissed the proceedings.[34]

In 1680 there were two instances of futile attempts to remove judges from office. In the first instance Sir Francis North, Chief Justice of the Court of Common Pleas, was charged with assisting in the drafting and passage of "A Proclamation Against Tumultuous Petitions." Although he was impeached, nothing further came of the proceedings.[35] In the second instance, Lord Chief Justice Scroggs and others were impeached by the Commons for discharging a grand jury before it had made its presentments, legislating from the bench, setting improper fines, and other on-the-bench conduct.[36] An answer was filed by Scroggs but the case was never tried, since Parliament was soon afterwards dissolved.

An examination of the principal articles of impeachment in approximately one hundred English impeachment cases, involving both judicial and non-judicial officials, reveals that either "treason" or "high crimes and misdemeanors" was the charge in more than seventy-five percent of such cases.[37] Those cases charging "high crimes and misdemeanors" which resulted in convictions involved acts of a criminal nature, grave misuse of one's official position, or treasonous-like conduct.[38]

The most famous English impeachment proceeding was initiated three days before the Constitutional Convention convened in Philadelphia. On May 11, 1787, the House of Commons impeached Warren Hastings at the bar of the House of Lords for "high crimes and misdemeanors." Hastings had served as Governor-General of India for a period of thirteen years. He "had ruled an extensive and populous country, and made laws and treaties, had sent forth armies, had set up and pulled down princes" [39]—all in his official capacity. The articles of impeachment charged him with mismanagement and misgovernment in India, including acts of extortion, bribery, corruption, confiscation of property, and mistreatment of various provinces.[40] Some of the articles were poorly drafted and were critized for not charging criminal conduct.[41] Notwithstanding this defect, the House of Commons instructed Edmund Burke, who had vowed in 1783 to bring Hastings "to justice," [42] to impeach him "at the bar of the House of Lords." [43] The trial began in 1788 [44] and resulted in an acquittal on all charges in 1795.[45]

Impeachment, however, was only one of several procedures which were available at the common law for removing judges,[46] From the earliest days, judges were appointed by the Crown and given "patents" which fixed their terms.[47] The usual term was *durante bene placito, i.e.*, at the pleasure of the Crown.[48] This term expired on the death of the king.[49] Because of their method of appointment and uncertain tenure, their loyalty was to the Crown. Henry VII (1485–1509) is said to have boasted to the effect that he ruled England with his laws, and his laws with his judges.[50]

Since a judge's tenure was dependent upon the pleasure of the Crown, his removal was quite simple: [51] The king had merely to revoke his patent.[52] This was done on a number of occasions when a judge's actions displeased the Crown. Thus, for example, in 1616 Sir Edward Coke was dismissed by James I because of his stand in favor of the independence of the judiciary and the rule of law.[53] In 1628, Charles I sought to remove Sir John Walter, Chief Judge of the Exchequer, for his opinion that no criminal proceeding could be brought against a member of Parliament for an act done in either House.

Footnotes at end of article.

Claiming that his patent was for good behavior and not at the pleasure of the Crown, Judge Walter resisted the king's efforts to remove him and demanded a *scire facias* in court to determine his right to continue in office.[54] Charles chose instead to prohibit the judge from sitting in court.[55]

Removal by the Crown continued until the eighteenth century. Finally, in 1701, Parliament passed the Act of Settlement which provided that "judges' commissions be made *quamdiu se bene gesserint* [during good behavior], and their salaries ascertained and established; but upon the address of both Houses of Parliament it may be lawful to remove them." [56]

After their tenure was changed to "good behavior," judges no longer were removable at the king's will or fancy.[57] "Address" by both Houses of Parliament was established as a means of removal.[58] It could be employed for practically any reason whatsoever, which meant that its use depended on the conscience of Parliament.[59] However, unlike impeachment, address was not used in the period between 1701 and 1787.[60]

B. Colonial Antecedents

1. Pre-1776

During colonial America, executive and judicial officials usually served for an uncertain term. In the royal colonies governors were appointed by the Crown, and in the proprietary colonies by the proprietor (subject to ratification by the Crown after the seventeenth century). Both royal and proprietary governors served at the pleasure of the appointing authority. They received a commission, which was a formal but brief statement of their authority, from the Crown or proprietor. The manner in which they executed that authority was delineated in another document known as the "instructions." [61] There are a number of instances during colonial America of governors being recalled for disobedience or inefficiency, or because of politics or patronage in England.[62]

Judges, on the other hand, were in some cases commissioned in England, and in other instances appointed by the governors under authority contained in the instructions.[63] During most of the colonial period these instructions were ambiguous as to the tenure which judges were to enjoy. They directed the governors not to express "any limitation of time" in any judicial commissions, apparently to protect the judges from arbitrary removal by the governors.[64] It was not clear, however, whether the expression "no limitation of time" meant during good behavior or during the pleasure of the Crown. Up until the first third of the eighteenth century governors construed the expression, and so issued judicial commissions, as meaning during the Crown's pleasure.[65] A number of cases then occurred in which governors issued commissions to judges during good behavior.[66] As a result, in 1752 the authorities in England revised the instructions to the governors, making it clear that judicial commissions were to be issued during the pleasure of the Crown.[67] What followed was a period of strife in some of the colonies, involving the authorities in England, governors, and the colonial legislative bodies. Some legislatures refused to appropriate funds for the payment of judges' salaries unless they were issued commissions during good behavior. This put governors in a difficult position, because to issue such commissions they had to violate the terms of their instructions.[68] The British position on tenure, however, ultimately prevailed until the American Revolution.

That judges were rendered insecure in their positions was listed in the Declaration of Independence as one of the ways by which the king sought to establish an absolute tyranny over the states: "He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries."

2. 1776–1787

The first state constitutions which were adopted drew on the common law traditions and the experience of a century and a half of colonial government. Provision was made in each state for a chief executive, a legislature and a judiciary.[69] A bicameral legislature existed in all but two of the states.[70] In eight states the executive was chosen by the legislature,[71] and in most states his term of office was limited to one year. Regarding the judiciary, a number of constitutions contained provisions providing that certain judges held office during good behavior.[72]

Almost all of the early state constitutions contained provisions for impeachment of officials, although the grounds for impeachment varied. Some state constitutions authorized impeachment where the safety of the state was "endangered" by "mal-administration, corruption or other means." [73] Other constitutions authorized impeachment for "misconduct and mal-administration" in office,[74] "mal and corrupt conduct" in office,[75] "misbehavior," [76] "mal-administration," [77] and "misdemeanor or default." [78] In most states the lower house of the legislature was empowered to institute impeachment proceedings.[79]

The forum for trying impeachment proceedings varied. In some states the trial was by the upper house of the legislature; [80] in others, by the judiciary; [81] and in still others, by a combination of these forums.[82] Some state constitutions specified the punishment on impeachment to be removal from office and disqualification from holding office in the future, with the provision that the officer was also subject to indictment and other penalties imposed by law.[83] Additionally, some constitutions provided that the chief executive could not grant a pardon in cases of impeachment.[84] Aside from impeachment, a number of state constitutions also provided, in the case of judges, for the British system of removal by the address of the legislature.[85]

At the national level, the Articles of Confederation, which had become effective in 1781, constituted the basic charter of government. It provided for a Congress in which each state had one vote, with the assent of nine being required for important decisions. The Articles severely limited the powers of Congress and completely failed to provide for a national judiciary or chief executive.[86] Nowhere did it contain any impeachment provisions.

C. Constitutional Convention of 1787

The debates at the Constitutional Convention of 1787 clearly reveal that the delegates were familiar with the colonial charters, early state constitutions, and common law traditions and precedents, and were knowledgeable in the various forms of government. This background particularly influenced them in formulating the impeachment provisions of the Constitution.

On May 29, 1787, four days after the Convention opened, Edmund Randolph of Virginia presented the fifteen resolutions of his state's plan, commonly known as the Virginia Plan. This plan, largely the handiwork of James Madison, called for the creation of a strong national government consisting of an executive, a two-house legislature, and a judiciary. The executive, whose term was not specified, was to be elected by the national legislature and was not to be eligible for re-election. The judiciary was to consist of one or more supreme tribunals, and of inferior tribunals to be chosen by the national legislature, to hold their offices during "good behavior." [87] It was to have jurisdiction of, *inter alia,* "impeachments of any national officers. . . ." [88] The Virginia Plan, however, did not specify any grounds for impeachment.

On the same day that the Virginia Plan was introduced, Charles Pinckney of South Carolina proposed his plan of government. Although the original of his plan has never been located, it is believed to have provided for a tripartite system of government. The power of impeachment was lodged in the lower house of the legislature and the trial was assigned to the federal judiciary.[89]

On May 30, the Convention resolved itself into a Committee of the Whole to discuss the Virginia Plan point by point. On the following day a discussion ensued as to the executive article of the Virginia Plan. During this discussion Gunning Bedford, Jr., of Delaware, opposed a long term, stating that a chief executive might prove to be incapable of discharging his duties. "An impeachment . . . would be no cure for this evil, as an impeachment would reach misfeasance only, not incapacity." [90] Randolph felt a plural executive was desirable in part because one "can not [*sic*] be impeached until the expiration of his Office, or he will be dependent on the Legislature. . . ." [91]

On June 2, John Dickinson of Delaware proposed that the executive be made removable by the national legislature on the request of a majority of the legislatures of the individual states.[92] He said that "he did not like the plan of impeaching the Great Officers of State." George Mason of Virginia observed that "[s]ome mode of displacing an unfit magistrate is rendered indispensable by the fallibility of those who choose, as well as by the corruptibility of the man chosen." [93] Wilson and Madison objected to Dickinson's proposal, declaring that "it would enable a minority of the people to prevent [the] removal of an officer who had rendered himself justly criminal in the eyes of a majority. . . ." [94] Hugh Williamson of North Carolina then moved to add to the executive article the words "to be removeable [*sic*] on impeachment and conviction of mal-practice or neglect of duty. . . ." [95] This motion, seconded by William R. Davie of North Carolina, carried.

During the next week, the delegates devoted some time to the judicial article. James Wilson of Pennsylvania suggested that judges be appointed by the President. Madison, however, felt that appointment should be by the Senate. On June 13, Randolph and Madison successfully moved the adoption of a resolution which placed "impeachments of any national officers" within the jurisdiction of the judiciary.[96] That same day the Committee reported out the Virginia Plan, as amended. Among other things, it provided that the chief executive was to be elected by the national legislature for a seven year term, and that judges were to be appointed by the upper house and to hold their term during good behavior. The impeachment provisions consisted of those agreed to on June 2, and earlier on June 13.

On June 14, discussion of the Virginia Plan was postponed at the request of William Patterson of New Jersey. On the following day Patterson presented nine resolutions (the New Jersey Plan), under which there was to be a unicameral legislature (in which each state was to have one vote), a supreme court, and a plural executive elected by Congress. The executive was to be removable by Congress on application by a majority of the state executives and was not to be eligible for another term. The Supreme Court was to be appointed by the President, to hold their offices during good behavior, and "to hear & determine in the first instance on all impeachments of federal officers. . . ." [97]

Three days later Alexander Hamilton presented a sketch of his plan of government, which was patterned after the British Government. "[H]e had no scruple in declaring . . . that the British Govt. was the best in the world: and that he doubted much whether any thing short of it would do in America." [98] Under Hamilton's Plan, the chief executive, senators, and judges were to serve

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during good behavior. The chief executive, senators and "all officers of the United States [were] to be liable to impeachment for mal- and corrupt conduct; and upon conviction to be removed from office, & disqualified for holding any place of trust or profit . . . ." [99] Impeachments were to be tried by a court the composition of which is not clear.[100]

On June 19, after considering the Patterson resolutions, the Committee of the Whole reaffirmed its action on the Virginia Plan. The subject of impeachment did not come up again at the Convention until July 18, during a discussion on the method of appointing judges. During the debate, Mason observed that the method might depend on the mode of trying impeachments of the executive, since if the judges try impeachment, they ought not be appointed by the executive.[101] Gouverneur Morris of Pennsylvania suggested that a trial of a President's impeachment by the judiciary would likely involve intrigue between the legislative branch and the judges, thereby frustrating an impartial trial. At some point during the debate it was unanimously agreed to strike out of the judicial resolution the words "impeachments of national Officers." [102]

On July 20, the delegates engaged in an extensive debate as to whether the President should be subject to impeachment. Pinckney and Morris moved to eliminate from the amended Virginia Plan the clause providing for the President's removal. In opposition, Mason argued that impeachment was necessary. "When great crimes were committed he was for punishing the principal as well as the Coadjutors." [103] Davie, Franklin, Madison, Gerry, Randolph and Wilson were also of the view that impeachment was necessary. Davie considered it "an essential security for the good behaviour of the Executive." [104] In Franklin's opinion, history showed that where there has been no means of removal of an executive, there has been recourse to assassinations.[105] Madison stated that it was "indispensable that some provision should be made for defending the Community [against] the incapacity, negligence or perfidy of the chief Magistrate." [106] Madison remarked that the President "might pervert his administration into a scheme of peculation or oppression. He might betray his trust to foreign powers." [107] "In the case of the Executive Magistracy," said Madison, "loss of capacity or corruption was more within the compass of probable events, and either of them might be fatal to the Republic." [108] Said Randolph: "Guilt wherever found ought to be punished. The Executive will have great opportunitys of abusing his power; particularly in time of war when the military force, and in some respects the public money, will be in his hands. Should no regular punishment be provided, it will be irregularly inflicted by tumults & insurrections." [109] King expressed the opinion that impeachment was not appropriate in the case of an officer who served for a fixed term. It was appropriate, he said, in the case of the judiciary, since they hold their offices during good behavior. He stated that "[i]t is necessary therefore that a forum should be established for trying misbehaviour." [110] King added that since the President was to serve for a limited term, he would periodically be tried for his behavior by his electors" and "he ought to be subject to no intermediate trial, by impeachment." [111] Near the end of the debate Morris changed his view and argued for impeachment, asserting that it was necessary for cases of bribery, treachery, corruption and incapacity.[112] Following the debate the Convention, by a vote of eight to two, agreed to the clause providing for the President's removal for "malpractice or neglect of duty." [113]

On July 23, a Committee of Detail was organized to prepare and report a Constitution in conformance with the proceedings held up until that time.[114] On July 24, the Committee of the Whole was discharged and the various plans of government were referred to the Committee of Detail; on July 26, the Convention reaffirmed the provision that the President shall be "removable on impeachment and conviction of malpractice or neglect of duty;" [115] and on July 27, the Convention adjourned so that the Committee of Detail could draft its report.

The Committee presented its report on August 6. Article IV of its report provided that the House of Representatives "shall have the sole power of impeachment." [116] Article X, the executive article, provided that the President "shall be removed from his office on impeachment by the House of Representatives, and conviction in the Supreme Court, of treason, bribery, or corruption." [117] Article XI, the judicial article, gave the Supreme Court original jurisdiction of "the trial of impeachments of Officers of the United States . . ." [118]

The Committee's report was the subject of discussion for the next five weeks. On August 9, the Convention agreed to the clause giving the House the sole power of impeachment.[119] On August 20, a number of resolutions concerning the organization of the executive branch were proposed by Gouverneur Morris and Charles Pinckney, and referred to the Committee of Detail. These resolutions called for the appointment of various executive officers who were to "be liable to impeachment and removal from office for neglect of duty malversation, [*sic*] or corruption." [120] Gerry then moved that the Committee devise a method for trying judges in cases of impeachment. Two days later the Committee returned with the following addition to the good behavior provision of Article XI, Section 2: "The Judges of the Supreme Court shall be triable by the Senate, on impeachment by the House of Representatives . . ." [121]

On August 25, the Convention adopted a provision excluding cases of impeachment from the President's power to grant reprieves and pardons.[122] On August 27, the Convention postponed consideration of the impeachment provision at the request of Gouverneur Morris, who thought that the Supreme Court was an improper tribunal "particularly, if the first judge was to be of the [P]rivy Council." [123] Dickinson then moved to add, after the good behavior provision in the judicial article, the following qualification: "[P]rovided that they may be removed by the Executive on the application [of] the Senate and House of Representatives." [124] Gerry seconded the motion. Morris argued against it, on the theory that it was contradictory to "say that the Judges should hold their offices during good behavior and yet be [removable] without a trial." In his opinion, "it was fundamentally wrong to subject Judges to so arbitrary an authority." Sherman disagreed, noting that a similar provision was contained in the British statutes. He felt that there was no impropriety if the provisions "were made part of the Constitutional regulation of the Judiciary establishment." [125] Wilson remarked that such a provision was less dangerous in the British statutes because it was unlikely that the House of Lords and House of Commons would concur on the same occasions. "The Judges would be in a bad situation," in Wilson's view, "if made to depend on every gust of faction which might prevail in the two branches of our [Government]." [126] Rutledge and Randolph also noted their objections to the provision. Randolph felt that it weakens "too much the independence of the Judges." [127] On the motion, only the state of Connecticut voted for it. It was opposed by seven states.

On the following day the Convention adopted the provision that the judgment in cases of impeachment would not extend further than to removal from office and disqualification to hold office in the future.[128] On August 31, a number of matters were referred to a Committee of Eleven which was commissioned to report on those parts of the Constitution that had been postponed or not acted upon. On September 4, David Brearley of New Hampshire, the chairman of the Committee, presented a partial report.[129] Among other things, this report called for the creation of an office of Vice President and proposed an electoral college method of electing the President. In the area of impeachment, it provided that the Senate would have the power to try all impeachments, with a two-thirds vote required for conviction. The Vice-President was to be *ex offico* President of the Senate, except when the President was tried, in which event the Chief Justice was to preside. The grounds for conviction of the President were limited to "treason or bribery."

In presenting his own and the Committee's reasons for the creation of the electoral college, Morris stated that it was difficult to find a body other than the Senate to try impeachment cases. [130] He thought that "[a] conclusive reason for making the Senate instead of the Supreme Court the Judge of impeachments, was that the latter was to try the President after the trial of the impeachment." [131]

On September 8, the impeachment provisions were taken up by the Convention. Mason opened the discussion by questioning the limitation of impeachment to cases of treason and bribery. He felt that "[t]reason as defined in the Constitution [would] not reach many great and dangerous offenses." He further was of the opinion that "[a]ttempts to subvert the Constitution [might] not be Treason as . . . defined" and that, since "bills of attainder . . . are forbidden," the power of impeachment should be extended.[132] Mason then moved to add "maladministration" as a ground for impeachment. Gerry seconded the motion. Madison objected that "[s]o vague a term will be equivalent to a tenure during pleasure of the Senate." Mason thereupon withdrew the expression and substituted "other high Crimes & Misdemeanors against the State." [133] The motion carried without any discussion of the new phrase The expression "against the State" was immediately changed to "against the United States."

Madison then directed his attention to the Senate as the forum for trying impeachments. He objected to this forum because the President "was to be impeached by the other branch of the Legislature, and for any act which might be called a misdemeasnor [sic]." [134] Under these circumstances, he said, the President was made "improperly dependent." Madison suggested the Supreme Court as either the forum or part of a forum. Gouverneur Morris argued for the Senate, believing that "there could be no danger that the Senate would say untruly on their oaths that the President was guilty of crimes. . . ." The Supreme Court, he thought, "might be warped or corrupted." [135] Pinckney also spoke out against the Senate, stating that its use would make the President too dependent upon the legislature. Williamson, on the other hand, felt the Senate would be too lenient because of its sharing of various powers with the President, while Roger Sherman of Connecticut asserted that the Supreme Court was improper because the President appointed its members.[136] Madison's motion to eliminate the Senate was decisively rejected. The Convention then added to the impeachment provision that "'[t]he vice-President and other Civil officers of the U.S. shall be removed from office on impeachment and conviction as aforesaid.'" [137] Another addition was that the Senate would take an oath in an impeachment case.

A committee was then formed to revise the style of and arrange the articles, but without power to effect substantive changes. On September 12, the Committee returned a draft

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which, except for a few changes, was to become the Constitution.[138] One change made was the elimination of the words "against the United States" from the "high Crimes and Misdemeanors" expression. On September 14, Rutledge and Morris moved to amend the impeachment provisions to require that "persons impeached be suspended from their office until they be tried and acquitted." [139] Madison objected on the grounds that this would make the President even more dependent upon the legislature, since one branch would be able to effect his temporary removal. The motion was defeated by a vote of eight to three.[140] Three days later the Constitution was signed with the impeachment provisions as they stand today.

D. Ratifying Conventions

Post-Convention discussion of the impeachment provisions was not extensive. One of the principal references in *The Federalist* occurs in number seventy-nine where, in commenting on the provision dealing with the compensation for judges, Hamilton stated:

"The precautions for their responsibility are comprised in the article respecting impeachments. They are liable to be impeached for malconduct by the House of Representatives, and tried by the Senate; and, if convicted, may be dismissed from office, and disqualified for holding any other. This is the only provision on the point which is consistent with the necessary independence of the judicial character, and is the only one which we find in our Constitution in respect to our own judges.

"The want of a provision for removing the judges on account of inability has been a subject of complaint. But all considerate men will be sensible that such a provision would either not be practiced upon or would be more liable to abuse than calculated to answer any good purpose. The mensuration of the faculties of the mind has, I believe, no place in the catalogue of known arts. An attempt to fix the boundary between the regions of ability and inability, would much oftener give scope to personal and party attachments and enmities than advance the interests of justice or the public good. The result, except in the case of insanity, must for the most part be arbitrary; and insanity, without any formal or express provision, may be safely pronounced to be a virtual disqualification.[141] "

In *The Federalist* number sixty-five, where Hamilton gave the reasons for the Senate being chosen as the forum for trying impeachments, he stated:

"The subjects of its jurisdiction are those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself.[142] "

Hamilton went on to say that in England and in several states, the practice of impeachments was regarded "as a bridle in the hands of the legislative body upon the executive servants of the government." [143]

The impeachment provisions received some attention in the state ratifying conventions. Much of it centered on whether the Senate would convict persons to whose appointment it had consented, whether members of Congress were impeachable, whether the states could impeach state officers, and on the desirability of lodging the power of impeachment in the Congress. Some statements were made, however, which give a clue as to the understanding of the farmers. In the Virginia ratifying convention, Edmund Randolph declared that "[i]n England, those subjects which produce impeachments are not opinions. . . . It would be impossible to discover whether the error in opinion resulted from a willful mistake of the heart, or an involuntary fault of the head." [144] In North Carolina, Governor Samuel Johnston, who was to become the state's first Senator, asserted that "[i]mpeachment only extends to high crimes and misdemeanors in a *public office*. It is a mode of trial pointed out for great misdemeanors against the public." [145] William MacLaine observed that members of Congress, while not impeachable, were "amenable to the law for crimes and misdemeanors committed as individuals." [146] James Iredell, the principal advocate of ratification in his state, stated that the power of impeachment was designed "to bring great offenders to punishment." "It is calculated," he said, "to bring them to punishment for crime which it is not easy to describe, but which everyone must be convinced is a high crime and misdemeanor against the government. . . . [T]he occasion for its exercise will arise from acts of great injury to the community, and the objects of it may be such as cannot be easily reached by an ordinary tribunal." [147] He also noted that an official who is impeached might be liable for common law punishment if the offense "be punishable by that law." [148]

In the First Congress, during a debate regarding the advisability of empowering the President to remove public officers, Madison stated:

"The danger, then, consists in this: The President can displace from office a man whose merits require that he should be continued in it. What will be the motives which the President can feel for such abuse of his power and the restraints that operate to prevent it? In the first place, he will be impeachable by this House before the Senate for such an act of maladministration; for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust." [149]

III. History of American Impeachment

In the 181-year history of the United States, there have been only twelve cases of impeachment at the federal level.[150] Eleven of these resulted in Senate trials, but only four ultimately resulted in conviction and removal. Among those impeached have been a President, a Senator, a Supreme Court Justice, a Cabinet member, a federal circuit court of appeals judge, and seven federal district court judges. An account of these impeachments follows. Since a proper understanding of the precedents, particularly the significance of the votes, is not possible without reference to the precise nature of the articles of impeachment themselves, the articles are summarized in detail in this section.

A. William Blount

On July 3, 1797, the United States House of Representatives received a confidential message from President John Adams regarding the conduct of William Blount, then a Senator from Tennessee and a former delegate to the Continental Congress and the Constitutional Convention. On July 7, the House resolved to bring impeachment proceedings against him, and on the following day he was expelled from the Senate.[151]

The articles of impeachment were presented to the Senate on February 7, 1798. They alleged "high crimes and misdemeanors," specifically charging that, while Spain and England were at war, he conspired to transfer to Great Britain property belonging to Spain in Florida and Louisiana, thereby violating America's neutrality and the laws of the United States; that he caused tribes of Indians in the United States to commence hostilities against the subjects of Spain; that he conspired in violation of law to undermine the confidence of Indian tribes in an official agent of the United States appointed to reside among them; that he attempted to seduce another official from his duty; and that he attempted to foment certain tribes to disaffection toward the United States.[152]

In December, 1798, Blount attacked the jurisdiction of the Senate to try him. He contended that a Senator was not a civil officer within the meaning of the Constitution, and that even if he had been a civil officer, he lost that status when he was expelled from the Senate.[153] An extensive debate on the point followed. Finally, the Senate rejected, by a vote of fourteen to eleven, a proposed resolution overruling Blount's plea. The Senate then decided, by the same vote, to dismiss, finding that Blount's plea to its jurisdiction was sufficient.[154] Its decision has established the precedent that Senators are not impeachable.[155]

B. John Pickering

In February, 1803, the House of Representatives received from President Thomas Jefferson a message, together with certain evidence, regarding the conduct of John Pickering, a United States district court judge in New Hampshire. This launched, it is generally believed, an attempt by Jefferson to remove Federalist judges from the bench and replace them with Democratic-Republican judges.[156]

On March 2, following a committee's recommendation, the House voted, forty-five to eight, to impeach Pickering for "high Crimes and misdemeanors." [157] Four articles of impeachment were presented in the Senate on January 4, 1804. The first three referred to conduct committed in violation of law during a suit by the government to condemn a ship and its cargo. Specifically, it was alleged that, with intent to evade an Act of Congress, he returned a lawfully seized vessel to its owner without obtaining a bond for the value of the ship and a certificate from its owner showing that all duties had been paid as required by the Act; that he wrongfully refused to hear government testimony; and that "wickedly" intending to violate the law, he refused the United States Attorney's claim for an appeal from his decision. Article four charged that he was intoxicated and used profanity on the beach.[158]

Pickering did not answer the charges. His son, however, petitioned the Senate to accept evidence of his father's insanity.[159] This request was strongly opposed by some Senators, who apparently felt that if he were found insane the Senate would not be able to find him guilty of "high Crimes and misdemeanors." [160] After some debate, evidence was finally admitted as to the judge's possible insanity.[161] At the trial, the Managers appointed by the House of Representatives produced evidence consisting mainly of depositions of witnesses, transcripts of proceedings in Judge Pickering's court, and recitals of the laws he was said to have violated.[162] Testimony was received as to his habitual intoxication [163] but, since Pickering did not appear either in person or by counsel, there was no cross-examination of witnesses. One of the more heated discussions involved the form of the question to be voted upon by the Senate. The first form proposed was: "Is John Pickering, district judge of the district of New Hampshire, guilty of high crimes and misdemeanors upon the charges contained in the—article of impeachment, or not guilty?" [164] This form, it was said, was similar to that used in the Hastings trial and would best "collect the sense of the Court." [165] A second proposal amounted to striking out the words "high Crimes and misdemeanors." After a closed-session debate, the second proposal was adopted.

Senator Alexander White of Virginia strongly objected to this form.

He argued that to remove a judge without a judgment that the acts constituted high crimes and misdemeanors would destroy the

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"good Behaviour" provision and place judges at the mercy of a majority of Congress.[166] When it became clear that the form would not be changed, some Senators walked out "because they did not choose to be compelled to give so solemn a vote upon a form of question which they considered an unfair one . . . .[167]

The vote was taken on the form adopted and, on each article, Pickering was found guilty by a vote of nineteen to seven. A final question was put as to whether he should be removed from office. This question was answered affirmatively by a vote of twenty to six.[168]

C. Samuel Chase

Two months prior to Pickering's conviction, Representative John Randolph of Virginia offered a resolution calling for an investigation of the official conduct of Associate Justice Samuel Chase, a Federalist appointee to the Supreme Court whose views were anathema to the Democratic-Republicans.[169] Randolph made a statement of charges against Chase, to which strong objection was made on the grounds that, even if true, they amounted only to errors in judgment. It was contended that the charges did not justify such an investigation. The House decided to investigate[170] and, on March 12, 1804, it agreed to a resolution impeaching Chase. Interestingly, this was the same day that the Senate convicted Pickering.

Eight articles of impeachment were brought against Chase. The first six concerned his actions at the treason and sedition trials of John Fries and James T. Callender,[171] while the last two involved addresses he delivered to grand juries.[172] Article one charged that he violated his obligations of office, conducting himself during the Fries trial in an oppressive and unjust manner by depriving Fries of certain constitutional rights. Article two charged that in order to assure the convictions of Callender, who was accused of libeling President Adams, he allowed a juror to serve knowing that the juror had made up his mind prior to the trial. The third charged that, with intent to insure Callender's conviction, he refused to admit certain evidence offered by the defense. Article four charged him with a number of unjust trial practices, allegedly designed to prejudice the rights of Callender. Article five charged that, contrary to law, he ordered the arrest of Callender, who had been indicted for a non-capital offense, when only a summons should have been issued. The sixth article charged that Callender came before him and was ordered to trial during the same term, contrary to a law which provided that in non-capital cases the accused need not answer until the next term of court. The seventh article charged Justice Chase with improper suggestions to a grand jury concerning the conduct of a certain Delaware printer whom he had characterized as "seditious." The final article charged that he delivered an intemperate harangue to a grand jury with intent to excite resentment against the government.

Chase was defended at the trial by Luther Martin, a former delegate to the Constitutional Convention. At the trial the House Managers argued that mere misbehavior, if proven, would suffice to remove a judge. Martin strongly disagreed, stating that under the Constitution an officer could be impeached only for indictable offenses, and that no such offenses were involved in the case at bar.[173]

In voting on the articles of impeachment, the form of question put to each Senator was as follows: "Mr. —, how say you; is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the — article of impeachment?"[174] On March 1, 1805, Justice Chase was found not guilty on each charge.[175] His acquittal has been viewed as a precedent that judges cannot be removed for political reasons or mere misbehavior, but only for the "gravest cause."[176]

D. James H. Peck

On April 22, 1830, James H. Peck, a federal district court judge in Missouri, was impeached by the House. He was charged in a single article with "high misdemeanors in office."[177] It was alleged that, under the color of law and his office, he wrongfully convicted and punished an attorney for contempt. The attorney's only offense was publication of a mildly critical reply to an article recently written by the judge, which attempted to justify the judge's decision in a case that was presently on appeal. The House noted in the charges that the acts alleged were willful, unjust, and committed in an official capacity.[178]

In January, 1831, the Managers appointed by the House commenced their arguments. Their primary contention was that impeachment should not be limited to indictable offenses. Propounding his views on the nature of impeachable offenses. Representative Ambrose Spencer of New York argued:

"A judicial misdemeanor consists, in my opinion, in doing an illegal act, colore officii, with bad motives, or in doing an act within the competency of the court or judge in some cases, but unwarranted in a particular case from the facts existing in that case, with bad motives.[179]

James Buchanan, who later was to become the fourteenth President, argued that misbehavior was a ground for impeachment—apparently conceding during his argument that to be impeachable the offenses must be committed in one's official capacity.[180] In contrast, counsel for Peck argued that mere mistake of law, without wrongful intent, does not constitute a high crime or misdemeanor, and that it would be absurd to hold a judge answerable for an error in judgment. He asserted that intent was a necessary element in any finding of impeachable conduct, and that such intent was lacking in Peck's case because his acts were within the purview of his official power.[181]

On January 31, 1831, the following question was put to each of the Senators in alphabetical order: "Mr. Senator ———: What say you: Is James H. Peck, judge of the district court of the United States for the district of Missouri, guilty or not guilty of the high misdemeanor charged in the article of impeachment exhibited against him by the House of Representatives?"[182]

The vote on the question thus phrased was twenty-one in favor of conviction and twenty-two opposed.[183] Peck was therefore acquitted.

E. West H. Humphreys

Early in 1861, West H. Humphreys, United States district court judge in Tennessee, ceased holding court and commenced acting as a judge for the Confederacy. On January 8, 1862, a resolution was introduced and agreed to in the House of Representatives authorizing a committee to inquire into his conduct.[184] Two months later the committee submitted its report, in which it recommended impeachment proceedings. Subsequently, seven articles of impeachment alleging "high crimes and misdemeanors"[185] were presented against him.

The first article charged that, in violation of his oath and duties, he endeavored to incite revolt and rebellion against the government by publicly declaring that it was the right of the people, by an ordinance of secession, to absolve themselves from all allegiance to the United States government, the Constitution, and the laws thereof. Article two alleged that, with "intent to abuse" the trust reposed in him and to "subvert the lawful authority and Government of the United States," he unlawfully agreed to an ordinance of secession "with other evil-minded persons." The third article charged that, in conjunction with other persons, he "unlawfully" organized armed rebellion and levied war against the United States. In the fourth article, he was accused of conspiring with Jefferson Davis and others to oppose the United States government by force. The fifth charged that, in disregard of his duties and with intent to aid and abet the overthrow of the government, he refused to hold court as required. Article six claimed that, with "intent to subvert the authority of the Government," he unlawfully acted as a Confederate court judge.[186] Article seven alleged that, while assuming to act as a Confederate judge and "without lawful authority, and with intent to injure," he caused the unlawful arrest of a United States citizen, one William G. Brownlow.

After hearing the articles, the Senate decided that a summons should issue directing Humphreys to answer the charges. The summons was issued and, on the return day, the Senate convened as a high court for the trial. Humphreys did not appear on that day or on the adjourned day. Consequently, the trial proceeded ex parte. Witnesses were called and examined but since Humphreys was not represented, there was no cross-examination.[187] At the conclusion of the Managers' presentation, the following question was put to the Senate: "Is the accused, West H. Humphreys, guilty or not guilty of the high crimes and misdemeanors as charged in this article of impeachment?"[188]

Humphreys was found guilty by the requisite two-thirds vote on all the charges, except those in specification two of article six.[189] A resolution was then passed removing him from office and disqualifying him from holding any office of trust, honor or profit under the United States.

F. Andrew Johnson

Following his succession to the Presidency on April 15, 1865, Andrew Johnson became the protagonist in a bitter struggle between the executive and legislative branches of government over Reconstruction.[190] While the specifics leading to his eventual impeachment are numerous,[191] the Tenure of Office Act seems to have served as the catalyst. The ostensible purpose of the Act was to prohibit presidential appointments after the Senate had adjourned, while the intent of its sponsors was to strip the President of the power to remove Republicans from their appointed offices.[192] The Act forbade presidential removal of officials named by the President without his first obtaining the Senate's consent.[193] Johnson and his Cabinet felt the Act was unconstitutional,[194] and he therefore vetoed it. Despite his veto, the Act secured the two-thirds vote necessary for passage, thereby setting the stage for the drama that followed.[195] With a hostile Congress anxious to impeach Johnson, Stanton was informed of his dismissal in a letter from the President.[196]

On February 21, 1868, Stanton informed the House of Representatives of his removal and the appointment of Lorenzo Thomas, Adjutant-General of the Army, as Secretary of War *ad interim*.[197] That same day John Covode offered a resolution in the House that Johnson be impeached.[198] The Senate, after a seven hour deliberation, adopted a resolution finding that the removal was without authority,[199] and Stanton barricaded himself in his office. On February 22, Representative Thaddeus Stevens of Pennsylvania introduced in the House a resolution that "Andrew Johnson, President of the United States, be impeached of high crimes and misdemeanors."[200] After some discussion the vote was taken and the President was impeached by a vote of one hundred and twenty-six to forty-seven.[201] A House committee then drafted nine articles against Johnson. The first article charged that the removal of Stanton was unlawful as an intentional vio-

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lation of the Constitution and Tenure Act. The second charged that the letter appointing Thomas was an intentional violation of the Constitution and of the Tenure Act. Article three alleged Thomas' appointment was a violation of the Constitution. Articles four through eight, referred to as the "Conspiracy Articles," also pertained to Stanton's removal. The fourth charged a conspiracy with Thomas and others to prevent Stanton from holding office, in violation of the Constitution. Article five accused the same persons of conspiracy to prevent the execution of the Tenure Act by attempting to remove Stanton. The sixth alleged conspiracy to forcibly take the property of the United States at the War Department. Article seven charged conspiracy to prevent Stanton from holding office, in violation of the Tenure Act. Article eight charged conspiracy to seize United States property, also in violation of the Tenure Act. Finally, article nine concerned a statute requiring all orders to pass through a General of the Army. Johnson had stated that the statute was unconstitutional and, accordingly, generals of lesser rank should take orders directly from him.[202]

Unsatisfied with these articles, Representative Benjamin Butler offered a tenth "to clothe that bone and sinew with flesh and blood and to show him [Johnson] . . . as the quivering sinner that he is . . . ."[203] Butler's article charged that Johnson intending to bring the United States Congress into "disgrace, ridicule, hatred, contempt and reproach," did openly and publicly declare "with a loud voice, certain intemperate, inflammatory and scandalous harangues" against Congress and its laws, "amid the cries, jeers and laughter of the multitudes then assembled in hearing."[204]

Stevens conceived an eleventh article as a catch-all, explaining: "If my article is inserted, what chance has Andrew Johnson to escape?"[205] Representative John A. Bingham of Ohio introduced that article, which dealt with a speech of August 18, 1866, in which Johnson was alleged to have declared that the thirty-ninth Congress was not a Congress of the United States authorized to exercise legislative powers, but only a congress of part of the states, and that its legislation was not binding upon him. The article stated that in pursuance of this declaration and in violation of his oath of office, Johnson attempted to prevent the execution of the Tenure Act and two other statutes, such being a high misdemeanor in office.[206]

Johnson's trial opened on March 5, 1868, with Chief Justice Salmon P. Chase administering to each senator an oath that he would do "impartial justice, according to the Constitution and laws."[207] At the outset of the trial, the Managers defined an impeachable crime or misdemeanor as:

"[O]ne in its nature or consequences subsersive [sic] of some fundamental or essential principle of government, or highly prejudicial to the public interest, and this may consist of a violation of the Constitution, of law, of an official oath, or of duty, by an act committed or omitted, or, without violating a positive law, by the abuse of discretionary powers from improper motives, or for any improper purpose."[208]

Butler, admitting this definition exceeded the common law definition, cited the 1388 English impeachment of Belknap and the other judges for the proposition that the Senate was bound by no law, being a law unto itself and "bound only by the natural principles of equity and justice."[209]

President Johnson never once appeared at the trial, but left the defense to an able team of attorneys.[210] Benjamin Curtis, a former Justice of the Supreme Court, opened his defense by seeking to demonstrate that Stanton's removal was not within the sweep of the Tenure Act.[211] In answer to the Managers' claim that the Senate was a law unto itself in convicting for a high crime or misdemeanor, Curtis paraphrased the constitutional provisions on impeachment and concluded:

"[I]t is impossible to come to the conclusion that the Constitution of the United States has not designated impeachment offenses as offenses against the United States. It has provided for the trial . . . established a tribunal for . . . trying them . . . directed the tribunal . . . to pronounce a judgment and to inflict a punishment, and yet the honorable manager tells us that this is not a court, and that it is bound by no law.[212]"

Curtis argued that if every senator was a law unto himself, able to declare an act criminal after its commission, the constitutional prohibition against *ex post facto* laws would be violated. Comparing the Managers' argument to a bill of attainder, he asked: "Of what use would be [the] prohibition in the Constitution against passing bills of attainder if it is only necessary for the House of Representatives, by a majority, to vote articles of impeachment, and for two-thirds of the Senate to sustain the articles?"[213] Curtis declared that it was the duty of the Senate, having taken an oath to apply the law according to the Constitution, to find that a law existed, construe and apply it to the case, and find criminal intention to break it before it could convict on any article.[214]

On Saturday, May 16, 1868, the Senate met to vote on the articles. The eleventh article was to be voted upon first, after which the first ten articles were to be considered.[215] After the clerk had read the eleventh article, the Chief Justice inquired of each senator as he responded to the calling of the roll: "Mr. Senator—how say you? Is the respondent, Andrew Johnson, President of the United States, guilty or not guilty of a high misdemeanor, as charged in this article?"[216]

The result of this historic vote was thirty-five to nineteen, one vote short of conviction After a ten day adjournment, the Senate reassembled to vote on the remaining articles The Managers withdrew article one and permitted a vote on articles two and three. Again the vote was thirty-five to nineteen, one less than the number necessary for conviction. The Managers did not call for a vote on the remaining articles, but adjourned, leaving judgment on articles one, and four through ten, to posterity.[217]

G. William W. Belknap

Early in 1876, the House Ways and Means Committee proposed a resolution authorizing general investigations into the operations of various governmental departments. The resolution passed and less than two months later, on March 2, one of the investigating committees reported that it had uncovered "unquestioned evidence of . . . malfeasance in office" by William W. Belknap, then Secretary of War.[218] The report stated also that President Grant had that morning accepted Belknap's resignation. The report recommended the adoption of three resolutions: one impeaching Belknap; one calling for the preparation of articles against him; and the third instructing a committee to go immediately to the bar of the Senate and impeach Belknap. The resolutions passed.

On April 4, 1876, the House Managers appeared at the bar of the Senate and presented five articles of impeachment against Belknap.[219] The first article charged that, while serving as Secertary of War, Belknap appointed as post trader at Fort Sill one Caleb P. Marsh, who had an agreement with a John S. Evans under which Marsh would have Belknap appoint Evans as the post trader in his place. When this agreement was executed, it was charged, Belknap "unlawfully and corruptly" received certain sums of money from Marsh for appointing Evans, thereby being guilty of "high Crimes and Misdemeanors in office." Articles two, three, four and five also charged Belknap with knowingly receiving money in consummation of this scheme. Article three charged that Belknap "criminally" disregarded his duty in allowing Evans to remain post trader, causing great injury to personnel at that post and to the country.[220]

On April 17, 1876, Belknap attacked the jurisdiction of the Senate to try him, asserting that due to his resignation he was no longer a civil officer when the charges were made against him. The House Managers argued that the limitation of impeachment to "Officers" in Article II, Section 4, dealt with the position and not necessarily with the time when it was occupied.[221] Belknap's counsel argued that if he were convicted, Congress would be setting a precedent that every citizen could be impeached.[222] On May 29, after a lengthy debate, the Senate decided, by a vote of thirty-seven to twenty-nine, that it had jurisdiction.[223] The Senate then gave Belknap until June 16 to answer. When that date arrived, counsel for Belknap appeared but refused to put in a plea. Instead, he filed a document objecting to the previous vote because two-thirds of the Senate had not overruled Belknap's plea. It therefore was contended that the proceeding should be dismissed.[224] The case nevertheless proceeded to trial, and Belknap was acquitted. Although the required two-thirds vote for removal failed, a majority voted guilty on each of the five articles.[225]

H. Charles Swayne

Acting upon a joint resolution of the Florida legislature, Representative William B. Lamar rose in the House on December 10, 1903, and recommended that Charles Swayne be impeached.[226] At the time, Swayne was a United States district court judge in Florida. Lamar's resolution called for the House Committee on the Judiciary to investigate Swayne's conduct. A committee was appointed and in March, 1904, it reported that Judge Swayne had "continuously and persistently violated the plain words of a statute of the United States, and subjected himself to punishment for the commission of a high misdemeanor."[227] The report cited many examples of judicial misconduct, and the Committee recommended impeaching him on the ground "of high misdemeanor." A strong minority report opposed these conclusions, as a result of which a further investigation was conducted. In December, 1904, almost eight months later, a resolution of impeachment was finally agreed upon, with an amendment accusing him "of high crimes and misdemeanors."[228]

On January 24, 1905, the select committee of the House which had been appointed to formulate the articles against Swayne presented twelve articles of impeachment, charging as follows:[229] That Swayne, while a United States District Court Judge, made false claims against the government, and in support of these claims, prepared and signed false certificates of his expenses as a judge; that on another occasion he made false claims against the government and committed the crime of obtaining money under false pretenses; that he committed similar high crimes and misdemeanors on another occasion; that "while in the exercise of his office," he appropriated for his personal use a railroad car in the possession of a receiver appointed by him, making use of the railroad and its personnel without making compensation to the owner and allowing the receiver a credit for these expenses, thereby being guilty of "abuse of judicial power and of a high misdemeanor in office;" that he lived outside the district in which he was assigned, violating a statute which made it a "high misdemeanor" to do so; and that while in "the exercise of his office," he maliciously and unlawfully found an attorney guilty of contempt and fined and jailed him, thereby constituting

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Footnotes at end of article.

an "abuse of judicial power and . . . a high misdemeanor in office." [230]

At the Senate trial, Judge Swayne submitted a brief in which he contended that neither indictability nor mere misbehavior was intended to be the standard for impeachment. After examining the common law precedents, the early state constitutions, the debates at the Constitutional Convention, and the American precedents, the brief concluded that impeachment lies for either treason or bribery committed anywhere and for other high crimes and misdemeanors, which "must consist of judicial acts, performed with an evil or wicked intent, by a judge while administering justice in a court. . . ." [231] Therefore, it was argued, since the first seven articles charged personal misconduct, the Senate did not have jurisdiction and should dismiss the proceeding. The House Managers argued that impeachment covered non-judicial acts and, in the alternative, that Swayne's conduct was official in nature.[232] In their closing arguments, Swayne's counsel urged that the impeachment provisions were embodied in the Constitution "with a meaning that can never be changed by the Congress of the United States." [233]

On February 27, 1905, a vote was taken and Swayne was acquitted on each article.[234]

I. Robert W. Archbald

In February 1912, the Interstate Commerce Commission brought to President Taft's attention charges of improper conduct against Robert Archbald, a United States circuit court judge, who was a member of the Commerce Court. The President ordered the Attorney General to conduct a full investigation, following which it was concluded that the information discovered should be transmitted to the House Judiciary Committee.[235]

A period of investigation followed, including appearances by Archbald and his counsel at committee hearings.

On July 11, 1912, the committee's report, including a memorandum of law and thirteen articles of impeachment,[236] was adopted by the House. Article one charged that Judge Archbald, while a judge on the commerce court, formed a partnership for the purpose of purchasing certain properties for future sale, using his office to induce a certain corporation which was then a party litigant before the commerce court to contract to sell the properties to the partnership. This, it alleged, constituted a "high crime and misdemeanor in office."

The second article asserted that Archbald, for consideration, interceded in a case before the Interstate Commerce Commission, using the influence of his office to effectuate a settlement and to induce agreement to a stock sale proposed by the party whom the judge was assisting. This charge further specified that the judge did so knowing that the case was subject to review in the Commerce Court, and that the party he sought to influence already had a case pending in that court. The article concluded that the judge therefore was guilty of misbehavior and of a "high crime and misdemeanor in office."

The third article charged a "high misdemeanor in office," alleging that Archbald used his official position to influence a coal company, which was owned by a railroad then a litigant in the commerce court, to lease certain properties to the judge and his friends, in return for which he agreed to use the railroad to transport the products of these properties.

Article four accused the judge of being guilty of "misbehavior in office" and of a "misdemeanor as . . . judge" as a result of his secret communications with an attorney for a litigant in a case before his court, in which he requested to see a witness for the purpose of obtaining his explanation of certain testimony, and informed the attorney of certain evidence "detrimental" to his client and asked for an explanation.

The fifth article charged that he attempted to use his influence as judge to secure an operating lease for a certain individual, knowing that this person had previously failed in such negotiations. The article further alleged that after the attempted negotiations, the judge accepted a promissory note for his efforts, constituting "misbehavior" and "high crimes and misdemeanors in office."

The sixth article charged him with using his influence as a judge to induce the officers of two related companies to purchase a certain tract of land. Article seven accused Judge Archbald of accepting an interest in a speculative stock enterprise with a person involved in a litigation before his court. It further alleged, as did article eight, that Archbald had lent his name to a note, knowing it would be presented to a person subject to his official influence. The ninth article charged the judge with using his position to coerce a party to discount one of his notes by having it presented to an attorney who practiced before the commerce court, and further charged that after the note was discounted, it was never paid. The tenth article accused him of accepting large sums of money for pleasure trips from an individual who was an officer or director in a number of corporations under the jurisdiction of the commerce court. The eleventh article alleged that he accepted money from attorneys who practiced before his court and that money was solicited by court officers whom the judge had appointed. The twelfth article charged that Archbald had appointed as a jury commissioner the general counsel of a railroad company which was under the jurisdiction of the commerce court, and that, knowing of this relationship, he nevertheless allowed the attorney to serve.

The thirteenth and last article charged that Archbald had at various times sought to obtain credit from parties interested in the results of suits pending in his court; that he had carried on business for speculation and profit and, for consideration, compromised cases pending before the Interstate Commerce Commission; that he had used his influence as a judge to induce various officers and companies engaged in interstate commerce to enter into contracts and agreements in which he was then financially interested; that he received interests in these contracts in consideration of his using his influence; and that the judge's efforts in securing contracts from the railroad companies then having suits pending in the commerce court continued for more than a year.[237]

At his trial Archbald claimed that the charges, even if true, did not constitute impeachable offenses. He admitted most of the facts but denied the existence of any wrongful intent.[238] He also challenged articles seven through twelve and part of thirteen on the ground that the acts charged were committed, if at all, prior to his appointment as a court of appeals judges.[239]

The Managers argued in their brief that impeachment may be had for less than indictable conduct.[240] Counsel for Archbald argued to the contrary, based upon a study of the most current English precedents.[241] It was argued that, at the very least, conduct of a criminal nature must be found. In response, Representative John W. Davis, a House Manager, argued that such a standard gives the prosecution nothing to fear because "[i]f the phrase 'criminal in nature' means those things which might be made crimes by legislative prohibition, every act here charged against this respondent comes within the description." [242]

The trial, which was sparsely attended by senators,[243] resulted in a vote of guilty on the first, third, fourth, fifth and thirteenth articles, and Archbald was removed from office.[244] In addition, the Senate voted to disqualify him from holding future office.[245]

Following the vote a number of Senators filed opinions explaining their votes. Some stated that they thought criminality was the standard for removal; [246] some only voted guilty where they thought the offenses, as proven, constituted "high crimes or misdemeanors," and had voted not guilty where the charge involved only misconduct.[247] Others [248] said that they had voted not guilty on charges in which proof of evil intent was lacking, and yet a few others said they had voted guilty on any charge involving less than good behavior.[249]

J. George W. English

On January 13, 1925, Representative Harry B. Hawes of Missouri introduced a resolution calling for an investigation of charges made in the *St. Louis Post-Dispatch* against Judge George W. English, a United States Judge for the Eastern District of Illinois.[250] A subcommittee of the House Judiciary Committee was appointed to investigate, and it presented its report on March 25, 1926.[251] This report consisted of a review of the evidence uncovered, the subcommittee's views on the law of impeachment, and a resolution containing five articles of impeachment.[252] The report was adopted on April 1, 1926, by a vote of three hundred and six to sixty-two.

The first article accused him of having disbarred several attorneys without notice or hearing, and of using his power to summon people in order to harass, threaten and oppress. The second article cited him for managing the bankruptcy affairs of his court for the personal benefit of himself and a certain referee. The third charged unlawful and intentional favoritism in the appointment of receivers and other practices, including his acceptance of a cash "gift" from one of his appointees. The fourth article alleged corrupt practices in the handling of the funds of bankrupt companies before his court, including an agreement to deposit funds in a particular bank which agreed, in turn, to employ his son. The last article alleged several instances wherein the judge had displayed unlawful, intentional and corrupt favoritism in his appointments, rulings and decrees.

On November 4, 1926, prior to the commencement of his trial, Judge English tendered his resignation to President Calvin Coolidge, who accepted it immediately. On November 10 the House Managers presented this information to the Senate, and subsequently recommended that the proceedings be discontinued.[253] On December 13, 1926, the Senate, by a vote of seventy to nine, ordered the proceedings discontinued.

K. Harold Louderback

In May, 1932, the San Francisco Bar Association wrote President Herbert Hoover concerning the conduct of Harold Louderback, a United States district judge in California. The letter contained references to various newspaper articles about the judge.[254] The matter was promptly transferred to the Attorney General's office which, in turn, referred it to the House Judiciary Committee. On May 26, 1932, Representative Fiorello LaGuardia of New York introduced a resolution calling for the designation of a special committee to inquire into the official conduct of the judge.[255] A special committee was appointed; it held hearings, conducted an investigation, and reported that the evidence failed to show that impeachment was warranted.[256] A minority of the committee, led by Representative Hatton W. Sumners of Texas, recommended impeachment. On February 24, 1933, after debating the two recommendations, the House passed a substitute resolution, stating, in part, that "Harold Louderback . . . be impeached of misdemeanors in office." [257] The resolution recited five articles of impeachment.[258]

The first article charged that the judge, at the instance of a party to whom he was

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Footnotes at end of article.

indebted, by using promises of higher fees and threats of lower allowances, sought to force a court appointed receiver to designate as his counsel an attorney of the judge's choosing and that, not meeting with success, he "willfully" discharged the receiver. The article also charged that Louderback violated the law by establishing a fictitious residence, that he had done so to effectuate the removal of a case in which he shortly expected to be involved, and that he unlawfully registered to vote at this residence—an act which constituted a felony. Article two charged him with unlawfully granting excessive allowances to a receiver and, "contrary to the law," making an order requiring the receiver to pay certain sums over to an Insurance Commissioner conditional on the Commissioner's promise not to appeal from the allowances the judge had granted to the receiver. The third article charged that he appointed an incompetent receiver "in disregard of the rights" of litigants in his court and that he refused to allow a hearing on the subject, depriving interested parties of an opportunity to be heard. The fourth article charged that he "willfully and unlawfully" granted an improper application appointing a personal friend as receiver of a holding company, and that solely because of this appointment, a petition in bankruptcy was filed against the company. Article five charged that he was guilty of "a misdemeanor in office" as shown by his past conduct, including his methods for appointment of incompetent receivers, which practices led to widespread fear that cases in his court were decided with partiality and prejudice.

On April 11, 1933, Louderback answered the charges. He contended that the offenses, even if true, did not constitute impeachable conduct. He specifically objected to the vagueness of article five, as a result of which Manager Sumners consented to have the House revise the article. A month later, he presented a detailed charge. Nevertheless, objections in the form of a motion to strike or make more definite were again made to article five.[259] In addition to an objection based on vagueness, it was argued that certain offenses not committed in his present office were not within the Senate's jurisdiction in an impeachment proceeding. The House again amended article five, after which Louderback filed an answer. During the trial which followed, a dispute arose as to whether or not it was proper for the Managers to introduce evidence of orders made by Louderback when he was a state court judge. This evidence was intended to show that even at that time he had appointed the same close friends as appraisers. The evidence was accepted and upon the conclusion of the evidence, the following question was put to each Senator: "Senator, how say you? Is the respondent, Harold Louderback, guilty or not guilty as charged in this article?" On the call of the roll, the necessary two-thirds vote was not attained and Louderback was acquitted on each of the five articles. Indeed, on four of the five articles not even a majority found him guilty.[260]

L. Halsted L. Ritter

In 1929, four years after moving to the State of Florida, Halsted L. Ritter was appointed a United States district judge. In May 1933, a resolution was passed in the House of Representatives directing an investigation into his official conduct.[261] The investigation lasted three years. After its completion, Representative Green of Florida, in January of 1936, rose in the House and said: "I impeach Halsted L. Ritter . . . for high crimes and misdemeanors." [262] He supported his charge by reading from the committee's investigation report, which concluded that the judge's conduct warranted impeachment.[263]

Seven articles of impeachment were prepared and presented to the Senate.[264] The first charged that Ritter was guilty of "misbehavior and of a high crime and misdemeanor in office" resulting from his acceptance of remuneration from a former law partner, who paid it out of an allowance made by Ritter as compensation for services his former partner had rendered in a receivership. The second article charged him with "misbehavior . . . and high crimes and misdemeanors in office" based on a conspiracy with his former law partner and others to place a certain company in receivership and continue it in litigation before his court, and refusal to dismiss the case after the plaintiff had so requested. Article three stated that Ritter was guilty of "a high crime and misdemeanor in office" for violating a section of the Judicial Code making it unlawful for any federal judge to practice law while in office. It charged specifically that after becoming a judge, he wrote to the counsel for a client of his former law firm stating that he would be available for consultation until completion of the matter upon which he was working when he became a judge. It was alleged that the letter spoke of the fee which he should be allowed and that shortly thereafter he accepted a fee in that amount. Article four also charged him with a "high crime and misdemeanor in office" for practicing law, in that he allegedly received compensation for representing a client in a Florida real estate transaction. Articles five and six both charged him with "high crimes and misdemeanors in office" consisting of willful evasion of income tax. Each of these articles cited separate instances in which Ritter had received sums of money and failed to report them in his return. The seventh and last article charged that Judge Ritter was guilty of a "high crime and misdemeanor" in that his offenses were such as to support a reasonable assumption that they would prejudice the public view of the court's fairness. This article also reiterated specific previous charges, such as practicing law while on the federal bench, accepting gratuities in receiverships, and evading the income tax.

In answer, Judge Ritter admitted most of the facts charged but denied any wrongful intent.[265] He said that he had failed to mention the sums in his tax returns because they would simply have been cancelled out by a loss he had sustained in a prior year. He argued that the money he received from his former partner was due and owing to him by way of a prior debt, and he claimed the gratuities he received were innocently accepted. In his closing argument on behalf of the House Managers, Representative Sumners declared that once a substantial doubt as to a judge's integrity arises, he forfeits his right to office and "[i]t is not essential to prove guilt." [266] Sumners pointed out, however, the unavoidability of finding criminality in Judge Ritter's conduct and went to some length to show him as a corrupt and malicious judge.

On April 17, the Senate voted on the articles presented against Judge Ritter.[267] A majority of the Senate found him guilty on the first, second, third, sixth and seventh articles; however, the two-thirds vote of guilty, requisite for removal, was present only on the seventh and last article.[268] Thereupon, a judgment was entered removing him from office. A proposed order to disqualify him permanently from holding public office, however, was voted down unanimously.[269]

In an opinion filed after the vote, Senator Austin stated that the six acquittals could not have fairly added up to a conviction. He contended that under the circumstances, the conviction on article seven was violative of traditional and basic rules of our system of justice.[270] Subsequently, Ritter sued for his salary, charging that the Senate had exceeded its jurisdiction in trying and convicting him on charges which were not impeachable offenses under the constitution. The court of claims, however, dismissed the case, stating that the Senate has sole jurisdiction in impeachments.[271]

IV. AN INTERPRETATION OF THE IMPEACHMENT PROVISIONS

The debates at the Constitutional Convention of 1787 show that the impeachment provisions contained in the Constitution were not hastily arrived at, but rather evolved over a period of months and were the subject of extensive consideration. In formulating the provisions, the framers were very much concerned with maintaining the independence of the executive and judiciary while at the same time establishing a procedure for removing public officials when the public security required it. They rejected the British system of "address" as a means of removing judges and the use of the word "maladministration" as a ground for impeachment, in both instances because of their concern that the judiciary or executive might be rendered subservient to the Congress.[272] They designed the impeachment provisions as a safeguard against having to continue in public office persons guilty of circumscribed conduct, namely "Treason, Bribery, or other high Crimes and Misdemeanors." In an effort to assure that the power of impeachment would be fairly used, they required that the accused official be given a trial and that the judges, the Senators, take an oath to hear and try the case impartially. To limit the possibility of abuse of the impeachment power, each house of Congress was given a check over the other. The House of Representatives could not convict or remove an officer but could only initiate impeachment proceedings. Although the Senate could convict and remove, it could not act unless the House of Representatives had exercised its initiative. Even then, however, one-third plus one of the members of the Senate could prevent a conviction. Moreover, if a conviction were entered, the punishment was limited to removal from office and disqualification from holding public office in the future.[273] Punishment that might attach to the offense as a result of statutory law could be imposed only by the ordinary courts after indictment, trial and conviction.

To a large extent, the debates at the Constitutional Convention with regard to impeachment centered around the Presidency. The founders debated the propriety of making the chief executive, who was to serve for a fixed term, subject to impeachment. Some expressed the view that impeachment was unnecessary in the case of an officer serving a fixed term, since his electors would give their judgment about his conduct at election time. Others, however, were of the opinion that there were certain types of acts which might be committed by a public official, including the President, which would dictate his removal prior to that time. Among the acts that various delegates suggested as justifying impeachment were treason, bribery, corruption, misfeasance, malpractice, incapacity, neglect of duty, tyrannical and oppressive acts, "great crimes" and "great and dangerous offenses." These suggestions were made at various times during the Convention debates but before the "high Crimes and Misdemeanors" expression was suggested by George Mason on September 8, 1787. While unfortunately, there was no discussion as to the meaning of that expression, it seems clear from the references to British removal practices and the trial of Warren Hastings that it was taken from the parliamentary law.

In attempting to delineate the meaning of "high Crimes and Misdemeanors," reference to English impeachments is helpful and necessary. It is noteworthy that the grounds for impeachment in most English cases charged treason, conduct in the nature of treason, criminal and corrupt acts, or goss

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abuse of one's official powers. While conduct in violation of statutory or common law was involved in many cases, it does not appear that a violation of the positive law was essential to impeachability.[274] The English cases, on the other hand, furnish little precedent for impeaching an official for conduct not constituting either a crime or gross abuse of official duties.

Although the "high Crimes and Misdemeanors" terminology was not used in any of the early state constitutions, the grounds specified in many of those constitutions seemed to involve conduct associated with the duties of public office. "Maladministration," a frequently used ground was defined in early dictionaries as mismanagement of one's office.[275]

The wording of the impeachment provisions themselves suggests that the framers contemplated that impeachable offenses would include crimes. For example, cases of impeachment are excluded from the President's pardoning power for "offenses against the United States," and cases of impeachment are excluded from the requirement that "the trial of all crimes . . . shall be by jury." Moreover, the expression "other high Crimes and Misdemeanors" appears in juxtaposition to the crimes of "Treason" and "Bribery," suggesting by the use of the word "other" that it would involve matters of a similar grave nature. While the term "Misdemeanor" was, as now, used in one sense to delineate a form of crime that is not a felony,[276] the use of the word "Crime" in Article II, Section 4, would seem to encompass both felonies and misdemeanors. Consequently, it may be argued that "Misdemeanors" was intended to embrace more than criminal conduct; otherwise, its use is superfluous.

If viewed in its component parts, "other high Crimes and Misdemeanors" is susceptible to another construction: Since a "Crime" is a violation of an established law and since the prefix "high" denotes a grave violation, the expression "high Crimes" arguably covers serious criminal conduct, whether or not connected with the exercise of an office. The term "Misdemeanor" was also intended to be modified by the word "high." It would be illogical to limit impeachment to "high Crimes" and yet have it available for any misdemeanor. Moreover, if Article II, Section 4 is considered in connection with the debates, it becomes clear that the words following "other" were meant to cover offenses of a magnitude similar to "Treason" and "Bribery." In looking at the meaning of "high Misdemeanor," one finds it defined as "maladministration."[277] Yet, if this be so, why was that term rejected in favor of "high Crimes and Misdemeanors." An answer is that "maladministration," unlike "high Misdemeanors," was not a term of art and therefore was open to broad and dangerous interpretations. However, a search for the meaning of "high Crimes and Misdemeanors" from the words themselves ignores the important fact that the expression was taken bodily from parliamentary usage in England.

The debates at the Constitutional Convention and in the state ratifying convention reveal that the primary concern of the framers was *not* acts that could be committed by any citizen, but rather acts associated with the exercise of a public trust that could endanger the nation. Thus, on July 20, in arguing that the President ought to be impeachable, Madison declared: "He might pervert his administration into a scheme of peculation or oppression. He might betray his trust to foreign powers." Randolph asserted: "The Executive will have great opportunities of abusing his power; particularly in time of war when the military force, and in some respects the public money will be in his hands." Morris, who gradually came around to the view that impeachment was necessary, observed that the President "may be bribed by a greater interest to betray his trust; and no one would say that we ought to expose ourselves to the danger of seeing the first Magistrate in foreign pay without being able to guard [against] it by displacing him."[278] On the day he offered the "high Crimes and Misdemeanors" language, Mason stated that treason as defined in the Constitution might not include other "attempts to subvert the Constitution." James Iredell of North Carolina said in his state's ratifying convention: "[T]he occasion for its exercise will arise from acts of great injury to the community, and the objects of it may be such as cannot be easily reached by an ordinary tribunal." A common point made during the discussion of the subject in the Virginia, North Carolina and South Carolina conventions was that impeachment was an essential safeguard against a public officer betraying his trust with grave consequences to the country.

The author's examination of the debates at the Constitutional Convention and in the state ratifying conventions indicates that "Treason, Bribery, or other high Crimes and Misdemeanors" were to be the grounds of impeachment applicable to *all* officials subject to impeachment, including judges. There is no evidence from the debates that the "good Behaviour" provision was intended. either directly or indirectly, to furnish an independent or additional ground for impeachment in the case of judges, or to be read in conjunction with Article II, Section 4, in such cases. "Good Behaviour" was an expression of "tenure," used to secure the independence of the judiciary.[279]

As Hamilton stated in number seventy-eight of *The Federalist:*

"The standard of good behavior for the continuance in office of the judicial magistracy, is certainly one of the most valuable of the modern improvements in the practice of government. In a monarchy it is an excellent barrier to the despotism of the prince; in a republic it is a no less excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any government, to secure a steady, upright, and impartial administration of the laws.[280]"

Later in that paper he said:

"[A]s nothing can contribute so much to [the judiciary's] firmness and independence as permanency in office, this quality may therefore be justly regarded as an indispensable ingredient in its constitution, and, in a great measure, as the citadel of the public justice and the public security.[281]"

At the Constitutional Convention the delegates discussed only two methods by which judicial tenure could be forfeited: impeachment on stated grounds; and the British system of address, which allowed for removal on grounds not warranting impeachment. In rejecting the system of removal by "address," the debates make clear that impeachment for "Treason, Bribery, or other high Crimes and Misdemeanors" were to be the only means and grounds by which the legislative branch could remove judges. In this regard, it is significant that in past American impeachment trials the House of Representatives has not couched its charges except in terms of "high Crimes and Misdemeanors," believing it necessary to use some form of the words "Treason, Bribery, or other high Crimes and Misdemeanors." The implication is that in the view of past Congresses, no standard other than those contained in Article II, Section 4, could stand as a separate and additional ground for impeachment.

The use of "during good behavior" can be viewed as the framers' way of saying that judges, unlike other public officers, have a lifetime tenure but, like other civil officers, may be impeached. If "bad behavior" is a standard of impeachment, it must be found as part and parcel of the grounds specified in Article II—irrespective of whether an officer serves for a fixed term or during good behavior. There is no indication from the debates that "Treason, Bribery, or other high Crimes and Misdemeanors" were meant to be synonymous with "bad behavior," an expression so vague that had it been suggested, it undoubtedly would have met the same fate as "maladministration."

Turning to the American impeachment cases for guidance in interpretation it is noteworthy that the charges have ranged from offenses of mere intemperate behavior to criminality and have involved misconduct both on and off the bench. Since an impeachment proceeding involves charges which must be proven after a trial by the Senate, an acquittal may mean that the charges were not proven or, if proven, did not amount to impeachable offenses in the opinion of the Senate. Aside from political motivations, an adjudication by the Senate means that the accused has been proven guilty of conduct which, in the opinion of the Senate, warrants removal under the Constitution. For that reason, the convictions are more instructive than the acquittals. In examining the four cases resulting in convictions, it will be noted that Judge Pickering was convicted of statutory, though non-indictable, violations and of conduct committed in the exercise of official duties. Judge Humphreys was convicted of treasonous-like conduct.[282] The value of these cases as precedents, however, is somewhat diminished by the fact that neither accused defended himself, either in person or by counsel.

While the convictions of Judges Archbald and Ritter are regarded as senatorial precedents for impeaching judges for a general course of misconduct, whether or not indictable and whether or not connected with the exercise of official duties, they are subject to other and more narrow interpretations. It is suggested that the Archbald case stands simply for the proposition that a judge who willfully, corruptly and improperly uses the power of his office for personal gain is subject to impeachment. Judge Ritter, on the other hand, was convicted on an article which incorporated charges including statutory violations and criminal offenses. Although he was acquitted on those charges, it can be argued that fifty-five of the fifty-six Senators who found him guilty on the general article did so only because it incorporated specific charges of which they believed him guilty and on which they had previously voted guilty.

On the basis of his study, the author has concluded that it is not essential to impeachability that an act be indictable or violate a specific statutory provision. In framing the impeachment provisions, the concern of the framers was not limited to crimes of which private citizens and public officials could be equally guilty. Had that been their concern, impeachment might not have been necessary, as such offenses could be handled by the ordinary courts. What the framers seemed greatly concerned about during their discussion of impeachment was the abuse or betrayal of a public trust, offenses peculiar to public officials. This was made manifest by two decisions in particular: their rejection of the judiciary and the substitution of the Senate as the trial body; and their limitation of the punishment that could be imposed to removal from office and future disqualification. The debates reveal that the framers were heavily motivated in fashioning the impeachment provisions by the possibility of tyrannical, oppressive, corrupt and willful use of the power connected with a public office. Offenses of this character, involving as they do the highest officers of the country, required a special forum. As Montesquieu, whose views had a profound impact on the framers, said in his classic *The Spirit of Laws:*

Footnotes at end of article.

"It might also happen that a subject entrusted with the administration of public affairs, may infringe the rights of the people, and be guilty of crimes which the ordinary magistrates either could not or would not punish. But, in general, the legislative power cannot try causes; and much less can it try this particular case, where it represents the party aggrieved which is the people. It can only therefore impeach. But before what court shall it bring its impeachment; must it go and demean itself before the ordinary tribunals which are its inferiors, and being composed moreover of men who are chosen from the people as well as itself, will naturally be swayed by the authority of so powerful an accuser? No; in order to preserve the dignity of the people, and the security of the subject, the legislative part which represents the people, must bring in its charge before the legislative part which represents the nobility, who have neither the same interests, nor the same passions.[283]

Richard Wooddeson, the English historian, stated in his lectures at Oxford in 1776 that:

It is certain that magistrates and officers entrusted with the administration of public affairs may abuse their delegated powers to the extensive detriment of the community and at the same time in a manner not properly cognizable before the ordinary tribunals. The influence of such delinquents and the nature of such offenses may not unsuitably engage the authority of the highest court and the wisdom of the sagest assembly. The Commons, therefore, as the grand inquest of the nation, became suitors for penal justice and they can not consistently, either with their own dignity or with safety to the accused, sue elsewhere but to those who share with them in the legislature.

On this policy is founded the origin of impeachments, which began soon after the constitution assumed its present form.[284]

He observed that "[s]uch kind of misdeeds, however, as peculiarly injure the commonwealth by the abuse of high offices of trust, are most proper—and have been the most usual—grounds for this kind of prosecution." [285]

A limitation of impeachment to indictable crimes was not, in the author's opinion, the intent of the framers and is not a proper interpretation of the constitutional provisions. On the other hand, the extension of impeachment to non-indictable offenses not connected with the use of official power was not within the intendment of the framers and is not supported by English impeachment precedents.

To be impeachable, an act must fall within one of two categories. It must violate some known, established law, be of a grave nature, and involve consequences highly detrimental to the United States. In the alternative, it must involve evil, corrupt, willful, malicious or gross conduct in the discharge of office to the great detriment of the United States. Acts which result from error of judgment or omission of duty, without the presence of fraud, or from the misconception of duty, without the presence of a willful disregard, are not impeachable.[286] Acts of a non-indictable nature outside of one's office, such as writing books and articles, associating with persons and organizations engaged in questionable activities, delivering speeches of a political nature, and engaging in conduct which some view as socially and morally objectionable are not properly within the scope of impeachment. Indeed, it would be incongruous to find an official exercising constitutional rights of speech and association guilty of "high Crimes and Misdemeanors" against the United States. When a public official engages in private, independent conduct, he is subject to the positive laws as any other citizen, except that if he commits a "high crime, he is subject to the additional punishment of impeachment and removal from office.

In a nation which espouses the rule of law and which abhors bills of attainder and *ex post facto* laws, it certainly would be desirable to define by statute all the acts constituting "high Crimes and Misdemeanors." However, since power can be corruptly used in so many different ways, it would be a difficult, if not impossible, task to carve out for every office whose occupant is subject to impeachment, including that of the Presidency, a satisfactory body of laws describing everything that is permissible and impermissible. Many of the powers that attach to a public office must, of necessity, involve discretion. If statutes were enacted,[287] they would have to be of a general nature so as not to restrict the freedom of action and latitude that a public official requires in the discharge of his office. The benefits that might follow from the establishment of such a body of law would seem to be outweighed by the risks to freedom of action that would be incurred.

While the potential for abuse of the impeachment power may exist in any standard which permits impeachment for non-statutory offenses, this must be balanced against the potential danger to the nation arising from abuse of an official's power. Unless one found a violation of some specific provision of law, we would be powerless to remove from office a public official who willfully, corruptly, recklessly and maliciously used his power to the great injury of the country. In this connection, it is important to note that the construction which is given to the impeachment provisions applies to every official—Presidents as well as judges. As was stated by John W. Davis at the Archbald impeachment trial:

"I say that a judge need take as the guide of his conduct only the statutes and the common law with reference to crimes, and that so long as he remains within their narrow confines he is safe in his position, is to overlook the larger part of the duties of his office and of the restraints and obligations which it imposes upon him. We insist that the prohibitions contained in the criminal law by no means exhaust the judicial dialogue. Usurpation of power, the entering and enforcement of orders beyond his jurisdiction, disregard or disobedience of the rulings of superior tribunals, unblushing and notorious partiality and favoritism, indolence and neglect, all are violations of his official oath, yet none may be indictable.[288]"

The standard for impeachment suggested by this article does not totally eliminate the possibility of congressional abuse of this power. In contrast, the potential harm which can be caused by the abuse of power lodged in the hands of a single public official should not be minimized. It is suggested that the probability of abuse of power is greater where power is concentrated than where it is diffused among many. Furthermore, while the Constitution stated that the House has the sole power to impeach and the Senate the sole power to try, it can be argued that the Supreme Court has, as in the case of other legislative acts, the power to declare that a particular act does not constitute a "high Crime and Misdemeanor" and, therefore, that Congress has exceeded its power in removing an official.[289]

The suggestion made during the current session of Congress that an impeachable offense is whatever a majority of a particular Congress says it is, after the fact, is not only unsupported by the Constitution but it is a dangerous doctrine.[290] If accepted, it would not only pose a serious threat to the independence of the other branches of government but it might gravely limit the freedom which public officials require in discharging the duties of office. Indeed, as applied to judges, it would be tantamount to amending the Constitution by legislative *fiat* so as to provide for the procedure of address—a procedure specifically rejected at the Constitutional Convention as seriously encroaching upon the independence of the judiciary.

While the conduct of judges and other public officials should reflect favorably on the institutions of which they are members, the failure to maintain such conduct, if it does not involve an indictable offense or a willful or corrupt use of power, is not a ground for impeachment. The benefits that might be derived from dealing with personal misconduct of a non-indictable nature and not related to the exercise of official power clearly are outweighed by the risks that would be incurred by giving Congress power to impeach for any reason whatsoever. The remedy for correcting the failure of officials to maintain the highest standards of conduct may be in improving the appointive process, and in other restraints that presently exist within our system through the influence of public opinion, colleagues, members of other branches of government, and bar associations. If experience demonstrates that additional legal restraints are necessary, there may be areas where legislation can be passed, and if it becomes essential, the Constitution can be amended.[291]

Impeachment should be resorted to only for cases of the gravest kind. The process of removing should be made as difficult as possible, though not to the extent of leaving the nation powerless to remove an official who betrays his public trust. If there be any doubt as to the gravity of an offense or as to an official's conduct or motives, the doubt should be resolved in his favor. In the author's opinion, this is the necessary price for having an Independent Judiciary and Executive. Tampering with that price by seeking to broaden the impeachment power invites the use of power "as a means of crushing political adversaries or ejecting them from office." [292] Nothing could be more destructive of our system of government.

FOOTNOTES

*Member of the New York Bar. The author wishes to express his deep appreciation to Associate Editor Robert Quinn of the Fordham Law Review and to Edward Yodwitz, Esq. of his firm for their excellent research and drafting assistance, without which this article would not have been possible.

[1] CONGRESSIONAL RECORD, volume 116, part 9, page 11912.

[2] Ginzburg v. Goldwater, 396 U.S. 1049 (1970), denying cert. to 414 F. 2d 324 (1969).

[3] Professor Leonard F. Manning's review of this book is contained in this issue of the Fordham Law Review.

[4] This statute provides: "Any justice or judge appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor." 28 U.S.C. § 454 (1964).

[5] CONGRESSIONAL RECORD, volume 116, part 5, page 11913. A legal memorandum subsequently submitted by Representative Ford from the distinguished Michigan law firm of Dykema, Gossett, Spencer, Goodnow & Trigg, concluded that "it is the conscience of Congress—acting in accordance with the constitutional limitations—which determines whether conduct of a judge constitutes misbehavior requiring impeachment and removal from office." Special Subcomm. in H.R. 920 of the House Comm. on the Judiciary, 91st Cong., 2d Sess., Legal Materials on Impeachment 23 (1970).

[6] H.R. Res. 920, 91st Cong., 2d Sess. (1970). More than one hundred members of the House of Representatives have introduced resolutions calling for the appointment of a Select Committee to investigate the conduct of Justice Douglas. See First Report by the Special Subcomm. on H.R. 920 of the House Comm. on the Judiciary, 91st Cong., 2d Sess. 44–50 (1970).

[7] The Subcommittee consists of Representatives Emanuel Celler of New York, its chair-

man; Byron G. Rogers of Colorado; Jack B. Brooks of Texas; William M. McCulloch of Ohio; and Edward Hutchinson of Michigan. On June 20, 1970, the Subcommittee submitted its first report. See note 6 supra. On August 11, 1970, it submitted a collection of legal materials on impeachment. See note 5 supra.

[8] The subcommittee was originally scheduled to complete its investigation by June 24. The deadline has been extended at the subcommittee's request, reportedly because of its inability to obtain requested information from various departments of the executive branch. See N.Y. Times, Aug. 24, 1970, at 19, col. 3.

[9] An impeachment proceeding may be started by charges on the floor of the House of Representatives against a public official by a member of the House. It may also be initiated by a presidential message, a state legislature, a petition, or a memorial containing charges under oath. Once charges are preferred, a standing or special committee of the House is designated to investigate and report. The official under investigation may be given an opportunity to appear at the committee hearings to testify, present evidence, and cross-examine witnesses. When the committee concludes its investigation, its report is acted upon. If the report recommends impeachment, it will set forth a proposed resolution containing the articles (charges) of impeachment against the official. If the report is adopted by the House, several Representatives will be designated as Managers to prosecute the case. Subsequently, the House notifies the Senate by message of the impeachment; the Senate notifies the House that it is ready to receive the articles of impeachment; the House-appointed Managers present the articles to the Senate; and the Senate organizes for trial. The impeached official is afforded an opportunity to appear, in person or by counsel, and answer the charges. After the pleading stage, the actual trial begins, at which witnesses are sworn and examined by the Managers and may be cross-examined by the impeached official or his counsel. At the conclusion of the Managers' case, the official may present his defense. Thereafter, a vote is taken on each article of impeachment. Special Subcomm. on H.R. 920 of the House Comm. on the Judiciary, supra note 5, at 1–3.

[10] U.S. Const. art. 1, §§ 2, 3.

[11] Id. § 3.

[12] Treason is defined in U.S. Const. art. 3, § 3, which states: "Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the testimony of two Witnesses to the same overt Act, or on Confession in open Court."

[13] For an excellent book on the subject, see A. Simpson, A Treatise on Federal Impeachments (116) [hereinafter cited as Simpson]. See also 6 C. Cannon, Cannon's Precedents of the House of Representatives of the United States §§ 455–66 (1935) [hereinafter cited as Cannon's Precedents]; W. Carpenter, Judicial Tenure in the United States (1918); 3 A. Hinds, Hinds' Precedents of the House of Representatives of the United States §§ 2008–23 (1907) [hereinafter cited as Hinds' Precedents]; Brown, The Impeachment of the Federal Judiciary, 26 Harv. L. Rev. 684 (1913); Haley, The Impeachment of Federal Officers in United States History, 10 the Historian 135 (1948); Lawrence, The Law of Impeachment, 15 Am. L. Reg. 641 (1867); Potts, Impeachment as a Remedy, 12 St. Louis L. Rev. 15 (1927); Taylor, The American Law of Impeachment, 180 N. Am. Rev. 508 (1905); Thomas, The Law of Impeachment in the United States, 2 Am. Pol. Sci. Rev. 378 (1908).

[14] This article does not deal with the question of whether impeachment is the exclusive method of disciplining federal judges. For authority that Congress has power to establish non-impeachment procedures, such as a special court or commission, see Comment, Removal of Federal Judges—New Alternative to an Old Problem: Chandler v. Judicial Council of the Tenth Circuit, 13 U.C.L.A.L. Rev. 1385 (1966); Comment, Removal of Federal Judges—Alternatives to Impeachment, 20 Van. L. Rev. 723 (1967); statement of Assistant Attorney General William H. Rehnquist, Hearings on S. 1506 before the Subcomm. on Improvements in Judicial Machinery of the Senate Judiciary Comm., 115 Cong. Rec. 14,909 (June 5, 1969) (remarks of Senator Joseph Tydings). For authority that impeachment is exclusive, see Kurland, The Constitution and the Tenure of Federal Judges: Some Notes from History, 36 U. Chi. L. Rev. 665 (1969); Ziskind, Judicial Tenure in the American Constitution; English and American Precedents, 1969 Sup. Ct. Rev. 135; Comment, Courts—Judicial Responsibility—Statutory and Constitutional Problems Relating to Methods for Removal or discipline of Judges, 21 Rutgers L. Rev. 153 (1966); Comment, The Chandler Incident and Problems of Judicial Removal, 19 Stan. L. Rev. 448 (1967). See generally Kramer & Barron, The Constitutionality of Removal and Mandatory Retirement Procedures for the Federal Judiciary; The Meaning of "During Good Behaviour," 35 Geo. Wash. L. Rev. 455 (1967); Otis, A Proposed Tribunal: Is it Constitutional?, 7 U. Kan. City L. Rev. 3 (1938); Shartel, Federal Judges—Appointment, Supervision, and Removal—Some Possibilities Under the Constitution (pts. 1–3), 28 Mich. L. Rev. 485, 723, 870 (1929–1930); Note, The Exclusiveness of the Impeachment Power Under the Constitution, 51 Harv. L. Rev. 330 (1967). See also the authorities referred to in note 286 infra. In a dissent to the Supreme Court's June 1, 1970 decision in Chandler v. Judicial Council of the Tenth Circuit, 398 U.S. 74 (1970), Justices Douglas and Black stated their view that impeachment is "the only leverage" under the Constitution against a judge. "If they break a law, they can be prosecuted. If they become corrupt or sit in cases in which they have a personal or family stake, they can be impeached by Congress." Id. at 140. See their dissent in the earlier decision in Chandler v. Judicial Council of the Tenth Circuit, 382 U.S. 1003, 1004–06 (1966). For an interesting view of how Congress could "modernize" the impeachment process, see Stolz, Discipling Federal Judges: Is Impeachment Hopeless?, 57 Calif. L. Rev. 659 (1969).

[15] It has been observed that the origins of impeachment can be traced to the Athenian Constitution. Upon leaving office, public officials in Athens were subject to an examination in law courts composed of citizens who acted as judges, in panels, and who were enrolled by lot. The people were given an opportunity to bring charges against the officials in these courts, which were known as the "heliaea." Mr. Hart, The Origin of the Constitution of the United States of America 19, April 25, 1927 (unpublished thesis in Boston College Library). Some English historians trace the origin of impeachment to the early criminal procedures of conviction by record and conviction by notoriety. See Plucknett, The Origin of Impeachment, 24 Royal Historical Soc'y Transactions 47 (4th ser. 1942).

[16] 4 Hatsell's Precedents of Proceedings in the House of Commons 62–63, 73–74 (1796) [hereinafter cited as Hatsell]; 1 H. Taylor, The Origin and Growth of the English Constitution 441 (1889) [hereinafter cited as Taylor].

[17] 1 Tayor 517.

[18] The Commons impeached Richard Lyons for certain misdemeanors in removing the staple of wool from Calais (see 1 W. Blackstone, Commentaries 233–34 (Chitty ed. 1851)), lending funds to the Crown at exorbitant interest, and purchasing Crown debts from creditors below value. Latimer and Neville were subsequently impeached on similar charges. See Hatsell 50–51; Simpson 85–86; A. Wilshire, Constitutional History 43 (1929).

[19] Simpson 85.

[20] Prior to the reign of Henry IV, there were instances of charges being brought against public officials by the Crown, other public officials, lords, commoners, and private citizens. There were also variations in the forum which tried the impeachments. Sometimes the Crown was the trier; at other times, the Crown and the House of Lords; and still other times, various officials. Id. at 5–6; see Hatsell 74–76. In 1387 Richard II (1377–1399) sought and obtained an opinion from the judges that no official or judge could be impeached in Parliament without the will of the King. This opinion was nullified by Parliament during the first year of the reign of Henry IV. Simpson 6–7.

[21] A. Carter, A History of the English Courts 64–65 (1927) [hereinafter cited as Carter]; Hatsell 75.

[22] The House of Commons functioned as prosecutor, appearing by Managers appointed for the trial, who presented the articles of impeachment. Carter 64; G. Cross & G. Hall, The English Legal System 223 (1964) [hereinafter cited as Cross & Hall].

[23] Halsbury's Laws of England 216 n.m. (2d ed. 1937) [hereinafter cited as Halsbury]. In 1388, after convicting five judges, the House of Lords sentenced them to be "drawn and hanged as traitors, their heirs disinherited, and their lands, tenements, goods, and chattels forfeited to the King." Hatsell 54–55. It appears that the sentence was commuted to banishment to Ireland. Simpson 88.

[24] Hatsell states that during this period the Commons impeached for treason, misdemeanors, maladministration, and extrajudicial conduct of judges. Hatsell 63; see Simpson 85–90.

[25] Carter 66; Hatsell 78–88. Taylor states that no impeachments occurred between that of Lord Stanley in 1459 and Sir Giles Mompesson in 1621—a period of one hundred and sixty-two years. 1 Taylor 442. The Star Chamber's criminal jurisdiction covered everything in which the government felt it was interested. Offenses that would have been subject to impeachment were tried there. Offenses of treason and treasonable practices were punished by bills of attainder. Hatsell 66. Attainder enabled Parliament to punish a man without a trial, avoiding the difficulty of proving a crime. See Carter 67; A. Wilshire, supra note 18, at 59. The procedure was successfully employed against Lord Strafford in 1641. Cross & Hall 224. It is said that Lords would not have been able to convict him because of lack of proof, but they were willing to vote for a bill of attainder because they were convinced in conscience of his guilt. Id.; Taswell Langmead's English Constitutional History 530–31 (11th ed. T. Plucknett (1960)) [hereinafter cited as Plucknett].

[26] Simpson 88. Taylor, The American Law of Impeachment, 180 N. Am. Rev. 502, 504 (1905), refers to impeachments between 1621 and 1805 as the "political impeachments."

[27] Simpson 88.

[28] Hatsell 64. This stand was later rejected in 1709, when the Lords resolved that they would try cases of impeachment "according to the law of the land, and 'the law and usage of Parliament.'" Id. at 282–83.

[29] Dwight, Trial by Impeachment, 15 Am. L. Reg. 257, 274 (1867).

[30] Simpson 105–09.

[31] Hatsell 397. The ship money incident involved a dispute between the King and Parliament. In 1628 Charles I consented to the Petition of Right, which prohibited the imposition of a tax without the consent of Parliament. Charles, having disbanded Parliament and in need of funds, sought to raise revenue by requiring both port and inland counties to provide an amount to maintain

and repair the King's ships. The issue of whether this was a tax or a customs duty came before the courts which upheld the "tax," finding that the King's prerogative was superior to statute. When the Long Parliament came to power, it passed an act declaring the judgment void. Those judges who had supported the King were impeached for their "ship money" opinions. See E. Haynes, Selection and Tenure of Judges 60–67 (1944) [hereinafter cited as Haynes]; F. Maitland, The Constitutional History of England 307–08 (1926).

[32] For one whole term subsequent to his impeachment he continued to hold court. Dwight, supra note 29.

[33] Hatsell 113.

[34] Id. at 114; Simpson 130.

[35] See Hatsell 115–16; Simpson 135. "Tumultuous Petitioning" was by statute a misdemeanor. It was committed when more than twenty persons signed a petition to the Crown or Parliament to change the law, without obtaining prior approval from three judges or the grand assizes of the petition's contents. See Black's Law Dictionary 1685 (4th ed. 1951).

[36] See Simpson 136–39.

[37] Id. at 81–188. Blackstone viewed impeachment as the "trial of great and enormous offenders" (4 W. Blackstone, Commentaries 256 (4th ed. 1770)) who had seriously breached a public trust. Id. at 258. Professor Richard Wooddeson agreed, finding that the Lords should try the case since the influence of the accused official might obstruct the administration of justice in the ordinary courts. 2 R. Wooddeson, A Systematical View of the Laws of England 611 (1792). For other views of this author, see note 284 and accompanying text infra.

[38] The convictions are those of the Earl of Suffolk, Chancellor, in 1386 (depriving the Crown of revenue and improper use of tax funds); Sir Henry Yelverton, Attorney General, in 1621 (acting without authority in office and neglect to office); Lord Treasurer Middlesex in 1624 (bribery and corruption in office); Sir Edward Herbert in 1642; George Benyon in 1642 (formulating a seditious petition); Sir Richard Gurney, Mayor of London, in 1642 (circulating illegal proclamations); Nine Lords at York in 1642 (support of the King in his determination to wage war on Parliament); John Goudet and others in 1698 (trading with the enemy in wartime); John Aurioll and John Du Maistre in 1698 (trading with the enemy in wartime); Henry Sacheverell in 1710 (speeches against the government); and Earl of Macclesfield, Lord Chancellor, in 1725 (extortion and sale of judicial offices). Simpson 86–167. Those cases charging "high crimes and misdemeanors" but not listed by Simpson as resulting in a conviction are: Bishop Wren in 1640 (unlawful innovations and restrictions upon religious practices); Richard Spencer in 1642; Sir Edward Dering in 1642 (formulating and circulating a seditious petition); Sir Thomas Gardiner in 1642 (enforcement of the illegal ship money tax and preventing the filing of lawful petitions); Henry Hastings and others in 1642 (inciting an unlawful assembly of three hundred armed persons); Lord Viscount Mordaunt in 1666 (illegally confined and refused to accept bail in Tayleur's case, thereby preventing Tayleur voting in Parliament); Peter Pett, Commissioner of the Navy, in 1668 (violation of orders and negligent command, causing the loss of Crown ships); Sir William Penn, Vice Admiral of His Majesty's fleet, in 1668 (fraud and embezzlement of cargo); Earl of Orrery in 1669; Sir Francis North, Chief Justice of the Common Pleas, in 1680 (drawing and passing an illegal petition); Duke of Leeds in 1695 (sale of his official influence); Earl of Portland in 1701; Earl of Oxford in 1701 (conversion of royal funds and property, and giving false advice to the King); Lord Somers, Lord Chancellor of England, in 1701 (giving false advice to the King and unlawfully affixing the Great Seal to treaties and commissions); Lord Halifax, Chancellor of the Exchequer, in 1701 (corruption in misusing Crown assets); Earl of Strafford in 1715 (acting to the detriment of the nation in wartime by consorting with the enemy); Warren Hastings in 1786 (misgovernment and maladministration in India); Lord Viscount Nelville, Treasurer of the Royal Navy, in 1806 (misappropriation of public funds). Id. at 111–90.

"[I]n applying the term 'high crimes and misdemeanors' to the conduct of English judges, [the Commons] only included in that category such acts as a judge performs while sitting upon the bench, administering the laws of the realm . . . . Excepting bribery, there is no case in the Parliamentary law of England which gives color to the idea that the personal misconduct of a judge, in matters outside of his administration of the law in a court of justice, was ever considered or charged to constitute an impeachable high crime and misdemeanor." Taylor, The American Law of Impeachment, 180 N. Am. Rev. 502, 506 (1905) (emphasis deleted). See Dwight, supra note 29, at 264, concluding that the "weight of authority is, that no impeachment will lie except for a true crime, or, in other words, for a breach of the common or statute law . . . ."

[39] Macaulay's Essay on Warren Hastings 175 (M. Frick ed. 1900) [hereinafter cited as Macaulay].

[40] See 3 G. Gleig, Memoirs of Warren Hastings 283–85 (1841) [hereinafter cited as Gleig]; P. Marshall, The Impeachment of Warren Hastings (1965) [hereinafter cited as Marshall].

[41] Marshall 56–58.

[42] Id. at 19–20.

[43] Id. at 58.

[44] Gleig 332–33; Macaulay 171–78; L. Trotter, Warren Hastings 234–37 (1910). After two days of reading the charges and answers, Burke then consumed four days with his opening speech. He concluded by stating: "I impeach Warren Hastings of high crimes and misdemeanors. I impeach him in the name of the Commons' . . . the English nation . . . the people of India . . . in the name of human nature itself . . . I impeach the common enemy and oppressor of all!" Macaulay 179–80.

[45] Marshall 85. Early in the trial a dispute between the Managers and the defense arose as to whether, in deciding the case, the Lords were bound either by the laws of Parliament or by the laws as observed in other courts. They resolved that they "intended to follow contemporary legal practice rather than seventeen century precedents." Id. at 64, 69.

[46] When judges were appointed during good behavior, the means available for their removal were: "In cases of misconduct not extending to a legal misdemeanour, the appropriate course appears to be by scire facias to repeal his patent, 'good behaviour' being the condition precedent of the judges' tenure; secondly, when the conduct amounts to what a court might consider a misdemeanour, then by information; thirdly, if it amounts to actual crime, then by impeachment; fourthly, and in all cases, at the discretion of Parliament, 'by the joint exercise of the inquisitorial and judicial jurisdiction' conferred upon both Houses by statute, when they proceed to consider of the expediency of addressing the crown for the removal of a judge." 2 A. Todd, On Parliamentary Government in England 728–29 (1869) (emphasis deleted and footnote omitted) [hereinafter cited as Todd]. See also 6 Halsbury 609.

[47] See Haynes 76–77; O. Phillips, A First Book of English Law 23 (5th ed. 1965). A patent has been defined as a "grant by the sovereign to a subject . . . under the great seal, conferring some authority, title, franchise, or property." Black's Law Dictionary 1282 (4th rev. ed. 1968).

[48] See Haynes 62–67; Plucknett 465.

[49] Haynes 54–55; Plucknett 466. Even after the passage in 1701 of the Act of Settlement, which provided for a term during good behavior, judicial commissions continued to expire upon the King's death. In 1720 the commissions were extended to six months after the King's death. Finally, in 1761 it was provided by statute that commissions survive the death of the King. Haynes 54–55; Todd 726.

[50] Haynes 55

[51] See Cross & Hall 224; H. Hanbury, English Courts of Law 127 (1967) [hereinafter cited as Hanbury]; 2 Taylor 239–42.

[52] [M]anipulations of the bench were possible because judges were ordinarily appointed durante beneplacito and were thus removable at pleasure without assigning any professional default." Plucknett 465.

[53] Id. Coke was responsible for the judges of the exchequer refusing to consult with the King prior to rendering their decision in the "case of Commendams." When chastized by James I for this position, Coke alone defended their refusal. He was then dismissed. When asked "whether in a like case in future he would consult with the king before rendering judgment, in the event his majesty should consider himself interested, nothing more could be drawn from him than the statement that when such a case should arise, he would do what was fitting for a judge to do." 2 Taylor 241; see Plucknett 349–52.

[54] The writ of "scire facias" was used to revoke a patent after a determination was made that the holder had breached the condition upon which he held office, e.g., good behavior. Blackstone states that "where the patentee hath done an act that amounts to a forfeiture of the grant, the remedy to repeal the patent is by writ of 'scire facias' in chancery." 3 W. Blackstone, Commentaries 256 (Christian & Archbald ed. 1825). In England the writ survived until 1947, when it was abolished by the Crown Proceedings Act. O. Phillips, supra note 47, at 24 n.5. Interestingly, the Federal Rules of Civil Procedure, after abolishing the writ, state: "Relief heretofore available by . . . scire facias may be obtained by appropriate action . . . under the practice prescribed in these rules." Fed. R. Civ. P. 81(b).

[55] See Haymes 61–62; McIlwain, The Tenure of English Judges, 7 Am. Pol. Sci. Rev. 217, 221 (1913). In 1672, Sir John Archer, a judge of the common pleas who had been appointed for good behavior, refused to surrender his patent without a "scire facias." Although Charles II directed him to cease exercising his duties, he continued to do so. Id. at 223.

[56] 12 & 13 Will. 3, c. 2, § 3 at 360 (1701). For the text of the Act, see Plucknett 460–66; 2 Taylor 422–23. The Act did not take effect until after the death of Queen Anne in 1714. See Haymes, 78; Plucknett 464. Section 8 of the Act confirmed Parliament's decision in the impeachment of Earl Thomas Osborne of Danby that the King's pardon was not a defense to an impeachment by the Commons. See Plucknett 464, 532–34.

[57] "The grant of an office during good behaviour creates an office for life determinable upon breach of the condition, and behaviour means behaviour in matters concerning the office, except in the case of conviction upon an indictment for any infamous offence of such a nature as to render the person unfit to exercise the office, which amounts legally to misbehaviour though not committed in connection with the office.

"Misbehaviour as to the office itself means improper exercise of the functions appertaining to the office, or non-attendance, or neglect of or refusal to perform the duties of the office." 6 Halsbury 609–10 (footnotes omitted). Accord, Todd 727.

[58] Address is a formal request by Parliament to the King seeking the dismissal of a judge whose conduct, while wrongful, fails to warrant an impeachment trial. See Black's Law Dictionary 60 (4th ed. 1951). Address afforded the two Houses of Parliament "a right

to appeal to the crown for the removal of a judge who has, in their opinion, proved himself unfit for the proper exercise of his judicial office." Todd 729.

[59] See W. Carpenter, Judicial Tenure in the United States 125 (1918). Upon an address by both houses, the Crown was bound by convention to comply with the request. O. Phillips, The Constitutional Law of Great Britain and the Commonwealth 445 (1952). "If there is a failure in the administration of justice, from whatever cause, affecting any judge, both Houses of Parliament may address the crown, to remove that judge from office." 1 Todd 355.

[60] This procedure was used in 1830 against Sir Jonah Barrington, judge of the Court of Admiralty in Ireland, for allegedly appropriating funds belonging to the court, 62 Lords Journ. 599 (1830); A. Gibb, Judical Corruption in the United Kingdom 64, 72 (1957). While address was instituted on other occasions, Barrington's case is the only instance where it was carried to a final conclusion. 6 Halsbury 610–11 nn.d, e & h. Removal by address under the Act of Settlement was first considered in 1805 when Parliament investigated the judicial misconduct of Judge Fox, with a view toward a possible address to the King. Between 1805 and 1867 historian Alpheus Todd records eight instances where a possible address was considered by Parliament. Only in 1830 was it brought to a conclusion when the sovereign, regretting the circumstances giving rise to the address, ordered Barrington removed from office. The only restraints on the employment of address were those Parliament, in exercising its position of trust, chose to impose upon itself. Todd, after reviewing available precedents, found six self-imposed "rules" on the utilization of address: The complaint originated in the House of Commons; the complaint could be initiated in various ways (e.g., by a member, a royal commission or even an individual wronged by the judge); members had to investigate the charges before Parliament decided to investigate; an investigation looking toward an address was only to be taken up if the alleged misconduct justified removal; the accused had to be informed of the charges and given an opportunity to present a defense, and the address to the sovereign had to state the misconduct which in Parliament's opinion rendered the judge unfit for office, so the King might exercise "constitutional discretion" in acting on the request. 2 Todd 729–44.

[61] For a description of the various documents of government used during the colonial period, see L. Labaree, Royal Government in America 1–36 (1930) [hereinafter cited as Labaree].

[62] Id. at 125–26.

[63] O. Dickerson, American Colonial Government 1696–1765, at 197 (1912) [hereinafter cited as Dickerson].

[64] A typical instruction provided: "You shall not displace any of the judges, justices, or other officers or ministers within our said province, without good and sufficient cause to be signified unto us, and to our said commissioners for trade and plantations; and to prevent arbitrary removals of judges and justices of the peace, you shall not express any limitation of time in the commissions you are to grant." Id. at 195 & n.445. See also Labaree 381 n.20, 388–89.

[65] Dickerson 196; Labaree 389–90.

[66] Dickerson 199.

[67] Id. at 208.

[68] See id. at 200–09. In 1759, Pennsylvania passed a law providing for judges to hold their tenure during good behavior and establishing address by the assembly as a procedure for removal. This act was rejected by the British Government. Similar legislation was passed in Jamaica in 1751 and proposed in New York in 1761. Labaree 390–91.

[69] The colonial charters and early state constitutions are reproduced in B. Poore, The Federal and State Constitutions, Colonial Charters, and other Organic Laws of the United States (2d ed. 1868) [hereinafter cited as Poore's Constitutions].

[70] Georgia became bicameral in 1789 and Pennsylvania in 1790.

[71] He was elected by the people in Connecticut, Massachusetts, New Hampshire, New York and Rhode Island. In all of these states except New York, he was chosen by the legislature if he did not obtain a majority of the popular vote.

[72] See, e.g., 1 Poore's Constitutions 275 (Del. Const. (1776)); id. at 826 (Md. Const. (1776); id. at 968 (Mass. Const. (1780)); 2 id. at 1286 (N.H. Const. (1784)); id. at 1336 (N.Y. Const. (1777)); id. at 1412 (N.C. Const. (1776)); id. at 1625 (S.C. Const. (1778)); and id. at 1911 (Va. Const. (1776)).

[73] See 1 id. at 276–77 (Del. Const. (1776)); 2 id. at 1912 (Va. Const. (1776)). The North Carolina Constitution of 1776 provided that officers offending the state through violation of any part of the state constitution, "maladministration," or "corruption" were subject to impeachment. 1 id. at 1413.

[74] 1 id. at 963 (Mass. Const. (1780)); 2 id. at 1286 (N.H. Const. (1784)).

[75] 2 id. at 1337 (N.Y. Const. (1777)); id. at 1624 (S.C. Const. (1778)).

[76] 1 id. at 819 (Md. Const. (1776)); 2 id. at 1312 (N.J. Const. (1776)).

[77] 2 id. at 1545 (Pa. Const. (1776)).

[78] 1 id. at 254 (Conn. Charter (1662)); 2 id. at 1599 (Providence Plantations Charter (1663)).

[79] Delaware, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, South Carolina and Virginia all provided for impeachment in this manner. 1 id. at 276, 964, 1287, 1312; 2 id. at 1337, 1413, 1624, 1912. In New York and South Carolina, a two-thirds vote was required for impeachment.

[80] E.g., Delaware, New Hampshire and New Jersey. Id. at 276, 1286, 1312.

[81] E.g., North Carolina and Virginia. 2 id. at 1413, 1912.

[82] In New York and South Carolina, a two-thirds vote was required. Id. at 1337, 1624.

[83] This was true in Delaware, Massachusetts, New Hampshire, New York and Virginia 1 id. at 275, 963, 1286; 2 id. at 1337, 1912.

[84] This limitation was imposed in Massachusetts, New Hampshire and Pennsylvania. 1 id. at 966, 1285; 2 id. at 1545.

[85] E.g., Delaware, Massachusetts, New Hampshire, and South Carolina. 1 id. at 276, 969, 1290; 2 id. at 1625. In Maryland, a two-thirds vote of both houses was required. 1 id. at 819. In Pennsylvania, judges were removable for "misbehavior" at any time. 2 id. at 1545. Delaware also provided for removal of officers on "conviction of misbehavior at common law. . . ." 1 id. at 276.

[86] In 1786 it was proposed that the Articles be amended to provide, among other things, for a federal court to try and punish all officers appointed by Congress for "all crimes, offenses and misbehavior in their offices." See H. Hockett, The Constitutional History of the United States 1776–1826, at 186 (1939).

[87] The Records of the Federal Convention of 1787, at 21–22 (Farrand ed. 1911 & 1937) [hereinafter cited as Farrand].

[88] Id. at 22.

[89] One copy of his plan, which was transmitted to John Quincy Adams in 1818 by Pinckney himself, referred to "Treason, Bribery or Corruption" as the grounds for presidential impeachment. 3 Farrand 600. Upon seeing this copy, Madison questioned its accuracy. Id. at 601–02. A reconstructed copy of the plan (see id. at 604) prepared by certain scholars refers to "all Crimes . . . in their Offices" as the grounds for impeachment of officers of the United States. Id. at 608.

[90] 1 id. at 69.

[91] Id. at 71.

[92] Id. at 85.

[93] Id. at 86.

[94] Id.

[95] Id. at 88.

[96] Id at 232.

[97] Id. at 244.

[98] Id. at 288.

[99] Id. at 292.

[100] One copy of Hamilton's plan specified the forum as a court consisting of the justices of the Supreme Court plus the chief or senior judge of each state. Another copy confined the court to state judges. See 3 id. at 618–19.

[101] 2 id. at 41–42.

[102] Id. at 39. That good behavior tenure provision was unanmiously agreed to Id. at 38.

[103] Id. at 65.

[104] Id. at 64.

[105] Id at 65.

[106] Id.

[107] Madison also noted that the executive was different from the legislative branch, stating: "It could not be presumed that all or even a majority of the members of an Assembly would either lose their capacity for discharging, or be bribed to betray, their trust." He added that the "difficulty of acting in concert for purposes of corruption was a security to the public." Id. at 66.

[108] Id.

[109] Id. at 67.

[110] Id.

[111] Id.

[112] Id. at 68–69. Earlier in the debate Morris said that corruption and "some few other offenses . . . ought to be impeachable; but . . . the cases ought to be enumerated & defined." Id. at 65.

[113] Id. at 61, 69. No decision was reached as to the forum for trying impeachments. Pinckney, King and Randolph urged that the legislature not be involved, since otherwise the President's independence would be sharply curtailed.

[114] Id. at 95. Its members were John Rutledge of South Carolina, Edmund Randolph of Virginia, Nathaniel Gorham of Massachusetts, Oliver Ellsworth of Connecticut, and James Wilson of Pennsylvania. Id. at 97.

[115] Id. at 116.

[116] Id. at 178–79.

[117] Id. at 185–86. The "treason, bribery, or corruption" language appears to have been taken from a document in the handwriting of Edmund Randolph. Id. at 137 & n. 6.

[118] Id. at 186. Section 4 of this article provided that there was to be no jury in impeachment cases. Section 5 provided that the judgment in cases of impeachment "shall not extend further than to removal from Office, and disqualification to hold and enjoy any office of honour, trust or profit, under the United States. But the party convicted shall nevertheless be liable and subject to indictment, trial, judgement and punishment according to law." Section 2 of Article XI provided that judges of the Supreme Court and of the inferior courts would hold their offices during good behavior. Id. at 186.

[119] Id. at 231.

[120] Id. at 344.

[121] Id. at 367.

[122] Id. at 411.

[123] Id. at 427.

[124] Id. at 428.

[125] Id.

[126] Id. at 429. Wilson noted that Chief Justice Holt "had successfully offended by his independent conduct, both houses of Parliament. Had this happened at the same time, he would have been ousted." Id.

[127] Id.

[128] Id. at 435. It is interesting to note that also that day the words "high misdemeanor" were eliminated from the extradition provisions of Article XV and the words "other crime" substituted—"it being doubtful whether 'high misdemeanor' had not a technical meaning too limited." Id. at 443. The expression "high misdemeanors" was also referred to by Rufus King during the debate concerning a definition of treason. King stated that treason against particular states could be punishable by such states as "high misdemeanors." Id. at 348.

[129] Id. at 497–99.

[130] Id. at 500. This was one of the reasons why Congress was rejected as the body to elect the President. It apparently was felt that if Congress had the power to elect, it should not have the power to impeach.

[131] Id.

[132] Id. at 550. Mason noted that Hastings' actions would not have been deemed treason as defined.

[133] Id.

[134] Id. at 551.

[135] Id.

[136] Id.

[137] Id. at 552.

[138] With respect to that draft, Mason noted that there was an inconsistency between Article I, Section 3 and Article II, Section 4, in that the latter section did not mandate disqualification from holding office in the future in the event of a conviction on impeachment Id. at 637.

[139] Id. at 612.

[140] Id. at 612–13.

[141] 2 The Federalist No. 79, at 108–09 (Tudor Pub. Co. ed. 1937) (A. Hamilton).

[142] Id. No. 65, at 17.

[143] Id. at 18.

[144] 3 J. Elliot, The Debates in the Several State Conventions on the Adoption of the Federal Constitution 401 (2d ed. 1836) [hereinafter cited as Elliot].

[145] 4 id. at 48.

[146] Id. at 34.

[147] Id. at 113.

[148] Id. at 114.

[149] 1 Annals of Cong. 498 (1789).

[150] In J. Borkin, The Corrupt Judge (1962), the author states that fifty-five federal judges have been subject to congressional inquiry. Eight were censured but not impeached and seventeen resigned during the period of investigation. Id. at 210. According to Borkin, Judge Martin T. Manton of the Second Circuit Court of Appeals was the first federal judge indicted for "corrupting his office." Id. at 28.

[151] 3 Hinds' Precedents § 2294–98, at 644–48.

[152] Id. § 2302, at 653.

[153] Id. § 2310, at 663. See also id. § 2316, at 671.

[154] Id. § 2318, at 679.

[155] See Potts, Impeachment As a Remedy, 12 St. Louis L. Rev. 15, 18–23 (1927); Thomas, The Law of Impeachment in the United States, 2 Am. Pol. Sci. Rev. 378, 386 (1908). Another interpretation is that once a member of the Congress has been expelled, he subsequently may not be impeached.

[156] See 3 A. Beveridge, The Life of John Marshall 167 (1919); W. Carpenter, Judicial Tenure in the United States 110–11 (1918); M. Peterson, Thomas Jefferson and the New Nation 794, 796 (1970).

[157] 3 Hinds' Precedents § 2319, at 682.

[158] Annals of Cong., 8th Cong., 1st Sess. 319–22.

[159] Id. at 328–29.

[160] See W. Carpenter, supra note 156, at 117.

[161] Annals of Cong., 8th Cong., 1st Sess. 332–33.

[162] Id. at 33–53.

[163] Id. at 354–59.

[164] Id. at 364.

[165] Id.

[166] Id. at 365.

[167] Id. at 366.

[168] Id. at 367.

[169] See 3 A. Beveridge, supra note 156, at 170–71.

[170] The Hastings trial was used as a precedent for a single member of Congress putting the impeachment process into motion. 3 Hinds' Precedents § 2343, at 713. See 14 Annals of Cong. 1173 (1804) for the investigating committee's report.

[171] Fries was tried for opposing, in 1799, the collection of a federal property tax enacted by Congress in 1798. He was charged with treason, convicted, and sentenced to death, but was pardoned by President Adams against the advice of his Cabinet. 7 Dictionary of American Biography 34 (Johnson & Malone ed. 1931). Callender was tried under the Sedition Law for remarks about President Adams contained in a book he had written. He was convicted, fined two hundred dollars, and sentenced to imprisonment for nine months. In 1801 President Jefferson granted him a pardon. 3 id. at 425–26 (Johnson ed. 1929).

[172] 3 Hinds' Precedents § 2346, at 722–24.

[173] Annals of Cong., 8th Cong., 2d Sess. 432 (1805). During the course of his argument, Martin cited a number of common law commentators for the proposition that a "misdemeanor" was understood to be a crime. He said that "misbehavior" was synonymous with "misdemeanor" and that "to be guilty of a misdemeanor, is a violation of some law punishable . . . ." Id. at 436. He concluded that Chase's impeachment was an improper usage of the impeachment power and represented a great threat to the integrity of the judiciary. See 3 Beveridge, supra note 156, at 206.

[174] 3 Hinds' Precedents § 2363, at 771.

[175] The vote was as follows:
Article 1: guilty, 16; not guilty, 18.
Article 2: guilty, 10; not guilty, 24.
Article 3: guilty, 18; not guilty, 16.
Article 4: guilty, 18; not guilty, 16.
Article 5: not guilty, unanimous.
Article 6: guilty, 4; not guilty, 30.
Article 7: guilty, 10; not guilty, 24.
Article 8: guilty, 19; not guilty, 15.

[176] Blackmar, On the Removal of Judges: The Impeachment Trial of Samuel Chase, 48 J. Am. Jud. Soc. 183, 187 (1965). Following the vote in the Chase trial, John Randolph, one of the House Managers, proposed an amendment to the Constitution making federal judges removable by the President on the address of the House and Senate. 2 Am. Hist. Ass'n. Ann. Rept. 1896, at 149 (1897); see 15 Annals of Cong. 1213 (1805).

[177] 3 Hinds' Precedents § 2370, at 786–88.

[178] See Taylor, The American Law of Impeachment, 180 N. Am. Rev. 502, 511 (1905).

[179] 3 Hinds' Precedents § 2379, at 798. "Colore officii" has been defined as "[o]fficer's acts unauthorized by officer's position, though done in form that purports that acts are done by reason of official duty and by virtue of office." Black's Law Dictionary 332 (4th rev. ed. 1968).

[180] 3 Hinds' Precedents § 2381, at 800–01.

[181] Id. § 2382, at 801–02. His attorney argued that the court had the power exercised by Peck but that if it did not have such power "or if, having it, the case was not a case proper for its application, still the act did not proceed from the evil and malicious intention with which it is charged, and which it is absolutely necessary should have accompanied it to constitute the guilt of an impeachable offense." Cong. Globe, 40th Cong., 2d Sess. 49 (n. ††) (Supp. 1868).

[182] 3 Hinds' Precedents § 2383, at 803. Following the trial, Congress promptly enacted an amendment to the judicial code limiting the power of judges to punish for contempt. L. Goldberg, Lawless Judges 93 (1935).

[183] 3 Hinds' Precedents § 2383, at 804.

[184] Id. § 2384, at 805.

[185] Id. § 2390, at 810.

[186] Specification two of this article charged that while acting as a judge of the Confederacy, he ordered the confiscation of the property of Andrew Johnson and one John Catron. Specification three charged that, acting in an illegal position, he caused the unlawful arrest of citizens of the United States for their rejection of the Confederacy. Id at 811.

[187] Id. § 2395.

[188] Id. § 2396, at 817.

[189] The vote was as follows:
Article 1: Guilty, 39; not guilty, 0.
Article 2: Guilty, 36; not guilty, 1.
Article 3: Guilty, 33; not guilty, 4.
Article 4: Guilty 28; not guilty, 10.
Article 5: Guilty, 39; not guilty, 0.
Article 6 (Spec. 1): Guilty, 36; not guilty, 1.
Article 6 (Spec. 2): Guilty, 12; not guilty,
Article 6 (Spec. 3): Guilty, 35; not guilty, 1.
Article 7: Guilty, 35; not guilty, 1.
Id. at 818.

[190] D. Dewitt, The Impeachment and Trial of Andrew Johnson 1 (1903) [hereinafter cited as Dewitt].

[191] See E. McKitrick, Andrew Johnson and Reconstruction (1960); G. Milton, The Age of Hate (1930); J. Savage, Andrew Johnson (1866).

[192] Dewitt 180–81.

[193] C. Bowers, The Tragic Era 155 (1929) [hereinafter cited as Bowers].

[194] Dewitt 202. As a result of his strong disapproval, Stanton was selected to assist Seward in preparation of the President's veto message. Id. at 203.

[195] See Bowers 156. "[T]he next day the 'New York World' published the names of the two thirds in borders of black, with the comment: 'The time is coming when every man in the above list will stand accurst in our history.'" Id. (footnote omitted).

[196] Dewitt 344.

[197] The Great Impeachment and Trial of Andrew Johnson (1868) [hereinafter cited as Trial]; Dewitt 344–46.

[198] Trial 14; Dewitt 346–56.

[199] Trial 14.

[200] Id. at 14–15.

[201] Id. at 15.

[202] Id. at 19–20.

[203] Id. at 20.

[204] Id. at 21.

[205] Bowers 178, quoting from the Congressional Globe of March 2, 1868.

[206] Trial 22.

[207] Id. at 22–23.

[208] Id. at 47 (emphasis deleted).

[209] Id. at 48. While such a position has been espoused in 1388, 4 Hatsell 64, it had formally been rejected by the Lords as early as 1709. Id. at 282–83.

[219] Dewitt 406–07.

[211] Bowers 185–86; Dewitt 424–27.

[212] Trial 110.

[213] Id. at 111.

[214] Id.

[215] 2 Trial of Andrew Johnson 484–86 (1868).

[216] Id. at 486.

[217] Dewitt 574–76.

[218] Cong. Rec., 44th Cong., 1st Sess. 1426 (1896).

[219] 3 Hinds' Precedents § 2449, at 910.

[220] Id. at 910–14.

[221] Id. § 2007, at 315.

[222] Id. at 313.

[223] Id. § 2459, at 934.

[224] Id. § 2461, at 936–37.

[225] The vote was as follows:
Article 1: guilty, 35; not guilty, 25.
Article 2: guilty, 36; not guilty 25.
Article 3: guilty, 36; not guilty 25.
Article 4: guilty, 36; not guilty 25.
Article 5: guilty, 37; not guilty 25.
Id. § 2467, at 945. See also Potts, Impeachment as a Remedy, 12 St. Louis L. Rev. 15, 20 (1927).

[226] 38 Cong. Rec. 95 (1903).

[227] H.R. No. 1905, 58th Cong., 2d Sess. (1904); 3 Hinds' Precedents § 2470, at 951. It is to be noted that the only offense characterized by the committee as a high misdemeanor involved statutory violations. None of the other charges were so characterized.

[228] 39 Cong. Rec. 248 (1904).

[229] 39 Cong. Rec. 754–55 (1905).

[230] A minority of the committee contended that none of the charges, except those relating to false certificates, were sufficient to warrant impeachment. Ld. at 755.

[231] Id. at 3028–33 (1905) (emphasis deleted).

[232] 3 Hinds' Precedents § 2011, at 328–29. In support of their primary argument, they suggested a situation in which a judge might be convicted and imprisoned for forging a note. It was argued that under those circumstances he obviously should not continue to draw his salary as a judge. Id. at 328. See generally Taylor, The American Law of Impeachment, 180 N. Am. Rev. 502, 512 (1905), where the author states that this situation

can be cured only by constitutional amendment.

[233] Hinds' Precedents § 2010, at 327.

[234] The vote was as follows:

Article 1: guilty 33; not guilty, 49.
Article 2: guilty, 32; not guilty, 50.
Article 3: guilty, 32; not guilty 50.
Article 4: guilty 13; not guilty 69.
Article 5: guilty, 13; not guilty 69.
Article 6: guilty 31; not guilty 51.
Article 7: guilty 19; not guilty 63.
Article 8: guilty 31; not guilty 51.
Article 9: guilty 31; not guilty 51.
Article 10: guilty, 31; not guilty, 51.
Article 11: guilty, 31; not guilty, 51.
Article 12: guilty, 35; not guilty, 47.

Id. § 2485, at 979. For a political analysis of this and the following cases, see ten Broek, Partisan Politics and Federal Judgeship Impeachments Since 1903, 23 Minn. L. Rev. 185 (1939). See also Littlefield, The Impeachment of Judge Swayne, 17 The Green Bag 193 (1905).

[235] 6 Canon's Precedents § 498, at 685.

[236] H.R. Rep. No. 946, 62nd Cong., 2d Sess. (1912), 48 Cong. Rec. 8697–708 (1912).

[237] Id. at 8706–08.

[238] Id. at 9795–802.

[239] See Part III of Respondent's Brief, 6 Cannon's Precedents 640, citing Record of Trial at 1067. See also ten Broek, supra note 235, at 193. It is not clear in which way the challenge was settled. This is because the only article upon which a conviction was had, and which also charged offenses allegedly committed by the judge in his former position, was article thirteen, an article which the defense conceded consisted only partially of such changes.

[240] 48 Cong. Rec. 8702–05 (1912).

[241] 6 Cannon's Precedents § 462, at 646.

[242] Id. § 463, at 648.

[243] See Simpson, Federal Impeachments, 64 U. Pa. L. Rev. 803, 820 (1916).

[244] The vote was as follows:

Article 1: Guilty, 68; not guilty, 5.
Article 2: Guilty, 46; not guilty, 25.
Article 3: Guilty, 60; not guilty, 11.
Article 4: Guilty, 52; not guilty, 20.
Article 5: Guilty, 66; not guilty, 6.
Article 6: Guilty, 24, not guilty, 45.
Article 7: Guilty, 29; not guilty, 36.
Article 8: Guilty, 22; not guilty, 42.
Article 9: Guilty, 23; not guilty, 39.
Article 10: Guilty, 1; not guilty, 65.
Article 11: Guilty, 11; not guilty, 51.
Article 12: Guilty, 19; not guilty, 46.
Article 13: Guilty, 42; not guilty, 20.

6 Cannon's Precedents 707. J. Borkin, The Corrupt Judge 199 (1962), characterized the Archbald conviction as being based on the judge using his "official position for private gain and accepting loans from litigants before him."

6 Cannon's Precedents 707. J. Borkin, The vote to disqualify was 39 to 35, or less than two-thirds.

[246] Cong. Rec. 1499 (1913) (opinion of Senator Catron); id. at 1537–41 (opinion of Senator Paynter); see id. at 1497 (opinion of Senator Crawford).

[247] 49 Cong. Rec. 1448 (1913) (opinion of Senators Henry Cabot Lodge and Elihu Root); see id. at 1535 (opinions of Senators Penrose and Cullom).

[248] Id. at 1495 (opinion of Senator Gronna); id. at 1498 (opinion of Senator Oliver).

[249] Id. at 1494–95 (opinion of Senator John D. Works); id. at 1498–99 (opinion of Senator Porter J. M'Cumber).

[250] H.R. Res. 402, 68th Cong., 2d Sess. (1925); 66 Cong. Rec. 1790 (1925); 6 Cannon's Precedents 778.

[251] H.R. Rep. No. 653, 69th Cong., 1st Sess. (1926); 67 Cong. Rec. 6280–87 (1926); 6 Cannon's Precedents § 545, at 779.

[252] The subcommittee stated that impeachable conduct included, among other things, gross betrayals of the public interest, tyrannical abuses of power, and inexcusable neglect of duty. All of these were impeachable, in the subcommittee's opinion, whether committed on or off the bench, as long as they were so grave as to shame the country. 67 Cong. Rec. 6283 (1926).

[253] 6 Cannon's Precedents § 547, at 784–85. They made it clear, however, that in their opinion the resignation of English in no way affected the rights of the Senate to hear and determine the charges. The resolution containing this recommendation was passed, 290 to 23. Id. at 785.

[254] 75 Cong. Rec. 12,470 (1932); 6 Cannon's Precedents § 513, at 710–11.

[255] H.R. Res. 239, 72d Cong., 1st Sess.; 75 Cong. Rec. 11,358 (1932); 6 Cannon's Precedents § 513, at 709–10.

[256] H.R. Rep. No. 2065, 72d Cong., 2d Sess. (1933); 6 Cannon's Precedents § 514, at 711. The report did censure the judge for his conduct.

[257] The substitute resolution was proposed by Representative LaGuardia of New York. 6 Cannon's Precedents § 514, at 712.

[258] 76 Cong. Rec. 4914–16 (1933).

[259] 6 Cannon's Precedents § 521, at 731–32.

[260] Id. § 524, at 742.

[261] H.R. Res. 163, 73d Cong., 1st Sess., 77 Cong. Rec. 4575 (1933).

[262] 80 Cong. Rec. 404 (1936).

[263] Id. at 410.

[264] Id. at 3486–88, 4654–56.

[265] Id. at 4899–906.

[266] Id. at 5469.

[267] Id. at 5602–06. The form of the question read: "Senators, how say you? Is the respondent, Halsted L. Ritter, guilty or not guilty?" Id. at 5602.

[268] Id. at 5602–06. There was one vote short of two-thirds on the first of the six articles. It is noteworthy that 55 of the 56 Senators who voted guilty on the seventh article had previously voted guilty on one or more of the first six articles. The remaining Senator (Minton) had voted not guilty on each of the first six.

[269] Id. at 5607.

[270] Id. at 5752–56.

[271] Ritter v. United States, 84 Ct. Cl. 293, cert. denied, 300 U.S. 668 (1936).

[272] See text accompanying notes 124–27, 132–33 supra.

[273] See 1 A. de Tocqueville, Democracy in America 106–11 (Bradley ed. 1945), where the author compares this limitation with the more extended power of punishment available to legislative bodies in European countries.

[274] See 1 J. Bryce, The American Commonwealth 47 (1889).

[275] See N. Bailey, Dictionary (1753); S. Johnson, Dictionary of the English Language (3d ed. 1765); T. Sheridan, a General Dictionary of the English Language (1780); R. Hunter, The Encyclopaedic Dictionary (1885); J. Murray, New English Dictionary 76 (1908).

[276] 4 W. Blackstone, Commentaries 1 (4th ed. 1771); Jacobs Law Dictionary (1st Am. ed. 1811). See also T. Potts, Compendious Law Dictionary (1813). Most nonlegal dictionaries defined "misdemeanor" merely as behaving one's self ill. See, e.g., J. Ash, Dictionary of the English Language (1775); N. Bailey, Dictionarium Britannicum (1730); S. Johnson, Dictionary of the English Language (3d ed. 1765); T. Sheridan, A General Dictionary of the English Language (1780).

[277] See, e.g., 4 W. Blackstone, Commentaries 121 (4th ed. 1771).

[278] 2 Farrand 68.

[279] It is generally agreed that the "good Behaviour" clause was taken from the latin phrase "quamdiu se bene gesserit," as used in the Act of Settlement. This phrase has been defined as "[a] clause often used in Letters Patent of the Grant of Offices, as in those to the Barons of the Exchequer, which must be intended only as to Matters concerning their office; and is nothing but what the Law would have implied, if the Office had been granted for life." Cowel's Law Dictionary (1727); see Blount's Law Dictionary (3d. ed. 1717); Cunningham's Law Dictionary (1764). See generally E. Haynes, The Selection and Tenure of Judges 25 (1944).

[280] 2 The Federalist No. 78, at 99 (Tudor Pub. Co. ed. 1937) (A. Hamilton).

[281] Id. at 100.

[282] For various interpretations of Humphrey's conviction, see Brown, The Impeachment of the Federal Judiciary, 26 Harv. L. Rev. 684, 704 (1913) (treason or in nature of treason); Dougherty, Limitations on Impeachment, 23 Yale L.J. 60, 72 (1913) (treasonable conduct); Taylor, The American Law of Impeachment, 180 N. Am. Rev. 502, 511 (1905) (misconduct on the bench); Thomas, The Law of Impeachment in the United States, 2 Am. Pol. Sci. Rev. 378, 383 (1903) (treason or high crimes and misdemeanors off the bench).

[283] C. Montesquieu, The Spirit of Laws 118 (6th ed. 1793).

[284] 2 R. Wooddeson, A Systematical View of the Laws of England 596–97 (1792). Wooddeson elaborated on his views by stating: "Thus, if a lord chancellor be guilty of bribery, or of acting grossly contrary to the duty of his office, if the judges mislead their sovereign by unconstitutional opinions, if any other magistrate attempt to subvert the fundamental laws, or introduce arbitrary power, these have been deemed cases adapted to parliamentary inquiry and decision. So where a lord chancellor has been thought to have put the seal to an ignominous treaty, a lord admiral to neglect the safeguard of the sea, an ambassador to betray his trust, a privy counsellor to propound or support pernicious and dishonorable measures or a confidential adviser of his sovereign to obtain exorbitant grants or incompatible employments, these imputations have properly occasioned impeachments; because it is apparent how little the ordinary tribunals are calculated to take cognizance of such offences, or to investigate and reform the general policy of the state." Id. at 602.

[285] Id. at 601.

[286] The author's view of what is impeachable is by no means original. See, e.g., State v. Hastings, 37 Neb. 96, 55 N.W. 774 (1893); Ferguson v. Maddox, 114 Tex, 85, 263 S.W. 888 (1924). See also note 57 supra. For the views of various commentators, see 1 J. Bryce, The American Commonwealth 47, 208 (1889) (acts in violation of official duty and against the interests of the nation); C. Burdick, The Law of the American Constitution 87 (1922) (willful or corrupt misconduct in office or acts of a criminal character); T. Cooley, The General Principles of Constitutional Law 177–78 (3d ed. 1898) (serious abuses or betrayals of trust and whatever is deserving of the process in the opinion of Congress); 1 G. Curtis, Constitutional History of the United States 481–82 (1889) (violation of law plus unfitness to exercise office due to immorality, imbecility or maladministration); 1 A. de Tocqueville, Democracy in America 108, 110 (Bradley ed. 1945) (Senate "generally obliged" to find an offense at common law but no reason to tie them to the "exact definitions of criminal law."); R. Foster, Commentaries on the Constitution § 93 (1895) (offenses ranging from breach of official duty to off duty speeches encouraging insurrection); 1 J. Kent, Commentaries on American Law 319–21 (9th ed. 1858) (corrupt violations of public trust); J. Pomeroy, An Introduction to the Constitution Law of the United States 483–93 (1868) (breaches of trust and acts relating to an official's duties and functions); W. Rawle, A View of the Constitution 209–19 (2d ed. 1829) (abuses of important trusts affecting the higher interest of society); F. Sheppard, The Constitutional Text-Book 75 (1855) (violations of law, acts of a political and extraordinary nature, misdemeanors in office, and violations of a public trust); 1 J. Tucker, The Constitution of the United States § 200 (1899) (criminal misbehavior, a purposed defiance of official duty, and lack of good behavior); 2 D. Watson, The Constitution of the United States 1032–37 (1910) (misconduct in office in exercise of non-exercise of a power and public misbehavior that would shame the country); W. Willoughby, Constitutional History of the

United States §§ 927–34 (2d ed. 1929) (offenses of a political character and gross betrayals of the public interest). See generally 1 J. Story, Commentaries on the Constitution of the United States §§ 796–805 (5th ed. 1905).

[287] For statutes involving criminal sanctions against members of the judiciary, see 18 U.S.C. § 155 (1964) (knowingly approving the payment of fixed fees in bankruptcy); id. § 203 (directly or indirectly seeking compensation for the performance of duty, other than as provided by law); id. § 205 (financial sharing in claims against the government in which they assist without authority); id. § 291 (Supp. V, 1970) (purchasing at less than face value certain claims for expenses against the United States). For statutory provisions relating to judicial discretion see 28 U.S.C. § 144 (1964) (disqualification for personal bias or prejudice); id. § 455 (disqualification when judge has a substantial interest in the case); id. § 958 (limitation on the appointment of receivers); 18 U.S.C. § 401 (1964) (restraints on power to punish for contempt). See also 28 U.S.C. § 134(b) (1964) (a district court judge "shall reside in the district or one of the districts for which he is appointed"); id. § 296 (judges shall discharge all judicial duties to which they are designated and assigned). Upon entering office, a judge takes the following oath: "I [name], do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as [title] according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States. So help me God." Id. § 453.

[288] 50 Con. Rec. 1266 (1914).

[289] See Powell v. McCormack, 395 U.S. 486 (1969).

[290] Indeed, this is made clear by the debates at the Convention. As noted, the framers specifically rejected the term "maladministration" lest an impeachable offense be equated to whatever a particular Congress said it meant (see text accompanying notes 132–33 supra).

[291] 2 Am. Hist. Ass'n Ann. Rep. 1896, at 149–51 (1897), discussing proposed amendments to the Constitution with respect to the removal of federal judges.

[292] Simpson, Federal Impeachments, 64 U. Pa. L. Rev. 803, 812 (1916), citing a statement attributed to de Tocqueville "that a decline of public morals in the United States would probably be marked by the abuse of the power of impeachment as a means of crushing political adversaries or ejecting them from office." See de Tocqueville, supra note 286.

LABOR SUBCOMMITTEE PENSION STUDY

Mr. WILLIAMS. Mr. President, for some months the Subcommittee on Labor has been engaged in a study of pension funds. This study was authorized under Senate Resolution 360—91st Congress, second session, agreed to March 12, 1970—and continued by Senate Resolution 35—92d Congress, first session, agreed to March 1, 1971.

In connection with the study, a survey is being conducted of the operation of approximately 1,500 plans of the 34,000 pension plans registered with the Department of Labor under the Welfare and Pension Plans Disclosure Act.

The purpose of our study is to obtain an indepth and comprehensive understanding of the private pension system and its effect on the retirement expectations of the American worker. Since this work began, the committee has received a large volume of correspondence from people who thought they were going to receive a private pension but found out too late that they had no pension protection.

Some matters the subcommittee will be examining are the eligibility requirements for receiving pension benefits, such as age and service for vesting and continuous service requirements; the level of funding maintained to protect the worker's benefits; the extent of forfeitures; and the fiduciary standards followed by the plan administrators.

To date, more than 1,000 of the 1,500 plans sampled have responded to the survey. We are continuing our efforts to complete the survey; and analysis of the data by actuaries and accountants on loan from GAO is now in progress. As the survey and study continue, the subcommittee plans to conduct extensive hearings into the operations of pension plans where there is a record of workers losing their pensions or where the plan has been weakened by abuses.

In the interim on Wednesday, March 31, a Subcommittee on Labor Staff Analysis of some preliminary data on benefits and forfeitures relating to 87 private pension plans was completed and released.

This analysis, which represents a limited group of the 1,500 private pension plans included in the study of pension plans underway by the Subcommittee on Labor, contains information which I believe should be of interest to all of us who are concerned with the problems faced by older workers who are reaching retirement without adequate income protection.

I ask unanimous consent that my statement, the staff analysis and the survey form be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement by Senator Harrison A. Williams, Chairman, Committee on Labor and Public Welfare

Senator Javits and I have called this briefing in order to place before the public some background information about the operation of private pension plans.

The Committee is concerned about the private pension system and its ability to provide employees fortunate enough to participate in pension plans with a real promise of a supplement to social security.

In recent years older workers approaching retirement have faced nightmarish problems in receiving adequate retirement income. For many of them the spectre of sudden layoff, or job termination represents more than the loss of present income. All too frequently it can also mean the loss of pension credits built up from long years of service—credits that can never be regained, even with a new job.

The Subcommittee's activity for some months has been directed to conducting a survey of certain private pension plans to determine present practices regarding vesting of benefits, the level of assets maintained for funding, the fiduciary standards observed in fund operations, benefits paid to participants, and the extent of forfeitures.

Private pension plans involve assets of $130 billion, a growth rate of $10 billion a year and 30 million participants. This survey includes 1,500 plans representing a significant sample of 34,000 private pension plans required to be registered with the Department of Labor under the Welfare and Pension Plans Disclosure Act, and is estimated to cover 60 percent of the participants, or more than 18 million workers.

Much of the analysis of the data is being done under the direction of actuaries and accountants assigned to the committee by the General Accounting Office. While cooperation from the plan administrators has generally been good, there is still a large number of plans that have not responded to the survey, or who have responded, but with information that needs further explanation. The magnitude of the project indicates that it will be some time before the survey is completed.

However, some preliminary staff analyses are significant enough to warrant presenting now. This data released today relates to benefits and forfeitures of a selected number of plans for the last 20 years. The materials have been distributed with appropriate explanations. As the introduction states, this is a preliminary analysis based on a limited sample. To this extent, the statistical results may change as more work is done, although the problems of retiring workers will remain. To summarize these results briefly, this sample is based on a study of 87 plans that completed the survey. The plans represent assets of $16 billion and some 9.8 million workers who have participated in these plans since 1950.

While this data, admittedly, must be viewed from a historical perspective some disturbing results have been shown. Overall, the data indicates that only 5% of all participants who have left since 1950 in 51 pension plans with 11 or more years for vesting have received a benefit, and only 16% of all participants who have left since 1950 in 36 pension plans with 10 years or less for vesting have received a benefit.

In terms of forfeitures, 92% of all active participants since 1950 who left the 51 plans forfeited without qualifying for benefits; 73% of all active participants since 1950 who left the 36 plans forfeited without qualifying for benefits.

The study also indicates that substantial members of workers who lost their pension benefits are long service employees. In the 51 plans, for every two participants who have received a normal, early, or deferred retirement benefit since 1950, one participant forfeited with more than 15 years service; for every one participant who received a benefit, one participant with more than 10 years service, forfeited, 3 participants with more than 5 years service forfeited, and 16 participants with 5 years service or less forfeited.

In the 36 plans, for every one participant with more than 15 years service who forfeited since 1950, 24 participants received a normal, early or deferred retirement benefit. For every participant with more than 10 years service who forfeited, 7 participants received such benefits; for every participant with more than 5 years service who forfeited, one participant received such a benefit; for every participant who received such a benefit, 4 employees with 5 years service or less forfeited. Even though the statistical results may change after further analysis and investigation, the essence of the problem—the worker's plight—remains. These statistics come to life in the poignant letters the Committee receives every day from workers trapped by the private pension plans system. They come from every part of the country and tell us a tragic story. Some of the experiences are worth sharing with you. For example:

A man with 28½ years continuous employment at a paper mill lost his job and all pension rights—as he put in his letter to me, "One day security—next day nothing for retirement."

A man who is now 64 years old with more than 15 years for the same company was laid off and could not find work. In applying for his pension he discovered that he was one year short of eligibility for full benefits. Since there was no qualifying job available, he could not get the one year needed in his pension.

A man employed for 25 years was terminated by his employers "because there were no more opportunities left for me with the company." The plan had no vesting provisions so he left with no pension.

All of these workers expressed the same common grievance—they all lost their pensions but they had no control over the economic forces that conspired to deny them pensions.

We will release data from other parts of the survey as soon as it is prepared. We intend to look into the whole matter of funding and vesting levels as well as party-in-interest transactions, interlocking trusteeships, or directorships and certain investment practices.

In this connection we have distributed a series of case examples that have been abstracted from our survey. The identity of the plan has been removed, but the data contained in the survey form has been presented to illustrate what we are looking for.

In addition to the survey, we have also started preparations for a series of hearings into some of the problems not suitable to analysis by questionnaire.

Introductory Comments by Senators Williams and Javits

We are releasing today preliminary statistical data compiled by the staff of the Senate Subcommittee on Labor, concerning one aspect of the Senate Labor Committee's study of private pension plans.

In mid-1970, we selected a random cross-section sample of private pension plans in the United States and sent out 1500 questionnaires to the administrators of the plans. The survey questionnaires are designed to elicit information on how private pension plans operate in this country and what benefits American workers derive from them. The questionnaires we received from the administrators of the plans are being studied by our Subcommittee, and we expect to develop further information, to provide further analysis and to release to the public further results of this study.

As a preliminary step, the staff has analyzed and compared a limited sample of a group of plans providing no vesting or vesting after at least 11 years of service, and another group of plans providing vesting after ten years of service or less.

The limited study reported here compares the numbers of workers receiving benefits and vested rights with the number of workers who forfeited their rights to benefits. The study demonstrates that generally employees have forfeited their rights to benefits in numbers greatly in excess of those who have received benefits or vested rights, but that in plans with no vesting or more restrictive vesting, longer service employees lost benefits to a higher degree than such employees in plans with less restrictive vesting.

We recognize that these samples, which are only preliminary, are not statistically all-encompassing. In that sense, we know that the final results of our study may show some variance from the numbers and percentages we released today. However, we believe that even these samples should be of interest to those concerned with retirement income for American workers.

In an appendix to the staff analysis appear a number of case examples drawn from the survey which are illustrative of the kinds of problems and abuses being considered by the Subcommittee.

Staff Analysis: Preliminary Data on the Extent of Benefits and Forfeitures in Private Pension Plans in the United States

INTRODUCTION

One of the objectives of the U.S. Senate study into private pension plans is to determine the impact of private pension plans on participating employees. The study data of this analysis focuses upon the impact of those plans with no vesting or restrictive vesting provisions on employees with substantial periods of service who terminate their employment prior to qualifying for retirement benefits.

For the purpose of this analysis, "vesting" refers to the provision in the plan which gives to the employee a non-forfeitable right to share in the pension fund which covers him in the event of termination of his employment prior to retirement age. Although, in its literal sense, "vesting" has been sometimes construed to mean all types of non-forfeitable benefits, including normal, early or disability retirement benefits, for purposes of this report the term "vesting" is intended to mean that on termination of employment prior to retirement, the employee has a non-forfeitable right to obtain a deferred retirement benefit based upon both the employer's and employee's contribution to the pension fund.

The purpose of this limited study is to examine and compare the historical activity of certain pension plans in terms of benefits and forfeiture rates. These analyses reflect a statistical comparison of the covered participants as between those who ultimately received benefits and those who did not and is based solely on information supplied by plan administrators in response to the survey form. No projection of any kind is made based on this data.

SAMPLING APPROACH

The entire sample of private pension plans randomly selected for study by the Subcommittee in July of 1970 consisted of 1500 plans, representing a broad and diverse segment of the pension industry. Questionnaries (Pension Study: Form P–1) were mailed to the respondents (plan administrators) selected in July and August of 1970.

Out of the 1500 plans, over 1,000 have responded. Of those who have responded, many have so far either refused to respond in whole or in part, have asserted that they are unable to respond in whole or in part, or have provided data which appears questionable on its face in connection with Part III of the survey form—covering data on benefits and forfeitures. As a consequence, many returns will require additional clarification and completion.

Accordingly, for purposes of analysis, a sample was constructed of data from a preliminary group of plans that furnished complete answers to Part III. In addition, in order to create as homogeneous a sample as possible, plans established after 1950 and profit-sharing plans were excluded.

The sample consists of two sets of plans, distinguished by the nature of their vesting provisions. The first set consists of 51 plans with total assets of $10 billion, ranging in size from plans with over 100,000 active participants, to plans with under 100 participants.[1] In this set of plans, no vesting or vesting with 11 years of service or more is provided (with some plans having additional age requirements [2] as well).

Industries in the sample are as follows:

Manufacturing	20
Communications	12
Finance	7
Oil	3
Gas	3
Wholesale and retail	2
Insurance	1
Maritime	1
Construction	1
Service	1
Total	51

No attempt was made to break down these plans by other characteristics, however, the sample covers both single employer and multi-employer plans,[3] insured and non-insured plans, and plans covering hourly-rated, salaried and all employees. The first set of 51 plans also includes eight (8) "contributory" plans, *i.e.*, plans in which contributions are made by both the employer and the employees.[4]

The second set consists of 36 plans with assets of $6 billion, again representing a wide range in terms of participant coverage. The distinguishing characteristics of these plans are that they provide for vesting after ten years of service or less, regardless of age. Industries represented in this group are as follows:

Manufacturing	21
Oil	3
Gas	2
Utilities	1
Transportation	3
Publishing	2
Insurance	3
Construction	1
Total	36

Neither set of samples can as yet be assumed to be statistically representative of all industries in the survey.

This set also includes 14 contributory plans.[5]

It should be noted that many sets of forfeiture figures furnished by the plans in the sample were based on estimates, in which case a footnote explanation is contained within the appropriate table. These responses are tabulated exactly as reported.

ANALYSIS OF 51 PLANS WITH NO VESTING OR VESTING WITH 11 YEARS OF SERVICE OR MORE

Table 1 depicts the overall comparison of the number of participants who have obtained retirement benefits from the 51 plans [6] since 1950 with the number who have forfeited.[7]

Out of a sample covering a total of 6.9 million participants since 1950, 253,118 or 4 percent have received any kind of normal, early or deferred vested retirement benefit. 4.8 million or 70 percent, without regard to length of service, have left these plans since 1950 without benefits. In terms of the 5.2 million active participants who left the scope of these plans since 1950, the total percentage who forfeited, regardless of length of service, is 92 percent, while the percentage who received benefits is 5 percent.[8]

Of the 4.8 million who forfeited without benefits, close to 4.1 million or 85 percent had five years service or less (Subtable 1–A). The impact of these plans on longer service employees is reflected in Subtable 1–B. For every two employees who received a benefit, one employee with more than 15 years of service forfeited. For every one employee who received a benefit, one employee with more than ten years of service forfeited, nearly three employees with more than five years of service forfeited, while 16 employees with five years service or less forfeited.

Table 2 compares the number of participants who have received vested rights on termination of employment prior to retirement since 1950 with those who have forfeited. Less than one percent of the 6.9 million employees since 1950 who have participated in these plans and the 5.2 million active employees who have left the plans since 1950 have received such vested rights—the precise number is 21,498.

As Subtable 2–A shows, for every one participant who received such a vested right, 223 participants forfeited without regard to length of service. Of these participants, five forfeited with more than 15 years service, 13 forfeited with more than ten years service, 33 forfeited with more than five years service and 186 forfeited with five years service or less.[9]

Table 3 provides the same comparisons as Table 2 except that it is limited to the experience of the last five years.

Footnotes at end of article.

12,536 participants of 2.9 million participating in the last five years—or considerably less than one percent—have received vested rights on termination of employment prior to retirement. In terms of the 1.2 million active participants who have left the scope of these plans in the last five years, the percentage who received such vested rights is one percent.

By contrast, 991,111 participants, regardless of length of service, forfeited in the last five years. This constituted 34 percent of the 2.9 million participating in the last five years but 82 percent of all the active participants who left the scope of the plans.

As Subtable 3–A shows, the largest number of all of the participants who forfeited—835,589 or 84 percent—were in the category of participants with five years service or less. The forfeiture percentages by length of service for the remaining categories of participants are virtually similar to the corresponding forfeiture percentages for the last 20 years (See Subtable 1–A).

Subtable 3–B indicates that for every one participant in the last five years who received a vested right upon termination of employment prior to retirement, 70 participants forfeited without regard to length of service. Of these participants, two forfeited with more than 15 years service, five forfeited with more than ten years service, 12 forfeited with more than five years service, and 67 forfeited with five years service or less.[10]

ANALYSIS OF 36 PLANS WITH VESTING AFTER 10 YEARS OF SERVICE OR LESS

Table 4 depicts the overall comparison of the number of participants who have obtained retirement benefits from the 36 plans since 1950 with the number who have forfeited.

Out of a sample covering a total of 2.9 million participants since 1950, 242,510 or 8 percent have received a normal, early or deferred vested retirement benefit. 1.1 million or 38 percent, without regard to length of service, have left the 36 plans since 1950 without benefits. In terms of the 1.5 million who left the scope of these plans since 1950, the total percentage who forfeited, regardless of length of service is 73 percent, while those with benefits is 16 percent.[11]

Of the 1.1 million who forfeited without benefits, 897,797 or 80 percent had five years service or less (Subtable 4–A).

As indicated by Subtable 4–B, 24 employees received a benefit for every one employee with more than 15 years service who forfeited and seven received a benefit for every one employee with more than ten years of service who forfeited.[12] On the other hand, for every one employee that received a benefit, one employee with more than five years service forfeited and four employees with five years service or less forfeited.

Table 5 compares the number of participants since 1950 who have received vested rights on termination of employment prior to retirement with those who have forfeited in the 36 plans. Of the 2.9 million who have participated in these plans since 1950, only 3 percent (91,517 participants) received vested rights. Of the 1.5 million active participants who left the scope of these plans since 1950, only 6 percent (91,517 participants) received such vested rights.

As Subtable 5–A shows, for every one participant who received such a vested right, 12 participants forfeited without regard to length of service. Of these participants, ten had five years service or less. On the other hand, nine participants received vested rights for every one that forfeited with more than 15 years service, and two received vested rights for every one that forfeited with more than ten years service. For every one participant that received a vested right, 2.5 forfeited with more than five years service.[13]

Of 1.8 million participating in the last five years, 38,037 participants, or 2 percent, have received vested rights on termination of employment prior to retirement. This number represents 9 percent of the active participants who have left the scope of the plan in the last five years—the highest percentage in this connection.

332,760 participants, regardless of length of service, forfeited in the last five years. This constituted 18 percent of the 1.8 million participating in the last five years but 83 percent of the 400,000 active participants who left the scope of the plan in the last five years.

As Subtable 6–A shows, 267,583 or 80 percent of the total forfeitures had five years service or less while 65,177 or 20 percent had more than five years service. Subtable 6–B indicates that 80 employees received vested rights on termination of employment prior to retirement for every one employee who forfeited with more than 15 years service. Of these participants, 26 employees received such vested rights for every one employee who forfeited with more than ten years service. Again, employees who forfeited with more than five years service outnumbered those who received such vested rights by two to one.[14]

A COMPARISON OF 51 PLANS WITH NO VESTING OR VESTING WITH 11 YEARS OF SERVICE OR MORE AND 36 PLANS WITH VESTING AFTER 10 YEARS OF SERVICE OR LESS

As Table 7 demonstrates, while only five percent of the active participants who left the scope of the plan since 1950 obtained benefits in the 51 plans with no vesting or later vesting. 16 percent of such participants obtained benefits in the 36 plans in the earlier vesting sample.

To some extent, this is attributable to the larger numbers of participants in the 36 plans who received deferred retirement benefits based on vested rights obtained when they terminated employment prior to retirement. Only .03 percent of participants who left the scope of the 51 plans obtained such benefits, while .7 percent in the 36 plans obtained such benefits.

The percentages of those who forfeited with more than five years of service is fairly equal in both sets of plans (See Subtable 7–A).

Subtable 7–B shows that in the 51 plans for every two employees with more than 15 years service who received benefits, one employee forfeited, compared with the 36 plans where 24 employees with more than 15 years service received benefits for every one who did not.

A consistent factor is that roughly the same high percentages—in the 80th percentile—forfeit with five years service or less. (See Subtable 7–A)

A comparison of those who have received vested rights on termination of employment prior to retirement is shown by Table 8. Almost three times as many active participants left the 51 plans since 1950 as left the 36 plans, yet in the latter group, 91,517 obtained such vested rights, while in the former group only 21,489 obtained such vested rights—a ratio of over four to one.

The experience of the five years is similar. Three times as many participants have received vested rights on termination of employment prior to retirement in the 36 plans as in the 51 plans, despite the fact that three times as many active participants left the 51 plans as left the 36 plans.

SUMMARY

The benefits, vested rights and forfeiture status of two discrete samples of private pension plans that completely answered Part III Pension Study: Form P–1 was examined. The first sample consisted of 51 plans that had no vesting provisions or vesting with 11 years of service or more. The second sample consisted of 36 plans with vesting after 10 years of service or less.

The principal preliminary results are:

(1) Four percent of all participants since 1950 in the 51 no vesting or later vesting plans have received normal, early or deferred retirement benefits; eight percent of all participants in the 36 earlier vesting plans have received such benefits.

(2) Five precent of all active participants since 1950 who left the plans have received normal early or deferred retirement benefits; 16 percent of all active participants since 1950 who left the 36 plans have received such benefits.

(3) 70 percent of all participants since 1950 in the 51 plans have forfeited without qualifying for benefits; 38 percent in the 36 plans have forfeited without qualifying for benefits.

(4) 92 percent of all active participants since 1950 who left the 51 plans forfeited without qualifying for benefits; 73 percent of all active participants since 1950 who left the 36 plans forfeited without qualifying for benefits.

(5) Of the total forfeitures in the 51 plans since 1950, 85 percent were participants with five years service or less; of total forfeitures in the 36 plans since 1950, 80 percent were participants with five years service or less.

(6) In the 51 plans, for every two participants who has received a normal, early or deferred retirement benefit since 1950, one participant forfeited with more than 15 years service, for every one participant who received a benefit, one participant with more than ten years service forfeited, three participants with more than five years service forfeited, and 16 participants with five years service or less forfeited.

(7) In the 36 plans, for every one participant with more than 15 years service who forfeited since 1950, 24 participants received a normal, early or deferred retirement benefits; for every participant with more than 10 years service who forfeited, seven participants received such benefits; for every participant with more than five years service who forfeited, one participant received such a benefit; for every participant who received such a benefit, four employees with five years service or less forfeited.

TECHNICAL NOTE

In several of the tables presented in this report, percentages in specific columns may not add up to 100 percent and totals may not correspond exactly to their components.

This is due to a number of factors. First, no attempt has been made to adjust the data for any possible overstatement or understatement in the answers to the survey form, except that where a report specifically so indicated, participants who were transferred into supplementary or new plans, with benefit rights intact, were excluded from the items relating to active participants who left the scope of the plans.

Second, as indicated in footnotes to various tables, participants who received disability retirement, death, survivors and similar type benefits were excluded from those items relating to participants who received benefits.

Third, in the contributory plans, participants who forfeited owing to withdrawal of their contributions rather than by failure to meet eligibility requirements were excluded from forfeiture figures. Otherwise there were specifically included.

Fourth, figures and percentages have been rounded when convenient to do so.

FOOTNOTES

[1] "Participant" was defined by Form P–1 as "any employee or former employee of an employee or any member of an employee organization who is or may become eligible to receive a benefit or any type from any employee pension benefit plan or whose beneficiaries may be eligible to receive any such benefit and included preparticipants where contributions were being made on their behalf as well as persons still eligible to receive benefits whose service is temporarily interrupted."

[2] In addition to length of service require-

ments for vesting of benefits, many plans also require that a minimum age be attained, *e.g.*, 15 years service *and* age 45. For purposes of this analysis, only the service requirements were considered; the age factor has not yet been separately analyzed.

[3] "Multi-employer" referring in this context to a collectively bargained plan to which predominately unaffiliated employers contribute.

[4] In tabulating forfeiture rates, "contributory" plans present somewhat of a problem because it is almost invariably the case that terminating employees who withdraw their contributions will forfeit vested rights in the employer's contributions despite having otherwise satisfied the age and service requirements for vesting. Where the plan specifically indicated that forfeitures were created by these circumstances rather than by failure to meet age or service requirements, the figures furnished were eliminated from tabulation. Otherwise, they were specifically included.

[5] See Footnote No. 4.

[6] For purposes of constructing this table, as well as the comparable tables for the sample of 36 plans, workers receiving disability retirement, death, and other forms of survivors benefits were excluded since receipt of benefits in these circumstances is not primarily conditioned on meeting age or service requirements. However, the total number of participants having received such benefits is provided in footnotes to the respective tables involved.

[7] The tables contained separate percentage calculations which indicate that there are participants still within the scope of the plan who may yet receive benefits.

[8] See technical note on page 16.

[9] For explanation of variations in totals, see technical note on page 16.

[10] For explanation of variations in totals, see technical note on page 16.

[11] See technical note on page 16.

[12] Many plans in this particular sample reported no forfeitures for participants with more than 15 or 10 years of service. For those who did report such forfeitures, it is to be deduced that 10 year vesting or less was not applicable during the entire 20 year period reported.

[13] For explanation of variations in totals, see technical note on page 16.

[14] For explanation of variations in totals, see technical note on page 16.

TABLE 1.—A COMPARISON OF THE NUMBER OF PARTICIPANTS WITH BENEFITS AND FORFEITURES SINCE 1950 IN PLANS WITH NO VESTING OR VESTING REQUIRING 11 OR MORE YEARS OF SERVICE (BASED ON 51 PLANS WITH $10 BILLION IN ASSETS)

Participants, benefits, and forfeitures	Number	Percentage of— Item (1)	Item (4)
(1) Participants since 1950	6.9 million	100	
(2) Active participants presently under plans	1.7 million	25	
(3) Retired participants presently under plans	210, 289	3	
(4) Active participants since 1950 who left scope of plan [1]	5.2 million	75	100
(5) Participants who received normal retirement benefits since 1950	147, 364	2	3
(6) Participants who received early retirement benefits since 1950	104, 124	1	2
(7) Participants who received deferred retirement benefits based on vested rights since 1950	1, 630	.02	.03
(8) Total participants with benefits (items (5), (6), and (7)) [2]	253, 118	4	5
(9) Participants who forfeited since 1950 regardless of length of service [3]	4.8 million	70	29
(10) Participants who forfeited since 1950 with more than 15 years service	115, 573	1. 6	2. 2
(11) Participants who forfeited since 1950 with more than 10 years service	280, 018	4	5
(12) Participants who forfeited since 1950 with more than 5 years service	719, 688	10	14
(13) Participants who forfeited since 1950 with 5 years or less service	4.0 million	59	77

[1] Includes those who received benefits, vested rights, or died.

[2] Excludes participants who received disability retirement, death, survivors, and similar benefits. The total number of participants receiving benefits of this nature since 1950 was 88,810.

[3] Many plans provided estimates for this item based on employee turnover statistics in which rehires were counted as separate transactions.

SUBTABLE 1A—RATIO (PERCENT) OF FORFEITURES BY LENGTH OF SERVICE TO TOTAL FORFEITURES (ITEMS (9), (10), (11) AND (12))

Forfeitures	Number	Percentage of item (9)
(9) Total forfeitures since 1950	4. 8 million	100
(10) With more than 15 years service	115, 573	2
(11) With more than 10 years service	280, 018	6
(12) With more than 5 years service	719, 688	15
(13) With 5 years or less service	4 million	85

SUBTABLE 1B—PARTICIPANTS WITH BENEFITS COMPARED TO FORFEITURES BY LENGTH OF SERVICE (DERIVED FROM (8), (9), (10), (11) AND (12))

Benefits and forfeitures	Ratio [1]
(a) With benefits	1
(b) Forfeited regardless of length of service	19
(a) With benefits	2
(b) Forfeited with more than 15 years service	1
(a) With benefits	1
(b) Forfeited with more than 10 years service	1
(a) With benefits	1
(b) Forfeited with more than 5 years service	3
(a) With benefits	1
(b) Forfeited with less than 5 years service	16

[1] In terms of 1 participant who received a benefit.

TABLE 2.—A COMPARISON OF THE NUMBER OF PARTICIPANTS WHO HAVE RECEIVED VESTED RIGHTS AND THOSE WHO HAVE FORFEITED SINCE 1950 IN PLANS WITH NO VESTING OR VESTING REQUIRING 11 OR MORE YEARS OF SERVICE (BASED ON 51 PLANS WITH $10 BILLION IN ASSETS)

Participants, vested rights and forfeitures since 1950	Number	Percentage of— Item (1)	Item (2)
(1) Participants since 1950	6. 9 million	100	
(2) Active participants since 1950 who left scope of plan [1]	5. 2 million	75	100
(3) Participants since 1950 who received vested rights on termination of employment prior to retirement	21, 498	.3	.4
(4) Participants who forfeited since 1950 regardless of length of service [2]	4. 8 million	70	92
(5) Participants who forfeited since 1950 with more than 15 years service	115, 573	1.6	2.2
(6) Participants who forfeited since 1950 with more than 10 years service	280, 018	45	
(7) Participants who forfeited since 1950 with more than 5 years service	719, 688	10	14
(8) Participants who forfeited since 1950 with 5 years or less service	4 million	59	77

[1] Includes those who received benefits, vested rights, or died.

[2] Many plans provided estimates for this item based on employee turnover statistics in which rehires were counted as separate transactions.

SUBTABLE 2A.—PARTICIPANTS WITH VESTED RIGHTS COMPARED TO FORFEITURES BY LENGTH OF SERVICE (FROM ITEMS (3) THROUGH (8))

Vested rights and forfeitures since 1950	Ratio [1]
(a) With vested rights	1
(b) Forfeited regardless of length of service	223
(a) With vested rights	1
(b) Forfeited with more than 15 years service	5
(a) With vested rights	1
(b) Forfeited with more than 10 years service	13
(a) With vested rights	1
(b) Forfeited with more than 5 years service	33
(a) With vested rights	1
(b) Forfeited with 5 years or less service	186

[1] In terms of 1 participant who received a vested right.

TABLE 3.—A COMPARISON OF THE NUMBER OF PARTICIPANTS WHO HAVE RECEIVED VESTED RIGHTS AND THOSE WHO HAVE FORFEITED WITHIN LAST 5 YEARS IN PLANS WITH NO VESTING OR VESTING REQUIRING 11 OR MORE YEARS OF SERVICE (BASED ON 51 PLANS WITH $10 BILLION IN ASSETS)

Participants, vested rights, and forfeitures in last 5 years	Number	Percentage of— Item (1)	Percentage of— Item (2)
(1) Participants in last 5 years	2.9 million	100	
(2) Active participants in last 5 years who left scope of plan [1]	1.2 million	41	100
(3) Participants in last 5 years who received vested rights on termination of employment prior to retirement	12, 536	.4	1
(4) Participants who forfeited in last 5 years regardless of length of service [2]	991, 111	34	82
(5) Participants who forfeited in last 5 years with more than 15 years service	27, 335	.9	2
(6) Participants who forfeited in last 5 years with more than 10 years service	63, 894	2	5
(7) Participants who forfeited in last 5 years with more than 5 years service	155, 522	5	13
(8) Participants who forfeited in last 5 years with 5 years service or less	835, 589	29	70

[1] Includes those who received benefits, vested rights, or died.

[2] Many plans provided estimates for this item based on employee turnover statistics in which rehires were counted as separate transactions.

SUBTABLE 3A.—RATIO (%) OF FORFEITURES BY LENGTH OF SERVICE TO TOTAL FORFEITURES IN LAST 5 YEARS (ITEMS (4) THROUGH (8))

Forfeitures last 5 years	Number	Percentage of item (4)
(4) Total forfeitures last 5 years	991, 111	100
(5) With more than 15 years service	27, 335	3
(6) With more than 10 years service	63, 894	5
(7) With more than 5 years service	155, 522	16
(8) With 5 years or less service	835, 589	84

SUBTABLE 3B.—PARTICIPANTS WITH VESTED RIGHTS COMPARED TO FORFEITURES BY LENGTH OF SERVICE (FROM ITEMS (3) THROUGH (8))

Vested rights and forfeitures in last 5 years	Ratio [1]
(a) With vested rights	1
(b) Forfeited regardless of length of service	79
(a) With vested rights	1
(b) Forfeited with more than 15 years service	2
(a) With vested rights	1
(b) Forfeited with more than 10 years service	5
(a) With vested rights	1
(b) Forfeited with more than 5 years service	12
(a) With vested rights	1
(b) Forfeited with 5 years or less service	67

[1] In terms of 1 participant who received a vested right.

TABLE 4.—A COMPARISON OF THE NUMBER OF PARTICIPANTS WITH BENEFITS AND FORFEITURES SINCE 1950 IN PLANS WITH A VESTING REQUIREMENT OF 10 YEARS OF SERVICE OR LESS (BASED ON 36 PLANS WITH $6 BILLION IN ASSETS)

Participants, benefits, and forfeitures	Number	Percentage of— Item (1)	Percentage of— Item (4)
(1) Participants since 1950	2.9 million	100	
(2) Active participants presently under plans	1.4 million	47	
(3) Retired participants presently under plans	193, 663	7	
(4) Active participants since 1950 who left scope of plan [1]	1.5 million	52	100
(5) Participants who received normal retirement benefits since 1950	128, 328	4	8
(6) Participants who received early retirement benefits since 1950	103, 223	3	7
(7) Participants who received deferred retirement benefits based on vested rights since 1950	10, 959	.4	.7
(8) Total participants with benefits (items (5), (6), and (7)) [2]	242, 510	8	16
(9) Participants who forfeited since 1950 regardless of length of service [3]	1.1 million	38	73
(10) Participants who forfeited since 1950 with more than 15 years service	9, 931	.3	.7
(11) Participants who forfeited since 1950 with more than 10 years service	36, 901	1	2
(12) Participants who forfeited since 1950 with more than 5 years service	220, 203	7	15
(13) Participants who forfeited since 1950 with 5 years service or less	879, 797	30	59

[1] Includes those who received benefits, vested rights, or died.

[2] Excludes participants who received disability retirement, death, survivors and similar benefits. The total number of participants receiving benefits of this nature since 1950 was 71,309.

[3] Many plans provided estimates for this item based on employee turnover statistics in which rehires were counted as separate transactions.

TABLE 4A.—RATIO (PERCENT) OF FORFEITURES BY LENGTH OF SERVICE TO TOTAL FORFEITURES (ITEMS (9), (10), (11), AND (12))

Forfeitures	Number	Percentage of item (9)
(9) Total forfeitures since 1950	1.1 million	100
(10) With more than 15 years service	9, 931	.9
(11) With more than 10 years service	36, 901	3
(12) With more than 5 years service	220, 203	20
(13) With 5 years service or less	879, 797	80

TABLE 4B.—PARTICIPANTS WITH BENEFIT COMPARED TO FORFEITURE BY LENGTH OF SERVICE (DERIVED FROM ITEMS (8), (9), (10), (11) AND (12))

Benefits and forfeitures	Ratio [1]
(a) With benefits	1
(b) Forfeited regardless of length of service	42
(a) With benefits	24
(b) Forfeited with more than 15 years service	1
(a) With benefits	7
(b) Forfeited with more than 10 years service	1
(a) With benefits	1
(b) Forfeited with more than 5 years service	1
(a) With benefits	1
(b) With 5 years service or less	4

[1] In terms of one participant who received a benefit.

TABLE 5.—A COMPARISON OF THE NUMBER OF PARTICIPANTS WHO HAVE RECEIVED VESTED RIGHTS AND THOSE WHO HAVE FORFEITED SINCE 1950IN PLANS WITH VESTING REQUIREMENTS OF 10 YEARS OF SERVICE OR LESS (BASED ON 36 PLANS WITH ASSETS OF $6 BILLION)

Participants, vested rights and forfeitures since 1950	Number	Percentage of— Item (1)	Percentage of— Item (2)
(1) Participants since 1950	2.9 million	100	
(2) Active participants since 1950 who left scope of plan [1]	1. 5 million	52	100
(3) Participants since 1950 who received vested rights on termination of employment prior to retirement	91, 517	3	6
(4) Participants who forfeited since 1950 regardless of length of service [2]	1. 1 million	38	73
(5) Participants who forfeited since 1950 with more than 15 years service	9, 931	.3	.7
(6) Participants who forfeited since 1950 with more than 10 years service	36, 901	1	2
(7) Participants who forfeited since 1950 with more than 5 years service	220, 203	7	15
(8) Participants who forfeited since 1950 with 5 years or less service	879, 797	30	59

[1] Includes those who received benefits, vested rights, or died.

[2] Many plans provided estimates for this item based on employee turnover statistics in which rehires were counted as separate transactions.

SUITABLE 5A.—COMPARED TO FORFEITURES BY LENGTH OF SERVICE (FROM ITEMS (3) THROUGH (8))

Vested rights and forfeitures since 1950	Ratio [1]
(a) With vested rights	1
(b) Forfeited regardless of length of service	12
(a) With vested rights	9
(b) Forfeited with more than 15 years service	1
(a) With vested rights	2
(b) Forfeited with more than 10 years service	1
(a) With vested rights	1
(b) Forfeited with more than 5 years service	2.5
(a) With vested rights	1
(b) Forfeited with 5 years or less service	10

[1] In terms of one participant who received a vested right.

TABLE 6.—A COMPARISON OF THE NUMBER OF PARTICIPANTS WHO HAVE RECEIVED VESTED RIGHTS AND THOSE WHO HAVE FORFEITED IN THE LAST 5 YEARS IN PLANS WITH VESTING REQUIREMENTS OF 10 YEARS OF SERVICE OR LESS (BASED ON 36 PLANS WITH $6 BILLION IN ASSETS)

Participants, vested rights, and forfeitures in last 5 years	Number	Percentage of— Item (1)	Percentage of— Item (2)
(1) Participants in last 5 years	1.8 million	100	
(2) Active participants in last 5 years who left scope of plan [1]	400,000	22	100
(3) Participants in last 5 years who received vested rights on termination of employment prior to retirement	38,037	2	9
(4) Participants who forfeited in last 5 years regardless of length of service [2]	332,760	18	83
(5) Participants who forfeited in last 5 years with more than 15 years service	470	.02	.01
(6) Participants who forfeited in last 5 years with more than 10 years service	1,451	.08	.4
(7) Participants who forfeited in last 5 years with more than 5 years service	65,177	4	16
(8) Participants who forfeited in last 5 years with less than 5 years service	267,583	15	67

[1] Includes those who received benefits, vested rights, or died.

[2] Many plans provided estimates for this item based on employee turnover statistics in which rehires were counted as separate transactio ns.

SUBTABLE 6A.—TOTAL FORFEITURES IN LAST 5 YEARS (ITEMS (4) THROUGH (8))

Forfeitures last 5 years	Number	Percentage of item (4)
(4) Total forfeitures last 5 years	332,760	100
(5) With more than 15 years service	470	.1
(6) With more than 10 years service	1,451	.4
(7) With more than 5 years service	65,177	20
(8) With 5 years or less service	267,583	80

SUBTABLE 6B.—PARTICIPANTS WITH VESTED RIGHTS COMPARED TO FORFEITURES BY LENGTH OF SERVICE (FROM ITEMS (3) THROUGH (8))

Vested rights and forfeitures in last 5 years	Ratio [1]
(a) With vested rights	1
(b) Forfeited regardless of length of service	9
(a) With vested rights	80
(b) Forfeited with more than 15 years service	1
(a) With vested rights	26
(b) Forfeited with more than 10 years service	1
(a) With vested rights	1
(b) Forfeited with more than 5 years service	2
(a) With vested rights	1
(b) Forfeited with 5 years or less service	7

[1] In terms of 1 participant who received a vested right.

TABLE 7.—A SIDE-BY-SIDE COMPARISON OF THE NUMBER OF PARTICIPANTS WITH BENEFITS AND FORFEITURES SINCE 1950 IB 51 PLANS WITH NO VESTING OR VESTING WITH 11 YEARS OF SERVICE OR MORE AND 36 PLANS WITH VESTING AFTER 10 YEARS OF SERVICE OR LESS. (TABLES 1 AND 4 COMBINED)

Participants, benefits, and forfeitures	51 plans with no vesting or vesting with 11 years of service or more: Number	Percentage of Item (1)	Percentage of Item (4)	36 plans with vesting after 10 years of service or less: Number	Percentage of Item (1)	Percentage of Item (4)
(1) Participants since 1950	6.9 million	100		2.9 million	100	
(2) Active participants presently under plans	1.7 million	25		1.4 million	47	
(3) Retired participants presently under plans	210,289	3		193,663	7	
(4) Active participants since 1950 who left scope of plan [1]	5.2 million	75	100	1.5 million	52	100
(5) Participants who received normal retirement benefits since 1950	147,364	2	3	128,328	4	8
(6) Participants who received early retirement benefits since 1950	104,124	1	2	103,223	3	7
(7) Participants who received deferred retirement benefits based on vested rights since 1950	1,630	.02	.03	10,959	.4	.7
(8) Total participants with benefits (items (5), (6), and (7)) [2]	253,118	4	5	242,510	8	16
(9) Participants who forfeited since 1950 regardless of length of service [3]	4.8 million	70	92	1.1 million	38	73
(10) Participants who forfeited since 1950 with more than 15 years' service	115,573	1.6	2.2	9,931	.3	.7
(11) Participants who forfeited since 1950 with more than 10 years' service	280,018	4	5	36,901	1	2
(12) Participants who forfeited since 1950 with more than 5 years' service	719,688	10	14	220,203	7	15
(13) Participants who forfeited since 1950 with 5 years' service or less	4,080,312	59	77	879,797	30	59

[1] Includes those who received benefits, vested rights, or died.

[2] Excludes participants who received disability retirement, death, survivors, and similar benefits. The total number of participants receiving benefits of this nature since 1950 in the 51 plans was 88,810; in the 36 plans, 71,309.

[3] Many plans provided estimates for this item based on employee turnover statistics in which rehires were counted as separate transactions.

SUBTABLE 7A.—A SIDE-BY-SIDE COMPARISON OF THE RATIO (PERCENT) OF FORFEITURES BY LENGTH OF SERVICE TO TOTAL FORFEITURES (ITEMS (9), (10), (11), (12), AND (13)) IN 51 PLANS WITH NO VESTING OR VESTING WITH 11 YEARS OF SERVICE OR MORE AND 36 PLANS WITH VESTING AFTER 10 YEARS OF SERVICE OR LESS. (SUBTABLES 1A AND 4A COMBINED.)

Forfeitures since 1950	51 plans		36 plans	
	Number	Percentage of item (9)	Number	Percentage of item (9)
(9) Total forfeitures since 1950	4.8 million	100	1.1 million	100
(10) With more than 15 years service	115, 573	2	9, 931	9
(11) With more than 10 years service	280, 018	6	36, 901	3
(12) With more than 5 years service	719, 688	15	220, 203	20
(13) With 5 years service or less	4, 080, 312	85	897, 797	80

SUBTABLE 7B.—A SIDE-BY-SIDE COMPARISON OF PARTICIPANTS WITH BENEFITS COMPARED TO FORFEITURES BY LENGTH OF SERVICE (DERIVED FROM ITEMS (8) THROUGH (13)) IN 51 PLANS WITH NO VESTING OR VESTING WITH 11 YEARS OF SERVICE OR MORE AND 36 PLANS WITH VESTING AFTER 10 YEARS OF SERVICE OR LESS. (SUBTABLES 1B AND 4B COMBINED.)

Benefits and forfeitures since 1950	51 plans ratio [1]	36 plans, ratio [1]
(a) With benefits	1	1
(b) Forfeited regardless of length of service	19	42
(a) With benefits	2	24
(b) Forfeited with more than 15 years service	1	1
(a) With benefits	1	7
(b) Forfeited with more than 10 years service	1	1
(a) With benefits	1	1
(b) Forfeited with more than 5 years service	3	1
(a) With benefits	1	1
(b) Forfeited with 5 years service or less	16	4

[1] In terms of 1 participant who received a benefit.

TABLE 8.—A SIDE-BY-SIDE COMPARISON OF THE NUMBER OF PARTICIPANTS WHO HAVE RECEIVED VESTED RIGHTS AND THOSE WHO HAVE FORFEITED SINCE 1950 IN 51 PLANS WITH NO VESTING OR VESTING WITH 11 YEARS OF SERVICE OR MORE AND 36 PLANS WITH VESTING AFTER 10 YEARS OF SERVICE OR LESS. (TABLES 2 AND 5 COMBINED)

Participants, vested rights, and forfeitures since 1950	51 plans with no vesting or vesting with 11 years of service or more			36 plans with vesting after 10 years of service or less		
		Percentage of			Percentage of	
	Number	Item (1)	Item (2)	Number	Item (1)	Item (2)
(1) Participants since 1950	6.9 million	100	------	2.9 million	100	------
(2) Active participants since 1950 who left scope of plan [1]	5.2 million	75	100	1.5 million	52	100
(3) Participants since 1950 who received vested rights on termination of employment prior to retirement	21, 498	.3	.4	91, 517	3	6
(4) Participants who forfeited since 1950 regardless of length of service [2]	4.8 million	70	92	1.1 million	38	73
(5) Participants who forefited since 1950 with more than 15 years service	115, 573	1. 6	2. 2	9, 931	0. 3	0. 7
(6) Participants who forfeited since 1950 with more than 10 years service	280, 018	4	5	36, 901	1	2
(7) Participants who forfeited since 1950 with more than 5 years service	719, 688	10	14	220, 203	7	15
(8) Participants who forfeited since 1950 with 5 years service or less	4, 080, 312	59	77	879, 797	30	59

[1] Includes those who received benefits ,vested rights, or died.

[2] Many plans provided estimates for this item based on employee turnover statistics in which rehires were counted as separate transactions.

SUBTABLE 8A.—A SIDE-BY-SIDE COMPARISON OF PARTICIPANTS WITH VESTED RIGHTS COMPARED TO FORFEITURES BY LENGTH OF SERVICE (DERIVED FROM ITEMS (3) THROUGH (8) SINCE 1950 IN 51 PLANS WITH NO VESTING OR VESTING WITH 11 YEARS OF SERVICE OR MORE AND 36 PLANS WITH VESTING AFTER 10 YEARS OF SERVICE OR LESS. (SUBTABLES 2A AND 5A COMBINED.)

Vested rights and forfeitures since 1950	51 plans, ratio [1]	36 plans, ratio [1]
(a) With vested rights	1	1
(b) Forfeited regardless of length of service	223	12
(a) With vested rights	1	9
(b) Forfeited with more than 15 years service	5	1
(a) With vested rights	1	2
(b) Forfeited with more than 10 years service	13	1
(a) With vested rights	1	1
(b) Forfeited with more than 5 years service	33	2. 5
(a) With vested rights	1	1
(b) Forfeited with 5 years service or less	186	10

[1] In terms of 1 participant who received a benefit.

TABLE 9.—A SIDE-BY-SIDE COMPARISON OF THE NUMBER OF PARTICIPANTS WHO HAVE RECEIVED VESTED RIGHTS AND THOSE WHO HAVE FORFEITED IN THE LAST 5 YEARS IN 51 PLANS WITH NO VESTING OR VESTING WITH 11 YEARS OF SERVICE OR MORE AND 36 PLANS WITH VESTING AFTER 10 YEARS OF SERVICE OR LESS. (TABLES 3 AND 6 COMBINED.)

Participants, vested rights, and forfeitures in last 5 years	51 plans with no vesting or vesting with 11 years of service or more			36 plans with vesting after 10 years of service or less		
		Percentage of			Percentage of	
	Number	Item (1)	Item (2)	Number	Item (1)	Item (2)
(1) Participants in last 5 years	2.9 million	100	------	1.8 million	100	------
(2) Active participants in last 5 years who left scope of plan [1]	1.2 million	41	100	400, 000	22	100
(3) Participants in last 5 years who received vested rights on termination of employment prior to retirement	12, 536	.4	1	38, 037	2	9
(4) Participants who forfeited in last 5 years regardless of length of service [2]	991, 111	34	82	332, 760	18	83
(5) Participants who forfeited in last 5 years with more than 15 years service	27, 335	0. 9	2	470	0. 02	0. 1
(6) Participants who forfeited in last 5 years with more than 10 years service	63, 894	2	5	1, 451	. 08	. 4
(7) Participants who forfeited in last 5 years with more than 5 years service	155, 522	5	13	65, 177	4	16
(8) Participants who forfeited in last 5 years with 5 years service or less	835, 589	29	70	267, 583	15	67

[1] Includes those who received benefits, vested rights, or died.

[2] Many plans provided estimates for this item based on employee turnover statistics in which rehires were counted as separate transactions.

SUBTABLE 9A.—A SIDE-BY-SIDE COMPARISON OF THE RATIO (PERCENT) OF FORFEITURES BY LENGTH OF SERVICE TO TOTAL FORFEITURES IN LAST 5 YEARS (ITEMS (4) THROUGH (8)); IN 51 PLANS WITH NO VESTING OR VESTING WITH 11 YEARS OF SERVICE OR MORE AND 36 PLANS WITH VESTING AFTER 10 YEARS OF SERVICE OR LESS. (SUBTABLES 3A AND 6A COMBINED.)

Forfeitures last 5 years	51 plans		36 plans	
	Number	Percentage of item (5)	Number	Percentage of item (4)
(4) Total forfeitures last 5 years	991,111	100	332,760	100.0
(5) With more than 15 years' service	27,335	3	470	.1
(6) With more than 10 years' service	63,894	6	1,451	.4
(7) With more than 5 years' service	155,522	16	65,177	20.0
(8) With 5 years' service or less	835,589	84	267,583	80.0

SUBTABLE 9B.—A SIDE-BY-SIDE COMPARISON OF PARTICIPANTS WITH VESTED RIGHTS COMPARED TO FORFEITURES BY LENGTH OF SERVICE (DERIVED FROM ITEMS (3) THROUGH (8)) IN LAST 5 YEARS IN 51 PLANS WITH NO VESTING OR VESTING WITH 11 YEARS OF SERVICE OR MORE AND 36 PLANS WITH VESTING AFTER 10 YEARS OF SERVICE OR LESS. (SUBTABLES 3B AND 6B COMBINED)

	51 plans, ratio [1]	36 plans, ratio [1]
(a) With vested rights	1	1
(b) Forfeited regardless of length of service	79	9
(a) With vested rights	1	80
(b) Forfeited with more than 15 years service	2	1
(a) With vested rights	1	26
(b) Forfeited with more than 10 years service	5	1
(a) With vested rights	1	1
(b) Forfeited with more than 5 years service	12	2
(a) With vested rights	1	1
(b) Forfeited with 5 years service or less	67	7

[1] In terms of 1 participant who received a vested right.

APPENDIX

CASE HISTORY NO. 5

A large oil company with a pension plan that is 38 years old.

There are currently approximately 42,000 active employees and 6500 retirees.

The plan's assets exceed $450 million.

This plan has 50 percent vesting after 15 years, increasing at five percent a year until there is 100 percent vesting after 25 years.

Of the 105,000 persons participating since 1950, more than 61,000 have left the scope of the plan with no benefits. Of that number, 13,430 had more than five years service and 3,680 had more than ten years service.

In the last five years, of 53,054 participants, 17,657 have left with no benefits, of whom 3,838 had more than five years service and 1,052 more than ten years service.

The total retirements since 1950 are less than 8500.

CASE HISTORY NO. 18

This plan represents a large, collectively bargained fund in the hotel industry. The plan has been in existence since 1952.

The plan has failed to complete the forfeiture data requested by Part III of the P-1 survey form. The reason given for this failure is that the information is "not available." Yet in response to another question requesting the assumptions with respect to employee termination rates before retirement, a detailed table providing such termination rates is provided along with the notation that this data is "based on the experience during 12 years of operation of the fund."

CASE HISTORY NO. 33

A large communications company with a pension plan that is 58 years old.

There are currently approximately 57,000 active employees and 3,100 retired.

The plan's assets exceed $229 million.

This plan has full vesting at age 40 with 15 years service.

This plan has very high forfeiture rates. Prior to 1969, the plan had no vesting provisions. Of the 320,124 persons participating since 1950, more than 231,000 have left the scope of the plan with no benefits. Of that number, 5,800 had more than 15 years service, 12,741 had more than ten years service, and 31,419 had more than five years service.

In the last five years, of 152,028 participants, 108,035 left the plan without any benefits, of whom 2,284 had more than 15 years service, 4,592 had more than ten years service and 8,778 had more than five years service.

The average age of participants leaving this plan without benefits is as follows:

Average age

	Men	*Women*
Leaving within the last 5 years with more than 15 years service	43	40
Leaving within the last 5 years with more than 10 years service	39	36
Leaving within the last 5 years with more than 5 years service	35	31

Regarding investments, while the plan is prohibited by its own terms from investments in its own securities more than $11,000,000 has been invested in the last five years in its parent and subsidiaries.

CASE HISTORY NO. 37

A joint union-employer trust plan in the transportation industry. The plan is 18 years old and has 31,000 active employees and 10,000 retired employees.

The plan's assets exceed $164 million.

This plan has no vesting provision but pays a retirement after 20 years service in 30 consecutive years. However, if the employee does not have a specified number of days employment within a three-year period, he will be considered to have a break in service.

This plan has failed to complete the data in Part III on forfeitures.

This plan has $800,000 in loans outstanding for which there is no collateral.

This plan has no appeal procedure for the denial of a benefit claim.

CASE HISTORY NO. 38

This is a pension plan of a major aerospace company. It was established in 1957.* The plan covers salaried employees only and has 36,903 active participants and 1,241 retired as of December, 1969.

Since the plan was established over 60,000 employees have participated with more than 20,000 employees having left the scope of the plan without entitlement to any benefit, over 5,000 of whom had more than five years of service.

In addition, the plan has approximately $349,000,000 in liabilities for accrued vested benefits, but the market value of its assets is only $273,000,000. This means that if the plan were to terminate today, employees with vested benefits would have no legal remedy to obtain all their vested benefits.

CASE HISTORY NO. 39

This is a pension plan of a large data processing manufacturing firm. The plan presently has 169,030 active participants and has been in existence since 1945.

One of the most interesting facets of this plan's operations is its investment of pension fund monies in unsecured loans to the extent of $41,171,580.

Of the 89,652 employees who left the scope of the plan since 1951, 82,326 have left with no entitlement to benefits (this figure excludes death). This plan has a ten year vesting requirement.

CASE HISTORY NO. 40

This plan is from a large manufacturer in the aerospace industry. The plan has been in existence for 26 years and presently covers 46,000 active employees and 2800 retired.

The assets of the plan exceed $493 million.

The plan administrator has advised the Committee that the present employment figures represent a drop of more than 50,000 employees in the last few years.

This plan has a ten-year vesting provision, but did not provide answers to the forfeiture questions in Part III.

In addition, this plan had $1,811,000 in loans without collateral.

CASE HISTORY NO. 43

This pension plan is applicable to a large bank and its affiliates. The current plan has been in existence since 1954, superceding a prior plan established in 1941. There are 11,676 active participants.

There are two interesting facts concerning this plan:

1. The plan failed to report its liabilities, indicating that such information was not available; however, it gave a detailed accounting of its assets.
2. Of an estimated 11,000 employees who left the scope of the plan since 1954, as estimated 8,400 forfeited benefits (over 1,725 of this number had over five years of service and 1,000 had ten years of service).

CASE HISTORY NO. 45

This pension plan is applicable to a large electrical power holding company. It has currently 11,765 active participants.

While this is a contributory plan which has been collectively bargained, the employees do not participate in the administration of the plan.

10,818 employees have left the scope of the plan since 1950. Over 50 percent have left without entitlement to benefits, and over 20 percent had more than five years of service.

CASE HISTORY NO. 47

This is a large pension plan in the communications industry covering many separate employers; therefore there are differing dates for when the plan was established for purposes of any one employer. However, the earliest participating employer date given is for 1937.

Of the approximately 277,0000 participants in the plan since 1950, over 206,000 have left the scope of the plan and of that number 202,665 have left without entitlement to any vested benefit. Of the 202,665 over 17,000 had more than five years of service.

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* The plan was in existence prior to 1957, but in that year the changes in the plan were so great for purposes of this study, it is considered to have been established in 1957.

The plan has two provisions for vesting. The most liberal requires 15 years of service and, in addition, an age requirement of 40 years.

CASE HISTORY NO. 49

This pension plan of a major mining company was established in 1952. It currently covers over 15,000 active participants but has failed to provide complete data in response to Part III of the P–1 form.

Despite the employer having made contributions to the plan since 1952, the plan has only $33.3 million in assets, but $107 million in vested benefit liabilities. If this plan should terminate today, the assets of the fund would cover roughly one-third of the vested benefit liabilities, which would result in many participants with vested rights losing all or a substantial portion of their benefits expectations.

CASE HISTORY NO. 52

This is a pension plan of a large aerospace firm; it was established in 1955 and has over 105,904 active participants. The plan is collectively bargained.

Of the over 81,000 employees who have left the scope of the plan since it was established, over 66,000 have left without entitlement to any benefit. None of the 66,000 had more than five years of service.

CASE HISTORY NO. 161

This is the plan of a major Southern utility company and has been in existence since 1944.

It has failed to fill out Part III of the P–1 form.

This plan is not audited by an independent licensed or certified public accountant at least once a year.

After 26 years of funding, the plan has accumulated assets of $66 million, but has vested benefit liabilities of $133.5 million. In other words, after 24 years of funding, it has only managed to accumulate assets to cover one-half of the vested benefit liabilities incurred.

If this plan should terminate today, substantial numbers of participants with vested benefit rights would have their benefit expectations frustrated.

CASE HISTORY NO. 177

This is the pension plan of a steel fabricating company in Pennsylvania. The plan has been in existence since 1950 and is collectively bargained.

The plan has $25.3 million in assets but $48.2 million in vested benefit liabilities. Assets on hand after 20 years of funding are only sufficient to cover a little over one-half of the vested benefit liabilities covered by the plan. If this plan should terminate today substantial numbers of participants with vested rights would have their benefit expectations frustrated.

CASE HISTORIES NOS. 193, 207, AND 208

These constitute three plans of three major corporations in the United States. The total assets in these three plans aggregates $260 million. All three plans have been in existence since 1950 and two of these plans were in existence as of 1940.

All three plans were unable to furnish any information on Part III. Indeed, all three plans claim that information for the last five years with respect to the total numbers of participants and the total numbers who have received vested rights was unavailable. This information is specifically required to be disclosed by Federal law—the Welfare and Pension Plan Disclosure Act of 1958.

CASE HISTORY NO. 255

This is the plan of a clothing manufacturer in New York. It presently covers 1546 active employees.

The average age of the employees in this plan who forfeited with more than 15 years of service under the plan is 47.

The plan has $2.4 million in assets.

Approximately $400,000 of the fund has been invested in the securities of the contributing employer, roughly 20% of the plan assets.

CASE HISTORY NO. 280

This is the retirement plan of a major transit company operating in a large eastern city.

It has no vesting provisions whatsoever.

It has failed to complete Part III of the P–1 survey, the data dealing with benefits and forfeitures.

It reports $17.2 million in assets. It has failed to report the amount of vested benefit liabilities the plan has incurred, claiming that these figures are not available.

The report of this plan indicates that it has over $2 million is real-estate notes outstanding. This appears to represent a real-estate mortgage in the amount of $2.3 million held by the plan on properties of the transit company.

Although the plan is contributory, employees do not participate in the administration of the plan.

CASE HISTORY NO. 280A

This pension plan is a union-employer pension trust in the transportation industry.

The plan is 26 years old and covers 2,500 active employees and 947 retired.

This plan has assets in excess of $17 million.

There is no vesting provision. Retirement benefits are age 60 and 25 years service. The plan did not furnish forfeiture data.

The investment practices of this plan reflect that the $2 million of the plan's real estate notes are on property of the employer.

CASE HISTORY NO. 327

This is the plan of a major oil company in Oklahoma. It was established in 1944. Of some 8,000 participants who have left the scope of the plan since 1950, over 7,000 participants have forfeited without benefits.

2,000 of those who forfeited have more than five years of service; 1,000 forfeited with more than ten years service; 1,000 persons have received benefits since 1950.

The vesting provision requires 20 years of service.

The plan has $62.2 million in assets, $29 million in vested benefit liabilities and $31 million in accrued benefit values. The plan has twice as much money as it requires to pay all the vested benefit liabilities that have accrued. This plan has reported that it retained new actuaries in 1969 who determined that the plan was overfunded and insisted that no further contributions be made.

The president of this oil company is also a trustee of the plan as well as a director of the bank which is the corporation trustee for the plan and in which funds of the plan are deposited. However, it appears that the corporation trustee involved does not have investment discretion, investment decisions are made by professional investment advisors.

CASE HISTORY NO. 465

This is a pension plan of a midwest utility company and was established in 1950.

The plan has assets of $1.1 million. Of over 300 participants in the plan since 1950 only 37 have received retirement benefits. Of the 206 participants who have left the scope of the plan since 1950, 167 have forfeited.

In response to the question as to whether or not the company has failed to make any contributions to the plan in any of the years since the plan was established, the plan administrator responded that contributions were reduced in 1962 and thereafter by some $20,000 annual by virtue of "actuarial gains" due to employees leaving the company without vested interests.

CASE HISTORY NO. 569

This is the pension plan of a cable corporation in the Mid west. The plan has been in existence since 1943.

The plan was disqualified by the Internal Revenue Service on December 1, 1970 but the company protested the ruling.

It has $1.7 million in assets. Of this amount nearly $900,000 of the pension fund monies have been invested in securities of the company. That is, nearly 53% of the plan assets have been invested in securities of the employer who established the plan.

The report of this plan further indicates that the ratio on total administrative costs charged to the plan in the last five years to the total amount of benefits paid out by the plan in the last five years is in excess of 33 percent.

The report of this plan indicates that the president of the company, who is also on the committee administering the plan, is also a director of the bank in Missouri that invests the plan funds.

PENSION STUDY: FORM P–1 (S. RES. 360)

PART I. IDENTIFICATION

1. A. Name of Plan.
B. Address of Principal Office of Plan.
C. Name of Administrator.
D. Name and title of individuals (s) who prepared response for this study:

PART II. PLAN PROFILE

2. A. Year of Plan establishment.
B. Is the Plan qualified by the Internal Revenue Service? (1) Yes —— (2) No ——
If "No," explain.
3. A. Date employer contributions to the plan commenced (or reserves created).
B. Date initial benefit payments under the Plan were made (other than refund of employee contributions).
4. Funding:
A. Self-administered:
(1) Trust.
(2) Other (specify).
B. Insured (specify).
C. Combination (specify).
5. Type of Administration:
A. Employer or Employer Association.
B. Union.
C. Joint Employer-Employee Board of Trustees.
D. Other (specify).

6. Total number of current Plan participant" as having the same meaning as in the Welfare and Pension Plans Disclosure Act, i.e., "any employee or former employee of an employer or any member of an employee organization who is or may become eligible to receive a benefit of any type from an employee . . . pension benefit plan, or whose beneficiaries may be eligible to receive any such benefit." However, specifically include any preparticipant who has not qualified for membership in the plan but with respect to whose service payment were made into the pension plan or fund. Also include any person whose service has been temporarily interrupted, e.g., persons on military leave, but who may still be eligible to receive benefits if their service is resumed. This procedure should be followed with respect to all subsequent questions involving the term "participant.")
A. Active.
B. Retired.

7. Check the category or categories that best describes the groups covered by the Plan.
A. All Employees.
B. Hourly Rate.
C. Salaried.
D. Other (specify).

8. Industry in which most of the participants are employed (check one):

A. Manufacturing.
B. Mining.
C. Construction.
D. Transportation.
E. Communications and Utilities.
F. Wholesale and Retail trade.
G. Finance, Insurance and Real estate.
H. Services.
I. Other (specify).

9. A. Is the Plan collectively bargained? (1) Yes— (2) No—.

B. Does more than one employer contribute to the Plan? (1) Yes— (2) No—.

10. A. Current employer contribution formula: (1) Fixed rate per hour, week or month or percent of payroll (specify). (2)—Other (specify).

B. Is this formula specified in a written collective bargaining agreement, plan, trust agreement or similar governing document? (1) Yes— (2) No—.

If "Yes," specify the document or documents in which the formula appears:

(a) Collective bargaining agreement.
(b) Plan.
(c) Trust agreement.
(d) Insurance contract.
(e) Other (specify).

11. Current benefit formulas (give data for service which would commence as of date of study).

A. Normal retirement.
B. Early retirement.
C. Disability.
D. Death.
E. Other (e.g., survivorship, temporary retirement, etc) (specify).

12. Age and service requirements for obtaining benefits.

A. Normal retirement.
B. Early retirement.
C. Disability.
D. Death.
E. Other (e.g., survivorship, temporary retirement, etc.) (specify).

13. A. Specify the requirements of the vesting provision, i.e., age, service, type of separation, etc.

B. What percentage of accrued benefits are initially vested?

C. After how many years are all accrued benefits vested?

D. Specify the vesting formula (including whether such formula has retroactive effect).

E. Specify any survivorship rights under the vesting provisions.

F. Specify whether any benefits in the event of illness (i.e., medical, surgical, hospital benefits, etc.) are provided to retirees under the Plan. Indicate the requirements for obtaining such benefits.

14. Does the Plan credit service with other employers or service with respect to other plans of the same employer? A. Yes — B. No —

If "Yes," specify the type of credit provided, i.e., partial, full, etc., and provide such other essential details as will clarify the arrangement (include data on any reciprocal arrangements entered into with other plans, including the identity of such other plans).

15. Does the Plan provide for employee contributions? A. Yes — B. No —

If "Yes," specify that rate of such contributions, and indicate whether the Plan requires such contributions to be made as a condition of participation.

16. A. Specify the pre-participation service period required as a condition precedent to membership in the Plan (check one):

(1) None.
(2) 3–6 months.
(3) 1 year.
(4) 2–3 years.
(5) Over 3 years.
(6) Other (specify).

B. Specify the minimum age required as a condition precedent to membership in the Plan (check one):

(1) None.
(2) 18–21.
(6) 22–25.
(4) Over 25.

C. Does the Plan credit pre-participation service with respect to the Plan? (1) Yes — (2) No —

If "Yes," specify the type of credit provided.

17. Specify the maximum age, if any, at which an employee is barred from membership in the Plan——

18. A. If the Plan contains a continuous service requirement, specify the period of time which will constitute a "break in service." (check one):

(1) Less than 1 year.
(2) 1 year.
(3) 2 years.
(4) Over 2 years.
(5) Other (specify).

B. Enumerate any other conditions which will constitute a "break in service."

C. Enumerate any circumstances recognized by the Plan which will serve to waive a "break in service."

PART III. DATA ON BENEFITS AND FORFEITURES

(Where records of the Plan are unavailable, estimate if necessary but indicate if the figure is an estimate.)

19. A. Specify the total number of persons who have participated in the Plan since 1950 or since the Plan's establishment if that date is later than 1950——

B. Specify the total number of persons who have participated in the Plan within the past 5 years——

20. A. Specify the total number of participants who received benefits since 1950 or since the Plan's establishment if that date is later than 1950:

(1) Normal retirement.
(2) Early retirement.
(3) Disability retirement.
(4) Death.
(5) Other.

B. Specify the total number of participants since 1950 or since the Plan's establishment if that date is later than 1950 who have obtained vested rights under the vesting provision on terminating employment before qualifying for normal or early retirement——

C. Specify the total number of participants within the past 5 years who have obtained vested rights under the vesting provision on terminating employment before qualifying for normal or early retirement——

21. A. Specify the total number of participants since 1950 or since the Plan's establishment if that date is later than 1950 who left the scope of the Plan for any reason (include those who retired and/or died)——

B. Specify the total number of participants since 1950 or since the Plan's establishment if that date is later than 1950 who left the scope of the Plan for reasons other than normal or early retirement——

C. Specify the total number of participants within the past 5 years who left the scope of the Plan for any reason (include those who retired and/or died)——

D. Specify the total number of participants within the past 5 years who left the scope of the Plan for reasons other than normal or early retirement——

22. Specify according to the following categories the total number of participants, regardless of their age, who left the scope of the Plan without entitlement to any retirement benefits:

A. Since 1950 or since the Plan's establishment if that date is later than 1950——

B. Since 1950 or since the Plan's establishment if that date is later than 1950 with more than 15 years service under the Plan——

C. Since 1950 or since the Plan's establishment if that date is later than 1950 with more than 10 years' service under the Plan——

D. Since 1950 or since the Plan's establishment if that date is later than 1950 with more than 5 years service under the Plan——

E. Within the past 5 years——

F. Within the past 5 years with more than 15 years service under the Plan——

G. Within the past 5 years with more than 10 years service under the Plan——

H. Within the past 5 years with more than 5 years service under the Plan——

I. Within the past 5 years due solely to voluntary separation——

J. Within the past 5 years due solely to failure to meet continuous service requirements——

23. Specify according to the following categories the average age of participants who left the scope of the Plan without entitlement to retirement benefits:

A. Within the past 5 years with more than 15 years service under the Plan——

B. Within the past 5 years with more than 10 years service under the Plan——

C. Within the past 5 years with more than 5 years service under the Plan——

24. A. Indicate the average monthly benefit paid to retirees 5 years ago.

(1) Normal—— (2) Early —— (3) Disability——

B. Indicate the average monthly benefit paid to retirees within the last year.

(1) Normal—— (2) Early —— (3) Disability——

PART IV. FUNDING STATUS DATA

25. Specify the following (give the latest figures):

A. Total assets of Plan (at cost, book, and market value):

(1) (Cost ——
(2) (Book) ——
(3) (Market) ——
(4) (Date of latest evaluation) ——

B. Total liabilities for all accrued vested benefits (exclude benefits vested under vesting, early retirement, disability retirement and normal retirement provisions, and give present dollar value) (Date of latest evaluations) ——

C. Total value of all accrued benefits, treating all such benefits as if they were vested (give present dollar value) (Date of latest evaluation) ——

26. A. Provide a concise description of the actuarial methods, factors and assumptions used in determining contributions or premium payments under the Plan (indicating specifically the assumption used with respect to the rate of employee termination for reasons other than death, disability, or retirement).

B. Except for multiemployer plans, specify the total number of years (identifying each year) since 1950 or since the Plan's establishment if that date is later than 1950, in which the employer did not make contributions to the Plan, or reduced his rate of contributions to the Plan, indicating concisely the factors which dictated this result.

C. If a multiemployer plan, list those employers who are delinquent in their contributions to the Plan as of the date of this study, the duration of the delinquency, the steps, if any, taken by the Administrator in this respect, the total amount of delinquent contributions, and the total number of currently contributing employers.

SPECIAL INSTRUCTIONS FOR INSURED PLANS IN CONNECTION WITH ITEM 25A

For plans funded in whole or in part through the medium of insurance contracts the asset value of the contract should be calculated as follows:

1. Group Annuity Contract, including Deposit Administration: Asset values reflected in the experience fund, including those applicable to retired lives.

2. Individual Insurance or Annuity Contracts: Cash value plus reserves for retired lives and paid-up benefits.

3. Group Permanent Contract: Asset values

in experience fund, including those applicable to retired lives. If the contract is not experience rated, report cash values plus reserves for retired lives and paid-up benefits.

For the foregoing plans report book and market values only. If necessary, market values should be estimated but indicate if the figure is an estimate.

27. A. Indicate the total amount ($ value) of loans made by the Plan fund which are outstanding as of the date of this study (exclude investments in government, corporate and other bonds)——

B. Indicate the total amount ($ value) of loans made by the Plan fund which are outstanding as of the date of this study which were made without collateral being provided by the debtor——

C. Indicate the total amount ($ value) of loans made by the Plan fund which are in default as of the date of this study——

D. Indicate the total amount ($ value) of loans made by the Plan fund which are in default and which have been written off as uncollectable as of the date of this study——

E. Indicate the total amount ($ value) of debt owed by the Plan fund——

28. A. List and identify all employers contributing to the Plan fund (including any employer controlling such an employer, controlled by such an employer or under common control with such an employer) in whom the Plan fund has invested its assets, or with respect to whom the Plan fund has made a loan, guaranteed a loan, or pledged its assets within the past 5 years. Indicate the amount and date of such investment, loan, pledge, etc., for each employer listed.

B. List and identify all officers or employees of the union whose members are covered by the Plan with respect to whom the fund has invested its assets or made a loan, guaranteed a loan, or pledged its assets, within the past 5 years. List and identify any corporation, joint-stock company, mutual fund, etc., which such officer or employee owns or in which he has controlling interest, with respect to whom the fund has invested its assets or made a loan, guaranteed a loan, or pledged its assets, within the past 5 years. Indicate the amount and date of such investment, loan, pledge, etc., for each officer or employee listed, or of each entity owned or controlled by him.

29. Indicate what percentage of corporate stock at current market value held by the Plan as of the date of this study was purchased directly from the issuer or owner——

30. Specify the following:

A. The average amount of administrative costs charged to the Plan for the last 5 years——

B. The ratio (percent) of current administrative costs charged to the Plan to total fund assets calculated at current market value——

C. The ratio (percent) of total administrative costs charged to the Plan for the last 5 years to the total income earned by the fund during the last 5 years——

D. The ratio (percent) of total administrative costs charged to the Plan for the last 5 years to the total amount of benefits paid out by the Plan during the last 5 years——

31. A. Indicate what percentage of total Plan fund assets at current market value as of the date of this study has been invested in arrangements intended to provide funds for housing or other social-economic improvement programs——

B. List and identify each such program in which the Plan fund has invested and the amount of the investment at current market value——

PART V. INTERNAL ADMINISTRATIVE DATA

32. Does the Plan provide a booklet to each participant explaining the terms, conditions and procedures relative to the Plan? A. Yes— B. No—

33. A. Does the Plan provide the participant with an opportunity to request a hearing on his claim for benefits? (1) Yes— (2) No—

B. Does the Plan require a complete or partial denial of a claim for benefits to be put in writing? (1) Yes— (2) No—

C. Does the Plan provide for any appeal procedures with respect to a denial of a benefit claim? (1) Yes— (2) No—

D. If the Plan provides an appeal procedure, is it set forth in the booklet described in question 32? (1) Yes— (2) No—

34. Indicate approximately how many claims were considered for each of the last 5 years——

35. Indicate whether the Plan utilizes the following (check all which are applicable):

A. Professional administrator.

B. Corporate trustee.

C. Actuary (indicate qualifications).

D. Public accountant (indicate qualifications).

E. Attorney at law.

F. Investment advisor.

G. Other consultants (specify).

36. Are the Plan participants represented at any level in the administration of the Plan? A. Yes— B. No—

If "Yes," explain, and indicate how such participants are selected.

37. A. Specify the procedure for amending the Plan.

B. Indicate approximately how many amendments have been made to the Plan since 1950 or since the Plan's establishment if that date is later than 1950——

C. Indicate approximately the intervals at which the Plan is codified in a single document to incorporate all amendments——

38. If the Plan is administered by a group of individuals, e.g., board of trustees or committee, indicate whether the Plan contains a provision requiring regular periodic meetings of the group. A. Yes— B. No—

If "Yes," specify the period at which such group is required to meet.

39. Investment decisions are made by (check all that participate):

A. Committee appointed by employer.

B. Committee appointed by union.

C. Joint employer-union board of trustees or committee.

D. Corporate trustee.

E. Investment adviser.

F. Corporate trustee or investment adviser with review by employer, union, joint board of trustees, or committees appointed by any of the foregoing.

G. Other (specify).

40. Specify what formal restrictions, if any, limit the discretion of those persons charged with the responsibility for investing Plan assets (e.g., provisions with respect to diversification of funds, investment in securities of the employer, restrictions against investment in corporate stock, etc.)

41. Is the Plan audited at least once a year by an independent licensed or certified public accountant? A. Yes— B. No—

42. Has qualification of the Plan or exemption of the trust under the Internal Revenue Code ever been revoked or suspended? A. Yes— B. No— If "Yes," explain.

43. A. If the Plan is insured, list and identify:

(1) Any administrator, officer or employee of the Plan who is a director, officer or employee of the carrier or service organization providing benefits under the Plan.

(2) Any director, officer or employee of any employer contributing to the Plan who is a director, officer or employee of the carrier or service organization providing benefits under the Plan.

(3) Any officer or employee of the union whose members are covered by the Plan who is a director, officer or employee of the carrier or service organization providing benefits under the Plan.

B. If the Plan utilizes a corporate trustee, list and identify:

(1) Any administrator, officer or employee of the Plan who is a director, officer or employee of the corporate trustee.

(2) Any director, officer or employee of any employer contributing to the Plan who is a director, officer or employee of the corporate trustee.

(3) Any officer or employee of the union whose members are covered by the Plan who is a director, officer or employee of the corporate trustee.

44. Indicate the provisions for distribution of assets upon Plan termination, including the order of priorities for distribution under the Plan.

45. A. Specify any layoffs or closing of a plant, department or subdivision of an employer which resulted in more than 10 percent or more than 500 of the active participants in the Plan being separated from the scope of the Plan (give data for last 5 years and specify in each case the percentage and number of employees separated).

B. Does the Plan cover participants who became eligible to participate in the Plan by virtue of a corporate acquisition, merger, consolidation, lease, etc., which resulted in termination of their prior plan? (1) Yes— (2) No — If "Yes," furnish the following details:

(a) Name of the predecessor corporation——

(b) Date of the acquisition, merger, consolidation, lease, etc.——

(c) Name of the terminated plan of the predecessor corporation——

(d) Date the plan of the predecessor corporation was terminated——

C. Indicate the percentage of participants currently covered by the Plan who received vested rights under other plans of the same or a predecessor employer——

46. List and identify any compensated administrator, officer or employee of the Plan who also receives compensation as a director, officer or employee of the employer contributing to the Plan or as an officer or employee of a union whose members are covered by the Plan.

47. If the Plan is administered by a group of individuals, indicate how frequently within the last 5 years membership of the group has changed——

48. A. Specify the number of lawsuits within the last 5 years brought against the Plan by or on behalf of persons who are or claim to be participants or their beneficiaries——

B. Of the total figure furnished in (A), specify the number which were successfully resolved in favor of such persons or which were settled——

C. Of the total figure furnished in (A), specify the number of suits which were based claims for benefits——

D. Of the total figure furnished in (C), specify the number of suits which were successfully resolved in favor of such persons or which were settled——

E. With respect to all litigation not involving claims for benefits, specify the following:

(1) Title of the action (and court in which the action was brought)——

(2) Date——

(3) Law reporter citation(s) (if any)——

(4) Nature of issue——

(5) Outcome——

THE SENATE LABOR SUBCOMMITTEE STUDY OF PRIVATE PENSION PLANS—PRELIMINARY FINDINGS

Mr. JAVITS. Mr. President, last week the Senator from New Jersey (Mr. WILLIAMS) and I released the first preliminary findings of the Labor Subcommittee's study of private pension plans. The findings are now reprinted in the RECORD and they speak for themselves, but I would like to add a few comments of my own.

It is a rare thing to find a major American institution—private pension plans—built upon human disappointment—a shocking thing, and something which should move us all to act with determination to make that institution deliver upon its promises.

Four years ago I introduced the first bill to require protection of American workers against unreasonable forfeiture of pension benefits under private pension plans. That bill, S. 2, is still the only bill now pending in the Senate on this subject.

If my bill had been law, the 719,688 workers—each with more than 5 years service—in the "no vesting" or late-vesting sample of plans would have received something, instead of nothing, from the $10-billion piling up in those plans for the last 20 years. Instead, of those who left employment under those plans in the last 20 years, only 5 percent got something, while 95 percent got nothing.

Even in the "earlier vesting" sample, in which 16 percent of those who left were protected from forfeitures, there were included in the balance 36,901 employees who worked more than 10 years and got nothing—not a large percentage of the whole, but human beings nevertheless, moving into their older years without the protection they should have had.

No doubt as this study proceeds further the statistics will be refined and amplified. But even as this first flash of daylight begins to reach into the long-hidden statistical truth of the private pension plan industry, it ought to be obvious that something is wrong, and that it needs to be set right.

My bill would, I believe, be a solution—certainly one which would do the job. Under it, a worker with 6 years of service would be guaranteed 10 percent of his earned pension rights, not subject to forfeit, and 10 percent more per year thereafter until 100 percent is "vested" after 15 years.

Obviously, there would still be forfeitures. Indeed, more than half might well continue to forfeit, but those would be the more "casual" employees, and no one with a substantial length of service—more than 5 years—would be completely out in the cold.

We can argue—as no doubt we will—where to draw the line, but one thing is clear beyond question: As things now stand, only a relative handful of the estimated tens of millions of American workers under private pension plans will ever get anything from the plans on which they now stake their futures. And the solution is a minimum standard of vesting.

We have also seen in this report evidences of other weaknesses in the private pension plan system. One case describes a pension plan with 53 percent of its assets invested in the securities of the contributing employer. Others describe weaknesses in funding, and failure either to keep adequate records to disclose what is going on. Those are all problems which can and should be dealt with, and every one of them is dealt with in my bill.

But all the records in the world, all the funding in the world, all the disclosure in the world, will not produce benefits unless the plan provides for them, and unless the workers are protected against forfeiture.

The committee undertook this study at my suggestion over a year ago. The chairman and I, and our respective staffs, have moved it along quite a way. These initial disclosures make it clear beyond question we are on the right track, and I have no doubt that we can, and must, legislate in this field, in this Congress.

Mr. President, I ask unanimous consent that there be printed in the RECORD, in addition to the material concerning the pension study which has already been offered for the RECORD, a brief summary of the major provisions of my bill (S. 2), as well as the full text of it.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MAJOR PROVISIONS OF JAVITS BILL (S. 2)—THE PENSION AND EMPLOYEE BENEFIT ACT TO REGULATE PRIVATE PENSION PLANS

1. Require minimum vesting standards: an employee after 6 years would have a nonforfeitable right to at least 10 per cent of any pension benefits earned up to that time, and each year thereafter would "vest" an additional 10 per cent so that after 15 years all benefits would be fully nonforfeitable.

2. Require minimum funding standards to assure that pensions will operate on a sound and solvent basis and will deliver as promised.

3. Establish a federal insurance program for pension plans to guarantee that benefits will be paid even if an employer goes out of business before the plan is fully funded.

4. Establish a central fund which employees could join on a voluntary basis to enable their pension plans to operate on a central clearing house basis for individuals who transfer from one employer to another without any loss of pension benefits.

5. Establish rules of conduct covering conflicts of interest and other unethical practices to prevent graft and mishandling of funds.

6. Consolidate in a new Pension and Employee Benefit Plan Commission existing regulatory standards dealing with pension and welfare plans (now scattered through other agencies and departments) as well as the new standards established by the bill.

7. Provide for effective judicial enforcement of the bill's requirements, and for recovery of pension benefits.

S. 2

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Pension and Employee Benefit Act".

DEFINITIONS

SEC. 2. (a) As used in this Act—

(1) The term "Commission" means the United States Pension and Employee Benefit Plan Commission established under section 3.

(2) The term "employee" means any person employed by an employer, and includes an officer or director of a corporation or of an unincorporated organization and an agent acting for his principal on a substantially full-time basis.

(3) The term "employees' benefit plan" means any plan providing for the payment of any of the benefits specified in section 2(4).

(4) The term "employees' benefit fund" means any fund, whether established pursuant to a collective bargaining agreement or unilaterally by an employer or by a labor organization, which is available for the payment either from principal or income, or both, to persons who are employed in an industry affecting commerce or who are members of a labor organization representing employees in an industry affecting commerce, or to members of the families, dependents, or beneficiaries of such persons, of one or more of the following benefits: Medical or hospital care, pension on retirement or death of employees, benefits under a profit-sharing-retirement plan, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness benefits, or accident benefits, or pooled vacation, holiday, severance or similar benefits, or defraying the costs of apprenticeship training programs, or, in the case of a fund subject to the restrictions of section 302(c) of the Labor-Management Relations Act, providing any other benefit which may be permitted by subsections 302(c)(5) or 302(c)(6) of that Act: *Provided,* That any fund to which contributions are made solely to provide workmen's compensation benefits, disability benefits, or other benefits required by State or local law to be provided to employees (including supplemental workmen's compensation or supplemental disability benefits permitted but not required by State or local law) shall not be deemed to be an employees' benefit fund. To the extent that benefits under an employees' benefit plan are provided through the medium of an insurance contract under which benefits are guaranteed by the insurance company to the extent that insurance premiums are paid, and under which neither the employer nor any labor organization retains the power to instruct the insurance carrier with respect to entitlement to receipt of benefits, disposition of assets or any other matter relating to the moneys received by the insurance carrier pursuant to the plan, such plan shall not be deemed to involve an employees' benefit fund subject to the provisions of title IV.

(5) The term "employer" means any person acting directly as an employer or indirectly in the interest of an employer in relation to a pension plan or employee's benefit fund, and includes a group or association of employers acting for an employer in such capacity.

(6) The term "person" means an individual, partnership, corporation, mutual company, joint stock company, trust, unincorporated organization, association, or employee organization.

(7) The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf Lands defined in the Outer Continental Shelf Lands Act.

(8) The term "commerce" means trade, commerce, transportation, or communication, among the several States, or between any foreign country and any State, or between any State and any place outside thereof.

(9) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Relations Act, 1947, as amended, or the Railway Labor Act, as amended.

(10) The term "life annuity" means an annuity that continues for the duration of the life of the annuitant, whether or not it is thereafter continued to some other person.

(11) The term "deferred life annuity" means a life annuity that commences at retirement age under a pension plan, but in no event later than age seventy.

(12) The term "pension benefit" means the aggregate annual, monthly, or other amounts to which an employee will become entitled upon retirement or to which any other per-

son is entitled by virtue of such employee's death.

(13) The term "pension plan" means a pension fund or plan, other than a profit-sharing-retirement plan, organized and administered to provide pension benefits for employees or their beneficiaries, and includes, without limiting the generality of the foregoing:

(A) a unit benefit plan under which pension benefits are determined with reference to remuneration of an employee for each year of service, or for a selected number of years of service.

(B) a money purchase plan under which pension benefits are determined at the retirement of an employee with reference to the accumulated amount of the aggregate contributions paid by or for the credit of the employee, and

(C) a flat benefit plan under which the pension benefits are expressed either as a fixed amount in respect of each year of employment or as a fixed periodic amount.

(14) The terms "registered pension plan" and "registered profit-sharing-retirement plan" mean, respectively, a pension plan or profit-sharing-retirement plan registered with and certified by the Commission as a plan organized and administered in accordance with title I.

(15) The term "reinsured pension plan" means a registered pension plan which has been reinsured under title II and which has been in operation for at least five years and, for each of such years, has met the registration requirements of title I: *Provided*, That any addition to or amendment of a reinsured pension plan shall, if such addition or amendment involves a significant increase, as determined by the Commission, in the initial unfunded liability of such pension plan, be regarded as a new and distinct pension plan which may become a "reinsured pension plan" only after meeting the five-year operation requirements of this paragraph and section 202(c) and the registration requirements of title I.

(16) The term "supplemental pension plan" includes a pension plan established for employees whose membership in another pension plan is a condition precedent to membership in the supplemental pension plan.

(17) The term "voluntary additional contribution" means an additional contribution by an employee to or under a pension or profit-sharing-retirement plan except a contribution the payment of which, under the terms of the plan, imposes upon the employer an obligation to make concurrent additional contribution to or under the plan.

(18) The term "experience deficiency" with respect to a pension plan means any actuarial deficit, determined at the time of a review of the plan, that is attributable to factors other than (i) the existence of an initial unfunded liability, or (ii) the failure of the employer to make any payment as required by the terms of the plan or by the provisions of title I, other than as required by section 108(b)(3).

(19) The term "fully funded" with respect to any pension plan means that such plan at any particular time has assets actuarily determined by a person authorized under section 108(e) to be sufficient to provide for the payment of all pension and other benefits to all employees and former employees then entitled to an immediate or deferred benefit under the terms of the plan.

(20) The term "unfunded liability" means the amount, on the date when such liability is computed, by which the assets are actuarily required to be augmented to insure that the plan is and will remain fully funded.

(21) The term "initial unfunded liability" means the amount, on the effective date of this Act, or the effective date of a pension plan or any amendment thereto, whichever is later, by which the assets are actuarially required to be augmented to insure that the plan is and will remain fully funded.

(22) The term "special payment" means a payment made to or under a pension plan for the purpose of liquidating an initial unfunded liability or experience deficiency.

(23) The term "fund" shall mean a trust fund, but shall also include a contractual right pursuant to an agreement with an insurance company.

(24) The term "funding" shall mean payment or transfer of assets into a fund, but shall also include payment to an insurance company to secure a contractual right from such company.

(25) The term "profit-sharing retirement plan" means a plan established and maintained by an employer to provide for the participation in his profits by his employees in accordance with a definite predetermined formula for allocating the contributions made to the plan among the participants and for distributing the funds accumulated under the plan upon retirement or death. Such plan may include provisions permitting the withdrawal or distribution of the funds accumulated upon contingencies other than, and in addition to, retirement and death.

(26) The term "interest in a profit-sharing retirement plan" means the amount allocated to the account of a participant in a profit-sharing retirement plan.

(27) The term "service for a continuous period" means service for a period of time without regard to periods of temporary suspension of employment, and shall include equivalent aggregate service as provided in section 107(f).

(28) The term "Administrator" means the person defined in section 2(b)(3) of this Act.

(b) As used in titles IV and V of this Act, and in the Welfare and Pension Plans Disclosure Act,

(1) The term "party in interest" means any administrator, officer, trustee, custodian, counsel, or employee of any employee benefit plan, or a person providing benefit plan services to any such plan, or an employer any of whose employees are covered by such a plan or any person controlling, controlled by, or under common control with, such employer or officer or employee or agent of such employer or such person, or an employee organization having members covered by such plan, or an officer or employee or agent of such an employee organization, or a relative, partner or joint venturer of any of the above described persons.

(2) The term "relative" means a spouse, ancestor, descendant, brother, sister, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

(3) The term "administrator" means—

(A) the person specifically so designated by the terms of the plan, collective bargaining agreement, trust agreement, contract, or other instrument, under which the plan is operated; or

(B) in the absence of such designation (i) the employer in the case of an employee benefit plan established or maintained by a single employer, (ii) the employee organization in the case of a plan established or maintained by an employee organization, or (iii) the association, committee, joint board of trustees, or other similar group of representatives of the parties who established or maintain the plan, in the case of a plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations.

(4) The term "adequate consideration" means either (1) at the price of the security prevailing on a national securities exchange which is registered with the Securities and Exchange Commission or (2) if the security is not traded on such a national securities exchange, at a price not less favorable to the fund than the offering price for the security as established by the current bid and asked prices quoted by persons independent of the issuer.

(5) The term "security" has the same meaning as in the Securities Act of 1933 (15 U.S.C. 77(a) et seq.).

(6) The term "fiduciary" means any person who exercises any power of control, management, or disposition with respect to any moneys or other property of an employee benefit fund, or has authority or responsibility to do so.

(7) The term "market value" or "value" when used in this Act means fair market value where available, and otherwise the fair value as determined in good faith by the administrator.

ESTABLISHMENT OF PENSION AND EMPLOYEE BENEFIT PLAN COMMISSION

SEC. 3. (a) There is hereby established in the executive branch of the Government an independent agency to be known as the "United States Pension and Employee Benefit Plan Commission". The Commission shall be composed of five members to be appointed by the President, by and with the advice and consent of the Senate. Members of the Commission shall serve for terms of six years, except that (i) of the members first appointed two shall be appointed for a term of two years, two shall be appointed for a term of four years, and one shall be appointed for a term of six years, and (ii) members appointed to fill vacancies occurring by reason of death or resignation shall be appointed for the unexpired terms of their predecessors. Not more than three members of the Commission shall be members of the same political party, and in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable. No member of the Commission shall engage in any business, vocation, or employment other than that as serving as a member, nor shall any member participate, directly or indirectly (except as a beneficiary), in the management of any plan or fund subject to regulation under this Act. One of the members shall be designated by the President as Chairman of the Commission. Three members shall constitute a quorum of the Commission.

(b)(1) Section 5314 of title 5, United States Code (which lists positions in level III of the Executive Schedule) is amended by adding at the end thereof the following:

"(46) Chairman, United States Pension Commission."

(2) Section 5315 of such title (which lists positions in level IV of the Executive Schedule) is amended by adding at the end thereof the following:

"(78) Members, United States Pension Commission."

(c) The Commission is authorized to appoint and fix the compensation of such officers and employees, and to incure such expenses, as may be necessary to enable it to carry out its functions.

POWERS AND DUTIES OF COMMISSION

SEC. 4. (a) It shall be the duty of the Commission—

(1) to promote the establishment, extension, and improvement of pension, profit-sharing-retirement and other employee benefit plans;

(2) to accept for registration all pension and profit-sharing-retirement plans required and qualified to be registered with the Commission under title I, and to reject any pension or profit-sharing-retirement plan that does not qualify for registration;

(3) to cancel certificates of registration of pension and profit-sharing-retirement plans registered under such title which cease to be qualified for such registration;

(4) to direct and administer the pension reinsurance program established by title II;

(5) to direct and administer the pension portability program established by title III;

(6) to enforce the provisions of title IV; and

(7) to perform such other functions as may be necessary to administer the provisions of this Act.

(b) The Commission or its duly authorized representatives shall have power, at any reasonable time—

(1) to inspect the books, files, documents, and other records respecting pension and profit-sharing-retirement plans kept by an administrator, employer, insurer, trustee, or other person in relation to such plans: *Provided*, That the Commission may delegate its powers under this subsection (b) to the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation in cases involving books, files, documents, or other records held by a bank or trust company, subject to their respective supervisory power, and

(2) to require any such administrator, employer, insurer, trustee, or other person to furnish, in a form acceptable to the Commission, such information as the Commission deems necessary for the purposes of ascertaining whether this Act and regulations of the Commission hereunder have been or are being complied with.

(c) The Commission is authorized by regulation to prescribe minimum standards and qualifications for persons performing services required by the provisions of this Act to be performed by actuaries and, upon application of any person, to determine whether such person meets the standards and qualifications so prescribed. The Commission shall issue certificates of qualification to applicants determined by the Commission after such examination, investigation, or other procedure as it may deem necessary, to meet such standards and qualifications.

(d) The Commission is authorized by regulation to prescribe reasonable fees for the registration of pension and profit-sharing-retirement plans and other services to be performed by it in connection with such plans under this Act, and to make and enforce such other regulations as may be necessary to enable it to carry out its functions and duties under this Act. All fees collected by the Commission shall be paid into the general fund of the Treasury.

(e) The Commission shall transmit to the Congress annually a report of its activities under this Act during the preceding fiscal year together with the results of such studies as may be directed by this Act or, from time to time, by other Acts of Congress. In its first such report, the Commission shall include information, research findings and recommendations for such further legislation as may be advisable, including but not limited to additional coverage under this Act.

(f) In accordance with the Administrative Procedure Act, the Commission may prescribe such rules and regulations as may be necessary or appropriate to carry out the purposes of this Act. Among other things, such rules and regulations may define actuarial, accounting, technical, and trade terms; may prescribe reasonable limitations or actuarial assumptions as to interest rates, mortality, turnover rates, and other matters; may prescribe the form and detail of all reports required to be made under this Act; and may provide for the keeping of books and records and the inspection of such books and records. Prior to promulgating rules or regulations, the Commission shall consult with other Federal departments or agencies which have jurisdiction over employee benefit plans with a view to avoiding unnecessary conflict, duplication or inconsistence in the rules and regulations which are applicable to such plans under other laws of the United States.

APPROPRIATIONS

SEC. 5. There are authorized to be appropriated such sums as may be necessary to enable the Commission to carry out its functions and duties.

ADMINISTRATION OF WELFARE AND PENSION PLANS DISCLOSURE ACT

SEC. 6. (a) The functions of the Secretary of Labor and the Department of Labor under the Welfare and Pension Plans Disclosure Act, as amended, are hereby transferred to and shall be administered by the Commission.

(b) All personnel, property, records, and unexpended balances of appropriations, which the Director of the Bureau of the Budget determines are used or intended for use by the Secretary of Labor or the Department of Labor primarily in the administration of functions transferred under the provision of this section, are transferred to the Commission.

(c) In addition to the filing requirements of the Welfare and Pension Plans Disclosure Act, it shall be a condition of compliance with section 7 of such Act that each annual report hereinafter filed under that section shall be accompanied by a certificate or certificates in the name of and on behalf of the plan, the administrator, and any employer or labor organization participating in the establishment of the plan, designating the Commission as agent for service of process on the persons and entities executing such certificate or certificates in any action arising under the Welfare and Pension Plans Disclosure Act or this Act.

TITLE I—BENEFIT STANDARDS

PLANS TO WHICH TITLE APPLIES

SEC. 101. (a) Except as provided by subsection (b), this title applies to any pension plan and, to the extent hereinafter provided, to any profit-sharing-retirement plan, established by an employer engaged in commerce or in any industry or activity affecting commerce or by any employee organization or organizations representing employees engaged in commerce or in an industry or activity affecting commerce or by both.

(b) This title shall not apply to a pension or profit-sharing-retirement plan if—

(1) such plan is administered by the Federal Government or the government of a State or subdivision thereof, or by an agency or instrumentality thereof;

(2) such plan is administered by an organization which is exempt from taxation under the provisions of section 501(a) of the Internal Revenue Code of 1954 and is administered as a corollary to membership in a fraternal benefit society described in section 501(c)(8) of the Internal Revenue Code of 1954 or by an organization described in section 501(c) (3) or (4) of such Code; *Provided*, That the provisions of this paragraph shall not exempt any plan administered by a fraternal benefit society or organization which represents its members for purposes of collective bargaining;

(3) such plan is established by a self-employed individual for his own benefit or for the benefit of his survivors or established by one or more owner-employers exclusively for his or their benefit or for the benefit of his or their survivors;

(4) such plan covers not more than twenty-five participants;

(5) such plan is established and maintained outside the United States by an employer primarily for the benefit of employees who are not citizens of the United States; or

(6) such plan is unfunded and is established by an employer primarily for the purpose of providing deferred compensation for a select group of management employees and is declared by the employer as not intended to meet the requirements of section 401(a) of the Internal Revenue Code.

REGISTRATION OF PLANS

SEC. 102. (a) Every administrator of a pension or profit-sharing retirement plan to which this title applies shall file with the Commission an application for registration of such plan. Such application shall be in such form as shall be prescribed by regulation of the Commission, and shall be accompanied by a copy of the plan, a copy of the trust deed, insurance contract, by law, or other document under which the plan is constituted. Thereafter, while such plan is in force, the administrator shall maintain its qualification for registration under this title.

(b) In the case of plans established on or after the effective date of this Act, the filing required by subsection (a) shall be made within six months after such plan is established. In the case of plans established prior to the effective date of this Act, such filing shall be made within six months after such effective date.

(c) If, after examination of a pension or profit-sharing retirement plan filed under this section, the Commission is satisfied that such plan is qualified for registration under this title the Commission shall issue a certificate of registration with respect to such plan. If the Commission is not so satisfied it shall notify the administrator.

(d) If at any time subsequent to the issuance of a certificate under subsection (c) with respect to any plan, the Commission determines that such plan is no longer qualified for registration under this title, it shall notify the administrator.

(e) A notification under subsection (c) or (d) shall set forth the deficiency or deficiencies in the plan or in its administration by reason of which the notification is given, and shall give the administrator, the employer of the employees covered by the plan, and the labor organization, if any, representing such employees a reasonable time within which to remove such deficiency or deficiencies. If the Commission thereafter determines that the deficiency or deficiencies have been removed it shall issue or continue in effect the certificate, as the case may be. If it determines that the deficiency or deficiencies have not been removed it shall enter an order denying or canceling the certificate of registration.

ANNUAL REPORTS ON REGISTERED PLANS

SEC. 103. The Commission may, by regulations promulgated pursuant to the Administrative Procedures Act, provide for the filing of single reports satisfying the reporting requirements of this Act, the Welfare and Pension Plans Disclosure Act, and such other Acts as are administered or enforced by the Commission.

AMENDMENTS OF REGISTERED PLANS

SEC. 104. Where a pension or profit-sharing-retirement plan filed for registration under this title is amended subsequent to such filing, the administrator shall within six months after the effective date or the date of adoption of such amendment, whichever is later, within sixty days after the effective date of such amendment file with the Commission a copy of the amendment and such additional information and reports as the Commission by regulation requires to determine the amount of any initial unfunded liability created by the amendment and the special payments required to liquidate such liability.

QUALIFICATION OF PLAN FOR REGISTRATION

SEC. 105. A pension or profit-sharing-retirement plan shall be deemed to be qualified for registration under section 102 if it conforms to, and is administered in accordance with, the standards and requirements set forth in section 102 and sections 106 to 110, inclusive.

GENERAL REQUIREMENTS

SEC. 106. (a) Every pension plan and, to the extent required by regulations issued by the Commission, every profit-sharing-retirement plan shall define the benefits provided by such plan, the method of determination and payment of benefits, conditions for qualification for membership in the plan and the financial arrangements made to insure provisional or full funding of benefits under the plan. Each such plan shall provide for the furnishing of a written explanation to each member of the plan of the terms and conditions of the plan and amendments thereto applicable to him, together with an explanation of the rights and duties of the employee with reference to the benefits available to him under the terms of the plan and such other information as may be required by regulations of the Commission.

(b) The Commission shall, by regulation, require each plan to furnish each participant, upon termination of service with a vested right to a deferred life annuity, pension, or other vested interest, with a certificate setting forth the benefits to which he is entitled, including but not limited to the name and location of the entity responsible for payment, the amount of benefits, and the date when payment shall begin, as such regulations shall specify. A copy of each such certificate shall be filed with the Commission. In any proceeding arising under this Act, such certificate shall be deemed prima facie evidence of the facts and rights set forth in such certificate.

(c) A pension or profit-sharing-retirement plan filed for registration under this title, and any trust forming a part of such plan, shall meet all the requirements set forth in section 401 of the Internal Revenue Code of 1954, as determined by the Commission, except to the extent such requirements are inconsistent with the provisions of subsection (a) of this section or of sections 107 to 110, inclusive.

VESTING OF BENEFITS

SEC. 107. (a) A pension or profit-sharing-retirement plan filed for registration under this title shall provide, under the terms of the plan in respect of service on or after the effective date of this Act, or by amendment to the terms of the plan or by the creation of a new plan on or after such date in respect of service on or after the effective date of such amendment or new plan, that—

(1) a member of the plan who has been in the service of the employer, or has been a member of the plan, for a continuous period of six years is entitled upon termination of his employment or membership in the plan prior to attaining retirement age (i) in the case of a pension plan to a deferred life annuity commencing at his normal retirement age, and (ii) in the case of a profit-sharing-retirement plan to a nonforfeitable right to his interest in such plan, equal to 10 per centum of full pension benefits as provided by the plan in respect of such service or of such interest, respectively, and such entitlement shall increase by at least 10 per centum per year of continuous service thereafter until the completion of fifteen years of continuous service, after which such member shall be entitled upon termination of employment or membership in the plan prior to attaining retirement age to a deferred life annuity commencing at his normal retirement age equal to the full pension benefits as provided by the plan in respect to such service, or to the full amount of such interest in the profit-sharing-retirement plan, respectively;

(2) the pension benefits provided under the terms of a pension plan, the deferred life annuity referred to in paragraph (1), and an interest in a profit-sharing-retirement plan referred to in paragraph (1) shall not be capable of assignment or alienation and shall not confer upon an employee, personal representative, or dependent, or any other person, any right or interest in such pension benefits, deferred life annuity, or profit-sharing-retirement plan, capable of being assigned or otherwise alienated: *Provided*, That the Commission may by regulation provide for the final disposition of plan assets when beneficiaries cannot be located or ascertained within a reasonable time;

(3) an "employee" shall be deemed a "member" of a pension plan beginning on the day when contributions are first made to the plan or its fund with respect to the employee's service to the employer, but in no event shall any pension plan subject to this Act provide, as a condition of membership or eligibility to participate in such plan, a period of service longer than six months.

(b) Anything in subsection (a) to the contrary notwithstanding, a pension or profit-sharing-retirement plan may provide for vesting upon service or membership in the plan for a lesser period than is provided in such subsection.

(c) Anything in subsection (a) to the contrary notwithstanding, when a plan so provides, an employee may receive in discharge of his rights thereunder upon termination of employment prior to attaining normal retirement age as defined in the plan, or upon attaining such retirement age, a lump sum amount equal to the commuted value of the annuity prescribed by the plan, or, in the case of a profit-sharing-retirement plan, the value of his interest in such plan.

(d) If a pension plan so provides, a person who is entitled to a deferred life annuity under subsection (a) may, before the commencement of payment of such life annuity, elect to receive, partly or wholly in lieu of the deferred life annuity described by subsection (a)—

(1) a deferred life annuity the amount of which is reduced or increased by reason of early or deferred retirement, by provision for the payment of an optional annuity to a survivor or to the estate of the employee, or by variation of the terms of payment of such annuity to any person after the employee's death, and

(2) a payment or series of payments by reason of a mental or physical disability as prescribed by regulations of the Commission.

(e) For the purposes of subsections (b) (2) and (c), the commuted value of a deferred life annuity shall be computed on the basis of such interest rate and mortality tables and in such manner as may be approved by the Commission.

Aggregate Service

(f) In any case in which an employee has been a member of the plan for an aggregate number of days equivalent to the period of time required for a non-forfeitable right under section 107(a) (1), such employee shall be deemed to have satisfied the continuous service requirement to which his aggregate days of service are equivalent, on the basis of 240 working days being equivalent to one working year and 20 working days being equivalent to one working month, but in no event shall an employee's time worked in any period in which he is credited for a period of service under the plan be credited under this paragraph to any other period of time.

FUNDING OF PLANS

SEC. 108. (a) A pension plan filed for registration under this title shall provide for funding, in accordance with this title, that is adequate to provide for payment of all pension benefits, deferred life annuities and other benefits required to be paid under the terms of the plan.

(b) Provisions for funding shall set forth the obligation of the employer to contribute both in respect of the current service cost of the plan and in respect of any initial unfunded liability and experience deficiency. The contribution of the employer, including any contributions made by employees, shall consist of the payment currently into the plan or fund of—

(1) all current service costs;

(2) where the plan has an initial unfunded liability, special payments consisting of equal annual amounts sufficient to liquidate such initial unfunded lability over a term not exceeding,

(A) in the case of an initial unfunded liability existing on the effective date of this Act, in any plan established before that date, forty years from that date, and

(B) in the case of an initial unfunded liability resulting from an amendment to a pension plan made on or after the effective date of this Act, or resulting from the establishment of a pension plan on or after the effective date of this Act, thirty years from the date of such amendment or establishment; and

(3) where the plan has an experience deficiency, special payments consisting of equal annual amounts sufficient to liquidate such experience deficiency over a term not exceeding five years from the date on which the experience deficiency was determined: *Provided*, That the Commission may suspend the special payments requirements or extend the five-year period provided in this subparagraph (3) in cases involving business necessity or substantial risk to the continuation of the employing enterprise.

Notwithstanding the provisions of this subsection, (i) the liquidation of initial unfunded liabilities or experience deficiencies may be accelerated at any time, and (ii) where an insured pension plan established before the effective date of this Act is funded by level annual premiums to retirement age for each individual member and benefits are guaranteed by the insuurance company to the extent that premiums have been paid, it shall be deemed to meet the requirements of paragraph (2) (A) of this subsection.

(c) One year after the effective date of this Act, in the case of pension plans registered on or before that date, or within six months after the date of establishment of the plan in other cases, the Administrator shall submit a report of the person authorized by subsection (e) certifying—

(1) the estimated cost of benefits in respect of service in the first year during which such plan is required to register and the rule for computing such cost in subsequent years up to the date of the next report;

(2) the initial unfunded liability, if any, for benefits under the pension plan as of the date on which the plan is required to be registered; and

(3) the special payments required to liquidate such initial unfunded liability in accordance with subsection (b).

Where an insured pension plan is funded by level annual premiums extending not beyond the retirement age for each individual member and benefits are guaranteed by the insurance company to the extent that premiums have been paid, the report required by this subsection may certify the adequacy of the premiums to provide for the payment of all benefits under the plan in lieu of the matters required to be certified under clauses (1), (2), and (3).

(d) The Administrator in respect of a registered pension plan shall cause the plan to be reviewed by a person authorized by subsection (e) not more than three years after registration and at intervals of not more than three years thereafter and the person reviewing the plan shall prepare a report certifying—

(1) the estimated cost of benefits in respect of service in the next succeeding year and the rule for computing such cost in subsequent years up to the date of the next report;

(2) the surplus or the experience deficiency in the pension plan after making allowance for the present value of all special payments required to be made in the future by the employer as determined by previous reports; and

(3) the special payments which will liquidate any such experience deficiency over a term not exceeding five years.

If any such report discloses a surplus in a pension plan, the amount of any future payments required to be made to the fund or plan may be reduced by the amount of such surplus. A report under this subsection shall be filed with the Commission by the Administrator upon its receipt.

(e) The reports and certificates referred to in subsections (c) and (d) shall be made by an actuary certified by the Commission under section 4(c): *Provided*, That the Commission may exempt any plan, in whole or in part, from the requirement that such reports and certificates be filed where the Commission finds such filing to be unnecessary.

(f) Anything in this section 108 to the contrary notwithstanding, if evidence satisfactory to the Commission shall be filed on behalf of a pension plan in connection with an application for registration under this title demonstrating that (i) such pension plan is a multiemployer plan in which at least 25 per centum of the employees in the industry covered by the plan, either nationally or in a particular region in which a substantial number of employees in such industry is employed, participate, and (ii) no single employer employs more than 20 per centum of the employees covered by the plan, and (iii) the history and present business condition of the industry make it improbable that there will be a substantial decrease in employment in the industry within the foreseeable future—

(I) the Commission may register such plan without regard to the funding requirements of section 108 if such plan meets the following alternative funding requirements:

(1) annual payment into the fund of all current service costs;

(2) annual payment into the fund of an amount equal to the interest, at such rate of interest as the Commission shall prescribe, but not more than 6 per centum per annum, on the unfunded liability of such fund at the date each such payment is made;

(3) annual payment into the fund of an amount equal to the insurance premium for such year required to be paid on behalf of such fund by section 203 of title II of this Act; and

(4) in computing unfunded liability under this subsection (f), the Commission may permit a multiemployer plan to compute such liability solely on the basis of information obtained from participants pursuant to a requirement of the plan under which each such participant, upon reaching the age of forty and completing ten years of continuous service, is required to file with the Administrator of the plan notification of his status under the plan.

(II) the Commission may by regulation approve alternative requirements for payments into the fund other than those specified in subparagraph I of this subsection (f) when, in the opinion of the Commission, such standards will provide reasonable assurance of sufficient assets in the fund of the multiemployer plan to provide for payment of anticipated benefits.

(g) Each pension plan shall, as a condition of registration under this title, apply for reinsurance and pay the reinsurance premiums provided in title II.

(h) For the purpose of this section, a profit-sharing-retirement plan, within the meaning of section 2(26) of this Act which meets the requirements of title I insofar as they are made specifically applicable to such a plan by section 105, and any money purchase plan within the meaning of section 2(13)(B), shall be deemed fully funded.

DISCONTINUANCE OF PLANS

SEC. 109. (a) Upon complete termination, or substantial termination as determined by the Commission, of a pension plan—

(1) All contributions by an employer, a labor organization, an employee or other person made after January 1, 1968, in respect of the deferred life annuity prescribed in section 107(a) shall be applied under the terms of the plan—

(A) first, in the case of persons who have already retired and begun to draw benefits under the plan, or who, on the date of such termination, had the right to retire and begin to draw such benefits immediately, to provide the life annuities to which such persons were entitled at the date of termination of their employment;

(B) second, in the case of persons who have vested rights under the plan but who have not reached retirement age and begun to draw benefits, to provide the deferred life annuities to which they were entitled at the date of such termination of the plan;

(C) third, in the case of any other participants in the plan, to provide deferred life annuities to which they are entitled under the plan pursuant to the requirements of section 401(a)(7) of the Internal Revenue Code of 1954, as amended; and

(D) in any case, the Commission may approve payment of survivor benefits with priorities equal to those of the employees or former employees on whose service such benefits are based.

(2) The employer, and the employees if the plan so provided, shall be liable to pay all amounts that would otherwise have been required to be paid to meet the tests of solvency prescribed by section 108, up to the date of such termination, to the insurer, trustee, or administrator of the plan.

(3) No part of the assets of the plan shall revert to the employer until provision has been made for all pensions and other benefits vested or otherwise payable under section 109 according to the plan in respect of age and service up to the date of the discontinuance to members of the plan and for all benefits to pensioners and their pension beneficiaries in accordance with the terms of the plan.

(b) Upon complete termination, or substantial termination as determined by the Commission, of a profit-sharing-retirement plan, the interests of all participants in such plan shall fully vest.

PAYMENTS TO SURVIVORS

SEC. 110. (a) Where in accordance with the terms of a pension or profit-sharing-retirement plan an employee or former employee has designated a person or persons to receive a benefit payable under the plan in the event of the employee's death—

(1) the employer's liability to provide the benefit shall be discharged upon payment to such person or persons of the amount of the benefit; and

(2) such person or persons may upon death of the employee or former employee enforce payment of the benefit, but the employer shall be entitled to set up any defense that he could have set up against the employee or former employee. As used in this subsection, the term "employer" includes a trustee or insurer under a pension or profit-sharing-retirement plan.

(b) An employee or former employee may from time to time alter or revoke a designation made under a pension or profit-sharing-retirement plan, but any such alteration or revocation may be made only in the manner set forth in the plan.

AMENDMENTS TO INTERNAL REVENUE CODE

SEC. 111. (a) Section 401 of the Internal Revenue Code of 1954 (relating to qualified pension, etc., plans) is amended by redesignating subsection (j) as (k) and by inserting after subsection (i) the following new subsection:

"(j) PENSION AND PROFIT-SHARING-RETIREMENT PLANS TO WHICH THE PENSION AND WELFARE BENEFITS ACT OF 1969 APPLIES.—For purposes of this part, any pension or profit-sharing-retirement plan to which title I of this Act applies, and any trust forming a part of such plan—

"(1) shall be treated as meeting the requirements of this section during any period for which a certificate of registration with respect to such plan issued by the United States Pension Commission under such title is in effect or an application therefor is pending before the Commission, and

"(2) shall be treated as not meeting the requirements of this section during any period for which such application has not been timely filed or such certificate has been denied or cancelled by such Commission."

(b) The amendment made by subsection (a) shall apply with respect to periods after the effective date of this Act, except that with respect to any pension plan established before the effective date of this Act, such amendment shall not apply to any period before the date specified by the Commission under section 102(b).

MINIMUM WAGE QUALIFICATION

SEC. 112. Contributions by an employer to a registered pension or profit-sharing-retirement plan shall not be deemed to be part of or to affect the "regular rate" as that term is used in section 7 of the Fair Labor Standards Act.

DELEGATION OF OTHER REGULATORY AUTHORITY

SEC. 113. The President, as may be necessary or appropriate to establish and maintain a uniform, consistent, and simplified system of law applicable to employee benefit plans, may by Executive order delegate to the Commission authority to administer and enforce any other provisions of the laws of the United States insofar as such provisions regulate or affect employee benefit plans.

DELAY IN THE APPLICATION OF TITLE I

SEC. 114. If the Commission finds that the application of this title to any employee benefit plan would increase the costs of the parties to the plan to such an extent that there would result a substantial risk to the voluntary continuation of the plan or a substantial curtailment of pension benefit levels or the levels of employees' compensation it may grant to such plan a delay, not to exceed five years, in satisfying the requirements of this title, under such conditions as it may prescribe as necessary or appropriate to effectuate the policies of this Act.

TITLE II—PENSION REINSURANCE

ESTABLISHMENT OF PROGRAM

SEC. 201. There is hereby established a program to be known as the Federal pension reinsurance program (hereinafter referred to as the "program"). The program shall be administered by, or under the direction and control of, the Commission.

CONTINGENCY INSURED AGAINST UNDER PROGRAM

SEC. 202. (a) The program shall insure (to the extent provided in subsection (b)) beneficiaries of a reinsured pension plan against loss of nonforfeitable benefits to which they are entitled under such pension plan arising from substantial cessation of one or more of the operations carried on by the contributing employer in one or more facilities of such employer before such plan has been fully funded.

(b) The rights of beneficiaries of a reinsured pension plan shall be insured under the program only to the extent that such rights do not exceed—

(1) in the case of a right to a monthly retirement or disability benefit for the employee himself, the lesser of 50 per centum of the average monthly wage he received from the contributing employer in the five-year period after the registration date of the plan for which his earnings were the greatest, or $500 per month;

(2) in the case of a right on the part of one or more dependents, or members of the family, of the employee, or in the case of a right to a lump sum survivor benefit on account of the death of an employee, an amount found by the Commission to be reasonably related to the amount determined under subparagraph (1).

In the case of a periodic benefit which is paid on other than a monthly basis, the monthly equivalent of such benefits shall be regarded as the amount of the monthly benefit for purposes of clauses (1) and (2) of the preceding sentence.

(c) If a registered pension plan has not been registered under title I for each of at least the five years preceding the time when there occurs the contingency insured against, the rights of beneficiaries shall not be insured: *Provided*, That the Commission may, in its discretion, credit against the five year requirement of section 202(c) one or more years prior to the effective date of this Act for any pension plan which, during such prior years, would have satisfied the registration requirements of title I had this Act been in effect.

PREMIUM FOR PARTICIPATION IN PROGRAM

SEC. 203. (a) Each registered pension plan shall pay an annual premium for reinsurance under the program upon payment of such annual premium as may be established by the Commission. Premium rates established under this section shall be uniform for all pension funds insured by the program and shall be applied to the amount of the unfunded liability for non-forfeitable benefits of each insured pension fund. The premium rates may be changed from year to year by the Commission, when the Commission determines changes to be necessary or desirable to give effect to the purposes of this title; but in no event shall the premium rate exceed 1 per centum for each dollar of such unfunded liability. Premiums under this title shall be payable as of the effective date of this Act, or for plans adopted after that date, as of the effective date of such plans.

(b) If the Commission determines that, because of the limitation on rate of premium established under subsection (a) or for other reasons, it is not feasible to insure against loss of rights of all beneficiaries of reinsured pension plans, then the Commission shall insure the rights of beneficiaries in accordance with the following order of priorities—

First: Individuals who, at the time when there occurs the contingency insured against, are receiving benefits under the pension plan, and individuals who have attained normal retirement age or if no normal retirement age is fixed have reached the age when an unreduced old-age benefit is payable under title II of the Social Security Act, as amended, and who are eligible, upon retirement, for retirement benefits under the pension plan;

Second: Individuals who, at such time, have attained the age for early retirement and who are entitled, upon early retirement, to early retirement benefits under the pension plan; or, if the pension plan does not provide for early retirement, individuals who, at such time, have attained age sixty and who, under such pension plan, are eligible for benefits upon retirement;

Third: In addition to individuals described in the above priorities, such other individuals as the Commission shall prescribe.

(c) Participation in the program by a pension plan shall be terminated by the Commission upon failure, after such reasonable period as the Commission shall prescribe, of such pension fund to make payment of premiums due for participation in the program.

REVOLVING FUND

SEC. 204. (a) In carrying out its duties under this title, the Commission shall establish a revolving fund into which all amounts paid into the program as premiums shall be deposited and from which all liabilities incurred under the program shall be paid.

(b) The Commission is authorized to borrow from the Treasury such amounts as may be necessary, for deposit into the revolving fund, to meet the liabilities of the program. Moneys borrowed from the Treasury shall bear a rate of interest determined by the Secretary of the Treasury to be equal to the average rate on outstanding marketable obligations of the United States as of the period such moneys are borrowed. Such moneys shall be repaid by the Commission from premiums paid into the revolving fund.

(c) Moneys in the revolving fund not required for current operations shall be invested in obligations of, or guaranteed as to principal and interest by, the United States.

TITLE III—PENSION PORTABILITY PROGRAM

ACCEPTANCE OF DEPOSITS

SEC. 301. (a) It is declared to be the policy of the Congress that a system of pension portability should be established by the Federal Government to facilitate the voluntary transfer of credits between registered pension or profit-sharing-retirement plans having similar benefit features and actuarial assumptions. Nothing in this title nor in the regulations issued by the Commission hereunder shall be construed to require participation in such portability system by a plan as a condition of registration under this Act.

(b) The Commission is authorized and directed, in accordance with regulations prescribed by it, to receive amounts which are transferred to it from a registered pension or profit-sharing-retirement plan and which are in settlement of an individual's rights under the plan when such individual is separated from employment covered by the plan before the time prescribed for payments under the plan to such individual or to his beneficiaries.

SPECIAL FUND

SEC. 302. Amounts received by the Commission pursuant to section 301 shall be deposited in a special fund which shall be established by it for the purposes of this title. The amounts in the funds which are not needed to meet current withdrawals shall be invested as provided under regulations prescribed by the Commission.

INDIVIDUAL ACCOUNTS

SEC. 303. There shall be established and maintained in accordance with regulations prescribed by the Commission, an account for each individual with respect to whom the Commisison receives amounts under this title. The amount credited to each such account shall be adjusted at the times and in the manner provided by such regulations to reflect earnings of the special fund and transfers from the special fund for costs of administration.

PAYMENTS FROM INDIVIDUAL ACCOUNTS

SEC. 304. Amounts credited to the account of any individual under this title may, in accordance with regulations prescribed by the Commission, be paid by the Commission—

(1) to a registered plan, if such individual becomes an employee covered by such plan and if such plan has benefit features and actuarial assumptions similar to those of the plan from which such amount was originally transferred, or

(2) to such individual or his beneficiaries, if he dies or reaches the age of sixty-five.

Payments under this section shall be made at such times, in such manner, and in such amounts in a lump sum or otherwise as may be determined under such regulations. The amount of any periodic payments shall be determined on an actuarial basis.

COST OF ADMINISTRATION

SEC. 305. There are authorized to be made available out of the special fund established pursuant to section 302 such amounts as the Congress may deem appropriate to pay the costs of administration of this title.

EFFECTIVE DATE

SEC. 306. No amount may be transferred to the Commission pursuant to section 301 of this title before the first day of the twelfth month following the month in which this Act is enacted.

TECHNICAL ASSISTANCE

SEC. 307. The Commission and the Secretary of Labor are authorized to provide technical assistance to employers, trade unions, and administrators of pension and profit-sharing-retirement plans in their efforts to provide greater retirement protection for individuals who are separated from employment covered under such plans. Such assistance may include, but is not limited to (1) the development of reciprocity arrangements between plans in the same industry or area, and (2) the development of special arrangements for portability of credits within a particular industry or area.

TITLE IV—DISCLOSURE AND FIDUCIARY STANDARDS

PART A—AMENDMENTS TO, AND ADMINISTRATION OF, THE WELFARE AND PENSION PLANS DISCLOSURE ACT

SEC. 401. (a) The functions and powers of the Secretary of Labor and the Department of Labor under the Welfare and Pension Plans Disclosure Act, as amended, are hereby transferred to and shall be administered by the Commission. Such powers provided in the Welfare and Pension Plans Disclosure Act shall be available to the Commission in the enforcement of the provisions of this Act. Wherever the term "Secretary" appears in the Welfare and Pension Plans Disclosure Act, the term "Commission" as (defined in this Act) is hereby substituted.

(b) All personnel, property, records, and unexpended balances of appropriations, which the Director of the Bureau of the Budget determines are used or intended for use by the Secretary of Labor or the Department of Labor primarily in the administration of functions transferred under the provision of this section, are transferred to the Commission.

(c) In addition to the filing requirements of the Welfare and Pension Plans Disclosure Act, it shall be a condition of compliance with section 7 of such Act that each annual report hereinafter filed under that section shall be accompanied by a certificate or certificates in the name of and on behalf of the plan, the administrator, and any employer or labor organization participating in the establishment of the plan, designating the Commission as agent for service of process on the persons and entities executing such certificate or certificates in any action arising under the Welfare and Pension Plans Disclosure Act or this Act.

(d) Section 6 of the Welfare and Pension Plans Disclosure Act is amended to read as follows:

"(a) A descripton of any employee benefit plan shall be published as required herein within ninety days after the establishment of such plan or when such plan becomes subject to this Act.

"(b) The description of the plan shall be comprehensive and shall include the name and type of administration of the plan; the name and address of the administrator; the schedule of benefits; a description of the provisions providing for nonforfeitable pension benefits (if the plan so provides) written in a manner calculated to be understood by the average participant, and if the plan does not provide such benefits, a statement to this effect; the source of the financing of the plan and the identity of any organization through which benefits are provided; whether records of the plan are kept on a calendar year basis, or on a policy or other fiscal year basis, and if on the latter basis, the date of the end of such policy or fiscal year; the procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part. Amendments to the plan reflecting changes in the data and information included in the original plan, other than data and information also required to be included in annual reports under section 7, shall be included in the description on and after the effective date of such amendments. Any change in the information required by this subsection shall be reported in accordance with regulations prescribed by the Commission".

(e) Subsection (a) of section 7 of such Act is amended by adding the number "(1)" after the letter "(a)", and by striking out that part of the first sentence which precedes the word "if" the first time it appears and inserting in lieu thereof the words "An annual report shall be published with respect to any employee benefit plan if the plan provides for an employee benefit fund subject to section 14 of this Act or".

(f) Section 7(a)(1) of such Act is further amended by striking out the word "investigation" and inserting in lieu thereof the words "notice and opportunity to be heard", by striking out the words "year (or if" and inserting in lieu thereof the words "policy or fiscal year on which", adding a period after the word "kept", and striking out all the words following the word "kept."

(g) Section 7(a) of such Act is further amended by adding the following paragraphs:

"(2) If some or all of the benefits under the plan are provided by an insurance carrier or service or other organization, such carrier or organization shall certify to the administrator of such plan, within one hundred and twenty days after the end of each calendar, policy, or other fiscal year, as the case may be, such reasonable information determined by the Commission to be necessary to enable such administrator to comply with the requirements of this Act.

"(3) The administrator of an employee benefit plan shall cause an audit to be made annually of the employee benefit fund established in connection with or pursuant to the provisions of the plan. Such audit shall be conducted in accordance with accepted standards of auditing by an independent certified or licensed public accountant, but nothing herein shall be construed to require such an audit of the books or records of any bank, insurance company, or other institution providing an insurance, investment, or related function for the plan, if such books or records are subject to periodic examination by an agency of the Federal Government or the government of any State. The auditor's opinion and comments with respect to the financial information required to be furnished in the annual report by the plan administrator shall form a part of such report."

(h) Sections 7 (b) and (c) of such Act are amended to read as follows:

"(b) A report under this section shall include:

"(1) the amount contributed by each employer; the amount contributed by the employees; the amount of benefits paid or otherwise furnished; the number of employees covered; a statement of assets, liabilities, receipts, and disbursements of the plan; a detailed statement of the salaries and fees and commissions charged to the plan, to whom paid, in what amount, and for what purposes; the name and address of each fiduciary, his official position with respect to the plan, his relationship to the employer of the employees covered by the plan, or the employee organization, and any other office, position or employment he holds with any party in interest;

"(2) a schedule of all investments of the fund showing as of the end of the fiscal year:

"(A) the aggregate cost and aggregate value of each security, by issuer;

"(B) the aggregate cost and aggregate value, by type or category, of all other investments, and separately identifying (i) each investment the value of which exceeds $100,000 or 3 per centum of the value of the fund and (ii) each investment in securities or properties of any person known to be a party in interest.

"(3) a schedule showing the aggregate amount, by type of security, of all purchases, sales, redemptions, and exchange of securities made during the reporting period; a list of the issuers of such securities; and in addition a schedule showing, as to each separate transaction with or with respect to securities issued by any person known to be a party in interest, the issuer, the type and class of security, the quantity involved in the transaction, the gross purchase price, and in the case of a sale, redemption, or exchange, the gross and net proceeds (including a description and the value of any consideration other than money) and the net gain or loss;

"(4) a schedule of purchases, sales, or exchanges during the year covered by the report of investment assets other than securities—

"(A) by type or category of asset the aggregate amount of purchases, sales, and exchanges; the aggregate expenses incurred in connection therewith; and the aggregate net gain (or loss) on sales, and

"(B) for each transaction involving a person known to be a party in interest and for each transaction involving over $100,000 or 3 per centum of the fund, an indication of each asset purchased, sold, or exchanged (and. in the case of fixed assets such as land, buildings, and leasehold, the location of the asset); the purchase or selling price; expenses incurred in connection with the purchase, sale, or exchange; the cost of the asset and the net gain (or loss) on each sale; the identity of the seller in the case of a purchase, or the identity of the purchaser in the case of a sale, and his relationship to the plan, the employer, or any employee organization;

"(5) a schedule of all loans made from the fund during the reporting year or outstanding at the end of the year, and a schedule of principal and interest payments received by the fund during the reporting year, aggregated in each case by type of loan, and in addition a separate schedule showing as to each loan which—

"(A) was made to a party in interest, or

"(B) was in default, or

"(C) was written off during the year as uncollectible, or

"(D) exceeded $100,000 or 3 per centum of the value of the fund,

the original principal amount of the loan, the amount of principal and interest received during the reporting year, the unpaid balance, the identity and address of the obligor, a detailed description of the loan (including date of making and maturity, interest rate, the type and value of collateral, and other material terms), the amount of principal and interest overdue (if any) and as to loans written off as uncollectible an explanation thereof;

"(6) a list of all leases with—

"(A) persons other than parties in interest who are in default, and

"(B) any party in interest,

including information as to the type of property leased (and, in the case of fixed assets such as land, buildings, leaseholds, etc., the location of the property), the identity of the lessor or lessee from or to whom the plan is leasing, the relationship of such lessors and lessees, if any, to the plan, the employer, employee organization, or any other party in interest, the terms of the lease regarding rent, taxes, insurance, repairs, expenses, and renewal options; if property is leased from persons described in (B) the amount of rental and other expenses paid during the reporting year; and if property is leased to persons described in (A) or (B), the date the leased property was purchased and its costs, date the property was leased and its approximate value at such date, the gross rental receipts during the reporting period, expenses paid for the leased property during the reporting period, the net receipts from the lease, and with respect to any such leases in default, their identity, the amounts in arrears, and a statement as to what steps have been taken to collect amounts due or otherwise remedy the default;

"(7) a detailed list of purchases, sales, exchanges, or any other transactions with any party in interest made during the year, including information as to the asset involved, the price, any expenses connected with the transaction, the cost of the asset, the proceeds, the net gain or loss, the identity of the other party to the transaction and his relationship to the plan;

"(8) if some or all of the assets of a plan or plans are held in a common or collective trust maintained by a bank or similar institution or in a separate account maintained by an insurance carrier, the report shall include a statement of assets and liabilities and a statement of receipts and disbursements of such common or collective trust or separate account and such of the information required under section 7(b) (2), (3), (4), (5), (6), and (7) with respect to such common or collective trust or separate account as the Commission may determine appropriate by regulation. In such case the bank or similar institution or insurance carrier shall certify to the administrator of such plan or plans, within one hundred and twenty days after the end of each calendar, policy, or other fiscal year, as the case may be, the information determined by the Commission to be necessary to enable the plan administrator to comply with the requirements of this Act; and

"(9) in addition to reporting the information called for by this subsection 7(b), the administrator may elect to furnish other information as to investment or reinvestment of the fund as additional disclosures to the Commission.

"(c) If the only assets from which claims against an employee benefit plan may be paid are the general assets of the employer or the employee organization, the report shall include (for each of the past five years) the benefits paid and the average number of employees eligible for participation."

(i) Section 7(d) of such Act is amended by striking out the capital "T" in the word "The" the first time it appears in paragraphs (1) and (2) and inserting in lieu thereof a lower case "t".

(j) Section 7(e) of such Act is amended to read as follows:

"(e) Every employee pension benefit plan shall include with its annual report (to the extent applicable) the following information:

"(1) the type and basis of funding,

"(2) the number of participants, both retired and nonretired, covered by the plan,

"(3) the amount of all reserves or net assets accumulated under the plan,

"(4) the present value of all liabilities for all nonforfeitable pension benefits and the present value of all other accrued liabilities,

"(5) the ratios of the market value of the reserves and assets described in (3) above to the liabilities described in (4) above.

"(6) a copy of the most recent actuarial report, and

"(A) (i) the actuarial assumptions used in computing the contributions to a trust or payments under an insurance contract, (ii) the actuarial assumptions used in determining the level of benefits, and (iii) the actuarial assumptions used in connection with the other information required to be furnished under this section 7(e), insofar as any such actuarial assumptions are not included in the most recent actuarial report,

"(B) (i) if there is not such report, or (ii) if any of the actuarial assumptions employed in the annual report differ from those in the most recent actuarial report, or (iii) if different actuarial assumptions are used for computing contributions or payments than are used for any other purpose, statement explaining same,

"(7) a statement showing the number of participants who terminated service under the plan during the year, whether or not they retain any nonforfeitable rights, their length of service by category, the present value of the total accrued benefits of said participants and the present value of such benefits forfeited, and,

"(8) such other information pertinent to disclosure under this section 7(e) as the Commission may by regulation prescribe."

(k) Section 7 of such Act is further amended by striking out in their entirety subsections (f), (g), and (h).

(l) Section 8 of such Act is amended by striking out subsections (a) and (b) in their entirety and by redesignating subsection (c) as subsection (a). The subsection redesignated as subsection (a) is further amended by striking out the words "of plans" after the word "descriptions", striking out the word "the" before the word "annual" and adding the word "plan" before the word "descriptions".

(m) Section 8 of such Act is further amended by adding subsections (b), (c), (d), and (e), to read as follows:

"(b) The administrator of any employee benefit plan subject to this Act shall file with the Commission a copy of the plan description and each annual report. The Commission shall make copies of such descriptions and annual reports available for public inspection.

"(c) Publication of the plan descriptions and annual reports required by this Act shall be made to participants and beneficiaries of the particular plan as follows:

"(1) the administrator shall make copies of the plan description (including all amendments or modifications thereto) and the latest annual report and the bargaining agreement, trust agreement, contract, or other instrument under which the plan was established and is operated available for examination by any plan participant or beneficiary in the principal office of the administrator;

"(2) the administrator shall furnish to any plan participant or beneficiary so requested in writing a fair summary of the latest annual report;

"(3) the administrator shall furnish to any plan participant or beneficiary so requesting in writing a complete copy of the plan description (including all amendments or modfications thereto) or a complete copy of the latest annual report, or both. He shall in the same way furnish a complete copy of the bargaining agreement, trust agreement, contract, or other instrument under which the plan is established and operated. In accordance with regulations of the Commission, an administrator may make a reasonable charge to cover the cost of furnishing such complete copies."

Part B—Fiduciary Standards

Sec. 402. (a) Every employees' benefit fund established to provide for the payment of benefits under an employees' benefit plan shall be established pursuant to a duly executed trust agreement which shall set forth the purpose or purposes for which such fund is established and the detailed basis on which payments are to be made into and out of such fund. Such fund shall be deemed to be a trust and shall be held for the exclusive purpose of (1) providing benefits to participants in the plan and their beneficiaries and (2) defraying reasonable expenses of administering the plan.

(b)(1) A fiduciary shall discharge his duties with respect to the fund—

(A) solely in the interests of the participants and their beneficiaries;

(B) with the care under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; and

(C) in accordance with the documents and instruments governing the fund insofar as is consistent with this Act: *Provided,* That any assets of the fund remaining upon dissolution or termination of the funds shall, after complete satisfaction of the rights of all beneficiaries to benefits accrued to the date of dissolution or termination, be distributed ratably to the beneficiaries thereof or, if the trust agreement so provides, to the contributors thereto: *Provided further,* That in the case of a registered pension or profit-sharing-retirement plan, such distribution shall be subject to the requirements of the previous titles of this Act.

(2) Except as permitted hereunder, a fiduciary shall not—

(A) lease or sell property of the fund to any person known to be a party in interest;

(B) lease or purchase on behalf of the fund any property known to be property of any party in interest;

(C) deal with such fund in his own interest or for his own account;

(D) represent any other party with such fund, or in any way act on behalf of a party adverse to the fund or to the interests of its participants or beneficiaries;

(E) receive any consideration from any party dealing with such fund in connection with a transaction involving the fund;

(F) loan money or other assets of the fund to any person known to be a party in interest;

(G) furnish goods, service, or facilities to any person known to be a party in interest;

(H) permit the transfer of any property of the fund to, or its use by, or for the benefit of any person known to be a party in interest; or

(I) permit any of the assets of the fund to be held, deposited or invested outside the United States unless the indicia of ownership remain within the jurisdiction of a United States district court, except as authorized by the Commission by ruling or regulation.

The Commission may by rule or regulation provide for the exemption of any fiduciary or transaction from all or part of the proscriptions contained in this subsection 402(b)(2), when the Commission finds that to do so is consistent with the purposes of this Act and in the interest of the fund and its participants and beneficiaries; *Provided, however,* That any such exemption shall not relieve a fiduciary from any other applicable provisions of this Act.

(c) Nothing in this section shall be construed to prohibit any fiduciary from—

(1) receiving any benefit to which he may be entitled as a participant or beneficiary in the plan under which the fund was established;

(2) receiving any reasonable compensation for services rendered, or for the reimbursement of expenses properly and actually incurred, in the performance of his duties with the fund: *Provided,* That no person so serving who already receives full-time pay from an employer or an association of employers whose employees are participants in the plan under which the fund was established, or from an employee organization whose members are participants in such plan shall receive compensation from such fund, except for reimbursement of expenses properly and actually incurred and not otherwise reimbursed;

(3) serving in such position in addition to being an officer, employee, agent, or other representative of a party in interest;

(4) engaging in the following transactions:

(A) purchasing on behalf of the fund any security which has been issued by an employer whose employees are participants in the plan under which the fund was established or a corporation controlling, controlled by, or under common control with such employer: *Provided,* That the purchase of any security is for no more than adequate consideration in money or money's worth: *Provided further,* That if an employee benefit fund is one which provides primarily for benefits of a stated amount, or an amount determined by an employee's compensation, an employee's period of service, or a combination of both, or money purchase type benefits based on fixed contributions which are not geared to the employer's profits, no investment shall be made subsequent to the enactment of this amendment by a fiduciary of such a fund in securities of such an employer or of a corporation controlling, controlled by, or under common control with such employer, if such investment, when added to such securities already held, exceeds 10 per centum of the fair market value of the assets of the fund. Notwithstanding the foregoing, such 10 per centum limitation shall not apply to profit-sharing plans, nor to stock bonus, thrift, and savings or other similar plans which have the requirement that some or all of the plan funds shall be invested in securities of such employer;

(B) purchasing on behalf of the fund any security other than one described in (A) immediately above, or selling on behalf of the fund any security which is acquired or held by the fund, to a party in interest: *Provided,* (i) That the security is listed and traded on an exchange subject to regulation by the Securities and Exchange Commission, (ii) that no brokerage commission, fee (except for customary transfer fees), or other remuneration is paid in connection with such transaction, and (iii) that adequate consideration is paid;

(5) making any loan to participants or beneficiaries of the plan under which the fund was established where such loans are available to all participants or beneficiaries on a nondiscriminatory basis and are made in accordance with specific provisions regarding such loans set forth in the plan;

(6) contracting or making reasonable arrangements with a party in interest for office space and other services necessary for the operation of the plan and paying reasonable compensation therefor;

(7) following the direction in the trust instrument or other document governing the fund insofar as consistent with the specific prohibitions listed in subsection 402(b)(2);

(8) taking action pursuant to an authorization in the trust instrument or other document governing the fund, provided such action is consistent with the provisions of subsection 402(b).

(d) Any fiduciary who breaches any of the responsibilities, obligations, or duties imposed upon fiduciaries by this Act shall be personally liable to make good to such fund any losses to the fund resulting from such breach, and to restore to such fund any profits of such fiduciary which have been made through use of assets of the fund by the fiduciary.

(e) When two or more fiduciaries undertake jointly the performance of a duty or the exercise of a power or where two or more fiduciaries are required by any instrument governing the fund to undertake jointly the performance of a duty or the exercise of a power, but not otherwise, each of such fiduciaries shall have the duty to prevent any other such cofiduciary from committing a breach of a responsibility, obligation, or duty of a fiduciary or to compel such other cofiduciary to redress such a breach: *Provided,* That no fiduciary shall be liable for any consequence of any act or failure to act of a cofiduciary who is undertaking or is required to undertake jointly any duty or power if he shall object in writing to the specific action and promptly file a copy of his objection with the Commission.

(f) No fiduciary may be relieved from any responsibility, obligation, or duty under this

Act by agreement or otherwise. Nothing herein shall preclude any agreement allocating specific duties or responsibilities among fiduciaries, or bar any agreement of insurance coverage or indemnification affecting fiduciaries, but no such agreement shall restrict the obligations of any fiduciary to a plan or to any participant or beneficiary without prior approval of the Commission.

(g) A fiduciary shall not be liable for a violation of this Act committed before he became a fiduciary or after he ceased to be a fiduciary.

(h) No person who has been convicted of, or has been imprisoned as a result of his conviction of: robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, kidnaping, perjury, assault with intent to kill, assault which inflicts grievous bodily injury, any crime described in section 9(a)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(a)(1)), or a violation of any provision of this Act, or a violation of section 302 of the Labor-Management Relations Act of 1947 (61 Stat. 157, as amended; 29 U.S.C. 186), or a violation of chapter 63 of title 18, United States Code, or a violation of section 874, 1027, 1503, 1505, 1506, 1510, 1951, or 1954 of title 18, United States Code, or a violation of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 519, as amended; 29 U.S.C. 401), or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve—

(1) as an administrator, officer, trustee, custodian, counsel, agent, employee (other than as an employee performing exclusively clerical or janitorial duties) or other fiduciary position of any employee benefit plan; or

(2) as a consultant to any employee benefit plan,

during or for five years after such conviction or after the end of such imprisonment, unless prior to the end of such five-year period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the Commission determines that such person's service in any capacity referred to in clause (1) or (2) would not be contrary to the purposes of this Act. No person shall knowingly permit any other person to serve in any capacity referred to in clause (1) or (2) in violation of this subsection. Any person who willfully violates this subsection (h) shall be fined not more than $10,000 or imprisoned for not more than one year, or both. For the purposes of this subsection (h), any person shall be deemed to have been "convicted" and under the disability of "conviction" from the date of the judgment of the trial court or the date of the final sustaining of such judgment on appeal, whichever is the later event, regardless of whether such conviction occurred before or after the date of enactment of this section. For the purposes of this subsection (h), the term "consultant" means any person who, for compensation, advises or represents an employee benefit plan or who provides other assistance to such plan, concerning the establishment or operation of such plan.

(i) No person who is a party in interest shall receive or accept, directly or indirectly, whether through a corporation or other entity owned or controlled in any substantial degree by such person or otherwise, any payment, loan, pledge, hypothecation, assignment, or other transfer out of the assets of such fund (other than benefits to which such person is entitled as an employee), except that if such person is an officer or employee of such fund, reasonable fees or expenses of attending meetings in connection with the business thereof may be paid from the fund to any such officer or employee attending such meetings in an official capacity. Nothing herein contained shall prohibit the purchase of a profit-sharing-retirement plan or other profit-sharing plan, in the ordinary course of business, of the securities or indebtedness of any corporation or other business entity employing directly or through a subsidiary or parent entity a substantial number of the beneficiaries of such fund.

(j) All investments and deposits of the funds of an employees' benefit fund and all loans made out of any such fund shall be made in the name of the fund or its nominee, and no officer or employee of the fund, no trustee or administrator or officer or employee thereof, no employer or officer or employee thereof, and no labor organization, or officer or employee thereof shall either directly or indirectly accept or be the beneficiary of any fee, brokerage, commission, gift, or other consideration for or on account of any loan, deposit, purchase, sale payment or exchange made by or on behalf of the fund.

TITLE V—ENFORCEMENT

Sec. 501. Whenever the Commission—

(1) determines, in the case of a pension or profit-sharing-retirement plan required to be registered under title I, that no application for registration has been filed in accordance with section 102(a), or

(2) issues an order under section 102(e) denying or canceling the certificate of registration of a pension or profit-sharing-retirement plan,

the Commission may petition any district court of the United States having jurisdiction of the parties, or the United States District Court for the District of Columbia, for an order requiring the employer or other person responsible for the administration of such plan to comply with such requirements of title I as will qualify such plan for registration under title I.

Sec. 502. Whenever the Commission has reasonable cause to believe that an employees' benefit fund is being or has been administered in violation of the requirements of part B of title IV, the Commission may petition any district court of the United States having jurisdiction of the parties or the United States District Court for the District of Columbia for an order (1) requiring return to such fund of assets transferred from such fund in violation of the requirements of such title, (2) requiring payment of benefits denied to any beneficiary in violation of the requirements of such title, and (3) restraining any conduct in violation of the requirements of part B of such title, and granting such other relief as may be appropriate to effectuate the purposes of this Act.

Sec. 503. Upon the filing of any petition pursuant to section 501 or 502, the district court may, in its discretion, (a) appoint a receiver to take possession of the assets of the plan or fund which is the subject of the petition and to administer them until such time as the violations of law alleged in such petition no longer exist, and (b) remove a fiduciary who has failed to carry out his duties or is serving in violation of the provisions of this Act.

Sec. 504. Suits by persons entitled, or who may become entitled, to benefits from employees' benefit funds or plans may be brought in any court of competent jurisdiction, State or Federal, or the United States District Court for the District of Columbia, without respect to the amount in controversy and without regard to the citizenship of the parties (1) against any such fund or plan to recover benefits required to be paid from an employees' benefit fund or plan pursuant to the terms of the agreement pursuant to which such fund or plan is established or other constituent instrument; or (2) on behalf of and in the name of an employees' benefit fund against any person who shall have transferred or received any of the assets of such fund in violation of any such agreement or of the requirements of part B of title IV. Where such action is brought in a district court of the United States, it may be brought in the district where the plan is administered, where the breach took place, or where a defendant resides or may be found, and process may be served in any other district where a defendant resides or may be found. In any such action the court in its discretion may—

(A) allow a reasonable attorney's fee and costs of the action to any party;

(B) require the plaintiff to post security for payment of costs of the action and reasonable attorney's fees. A copy of the complaint in any such action shall be served upon the Commission by certified mail who shall have the right, in his discretion, to intervene in the action.

Sec. 505. The provisions of the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101–115) shall not be applicable with respect to suits brought under this title.

Sec. 506. Suits by an administrator or fiduciary of a pension plan, a profit-sharing-retirement plan, or an employees' benefit fund, to review any final order of the Commission, to restrain the Commission from taking any action contrary to the provisions of this Act, or to compel action required under this Act, may be brought in the name of the plan or fund in the direct court of the United States for the district where the fund has its principal office, or in the United States District Court for the District of Columbia.

"Sec. 507. It is hereby declared to be the express intent of Congress that the provisions of this Act shall supersede any and all laws of the States and of political subdivisions thereof insofar as they may now or hereafter relate to the subject matters regulated by this Act: *Provided*, That nothing herein shall be construed to exempt or relieve any person from any law of any State which regulates insurance, banking, or securities or to prohibit a State from requiring that there be filed with a State agency copies of reports required by this Act to be filed with the Secretary. Nothing herein shall be construed to alter, amend, modify, invalidate, impair, or supersede any law of the United States (other than the Welfare and Pension Plans Disclosure Act of 1958 as amended (92 Stat. 994)) or any rule or regulation issued under any such law."

Sec. 508. Any action, suit, or proceeding based upon a violation of this Act or the Welfare and Pension Plans Disclosure Act shall be commenced within five years after the plaintiff has notice of the acts or events forming the basis of the claim: *Provided*, That truthful disclosure of a fact in any form or other document required to be filed with the Commission shall be deemed such notice.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Ribicoff). The Chair, on behalf of the Vice President, pursuant to Public Law 90–321, appoints the Senator from Tennessee (Mr. Brock) to the National Commission on Consumer Financing.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

EXPORT-IMPORT BANK AMENDMENTS OF 1971

The PRESIDING OFFICER (Mr. CHILES). Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the United States Government, to extend for three years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time consumed for the quorum call be charged equally against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RIBICOFF). Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 10 minutes.

Mr. SPARKMAN. Mr. President, S. 581 is a crucial piece of legislation and deserves the full support of the Congress. Its passage can result in immediate benefits to employment, domestic economic health and the strength of the dollar throughout the world.

The Senate last year recognized the necessity of removing the Export-Import Bank from budget calculations and approved S. 4268 which was introduced to accomplish that purpose. This budgetary exclusion is no less urgent, necessary or desirable this year.

Exclusion of Eximbank from the budget, which has the unconditional support of the administration—the President, the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, the Office of Management and Budget—also has the support of the Senate Committee on Banking, Housing and Urban Affairs.

In successive years, the Committee has heard testimony explaining how the unified budget literally strangles the Export-Import Bank's ability to provide full service to the Nation's exporters. While Congress each year establishes a ceiling on the Bank's obligational authority, and would continue to do so with enactment of S. 581, the Office of Management and Budget establishes the degree of the Bank's net lending impact allowable in the total context of the Federal budget. This OMB constraint effectively reduces the ability of the Bank to assist exports in the magnitude Congress has approved.

Enactment of S. 581 would free Eximbank of this OMB constraint and would restore the Congress to the position of ultimate authority over the Bank's activities.

Arguments have and will be raised that exclusion of Eximbank from the unified budget runs counter to the single budget summary concept. Actually, however, the inclusion of Eximbank in the budget does not contribute to the planning goal which the unified budget concept was designed to achieve. Since Eximbank disbursements for export credits lag behind authorization by 1 to 6 years, the Bank's net disbursement figures for any 1 year in large part reflect obligational activity of previous years. Moreover, exclusion of the Bank's net disbursements from the annual calculation of Federal expenditures and their relationship to the expenditure ceiling does not mean exclusion of the Bank's lending activities from the budget document.

The magnitude of the Bank's lending activities should not be restricted by control over net lending; rather, and more realistically, the magnitude should, and would under S. 581, be controlled by the congressional review each year of all obligational activity proposed for the following fiscal year.

Eximbank's net lending activities are unique and demonstrably needed. The Bank's activities cannot justifiably be equated with other Government programs operating with appropriated funds strictly within the domestic economy. The Bank makes dollar loans on hard terms which are repaid in dollars in the United States. Its losses are negligible.

In analyzing the necessity for this legislation, it is essential to understand what has been happening in the world marketplace over the past several years. The growth of U.S. exports has not kept pace with the rate of world export growth. The U.S. share of world trade during the past decade has dropped.

We have different buyers in different markets today than we saw 10 years ago. As the economic viability of the less developed nations has improved, new markets have appeared for materials, services and products. And there is a difference in the products we sell to the industrialized as well as to the less developed countries. There has been an increasing shift in the composition of our export trade to sales abroad of technology-intensive products.

Buyers require and are demanding credit terms on their purchases. These demands have forced U.S. exporters to extend credit on terms that equal those offered by their foreign competitors with Government support if they are to be successful in the international marketplace and expand their export sales. Major exporting countries, such as the United Kingdom, France, Italy, Germany and Japan are offering highly attractive Government-supported terms in the short-, medium- and long-term fields.

The Export-Import Bank is this country's principal means of assuring U.S. exporters the financing they need to compete effectively in this environment. Eximbank is the principal means by which we can reverse the U.S. export trend of the past several years and achieve a favorable balance in the international payments account. A solution to the balance of payments problem is critical to the Nation's future fiscal strength and long-term economic health.

While the results from Eximbank activities of the past year are impressive, the support which it is able to offer U.S. exporters is insufficient to meet their requirements. The resources available to it within the unified budget are inadequate for the existing programs. They will not permit the launching of new programs, such as a short-term discount program which would be of real benefit to the agricultural community, where the Bank could make a substantial contribution to the export trade account.

The Legislation pending before us is necessary. Eximbank must have it now if it is to fulfill the role assigned to it by Congress.

Mr. President, I call attention to the fact that a similar piece of legislation, to that being proposed, passed the Senate last year but failed in the House very late in the session.

I am pleased to present this legislation and recommend it to the Senate for passage.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged against both sides equally.

Mr. PROXMIRE. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent to dispense with reading of the amendment and I will explain it.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD, as requested.

The text of the amendment is as follows:

On Page 3, strike lines 14 through 25.

On Page 4, strike lines 1 through 5.

On Page 4, line 6, strike "(b)" and insert "(a)".

On Page 4, line 9, strike "(c)" and insert "(b)".

On Page 4, line 12, strike "(d)" and insert "(c)".

On Page 4, line 16, strike "(e)" and insert "(d)".

On Page 5, line 4, strike "(f)" and insert "(e)".

On Page 5 strike lines, 14 through 20.

The PRESIDING OFFICER. The Chair would inquire of the Senator from

Wisconsin whether this amendment is the one on which there is an agreed-upon time of 2 hours.

Mr. PROXMIRE. That is correct.

Mr. President, I yield myself such time as I may require on this amendment.

The PRESIDING OFFICER. The Senator from Wisconsin may proceed accordingly.

Mr. PROXMIRE. Mr. President, my amendment is a simple one. It would merely keep the Export-Import Bank in the Federal budget as it is now. The amendment is supported by the GAO and the Federal Reserve, both of whom have indicated in testimony before the committee, and in communications to the committee, that they feel the Export-Import Bank should not be singled out for exclusion from the budget. In so doing, my amendment will reaffirm the priority of our domestic needs over our balance of payments.

By way of contrast, the bill reported by the committee gives top priority to the balance of payments. It sacrifices our needs for better housing, for more schools, and hospitals, and pollution control facilities in favor of an economic abstraction—the balance of payments. I cannot understand how a committee, which in the past has been so dedicated to improving housing for the American people, can suddenly turn its back on our real human needs and give first priority to the balance of payments.

Let us briefly review the history of the budgetary status of the Eximbank. The Bank was set up by Congress in 1934 to help finance U.S. exports. It is a Government corporation wholly owned by the U.S. Treasury. At the end of fiscal year 1970, Treasury's equity investment in the Bank exceeded $2.2 billion.

During the middle 1960's, the President's Commission on Budget Concepts was formed to unify the Federal Budget and give consistent treatment to similar programs. The Commission carefully studied the advisability of exempting all Federal loan programs from the budget. Frankly I think we can make a very strong argument for exempting all of them. It was argued that loan disbursements were not really current expenditures for goods or services. A loan was like acquiring a capital asset which would be fully repaid with interest over the life of the loan.

Despite these arguments, the Commission decided otherwise. They felt that the net lending figures of all Government loan programs should be carried in the budget and treated as an expenditure. Net lending is the difference between loan disbursements and loan receipts. It is the amount which must be financed.

There are only three ways by which an agency's net lending can be financed. One, they can borrow directly in the private capital market as does the Ex-Im Bank; two, they can borrow from the Treasury which in turn must increase its borrowings in the private market; or three, they can obtain appropriated funds which Treasury must again finance in the private market.

If the Treasury is running a surplus, it would not have to increase its borrowing—it simply decreases its surplus which amounts to the same thing.

Regardless of the method of financing, an increase in net lending requires a corresponding increase in the Federal Government's claims upon the private capital market. One of the basic purposes of the budget is to show the total claims of the Government on the private sector. Therefore, the Commission decided that the net lending figures of all Government lending programs should be carried in the budget.

I might point out that the Chairman of the President's Commission on Budget Concepts was former Treasury Secretary David Kennedy and its Executive Director was former Budget Director Robert Mayo. As former bankers and longtime financial executives, these gentlemen were in a good position to make sound recommendations on increasing the integrity of our budgetary statements to the public.

The principles of the unified budget developed by the President's Commission were first applied in fiscal year 1969. During this year the Bank approved total loan authorizations of $1.3 billion. In 1970 they authorized $2.2 billion and they have projected $2.9 billion for 1971, more than double the 1969 rate. Thus, the Bank has not exactly suffered under the unified budget procedures.

Despite this favorable record, Bank officials were not satisfied. They wanted to be completely exempt from the budget even though all other Federal lending programs would remain in the budget. They somehow managed to persuade the members of the Senate Banking Committee that it was in the national interest to single out to single out the Export-Import Bank and give it preferential treatment over all other Federal lending programs including those for housing, small business, mass transit, urban renewal, TVA, economic development, rural electrification, and agricultural development.

For the life of me, I cannot see why the Export-Import Bank should be given preferential treatment over these socially important domestic lending programs. I think if most Members of the Senate had to rank our Federal lending programs in order of priority, the Export-Import Bank would be far down on the list. I know it would be far down on my list—perhaps at the bottom. I certainly think better housing for the American people is more important than exporting luxury jet aircraft to some foreign airline.

The ostensible reason given for exempting the Bank from the budget is that it would permit the Bank to expand their export loans and thus enhance our balance of payments. Bank officials estimate that if they were free from budgetary restrictions, they would increase their export loans by an additional $2 billion over the next 2 fiscal years.

The Bank obtains its money by borrowing in the private capital market. Therefore, if it expands its loans by an additional $2 billion, it would have to borrow the same amount in the private capital market.

Where will the money come from? There is only a fixed supply of savings in our economy available for investment. If the Export-Import Bank borrows $2 billion more, someone else will have $2 billion less. What areas of our economy will find their available supply of credit reduced?

The sectors most likely to be affected are the mortgage market and the market for municipal bonds. These are the sectors which have stood last in line in the competition for funds. They are the most vulnerable to an increased pressure on the capital market.

During 1969, a total of $88 billion was raised in our money and capital markets. However, $48 billion of this was raised by the business sector. Most corporations borrow what they need and are not significantly deterred by rising interest rates. A total of $16 billion was raised through home mortgages and $8 billion through State and local bond issues. Most of the pressure exerted by the Export-Import Bank will be felt in this area. The additional $2 billion to be borrowed by the Eximbank constitutes a significant percentage—nearly 10 percent—of the $24 billion accounted for by home mortgages and municipal bond issues. Additional borrowings of this magnitude cannot easily be accommodated without some painful readjustment.

It is unfortunate that we would sacrifice our housing and other domestic needs for such an elusive concept as the balance of payments. Economists cannot even agree on how to measure it—there are four principal measures and they often give contradictory information. For example, in 1969, one measure of our balance of payments showed a deficit of $7 billion whereas another measure showed a surplus of nearly $3 billion. Which figure are we to believe?

Moreover, even with an expansion of U.S. exports made possible by an Eximbank loan, there would be little or no immediate impact on our balance of payments. The increase in the balance of payments arising from an additional export would be offset by the outflow of funds to the foreign importer. For example, assume an Eximbank loan to a foreign airline made it possible for a U.S. firm to export a $10 million jet aircraft. The $10 million export would be counted on the plus side of the ledger in our international accounts. However, the loan to the foreign airline would be counted as a capital outflow and would be entered on the minus side of the ledger. Thus, there would be little immediate effect on the balance of payments unless the foreign airline came up with a substantial downpayment.

There would be no real improvement in the balance of payments until the loan was repaid by the foreign airline which could take as long as 5 years. Thus, the legislation would sacrifice our immediate needs for better housing, and for more schools and hospitals in return for some presumed but uncertain benefit in the balance of payments which might take as long as 5 years to be realized. No one knows whether we will even have a balance of payments problem 5 years from now; it is certain, however, that we have an immediate and serious shortage of decent housing. Once again, the legislation seriously misplaces our national priorities.

One would expect there has been a substantial depression in the export business which would justify the extraordinary budget procedures being proposed by the Bank and the administration. However, when one looks at the figures, just the opposite conclusion emerges—the export business is booming.

For example, in 1968 merchandise exports were $33.6 billion. During 1970 we exported $42.0 billion, or an increase of 25 percent in 2 years. By way of contrast, expenditures on residential home construction totaled $30.3 billion in 1968 and only $29.7 billion in 1970, a decrease of 2 percent in 2 years.

In other words, exports are up 25 percent and housing is down 2 percent. One would think under these circumstances, if view of the fact that exports have been booming and that housing has been suffering, if we were to give a priority now, it would be to housing. However, this legislation gives the priority not to housing, but to exports. The legislation before us would widen this gap by freeing exports from budgetary restrictions while continuing those restrictions on housing. I cannot imagine a more glaring example of misplaced priorities. Surely the administration can do better than this.

It is indeed ironic that the legislation gives the balance of payments top priority when many economists regard it as no longer important as it once was. Practically every witness before the Joint Economic Committee who was questioned on the subject said our balance of payments should not take priority over our domestic needs. I remember questioning Secretary Connally on this point. He said our domestic needs should come first; that our balance of payments should not come first. And yet, this is exactly what S. 581 would do.

Mr. President, I ask unanimous consent that the names of the Senator from Virginia (Mr. BYRD) and the Senator from Colorado (Mr. ALLOTT) be added as cosponsors of my amendment.

The PRESIDING OFFICER (Mr. RIBICOFF). Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, our obsessive concern with the balance of payments was due in large part to the preachings of William McChesney Martin, who in turn, was sold a bill of goods by the European central bankers. Instead of distorting our own domestic priorities, we should put a greater burden on our European trading partners to make appropriate adjustments in their exchange rates and import barriers. If we are really concerned about the balance of payments, it would make much more sense to withdraw our troops from Western Europe which by now should be capable of defending themselves.

Mr. President, the primary—indeed the only justification for taking the Bank out of the budget is to improve our balance of payments. However, despite the claims of the Bank, there is some doubt that the balance of payments would actually be improved, or at least to the degree estimated by the Bank.

The Federal Reserve Board has a far greater concern over our balance of payments than the Export-Import Bank and considerably more economic expertise. In a letter to the committee last year, Chairman Burns of the Federal Reserve Board cast doubt upon the argument that the legislation would necessarily strengthen our balance of payments. The Federal Reserve Board Chairman stated that:

> The Board is fully aware of the desirability of expanding U.S. exports to help improve our balance of payments. However, not all Export-Import Bank loans result in additional export sales. This is especially true when the Bank finances the sale of U.S. goods for which there is little or no competition in world markets. Frequently the Bank's loans are substitutes for other financing in the United States or from abroad. Finally, to the extent that the Bank's credit is used to substitute for offshore financing of our exports, our balance of payments will suffer.
>
> Accordingly, the Board recommends against enactment of the bill.

If additional Eximbank loans are merely substitutes for private financing as Chairman Burns suggests might be the case, the net effect of the legislation will be to expand governmental lending programs at the expense of private commercial banks without any benefit to our balance of payments. For an administration purportedly dedicated to free enterprise, it is somewhat anomalous to suggest that the Federal Government take over functions now being handled in the private sector. Had a Democratic administration made the same proposal, one could have confidently predicted cries of "socialist takeover" emanating from the banking community. I can only conclude the bankers have been lulled into a sense of false complacency by the supposedly conservative credentials of the present administration.

In summary, if the Bank is successful in increasing the total amount of export credit, our domestic needs will suffer. To the extent an expansion of the Bank's loans merely replace credit being extended by private banks, we increase governmental control over our lending markets without any compensating balance of payments benefits. Either result affords adequate grounds for rejecting the proposed exclusion of the Bank from the Budget.

Mr. President, the legislation infringes upon the jurisdiction of the Committee on Appropriations insofar as expenditure of outlay ceilings are involved. This committee has, from time to time, established Government-wide expenditure ceilings. The legislation seeks to bypass the Appropriations committee and bind future Congresses when it states that the receipts and disbursements of the Bank "shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the United States Government." This means that the Bank would not be restrained by any future congressional ceiling on expenditures unless the legislation establishing the ceiling specifically included the Eximbank.

If a case can be made for excluding Eximbank operations from a congressionally imposed expenditure ceiling, proper procedure would call for the Bank to justify a specific exemption each time the ceiling is set. The burden of proof to secure an exemption should be on the Bank; we should not place the burden on Congress to revoke a preexisting exemption.

Mr. President, the Committee on Appropriations has in special cases approved exemptions from the governmentwide ceiling on expenditures. This is the proper committee to hear the arguments for exempting the Export-Import Bank along with any other agency or program which desires an exemption.

If the Bank wants an exemption, why is it afraid to take its case to the Appropriations Committee. This is the committee responsible for expenditure ceilings. Why is the Bank sneaking behind the backs of the Appropriations Committee members in order to secure a special exemption?

I think the answer is painfully obvious. The officials of the Bank must know their case is not any more meritorious than the case for exempting other government lending programs. Therefore, the Bank decided to end-run the Appropriations Committee. If the Bank is permitted to succeed in this ploy, we might as well forget expenditure ceilings. Every agency will run to their favorite committee for special treatment just as the Eximbank has done.

It has also been argued that Export-Import Bank loans are not true expenditures since they are fully repayable with interest. Accordingly, it is argued that no great harm is done if the net lending figures are removed from the budget.

This argument is also misleading. Eximbank loans do represent a claim on private resources to achieve public objectives. Moreover, the net outlays of the Bank must be financed in the capital markets the same as any other Federal spending program. One of the basic purposes of the budget is to show the total financial claims of the public sector on the private sector. Excluding Eximbank loans therefore understates the degree or extent of Federal claims upon the economy.

An argument has also been made that the Bank does not operate on appropriated funds hence its activities need not be carried in the budget. Once again, this argument is seriously misleading. Even though the Bank does not use Federal funds, hidden Federal subsidies to the Bank cost the American taxpayer nearly $70 million a year. The legislation before the Senate would exempt these funds from budgetary control.

One way of appreciating the subsidized nature of Eximbank loans is to examine their operations for fiscal year 1970. During the year, the Bank was making export loans at 6 percent when market rates were 8 or 9 percent. Moreover, the Bank still earned a profit of $110.7 million. How can the Bank earn money by making below-market-rate loans? The answer is that it does so through hidden Federal subsidies.

There are two backdoor subsidies to the Bank. The first is the investment of Government capital at a ridiculously low rate. The Bank has over $2.2 billion in Government capital, including $1 billion in initial capital stock and $1.2 billion in retained earnings. The entire $2.2 billion belongs to the American taxpayer. If we closed down the Bank, the $2.2 billion would be returned to the Treasury and the funds could be used to reduce the national debt. Interest paid on the national debt would be similarly reduced. Thus, the real cost to the taxpayer is measured by the interest he is paying on his total investment of $2.2 billion. During fiscal year 1970, the average yield on all outstanding Treasury obligations was 7.4 percent. Thus the interest cost of financing the Eximbank in fiscal year 1970 was $162 million ($2.2 billion times 7.4 percent).

What did the taxpayers get back for their $162 million? They received only $50 million in dividends or less than 2.5 percent on their total investment. The Bank also kept $60 million in retained earnings for a total "profit" of $110 million which is substantially less than the true cost of Treasury capital measured at $162 million. The difference of $52 million represents a hidden subsidy paid by the taxpayer.

The second backdoor subsidy comes from the ability of the Bank to borrow directly from the Treasury at rates below the cost of funds to the Treasury. The General Accounting Office estimates this backdoor subsidy cost the taxpayers $16.8 million in fiscal year 1970.

When we add the two backdoor subsidies together—$52 million in low cost capital and $16.8 million cut rate loans—we get a total subsidy of $68.8 million.

In summary, Mr. President, I believe the exemption of the Eximbank would be a serious mistake.

It distorts our national priorities.

It threatens the credit needs of housing and State and local governments.

It constitutes a $2 billion raid on the private capital market for low priority needs.

It could take away business from private banks.

It invades the jurisdiction of the Appropriations Committee.

It threatens the complete collapse of congressional expenditure ceiling.

It removes a $70 million subsidy program from congressional control.

Mr. President, I ask unanimous consent that the amendments I have sent to the desk be considered en bloc, because I think they refer to several parts of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I urge the Members of the Senate to reject this unwise, unwarranted proposal. I reserve the remainder of my time.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a concurrent resolution (H. Con. Res. 257) providing for an adjournment of the House from April 7, 1971, until April 19, 1971, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill in which it requested the concurrence of the Senate:

H.R. 6531. An act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes,

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill, and it was signed by the Acting President pro tempore (Mr. BENTSEN):

S. 789. An act to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

HOUSE BILL REFERRED

The bill (H.R. 6531) an act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, was read twice by its title and referred to the Committee on Armed Services.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 5, 1971, he presented to the President of the United States the enrolled bill (S. 789) an act to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

EXPORT-IMPORT BANK ACT AMENDMENTS OF 1971

The Senate continued with the consideration of the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guaranties, to authorize to the bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, I yield myself such time as I may require.

The present proposal affecting the Export-Import Bank enjoys the strong bipartisan support of a strong majority of the Senate Committee on Banking, Housing, and Urban Affairs, which heard the testimony from all sources bearing on the issues raised by the amendments offered by the Senator from Wisconsin.

This measure seeks to allow the Eximbank to compete effectively with some 50 public institutions in other countries which offer export credits, guarantees, direct loans, and insurance for businesses located in those countries needing such assistance.

We were strongly impressed by the degree to which other nations have, through their counterpart institutions, sought to increase employment and sought to improve the balance of payments and trade for those countries.

We felt at the start that there was no rational reason for arbitrarily limiting the Export-Import Bank from those activities necessary to compete in credit terms and guarantees with our competitors elsewhere in the world. Indeed, even with the changes found in this proposal, in many respects and often, American businessmen will nevertheless be handicapped by superior credit and other terms made available through the central banks and credit extending public agencies of other countries as against those which would be possible under the Eximbank under the reforms offered and proposed by the Senate Committee on Banking, Housing and Urban Affairs.

This is a jobs proposal. All of the credit and guarantees offered and made available under the Eximbank are for goods created through production made possible by U.S. workers.

It seems to be, in my opinion, a very unwise policy to unilaterally restrict the opportunities for trade growth and increased employment which could spring from these changes in order to serve some bookkeeping concept from some sources in American government.

We need to realize the serious nature of the trade crisis which this country faces. World trade is growing at approximately 14 percent per year. Many of our chief trading partners are increasing their world trade at about that same amount—14 percent—but the increase in export trade by this country is increasing at an annual rate of only half of that—7 percent—and one of the reasons has been that the Eximbank, in part as a result of the restrictions imposed by putting it under the unified budget and under the spending ceiling, has been unable to compete with comparable agencies in other countries in giving American business an opportunity to find new sources of commerce and to provide the expanded trade opportunities which our economy and our people require.

So it seems to me it would be terribly self-defeating to cripple the key, and for American business often the sole agency available to them for export expansion, for credits, loans, and guarantees necessary, if this country is going to have a favorable balance of payments and if we are going to have the growing employment so obviously needed in the present slack labor market in the country today.

Also, if I may add this final point, we have during the last 2 or 3 years seen an increasing amount of debate and expressions of concern over the difficulties which this country faces in terms of our international trade policies.

In the last session of the Congress, several weeks of our deliberations were spent debating a series of proposals which in effect would make a broad new change of policy by which we essentially moved into a broad protectionist strategy through the establishment of quotas, protecting up to 120 industries, which would have greatly raised consumer costs, which might have in the long run cost us jobs, but, in any event, I think was a reflection of the great concern and great doubts which Americans have about the trade policies of this country.

I think they are proper concerns and they are ones which I think will assume a greater share of the attention of the Congress.

The present occupant of the Chair (Mr. RIBICOFF) is the chairman of a newly created Subcommittee of the Finance Committee assigned to inquire into factors involved in these difficult, complicated, and sometimes heartbreaking problems of international trade and what this country's policy should be to best protect our economy and the interests of a stable world.

But this is a case dealing with the Eximbank's having a chance to take action with which every American ought to agree. It is a chance to make progress in the expansion of healthy exports which would produce jobs in the United States; would help relieve pressures being brought toward dangerous protectionism; it would help us move forward in providing healthy, competitive, Export-Import Bank lending and trade credit policies.

Mr. President, another important provision contained in this bill is an amendment which removes the absolute prohibition against the Export-Import Bank giving any assistance to exports to Eastern Europe.

Mr. President, approximately 22 years ago, this Nation adopted a policy of severely restricting the export of goods and materials from this country to the Soviet Union and the nations of Eastern Europe. That policy was adopted in the height of the cold war, which escalated drastically shortly after World War II. It was felt at that time that such a policy was necessary in order to inhibit the redevelopment of the economies of the nations of Eastern Europe and the Soviet Union which were adopting a posture of severe hostility to the United States. Our restrictive policy continued without change for approximately 20 years.

In 1968 and 1969, the Subcommittee on International Finance of the Senate Banking Committee held extensive hearings to determine whether our restrictions on East-West trade had in fact accomplished the purpose of inhibiting the redevelopment of the nations in question and whether this policy should be continued. The evidence gathered during those hearings was overwhelmingly persuasive that our refusal to trade extensively with Eastern Europe had not had the desired effect. To the contrary, the Soviet economy experienced an almost unprecedented boom. It rapidly achieved the status of the nation with the second largest gross national product in the world—a gross national product equal to approximately one-half of our own. During the same period of time, the nations of Eastern Europe were able to rely on exports from the Soviet Union and were able to develop their own economies.

During these same hearings, we ascertained that the United States was the only country in the world that had such a highly restrictive policy in regard to East-West trade. Every other major trading nation in the world—all of them our allies—freely carry on trade with Russia and the other nations of Eastern Europe in all goods except those goods which were declared to be strategic under an international agreement subscribed to by these countries and the United States.

We found there were some categories of goods that could not be exported from the United States to Eastern Europe without going through a long and laborious licensing process. These 1,300 categories are not in any manner similarly restricted by the other countries of the world.

The conclusions we reached after those hearings were inescapable. The restrictive trade policies of the United States were having virtually no effect on the development of the economies of the Soviet Union and Eastern Europe. Their only effect was to prohibit American business from competing freely for the business of Eastern Europe, which is one of the fastest growing markets in the world.

Accordingly, in December of 1969, Congress approved the Export Administration Act of 1969 which declared it to be the policy of the United States "to encourage trade with all countries with which we have diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest." The President has made no such determination with respect to trade with the Soviet Union or the nations of Eastern Europe. Accordingly, it is now the policy of the U.S. Government to encourage trade with the Soviet Union and with Eastern Europe in addition to all other countries with which we have diplomatic or trading relations.

It is a well known fact that in the area of international trade, it is vital that there exist some export credit and guarantee mechanism. That is the reason for the existence of the Export-Import Bank of the United States. Without a facility to guarantee the credit of foreign purchases of American exporters or a facility to make loans to foreign purchasers with which to purchase American exports, the exports from this country would be highly curtailed.

Since its formation in 1945, the Export-Import Bank has participated in the financing of literally billions of dollars of U.S. exports that would not have been possible had the Export-Import Bank or similar organization not been in existence. However, at this particular time, there is an absolute prohibition contained in the Export-Import Bank Act against its extending credit to or participating in the financing of exports to the Soviet Union or the nations of Eastern Europe. Because of this absolute prohibition, it is impossible for the United States to pursue to the fullest the policy which was adopted in 1969 to encourage trade with all countries with which we have diplomatic or trading relations.

The markets of Eastern Europe and the Soviet Union are among the fastest growing markets in the world. Currently, trade with Russia and Eastern Europe comprises approximately 16 percent of total world trade. World trade is increasing at an annual rate of approximately 14 percent. The increase in trade of our major trading competitors is also around 14 percent. However, U.S. trade is increasing at the annual rate of only 7 percent. At present, the United States has approximately 15 percent of total world trade. However, our percentage of East-West trade amounts to only 3 percent.

It is obvious from these figures that the United States is falling behind in the area of trade and is particularly behind with respect to our trade with Eastern Europe.

During this time of extremely high unemployment and a deteriorating balance of payments situation, it would be foolish for the United States to do anything less than pursue every possible means of expanding our trade. To do so will create additional jobs and generate additional revenues to improve our balance of payments and stimulate a sagging economy. To remove the absolute prohibition against Eximbank financing on exports to Eastern Europe should permit American business to increase immediately its exports to that region.

In this regard, I believe it is helpful to discuss briefly the policies of the other nations of the world with respect to export financing to Eastern Europe. Currently, there are more than 50 export credit and insurance entities operating throughout the world. We have been unable to find a single one—other than the Export-Import Bank of the United States—which pursues differential policies with respect to East-West trade and other trade.

We were unable to ascertain the exact amount of business being done with the Soviet Union and Eastern Europe by all of these export credit entities. However, we were able to obtain some examples. As of June 30, 1970, Hermes, the principal German insurer of exports had exposure in Eastern Europe totaling approximately $640 million. The Italian export credit and insurance facility had exposure totalling approximately $800 million as of December 31, 1968 which is the latest figure we have. The Eximbank Bank's counterpart in Sweden and exposure in Eastern Europe totaling approximately $120 million as of June 30, 1970. Similarly, the Austrian exposure excluding Yugoslavia, was approximately $281 million as of December 31, 1970. We were unable to obtain any figures on the other major trading countries such as the United Kingdom and Japan. However, it is obvious from these examples that our other trading competitors are not inhibiting themselves in regard to financing and guaranteeing export credit to the Soviet Union and Eastern Europe.

In short, Mr. President, it is both good business and good sense at this time for the Congress to remove the absolute prohibition against Export-Import Bank financing or guarantees for exports to Eastern Europe and the Soviet Union. I hasten to point out that by removing this absolute prohibition, we are not making such export credit and guarantees automatically available to Eastern Europe. We still retain the provision which prohibits such export assistance unless the President determines that a particular transaction would be in the national interest. Thus, the bill gives the President the maximum flexibility which he must have in order to pursue the total interests of the United States. I should point out that there are other acts which prohibit the export of strategic goods and materials to Eastern Europe. Thus, the export financing or guarantee that would be made available as a result of the passing of this bill will only be available for the support of exports of peaceful goods and only after the President has determined that the particular transaction will be in the national interest.

It is my hope that the President will utilize this authority liberally in order to create more export business for the United States, thereby putting back to work thousands of our currently unemployed, increasing our trade surplus, and improving our balance of payments.

At this point I would like to yield to the ranking Republican member of the subcommittee, who has done much work in this field, the distinguished Senator from Oregon (Mr. PACKWOOD).

Mr. PROXMIRE. Mr. President, will the Senator yield for a question before he does that?

Mr. MONDALE. I am glad to yield.

Mr. PROXMIRE. The Senator said two things about which I find myself somewhat puzzled. No. 1, the Senator indicated that the present arrangement which requires the Export-Import Bank to be in the budget constitutes a unilateral restriction.

Mr. MONDALE. That is correct.

Mr. PROXMIRE. In what manner is it unilateral? Does it not apply to all loan programs in this country?

Mr. MONDALE. It is a unilateral restriction on the Export-Import Bank which does not apply to any of the competing public agencies which guarantee exports in other countries. The central bankers in Europe, in some 50 countries, have institutions like the Eximbank. Practically all of them have broader powers than the Eximbank will have even under the reforms proposed here. What I am saying is, what sense does it make in this era of difficult trade, particularly in this era of slack employment in this country, for us to deny ourselves a chance to expand in healthy foreign exports; should we deny ourselves a chance to expand employment here at home—in the name of a bookkeeping principle?

I say that is a unilateral imposition of a restriction which should not be imposed at this time.

Mr. PROXMIRE. I say, No. 1, it is not unilateral in that it does apply equally to all other Federal lending programs, and, No. 2, Mr. Kearns testified that our terms are not disadvantageous; and this is the whole heart of the argument of the Senator from Minnesota, that somehow we are at a serious disadvantage.

Mr. Kearns said we were not. He said there were some short-term export programs on which perhaps we were, but that overall, they were not disadvantageous.

Furthermore, where does the Senator get his figures which indicate that our increase in exports has been only 7 percent, whereas the increase in exports of our trading partners has been 14 percent? The fact is that since 1968, the increase has been 25 percent, or 12.5 percent a year. That is a very favorable increase, which compares favorably with the drop in housing, which, as the Senator knows, is also fed by Federal loans.

Mr. MONDALE. Mr. President, will the Senator yield? I yielded for a question. I think we are on controlled time.

Mr. PROXMIRE. I am willing to take it out of my own time.

Mr. MONDALE. Fine.

Mr. PROXMIRE. I ask the Senator how he explains that statistic.

Mr. MONDALE. Permit me to say, first of all, I think the Senator from Wisconsin asked two questions. The first is whether it is true that the lending agencies and comparable institutions in other countries are in a position to outcompete the terms that can be offered by the Export-Import Bank.

I think, if the Senator from Wisconsin will review the record, there is substantial evidence that the other countries very frequently offer terms which are far more attractive than the terms offered by the Export-Import Bank. The last year or so, there is testimony that they have been more competitive than they had been, but there is further testimony that on many occasions lending agencies from other countries have been able to insulate themselves from their domestic interest markets, for example, to a greater extent than does the Export-Import Bank; that some of the other countries, in their credit policies, have permitted more of the management with respect to a certain facility to be supplied locally, and that reduces the cost; and that in other ways our Export-Import Bank has been unable to be as competitive as it would like to be.

I think the record is already clear on that, and so I think that unless we see some important bookkeeping reasons for saying that U.S. business should be put at that disadvantage, there is every reason to warrant the reforms which the committee has so strongly recommended.

If I may make one other point——

Mr. PROXMIRE. In that connection, I should like to ask why the Senator, who is one of the most persuasive and eloquent Members of this body, or of any body, has not given us any solid factual information. He has given us all kinds of generalizations, but there is no statistical comparison to show that the terms by which the Export-Import Bank is limited are disadvantageous in the important respects as compared with the terms that England, Germany, Japan, and other countries are offering. I ask the Senator why.

Mr. MONDALE. I would refer the Senator to page 215 of the hearing record.

May I also point out that there is another feature here which we have not discussed, and that is the availability of export-import activity in Eastern Europe. Eastern Europe is now one of the largest and fastest growing commercial markets in the world. While we enjoy something like 14 to 15 percent of world trade generally, the United States enjoys slightly less than 3 percent of nonstrategic commercial trade in Eastern Europe. One of the other features in this measure would try to make it possible, if the President approves, to permit the Export-Import Bank to be active in that area as well.

I now yield to the Senator from Oregon such time as he may require.

Mr. PACKWOOD. Mr. President, at the time we heard Mr. Kearns, who is Chairman of the Export-Import Bank, testify, he indicated that at the time of the adoption of the unified budget, it was not the intention that this would apply to the Export-Import Bank, that the inclusion was accidental.

That possibly may not have been intended, but in any event, the Export-Import Bank now finds itself in that situation. Not only on occasion are they unable to be competitive on rates, because our rates fluctuate up and down, but much more dramatic is the question of the availability of money. Because of the Office of Management and Budget, and the fact that Export-Import is within the Office of Management and Budget's limitation, they do not have the money either to make direct loans or, in many cases, to guarantee loans made by banks or other financial institutions to enable American exporters and manufacturers to compete overseas.

Whether or not Export-Import was included in the unified budget by inadvertence or was intended to be included, I think, is not the point to be argued about here. The question we have to face is whether Congress wants to recognize its independence, and say to the Executive, "We regard the balance of payments and the possibility of exporting overseas, not only to Europe but to Asia and to the markets, as so significant and singular that we want to exercise the decision as to whether or not the Export-Import Bank should be allowed to expand its activities."

We heard much last year about the delegation of power to the Executive, and we are going to hear it again this year. We have heard about it specifically in the field of foreign affairs. Right now we are talking about a facet of foreign affairs—business overseas. At the moment, under the unified budget concept, we have delegated to the Executive the sole power to decide how much, if any, the Export-Import Bank will be allowed to compete overseas, if they are allowed to compete at all, at what level of interest, and how much money they can loan. I do not think that is a decision that should be left solely to the Executive.

The argument can be made that the Executive can change that, that the President can take the Export-Import Bank out from under the unified budget by executive action if he chooses. I think we have heard some testimony that he could. But I think we are all aware of the political ramifications if the Executive should undertake to do that by himself. This is a decision in which Congress should participate. As far as I am concerned, it is a major policy decision which Congress alone should make.

By passing this legislation, we are not making the Export-Import Bank some kind of a financial institution by which to withdraw ourselves from any kind of fiscal restraint by any one. All of their loans over $10 million will have to be approved by the Treasury and others. Their total lending capacity will be approved year by year by Congress. Their principal appropriations will come under the jurisdiction of the Appropriations Subcommittee chaired by the Senator from Wisconsin. We are not, by passing this legislation, removing all of the fiscal restraints on the Export-Import Bank. What we are doing is saying that henceforth the restraints will be set by Congress, and not at the whim of the Executive.

I think that is where the policy decision belongs, and for that reason, this particular bank, the Export-Import Bank, should be taken out from under the unified budget without regard, at the moment, to whether we choose as a matter of congressional policy to take any other lending programs in other domestic programs out from under the unified budget.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. PACKWOOD. I yield.

Mr. PROXMIRE. If this is so urgent, if it is so necessary to give exports this benefit and priority, how does the Senator explain the fact that our exports have increased 25 percent in the last 2 years? How does he explain the fact that the Export-Import Bank volume of lending has increased from $1.3 billion in 1969 to $2.9 billion in 1971, a fantastic increase?

They are doing beautifully. Why should they be given priority over housing, for example, in which the Senator from Oregon is deeply interested and which he has a fine record of supporting, or small business or farmers or any other kind of loan program which we insist remains in the budget?

Mr. PACKWOOD. I am not quarreling with the record of the Export-Import Bank in the past, nor at this particular juncture am I prepared to argue about the merits or demerits of other lending programs in the domestic field that apparently we are going to consider in a few moments.

I am saying that, as we look toward the future and toward the policy of the Office of Management and Budget, the Export-Import Bank is going to be limited as to availability of money. I am not quarreling with the interest rates. That will depend upon the fluctuation in our own markets. The Export-Import Bank is going to find itself short of capital because it will not be able to float its bonds, and we will find ourselves in an unfavorable position overseas as to availability of money, not cost of money.

Mr. PROXMIRE. My argument was that they did not seem to have a problem, and we know what an urgent problem we have for housing. The Senator from Oregon is familiar with the fact that housing has declined in the last couple of years, and the heart of the problem is financial, in my view. There are other problems.

I do not see how we can exempt from the budget this program, which has been so dramatically successful over the past couple of years and seems to be in no real need of assistance, and then turn our back on the domestic programs.

No one has addressed himself to the fact that the Comptroller General, who is Congress' authority in this area, our accountant, says that it is unsound on an accounting basis and has testified against it.

The Federal Reserve Board, which is an expert in the whole area of banking and balance of payments, has also testified against it and has said it is unsound and opposes the legislation.

Mr. PACKWOOD. The Comptroller General did not say this was unsound in accounting practice. As a matter of fact, if we were in a private business enterprise, we would not be operating under this net lending theory.

Mr. PROXMIRE. I do not like net lending either.

Once you take it, once you make exemptions for some programs and not others——

Mr. PACKWOOD. That is a decision Congress should make, not the President, and especially not the Office of Management and Budget. We are debating at this time whether the Export-Import Bank is a sufficiently worthwhile program to change and go to gross lending instead of net lending, which in my estimation is an artificial restraint.

Mr. PROXMIRE. I think there is a tendency on the part of all of us to get away from the substantive effect of this program. If we go ahead with this bill, it will mean, according to Mr. Kearns, that the Export-Import Bank will borrow another $2 billion it otherwise would not in the private market. That $2 billion is going to come primarily from housing and State and local government, because they are most vulnerable. Big business takes care of itself and can borrow what it needs. It seems to me that Congress should consider that before we go ahead with this kind of exemption, we should recognize the effect on domestic problems, which in my view should have a higher priority.

Mr. MONDALE. I yield to the distinguished Senator from Alabama such time as he requires.

Mr. SPARKMAN. I thank the Senator from Minnesota.

First, I want to be clear on this: The Senator from Wisconsin has two amendments. There has been a great deal of talk about taking not only the Export-Import Bank, as well as several other agencies and programs, out from under the budget. Do I correctly understand that the amendment we are considering now is the one that would take other agencies out from under the budget?

Mr. PROXMIRE. I am not going to offer the other amendment unless this amendment is rejected. If this amendment is rejected and if we insist on exempting the Export-Import Bank from the budget, I am going to say, "Let us treat all programs the same. Let us be consistent. Let us not be unfair to the other programs." If this amendment is rejected, I will offer an amendment to treat the other lending programs exactly the same. I will not offer that amendment if my amendment is agreed to.

Mr. SPARKMAN. I was under the impression that it was that amendment to which the 2 hours of time was assigned.

Mr. PROXMIRE. No. This is the principal amendment.

Mr. SPARKMAN. A good deal has been said about the effect of excepting the Eximbank from the budget on housing. Of course, we know that in a tight money situation, housing, small business, agriculture, and a few other programs such as these always take the brunt. But this does not happen to be a time when housing is in a money crunch. Actually, there is more money for housing in the banks and in savings and loan institutions than can be used presently. And they are not using all of it, by any means. Dr. Burns has testified to that effect before our committee several times.

Mr. PROXMIRE. Mr. President, will the Senator yield at that point?

Mr. SPARKMAN. I yield.

Mr. PROXMIRE. Is it not true that homebuilders testified before our committee just 2 days ago——

Mr. SPARKMAN. Yes. I think they made a mistake, and I told them so at the time. At this time there is more money than can possibly be used for housing. It is pretty much like the dog in the manger.

I have supported housing. I do not think anybody in this Congress or in this country has supported housing more ardently than I. I have been on the Housing Subcommittee of our committee since 1947.

Mr. PROXMIRE. There is no question that the Senator from Alabama is "Mr. Housing" in this body, or in both bodies, in my book.

Mr. SPARKMAN. I think that the homebuilders, in answering the question put to them by the Senator from Wisconsin, made a mistake. I told them so, when they said that they would be opposed to any agency going into the private market and getting $2 billion. So would I, if it would put the pinch on housing as has been done several times during the past decade.

Furthermore, I pointed out that industrial expansion during the last 3 years, and even longer, has been going up and up each year, even though at no time during that period have we used fully the capacity we have.

If we want to urge restraints in a place that will put money back into the market and make it available for housing, let us put some restraint on lending to the industries which have been expanding to such an extent each year. It has been going up each time by billions of dollars.

There is more money today in the savings and loan institutions and in the commercial banks than housing can use. The newspapers are full of advertisements advertising lower rates on home mortgages, with all the money one can get. Every day I hear commercials on radio:

> We have all the money we need. Anybody who wants to borrow money for a home mortgage can get it without delay. It is here, waiting for you.

And that is true. I am glad it is true.

Mr. PROXMIRE. Mr. President (Mr.

STEVENSON) will the Senator yield at that point?

Mr. SPARKMAN. I yield.

Mr. PROXMIRE. Is it not true that the $2 billion would be taken out of the capital market in fiscal 1972 and 1973, when there is likely to be, on the basis of all past experience, another crunch on housing? The Federal Reserve Board indicated that they intend to continue to use monetary policy when necessary to restrain inflation. The homebuilders expect that by the end of this year, there will be pressure once again on housing.

Mr. SPARKMAN. I think we ought to legislate on the way things are now. I do not share the gloomy outlook that there will not be money for housing in 1972 and 1973. We enacted legislation last year—and the Senator from Wisconsin played a major part in it—that has been most helpful in the mortgage money market. In the housing field today, we have Fannie Mae operating out from under the budget. The funds generated by FNMA for these home mortgage operations are out from under the budget.

We have the Home Loan Bank Board, and we gave them special authority in legislation last year to set up a secondary market for conventional mortgages. In addition the HLBB's operations on advances made to savings and loan associations are out from under the operation of the budget.

Why make all this complaint about how bad housing would be affected? First of all, we have specially subsidized housing programs under which some 225,000 of units were built in 1969. Then there is federally assisted housing. In 1970, 450,000 units were built under this program. In addition, we have given flexibility to the Home Loan Bank Board—even provided $250 million to the Board to put out to the savings and loan associations and subsidized them so that they would be able to take care of the differential between the mortgages they were holding in their portfolio at, maybe, 4½ percent as against mortgages for which, at this time, they would have to be able to show 7 percent or 8 percent. We gave FNMA its independence. We have done a lot for housing and we will do much more. I do not believe, just because housing is something in which we are all interested, that it should be made, let us say, the stalking horse, as against doing something to allow the Export-Import Bank to do things that will help the people of this country who are producing goods and trying to sell them abroad.

Mr. MONDALE. Mr. President, will the Senator from Alabama yield right there?

Mr. SPARKMAN. I yield.

Mr. MONDALE. If an American wanted to buy a house, would credit availability be the bigger problem or would a job be the bigger problem?

Mr. SPARKMAN. A job. That is, the Export-Import Bank—by building up exports——

Mr. PROXMIRE. Does not housing too provide the same kind of thing?

Mr. SPARKMAN. Just a minute. Let me say that one industry which right now is threatened with as real a collapse as any other industry in this country—the aircraft industry—has thrown thousands of people out of work, and thousands more see unemployment ahead for them in the aircraft industry.

Aircraft exporting has been one of our best ventures and the Export-Import Bank can help it and put thousands more people back to work by our being able to sell aircraft overseas.

The Senator from Minnesota (Mr. MONDALE) and the Senator from Wisconsin (Mr. PROXMIRE) were having an exchange a while ago about specific examples of an American industry that has gone overseas and built a plant and is producing goods there with the people overseas getting the jobs.

Where are they selling the product? They are selling most of it back here, or at least a great part of it.

About 2 years ago the head of one of the largest manufacturing industries in this country said to me, "My company is building in West Germany one of the largest plants anywhere. I feel bad that we are doing that but I cannot help it. In the first place, West Germany is in a position to make a sizable grant to us and, in addition, will lend us money enough—whatever is needed to go ahead and put up the plant—at a very low rate of interest; and, furthermore, when the product is manufactured, West Germany will give us an export subsidy to help send the product back to this country to sell to Americans who otherwise would be buying the same product from one of their own producers in America."

I wish we had been in a position to compete with the kind of help right at that time. I wish we could have given help that would have been competitive with the help given by many countries in the world to their exporters.

Now my friends' explanation may seem a little thing, but I was impressed by it.

A year or so ago, my wife and I were in Copenhagen and we went into a store and purchased some silver or porcelain—I was not sure what it was—but the clerk in the store wrapped it and then she said, "Do you want to take this with you, or do you want to have it mailed to you in the United States?"

My wife said, "Oh, no, we will take it with us now."

The sales clerk said, "If we mail this to you, we can give you a 20-percent discount which is approximately the equivalent of the customs you will otherwise be paying."

Mr. President, you see what these countries are doing? They are making it possible for goods to be shipped over here that will take up the cost of the customs duty.

They have many different ways of helping their exporters and all we are trying to do in this bill is to provide a mechanism for our own Government to make possible opportunities to help our own manufacturers sell American goods in other countries and be able to compete realistically with the exporters in those countries.

Mr. MONDALE. Will the Senator from Alabama yield further?

Mr. SPARKMAN. I yield.

Mr. MONDALE. There has been a suggestion made during this debate that that is not a serious concern, that the nature of our export expansion has been such that everything is going swimmingly. I should like to cite some data submitted to us by the chamber of commerce, based upon Department of Commerce statistics, which show that in 1960, the U.S. share of world exports of manufactured goods was 25 percent.

Mr. PROXMIRE. Would the Senator give us the page he is reading from?

Mr. MONDALE. Page 217.

In 1967, it had slipped 3 percentage points to 22.3 percent. Transport equipment had slipped from 33 percent to 32. Electrical machinery had slipped from 28 percent to 24; nonelectric machinery, from 32 to 28. Chemicals, from 29 percent to 21. And under "Manufactures," from 17 down to 14. That is what is happening in the world markets. There are many other factors that bear on that, but once they have permitted one of the key elements in trade; namely, credit and guarantees, to slip to a disadvantageous competitive position as against other terms offered by competing institutions in other countries, I do not find those figures comforting. I am appalled by them. They reflect the loss of hundreds of thousands of American jobs.

This measure today is designed to try to do something to correct that.

Mr. SPARKMAN. The Senator is right. We should not bind ourselves any longer. What we are trying to do is to give the Export-Import Bank a reasonable amount of flexibility, and that is all we are doing.

VISIT TO THE SENATE BY THE AMBASSADOR FROM THE NETHERLANDS AND THE UNDER SECRETARY OF STATE FOR SOCIAL AFFAIRS AND HEALTH FROM THE NETHERLANDS

Mr. BYRD of West Virginia. Mr. President, I am happy to present to the Senate today the Honorable Roelof Y. Kruisinga, Under Secretary of State for Social Affairs and Health from the Netherlands, and also His Excellency Baron Rijnhard B. Van Lynden, Ambassador to Washington from the Netherlands. They are in the Chamber and I ask unanimous consent that the Senate stand in recess for 2 minutes so that Senators may greet and extend a welcome to these very distinguished and honorable guests.

(The distinguished visitors rose in their places and were greeted with applause, Senators rising.)

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 1:21 p.m. the Senate took a recess until 1:23 p.m.

During the recess the distinguished guests were greeted by Members of the Senate.

On the expiration of the recess the Senate reassembled and was called to order by the Presiding Officer (Mr. STEVENSON).

EXPORT-IMPORT BANK ACT AMENDMENTS OF 1971

The Senate continued with the consideration of the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes.

Mr. PROXMIRE. Mr. President, I yield the Senator from Colorado such time as he may require.

The PRESIDING OFFICER (Mr. STEVENSON). The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, I intend to vote for the pending amendment against removing the Export-Import Bank from the Federal budget. In doing so I will be supporting the considered judgment of the Federal Reserve Board and the General Accounting Office.

More important, in opposing this, I am supporting a principle which too often is honored in the breach. I am supporting a principle in which I have believed for a long time. This is the principle that, to the fullest extent possible, the Federal budget should give a full and accurate picture of every use of the public's resources. This is not done by today's budgets. In 1969, for instance, fully 64.2 percent of the Government's $184.6 billion budget was defined as relatively uncontrollable under present law. That is, Congress had no immediate control over the expenditure of $118.6 billion. By 1970, 66.2 percent of the budget was relatively uncontrollable.

And by 1971, 68.6 percent, or $146.0 billion out of our $212.8 billion budget was relatively uncontrollable. The odds are that over two-thirds of all Federal spending will remain within the relatively uncontrollable category in the fiscal year 1972 budget. This situation is too restricting of congressional latitude, and too dangerous to sensible consideration of priorities, to permit even so meritorious an agency as the Bank to be granted immunity from the constraint of inclusion in the budget.

Mr. President, I want to call attention to one paragraph of a letter sent by Mr. Arthur F. Burns, Chairman of the Federal Reserve Board, to the distinguished chairman of the Committee on Banking and Currency. The paragraph is this:

> Enactment of S. 4268 would constitute a breach in the new concept of the unified budget. The objective of revising the budget, as you know, was to present budget totals that would give an accurate and comprehensive account of the receipts and disbursements of the Federal Government. Whether a government agency borrows in the market directly or goes through the Treasury Department does not alter the fact that the Federal Government is acquiring command over the real resources represented by the borrowed funds. In either case, the outlays of the agency should be subjected to thorough scrutiny and included in the total of Federal disbursements.

Mr. President, Chairman Burns has stated with customary cogency the case against removing the Bank from the budget.

In my investigation of this question with representatives of the Bank I have found the representatives unfailingly courteous, and not entirely unpersuasive. I am sensitive to the fact that the Bank, precisely because it is a bank, might benefit in two ways if it were exempted from our normal rules of budgetary due process. In the first place, the Bank might find that it could perform its functions more conveniently. In addition, the Bank might find that it could perform more of its proper functions more conveniently if it were removed from the budget.

Mr. President, without conceding the accuracy of either of these expectations, I want to emphasize that neither, or both, of these expectations, if accurate, would be sufficient to justify suspending a rule of good budgeting.

Unfortunately, the same expectations could more or less plausibly be adduced by countless other agencies of the Federal Government. And it is a virtual certainty that this would be said by countless agencies. If we grant the Bank exemption from the constraints of inclusion in the Budget, we run the risk of opening the floodgates.

I refer to the words of the Senator from Wisconsin (Mr. PROXMIRE), the author of this amendment, in a letter to me in which he said:

> When this legislation is debated on Monday, I plan to offer an amendment to put the Export-Import Bank into the budget. If this fails, I plan to offer a second amendment to remove our housing, small business, and mass transit loan programs from the budget on exactly the some basis as the Export-Import Bank, so that they are not placed at a competitive disadvantage. I hope you can support my position.

I do support his position on the pending amendment. However, I must say that I could not go for his second proposition.

It is a fact of life—public and private—that it is very convenient to diminish the uncertainties surrounding access to resources. This is true for individuals, families, and Government agencies. Those of us in Congress day after day, month after month, and year after year see people attempting to get at the vast governmental resources of the country without going through the budgetary or appropriation processes. But we cannot properly bend the rules of good government to maximize the convenience—or even the efficiency—of various agencies. There are some principles which take precedence over even such valid considerations as convenience and efficiency.

One such principle is at stake here today. It is the principle that, insofar as possible, all agencies making claims on the public resources should face equal hazards of competition for those resources. Stated differently, it is the principle that Congress should have as many "targets of opportunity" as possible when it makes its annual decisions about national priorities.

I understand the reasons for this legislation. However, there is no conclusive reason that the Export-Import Bank should not take its chances and face its own competition for the resources through the budgetary process. Whether we are talking about housing, mass transit, agricultural loans, or urban renewal, no matter what it is, the Export-Import Bank should stand on an equal footing and take its own chances with every other agency needing the attention of the Congress.

This is a principle which is of timeless validity and importance. Needless to say, as our needs accumulate, and as demands accumulate even faster, and as the pressure on the taxpaying and money borrowing public mounts to intolerable levels, this principle becomes an ever more central principle of good government.

Mr. President, I understand that nothing we do here today with regard to the proposed exclusion of the Bank from the budget will exempt the Bank from congressional scrutiny and control. The Bank would like to expand its activities by $2 billion and not have it reflected in the budget. But this expansion will be subject to congressional approval, whether or not the Bank is included in the budget. Therefore, I am not alarmed by the idea that excluding the Bank from the budget will unleash the Bank from all control.

Mr. President, it is a hard, cold fact, whether admitted or not, that in those areas where the Appropriations Committee acts by way of limitation rather than by appropriations, the limitations never receive the examination and close scrutiny that the direct appropriations and obligational authority receives.

The really worrisome thing is that exclusion of the Bank from the budget will further limit our options when we come to the central legislative task—apportioning our very finite resources among what appear to be infinite demands.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. PROXMIRE. Mr. President, the Senator is making an excellent speech. I want to make sure that I understood the Senator when he said this was not excluded from limitations. It would exclude it from overall spending. This would take it out until it be given special priority status.

Mr. ALLOTT. In that sense, the Senator is correct.

Mr. PROXMIRE. Mr. President, that is one reason I oppose it. I do not think we could make an argument for that.

Mr. ALLOTT. The Senator is entirely correct. If Congress would put a ceiling, an expenditures control ceiling, as we did, as I recall it, first with President Johnson, and then in 2 subsequent years, then the Bank's money would not be within this ceiling.

The effect of removing the Bank from the budget will be to further tighten the focus of the debate on priorities. As more and more items are removed from the budget, we find that the scramble for resources takes place at the expense of fewer and fewer—and often more and more vital—programs. Mr. President I am increasingly alarmed about the fact that the effort to reorder our priorities is in danger of degenerating into an annual assault on the defense budget, for example.

If this degeneration does in fact occur, it will occur not because of anyone's malevolence, but because the military budget stands increasingly exposed as the most eligible "target of opportunity" for those seeking resources for favored programs. That is, the defense budget may get attacked simply because so much of the rest of the Federal budget is essentially uncontrollable.

Mr. President, my opposition to this bill should not be construed as implying any dissatisfaction with the Export-Import Bank's record of achievement, or any doubt about its promising future. Indeed, I want to emphasize that this organization has a wholly exemplary record. It is a model of creative, pragmatic Government. It is in part because the Export-Import Bank has such a satisfactory record of achievement that we can be confident in leaving it situated as it currently is, after all, it has been pointed out in this Chamber this afternoon how it has grown.

If the Bank were unable to function well under current arrrangements, then we might be more ready to suspend an important principle in order to improve its situation. But the Bank can function well in its current situation, and therefore there is a compelling reason to abandon a principle which needs special refurbishing now.

It would be wrong to exempt the Bank from this principle. And to repeat a point I made a few month ago, I understand that the senior Senator from Wisconsin, who agrees with me on this point, intends, if the Bank is exempted, to seek similar exemption for various other agencies.

In my judgment, and I say this with all due respect to my friend from Wisconsin, this would be a disastrous aggravation of a deplorable situation.

I applaud the Senator from Wisconsin for his steadfast defense of principle with regard to the Bank. I do not think that equity or any other consideration could justify an about-face which would seek to make a valid principle out of an unwise violation of a valid principle.

Mr. President, it is my hope that the Senate will not arrive at a situation wherein any Member is provoked into going down that mistaken path. The surest—indeed, it would seem the only—way of avoiding such a situation today is by affirming a clear and unambiguous principle of good government by keeping the Bank in the budget.

Mr. President, for all the reasons enumerated today, I intend to oppose removing the Export-Import Bank from the budget.

Without prejudice to the high reputation which the Export-Import Bank enjoys and deserves, I urge all Senators to join me in supporting a principle of sound government that too often has been honored in the breach.

Now is the time for all Senators to join in asserting our common interest in a more accurate, informative, flexible and controllable budget. Today we have a chance to promote this common interest by insisting that the Export-Import Bank remain in the budget. This will be a constructive first step toward regaining control over our vast Government. It also will be a manifestation of determination to breathe new life into an old and proven principle of government. Therefore, we should recognize the wisdom of leaving the Export-Import Bank situated as it currently is. It has worked well in the past under these conditions and I am confident it will continue to do so.

Mr. President, I am not an authority and I do not claim to be an authority on international trade. I do not claim to be an authority on banking and currency. But I do know something about these matters. I have been a member of the Committee on Appropriations for going on 13 years and in the course of those years I have learned a little bit about the processes of trade and banking. The pending amendment would not hinder these processes. The amendment would aid the process of Government.

I am astounded at the number of moves that have been made to remove various agencies from under the direct scrutiny and control of the Committee on Appropriations. If we continue to do this—and defeat of the pending amendment would be a continuation of this deplorable trend—we soon will be left with a situation, not where Congress has control of only 30 percent of the budget as it does today, but we will be at a point where it will have control of only 25 percent or less.

It is a fact well recognized by anyone who deals with appropriations that out of all of that vast Federal budget—$229 billion this year, I believe—only about 34 percent of it is actually controllable by Congress.

Are we going to take yet another step and place the Eximbank into the category where they are removed from scrutiny, justification, and direct immediate control of Congress. I hope not. It would be a great mistake to do this. If it is done, then various interests—such as housing, in which I, as well as other Senators, have had a great interest in, or mass transportation, in which I have had tremendous interest, or even the SST, in which I have had a great interest, and my friend from Wisconsin has had none—various interests would seek similar treatment.

I think all interest should be entitled to go before the Appropriation Committees of Congress and make their demands for consideration and priorities.

Why, then, remove this agency? Again, as the Senator from Wisconsin said, perhaps we might just as well remove others, such as the Small Business Administration, Housing, and what about our farms, FHA, and the Federal Farm Home Administration? Our farmers and agricultural people in this country have been skating along for years without adequate financing. They are at the very bottom of the totem pole, but they represent one of the greatest industries of this country. Would they not deserve special treatment also?

So we could make and enter different justifications for a hundred different priorities and remove them from under the budget. But if we do that we will have no budget at all.

So I hope the amendment of my friend from Wisconsin, in which I believe he has joined me as a cosponsor, will be adopted and that we do not remove the Eximbank from the budget.

Mr. MONDALE. Mr. President, I yield to the Senator from Oregon such time as he desires.

The PRESIDING OFFICER. The chair recognizes the Senator from Oregon.

Mr. PACKWOOD. Mr. President, the Senator from Utah (Mr. Bennett) is unable to be here today because of a death in his family. He strongly supports this bill and he has asked that I place in the Record a statement of his.

I ask unanimous consent that it be placed in the Record after I finish my present remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, let us get straight what we are talking about here with reference to the Export-Import Bank. We are not talking about taking this Bank out from any kind of scrutiny by Congress. What we are talking about really is putting it under the scrutiny of Congress and taking it out from the authority of the executive to determine for itself how much money this Bank can lend in any given year and what priority it shall have with relation to other priorities of the Nation.

We have bandied about the concept of "net lending." To make the record clear, let me broadly generalize what we are talking about. Net lending is the amount of money we will allow any agency to borrow to make up the difference between what it lends and what it receives on the sale of bonds, only we do not allow, in the concept of net lending, to be included the total amount the agency might borrow and in turn might lend.

Let me give an example. Let us say an agency is given a net lending authority of $300 million. This agency might be able to sell $2 billion worth of bonds to finance its activities and lend $3 billion, and its net lending difference would be $300 million. The fact that Congress might have set its authority to borrow and to lend at $2, $3, or $4 billion higher is of no matter, because what we have done is delegate to the Executive, and specifically he delegates it to the Office of Management and Budget, the power to set a ceiling lower than we choose to set.

Next year, if the Office of Management and Budget wants to say that the Export-Import Bank can lend no moneys, it has the power to do it. Next year if the Office of Management and Budget wants to decide that housing is a higher or lower priority than exports, or that student loans is a higher or lower priority than exports, all it has to do, in its net lending capacity, is to tell any agency what its net lending limitation can be, and that is all that agency can do, no matter what Congress has said.

By passing this legislation today, we are not taking the Export-Import Bank out from under the control of Congress. The one thing we are doing is telling the Office of Management and Budget that it cannot set a limitation lower than the authorization that Congress chooses to give the Export-Import Bank.

If we are talking about Congress controlling expenditures, then we should be supporting this legislation, because without this legislation we are giving willy-nilly to the Executive the power to say that the Export-Import Bank can either lend or borrow to the absolute capacity of the authorization given to it by Congress, or it can do nothing. I do not think that is the kind of power we ought to be delegating away to the Office of Management and Budget.

The statement previously ordered to be printed in the Record is as follows:

Statement by Senator Bennett

Mr. President, in my judgment the enactment of S. 581 would be the single most important act that this body could take to help relieve our chronic balance of payments deficit. The Export-Import Bank has taken Herculean strides in expanding U.S. exports in recent years through the establishment of a large number of new and imaginative programs of financial assistance to exporters, but they have gone about as far as they can go without the budgetary relief that only the Congress can provide.

The outstanding success of Eximbank in meeting the challenges of foreign government-supported financing assistance is a matter of public record, but it bears repeating here. Eximbank authorizations in Fiscal Year 1970 supported export sales of $5.5 billion, up 90 percent from the $2.9 billion supported in 1969, which in itself represented a significant increase over the record of Fiscal Year 1968. The Bank expects to continue to increase its support to U.S. exporters at a dynamic rate, if it is given the tools to work with—and S. 581 is designed to provide those tools.

I believe it to be significant that in all the discussions concerning S. 581, we have heard no argument advanced which suggests that the inclusion of the Bank's operation under the unified budget concept has contributed in any way whatever to the success the Bank has demonstrated in increasing U.S. exports through timely and imaginative financing assistance to overseas buyers. To the contrary, the retention of the Bank under this concept is certain to restrict the extent to which this marked success can be continued.

We are accustomed in these chambers to reducing the largest problems down to the lowest common denominator, and in this discussion I submit that the lowest common denominator is people. People out of work or people holding jobs. For the average corporation in the United States, export business represents a very small percentage of gross sales, so they may be considered as extensions over and beyond the domestic business which most organizations are geared to handle. This means that when such a corporation concludes a sale overseas, jobs are created here. The Labor Department has estimated that sales of $1 billion translates into 87,000 full-time jobs for a year.

Thus, when we are talking about export sales of $5 billion, we're talking about nearly a half million man-years of labor, in every field from agriculture to nuclear physics. It is in these terms that I urge that consideration be given to my remarks concerning S. 581.

By being included within the unified budget, the Bank has been placed in a virtual strait jacket. The harder the Bank works to extend loans to enable our exporters to survive in the highly competitive markets overseas, the more unfavorably it appears to impact the balance of the budget here at home. I use the phrase "appear to impact," because it is only the budgetary accounting system which casts an unfavorable light on what is in fact a profit-making operation.

Under the unified budget accounting system, disbursements on direct loans by the Bank are listed as budget expenditures while only the collections of principal and interest on earlier loans are accounted as receipts to offset the budget outlays. Now, had the Bank been supporting U.S. exports over the past ten years at the same scale as they are presently operating, this would present no problem, since the expenditures and receipts could be expected to stay in reasonable balance.

However, the Bank has not been conducting business as usual. It has reacted vigorously to the demands imposed by the President of the United States—and by the Congress—to find ways to relieve our balance of payments problem through the expansion of exports, and as a result the disbursements are logically exceeding collections during a particular fiscal year. Thus the Bank operation has shown as a "net lending outlay" or budget deficit for the past two years. In Fiscal Year 1969, for example, the net lending outlay appeared as $246 million, while in fact the Bank made a profit of $104 million and paid a $50 million dividend to the general fund of the Treasury.

In Fiscal Year 1970, the Bank's net lending outlay appeared as $219 million while in fact a profit of $110 million was being realized, and again the Bank paid a $50 million dividend to Treasury.

Gentlemen, it is unreasonable to expect the Export-Import Bank to continue to take a leading role in improving our balance of payments situation when their very successes appear as failures in the efforts of the Administration to maintain a balanced budget at home.

The removal of Eximbank from the unified budget has been attacked as simply an effort on the part of one agency to escape the eagle eye of the Office of Management and Budget, and of the Congress. If this were true, you may rest assured that I would not endorse S. 581, and would vigorously oppose any similar bill that might have been introduced. I submit that relief from the unified budget would in no way diminish the controls exerted by the Administration or by the Congress over this institution.

The overall obligation authority of the Bank remains subject to the review and authorization of the Congress.

Eximbank must continue to justify its request for authorization on an annual basis through the Office of Management and Budget and through the appropriations procedures of the Congress.

There will continue to be full legislative review preceding Congressional action to extend Eximbank's life periodically.

The statutory requirement of Secretary of the Treasury clearance on all funding remains intact.

Every significant transaction of the Bank remains subject to immediate policy review of the National Advisory Committee on International Monetary and Fiscal Policy.

Eximbank is required by S. 581 to continue to make full annual disclosure of all the Bank's operations. The President will even report to the Congress each year the amount that the Export-Import Bank would have impacted the budget if they had continued to be included under the unified budget.

All budget schedules now published regarding the Bank in the U.S. budget would continue to be pubilshed in the budget document.

I have confidence that we could expect the Office of Management and Budget to oppose S. 581 if it were read as an effort on the part of Eximbank to escape scrutiny of that agency. Perhaps that fear can be laid to rest by recalling that the Office of Management and Budget actively supports S. 581 in its entirety.

In addition to removing the bank from the accounting restrictions imposed by the unified budget concept, S. 581 provides other features essential to the continued successful operation of Eximbank:

It increases the Bank's loans guarantee and insurance authority from the present statutory limitation of $13.5 billion to $20 billion. Budget estimates project a level of activity which will result in the Bank's almost reaching the $13.5 billion limit by the end of fiscal year 1972.

S. 581 increases the amount which the Bank may have outstanding in guarantees and insurance chargeable against its overall authority at 25 percent of the related contractual liability from the present limit of $3.5 billion to $10 billion. This increased authorization is critical, for present estimates indicate that only some $52 million of this authority will remain unobligated at the end of this fiscal year. Once the $3.5 billion limit is reached, further guarantee and insurance transactions must be charged at full value against the current $13.5 billion overall limits which would result in the Bank's reaching the limit of its obligation authority even sooner than the end of fiscal year 1972.

This bill will extend the life of Eximbank for three years, to June 30, 1976, assuring continuity in the Bank's operations.

Further, it would provide the needed clarification in the Bank's charter of its authority to issue debt obligations with maturities beyond its statutory life.

As presently required by the Government Corporation Control Act, S. 581 provides that the Bank continue to submit its budget to the President through the Office of Management and Budget, and the President shall transmit to the Congress the Bank's budget for program activities and for administrative expenses. At the risk of repeating myself, Mr. President, I call attention to the fact that the ultimate decision as to the amount and nature of Eximbank activities will continue to rest with the Congress.

Finally, Mr. President, S. 581 requires that the President report to the Congress within 30 days after enactment of this bill the amount by which the FY 1971 expenditure and net lending limitation imposed on the budget will be reduced as a result of exempting the Export-Import Bank's disbursements and receipts from the totals of the budget.

In the interest of providing the flexibility required for Eximbank to proceed with its vital functions, and to remove the accounting restrictions which impede its successful operation, I urge the enactment of S. 581.

Mr. PROXMIRE. Mr. President, will the Senator yield

Mr. PACKWOOD. I yield.

Mr. PROXMIRE. How does the Senator reason that we are controlling in any way effectively the Export-Import Bank when we exempt it from the budget, in the first place, and, in the second place, we exempt it from any ceiling set for budget expenditures?

Mr. PACKWOOD. We are controlling it by the maximum authorization in the bill as to what it can borrow. It cannot go beyond the ceiling set by Congress. Congress can change it every year.

Mr. PROXMIRE. Congress can, but there is no discipline, no reason for Congress to do so. Theoretically it can, but if I as chairman of the International Operations Subcommittee of the Appropriations Committee made that kind of proposal, I would not have a prayer. The argument is that this is not a ceiling anyway.

Mr. PACKWOOD. The Senator indicated very well in the SST fight the powers he can exercise.

Mr. PROXMIRE. I do not mean to make this personal, but anyone who is chairman of the Subcommittee on International Operations who dealt with that question, is what I am talking about. For example, if the Senator from Colorado (Mr. ALLOTT) and I worked on it together, we would be outside the overall discipline of the limitations of the Federal budget. We would get outside the Federal budget, so there would be no opportunity to limit that spending. The way the bill is today, there is no opportunity to limit that spending.

Mr. PACKWOOD. That is nonsense. We can put any limitation on it we want to. We can determine a net lending limitation. But what I object to is the executive being able to determine how much the Export-Import Bank can lend or borrow as opposed to what Fannie Mae or or Gennie Mae might be able to borrow. That is a decision the executive ought not to be making. That is a decision the Congress ought to be making. When we leave it within a unified budget we are saying that the executive makes a determination of the priorities and what that limitation is going to be. I do not think that is what the Congress intends.

Mr. PROXMIRE. The administration offers the budget. We can change it. We are not bound by it. It has great force, but that does not mean we have to rubber stamp it. We can lower it, raise it, put any limitation on it. It is for us to decide that. We have the power of the purse.

Mr. PACKWOOD. So long as we leave it under the unified budget and leave it to the Executive to determine what the limitation of this or any other agency shall be, then we have effectively tied our hands.

Mr. ALLOTT. Mr. President, will the Senator yield for a question?

Mr. PACKWOOD. I yield.

Mr. ALLOTT. I must confess I do not quite follow his reasoning. I would like to repeat one thing. I notice that there are several paragraphs in which the authorization has been raised substantially.

Section (2) provides specifically that the President shall transmit annually to the Congress the budget for program activities and for administrative expenses of the Bank.

I think there is confusion here. I think Congress has the right, through the appropriation process, to set a limitation on the amount the Bank will borrow; but there have been authorized in the bill some quite huge sums for the Bank to operate under.

My point is, and I make it very strongly from the practical standpoint, that I have never known an instance in which Congress had to pass upon limitations when these limitations were given the examination and required justification that direct obligational authority requires.

Contrary to my friend's reasoning, I feel this proposal is far less under the control of Congress and more under the control of the executive than it would be in any other way.

Mr. PACKWOOD. What we are saying in the bill, beyond raising it to $10 billion instead of $3.5 billion and from $13.5 billion to $20 billion, to the Export-Import Bank is, "Those are your maximum limitations." The President might want to go below those, but we delegate it to him. If he wants to say the Export-Import Bank shall lend nothing, he can do that, rather than the fiction of telling them there is no lending capacity. I do not think we want to do that. If we want the Export-Import Bank to be able to borrow to the limit we want, we should indicate that, but why give to the President the power to set a lesser limit?

Mr. ALLOTT. In my opinion, I think the Senator has done just that. Of course, Congress could provide for more, but we have submitted definitely that the President shall provide a budget.

I think we need to understand what the power of the budget is. Most Members of Congress do not understand what it is. If my recollection is correct, Congress created a Bureau of the Budget under chapter 11 of the United States statutes, I think.

When people cry about what is now the Office of Management and Budget, let me point out that we can repeal that any day we want, and the President would not have to submit any budget at all, unless the President wanted to.

In other words, while we created an office, the Bureau of the Budget, for the President, Congress has the right to repeal that law at any time it wishes. It is not something that the President has by virtue of the fact that he is President. He has it because Congress created it and gave it to him, and we did more than that: we required him to submit a budget to us each year at the opening of the year.

I guess this is a matter on which people may differ honestly, but I cannot see it any other way than the way the Senator from Wisconsin and I have described it. That is, that what is sought here is the removing of real restraints.

I was very unhappy when we picked up the unified budget. I think it is a disgrace. I thought it nothing less when it was done, several years ago. We are still under it, and it will never be revoked. We take all the trust fund moneys that come in to the Government Treasury and treat them as income. This is all nonsense.

Mr. PACKWOOD. On the contrary, what we are doing here is telling the Import-Export Bank they can borrow as much money as we tell them they can borrow, and lend.

Mr. ALLOTT. This is something I think should not be done, without subjecting it to the regular appropriation process.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for 1 minute?

Mr. ALLOTT. I yield.

ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES FROM APRIL 7, 1971, UNTIL APRIL 19, 1971, AND OF THE SENATE FROM APRIL 7, UNTIL APRIL 14, 1971—CONCURRENT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 257.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 257, which was read by the legislative clerk, as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Wednesday, April 7, 1971, it stand adjourned until 12 o'clock meridian, Monday, April 19, 1971.

The PRESIDING OFFICER. Is there objection to the consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BYRD of West Virginia. Mr. President, I offer an amendment, and I ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 1, at the end of line 5, strike the period and insert a comma and the following:
>
> "and that when the Senate adjourns on Wednesday, April 7, 1971, it stands adjourned until 10 a.m., Wednesday, April 14, 1971."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia.

The amendment was agreed to.

The concurrent resolution (H. Con. Res. 257), as amended, was agreed to, as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Wednesday, April 7, 1971, it stand adjourned until 12 o'clock meridian, Monday, April 19, 1971, and that when the Senate adjourns on Wednesday, April 7, 1971, it stand adjourned until 10 a.m., Wednesday, April 14, 1971.

The title was amended so as to read: "Providing for an adjournment of the House from April 7, 1971, until April 19, 1971, and the Senate from April 7, 1971, until April 14, 1971."

EXPORT-IMPORT BANK ACT AMENDMENTS OF 1971

The Senate resumed the consideration of the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance, and guarantees, to authorize the bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes.

Mr. MONDALE. Mr. President, could we be advised as to the time situation?

The PRESIDING OFFICER. The Senator from Alabama has 10 minutes remaining, and the Senator from Wisconsin has 17 minutes remaining.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. PROXMIRE. I state to the Senator from Minnesota that if he would like this, I understand he would like to sum up, and since it is my amendment, I would like to take 2 or 3 minutes to sum up, and then, if he is agreeable, we could vote in about 5 or 6 minutes.

Mr. MONDALE. Yes. Mr. President, the Export-Import Bank is the only noncommercial agency which supports the export of U.S. goods and services. If the Proxmire amendment is adopted, that agency cannot grow under present budgetary policy; it cannot grow in terms of expanding the commercial export of the U.S.-produced goods. If this amendment passes, the United States will be constricting itself to the operations of the Export-Import Bank in a way which voluntarily——

Mr. PROXMIRE. Mr. President, will the Senator yield so that I may ask for the yeas and nays? I hesitate to interrupt, but we can get them now.

Mr. MONDALE. I yield.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. PROXMIRE. I thank the Senator, and I apologize for the interruption.

Mr. MONDALE. If we agree to this amendment, we will be saying, in effect, that, from here on out, the competing guaranteeing and lending agencies found in the countries of Western Europe, Japan, and a total of 50 other nations can grow to the point where they can outdo U.S. business in seeking normal commercial exports.

I do not see how this makes any sense, from any standpoint whatsoever. The chairman of our committee, the Senator from Alabama, pointed out that one of the important users of this service is the American aircraft industry. A few days ago, we defeated the proposed supersonic transport. I voted, under the brilliant leadership of the Senator from Wisconsin, against that proposal, but I know we all feel nothing but heartache for the thousands of decent Americans who are not going to be employed because that supersonic transport did not go forward.

One of the obvious avenues for increased employment in the aircraft industry is increased export sales of U.S.-produced aircraft. If we adopt the amendment offered by the Senator from Wisconsin, this kind of opportunity and many others on the part of many other industries, which can only be made available, in many cases, because of a liberally operating Export-Import Bank, will not be possible.

Mr. SPARKMAN. Mr. President, will the Senator yield briefly?

Mr. MONDALE. I am happy to yield.

Mr. SPARKMAN. When the Senator speaks of unemployment in the aircraft industry, does not the aircraft industry employ people all across the board, all trades and classes?

Mr. MONDALE. That is correct.

Mr. SPARKMAN. From the blue-collar worker and common laborer right up to the most competent scientists and engineers?

Mr. MONDALE. There is no question of that.

Mr. SPARKMAN. And is it not true that there is a tremendous rate of unemployment so far as engineers, scientists, and physicists in this country are concerned?

Mr. MONDALE. That is true. The other day we passed the public employment bill, to produce 150,000 jobs. We said, "Let us set some money aside to employ engineers and scientists; and let us set some money aside to employ veterans." Ten percent of the veterans from Vietnam are now walking the streets looking for employment, and large numbers of others as well. It is estimated—conservatively, I think—by the Export-Import Bank that for every $1 billion in export sales, another 87,000 jobs are produced—engineers, scientists, technicians, skilled and unskilled workers.

This is a jobs proposal. More than that, it is, in my opinion, almost impossible to understand why we would gratuitously hand a tremendous competitive advantage to our western industrial competitors and a competitor such as Japan. We should be competing fully and effectively. The adoption of this amendment would, I think, prevent any growth in the Export-Import Bank's activity. World trade is increasing by 14 percent a year. If we adopt the Proxmire amendment, our chances of maintaining any reasonable or fair proportion of that trade increase is greatly impaired.

Mr. PROXMIRE. Mr. President, I have great respect for the Senator from Minnesota and the Senator from Alabama. There are no two abler Senators. But I submit that their last argument, that we need this measure in order to help the aircraft industry, has no merit whatsoever. Mr. Kearns indicated that if we expand exports, it will not be in the industries that are now already exporting heavily like aircraft.

I think anyone who understands why we are able to sell aircraft overseas recognizes it is because we are miles ahead of every other country in aircraft technology. If we give the Export-Import Bank an opportunity to subsidize some markets at a favorable rate, to say that we will sell more airplanes abroad is nonsense. We are not going to sell any more planes. We may sell some products in competition in which there is a very narrow range of hard price competition but aircraft does not fall into this category; but Mr. President, this whole jobs argument makes no sense at all. If we do not provide this $2 billion for export jobs, we will provide the $2 billion in housing, or in State and local government and these other areas. There is no provision here to provide more credit for the whole country. What this provision says is that we are going to give a top priority to the Export-Import Bank. We are going to exempt them and only them from the budget. This means the exporter is going to be able to expand by $2 billion more than he would expand otherwise. And housing and State and local and other industries $2 billion loss. Jobs are just as productive if they are $2 billion in the State and local government and housing, as in exports.

As to the argument that the export industry has suffered, I would like to suffer that way. They have expanded by 25 percent in the last 2 years. The Export-Import Bank itself has increased its loans from $1.3 billion 2 years ago to $2.9 billion today. This is a smashing success. This bill says this is not enough; we have to give them more. I should like to see more for housing, State and local government, student loans, and many other things that are going to be hurt because we are giving a higher, exceptional priority to the Export-Import Bank.

The argument has been made that we have done all kinds of things for housing, that we have set up Fannie Mae as a private operation. The General Accounting Office and the Federal Reserve Board both proposed that there be exactly the same private operation for the Export-Import Bank. Make that a private corporation. I would have supported that. But Exim did not want that. They want to continue the subsidy they get. They got a subsidy of $70 million last year, and I say it ought to be in the budget.

I offered an amendment in the committee asking the committee simply to let us consider the subsidy part of it—exempt everything else from the budget, and let us consider the $70 million. They did not want to do that. The agency did not want to have the spotlight on that subsidy.

I say that Congress should know exactly what it is doing, and it should be put in the position of effective priority competition.

What this bill would do is this, and I will read the language, in answer to the distinguished Senator from Oregon:

> *The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the United States Government.*

That is what this bill does. It exempts the Export-Import Bank. It leaves all the other lending programs in the budget, but not the Export-Import Bank.

Mr. President, this comes down to a question of priorities—a question of whether we need more housing, more State and local government activity, especially in the capital area, where we need hospitals and schools urgently, or whether our top priority, the exceptional priority, the singled out priority, should be in the Export-Import Bank area. That is what this amendment represents.

If the Senator from Minnesota is ready to yield back the remainder of his time, I am ready to yield back the remainder of my time.

Mr. MONDALE. I yield to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, the Senator from Wisconsin has pointed out that the Federal Reserve Board and the Comptroller General expressed some opposition to this bill. But I invite attention to the fact that the President, the Secretary of the Treasury, and the Office of the Budget approved it, and they certainly have the matter at interest. After all, the President is the one who is really at the head of the entire budget movement, and he has approved it and has urged its adoption, along with the urging of the Secretary of the Treasury and the Bureau of the Budget.

Mr. MONDALE. I thank the Senator from Alabama.

Mr. PROXMIRE. May I say, in response to the Senator from Alabama, that this is exactly what many people, especially on the other side of the aisle, criticized the Johnson administration for—back-door spending, exempting programs like this from the budget. This is the whole reason for the consolidated budget. I understand why the administration wants to do this. If I were in their position, I would want to do the same. It enables them to spend more without having that reported in the budget, either as a large budget, which of course is adverse publically, or as a limitation. It frees them, gives them more discretion, more authority, and more power. It is perfectly understandable why the administration would want this.

Mr. MONDALE. I thank the Senator from Alabama.

I refer the Senate to the expressions of interest about this matter by various segments of the American economy.

On page 297, the Aerospace Industry Association pleads for this measure, pointing out the need for this support for that American industry.

On the same page is a letter from the American Cotton Shippers Association, pointing out the importance of this proposal to the American cotton farmer and cotton industry.

There are statements by the American Textile Machinery Association, the Electronic Industries Association, the National Cotton Council of America, the National Foreign Trade Council, and many other organizations.

I think it is quite clear that those industries, which offer the best opportunity for expanding U.S. commercial exports and increasing jobs in the United States, are unanimous, so far as I know, in support of this proposal.

Mr. PROXMIRE. What would the Senator expect an industry to do, when they have a measure which will enable them to get more subsidized loans at a lower rate so that they would have higher profits? Certainly they are for it.

The homebuilding industry came in and said they were against it, because they recognize what this bill would do to housing, because they are left out of this subsidy benefit. Of course, the subsidized industries are going to be for it. That is no surprise. It would be stunning if they were not.

Mr. MONDALE. I am not one who believes that because a business wants a certain measure, they always must be assumed to have a perverse reason for supporting it.

Mr. PROXMIRE. It is not perverse; it is perfectly normal.

Mr. MONDALE. The truth of the matter is that if we adopt this amendment, we are going to be saying to these industries, "If you locate your business in England, West Germany, France, or Italy, you can get competitive credit terms that will grow with the market. But if you continue to have your plants or businesses in the United States, you cannot." I do not think that makes much sense.

Mr. President, I yield back the remainder of my time.

Mr. PROXMIRE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NELSON (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Washington (Mr. Magnuson). If he were present and voting, he would vote nay; if I were at liberty to vote, I would vote yea. I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from Nevada (Mr. Cannon), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pastore), the Senator from Missouri (Mr. Symington), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that the Senator from Virginia (Mr. Byrd), the Senator from Missouri (Mr. Eagleton), and the Senator from New Mexico (Mr. Montoya) are absent on official business.

I also announce that the Senator from North Carolina (Mr. Jordan) is absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pastore), and the Senator from California (Mr. Tunney) would each vote "nay".

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett), the Senator from New York (Mr. Buckley), the Senator from Kentucky (Mr. Cook), the Senator from Hawaii (Mr. Fong), the Senator from Ohio (Mr. Taft), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

Also, the Senator from Tennessee (Mr. Baker), the Senator from Colorado (Mr. Dominick), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

If present and voting, the Senator from Utah (Mr. Bennett), the Senator from New York (Mr. Buckley), the Senator from South Dakota (Mr. Mundt), the Senator from Ohio (Mr. Taft), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) would each vote "nay."

The result was announced—yeas 14, nays 53, as follows:

[No. 38 Leg.]

YEAS—14

Allott
Case
Chiles
Cotton
Ellender
Ervin
Fulbright
Jordan, Idaho
Kennedy
Mansfield
Prouty
Proxmire
Spong
Stennis

NAYS—53

Aiken
Allen
Anderson
Beall
Bellmon
Bentsen
Boggs
Brock
Brooke
Burdick
Byrd, W. Va.
Church
Cooper
Cranston
Curtis
Dole
Eastland
Fannin
Gambrell
Griffin
Gurney
Hansen
Harris
Hatfield
Hruska
Humphrey
Inouye
Jackson
Javits
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Muskie
Packwood
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Stevens
Stevenson
Talmadge
Williams
Young

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Nelson, for.

NOT VOTING—32

Baker
Bayh
Bennett
Bible
Buckley
Byrd, Va.
Cannon
Cook
Dominick
Eagleton
Fong
Goldwater
Gravel
Hart
Hartke
Hollings
Hughes
Jordan, N.C.
Long
Magnuson
McGovern
Montoya
Moss
Mundt
Pastore
Saxbe
Symington
Taft
Thurmond
Tower
Tunney
Weicker

So Mr. Proxmire's amendment was rejected.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MONDALE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I send an amendment to the desk and ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the Record.

The amendment reads as follows:

On page 3, strike lines 14 through 25.

On page 4, strike lines 1 through 5.

On page 4, line 6, strike "(b)" and insert "(a)".

On page 4, line 9, strike "(c)" and insert "(b)".

On page 4, line 12, strike "(d)" and insert "(c)".

On page 4, line 16, strike "(e)" and insert "(d)".

On page 5, line 4, strike "(f)" and insert "(e)".

On page 5, strike lines 14 through 20, and insert the following:

"Sec. 2. (a) (1) To the extent the President so determines as being in the public interest, the receipts and disbursements of any department or agency of the Government referred to in paragraph (2) of this subsection in the discharge of functions described in such paragraph shall not be included in the totals of the budget of the United States

Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the United States Government.

"(2) This section applies to—

"(A) The Export-Import Bank of the United States with respect to its functions under the Export-Import Bank Act of 1945.

"(B) The Department of Housing and Urban Development with respect to its lending functions under any program administered by that Department.

"(C) The Small Business Administration with respect to its lending functions under any program administered by that agency.

"(D) The Department of Agriculture with respect to its lending functions under title V of the Housing Act of 1949.

"(E) The Department of Transportation with respect to its lending functions under the Urban Mass Transportation Act of 1964.

"(b) The President shall—

"(1) Within 30 days after enactment of this Act, report to the Congress the amount by which the annual expenditure and net lending limitation imposed on the budget of the United States Government by title V of the Second Appropriations Act, 1970, will be reduced as a result of his determinations under subsection (a); and

"(2) Report annually to the Congress the amount of net lending with respect to the functions of the departments and agencies described in subsection (a)(2) which would be included in the totals of the budget of the United States Government if such functions were not excluded from those totals as a result of this section."

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, the time under the unanimous-consent agreement is an hour for the amendment, a half hour on each side. I ask unanimous consent at this time that the time be limited to a half hour, 15 minutes to the side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 10 minutes.

Mr. PROXMIRE. Mr. President, this amendment has a plain, mild purpose. It does not exempt, but it gives the President the authority to exempt from the budget and any expenditure ceiling the loan programs administered by the Department of Housing and Urban Development, the housing loan programs administered by the Farmers Home Administration, the loan programs administered by the Small Business Administration, and the mass transit loan programs administered by the Department of Transportation. I was naturally disappointed that the Senate voted to exempt the Export-Import Bank from the Federal budget. In my opinion, the programs I have just cited are far more important than the activities of the Export-Import Bank and should be given similar treatment.

What we have done by very large majority, is to take the Export-Import Bank out of the budget. If we do that, the least we can do is to say that if the President should decide it is in the public interest to exempt these other loan programs, they can be exempted from the budget.

The authority to exempt these programs from the budget as well as the Export-Import Bank would be subject to a Presidential determination. In other words, the President has complete discretion in the matter. He could exempt only the Export-Import Bank and none of the additional programs I have cited. Or he could exempt all of them. Or he could exempt some combination of the programs which I have listed.

The legislation requires the President to inform the Congress of his determinations within 30 days after enactment. By giving the President the authority to exempt our housing, small business, and mass transit loan programs as well as the Export-Import Bank, we insure that all high-priority programs are at least afforded the opportunity for fair and equal treatment. Moreover, it is appropriate that these priority determinations be reflected at the highest levels of the Government.

I also wish to emphasize that my amendment deals only with the loan programs for housing, small business, and mass transit. Grant funds would, of course, continue to remain in the budget and be subject to expenditure ceilings.

Our ability to solve our housing needs has been considerably restricted by including the HUD direct loan programs in the Federal budget. Because housing loan disbursements have such a heavy impact on the budget, we have often gone to more complicated and expensive ways to subsidize housing. For example, many of the housing programs under HUD involve interest rate subsidies. While this method has a much smaller budget impact, it does tend to increase interest rates. Moreover, the cost to the Government over the life of the housing is far more expensive than if the Government had borrowed the money itself and made a direct loan. Thus, our housing programs are seriously distorted for essentially bookkeeping reasons. If the President were permitted to exempt our housing loan programs from the budget, these distortions would be eliminated.

Also, Mr. President, if the housing loan programs were eliminated from the budget, the Department of Housing and Urban Development would be able to revive a number of excellent programs which it has permitted to go dormant because of their budgetary impact. For example, under section 221(d)(3) of the National Housing Act, the general national mortgage association can make 3 percent loans to finance housing for moderate-income families. This is one of the most successful housing programs ever developed, and it has produced thousands of units of decent housing for moderate-income families. Unfortunately, because of its heavy budgetary impact it has had to be substantially curtailed. The administration is planning no expenditures on this program in the coming years, largely because of its budget impact. My amendment, giving the President the authority to exempt this program from the budget, would permit this excellent program to remain alive.

Another HUD program which is being curtailed for budgetary reasons is the direct loan program for housing for the elderly projects authorized under section 202 of the National Housing Act. In the past, this program has made a vital contribution in meeting the housing needs of our senior citizens. It has provided thousands of senior citizens with decent housing in which to live out their remaining years. However, since it is a direct loan program, and since direct loans impact the budget, the administration has decided not to fund it in subsequent years. If my amendment were to pass, the President could exempt this excellent program from the budget, thus continuing to meet the housing needs of our senior citizens.

Once again, the same arguments can be made for this as for the Export-Import Bank. These are loans repayable with interest; they are not grants.

Mr. President, my amendment would also give the President the authority to exempt the loan programs of the Small Business Administration. The operations of this Agency have been substantially curtailed because their loans are counted in the Federal budget. For example, in fiscal year 1968 Congress appropriated $55 million for the Small Business Investment Company program; however, the Bureau of the Budget released only $15 million. In fiscal year 1969, the Congress had appropriated $30 million; however, the Bureau of the Budget released only $12 million. In fiscal year 1970, Congress had to virtually order the Bureau of the Budget to make $70 million available to the program from existing funds. However, despite this clear directive, the Bureau of the Budget only authorized $60 million.

The reason the Bureau of the Budget holds up funding of this important program is due to the substantial budget impact which SBA loans have. Expenditure ceilings established by the Congress hit these programs as well as those programs involving direct grants.

Because the Bureau of the Budget or the Office of Budget and Management often impound funds appropriated to the Small Business Administration, the Agency has a difficult time in running its programs. It never knows from one day to the next how much funds are going to be available. As a result it can never inform its small business customers with certainly that their loan requests will be accommodated. Because of these delays and uncertainties, small businessmen have had considerable difficulty in dealing with the SBA.

All of these problems would be remedied if the President decided to exempt the loan programs of the Small Business Administration from the budget. My amendment would give the authority to do this.

Mr. President, my amendment would also permit an improvement in the loan activities of the Farmers Home Administration. This agency makes home loans to families living on the farm or in towns with less than 5,500 population. The Farmers Home Administration finances its activities by selling mortgage loans directly to large institutional investors. It could finance its activities far more cheaply if it were permitted to issue general debentures backed by the full faith and credit of the Federal Government.

However, if it did so it could not count these debentures as a receipt, thus adding considerably to the size of the Federal budget.

My amendment would permit the President to exempt the loan activities of the Farmers Home Administration from the Federal budget. If he did so the agency could finance their activities at a much lower cost, thus making additional funds available for rural housing. Recent studies have shown that over one-half of our substandard housing is contained in rural areas. We have shamefully neglected the housing needs of rural Americans, and one of the contributing reasons has been the inclusion of Farmers Home Administration loans in the Federal budget.

Mr. President, if we are to exempt the Export-Import Bank from the Federal budget, I believe we should be consistent and give the President the option of exempting other socially important loan programs on the same basis.

Mass transit is another area that should have high priority, perhaps higher than the Eximbank. It should be given the same opportunity to be financed as long as there is a loan program repayable with interest.

I am confident the President will exercise this authority in a fair and reasonable manner.

Those Members of the Senate who are concerned about reordering our national priorities should vote for my amendment. It gives the President the widest possible latitude to exempt all of our socially important loan programs from the Federal budget and not just those of the Export-Import Bank. It avoids giving special and preferential treatment to just one Federal lending program which many Members of the Senate would regard as having a lower priority than our domestic programs. I urge the Members of the Senate to adopt my amendment.

Mr. President, I reserve the remainder of my time.

Mr. MONDALE. Mr. President, I yield such time to the Senator from Oregon as he may require.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, on my time I wish to direct an inquiry to the Senator from Wisconsin. I am doubtful about the amendment, section 2, to the extent the President so determines to be in the public interest. Are we not back to where we are now if we pass this amendment, to the extent the President determines it is not in the public interest? Then, all this goes back to the unified budget.

Mr. PROXMIRE. I want to make sure I understand what the Senator is asking. Is the Senator asking if this will change present law? On the basis of the statements of the Comptroller General this would not change the law at all. The President can do this now.

Some have the notion the budget is a legislatively fixed entity. But in fact the President can leave out whatever he wants; in this case he decided to include the Eximbank.

I want to reaffirm the determination of Congress to let the President decide on this priority and not to feel that he has to come to us, as he did in the case of the Eximbank, with a special bill giving them an exemption.

Mr. PACKWOOD. Then, I have to object to it on the same basis I supported the other. I do not like the idea of giving the President——

Mr. PROXMIRE. The Senator voted against my amendment.

Mr. PACKWOOD. I did, and left the matter in the hands of Congress as to whether or not the Eximbank should be able to borrow or loan, and not leave it in the discretion of the President.

Mr. PROXMIRE. We differed in that interpretation.

Mr. PACKWOOD. Yes. Now, the Senator is saying to the extent the President determines it to be in the public interest, the disbursements shall not be included in the budget. The Senator has said that he has the discretion to put them in the budget or not. It is not a discretion he should have.

If we talk about Congress having the responsibility, this would leave in his hands the decision as to whether or not he wants to put the Export-Import Bank in the budget, whether or not he wants to leave in housing and urban development. He can say yes, no, yes, no. That is not a responsible Congress. That is giving our power to the President and telling him to make the decision.

Mr. PROXMIRE. I wish to differ with the Senator. This would place all lending programs on the same basis.

Mr. PACKWOOD. And permit the President——

Mr. PROXMIRE. What we have done now is to say we will exempt the Eximbank but everything else has to be in the budget. I would like to put all of them on the same basis.

Mr. PACKWOOD. But by putting them all on the same basis it woud be putting them all back in his hands to make a decision as to where priorities exist.

Mr. PROXMIRE. That is correct; otherwise we have made a decision against these desirable and important social priorities. We decided for the Eximbank and against housing, against small business borrowing and farm home borrowing. We should have a chance to consider this at length.

Mr. PACKWOOD. We did not decide against those. If the Senator's amendment did not give to the President what is against public interest we might be able to make a decision as to what should be excluded from the unified budget, although we have had no hearings and had any ideas submitted as to the relative meritorious claims; but by the passage of the amendment of the Senator from Wisconsin, if we adopt it, we go back to where we are today, and that is that the President and the Office of Management and Budget are going to decide what priorities shall be within or without the budget and what shall be determined as to the Export-Import Bank. That is the wrong place to decide that.

Mr. PROXMIRE. We do not go right back. Before the amendment, the President had the strong feeling that it was up to Congress to exempt or include the Export-Import Bank. We are putting the ball back in his court, as to whether the President feels he should exempt that or other high priority programs.

Mr. PACKWOOD. Who does the Senator think should make the decision as to whether housing or other programs should have priority?

Mr. PROXMIRE. I would prefer that Congress make that decision, but under the decision made, it was that the Export-Import Bank should be exempted and should be given top priority, but other programs which should have higher priority we have put in an inferior position and said they should be under the Budget.

Mr. PACKWOOD. We have not voted on the others.

Mr. PROXMIRE. I like President Nixon very much. We should give him a chance.

Mr. PACKWOOD. President Nixon likes the Senator from Wisconsin. We ought to make the decision, not the President. We talk month after month about the unconstitutional war in Vietnam, if it is unconstitutional. We talk about delegating our right in foreign relations. Yet here we are talking about giving domestic programs, including the Export-Import Bank, to the President to determine what is in the public interest to include in the budget.

Mr. PROXMIRE. The General Accounting Office and Mr. Staats certainly made sense when they said the President can put into the budget anything he wants. He can exclude the Export-Import Bank if he wants to. That is the law. The Senator from Minnesota (Mr. MONDALE) agreed in the hearings that that is the law. We are enforcing that. We do not want to indicate that in the future the President can exclude small business, for example.

Mr. PACKWOOD. He has that kind of authority now. When we agreed he has administrative power to take any one of these agencies away from the unified budget, frankly, that power he should not have; Congress should have that power.

Mr. PROXMIRE. Let us give him the clear word on the budget. That will not upset anything. He can exempt housing if he chooses to do so.

Mr. PACKWOOD. I do not want to give him that clear word. If we wanted to exempt housing, we should do it. I do not want the President to set the clear priorities of this Nation.

Mr. PROXMIRE. Mr. President, I yield myself 1 minute. Congress would have to change the Budget and Accounting Act, because the President has that authority now. All this amendment really does is re-enforce what is in the law, but the President can exempt various social programs, not just the Export-Import Bank.

Mr. MONDALE. Mr. President, what we are asked to do is to vote whether certain programs ought to be exempted from the net ceiling of the budget. We voted on this question in the last session and we voted on it about 10 minutes ago. This amendment would undo the decision we have made and put that question back into the Executive's hands.

First of all, no hearings have been held on any of these proposals. None of the agencies, to my knowledge, have come up on the Hill to ask to be relieved in the way in which the Senator from Wisconsin proposes. We have not had hearings on those matters as we have on the Eximbank proposal.

There is no question that the General Accounting Office, at least in principle, is on record opposing the Senator from Wisconsin. One of the key arguments last time was that we should follow the recommendations of the Comptroller General. The Office for Management and Budget supported the earlier proposal we voted on. Although the office has not spoken here, it is clear that it has not supported this proposal. In my opinion, the only effect of this amendment is to undo what we have just acted on and try to embarrass us by indicating that we prefer export expansion ones against other matters.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MONDALE. If I may make my point first. My record on the other matters to which the Senator has referred is clear. If this proposal came up and had hearings on it, I might support a good many of them, but it is the Export-Import Bank we are dealing with here today, and the question is what we want to do on that.

It seems to me this is an extraneous measure for the purpose of undoing what we have already done, and I shall reluctantly oppose it.

Mr. PROXMIRE. How does it undo anything? We know what the President wants. He wants the Export-Import Bank out of the budget. If we give him discretion, he is not going to put it in. There is no question as to whether the Export-Import Bank is going to be put back in the budget. It does not undo anything. Does the Senator believe in priorities for housing, Farmers Home Loan Administration, or does he not? I am surprised that the Senator from Minnesota, who has a fine record in this area, stands on a procedural reason for opposing giving the same status to housing and the other high priority matters that he is willing to give to the Export-Import Bank.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. MONDALE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Minnesota has 6 minutes; the Senator from Wisconsin has 4 minutes.

Mr. MONDALE. I yield to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, do I understand correctly from what the Senator from Wisconsin said, and does the Senator from Minnesota understand, that the President has the power now to do everything that is in the proposed amendment?

Mr. MONDALE. My understanding is that the President can administratively exempt.

Mr. SPARKMAN. Any item he wants to?

Mr. MONDALE. From his unified budget, but not from the net spending ceiling.

Mr. SPARKMAN. From the budget?

Mr. MONDALE. Yes.

Mr. SPARKMAN. Is not this proposal restating what is already in his power?

Mr. MONDALE. I think that is correct; and, more than that, in section 2(a), it tries to undo—and I think that is the main reason I object to it—what the Senate did at the end of the last session and what it did just a few minutes ago.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, let me read a question by the distinguished Senator from Oregon which appears on page 124 of the hearings:

> If the President makes an administrative decision next year to take the Export-Import Bank out from under the unified budget, to treat it as it was treated before the unified budget or as CCC loans are treated and Congress sets an expenditure limitation, must the President in the total allocation of the budget still include the net lending operations of the Export-Import Bank in the expenditure limitation?
>
> Mr. Staats. The answer is "No".

So what I am doing is simply what is already in the law, except I am reinforcing it to indicate what Congress prefers. I am saying he may exempt housing, he may exempt small business, and he may exempt other programs, too.

Mr. PACKWOOD. The Senator from Wisconsin is exactly right. Under the present law the President can do anything he wants. He can exempt the Export-Import Bank, he can take it away from the unified budget, he can do it to housing and small business. That is a power that should not exist in his hands. It should exist in our hands. Under the Senator's amendment he is putting that power back in the President's hands, including that over the Export-Import Bank.

Mr. PROXMIRE. He has that power anyway, under the Budget and Accounting Act.

Mr. PACKWOOD. We have just taken away the authority he has over the Export-Import Bank, by taking it away from under the unified budget.

Mr. PROXMIRE. I think the President will be very unhappy about that. I agree he should be unhappy. He can send anything he wants to in his budget.

Mr. PACKWOOD. He can send anything he wants to, but he should not have power to determine in terms of priorities on it—in terms of housing or exports or anything else. That should be our decision.

There is nothing in the Senator's amendment that does anything but give that power right back to the President.

Mr. PROXMIRE. Mr. President, my amendment, substantively, is very important because what it does is say that we do not want to give top priority to export and import business over domestic programs such as housing, small business, and so forth. We think they should be on an equal basis. In that sense, it does reverse what was done.

Mr. PACKWOOD. But the Senator's amendment does leave to the President the authority he has now to determine what shall be excluded from the budget, and what shall not.

Mr. PROXMIRE. Yes. My argument is that we have not changed the Budget and Accounting Act, that he still has that power.

Mr. PACKWOOD. My argument is that he should not have it.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time. Have the yeas and nays been ordered on this amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. MONDALE. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Brock). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Wisconsin. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from Nevada (Mr. Cannon), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pastore), the Senator from Missouri (Mr. Symington), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that the Senator from Virginia (Mr. Byrd), the Senator from Missouri (Mr. Eagleton), and the Senator from New Mexico (Mr. Montoya) are absent on official business.

I also announce that the Senator from North Carolina (Mr. Jordan) is absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pastore), the Senator from California (Mr. Tunney) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett), the Senator from New York (Mr. Buckley), the Senator from Kentucky (Mr. Cook), the Senator from Hawaii (Mr. Fong), the Senator from Ohio (Mr. Taft), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

Also, the Senator from Tennessee (Mr. Baker), the Senator from Colorado (Mr. Dominick), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

If present and voting, the Senator from Utah (Mr. Bennett), the Senator from New York (Mr. Buckley), the Senator from South Dakota (Mr. Mundt), the Senator from Ohio (Mr. Taft), and the Senator from South Carolina (Mr. Thurmond) would each vote "nay."

The result was announced—yeas 3, nays 65, as follows:

[No. 39 Leg.]

YEAS—3

Fulbright
Nelson
Proxmire

NAYS—65

Aiken
Allen
Allott
Anderson
Beall
Bellmon
Bentsen
Boggs
Brock
Brooke
Burdick
Byrd, W. Va.
Case
Chiles
Church
Cooper
Cotton
Cranston
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Gambrell
Griffin
Gurney
Hansen
Harris
Hatfield
Hruska
Humphrey
Jackson
Javits
Jordan, Idaho
Kennedy
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Muskie
Packwood
Pearson
Pell
Percy
Prouty
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Talmadge
Tower
Williams
Young

NOT VOTING—32

Baker
Bayh
Bennett
Bible
Buckley
Byrd, Va.
Cannon
Cook
Dominick
Eagleton
Fong
Goldwater
Gravel
Hart
Hartke
Hollings
Hughes
Inouye
Jordan, N.C.
Long
Magnuson
McGovern
Montoya
Moss
Mundt
Pastore
Saxbe
Symington
Taft
Thurmond
Tunney
Weicker

So Mr. Proxmire's amendment was rejected.

Mr. MONDALE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. SPARKMAN. Mr. President, I move that the motion to reconsider be laid on the table.

The motion was agreed to.

Mr. MONDALE. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

AUTHORITY FOR THE SECRETARY OF THE SENATE TO TAKE CERTAIN ACTION DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, during the adjournment of the Senate following completion of business on Wednesday, April 7, 1971, until 10 a.m. on Wednesday, April 14, 1971, the Secretary of the Senate may be permitted to receive messages from the President and from the House of Representatives.

The PRESIDING OFFICER (Mr. Brock). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

AUTHORITY FOR COMMITTEES OF THE SENATE TO FILE REPORTS ON TUESDAY, APRIL 13, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Tuesday, April 13, 1971, all committees of the Senate may be authorized to file their reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES DURING THE ADJOURNMENT OF THE SENATE ON TUESDAY, APRIL 6, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate may be authorized to receive messages from the House of Representatives during the adjournment of the Senate on Tuesday, April 6, 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPORT-IMPORT BANK ACT AMENDMENTS OF 1971

The Senate continued with the consideration of the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes.

Mr. MILLER. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> Strike the end quotes on line 3 of page 5 and insert the following:
>
> The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with the purchase of any product, technical data, or other information by a national or agency of any nation if the President determines that any such transaction would be contrary to the national interest.

Mr. MILLER. Mr. President, the purpose behind this amendment is to fill what I detect to be a gap in the law as it would be amended by the pending legislation. The committee report on page 8 states that the bill provides the President may permit the Export-Import Bank to engage in these transactions when he determines it to be in the national interest.

The bill does not really provide for that.

I believe that the committee report intended to mean that this is provided for in the basic law——

Mr. MONDALE. That is correct.

Mr. MILLER. But the basic law refers only to Communist countries. The pending bill sets up another category of nationals in which these transactions would be prohibited; namely, those nations which are engaged in armed conflict, declared or otherwise, with the United States. But there is nothing said in the bill, or in the basic law, with respect to other countries, in which such transactions could be contrary to the national interest. I believe it is desirable for this legislation to cover that and my amendment would cover it. Failing to have my amendment included in the legislation could be interpreted to mean that Congress was concerned with only two categories; namely, those countries engaged in armed conflict, which the bill covers, or the Communist countries, which the basic law covers—and everything else is all right.

I am quite confident that the Senate does not intend that result and my amendment would prevent it.

Mr. MONDALE. Mr. President, I have talked with the distinguished chairman of the committee, the Senator from Alabama (Mr. Sparkman), and the ranking member of the International Finance Subcommittee, the Senator from Oregon (Mr. Packwood), and we all think the amendment makes sense and will be glad to accept it.

Basically, the Senator's description of it is correct. It would apply to non-Communist countries to which the President might determine questions concerning the national interest might arise. We have no objection.

Mr. MILLER. I thank my colleague from Minnesota.

The PRESIDING OFFICER (Mr. Brock). The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

The PRESIDING OFFICER (Mr. Brock). The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

RELEASE OF PRISONERS OF WAR AND WITHDRAWAL OF AMERICAN MILITARY PERSONNEL FROM SOUTH VIETNAM

Mr. MANSFIELD. Mr. President, has the period of germaneness expired?

The PRESIDING OFFICER (Mr. Brock). The Senator is correct.

Mr. MANSFIELD. If I may have the attention of the distinguished Senator from Iowa (Mr. Miller), I was on the floor most of the time this morning but, unfortunately, was not on the floor at the time the Senator made his speech.

I note, in the course of that speech, that he makes the following statement:

> The fatal and terrible defect of the majority views of the Senate and House Democratic Party caucuses is that they imply credibility to the North Vientamese proposal.

Mr. President, I want the Senate to listen very carefully to this next sentence:

> They—the Democrats—would have all American military personnel withdrawn from South Vietnam by the end of this Congress

and trust the fate of our prisoners of war to the unilateral dictation of the leaders in Hanoi.

Mr. President, the Senator from Iowa (Mr. MILLER) makes reference to a "fatal and terrible defect in the majority views of the Senate and House Democratic Party caucuses."

Incidentally, Mr. President, I believe that the Republican leader in the House, Representative FORD, found a great deal of merit in what the House did as a result of the decision rendered by the Democratic caucuses.

The defect, it is suggested, is that somehow the Senate and House Democrats with their resolutions would seal the doom of American prisoners in Indochina. That is a cruel and mistaken characterization. Let me read a pertinent portion of the Senate Democratic resolution:

> That it is the sense of the Committee that in the 92nd Congress the Senate Majority should work to achieve the following purposes:
>
> 1. To end the involvement in Indochina and to bring about the withdrawal of all U.S. forces and the release of all prisoners in a time certain;

What the Senator from Iowa (Mr. MILLER) failed to perceive in what the Senate Democrats overwhelmingly approved was the willingness to provide the President of the United States prior backing for any date he selected within the overall time frame indicated. Support is extended therefore for the complete withdrawal of all U.S. forces and the contingent return of all U.S. prisoners of war. Linking total troop withdrawals to the release of our prisoners was expressly set forth.

I regret the characterization of the Senate Democratic action by the able Senator from Iowa (Mr. MILLER). It reflects, in my judgment, not only a misunderstanding of the action taken by the Democratic caucus, but a misstatement of the text of the Senate Democratic action.

I believe the record should be made clear and I ask unanimous consent that the full text of the Democratic Resolution be printed at this point in the RECORD.

There being no objection, the resolution be printed at this point in the RECORD.

RESOLUTION OF SENATE MAJORITY PURPOSE IN THE 92ND CONGRESS

> The Majority Policy Committee of the United States Senate, having noted with deep concern the burdens which are imposed on the people of the nation by the continuing involvement in the war in Indochina, by the decline in the economy and by the unsatisfactory state of the public services—federal, state and local—and by the continuing fear of citizens for their freedom and safety;
>
> Resolves, That it is the sense of the Committee that in the 92nd Congress the Senate Majority should work to achieve the following purposes:
>
> 1. To end the involvement in Indochina and to bring about the withdrawal of all U.S forces and the release of all prisoners in a time certain;
>
> 2. To stop the inflation and reverse the recession and, further, to take all possible interim measures to alleviate the condition of those who are the principal victims of these failures of public leadership—businessmen, the unemployed, farmers, social security and other retired pensioners and families of fixed, moderate or inadequate income;
>
> 3. To contribute to a streamlining of federal-state financial relationships which will insure more equitable distribution of costs and a more efficient flow of public services to the people as, for example, in welfare, health, safety, transportation, recreation, education—provided always that fiscal responsibility for the expenditures of federal revenues shall not be impaired.
>
> 4. To bring about by close oversight of present procedures by streamlining and/or by consolidation where necessary, a more effective operation of the legislative and executive branches of the federal government;
>
> 5. To strengthen police training and compensation; and the court system, including probation, parole; and correction institutions.
>
> Resolves, Further, that in pursuit of these objectives, the Committee urges full support wherever possible by both Senate Democrats and Republicans of the initiatives of the President, the Senate Committees and Members, and the House, which may be pertinent to these ends.

The PRESIDING OFFICER. Who yields time on the bill?

Mr. MANSFIELD. I yield to the Senator from Iowa (Mr. MILLER) as much time as he requires.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. MILLER. Mr. President, I thank my colleague from Montana. Perhaps it is helpful that the record be clarified by the distinguished majority leader with respect to the intention, if not the wording of the statement of principles by the Democratic caucuses. However, I want to state that he has been very fair in pointing out that the intention and probably the wording of the Democratic caucus position was with respect to a time certain as far as withdrawal of the troops is concerned, and that, Mr. President, is exactly what the Senator from Iowa was condemning.

The President has steadfastly refused to set a time certain. He has not wanted the help of the Democratic caucus on that. Neither does the Senator from Iowa suggest that a time certain will get the job done.

The entire thrust of my comments this morning was to get down to the bedrock of that problem. And that is that when we start talking about fixing a time certain for the withdrawal of American forces, we are in fact putting the fate of the American prisoners of war at the unilateral, dictatorial determination of the leaders of Hanoi.

That is why my resolution has been introduced, to require the return of the prisoners first and then within a time certain—namely, 12 months—all American troops would be withdrawn from South Vietnam.

I am happy that the majority leader has stated the intention. I am happy that the intention—certainly as he said—is not to put the fate of the American prisoners of war at the mercy of the North Vietnamese leaders. I suggest to the majority leader that the wording of the Democratic caucus proposal, certainly in the eyes of Hanoi, could lend itself very well to that interpretation.

I hope that his clarification will make the matter clear. However, I would feel much more comfortable about it if the statement itself were changed so that there could be no question on that point at all.

Mr. MANSFIELD. Mr. President, all I can say is that I appreciate the statement made by the distinguished Senator from Iowa. It appears to me that the Republicans are falling into the situation which has confronted the Democrats for so many decades. There are divisions within the party.

May I reiterate that the distinguished minority leader of the House, Mr. FORD, seemed to indicate what the House did—and it was a little more drastic than what the Senate did—was in support of the President. And I would assume that, as he is the minority leader of the other body, he would know what he was talking about.

I would like to recall to the Senate a speech I made on the floor on December 9, 1970. In that speech I made the following statement:

> This week, at the 95th Session of the peace talks in Paris, Madame Nguyen Thi Binh repeated a previous proposal offering an immediate ceasefire in Viet Nam in return for a declaration of U.S. and allied troop withdrawal by June 30, 1971.
>
> She also stated that U.S. acceptance of this proposal would mean immediate negotiations on the release of captured American prisoners. Madame Binh ignored the U.S. proposal that meetings be held every day to try to bring about the release of all U.S. prisoners by Christmas.
>
> Shortly after that meeting concluded, Xuan Thuy, the Chief of the North Vietnamese Delegation, noting that Ambassador Bruce has rejected the proposal for a U.S. withdrawal by June 30, 1971, said "I, therefore, propose that if the United States is not willing to accept June 30, 1971 as the date for final withdrawal of all its troops, then it should suggest *another reasonable date*. In that case, we can immediately consider the American suggestion."
>
> At the 95th Conference, Ambassador Bruce, after calling for "immediate negotiations on an internationally supervised ceasefire-in-place throughout all of Indochina," repeated the readiness of the U.S. to negotiate on an agreed timetable "for complete troop withdrawal as part of an over-all settlement in Viet Nam, Laos and Cambodia."

And these are my remarks:

> Perhaps in this give and take at Paris and also based in part on the President's proposals of October 7th and Hanoi's proposals of September 17th, the two points to which reference is made—that is, the release of all U.S. prisoners of war coupled to a timetable for the final withdrawal of U.S. forces—might be explored *exclusively*, to see whether or not they may be reconciled as a starting point of a ceasefire to be followed by the negotiation of a complete settlement. It would be my hope, Mr. President, that this approach may light a clear signpost to peace.

Mr. President, I might say that I am getting a little tired of the POW's being used as a pawn in this country and being used as a pawn by Hanoi. I think it is most unfair to them.

I want to make it very clear that as far as the Democratic caucus is concerned, we thought there should be a timetable, with the release of American prisoners of war.

I want them released. That is why I believe in a more definite timetable than the Democratic caucus agreed to.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed.

Mr. MILLER. Mr. President, no one is imputing any bad faith to the distinguished majority leader or the Democratic caucus. However, when we start talking about a fixed timetable for the withdrawal of all American forces and then say we will cooperate with respect to the release of U.S. prisoners of war with the Vietnamese, any way we slice it, that is putting the fate of the American prisoners of war into the unilateral, dictatorial determination of the leaders of Hanoi. That is unfair to them.

What ought to be done is to have them exchanged for North Vietnamese prisoners first. Then after Hanoi cooperates, we will get out within a time certain, such as 12 months.

Mark my words, I am not going to put the fate of our prisoners of war into the good faith of the North Vietnamese after they have treated our prisoners with such flagrant violation of the Geneva accords regarding prisoners of war. They have destroyed their credibility. They have destroyed their credibility regarding successful negotiations with respect to the release of prisoners of war if we have a time certain for the withdrawal of American prisoners. The President recognizes that. That is why he has declared that as long as there are American prisoners of war being held in North Vietnam, there will be a residual American force in South Vietnam, which is not yet determined.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. MILLER. I yield.

Mr. MANSFIELD. Mr. President, in my opinion, as long as there is a residual force in South Vietnam, the North Vietnamese are going to hold captive the American prisoners of war.

I want to do something about this. I do not want to talk about it. I want something done to help bring about a release of the prisoners of war.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. MANSFIELD. I yield.

Mr. MILLER. Mr. President, what happens if a time certain is declared and all U.S. troops are withdrawn by that time certain and we do not have all our prisoners of war back? What happens then?

The Democratic caucus did not deal with that possibility.

Mr. MANSFIELD. Mr. President, if there is an agreement reached and if negotiations are not entered into and if there are no prisoners of war released, the situation remains as is, because it will not be a complete end total withdrawal now and a release of prisoners of war now.

Mr. MILLER. Mr. President, what the Senator, I think, has said is that we would set a time certain for the withdrawal of American forces.

Mr. MANSFIELD. And be out of there.

Mr. MILLER. And that we would have negotiations with the North Vietnamese regarding prisoners of war. However, if those negotiations are not successful, then all bets would be off as far as the time certain that we set would be concerned.

Mr. MANSFIELD. The time for the prisoners of war to be released would be within the time certain.

Mr. MILLER. Mr. President, I do not believe that the Democratic caucus position states that if the prisoners are not released within that time frame that all bets are off. I wish the Democratic position so stated, but it does not.

Mr. MANSFIELD. The Senator should read that resolution a little more carefully because it gives to the President a great deal of flexibility without actually setting a date certain.

The purpose of that caucus resolution was to strengthen the President's hand and to indicate if he took steps to bring about the release of the POW's and the ending of this war and total withdrawal, that as far as the opposition party is concerned, it would not be a matter of politics.

Mr. MILLER. I am sure the President does not need to have the Democratic caucus so advise him. Everybody in the United States would be pleased to have this over by a time certain.

The problem is this. No nation with a conscience, least of all the United States, should be willing to leave the fate of its prisoners of war to the dictatorial decisionmaking by the leaders of Hanoi; and the only way to avoid that, in my opinion, is to make sure that those prisoners must be released and safely returned before we pull out altogether. The President made that crystal clear.

The President did not welcome the assurance that the Democratic caucus gave him. The assurance of the caucus is contrary to the residual force concept and the principle that the President announced that as long as Americans are held prisoner by North Vietnam we are not going to leave them to shift for themselves by pulling out everything from South Vietnam.

Mr. MANSFIELD. Does the President expect to get our approval of things we do in our capacity as Members of the Senate? After all, we have responsibilities, just as he, and while his responsibilities are greater than ours, and we all understand that, we have our individual and collective responsibilities, as well. I am sure the Senator would agree with that statement.

Mr. MILLER. The Senator well knows how strongly I feel about the independence of the legislative branch of Government. But I plead with my colleague from Montana to help let the executive branch and the legislative branch work together, just once, from here on out, and if we do, the return of the prisoners of war will be hastened and the end of American involvement in Vietnam will be hastened.

This business of going out unilaterally, alone, or on the Democratic caucus' own, contrary to the President's position, will not be very helpful.

We are getting near the end of the tunnel. The President said we are getting near the end of the tunnel. I believe it is time for us to show greater unity than we have shown in the last year or two.

Mr. MANSFIELD. May I say I hope the President is right.

Mr. MILLER. We should have the unity that characterized the Republican side of the aisle back in the early days when the war was getting bigger and worse. Now, it is going down and out.

Mr. MANSFIELD. May I say I hope the President is right; that there is some light at the end of the tunnel. But I must say in all candor I cannot see a glimmer at the present time.

As far as the Senator's other statement is concerned, there is nothing that the Democrats in this body would rather do than to work together in tandem with the President to bring this mistaken war to a close, to the end that we could withdraw—and may I say most emphatically—lock, stock, and barrel from all Southeast Asia.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. TOWER. Mr. President, I would remind my distinguished friend, the majority leader, that the President has already offered to exchange all of the North Vietnamese prisoners we now have, or I should say that the allied forces have, in exchange for the American prisoners of war. The North Vietnamese numerically would gain substantially by this because we hold so many more of their prisoners than they of ours. He indicated his willingness to do this and to divorce the issue of prisoners from the rest of the negotiations.

It seems to me the Senator from Iowa made extremely good points here because if we say we agree to a time certain for withdrawal in exchange for their agreeing to negotiate on the business of the release of prisoners, they will never be released because these people show no willingness to negotiate in good faith or anything.

Ambassador Bruce is not partisan. He has served in Democratic and Republican administrations alike. He is a professional diplomat. He has spent more time in Democratic administrations than in Republican administrations. He seems convinced that these people at this time have no willingness to negotiate on anything because they think ultimately they are going to wear us down and stimulate pressures in this country, by being patient, to force the President to get out; that that will achieve what they want to achieve, and if they choose to, they will never release our prisoners.

I think it is virtual suicide to agree, as a condition to negotiations, that we will withdraw our troops at a time certain, and having done that we will sit down and negotiate the release of prisoners. It would be a position of weakness and our prisoners could rot and die there.

I cannot comprehend the efficacy of what the Democratic caucus has done. As the majority leader pointed out we were mistaken to get into this war. I agree that we made a sad mistake getting into it.

Mr. MANSFIELD. A tragic mistake.

Mr. TOWER. President Nixon is getting us out in an orderly way. Therefore, I see no need to impose timetables on him. If you accept a specified time to get all American forces out as a condition for the North Vietnamese to negotiate about the prisoners, this is a foolish thing to do and nothing in history indicates it will be successful.

Mr. MANSFIELD. May I say again there is a request for the date certain as well for negotiations seeking to bring about the release of American POW's.

Again I want to repeat there has been too much political capital made of the fate of the POW's. I think they are being held hostage by North Vietnam until certain conditions are met in the meantime.

I will point out that as far as a withdrawal is concerned, President Nixon has been doing quite well—not as fast as I would like to see the troops withdrawn but as of today, based on a release from Saigon, we have approximately 300,000 troops left there out of something like 546,000 when President Nixon took office.

I anticipate, and I have no knowledge but I assume, that the day after tomorrow the President is going to announce further substantial withdrawals, perhaps on an average rate of 12,500 a month, which is now in effect, and perhaps more. We will have to wait and see.

But I wish to repeat again the one sentence which is all-inclusive as to what the Democratic caucus agreed to by a vote of about 40 to 13: "To end the involvement in Indochina and to bring about the withdrawal of all U.S. forces and the release of all prisoners in a time certain."

So there is the end of the war, the total withdrawal, and the prisoners in toto, which are considered in this part of the resolution.

I have no doubt as far as any Member of this body is concerned, be he Democrat or Republican, but that he wants to see all of our POW's released, and that he wants to see us withdraw, lock, stock, and barrel from South Vietnam. We may differ on the time, on the date, but we certainly do not differ on the objective.

What I wanted to do was to just make the record straight that, as far as the Democrats are concerned, we do not want to be accused politically of not thinking of the fate of the POW's, because they are as close to our hearts as they are to those of the Republicans across the aisle.

EXPORT-IMPORT BANK ACT AMENDMENTS OF 1971

The Senate continued with the consideration of the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance, and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes.

Mr. TOWER. Mr. President, I support S. 581, a bill to amend the Export-Import Act of 1945 to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, and for other purposes.

During its 25-year existence, the Eximbank has functioned effectively as an independent corporate agency of the U.S. Government having as its sole purpose the facilitation of exports of U.S. goods and services for sale in international markets in exchange for payment in dollars by overseas customers. In fulfilling this role, the Eximbank has thus made a valuable contribution in our Government's continual struggle to achieve a favorable balance-of-payments posture. The continued effectiveness of the Bank's operations, however, is heavily dependent upon its receiving the increased flexibility which S. 581 provides.

The needs of the U.S. export community are constantly changing, and it is this fact coupled with the rapidly increasing export financing capabilities of Eximbank's competitors which necessitates the increased flexibility.

Inclusion of the Bank in the unified Federal budget has, however, curtailed its ability to provide U.S. exporters and their foreign customers the assurance that their transactions can be financed despite sudden and unforeseen fluctuations in governmental monetary and fiscal policies.

Mr. President, the bill now before the Senate contains important provisions which will enable the Eximbank to assume an even more aggressive role in providing its vital services. Several of the provisions have not generated a great deal of discussion or controversy, and I shall but briefly mention them: S. 581 amends the Export-Import Bank Act of 1945 to—

First, extend the life of the Bank from its present expiration date of June 30, 1973, to June 30, 1976;

Second, increase the loan, guarantee, and insurance authority from $13.5 to $20 billion;

Third, increase the limitation on the amount of guarantees and insurance which can be charged on a fractional reserve basis from $3.5 to $10 billion;

Fourth, clarify in the Bank's charter its authority to issue debt obligations with maturities beyond its statutory life to purchasers in addition to the Secretary of the Treasury; and

Fifth, provide that the Bank, insofar as practicable, shall provide guarantees, insurance, and extension of credit at rates and on terms and conditions which are reasonably competitive with those offered by its principal trading competitors.

While these foregoing provisions are generally well accepted, there are other proposed changes in this bill which have precipitated a great deal of debate.

The provision causing the most concern is that one which amends section 2(a) of the act to provide that the receipts and disbursements of the Bank be excluded from the totals of the budget of the U.S. Government.

Those who oppose exclusion of the Bank from the strictures of the unified budget voice the fear that its exclusion will prompt other Federal agencies to follow the same course. Attention, therefore, must be directed to the unique status of the Bank which differentiates it from other agencies of our Government:

First. Eximbank does not and will not require annual appropriations;

Second. Eximbank pays substantial dividends to the U. S. Treasury each year and has accumulated substantial reserves which insure its continuing operations and added income to meet its needs;

Third. Repayment of Eximbank lending has a 100-percent favorable effect upon our balance of payments. Repayments of both principal and interest are always made by non-U.S. entities in dollars; and

Fourth. Eximbank always loans upon commercial terms. Thus, the very uniqueness of the scope of operations of the Eximbank places it apart from the other Federal agencies.

Mr. President, budgetary accounting anomalies and convention have obstructed severely the export financing potentials of Eximbank at a time of demonstrated need for competitive export credit. The very nature of the present operations of the Bank, characterized by high activity, requires that its disbursements exceed collections. These loan disbursements are accounted for in the budget as outlays or expenditures rather than loans receivable. Therefore, despite the fact that the moneys disbursed will be repaid with interest over a period of time, the requirements of the budget dictate that they be recorded as "net lending outlays," thus a negative impact on the budget. Removal of the Bank from the budget would correct this accounting procedure which can only be termed an anomaly.

It should be noted that removal of the Bank's operations from the budget would not alter the congressional review which presently exists as regards to level of Eximbank activity. This review centers first on the overall limitation on the bank's operations during its 5-year life as recommended by the House and Senate Banking Committees and approved by the Congress in the Bank's enabling legislation, and second, upon the specific annual authorization and expense ceilings as recommended each year by the Appropriations Committees of each house.

In addition, to provide further assurance that the Congress is informed of the operations of the Bank, S. 581 requires that the President report annually to the Congress the amount of net lending of the Bank which would be included in the totals of the budget if the Bank's activities were not excluded. Thus, there will continue to be full annual disclosure of the Bank's operations.

Mr. President, S. 581 contains a provision which would amend the Fino amendment to permit Eximbank to support those exports to, or for use in, Eastern European countries which have been licensed or approved by the Office of Export Control in the Department of Commerce only if the President determines, pursuant to the requirement contained in section (2)(b)(2) of the Bank's Act—Tower-Hickenlooper amendment — that the transaction would be in the national interest, and he so reports that determination to the Senate and the House of Representatives.

Thus, the Bank would be prohibited from supporting any U.S. export to, or which would be transshipped through any other country for use by or in, a country with which the United States is engaged in armed conflict. A Presidential determination of national interest would still be required, however, before the Bank could support any export for sale or lease to any Communist country.

By returning to the President the authority to determine that export-import assistance might be given in certain instances not possible under present law, the Congress shall be assuring him the flexibility he must have in order to pursue an expansionary export program when and only when such expansion will not compromise our national security.

Mr. President, if the Export-Import Bank is to effectively pursue its objective of increasing U.S. exports of goods and services, it must be given the increased flexibility and capacity contained in the provisions of S. 581.

Mr. MONDALE. Mr. President, I yield back all my time.

Mr. MANSFIELD. Mr. President, I yield back whatever time I have.

Mr. PACKWOOD. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the bill has been yielded back.

The question is on passage. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senators from Nevada (Mr. BIBLE and Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), the Senator frrom Missouri (Mr. SYMINGTON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Virginia (Mr. BYRD), the Senator from Missouri (Mr. EAGLETON), and the Senator from New Mexico (Mr. MONTOYA) are absent on official business.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from California (Mr. TUNNEY), the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr. JORDAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

Also the Senator from Tennessee (Mr. BAKER), the Senator from Colorado (Mr. DOMINICK), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from South Dakota (Mr. MUNDT), the Senator from Ohio (Mr. TAFT) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 67, nays 1, as follows:

[No. 40 Leg.]

YEAS—67

Aiken
Allen
Allott
Beall
Bellmon
Bentsen
Boggs
Brock
Brooke
Burdick
Byrd, W. Va.
Case
Chiles
Church
Cooper
Cotton
Cranston
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Fulbright
Gambrell
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Muskie
Nelson
Packwood
Pearson
Pell
Percy
Prouty
Randolph
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Talmadge
Tower
Williams
Young

NAYS—1

Proxmire

NOT VOTING—32

Anderson
Baker
Bayh
Bennett
Bible
Buckley
Byrd, Va.
Cannon
Cook
Dominick
Eagleton
Fong
Goldwater
Gravel
Hartke
Hollings
Hughes
Jordan, N.C.
Long
Magnuson
McGovern
Montoya
Moss
Mundt
Pastore
Ribicoff
Saxbe
Symington
Taft
Thurmond
Tunney
Weicker

So the bill (S. 581) was passed, as follows:

S. 581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635) is amended—

(a) By inserting "(1)" immediately after "SEC. 2. (a)" of such Act, and by adding at the end thereof the following new paragraph:

"(2) The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the United States Government. In accordance with the provisions of the Government Corporation Control Act, the President shall transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank. The President shall report annually to the Congress the amount of net lending of the Bank which would be included in the totals of the budget of the United States Government if the Bank's activities were not excluded from those totals as a result of this section."

(b) Section 2(c)(1) of such Act is amended by striking out "$3,500,000,000" and inserting in lieu thereof "$10,000,000,000".

(c) Section 7 of such Act is amended by striking out "$13,500,000,000" and inserting in lieu thereof "$20,000,000,000".

(d) Section 8 of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1976", and by inserting immediately following the words "Secretary of the Treasury" "or any other purchasers".

(e) Section 2(b)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(3)) is amended to read as follows:

"(3) The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with (A) the purchase of any product, technical data, or other information by a national or agency of any nation which engages in armed conflict, declared or otherwise, with the Armed Forces of the United States, or (B) the purchase by any nation (or national or agency thereof) of any product, technical data, or other information which is to be used principally by or in any such nation described in subparagraph (A). The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with the purchase of any product, technical data, or other information by a national or agency of any nation if the President determines that any such transaction would be contrary to the national interest."

(f) Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end of paragraph (1) the following: "In the exercise of its functions the Bank shall, insofar as feasible and practicable, provide guarantees, insurance, and extensions of credit at rates and on terms and conditions which are reasonably competitive with the Government-supported rates, terms, and other conditions available for the financing of exports from the principal countries whose exporters compete with United States exporters."

SEC. 2. The President shall, within thirty days after enactment of this Act, report to the Congress the amount by which the annual expenditure and net lending limitation imposed on the budget of the United States Government by title V of the Second Supplemental Appropriations Act, 1970, will be reduced as a result of the amendment made by section 1(a) of this Act.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MONDALE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, may I extend the thanks of a grateful Senate to the distinguished senior Senator from Alabama (Mr. SPARKMAN) and to the distinguished Senator from Minnesota (Mr. MONDALE) for their handling of the Export-Import Bank measure. Its overwhelming acceptance by the Senate speaks abundantly for the quality of their advocacy and legislative skill.

As the chairman of the Committee on Banking, Housing, and Urban Affairs, Senator SPARKMAN has again demonstrated his most effective leadership. Senator MONDALE's presentation of the proposal in the Chamber is to be commended particularly. Together their strong support assured the Senate's near-unanimous approval.

To be commended equally for his cooperative support is the distinguished Senator from Oregon (Mr. PACKWOOD). He, too, exhibited most effective advocacy. Other Senators similarly should be thanked for contributing their own strong and sincere views to the discussion. The distinguished Senator from Wisconsin (Mr. PROXMIRE) falls into this category. He urged his amendment with the greatest skill and sincerity. The distinguished Senator from Colorado (Mr. ALLOTT) and others are to be thanked similarly.

The passage of this proposal represents another outstanding achievement for the Senate obtained expeditiously and with full regard for the views of all Senators.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE SECRETARY OF AGRICULTURE TO CLASSIFY WILDERNESS AREAS IN MONTANA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 54, S. 484.

The PRESIDING OFFICER (Mr. BROCK). The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 484) to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, this bill passed the Senate twice before unanimously.

I ask unanimous consent that an excerpt from the report which accompanied the reporting of this bill be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill, S. 484, would add approximately 240,500 acres in three national forests in Montana to the National Wilderness Preservation System established by the Wilderness Act of 1964 (78 Stat. 890). The lands involved embrace parts of the Helena, Lewis and Clark, and Lolo National Forests, which straddle the Continental Divide in central-western Montana. While this has sometimes been known as the Lincoln-Scapegoat Back Country, it is more popularly referred to as the Lincoln Back Country.

Sponsored by Senators Metcalf and Mansfield, S. 484 directs the Secretary of Agriculture to classify specifically designated tracts in the area as wilderness, which would in effect combine the Lincoln Back Country with the existing Bob Marshall Wilderness.

THE AREA

The Lincoln Back Country is typical of the scenic grandeur that is reflected in Montana's motto "The Big Sky Country." It contains vast, unbroken spaces, glittering mountains, deep forests, and flashing clear lakes and streams. It is described by the Sierra Club as a "friendly wilderness," containing "an environment essential to the survival of the grizzly bear population and other big-game animals. Native cutthroat trout, an increasingly scarce game resource, is also found in substantial amounts."

Other wildlife and fish of a rare or endangered nature abound in the undisturbed mountains, meadows, and waters, and the opportunities for ecological research are highly regarded by wooded rolling lands studded with mountain lakes. Several nearby high but relatively accessible points such as Red Mountain, Pyramid, and Olsen Peaks add opportunities for zestful, rewarding climbs. This portion of the area, although possessing true wild character, is readily available to easy family hiking and saddle-horse trips.

The north-central portion in contrast is characterized by spectacular relatively remote peaks, high ridges, and intervening canyons. These present a true challenge for those who wish to spend a little more time and effort to sample the more rugged aspects of wilderness. Here the great Scapegoat Mountain complex dominates the scene. The alpine tundra of its highlands presents a unique climax to the most adventurous type of wilderness travel. Short, relatively easy backcountry trips are available on the far northern end and much of the eastern side of the area.

As mentioned above, the Lincoln-Scapegoat region, with its relatively undisturbed environment, represents ideal living space for a unique variety of game animals, birds, and fish. An important segment of Montana's remnant grizzly bear population has found this place much to its liking.

Elk, mountain sheep, goats, deer, and moose are also there and depend, in many important respects, upon the relatively remote character of the land for their living requirements and even survival. The rare west slope cutthroat trout is well suited to its cold, clear streams and the lighter fishing pressure of trail access country. Along with the Montana grayling the area supports a variety of fish that add much to the joy of visiting this unique region. Ptarmigan, a seldom seen grouse of the alpine environment, adds special interest to the interesting bird life of the area. Thus, a pleasing variety in the topography, vegetative cover, and animal life blend in making the Lincoln Back Country an ideal area for meaningful wilderness classification.

LEGISLATIVE HISTORY

In the 90th Congress, Senators Metcalf and Mansfield introduced this bill as S. 1121, and field hearings were conducted on the measure at Great Falls, Mont., on September 23, 1968, with overwhelming support evidenced for the proposal. Reintroduced as S. 412, hearings were held in Washington on February 7, 1969, and the bill passed the Senate without amendment on May 29, 1969. The House, however, did not act because of the lack of a completed mineral survey. The survey has now been completed, and shows that although 131 mining claims were located in the area, no ore is known to have been produced from them. Veins containing copper are reportedly too low in average grade to be mined economically at present, but are likely to be further explored, said the report, which is summarized later.

MONTANA LEGISLATURE ACTS

The Montana Legislature this year enacted a joint resolution urging that the Lincoln Back Country be designated as wilderness. A copy of the memorial follows in this report.

ALTERNATIVES CONSIDERED

Careful consideration was given alternative proposals presented during the hearings, including that of the Forest Service for a type of modified multiple use. The committee became convinced, however, that the Lincoln Back Country is too fragile, both geologically and ecologically, to permit the driving through of roads, and construction of permanent roadside and camping facilities as proposed.

COSTS

There will be no additional costs to the Government as the result of the enactment of this bill.

COMMITTEE RECOMMENDATIONS

In enacting the Wilderness Act (Public Law 88–577), the Congress clearly reserved to itself the ultimate authority to act with respect to enlargement of the wilderness system it created. Section 3, article IV, of the Federal Constitution imposes such a responsibility on Congress.

In this instance, the committee unanimously recommends that Congress exercise its power and include in the system an area it finds uniquely qualified for inclusion and thus preserve the Lincoln Back Country's rare and fragile features for the physical enjoyment, the spiritual refreshment, and the enrichment of the life of this generation and future generations.

The proposal has the backing of the entire congressional delegation from Montana.

MINERAL SURVEY SUMMARY AND MONTANA LEGISLATIVE RESOLUTION

Following is the summary of the report on the mineral resources of the Lincoln Back Country, Mont., by the U.S. Geological Survey and the U.S. Bureau of Mines, and a joint resolution of the Senate and House of Representatives of the State of Montana.

MINERAL RESOURCES OF THE LINCOLN BACK-COUNTRY AREA, POWELL AND LEWIS AND CLARK COUNTIES, MONT.[1]

SUMMARY

A mineral survey of the Lincoln Back-Country Area was made by the U.S. Geological Survey and the U.S. Bureau of Mines during the summer of 1970; the U.S. Geological Survey made an aeromagnetic survey in 1966 and a gravity survey in 1970. The area, about 375 square miles, lies about 45 miles northwest of Helena and about 59 miles northeast of Missoula, Mont. Sedimentary rocks of Precambrian (Belt Supergroup), Cambrian, Devonian, and Mississippian ages crop out in the area. The Precambrian rocks have been intruded by diorite sills of Precambrian age, sills of uncertain age of monzonite to andesite composition, and aplite dikes of probable Cretaceous age. In addition there are small exposure of tuff of Tertiary age. The rocks, except for the tuff, have been broken by thrust and normal faults and are folded in places.

The mineral-resources potential of the area was evaluated by close examination of the rocks and mining claims, by geological mapping, by geochemical sampling, and by aeromagnetic and gravity surveys. Foot traverses along most ridges and streams in the area resulted in the collection of 3,321 samples of which 402 are stream pebbles, 523 are water, 690 are stream sediments, and 1,706 are outcrop samples. South of the area, aeromagnetic and gravity survey data reflect intrusive igneous bodies, some of which contain ore deposits, but similar geophysical anomalies were not found within the area. A large magnetic positive anomaly southwest of Scapegoat Mountain is interpreted to indicate a deeply buried (10,500 ± 1,200 feet below ground surface) pluton. Other magnetic trends in the area are related to exposed Precambrian sills.

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[1] By Melville R. Mudge, Robert L. Earhart, and Kenneth C. Watts, Jr., U.S. Geological Survey and Ernest T. Tuchek and William L. Rice, U.S. Bureau of Mines.

Copper is the only mineral commodity found that has possible economic importance. Other metallic commodities, such as silver, lead, and zinc, are locally present in low concentrations that are not economically significant. Copper is present in quartz-carbonate veins and in green beds in the Precambrian sedimentary rocks.

The copper-bearing quartz-carbonate veins are in the southernmost part of the area, at Mineral Hill, Bugle Mountain, and in the upper reaches of Copper Creek; they are of hydrothermal origin.

Weak copper mineralization in green to greenish-gray clastic Precambrian rocks is widespread in the Lincoln Back-Country Area, but the occurrences contain insufficient grade and are too small for exploitation. The copper is commonly in thin strata in green sequences in the Spokane and Empire Formations and in the Snowslip Formation; locally it is in similar beds in the Helena Dolomite, and in the Shepard, Mount Shields, and McNamara Foundations. The copper was probably deposited syngenetically in the rocks and redistributed and concentrated during periods of depositional and post-depositional oxidation.

County records show that 131 mining claims have been located in the area; none are known to have produced ore. Most of the claims were located in a belt explored for copper on the southwest edge of the study area. The belt extends from the Copper Creek area to Bugle Mountain, a distance of 10 miles. The larger deposits in the belt are not economically minable but are a potential resource of copper and are likely to be further explored. High-grade samples, containing 18.2 and 45.2 percent copper, from the Porto Rico mine and Bugle Mountain group, respectively, indicate that small shoots of high-grade rock are present.

The Bugle Mountain group and the Fisher group prospects appear to have more potential than other prospects in the area and are contiguous. Shear zones at these prospects may be as much as 800 feet long, and attendant mineralization may be as much as 35 feet thick. Resources at these two prospects are estimated to total in the order of 400,000 tons containing from 1 to 1.8 percent copper. A much larger resource, in the order of 1 million tons, may be present if the mineralization extending into country rock is persistent along the shear zones. The grade of the material is too low for mining to be economically feasible at present.

SENATE JOINT RESOLUTION NO. 23

(Introduced by Mitchell, Bertsche, Hibbard, Drake)

A Joint Resolution of the Senate and House of Representatives of Montana to the Honorable Mike Mansfield and the Honorable Lee Metcalf, Senators from the State of Montana to the Honorable Richard Shoup and the Honorable John Melcher, representatives from the State of Montana, urging that parts of the Lincoln Back Country and Scapegoat Mountain area be enjoined with the National Wilderness preservation system

Whereas, parts of the Lincoln Back Country and Scapegoat Mountain area lie within the national forest system and are in a natural wilderness condition at the present time; and

Whereas, the area is presently being heavily utilized as a natural recreation area for horseback riding, hiking, fishing, hunting, camping, photography, and observation of wildlife; and

Whereas, there is a growing population of Americans seeking high quality outdoor recreational opportunities; and

Whereas, the Lincoln Back Country and Scapegoat Mountain area contain some of the most spectacular scenic and recreational opportunities to be found in the United States; and

Whereas, these outstanding recreational areas, and the wildlife and scenic opportunities therein are of the highest value in attracting people to Montana for the enjoyment of these areas; and

Whereas, Montana is one of the few States where this type of outdoor recreation containing a complete wildlife community in its natural environment can still be enjoyed; and

Whereas, the grizzly bear, the majestic elk, the native cutthroat trout, the Rocky Mountain goat, and various other species, some of them endangered, abound in this area; and

Whereas, these areas should be preserved and protected for the enlightenment, education, and enjoyment of future generations.

Now, therefore, be it resolved by the Senate and House of Representatives of the State of Montana:

That the 42d legislative assembly of the State of Montana urges the Congress of the United States to take the appropriate action necessary to identify those parts of the Lincoln Back Country/Scapegoat areas best suited to optimum recreational purposes and include them in the National Wilderness System.

Be it further resolved, That the secretary of state is instructed to send copies of this resolution to each member of the Montana congressional delegation.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 484) was passed, as follows:

S. 484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby authorized and directed to classify as wilderness those national forest lands containing approximately 240,500 acres in the Helena National Forest in Montana, known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests specifically described as bounded by a line on the southeast boundary of the Bob Marshall Wilderness Area at Deadman Hill running southeasterly to Bench Mark, then along the ridge of Wood Creek Hogback to the top of Crown Mountain and across Welcome Pass to the midpoint of Steamboat Mountain; thence running in a more southerly direction down the ridge between Milk and Pear Creeks, across the Dearborn River and up the Continental Divide to a point above Bighorn Lake; thence along the divide and down the ridge northwest of Falls Creek, across Landers Fork to the top of Lone Mountain; thence in a southwesterly direction to Heart Lake Trail, westward to the top of Red Mountain; thence southwesterly to Arrastra Peak; thence along Daly, Iron, and Echo Mountain Peaks, and across Windy Pass to Mineral Hill; thence across the North Fork of the Blackfoot River at the Big Slide to BM 8320, northwesterly across Canyon Creek (excluding the upper Conger Creek timber stand) to the top of Canyon Peak; thence more westerly to the top of Omar Mountain, and northward along the ridge to the southern boundary of the Bob Marshall Wilderness Area on a ridge west of Danaher Pass, and thence along the southern boundary of the Bob Marshall Wilderness Area to the point of beginning. The Secretary of Agriculture shall promptly after such classification transmit to the Congress a map and legal description of the wilderness area and such description shall have the same force and effect as if set forth in this Act. Upon its classification, such wilderness area shall be subject to the same provisions and rules as those designated as wilderness areas by the Wilderness Act of September 3, 1964 (78 Stat. 890).

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE PRESIDENT'S YOUTH OPPORTUNITY COUNCIL

Mr. HUMPHREY. Mr. President, last week, on Thursday, April 1, I took the time of the Senate, at the conclusion of the session, to speak about the order from the White House to abolish the President's Youth Opportunity Council. I said at that time that I intended to speak of this from time to time until the administration came to its senses and reestablished this vital unit of coordination of employment, educational, and recreational opportunities for America's young people.

I am hoping that the President of the United States will take a look at what I am sure was basically a bureaucratic decision in the process of reorganization of Federal agencies, and reverse that decision of his Office of Management and Budget, and that he will restore an effective instrumentality for coordinating the programs of the Federal Government, in cooperation with State and local government and private resources, for the employment of young Americans, particularly the poor and needy youth in this country.

Over the weekend, new figures were released which tell us of the mounting tide of unemployment among teenagers, particularly among minority groups—blacks, Indians, Mexican Americans—yes, and among many of our white youth,

The announcement, in the letters of rural and urban, of low-income families. March 23 and 24 to the staff members of the President's Youth Opportunity Council, that this Council would be abolished and that its activities would be dispersed among several agencies of the Federal Establishment, is a tragedy; and I think it can result in untold misery and trouble not only for young people but for the Nation as well. We have no program in the Federal establishment for concentrating on the needs of our young people. It is one of the shortcomings of our Government.

But the Presidential office, by Executive order, in 1967 did establish a coordinating instrumentality known as a council. That council has been effective, and it can be effective if it is given leadership and if it is given Presidential support and Vice Presidential leadership. That is what it requires. Without it, nothing will happen. With the backing of the President, with the careful attention of the Vice President, as the representative of the President, the President's Youth Opportunity Council can do things that need to be done.

I have in hand an official report of the President's Youth Opportunity Council known as "A History of the President's Council on Youth Opportunity" for the years 1967, 1968, and 1969. This report tells of the efforts that were made to employ needy youth, to extend to many of our disadvantaged young people some of the opportunities that others in more fortunate circumstances enjoy.

The year of 1968 represented a high point of activity for the President's Council on Youth Opportunity. We had, for example, in that year a National Job Fair proposal, which called for business hiring of disadvantaged, needy, poor young people. These Job Fairs were locally directed, and they were based on individual community needs. They were sponsored by American business. The chairman was Henry Ford II.

Later, the National Alliance of Businessmen undertook the responsibility for the Job Fair program for reaching the goal of hiring 200,000 disadvantaged teenagers, young men and women, in all parts of our country.

We have at hand a specific record that should give us some encouragement as to what can be done.

In the summer of 1968, approximately 871,000 specifically identifiable poor youth were hired as a result of Federal and National Alliance of Businessmen efforts, as compared with 574,000 in 1967. That figure does not include what was done at the State and local level.

The nonwhite youth unemployment rate in 1968, in the summer, when the rate generally goes up because they are out of school, dropped from 28 percent to 22 percent. Today, that rate is up to 42 percent nonwhite, meaning in the main, black youth unemployed, in the poor areas of the major cities of the United States.

In 1968, the Federal Government, through its regional offices, directly hired 78,000 poor youth as compared with 43,000 in 1967. The most dramatic increase in 1968 was the hiring of 2,247 Indian youth as compared with 427 in 1967.

In 50 major cities, there were day camps for children between the ages of 6 and 10. In 1968, there were 431,000 youngsters in those day camps, compared with 265,000 in 1967.

There were also lesser activities, with fewer numbers involved, but indicative of what was undertaken. For example, the Boy Scouts of America provided free resident camps for 50,000 poor, non-Scout youth in the summer of 1968, doubling what they did the year before.

Mr. President, we had 127 sports clinics spread across the country which provided sports instruction for 840,000 young men and women in 43 cities. These were conducted by professional athletes who were enlisted in the Vice President's summer youth sports and recreation program.

I met with these athletes to ask their help and their help came at no cost to the Federal Government.

We also developed a photographic skill program in which over 5,000 youngsters were involved in what we called "youth photography."

We had free airplane rides, and tickets were made available by the National Association of Theater Owners. We had cerative workshops for over 40,000 young people in 16 cities supported with matching funds from the National Endowment for the Arts. Fifty major cities of the United States were organized through public and private efforts to conduct a massive and intensive youth employment and recreation program.

Mr. President, these facts clearly demonstrate that the job can and must be done.

I submit that the present administration is abandoning these needy young people—teenagers and youngsters below the teenage level—to the streets. We will pay and pay and pay in lost lives, in violence, disorder, crime, sickness, sadness and despair.

I cannot understand why a government that says it cares about people, forgets the youngsters.

Mr. President, I do not contend that the President's Council on Youth Opportunity is the last word in governmental organization. As a matter of fact, it was improvised. But it did develop a background of experience. It brought together many services in this country. For example, the National Guard, instead of standing guard on campuses with loaded guns, has provided recreational activities and the use of its National Guard facilities for thousands of young men and women. Camping opportunities were opened up for 2,000 boys and girls from the Watts area of Los Angeles in the Army's Camp Roberts; 1,300 disadvantaged boys and girls in the Arkansas National Guard's Camp Robinson; 1,600 inter city boys and girls in the Boy Scouts' Camp Roosevelt near Washington, D.C.

These are just a few of the things that were done.

I was able to get the cooperation of General Wilson of the National Guard to provide trucks, cots, blankets, camping equipment, as well as kitchen equipment in vast amounts, to help young people, not to police them.

Mr. President, I realize that on the agenda of the Government's program the President's Council on Youth Opportunity does not seem to stand at the head of the list. I also realize that the Senate may feel constrained to deal in subject matters that seem to be more significant and profound than a job, or a camping experience, or an educational opportunity for a disadvantaged child. But, Mr. President, if we abandon the efforts we began, we will rue the day.

What is more, it is morally wrong, economically wrong, socially wrong—it is foolish, stupid, and indefensible.

Mr. President, I want to assure the administration that I am gathering a substantial amount of facts and material around the country as to the needs of our young people.

If anyone believes that the Office of Management and Budget, with all of its expertise, can run a youth opportunity program, I will welcome their explanation of this new-found sense of social commitment and understanding on the part of that important agency of the executive branch.

I have respect for the Office of Management and Budget. It has a job to do. But, it is not an action agency. Its people are not oriented to this kind of program. This kind of program requires commitment. One really has to care about youngsters to make the program work.

The city of Washington, D.C., has thousands of youngsters on the streets every day and every night. The President's Council on Youth Opportunity opened camps and playgrounds in the city and they illuminated them. It was able to get playground instructors, many of them hired by private business, all done as a gift to the youth of this community, right here in the District of Columbia.

Instead of all this talk about how much crime there is—and it is serious—and how much trouble there is in this city—and we have plenty of it—I think it is about time that we tried to do something about it.

One of the ways to do something about it is to give young men and women something to do.

The neighborhood youth program is so vital and so much needed. All one needs to do is drive through Rock Creek Park in Washington, D.C. There is enough work in that park for 5,000 young men for the next 5 years. But we prefer to let them stand on street corners, apparently, or have them receive welfare or food stamps, rather than a job so that they can make something of their lives and learn something about the discipline of work.

Mr. President, if the administration cannot find anything for these young people to do, I can take them down into southwest Washington and show them garbage that has not been picked up, streets that have not been cleaned, lots owned by the Government of the United States under some urban renewal programs or land reclamation programs that are a disgrace to the Government of the United States—filled with broken bottles, debris, and refuse.

We say that we have to slow down the youth program. But young men of the ages of 15, 16, 17, and 18 need to be at work, Mr. President. And there ought to be a special program for them. And that program ought to have the direction of competent leadership.

I am of the opinion that one of the ways the Government of the United States can show that it has some understanding of the needs of young people is to really get busy and work with them and give them attention.

Mr. President, I intend to be on the Senate floor speaking on this critical need practically every day until something is done. The mayors of the cities in America are asking for help. I met with county commissioners today from all over the United States. They are asking for help.

The major cities of the United States have youth opportunity councils. They are expecting some coordination from Washington. That is what the Federal Government is supposed to do, give a helping hand. Instead of that, it has sawed off the arm of assistance to the needy youth of this country. Not a dime is in the Federal budget for the program of a youth opportunity council.

Mr. President, I repeat that I expect the administration to present to the Congress a supplemental budget. I think that will be part of the test as to whether or not they care. I hope it will be enough to do the job.

I want to be sure that when the figures are presented as to how many of the needy youth they will hire, that these figures will not only spell out numbers of young people but also the hours that they will work each week.

Now that the President is engaged in reorganizing the instruments of government, I ask him to put new strength in the Youth Council rather than dismantle it. I ask him to put some funds at their disposal rather than to starve them. I ask him to direct his Vice President to run it and be in charge. I ask that the staff of that Council be brought back together and that a program be launched at once—a program that is commensurate to the problem.

If the Government officials are unaware of the scope of the youth unemployed, might I suggest that they write to each of the 50 Governors or to the mayors of the top 100 cities, and ask what the needs are.

I think every citizen in this country is interested in seeing to it that young Americans have something to do except get in trouble. And I believe that all this talk about human rights, civil rights, and a fair deal for everybody is a lot of talk, a lot of plain, old, ordinary hypocritical talk unless we put something behind the program—funds, resources, and people.

So, we shall wait, but not for long. Maybe we will have to legislate, and that takes time.

I would hope that it could be done without that. I shall await the response of the administration to the letter submitted by the Senator from New York (Senator JAVITS) under date of February 23. I realize that a letter can be lost sometimes, but I doubt that a letter between the Senate of the United States and the Vice President's office gets lost in the mail.

I would hope there would be a response to that communication other than just an announcement to the press. And, by the way, it was really not an official announcement, because it was an active, observing reporter who was able to get the information that the program of the Youth Council had been discontinued.

Mr. GRIFFIN. Mr. President, I have listened with interest to the remarks of the distinguished junior Senator from Minnesota today, the distinguished former Vice President. I am also aware, having read the RECORD, of some of his remarks made on last Thursday.

I regret that he saw fit last Thursday to characterize the discontinuance of the President's Council on Youth Opportunities and the transfer of its functions to the Domestic Council and the Office of Management and Budget as "a cruel, low blow to the youth of this country."

I regret that he has seen fit today to speak in terms of "abandoning" the youth of America.

I regret that he has further characterized the action of the administration as "foolish, stupid, and indefensible."

I call attention to the fact that the action taken does not result in the discontinuance of one single youth program. Nor does it reduce the size or scope of any single youth program. Nor does the action affect the National Alliance of Businessmen's summer youth employment program.

Mr. President, the action to which the junior Senator from Minnesota refers does not affect the Federal Government's summer program of hiring one disadvantaged youth for every 40 Federal employees.

Nor does it affect the State and local governments' youth opportunities programs.

An the action taken does not affect the question whether additional funds should be made available for summer youth opportunity programs.

Simply put, what has been done has been a reorganization—responsibilities and activities formerly vested in a President's Council on Youth Opportunity have been transferred. This was done to conform with certain organizational changes that have heretofore been made in the executive branch of the Government. The change was necessary in order to assure that responsibilities and activities on behalf of youth opportunities would be afforded the highest priority within the executive branch.

Let us examine the Executive order to which the junior Senator from Minnesota has referred several times—the Executive order which created the President's Council on Youth Opportunity in the first place. By that order, the Council was made responsible for five basic functions:

First, to assure effective program planning,

Second, to strengthen the coordination of youth opportunity programs.

Third, to evaluate the effectiveness of these programs,

Fourth, to encourage the private and public sector to enhance youth opportunity, and finally,

Fifth, to report progress to the President.

Mr. President, in this regard it is important to examine the responsibilities which were assigned last year to the Domestic Council and to the Office of Management and Budget. With the single exception of the role of liaison, the Domestic Council and the Office of Management and Budget were assigned the very functions enumerated for all domestic programs, including the youth opportunities program.

Mr. President, it is important that youth opportunity programs and policies be dealt with at the highest level of Government. To exclude them as a prime concern of the Domestic Council and the Office of Management and Budget would be unthinkable.

Unfortunately, almost every Federal activity today suffers from duplication, overlapping, and excessive governmental bureaucracy. We can ill afford such confusion anywhere, least of all in our programs for disadvantaged youth. Yet, that is what we have had and what we would continue to have if this duplication had not been resolved.

Through his special revenue sharing programs and Government reorganization, President Nixon is attempting to make comparable improvements across the board. Frankly, I am thankful we do not have to wait for legislation to be enacted by Congress to assure that youth opportunity programs will have the recognition and attention they deserve at the highest level of Government.

With respect to liaison with State and local governments, it would be well to take a look at the Youth Coordinators program as it operates today.

As the former Vice President, the junior Senator from Minnesota, will recall, the principal activity of the Council, to encourage State and local governments to enhance opportunities for youth, is achieved through the Youth Coordinators Program. This program provides funds to State and local governments to enable the Governor and the mayor to engage appropriate staff personnel. Such personnel are to assist the mayors and Governors in coordinating and energizing the private and public sector in the area of youth opportunity. These youth coordinators are to be the principal link for youth opportunity matters between the Federal Government and the Governors and mayors. When President Nixon assumed office this program was in effect in the 50 largest cities of the country and Gary, Ind., and San Juan, Puerto Rico. Upon assuming his responsibility as chairman of the Youth Council, Vice President AGNEW took steps to expand the Youth Coordinators Program in order to include State governments and entire metropolitan areas. The Vice President's action was based on the fact that many disadvantaged youth live in rural America as well in the metropolitan areas. These young people need help as well as those of the 50 largest cities. Additionally, Vice President AGNEW sought to secure the resources and the involvement of the States and of the surburban communities.

As a result of his effort, youth coordinators programs were established in 45 States where none had been before; and rather than grants to 52 cities, last year grants were made to 67 local jurisdictions which covered approximately 120 local governments, including for the first time rural areas. These improvements and expansions in the youth opportunity program will be continued.

Last year Vice President Agnew asked the Office of Management and Budget to evaluate the youth coordinators program and to make recommendations as to its future. The Office of Management and Budget recommended that the administration of the program be transferred from the Youth Council to the Department of Labor. Since the youth coordinators program had been initiated, the Department of Labor through its CAMPS program had started making grants to Governors and mayors to assist them in coordinating manpower programs. In that nothing is more important to these youth programs than the employment opportunity aspect, it was felt desirable to provide closest possible coordination between the youth coordinators and the labor coordinating program. The transfer has been very smoothly and effectively accomplished and we feel to the benefit of the youth it is designed to serve. The remaining activities of the Council are being transferred to the Office of Student Affairs in the Department of Health, Education, and Welfare.

It should be noted that the transfer of the Youth Coordinators Program to the Department of Labor and the discontinuation of the President's Council on Youth Opportunity were done in full consultation with the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties and the National Governors' Conference. None of these groups nor the governments they represent have protested this action nor has anyone else other than the former chairman of the Council. The fact that the Council would be discontinued was set forth in the President's budget submitted to Congress on January 29. Although the Youth Council could have continued until June 30, 1971, it was felt desirable that those persons and agencies involved should fully assume their responsibilities before summer months; a time which we all know offer particular problems as well as opportunities for disadvantaged youth. As an example, at a recent meeting with the President and a number of mayors the question of additional funding for summer youth programs was raised. Deputy Director of the Office of Management and Budget, Mr. Caspar Weinberger, advised the mayors that this matter was currently under active consideration by OMB and the Domestic Council and that a decision hopefully could be made by the middle of April.

Last December Vice President AGNEW requested the Domestic Council to consider the policy question of summer recreation funds for disadvantaged youth. This issue is currently being raised by the mayors, and the Domestic Council study on that request is a part of this review.

I think it is appropriate to consider other charges made by the junior Senator from Minnesota in that speech last Thursday. He said discontinuation of the President's Council on Youth Opportunity was in fact telling mayors that we are "withdrawing." The distinguished junior Senator from Minnesota did not say withdrawing from what; however, if he meant withdrawing from youth programs, such a statement is patently incorrect.

He further said that if we abandoned the youth opportunity programs and the Youth Council there would be unbelievable trouble. I would agree with him if we were in fact abandoning youth opportunity programs. But I must ask: What does discontinuing one Government body and transferring its functions and activities to another have to do with abandoning youth opportunity programs?

The distinguished junior Senator from Minnesota may be of the opinion that the administration of the program would be less effective under the reorganization—although others disagree with him—but certainly the impression should not be left that this administration is abandoning youth opportunity programs. Indeed, youth opportunity programs in fact have been expanded under the Nixon-Agnew administration.

Mr. President to assert or to even suggest that the elimination of one Government agency and the elimination of duplication and overlapping is equivalent to discontinuation of the Federal youth opportunity programs is very unfortunate. Such inaccurate statements or implications serve only to inflame what is already a very difficult situation.

Mr. President, Teddy Roosevelt stated there is nothing more immortal than a Government agency. Frankly, I am pleased to see occasionally that his point is disproved, especially when it will result in better opportunities for the Nation's disadvantaged youth.

Mr. HUMPHREY. Mr. President, I have listened with keen interest, and always with great respect, to the Senator from Michigan. I seek to make a mild rejoinder.

I am impressed with what the Senator says about the youth opportunity program not being abolished, that it is just being placed in the Domestic Council. It will be a stepchild so far down the list of programs of the Domestic Council that it will take a seeing-eye dog and a Geiger counter to find it.

The Domestic Council coordinates all of the domestic programs of this Government. That is its purpose, its stated purpose. As to whether it does or not, only time will be able to prove or demonstrate.

One of the reasons for the Youth Council was to focus attention upon a particular problem that is separate and distinct from other problems that relate to employment.

A President's Youth Opportunity Council, or Council on Youth Opportunity, was established because the functions relating to youth had been submerged or lost or given inadequate emphasis or attention under the existing agencies of Government.

The Domestic Council is a sort of gathering agency of all of the departments and agencies of Government related to our domestic concerns. Indeed, there is no reason at all why the President's Council on Youth Opportunity could not be represented in such a council. But for the President's Youth Opportunity Council to lose its identity is to lose the sense of direction that this program needs.

I must also point out that the youth opportunity program was not related only to 50 large cities. I ought to know. I conducted that program. The chronology of its activities will relate and indicate that the Chairman of the President's Council on Youth Opportunity appeared before Governors, legislators, county officials—the National Association of County Officials—the U.S. Conference of Mayors, the National League of Cities, the National Alliance of Businessmen, asking their cooperation and getting it in Governors' offices, in county offices, and in municipal offices.

I do not deny that the administration undoubtedly will have some funds for youth programs. I simply say that it will be difficult for the mayors and the local officials to find the center of responsibility.

Everybody's business is nobody's business, and the problem of youth employment is one that is so intense and is so critical that I submit it needs more than just ordinary attention. And in all candor and fairness to the distinguished Senator from Michigan, who knows government and knows it well, he knows and I know that the Office of Management and Budget cannot run an action program. The Office of Management and Budget is an analytical office, an evaluation office. It is not an action office.

I am not saying it is not vital. I am not saying it is not important or competent. I think it is all of that. But it is not an action agency.

Furthermore, the Domestic Council is not an action agency. The Domestic Council is a coordinating agency. The President's Council on Youth Opportunity was the action agency. It brought to bear the power of the Presidency, the authority of Government. It used the prestige of the Presidency and the White House to accomplish an aim and a goal, and it did something.

I find it difficult to imagine the Director of the Budget going out and getting camps opened for young people, or to see the Director of the Budget or a member of the Domestic Council working with the National Guard to get their equipment and to sponsor a summer camp in one of our several States. No; what this council needs is direction and organization.

Let me cite the agencies that were involved in the President's Council on Youth Opportunity. The membership included the Secretaries of Defense, Interior, Agriculture, Commerce, Labor, Health, Education, and Welfare, Housing and Urban Development, the Attorney General, the Chairman of the Civil Service Commission, the Director of the Office of Economic Opportunity, and the Vice President, serving as chairman of the Council. That was in the Executive order.

One of the largest contributors to the national youth program was the Department of Defense. The budget that was finally brought together out of existing budgets was $680 million, and a goodly amount of that came from the Department of Defense for the purpose of helping young men and women—getting youngsters jobs in defense industries, and employing unused military facilities for summer camps.

So I am not impressed by the rejoinder

by the Senator from Michigan. I realize the Government is going through reorganization, but one thing we have said that we need in this country is identity. People are worried that they may lose their identity in this mass society of ours. I think one of the things needed in Government is identity—identity as to where responsibility rests, and who is supposed to do what, and to hold that party accountable.

There is no way a youth opportunity program can be held accountable when it is consumed, surrounded, and absorbed by the Domestic Council.

I shall have a further report as to the activities of the council. I realize that the budget for fiscal 1972 did not have any funds in it for the Youth Council.

I hope that this discussion on the Senate floor will precipitate a reaction on the part of the Administration to send up a supplemental request that should receive prompt attention if it comes.

May I say I have been talking with some mayors. I know a lot of them. I was one, myself. I meet regularly with mayors and county officials. I talked with some this morning. They are asking about the program of the President's Council on what the Administration says. The mayors have been having their difficulties getting an audience. Finally they got one with the President. They have been having difficulties with funds locked up by the administration—$11.145 billion already appropriated by the Congress of the United States for fiscal 1971. $1.324 billion for programs of direct assistance to our cities were impounded, refused to be released, for fiscal 1971. I had reason to believe that under those circumstances mayors and local officials might wonder how many funds are going to be released for youth.

We have a "full employment" budget for 1972. We have an unemployment budget for the balance of fiscal 1971. I wonder what it is that makes it so important that up until June 30, 1971, millions of dollars of the funds appropriated by the Ninety-First Congress should go unexpended, unallocated, unused, locked up. But on July 1st, 1971, a brand new day is supposed to dawn, and from that day on it is the full employment budget.

It just does not make much sense. I would suggest that we need less reorganization and more action. Let us make what we have work. Reorganization is no substitute for policy or program. Reshuffling programs is no substitute for money and purposes. Abolishing something that works is no substitute for doing the job that needs to be done.

Mr. GRIFFIN assumed the chair as Presiding Officer.

Mr. BROCK. Mr. President, I want to congratulate the Senator from Michigan for bringing this matter into some perspective and I would like to share my own thinking on this matter, in that the charges made by the junior Senator from Minnesota do warrant objective response.

I would like to point out, as the Senator from Michigan said, that to my knowledge, not one single program—not one—in the youth area has been reduced in funds, impact, or thrust. As a matter of fact, in this administration there has been a substantially increased effort to involve American youth within the system of this Government of ours.

I would point out that, in my experience gained while visiting more than 100 campuses over the last 8 to 10 years and through my work in the field of disadvantaged youth, what those young people who are not on campuses, but who are trying to make it in a very tough economic society, need more than somebody taking care of them is for somebody listening to them, to give them a voice, an opportunity to be involved in a meaningful way and a constructive role in this society of ours.

I think one of our fundamental problems is that too little attention has been paid to reorganization and too much attention has been paid to political lipservice translated into programs passed by an establishment that seemed more intent on political self-perpetuation than on solving the basic problem.

We have over 500 programs in the Federal Government with impact on American young people. The previous administration's answer to bringing those programs under one roof was totally ineffective Youth Opportunity Council. It provided no authority whatsoever, to resolve the basic conflicts that exist today between youth programs in various agencies of the Government. There is no device in the Federal Government today for evaluating the impact of youth programs on those human beings. Does the Senator want to say that it is just talk about reorganization? The fact of the matter is that the Government is a large part of the problem. When there are 500 different youth programs, which one does a young person go to? Who listens? Where do they get a response? Who is really doing something about the problems? Who is providing an oversight, in terms of the new legislation, to see what impact each programs is going to have on young people?

The most desperate need we have right now is to reorganize this Federal structure so that it becomes responsive again—not a self-perpetuating, self-regenerating bureaucracy. I think if there is one compelling need, it is not just to take this and other elements and put them into the domestic council, but it is to bring all of the areas affecting young people within the oversight of an executive, to make those programs move together, to complement each other, and not to compete with each other as they often do today. These programs must work together to solve the problems that afflict the young people of our society, and give them a voice in making change.

Mr. President, you do not do it simply with more money. You do not do it by patting America's young people on the head. You do not do it by creating a Youth Opportunity Council that has no thrust, no effect, no authority. You do it by making this Government respond to young people as human beings.

I think it is important that we take the oversight responsibility. In the Senate, we must take a look at all of these programs see what else we can do to quit packing political layer upon political layer, and reduce the size of this bureaucracy, so that a person can find out where to go to get an answer. We must not just layer it up again and add more jobs, but we must add the kind of quality needed to provide opportunity where the people are.

I compliment the Senator from Michigan for his comments, and I join in those sentiments.

Mr. HUMPHREY. Mr. President, this is an enjoyable experience for us, and I think it may be worth the time we give it. Today we are not really interrupting or interfering with the other business of the Senate. I appreciate the efforts of my friends on the other side as they send in advocates in platoon strength in behalf of the administration.

I wish to comment just briefly on the remarks of my good friend from Tennessee. When he mentioned that there are some 500 different programs affecting our young people, I gather he meant by that, programs within the governmental structure. I accept his figure.

He asks, "Who listens? Who analyzes? Where can you go for answers?"

Mr. President, that is exactly why we need a specialized agency called the Youth Opportunity Council. May I say that this specialized agency prepared a full manual on all of these programs for all local youth coordinators in 1968. It can be brought up to date for 1969 and 1970. It was prepared and distributed to more than 5,000 local officials; and on January 29–31, 1968, a conference was held in Washington that was attended by 800 Federal, State, and local voluntary organization officials.

Besides that, field trips were made to 50 of the larger cities between the months of February and August by staff representatives of the President's council, to discuss these programs.

Moreover, in my capacity as liaison between the White House and local governments, in which I served for 4 years, we prepared for the first time a total manual, with cross indexes, for local government officials on Federal programs, what appropriation there was, how to apply for them, and where to get help. Forty-four separate meetings were held in which Cabinet officers and others were present to work with these local officials.

My good friend from Tennessee points out that the Youth Opportunity Council had no authority. I would respectfully point out that it had the authority of the President of the United States, under the Executive order. Now the Domestic Council was also created under Executive order. The only difference is that the Domestic Council is like the old lady who lived in the shoe; she had so many children she did not know what to do. It takes care of everything on the domestic side.

The Domestic Council is the broad umbrella under which any of the domestic departments and agencies serve—a splendid idea, one that has been endorsed by many. I compliment the administration for effectuating it.

But, Mr. President, when we are talking about this particular program, it is not just a matter of communication between the administration and the college campus youth. I am not talking about that. That is another problem.

I am talking about the ghetto youth, the high school dropout, the grade school dropout. I am talking about the kid on the street corner. I am talking about a boy who never has seen a college, and most likely spent less than a year in high school. I am talking about young Americans by the thousands who need help.

Some Senators say, "Well, name me any program that has been abolished." I keep hearing that all the time. But I will name some programs that have been underfed, and that is the subject of the mayors' meeting at the White House, mentioned in my earlier remarks. That is what is going on today, with $200 million worth of funds appropriated by this Congress on a subject far removed from youth employment; namely, sewers and water, impounded and unreleased. People understand that.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. BROCK. Can the Senator name me one that was not funded under the youth program?

Mr. HUMPHREY. The Senator made the charge. He said they were all funded well, and none were abolished, and none going without funds.

I ask the Senator, have the planning funds for youth opportunity for fiscal 1972 been released?

Mr. BROCK. I do not know about that.

Mr. HUMPHREY. I can tell you. No. Is there any money in the budget for fiscal 1972 for the youth opportunity program?

Mr. BROCK. Under the Senator's own argument, the Youth Council has been abolished, and its function transferred to the domestic council, which, of course, has adequate funds for budgeting. So the function will not be reduced. The services will not be reduced. The programs will not be reduced. In not one single area can the Senator, as far as I know, cite me an example where the funding level is at or below the level of 2 years ago.

Mr. HUMPHREY. The number of allowable work hours projected for the Neighborhood Youth Corps has been reduced from the year previously, and the length of the program itself is being cut back. But more importantly, I say most respectfully to the Senator, there is no money being programed yet. He says it is going to happen. I hope so. I was born in South Dakota. I always lived in hopes of a good crop, but many times it did not rain.

But I am also saying there must be solid authority to coordinate these programs. I say there is as much or more authority to coordinate programs under the President's Council on Youth Opportunity than there is in the domestic council, surely as much as there is in the Office of Management and Budget.

The Senator wants this coordination and I want it. We want to have a place where a mayor of a Governor can come and get some assistance, some sense, and cooperation, and we want to be able to have someone here at the Washington level who has the prime responsibility to get this job done.

I am advised that there have been, over the last 2 years, four meetings, and possibly five of the President's Council on Youth Opportunity. The chairman of that council—namely, the Vice President attended one. I submit you cannot have much of a program under that kind of a schedule.

And when I hear about evaluations, may I say that the Youth Opportunity Council had expert evaluations, too, and they were done on a consistent basis. We did not build bureaucracy. As a matter of fact, there were never over 25 employees in the first year; and I will guarantee you that when you subdivide these responsibilities in the proposed reorganization of the Youth Opportunity Council's functions, you will have more employees than that.

Mr. BROCK. If the Senator will yield at that point——

Mr. HUMPHREY. I will, indeed.

Mr. BROCK. I am delighted there were evaluations. The questions is, What happened to the evaluations? What was accomplished as a result? Is it not illustrative of the problem that the Senator from Minnesota would cite as an accomplishment of his administration that they produced with a cross-index list of all Federal programs?

Mr. HUMPHREY. That was only one accomplishment—a small part of the total picture.

Mr. BROCK. It was an enormous accomplishment considering the number of programs in existence. There has been inadequate coordination. It is not just a matter of young people, but of making these programs work for all people. Of course, young people need employment.

Mr. HUMPHREY. There is an enormous unemployment problem, especially with young blacks.

Mr. BROCK. All efforts should be coordinated so that everything this Government does, works to the advantage of our young people. The fact is that there has been no coordination nor has there been an evaluation to achieve a concentration of Federal efforts on the problem area. That is why the need for reorganization is absolutely desperate.

I cannot understand the argument that the simple transfering of the functions of the youth agency into the domestic council would be "disastrous." I think it strengthens it, not weakens it, because it makes it a part of the total effort of the Government to solve the enormous problem affecting people who cannot get jobs and who have little opportunity for wide range of reasons.

Mr. HUMPHREY. The Domestic Council has had coordinating jurisdiction over the work of the President's Youth Opportunity Council ever since it has been established. The Vice President is a member of the Domestic Council. He is Chairman of the Youth Opportunity Council, by Executive order. There is no lack of knowing what is going on. The difference is in whether you are going to analyze and reorganize or whether you are going to lead.

I submit to the Senator that the problem here is leadership. I also submit that when you can employ needy youth in one summer to the extent of 850,000 to 900,000, and 500,000 the summer before, and very few the summer before that, there are some results. When you can get, for example, even in the recreation field, several hundred top people in athletics in this country, because there is a place of leadership, to go to work and help youngsters, it is worthwhile.

The Senator wants to help young people, and so do I. I say that they are not helped by burying this program in the established agencies in Government and in the Office of Management and Budget. I say that attention has to be focused upon it, and I think that one of the reasons why this program is being dismantled is that it has had no one in charge of it. The man who is supposed to be in charge of it has been there very few times.

Mr. BROCK. Does the Senator deny that more youth will be employed under this administration than under the previous administration?

Mr. HUMPHREY. I certainly do, unless this administration comes up with something far beyond what it has now. As a matter of fact, the one hallmark of this administration is not employment but unemployment—adult and youth.

Would the Senator like to comment on that?

Mr. BROCK. When I came into politics, the unemployment rate was 8½ percent under a previous administration, and I am delighted to see it is a considerable rate below that now, and I think we are continuing to move in the right direction.

I should also like to point out that in our youth program we have found more jobs for more young people. No matter how one refers to the leadership of this program, we have found more jobs for young people in the last 2 years than were found in the previous 4 years put together.

Mr. HUMPHREY. That is why 42 percent of the young blacks in the poor neighborhoods of our major cities of the United States are without jobs. That is why youth unemployment has gone up from 18 to 28 percent. Let us be honest. Today, 6 percent of the work force is unemployed; 28 percent of the white youth are unemployed; 42 percent of the black youth in the poor urban areas are unemployed—almost double what it was a year ago. And the Senator is going to tell me that they have more jobs for young people than ever before. That must be the new math of the Nixon administration.

Mr. BROCK. We are not talking about math. We are talking about people.

SENATE ACHIEVEMENTS IN THE FIRST SESSION OF THE 92D CONGRESS

Mr. MANSFIELD. Mr. President, as the Eastertime recess nears, it seems to me this might be an appropriate time to note for the record what the Senate has been doing since the 92d Congress convened on January 21.

At the outset, let me state that it seems to me essential that the Congress be adaptable in its actions in order to remain an effective institution of government and thereby fulfill its only purpose which is to serve the American people.

One of the questions the people of the United States have been asking in recent years—and rightly so—is whether the structure and procedures of Congress are attuned to the times. Members of Congress have searched diligently for an answer to this question during this session. Considerable time and thought have been devoted to improving the functioning of the institution of government of which they are a part.

During the last Congress, it will be recalled, a major revision of the Legislative Reorganization Act was enacted into law. The impact has been evident in the functioning of Congress since the first session began. Moreover, in the past few months the Congress has been trying to put into effect additional reforms. The Senate, for example, deliberated at length on a proposed revision of rule XXII. The proposed revision would have provided for bringing Senate debate to a close by a vote of three-fifths of those Senators present and voting rather than by the existing requirement of two-thirds. The change is one which I have favored for a number of years. While I was personally disappointed in the final outcome in the issue, the proposal showed a marked growth in acceptance and the impact of the month and a half which was devoted to its consideration, I venture to suggest, will serve to increase the concern with this question in the future.

Also, in the area of Senate reform, the joint leadership endorsed and put into practice a number of procedural innovations suggested by a bipartisan group consisting of Senators CRANSTON, HUGHES, SAXBE, and SCHWEIKER. Both the Democrats and Republicans in the Senate have also taken steps to review the system of seniority. And the Senate leadership on both sides of the aisle is inclined to continue to listen to and examine any additional proposals which might improve the functioning of the Senate.

There is underway in the Senate at this time an extensive consideration of campaign reform. Later in the year I am confident there will be devised—especially with the help and guidance of the distinguished Senator from Rhode Island (Mr. PASTORE)—a workable measure which will deal honestly with the issues of campaign financing and spending and accountability of contributions to political campaigns.

In recent weeks the Congress has considered whether or not the civil supersonic transport development should continue to be funded by the Government. In my opinion, the decision in the negative on the SST was an expression by Congress of its independent judgment that the proposed venture did not warrant the continuance of the immense expenditure of the public's money which it entailed. However, this Congress, also acting independently, initiated and with the House provided for a 10-percent across-the-board increase in social security benefits which will extend to 26 million Americans. The Senate also joined with the House in a proposed amendment to the Constitution to lower the voting age to 18 in all elections. Last year Congress acted, by the statutory route, to insure that at the age of 18, a citizen of the United States could vote in Federal elections.

On March 10, by a vote of 94 to 0, the Senate overwhelmingly started the constitutional amendment on its way to the legislatures of the States. Hopefully, the requisite number of States will approve the amendment in time to make the 18-, 19-, and 20-year-olds' right to vote a reality in all the elections in 1972.

This session the Senate has also initiated and passed a bill extending for 4 years the Appalachian regional development program and carrying forward for 1 year the Public Works and Economic Development Act. Last Thursday the Senate passed an Emergency Employment Act which focuses on the crisis of high unemployment the Nation is experiencing as a result of the recession and tries to do something to alleviate its hardships, as called for in the initial resolution of the majority policy committee for this Congress.

A proposal calling for the establishment of a rural telephone bank has been enacted into law, and other legislation in the agricultural field has been approved by the Senate. A bill dealing with the ceiling on the public debt has become a public law. The Interest Equalization Act has been extended for an additional 2 years. Legislation calling for the creation of a Joint Congressional Committee on the Environment the Senate has strongly endorsed. Approval has been given to over 6,000 nominations and to three treaties reaching the Executive Calendar. The Senate has acted upon a number of other measures as well, including, if I may make a highly personal reference, two bills in which Montana is especially interested. Today the Senate concluded action on a measure extending the life of the Export-Import Bank for 3 years and containing other provisions relating to the operations of the Bank.

As a practical matter, the Senate's calendars—Executive and Legislative—are clear at this point and the committees are hard at work engaged in the processing of other legislation.

In my opinion, thus far this session the Senate has dealt quietly but effectively with a substantial body of highly significant work. In this connection, I ask unanimous consent, Mr. President, that there be printed in the RECORD at the conclusion of my remarks a summary of major legislation approved by the Senate through today.

It is a source of gratification to the leadership that the Senate has been consistently able to keep its calendar clear by taking prompt action on measures reported by its committees. It would not have been possible to achieve this result, of course, without the invaluable assistance the Democratic leadership has received from the distinguished Republican leader (Mr. SCOTT) and, indeed, the outstanding degree of cooperation the leadership has received from Members of the Senate of both parties.

In conclusion, I would note that the committees are currently actively at work on such matters as extension of the Military Selective Service Act, military pay, military procurement, cost-of-living stabilization, maritime authorizations, consumer legislation, war power hearings, executive branch reorganization, Alaska native claims legislation, authorizations for the Atomic Energy Commission and the Space Administration, higher education, economic opportunity programs, employment conditions for prevailing wage employees, environmental legislation, and appropriations bills. These matters and many others will be taken up by the Senate in the coming months.

I ask unanimous consent to have printed in the RECORD a résumé of Senate legislative activity.

There being no objection, the résumé was ordered to be printed in the RECORD, as follows:

SENATE LEGISLATIVE ACTIVITY: 92D CONGRESS, FIRST SESSION

(By Senate Democratic Policy Committee)

Through April 2, 1971:

Days in session	42
Hours in session	200:05
Total measures passed	76
Public Laws	7
Treaties	3
Confirmations	6,468

Symbols: P/H—Passed House; P/S—Passed Senate.

Following is a brief summary of major Senate activity.

AGRICULTURE

Burley tobacco: Extending the time for proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971. Public Law 92–1.

Burley Tobacco—Poundage Quotas: Provided for poundage quotas, without acreage allotments, for burley tobacco; provided for a referendum of burley tobacco growers to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis for the next 3 crop years; increased to 15,000 pounds the amount of quotas a farmer may lease; provided that farm quotas cannot be reduced more than 5 percent in any year; prevented allotments of ½ acre or less from being cut more than 2½ percent in the years 1972 and 1973. S. 789. Public Law 92–10.

Citrus Exports: Called on the President to promptly make every effort to obtain the removal of the discriminatory import preferences maintained by the European Economic Community (EEC) with respect to citrus fruits and, should such efforts not succeed, to exercise within 60 days his authority to increase United States import duties or impose other import restrictions against products entering the United States market from the EEC. S. Res. 89. Senate adopted 4/1/71.

Feed Grain Bases or Domestic Wheat Allotments for Certain Sugar Producers; wheat history preservation: Authorizes (1) the establishment of feed grain bases, or wheat domestic allotments, for sugar beet producers who have no processing plant available, because their former processing plant ceased operations on or after January 1, 1970 and (2) the Secretary of Agriculture to permit acreage planted to barley prior to November 30, 1970 to be considered as devoted to feed grains or wheat for the purpose of preserving acreage history. S. 795. P/S 3/25/71. H.R. 5981. H. Cal.

Rural Telephone Bank: Creates a rural telephone bank to provide supplemental financing for telephone borrowers. S. 70. P/S 3/1/71. P/H amended 3/24/71. In conference.

APPROPRIATIONS

Supplemental-Labor: Appropriated $50,675,000 for unemployment compensation for

Federal employees and ex-servicemen. Public Law 92–4.

Continuing Appropriations: Continued, through June 30, 1971 funding for the Department of Transportation and related agencies, appropriating $2,404,134,605 in new budget authority for fiscal year 1971 and $150 million in fiscal year 1972 advance funding for the Washington Metropolitan Area Transit Authority. Public Law 92–7.

CONGRESS

Commission on Art and Antiquities of the Senate: Expands the authority of the Commission on Art and Antiquities of the United States Senate to enable it to acquire any work of art, historical object, document or material relating to historical matters, or exhibit for placement or exhibition in the Senate wing of the Capitol, the Senate Office Buildings, or in rooms, spaces, or corridors thereof. S. Res. 95. Senate adopted 4/1/71.

Joint Committee on the Environment: Provides for the establishment of a 22-member Joint Committee on the Environment to consist of 11 Members each of the Senate and the House. S.J. Res. 17. P/S 3/16/71.

ECONOMY-FINANCE

Adjustment of Outstanding Currency: Permits the write-off of Federal Reserve bank notes, national bank notes, and silver certificates issued after June 30, 1929 when the Secretary of the Treasury determines they have been lost or destroyed, or are held in collections and will never be presented for redemption. S. 670. P/S 2/18/71.

Appalachian Regional Development Act Amendments of 1971: Extends the Appalachian highway program for an additional 5 years and increases the authorizations by $925 million; authorizes the continuation of the general program portions of the Appalachian program for an additional 4 years with biennial authorizations of $277 million for fiscal years 1972 and 1973 and $294 million for fiscal years 1974 and 1975; adds a 4-year, $40 million Appalachian Airport Safety Improvements program; extends for 1 year until June 30, 1972 the Public Works and Economic Development Act of 1965; and makes other changes. S. 575. P/S 3/11/71. H.R. 5376. H. Cal.

Export-Import Bank Act Amendments of 1971: Excludes the receipts and disbursements of the Export-Import Bank of the United States in the discharge of its functions from the totals of the budget of the U.S. Government and exempts the Bank's operations from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the U.S. Government; requires, in accordance with the provisions of the Government Corporation Control Act, as amended, that the President transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank; requires the President to report annually to Congess the amount of net lending of the Bank which would be included in the U.S. Government budget if the Bank's activities were not excluded as a result of this legislation, increases from $3.5 billion to $10 billion the amount of outstanding guarantees and insurance the Bank may charge on a fractional reserve basis against its overall limitation; increases the overall limitation on the amount of loans, guarantees, and insurance the Bank may have outstanding at any one time from $13.5 billion to $20 billion; extends the life of the Bank for 3 years (from June 30, 1973, to June 30, 1976); and contains other provisions. S. 581. P/S 4/5/71.

Interest Equalization Tax—Extension: Extended the interest equalization tax for 2 years from March 31, 1971 to March 31, 1973; provided discretionary authority to the President to extend the tax to debt obligations with maturities of less than 1 year; restricted the tax-free rollover privilege of existing funds to investments in the funds prior to March 24, 1971; and made other changes. H.R. 5432. Public Law 92– .

Interest Rates and Cost-of-Living Stabilization—Temporary Extension: Provides a temporary extension until June 1, 1971 of certain provisions of law relating to interest rates and cost-of-living stabilization. S.J. Res. 55. P/S 3/4/71. H.R. 4246. P/H 3/10/71.

Lost or Stolen Securities: Authorizes the Secretary of the Treasury to replace for their owners lost or stolen bearer securities of the United States prior to their maturity. S. 1181. P/S 3/19/71.

Public Debt and Interest Rate Limitations: Increased the permanent debt limitation from $380 billion to $400 billion and provided for a temporary increase (until July 1, 1972) from $15 billion to $30 billion; provided that long-term U.S. obligations, in an aggregate amount not exceeding $10 billion, may be issued without regard to the statutory 4¼ percent limitation on the interest rate on long-term bonds; and provided that U.S. Government obligations issued after March 3, 1971 having a market value below face value cannot be redeemed at face or par value in payment of any U.S. tax. Public Law 92–5.

Social Security Amendments: Increased social security benefits by 10 percent across-the-board retroactive to January 1, 1971; increased by 5 percent special payments to certain persons age 72 and over; and provided for an increase in the taxable wage base from $7,800 to $9,000 effective January 1972 and a 5.15 percent increase in the tax rates in 1976 and thereafter. Public Law 92–5.

Transfer of Trust Funds to the Philippines: Provides for the transfer to the Philippine Government of money the Secretary of the Treasury holds in a special trust account to make principal and interest payments on outstanding matured bonds of the Philippines and its political subdivisions issued before 1934. S. 1330 P/S 3/25/71.

GENERAL GOVERNMENT

Lowering the Voting Age to 18: Proposed an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older, S.J. Res. 7. P/S 3/10/71. P/H 3/23/71.

INDIANS

Blackfeet and Gros Ventre Tribes, Montana: Authorizes division and disposition of judgment funds awarded to the Blackfeet Tribe of the Blackfeet Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana. S. 671. P/S 3/11/71.

INTERNATIONAL

Passport Fees: Authorizes the United States Postal Service to receive the fee of $2 for execution of an application for a passport. S. 531. P/S 2/11/71.

TREATIES

Bryan-Chamorro Treaty of 1914—Termination: Ex. L (91–2). Resolution of ratification agreed to 2/17/71.

Extradition Treaty With Spain: Covers 23 extraditable offenses, including aircraft hijacking and offenses relating to narcotic drugs. Ex. N (91–2). Resolution of ratification agreed to 2/17/71.

Treaty With Mexico Providing for the Recovery and Return of Stolen Archaeological, Historical and Cultural Properties: Ex. K (91–2). Resolution of ratification agreed to 2/11/71.

LABOR

Blind and Other Severely Handicapped—Sale of Products and Services: Amends the Wagner-O'Day Act to extend the special priority in the selling of certain products to the Federal Government now reserved for the blind to the other severely handicapped, assuring, however, that the blind will have first preference, and to expand the category of contracts under which the blind and other severely handicapped would have priority to include services as well as products, reserving to the blind first preference for 5 years after enactment; authorizes $200,000 annually to carry out the provisions of the Act. S. 557. P/S 3/25/71.

Emergency Employment Act of 1971: Provides, when the national rate of unemployment equals or exceeds 4.5 percent for 3 months, for programs of public service employment for unemployed persons; funding for such programs to be triggered as unemployment increases; authorizes ceilings of $750 million through June 30, 1972 and $1 billion for the fiscal year ending June 30, 1973, at which time said authorization is to expire; and contains other provisions. S. 31. P/S 4/1/71.

PROCLAMATIONS

National Week of Concern for Prisoners of War/Missing in Action: Authorized the President to designate the week beginning March 21, 1971 as "National Week of Concern for Prisoners of War/Missing in Action." Public Law 92–6.

Volunteers of America Week: Authorized the President to proclaim the second week of March 1971 as Volunteers of America Week. Public Law 92–3.

RESOURCE BUILDUP

Lincoln Back Country, Lewis and Clark and Lolo National Forests, Montana: Directs the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests in Montana. S. 484. P/S 4/5/71.

TRANSPORTATION

Sonic Booms—Regulation: Prohibits, with certain exceptions, operation of civil aircraft at a speed greater than sound (mach 1) over the United States except by authorization of the Federal Aviation Administration; provides that supersonic transport (SST) prototypes comply with existing noise standards applicable to new subsonic jets; and requires the Secretary of Transportation to submit to Congress and the public a report covering all aspects of the prototype program when it is completed. S. 1117. P/S 3/19/71.

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there again be a period for the transaction of routine morning business at this time, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBMISSION OF A REPORT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to submit, for the able Senator from Washington (Mr. JACKSON), a report from the Committee on Interior and Insular Affairs with reference to Senate Resolution 45.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. WEDNESDAY, APRIL 7, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on

Wednesday next, April 7, for a pro forma session on that day, with no business, no speeches, no bills and resolutions to be introduced.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR STENNIS, SENATOR TALMADGE, AND SENATOR ERVIN ON WEDNESDAY, APRIL 14, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday, April 14, at the conclusion of the remarks by the distinguished Senator from Kansas (Mr. Dole), the distinguished Senator from Mississippi (Mr. Stennis) be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from Georgia (Mr. Talmadge), for not to exceed 15 minutes, to be followed by the distinguished Senator from North Carolina (Mr. Ervin), for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF EXTENSION OF TIME TO FILE REPORT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Rules and Administration may have until midnight tonight to file its reports on resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLARIFICATION OF AN ORDER

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. The Senator said there will be no speeches on Wednesday, but he means with the exception, of course, of those for which special orders have been granted.

Mr. BYRD of West Virginia. I was speaking about Wednesday next, April 7, for a Pro Forma session with no speeches and no business.

Mr. GRIFFIN. The speeches will be on the 14th.

Mr. BYRD of West Virginia. Yes. If I failed to make that clear, I am glad the distinguished assistant Republican leader called it to my attention.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY APRIL 14, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday, April 14, 1971, at the conclusion of the remarks of the distinguished Senator from North Carolina (Mr. Ervin), there be a period for the transaction of routine morning business not to exceed 30 minutes, with a limitation on speeches made therein of 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAFF BRIEFING CONDUCTED BY MAJORITY AND MINORITY WHIPS ON MARCH 30, 1971

Mr. BYRD of West Virginia. Mr. President, on March 30, 1971, the distinguished assistant Republican leader, the Senator from Michigan (Mr. Griffin), and I, conducted a meeting to which we had invited the administrative and legislative assistants of Senators on both sides of the aisle.

The Senator from Michigan and I conducted that meeting with the approval and authorization of the distinguished majority and minority leaders.

The purpose of the meeting was to acquaint staff members of Senators with the procedures that are being utilized and which, in great measure, had been proposed by the distinguished Senator from California (Mr. Cranston), the distinguished Senator from Iowa (Mr. Hughes), the distinguished Senator from Pennsylvania (Mr. Schweiker), and the distinguished Senator from Ohio (Mr. Saxbe).

The meeting was very well attended. It is my recollection that there were about 200 staff members there. Questions were asked and answers were given. A printed transcript of the statements made during that briefing has been prepared.

Hoping that it will be of interest to all Senators and their staffs—and also helpful to them—I ask unanimous consent that the transcript of that meeting, which occurred on March 30, 1971, be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Transcript of Staff Briefing Conducted by Majority and Minority Whips on March 30, 1971

Senator Griffin. Senator Byrd and I want to welcome you to this meeting. We are starting very close to time because the Senate goes in at 9:45 and our opportunity will be rather limited to cover the area that we would like to cover. This meeting has been called with the cooperation and support of Senators Mansfield and Scott, the Majority and Minority Leaders. I want to indicate that there will be some time for questions after Senator Byrd makes a presentation; and if neither Senator Byrd nor I can answer the question, we are backed up by the very able and distinguished Senate Parliamentarian, Dr. Riddick.

When I first came to Washington about 15 years ago as a new Member of the House of Representatives, a member who had served for some 25 years was leaving and he made a deep impression on me. He was Congressman George Dondero. Congressman George Dondero at the beginning of each new session of the House of Representatives, always gave a lecture on order and decorum in the Chamber of the House and on the importance of maintaining and building respect for the institution.

Over the years, his lectures, like water falling on rocks, gradually made an impression, and he made a lot of progress. Although his lectures were primarily designed and aimed at the newer Congressmen, frankly, the senior members really needed it more than the freshmen in many instances.

He would always make the point, of course, that his colleagues should be addressed in the third person or referred to in the third person. I well rememger that crusty, stubborn Congressman from my State, Clare Hoffman, who came to the House of Representatives when he was 65 and served another 20 years. On one occasion he got up and, referring to his adversary in a very heated debate that was going on, referred to the "very able and distinguished colleague from New York for whom I have a minimum of high regard."

But, nevertheless, George Dondero's efforts were very helpful, and I wonder what the House of Representatives would have been like if he had not taken a special interest in trying to maintain and improve the order and decorum of the House of Representatives. Frankly, we are very fortunate in the Senate to have an outstanding Senator who is not only an able and distinguished leader but who takes a special interest in this matter of maintaining order and decorum and building respect for the Senate as an institution. Through his leadership, and along with the initiative of four newer Senators—I refer to Senators Cranston, Hughes, Saxbe and Schweiker—there have been some rather radical changes, radical in terms of the Senate, changes made in procedures and rules and practices particularly on the Floor of the Senate. Both Senator Byrd and I and the joint leadership want the understanding and cooperation of Senate staff members, not only because some of these regulations and practices directly affect you, but because we realize that if we have your understanding and cooperation then we have a better chance in having the understanding and cooperation of our colleagues in the Senate. So, now at this time it gives me a great deal of pleasure to present a Senator whom you already know, who is a very able and distinguished member of the leadership, doing an outstanding job, Senator Robert Byrd of West Virginia.

Senator Byrd. Good morning ladies and gentlemen, Senator Griffin, Senator Moss. Let me express my appreciation to all of you—and to your Senators—for this very splendid attendance today.

Senator Griffin has laid the proper foundation for this discussion by saying that there are certain new procedures—not necessarily rules, because we have not changed the Standing Rules of the Senate—which have been inaugurated through the suggestion of some of our colleagues whose names he mentioned, and which we think will expedite the business of the Senate. As Senator Griffin stated, it is our feeling that if we have the understanding of the administrative assistants and the legislative assistants and the other people on the staffs of Senators, we will then be able to aid your Senators, and we will better be able to expedite the flow of business in the Senate.

The procedures, of course, are useless unless they are followed by all. And we cannot enforce the rules on one Senator and not enforce the rules on every other Senator. The intent is not to straight-jacket your Senator. The intent is to expedite the business of the Senate and to improve the image of the institution as people in the galleries who visit it from day to day watch it in its operation. The Senate is something that is greater than the composition of all 100 Senators and their staffs, and it is that institution in which we are most interested today.

The first item I wish to discuss: three-minute statements during morning business. If we strictly followed Rule VII of the Standing Rules of the Senate, there would be no three-minute statements during morning business. There would be no speeches. But by unanimous consent, we provide for three-minute statements during morning business. Now there was a time, until just this year, when a Senator, having utilized his three minutes, would ask for another five minutes and then another ten minutes, and I have seen three minute speeches go on for half an hour, and 15-minute colloquies go for an hour and a half. And so it is for the purpose of expediting and programming the business of the Senate, and scheduling the appearances of your Senators, that we want to acquaint you with the new procedures.

Under the new procedures, a three-minute statement during morning business will be a three-minute statement. Now, there is a difference between morning business and the morning hour. The morning hour is the first two hours after the session begins following an adjournment. But it is morning business that we are talking about—that period in which petitions and memorials are presented, committee reports are submitted, and bills and resolutions are introduced.

During that period for the transaction of routine morning business, statements are to be limited to three minutes with no extensions. Please inform your Senators that there can be no extension of the three-minute statement. In order to help your Senator, therefore, each of you will, I think, want to have someone on the staff underscore the portions of his statement that are to be read. If he has a 10-minute statement and he has given portions of it out to the press, then you will want to underscore those particular lines for him so that he will read on the Floor of the Senate the statement that has actually gone out to the press. You can time it pretty well so that the portions that have been underlined will fit into the three-minute period.

Also, please tell your Senator that once he has consumed the three minutes, and the chair uses the gavel, he should not ask unanimous consent for the remainder of the statement to go into the record. He should simply hand it in at the desk, and it will all go in the record.

Statements also may be submitted by Senators at the desk, and they will be incorporated in the record. Statements have to be delivered at the desk by the Senators themselves.

Now, if you will check your Record each day near the close of the Senate section you will find a "program" for the next day's session. For example, on yesterday, I stated the program—I try to state the program at the end of every day—as follows: "Mr. President, the program for tomorrow is as follows. The Senate will convene at 9:45 a.m. Following the recognition of the two leaders under the standing order"—the Majority Leader and the Minority Leader are recognized under a standing order immediately following the prayer and the disposition of the reading of the Journal—"the distinguished Senator from Maine will be recognized for not to exceed 15 minutes." That would take the time up to about ten o'clock. Then, "following which there will be a period for the transaction of routine morning business for a period not to exceed 30 minutes," and so on.

So, if you will follow that program each day, you will be able to schedule the appearance of your Senator on the Floor in a way first 15 minutes, beginning at 9:45. Then there will be a period for not to exceed 30 the Floor at 9:45 today with a three-minute speech because Senator Muskie will have the first 15 minutes, beginning at 9:45. Then there will be a period for not to exceed 30 minutes with a three-minute limit on statements therein. So, your Senator should show up on the Floor today, for example, with his three-minute statement during that 30-minute period which, according to the program at the rear of the Senate section in yesterday's Record, will occur from ten to ten-thirty a.m.

If a Senator misses the Floor during that period for the transaction of routine morning business and he has a three-minute statement, he should turn it in at the desk and it will appear in the Record, because he cannot get the floor for a three-minute statement that is not germane once the unfinished business comes down. As long as there is business before the Senate, he cannot get the floor for a statement that is not germane, until the Pastore Rule—paragraph 3 of Rule VIII of the Standing Rules of the Senate—has run its course. A privileged matter, of course, such as the submission of a conference report, can be brought up at any time. So much for the three-minute statement to be made during morning business.

If your Senator has a statement which he wishes to make early in the day so as to take advantage of better press coverage perhaps, and if it takes longer than three minutes and he wishes to make that speech in its entirety, and if it is not germane to whatever business may be scheduled for Floor debate, the Leadership will be glad to come in early and arrange for him to have time to make that speech provided it does not exceed 15 minutes. Such an order for recognition of your Senator must be arranged in advance and must be arranged on a day when the Senate is in session.

For example, a Senator's staff should not call up the leadership on Saturday and say, "We would like for our Senator to have 15 minutes before the morning business on Monday," because it is too late to make the arrangements. The leadership will have to be contacted, in such a case, when the Senate is in session on Friday, in order for special recognition of your Senator on Monday next. Moreover, such 15-minute speeches are to be made prior to morning business. I have known a staff member or so who have called to say, "My Senator would like to have 15 minutes at 1:30 tomorrow afternoon." This cannot be arranged in advance because the Senate will likely be debating a matter at 1:30 in the afternoon. The 15-minute speeches have to come before morning business. The noon hour being the normal meeting hour, the 15-minute speech would usually occur before noon. Sometimes the Senate comes in at eleven o'clock or earlier because of a heavy calendar of business. Therefore, the 15 minutes for the speech of your Senator would have to be given before that hour, and the leadership will convene the Senate early accordingly. So arrange in advance by at least one day.

How do you arrange for your Senator to have 15 minutes? Contact the leadership. On the Democratic side you may call my office, 52158, during the day, and in the evening, you may call 52297. You may also call the Democratic leadership on the Floor, and we will be glad to try to arrange for your Senator to have a 15-minute period the following morning in which to make a speech. Or call Mr. Kimmitt's office—the Secretary to the Majority—and his number is 53735. Don't call the Policy Committee. Don't call the cloakroom. This is not their responsibility. Call those of us who are responsible for the proper scheduling of your Senator's speech. If you again need those numbers, my secretary, Mrs. Low, who is here, can give them to you after this meeting.

Those on the Republican side, may call Mr. Mark Trice's office—he is the Secretary to the Minority—on 53835, or you may call Mr. Bill Hildebrand or Mr. Cecil Holland, who are the assistants to Senators Scott and Griffin, respectively. You may also call 52708, Senator Griffin's number.

Now, there can be no extension of the 15-minute speech. If the speech is an hour in length, have someone on the staff underscore the speech so that your Senator can read that speech in 15 minutes, because if he asks to extend the time beyond 15 minutes, someone in the leadership is going to be forced to object. We don't like to object, but we have to do it if the rules are going to work.

Say, two or three Senators wish to conduct a colloquy. Earlier the leadership had decided that a Senator could get unanimous consent to set aside an hour, or 30 minutes, or 45 minutes for a colloquy. This was given a fair trial, but it did not work because, in some instances, Senators would not show on the Floor or a Senator would have 30 minutes or 45 minutes or an hour and no colloquy occurred—the other Senators did not show. The result was, the Senator made an hour long speech, and complaints came from other Senators that this was not in conformity with the procedures agreed upon. So the leadership decided to cut out the pre-morning business colloquies unless Senators wish to conduct such colloquies in the 15-minute period for which a Senator has gotten an order in advance.

Now, let's say that Senator Church and Senator Eagleton, for example, wish to carry on a colloquy prior to morning business, and they want more than 15 minutes. They can arrange to do so in this way. Senator Church can have the leadership set aside 15 minutes for himself and Senator Eagleton can have the leadership set aside the following 15 minutes for himself. Both Senators must be on the Floor to claim the time, and there will be a bona fide colloquy. The procedure regarding colloquies hasn't been altered with the intent of reflecting upon any Senator, but it just developed that the 30 minute, 45 minute, and one hour colloquies didn't work out according to plan.

So keep in mind that each Senator is limited to 15 minutes prior to morning business, and unanimous consent must be arranged in advance. Have your Senator on the Floor on time, or else his order for recognition will have to be vacated. See that he is on the Floor two or three minutes early, please.

Now, we have covered the so-called three-minute rule and the so-called 15-minute rule. But suppose your Senator wants to make an hour long speech, he intends to make an hour long speech, and he is determined to make an hour long speech; or suppose two Senators want very much to engage in a long colloquy—an hour, an hour-and-a half or two hours. When can this lengthy speech or the long colloquy be conducted? It can be done in the afternoon following the disposition of the unfinished business. After the business of the day is disposed of, a Senator may come on the Floor and talk as long as he wants to, and Senators may conduct colloquies as long as they care to, but let the leadership on your side know if your Senator plans to make a long speech in the afternoon or evening. Many of you will recall the lengthy speeches that Senator Wayne Morse used to make in the shank of the afternoon. So that is the time for the long speeches.

The fourth point I would like to make is this. Notify your Senator immediately when the bell sounds for a yea-and-nay vote, because no longer can we hold the vote 30 minutes or 35 minutes or 40 minutes for Senators to get to the Floor. The maximum is 20 minutes, and a five-minute warning bell will sound before the result of the vote is announced by the Chair. When that five-minute bell rings, the vote will be announced just 300 seconds thereafter. Have your Senator on the Floor within that five minutes, or he will miss the vote.

The fifth point I wish to discuss is the regulation which now allows only one person from a Senator's personal staff on the Floor except during a rollcall vote. Through last year, the regulations provided for as many as two persons from a Senator's personal staff to be on the Floor at any one time. The regulations have been changed, and I'll state why. Last year, 26,300 clerks to Senators were admitted to the Floor, and 10,376 committee employees were admitted to the Floor making a total of 36,676 employees who were admitted to the Floor during the second session of the 91st

Congress. Too many people were on the Senate Floor. Consequently, the Senate Rules Committee has now changed the regulation so as to allow only one staff person from a Senator's office to be on the Floor at any one time. A second member of a Senator's staff may come to the Senate lobby—which is the lobby just back of the presiding officer's chair—to take dictation or to confer with his Senator. A card is issued by the Sergeant at Arms of a different color from that which is issued to the clerk who goes on the Floor.

A standing unanimous consent order was agreed to early this year requiring that when a yea-and-nay rollcall vote begins, all staff personnel to Senators must be cleared from the Floor by the Sergeant at Arms. So it is best for those staff employees who do not have actual official business on the Floor to go in the beginning to the Senate gallery which is set aside for Senate staff members and not come on the Floor at all during the debate. Rule XXXIII states that clerks to Senators—and I use the word "clerk" because that is the word used in the rule—may have the privilege of the Floor "when in the actual discharge of their official duties." Therefore, it is urged that staff personnel come to the Floor as sparingly as possible, so as to avoid overcrowding and disorder, but when you do find it necessary to come to the Floor in the actual discharge of official business for your Senator, then you do have the privilege of the Floor. I, for one, will do everything I can to defend the right of any staff personnel who are on the Floor in the actual discharge of official duties.

But there are very controversial issues that come up—for example, the vote on the SST—when many aides to Senators have heretofore come to the Floor just to observe what was going on. There was one occasion during a vote the year before last, when there were 115 staff personnel on the Floor of the Senate. I know you will agree that this is not good for the Senate. It is not conducive to good order and decorum in the Senate. And so the leadership urges that the people in the offices of Senators not come on the Floor except when on official business. There is a gallery that is set aside for staff. Until recently, it was the gallery just behind the clock that faces the presiding officer. The staff gallery has been changed to gallery No. 1. I believe, which is in the northeast corner over here—as though I were now facing the presiding officer, and then to my right and in that direction (pointing). It was thought that staff personnel would then have a better view of the Senate, their Senators could better see them, and the staff would be directly over the Senate reception room so that it would be just a matter of a minute or two if the Senator signaled his staff member to come down and the Senator could meet his staff member in the reception room off the Floor. We thought this would give a better vantage point to the members of the staff.

Moreover, staff members may now take notes while sitting in the gallery set aside for staff. Until recently, this was not allowed, but the regulation has now been changed to accommodate staff members who are in the gallery and wish to take notes.

Additionally, please try to encourage your Senator to use the microphone. This will accommodate staff people who sit in the gallery and who are trying to hear what is being said and who want to advise their Senator, if need be, of what has been said in his absence. If aides can't hear what is being said on the Floor, then they can't advise their Senators of what has developed when they are called to the reception room, or later, to the Floor. Ask your Senators to use those microphones. There are some Senators who perhaps don't need to use the microphones. Senator Pastore, for example, can be heard in all quarters of the Chamber. Senator Stennis can be heard. But if Senators will use the microphones, this insures the visitors in the gallery of a better understanding of what is being said on the Floor, it insures the staff people in the gallery of the same, it accommodates the press in the gallery, it guarantees that other Senators may better hear, and, importantly, when a Senator uess the microphone his voice is piped back into the cloakrooms and the young men who are at the desks in the cloakrooms can hear what is being said on the Floor and can then be in a better position to advise the various offices as to what is going on.

One further note with respect to staff personnel on the Floor. Four staff members of a committee involved in the subject matter under debate are allowed the privileges of the Floor at any one time under the regulations. And under the regulation which provides for clearing of the Floor of a Senator's staff during a rollcall vote, committee staff people involved in the business before the Senate are not required to leave the Floor during the vote.

Now, if your Senator is managing a bill, or if he is leading the fight against it, as say, Senator Proxmire was on the SST, then if that Senator wishes to ask unanimous consent that his personal staff member be allowed to remain on the Floor during the vote, unanimous consent will be granted. It is best that the Senator clear this with the leadership so that there will be no misunderstanding. I say this so that we may avoid a situation in which a half dozen staff members are on the Floor who merely are there to observe, and to avoid having Senators stand and ask unanimous consent for their respective staff members to remain on the Floor during the taking of a roll call vote. The leadership would have to object to this. So it is urged, therefore, that a Senator who wishes his personal staff man to stay on the Floor during a vote—such as, for example, Senator Church, during the debate recently, asked that his staff man be permitted to stay on the Floor because Senator Church was managing the effort to amend Rule XXII, and Mr. Barthelmes was granted permission to do so—get unanimous consent for such. The leadership will be glad to get this for your Senator, but it ought to be gotten in advance because if the rollcall vote starts and a Senator gets up and asks permission for his staff member to remain on the Floor and a half dozen other Senators do the same, the leadership will be forced to object. So, clear this with the leadership in advance, if you can, and when your Senator needs you on the Floor during a rollcall vote, the leadership will try to accommodate him and you. But do it as sparingly as possible.

The next thing I would point out is that bills and resolutions will be received for introduction until ten minutes after the adjournment of the Senate each day. So, if your Senator wishes to introduce a bill and if he is on his way to the Floor, or if you hear the bell ring for adjournment, your Senator still has ten minutes—the Senator does, not the member of the staff—in which to get to the Floor, and Dr. Riddick or someone on his staff will remain there for ten minutes following the adjournment to accept that bill or that resuolution from the Senator.

My eighth suggestion. You will receive whip notices, the envelopes bearing, in red print, the words "Whip Notice." Be sure to place that on your Senator's desk or, you who are the administrative assistant and/or the legislative assistant, open it and note its contents, becaus it is an important message for your Senator.

Finally, let me say, and this is all I have to say, it is the desire of the leadership on both sides to assist you and to assist your Senator. Call on us. Call for me personally if you like. Call my office and Mrs. Low will try to help you with whatever information you want. We cannot predict developments away down the road far in advance, of course. But whatever I can do, I will be glad to do for you. And I know that I speak for Senator Griffin, my counterpart on the other side of the aisle. Don't hesitate to call on us. We want your help. We want your cooperation. And we assure you of our help and our cooperation. I repeat briefly the telephone numbers. My day number is 52158; and in the evening and on Saturday mornings it is 52297. Mr. Kimmitt's number is 53735. Mr. Trice's number is 53835. Senator Griffin's number is 52708.

Thank you very, very much again for your splendid attendance, and I hope this has all been helpful to you. If you wish to have another meeting at another time, let us hear from you. If you wish to ask questions now, ask them. I may have to go to the Floor briefly and perhaps Senator Griffin will also, but Dr. Riddick is here and one of us will be glad to try to accommodate you. We'll come back as soon as we can. If you have a question, please hold up your hand.

QUESTIONS

Q. Will you describe a little better what you think the actual discharge of official duties of a staff member on the Floor. I have in mind a situation where a Senator instructs a staff member to observe the procedure with respect to an amendment or a complicated parliamentary situation where he will not be there himself.

A. Senator GRIFFIN. I think that without doubt that would constitute discharging official duties when you are there observing the proceedings of the Senate for your Senator and be in a position to advise him as to what happened. I think that there has been very little problem in this regard other than during rollcall votes themselves. Now the rule has been changed that aides will not be on the Floor during rollcalls and also that there will be only one aide to a Senator on the Floor at any one time. I don't foresee any more difficulty on this matter and I don't think it will ever be questioned.

Q. Will you publish these rules that have been spelled out this morning?

A. Senator GRIFFIN. I think we will try to get them together in a mimeographed form. At one place or another they have been in the Record but I think it would serve a good purpose if we pulled them together in one document and sent it around to all the offices. We'll do that.

Q. Why should four members of say the Interior Committee be on the Floor at one time when a Commerce Committee bill is being discussed?

A. Senator GRIFFIN. It applies only to staff members of the committee whose bill is on the Floor at that time. It can't be the staff of another committee. That's a good point.

Q. Regarding the program for the next day. Is that going to be carried on the various phones so that we would not have to wait until the following morning to read it in the Record?

A. Senator GRIFFIN. I think that is a very good suggestion. I will take this up with Senator Byrd and we will discuss it with our respective leaders and see if that isn't something that could be done. I believe it is a very good suggestion.

Q. What about a situation where your Senator is gone and you are looking for a pair.

A. Senator BYRD. I think what you should do is contact Senators or the leadership in advance and not wait until the vote occurs to try to line up a pair. If your Senator is not going to be there for a vote, if you will call me or call someone else in the leadership on either side or call a Senator if you have an understanding with a Senator beforehand. Try to arrange the pairs in advance and you won't have to be on the Floor at this critical moment.

Q. (Not clear from the recording.)

A. Senator BYRD. A whip notice is sent out from the Democratic side every Friday. At the present time there isn't much on the calendar and it is difficult to prognosticate what and when business will come up very far down the road. But when the calendar becomes more glutted, it will be possible, hopefully, to make better predictions for three or four or five days in advance. We will do the very best we can. Senator Griffin would you like to respond to that question from your side.

Senator **Griffin**. The same holds true on the Republican side. We send out a notice on Friday or Saturday.

Q. Quite often when we get into the session we have a pileup of amendments coming up on legislation and the people in the cloakroom just say that there's a vote on so-and-so's amendment and not give any further description. Is there any way we can have on that tape a brief description?

Senator **Byrd**. Mr. Kimmitt, the question is whether or not the tape which goes out to the various offices of Senators may carry with it a better description of whatever amendment may be under consideration at that time. Can you respond?

A. Mr. **Kimmitt**. Yes, we can give an identification of the amendment and the meat of it, but you are going to have to interpret it for your Senator.

Q. With regard to unprinted amendments that are sent to the desk and drawn up and a staff member is in the gallery, it is very difficult to know what that amendment is going to be, particularly when it is not read. Could that be Xeroxed and posted where the staff telephones are so that we could see it?

A. Senator **Byrd**. I think we ought to look into that, Senator Griffin. We will make a note of that and follow through on it.

Q. Regarding the staff gallery and the Senator signaling a staff member to come down to meet him. In the normal practice when a Senator comes to the Floor and a staff member has been watching for him and it is very necessary for him to confer with the Senator, the procedures do not seem to take this into account. The only instance we had so far was when a large number of staff members had to congregate outside the bank of elevators to catch them. (Question not clear on tape)

A. Senator **Griffin**. Perhaps this will be a problem; and if it is perhaps there would be some consideration. But at the present time, and the Rules Committee did take the point into account, it is expected that a Senator and his staff member would agree upon a particular point outside the Chamber where they could meet. If they are all grouped up in front of the elevators, I think that by agreement between themselves they could move their meeting place down the hall a little bit and make it more convenient. We hope that it is going to work. If it doesn't, we will have to take another look at it at a later point. Do you want to add something to that, Bob?

Senator **Byrd**. I really don't see a problem here. I think that if your Senator understands that you are in the gallery and understands what the procedures are—and I know you understand them by virtue of your visiting with us today—you can just have an understanding that you will see him in the reception room. He can go through the reception room on his way to vote. That's what I would have a member of my staff do. I would just say to them, I will come to the reception room and if you have anything you want to say to me about the vote, see me there. And when I went through the reception room I'd look around. But I don't think it should be an insurmountable problem. With reference to staff personnel being on the Floor in the discharge of their official duties, yes, if their Senator tells them to be on the Floor, then they have to do what their Senator says. But, actually, the staff should be in the galleries because that is where they ought to go when it is to observe. And that is why Senators should use the microphones so that staff personnel can be effective in serving their Senators from the galleries.

Q. Senator, has this briefing more or less been given to the Senators?

A. Senator **Byrd**. No, it has not. It was thought that by discussing it with the distinguished personnel like you who are here that that would suffice. Now, we have had some of the new Senators, the newly elected Senators, from both sides of the aisle to breakfast. Senator Griffin and I have had four or five meetings of that kind in order to try to help them better understand some of the procedures. But it would be a good idea and perhaps at the next caucus on my side we could have some little bit of it, and perhaps on your side, Bob. But don't hold us to that promise. We hope that you will follow through and help us in this regard.

Are there any more questions? We don't want to infringe on your time.

Senator **Griffin**. Thank you very much for coming. We appreciate it.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR IS CLEAR

Mr. BYRD of West Virginia. Mr. President, I invite the attention of the Senate to that fact that the legislative calendar is completely clear. No bills and no resolutions are on the calendar at this time.

It is hoped that committees will continue to meet in an effort to report bills and resolutions for Senate action. Permission was gotten by the majority leader earlier today for committees to submit reports on Tuesday, April 13, 1971, during the adjournment.

PROGRAM FOR WEDNESDAY NEXT—PRO FORMA SESSION; AND FOR WEDNESDAY, APRIL 14, 1971

Mr. BYRD of West Virginia. Mr. President, the program for Wednesday next, April 7, 1971, of course, has already been stated.

The Senate will convene at 10 o'clock Wednesday morning for a pro forma session—with no business, no speeches, and no bills or resolutions to be introduced—and the Senate, in accordance with the provisions of House Concurrent Resolution 257, will adjourn over until Wednesday, April 14, 1971, at 10 a.m.

Immediately following recognition of the majority and minority leaders on April 14, 1971, under the standing order, the distinguished Senator from Oregon (Mr. **Packwood**) will be recognized for not to exceed 15 minutes; to be followed by the distinguished Senator from Kansas (Mr. **Dole**), for not to exceed 15 minutes; to be followed by the distinguished Senator from Mississippi (Mr. **Stennis**), for not to exceed 15 minutes; to be followed by the distinguished Senator from Georgia (Mr. **Talmadge**) for not to exceed 15 minutes; to be followed by the distinguished Senator from North Carolina (Mr. **Ervin**) for not to exceed 15 minutes; at the conclusion of which there will be a period for the transaction of routine business not to exceed 30 minutes, with statements therein limited to 3 minutes.

ADJOURNMENT UNTIL WEDNESDAY, APRIL 7, 1971, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Wednesday morning next.

The motion was agreed to; and (at 5 o'clock and 5 minutes p.m.) the Senate adjourned until Wednesday, April 7, 1971, at 10 a.m.

CONFIRMATIONS—APRIL 5, 1971

Executive nominations confirmed by the Senate April 5, 1971:

U.S. Air Force

Maj. Gen. Homer I. Lewis, [redacted]FV, U.S. Air Force Reserve, for appointment as Chief of Air Force Reserve, under the provisions of section 8019, title 10, of the United States Code.

U.S. Army

Gen. George Robinson Mather, [redacted], Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general, under the provisions of title 10, United States Code, section 3962.

The following-named officer for appointment as Chief, Army Reserve, and for appointment as major general, Army of the United States, and major general, U.S. Army Reserve, under the provisions of title 10, United States Code, sections 3019, 3442, and 3447:

To be major general

Brig. Gen. James Milnor Roberts, Jr., [redacted] Army of the United States (colonel, U.S. Army Reserve).

The following officers for appointment in the Regular Army of the United States, to the grades indicated, under the provisions of title 10, United States Code, sections 3284 and 3307:

To be major general

Maj. Gen. Howard Wilson Penney, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Roderick Wetherill, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. David Stuart Parker, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Raymond Leroy Shoemaker, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Lloyd Brinkley Ramsey, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Philip Seneff, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Edward Harleston deSaussure, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Hugh Franklin Foster, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Andrew Peach Rollins, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William Robertson Desobry, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Lafayette Mabry, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Herron Nichols Maples, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Leo Henry Schweiter, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Edward Bautz, Jr. [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Marion Seignious II, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Richard Logan Irby, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Franklin Milton Davis, Jr., [redacted] Army of the United States (brigadier, U.S. Army).

Maj. Gen. Paul Alfred Feyereisen, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Richard George Ciccolella, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. James Francis Hollinsworth, [redacted] Army of the United States (brigadier general, U.S. Army).

To be major general, Medical Corps

Maj. Gen. Kenneth Dew Orr, [redacted], Army of the United States (brigadier general, Medical Corps, U.S. Army).

Lt. Gen. Hal Bruce Jennings, Jr., [redacted] Army of the United States (brigadier general, Medical Corps, U.S. Army).

1. Brig. Gen. George Shipley Prugh, Jr., [redacted] Army of the United States (colonel, Judge Advocate General's Corps, U.S. Army), for appointment as The Judge Advocate General, U.S. Army, as major general, Judge Advocate General's Corps, in the Regular Army of the United States, and as major general, Army of the United States, under the provisions of title 10, United States Code, sections 3037, 3442, and 3447.

2. Brig. Gen. Harold Edward Parker, [redacted] Army of the United States (colonel, Judge Advocate General's Corps, U.S. Army), for appointment as the Assistant Judge Advocate General, as major general, Judge Advocate General's Corps, in the Regular Army of the United States, and as major general, Army of the United States, under the provisions of title 10, United States Code, sections 3037, 3442, and 3447.

U.S. NAVY

The following-named officers of the Naval Reserve for temporary promotion to the grade of rear admiral subject to qualification therefore as provided by law:

LINE

John H. Pedersen
Richard Freundlich
Edwin M. Wilson, Jr.
Graham Tahler
George V. Flifiet
Eddie H. Ball

MEDICAL CORPS

Ben Eiseman

SUPPLY CORPS

Jack F. Pearse
Robert H. Spiro, Jr.

DENTAL CORPS

George J. Coleman

IN THE AIR FORCE

The nominations beginning Ernest F. Hasselbrink, to be captain, and ending James G. Zody, to be 1st lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Mar. 10, 1971.

EXTENSIONS OF REMARKS

SENATOR RANDOLPH STRESSES "RESPONSIBILITY AND FREEDOM GO HAND AND HAND" IN ADDRESS AT WEST VIRGINIA KEYETTES CONVENTION

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, April 5, 1971

Mr. RANDOLPH. Mr. President, on Saturday, April 3, more than 400 young women, mostly aged 16 and 17, composed the luncheon-meeting audience at the annual convention of the Keyettes, sponsored by West Virginia clubs in Kiwanis International.

These intelligent, attractive, and concerned youth, were a challenge to me as I discussed "Responsibility and Freedom Go Hand and Hand."

The dining room at Pipestem State Park was over-crowded with representatives from 19 clubs. Present also was Douglas Taylor, of St. Mary's, the newly elected Governor of West Virginia Kiwanis Clubs, and James Neri, of Fairmont, who work with young people in purposeful programs.

Miss Frankie Winfree, of Fairmont High School, presided at the general sessions. Other young women presided over panel discussions on vital subjects. The motto of these fine girls, who are sophomores, juniors, and seniors in high school is "Building to Serve."

Mr. President, I ask unanimous consent to have printed in the RECORD the text of my speech.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

RESPONSIBILITIES AND FREEDOM GO HAND IN HAND

(By Senator JENNINGS RANDOLPH)

I must tell you that after communicating with your president, Miss Winfree, about your state convention, I looked forward to being with you with even greater anticipation than when we accepted the invitation.

In meeting with groups of young people today, some public officials are prepared for disturbances, even as they speak. So the enjoyment of coming here to talk with several hundred well-behaved young ladies is indeed appealing.

Your adoption of the motto, "Building To Serve," tells much about you as individuals, about your acceptance of responsibility and your desire to work to make the world a better place in which to live.

The prospect of confronting so many alert and eager young minds with all the problems of our society presents a temptation. Here is an opportunity for a speaker to unburden himself of many of the current worries, to recite the weighty woes of poverty, pollution, disease, war, civil unrest and deteriorating values.

I am intrigued with the theme you have for this convention; the words, "We have just begun." It is a modest admission, but it's not entirely accurate. The truth of the matter is that you started some time ago, and you are farther down the road of life than any generation in history.

You are aware, I'm sure, of the great number of articles and studies involving today's American youth. Never has a generation been more analyzed and criticized, more praised and pampered, more coddled and condemned—and yet more misunderstood—than the youth of this nation.

You are told that you are the best-fed, best-read young people in the world. We know that, compared to your predecessors, you are more advanced socially, culturally and intellectually. Now there is firm documentation that the physical development of young people is advancing at an accelerated rate. In other words, you're not only growing bigger, but you are growing bigger faster.

Society—or if you prefer, the Establishment—has been slow to recognize this earlier maturation. Many of our laws, originally designed to protect the young, are used to prolong adolescense. In the nearly three decades since I first introduced the bill providing for a constitutional amendment to permit 18 to 21 year olds to vote, only two states moved to enfranchise their young adults. Last year, Congress passed legislation permitting 18-year-olds to vote but the Supreme Court limited such voting to national elections. The court said, in effect, that states have the constitutional right to set their own voter qualifications. In the coming national referendum, it will be necessary for 38 states to ratify the amendment recently passed by Congress. I am confident that this will be done.

Too often we confuse teenagers with adolescence. Too many of us, the label "teenage" actually represents a certain stereotyped or idealized image of a behavior we have come to associate with the young. For example, teenage behavior is supposed to include the inability to defer gratifications; overindulgence, frivolity, promiscuity, indifference to the wishes and needs of others, concern with the body, forms of hedonism, and a general lack of concern for serious social problems.

I suggest that each of these behaviors exist among teenagers, but they also can be observed among almost every group of adults in one form or another. I think what is most disturbing to many adults today is that too many of our young people are refusing to act like teenagers. Youth is concerned with what is happening; it gets involved in political, social and civil rights issues. Young people are insisting on telling it as they see it, even if it means offending their teachers, their parents or their peers.

Many of the conflicts and confrontations that grab the headlines today are simply unskilled excesses designed to get someone's attention, to promote a message and to force somebody in authority to listen.

We hear much discussion about the various "gaps" that afflict our society; there are cleveages in credibility, in communications and in generations. But I submit that the most serious gap of all exists between members of the same generation—between the 45 million Americans in the age group of 15 to 30 years.

This could probably be labeled a "responsibility gap."

There's something about this under-30 generation that is not generally known. And that is that almost half of them—about 21 million—are neither students nor college graduates. Most of them work. They make up one-fourth of the union membership. They marry young, move to suburbia, and they're being pinched by the economic bind of inflation and high interest rates which impairs their goal of buying a home and starting a family.

This large segment of our population has been dubbed the "invisible youth" because no one paid much attention to them. They don't make headlines by fighting cops, throwing bombs or smoking pot. They pay their taxes, go to church, join service clubs and conduct quiet crusades on behalf of their fellowman.

It wasn't until recently that the "invisible youth and their older contemporaries in the work force were discovered by the intellectual establishment.

The news analysts are making some startling discoveries about this generation of "invisible youth." They are finding that this group has resentments running just as deep and complaints about society that are just as justified as their counterparts on campus. They work hard and feel victimized by the visible dissent on and off-campus by those roughly their own age.

Thomas Kahn, executive director of the American Federation of Labor-Congress Industrial Oragnizations' League for Industrial Democracy, recently wrote:

"It is not only on the job that the younger worker is restless or resentful. He is bombarded with the prepacked dreams of television commercials and beckoned to share vicariously in the swinging adventures and comic antics of the affluent.

"He sees some of his contemporaries, the sons and daughters of the well-to-do, tear up their campuses with an abandon that only the economically carefree can afford.

"He watches as they dominate the media with a hairy cultural revolution that has nothing whatever to do with him, except possibly violate some of his deepest moral, social or religious codes."

In short, he feels left behind in a changing society.

The population of our world is divided roughly into two parts—those with responsibilities and those who have lost their responsibilities or who never had them. We as a nation are fortunate in that today we bear a heavy and honorable burden of responsibility. There are those among us who believe there is something of freedom in lack of responsibility. We hear it every day—the siren song of the open road. The invitation to cop out, turn off, to tune out and to be free to roam, to do our own thing. This is not freedom—because freedom is responsibility. We have only to look around us at the peoples who are not troubled with responsibilities—the tyrannies and the despotisms with which the free world has long been at odds.

In certain quarters today the word "responsibility" and its close kin, "duty," are under attack. There are theories of government which hold that the state should look out for the individual. But this country was founded on the belief and flourished on the practice that the individuals must look out for the state.

That means that you and I and all the rest of us are plentifully supplied with vital responsibilities. We have a duty to ourselves as individuals. We have duties to our families, to our local communities, to our nation, our world, to our God.

Only free human beings can stand up to those responsibilities, and only the carrying out of those responsibilities can keep us free. For approximately 100 years of America's existence, there were vast acreages of free land to the west. Everyone had not only the right to try, but the opportunity to try to tame this land. Every American, if he so decided, could move west, to succeed or fail—and if he failed, to start over again farther west.

It was this era of endless opportunity which produced what our historians have termed the "frontier frame of mind." In this climate of permanent opportunity, Americans developed their most important political right: The right to disagree.

At present, this right is in grave jeopardy. We are now in danger of becoming a nation of extremists. The lunatic left and the crackpot right are both challenging our American right to disagree. They are trying to substitute the mental strait jacket of organized emotional fanaticism, for the right of individual personal judgment.

Are we losing our pioneer tradition? Has the frontier spirit gone? I think not. We have new frontiers now, frontiers so vast and far out in space that no one can say where they may be. What about the oft-repeated charge that we tend to mass conformity, to mob action, that we as a people have declined in self-reliance?

Through your presence here through your pledge of "building to serve," you have indicated that you have just begun to fulfill the responsibilities that all Americans should share. **You are joined with more than 80 million young and adult Americans who belong to civic and service clubs whose unified aim is to serve and to build a better society.**

AN EROSION OF SPIRIT

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. KUYKENDALL. Mr. Speaker, under permission to extend my remarks in the RECORD, I include some pertinent thoughts by Mr. William Randolph Hearst, Jr., editor-in-chief of the Hearst Newspapers on the recent decision by the House of Representatives to discontinue funding of the SST:

AN EROSION OF SPIRIT

(By William Randolph Hearst, Jr.)

NEW YORK.—The refusal by both Houses of our new Congress to continue test development of an American SuperSonic Transport plane strikes me as a most serious and shameful milestone in the nation's history.

Without getting overly dramatic, I must say that killing the SST has raised some rather frightening thoughts in my mind.

What they add up to is a spectre—the dark vision of an America whose elected representatives, at least, are lacking in the adventurous spirit of pioneer leadership which made this country great.

It is impossible to say how widespread the same loss may be true of the general public. But it is a distressing fact that the lawmakers who decided to give up in the field of superjet development are supposed to reflect the vitality and opinions of the electorate—and generally do.

So something very serious indeed has happened. And it is shameful because it demonstrates how vastly different in outlook and motivation so many present-day Americans have become when contrasted with our early settlers and explorers.

We speak English today because the most venturesome, the hardiest and the most tenacious were English. Beginning with the settlement at Jamestown in 1607 and the Mayflower landing at Plymouth Rock in 1620, theirs was a saga of go, go, go—always forward in blazing trails through the unknowns of their world.

This spirit inspired and drove the country for approximately 300 years, as it continued to prevail in the first half of this century. **Yet in recent years a kind of erosion has set in—and the death of the SST could well mark a turning point in our nation's philosophy.**

At the very last, the refusal of Congress to continue test work on a United States possible rival to SuperSonic Transports already being flown by the Russians, British and French will, I am confident, go down as an indelible stain on its record.

This is the first Congress I have ever known that has refused to have a look at the future.

It is the first Congress I have ever known to spurn the kind of progressive, exploratory thinking that makes for a great, youthful and curious nation.

It is the first Congress I have ever known to adopt a policy of "go back" rather than "go ahead"—to deliberately surrender world leadership in a tremendously important field.

The 92d Congress, in a word, has disgraced itself.

In suggesting that this nation may have turned a sad corner—possibly a 180-degree turn from its proud past—I am motivated more as an indignant citizen than an aviation buff.

It certainly is true that I have always been a real bug on the subject. There is an old photograph of me grasping the wheel of one of those ancient Wright Brothers-type plane which flew and captivated me at the Panama-Pacific International Exposition in San Francisco in 1915. I first flew solo still in my teens, and ever since have been handling every kind of plane anybody would let me.

Speaking as any aviation fan, I say quite frankly that I don't think the U.S. needs any fleet of the SST at this time.

In addition to its highly doubtful economic practicality, the SST still has a lot of unsolved problems. Its sonic booms, for example, might or might not be capable of being solved.

But this nation most certainly should have gone ahead with research and development of any potentially vital tool for the future. The fact that this particular tool happens to be a special kind of aircraft is only incidental.

What I am saying is that it is a sorry day when America decides it has gone far enough, or high enough, or fast enough, or deep enough in any field where its leadership is being challenged.

When the word "stop" takes over from the word "go" in our nation—as it did with the SST—it will mark the passing of the peak of America's greatness.

Killing the SST test development reflects not only a terribly serious sickness in our national soul, it wasn't even logical.

To be consistent, Congress also must now cut off any further funds for developing SuperSonic military planes—another field where our leadership is challenged by the Russians, among others.

The next logical step if we are going to get out of the big leagues would be to cut out going to the moon and leave space exploration to more venturesome nations.

Logic demands, if ecology is to be the determining factor in our national existence, that we must shut down our facilities—those terrible polluters—and return to an agricultural society.

Logic and consistency require also the banning of all airplanes. And, of course, all automobiles.

Logic and ecology require, in sum, that all of us return to the horse and buggy age.

Such is a logical extension of the illogical and shameful action by Congress in turning its back on the future.

The words of the French lady being trumbilled to the guillotine—as quoted by Macauley, the famous British essayist—come to mind:

"Oh Liberty! How many crimes are committed in thy name!"

Progressive-minded, forward-looking Americans might well ask themselves a question

something like this, *"Ecology! Environment! How many crimes will be committed in their names?"*

SHELBY HIGH AND ITS GRIFFIN BROTHERS

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, April 5, 1971

Mr. GRIFFIN. Mr. President, recently at the University of Michigan's Crisler Arena two undefeated basketball teams met for the Michigan Class C High School Championship.

From southeastern Michigan came Stockbridge High School, an outstanding quintet anchored by one of the best sharpshooters in the State—6-foot, 8-inch Jesse Campbell. Coach Phil Hora's team had a record of 23 wins and no losses.

The opponent was Shelby High School—located in Oceana County near the shores of Lake Michigan.

Like Stockbridge, Shelby had been unbeaten in 23 prior contests.

The underdog in the championship contest, Shelby High, emerged victorious. But, as I see it, the team, its fans, and their great coach, Ed Doudma, had good reason to be confident.

On the Shelby team are two brothers, Al and Paul. In the championship game they combined for 16 of their team's points. Paul also picked off 13 rebounds. Another set of brothers, Kimm and Jack, were very instrumental in Shelby's victory. Kimm topped Shelby in scoring with 22 points and 16 rebounds.

The two sets of brothers are cousins, and they all have the same last name: Griffin.

So far as we know, the famous Shelby Griffin brothers are not related to the junior Senator from Michigan.

It might appear that Shelby is an all-Griffin team. But it should be noted that without 19 points poured through the hoop in that game by Stan Stanford, Shelby would not be State champion today.

Mr. President, during the 1966 Senate campaign in Michigan, many of my supporters belonged to the Griffin Club. The members wore a lapel pin displaying the Griffin of Greek mythology—which was a symbol of strength and vigilance.

The Shelby team has demonstrated that it is a symbol of basketball strength. So, I am sending a Griffin pin to each team member and to their coach, Ed Doudma, as a special salute to Michigan's Class C Champions, Shelby High School.

Mr. President, I ask unanimous consent that two articles from the Detroit News concerning this championship game be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

UNBEATEN TEAMS SET FOR SHOWDOWN—STOCKBRIDGE FAVORED IN CLASS C FINAL

(By Ken Williams)

ANN ARBOR—Stockbridge is pitted against Shelby in the only "perfect" pairing on the four-game state prep basketball tournament final program today at University of Michigan's Crisler Arena.

Unlike the other three playoffs, both squads are unbeaten and both squads have 23–0 records.

But based on the cumulative results and individual statistics of the current season, Stockbridge went into the Class C duel as a slight favorite.

Coach Phil Hora's team has been noted for its tremendous overall balance from the outset of the season. In addition, Stockbridge has one of the finest sharpshooters in the state—6 foot-8 Jesse Campbell.

The other three title games saw Detroit Kettering (20–1) take on Flint Northern (21–2) in the Class A showdown; River Rouge (24–1) meeting Muskegon Heights (16–5) in Class B and Freesoil (22–2) battling Coverta (17–6) in Class D.

Campbell, a junior and the key to Stockbridge's offense, is averaging 24.5 points and 26 rebounds. He hit a season's peak of 47 points against Fowlerville and in the state tournament he has scored 33 against Hartland in a District game and 31 in the semifinals against Battle Creek Springfield.

Shelby planned to rely heavily on the towering Griffin cousins, 6-foot-7 Paul, a junior, and 6-5 Kimm, a senior.

"I look for this title game to be decided definitely on the boards," said Hora.

STOCKBRIDGE BOWS: GRIFFIN BROTHERS, COUSINS SCORE UPSET FOR SHELBY

(By Dan Ewald)

ANN ARBOR.—What one Griffin didn't do another did.

Shelby, led by the Griffin family, overpowered No. 1 ranked Stockbridge, 71–57, to win its first state Class C basketball title Saturday at Crisler Arena.

Shelby, which sports two sets of Griffin brothers (the pairs are cousins), scored eight straight points in the first quarter and followed with a 10-point streak in the second to race to a 40–25 lead that put the game under control by the half.

Kimm Griffin, 6-foot-5 senior forward, topped all scorers with 22 points. He hit 17 of them in the first half to give Shelby its big cushion. Kimm also grabbed 11 rebounds. Cousin Paul, 6-7 junior center, also grabbed nine rebounds during the spurts and added six points.

Al Griffin, brother of Paul, added two points, while Kimm's brother Jack played strong defensively during his short stint.

The victory was Shelby's 24th straight and snapped a 23-game Stockbridge winning streak. Both teams were undefeated going into the contest.

Stockbridge, which stayed in a zone defense throughout the game, came out in the second half with a full court press. The pesky play of guards Red Owen and Gary Allen forced the winners into several turnovers and cut the margin to 52–45, the closest it got in the second half.

Shelby, which also stayed in a zone throughout the game, worked the ball under the boards of Kimm and Paul Griffin for the good shot. Paul added 14 points to go along with teammate Stan Sanford's 19.

"The Griffins are a pleasure to work with," said Shelby Coach Ed Doudma. "The only problem I have with them is telling them apart. I have to keep looking at their numbers."

"The Griffin's fathers also played for Shelby and we're sure glad they stayed in the city."

Doudma played for the 1962 Muskegon Christian team which won the Class C state title.

In addition to the all-around play of senior Kimm, one of the keys to Shelby's title was the solid defensive game cousin Paul played against Stockbridge's all state center Jesse Campbell.

Although Campbell scored 15 points, he was held to four in the first half when the winners made their big move. Owen and Allen also added 15 points each for the losers.

Kimm Griffin topped all rebounders with 16. Cousin Paul added 13.

	G	F	T		G	F	T
Stockbridge:				Shelby:			
Collins	1	3	5	Sanford	7	5	19
Flannery	2	0	4	H. Griffin	9	4	22
J. C'pbell	5	5	15	P. Griffin	7	0	14
Allen	6	3	15	Beckman	2	3	7
Owen	6	3	15	Plummer	2	3	7
Ludtke	0	0	3	A. Griffin	1	0	2
Total	20	17	57	Total	28	15	71

Stockbridge	10	15	20	12–57
Shelby	21	19	15	16–71

THE COURT-MARTIAL OF LIEUTENANT CALLEY

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. SLACK. Mr. Speaker, the court-martial and sentencing of Lieutenant Calley has aroused a strong tide of public sentiment, with various pollsters reporting that from 80 percent to less than 50 percent of the people disagree with the outcome.

On the basis of reactions from my constituents I can report that those opposed to the decision in the case must total 90 percent or more. I offer for consideration in that connection two comments, one a letter from a resident of an urban area, and the other an editorial by Mr. Bill Robinson, editor of the Clay County Free Press, who speaks for those residing in a rural area:

MARCH 31, 1971.

Congressman JOHN M. SLACK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SLACK: Six men sat in judgment of a young Army lieutenant at Ft. Benning, Georgia, U.S.A. As they listened to voluminous testimony, a page of history was being written for the United States of America. The same United States of America that had been won and protected by the military genius, and compassion, of men like Generals of the Army Washington, Sherman, Roosevelt, MacArthur, Patton and Eisenhower.

Six men. Would the six men that I have just mentioned have voted for the death sentence of a man who was doing his job? Or, would they vote for life imprisonment of this young lieutenant? Or, would they vote to free this member of their profession? Conjecture, yes. But, very interesting conjecture.

I respectfully request that you voice your disapproval of the jury's verdict. Rescind this deplorable action by our military. Restore sanity and high principles to America. We have children keeping an eye on the leaders of our Nation. Give our children a rich heritage. Give voice to the precepts of the past.

America is a child among the nations of the world. Yet, we possess rich heritage and traditions.

America, today, stands on the threshold of preserving the future of the world as a safe and peaceful terrestrial sphere. To achieve and preserve the safety of free men, a strong defense mechanism is a necessity. To condone the action of the military tribunal at Ft. Benning, would rebuke the fighting forefathers of this country.

Six men. Do they remember Plymouth Rock? Lexington and Concord? Boston and the old North Church? Jamestown, Virginia and Manassas, Virginia? Charleston, South

Carolina? Atlanta, Georgia? Pearl Harbor, Hawaii? Guam, Wake, Saipan, the Philippines? Do they remember the words of Nathan Hale . . . ?

God forbid that we should forget our heritage and that we should destroy our traditions. Raise your voice in the hallowed halls of Congress to rescind this deplorable action by the six men at Ft. Benning, Georgia, U.S.A.

Respectfully,

T. D. Winter.

If Lieutenant Calley Is Guilty—Then Are We All Not Guilty?

In this day of "Draft Dodgers," "Muhammad Ali's" and various and other products of our culture, it seems incredible to me, that our society can convict a young man, that "we instructed to kill," for doing his job!

I am a World War II veteran. After weeks of training we were sent to do battle in New Guinea, in the South Pacific, A place that I'd never heard of, and I did not want to go! But, go, I did, with all my fears and doubts bottled-up inside me!

On our first invasion with the First Marine Division (of Guadacanal) we were briefed by a Marine Major and at the end of his briefing he said "Boys look around you, some of you are not coming out of this invasion alive"—I kept my head down and looked out of the corners of my eyes and noticed everyone was doing the same thing, heads down, they would not look at each other. Not one of us wanted to believe that a friend would be killed. As luck would have it, none of us were, except for the Major, he was bayoneted to death the first night.

This was my first taste of combat and I soon learned to "shoot first and ask questions afterwards" if you wanted to see home again —and I sure did!

I personally know of one officer who is as guilty as Lt. Calley and a patrol that is guilty of carrying out the officers order. But I don't believe the officer to be guilty nor do I believe the members of the patrol to be guilty!

Fighting a war is "One hell-of-a-lot different" than sitting at home watching it on television!

It makes a difference if you have a "Son" or "Husband" over there—ask any "Mother" or "Wife" if this is not true!

If you want "your young men" to protect and preserve this country—you'd better tell them "just who in the hell" is the "enemy." The "Gooks" or a bunch of desk soldiers that never saw a man killed! Nor ever saw a handsome young boy, who cried when he got a "Dear John" letter from his girl, shot in the stomach and "die a slow death" because there are no emergency rooms in the front line!

People—you had better think about this Because none of the men out there, protecting you at home, is any "Braver" or more "Courageous" than you are! Most of your "Heros" happen by accident! They do things they would not ordinarily do!

Just as a Marine Private did on my first invasion. He had the tri-pod shot off of his "water-cooled" 50 caliber machine gun and picked it up and cradled it in his arm and retook 3 positions on our front line! When I asked him why? He simply said "They pissed-me off!"

Now! How many more men do you think you'll find to fight for you like this? When, as the gamblers say is, "The Best You Can Do is Lose!" If you don't lose your life over there we'll take "it" away from you when you get back!

I personally don't like these odds; Nor would any gambler.

I know a lot of church goers and other groups are going to write me about the language I have used in this editorial . . . but this is the language I learned in War and the only way I know of to make you "Sit-up" and take notice of what is happening here!

Now, in comparison, I offer you the remarks of Lt. Calley at his sentence hearing . . . I believe he does a magnificient job and is a gentleman!

The text of Lt. William L. Calley Jr.'s plea Tuesday to the military jury deciding his sentence for premeditated murder at My Lai.

Let me know if you can't hear me, sir.

Your honor, court members, I asked Judge Latimer and my other attorneys not to go on and into mitigation of this case. There a lot of things really not appropriate and I don't think it matters what type of individual I am. And I'm not going to stand here and plead for my life and my freedom.

I would ask you to consider the thousand more lives that are going to be lost in Southeast Asia. The thousands more, that is, to be imprisoned not only here in the United States but also in North Vietnam and in hospitals all over the World as amputees.

I have never known a soldier nor did I ever myself ever wantonly kill human beings in my entire life. If I have committed a crime the only crime that I have committeed is in judgment of my values. Apparently I value my troops' lives more than I did that of the enemy.

When my troops were getting massacred and mauled by an enemy I couldn't see, I couldn't feel and I couldn't touch; that nobody in the military system ever described as other than Communism—they didn't give it a race, they didn't give it a sex, they didn't give it an age. And they never let me believe it was just a philosophy in a man's mind. That was my enemy out there.

And when it became between me and that enemy I had to value the lives of my troops. And I feel that is the only crime I have committed.

Yesterday you stripped me of all my honor. Please, by your actions that you take here today, don't strip future soldiers of their honor. I beg of you.

Editor's Note: I personally take my hat off to this man. A man that's asked no mercy for himself . . . but mercy for those who are "bound" to follow him!

Sincerely thank you,

Bill Robinson,
Editors.

SENATOR RANDOLPH AND REPRESENTATIVE VIGORITO DEBATE DISPOSABLE CONTAINERS IN THE AMERICAN LEGION MAGAZINE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, April 5, 1971

Mr. RANDOLPH. Mr. President, I believe that the concern and active involvement of every citizen is needed if we are to successfully conquer the serious pollution problems that endanger the quality of life in the United States.

Consequently, I am pleased that so many individuals and organizations continue to show enthusiasm for the cause of a clean environment. Essential to this task, too, is an informed public. Without complete knowledge, intelligent judgments cannot be made in the complex issues of environmental enhancement.

Among those groups dedicated to ending pollution of all forms is the American Legion through which large numbers of veterans speak. The American Legion magazine frequently publishes the opposing viewpoints of Members of the Congress on important public questions. I was recently invited to participate with Representative Joseph P. Vigorito, of Pennsylvania, in a printed debate on the advisability of banning throwaway bottles and cans.

Since this a topic of widespread concern, I ask unanimous consent that the article, published in the American Legion magazine for April 1971, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Should One-Way Containers Be Banned? "Yes" Says Representative Joseph P. Vigorito

America has become a throw away society. The 1960's saw the American people adopt a buy-use-throw away syndrome that has affected a diverse grouping of items, from diapers to automobiles. More than 190 million tons of this refuse are collected in the United States every year, most of it from households and commercial establishments. This means that every American generates about 98 pounds of refuse per day. Unless much of this refuse is recycled, we will soon bury ourselves under our own garbage.

The nonreturnable soft drink and beer container has become symbolic of the entire solid waste pollution problem. Most beverages were packaged in returnable containers until a widespread industry shift—motivated merely by convenience—to nonreturnable containers occurred in the late 1950's and early 1960's. In many cases, therefore, the mechanical structure and the knowledge to recycle beverage containers already exist.

What would we gain if we were to recycle these containers? First of all we would remove the blight on our roadways and parks. We all have driven through our countryside and been disgusted by the many soft drink and beer containers lying along the road.

A recycling of our beverage containers would save tax dollars. Last year it cost $176 million to dispose of the 46.8 billion beverage containers produced. This staggering cost does not include the equally staggering cost of collecting these containers.

A recycling of our beverage containers would save the consumer money on the purchase price. It is estimated that Americans could save $706 million per year if they purchased all soft drinks in returnable, money-back containers. Another $800 million would be saved if all beer was purchased in similar containers.

A recycling of our beverage containers would save valuable resources. We do not have endless sources of aluminum and tin to make cans. We do not have endless resources to make glass. We must begin to recycle these resources before our supplies become critically low.

More importantly, all this would mark a vital first step in an all-out attack on solid waste pollution that threatens to bury us if nothing is done.

We must not linger, however. The longer we wait, the worse the problem will become. The soft drink industry will produce 95% of all soft drinks in nonreturnable containers by 1975. The brewing industry will far exceed this pace by producing and retailing practically all its products in nonreturnables by 1972.

To paraphrase Thoreau, we must begin to march to the beat of a different drummer before the existing drummer marches us further and further down the path of pollution.

Joseph P. Vigorito.

"No" Says Senator Jennings Randolph dolph

Among the everyday items that have helped sustain the American way of life at its high level are the metal can and the glass bottle. They have made possible the easy, inexpensive distribution of literally hundreds of products throughout the country.

At the same time, they contribute significantly to the mounting problems we face in the disposal of solid wastes, particularly since the development of the one-way, disposable bottle and can.

From the litter along our roadways it is easy to see not only the extent of the nonreturnable containers, but also why they are of great concern, as we try to maintain a clean environment. They are numerous and they are highly visible. Consequently, there is now a movement to cope with the problem by prohibiting the use of one-way containers.

At first glance this may seem to be a quick and effective way to solve the problem. I believe, however, that few long-range benefits would result from the banning of throw away bottles and cans.

In the first place, the public apparently views throw away and returnable bottles in virtually the same light, discarding returnable bottles on which a deposit is paid just as quickly as the cheaper nonreturnable bottles.

In addition to the public's reluctance to use returnable bottles in large numbers is the unwillingness of retailers to assume the added cost of handling them.

The challenge thus seems to be one of finding ways of recycling discarded cans and bottles instead of trying to impose the reuse of containers on a public and business structure that do not want them.

Extensive research and testing over the past few years have developed new methods of separating and recovering many materials that were once simply thrown away. Widespread adoption of these processes would make eminently good sense for several reasons.

First, recycling would solve the problem of what to do with discarded cans and bottles as well as other forms of trash that are now burned or buried. Perhaps equally as important is the fact that the continued heavy drain on our natural resources would be alleviated if materials could be used over again.

I do not underestimate the magnitude or the seriousness of the throw away bottle and can problem. I do not believe, however, that banning one-way containers is the proper way to effectively halt the growing accumulations of trash.

A much more practical solution lies in the immediate adoption of methods of recovering and reusing not only bottles and cans but the many other materials that are now wastefully thrown away.

JENNINGS RANDOLPH.

RECOMPUTATION OF MILITARY RETIRED PAY

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. GIBBONS. Mr. Speaker, I am today introducing legislation to restore the system of basing military retired pay on active rates for those persons who entered the service prior to June 1, 1958.

Many of my constituents have brought to my attention the inequity of the present system of basing increases in military retired pay on the cost-of-living index instead of the former more liberal method of recomputation of such pay. I have given this matter much thought. The more I think about it, the more I am convinced that my bill, which would restore the former system for those who earned it, is equitable and just.

Perhaps there are some who feel that if my bill was enacted, it would set the stage for other groups to seek similar legislation. If this were a new proposal, for which there was no precedent, I could perhaps understand the justification for this viewpoint. On the contrary, my bill does not establish a new precedent; it does not establish a new and unique system for military retirees; it would merely restore to this group a benefit which had, in effect, been held out to them as an inducement to make the military profession their chosen career.

For more than 100 years, the law provided that when our military men retired from active service, their retired pay would be based on a certain percentage of their active duty base pay, and that whenever active duty pay scales were increased, retired pay would be increased correspondingly.

In 1958, the Congress, for reasons which appeared cogent at the time, deviated from the long established principle of recomputation by granting a flat 6-percent increase to those who were then on the retired rolls of the military services. It is interesting to note that the 85th Congress did not repeal the portion of the military pay laws which provided for automatic recomputation; it simply substituted a different method in that particular act. It was not until 1963, more than 5 years later, that action was taken to repeal the principle of recomputation of retired pay.

I ask my colleagues to consider whether we, in the Congress, have reneged on a moral obligation to our retired servicemen who had dedicated the major portion of their adult lives to the service of our Nation. During the period in which the majority of these men served, active duty pay was relatively low in comparison with pay in other professions, and pay raises were few and far between.

In the more than 40 years from 1922 to 1963, the period during which these men served, active duty pay for the military services was increased only eight times, with six of these pay increases occuring after World War II. Contrast this to the pay increases granted the present active duty forces. Beginning in 1963, active duty pay has been increased nine times, with the 10th pay raise scheduled to take effect next year.

I strongly favor paying our servicemen on active duty a fair and equitable wage. I feel that they deserve every consideration which our grateful country can afford to give them. But I feel that once we have made a promise to them, we must stand behind our word, whether it was given today, 20 years ago, or a hundred years ago.

To hold out promises on the one hand as an inducement to a long career in the military services, and then to reduce or eliminate the benefits to individuals after their service is completed—on the basis that the Government has no legal obligation to fulfill its commitments—at once breaks faith with those who have already retired and raises grave doubts in the minds of those on active duty as to their treatment in the years to come.

In these trying days, when there is so much disregard for law and order; when it appears to be the "in" thing to trample and burn our flag and to relegate patriotism to the high button shoe era; when misguided mentors of our young men attempt to outdo one another in fomenting ideas designed to tear down the framework of our constitutional government, we turn our backs on those whose sole job was to protect and defend our lives and our Constitution.

The military retirement system was initiated by Congress during the Civil War. It was at that time the basic principle of keeping retired pay geared to current active duty pay schedules was established. This basic principle was not seriously challenged by successive Congresses until passage of the Joint Services Pay Act of 1922, which denied to those already retired—similar to the Pay Act of 1958—the right to recompute retired pay on the basis of the new pay schedule.

However, the 69th Congress, in passing Public Law 204 in 1926, corrected this injustice. Senate Report S-364, 69th Congress, contained this statement:

> The 1922 legislation deprived all officers retired prior to that date of said benefits, thereby violating the basic law under which these officers gained their retirement rights. There is no justice in two pay schedules for equal merit and equal service.

In my opinion, this statement is true today as it was more than 40 years ago. There is no justice in two or more pay schedules for equal merit and equal service. It is my feeling, as it was of our predecessors in these Halls of Congress, that military retired pay should once again be linked directly with active duty pay, for those persons who entered the service prior to June 1, 1958.

WHAT GOOD IS A RAIL PASS ON BOB-TAILED RAILPAX?

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Monday, April 5, 1971

Mr. METCALF. Mr. President, by now we are all aware that Railpax, which was supposed to create an improved and complete system of railroad passenger service, will actually leave large sections of the country without any passenger service whatsoever. In my own State of Montana, low-income persons, including widows, pensioners, and college students, will be forced to turn to more expensive and less reliable forms of transportation.

A constituent's letter has brought to my attention another group which has been victimized by Railpax. These are the virtually thousands of people in this country who hold "pass rights" on the railroads, and who rely on the railroads for all their long-distance travel needs. My constituent reports that her husband helped pay for their rail pass through deductions from his wages. Many persons holding pass rights are widows living on incredibly inadequate railroad retirement pension benefits. For them and many others, their only means of visiting their families and keeping in touch with their friends is their pass which allows them to ride the trains.

But now, Mr. President, Railpax's recent announcement of its appalling meager passenger service compels us to ask "What good is a rail pass if there are no trains on which to use it?"

The answer to this question is contained in this simple, yet dignified letter. It forcefully argues that the pass rights of many Americans will be virtually curtailed with the suspension of the rail passenger service on which those pass rights depend. I suggest that this letter be read by all concerned Americans, for it tells of the fate of many Americans who do not hold a seat on the high councils of the railroad conglomerates or on the National Railroad Passenger Corporation.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LIVINGSTON, MONT., *March 28.*

Sen. LEE METCALF,
State of Montana,
Washington, D.C.

DEAR SIR: Being a widow, who must try to live on a ridiculously low pension from the Railroad Retirement Board and who, while not abusing the privilege, has relied on my pass rights on the railroad for transportation, especially since the death of my husband, a year ago, it is almost a tragedy to lose, not only the pass rights, but the trains as well. In all the pros and cons of the Railpax situation, I have not seen one word printed concerning these pass rights. My husband worked for the Northern Pacific as an Electrician for 43 yrs and most of that time, worked for less money per hour to pay for our pass rights. How, then, can they just be dropped, along with the trains, without any of us having a word to say about it? I hate to be forever bothering you with letters but this is one time I feel I have to. Aside from personal grievances, there is the Yellowstone Park Centennial next year and the tours in the summer, whereby many, many city folks who don't or can't afford a car, can and do save enough to go and see this wonderful area. There are many retired railroad people who are physically unable to drive the distances from here to either coast but who have sons and daughters and their families they need to visit because these young families often do not have the funds to bring their families to the Grandparents. Are they to be just pushed aside and forgotten in the interest of making more money. The railroads could afford to provide trains, even with no revenue, from the *Free* lands and mineral rights they were given to give us trains in the first place. It just is not fair and I do hope some of you will be able to do something about it. Thank you sincerely for any efforts you may put forth in Montana's southern route interests. We need a train, even every other day.

Sincerely,

——, ——.

REVENUE SHARING NO BARGAIN FOR MISSOURI TAXPAYERS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. HUNGATE. Mr. Speaker, the Missouri public expenditure survey has done a study of President Nixon's general revenue-sharing proposal and I think their comments will be appreciated:

REVENUE SHARING NO BARGAIN FOR MISSOURI TAXPAYERS

The "general revenue sharing" proposal of the national administration now pending in Congress would be no bargain for Missouri's taxpayers. Their share of the cost of financing the proposal would be more than the amount Missouri's state and local governments would receive in federal funds.

Missouri state and local governments would receive an estimated $96.5 million of the $5 billion that would be distributed in the first full year under the general revenue sharing proposal.

But Missouri taxpayers' share of the taxes required to finance the program would be $109 million.

It would cost Missouri taxpayers $1.13 in federal taxes for each dollar sent to the state and local governments in Missouri.

In addition to the $5-billion "general revenue sharing" proposal, the administration has announced it will propose a "special revenue sharing" plan under which $11 billion in block grants would supplant $10 billion in existing federal aids. The details of the "special revenue sharing" plan have not been put forward as yet.

This publication deals with some aspects of the "general revenue sharing" proposal. Under it, federal funds would be distributed to state and local governments with few federally imposed controls. The "general revenue sharing" proposal would be a departure from the present policy of distributing most federal funds for specific national purposes, often with detailed guidelines.

The "general revenue sharing" proposal would be disadvantageous to Missouri taxpayers in ways other than costing Missouri taxpayers more than would be returned to Missouri state and local governments.

HIGHER TAXES ENCOURAGED

One way is by creating incentives for the state and local governments to increase taxes, not on the basis of need to do so, but as a means of obtaining greater amounts of federal money.

Under the distribution formula in the proposal, the share of federal funds a state would receive for itself and its local governments would be influenced by the level of state and local taxes imposed. In the formula, the "tax effort" of state and local governments would be a factor, along with population and personal income, in determining the amount of federal funds received in each state. States in which state and local governments impose a higher level of taxes for general purposes would receive more federal money.

The formula also prescribes the means of determining how local governments would share in a state's allocation. Under it, the level of taxation plays an even more prominent role. A single factor is used to divide a state's allocation of federal funds with the state government and among its cities, counties and townships. This factor is the general tax revenue. Increases of taxes by any local government producing increased general revenue receipts would increase the share of the state allocation it would receive.

FORMULA FAULT SHOWN

The distribution formula rewards states making greater "tax effort" on the theory that taxpayers in such states are taxing themselves to a greater extent than those of other states. That assumes all taxes imposed in a state are largely paid by residents of that state. That is not true in the case of some taxes. Some taxes, such has severance taxes on oil and gas in Texas and Louisiana, are largely paid by residents of other states where the products are consumed. As consumers of these products, Missouri taxpayers would be contributing toward those states receiving a larger share of federal funds and Missouri receiving a lesser share.

PRIVATE FINANCING PENALIZED

Similarly, states having lower levels of taxation resulting from some services being more largely privately financed, would receive less under the distribution formula than states where such services are tax financed. In Nevada and Wyoming all college students are enrolled in tax-supported institutions. In Missouri and several other states a third or more attend privately supported institutions. States financing most or all higher education from taxes would have enhanced "tax effort" under the distribution formula. States like Missouri would fare less well under the formula as a result of a considerable proportion of higher education being privately financed.

At the local level in Missouri, the operation of the distribution formula would be influenced as a result of some communities taxing themselves to provide hospitals while others rely entirely on privately supported hospitals.

Their survey of March 1971, then outlines several areas of possible streamlining of local government and then returns to the general revenue-sharing proposal:

WEAKNESS MARKS FORMULAS

The operations of the proposed distribution formula demonstrate what has been found in years of experimentation at all levels of government—namely that it has never been possible to devise a formula that is fair and which will place the money where the need is. The wider the spectrum for which a formula is attempted the more striking the aberrations that occur under it.

The "general revenue sharing" proposal would provide state and local officials with additional dollars for expenditure for which they would not have to tax their constituents. Requiring officials who form expenditure polices also to be responsible for raising the tax dollars is a key means of striking a sound balance between demand for public services and the public's willingness to pay for them. Revenue sharing envisions the expenditure of billions of dollars without that element of fiscal accountability.

This shortcoming in fiscal accountability, combined with the range of human desires for services and benefits from government, assures that local and state governments would soon seek more funds than the revenue sharing proposal would distribute.

Even supporters of revenue sharing fear local officials will devote more time to seeking additional federal funds than putting their own houses in order, once they have a taste of the program. Already, demands are being heard for distribution of more funds than the revenue sharing proposal calls for. Once revenue sharing is started, such demands can be expected to militate against future reductions in federal taxes.

LARGE FEDERAL DEFICIT EXPECTED

The $5-billion general revenue sharing program would not supplant existing federal grant programs or other federal expenditures. Under the proposal, the amount shared is expected to rise each year and reach nearly $10 billion by 1980. The program would be initiated at a time when a substantial federal deficit is anticipated.

Critics of the proposal hold that, one way or the other, its cost must be met—either by increasing the national debt, which would fuel inflation, or by increased taxes.

Supporters hold that the program can be financed from the "fiscal dividend" resulting from the federal tax system producing a 1.5-per-cent increase in revenue for each 1-percent growth in gross national product. They hold that this will provide enough revenue above that required for other purposes to finance revenue sharing. The federal government's record of 24 deficits in the last 30 years is not reassuring on that point, however.

A succinct description of how revenue sharing might be financed has been provided by Rep. John W. Byrnes of Wisconsin, ranking minority member of the House Ways and Means Committee, who said:

"The first path to wisdom is to recognize that all levels of government are squeezing blood from the same turnip, the American taxpayer, and that no gimmick, such as revenue sharing, to disguise which level is putting on the pressure, is going to make it any easier for him."

GLOBAL POVERTY AND UNDERDEVELOPMENT

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Monday, April 5, 1971

Mr. HUMPHREY. Mr. President, I invite the attention of Members of Congress to a remarkable address delivered by Dr. John E. Rielly, senior fellow of the Overseas Development Council. Dr. Rielly spoke at the Conference on International Justice, Development, and Peace at St. John's University, Collegeville, Minn. His topic was "Global Poverty and Underdevelopment: The Present Situation and the Response of the Developed Nations."

Dr. Rielly has given us a thoughtful analysis of what is happening in the developing countries and particularly the relationship between economic development and population growth. He has reminded us once again of the importance of capital investment and technical assistance, and also called to our attention the dangerous situation which is developing where the gap between the rich and the poor continues to widen.

This thoughtful address deserves the careful reading and attention of every public official, particularly Members of Congress and those responsible for our foreign policy. I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

GLOBAL POVERTY AND UNDERDEVELOPMENT: THE PRESENT SITUATION AND THE RESPONSE OF THE DEVELOPED NATIONS

(By John E. Rielly)

MARCH 15, 1971.

It is a great pleasure to return to the campus of St. John's University where I spent four of the most peaceful and satisfying years of my life. I am especially fortunate to be able to return to speak to you on a subject which has occupied much of my professional life for the past ten years, a subject which remains central to international affairs in the twentieth century. The specific topic which I have been asked to address at the opening of this Conference on International Justice, Development and Peace is "World Poverty and Underdevelopment: the Present Situation and the Response of the Developed Nations."

It is especially gratifying to see this group focusing on these issues. For today they represent central issues of international affairs which call for a judgment by the Christian and Jewish communities. The judgments you make—the message you carry can make a decisive difference in the actions taken by governments—here and abroad.

In this paper I will begin with a brief summary of the situation in the developing countries and will then devote the greater part of the discussion to the question of the relationship between the developed countries and developing countries, giving special attention to the relationship between the United States and the developing countries.

When I refer to the developing countries, I refer to South and Central America, the Middle East, Africa and Asia (excepting Communist China). You will note that I do not use the term "third world"—because I do not believe such a thing exists. Finally, I assume in this discussion that Latin America is a less developed part of the Western world, and despite the fact that it shares some of the problems of other developing continents, it has more in common with Europe and North America than with Africa and Asia.

The subject of developing countries has been covered by a number of reports during the past two years. We have had the Pearson Report, commissioned by the World Bank issued in October, 1969; the Timbergen Report or the U.N. Commission for Development Plan issued in 1970; the Jackson Report on the U.N. development program issued in 1970; the Prebisch Report on Latin America; and the Peterson Report of March, 1970 which reviewed the U.S. development assistance effort. While the reports vary in emphasis and coverage, they all conclude that the situation in the developing countries is getting worse. And all agree that the developed countries have an obligation to do more to assist the developing countries.

Although some of the reports focus on the whole relationship between developed and developing countries, most of them focus on the aspect of governmental aid. According to their estimates, the real value of concessional aid was reduced by more than 50% between 1962 and 1968. International governmental aid has represented only .4% of the developed world's GNP. The United States' share has fallen even more precipitously. The U.S. gave over 2% of its GNP to the Marshall Plan at a time when per capita income here was only 40% of its present level. Today w give slightly less than one fifth as much aid as a percentage of our GNP at a time when our income is 2.5 times higher than it was in 1948.

What are the facts about the developing countries themselves? According to the World Bank, per capita income levels per year in developing continents as of 1968 were as follows: Asia $110; Africa $130; Latin America $370; Middle East $330. This compares with the average per capita income in the United States of $4,000; Canada $2,500; Germany $1,900; United Kingdom $1,800.

The above figures disguise the fact that if the average income for Africa is $130 per year there are literally millions of people living on half of that. The same is true for other areas of the world. And there is fear that the actual standard of living of millions of people is lower in 1971 than it was in 1960.

Despite these depressingly low income figures for the developing continents, their gross national product grew at an unprecedented rate during the last decade, averaging 5% annually. A higher average growth rate in the 1970's 6% is likely and should increase the total GNP for the developing countries from $300 billion in 1970 to approximately $600 billion in 1980.

However, given other trends which I will describe later, the doubling of GNP will still leave hundreds of millions of people in abject poverty. According to present population trends, the present figure of 3.5 billion people in the world will reach 7 billion in the year 2000, and 15 billion by the twenty-second century. Two-thirds of the world population now lives in the developing countries (including China); by the year 2000 it will be approximately four-fifths By 2000 at present rates the per capita rate for the United States will be $8,000 to $10,000 per year. Yet a continuation of even today's exceptional growth rates in the developing countries indicates that at least one half of the developing world will still have a per capita income of only $200 a year by the year 2000.

POPULATION-UNEMPLOYMENT

A second major problem for the developing countries in the next three decades is the rapidly growing unemployment problem which is a by-product of the population explosion. With a constant or increasing birth rate and declining death rate, a country like India, for example, now has 100,000 net new entrants into its labor force each week, a figure which will rise to 140,000 net each week by 1980. In a significantly more developed country, like Columbia, 12 to 14% of the present urban working force is openly unemployed and an additional 10 to 12% is so underemployed that they can effectively be categorized as out of work. This unemployment problem is made worse by the increasing use of capital intensive technology and the increasing rate of rural migration to urban areas.

Of the 500 million people expected to be added in this decade to the population of developing countries, approximately 170 million will represent additional entrants to the labor force. Given present population trends, patterns of technological dissemination and urban migration to the cities, the problem is likely to get worse before it gets better.

Unemployment is particularly acute among young people, and among people in the incredibly fast-growing urban centers. During the First Development Decade, most poor nations saw a tremendous increase in unemployment despite a growth in GNP that was sometimes spectacular. Clearly, a further increase of GNP by itself is no answer to this explosive problem. In addition, unemployment presents an especially harsh threat to political stability in the 1970's. The President of the World Bank, Robert McNamara, has stated that matter boldly: "The marginal men," he says, "the wretched strugglers for survival on the fringes of farm and city, may already number more than half a billion. By 1980, they will surpass a billion, by 1990 two billion. Can we imagine any human order surviving within so gross a mass of misery piling up at its base? A by-product of the population explosion, the unemployment explosion will require tremendous creativity and resourcefulness throughout the 1970's if Development Decade II is to have any meaning to human society."

This gives a brief sketch of the conditions of the developing countries, one that does not adequately convey the total picture of widespread hunger, deprivation, absence of educational opportunity, unequal distribution of wealth, the prevalence of disease, not to mention political repression and shocking social inequity in many countries.

What do developing countries need? It is clear that they need more food, more jobs, better distribution of income, new labor-intensive technologies, better access to health and education on the part of all. This means that developing countries need more resources. Even more important it means in many cases, they require a redistribution of resources within the society.

Just to meet the employment problem alone, most developing countries will have to grow at a rate of 6.5% to 8%, not a likely possibility for many of them. Unemployment might, of course, be ameliorated through a distribution of poverty through subsidized rural public works that are labor intensive. However, this would not result in an increase in income per capita. Alternatively, a totalitarian system could possibly establish full employment and raise the standard of living but at a very high price in terms of political and social liberty. The best alternative is to achieve a high growth rate with a strong political and social system which can redistribute benefits at the same time the economy is growing. This will require a heroic effort for most countries. To achieve a growth rate of say 7% requires a gross investment of 25% of GNP. If external resources could finance 30% of this investment, 70% must still come from internal sources. This would require an increase in the saving rate by 40%. What this means is that if a country like India grew by 5.5% for the next three decades and the United States grew by 4%, the average income in the U.S. would be $10,000 as opposed to $200 in India. If India grew 7% a year for the next three decades, her per capita income would be $400 per head by the year 2000 which would reduce the rate of inequality from 1 to 50 to 1 to 25. And for India, the difference between $200 and $400 is the difference between poverty and a tolerable standard of living.

Thus it is clear that the developing countries need more resources. They must create part of these themselves, but part must be received from external sources. Although it is difficult to mobilize the level of resources internally that will be required, one should emphasize that the developing countries did better during the last decade than did the present industrialized countries in their comparable periods. If the developed countries respond appropriately, the developing countries could achieve better than a 6% growth rate in the 1970's.

What else must the developing countries do? First, they must acquire a capacity to feed themselves. Through the possibilities held out by the Green Revolution, there is a good chance that the amount of food needed can be grown. Whether the right distribution can be achieved is something else again.

One thing we have learned in the course of the First Development Decade is that the high growth rates prescribed by economists mean little unless there is some change in the benefit distribution system, some attempt made to increase the access to the benefits of economic growth.

I have briefly described here the situation in the developing countries today. The next question that arises for us in the United States is "Why should we be concerned"? This is the most basic—and most difficult question—why should we bother at all? Though the reasons may be obvious to this group here today—they are by no means obvious to many Americans.

There is a profound sense in which helping the developing countries is no longer a legitimate topic of political conversation in the United States. Favorable references to it in the Congress are limited to a select group of individuals who either have a long-standing commitment to nothing really to lose. In political campaigns, espousing development assistance may not lose many votes for a candidate in most parts of the country, but nowhere will it gain him any either. It is largely a non-issue in American politics.

Before the political work of carrying forward a U.S. role in development can get very far, development assistance has to become a live issue again, with a new rationale that can excite widespread attention. Otherwise, we can expect only "benign neglect"—or worse—and will continue to see development experts talking to one another, but rarely finding a wider audience.

It is clear to anyone who samples opinion either in Congress, in the Executive Branch, or in the country as a whole that the old rationale for overseas development assistance is not persuasive with many people.

First, it is no longer possible to invoke the fears of Cold War, or the argument that the world will inevitably be divided between the United States and the Soviet Union. Not only did the practical applications of that narrow theory frequently fail—when countries like Egypt learned to use this argument to aid their own development but undermined the Cold War argument that "neutrality" was impossible—but also the waning of the Cold War itself reduced the importance, both at home and abroad, of wooing people in the poorer two-thirds of the world. Regrettably too many people who supported development for other reasons were content to lean on this Cold War rationale without building support on other foundations as well. They found it was convenient, politically attractive, and did the job—for a time. Inevitably, their efforts were left high and dry, both intellectually and politically, when the Cold War arguments lost their punch. Quite simply, Cold War rhetoric is dead as a means for extracting money from the American public to help poor foreigners.

Second, a new school of thought in the United States began to emerge during the trauma of the Vietnam War. There began a general turning away from interest and commitments in the world, and a call for "putting our own house in order first." Necessarily, development assistance was reduced in the concern for reordering priorities.

Third, some revisionist historians made a simplistic connection between U.S. economic involvement in the developing world, the growth in U.S. military responsibility for protecting particular regimes, and the prospect that we would have to fight other wars like Vietnam in the future.

Fourth, there has emerged a growing concern among some Americans—probably including some of you—about problems of "imperialism"; the impact of advanced societies on primitive ones; and the problems inherent in the export of Western values. There is no doubt that direct involvement in the development process raises real dilemmas for a responsible U.S. policy: a small example was provided by the kidnapping and murder of a U.S. AID official who was helping to train police in Uruguay. As innocent as his activities may appear, they essentially represent a political act of support for the government in power.

To our cost, we have found that direct bilateral assistance, whether for security or for development purposes, too often involved us directly in the fate of particular governments or regimes than is healthy either for those nations or for ourselves.

Large aid missions in the field have led in many cases to an overpowering U.S. presence, thereby breeding resentment and hostility. Our motives have become suspect even when they are well-intentioned. We have often failed to resist what the French philosopher, Henry Dumery, called "the temptation to do good; the insistence that not only must virtue be achieved—but our particular version in our particular way."

The inadequacy of the old ideas suggests that a different rationale for development assistance must be created during the 1970s if the U.S. is to play a major role in the poor countries, and to overcome the backlog of discredit that has been built up during recent years.

What are some of the basic arguments for a U.S. role in development assistance?

1. *Violence and order*. An important argument for any foreign policy is always that it is somehow in our direct national interest. The Cold War no longer suffices; Vietnam has made us wary of unconsidered involvements. But there is a very real sense in which the United States is deeply and permanently involved in the world. We remain—whether we like it or not—the nation chiefly responsible for preserving some semblance of order in the world. This does not mean that we must intervene in every other country where we think our interests are threatened—or in every other country to preserve order. But it does mean that we, as the most powerful nation on earth, must take seriously threats both to ourselves and to the overall system of international relations. This is a role that we inherited by chance but have now continued largely by choice. Even if we choose to depreciate this role, it is one for which we will continue to be held responsible by others in the coming years.

It can be argued further that this general sense of international order is threatened by what is happening in poor countries; by threats of chaos, internal warfare, and conflict between neighboring states that ultimately could have profound effects on the rich countries of the world.

Directly, this disruption and violence in poor countries may not threaten the United States for some time. But it may. In the Middle East, the rise of uncontrolled violence has complicated a long-standing conflict there that we have not been able to ignore in our overall concern with international order. This new violence, like the old is partly a product of a failure of economic, political and social development.

This failure is having corrosive effects. Our illusion of safety, like that in Europe before 1914, is being destroyed by acts of violence and intimidation that reach below small developing countries. These acts of violence, including aircraft hijackings and international kidnappings, are not confined to the developing world; but they increasingly dramatize its problems and the urgency of finding solutions.

Indeed, the rising tide of violence throughout the poor countries of the world threatens our ability to trade, to travel, and to invest. And unless we help stem this tide by helping these countries develop, our world may be far less congenial for the rich countries than it is today.

This last point does not necessarily imply that our helping poor countries to develop will lead them to take their place in international society without threatening it. In the short run development assistance can even contribute to disruption, as expectations rise to exceed what is possible. After all, revolution and disorder are classically problems of states and people on the rise and on their fall. Nor is it clear that our long-run interest in a stable world implies opposition to all violence in developing countries particularly where it can lead to the evolution of societies that rest on a firmer basis of popular support.

It is here that we encounter a subject which has been a source of increasing concern in the Christian churches, both Portestant and Catholic. Put simply—How should Christians respond to a situation in which overthrowing the existing economic and social order—by means that include violent action—appears to be the only alternative to the perpetuation of injustice? Related to this question is the growing concern for indigenous cultures and traditions will they be crushed or replaced by the values implicit in the cultural standarization that has come to be associated with technological expansion and economic devleopment? There is a widespread concern that "development" as it has been traditionally defined by advanced countries and the international agencies represents at best an inadequate solution to developing country problems and at worst a manifestation of Western economic imperialism.

Many of you here are familiar with reports published the last three years by SODEPAX—the Committee on Society, Development and Peace set up in 1968 by the World Council of Churches and the Vatican, acting through the Pontifical Commission for Justice and Peace. The titles of the reports published after several recent SODEPAX conferences suggest the trend of Christian concern: "The Challenge of Development" (Montreal: 1969); "In Search of a Theology of Development" (Cartigny: 1969); "Peace—the Desperate Imperative" (Baden: 1970); "Liberation—Justice—Development" (Tokyo: 1970); "Partnership or Privilege" (Cartigny: 1970).

All of these reports reflect a single dominant view: that the recipe for the developing countries, as advanced by traditional development economists—is unsatisfactory. The SODEPAX reports reflect the view widely disseminated by the late Louis Lebret that development must be seen as a social process involving ethical values, a process implying ultimately a concept of what man is. Development must be seen within a humanist perspective, and development economics must become a "discipline covering the passage from a less human to a more human phase."

Working from the framework developed by Lebret, many Christian thinkers have come to reject "development" as an adequate concept and have begun to speak of "liberation," of "justice" and "revoluation".

A report of the National Council of Churches issued only this month speaks of "World Justice, Liberation and Development". One of the most influential younger Latin American Christian theologians, Gustavo Gutierrez, speaks of a "theology of liberation." Gutierrez accurately describes the views of a growing number of Christian thinkers—and not only in the developing countries—when he says:

"Development should attack the causes of our plight, and among the central ones is the economic, social, political, and cultural dependence of some peoples on others. The word 'liberation', therefore, is more accurate and conveys better the human side of the problem."

We do not have to adopt Gutierrez's term "liberation" to appreciate his concern for the human aspects of social and economic development.

It is this concern that was expressed by Pope Paul VI in a passage in his encyclical, "The Development of Peoples". Here the Pope speaks of "building a world where every man, regardless of race, religion, or nationality, can live a fully human life, free of the servitude that comes from other men and from the incompletely mastered world about him."

Nor need we share all of Guiterrez's analysis concerning the manipulation and control of poor nations or poor people by international economic groups—groups pictured as "oppressors" and "exploiters". We can still accept another of his central points: The need for a fundamental redistribution of political, economic and social power within society, and a restructuring of the international economic system.

At the present time, this economic system concentrates a disproportionate share of the world's wealth in a few countries.

I believe this is the central message of Christian thinkers today as they view the international scene—that justice requires a fundamental reordering of society; and that such a reordering can be accomplished by deliberate political action by an aroused and politically conscious people. This reordering of priorities, which is required to guarantee a minimal level of material goods and human rights to all people, must be accomplished in developed societies as well as in the poor countries of the world.

I am encouraged that at least one of the major reports on international development—that of the Committee for Development Planning of the UNDP (the Tinbergen Report) explicitly recognizes the need to be concerned about the distribution of wealth—not just its overall increase. This report states:

"The world community cannot sit idle when a part of its population lives in great comfort and even affluence while much the larger part suffers from abject poverty, and when this disparity is increasing instead of diminishing."

It went so far as to recognize that "there will be cases necessitating a sacrifice of the pace of growth in order to prevent social injustice."

Thus the international establishment is being prodded increasingly to modify its approach to the problems of world poverty, to go beyond the traditional goal of accelerated economic growth. The response of the international community so far—particularly the rich countries of the world—is less encouraging.

2. *Interdependence.* A second reason for our being concerned about the developing countries is the growing interdependence of the world. The question of American self-interest in the process of development also has a wider economic and political dimension. There is an international system of trade to be protected and expanded; this can be a stable and expanding international system only if the developing nations are brought into it in ways that are mutually beneficial. It is quite obvious that the United States will play a central role in shaping this system, for good or ill. In fact, by not acting to extend preferential tariff treatment to developing country goods, or by raising new barriers to them, we will have a profoundly discouraging affect on the ability of developing countries to help themselves. And our concern to promote a stable and productive international economic system militates for our giving evidence of good faith to the poor countries of the world. They have little bargaining power: only we have the power to decide whether they will be able to play an active and positive role in the worldwide system.

It is also clear that some problems facing the world will have to be solved in common over the long run, or not solved at all. There is already an awakened consciousness in the United States about the problems of preserving the environment, and tentative attempts to do something about them. At some point the cooperation of the developing countries will have to be enlisted. In fact, it will one day become necessary to protect what is truly a global interest in preserving the environment as a way of protecting our own national self-interest.

3. *Morality.*—For many of you the moral rationale for U.S. involvement in development will be most persuasive. One need not share the Christian and Jewish religious tradition to recognize the force of moral arguments. They even make some appeal to those "hard headed" statesmen who are concerned about self-interest. Many of them also accept that the structure of international relations rests upon a sense of common interest that demands some moral concern for mankind in general.

This point applies particularly to those young Americans who are most concerned about America's moral stance in the world; who wish our foreign policy to be based on more than simple power-politics; who see America's role in the developing countries to be "imperialistic"; and who have many of the same concerns as some of the Christian writers referred to above.

4. *Example.* Finally, it is worth citing the example for us by others, particularly by the other 15 members of the Development Assistance Committee (Organization for Economic Cooperation and Development), which includes the U.S., Canada most of Western Europe, Japan and Australia. In politics as in business, competition can be an effective spur for Americans, particularly if it is put in terms of our own self-interest. And in the realm of development assistance, we are clearly being out-distanced. We lag far behind other rich countries in terms of the percentage of GNP transferred to poor countries. Today we rank 11th out of 16 DAC countries in direct governmental aid, and 16th out of 16 in total net aid and private investment.

The example set for us by Europeans and Japanese is also a challenge to exercise in the realm of development assistance the sense of leadership that has held such a significant place in American political goals since the war. This is particularly true of our sense of leadership in promoting the orderly growth of international society. Few Americans, directly confronted, with their country to be second-rate, or to be seen abroad as defaulting on its responsibilies.

These four points represent only a partial list of arguments for an active U.S. role in development assistance. Although none are conclusive, they do point to the new direction in which efforts to stimulate attention, concern, and political support can profitably be directed.

I have described briefly the situation in the developing countries and have offered several reasons why we in the United States should be concerned. I would now like to address the final question: what should be the response of the developed countries—and more specifically what should be the response of the United States. Indeed, what should we do?

First, we must recognize that international economics issues will henceforth increasingly rival diplomatic and security problems as the principle substance of American foreign policy. This shift in priorities reflects the existing accommodation between the super powers, the development of detente, the changing pattern of economic relations throughout the world and the new states as sources of anxiety and conflict. Until now there has been very little recognition of the trend in the U.S.

President Nixon has finally recognized that economic issues are an important part of foreign policy. And the establishment in February 1971 of a White House Council on International Economic Policy is a step in the right direction. Whether this Council will in fact result in a change in priorities will depend in large part on the ability of Mr. Peter Peterson (formerly President of Bell and Howell), the President's choice for the job, to prove a match for Mssr. Kissinger and Erlichman in White House bureaucratic competition.

But despite the creation of this new Council, the President and his advisors have still not balanced traditional security issues with economic considerations to the extent they need to do.

In the last year, this led to a near collision with Japan on trade questions and has fueled fears in Europe of a trade war between the U.S. and the EEC. And this Presidential neglect has been responsible for preventing the emergence of a clear policy vis-a-vis the developing world. Mr. Nixon has still failed to recognize that what we do today to help poor countries help themselves will reduce the chances that we will be required tomorrow to help defend them with guns and soldiers.

Secondly, we must recognize that the military instruments of American foreign policy have a more limited applicability today. In particular, we cannot much longer pretend that there can be military answers to economic and social problems. This awareness should be reflected in the resources devoted to the military budget. In presenting the Nixon Doctrine as a main outline of American foreign policy, the President has expressed his intention of reorienting America's role in the world by reducing our active role abroad and avoiding military intervention wherever possible in the future. Until now, most analysis has focused on the military aspects of this, particularly on the question, "how do we get Asian boys to fight Asian wars?" However, for the Nixon Doctrine to succeed, we cannot construe our task simply as one of helping others to fight their own wars. It is clear that we must also have to take seriously the means required by individual countries to cope with the conditions that breed threats to their security. These means largely center around the difficut and ill-defined processes of economic and social development. So far, therefore, the Nixon Doctrine has failed to meet its real test—the test of economic development that could make recourse to arms unnecessary.

Clearly, we need to change direction and stop defaulting on our own self-interest. How many of us realize, for example, that the war in Vietnam—a useless, tragic war—has cost us more than all the foreign aid we have provided for the entire world—including the Marshall Plan.

The prospects for change are not bright. According to the present estimates, the federal budget will increase during the next fiscal year by $20 to 25 billion. In view of the urgent need to address domestic problems and widespread opposition to much of our involvement abroad, it is most unlikely that the Administration will increase the total resources devoted to overseas programs. Given the present political climate in the country, a substantial increase in American bilateral or multilateral assistance to the developing world would almost certainly have to come from reductions in other parts of the budget devoted to overseas programs—for example, in the continued high level of military expenditures.

Until now there has been no basis for believing the Nixon Administration plans to move in this direction. It is still placing top priority on the acquisition of improved nuclear weapon systems. For the next fiscal year, the Administration has proposed an increase in the military budget of about $2 billion. It comes at a time when the descalation of the Vietnam War could make funds available for non-military expenditures overseas. By reallocating only a small fraction of potential defense savings—perhaps $1 billion—we could undertake a sizable expansion of our overseas development effort. So the second thing we must do is to is to deemphasize the military aspects of American foreign policy and reduce the military budget.

Third, we must also focus attention on the continuing problem of arms sales to developing countries. At present we continue to give and sell arms to developing countries beyond their requirements beyond any requirements of the Nixon Doctrine. Senator Proxmire in his recent hearings has documented the magnitude of military assistance—at some times exceeding by some billions of dollars our meager economic effort. Worldwide expenditures on defense now total approximately $200 billion per year. Thirty percent of this represent expenditures by the developing world. In this latter figure, about $5 billion represents hard currency payments by poor countries for arms. Arms purchases clearly divert resources that these countries could use to develop themselves economically. They can even contribute to conflicts in which the U.S. and other developed countries may become involved. So the third prescription is to curtail arms sales to developing countries.

Fourth, it is becoming increasingly clear that in determining our relations with many of the developing countries of the world, trade is more important than aid. Approximately 80 per cent of the total financial flows from rich nations to poor nations is accounted for by trade, not aid. The U.S. imports 10 billion of commodities and manufactures per year from poor countries. The European Common Market imports $12 billion. Total exports from poor countries amount to $50 billion in 1970.

For many countries trade is the real engine of development, and exports represent the chief means for earning the foreign exchange they need to finance their own economic development. The ability to increase exports to the developed world is seen as the best way to avoid the problems of foreign involvement and tutelage that go along with foreign aid programs.

Therefore, President Nixon's proposals on trade have a special importance for development policy. He has indicated in his recent foreign policy message that he will ask Congress to eliminate import duties on manufactured products exported from the developing countries. This would implement the general preference scheme which has already been approved by both the OECD and the United Nations' Conference on Trade and Development. At the same time, however, the President may be required to deal once again with import quota legislation on such products as textiles and shoes, which if implemented, could undercut many of the liberalizing provisions of the preferential tariff scheme. Protectionist policies came very close to becoming enacted in 1970 in part because of the Nixon Administration's unwillingness to take a strong stand against it. The failure by the White House to oppose these protectionist measures early and vigorously brought us very close to leading to a major crisis in American international affairs. I believe the President must recognize the importance of trade policy and will be prepared to spend the political capital required to preserve the access of developing country goods to American markets. The establishment of the White House Council on International Economic Policy is one indication of some progress by the President in recognizing the importance of trade.

Fifth, we must move to reinvigorate the U.S. multilateral and bilateral foreign assistance effort. We must be prepared to meet the goals stated by the Pearson and Timbergen Commission Reports which call for a contribution from developed countries equal to one percent of GNP in development assistance. Until now there has been little indication that the Nixon Administration is prepared to make this commitment. President Nixon has, however, put forth some sensible proposals for reorganization of the U.S. development effort, proposals following closely the recommendations of the Presidential Task Force on "Foreign Assistance for the 70's" chaired by Mr. Rudolph Peterson. We should move to implement the President's recommendation that U.S. assistance designed for purposes of short-term security, such as assistance for Southeast Asia, should be separated from that designed primarily for humanitarian or development purposes.

As a way of avoiding excessive involvement by the United States government in the internal affairs of developing countries, we should also move to implement the President's recommendation that more of our development resources flow through multilateral institutions—such as the World Bank and regional banks.

Multilateral institutions will not have all the answers to the difficult problems of development. But they will be able to provide a framework within which the pursuit of short-term political goals at the expense of long range objectives is minimized.

Sixth, we should take a thoughtful look at the President's recommendation to invest our remaining bilateral development aid in three new institutions which would replace the existing Agency for International Development: (1) the International Development Corporation, which would be concerned primarily with transferring capital resources; (2) the International Development Institute, which would be concerned with the creation and transfer of technology and the application of new ideas in the developing world; and (3) the Overseas Private Investment Corporation which is now established which would assist in the channelling of private investments. Although these new institutions were proposed chiefly to win Congressional and public support for a new program, the negative response in Congress thus far suggests that changing the machinery for bilateral aid may produce very limited benefits.

More important, for development institutions to be effective there must be assurance of long-term funding. The test of the President's commitment to development will be his willingness to insist on multi-year appropriations, his willingness to expend the political capital required to push this through.

The question of the President's commitment to development remains the key uncertainty surrounding his recent recommendations about reforming the U.S. development structure. He alone is able to help Americans to understand both their political and moral responsibilities in the developing world. Only the President has the ability to commit the American people to a program of development assistance that will confirm our understanding of the facts of a changing world. Only he can lead us to continue playing a useful and necessary role beyond our borders.

So far, he has not done so. So far his statements fail to strike the note of urgency and commitment that is going to be required if the proposed administrative changes are to work. The President has so far given no clear lead, nor proposed any concrete objectives for the new institutions to reach. In this respect, it should be explicitly added, he is following the pattern set by President Johnson who also gave a low priority to development. These are some of the actions which we in the United States should take if we are to fulfill our responsibilities to the developing countries. In pursuing these objectives, we must always remember that because we are the world's wealthiest and most powerful nation, there is much that we can accomplish.

But after a decade of anguish and unending war in Indo-China we should better appreciate what Dennis Brogan has called "the myth of American omnipotence." We should perceive the folly of earlier efforts to "build the Great Society in Asia" and similar formulations of American cultural imperialism. President Kennedy, we remember, is revered throughout the world—and especially in the developing continents of the world—not so much for what material results he achieved as for the attitude he conveyed. What can be accomplished in a material sense in a short period of time will always fall short of expectations. What is more important is that leaders be prepared to give some evidence that progress is being made, that material betterment is on the way, that there is sound reason for believing that the unmet material problems of society will be solved in the future.

For American leaders cooperating with those in developing societies, it is essential to convey an understanding and respect for the traditions and culture of other nations, a willingness to help combined with a recognition that others may have answers—and not just problems.

In cooperating with leaders and peoples from developing countries, we would do well to approach them in the spirit of the counsel offered by a distinguished graduate of St. John's University, Eugene J. McCarthy.

Speaking of the task of the Christian in political life, he said the following: A man should "make his decisions in the hope that by these decisions an imperfect world may become somewhat more perfect; or that at least if he cannot make an imperfect world less imperfect, he can save it from becoming even less perfect, or finally, from becoming entirely evil and perverted. He can try to prevent degradation, prevent decline, and, if possible, to move things forward and upward toward right and justice."

UNDER THE CONSTITUTION THE POWER OF THE PURSE BELONGS TO THE CONGRESS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. EVINS of Tennessee. Mr. Speaker, the distinguished columnist Mr. James J. Kilpatrick, in a recent column in the Washington Star, discussed the impoundment by the Bureau of the Budget of more than $12 billion in funds appropriated last year by the Congress.

This rather mild, scholarly column terms the issue a question of power. However, the action by the Office of Management and Budget in impounding, withholding, and freezing funds in such magnitude is arbitrary, political, and many feel is unconstitutional.

The OMB has set itself up as an "executive supreme court" to rule on the actions of the Congress—ignoring appropriation actions of the Congress which somehow run counter to OMB's own twisted views on priorities.

Because of the interest of my colleagues and the American people in this most important subject, I place the article in the Record herewith:

IMPOUNDING FUNDS: THE QUESTION IS POWER

(By James J. Kilpatrick)

One of these years, I keep telling myself, I will retire to the mountains, feed a last sheet of copy paper into this battered Underwood, and undertake to distill a lifetime of political observation into a single sentence of political truth. The sentence will read: *The question is power.*

That is what the game is all about. We are seeing it in a new form in Washington these days—actually a very old form—in the inchoate confrontation between Congress and the White House on this matter of the impoundment of appropriated funds. Senator Sam Ervin, D-N.C., has been holding some mild hearings. The White House has dispatched a spokesman to make a mild response. There is not much drama thus far.

Yet the issue is important. One of the fundamental powers of the Congress is the power of the purse. It is the power to raise funds—to lay and collect taxes, to borrow money, to coin money. It is equally the power to say how the taxpayers' money shall be spent. "No money shall be drawn from the treasury," says the Constitution, "but in consequence of appropriations made by law."

It follows from that stricture that appropriations are in fact laws; and the Constitution also says, in defining the powers and duties of a Chief Executive, that the President "shall take care that the laws be faithfully executed."

A specific example may clarify the kind of impasse that develops. Consider, if you please, the Florida barge canal. Critics of the project see it as something more than a mere boondoggle; they see it as an absolute disaster, threatening the delicate ecology of the Everglades. Defenders of the project, such as the Jacksonville Chamber of Commerce, hold a different view; they see the canal as a significant economic benefit, and they regard the environmental arguments as vastly overblown.

Put the merits to one side. The point is that Congress has decided the issue explicitly in favor of the proponents. Congress repeatedly has made appropriations for building the canal. These appropriations are "laws" as surely as the laws appropriating funds to pay a President's salary; they are laws manifesting a specific congressional intent.

But on Jan. 19, by executive order, Mr. Nixon simply nullified the laws appropriating money for the Florida barge canal. Acting on the recommendation of Dr. Russell Train, chairman of his Council on Environmental Quality, the President imposed an effective veto. Does the duty to execute the laws embrace a power to nullify the laws? If so, what dignity and purpose attach to congressional appropriations in the first place?

Consider a different hypothesis. Suppose it were President Proxmire in the White House; he is a steadfast opponent of federal funding of a supersonic transport plane. Suppose the Congress had fought out the question of an SST, and the proponents had won. The fight is over. The appropriation has passed. But instead of vetoing the bill, President Proxmire impounds the money and refuses executive consent to its expenditure. What then? Impeach the President? Sue him? Such remedies have little substance of reality.

The law is unclear. In a major speech to the House on Feb. 10, Florida's Charles E. Bennett cited precedents going back to Kendall v. United States in 1838 to support his conviction that specific appropriations cannot lawfully be impounded. The case involved a small claim of a man named Stokes for carrying mail, and may not be in point. Bennett also cited various law review articles criticizing a President's asserted power to impound.

Manifestly, a President must have some discretion. Existing law permits impoundment to avoid deficiencies, or to effect economies. Custom and common sense support a President's refusal to expend appropriations when circumstances have changed; after World War II, President Truman reasonably nullified outlays for unneeded military hospitals.

None of these exceptions touches a case such as the Florida barge canal. Congress has said it shall be built. Mr. Nixon, without a formal veto, has said it shall not be built. Never mind who is right or wrong, for the question is not a question of wisdom or of folly. Again, in saecula saeculorum, the question is power.

I AM DEMOCRACY—THE FRIEND OF MAN

HON. EDMUND S. MUSKIE

OF MAINE

IN THE SENATE OF THE UNITED STATES

Monday, April 5, 1971

Mr. MUSKIE. Mr. President, there are many ways of expressing love of country—in song, story, deed, and verse. One such patriotic verse has recently been called to my attention.

Entitled "I Am Democracy—The Friend of Man," the poem, composed by Sol Mann of Redondo Beach, Calif., is an appropriate reminder of some of our basic national ideals. I ask unanimous consent that the text of Mr. Mann's poem be printed in the Record.

There being no objection, the poem was ordered to be printed in the Record, as follows:

I AM DEMOCRACY—THE FRIEND OF MAN

(By Sol Mann)

Destroy me if you can,
You lost, confused, unhappy man.
Destroy everyone in this wide, wide land,
But still try to destroy me if you can.
I cannot be killed how e'er you try,
I shall always, always remain alive.
For I am the heart-beat of this land,
I am Democracy, the friend of man.

My strength lies in the lives of men,
Who sacrifice for this great plan,
My heroes many, with ideals supreme,
Gave Democracy its memorable dream.

A dream of right and love for all,
This above else should be our call.
No man too great, no man too small,
All for one, and one for all.

This is America, and its plan,
So destroy me if you can, you lost, confused,
unhappy man.
Destroy me with lies, bigotry and hate,
And even these I'm able to take.

For this stream of right and love will prevail,
In spite of history's constant wails.
Yes, America is the land, and America is the
plan.
So destroy me if you can, you lost, confused,
unhappy man.

I cannot be killed, how e'er you try,
I shall always, always remain alive.
For I am the heart-beat of the land.
I am Democracy, the friend of man.

CREDIBILITY GAP ON TELEVISION

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. J. WILLIAM STANTON. Mr. Speaker, I include in the Record an editorial which appeared in the Cleveland Plain Dealer. It is further evidence of a credibility gap on television, the same media that is prone to inform its listeners of what it describes as a "credibility gap in Government."

The editorial states that—

> The television industry creates a credibility gap between itself and the public when it allows false evidence to be presented as part of what is supposed to be a factual documentary.

The editorial in full follows:

CREDIBILITY GAP ON TELEVISION

The television industry creates a credibility gap between itself and the public when it allows false evidence to be presented as part of what is supposed to be a factual documentary.

The National Broadcasting Co.'s vice president of corporate information, Robert D. Kasmire, acknowledges this occurred in a January program, "Say Goodbye," dealing with the threatened extinction of various species. It purported to show the death of a female polar bear, shot from a helicopter, as its cubs watched the agony. But the scenes are of different bears at different times and the female bear was being tranquilized for scientific study, not staggering in death throes as depicted. In fact, it is illegal to kill a mother polar bear with cubs.

This splicing was by an outside producer, Wolper Productions, which supplied the program to NBC for its advertising client. But NBC transmitted it without the careful scrutiny documentaries deserve. Now NBC is developing new safeguards. Either a nature documentary discloses it is using a montage of different scenes instead of an actual pictorial event, or the network won't show it.

We think this should be expanded to include documentaries of all types, especially including the war, and all filmed news reports on all networks and stations. Last year

NBC, determined to show Lake Erie was dying, used an old film of fish dying in the polluted Rhine River in Germany—and called it Lake Erie. Vice President Spiro T. Agnew last night raised serious questions of authenticity about two Columbia Broadcasting System documentaries.

The public easily can be misled emotionally by TV. The distinction between a re-enactment or clever splicing or substituted scenes and the real thing should be made plain.

TV's credibility with the public is at stake.

NIXON ON MARKET: IS PROVING CORRECT AFTER 11 MONTHS

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. JOHNSON of Pennsylvania. Mr. Speaker, a little-heralded example of President Nixon's ability to analyze trends and come up with accurate predictions about the future is contained in a recent article in the New York Times.

The story recalls an occasion when the President, meeting with a group of Wall Street leaders a year ago to assess the gloomy state of the financial markets and rampant inflation startled them with this remark:

> Frankly, if I had any money, I'd be buying stocks right now.

This single sentence came when the stock market was heading toward a bottomless pit.

Exactly 1 month later the Nixon prophecy looked rather pathetic, as the Times puts it. The market had hit a new low in its decline. The Dow-Jones industrial average stood at a 7½-year low at 631.

But almost a year later the facts are:

There has been a spectacular rise in the market. Since that remark was uttered the market has climbed about 179 points; the upsurge from the 1970 low last May has been 43 percent; despite a downturn in mid-March the market neared the end of the first quarter with a gain of some 65 points in the Dow average to slightly above the 900 level. And if investors heeded that Presidential prophecy they would have profited as handsomely as the Dow average did.

In addition the economy is strong and inflation appears to be coming under control. The interest-rate structure "has undergone a fantastic downward restructuring; international shocks are being weathered with greater calm, and the stock market is vibrant and markedly elevated," the Times states.

It is clear that President Nixon is a prophet worth listening to. It is clear, also, that his policies have lent support to his prophecies. I insert the Times article in the RECORD at this point.

NIXON, ON MARKET, IS PROVING CORRECT AFTER 11 MONTHS

(By Thomas E. Mullaney)

Exactly 11 months ago today, when the stock market was deep in the doldrums and still headed toward its 1970 nadir, President Nixon met with a group of Wall Street leaders to assess the gloomy state of the financial markets and the rampant inflation that was troubling them so much.

Out of the meeting came some confident reassurances that the economy was sound, that progress was being made in the effort to smother inflation, and that the securities markets were basically healthy. No promises were announced of any new initiatives to bolster investor confidence, but the President optimistically remarked:

"Frankly, if I had any money, I'd be buying stocks right now."

A month later, the market reached the bottom of its 18-month tailspin, with the Dow-Jones industrial stock average touching a seven-and-one-half-year low at 631 as investors continued to harbor doubts about the economy and showed concern over the Cambodian operation.

Now, almost one year later, the President appears to be a prophet of considerable prescience. The economy is strong—albeit not so vigorous as Washington would like—and inflation seems to be coming under control. The interest-rate structure has undergone a fantastic downward restructuring. International shocks are being weathered with greater calm. And the stock market is vibrant and markedly elevated.

Despite a small downturn last week, the market is nearing the end of the first quarter with a gain of some 65 points in the Dow average to slightly above the 900 level.

However, there has been a spectacular rise in the market since the President's stock commentary last spring. The day he spoke the Dow average stood at 724.33. His now-famous remark looked rather pathetic a month later, when the average had sunk almost 100 points, but it has since climbed about 179 points, or almost 25 per cent. The upsurge from the 1970 low last May has been about 43 per cent.

If an investor had heeded the President's advice last April 28 and put money into a representative group of 10 blue-chip and secondary stocks, he would have fared just as well as the Dow average. Here is what happened to a sample of 10 stocks over the 11-month span:

Stocks	Apr. 28, 1970	Mar. 26, 1971	Percent change
General Motors	67⅛	83½	+24.4
Standard Oil (New Jersey)	53⅝	77⅝	+44.7
General Electric	69⅝	111¾	+60.5
Du Pont	106¾	140¾	+31.8
I.B.M	290¼	358	+23.3
Control Data	41⅜	62⅝	+51.3
American Brands	34	47⅝	+40.1
Merck	93¼	98	+5.1
Polaroid	86⅞	91⅞	+5.7
Lockheed	11¼	11⅛	−1.1

Although the President has done well in assessing stock market prospects and taming inflation—consumer prices have risen only 3.7 per cent since last April—the Administration is still confronted with a high unemployment rate, around the 6 per cent level; an economy in need of more zest; widespread criticism of its economic strategy; a budget slipping into a full-employment deficit, and declining favor in public-opinion polls.

Another dark shadow is the continued absence of revived public confidence. Worries about unemployment, apparently, are still keeping public psychology wrapped in a blanket of caution, and, consequently, consumer spending remains extremely reluctant, while individuals continue to enlarge their nest eggs of savings.

While consumer confidence remains rather brittle, there have been some recent indications that it is becoming a bit firmer. The weeks ahead will provide a good test of its mettle, as the public displays its Easter spending mood and its spring-buying inclinations for new cars, durables and other merchandise.

Merchants have been heartened by a somewhat stronger buying pulse in recent weeks and the slightly better tone of the University of Michigan and other recent consumer surveys.

Department-store sales across the nation, which had been rather flat early this year, showed a gain of 4 per cent in the week ended March 20, while total retail sales in the same period jumped 7 per cent over the year-ago week to $7,039,000,000.

There hasn't been much of a surge in new-car sales as yet, however—at least not enough to assure the 10-million-car year that Detroit has been counting upon after the depressed volume of 1970. Sales during the middle 10 days of March were up only 5.7 per cent, due largely to the gain of more than 11 per cent achieved by General Motors in its continuing catch-up from last year's long strike.

A brighter note, though, appeared in current surveys of consumer attitudes. The quarterly survey of the University of Michigan reported that "consumer confidence improved somewhat during the past three months, but the gains were small." The Sindlinger survey found the confidence level rising, although not as much as it did after the last recession.

But the sounding by the Commercial Credit Company noted that the American consumer "is about to loosen his purse strings, start borrowing again and lead the United States economy into recovery." It predicted spending on capital goods in the third quarter would be 10½ per cent higher than in the 1970 period.

ECONOMIC INDICATORS, WEEKLY COMPARISONS

	Latest week, Mar. 21	Prior week Mar. 14	1970 Mar. 21
Commodity index	109.7	109.5	114.5
Currency in circ [1]	$56,213,000	$56,300,000	$52,459,000
Total loans [1]	$83,787,000	$83,241,000	$81,212,000
Steel prod. (tons)	2,844,000	2,810,000	2,678,000
Auto production	187,676	191,590	130,628
Daily oil prod. (bbls)	9,812,000	9,882,000	9,619,000
Freight car loadings	509,639	500,554	514,504
Elec. pwr. kw-hc [1]	29,735,000	10,430,000	25,483,000
Business failures	195	270	228

[1] Statistics for commercial-agricultural loans, carloadings, steel, oil, electric power and business failures are for the preceding week and latest available.

MONTHLY COMPARISONS

[Dollars in thousands]

	[1] February	Prior month	1970
Employed	78,537,000	78,864,000	78,822,000
Unemployed	4,847,000	5,033,000	3,427,000
Industrial production	164.8	164.0	169.4
Money supply	$217,400,000	$214,800,000	$199,500,000
Personal income	$828,900,000	$825,400,000	$777,600,000
Construction contracts	126	117	137

	[1] January	Prior month	1970
Consumer's Price Index	119.2	119.1	113.3
Manufacturers inventories	$99,708,000	$99,698,000	$96,165,000
Exports	$3,735,400	$3,517,800	$3,305,200
Imports	$3,686,300	$3,320,400	$3,249,700

[1] Figures subject to revision by source.

Commodity index, based on 1957–59=100 and the consumers price index, based on 1967=100, are compiled by the Bureau of Labor Statistics. Industrial production is Federal Reserve Board's adjusted index of 1957–59=100. Imports and exports as well as employment are compiled by the Bureau of Census of the Department of Commerce. Money supply is total currency outside banks and demand deposits adjusted as reported by Federal Reserve Board. Business failures compiled by Dun & Bradstreet, Inc. Construction contracts are compiled by the F. W. Dodge Division, McGraw-Hill Information Systems Co.

BUSINESS INDEX DOWN

The New York Times Weekly Index of Business Activity fell to 365.1 from 370.5 a week earlier. A year ago it was 362.1.

The following table gives the index and its components, each of which has been adjusted to reflect the long-term trend and seasonal variations:

	Mar. 20 1971	Mar. 13 1971	Mar. 21 1970
Combined index	365.1	370.5	362.1
7 weeks moving average	366.9	367.1	355.7
Miscellaneous loadings	106.3	105.8	108.0
Other loadings	54.4	52.9	55.4
Steel	181.8	179.7	173.0
Electric power	658.2	670.1	654.6
Paperboard	508.4	502.8	502.7
Lumber	99.8	105.4	92.7

While many Wall Street analysts expect last week's profit taking and consolidaton in the stock market to run somewhat longer, there is an unmistakable thread of bullishness still woven into most market assessments.

Alan Shaw, vice president of Harris, Upham & Co., said he felt the stock market had become overextended and that it could endure a setback at this time from any surprises in the news.

"I think there has also been some technical deterioration in the market and that we could get a correction of 5 to 10 per cent now," Mr. Shaw said. "But if the small investor gets his courage up, we might see a big speculative market in the summer. The consumer may be forced into the stock market because the interest rates he was getting on savings are going down."

Robert Johnson, vice president of Paine, Webber, Jackson & Curtis, feels there may be "backing and filling for several weeks, with the Dow average in a trading range between 880 and 920, until we see whether the Administration's modified economic game plan is working. Institutions had been working on the assumption it will work, but lately they have shown some hesitancy until they could be certain it would."

Robert Stovall, vice president of Reynolds & Co., predicted a reaction of a little over 5 per cent in the Dow average to the area of 850 but said he looked for tax cuts from the Administration in mid-April that would encourage consumer spending and help lift the Dow back to the vicinity of 950 by the third quarter.

An optimistic assessment also came from Norton H. Reamer, vice president of the Putnam Management Company, on the basis of the expansive fiscal and monetary policy being pursued in Washington, the effects such policy would have in fostering economic recovery and aiding corporate profits, and the strength of technical market factors.

"We are still in the middle stage of a bull market move even though the market has gone up for a long time with no substantial reaction as yet," he said.

In the bond market last week, interest rates continued declining for a time as the economy seemed to be more sluggish than expected and the banking system remained flush with money to lend. Yields dropped almost to the levels reached at the end of January and early in February.

Those lower yields, however, made some bond traders apprehensive, causing them to take some profits and lighten inventories.

In the stock market last week, all the leading averages suffered moderate losses in sharply reduced trading.

The Dow-Jones industrial average declined 9.44 points to 903.48; The New York Times combined average was down 9.38 to 517.59; the Standard & Poor's 500-stock index was off 1.06 to 99.95, and the New York Stock Exchange composite eased 0.50 to 55.19. The losses were the largest in five weeks.

There were 1,049 issues that moved lower for the week on the New York Exchange, 604 that gained ground and 157 that closed unchanged.

Trading on the Big Board contracted to 77.9 million shares for the week from 91.3 million the week before.

CITIZENS ANSWER QUESTIONNAIRE ON SIGNIFICANT ISSUES

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. ARCHER. Mr. Speaker, several weeks ago I mailed to the citizens in my district a questionnaire about some of the significant issues confronting this Congress and the Nation. The high level of response, I think, indicates the interest and concern of the residents in the Seventh District about these problems. So that other Members may see the results of the poll, I hereby submit them for inclusion in the RECORD:

(1) Primary responsibility for pollution control should rest with:

(In percent)

A—the Federal Government	14.7
B—State and local governments	14.1
C—a cooperative effort by all levels of government	67.7
No response	3.4

(2) Wage-price controls. The President should:

A—impose mandatory guidelines or freeze on wage and price increases	31.4
B—urge voluntary guidelines	19.6
C—intervene personally in specific cases to discourage inflationary increases	34.1
D—not interfere with wage/price structure	9.9
No response	5.0

(3) Budget:

A—a balanced budget is essential to slow inflation	56.3
B—temporary deficit spending to reduce unemployment is acceptable	28.0
C—maintaining a balanced budget is unrealistic	9.6
No response	6.1

(4) Welfare:

A—maintain the present welfare system	1.0
B—Federal Government should guarantee minimum annual income	6.8
C—modify present system to provide work incentives and work requirements, without guaranteed annual income	76.5
D—abolish welfare system	12.1
No response	3.6

(5) Supersonic transport. The Government should:

A. continue development of supersonic transport	24.3
B. continue development, but at slower spending rate per year	17.3
C. suspend development pending further research into possible drawbacks of SST	27.5
D. eliminate development of SST	24.4
No response	6.4

(6) Revenue sharing. Federal Government should:

A. share tax revenues with States	43.5
B. share revenues only if budget is balanced	22.4
C. local government should raise its own revenues to solve local problems	27.7
No response	6.4

(7) Draft:

A. continue the draft	12.6
B. eliminate the draft	9.8
C. insure adequate volunteer Army before eliminating draft	32.8
D. require some form of military or public service for all men	4.0
No response	4.0

(8) Health insurance:

A. establish federally subsidized health insurance program for all citizens	21.6
B. establish program for persons in need and for catastrophic illness	41.1
C. Federal Government should not subsidize health insurance	32.6
No response	4.7

(9) Government reform. Do you favor or oppose President Nixon's proposed restructuring of the executive branch, including merging several Cabinet posts?

A. favor	73.9
B. oppose	15.6
No response	10.5

(10) Mid-East. The United States should:

A. aid Israel to maintain balance of power in Middle East	32.6
B. improve relations with Arab nations and protect our economic interests	17.7
C. participate only in diplomatic negotiations	28.8
D. discontinuing involvement in Middle East crisis	14.4
No response	6.5

(11) Vietnam:

A. President Nixon's policies are the best alternatives	38.5
B. withdraw all troops immediately	17.0
C. accelerate and win as quickly as possible	23.1
D. announce fixed timetable for withdrawing all troops	16.3
No response	5.0

A BILL TO AMEND THE INTERNAL REVENUE CODE TO INCREASE THE CREDIT AGAINST TAX FOR RETIREMENT INCOME

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, I am today reintroducing a bill I sponsored in the first session of the 91st Congress to increase the credit against tax for retirement income. This bill is to correct an injustice which has come to my attention.

The credit against retirement income was intended to provide equal treatment under the law for those who receive social security payments, which are totally tax exempt, and those who receive an annuity from some other public retirement system. When increases were provided for social security recipients we did not follow through and increase the tax credit in proportion. This bill will correct that oversight.

Mr. Speaker, I realize this is not the perfect answer to the knotty problem of equalizing tax treatment but it is a step in the right direction. We may possibly have to approach this problem from a different angle and consider a flat exemption of some part of the retirement income.

I need not remind my colleagues that the rising cost of living has steadily reduced the buying power of those living on fixed incomes. When we consider this factor, along with the realization that many of these retirees retired years ago, when salaries were low and produced small annuities which are now inadequate to maintain an acceptable standard of living, the great problem our retirees face becomes increasingly evident.

It would seem to me that we have a responsibility to correct such injustices and give these former Federal employees a life of dignity.

THE CHIPPEWA FLOWAGE

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. O'KONSKI. Mr. Speaker, considerable controversy has arisen over the relicensing of the Chippewa flowage, a private power project in northern Wisconsin. Because of the great interest in the best use of the Chippewa flowage for all concerned, I am pleased to have printed in the Record the fine article in Jay Reed's Wisconsin column on the "Chip" in the March 28, 1971, issue of the Milwaukee Journal. I highly recommend this informative article to the attention of my colleagues:

THE "CHIP"

(By Jay Reed)

They're talking about change for the Chippewa Flowage. There have been news stories about it which you may or may not have read. It has something to do with licensing, which I really don't understand. And it has something to do with public ownership and control as opposed to private ownership and control, and I really don't understand that either.

What I do understand is that they are talking about change for the flowage, and when they do that it is as if they were talking about change for my house or my heart.

If you don't know about the flowage, you should. It's a lake, manmade a couple of decades or more ago. It sits like a giant spider with a fat body up among the sea green forests of Sawyer County near Hayward, some 350 miles or so northwest of Milwaukee.

To these old eyes it is the finest body of water in all of Wisconsin except, perhaps, for the Mississippi River, and that really does not count because Wisconsin can't claim the whole river for its own.

But the flowage? That's Wisconsin, man. All Wisconsin. It was conceived in the womb of private intellect and was born with the aid of private money. It became the son of a private industry which sells power.

There are those who complain the annual drawdown hurts the quality of fishing on the flowage. Maybe it does. But the theory is kind of hard to sell to those of us who fish those waters a lot.

It is still the place where a man can go to get enough fish to eat when other lakes are dead as yesterday's sunrise. It is still the place where, in early spring, a fisherman's biggest problem is not catching fish but not catching them too soon so that a limit is reached before the day has really started.

It is the place where the biggest muskie ever taken on hook and line in Wisconsin was caught. It is the place where, pros say, the next world record muskie lives. It is the place which produces more 20 to 30 pound muskies than any other lake in the state.

In short, if the lake could be turned into a better fishing spot than it already is, a man would have to live in fear every time he opened his tackle box. He'd have to bait his hook behind a tree.

Now I'm a fisherman more than anything else and fishermen, mostly, are simple people. So I don't really know for certain if public ownership is better than private ownership. But I have an idea.

They are talking now about having Congress purchase the Chippewa Flowage. That would mean federal (or public) ownership. And the flowage has served its original purpose well.

Now maybe somebody thought of it way back there in the beginning. Maybe some man way ahead of his time figured out that the flowage might become the last real wilderness lake area in the state. Whatever the case, the flowage and its largely undeveloped shoreline became one of the finest gifts the outdoor men of this state have ever received.

To this very day, you can put in on the flowage in summer, and before your outboard motor is warmed up, you'll be surrounded by such wilderness as to make you think you are in the deepest part of the bush country of Canada.

The company that owns and controls it has made it available to anybody with fiber enough to want to test it. There are limited access points, limited parking lots, limited island campsites. That's what the company has done. It hasn't fooled around with the shoreline. It hasn't turned it into a neon raped fake like so many lakes in the North.

It has left the flowage alone, for the most part, except to draw most of the water out of it over winter, which is no more than the original plan anyway. It hasn't really tried to manage the flowage and that, very likely, is why it is such a great piece of country today.

I would recommend, first off, that anyone who believes public ownership of the Chippewa Flowage would be a good thing should take a trip to the Sylvania recreational area north of Land o' Lakes in the Ottawa National Forest. There you can get a good look at what federal ownership of a wilderness area can do.

You can see the forest bleed from fresh cuts of new roads. You can see the sun slant off the roof of a gigantic pavilion, and you can walk the paths to planked outhouses with red roofs. And you can see the stately camping areas with their staked out units and signs and garbage cans.

You can do all this and you can weep, if you have any feeling at all for what once was wild and untouched.

So they are talking about change for the Chippewa Flowage and that makes me sad because, more often than not, once they start talking about change it almost always comes.

Maybe they'll make the flowage a better place. Or maybe they'll kill it. I don't know. But there is one thing about it. If they kill the flowage, they'll never have a chance to make the same mistake again. It is the only place of its kind left in this old state.

OFFICE OF SALINE WATER REVIEWED

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. HOSMER. Mr. Speaker, one of the Capitol's experienced and respected correspondents, Helene C. Monberg, recently did a wrap-up on the Office of Saline Water as part of her western resources series. The considerable progress of this Office that she chronicles in her study occurred largely during the directorships of Dr. Jack Hunter and Dr. Chung Ming Wong. Presently that Office awaits appointment of a new director. The Monberg article follows:

SALINE WATER PROGRAM

(By Helene C. Monberg)

In its 20th year the federal government's saline water program to convert salty water to fresh water is on the move.

Next month the federal Office of Saline Water (OSW) in the Interior Department will sign a contract with California's Orange County Water District to design, construct and operate a specially-built test module on land leased to OSW by the District at no cost. The module will be so constructed that it can be scaled up to a 200 million gallon-per-day desalting plant to be used by the District if the economics prove out. An 18-month construction contract to construct the $4.4 million test module will be signed in June. The contractor will be Envirogenics Co., a division of Aerojet-General Corp., of El Monte, Calif.

OSW is asking Congress for $1,100,000 for fiscal year 1972 to build a 250,000 gallon-per-day plant to desalt sea water, and also for $1 million for FY 1972 to build a 500,000-750,000 gallon-per-day plant to desalt brackish water. Each plant will have a reverse osmosis test bed. The reverse osmosis process uses mechanical pressure to separate salt from water, and it "continues to show great promise" to desalt both brackish water from inland water sources and sea water, according to OSW. A membrane, or a thin sheet of plastic or other material, is used to separate the salt from the water. OSW wants to use these plants to test out a new family of membranes which can desalt sea water in one and two-pass operations and can desalt twice the amount of brackish water than membranes now used. The brackish water test bed will also be capable of recovering 90–95 per cent fresh water; presently used plants can recover only 50–70 per cent of the brackish water as fresh water.

DUAL PLANT?

The OSW and the Department of Water Resources of the state of California have entered into a memorandum of understanding to conduct a study on the feasibility of building a large-scale desalting plant. Diablo Canyon in San Luis Obispo County, on the Southern California coast, was selected as the site for study on Jan. 12 because San Luis Obispo and Santa Barbara Counties offer a water marketing area, and Pacific Gas & Electric Co. is building a nuclear power plant at Diablo Canyon. Thus the door is opened to combine a big desalting plant with a big nuclear power plant. The PG&E nuclear plant will be 1,000,000 kilowatts. If there is a desalting plant it is expected to be from 30–50 million GPD.

William R. Gianelli, the California Water Resources Director, said on Jan. 12, "The state-federal reports" on the joint studies now underway "are to be completed in Jan. 1972. That they will be submitted to the (California) State Legislature and the U.S. Congress for authorization and appropriation to design, construct and operate a large-scale desalting plant. To achieve operation" of such a plant "in 1978 will require that design work begin early in 1973 and construction begin by mid-1974," he said.

In another month OSW should have the results from a study conducted by Dr. A. D. K. Laird of the University of California at Berkeley to identify the most feasible system that might be used to desalt water from geothermal steam in California's Imperial

Valley. OSW authorized the $69,785 study on March 30, 1970 under the direction of Laird, who is coordinator of the University of California saline water conversion program. Imperial Valley is on the border with Mexico, which has already started to develop its geothermal resource. Geothermal is a geological term of or pertaining to heat of the earth's interior; it may be energy or it may be water in the form of steam. There are both in Imperial Valley. "We definitely want to build a pilot plant at least in Imperial Valley." OSW spokesman John W. "Pat" O'Meara said here on Feb. 24.

The Bureau of Reclamation is the lead agency at the Interior Department on geothermal steam, and it has been doing extensive drilling in the Imperial Valley recently. Most of the Bureau's work has been done under contract. The past three years it has been under the direction of Dr. Robert W. Rex, an expert in geothermal resources with the University of California at Riverside. Reclamation put out a glowing release on Feb. 14 indicating that the potential of geothermal steam underlying the Imperial Valley "holds promise of major assistance in solving the critical water resource needs of the Southwest." It was particularly pleased with the high potential of a geothermal well as a source of water at Dunes Anomaly in the Imperial Valley about 25 miles northwest of Yuma, Ariz. Enthusiasts about the potential of geothermal energy and steam in the area believe it can provide up to 20,000 kilowatts of power and a million acre-feet of water annually at a cost for water of $75 an acre-foot, including desalting. There are informed skeptics who believe geothermal steam contains too many impurities to be desalted and demineralized economically, and only a few areas such as Marysville, Calif., and Reno, Nev., can utilize dry heat as energy economically. In any event, the possibility of a transbasin water diversion from the Pacific Northwest to the Pacific Southwest has faded, both desalting sea water and desalting geothermal steam in the Southwest are being looked upon as likely sources for additional water and are being emphasized in the Bureau of Reclamation's West-wide water study.

STATE AND LOCAL STUDIES

Because OSW wants to learn about practical water problems first-hand, it has embarked on cooperative studies with states and has studied local areas with specific water problems.

It is on the verge of entering into a cooperative study with the state of Arizona, and it hopes to work out a cooperative study with the state of Florida in coming months. It already has cooperative studies underway with the states of Colorado, New Mexico, Texas, California and New Jersey. It has completed a cooperative study with the state of New York and with New York City. And it has joint studies in progress with the Water Resources Council and with sister agencies within DOI.

Because there has been a rise in the salinity of Colorado River Basin water, OSW is doing field testing on 10 typical types of brackish or salty inland waters in the Yuma, Ariz., area. It has completed studies on other strategic locations along the Colorado River Basin: at Laverkin, Utah, on saline mineral springs; at Las Vegas Wash, Nev., on polluted saline surface streams, and at Grand Junction, Colo., on irrigation return flows. Of these tests, OSW stated in its last annual report, "A rise in salinity . . . has already resulted in a marked decrease in crop yield in areas irrigated by the Lower Colorado . . . (But) results show that reverse osmosis can effectively reduce the salinity of these sources."

OSW has also made studies of the local well water supplies at Gillette, Wyo., and at La Junta and Fort Morgan, Colo. "Fort Morgan's local water supply gradually has been increasing in salinity and now contains about 1800 dissolved parts of salt per million parts of water (ppm). Tests have shown that undesirable levels of selenium and nitrates can be brought well below the maximum established by the U.S. Public Health Service," OSW said. Water containing more than 1,000 ppm of salt should not be used for human consumption. Reverse osmosis is effective here too, according to OSW. So is the electrodialysis process, OSW said. OSW is getting more inquiries from local communities about their water problems because salinity is increasing in a number of areas "due to overpumping or because pollutants are finding their way into fresh water aquifers," it said.

OSW has five installations, three located along the seacoast at San Diego, Freeport, Tex., and Wrightsville Beach, N.C., and two to study brackish water problems at Roswell, N.M., and at Webster, S.D. The Webster plant is being closed in June 1971, and five pilot test projects there will be gradually phased out after that date. The Roswell plant has now become the center in the United States to test brackish waters found inland throughout the country. The reverse osmosis test bed for brackish water being requested by OSW in the 1972 budget is expected to be located at Roswell, and one of the three OSW sea water installations is expected to get the "RO" test bed to desalt sea water. The test beds—which will be among the largest in existence if Congress approves their construction—will be intermediate-sized plants used for performance-testing of experimental hardware and essential materials.

ORANGE COUNTY AND MWD

The Orange County plant, like most of the other OSW plants, will provide research and engineering information to OSW and will provide a supplemental water supply to Orange County. OSW plans to combine the features of two proved desalting processes, the vertical tube evaporator and the multistage flash (VTE-MSF), in the module, or initial segment, of the plant to be built in 18 months, beginning in June, at a cost of $4.4 million. It is designed for expansion and flexibility, but the initial capability of the module will be 3 million gallons of fresh water per day. OSW experts are extremely high on the VTE/MSF coupling because their studies indicate it can save up to 30 per cent in capital costs and 15 per cent in water costs as compared with an MSF plant. In this Hemisphere the cheapest desalted water is being made by a 7.5 million GPD plant near Tijuana, Mexico for 65–75 cents for 1000 gallons.

Orange County Water District, as OSW's partner, will furnish the steam generator, water intakes and outfalls, office and shop buildings, at a cost of $3.2 million for the Orange County plant. This is the fastest growing large county in the country. Its population is projected to be 2 million by 1980, as compared with more than 1 million now. Its 1980 water requirement is expected to be 500,000 acre-feet a year. It gets its water supply from the Santa Ana River, mainly as ground water, and from the Colorado River aqueduct. The aquifer underlying the area can store up to 500,000 acre-feet of water, but in times of short water supply or heavy pumping, there is salt water intrusion from the Pacific Ocean into the ground water basin. Thru its Coastal Barrier project, Orange County plans to blend the desalted water from the OSW plant with reclaimed waste water from a waste treatment plant that it will soon construct. This will provide an acceptable grade of water to inject into the aquifer. Whether Orange County will ever build a 200 million GPD plant from the OSW module is pretty iffy. A federal water expert bet this correspondent $1 that it would never do so for the same reason that Webster, S.D., is not taking over the 325,000 desalting plant there: too costly to operate.

The Metropolitan Water District (MWD) of Southern California, the water marketing wholesaler for Southern California, would have become a partner of OSW, according to O'Meara, if Orange County had not. Orange County is one of the water districts served by MWD. MWD officials, including John H. Lauten, Frank Clinton and Alan J. Williams, have been in Washington this past week making final settlement on the ill-fated Bolsa Island desalting plant-nuclear plant proposal which went down the drain in 1969. They were publicly noncommittal about the new California desalting projects.

VIEWS ON MALE CHAUVINISM

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. SPRINGER. Mr. Speaker, the Champaign News-Gazette, of Champaign, Ill., on Sunday, March 28, ran an article by five women in Washington.

One of the women who was chosen to express her opinion was Frances Knight, Director of the Passport Office in the Department of State.

Miss Knight always expresses herself well and is not one who is overcome by men's opinions. But above all, she always has a good idea to express and, as many in the State Department can well testify, she knows how to express them succinctly. I know that my colleagues in the House will be interested in knowing of Miss Knight's views on male chauvinism.

The article follows:

VIEWS ON MALE CHAUVINISM

(By Frances Knight)

My mother instilled in me the idea that I could do a man's work and I tend to think that a woman who does her job well can be just as good as a man, often better. For one thing administrative work is detail work and men hate detail. They also don't like confrontation, which is part of detail work.

When I came to Washington, I had a background in editorial work and newspaper writing. I started as a grade 3, just above a janitor. I wasn't even a clerk-typist, just a typist. One day I was typing something to do with the budget and I came upon a tremendous error running into the millions of dollars. I took it to my boss and pointed it out to him and he was impressed, because this error had passed by many people and no one had noticed it.

After that he began to give me more responsibility and I began working my way up. The job I have now (director of the passport office) is a post that has always been held by a woman.

Generally speaking, men resent working for a woman. I'm willing to wager that every man here thinks in his heart that he could run this place better than I do. They swear they don't feel that but it's in the male animal.

I have met with resistance from men. For one thing, I don't ask for advice as men would wish. When I go to a supervisor I already have a blueprint which I propose to them. It's ridiculous to go hat in hand when you already know what you want. Nonetheless, men resent it when you resolve your own problems—they'd rather you made it look like they solved it for you.

I'm outspoken and want to be involved in making decisions and getting things done.

It's hard because the government never gets anywhere—the bureaucracy uses the word "concurrence" all the time because a guy can't stand to be responsible for his own ideas—he wants to spread the blame and say it was John's idea and Joe's idea. I hate that.

When people start out here they start at the bottom. Forget the college degree, they have to work their way up. Of course it's true that the bottom at which men start and the bottom at which women start is not the same bottom . . . but by the time a woman has come up and gets picked for a better job, it's because she's good at the job, not because she is a woman.

A lot of women never get there. Partly, it's that a lot of women aren't interested in making a career, and slough off. You will notice that there are no women in top management positions at the state department. It's a built-in thing there. But also, women are limited, kept down by men in high policy positions, and they will themselves into submission by subjugating themselves to these people.

Many women put themselves into a surreptitiously supplicating position. Women should be able to take the credit or blame for their own ideas, then they could get ahead.

WYOMING WOES

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. RONCALIO. Mr. Speaker, I have just returned from a weekend in Cheyenne and Laramie, Wyo., where I found growing grief and sorrow stemming from the decision of the National Railroad Passenger Corporation to eliminate passenger service along the Union Pacific in Southern Wyoming.

Indignation and public wrath over the Union Pacific role in this matter is comparable to the general indignation in the Nation over the Calley trial. The Union Pacific is already the wealthiest railroad in the country, Mr. Speaker, and I would think that the least it could do would be to continue the railroad passenger service until 1973 across Wyoming and from Denver over the short line to Portland, at no net cost to Railpax.

Under Railpax, the Union Pacific can look forward to the saving of at least $20 million a year in what it now calls avoidable passenger losses.

I submit, Mr. Speaker, that this Denver-Portland operation could not possibly have more than $3 million loss annually for the Union Pacific, a drop-in-the-bucket loss compared to its immense profits. I not only urge the Railroad Passenger Corporation to do what is possible to persuade the Union Pacific to continue its Denver-Portland train at least three times a week through Cheyenne, I believe it should also return a through train to Los Angeles from Omaha by utilizing its trackage east of Cheyenne and across the State of Wyoming into Ogden.

If this is not done, I can report to you that there are very responsible and conservative elements within Wyoming that will be encouraging legislation to increase taxation on all natural resources owned by that land grant railroad of whatsoever nature in such a way to correct the historic inequities that this most recent action has brought about.

HOUSE OF REPRESENTATIVES—*Tuesday, April 6, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God is light and in Him is no darkness at all. If we walk in the light, as He is in the light, we have fellowship one with another.—I John 1: 5, 7.

Eternal God, our Father, whose ways are truth and love, we begin the morning of this day with Thee in prayer. Cleanse our hearts and clarify our minds that as we make our way through Holy Week we may come to know who we really are and by Thy grace to so amend our ways that we may walk more faithfully according to Thy will for us. Grant that we may live through these hectic days with peace and good will, without faltering and without falling, because we are with Thee.

We pray Thee so to rule the hearts of all our leaders in State and Nation that law and order, justice and peace may everywhere prevail to the honor of Thy holy name, through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 257. Concurrent resolution providing for an adjournment of the House from April 7, 1971, until April 19, 1971.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 484. An act to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes; and

S. 581. An act to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for three years the period within which the bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 90–321, appointed Mr. BROCK as a member, on the part of the Senate, of the National Commission on Consumer Finance.

COMMUNICATION FROM MR. DERWINSKI

The SPEAKER laid before the House the following communication from Mr. DERWINSKI:

WASHINGTON, D.C.,
April 5, 1971.

HON. CARL ALBERT,
Speaker of the House,
Washington, D.C.

DEAR MR. SPEAKER: The U.S. Group to the Interparliamentary Union will attend the 59th Conference scheduled to be held this year in Caracas, Venezuela, the week of April 11.

Our Delegation desires to depart the United States on Saturday, April 10, for Caracas and we will return immediately upon the closing of the Conference on April 18.

The Members of the Delegation from the House are: Representatives Edward J. Derwinski (Ill.), John Jarman (Okla.), W. R. Poage (Texas), Alexander Pirnie (N.Y.), John S. Monagan (Conn.), Hale Boggs (La.), Lee Hamilton (Ind.), Robert McClory (Ill.), and F. Bradford Morse (Mass.).

May I ask you to do me the courtesy of announcing the names of these delegates so that they may appear in the "Congressional Record." There will also be six delegates from the Senate attending the Conference.

Sincerely yours,
EDWARD J. DERWINSKI.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. UDALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 46]

Abourezk
Alexander
Anderson, Ill.
Annunzio
Baring
Barrett
Biaggi
Blackburn
Blanton
Brasco
Carney
Celler
Clancy
Clark
Clay
Collins, Ill.
Colmer
Corman
Coughlin
Delaney
Derwinski
Diggs
Dwyer
Eckhart
Edwards, La.
Erlenborn
Esch
Flynt
Fountain
Frenzel
Gallagher
Gettys
Gray
Green, Pa.
Grover
Haley
Halpern
Hanna
Hansen, Idaho
Harrington
Hébert
Hicks, Mass.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kluczynski
Koch
Leggett
Long, La.
Long, Md.
McClure
McCulloch
McEwen
McKay
Macdonald, Mass.
Mann

Matsunaga
Meeds
Metcalfe
Murphy, Ill.
Murphy, N.Y.
O'Hara
O'Neill
Pickle
Preyer, N.C.
Pryor, Ark.
Pucinski
Purcell
Railsback
Rangel
Reid, N.Y.
Roe
Rostenkowski
Roy
Scheuer
Seiberling
Shipley
Sikes
Skubitz
Staggers
Steele
Symington
Teague, Calif.
Thompson, N.J.
Wyatt
Yatron

The SPEAKER. On this rollcall 346 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed a bill and a joint resolution of the House of the following titles:

On March 30, 1971:

H.J. Res. 468. Joint resolution making certain further continuing appropriations for the fiscal year 1971, and for other purposes.

On April 1, 1971:

H.R. 5432. An act to provide an extension of the interest equalization tax, and for other purposes.

J. EDGAR HOOVER

(Mr. FISHER asked and was given permission to address the House for 1 minute.)

Mr. FISHER. Mr. Speaker, the Attorney General is to be commended for his rejection of criticism directed at America's No. 1 G-man—J. Edgar Hoover.

This criticism has come from a variety of sources, based—I am sure—upon a variety of motivations. Some critics mean well but I fear they are woefully misinformed. Regardless of what good faith attitude they may entertain, what we all know is that the major source of criticism comes from or is inspired by the New Left, the subversives, the enemies of law enforcement, the campus militants, and the lunatic fringe.

As David Lawrence, the noted columnist, put it:

> The Federal Bureau of Investigation is perhaps the most effective agency related to law enforcement in the world today. It is at the same time the victim of more barbs of hate and criticism from the so-called "liberal" group than any other part of the government.

In these times of crime, subversion and disorder it is imperative that Mr. Hoover be kept on the job. The great voice of America calls for it. The Nation can ill afford to dispense with his guidance and leadership during these critical times.

THE COMMUNIST PARTY LINE: GET J. EDGAR HOOVER

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, there is one man in this Nation who must be public enemy No. 1 in Moscow and Peking. He is J. Edgar Hoover, head of the Federal Bureau of Investigation.

No man in this Nation has fought them with the dedication of this man. No man in Washington can take the pride this man can in running, for 47 years, an agency that has until recently been above all critcism, corruption, or suspicion. In recent years, the hounds of the liberal left have been baying for his resignation and the cries have now reached a crescendo.

The front cover of Life magazine this week carries a caricature of Mr. Hoover and inside a liberal-slanted attack on the FBI, which culminates in their twisted conclusion: Hoover must resign.

I am told, and I hope with great authority, that Mr. Hoover has the support of the Attorney General and the President of the United States. If this is true and, again, I believe it is, we have nothing to fear from the mud-slinging, irrational attacks from the liberal left.

Without any qualification whatsoever, I support J. Edgar Hoover. I have told him so on a number of occasions and I am proud to repeat it publicly today.

SENIORITY RIGHTS SHOULD BE OBSERVED IN WIRETAPPING

(Mr. BURLESON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURLESON of Texas. Mr. Speaker, the majority leader spoke yesterday with reference to wiretapping of the telephones of Members of Congress by the FBI and called in "sorrow" for the resignation of J. Edgar Hoover.

Mr. Speaker, I rise in chagrin, not in sorrow. I had some constituents in my office yesterday and they asked me if my wires were tapped. I looked all around, and I just could not in good conscience tell them that they were. I wish I could have given them some reason that my telephone was tapped because this is something they expected. I was embarrassed that they might think my conversations were not worth listening to.

Now, I know that those of you in important positions here in the Congress could have your telephones tapped, but, Mr. Speaker, I claim some seniority. I never before have tried to use seniority, but it seems to me that as long as I have been here, for almost a quarter of a century, I could get my lines tapped on this basis.

Where I live I am a neighbor to several Senators and a House Member or two. Now, what will my wife say when we have company and the question comes up as to whether or not our telephone is tapped or the room bugged? If my phone is not tapped or the place bugged, I am just not as important as my neighbors. I realize you don't have to prove anything—just so you believe you are being snooped on. In this case when an opinion on any subject is asked, you can give a knowing wink and respond with something like, "well I believe that first we should separate the basket from the grenadier." This will suggest you are under surveillance and thereby an important person, not free to express yourself at the place and time.

Without this status symbol, it seems one's prestige must suffer.

The majority leader says many Member's telephones here at the Capitol are tapped. It is rank discrimination against those few of us who have not yet found reason to believe we are not included in this distinguished group.

COL. ORAN K. HENDERSON

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, Lt. William Calley's case is one that has caused a furor throughout this Nation.

Mr. Speaker, there will be other cases to follow.

Let us call on all Americans to judge fairly. Let us not allow publicity and undue fanfare to destroy reputations.

One man who will soon face charges in regard to the Mylai incident is Col. Oran K. Henderson.

Colonel Henderson has an illustrious military career that dates back to 1939. Let us not allow the reputation of this fine man to be destroyed. He has served his country and served it well.

Let reason and sound facts be the order of the day when this man faces his peers.

Let us all remember that the Colonel Henderson who faces charges of "cover-up" in the Mylai incident is the same Colonel Henderson, who as a first lieutenant, was seriously wounded in the European theater of operations in 1944.

This is the same Colonel Henderson who was a platoon leader and operations officer in the Pacific theater of war.

Let us remember that this is the same Colonel Henderson, who in February of 1951, was a captain and commanding officer of a rifle company in Korea and later became aide-de-camp to Gen. James Van Fleet.

This is the same Colonel Henderson who has served several tours of duty in Vietnam since 1964.

This is the same Colonel Henderson who has received the Combat Infantry Badge three times, five silver stars, five bronze stars, and four Purple Hearts. He has also been awarded the Legion of Merit, the Joint Services Commendation Medal, the Army Medal—with cluster; the Vietnamese Cross of Gallantry, and the Vietnamese Medal of Merit.

In 1939, Colonel Henderson as a private began a career of helping to keep the United States a nation of free peoples. Now, in this year of 1971, the American people should not forget Colonel Henderson.

TO PERMIT THE OFFERING OF PRAYERS IN PUBLIC BUILDINGS

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, on Thursday I placed at the Speaker's desk a petition to discharge the Committee on the Judiciary from further consideration of House Joint Resolution 191, a joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayers in public buildings. This discharge petition will afford the Members an opportunity to bring to the floor this amendment assuring the privilege of nondemoninational prayers in public places. The language of my joint resolution first gained broad public support in the 89th Congress when introduced by the distinguished Senator from Illinois, the late Everett M. Dirksen. Since that time many distinguished colleagues in both bodies have introduced or cosponsored this or similar constitutional amendments.

Unfortunately, this resolution has never been brought to a vote on the floor of this House, even though every public opinion indicator shows that it has been continually supported by an overwhelming percentage of the American people. As evidence of this support I have in my office at this moment over 100,000 names on petitions.

This Nation was founded and built by deeply religious men who believed and proclaimed that our unique experiment in self-government was founded on the cornerstone of religious faith and related moral tenets. The time has come for this House to act and restore as a constitutional right, the historical right and tradition of our people to participate, if they so choose, in nondenominational prayer in publicly financed institutions.

Distinguished colleagues, this petition is before the House. I need 214 more signatures and humbly solicit your support.

WHO WANTS TO DESTROY J. EDGAR HOOVER

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, could it be more than coincidence that character assassination emerged simultaneously, against a most respected public servant from a diversity of sources.

Suddenly, a number of newspapers, periodicals and magazines, plus certain liberal handwringers, discover terrible things about J. Edgar Hoover, one of the most highly respected public officials in the history of our Nation. What a shameful reward for dedicated, loyal service.

Yesterday, the majority leader, Mr. Boggs of Louisiana, on the floor of this House, made what I consider an outrageous charge that:

> The FBI taps the telephones of Members of this body and of Members of the Senate.

I challenge Mr. Boggs to prove this scurrilous charge. If he thinks he has proof of any wiretapping of any Member by the FBI, he has a duty to reveal it publicly and at once. If not, he owes a public apology to the Director, Mr. Hoover, as well as the entire FBI and the Nation.

Character assassination is not a new technique, and it is disgraceful to destroy the confidence of the public in order to create, manufacture or conjure a political issue.

There is no man more opposed to a national police force than J. Edgar Hoover, and Mr. Boggs does a great disservice to the Bureau and its most able Director when he says:

> The FBI adopts the tactics of the Soviet Union and Hitler's gestapo.

Mr. Hoover should not even consider resigning under these circumstances, and Mr. Boggs has a responsibility to either put up or shut up.

DEFENDS FBI CHIEF

(Mr. KING asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KING. Mr. Speaker, I would like to call to the attention of my colleagues one of the most tragic 60 seconds ever in the history of this distinguished House—a minute that was not only tragic, but totally unnecessary, unbecoming and unfactual, a minute which has done tremendous damage to one of America's greatest public servants and institutions.

I have reference to the 1-minute speech of the esteemed House Majority Leader Hale Boggs last Monday demanding the resignation of Mr. J. Edgar Hoover as Director of the FBI.

Mr. Speaker, Mr. Boggs' charges are serious. They must not go unanswered. Far too much is at stake.

Just what proof does Mr. Boggs give? First of all, he asserts that the FBI taps telephones of Members of this House and the Senate. Mr. Hoover and the Attorney General have specifically denied this charge, stating that the FBI has never tapped telephones of Members of Congress.

What proof does the majority leader have? Let him set forth in specific detail the facts on which his charge was made. I note that he has told the press that he has "proof positive" of FBI tapping. I think that not only this House, but all citizens of the Nation, are eager for our distinguished colleague to step up and lay on the table just what data he has.

He then goes on to assert that the FBI has adopted "the tactics of the Soviet Union and Hitler's Gestapo."

As a close observer of the FBI over the years, and as a former prosecuting attorney who worked closely with the FBI, I can state categorically that these comments are 100 percent wrong. The FBI is not utilizing the tactics of the Gestapo and the Soviet secret police. Wild and irresponsible accusations such as these only undermine confidence in the FBI and our institutions of free government.

A newspaper had characterized Mr. Boggs' comments as "the harshest criticism of Hoover ever heard in the House."

I am extremely sorry. I am confident that Mr. Hoover can ably defend himself. But, I also feel that the majority leader owes to this body the facts—specific and detailed—on which he endeavors to sully the remarkable achievements of a man and an institution which have probably done more to protect the freedoms we possess than any other man and institution within the memory of any Member of this House.

The next move is up to our able colleague from Louisiana.

UNSUBSTANTIATED CHARGES MADE ON TAPPING TELEPHONES OF MEMBERS

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute.)

Mr. CEDERBERG. Mr. Speaker, we have been hearing a lot of unsubstantiated charges about the telephones of Members of Congress being tapped by the FBI. Now I know that this makes for a wonderful press—you get a lot of ink around the country.

The subcommittee on which I serve is charged with the responsibility for all of the appropriations for the FBI. While the rules of the House do not permit any discussion until the hearings have been printed, I would suggest that you can all rest rather comfortably and I suggest when the hearings are printed, which will probably be in May or early June, that you read the hearings that we have conducted with the Director of the FBI on his request for appropriations. You will find them quite enlightening.

Mr. CAREY of New York. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I am glad to yield to the gentleman.

Mr. CAREY of New York. Mr. Speaker, I just want to suggest that in light of recent events, you make certain that all of the records of the hearings be secure in a very, very well guarded place by someone qualified and trustworthy so they will not be stolen before they are released.

Mr. CEDERBERG. Let me say that the gentleman from New York, the chairman of the subcommittee (Mr. Rooney), who is from the gentleman's State, will take care of everything quite well.

Mr. CAREY of New York. Then the records of the subcommittee are secure.

THE PRIVATE CALENDAR

(Mr. BOLAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BOLAND. Mr. Speaker, as this is the first day of the call of the Private Calendar where we have had business, I would like to insert some information at this point in the Record setting forth some of the history behind, as well as describe the workings of, the Private Calendar. This information contains statements which have been endorsed by both sides of the aisle with reference to the Private Calendar.

Mr. Speaker, I would like to take this opportunity to set forth some of the history behind, as well as describe the workings of, the Private Calendar. I hope this might be of some value to the Members of this House, especially our newer colleagues.

Of the five House calendars, the Private Calendar is the one to which all private bills are referred. Private bills deal with specific individuals, corporations, institutions, and so forth, as distinguished from public bills, which deal with classes only.

Of the 108 laws approved by the First Congress, only five were private laws. But, their number quickly grew as the wars of the new Republic produced veterans and veterans' widows seeking pensions and as more citizens came to have private claims and demands against the Federal Government. The 49th Congress—1885–87—the first Congress for which complete workload and output data is available—passed 1,031 private laws, as compared with 434 public laws. At the turn of the century, the 56th Congress—1899–1901—passed 1,498 private laws and 443 public laws—a better than 3-to-1 ratio.

Private bills were referred to the Committee of the Whole House as far back as 1820, and a calendar of private bills was established in 1839. These bills were initially brought before the House by special orders, but the 62d Congress—1911–13—changed this procedure by its rule XXIV, clause 6, which provided for the consideration of the Private Calendar in lieu of special orders. This rule was amended in 1932 and then adopted in its present form on March 27, 1935.

A determined effort to reduce the private bill workload of the Congress was made in the Legislative Reorganization Act of 1946. Section 131 of that act banned the introduction or the consideration of four types of private bills: first, those authorizing the payment of money for pensions; second, for personal or property damages which suit may be brought under the Federal tort claims procedure; third, those authorizing the construction of a bridge across a navigable stream; or, fourth, those authorizing the correction of a military or naval record.

This ban afforded some temporary relief but was soon offset by the rising postwar and cold war flood of private immigration bills. The 82d Congress—1951–53—passed 1,023 private laws, as compared with 594 public laws. The 88th Congress—1963–65—passed 360 private laws and 666 public laws.

Under rule XXIV, clause 6, the Private Calendar is called the first and third Tuesdays of each month. The consideration of Private Calendar bills on the first Tuesday is mandatory unless dispensed with by two-thirds vote. On the third Tuesday, however, recognition for consideration of the Private Calendar is within the discretion of the Speaker and does not take precedence over other privileged business in the House.

On the first Tuesday of each month, after disposition of business on the Speaker's table for reference only, the Speaker directs the call of the Private Calendar. If a bill called is objected to by two or more Members, it is automatically recommitted to the committee reporting it. No reservation of objection is entertained. Bills unobjected to are considered in the House as in Committee of the Whole.

On the third Tuesday of each month the same procedure is followed with the exception that omnibus bills embodying bills previously rejected have preference and are in order regardless of objection.

Such omnibus bills are read by paragraph, and no amendments are entertained except to strike out or reduce amounts or provide limitations. Matter so stricken out shall not again be included in an omnibus bill during the session. Debate is limited to motions allowable under the rule and does not admit motions to strike out the last word or reservation of objections. The rules prohibit the Speaker from recognizing Members for statements or for requests for unanimous consent for debate. Omnibus bills so passed are thereupon resolved into their component bills, which are engrossed separately and disposed of as if passed severally.

Private Calendar bills unfinished on one Tuesday go over to the next Tuesday on which such bills are in order and are considered before the call of bills subsequently on the calendar. Omnibus bills follow the same procedure and go over to the next Tuesday on which that class of business is again in order. When the previous question is ordered on a Private Calendar bill, the bill comes up for disposition on the next legislative day.

Mr. Speaker, I would like also to describe to the newer Members the official objectors system the House has established to deal with our great volume of private bills.

The majority leader and the minority leader each appoint three Members to serve as Private Calendar objectors during a Congress. The objectors have the responsibility of carefully studying all bills which are placed on the Private Calendar. When the Private Calendar is called the objectors are on the floor ready to object to any private bill which they feel is objectionable for any reason. Seated near them to provide technical assistance are the majority and minority legislative clerks.

Should any Member have a doubt or question about a particular private bill, he can get assistance from the objectors, their clerks, or from the Member who introduced the bill. The great volume of private bills and the desire to have an opportunity to study them carefully before they are called on the Private Calendar has caused the six objectors to agree upon certain ground rules. Those rules limit consideration of bills placed on the Private Calendar only shortly before the calendar is called. The agreement is as follows:

Reaffirming the policy initially adopted on June 3, 1958, the members of the Majority and Minority Private Calendar Objectors Committee have today agreed that during the 92d Congress they will consider only those bills which have been on the Private Calendar for a period of 7 calendar days, excluding the day the bills are reported and the day the Private Calendar is called.

It is agreed that the majority and minority legislative clerks will not submit to the objectors any bills which do not meet this requirement.

The policy shall be strictly observed except during the closing days of each session when House rules are suspended.

MAJORITY OBJECTORS

Edward P. Boland, of Massachusetts.
John W. Davis, of Georgia.
James V. Stanton, of Ohio.

MINORITY OBJECTORS

Garry Brown, of Michigan.
John Dellenback, of Oregon.
John Rousselot, of California.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

CLINTON M. HOOSE

The Clerk called the bill (H.R. 1824) for the relief of Clinton M. Hoose.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JOHN W. WATSON, A MINOR

The Clerk called the bill (H.R. 1891) for the relief of John W. Watson, a minor.

There being no objection, the Clerk read the bill as follows:

H.R. 1891

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, not withstanding the limitations of section 2733 (b) (1) of title 10 of the United States Code, or any other statute of limitations, laches, or lapse of time, the Secretary of the Army is authorized, in accordance with the otherwise applicable provisions of section 2733 of title 10 of the United States Code, to consider, settle, and, if found meritorious, to pay a claim filed by or on behalf of John W. Watson, a minor, within one year of the date of approval of this Act, against the United States for the injury of said John W. Watson and his parents for permanent brain damage with epileptic manifestations suffered by said John W. Watson while under the care of United States Army medical personnel in Germany in or about December 1952, and for special educational and medical expenses necessitated as a result of such brain damage, and for compensation for lost earning power resulting from said injury, and for being completely deprived of the opportunity to live a normal life.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PHILIP C. RILEY AND DONALD F. LANE

The Clerk called the bill (H.R. 2011) for the relief of Philip C. Riley and Donald F. Lane.

There being no objection, the Clerk read the bill as follows:

H.R. 2011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, on such terms as it deems just, the United States Postal Service is hereby authorized to compromise, release, or discharge in whole or in part the liability of Philip C. Riley and Donald F. Lane, clerks at the Wakefield, Massachusetts post office, to the United States for the loss resulting from the burglary at the Wakefield post office on the night of June 19, and 20, 1968.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARION OWEN

The Clerk called the bill (H.R. 2047) for the relief of Marion Owen.

There being no objection, the Clerk read the bill as follows:

H.R. 2047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, on such terms as he deems just, the Postmaster General is hereby authorized to compromise, release or discharge in whole or in part, the liability of Marion Owen, postmaster of the post office at East Saint Louis, Illinois, to the United States for the loss resulting from the burglary at the Lansdowne Station of the East Saint Louis Post Office on April 1, 1967.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

COMDR. ALBERT G. BERRY

The Clerk called the bill (H.R. 2132) for the relief of Comdr. Albert G. Berry, Jr.

There being no objection, the Clerk read the bill as follows:

H.R. 2132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Commander Albert G. Berry, Junior, United States Naval Reserve, retired, of Coronado, California, the sum certified to him by the Comptroller General of the United States pursuant to section 2 of this Act. The payment of such sum to the said Commander Albert G. Berry, Junior, shall be in full settlement of all of his claims against the United States for loss of active duty pay and allowances during the period beginning February 25, 1941, and ending January 31, 1947, arising from failure to credit him (for longevity purposes) with service as a midshipman at the United States Naval Academy.

SEC. 2. The Comptroller General of the United States shall, within ninety days after the date of enactment of this Act, certify to the Secretary of the Treasury the difference between the amount of active duty pay and allowances received by the said Commander Albert G. Berry, Junior, from the United States during the period specified in the first section of this Act and the amount of such pay and allowances to which he would have been entitled during such period had he correctly been credited (for longevity purposes) with his service as a midshipman at the United States Naval Academy.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DAVID Z. GLASSMAN

The Clerk called the bill (H.R. 2400) for the relief of David Z. Glassman.

There being no objection, the Clerk read the bill, as follows:

H.R. 2400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated the sum of $178.80 to David Z. Glassman of Brooklyn, New York, in full settlement of his claims against the Government for excess social security contributions due to the fact that he was employed by two employers and made contributions to both the social security fund and to the Railroad Retirement Fund and his claim for refund was not filed in time due to misleading information received from the Railroad Retirement Board which led him to believe that the contributions withheld in this manner were correct. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROSE MINUTILLO

The Clerk called the bill (H.R. 2816) for the relief of Rose Minutillo.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PAUL ANTHONY KELLY

The Clerk called the bill (H.R. 3475) for the relief of Paul Anthony Kelly.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ROBERT L. STEVENSON

The Clerk called the bill (H.R. 4327) for the relief of Robert L. Stevenson.

There being no objection, the Clerk read the bill as follows:

H.R. 4327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, on such terms as he deems just, the Postmaster General is hereby authorized to compromise, release, or discharge in whole or in part, the liability of Robert L. Stevenson, a postal carrier of Shawnee Mission, Kansas, to the United States, for the loss resulting from the robbery on November 4, 1968, of a postal truck assigned to him.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORBIE F. COCHRAN, JR.

The Clerk called the bill (H.R. 5419) for the relief of Corbie F. Cochran, Jr.

There being no objection, the Clerk read the bill, as follows:

H.R. 5419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 1310 of the Supplemental Appropriation Act, 1952, as amended (5 U.S.C. 3101), footnote, the advancement in grade of Corbie F. Cochran, Junior, an employee of the Department of the Army, Fort Eustis, Virginia, from GS–6 to GS–9, effective April 29, 1964, shall be deemed to have been in conformity with law, such advancement in contravention of said section 1310, having been made as a result of administrative error without fault or knowledge of its illegality on the employee's part.

SEC. 2. (a) That the said Corbie F. Cochran, Junior, is relieved of any liability to the United States arising out of the advancement described in section 1 of this Act. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amount for which liability is relieved by this subsection.

(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Corbie F. Cochran, Junior, an amount equal to the aggregate of the amounts paid by him or withheld from amounts otherwise due him in partial liquidation of his liability to the United States referred to in subsection (a) of this section. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE AMERICAN JOURNAL OF NURSING

The Clerk called the bill (H.R. 5422) for the relief of the American Journal of Nursing.

There being no objection, the Clerk read the bill, as follows:

H.R. 5422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of the American Journal of Nursing, New York, New York, for an advertisement placed in its August 1966 issue of the American Journal of Nursing by the Department of Health, Education, and Welfare, and to allow in full and final settlement of such claim the sum of $238.50. Such amount shall be payable from the appropriation "Patient Care and Special Health Services, Health Services and Mental Health Administration, Prior Years".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LINDA ORTEGA

The Clerk called the bill (H.R. 2036) for the relief of Miss Linda Ortega.

There being no objection, the Clerk read the bill as follows:

H.R. 2036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Miss Linda Ortega, of Lake Arrowhead, California, the sum of $578.40 in full settlement of all her claims against the United States arising out of the actions of the United States Air Force in failing to provide her with the medical care (in connection with the delivery of her child) to which she was entitled as a recently discharged member of the military service.

With the following committee amendment:

Page 1, after line 11, and add the following: "No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and motion to reconsider was laid on the table.

ESTATE OF CHARLES ZONARS, DECEASED

The Clerk called the bill (H.R. 2127) for the relief of the estate of Charles Zonars, deceased.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

WILLIAM E. CARROLL

The Clerk called the bill (H.R. 2835) for the relief of William E. Carroll.

There being no objection, the Clerk read the bill as follows:

H.R. 2835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, on such terms as he deems just, the Postmaster General is hereby authorized to compromise, release, or discharge in whole or in part, the liability of William E. Carroll, former Superintendent of the Milford, Connecticut, Post Office, to the United States for the loss resulting from the burglary at the parcel post station of the Milford, Connecticut, Post Office on or about April 4, 1968.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF CAPT. JOHN N. LAYCOCK, U.S. NAVY, RETIRED

The Clerk called the bill (H.R. 3094) for the relief of the estate of Capt. John N. Laycock, U.S. Navy, retired.

There being no objection, the Clerk read the bill, as follows:

H.R. 3094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Captain John N. Laycock, United States Navy (retired), formerly of Derry, New Hampshire, the sum of $170,000, which shall be considered a payment in consideration of a transfer by the estate of Captain John N. Laycock, United States Navy (retired) of property consisting of all substantial rights to a patent within the meaning of section 1235 of the Internal Revenue Code of 1954, in full settlement for the usage by the United States during and subsequent to World War II of certain pontoon equipment patented by him (United States Numbered 2,480144), and for losses incurred by the said Captain John N. Laycock as a result of the United States having made such pontoon equipment, and the patent thereto, available to other nations contrary to the license agreement entered into between the United States and the said Captain John N. Laycock: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, strike "$170,000" and insert "$96,000".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SGT. JOHN E. BOURGEOIS

The Clerk called the bill (H.R. 3748) for the relief of Sgt. John E. Bourgeois.

There being no objection, the Clerk read the bill, as follows:

H.R. 3748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sergeant John E. Bourgeois, United States Marine Corps, retired, of Pineville, Louisiana, is relieved of liability to the United States in the amount of $251.45, representing overpayments of pay and allowances paid to him through no fault of his own by the United States Marine Corps while he was on active duty. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sergeant John E. Bourgeois, United States Marine Corps, retired, of Pineville, Louisiana, an amount equal to the aggregate of any amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 10, strike "in excess of 10 per centum thereof."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. FERNANDE M. ALLEN

The Clerk called the bill (H.R. 5318) for the relief of Mrs. Fernande M. Allen.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ROBERT F. FRANKLIN

The Clerk called the bill (H.R. 5420) for the relief of Robert F. Franklin.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be put over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ADJOURNMENT FOR EASTER HOLIDAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 257) providing for an adjournment of the House from April 7, 1971, until April 19, 1971, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments as follows:

Page 1, line 5, after "1971" insert: , "and that when the Senate adjourns on Wednesday, April 7, 1971, it stands adjourned until 10 a.m., Wednesday, April 14, 1971".

Amend the title so as to read: "Concurrent resolution providing for an adjournment of the House from April 7, 1971, until April 19, 1971, and the Senate from April 7, 1971, until April 14, 1971."

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

NATIONAL COLLEGIATE PRESS DAY

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 278) authorizing the President to declare the last Saturday in April of each year as "National Collegiate Press Day."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, I do so only to ask the gentleman, since I understand that this is the first of some three similar resolutions, whether any of these resolutions requires the expenditure of Federal funds.

Mr. EDWARDS of California. No. The answer is in the negative.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 278

Whereas the National Council of College Publications Advisers is the only national professional association of advisers to all college and university student publications; and

Whereas the many members of this council represent the major force in the United States attempting to insure by responsible guidance the growth of student publications as a medium for the education of future citizens of a free American society; and

Whereas the intention of the council is to bring together student and professional journalists in panels, workshops, and discussion sessions in order to provide lines of communication to build an aware, responsible, and effective student press: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue a proclamation each year designating the last Saturday in April as "National Collegiate Press Day", and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. EDWARDS of California:

On pages 1 and 2 strike out all "whereas" clauses.

On page 2, line 4, strike out the phrase "each year".

On page 2, line 5, after the word "April" insert "of 1971".

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Authorizing the President to declare the last Saturday in April of 1971 as 'National Collegiate Press Day' ".

A motion to reconsider was laid on the table.

SCHOOL BUS SAFETY WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 372) authorizing the President to proclaim the period April 19 through April 24, 1971, as "School Bus Safety Week."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 372

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the period April 19 through April 24, 1971, as "School Bus Safety Week", and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ACTIVE 20-30 WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 329) authorizing the President to proclaim the period of February 6 through February 12, 1972 as "Active 20–30 Week."

The Clerk read the title of the joint resoluton.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 329

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the period February 6 through February 12, 1972, as "Active 20–30 Week", and calling upon the people of the United States to observe such week with appropriate ceremonies and activities which will recognize Active 20–30 International on the occasion of its 50th anniversary, particularly with respect to its contributions in the fields of community service and child welfare work.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to extend their remarks on the joint resolutions just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EDUCATION REVENUE SHARING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–83)

The SPEAKER laid before the House the following message from the President of the United States; which was read, and referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

A very substantial part of what American government does is directed to the future and to the creation of a suitable legacy for generations to come. In this sense, government reflects a central purpose of the basic family unit and seeks to serve that purpose: as we move to condition the future, we move also to prepare our children to take their place in that future. In this task, all levels of government recognize the Nation's responsibility for educating its youth.

Primary responsibility, or course, rests with State and local governments, as it should. The Federal Government can help provide resources to meet rising needs, but State and local education authorities must make the hard decisions about how to apply these resources in ways that best serve the educational needs of our children. To enable State and local authorities to do this more effectively, I am proposing today a new system of special revenue sharing as a means of providing Federal financial assistance for elementary and secondary education.

This message is the last of six special revenue sharing proposals which I have put forward over the past two months. Combined with the administration's $5 billion general revenue sharing plan and welfare reform proposals, special revenue sharing—as a new and more flexible approach to Federal aid—would fundamentally reform the fiscal roles and relationships of American federalism. The other five special revenue sharing proposals have been in the areas of urban community development, rural community development, transportation, manpower training and law enforcement assistance.

The plan I am putting forward today for education revenue sharing brings together more than 30 Federal aid categories and deals with one of the Nation's most complex systems for providing public services. There are 46 million students presently enrolled in public schools in America, with more than five and a half million more in non-public schools. There are more than 117,000 schools and nearly 18,000 public school districts, each with its own unique conditions and each with its own problems.

Federal expenditures for elementary and secondary schooling over the past decade are projected to increase from $0.9 billion in fiscal year 1961 to $5.5 billion in fiscal year 1972. Yet there are serious problems with the way in which this aid is provided.

THE PRESENT SYSTEM

Under the present piecemeal system of Federal aid, education grants are available to local schools under 38 separate authorizations for "instruction," 37 separate authorizations for low-income students, and 22 separate authorizations for reading instruction. The confusion is so great that some school districts have had to hire separate staffs charged solely with cutting through the maze of applications, guidelines, regulations and reporting requirements which are an intrinsic part of the present grant system.

There are other problems:

—The time, energy and imagination needed to bring educational reform is frequently drained off into what is an essentially non-productive effort to qualify for Government grants. Yet, at the same time, rigid qualifications for grants frequently stifle creative initiative. In the end, a system which ought to promote innovation instead discourages it. And because Federal programs are resistant to change, we see money being spent on programs which may have outlived their usefulness, or that simply are ineffective, while funds for new ideas cannot be obtained.

—Educational planning is made difficult because of the fragmentation of grants. Under the present system, a community must make a series of separate applications to a series of Federal officials. There is no assurance that every proposal will be funded, or that any proposal will be funded. Consequently, the present fragmented procedures virtually eliminate any possibility of preparing a comprehensive, coordinated program.

—There is little accountability under the present system; if a program fails it is difficult to assess responsibility. Although it is the common response to blame Washington if something does not function according to design, such an exercise is usually futile given the cumbersome nature of the Federal bureaucracy.

—There is little flexibility in the present system. Individual grants are often too narrowly defined and designed to achieve the things Washington wants, while at the same time allowing little latitude to meet individual community needs.

—There has been little useful evaluation of how Federal aid programs under the present system help children learn more effectively, or of how they provide the children with equal educational opportunities. The diversity of the country and the large number and great variety of Federal aid programs have made it impossible for those at the Federal level to measure the success or failure of their efforts, and so we resort to judging effectiveness by how much we spend rather than by how much we accomplish.

My proposal for special revenue sharing for education is designed to overcome these problems by substituting a basic new approach to providing Federal assistance. To help formulate this proposal, the Office of Education held ten regional hearings to discuss the specifications for Education Revenue Sharing, and my proposal has benefitted from the views of educators and those interested in education all across the Nation.

EDUCATION REVENUE SHARING

Education Revenue Sharing would revitalize the relationship between the Federal Government and State and local governments. It would stimulate creativity and new initiatives at State and local levels. My proposal would establish a new instrument of Federal assistance which would bring together more than thirty major Office of Education programs representing approximately $2.8 billion in grants in the 1972 budget, and provide for an increase of $200 million in total funding in the first year.

These funds would provide support for educational activities in broad areas where there are strong national interests in strengthening school programs. The national priority areas included are compensatory education for the disadvantaged, education of children afflicted by handicapping conditions, vocational education, assistance to schools in areas affected by Federal activities, and the provision of supporting services.

This new Federal aid instrument would have the following important features:

AUTOMATIC DISTRIBUTION OF FUNDS

Funds would be distributed automatically on the basis of a statutory formula which takes account of the total school age population in each State, the number of students from low-income families, and the number of students whose parents work or live on Federal property. No State would receive less money under Education Revenue Sharing than it receives under the present grant system. In addition, authority for advance funding would be requested to facilitate careful planning free from the vagaries of the present practice of delayed appropriations.

NO FEDERAL APPROVAL OF STATE PLANS

States would no longer be required to submit exhaustive plans for extensive Federal review or Federal approval, but would simply develop and publish a plan in line with State and local needs so as to permit all concerned citizens to become involved with the allocation of these Federal resources. States would also appoint an advisory council broadly representative of the public and the education community, in order to further insure that all interests are heard. This new system would substitute genuine citizen participation for routine bureaucratic sign-off.

BROAD DEFINITION OF PURPOSES

The areas of Federal assistance would be broadly defined in keeping with national interests.

—The provision of equal educational opportunities to all of our children is a key national priority. As I pointed out a year ago, the most glaring shortcoming in American education today is the lag in essential learning skills among large numbers of children of poor families. The largest Federal program in education—Title I of the Elementary and Secondary Education Act—was designed to meet the special educational needs of these children. The Education Revenue Sharing Act would provide that over one-half of the $3.0 billion proposed for the first year be used for providing compensatory education for disadvantaged children. These funds would be passed through directly to local school districts which enroll large concentrations of these children.

—The specific needs of handicapped children are and would continue to be a matter of concern to the Federal Government. When time is so critical to the training and social development of these youngsters, any delay in the funding of their education can have irreparable consequences. Nevertheless, in the present circumstances, delay is common. I propose to change this. Funds would be allocated directly to the States and the procedures for obtaining these funds would be simplified.

—For many years, the Federal Government has provided assistance for training in industry, agriculture and the crafts in our Nation's schools. This training is vital to the Nation's economy. But the needs in these areas are constantly changing. Vocational education of tomorrow may bear little resemblance to today's form, but its task will be the same: to demonstrate to American youth the worth and dignity of work, and to help them to obtain the specific skills that other forms of education cannot supply. As with my proposal for Manpower Revenue Sharing, States and local educational authorities would be authorized to determine how best to use Federal funds for vocational education in order to meet the needs of particular communities and individual workers.

—An ongoing responsibility of local public schools is to provide education for Federally connected children. The Federal Government rightly provides aid to help meet the financial burden of children who live on Federal property—hence property which provides no taxes for education. To offset the loss of local school taxes, Education Revenue Sharing would provide a direct pass-through to local school districts enrolling such children. For those students whose parents only work on Federal property, and live on locally taxable land, funds would also be provided. In this case, however, the funds would be distributed to the States which would determine the degree of financial need created by those circumstances and allocate funds accordingly.

—The Federal Government currently offers an array of programs designed to purchase specific educational materials or services. These programs range from the provision of textbooks and other library resources to the support of guidance and counseling services. Education Revenue Sharing would continue this aid but would pull together programs from at least fourteen separate statutory provisions into one flexible allocation under which States can decide how best to meet local education needs.

GREATER FLEXIBILITY

Under this proposal for Education Revenue Sharing, States and local school districts would be given far greater flexibility than is presently the case in deciding how funds should be spent in serving the national priority areas. In addition to the broader definition of national purpose, States would have the authority to transfer up to thirty percent of funds—except those which are passed through directly to local schools—from one purpose to another. This would enhance flexibility in the application of funds for education, and permit the States to make substantial adjustment in their educational plans as their educational needs require.

OTHER FEATURES

As with my previous special revenue sharing proposals, Education Revenue Sharing would preserve all existing safeguards against infringements of civil rights by assuring that these funds would be subject to Title VI of the Civil Rights Act of 1964.

Non-public schools bear a significant share of the cost and effort of providing education for our children today. Federal aid to education should take this fully into account. This proposal would do that by considerably broadening the authority for extending aid to students in non-public schools. Non-public school students would be counted in the reckoning of population for purposes of allocation, and all forms of educational services would be avialable to them.

As an important precondition to the receipt of Federal funds for education of the disadvantaged, I propose a requirement for States to certify that services provided in all schools within a given school district from State and local funds must be fully comparable. This is a considerable improvement over the present law. It would assure that Federal funds for compensatory education programs would actually be spent on services beyond those provided for all children, and thus for the first time would truly guarantee that these funds would be used to help equalize learning opportunity for the disadvantaged.

THE FEDERAL ROLE IN EDUCATION

The proposal I am putting forward today reflects what this administration considers to be the appropriate Federal role in elemetary and secondary education. This Federal role is threefold: (1) the allocation of financial resources on a broad and continuing basis to help States and local school districts meet their responsibilities, (2) the provision of national leadership to help reform and renew our schools to improve performance, and (3) the concentration of resources to meet urgent national problems during the period when they are most intense.

Education Revenue Sharing would strengthen the first by providing a new and expanded system of Federal aid to our schools. It should be noted in this connection that my proposals for general revenue sharing and welfare reform would also both provide and free additional fiscal resources which States and localities could devote to the rising costs of education. At the present time, State and local governments spend forty percent of their revenues for education. Under general revenue sharing, which would distribute a fixed portion of the Federal tax base to the States and localities to use as they determine, education would most certainly be a major beneficiary. These funds would total $5 billion in the first full year of operation. Similarly, the administration's proposals to reform the Nation's failing welfare system would free the States of a significant portion of fast-growing welfare costs at the same time that it would provide a better and more stable home environment for millions of children.

To strengthen the Federal leadership role in reforming and renewing our Nation's schools, I proposed a year ago the creation of a National Institute of Education to bring to education the intensity and quality of research and experimentation which the Federal Government has, for example, devoted to agricultural and medical research. The National Institute of Education would serve as a focal point for identifying educational problems, developing new ways to alleviate these problems, and helping school systems to put the results of educational research and experimentation into practice.

As an example of the concentration of Federal resources to meet urgent national problems during a period of intense need, I proposed in May 1970 an Emergency School Aid Act to provide $1.5 billion over a two-year period to help meet the special problems of desegregating our Nation's schools. Progress in school desegregation has been accelerating. The Emergency School Aid Act would help local communities expedite and adjust to this change, while maintaining and improving the quality of education in affected schools.

Taken together, the National Institute, the Emergency School Aid Act and Education Revenue Sharing represent a bold new approach to fulfilling the Federal role in education and to meeting the educational needs of the 1970's.

CONCLUSION

The education of our children transcends partisan politics. No one benefits from failures in our system of education, and no one can fail to benefit from improvements in the means by which education in America is given all the assistance proper at the Federal level. The effort to provide that proper assistance, the effort to encourage reform where reform is needed, and the effort to extend to all American children the advantage of equal educational opportunity have all been a concern of this administration as, indeed, they have been of other administrations. These efforts continue.

I believe we must recognize that the Federal Government cannot substitute its good intentions for the local understanding of local problems, for local energy in attacking these problems, and for local initiatives in improving the quality of education in America. We must also recognize that State and local authorities need Federal resources if they are to meet their obligations and if they are to use the peculiar advantages of State and local knowledge, responsibility, and authority to their fullest potential. Education Revenue Sharing accommodates the Federal role in national education to both these realities, and it lays the foundation for a new and more productive Federal-State relationship in this area of vital national concern, just as the previous revenue sharing proposals have afforded similar possibilities in their areas of specific concern.

I consider each of these proposals vitally important in and of itself. But in the aggregate, the importance of revenue sharing is greater than the sum of the parts which comprise this series of legislative proposals. For we are seeking nothing less than a new definition of the relationship between Federal Government and State and local governments—one which answers the needs of the present and anticipates the needs of the future.

RICHARD NIXON.

THE WHITE HOUSE, *April 6, 1971.*

EDUCATION REVENUE SHARING

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, no effort is more vital to improving the quality of life in America than improving the quality of education in America.

For this reason, I look upon education revenue sharing as the most important of the special revenue-sharing proposals sent to the Congress by the President.

The education revenue-sharing message received by the Congress today should be scanned most carefully by every Member, since it is aimed at remedying the most glaring deficiencies in our present system of Federal aid to schools.

I see education revenue sharing as the answer to two of the greatest weaknesses in the present system—inability to plan and lack of flexibility.

Local school officials presently are at a tremendous disadvantage in budgeting from one year to the next. They can never be certain how much Federal aid they will receive. They are also handicapped in undertaking innovative programs. Washington requires that they abide by certain rules in order to obtain Federal funds.

Education revenue sharing would hurdle these barriers to proper local administration of schools.

There would be no fragmentation of Federal grants, no rigid assignment of funds. Instead there would be an assured Federal contribution toward the overall quality of local education, with flexibility for local planners.

I had anticipated a formidable obstacle to education revenue sharing in connection with aid to nonpublic schools. But I find reassurance in the President's pledge that "nonpublic school students would be counted in the reckoning of population for purposes of allocation, and all forms of educational services would be available to them." Where State law prevents nonpublic school participation, the Secretary of Health, Education, and Welfare "shall arrange for such children to receive similar services on an equitable basis and shall pay the cost thereof out of the State's allotment." I find this completely satisfactory.

OFFICE OF EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7016) making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate continue not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Illinois (Mr. Michel) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7016, with Mr. Holifield in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Pennsylvania (Mr. Flood) will be recognized for 1 hour, and the gentleman from Illinois (Mr. Michel) will be recognized for 1 hour.

The Chair recognizes the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, we are again bringing to the House a separate appropriation bill for education programs. We do this with the idea—and indeed the sincere hope—that if both Houses of Congress act with reasonable speed on this bill the appropriations for education will be enacted well before the beginning of the 1972 fiscal year on July 1.

We believe that this will be very, very helpful to school and college officials all over the United States who are making plans now for next fall, not to mention the students themselves, particularly those who are depending on some form of federally assisted grant or loan to help them attend college.

Last year, Mr. Chairman, this body passed the education appropriation bill on April 14. This year we are coming to you on April 7, just a week ahead of last year's schedule. Believe me, Mr. Chairman, this is in the nature of a minor miracle, knowing the procedure here as we do.

We wanted to be sure that the bill passed the House before the Easter recess, which begins on this Thursday.

Of course, the main thing that most Members will want to know is how does the amount in this bill compare with the budget request and how does it compare with last year's appropriation. Well, it is not hard to compare this bill with last year's appropriation. As the tables in the report show—and you have a copy of the report and I direct your attention to page 2 thereof—we are recommending a total increase of $251,388,000 over the 1971 appropriation.

On the other hand, as we mention in the report, it is quite difficult to make a valid comparison between the amount in this bill and the budget request. On its face there appears to be a total reduction of $298,835,000 below the budget request. Of course, that is as phony as a $3 bill. As a matter of fact—this apparent—apparent reduction, is quite misleading. The fact of the matter is that for all the appropriation items except higher education, this bill comes within a hair of being $300 million over the budget request.

I know the mail the Members have been receiving. I have received it, too. I know to what items the mail refers. This increase of $300 million includes elementary and secondary education, vocational education not to mention impacted area aid. Did you ever hear of that before? It also includes education for the handicapped and—hear this—library assistance and so on, so on, and so on. We will place in the Record a long list, as long as your arm, of the items where increases have been made by your committee.

Now, these increases are more than offset by the very large reduction from the budget request for higher education. I will tell you why.

You know the position of this committee on behalf of higher education. We have consistently supported increased appropriations for higher education.

Now, I want you to hear this: The higher education budget request was based on new legislative proposals—I repeat, for the purpose of emphasis, on new legislative proposals which are now under consideration by the Committee on Education and Labor. Before me is the distinguished gentleman from Kentucky, the chairman of that committee (Mr. Perkins). But heaven only knows, including the gentleman from Kentucky, when those proposals will be enacted and what Congress will do with them—Congress, not just the House of Representatives—in the process.

Mr. Chairman, we feel—and this is a tradition of the Appropriations Committee since its inception—that the only responsible course for the Appropriations Committee to follow is to continue to fund higher education programs for another year under the existing law. The Contingent Extension of Expiring Appropriations which was included in Public Law 91-230, which was enacted last year, permits us to do this.

Now, this accounts for the apparent large reduction from the budget request for higher education. That is all it is. There is not any more.

Now, the budget proposed an increase over 1971 of almost $850 million for higher education. Mr. Chairman, your committee recommends $250 million of this proposed increase over 1971.

Now, let me tell you why. The reduction of about $600 million from the budget is largely related to programs which are based on proposed legislation.

There "ain't" no law.

I would like to emphasize this. In the report we state clearly that this action of this committee should not under any circumstances be considered a disallowance. This is a deferral, nothing else. This is not a disallowance, period.

Of course, this is all very technical, and it is very complicated, believe me. We have been holding hearings since the middle of February on this bill, and we know how complicated it is.

Now, you cannot sit in some room in the Congressional Hotel, or in the recesses of this great building, and, full-blown from the sea, step out of a seashell overnight with some yellow sheet, and expect to understand the details of this bill.

Now, if you have any questions about this I suggest you read the section of the report—and I will give it to you—dealing with higher education. Read this quite carefully before you get carried away by certain knights in shining armor tomorrow—oh, we have been through this before. This goes on like Tennyson's brook, year after year after year.

What is a billion dollars? Well, in Las Vegas that is a bundle.

The discussion of the committee's recommendations for higher education is on pages 6 to 8 of the report.

Mr. Chairman, without taking up too much time I would like to touch briefly on some other high points in this bill.

For the appropriation entitled Elementary and Secondary Education, we have added $5 million over the budget request for school library resources $20 million for educational equipment, and $2 million for bilingual education. Let me assure you that there is one subject that this subcommittee has embraced now, and will continue to, and that is the long-neglected matter of bilingual education.

For school assistance in federally affected areas, affectionately known here as impacted area aid, we provide a total of $577 million. This is an increase—an increase—of $137 million over the budget request, and $25,932,000 over the 1971 appropriation for impacted aid.

The bill includes language similar to that in the 1971 appropriation act which will assure that school districts which have a large number of so-called "A" children receive special treatment in the allocation of those funds. "A" children are those whose parents both live and work on Federal property—mainly military bases.

Now, for education for the handicapped, the bill includes $115 million, which is $5 million over the budget request and $10 million over the 1971 appropriations. One-half of that increase over the budget is specifically earmarked for the education of deaf-blind children of whom there are quite a few as a result of the terrible 1964–65 rubella epidemic. We now have a vaccine for rubella which we hope will prevent a repetition of that terrible epidemic, but we must do what we can for the children who are handicapped as a result of it.

We have gone out of our way to emphasize vocational education in this bill—and we have added $89,130,000 over the budget request for vocational education. That is $63,846,000 more than the 1971 appropriation. The total amount is over $558,000,000 for the fiscal year 1972.

Besides increasing the total, we have earmarked funds for the various categorical vocational education grant programs, including consumer and homemaking education, programs for the handicapped, work study, cooperative education, innovation, curriculum development, and research.

Now, for some inexplicable reason, the budget proposed a cutback in funds for public libraries and educational broadcasting facilities. Now that is hard to believe. So your committee found it necessary to add another $42,709,000 over the budget request for these programs—public libraries, educational broadcasting facilities. It is amazing that we had to do that, but we did.

As I have already stated, the situation with regard to higher education is quite complicated, but I think I should mention here that we have included in the bill $293,000,000 for NDEA student loans.

That is an increase of $15 million over last year's appropriation and an increase of $288 million over the budget request.

We have also included $5,040,000 for the land-grant colleges under the Bankhead-Jones Act. The administration proposed to cut off the Bankhead funds altogether, but we prefer a gradual phaseout in line with what we did in this item last year.

Mr. Chairman, besides the programs administered by the Office of Education, the bill also includes funds for support of the American Printing House for the Blind, in Louisville Ky., and the National Technical Institute for the Deaf, a very promising new institution at Rochester, N.Y., the Model Secondary School for the Deaf, Gallaudet College, one of our favorite schools, and a well renowned institution, Howard University, that we have been so proud of and have helped for so many years on this committee. The bill also includes $35,000,000 for the Corporation for Public Broadcasting, an increase of $12,000,000 over the 1971 appropriation. We have made no significant changes in the amounts requested in the budget for these organizations.

Mr. Chairman, my "spies" tell me that there will be attempts made to amend this bill and to add large amounts for programs which the committee has already increased over the budget request. Well, it is a great way to get your name in the newspaper. I remember playing a show once, a great show. I was good, too. At the end of the prolog this police sergeant came running back to the press who were all there, and the sergeant said to the press, "Be sure you spell the name right." Curtain.

So I understand back-home newspapers. Be sure you spell the name right.

I sincerely hope, and I am very confident, that such attempts will not be successful. I must deplore the efforts of certain of those who wish to use education—this bill—as a vehicle for a political confrontation between the President and the Congress. Who in this House has confronted the President and licked him more than I? Name somebody.

I would remind the Members, Mr. Chairman, the last time a large package amendment for education appropriations was adopted by this House, the appropriation bill did not become law until March of the following year. It produced chaos in the entire educational spectrum from the elementary grades to the great universities. It was a mess. March of the next year. Do you remember?

The committee has added a substantial amount over the budget request and all the 1971 budget appropriations. I have told the Members we have a long laundry list of educational grants and aid programs. I have already mentioned many. I will include a table at the end of my remarks which shows, item by item, the amounts in the bill compared with the 1971 appropriation and the 1972 budget request.

Mr. Chairman, I do not think we need apologize to anyone for this bill—not to anyone—for what it will do for elementary and secondary education for our schoolchildren, and for our college and university students. They are the ones who will suffer if we allow this bill, education appropriations, to become a mere political football.

THE 1972 EDUCATION APPROPRIATION BILL (H.R. 7016)

COMPARISON OF APPROPRIATIONS COMMITTEE RECOMMENDATIONS WITH 1972 BUDGET REQUEST AND 1971 APPROPRIATIONS

Appropriation and activity	1971 comparable appropriation	1972 budget estimate	1972 committee recommendation	Change from budget request	Change from 1971 appropriation
Elementary and secondary education:					
1. Aid to school districts:					
(a) Educationally deprived children (ESEA I)	$1,500,000,000	$1,500,000,000	$1,500,000,000		
(b) Supplementary services (ESEA III):					
(1) State plan programs	123,713,000	123,713,000	123,713,000		
(2) Special programs and projects	19,680,000	19,680,000	19,680,000		
Subtotal	143,393,000	143,393,000	143,393,000		
(c) Library resources (ESEA II)	80,000,000	80,000,000	85,000,000	+$5,000,000	+$5,000,000
(d) Equipment and minor remodeling (NDEA III)	50,000,000		20,000,000	+20,000,000	−30,000,000
Subtotal	1,773,393,000	1,723,393,000	1,748,393,000	+25,000,000	−25,000,000
2. Dropout prevention (ESEA, Sec. 807)	10,000,000	10,000,000	10,000,000		
3. Bilingual education (ESEA VII)	25,000,000	25,000,000	27,000,000	+2,000,000	+2,000,000
4. Strengthening State departments of education (ESEA V–A)	29,750,000	33,000,000	33,000,000		+3,250,000
5. Follow Through: (Economic Opportunity Act 1964, sec. 222):					
(a) Operations	67,981,000	58,700,000	(1)	(−58,700,000)	(−67,981,000)
(b) Program direction	(1,019,000)	(1,300,000)	(1)	(−1,300,000)	(−1,019,000)
Subtotal	(69,000,000)	(60,000,000)	(1)	(−60,000,000)	(−69,000,000)
6. Planning and evaluation (General Educational Provision Act, sec. 402)	8,825,000	3,825,000	3,825,000		−5,000,000
Total	1,846,968,000	1,795,218,000	1,822,218,000	+27,000,000	−24,750,000
School assistance in federally affected areas:					
1. Maintenance and operations (Public Law 874)	536,068,000	425,000,000	562,000,000	+137,000,000	+25,932,000
2. Construction (Public Law 815):					
(a) Program	13,900,000	14,300,000	14,300,000		+400,000
(Obligations)	(27,424,000)	(24,300,000)	(24,300,000)		(−3,124,000)
(b) Administration	689,000	700,000	700,000		+11,000
Subtotal	14,589,000	15,000,000	15,000,000		+411,000
Total	550,657,000	440,000,000	577,000,000	+137,000,000	+26,343,000

[1] Not considered due to lack of authorization.

THE 1972 EDUCATION APPROPRIATION BILL (H.R. 7016)—Continued

COMPARISON OF APPROPRIATIONS COMMITTEE RECOMMENDATIONS WITH 1972 BUDGET REQUEST AND 1971 APPROPRIATIONS—Continued

Appropriation and activity	1971 comparable appropriation	1972 budget estimate	1972 committee recommendation	Change from budget request	Change from 1971 appropriation
Emergency school assistance:					
1. Special education personnel and programs	$57,500,000				−$57,500,000
2. Community participation programs	7,500,000				−7,500,000
3. Equipment and minor remodeling	7,900,000				−7,900,000
4. Federal administration and technical assistance	1,953,000				−1,953,000
Total	74,853,000				−74,853,000
Education for the handicapped:					
1. State grant programs (EHA, pt. B)	34,000,000	$35,000,000	$37,500,000	+$2,500,000	+3,500,000
2. Early childhood projects (EHA, pt. C, sec. 623)	7,000,000	7,500,000	7,500,000		+500,000
3. Teacher education and recruitment:					
(a) Teacher education (EHA, pt. D)	32,600,000	34,645,000	34,645,000		+2,045,000
(b) Recruitment and information (EHA, pt. D, sec. 633)	500,000	500,000	500,000		
Subtotal	33,100,000	35,145,000	35,145,000		+2,045,000
4. Research and innovation:					
(a) Research and demonstration (EHA, pt. E)	15,300,000	15,755,000	15,755,000		+455,000
(b) Regional resource centers (EHA, pt. C, sec. 621)	3,550,000	3,550,000	3,550,000		
(c) Deaf-blind centers (EHA, pt. C, sec. 622)	4,500,000	5,000,000	7,500,000	+2,500,000	+3,000,000
(d) Media services and captioned films (EHA, pt. F)	6,000,000	6,000,000	6,000,000		
(e) Specific learning disabilities (EHA, pt. G)	1,000,000	1,500,000	1,500,000		+500,000
Subtotal	30,350,000	31,805,000	34,305,000	+2,500,000	+3,955,000
5. Planning and evaluation (General Educational Provision Act, sec. 402)	550,000	550,000	550,000		
Total	105,000,000	110,000,000	115,000,000	+5,000,000	+10,000,000
Vocational and adult education:					
1. Grants to States for vocational education:					
(a) Basic vocational education programs (VEA, pt. B)	315,632,000	377,012,000	377,012,000		+61,380,000
(b) Programs for students with special needs (VEA, sec. 102(b))	20,000,000		20,000,000	+20,000,000	
(c) Consumer and homemaking education (VEA, pt. F)	21,250,000		21,250,000	+21,250,000	
(d) Work-study (VEA, pt. H)	5,500,000		6,000,000	+6,000,000	+500,000
(e) Cooperative education (VEA, pt. G)	18,500,000		19,500,000	+19,500,000	+1,000,000
(f) State advisory councils (VEA, pt. A, sec. 104)	2,380,000		2,380,000	+2,380,000	
Subtotal	383,262,000	377,012,000	446,142,000	+69,130,000	+62,880,000
2. Vocational research:					
(a) Grants to States for innovation (VEA, pt. D)	16,000,000		16,000,000	+16,000,000	
(b) Curriculum development (VEA, pt. I)	4,000,000		4,000,000	+4,000,000	
(c) Research:					
(1) Grants to States (VEA, pt. C)	35,034,000		18,000,000	+18,000,000	−17,034,000
(2) Special projects (CRA)		36,000,000	18,000,000	−18,000,000	+18,000,000
Subtotal	35,034,000	36,000,000	36,000,000		
Subtotal	55,034,000	36,000,000	56,000,000	+20,000,000	+966,000
3. Adult education: (Adult Education Act)					
(a) Grants to States	45,000,000	45,000,000	45,000,000		
(b) Special projects and teacher education	10,000,000	10,000,000	10,000,000		
Subtotal	55,000,000	55,000,000	55,000,000		
4. Planning and evaluation (General Educational Provision Act)	900,000	900,000	900,000		
Total	494,196,000	468,912,000	558,042,000	+89,130,000	+63,846,000
Higher education:					
1. Student assistance:					
(a) Grants and work-study programs (HEA 1965, title IV)	327,700,000	971,300,000	528,000,000	−443,300,000	+200,300,000
(b) Subsidized insured loans (HEA 1965, title IV):					
(1) Interest on basic NDEA-type loans		65,000,000		−65,000,000	
(Amount of new loans subsidized)		(800,000,000)		(−800,000,000)	
(2) Interest on special NDEA-type cost-of-education loans		20,000,000		−20,000,000	
(Amount of new loans subsidized)		(250,000,000)		(−250,000,000)	
(3) Purchases of loan paper (including advances)		400,000,000		−400,000,000	
(4) Proceeds of sales of loan paper	( )	(−400,000,000)		(+400,000,000)	
(5) Interest on insured student loans	143,200,000	160,000,000	196,600,000	+36,600,000	+53,400,000
(Amount of new loans subsidized)	(1,000,000,000)	( )	(1,160,000,000)	(+1,160,000,000)	(+160,000,000)
(6) Reserve fund advances	(2,000,000)	(2,234,000)	(2,234,000)		(+234,000)
(7) Program administration	4,600,000	6,800,000	6,800,000		+2,200,000
(c) Direct loans (NDEA II)	243,000,000	5,000,000	293,000,000	+288,000,000	+50,000,000
Subtotal	718,500,000	1,628,100,000	1,024,400,000	−603,700,000	+305,900,000
2. Special programs for the disadvantaged: (HEA 1965, title IV)					
(1) Talent search	5,000,000	5,000,000	5,000,000		
(2) Upward bound	30,035,000	30,100,000	30,100,000		+65,000
(Administration)	(1,535,000)	(1,600,000)	(1,600,000)		(+65,000)
(3) Special services in college	15,000,000	15,000,000	15,000,000		
Subtotal	50,035,000	50,100,000	50,100,000		+65.000
3. Institutional assistance:					
(a) Strengthening developing institutions (HEA III)	33,850,000	38,850,000	38,850,000		+5,000,000
(b) Construction:					
(1) Subsidized loans (HEFA III)	21,000,000	29,010,000	29,010,000		+8,010,000
(Obligations)	(21,894,000)	(39,993,000)	(39,993,000)		(+18,099,000)
(Amount of new loans subsidized)	(520,000,000)	(520,000,000)	(520,000,000)		
(2) Grants (HEFA I and II)	43,000,000				−43,000,000
(3) State administration and planning (HEFA I)	6,000,000	3,000,000	3,000,000		−3,000,000
(4) Federal administration	2,424,000	2,397,000	2,397,000		−27,000
(c) Language training and area studies (NDEA VI; Fulbright-Hays Act)	8,000,000	15,300,000	15,300,000		+7,300,000
(d) University community services (HEA I)	9,500,000	9,500,000	9,500,000		
(e) Aid to land-grant colleges (Bankhead Jones Act)	10,080,000		5,040,000	+5,040,000	−5,040,000
(f) Undergraduate instructional equipment (HEA VI)	7,000,000				−7,000,000
Subtotal, institutional assistance	140,854,000	98,057,000	103,097,000	+5,040,000	−37,757,000

Appropriation and activity	1971 comparable appropriation	1972 budget estimate	1972 committee recommendation	Change from budget request	Change from 1971 appropriation
4. College personnel development:					
(a) College teacher fellowships (NDEA IV)	$47,350,000	$26,910,000	$26,910,000		−$20,440,000
(b) Training programs (EPDA, pt. E)	10,000,000	10,044,000	10,044,000		+44,000
Subtotal	57,350,000	36,954,000	36,954,000		−20,396,000
5. Planning and evaluation (General Educational Provision Act, sec. 402)	900,000	900,000	900,000		
Total, higher education	967,639,000	1,814,111,000	1,215,451,000	−$598,660,000	+247,812,000
Education professions development:					
1. Personnel training and development (EPDA, pts. B, D, and F; sec. 504)	67,900,000	59,700,000	59,000,700		−8,200,000
2. Special programs serving schools in low-income areas:					
(a) Teacher Corps (EPDA, pt. B-1)	30,800,000	37,435,000	37,435,000		+6,635,000
(b) Career opportunities and urban/rural school programs (EPDA, pt. D)	35,100,000	36,665,000	36,665,000		+1,565,000
Subtotal	65,900,000	74,100,000	74,100,000		+8,200,000
3. Planning and evaluation (General Education Act, sec. 402; EPDA, sec. 503)	2,000,000	2,000,000	2,000,000		
Total	135,800,000	135,800,000	135,800,000		
Libraries and educational communications:					
1. Public libraries:					
(a) Services (LSCA I, III)	40,709,000	18,000,000	40,709,000	+22,709,000	
(b) Construction (LSCA II)	7,092,500		8,000,000	+8,000,000	+907,500
Subtotal	47,801,500	18,000,000	48,709,000	+30,709,000	+907.500
2. College library resources (HEA II-A)	15,325,000	5,000,000	10,000,000	+5,000,000	−5,325,000
3. Librarian training (HEA II-B)	3,900,000	2,000,000	2,000,000		−1,900,000
4. Educational broadcasting facilities title III, pt. IV, Communications Act of 1934)	11,000,000	4,000,000	11,000,000	+7,000,000	
5. Planning and evaluation (General Educational Provision Act, sec. 402)	400,000	4000,00	400,000		
Total	78,426,500	29,400,000	72,109,000	+42,709,000	−6,317,500
Research and development (Cooperative Research Act, except as indicated):					
1. Educational research and development:					
(a) Educational research	11,959,000	7,500,000			
(b) Development	3,041,000	9,000,000			
Sesame Street	(2,000,000)	(5,000,000)	(5,000,000)		(+3,000,000)
(c) Institutional support (laboratories and centers)	33,406,000	34,000,000			
(d) Libraries and educational technology	2,171,000	3,000,000			
(e) Nutrition and health	2,000,000	500,000	2,000,000	+1,500,000	
(f) Drug abuse education (Drug Abuse Education Act of 1970)	6,000,000	6,000,000	8,000,000	+2,000,000	+2,000,000
(g) Environmental education (Environmental Education Act)	2,000,000	2,000,000			
Subtotal	60,577,000	62,000,000			
2. Experimental schools	12,000,000	15,000,000	Not distributed		
3. National achievement study	4,500,000	6,000,000			
4. Demonstrations	2,250,000	2,250,000			
5. Evaluations	4,000,000	4,000,000			
6. Dissemination (General Education Provision Act, sec. 412)	8,500,000	8,500,000			
7. Training	3,250,000	4,000,000			
8. Statistics	3,000,000	3,250,000			
Total	98,077,000	105,000,000	105,000,000		+6,923,000
Educational activities overseas (special foreign currency program) (Public Law 480)	3,000,000	3,000,000	3,000,000		
Salaries and expenses	44,800,000	48,979,000	47,700,000	−1,279,000	+2,900,000
Student loan insurance fund (HEA IV-B)	18,000,000				−18,000,000
Higher education facilities loan fund (HEFA III):					
1. Loans to higher education institutions					
(Obligations)	(35,000,000)	( )	( )	( )	(−35,000,000)
2. Participation sales insufficiencies	2,952,000	2,961,000	2,961,000		+9,000
(Obligations)	(30,150,000)	(33,003,000)	(33,003,000)		(+2,853,000)
Total	2,952,000	2,961,000	2,961,000		+9,000
Total, Office of Education	4,420,368,500	4,953,381,000	4,654,281,000	−299,100,000	+233,912,500
SPECIAL INSTITUTIONS					
American Printing House for the Blind	1,517,000	1,580,000	1,580,000		+63,000
National Technical Institute:					
1. Academic program	3,608,000	4,119,000	4,119,000		+511,000
2. Construction	21,836,000				−21,836,000
Subtotal	25,444,000	4,119,000	4,119,000		−21,325,000
Model Secondary School for the Deaf:					
1. Academic program	2,202,000	2,502,000	2,502,000		+300,000
2. Constructioh	250,000	14,958,000	14,958,000		+14,708,000
Subtotal	2,452,000	17,460,000	17,460,000		+15,008,000
Gallaudet College:					
1. Academic program	5,818,000	6,866,000	7,131,000	+$265,000	+1,313,000
2. Construction	1,400,000	4,394,000	4,394,000		+2,994,000
Subtotal	7,218,000	11,260,000	11,525,000	+265,000	+4,307,000
Howard University:					
1. Academic program	24,570,000	30,321,000	30,321,000		+5,751,000
2. Construction	1,000,000	2,490,000	2,490,000		+1,490,000
3. Freedmen's Hospital	11,851,000	12,732,000	12,732,000		881,000
Subtotal	37,421,000	45,543,000	45,543,000		+8,122,000
Total, Special Institutions	74,052,000	79,962,000	80,227,000	+265,000	+6,175,000
Total, HEW items	4,494,420,500	5,033,343,000	4,734,508,000	−298,835,000	+240,087,500
Corporation for Public Broadcasting	23,000,000	35,000,000	35,000,000		+12,000,000
Grand total	4,517,420,500	5,068,343,000	4,769,508,000	−298,835,000	+252,087,000

The CHAIRMAN. The gentleman from Pennsylvania consumed 28 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, our distinguished chairman, the gentleman from Pennsylvania (Mr. FLOOD), has very well covered the bill in specific items. I would surely want to join with him in saying I am glad that we were able to conclude our hearings again this year at an early date and bring this education appropriation bill to you as the first major appropriation bill of the session. If the other body will kindly oblige, by moving ahead promptly there is no good reason why we cannot pass this bill, get together with the Senate in a conference to iron out our differences and have the measure enacted into law before the beginning of the new fiscal year July 1.

In preparing this bill we labored under several handicaps, not the least of which was the fact that there are a number of significant legislative proposals that the administration has pending before the authorizing committee, and as much as some of us would like to move in the same direction the administration would like to move, we are foreclosed from legislating on appropriation bills.

The new Commissioner of Education, Dr. Sidney Marland, made a fine presentation before our committee and set forth three major education goals:

First and foremost, we want to continue to promote equal education opportunities for all children. As the Commissioner said:

> All barriers must be eliminated—those due to socio-economic status, location, sex, racial and ethnic discrimination, physical and mental handicaps and other disadvantages.

Our second major goal is to encourage changes to improve the educational system, and third to improve the management of our program hopefully to increase the efficiency and effectiveness of the limited resources available.

Mr. Chairman, you are aware of how critical I have been in the past of the growth of the U.S. Office of Education and more particularly the request for increased personnel.

In this budget the request for administrative funds has been held to only 1 percent of total program support. I would have to say that this is quite low when one considers the number and variety of programs with which the Office of Education has to deal on a daily basis. We have on the books over 100 programs affecting some 19,000 local school districts, 3,500 colleges and universities, including branches, 3,600 postsecondary vocational schools, almost 22,000 lending institutions, and countless other agencies and organizations.

The overall request of the administration of $6.1 billion represents about 8 percent of the total national expenditures for education, and as the Commissioner said in his testimony he intends "To use this 8 percent as a level to achieve our three major goals."

If the legislative proposals being advanced by the administration were enacted into law, we would see 77 percent of the Office of Education's total budget going toward aiding the disadvantaged. The largest of the programs in this category is of course for educationally deprived under title 1 of the Elementary and Secondary Education Act would be maintained at the current level of $1.5 billion. Almost 8 million children are now being served with emphasis being placed on the elementary level in low-income areas.

If the emergency school assistance proposition is enacted into law, there would be an additional billion dollars spent in this area.

Continuing with elementary and secondary education, we have $143,393,000 for supplementary services title 3, the same amount as in the bill last year.

For library resources, title 2, we have an increase of $5 million in our bill bringing the total to $85 million.

For equipment and minor remodeling, title 3, NDEA, $20 million in the bill.

For dropout prevention, title 8, ESEA, we have provided $10 million.

For bilingual education, title 7, ESEA, we increased the budget $2 million and carried $27 million in the bill.

For strengthening State Departments of Education, title 5A, ESEA, we have another significant increase over last year, bringing the figure to $33 million.

The follow-through program, which was carried in the budget at $60 million, expires on June 30, and because we cannot appropriate for that which is not authorized, this item was left out of the bill.

The planning and evaluation item was reduced by $5 million from the budget from last year's level, and we carry it in this year's bill, $3,825,000.

Now for the so-called impacted school aid, we are carrying $577 million, an increase of $137 million over the budget, and an increase of just a shade under $26 million over the appropriation for 1971.

The $562 million is for payments to school districts under Public Law 874. The other $15 million is for assistance for school construction under Public Law 815.

The language in our bill continues the practice followed in last year's bill making special provision for payments for the education of children under section 3(a) for Public Law 874. These are children commonly referred to as "A" children, whose parents who both live and work on Federal property, mainly military bases which are not subject to local taxation. We are providing payments on account of these children to be made at 90 percent of full entitlement if they constitute less than 25 percent of the school district's total enrollment, and at 100 percent of full entitlement if they constitute of 25 percent or more of total enrollment.

Now for those children whose parents who work, but do not live on Federal property, commonly known as "B" children, the bill provides that payments shall not exceed 68 percent of maximum entitlement.

I think it should be pointed out that this amount is more than adequate for this very sensitive area that touches no less than 385 congressional districts around the country.

Personally I have been very critical of this particular program because it has gotten far afield of its original intent and purpose. And with all the criticism leveled at the program, I cannot for the life of me figure out why the legislative committee does not take the appropriate steps to remedy the inequities.

Nevertheless, knowing of most of the Members' interest in this item we have provided in this bill a 5-percent increase in dollars over last year even though the total number of students involved has been reduced by some 20,000.

Now there are going to be arguments made later in the day that we should add an additional $138 million to not only begin making payments for the first time to districts where you have public housing units, but also to reverse the very, very minor corrections to the program that have been made via the appropriation process in the last two appropriation bills.

Now Mr. Chairman, we have another increase of $5 million over the budget and a $10 million increase over the appropriation for 1971 in the item education for the handicapped. The total figure is now $115 million.

This includes $37.5 million for State grant programs, an increase of $2.5 million which will provide higher rates of payments per child for over 183,000 children, and allow initiation of new model programs.

We have $7.5 million for early childhood projects and the increase over last year will provide for more an increased number of centers and put emphasis on developing training programs for preschool children. There is $34.645 million for teacher education, and $500,000 for recruitment and information. In research and innovation we have another increase, and we are now carrying $33,805,000.

Now, if I might turn to vocational education, the budget presentation called for a grant consolidation with a figure of $377 million which was slightly less in the aggregate than was appropriated for this purpose last year. The consensus in the subcommittee was for continuing the program pretty much as is with significant money increases.

As a matter of fact, we have a total increase for vocational and adult education of $89,130,000 over the budget, and this is $63,846,000 over the 1971 appropriation. In other words we are providing $377 million for basic vocational education programs in the States and in addition we are providing $20 million for students with special needs, $21.2 million for consumer and homemaking education, $6 million for work study, and $19.5 million for cooperative education, and $2.380 million for State advisory councils.

In vocational research we are still carrying $16 million for grants to the State for innovation; $4 million for curriculum development; $18 million for research grants to the States; and $18 million for research special projects. And finally $55 million for adult education, and $900,000 for planning and evaluation.

As I said, this gives us a total for

vocational and adult education of $558,042,000.

For higher education the bill includes $1,215,451, which is a reduction of $598,660 from the budget request, and an increase of $247,571,000 over the 1971 appropriation.

As we pointed out in our report on the bill, comparison here of your committee's recommendations with the budget request is difficult, because the request was based in part on the administration's proposal for revision of the authorized legislation.

The bill provides a total of $1,024,400,000 for programs of student assistance in higher education, an increase of $305,900,000 over the 1971 appropriation.

In this category, the bill includes $116,400,000 for work-study grants for the 1971–72 school year which will provide grants to 430,000 students—the same as in the current year.

Already available for educational opportunity grants for 1971–72 is $167,700,000, and for the following year $165,300,000 is provided. This amount will allow 112,900 new grants to first-year college students in addition to renewal grants.

The bill also provides for the 1972–73 school year $244,600,000 for work-study payments. This is an increase of $57,200,000 over the amount available for the 1971–72 year and will give an additional 106,000 students work-study opportunities. An increase of $100,000 is also included for cooperative education programs.

A total of $196,600,000 is included for the continuation of the existing insured student loan program. This is an increase of $36,600,000 over the budget request and will support a total new loan level of $1,160,000,000 for fiscal year 1972.

Some $293 million is provided for NDEA student loans, an increase of $288 million over the budget request and $50 million over the 1971 appropriation. This will provide for a total of 648,900 NDEA student loans, compared with the 1971 total of 560,400.

While the administration's budget recommended no funds for aid to land-grant colleges under the Bankhead-Jones Act the committee included $5,040,000—half the 1971 appropriation.

For annual interest grants to subsidize loans for construction of higher education facilities, the bill includes $29,010,000.

The Talent Search, Upward Bound, and college special services programs were funded at the levels requested in the budget, but our committee report makes special note of the need for increased attention to means of improving project evaluation and accountability in the Talent Search program.

I have been especially disturbed at some of the things I have found in this program. The goal of Talent Search is placement in postsecondary educational opportunities, but there appears to be a wide disparity in contract results and cost per student. I would refer those interested to our hearing record.

For education professions development, our bill includes the amount of the budget request—$135,800,000. Of this amount, $37,435,000 is allocated for the Teacher Corps program, and will provide for an increase of 644 corps members.

Our committee increased funds for libraries and educational communications by $42,709,000 over the budget request, making a total of $72,109,000 available for fiscal year 1972.

Within the $105 million allocated for research and development—the amount of the budget request—$5 million will be committed to support "Sesame Street," $2 million will go to nutrition and health, and $8 million to drug abuse education.

For educational activities overseas the bill includes $3 million, the amount of the budget request and the level of funding last year.

Some $47,700,000 is provided for salaries and expenses. This is an increase of $2,536,000 over the 1971 level and a reduction of $1,279,000 from the budget request.

The bill also contains language permitting loans to be made from funds appropriated in prior years—the higher education facilities loan fund. In addition, $2,961,000 is provided for payment of participation sales insufficiencies.

Included in the bill is $1,580,000—the amount of the budget request—for the American Printing House for the Blind.

The National Technical Institute for the Deaf will receive an appropriation of $4,119,000 under our committee bill.

The Model Secondary School for the Deaf would be funded at $17,460,000, an increase of some $15,028,000 over the 1971 level. Most of this increase will be for construction of facilities.

For Gallaudet College, the bill includes $11,525,000, an increase over both the budget request and the 1971 appropriation. Again, construction of facilities will absorb much of the increase.

Howard University would be funded at $45,543,000, the amount of the budget request.

The Corporation for Public Broadcasting would receive $35 million, the amount of the budget request and an increase of $12 million over the 1971 level.

Mr. Chairman, this will conclude my formal presentation and rather than go on to any greater length at this time, I would like to give way to my colleagues on the subcommittee who will have some special points to raise. Tomorrow when we read the bill for amendment, it is my understanding the gentleman from Maine (Mr. HATHAWAY), will offer a package of amendments with increases totaling $728.6 million—practically three-quarters of a billion dollars. I would remind you again that in this bill your subcommittee has provided for significant increases of over $100 million in excess of the budget. We are $250 million over last year's level of spending and we think this is sufficient. I think I can predict with some measure of assurance that if this package is agreed to, we are going to be faced with another Presidential veto. Now there may be those of you who will take the position that politically you would like to see that come about, but I would remind you that you are certainly not doing the education community any good with this tactic. If that happens, no one is going to know for a good long time what they are going to be able to spend out in the field and we may very well have some programs cut indiscriminately with an overall expenditure ceiling or a 2- or 3-percent cutting rider or some such thing. Most of you should recall what happened when this measure was vetoed before and I would hope we would not be going down that route again.

In conclusion, Mr. Chairman, this is a good bill. It ought to be supported and your subcommittee is unanimous in support of the dollar figure in this bill. I would hope, therefore, that you display a good measure of confidence in those of us who sat for months behind closed doors, hearing the testimony rather than give in to this outside pressure from the education lobby. Tomorrow we will have a good deal more to say in response to the specific increases which will be proposed and I do hope Members will stay on the floor and listen to the arguments both pro and con. I am confident that if you enter this Chamber with an open mind, you will give your committee a vote of confidence with an overwhelming rejection of the so-called Hathaway package.

Mr. KEITH. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman now.

Mr. KEITH. I thank the gentleman for yielding.

I want to compliment him on the excellent presentation he has been making as he reviewed the situation before the House.

I have been advised by some constituents who have an extraordinarily great interest in 874 that a point of order may be raised on this bill on the grounds that it constitutes legislation on an appropriation bill and that this point of order might be raised after the Hathaway amendment has been acted upon. Do you have any knowledge of the significance of that point of order and, if it were sustained, how it would affect the bill 874?

Mr. MICHEL. I am not sure what any Member may do and who will rise to make a point of order against any specific piece of language but, as I indicated in my earlier remarks, what language we have here currently is what will hopefully be carried forward. This will assure the "A" category districts with at least 25 percent or more students their 100-percent funding and the balance of the "A's" with 90 percent.

Mr. FLOOD. Mr. Chairman, will the gentleman yield to me?

Mr. MICHEL. I yield to the chairman.

Mr. FLOOD. I would like to say to the gentleman from Massachusetts, of course, we know this is not a new question. The committee is satisfied that there is no legislative language in this bill having to do with the impact aid program.

We have drawn the language very carefully. There are limitations with particular reference to the so-called impacted areas, but such limitations are in order on an appropriation bill.

Mr. KEITH. Mr. Chairman, if the gentleman will yield further, this you consider as a limitation on an appropriation bill?

The chairman feels a point of order would not then be sustained?

Mr. MICHEL. That is what the chairman has just said and I would have to concur. But, as I stated earlier, there are such things as Parliamentarians, and they do not always agree.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am glad to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I think the gentleman will agree in the event it were sustained it would mean that those children of parents that work on and are living on a base that go to an adjoining school district, that there would be less money paid for those children.

Mr. MICHEL. That is exactly correct and it is a very good point. I appreciate the gentleman from Iowa reminding us of that fact because it is more in direct response to the question of the gentleman from Massachusetts.

Mr. KEITH. Mr. Chairman, if the gentleman will yield further, that is exactly what my constituent feels with reference to the situation that confronts us in a town where we have, I believe, as much as 68 percent of our student body is from Federal installations of one sort or another.

Mr. LENNON. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I shall be glad to yield to the gentleman from North Carolina.

Mr. LENNON. Representing in my district what is even today, in spite of the reduction and hopeful freeze in the armed services, the largest base in America with respect to dependents, how does the committee arrive at the figure of 68 percent of the category of these students as an equitable percentage?

Mr. MICHEL. Over the last several years, we have said that the prime considerations ought to be given to the A's to be sure that we cover them 100 percent and 90 percent respectively, as has been outlined. Then the balance will be going to the B category.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MICHEL. Mr. Chairman, I yield myself 2 additional minutes.

Mr. LENNON. Let me illustrate what I mean. In one county in my district there are two school districts, and there are 17,582 students under category B. Most of those are sons and daughters of men serving in uniform. They live off the bases, or they would not be under category B, but a preponderant majority of them own trailers or mobile homes.

Under the Soldier and Sailor's Civil Relief Act of 1946 these are not subject to a personal property tax just as their automobiles are not subject. So here you have 17,500 children, in one county, which includes two school districts where there is no contribution made, either through the installation their fathers work on, the military bases, and no realty or ad valorem tax, and no personal property tax. So should not the Federal Government assume the total responsibility for these category B pupils who are in that particular situation, just like we do for those who live on and work on the bases?

Mr. MICHEL. I will say that the gentleman from North Carolina has an extraordinary problem that many of the other Members do not have to face.

Mr. LENNON. They do not have to face that.

Mr. MICHEL. So the problem is a critical one for the gentleman from North Carolina, but it seems to me that even though individuals are living in trailers, there ought to be a sufficient real estate tax assessed against the property on which the trailers are situated.

I am reminded that this very day an election is being held in my hometown to raise our tax base again to provide for some of our educational needs.

As I said before, I would hope this entire program would be reshaped and reformed to take care of those legitimately Federal impacted areas. And I would go further and confine that to military personnel. There is no good reason under the sun why civilian Federal employees such as those living in the Washington, D.C., suburbs ought to have their children's education subsidized any more than the average taxpayer.

Mr. LENNON. I have voted no when we expanded this to include the sons and daughters of Congressmen who are living in $80,000 and $90,000 homes in Maryland and Virginia.

Mr. MICHEL. And that is absolutely ridiculous.

Mr. LENNON. There is a new proposal to include low-cost housing, too, which is also ridiculous.

But to me it is a great inequity to say to the taxpayers of any local subdivision in this country that they should assume the entire burden for the education of those children whose parents pay nothing, either way, and something must be done about it.

Mr. MICHEL. The gentleman raises a very good point.

Mr. LENNON. I thank the gentleman for yielding.

Mr. MICHEL. Mr. Chairman, I reserve the balance of my time.

Mr. FLOOD. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. Evans).

Mr. O'KONSKI. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-three Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 47]

Alexander
Anderson, Ill.
Anderson, Tenn.
Annunzio
Ashley
Barrett
Biaggi
Blackburn
Bolling
Brasco
Carey, N.Y.
Carney
Celler
Chisholm
Clancy
Clark
Clay
Collins, Ill.
Colmer
Conable
Delaney
Dellums
Derwinski
Diggs
Dwyer
Eckhardt
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Evins, Tenn.
Fish
Flynt
Frelinghuysen
Fulton, Tenn.
Gallagher
Gibbons
Gray
Green, Pa.
Grover
Haley
Halpern
Hanna
Hansen, Idaho
Harrington
Hawkins
Hays
Hébert
Hicks, Mass
Hosmer
Jones, Ala.
Jones, Tenn.
Kluczynski
Koch
Leggett
Long, La.
Long, Md.
McClure
McCulloch
McEwen
McKay
McKinney
Macdonald, Mass.
Mann
Matsunaga
Meeds
Metcalfe
Mikva
Murphy, Ill.
Murphy, N.Y.
Nichols
Pickle
Poage
Pryor, Ark.
Pucinski
Purcell
Railsback
Rangel
Rees
Roe
Rosenthal
Rostenkowski
Scheuer
Seiberling
Shipley
Sikes
Skubitz
Staggers
Steele
Teague, Tex.
Terry
Thompson, N.J.
Tiernan
Widnall
Wilson, Charles H.
Yatron

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Holifield, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 7016, and finding itself without a quorum, he had directed the roll to be called, when 336 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose the Chair had recognized the gentleman from Colorado (Mr. Evans) for 5 minutes.

The Chair again recognizes the gentleman from Colorado (Mr. Evans).

Mr. EVANS of Colorado. Mr. Chairman, I would like to add my comments to those of the gentleman from North Carolina (Mr. Lennon) when he was commenting on the position of one of the counties in his State and district, that is heavily dependent on category B impacted aid. The same thing is true in terms of some of the communities in my district where it is not uncommon to have school districts receive as much as 20 percent of their operational budget from category B funds.

With 20 percent of their operational budget coming from category B funds, it is annually almost an impossibility to plan your school year in advance, to know what you are going to have in terms of teachers, to be able to handle the number of students you have coming. Like my colleague, the gentleman from North Carolina (Mr. Lennon), most of the students are children of parents who serve in the U.S. Army or Air Force, and live in areas that do not have the capacity to fund their school costs solely through taxation for these school districts.

So again I commend the gentleman from North Carolina for his remarks, and join with him in urging the committee to keep this matter in mind, the matter of category B funds.

But I rise principally, Mr. Chairman, to refer to another matter.

First of all I would like to commend my colleague and good friend, the gentleman from Pennsylvania (Mr. Flood) for the expeditious work he and his subcommittee have done to bring this bill, the first general appropriation bill for fiscal year 1972, to the floor for consideration. I think this is a particularly singular achievement in view of the very real difficulties posed to him and his colleagues by the administration's request for major changes in educational programs, and funding not yet authorized by congressional legislation.

I would like to direct my remarks to

the expenditure of funds by the Office of Education under the Bankhead-Jones Act of 1935.

These funds are allocated to the States on a formula basis. And in this regard I would like to have the particular attention of the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. FLOOD), if I may.

I am talking, Mr. Chairman, about the Bankhead-Jones Act, and the funds allocated under this act. Those funds are allocated to the States on a formula basis, but in 16 States which have both—predominantly white—1862 land-grant colleges, and predominantly black—1890 land-grant colleges, it is the States themselves which decide on the division of funds between the two types of schools.

In Mississippi and in South Carolina the funds are divided about evenly, or equally, but in all other States with dual institutions where you have both white and black land-grant colleges, the allocation has historically been, and is presently heavily in favor of, and unfairly in favor of the predominantly white colleges and universities. Overall, approximately 72 percent of the funds are being given to the predominantly white schools, and only 28 percent is going to the predominantly black colleges.

Under these circumstances I would like to have my colleague, the gentleman from Pennsylvania (Mr. FLOOD), address himself to this aspect of the question:

Under these circumstances, what provisions or procedures does the Office of Education have and follow to assure that the distribution of Bankhead-Jones funds meets the requirement of title VI of the Civil Rights Act of 1964?

I would be glad to yield to the gentleman from Pennsylvania (Mr. FLOOD), to respond to that question.

Mr. FLOOD. If the gentleman would yield, as I am sure my friend, the gentleman from Colorado, (Mr. EVANS) knows, according to the tables that we have, which were prepared at our request, by the way, by HEW, the appropriations in the bill for the Office of Education will support the black colleges and the students in them, at the level of $181,500,000 in fiscal year 1972. This is our proposal, $181,500,000. This is an increase of about $25 million over fiscal 1971 for these same programs.

There is, as you know, a slight reduction of $660,000 in the amount that these colleges will receive under the Bankhead-Jones Act. This is more than offset by the increase of over $3,000,000 in funds which these institutions will receive, as my friend knows, under the program of aid for developing institutions.

The figures I have just cited do not include Howard University—this is a predominantly black institution, one of our favorites in this committee. This bill includes a total of $30,321,000 for operating costs for Howard University, which is an increase of $5,751,000 over the 1971 appropriation.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. EVANS of Colorado. Mr. Chairman, may I have **2 additional** minutes?

Mr. FLOOD. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. EVANS of Colorado. I have two questions, Mr. Chairman.

In connection with the question of distributing these Bankhead-Jones funds in the past, it is a question of whether or not title VI of the civil rights act applies to the determination by the State agencies as to the manner they have split it between white and black colleges.

Mr. FLOOD. You see, in a situation where there is no black school—what are you going to do about it? That is about where you are.

Mr. EVANS of Colorado. As I understand it, title VI must be followed.

Mr. FLOOD. Under title VI?

Mr. Chairman, we can only assume that the Bankhead-Jones money will be treated the same way under the Civil Rights Act as all other grant programs under that law.

Mr. EVANS of Colorado. Mr. Chairman, I have one more question.

The administration itself is phasing out Bankhead-Jones money and intends to replace it with funds under title III of the Higher Education Act.

Mr. FLOOD. That is correct, as far as the Bankhead-Jones funds are concerned.

Mr. EVANS of Colorado. My question is this.

Since Bankhead-Jones money could be spent in supporting the educational institution itself in salaries and operation expenses and since title III does not allow its funds to be so used, I am concerned, and I hope the Committee is concerned, about expenditures in the future to support the operational functions of these black land-grant colleges.

Mr. FLOOD. Of course, as my friend knows, there is also a permanent appropriation of $2,600,000 under the Bankhead-Jones Act.

There is at the present time no other legislative authorization for formula grants in support of operating expenses of higher education institutions.

If there is a law required, then of course we can try to get such legislation enacted. I agree with you, I would like to see it done, but based on need, and that is what is lacking in the Bankhead-Jones formula. But there is still a basic permanent grant under the Bankhead-Jones Act, in addition to the annual appropriations of $5,040,000 for land-grant colleges which is included in the bill as reported by the Committee.

Mr. EVANS of Colorado. I wish to advise the chairman and the committee that at the appropriate time I will offer an amendment as to the Bankhead-Jones Act.

Mr. MICHEL. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, in his message to the Congress received today from the President, he said:

> The education of our children transcends partisan politics.

Let me emphasize that our subcommittee on appropriations in reporting to you today this bill has worked above partisan politics. We have had an almost unanimous consensus as we have gone through in making this report. I give great credit to the gentleman from Pennsylvania (Mr. FLOOD) for his fairness and his leadership in bringing this bill to you, which is responsible and adequate for the Federal Government's part in financing education needs in 1972.

Mr. Chairman, for nearly a month the Appropriations Subcommittee for Labor, Health, Education and Welfare, on which I serve, heard 141 witnesses. Their testimony fills almost 2,500 pages with statements and answers to our questions. The importance of these education programs to our Nation and the fact that they amount to approximately $5 billion this year certainly justify these extensive hearings.

During the present school year, our Nation is spending in excess of $75 billion for education. This represents 7.4 percent of our 1970 gross national product, and it is higher than the percentage spent for national defense. Federal funds in this bill and other appropriations measures account for 11 percent of the total national expenditure for elementary and secondary education and 20 percent of the total expenditures for higher education.

This is a lot of money, and adequate financing methods are becoming harder and harder to find. Twenty-eight States, including my own State of Kansas, have initiated studies into the alternatives available for additional funding for their public schools. The revenue figures tell us why: While the Federal Government spends about 6.9 percent of its revenues for public schools, the States spend 41 percent of their revenues and locally 52 percent is spent for education.

For the second year in a row, our subcommittee has separated this education measure from the appropriations for labor, health and welfare programs, which will come later. It is important that our schools and colleges know well in advance how much money will be available for individual programs, so that they can more effectively plan for the coming school year. The 1972 fiscal year begins July 1, and with House action this week, it is hoped that final action can be taken on this bill well before that date.

I should note that even though the House passed the fiscal 1971 appropriation for education last April 14, final action was not taken until August 18. To compound this delay, the Office of Education did not allocate the fiscal 1971 funds until last November. We should make very clear that in acting early on this bill, it is the intent of the House that final action and the allocation of funds be accomplished by the start of the 1972 fiscal year.

As reported from our committee, this bill includes $4.7 billion for the U.S. Office of Education and an additional $115 million for related agencies, such as the Corporation for Public Broadcasting, the American Printing House for the Blind and the National Technical Institute for the Deaf. The education appropriation represents an increase of $226 million over last year's figure and $101 million over the budget request for those programs which have been authorized. I well realize that more funds could be used for education, and many of us would like to see the Federal Government involved to a greater extent, but considering all of the priorities for spending the Federal dollar, I feel, our committee has recommended a good bill and one that can be defended and justified.

The bill included $1.8 billion for elementary and secondary education, most of which is for educationally deprived children. Library resources for schools will receive $85 million, an increase of $5 million, as we begin to implement the President's right-to-read program. Funds are also provided for dropout prevention, bilingual education for children who cannot speak English, and equipment and minor remodeling.

For the impacted area aid program, the committee recommends $577 million, an increase of $137 million over the budget and $26 million over last year. This appropriation for impacted aid will fund 100 percent of the costs of educating pupils whose parents live and work on Federal property, and thus pay no local taxes, in school districts where such pupils account for more than 25 percent of total enrollment. In districts where these students account for less than 25 percent of enrollment, 90 percent of entitlement would be provided.

For children whose parents work but do not live on Federal property, and thus pay some local taxes, the bill provides 68 percent of the maximum entitlement under the law. Affected school districts will benefit directly from this increase, since the budget request would have furnished only 42 percent of full entitlement for these children.

In an area of growing importance, the committee recommends an appropriation of $558 million for vocational and adult education. This is an increase of $64 million over the 1971 appropriation, and it reverses a reduction in this item which was proposed in the budget. The committee also separated several individual programs under this heading, such as consumer and homemaking education, the work-study program, and programs for students with special needs.

States have been increasing expenditures for vocational education by about $250 million each year and are maintaining an overall matching ratio of about $5 of State and local expenditures to each $1 of Federal money.

In adding these funds for vocational and adult programs, we are recognizing the fact that present school curriculum does not meet the needs of the large proportion of our population who do not go on to higher education. We must find ways to combine work experience with classroom training at the secondary school level. In this way we can help our high schools take a more active role in preparing students for actual employment and helping them get jobs.

The bill includes $115 million for education for the Handicapped, an increase of $10 million over last year and $5 million over the budget request. We have approximately 1.8 million handicapped children in our country today, only 40 percent of whom are being assisted by appropriate educational services.

The committee faced the problem of a lack of the necessary authorizing legislation for several of the higher education budget requests. Even after these items are removed from the bill, the $1.2 billion recommended represents an increase of $247 million over the 1971 appropriation.

As pointed out in the committee report, we were faced with two alternatives: To include no funds in the bill for higher education pending the passage of extensive revisions which have been proposed by the administration; or to include adequate funds to continue existing programs. The latter course was chosen, and I believe wisely so. The committee will be happy to hear further requests based on the new legislation as finally enacted.

These are but a few of the highlights of the committee's recommendations. The bill is as large and complex as our education system itself. The funds are badly needed, both to stimulate programs in needed areas, and to relieve somewhat the burden of rising education costs now being borne by property taxpayers, parents, and students. The house is acting promptly on this appropriation, and it is hoped the Senate will do the same.

Let me just add to the colloquy had a few moments ago between the gentleman from Colorado and the chairman as to the aid to black colleges and the importance of this issue as considered by our subcommittee. In the year 1970 there was appropriated for aid to black colleges $96,205,000. For 1972 this bill has $173,470,000. That is $173 million as compared with $96 million. It is almost a doubling in the 2-year period of Federal aid and support for the black institutions of higher learning, which indicates the interest and concern of this subcommittee in connection with this important matter of education.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, I would hope the gentleman will include at this point in his remarks the comprehensive table that he may or may not have that would pretty well spell this out in detail. He made a very cursory review of what we have done, but there has been a considerable amount. Particularly for the sake of the record and so it will be available in tomorrow's RECORD, I would suggest the gentleman put in that table.

Mr. SHRIVER. Mr. Chairman, I include the chart which shows the complete funding that I have previously referred to:

OFFICE OF EDUCATION, AID TO BLACK COLLEGES

	Year appropriated			Academic year of impact			
	Fiscal year 1970	Fiscal year 1971	Fiscal year 1972	1969-70	1970-71	1971-72	1972-73
Higher education appropriation:							
Educational opportunity grants	$16,874,000	$17,105,000	$17,000,000		$16,874,000	$17,105,000	$17,000,000
College work-study	9,824,880	21,499,500	33,207,000		18,894,880	23,497,000	22,140,000
Direct national defense student loans	11,218,000	13,950,000	18,890,000	$11,218,000	13,950,000	18,890,000	[2]18,890,000
Subsidized insurance loans (loan volume)[1]	26,029,000	31,000,000	35,960,000	26,029,000	31,000,000	35,960,000	[2]38,130,000
Cooperative education	750,000	800,000	950,000		750,000	800,000	950,000
Upward bound	4,744,000	5,700,000	5,985,000		4,744,000	5,700,000	5,985,000
Special services	2,182,000	3,300,000	3,450,000		2,182,000	3,300,000	3,450,000
Talent search	510,000	600,000	600,000		510,000	600,000	600,000
Facility loans (direct)				[3]525,000	[3]20,000,000		
Facility loans (loan level)	4,167,000	30,000,000	30,000,000	4,167,000	30,000,000	30,000,000	[2]30,000,000
University community services	254,000	—260,000	275,000	254,000	260,000	275,000	[2]275,000
Land grant programs	1,431,000	1,506,000	846,000	1,431,000	1,506,000	846,000	[2]187,000
HEA—VE institutes	955,000	1,461,000	1,650,000		955,000	1,461,000	1,650,000
HEA—VE fellowships	205,000	232,000	273,000		205,000	232,000	273,000
College teacher fellowships	138,000	190,000	157,000		138,000	190,000	157,000
Developing institutions	17,014,000	20,945,000	24,227,000		17,014,000	20,945,000	24,227,000
Subtotal higher education: Using loan level	96,295,880	148,548,500	173,470,000		158,982,880	159,801,000	163,914,000
Other appropriations:							
Education professions development:							
State grants	425,000	425,000	200,000		425,000	425,000	200,000
Teacher development in desegregating schools	9,466,000	4,900,000	4,900,000		9,466,000	4,900,000	4,900,000
Teacher Corps	811,000	1,500,000	1,500,000	811,000	1,500,000	1,500,000	[2]1,500,000
College library resources	300,000	1,350,000	1,350,000		300,000	1,350,000	1,350,000
Librarian training	105,000	122,000	80,000		105,000	122,000	80,000
Subtotal other appropriation	11,107,000	8,297,000	8,030,000		11,796,000	8,297,000	8,030,000
Total, Office of Education	107,402,880	156,845,500	181,500,000		170,778,880	168,098,000	171,944,0003

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[1] Estimated amount of loans to students attending black colleges.

[2] This amount to be supported by fiscal year 1973 appropriation. It is included here for comparability purposes.

[3] These are funds recovered from prior year loans to other institutions.

Mr. FLOOD. Mr. Chairman, I yield 1 minute to the gentleman from Maryland.

Mr. MITCHELL. Mr. Chairman, I will be very brief. I simply wish to call to the attention of Members of the House the same two pernicious amendments in the legislation that we have had in the past 2 years, sections 309 and 310, both of which have appeared with regularity when we have considered the matter of education and funding of education.

I am concerned not so much about the effect of these amendments as I am convinced that their purpose is only to confuse. I think these two sections, sections 309 and 310, hold out false promises to those who continue to defy the law of this land and to undercut those who seek to comply. It seems to me that if these amendments are allowed to stay in this bill, we are once again establishing a climate in which some Governors of Southern States will become emboldened to stand in the doorway of the progress in this country.

Mr. MICHEL. Mr. Chairman, I yield 5 minutes to the gentlewoman from Illinois (Mrs. REID).

Mrs. REID of Illinois. Mr. Chairman, as a member of the Subcommittee on Labor-HEW appropriations, I first want to express my appreciation to our chairman, the gentleman from Pennsylvania (Mr. FLOOD) and to the ranking minority member, the gentleman from Illinois (Mr. MICHEL) and other members of the committee for their hard and diligent work and cooperation on this legislation.

The bill before us today—H.R. 7016—carries funds totaling approximately $4.7 billion to cover all the activities directly connected with and administered by the U.S. Office of Education. It is an increase of $251.3 million over the 1971 appropriation, and a net total of $101 million over the President's request for authorized programs. The committee has made reductions for those proposals for funding new student aid programs which have not as yet been authorized—and these will most likely be included later in a supplemental bill. I do feel our committee has done a commendable job in meeting its responsibility by reporting the bill to the House early in this session, and by giving priority to adequate funding for those programs which have proven to be most effective and worthwhile—such as library services and construction, vocational, and adult education, education for the handicapped, educational communications, and others. While we have tried to adhere as closely as possible to the President's budget recommendations, we do realize the great needs in education and have given very careful consideration to all items—making increases in those areas where we felt the requested amount was not adequate. However, it is essential that we show some restraints. In deciding our priorities, significant, and overriding points must be weighed. Education is one of the Nation's largest domestic businesses and like all businesses, it has been hit hard by the effects of inflation. As we see the education dollar producing fewer results because of continually rising costs, it is essential that Congress do its part to insure a budget that at the very least will not stimulate more increased costs in this area.

It has been pointed out that the committee is continuing the practice initiated last year of reporting out a separate appropriation bill for education in the hope that the legislation will be enacted early so that school districts, State departments of education, colleges, and others who are involved in our Nation's educational system will be able to make more orderly plans for the next school year. I certainly support these efforts. The dedicated and hardworking men and women who finance and administer the schools of every level, public and private, in classroom and library, in laboratory and shop, have stressed the importance of early and accurate funding information so that they can do a better job in the public interest of carrying on their labors. In a very real sense, early consideration of this bill is a benefit which hopefully will repay dividends of accomplishment and economy and which will increase the efficiencies of our educational operations.

The major items in the bill have been covered thoroughly by other members, but there are several matters of particular interest on which I would like to comment briefly.

The committee has approved the full amount of the budget request of $1.5 billion for grants for the educationally deprived under title I of the Elementary and Secondary Education Act—the same amount which was appropriated in fiscal year 1971. I was impressed by the testimony presented to the committee about efforts of the Office of Education to tighten up the administration of the title I program so that the funds will be used more effectively for improving the educational achievement of disadvantaged children, which is the purpose the Congress intended this program to serve. I hope the economies and improvements achieved thereby will more than offset rising costs. Turning to another area, I think that most of us are aware of the importance of good books and library services in the educational process. In order to further encourage the emphasis on improvement of reading skills which was initiated by the Office of Education last year, the committee has added $5 million over the budget request for school library sources. We also restored the appropriation for public library services to the 1971 level of $40.7 million and added $8 million for library construction grants.

Another item in which there is much interest is the appropriation for vocational and adult education. I have long thought that the high unemployment rate of young people in this country and the fact that we are spending hundreds of millions of dollars for manpower training programs through the Department of Labor indicates that the present education curriculum does not meet the needs of a large proportion of our school age population. About 45 percent of the secondary school population will go on to some form of higher education. This leaves a large number whom the schools should be preparing to go out into a vocational field—and there is certainly a great need for more skilled technicians. I also agree with the Advisory Council on Vocational Education and others who feel that efforts should be made to find ways to combine work experience with classroom training at the secondary school level, and with those who urge that high schools adopt an active role in finding employment for students. Taking these matters into consideration, the committee approved the full amount of the budget request for basic vocational educational grants to the States, an increase of $61.3 million over the 1971 level. In addition, the committee restored funds for several categorical grant programs such as the $21.2 million appropriation for consumer and homemaking education, which is so important in today's world.

While the hearings revealed that we are coming to an end of our chronic teacher shortage, there are still shortages in such areas as vocational-technical education, special education, preschool education, bilingual education, and counseling and guidance personnel. There are also geographical shortages in many individual urban and rural school districts as well as serious problems of quality. In view of this the committee approved the full amount of the budget request of $135.8 million for education professions development.

The use of broadcasting and television is playing an ever-increasing role in the educational process—and impressive testimony was presented about the expansion of educational broadcasting facilities. This is a cooperative venture between the Federal Government, the States, and the local communities. Although the present ratio is 3 to 1 of Federal dollars to local dollars, in fact, the way it works out in practice is that each Federal dollar in the program generates more than 11 non-Federal dollars that come in from State legislatures, from universities and colleges, from business, foundations, city and county commissions, and individual citizens. The committee recommends that $11 million be appropriated for Federal matching grants in this program. This is the same amount provided in fiscal year 1971 and it is $7 million over the budget requests. Although it will not be sufficient to fund the pending backlog of applications, it should assure continued progress in this field.

In order to continue research on education and develop new techniques, the committee has included $106 million for research and development. Within this total $5 million is to be allocated to the further development of "Sesame Street," the popular preschool television production; $2 million to nutrition and health; and $8 million to drug abuse education—which is a most important and needed function.

I believe that most of us will agree that all of the programs included in this Office of Education appropriation bill have very worthy goals and objectives. Furthermore, it is a well known fact that all of our schools—from the elementary level through higher education, need and could use more money—and it is hoped that some of the problems can be solved eventually through the President's revenue-sharing proposal. However, our resources at the Federal level are not unlimited—and in my judgment, the bill which has been presented is a good compromise in that we have attempted to establish priorities and give adequate funding to those programs which have proved to be effective and worthwhile—and I am hopeful that the House will approve our recommendations.

Mr. FLOOD. Mr. Chairman, I yield 5 minutes to the gentleman from Maine (Mr. HATHAWAY).

Mr. HATHAWAY. Thank you, Mr. Chairman.

Mr. Chairman, the matter now before the House addresses itself to some of the most critical matters now facing our Nation. Some Members have suggested to me that the increase I seek for education over the committee bill is not justified in view of the fact that the committee has undertaken to restore some of the cuts proposed in the budget and in some instances has even increased amounts appropriated by the Congress last year.

In response to this I would first say that the increases for reduction proposed in the package amendment provide an extremely modest approach for solving the critical crisis confronting education programs from elementary school through college level.

Further, I would ask that you observe with me the committee report tabulations which show many cuts in vital areas from last year's appropriation totaling $120.9 million.

Mr. Chairman, to defer the construction of a road or a bridge or a building from one year to the next may cause great inconvenience to the public. It may be damaging to the economy of the region. It may result in higher costs for the construction of the facility when it is finally programed. Yet as damaging as a slowdown in these areas may be, the backlog of neglected items can be brought up to date in a concentrated effort.

But the loss of educational services in the early years of the life of a child can never be effectively recovered. We cannot erase our neglect and go back and supply the deficiencies in educational services that should have been supplied in that year in that person's life.

An estimated 36,300,000 public and nonpublic schoolchildren will enter the classrooms of our elementary schools this September. About 700,000 more than last September. The provisions of the Elementary and Secondary Education Act affect large numbers directly and most all of them indirectly. Yet under the budget proposal and under the bill as reported we must cut back services to children now participating in programs or to deny the provisions of services. Thus my bill would restore funding for title III of the National Defense Education Act to last year's level, provide modest increases for school libraries, textbooks and other instructional materials, add funds for the dropout program and additional funds for title I of the Elementary and Secondary Education Act which will be provided with capabilities of less services than we appropriated for last year if the same level of funding is maintained.

Thus for elementary and secondary education the amendment provides less than a 10-percent increase over last year. This, indeed, is fiscally modest at a time when there is talk of the need for an expanded Federal budget simply for economic reasons.

Because of the crisis in funding education in our inner city schools the amendment calls for funding, for the first time, payment to school districts on account of children attending its schools but who live in low-rent public housing projects. The authorization for these payments is a result of the passage of Public Law 91–230 and furnishes an immediate way of providing substantial help to extremely hard-pressed elementary and secondary schools.

In time, the amendment is a modest increase in what I consider the most important investment we can make in the future of this Nation—an investment in our children.

While I have supplied details over the past several days on the education programs which will receive increased Federal funds as a result of the amendment that I propose to offer on April 7 during the reading of the Office of Education and related agencies appropriations bill for fiscal year 1972 in order to provide in precise detail the amounts for each program as they are affected by my amendment I submit for the CONGRESSIONAL RECORD at this point the following data:

TABLES SHOWING EFFECT OF HATHAWAY AMENDMENT TO H.R. 7016

	1971 comparable appropriation (in millions)	Committee recommendation	Amount of increase in package	Page
Elementary and secondary education:				
ESEA I	$1,500.0	$1,500.0	+$150.0	1
ESEA II	80.0	85.0	+5.0	2
ESEA III	143.393	143.393	+15.0	3
NDEA III	50.0	20.0	+30.0	8
ESEA VIII (dropout)	10.0	10.0	+1.0	5
ESEA V-A	29.75	33.0	+7.0	4
School assistance in federally affected areas Public Law 874	536.068	562.0	+106.316	6
Public housing (part C)			+75.0	7
Education for the handicapped	105.0	115.0	+5.0	9B
Vocational and adult education	494.196	558.042	+84.0	10
Adult education	(55.0)	(55.0)	+(35.0)	12
State advisory councils	2.38	2.38	+1.82	11
Higher education:				
Student assistance grants and work study	327.7	[1] (116.4) (411.6)	+30.0	19
Special programs for the disadvantaged, Upward bound, etc	50.035	50.1	+5.0	19
Institute assistance:				
HEA III	$33.85	$38.85	+$52.0	14
Grants (HEFA I)	43.0		+94.0	13
HEA I	9.5	9.5	+6.5	16
Aid to land-grant colleges	10.08	5.04	+7.08	15
HEA VI	7.0		+7.0	20
College personnel development:				
NDEA IV	47.35	26.91	+8.4	9
EPDA (part E)	10.0	10.044	+1.0	9A
Education professions development: personnel training and development	67.9	59.7	+8.0	15A
Libraries and Education Committee:				
LSCA I, III	40.709	40.709	+13.0	21
LSCA II	7.0925	8.0	+2.0	22
College library resources:				
HEA II-A	15.325	10.0	+9.3	17
HEA II-B	3.9	2.0	+2.0	18
Research and development	98.077	105.0	+3.5	23
Total		728.916		

[1] The total appropriation of $528.0 is designed for the first time to cover 18 months. $116.4 is in the nature of a supplement to the fiscal year 1971 appropriation of $327.7. Only $411.6 will be available for the 1972–73 academic year.

Mr. FLOOD. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Chairman, I listened attentively to the remarks of the gentleman from Maine (Mr. HATHAWAY) and to some extent I am reminded of the number of years that many of us have tried to figure out better farm programs. Almost every farmer in America can figure out a farm program that fits his farm and he does not understand why the national program cannot be exactly that way.

Well, Mr. Chairman, we are writing a bill here today for all the United States of America, and with any bill someone can say it would be better if it gave greater emphasis to some one area or if there were more funds appropriated and in which I am interested. But, after all, we do have the responsibility to try to come up with a balanced bill. That is what we have tried to do here.

Mr. Chairman, I am one of those who have supported higher funds for education and who has voted to override vetoes. But I do realize, whether we like it or not, the President of the United States has something to say about this. In other words, it requires a two-thirds vote to override his veto.

Mr. Chairman, it is my firm opinion based upon past experience that we cannot increase this bill by the sum of $728 million and avoid a Presidential veto. I do not believe it can be done. I do not have any inside pipeline to the White House, but based upon past experience, it is not possible to do so. So, what we want under the circumstances is to hold the profile and exposure as to the amount of funds involved a little bit low and then come up with the best balanced bill you can get.

Mr. Chairman, that is the approach we use in this bill. In my opinion if you want to be sure to do less for education in the long run and delay the bill now pending before us, until probably next Christmas, like we did in fiscal 1970, then I would say the best way to do it would be to vote for a big package and thereby almost guarantee that there will be a veto that probably could not be overridden.

It is also probably appropriate to note also that the President only today submitted to the House his proposal on revenue sharing as it affects education.

Obviously, in submitting this proposal the same day on which we bring up the appropriations bill, the Administration did not really think that it would be in effect in time for the appropriations covered by this bill. Therefore, we have had to submit this bill on the basis of ongoing programs without regard to the revenue-sharing proposal.

Mr. Chairman, this bill has been submitted and the appropriations made in accordance with the on-going authorizations. In view of that, we have tried to orient these various appropriations under the many, many programs to bring about the balance that you can expect to get out of a $4.5 billion bill.

In doing that, we have made a number of increases.

I will place in the RECORD some tables that show the exact programs that have been increased by a total of over $634 million.

To be sure, Mr. Chairman, there have been some decreases. There had to be because some of the proposals were not authorized or came under the revenue-sharing proposal which was only submitted today.

Mr. Chairman, I think on balance the best way to help education is to ignore those who just want to play politics with whatever bill comes out. Even if we came out with a $10 billion bill, there would be some people who would offer a substitute and who would want to appropriate more money because they want people to think they are more for education than someone else.

However, Mr. Chairman, I think the best way to help education and to get results is to take the practical approach and that is by supporting this bill and with proper justification provide reasonable further increases in certain programs. I could name three or four at least which should be brought before the Senate when this bill goes over there and when we go to conference we will agree upon some kind of package that can get by a Presidential veto, or if it does not, it will have the support of enough Members so, if necessary, we could override the veto.

For those who seriously want to help provide for education instead of playing politics with education, that is a much more practical and better way to proceed with this bill.

(The material referred to follows:)

INCREASES IN THE 1972 EDUCATION APPROPRIATION BILL AS RECOMMENDED BY APPROPRIATION COMMITTEE

Appropriation and activity	1971 comparable appropriation	1972 budget estimate	Committee recommendation	Change from budget request
lementary and secondary education:				
Aid to school districts:				
Library resources	$80,000,000	$80,000,000	$85,000,000	+$5,000,000
Equipment and minor remodeling	50,000,000		20,000,000	+20,000,000
Bilingual education (ESEA VII)	25,000,000	25,000,000	27,000,000	+2,000,000
Total	155,000,000	105,000,000	132,000,000	+27,000.000
School assistance in federally affected areas: Maintenance and operations (Public Law 874)	536,068,000	425,000,000	562,000,000	+137,000,000
Education for the handicapped:				
State grant programs (EHA, pt. B)	34,000,000	35,000,000	37,500,000	+2,500,000
Research and innovation: Deaf-blind centers (EHA, pt. C, sec. 622)	4,500,000	5,000,000	7,500,000	+2,500,000
Total	574,568,000	465,000,000	607,000,000	+142,000,000
Vocational and adult education:				
Grants to States for vocational education:				
Programs for students with special needs (VEA, sec. 102(b))	20,000,000		20,000,000	+20,000,000
Consumer and homemaking education (VEA, pt. F)	21,250,000		21,250,000	+21,250,000
Work-study (VEA, pt. H)	5,500,000		6,000,000	+6,000,000
Cooperative education (VEA, pt. G)	18,500,000		19,500,000	+19,500,000
State advisory councils (VEA, pt. A, sec. 104)	2,380,000		2,380,000	+2,380,000
Vocational research:				
Grants to States for innovation (VEA pt. D)	16,000,000		16,000,000	+16,000,000
Curriculum development (VEQ, pt. I)	4,000,000		4,000,000	+4,000,000
Total	87,630,000		89,130,000	+89,130,000
Higher education, student assistance:				
Subsidized insured loans: Interest on prior-year loans	143,200,000	160,000,000	196,600,000	+36,600,000
Direct loans (NDEA II)	243,000,000	5,000,000	293,000,000	+288,000,000
Institutional assistance: Aid to land-grant colleges (Bankhead-Jones Act)	10,080,000		5,040,000	+5,040,000
Total	396,280,000	165,000,000	494,640,000	+329,640,000
Libraries and educational communications:				
Public libraries:				
Services (LSCA I, III)	40,709,000	18,000,000	40,709,000	+22,709,000
Construction (LSCA II)	7,092,500		8,000,000	+8,000,000
College library resources (HEA II–A)	15,325,000	5,000,000	10,000,000	+5,000,000
Educational broadcasting facilities, title III, part IV, Communications Act of 1934	11,000,000	4,000,000	11,000,000	+7,000,000
Total	74,126,500	27,000,000	69,709,000	+42,709,000
Research and development (Cooperative Research Act, except when indicated): Educational research and development:				
Nutrition and health	2,000,000	500,000	2,000,000	+1,500,000
Drug abuse education (Drug Abuse Education Act of 1970)	6,000,000	6,000,000	8,000,000	+2,000,000
Total	8,000,000	6,500,000	10,000,000	+3,500,000
Gallaudet College academic program	5,808,000	6,866,000	7,131,000	+265,000
Grand total	1,301,422,500	775,366,000	1,409,610,000	+634,244,000

Increases over 1971 appropriations recommended in H.R. 7016 as reported from Committee on Appropriations

	Increase
Elementary and secondary education:	
Library resources (ESEA II)	+$5,000,000
Bilingual education (ESEA VII)	+2,000,000
Strengthening State departments of education (ESEA V–A)	+3,250,000
School assistance in federally affected areas	+26,343,000
Education for the handicapped	+10,000,000
Vocational and adult education	+63,846,000
Higher eduation:	
Grants and work-study programs (HEA 1965, title IV)	+200,300,000
Subsidized insured loans (HEA 1965, title IV): Interest on insured student loans	+53,400,000
Program administration	+2,200,000
Direct loans (NDEA II)	+50,000,000
Special programs for the disadvantaged (HEA 1965, title VI):	
Upward bound	+65,000
Strengthening developing institutions (HEA III)	+5,000,000
Construction: Subsidized loans (HEFA III)	+8,010,000
Language training and area studies (NDEA VI); Fulbright-Hays Act)	+7,300,000

Education professions development:	
Special programs serving schools in low-income areas (EPDA, Part B–1, Part D)	+8,200,000
Libraries and educational communications:	
Public libraries (LSCA I, II, III)	+907,500
Research and development	+6,923,000
Salaries and expenses	+2,900,000

Mr. MICHEL. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. Conte), a member of the subcommittee.

Mr. CONTE. Mr. Chairman, before I go into my prepared discussion, which I have here today on the bill, I want to advise my colleagues that on tomorrow when we get into the amendment stage of the bill I will offer an amendment to strike out sections 309 and 310, the so-called Whitten amendments, and I will be joined in that effort by the gentleman from Ohio (Mr. Stokes).

Mr. Chairman, earlier this year I was faced with a difficult decision. Having served on both the Treasury-Post Office and Foreign Operations Subcommittees of the Committee on Appropriations during my 12 years in Congress, I was offered a position on the distinguished Labor-HEW Subcommittee. In order to assume that position, it was necessary for me to relinquish my posts on the two other subcommittees.

My many years of working with the programs and personnel of the agencies under their jurisdiction provided me with a working knowledge of many of our country's most vital activities.

I shall miss my relationships with these subcommittees. Nonetheless, I am most gratified with my new position on the Labor-HEW Subcommittee, since it is intimately involved with so many of the programs that contribute to the lifeblood of this great Nation.

The first product of the subcommittee this year is the education appropriations bill. Some of my distinguished colleagues from the subcommittee have already explained the features of that bill in great depth. And I will not repeat their efforts here.

What I would like to do now is focus on some of the important issues that are embodied in this bill. Our educational system is a multifaceted one in which the important roles of all the various educational programs must be recognized and encouraged. This Nation must face up to the problem of rising educational costs without further delay.

For in the final analysis, the future of our society will depend upon the success of our efforts to prepare today's youth to meet the social, economic, and political problems of the next two decades. This preparation will be severely affected if it is obtained in overcrowded classrooms and underfunded programs. And it will be fatally affected, if we are forced to slam the school door shut in the face of an inquiring youngster. That is why the bill we are considering today is so crucial.

Not all will be satisfied with each of the budget items in the bill. I myself understand full well the need for constant and increasing support for the living programs that these cold budget figures represent. But I do feel the committee has come out with a reasonable figure. If we omit the $400 million estimate for the purchase, under a proposed new legislative authorization which has not been enacted, of student loan notes for resale to a National Student Loan Association, then the committee recommendation of $4.7 billion is a net increase of $101 million over the administration's request.

I would like now to briefly touch upon one of the important programs that are covered by the bill.

Five hundred and fifty-eight million dollars is provided for vocational and adult education—an $89 million increase over the budget request and $63.8 million over last year's appropriation. I wholeheartedly concur with the committee's belief that vocational education programs must be improved and expanded to meet the needs of the ever-increasing numbers of young people whom the schools should be, but are not, preparing to enter the world of work. Having been the product of a vocational high school program, I can attest to the value and importance of such programs.

There are too many students in college who do not belong there and who do not realize that there is dignity and respect in the kind of work for which one can qualify as the result of vocational training. The present plight of college graduates who are trained for jobs that do not exist in today's tight labor market is the product in part of a neglect in fostering a vigorous vocational education program.

I do not emphasize this program to downgrade the importance of the others that the bill provides for. Certainly, the elementary and higher education programs, the library programs, the special programs for the disadvantaged are important. I have strongly supported these programs in the past and I will continue to do so in the future.

My only point is this. We must consider the educational needs of all parts of our school age population. As John Gardner expressed it, a society that scorns its plumbers and exalts its philosophers becomes a society where "neither the theories of the philosopher nor the pipes of the plumbers would hold any water."

This bill is a conscientious attempt to help our young people fill the diverse roles that our Nation needs if it is to maintain stability and strength in the coming years. I urge its support.

Thank you, Mr. Chairman.

Mr. FLOOD. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. Perkins).

Mr. PERKINS. Initially, Mr. Chairman, I want to commend the Committee on Appropriations for again this year having an Office of Education appropriations bill before the House so early in the session. I believe the committee deserves the commendations of all Members of this body and of school administrators throughout America for the timeliness of this legislation.

In my judgment, however, there are numerous areas in the bill which are desperately in need of strengthening, and it is for this reason that I will join with others in supporting amendments to increase funding for a number of programs.

Recently, I received a letter, Mr. Chairman, from the superintendent of instruction for Henderson, N.C. Superintendent Randall wrote:

> Now that we have had an opportunity to do something worthwhile in our educational program, especially for the disadvantaged, it is going to be necessary to continue the improvements, and the present level of funding will not permit this. In our particular situation, it appears that an additional 20% to 25% will be required for us to maintain the present level of services under the Title I and Title II programs.

I chose to quote from this letter because in my judgment it pinpoints precisely the issues confronting us. There is well-documented and detailed evidence of substantial accomplishments throughout American education, because of Federal assistance. The issue is whether we are going to build on that record, or turn our backs on those who tell us that continued improvements are dependent upon increased funding.

In this battle to establish an appropriate level for Federal spending in education, we would be derelict in our responsibilities if we failed to heed the virtually unanimous voice of those who work on a daily basis with the programs we have established and the objectives we have set.

Almost all of the evidence gathered by the Committee on Education and Labor during the last few years supports the contention that Federal educational assistance has made a significant difference in American education—but that its full potential has not been realized due almost exclusively to a lack of adequate funding.

Within the last 6 months, the Committee on Education and Labor received detailed responses to a committee questionnaire from over 7,500 school superintendents who represent approximately 25 million students—or more than half the Nation's total elementary and secondary school enrollments. In my judgment, the findings of this study have a direct bearing on our debate. Consider the following:

Ninety-five percent of our respondents stated that title I funds are being directed toward the areas of greatest need.

The vast majority ranked insufficient funds as the primary cause for the documented disparity between the number of children receiving services and the number who should be.

Ninety-eight percent of all respondents indicated that title I has improved or greatly improved the quality of education in their districts.

Title II, the school library and text books program received almost as great a vote of confidence.

Ninety-five percent responded that Federal aid to education programs had contributed toward improving the quality of education in their school districts.

Ninety-eight percent reported that Federal assistance had contributed to improve student performance, with 49 percent indicating significant gains.

This extensive survey, Mr. Chairman,

demonstrates overwhelmingly that if problems exist in individual programs, they lie not with the concepts underlying Federal aid to education—but they lie still, as they have since the inception of these programs, with the inadequate level of funding. Taking into account these results, we are talking about the right concepts and the right assumptions—and the wrong levels of support.

Let me be more precise. It is proposed that we fund title I of the ESEA at last year's level of $1.5 billion. Now we have evidence that says we must have two or three times as much in appropriations if we are to effectively carry out a program of compensatory education for all students who need it and qualify for it.

I wish that we were today going to vote on amendments to increase funding in these proportions, but as a practical matter we are not. We are talking about only a 10-percent increase for title I. Is that justified? Is that necessary?

Let me share with you results from our most recent survey. I would like to underscore that this information has been gathered within the last month. From Arkansas—

> Exceptionally good programs have been seriously hurt by inadequate funding. I believe our School District is similar in its needs to the other schools in this area and that we cannot effectively meet the needs of our school districts at the present level of funding on all Titles of ESEA—89-10 of 1965. A 15% raise in funding would just about cover the added increase in costs since 1965.

From North Carolina—

> There is a definite need for a 20 per cent increase in Title I funds. . . . In order to maintain our present level of operation, this increase is necessary to keep up with general inflation. If funds are not increased, services will have to be curtailed under Title I.

From California—

> We will be forced to cut services and/or programs for disadvantaged children if funds for fiscal year 1972 remain at the same level as 1971. If funds are cut, the effect on our educational program for the disadvantaged will be catastrophic.

From Iowa—

> As far as Title I, ESEA, is concerned, any time there is no increase of funds from one year to the next this is a loss of programs for us. The reason for this is that each year the cost of personnel and services increase. We feel it would take about a fourteen per cent increase in Title I funds for next year for us to maintain adequately what we have been trying to do for educationally deprived children.

From Massachusetts—

> Very simply, if Title I funding next year is held to this year's level, it will result in either a decrease in the quality of the service or a reduction in the population served, two choices that are certainly less than ideal.

From Minnesota—

> We find that to make our Title I program effective and on-going for the coming school year, we would need a 20% increase in funds, if we were to operate at the present level.

Mr. Chairman, I could go on and on with letters from every State of the Union—all of which say virtually the same thing—50 percent or more is needed to better do the job—but no less than a 10-percent increase is necessary if we are to continue programs and service at existing levels. This is not only said of title I, but of all of the titles in the Elementary and Secondary Education Act.

In our studies, title II, ESEA, the library resources program, has been time and time again cited as having made great improvements in particularly the smaller school districts. The committee bill recognizes the value of this program and the necessity to increase appropriations beyond last year's level. But it fails to go far enough. The proposed $5 million additional is necessary, in my judgment, if we are to maintain the program at previous levels.

So too the $15 million increase proposed for title III is necessary to simply keep things going at an even keel.

With respect to vocational education, I share the view of the committee which, in its report, states:

> Vocational Education programs should be improved and expended to meet the needs of a far larger group of young people.

I disagree that the committee increase over the President's budget and the level of funding last year will meet the needs of the far larger group referred to. State plans filed with the Office of Education show a total need of over $775 million for all vocational education programs, whereas the committee bill would provide only $502,142,000.

Let us do as is suggested in the committee report and move in a substantial way to meet the needs by agreeing with the proposed amendment to add on an additional $50 million.

Mr. Chairman, I am deeply distressed by the recommendations in the field of higher education. Forty days of hearings last year and continued hearings this year in our committee have convinced me that we are indeed in a financial crisis in higher education. It is a crisis being experienced not only by colleges and universities, but by parents and students as well.

Let me just illustrate in one instance how far we are from meeting the needs in higher education. An administration-sponsored study suggests that at a time when Upward Bound was serving just 23,200 students, the number of students who would be eligible for and capable of benefiting from the program was estimated at approximately 250,000. The cost of the program then was $30,900,000. If the program were expanded to include the 250,000 students capable of benefiting from it and eligible for it, the total cost to the Federal Government would be $330 million. Compare this with the bill before us which suggests that $30,100,000 be appropriated for Upward Bound for fiscal year 1972.

Again, I wish we were voting to increase it in the proportion that I have referred to. But we are not. But this suggests to me that we must at the very minimum increase these programs by $5 million. A $5 million add-on as is proposed is only a step in the direction of returning to the fiscal year 1971 level of student participation in Upward Bound, Talent Search, and programs for disadvantaged students.

Equally distressing is the failure again to provide either direct grants or loans to assist in the construction of college academic facilities. My colleagues will recall the President's comment of last March:

> Not nearly enough attention is being focused on the 2-year community colleges so important to the careers of so many young people.

In my view, Mr. Chairman, that statement holds true today inasmuch as the 2-year community college movement is desperately in need of funds to assist in the construction of facilities.

It is well documented that we should be spending over a billion dollars a year in loans and grants in the facilities program. This is in sharp contrast with the pending bill which in effect terminates the program of direct Federal loans and grants for construction.

The amendment which will provide for a very modest funding for both junior colleges and 4-year colleges, will continue the program at a totally inadequate level, but it is, nevertheless, action we must take in this time of crisis for all of higher education.

Turning to student assistance, I want first to compliment the committee for having restored and increased funding for the national defense student loan program. Nevertheless, I do not want to have the impression created that the $293 million proposed appropriation will meet the needs. Thus, I should like to point out that institutions across the country have requested a total of $389 million in student loan funds—almost $100 million more than the amount which will be available.

I point this out, because I do not think we can take that much satisfaction in the fact that a direct appropriation for the student loan program is being provided. I am pleased and thankful that it is. But at the same time we must consider also that for the EOG program, the amount is far below what is needed. The same is true of the college work-study program. Institutions have shown a need for over $645 million in work-study and EOG funds. The committee bill does not meet that demand. To be more precise, in the committee bill, only 430,000 students will be able to participate in work-study, the same number as participated in the program last year. No additional funds are provided for the EOG program for 1971–72, and it is proposed for 1972–73 that the appropriation be curtailed. In the face of increasing college costs, increasing wages which affect work-study, and inadequate support for student loans, it is mandatory that we at least provide for the extremely modest $30 million increase proposed by the Hathaway amendment.

Finally, may I turn to the library programs, and again I want to congratulate the committee on having restored the programs to the approximate level of last year. Nevertheless, we are at a time when we can no longer tolerate the fact that 15 million people in this country have no library service at all. The approval of the amendment to increase funds for libraries will put us on the right track so that we can make a dent in eliminating the remaining deficit of volumes in our public libraries

Mr. ADDABBO. Mr. Chairman, I support the amendment to be offered by the gentleman from Maine (Mr. HATHAWAY) to add $728.6 million to H.R. 7016, the Office of Education appropriation bill. This amendment will restore program funding to fiscal 1971 levels with an allowance for increased program costs and increased enrollment.

As a member of the House Appropriations Committee, I have consistently supported reasonable increases in education appropriations based on normal increases in the costs of education and the expansion in student enrollments. The Congress has in the past agreed with this approach, but unfortunately, the President has vetoed the last two education appropriation bills for fiscal 1970 and fiscal 1971, which required action to override. This year the administration again recommended an appropriation level below that of fiscal 1971 for elementary and secondary education programs.

The Appropriations Committee has increased that budget request to a level which still falls slightly below the amount appropriated last year. The committee bill recommends $1.822 billion for elementary and secondary education compared to nearly $1.847 last year. The amendment will increase that recommended level by $208 million. Most of that increase would be used to finance cost increases in the title I program which provides Federal assistance for school districts with high percentages of disadvantaged children. This is the heart of the education bill and there is an urgent need to spend more dollars in this area.

In addition to the elementary and secondary education programs, the amendment would provide increases for programs in higher education, vocational and adult education, library construction, and impact aid to districts with large numbers of Federal employees and servicemen.

The 92d Congress has already taken a number of stands on issues which involved the reshaping of domestic priorities. During the past 3 years there has been a gradual increase in domestic programs as the national security portion of the budget consumes less of the total Federal revenues. Education has been the major area of the domestic program which the Congress seems most willing to assign a very high priority. Our actions during the last two debates on education appropriation measures indicates that this is an area where Congress favors additional investment of our financial resources.

Now it is time to reaffirm that congressional intent and to emphasize that priority by increasing the funding level for fiscal 1972. The amendment would add $728.6 million to a bill which recommends a $4.77 billion appropriation. The increase is justified if only to maintain existing levels and recognize increased costs.

I urge my colleagues to vote for the amendment and the bill to record their desire to assign a high priority to education programs.

Mr. FRASER. Mr. Chairman, the Hathaway amendment proposes to add $10,000,000 to the committee's recommendation for the college library resources program, title II–A of the Higher Education Act, bringing the total for fiscal year 1972 to $20,000,000.

This program has helped academic libraries build their collections to better serve the students and faculty of their institutions. But enrollments continue to grow and curriculum needs change. The library must expand and adapt to these new conditions. In addition, title II–A funds are crucially important to the development of libraries in new institutions of higher education. Community colleges and technical institutes are opening their doors at the rate of one a week, and the expense of starting an academic library from scratch is more than these small colleges could bear without financial assistance from the Federal Government.

The administration has said that one reason for reducing the appropriation request for this program is because it has had marginal effect. But a recent survey of college librarians showed that this was not the case in 90 percent of the institutions. Also, most librarians reported increased support from the college administration above and beyond what was necessary for matching funds.

The Office of Education has already received 1,800 applications totaling $29,000,000 in basic and supplemental grants for fiscal year 1971 funds, and 500 applications for special purpose grants are anticipated. The amount requested will be about $34,000,000. And to meet expressed needs of this magnitude, the bill before you provides only $10 million.

In Minnesota, for example, only 22 out of the 44 eligible colleges are likely to receive grants. We must not allow this situation to occur again. By approving an increase in funds to $20,000,000 we will not meet all the needs, but all will come closer to it than we have in the past.

The same kind of disparity in funding recommendations is found in the title II–B program for training in library and information science. The Office of Education expects 175 applications for $15 million in grants to fund continuing education institutes. The present recommendation proposes only $2 million to take care of both institutes and fellowships for graduate study.

The Nation's libraries—all types, including school, public, academic, research, and special—need 10,000 more professional librarians to provide good service to all their clients. Even the well-stocked library, housed in the most modern building, needs the expertise of trained librarians to lead the consumer to the information he desires. The deans of the 47 accredited library schools in the United States report that they need 692 master and 149 doctoral fellowship grants for the coming academic year. Cutbacks in these awards would seriously jeopardize schools of library science including the one at the University of Minnesota. Many awards are used to attract top-quality minority group members into the profession. Even $4 million, as proposed by the Hathaway amendment, will be far from adequate to satisfy these demands for personnel, but it may keep the program from dying out completely.

Although I have spoken about the library programs involving higher education, I am also most concerned about other education programs. I strongly support the amendment offered by the gentleman from Maine (Mr. HATHAWAY).

FINANCING HIGHER EDUCATION

Mr. BRADEMAS. Mr. Chairman, I rise in support of the amendment to be offered by my distinguished colleague from Maine (Mr. HATHAWAY) to H.R. 7016, the Office of Education appropriation bill. I believe that some very basic issues are raised by the proposed amendment and need to be considered here and now. We are talking about guaranteeing educational opportunity. Nowhere is the challenge greater than at the higher education level. In part it means providing every qualified student the wherewithal to pursue a postsecondary education. It also means strengthening our educational institutions so that they can do their job adequately.

This is no small challenge. The Carnegie Commission on Higher Education, which has rendered inestimable service to the higher education community and to the country, in its study "A Chance to Learn," proposed some higher education goals for 1976. The commission recommended that "economic barriers to college and university access be removed," and that "all students with the motivation and ability to gain access to and complete higher education should receive the financial aid to do so. . . ." The commission suggested that an effective program to achieve this goal would draw an additional 1 million college students by 1976. Of these, from a fourth to a third would be from ethnic minorities.

Mr. Chairman, I would like to suggest that limiting appropriations for educational opportunity grants and work-study grants to simply maintain last year's level is not the way to remove the financial barriers to low-income students. What do we say to these 1 million, prospective new students? What do we say to those disadvantaged students identified and encouraged under other federally supported programs like Talent Search, Upward Bound, and special services programs? Is equal educational opportunity to be a sham? I believe that the $30 million increase for educational opportunity and work-study grants represents a modest effort to reach our educational goals. Maintaining last year's level is a step backward.

Hand in hand with any effort to make college more accessible must be a broad attempt to help our institutions to accommodate great increases in enrollment and to strengthen their present programs. Some of the increases in the proposed amendments are intended to do just that. One area in which our colleges and universities are in critical need of assistance is in the construction of facilities. The reported bill would continue the near vacuum of assistance in this area. We propose that $99 million be appropriated for titles I and II of the Higher Education Facilities Act. This will enable some of our colleges to build the undergraduate and graduate classrooms and laboratories they have been forced to postpone building because funds have been unavailable.

Other colleges are struggling simply to maintain their current level of operation. Many of these are new institutions feeling the pinch of inflation perhaps more acutely than others. It is these institutions we try to assist under title III of the Higher Education Act. The proposed amendment would increase title III appropriations by $52 million.

Mr. Chairman, these are a few of the ways in which the package being considered today would put funds where they are most needed. I believe that we must stand up and be counted if we support equal educational opportunity in fact and not just in theory. I would encourage my colleagues to consider seriously the importance of this proposed amendment in working realistically toward the achievement of equal educational opportunities for all Americans. It is a goal we cannot afford to compromise.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 7016, making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to extend their remarks and include extraneous matter on H.R. 7016.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5981, AUTHORIZING FEED GRAIN BASES IN LIEU OF SUGAR BEET PROPORTIONATE SHARES

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 356 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 356

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5981) to authorize the Secretary of Agriculture to establish feed grain bases, wheat domestic allotments, and upland cotton base acreage allotments for certain growers of sugar beets. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 5981, it shall be in order in the House to take from the Speaker's table the bill S. 795 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 5981 as passed by the House.

The SPEAKER. The gentleman from California (Mr. SISK), is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 356 provides an open rule with 2 hours of general debate for consideration of H.R. 5981 to authorize the Secretary of Agriculture to establish feed grain bases, wheat domestic allotments, and upland cotton base acreage allotments for certain growers of sugar beets. The resolution also provides that, after the passage of H.R. 5981, it shall be in order to take S. 795 from the Speaker's table and amend it with the House-passed language.

The purpose of H.R. 5981 is to authorize the Secretary of Agriculture to establish feed grain bases for certain growers of sugar beets.

There were sugar beet factories operating for several years at Chasta, Minn., West Jordan, Utah, and Hardin, Mont., which provided processing facilities for sugar beets grown in those areas. These factories ceased to operate in January, leaving the sugar beet growers without a market for their beets.

This legislation would preclude the Secretary from awarding any farm a feed grain base larger than the number of acres devoted to sugar beets in 1959–60 and there should be no dual benefits awarded to eligible farmers. The feed grain base acreage established would remain in effect for subsequent years which would mean that the State and national totals would be increased by the amount of the new bases.

If new feed grain bases are established for 60,000 acres formerly in sugarbeets, 12,000 acres would be set aside at a cost of approximately $58 per acre per year.

Mr. Speaker, I might say that at the time the bill was under consideration before the Committee on Agriculture it was felt that the maximum amount it could cost would be approximately $700,000. There are later figures, and I believe up-to-date figures will be given by the committee, which indicate the cost probably will be below $200,000, and a very small number of farmers will be involved.

Mr. Speaker, I urge the adoption of House Resolution 356 in order that the House may consider H.R. 5981.

Mr. LATTA. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I need not say to the Members of this House that I support farm legislation. This afternoon I find myself in a position of having not only to oppose this legislation but also to oppose the rule.

I would like to announce to the House that the vote in the Rules Committee was 7 to 7. Then one Member withdrew his vote. By reason of this fact, this bill is being debated today. So this is not a piece of legislation that has overwhelming support in the Committee on Agriculture or in the Committee on Rules.

This bill, in my humble judgment, will set a very poor precedent, and it will keep a lot of scorn on our legitimate farm programs. Certainly everyone who is familiar with farm programs knows we have had a considerable amount of adverse publicity over the years because of misapplications in the program. Now if the House acts favorably on this piece of legislation we are going to get, and rightfully so, a lot more unwanted and adverse publicity. We shouldn't bring our legitimate programs into dispute.

What does this bill propose to do? It proposes to give a few Montana, Utah, and Minnesota beet producers feed grain base acres. In order to participiate in the program they would then idle 20 percent of these base acres which would be paying them for not growing corn that they never grew in the first place.

How ridiculous can one become?

Why should we give a select few beet growers corn base acres at the same time legitimate—and I emphasize that "legitimate"—corn producers in this Nation are pleading for additional corn bases and they cannot obtain them?

I think this is unjust, unfair, and precedent shattering legislation. The mere fact that it only—and I put this in quotation marks—"only" is going to cost the taxpayers of this Nation $700,000 a year is no reason for us to pass it.

I say to you this afternoon that we should not be debating such a bill. It never should have been reported by the great Committee on Agriculture nor given a rule by the Committee on Rules.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield to me?

Mr. LATTA. I am pleased to yield to the gentleman from Illinois.

Mr. FINDLEY. I recall when the gentleman from Ohio and I sat on the Committee on Agriculture several years back. I learned from that experience that he represents feed grain farmers in his State. Our States are quite similar. We have extensive corn acreage. If his experience is the same as mine, I know he has literally hundreds of farmers in his district who would like very much to have a bigger base for feed grain so that they can get more payments out of this program. I know of no way in which they can accomplish that, and it seems to me that this bill certainly discriminates very directly against the interests of those farmers in your district as well as farmers elsewhere who plant corn.

Mr. LATTA. I could not agree more with the gentleman that it does discriminate against every corn producer.

Let me say this and this was not revealed before the Committee on Rules, some of these beet producers who would come under the provisions of this bill, if it becomes law, now are producing corn. What does this mean? This means that this select few will get additional corn acres that other corn producers of the Nation are not entitled to. So I think this makes it doubly bad.

I think this House in its wisdom this

afternoon ought to vote down this rule and send it back to the Committee on Agriculture.

Mr. MAYNE. Will the gentleman yield to me?

Mr. LATTA. I am pleased to yield to the gentleman.

Mr. MAYNE. Is it not true that not only are these beet farmers in Utah and Montana not producing feed grains at this time, but also true that most of them have never in their entire lives been feed grain producers?

Yet, this bill would treat them as feed grain producers and invite them into the feed grain program.

Mr. LATTA. The gentleman is absolutely correct. The gentleman is a member of the Committee on Agriculture and appeared before the Committee on Rules in opposition to this rule.

I might ask the gentleman this question since he sits on this committee, why did they select the feed grains program for such an amendment?

The Senate in its "wisdom" included the wheat program in its legislation. Then, I might go further and ask the gentleman why they did not include the tobacco and cotton programs and make them available to these select few?

Mr. MAYNE. Mr. Speaker, if the gentleman will yield further, I think that the answer is very obvious, that they did not want to attract the opposition of the wheat producers and the cotton producers and producers of other commodities. As a matter of fact in the form originally drawn this bill would have invited the sugar beet growers under the protective umbrella of the wheat and cotton programs as well as the feed grains program. But they decided to remove those provisions, apparently, in order to attract support from the wheat and cotton areas of the country and the feed grain program is left saddled with the burden and the danger of this essentially private relief bill.

The SPEAKER. The time of the gentleman from Ohio has again expired.

Mr. LATTA. Mr. Speaker, I yield myself 2 additional minutes.

Let me ask the gentleman this question: Did the committee consider the possibility of putting these acres into a land retirement program or something like that rather than putting them in the feed grain program?

Mr. MAYNE. I may be faulty in my recollection on that particular point. I do not have any distinct recollection on that. However, there was only one witness who appeared to testify before the Livestock and Grains Subcommittee and that was Dr. Carroll Brunthaver, the acting administrator of the program.

I did ask him if it would not be more appropriate to treat the problem of these sugar famers in the context of the Sugar Act which does provide a very generous benefit and under which these sugar beet farmers have been operating for many, many years. As I recall, his reply was that the Department would have no objection to considering that route which would be more appropriate and they would have no objection to considering and cooperating in the drafting of an amendment to bring this under the Sugar Act which already does allow payments in disaster situations. However, the proponents of this particular bill on which the rule is now being considered were so anxious to push it through in its present form of bringing it under the feed grains program, we were not able to explore that more logical and sensible vehicle for relief for the problem of the sugar farmers, which is the Sugar Act, rather than thrusting it upon the feed grains program.

Mr. SISK. Mr. Speaker will the gentleman yield?

Mr. LATTA. I yield to the gentleman from California.

Mr. SISK. I appreciate the gentleman yielding and I hope that the gentleman will yield to the gentleman from Iowa (Mr. MAYNE) to answer a question for me. I would say to my good friend from Iowa (Mr. MAYNE), is it not a fact that the Department, of course, supports this bill and it was the Department that suggested the striking out of "upland cotton" and "the domestic wheat allotments"? It was their recommendation. The bill does, if anyone of course looked at it which is pending before us today did cover those commodities, but the Department which favors and supports the legislation asked that these be stricken because of the problems they would have in the administration of it. Is that a correct statement?

Mr. MAYNE. I do not know, I would say to my good friend from California what the discussions were between the Department and the proponents of the bill which resulted in that deletion of the wheat and cotton programs.

Mr. SISK. The gentleman will agree, though, that Dr. Brunthaver specifically had an amendment in his hand to recommend striking this out at the time that he appeared before the committee, did he not?

Mr. MAYNE. He certainly approved and agreed with it. There is no doubt about that, and I would not wish to give any other impression. But I do say that the result is that my good friends who fight with great fervor for the protection of the cotton and wheat farmers of this country will leave the farmers in the feed grain sections of the country holding the bag.

The SPEAKER. The time of the gentleman from Ohio has again expired.

Mr. LATTA. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Chairman, if the gentleman from California (Mr. SISK), a member of the committee, would yield for a question. the gentleman mentioned the fact that the Department testified in support of this legislation. Now, I ask the gentleman whether or not the Department testified in support of the legislation as it passed the Senate when it included wheat and cotton?

Mr. SISK. The Department testified in support of the legislation, and recommended an amendment which the committee adopted with respect to striking wheat and domestic allotments of upland cotton. That was what I was trying to make clear to my good friend, the gentleman from Iowa (Mr. MAYNE).

This was done on the recommendation of the Department of Agriculture, which supports this bill.

Mr. LATTA. I understand that, but the question was whether or not the gentleman knew whether the Department had supported the legislation as it passed the Senate with wheat and cotton in it.

Mr. SISK. I have no knowledge of the position of the Department in connection with the Senate-passed bill.

Mr. GROSS. Mr. Speaker, if the gentleman will yield, would the gentleman agree that it is possible for the Department to make a mistake?

Mr. LATTA. Oh, I think since I have been here, and since the gentleman has been here, that they have made a lot of mistakes, and I think this is one of them.

Mr. FINDLEY. Mr. Speaker, if the gentleman will yield, I was present during the testimony by the one witness, Dr. Brunthaver, and I believe that my colleagues who were present there at the same time will agree with me that his defense of the bill can hardly be called enthusiastic.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, I want to commend the statement that the gentleman from Ohio (Mr. LATTA) has made, and that of my colleague, the gentleman from Iowa (Mr. GROSS). I do not believe we need to spend very much time on this rule. I think that we can very well dispense with prolonged debate, and simply knock this thing in the head by voting down the rule and going about our business.

The SPEAKER. The time of the gentleman from Ohio has again expired.

Mr. SISK. Mr. Speaker, I would like to ask the gentleman from Ohio—since I have only one other speaker, and then I am going to move the previous question—whether the gentleman has further requests for time?

Mr. LATTA. In response to the inquiry of the gentleman from California, let me state that I do have one further request for time.

Mr. SISK. I thank the gentleman.

Mr. LATTA. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, it is with somewhat mixed emotions that I rise in opposition to the rule on this bill.

For even its most ardent supporters simply must recognize the humor in this proposal, which defies all precedents by offering farmers a subsidy not to grow a crop which they have never grown before.

This situation is so downright laughable, Mr. Speaker, that I have prepared an amendment to provide similar relief to our Washington Senators, who have likewise never grown corn at RFK Stadium. Despite yesterday's excellent beginning, I suspect Mr. Short is still looking for all the financial help he can get. And, I submit that my amendment is just as logical as this bill.

Now let's be very clear that our opposition to this bill is not based on a conviction that these sugar beet farmers are not in need of assistance. Possibly a legitimate way can be found to help them.

I would hope so. But this bill is not the way.

It will only further distort our already discredited farm program.

It has been an interesting study of house procedure to witness the way this bill's supporters have sheepishly waivered about whether or not to go through with this ill-starred scheme. Indeed there are indications that some of its key supporters are now seriously considering abandoning it. Unfortunately all of its supporters have not yet seen the light.

And so, Mr. Speaker, it is up to us, here and now, to have done with this senseless, special interest bill.

Our time before the recess is all too short to properly consider a massive education bill, involving $4.7 billion, affecting millions of schoolchildren around the Nation, to take up time with this ridiculous measure.

I urge all of my colleagues to vote down the rule on this real deadbeat bill. Let us return to the serious business at hand.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, before the vote occurs on the rule, I would like to call the attention of the Members to the line at the top of page 3 of the committee report. It might be that some Members, after reading that, would assume that some grave hardship would fall upon the sugar beet producers of the past in Montana because of the failure of this legislation.

The actual truth is that there is not a thing in the world that keeps these sugar beet growers from growing corn today or tomorrow. We do not have to pass this bill to enable them to plant corn. They can plant corn on every square inch of their land that was planted to sugar beets in past years.

The argument has been made that they have put down their fertilizer and, therefore, they have a hardship because they cannot get the advantage of the fertilization of the soil. But they can plant corn on it and go ahead and raise a crop on every square inch of this fertilized land.

I think it would be unfortunate if any Members would assume that there is any grave hardship to be borne by former producers of sugar beets by the failure of this bill. The facts simply do not bear that out.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the gentleman.

Mr. LATTA. Let me say to the gentleman from Illinois that he is bringing up a very valid argument against this bill. We have many farmers in Ohio who are now raising corn who do not participate in this program. These farmers in these couple of States affected by this bill, as the gentleman has indicated, can grow corn or any other crop they wish to grow without going into the program.

Mr. Speaker, I wish to commend the gentleman for bringing this fact to our attention.

Mr. FINDLEY. I would like to point out that the futures prices of corn is rather good compared with previous years and these farmers, if they wish, should go ahead and plant corn and leave us alone.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Speaker, while I agree with the request for a "no" vote on the rule that has been made by the gentleman from Massachusetts (Mr. CONTE), I cannot join with him in any spirit of levity or humor about the effect of the bill, H.R. 5981, because this is a matter of dead seriousness to the feed-grain farmers of this country.

Precisely the sort of thing which Representatives from feed-grain sections warned about in the subcommittee is taking place now. This bill is so unwise and unreasonable that it is being used to ridicule a very important and vitally necessary program, the feed-grain program.

In the States of Utah and Montana, which are the principal beneficiaries of this bill, there is a total of only 186,000 feed-grain base acres out of a total national feed-grain base of 113,400,000 acres.

In my State of Iowa alone, there are more than 13½ million feed-grain base acres. This program has been built up through the years for the benefit of the consumer as well as the feed-grain producers of this country. We cannot afford to have it tinkered with and exploited and raided as is being done here for the benefit of the producers of some other commodity, which just does not make sense. It is not fair. It should be promptly put to an end by the defeat of this rule.

I urge you, and not in any spirit of humor or levity, but in a spirit of complete earnestness that if we are going to have sensible farm programs in this country, and I am one who has fought for that even before I came to the Congress, then we cannot have them misused in this most ill-conceived and mischievous manner.

Mr. Speaker, I urge a "no" vote on the rule.

Mr. SISK. Mr. Speaker, I yield myself 2 minutes.

The SPEAKER. The gentleman from California is recognized.

Mr. SISK. Mr. Speaker, I am rather amused by the remarks of the gentleman from Massachusetts, because not only do they reveal how little he knows about the subject, but also how little he knows about the farm program which we are operating under today. I have great respect for my good friend from Massachusetts (Mr. CONTE). Many of us have heard from him over the years on farm legislation. I appreciate the fact that the gentleman from Iowa (Mr. MAYNE) did set the record straight that these farm programs are serious business. I do not agree with him that this particular little emergency bill here today represents all the danger to his great corn state that he sees in it because, frankly, based on the best figures I have been able to come up with, the total amount of feed grain acreage involved here is less than one three-thousandths of 1 percent of the total feed grains base. So I just wonder how much furor you can raise over one little matter of emergency legislation to help a small group of farmers.

I might say to my colleagues that this bill represents no precedent. This House traditionally, and I know in the last 15 years, has passed dozens of small bills to help select groups of farmers and agriculturalists because of a variety of disasters, and a disaster is what has occurred in this instance through the closing of the sugar beet plants in the three areas involved.

I hope that the legislation will be considered and, of course, I hope it will be passed.

Mr. Speaker, I yield 5 minutes to the gentleman from Montana (Mr. MELCHER).

The SPEAKER. The gentleman from Montana is recognized for 5 minutes.

Mr. MELCHER. Mr. Speaker, we have had a variety of unkindly, adverse publicity concerning this bill. We have had a great deal of misstatement on what the bill would do after it becomes law. I think that our purpose in this House this afternoon is to debate the bill on its merits and on the basis of truth and fact.

The language of the bill goes right to the point of the false charge "paying farmers not to grow something." I am surprised that my learned colleagues from the Corn Belt, having this short and simple bill before them, are not aware of the language of the last sentence in the bill. I can forgive my very fine and humorous friend from Massachusetts for his lack of knowledge of what the bill provides, but for the House Members who oppose the bill that come from the Corn Belt, that come from the great feed grains-producing areas of this country, not to understand this sentence is beyond my comprehension.

The last sentence in the bill states—

> **A feed grain base shall be conditioned upon the production of such commodity on such base or allotment.**

The Department does not make any bones about it. If those farmers are not going to use this corn base that will be allowed to them, they are not in the feed grain program. They cannot be in it. The language precludes it. They must grow corn. They must participate in the program as it is outlined and as every other corn farmer does or they are not in it. There is no special treatment. There is no reason for misunderstanding. There can be only one reason to misinterpret it and that, Mr. Speaker, is to cast in question a decent and a good bill.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. MELCHER. I am happy to yield to the gentleman from Ohio.

Mr. LATTA. Is the gentleman telling the House that you do not have to lay aside 20 percent of these base acres in order to participate in this program?

Mr. MELCHER. What I am telling the House is exactly this, that these farmers, if they are going into the farm program, are going into it on the basis that any corn farmer in Ohio, Iowa, or anywhere else goes into it.

They are going to participate on that basis only. What this sentence does, I want to tell the Members, is to preclude any practice where they would not grow corn. That is not to be. That is forbidden in this bill. That is specific. The Department insists on this, and we have not disagreed to it. So the charge that they would be paid not to grow a crop is absolutely erroneous and can only be brought up as an argument on this floor to confuse the issue and to do what is all too often occurring in this country; that is, to give vent to humorous and snide remarks at farmers and to degrade and belittle the farm program.

In the original bill we only talked about Montana and a few growers in Wyoming. That is the way I introduced the bill, and that is the way it was introduced in the Senate, but to accommodate others, we agreed to broaden the bill, and we accepted more amendments, and we accepted the amendments of the gentleman from Iowa, Mr. MAYNE.

Now we learn that this bill is not really necessary for former sugar beet growers in Minnesota.

After awhile, when we get into general debate on the bill, the gentleman from Minnesota (Mr. ZWACH) will offer a clarifying amendment which will greatly reduce the cost of the estimated program.

We are talking about costs of only $150,000 to $200,000 a year, but just what is involved with these farmers in Montana and Utah and a dozen or so in Wyoming that have lost their opportunity to produce and sell sugar beets? These farmers must grow a crop. They must plant something this spring. What the bill does is to allow them the same option of getting into the feed grain program as other farmers have had based on those base years of 1959 and 1960.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. MELCHER. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, am I not correct that the farmers the gentleman desires so much to help would be able to plant every acre of land they now hold to feed grains without any further legislative action on our part?

Is that not correct?

Mr. MELCHER. That is absolutely correct. It is the law of the United States, and that option is available to every farmer all over this country, including those in Illinois.

There are 113 million feed grain acres in this country. The maximum feed grain acreage we are talking about is 10,000 acres in Montana and Wyoming, and maybe 4,000 acres in Utah, so we are talking about a total of 14,000 acres, to allow those farmers the option. It is a very small portion of the 113 million acres.

So what we are asking in the bill is that these farmers be allowed to participate in the farm program. We are asking they have the same opportunities as other farmers. They have to plant a crop. Corn is the obvious crop in this case. They have lost their cash crop of beets. They have to turn to something else. It is corn.

What else does the feed grain program do besides give them that opportunity to get into the program and set aside 20 percent of their land for conservation practices? The feed grain program also provides them the opportunity for loans on their corn crop should the price be depressed at the time they are ready to sell the crop and they wish to hold it for a higher market.

Beyond that, the feed grain program also permits them to borrow money to build storage facilities and equipment for drying the corn prior to storage. They have to turn to a new crop. They are in an emergency situation, and the provisions of the bill are what the feed grain program allows to other farmers throughout the Nation. We have to do something for them. This is our solution for it. I do not know what would be a better one. It will not hurt any corn farmers anywhere in the United States.

Mr. MAYNE. Mr. Speaker, will the gentleman yield?

Mr. MELCHER. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Speaker, the gentleman raised one point which I think should be clarified, saying that those of us in opposition were opposed because this would be in effect paying farmers not to plant corn. That does not state the real thrust of our opposition.

This is the first time, to my knowledge, the Government will have launched on a program of paying farmers not to produce something which they have never produced in the first place. This is certainly, I am sure the gentleman will agree, what this bill would do, so far as making feed grain payments to farmers in Montana and Utah is concerned. Does the gentleman not agree?

Mr. MELCHER. I might point out to my friend from Iowa that there are more acres involved each year, handed out on the basis of new farms or on the basis of a change in practice than the few acres affected by this legislation. There are many more acres of feed grain base each year given to new farmers or to farmers who change their practice for feed grain base. Those are many more times the number we are talking about here for these few farmers having to turn to a new crop.

Mr. MAYNE. I submit to the gentleman and the House, that is not an answer to my question. Is it not true that this will pay beet farmers not to grow corn which they have never previously grown?

Mr. MELCHER. No; it is not true.

The SPEAKER. The time yielded to the gentleman from Montana has expired.

Mr. SISK. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. MELCHER. That is not true. This will allow those farmers who have lost their opportunity to grow sugar beets to get into the farm program. They may have grown corn in the past, but they were not under the farm program because their principal cash crop was sugar beets. Now they are turning to the need of a principal cash crop besides sugar beets.

If they had grown corn before but were outside the corn program, this will give them the option to get in, to have the benefits of the diversion payment we have been talking about for conservation practices, to have the benefits of loan support on the grain, and also to have the benefits of borrowing money as every other corn farmer in the program has for storage purposes and for drying purposes.

Mr. MAYNE. But is it not true—I believe the gentleman so stated in the subcommittee—that many farmers in the gentleman's State and in Utah have never previously grown corn?

Mr. MELCHER. I cannot vouch for that statement, I might say to my good friend.

Mr. MAYNE. Does the gentleman deny the statement?

Mr. MELCHER. Most of our sugar beet farmers who grow 100 acres of sugar beets or 125 acres of sugar beets might have some acres of corn silage, or corn silage so to that extent they have been growing corn. The point is their principal crop was sugar beets—now they must have a new crop.

Mr. MAYNE. But they would have the benefits of the corn program, would they not?

Mr. MELCHER. No; they are not in the corn program. They do not have the corn base. That is exactly what the legislation seeks to do—give them the opportunity for a corn base.

Mr. LATTA. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I do not believe we should let the impression go here this afternoon that under the provisions of this bill, if it passes and becomes law, that these farmers will not be paid for not growing corn on 20 percent of these base acres. They will be paid.

If Members will turn to the report, on page 5 there is a letter from the Assistant Secretary which says:

> Of the 60,000 acres established, 12,000 acres would be diverted at a cost of $58 per acre.

Second, I would also like to call the Members' attention to department's own pamphlet on the 1971 feed grain program.

Page 2 reads as follows:

> Question: What is the set-aside feature of the 1971 Feed Grain Program?
>
> Answer: Under set-aside, a farmer who participates in the program agrees to set aside from production, 20 percent of his feed grain base acres and devote them to approved soil conserving use while he continues to maintain his conserving base acres as in the past.

To make the statement that they are not going to be paid for not growing corn is incorrect. I do not want the Members to be under the impression that these farmers are not going to be paid for idling this 20 percent.

Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN. Mr. Speaker, I thank the gentleman for yielding.

When he had the hearings on this legislation before the Committee on Rules I asked the gentleman from Montana how many of these farmers who have currently been raising sugar beets were raising corn? His answer was that none of them were raising corn.

Now, in my district in Nebraska we had a sugar beet factory. In fact, it was the first one built west of the Mississippi River in the 1890's. It closed up about

4 years ago, and it would not come under this legislation. Every one of the sugar beet farmers in this area who were served by the Grand Island sugar beet factory also raised corn, because Nebraska is a big corn-producing State.

Mr. Speaker, Montana is not a corn-producing State and it never has been. Let me read to you some of the figures on the national feed grain bases for 1971 as contained in the report. How much did Montana have? 136,827 acres. Here is Nebraska, 9,480,000; Iowa 13,581,000; Illinois, 10,901,000; Minnesota, 7½ million; Kansas 8½ million; Iowa 13½ million; Illinois almost 11 million; Ohio, almost 4 million; Texas, 11½ million. And here is Montana with 136,827 acres.

They have a high altitude out there in Montana. In western Nebraska we have an altitude about 3,000 feet to 3,500 feet. Our growing season is not over 90 days. In fact, in some areas it is less than that. With Montana having a higher altitude and a later frost in the spring and an earlier frost in the fall, their growing season has to be shorter than in western Nebraska. It is simply not long enough to raise corn there profitably.

In Nebraska at the current time we have requests from farmers for several hundred thousand acres of additional feed grain base. I am informed by the gentleman from Iowa (Mr. MAYNE) that Iowa has requests for almost 1 million acres of additional feed grain base. That is true of all the corn-producing States.

Here we have a special piece of legislation for special interests for a small area of the country that does not even raise corn.

Mr. Speaker, this legislation should be defeated and roundly so on the rule itself.

Mr. SISK. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I hope to set the record straight. This business of saying that we are going to pay somebody not to raise something that they did not ever raise before is as phony as a $3 bill; and I do not care who said it. This is an indictment of the entire farm program.

Most of my colleagues who have been talking about it have been strong supporters of the farm program which was set up to promote production on a stable basis on feed grains, corn, cotton, rice, and sugar beets and all of the other commodities we need to feed and clothe the American people. The program was setup to stabilize production and bring about production on a stable basis of foods and fibers to feed America. We are the best fed people in the world. To say here that these programs are nothing but programs to pay somebody for not doing something they have never done before is an attack on the entire farm program.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. ZWACH).

Mr. ZWACH. Mr. Speaker, I thank the gentleman for yielding.

I hope, gentlemen, that we can deal with this matter with light and not with heat and passion. I think there has been already too much of this.

The real problem here has not been brought up. The real problem is that in the gentleman from Montana's district and in my Minnesota district a bomb has struck. Early in January mills were closed. On January 26, we had the notice that a beet mill in my district was being closed.

This left over 30,000 acres that had been producing beets hanging in the air. I called my ASCS office and they did not know.

I introduced this bill as a responsible Congressman to protect my constituents. Since that time I have been trying to gather the facts and it is my present plan to offer an amendment to take my State, the State of Minnesota, out of this bill so that you people who are so concerned about this area will know that the main region affected—that is Minnesota—will be out of consideration.

I found out that the sugar beet growers have not been growing only beets, but have kept their historic corn base and have a corn base fairly equal to their corn neighbors.

But I want to tell you this, you corn people who think that by killing this bill you are going to achieve something, you really are not, because the real problem is that in Minnesota we will put 30,000 additional acres in corn and soybeans. If not in the program, it is going to be outside the program, and we will raise even more corn.

The way you can help us is to get a beet mill located in that region and we will not only take 30,000 acres out of corn, the crop which is surplus, but we will take 60,000 to 75,000 acres out of corn and soybeans and put them into beets where we have no surplus in our country.

I hope the real value, gentlemen, of this consideration will be this positive approach to our sugar beet problem in our country.

Mr. MAYNE. Mr. Speaker, will the gentleman yield?

Mr. ZWACH. I yield to the gentleman from Iowa.

Mr. MAYNE. I would like to assure the gentleman from Minnesota that I shall be very happy to do everything I can to assist the gentleman in getting a beet mill in operation in his area where it has closed down. That is the legitimate way in which to help these beet farmers rather than undertaking to bring them into the feed grain program when they are not feed grain farmers, but are sugar beet farmers.

Mr. ZWACH. My farmers are feed grain farmers and have always been corn and feed grain farmers.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LATTA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken, and there were—yeas 182, nays 177, not voting 73, as follows:

[Roll No. 48]

YEAS—182

Abbitt
Abernethy
Abourezk
Abzug
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Ashley
Aspin
Aspinall
Badillo
Baring
Begich
Bennett
Bergland
Bevill
Biaggi
Bingham
Blanton
Blatnik
Boggs
Brademas
Brinkley
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Cabell
Caffery
Carey, N.Y.
Casey, Tex.
Chappell
Clark
Corman
Daniel, Va.
Daniels, N.J.
Danielson
de la Garza
Dellums
Denholm
Dent
Diggs
Dingell
Dorn
Dowdy
Downing
Drinan
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Fisher
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gonzalez
Griffiths
Hagan
Hamilton
Hanley
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks, Wash.
Holifield
Howard
Hull
Hungate
Ichord
Jacobs
Jarman
Johnson, Calif.
Karth
Kastenmeier
Kazen
Kee
Kyros
Lennon
Link
Lloyd
McCormack
McFall
McMillan
Madden
Mahon
Mann
Mathis, Ga.
Melcher
Mikva
Miller, Calif.
Mills
Mink
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Moss
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Pepper
Perkins
Poage
Podell
Preyer, N.C.
Price, Ill.
Quie
Randall
Rarick
Rees
Reuss
Rodino
Roncalio
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Runnels
Ryan
Satterfield
Scheuer
Sebelius
Shoup
Sisk
Slack
Staggers
Stanton, James V.
Steed
Stephens
Stokes
Stubblefield
Stuckey
Taylor
Teague, Tex.
Thompson, Ga.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watts
White
Whitten
Wilson, Charles H.
Wolff
Wright
Wyatt
Yates
Young, Tex.
Zablocki
Zwach

NAYS—177

Adams
Archer
Arends
Ashbrook
Baker
Belcher
Bell
Betts
Biester
Boland
Bow
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrne, Pa.
Byrnes, Wis.
Byron
Camp
Carter
Cederberg
Chamberlain
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conte
Conyers
Corbett
Cotter
Coughlin
Crane
Culver
Davis, Wis.
Dellenback
Dennis
Devine
Dickinson
Donohue
Dulski
Duncan
duPont
Edwards, Ala.
Erlenborn
Eshleman
Fascell
Findley
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Gibbons
Goldwater
Goodling
Grasso
Griffin
Gross
Gubser
Gude
Hall
Halpern
Hammerschmidt
Hansen, Wash.
Harsha
Hastings
Heckler, Mass.
Hillis
Hogan
Horton
Hosmer
Hunt
Hutchinson
Johnson, Pa.
Jonas
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lent
Lujan
McClory
McCloskey
McCollister

McDade
McDonald, Mich.
McKevitt
McKinney
Mailliard
Martin
Mathias, Calif.
Mayne
Mazzoli
Michel
Miller, Ohio
Minish
Minshall
Monagan
Morse
Mosher
Myers
Patten
Pelly
Pettis
Peyser
Pike
Pirnie
Poff
Powell
Price, Tex.
Quillen
Reid, Ill.
Reid, N.Y.
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rousselot
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Shriver
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Stratton
Sullivan
Talcott
Teague, Calif.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Ware
Whalen
Whalley
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wydler
Wylie
Wyman
Young, Fla.
Zion

NOT VOTING—73

Alexander
Anderson, Ill.
Annunzio
Barrett
Blackburn
Bolling
Brasco
Carney
Celler
Chisholm
Clancy
Clay
Collins, Ill.
Colmer
Davis, Ga.
Delaney
Derwinski
Dow
Dwyer
Edwards, La.
Esch
Evins, Tenn.
Fish
Flynt
Gray
Green, Oreg.
Green, Pa.
Grover
Haley
Hanna
Hansen, Idaho
Harrington
Harvey
Hébert
Hicks, Mass.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kluczynski
Koch
Landrum
Leggett
Long, La.
Long, Md.
McClure
McCulloch
McEwen
McKay
Macdonald, Mass.
Matsunaga
Meeds
Metcalfe
Mitchell
Murphy, Ill.
Murphy, N.Y.
Pickle
Pryor, Ark.
Pucinski
Purcell
Railsback
Rangel
Roe
Rostenkowski
Seiberling
Shipley
Sikes
Skubitz
Steele
Symington
Terry
Thompson, N.J.
Whitehurst
Yatron

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. McKay with Mr. Anderson of Illinois.
Mrs. Hicks of Massachusetts with Mrs. Dwyer.
Mr. Annunzio with Mr. McClure.
Mr. Evins of Tennessee with Mr. Whitehurst.
Mr. Macdonald of Massachusetts with Mr. Blackburn.
Mr. Pickle with Mr. Derwinski.
Mr. Barrett with Mr. McEwen.
Mr. Celler with Mr. Grover.
Mr. Sikes with Mr. Skubitz.
Mr. Delaney with Mr. Terry.
Mr. Kluczynski with Mr. McCulloch.
Mr. Shipley with Mr. Clancy.
Mr. Alexander with Mr. Esch.
Mr. Rostenkowski with Mr. Harvey.
Mr. Murphy of New York with Mr. Fish.
Mr. Jones of North Carolina with Mr. Hansen of Idaho.
Mr. Thompson of New Jersey with Mr. Steele.
Mr. Brasco with Mr. Railsback.
Mr. Carney with Mr. Collins of Illinois.
Mr. Davis of Georgia with Mr. Pryor of Arkansas.
Mr. Pucinski with Mr. Clay.
Mrs. Chisholm with Mr. Leggett.
Mr. Metcalfe with Mr. Meeds.
Mr. Colmer with Mr. Hanna.
Mr. Hébert with Mr. Landrum.
Mr. Harrington with Mr. Mitchell.
Mr. Dow with Mr. Rangel.
Mr. Koch with Mr. Symington.
Mr. Jones of Tennessee with Mr. Matsunaga.
Mr. Long of Louisiana with Mr. Jones of Alabama.
Mr. Yatron with Mr. Gray.
Mrs. Green of Oregon with Mr. Roe.
Mr. Haley with Mr. Green of Pennsylvania.
Mr. Edwards of Louisiana with Mr. Flynt.
Mr. Seiberling with Mr. Purcell.
Mr. Murphy of Illinois with Mr. Long of Maryland.

Mr. CARTER changed his vote from "yea" to "nay."

Messrs. BURKE of Massachusetts, DRINAN, GAYDOS, HENDERSON, and ROONEY of Pennsylvania changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION TO COMMITTEE ON VETERANS' AFFAIRS

Mr. WAGGONNER. Mr. Speaker, I offer a privileged resolution (H. Res. 368) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 368

Resolved, That Lester L. Wolff, of New York, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Veterans' Affairs.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING FEED GRAIN BASES IN LIEU OF SUGAR BEET PROPORTIONATE SHARES

Mr. FOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5981) to authorize the Secretary of Agriculture to establish feed grain bases, wheat domestic allotments, and upland cotton base acreage allotments for certain growers of sugar beets.

The SPEAKER. The question is on the motion offered by the gentleman from Washington (Mr. Foley).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5981, with Mr. Smith of Iowa in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Washington (Mr. Foley) will be recognized for 1 hour, and the gentleman from Iowa (Mr. Mayne) will be recognized for 1 hour.

The Chair recognizes the gentleman from Washington (Mr. Foley).

Mr. FOLEY. Mr. Chairman, I yield myself 5 minutes.

(Mr. FOLEY asked and was given permission to revise and extend his remarks.)

Mr. FOLEY. Mr. Chairman, I think that this bill represents one of those occasions which arises every once in awhile in this Chamber when a bill that does not affect a great number of our citizens, does not cost a great deal of money, and would normally be thought to have an almost unanimous passage, suddenly becomes the focal point of a great deal of inexplicable controversy.

The purpose of this bill is to recognize an emergency situation that has arisen in three States because of the sudden and unexpected closure of sugar beet mills at Chaska, Minn., West Jordan, Utah, and Hardin, Mont. A number of farmers who have been supplying sugar beets to these mills suddenly found that they had no market for their sugar beets, through no fault of their own; through the unexpected decisions of the operators to close these mills. Without a mill within reasonable distance to refine sugar beets the production of sugar beets is just not economically feasible.

The single purpose of the legislation which was introduced in the other body, passed by the other body, and introduced here by the gentleman from Montana (Mr. Melcher) and the gentleman from Minnesota (Mr. Zwach) was to recognize the emergency character of the problem facing these sugar beet growers, by permitting them to participate in an alternative commodity program.

All the indicators seem to be that corn is an appropriate alternative crop. This legislation would permit these growers to become part of the very widespread feed-grain program which has enormously broad participation in the United States by granting these farmers an emergency feed grain basis.

During the consideration of the bill in committee, the Department of Agriculture testified they would support the bill with the amendment to eliminate the original language which granted wheat marketing certificates and cotton allotments. Cotton is really out of the question anyway, it is too far north to produce cotton.

The other problem is that both cotton and wheat granting of allotments of marketing certificates would diminish the participation in the program by old cotton farms and old wheat farms. Such is not the case with feed grains. It does not diminish the rights of any feed grain farmer in the United States to grant these additional bases. We merely very slightly enlarge the national and State levels of those bases.

What we are talking about in terms of numbers—the precise number of farmers is uncertain, but I think it is probably about 150.

The precise number of acres involved is uncertain. But while the report originally anticipated as many as 60,000 acres might be involved, and that is only one three-thousandths of the total feed grain acreage, it now appears that those farmers in Minnesota are not in need of legislation and there will be an amendment offered later by the gentleman from Minnesota (Mr. Zwach) to remove them from this bill, and the committee will accept it. Many of the growers in Utah will be able to find some additional market for their sugar beets. So we are only dealing with about 13,000 acres or 14,000 acres compared to the total feed grain bases which in 1971 for the Nation is 113,396,400 acres.

We are talking about increasing the feed grain base by 1 acre. For every 5,500 acres that are in the national feed grain base.

What will these farmers obtain for their feed grain base? They will, first of all, have an obligation to plant corn under the conditions and circumstances and requirements that exist for every other corn producer in the United States participating in the program.

If they fail to plant corn in the first year, this base is granted, their base will be reduced to zero and they will lose it entirely.

Even established feed grain base holders must plant the required number of acres to corn or lose 20 percent a year or the entire base in 3 years.

Some Members suggest that these farmers are going to get paid for nothing. On the contrary these farmers must plant corn and must plant under the conditions of the program which requires a 20-percent set-aside. If they do comply with the program, they receive the same program benefits that any other producer complying with the program receives.

The report says that the estimated cost is $700,000 annually. The bill now anticipates such a reduced acreage that I think a fair estimate would be less than $200,000 annually.

I think all of us realize that in the total budget of the United States and the total appropriation for the farm program that is not a large amount of money nor does it represent a large payment to any individual farmers.

The feed grain program by and large does not have any high payments but it pays modest payments to the farmers who comply with the program. All we are asking here is that these farmers who through no fault of their own cannot plant sugar beets be permitted to farm feed grain under the same conditions as farmers who are planting 113 million acres of feed grain base nationally.

Why does this bill arouse so much antagonism and excitement? Not because it diminishes the rights of feed-grain producers, not because it represents any great expense to the public; but because of some problems that always develop around picking a base year. The feed-grains program is based upon the base year of 1959–60. There have been farmers who have been unfortunately caught in inequitable situations that we have not found possible to correct.

These beet growers will be held to the same base year, 1959–60, as the feed-grain farmers are held to under the feed-grains program. They will not be allowed to participate at a greater level than they planted sugar beets in 1950–60. An amendment was offered by the distinguished gentleman from Iowa (Mr. Mayne) and adopted by the committee, limiting the participation to the base year of 1959–60. The Agriculture Committee has made every effort to make this bill a truly emergency bill, giving none of these farmers any greater advantage than any other feed-grain farmer has in the United States.

As I mentioned, there will be an amendment offered, later to eliminate the 33,000 acres that was originally assigned to Minnesota, reducing the actual acreage that will be used as a basis of the feed grain base to something around 14,000 acres.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. The gentleman knows I have the greatest respect for the House Committee on Agriculture, but I find in this bill that you have eliminated any favorable action for the beet growers in the State of North Dakota who have been raising beets for the Holly Sugar Co. shipping them to Sydney, which plant did not close, but Sydney in accepting their beets was shipping other beets on to the Hardin plant, which did close. Now, because of a roundrobin of musical chairs, the Hardin plant having shut down, the Sydney plant now says it will not accept these North Dakota beets, and because the plant to which the North Dakota farmers have been shipping their beets is not in fact shutting down, it is my understanding they will not be covered.

Would the committee be amenable to an amendment specifically taking care of the beet growers in North Dakota who have had their acreage taken away by the shutdown of a plant, even though it was not the plant to which they were shipping?

Mr. FOLEY. I am sure I could not say the committee would not be amenable. Normally we would like to have the gentleman testify before the committee and to hear the Department's position on the bill. I hesitate to accept an amendment on the floor this afternoon without having the benefit of that testimony.

We did have a hearing, and it was a matter which afforded the committee an opportunity to hear the specific circumstances arising in these three States and the Department's position.

Mr. ANDREWS of North Dakota. As the gentleman knows, we have a man from North Dakota on your committee, and I hesitate to interfere with the workings of the committee. I would like to know the reason for leaving out our farmers.

Mr. FOLEY. I have not been aware that there has been any request on the part of the feed grain growers in North Dakota to be covered by legislation of this kind, and I am not sure that we have had any information relayed to the committee from the Department expressing their views as to the proposed enlargement.

Mr. ANDREWS of North Dakota. Also included in this problem are the beet growers in the Red River Valley of Minnesota. The Representative from that area is also a member of the Committee on Agriculture.

Mr. FOLEY. I am glad the gentleman mentioned that point, because the Minnesota beet growers, apparently the great majority of them, have maintained feed grain bases, and it was not necessary, on further checking, to expand the legislation to include them because they are already able to participate in an existing feed grain base. I do not know what the condition is in North Dakota, but I would say the committee, I know, would be receptive to hear the gentleman and hear any requests for legislation.

We deliberately phrased this legislation in the most narrow and specific terms because it is admittedly an emergency situation.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Chairman, I think the gentleman perhaps misspoke himself in answer to the question of the gentleman from North Dakota, that insofar as the gentleman from Washington knew there had been no request for this bill from the feed grain growers of North Dakota.

Mr. FOLEY. I misspoke myself. I meant to say the beet growers.

Mr. MAYNE. I am pretty sure there has been no request from the feed grain growers of North Dakota.

Mr. FOLEY. I appreciate the gentleman correcting that phrase.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. Mr. Chairman, on the question raised by the gentleman from North Dakota (Mr. Andrews) if the gentleman had a sugar beet plant closed within his State within the period set forth in this bill, and there are farmers in that area who were supplying beets to that plant, and they have no feed grain base, they would automatically come under this bill. No amendment would be required.

Mr. FOLEY. The gentleman raised the point that there was no plant which was closed in his area, but the Hardin plant closure had an effect on the number of beets his mill would accept. All I was saying to the gentleman from North Dakota is I know the committee would be most anxious to hear any testimony and consider very carefully any request for emergency legislation which is based on such a situation, but we deliberately phrased the legislation most narrowly to have the least impact and at the same time take care of the specific situations.

Mr. LINK. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from North Dakota.

Mr. LINK. Mr. Chairman, in answer to my distinguished colleague, the gentleman from North Dakota, on the matter of allocating the provisions of this bill under the same terms as relate to those who were subject to the closing of plants—this was discussed and considered in the committee. The base that is permitted under this bill for the procuring of acreage is based on the 1959–60 feed grain base period for establishing feed grain bases, and the amendment was insisted upon by members of the committee in order not to jeopardize the passage of the bill and spread out the provisions of this into an area that would be difficult to handle, and for that reason this limiting factor was a necessary one.

This matter was brought to the attention of those representatives of the Red River Beet Growers Association. I personally explained the provisions of the bill. They indicated the number of their growers had been growing beets at that time, and that they have not been in the particular program. They have been in a position to establish their feed grain base in the 1959 and 1960 base period, and, therefore, they did not have the same emergency that exists where these growers had a plant close and had been growing beets for more than the 10-year period, which is what this bill covers.

Mr. ANDREWS of North Dakota. Mr. Chairman, if the gentleman will yield, I will accept the explanation and judgment of my good friend and colleague, the gentleman from North Dakota, and I will withdraw my point, since I personally have had no requests for this from beet growers from my district and my colleague has stated he conferred with the Red River Valley Beet Growers Association and ascertained they were not asking for it.

Mr. FOLEY. Mr. Chairman, I thank the gentlemen for their information. I think this clears up the problem.

Mr. STRATTON. Mr Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from New York.

Mr. STRATTON. Mr Chairman, I came onto the floor while the previous colloquy was underway, and I am not sure I understood it entirely. Did I understand the gentleman from Washington to say that he would not want to accept any amendment to this bill that might include other beet growers who are now somewhat arbitrarily eliminated by this date of December 1969?

Mr. FOLEY. The gentleman understood me correctly, but perhaps the gentleman did not hear my explanation for not wishing to accept amendments on the floor to include other areas.

There is a question as to how the beet growers are affected, whether they were planting sugar beets in the 1959–60 base period and whether they do, in fact, retain feed grain bases along with refining sugar beets, and what the position of the Department is with respect to those amendments. Those are things which I am sure the committee would like to have an opportunity to hear.

I can assure the gentleman that the committee would be most anxious to hold a hearing and to consider very carefully the inclusion of other areas which met the same emergency conditions.

Mr. STRATTON. Did not the committee consider the case of New York State beet growers? I had the honor of representing that area until the last redistricting last year, and I understand my friend the gentleman from New York (Mr. Horton) intends to offer an amendment at the appropriate time with respect to, I think, roughly 30,000 acres of sugar beet coverage that was well underway in New York State, when the plant failed, just as happened in the case of the people to be provided for by this legislation.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. FOLEY. Mr. Chairman, I yield myself 2 additional minutes.

Mr. STRATTON. I am just wondering why they should be excluded. If we are to have general legislation, why do we not include them?

Mr. FOLEY. There is no necessity to exclude them. The matter is a rather technical matter. When we did have a hearing on this bill we did have an opportunity to hear the Department's recommendations with respect to the specific areas included.

We do feel there is a necessity to know whether the particular farmers involved were planting sugar beets in the 1959–60 base period, and whether they have retained any feed grain bases during that period. If the gentleman can provide that information, we may be able to make a decision with respect to the amendment.

Mr. STRATTON. Would not the gentleman agree, considering the really narrow margin on the vote on the rule, that the possibility of coming back with another bill would be very minimal, and the best chance of getting anything through would be to get it in this bill.

Mr. FOLEY. That may be. I do not want to disparage the gentleman's amendment before I have an opportunity to have additional information with respect to the farmers involved.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Wyoming.

Mr. RONCALIO. In the hope that some of the opposition which became apparent late today might be removed, I should like to ask a question or two.

Is it not a fact that no sugar beet farmer will be paid for doing nothing; that he must plant corn?

Mr. FOLEY. He must plant corn, and under the conditions in existence under the feed grain program.

Mr. RONCALIO. Does the gentleman from Washington know what is the percentage of return on investment, or what type of profit is available to the sugar farmers in my area as compared to those in other areas? If not, I would be glad to answer the question myself.

Mr. FOLEY. I would be happy to have the gentleman answer his own question.

Mr. RONCALIO. It is the lowest return available to farmers in America, for those with sugar beets in the mountain States. I do not know about those in the Red River Valley or in New York.

I am hopeful that we can give this favorable consideration. It means providing a very few dollars for those most in need in my area.

Mr. ROUSSELOT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 49]

Abourezk
Abzug
Alexander
Anderson, Ill.
Anderson, Tenn.
Annunzio
Ashley
Baker
Baring
Barrett
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Brasco
Broomfield
Broyhill, Va.
Buchanan
Byrne, Pa.
Carney
Celler
Chisholm
Clancy
Clark
Clay
Collins, Ill.
Colmer
Conyers
Corbett
de la Garza
Delaney
Dellums
Dent
Derwinski
Diggs
Dingell
Dowdy
Dwyer
Edwards, La.
Esch
Evins, Tenn.
Fish
Flynt
Ford, William D.
Fraser
Gray
Green, Pa.
Grover
Gubser
Haley
Hanna
Hansen, Idaho
Harrington
Harvey
Hébert
Hicks, Mass.
Hillis
Jacobs
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kluczynski
Koch
Kuykendall
Leggett
Long, La.
Long, Md.
McCloskey
McClure
McCulloch
McEwen
McFall
McKay
Macdonald, Mass.
Mathias, Calif.
Matsunaga
Meeds
Metcalfe
Minshall
Mitchell
Monagan
Murphy, Ill.
Murphy, N.Y.
Nix
Passman
Pickle
Pike
Price, Tex.
Pryor
Pucinski
Purcell
Railsback
Rangel
Rarick
Rees
Reid, N.Y.
Riegle
Roberts
Roe
Rooney, N.Y.
Rostenkowski
Satterfield
Scheuer
Seiberling
Shipley
Sikes
Sisk
Skubitz
Smith, Calif.
Steele
Stuckey
Teague, Tex.
Thompson, N.J.
Tiernan
Waggonner
Whitehurst
Wilson, Charles H.
Yatron

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Smith of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 5981, and finding itself without a quorum, he had directed the roll to be called, when 311 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. FOLEY. Mr. Chairman, it is the intention on this side to reserve 5 minutes only of general debate for the purpose of allowing the author of the bill, the gentleman from Montana (Mr. Melcher), to close debate. We will reserve that time and make no additional allotments of time, in the hope that the convenience of the Members can be served by allowing this bill to be promptly considered, voted up or down, before a very late hour this evening.

Mr. MAYNE. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Iowa (Mr. Kyl).

(Mr. KYL asked and was given permission to revise and extend his remarks.)

Mr. KYL. Mr. Chairman, the first thing I want to do is to try to clarify one subject which has been bandied about a bit in various language: Who gets paid for doing what under this proposal?

Let us assume that a farmer grows sugar beets in the State of Montana. He is not growing corn; he is growing sugar beets. His mill closes. Now, he desires to plant another crop.

Fact No. 1: He can grow all the

corn or barley or anything else that he wants to grow on that farm on land which had been in sugar beet production. There is no argument with that fact.

But under this proposal we get to fact No. 2: If this bill passes, then this man who has been raising, not corn but sugar beets, will plant some corn and he will receive a Government payment because he does not plant corn on all the acres.

He will retire some of his acres and he will be paid for not planting a crop on that land. This is the whole purpose of this proposal. It is as simple as that.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield to me?

Mr. KYL. Of course I yield.

Mr. FINDLEY. Based on the testimony given to the Committee on Rules, that very few of these farmers had ever planted corn before, in recent years, then it would be proper to conclude that they would definitely be getting payments for not growing corn on an acreage which had never before produced corn. Is that not correct?

Mr. KYL. We have to assume that land which would be retired had been formerly planted to sugar beets.

Mr. MELCHER. Mr. Chairman, will the gentleman yield?

Mr. KYL. Of course I yield.

Mr. MELCHER. I well understand what the gentleman from Iowa, our distinguished colleague on the committee is saying, but just to make it clear for the record and for those of our colleagues who are not familiar with the farm program, you are not saying that they would not plant something on those acres? You do not intend to say that, do you?

Mr. KYL. Permit me to clarify exactly what I said and add a few words to satisfy the gentleman from Montana.

I said that he would have to plant some corn to comply with the program to comply with the base, and I said under the program—and I did not intend to omit this—he has to conserve those acres which are not planted through some nondepleting crop such as grass, and so forth.

Mr. MELCHER. I thank you.

Mr. KYL. Now, the thing comes down to the floor as a rather simple proposition. Actually there is a de minimus argument here. We are not concerned with very many acres, but we are concerned with a principle. The farm program is not a welfare program; it is a problem-solving device. It is designed to keep production and consumption in balance. However, here we use that farm program with its honest, legitimate motive as a welfare program, as a relief program, for some farmers who had a sugar beet mill closed.

You say there is no precedent here. We already have a gentleman on our side who says he is going to offer an amendment which will include not only farmers from Montana and from Minnesota, but he wants to include all of those farmers who used to grow sugar beets and who have lost their mill in Maine, in New York, and New Jersey. There is just as legitimate a reason for helping those people as for helping the ones in Montana. They are hurt, too. There is this big difference. Those people never had compliance on any sort of an agricultural program in the base period, which is a matter covered by the amendment of the gentleman from Iowa.

That is only the beginning. If your bees die because of pesticides and you have been growing alfalfa seed, switch to corn and get a corn base. If you can no longer produce musk melons because of some problems in the growing of musk melons, then put it in corn and set aside some acres and plant grass on it and get paid for not planting corn on those acres.

Let me tell you this: In the traditional corn-growing area of the United States there are people who are in just as much trouble as any Montana sugar beet grower. We have hundreds of farms in Iowa, Nebraska, Missouri, Ohio, Minnesota for whom the addition of a little more corn base would make the difference between paying bills and not paying bills. They have just as much of an emergency as the sugar beet growers have.

It was said earlier, that if you argue against this program, you are arguing against the whole farm programs. That is absolutely false. The opposite is true.

I stand in this well to argue for a legitimate farm program which does not have to have an excuse from anyone, because we are trying to solve the problem of consumption, production, and distribution. The program has aided everyone.

We say we pay farmers a subsidy in this program. Actually, the real recipients have been those consumers because their prices have been held down by these pressures. We are doing violence to this principle of using the program for a problem solving device rather than a welfare program. This is the thing to worry about in this proposal. This is the thing which makes it unpalatable.

Mr. Chairman, I point once more to these two previous points. These people who did not raise corn can get a corn base, which many people in the corn area would like to have, and which they need just as badly. They would receive Government payments for not planting corn on a certain part of their acreage.

Mr. Chairman, this is a precedent. I pointed out two things, one of which is that a whole bunch of people want to get into the act. It is not a simple proposition, but if it is legitimate to do it in this instance, why is it not legitimate to rescue everyone else, no matter what his problem is?

Mr. Chairman, if that is true, you know what is going to happen to the farm program. Already, because we have control programs in many agricultural products, we have new areas of feed grain production which have been taken out of the original feed grain areas and which they would have had. Actually, when you take an acre out of cotton, tobacco, peanuts, and rice down South, you can plant that in corn. Corn grows in all 50 States. In the feed grain area, when you take an acre out of production you cannot put it into tobacco or peanuts or rice because of climate. We have scattered feed grain production all over the United States.

There is no more emergency, I repeat, for these people who live in the State of Montana than there is for the feed grain grower in Iowa, Missouri, or any other Midwest State. They, too, would like to have an increase in base. They have a legitimate expectancy of it. We have farmers all over the Midwest who were denied a corn base because they were following a sensible conservation program, and at the time it was established they were engaged in the production of legumes and grasses which were growing on their farms. They were farming sensibly and wisely and trying to conserve the soil. They were left without a corn base. They did not get a base. They have not gotten an increase in their base. However, this is a rich farming area in the best farm growing country we have in the United States. But were this bill adopted and its effects were projected on into the future, and we continue to deny these people the kind of a base they ought to have in the traditional breadbasket part of our Nation, it is completely unfair.

I have no argument against farmers in Montana. I have a great respect for the gentleman from Montana who introduced this bill. But you are simply not going to help out the farmer in Montana in the manner which is sought in this legislation. It is a fact that we would destroy the hole reasonable, legitimate philosophy of the feed grain program.

I am afraid that this precedent, if this bill should happen to pass, will be back to haunt us time and time again, and there will be little succor for those people who live in the feed grain area and who depend on feed grain production for their livelihood.

Mr. MAYNE. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I am always in favor of establishing good precedents, but I am not in favor of establishing bad precedents.

If we enact this bill today, in my opinion we are going to establish a bad precedent. If we do this to the sugar beet growers we are going to have to do it for every commodity group that has an unfortunate experience, and I can assure you there are plenty of them in the farming industry today.

Very briefly, I would just like to give you what I consider to be a comparable experience in Pennsylvania. I happen to represent the largest applegrowing county in Pennsylvania. This county has three terrificly big processing plants. In fact, one area is known as the apple capital of the world. The argument has been advanced here that the sugar beet growers have already prepared and fertilized their ground. Maybe that is a good argument, and possibly it is not. Let me take you to a little visit to an apple orchard in Pennsylvania, and see what happens. Let us go back to the winter of 1970.

Every decent day the applegrower in Pennsylvania is out pruning his trees, and there are a good many times when he is out pruning his trees when it is not fit to be out. I have had that experience myself.

After the trees are properly pruned he must dispose of the brush. After the brush is disposed of he has to fertilize. When you talk about fertilizing sugar beet land, I can assure you that we put plenty of fertilizer on our fruit trees. When the green tips just start to show he will start to spray, and he will spray at least 12—sometimes 14 times a year. If he has time during the summer he will do a lot of hand thinning. What I am trying to point out to you is the amount of money involved in producing an apple crop. I mention the guess that far more experience is involved in producing a crop of apples than sugar beets.

Let us go to October of last year, and see what happened, where the apples were ready to be harvested, a beautiful crop of apples, and what happened? Suddenly the processors discovered that they had a terrific carryover of applesauce, something like 7 million cases, and as a result they buy no apples. Because of the fact that there was no other market, thousands of bushels of Pennsylvania apples simply dropped to the ground and were there for the birds to eat.

I want to point out to this House that in my particular area the processors purchased 3 million bushels less apples this year than they did in the year 1969. I do not believe the sugar beet growers are any worse off than my apple growers were this year.

I want to suggest to this House that if we are going to help the sugar beet growers then why not the apple growers, and any other commodity group that has an unfortunate experience? As the gentleman from Iowa (Mr. KYL) and several others have said, there have been plenty of farm commodity groups in the last few years who have had just as unfortunate an experience as those who are producing sugar beets.

Mr. Chairman, I certainly trust that this bill will not be voted upon favorably today.

I yield back the balance of my time.

Mr. MAYNE. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in opposition to this classic example of special interest legislation. It is clearly illogical to take the unprecedented step of paying any farmers not to grow a crop which they never have grown.

And it is utterly astonishing, Mr. Chairman, that the Department of Agriculture would sanction this outrageous distortion of the purposes of our farm program. Perhaps I should also ask the Department and the distinguished Agriculture Committee for similar relief, since I too can state, without equivocation, that I have never grown corn.

The possibilities are endless, Mr. Chairman. We could do away with our entire antipoverty program, which many on this committee oppose anyway, and simply give the poor of this country subsidies for not growing corn.

Perhaps we could also assist those industries currently suffering from the cutback in defense spending. Assuming they do not plant corn on their factory lawns, they too could qualify under this novel device we are being asked to approve today.

In fact, we could help out our beloved Washington Senators by advancing Bob Short a big subsidy, so long as he does not start planting corn in the outfield at R.F.K. Stadium.

But, of course, this bill today is no laughing matter. As the author of amendments to limit farm subsidies which passed this House in 1968 and 1969, I have long been working to restore some measure of sanity, some degree of reasonableness, to a program which in the past has given millions in subsidies to a handful of giant corporate farmers.

And last year we finally took a small step in the right direction when this administration became the first ever to support a payment ceiling.

I say a small step, because it will be recalled that I and others fought for a ceiling lower than the $55,000 level adopted, in order to achieve some significant savings. Even more important, the $20,000 amendment I supported called for strict guidelines to prevent evasion of the intent of Congress. Without real teeth in the law, I warned, our efforts would accomplish little.

Recent developments have indicated that the evasion I warned against has occurred, and that little savings will be achieved. I will enclose a copy of a recent Wall Street Journal article on this point, and a copy of my letter to Agriculture Secretary Hardin of March 16, 1971, at the close of my remarks.

But the mere presence of this bill today, and its support by the Department, is the most damning evidence yet that there are still powerful forces at work who care little about a sensibly run farm program.

I might add here that this is certainly a shortsighted effort as well, since it can only further persuade many of us, and the taxpayers we represent, that the level of all subsidies must be further reduced.

Let us take a look at the rationale for this bill as contained in the committee report. That report simply states that this bill would not materially disrupt the present feed grain program. It contains not a word on the question of whether the unprecedented form of this assistance makes any sense.

Perhaps this silence is understandable, for it is nothing but a flight into never-never land to pay farmers not to grow a crop they have never grown before.

And so, leaving logic aside, the Agriculture Committee simply tells us that very few acres are involved, and the cost is expected to be only about $700,000. Such a sum may seem trivial to many, when we consider that last year the entire subsidy program cost us about $3.5 billion.

Well, I for one, Mr. Chairman, think that there is more at stake here than the cost factor. For we are being asked today to support a bill that makes a mockery of orderly procedure.

As the committee minority has noted, no law is needed to permit these sugar beet planters to plant corn or other feed grains. Should they choose to do so, they would then be able to establish an acreage base, and collect subsidies in later years.

This is the way all other farmers have had to operate in the past, and it is the way all others will have to continue to operate in the future. Only this tiny handful of sugar beet farmers will receive the special privilege of an instant subsidy.

Now, Mr. Chairman, my opposition to this bill does not mean I oppose any effort to assist these hard-pressed beet farmers. Perhaps a legitimate way can be found to help them. I would hope so. But this bill is not the way. It will only bring our discredited farm program into further disrepute.

In closing, Mr. Chairman, I just want to comment on all of the solemn expressions of concern for these 300 or so beet farmers. Where was this touching display of compassion when this committee was leading the opposition to all efforts to provide real assistance to the millions of hungry and malnourished Americans.

No, I do not think any of us here can be easily deluded into thinking we are witnessing a sudden conversion to humanitarianism. This bill is nothing but a boondoggle to extend a special privilege to a tiny minority.

Let us not mar the reputation of this Chamber by support for this wretched special interest bill.

The material referred to follows:

[From the Wall Street Journal, Mar. 9, 1971]

A Leaky Ceiling: Saving to the United States From Crop-Subsidy Limits, Once Put at $30 Million, Now Seen Far Lower

(By Burt Schorr)

WASHINGTON.—Remember that $30 million the U.S. was going to save each year as a result of the new $55,000-per-crop limit in subsidies to each farmer?

Forget it.

The limit, hailed as a historic step when Congress approved it last year, appears unlikely to trim still-bulging farm costs by anything like the amount anticipated last summer. Precise figures won't be known until mid-April, when farmers have finished signing up for 1971 crop-control programs for cotton, wheat and feed grains. But Agriculture Department staff members already are convinced that the limit will save the U.S. no more than a few million dollars—if anything at all.

"I'd hate to have to meet payroll with the amount of money we're going to save," says one expert.

Local representatives of the department's Agricultural Stabilization and Conservation Service, which administers the crop programs, and large cotton growers interviewed at the recent annual meeting of the National Cotton Council in Dallas all give the same reason that the hoped-for savings won't materialize. They say that big cotton producers are resorting to a variety of maneuvers—all quite legal—to keep on qualifying for maximum government payments. A typical tactic: splitting up a big farm among family members so each can still get a fat check from Washington.

Officials never hoped to block all payments over $55,000 per crop. Last year, the government paid $74 million in subsidies to farmers above-and-beyond the $55,000 per crop that now is the ceiling. Officials foresaw that there would be ways to get around the new ceiling—but they didn't foresee nearly as much as has occurred.

CONGRESS SHARES THE BLAME

Alongside the more than $3.5 billion a year the U.S. lays out in direct and indirect farm support, the lost savings obviously aren't very significant. Yet many on Capitol Hill, aware of increased public antagonism to farm subsidies, had counted on more impressive results.

Congress can blame itself as much as anyone for the leaky ceiling, though. The lawmakers and the Agriculture Department left a lot of loopholes in the law, and producers aren't hesitating to take advantage of them.

A case in point is found on 600 cotton acres left by a Mississippi delta grower to his widow and four children who have been farming their individually owned tracts as a unit. The land has been leased to a family corporation managed by the eldest son. Last year the corporation received a federal check for approximately $82,000, or $27,000 over the 1971 ceiling. This year, to get the maximum amount of government cash, the heirs preparing to create three new corporations and divide leases to the 600 acres among them.

These new entities will be controlled by the widow and three of her children, either separately or in combination, but the eldest son will be a minority stockholder in each and will manage them as a unit. Each new corporation will be legally eligible to receive payments as high as the $55,000 ceiling; in theory, the total could reach $165,000.

This particular reorganization plan hasn't yet received a government okay, but Agriculture Department lawyers believe it will qualify as legally acceptable. "The only guy who is going to be in trouble is the one who tries to go through a paper reorganization to keep the money flowing in to himself," one comments. "There's no way in the world we can stop legitimate transactions. That would be confiscating property without due process."

In a number of ways, the government rules leave considerable leeway for producers who have been receiving more than $55,000 per crop. One helpful definition, for example, is that each person engaged in a 50-50 farming partnership may be classified for payment purposes as an "individual," thus entitling the partnership to a maximum of $110,000 in subsidies per crop.

LEASING THE LAND

It's difficult for some big cotton growers to find partners so they can take advantage of this 50-50 deal, but they have found other ways to get around the limit. To be eligible to get subsidies, a farmer must agree to plant only a certain percentage of his acreage. But if this allotted acreage is so big that the subsidy would top $55,000 for any one crop, the farmer may want to lease out part of the acres to be planted.

Or he may even lease his allotment but not his acreage; the allotments themselves are transferable. That is, one farmer may take the allotment of another farmer and use it on his own land. The person taking up the allotment is eligible to receive subsidies (up to a total of $55,000) even though the person giving up the allotment wouldn't have been eligible. The farmer giving up the allotment gets a fee from the farmer who gets it, of course.

Consider the J. G. Boswell Co., the nation's biggest farm-subsidy recipient whose 1970 federal check came to nearly $4.4 million. The closely held corporation has been planting cotton on 20,100 acres in California's San Joaquin Valley, approximately 20% of them covered by allotments leased from other landowners.

Now, due to the ceiling, Boswell is relinquishing its leased allotments and itself will become a lessor of the cotton allotment on its own land. If other growers agree to lease at the average rate of some $78 an acre, as the company anticipates, the allotment will earn Boswell roughly $1.4 million this year. Yet Uncle Sam will continue to hand over the $4.4 million Boswell formerly received, parceling it out to many smaller growers whose government payments heretofore have been under $55,000 annually.

WHAT ARE THE COSTS?

A number of big cotton producers are pursuing the same allotment-leasing tactics. Among them: Giffen Inc., a vast San Joaquin Valley farming operation owned by Mr. and Mrs. Russell Giffen, which has been getting about $3.4 million a year in government cash; and Delta & Pine Land Co., a Scott, Miss., subsidiary of Courtaulds Ltd., whose annual subsidies amounted to approximately $732,000 a year.

To the extent that big owners continue to produce cotton while, in effect, sharing their government subsidies with smaller competitors, it can be argued that the ceiling at least is bolstering family farms without reducing domestic fiber supplies. The limit also is prodding large producers to determine whether they can grow cotton profitably without subsidies.

"It's been so many years since we tried, we simply don't know how far down we can get our unit costs," says Mr. Giffen. Although the elderly Californian won't disclose all his 1971 cotton plans, he does intend to seed more than the 17,500 acres he planted last year. "The only way we can survive is to spread our fixed costs for irrigation and machinery over a bigger area," he says.

For a number of other growers, the payment limit is casting the shadow of possible foreclosure over their operations. One producer with such fears is Fred W. Enke, a former Baltimore Colts quarterback whose 2,500-acre Pinal County, Ariz., farm grows cotton, alfalfa, wheat and lettuce—and has amassed a debt of roughly $500,000, some of it the result of land purchases made at peak prices in the late 1960s.

Last year his interest charges alone ate up $66,000, and depreciation and taxes totaled nearly $60,000, putting his operations in the red. Without its 1970 government cotton payment of $90,000, "the Enke ranch would have gone down the tube," its owner asserts.

He has considered creating a partnership to bypass the payments limit. But under Agriculture Department rules, a partnership with a wife or minor children (the three Enke daughters are under 21) would merely count as a single individual for payment purposes, and going in with an outsider would be too risky, he figures.

So Mr. Enke reluctantly has decided to lease off allotments on 160 acres of cotton land. He'll be cutting plantings and production so as to be eligible for just about the $55,000 in government payments permitted by the ceiling; that is some $25,000 under what he figures he would otherwise have received this year. The lease payments will recoup only $9,500 of that loss. As for the 160 acres, they'll remain idle; Mr. Enke believes planting cotton on them without a federal subsidy wouldn't yield a profit (his cotton sales last year netted him 6 cents to 10 cents per pound less than actual costs), and it's too late to prepare the land for other crops.

Things may become tougher yet for growers like Mr. Enke if Congress, disappointed in the ceiling savings so far, cuts $55,000 payments limit to a lower figure.

Rep. Silvio Conte, for one, already is girding up for a battle to do just that. The Massachusetts Republican says he is "shocked and disappointed by reports that virtually no savings will be achieved" from the $55,000 ceiling. "This bears out my view that a much lower ceiling should have been adopted by Congress last year," he contends. The other day Democratic Sen. Thomas McIntyre of New Hampshire sounded the first trumpet on his side of the Capitol with a bill calling for a $10,000 payments limit. He claims that would save the taxpayers $200 million a year.

WASHINGTON, D.C.,
March 16, 1971.

HON. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: I am grateful for the reply of Acting Secretary Palmby to my earlier letter to you in which he described your Department's response to the GAO report on feed grains (B-114824), and also enclosed copies of the regulations and administrative instructions under which you will administer the farm subsidy ceiling.

This letter is prompted by my review of your regulations and instructions on the ceiling, as well as by reports which indicate the savings to be achieved by the limitation may be far less than originally anticipated.

Your regulations indicate that their administration is to be delegated to locally elected county committees unless they choose to refer decisions to the state committees. Have you issued, or do you intend to issue, any instructions to your inspector general or to the state committees to initiate reviews of the county committee actions? It seems to me that such active oversight is essential, especially in view of the recent feed grain program abuses disclosed by GAO, as well as its earlier report on sugar program abuses (B-118622, March 4, 1970).

I also note that regulation Section 795.7 makes clear that a corporation in which a person has an interest of more than 50 percent shall not be considered as separate from such person. Have you instructed, or do you intend to instruct your county committees, to require all such persons to present evidence disclosing stockholders lists, especially where such persons formerly received subsidies in excess of $55,000? If not I would respectfully suggest you also give this proposal serious consideration.

I am sure you are familiar with an article by Mr. Burt Schorr published in the Wall Street Journal on March 9, 1971, indicating there will be little actual savings derived from the present ceiling. I would appreciate your response to this story (a copy of which is enclosed). In particular, I am interested in your appraisal of the reported plan of the Mississippi delta family corporation to create three new corporations to be managed as a single unit, in order to avoid the ceiling. I would like to know, first, whether such a step would comply with your present regulations, and, if so, whether you feel, as I do, that this is in fact a "paper reorganization" which should be prevented by amended regulations.

Finally, I would like to request a progress report on the effect of the ceiling as soon as possible after the 1971 sign-up is completed in April.

I understand that the number of producers receiving payments over $55,000 from each program has increased from 1,100 in 1969 to over 1,300 in 1970, and that the corresponding increase in cotton alone was nearly one-third, from 949 to over 1200. This means that the maximum possible savings has risen from $58 million to about $69 million.

While this progress report I seek should prove useful to you in monitoring the administration of the ceiling, it will also be invaluable to me and many of my colleagues who are interested in lowering the present ceiling.

In addition to any other data that seems pertinent, this report should include:

(1) the number of producers applying for a reduction in set-aside requirements and preliminary estimate of reduction in payments; and

(2) the changes in leasing, ownership and farming practices in 1971 of all producers who received $55,000 or more in payments under a specific commodity program in 1970, whether or not such producers request a set-aside adjustment.

I urge you to assign some of your most competent staff to the preparation of this progress report. Since sign-up occurs in early April and the number of producers involved is relatively small, I would think it could be completed by the end of April.

In any event, it is important that it be completed well before the 1972 Agriculture

Appropriations bill comes before the House.

Thank you for your consideration of these suggestions and requests. Again let me assure you of my desire to assist your efforts in behalf of a more efficiently run farm program.

With best wishes, I am

Cordially yours,

Silvio O. Conte,
Member of Congress.

Mr. MAYNE. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. MAYNE. Mr. Chairman, this bill is a relief bill for the benefit of certain sugar beet producers in the States of Montana, Utah, and I believe Wyoming. As has already been stated by the gentleman from Minnesota, he is going to offer an amendment withdrawing the State of Minnesota from the bill.

Many of the beet producers who are within the scope of this bill, coming as they do from these mountain States, have never been feed grain producers. They, therefore, have no reasonable claim to be included as a part of the feed grain program or to receive any of the benefits of that program.

Let there be no misunderstanding about it on the part of Members who are not from parts of the country where these crops are produced. Sugar beets are not feed grains. They do not come within the dictionary term or any other definition of "feed grains," except the very unique and distorted meaning which will be given to sugar beets and feed grains if this ill-conceived bill should pass.

The beet growers for whom this bill is designed have been growing beets for many years and all this time they have been participating in the very substan- the Sugar Act, and that act, as has been tial benefits of the sugar program under pointed out in the minority views, does contain mechanisms for assisting beet sugar farmers, not one that would specifically apply to this situation, but the act is reasonably susceptible to amendment to take care of their special problem. It already provides for abandonment and deficiency payments which compensate beet growers for a national disaster, and it would be very easy to amend the Sugar Act to take care of this situation, certainly much more reasonable and natural and fair than to try to pretend that they are feed grain farmers and through subterfuge bring them under the umbrella of the Feed Grain Act.

So if the closing of these plants in Montana and Utah does indeed inflict a grievous hardship on these sugar beet growers in that area, such a hardship that the Congress would be warranted in passing some type of special-interest emergency legislation for them, then it should be written the context of the Sugar Act and not the feed grains sections of the 1970 Agriculture Act. Certainly if any emergency hardship legislation is appropriate, it should not be made a part of feed grain legislation.

During the hearing before the subcommittee on livestock and grain the only witness who testified was Dr. Carroll Brunthaver, Acting Administrator of the ASCS, who was asked if this would not indeed be a sounder legislative approach to assist these farmers through the Sugar Act? My recollection of his testimony is that he agreed and said that the Department would have no objection to using that more appropriate approach than the one used in this bill which is before us now. I think it is unfortunate that the proponents of the bill felt it was necessary to rush it through in this form without exploring the much better route of amending the Sugar Act.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I am glad to yield to the gentleman from Minnesota.

Mr. ZWACH. The committee adopted what I thought was a very fine restricting amendment. That amendment has not really been discussed. Would the gentleman point out the important parts of the amendment that was adopted on the limiting factors?

Mr. MAYNE. As originally drawn, the bill was even more unfair to the established and traditional feed grain producers of the country, than it is now, because it would have permitted a feed grain base to be assigned to beet growers who were growing beets as recently as 1970.

All other people participating in the feed grain program can do so only to the extent that they were growing feed grains in the base years 1959 and 1960. They are rigidly limited to a feed grain base which consists of the number of acres they happened to have in feed grains in that period. So I offered an amendment, which was accepted by the entire Committee on Agriculture, which would limit participation under this new bill to the number of acres that were actually in sugar beets in the same base years 1959 and 1960. Only such acres could be converted into feed grain base acres. This proposal was, as I say, adopted unanimously. It is an extremely important one because it reduces the number of additional acres to be created very substantially.

I want to commend the gentleman from Minnesota (Mr. Zwach) for his very strong support of the amendment in the committee. I am happy to say that this principle continues to have the strong support of the entire committee.

If I may have the attention of the distinguished gentleman from Washington (Mr. Foley) who is managing the bill for the committee, with reference to the question of the gentleman from Minnesota (Mr. Zwach) who has just asked about the amendment limiting participation to those farmers who did have beets in production in the 1959 and 1960 base years, I would like to also tell the gentleman from Minnesota that the gentleman from Washington (Mr. Foley) has assured me the committee position still remains the same on that point, and the committee does support this concept that participation should be limited to the number of acres on which sugar beets were actually grown in the 1959 and 1960 base years.

Mr. FOLEY. The gentleman is correct.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I yield to the gentleman from California (Mr. Teague).

Mr. TEAGUE of California. Mr. Chairman, I rise just for the purpose of associating myself with the remarks of the gentleman from Iowa. I would like to say that I was one of the signers of the minority report. I think this is bad legislation. It would establish a very unfortunate precedent. I hope it will be overwhelmingly defeated.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, unmentioned so far in the debate is the question of bad precedents.

The fundamental question that should be faced is this:

Should the Federal Government indemnify farmers for losses caused by the inefficiency of food processing plants?

My answer is no. Such indemnities, once established, could expand quickly to astronomical sums.

The farmers have ceased growing beets, because the plants they formerly supplied were too small to stay in business. This is widely acknowledged to be the case.

Of the nine sugar plants that closed between 1960 and 1969, each was simply too small or too antiquated to compete efficiently.

If we start bailing out sugar beet farmers just because processing plants go out of business, where do we stop?

Mr. MAYNE. Mr. Chairman, I said earlier that if this were indeed an emergency which would justify the Congress in taking some type of remedial action to come to the assistance of these sugar beet farmers, then it should be done through the Sugar Act. But I do not think that an adequate showing has been made by any means that this is a true emergency situation. As has been pointed out, these farmers of sugar beets are not going to have their income cut off. It is a considerable overstatement to call this a disaster. It is true that the mills at which they were marketing their beets in Montana and Utah have been closed down by reason of obsolescence or other economic reasons, but there is no adequate showing that these beets cannot be marketed at other mills. The beets may have to be sent farther than their immediate hometown areas, but in these days of modern transportation many crops are shipped great distances.

It appears there is a plant in North Dakota, there is a plant in Iowa, there are plants in Kansas, and I believe there are plants in Colorado at which these beets could be marketed. While it may not be as profitable to ship the beets to those plants, still the payments that are made under the Sugar Act would continue to make it an economically viable undertaking.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield once more?

Mr. MAYNE. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Chairman, in my own district in California, where we grow sugar beets, one of the refineries was closed. This seemed to be a terrible catastrophe at the time, but the growers seemed to survive very well by shipping their beets to other refineries, in some cases 50 miles away and in some cases 300 miles away.

Mr. MAYNE. I believe in the testimony before the committee there was an indication that some growers are shipping their beets as far as 150 miles, and they have been able to make it a profitable operation.

So there is no showing that they are not going to be able to continue to raise and market sugar beets. But even if that were true, ladies and gentlemen, the inference should not be left with you and you should not be under the misapprehension that because they were for some reason unable to continue marketing sugar beets their income would be cut off and that there would be a true disaster or emergency, because it is clearly established——

Mr. MELCHER. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I am happy to yield to the gentleman from Montana.

Mr. MELCHER. My distinguished friend and and colleague on the committee from Iowa was present when our colleague from North Dakota described the plight of some of the sugar beet growers in the Red River Valley, not having the opportunity to ship their beets which they had been shipping across the State of North Dakota to the plant in the city in Montana. I bring this up and point it out because I want it clear to our other colleagues that there is no opportunity—none whatsoever—of getting contracts with other sugar beet processing plants. These growers would be delighted if they could. It is their wish to do so. They are all struggling to get a contract with some other plant, regardless of the distance, so long as it is economically feasible to ship those beets to that processing plant.

I thought I should clarify this because I am sure my colleague from Iowa does not want to leave the impression that they would not prefer to grow sugar beets if it were possible.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I yield to the gentleman from Illinois.

Mr. FINDLEY. In response to that comment, it could also be accurately said while they prefer to continue to grow sugar beets, there is not a thing in the world to keep them from growing corn, without legislation. We do not have to pass this bill.

Mr. MAYNE. That is true. They can grow corn, fence to fence, on every acre they had in sugar beets without any additional legislation. They already have that authority.

So this is not an emergency, not a disaster situation. It has very important and dangerous implications, however, to the feed grain program in this country which, after all, is a very large program, one in delicate balance, which this Congress has striven to make a reasonable and defensible program for the benefit of the consumers as well as the feed grain producers of the Nation.

We have enough difficulty, believe me, my colleagues, in keeping support for this program when it is used for legitimate purposes for the feed grain program, which is to control production and stabilize production and prices so that consumers will have a steady source of supply.

This special relief bill is for the benefit of sugar beet farmers in Montana and Utah, most of whom have never produced feed grain. They are from States which have very small feed grain bases. But these farmers have grown beets and received very substantial benefits under the Sugar Act for many years. The Sugar Act should therefore be amended to assist them, rather than distorting the feed grain sections of the Agricultural Act of 1970. As pointed out in the minority views, the Sugar Act is readily susceptible to such amendment.

Instead, this bill adds and invites beet farmers, who have never grown feed grains, into the benefits of the feed grain program. This is a program which up until now has been designed to persuade feed grain producers to reduce the amount they were previously growing in order to avoid surpluses. But this bill will actually pay farmers for not producing crops which they were not producing anyway.

We have enough problems trying to maintain support for the feed grain program in the country and in the Congress without adding to its expense by making it a relief vehicle for producers of other crops. It is unfair to the great feed grain producing areas of the country to exploit the program for the benefit of sections whose interest in feed grains is minimal.

The combined feed grain base in Montana and Utah is only 187,139 acres. There are more than 13½ million base acres in Iowa alone, almost 11 million in Illinois, 10 million in Nebraska, 4 million in Ohio, and 6 million in Indiana.

In each of these States there are literally thousands of lifelong feed grain farmers who have been waiting for years trying to get their bases enlarged. Such applications have been running about 100 per year in a typical corn growing county. There is a backlog of from 7,000 to 10,000 applications per year requesting almost a million additional base acres in Iowa alone. These bona fide feed grain producers have been turned down ever since 1961 on the ground that no feed grain base acres are available. This bill will now create additional base acres but give them not to grain farmers but to beet farmers. How unfair can you get?

There is no true emergency here. The beet farmers do not need this or any other legislation to authorize them to plant as much feed grain as they wish on their beet acres. The purpose of this bill is to give them Federal money for not doing something they were not doing in the first place, to wit the planting of corn. The members of the committee who signed the minority views sincerely believe this bill makes a travesty of the feed grain program and if passed would set a precedent which would jeopardize the program's existence. If the sugar beet industry can get a license to raid the program, why not others?

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

I happen to be a legislator from an urban area, and am not familiar with the particularly terminology involved, but would it be fair to say that a person who would not vote for this bill could still not be characterized as a person against the best interests of the farmers and best interests of the farming program throughout the country?

Mr. MAYNE. I agree, because I feel that this bill is very prejudicial to the best interests of our farmers, because it jeopardizes the entire farm program, and is also prejudicial to the best interests of consumers.

Mr. MAZZOLI. Is it fair to say that the adoption of this kind of bill really impedes the formation of legitimate and progressive farm legislation?

Mr. MAYNE. I believe it would set a very dangerous precedent. If the feed grain program can be raided and exploited in this manner then other commodity programs can also whenever some imagined need arises.

Mr. MAZZOLI. I thank the gentleman.

Mr. MAYNE. It is not sound legislation so to distort the purpose of the feed grain program. We have over 131 million acres in feed grain base acres in this country. It is important that the sections of the country where the great bulk of our feed grain is being raised should be considered before a step like this is taken. The trouble is that in each of the feed-grain-producing States there are hundreds and in the major States there are literally thousands of lifelong feed grain producers, men who have devoted their lives primarily to the production of corn and sorghum and other feed grains, and who have been discriminated against because an arbitrary base of feed grain acres was set up back when the program started in 1961. A farmer who happened to have a small amount of acres in corn at that time has been suffering for it ever since because his base was limited to his production at that time. This is a serious matter to corn farmers who need additional base acres. They have been applying for them and waiting for them for 10 long years. They have been standing in line for them at every ASCS office in the country. The Department of Agriculture has said to them that we cannot give you these acres because there are no additional acres for you in the national base. This bill will add to the national base, but instead of giving those additional acres to the feed grain farmers who are entitled to them and who for many years have been trying to get them, it is going to turn them over to beet growers. That is extremely unfair. We are averaging 100 requests per county in Illinois and in Iowa, the record shows, for this type of adjustment in base acres.

Now, Mr. Chairman, we are not asking for any special consideration for the feed grain producers or the feed grain consumers of this country. However, we do think there should be an adequate stabilized supply of feed grains for the benefit of the people who eat the meat which comes from the cattle that are fed by these feed grains. If you start to tinker with this program in this way, making it a matter of special-interest legislation for a very privileged few who are not feed grain farmers at all, then it will be a distinct disservice to the American consumer and will discredit a sound farm program.

Mr. Chairman, I urge the defeat of this legislation.

Mr. Chairman, I have no further requests for time.

Mr. FOLEY. Mr. Chairman, in accordance with my previous statement, I yield 5 minutes to the gentleman from Montana (Mr. MELCHER) to close debate.

Mr. MELCHER. Mr. Chairman, I apologize to the Committee for this late hour. I would prefer that we could have done our business more quickly and more expeditiously.

I shall not delay the Committee very long. I do want to clear up a point or two that has been raised here in the past few minutes.

I can tell you that if there were any opportunity to grow sugar beets, these farmers would continue to do so. That was their principal crop and that is what they have bought their equipment for and that is what they are set up to do.

If there were any chance of doing something about their emergency in the Sugar Act, I assure we would be glad to take cover under the Sugar Act.

But, for reasons I will point out a little later, that is not possible.

Now, in our case in Montana, on January 25 the announcement was made that the sugar plant was going to be closed. It was quite a shock to those farmers and to the community.

It is true that there are only a few farmers involved, but there really are plenty of precedents where this Congress has acted in natural and economic emergencies to help solve people's problems which this bill is designed to do.

Only as recently as 1970, $148,000 went into 11 counties in Iowa to fix up flood damage. That is a natural disaster and I recognize the difference.

In 1969, $330,000 of special allocations went into 22 counties under the emergency ACP because of flooding, another natural disaster, and I recognize the difference.

Then in 1969 they grazed diverted acres in 23 counties, five temporarily and 18 for the long period of time, another disaster in Iowa as a result of drought.

All of these disasters also add up to economic disaster. That is what these farmers in Utah and Montana are facing, economic disaster.

What we are asking for in this bill is some opportunity to help them.

Mr. Chairman, we really should not divide ourselves, those of us who are trying to represent as best we can agricultural areas. The rural vote is dwindling. The farmers and ranchers left on the land—and rural communities—are dwindling. We have too little voice as it is without dividing ourselves over a small bill that will do a little bit of good for a few people.

Mr. Chairman, these people are farmers. What are they supposed to do? They have got to plant this spring. They cannot plant sugar beets. Therefore, they plant the next best crop and that happens to be corn and they should have an equal opportunity with other farmers for the advantages of the farm program. Therefore, they should have that option to get into that program just as any other farmers in the Nation.

I want to lay to rest once more the fact that his has nothing to do with paying farmers not to grow a crop. Whatever the language you choose to use in the 1970 act to justify that, let me repeat again a sentence in this bill: "The feed grain base shall be conditioned upon the production of such commodity on such base or allowance."

The Department's drafting of the language means that those farmers who want into the feed grain plan and who are affected by this bill, must do just exactly that. They must grow the feed grains. True, they will set aside their 20 percent in conservation practices just like other farmers do throughout the country that are engaged in the feed grains program.

The other benefits, of course, are the opportunity to have a loan on the grain and the opportunity to borrow from the agency for building storage facilities and drying facilities. Those are the three things provided for in the feed grain program. That would be their option if we enacted this bill.

We have talked about how many base acres can be adjusted in various States. Under the 1970 act: One percent of the feed grain base for each State can be reserved to give out to new farmers or to farmers for change in practices in their farming operation. That is 135,000 acres in the case of Iowa and similar acreage in the other Corn Belt States.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. FOLEY. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MELCHER. Each of these States has more acreage if they want to redistribute it, available to them under the law. As a practicality it is not done, but the State of Iowa did this year reserve 4,480 acres for new feed grain base the other States also reserve acres which are available for new feed grain bases. There are also other acres available at county level.

Each county does have some acres available for redistribution for new farms and for hardship and emergency cases; combined they are much more than the few acres that we are talking about under this bill. The principle involved is only in the application of fairness to these farmers so abruptly deprived of their sugar beet processing plant. They should be allowed under these admittedly emergency conditions to participate in the farm program. That is all the bill does.

If the bill is defeated the losses will be measured by the impact on the entire agricultural spectrum because what we are trying to do here is to rise to an emergency that has been demonstrated in an agricultural area. I hope we can rise to many more emergencies, and take care of them, and I think we should.

As there are amendments that will be offered that go to pointing up the needs of individual farmers in two other States, and because that will certainly serve the needs of the farmers of those States, I for one will support those amendments.

Mr. HORTON. Mr. Chairman, when we reach the amending stage of H.R. 5981, I intend to offer two amendments which provide relief to certain producers of sugar beets in four States who have suffered a loss of their market due to the closing of sugar beet processing plants in their regions.

A number of Members have alleged that this is special interest legislation, and I am inclined to agree, from two standpoints. First, if the Committee's purpose is to assist sugar beet producers, it would seem sensible to do this through legislation dealing directly with sugar and sugar acreage problems. However, if the Committee, in its wisdom, feels that the best way to provide relief to these growers is to do it through the feed-grain program, I think there can be absolutely no justification for passing legislation which helps some sugar beet growers who have suffered loss of market and not others.

Many of our colleagues are familiar with the scandal that arose over the financial dealings and condition of the Maine Sugar Industries Corp. At one time, this firm, and a sister firm, New York Sugar Industries, operated plants in New York and Maine which provided a market for sugar beets grown in the States of New York, Maine, Pennsylvania, and New Jersey. The closing of the New York plant in the late 1960's left only the Maine Sugar Industries plant as a market outlet for sugar beets grown in these four northeastern States.

In the 1969 crop year, MSI took delivery of the sugar beet crop from producers in these States and then failed to make payment for the crop, resulting in substantial financial loss to the growers in these States. In my congressional district, there are sugar beet growers who are out upward of $20,000 each as a result of the default and subsequent bankruptcy proceedings of MSI.

Today, in fact, Mr. Chairman, a meeting of the growers' representatives and others involved in this situation is taking place to try to rejuvenate a settlement offer of growers' claims that is unlikely to result in payment to the growers of much more than 10 percent of the value of their 1969 crop.

The Federal Government was instrumental in the financing and establishment of MSI because of the recognized need not only of economic development in the State of Maine, but also the desperate need of the agricultural sector in these States for an addition crop.

After MSI closed its doors following the 1969 season, there was no market for sugar beets grown in these States, and to my knowledge, most of the growers did not produce sugar beets in the 1970 growing year.

I am certain that there are similar tales of woe concerning the growers in the States which are fortunate enough to have been included in the provisions of this bill.

Unfortunately, the cutoff date of December 31, 1969 in the committee version of H.R. 5981 would not go back far enough to cover the growers in these four States of New York, Pennsylvania, New Jersey, and Maine. If we are going to adopt legislation to relieve sugar beet growers in the Midwest and Far West who have lost their markets due to plant closings, I see no justification for excluding those in the Northeast who are similarly burdened.

Therefore, I am offering an amendment to change the triggering date in this bill from December 31, 1969 to December 31, 1968, which would precede the date of closing of the Maine Sugar Industries plant. I am also offering a technical amendment which would apply this bill to the growers in the Northeast.

I would urge my colleagues from these northeastern States, and all of our colleagues who would like to see this legislation passed in an equitable and evenhanded form, to support the adoption of my amendments.

Mr. Chairman, the text of my two amendments follows:

Amendment to committee amendment offered by Mr. Horton: On page 2, line 1, strike out the words "December 31, 1969" and insert in lieu thereof the words "December 31, 1968".

Amendment to committee amendment offered by Mr. Horton: On page 2, line 3, after the word "That", insert a comma and the following: "except in those cases where sugar beets were grown after December 31, 1960,".

Mr. VEYSEY. Mr. Speaker, while I am most sympathetic with the plight of sugar beet growers in three areas now deprived of a processing facility, I oppose H.R. 5981 as being an inappropriate, indeed a dangerous remedy.

There is no defensible reason why historic status as grain growers should be given to a group of former sugar beet growers. To do so would be a serious precedent and would expose agriculture programs to ridicule for offering benefits for not growing grain to those who have never grown grain.

The Sugar Act has been an exemplary program which has generally stabilized this industry for many years, providing a self-sustaining program to assure the housewife and industrial users of a sure supply of sugar at a very low price. Under this law, sugar is one of the best bargains on the dinner table; indeed it is cheaper today than it was 50 years ago.

The Sugar Act contains provisions for the protection of producers who are prevented from producing because of weather, pests, or other cases. Could not these or similar provisions be used for relief of the growers who cannot now produce sugar beets?

The plight of these growers and of the processing companies who are shutting down their operations tells us something, however, about the economic conditions of American agriculture and of the beet sugar industry in particular. It is not profitable or we would not see plants abandoned, and growers eliminated from the industry.

As I mentioned, sugar is the greatest bargain on the American dinner table, and it is so because producers and processors are, in effect, subsidizing the consumers of sugar. As the Sugar Act is being this year considered for renewal, I hope this Congress will contemplate what is taking place, and make it possible for sugar producers and processors to survive and to cease expecting them to subsidize consumers. We should have no further disasters such as this.

Mr. FOLEY. Mr. Chairman, we have no further requests for time.

Mr. MAYNE. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law and subject to such terms and conditions as he determines appropriate, the Secretary of Agriculture is authorized to establish feed grain bases, wheat domestic allotments, and upland cotton base acreage allotments for purposes of the Agricultural Act of 1970 with respect to producers of sugar beets who formerly processed their sugar beets at a processing plant which has ceased operations on or after January 1, 1970, if there is no substitute plant available in the area for the processing of their sugar beets.

The feed grain base, wheat domestic allotment, or upland cotton base acreage allotment shall be conditional upon the production of such commodity on such base or allotment.

Mr. FOLEY (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

PREFERENTIAL MOTION OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Findley moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. FINDLEY. Mr. Chairman, I have no need for time. I think the preferential motion speaks for itself, and I urge its support.

I yield back the balance of my time.

Mr. ABERNETHY. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I live 2,000 miles from the farmers affected by this bill. The bill means nothing to me personally or to any of my constituents. Because of the problem involved and on the merits of the measure I support the bill. It is a worthy piece of legislation.

For these little people an emergency has arisen in their area. They awakened one morning and their sugar mill was gone; their business was gone. They need help. The cost is small. Why should we not help them? We help others in emergency situations.

With all due deference, Mr. Chairman, I am really amazed—I am just amazed—at the attitude of some of the Members of this House here this afternoon.

A few weeks ago the inner elements of this earth roared forth in the area of the coast of California, and shook that State to the core. The Federal Government moved in with all kinds of assistance to aid those poor, stricken people.

Two or 3 weeks thereafter cyclones whirled through my State, destroying hundreds of homes and business houses, and laid waste the good earth from which farmers make their living. An emergency was created, and the Federal Government moved in with all kinds of assistance.

A similar emergency exists among the farmers in the areas this measure is designed to help. The winds did not blow away the only markets for their sugar beets. But the effect of their sudden and unannounced closing was just the same.

These people have for years made their living digging sugar beets from their soil, and hauling them to a sugar mill. That was their only market, and their principal and sometimes only source of income. And what happened to them? They awoke one morning and the mill was gone. Their market was gone. It was all just as if things had been blown away.

I cannot understand the attitude of the opposition. Why there has been more speaking here tonight on this 15 cents worth of legislation than we normally hear on a bill involving billions of dollars.

Here are 200 or 300 little people—their crop is gone—their business is gone—an emergency has been created. They come to Uncle Sam and to this Congress—first, to the Senate which promptly passed this bill. And now they come to us in the House, with hat in hand, saying, "Please, just tide us over a little bit?"

But to listen to this debate you would think these little farmers were trying to empty all of the gold from Fort Knox. I am sure when the Record is read tomorrow, the people of the Nation will not be very proud of this body.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. I am happy to yield to the gentleman.

Mr. GROSS. Is not this legislation in perpetuity?

Mr. ABERNETHY. It is for the life of the feed grain program. But we do have some emergency legislation, such as was passed last year, which is in perpetuity. That is the emergency legislation I made reference to a moment ago. Some of you, one of these days, are going to need it and will be resorting to it. Some of you will have a comparable emergency. Then, I think you will regret the tremendous fight you are making on this little bill today.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman.

Mr. FOLEY. The legislation is contingent upon the continuation of the feedgrain program which is due to expire in December 1973.

Mr. ABERNETHY. The gentleman is correct. This bill does not mean a thing in the world to me—not a thing in the world. And I am not just being nice by trying to help somebody. I have a very strong feeling that this is something we ought to do for some people who have been hurt unexpectedly and through no fault of their own. That is the only motive I have. We should pass this bill and help these people and after so doing, I think we will be proud of having done it.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman.

Mr. DENNIS. Honestly, I do not understand the philosophy of the distinguished gentleman.

Mr. ABERNETHY. The gentleman does not understand what?

Mr. DENNIS. I do not understand the philosophy of the distinguished gentleman. Is the gentleman suggesting that every time one of us gets an economic setback in this country, you, me or any other businessman—that the Federal Government should necessarily bale us out at the public expense?

Mr. ABERNETHY. No, I am not suggesting that. I am suggesting that this is an instance of an emergency where we can and should help. This administration recommends the passage of this little bill. The Secretary of Agriculture says the bill has merit and should be passed. It would appear to me that the position of the Nixon administration on this measure might influence some of those on the Republican side who are making such a fight on the bill.

I am really amazed at the opposition. I hope you will reconsider and help these unfortunate people.

The CHAIRMAN. The question is on the motion offered by the gentleman from Illinois (Mr. FINDLEY).

TELLER VOTE WITH CLERKS

Mr. FINDLEY. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. FINDLEY. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered, and the Chairman appointed as tellers Messrs. FINDLEY, FOLEY, POAGE, and MAYNE.

The Committee divided, and the tellers reported that there were—ayes 193, noes 115, not voting 125, as follows:

[Roll No. 50]

[Recorded Teller Vote]

AYES—193

Adams
Addabbo
Anderson, Calif.
Archer
Arends
Ashbrook
Aspin
Badillo
Baker
Belcher
Bell
Bennett
Betts
Biaggi
Bow
Bray
Brotzman
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conte
Corbett
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Wis.
Dellenback
Dennis
Devine
Dickinson
Donohue
Downing
Drinan
Dulski
Duncan
duPont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Findley
Flowers
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Gallagher
Gaydos
Giaimo
Goldwater
Goodling
Grasso
Green, Oreg.
Griffin
Gross
Hall
Halpern
Hammerschmidt
Hansen, Wash.
Harsha
Hastings
Hechler, W. Va.
Heckler, Mass.
Horton
Hosmer
Howard
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jonas
Keating
Keith
Kemp
King
Kyl
Landgrebe
Latta
Lent
Lujan
McClory
McCollister
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
Mailliard
Mann
Martin
Mathias, Calif.
Mayne
Mazzoli
Miller, Ohio
Minish
Mizell
Monagan
Mosher
Myers
Nedzi
Pelly
Pettis
Peyser
Pike
Pirnie
Podell
Poff
Powell
Price, Tex.
Quie
Quillen
Randall
Reid, N.Y.
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Rogers
Rousselot
Roy
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Shriver
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Stafford
Stanton, J. William
Steiger, Ariz.
Stratton
Sullivan
Talcott
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Vander Jagt
Vanik
Veysey
Vigorito
Wampler
Ware
Whalen
Whalley
Widnall
Wiggins
Williams
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Fla.
Zion

NOES—115

Abbitt
Abernethy
Abourezk
Albert
Andrews, Ala.
Andrews, N. Dak.
Aspinall
Begich
Bergland
Bevill
Blanton
Blatnik
Brademas
Brinkley
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Cabell
Caffery
Chappell
Clark
Corman
Danielson
Denholm
Dent
Diggs
Dingell
Dorn
Dow
Eckhardt
Edmondson
Evans, Colo.
Fisher
Flood
Foley
Fountain
Fraser
Fuqua
Galifianakis
Gonzalez
Griffiths
Hagan
Hamilton
Hanley
Hathaway
Hays
Helstoski
Henderson
Holifield
Hull
Hungate
Kastenmeier
Kazen
Kee
Kyros
Landrum
Link
Lloyd
McCormack
McFall
Madden
Mahon
Mathis, Ga.
Melcher
Mikva
Mills
Mink
Mollohan
Morgan
Natcher
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pepper
Perkins
Poage
Preyer, N.C.
Price, Ill.
Purcell
Rarick
Rees
Reuss
Roncalio
Roush
Roybal
Runnels
Sebelius
Shoup
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steed
Stephens
Stubblefield
Stuckey
Symington
Taylor
Teague, Tex.
Udall
Ullman
Van Deerlin
Watts
White
Wright
Young, Tex.
Zablocki
Zwach

NOT VOTING—125

Abzug
Alexander
Anderson, Ill.
Anderson, Tenn.
Annunzio
Ashley
Baring
Barrett
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Brasco
Broomfield
Brown, Mich.
Broyhill, Va.
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Clancy
Clay
Collins, Ill.
Colmer
Conyers
Davis, Ga.
de la Garza
Delaney
Dellums
Derwinski
Dowdy
Dwyer
Edwards, La.
Esch
Evins, Tenn.
Fascell
Fish
Flynt
Ford, William D.
Fulton, Tenn.
Garmatz
Gettys
Gibbons
Gray
Green, Pa.
Grover
Gubser
Gude
Haley
Hanna
Hansen, Idaho
Harrington
Harvey
Hawkins
Hébert
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Jacobs
Jarman
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kluczynski
Koch
Kuykendall
Leggett
Lennon
Long, La.
Long, Md.
McCloskey
McClure
McCulloch
McKay
McMillan
Macdonald, Mass.
Matsunaga
Meeds
Metcalfe
Michel
Miller, Calif.
Minshall
Mitchell
Montgomery
Moorhead
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Nix
Patman
Pickle
Pryor, Ark.
Pucinski
Railsback
Rangel
Reid, Ill.
Roberts
Roe
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Scheuer
Seiberling
Shipley
Sikes
Skubitz
Springer
Steele
Steiger, Wis.
Stokes
Thompson, N.J.
Waggonner
Waldie
Whitehurst
Whitten
Wilson, Bob
Wilson, Charles H.
Yatron

So the motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5981) to authorize the Secretary of Agriculture to establish feed grain bases, wheat domestic allotments, and upland cotton base acreage allotments for certain growers of sugar beets, had directed him to report the bill back to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is, Shall the enacting clause be stricken out?

The enacting clause was stricken out.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just considered.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorow morning.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object—I will object to 10 o'clock.

If the gentleman wishes to renew for 11 o'clock tomorrow, I will be agreeable.

The SPEAKER. Will the gentleman renew his motion to make it 11 o'clock?

Mr. O'NEILL. I will be happy to do so.

Mr. GROSS. Mr. Speaker, still reserving the right to object, does this mean that we complete the bill on which consideration stopped this afternoon, that is, the education appropriation bill?

Mr. O'NEILL. Yes. That is what is intended.

Mr. GROSS. Will other business be considered?

Mr. O'NEILL. I have no knowledge of

any other business being considered. Of course, something in the nature of an emergency could be, but no other legislation is planned.

Mr. GROSS. No other legislation except in an emergency?

Mr. O'NEILL. That is correct.

Mr. GROSS. I thank the gentleman.

The SPEAKER. The Chair would like to state that, of course, if some unanimous-consent request would be made, that can be considered but nothing beyond that.

Is there objection to the request of the gentleman from Massachusetts?

PARLIAMENTARY INQUIRY

Mr. FULTON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to make a parliamentary inquiry.

On the record vote, on a teller vote, when is it in order to vote "present"?

The SPEAKER. Just immediately after the announcement of the vote and before any further business is conducted.

Mr. FULTON of Pennsylvania. After the tellers have made their announcement?

The SPEAKER. After the Chair announces the vote.

Mr. FULTON of Pennsylvania. And when is it proper for the Chairman to vote?

The SPEAKER. The Chairman can vote at any time prior to his announcement of the vote.

Mr. FULTON of Pennsylvania. Prior to his announcement of a teller vote?

The SPEAKER. Prior to the announcement of the teller vote.

Is there objection to the request of the gentleman from Massachusetts?

Mr. HALL. Mr. Speaker, further reserving the right to object, is it understood that if unanimous consent is given for the early convening of the Congress tomorrow—I have no desire to prolong it, with everybody wanting to get home for Easter vacation—we will come in as expeditiously as possible to conduct the usual convening of the House and the prayer and the announcement by the Chair as to the approval of the Journal and 1 minute and then proceed with business and not return to other morning hour business or extra business until we complete the work of the day?

The SPEAKER. If the Chair understands the gentleman properly, we will follow the normal procedure of the House. We will convene and have the prayer and the Journal. The prayer will be had and the Journal will be approved and the 1-minute rule will be recognized, and we will proceed to any minor business that some Member of the House may have that the Chair has no knowledge of but by unanimous consent only. We have no calendar except the pending business, which is the business of finishing the education appropriation bill.

Mr. HALL. Mr. Speaker, I thank the Chair for his extended explanation. I simply want to be assured that we will not have a change of intention and that should a quorum call intervene, I think that would be inconsiderate in view of the fact that we are coming in early. But should the majority feel constrained to demonstrate a quorum, then we would not revert to the further delaying tactics of an additional round of 1-minute speeches but get right on with the business?

The SPEAKER. May the Chair state for the benefit of the gentleman—and the Chair feels that the House is entitled to this information—the Chair has tried to observe the 1-minute rule and only in cases in which we have had no business or no important business has the 1-minute rule not been strictly adhered to. In the event that the House does not go immediately into the consideration of the bill, the Chair will tomorrow recognize under the 1-minute rule only as the first order of business after the prayer.

The Chair will recognize Members for unanimous-consent requests for extensions in the RECORD, but not for speeches.

Mr. HALL. I thank the Chair.

I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

WHITEWASH ON DAIRY IMPORTS

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, the announcement a few weeks ago that the Tariff Commission would soon begin an investigation with regard to cheese selling for over 47 cents per pound marks the third time in less than 3 years that the President has found it necessary to order such an investigation of dairy imports.

The problem this time is that a loophole left in the import restrictions established in 1969—no quotas for cheese selling for over 47 cents per pound—has been stretched until now it is letting in far more than the entire normal trade in three types of imported cheeses.

In the meantime, there is a huge whitewash job now underway in Wisconsin and other dairying areas, to cover up the Nixon administration's serious failure to deal effectively with dairy imports in the President's proclamation of last December 31.

This attempt to paint the proclamation as "a victory for dairy farmers" is a serious disservice to the dairy industry. For that proclamation—just like past proclamations which have attemped to make our dairy import regulations effective and workable—failed to deal firmly with the "evasion product" problem.

Unfortunately, a new crop of products designed specifically to evade our quota provisions springs up anew after each round of Tariff Commission hearings and quota proclamations, and it is these "evasion products" that are the heart of the whole import problem.

The fact of the matter is that the generous import permits granted by President Nixon last December set the all-time record for rewarding importers for succeeding in getting their "evasion products" past our import control system and into the U.S. market.

In light of this fact I find it most difficult to understand the attempt now underway to whitewash the Nixon administration's failure on imports. People are writing letters to Washington praising the President's position on dairy imports. Editorial writers argue that the President was compelled to weigh such factors as "a friendly government in trouble politically" against the interests of American dairy farmers in making his decision.

I think it is time that the truth be made known. Dairy farmers need to understand the truth about the December 31 proclamation, so they can make it crystal clear that they do not want the same thing to happen again.

IMPORTS HIGHLY SUBSIDIZED

Let us look at the facts about the present administration's record on dairy imports.

One of the import problems with which the President's December 31 proclamation had to deal was chocolate crumb. This is a product made by mixing fresh milk, sugar, and chocolate liquor and drying them together. It is used for making milk chocolate candy. Because it can be imported so cheaply, it competes in this country with U.S.-made dry whole milk as well as the more expensive milk crumb and chocolate crumb mixtures for making milk chocolate.

Chocolate crumb imports come from Ireland and England. The Irish Government grants generous subsidies for exporting chocolate crumb to the United States. The cost of milk to the manufacturer in Ireland, after allowing for the subsidy, is only $1.36 per hundredweight. Moreover, the cost of sugar to the Irish manufacturer is only about one-third of the cost to the U.S. manufacturer.

In the United Kingdom, the Milk Marketing Board sells milk at special reduced prices of $2.22 per hundred pounds to manufacturers of chocolate crumb for export. Here also the cost of sugar is only about one-third that to the U.S. manufacturer. The prices of both milk and sugar in the United States are maintained by government price support operations.

When a large dairy surplus began to developed in Western Europe in the mid-1960's, Western European governments began to increase their subsidies and other encouragements for exportation of dairy products. Imports of chocolate crumb rose swiftly, reaching 45 million pounds in 1968, in contrast to the average annual imports of about 2 million pounds received throughout the early 1960's.

In early 1968, President Johnson ordered the Tariff Commission to investigate and hold hearings on imports of chocolate crumb and several other dairy products. After the Commission completed its studies and reported its recommendations, President Johnson proclaimed quotas early in 1969 of 17 million pounds.

NEW "EVASION" TACTIC FOLLOWED

The 17 million-pound quota went into effect in 1969, and just that quickly the exporters got busy devising a new recipe for chocolate crumb that would just miss the definition. An official of the Department of Agriculture has described this performance—which it blasted as an obvious subterfuge in the official Department of Agriculture statement in Tariff Commission hearings, July 28, 1970, in the following way:

> Proclamation 3884 of January 6, 1969 established an annual import quota on chocolate crumb of 17 million pounds. The quota description contains, as I have just noted, an exception for commodities containing 5.5 percent or less butterfat. The specification of a butterfat content of over 5.5 percent for quota purposes was derived from similar descriptions of other products made from a combination of dairy and non-dairy ingredients; until recently, it had no practical significance since the butterfat content of normal chocolate crumb is 8 to 12 percent.
>
> Now, however, the 5.5 percent exception has become a loophold for quota evasion. Crumb with a butterfat content just coming within the exception is being manufactured and shipped to the United States from the United Kingdom and Ireland. The sole purpose of the new, hitherto non-existent formulation is to evade, by the narrowest possible margin, the U.S. quota. I might note in passing, as a matter of interest, that there have been a few instances where the manufacturer has cut the line of butterfat content so fine that, by the time the product arrived at the U.S. port, a minor amount of moisture evaporation had shifted the butterfat content from just barely under 5.5 percent to just barely over 5.5 percent—making the shipments subject to quota, after all. . . .
>
> The quota which has been established for imports of chocolate crumb should not be vitiated by an obvious subterfuge. We recommend that the exception for chocolate crumb containing 5.5 percent or less by weight of butterfat be eliminated, and that imports of such chocolate crumb be made subject to the present quota of 17 million pounds.

The Department of Agriculture backed up this hard-hitting statement on chocolate crumb imports by recommending that they be prohibited altogether.

Then the Tariff Commission, in its report to the President following the hearings warned that:

> Analysis shows imports of these products . . . to be primarily products to avoid the existing quota provision.

And the Tariff Commission too, after completing its investigation and hearing several days of testimony from domestic manufacturers, domestic importers, and the foreign manufacturers and exporters, backed up the recommendation of the Department of Agriculture. The Tariff Commission recommended that the President set a zero quota for this evasion product.

NIXON REWARDS "OBVIOUS SUBTERFUGE"

But President Nixon overruled the unanimous recommendations of both the Tariff Commission and the Department of Agriculture. In his New Year's Eve proclamation, the President granted permission to the foreign exporters to continue shipping in 30 times the average level of imports of this chocolate crumb product.

Never before in history had any President ever granted quotas so far exceeding the normal level of imports.

The law provides that:

> Quantitative restrictions imposed by the President may not reduce the rate of imports to less than 50 percentum of imports during a representative period as determined by the President.

President Nixon himself defined the years 1967–68–69 as the "representative period" to serve as the base for computing quotas as provided in the law. The choice of these years was in itself a favor to the foreign exporters; the Tariff Commission had recommended 1963–64–65, years when dairy imports were considerably lower.

The quota of 17 million pounds of chocolate crumb which was established by President Johnson in 1969 was substantially less than twice the average level of imports during the representative period. Yet this was considered so outrageously generous to the English and Irish exporters that the House Ways and Means Committee ordered that the chocolate crumb quota be included in a special investigation.

It is hard to see how the action of the President in setting the quota 30 times as great as the average level of imports is a victory for dairymen.

PLAYING POLITICS WITH DAIRY IMPORTS

President Johnson was criticized sharply by both Democratic and Republican Congressmen and Senators representing dairy farmers. The contrasting partisanship in attempting to whitewash the Nixon administration's performance is gravely disturbing.

The administration's supporters are finding all kinds of excuses for the overly large imports which the President's proclamation will permit to continue. One even goes so far as to contend that the President was justified in granting his generous import permits because he wanted to help "a friendly government in trouble politically."

It is dismaying, to say the least, to have it suggested that the President was justified in putting the interests of friendly politicians in other countries ahead of dairy farmers in the United States. Certainly the integrity of our own dairy price support program should not be subject to manipulation by the State Department.

Furthermore, the effect that these unjustified continuing imports will have in depressing the prices of milk received by farmers in Wisconsin and other parts of the country is bad enough. The added burden to the U.S. Treasury, for acquiring the dairy products displaced by these imports from their normal markets in the United States, makes it worse.

ENCOURAGES NEW "EVASION" SCHEMES

I am particularly concerned because the proclamation of last December could be interpreted to mean that dairy product importers can count on permanent import licenses as a reward for evading the quota regulations of the United States by what even the administration's own Department of Agriculture brands as "obvious subterfuge."

President Nixon's proclamation is an open invitation to dairy product exporters around the world to get right to work on concocting still more "evasion products" to get around our existing import restrictions. It is a declaration by the highest authority in the land that our dairy import restrictions need not be respected and taken seriously, and that if a foreign exporter can find a way to get away with something, he can expect to get no worse than a permanent license to continue to enter his product into the U.S. market.

The provisions for other dairy products in the President's December 31st proclamation, although not as extreme as the treatment of chocolate crumb, exhibited the same general lack of regard for maintaining the integrity of the import control program against erosion by "evasion products."

FACTS ON NIXON IMPORTS ACTION

Mr. Speaker, I wish to submit a table for inclusion at this point in the RECORD, showing the names of the four dairy products that were dealt with in the December 31, 1970, Presidential proclamation, and showing the average annual imports during the representative period established by the President, the annual quota for each that was recommended by the Tariff Commission, the annual quota that was set by the President, and the amount by which the quota set by the President exceeds the average normal imports.

The table follows:

Product	Average annual imports during representative period (1967–69)[1]	Annual quota recommended by Tariff Commission	Annual quota set by the President	Quota exceeds average imports by—
Low-fat chocolate crumb (pounds)	159,000	0	4,680,000	30 times.
Low-fat skim milk cheese (pounds)	1,040,000	100,000	8,901,000	Nearly 9 times.
Animal feeds (pounds)	4,039,000	0	16,300,000	4 times.
Ice cream (gallons)	863,000	0	431,330	½ times.

[1] From Tariff Commission publication 338, September 1970.

It is notable that for all of the four dairy products excepting one, the quotas set by the President greatly exceed the normal level of imports.

The low-fat skim milk cheese quota is nearly nine times as large as the average. But worse than that, it is nearly 90 times as large as the Tariff Commission's recommendation. The Tariff Commission noted that traditional imports of this product for many years had entered at a steady rate of 60,000 pounds per year.

As the Commission pointed out in its report to the President, sharp increases in imports of all the products began in 1969, and continued at an accelerated rate in 1970. The Commission warned the President that:

> Analysis shows imports of these products—other than the low-fat cheese for which an annual quota of 100,000 pounds is recommended—to be primarily products designed to avoid the existing quota provisions.

URGED NORMAL BASE PERIOD

The Tariff Commission recommended to the President that the representative period be designated as the calendar years 1963, 1964, and 1965, so as to avoid the abnormal distortion that occurred in 1969 and 1970 when huge volumes of these products began to enter the country in response to the European dairy surpluses and export subsidy programs of the exporting countries. As the Tariff Commission put it in its recommendations to the President:

> In the Commission's view, the period in which such increases in imports occurred cannot properly be regarded as being the whole, or part, of a representative period within the meaning of the statute. To do so makes the "representative period" concept meaningless; it not only improperly increases the minimum permissible quantities of articles which may be imported but also affects the equities of the foreign countries that supplied, and the importers who imported, the traditional imports of dairy products.

I can see no justification whatsoever for the President to have ignored the advice of the Tariff Commission and designated the very years in which this abnormal trade began as the representative period.

But even less can I understand why he was not content to let it go at that, and to set quotas at the minimum level of 50 percent, or even the full average amount during the representative period. That would have been far more generous than the Tariff Commission felt that the facts in the case would warrant.

GUARD AGAINST REPEAT PERFORMANCE

Unfortunate and wrong as I feel the President's action is, my purpose is not simply to complain against an action which, in all probability, will not be changed in any event. My purpose in discussing this situation is to help prevent the same kind of thing from happening again.

The President recently announced that he is directing the Tariff Commission to institute an investigation and conduct hearings to be held on April 20 on the need for restricting imports of Swiss or Emmenthaler, Gruyere-process, and certain other cheese.

This is another loophole and "quota evasion" problem. The import regulations provide that imports of these types of cheese may be exempted from the quota restrictions if their purchase price at the port of exportation is over 47 cents per pound. It is this "price break" system under which cheese becomes exempt from the quota restriction on imports if priced above a "break point" that serves as a "loophole" which is admitting a rising flood of foreign cheese into our markets.

In the Tariff Commission hearings in 1968, not only the domestic dairy organizations but importers as well, pointed out that there is no effective way known by which the "price break" provision could be enforced without large-scale evasions.

It is widely acknowledged in the trade that this provision is subject to subterfuge and illegal evasion by means of kickbacks, under-the-table discounts, and similar practices, which are almost impossible for the hard-pressed customs inspectors to control.

Specific evidence of an illegal kickback proposal was published by Senator PROXMIRE last year. Persons familiar with the dairy and import businesses warn that there are undoubtedly many similar evasions.

But it is not only the probable prevalence of widespread illegal evasion that makes the price break loophole into a serious potential threat to the dairy price support program.

DRIED CHEESE A THREAT

Under a ruling by the Bureau of Customs about a year ago, large quantities of milk fat and nonfat solids may be allowed to enter the United States in the form of dehydrated powdered or grated cheese at prices far below U.S. support levels.

The "joker" here is that the removal of the water from cheese in the drying and grating process raises the total quantity of milk fat and nonfat solids in a pound of the dried product. Swiss cheese is allowed to have as much as 41 percent moisture. The imported dried cheese products have 6 percent or less moisture. Thus, it is apparently possible for Swiss cheese of normal moisture costing as little as 30 cents a pound to have a value of 47 cents per pound if it is dehydrated to 94 percent moisture.

What this amounts to is that about one and a half pounds of cheese is counted for quota purposes as a single pound, on the basis of its weight after the water is removed.

The threat of large-scale imports of dried cheese under the price-break loophole has been eased by the notice that the Food and Drug Administration does not permit the use of dried cheese in making a wide range of processed cheese, cheese foods, and cheese spreads.

But nevertheless, it can enter in unlimited quantities under present regulations, and it affords a constant incentive to food manufacturers to substitute foreign dairy products obtained at subsidized low export prices at the expense of domestically produced dairy products.

NO MORE HALFWAY MEASURES

Mr. Speaker, the notorious price-break loophole must be slammed shut permanently. But the Nixon administration's action of December 31 on dairy import restrictions raises the serious danger that the price-break loophole too will be dealt with by half measures or less.

The most common halfway measure that is a possibility is merely to raise the "price break" level from 47 to 54.8 cents, the present Commodity Credit Corporation buying price for cheese, or to have it fluctuate up and down according to the cheese support trade.

This possibility is a serious one. In the administration's announcement that revision of the price-break exemption is to be considered, it was noted that:

> The Tariff Commission has been directed to examine the feasibility of continuing the present price break system of controls at different specified price level.

I hope Wisconsin dairy farmers will be on their guard, and make it clear to the President that they will not be satisfied with a halfway measure that will reward past quota evasions and allow the known loophole of the "price break" system to remain unplugged.

PLANS OF MILITANT ANTIWAR GROUPS TO LAUNCH MASSIVE DEMONSTRATIONS IN WASHINGTON, D.C., APRIL 24 TO MAY 5, 1971—RESPONSIBLE DISSENT OR COMMUNIST INSPIRED PROPAGANDA?

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, the continuing public debate by people of all political persuasion over our foreign policy in general and our involvement in Southeast Asia in particular has dramatized the inalienable American right of responsible criticism of governmental policies. However, I am sure most citizens would agree that not all dissenting Americans are acting out of loyalty to American ideals of their country.

I rise today to express my deep concern over the plans of militant antiwar groups to launch massive demonstrations in Washington, D.C., during the period April 24 through May 5, 1971. The National Peace Action Coalition—NPAC—and the People's Coalition for Peace and Justice—PCPJ—both of which are known to be operating under substantial Communist influence, are the two major organizations taking part in these forthcoming demonstrations. Leaders of these antiwar groups have boasted that sustained 2-week protest actions will commence on April 24 with a mammoth assembly near the White House and will culminate on May 5 with a march on the Capitol which will involve encirclement of the Capitol Building "insisting" that Congress must stay in session until it has ratified the so-called "People's Peace Treaty," a document drafted in Hanoi, which is in complete accord with the Communist position in Vietnam.

In addition, the leaders of these militant antiwar groups have promised to completely immobilize many important functions of the Federal Government by such actions as blocking bridges and highways leading into the Nation's Capital, blocking access to key Government facilities, urging Federal employees to strike, and pursuing any other tactics, such as sit-ins and stall-ins, that might serve to bring the wheels of Government to a halt. The White House, the Pentagon, and the Congress are among the targets singled out by these antiwar forces.

The NPAC and PCPJ in unifying their efforts are hopeful of staging the largest antiwar demonstration ever to take place in this country. The immediate objective of the demonstration is, of course, to force a complete withdrawal of U.S. forces from Southeast Asia. The real objective of the leadership is not peace but the humiliation of the United States, the promotion of a Communist takeover in Southeast Asia, and the general advancement of world communism. Every massive antiwar demonstration which has taken place in this country in recent years has had all-out Communist planning and support. Such massive turnouts have resulted from the efforts put into them by Communist elements.

I am sure everyone recalls that during November 1969, the Nation's Capital was swept by a wave of massive antiwar protests. The demonstrations were widely advertised as peaceful but violence erupted like the fury of a tornado. Hundreds of militant demonstrators bent on violence made an attempt to storm the South Vietnamese Embassy. Police were forced to use tear gas to disperse them. At the Washington Monument, the ring of American flags representing the 50 States were replaced by Vietcong banners. "Hate America" speeches rang out over the crowd.

Following the assembly at the monument grounds, thousands of militants crashed through police lines and headed for the Justice Department. A riot ensued. Windows were broken and red paint splashed on the walls of the building. The American flag was hauled down and the Vietcong flag flew in its place. Private property damage was estimated at a quarter of a million dollars while the U.S. taxpayers were left with a bill of approximately $1¾ million for damage to Government property, deployment of troops, et cetera. Over 600 individuals, including 26 police officers, were reportedly treated for injuries sustained during the demonstration and 175 arrests were made.

With the above as background, let us now look very briefly at the planning and organizing for the forthcoming antiwar demonstrations in the Nation's Capital.

The now defunct New Mobilization Committee to End the War in Vietnam—New Mobe—was the sponsor of the November 1969, demonstrations in Washington. This organization and its predecessor groups have a history of involvement in violence. A staff study prepared by the House Committee on Internal Security, which I chair, disclosed that the New Mobe, a coalition of numerous antiwar groups, had been dominated mainly by two Communist factions, the Communist Party and the Trotskyite Socialist Workers Party, both of which advocate the overthrow of the U.S. Government by force and violence. Due to continual friction between the Communist Party and Socialist Workers Party factions within New Mobe, with each one trying to dominate the other in attaining a leadership role, the Socialist Workers Party decided, after the massive November 1969 protest demonstrations, to withdraw its support from the New Mobe.

On June 19–21, 1970, the Socialist Workers Party together with its youth arm, the Young Socialist Alliance, and the Young Socialist Alliance-dominated Student Mobilization Committee, held a conference in Cleveland, Ohio, for the purpose of planning future antiwar activities. This conference resulted in the formation of the National Peace Action Coalition—NPAC—to serve as the Socialist Workers Party action group in carrying out massive antiwar demonstrations.

At about the same time, the Communist Party faction within New Mobe, held a strategy action conference in Milwaukee, Wis., on June 26–28, 1970. This conference resulted in the formation of the National Committee Against Racism, War and Repression, which subsequently underwent a name change and is currently known as the People's Coalition for Peace and Justice—PCPJ. Plans were formulated to emphasize such issues as "racism," "repression," and "poverty" along with antiwar protests.

The basic difference between the two coalitions is rather simple. In general, the Trotskyite NPAC emphasizes a single issue—the war—and a single tactic—massive rallies and marches. The Communist PCPJ is committed to dealing more militantly with such issues as racism and repression in addition to the war and favors the use of a wide spectrum of tactics, ranging from a multiissue decentralized program to mass civil disobedience.

Among the top leadership of the PCPJ are such well known Communist Party functionaries as Gilbert Green and Jarvis Tyner, members of the Communist Party's National Committee. In addition, there is Sylvia Kushner, a member of the State Committee of the Communist Party of Illinois, Irving Sarnoff, formerly active in the Southern California District of the Communist Party, Sidney Peck, former Communist Party leader in the State of Wisconsin, and David Dellinger, who is often described by the press as a leading pacifist but who describes himself as a non-Soviet Communist. There is also, of course, Rennie Davis, who was convicted in Chicago, Ill., for violation of antiriot laws.

The ties between the PCPJ and its foreign principal was revealed when a delegation from the PCPJ traveled to Stockholm, Sweden, for the November 28–30 1970, World Conference on Vietnam, Laos, and Cambodia which was staged by the Communist Stockholm Conference on Vietnam. The conference called for the coordination of worldwide demonstrations and mass actions throughout the world designed primarily to force withdrawal of American forces from Indochina. Significantly, the World Conference gave its official endorsement to the spring, 1971, offensive by antiwar forces in the United States.

Turning to the other major antiwar group, the NPAC, we find that of its five national coordinators, four are affiliated with the Socialist Workers Party. The NPAC steering committee includes representatives of several organizations that are dominated by the Socialist Workers Party and its youth arm, the Young Socialist Alliance. Among the prominent Socialist Workers Party members serving on the NPAC steering committee are Fred Halstead, Donald Gurewitz, and Carol Lipman.

Although a NPAC delegation did not attend the November 1970 Stockholm conference, the NPAC has not been without foreign Communist support. For example, the July 3, 1970, issue of the Militant, official organ of the Socialist Workers Party, reported that the founding conference for the NPAC had received foreign Communist support in the form of a telegram from Nguyen Van Sao for the National Liberation Front of South Vietnam and from Ly Van Sau for the Paris Delegation of the Provisional Revolutionary Government of South Vietnam. Both messages hailed the conference for focusing on the demands for immediate withdrawal of U.S. forces from Southeast Asia and welcomed the "growing solidarity of the American and Vietnamese people in the fight for peace."

It is interesting to note that both the NPAC and the PCPJ endeavored to work together in mapping out a 1971 spring peace offensive but were unable to reach an agreement as to specific dates or tactics. Hours of discussion at conferences designed to coordinate their activities served only to emphasize the wide divergence of views between the leaders of the two groups. Hopelessly deadlocked, the NPAC and the PCPJ appeared to be headed their own individual ways and the 1971 spring offensive doomed to small ineffective protest actions.

However, at a hastily called joint press conference on March 2, 1971, the leaders of the NPAC and PCPJ announced that they had resolved their differences and were mobilizing a powerful force to "oppose the brutal and irresponsible policies of the Nixon administration." The leaders announced they would cosponsor an April 24 massive demonstration in Washington, D.C.

In addition to building the April 24 action, the PCPJ, the more militant of the two coalitions, announced it would organize protests to continue in the Nation's Capital from April 24 through May 5, when both groups would again unite in organizing a "nationwide moratorium on business as usual" around the country in general and in Washington, D.C., in particular. As a part of this action, the two groups announced their plans to march on the Capitol Building.

A highly significant factor in the settling of the differences between the NPAC and PCPJ was an urgent plea made by Xuan Thuy, head of the North Vietnamese delegation to the Paris talks. Thuy, in a message of February 27, 1971, addressed to all antiwar forces in the United States was apparently instrumental in convincing the NPAC and PCPJ that the need for unified antiwar action was paramount. The following is the text of the message delivered by Xuan Thuy as printed in the March 20, 1971, issue of the Guardian, self-described radical weekly:

> Facing the serious situation as it's now presented, I call upon the progressive American people and all antiwar organizations in the United States to unite closely, to associate all forces and strata of the population irrespective of their skin color, religion and political trend, thus making a wide and strong movement so as to curb in time new military adventures by the U.S. Administration, to demand an end to their war of aggression in South Vietnam, Laos and Cambodia, to demand the withdrawal of all American troops from Indochina and let the Indochinese people settle their own internal affairs. Such is the way beneficial to the peoples of Vietnam and Indochina, beneficial to the American people, beneficial to peace in the world. I wish you every success in your coming activities.

One of the main features of the forthcoming antiwar demonstrations is a so-called People's Peace Treaty, a document drafted in Hanoi and signed by a delegation consisting of representatives of the National Student Association, who traveled to Hanoi at the urging of PCPJ

Leader Rennie Davis, Vietcong, and North Vietnamese student groups. The People's Peace Treaty, which is in complete accord with the Communist position in Vietnam, calls for immediate American withdrawal from Vietnam, release of all political and war prisoners, and self-determination for the people of Vietnam. By ratifying this so-called treaty the signers pledge to take whatever actions are appropriate to insure its acceptance by the U.S. Government.

The Department of State has officially denounced the People's Peace Treaty as "not a program for a reasonable and lasting peace. The provisions are in essence the same terms which have been put forward repeatedly over the past few years by the Communist negotiators in Paris."

At this point I would like to take cognizance of the fact that the international Communist movement has always operated on the principle of "just and unjust" wars. According to Communist ideology, an "imperialist or unjust war" is one which the world Communist movement opposes while a "people's war or a just war" is one it favors. According to the Marxian definition, U.S. participation in the conflict in Southeast Asia is an "imperialist or unjust struggle" and all Communists are obliged to resist the American forces with demonstrations, propaganda and all resources at their command. The Hanoi government has on many occasions in the past hailed the so-called progressive elements in this country for launching a broad and powerful offensive to demand that the U.S. Government put an immediate end to the Vietnam war.

A few days ago I received in the mail, as I am sure many of my colleagues did, a letter from the NPAC soliciting an endorsement of the forthcoming April 24 massive demonstrations. Enclosed with the letter were endorsements the NPAC had already received from 15 Representatives and four Senators. I wonder if my colleagues are prepared to accept the chaos which these antiwar groups are proposing to unleash? I wonder also if my colleagues would be participating if they were aware of the leading part which Communist elements both at home and abroad have played in the planning and coordination of the demonstration soon to take place.

Because this antiwar activity is being carried out in the name of peace, many responsible American citizens who are interested in world peace on an honorable basis, may hasten to lend their endorsement to this activity.

For whatever reasoning or rationalization they might have, they apparently feel that participation in the activities of groups opposed to war is the proper way to assist in reaching that goal. But how many of them really know the background of the leaders of these antiwar groups? How many of them would participate if they knew in advance that they were following those whose activities in the past clearly brand them as arch enemies of our Nation? This is why I feel it is vital to set the record straight by disclosing the Communists and Trotskyites who are masquerading as prophets of peace.

Peaceful dissent is an act of faith in the democratic system—a belief that orderly change is an attainable goal. Peaceful dissent is a responsible outlet for sincere difference of opinion, and is within our democratic framework. Peaceful dissent also focuses attention on public issues troubling our Nation. The right to dissent, however, is no license for violence, subversion, or revolution.

The only respectability these antiwar peace coalition groups can hope to achieve is from the good and conscientious Americans who follow behind their banner. I can only hope that my colleagues and our fellow Americans will look closely before they leap behind these groups' Communist banner. These militants have absolutely nothing genuinely in common with the vast majority of those Americans who are interested in securing peace on an honorable basis.

And so, Mr. Speaker, on April 24 the first in a series of militant demonstrations is scheduled to take place in Washington. The goals and possible consequences of the demonstrations should be a matter of deep concern to all of us. I want to make it clear that I do not take issue with the claim that the war is deplorable. This is regrettable and the President is doing all he can to bring about the speedy withdrawal of American troops from Vietnam. I do take issue with the claim, however, that the antiwar groups, like the NPAC and the PCPJ, have the right to move into the Nation's Capital for the expressed purpose of disrupting its normal functions until its demands are met. Specifically, I have reference to the plan to keep Congress in session on May 5 until it ratifies the so-called people's peace treaty. This is not the democratic process; this is pure and simple intimidation and blackmail.

Leaders of these antiwar groups have already begun negotiations with Government authorities in regard to the establishment of a "peace city" encampment of some 75,000 protestors in Rock Creek Park to be used as the launching point for militant antiwar demonstrations during the period of April 24 through May 5. I, for one, am deeply concerned and apprehensive about the possibility of this type of encampment. It seems to me that the combination of a large number of people in temporary shelters for an extended period of time will almost inevitably lead to disruptions and violence. In addition, I believe the Rock Creek Park area is for all the people to use and enjoy, especially with the advent of spring. I am sure this picturesque park land was never intended to be used exclusively by a dissident group whose main purpose is to pressure the administration and the Congress to bow to its demands.

With regard to the forthcoming demonstrations and the participants themselves, the matter is one which must be considered within the framework of the democratic processes and with understanding that rule of law is the foundation stone of our society. The U.S. Supreme Court has pointed out in the case of Cox against Louisiana:

> We also reaffirm the repeated decisions of this Court that there is no place for violence in a democratic society dedicated to liberty under law . . . There is a proper time and place for even the most peaceful protest and a plain duty and responsibility on the part of all citizens to obey all valid laws and regulations.

Thus, the Supreme Court has ruled that demonstrators do not have a constitutional right to block the bridges and highways leading to Washington, to block the entrance of a building, or to otherwise disrupt the functioning of the Government.

The planned acts of rebellion by these antiwar forces demand prompt action by law enforcement authority and not merely statements of concern. Society has already had to pay a staggering price for mad rampages in the past. The real victims of these militant demonstrations are the hard-working, taxpaying, law-abiding citizens of this country, who believe, as I do, that senseless acts of violence against innocent people in the name of peace must be rejected. I cannot help but think that among the many thousands of individuals planning to participate in the activities sponsored by these antiwar forces are those who would withdraw if they knew they were in league with the international Communist movement.

Law enforcement authorities should plan an effective course of action. We have grown so accustomed to demonstrations in the Nation's Capital over the past several years, that many of our citizens tend to take disruptions for granted. There may be serious disorders ahead. I hope that I am proven wrong. But to be forewarned is to be forearmed. It is time for the authorities to promptly and firmly announce to those intending to participate in these forthcoming demonstrations that lawlessness, disruption of the Government, and incitement to rioting and violence will be promptly met with arrest and such force as may be necessary to prevent or to quell such acts.

I am inserting the printed program for the forthcoming antiwar demonstrations as published by one of the participating organizations, Students and Youth for a People's Peace:

> April 24.—Mass rally in Washington, D.C. cosponsored by the National Peace Action Coalition and the People's Coalition for Peace & Justice (PCPJ).
>
> April 24.—Regional and national constituency (e.g. Women, Gays) movement centers open in Washington.
>
> April 26–30.—PCPJ sponsored massive people's lobby of Congress and government offices; will include small special group sitdowns and other civil disobedience by clergy, pacifists, etc. if they're denied access.
>
> May 5.—"No business as usual" across the country.
>
> May 1.—People's Assembly, to be held on a farm outside Washington—a celebration of our signing the Peace Treaty where our politics and culture unite—the first official day of Treaty enforcement—an occasion for world-wide demonstrations of support for the Vietnamese and our anti-war struggle—a march from Kent State and car caravans from other cities will arrive.
>
> May 2.—Rally sponsored along with the People's Coalition for Peace and Justice which brings together all the groups which will be in united action to enforce the Treaty in Washington for the next three days. The National Welfare Rights Organization, the SCLC mule train from New York, and youth and students who have marched in

from the farm will give Nixon a final opportunity to accept the Treaty before we take to the streets. Public declaration of targets for disruption and goals of the next three days.

May 3 and 4.—"If the government won't stop the war, we'll stop the government." Each region or national constituency group will have assumed the responsibility of interfering with the functioning of specific bridges, traffic arteries, or government buildings during the 7–9:30 a.m. rush hour. The manner in which this is to be done will be determined by each group, but the overall discipline will be non-violent, the tactic disruptive, and the spirit joyous and creative. We strongly discourage random acts of violence or the trashing of property in Washington. All actions will take place in the white controlled Federal areas, i.e. south of Massachusetts Avenue so as not to interfere with the black community.

May 5.—As part of a national moratorium on business as usual, we will march on and encircle the Capitol building, insisting that Congress must stay in session until it has ratified the People's Peace Treaty.

J. EDGAR HOOVER AND THE FBI

(Mr. ABERNETHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERNETHY. Mr. Speaker, I was shocked and saddened over what I regard as an unwarranted attack made yesterday on the Honorable J. Edgar Hoover. I regard our majority leader, who made the attack, as my friend and am personally fond of him. But I strongly disagree with what he said about Mr. Hoover and the FBI.

We are living in a dangerous time. Crime is at its highest level. The drug traffic has reached thousands of our youth at both the high school and college levels. Hoodlums are frequently turning our trial courts into turbulent scenes of disorder. Anti-American movements are fast developing before our very eyes.

In these dangerous times we need J. Edgar Hoover. We need and should appreciate his vigorous effort and that of his Bureau more than ever. Fortunately, most Americans do.

Mr. Hoover is a patriotic American. He believes in law and order. He has no favors for any who disobey the law. He treats all alike—rich or poor, strong or weak. He instructs and directs his men to follow the same course—and they do.

Mr. Speaker, prior to my coming to the Congress, I served 7 years as a State prosecutor. In those days I learned considerable about law enforcement. My service in this body for many years has afforded me a front row seat to the observance of law enforcement and dedication to duty. I believe I have had sufficient experience and background to evalcient Mr. Hoover and the FBI.

I sum it up, Mr. Speaker, by saying that we, as Americans, we as a nation who believe in law enforcement, we as a people who advocate and support an orderly society, who believe in fair play, and who actually despise dictators and police states, owe a debt of gratitude to J. Edgar Hoover and his FBI team. They have done a magnificent job in enforcing the law and helping to perpetuate the beliefs and ideals on which this Nation was founded and which has made it the envy of the civilized world.

Mr. Speaker, I lift my hat to the Honorable J. Edgar Hoover and the team of agents which he has developed into the greatest law enforcement agency in the world.

THE CASE OF LT. WILLIAM CALLEY

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, I would like to commend President Nixon for having the fortitude to personally take charge of the Lt. William Calley matter.

Although the Mylai incident occurred while Lyndon Johnson was President and, of course, in no way could be attributed to the Nixon administration, President Nixon has demonstrated to the American public and this Congress that he is responsive to public opinion and that he will not shirk the duties of his office, for as Commander in Chief, he does have the final responsibility in this area.

With this in mind, Mr. Speaker, it is somewhat disconcerting to hear on the radio a report such as I heard this morning. The report was that former Attorney General Ramsey Clark criticized President Nixon for personally intervening in the matter and the President stating that he would have the final authority in the Calley matter. The former Attorney General is reported as stating that if we are a nation of law, then by President Nixon, stating that he would make the final decision in the Calley case, did detriment to the country by this statement.

One would think that Ramsey Clark would have more knowledge of our federal system than is displayed by his criticism. As a former Attorney General, surely Ramsey Clark must have been aware that in all military matters, the President, by law, has the final authority. President Nixon, by stating that he would not shirk this responsibility, is merely reaffirming that he is determined to have our American system work.

Possibly Ramsey Clark is one of those individuals who just feels he must nitpick against President Nixon even when he Ramsey Clark does not know what he is talking about. Frankly, Mr. Speaker, I for one, was very distressed when Ramsey Clark, as Attorney General, refused to enforce section 12–A of the Selective Service Act with regards to the actions of Stokely Carmichael. After refusing to enforce the law and in response to inquiries, he sent one of his Assistant Attorneys General to a House Committee to state that, in his opinion, the law was unconstitutional. Of course, I was surprised that the Attorney General should feel it his responsibility to decide whether a measure was constitutional or unconstitutional; other men who have held his office have left such determinations to the courts. But after having heard his criticism of President Nixon, for stating that he would perform the duties of his office, the mystery is cleared up considerably. Ramsey Clark just does not know what he is talking about or what the law actually is.

MOST FLAGRANT MISUSE OF U.S. GOVERNMENT FRANK IN OFFICES OF THE PEACE CORPS IN WASHINGTON

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include a letter.)

Mr. MOORHEAD. Mr. Speaker, I rise to inform the House that a most flagrant misuse of the U.S. Govrnment frank recently occurred in the offices of the Peace Corps in Washington. Former Peace Corps volunteers and staff members report that they have been receiving private advertising letters promoting the sale of a new book in Government-franked envelopes. The penalty under the law for this offense is $300. The matter is now under investigation by the House Foreign Operations and Government Information Subcommittee of which I have the honor of being chairman. I also have requested that the U.S. Postal Inspection Service look into the case.

Apparently, quite a quantity of these letters were mailed utilizing Peace Corps mailing lists. Officials of the Peace Corps understandably are most distressed by this incident and are conducting their own inquiry to fix responsibility and make certain it does not occur again.

The promotional letter advertises a new book entitled: "A Moment in History: The First Ten Years of the Peace Corps," by Mr. Brent Ashabranner who formerly served as Deputy Director of the Peace Corps. The book was published by Doubleday & Co., Inc., of New York. The promotional letter for the book urges the purchase of the book for $7.95 "at better bookstores everywhere." The Peace Corps informed the subcommittee that the signer of the letter, a Miss Anne Mishley, is a fictitious name. A copy of the letter follows:

DOUBLEDAY & CO., INC., PUBLISHERS,
New York, N.Y., February 1, 1971.

DEAR FRIEND OF THE PEACE CORPS: It was through you, the young who generated candid emotions and unabashed compassion toward the world around you, that a vague campaign promise to organize an international agency—the Peace Corps—for the betterment of peoples was realized.

Doubleday is pleased to present to you, on March 1st, 1971, a book dedicated to your struggles and triumphs: "A Moment in History": *The First Ten Years of the Peace Corps*, by Mr. Brent Ashabraner who became Deputy Director of the Corps in 1967. Mr. Ashabranner, whose devotion to those very same ideals helped supply the impetus to make the Agency go, candidly penetrates every phase of the Corps' development from its shaky beginnings—brought about by its rapid uncontrolled expansion—to the unique organization which has captured the imagination of today's world.

And you will, no doubt, see yourself presented in these pages as Mr. Ashabranner describes, with scores of examples, the Corps' significant achievements perpetuated through your eagerness and determination.

"A Moment in History" will be available to you on March 1st, 1971, for $7.95, at better bookstores everywhere.

Sincerely yours,

ANNE MISHLEY.

CONTINUED U.S. SOVEREIGNTY IN PANAMA CANAL ZONE—A MUST

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HALL. Mr. Speaker, on January 26 of this year, the distinguished gentleman from Pennsylvania (Mr. Flood) and I introduced resolutions expressing the sense of the House of Representatives that our sovereign rights over the Panama Canal Zone be maintained, and that the United States in no way surrender its control or jurisdiction over this vital Isthmian area.

During that January introduction, Mr. Flood and myself, pointed out the grave national and international situation developing over the Canal Zone. Among the reasons creating this grave situation is the fact that the final report of the Atlantic-Pacific Inter-Oceanic Canal Study Commission, under Public Law 88–609, authorizing the study of the feasibility of constructing a new transisthmian canal of so-called sea-level design, was filed with the President on December 1, 1970. This report contained a primary recommendation for the construction of this sea-level canal entirely in Panamanian territory, about 10 miles west of the existing canal, regardless of the costs or consequences. This recommendation hinges upon surrender by the United States of its sovereign rights and jurisdiction over the existing canal zone. I need not tell this body the dire consequences of such a surrender, to this country and the free world.

In addition, Mr. Speaker, the President has appointed negotiators to explore further with the military dictatorship that rules Panama, the possibilities of new talks on the status of the Canal Zone. Only last week, Mr. Robert N. Anderson, the senior U.S. Representative in the negotiations, was in Panama for conferences with high Panamian officials. It was believed in diplomatic circles that Anderson's visit was a prelude to a formal announcement by the United States and Panama of the resumption of treaty negotiations. If this be the case, Mr. Speaker, let me remind the House that this is the same Robert M. Anderson that negotiated the abortive draft treaties on the same subject in 1967. Let us not give Mr. Anderson another chance to preside over the biggest single proposed real-estate giveaway in the history of the United States.

It is time that the Congress goes on record as opposing any further reduction of U.S. soverign control over the Canal Zone. The resolution we are introducing today will do just that. By expressing itself to this issue Congress will arm our negotiators so that they would not dare oppose the will of the American people. Therefore, Mr. Speaker, I urge my colleagues to join with the distinguished gentleman from Pennsylvania, and myself, and introduce the House of Representatives resolution.

We dare not tarry.

CONGRATULATIONS TO EMORY AND HENRY COLLEGE IN EMORY, VA.

(Mr. WAMPLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WAMPLER. Mr. Speaker, the daring accomplishments of our astronauts during their space missions have earned the unqualified admiration of the world. On many occasions they have publicly paid tribute to the dedicated and highly skilled technicians of the National Aeronautics and Space Administration to whom they give credit for making their missions possible.

In the Ninth District of Virginia, which I am honored to represent, is a small liberal arts college. Mr. Speaker, 19 graduates of Emory and Henry College in Emory, Va., are now employed by the National Aeronautics and Space Administration. The unusual story of these 19 outstanding scientists was recently compiled by Worth J. Young, professor of physics and mathematics at Emory and Henry College. Professor Young taught every one of these aerospace engineers and technologists.

So my colleagues may know of the outstanding performance of this particular group of men and women, I include Professor Young's feature article in the Congressional Record.

I am very proud of Emory and Henry College, of Professor Worth J. Young, and of each of the following men and women: Lawrence E. Barker, Jr., 1957, aerospace technologist; Claude B. Castle, 1957, aerospace engineer; Steve W. Farmer, Jr., 1955, aerospace technologist; Kenneth R. Holmes, 1956, aerospace technologist; William C. Honaker, 1957, aerospace technologist; Mrs. Elroy J. Johnson, 1949, technical publications editor; Robert A. Kilgore, 1955, aerospace engineer; William H. Mayes, 1956, aerospace engineer; Charles E. Mercer, 1956, aerospace engineer; Donald J. Progar, 1959, aerospace technologist; Robert B. Reynolds, 1965, aerospace technologist; Wayne Slemp, 1958, aerospace technologist; R. Gale Wilson, 1958, aerospace technologist; John W. Young, 1955, aerospace engineer; Philip R. Young, 1962, aerospace technologist; Ausley B. Carraway, Jr., 1957, aerospace engineer; John E. Grimaud, 1957, aerospace technologist; and Robert S. Harris, Jr., 1957, aerospace technologist.

The article follows:

ALUMNI PARTICIPATE IN NASA PROGRAM

The 1960's will forever be remembered as the decade during which man first emerged from the friendly environment of the earth and journeyed to the desolate and rugged craters of the moon. This historic event was the culmination of perhaps the most spectacular performance by mankind in recorded history. The most amazing feature of this performance is not the fact that men were landed on the moon and safely returned to earth. It is that this astonishing feat was accomplished by a group of ordinary, highly skilled, and dedicated average people who were willing to work together in an organization known today as the National Aeronautics and Space Administration.

NASA's laboratories constitute possibly the largest basic research facilities in the world. The oldest of these facilities is the Langley Research Center located in Hampton, Va. It should be of interest to our alumni and friends to mention the fact that one per cent of Langley's professional scientific personnel are Emory & Henry graduates.

Langley Research Center and NASA have no ivory towers. Recognition is based on performance and not on academic achievement. Emory & Henry College is proud of the fact that a considerable number of her graduates performed nobly in this gigantic team effort. More than a score of our alumni, individually and collectively, have made significant contributions toward the development of various NASA projects.

The contribution of our alumni in NASA establishes an excellent argument for the justification of the existence of the small, church-related, liberal arts college—namely, that the small college can provide instruction on a par with that offered by the large university and also add that something extra which is necessary to motivate and develop originality.

In this special feature we recognize some of our own dedicated men and women who have given of themselves their best effort toward the attainment of the lofty goals which have been set for NASA.

Nineteen of our graduates are presently employed by the National Aeronautics and Space Administration. Most of our alumni in NASA were produced by one student generation of science majors. J. Norwood Evans, NASA's assistant personnel officer, made annual spring visits to our campus (1955–58) and recruited 18 science majors, 15 of whom are still working in the space program. This group helped open the way for the development of Project Apollo. Included in this assemblage of persons are at least two NASA section heads and one unit head.

It is regrettable that lack of space prohibits listing all the accomplishments of each individual. However, it may be of interest to mention the contributions of a few which appear to be particularly noteworthy. One member of this student generation did pioneering work in the development of lunar surface scientific instruments and sample collection equipment. Another member pioneered in analysis and computer simulation of manned and automatic guidance and control problems of entry vehicles. A third member deserves a salute for a seemingly incredible performance. This person is author or coauthor of more than 35 technical publications and has given 20 technical presentations to professional organizations.

Collectively, these 19 graduates have authored or co-authored more than 155 publications and have given at least 45 technical presentations to various national and regional conferences. These conferences include American Astronautical Society, Air Force Materials Symposium, National Aerospace Electronics Conference, Re-entry Guidance and Control Conference, ASM Meeting, Fifth Symposium on Thermal Radiation of Solids, American Institute of Aeronautics and Astronautics, and the Annual Meeting of the American Society of Mechanical Engineers.

It is interesting to note that this same student generation of science majors also produced two Ph.D.s in physics, one Ph.D. in biology, two M.D.s, and one D.D.S.

Mrs. Elroy J. Johnson (Eloise Leonard ,'49) holds the distinction of being the first Emory & Henry graduate to be employed by National Advisory Committee for Aeronautics, which became NASA in 1958. Mrs. Johnson was hired in March 1952. She is a NASA technical publications editor and is apparently performing her duties in excellent style.

The three alumni most recently employed by Langley Research Center were graduated in 1959, 1962, and 1965. The fact that these three young men were hired is a tribute to Emory & Henry since NASA, in the early sixties, apparently had accumulated an adequate staff of aerospace technologists. That the addition of these men has proven to be a good investment is attested to by the contributions they have made to various projects. The group has authored or co-authored approximately a dozen publications. It has given two technical presentations to professional organizations and societies. One member of this group has produced one invention and another has one patent pending.

It took less than one-half of one per cent of our Gross National Product to put American explorers on the moon. That in itself would seem a good investment, especially in view of the fact that Project Apollo has been the most revolutionary scientific and engineering development since the beginning of civilization. But the return has been much greater than that. From this expenditure have come thousands of spinoffs or byproducts which could not be predicted; some of them hadn't even been imagined and certainly were not expected. Some of these are almost as sensational as the lunar missions themselves.

BYPRODUCT

One unexpected byproduct, for instance, has been an amazingly versatile substitute for a wheelchair. It can go up and down stairs, or anywhere a person can walk. And it can be operated by a switch controlled by the movements of the eyeball. This device was developed from the design of an unmanned radio-directed instrument carrier which was originally intended for use on the moon. Announcement has just been made at the Marshall Space Flight Center in Alabama that two of these "perambulators" are undergoing evaluation by medical personnel in Texas and California. It is hoped that they can soon be in general use, for they will be a godsend to spastics, paraplegics, and other more severely handicapped citizens.

This highly mobile chair, which, by the way, has legs instead of wheels, is just one of the many wonders to come out of space. In the not too distant future, we may hear of a "cure" for blindness. Space technologists are working now to bring about such a thing, possibly through a miniature radar rig and television lens linked to the optic nerve.

More broadly speaking, the scientific and engineering technology necessary to send man to the moon has increased the competence of tens of thousands of persons. Boundaries have been literally wiped out. New skills have been learned and technicians have developed and increased abilities far beyond the usual pace.

One result of this has been a blending of engineering, medical, technical and management skills into a single working unit. Never before have so many branches of learning worked together on a single product. They have labored under a theory that nothing is impossible, and some of the byproducts tend to prove just that.

In order to build machines capable of keeping astronauts alive in space, scientists have had to design valves, pumps, filters, and switches which function with a reliability never before achieved. Much of the technology involved has proved useful in industry, medicine, and other non-aerospace fields.

MEDICAL BENEFITS

The medical profession, as indicated by the wheelchair substitute, has been a prime beneficiary. Space activity now is offering help to hospitals in their fight to overcome rising labor costs. For one thing, the same method used to keep check on astronauts a quarter of a million miles away now permits a single hospital attendant at a central console to keep a close and constant tab on the condition of every patient in a ward.

There will be a breakthrough before long, it is believed, in the battle against cancer. Already the space program has developed a fluoroscopic camera that will at an early stage identify tumors, a forerunner of cancer.

Space scientists also have developed a modified version of the helmets astronauts wear to permit clinical diagnosis of oxygen consumption by children while they are at play, no longer making it necessary for them to remain inactive during such tests.

American industry has received many benefits from space technology. An electromagnetic hammer invented for construction of launch vehicles causes metal to flow like soft plastic, enabling it to be smoothed and shaped without weakening it. Spacecraft-coating research has produced an ultra-long-wearing paint for home use. A hand-size, battery-operated TV camera used to photograph rocket-stage separation is employed to monitor industrial processes.

NEW PRODUCTS

Scores of new products are coming into the markets, though they are not always identified as space-oriented. There are miniature spray guns, automatic alarms that keep watch over hospital patients suffering from respiratory difficulties, coatings and lubricants that withstand high and low temperatures, computers, high-output pumps, and many other things—all byproducts of the space program.

The space satellite is having its effect on agriculture. It is monitoring crops, forests, water sources, earth resources, even the whereabouts of fish. It can tell when a crop is diseased and often even determine the cause. It can warn of storms and fires and floods. In time it will be able to tell a farmer when to plant and when to harvest.

An aerospace engineer was recently presented with a NASA medal for exceptional scientific achievement for initiation at Langley of a research program on the effects of space radiation on mammalian cells at the molecular level, and for his discovery of communicating bridges between cancer cells which have been recognized as a possible mechanism for cancerous growth.

Whence came the earth? Philosphers, for centuries, have been groping for the answer to this question. Many ingenious hypotheses have evolved from the worlds most brilliant minds. But every one of these hypotheses has had at least one fatal argument, and the final result invariably has been frustration. NASA is making contributions toward the answer to this perplexing question and the continuing pursuit of its challenging goals may some day set free the minds of men.

In recent weeks it has been made public that a "supercritical wing" is being developed at NASA Langley Research Center which virtually eliminates certain shock waves that now plague high-speed aircraft. NASA officials in Washington said the super-critical wing could lead to creation of a cheaper non-polluting alternative to the supersonic transport whose future development is now tied up in Congress.

Only a few of the outstanding contributions of NASA have been mentioned here. Substantial as they are the present is only a trickle compared with the flood that is sure to come. One cannot express in dollars the rejuvenated values of hopes created by the space program's demonstration that free men of competence and good will can work together to achieve almost impossible goals.

AMERICAN TRAGEDY

(Mr. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LLOYD. Mr. Speaker, in the week that has elapsed since the verdict judging Lt. William Calley as guilty of premeditated murder, an anguished America has cried out against what appears to be excessive punishment of a single soldier, at a time when it appears that our engagement in guerrilla warfare in Southeast Asia has created conditions of physical and mental anguish with which it is seemingly beyond the patience and the national commitment to cope.

Lieutenant Calley received what appears to be a fair trial and was convicted by a military jury of honorable men who themselves had seen combat service in Vietnam. He was performing what he considered to be his duties under conditions which none of us can properly assess or judge. On the day following the verdict of the military jury, I stated in response to a question from a journalist calling from my district that it was extremely difficult to judge between excusable brutality and inexcusable brutality, and I also stated that I felt it was unfortunate that this single trial had taken place in a highly emotionally charged and highly publicized manner. Lieutenant Calley is not the only military man to be charged with murder in this war. Over 100 have been charged and over 50 have been convicted and have served or are serving their period of punishment.

The Army had lodged charges against Lieutenant Calley on Sept. 5, 1969. The article by Mr. Seymour Hersh, which is generally credited with stirring up the emotions of the people, was not published until November, 1969. I believe the Army would have proceeded properly and fully in determining Lieutenant Calley's guilt had not Mr. Hersh's article ever appeared, and created the "Roman Circus" atmosphere.

Some are claiming today that Lieutenant Calley should not be punished for a crime regardless of the findings of a court and a jury. I do not find this line of reasoning supportable. There is no doubt that Lieutenant Calley will receive the highest quality of legal defense and that the crime and punishment, which have now been declared, will at least be reduced as evidence today strongly indicates.

Others, such as Mr. Hersh himself appearing on the Today Show on television this morning, are agitating for widespread legal action against literally hundreds of others in our armed services who it is claimed are equally guilty with Lieutenant Calley. I do not believe the records of the leaders of our Armed Forces justifies this type of extremist demand. This is a cruel and terrible war. Whether or not we should have engaged in military action in Southeast Asia is now beside the point. Both Democratic and Republican administrations made the decision that this country, as the leader of the free world, had a responsibility to assist in the protection of freedom. In 1960 in his inaugural address, President John F. Kennedy stated:

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty.

On that high moral base, the majority of the people of this country supported actions of its Government in going to the assistance of a country whose freedom had been threatened by an invasion from the north.

This country's mental anguish cannot be resolved by the extremists on either side. It is a time for cool heads and a determination to seek the right and to reassociate ourselves in Lincoln's words "with firmness in the right as God gives us to see the right." It will do no good for us to turn upon each other in an attitude of snarling hate and to attempt to judge each other as to who is most guilty for results which seem to have turned out badly.

It is also claimed by some that President Nixon is playing politics in intervening in the Calley case. I certainly do not agree. As President of the United States, I believe it is his proper duty as the elected leader to respond in behalf of the American people in the manner in which, as an individual human being, he feels morally stimulated to respond, and I believe it is proper that it was the President who ordered the removal of Lieutenant Calley from the stockade and who made the announcement that he as President would participate in the final judgment. With this assurance, let us go on with our work in behalf of the people of the United States who have reposed their trust in us.

One of the most readable of the editorials from my District on the Calley case came, as might be expected, from the weekly press. I present here without comment the editorial published in the Millard County Progress of Fillmore, Utah, in the Delta Chronicle of Delta, Utah:

AN AMERICAN TRAGEDY

Lt. William Calley was found guilty in the charge of the blood-bath of some 22 civilians at My Lai. He now faces a life sentence by the Military Court.

It was reported in an American Press interview in regard to My Lai that "For once, man was able to see all the hells of war at once."

Nationwide and especially around Fort Benning where the trial had taken place, the mood was one of anger and disbelief, gloom and depression. There were those, reared in the patriotic tradition who felt like sobbing with dismay. His was the first conviction in the My Lai slayings.

We train men to fight, to kill; we train men that in fighting such wars as the one in Vietnam that the enemy is not only in front of you, but behind you, to the side, to the front.

Civilians, women and children especially have always been the cruel victims of war. The wounding, the crippling, the killing of those not directly involved in the fight has been the real tragedy of war. But "War is Hell" and there is nothing kind nor nothing just. The whole concept is to win and win any way that is possible.

Right here in Millard County, there is a man, a veteran of Vietnam, wounded twice. On one of those occasions, he was wounded and his buddy killed by a bomb handed to them by a youngster.

This Editor got just a little sick and covered with cold beads of sweat the first time on a certain hill in North Korea where he was a forward observer. The duty was to call in artillery fire on a village. But from that village came death to any American or other National force who dared to approach. In fact, the path leading to it was flowing red with blood from the brave, who in the name of Freedom were fighting in some forgotten land. This was where, from one day to the next one never knew for sure, just who was the enemy.

At 1:45 a.m., August 6, 1945, the B–29 Enola Gay took off from Tinian Island; at 8:15 it dropped an atomic bomb on the city of Hiroshima which killed 78,150 Japanese. In five seconds, its dreadful cloud was two miles wide. The war was soon over, a nation was brought to her knees. But people trembled everywhere in the hot white glare of the new age.

What were the emotions of the pilot and crew of the Enola Gay, for at 8:15, their time, USA, some of these men had children who were just going to school, a wife going to work, a house full of loved ones; but then the price of Freedom is never cheap.

Dawn was breaking one cold day in Korea and we were retreating. The Chinese had entered the war. There sat a Marine, perhaps only 17, you could not tell for the cold had cut into his face and eyes until even the look of animal survival was gone—but he kept prodding with a spoon in a frozen can of C rations, for one frozen bean. He could barely move it and it was almost impossible to hold a spoon in his near rigid and frozen fingers. But he finally was able to move that one bean to his lips. And now as he stood and waited for his breath to thaw the bean, he was asked what he wanted if he could have had any wish. He continued to stand motionless, with empty eyes. Then his lips began to open slightly, and close, as though the effort was too great. But he tried again and then finally his eyes raised to the greying sky and he said, "Give me Tomorrow."

And then there was the sea, and the ships to carry them away, to live, to die, to think, to fight again.

America, we feel, was placed on trial at Fort Benning and out of this war in Vietnam may well emerge the greatest American Tragedy since the Civil War. The wounds, scars and blood that it has spilled will take another generation of yet unborn Americans to heal.

We reflect quietly of a wind-swept hill overlooking this great and this good and this bountiful valley called Pahvant and this beautiful country called America and before us we see a tattered but still waving tin American Flag flying over a fallen hero. We can only think these words, "Is life so dear or peace so sweet as to be purchased at the price of chains and slavery."

David O. McKay said, "I know that they and we do not want war; but there are things that are worse than death—one is to be deprived of our liberty!"

We do not profess to judge Lt. Calley, to judge War, to wage War, nor do we place a price on Freedom for it cannot be bought at any price; but it can be destroyed. It was once observed, "it was not that the walls of Rome were low. It was that Rome, itself was low." "One flag, one land, one heart, one hand, One Nation evermore!"

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CRANE. Mr. Speaker, as we continue to evaluate West German Chancellor Willy Brandt's "Ostpolitik," I believe it would be in the interest of the United States and its allies, which have generally supported Mr. Brandt's policies, to examine some of the irresponsible political rhetoric which has become a factor in German political life.

We must remember, of course, that Mr. Brandt is a member of the Social Democratic Party or SPD, and as might be expected, comes under the influence of other important leaders of his party. In fact, in Germany and other European nations, the party leader of a parliamentary government is much more a reflection of collective party leadership than is the President of the United States a reflection of the collective leadership of his party. Thus we must be very concerned with the statements which are being made by all party leaders because they offer a unique insight into some of the thinking of his party.

We have heard much of the alleged differences between Chancellor Brandt and his Defense Minister. We know also that some members of Mr. Brandt's coalition partner, the Free Democrats, were so displeased over "Ostpolitik" that they resigned and joined the opposition.

Because of the weight which various statements by key leaders have in determining the actual basis for West Germany's present policies, responsible people in our government become understandibly concerned when extreme and indeed almost irrational statements are made by supposedly responsible German leaders.

As an example, recently in Schlewig-Holstein, a prominent SPD leader made a statement about the U.S. presence in Germany.

Among other things, this SPD official accused allied forces stationed in Germany of being the instruments of a modern fascism. Second, he accused the allied forces of being in Germany under precisely the same moral and political and juridical conditions under which the Soviet occupiers are in Czechoslovakia.

Third, he even declared that allied forces would intervene in German politics if a particular aging ex-student radical were to be elected Chancellor of the Bundesrepublic.

Mr. Speaker, these accusations are rubbish, but they are significant rubbish in that they reveal how deeply the radical left has penetrated Chancellor Brandt's party. Certainly the existence of such left-wing extremists in positions of leadership in Chancellor Brandt's party must influence our thinking when the time comes to consider the real direction and motivation of the Ostpolitik.

It seems clear that in Germany, as elsewhere, the political extremes converge. The radical right and the radical left sound strangely alike. The radical right of the National Democratic Party believes that the allied forces in Germany constitute an evil dilution of some mystic Germanness. The radical left believes the allied forces are instruments of fascism. That interpretation must rank among the most eccentric political judgments of this age.

The allied armies which entered Germany to destroy fascism, and which remain today at the invitation of the democratic West German Government, would be a most inappropriate instrument for advancing the cause of fascism. And as for speculation about how the allies would react to the election of some aging ex-student radical as Chancellor, we, of course, know that the allied forces have quite enough to keep them busy in the task of keeping the Russians out of Schleswig-Holstein.

It can be said that extreme statements such as this one should not be dignified with an answer.

However, the point is that these kind of remarks show what is happening in SPD in Germany.

Our Government must be aware of these pressures as they continue to deal with Ostpolitik.

I am confident the voters of West Germany will appropriately deal with political irresponsibility when their turn comes.

Meanwhile, however, we must recognize reality and unfortunately reality suggests that Chancellor Brandt's party is being influenced by a far leftist faction whose intentions do not coincide with those of the United States or our NATO allies.

ALL STATES WILL BENEFIT FROM KEMP RAILPAX BILL

The **SPEAKER**. Under a previous order of the House, the gentleman from New York (Mr. KEMP), is recognized for 15 minutes.

(Mr. KEMP asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. **KEMP**. Mr. Speaker, the decade of the 1970's will be a critical period for America's passenger railroads and for the Nation's transportation system in general.

Our highways and airways are already dangerously overburdened. We cannot meet the demands for better transportation and more services without investing more resources and money. Traffic experts are predicting that total travel volume will at least double within the next 20 years. However, while we look for a solution, the passenger train is on the verge of extinction in many parts of the country. This trend must be stopped and reversed.

Trains are a very functional mode of transportation for commuters, for intercity travelers in densely populated "corridors," and for cross-country vacationers. The high-speed Metroliner between New York, Philadelphia, and Washington is evidence that Americans want and will use good trains.

The Railpax Corporation is making a bold and commendable attempt to revitalize and modernize passenger service along the routes that they have designated they will operate on May 1. However, I feel that the corporation is grossly undercapitalized at $40 million. In addition, upon commencement of operations on May 1, intercity rail passenger service will be slashed drastically in many parts of the country and some 16,000 jobs will be eliminated. Excluding the Northeast Corridor—Boston-New York City-Washington—where only minor adjustments will be made in the present pattern of service, the number of trains will be cut by 68 percent and daily train miles by 65 percent. Paradoxically, an admirable attempt to solve one problem has created other serious problems.

As an attempt to remedy this situation, I have introduced a joint resolution, which authorizes "additional appropriations to the Secretary of Transportation for the purpose of providing urgently needed intercity rail passenger service around the country and for the purpose of research and development in the field of high-speed ground transportation, and for other purposes." At this point I insert a copy of the resolution and a list of the cosponsors:

RESOLUTION

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Secretary of Transportation in the fiscal year 1972, $289,965,000 for expenditure by him to provide additional intercity rail transportation under section 2 of this Act and for the purpose of research and development in the field of high-speed ground transportation under section 3 of this Act. Amounts appropriated under this section are authorized to remain available until expended.

SEC. 2. (a) Of the amounts appropriated under the first section of this Act, 75 per centum shall be used by the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for the purpose of initiating and operating urgently needed intercity rail passenger service around the nation, including but not limited to the routes within the basic system designated by the Secretary and the following specifically recommended routes:

(1) Buffalo, New York, to Chicago, Illinois, via Erie, Pennsylvania; Cleveland, Ohio; Toledo, Ohio; and South Bend, Indiana.

(2) Detroit, Michigan to Toledo, Ohio.

(3) Denver, Colorado to Portland, Oregon, via Cheyenne, Wyoming; Ogden, Utah; and Boise, Idaho.

(4) Fargo, North Dakota to Portland, Oregon, via Billings, Montana; Butte, Montana; Spokane, Washington; Hinkle, Washington.

(5) Denver, Colorado, to San Francisco, via Cheyenne, Wyoming; Ogden, Utah; and Wells, Utah.

(6) Washington, District of Columbia, to Cleveland, Ohio, via Cumberland, Maryland; Pittsburgh, Pennsylvania; Youngstown, Ohio; and Akron, Ohio.

The routes referred to in paragraphs (1) and (5) of this subsection are highly recommended by the Interstate Commerce Commission and the routes referred to in paragraphs (1) (2) (3) (4) and (6) are highly recommended by the National Association of Railroad Passengers.

(b) In any case in which the Secretary of Transportation makes a grant to the National Railroad Passenger Corporation from amounts appropriated under the first section of this Act, he shall negotiate with the Corporation the terms of an agreement providing that, if the route initiated and operated by the Corporation with such grant becomes a profit-making route, the Corporation will agree to make reasonable payments to the Secretary (out of such profits) by means of installments until such time as the grant with respect to such route has been repaid in full. Amounts received by the Secretary under any agreement negotiated under this section shall be covered into the Treasury as miscellaneous receipts.

SEC. 3. Of the amounts appropriated under the first section of this Act, 25 per centum shall be used by the Secretary of Transportation to undertake research and development in high-speed ground transportation, including but not limited to, components such as materials, aerodynamics, vehicle propulsion, vehicle control, communications, right of way research and development, and guideways, in accordance with the provisions of the first section of the Act of September 30, 1965, relating to research and development in high-speed ground transportation (49 U.S.C. 1631).

SEC. 4. (a) The first sentence of section 403(c) of the Rail Passenger Service Act of 1970 (84 Stat. 1336) is amended to read as follows: "For the purposes of this section, the reasonable portion of such losses, not to exceed an aggregate of $5,000,000 annually, to be assumed by the State, regional, or local agency shall be 33⅓ per centum of the solely related costs and associated capital costs, including interest on passenger equipment, less revenues attributable to, such service, and, the reasonable portion of any such losses in excess of $5,000,000 annually to be so assumed shall by 66⅔ per centum thereof."

(b) The first sentence of section 404(b)(4) of such Act (84 Stat. 1336) is amended to read as follows: "For the purposes of paragraph (3) of this subsection, the reasonable portion of such losses, not to exceed an aggregate of $5,000,000 annually, to be assumed by the State, regional, or local agency shall be 33⅓ per centum of the solely related costs and associated capital costs, including interest on passenger equipment, less revenues attributable to, such service, and the reasonable portion of such losses in excess of $5,000,000 annually to be so assumed shall be 66⅔ per centum thereof."

COSPONSORS OF KEMP RAILPAX BILL

Representative LaMar Baker of Tennessee.

Representative Charles Carney of Ohio.

Representative Barber Conable, Jr., of New York.

Representative Thaddeus Dulski of New York.

Representative Hamilton Fish, Jr. of New York.

Representative Charles Gubser of California.

Representative Seymour Halpern of New York.

Representative Orval Hansen of Idaho.

Representative Frank Horton of New York.

Representative Michael Harrington of Massachusetts.

Representative William J. Keating of Ohio.

Representative Carleton King of New York.

Representative Norman F. Lent of New York.

Representative James McKevitt of Colorado.

Representative Stewart McKinney of Connecticut.

Representative William Minshall of Ohio.

Representative Bradford Morse of Massachusetts.

Representative Walter Powell of Ohio.

Representative Ogden Reid of New York.

Representative Robert Roe of New Jersey.

Representative Edward Roybal of California.

Representative John Seiberling of Ohio.

Representative Henry P. Smith III of New York.

Representative William Stanton of Ohio.

Representative Samuel Stratton of New York.

Representative John Terry of New York.

Mr. Speaker, in the next day or two I will again ask for additional cosponsors.

I think that Railpax must expand its basic system as soon as possible. Clearly, the railroads are too vital a factor in the transportation system of this country to be permitted to go down the drain. Over the next decade, to meet the needs of the U.S. economy, it is estimated that the railroads will have to increase their volume by a third. In view of this fact, the success of Railpax as a revitalization of passenger railroads in this country is necessary to the health of the U.S. economy.

Under the discipline of the profit motive, I am confident that Railpax will be able to make passenger service in this country probably the most efficient in the world, and under the provisions of my bill, pay back the taxpayers in more ways than one. The other alternative—

nationalization—is a costly drain on the taxpayers. Also, we must consider the loss of the revenues and the loss of real estate tax. In addition, reasonable payments from future profits will be returned under section 2b of my bill.

Therefore, the Corporation must have an adequate financial foundation for its initial stages of operation. Thus, my resolution specifically provides approximately $218 million of additional capital for Railpax for funding and upgrading routes already designated and for the initiating of, but not limited to, additional routes which I have recommended as follows:

First. Buffalo, N.Y., to Chicago, Ill., via Erie, Pa., Cleveland, Ohio, Toledo, Ohio, and South Bend, Ind.

Second. Detroit, Mich., to Toledo, Ohio.

Third. Denver, Colo., to Portland, Oreg., via Cheyenne, Wyo., Ogden, Utah, and Boise, Idaho.

Fourth. Fargo, N. Dak., to Portland, Oreg., via Billings, Mont., Butte, Mont., Spokane, Wash., Hinkle, Wash.

Fifth. Denver, Colo., to San Francisco, Calif., via Cheyenne, Wyo., Ogden, Utah, and Wells, Utah.

Sixth. Washington, D.C., to Cleveland, Ohio, via Cumberland, Md., Pittsburgh, Pa., Youngstown, Ohio, and Akron, Ohio.

I think that the inclusion of these additional routes, plus others, will make for a more effectively integrated passenger rail network. The addition of such routes will also considerably ease the unemployment problem caused by the cutback of service in many areas of the country.

A second and equally important feature of my resolution is an appropriation of approximately $72 million for research and development in the general area of high speed ground transportation. I would hope that this money will be used as the vanguard of a new, long-term transportation technology policy that would unleash the best engineering talent to design a new technology for the needs of the future.

I feel that the basic import of this resolution which I have introduced today will benefit this country in a vital area which involves short-term problems and long-run research and development. I think it is an idea which Members of all States can rally around.

As a matter of fact, Mr. Speaker, Gov. John Gilligan called a meeting last Friday where representatives from the States of New York, Pennsylvania, Ohio, Indiana, and Michigan met to discuss the railroad passenger needs of these States and the Nation. I was delighted to be invited and was particularly honored when the ad hoc committee that was formed—the Great Lakes Committee for an Improved Railpax—passed a resolution commending our interest in this matter and endorsing the principal of the legislation I introduce today. I insert the resolution at this point:

RESOLUTION

Whereas, The National Rail Corporation has designated a system of rail passenger service which is inadequate to meet the needs of the nation and its population centers, and

Whereas, this system will result in the loss of rail passenger service throughout the nation which is currently being provided, and

Whereas, Railpax has chosen not to provide passenger service from Buffalo West to Chicago via Erie, Cleveland, Toledo, Elkhart, South Bend, Gary, and

Whereas, Railpax will not provide service from Detroit to Toledo and points to the East, and

Whereas, the States of New York, Pennsylvania, Ohio, Michigan, and Indiana, as represented here today, are deeply concerned that such service be provided, and

Whereas, it is the belief of the representatives of such states that such service is within the stated purpose of the Rail Passenger Service Act and further that such service is considered mandatory as a part of the national rail passenger network, and

Whereas, this Committee has not had sufficient time to analyze and review the impact of the Railpax determination,

Now Therefore, it is hereby resolved that:

1. Each of the states of this Committee shall appoint a representative to meet as a group with the Railpax personnel to analyze the technical data upon which the Railpax route determinations were made. These representatives shall meet with the Railpax personnel as soon as possible and report their findings back to this committee.

2. This committee shall meet again in Washington, D.C. as soon as possible with the Railpax authorities and all interested Congressmen and Senators to attempt to have the service to the aforementioned cities included in the Railpax system.

3. This committee also encourages all Congressional action designed to broaden the service of Railpax and specifically the service on the routes previously mentioned. We commend Congressman Jack F. Kemp, New York, for his interest in this matter and we endorse the principal of his proposed bill which would provide increased capitalization for the Railpax Corporation.

4. We further order Henry W. Eckhart, Chairman, PUCO to forward copies of this resolution to the President, all Senators, all Congressmen, the Railpax authorities, the Secretary of Transportation, the National Association of Railroad Passengers and the Governors of all of the participating States.

Mr. Speaker, section 4 of my bill is of special importance to all States. Under section 403(c) of the Railpax Act, States can join in an agreement with Railpax to operate a line not now in the basic system if the States will absorb a minimum of 66⅔ percent of the losses. This is too great a burden for the States to carry at this time. My bill reduces the State share to 33⅓ percent of the losses which is a realistic vehicle for States with marginal routes to get together and work with Railpax.

Mr. Speaker, at this point I include extraneous matter, an editorial:

[From the New York Times, Apr. 2, 1971]

RAILS FOR THE FUTURE

The abandonment of the SST could provide an opportunity to inaugurate a long-term transportation policy of great benefit to all Americans. The key clearly is neither faster air travel nor increased reliance on the automobile; the answer for efficient travel, particularly over short and medium-range distances, is rapid mass transportation by rail.

The imminent start of operations under the new Railpax corporation is a mere hint of what needs to be done. Railpax is at best a stopgap to prevent the moribund passenger service from expiring. By trying to revitalize a limited number of routes—far too few to merit the label of a "national" system—the new corporation can do little more than keep an obsolescent transportation technology temporarily functioning and perhaps even introduce some modest improvements on the rail network.

The real need, however, is not to tinker with that outdated technology but to unleash the best engineering talent to design a new technology, related to, but not necessarily bound by, the mass-transport concept pioneered by the railroads in an earlier era.

This is an endeavor in which the kind of governmental support originally set aside for the SST could pay off quickly. A number of countries, among them Japan and France, already operate high-speed trains effectively and are currently engaged in experimentation with air-cushioned rather than rail-bound vehicles. The Metroliner between New York and Washington, though no revolutionary breakthrough, has nevertheless given solid indication of the rail traffic potential, provided the emphasis is on new levels of speed and comfort.

The conversion of aerospace industries and the retraining of engineers and other personnel may not be easy; indeed, it would probably be prohibitive without Government subsidy. But a California aerospace concern is already at work on the design and production of a 250-mile-per-hour train. This is in line with the experience of the nation's automobile manufacturers who confounded the skeptics at the beginning of World War II by converting rapidly to aircraft production. Today major universities, under the pressure of budget deficits and internal opposition to defense research, are clamoring for the support necessary to harness their scientific and technological potential to the service of domestic progress.

A faster and efficient national passenger transport system represents such progress. The SST would at best have served only a few, at a high cost to the environment. Rapid rail transportation would serve the many, while at the same time reducing the pollution and congestion created by automobiles and aviation.

Mr. MINSHALL. Mr. Speaker, JACK KEMP has distinguished himself in the short few months he has been a Member of this House. He has shown not only tremendous energy and drive in carrying out his congressional duties, but a keen awareness of the needs of his district. His ability and charisma will carry him to new high roads in the Halls of Congress. Accordingly, I am very pleased to cosponsor the joint resolution our very able colleague from New York is introducing today, to authorize for fiscal 1972 $289,965,000 to provide additional funds for Railpax and for research and development in the field of high speed ground transportation.

As a member of the Department of Transportation Appropriations Subcommittee, I plan to work for full funding as soon as this authorization is approved.

Coming from the Cleveland area, hub of a 5 million population area in the northeast tier of Ohio, I was shocked and dismayed that our city was bypassed by Railpax. I know that colleagues from other cities have been equally disappointed, and will join with me in applauding provisions of the resolution which specifically call for inclusion of the following routes:

Buffalo, N.Y., to Chicago, Ill., via Erie, Penn., Cleveland, Ohio, Toledo, Ohio, and South Bend, Ind.

Detroit, Mich., to Toledo, Ohio.

Denver, Colo., to Portland, Oreg., via

Cheyenne, Wyo., Ogden, Utah, and Boise, Idaho.

Fargo, N. Dak., to Portland, Oreg., via Billings, Mont., Butte, Mont., Spokane, Wash., and Hinkle, Wash.

Denver, Colo., to San Francisco, Calif., via Cheyenne, Wyo., Ogden, Utah, and Wells, Utah.

Washington, D.C., to Cleveland, via Cumberland, Md., Pittsburgh, Pa., Youngstown, Ohio, and Akron, Ohio.

It is significant that the appropriation requested in this resolution is for the same amount called for to fund the supersonic transport during the coming fiscal year. One of the compelling reasons many of us voted against the SST when it came before the House last month was that more pressing domestic needs required Federal financing. Certainly rail passenger service and improved high speed ground transportation, which would serve millions of Americans, fall in this category.

The resolution is a most worthy one and I am glad to give it my name and my support. I hope it will receive prompt affirmative action by both House and Senate.

Mr. McKEVITT. Mr. Speaker, I compliment the gentleman from New York and join with him in introducing this needed legislation to authorize additional funds for expanded intercity rail service and for stepped-up research and development in high-speed ground transportation and urban transportation systems.

In my own State and congressional district, there is a need in all of these areas. The proposed legislation is particularly appealing to me, because 25 percent of the authorization is earmarked for research and development of rail passenger transportation systems. In this field, my major concern is in the urban area. While Denver has not experienced the same traffic crush as seen in areas such as Washington, D.C., the need is evident in my congressional district for the beginnings of a modern mass transportation system that can be expanded in an orderly fashion as future demands require.

There is also the problem of automobile-caused pollution in Denver. A brown smog now hangs over the downtown Denver area with some regularity. An efficient and modern mass transportation system that would be attractive to the public would help solve this problem.

Mr. Speaker, almost $290 million is sought in this proposed authorization. There are few areas in which funds of this magnitude could be better spent. By making rail travel more attractive to the Nation, we help relieve the crush in our urban areas and ease the pressures on our highways and at our airports. We also take a step toward coming to grips with a problem that confronts almost every metropolitan area in the Nation: The problem of moving people efficiently and conveniently to and from their jobs. We would also help make our cities more accessible and thereby even help those businesses which provide the jobs.

There is also a need for additional rail passenger service for Denver beyond that proposed by the National Railroad Passenger Corporation, which in my opinion was underfunded from the beginning. It would be desirable that Denver be linked with Cheyenne on the north and with Colorado Springs, Pueblo, and La Junta to the south. It is my hope that this additional authorization, if approved by the Congress, will provide the wherewithal to make this possible.

Another appealing provision in the proposed authorization is the payback provision, with reimbursement coming from future profits of the Rail Passenger Corporation.

Mr. Speaker, in my view this authorization would be money well spent in a needed and vital area.

GENERAL LEAVE TO EXTEND

Mr. KEMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the subject of my special order today.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

SECRECY IN PREVENTIVE DETENTION HEARINGS DENOUNCED

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, on March 27 the Washington Post carried a news story on the front page entitled, "Federal Judge Denounces Secrecy in Preventive Detention Hearings."

This article described the circumstances of a preventive detention hearing on a rape case in which the man charged was held under preventive detention but, thereafter, was not indicted by the grand jury. Ruling on this case, U.S. District Court Judge Gerhard A. Gesell berated the U.S. attorney's office for holding preventive detention hearings behind closed doors.

Mr. Speaker, having been involved in the efforts to secure House approval of the District of Columbia Court Reorganization and Criminal Procedures Act of 1970 which includes the preventive detention provision, I was appalled to read the remarks attributed to Judge Gesell by the Washington Post reporter.

Because of my concern for fair and effective implementation of this provision, I asked the U.S. attorney for the District of Columbia, Thomas A. Flannery, for his views on this matter.

Mr. Speaker, I would like to include at this point in the RECORD both the Washington Post article and Mr. Flannery's response to my inquiries in this regard.

[From the Washington Post, Mar. 27, 1971]

FEDERAL JUDGE DENOUNCES SECRECY IN PREVENTIVE DETENTION HEARINGS

(By Sanford J. Ungar)

A federal judge warned yesterday that unless the U.S. attorney's office changes its procedures, the practice of secret preventive detention hearings here will "grow and spread like a cancer."

Ruling on a case in which a man charged with rape was held under preventive detention but not indicted by the grand jury, U.S. District Court Judge Gerhard A. Gesell said he was "amazed" to learn that such hearings have been conducted in secret.

"I don't think this Court should ever tolerate, except in the most unusual circumstances, such proceedings behind closed doors," Gesell said in a lecture from the bench. "The Constitution is explicit."

The lecture was directed at Executive Assistant U.S. Attorney Earl J. Silbert, who helped draft the preventive detention provision while in the Justice Department and now applies it for U.S. Attorney Thomas A. Flannery.

Silbert has represented the government at each of its attempts thus far to use the controversial section of the 1970 D.C. crime act and each time has consented to the request of defense lawyers that the hearings be closed.

"A public trial is a fundamental right" under the Sixth Amendment, the judge said, adding that "the doors of this courtroom ought to remain open."

He cautioned that District Court judges will be less willing to hold closed hearings than those in D.C. Superior Court and the U.S. magistrates, who have handled all the detention cases to date.

Gesell's remarks came after Silbert had argued vigorously for detention of Robert J. Bowie on a rape charge during a two-day closed hearing earlier this month before Superior Court Judge Theodore R. Newman Jr.

Bowie has been under detention for almost two weeks, but when a grand jury considered his case Thursday it found the evidence against him insufficient to return an indictment.

He has been indicted in another rape and assault case, however, and that charge was part of Silbert's argument for detaining him pending trial.

Other "improper procedures" used by the U.S. attorney's office in seeking preventive detention, according to Gesell, are the following:

There has been "no discussion or review of alternatives to preventive detention" by the prosecutor.

Prior criminal records have been cited without proving or documenting them in court. This is "particularly troublesome," Gesell said, when juvenile records are involved.

The use of preventive detention here has often been considered an experiment to determine if similar laws should be enacted elsewhere. It is currently under challenge on constitutional grounds in a suit filed by the American Civil Liberties Union and the Public Defender Service.

"Hearsay evidence" is relied upon by the government in seeking to establish probable cause for detaining a person.

Defendants are not given "explicit instructions" as to whether any testimony they give at a detention hearing may later be used against them.

Detention hearings are sometimes held in Superior Court on charges that will ultimately be tried in District Court.

"When I looked at this transcript (of the hearing before Newman)," Gesell said, "there were many things that we would not tolerate in this Court."

The transcript has been unavailable to the public because it was ordered sealed by Judge Newman after the closed-door hearing.

Gesell stressed that his remarks were not directed at Judge Newman—for whom he said he has "great respect"—but at the U.S. attorney's office and the way it has approached preventive detention.

He appealed for "scrupulous sensitivity in using the new provision and asked that the prosecutor develop a "set procedure" for such cases.

Bowie's release from preventive detention yesterday left only one person held under the new law, Sylvester Danny Vick, 38, charged with narcotics violations. He was detained by U.S. Magistrate Lawrence S. Margolis after another secret hearing.

Silbert put the blame for secret hearings on defense lawyers, including the Public Defender Service, who say they fear pretrial publicity will prejudice the case.

But Gesell said there has been little trouble selecting unbiased juries in Washington.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE U.S. ATTORNEY,
Washington, D.C., April 2, 1971.

Hon. LAWRENCE J. HOGAN,
Congress of the United States, House of Representatives, Longworth Building, Washington, D.C.

DEAR CONGRESSMAN HOGAN: I have received your letter concerning the Washington Post article of March 27, 1971, which reported Judge Gerhard A. Gesell's comments concerning the procedures utilized by my office in the pretrial detention hearings held to date. Referring to your active role in securing the enactment of the legislation authorizing pretrial detention in the District of Columbia in limited circumstances and your great interest in its fair and effective implementation, you requested a response to these comments.

Let me state at the outset that the United States Attorney's Office is making every effort to comply with the language of the new bail statute as it is explained in the relevant legislative history. We do not, of course, control the pretrial detention hearings; they are controlled by the presiding judicial officer. We do, however, initiate these hearings and participate in them. For this reason and because of the great public interest in pretrial detention, the suggestion that we have relied on questionable procedures is most disturbing. I therefore appreciate the opportunity to respond to these comments. I might point out that during the hearing before Judge Gesell, a number of the responses included in this letter were presented to Judge Gesell by one of my Assistants. Regrettably, however, all but one of his responses were omitted from the Washington Post article on March 27.

(1) Judge Gesell was particularly concerned because the public and the press have been excluded from some of the pretrial detention hearings held thus far. In each such instance, however, *the hearings have been closed at the request of the defendant's counsel*. At no time has my office moved for a closed hearing; we have simply not objected to motions by attorneys for the defense. After careful consideration, the presiding judicial officers have granted these motions.

(2) Judge Gesell also commented upon the failure of my office to propose alternatives to pretrial detention at the detention hearings. In fact, however, my office seeks pretrial detention in but a fraction of our total cases and only when the information available to us leads us to conclude that there is no alternative to detention that will reasonably assure the safety of the community. In situations where defense attorneys have made available to the court information which indicates a reasonable alternative to detention, we have considered it. In one case in which we initially asked for detention, the defense attorney produced persuasive evidence that the defendant had a strong work record. On the basis of that evidence and given other circumstances of that case, my office did not oppose work release from custody, and it was granted by the court.

(3) The Judge also suggested that reliance by my office on prior criminal records without proving them was an improper procedure. In the particular hearing being reviewed by Judge Gesell, however, my office gave to the presiding judicial officer, Judge Theodore Newman of the Superior Court, the exact case numbers of the defendant's previous convictions and the courts in which they occurred. Had these citations been inaccurate, the defendant's counsel would surely have brought the matter to Judge Newman's attention. The use of juvenile records was also criticized. However, the language of the statute, and its explicit legislative history, authorize the use of juvenile records. In fact, the only pertinent legislative history states that "the court should consider his [a defendant's] juvenile record." H.R. Rep. No. 91-907, 91st Cong., 2d Sess. 180 (1970).

(4) Another comment related to the use of hearsay testimony to provide a basis for detaining the accused. The use of this kind of evidence is authorized by the controlling statute in a provision carried over from the Bail Reform Act of 1966. D.C. Code, Sec. 23-1321(b); see also, 23-1322(b)(2)(C); H.R. Rep. No. 91-907, 91st. Cong., 2d Sess. 182-3 (1970). Indeed, although the statute authorizes the use of proffered evidence, as opposed to sworn testimony, it is significant that in the case under review, my office presented more direct, nonhearsay testimony than is contemplated by the statute and its legislative history. Judge Newman was instrumental in suggesting that this be done.

(5) Reference was also made to the fact that the defendant was not given explicit instructions as to whether any testimony he would give could be later used against him. As the transcript of that hearing shows, however, the defendant, though given the opportunity, decided not to testify or present any other evidence. There was, accordingly, no need to give him the suggested instruction. Had he expressed any interest in testifying, I have no doubt that Judge Newman would have given the explicit instruction recommended.

(6) Judge Gesell also questioned the wisdom of holding of a detention hearing in the Superior Court on a charge ultimately triable in the District Court. The statute, however, specifically authorizes the judges of the Superior Court to hold such hearings. D.C. Code, Sec. 11-923(c)(2). Moreover, this case was first presented in Court on a Saturday, when the Superior Court has considerately agreed to accept cases ultimately triable in the District Court, thereby relieving the members of the District Court from the burden of sitting on Saturdays.

Most significant of all, the transcript of the pretrial detention hearing held by Judge Newman demonstrates beyond question that he conducted it in compliance with the statute and with meticulous care and attention to the rights of both the accused and the public. The typical preliminary and bail hearing, which often results in a defendant's detention because of his inability to satisfy the conditions of release, takes no more than 20 minutes. In this case the preliminary and detention hearing took at least five hours, or 15 times as long as the hearings in a typical case. Therefore it cannot be said that the extraordinary care and caution which attended this hearing and the other detention hearings to date have been improper or unfair to the accused. On the contrary, these hearings reveal that everyone concerned has leaned over backward to protect the defendant's interests.

It is my hope that the information set forth in this letter will satisfy you that the procedures utilized by my office at pretrial detention hearings fully comply with the law as enacted by the Congress and are responsive to the rights of both the accused and the public. Should you have any further questions or desire any additional information, please do not hesitate to contact me.

Sincerely,

THOMAS A. FLANNERY,
U.S. Attorney.

It appears to me, Mr. Speaker, that the U.S. attorney's office has been doing an outstanding job, in a relatively short time, in implementing this new provision in the District of Columbia Criminal Code. Because a test case on the constitutionality of the pretrial detention provision is pending before the Supreme Court of the United States, the U.S. attorney's office is, no doubt, being particularly careful in these early cases that the defendant's interests are protected to the utmost. The fact that the preliminary and detention hearing in the case in question took nearly 5 hours rather than the usual 20 minutes, I believe is indicative of the care which is being exercised on behalf of the defendant's rights.

THE RENEGOTIATION BOARD

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, I am reintroducing a bill today which would provide for the greater protection of our tax dollar from war profiteering. More and more Americans are becoming aware of the high prices we are incurring in the purchase of military hardware. But unfortunately, we have not yet been able to determine exactly how much it costs defense contractors to supply goods and services—we only know how much we are actually paying.

The Renegotiation Board, often referred to as the 'watchdog" of defense spending, was designed to provide protection for the unwary taxpayer from the danger of excess profits. But in comparison with the Board's strength when it was established as an independent agency during the Korean war, it is almost toothless today, despite our deep involvement in the Vietnam conflict.

My bill, a version of which I first introduced in the 89th Congress, would go a long way toward providing the muscles for this agency necessary to fully fulfill its purpose for existing.

The Congress last extended the life of the Board in 1968, when it was given an additional 3 years, instead of the usual 2. This extension for 3 years—which expires June 30 of this year—and a slightly tightened exemption was of significant importance. It was the first time since the Korean war that the Congress had not restricted and debilitated its powers.

My bill would provide for the restoration of the Renegotiation Board to its Korean war strength in 5 years.

I recommend—

First, that the act be made a permanent law without an expiration date.

Second, that the "floor" be reduced from the present $1 million to the original $250,000.

Third, that the 5-year loss carry forward provision be eliminated.

Since 1966 I have been arguing for the need to curb war profiteering. I have argued for the permanent extension of the Board because it has consistently, in time of war and of peace, caused about $18 to be returned to the Treasury for every $1 expended. And it would be hard to imagine a better testimonial to the success of the flexible, six-point statutory criteria for determining excessive profits than the fact that more than 90 percent of the contractors so assessed do not contest the Board's determinations, thereby avoiding the challenge in the tax courts.

The Board has been most successful even though it is understaffed, and its powers curtailed significantly. Now is the time to extend its life; now is the time to put more life into it. The Board obviously is needed since we have been spending more on Vietnam than we did in the most expensive Korean war. But, in addition, the Board will always have a job to do. It is doubtful that our defense budget will ever drop too significantly since we have all heard reports on the weapons systems that await involvement in Vietnam to drop.

The problem of war profiteering, is as old as the country itself, dating back to the Revolutionary War. The first Federal legislation specifically intended to regulate profiteering, however, was not adopted until the Spanish-American War. Various types of legislation have been attempted to allay the dangers of "excessive profits." And when we finally were successful in establishing an agency that does its job well, we clip its wings and make it come back time and again to prove to us that it is not only successful, but a necessary part of our life.

Are we finally going to realize that the Renegotiation Board is necessary enough to strengthen it, or are we going to continue ignoring the taxpayer's need for protection?

I urge my colleagues to join me in urging for early hearings for the extension of the Renegotiation Board, which is due to expire this June—and I urge you to join me in support of this legislation which I present for your consideration today.

During the last Congress, I finally saw the first step to implement a proposal which I had pushed for years without much success—the implementation of uniform cost accounting procedures in all defense contracts. This Congress, I hope to see enactment of yet another of my proposals to protect our tax dollar from war profiteering.

LIEUTENANT CALLEY

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 10 minutes.

Mr. RYAN. Mr. Speaker, the case of Lt. William Calley has done more to arouse a larger segment of the Nation about the war in Vietnam than any other event since its inception, perhaps. I would only wish that an outcry similar to that which has followed upon Lieutenant Calley's trial and conviction had instead succeeded the disclosure of the My Lai massacre. Perhaps, if it had, the war would have already been over.

I think we must set some basic facts clear about the Calley case, before we can undertake to assess its meaning for the national life—and I do think that it can have enormous meaning, either beneficial or pernicious. Lieutenant Calley was convicted of killing 22 unarmed civilians, ranging from children to elderly people. They were being held in custody. There was not a word of testimony at the trial to indicate that even a single shot was fired by them, or by anyone, at Calley's platoon. Yet the civilians were killed.

That cannot be condoned. It could not be condoned even if the people were enemy soldiers in custody. Whatever the practices of other nations in wartime, murder is not ours. We do not stoop to atrocity, or at least, let me say, we must not.

Lieutenant Calley was found by a jury of six of his peers—all combat veterans, five of them veterans of the Vietnam war—to be guilty of killing 22 civilians. That, too, those who declaim against his conviction should be reminded of. Because, if we are to encourage justice, if we are to support the legal process, we must honor it. Some say there are Mylais in every war. I would certainly hope not. If there are, that is added reason to end wars, and to end this war in particular. But, the issue in the case was not the frequency of atrocities; the issue was Lieutenant Calley's participation in specific acts. Of that he was found guilty. That finding is subject to review through the legitimate legal process of appellate review.

Now, having said this—that Lieutenant Calley has been found by a jury of his peers to have committed a heinous offense—I believe that we cannot just stop there. Lieutenant Calley is becoming a symbol, and this has very significant bearing for our national life. That that bearing is beneficial, rather than pernicious, is enormously important.

The torrent of public comment and sentiment which has emerged following Calley's conviction and sentencing to life imprisonment may well represent a turning point in national attitude. Whether that turn is for the good of America or for its ill seems to me to be of overwhelming importance.

There appear to be three major streams of thought. First, there are those who claim that Lieutenant Calley should not have been convicted—that the slaying of women and children and old men at My Lai was an unfortunate, but inevitable facet of the war.

The second stream of thought currently bruited about is that Lieutenant Calley should not have been convicted because he was only obeying orders.

And the third seems to be that, while he should have been convicted, he should not stand alone—those ranking above him must be tried as well.

I think these voices of public comment must be assessed, lest this Nation go very much amiss, and lest it perpetuate much of the same mentality which has fed this immoral war for so many tragic years now.

My Lai was a massacre. Even if there were 10,000 other My Lai's, it would not diminish the massacre which occurred on March 16, 1968. The special investigative subcommittee of the House Armed Services Committee which investigated the My Lai incident said:

> What obviously happened at My Lai was wrong. It was contrary to the Geneva Conventions, the Rules of Engagement, and the MACV directives.

Thus, My Lai cannot be dismissed with a cynical shrug. In fact, to do so is to denigrate the integrity and courage of those soldiers at My Lai who refused to obey orders to kill. It diminishes the Army's own integrity—albeit somewhat delayed in being realized in terms of an actual trial, and still sullied by the dismissal of charges against some, and the failure to bring charges against others—in bringing Lieutenant Calley to trial.

Certainly, wartime is a time of tension and heightened reactions. But, the fact of war does not thereby become an ipse dixit, justifying all that transpires in the course of its pursuit. If it did, the Nuremburg trials, the rules of international law, the Code of Military Justice, and the MACV directives would be meaningless and irrelevant. The fact is that they are not meaningless, and they are not irrelevant, if for no other reason that it serves our own interests that they not be. For, if they were, how then could we expect the North Vietnamese to properly treat American prisoners of war? What reference point would we have to appeal to international opinion and pressure to aid them? None.

I think it must be pointed out, also, that Lieutenant Calley cannot be excused on the contention that he was obeying orders. For one thing, that excuse was offered in the trial. For another, even if such orders were issued, they would have been unlawful; and obedience to them would not have constituted a valid defense.

I realize that this is hard. I realize that in times of war stress is magnified. Soldiers may be caught between their duty to obey their superiors, and their higher duty not to obey illegal orders. But, what solace is that for the dead at My Lai, if we excuse their deaths with the justification of expedient necessity? What meaning do the Code of Military Justice and the Geneva Conventions, or morality itself, have, if atrocity is condoned in the name of circumstance. The fact is that there were men at My Lai who did not kill unarmed civilians. Lieutenant Calley was found guilty of doing so.

If he followed orders, he did so when others did not. And therein lies the distinction between the guilt of which he has been adjudged, and the innocence of those who did not kill women and children at My Lai.

To those who would say that Lieutenant Calley should not have been convicted, even if his actions were clearly wrongful and would normally subject him to trial and conviction, because he was only obeying orders, I would say that I do not think I need evoke the memory of a past day—not so distant for many of us—when a similar thesis was advanced. If Nuremberg stood for nothing else—and here I am speaking, not of the strictly legal ramifications of the Nuremberg trials, but of the trials' impact on world opinion—it stood for the concept of individual accountability. Life is too precious to bow to the cant of "only obeying orders." That cant could not justify the concentration camps of World War II. It will not justify the slaughter of unarmed civilians in Asia.

The most accurate voice being heard, I believe, is that which says we must look beyond Lieutenant Calley. He has been found guilty. But he must not be made a scapegoat. Those superiors involved with My Lai bear responsibility, and it is not just low ranking soldiers and officers who must answer for wrongdoing. In fact, we must look beyond just My Lai. After all, Lieutenant Calley did not start this war. Nor did he set its character by authorizing search and destroy missions, free fire zones, massive bombing of civilian centers, indiscriminate use of herbicides and the dropping of hideously destructive napalm.

I know there are those who say, "But look at the atrocities committed by the Vietcong and by the North Vietnamese." They are right—atrocities are heinous, whoever their perpetrator. But I am simply unwilling and unable to accept a rationale which excuses our wrongdoing by matching it against that of the foe. That is facile logic which evades responsible thinking. It does a disservice to America, and the principles which she does, or should, stand for.

If Lieutenant Calley is becoming a symbol, which is a possibility, and if this Nation has reached a watershed of national thought, and I think it has, we must shape that thought and that symbol. Calley must not become a symbol of the glory of flag and duty. He must become a symbol of individual responsibility and accountability. Our Nation must not stoop to facile answers—"war is war," or "he was only obeying orders." We must assess, finally, years after the time we should have, what this Nation has done in Southeast Asia and what led this country to do it. We must conclude that this war must end—now, immediately. We must resolve that those others involved in My Lai should be tried. We must affirm our abhorrence for violence and for bloodshed.

Some have said that Lt. William Calley is a tragic figure. Maybe, I say the tragedy lies in the innocent lives ended. I say the tragedy lies in the hundreds of thousands of men and women and children—American and Asian—slain. I say the tragedy lies in no more sunshine to be felt by young, growing bodies, and no more laughter to be heard from happy young throats. I say the tragedy lies in the continuation of this immoral war, and in the inability or unwillingness of this administration, like its predecessor, to end it. I say the tragedy lies in the myopic perception of the world which led us into this war, and keeps us there.

Lieutenant Calley can serve this Nation well if as a symbol he leads it to a searching analysis of the course which has been followed these long, anguished years of war. But this country will not be served by making the convicted killer of 22 unarmed civilians—ranging in age from children to the elderly—a hero.

In light of this, I feel I must address the actions of the President in this matter. He intervened, first by ordering Lieutenant Calley's release from the stockade, and then by announcing, before the appellate review process had been started, much less been completed, his intention to personally review the conviction and sentence. I think his actions were very ill-advised. Rather than allowing the legal process to proceed unfettered, he has undercut it by exercising his influence. As the New York Times said in its editorial of April 4, 1971:

> He has now in his capacity as Commander-in-Chief identified himself with the intemperate public outcry against the initial court-martial.

I recognize that leadership is a heavy burden. I recognize that in wartime, its weight is particularly heavy. But, it is leadership which is lacking. More than that, by his catering to public outcry and emotion, the President has encouraged the Armed Forces in the future to beware of correcting their sins. Certainly, were a mass murderer convicted in this country in the civilian courts, we would not expect action such as he has taken. No more should we expect it because the murders, as the jury so found, occurred in South Vietnam, committed by a soldier.

We are in troubled times. We must not be overwhelmed by them, but we must not evade our duty, and our opportunity, to learn from them. For the sake of this Nation, and for the sake of Southeast Asia, we must not.

"THE SELLING OF THE PENTAGON" STILL CONTINUING

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

(Mr. VANIK asked and was given permission to revise and extend his remarks and include extraneous material).

Mr. VANIK. Mr. Speaker, several weeks ago, there was much ado about the Defense Department and the Columbia Broadcasting System's documentary on "The Selling of the Pentagon."

Apparently the sale is still on.

I have just received copy of an invitation to attend the first annual 350th Psychological Operations Company family day and open house for the benefit of relatives and friends of the 350th Tactical Company, U.S. Army Reserves at the Mote Armory in Cleveland.

This is an outrage and a waste of taxpayers' money to sell them on a costly military program.

I quote from this communication as follows:

350TH PSYCHOLOGICAL OPERATIONS
COMPANY, TACTICAL,
Cleveland, Ohio.

You are cordially invited to the First Annual 350th Psy Op Family Day and Open House for the benefit of relatives and friends of the 350th. The event will be held at Mote Armory, 5301 Hauserman Road, Cleveland, on Sunday, April 25, from 1:00–4:00 P.M.

At the Family Day activity we will have games, displays and events that will appeal to all members of the family, especially the children. During the day's events you can: (1) witness a demonstration of a tactical loudspeaker platoon in action; (2) go on a tactical jeep ride; (3) participate in a Vietnam-type infantry patrol and be ambushed by enemy forces; (4) try your hand at throwing dummy hand grenades at targets; (5) see the components of a complete field kitchen in a tent; (6) see the completion of actual Psychological Warfare material from the time the idea is created till it is put on the press ready for printing; (witness a display of actual Army combat weapons and the complete equipment carried by soldiers in action; (8) and most important, see the operation of a tactical U.S. Army Reserve unit in action.

The dress for the Open House should be casual so that all can enjoy the full range of events offered during the afternoon. Refreshments, including hot dogs and soft drinks, will be served throughout the day. We hope you will gain a better understanding of the U.S. Army Reserves and our mission.

This once-a-year event promises to be the highlight of the year, but its success depends on you. Please take a few hours out of a Sunday afternoon to see the 350th Psychological Operations Company in full operation. Hope to see you there!

Sincerely,

FRANCIS E. KING,
Major, Commanding.

Mr. Speaker, the CBS documentary was a great public service. This announcement provides substantial proof of its message.

MAKIN' MOCK O' UNIFORMS—THE CASE OF LT. WILLIAM CALLEY

The SPEAKER pro tempore (Mr. MELCHER). Under a previous order of the House, the gentleman from Indiana (Mr. BRAY), is recognized for 10 minutes.

Mr. BRAY. Mr. Speaker, the Calley case has provoked the most violent public reaction concerning a single soldier since Gen. Douglas MacArthur's recall from the Far East in 1951.

I deeply regret the incident itself—all of it, up to and including the court-martial. There has been, on the part of the Department of the Army, some incredibly inept handling of the affair.

But I am, equally, deeply proud what the public reaction to it has shown the rest of the world about the United States, and what our Chief Executive's reaction shows as a stark contrast between the American Republic and totalitarian countries.

Consider: Protests by Czechs, Hungarians, and Poles against the Soviet Union interfering in their domestic affairs brought a response from the guns of the Red Army. Americans, protesting what they see as unfair implications in the Calley matter, moved the President of the United States to act in Lieutenant Calley's behalf.

I am in sympathy with those who object to the verdict. It is impossible to put oneself in Calley's position. Living day and night in a tropical hell; battle lines and enemy never really certain; seeing men die from booby traps and grenades, often as not planted or thrown by women and children; sleep or rest taken only at peril of one's life; constant fear; exhaustion to the point where reason no longer functions; frustration to the point where all normal human emotions are paralyzed beyond existence—this is the world of the combat soldier in Vietnam.

This is the world in which Lt. William Calley and his men lived—and died. This world pushes the human breaking point—which all of us have—to the surface quicker and more brutally than any other. This emotional flashpoint is totally unpredictable. No one knows when it will come. No one knows what it will do to the individual.

I believe the matter will, eventually, be satisfactorily concluded. There is still a long road ahead in the military appeals process. Regardless of what some infer, there are just as many if not more safeguards built into military law than into our civilian legal code. They guarantee beyond all doubt proper disposition of a case. And keep this in mind, as well: In military courts, the first sentence is usually the most severe. There is a wide gap, as a rule, between action of the first court and eventual action taken after all review has been completed. This is, I believe, bound to be the case here.

For some years, both U.S. national policy and attitude towards the war in Vietnam have been under sharp attack. Much of this attack has been totally irresponsible and fraudulent. Shrillness and hysteria have now reached the pinnacle of irrationality with this careless talk about U.S. guilt for "war crimes." Indicative is the partial text of a resolution recently introduced in the House, calling for an investigation of "whether atrocities have been and continue to be committed as a result of policies promulgated and enforced by the military high command and civilian leadership."

There were war crimes trials after World War II. Experts now admit that to a considerable degree they set both bad precedent and worse law. This aside, let us consider for a moment national attitude and national policy of our enemies.

For the Japanese, it was Bushido, "the way of the warrior," the code which was marked by an unfaltering and unfailing martial spirit. It became national policy in the 19th century and was inherent in that country until the end of World War II. Part and parcel of it was a grim fatalism and preoccupation with death. To show how remote this was from anything ever generated in this country, take the words of the famous Japanese martial song "Umi Yukaba," which was played to the stunned nation over radio Tokyo immediately after war with the United States was announced:

> Across the sea,
> Corpses in the water;
> Across the mountain,
> Corpses heaped upon the field;
> I shall die only for the Emperor,
> I shall never look back.

In August 1939, prior to the invasion of Poland and the beginning of World War II, Adolf Hitler told his generals that there would be, in the campaign, things "which would not be to the taste of German generals." He also warned them that they "should not interfere in such matters but restrict themselves to their military duties."

He may have meant, in part, incidents such as the forcible movement of 1,200,000 Poles and 300,000 Jews out of annexed Polish territory during the cruel winter of 1939–40. Heinrich Himmler spoke of this in the summer of 1940:

> Happened in Poland, in weather forty degrees below zero, where we had to haul away thousands, tens of thousands, hundreds of thousands; where we had to have the toughness—you should hear this, but also forget it immediately—to shoot thousands of leading Poles . . . Gentlemen, it is much easier in many cases to go into combat with a company than to suppress an obstructive population of low cultural level, or to carry out executions or to haul away people or to evict crying and hysterical women . . .

What about the national policy of the Soviet Union, whose troops slaughtered thousands of Polish Army officers in the Katyn Forest massacre during World War II? These officers had fought against the same enemy of Russia—Nazi Germany—but the Soviet Union was fearful that they would also fight against Russia if Russia tried to destroy Poland's freedom. Which is exactly what Russia did.

What of national policy of North Korea? This was written in blood and anguish during the Korean war and brought home to us again, viciously, not too long ago, with the treatment accorded the *Pueblo* crew.

What about the national policy of North Vietnam, summed up by the March 1968 massacres of South Vietnamese at Hue, during the Tet offensive, when around 5,000 were wantonly killed? North Vietnam's opinion was: Hue was the place where revolutionary spirit has existed for over 10 years. However, it only took a short time to drain it to its root.

By contrast, what is national attitude and national policy of the United States? The former diplomat and historian, George Kennan, summed up what he felt to be Woodrow Wilson's attitude when we entered World War II. I believe this is still pertinent:

> A democracy is peace-loving. It does not like to go to war. It is slow to rise to provocation. When it has once been provoked to the point where it must grasp the sword, it does not easily forgive its adversary for having produced this situation. The fact of the provocation then becomes itself the issue. Democracy fights in anger—it fights for the very reason that it was forced to go to war. It fights to punish the power that was rash enough and hostile enough to provoke it—to teach that power a lesson it will not forget, to prevent the thing from happening again. Such a war must be carried to the bitter end. . . .

There has never been at any time in our history, nor is there now, and I am confident that there never will be, anything in our national policy or our national attitude that comes remotely close to those of our enemies whom we have fought, and who we fight.

We as individuals singly, we as a republic collectively, are not in the remotest sense guilty of "war crimes," nor should we feel, singly or collectively, any sort of "national guilt." At any rate, as Edmund Burke said:

> I do not know the method of drawing up an indictment against an whole people.

Neither do I. But it does seem to be the favorite sport in certain irresponsible circles.

I took the title of this speech from Kipling's famous poem "Tommy," a harsh and bitter indictment of those who mock the soldier while depending upon him to defend them:

> Yes, makin' mock o' uniforms that guard you while you sleep
> Is cheaper than them uniforms, an' they're starvation cheap . . .

And what I mean by "makin' mock" is the incredible remark of the mayor of New York City, when he said:

> The ones I have unending admiration for are the guys who say "I simply will not serve in the Army of the United States in Vietnam," and are willing to take consequences for it. These are the guys who are heroic. . . .

"Makin' mock" is baiting and taunting American men in uniform, standing guard on the steps of the Pentagon, or anywhere else, for that matter.

"Makin' mock" is the sad example of great universities, bowing to the blackmail or threats of student radicals, and either completely abolishing ROTC from the campus, or downgrading its stature.

"Makin' mock" is carrying the Vietcong flag in the streets of American cities when that same flag is carried in Vietnam by the same elements who would kill an American on sight.

"Makin' mock" is a "liberal" columnist and his swinish, gratuitious implication that somehow the blood of a rioter who tries to tie up a city, or a Government, is of more value than the blood of an American in a Vietnamese rice paddy:

> Even after voting twice in four years for President's who promised peace, must Americans once again go into the streets to get it?

"Makin' mock" is seeing elected Members of the U.S. Congress trying to advance their political fortunes on the obscene foundation of denouncing all that an American soldier in Vietnam thinks he is trying to do.

This is "makin' mock." And this is cheap.

It is what Lt. William Calley had at his back when he went to Vietnam. At his back, and the back of every single one of the over half-million men who have served in that country. Cheap is not the word for it. Being charitable, I would call it poor judgment, and shortsightedness. Being harsh, and, I think, much closer to being honest, I would call it near treasonous.

Perhaps the Calley affair will have the very beneficial side effect of putting a stop to this sadistic sport, or at least toning it down somewhat.

What we are faced with in Vietnam, and what we have been faced with for some years on other fronts, is a world with evil men, who have evil intentions, and would unhesitatingly put these intentions into effect on mass scales of horror unknown to date in all history.

There is certainly going to be the risk of the possibility of individual weakness when we set our faces against these men, against their ideologies. But unless we are willing to risk the possibility of weakness, then we are surely faced with the undisputed certainty of this evil being visited upon us.

OUR PRISONS ARE PUNITIVE, NOT REHABILITATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 20 minutes.

Mr. BELL. Mr. Speaker, several weeks ago I visited the California State Prison at San Quentin. My tour was part of a series of visits in California and here in the Nation's Capital to acquaint myself firsthand with the conditions of our correctional institutions and the current state of penology.

During my visit I had a lengthy conversation with several inmates of San Quentin's "death row." One of these men was young, articulate Robert Massie. Mr. Massie knows our criminal justice system well; he is an expert who has seen nearly every aspect of that system from the inside. He has been in this antiquated system since he was 7 years old. He was in foster homes between the ages 7 and 10; from 11 to 14 he was in the State reformatory; from 15 to 23 he was in jails and penitentiaries. He has been on "death row" for the 5 years since then.

Robert Massie has taken the time to write to me to make known what he feels are a few of the more glaring abuses of the sorely neglected and cruelly dehumanizing penal system. His letter is reprinted below. It is one more item of evidence to substantiate the conclusion of the President's Violence Commission that the present criminal justice system "does not deter, does not detect, does not convict, does not correct."

Of all the activities within the criminal justice system, the correctional system probably has the greatest potential for reducing crimes committed by repeating offenders. Yet, it appears to be the most severely neglected part of a woefully inadequate system.

The problem appears to be a lack of public will and effort rather than a lack of available knowledge in the field of corrections. Last year, the President's Task Force on Prisoner Rehabilitation stated:

> We concluded early that there was no need for us to search for new ideas about rehabilitating prisoners.
>
> The voluminous literature on the subject overflows with excellent ideas that never have been implemented nor, in many cases, even tested.

In 1965 the President's Commission on Crime and the Administration of Justice concluded:

> For a great many offenders . . . corrections does not correct. Indeed, experts are increasingly coming to feel that the conditions under which many offenders are handled, particularly in institutions, are often a positive detriment to rehabilitation.

But the recognition of major defects by the President's Commission—and the many essential recommendations for legislation made by the Commission's report—have not led to the meaningful reforms called for by the report.

Unfortunately, before these recommendations could be considered by the Congress, our attention and our priorities were directed toward simplistic solutions instead of in the direction of quick indictments, speedy trials, modernized court procedures, and advanced corrections.

A recent survey by the U.S. Census Bureau revealed the shocking fact that more than half of 160,000 inmates in city and county jails throughout the Nation were being held for reasons other than conviction of a crime. Almost all the inmates in this category were awaiting trial. In my visits to detention jails I have seen the tragic results of this terrible situation. Men sit idly, waiting months on end with no constructive activity or services available to them.

The Census Bureau has also shown that of over 3,000 jails in the Nation, about 85 percent had no recreational or educational facilities of any kind. About 50 percent had no medical facilities. About 25 percent had no visiting facilities.

When offenders are finally sentenced and sent to prison for rehabilitation, the situation is still deplorable. While more than half of adult inmates in all prisons have not completed elementary school, there is a severe lack of effective academic and vocational programs. The President's Crime Commission noted that there are about 6,000 academic and vocational teachers now employed in the Nation's correctional institutions. It was estimated that in 1967 an additional 10,700 were needed immediately to develop effective programs.

Our prisons are schools of crime. Their pupils are too often released with nothing more than a free bus ride back to the slums they came from, and they have no new skills and no new attitudes to equip them for productive and crime-free lives.

I hope that the words of Robert Massie and others who have seen the failures of the corrections system for so long will inspire Congress during this session to enact meaningful legislation for criminal justice reform. I hope we can make the 1970's a decade of reform of our criminal justice system. This year we must begin that effort by reforming our penal institutions so that they fulfill their function of "correcting" and "rehabilitating" those who have violated the law. For the system which exists today is neither effective nor humane.

The letter follows:

TAMAL, CALIF.,
March 15, 1971.

DEAR MR. BELL: Seldom does a Congressman visit Death Row, and it is rare for one to express genuine concern for the plight of an imprisoned citizen. Nevertheless I sincerely appreciate your interest toward alleviating our frustrations and improving the conditions of this hell, and I will do my best to provide you with some insight into the problems which exist in prisons.

In the not too distant future it seems inevitable that I will make the transition from the land of mortals to the ethereal realms that people call "death". By accepting the judgment of the State and not protesting my physical demise, I journey to the land "beyond" by choice, thereby prematurely terminating my present earthly sojourn. If I wished, I could very easily extend my present life by instituting litigation from one court to another. But ultimately, no purpose would be served. Know therefore that the suggestions I have to make for penal reform are not self-serving but an earnest endeavor to serve my fellowmen.

Most of the hell that prisoners endure is caused by antiquated administrative policies—not laws—policies that are not only designed to strip an imprisoned citizen of all his civil rights but also his human rights. Contrary to the myth circulated by propaganda that California has the most advanced penal system, this is the most monstrous system ever devised. The truth of this is indisputable and can be easily ascertained by anyone who cares to come and live amongst us from free society. The misery that abounds and prevails in this hell is beyond the average citizen's comprehension. Systematized dehumanization is clearly manifested by the repugnant behavior of multitudes of ex-prisoners that are daily spewed back into free society.

The taxpayers who support the present system are sadly misinformed. And little do they know that their money is being used to perpetuate a decadent system which should have been abolished when the slaves in the South were freed. Ostensibly, the taxes which support this system are supposed to be used to help an imprisoned citizen learn how to return to free society and live in accordance with the standards thereof. But alas, the representatives of the taxpayers are using the money appropriated for this purpose to maintain the status quo and turn the wards of the State into vicious animals and/or human vegetables. The propagation of this insidious disease insures penal personnel of permanent economic security and justifies their warnings against changing this system. So long as the taxpayers condone this stagnant pool of degradation, the longer their lives will remain in jeopardy by the wrecks of humanity who return to prey on them.

Should you be successful in bringing about changes in the higher echelons of the California Department of Corrections, you would be wise to stay informed about how your reforms are being put into practice by those who have custody of the beneficiaries. No matter what type of innovations you propose or successfully cause to be instituted within these penal institutions, malicious and downright hateful subordinate personnel will attempt to undermine your accomplishments. My suggestions for penal reform are as follows:

1. Publicly acknowledge that an imprisoned citizen has the same constitutional and human rights as the people in free society take for granted. As per the current administrative methodology, a prisoner is informed that he has NO rights—that everything is a privilege—no doubt he would be told the air he breathes is also a privilege if the penal administration could find ways of implementing this assertion.

2. Make up a Bill of Rights for prisoners. This will prevent malicious subordinates from exercising *total* domination over another human being, notwithstanding the fact that he is a prisoner.

3. Institute a system whereby a prisoner can obtain EFFECTIVE redress for the atrocities committed against him under the color of authority.

4. Make available to the prisoner a book of rules governing the conduct of subordinate personnel, thereby informing the prisoner of the treatment he is entitled to. As matters stand, subordinate personnel act arbitrarily and by whim and caprice, with full sanction of the prison administration. Total power in the hands of certain inferiors has led to total corruption and the system must crumble unless both factions know what is expected of them.

5. Rid these institutions of personnel (especially subordinates) who have proven to be incompetent in their dealings with prisoners; who have shown that they hate prisoners and wield their limitless power sadistically; otherwise, many prisoners as well as personnel will be injured and killed unnecessarily as is happening today.

6. Segregate the psychopaths and overt psychotics from the other prisoners. As things stand the psychotics are being used by the administration to prey on the weaker prisoners, causing deaths and unjust punishments to befall the entire prison population. Until this segment of prisoners are dealt with properly, the myth that the main body

of prisoners are encouraged to strive for self-improvement is a farce and sham. Most of the prisoners live in daily fear of their lives and survival must remain uppermost in their thoughts until such time as they can exist in an atmosphere which is conducive to self-improvement. The insane prisoner is the principal means which prison personnel use to justify and perpetuate the present status quo.

7. Review and discontinue all treatment which is manifestly unjust and which would not be tolerated by a citizen in free society.

I have suffered for the past 15 years in penal institutions and not until I came to death row (where I have been for the past 6 years) did I awaken to what life is all about. Knowing that I will never again be able to function as a free human being, and rather than attempt to have my present sentence of death reduced to life imprisonment under the present system, I have discontinued all litigation and hope that I will be one of the first to be executed when the U.S. Supreme Court terminates the en masse delay of executions. An article I have written for Esquire magazine which is presently on the newsstands will verify the truth of this statement.

I hope that I have not wasted your time and that you will at least acknowledge this letter.

Respectfully,

ROBERT L. MASSIE.

CURBING PRESIDENTIAL WAR-MAKING POWERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 15 minutes.

Mr. HORTON. Mr. Speaker, we are nearing the seventh anniversary of the passage of the Gulf of Tonkin resolution in 1964—an action which marked the start of the current crisis in the distribution of constitutional powers of war and peace between Congress and the Executive.

Charges that the current and past Presidents have exceeded their authorities as Commanders in Chief in carrying out military actions in Southeast Asia are definitely sustainable. But perhaps equally sustainable and more serious is the uncomfortable fact that Congress has virtually abandoned its constitutional role in foreign affairs by providing no viable modern-day procedure for exercising this authority, and by allowing the Executive to flex and extend its constitutional power by overinterpreting largely passive congressional actions which imply the granting or retracting of authority to carry out certain military activities.

I am today introducing a bill to fill that vacuum left by Congress, which will offer a viable procedure whereby Congress can exercise a positive and an active role in the determination of military policies which fall short of a declaration of war.

I feel that the need for this bill, or some similar procedure for congressional reentry into its role under article I, clauses 11 through 14 of the Constitution, is best understood in light of an overall analysis of the key questions surrounding the situation in Southeast Asia.

Questions arising from our involvement in Indochina might be divided into three categories: constitutional, military, and moral.

The primary question is one which we, as Congressmen, must be most concerned about. That is the question of the constitutionality of the policies pursued by the current and past Administrations in Southeast Asia.

I am not here referring to the constitutionality of Vietnamization as a grand design for ending American participation. Mr. Speaker, I feel that Vietnamization, coupled with a resolve to take real risks to promote a negotiated peace, is the right way to extract America from this war, and, hopefully, to end the war itself. I was calling for de-Americanization of the war and a greater priority on training the Vietnamese to defend themselves as early as 1967.

The serious constitutional crisis to which I refer, surrounds Executive decisions to employ United States military personnel beyond the borders of Vietnam, into Cambodia and Laos.

During the Cambodia crisis in mid-1970, I stated my opposition to the invasion, not on military grounds, but on constitutional grounds. The President had dispatched American troops across an international boundary without any private consultation with congressional foreign policy leaders prior to the attack, and there was no congressional approval.

I had and have no argument with the notion that the forces of South Vietnam, which have been under attack by North Vietnamese and Vietcong operating from sanctuaries in Cambodia and Laos, should, upon the determination of the Saigon government, be able to engage their enemy in these areas. While this amounts to aggression against the territories of these neutral nations, it does not surpass or equal the aggressions committed against these nations by the North Vietnamese. The existence of Communist troops and sanctuaries in these nations in violation of international law does not, however, provide a sufficient justification under our constitutional system for the President to order Americans into actions in these countries without some participation in that decision by the Congress.

I say some participation, because even the Constitution is unclear as to what exact procedure should be followed by the two branches of government in deciding to engage in military action short of a declaration of war. It is obvious in this technological age of rapid communications and transportation that situations will arise where military action short of a full declaration of war would be prudent policy—situations in which the alternatives of a declared war, or no action at all, would be irresponsible and undesirable. Tradition and custom have shown such situations to include repelling attacks, protecting American lives abroad, and fulfilling treaty obligations. It is time to codify these traditions into law.

An honest analysis of the current situation, where seemingly all of the power to engage American forces has been gathered up by the Executive, would lead to the conclusion that Congress is at least as much at fault as the President. Congress, and particularly the Senate, has cast itself in a role where it is close to impossible to exercise the necessary judgment in a modern-day situation. It is clear that some military and foreign policy decisions cannot be responsibly made if they must await week after week of inconclusive debate, and survive all of their details and strategies being subjected to public debate and world scrutiny. By consuming several months while debating the Cambodia situation, the Senate showed itself to be concerned with foreign affairs, but at the same time illustrated that Congress, as a whole, is presently ill equipped to take a responsible role in making decisions affecting war and peace.

In short, Congress has failed to provide a proper and a timely procedural channel through which it can bring its will to bear on crucial foreign policy decisions. It must equip itself to participate in these decisions in order to properly protect the public's interest in foreign policy decisions, as intended under the Constitution.

The failure of Congress to provide such a mechanism creates a situation where the President can take unto himself most of the warmaking powers which can be invoked to engage U.S. troops in hostilities. The practical result of this failure is to insure that Congress will not get back its constitutional powers over war and peace unless and until some means is found for Congress to make such decisions consistent with the protection of national security and the technological realities of modern-day warfare.

It must be possible for Congress, or a designated body in the Congress, to receive classified information surrounding a pending military decision, and to accomplish, within a reasonable period of time, congressional ratification or change of such a decision without rendering it moot by airing before the world information affecting our national security or bearing on the success or failure of the actions involved. While it is unreasonable to think that Congress can be practically consulted in a nuclear emergency, or in an instant tactical situation, it is not unreasonable to think that Congress can exercise its power and judgment over decisions to engage American troops in any foreign country.

Technically, with the repeal last year of the Gulf of Tonkin Resolution, the President has only implied congressional approval to continue any engagement of U.S. troops in Southeast Asia. The implied power is rooted in the enactment of appropriations for American troop activities and support in Vietnam, and in prohibitions against the use of U.S. ground troops and advisers in certain nations—implying permission to use them in other nations.

Constitutionally this is a very tenuous basis for the operation of the Executive's foreign policy. But it is the Congress which has permitted the Executive to fill this wide vacuum in the exercise of his constitutional prerogatives under article I.

I have prepared a bill seeking to fill this vacuum, and to provide a viable procedure for the exercise of the power of Congress which will fit the realities of the 1970's and the requirements of the Constitution. Until this resolution and procedure or some other is adopted, however, I feel that the Executive should take far more literally the words of article I of the Constitution in interpreting the extent of its own power to initiate or exend hostilities. The text of my bill follows:

H.R. 7290

A bill to provide a procedure for the exercise of congressional and executive powers over the use of any Armed Forces of the United States in military hostilities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. In the absence of a declaration of war by the Congress, the President of the United States is authorized to commit Armed Forces of the United States to military hostilities only—

(1) to repel any attack against the United States, its territories, or possessions;

(2) to repel any attack against the Armed Forces of the United States on the high seas, in the air, or lawfully stationed on foreign territory and, for the purposes of this paragraph, such Armed Forces shall be considered to be lawfully stationed on foreign territory if such stationing has had the approval of the Congress or if such stationing meets the conditions of paragraphs (3) and (4) of this section;

(3) to protect the lives of United States nationals abroad; and

(4) to comply with a national commitment resulting from affirmative action taken by the executive and legislative branches of the Government by means of a treaty, convention, or legislative enactment specifically intended to give effect to such commitment.

SEC. 102. In any case in which military hostilities described in section 101 of this title are initiated by the President, the Joint Committee on National Security established under title II of this Act shall be convened prior to or within twenty-four hours after the initiation of such hostilities, and the President shall report the initiation of such hostilities to the Joint Committee, together with a full and complete account of the circumstances bearing on the necessity for the initiation of such hostilities.

TITLE II

SEC. 201. There is established a Joint Committee on National Security (hereafter in this title referred to as the "Joint Committee") to be composed of twenty-four members as follows:

(1) The Speaker of the House of Representatives.

(2) The President pro tempore of the Senate.

(3) The Majority Leader of the House of Representatives.

(4) The Majority Leader of the Senate.

(5) The Minority Leader of the House of Representatives.

(6) The Minority Leader of the Senate.

(7) The Chairman and ranking minority member of each of the following committees:

(A) The Committee on Foreign Relations of the Senate.

(B) The Committee on Armed Services of the Senate.

(C) The Committee on the Judiciary of the Senate.

(D) The Committee on Foreign Affairs of the House of Representatives.

(E) The Committee on Armed Services of the House of Representatives.

(F) The Committee on the Judiciary of the House of Representatives.

(G) The Joint Committee on Atomic Energy.

(8) One Member of the House of Representatives who is not a member of any committee referred to in this section, to be appointed by the Speaker of the House of Representatives.

(9) One Member of the Senate who is not a member of any committee referred to in this section, to be appointed by the President pro tempore of the Senate.

(10) One Member of the House of Representatives who is not a member of any committee referred to in this section, to be appointed by the Minority Leader of the House of Representatives.

(11) One Member of the Senate who is not a member of any committee referred to in this section, to be appointed by the Minority Leader of the Senate. The Speaker of the House of Representatives shall serve as Chairman of the Joint Committee and the President pro tempore of the Senate shall serve as Vice Chairman of the Joint Committee. Any vacancy occurring in the membership of the Joint Committee shall be filled in the same manner as in the case of the original selection.

SEC. 202. It shall be the duty of the Joint Committee to convene at the call of the Chairman to receive any report required under title I of this Act and to report to those committees of both Houses of the Congress which will consider legislation referred to in section 203 of this title. The Joint Committee shall be the officially designated body of the Congress to be consulted by the President and his national security and military advisers, and to receive and transmit information to other committees of the Congress concerning actions taken and reports received under Title I of this Act. The establishment of the Joint Committee shall not affect the duties and responsibilities of other committees of the Senate or of the House of Representatives. The Joint Committee has no authority to report legislation to the floor of either House, but it shall transmit information under this section together with its recommendation for legislation to be considered or adopted.

SEC. 203. Military hostilities by the Armed Forces of the United States described in title I of this Act shall not be continued for more than thirty days from the date such hostilities are initiated unless the authority to continue such hostilities for more than thirty days is contained in enabling legislation enacted by the Congress, including a declaration of war. For the purposes of this paragraph, no legislative enactment, including appropriations legislation shall be considered enabling unless such enactment specifies authorization for actions initiated under the provisions of section 101 of title I.

SEC. 204. The authority to continue military hostilities by the Armed Forces of the United States described in title I of this Act may be terminated by joint resolution of the Congress before the expiration of the thirty-day period referred to in section 203 of this title.

SEC. 205. Upon the expiration of the thirty-day period referred to in section 203 of this title, or upon the termination of authority to continue military hostilities by the Armed Forces of the United States described in title I of this Act, the President shall take such steps as may be necessary to disengage the Armed Forces of the United States from such hostilities in the safest manner possible at the earliest time possible, unless the Congress has otherwise authorized the continuance of such hostilities.

SEC. 206. If any bill or joint resolution authorizing the continuance of military hostilities by the Armed Forces of the United States described in title I of this Act or terminating the authority to continue such hostilities is sponsored by not less than one-third of the Members of the House of the Congress in which it originates, it shall be reported to the floor of that House of the Congress no later than one day after its introduction, unless the Members of that House of the Congress determine otherwise by a rollcall vote. Any such bill or joint resolution which has been passed by one House of the Congress and referred to the other House of the Congress shall be reported to the floor of the House of the Congress to which it was referred no later than one day after such referral, unless the Members of the House of the Congress to which it was referred shall determine otherwise by a rollcall vote.

SEC. 207. Any bill or joint resolution reported to either House of the Congress under section 206 of this title immediately shall become the pending business of the House of the Congress to which it was reported and shall be voted on not later than three days after it has been so reported, unless the Members of the House of the Congress to which it was so reported shall determine otherwise by a rollcall vote.

TITLE III

SEC. 301. This Act shall not apply to any military hostilities by the Armed Forces of the United States undertaken before the date of enactment of this Act.

You will note, Mr. Speaker, that my bill closely resembles a similar measure introduced by my distinguished Senate colleague from New York (Mr. JAVITS) on February 10, 1971. Senator JAVITS' proposal was widely discussed a year ago and its recent introduction in the 92d Congress has been accompanied by a scholarly and realistic study of the issues involved. Hearings on S. 731 are already underway. In an age when slogans are regarded as facts, when the art of persuasion has been replaced by loud volume, where hysteria has acquired some political respectability, my Senate colleague's approach is both impressive and reassuring.

The differences between our bills are not many, but they are significant, and I cite them as follows: My bill provides a procedure whereby the President can keep Congress informed either prior to or immediately after he takes military action and still safeguard information vital to the success of the action and the safety of our troops. My bill calls for creating a Joint Committee on National Security which codifies the canny and successful consultation President Kennedy undertook with leading Members of Congress prior to the Cuban missile crisis in 1962.

Either prior to the military action, but no later than 24 hours thereafter, this committee would consult with the President or his advisers, and receive information on the circumstances requiring this military action.

The Joint Committee on National Security brings together authoritative Members of Congress in foreign and military affairs. Its membership would include the majority and minority leaders of both Houses and the chairmen and ranking minority members of both House, Senate, and joint committees concerned directly with foreign and military policy. The President of the Senate, the Speaker of the House, and the minority leaders in the House and Senate would each appoint one additional member. This new committee would be designated by Congress as the panel authorized to consult with the President and his national security advisers in situations where congressional powers are involved and where congressional ratification of military actions is required as described in the Javits bill and in my own proposal.

The joint committee must transmit reports it receives pursuant to the provisions of this bill to the appropriate committees of both Houses, which would be responsible for drafting and reporting to the House and Senate legislation to ratify or change the President's actions. While the joint committee has no direct legislative responsibility, it must transmit the President's report, together with its recommendation for action. In a real crisis, a prompt and official, though not final, reaction from Capitol Hill could have great psychological value during the hours following a military action taken by the Commander in Chief.

At present, there is no similarly organized procedure whereby Congress or its leadership can comment officially and promptly on Presidential actions of great international and domestic importance.

My bill also insures the President some flexibility in withdrawing troops while underscoring his responsibility to undertake withdrawal. For example, if the 30-day period is about to end, say on the 28th day, and Congress had passed no legislation enabling the military hostilities to continue, the President could hardly be expected to withdraw American forces in a 2-day period and do so safely in every instance.

I wish to emphasize, Mr. Speaker, that this bill is not intended to force limitations on the President, to tie his hands in foreign policy, or anything of the kind. My bill is designed to clarify the obligations of both the executive and legislative branches when the Armed Forces of the United States are engaged in hostilities.

The intention of this legislation is not to limit the powers of the President as Commander in Chief, but to clarify and separate them from the powers of Congress. These Presidential powers are clearly outlined in the language of my bill.

The President, as Commander in Chief must have discretionary authority over our Armed Forces for emergency situations. But when we talk of the need for Congress to be consulted, that request is not a fatuous seeking of power over the Executive. If anything, it is the legitimate resumption of responsibilities which Congress has for the past decade largely ignored. I should think that both the executive and legislative branches of Government would welcome legislation such as this bill, for it would go a long way toward clarifying a serious constitutional crisis and lessening the potential credibility problems and propensity for distrust, ill will, and lack of cooperation between the two branches.

Discussion of this proposal leads to another question surrounding the current situation in Southeast Asia—the question of military tactics. Should the United States support South Vietnamese action in the Ho Chi Minh trail areas of southern Laos, or into North Vietnam itself? Should our troop withdrawal rate be 12,500 troops per month, or double that figure? Once the Congress has made its determination to authorize any or all of these actions, which we have failed to do in any positive sense, once Congress has charged the Commander in Chief with carrying out a clear-cut policy decision, then the tactical and strategic judgments are properly those of the Executive. Second-guessing military moves by Congressmen and Senators was risky in the days of the Continental Congress. It is even riskier in the days of modern warfare. The reason so many Members of Congress have engaged in discussions of tactics and strategy is that the lack of a clear-cut role for Congress in authorizing this war has clouded the line between policy and tactical decisions. By taking the constitutional authority of Congress unto himself, the Executive has permitted an open season on his tactical as well as high policy judgments. This is a dangerous situation. American troops must feel that they have official as well as public backing when they engage in actions which risk their lives. But the present crisis between Congress and the Executive has deprived them of both on many occasions.

For example, there are those who say that the Cambodia action was illegal, because it was not congressionally sanctioned. On the other side are those who say it was a bold and successful military strategy which permitted the acceleration of U.S. withdrawals from Southeast Asia and sharply reduced American casualties in the months that followed the invasion. Both sides are right.

To bring both the political and military situations in Southeast Asia into proper focus for the American people, there must first be a solution of the constitutional crisis between Congress and the President. As long as Congress permits and the President assumes a wide discretion in warmaking powers, public debate on the war will consist of military, moral, and legal second-guessing, and the overall chances for prompt withdrawal and for peace will be reduced. We must return to the point where Congress makes clear-cut decisions on the use of American forces abroad, and where the President, as Commander in Chief, carries out and abides by those decisions. Short of this, the credibility of the President, of the Congress, and even of the troops in the field will be near zero in the eyes of a confused and angry populace. Short of a return to the exercise of constitutional powers and requirements, our ability as a Nation to maintain flexibility in foreign policy and credibility as a member of the family of nations will seriously suffer.

Mr. Speaker, the moral aspects of our Indochina policies are of concern to most of us, and I shall conclude my remarks on that subject. The morality of our policy is most difficult to view objectively. The right of the Vietnamese people to choose their own future is a moral precept that both supporters and opponents of our efforts in Indochina have used to support their own points of view. In short, it is almost impossible to get agreement on definitions and premises, let alone reach a national consensus on a policy conclusion. Regrettably, both supporters and opponents of our Vietnam policy have claimed a monopoly on righteousness and have questioned the good faith, if not patriotism, of the other side. Debate on Vietnam has been so long, so repeated, and so common, that many people have substituted slogans for facts, and intensity of feeling for logic. This kind of reasoning, devoid of logic, leads to trouble. Some would have us end an immoral war by immediate withdrawal, ignoring or considering moral the bloodbath that might follow. They feel that by stopping all American involvement in immoral killing, morality itself will be served. Others have advocated an even greater land war in Asia and bombing North Vietnam back into the stone age, because communism is in their view, such an immoral system that it justifies such acts.

I believe, therefore, that the mortality of our present policies in Indochina is a matter almost impossible to resolve; however, the question of our moral responsibility to the South Vietnamese people is one which can be debated rationally.

Politics has lost much of its relevance to this war-torn and largely agricultural people. They, like human beings everywhere, want freedom from war, from terror, and from deprivation. They will likely offer political loyalty to whichever side seems best able to deliver security, peace, and prosperity. We may criticize U.S. backing of the Thieu regime because it does not offer freedom as we know it, even though there is no question that the limited freedom below the 17th parallel exceeds that permitted by the totalitarian Hanoi regime in the north.

Despite unpardonable mistakes and tragedies which our involvement in this war has brought, American might and men have helped convince a majority, estimated at 70 percent to 90 percent, to side with the elected Saigon government against the North Vietnamese and Vietcong. If we had no responsibility or moral commitment to the Vietnamese people before we stepped in, we certainly do now. An immediate unilateral, moral, withdrawal undertaken regardless of consequences, which many well-intentioned Americans advocate as a means of ending the expense of this war and of cleansing our hands of killing and suffering, would solve little and would not promote an instant peace. While our entry into the Vietnam war was, in my opinion, a tragic mistake, that mistake cannot be erased by burying our heads in the sand and making believe we were not or are not involved.

We cannot honestly pretend that we have no responsibility for what happens in Indochina in the months following our departure. We can and must, however, be willing to take major new risks to obtain a peaceful settlement. Now that the allies have the upper hand militarily, our demands at the Paris table might be lessened. This is a risk. Our troop withdrawals can be considerably accelerated. This is a risk.

In one important sense, the acceleration of U.S. troop withdrawals and the Vietnamization process will hasten and enhance the chances of a negotiated truce prior to full U.S. withdrawal.

For the fewer Americans remaining in Vietnam, the less control Washington policymakers will have over the situation, and the more the North Vietnamese will be forced to deal directly with the Saigon government, with whom it will be far more difficult for Hanoi to strike a bargain.

We should not be led into thinking that United States-South Vietnamese military superiority can deliver a finishing military blow. We should instead use this superiority to increase and quicken the desire of Hanoi to reach a settlement, before they are faced, across the bargaining table, by a lone delegate of a strengthened and intransigent Saigon government.

There is no doubt, Mr. Speaker, that the moral aspects of our policies and effort in Indochina, have troubled us all, no matter what our persuasion. The people of Vietnam, and Laos, and Cambodia are so terribly vulnerable, that any decisions taken have almost an immediate impact on their well-being, if not their lives.

When I hear the plea, "No more Vietnams," it is this suffering and disruption that comes to mind. It is time for Congress to assume vital responsibilities which have been permitted to wander—over the past decade—down Pennsylvania Avenue. The warmaking responsibilities of Congress are not fully understood by our people, Mr. Speaker, and there are indications that Congress, itself, does not fully understand its legitimate role in this vital area. Congress is not the Commander in Chief, nor is it an adjunct of the military structure. Congress has a responsibility involving questioning, evaluation, and judgment. My bill is addressed to that obligation and I urge my distinguished colleagues to support it.

For my part, I intend to concentrate in the 92d Congress on rectifying this constitutional crisis—on persuading the Congress to assert itself responsibly into the vacuum of power it has left for harvesting by the Executive. Once this is accomplished, second-guessing strategic and tactical decisions will be far less in vogue, and far less necessary, for the American people will once again feel that they have had a voice in the making of decisions which affect their lives, their future and their national honor.

OUTLOOK GROWING GRIMMER FOR SOUTHERN TEXTILERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, once again I rise to call my colleagues' attention to documented instances of the growing injury being inflicted on American textile companies and workers as a result of the uncontrolled influx of foreign textile imports.

Mr. Charles S. Taylor, a staff writer for United Press International, writes from Atlanta of the critical situation that import flooding has brought on all over the South.

How much more time must go by before we in this House act to stop this ruinous flood? How severe must the consequences show themselves to be? How many mills must close, and how many Americans thrown out of work?

The time for action is now. I have introduced legislation that would effectively curb the importation of low-wage foreign textile products. The quota system I have proposed, allowing for a graduated increase in participation by our trading partners, is fair; it is needed; it is an economic imperative.

At this time, I include the text of Mr. Taylor's article in the RECORD, and urge my colleagues to read it carefully. The article appeared in the April 2, 1971, edition of the Lexington, N.C., Dispatch as follows:

OUTLOOK GROWING GRIMMER FOR SOUTHERN TEXTILERS

(By Charles S. Taylor)

ATLANTA (UPI).—Across the South, the lights behind the blue windows of the textile mills are going out, darkened by a slumping economy and a deluge of cheap Asian imports.

Since January of 1969, when the economic effects of foreign shipments, principally from Japan and Hong Kong, first were felt, 50 textile mills in the South have closed their doors. Others, while managing to stay open, drastically trimmed their payrolls.

The textile industry in this country, heavily concentrated in the Carolinas, Georgia and Alabama, is the South's leading employer, with more than 550,000 workers, not counting those in apparel production.

Plant closings also are occurring in the New England textile belt, which has about 30 per cent of the industry.

In North Carolina, the nation's leading textile producer, 30 plants have gone out of business. Thirteen plants closed in South Carolina, and seven in Georgia and Alabama.

JOBS LOST

In 1970 alone, this meant the loss of 10,700 jobs in North Carolina, 6,100 in South Carolina, 6,300 in Georgia and 1,200 in Alabama. Several thousand more were laid off in 1969 and the first few months of this year.

While textile leaders describe foreign imports as the major reason for the downturn, they also cite a generally sluggish U.S. economy.

Imports, however, were the major culprit. Last year they hit a new record level of more than four billion square yards, according to the American Textile Manufacturers Institute (ATMI). Dollar value of the imports totaled $2.4 billion—an increase of more than 11 per cent over 1969, which had been the record year for imports.

In contrast, American-made textile exports in 1970 totalled only $768 million. This left a textile trade deficit of $1.6 billion.

Hourly earnings of textile workers last year averaged $2.47 and employes took home a pay check averaging $99.54 weekly. With the loss of 27,200 jobs in the Southeastern textile industry, this has meant a $140,400,000 blow to the economy of the region, offset somewhat by unemployment compensation and the fact that some of the furloughed workers moved into other jobs.

CLOSINGS CRITICAL

In small communities the plant closings have been critical blows.

"They just closed up, the shades pulled and the lights out," said Mayor J. P. Phillips after the Handley mill closed at Roanoke, Ala., last November, putting 844 people out of work in a city of 5,060 population.

"We just don't close the operation of a $90,000 weekly payroll without it hurting the community. The plant had been in continuous operation for more than 50 years."

The textile industry insists it must have import quotas written into law. It has the support of the Nixon administration.

SOME TAX REFORMS WE DO NOT NEED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, last month I made public Treasury Department figures which revealed that 301 Americans with incomes in excess of $200,000 for 1969 paid no income tax at all for that year. Fifty-six of these wealthy nontaxpayers had 1969 incomes of over $1,000,000, and still they paid no tax. Those who did pay a tax paid a smaller percentage than those with considerably less income.

Since then I have received hundreds of letters from all over the country protesting the injustice and inequity of a tax system which permits this kind of thing to happen. It is true that the 1969 Tax Reform Act contains a "Minimum Tax" provision aimed at reducing the number of wealthy citizens who pay no tax. That provision of the 1969 act does not take effect until the 1970 taxable year so it had no impact on the 1969 returns. However, the minimum tax has so many holes in it that I expect to find next year that once again hundreds of wealthy individuals totally or substantially escaped taxation. How much comfort will it be to the hard-pressed middle-income taxpayer if he finds that millionaires pay a few thousand dollars in taxes rather than nothing?

What is needed is a much more fundamental and thoroughgoing reform of our loophole-ridden tax system. H.R. 5031 which I introduced earlier this year, makes a start on this kind of reform. It would close eight of the more egregious loopholes in our tax system, and bring in some $6 billion a year in additional revenue.

But there are other proposals for tax changes abroad in the land. I would like to discuss four of them in particular:

The Treasury's proposed new rapid depreciation rules, the 7 percent investment tax credit, the value added tax, and the proposal to allow credits against the Federal income tax for State income taxes.

All four of these changes miss the mark. They do not correct inequities—they compound and exacerbate them.

The letters I have received protesting our present tax system almost invariably reveal a deep skepticism about the possibility for real reform and a good deal of cynicism about the whole political process. The four potential tax changes I shall discuss do not meet the concerns of these people and would, if adopted, do nothing to restore their faith in their Government. While complicated questions of tax policy cannot be resolved by reference to public opinion polls, we owe it to those we represent to try to respond to their legitimate concerns.

RAPID DEPRECIATION

On January 11, 1971, President Nixon announced plans for new liberalized depreciation allowances giving business more generous tax deductions for investing in new equipment. The loss of tax revenue from this bit of generosity will be substantial—$800 million for fiscal year 1971, $3 billion for fiscal year 1972, and as much as $4.4 billion a year by fiscal year 1976.

For fiscal year 1972, this tax windfall for business represents more than one-quarter of the projected budget deficit, and more than $45 for every taxpaying citizen in the country.

And what is to be gained from all of this largesse? According to President Nixon:

> Depreciation liberalization will stimulate the pace of spending on new plant and equipment, which has been leveling off, and thus create new jobs.

There are several things wrong with this—the new depreciation rules probably will not stimulate spending on new plants and equipment, and there are better and cheaper ways of stimulating the economy and creating new jobs.

The response of businessmen to the new depreciation rules was "lethargic," according to a Wall Street Journal survey taken shortly after the announcement. Few thought the new rules would make any difference for them or for anyone else. "A depreciation plan like this is not a very effective initiating factor," one said. "You do not change your existing plan for this kind of thing," said another. One allowed that, "if something marginal comes along, this might swing it."

The problem is that business already has more plant and equipment than it needs. Business is currently operating at only 75 percent of capacity. Capital spending was at boom levels throughout the 1960's, with the result that the only projects left now tend to be marginal and uneconomic ones.

If the President has decided that the economy needs $3 billion additional worth of stimulation in fiscal year 1972—and I am not yet convinced that it does—there are better ways of going about it than providing a $3 billion tax windfall to companies with the fond hope that maybe they will use some of it for capital investment.

The administration is currently withholding $11.8 billion in funds appropriated by Congress for fiscal year 1971. Among the funds withheld are $200 million for basic water and sewer facilities grants, $200 million for urban mass transit, and $193 million for public housing. If capital investment is needed, here are funds ready at hand. It would be far better, and more productive in the long run, to invest funds in these areas.

If the concern is with creating jobs, the public service employment program just recommended by the Joint Economic Committee would be much more effective than the new depreciation rules and their spurious promise of "trickle-down" jobs.

If the administration is convinced that $3 billion worth of stimulation is needed, and is unwilling to devote this amount to public investment, another alternative would be to speed up the personal income tax reductions now scheduled for 1972 and 1973.

This step has also just been suggested by the Joint Economic Committee. Moving up the increases in personal exemptions and the standard deduction by 1 year would give taxpayers an extra $2.75 billion of spendable income in fiscal year 1972. There is every reason to expect that this money would be quickly spent, bolstering consumer demand and putting some of business excess capacity to good use. This is the kind of stimulus that our lagging economy may well need, and it could even result in some increased capital investment if present facilitiles prove inadequate to meet the increased demand.

SEVEN-PERCENT INVESTMENT TAX CREDIT

The 7-percent investment tax credit is another tax gimmick designed to give business an incentive to invest in new plant and equipment. This $3 billion a year beneficence was repealed by the Tax Reform Act of 1969, with even President Nixon declaring that:

> This subsidy to business investment no longer has priority over other pressing national needs.

The February 1970 report of the President's Council of Economic Advisers intoned the following judgment over its remains:

> The national priorities of the 1970's did not require or justify this special incentive.

Now, little more than a year later, there is talk of reviving the 7-percent investment tax credit. It should be allowed to rest in peace.

In the first place, as I have pointed out, it is difficult to make the case that spending on new plant and equipment needs some special stimulation when business is only using 75 percent of the plant and equipment it already has. Ironically, business was operating at 85 percent of capacity in 1969 when the investment tax credit was repealed.

Furthermore, the capital spending stimulated by artificial tax gimmicks of this sort tends to be marginal and uneconomic—projects which would not be undertaken solely on their merits. The investment tax credit, as it operated in the 1960's, allowed business firms to deduct from their tax bill 7 percent of their investment in new equipment installed during the year, regardless of the quality or economic value of the investment.

Wise businessmen invest first in the best paying projects available, and then continue down the line toward the least desirable. It is only when they get down close to the margin that something like the investment tax credit would make a difference between going ahead with a project or dropping it. Almost by definition, then, an investment tax credit stimulates spending on projects which fall short of meeting the test of the marketplace.

Another problem with the investment tax credit is that it is procyclical, contributing to a "boom or bust" pattern in the economy. When the economy is in a boom period, Government revenues should be going up in order to damp down inflationary pressures. But with an investment tax credit just the reverse happens. Because business investment is high in boom periods, there is heavy use of the investment tax credit and a corresponding reduction in Federal tax revenues.

On the downside of the business cycle, when Federal tax revenues should be going down in order to prod the economy out of the doldrums, a tax system with an investment tax credit brings in relatively more revenues. This is because investment in capital equipment tends to decline in recessionary times. An investment tax credit, therefore, accentuates the instability of investment and makes it more difficult for the Federal Government to maintain a stable fiscal policy.

VALUE ADDED TAX

Another tax gimmick which bodes no good for the average taxpayer is the so-called value-added tax, now reportedly under consideration at the Treasury Department.

The value-added tax is a tax added to a product at each stage of its manufacture and distribution and passed on in the form of a higher price until it gets to the consumer, who cannot pass it on and therefore ends up paying it.

Some tax policymakers like to think of the value-added tax as a reform. It is nothing of the kind. It is simply a national sales tax with a fancy name. It would hit hardest at the average taxpayer who must spend a large portion of his income on daily necessities, while leaving businessmen and the wealthy practically unscathed.

What is worse, the Treasury is apparently thinking of using the value-added tax as a partial substitute for the Federal income tax. Therefore, instead of a progressive Federal income tax that takes more from the well-to-do taxpayer who can afford more, we would have a regressive tax that is especially hard on the average taxpayer.

Another problem with the value-added tax is that it would raise the price of very consumer good and service to which it applied, leading to demands for wage increases to offset the higher cost of living and possibly touching off a new inflationary spiral.

Even President Nixon's Task Force on Business Taxation, no friend to the average taxpayer, recommended against the value-added tax last September. The President followed their advice when he recommended the rapid depreciation giveaway I discussed earlier. He should be no less eager to follow their advice when their recommendations have merit.

TAX CREDITS FOR STATE INCOME TAXES

The current impasse on revenue sharing has led to discussion of possible alternatives. One of them is the proposal to allow a credit against the Federal income tax for the amount of State income taxes paid. If a person has a State income tax bill of $400, for example, and a Federal income tax bill of $2,000, he would simply subtract his State tax from the Federal and pay $400 to the State and $1,600 to the Federal Government.

Eventually, this might lead the eight States which have no State income tax to enact one, since it would not increase the total tax their citizens would have to pay. This is fine, since most everyone agrees that State income taxes are a good way for States to raise money. But the tax credit has two other effects which are not so fine.

First of all, it is not useful as a revenue-sharing plan. It inevitably will provide more money to a rich State than a poor one, given the same rate of State taxation, because rich States by definition have higher per capita incomes than poor ones. There is therefore no redistribution of resources from rich States to poor States, leaving one of the goals of revenue sharing unfulfilled.

Secondly, the effect of tax credits in the first instance would be simply to lower the total tax bill of everyone living in any of the States with a State income tax, since the tax credit effectively wipes out their State income tax payment. Then, some States would presumably raise their State income taxes on the assumption that their citizens would not mind, because it would be just increasing their taxes to the level they were at before. In theory, all States should do that if the goal of the tax credit scheme—shifting tax revenues from the Federal Government to State governments—is to be achieved. But it probably would not work out that way. Some States would just sit tight, leaving their citizens with their tax bonanza.

Therefore, any concern for tax equity—seeing that people in similar circumstances pay the same Federal income tax—will be thwarted by the tax credit device. Citizens in some States will end up with a lower total tax bill and citizens in others will not. The distribution of tax reductions will be totally eccentric in terms of individual taxpayers.

CONCLUSION

The four tax proposals I have discussed do not measure up to the standards set, implicitly or explicitly, by the concerned citizens who have written to me. These people want to see a tax system that is fair and equitable and progressive. They want to see those in similar circumstances pay similar taxes. They want to see those who can afford to pay a greater percentage of their income in taxes do so. They will have little patience with tax proposals that make an inequitable system more inequitable. The four proposals I have discussed are bad tax policy and bad economics. They should be rejected.

ENFORCEMENT OF THE 1902 FEDERAL RECLAMATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER), is recognized for 10 minutes.

Mr. KASTENMEIER. Mr. Speaker, the Interior and Justice Departments must decide within a few days whether to appeal a ruling by a Federal district court in San Diego, Calif., exempting arid lands in southern California from the provisions of the 1902 Federal Reclamation Act. In that law, Congress offered generously to water private as well as public lands, but only on condition that the private ownership pattern be reformed to eliminate large holdings. The act states that no single owner may hold more than 160 acres when he irrigates with federally subsidized water.

Since 1933, however, this act has been muddied by politics and administrative precedent. In southern California alone, vast corporations and corporate ranches control an estimated 500,000 acres that now receive water to which they are not legally entitled because they have not complied with the 160-acre limitation.

I have introduced legislation, H.R. 5236, which would authorize the purchase of all "excess" lands above the 160-acre limitation, at preproject prices which do not reflect the benefits of the Federal financing and construction. These lands then would be either resold, leased, or made available for public purposes. The proceeds for the sale or lease would be deposited in a specially designed education, conservation, and economic opportunity fund. The moneys from the fund would be allocated for such purposes as, for example, the development of healthful environments and communities needing open spaces, advancing economic opportunities of veterans, and benefiting public education. I am pleased to note that Congressmen RONALD DELLUMS, DON EDWARDS, and JEROME WALDIE have introduced identical measures.

Mr. Speaker, the Federal Reclamation Act of 1902 clearly defines and outlines the use of Federal water for irrigation purposes. It specifically prohibits a landowner from using more Federal water than is needed to irrigate 160 acres of land. This is the law, and it should be enforced without exception. I understand that such organizations as the Sierra Club, the AFL–CIO, National Farmers Union, National Grange, National Education Association, and the UAW, as well as countless individuals have called upon the administration to appeal the ruling of the San Diego Federal District Court. I join in such a call, and I would hope that the Departments of Interior and Justice will respond favorably to these pleas.

Mr. Speaker, in closing, I am inserting an open letter to President Nixon from Prof. Paul S. Taylor of Berkeley, Calif. Dr. Taylor, who is one of the most knowledgeable persons on the 1902 Reclamation Act, served for many years as a consultant on reclamation law and policy to the Department of Interior, is a professor emeritus of economists at the University of California, Berkeley, and is the research director of the California State AFL–CIO.

The letter follows:

OPEN LETTER TO PRESIDENT NIXON

The Nation, under reclamation law, gives public waters to private landowners, together with money from the treasury to store the waters and convey the gift to them. In the interest of equity, and justice, and opportunity for the many, the law states that these waters shall be distributed widely and not monopolized by the few. This is the meaning of acreage limitation law, that places a ceiling on the quantity of water and amount of subsidy that any individual may receive.

In conferring these gifts of water and money the Nation has been generous. Congress has spent or authorized $10 billion for the program. The question that remains too largely unanswered is whether the law requiring that benefits from these expenditures be widely distributed is going to be honored or breached. While they welcome the water and the money, landowners with tens and scores and even hundreds of thousands of acres resist the law that denies monopoly of these gifts.

Open efforts to persuade Congress to abandon the law have generally failed. Greater success has come from subtler pressures upon administrators to ignore the law or lay it aside. Judicial proceedings have had limited success in lower courts, but none in the highest. In 1957 the California Supreme Court repudiated the law against water monopoly by the few, but the United States Supreme Court unanimously reversed the lower court decision the very next year.

Today the National Administration faces a parallel prospect. Shall it allow the legal process to take its due course from lower to higher court? Or shall it halt the process, allowing a lower court rejection of acreage limitation law to stand without higher review?

A San Diego district judge in the lowest federal court has ruled that the Boulder Canyon Act of 1928, while conferring generous benefits in water and money, omits the customary mandate to distribute these benefits widely. The issue is one of magnitude. In Imperial Valley alone 233,000 acres, or more than half the total irrigated area, are owned in tracts that exceed the legal limit under reclamation law. In all of Southern California served with Colorado River waters probably a half million acres are owned in "excess," equal to more than half the area of the State of Rhode Island. By clear implication the lower court decision removes the legal limit from these lands.

Understandably the interest of large landowners is to let the decision stand without appeal. For them, as noted by the Los Angeles Times, it means "soaring" land values. A higher court, as it did before, might reverse the lower court ruling. For a broader public interest, however, the moral to be drawn from judicial precedent is precisely the opposite: appeal should be taken to the highest court if necessary to uphold the law.

The principle guiding the tactics of interests seeking escape from acreage limitation provisions of reclamation law has never been stated more clearly than by one of the practitioners, Congressman, and later Senator Clair Engle. In 1955 he told Congress:

"I grant you, you start kicking the 160-acre limitation and it is like inspecting the rear end of a mule: You want to do it from a safe distance because you might get kicked through the side of the barn. But it can be done with circumspection, and I hope we can exercise circumspection."

The issue today is "circumspection" vs. unimpeded due process of law through the courts.

The Imperial Valley case began in 1933 with administrative "circumspection." An administrator wrote a letter saying he was not going to apply the law. This letter, says the current brief of the Department of Justice, "must be considered for what it was: A partisan effort by a lame duck administration to effect, by administrative interpretation, an exemption that proponents of the Project Act never dared risk seeking directly" from Congress.

Since 1933 top Government lawyers within three Administrations have said that under the Boulder Canyon Act acreage limitation law does apply. The press reports that Government spokesmen said the San Diego case would be appealed if the Government lost in the lower court, and that the judge himself said of the case that he wanted "to get it tried and on its way to the Supreme Court."

With a lower court decision again against the law, will "circumspection" be the guide that says drop the case, do not appeal? Or will the Government appeal, as the acreage limitation issue was appealed before to a favorable decision, to the United States Supreme Court?

The right to appeal expires with April 9. Time is short.

PAUL S. TAYLOR.

POLICE DEATHS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BIAGGI) is recognized for 30 minutes.

Mr. BIAGGI. Mr. Speaker, brave Americans are losing their lives and suffering serious injuries every day in a tragic war. It is an undeclared war, yet it kills and maims defenders of liberty and protectors of the rights of others. It is a war with a faceless enemy, hard to find, tougher to avoid. It is a bloody war with no end in sight. And, Mr. Speaker, it is not the Vietnam war.

It should be clear to all of us by now that the United States is currently engaged in two fighting wars.

In one, American blood is being shed by servicemen on foreign soil. In the other, the police officers of our Nation are being vilified, attacked, shot at, and slaughtered in the streets of our own American cities, towns, and villages.

In this "other" war, the opposing forces have not been decreed by Government edict. It is an insidious war with no plan for a stepped-up withdrawal from the battlefield, no hope for "Vietnamization," and it cannot be ended by Government fiat or the enactment of "time certain" legislation. Our "homemade" war, Mr. Speaker, is as enigmatic as the war in Vietnam.

In this domestic war, elements of Americans are fighting other Americans, shooting it out just as fiercely as traditional enemies. And its effect is just as devastating to our society as the war going on more than 6,000 miles from here.

In fact, it is so disastrous in its impact that it has become common to find injury and fatality figures for U.S. servicemen and police officers listed side by side in our daily newspapers.

A comparison of these figures discloses a frightening fact. While casualty rates for our fighting forces in Southeast Asia have decreased over the past year those for our law enforcement people have been climbing at a fantastic pace.

According to a recent survey conducted by the International Association of Chiefs of Police, 84 persons in law enforcement have been reported killed in the United States for the 9-month period since July 1970.

Of these, 30—yes, 30 mind you—were reported in the last 2 months.

Mr. Speaker, by deliberate choice or by illogical reasoning, our frontline police officers have been chosen by some far out ideologists and warped-minded elements as the primary targets in their efforts to "fight the system." Combined with the criminals, the assailants of police officers are taking a deadly toll in policemen's lives.

The problem is certainly national in scope and only Federal action can prevent its proliferation. Hopefully, Federal direction will reduce the intensity of our "other" war to a point where unconditional peace in our streets can be achieved.

A first step in this direction was the creation of the Law Enforcement Assistance Administration under the Omnibus Crime Control and Safe Streets Act of 1968.

However, the pouring of money into our law enforcement effort without concerning ourselves with the individual policeman first as a human being with all the strengths, emotions, aspirations, frailties, and, most important, civil rights as others in his community, can be a futile exercise.

In our past efforts to reduce tensions and to eliminate the atmosphere of an adversary relationship between the police and segments of the communities they serve, I find that these have concentrated primarily on increasing the rights of complainants and defendants while at the same time giving little or no regard to the rights of policemen.

Mr. Speaker, this unilateral approach to the problem is basically unfair and against every concept of American democracy. It has created a degree of frustration among police officers that is tearing away at the foundation of our law enforcement system. They are leaving police work. They are, understandably, becoming passive in the enforcement of certain laws. And, worst of all, some are institutionalizing their hostilities and turning against the system. The path from frustration to anxiety, to hostility, and finally to violence is a short one. Any proposal that could reduce this possibility should be seriously considered by this body.

Mr. Speaker, this dangerous situation—an ironic turn in which police officers are now becoming the "alienated" of our society—caused me to formulate and introduce a bill that essentially recognizes law enforcement officers as human beings entitled to the same quality of justice they are expected to dispense to others.

This recognition is contained in a "bill of rights" for law enforcement officers which is part of my legislation. The denial of these rights, often taken for granted by many of us, has been one of the principal causes of their despair and disenchantment with the whole system of criminal justice.

In addition, I propose in my bill that the States be required to establish a Tripartite Commission composed of first-line police officers, Government officials, and representatives of the general public. This commission would give law enforcement officers of the State, local governments, and public agencies, a mechanism for the lodging of complaints they may have regarding the infringement of their civil rights by individuals, groups, organizations or their own departments.

The formation of such commissions would serve to equalize the avenues available to the public and the police for redress of their grievances. It would also give law enforcement officers the feeling that they too are full-fledged citizens of the society they risk their lives for.

I submit for the RECORD a summary of my bill describing its several provisions:

SUMMARY OF "LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS"

The bill would amend Section 303 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, by requiring, beginning one year after enactment, two additional provisions to be incorporated by states in their Comprehensive Plans before the plans are approved for grants. These are:

(a) States should provide a system for the receipt, investigation and determination of complaints and grievances submitted by law enforcement officers of the State, units of general local government and public agencies operating in the State; and

(b) States should provide for the formulation of a "Law Enforcement Officers' Bill of Rights" which, if enacted into local law, would grant statutory protection for the constitutional rights and privileges of all law enforcement officers of the State, units of general local governments and public agencies operating in the State.

THE BILLS OF RIGHTS

The Bill of Rights shall provide, but shall not be limited to:

(a) Law enforcement officers shall not be prohibited from engaging in or refusing to engage in political activity while off duty.

(b) Rights of law enforcement officers under investigation are specified, such as: time and place of interrogation; nature of complaint and names of complainants; complaints to be sworn to; interrogations shall be of reasonable duration; no intimidations or threats; interrogations are to be recorded and no "off the record" statements allowed; officers to be informed of all legal rights; at officer's request, he shall be represented by counsel or other representative of his choosing during the interrogation.

(c) Whenever a complaint review board is established to investigate complaints lodged against police officers which contain other than police officers in its membership, a proportionate number of police representatives shall be included in its membership.

(d) Police officers' rights to bring civil suit against others for damages or abridgement of civil rights arising out of the performance of his official duties are protected and they shall be given assistance when requested to bring such suits.

(e) Disclosures of police officers' personal finances or those of their relatives are not to be required for purposes of assignment or other personnel actions, unless a conflict of interest is indicated or for tax collecting purposes but then only under proper legal procedures.

(f) Police officers are to be notified and given reasons for personnel actions considered to be punitive prior to the effective date of the action.

(g) No adverse action is to be taken against a police officer for having exercised his rights under the Law Enforcement Officers' Bill of Rights.

LAW ENFORCEMENT OFFICERS' GRIEVANCE COMMISSION

A Law Enforcement Officers' Grievance Commission is to be established in each State or unit of general local government. Such Commission is to be composed of a tripartite representation of police, government and public representatives. It shall have the authority and duty to receive, investigate and determine complaints and grievances submitted by police officers arising out of claimed infringements of rights.

Certified police representative organizations may represent officers or may initiate and file complaints with the Commission on behalf of its members.

Complaints filed by police officers may be against any person, group of persons, organizations or their heads, officials of his depart-

> ment, or of other local state or federal unit operating in the State.
>
> The Commission shall be empowered to hold hearings, take testimony under oath, issue subpoenas, issue cease and desist orders and institute actions in State courts in cases of noncompliance.

Mr. Speaker, our domestic war can be deescalated if we first equalize the rights between the police and the people they serve. My bill would bring back to our police institution a feeling of confidence in the American criminal and social justice systems. More importantly, it will allow emotionally charged differences to be aired, discussed and resolved in equally available forums rather than be settled in bloody street confrontations.

Our police officers not only need this legislation, they deserve it and I urge my colleagues to join me in cosponsoring this important legislation.

Mr. MAYNE. Mr. Speaker, will the gentleman yield?

Mr. BIAGGI. I am delighted to yield to the gentleman from Iowa.

Mr. MAYNE. I would like to commend the gentleman for the excellent statement which he has made and for his leadership in introducing this very beneficial legislation. Certainly our law enforcement officers richly deserve and need the protection of this bill, and I am very proud to have had the opportunity to join the distinguished gentleman in cosponsoring his bill.

Mr. BIAGGI. I thank the gentleman very much.

Mr. LENT. Mr. Speaker, I am a cosponsor of the law enforcement officers' bill of rights, which amends the Omnibus Crime Control and Safe Streets Act of 1968 to provide protection for the constitutional rights and privileges of the law enforcement officers of this Nation.

We hear a great deal today about the performance of our police. There are those who call them pigs or Fascists, and say they brutalize dissident minorities, be they students or blacks. We are told by some that the police are undereducated, undertrained, underpaid; that above all they are unresponsive to the concerns of the poor, or the black, or the young. On the other side there are those for whom the police can do no wrong; who would tolerate any sort of brutality or excessive violence in the name of "law and order."

When we cut through the rhetoric on both sides and examine the issues carefully, we can see that the truth, as usual, is somewhere in the middle. The police in America today are called upon to risk their lives on a daily basis in the performance of their duty, which is to uphold the laws of their communities, prevent crime where possible, and apprehend those who violate the law. In most cities the police are not well paid for the work they do; and too often they are subjected to verbal and physical abuse in the line of duty. Today they must brave not only the dangers inherent in their work, but often the assaults of angry mobs and the anarchic violence of those who would reform our society by destroying it. They must also learn to tolerate the epithets hurled at them in the streets and the more sophisticated invective of some of the opinionmakers of our society.

I believe we owe our police a great deal for their willingness to submit themselves to these attacks.

We should not, however, conclude that the police should be blameless when they overreact to civil disobedience, when they commit acts of excessive violence in what they may see as the performance of their duty.

What we must do, and what I believe this "Bill of Rights" does do, is to guarantee to law enforcement officers accused of wrongdoing the same rights and privileges available to any citizen who stands before the bar of justice.

In some localities, Mr. Speaker, a policeman has no such rights. He may face a disciplinary panel that has no interest in his defense. He may face administrative suspension or dismissal from the force without a hearing. If the community is sufficiently aroused, he may be tried and found guilty in the public mind or media even if he is eventually absolved by the appropriate authorities.

The law enforcement officers' bill of rights would limit such abuses by guaranteeing to policemen under investigation rights corresponding to those guaranteed all of us by the Constitution. This bill would further provide that the police be represented on civilian review boards, and that a law enforcement officer wrongly accused may bring civil suit for damages or abridgment of his civil rights. The bill also provides a mechanism by which law enforcement officers may seek redress of their own legitimate grievances.

This bill, Mr. Speaker, makes the law enforcement officer a first-class citizen, a full-fledged member of our society with the same rights and privileges held by all of us. I believe it is the least we can do to lessen the burden of responsibility borne by the men who serve their communities and their Nation in this vital capacity.

GENERAL LEAVE TO EXTEND

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. MELCHER). Is there objection to the request of the gentleman from New York?

There was no objection.

PUBLIC WORKS ACCELERATION ACT AMENDMENTS OF 1971

The SPEAKER pro tempore (Mr. MELCHER). Under previous order of the House, the gentleman from Michigan (Mr. O'HARA) is recognized for 30 minutes.

Mr. O'HARA. Mr. Speaker, within days the House will vote on the Public Works Acceleration Act Amendments of 1971, a bill authorizing the expenditure of $2 billion for public works projects in cities across the Nation suffering severe unemployment.

It is significant to note that the day after this bill was ordered reported by the Committee on Public Works, the Department of Labor reported that fully one-third of the Nation's major labor areas are now suffering substantial unemployment.

Today there are 50 major employment areas on the substantial list, the highest number since June 1962, when the Nation had not yet fully recovered from the last Eisenhower-Nixon recession.

At that time the Congress was working on the original Accelerated Public Works Act. And the declaration of purpose for that act, written more than 8 years ago, is as appropriate today as it was then. It reads:

> The Congress finds that certain communities and areas in the Nation are presently burdened by substantial unemployment and underemployment.
>
> The Nation has a backlog of needed public projects, and an acceleration of these projects now will not only increase employment at a time when jobs are urgently required but will also meet longstanding public needs, improve community services, and enhance the health and welfare of citizens of the nation.

The Nation reaped a double benefit from that 1962 act.

Men were put to work, and hospitals, roads, sewage treatment plants, and other much needed facilities were constructed for public use.

In my congressional district alone, $17 million worth of public projects were built with funds provided by the Public Works Acceleration Act and local matching funds.

Today the same situation exists. Men are unemployed, and plans for projects the public badly needs gather dust in the engineers' file cabinets for want of money to finance them.

In the Detroit metropolitan area, 40 percent of all workers in the building trades are jobless. Nearly one out of every two carpenters, bricklayers, laborers, and all the other kinds of building tradesmen are without work. In numbers, 25,000 idle men could be put to work within months building the things the public needs.

In communities across the Nation, roads must be built and repaired, sewers need to be constructed, hospitals need to be expanded and modernized. Recreation centers are needed in our cities. The list could go on.

Just this week, officials of Macomb County informed me that they could have $6 million in construction projects underway in short order—if they had the money. The list of projects encompasses a wide range of public services—a new library building, a training center for firemen, an expansion of the county engineering building, the development of three parks, a nature interpretive center at another, and facilities for the Sheriff's Marine Patrol.

The city manager of one medium-sized city in my congressional district estimates that he could have a $75,000 paving and sewer project underway within 2 months—if he just had the money. That project would provide jobs for 75 to 100 men.

He has preliminary designs for a $2 million sewer project, but he told me: "I've just had to put it on the shelf, since I can't find the money to pay for it."

The drain commissioner of Macomb County informs me that he has a backlog of projects totaling $50 million awaiting financing and he could put several million to use almost immediately.

These are projects which are needed by the people. They will have to be built—if not now, then as soon as funds become available.

By making money available to the cities under this Accelerated Public Works Act, we will be putting people to work on jobs that need doing. The infusion of these public works funds into our depressed communities will not only benefit those in the construction industry, but will stimulate the economy generally, restoring jobs to other workers who are now idle because of the Nixon recession.

Mr. Speaker, the recession in the construction industry has been produced by the deliberate economic policies of the administration. Just last week, Speaker ALBERT pointed out that the administration has "frozen" more than $11 billion in funds appropriated by Congress, primarily for urban development.

The withholding of Federal funding for basic water and sewer grants and urban renewal, for example, has denied work for thousands of construction workers across the Nation.

The Nation's economy, many of the men who are now unemployed, and our cities would benefit by the immediate release of these frozen funds, and I hope that the administration will free them immediately.

But we also need the Accelerated Public Works Act, Mr. Speaker. We have idle men, and we have work that needs to be done. Let us put these men to work—for their benefit, and for the benefit of all our citizens.

THE CALLEY CASE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Georgia (Mr. HAGAN) is recognized for 5 minutes.

Mr. HAGAN. Mr. Speaker, the very vocal and overwhelming written response to the conviction of Lt. William Calley is evident to us all. In the face of the obvious concern, dismay, and intense expressions of disbelief of my First District constitutency, the State of Georgia, and the Nation, I wired the President on April 1st as follows:

> On behalf of myself and the good people of the First District in Georgia, I strongly and respectfully urge that you grant a full pardon to Lt. William Calley, thereby restoring faith and trust in the American principle for which American men have fought and died throughout our nation's history.

This unprecedented reaction of the American people to a serviceman's plight necessitates action out of the ordinary by those in authority. I for one am continuing to watch all developments and attitudes in connection with the case of Lt. William Calley.

TRIBUTE TO J. EDGAR HOOVER

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Louisiana (Mr. PASSMAN) is recognized for 10 minutes.

Mr. PASSMAN. Mr. Speaker, the frequent attacks on that great patriot, J. Edgar Hoover, are indeed cause for alarm because we now find that some of our ill-advised top leaders have joined the ranks of those who are villifying this great American. I would not be worthy of the honor and trust that my constituents have placed in me if I did not have something to say about these frequent, uncalled for attacks on this great American—some by design, some through being ill advised, and some by those who resort to snap judgment.

J. Edgar Hoover, who has so ably directed the FBI, is a symbol of Americanism at its best; a symbol of what is right and good; a symbol of great courage, who can, and will, state the facts as they are so as to protect the things that made our country so great, free, and strong. I hold this great American in high esteem, as most all Americans do, and in my considered judgment, based on his record as FBI Director for many years, J. Edgar Hoover needs no defense. His record for integrity, for right, for courage and love of country stands as a beacon to which all Americans should point with pride and admiration.

My prayers are, and my hope is, that the Supreme Architect of the Universe will spare him for many, many more years so that he may continue to serve the country that he loves so much. And let the record show that you do not judge a man by the number of years he has lived, but how he has lived his life. J. Edgar Hoover is a young man in his thinking and in his everyday labors to help keep America as our Founding Fathers meant for it to be. We need his advice and services now more than ever before.

RUSSIA'S NEW BOLSHEVIK REVOLUTION EXPANSIONISM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, the Russian imperialists have apparently found a solution to their population control problem that is in addition to the salt mines in Siberia and purges—world domination.

Recent reports indicate that the Kremlin has expanded its diplomatic, economic, and military influence to every country in Southeast Asia which Red China has traditionally considered its own backyard.

On March 10 in my remarks on "U.S. Soviet Policy in Southeast Asia"—page 6005—I concluded that the greatest benefactor of U.S. troops in a "no win" war in South Vietnam is the Soviet Union. Now that the United States has lost face by not ending the war in victory and is talking of withdrawal as a policy, the many former pro-West nations are turning to Russia for alliance and protection against Red Chinese expansion.

Reports from Latin America show that all but five Latin American nations; that is, Paraguay, Ecuador, Guyana, Surinam, and French Guiana have diplomatic or trade relations with either Moscow or Peiping and Hanoi. And in Havana, Moscow's Embassy supplies Vietcong and North Vietnamese propaganda for anti-U.S. broadcasts.

In Africa, Soviet armed guerrillas and Communist puppet states seek to violently overthrow the stable civilized governments of South Africa which the American people are repeatedly told is being done to eliminate apartheid. Communism must then be favored over freedom if in a segregated nation.

In the Middle East, the administration had even suggested an integrated United States-Soviet "peace keeping" force to be stationed between the Arabs and Israelis—a most unpeaceful position.

Naval experts warn of escalated Russian naval activity and presence in the Caribbean as well as the Mediterranean. And in Washington another anti this and that is scheduled.

Russia's aggressive expansionism is on the march worldwide and at a time when U.S. influence is diminishing. Those foreign aid dollars bought no lasting friends.

Who says the international Communist conspiracy is a myth?

I insert several news clippings:

[From the Newsweek Magazine, Apr. 12, 1971]

RUSSIA IN SOUTHEAST ASIA

Despite the olive branch that Leonid Brezhnev extended to Communist China at last week's Soviet Party Congress, Moscow and Peking remain bitter foes. In recent months, both Communist giants have continued to reinforce their garrisons along the 4,000-mile border between them. And less ostentatiously—but no less significantly—the Kremlin has begun to expand its diplomatic, economic and military influence in the area that China has traditionally considered to be its own backyard—Southeast Asia. "The Russians aren't *coming* to Southeast Asia," a Western diplomat stationed in the area commented last week. "They've already arrived."

So they have. In the last two years since Brezhnev audaciously proposed the formation of an anti-Chinese "Asian collective security system," the Russians seem to have relegated that idea to the back burner. But, meantime, the Soviet presence in Southeast Asia—a part of the world that once regarded the Russians with about the same enthusiasm as an epidemic of smallpox—has been expanding at an impressive rate. Today, in every major city in Southeast Asia outside of South Vietnam, it is commonplace to see Russian seamen, diplomats, trade officials and uniformed Aeroflot crews. Posters advertising the wonders of Soch's pebbly beaches and the Bolshoi ballet are prominently displayed in the windows of Soviet cultural centers from Singapore to Vientiame. Sleek Soviet commercial airliners touch down in Southeast Asia capitals. The Philippine Government is expected to establish full diplomatic relations with Moscow in the near future. Malaysia and Singapore have already done so.

None of this would have been possible without a fundamental change in attitude on the part of Southeast Asian leaders. This shift was summed up last week by Singapore's pro-Western Prime Minister Lee Kuan Yew. Commenting on the prospect that a Soviet fleet will soon be operating in Asian waters, Lee declared: "The Soviet naval capacity in the Indian Ocean and the South China Sea can be a counterpoise to China's weight . . . on the littoral countries of Asia and Southeast Asia."

Statements like Lee's underline a new power reality in Southeast Asia. Compared with that of the U.S., the Soviet presence in the area may still be small. But it is there, and it is growing. "It is inevitable for our fleet at Vladivostok to cruise both in the China Sea and the Indian Ocean," a Soviet diplomat said recently. And, a senior Western diplomat in Southeast Asia expressed it this way: "This is just the beginning. The Soviet entry into Southeast Asia is part of a whole new expansionist world strategy on the part of the Russians."

Moscow's reasons for moving into Southeast Asia are twofold. In general terms, the Russians feel that as a superpower their country should acquire the same kind of global influence enjoyed by the U.S. since World War II. To achieve that influence, they seek in Asia, as in the Mediterranean and the Persian Gulf, bases for the Soviet Navy and fruitful economic relations. Specifically, of course, the Soviet expansion into Asia aims at weakening Chinese influence there.

Happily for the Soviets, their goals have neatly dovetailed with the changing interests of most of the Southeast Asian countries themselves. Like the Russians, most of the leaders of Southeast Asia are resolutely anti-Chinese, not only for historic and ethnic reasons, but because of Peking's continuing policy of supporting insurgencies aimed at overthrowing their governments. Until a few years ago, all of these nations relied wholly on the U.S. to serve as their guarantor against both possible Chinese external aggression and against internal subversion. But in light of President Nixon's decision to reduce the American presence in Asia, there is great uncertainty throughout the area over the future course of U.S. involvement. In every Asian capital, government officials ask visiting U.S. officials the same question: "How long will the U.S. stay?"

No one—perhaps not even Mr. Nixon—really knows the answer to that question. And in the meantime, the Soviet entry into the area has given the Asian governments an alternative counterweight to China. As one Singapore diplomat put it, "Frankly, the only way for us and most of the other nations in Southeast Asia to preserve our independence is to have a balance of the big powers in the area."

Nor do the Asians seek a counterweight only against China. In the case of the Philippines, the establishment of diplomatic relations with Moscow would give Manila an alternative to U.S. aid and political support. "We desperately need aid," says a close associate of President Ferdinand Marcos, "and the Soviets would give us another place to go for help." At present, it is illegal for Filipinos to trade with the Soviet Union. But legislation permitting such trade has been introduced (and is expected to pass), and President Marcos is expected to name a delegation for trade talks with the Russians in the near future. Formal relations with Moscow, said Marcos in his January state of the nation address, are "only a matter of time."

NEUTRALITY

Other Southeast Asian nations have their own reasons for welcoming diplomatic relations with the Russians. Laos and Cambodia, both engaged in a bloody struggle with Communist insurgents and their sponsors in Hanoi, prize their Soviet embassies as proof of their "neutrality" in world affairs. In Bangkok, government officials see the Russians as a possible foil against the Chinese should Peking ever start to exert real pressure on Thailand. And more immediately, Thai officials have signed a new trade agreement with the Russians in an effort to break Japan's current stranglehold on the Thai economy.

It is in Malaysia, however, that Soviet hopes seem to run highest. Since the two countries established formal relations in 1968, the Soviet Embassy in Kuala Lumpur has grown in size by leaps and bounds, and Western diplomats now believe it will be the regional headquarters for Russian activities in all of Southeast Asia. Secret negotiations have been conducted between Soviet officials and their counterparts in Kuala Lumpur for Soviet aid in reorganizing the Malaysian Navy, expanding the air force and providing artillery, tanks and modern weapons.

SMILES

In all of this, the Soviets have been adept at overcoming the anti-Communist feelings of the governments involved. To assure the local governments that they are not rabid revolutionaries, the Russians smile their blandest smiles everywhere in Southeast Asia. And, as one Western diplomat noted, "Now that the Chinese, too, have adopted a smile campaign (page 57), the Russians are attempting to make their smiles even bigger." They are trying hard to show that, unlike the "savage unreasonable Chinese Maoists," they are "good" Communists. The old revolutionary image is carefully avoided. One recent Soviet visitor to Manila, a woman official named Valentina Lubomudrova, arrived in the Filipino capital looking like a Western tourist, complete with a huge topaz ring and a heavy gold bracelet. Staring at this vision, one airport worker turned to a colleague and remarked: "Do you think she is really a Russian?"

In a far more fundamental compromise, the Russians have not hesitated to criticize the various insurgent groups of Southeast Asia, most of which owe their allegiance to Peking anyway. Thus, in Phnom Penh, a Russian diplomat has characterized the Khmer Rouge as "a few hungry peasants." In Thailand, a Russian publicly commented that "the guerrillas are merely a bunch of jungle bandits." And in Rangoon, another Soviet diplomat contemptuously dismissed the Chinese-backed guerrillas in Burma as "tribal terrorists." As one veteran Southeast Asian observer explained it: "The Russians are setting a precedent in the area by saying that they will support the governments in power, whether it is Ne Win in Burma or Marcos in the Philippines.'"

ECONOMIC AID

Still, the Russians have experienced failures as well as successes in Asia. In Indonesia—the most populous country in the area—they still have not recovered from the setback they received during the 1965 anti-Communist upheaval. But if the Russians are disliked in Djakarta, they know that the Indonesians need them, both for possible economic aid and as a potential ally against the Red Chinese, whom the Indonesians despise even more than they do the Russians. Recently, in fact, President Suharto ordered his Cabinet ministers to buy more goods from the Soviet bloc. And Moscow, after refusing for the past three years to sell spare parts for the military equipment it supplied Indonesia in the Sukarno days, has now agreed to do so.

Thus far, it is not clear just how the Soviet move into Southeast Asia will affect the three powers already operating in the area—China, Japan and the U.S. And it is not surprising that each of these nations has responded differently to the challenge. No doubt because the Soviet moves are aimed chiefly at China, Peking has responded most violently. Radio Peking almost nightly complains of the Russian "neo-imperialist" encroachment. By contrast, the Japanese, who dominate the area economically and inherently mistrust the Soviets, have made no moves yet to counter the Russian presence. Their failure to do so may stem from political caution, but it could also reflect a feeling that another counter to the U.S. in Asia could some day be useful.

As for American diplomats in the area, they are divided over whether the Soviets pose a strategic challenge to U.S. interests. All agree that Soviet diplomatic and economic influence will increase as the U.S. presence in the area declines. But they are split over whether the Soviets will ever have the military and economic might to seriously challenge U.S. power and influence in the area. And some question whether the Russian tide, for good or ill, can possibly be held back. As one American diplomat said, Some of the older Americans out here—those who grew up in the Foreign Service under John Foster Dulles—believe that we must fight to keep the Communists out at all costs. I don't agree with that. I think the time has come when we are going to have to live with the Soviets in all areas of the world, including this one."

[From the San Diego Union, Apr. 4, 1971]

LATIN AMERICA LOST ITS FEAR OF MARXISM DURING LAST DECADE

(By William Giandoni)

A decade or so ago, Latin America seemed deathly afraid of communism. Times have changed.

In the 1960s, so widespread was the rejection of anything that had to do with Marxism-Leninism, or whatever the euphemism of the moment was, that even Fidel Castro waited until he had been in power in Cuba almost three years before confessing that he was a Marxist.

It was not until the Cuban revolutionary leader's five-hour-long radio and TV appearance, late the night of Dec. 1, 1961, that Castro admitted: "I'm a Marxist-Leninist and will be a Marxist-Leninist until the last day of my life."

Castro himself said then that he felt justified in having concealed his Communist sympathies for so many years. Cubans would not have accepted him, had they known he was a Marxist.

But that was 1961.

Now Marxism or socialism, which are the words they use to avoid naming what the United States chooses to call "communism," seems to have broader appeal.

The evidence is widespread. Costa Rica, long famed as one of the most democratic nations in the hemisphere, is the latest case in point.

There, President Jose Figueres, a founding father of Latin America's "democratic left," itself recommended as an antidote to communism in the hemisphere 10 years ago, took the lead in negotiations that led to the recent establishment of diplomatic relations with the Soviet Union.

Figueres first gained fame in 1948 by leading an "anti-Communist revolution," and, in 1959, journeyed to Havana to suggest that Cuba align itself with the United States in the "cold war" against the Soviet Union.

Actually, Costa Rica was just the latest of the non-Communist Latin countries to strike up relations with Moscow. Argentina, Bolivia, Brazil, Chile, Colombia, Mexico, Peru, Uruguay and Venezuela took the step earlier.

Economic considerations, specifically the desire to "diversify markets," played a big part in Costa Rica's decision—despite the fact that Latin America's experience with Soviet trade and aid plans has been anything but satisfactory. While the Russians readily agreed to take Costa Rican coffee, Bolivian tin, Chilean copper and the other traditional Latin raw materials exports, the goods they offer in return have proven of dubious value.

Ask the Mexican car dealer who had a consignment of Moskovich autos on hand for years. Or the Colombian police, about their Soviet-built general purpose vehicles. Or Cuba, itself, about the Soviet farm machinery it got for mechanizing the sugar industry. None of it lived up either to promises or to expectations.

Some diplomatic observers insist that the real reason the Latin countries seek to have missions in Moscow, Havana, Peking or other Communist capitals is to placate native extremists.

Yet events in Uruguay, Brazil, Argentina, Colombia and Venezuela suggest that domestic extremists are not all that easily mollified. Even election and inauguration of an admittedly Marxist government in Chile has not brought an end to extremist troublemaking in that country.

[From the San Diego Union, Apr. 4, 1971]

HANOI HAS CUBAN ACCENT

(By Pablo Bassim)

CARACAS, VENEZUELA.—Cuba's official radio stations have taken on the job of becoming the daily Latin American voices for North Vietnam and their Viet Cong sympathizers.

As presented by the Cubans, the news broadcasts contain constant attacks against the United States, The White House and the Pentagon for "genocide" without any "regard for Asian lives."

Radio Havana, the key station, claims to support its charges of "American attempts against the lives of Asians" by picking up reports from U.S. news agencies which sometimes contain material unfavorable to the Allied war effort in Southeast Asia.

Reports of casualties favoring the Communists are usually quoted by the three stations giving credit to American agencies reporting from Saigon, Phnom Penh or any other dateline in Indochina.

"American imperialistic troops suffered heavy casualties today in South Vietnam, eighteen helicopters and four planes shot down. Twenty-five South Vietnamese soldiers killed" . . . the Cuban stations report.

But none of the stations give account of casualties or damages inflicted to the Communists.

The station's coverage of the war in Indochina is a part of Fidel Castro's propaganda machinery against the United States and several of the republics which Havana considers as "puppets of American imperialism."

The news broadcasts and the commentaries read every day over the long and short wave facilites at the three powerful stations have been prepared by a board of editors. Material is frequently provided by the North Vietnamese, South Vietnam's National Liberation Front (Viet Cong) and the Soviet embassies in Havana.

Radio Havana, for instance, allows 8 to 12 minutes of news on Indochina during its 25-minute broadcasts three times a night.

The same report on Indochina is read in English, Spanish, French Creole (for Haiti, Martinique and Guadaloupe). Portuguese (for Brazil) and Indian languages of Mexico, Guatemala, and Paraguay.

Radio Liberacion devotes 15 minutes to world and Cuban news every hour. Of these, 5 minutes are dedicated to Indochina's reports from Hanoi, Saigon, Moscow, Peking and Paris.

The same space is used by the Voice of Cuba.

[From the Washington Evening Star, Mar. 24, 1971]

NIXON RULES OUT STATIONING RUSSIANS ON ISRAELI BORDERS

(By Thomas B. Ross)

President Nixon has ruled out the stationing of any Russian troops on Israel's borders if they participate with the United States in a United Nations peace-keeping force in the Middle East.

Reliable administration sources reported that a top-level study is underway to determine how best to deploy troops of Russia, the United States, and other countries within the peace-keeping force.

Recognizing Israel's extreme sensitivity about the Russians, Nixon reportedly laid down one firm guideline in advance: That Russian troops must be kept as far as possible from the new Israeli borders.

(United Press International reports Israel has agreed to provide the United States with guidelines for drawing up a Mid-east peace settlement map, but has made it clear it will not give up its secure borders in exchange for an international peace-keeping force.

(Government sources told UPI that Prime Minister Golda Meir and top cabinet aides had decided to give the United States "guiding principles" on what it would consider acceptable Arab-Israeli borders in a settlement.)

Israel has rejected Secretary of State William P. Rogers' plan for a U.N. force, including U.S. and Russian troops, at Sharm El Sheikh and has expressed strong opposition to a Soviet presence in any part of the peace-keeping operation.

However, as a result of Foreign Minister Abba Eban's talks here Friday with Rogers and White House adviser Henry A. Kissinger, administration officials are hopeful that:

(1) Israel may eventually be persuaded to accept Soviet troops in a U.N. force on the east bank of the Suez Canal while U.S. and other troops do the patrolling directly on the border between Egypt and Israel.

(2) The canal can be reopened in an interim arrangement, including partial Israeli withdrawal, while the cease-fire and the U.N. peace talks continue.

(3) The Sharm El Sheikh issue can be compromised by separating the problem of occupancy from that of sovereignty; that is, by Israel's giving up its annexation plan and Egypt's agreeing to lease the strategic site to Israel.

Israel's position was strongly supported yesterday by Sen. Hubert H. Humphrey, D-Minn.; Henry M. Jackson, D-Wash.; Jacob K. Javits, R-N.Y., and Abraham Ribicoff, D-Conn.

They criticized the Rogers plan, saying it would leave Israel vulnerable and expose U.S. troops to a possible confrontation with the Russians.

Sen. J. William Fulbright, D-Ark., chairman of the Foreign Relations Committee, came to Rogers' defense, warning that Israel would lose American support if it refused to show some flexibility.

"I don't believe Israel should take the United States for granted," he declared, adding that the Jewish state seems to take the position "that so long as we support her, she will not withdraw from anything."

Jackson argued: It is difficult to imagine a more short-sighted and dangerous arrangement for the Middle East than one that forces Israel back to vulnerable borders and then installs along these borders the military forces of the Soviet Union . . . we should be trying to get the Russians out of the Middle East, not designing plans to dig them in."

Humphrey said it would be "the height of folly" to force Israel to agree to withdrawal prior to negotiations since it would then have "lost any bargaining point."

Ribicoff denounced the "folly of endangering Israel's security by forcing a return to vulnerable borders in exchange for vague Arab assurances."

Javits cautioned that there is "in our nation a great reluctance to see U.S. forces stationed in the Mideast flash-points."

[From the Washington Post, Apr. 4, 1971]

ARMS FROM EAST, WEST USED IN AFRICA

(By Jim Hoagland)

LUANDA, ANGOLA.—Communist and Western countries are supplying increasingly sophisticated arsenals to the opposing sides in three guerrilla wars being fought in Africa.

Portugal appears to need little direct help from her NATO allies in containing the black revolts flaring across her colonies of Angola, Mozambique and Portuguese Guinea. But whatever help Portugal needs, she gets, and the need is growing.

French-made helicopters are becoming more vital to the Portuguese as they switch to more aggressive and mobile tactics. Airplanes manufactured in West Germany drop napalm and crop-killing herbicides over some contested areas. And American jet liners are used routinely for Portuguese troop movements to and within the embattled provinces.

The guerrillas, divided among half a dozen movements, depend on Communist countries for an estimated 80 to 90 per cent of their supplies and training. Some turn to the Soviet Union, China or Cuba out of ideological kinship, others do so out of necessity. An exception to the general pattern is an Angolan exile group that receives Belgian and American weapons.

The source of war materials for the three conflicts is becoming a highly volatile, if confused, issue. Each side attempts to exploit its cold war overtones, while deliberately clouding the question of its own reliance on outside help.

Weapons used by the Portuguese stir more controversy, largely because allies like France, West Germany and the United States say they disapprove of Portugal's efforts to hold her colonies, and claim they are not aiding Lisbon's war effort.

Portugal manufactures most of the small arms and ammunition she needs for the three separate but related wars. But she must turn to her allies for big items, especially air transport.

Senior Portuguese officers in Angola believe, for example, that the 10-year-old struggle here may have reached a decisive point last month with the delivery of three large French manufactured SA-330 helicopters for use across this vast territory.

Riding with Portuguese troops on the helicopters' first combat mission in late February were two French mechanics checking for modifications needed on future deliveries. They were sent to Angola by Sud Aviation, the French company that builds the SA-330.

The mission came a few weeks after French President Georges Pompidou pledged in Senegal that France would stop selling to South Africa French helicopters and other weapons that could be used internally against a black uprising.

Paris has not made any commitment on the Portuguese territories, where guerrilla wars are in progress.

The Portuguese already have stationed in the three territories a total of about 60 French-made Alouette helicopters, which carry a maximum of six combat soldiers each. The SA-330 can carry four times that number, and will greatly expand Portuguese mobility.

"Three [SA 330s] is enough to enable our patrols to disrupt the guerrillas' supply lines," said a high-ranking intelligence officer in Angola during briefing.

France also supplies Noratlas transport planes and Panhard armored cars for use in Mozambique and perhaps in Angola.

The propaganda debate over weapons turns especially bitter on the guerrilla accusation that Portugal uses American supplied napalm and crop destroyers over contested areas much as U.S. forces do in Vietnam. Portugal has in the past denied using napalm and herbicides.

Observations and interviews during a five-week trip through the three territories indicated strongly that napalm and herbicides have in fact been used in the three areas. The origin of the materials is uncertain.

Napalm bombs were seen stored at several bases in Angola and the commander of the Portuguese forces in Angola, Gen. Francisco da Costa Gomes, readily confirmed in an interview that his forces use both substances.

"We use very little of them," he said. "They are not very good for us" because of Angola's terrain. "It is easier for us to destroy crops with a good infantry squad."

General Gomes emphatically disputed the guerrillas on the effects of the herbicides on the population. "They do not affect people at all. We have tested them.'

Observation of scar burns and defoliation in wooded area of all three territories and private conversations with Portuguese military sources suggest that napalm and herbicide use by the Portuguese has almost certainly been on a much smaller scale than the American effort in Vietnam.

Portugal, the United States and Australia were the only countries to oppose an international ban on herbicides considered by the United Nations in 1969.

The markings on the grayish-blue colored, 100-pound napalm bombs seen in Angola—including the words "in end" "napalm", and the letters "RPX" and "MI/65" do not match the official markings placed on equivalent American war material.

General Gomes and other Portuguese officials said they believe Portugal manufactures her own napalm. They were less positive about the origin of the herbicides.

Since 1961 the United States has embargoed the shipment of American arms to the Portuguese African territories, and has received assurances from Portugal that military equipment supplied under the North Atlantic Treaty Organization is not being used in Afirca.

Partially as a result of this, the Portuguese have had to extend the operational life of many old American weapons, which are still being used throughout the colonies.

PV–2 Harpoon bombers, built 27 years ago to bomb Nazi submarines, are still flying anti-guerrilla missions in Angola and Mozambique, as are aged Harvard T–6s. The Angola command has a half-dozen operational Korean-war vintage F–84 jets, and Mozambique pilots fly the F–84 and a few F–86s.

The biggest need modern U.S. equipment is filling for the Portuguese military in Africa is jet transport. Two or three times every week, the military charters Boeing 727 jetliners from the government-owned airline to transport troops in Mozambique. Charters have also been arranged on Boeing 707s to bring troops from Portugal to the three territories.

This summer, the government will not have to go through the motions of chartering the planes from itself. The U.S. approved a few months ago Boeing's selling two 707s directly to the government.

Portugal's foreign minister, Rui Patricio, said flatly in a recent interview in Lisbon that Portugal would not give any assurances about the use of the planes.

"If I buy an American car, can America tell me how I can use it?" he asked. "If I want to drive it in Africa, I will drive it in Africa. The Boeing is not an arm," he said with a smile.

An American diplomat in Lisbon who defended the sale used almost the same words: The 707 is not an arm. He pointed out that the Portuguese already are using Boeings for military transport.

Patricio also dismissed guerrilla claims that NATO support enables Portugal to carry on the costly, widespread wars. "It is not true. We are complaining to our NATO allies that they don't give us any support. They won't even give us political support in Africa."

Portugal has about 140,000 of its 190,000-man army in its African territories. Military experts agree that the infantry division earmarked for mobilization with NATO forces if needed is below 50 per cent of its NATO requirement because of the strain of the wars.

West Germany is playing a key role in providing modern small aircraft—there are a dozen G–91 jet fighters manufactured in West Germany stationed in Portuguese Guinea, and about eight in Mozambique.

The Portuguese also use widely the German manufactured Dornier DO–27 light aircraft for reconnaissance, strafing and some light bombing.

Most of the guerrilla movements, which operate independently of each other, have been hammering on the theme of NATO aid to Portugal in their propaganda for the past year, apparently in attempts to embarrass the Western countries enough to bring a halt to arms deliveries to Portugal, or perhaps to get Communist countries to increase their aid to the insurgents.

For some guerrilla groups, that aid is already considerable.

The most effective of the guerrilla organizations is one known as PAICC, which is fighting in Portuguese Guinea. The Soviets supply it with sophisticated long-range mortars and even, according to the Portuguese, antiaircraft guns. PAICC seems to be able to obtain as many machine guns, automatic rifles and mines from the Soviet bloc as its 6,000 to 7,000 men can use.

No other group has such a blank check. The Popular Liberation Movement of Angola, known as MPLA, is supplied with both Soviet and Communist Chinese weapons less sophisticated than those that go to PAICC, weapons captured by the Portuguese suggest.

The other major exile group fighting in Angola, known as UPA, has long been rumored to receive covert Western help. A few weeks ago, the Portuguese captured a new American recoilless rifle from UPA guerrillas.

Belgian and Israeli weapons, believed to have been channeled through Congo-Kinshasa, where UPA is located, are also found on UPA insurgents. UPA is considered to be friendly to the West.

Frelimo, the main Mozambique nationalist group, depends heavily on Chinese weapons as well as some Soviet bloc shipments. The Chinese have recently greatly increased their training role of Frelimo soldiers, based in Tanzania.

The organization of African Unity and, with the exception of Algeria, individual African countries seem to contribute little military material directly to the guerrilla organizations. African states appear to concentrate on financial contributions and providing bases for the guerrillas.

The supply of weapons to the combatants gives East and West a definite stake in the struggles for Portugese Africa. But it is still uncertain how much influence each side will gain with its clients.

Asked a year ago by an American congressman if PAICC's acceptance of Communist arms indicated Communist sympathies, guerrilla leader Amilcar Cabral snapped:

"Portugal accepts NATO arms . . . but Portugal in spite of that says they don't accept the ideology of NATO. If Portugal doesn't accept foreign ideology why should we?"

THE CALLEY CONVICTION

(Mr. UDALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, the vehement public outcry against the conviction of Lieutenant Calley both surprises and disturbs me. My mail from Arizonans is intense:

"A great miscarriage of justice." "He was ordered to Vietnam to kill." "Just doing his job." "I demand a complete acquittal." "Reinstate his honor." "Be given the Distinguished Service Cross."

To all of these people I have to say that, yes, Calley is in a sense a scapegoat—for others helped create the conditions which led to the dark events at My Lai.

Yes, it is wrong to see a few lower grade officers and enlisted men punished while the colonels and generals who encouraged and winked at or covered up My Lai go uncharged.

Yes, war involves killing and soldiers are trained to kill.

Yes, we are all in a sense guilty of My Lai. The airmen who kill unseen villagers from 50,000 feet are perhaps guilty. And yes, we politicians and generals who started the war and those of us who have been unwilling to end it share the guilt.

But conceding all of these things, I am still troubled by those who hail Calley as "an American prisoner of war," or who applaud him for doing his duty "for God and Constitution." I am disturbed by those who would give Calley a hero's honor and have him address the Congress, and by those who demand his immediate release and exoneration.

In this moment of national anguish I am afraid that we have forgotten some very basic facts:

Perhaps 2,000,000 Americans have served in Vietnam, many of them under pressures and dangers more deadly than Calley faced; as far as we know now none of them lined up dozens of defenseless babies, women and children for slaughter. In fact My Lai came to light originally only because an American lieutenant helicopter pilot saw people being shot in a ditch and tried to stop the slaughter. Some American soldiers in Calley's platoon refused to shoot the unarmed civilians.

It is false to say that Calley alone has been singled out for killing Vietnamese civilians. At this moment there are 75 to 80 men imprisoned by the military on similar charges arising out of the Vietnam war—murder, mainly of Vietnamese civilians. Should we keep these men is jail for killing one or two people each and release a man convicted of killing 22?

Calley was not tried by a jury of long-haired peaceniks. All but one of the men who decided that he had violated the rules of war and had to be imprisoned were fellow combat officers who had fought in Vietnam.

Calley was not framed. He admitted under oath that he shot or ordered the shooting of substantial numbers of noncombatants who posed no threat to him or his men. Testimony shows without any doubt that he picked up a baby, threw him into a ditch, and shot him. He clubbed an old man with his rifle butt, then shot him in the head at point-blank range.

His defense for these acts was that he acted under orders, and that he viewed all villagers of any age as the enemy.

There was little evidence of any order to kill babies or women. And, the essence of the jury's verdict is that higher orders is not an excuse. The jury decreed once again that no American soldier has an obligation to carry out an order which is against the basic rules of humanity and decency.

Calley is a pathetic figure. We can all learn from his mistakes, and from our agony over his prosecution. We must give him every legal right and every legal avenue of review. In the end we must hope and believe that our judicial system will treat him with justice tempered with mercy.

But to dismiss these charges and to relieve him of all accountability would shock my conscience and the conscience, I believe, of the entire world. We are the Nation which tried and executed war criminals at Nuremburg. We supported the doctrine that higher orders will not justify crimes against humanity. We condemn Hanoi for violating the Geneva Convention on war prisoners. This is the same convention which prohibits killing unarmed, surrendered prisoners of war.

It is one thing to argue as some do that the punishment for Calley's actions was too severe or that the charge of premeditated murder was inappropriate. It is quite another to argue that Calley should go unpunished, or be given a pardon or even a medal, as some of my mail suggests.

Pictures and personal testimony make it clear beyond argument that some of the Mylai victims were babies clutched in their mothers' arms, and young children struggling in vain to shield even younger brothers and sisters. As I read Calley's testimony he does not deny executing them. He says he had been taught that they were the enemy, and that his orders were to destroy them.

The court rejected that defense, but the arguments will be renewed on review and appeal, which will take the case to the Court of Military Appeals, to the Secretary of the Army, and finally to the President.

Justice has been done. But one is left with no sense of elation, only sadness. Sadness for Calley, for his victims, for the men who testified against him and convicted him, for all of us.

That statement concluded Lieutenant Calley's conviction. A companion piece by reporter William Greider, who covered the 4½-month trial for the Washington Post, echoes that conclusion. They summarize my feelings well. Because they are so important and so eloquent, I am asking that they be reprinted in the Record. I can only agree with them, as follows:

[From the Washington Post, April 5, 1971]

Calley's Trial: The Moral Question and Battlefield Laws

(By William Greider)

Ft. Benning, Ga.—Americans have chosen some strange popular heroes in the last decade, but none of them was a convicted mass murderer.

This is the guy, remember, who was held responsible by a jury of his peers for "wasting" 22 lives. He picked up a baby, threw him into a ditch and shot him. He is the soldier who butt-stroked an old man in the face, then shot him at point-black range and blew away the side of his head. Some hero.

But the public clamored for Lt. William L. Calley's release and, after thousands of telegrams, President Nixon responded. The President "personally felt" that Calley should not be confined in the stockade with the common criminals.

Lt. Calley spent three nights in jail and don't bet any big money that he will ever return to prison again. The pressure against that will be enormous.

The President's personal intervention puts the military judicial system on notice that, if any reviewing officer upholds Calley's conviction and sentence, he risks re-igniting the public anger—and directing more heat at their commander-in-chief.

For comparison's sake, an enlisted man here at Fort Benning was sentenced to five years in prison last year for pushing a warrant officer. The Air Force recently sent a colonel away for three years for smoking marijuana. Howard Levy, the doctor who refused to train soldiers bound for Vietnam, served two years for disobeying an order.

The point is not that Calley ought to spend the rest of his life in prison. On the contrary, his lawyers can make a strong argument that, in terms of criminal attitudes, Calley has already been rehabilitated by the ordeal of his long trial.

The question is: if the President and the nation reject the verdict of guilty, rendered by six combat veterans, what is left of the law which the Army attempted to uphold—the international covenant that, even in combat, soldiers do not shoot defenseless people who are captured and unarmed?

If that principle is undone by the public uproar over Calley's conviction, the Army is stuck with a different kind of problem: should it give up the battlefield discipline required by U.S. law and the Geneva Conventions? Should it open the doors at Ft. Leavenworth, Kan., and release all the other soldiers convicted of the same offense as Calley?

Contrary to popular belief, Calley is not the first American soldier prosecuted for killing people in the middle of the war. There have been scores of men—soldiers and Marines—tried for the murder of Vietnamese captives in the midst of combat situations. Many of them are still in prison. The only difference is that, instead of 22 people, most of them killed only one or two.

Right now, there are 75 to 80 men serving time in Ft. Leavenworth on murder charges which originated in Vietnam. Some of their victims were fellow Americans, but most were Vietnamese. Some of them, just like Calley, still have their appeals pending. Still more are imprisoned at the Naval Prison in Portsmouth, N.H., where convicted Marines are sent.

They're sitting in prison unknown while Lt. Calley is famous and confined to his quarters on post.

On the left, Senator George McGovern, certified anti-war spokesman, declares that Calley should not be held responsible because his crimes were part of a larger sickness, the strategic war crimes of U.S. involvement in Vietnam.

On the right, the legionnaires chant "war is hell" and, likewise, protest the verdict.

If you follow the logic of either position, Lt. Calley is, as his defense attorneys kept saying, "a typical American youth who was fighting for his country." Or, the brutality of Mylai is not distinguishable from the general brutality of war, especially this war.

Millions of Americans apparently believe that, but six Army officers did not. They appreciated, after listening to the evidence for four months, that something different and obviously wrong happened at Mylai and Lt. Calley was to blame for part of it.

None of these questions—which need answers and which have undoubtedly influenced public opinion—were before this jury. They decided a much narrower point—that lumping Lt. Calley's actions together indiscriminately with other GI's is slanderous to thousands of men who did not shoot babies, who did not herd their prisoners into an irrigation ditch and execute them.

That is not to say that Calley is the only soldier who ever did that (the Army and Marines, by the cases they have prosecuted, admit that the battlefield crime is unusually linked to this war). That does not settle the accusations of greater war crimes committed by military or civilian leaders who designed U.S. strategy.

Convicting Calley did not absolve any generals for the devastation of village after village by aerial bombardment or poisoning the wells or burning huts and shooting livestock "just for sport," as one Charlie Company veteran put it. But letting Calley go does not bring any generals closer to prosecution either.

The lieutenant, after all, was not judged by a bunch of left-wing peaceniks or by elitist West Pointers looking down their noses at an OCS graduate who never finished college. Most of the jurors never finished college either. They too have been shot at in battle, wounded, decorated for bravery. Five of them served longer in Vietnam than Calley.

They were not asked to determine if other Mylai's ever happened elsewhere in the war, though perhaps they have on a smaller scale. They were not supposed to decide whether Calley's superiors—the company commander or the division commander—should also stand trial. They did not attempt to analyze the grand strategy of U.S. military involvement in Vietnam and decide whether war crimes are involved in the pattern bombing, the defoliation, the napalm, the use of "free fire zones" and "body counts."

The idea of assuming collective national guilt for Mylai—a notion which may be satisfying to people who opposed the war anyway—does not settle anything. When you say we are all guilty for Mylai, that has truth in it, but it is also another way of saying no one is guilty.

The six jurors, again, operating in the narrower context, said simply that infantry officers, who have some discretion in whom they kill, cannot kill their prisoners.

A TV interviewer asked Maj. Harvey G. Brown if the verdict wasn't a little harsh, considering all of the circumstances at Mylai, the fear of combat, the threat of booby traps, the Viet Cong's guerrilla tricks with women and children. Brown agreed that it was, but reminded him of what Lt. Calley did with the people in the ditch. "That was pretty harsh, too," the major said.

The cynics thought the Army was staging a charade all along and would be happy with an acquittal so it could be done forever with the Mylai scandal. Nearly everyone was surprised by the severity of the jury's finding—premeditated murder. Contrary to initial reports, it is now understood that one and possibly two of the jurors voted for a lesser offense, such as unpremeditated murder, though there was no dissent among them on the question of Calley's guilt.

What the critics cannot explain very well is why these men who were in the war themselves seem, in the end, less compassionate than the fireside war critics who cry "scapegoat." The answer may be that these men—while well aware that war is hell—know also that there is killing and then there is killing.

The issue of legal and illegal killing gets terribly confused. Vietnam veterans, who feel great sympathy for the lieutenant, like to point out that they killed people too so they can see themselves in Calley's shoes. The next time you hear that from an ex-GI, ask him if he herded people together, unarmed and unresisting, put them in a ditch, then stood over them and fired. If he says no, he is typical. Most infantry men in Vietnam barely saw who they were shooting at, much less who they killed. If he says yes, you're talking to a murderer.

"People are saying that Mylai's happen in every war," Brown said. "Maybe so. That wasn't the issue in the Calley case. The issue is whether Mylai's are right or wrong."

Well, why is it wrong? Why is it wrong for infantrymen to kill all those people, suspected Viet Cong collaborators, when B–52's might just as well wipe them out with blanket bombing?

One answer is that human life is precious, that soldiers are meant to be merciful to the helpless if they can be. Even a soldier is not supposed to kill without provocation.

An infantryman, admittedly, has more discretion over that than a bombardier but the excesses of aerial bombardment should not be made into an excuse for cold-blooded murder on the ground.

That level of morality is too sentimentalized, apparently, for many Americans. They were, after all, Oriental babies, perhaps even communist babies (though they were not wired with booby traps as one witness suggested imaginatively).

If you put aside the moral issue, soldiers still have a practical reason for observing the laws of the battlefield. A senior Army officer at Ft. Benning stated it succinctly: "You can have any standard you want for the conduct of warfare, but you better be prepared to get what you give."

If America adopts as a customary standard—barbaric as it is—the rule that it's permissible to shoot prisoners, then America should be prepared to accept the results of that standard. The link between the Mylai victims and the American POW's held in Hanoi is real and important—they are protected by the same rules. It is a great national hypocrisy to rally outrage on the POW issue, then pat Calley on the back for what he did to the prisoners at Mylai.

Actually, there were a few genuine heroes involved in that operation. One of them was Lt. Hugh Thompson, the helicopter pilot who couldn't understand why the troops were lining up people and shooting them. He intervened and saved some lives and that took courage.

Jim Dursi, just a rifleman, was a hero too. Lt. Calley, his platoon leader, offered him a turn at the irrigation ditch shooting people, but Dursi refused. That took some courage for him and the others who wouldn't kill.

In a different way, there were men like the brilliant young prosecutor, Capt. Aubrey M. Daniel III, people in uniform who helped the Army, in its own clumsy way, to try as an institution to make a point of honor. Despite all of the imperfections, despite all of the other culprits who got away, the Army did make its point, when it easily might have ducked it. Though the President blurred it, the lesson still is tormenting the nation's conscience, stirring new painful questions about war and national responsibility.

If Lt. Calley had been acquitted or given a light sentence, any uproar would have been mild and temporary. No one knew that better than the six jurors, the men who are now suffering from the anger which grows out of the national disgrace.

Maj. Brown, the most outspoken of the jurors, got a death threat. Col. Clifford H. Ford, the court-martial president, took the nameplate off his front door to avoid further harassment. So did the prosecutor.

The sick and sorrowful joke circulating around Ft. Benning is that the people sprung Calley—now they're going to lock up the jury.

[From the Evening Star, Apr. 1, 1971]

THE CALLEY DECISION

The sentence of life imprisonment imposed yesterday on First Lieutenant William L. Calley Jr. is nearly as harsh as the crime of which he was convicted by a jury of his peers: The premeditated murder of at least 22 unarmed, unresisting South Vietnamese civilians at the hamlet of My Lai 4 on March 16, 1968. Given the testimony of more than 100 witnesses, officers and enlisted men alike, it is difficult to see how the six members of the Fort Benning jury could have found otherwise.

And it is important to remember who sat on that jury. The six were not peace-niks. They were not civilians. They were not rear-echelon types. They were combat soldiers, each of whom had been decorated for gallantry, and five of whom had served in Vietnam. They, above all men, knew the sort of conditions Calley faced and the sort of response these conditions might reasonably be expected to elicit. These men found him guilty.

We are aware that a large segment of the public will be appalled by the verdict against Calley; that as Undersecretary Thaddeus R. Beal has put it, the court-martial has been "a pretty wrenching experience" for the Army, which sees one of its own sent up for life while draft-dodgers skip off with impunity to Canada or serve short jail sentences (Calley's sentences will be subject to appeal and review, if it stands, he will be eligible for parole after 10 years).

Some liberals will blame society, the Army's system and Calley's personal background, and—as usual—they will be half-right. But those who give the matter some careful thought and study the record (as the jury did during its 80 hours of deliberation), will see that there are rules of war, that there is a line between what is permissible and what is not permissible and that Calley clearly crossed that line when he ordered and participated in the massacre at My Lai 4. In so doing, he violated the entire canon of law embodied in the Hague and Geneva Conventions, in the Nuremberg principles and in the Army's own Uniform Code of Military Justice. And now he has to pay the penalty for his deeds.

There will be those who will say that the jury has placed an indelible stain on the uniform of the United States Army. That is not true; Calley did that. Twenty-four-year-old American boys have been leading platoons into situations like My Lai for a goodly portion of the last three decades without giving way to the homicidal rage which apparently gripped the young Floridian. They—and the jury—are the real heroes of this sordid incident.

Some elements in the Army will say that this was (is) a war unlike any others, and—as usual—they will be half-right. The enemy, as witnessed both by his everyday behavior and his callous treatment of American prisoners of war, does not give a ——— for the Hague or Geneva Conventions. He does not care about Nuremberg. His own Uniform Code of Military Justice, if he has one, would make the Mafia blush.

But one cannot permit a Gresham's law of ethics to come into play on the battlefield. One cannot treat barbarians with barbarity without descending to their level, without becoming barbaric oneself. As an officer, Calley had an obligation to control his passions and those of his men. In this, he failed. In so doing, he failed himself, his men, the Army and his country.

If others are guilty (25 officers and men were accused of transgressions at My Lai; Calley has been convicted, two have been acquitted, three are awaiting trail and charges against the other 19 have been dropped), they, too, must pay the penalty.

In an editorial on December 7, 1969, we refused to convict Calley in these columns. We said that he was "entitled to a free trial in the broadest sense of the word." We said:

"Justice will be done. Lieutenant Calley can receive—and expect—no more than that."

Justice has been done. But one is left with no sense of elation, only sadness. Sadness for Calley, for his victims, for the men who testified against him and convicted him, for all of us.

VIETNAM AND THE POW's

(Mr. ASPIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPIN. Mr. Speaker, the Vietnam war continues to agonize our country in many ways—not the least of which is the tragic fate of the prisoners of war. It has now been 7 years and 11 days since Capt. Floyd Thompson was captured in South Vietnam and became the first American prisoner of war in Southeast Asia. Since that time concern for these men has united Americans of all ideological persuasions. The many letter-writing campaigns have produced massive outpourings of mail indicative of the public sympathy for these unfortunate men. We in the Congress have made innumerable speeches and passed many resolutions. We have called, at the very minimum, for a complete list of those held prisoner, and for observance of the Geneva conventions.

Yet, the frustrating adamancy of the North Vietnamese has thwarted our every effort. As we voice our concern, we cannot help but feel that our pleas go unheard. Time and again, we have offered proposals to the North Vietnamese. And, time and again, our offers have been rebuffed.

We must therefore, face the fact that the prisoners of war/missing in action issue will not be resolved until the American involvement in the Indochina war is ended. Setting a definite withdrawal date may be our only means of freeing these men.

This does not mean, however, that we should cease our efforts in the interim period between now and the time our forces are withdrawn. We must continue our vocal opposition to the policy of the Government of North Vietnam. We must constantly remind Hanoi of the breadth and depth of American public sentiment on this issue, and hope for a reversal of their present policies.

Yet, we must always remember that the fate of the prisoners of war and missing in action is probably inexorably tied to the withdrawal of American forces from Indochina.

A STANDING COMMITTEE ON TRANSPORTATION

(Mr. HOWARD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HOWARD. Mr. Speaker, last December I announced that I was planning to introduce legislation which would establish in the House of Representatives a standing Committee on Transportation. I am submitting that bill for consideration today.

Since I first commented on the need for this legislation, and my intention of introducing it, I have been receiving a tremendous amount of support both in the media, and from individuals across the country. At the close of my comments, I shall enter for the RECORD four editorials in this regard.

It is unfortunate, and it is difficult, but it is time the Congress recognized that we are in good part responsible for the erratic and inefficient transportation system in this country. This is a result of the fact that no one committee in the

Congress has had the necessary oversight which would enable it to obtain a complete view of all our transportation needs, and consequently determine how best to spend the Nation's transportation dollars.

Under present rules in the House, each mode of transportation is dealt with by a different, or two, committees. This method of considering transportation problems has resulted in a classic case of the right hand never knowing what the left hand is doing. What I am proposing today is to place all forms of transportation under one single committee, charged with consideration of transportation matters—all transportation matters.

Certainly, I think we would all agree that every mode of transportation has its place in a balanced, orderly, and efficient system. As a result of congressional confusion, however, we have miles of roads, and many automobiles, while one of the cheapest and most efficient ways of carrying people from place to place—the railroad, has been almost completely ignored, both in terms of long distance and commuter service. Consequently, our railroads are in desperate financial shape, and our commuters are flooding the highways for lack of train service.

It is my belief that if we are ever to relieve the enormously complicated, ever deepening transportation crisis which has struck this Nation, the best way to move is toward a single committee, which can see all aspects of that crisis—as it relates to roads, trains, planes, and ships. Acceptance of this legislation will result in the Congress having a cogent, coordinated, and enlightened view of our transportation system.

In this way too, we will take a long overdue step in keeping pace with the executive department, which has a Department of Transportation, as well as many of our States, which have set up their own departments of transportation. Certainly this would make coordination of transportation legislation and planning with the Federal and State needs much more efficient.

Passage of this legislation will make a simple, but very important change; one which, I believe, is vital to the Nation.

The articles follow:

[From the Daily Register, Dec. 16, 1970]

An Answer to Transportation Woes

Rep. James J. Howard's proposal to create a House Committee on Transportation makes such good sense that he will probably have a difficult time in convincing his colleagues to adopt it.

What Mr. Howard is suggesting is "a coordinated, rational way for the Congress to decide how best to spend the transportation dollar because no one committee has an overall picture of our nation's transportation situation."

He explains that under the present system, merchant marine legislation goes to either the House Committee on Interstate and Foreign Commerce or the House Committee on Merchant Marine and Fisheries.

Legislation dealing with mass transit and commuters goes either to the Committee on Banking and Currency or the Committee on Interstate and Foreign Commerce.

Railroad legislation is under the jurisdiction of the Committee on Interstate and Foreign Commerce, but highway legislation and other road-related matters are handled by the House Committee on Public Works.

Mr. Howard is a member of the House Committee on Public Works, its subcommittee on roads and its special subcommittee on the federal highway aid program.

What he is asking is that Congress should keep pace with progressive actions of some states, such as New Jersey, which have set up a separate Department of Transportation, as well as the federal government, which has its Department of Transportation.

His constituents in Monmouth County certainly will support the legislation he is offering. The problems of mass transit, for instance, can be solved if highway construction is planned to accommodate rather than compete with it. On the matter of interstate transportation, via water, roads, rails or air, coordination of governmental agencies is vital.

The Cahill Administration is committed to a better tie-in of transportation facilities, as evidenced by the governor's demand that the Port of New York Authority revise its planning and spending so that future projects relieve congestions rather than add to them.

The governor should enlist the aid of the entire New Jersey congressional delegation in supporting Mr. Howard's bill. The congressman will need a lot of help, because, as he admits, he is "not unaware of the political realities," which means that congressmen who head the variety of committees will be reluctant to relinquish their authority.

At present, those committees are performing without knowing what others involved in transportation legislation are doing. There undoubtedly are many duplications of efforts, not to mention duplications of spending.

Mr. Howard's plan is sound. It should be put into effect.

[From the Asbury Park Press, Dec. 8, 1970]

Transportation Dollars

Rep. James J. Howard points to a flaw in the method the Congress employs in deciding how best to spend public money for transportation.

There is no single committee in the House of Representatives that has control over all forms of transportation. He cites this in contrast to the fact that many states, including New Jersey, have set up their own departments to corrdinate transportation expenditures. The executive branch of the federal government has done the same through creation of a transportation department that has cabinet rank.

Rep. Howard proposes that the House create a standing committee on transportation. The present system is erratic, he says, because each form of transportation is dealt with by a separate committee.

His call for a single committee deserves early and favorable consideration. Each form of transportation, including waterways, highways, rail, air, and interstate buses, promotes its special interests in Congress through different committees.

Congress has complained for years that its powers have been chipped away by the executive branch. The situation which Rep. Howard cites indicates that if the House wants to keep pace with the executive branch it should create one committee that will have an over-all picture and exert better control over federal funds spent on all forms of public transport.

[From the Traffic World magazine, Jan. 4, 1971]

New Transportation Committee in Congress Needed

Addressing his colleagues in the House of Representatives in Congress on December 3 (T.W., Dec. 7, p. 14), Representative James J. Howard (D–N.J.), said:

"With transportation—in all forms—being one of the most crucial problems facing the nation today, it strikes me as unfortunate that the House does not have a standing committee on transportation. . . . I am planning to have legislation drafted which will create a standing committee on transportation in the House. I will introduce that measure when the Ninety-second Congress convenes. . . . I believe that the Congress is partly responsible for the erratic system of transportation we have now because each form of transportation is dealt with by a separate committee.

"As an example, mechant marine legislation goes to either the House committee on interstate and foreign commerce, or the committee on merchant marine and fisheries. Legislation dealing with mass transit and commuters goes to either the committee on banking and currency or the committee on interstate and foreign commerce. Railroad legislation is under the jurisdiction of the interstate and foreign commerce committee, while the House committee on public works, of which I am a member, deals with the Interstate Highway System and other road matters. This divided jurisdiction means that each committee is working without knowing what the others involved in transportation legislation are doing. . . . There is no coordinated, rational way for the Congress to decide how best to spend the transportation dollar. No one committee has an over-all picture of our nation's transportation situation. . . . I believe that all transportation legislation should be dealt with by a new standing committee on transportation, appropriately staffed and equipped to make proper decisions about transportation priorities. . . ."

Assertions similar to those we have excerpted here from Mr. Howard's speech in the House have been made at various times in the past on the editorial page of this magazine. It's encouraging to us that at least one member of the House recognizes the inadequacy of the present arrangements, on that side of the Capitol, for giving proper attention and treatment to legislative proposals designed to relieve or solve transportation problems. But since the chairmen of the existing House committees are not apt to be receptive to the making of changes that would take away any part or parts of their present jurisdictional "empires," it does not appear probable that the legislation Mr. Howard plans to introduce early in the next Congress will progress beyond the assignment-to-a-committee stage.

Legislative areas over which the House interstate and foreign commerce committee has jurisdiction are these: (1) Interstate and foreign commerce generally; (2) regulation of interstate and foreign transportation, except transportation by water not subject to the jurisdiction of the Interstate Commerce Commission; (3) regulation of interstate and foreign communications; (4) civil aeronautics; (5) Weather Bureau; (6) interstate oil compacts, and petroleum and natural gas, except on the public lands; (7) securities and exchanges; (8) regulation of interstate transmission of power, except the installation of connections between government of water projects; (9) railroad labor and railroad retirement and unemployment, except revenue measures relating thereto; (10) public health and quarantine, and (11) inland waterways.

Subjects covered by the jurisdictional authority of the Senate committee on commerce include items (1), (2), (3), (5) and (11) in the above list, item (4) with the exception of "aeronautical and space activities of the National Aeronautics and Space Administration," and in addition, such subjects as these: Merchant marine generally; navigation and the laws relating thereto, including pilotage; Coast and Geodetic Survey; the Coast Guard; the Panama Canal and interoceanic canals generally; fisheries and wildlife, and the Bureau of Standards.

Congressional committees primarily concerned with transportation matters ought not to have to sidetrack their responsibilities in those areas in order to attend to legislative needs in such other fields as the marketing of securities and the protection of the public health. Those latter areas seem to us to be important and extensive and/or complex enough in themselves to require full-time attention by separate standing committees.

Commendation is due the commerce committees of both chambers of the Ninety-first Congress for getting more legislative work done with respect to transportation in these last two years than those committees ordinarily are able to produce. About a dozen major transportation bills will have become law when this second session of the Ninety-first Congress is ended, some time before January 3. (The Twentieth Amendment to the federal Constitution provides among other things, that terms of senators and representatives elected to the Congress shall begin on January 3). But there were also some important transportation bills that at least. should have been considered in the public hearings by Senate and House committees but were shoved aside such "shelving" probably being due, in several cases to a feeling by the committee chairmen that the contents of those bills and the issues they involved were too complex to be clarified in the time available for hearings on them.

Perhaps a House committee on transportation (and a counterpart of it in the Senate) as proposed by Representative Howard would be just as busy as or even busier than the existing commerce committees. The noteworthy point in Mr. Howard's argument in support of creation of congressional committees on transportation, however, is that there is truly a need, in each house of Congress, for one committee that has "an over-all picture of our nation's transportation situation," so that the present deplorable situation in which none of the several committees working on transport legislation matters knows what the other committees are doing can be corrected.

[From the Wall Street Journal]

GETTING TOGETHER ON TRANSPORTATION

Among the major causes of the nation's transportation problems are the Government's piecemeal efforts in the area. For much too long Congress and the agencies have stumbled along without any clear view of the broad situation.

The Transportation Department is at least an effort to pull together the relevant administrative agencies, although too much policy in the field is still made outside the department. Now Rep. James J. Howard proposes that Congress should also try for some coordination.

In a speech on the floor the New Jersey Democrat said, "Merchant marine legislation goes to either the House Committee on Interstate and Foreign Commerce, or the Committee on Merchant Marine and Fisheries. Legislation dealing with mass transit and commuters goes to either the Committee on Banking and Currency, or the Committee on Interstate and Foreign Commerce.

"Railroad legislation is under the jurisdiction of the Interstate and Foreign Commerce Committee, while the House Committee on Public Works, of which I am a member, deals with the Interstate Highway System and other road matters. This divided jurisdiction means that each committee is working without knowing what the others involved in transportation legislation are doing."

To ease the resulting difficulties Mr. Howard plans to introduce next year a bill to set up a single Committee on Transportation, which would deal with all transportation legislation. While national rail strikes and other transportation problems won't be solved merely by creating a new committee, the Congressman's proposal does seem a sensible step.

PROPOSED COMPREHENSIVE POWERPLANT SITING LEGISLATION

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, the President has proposed comprehensive powerplant siting legislation designed to help reconcile energy and environmental needs before the lights go out. The proposal would establish a national framework providing for State, regional, or Federal certifying agencies to hold hearings and make decisions on plant sites, construction plans, and routing of transmission lines. Long-range planning by the utilities is required. Early and systematic review of the need for new power facilities and their impact on the environment could go far to eliminate recurrent wrangles over essential facilities and to reduce the damage power facilities do to our surroundings.

But in my opinion, it will not be enough to concentrate exclusively on new ways of providing great increases in the supply of electricity. We need to take a closer look at the elements of skyrocketing demand. In an address to the National Association of Regulatory Utility Commissioners last November, Mr. S. David Freeman, Director of the Energy Policy Staff of the Office of Science and Technology called for "a war on waste in the use of energy and the beginning of an era of conservation in its use." He has many perceptive comments to make on the impact of rate design on energy use, and the possibilities for adjustments in rate structures which would encourage conservation of power. In addition, Mr. Freeman stresses the need for new technology to eliminate powerplant pollution and to maximize efficiency. Greater expenditures for research and development should be shouldered by the utilities and reflected in the price of power as a real cost of power generation.

He concludes with the observation that there is as much public concern about powerplant pollution as there is about rate increases. We in Congress know this is true.

I commend Mr. Freeman's remarks to the attention of my colleagues, and hope that the Congress will take up the President's powerplant siting legislation as promptly as possible:

ENERGY USE AND ENVIRONMENTAL PROTECTION—ISSUES FOR THE REGULATORS

(By S. David Freeman)

The coming years are not apt to be happy times for the regulatory agencies who fix rates for energy. Energy shortages, rate increases, and increasing concern about pollution seem to be the order of the day. It's a combination of events calculated to keep the regulatory agencies in the limelight or perhaps more accurately on the "hot seat."

Other speakers on this panel will no doubt discuss our energy supply problems and means to facilitate greater supply. It therefore may be useful if I discuss the demand side of the equation. I want to suggest some measures that I think can be taken in that area to achieve a balance.

The past few decades have witnessed enormous growth in the use of energy. And the nation's use of energy continues to grow as fast as ever, and perhaps even faster. Up to now we have equated such growth with progress and prosperity and encouraged it through government policies, promotional rate structures and advertising. In fact, the title of this panel discussion—"Meeting America's Commitment to High Energy Use and Environmental Protection"—reveals that high use persists as a major goal in the minds of many if not most of those associated with the energy industries.

But in the past year the alarm bells have begun to ring. And we fail to listen to them at our peril. Demand for energy is growing almost faster than we can extract it from the ground and convert it to usable form. The result is shortages which in my view are apt to persist and get worse unless we take remedial action. One reason the shortages may get worse is that we are only beginning to implement newly enacted air and water pollution controls and health and safety measures.

It's going to take a variety of actions to increase the supply of energy in the coming years—R&D to develop technology to use our energy more efficiently and in a cleaner form, longer range planning and more orderly siting of power plants and transmission lines, more imports of natural gas, oil, and in the future uranium, revised programs for leasing federal lands and a reshaping of federal regulatory programs dealing with oil and gas. And there are no doubt other measures as well.

But up to now we have been concentrating only on the supply side and trying to catch up with what appears to be almost a run-a-way market for energy. What I am suggesting this morning is that we take a harder look at the growing demand for energy to determine whether the rate of growth really needs to be as high as we are currently experiencing and projecting for the future. After all, it's not kilowatt hours or gallons of oil that society needs but warm homes in winter, adequate transportation, and the other services for which energy is essential.

If we can meet the essential needs of society in the future with fewer kilowatt hours or barrels of oil, we can help balance supply and demand in a much more effective way than speeding the exhaustion of our fuel resources.

What I am suggesting is a war on waste in the use of energy and the beginning of an era of conservation in its use. And if anyone thinks we are not wasting a sizeable percentage of the energy we consume, just go outside and walk the streets of Las Vegas. We've stopped flaring natural gas at the wellhead in Texas or Louisiana, but we are moving it hundreds of miles across the country and flaring it in front of hotels and homes. The amounts involved in gas lights and huge neon signs may not be staggering, but the energy that goes out the windows and through poorly insulated walls and ceilings of homes and buildings is sizeable indeed. Experts say that with full insulation in homes and buildings we could cut down on heating fuels by 20% or more—and this same insulation would make comparable savings in air conditioning loads in the summer.

In addition, there are opportunities for energy conservation in our habits of use. We may joke about turning off the lights when we leave a room, but the savings in turning down the thermostat at night is not to be laughed at.

The automobile, I guess, really highlights our waste of energy. We power a two-ton vehicle which is less than 10% efficient in the use of energy to transport a single person. We need more electric cars—large ones on tracks called mass transit—to conserve the massive resources now being wasted in transportation that is jamming our cities' streets and polluting the air more than any other source.

You may well be thinking that all this is interesting and maybe there is even something to it but what can utility commissioners do about it? It seems to me that there is quite a bit you can do to move America's utilities from a policy of promotion to one of conservation, environmental projection, and a stronger sense of responsibility as good citizens in the communities they serve. I want to discuss the subject of rate design because the design of rates is a regular responsibility which is a major tool for shaping the present pattern of growth and a new look at rate design can make a major contribution to helping balance supply and demand in the future.

At present electric power and to a lesser extent natural gas, water, and other utility services are sold under rate schedules that provide for sharply reduced unit prices as the volume of use increases. These rates schedules are called what they are—promotional rates. They reflect the fact that to some extent unit costs go down with increased volume. There are also special discounts which are used to encourage off-peak uses. But whatever the jutsification, the fact is that a person who uses only 250 kwh per month pays on the average about 3 cents per kwh, while a person using 750 kwh pays less than 2 cents per kwh.

It cannot be denied that these promotional rates have been a major factor in bringing about the present enormous use of electricity. And when the major thrust of economic policy was to spur growth and facilitate the economics of scale, they served a useful purpose.

But now we've got all the growth and "scale" we can handle and in many sections of the country, more than we can handle. The question is now that we face shortages whether we should continue to keep our foot on the pedal to accelerate growth. The economy is apt to generate demands for energy that will be difficult to meet even without rate structures that add to the problem by encouraging faster growth. With fuel costs rising by leaps and bounds, new plants costing much more than existing facilities, gains in efficiency at a halt and even slipping, the cost of new money double the embedded cost of capital, and new plants requiring expensive environmental protection, I believe it is fair to suggest that the faster we grow the faster rates will go up.

Rate increases seem inevitable in coming years, but the necessity to increase rates will give the utilities and the regulatory agencies a chance to re-examine utility rate structures. As a general pattern, I believe we should give serious consideration to adding these increased rates to the rate blocks for higher use. There seems to me to be several good reasons for doing so. With increased fuel costs and the relative low load factor of the air conditioning load which is a major factor in growth, there is reason to believe that the tail blocks should bear the increases on a cost of service basis.

But there are perhaps even more important public policy reasons for adding the increases to the volume users. What better way is there to give people an incentive to conserve energy than make them pay more for wasting it? In addition to making volume consumers bear the brunt of rate increases, there are other rate making techniques that bear investigation and are already being used in some areas. Surcharges in peak months are not popular but they make sense. Perhaps we should consider two part rates for residential consumers as well as industry. And interruptible service to a greater number of industries should be explored to try to shave the peak loads which we seem to be having so much trouble meeting. We might even question whether rolled in average costs are the appropriate basis for rates to new large loads when the cost of the new facilities greatly exceeds such average costs.

I have tried to mention only a few of the more obvious possibilities. The whole subject of rate design which has received relatively little attention from regulatory officials in the past must now be a major concern of yours. And it is not only a question of providing incentives to conserve power, but also a matter of equity and justice between classes of consumers.

The low-income citizen who cannot afford air conditioning, who doesn't have a large house and who uses electricity only for lighting, cooking and perhaps hot water heating, is not the person responsible for our power shortages. He uses about 250 kwh per month. In fact, the average use per residential customer in most big cities is less than 300 kwh per month. The cash outlays this low-income consumer makes for energy is a significant item in his budget. If rates for electricity increase by 50 percent in the next five years—which I believe is a real possibility—and the increases are added equally to all rate blocks, it could well impose a real hardship on low-income consumers. And since their use of electricity is small, and for basic necessities, there is little scope for reducing the volume.

On the other hand, redesigning rates and requiring the larger volume users to absorb the coming rate increases would alleviate the hardship on small consumers and provide real incentives to achieve greater efficiencies. And after all, it is the volume users whose growth is a primary cause of the increased costs for which the increases are needed.

Of course I recognize that on a strict cost basis there is a basis for higher rates to small consumers. And some may say that rates should strictly reflect costs and that matters of ability to pay are not relevant. This is a matter, of course, for each commission to decide for itself and having worked for one commission, I know that even that can be a difficult task. However, my own view is that the nation crossed the road of pricing electricity on an ability to pay decades ago when we decided, and I believe correctly so, that we should facilitate the electrification of rural America with a two percent loan program. What I am suggesting here is that we reduce the discount that volume users now receive, a far milder step.

Of course, rate design, as all other issues, must be decided on the record in each case and no general approach can cover all situations. However, meetings such as we are having today, are opportunities to explore general problem areas. And I think a new look at rate design along the lines I have outlined could be useful to help balance supply and demand in an equitable manner.

In addition to rate design, there are other important areas in which the public utilities commissions can make a major contribution to an adequate supply of clean energy. And make no mistake, no matter how successful we are in increasing efficiency, we are going to need a steady increase in the supply of clean energy. I refer to the urgent need for a much stronger R&D effort in the energy field. The need is for new technology to provide fuel in a clean form and with greater efficiency.

The urgent programs range from the nuclear breeder reactor to sulfur oxide removal technology to enable us to utilize our coal reserves. We need to supplement natural gas with gasified coal and we need to learn how to place high voltage power lines underground, and there are other urgent needs. At present these projects are not being developed as fast as needed for lack of funds. Utility funding of R&D is inadequate and the federal budget cannot reasonably supply all the needed funds. In fact, it seems to me more desirable that utilities and their consumers fund the necessary research for these commercial type projects because the demands on the government in areas where there is no commercial market should have first claim on federal funds. Also it is important that the price of power include all its costs to society, including the cost of R&D so that rates of use will reflect true costs.

New mechanisms are needed to obtain the needed funds. The regulating agencies should certainly make clear that R&D by the utilities is desirable and encourage, and perhaps even require, greater R&D expenditures. As long as utility expenditures on advertising and sales greatly exceed expenditures on R&D, there is good reason to question whether utilities and those that regulate them are hearing the voice of the people on this issue.

My final point is a personal one based on my own experience in a regulatory agency and noting the attitude of the general public as to these agencies from my present position. The general public has an inadequate knowledge of the workloads and problems of utility commissions and of their efforts on behalf of consumers. Nevertheless, or perhaps for that reason, utility commissions are in constant danger of being considered as merely an extension of the industries they regulate. And commissions tend to confirm this public attitude when they take a narrow view of their responsibilities. Let's face it, there is at least as much, if not more, public concern about the environmental pollution caused by a utility than there is about rate increases. And in our cities especially, there is as much public concern about the fair employment practices of utilities and their deposit policies as there is about fuel shortages. My advice to the utility commissions is to concern yourself with these broader issues which are of such great importance to our nation. If your present statutory authority does not permit you to take remedial action in the fields of environmental protection and discrimination in employment, then you should seek new legislative authority. But opinions simply saying "it's not my department" will only erode your public support and undermine public confidence.

Some state commissions have already taken the lead in requiring the utilities they regulate to invest more heavily in research and development and environmental protection, to root out racial discrimination, and on the question of rate design I have discussed. I trust that in the coming year we will all join in the theme of this panel to assure adequate supply of clean energy and make progress in improving the quality of life in our nation.

PROPOSED RESTORATION OF THE INVESTMENT TAX CREDIT FOR A LIMITED PERIOD

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, for many months now, the American public has been entertained by periodic reports of changes in the administration's economic game plan. While reassuring the public that the administration was taking firm action both fiscally and monetarily to achieve a balanced economy, that same economy has moved in fits and starts along a path which virtually defies accurate prediction or projection. Claiming that the transition from a wartime economy to a peacetime economy is responsible for the current economic conditions does little to satisfy the millions of Americans who are seeking employment and cannot find it.

Under the Nixon game plan, we have been witness to an economic tripleplay—a high rate of inflation, high interest rates, and a high unemployment rate.

This combination of events is a result of that game plan and of the mistaken notion that the economy of the Nation and, therefore, the lives of more than 200 million Americans are to be manipulated as football players on the gridiron. The inevitable, disastrous results of these economic policies is a gross national product which registers growth in terms of dollars but not in terms of output. What these policies have achieved is a slowdown with no solid indication of significant growth.

Indeed, economic indicators tend to paint a confused picture for the immediate future. For example, while the sale of automobiles appears to be strong, retail sales of goods other than autos were more sluggish in the first 2 months of this year than they had been late in 1970. Nondurable goods sales climbed at a seasonably adjusted annual rate of more than 9 percent between the third and fourth quarters of last year, yet it seems possible that they will show no gain at all in the first quarter of this year. In the case of durable goods, new orders for the month of February ran 2 percent below January, reversing a 4-month pattern of increase.

In order to alleviate the high interest rate-tight money conditions, the Federal Reserve Board has acted over the past several months to effect lower interest rates and to expand the money supply. Such actions, however, have not been sufficient to stimulate a stagnant economy. Although the Nation's banking system and credit markets are amply supplied with funds, economic expansion is not the order of the day.

The lack of public confidence in the economy acts as a brake on the chances for demand-inspired economic recovery. Private spending has been reduced and liquid assets accumulated as a hedge against an uncertain future, whether the uncertainty of prices or the uncertainty of employment.

As if the uncertainties in the economy were not enough, the administration adds to these uncertainties by its inconsistent policy and pronouncements. The enactment of the 10-percent increase in social security benefits retroactive to January 1 is estimated to add $3.5 billion to disposable income this year. This sum will provide some stimulus to the economy although it is far from satisfactory. Nevertheless, while Mr. Nixon approved the increase in benefits, he chided Congress for not increasing social security taxes proportionately to cover the additional costs. Any increase in social security taxes at this time would negate the effects on the economy of an increase in benefits, whereas a postponement until January 1972 will provide a needed boost to the economy now. But recognition of this Keynesian principle seems to have escaped the President, although not his economic advisers. They have suggested the possible need to accelerate the application of the Tax Reform Act of 1969, implementing the increase in exemptions and deductions on personal income this year instead of as scheduled in 1972 and 1973. But the administration only hints at this possibility; it makes no straightforward assessment as to the state of the economy, except to speak in its customary optimistic tones, offering little definite information and less hope of strong economic recovery.

There can be little doubt at this time, as one city after another is added to the already large list of cities with excessive unemployment rates, that some definite fiscal action must be taken immediately to encourage not just dollar growth but real growth in the gross national product. It is in this spirit then that I introduce legislation today to amend the Internal Revenue Code restoring the 7-percent investment tax credit for a limited period.

This bill would encourage the long-term investment in plant and equipment so vital to a strong economy. It would provide some measure of hope for those currently out of work and those about to enter the job market that they can be gainfully employed. It would also indicate to the public that the Federal Government can and will take the necessary steps to stimulate the economy thus making full employment a possibility and not just a legislative idea.

Most important to the restoration of the investment tax credit at this time is the provision which limits the duration of the tax credit. I have proposed that we limit it to 9 months of the current calendar year, retroactive to January 1, 1971 and terminating on September 30, 1971. It is a one-shot deal, designed to help turn around the rising unemployment rate and to reverse the decline in our industrial production. I believe that we must utilize all of the tools necessary to bring us out of the economic doldrums. Restoration of the investment tax credit for a limited, brief time is one of those instruments. I urge that the Congress act now.

Mr. Speaker, I include as part of my remarks a copy of this legislation:

H.R. 7304

A bill to amend the Internal Revenue Code of 1954 to restore the investment tax credit for a limited period

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that (a) section 49(a) of the Internal Revenue Code of 1954 (relating to general rule for termination of investment tax credit) is amended by inserting after "pretermination property" the following: "or restoration period property".

(b) Section 49 of such Code (relating to termination of credit) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) Restoration Period Property Defined.—For purposes of this subsection, the term 'restoration period property' means property—

"(1) the physical construction, reconstruction, or erection of which (A) is begun during the restoration period, or (B) is begun, pursuant to an order placed during such period, or

"(2) which (A) is acquired by the taxpayer during the restoration period, or (B) is acquired by the taxpayer, pursuant to an order placed during such period.

For purposes of this subsection, the term 'restoration period' means the period beginning on January 1, 1971, and ending at the close of September 30, 1971."

SEC. 2. Section 46(b)(5) of such Code (limiting investment credit carryovers for certain post-termination taxable years) is amended by adding at the end thereof the following:

"This paragraph shall not apply to any taxable year which includes any part of the restoration period (as defined in section 49(d)."

INSTRUCTIONAL SUPPORT FOR THE LAND-GRANT COLLEGES

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, one hundred and nine years ago, the Congress extended to the States an opportunity to become associated with the Federal Government in a unique experiment—an experiment that was destined to change the whole pattern of higher education in the United States and, in so doing, to affect for the better the lives of Americans for generations to come.

The invitation to this outstandingly successful partnership was embodied in the language of the Morrill Act, signed into law by President Lincoln July 2, 1862. This act offered to subsidize the establishment and endow the operation in every State of a college for the common people. The funds were to be raised by the sale of public lands—30,000 acres or the equivalent in land scrip for each Senator and Representative in Congress to which the State was then entitled. The proceeds of the sales were to be used by each State for the endowment of at least one college, "in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life." Without excluding other subjects, the institutions were specifically required to offer instruction in agriculture, the "mechanic arts," and military tactics.

This offer of Federal-State partnership, as put forward in the Morrill Act, was of tremendous significance. It established a new concept of Federal support for education by providing a continuing endowment of these new colleges. It established a classical pattern of Federal support without Federal control by leaving to the States the control of their land-grant colleges without interference from the Capital, the only requirement being that the colleges submit evidence that the funds are used for the purposes intended.

Most important, the Morrill Act signified the completion of a revolution in higher education—the overthrow of the aristocratic tradition imported from Europe and the substitution of an American concept purely democratic in character. Before this, American colleges and universities had been dedicated to teaching the classics and preparing young men for the professions of law, medicine, and the ministry, just as their European models had been doing for century after century. Perhaps this type of education was well adapted to the stable, aristocratic societies of Europe, but it was not all suited to serve the needs of a muscular young democracy restless to get on with the business of carving a civilization out of the wilderness.

The Morrill Act changed this. Hereafter, higher education was to be available not only to the rich but also to the people who had to work for a living. Hereafter, the daily needs of living people were to be considered as fit subjects for study as the lives of the Roman emperors and the writings of the Greek philosophers. Hereafter, the teaching of methods to bridge American rivers, dig American canals, and build American railroads was to be a proper subject for higher education along with the remarkable accomplishments of da Vinci. Hereafter, the conquest of the West with the plow was to be accorded its proper importance along with Caesar's Gallic Wars.

The fundamental soundness of the concept of a national system of State colleges and universities was demonstrated so convincingly and so quickly that there has never been a serious challenge to its validity, no effort to change the pattern, up to the present day. Rather, the original idea has been built upon over the years until our country today has a far larger, far better structure than was first contemplated, and the benefits have been correspondingly greater.

The Hatch Act of 1887 extended the partnership principle to agricultural research, and the Smith-Lever Act in 1914 extended it to the great agricultural extension program that we have today. Together with the Morrill Act, these formed a trilogy of support for instruction, for research, and for extension that provided the foundation for a system that constitutes America's greatest contribution to education.

By 1890, all States and territories had established the "one or more" colleges called for by the act of 1862, and it was increasingly clear that the original Federal endowment was wholly inadequate for the support of instruction in them. Although the States were increasingly providing instructional support, the need for additional support was clear and the feeling that the Federal Government had fallen far behind the States in its relationship with the institutions was strong. Senator Morrill sponsored a supplementary act providing for a permanent annual appropriation for each State for the "further endowment and support" of its designated college or colleges.

The 1890 act provided $25,000 annually for each State for the support of the instructional function of the land-grant colleges and universities. Passage in the Senate was unanimous, and in the House by a 5 to 1 margin. The Senate report, which was adopted by the House with an additional statement, stated that:

> The object of the bill is to place the system of colleges for the benefit of agriculture and the mechanic arts, established under the law of July 2, 1862, upon a basis of assured support for all time. . . . The passage of this measure, which is introduced by the distinguished founder of this system of colleges, will place them on a sure foundation so long as we are a Nation and link his name with theirs in one common immortality.

The House report additionally noted that:

> *The theory of this provision (which is repeated in the present bill)* evidently was that the states should furnish the material plant required for the proposed institutions, *while the fund contributed by the United States was intended to make adequate provision for the actual cost of instruction.* . . . The States have done their part well. . . . Your Committee believe it a matter of the soundest public policy, and even of good faith with the States, that Congress should increase the provision for the annual maintenance of these institutions somewhat in proportion to the growing demand upon them.

In 1907, an amendment to the 1890 act increased the annual "further endowment fund" for each State to $50,000. In justification for the equal distribution of funds among the States, it was noted that the original Morrill Act favored the then more populous States.

Through the Bankhead-Jones Act of 1935, the funds were again increased by unanimous act of both Houses of the Congress, with the funds under the act to be allocated to the States on the basis of relative population. Again, in 1960, the program was reviewed and, again by unanimous act of Congress, increased to their present level.

Last year, the administration proposed to eliminate entirely these Bankhead-Jones funds, and may well do so again this year. In justification, the budget referred to the program as an "anachronism" and suggested that the modest sums provided to the institutions receiving them were no longer of any real value to the institutions.

Nothing could be further from the truth.

These funds are, at none of the institutions that receive them, unimportant or minute. The presidents of the land-grant institutions consistently report that, dollar for dollar, they are the most valuable and useful funds they receive from Federal sources. Former President Fred Harvey Harrington, former president of the University of Wisconsin, for instance, has said that this program is an essential source of funds for undergraduate teaching where even more funds are badly needed. It also serves as a model for institutional support, which is the valuable type of government aid. President Glenn Terrell of Washington State University has stated that the loss of these funds—plus the existing shortage of funds from State sources—is more than we can cope with in the face of increasing enrollments without serious and immediate erosion of our university. President Marshall T. Hahn, Jr., of the Virginia Polytechnic Institute, states that:

> Failure to restore these funds could signal the demise of a historic relationship with the Federal government that has helped countless thousands of young people secure higher education and increase their contribution to our nation and society.

These resident instruction funds have been for more than a century the cement that holds together the land-grant colleges and universities as a unique national system of State-controlled universities, unmatched in the world either for their philosophy or their contributions to the welfare of those they serve.

To dissolve that bond would involve consequences so serious that any such proposal deserves long and careful consideration. It should be remembered, for instance, that this Federal endowment for instruction is, in the last analysis, a recurring declaration of faith in the worth of the individual, in the principle that he is trained, not for his personal benefit, but to enable him to contribute more, through his life work, to the society in which he lives. Long gone are the days in which an aristocracy of the educated would be tolerated in America. Land-grant colleges and universities stand as living memorials to the philosophy that every American is entitled to develop his native talents and abilities to the limit, and to the belief that as each individual grows and develops and prospers, the Nation becomes stronger, more powerful, more wealthy in terms of lasting values.

Nor is it to be forgotten that the land-grant colleges and universities have always been quick to discharge their national obligations. They have trained the bulk of the officers who have served our country so well; they have supplied the technicians who today are even serving in scores of foreign lands, helping through their scientific knowledge and practical experience to combat the poverty and famine on which communism thrives.

One further point needs to be made. Of sheer necessity, tuition and fee charges are rising so rapidly that, if the trend continues for even a few years, students from middle-class families will be squeezed out, leaving only the sons and daughters of the very rich and of the very poor, aided through scholarships, work-study programs, and low-interest loans.

Most of the Federal programs have tended to accelerate this trend toward higher tuition charges, by imposing additional burdens on the colleges and universities through required matching funds, failure of the Federal agencies to pay full cost to the universities for the programs supported, and the like. Present efforts to direct Federal support funds through the students by means of long-term loans would greatly increase this trend, with the institutions almost forced to reclaim at least some of these funds through even greater increases in tuition and fees are in order, if nothing else, simply to provide the space and instructors to take the students for whom college would be made possible through the loan programs.

Almost the only Federal program that today helps the colleges and universities keep their tuition charges to students down is the Morrill and Bankhead-Jones program. It does this through the actual subsidy of the basically fundamental instructional function at the land-grant institutions. If we are to prevent the gradual erosion of the middle class from the ranks of college students, we very much need to expand and extend this type of program, not cut it back or reduce it.

The comparatively small amounts contributed to the Federal Government to the endowment and support of these institutions earn dividends so tremendous as to be beyond calculation. This group of colleges and universities might well invite a challenge to show where the investment of any comparable sum by the Federal Government brings, or has ever brought, comparable returns in terms of educational, economic, social, and political gains for the American people.

Last year the Senate, on the recommendation of its Appropriations Committee, restored the funds for the program to the full authorized level. In commenting on the committee's recommendation, Senator Magnuson said that—

> To adopt this method of repeal of existing law by lack of appropriations is unconscionable to me. If the President wants to repeal the Bankhead-Jones Act, then suitable legislation should be introduced and acted upon by the appropriate legislative committee.

Senator Magnuson also observed accurately that the proposal to eliminate the program was made "precipitiously, without consultation or warning to the land-grant institutions. . . . or even consultation with the Congress."

The House, in acting on the appropriations bill restored a substantial proportion of the appropriation, which had throughout its 80-year history, been funded each year at the full authorized level, but left the door open for the inference, at least, that this was prelude toward its gradually being reduced, rather than eliminated at one fell swoop.

The conference committee compromised the difference between the amounts recommended by the House and by the Senate. However, during floor action on the compromise version, several Senators took the floor to record statements that they hoped it was the clear understanding of the Senate that the reduction in the land-grant teaching funds was simply a temporary concession to the present difficult budget situation and was not to be interpreted as the first step in an eventual phaseout of the program, and all objected to legislation by the appropriations route.

Senator Moss said:

> I must . . . express disappointment that the conference committee did not allow the full authorized amount—approved by the Senate—for the Bankhead-Jones Land-Grant teaching funds. This program represents the oldest and by all means the soundest partnership between the Federal government and the states in providing educational opportunities for American youth. This principle should be expanded and extended, not curtailed and weakened. This is why I sponsored the bill that would, if approved in the House, provide Land-Grant status for the College of the Virgin Islands and the University of Guam. This bill, if enacted, would end a long-standing inequity of these areas as the only remaining ones in the United States that do not have the advantages of a land-grant college.
>
> This is why, Mr. President, I would hope it would be clearly understood that the $2 million cut in the Bankhead-Jones funds proposed in the conference committee report is occasioned by the difficult fiscal situation, rather than as an opening step in the phasing-out of this historic and fundamentally important program.
>
> These funds have long been the cement that helps hold together the land-grant colleges and universities as a unique national system of higher education in this country, unmatched in the world for its philosophy of service to society or its contribution to the welfare of those it serves. The land-grant system has been termed America's greatest contribution to the history of higher education in the world, and is presently one of our most significant export items.
>
> I agree with the distinguished chairman of the Senate Appropriations Committee that to adopt a method of repeal of existing law by lack of appropriations is "unconscionable," and I would note that the last full-scale review of this program by the appropriate legislative committee was carried out 10 years ago—in 1960. Distribution of these funds is based, in part, on population, and, of course, our population has increased during those 10 years. It is clear, therefore, that funds for the program, by virtue of this increase, have already been reduced.
>
> I, therefore, urge, that before this body is again called upon to act upon an appropriation measure for this vitally important program a detailed reassessment is made of it by the legislative committee with jurisdiction so that my colleagues and I might have before us at that time recommendations based upon a full and open study of a program I consider to be of unique importance to the past and future development of this country.

We agree fully with Senator Moss. It would be well to think long and hard before breaking, or even relaxing, the tangible bond that binds these universities together in the national service and that serves as the best living model of sound, effective Federal support for higher education in this country.

HIGHER EDUCATION LEGISLATION

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, authorization of existing higher education legislation expires on June 30, 1971. Today I am introducing, with the distinguished chairman of the Education and Labor Committee, Representative Carl Perkins, and with the cosponsorship of Mr. Burton, Mr. Dent, Mr. Daniels of New Jersey, Mr. Pucinski, Mr. Brademas, and Mr. Scheuer, the Higher Education Act of 1971. It will extend existing programs for a period of 5 years. In most programs the bill transforms existing fixed-sum authorizations into open authorizations phrased as "such sums as may be necessary." In student-aid programs, set forth in title IV of the bill, authorizations continue to be described as fixed sums for the first year and some of them require dollar authorization for all 5 years.

Title I continues existing community service and continuing education programs.

Title II continues existing programs, with minor amendments designed to obtain more flexibility. It rejects the administration proposal to transfer jurisdiction from Office of Education to the Library of Congress of the Library of Congress programs for foreign acquisition of books and for cataloging. Both of those programs are necessary to the support and operation of university library systems. The Library of Congress is also required to make an evaluation report on those programs which it is hoped will focus attention on delivery problems.

Title III continues existing programs to strengthen developing institutions, and funds them at the level of $120 million. It continues the present 23 percent set aside for community colleges. For them it lifts the requirement of 5 years' operation. The change recognizes the newness of many of our community colleges.

The bill also allows teachers at predominantly black colleges to qualify as professors emeritus, and thus removes an unintended discrimination.

Title IV continues existing student-aid programs but focuses them so as to encourage self-help and so as to place in the hands of college financial aid officers much greater discretion in packaging aid for the individual student. The purpose is to allow greater flexibility in melding Federal-aid programs with grants and aid provided by States and institutions. The result should be greater ability to meet the individualized needs of the student applicant.

The qualification of need for aid is rephrased so as to emphasize the need of the particular student applicant for aid in order to attend that college. This contrasts to the administration's proposal to categorize students according to family incomes and to disregard the needs of students from middle-income families. To the extent that each applicant can draw upon actual help from his family, such help will continue to be considered. He will not, however, be included or excluded from aid because of assumed membership in any social category. The bill recognizes the fact that because of inflation and the extraordinary rise in college costs, few families can now afford to send their sons and daughters on to college and that aid in some measure is necessary for most students.

Self-help is encouraged. The bill will make student aid available to part-time students who typically must work their way through higher education while meeting personal or family obligations that cannot be postponed.

All financial aid programs will be made available to students at accredited proprietary schools. Such students traditionally are striving directly to prepare themselves for the job market. Such self-help efforts should be encouraged.

At the present time a student qualifies for an EOG if his family income is low enough. His own earnings are included in his family income. If he tries to help himself by working, his earnings may raise his family income so as to disqualify himself from aid—an example of the reverse incentive that we so perversely build into many of our programs. The bill would correct this situation by an expresss provision that an applicant may not be disqualified from receiving aid on account of his earned income if income from other sources does not disqualify him.

The requirement of need is set higher for educational opportunity grants than for the other programs. It is phrased as "exceptional financial need." In the other programs, work-study, NDSL, and the subsidized guaranteed student loan program, the eligibility for aid is in terms that fit each individual; that is, "but for" the aid he could not go to college.

The aid programs are also simplified procedurally as much as possible. The only member of the bureaucracy actually in touch with the student is the student aid officer who executes aid policies determined by his institution. The bill gives him great discretion subject only to the requirements that he provide full information on his decisions and that he be subject to audit. Funds in the EOG and work-study programs are made freely transferable in both directions. The same formula is used for Federal allocation of funds in EOG, work-study, and in the NDSL programs. The institutional matching requirements are eliminated, thus freeing up institutional resources for other purposes.

The period of eligibility of a student for a grant is extended for an additional academic year. This is consistent with making part-time students eligible.

The distinction between initial-year appropriations and later-year appropriations in the EOG program is abolished. Eligibility for an EOG will be determined annually. A "grandfather clause" preserves the rights of those students who are now receiving grants under what is essentially a 4-year program.

The bill introduces a new form of student aid. It is described in subpart 2 of the education opportunity grant program. It makes a self-supporting student eligible for a grant in an amount equal to the income tax on his earnings but not more than $400. It has always seemed to me most inequitable that we should tax a self-supporting student in order to provide a tax-free grant to another student who by definition does not need help any more than the self-supporting student.

Consistent with the general principle of favoring self-help, the bill emphasizes work-study. That emphasis is consistent with the general approval by colleges and universities of work-study as the best form of student aid. Work-study enables the student to pay as he goes. It has a valuable educational aspect. It also allows a great deal of necessary work to be done on and off campus that is socially valuable.

In institutions of higher education located in communities in which for such reasons as small population few opportunities for work-study exist, such institutions may use work-study funds to make awards in the form of grants. Conversely in large cities an institution may prefer to transfer EOG money to work-study.

The National Defense student loan program is continued. Those loans made out of appropriated funds allow colleges an independence from the difficulties of the money market which is not available in the guaranteed student loan program. The maximum annual national defense student loan is raised from $1,000 to $1,500 and the maximum total loan is raised from $5,000 to $6,000. Important steps are taken in the bill to make the loan a truly revolving fund.

The maximum loan in any year is increased from $1,500 to $2,500 in the guaranteed student loan program. The maximum total loan is increased from $7,500 to $10,000. The term for repayment is retained at 10 years where it is now. The administration proposes to increase the amount of the loan to a possible $17,500 and to lengthen the term of repayment to 20 years which imposes simply too great a burden on a student for much too long a time. Under the administration's proposal the amount including interest to be repaid might run as high as $50,000 and the age of the borrower when he finishes repaying might be in the 50's. Authorization for paying special allowances to the lender—(up to 3 percent additional interest)—is extended for 5 years. Although interest rates have dropped continuation of the possibility of paying such special allowances should be continued for a few more years.

At the present time, guaranteed student loan program has subsidized and unsubsidized aspects. A subsidized loan is available to student applicants with an adjusted family income of less than $15,000. That qualification is dropped in favor of an institutional determination of need. It is better to place the policy decision in the hands of the institution to be carried out by student financial aid officers.

The bill contains secondary market and warehousing provisions for the guaranteed student loans under a Student Loan Market Association. The Student Loan Market Association—"Sally Mae"—will provide the same liquidity that "Fannie Mae" provides in the home mortgage market.

In title V the bill extends the Education Professions Development Act with minor changes.

In title VI it extends other provisions of the law such as international education, acquisition of equipment, networks for knowledge, public service education, and others. Provisions requiring matching funds are modified so as to allow waiver by the Commissioner in appropriate circumstances.

Title VII continues the Higher Education Facilities Act. It also contains a mortgage guarantee provision that is hoped will support the efforts of institutions of higher education to finance their own physical expansion.

Title VIII is an extremely important new provision designed to meet the present emergency in the finances of both public and private higher education institutions. Testimony of witnesses before the subcommittee indicates many institutions are now in a deficit condition consuming endowments and capital assets for current operation expenses. The bill recognizes this emergency and authorizes aid to institutions upon application in an amount equal to $100 per student in lower division courses, $150 per student in upper division courses, and $200 for each graduate student. This will be based on full-time equivalency on the basis of credits earned in the previous year. There is a weighted factor designed to help small private nontax-supported institutions. For the first 200 students out of the enrollment, each student would be counted at $300. For the next 200 students, each student would be counted at $200.

In my judgment, the administration has disregarded storm signals on the academic front. The need for aid is very great. Without such aid, we can be assured that many institutions will fail. Even with such aid there is still a question of the survival of many institutions.

Title IX sets up a new program of interns for political leadership. It has long seemed to me that the young people should have an opportunity to observe and participate in the political process. This program will allow undergraduates to work in city and State governments and in the last year to come to Washington and work in the offices of Representatives and Senators.

Title X sets out provisions which I hope will be of some help in alleviating discrimination against women in our society—and most specifically in our institutions of higher education.

The legislation would amend the Civil Rights Act to prohibit discrimination on the basis of sex in federally financed programs, and would remove the exemption presently existing in title VII of the Civil Rights Act with respect to those in education. It would authorize the Civil Rights Commission to study discrimination against women and would remove the exemption of executive, administrative, and professional employees from the equal pay for equal work provision of the Fair Labor Standards Act.

In banning discrimination on the basis of sex in programs participating in Federal funding, the legislation exempts institutions of higher education whose student bodies are presently one sex, institutions controlled by a religious organization where application of the discrimination provisions would not be consistent with religious tenets, and allows a 5-year period of exemption for institutions changing over from one sex to coeducation status.

Title XI provides programs for mineral conservation education. It has been included at the request of my esteemed colleague, Mr. JOHN DENT, of Pennsylvania, and represents his views with which I concur on the special need for a program which would set up regional centers for education in mineral exploration, production, processing, and control of pollution and related diffculties.

Title XII sets out general contract administration procedures. Within the last several months, I have been engaged in an examination of the contract practices of the Office of Education. I cannot state too strongly my opinion of the generally bad administration in the letting of contracts, review and evaluation that exists today. I am gratified that the administration seems to have recognized the problem. The administration higher education bill—H.R. 5191—included provisions regarding contract administration which I was happy to incorporate in this bill as title XII.

Title XIII is included at the special request of my respected fellow committee member, Congressman BURTON of California. It would give the College of the Virgin Islands and the University of Guam the status of land-grant colleges. This provision is long overdue—and as a member not only of the Special Education Subcommittee but as the chairman of the Subcommittee on Trust Territories of the Interior and Insular Affairs Committee, Congressman PHIL BURTON is in a unique position to understand the importance of this provision. I wholeheartedly agree with his recommendation to give both universities land-grant status.

Title XIV requires an evaluation of Federal education programs by the General Accounting Office. It has long seemed to me that much of our money is wasted in badly administered programs or in grants and contracts which produce unusable results. It will be immensely worth while, I am convinced, to authorize the General Accounting Office to make an evaluation of education programs. Such an authorization will provide Congress with an evaluation by an office independent of the office which made the grant or contract.

I commend this bill to the attention of the Members of this House. It is an effort to meet existing and emerging problems in the area of higher education; an area which has received our attention in the past and has frequently been the subject of our concern.

THE ADEQUATE INCOME ACT OF 1971

(Mrs. ABZUG asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, I am introducing today the Adequate Income Act of 1971, a bill which aims at the elimination of poverty once and for all.

This bill guarantees an annual income of $6,500 for a family of four, which is less than the $6,900 that the Bureau of Labor Statistics has established as the amount necessary for a lower level of living in an urban area in December 1970.

In addition, the bill provides for work incentives and establishes a system of welfare which guarantees the self-respect and civil rights of the almost one-fifth of our Nation who live in poverty.

For years we have spent billions on welfare for the wealthy in the form of oil depletion allowances, tax loopholes to millionaires and farm subsidies to the undeserving. We have spent billions on welfare payments for the support of corrupt governments around the world.

Large expenditures on welfare are not new. Welfare has not been for the poor, but for the rich and for the corrupt. This bill puts the money in the hands of those who deserve it and need it.

All of the other legislation proposed does little more than perpetuate the vicious and degrading syndrome of poverty. President Nixon and Wilbur Mills know you cannot support a family on $2,400 a year.

Critics of this proposal argue that we cannot afford such an expenditure. The question is not what we can afford but what we are willing to spend and on what. We cannot afford a $76 billion military budget which is not for defense. We cannot afford to continue the illegal, immoral war in Southeast Asia. We cannot afford to spend billions on those projects of the industrial complex which do not benefit the people. It is immoral to provide welfare for the rich.

We have the resources to wipe out poverty; do we have the will? Let the people of this Nation understand that if this Congress does not pass legislation to provide a minimal standard of living for the poor, it is not because it could not afford it but because it did not want to. Inaction would be an embarrassment to the Congress and an act of complete and total disinheritance of the poor. It would be further indication of the callousness and lack of understanding and will on the part of the national leadership.

The priorities should be clear. Children who are forced to go to bed hungry, who do not have decent housing or adequate clothing, men and women who cannot work or who work and cannot make enough to support their families; the elderly and the infirm, this one-fifth of our Nation—they are the priority and not to recognize this is foolish, inhumane, and a disgrace to the Nation.

The people ought to be aware that unlike welfare for the rich, welfare for the poor will help to solve the economic problems we are facing.

The expenditures of this legislation will provide the impetus to make millions of people who are now dependent on the Government, independent. In time it will dramatically decrease Federal, State, and city expenditures on crime control, health care, sanitation, and other services whose costs are so much higher in poverty areas. It will create new revenues through increased consumer potentials and it will provide for increased income tax revenue.

It is time to broaden the national debate on welfare. It is time to discuss welfare in terms that make sense. It is time to reverse the insane priorities of our Nation.

LIEUTENANT CALLEY—AN ACCESSORY TO THE CRIME

(Mrs. ABZUG asked and was given permission to extend her remarks at this point in the RECORD.)

Mrs. ABZUG. Mr. Speaker, we are a nation born out of a revolution to protect the rights of the individual.

Perhaps that is why, as a people, we respond more passionately to the tragedy of an individual, one child, one human being, than to great issues and conflicts that involve thousands or millions.

For the past few days the American people have been all churned up over the fate of Lieutenant Calley, one young soldier convicted of killing 22 people. Some have compared him to Jesus Christ. Others call him a national hero. George Wallace champions him. Regardless of how they view his acts, most people feel that he is a sacrificial goat, offered up by the Pentagon to deflect attention from its own sins.

I agree with this last point of view. I have joined with 21 other Members of Congress in introducing a resolution proposing a full-scale congressional inquiry into American war crimes and responsibility. I believe that the underlying concept of this war is racist and based on a military strategy of exterminating civilians and destroying the land which sustains the Vietnamese.

I feel, however, that Calley is guilty and deserved to be convicted. For if we believe in the rights of the individual we must also believe in the responsibility of the individual. There were other American soldiers at Mylai who made a decision of moral courage. They decided that they could not shoot down babies. They turned away and would not do it. Calley did.

Are we to tell those American soldiers who knew that it was wrong to kill old men and women and babies that it was really OK? That they are no different or better than Calley? To exonerate Calley is to say that it is all right to follow orders blindly, no matter whether it leads to the murder in gas ovens of millions of Jews, as happened in Nazi Germany, or the torture and murder and indiscriminate slaughter of civilians in Vietnam.

This is not an academic issue. Because while I stand here talking to you today, the war is still going on and other American soldiers are taking orders and following them. And many of them are thinking hard. They are not all following orders. Not any more.

I am talking about the responsibility of the individual, because each one of us has to face in our consciences our personal role in this war.

I saw a news program on TV some time ago that I have never forgotten. It showed a stockholders' meeting of the Dow Chemical Co. They were meeting to hear about their dividends, but some antiwar demonstrators got in and stood in front of the hall, and they held up giant blowups of photographs of Vietnamese babies who had been burned and mutilated by Dow Chemical's napalm.

It was a horrifying sight, but what was most horrifying was that the Dow stockholders did not look at the pictures. They all turned their heads to the side, and would not look, and later they applauded the news of their higher earnings, and went quietly home.

They would not look. This war, which I have opposed from its beginning, has dragged on for 10 years and spread into Cambodia and Laos because the American people have never taken a really full, long look at what has been done in their name.

In the name of America, the White House and the military have been systematically tearing apart three small countries. In South Vietnam, more than a million civilian casualties and over 4 million refugees, their farms, homes, and rice crops destroyed—mostly by us.

In Cambodia, tens of thousands of civilian casualties and 1½ million refugees out of a total population of 6 million.

And in tiny Laos, with less than 3 million people, our planes have been bombing away—not just in the latest fiasco staged by the Thieu government with the full support of the American high command—but for years.

Out of a population of 3 million people in Laos, almost 300,000 are refugees, thousands live in caves in hopes of escaping American bombs. Thousands have been killed.

The fact is that President Nixon, and before him President Johnson, have been conducting this war on the strategy laid down by Gen. Curtis Lemay some time ago. "War is killing people," said the general, "and when you kill enough people, the other side quits." He is, of course, not just talking about killing soldiers, but about killing civilians.

Killing civilians is U.S. policy in Indochina. It is also policy to have saturation bombings, to designate huge areas of Vietnam, Laos, and Cambodia as free-fire zones in which anything that is seen moving may be shot or machinegunned or napalmed. It is policy to burn down entire villages and use chemicals to destroy all vegetation so that the people can no longer live off the land. And as part of this policy, prisoners whom our forces have captured have been thrown to their deaths out of helicopters. They have been tortured in all the ingenious ways that man can devise. And women have been tortured and killed. Children have been made homeless, robbed of their parents, burned, and mutilated. We know that horrors are committed in all wars, but there is one thing that is different about this war. This time it is our own soldiers who are talking about and confessing to these crimes.

Mr. Speaker, I submit that while Lieutenant Calley is a victim of a sick system whose teachings he did not have the strength to overcome, he is nonetheless a duly convicted murderer whose personal atrocities should not go unpunished. He is not alone, rather, the guilt for this and other atrocities goes much higher up and much lower down the ranks of the military, and the responsibility of this Congress is to investigate so that Lieutenant Calley is not allowed to be offered up as a sacrificial lamb to pay for the crimes of others in addition to his own.

Finally, what should be clear from all of this is that the only way to end the atrocities is to end the war and this we in this Congress must do.

NATIONAL UNEMPLOYMENT

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the Record and to include a resolution.)

Mr. MADDEN. Mr. Speaker, the House Democratic Steering Committee met this afternoon and unanimously adopted the following resolution: This legislation will be considered on the House floor on Wednesday after Easter recess.

Be it resolved by the House Democratic Steering Committee that, whereas unemployment now officially stands at 6 percent nationally, and that there is a large backlog of needed local public facilities, all Democratic Members of the House are urged to support H.R. 5376, reactivating the Accelerated Public Works program and extending the Economic Development Administration, the E.D.A. regional commissions, and the Appalachia Commission.

Prior to the adoption of the resolution, Chairman John A. Blatnik, Democrat of Minnesota, of the House Public Works Committee, presented a statement in support of H.R. 5376. The members of the steering committee were particularly impressed by charts and statistics presented by Representative Blatnik demonstrating that any additional cost resulting from the enactment of H.R. 5376 would be substantially offset by a marked decline in welfare and unemployment compensation outlays.

The action of the Steering Committee represents the latest effort on the part of House Democrats to counteract the effect of President Nixon's economic policies which have at one and the same time resulted in 6 percent unemployment and galloping inflation.

MISS NANCY HANKS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on the evening of March 25, at the Third Annual Cultural Award Dinner by the Recording Industry Association of America, at the Washington-Hilton Hotel, the lovely and talented Miss Nancy Hanks, Chairman of the National Endowment for the Arts, was the recipient of this coveted annual cultural award of the Recording Industry Association of America. I was particularly pleased to see Miss Hanks receive this award because since her girlhood she, her distinguished father and her lovely mother, have been our friends. Before coming to the chairmanship of the National Endowment for the Arts, she had a distinguished career in contributing to our country's creative and performing arts. She has given inspirational leadership to the National Endowment for the Arts which has made such meaningful contributions to the Endowment's cultural programs at a nationwide grassroots level and for the initiation of new programs of significance to the cultural character of our country. Miss Hanks has had the vision to see what can be done to promote understanding and appreciation of the creative and performing arts by the masses of the people of our country. She has enriched the lives of innumerable people in what she, as Chairman of the National Endowment for the Arts in concert with those working with her, has been able to do. What Miss Hanks has done is simply to further the effort and the ambition of Thomas Jefferson that all the people of America should have a chance to get an education to include an education in the creative and performing arts.

The citation presented to Miss Hanks when she received the award aptly described and recognized what she has meant in her great work to our country.

Mrs. Richard Nixon, our beloved First Lady, also wrote a letter to Miss Hanks upon the occasion of the award expressing her pleasure that Miss Hanks was receiving this meaningful award and warmly congratulating her upon its receipt.

On the day following the award the Washington Post in an article by Sarah Booth Conroy vividly described the award and the occasion upon which it was presented, as did Mary Anne Dolan of the Evening Star on the same day. Following the award, which she graciously received to the warm applause of the hundreds present, Miss Hanks delivered a very eloquent and informative address in which she told something of the work she has done and our country is doing, and she pointed up high and challenging goals for the National Endowment for the Arts and for our country.

Mr. Speaker, while many Members of Congress, such as the Honorable Frank Thompson, Jr.. of New Jersey and others who have so warmly supported Federal legislation providing for and sustaining with evergrowing support the National Endowment for the Arts, were present on this happy occasion, I feel that all the Members of Congress and the people of the country who read this Record will benefit from the reading of Miss Hanks' address and the other material which I insert in the Record immediately following these remarks:

Third Annual Cultural Award Dinner

Not so very long ago an award given to anyone having anything to do with the arts, if it came in the shape of a tower, would probably have been made of ivory.

Things are different now. One common thing about the arts in America today is that they are so much a natural part of the everyday lives of so many of us. Another common thing about them is their high quality. When quality in art is common you have something to cheer about. We've reached an extraordinary state of affairs when we can count on more quality in the arts than we can expect in the more mundane mechanical objects and services that so frequently frustrate, incapacitate or otherwise daze and craze us.

There isn't any area of the arts today—fine, performing and popular—in which we as a nation are not, at the very least, the peer of any country in the world, if not the leader.

Images however, continue to persist, especially if they are stereotyped ones, long after facts have proven them wrong. There is still loose in the minds of many, a portrait of the American as Babbit, soaking his tired museum-weary feet and groaning to his wife, call her My Gal Sal, that, no, he doesn't want to be dragged to any more of them nutty operas.

And yet, when Americans travel abroad it is to the museums, the concert and opera halls, the theaters, the churches and other great monumental public buildings they flock.

What has come as a sudden surprise is the realization, in stunning magnitude, that we are really little different at home than we are abroad.

Of course, we are sports addicts and we go to the movies, and not always the best ones, and we look greatly at television, and not always at the best that has to offer either.

But we also last year alone clocked through the doors of the nation's museums 600 million times. That is the kind of figure which should make those of us who are interested in museums and what they do for people shout with joy. It says something formidable about how we choose to spend our time.

Nobody forced us through those stately doors. We went because we wanted to.

If we go by attendance—what better index of genuine interest is there in a society in which people make up their own minds as to how they want to spend their free time—we are developing into one of the leading art-conscious nations of the world.

The fact that the studio estates of some 1,500 oils, water-colors, drawings and prints of the great American artist Edward Hopper was just left to the Whitney Museum is front page news—as it would not have been only a few years ago—is a testament to how, at last, America regards its cultural heritage.

We have not yet arrived at the position of Japan which declares its major artists to be "living cultural assets" of the nation. But, for over five years now, since the National Endowment for the Arts was established by an act of Congress, this nation has formally expressed its will to support and encourage the arts and artists of America.

We are concerned, as we should be, with the deteriorating environment, but, within that environment, as we seek to improve it, is an atmosphere of purity and sensibility, the effect of the arts in our daily lives.

A proper portrait of the American today would have to include the essential fact that:

Receipts from admissions to the performing arts organizations have soared from $356 million in 1960 to $676 million in 1969;

That, in 1958–59, 24 of our major orchestras gave 2,406 concerts and that ten years later the same 24 orchestras had upped their output by two-thirds, to 4,010 concerts;

That, of our 27 major classic and modern dance companies, four were just getting started 10 years ago and eight others didn't even exist;

That private giving to the arts from foundations, business, and the public has risen steadily, although, so have costs.

In the arts, very unlike all other economically measurable enterprises, increased production does not mean profit or even financial stability. In fact, it can mean the opposite. Admissions cover less than half the total costs of any arts organizations. As more and more Americans visit galleries and museums, as orchestras, operas, theatre and dance companies extend their services to reach an ever greater audience, as the arts expand, so too, in rising disproportion, do expenses and the consequent gap between income and costs.

There are attendance figures at museums, symphonies, opera, rock and roll, pop and folk, and country and western events and festivals that are staggering. But, is there anything more convincing of the fact that the arts are truly a basic part of American life today than the fact that their costs are rising?

The problem is that you cannot increase the prices to pay for them without drastically decreasing your audiences. And, you can't cut costs, which are largely salaries, because for the greater part by far, performers are already vastly underpaid.

Measured in precisely the same way as the costs per man hour to produce a sparkplug or a loaf of bread, we know that the arts are affected by a paradoxical law of inequity.

If you make and sell more spark-plugs your costs per unit in man hours involved decrease and you make more money. You can even make more money while charging less for your product. But no one has yet, fortunately, discovered how to convert a Verdi duet into an aria for solo soprano, or how to trim down a Schubert quintet so that two players can get through it in five minutes. Moreover, if your attendance increases over a season of concerts you do not make more money; rather, the gap between your costs and income grows greater.

What we have begun to recognize is that there is a strict law of diminishing returns which dictates inexorably that as popularity increases and costs rise with it, returns decrease. Nowhere is the description of economics as the "dismal science" more evident than in the performing arts.

But nowhere is the need for them, and the joy in them, and the growing support for them, more clearly apparent than in our country today.

The arts are not, more and more of us are learning, merely embellishments, decorations, pastel icing and entertainment, although they are that too, and it is good that they should be. They are necessary elements, vital to the continuance and enrichment of our individual lives and of our civilization. They are, in fact, the lasting marks of our civilization, the identifying insignia of our nation. Our technical and scientific advances are immense and that is part of our achievement, but the practice, the development and the quality of our arts is our glory.

In the transmission of so substantial a part of that achievement, which is music, your organization, the Recording Industry Association of America, plays no small part. Because of your work we've all got music, and who could ask for anything more, except poetry, drama, and the recorded spoken word, and you supply that too.

The National Endowment for the Arts is honored, and I am grateful, for the distinction of having been selected to receive this beautifully radiant award.

THIRD ANNUAL RIAA CULTURAL AWARD IS PROUDLY PRESENTED TO NANCY HANKS

in recognition and appreciation of her contributions to our country's creative and performing arts. Her exemplary and inspirational leadership as Chairman of the National Endowment for the Arts is in large measure responsible for the extension of the Endowment's cultural programs to a nationwide, grass-roots level, and for the innovation of new programs sponsored by the Endowment. Under her direction there has been initiated a program of grants to 67 symphony orchestras throughout the country. The first program of assistance to the nation's museums has been instituted. Jazz, one of our nation's indigenous musical forms, is being aided and encouraged. In cooperation with the U.S. Office of Education, a nationwide program has been instituted for poets, painters, sculptors, writers, dancers, musicians and actors to bring their art to elementary and secondary school students and teachers. Her personal enthusiasm and love of the arts and her conviction that Government shares with industry, private endowments and individual citizens the responsibility for sustaining artistic and cultural life in the country, helped induce the Congress to grant President Nixon's request that the Endowment's appropriation be doubled. She is truly your nation's First Lady of the Arts and, as such, has earned for herself the everlasting gratitude of the recording industry.

THE WHITE HOUSE,
Washington, D.C., March 25, 1971.

Hon. NANCY HANKS,
The Recording Industry Association of America, Inc., Annual Cultural Award Dinner, Washington Hilton Hotel, Washington, D.C.

DEAR NANCY: Both of us are greatly pleased that you are being honored tonight by The Recording Industry Association of America in receiving their third annual cultural Award.

Through your own appreciation and extensive knowledge of American Art in all its forms, the Nation has benefitted immeasurably by the outstanding contributions you make in bringing to others a more meaningful understanding of our country's rich cultural heritage.

We are happy to send our warm congratulations for this well deserved national tribute which also reflects our own deep personal pride.

Sincerely,

PATRICIA NIXON.

[From the Washington Post, Mar. 26, 1971]

CULTURAL AWARD TO NANCY HANKS

(By Sarah Booth Conroy)

Nancy Hanks, chairman of the National Endowment for the Arts, last night received the E crystal representation of the Washington Monument, which is the Recording Industry Association of America's Cultural Award.

Some 550 people, including congressmen and recording industry executives saw Miss Hanks honored for "cultural programs to a nation-wide, grass-roots level, and for . . . new programs."

Accepting the award, she said she appreciated the "wonderful support that this administration has given for the arts. Not only has the President accomplished a doubling and a doubling again of a budget appropriations for the arts, but he has also honored the arts by entertaining the great jazz musicians in the White House.

Sitting at her table at the dinner last night at the Washington Hilton was Leonard Garment, the President's art adviser. "Leonard," she said, "wanted to play the clarinet, but they didn't invite him."

Also at her table was Rep. Claude Pepper (D-Fla.), who introduced the first bill in support of the arts in 1938. "He says it takes at least 25 years to get a new bill through Congress. I remember vividly the 1954 bill in support of the arts. I typed it. It was beautifully typed. It was labeled "The Toe-Dance Bill."

Now, she said, "we see the move from the remoteness of an ivory tower to the crystal-clear opportunities of everyday life."

Stanley Gortikov, president of Capitol Records, in making the award, cited the endowment innovations of a program of grants to 67 symphony orchestras throughout the country, the first federal aid to museums, and the cross-country program to bring professional artists into the schools.

The award went last year to Willis Conover of the voice of America and, in 1969, to Sen. Jacob Javits (R-N.Y.). The award, made by Steuben Glass Company, is a "star obelisk." It looks like a crystal Washington Monument, engraved with a star design.

The guests ate fried banana fritters, fondue bourgignon, quiche lorraine, and egg rolls before sitting down to a dinner of shrimp, filet of beef, and Soufle Alaska with cherries jubilee.

Guests at the formal affair wore everything from Miss Hanks' chaste pink satin, with high neck and long sleeves, to hotpants—short shorts with high boots and black stockings, covered by a white, see-through, crocheted, knee-length vest.

[From the Evening Star, Mar. 26, 1971]

NANCY HANKS RECEIVES AWARD

(By Mary Anne Dolan)

She was called the "Nation's First Lady of the Arts," was given a reception, a dinner, an armful of roses and a Steuben glass sculpture; received a letter from Mrs. Nixon and phoned congratulations from the President; was applauded by congressmen, senators and corporate executives and entertained by top recording stars.

And after five straight hours of testimonial, the Recording Industry Association of America still wasn't through with Nancy Hanks.

Miss Hanks, who since 1969 has been chairman of the National Endowment for the Arts and the National Council on the Arts, was the recipient last night of the RIAA's third annual cultural award.

Claiming that she "can't play the piano and can't carry a tune," the relaxed Miss Hanks humbly thanked her audience of some 600 guests gathered in the grand ballroom of the Washington Hilton, specifically the "new forces of support for the arts" (some of them gathered at her own table):

"Len Garment (the President's assistant for the arts), who had a little trouble keepin' at the table 'cause he wanted to get up on stage and play the clarinet. . . .

"The President, who seems to love entertaining the great artists at the White House . . . he claimed that his great public speaking ability goes back to early musical training. . . .

"Claude Pepper (congressman from Florida), who introduced the first bill in support of the arts in Congress in 1938. . . .

"Sid Marlin, the commissioner of education," for his support of arts in the schools. . . .

"And the nation's press . . . we're off the society pages now and on the front pages."

DEDICATION OF NATIONAL GREEK ORTHODOX MEMORIAL SHRINE OF ST. PHOTIOS IN THE HEART OF OLD ST. AUGUSTINE, FLA.

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, last Saturday, April 3, in St. Augustine, Fla., an event of great historical significance took place. At that time representatives of the great Greek communities of Florida dedicated the National Greek Orthodox Memorial Shrine of St. Photios in the heart of old St. Augustine.

The first Greeks came to this country in 1767 and first established themselves in what is now Volusia County near New Smyrna. They later moved to St. Augustine and expressing the strong spiritual influence which has ever prevailed in their lives they established the place of worship of the first permanent settlement of Greeks on this continent.

The Greek Americans of our country have long been among our most dedicated and distinguished citizens. They are industrious, law abiding, honorable, and able. It is inspiring that the Greek Americans of Florida of today still cherish this ancient Greek shrine and now, especially dedicated, as an ancient yet living symbol of the religious devotion of these great citizens.

The Governor and the members of the cabinet of the State of Florida on the 9th day of March 1971, passed a resolution commending the dedication of this shrine by the Greek Americans of Florida and paid high tribute to what Greek Americans have contributed to Florida and to America.

Mr. Speaker, I include in the Record immediately following my remarks, the resolution adopted by the Governor and the cabinet of the State of Florida:

Resolution

Whereas, the State of Florida has achieved a position of national prominence as a result of its cultural, scientific and political contributions to our nation; and

Whereas, we are justifiably proud of the rich heritage and background which belong to all of Florida and which has proven to be the mainstay and leveling influence in the orderly growth and progress enjoyed by Florida; and

Whereas, the members of the Greek-American communities of Florida, whose ancestors first came to this country in 1767, having distinguished themselves by their service to their state and nation in all walks of life; and

Whereas, it is with a deep sense of pride and appreciation that we note the establishment in Saint Augustine, Florida, of the National Greek Orthodox Memorial Shrine of St. Photios commemorating the place of worship of the first permanent settlement of Greeks on this continent.

Now, therefore, be it unanimously resolved by the Governor and the Florida Cabinet in meeting duly convened in Tallahassee, Florida, on the ninth day of March, 1971, that we do join with our Greek brethren in their moment of pride and sense of accomplishment on the momentous occasion of the dedication of the National Greek Orthodox Memorial Shrine of St. Photios to be held in Saint Augustine, Florida, on the third day of April, 1971.

Be it further resolved that the Honorable Tom Adams, Lieutenant Governor, and the Honorable Richard (Dick) Stone, Secretary of State, shall attend the dedication ceremonies as official representatives of this Cabinet and the State of Florida.

Witness the signatures of the Governor and members of the Cabinet of the State of Florida and the affixing hereto of the Great Seal of the State of Florida this 9th day of March, 1971.

Reubin O'D. Askew,
Governor.

GREAT ACCOMPLISHMENTS OF AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

America has a great engineering record. The Verrazano-Narrows Bridge, between Staten Island and Brooklyn, N.Y., has a suspension span of 4,260 feet—the longest in the world.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Fountain (at the request of Mr. Pepper), for today from 12 noon to 1 p.m., on account of official business.

Mrs. Hicks (at the request of Mr. O'Neill of Massachusetts), for April 6 and 7, on account of official business.

Mr. Murphy (at the request of Mr. O'Neill of Massachusetts), for April 6 and 7, on account of official business.

Mr. Jones of Tennessee (at the request of Mr. O'Neill of Massachusetts), for April 6 and 7, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gonzalez, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Ryan, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Ruth) and to revise and extend their remarks and include therein extraneous matter:)

Mr. Bray, for 10 minutes, on April 6.

Mr. Bell, for 20 minutes, on April 6.

Mr. Horton, for 15 minutes, today.

Mr. Mizell, for 5 minutes, today.

Mr. Vanik, for 5 minutes, today; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. Bergland) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Reuss, for 30 minutes, today.

Mr. Kastenmeier, for 10 minutes, today.

Mr. Biaggi, for 30 minutes, today.

Mr. O'Hara, for 30 minutes today.

Mr. Hagan, for 5 minutes, today.

Mr. Passman, for 10 minutes today.

Mr. Rarick, for 15 minutes, today.

Mr. Corman, for 60 minutes, on April 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Frelinghuysen and to include extraneous matter.

Mr. Michel and to include extraneous material, today, during consideration of education appropriation.

Mr. Bennett and to include extraneous material.

Mr. Smith of Iowa to include tables with his remarks made today in the Committee of the Whole.

Mr. Flood to revise and extend remarks made in Committee of the Whole and include extraneous matter and tables and charts.

Mr. Shriver to revise and extend remarks made in Committee of the Whole and include extraneous matter.

(The following Members (at the request of Mr. Ruth) and to include extraneous matter:)

Mr. Minshall in six instances.
Mr. Broomfield.
Mr. McKinney.
Mr. Esch.
Mr. Bob Wilson in four instances.
Mr. Bray in two instances.
Mr. Schwengel.
Mr. Wyman in two instances.
Mr. Terry.
Mr. Kemp in three instances.
Mr. Brown of Michigan.
Mr. Scott.
Mr. McCollister.
Mr. Dennis.
Mr. Erlenborn.
Mr. Dellenback in two instances.
Mr. Rousselot.
Mr. Schmitz.
Mr. Ashbrook in two instances.
Mr. Whitehurst.
Mr. Springer.
Mr. Sandman.
Mr. Halpern.

Mr. COLLINS in five instances.

Mr. GOODLING.

Mr. FRENZEL.

Mr. MCCLORY in two instances.

Mr. GUDE.

Mr. MIZELL.

Mr. HOSMER in three instances.

Mr. ARENDS in three instances.

Mr. LENT in two instances.

Mr. ROBISON of New York.

Mr. PELLY in three instances.

(The following Members (at the request of Mr. BERGLAND) and to include extraneous material:)

Mr. BOLLING.

Mr. GREEN of Pennsylvania in four instances.

Mr. BYRON in six instances.

Mr. EDWARDS of California in two instances.

Mr. JAMES V. STANTON in two instances

Mr. BIAGGI in 10 instances.

Mr. GALIFIANAKIS in two instances.

Mr. STUCKEY.

Mr. KARTH.

Mr. WALDIE in three instances.

Mr. RODINO in three instances.

Mr. RARICK in three instances.

Mr. GONZALEZ in two instances.

Mr. ROSTENKOWSKI in two instances.

Mr. STOKES in three instances.

Mr. COTTER.

Mr. ANDREWS of Alabama.

Mr. UDALL in six instances.

Mr. EVINS of Tennessee in two instances.

Mr. FOUNTAIN in two instances.

Mr. KLUCZYNSKI in two instances.

Mr. EDMONDSON in three instances.

Mr. ANDERSON of California in five instances.

Mr. CARNEY in two instances.

Mr. MIKVA in two instances.

Mr. HUNGATE in two instances.

Mr. CONYERS in two instances.

Mr. GAYDOS in six instances.

Mr. BADILLO in two instances.

Mr. DANIEL of Virginia in two instances.

Mr. WILLIAM D. FORD in three instances.

Mr. ANDERSON of Tennessee in three instances.

Mr. FASCELL in two instances.

Mr. CORMAN.

Mr. EVANS of Colorado.

Mrs. ABZUG.

Mrs. GRIFFITHS.

Mr. DANIELS of New Jersey.

Mr. BRADEMAS in eight instances.

Mr. FRASER.

Mr. WOLFF in two instances.

Mr. MINISH.

Mr. ADAMS.

Mr. BINGHAM.

Mr. ICHORD.

Mr. BURLISON of Missouri.

Mrs. SULLIVAN in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 484. An act to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 581. An act to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes; to the Committee on Banking and Currency.

ADJOURNMENT

Mr. BERGLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, April 7, 1971, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

532. A communication the President of the United States, proposing a supplemental appropriation for the Department of Transportation for fiscal year 1971, together with a letter from the Director of the Office of Management and Budget (H. Doc. No. 92–82); to the Committee on Appropriations and ordered to be printed.

533. A letter from the Administrator of Veterans' Affairs, transmitting the annual report of the Veterans' Administration for fiscal year 1970, pursuant to 38 U.S.C. 214 (H. Doc. No. 92–83); to the Committee on Veterans' Affairs and ordered to be printed with illustrations.

534. A letter from the Deputy Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of molybdenum from the national stockpile; to the Committee on Armed Services.

535. A letter from the Deputy Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of nickel from the national stockpile; to the Committee on Armed Services.

536. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities and to help States and localities to improve their decisionmaking and management capabilities; to the Committee on Banking and Currency.

537. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to strengthen education by providing a share of the revenue of the United States to the States and to local educational agencies for the purpose of assisting them in carrying out education programs reflecting areas of national concern; to the Committee on Education and Labor.

538. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the settlement of certain land claims of Alaska natives, and for other purposes; to the Committee on Interior and Insular Affairs.

539. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government, and for other purposes; to the Committee on Interior and Insular Affairs.

540. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

541. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a) (28) (I) (ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

542. A letter from the Chairman, American Revolution Bicentennial Commission, transmitting a draft of proposed legislation to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; to the Committee on the Judiciary.

543. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes; to the Committee on Post Office and Civil Service.

544. A letter from the Administrator of General Services, transmitting the 1970 annual report of the General Services Administration, pursuant to 40 U.S.C. 610(a); to the Committee on Public Works.

545. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing the construction of an annex to the Foley Square Courthouse in New York City, pursuant to 73 Stat. 480; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

546. A letter from the Comptroller General of the United States, transmitting a list of General Accounting Office reports issued or released in March 1971, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

547. A letter from the Comptroller General of the United States, transmitting a report on opportunities for improvement in the development and evaluation of design alternatives for Federal water resources projects by the Corps of Engineers, Department of the Army and the Bureau of Reclamation, Department of the Interior; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 6444. A bill to amend the Railroad Retirement Act of 1937 to provide a 10-percent increase in annuities; with an amedemnt (Rept. No. 92–115). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 234. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the United States Government except in conformity with the provisions of title 18; with amendments (Rept. No. 92–116). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 373. Resolution providing for the consideration of H.R. 5376, a bill to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965 (Rept. No. 92–117). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 320. Resolution transferring jurisdiction of the Subcommittee on Foundations of the Select Committee on Small Business to the Committee on Banking and Currency (Rept. No. 92–118). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. H.R. 1836. A bill for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer (Rept. No. 92–107). Referred to the Committee of the Whole House.

Mr. RAILSBACK: Committee on the Judiciary. H.R. 1890. A bill for the relief of Robert F. Cheatwood, Walter R. Cottom, Kenneth Greene, Kenneth L. March, Ernest Levy, and the estate of Charles J. Hiler (Rept. No. 92–108). Referred to the Committee of the Whole House.

Mr. RAILSBACK: Committee on the Judiciary. H.R. 2246. A bill for the relief of Charles C. Smith; with amendments (Rept. No. 92–109). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 3749. A bill for the relief of Richard C. Walker; with amendments (Rept. No. 92–110). Referred to the Committee of the Whole House.

Mr. RAILSBACK: Committee on the Judiciary. H.R. 3753. A bill for the relief of Sgt. Ernie D. Bethea, U.S. Marine Corps (retired); (Rept. No. 92–111). Referred to the Committee of the Whole House.

Mr. RAILSBACK: Committee on the Judiciary. H.R. 5657. A bill for the relief of William D. Pender; (Rept. No. 92–112). Referred to the Committee of the Whole House.

Mr. SANDMAN: Committee on the Judiciary. H.R. 5900. A bill for the relief of John Borbridge, Jr.; with an amendment (Rept. No. 92–113). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 6100. A bill for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders; (Rept. No. 92–114). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 7209. A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 7210. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. ASPINALL (for himself, Mr. Baring, Mr. Taylor, Mr. Udall, and Mr. Kyl):

H.R. 7211. A bill to establish public land use policy, to establish guidelines for its administration, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BADILLO:

H.R. 7212. A bill: Urban Education Improvement Act of 1971; to the Committee on Education and Labor.

H.R. 7213. A bill to regulate the election of Members of Congress by prohibiting the imposition of durational residency requirements as a condition of voting for such officers, and providing a procedure for absentee voting and registration; to the Committee on House Administration.

By Mr. BROOMFIELD:

H.R. 7214. A bill to terminate all price support programs for tobacco beginning with the 1972 crop of tobacco; to the Committee on Agriculture.

By Mr. BUCHANAN:

H.R. 7215. A bill to amend the Internal Revenue Code of 1954 to provide for the amortization of facilities used for the recycling, reprocessing, or reclamation of ferrous metal; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 7216. A bill to provide maternity benefits for pregnant wives of certain former servicemen; to the Committee on Armed Services.

By Mr. CONABLE:

H.R. 7217. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CRANE:

H.R. 7218. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; to the Committee on Merchant Marine and Fisheries.

H.R. 7219. A bill to repeal certain provisions of law relating to the private carriage of letters, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DE LA GARZA:

H.R. 7220. A bill to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally siezed by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DELLENBACK:

H.R. 7221. A bill to authorize the Secretary of the Interior to engage in a feasibility study of a water resource development; to the Committee on Interior and Insular Affairs.

By Mr. DEVINE:

H.R. 7222. A bill to revise the Federal election laws, and for other purposes; to the Committee on House Administration.

By Mr. DULSKI:

H.R. 7223. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. FORSYTHE:

H.R. 7224. A bill to provide for Government guarantee of private loans to certain motorbus operators for purchase of modern motorbuses and equipment to foster the development and use of more modern and safer operating equipment by such carriers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD:

H.R. 7225. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. KOCH (for himself, Mr. Annunzio, Mr. Brademas, Mr. Burlison of Missouri, Mr. Collins of Illinois, Mr. Conyers, Mr. Cotter, Mr. Coughlin, Mr. Daniels of New Jersey, Mr. Derwinski, Mr. Diggs, Mr. Dingell, Mr. Fish, Mr. Gude, Mr. Helstoski, and Mr. Kee):

H.R. 7226. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. KOCH (for himself, Mr. Kyros, Mr. Lloyd, Mr. McMillan, Mr. Meeds, Mr. Melcher, Mr. Mikva, Mr. Miller of California, Mr. Nedzi, Mr. Nix, Mr. Patten, Mr. Perkins, Mr. Pettis, Mr. Reuss, and Mr. Shoup):

H.R. 7227. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. McCORMACK:

H.R. 7228. A bill to require the Secretary of Transportation to prescribe regulations requiring certain modes of public transportation in interstate commerce to reserve some seating capacity for passengers who do not smoke; to the Committee on Interstate and Foreign Commerce.

H.R. 7229. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MIKVA:

H.R. 7230. A bill to amend the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 7231. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes; to the Committee on Education and Labor.

H.R. 7232. A bill to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7233. A bill to extend to hawks and owls the protection now accorded to bald and golden eagles; to the Committee on Merchant Marine and Fisheries.

H.R. 7234. A bill to amend part A of title IV of the Social Security Act to make the program of aid to families with dependent children a wholly Federal program, to be administered by local agencies under federally prescribed terms and conditions (embodying the eligibility formulas currently in effect in the several States but designed to encourage such States to apply nationally uniform standards), with the cost being fully borne by the Federal Government; to the Committee on Ways and Means.

H.R. 7235. A bill to amend titles II and XVIII of the Social Security Act to extend medicare benefits, without regard to age, to disability beneficiaries under the OASDI program and all other cash beneficiaries under such program (and the railroad retirement program) whose entitlement is based on disability; to the Committee on Ways and Means.

H.R. 7236. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 7237. A bill to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of racial isolation in elementary and secondary schools, and for other purposes; to the Committee on Education and Labor.

By Mr. WALDIE (for himself, Mr. Edwards of California, Mr. McCloskey, Mr. Hawkins, Mr. Dellums, Mr. Rees, Mr. Hanna, and Mr. Danielson):

H.R. 7238. A bill to amend the National Wild and Scenic Rivers Act of 1968 (Public Law 90–542), to include the Eel, Klamath, and Trinity Rivers as components of the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. WHITEHURST:

H.R. 7239. A bill to amend the Small Business Act to authorize loans to assist small business concerns in constructing, expanding, or altering facilities to comply with the requirements of newly enacted Federal laws; to the Committee on Banking and Currency.

H.R. 7240. A bill to amend the act of December 5, 1969 (Public Law 91–135); to the Committee on Merchant Marine and Fisheries.

By Mr. WYMAN:

H.R. 7241. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such order; to the Committee on the Judiciary.

H.R. 7242. A bill to amend the act of August 27, 1954 (commonly known as the Fisherman's Protective Act), to conserve and protect Atlantic salmon of North American origin; to the Committee on Merchant Marine and Fisheries.

By Mr. FISH:

H.R. 7243. A bill to authorize the Secretary of Transportation to carry out a special program of transportation research and development utilizing the unique experience and manpower of the airframe and defense industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH (for himself, Mr. Buchanan, Mr. Cleveland, Mr. Drinan, Mr. Frelinghuysen, Mr. Frey, Mr. Fulton of Pennsylvania, Mr. Hastings, and Mr. Keith):

H.R. 7244. A bill to provide for Government guarantee of private loans to certain motorbus operators for purchase of modern motorbuses and equipment, to foster the development and use of more modern and safer operating equipment by such carriers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Pennsylvania:

H.R. 7245. A bill to amend title 38 of the United States Code to provide an alternative method for computing dependency and indemnity compensation in order to insure that in certain instances the survivors of deceased veterans receive an amount of compensation equal to that to which they would have been entitled if such veterans had been civil service employees killed while performing job-related functions; to the Committee on Veterans' Affairs.

H.R. 7246. A bill to amend title 38 of the United States Code to provide for automatic cost-of-living increases in dependency and indemnity compensation payable thereunder, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GONZALEZ:

H.R. 7247. A bill to amend the Renegotiation Act of 1951, and for other purposes; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon (for herself, Mr. Perkins, Mr. Burton, Mr. Dent, Mr. Daniels of New Jersey, Mr. Pucinski, Mr. Brademas, and Mr. Scheuer):

H.R. 7248. A bill to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education; to the Committee on Education and Labor.

By Mr. GREEN of Pennsylvania:

H.R. 7249. A bill to amend the Social Security Act to authorize a family assistance plan providing basic benefits to low-income families with children with incentives for employment and training to improve the capacity for employment of members of such families, to achieve more uniform treatment of recipients under the Federal-State public assistance programs and otherwise improve such programs, to provide on a gradual basis for the full payment of the costs of such programs by the Federal Government, to require the States to share with their political subdivisions the amounts saved as a result of the increased Federal payments, to provide for a program of revenue sharing, and for other purposes; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho (for himself, Mr. Hammerschmidt, and Mr. Pryor of Arkansas):

H.R. 7250. A bill to amend the Rail Passenger Service Act of 1970 in order to expand the basic rail passenger transportation system to provide service to certain States; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD:

H.R. 7251. A bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion; to the Committee on Public Works.

By Mrs. MINK:

H.R. 7252. A bill to amend 10, United States Code, to provide that any member of an Armed Force having less than 1 year remaining in his active duty service obligation, shall if he so requests, be assigned to duty near his home of record after serving a tour of duty in a combat zone; to the Committee on Armed Services.

By Mr. PELLY (for himself, Mr. Garmatz, Mr. Van Deerlin, and Mr. Bob Wilson):

H.R. 7253. A bill to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PEPPER:

H.R. 7254. A bill to authorize the payment by the United States of all the financial obligations under existing Federal-State welfare programs under the Social Security Act and waiving matching payments from the respective States for the fiscal year beginning on July 1, 1971, and to replace said programs with a national plan of income to enable the aged, blind, or severely disabled persons and families with children to attain a standard of living sufficient to provide for basic human needs, to provide incentives for employment and training to improve the capacity of employment of such persons and family members, and otherwise to improve their living conditions, and for other purposes; to the Committee on Ways and Means.

By Mr. PRYOR of Arkansas:

H.R. 7255. A bill to provide that certain expenses incurred in the construction of the Camden High School in Camden, Ark., shall be eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. QUILLEN:

H.R. 7256. A bill to provide that railroad employees may retire on a full annuity at age 60 or after serving 30 years; to provide that such annuity for any month shall be not less than one-half of the individual's average monthly compensation for the 5 years of highest earnings, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RANGEL (for himself, Mrs. Chisholm, Mr. Clay, Mr. Collins of Illinois, Mr. Conyers, Mr. Dellums, Mr. Diggs, Mr. Hawkins, Mr. Metcalfe, Mr. Mitchell, Mr. Nix, Mr. Stokes, Mrs. Abzug, Mr. Badillo, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Mikva, Mr. Price of Illinois, Mr. Rosenthal, Mr. Roybal, and Mr. Ryan):

H.R. 7257. A bill; the Adequate Income Act of 1971; to the Committee on Ways and Means.

By Mr. SANDMAN:

H.R. 7258. A bill to order the construction of a Veterans' Administration hospital in the southern area of New Jersey; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of California:

H.R. 7259. A bill to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system; to the Committee on Agriculture.

By Mr. WALDIE:

H.R. 7260. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITEHURST:

H.R. 7261. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. ZWACK (for himself, Mr. Conable, and Mr. Andrews of North Dakota):

H.R. 7262. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. ABERNETHY:

H.R. 7263. A bill to amend article 52 of the Uniform Code of Military Justice to require the concurrence of all members of a court-martial to convict any person of violating a punitive article under such code; to the Committee on Armed Services.

By Mrs. ABZUG:

H.R. 7264. A bill: The Adequate Income Act of 1971; to the Committee on Ways and Means.

By Mr. BADILLO:

H.R. 7265. A bill: Government Facilities Location Act of 1971; to the Committee on Banking and Currency.

By Mr. BROYHILL of North Carolina:

H.R. 7266. A bill to amend the Airport and Airway Development and Revenue Acts of

1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 7267. A bill to amend the District of Columbia Public Space Utilization Act to provide for the proper disposition of a certain portion of land located along the Potomac River shore; to the Committee on the District of Columbia.

By Mr. BURKE of Massachusetts (for himself, Mr. Burton, Mr. Byrne of Pennsylvania, Mrs. Chisholm, Mr. Halpern, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Koch, Mr. Nix, Mr. Obey, Mr. O'Konski, Mr. Podell, Mr. Rosenthal, Mr. Ryan, Mr. Tiernan, Mr. Patten, and Mr. St Germain):

H.R. 7268. A bill to amend title II of the Social Security Act to provide a 50-percent across-the-board increase in benefits thereunder, with the resulting benefit costs being borne equally by employers, employees, and the Federal Government, and to raise the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits; to the Committee on Ways and Means.

By Mr. BURTON:

H.R. 7269. A bill relating to the Trust Territory of the Pacific Islands; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 7270. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. CELLER (for himself and Mr. Poff):

H.R. 7271. A bill to authorize appropriations for the Commission on Civil Rights; to the Committee on the Judiciary.

By Mr. GERALD R. FORD:

H.R. 7272. A bill to amend section 209 (a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members; to the Committee on Armed Services.

H.R. 7273. A bill to provide subsistence allowances for members of the Marine Corps officer candidate programs; to the Committee on Armed Services.

H.R. 7274. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Natural Resources, and for other purposes; to the Committee on Government Operations.

H.R. 7275. A bill to promote more effective management of the executive branch by reorganizing and consolidating certain related functions of the Government in a new Department of Human Resources, and for other purposes; to the Committee on Government Operations.

H.R. 7276. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Community Development, and for other purposes; to the Committee on Government Operations.

H.R. 7277. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Economic Affairs, and for other purposes; to the Committee on Government Operations.

H.R. 7278. A bill to provide incentives for increasing the amount of information available to consumers respecting consumer products; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Pennsylvania:

H.R. 7279. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

H.R. 7280. A bill to provide for the arrest and punishment of violators of certain laws and regulations relating to the public lands; to the Committee on Interior and Insular Affairs.

H.R. 7281. A bill declaring a public interest in the open beaches of the Nation, providing for the protection of such interest, for the acquisition of easements pertaining to such seaward beaches and for the orderly management and control thereof; to the Committe on Interior and Insular Affairs.

H.R. 7282. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

H.R. 7283. A bill to amend the Internal Revenue Code of 1954 in relation to expenses for care of certain dependents; to the Committee on Ways and Means.

By Mr. GOLDWATER (for himself, Mr. Gerald R. Ford, Mr. Bell, Mr. Kemp, Mr. Railsback, Mr. Winn, Mr. Quie, Mr. Halpern, Mr. Smith, of California, Mr. Steiger of Arizona, Mr. Wiggins, Mr. Shoup, Mr. Moss, Mr. Mosher, Mr. Corman, Mr. Burton, Mr. Derwinski, Mr. Brown, of Michigan, Mr. Lujan, Mr. Montgomery, Mr. Camp, Mr. Teague of California, Mr. Rousselot, Mr. Veysey, and Mr. McCloskey):

H.R. 7284. A bill to provide for the arrest and punishment of violators of certain laws and regulations relating to the public lands; to the Committee on Interior and Insular Affairs.

By Mr. GOLDWATER (for himself, Mr. Harrington, Mr. Pettis, Mr. Mann, Mr. Forsythe, Mr. Ware, Mr. Saylor, Mr. Dellums, Mr. Zwach, Mr. Hungate, Mr. Cleveland, Mr. Sebelius, Mr. St Germain, and Mr. Rees):

H.R. 7285. A bill to provide for the arrest and punishment of violators of certain laws and regulations relating to the public lands; to the Committee on Interior and Insular Affairs.

By Mr. GOLDWATER (for himself, Mr. Haley, Mr. Don H. Clausen, Mr. Dingell, Mr. Dellenback, Mr. Donohue, Mr. Esch, Mr. Drinan, Mr. Brasco, Mr. Johnson of Pennsylvania, Mr. Pirnie, Mr. Thone, and Mr. Scott):

H.R. 7286. A bill to provide for the arrest and punishment of violators of certain laws and regulations relating to the public lands; to the Committee on Interior and Insular Affairs.

By Mr. HATHAWAY (for himself and Mr. Kyros):

H.R. 7287. A bill to prohibit trading in Irish potato futures on commodity exchanges; to the Committee on Agriculture.

By Mr. HAWKINS:

H.R. 7288. A bill to amend section 222 of the Economic Opportunity Act of 1964, as amended; to the Committee on Education and Labor.

By Mr. HELSTOSKI:

H.R. 7289. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes; to the Committee on Education and Labor.

By Mr. HORTON:

H.R. 7290. A bill to provide a procedure for the exercise of congressional and executive powers over the use of any Armed Forces of the United States in military hostilities, and for other purposes; to the Committee on Rules.

By Mr. KOCH (for himself, Mrs. Dwyer, and Mr. Yates):

H.R. 7291. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. LATTA (for himself, Mr. Archer, Mr. Broomfield, Mr. Buchanan, Mr. Collier, Mr. Collins of Texas, Mr. Dowdy, Mr. Edwards of California, Mr. Esch, Mr. Forsythe, Mr. Frelinghuysen, Mrs. Green of Oregon, Mr. Halpern, Mr. Hanley, Mr. Jones of North Carolina, Mr. Lennon, Mr. Mazzoli, Mr. Michel, Mr. Miller of Ohio, Mr. Rarick, Mr. Shriver, Mr. Waggonner, and Mr. Williams):

H.R. 7292. A bill to amend article 52 of the Uniform Code of Military Justice to require the concurrence of all members of a court-martial to convict any person of violating a punitive article under such code; to the Committee on Armed Services.

By Mr. McCLURE (for himself and Mr. Hansen of Idaho):

H.R. 7293. A bill to amend the Water Resources Research Act of 1964 to increase the authorization for water resources research and institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McCLURE (for himself and Mr. Sikes):

H.R. 7294. A bill to encourage States to establish motor vehicle disposal programs and to provide for federally guaranteed loans and tax incentives for the acquisition of automobile scrap processing equipment; to the Committee on Ways and Means.

By Mr. MELCHER:

H.R. 7295. A bill to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MILLS:

H.R. 7296. A bill to amend section 103 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mrs. MINK:

H.R. 7297. A bill to provide that memorial plots and markers be provided for persons otherwise eligible for burial in national cemeteries but whose remains are accidentally lost before such burial is made; to the Committee on Armed Services.

By Mr. PETTIS:

H.R. 7298. A bill to provide for the arrest and punishment of violators of certain laws and regulations relating to the public lands; to the Committee on Interior and Insular Affairs.

By Mr. STAFFORD (for himself, Mr. Andrews of North Dakota, Mr. Horton, Mr. Mailliard, Mr. Mosher, Mr. Schwengel, and Mr. Whitehurst):

H.R. 7299. A bill to provide for the disclosure of all campaign expenditures, establish one campaign depository, and one campaign treasurer, and for other purposes; to the Committee on Standards of Official Conduct.

By Mr. TALCOTT:

H.R. 7300. A bill to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system; to the Committee on Agriculture.

H.R. 7301. A bill to provide for the arrest and punishment of violators of certain laws and regulations relating to the public lands; to the Committee on Interior and Insular Affairs.

By Mr. TALCOTT (for himself, Mr. Pettis, and Mr. Corman):

H.R. 7302. A bill to amend section 3121 (b)(10)(B) of the Internal Revenue Code of 1954, regarding employees of exempt organizations; to the Committee on Ways and Means.

By Mr. TAYLOR (for himself, Mr. Landrum, Mr. Galifianakis, Mr. Perkins, Mr. Anderson of Tennessee, Mr. Baker, Mr. Hansen of Idaho, and Mr. Davis of Georgia):

H.R. 7303. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. TIERNAN:

H.R. 7304. A bill to amend the Internal Revenue Code of 1954 to restore the investment tax credit for a limited period; to the Committee on Ways and Means.

By Mr. CONTE:

H.J. Res. 537. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. DANIELS of New Jersey (for himself and Mr. Roe):

H.J. Res. 538. Joint resolution to authorize and request the President to proclaim the week of April 25, 1971, through May 1, 1971, as "National ROTC Band Week"; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.J. Res. 539. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. KEMP (for himself, Mr. Baker, Mr. Carney, Mr. Conable, Mr. Dulski, Mr. Fish, Mr. Gubser, Mr. Halpern, Mr. Hansen of Idaho, Mr. Harrington, Mr. King, Mr. McKevitt, Mr. McKinney, Mr. Minshall, Mr. Morse, Mr. Powell, Mr. Reid of New York, Mr. Roe, Mr. Roybal, Mr. Seiberling, Mr. Smith of New York, Mr. J. William Stanton, Mr. Stratton, and Mr. Terry):

H.J. Res. 540. Joint resolution authorizing additional appropriations to the Secretary of Transportation for the purpose of providing urgently needed intercity rail passenger service around the nation and for the purpose of research and development in the field of high-speed ground transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MYERS:

H.J. Res. 541. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.J. Res. 542. Joint resolution authorizing the President to proclaim the first Monday in October of each year as "Presidents' Day"; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.J. Res. 543. Joint resolution authorizing the President to proclaim the period September 12 through September 18, 1971, as "National Square Dance Week"; to the Committee on the Judiciary.

By Mr. HULL:

H. Con. Res. 260. Concurrent resolution; Joint Committee on Executive Impoundment of Funds; to the Committee on Rules.

By Mr. FLOOD (for himself, Mr. Byrne of Pennsylvania, Mr. Gaydos, Mr. Dowdy, Mr. Daniel of Virginia, Mr. Bray, Mr. Eilberg, Mrs. Hicks of Massachusetts, Mr. Casey of Texas, Mr. Baring, Mr. Miller of California, Mr. Addabbo, and Mr. Griffin):

H. Res. 369. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. HOWARD:

H. Res. 370 Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Transportation, and for other purposes; to the Committee on Rules.

By Mr. SISK:

H. Res. 371. Resolution authorizing and requesting the Committee on Government Operations to conduct a full and complete investigation and study of the Office of Management and Budget; to the Committee on Rules.

By Mr. WAGGONNER (for himself, Mr. McMillan, and Mr. Dorn):

H. Res. 372. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. HALL (for himself, Mr. Gross, Mr. Teague of Texas, Mr. Hosmer, Mr. Miller of Ohio, Mr. Hammerschmidt, Mr. Spence, Mr. Hull, Mr. Kuykendall, Mr. Myers, Mr. Hutchinson, Mr. Shriver, and Mr. Whitehurst):

H. Res. 374. Resolution maintaining U.S. sovereignity—Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. HALL (for himself, Mr. Wylie, Mr. Broyhill of Virginia, Mr. Nichols, Mr. Dennis, Mr. Roberts, Mr. Schmitz, Mr. Thone, Mr. Scherle, Mr. Zion, Mr. Buchanan, and Mr. Collins of Texas):

H. Res. 375. Resolution maintaining U.S. sovereignty—Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. SAYLOR:

H. Res. 376. Resolution to create a special committee on the physically handicapped; to the Committee on Rules.

By Mr. STUCKEY:

H. Res. 377. Resolution creating a select committee to review official responsibility for the My Lai 4 incident; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

107. By the SPEAKER: Memorial of the House of Representatives of the State of Oklahoma, relative to the granting of a full executive pardon to Lt. William L. Calley, Jr.; to the Committee on Armed Services.

108. Also, a memorial of the Legislature of the State of Iowa, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

109. Also, a memorial of the Legislature of the State of Montana, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

110. Also, a memorial of the Legislature of the State of New Jersey, relative to treating sales taxes paid by individual taxpayers as credits against Federal income tax due, rather than as deductions against income for tax purposes; to the Committee on Ways and Means.

111. Also, a memorial of the Senate of the State of Wisconsin, relative to the Federal highway trust fund; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 7305. A bill for the relief of Domenico Sbraccia; to the Committee on the Judiciary.

H.R. 7306. A bill for the relief of Catalina Valeriano; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 7307. A bill for the relief of Rabea Arrad; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 7308. A bill for the relief of Beatriz Ramos Caunan; to the Committee on the Judiciary.

H.R. 7309. A bill for the relief of Hyo Geun Kim; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 7310. A bill for the relief of Bienvenida Bautista, Ben Ezra Bautista, Ben Dann Bautista, Dulce Olivia Bautista, Ben Hur Bautista, Ben Mar Bautista, and Daisy Belle Bautista; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 7311. A bill for the relief of Victor del Rosario, Cynthia del Rosario, and Vernon del Rosario; to the Committee on the Judiciary.

By Mr. FLOWERS:

H.R. 7312. A bill for the relief of Catherine E. Spell; to the Committee on the Judiciary.

By Mr. HÉBERT:

H.R. 7313. A bill authorizing the President to award the Medal of Honor to Harry S. Truman; to the Committee on Armed Services.

By Mr. HULL:

H.R. 7314. A bill authorizing the President to award the Medal of Honor to Harry S. Truman; to the Committee on Armed Services.

By Mr. HUNGATE:

H.R. 7315. A bill authorizing the President to award the Medal of Honor to Harry S. Truman; to the Committee on Armed Services.

By Mr. KASTENMEIER:

H.R. 7316. A bill for the relief of Mrs. Norma McLeish; to the Committee on the Judiciary.

By Mr. KING:

H.R. 7317. A bill for the relief of Itzhaq Feldman; to the Committee on the Judiciary.

H.R. 7318. A bill for the relief of Dyung-Ki Kim; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 7319. A bill authorizing the President to award the Medal of Honor to Harry S. Truman; to the Committee on Armed Services.

By Mrs. MINK:

H.R. 7320. A bill for the relief of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 7321. A bill for the relief of Marie Claudy; to the Committee on the Judiciary.

H.R. 7322. A bill for the relief of Concetta Fruscella; to the Committee on the Judiciary.

H.R. 7323. A bill for the relief of Clarence Gillett; to the Committee on the Judiciary.

By Mr. VEYSEY:

H.R. 7324. A bill for the relief of Sylvia Afante Foster; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 7325. A bill for the relief of Maria Celeste de Almeida Albuquerque; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 7326. A bill for the relief of Hiroski Nakao; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 7327. A bill for the relief of Timber Structures, Inc.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

The SPEAKER presented a petition of the Third Mariana District Legislature, Trust Territory of the Pacific Islands, relative to compensation for Micronesian war crimes, which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

HELP TO YOUNG SERVICEMEN

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. GUDE. Mr. Speaker, I am certain that we can all appreciate the difficulty entailed in making the transition from military to civilian life which many of our young veterans are faced with each day. The present inflation makes their plight more difficult than ever before. There is an association of young ex-servicemen, Youngvets, here in the District which has taken the initiative to help these men, and I would like to help "get the word out" in its behalf.

The following letter from Mr. George Umans, executive director of Youngvets, gives a good deal of information about the association. I am pleased to submit his letter for all my colleagues' interest:

YOUNGVETS,
March 10, 1971.

Hon. GILBERT GUDE,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN GUDE: As a member of your constituency residing in Rockville and as executive director of the Association of Young Ex-Servicemen, I would like to call your attention to our organization.

The Association of Young Ex-Servicemen (AYES) was formed on Veterans Day 1969. It was incorporated pursuant to the District of Columbia Non-Profit Corporation Act with the following stated purposes:

To facilitate the transition from military to civilian status for young people serving in the Armed Forces of the United States, to promote their status and economic welfare individually and as a group, through membership in the Association, and to provide such programs, benefits and services as will further these objectives.

Regular Membership is open to anyone who, at time of application for membership, has been honorably discharged or separated from active duty in the Armed Forces of the United States and has not yet reached his 31st birthday.

As I'm sure you are aware, young veterans find the going difficult these days in many ways—jobs are few, prices are high, decisions about their futures have to be made and new responsibilities have to be faced. There is a lot of talk about helping the young veteran in his readjustment . . . but the Association of Young Ex-Servicemen is doing something about it.

Members share in the sort of benefits which could only be made available to members of large groups. For example, discount purchase facilities are now available in a number of major population centers around the country offering almost any make of new American car at only $100 over published dealer's cost.

Major household appliances, furniture, furnishings, etc., are also available at slightly over wholesale cost. Other items and services are already available at similar discounts, or are being negotiated.

Of particular interest to young servicemen who find themselves financially strapped upon release from active duty is a special group insurance policy for which regular members under age 31 may apply. It provides life insurance coverage at the same rate they paid while in the service.

Though there is also available helpful information with respect to VA benefits, job opportunities, education, etc., it is not intended that AYES will function as a "service" organization like the American Legion dealing with the Veterans Administration, for example. Also, since it is essentially a "benefit" association, neither is it intended that AYES will have any political orientation.

On the other hand, as we enroll a sufficiently large number of 'Nam vets, we hope to be able to obtain a cross-section of their thinking and a good idea of their needs so that their interests will be served.

If I may add a personal note, permit me to extend my thanks for your dedicated service to the people of Montgomery County and our Nation.

Very truly yours,

GEORGE UMANS,
Executive Director.

OPERATION HELPING HAND

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. HOSMER. Mr. Speaker, on March 3, I remarked about a program the U.S. Navy has instituted to upgrade the standard of living of Vietnamese Navy personnel and their dependents. This multifaceted program, called Operation Helping Hand, is now in its second year and is beginning to show a very real progress.

The three aspects of this program are: building dependent shelters, providing a better balanced diet through a food supplement program, and constructing a prototype community for disabled Vietnamese Navy veterans. Operation Helping Hand is not just another giveaway program, but rather one that is essential if we are to establish a strong, loyal, career-oriented cadre within the Vietnamese Navy.

The Navy realized, of course, that it was not possible to finance this 3-year program in its entirety with appropriated funds. It therefore sought a means to obtain additional money from other sources.

When word about the program and the need for $3 million nonappropriated money reached a group of American business and professional men in Saigon, they set out to form a nonprofit foundation to receive private contributions to support the projects. The Operation Helping Hand Foundation was officially chartered in March of 1970. It is headed by Mr. Lincoln C. Brownell who was recently elected as board chairman. President of the foundation is Mr. Clyde Bauer, manager of Civil Air Transport, Saigon.

In September, the Internal Revenue Service granted the foundation tax-exempt status and to date, almost $50,000 in private donations have been contributed. The Operation Helping Hand Foundation is sponsored by several distinguished citizens including Rev. Billy Graham, actor Glenn Ford, Adm. Arleigh Burke, retired, the Honorable Henry Cabot Lodge, author Samuel Eliot Morison, Paul H. Nitze, and a fellow Member of the House, WILLIAM S. MAILLIARD. I, too, am proud to be one of its sponsors. I consider the realization of its objectives to be a vital necessity in transforming the Vietnamese Navy into a viable and professional fighting force which is capable of withstanding Communist infiltration and aggression in Southeast Asia.

Moreover, I feel we owe a great debt to the American sailors and their leaders who have undertaken such an enormous task. It is a very ambitious program, perhaps the most unique ever embarked upon by our Navy. But they are resolved to do whatever is necessary to bring our Vietnamization program to a successful conclusion.

You will be interested to know, that of the $50,000 donated to Operation Helping Hand thus far, almost 50 percent has been contributed by American sailors serving in Vietnam. These are the same patriotic men in uniform who are laying their lives on the line every day so that Vietnamization will succeed.

Quite frankly I feel that our men over there deserve a great deal more support from this side of the globe. I urge each and every Member of this body to support this crucial program in which our fighting men believe so strongly.

SST

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. CARTER. Mr. Speaker, I would like to bring to the attention of my colleagues an excellent editorial by William Randolph Hearst, Jr. I am happy to see that at least one newspaper publisher has seen the results of the recent defunding of the supersonic transport.

The following article is reprinted from the March 28, 1971, issue of the Hearst Newspapers:

An Erosion of Spirit

(By William Randolph Hearst, Jr.)

New York.—The refusal by both houses of our new Congress to continue test development of an American SuperSonic Transport plane strikes me as a most serious and shameful milestone in the nation's history.

Without getting overly dramatic, I must say that killing the SST has raised some rather frightening thoughts in my mind.

What they add up to is a spectre—the dark vision of an America whose elected representatives, at least, are lacking in the adventurous spirit of pioneer leadership which made this country great.

It is impossible to say how widespread the same loss may be true of the general public. But it is a distressing fact that the lawmakers who decided to give up the field of superjet development are supposed to reflect the vitality and opinions of the electorate—and generally do.

So something very serious indeed has happened. And it is shameful because it demonstrates how vastly different in outlook and motivation so many present-day Americans have become when contrasted with our early settlers and explorers.

We speak English today because the most venturesome, the hardiest and the most tenacious were English. Beginning with the settlement at Jamestown in 1607 and the Mayflower landing at Plymouth Rock in 1620, theirs was a saga of go, go, go—always forward in blazing trails through the unknowns of their world.

This spirit inspired and drove the country for approximately 300 years, as it continued to prevail in the first half of this century. Yet in recent years a kind of erosion has set in—and the death of the SST could well mark a turning point in our nation's philosophy.

At the very least, the refusal of Congress to continue test work on a United States possible rival to SuperSonic Transports already being flown by the Russians, British and French will—I am confident—go down as an indelible stain on its record.

This is the first Congress I have ever known that has refused to have a look at the future.

It is the first Congress I have ever known to spurn the kind of progressive, exploratory thinking that makes for a great, youthful and curious nation.

It is the first Congress I have ever known to adopt a policy of "go back" rather than "go ahead"—to deliberately surrender world leadership in a tremendously important field.

The 92d Congress, in a word, has disgraced itself.

In suggesting that this nation may have turned a sad corner—possibly a 180-degree turn from its proud past—I am motivated more as an indignant citizen than an aviation buff.

It certainly is true that I have always been a real bug on the subject. There is an old photograph of me grasping the wheel of one of those ancient Wright Brothers-type plane which flew and captivated me at the Panama-Pacific International Exposition in San Francisco in 1915. I first flew solo still in my teens, and ever since have been handling every kind of plane anybody would let me.

Speaking as an aviation fan, I say quite frankly that I don't think the U.S. needs any fleet of the SST at this time.

In addition to its highly doubtful economic practicality, the SST still has a lot of unsolved problems. Its sonic booms, for example, might or might not be capable of being solved.

But this nation most certainly should have gone ahead with research and development of any potentially vital tool for the future. The fact that this particular tool happens to be a special kind of aircraft is only incidental.

What I am saying is that it is a sorry day when America decides it has gone far enough, or high enough, or fast enough, or deep enough in any field where its leadership is being challenged.

When the word "stop" takes over from the word "go" in our nation—as it did with the SST—it will mark the passing of the peak of America's greatness.

Killing the SST test development reflects not only a terribly serious sickness in our national soul, it wasn't even logical.

To be consistent, Congress also must now cut off any further funds for developing SuperSonic military planes—another field where our leadership is challanged by the Russians, among others.

The next logical step if we are going to get out of the big leagues would be to cut out going to the moon and leave space exploration to more venturesome nations.

Logic demands, if ecology is to be the determining factor in our national existence, that we must shut down our factories—those terrible polluters—and return to an agricultural society.

Logic and consistency require also the banning of all airplanes. And, of course, all automobiles.

Logic and ecology require, in sum, that all of us return to the horse and buggy age.

Such is a logical extension of the illogical and shameful action by Congress in turning its back on the future.

The words of the French lady being trumbilled to the guillotine—as quoted by Macauley, the famous British essayist—come to mind:

"Oh Liberty! How many crimes are committed in thy name!"

Progressive-minded forward-looking Americans might well ask themselves a question something like this, "Ecology! Environment! How many crimes will be committed in their names?"

SOME GI LETTERS FROM VIETNAM

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. HÉBERT. Mr. Speaker, Maurice Ries of New Orleans has written an article for the April issue of the American Legion magazine which deserves everyone's attention.

The article is based on letters written by our fighting men in Vietnam, and it gives an excellent indication of how the majority of young Americans feel who are stationed there.

I have known Maurice Ries for many years, and I am proud to be able to insert his effort in the Congressional Record.

The article follows:

Some GI Letters From Vietnam

(By Maurice Ries)

SOME OF THE LEAST HEARD OPINIONS ON THE VIETNAM WAR ARE THOSE OF YOUNG PEOPLE WHO ARE THE MOST INVOLVED

In the years since our troops were first involved in Vietnam, we have all seen letters written home from fighting men which expressed the thought that what they were doing was worth doing, and worth the price they might have to pay.

Such letters appear in a local newspaper here, in another there. Some are written directly to Congressmen or newspapers by GI's. Others are made public by friends or parents to whom they are written, or forwarded by them to Congressmen or members of the Administration.

It is probably the experience of the reader, as it is of this writer, that the voice of the men who are totally involved in Vietnam has hardly been headlined here at home, if it runs contrary to the orthodox, "accepted" and oft-headlined second-hand opinions of the "uninvolved" who are many thousands of miles removed. This in spite of how much lip service is given to "involvement." The men who think the war is worth fighting, when it is their necks that are out, are entitled to have as good an exposure of their views as anyone else. The reader at home should not have to dig through the Congressional Record, or research hundreds of local newspapers, in order to get at least as good a roundup of these GI views as he gets in a daily diet from the media of the contrary views of those whose involvement is nil.

Only one "medium" of more than local circulation in the country has done much to give such views national exposure. That is the Congressional Record, where, of course, they are lost in other reading matter.

Let me be one reporter, then, who is willing to pull excerpts from them together at some length, in one package, so that you may have at least a small roundup of some largely ignored views of young people who are more involved in Vietnam than anyone else.

Every letter from Vietnam that is excerpted here was read into the Congressional Record in 1968, 1969 or 1970, and there are many, many more. The names of all but three of the men quoted here are matters of public record.

The first soldier is nameless. In the end, he wrote from the grave. He was a 21-year-old first lieutenant from Knoxville, Tenn., whose letters were published, without naming him, after his death, by columnist Don Whitehead. Rep. John Duncan read Whitehead's column into the Congressional Record, volume 115, part 18, page 24257, out of the Knoxville News-Sentinel.

On the evening of June 4, 1969, the young lieutenant wrote two letters to his parents, one to be his "regular" letter, the other to be mailed only if he were killed. The "regular" letter said in part:

"We're at Suar Cat now . . . Tonight maybe I'll go on ambush patrol . . . I am the planner, the diplomat, the supervisor, the liaison man, the subtle leader, the combat soldier . . . One mistake would blow us all to hell . . . I see so many things I can do here. It's a challenge and I dig it. It blows my mind a little sometimes, but I dig it. . . ."

He was killed on ambush patrol the next day, so the other letter was mailed, too, the one to be mailed only if he died. It was long. Here's some of it.

"Dear folks: By the time you receive this . . . you will have heard the sad news . . . I don't want anyone to think I would be silly enough to die for nothing. All a man can do is take one step at a time . . . If he never takes the first step he'll never get there. To preserve freedom it takes a group effort. Groups are made of individuals who take that first step. As long as there are enough people who care enough about freedom to have the courage to take that first step to fight for freedom, freedom will never be lost . . . I have the consolation of knowing that I did what I thought was right and I did it all the way. I stood up to be counted, and, for as long as I fought, I fought well. That's all anyone can do. . . . Although, the physical effect of my work may be destroyed, something will remain. No one can erase my efforts. If only one person benefits from my action I will have been a success. I didn't mind the hardships, I asked for them . . . I preferred to die doing what I know to be my duty, than to grow old despising myself because I lacked the courage to answer the call . . . I am not one bit sorry for anything. Don't you be either. . . ."

Rep. Alexander Pirnie, with permission of the parents, read a sentimental letter of 19-year-old John Tanney, of Rome, N.Y., into the Congressional Record, volume 114, part 23, page 29942. Tanney wrote it to his 17-month-old brother, Bob. He was about to assault Hill 881 with the Marines, and thought he'd like to put something on record for his infant brother in case he didn't come back down. Tanney died in another action, soon afterward. Again a long letter, and we give part of it.

"Dear Brother Bob: I know you won't be able to read this for a while . . . You haven't the slightest idea of what is going on in the world. But what we are doing here concerns all. We are fighting for freedom in Vietnam . . . 'I am my brother's keeper' is true also for our Vietnamese brothers . . . War is far, far worse than hell. It has . . . rotten smells, and sounds (that are) screams . . . I hope you will never have to go to war . . . I hope we can stop this from spreading . . . If anything should happen, remember this, I am fighting for what I believe in . . . for my children and my children's children . . . And yes, I am fighting for my flag. My Country means a lot to me and I am proud to fight for it . . . I hope that your generation will respect what we are doing. . . ."

Pfc Walter "Rusty" Wade, of Independence, Mo., and of the road-building 46th Engineering Battalion, wrote his parents last spring giving a vivid description of a hot night action he'd been in, adding that "if I get one more zip (wound) I'll be eligible for three days off." Then he expressed some opinions which led his parents to get his permission to have Rep. William J. Randall enter the letter into the Congressional Record. The full letter appears in the Congressional Record, volume 116, part 16, page 21794. Undated, it appears to have been written shortly after President Nixon okayed action in Cambodia. Here's part of it:

"We just got four new helicopter gunships. Ours are in Cambodia, and that'll help. And you might tell our Congressmen and Senators that if they really want to be quitters, they can start quitting their jobs. Over here, we need more money and weapons, not less . . . It's hard to sit through a two-hour mortar attack and not die of fright. I don't want to be a hard core Vietcong hater, but dammit, they keep pushing and shelling, and all we want to do is build a simple little road and get the hell out. Dad, you've been through this. What does one do when all I want to do is sleep, or mostly come home to my wife and six-month-old baby girl, and forget this place ever was? But what can I do—we can't quit here. The South Vietnamese army that built the asphalt plant beside us are good friends, and they believe we can win. But I wonder—will the American public let us? What a mess if we come so close, only to have Congress cut off the money. If they do, I'll feel like emigrating to Australia or some place when I get out of the army, if the people back home don't care more than that.

"If they think they're tired and sick of this war, how about us over here. And we want to win . . . How can Cambodia be a VC staging and supply area and a neutral country at the same time? They just help to keep up always on edge with their snipers and mortars and infiltrating. We never get as much as a couple of days rest. . . . Doesn't every demonstrator over there realize he helps Charlie hold on one more day, at the cost of 35 to 40 U.S. lives, 70 to 80 wounded, and three or four missing or presumed dead? Damn them with their peace marches and moratoriums. They're killing my friends as sure as if they were VC and pulled the triggers. . . . But hell, I guess it's nothing to write you folks about. . . ."

The mother of Brent Wininger, of Ohio, wrote to him that she saw no reason why he had signed up to go to Vietnam when he still had two years of college to go. But when she got his almost scolding answer, she sent it to Ohio Rep. Donald Lukens in order to "share with everyone our son's answer to my concern." Rep. Lukens inserted her letter with quotations from her son's, in the Congressional Record, volume 114, part 20, page 26514. Wininger did not write as a soldier but struck a chord reminiscent of Tom Paine in 1776, updated to a world where there are no more frontiers for the oppressed to flee to. Here is much of his letter.

"Dear Parents: I was very unhappy to read that you see no reason for my being here. In fact, I was astonished, confounded, befuddled, even angry. It just isn't the best morale boost for someone who's working 12 to 16 hours a day . . . when you say you don't know why I'm over here.

"Maybe its so that some kids can grow up with something in their bellies besides grass and weeds; grow up without fear to use their minds and expand their capacities to the extent of the ability their Creator gave them. Maybe it's so that some kids can just grow up, period.

"We are over here for a better reason than our ancestors had in coming to America. They came to a new world so that they could be free. We are in Vietnam so that others may be free. There are no new lands to which one can run for freedom. We either all become free or we all go down together.

"If our leaders sell out the Vietnamese people, they will sell the lives of our future generations and the hopes of the world. Jesus Christ died on the cross for humanity; and you do not believe that I am man enough to spend a year of drudgery, boredom and dirt in trying to help a country and its people be free. At the same time, my chance of being wounded or dying is less than if I spent the same time driving on a U.S. highway.

"Your excuse is that you are a mother and love your offspring. I can assure you that there are mothers over here and that they feel the same way about their children . . . When I get back, do you believe I will be sorry that I wasted a year in Vietnam? I will only be sorry that I couldn't do more. . . .

"When you take humanity and dignity away from one man, you take a part of everyone's. How can I breathe the air of freedom when my brother wears chains? How can we erect monuments to justice and enlightenment when men are oppressed and ignorant? How can we reach for the stars when some men do not live higher than communal animals?"

When the first of the "peace moratoriums" of the fall of 1969 gathered in Washington, D.C., a 20-year-old soldier stationed outside Saigon sent a letter "to the American people" by way of the Knoxville News-Sentinel in his home town. Here's part of it, as read into the Congressional Record, volume 115, part 24, page 32522, by Rep. Duncan.

"To the American people: Today you protested against military actions in South Vietnam . . . When I came to Vietnam I thought I represented you, and I was very proud . . . Ask yourself this question: How many Americans did you kill in South Vietnam today? . . . (signed) One of your sons, Pfc. Michael J. Lowe."

The Beaver County Times, of Beaver, Pa., published a long feature article by Nadine Holovach about Marine Corporal Donald James Pierce, Jr., of Raccoon Township, who joined the Marines at 17 and was killed in action in Vietnam. Miss Holovach included excerpts from many letters that Pierce had written home, supplied to her by his parents. Rep. Frank Clark inserted the whole article in the Congressional Record, volume 116, part 9, page 11767.

When the Marines suggested aviation for him, he insisted on being in the Marine combat infantry. ". . . I'd rather be a Marine," one of his letter explained, not long before he reached Vietnam, "take the hardships, and suffer a little. Maybe at times, I may get dirty, bone tired and even sometimes, disgusted and hate it all.

"But when I get back from Vietnam I'll have done a job and three years from now I can look at my discharge papers and say to myself, 'I helped preserve America'."

Once, he'd written to a great-aunt in Pennsylvania: ". . . Freedom is the only problem that, if you ignore it, it will go away. . . ." And, elsewhere: "Because freedom isn't free, each generation must . . . win it again.

"It's our generation's turn to fight. . . ."

A letter of December 6, 1969, from young Pierce said:

". . . the majority of the men here feel that we have had the rug pulled out from under us by the American people and the American government. . . .

"We've fought here and some have valiantly died. Now we're told we're leaving, leaving a job unfinished. When the people at home yell to bring us home, many men here are extending their tours in Vietnam. Even our government admits that they are no longer interested in . . . operations we're conducting. All they worry about is how fast they can withdraw.

"In all our nation's history, we have never lost a war. But I'm afraid that our history is about to change. . . . No man wants peace mor than the guy who has bullets flying past his head. . . . If I should die in battle I will have died happy, for I would have died while working for a worthy cause, my God and my Country."

He was killed near Da Nang, March 18, 1970.

Marine Pfc Robert Hall sent a letter to the News-Herald of Panama City, Fla., which Rep. Robert Sikes inserted in the Congressional Record, volume 115, part 10, page 12988. The first two-thirds of Hall's letter seemed like a complaint against serving. Vietnam was hell and full of suffering, filthy and disease-ridden; life was cheap; he'd faced death at 18 more times than most people ever would; the value of his own life could be measured by his life insurance and he was probably running out of time. He felt "like a patsy" and was beginning to feel sorry. Sorry for himself, he asked? No sorry for the people at home who wouldn't support him and his comrades. "All I want to know," he said, "is why you people in the United States don't have enough backbone to stand behind us?"

Sgt. Robert Pruden, of Indianapolis, had his hometown newspaper, The Indianapolis Star, sent to him in Vietnam. The July 15, 1969, issue of the Star published a letter signed "Gene Gardner," charging that the Vietnam war is "politically, diplomatically, militarily, economically and morally wrong," and that we "measure manliness" by the "willingness to murder Vietnamese." Sgt. Pruden wrote to the Star that Gardner "cannot remain unanswered," that he "parrots a charge I first heard in 1951." Rep. William G. Bray inserted Pruden's letter in the Congressional Record, volume 115, part 23, page 31155. In large part it read as follows:

"I have spent 18 years in the army, and I have served in two wars. Both my tours have involved ground combat against an armed enemy; I have never killed, nor have I known anyone else who killed a woman or child. We didn't do it even when we knew they were enemies. I can recall a

12-year-old boy in Binh Phuoc district of Long An province who was captured and told us he had been a member of the [Vietcong] Binh Phuoc mortar platoon for a year and a half. The men who captured that boy went out of their way, they risked their lives to take him alive. Because in spite of what you may have been told or read, American troops are not killers of women and children.

"Gardner should not be so quick to say that we 'measure manliness' by 'willingness and ability to murder Vietnamese.' I have visited hamlets after the Viet Cong Special Action squads have paid a night call. The results are not pretty. I have seen a man shot 14 times with a pistol, and that required the assassin to reload with the man lying in the road at his feet. His crime? He happened to be bicycling along Highway 4 when a VC squad crossed, and he saw them.

"There were some doubts in my mind when I went to Vietnam. There are none there now. The cause of freedom in South Vietnam is just; and if we refuse to help these people who have asked for our aid, then we deserve whatever judgment history has for us.

"There are not better judges of Vietnam than those who have been there . . . Until you have been there and seen, it's difficult to make an accurate assessment of the actual issues surrounding the Vietnam question. But please remember, the men who have been there, the ones who have seen their comrades die, overwhelmingly support our commitment there. They have sacrificed the most, and they believe they are right."

When student protest broke out over President Nixon's decision to enter Cambodia in May 1970, David Simmons wrote a letter of protest of his own to the Louisiana State University "Daily Reveille," published May 15, 1970, and placed in the Congressional Record, by Rep. John R. Rarick, volume 116, part 12, page 16845. Simmons said his "stomach was hurting" because Americans were expressing their displeasure over entering Cambidoa. In part, he wrote:

"I'm for the President's action . . . it might save my life. I'm a PBR sailor on the Van Co Tay river (near the Parrot's Beak region where South Vietnamese and American troops are operating in Cambodia).

"Since January, the North Vietnamese and Viet Cong troops have slipped in and out of Cambodia and have been giving my division hell! And there was nothing we could do because as soon as they hit us they slipped back into Cambodia.

"I say, 'Thank you, Mr. Nixon!' Some of you may say that if Americans weren't here, I wouldn't have to sweat. . . .

"Well, I wish I could show you some of the little girls three and four years old, who, as infants have had their arms, or eyes, or ears cut off because the VC terrorists decided to teach their parents a lesson, for some reason. I wish I could show you young children who know nothing about communism or democracy, going to school to learn to read and write, being blown to bits by a communist rocket that was carelessly aimed.

"I wish I could introduce you to Due and Khank and Phong. These are sailors who ride with us and fight with us. Due is 18 now. When I first came to this country, he was 17 and he could shoot and clean an M60 machine gun better than any American around. He doesn't understand why the NVA and the VC want to kill him, but as long as they keep trying he keeps our M60s clean and ready to go.

"These people don't really understand what communism is: that is except for people like Khang. Khang was born near Hanoi. I think he is 22 now. He is older than most of these Vietnamese on our boats. He had gone to Saigon University for a couple of years before enlisting in the Vietnamese Navy.

"Khang came south [before] the gates were forced closed against the millions of others who wanted to flee the communist rule. Khang told me that his brother and a sister have been killed since he and his family left everything in the North to start a new life in the South.

"His brother, a lieutenant in the South Vietnamese Army, caught a B40 rocket in the stomach, his sister was killed during the fighting in Saigon Tet of '68. Khang has reason to hate the communist! He does.

"But to some of you back home, these are other peoples' problems. You think you don't have to worry about things like this back 'in the world.' Well, Jack, look around. What is happening now is the start. And man it is going to get a whole lot worse if some people don't open their eyes.

"Right now Americans are being killed by other Americans. I don't mean just the few who are killed in 'dissent turning to violence.' I mean the hundreds and thousands who are being killed here because the communists have had their confidence bolstered by the protesters and the violence and a slanted news media in the United States. . . .

"I want to live and work in the United States, but not the way it sounds now. It's almost safer here. Here, it's almost over, one way or another. There, it's just beginning."

A letter to his parents from Army Pvt. Reed Dent of Hinesville, Ga., was inserted in the Congressional Record, volume 115 part 30, page 41214, by Rep. G. Elliott Hagan. It said, in part:

"These people here need all the help we can give them . . . Most of the people around here live in houses built from cardboard and bushes . . . If only the people in the U.S. could see the way they live and what they eat . . . When (they) get C rations or dry food from the mess hall they act like they were given bars of gold . . . The children want us to bring them back to camp and let them stay with us.

"Mom and Dad, I'm thinking of staying over here 'til I get out of the Army. I want to help . . . as much as I can . . . When a person comes to a place like this he can see how lucky he is, and it makes him thank God for the good life he has had . . . If I had a choice I think I'd like to stay here and help (but) I have so much to come home to I don't know what I want to do. This country needs all the help it can get. . . ."

Specialist Fifth Class Robert Geiger, serving with the 71st Evacuation Hospital at Pleiku, worked on his own time helping some Montagnard villagers. He sent a letter of thanks to his East End Methodist Church, Nashville, Tenn., for clothing and soap it had sent him for the Montagnards, which was placed in the Congressional Record, volume 115, part 29, page 39058 by Rep. Richard Fulton. In part, Geiger wrote:

"(Your gifts) have been distributed and the people were very glad and grateful for them. Since I sent out a call for help I've been working in a leprosy colony. There was a great need for clothing there. . . . The remaining clothes and all the beautiful soap went to the Montagnard villagers. They had the biggest bath I've ever seen. The whole village lathered up. The soap is a tremendous help in keeping disease and infection down. The children's clothes help keep down the number of colds. Here in the mountains it gets quite cool at night and there is a lot of pneumonia in the children. I'm now working in a civilian hospital as an advisor. I've had an opportunity to see a side of Vietnam very few get to see. This country is now locked in a conflict that will take more than arms to end. It will take much patience and educating the Vietnamese. It cannot be done without the help and backing of people like you."

Pfc James L. Simpson, of Monsey, N.Y., and the 101st Airborne Division, sent a letter of protest of protesters to the Journal News, Nyack, N.Y. It was put in the Congressional Record, volume 115, part 29, page 38955 by Rep. Martin McKneally. Part of Simpson's letter reads:

"I'm one of many soldiers in Vietnam doing my thing for the people over here . . . I'm not having a groovy time. This is a stinking, rotten war and I hate it. I wish I were back . . . in Monsey. That's maybe what you want to hear. It is rotten and I'd like to be home, but I'm glad I'm here to help these people who respect us more than people at home (who) talk about a war (they) know nothing about. It's not (as) simple (as slogans or signs carried by protestors). These people are sick of war, too, but they are willing to go on fighting until they are free of the Vietcong, and I'm willing to help them. If you want to help, come over and give us a hand (or) shut up and let us do our job. (If) killing is wrong, why are you killing something it took more than 100 years to build—our American democracy? Stop it now, so we may have a place of peace to come back to when this is over. It is really more quiet over here where people are together . . . War is hell, but peace without honor is tragedy. . . ."

Rep F. Edward Hébert placed in the Congressional Record, volume 116, part 3, page 3455, a long letter to an unnamed newspaper from Marine Lt. Darre H. Richards, of New Orleans, in which he said that the enemy was defeated militarily but was hanging on only because of its hopes of a politically arranged American pullout. Here are excerpts:

"Here in Vietnam (the communists') oppressive doctrine is being forced upon the people. Thousands upon thousands of innocent civilians, who are seeking freedom in a democratic society, are being killed, tortured and wounded by the enemy. In many cases their brutal acts are carried out only as a deterrence to the people's goals. I, as most men over here, see these people fighting for their freedom, just as we did when we were a striving nation.

"I detest those people back home who actively protest the war . . . we have great contempt for them . . . the enemy's hope is being nourished by the active protestors and demonstrators. . . . Each day that the enemy has his one last hope to cling to, more American blood is spilled upon the battlefield, and there are more aluminum caskets and amputees. These protestors are killing us. Although their blows are indirect, they are killing us just as much as the bullets made in Russia and Red China. . . ."

A Kent State University student, Miss Nancy Bonifield, of Ohio, sent Rep. Chalmers Wylie excerpts from a message received some time after the Kent State rioting from her brother, "currently serving his second year in Vietnam."

Rep. Wylie placed it in the Congressional Record, volume 116, part 19, page 34446. Part of the brothers' quoted statements follow:

"I will say that I am very much in agreement with what President Nixon is doing and I am very displeased with the reaction it is getting in the states. Those students may not realize it, but they are doing as much harm to the American effort over here as the VC or the NVA troops we are fighting. The Communists now make very little propaganda of the war itself. They concentrate on antiwar movements in the states and are very good at it. I heard about the riots at Kent on a communist radio broadcast from Radio Hanoi before it even got on the news over here. If you had no other source of information, you would think the United States was in a state of turmoil and civil war itself. And this is the picture of America that the rest of the world gets all because of a bunch of ignorant kids. I have no higher opinion of them than the people we are fighting over here. If a few of them get killed that's too bad. But maybe the rest of them will open their eyes and see what they are doing. If they could see only a fraction of what some of the guys over here have seen, I don't think they would be rioting against what we are doing here. We can hardly turn on a TV or radio or even pick up a newspaper without hearing of major riots and it is really beginning to be a drag on the morale of the guys over here. Some of them have even resorted to just not listening to the radio or TV and not reading newspapers."

Army Specialist Fourth Class Michael J. Emeott had been in Vietnam and then Cambodia for 16 months when he wrote to Sen. Robert P. Griffin (Mich.) a letter that was placed in the Congressional Record, volume 116, part 19, page 25168. Excerpts follow:

"Someone must convince the American people that we are not a second rate power; that our soldiers are not a band of murderers who go from village to village and slaughter other human beings. . . . Our publications, and the entire news media, are laying the groundwork for the destruction of America; they are brainwashing the people. . . .

"The enemy in Vietnam does not need to propagandize the American soldier. Our own people tell us we should not be here, that we are doing wrong. Many of the propaganda leaflets we find distributed by the VC and NVA are quotes from Americans. Much of the supplies we find here in the Central Highlands are made in the United States and sent over by groups such as the Black Panthers and SDS [Students for a Democratic Society]. I know this is true because I have seen these items with paper saying whom they were 'donated' to and by whom.

"Our morale is high only because we know that the protests are by a minority of our people. But why must they be given so much attention? Put their actions on the back page of newspapers and magazines, don't spend 15 minutes of a 30-minute newscast glorifying their actions. . . ."

Sgt. Winter Hess wrote a letter to his parents in Lake Geneva, Wis., a portion of which was inserted in the Record for July 20, 1970, by Rep. Henry C. Schadeberg. Excerpts read:

"Everyone is following the Cambodian push. . . . We are all cheering Nixon and the troops as well. It's the best thing that's ever been done over here. . . . I can't believe that the country can't see and understand the tremendous significance of the Cambodia invasion. . . . God bless Nixon for having the sheer guts to do what he knows is right and stand by his beliefs. . . ."

Support for the Cambodian invasion seemed almost unanimous among servicemen in Vietnam. This was strongly put by 1st Lt. Robert Golden, of Phoenix, Ariz., and information officer at Tay Ninh. In a letter to his father, read into the Congressional Reccord, volume 116, part 8, page 17270, by Sen. Paul Fannin (Ariz.). Lt. Golden made it plain that he had always been against U.S. troop participation—"completely, totally and wholly"—because he saw it as a "disastrous involvement." But, he said, in 1970 the troops and the President had inherited the situation and had to deal with it as it was. Golden approved Nixon's goal of withdrawing 150,000 men within a year, but said the President "could justifiably have changed his mind on that with the current situation being what it is." He outlined the "situation" in part as follows:

"It isn't easy for most Americans to understand the military/tactical situation over here. I'm here and I understand it. The North Vietnamese (NVA) have been using the Cambodian border sanctuaries for years to train, store and stockpile. They have launched all of their offensives and attacks in and around Saigon and Tay Ninh from the Cambodian sanctuaries.

"These enemy base areas are huge. They contain very sophisticated hospitals. Large conference rooms. Thousands of tons of rice. Thousands of rockets and mortars and weapons and ammunition. (These are the rockets and mortars that regularly hit Tay Ninh Base Camp and that they have been responsible for many, many deaths and injuries around here through the years.)

"They (NVA) have at least 3 (that's right—3!) full divisions of hard-core soldiers holed up in these sanctuaries along the border. None of these areas are more than two day's march to Tay Ninh!! They were getting ready for another spring-summer offensive against Tay Ninh and probably Saigon. We've known that for weeks now.

"The NVA have been resupplying their units, and training for a big offensive. They have been stockpiling huge amounts of food and ammunition. If the offensive were to come off, Nixon would never have been able to withdraw any more troops. That would have definitely prolonged the war for many months (at least for the Americans here).

"I believe Nixon was being quite honest in his speech. We really aren't invading Cambodia, per se. We aren't going to stay there. Our aim is to destroy their vast quantities of supplies and to destroy their huge base camps and headquarters. This Vietnamese-American blitz into Cambodia will slow down the NVA for many, many months and is most definitely a significant turning point in this war, insofar as American involvement is concerned.

"The large NVA forces are now being forced to scatter and run—back to North Vietnam or deeper into Cambodia. They have no more safe sanctuaries—no more huge stockpiles of supplies—and no more new supplies coming in. They are hurting and it will be a long, long time before they will be able to mount any kind of an offensive against anyone in South Vietnam.

"That is what we want. And that is what we need. It will certainly give the U.S. plenty of time to continue withdrawing troops from here and will also, at the same time, give the Vietnamese Army more time to train and take over.

"Everyone over here—hawks, doves—doesn't matter—is applauding the speech and the decision. . . ."

On Dec. 20, 1969. Rep. Don Clausen (Calif.) read the following into the Congressional Record volume 115, part 30, page 40586 without naming the GI who wrote it. Clausen said the GI was on his third tour of duty in Vietnam.

"My God, how can it be?

"That one boy lies rotting from malnutrition and torture in a jungle prison camp in North Vietnam and another boy spits and tramples on the flag of his country on the steps of a university of learning.

"That one boy lies sightless in a U.S. naval hospital from communist-inflicted face wounds, and another boy uses a communist flag to drape himself in defiance of the laws of our country.

"That one man of medicine begins his thirteenth straight hour standing over an operating table in pursuit of life for a man serving his country, while another man of medicine implores crowds of young men to refuse to serve.

"That one Negro holds the face of his dead white buddy in his arms and cries without shame in a rice paddy of mud, and another Negro screams hate against his white brother on the streets of an American city.

"That one boy lies in a coffin beneath the ground because he believed in duty to country, and another boy lies on a dingy cot giving blood to the enemies of his country.

"That one man of God shields a wounded boy from an enemy bayonet with his own body and dies, while another man of God uses his cloth as a shield to preach hate, dissension and lawlessness.

"That one man spends his life in uniform serving his country, while another spends his life on drugs or in crime, hate or bigotry.

"My God, how can it be? . . ."

William F. Mitchum, Jr., of Ft. Lauderdale, Fla., came home from Vietnam a casualty. Having received some help in his personal affairs from Rep. Paul G. Rogers, he wrote him a letter of thanks. Because of additional comments in his letter, Rep. Rogers inserted it in the Congressional Record, volume 116, part 2, page 1466. In part it reads:

". . . I feel that my humble effort to fight for our country and all free people has been well spent.

"I don't mind the limp I have in my walk or the scars I carry on my body, not even the hurt I have in my back, because I'm proud to have served my country when it needed me. If this is what it takes to keep . . . our country free, then I would gladly do it over and over again.

"I only regret I got wounded as soon as I did and can no longer serve in our armed forces, but at least I can now be a good and active citizen and serve my country in this way. . . ."

A New Hampshire soldier, identified only as "Swede," wrote from Vietnam to the Manchester (N.H.) Union Leader the letter quoted in part here. It was placed in full in the Congressional Record, volume 115, part 22, page 29503 by Rep. Louis C. Wyman.

". . . I realize that U.S. citizens are tiring of this war and are tired of hearing about it. That is the price of a prolonged war . . . which should have been won in its early stages. . . .

"We are now doing just what North Vietnam wants us to do. Crumble and crawl any way we can. Troop withdrawal will strengthen the enemy's cause . . . Surely freedom is worth the price we have already paid in lives lost . . . I know my friends who have died here wouldn't want to see the U.S. crawl away defeated. . . .

"While we stopped operations, enemy movements continued as usual . . . Politics (may) bring our great nation to the brink of a great defeat and the greatest blunder in American history. . . . "

With far more letters in a similar vein than can be quoted in part here, let's close with excerpts from letters of Sgt. Herbert Sharp, of Ohio, and Lt. James Tuck, of Virginia, both of whom were in the Cambodia push of last year.

Rep. W. C. Daniel inserted Tuck's letter in the Congressional Record, volume 116, part 12, page 15962. He extracted it from the Record-Advertiser of Halifax, Va.

"I am presently with the . . . 9th Division . . . about seven miles inside the Cambodian border . . . We found many regimental size base camps only a few hundred meters across the border . . . We have fought the NVA in South Vietnam but let them keep their sanctuaries and resupply points untouched in Cambodia . . . The American people are so hard against this movement that it is very hard for me to understand. We could fight this war for ten more years unless we break up these strongholds . . . The move by President Nixon was one to bring a quicker peace . . . My tour in Vietnam is almost over, but I would like to say that I am proud I got a chance to serve my country. . . ."

Senator Griffin of Michigan read part of Sgt. Sharp's letter out of a feature story by Robert Page in the Akron, Ohio, Beacon Journal of May 19, 1970, inserting it in the Congressional Record, volume 116, part 13, page 17276.

President Nixon's Cambodia decision was, he said:

". . . the best thing that could have happened. I was so happy that I cried. Ninety-nine pct. of the Americans over here feel the same way. It is the first time since this war started that we don't have to sit and wait until the North Vietnamese (are) ready to fight us on their own terms.

". . . I have never seen so many (of the enemy) in my life. We saw thousands of them at a time in bunker complexes that covered miles . . . just sitting there—an entire army in a country that was supposed to be neutral, but they had the capability

. . . to walk into Tay Ninh and level it. They could have killed everyone here and pushed all the way to Saigon . . . You have to understand this. (With) 40,000 U.S. troops in Tay Ninh they could have killed us all. All they were waiting for was the rainy season . . . All of my friends that have died would have died for nothing . . . I want this thing ended now, before my brothers and more of my friends have to come over here. It can be done now if we keep going. All we need is the support of the people at home. . . ."

NORTH VIETNAMESE INTRANSIGENCE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. SCHMITZ. Mr. Speaker, the following paper, which was written by Mr. Brian M. Jenkins and originally published by the Rand Corp. in August 1970, contains information on the North Vietnamese Communists, which should be of interest to my colleagues.

Mr. Jenkins presents evidence to the effect that the North Vietnamese Communists are likely to continue their war of aggression against the people of Southeast Asia far into the foreseeable future unless their capability to proceed in this fashion is curtailed.

Mr. Jenkins points out that:

> Economically and militarily, North Vietnam will be able to continue the war as long as China and the Soviet Union continue to underwrite its economy and provide it with the material it needs for its army.

In order to end the war, therefore—that is to deprive the Communists of the ability to continue waging it—it is necessary for the United States to decisively interdict this flow of goods. It is well within the military capability of our in-theater forces to proceed in a manner which will decisively eliminate the enemy's ability to carry on his war of conquest. The closure of Haiphong harbor might, in itself, be sufficient to critically disrupt the Communists' material capability to wage war.

It is most unfortunate that many of those concerned with ending the war seem to assume that the only method of doing this is by removing our own capability to end it from the area in which the conflict is taking place. Peace and Communist victory seem to have become confused in the minds of many. The real answer to the quest for peace, unless peace means opening up allied nations to the well-known Communist program of class liquidation, has always been allied victory over the aggressors.

The article follows:

WHY THE NORTH VIETNAMESE KEEP FIGHTING

(By Brian M. Jenkins)[1]

The public statements of North Vietnam's leaders make one thing clear—the war will be continued. Their belligerent posture may be more than propaganda designed to dismay their opponents and keep spirits high at home. Hanoi's apparent determination to go on fighting probably reflects convictions that in their eyes seem correct—so correct that the alternative of not fighting may be inconceivable.

Confucian doctrine permeates the arguments put forth by the Vietnamese Communists. Terms such as "a just cause," and "legitimate government," dominate the speech of their leaders. The Vietnamese Communists firmly believe that they possess the "Mandate of Heaven" to rule all Vietnam and therefore must emerge victorious eventually. To abandon the struggle or to accept any other outcome as permanent, would in their eyes be immoral, just as our support of a South Vietnamese government which, from Hanoi's point of view, does not possess the "Mandate of Heaven" is immoral. At first, it seems surprising that the adherents of communism, a political doctrine of recent origin, could at the same time seriously adhere to an ancient political doctrine such as the "Mandate of Heaven." Are communists not modernists rather than traditionalists?

In the case of Vietnam the answer is no. In Vietnam. the communists often appear more traditionalists than their opponents. The "Workers Party of Vietnam"—the Communist Party—is led not by men and women who come from the workers' class but rather by the descendents of Confucian scholars, many of whom participated in the traditionalist and pro-monarchist resistance movements against the French in the late nineteenth century. Ho Chi Minh himself was the son of a Confucian scholar who served the emperor as a minor mandarin. So are Pham Van Dong, North Vietnam's prime minister, General Vo Nguyen Giap, its defense minister, and Xuan Thuy, Hanoi's chief negotiator in Paris, the sons of Confucian scholars. Nguyen Thi Binh, the chief delegate of the Provisional Revolutionary Government, is the granddaughter of a famous Vietnamese poet and scholar who led demonstrations against the French shortly after World War I.

The "Mandate of Heaven" is the right to rule which is conferred upon a man, a group of men, or a party, by heaven. It has been the source of political legitimacy claimed by all Chinese and Vietnamese emperors. According to the Vietnamese Communists, the "Mandate of Heaven" was passed on to them by Bao Dai, the last emperor of Vietnam, in 1945 when he willingly gave his ceremonial seal and sword to the representatives of Ho Chi Minh.[2] From the moment of this transfer, the struggle waged by the Viet Minh and its successors, the Democratic Republic of Vietnam and the National Liberation Front, was a moral right and a duty, and to challenge it is immoral. Possession of the "Mandate of Heaven" guarantees eventual victory, just as the communist interpretation of history guarantees the inevitable victory of communist ideology. Since the Vietnamese Communists believe they have the "Mandate of Heaven," they must believe they will win. To accept defeat would be to accept that the "Mandate of Heaven" does not work; it would compromise the philosophy upon which Hanoi's leaders have based their entire lives.

With the "Mandate of Heaven" to legitimatize their struggle, the Vietnamese Communists must also possess a proper strategy to win the war. The strategy they pursue comes from their own history. It suggests that the present war will be long. Usually faced with enemies who were vastly superior in numbers, such as the Chinese, or vastly superior in technology such as the French and Americans, the Vietnamese developed the only resources they had: a terrain suitable for resistance warfare, a tenacious people, and *time*. The way that the Vietnamese have won wars throughout their own history was by fighting for a much longer time than their opponents thought possible. According to our conventional view of warfare, two armies engage in a series of battles which one side wins and the other side loses; rather than incur further losses, the losing side accepts the outcome and sues for peace. But if the losing side ignores its losses (and if the winners somehow are prevented from inflicting further punishment), this concept is negated. The winning side is deprived of victory in its classic sense. In that case, the winning side must keep on winning—a costly undertaking—until a point is reached at which the winning side judges it unreasonable to incur further losses itself. Not having the tenacity of its Vietnamese opponents, it withdraws. Tenacity is the quality with which the Vietnamese win their wars. They successfully resisted seven attempts by the Chinese to occupy their territory. Their resistance struggle against the Mongols lasted thirty one years during which they alternately pursued a strategy of fighting and negotiating. The resistance campaign led by the emperor Le Loi in the fifteenth century lasted for ten years. Le Loi's ten-year campaign may provide some clues to understanding the current situation. After four years of fighting, Le Loi launched a series of disastrous attacks on the Chinese which nearly destroyed his army. To prevent further deterioration of his situation, he pretended to sue for peace and thus obtained a truce which allowed him to withdraw his troops and rebuild his strength. Two years later, he launched his army in a surprise attack on the Chinese forces and after four years of continued fighting, the Chinese themselves finally sued for peace. The French ran into a similar problem. As the Vietnamese are fond of pointing out, it took the French seventy-one years to pacify Vietnam.[3] The war to throw out the French lasted eight.

The communists have skillfully attached Vietnam's tradition of tenacious warfare to their own struggle. During the war against the French, the Viet Minh named their military campaigns after heroes of earlier resistance campaigns against the Chinese. Military authors in North Vietnam continue to hold up the ancient heroes as examples meaningful in the current struggle.

The tenacity of the Vietnamese was not confined to wars of resistance against foreign invaders. An earlier attempt by North Vietnam to bring South Vietnam under its control produced a war in the seventeenth century that lasted forty-six years. The Vietnamese conquest of the ancient kingdom of Champa took several centuries to complete. Ho Chi Minh's claim that the Vietnamese would continue to fight for another fifteen to twenty years, longer if necessary, was no idle boast. He was describing a strategy which has proven successful in the past, and which Hanoi's present leaders may regard as the only way they can win the current war.

The notion that North Vietnam's enormous losses of men must cause it to abandon its efforts in the near future should be examined carefully. These losses, while enormous, are not insupportable. According to our own figures, the enemy (both the North Vietnamese and the Viet Cong) have lost slightly over 600,000 men since the war began. General Giap, in a somewhat dubious interview, openly admitted last year to having lost a half-million men.[4] Whether this was actually true, and if so, whether out of bravado he was making the point that even if North Vietnam did lose a half-million men the struggle would not be abandoned, we do not know. Nor are we certain how many of the 600,000 men lost were Viet Cong (subtracted from South Vietnam's population) or regulars from North Vietnam. If we assume that the figure of 600,000 enemy dead is roughly correct, and that one-half of these were North Vietnamese, then the net loss to North Vietnam was 300,000 dead over a period of five years, the bulk of which were killed in the costly offensives of 1968 and early 1969. The enemy currently loses about 2,000 men each week in South Vietnam. Since one-half to three-quarrters of the enemy's forces in South Vietnam are reported to be North Vietnamese, we can assume something like an annual loss of 50,000 to 75,000 men to North Vietnam, or no more than ¾ of one percent of its total male population. Because of its high birth rate, North Vietnam's population is estimated to increase at 3.6 percent a year. Thus, although these calculations are admittedly crude, the belief that North Vietnam will at some point run out of men to send into battle seems unwarranted.

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[1] Any views expressed in this paper are those of the author. They should not be interpreted as reflecting the views of The RAND Corporation or the official opinion or policy of any of its governmental or private research sponsors. Papers are reproduced by The RAND Corporation as a courtesy to members of its staff.

[2] For a Vietnamese interpretation of the "Mandate of Heaven" and its possession by the Communists, see Tran Van Dinh, "The Other Side of the Table," *The Washington Monthly*, January 1970.

[3] Anti-French resistance movements continued in one part of the country or another almost continuously from 1859, when the French first landed at Saigon, to 1930 when a widespread nationalist revolt was suppressed.

[4] Interview with General Giap by Orina Fallaci, *Washington Post*, April 6, 1969.

Of course, there are other types of attrition, the most significant militarily being the attrition of trained cadres. One cannot say with any certainty how many of its combat leaders North Vietnam is losing, nor how quickly it can replace them. The possibility also exists that North Vietnam could be losing its *young* men faster than it can replace them which accounts for some recent reports of very young North Vietnamese soldiers. Still, North Vietnam *has* kept the war going for five years so far (since 1964 when North Vietnam began infiltrating its own men in large numbers), and if the pressure gets too great, North Vietnam can reduce its military activities and thereby cut its losses. Since the enemy has considerable ability to initiate battles or avoid them, as he desires, he has more control over the rate at which he loses men than we do.

Actually, the burden of continuing the war seems to be greater on South Vietnam than it is on North Vietnam. South Vietnam's need to defend the entire country requires more men than the enemy needs to attack at points he selects. And South Vietnam, with a style of warfare learned from us and a smaller population than North Vietnam, must field an army more than twice the size of North Vietnam's armed forces. In addition, recruits for the Viet Cong are drawn out of the same pool of able-bodied men as the army of South Vietnam. South Vietnam must suffer the losses it inflicts on the native Viet Cong as well as those incurred in the forces on the government side. The civilians killed in the war further drain South Vietnam's population. The burden on the South Vietnamese population, however, is not only the number of casualties, but the enormous size of its armed establishment. One out of every eight men is a soldier. Already the massive mobilization of South Vietnam's manpower has caused grave social and economic problems in the south.

Economically and militarily, North Vietnam will be able to continue the war as long as China and the Soviet Union continue to underwrite its economy and provide it with the materiel it needs for its army. They both have agreed to do so for at least another year. While details of the most recent trade and assistance agreements were not spelled out, China will continue to give North Vietnam nonrefundable economic and military assistance in 1970, while the Soviet Union promised to provide fertilizer, machinery, food, medical supplies, vehicles, and, most importantly, arms and ammunition. In addition, the Soviet Union also granted North Vietnam long-term credits to rebuild its economy which has been disrupted by the bombing. Arriving in Peking, which is reported to favor protracted war in Vietnam, to negotiate the 1970 aid agreements, Hanoi's delegates received a noticeably warmer reception than the previous year. Both governments gave much publicity to Sino-Vietnamese solidarity, also a contrast to the previous year.

There may be an element of coercion in China's support of North Vietnam's ambitions in Indochina. China may now regard North Vietnam as a convenient vehicle for advancing its own designs in Southeast Asia; at the very least, it has proven a cheap method of keeping U.S. military power tied down. But if North Vietnam should tire of its role, there remains the possibility that China will still continue its support for the Viet Cong who may yet prove more bellicose than the North Vietnamese. By now, the Viet Cong that are still fighting have little to lose by continuing the war, and a lifetime of effort to lose if they quit. The particularly warm reception and special considerations shown to the representatives of the National Liberation Front when they visited Peking, an even warmer reception than that received by Hanoi's representatives themselves, may have caused the North Vietnamese to wonder if the Chinese had intentions of picking up the strings of the National Liberation Front, if Hanoi itself were to drop them. The Chinese road-building activities in northern Laos, perceived by some to be the beginnings of a long thrust into Laos and Cambodia, the weakest spot in the ring of anti-China governments that line China's periphery, lends some credence to this theory. A road from China through northern Laos could eventually link up somewhere with the Ho Chi Minh Trail and thus provide China a way of continuing its support of the Viet Cong in case North Vietnam quits. North Vietnam's historic relationship with China includes both a willingness to follow China's lead and a fear of the Chinese as traditional enemies of the Vietnamese. North Vietnam is likely to do nothing that would increase Chinese influence in North Vietnam or with the Viet Cong. Thus, North Vietnam, even if it did wish to quit, could find itself dragged along by the Viet Cong and nudged by China.

The prize is great. To dominate the Southeast Asia mainland, or more specifically, the territory once encompassed in French Indochina, is an ambition of many Vietnamese nationalists, northern and southern, communist or not. A Vietnamese paper claimed in 1939, "We will have the space we need. . . . One day Indochina will no longer be a collection of separate and distinct countries, but a single country impregnated with Vietnamese blood, inspired by Vietnamese dynamism and power of action." A Vietnamese-dominated Indochina, with a total population of some fifty million, would easily be the dominant power on the peninsula, and given the industriousness that the Vietnamese seem to possess, it could easily become the dominant power of Southeast Asia. Expansion for North Vietnam may be more than just a dream. Considering North Vietnam's rapidly growing population and lack of available riceland, expansion may appear to Hanoi's leaders as an economic necessity. In suggesting that the North Vietnamese give up the war and remain within their present borders, one should ask what else would they give up by doing so. They would give up a great deal.

In his Will, Ho Chi Minh, who himself had fought for four decades, urged his countrymen to continue the war. Ho Chi Minh died a man venerated by all his people. Who among Hanoi's present leaders would risk the betrayal of Ho Chi Minh by suggesting that the war now be abandoned or even postponed? In the current struggle for power among North Vietnam's leaders, no man has yet attained sufficient control over the party and government to bring about such a dramatic reversal of policy even if he so desired. As long as the power remains diffused in a collective leadership, Hanoi is likely to continue the war. This does not mean, of course, that if one undisputed heir to Ho Chi Minh should emerge, he would use his powers to end the war. The war will continue by itself unless an effort were made to stop it and such an effort would be full of political risks. What we do not seem to realize is that "losing" a war may be politically as unacceptable—or even more so—for North Vietnam's leadership as for our own. Postponement, with some commitment to future action, probably is the most that any North Vietnamese leader could obtain if that leader, if indeed the collective leadership, were to survive.

Hanoi's leaders are not likely to be willing to even postpone the struggle for a long time. They are for the most part old men. The average age of the ruling politburo members is sixty-one.[5] To postpone the struggle for five or ten years may, for many of them, be to abandon hope of ever seeing victory. Old age and rigidity of views are not always coincident, but these particular old men have spent all of their adult lives fighting. Many of them spent years living in caves during the war against the French, and they continued to fight under the most adverse circumstances. The present politburo is made up of the survivors of the struggle against the French, those who kept fighting when others quit, and who saw their determination rewarded with the withdrawal of the French.

The present leadership of North Vietnam might not survive a decision to stop the war. Assuming they survived the pro-war pressures in Hanoi and whatever pressures China might choose to bring against them, North Vietnam would still have the problem of what to do with its own army. Some observers already have observed the possibilities of divergent views within the military leadership of North Vietnam; for example, the continued rivalry between General Vo Nguyen Giap and General Truong Chinh over how the war should be fought, and potential splits between the lower echelon field officers who have done the bulk of fighting in the south and the senior staff officers who remained in the north.[6] For the past four or five years, one-fourth to one-third of North Vietnam's army has remained outside of the country, sustaining casualties and putting up with hardships that those in Hanoi did not have to suffer, with the exception of the period during the bombing. North Vietnam's leaders may not be thrilled at the prospect of bringing this army home—in defeat!

While victory in the south may seem more remote to Hanoi now than it ever has, there remain powerful arguments to continue fighting. This does not exclude considerable flexibility as to how to continue the fighting—whether by protracted guerrilla warfare, by launching periodic devastating but debilitating offensives, or by some combination of both. Nor does Hanoi's determination to continue the fighting negate flexibility as to where to fight. South Vietnam probably will remain the ultimate prize but both Laos and Cambodia, the latter especially so since the overthrow of Sihanouk, are fields of endeavor for an army that must be kept busy and battle-ready. Nor does determination to continue negate some flexibility with regard to time. A postponement of the fighting, or more likely, a scaling down of the fighting for one or two years would allow North Vietnam to rest and rebuild, the Americans to tire of their own president, and anti-war pressure in the United States to build up again. Postponement has its risks, too, foremost among them the worry that South Vietnam's government will be able to consolidate its power, and the Viet Cong infrastructure, believed to be a requisite to North Vietnamese military activities in the south, may be destroyed. That, however, is an argument between those who advocate some form of offensive in the near future and those who would risk waiting a year or two. That the war should be carried on is not a part of the debate. In Hanoi, it may not yet be a debatable issue, if it ever will be!

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[5] Le Duan is 63; Troung Chinh, 62; Pham Van Dong, 64; Pham Hung, 58, Vo Nguyen Giap, 58; Le Duc Tho, 60; Nguyen Duy Trinh, 60; Le Thanh Nghi, 59; and Hoang Van Hoan, 65.

[6] This possibility is raised by William S. Turley, "Civil-Military Relations in North Vietnam," *Asian Survey*, Vol. IX, No. 12, December 1969, pp. 878–899.

IOWA PIONEERS IN PROCEDURES FOR EXAMINING AUTO DRIVERS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. SCHWENGEL. Mr. Speaker, the edition of Parade magazine contained in last Sunday's Washington Post featured an article on a new method of examining auto drivers. I was particularly proud of the fact that this pioneering effort is taking place in Iowa. The project is under the direction of Lt. A. B. Chrystal of the Iowa Highway Patrol. I am sure my colleagues will be interested in learning more about this new procedure:

SOMETHING NEW IN TRAFFIC SAFETY

(By John G. Rogers)

DES MOINES, IOWA.—An experiment underway here in Iowa's capital may lead to something new in traffic safety for the whole country—the first step in getting or renewing a driver's license will require watching a TV program.

This program, a closed-circuit arrangement is actually an ingenious substitute for the traditional written test that most states give to driver's license applicants. And it's believed to be vastly superior because it not only test the applicant's knowledge of road safety, it instructs him at the same time.

"This gets right to the heart of what causes car accidents," says Lieut. A. B. Chrystal of the Iowa Highway Patrol, program manager for the experiment. "When an applicant walks out of here he knows all the rules. And we'll be watching to see whether he obeys them as an active motorist."

The experiment, a year-long, $131,000 project paid for by the U.S. Department of Transportation, works like this:

An applicant sits down in one of 20 separate booths and presses a button that starts a color movie shown on a personal TV set right before his eyes. The film dramatizes 21 different traffic situations that call for legal or safe-driving knowledge. For example, how to combat driver fatigue, make a left turn in heavy traffic, behave behind a school bus or handle a sudden skid.

YOU ANSWER

The film stops at a planned moment in each situation and by both voice and print on the screen presents the applicant with a four-part multiple-choice question. He is given ten seconds to choose the right answer by pressing one of four buttons. His choices are transmitted electronically to a central console and scored—he has to answer 16 of the 21 questions correctly to pass the examination.

That takes care of the testing aspect of the experiment. The instruction comes when, after the applicant has answered, the voice on the TV set discloses which answer was correct and also explains why.

"It's important," says Chrystal, "not only that they get the right answer but also know why it's the right answer. Some of the questions may sound academic but you'd be amazed at how many people can't answer them."

The questions were devised for Iowa by Aetna Life & Casualty of Hartford, Conn., an insurance company concerned with safe driving. A typical one that faces an applicant is: To avoid monotony and to keep alert to emergency situations, it is best to keep your eyes:

A. Focused on the center lane.

B. Concentrated on the car ahead of you.

C. Fixed about one-quarter mile ahead.

D. Moving to observe traffic.

The answer to that one is D and the voice on the TV set explains that whereas the first three answers would put you in rigid unchanging sight pattern, good attention is maintained by shifting your eyes constantly from cars ahead to the rear vision mirror to your speedometer to cars approaching.

Another question: You are traveling on a two-lane highway and see a car and a truck ahead. Since the road is clear, you decide to pass both the car and the truck but as you start to pass the car pulls out. What should you do when a car pulls out in front of you while you are passing?

A. Continue moving in the left lane, but use your horn to warn the car ahead to get back into the right lane.

B. Continue moving in the left lane and accelerate quickly to pass the other car before it gets into the left lane.

C. Return to the right lane and delay your attempt to pass the truck until the other car has done so.

D. Slow slightly, let the other driver pass and follow him around the truck.

Here the answer is C and the voice explains that this is the safest move to make, permitting you to keep the left lane clear while you reassess your opportunity to pass the truck.

And another question: If you were convicted of driving under the influence of alcohol, what action would be taken?

A. Your license would be taken away.

B. You would be given a restricted license.

C. You would be put on probation and would lose your license for a second offense.

D. No action would be taken until your second offense.

The answer to this is A. The voice explains the gravity and danger of drunken driving, not only to the driver but to any cars or pedestrians he might encounter. Iowa law is very strict on this point. In fact, if an Iowan is convicted of drunken driving in another state, his license is lifted the moment he gets back home.

This method of both testing and instructing presents each applicant with the same amount of information that would be continued in a 100-item examination.

As a further extension of driver's education, Chrystal has a plan to feed the situations, one by one, to local television stations in hopes they will use them as public service "spots."

BETTER DRIVERS?

At present, half of the applicants who apply in Des Moines are given the TV test, half the same questions in a written test. Thus the teaching ability of the TV test will be evaluated—as time goes by will its applicants prove to have fewer accidents, be better drivers than those who took the written test?

"A year from now," says Chrystal, "we're scheduled to meet with experts from the University of Iowa to evaluate all the results we have at that time. Presumably that'll help to decide whether the TV goes into use all over the state for all applicants."

An important aspect of the experiment—the equipment is called DrivoTEST—is that with it a state probably can test five times as many applicants as at present without hiring extra manpower and enlarging office space. Also, this will make possible a great increase in periodic retesting of drivers—something experts say is essential to improving the nation's traffic-safety record.

For all its capabilities, however, DrivoTEST is not designed to replace the entire licensing procedure. Iowa, for example, continues to administer individual vision and on-the-road examinations.

Whatever the long-range results of the experiment, it has already attracted a great deal of interest. Chrystal has had letters inquiring about it not only from more than 20 states but also from Tokyo and Sydney, Australia.

"Traffic safety," he says, "is an international problem and everybody is looking for anything that'll improve it."

SOCIALIZED LAW OR LEGALIZED ANARCHY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. RARICK. Mr. Speaker, there is a movement underway which if successful might well lead to the socialization or full nationalization of the legal profession, bringing it under control of a private monopoly, the federally funded National Legal Services Corporation.

Until about 6 years ago, the Federal Government was not involved in providing legal services to the indigent at taxpayers expense. The U.S. Constitution provides in the sixth amendment:

> In all criminal prosecution, the accused shall enjoy the right . . . to have the assistance of counsel for his defense.

However, counsel to indigent defendants too poor to hire legal defense in local and State cases traditionally has been provided voluntarily by local lawyers or by a public defender system. In civil cases privately financed legal aid societies have rendered legal assistance to the destitute.

Without any statuatory authority, Sargent Shriver in January 1965, allocated $3.1 million for neighborhood legal service centers "to provide free legal counsel on civil matters in the Nation's slums." Within 19 months the program had spent about $32 million of taxpayers' money. President Nixon in a "reform" move in 1969 separated LSP from local community action agencies and made it accountable to the Office of Legal Services in Washington.

Departing from the function of providing legal aid to the poor in civil matters, poverty lawyers of the LSP have filed suits in Federal courts contesting State laws against narcotics, vagrancy, sodomy, abortion, and obscenity. They have not only used taxpayers' money to foment riots but have also used tax money to provide legal defense for arrested rioters. In addition, they have brought suits against local and State governments, agencies of the Federal Government, police departments, public housing authorities, hospitals, welfare offices, school boards, and private businesses. In some cases, poverty lawyers have violated the code of legal ethics, even practicing barratry and champerty.

President Nixon in late 1970, under

pressure to do something to correct the abuses of the LSP, fired two militants of the Office of Legal Services in Washington and announced his intention to return partial control over legal services to regional OEO directors. LSP lawyers objected. The Dallas poverty war office even sent a busload of LSP clients to Washington at taxpayers' expense to demonstrate. The President abandoned his plans to decentralize legal services and restored it to its former status.

Since the thrust of the legal services program has been exposed to enough informed Americans for what it actually is—a subversive movement led by radical activist lawyers applying pressure from below to redistribute wealth and power as part of a more extensive plan to communize the United States, it would appear that those activists who apply the pressure from above are seeking a new label for their insidious, un-American and unconstitutional command post in the name of a National Legal Services Corporation.

If such a scheme were to be adopted and put into effect, it might well lead to the demise of the legal profession as a body of free and independent attorneys. Just as members of the teaching profession in the public elementary and secondary schools have become pawns of the Federal Government, so will the lawyers of America be manipulated into becoming instruments of that same government by those apparently promoting National State socialism if the National Legal Services Corporation bill should become law.

It, therefore, behooves bar associations, local, State, and National, and all attorneys to take a strong stand in opposition to the proposed legislation.

It is now being proposed that the legal services program be taken "out of politics" and placed beyond the control of the Nixon administration. Sponsors of the bill call for an "independent," federally funded National Legal Services Corporation to manage the program now handled by OEO.

It would be free of the veto power of State Governors. Apparently, they do not want any official elected by and responsible to the people to be able to interfere with their plans.

The new firm would issue grants without restrictions—even though the Government is approximately $400 billion in debt with an annual interest on the debt approaching $20 billion—for broad class action lawsuits or suits against State government officials under the guise of seeking more equal treatment for the "poor." The effect would be to further erode the sovereignty of the States.

Then too, the new corporation would not be limited to civil cases as the LSP is under present law. There would be no income level for eligibiilty, but the "neediest" would supposedly get first preference. Which means that the handpicked administrators would determine who would get "free" legal service and who would not.

The Legal Services Corporation Act of 1971 is vulnerable to the possibility of nonlawyer control of the handling of cases, in itself a violation of professional legal ethics.

Section 906(a)(3) gives the power to the corporation to increase opportunity for legal education for individuals who are economically disadvantaged or members of minority groups. This is obviously discrimination against members of majority groups.

The corporation is also authorized to make grants for "peaceful and orderly methods of seeking change." This seems to be a strange power for a tax-supported independent group which purports to help the indigent with legal matters.

The time has come for the American people through their Congress to abolish the entire LSP along with the OEO and return the responsibility for providing legal services to the indigent to lawyers at the local level where it traditionally had been until Sargent Shriver illegally usurped that function for the OEO.

I insert an article by Mr. Dan Smoot entitled "Poverty War Lawyers" and several news clippings:

[From the Dan Smoot Report, Jan. 4, 1971]

POVERTY WAR LAWYERS

Throughout our history, legal services paid for out of public funds, or contributed voluntarily by attorneys, have been available in criminal cases to accused persons without means to hire a lawyer. Some communities have a public defender system to provide legal counsel for the poor. Elsewhere, lawyers take turns accepting court appointments to represent indigents accused of crimes. The Legal Aid Society (privately financed) provides legal services for the poor in noncriminal cases.

Such legal-aid services are good and proper, conforming with the letter of our laws and the spirit of our legal system.

But something new, unneeded, illegal, and evil was added in 1965 when Sargent Shriver (then the Poverty War czar) initiated the Legal Services Program (LSP) of the Office of Economic Opportunity (OEO—the Poverty War agency).

The entire Poverty War is illegal in the sense that it is unconstitutional, there being nothing in the Constitution empowering the federal government to engage in any of the activities financed by OEO. The Legal Services Program was illegal in another sense during the first 18 months of its existence: it was not even authorized by statute.

The Legal Services Program was not mentioned in the original Poverty War bill (Economic Opportunity Act of 1964), nor in any of the congressional committee hearings, conferences, or floor debates concerning the legislation.[1]

In January, 1965, however, Sargent Shriver announced that he had allocated $3.1 million to establish Neighborhood Legal Service centerst "to provide free legal counsel on civil matters in the nation's slums."[2]

In October, 1966, Congress gave Legal Services statutory authority.[3] By then, the program had already been operating 18 months and had spent about $32 million of taxpayers' money.

The first congressional allocation of funds to the Poverty War's Legal Services was $22 million for the 1967 fiscal year.[3] President Nixon budgeted $63.2 million for LSP in fiscal 1971.[4]

At present, the Poverty War's Legal Services Program has 1800 full time staff attorneys, operating through 850 offices in 265 communities in all states (except North Dakota), in the District of Columbia, and in Puerto Rico. The agency says that more than two million clients and thousands of tenant associations and other groups have received Legal Services counsel and representation since 1965.[5]

LSD is supposed to give legal aid only to the *poor* in *non-criminal* cases; but it has given counsel to people with ample means to hire their own lawyers; and it has represented many clients in a great number of criminal cases.

The Poverty War lawyers are not people eager to help the poor. They are militant leftists hungry for social disruption.

Consider, for example, the case of a poverty war lawyer and the Navajo Indians.

A Legal Services unit in Arizona spends more than $1 million a year providing "legal aid" for the 120,500 Indians on the Navajo Reservation, which is in the northwestern corner of New Mexico, along the Arizona-New Mexico border. Most of the tax money goes to 84 Legal Services employees, who get $12,000 a year each, on an average, in salary and directly allocated expenses.[6]

What do the Navajos get from these Poverty War lawyers on the federal payrolls? Coaching in how and why they should hate the United States?

Enrollment at Church Rock Elementary School in Church Rock, New Mexico, is 99% Indian children from the Navajo Reservation. On Veteran's Day in 1969, the school had a patriotic program for students. The *Independent* of Gallup, New Mexico, reported the event.

Stephen B. Elrick, a Legal Services attorney assigned to the Navajo Reservation, read the news story, and was outraged. He wrote Claude Hinman, principal of the school, "to express . . . in the stongest possible terms" his "opposition . . . to the patriotism program underway at Church Rock."[6]

The *Independent* had quoted the principal as saying:

"These kids don't know the *Star Spangled Banner*. They ought to have an awareness of the greatness of their country."[6]

Concerning this remark, Poverty War lawyer Elrick said:

"This is true, but they ought to have an awareness of the faults and errors of their country as well, of which there have been, and are, many. It is especially appalling to realize that these are Indian children who are being forced to participate in this program."[6]

The *Independent* had quoted Mrs. Stafford (Negro teacher in Church Rock Elementary School) as saying:

"We should indoctrinate every child with the idea of being loyal to his country."[6]

Concerning this remark, Poverty War lawyer Elrick said:

"I think that this is a sorry philosophy for a public school."[6]

In its story on the Veterans' Day patriotic program at Church Rock Elementary School, the Gallup *Independent* had run several pictures. Some showed drawings of soldiers holding guns. The sentence "God Bless America" was prominently displayed on several drawings.

Concerning the pictures, Poverty War lawyer Elrick said, in his letter to the principal:

"It is, indeed, unfortunate that you are encouraging these children to glorify war and all its attendant inhumanity. Likewise, it is deplorable for you to stimulate the expression of what is, in effect, a prayer, in violation of the Supreme Court's ruling that public schools are to refrain from any such activities."[6]

Elrick concluded his letter to the school principal with a threat, saying:

"If you are not willing to demonstrate that your program is a balanced presentation, and to remove any hint of religious exercises from the curriculum, I shall take whatever steps I can to investigate the matter myself, and if necessary, institute legal proceedings."[6]

Footnotes at end of article.

Hearing about this, U.S. Senator Paul Fannin (Arizona Republican) expressed dismay that such characters as Elrick are on federal payrolls, and promised to do all in his power to correct the situation. Senator Fannin tried. He may have forestalled a Legal Services lawsuit against Church Rock Elementary School officials for teaching patriotism to Indian children; but new-leftists like Stephen B. Elrick are still on the federal payrolls running the Poverty War. They completely control the Legal Services division.

Poverty War employees, especially lawyers in Legal Services, have been involved in all major revolutionary violence that has occurred in the U.S. since the Poverty War began.

In July, 1967, a 3-day Negro riot in Newark, New Jersey, left 24 people killed, more than 650 injured, more than 1000 arrested, and more than 30 million dollars' worth of property destroyed. The riot was organized, incited, and led by individuals on federal Poverty War payrolls.[7] Oliver Lofton was foremost among the Poverty Warriors who incited and led the Newark riot. Lofton (a Negro attorney who had served in the Department of Justice under Nicholas Katzenbach in 1961 and 1962) was director of the Newark Legal Services Project in 1967.

Lofton mobilized the resources of the Newark Legal Services Project to defend persons arrested for criminal conduct in connection with the riot. His Poverty War lawyers joined American Civil Liberties Union (ACLU) activists to distribute leaflets in Newark, urging all "witnesses of police brutality" to get in touch with the LSP or the ALCU.[8]

Later, the Newark Legal Services Project and the ACLU jointly filed a suit asking a federal court to seize the Newark police department and turn it over to a federal receiver.[8]

OEO in Washington gave the Newark Legal Services Project a special award for outstanding performance of duty because of its work in connection with the Newark riot.[8]

On December 9, 1967, Philadelphia police quelled a howling mob of some 3500 Negroes rioting at the Board of Education building. The Philadelphia Legal Services not only gave free legal representation to arrested rioters, out also joined the new-left law firm of Kunstler, Kunstler, and Kinoy in filing a suit demanding a federal-court take-over of the Philadelphia police department.[8]

In Chicago, Poverty War lawyers have trained students to "assert their constitutional rights" by striking against their high schools.[9]

In Indianapolis, Poverty War lawyers have distributed thousands of cards to "the poor," instructing them in "the art of non-cooperation" with police.[9]

In California, the Poverty War's Legal Services (known as California Rural Legal Assistance) has aided the dangerous, revolutionary activities of United Farm Workers, which was organized, with communist help, by Cesar Chavez.[8]

On September 15, 1970, New Orleans police raided the headquarters of the National Committee to Combat Fascism (NCCF), a pro-communist, Black Panther front specializing in advocating the murder of police officers. Robert Glass, a Legal Services lawyer, was in the headquarters when it was raided. He invoked his "client-lawyer" relationship with the NCCF, and refused to answer police questions. Later, the New Orleans Legal Services represented 12 of the NCCF militants who were charged with attempted murder, assault, and other felonies—despite the fact mentioned before, that Poverty War lawyers are supposed to give legal aid only to the *poor* in *non-criminal* cases.[10]

In 1970, a New Orleans Legal Services lawyer was attorney of record defending SDS demonstrators charged with crimes.[10] SDS (Students for a Democratic Society) is a communist-controlled organization which is trying to foment guerrilla warfare and violent revolution in the United States. It is composed largely of whites from prosperous families.

The New Orleans Legal Services tried to force Louisiana State Universtiy to permit circulation on campus of a pornographic underground newspaper (a recent copy of which contains, among other indecencies, a nude cartoon of President Nixon).[10]

In the fall of 1970, Richard Buckley, director of the New Orleans Legal Services, resigned. Shortly thereafter, he made a public statement that "Legal Services exist for the redistribution of wealth and power."[10]

In Tulare, California, LSP published a booklet entitled *Know Your Welfare Rights*. From the booklet:

"If you don't want to work, there is no good reason why welfare can force you to work, no matter what your [social welfare] worker says."[11]

In late 1970, it became public knowledge that Poverty War lawyers in Los Angeles had been representing state employees whose salaries ranged up to $15,000 a year.[10]

In Atlantic City, LSP filed a federal suit, on behalf of Negro militants, challenging a New Jersey narcotics law which requires narcotics addicts or users to register with the police.[8]

In Dallas, a Poverty War lawyer, Ed Polk—hired, ostensibly, to counsel the poor in Dallas—traveled 100 miles to sue a school board in Tyler, Texas, because a Negro girl had not been selected as valedictorian in a high school where most of the students were white. Polk based his suit (which was financed by federal taxpayers) on the ridiculous allegation that the school board had deliberately lowered the girl's grades to keep her from being at the head of her class.[9]

Ed Polk also represented Brent Stein, son of a prosperous Dallas merchant. Stein had been arrested and charged for publishing and distributing the vilely obscene *Underground Notes*. Frank Jones (then deputy director of the Office of Legal Services in Washington) specifically defended this use of tax money in the Poverty War, saying:

"It seems to me that's the kind of activity necessary to insure this kind of publication for the poor."[10]

Taxpayers' money should be used to insure the distribution of semi-literate, pornographic trash to poor people? What a sick mind!

People with sick minds are bent on destroying everything decent in our society; and they are doing it with our tax money, under the guise of fighting poverty. We ought to force Congress to abolish the Legal Services Program and the so-called Poverty War that spawned it.

FOOTNOTES

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[1] *1964 Congressional Quarterly Almanac*, pp. 208–229.

[2] *1965 Congressional Quarterly Almanac*, pp. 410–311.

[3] *1966 Congressional Quarterly Almanac*, pp. 259, 264.

[4] *Congressional Quarterly Weekly Report*, Feb. 6, 1970, p. 325.

[5] *Congressional Quarterly Weekly Report*, Aug. 28, 1970, p. 2155.

[6] Remarks of Senator Paul Fannin, *Congressional Record*, vol. 115, pt. 28, p. S37329.

[7] *1967 Dan Smoot Report* Bound Volume, pp. 125–128, 189–192.

[8] Article by Shirley Scheibla, *Barron's*, March 4, 1968.

[9] *Dallas Times Herald*, Jan. 29, 1970, pp. A1, A19.

[10] Column by Rowland Evans and Robert Novak, Nov. 30, 1970.

[11] Congressman H.R. Gross' report to constituents, Oct. 7, 1970.

[From Barron's, Feb. 8, 1971]

ABOVE THE LAW? THE LEGAL SERVICES PROGRAM HAS INDICTED ITSELF

"Legal services program—This program will continue to offer legal aid to people unable to afford such services. In 1970, approximately 2,000 legal services lawyers handled an estimated 900,000 cases on behalf of the poor through 268 field projects utilizing 900 locations. This program provides three types of legal assistance: (1) direct, legal advice and representation in individual cases; (2) education concerning legal rights and responsibilities; and (3) improvement of the legal system to make it more responsive to the needs of the poor. This program will be continued at the 1971 level."

One thousand, one hundred twelve pages of closely packed tables and text, the Appendix to the Budget of the United States Government for the Fiscal Year 1972 will never pop up on the best-seller lists. Yet a determined reader of who-done-its might peruse the volume with pleasure and profit. For the section cited above—which falls under the general heading "Office of Economic Opportunity, Community development programs," pp. 100–101—is a dead giveaway on where at least one bureaucratic body is buried. Despite the bland innocence of the description, OEO's Legal Services Program lately has acquired a very bad name indeed. LSP's director and his deputy were fired last November for "being either unable or unwilling" to carry out official policy. California Rural Legal Assistance Inc., one of the largest federally financed bodies of the kind, so grossly abused its authority as to evoke an angry veto by Governor Ronald Reagan over its further funding. Last week, in a move which the Governor's mansion promptly labeled a phase-out," Washington agreed to extend the life of CRLA for only six months more, and to appoint a blue-ribbon body to investigate its activities.

Probers (in the Golden State and elsewhere) needn't look far for compelling evidence of non-feasance, misfeasance and malfeasance. Though lacking subpoena powers, and with a deadline to meet, Shirley Scheibla, our Washington correspondent, nearly three years ago (Barron's March 4, 1968), blew the whistle on the poverty lawyers' deep involvement in the 1967 Newark riots, a scandalous affair which an Essex County grand jury soon afterward detailed. Since then, throughout the U.S. has come one equally damning indictment after another. From the readily available facts, including eyewitness accounts and a mass of sworn testimony, the ugly truth has emerged. Staff of the Legal Services Program—by provoking litigation, engaging in harrassment, defending ineligible clients and taking criminal cases—time and again has violated professional ethics and broken the law. Under the banner of justice for the poor, the agency has mobilized a cadre of political activists, who, at taxpayers' expense, have systematically aided and abetted groups the avowed aim of which is to undermine or overthrow the U.S. government. In the land of opportunity—and the wonderland of OEO—even revolutionaries seem to rate a helping hand.

That may not have been official policy back in the mid-Sixties, heyday of the Great Society, when, with the endorsement of the American Bar Association, High Court Justice Abe Fortas and other distinguished jurists, the Legal Services Program was launched. From $27 million in fiscal '67, LSP's budget has shot up to the current $61 million, enough, as the Appendix indicates, to put 2,000 attorneys in the field and shoulder a 1.2 million case load. While most of the latter is routine, involving divorce, housing or welfare, LSP militancy has mounted apace. Three years ago the program director was quoted as saying: "We either make the legal system work fairly for poor people—and make them believe it does—or our cities will be burned down from the fires ignited by a 'brooding sense of injustice.'" Late in 1969, the Senate, outraged at recurrent complaints about the agency's tactics, approved a bill to give state governors veto power over legal services projects (the House unfortunately failed to concur). More aware of the dangers than its predecessor, the Nixon Administration proposes to "regionalize" LSP and otherwise to blunt its radical thrust. Last fall OEO even nerved itself to dismiss two top officials for sanctioning what amounted to bureaucratic lawlessness.

For LSP personnel, the record suggests, tend to be advocates in more ways than one. Ample documentation on this score appears in a thoroughgoing study and evaluation of California Rural Legal Assistance Inc. (CRLA), recently made public by the Golden State's OEO. The study quotes a CRLA staff attorney who let it be known that "he was looking for a woman welfare recipient who had been requested to take a polygraph examination by the County District Attorney's office so that they could take legal action." In another case, the CRLA local office at El Centro reportedly solicited clients to bring complaints against feed lots in the Imperial Valley. In a CRLA inspired suit allegedly brought by 16 Indians against a local auto dealer, 15 of the so-called plaintiffs denied in depositions that they were seeking legal redress.

Besides engaging in barratry and other unethical practices, CRLA, according to the California OEO, has violated the conditions of its funding and overstepped legal bounds. Despite stipulations that it represent only the indigent, CRLA allegedly has taken up the cudgels for plaintiffs with substantial net worth. Contrary to law—and heated denials by poverty lawyers—the evaluation study cites 17 instances in which the latter served as attorneys of record in criminal proceedings. As to ideology, the thrust is clear. One observer noted: "The federally funded CRLA has become virtually counsel to the United Farm Workers Organizing Committee (Cesar Chavez). The CRLA's lawyers turn up at UFWOC rallies. At the El Centro office, CRLA funds are used to purchase poster board for making picket placards. And a poor woman who is sued by the UFWOC for daring to oppose Cesar Chavez gets a cold shoulder when she seeks legal help from CRLA."

Commitment to social change has led LSP down some strange and violent paths. After a searching inquiry into "the civil disturbances in Newark during the period from July 13 through July 18, 1967," a grand jury had some shocking things to say about the conduct of that city's Legal Services Project. Concerning the homicides that occurred—25 people were killed in the riots—"much vital information was made available reluctantly and only after many requests." A number of affidavits taken and finally supplied by LSP were unsigned. Some witnesses "denied in whole or in part having made statements attributed to them," while others repudiated prior statements in subsequent testimony. With respect to one homicide, "certain statements, later repudiated, were widely circulated by extremist groups along with photographs of the victim's body which had been taken by photographers engaged by the Newark Legal Services Project. These photographs showed the body during the embalming process, a fact ignored or disregarded, but which . . . (was) well calculated to inflame the minds of those exposed to them."

Since then, LSP attorneys repeatedly have given aid and comfort to the murderous and revolutionary Black Panthers. Last winter the 23-member board of directors of the Berkeley (Calif.) Neighborhood Legal Services Project (funded by OEO) passed a resolution supporting "the Black Panther party in their efforts for liberation of the Black and all oppressed people of this country." Last summer a McDonald's (hamburgers) franchisee in Multnomah County, Oreg., won a court injunction against harassment of customers and picketing of the premises by Black Panthers angered at his rejection of their extortionate demands; the Panthers were represented by LSP counsel. In New Orleans, the National Committee to Combat Fascism (which has close ties to the Black Panthers) set up headquarters in a building on St. Thomas Street, which it proceeded to sandbag and fortify. When the owner of the property sought eviction, three lawyers from the New Orleans Legal Assistance Corp. (NOLAC) sprang to the defense. Moreover, according to Columnists Evans and Novak (whose forthright reporting, if they're not careful, may lose them some leftwing friends), one NOLAC lawyer was at NCCF headquarters the night it was raided by the police, while "NOLAC attorneys represented NCCF members at bail reduction hearings on September 22, one day after the criminal information against them was filed—a direct violation of federal law."

For choosing to ignore such scandalous lapses, the LSP director and his deputy lost their jobs, an action which knee-jerk liberals, in and outside of Congress, loudly deplored. We hail it as one of the few signs of common sense and courage to emerge from an agency which has never been distinguished for either, and still has a good deal of soul-searching to do. Even in response to need, tax-supported assistance to the poor—like any form of government subsidy—leaves us cold, but it probably won't destroy the Republic. Shouldn't that be the minimum condition for federal funding?

[From the Washington Post, Mar. 18, 1971]

Wide Bipartisan Support: Independent Legal Aid Corporation To Be Proposed in New Bill

(By John P. MacKenzie)

A bill to take the embattled nationwide legal services program "out of politics"—and beyond the control of the Nixon administration—will be introduced today with wide bipartisan support.

Without waiting any longer for the adminisration's overdue proposal, the bill's sponsors call for an independent, federally funded National Legal Services Corp. to manage the program now handled by the Office of Economic Opportunity.

The bill's preamble declares that there must be "no political interference" with delivery of legal help to persons who cannot afford it.

Modeled after the Corporation for Public Broadcasting, the legal services body would operate free of the veto power of state governors that has figured in the major poverty law battles of recent years.

The new firm would issue grants to local legal services programs without restrictions, favored by some administrations officials, against broad class action lawsuits or suits against state government officials seeking more equal treatment for the poor.

Poverty lawyers would still be bound by ethical standards set by the American Bar Association, but they would not be limited to civil cases as under existing law. No income level for eligibility would be set, but the bill would require programs to serve the neediest first and aim for the most economical ways to encourage "peaceful resolution of grievances."

The corporation's 19-member board would include only five members chosen by the President and confirmed by the Senate. The Chief Justice of the United States would name one director, six would be top officers of major bar organizations, six would represent poverty lawyers and the "client community," and one would be the executive director.

Supporters of the bill include liberals who are angry at White House concessions to Gov. Ronald Reagan over a major California program and middle-of-the-roaders who feel the President should be relieved of a political headache. It is not yet supported by key legislators who are concerned about the projected splitting up of OEO.

[From the Washington Evening Star, Mar. 12, 1971]

OEO Not Rescuing Law Institute

(By Fred Barnes)

The U.S. Office of Economic Opportunity has ruled out the possibility of keeping alive the embattled Urban Law Institute through a direct grant of funds.

"There is simply no truth to speculation that we are planning to fund the institute directly, rather than through a university," OEO director Frank Carlucci said yesterday.

He indicated that ULI would not be able to carry out its program of reforming the process of legal education without "the necessary law school cooperation and sponsorship." Thus, he said, direct funding of the institute "would not be feasible."

Since it was founded 2½ years ago as a private, nonprofit organization, ULI has operated under the sponsorship of George Washington University law school. More than $1 million in OEO funds has been channeled through GW to the institute.

GW LINK TO END

However, Dean Robert Kramer announced recently that the law school would need its sponsorship of ULI July 1. The institute's current funding runs out June 30.

Kramer has contended the university shouldn't be involved in "the direct practice of law" and that the institute "was evolving into a large public interest law firm over which the university has no control."

But, some supporters of ULI have argued that the university decided to drop the institute because it has filed a series of controversial lawsuits, including a court challenge of the Federal Communications Commission's recent decision to renew the broadcast license of WMAL-TV.

The suits grew out of the institute's "clinical" approach to legal education which permits law students to learn by participating in a variety of public interest legal cases. Most of the suits have been on behalf of poor persons and minority groups.

ULI's chief function, however, has been to open new areas for the law school curriculum at GW which would make legal education more relevant to blacks and members of other minority groups. The idea was that the new courses could serve as a model for law schools across the country.

FACULTY VOTE SLATED

Jean Camper Cahn, director of the institute, has said that ULI must close its doors unless GW officials reverse their decision. Even direct funding from OEO would not be a viable alternative, she said, and no other law school in the Washington area appears willing to take over sponsorship.

The institute's flickering hopes for survival now appear to lie in a proposed vote of the law school faculty on whether Kramer was correct in abandoning ULI. Prof. J. Reid Hambrick, who teaches tax law, plans to call for the vote.

While a verdict in favor of the institute would not be binding on GW officials, Kramer has said he would give serious consideration to any faculty recommendation. The law school has 40 full-time faculty members.

Among the other supporters of the institute are consumer advocate Ralph Nader, 23 attorneys from various Washington public interest law firms and John W. Douglas, president of the National Legal Aid and Defender Association.

[From the Washington Evening Star, Mar. 20, 1971]

URBAN LAW INSTITUTE

SIR: Recent editorial concern regarding the George Washington University's decision to abandon sponsorship of the Urban Law Institute (ULI) warrants some rebuttal from those favoring this action. The original intent of the ULI was to service the needs and interest of the genuinely poor. The actual course taken by the ULI became grossly inconsistent with these objectives. Instead the ULI chose a course parallel with the Neighborhood Legal Services Agencies—select persecution of business or government groups and even individuals arbitrarily deemed socially undesirable or as not supporting certain liberal philosophies and practices espoused by these groups.

Many businesses and investments, acquired through years of sacrifice, diligence and ingenuity—not so long ago respected ingredients of the American way of life—have been ruthlessly destroyed and driven into disrepute and bankruptcy through frequently senseless legal actions instigated as a part of the socio-legalistic field trip experimentations by ULI law students. The much-heralded precepts of fairness and impartiality are quickly forgotten by these saviours of our poor when blindly destroying with imagined righteousness whatever idealogical dragon myth their professorial mentors designate. As a consequence we now witness the prevalent judicial farce where courts are encumbered by ever-growing, costly and time-consuming suits and legal actions of little or no consequence.

The once genuinely poor have been replaced by the not-so-poor, and legal aid selection criteria have become demoted to personalized services based on race or whatever minority attributes or stations are in vogue at any particular time. In many cases suits were instigated and profitably settled not on merit or even social justice considerations but purely through the fact that those chosen as recipients of free legal aid are naturally inclined and ever ready to pursue any and all imaginable claims up through the highest tribunals. Simple statistical considerations imply that sooner or later they will win a few or, if not, force the opposition, which must naturally pay for these legal rituals, to concede and settle through economic necessity.

The best illustrations are perhaps found in the recent proliferation of tenant rent strike instigations. Torn screens, or broken windows, although usually tenant caused, are now grounds for tenant rent strikes and serious criminal charges against property owners in our Nation's Capital. Frequently jury trials are scheduled by our legal aid missionaries. Needless to say, by the time these cases come up for trial the property owners frequently have long since lost their buildings through foreclosure.

The overall economic consequences are appalling. No serious investor will now risk building much needed inner-city housing unless through some government dole, lenders flatly refuse to provide mortgage funds for inner city rental unit construction, tax paying property owners are abandoning sound structures, many of which could be ideal candidates for economically feasible renovations, and the nation's taxpayers are paying for the many FHA insured projects going bankrupt.

There is of course one happy side to this calamity; the legal profession through free legal aid has effected a foolproof method of generating not-so-free legal business.

KAZYS K. SKIRPA.

[From the Washington Post, Mar. 6, 1971]

GRANT USED TO TRAIN LAYMEN AS LEGAL ADVISERS ON RIGHTS

(By Martin Weil)

Montgomery County activist J. Brinton Dillingham is helping to operate a "Peoples Law Institute" here on a salary provided through the federally funded Pilot Police District Project.

Dillingham said he conceived the institute as a way to train nonlawyers as "legal counselors" who can give advice in such areas as welfare, students and tenant rights.

Once-a-week classes taught without pay by practicing lawyers are now under way at the Adams School in juvenile and landlord and tenant law, and at 1724 S St. NW in domestic relations and street law ("demonstration negotiations, street hassles.")

Dillingham, 27, who said the institute is now his main activity, has been involved in numerous demonstrations and controversies in Montgomery County.

He was convicted there in 1969 on an obscenity charge after selling an issue of The Washington Free Press as a test case. The conviction was overturned last July on appeal.

Last September, the Bethesda resident was defeated in the Democratic primary for sheriff.

Dillingham's $50 weekly salary comes from the Pilot District Project through a contract with Special Approaches in Juvenile Services (SAJA), the law institute's parent organization.

Under the contract, the organization is to receive up to $16,000 to provide certain youth and community services. The law institute is one of the programs set up under the contract.

Pilot District Project funds provide all of the Law Institute's support, according to William W. Treanor, director of special approaches.

The Pilot District Project itself was set up in 1968 as an experiment in police-community relations in the inner city's third police district. Marion Barry Jr., heads the citizen board of the project, which received a $1.4 million Office of Economic Opportunity grant to fund its programs. The grant expires April 30.

As part of its contract with the pilot project, special approaches is called on "to educate . . . young people concerning the legal problems they encounter and the legal services available . . ."

A Wednesday night course on juvenile law, taught by Roarke M. Reed, staff attorney for the Public Defender Service here, began Feb. 17 with about 25 students, many of them youth counselors.

Also under way, or soon to begin announcements say, are institute courses dealing with "legal problems of the poor, blacks, youth (and) political activists," such as street law, students' rights, women's law and military and draft law.

According to its mimeographed announcements, the institute aims to make more effective use of the small group of "movement" lawyers here by "creating paraprofessional aides capable of doing nontechnical work."

The institute may also hold courses for lawyers and law students in areas not covered by the traditional law curriculum, such as "drug law," its directors said.

Courses will show ways of protecting people "from the law as well as by the law," Dillingham added.

After setting up the institute, with headquarters at 1724 S St. NW, Dillingham is still active in its organization and in seeking future source of funding. He is not an attorney, and does not teach any courses.

A second program supported by the Pilot District Project through Treanor's office is the People's Job Co-op, whose director, Sharon Grant, calls it the "freak alternative to regular employment agencies."

Miss Grant, whose $50 weekly salary also comes from the Pilot Project contract, said the co-op is to provide jobs for such persons as those "with long hair . . . (and) who don't want to work at jobs where they compromise themselves."

Runaway House, which offers temporary shelter away from home for persons under 18, also receives some funds from the Pilot District Project through the agency.

The grant helps pay the salary of David Gespass, who acts as codirector of the Peoples Law Institute and legal director for SAJA. It also supports several other projects to aid street youths.

QUARTERBACK JACK KEMP CALLS RIGHT SIGNAL IN ASKING RAILPAX FUNDS

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. MINSHALL. Mr. Speaker, I am glad to be on the team of Members supporting the joint resolution which will be proposed tomorrow by our good friend and very able colleague, U.S. Representative JACK F. KEMP.

The resolution will request additional funds for Railpax, which, if granted, will point the way toward including Cleveland, Ohio, in the system, along with other bypassed metropolitan areas.

As the Plain Dealer said editorially yesterday, "QB Kemp Calls Right Signal," and I am pleased to be a cosponsor of this very wise proposal of his:

QB KEMP CALLS RIGHT SIGNAL

U.S. Rep. Jack F. Kemp, R-N.Y., former quarterback for the Buffalo Bills, will introduce a measure in the House this week which has more substance and less emotion than most reaction to the rail passenger service routes set up by the National Railroad Passenger Corp. (Railpax).

Kemp asks some $290 million more in capital for Railpax and also wants a change in the guarantee which a community, a state or a group of states would have to make to Railpax against losses if rail service were to be restored where Railpax has cut it off after May 1.

Congress gave Railpax only $40 million in funds for organizational and initial operations. It also authorized loans to Railpax up to $100 million for acquisition of new rolling stock, for facility improvements and other corporate purposes; it also guaranteed loans up to $200 million to participating railroads.

In view of the magnitude of the Railpax operation and the complex details and financial accounting with participating railroads, the original allotment by Congress appears meager.

It also is possible that asking a deprived area to agree to guarantee two-thirds of the money lost in restored rail service is too high; Kemp suggests that 33% would be a more equitable figure.

Kemp's proposal came out of the meeting here of delegates from five states—Indiana, Ohio, Michigan, Pennsylvania and New York—who were interested in getting rail passenger service in their areas restored to the Railpax outline which is a starting point in the campaign to save that mode of transportation, if possible. In particular, the "water-level" Chicago-New York route which goes through Cleveland is what the delegates to the conference called by Ohio's Gov. John J. Gilligan want to save.

While such an aim is natural for the specific interest of the communities involved along the route, the hard fact is that this route has been a consistent money-loser. Another hard fact is that Railpax is going to start its reduced scheduling on May 1. Indignation and protests because certain cities have been bypassed at the start are of no value. Kemp's idea to give Railpax more money and also make it a little easier for the have-nots to get back in the rail game makes more sense.

LIGHTNING WAR

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. SCHMITZ. Mr. Speaker, a very interesting book has been written on the concept of lightning war. Washington Report of February 8, 1971 carried a short synopsis of some of the thoughts contained in this work, entitled Alternative to Armageddon, which I would like to insert for the information of my colleagues.

The basic thrust of the book is that the best method of maintaining peace at levels of possible conflict short of central nuclear war is to have the military capability to retaliate swiftly and decisively against enemy aggression. This approach to the lower levels of conflict is in direct opposition to the current doctrine of fighting protracted and indecisive wars against an enemy whose strategy is to prolong the war in order to achieve victory with inferior forces.

Instead of drawing out the conflict in an area where we maintain escalation dominance, the higher the level of conflict the greater the advantage we enjoy, our capability to achieve a quick decision is employed at the outset, bringing the war to a successful conclusion in the shortest period of time. This approach to war is not only far superior to the protracted manner of conflict in terms of the economic, psychological, and diplomatic aspects of war, but it is also the most humane.

If the United States had utilized its superior capabilities to eliminate the North Vietnamese Communists ability to go on waging war in 1965, 1966, 1967, 1968, 1969, or 1970 the war would not be continuing in 1971. It is the length of the battle which has resulted in the staggering number of deaths in Southeast Asia. It is continuing indecisive conflict over a long period of time which mounts the casualty figures higher and higher.

An analogy might be drawn here using the difference between a first round knockout in boxing or a 15-round blood bath where the fighters cut each other to pieces. The lightning blow shatters the enemy's capability to carry on the war and he stops fighting while the protracted campaign using blows below the level of knockout never carries the enemy to that point where it is no longer possible for him to continue waging the war. The war drags, the scars of battle mount, and time without a decision is time with continued conflict.

I have personally read this book and would recommend it for some of the novel ideas which it contains concerning short, swift, and successful wars.

The article follows:

LIGHTNING WAR: THE LESSON FROM THE MIDDLE EAST

(EDITOR'S NOTE.—The logic of this Report is based upon that of the recent book *Alternative to Armageddon* (Rutgers University Press, $9.00) authored by Generals I. D. White (U.S.A.) and Hasso von Manteuffel (Germany) and Col. Wesley W. Yale, (U.S.A.), all retired military but active in the research field. General Lyman Lemnitzer, recent Supreme Commander, Allies Forces, Europe, wrote the Forward.

For the first time in literature, *Alternative* analyzes the command methods of famous Blitz leaders and their impact on past and future warfare. Primarily, the book advocates a prompt change from the philosophy of wars of attrition to the decisiveness promised by air mobility.)

In a period of waning American geo-political influence and military strength, the Middle East situation presents potentially the most critical challenge in the U.S. history, while offering a lesson of inestimable value.

America and the West are singularly unprepared to meet the challenge. Evidence that the Soviets are now number one in strategic power is overwhelming. In the area of tactical limited war, U.S. capabilities are even more open to question. Still, despite the ever present hints of Soviet nuclear might, and perhaps because of the forecast of continued testing of American will, limited war appears to be the most probable type of future conflict.

For 20 years Israeli policy and doctrine have prepared the lesson by creating a true deterrent to aggression and by applying reluctant force. Twice, in 1956 and 1957, Israel unleashed forces against apparently staggering odds to gain decisive, and relatively inexpensive victory in a matter of days if not hours. It has now become sharply apparent that the Israeli corps of tactical leaders at all levels, steeped in the principles of lightning war, or Blitzkreig, is the major factor in holding at bay a host of adversaries superior in both numbers and armaments. Capability for swift and conclusive retaliation is all that maintains the precarious peace.

Aside from preserving, if not enhancing the strength of our nuclear shield, what better instrument could be placed in the American arsenal than a similar corps of leaders, similarly imbued with lightening war principles and capable of integrating the highly sophisticated weaponry of modern America? Indeed, what alternative is open to a nation rounding out two decades of no-win wars, emphasizing guerilla tactics of attrition, fought on enemy terms and with men in the field shackled by political directives from Washington?

The hour is late. Not only is Sino-Soviet pressure manifested on every flank, but the press and public largely discount or ignore what General Lemnitzer, recently Supreme Allied Commander, Europe, calls the greatest threat to security in history. Every aspect of social welfare, however cloaked in humanitarian motives, is pointed squarely at limiting national defense. Much of the press appears dedicated to the denigration of the military profession.

Not the least result, therefore, of aping the Israeli corps tactical experts could be the restoration of pride and prestige within the services, while creating a Kremlin belief that an awakened America is capable of swift, overwhelming retaliation if not limited aggression.

There are formidable obstacles. There must be a sharp break from military doctrine that considers jungle fighting in far off lands as the wave of the future; and at the moment not too many laymen, or even professionals, understand the mechanics of mobile warfare, inviting the frustrations attending such great analysts as Liddell Hart, Guderian and Chaffee in the 1930s, all of whom were rated as crazy visionaries by their respective General Staffs. Furthermore, leadership development is inhibited by numerous impediments to effective training.

War planning must not visualize the attritive, no-decision affairs that the Mao Tse Tungs would have us fight. Whether the Mid-East, Africa, Europe or Continental America, Soviet authorities predict, for a major confrontation, an extremely dynamic and violent conflict, with high maneuverability of combat operations and sudden blows of great force. Our European experts concur.

While this describes the classic environment of lightning war, one must go beyond the dictionary definition of Blitzkrieg to understand how closely the Blitz applies to this environment and how great the new challenge is to combat leadership at all levels.

Merriam Webster defines Blitzkrieg as a war conducted with lightning speed and force, a violent, surprise offensive by massed air and mechanized ground forces operating in close coordination . . . a conquest in a minimum of time.

Actually, a blitz is a battle rather than a war, though as in the case of the 1967 Sinai sweep, a series of battles may be collectivized as in war. The blitz battle features a maximum of directing influence by a single commander of the colorful Rommel type who seeks as a primary objective the collapse of his enemy's capability to control his forces. To quote Dayan, "We had no intent to destroy the enemy; it is better that as little blood be shed as possible. We therefore seized key positions and agencies which gave us control of the area."

The mobility of the aircraft, the tank and the helicopter, together with the destructive force of the bomber, the rocket and the mobile field gun are maximized by centralized control to effect a wide sweep or a powerful penetration of hostile weak points.

And, since these are rarely immediately discernible, the directing leader must be close enough to the action and possessed of adequate communications, to make rapid adjustments, especially in timing.

Some maintain that lightning war is essentially a state of mind, with commanders constantly urging on the momentum that spells decisive and cheap victory. Certainly, each must be guided by the Napoleonic maxim that loss of time is irreparable, that one may lose a battle, but never a minute.

Imagine the commander of an air borne task force seeking to capture a defended airhead. Seconds become eternities. The transport aircraft and their escorting fighters flow steadily into the battle area; the paratroops drop, supported by strafing fighters and engage the defenders. But antiaircraft weapons to protect the field during and after capture, and engineer elements to make runway repairs now are urgently needed. But in what order and how urgently? The oncoming transports, heavily laden with support troops, and themselves highly vulnerable are also critical and require firm runways. When and how can artillery, signal groups, medical facilities and the 1,001 items essential to an operating base be brought in? As soon as possible if the paradrop is to be properly expanded. This decision is crucial to the timing and is difficult to amend, but is just one of the many to be made by the Task Force commander, working through his Air and Army subordinates. Judgments are uniformly delicate, with disaster but a step away.

Little better is the lot of the armored division commander who may one day find himself trying to block an advancing mechanized Red horde on the plains of northern Germany. Operating under the threat of nuclear warfare, he must closely control well dispersed troops, mass them suddenly for a stunning blow between enemy columns, strike and disperse again. It is a nice trick if one can do it. How comparatively simple to execute a 60 yard forward pass against the Baltimore Colts!

These are not random examples to illustrate the new standards of command and control. On the one hand they typify the environment visualized by Charles Benson in his recent analysis of the need for the United States to adopt the strategic offensive by retaking Libyan airbases. On the other is depicted a portion of the scenario played out year after year in NATO war games in the German heartland.

It is an environment that does not necessarily demand paragons of generalship to act confidently in trying situations—men of the stamp of Patton and Bonaparte, attuned to controlling fast troops through the medium of television and computers, and without surrendering their personalities to the machine. But there is indeed a requirement for a new competence to go many layers deep, and the need is acute.

Fortunately there exists an excellent nucleus. The U.S. Strike Command, with its global mobility and airborne divisions is governed by Standing Operating Procedures patterned after those of great commanders of Blitz history, from Genghis Khan through Frederick the Great and Nathan B. Forrest. The 1st Cavalry Division (Air mobile) has shown in Vietnam what can be done when the helicopter has mobility independence of terrain, while permitting higher commanders to see and direct operations from the air, following in principle the Napoleonic tradition. Yet, it is only a nucleus.

It is not enough. And the obstacles to the development of mobile leaders are disheartening. The military school system, splendid as it is, cannot furnish the practical experience that comes only with field command; staff officer training is emphasized, perhaps necessarily, at the expense of command. Training for the ground troop exercises is completely inadequate: opportunities for the actual exercise of field command are limited; personnel policies rotate leaders and lead a life at a dizzy pace so that the formation of real tactical teams is essentially impossible.

One may as well expect to develop a Johnny Unitas solely through reading assignments, chalk talks and films. Obviously, somewhere along the line the budding football or tactical leader must exercise the team in physical fundamentals and signal practice—and the whole team, not just a few linemen and a back or two.

There are many reasons why these problems are unsoluble by the military. Nevertheless, much can be done by inculcating aspiring commanders with the techniques of leading mobile troops in combat, as opposed to indoctrinating them with the art of inspirational leadership, though the latter is important and is really based on the former. It is a matter of the how of controlling troops, tanks, aircraft, artillery and engineers in concert; as Patton reiterated over and over again, it is execution that counts. Research into the methods of lightning warmasters is difficult, but is rewarding.

In sum, the lesson of the Middle East and the manner of our profit therefrom involve four areas, —1) better recognition of the grave and growing Sino-Soviet threat; 2) warning of the marked change in combat environment from what has existed since 1945; 3) appreciation of the special challenge to leadership that the changed environment imposes; and 4) the need for overcoming obstacles to the development of mobile tactical leaders through the medium of real or realistically-simulated command experience.

Possibly a basic change in military philosophy is involved here—one of assuming at long last a stance of aggression without intrusion, at least to the degree that our adversaries will consider our capabilities for instant retaliation credible. In any event, the public is unlikely to resent a program to obtain a few thousand forceful, audacious, morally courageous and creative replicas of George S. Patton, who can yet exercise cool judgment in a world where Grand Strategy has become a nice mixture of Politics, Economics, Psychology and Blitzkreig. Perhaps with only two or three Pattons to show for the effort, our warning from the Middle East will have been worthwhile.

IS MARIHUANA DANGEROUS?

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. SCHEUER. Mr. Speaker, the April 3, 1971, edition of the New York Times carried an article on the opinion editorial page by Dr. Abraham Wikler, professor of psychiatry and pharmacology at the University of Kentucky College of Medicine, called "Marihuana Is Dangerous." Dr. Wikler discusses five research projects on the effects of marihuana on man, and then draws his own conclusions about the personal and public health consequences of marihuana use.

Dr. Wikler has attempted what all the doctors and researchers at the National Institute of Mental Health carefully refrained from attempting, that is, drawing conclusions about the dangers of marihuana use on the basis of existing research. In their January 31, 1971, report to the Congress, "Marihuana and Health," these experts said that:

> The health picture with respect to marihuana must at present be regarded as fragmentary and clearly incomplete. Many of the most important questions regarding implications of long-term, chronic use will require significant periods of time to answer.

Yet these are precisely the implications to which Dr. Wikler directs himself.

Dr. Wikler concludes that marihuana is dangerous to health, despite the fact that the NIMH study cited the same studies he mentioned, plus some 220 other sources, and still felt that there was insufficient evidence on which to base definitive conclusions. They stated that:

> No single study can be regarded as definitive. Conclusions that are drawn or persistent uncertainties are a function of the information available at any given time. Final judgments, given our present limitation of knowledge, are not possible at this time.

Dr. Wikler is, nonetheless, prepared to draw his own conclusions at this time. It seems far wiser, for those who feel they must form their opinions now on the potential or actual dangers of marihuana, to make only tentative conclusions and to control a widespread temptation to oversell the dangers of this drug. Our rhetoric on the subject of marihuana far outstrips the facts at hand and any balanced, reasonable interpretation of those facts. These excesses endanger our already weak credibility with the youth of this country, a credibility we must not squander if we are ever to keep them away from the hard drugs.

Clearly, all the evidence is not in. Congress has created a Commission on Marihuana to provide the basis for intelligent conclusions and legislative action. In doing so, the Congress acknowledged that it shares the general public confusion on this question. The National Institute of Mental Health has a continuing program of research that will gradually provide the necessary facts to draw those conclusions. Until those facts are in, we should take the pithy advice Thomas Jefferson once gave to George Washington: "Delay is preferable to error."

The article referred to follows:

Marijuana Is Dangerous

(By Abraham Wikler)

Lexington, Ky.—My discussion proceeds from a particular point of view (or bias, if you wish)—namely, that of a psychopharmacologist over 30 years of age, who has learned from experience that subjective effects of drugs—changes in feelings and perceptions reported verbally by the subject—do not always correspond to the observable behavior manifested by the subject.

In the American Journal of Psychiatry, W. Bromberg describes 11 patients seen at Bellevue Hospital in New York who exhibited visual and auditory hallucinations, distortion of visual perception, manic states, depression, paranoid reactions or catatonic excitement after smoking marijuana. Two such instances occurred in a study on the effects of marijuana in which I participated in the 1940's. One of the subjects, a rather unstable and secretive individual, was being tested for auditory acuity with an audiometer. After smoking three marijuana cigarettes, he tore the earphones off his head, yelled, "I hear! I hear!", wept and shouted accusations of persecution which were definitely delusional. After about an hour, he vomited, calmed down, and apologized for his unseemly behavior.

Another subject, who subsequently dropped out of the study, became disturbed after smoking marijuana cigarettes in the course of an electro-encephalographic investigation. Jumping off the bed, he seized a heavy instrument (I believe it was a tinshears), held it over my head, threatened to bash it in if I, or any of the shop personnel, made any move, and accused us of trying to control his mind. This proclamation was also extended to others who came running to the shop door (the only entrance and exit). Needless to say, we did not make any move, but after a few minutes (it seemed like an hour) of verbal persuasion, he allowed himself to be escorted to the disturbed psychotic ward, where he made an uneventful recovery after a day or two.

M. H. Keeler in the Journal of Psychiatry reported 11 cases of "adverse reaction" (delusions, paranoid ideas, hallucinations, depersonalization, fear of homosexuality) described retrospectively by marijuana smokers. Very recently, J. T. Talbott and J. W. Teague described 12 "psychotic reactions" lasting one to 11 days, seen during a one-year period among United States soldiers in Vietnam, occurring after smoking Vietnamese marijuana cigarettes for the first time; these authors estimate that Vienamese marijuana is twice as potent as the United States variety—a possible indication of the dose-effect relationship.

Running through most of the descriptive accounts, however, are references to "forgetting what has just been said," "fragmentation of thought processes," "gaps in the stream of thought," and similar references to a disturbance of immediate recall that becomes apparent when the observer listens attentively to what the marijuana smoker is saying, or trying to say while intoxicated. If I may be permitted some poetic license, I may put it this way:

The drunkard staggers only when he walks,
While the pot-head forgets only when he talks.

This profound truth was rediscovered recently by A. T. Weil and N. E. Zinberg who asked subjects to speak about a "dramatic incident" in their lives into a tape recorder before and after smoking marijuana. Data are given only for chronic users who were tested on "high-dose" marijuana cigarettes. Ratings of predrug and postdrug speech samples on a 7-point (+3 to −3) bipolar scale for narrative quality, coherence, unity, awareness of a listener, thought completion, time orientation, free associative quality, degree of intimacy, and nature of imagery—made by five independent judges who did not know the purpose of the scoring—indicated marked impairment in all categories. "Over-all, the following patterns were noted: marijuana tended to cause greater and more vivid imagery, shift of time orientation from past or future to present, increased free associative quality and intimacy, decreased awareness of a listener."

Judging from my own data on the effects of LSD, mescaline, etc., and the data of others, I suspect this effect of marijuana on the immediate recall required for speech is unique, and as such may furnish a clue to its mode of action in the central nervous system.

Six subjects (including three who had participated in the "pyrahexyl compound" study) smoked marijuana *ad libitum* for 39 days. During the first few days, they exhibited euphoria, bursts of spontaneous laughter, silly behavior, and difficulty in concentrating. Later, they showed loss of interest in work, decreased activity, indolence, nonproductivity, and neglect of personal hygiene. All subjects reported subjective "jitteriness" on withdrawal of marijuana, but none showed abstinence signs.

Is marijuana dangerous to health, personal or public? Certainly the "adverse reactions" cited would answer that question in the affirmative on both counts.

Should marijuana and other cannabis products be controlled—should the importation, manufacture and sale of these products be prohibited? The answer to this question depends on whether or not the person who asks it accepts the responsibility of the Government to protect public health, and agrees that prohibition of importation, manufacture and sale of a noxious product is an effective way of discharging such responsibility. If the questioner accepts both premises, then my answer would be "yes."

AN OPEN LETTER CONCERNING REVENUE SHARING

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. EVINS of Tennessee. Mr. Speaker, with sales teams of proponents scouring the country for support, the revenue-sharing proposal continues to create controversy.

In this connection I place in the RECORD herewith a recent letter to the editor of the Nashville Banner by Mr. Paul S. Barnett of Murfreesboro, Tenn., because of the interest of my colleagues and the American people in this most important subject.

The article follows:

FEDERAL REVENUE SHARING NOT THE ANSWER TO WOES

To the Editor of the Banner:

President Nixon has recently stated: "The time has now come in America to reverse the flow of power and resources from the states and communities to Washington, and start power and resources flowing back from Washington to the states and communities, and more important, to the people all across America." Such a sentiment is enough to thrill the hearts of all conservatives and those who believe in states' rights.

The President proposes to do this by means of his "revenue sharing" proposal. Under the plan, there would be "no strings attached," but the history of government "help" and "subsidies" proves otherwise. Note the results of government "help" to the railroads in the last century and government subsidies" to farmers in this one. Today, the railroads and the farmers are controlled almost beyond belief.

One very recent example of the Administration's intentions in respect to control, The Nashville Banner (March 26, 1971, p. 2) carried a news item indicating that the states of Indiana and Nebraska are losing a total of $54 million a year in federal aid. The reason? "The cutoff—the first such in 20 years—would culminate a two-year Nixon administration drive to bring states into compliance with the complicated maze of federal welfare regulations." So there you have it. The Nixon administration aims to force states into compliance with all kinds of federal regulations. The means used is "revenue sharing." It seems that I recall someone saying there wasn't a dimes' worth of difference between the two major parties.

The fact remains that there is no such thing as federal "revenue" to "share" except that wealth which is already within the boundaries of the 50 states. If the President and his congressional sales force trying to peddle "revenue sharing" really mean to give power back to the states and to the people the most effective and least costly method would be to cut federal taxes and leave the money as a tax base for the states and local communities.

PAUL S. BARNETT.

MURFREESBORO, TENN.

MITCHELL ANNOUNCES CONCERN OVER SOVIET JEWRY

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. MITCHELL. Mr. Speaker, I have added my name as a cosponsor of House Concurrent Resolution 202, by Mr. SCHEUER, and H.R. 6385, by Mr. KOCH.

These two bills are a protest by this Congress against the oppression practiced on the Jewish minority in the Soviet Union by the Government of that country.

House Concurrent Resolution 202 calls on the President to reaffirm America's historic role as the defender of human rights throughout the world by pressing the Soviet Government to assure its Jewish minority religious and cultural freedom and freedom of emigration. H.R. 6385 would provide 30,000 special immigrate visas to Soviet Jews fleeing persecution.

The right of free emigration from any country lies at the very foundations of world law. It is the final guarantee of the rights of the individual against the oppression of the state. It was written into the Universal Declaration of Human Rights, a part of the United Nations Charter, to which the U.S.S.R. is signatory.

Substantial numbers of Soviet Jews wish to emigrate: how many we cannot know until it is possible for them to leave. To secure their right to seek a new home is the vital concern of the friends of freedom and justice around the globe.

Presumably, most Soviet Jews who are allowed to emigrate will wish to exercise their right of return to Israel. But, to provide a choice and to blunt the phony issue of Zionism, it would be well for the United States and other nations to declare their willingness to accept their share of the outflow.

This land has sheltered refugees many times in its history: most recently from Hungary, from Cuba, from Czechoslovakia. Now again, as so often before we are summoned to redeem our national pledge to all the oppressed who yearn to breathe free. We must not fail that trust.

These two bills will not, in and of themselves, bring relief from persecution to the Jews of the U.S.S.R. But as part of an international outcry, an outcry which will not abate until justice is done, they can make a difference. This Congress can do no less.

JUDGE KETTMANN HONORED IN FIGHT AGAINST EYE DISEASE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. EDWARDS of California. Mr. Speaker, it is not every day that I can have the pleasure of pointing out to my colleagues and the American people selfless and humane activities such as those carried on by Judge Gerard J. Kettmann of the San Jose-Milpitas-Alviso municipal court in California. Judge Kettmann, who was recently awarded the fourth annual Genevieve Mettelstaedt Carbert Award for distinguished service to ophthalmology, has been instrumental in the fight against blinding glaucoma, diabetes, and amblyopia. He has been active in the program in San Jose, Calif., to provide free tests for these horrible diseases so they can be treated in time to prevent blindness.

The Federal Government has been trying, more and more so over the past few years, to improve the medical care available to the American people, and especially to make necessary treatment available to people who cannot afford it. However, we have seen that the care provided to Americans is not always adequate. Some people are not covered under any program. Some kinds of preventive, but absolutely necessary, medical services are not available to all, and perhaps even most, people who need it. We owe our sincere thanks to individuals like Judge Kettmann who have worked vigorously to bridge this gap. Let him be an example to the rest of the Nation for what can be accomplished through dedicated and unselfish efforts.

DANGERS OF GOVERNMENT ADVERTISING

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. BINGHAM. Mr. Speaker, I insert herewith a disturbing editorial from Advertising Age, one of the most influential and widely read periodicals in the communications field. The editorial calls attention to the fact that the Government can use paid advertising from taxpayers' funds to influence public opinion on public policy and can use strong economic leverage on individual media to insure "cooperative" news handling. The editorial, dated March 15, 1971, follows:

[Advertising Age, Mar. 15, 1971]

GOVERNMENT ADVERTISING: THE RISKS ARE TOO GREAT

There are strong indications that the U.S. government is moving to become one of the nation's biggest advertisers, and we are not at all pleased by the prospect.

AA has consistently been opposed to large-scale government advertising, and we think this is a good time to reassert our position. Mostly, our objections fall into four areas: (1) The government client is highly fickle and can be counted on to change approaches and agencies with fluctuating political winds (2) the distinct possibility arises of taxpayers' money being used to drive home a particular—highly partisan—point of view; (3) government could bring tremendous economic pressures to bear upon media espousing "unfriendly" positions; and (4) how can we expect government to regulate its own advertising for possible inaccuracies and deceptions?

The fickleness of the government client has been demonstrated repeatedly by the Canadian government. At one time, for example, it shifted some $6,000,000 in advertising funds from "conservative" to "liberal" ad agencies as a result of a Canadian election. The previous agencies weren't fired because they did a bad job; they simply happened to be on the wrong side of the political fence.

And the latest goings on at the Florida Citrus Commission seem to indicate that those grand jury indictments putting citrus commission and agency execs on the griddle stem at least to some extent from a political squeeze. Florida, you see, has a new governor, who is anxious to make new appointments to the commission.

The vagaries of politics, however, could probably be tolerated if they were the only drawbacks to governmental ad spending. But they aren't.

We're troubled by the specter of the federal government pouring millions of dollars into ad budgets aimed at molding public opinion in favor of one government program or another. Advertising is a neutral instrument, and of course it can be used for worth while as well as not-so-worth while purposes, depending on who's pulling the strings. There is great temptation to use government advertising for partisan purposes, and as far as we can see there aren't any built-in safeguards against this sort of misuse.

Government officials also would be sorely tempted to apply the screws to media getting big chunks of the federal advertising budget. No sooner had the Army announced that it would spend $10,600,000 on a radio-tv ad test than a high ranking congressman threatened to cut off CBS–TV from the largesse.

It was CBS that aired the much-heralded "Selling of the Pentagon," a program which Rep. F. Edward Hébert (R., La.), chairman of the powerful House armed services committee, branded as distorting the pr activities of the armed forces. Rep. Hébert told AA that he doesn't want CBS–TV to be on the advertising schedule if the Army test commercials prove successful.

He likened the assignment of ad dollars to CBS to what happens when the U.S. hands out foreign aid money helping people "who are now our enemies." This is the sort of economic pressure that media can regularly expect if the government launches widespread ad programs.

Another armed forces activity that was dealt with in the "Selling of the Pentagon" television show on CBS–TV had nothing to do with paid advertising. But it was very disturbing to hear the show's moderator tell of the Army's practice of sending top-ranking military personnel all over the country to speak to various clubs or school groups or other organizations, and to find that their speeches are all heavily in favor of our involvement in the war in Vietnam. In addition, the Pentagon, according to the CBS–TV report, permits displays to be put up all over the country which are basically propaganda favoring the war in Vietnam.

If the armed forces can carry on "campaigns" like this without the benefit of paid advertising, it makes one shudder to think about what could happen if large paid advertising campaigns became part and parcel of our government operations

In the final analysis deceptive or misleading government ads would go unrestrained. We don't visualize the Federal Trade Commission ever issuing a complaint against any paid recruitment advertising for the armed services, and we can't imagine such a thing happening for any other governmental campaign.

Of course, government advertising could be used to bring about social reform. But we think the risks of the government embarking on a paid advertising course far outweigh any good the ads might do

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NATIONAL SERVICE ACT MISUNDERSTOOD

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. BINGHAM. Mr. Speaker, last week, during debate on H.R. 6531, the Military Service Act Amendments, I offered H.R. 1000, the National Service Act, as an amendment to replace section 1 of H.R. 6531, the section which amended and extended the Selective Service draft law.

In opposing the amendment, the chairman of the Armed Services Committee, whom I wish to commend for the fair manner in which he managed this bill, stated that he:

> Had no opportunity to discuss it in the committee and neither did the other members of the committee.

The Chairman also stated that:

> There is also the question about the constitutionality of the proposed amendment.

And he inserted into the record a memorandum from the American Law Division of the Legislative Reference Service entitled, "Constitutionality of Universal Compulsory Non-Military Service."

The title of this memorandum, as well as its content, indicate that H.R. 1000 has been misunderstood because the National Service Act does not involve "universal compulsory nonmilitary service." In fact, when I contacted the lawyer who drafted the memorandum, he indicated that he was not even aware of H.R. 1000, did not know its provisions, and had not written the memorandum with anything like H.R. 1000 in mind.

Mr. Speaker, I bring this point up now for two reasons. First, to remain silent and let this memorandum go unchallenged might be interpreted by some as an acceptance of the argument that the National Service Act would be unconstitutional. I do not accept that argument and it is clear that the memorandum did not even direct itself to this question.

Second, and more important, I hope that the chairman of the Armed Services Committee will seriously consider holding hearings in the near future on the National Service Act. I asked that H.R. 1000 be formally considered by the committee during its hearings just concluded but was informed that the committee would only formally consider the administration proposals, although contrary views would be heard.

The question is one of focus. National Service should be the focus of full hearings and not just a viewpoint expressed at hearings on the draft. H.R. 1000 is the least understood alternative to the present system and deserves, I believe, further consideration and study by the Congress. With the pressure for draft extension now out of the way, I hope the committee will initiate a full inquiry into National Service.

Mr. Speaker, there appeared today in the Wall Street Journal, an article discussing the problems faced by the Armed Forces in trying to improve their retention rate, an essential step if we are to have an all-volunteer army. The article states, "While it is still too early to predict success or failure, talks with servicemen raise serious questions whether better pay and living conditions, without the draft, will keep enough men in uniform."

The National Service Act retains the draft yet gives all individuals the alternative of civilian service. I believe that it answers most of the questions that have been raised by critics of the all-volunteer approach while correcting many of the inequities of the present system that are alienating so many of our youth.

I include at this point the full text of the Wall Street Journal article:

MILITARY FIGHTS LOSING BATTLE TO KEEP MEN; LOW PAY, POOR IMAGE ARE AMONG FACTORS

(By Richard J. Levine)

NORFOLK, VA.—John Minnis, an electrician's mate aboard the amphibious warship USS San Marcos, figures the military "isn't that bad a life." The pay is okay, the 21-year-old sailor says. And he applauds the Navy's new rules that allow him to sport a full, bushy beard and wear civilian clothes when he leaves the ship.

But John wants to get married someday. Because a service career would entail repeated family separations, he decided to leave the Navy when he completes his four-year hitch in July 1973.

Aboard the destroyer USS Hawkins, Fireman Thomas Warren, referring to the relaxed regulation, says, "They're trying to make it a bit easier on us, but the only way they can make it easier on me is to let me out." The sailor, who enlisted in February 1970 to escape the draft, also says the prospect of sea duty eliminates a Navy career. "My wife likes having me around," he declares.

Decisions like John Minnis's and Thomas Warren's are intensifying a critical Pentagon problem: keeping competent young enlisted men and officers in the Navy and other services for careers.

Since the big Vietnam buildup in the mid-1960s, the personnel-retention rates of the Army, the Navy and the Air Force have plummeted, with the Army and Navy hit hardest. In the fiscal year ended last June 30, the reenlisted rate for all services was about 30%, down from nearly 50% in 1966 and the lowest level in 15 years. The problem is most acute among men in highly technical jobs and in the combat arms of infantry, artillery and armor, defense officials say.

COSTS UP, PROFICIENCY DOWN?

Unless slowed significantly, the military manpower drain threatens to upset the Nixon administration's plan to end reliance on the draft and create an all-volunteer armed force by mid-1973. Moreover, Pentagon planners worry, the rapid turnover of personnel will drive up training costs and drive down proficiency.

When retention rates are low "you lose a certain amount of professionalism," says Adm. Thomas Moorer, chairman of the Joint Chiefs of Staff. "You can't learn to operate these machines overnight."

Roger Kelley, assistant Secretary of Defense for manpower, terms low retention a "very great problem"; he puts much of the blame on low pay, inadequate housing, lack of GI job satisfaction and the military's tarnished image in the midst of a long and unpopular war. Adm. Elmo Zumwalt, the new chief of naval operations, goes further. "We (in the Navy) now face a personnel crisis that borders on disaster," he warns.

The Navy, which would like to retain 45% of its young surface-fleet officers, is keeping only 13%; the Army isn't doing much better in holding its young reserve officers now on active duty. For volunteer enlisted men serving their first tour—the prime targets of retention efforts—the reenlistment rate last fiscal year fell to less than 14%, compared with 23% in 1966.

UPGRADING PAY AND QUALITY OF LIFE

In an attempt to reverse these discouraging trends, the services are adopting tradition-bending changes designed to made military life more attractive. Local commanders have been directed to eliminate such "unnecessary irritants" as special forms for weekend passes. And servicemen are being given more freedom in personal grooming and living styles.

Moreover, the Defense Department has asked Congress to increase the pay of lower-grade enlisted men and junior officers by as much as 50%. If Congress approves, the basic pay of a new recruit would go to $201.90 a month from $134.40. The Pentagon is also working up a legislative request to give "sea pay" to naval officers and enlisted men to help compensate for their long absences from home.

In Washington, many defense officials express optimism about persuading more men to stay in the armed forces. But visits to naval installations here in Norfolk and to nearby Army and Air Force bases illustrate the obstacles the services are up against. While it is still too early to predict success or failure, talks with servicemen raise serious questions whether better pay and living conditions, without the draft, will keep enough men in uniform.

One fact emerges quickly: Retention efforts are wasted on a significant number of young servicemen these days. Most of those driven into the service by Vietnam draft calls don't have any interest in a military career. Some are bitterly opposed both to the institution and to the war.

Lt. (jg) Michael Nye, a 24-year-old University of New Hampshire graduate who serves on the attack transport USS Francis Marion, earned a Navy commission through officer-candidate school because he didn't want to serve as an Army private. Conceding that he has a "negative attitude," Lt. Nye says he finds Navy life "inconsistent with my personality and values." As a result, he will shed his uniform when he completes his commitment next February.

At Fort Eustis, the Army Transportation Center some 20 miles northwest of here, a young lieutenant bluntly says he is "opposed to the objectives of the Army. We've devoted enough human and natural resources to war. I don't believe in killing to make your point."

EFFORTS BY THE NAVY

No service is trying harder than the Navy to lick the retention problem. And the effects of Adm. Zumwalt's now-famous Z-grams—direct orders on personnel matters to subordinate commands—are clearly visible in Norfolk, headquarters for the Atlantic Fleet and home port for its 146 ships and 100,000 officers and men.

During lunch hour at the naval air station officers' club, a go-go girl clad in a scanty gold bikini gyrates wildly in the bar for the benefit of young Navy and Marine officers. Many young seamen and officers, whether stationed on ship or on shore, now wear sideburns, mustaches and beards.

On the Hawkins, a destroyer of World War II vintage, reveille was pushed back to 6:30 a.m. from 6 last fall. The ships captain, Cmdr. Carl Solterer, says the men are "less grouchy and overtired." Crew members now stand watch in port only one day in six instead of the traditional "one in four" or "one in three," giving them more free time. Over a cup of strong early-morning coffee in the Hawkins' wardroom, the gray-hired captain, an enthusiastic backer of the Zumwalt movement, declares that "if we can capitalize on the spirit of (Adm. Zumwalt), I think it could turn the tide" on the personnel problem.

There is little evidence aboard the Hawkins, however, to indicate that the "Zumwalt spirit" will significantly raise retention rates.

CARRYING OUT THE ORDERS

Despite Adm. Zumwalt's efforts, some enlisted men complain that unbending, unsympathetic petty officers don't always interpret the Admiral's orders as he intended.

"The old-style Navy men don't want to buckle down to the new-style rules," says Stephen Williams, a machinist's mate on the attack transport Marion. For example, he complains, men are often told to get a haircut before they can go on leave, despite the rules allowing longer hair.

Similar complaints are heard in the Army. At Fort Eutis, the commander, Maj. Gen. Howard Schlitz, has set up a volunteer committee to find ways to "enhance the appeal of the military service as a career." Among the changes already made at Eustis are wider choices of food and drink in mess halls and elimination of evening bedchecks and of morning reveille formations.

Yes 1st Lt. Michael Engs, a post information officer, believes that the colonels and sergeants major are "running the Army and they aren't going to change. Their unyielding attitude is driving me out." He finds it difficult to communicate with his superiors in his work of producing television programs on such subjects as drug abuse and race relations. "At the level of colonel, you've been in the Army so long you just don't understand the world," the young officer contends.

NAVY AT SEA OVER A SOLUTION

There is some evidence for the view that the more things change in the Army, the more they remain the same. In the past, Spec. 4 Bruce Sargent had to make 6 a.m. reveille formations. More recently they were eliminated. Instead, however, he found himself picking up cigaret butts at 7 a.m. "work formations." It's that kind of "harassment" that will drive him out of the service two years from now, the 18-year-old helicopter repairman said before his recent departure for Vietnam.

In the Navy, a more basic problem—the long separations forced by sea duty—is proving the biggest obstacle to retention, and the Vietnam war has intensified it. "This is, by all odds, the toughest problem to get a handle on," Adm. Zumwalt declares. Pentagon admirals figure they can ease the situation but not eliminate it

Last week Adm. Zumwalt announced a campaign to recruit more black officers and men and to transform the Navy into a "model of equal opportunity" by 1976.

Clearly, the Air Force has less of a personnel problem than the other services, mainly because of its more modern facilities and more dashing image. Years ago, top officers say, the service moved to make life more pleasant; and the intimacy and informality of air crews make for less friction between officers and enlisted men.

Still, at Langley Air Force Base, headquarters of the far-flung Tactical Air Command, a personnel officer is concerned about holding airmen and officers with badly needed skills. "I worry more that we keep the right skills" than about total retention rates, Major Henry Yochum says.

THE ECONOMY AS RECRUITER

In some instances, however the services are able to induce a man forced into uniform by the draft to choose a military career. Recently they have been getting an assist from the sluggish economy, which makes civilian jobs harder to find.

Army Spec. 6 James Reynolds, a 23-year-old crew chief on medium-lift helicopters, enlisted in November 1967 with the "draft on my back" so he could pick a specialty. In January, he reenlisted for six years. He currently draws pay and allowances totaling $717 a month; this comprises base pay of $435, flight pay of $75, proficiency pay of $50, and food and quarters allowance of $157.

Before he went into the service, the articulate young father was a railroad telegraph-telephone lineman in Waltham, Minn., making $632 a month. He could have returned to his old job at about $700 a month but didn't see much promotion opportunity and was worried about the health of the economy "on the outside." The Army offered a $10,000 reenlistment bonus for his special skill plus the prospect of becoming a warrant officer and a helicopter pilot.

"My wife didn't want me to reenlist because she was worried I'd be sent back to Vietnam," he says. "And I'm not crazy about the Army myself. But a guy has to take the likes with the dislikes."

At Langley Air Force Base, retention of his junior officers hasn't been a serious problem, says Col. Malcolm Hooker, commander of the 316th Tactical Airlift Wing. "A lot of my pilots had visions of getting out and working for an airline," he explains. "Three years ago this was a distinct possibility. Today it isn't. Right now, the economy doesn't have a helluva lot to offer." In recent months three officers in the wing have withdrawn applications to leave the Air Force after testing the private job market.

LIEUTENANT CALLEY AND THE WAR IN VIETNAM

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. SCHEUER. Mr. Speaker, although the first stage of trial of Lieutenant

Calley is officially concluded, the nationwide public outcry indicates that discussion of the trial will continue for quite some time.

Much has been already written about the questions raised by Calley's conviction in the few short days that have elapsed. Telegrams, letters, and telephone calls have poured in by the thousands, indeed the hundreds of thousands, to the President and Members of Congress.

The American people are plainly disturbed. Millions of them are disturbed because the conviction of Lieutenant Calley has clearly indicated that the Vietnam war cannot continue without policy underpinnings that are morally repugnant to the people of the United States.

During his campaign, Mr. Nixon promised that he had a plan to end the war. He refused to discuss this plan in any detail. As Emmet John Hughes has written, Mr. Nixon figuratively traveled a sealed campaign train with a debate-proof plexiglass shield between him and the American public.

It is becoming increasingly clear why Mr. Nixon refused to discuss his plan. Whether or not it did during the campaign, his plan now involves the so-called Vietnamization of the war. That is, it involves turning most of the war over to the South Vietnamese while our forces are slowly withdrawn to the point where only a residual American force of perhaps 50,000 men remains.

Mr. Nixon claims that these 50,000 men are required for two purposes. First, they are required to serve as a bargaining counter for the American prisoners held by the North Vietnamese and are to be withdrawn when and if the North Vietnamese agree to return the prisoners. Second, they are to remain in order to provide the South Vietnamese with logistical and moral support and, presumably, to serve as a reserve force, ready to go into combat if and when the South Vietnamese get into trouble in a combat situation.

The first reason for maintaining a residual force in South Vietnam defies logical analysis and the unmistakable lessons of very recent history. If the North Vietnamese refused to return our prisoners when we had 500,000 troops in Vietnam are they going to be more willing to return them when we have one-tenth of that number in the country?

Mr. Nixon evidently feels that it is essential to maintain the Thieu-Ky government, or a government of similar persuasion, in power for some period of time. In order to do this, it will be necessary for South Vietnamese to "hack it," to fight well enough against the North Vietnamese if not to win military victory, at the very least to avoid utter defeat and rout.

It has become obvious that the South Vietnamese are unable to defend themselves or undertake combat offensives without intensive American air support. This is the fact that gives rise to much of the concern over the Calley case.

American air support has involved and will continue to involve the killing and maiming of thousands of men, women, and children and the destruction of hundreds of homes, even entire villages.

Many Americans are now searching for the difference between a policy which consciously involves this type of destruction, and the acts of which Lieutenant Calley stands convicted.

To be sure, there are differences between throwing people into a ditch and shooting them, which Lieutenant Calley did, and dropping bombs from an airplane. But the broader principle remains the same. As one of the jurors in the Calley case said, American soldiers simply do not engage in incidents such as that at Mylai. The same is true of the wanton destruction involved in air support: American soldiers simply do not engage in a type of warfare which inevitably, and I emphasize inevitably, involves the killing of innocent civilians and the destruction of the homes of thousands of people.

This war has gone on long enough. Its further conduct involves a policy which is repugnant to deep and long-held American values.

Mr. Nixon, in his statement on abortion in military hospitals said that he could not reconcile unrestricted abortion policies "with his personal belief in the sanctity of human life." In view of the continuing U.S. policy in Vietnam, which attempts to cosmetize the war by substituting intensive aerial bombardment and the consequent destruction of innocent civilians for American casualties and which holds American soldiers in Vietnam as hostages to the radical right in America, this statement becomes almost ludicrous.

Mr. Speaker, I wish to include at this point several articles on the Calley case which I think my colleagues will find of interest:

[From the New York Times, April 3, 1971]

IMMORAL WAR IN SOUTHEAST ASIA

To the EDITOR:

Dr. Kingman Brewster Jr., President of Yale University, struck the most important note of all in the great Indochina tragedy when he recently told the alumni in Yale's Freshmen Commons that "the reduction of [U.S.] casualties, even the withdrawal of all American troops, does not mitigate the moral responsibility for the spread of the war. . . ."

Unfortunately, the Nixon Administration had been trying desperately for many months in silence this moral more. If this Administration succeeds, however, in forcing the American people into this primrose path of immorality, it will mean the spiritual death of the nation.

Hiring Asians to kill, maim and wound other Asians for the profit of the U.S. military-industrial complex is far more cowardly and morally reprehensible, in the opinion of many spiritual leaders, than the commission of these comes directly by American military forces. Besides, killing, maiming and wounding men, women and children from the air and by shelling as now—all essentially indiscriminate—is even more cowardly and morally indefensible, it seems to me, than doing the same with U.S. ground forces.

The opponents at least have some means of retaliating against ground forces, whereas they have little means against aerial bombardment and shelling. Moreover, does not the final moral responsibility for all U.S. crimes committed in Indochina rest with those who plotted, planned and promoted the U.S. war of aggression in the first place, and those now who continue to promote it?

It is already a question as to whether this nation can expiate the monstrous evils already inflicted by the U.S. Government upon these peasant people who do not, have not, and could not threaten the U.S. security in any way whatever, even if they wished, which they do not.

Nevertheless, we must try as citizens to make such amends as we can, not only for the benefit of those Indochinese who survive U.S. Government destruction, but for our own spiritual resurrection.

HUGH B. HESTER,
Brigadier General, U.S. Army (Ret.).
ASHEVILLE, N.C., March *29, 1971.*

THE END OF THE AFFAIR—I

(By Anthony Lewis)

For millions of Americans, the Calley verdict has raised terrible questions about the responsibility for things that have happened in Indochina in the last six years. It is right and inevitable that we examine that record of the past. But it is more urgent that we face one simple fact about the present:

In this year, 1971, more civilians are being killed and wounded in the three countries of Indochina, and more made refugees, than at any time in history. Most of the casualties are caused, and people made refugees, by American and allied military activity.

That is the estimate of the experts on Edward Kennedy's Senate Subcommittee on Refugees, whose figures on the civilian toll of the war are recognized as the best available. In other words, as Americans are told by their Government that the war is winding down, the number of Vietnamese, Cambodians and Laotians being killed and maimed and made homeless is at a record high.

The realities behind that fact can be illustrated in a number of ways.

In South Vietnam alone last year, the subcommittee estimates, the number of civilians killed averaged more than 500 a week. That was six times the American war deaths.

In the last three months of 1970, 150,000 people in South Vietnam became refugees. On the very day that Lieutenant Calley was sentenced for the massacre at Mylai, South Vietnamese troops began a sweep of the Mylai area that officials believed could drive 16,000 villagers there from their homes.

In Cambodia, a check last August showed one million refugees—in a country of six million people. The figure is undoubtedly higher now, after more American bombing. Cambodia used to live with political compromises that were awkward but at least did avoid the real ravages of war. The refugees and civilian casualties have come in the last year.

In Laos, with a population of only three million, 292,000 are officially on the books as refugees. And again the experts say that American bombing is the principal cause. People do not usually leave their homes merely because of the presence of Vietcong or North Vietnamese troops in the area.

In the past, American politicians and generals who ordered saturation bombings and free-fire zones and the burning of villages and defoliation undoubtedly told themselves that such actions served a legitimate purpose—an earlier end to the war. For that reason, among others, it must be difficult to define "war crimes" in Indochina.

But that reason is no longer easy to argue. Can it really be said that killing and wounding civilians and driving them from their homes on such a scale serves any legitimate political purpose?

The United States is supposed to be withdrawing from Indochina. But as the ground troops leave, bombing and air support activities spread. The political aim is to maintain the present Saigon Government in office. But can that end justify the use of military means that are necessarily indiscriminate, as the cruel figures of civilian casualties show?

That is a question that every American official connected with the war, and every high-ranking military officer, will have to begin asking himself. Whatever the law may be, whatever the doctrine of Nuremberg or the Yamashita case ,does he as an individual want to share moral responsibility now for a war policy that holds human life, civilian life, so cheap?

The curious thing is that the cost of the war to the actual residents of Indochina hardly ever figures in official speeches. President Nixon, in his major talks on the war since Nov. 3, 1969, has spoken about American casualties and the defense of an independent South Vietnam and the danger of the United States being seen a pitiful helpless giant. He has not mentioned the human cost of the war to the people of Indochina—the continuing cost of a continuing war.

It seems unlikely that the President can go on much longer showing little or no sensitivity to that human cost. Three weeks ago, from abroad, I wrote that I thought Mr. Nixon was wrong if he believed Americans felt no moral concern for death and disintegration among the Indochinese people. After traveling in this country I am even more convinced that there is such concern.

Americans are not only worried about American casualties in Vietnam. More and more of them want to stop the killing all over Indochina. More and more of them feel a national responsibility for terrible things that have happened and are still happening in Indochina, and they want those things to end. That is why, even before the Calley verdict, there was evidence of developing concern about war crimes.

All this must have a serious impact on President Nixon's political options as he considers what to tell this country about our course in Indochina. He has to deal now not only with a new awareness of military realities after Laos but a new American awareness of the moral realities in Indochina.

The End of the Affair—II

(By Anthony Lewis)

In the Johnson Administration, people used to talk about "the nun gap" as a necessity in getting the United States out of Vietnam. By that they meant that there had to be a reasonable period of time between the American exit and the first Communist attack on a nun—in other words, the collapse of the anti-Communist Government in Saigon.

The Kissinger-Nixon rhetoric is less cynical; officials speak of the need for a "firebreak" of years between final American withdrawal and change in Saigon. But the political motivation is exactly the same: fear of a terrible right-wing reaction in this country if all our suffering in Vietnam turns out too quickly to have been in vain.

Unhappily for the President, as he prepares to tell the country about the next phase of his policy, pressures of another kind are mounting. He must recognize that they are limiting his ability to assure what will follow an American withdrawal.

There is, first, the moral revulsion here at unending death and destruction in Indochina, discussed in a previous column. The patience of the American people, the willingness to play any part at all in the killing, is visibly shrinking.

The other fact if life is that Mr. Nixon's technique for gaining time, Vietnamization, is now seen to have limited possibilities. That is the lesson of the incursion into Laos.

Circumstantial reports after the Laos operation pictured those South Vietnamese units that actually engaged the enemy as demoralized. Even taking the official version as gospel, it is clear that the South Vietnamese were badly hurt despite the immense air support provided by the United States. Unless the President and his advisers have shielded themselves from reality altogether, therefore, they know that there is no foreseeable time when the Saigon forces can be expected to carry the whole military burden themselves.

The logical conclusion from all this would be to change our policy. It would be to recognize that the United States cannot determine the future in South Vietnam, given the moral and military limits on what we are prepared to do. It would be to adopt a single overriding objective of American policy: to get out.

That change of policy would be accomplished by the President setting a fixed date for withdrawal of all U.S. forces, air as well as ground. The mere announcement of a date would make the politicians in Saigon begin to adjust to the reality of the power balance in Indochina; it would point toward political settlement and an end to the fighting.

A commitment to total withdrawal should also open the way to negotiation with the enemy on the matters of particular human interest to Americans. The Communist delegations in Paris have indicated that there could be arrangements for withdrawal of American forces without further harassment and death if the commitment were made. And the chances for a negotiated release of the prisoners would also improve.

This entire view of how American policy could change depends on the judgment that this country has no security interest in Indochina worth what it is costing in lives there and national torment at home. The extraordinary public reaction to the Calley verdict suggests that most Americans have reached that judgment. But has Richard Nixon?

The President has a long history of fundamental belief in America's role as a bulwark against Communism everywhere—and specifically in Indochina. Moreover, because he failed to liquidate our involvement there when he took office two years ago, he now has on his conscience all those lives that make it difficult for any leader to change policy.

For those reasons it is quite possible that Mr. Nixon will resist the logic of the battlefield and of the American conscience. It is possible that he will continue to fudge the timing and nature of our withdrawal, offering Saigon the hope of continued reliance on U.S. air power. It is even possible, given his penchant for sudden displays of "strength" that the President will try to gain more military time by massive new bombing attacks on North Vietnam or some similar aggressive tactic.

In making the choice now, the President and his advisers have to recognize that they will have much to answer for in history. To use weapons of mass destruction in the belief that they will make a legitimate cause prevail is one thing. To use them when this country has no belief in the cause or in its prospect of prevailing—and in doing so to kill and wound and make homeless record numbers of Indochinese civilians—is no better than shooting infants at Mylai.

There is no partisan politics, as some Republicans have charged, in hoping that President Nixon will decide to end all American military involvement in Indochina. It was one of his most fervent supporters who said the other day that he prayed the President would resist those familiar voices from Saigon and listen to his country.

Calley's Trial: The Moral Question and Battlefield Laws

(By William Greider)

FT. BENNING, GA., April 3.—Americans have chosen some strange popular heroes in the last decade, but none of them was a convicted mass murderer.

This is the guy, remember, who was held responsible by a jury of his peers for "wasting" 22 lives. He picked up a baby, threw him into a ditch and shot him. He is the soldier who butt-stroked an old man in the face, then shot him at point-blank range and blew away the side of his head. Some hero.

But the public clamored for Lt. William L. Calley's release and, after thousands of telegrams, President Nixon responded. The President "personally felt" that Calley should not be confined in the stockade with the common criminals.

Lt. Calley spent three nights in jail and don't bet any big money that he will ever return to prison again. The pressure against that will be enormous.

The President's personal intervention puts the military judicial system on notice that, if any reviewing officer upholds Calley's conviction and sentence, he risks re-igniting the public anger—and directing more heat at their commander-in-chief.

For comparison's sake, an enlisted man here at Fort Benning was sentenced to five years in prison last year for pushing a warrant officer. The Air Force recently sent a colonel away for three years for smoking marijuana. Howard Levy, the doctor who refused to train soldiers bound for Vietnam, served two years for disobeying an order.

The point is not that Calley ought to spend the rest of his life in prison. On the contrary, his lawyers can make a strong argument that, in terms of criminal attitudes, Calley has already been rehabilitated by the ordeal of his long trial.

The question is: if the President and the nation reject the verdict of guilty, rendered by six combat veterans, what is left of the law which the Army attempted to uphold—the international convenant that, even in combat, soldiers do not shoot defenseless people who are captured and unarmed?

If that principle is undone by the public uproar over Calley's conviction, the Army is stuck with a different kind of problem: should it give up the battlefield discipline required by U.S. law and the Geneva Conventions? Should it open the doors at Ft. Leavenworth, Kan., and release all the other soldiers convicted of the same offense as Calley?

Contrary to popular belief, Calley is not the first American soldier prosecuted for killing people in middle of this war. There have been scores of men—soldiers and Marines—tried for the murder of Vietnamese captives in the midst of combat situations. Many of them are still in prison. The only difference is that, instead of 22 people, most of them killed only one or two.

Right now, there are 75 to 80 men serving time in Ft. Leavenworth on murder charges which originated in Vietnam. Some of their victims were fellow Americans, but most were Vietnamese. Some of them, just like Calley, still have their appeals pending. Still more are imprisoned at the Naval Prison in Portsmouth, N.H., where convicted Marines are sent.

They're sitting in prison unknown, while Lt. Calley is famous and confined to his quarters on post.

On the left, Senator George McGovern, certified anti-war spokesman, declares that Calley should not be held responsible because his crimes were part of a larger sickness, the strategic war crimes of U.S. involvement in Vietnam.

On the right, the legionnaires chant "war is hell" and, likewise, protest the verdict.

If you follow the logic of either position, Lt. Calley is, as his defense attorneys kept saying "a typical American youth who was fighting for his country." Or, the brutality of Mylai is not distinguishable from the general brutaility of war, especially this war.

Millions of Americans apparently believe that but six Army officers did not. They appreciated, after listening to the evidence for four months, that something different and obviously wrong happened at Mylai and Lt. Calley was to blame for part of it.

None of these questions—which need answers and which have undoubtedly influenced public opinion—were before this jury. They decided a much narrower point—that lumping Lt. Calley's actions together indiscriminately with other GI's is slanerous to thousands of men who did not shoot babies, who did not herd their prisoners into an irrigation ditch and execute them.

That is not to say that Calley is the only soldier who ever did that (the Army and Marines, by the cases they have prosesuted, admit that the battlefield crime is unusually linked to this war). That does not settle the accusations of greater war crimes committed by military or civilian leaders who designed U.S. strategy.

Convicting Calley does not absolve any generals for the devastation of village after village by aerial bombardment or poisoning the wells or burning huts and shooting livestock "just for sport," as one Charlie Company veteran put it. But letting Calley go does not bring any generals closers to prosecution either.

The lieutenant, after all, was not judged by a bunch of left-wing peaceniks or by elitist West Pointers looking down their noses at an OCS graduate who never finished college. Most of the jurors never finished college either. They too have been shot at in battle, wounded, decorated for bravery. Five of them served longer in Vietnam than Calley.

They were not asked to determine if other Mylai's ever happened elsewhere in the war, though perhaps they have a smaller scale. They were not supposed to decide whether Calley's superiors—the company commander or the division commander—should also stand trial. They did not attempt to analyze the grand strategy of U.S. military involvement in Vietnam and decide whether war crimes are involved in the pattern bombing, the defoliation, the napalm, the use of "free fire zones" and "body counts."

The idea of assuming collective national guilt for Mylai—a notion which may be satisfying to people who opposed the war anyway—does not settle anything. When you say we are all guilty for Mylai, that has truth in it, but it is also another way of saying no one is guilty.

The six jurors, again, operating in the narrower context, said simply that infantry officers, who have some discretion in whom they kill, cannot kill their prisoners.

A TV interviewer asked Maj. Harvey G. Brown if the verdict wasn't a little harsh, considering all of the circumstances at Mylai, the fear of combat, the threat of booby traps, the Viet Cong's guerrilla tricks with women and children. Brown agreed that it was, but reminded him of what Lt. Calley did with the people in the ditch. "That was pretty harsh, too," the major said.

The cynics thought the Army was staging a charade all along and would be happy with an acquittal so it could be done forever with the Mylai scandal. Nearly everyone was surprised by the severity of the jury's finding—premeditated murder. Contrary to initial reports, it is now understood that one and possibly two of the jurors voted for a lesser offense, such as unpremeditated murder, though there was no dissent among them on the question of Calley's guilt.

What the critics cannot explain very well is why these men who were in the war themselves seem, in the end, less compassionate than the fireside war critics who cry "scapegoat." The answer may be that these men—while well aware that war is hell—know also than there is killing and then there is killing.

The issue of legal and illegal killing gets terribly confused. Vietnam veterans, who feel great sympathy for the lieutenant, like to point out that they killed people too so they can see themselves in Calley's shoes. The next time you hear that from an ex-GI, ask him if he herded people together, unarmed and unresisting, put them in a ditch, then stood over them and fired. If he says no, he is typical. Most infantry men in Vietnam barely saw who they were shooting at, much less who they killed. If he says yes, you're talking to a murderer.

"People are saying that Mylai's happen in every war," Brown said. "Maybe so. That wasn't the issue in the Calley case. The issue is whether Mylai's are right or wrong."

Well, why is it wrong? Why is it wrong for infantrymen to kill all those people, suspected Viet Cong collaborators, when B-52's might just as well wipe them out with blanket bombing?

One answer is that human life is precious, that soldiers are meant to be merciful to the helpless if they can be. Even a soldier is not supposed to kill without provocation.

An infantryman, admittedly, has more discretion over that than a bombardier but the excesses of aerial bombardment should not be made into an excuse for cold-blooded murder on the ground.

That level of morality is too sentimentalized, apparently, for many Americans. They were, after all, Oriental babies, perhaps even communist babies (though they were not wired with booby traps as one witness suggested imaginatively).

If you put aside the moral issue, soldiers still have a practical reason for observing the laws of the battlefield. A senior Army officer at Ft. Benning stated it succinctly: "You can have any standard you want for the conduct of warfare, but you better be prepared to get what you give."

If America adopts as a customary standard—barbaric as it is—the rule that it's permissible to shoot prisoners, then America should be prepared to accept the results of that standard. The link between the Mylai victims and the American POW's held in Hanoi is real and important—they are protected by the same rules. It is a great national hypocrisy to rally outrage on the POW issue, then pat Calley on the back for what he did to the prisoners of Mylai.

Actually, there were a few genuine heroes involved in that operation. One of them was Lt. Hugh Thompson, the helicopter pilot who couldn't understand why the troops were lining up people and shooting them. He intervened and saved some lives and that took courage.

Jim Dursi, just a rifleman, was a hero too. Lt. Calley, his platoon leader, offered him a turn at the irrigation ditch shooting people, but Dursi refused. That took some courage for him and the others who wouldn't kill.

In a different way, there were men like the brilliant young prosecutor, Capt. Aubrey M. Daniel III, people in uniform who helped the Army, in its own clumsy way, to try as an institution to make a point of honor. Despite all of the imperfections, despite all of the other culprits who got away, the Army did make its point, when it easily might have ducked it. Though the President blurred it, the lesson still is tormenting the nation's conscience, stirring new painful questions about war and national responsibility.

If Lt. Calley had been acquitted or given a light sentence, any uproar would have been mild and temporary. No one knew that better than the six jurors, the men who are now suffering from the anger which grows out of the national disgrace.

Maj. Brown, the most outspoken of the jurors, got a death threat. Col. Clifford H. Ford, the court-martial president, took the nameplate off his front door to avoid further harassment. So did the prosecutor.

The sick and sorrowful joke circulating around Ft. Benning is that the people sprung Calley—now they're going to lock up the jury.

ADDRESS BY CONGRESSWOMAN SULLIVAN AT 7TH ANNUAL THRIFT AND HOUSING FORUM OF GEORGETOWN UNIVERSITY

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mrs. SULLIVAN. Mr. Speaker, over the weekend, Georgetown University held its seventh annual thrift and housing forum, sponsored by the school of business administration and the school for summer and continuing education. Speakers representing the Federal Reserve Board, the Federal Home Loan Bank Board, the Department of Housing and Urban Development, and the Federal Home Loan Mortgage Corporation joined with outstanding University faculty members and leaders of the thrift industry in discussing "changing patterns in thrift and housing."

It was my privilege and pleasure to be invited by the Reverend R. J. Henle, S.J., president of Georgetown University, to address the guests at the Forum at the opening event, a dinner on Friday night. The subject of my remarks was "patterns change—but the problem remains."

As ranking majority member of the Subcommittee on Housing of the House Committee on Banking and Currency, I feel very strongly that unless and until we solve the problem of making our inner cities habitable environments once again, our efforts to provide adequate housing at reasonable cost will never succeed.

NOT JUST A MATTER OF BRICKS AND MORTAR AND CEMENT

In other words, Mr. Speaker, the major housing problem now is not merely one of bricks and mortar and cement—it is the ability of people to live safely in their home neighborhoods. That is the requisite for making the housing in those neighborhoods into acceptable and pleasant homes.

Under unanimous consent, Mr. Speaker, I include in the CONGRESSIONAL RECORD as part of my remarks, the address I made Friday on this subject, as follows:

PATTERNS CHANGE—BUT THE PROBLEM REMAINS

(Address by Congresswoman LEONOR K. SULLIVAN, Democrat, of St. Louis, Mo., ranking member, Subcommittee on Housing, House Committee on Banking and Currency, at opening session of seventh annual Georgetown University Thrift and Housing Forum, Friday night, April 2, 1971, at New South Building, main campus)

Ever since Father Henle left St. Louis University to become president of Georgetown, I have regarded this distinguished Jesuit scholar and educator as still being one of my constituents, and the venerable institution which he heads in our Nation's Capital as a logical extension of my constituency. Thus, I can usually be persuaded without much difficulty to come here and participate in some of the many outstanding events sponsored by Georgetown University in expanding and improving the economic and cultural life of our nation.

Father Henle's invitation to participate in this Seventh Annual Thrift and Housing

Forum was particularly appealing to me because it provides an opportunity to challenge old solutions to a chronic problem in our society—solutions which may have worked well at some stages of our national development but are not operating successfully now—and to point the way to new avenues of thinking and doing in pursuit of decent homes for all of our 200 million people.

As the theme of this Forum indicates, the patterns of thrift and of housing are indeed changing. Nevertheless, the problems remain. They will not be solved by the whereas clauses of resolutions, but they *can* be solved by *resolution*—by a determined drive of private enterprise and public leadership joined together in a practical partnership in which the profit motive is neither despised and ignored, on the one hand, nor made paramount and exclusive on the other.

NEITHER GOVERNMENT NOR INDUSTRY CAN DO JOB ALONE

There are those who feel, and vigorously maintain, that the housing problems of the American people can be solved with a twist of the magic faucet of Treasury financing—open the spigot of Federal dollars and everything will be solved.

If this were a valid concept, then our public housing projects would all be garden spots of joy and comfort and tranquility, and every family which could not afford decent housing would nevertheless be living nicely and happily in all of the metropolitan areas of the country.

Then there are those who feel, and just as vigorously maintain, that private enterprise, if unfettered and left alone to put the profit motive to work on this problem, could solve the housing shortage overnight.

If *that* were a workable solution, the problem never would have arisen in the first place, and certainly would not have grown to present proportions in an economy approaching the trillion dollar a year level.

A combination of industrial innovation, private investment, government leadership, and public funds *can* do what public money or private initiative cannot do alone. Certainly this is not an untried theory. In 35 years, we have reversed the pattern of American housing from largely a landlord-tenant economy to one in which the great majority of families own, or are buying, their own homes.

Furthermore, in that period of 35 years, we have progressed from a nation in which one-third of our families were ill-housed to one in which perhaps only one-twelfth live in substandard homes. By most yardsticks, this would be considered remarkable progress in less than two generations.

But is it remarkable enough? I think the fact that we are here at this Forum looking for new answers in the changing patterns of our housing economy, and the fact that endless hours of every Congressional session in recent years have been devoted to housing legislation and home financing problems, establish clearly that none of us is satisfied with the degree of progress we have achieved, no matter how remarkable it might appear to have been in mathematical terms.

DEPRESSION ERA PROGRAMS WORKED—FOR THEM

Lest we condemn unfairly those who invented the Home Owners Loan Corporation, the Federal Housing Administration, the Federal Home Loan Bank System, the Federal Savings and Loan Insurance Corporation, the United States Public Housing Authority, the Greenbelts, and all of the other new housing programs of a Depression-ridden nation 35 or more years ago, I think we must acknowledge that what they did was imaginative and tremendously effective. Those programs all accomplished miracles of their time.

When World War II came along, we found that we could instantly create good livable housing for thousands upon thousands of families near the new jobs which urgently had to be manned as part of our defense effort. Following the war, this defense housing still continued to fill a need: some of the projects were turned into cooperatives for the families which had occupied them during the war and had come to like the life style they provided; others were converted into public housing for the poor. The suburbs, meanwhile, bloomed with new single-family developments as the GI bill provided an incentive for millions of returning servicemen and women to buy homes in pleasant neighborhoods where their kids could enjoy the outdoors and good new schools and a rising tide of affluence.

But that was when our cities began the plunge into poverty. Then, in 1949, the Housing and Urban Development Act pointed the way to rejuvenation of run-down commercial areas and slums in our cities into magnificent high-rise apartment houses, parks, playgrounds, malls and open plazas, civic centers, parking garages and office buildings. And so, of course, all of our urban housing problems were quickly solved.

Except that they weren't.

THE SCOPE OF THE PROBLEM NOW

Everything we worked for and thought we had accomplished in those exciting days of change is now coming apart at the seams. The cities are in worse shape financially than at any time in their history—they are literally on the verge of bankruptcy. The suburban areas, which so recently bloomed, are now fading into embattled enclaves of inadequate sewers, crowded schools, tax troubles, and traffic nightmares. The poor are huddled masses of inner city despair, yearning to breathe free. The housing industry has just gone through another suffocating period of tight money. The thrift industry has suddenly found itself surfeited with funds which cannot immediately be placed out on loan at high enough yields to meet the interest rates it has committed itself to pay to its savers. Unemployment has reached out to the skilled, the talented, the educated, over-extended suburbanite, and has caused a surge of foreclosures. Public housing is a vandal-ridden jungle of frightened people. And we in the Subcommittee on Housing of the House Committee on Banking and Currency—the Subcommittee which pioneered college housing, and housing for the elderly, and mass transit, and Model Cities and subsidized home ownership and New Cities legislation—are fresh out of instant solutions, and are, for the first time in the 16 year history of that Subcommittee's existence, undertaking now an overall investigation into the basic fundamentals of *how* we get housing and *what to do* to get more.

So I welcome you tonight to Dilemma, a state of mind in the housing field compounded partly of disillusionment, partly of uncertainty, partly of doubt, partly of desperation.

It isn't that we don't know how to build good homes in vast quantities—we have done it. Nor is it a case of lacking funds to provide decent homes for all of our people. This nation can afford anything it is determined to have. The situation is far from hopeless. But the relatively easy answers of yesterday, which brought about a revolution in middle class housing in America, aren't working for the low-income family, and the bright promise of tomorrow is still on the drawing boards of government agencies and private enterprise, waiting to be born.

SOME ANSWERS—BUT NOT ENOUGH

Each of the speakers at this Forum will have some good things to say about whatever phase of the housing industry his group or organization is responsible for administering. The savings and loan industry, as I said, is loaded with lendable funds and is anxious to lend them out to those who build and those who buy new housing, or to rehabilitate older housing. The construction industry can point to some promising new techniques in off-site fabrication. The Government will undoubtedly, through its spokesmen here, cheer us on with descriptions of Operation Breakthrough on prefabs, the newly enacted secondary mortgage market for conventional loans, the modest subsidy program also enacted last year to reduce mortgage payments for some families by $20 a month for five years, and the progress on model cities, urban renewal, mobile homes and subsidized home ownership. But the *lower* low income family will still be heard asking—perhaps plaintively, perhaps belligerently—"when do you get around to us?"

And the answer to that plea has to be—regrettably, it has to be—"not very quickly" or "not yet"—or "soon, perhaps—maybe."

The answer has to be a put-off, that is, because the housing problem no longer is just one of bricks and mortar and cement and financing which characterized so much of our housing effort of the past 35 years; at this point, it is also a problem of social engineering (a deplorable term for a necessary next step).

BIGGEST AREA OF NEED IS FOR THOSE WHO HAVE NEVER HAD GOOD HOUSING

Except for the elderly, the handicapped, and the recently unemployed, whose incomes have been sharply reduced by causes or factors beyond their control, the biggest area of housing need now is for those who have never been properly housed. In good times or bad, these families, and their parents and grandparents, had *never known* what we regard as adequate housing. Many of them used to be hidden from view in backcountry shacks and cabins, where they scratched for survival. Now they live in our cities, and their needs cry out to us for humane solutions, while the solutions we devise often collapse in false assumptions that all we have to provide is a warm, clean, sound dwelling.

This is, admittedly, an oversimplification on my part; not all of our lower income families clustered in slums and deprivation are recent rural in-migrants; many go back several generations in our urban areas. But as the public housing experience has demonstrated to us, not all people who are poor are endowed by nature and disposition with nobility, thoughtfulness, self reliance, neighborliness, intelligence, cooperation, love for humanity, or lots of other virtues the story books used to find inherent in poverty.

Some of them, frankly, just aren't nice people. As long as they lived off by themselves, hidden from us, we paid no attention to how they lived or even *whether* they lived. In the cities, however, we feel impelled to make them less offensive to our sensitivities by placing them in public housing and *then* forgetting them. *Enough* such families have turned public housing into a jungle of inhumanity and crime and destructiveness.

THE AGGRESSIONS OF THE UNDISCIPLINED AND BRUTISH

The decent families in public housing—by far the majority—have despaired of seeing any effective discipline, even despair of their physical safety, and can not wait to move anywhere—even back to the slums—rather than subject themselves and their children to the aggressions of the undisciplined and brutish few among their neighbors who have been destroying their environment.

If there were an epidemic of disease raging through our central cities, the entire country would be galvanized into a vast effort to eradicate the germs and prevent a spread of the infection to everyone else. Fear of our own personal danger would force us to act. If it was diphtheria or plague or cholera or malaria or any of the other diseases which we know medical science can conquer, we would act quickly with compulsory inoculations and with a crash program to clean up the sources of the infection.

But when an elderly woman has to barricade herself in her apartment or room at dusk for fear of being robbed of whatever few dollars she carries in her purse, or of being beaten or killed, we don't see it and we aren't aware of it except through an occasional obituary in the newspapers.

When the children in a slum area are brutalized, we seldom know about it. When dope addiction, or alcohol, or the inherent drive to "be a big shot" makes criminals out of whole gangs of neighborhood youths, it's usually not in *our* neighborhoods; although we do get some extra locks on our doors and windows and perhaps install an electronic system to protect our own safety.

"UPGRADING" OF NEIGHBORHOODS NOT ENOUGH

Frankly, short of abandoning our central cities entirely—just picking up and leaving, and letting them to the rats and the termites and the weather and the vandals and squatters, we aren't going to solve our inner city housing problems without doing something about the breakdown in morality which makes every central city area a combat war zone.

The fear which is rampant in our inner cities makes all discussions of housing improvement there academic. The savings institutions hesitate to invest any of their loan portfolios in such property—no matter how well intentioned or motivated the prospective buyer-owner may be—because the investment truly is risky. Drive through some of the neighborhoods in Washington of well-built, individual homes and your heart cries out for the conscientious families trying to maintain their properties amid a sea of garbage and litter and broken fences and trampled lawns and broken bottles. A vacant house whose quickly broken windows are replaced with boards nevertheless often displays evidence of forced entry and sometimes fire damage. While the sociologists deplore the flight of supermarkets from these areas, the neighborhood food stores which do manage to survive are battered fortresses in which the pilferage losses probably exceed the profits.

None of these problems will be solved merely by "upgrading" the appearance of the neighborhood. And there can't possibly be enough police to patrol every alley every minute of the day and night.

THE RIGHT OF THE INDIVIDUAL TO BE SAFE

This is the environment in which millions of Americans live, most of them seeking some way to escape. Yet we are talking about the areas of our cities which *could* be an almost unlimited source of additional good housing, if only we could protect the rights of the individual to live safe from physical harm and safe from vandal abuse of his property.

In frontier days, the neighbors armed themselves and banded together to protect themselves and each other from marauders. This is not a practical solution in our cities. We must, instead, depend upon the police, and the police must depend upon the complete cooperation of the residents to identify the marauders and to help in prosecuting them. This is easy for us to say, but it takes real courage from those who would have to assume this hazardous burden. This is where the social engineering I spoke of has to be tried—particularly in the housing projects, but also in any crime-ridden neighborhood. The poor—most of all the poor, who are the main victims of crime—can not afford the luxury of not being "involved" with the law.

WHAT A FAMILY MUST LEARN TO DO FOR ITSELF

If we can solve the crime problems in our cities—and that's a mighty big "if", I know—then I feel we can more confidently proceed to the rehabilitation of more urban houssing and then teaching families that never had good housing before how to take care of what they have—to call a plumber before the leaking bathroom equipment rots the floor and brings down the plaster in the living room ceiling; to protect the pipes from freezing; to repair the back steps before they collapse; to get a leaking roof patched quickly; to make sure the kitchen range is attached to the flue; to drain the sediment from the hot water heater; to watch for evidence of frayed wiring; to avoid overloading the electrical circuits; to exercise reasonable care and prevent little problems from growing into major ones which threaten the structure itself. We can't assume that everyone who lives in a home already *knows* these things.

And then we have to do something to require honest dealing by unscrupulous home-improvement contractors and others who now prey on the poor, the fast-talking freezer plan salesmen, the roofing and siding racketeers, the gyp credit outfits. Under the Truth in Lending Act, I am happy to say, certain safeguards are now written into the Federal law to protect the unwary from some of these people, but the law still places the obligation on the home owners or householders to *know* what they are signing, and this is going to take a tremendous educational effort. We have found in the National Commission on Consumer Finance which was created in 1968 in Title IV of the Consumer Credit Protection Act, that most residents of low-income areas, and blacks as a group, have very little understanding of the *concept* of annual percentage rates of finance charges even when the information on such rates is fully disclosed, as now required under the law.

PROBLEMS OF THE 92 PERCENT—AND OF THE REMAINING 8 PERCENT

A Forum such as this can bring greater understanding to those in the thrift industry of the new programs of government and the developments in the private sector to make mortgage money more readily available for the average family in acquiring a home, but our *greatest* problem today is *not* with the average family's home needs.

True, interest rates are still high, construction costs are very high, land costs are high and rising, closing costs are burdensome, local taxes are going up, zoning laws and building codes are often outdated, sewers in the suburbs are inadequate for further developments, pollution is growing worse—all of these are problems for the 92% of the American population which has reasonable access to better housing.

The remaining 8% however, are our biggest challenge right now, for they need the *most* and have the *least*, and are the most difficult to help. Yet, if we don't put our brains to work solving their *crisis*, every major city in the country is doomed.

How do we address ourselves to *that* problem?

PHARMACEUTICAL FRATERNITY SUPPORTS OUTPATIENT PRESCRIPTION DRUG COVERAGE UNDER MEDICARE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. OBEY. Mr. Speaker, there is further support for the bill (H.R. 2355) to provide outpatient prescription drug coverage under medicare—that 85 Members have now joined me in sponsoring.

At it Bal Harbour, Fla., meeting last month, the AFL–CIO executive council announced that prescription drug coverage under medicare is one of the goals of labor's social security program.

And now Mitchell M. Ross, chairman of legislative affairs for Alpha Zeta Omega, one of the professional fraternities of pharmacy, writes that his fraternity supports this legislation.

The text of the letter from Mr. Ross follows:

ALPHA ZETA OMEGA,
South Norwalk, Conn., March 26, 1971.

Representative DAVID OBEY,
Longworth Office Building,
Washington, D.C.

DEAR MR. OBEY: At a recent meeting of Alpha Zeta Omega where representatives of our 40 chapters and 10,000 members met, we discussed your bill amending the Social Security Act to provide for coverage of prescription drugs. We want to, at this time, express our support for such legislation as an improvement in health care for the public and as such certainly to the advantage of pharmacy as well.

Thank you for your cooperation.

Sincerely yours,
MITCHELL M. ROSS,
Chairman, Legislative Affairs.

EMERGENCY DEPARTMENTS AND THE NONEMERGENCY DELUGE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. HOGAN. Mr. Speaker, I wish to call to the attention of my colleagues an article which appeared in the December 25 issue of Medical World News concerning the use of emergency room facilities in hospitals. At a time when the Congress is considering a national health plan and several related items, it becomes evident, as presented in this article, that emergency service in our hospitals is in desperate need of attention.

Two years ago I called to the attention of the House a series of editorials broadcast by radio station WWDC about the crisis facing hospital emergency rooms in the metropolitan area. Hospitals must charge every patient—in-patient or outpatient—a share of the capital costs of its emergency room facilities. Emergency room service is undoubtedly the most expensive way to give medical care.

Many people do not practice good health habits and do not see a doctor or even attempt to see one when they think something might be wrong with them. As a result, they wait until the middle of the night when the situation has become aggravated and then have almost no place to turn except the emergency room. Recognizing that there is a shortage of physicians, nevertheless better public education of what constitutes good health would help the problem, too.

In 1969 when I introduced the proposal to establish an ambulance corps for the District of Columbia, I underscored some of the problems with the emergency service as a result of a mock disorder drill in which I participated.

It is evident that while most emergency rooms can reasonably handle disorders and large-scale emergencies by mustering the available resources, the routine nonemergency overtaxes the facility resulting in a decrease in service and an increase in costs.

The recent resignation by 15 of the 32 emergency room doctors at District of Columbia General again focuses attention on the problem.

The time has come when the Congress needs to give serious consideration to the problems of emergency medical service. Mr. Speaker, I insert an article which appeared in the December 25 issue of Medical World News together with the article which appeared in the March 27 issue of the Washington Post by Mr. Carl Bernstein.

[From the Medical World News, Dec. 25, 1970]

Emergency Departments and the Nonemergency Deluge

Patients who walk into the emergency department of Cook County Hospital in Chicago must pass a large statue of a mother comforting her children and protecting them from unseen dangers.

That are nouveau reminder of the hospital's palmier days is a bit of grandeur largely missing inside the old institution now. But the image of protection and aid the statue symbolically offers is taken quite seriously by those who see it. Last year, 214,000 people used the adult emergency department (psychiatric and pediatric cases are seen separately, for a total of 327,000 in 1969).

Most cases could have been handled in the office of a good general practitioner. But Cook County serves an 85% black population drawn from the sprawling South Side ghetto which begins on its doorstep and contains few GPs or any other kind of doctor. So people turn to the ED as their only source of medical care. As a result, the emergency department is swamped with walk-in patients, only a few true emergencies, making it more difficult every year to staff, equip, and pay its steep costs of operation.

"We take care of everyone who comes in the door," says Dr. Jeb Boswell, the energetic director of the adult admitting department at Cook County, the man in charge of its emergency department. "Our biggest problem is too many patients. Emergency patients are mixed in with people who need office care. Only 10% of the people who walk in here are as sick as the horizontals who come in on stretchers. How can you turn them away? How many private practitioners are in the community? There aren't even any drugstores. There are square miles of this city that are devoid of everything."

Two thousand miles to the west, Dr. Ann Elconin also finds this use of the ED as a physician's office a great problem. "About 10% of our patients are true emergencies," says the tall, attractive director of the emergency department at Los Angeles County General Hospital, which handles 250,000 adult patients a year. "The rest are those with recent-onset symptoms that are worrisome to them. Ten years ago, the average patient did not expect 24-hour care for a rash. But the culture is changing and the average patient expects more. You can go to the laundromat 24 hours a day, so why not the emergency department?"

Charity Hospital in New Orleans claims to be the oldest hospital in the country, having been caring for the poor sick continuously since 1736. Last year it served 812,000 ambulatory patients, of whom 485,000 had outpatient appointments, the others having walked or been carried in. This year's volume is running higher. The hospital is state-operated and its young director, Dr. Charles Mary, is seeking funds for expansion: "Our space is totally inadequate and our manpower is pushed to capacity." Experienced receptionist-clerks in the ED sort patients into acute and nonacute groups. "They do pretty well," says Dr. Mary, "but if a nonacute patient gets over to the acute side, we'll treat him there."

Figures at Cook County, L.A. County, and Charity are higher than many emergency departments because of the largely indigent population served (and Charity has 35% of all the beds in New Orleans). But private hospitals in more affluent areas of the country report a similar problem. Only the reasons are different. Middle-class persons in San Diego, Phoenix, Fort Dodge, and countless other places turn to EDs because they have no regular family doctor or could not get him to help at night or on weekends, when most emergencies seem to occur.

Whatever the source of its patients and their reasons for coming, emergency departments have had a vastly increased work load in recent years, significantly altering the old image as the hospital's back door where maimed and bleeding victims of traffic accidents were brought for immediate attention. This kind of patient still comes, but he must now vie for attention with less seriously ill walk-in cases. In fact, the ED is so crowded today that the true emergency patient is often immediately covered with a red blanket or another special designation so he won't be completely lost in the shuffle.

The emergency department ("room" is no longer favored because the care has expanded so much) is now the point of entry to the health care system for greater numbers of people each year. The increasing availability of Medicare and private insurance plans may have encouraged the switch, but the main impetus has been failures elsewhere in the system—lack of doctors and clinics, for example. People who get sick today often have only one place to turn: They become outpatients in an emergency department. And in many hospitals throughout the country, these departments are sagging under the demand.

"For decades the 'emergency' facilities of most hospitals have consisted only of 'accident rooms,' poorly equipped, inadequately manned, and ordinarily used for limited numbers of seriously ill persons or charity victims of disease or injury," says the Division of Medical Sciences of the National Academy of Sciences in a 1966 report on the problem. "Very few hospitals have met the needs imposed since World War II for the vast expansion of facilities, equipment, and personnel demanded by society, poor and rich, for routine off-hour treatment of nonemergency conditions and of the steadily increasing numbers of accident injuries. Society now looks to the hospital emergency department as a community center for outpatient care. More than two-thirds of the 40 million 'emergency room' visits in 1966 cannot be classified as emergencies."

Adds Dr. Joseph K. Owen, a Public Health Service consultant on loan to the American College of Surgeons Committee on Trauma: "So many people don't have a doctor, they use hospital emergency rooms as their physician—not only people who travel but migrating population. When people get to a town they don't think of getting a physician until an emergency develops."

A long-time expert on emergency service agrees. "The accident room became the emergency room, where patients with colds, headaches, fever, pain, or fright appeared rather than in a doctor's office," Dr. Robert H. Kennedy, a New York surgeon, told the Rochester Forum on Emergency Health Services. "Gradually, the wealthy began to appear here when they could not get their own doctors immediately and the charity character of the emergency room disappeared."

An NAS estimate put emergency department visits in 1970 at 49.3 million out of an estimated 129 million hospital outpatient visits, twice the 1960 figure. In New York state alone, ED visits have gone up 120% in the past ten years.

The 1966 study by the NAS medical sciences division pinpointed the financial burden: "Although over 90% of the more than 7,000 accredited hospitals in the U.S. list emergency rooms, most such services operate at a financial loss. In contrast to staff coverage of the 'accident room' by a hospital attendant and perhaps by an intern, minimal demands call for round-the-clock staffing by permanently assigned physicians and paramedical personnel trained in all aspects of the care of trauma. Wings need to be added to hospitals, highly specialized equipment is required, and additional personnel must be trained."

A 1965 emergency department utilization study of patients in 22 Michigan hospitals conducted by that state's Blue Cross indicated reasons for the increase: "The shortage of general practitioners and their desire for regular working hours, increasing reluctance of many physicians to make house calls, and the increasing number of people without a family physician." Also cited were the convenience of hospitals, encouragement by insurance and prepayment plans for patients to use hospitals, and the fact that most people no longer think of the outpatient department as a place where medically indigent persons go to get free care.

The specific survey findings support these conclusions: 43% of all patients attempted to call a physician before going to a hospital, 35% actually contacted a physician, 23% did not call a physician but went to the hospital because they believed their physician was not available at the time care was needed. After arriving, 23% were treated in the ED by their own physician; in 19% of cases, the physician instructed the patient to meet him at the ED, 31% of all visits occurred on Saturdays and Sundays, an additional 40% between 4 p.m. and 8 a.m. weekdays. Only 8% reported they had no family doctor, and less than 1% mentioned insurance or prepayment coverage as their reason for choosing the emergency room.

Among the results cited by the study: "Delays in caring for patients become longer and complaints more frequent. Attending physicians and other hospital staff often respond to the increased case load by becoming less sympathetic with patients having minor illnesses."

"Fifteen years ago, the emergency room was the back door of the hospital, a hell of a place," says Dr. Spencer T. Snedecor, a New Jersey surgeon long active in the improvement of emergency care. "Now, it is a new method of medical care for the people of this country, a general practice headquarters for communities at night and on weekends. The emergency is what the patient feels. If mother thinks little Suzy swallowed something harmful, it's an emergency."

County hospitals are often the destination when little Suzy's mother and countless others decide that a medical condition is an emergency. Partly, this is because the whole reason for county hospitals' existence is to give help to anyone who needs it regardless of ability to pay.

But private hospitals are troubled by the deluge, too. While they see fewer patients, the demands placed upon them and their already-thin operating budgets has increased.

At Allegheny General Hospital in Pittsburgh, for example, the annual patient load in the ED has grown from 12,000 in 1954 to 42,000 in 1969. At Alexandria Hospital in Alexandria, Va., the number of patients has increased from 18,000 a year in 1961 to 45,000 patients last year.

"Handling those patients who are not truly emergencies creates a public relations problem for us," says Dean M. Crowder, executive director of the Donald N. Sharp Memorial Community Hospital, a voluntary nonprofit hospital in San Diego. "They have to wait while the more seriously injured go ahead of them because we establish priorities. But every patient should be examined if that patient thinks he should be there." Sharp Memorial breaks even on its emergency department, which handles about 9,600 patients annually.

Good Samaritan Hospital in Phoenix has the same difficulty, but solves it by letting the non-emergency patients know that they are getting a different priority than the emergency ones. "We don't discourage their coming, but we try to make the non-emergency patient realize that he's getting another priority than a coronary patient," explains Harry Long, director of the outpatient department. Even with a $15 average fee, however, Good Samaritan breaks even in its emergency department.

Rural hospitals aren't escaping either. Even though it isn't swamped with emergency patients, Bethesda General, a community hospital in Fort Dodge, Iowa, lost $12,000 last year on its facility, which treated 2,500 people, not all of them true emergencies.

The problem at Bethesda is that the ED has to be kept open to serve all comers, no matter what their symptoms. "There is not really anything we can do to offset their loss," says James A. Anderson, administrator. "It is part of the standby posture of the hospital and we have to wait for someone to show up. The emergency department sometimes sits for hours but you still have to heat and cool it and scrub it."

But county hospitals still bear the brunt of this walk-in crunch and a closer examination of how some of the biggest are responding may provide lessons for private hospitals, whose emergency departments' case loads will undoubtedly get worse.

"A quiet night for us would be a disaster for most hospitals," said Cook County's Dr. Boswell as he glanced quickly around the main waiting room of the emergency department on a recent Tuesday night that he explained was quiet. About 500 patients come through the main doors of the hospital daily; 236 people had been seen on the 7 a.m. to 3 p.m. shift but the night was quieter.

About 100 people sat on wooden benches around the main admitting desk and in two adjacent rooms to the rear. Main admission to the hospital is through the emergency department, so everyone comes in this way unless they are brought by ambulance or private car to the back door.

First stop is the desk where two clerks get preliminary information and a brief idea of what the patient thinks is wrong with him. They are trained to spot critical situations and speed them quickly to a physician.

The others must wait, men separated from women in two adjacent rooms where the wooden benches face wall-mounted television sets. The wait may vary from ten minutes to several hours. Dr. Boswell keeps trying to reduce the time and has the nurses keep a running tabulation as a reminder to everyone to lower his rate. On this day, the waiting periods ran as long as 5½ hours.

People who are not critically ill are seen by one of the 17 physicians on duty throughout the three shifts of the day; more or less in the order of their arrival, except that a senior resident, acting as triage officer, reviews the information sheets of people waiting in order to take care of the less-serious patients and get them out quickly. "They can separate those who need only an x-ray or a prescription and send them home without a long wait," says Dr. Boswell.

After being seen by a doctor, a patient is either admitted to the hospital, sent to surgery, put under observation for 24 hours in one of the emergency department wards, or treated and sent home, perhaps with a later outpatient clinic appointment.

A recent survey conducted by the Chicago Hospital Council revealed that 27% of adult emergency department visits in 1968 resulted in admission, 10% were treated in the surgical dispensary, and 63% were referred to the outpatient department or were treated and sent home. A review of patient records for the week of June 3-9, 1969, and interviews with the same patients provide a glimpse of the kinds of people who use EDs and help illuminate the resultant problems.

Fifty-four per cent patients were seen during the day shift (Monday had the highest number), 55% were female, and 89% were nonwhite, with 37% between the ages of 19 and 39. Only 28% had completed high school. Only 41% were employed, but 31% had family incomes of over $5,000. Median family income was $2,692 for white patients and $4,444 for nonwhites. Over half the patients reported not having any health insurance, while 20% were on welfare.

Only 24% of the patients had a family doctor, and 63% said they had used the Cook County emergency department before. Nearly half were unable to report a previous visit by a member of the family to a private physician in Chicago. Eighty per cent came straight to Cook County without attempting to secure medical assistance elsewhere, and about 25% came because they could not afford treatment elsewhere.

Seventy-nine per cent of patients arrived with conditions that were nontraumatic in origin; 19% revealed that they had been sick or injured from one to three days before checking in, and 18% had been ill three to seven days.

"This, of course, reflects the fact that Cook County Hospital patients are much more likely to come for nonemergent conditions, many of which were of a chronic or recurring nature," says the report, which concludes: "These figures confirm the major recurrent finding of this chapter—that the emergency department of Cook County Hospital serves primarily as a primary health care center for nonacute conditions of those patients who are without private physicians and generally feel themselves excluded from the private medical sector in Chicago."

The study points out, however, that the role played by Cook County Hospital in the emergency medical system is steadily declining—down from 265,000 annual adult visits in 1965, for example. And one of its main recommendations aims to reduce this further, encouraging all hospitals to treat "all medically indigent patients within their service areas as an alternative to referring to Cook County."

As he waits for other hospitals to start doing their share, Dr. Boswell must continue to deal with the real daily problems. And at present, one of the biggest is the "dumping" of patients by the other hospitals. "They will send an ambulance on, then call to say it's coming," he says. In at least one case in the past year, the patient was dead when the vehicle pulled up to the rear portal of the hospital.

Since taking over the ED two years ago, Dr. Boswell, a 38-year-old internist with an additional degree in bioengineering, has made a number of changes. He added the triage officer to speed patient flow, simplified the admission form, and expanded the time a social worker is on duty to 16 hours a day, seven days a week.

He has also instituted a rather controversial rule: Nurses in the ED have the power to admit patients over his signature. As in many hospital emergency departments, Cook County is staffed with residents and interns who rotate to the department from other areas of the hospital for two months at a time, destroying continuity of care.

"Nurses know an emergency," says Dr. Boswell. "Doctors have a vested interest. They come from other parts of the hospital and here for two months at the most. A nurse has more observations to make. She may not know all the physiology, but she knows the kind of patient where we've gotten in trouble. She may say, 'Doctor, we've got to help this man or he's going to die.' I'm only a physician. I have to rely on the nurses to keep me and the young doctors out of trouble."

Despite complaints from the residents, he has refused to change the new system. For financial reasons, he cannot go to a procedure using permanently assigned doctors, so he must use the residents.

The emergency department already runs at a deficit, but because its records are not kept separately from those of the hospital as a whole, the exact amount is not broken out. Even cursory arithmetic indicates the big gap between income and expenses: Emergency department services cost the hospital about $115 a day per patient, and those patients who can pay (or whose Medicare or state welfare coverage pay for them) are charged only $16 a day.

As a deficit operation, the department does not have enough money to hire emergency physicians. "This is a very demanding type of practice," he says. "A man has to be experienced across a broad range of diseases and be able to smell the rat and identify the patient who is sick and needs help." He worries constantly about the quality of care and reviews charts and hears complaints to rectify errors. "In many cases, like alcoholics and asthmatics, we don't have enough time," he says. "There is a minimum of psychiatry. We don't have continuity of care, preventive medicine, or an adequate lab setup."

Added to the financial and manpower problems is the general milieu of the Cook County emergency department, which can create confusion and disruption. Most patients sit quietly and wait their turn, their faces drained of the anguish that brought them to the emergency department. A few, however, cause disturbance.

A drunk is left to sit alone on a rolling cart while an attendant looks at a chart. In trying to get off he sits directly up and upends the cart, immediately crashing to the floor in a flurry of straps and sheets.

Nearby, a policeman and another drunk get into an argument and the policeman gets mad. The drunk is thrown out.

Drunks and prisoners plague the department as much as anything else. Recently, a doctor insisted that a man in leg irons have them removed before he worked on him in one of the emergency wards upstairs. Later, a policeman handcuffed the man to a wooden wheelchair and left him for a few moments. Once he was by himself, the prisoner smashed the wheelchair and escaped. It was hours before he was finally routed out of an obscure part of the hospital where he was hiding.

The next week, a man was admitted with a severe knife wound in his side. Soon after, a woman who said she was his wife ran in asking where he had been sent. No sooner had the desk clerk sent her after her husband than the police arrived in search of her. She was the one who had wounded him.

Drunks especially bother Dr. Boswell because they disrupt the regular routine and often berate the staff. Last month, he broke up a fight between two of them. "If you're well enough to fight, you don't need to be in here," he had yelled at them and thrown them both out. Later, an intern had asked him: "Know who that tall guy was? A professional boxer."

L.A. County's Dr. Elconin avoids Cook County's staffing problem because of the hospital's financial ability to hire 27 full-time staff physicians who work exclusively in the emergency department. The department is staffed by residents at night and on weekends, and no interns are used. This creates a doctor-patient ratio of one to 30.

New Orleans Charity has given up staffing with residents entirely. "The specialty boards felt that the work was not educational and was an imposition on their men," says Dr. Mary. "We hire GPs to work in the ambulatory area now. There are fewer patient complaints and we've got doctors doing the work who like to do it."

Dr. Elconin wants to bring residents from other departments to L.A. County's ED and have them go upstairs with patients who are admitted to the hospital. Now there are two separate staffs—for emergency and other departments. "If you bring a resident down here, he expects training, and teaching takes time. Now, there is too much chaos for that. We've got to move patients."

To this end, she has proposed the creation of a two-year residency in emergency care, in conjunction with the adjacent University of California School of Medicine. "The key to improving care is improving the physician," she says. "This program will lead to certification as an emergentoligist." She also wants to train ED physicians' assistants who are hospital-based (vs PAs under the Medex program who are office-based).

With the manpower problem somewhat under control, Dr. Elconin is plagued by the tendency of patients to come all at once. "That is the tragedy of the emergency department," she says, "the bunching of patients. You can't staff that way. We may stand around for hours and then four ambulances will roll in, each with four patients. This causes you to abuse some doctors and use other inefficiently."

And the patients must all be seen, regardless of how long it takes. "We could check them and let them go home," says Dr. Elconin, "but by the time you check them to see if they have pneumonia and not just a cold, you might as well treat them."

Upon their arrival, patients are routed to one of three areas. People who are acutely ill or badly injured when they arrive by ambulance or private vehicle at the rear of the hospital usually get "red blanket" priority and go directly to one of 40 private cubicles or one of 19 small operating rooms.

"Minimum trauma" patients are defined as those, in Dr. Elconin's words, "who have anything that needs to be sutured or casted and sent home without a general anesthetic." They are seen in one of the cubicles as quickly as possible.

The walk-in patients, mostly black or Chicano, come in the front of the building where they encounter a triage nurse who talks to them about their ailments and takes a case history. This is the key element to keeping a smooth flow of non-emergency patients.

The department has recently been expanded by increasing the number of cubicles and small operating rooms. A 50-bed observation unit was also added to enable patients whose diagnosis is uncertain, or who need a day to recover, to remain on the premises without being admitted to the hospital.

The average waiting time for patients is 45 minutes, with some delays reaching two or three hours. Dr. Elconin despairs over this, but admits that it cannot completely be avoided because of the rules of the hospital. "We're the only hospital that can't say we're full," she says. "Often, with overcrowding, a patient can't help but judge his medical care by what happens to him."

Lack of money is not a major problem, although the department operates at a loss. "We have all the basic tools to provide good care," she says. The hospital does not tally the ED deficit separately. The department costs $4 million annually and only 1% of patients can pay the full $18 walk-in fee, with 5% paying part of the fee.

Beyond the number of non-emergency patients, Dr. Elconin's greatest problems are two over which she has no control: clinical follow-up and the dumping of patients.

"After people are seen in the emergency department, it takes an average of three months to get an appointment for the regular oupatient clinic, six months for orthopedics," she says. "For example, a man comes in with a low back problem and we diagnose it and initiate treatment. But after he leaves there is no follow-up. That is lousy medical care no matter how you cut it." The outpatient clinic is not part of the emergency department.

Dumping of patients by other hospitals is perhaps more serious than at Cook County. "It is very, very big," she says. "Nobody wants to treat the overdose or the alcoholic because they're troublesome and a malpractice worry. Hospitals don't want to get involved because it's a time-consuming, thankless job. The family is usually so angry and so guilty."

The result is a horrifying example of all that is bad in emergency medical services today. Says Dr. Elconin: "It is not uncommon to have an ambulance arrive containing patient with the I.V.s still running or in the middle of a transfusion. They arrive without a note about what the illness is or what the other hospital has done. The only way you know where the patient came from is the name band on his arm. This is not a rare thing."

Across the continent, dumping is just as much of a problem at District of Columbia General in Washington. "It will always be a problem," says the medical director, Dr. R. H. Lowry. "It's our job to be the hospital of last resort. What really bothers me is that too often the patient is not stabilized before he is transferred. We've had them alive over there and dead when they get here. And of course from a training point of view, the resident hates to get a patient someone else has started."

Dr. Lowry has adopted several devices to lessen the burden of the 70% nonacute patients among his 100,000 ED visitors a year. Because about 4% of patients are not sick at all, but do have social problems that consume about 10% of ED time, he has a full-time social worker in the department. There are separate walk-in clinics for gynecologic, venereal-disease, and dental patients. The adjoining outpatient department and eight neighborhood health centers in Washington are also available for referrals.

Across town, the ED of George Washington University handles about 40,000 visitors a year, of whom only about 15% are "hard" emergencies. Yet every visitor is seen by a physician after triage by a former medic. Dr. Thomas E. Piemme keeps down waiting time by assigning one medical intern to do nothing but take care of the small matters that can be handled immediately.

Ambulatory care is treated as a unit at GW. If an ED patient has to come to the OP department for a follow-up visit, he sees there the same resident or intern who cared for him in the ED. If he needs longer-term care, it is provided by a health-care team consisting of a physician, two students, and a nurse, and the patient always sees that same team.

Dr. Piemme sees the overburdening of the ED largely as a reflection of the failure of outpatient departments. His average ED patient is a man between the ages of 24 and 28; his typical OP patient is a black woman of 64 who came from the South and is raising several grandchildren. "I'm going to lower that age or bust," he vows.

"I think the clinic idea for the welfare patient is bankrupt. It began in 1966 with Medicare, and it's going fast. We have to learn to provide people with good care and treat them with dignity, because as sure as green apples we're going to get national health insurance, and then there won't be any more medically indigent."

[From the Washington Post,
Mar. 27, 1971]

FIFTEEN OF 32 DOCTORS IN D.C. GENERAL EMERGENCY ROOM QUIT

(By Carl Bernstein)

At least 15 of the 32 resident physicians who regularly staff the D.C. General Hospital emergency room have resigned, resulting in "serious problems" of patient care, according to city officials.

As of 6:30 p.m. yesterday, the chief nurse of the emergency room described the shortage of doctors as acute, although the city's physicians were on duty at the time.

On Thrusday night, according to emergency room personnel, the only phsicians on duty were an intern and Dr. Romney H. Lowry, the hospital's acting medical director. Some patients reportedly waited more than 10 hours before being examined by a physician Thursday night and early Friday.

The resignations, caused by what residents maintain are inadequate wages and inferior medical and clerical services to patients, began in January.

During the past month, according to Dr. Lowry, 12 residents have resigned, bringing the total number of residents to "at least 15." More resignations are scheduled to take effect on April 3, by which time about 20 of the 32 emergency room residents will have resigned, according to the protesting doctors.

The effect of the resignations on emergency room services reached its peak this week, city officials and the residents agree.

Dr. Lowry, however, asserted yesterday that the patients thus far have been affected only "minimally," a judgment not shared by most emergency room personnel interviewed yesterday.

Dr. William J. Washington, director of the city government's hospital and medical care administration, said yesterday that the resignations "have caused serious problems in terms of staffing the emergency room."

"There have not been enough doctors to handle all patients on a rapid basis, particularly during the night hours," he asserted.

Although no patients have been denied care, Dr. Washington said, "I rather suspect that some people have left because they had to wait a long time."

Dr. Michael Davidson, a first-year resident whose resignation takes effect April 3, was one of several physicians who reported that many patients waited eight to 10 hours to see a physician on Thursday night and Friday morning.

From midnight to 8 a.m. yesterday, according to Davidson, one intern was the only physician scheduled to staff the emergency room. Dr. Lowry confirmed that he arrived shortly after 1 a.m. to help staff the emergency room.

"Usually we try to see infants right away," Dr. Davidson said. "Thursday night and Friday morning, it was four hours before a doctor could see them."

According to city and hospital officials, the bulk of emergency room staffing is done by the 32 residents, who work under contract for $5.40 hourly pay.

Although their individual letters of resignation have differed, most have listed the following general demands:

Wages of $10 an hour, the salary the residents say other hospitals pay for commensurate positions.

A requirement that all 130 of D.C. General's residents be assigned at some point in their residency to the emergency room.

A significant increase in the number of clerical personnel, nurses and supervisors assigned to the emergency room to reduce patients' waiting time.

According to Dr. Washington, all the demands are under consideration by the hospital's board of governors and "for the most part have been favorably received."

PACKARD WELCOMES HOUSE MOVEMENT TOWARD ENDING THE DRAFT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, when the Committee on Armed Services reported a selective service bill with pay raises comparing favorably to those recommended by the Gates commission, there was some speculation that these increases would be opposed because of the budgetary implications. Strong support for first-term hikes came from the Executive, however, as Deputy Secretary of Defense David Packard declared:

> If the Congress wants to move faster and will give us the money to move faster, I would see nothing wrong with this . . . This is something that is entirely appropriate.

Mr. Packard's remarks underscored the importance of raising pay in order that conscription not be used to impose a financial penalty on our men in uniform. It was extremely gratifying last week to note general agreement on this principle in the House, as Members of both parties, representing all points of view, joined in the overwhelming passage of the compensation portions of the draft bill.

I commend this item from the Air Force Times to your attention:

Packard Favors Speedup in Proposed Pay Raise

WASHINGTON.—While there were reports that the White House is unhappy over the prospect of Congress enacting its two-year pay raise proposals in a single law effective this year, Defense's number two official endorsed the action.

Deputy Assistant Secretary of Defense David Packard told a press conference last week, "We felt that it would be wise not to take the full step at this time and if the Congress wants to move faster and will give us the money to move faster, I would see nothing wrong with this.

"We need to increase R&D, and we're requesting a substantial increase this year for the simple reason that, if we have lower forces, we've simply got to do a better job and in getting the capability up."

The Defense Department proposal included raises for enlisted men and officers with fewer than two years of service and wanted to raise other pays, including quarters allowances next year.

The House committee passed, with some modification, both years' bills at once. Full House action and Senate passage is still needed.

Packard said Defense will have 125,000 fewer people in 1972 on its payroll (military and civilian) but "in terms of current dollars, it's going to cost us $20 billion more to support these forces in terms of personnel, operations and retired pay."

He said the most important factor in the $20 billion increase is military pay.

"Military pay has gone up 185 percent between 1964 and 1972, and it should go up. It's too low. This is something that is entirely appropriate."

Asked whether he believes the $3.7 billion retired pay budget should be shifted to the Veterans Administration, Packard said, "If we could get it out of our budget, we'd like to do it, but I don't have any thoughts one way or the other about whether it would be better no matter where it is."

A TRIBUTE TO POLICE OFFICER GLEN P. FISHER, KILLED IN THE PERFORMANCE OF HIS DUTIES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. BIAGGI. Mr. Speaker, whenever I learn that a police officer has given his life in the performance of his duties, no matter where it occurs, I can't help but feel that I, too, have suffered a deep and personal loss. In my own past experience in law enforcement, these tragedies befell police officers with whom I worked all too often. Having lost my share of close friends to assassins, I'm haunted again and again with these disturbing memories whenever another policeman falls dead with a bullet in his body or a knife in his back.

Now here in Washington, D.C. only a few weeks ago, I was again touched by the grim consequences of another officer's death—one that made me shiver in a conflict of outrageous anger, professional pride and a deep and sickening sorrow.

Officer Glen Fisher of the District of Columbia's Police Department was a young, dedicated policeman, a faithful husband, a proud father, and, he was also the son-in-law of my personal friend Mr. Lee Perri of Washington, D.C. Glen Fisher was shot dead by a suspected narcotics dealer at the age of 21 when he and his fellow officers saw fit to respectfully knock at the suspect's door and announce their identity and presence.

My friend Lee Perri, in his grief, told me that Glen's decision to join the District's police force was influenced by a radio broadcast I participated in, and in which I recounted my own personal experiences and extolled the proud tradition of policemen everywhere.

Glen's sudden death is a terrible shock to his wife, his parents and his fellow officers. To me it is another horror story in the history of law enforcement in America. But yet, I am proud that America still produces young men of the caliber of Glen Fisher. On the other hand, I am deeply disturbed by the increasing number of policemen attacked, shot at, vilified, and slaughtered in the cities, towns, and villages across our Nation. And, of course, I was again struck with that haunting feeling of a deep personal sorrow. The loss in Glen's case was, like so many others, enormous in its impact. His parents have lost a loving son; his wife, a faithful husband; his son and yet unborn second child, a proud father; and America has lost another dedicated frontline defender of public order.

For the benefit of my colleagues here in the House who may never have been directly affected by a tragedy of such proportions, and for the millions of people across our country who, if they do at all, learn of the cold, impersonal details of a cop-killing somewhere in the back pages of their newspapers, I am presenting for the Record a letter sent to me by Mr. Perri and a copy of a penetrating statement made by Rev. R. Joseph Dooley, the District's Police Chaplain, in his eulogy of Officer Glen Fisher. Both these statements may help awaken our Nation to the fact that American lives are being sacrificed in this country's two tragic wars—the one fought in the land of a foreign country and the other in the streets and neighborhoods of our American cities, towns, and villages.

(The letter from Mr. Lee Perri and the eulogy of Reverend Dooley follow:)

March 17, 1971.

The Honorable Mario Biaggi,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Biaggi: Thank you for your kind efforts in behalf of the bereaved families of patrolman Glen Fisher of the Metropolitan Police Department of Washington, D.C., who was killed while carrying out his duties and responsibilities to the citizens of Washington.

It had been a difficult decision for this young man to join the police department in the city where he and his parents had lived their lives. He had served with honor as a Marine in Vietnam. He knew the dangers of the policeman's life from his father Charles J. Fisher, retired from the police department, and his Uncle Robert E. Fisher who had recently joined that department. Knowing these dangers, he considered them carefully in light of his young wife, their infant son, and their future. He deliberated long and carefully and made his decision to apply for the Department, after listening to a radio broadcast during which you spoke of the need for and proud traditions of police work, drawing on your own excellent record.

At that point Glen, who had served his country, answered the call to serve his city. To that city he gave the ultimate, his life.

His parents; his only brother, Marine Lt. Charles Steven Fisher; his wife, Mary Linda Fisher; and Mary Linda's parents, Mr. and Mrs. Lee Perri, were shocked and deeply grieved. Yet, they were consoled in the knowledge that his efforts were not overlooked by his superiors, including Police Chief Wilson, by fellow officers from across the nation, by so many friends, and by President and Mrs. Nixon.

Officer Fisher's son Stephen, is too young to realize his great loss, and when he grows up will have little or no memory of his father or what his father stood for, nor of the devisiveness that had torn our country while he was but an infant.

Again, our sincerest thanks for your deep interest in this sad and so often repeated misfortune.

Very truly yours,

Lee Perri.

Sermon for Officer Glen P. Fisher, on March 15, 1971, at St. Francis Xavier Church

Recently at a sports event, there was the usual pre-game ceremony, including the playing of our National Anthem and the raising of our flag. I noticed then, as I had at other similar events, the conduct of the crowd which, to me, seemed a microcosm of the American people. Most stood with rapt attention and quiet dignity, observing with pride the few moments dedicated to patriotism. Others seemed restless during the ceremony, and I heard grumblings about "old fashioned patriotism" and the propriety of this ceremony at gatherings of this type. And, of course, there were also the ones who refused to stand or remove their hats and who seemed to take delight in their aggravating conduct and obvious bad taste.

Today, we honor one of the members of that number whom we can call true patriots. One who loved his flag, his country, his city, his job, and his family. To Officer Glen P. Fisher of the Metropolitan Police Department, patriotism was not a momentary emotion, but rather the steady devotion of a lifetime. He put country and his city ahead of himself. For what other reason would he have stepped into a darkened hallway in an apartment project last Wednesday night and ultimately to his untimely death.

Officer Fisher performed an act of extreme heroism equal to any this city has even seen. He, too, had a dream. He had a zest for life and love for his fellow man. Armed only with a search warrant, issued by the court, he was ruthlessly gunned down by a calculating and cowardly hoodlum. He looked forward to advancement as you do. His goals were set extremely high. What is Heroism? What is Dedication? A young officer deciding to give up his dream so you and I might have ours.

To the people he was dedicated to protect, he was just a "cop". He was 21 years old, an ex-Marine, a Vietnam war veteran with several citations, born and raised in Southeast Washington. Glen Fisher was surrounded by the police-style of living, since his father served on the D.C. Police Force before him. He was a good son and brother, a loving husband and father, and a wonderful Police Officer. He was, in every sense of the word, an outstanding young man—a real credit to his family and community. He was quiet and reflective—but a deep person when you got to know him.

Yet none of the vast majority of silent "fellow citizens", whose burdens and responsibilities he carried, cared very much. He was just a "cop" to them. Not a fellow human being; not a person with normal feelings of pain and pride and anger; not someone who would have preferred a quiet sedate family life—compared to his life as an undercover man. Not a young sorrowing wife's beloved husband. Not even a courageous and unselfish fellow citizen doing his duty, and theirs, to uphold the law.

You know, it is growing more and more difficult to induce young men in this country to enter the field of law enforcement. Why should they?

Read the newspapers. Listen to the radio. Watch television. There is a firmly established group of newscasters and reporters who regularly indoctrinate you with the anti-law enforcement mania of our times. In their subtle, "completely impersonal", but degenerating way, they are chipping away at the very foundation of American democracy. They routinely suggest, and produce alleged "evidence" to prove that policemen represent no one but themselves; that individual officers are sadistic in their treatment of persons accused of crime—who are always "innocent", of course, or "justified" in breaking the law.

"The Heroes" of these monsters of the media are the criminals—because "society made them so." The heroes are "the users", "the pushers", the narcotics peddlers, the rioters, the destructive demonstrators, never the policemen! He is the villain.

It has been said over and over again that ours is a "government of laws and not of men". Yet, no law is self-operative. Enforcement is not inherent in the words of any statute. Men enact our laws. Men interpret and apply them and men enforce them because other men don't obey them.

We are confused by judges who strain to interpret words in our constitution, which, for almost two hundred years, have seemed plain enough; but now are said to have meanings which result in proven criminals being set free on technicalities, when honest citizens are increasingly victimized by crime.

The Honorable Edward M. Curran, Chief Judge, of the U.S. District Court recently stated: "Constitutional rights are proper and necessary, but today we encounter, all too often, cases in which it seems that the concern of some courts is greater for the rights of the criminal then for the rights of society". Justice is not a matter of expediency.

Yet, despite all these conditions Glen Fisher, ten short months ago, after serving in Vietnam, joined the Metropolitan Police Department. He entered a profession which he knew involved great hazards and dedication. He did it, I believe, because of his Faith in God.

His untimely death has been a shock to all of us. Your profession, as law-enforcement Officers, is truly a sacred one. You have a religious and sacred responsibility in the performance of your duties. It was this consecration and dedication to the highest ideals of your profession that led Glen Fisher into a remote apartment hallway and his eventual death.

It now remains for each of us to let this tragedy serve to draw us to a higher dedication of our own lives, and a willing acceptance of responsibility.

What we are doing today, we should continue to do. Pray for his soul and for his loved ones who have suffered such a loss. Pray that God will find him worthy of the reward for which he lived and worked and prayed. Please God, history will bear us out, that he and men like him who have given their lives in line of duty, have not died in vain. May he rest in peace.

Reverend R. JOSEPH DOOLEY,
Chaplain.

POUNDAGE QUOTA BILL GOOD COMPROMISE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. CARTER. Mr. Speaker, April 1, 1971, this body passed major legislation concerning burley tobacco farmers. Long debates have been waged by men of good intentions but differing views on the role of small, one-half acre and less farmers. The poundage quota bill we passed is a good compromise of the interests and it offers needed protection to the small farmers.

Several colleagues should be singled out for their efforts on behalf of the small burley farmers. WILMER MIZELL, in particular, led a successful effort to protect small farmers by providing that after the first year they will experience only 50 percent of poundage quota cuts levied on all burley tobacco farmers. He has been at the forefront of committee action in obtaining this compromise and these protections will be greatly appreciated by all farmers in the burley tobacco belt. WILLIAM WAMPLER, ranking member on the tobacco subcommittee, and CLARENCE MILLER are also to be praised for their leadership and determination in seeing that a bill fair to all farmers was presented to us for a vote.

Had it not been for the dedication of these colleagues a grave injustice may have been served on the small tobacco farmers. In behalf of the thousands of tobacco farmers in Kentucky's Fifth Congressional District, my thanks and appreciation are extended.

NICHOLAS J. OGANOVIC TO END LONG FEDERAL SERVICE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. DULSKI. Mr. Speaker, Chairman Robert E. Hampton of the Civil Service Commission, has announced the retirement of Nicholas J. Oganovic as Executive Director of the Commission, effective next month.

Mr. Oganovic began his outstanding Federal career with the National Youth Administration in St. Paul, Minn., and 3 years later joined the Civil Service Commission in 1943.

He served assignments both in the central and field offices, including the role of deputy director and then director of the St. Paul regional office from 1945 to 1953. When the Commission was reorganized in 1953 he became Assistant Director of the newly established Bureau of Departmental Operations in Washington. Then he was named director of the Denver region, returning to Washington in 1958 as Director of the Bureau.

In 1960, the Commission established the position of Deputy Executive Director and named Mr. Oganovic to fill that position. In 1965, he was promoted to Executive Director.

Over the years, and particularly in the past decade, Mr. Oganovic has been in frequent communication with the Post Office and Civil Service Committee in an official capacity and is highly regarded by members and staff of our committee.

The mark of the man, of course, is reflected in the respect he has engendered among his associates and the Commissioners. Upon Mr. Oganovic's decision to retire, Chairman Hampton said:

> Nick Oganovic's career in Government has been studded with significant and lasting contributions to better personnel administration and improvements in the Federal career service.
>
> His 6 years as the Commission's Executive Director and 5 years as Deputy Executive Director have been an era of great changes and advances in the Government's personnel system, and many of the improvements are attributable to Nick's creativity, imagination, and forceful leadership.
>
> He will be missed by his many associates and admirers in the Commission and throughout the Federal service.

As his successor the Commission has named his deputy, Bernard Rosen, also a highly respected member of the Commission staff.

Mr. Speaker, I join Chairman Hampton and others in paying tribute to the loyal Federal service of Mr. Oganovic. I include with my remarks an excellent column in the Washington Star by Joseph Young, Federal Spotlight reporter:

"SUPER-SALESMAN" ROSEN NAMED TO HIGH CSC POST

> Bernard Rosen has been appointed executive director of the Civil Service Commission, effective June 1.
>
> Rosen, 50, now the commission's deputy executive director, will become the government's top career boss of 2.5 million federal employees.
>
> He succeeds Nicholas Oganovic, 58, who is

retiring after six years in that position and 30 years' service with the CSC.

Rosen is known in federal personnel circles as a "super-salesman," with a talent for persuading federal departments and agencies to accept commission ideas.

He also is regarded as an able administrator who has successfully infused life into lagging programs and gotten new programs and policies off the ground.

Unlike Oganovic who is known as an innovator and "idea man" Rosen has concentrated on administration of programs and their implementation.

GETS STRONGER ROLE

Of course, as executive director, Rosen will get the chance to play a stronger role in formulating policies.

Rosen is small, slight and bright, with a youthful appearance that belies his white hair.

Someone once said of him, "He reminds me of the main character in the novel, 'What Makes Sammy Run,' only he is a nice guy and not a heel."

This observation was based on the fact that Rosen is a bundle of nervous energy, constantly on the go, impatient at delays, very ambitious, friendly, enthusiastic, and has a political sense of knowing the right people in government to help assure favorable response to commission views.

Rosen gets along fine with government employe union leaders.

John Griner, president of the AFL–CIO American Federation of Government Employes, said, "The commission couldn't have made a better choice. Rosen is a good man and I have always found him to be completely fair and reasonable in our dealings."

LONG WITH COMMISSION

Rosen is generally popular with the CSC professional staff, although he has rubbed some the wrong way with what they feel is an excessive Madison Avenue approach to things. Others complain that he is too much of a "glad-hander" in dealings with members of Congress and White House and top government officials. But that is the way to get things done in Washington.

Rosen has been with the commission since 1942, except for three years in the Army during World War II and a stint as a foreign service officer in 1962–64.

His reputation advanced in the CSC when he guided the initial government employes' incentive awards program to a resounding success. He then served with distinction as director of the CSC's San Francisco region, making that region a model of efficiency and progress for other regional offices to follow. For the past six years he has been the CSC's deputy executive director.

MAN WITH A HEART

Oganovic has been an excellent CSC executive director and is known to government employe unions and many federal workers as "a man with a heart."

Oganovic played a large role in strengthening the government's equal employment opportunity program, establishing federal job priorities for Vietnam veterans, ending abuses of the involuntary disability retirement program, improving the government's appeals and grievance system, strengthening the merit promotion program, and setting up the occupational health program.

CSC Chairman Robert Hampton, in noting Oganovic's retirement, said: "Nick Oganovic's career in government has been studded with significant and lasting contributions to better personnel administration and improvements in the federal career service."

Hampton noted that Oganovic's executive directorship had been an era of "great changes and advances" and "many of the improvements are attributable to Nick's creativity, imagination and forceful leadership."

SST: DEAD DUCK OR PHOENIX?

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. BOW: Mr. Speaker, under leave to extend my remarks, I wish to place in the Record an excellent National Review article on the SST entitled: SST: Dead Duck or Phoenix?

SST: Dead Duck or Phoenix?

(By James Burnham)

The star witness at this year's SST hearings was one James E. McDonald. It was he who suddenly discovered last autumn that the SST was going to give practically all of us skin cancer. Professor McDonald was last in the news a couple of years ago when he named flying saucers from other worlds as the guilty parties in the New York electric power failures.

This eleventh-hour frenzy over skin cancer is typical of the tactics of the anti-SST lobby. Its campaign has been based on the appeal to fear, above all to fear of the unknown. Reading month after month about all the horrors the SST was going to bring—cancer (hairtrigger of the fear reflex), birth defects, reduction of sunlight, miscarriages in humans and animals, deafened ears, shattering of ancient monuments, ecological disaster through increased average temperature, nervous breakdown from the boom—I often thought of those gorgeous fourteenth- and fifteenth-century maps through which men learned about the earth in Columbus' day. In the distant realms of the Ocean beyond the Pillars of Hercules, you can see, foaming and surging, the gigantic serpents, dragons and other monsters who would gobble up any mariner foodhardy enough to sail west to their watery lairs.

I do not suggest that we can at this moment dismiss all the horrors as impossible. Conceivably a fleet of five hundred SSTs zooming daily through the stratosphere might bring about one or more of them. Just as, from the point of view of fifteenth-century scientific knowledge, it was not inconceivable that those serpents and dragons actually were swimming around there at the edge of the world. If things had turned out that way, the Age of Discovery would doubtless have ended or at least been postponed, after the prototype-voyages of Columbus and John Cabot.

But no one is proposing that we should, here and now, commit ourselves to building an American SST fleet. The Kremlin has apparently decided to build a Russian SST fleet, and the London-Paris combine is in the process of deciding whether to build an Anglo-French SST fleet, so we're not going to have much choice on the skin-cancer front whatever we do, but the decision now before the nation is merely whether to complete the final stage of the SST research, development and test program by building two (2) prototype aircraft. And no one, not even Ralph Nader or Senator Proxmire, claims that two test models are going to have any effect one way or another on the global environment.

WHY NOT FIND OUT?

There is only one way to reduce the speculations about the SST to knowledge, and that is by building a couple of them and putting them through their paces.

The cost of this final test-phase is peanuts: $250 million net. The same House of Representatives that exorcised this niggling sum with bell, candle and the book of highfalutin' oratory about pollution and fiscal responsibility (at the time I write the Senate has not spoken) had a week before whooped through a $4-billion annual increase in Social Security payments without a single minute of committee hearings or floor debate. Well, there are a lot of votes in them there Social Security checks.

Suppose we ask ourselves: What do we stand to lose by the decison on the SST prototypes?

If we decide to build them and they prove the SST no good, then the only loss will be a relatively small sum of money. Even that will be compensated by useful knowledge and the attainment of a national consensus on this bitterly disputed issue.

If the SST is in fact viable but we cancel the prototypes now, and thus opt out of the SST project, then the loss will be many billions of dollars, plus grave injury to the dollar, plus abandonment of our leadership in commercial air transport and advanced technology more generally, plus the consequent weakening of the support structure for military defense.

No professional gambler would have trouble rating those odds.

If Congress turns a final thumbs down, does this mean the SST is a dead duck? Why couldn't private business put up the money if the SST is such a hot proposition? This last question troubles conservatives in Congress—though the core of the opposition is left-liberal.

All major air transport from the marvelous DC–3 on have been developed with mostly government money, though this has not been obvious because the civilian transport is customarily an adaptation of a plane produced for military purposes. Actually, private sources (manufacturers and airlines) are putting up more of the money for the 2707 than for past transports, and the government, under the royalty schedule, has for the first time a chance of recouping—with interest.

FROM THE ASHES

More generally, the aerospace industry has always in all countries been either totally a government enterprise or closely tied in with government. There are several reasons for this, but the sufficient reason is the critical military role of aerospace, and the military necessity for maintaining a functioning aerospace industry "in being." (Naturally there will be applications of the 2707 to military purposes. *Already* what has been learned from SST development has saved hundreds of millions of dollars in developing the supersonic bomber.) Furthermore, there is the kind of risk and kind of need in the case of a new species of global air transport that doesn't come under older economic rules.

In the present weak condition of the general economy and much weaker condition of the aerospace industry it is hard to see how a full funding by normal nongovernmental processes is possible. Nevertheless, I cannot yet believe that my country is so far gone that it will crawl away whining from this SST challenge, even if a majority of its legislators do. Although normal private financing probably couldn't take over from here, a special consortium of our great banks and business corporations could handle it. Have they got the vision, and the guts, to do so?

DR. MARTIN LUTHER KING, JR.

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. PEYSER. Mr. Speaker, Rev. Martin Luther King, Jr., Negro leader and winner of the Nobel Peace Prize in 1964, was assassinated in Memphis, Tenn., on April 4, 1968.

Dr. King was a man of inspiration and dedication. His life and works show a powerful and vibrant force for good. This man and his ideals should serve as a lasting example to the peoples of the world of the natural good in mankind.

On this, the third anniversary of Dr. King's death, his message remains as a beacon to all people who believe in freedom and equality in the world.

ANNIVERSARY OF THE KEY WEST NAVAL STATION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. FASCELL. Mr. Speaker, Saturday, April 3, was the occasion of the 148th anniversary of the Key West Naval Station. Originally established by Commodore David Porter in 1823, its position 90 miles from Castro's Cuba has never been of greater significance.

In fact, in hearings last summer before my Subcommittee on Inter-American Affairs of the House Foreign Affairs Committee, Adm. E. P. Holmes, commander in chief of the U.S. Atlantic Fleet, stated that it was "absolutely essential to our security" to have the military capability provided by this facility.

The fascinating history of this important naval base is the subject of an article which appeared in the March 30, edition of the Key West Citizen. I commend the attention of our colleagues to the full text of the article, written by Ida W. Barron, concerning the proud history of the Key West Naval Station:

SATURDAY WILL BE NAVAL STATION ANNIVERSARY

(By Ida W. Barron)

April 3 will mark the anniversary of the Key West Naval Station, and a busy 148 years it has been.

On March 25, 1822, Lt. M. C. Perry, captain of the USS Schooner Shark, on orders from the Secretary of the Navy, arrived in Key West to make . . . "an examination of the Islands, its harbours, its extent, and the dangers of navigation." Thus was the first Navy ship of the line ordered to Key West officially.

Lt. Perry was favorably impressed with what he saw and on that day raised the flag declaring the island to be the property of the United States. This ceremony is commemorated by a plaque located in front of the Waterfront Playhouse, where it is thought, the original flag was raised.

Almost a year later, on April 3, 1823, Commodore David Porter arrived in Key West with orders to establish Key West's first Naval Station and to make it his headquarters during his successful purge of the marauding pirates in the Gulf area.

Commodore Porter's orders read in part . . . "You will establish at Thompson's Island, usually called Key West, a depot and land the ordnance and marines to protect the stores and provisions. . . ."

Later, in 1893, Porter was to write the Secretary of the Navy that Key West . . . "has no equal except Gilbraltar . . . It commands the outlets of all trade from Jamaica, the Caribbean Sea, the Bay of Honduras, and the Gulf of Mexico, and is a check to the Naval forces of whatever nation may hold Cuba." The latter statement was rather prophetic.

In 1824, a company of Marines was stationed on the island as a deterrent to Indian raids on the small station.

Two years later, in 1826, the entire station was moved to Pensacola, the first of many crises affecting the Navy's tie with Key West.

By 1828, Key West was incorporated as a city and the Navy, already an integral part of the community, helped its few citizens to clear the townsite of underbrush.

Before too long, it became apparent that a system of fortifications was going to be needed on the east coast and particularly in the Gulf area where shipping was prevalent and vital.

Among the places selected were Dry Tortugas and Key West. Forts began to go up in 1845 in both places and continued under construction until 1866 when work came to a halt.

Fort Zachary Taylor, named for the president, was in use through four wars beginning in 1861. It was partially torn down, deliberately, from 1895 to 1905, to make it less vulnerable to new powerful guns.

In 1846, with business in shipping picking up, it was decided that a hospital was needed in the area.

John Simonton, owner of the island, sold the site to the Navy and was named its contractor and also agreed to furnish the building. Robert Mills, city of Washington architect, drew up the plans.

It was called the Marine Hospital (no relation to the Corps) and was used by civilians and servicemen alike. Both city and Navy doctors served there too. It has been used continually since, and is at present, known as Quarters "R."

The Navy Department began construction on its first permanent building in 1852 when $20,000 was allotted for the purpose. It was not only the first concrete building erected by the Navy but the first to be built in Key West. Construction was halted soon after the walls were up because of a lack of funds. (Does that have a familiar ring?)

In 1856, with the rumbles of Civil War in the distance, work was rushed to completion. The building, used constantly since, is now occupied by the Coast Guard and proudly wears the number "1" on its side.

The city of Key West, in 1861, was split almost down the middle, as other locations were, on the subject of Northern and Southern sympathies.

As to which way the island would actually go in the war, this was determined easily by the occupying Federal troops and Navy in Key West. It was a simple matter of securing the harbor and remaining in full charge of the Army Barracks and Fort Taylor. All of this was accomplished with dispatch.

Key West was the only completely Federal-held city in the South during the entire conflict, and in spite of the many, and there were many, who leaned heavily toward the South, it remained so throughout.

Once, during those years, an over-zealous Army commander, wired the Secretary of the Army, that in his opinion, there were far too many Southern sympathizers in the city and they should be shipped out, together with any northerners who had relatives fighting in the Confederate Army or Navy.

For some strange reason the Secretary agreed. Luckily the local Navy commander got wind of it, thought it disgraceful, wired the Navy Secretary the full story and changed their collective minds.

So, as 600 uprooted citizens were boarding the ship with only what they could carry in their hands, a reprieve by wire arrived and the joyous people returned to their homes.

In 1875, with rumors of war running rampant from Cuba, there were 26 vessels of the South Atlantic and European Fleets assembled in the Key West harbor and during the war the entire Atlantic Fleet was stationed in Key West.

It was from here that the USS Maine steamed to Fort Jefferson and on to Havana to be blown to bits there killing 261 men and placing the United States smack in the middle of the Spanish-American War.

The wounded from the Maine were brought to Key West and cared for at St. Mary, Star of the Sea Convent. Many of the dead were buried in the Key West cemetery.

There was a mass grave for those unidentifiable which lies, it is generally believed, under the Maine monument which was erected by the people of the city. The skipper of the Maine was Capt. Charles G. Sigsbee, for whom Sigsbee Park was named.

After the Spanish-American War ended there was a period of little movement, Navy-wise. The Naval Station was still a port of call and a refueling station however, which kept it alive.

In 1906, the first radio towers were erected and Naval Communications arrived in Key West.

During World War I, the Naval Station was a training area. It also became Seventh Naval District Headquarters, a submarine basin was dug out and at Trumbo Point, an air base was built for seaplanes.

After the war, the Naval Communications Station with 17 men was left to hold things together.

It was not revived this time until 1939, since the depression of the 30s was in full swing and Key West was almost completely inundated by it.

During the opening days of World War II the Naval Station came into its own. From 1939 and the following six years, the Navy acquired nearly 3200 acres, including the 320 acres up the Keys for a water line. An additional 18 acres was purchased in 1942, almost an entire city street and close to $32 million was spent in Navy construction during this period.

Between 1941 and 1945, 14,000 ships were logged into Key West and adjacent anchorage. The 3,000 ton marine railway was constructed and there were 5,200 personnel aboard the Naval Station.

Key West's most famous tourist, President Harry S. Truman, began a series of visits to the Naval Station in 1946 and returned 11 times on vacation, giving his vacation spot the name it still bears, "The Little White House."

During the 1950's there was a slight cut in the number of civilian personnel but by the 1960s there was a steady construction and many improvements together with increases in civilian personnel.

In 1962, affairs in Cuba blazed up and President Kennedy made his threat of retaliation for Cuba's missiles good by a large gathering of troops and ships assembled in Key West.

The situation grew very tense and during the crisis President Kennedy and the Joint Chiefs of Staff met aboard the Naval Station to make some vital decisions. It was the largest group of flag officers and general officers ever to assemble in the same place at the same time, not only in the history of the city but of the United States as well.

At present the Naval Station has reached another plateau. There is for the most part a leveling off of work, construction and personnel.

Things again move slowly but steadily at Key West Naval Station and its families, once more assume an attitude of watchful wariness in the direction of Cuba.

It has been a long and fruitful association, that of Key West and the Naval Station. Hopefully it will remain so.

THE CANCER STORY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. SCHWENGEL. Mr. Speaker, on Saturday, March 27, a good friend of mine, Bob J. Slavens, was the guest editorialist in the Davenport Times-Democrat.

Bob is the chairman of the Scott County Cancer Crusade for 1971.

In his editorial, Bob very effectively lays out the work of the American Cancer Society while pointing to the challenges still faced:

THE CANCER STORY

(EDITOR'S NOTE: The guest article today is by Bob J. Slavens, president of Northwest Bank and Trust Co., Davenport, who has been appointed chairman of the Scott County 1971 Cancer Crusade. He is a longtime member of the Scott County Chapter, American Cancer Society)

No one knows better than the persons working in the American Cancer Society how inadequate the past resources devoted to the fight against cancer have been. This disease, which is as old as man, still claims millions of lives each year. The American Cancer Society is an "emergency" organization. We are pledged to go out of business when enough dollars can be raised to provide enough research to control cancer.

Cancer is the second leading cause of death in the United States today. Only heart disease kills more people. In 1970, in Scott County, 229 persons died of cancer, and 25 per cent of our population can look forward to having this disease sometime in their life, according to present figures. Researchers have been making great strides in recent years, but the cause of cancer still has not been found.

It is our business to tell you, our neighbors and friends, any time and anywhere we can, the cancer story, so we may all join in the fight against this killer. We try to reach people of all ages, starting with about the fourth grade in school, with the seven warning signals of cancer and the dangers of smoking. These signals are:

Change in bowel or bladder habits.
A sore that does not heal.
Unusual bleeding or discharge.
Thickening or lump in breast or elsewhere.
Indigestion or difficulty in swallowing.
Obvious change in wart or mole.
Nagging cough or hoarseness.

If you have one of these signals for more than two weeks, check with your doctor. Literature, posters, 16 mm films and filmstrips are available through our local Information Center Office, 120 Insurance Exchange Building, Davenport, telephone number 326–4522 at no cost to any school, club or business wishing to use them. Our volunteers will come to show films and speak to any group that requests them.

Our local chapter also provides aid to cancer patients in the form of the loan of hospital beds, wheelchairs, etc.; visiting nurse and homemaker service; dressings and bed pads; bibs and ascots for laryngectomees; information about the referral to other agencies—at no cost to patients who qualify. A program for rehabilitation of breast surgery patients, called "Reach to Recovery" is sponsored by the American Cancer Society and volunteers have been working in this program in Scott County for the past 14 months.

The American Cancer Society's 1971 Crusade begins March 28 in Scott County. Your generous donation will be put to good use to carry on our programs of research, education and service. We are suggesting that you give twice as much this year when the volunteer calls upon you . . . and by doing so, the length of time required to find the cure for, or prevention of, cancer could be cut in half.

We want to wipe out cancer in your lifetime. Won't you help us close the door of the American Cancer Society forever.

"KNOX"-CLASS DESTROYER ESCORTS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. HOSMER. Mr. Speaker, a considerable ruckus has been raised over the merits or demerits of the *Knox* (1052) class destroyer escorts. Whatever the case may be these ships are, in fact, sailing the seas. From the following March 23 report by the skipper, one of them, Comdr. S. D. Landersman, USN, commanding officer, U.S.S. *Hepburn* (DE–1055), to family and friends of the crew I gather that things are not all bad:

U.S.S. "HEPBURN" (DE–1055),
FPO San Francisco, March 23, 1971.

DEAR FAMILIES AND FRIENDS: Following Hepburn's first duty assignment off the Coast of Vietnam in early February, we proceeded into the South China Sea. There we met a Russian Guided Missile Destroyer and you may have heard this press item which was released to the U.S.:

"Soviet Guided Missile Destroyer in the Western Pacific today asked a United States Seventh Fleet Destroyer to convey congratulations to the Apollo 14 Astronauts. The Soviet Kotlin Class Destroyer was proceeding northeasterly through the South China Sea when met by the U.S. Destroyer Hepburn. After the usual exchange of greetings by international flaghoist and signal light, the Captain of the Soviet ship asked Hepburn's Skipper to send congratulations of the Soviet ship to the Astronauts for their 'Great Scientific Achievements.' Commander Stuart D. Landersman of Poughkeepsie, New York, Commanding Officer of the Hepburn, replied that he would be pleased to pass along the congratulations."

It was an interesting meeting and all of us with cameras on Hepburn had a good time photographing the Soviets. Of course we could see that they were doing the same to us. If your Hepburn man had a camera aboard at that time, I'm sure he will have interesting pictures to show you of that ship and others.

I think that our exchange of greetings and comments on the space achievement indicate one of the real values of the space program, in that it provides peoples of all the world with a common interest and pride and a basis for the important communication between us.

Hepburn arrived in Sasebo on February 14 and immediately all hands set about purchasing "bargains." The ship is presently full of tape recorders, amplifiers, turntables, speakers, motorcycles, china, cameras and other products of the Far East!

It was the first trip to Japan for many Hepburn men and there was sightseeing tours to Nagasaki and Arito squeezed in between shopping trips. Sasebo is a center for Japanese ship-building and several of the new 200,000 ton supertankers were being constructed right next to where we were berthed. These supertankers are so large that four Hepburn size ships could be put on the main deck of one of them.

We left Sasebo on February 20, with the USS Gridley (DLG 21) for an eight day patrol in the Sea of Japan. During this time we got a chance to test out our cold weather clothing and some of our men even had an opportunity to have a brief snowball fight one day.

While in the Sea of Japan we participated in a trash and garbage study. Yes, trash and garbage! Actually it was called a refuse survey. Hepburn had been designated to weigh, measure and otherwise determine how much trash and garbage a ship our size produces per day. An ecology-conscious nation concerned about polluting the world's oceans, is looking to the U.S. Navy for leadership in preserving the oceanic environment, and Hepburn was up front again gathering the statistics.

We returned to Sasebo with Gridley and set about getting some needed maintenance done on our equipment. The repair ship USS Jason (AR 8), was in Sasebo and we received a lot of assistance—both men and material—from Jason for our maintenance efforts. Rather unexpectedly, we left Sasebo to continue our maintenance in Yokosuka, Japan. This change of schedule was appreciated because it gave us a chance to visit another Japanese port. Also, we were able to see the Frazier-Ali Heavyweight Championship Fight on board ship on Japanese TV the day we arrived in Yokosuka.

From March 9 to March 20, Hepburn was berthed in Yokosuka which is about one hour and twenty minutes by train from Tokyo. We had tours to Tokyo, Mount Fuji and Kamakura while we were in port as well as a lot of schooling. Over half the crew got an opportunity to attend refresher courses in fire fighting, preventive maintenance procedures, and navigation.

At the present time, Hepburn is proceeding to the Gulf of Tonkin to operate with the attack carrier USS Hancock (CVA 19). We have spent much of our time in port in the last month and the crew has had a fine opportunity to see how the Japanese people live and even get to know some of them. We all enjoyed Japan and now we look forward to visits to the Philippines, Hong Kong, and Taiwan. These port visits will come after a considerable time underway so we'll have earned a good rest by then—and earned some more money to spend, too.

An item of interest which doesn't have anything to do with our present deployment with the Seventh Fleet is our change of destroyer squadrons. On August 1, Hepburn will become a part of Destroyer Squadron Twenty-Nine. Our homeport will remain Long Beach.

So far this cruise, Hepburn has earned two medals, the Vietnam Service Medal for operations in Vietnam and the Armed Forces Expeditionary Medal (Korea) for operations in the Sea of Japan. The crew is entitled to wear these medals and even the ship is sporting facsimiles of the ribbons on the bridge wings.

Hepburn has managed to ring up a fine record while with the Seventh Fleet and we feel confident that this record of achievement will continue.

Sincerely,

S. D. LANDERSMAN,
Commander, U.S. Navy Commanding Officer.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

POW

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. CULVER. Mr. Speaker, I rise to express my own deep concern, shared by my colleagues and by Americans throughout the Nation, over the tragedy of prolonged captivity endured by American servicemen held prisoner of war in Southeast Asia as well as those Americans whose whereabouts and conditions are unknown, and thus are considered to be missing in action.

However painful and divisive our military involvement in Southeast Asia has been for the people of this country, we have been and will remain united in our strong desire that American prisoners of war be treated humanely and released at the earliest possible date. The plight of these men, for those of us here at home—able to enjoy the comforts of family, decent food, and housing and the freedom of democracy, is a devastating and intolerable contrast. All too frequently, our prisoners of war, we are told, are denied even the barest essentials of life—sufficient food and nourishment, adequate treatment of wounds and illnesses, and the ability to communicate with their relatives and loved ones at home.

And for the families and friends of these men, the longing and suffering is made even more painful by this vacuum of information and knowledge of poor treatment.

By allowing this situation to persist, by refusing to provide information on their camps or access to these camps by neutral observers, and by refusing to give needed identification of all our men held captive, the North Vietnamese have acted in violation of the Geneva Convention and ignored the most basic considerations of humane treatment both for our prisoners of war and their anxious families and friends.

As other Members of this body, I have constituents who are among those held prisoner of war, and I know of and share the anguish of their friends and relatives. And many of my constituents have dedicated long hours to pursuing the freedom of these men—Mrs. Robert Naughton, whose husband is held prisoner and who has worked tirelessly as Iowa State coordinator of the National League of Families of American Prisoners and Missing in Southeast Asia, and Mayor Donald Canney, of Cedar Rapids, who served as cochairman of an 11-member delegation of Iowans who went to Paris to seek information concerning Iowans held prisoner of war as well as new flexibility and concern from the North Vietnamese delegation, are two excellent examples.

This week of March 21–28, as a result of House and Senate passage of House Joint Resolution 16, has been set aside as the National Week of Concern for Prisoners of War/Missing in Action, in order that we as a people may express our tenacious concern in a unified voice. The Foreign Affairs Committee of the House, of which I am a member, is holding hearings to coincide with the National Week of Concern and hearing testimony of former prisoners, relatives of prisoners, and representatives of groups and Government departments who have been particularly involved in seeking better treatment and assurances of release for our prisoners.

It is essential that we, as Members of Congress, do all in our power to focus world attention on this critical problem. But we must not delude ourselves that public lament, by itself, will be sufficient to meet our objectives. Rather we must constantly seek out new ways to more effectively express our great concern, new methods to reverse the attitude of the North Vietnamese, and new initiatives that may serve to fulfill our objective of humane treatment and early release for all American prisoners of war in Southeast Asia.

DRAFT NOT A MORAL ISSUE

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 1, 1971

Mr. COLLIER. Mr. Speaker, during the past few days there have been many convincing arguments for and against the termination of the draft. It is interesting to note that some of those who have opposed American involvement in Vietnam on moralistic grounds also oppose the draft as a moral issue.

An interesting and enlightening viewpoint on this subject recently appeared in the Des Plaines Herald-Day, a newspaper published in my district. I include it for the perusal of my colleagues:

YOUTH IGNORES REALITIES

(By Don Oakley)

"If it was a free country, I wouldn't have been here."

So said David Harris upon his release from a federal prison after serving 20 months for refusing to obey the draft.

Harris, whom nobody would ever have heard of had he not been the husband of folk singer Joan Baez, has certainly earned the right to his beliefs.

Nobody should be so blindly patriotic as to be unwilling to acknowledge that it takes a great deal of guts to say "No" to Uncle Sam and to accept the consequences, which is something that cannot be said about thousands of other young men who have fled to Canada or Sweden to escape the draft.

Having the courage of one's convictions, however, has never been an automatic guarantee that those convictions are correct.

Harris' sentiments were echoed the other day by another representative of youth in testimony before the House Armed Services Committee, which is considering an extension of the draft law that is due to expire in June.

"The draft must be ended now," said 18-year-old Stanford University freshman Pete Knutson in a passionate plea. "It has no place in an open society. Any country which must force people to fight for it cannot be a country worth defending. Any country which is worth defending will be defended by its citizens. Free people will defend free institutions."

This statement could have been made by George Washington himself. In fact, it is as American as a flintlock musket—and about as useful or appropriate in today's world as a muzzle-loader would be in modern arsenal.

In an age when missiles launched by pressing a button can wreak mass destruction 6,000 miles away, when everything that takes place in every country in the world must be evaluated in terms of its potential effect on our security, the defense of America involves a little more than fighting off enemy soldiers landing on our shores or Indians attacking a frontier outpost.

If only it were not so. If only we could disband our military forces and send the boys home to hang their guns on the wall, ready to grab them again when Paul Revere or somebody spreads the alarm that the enemy is approaching.

Unfortunately, the days are gone when we could wait for clear and present danger to our national life and could depend upon a free citizenry to spring up voluntarily to defend free institutions.

It is a regrettable thing that the world has grown so complex that what is and what is not in the true interests of the nation's defense is not always obvious, that we must involve ourselves, not always wisely, in every foreign entanglement, that we must "force" young men to defend their country when it is not under actual attack and sometimes send them to far-off places to die in dubious wars that are never declared and never seem to end and never seem to solve anything.

But it is even more regrettable that the agonizing moral issues surrounding the Vietnam war have so overwhelmed the thinking of many young Americans that they ignore the realities of the past 25 years, in the context of which this war must be understood, and accuse their country of having betrayed the ideals of human freedom it was founded on.

Whether at this point in history the nation still needs conscription or whether it can get along with a volunteer army is a question of legitimate—and necessary—public debate.

But it has nothing to do with whether or not America is a free country.

AMERICA'S GREAT ACCOMPLISHMENTS

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. There are 46 land vehicular tunnels in the United States which are each more than 1,000 feet in length. All combined, the length of these tunnels is more than 141,000 feet long.

FARM BETRAYAL

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. ABOUREZK. Mr. Speaker, in the very first remarks that I prepared for insertion in the Congressional Record, I stated my belief that the results of the 1970 election were a clear manifestation of farm discontent. Yet despite this warning, the policy of the administration piles disaster on disaster. I would like to examine some of the events that have had major impact on the agricultural areas of our country since the election.

Despite the sound recommendation of the Honorable Jamie Whitten that any changes in the agricultural conservation program should properly be made with the requests for fiscal year 1972, the administration pushed ahead with its new rural environmental assistance program to replace ACP. I have nothing against REAP and the concept of improving the rural environment, but that is precisely what ACP has been doing, and doing well, for years. Why take a highly successful program such as ACP and throw it out for something new?

Then there is the matter of the grain callup. In December 1970, and February 1971, the Department of Agriculture announced that reseal privileges would not be extended for grains in storage from specified crop years. This has had the effect of dumping over 500 million bushels of grain on the market in a very short period of time. You can easily imagine what impact that had on prices. Let me illustrate this. In the Huron, S. Dak. grain market, 14 percent protein wheat, a high quality grade, was selling for $1.70 a bushel on November 29, 1970. By December 31, 1970, that price had dropped to $1.61. At the end of January the price was down to $1.55. And the latest figure that I have for March shows the price at $1.50. That amounts to a disastrous 20 cents per bushel drop in less than 4 months. Is it any wonder that farmers continue to be driven from the land. Our cities are swelled with people who would rather be back on their farms but simply cannot make it with $1.50 wheat.

Parity, of course, is of paramount importance to the farmer. And what has the record been here? We find that not only have parity figures sunk to lows not experienced since the Great Depression, but also that the administration deals with this by giving us a new parity formula that creates the image of a magical jump in parity. This is not only an insult to the intelligence of the farmer who knows what prices he is really receiving, but also drives a bigger wedge between the rural and urban segment of our society by the blatant effort to trick the urbanite into thinking the farmer is better off than he really is.

And how well off is the farmer? In January 1971, the index or prices received by the farmer was 271. In the period 1947–49, the index was 271. In 20 years no change occurred in farmers' prices, but the retail food prices increased in the same period by 56 percent. In January 1971, the index of prices paid by farmers was 399. The 1947–49 figure was 250. This was a 20-year increase of 59.6 percent. The parity ratio in 1947–49 was 108. In January 1971, it was 72. How long can farmers be expected to make sacrifices like that simply to stay on the land?

Now what are the new programs offered to solve the farmers problems? First, there is the rural revenue-sharing proposal. What does this do? At its simplest, it takes all the proven rural programs that have done so much for the farmer in the past and places them in jeopardy. The Agricultural Extension Service, ACP, the Economic Development Administration are all thrown together and asked to hope that State legislatures, increasingly dominated by urban representatives, will see fit to maintain them.

But the crowning glory of all is the administration's plans for the Department of Agriculture. I have not always agreed with the USDA. Indeed in recent years, I have seldom agreed with the USDA. But at least it provides a voice for the farmer's interest in the executive branch. It is a centralized area where farm programs and interests can be focalized. And what does the administration propose? An executive reorganization that will take these programs and spread them out through four different departments. I certainly approve of the concept of tightening the management of the executive branch to save money, but this abolition of the Department of Agriculture is nothing more than another example of the neglect, indeed more than neglect, of the open betrayal of the rural American citizen.

Mr. Speaker, this litany of betrayal could go on forever. But it is time for more than just complaints. It is time for action. Clearly, leadership is not going to come from the executive establishment. In fact, much of the farm problem can be traced to that branch. Congress must reaffirm the Nation's commitment to the farmer. The farmer has done his part to see that our Nation enjoys the world's highest standard of living. The cost of food, as a percentage of total income, is lower here than in any other country. Yet the farmer is not allowed to share that high standard of living when his prices received remain static and prices paid go up. The concept of parity was designed to deal with just that problem, and the farmer must be reassured that parity has not been abandoned. I call upon my colleagues in Congress, both rural and urban, to seize the initiative in putting together a comprehensive program of legislative action to improve farm income and bring dignity of living to rural America. I make this call because it will benefit both rural and urban America. It is just. It is right. And it is long overdue.

"TRUTH IN NEWS BROADCASTING"

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. MINSHALL. Mr. Speaker, as author of the "truth in news broadcasting" bill, H.R. 6935, I have been following with close interest the editorial exchange between the Washington Post and the broadcast media regarding editing techniques.

The Post's response to the most recent barrage of indignant "Letters to the Editor," from network news officials makes some very valid points as to the responsibility of the broadcast media, particularly in the area of honest self-examination.

I insert the letters and editorial from the Post:

F.Y.I.

Something approaching a state of hostilities seems to be developing between us and the network news people over some comments we made last week about the CBS documentary, "The Selling of the Pentagon." In essence, we said that certain editing techniques employed in a particular taped interview in one segment of the show were of the sort which could result in "a material distortion of the record" and that it was a pity to jeopardize, in this fashion, the credibility of what was on the whole a "highly valuable and informative exposition of a subject about which the American people should know more—not less."

Not exactly fighting words, we would have thought. But Mr. Richard Salant, president of CBS News, thought otherwise and last Monday in a letter from him and in an editorial in this space we exchanged views. That might have seemed enough to end the matter, except that Mr. Reuven Frank, president of NBC News, who was nowhere mentioned in our editorial, apparently thought he had been attacked, presumably because his editing techniques are the same as Mr. Salant's. So today we are publishing a singularly strident communication from him in the Letters space on the opposite page. Meanwhile, copies of their letters to us had apparently been distributed by both men to various other people, including Mr. Fred Friendly, the Edward R. Murrow Professor of Broadcast Journalism at Columbia University, and Time magazine, which obligingly praised Mr. Salant and Mr. Frank for having "effectively refuted" us before we had even received their letters, let alone put them into print. Mr. Friendly subsequently weighed in with a letter which also appears today.

Well, we seek no wider war. On the other hand, we do seek to be understood. And so, For Your Information, we would like to try to straighten out the tangle that has been made of the rather narrow issue at hand—by way of leading up to a broader and far more fundamental issue which these rebuttals raise.

As with Mr. Salant, Mr. Frank and Mr. Friendly both seem to think that we are proposing to surrender up some sacred journalistic right; that we are disinterested in the "protection of editorial independence," as Mr. Friendly puts it; or that we are proposing to "deny any reporter or editor not only the right but the responsibility of choosing which sentences in any public statement are interesting or important," as Mr. Frank puts it. Just to begin with, we were not even talking about public statements or speeches, and still less were we talking about newscasts or news stories—the run of the mill news fare. Both media of course reserve the right to exercise their own judgments about what to use and what to ignore, what to play up or down, how to paraphrase. And both are equally subject to errors of judgment in compressing material into limited time or space. But that, as any careful reading of the editorial in question would show, was not what we were talking about. There is no issue of "delegating the choosing process" here.

What we *were* talking about was what is called a question-and-answer interview (or "Q-and-A"), a technique common to both media whether it is reproduced in print or on film. Either way the "Q" is supposed to give rise to the "A." The reader or viewer is not only entitled, but positively encouraged, to believe that this is the case by the juxtaposition of the two. And what we were questioning was simply the practice of rearranging the "Q's" and the "A's" arbitrarily so as to destroy or to distort their original relationship—to present as the "A" something that didn't in fact arise from the original "Q." This, as we demonstrated in our reply to Mr. Salant on Monday, is precisely what happened in an interview with a Pentagon official in "The Selling of the Pentagon" and we think the official was quite right to protest.

Of course, the print media edit transcripts of "Q's" and A's" to shorten them, to enhance continuity, or simply to make them more comprehensible. But it does seem to us that when this happens the reader deserves to be forewarned that what he is getting has been excerpted; in print this is done by dots or asterisks. Surely television, which can instantly tell us when we are getting "simulated" space maneuvers or "instant replays," and when we are getting it "live," could figure out an easy way to identify disjointed excerpts as such. Nor does it seem to us to be too large a surrender of rights, when there has been serious rearranging of the original material, to allow the subject to at least look at the product before it is printed or aired and to argue about it; we offered this as an option, an "and/or" proposition in special cases, on the theory that if the subject doesn't recognize or accept the validity of what he is represented as having said, it has no validity.

Obviously the network news people don't agree, which is fair enough. What is disturbing to us, however, is the notion implicit in Mr. Frank's letter that for those in our business to raise any questions about our performance is to "Agnewize" (his phrase). If this means anything at all, it means that he would have us surrender all discussion of the news business to others—to people like Mr. Agnew. For somewhat longer than the Vice President has been on the scene, it has been our feeling that this is a genuinely dangerous surrender; that we can no longer afford to hold ourselves beyond reproach and above scrutiny and immune from criticism by ourselves—even while directing scrutiny and reproach and criticism at everything else. That is why we were examining our own performance and practices, in this space, under the rubric F.Y.I., long before Mr. Agnew launched his quixotic assault against the media a little more than a year ago. That is why we regularly print commentary on the news business by Richard Harwood on this page.

We do it because we believe there has been a long-developing deterioration of public trust in the news media—as in other institutions—and that the way to deal with this is not to stand aloof but to talk about it; to deal with our business as we treat everybody else's business; to be a little less arrogant about conceding the bare possibility of a mistake every once in a while. Mr. Frank calls this "introspection." We think of it as a matter of simple equity. How can we not treat our own business the way we treat the government, or the courts, or the church—or, for that matter, the Pentagon? Mr. Frank finds this "boring," and that may be. But if it is all that boring, you have to wonder what the gentlemen of the network news business are so wrought up about.

LETTERS TO THE EDITOR

NBC NEWS CHIEF REUVEN FRANK AND FRED FRIENDLY ON TELEVISION

Your editorial of March 26 suggests that when television news uses excerpts of a speech or statement, it explains how such excerpting was done. It further suggests we ask the speaker to approve this use of some of his remarks, since we are not using all of them. This is admirable arrogance at a time of boring introspection, but I might wish you were more cavalier about your own practices and less about mine.

One can try so hard to appear to do one's job right as to be unable to do it right, and this is a good example. In television news film as in print, such remarks are excerpted for importance from material of less importance, for interest from material of varying interest, and for time because unlimited time, like unlimited space, is not available. To use up the time saved by explaining how and why is a little like allowing one's secretary, as Sam Goldwyn is reputed to have done, to throw away outdated files only if copies are made.

To deny any reporter or editor not only the right but the responsibility of choosing which sentences in any public statement are interesting or important is to deny that reporters or editors are needed. Both political parties have their own publications wherein only the interested parties decide what should be used. It is frightening to think that the lead editorial in an important American newspaper should suggest that widely circulated news reports in another medium should delegate this choosing process to the most narrowly interested party, the man who made the speech.

All this suggesting is in your last paragraph, in which you elect to prescribe for our ills. Your penultimate paragraph, in which you say in effect that all news reporting is distorted but television news reporting is more distorted than most, I consider one more example of the standard lament of the editorial writer that his colleagues reporting for the news pages are too interesting.

But I had thought we were at least a decade past those days when newspapermen considered freedom to gather and transmit information freely according to the tradition of their craft was somehow a chemical component of ink. But when The Washington Post can Agnewize in this fashion I hear a bell tolling. I hope that on reflection you do too.

REUVEN FRANK,
President, NBC News.

New York.

No newspaper has done more than The Washington Post to stimulate serious broadcast journalism. But your "pox on both houses" editorial, "Mr. Agnew versus CBS versus DOD," struck me as an unfortunate shotgun indictment of all who have tried to build a mature and responsible broadcast profession. It also seemed curious that you should choose to overlook the common bond between good broadcasting and what my colleague, Norman Isaacs, calls good newspapering—fair and honorable editing.

That there is editing, "foreshortening and rearranging," in journalism is as evident to viewers of "The Selling of the Pentagon" as it is to readers of The Washington Post. Indeed, there may be even more editing and distillation in a single issue of The Post as in half a dozen documentaries or a month of Walter Cronkite news shows.

We can agree that responsible editing is essential both to intelligent broadcast and print journalism. Documentaries such as the Murrow-McCarthy broadcast in 1954, or "Harvest of Shame" or "Biography of a Bookie Joint," all praised by The Post, were the result of responsible editing as much as solid investigative reporting. The Annie Lee Moss broadcast which Mr. Murrow and I always considered a high point of our partnership, was the distillation of 20 minutes out of 90 minutes of hearings. The editing was painfully and carefully done with transcript in hand to preserve the meaning and tone of the original event.

Your editorial concedes the dangers of bad editing. But your remedy, that there be some indication "that something has been dropped and/or give the subject of the interview an opportunity to see and approve his revised or altered remarks," seems to imply that a double standard should exist—one for newspapers and one for broadcast. It has always been my understanding that one of the major points of newspaper independence has been never to permit a news source to review and/or edit what is to appear in the newspaper. Perhaps The Washington Post now operates under different rules, but I know that this protection of editorial independence is still a benchmark of broadcast news.

I can testify that the strongest motivation of a news producer or editor is to preserve original meaning. Producers often permit verbose politicians to continue endlessly in an effort to preserve the original, if redundant, meaning, only to be victims of newspaper reviewers critical of "talking heads." Indeed, this too, is a price of integrity. Implicitly, in a question and answer sequence, the original context must be preserved.

I do not mean to imply the "The Selling of the Pentagon" was without its imperfections. I have spent some time and had considerable correspondence with its producers and its detractors. In every discussion and in every letter, it has become clear that the imperfections do not mar the central thrust of the broadcast, i.e., that ". . . this gigantic and colossal propaganda machine on the banks of the Potomac . . . is still turned on," as Congressman F. Edward Hébert once put it.

We need more such documentaries, not fewer. We need more interpretive reporting, more new analysis, and this is precisely what the Vice President, the Federal Communications Commission and The Washington Post should be urging.

By equating film and tape editing with staging, I fear that your editorial tends to cloud the fundamental issue. It is akin to the Vice President charging that your reporters' copy is being distorted by your editors. I wonder what your response would be if one of your critics elected to focus on the "built-in problems" of those who deal in the permanence of the printed word.

FRED W. FRIENDLY,
Edward R. Murrow, Professor of Broadcast Journalism, Columbia University.

NEW YORK.

See today's editorial: "F.Y.I."

SEEKS BENEFITS FOR SMALL NUMBER OF WOMEN

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mrs. CHISHOLM. Mr. Speaker, today we have the opportunity to benefit a small number of women in this country who have heretofore been neglected by legislators. I am speaking of those women who have been divorced before their marriage reached its 20th year and therefore are denied the social security benefits which accure to wives and widows.

Under the present social security laws a person can become insured with as little as 6 quarters or 1½ years of work and will be fully and permanently insured with 40 quarters or 10 years of covered work. A wife becomes entitled to all the benefits of her husband's policy after as little as 1 year of marriage, and in the case where she is widowed, the marriage requirement is only 9 months. Since a woman acquires equity with her husband during the marriage, but ceases this acquisition after divorce, even though she supported her husband in her role as wife during the marriage, if a divorce results, she is cut off from her rightful insurance unless she has fulfilled this long 20-year requirement.

The President's Commission on the Status of Women in 1963 proposed 10 years as a practical limit in keeping with the general minimum period of social security regulations. Indeed, 20 years or 10 years is at best an arbitrary number, and if we can only be arbitrary, we must at least be liberal.

In order to help this situation, I am cosponsoring Mr. DUNCAN's bill, H.R. 6757 to reduce from 20 to 10 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record.

The women who would benefit from this bill number, only between 5 and 7 thousand, a rather insignificant number compared to the millions that are covered by the social security system, but it is these women who can use these benefits.

The greatest fear in regard to legislation of this kind has been that one man could theoretically qualify four women under his single policy and therefore work a hardship on the coffers of the social security system. But let us be reasonable. Even under the present 20-year limit, there exist only two or three cases of dual qualification and no cases of triple qualification under a single policy. If there is indeed risk involved in lowering this limitation, then let us see it clearly, otherwise let us rise for the need of these 5,000 women and help our social security system to meet their needs.

WATER AND WASTE DISPOSAL MODERNIZATION

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. FINDLEY. Mr. Speaker, in a bipartisan effort to free up nearly $300 million in loan and grant funds for water and waste disposal modernization in small towns and cities, Representative NEAL SMITH, of Iowa, and I were joined on Friday by 73 other Members of the House in signing a letter to President Nixon urging the release of these badly needed funds.

Congress last year appropriated $56 million in additional grant funds and $240 million more in loans than the administration has made available for spending by the Farmers Home Administration. The Office of Management and Budget has been holding up the release of these funds.

These funds are to be used in cities and towns of less than 5,500 for improving their water and waste disposal systems. In late February there were more than 4,000 applications on file with the Farmers Home Administration for loans and grants to be used for this purpose. Lack of available funding is the primary reason most of these communities have been prevented from making the necessary improvements.

Illinois towns and cities alone, in this size category, had 31 of these applications for $6.2 million in loans and grants for water and waste disposal assistance from FHA.

A recent nationwide survey of the Farmers Home Administration shows that about $11 billion would be necessary to help solve the rural water and waste disposal requirements of the Nation. This is a lot of money, but certainly spent in this way, we would be taking a solid first step toward helping maintain and redevelop our Nation's great small towns and cities into pleasant, healthy places to live. In the process, I am convinced, we will slow the pace of people moving from our small towns to a new life in the cities.

A copy of the letter sent to President Nixon and the Members who signed it is being made a part of these remarks:

WASHINGTON, D.C.,
April 2, 1971,

The PRESIDENT
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are writing with respect to the urgent need to provide additional grant and loan funds for the rural water and sewer facilities program operated by the Farmers Home Administration in the U.S. Department of Agriculture.

This program, established in 1965, provides financial assistance to rural communities of 5,500 population or less for the construction of basic water and sewer facilities. In addition to protecting the natural environment and removing health hazards caused by unclean water, this program is vitally needed at a fully funded level to enhance population growth in rural areas and stem the migration to already overcrowded urban areas. This is the only Federal program which provides assistance, in the form of both grants and loans, to rural communities for the construction of water facilities and community-wide sewage disposal systems.

Last year, by an overwhelming vote in both the House and Senate, the Congress approved an amendment appropriating $100 million in grant funds for the program during fiscal year 1971, the maximum available under the basic authorization legislation. In addition, Congress last year also passed another bill, Public Law 91-617, specifically designed to permit the Farmers Home Administration to use insured loan funds under the program. In view of the support for this program in Congress, we note with deep regret that the Administration has decided to distribute only $44 million of the $100 million appropriated in grant funds for this program during fiscal year 1971.

At the present time, the Farmers Home Administration has a massive backlog of applications from rural communities which simply do not have the financial resources or organizational structure to build water and sewer systems without this program. As of January 31, 1971, the Farmers Home Administration had on hand applications requesting a total of more than $600 million in assistance. In addition, over the last three years, applications totaling nearly $1.2 billion were returned to about 7,300 communities because these projects could not be financed in the immediate future.

In short, there is a crucial need at this time to provide the funds approved by the Congress to assist these rural communities. We therefore respectfully urge that you release the additional $56 million in grant funds for expenditure during this fiscal year and also authorize the use this fiscal year of an additional $240 million in insured loan funds. We feel that the rural water and sewer facilities program is a keystone to effecting rural redevelopment and, because funds are so urgently needed at this time, we hope you will act promptly and favorably on this request.

Sincerely yours,

Paul Findley, 20th District, Ill.; Ken Hechler, Fourth District, W. Va.; Donold M. Fraser, Fifth District, Minn.; Charles H. Griffin, Third District, Miss.; Neal Smith, Fifth District, Iowa; Frank Thompson, Jr., Fourth District, N.J.; Bill Nicholas, Fourth District, Ala.; N. J. Begich, District of Alaska;

William R. Anderson, Sixth District, Tenn.; Ray Roberts, Fourth District, Tex.; Bob Bergland, Seventh District, Minn., James C. Cleveland, Second District, N.H.; John Culver, Second District, Iowa; W. J. Bryan Dorn, Third District, S.C.; Richard H. Fulton, Fifth District, Tenn.; Thomas S. Foley, Fifth District, Wash.; William S. Stuckey, Eighth District, Ga.;

Mike McCormack, Fourth District, Wash.; Robert L. F. Sikes, First District, Fla.; William D. Hathaway, Second District Maine; Bob Casey, 22d District, Tex.; Michael Harrington, Sixth District, Mass.; Howard W. Robison, 33d District, N.Y.; John Paul Hammerschmidt, Third District, Ark.; Paul N. McCloskey, 11th District, Calif.; Graham Purcell, 13th District, Tex.;

Robert McEwen, 31st District, N.Y.; Albert H. Quie, First District, Minn.; Alton Lennon, Seventh District, N.C.; Harold T. Johnson, Second District, Calif.; Abraham Kazan, Jr., 23d District, Tex.; Tom Railsback, 19th District, Ill.; Robert L. Leggett, Fourth District, Calif.; John H. Andrews, First District, N. Dak.;

Arthur A. Link, Second District, N. Dak.; Ray Blanton, Seventh District, Tenn.; Philip E. Ruppe, 11th District, Mich.; Bill Berlison, 10th District, Mo.; William J. Randall, Fourth District, Mo.; John T. Myers, Seventh District, Ind.; Frank E. Evans, Third District, Colo.; Vernon W. Thomson, Third District, Wis.; Robert Stephens, Jr., 10th District, Ga.;

Wayne L. Hays, 18th District, Ohio; Jack Brinkley, Third District, Ga.; Edwin B. Forsythe, Sixth District, N.J.; Carleton King, 30th District, N.Y.; Claude Pepper, 11th District, Fla.; Melvin Price, 24th District, Ill.; Frank M. Clark, 25th District, Pa.; Lee H. Hamilton, Ninth District, Ind.; George E. Shipley, 23d District, Ill.;

Walter B. Jones, First District, N.C.; Patsy T. Mink, District of Hawaii; Tom Bevill, Seventh District, Ala.; Don Fuqua, Second District, Fla.; Robert A Roe, Eighth District, N.J.; Walter Flowers, Fifth District, Ala.; Albert W. Johnson, 23d District, Pa.; Julia Butler Hansen, Third District, Wash.; J. J. Pickle, 10th District, Tex.;

Joseph P. Vigorito, 24th District, Pa.; Guy Vander Jagt, 37th District, Mich.; John M. Zwach, Sixth District, Minn.; Orval Hansen, Second District, Idaho; William V. Alexander, First District, Ark.; David R. Obey, Seventh District, Wis.; James F. Hastings, 38th District, N.Y.;

Floyd V. Hicks, Sixth District, Wash.; Richard H. Ichord, Eighth District, Mo.; James G. Fulton, 27th District, Pa.; Peter N. Kyros, First District, Maine; John Brademas, Third District, Ind.; Frank E. Denholm, First District, S. Dak.

AN EDITORIAL ON LIEUTENANT CALLEY AND MY LAI

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. HARVEY. Mr. Speaker, I do not believe any issue has gripped this country or stirred it up more in recent years than the conviction of Lt. William L. Calley, Jr., U.S. Army. I can speak from particularly personal experience as I have just returned from holding office hours in our Eighth Congressional District. Practically every person with whom I met had a comment—and a strong one—in support of Lieutenant Calley. For example, I met with about 25 high school students who wanted to let me know that they disapproved of the sentence imposed upon Lieutenant Calley. And, like all Members of Congress, I have received a great many telephone calls, hundreds of letters and telegrams. The sentiment runs strongly in Lieutenant Calley's favor.

In addition, much has been said and seen through our public media. Undoubtedly, there will be many "special" productions in the days ahead. This, of course, is to be expected. However, in these early days of reaction, I would like to bring to your attention an editorial which appeared in the Sunday Star, of April 4, 1971, which, in my judgment, presents a rather balanced story on "A Nation Troubled by the Specter of My Lai." I do not necessarily embrace every thought or comment espoused by this editorial but, by and large, it does cover rather fairly all aspects and facets of a most controversial and emotional trial and sentence.

The editorial follows:

A NATION TROUBLED BY THE SPECTER OF MYLAI

The conviction of Lieutenant Calley has precipitated a wave of protest in this country. If the majority of the calls to this newspaper are typical, the tenor of the pro-Calley callers (who are greatly in the majority) reflects more intensity of emotion than either clarity of logic or dedication to a discernible code of ethics.

Be that as it may, this wave of protest exists. And it has thrown into each other's embrace such unlikely bedfellows as superdoves and superhawks, congressmen and clergymen, housewives and hippies. President Nixon, a helmsman never slow to trim his sails to a prevailing political wind, has acknowledged the strength of this sou'wester by ordering Calley's release from the Fort Benning stockade, pending the appeal of his life sentence on which the White House yesterday said the President himself will make the final decision for the military.

It is clear, from what many of those protesting the jury's decision say, that they either have not read or have failed to understand or believe the testimony of 104 witnesses in the longest military trial in American history.

Many, for instance, appear to be under the impression that Calley was convicted for killing enemy soldiers. Others hold that, whatever he did, he was ordered to do it. The first is untrue; the second is under dispute, with the weight of the evidence running against Calley.

His victims, who may well have been ideologically hostile to the United States, were 22 unarmed, unresisting *South* Vietnamese civilians of both sexes, ranging in age from small children to elderly people. There was not a word of testimony at the trial to indicate that as much as a single shot was fired at Calley's platoon on March 16, 1968. The only American casualty sustained that day was a man who shot himself in the foot. So much for the imputation that Calley was engaged in heavy combat and acted in self-defense.

As for Calley's contention that he was acting under orders to "waste" (kill) everyone in My Lai 4, his commanding officer, Captain Ernest L. Medina (who also is facing murder charges) denies having issued such orders. Charlie Company's other platoon leaders have testified that they heard no such order. Had such an order been issued, it would have been an unlawful one and obedience to it would not have constituted a valid defense.

It is clear that some of those most vehemently protesting Calley's conviction and sentencing really do not *care* how many South Vietnamese he may have killed or under what circumstances. Their attitude is that any American soldier in a war zone has an unlimited license to kill, particularly if the victims are "mere gooks." The abhorent and self-defeating nature of this view is so obvious as not to require comment.

Others hold that because Calley was young, probably scared and certainly in command of troops who could hardly be described as elite, his conduct fell within the limits of what is permissible in enemy territory in time of war. True, Calley was young, 24 at the time. But literally tens of thousands of other lieutenants younger than he have faced greater provocation and greater danger without reverting to "Jack the Ripper." Certainly the probability is that he was scared when he began the operation. But he met no resistance, he held all the cards and he played the one impermissible one. Surely his troops were green and had sustained casualties on previous operations. But it was not a question of restraining his troops from doing something but of *ordering* them to do it. In short, Calley had viable alternatives; he did not choose them. He killed unresisting, helpless human beings.

The Army never has taught its officers to murder civilians. The nation's first military code, drawn up during the Civil War, states that "men who take up arms against one another in public war do not cease on this account to be moral beings, responsible to one another and to God." That still holds, or ought to.

A more sophisticated protest has come from the left end of the political spectrum. These protesters want Calley let off because they are after bigger political and doctrinal fish. So convinced are they of the wrongness of the war and the detestable nature of the government in Saigon that they seek to extend Calley's guilt on up through the Army and ultimately, to the White House.

Their argument is based primarily on the Nuremberg principles and on what has come to be known as the Yamashita precedent. The Nuremberg trial of the Nazi leaders established the principle of the responsibility of political leaders for acts committed by their armies. The 1946 trial of General Yamashita, the Japanese commander in the Philippines, resulted in his death by hanging for atrocities committed by his troops, although no evidence was offered that he had ordered, condoned or even known about these acts. The military commission's finding was confirmed by the Supreme Court of the United States.

In a prophetic dissenting opinion, Associate Justice Frank Murphy wrote:

"In the sober afterglow will come realization of the boundless and dangerous implications of the procedure sanctioned today. No one in a position of command in an army, from sergeant to general, can escape these implications. Indeed, the fate of some future President of the United States and his chiefs of staff and military advisers may well have been sealed by this decision."

What Justice Murphy was saying—and what Calley's supporters on the left are implying—is that the Vietnam War has been conducted in such a way that if Calley was guilty, so were General Abrams, General Westmoreland, President Johnson, President Nixon and most of Congress.

We reject that contention. And in so doing, we have to face up to the fact that the Nuremberg and Tokyo trials were verdicts imposed by the victors upon the vanquished; that they resulted in much—although not all—bad law. That, of course, is small compensation to General Yamashita's family, but we think it ought to be said.

The question has also been raised as to whether it is more moral to dump bombs on civilians from 30,000 feet, as was done (at lower altitudes) by both sides during World War II and by ourselves in Vietnam, than to gun them down in a ditch, as Calley has been convicted of doing at My Lai. The end effect, after all, is much the same for civilians involved. That is true. But a quality of wantonness, of callousness to one's fellow human beings, is required to stare a child in the face and then snuff out his life.

And, indeed, while it may be possible to postulate that if Calley is guilty, the pilots are guilty, it does not follow that, because the pilots are technically guilty, Calley should be set free.

In the end, it comes down largely to what you want to think of your army and your country. We think—in fact we know—that the United States Army and the other branches of the service are composed in the main of honorable men who have tried, and usually succeeded in their efforts to make the best of the dirty job which war always is. And precisely because we do think highly of the Army, we refuse to believe that Calley's actions were typical, much less exemplary. We believe that the six officers who convicted him, all of whom had been decorated for gallantry in action and five of whom had seen combat in Vietnam, voted as they did because they recognized Calley's actions as exceeding any conceivable standards of behavior in warfare. If Calley's sentence is found by an appeal court to be excessive, or if testimony at the three remaining My Lai trials produces new evidence bearing on his case, the possibility of a commutation remain open.

But the day this country goes on record as saying that unarmed civilian men, women and children of any race are fair game for wanton murder, that will be the day that the United States forfeits all claims to any moral leadership of this world. We do not believe that black day has come.

PENSION PROTECTION

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. GAYDOS. Mr. Speaker, each Saturday morning in my 20th Congressional District of Pennsylvania, I conduct "congressional workshops" to learn what issues or problems are of prime concern to my constituents. Since the district is highly industrialized, one of the subjects most discussed is the lack of protection afforded the pension rights of white and blue collar workers.

It has been estimated less than one-third of all employees now covered by pension plans will ever receive anything in return for their contributions over the years. This is grossly unjust. The General Subcommittee on Labor, on which I serve, is vitally interested in correcting the many flaws in the pension plan system which it uncovered during more than 6 months of hearing on the issue. I, along with others of my colleagues, have already introduced legislation which will help correct these inequities and achieve the objectives sought by the subcommittee and more than 30 million American workers.

The need for the pension right protection is thoroughly explored in an article appearing in the April issue of the Reader's Digest. I am inserting the article in the RECORD and I urge my colleagues to read it.

The problems are critical and complex. Solutions to all of them will not be easy nor quickly forthcoming, but Congress must do something and give the American worker assurance he has not labored for life for nothing.

The article follows:

WHAT YOU SHOULD KNOW ABOUT YOUR PENSION

(By Irwin Ross)

Week after week despairing letters stream into Congress and the Labor Department from people who have suddenly discovered that their long-expected pensions have evaporated into thin air. Last April, George P. Shultz, then Secretary of Labor, told a Congressional committee that an estimated *one third* of all employes currently covered by private retirement plans "will never receive a pension." According to this calculation, nearly nine million of the 26 million Americans now enrolled in these plans will lose out.

The crunch in large part comes because only a minority of workers spend a lifetime or even 20 years with one employer. In a dynamic, innovative economy it is quite common to change jobs three or four times in a working career of 40 to 45 years. No personal instability is involved, merely an individual's desire to better himself, or the need to shift because technological change has wiped out old jobs. In recent months, too, because of the recession as well as budgetary cutbacks in the defense and aerospace industries, a great many people have lost their jobs before they could nail down their pension rights.

Clearly, there are major flaws in this country's system of private pension plans. Among them:

Inadequate "vesting" provisions. Vesting is the non-forfeitable right to a pension that an employe retains when he leaves a job prior to retirement age. Generally, it is a deferred right—the worker draws the pension when he reaches 60 or 65—and it is less than a full pension, its amount depending on his length of service. According to a recent Bureau of Labor Statistics study, 23 percent of pension plans offer no vesting—which, of course, means that a worker has to stay on the job until retirement age to be assured of a pension.

Moreover, only 34 percent of plans give vested rights after five to ten years' service—an excellent provision—whereas 30 percent require 11 to 15 years and nine percent 16 to 20 years. (In many of these plans an employe has to attain a certain age—often 40 or 50—before he can be vested.)

Business disasters. Expectations of a pension can be cruelly thwarted not only because employes change or lose jobs before they qualify; some workers are victimized because their employers go out of business before they can put enough money in the pension fund to meet all its obligations. The best-known disaster of that kind befell employes of the Studebaker Corporation, which stopped automobile manufacturing at its South Bend, Ind., factory in 1964. Studebaker had instituted a pension plan in 1950, but by the time the fund was formally terminated and retirees were compensated through the purchase of annuities, the money left in the pot was grievously inadequate to satisfy all the vested claims. The solution: each man got 15 percent of what he was entitled to, in lump-sum settlements that ranged from $200 to $1600. Most of these workers were in their early 50s and had only a remote chance of qualifying elsewhere for a pension.

The United Steelworkers of America, which has about a million members covered by pension plans, has within the last five years seen over 70 pension funds founder because of plant shutdowns, bankruptcy or merger. A Department of Labor study showed that 4259 pension plans were terminated from 1955 through 1965—affecting some 225,000 employes. Some of these plans had a fair amount of money in the till, and some of the workers were transferred to plans in merged corporations. Nonetheless, many thousands of workers each year were victimized.

Unethical conduct. Another threat to employes' pensions comes from the loose standards which govern the plans. In theory, a pension fund is set up solely in the interest of its beneficiaries. In practice, there are innumerable opportunities for the company or the plan trustees to manipulate the fund for their own private advantage. In one celebrated case, corporate officers of a holding company were also the trustees of the pension fund of their principal operating company. They used pension-fund money to purchase the stock of the holding company, thereby supporting its market price when it was declining. During this same period, the trustees were prudently selling blocks of their own stock in the company. At the end of a two-year period, the fund took a loss of more than $1.6 million in these overvalued securities. There was nothing illegal in this operation. It was simply unethical.

Pension funds have also been known to pay their trustees enormous sums for their services. One large corporation had 16 pension and profit-sharing plans, administered by five trustees. In one year, the trustees received $300,000 in fees from the 16 funds. Their duties could not have been too onerous, however, for the funds also paid $130,000 to a separate corporation to handle their investments and administer the benefit plans.

What can be done? The problem has been under study for years, and both Republicans and Democrats have introduced legislation to eliminate abuses and inadequacies. Among the proposed remedies are mandatory vesting after ten years and "graded vesting" (already in existence in many of the better pension plans), whereby vesting starts, say, after the sixth year of employment and increases by ten percent a year thereafter, so that the employe is half vested after ten years, fully vested after 15.

Another suggested solution involves "portability," which allows employes to transfer credits from one pension plan to another as they shift jobs. Such reciprocity in the transfer of pension credits already exists between a number of multi-employer pension plans. Though portability is a useful device, most experts believe that it involves many technical problems, and that adequate vesting provisions will achieve a similar result, enabling a worker to retire with two or three reduced pensions.

Improved funding standards have also been proposed, to ensure that the employer continues to put enough money in the pot each year so that if the plan were terminated it could pay off all its pension obligations. To solve the problem of a company going out of business prior to full pension-plan funding, a federal insurance program has been suggested, similar to the nearly 40-year-old program that insures bank deposits. (Premiums would be paid by the pension funds, just as banks pay premiums to the Federal Deposit Insurance Corporation.)

Requirements for vesting, funding and insurance are contentious matters, however. Employer groups like the U.S. Chamber of Commerce oppose mandatory provisions largely on the ground that the additional financial burden will restrain the creation of new pension plans. Labor is of divided mind on the issue. The steelworkers and auto workers have strenuously campaigned for vesting, funding and insurance, while the International Ladies' Garment Workers' Union and the Amalgamated Clothing Workers, which have long sponsored multiemployer plans, have vigorously argued that the cost of the proposed reforms would be onerous for their modest-sized and often hard-pressed employers and would force a reduction of already small pension benefits—$75 and $85 a month in the case of the ILGWU. Like the garment unions, the AFL–CIO maintains that the multi-employer plans, 25- or 30-year funding is unnecessary, for with many hundreds of employers putting up the money, the demise of any particular employer would not imperil the fund. The view has merit and, in at least one proposal, a multi-employer plan which is clearly not dominated by any one employer would be exempt.

Less controversial proposals involve stricter standards under which "self-dealing" would be outlawed. Pension fund trustees would be held to standards similar to those that apply to the trustees of an estate. Any deviation from such behavior would compel the trustees to make up losses suffered by a fund and, in the case of willful delinquency, criminal penalties could be imposed. Annual reports would have to be filed with the Labor Department providing far more detail on fund investments than is now required.

The Nixon Administration is strongly on record for a fiduciary standards and disclosure bill, and there will be an energetic push to pass reform legislation in the new Congress. But even now there are a few important steps you can take to protect your pension:

1. Study the details of your pension plan. Benefits have often been lost through ignorance. If the plan requires 15 years' service and attaining the age of 42 for vesting, don't make the mistake of leaving when you're 41.

2. See if there are any hidden gimmicks in the plan. Sometimes an ex-employe is denied vested rights in a pension if he goes to work for a competitor.

3. Check occasionally with the personnel office to make sure that there are no errors about your length of service. It is easier to correct mistakes soon after they occur than when you are on the brink of retirement.

4. If you have a vested right in a pension, get a written statement from the pension fund as to your equity when you leave your job. Don't wait until you retire.

Foresight can save a lot of woe. But in the end Congress will have to act if the pension rights of millions of Americans are to be protected.

TRUTH-IN-NEWS BROADCASTING

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. MINSHALL. Mr. Speaker, in line with introduction of my truth-in-news broadcasting bill, H.R. 6935, there has been brought to my attention a press release issued by the International Association of Game, Fish, and Conservation Commissioners regarding NBC's production, "Say Goodbye."

I wish to make the release and letter

from the association to Julian Goodman, president of NBC, a part of the RECORD:

NBC POLAR BEAR TV SEQUENCE IN ERROR COMMISSIONERS SAY

The International Association of Game, Fish and Conservation Commissioners today has written to Mr. Julian Goodman, President of the National Broadcasting Company to express serious concern regarding segments of the "Say Goodbye" production. Association President Chester F. Phelps told Goodman that "I am convinced that the sequence which purported to depict the killing of the female polar bear is a false depiction of the event actually filmed."

The International Association numbers among its government members the fish and wildlife agencies of the 50 states, 5 Canadian provinces, and the Commonwealth of Puerto Rico. The agencies have responsibilities for the protection and management of the fish and wildlife resources of much of the North American continent.

Phelps said he is "advised by officials of the Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, and by officials of the Alaska Fish and Game Department that the female bear in the sequence, instead of undergoing a death agony as represented, was in fact succumbing to a tranquilizing drug administered by biologists employed by the State of Alaska and engaged in a scientific and humane project designed to improve knowledge of polar bear. I am advised that the female polar bear later rejoined her cubs which were not harmed . . ."

Phelps continued, "the program was presented in a documentary fashion leading viewers to believe that the incidents portrayed actually happened as presented. Would television viewers have had reason to believe they had witnessed a management project, humanely and scientifically conducted by biologists, in an effort to improve knowledge of polar bear? I believe not.

"In my view," Phelps continued, "manipulations such as this makes no contribution to wildlife conservation. They do succeed in unfairly undermining public faith in federal and statewide wildlife officials and as the true facts become available, as they inevitably do, such incidents serve also to undermine the public's faith in television broadcasting. I believe the networks have a responsibility to the public as well as to network affiliates to guard against occurrences such as this."

Phelps urged that NBC make a full investigation of the program and requested a report of the findings "so that I may notify federal and state agencies which must respond to the many critical letters received from the public as a result of the program. The wildlife official advised Goodman that "through the exposure provided by your network and affiliates, the public has been misled about this matter, and I submit that the National Broadcasting Company has duty to correct this false impression. I feel it should be done soon, and with sufficient exposure to bring to the public the true facts. Will you please advise me as to how you intend to accomplish this?"

INTERNATIONAL ASSOCIATION OF
GAME FISH AND CONSERVATION
COMMISSIOERS,
Richmond, Va., February 26, 1971.

Mr. JULIAN GOODMAN,
President, National Broadcasting Co.
RCA Building,
New York, N.Y.

DEAR MR. GOODMAN: I am writing on behalf of the International Association of Game, Fish and Conservation Commissioners to express our serious concern regarding segments of the production "Say Goodbye" which was shown on the NBC television network on January 8, 1971. The International Association numbers among its government members the fish and game agencies of the fifty States, five Canadian provinces, and the Commonwealth of Puerto Rico. These agencies have responsibilities for the protection and management of the fish and wildlife resource of much of the North American continent.

Information has recently been brought to my attention which indicates that a segment of the production "Say Goodbye" was contrived to depict an incident, viz., the tracking and killing from a helicopter of a female polar bear accompanied by two cubs. I am advised that the sequence which purported to depict the killing of the female polar bear is a false depiction of the event actually filmed.

I am advised by officials of the Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, and by officials of the Alaska Fish and Game Department that the female bear in the sequence, instead of undergoing a death agony as represented, was in fact succumbing to a tranquilizing drug administered by biologists employed by the State of Alaska and engaged in a scientific and humane project designed to improve knowledge of polar bear I am advised that the female polar bear later rejoined her cubs which were not harmed as you will note in the attached letter from James W. Brooks, Arctic research Biologist, Bureau of Sports Fisheries and Wildlife.

The program was presented in documentary fashion leading viewers to believe that the incidents portrayed actually happened as presented. Would television viewers have had reason to believe they had witnessed a management project, humanely and scientifically conducted by biologists, in an effort to improve knowledge of polar bear? I believe not.

In my view manipulations such as this makes no contribution to wildlife conservation. They do succeed in unfairly undermining public faith in federal and state wildlife officials and as the true facts become available, as inevitably they do, such incidents serve also to undermine the public's faith in television broadcasting. I believe the networks have a responsibility to the public as well as to network affiliates to guard against occurrences such as this.

I would urge that NBC make a full investigation. I would appreciate receiving a report of your findings so that I may notify federal and state agencies which must respond to the many critical letters received from the public as a result of the program. I would like to include, as a part of such notification, assurance from your network that every possible step will be taken to insure that future conservation programs are accurate and do not contain contrived, albeit sensational, segments.

Finally, I feel very keenly that your network has a responsibility to set the record straight with respect to "Say Goodbye." Through the exposure provided by your network and affiliates, the public has been misled about this matter, and I submit that the National Broadcasting Company has a duty to correct this false impression. I feel that it should be done soon, and with sufficient exposure to bring to the public the true facts. Will you please advise me as to how you intend to accomplish this?

I would appreciate your early reply.

Sincerely yours,

CHESTER F. PHELPS,
President.

FAMILY FARMS NEED LONG-TERM CREDIT TO SUCCEED

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. EVANS of Colorado. Mr. Speaker, probably the hardest fact facing an American farmer today is that he needs capital to be successful—and lots of it.

Recent figures show the farmers' use of borrowed capital has now risen to nearly $60 billion, more than double the amount of 10 years ago. Within this decade, the figure is likely to double again.

It seems clear, therefore, that one of the most critical factors in determining whether individual family farmers will survive and prosper in the years ahead is the extent to which they will be able to obtain adequate financing.

Though it varies by the area and the type of farming, it is generally acknowledged that to achieve an efficient sized farming unit today requires a capital investment of about $200,000. This would be the amount of money needed to purchase sufficient land, equipment, and livestock to return a reasonable income to the producer.

Obviously, a young man just does not walk up to a lender, borrow $200,000 and go out and begin his career as a farmer. It does not work that way.

First, no commercial lender would advance the entire amount needed for a young farmer to get started. That would place all the risk on the lender and none on the farmer.

Second, today's farming is too complicated and sophisticated for an untrained individual to succeed. It takes several years of work as a hired man or in partnership with his father or another farmer for a young man to become knowledgeable enough to make good in today's agriculture with its low profit margins.

There are, nevertheless, a great many capable farmers — particularly young farmers—who are unable to obtain sufficient long-term credit to buy their own farm.

It is essential that we as a nation find ways to encourage these young men—and that we seek every possible avenue to keep agriculture in the hands of individual family farmers. Adequate financing of today's operators—and of the young farmers coming up—should therefore be a national goal. It would be a sad day indeed if we were to awaken to find that our family system of farming had been replaced by giant corporate entities.

Accordingly, I was encouraged recently to learn of a special, cooperative effort by the Federal land bank system and the Farmers Home Administration which adds another dimension to long-term financing of farm real estate.

Under the program, long-term loans for purchasing farm real estate can be made to the same borrower by both the Federal land bank and the FHA. The program would work like this:

The Federal land bank would make a long-range first mortgage farm real estate loan to a farmer. Simultaneously, the FHA would make an initial farm ownership loan to the same farmer. In doing so, the FHA would subordinate its mortgage to the Federal land bank lien.

There are a number of benefits which will flow from this program.

It should be noted that by law the Federal land banks are restricted to advancing not more than 65 percent of the normal value of a given piece of farm real estate. On the average this is about 50 percent of the present market price of the farm. Obviously, with such a restriction, a large downpayment is required on the part of the borrower.

But with the FHA financing a substantial share of the total, a far lesser amount of initial cash downpayment is required. This of course is crucial when one considers the large amount of capital required in today's agriculture.

The net result of the program is that there will be more young, capable farmers on the land contributing to their rural community than would otherwise be possible.

A direct byproduct of the program is that with the land banks and FHA pooling their efforts, more funds are left available to FHA to serve other farmers. This is important because FHA is subject to a ceiling on the total amount of farm ownership loans it can make. Historically, there has been more demand for these insured loans than money made available.

The Federal land banks, on the other hand, are completely owned by their member-borrowers. Though the banks were initially capitalized by the Government, these funds have been repaid for more than 20 years. The banks received nearly all their loan funds by issuing their bonds on the Nation's money markets.

Both the Federal land banks and the Farmers Home Administration are to be commended for their efforts. It is a prime example of the Government, representated by the FHA, and the private sector, represented by the land banks, of cooperating in a common and worthwhile purpose.

As I stated earlier, the sheer magnitude of financing agriculture in the future is such that no opportunities can be overlooked if the family farming we know today is to survive.

In this regard I applaud the efforts by the entire Farm Credit System with its indepth look at the future of credit in agriculture as contained in the report of the Commission on Agricultural Credit. That document spells out the importance of the job ahead in agricultural lending and some of the changes which are needed if that job is to be successfully carried out.

I commend these and other efforts to improve upon the financing of today's agriculture—financing with the goal of improving the economic well-being of the family farm unit.

COMPREHENSIVE CHILD DEVELOPMENT ACT

HON. WALTER F. MONDALE

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Monday, April 5, 1971

Mr. MONDALE. Mr. President, today, I am introducing for myself and Senators Javits, Nelson, Schweiker, Bayh, Brooke, Case, Cranston, Eagleton, Harris, Hart, Hartke, Hollings, Humphrey, Inouye, Kennedy, Mansfield, Mathias, McGee, McGovern, Metcalf, Moss, Muskie, Pastore, Pell, Randolph, Ribicoff, Stevenson, Tunney, and Williams, a bill entitled "The Comprehensive Child Development Act of 1971." This legislation builds upon the successful experience of Headstart. It provides a full range of quality health, education, nutrition, and social services for American children, on a voluntary basis. It is designed to assure that every child has a fair opportunity to reach his full potential.

While maintaining Headstart's priority on economically disadvantaged children, our new bill also expands services to include children from families above the poverty level, especially children of working mothers and single parents. It provides the legislative framework for eventual universally available child development programs for all families who need and want them. Priority on preschool programs continues, but services will be expanded to include infant care and before and after school services for children in school, as well as parental services and child development training for parents and prospective parents.

The legislation is designed to allow the greatest possible flexibility, within the priorities established, to provide whatever combination of full- or part-time, day or night services, in-the-home services, neighborhood centers, schools, or work-based facilities will best meet locally determined needs. Planning, operation, and administration of programs will take place at the local level through the partnership of parents, community, and local government. It emphasizes participation of parents and older family members in the development and implementation of the programs which serve their children.

In February 1969, President Nixon called for "a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life" and pledged himself to that commitment. Last December, delegates to the White House Conference on Children voted as their top priority the provision of "comprehensive family-oriented child development programs including health services, day care, and early childhood education." Enactment and full funding of the Comprehensive Child Development Act will enable us to fulfill these commitments.

THE CRITICAL EARLY CHILDHOOD YEARS

The critical effect of the first 5 years of life has been well documented. We know that the beginning years of life are the most important for a child's intellectual growth, and for his social, emotional, physical, and motivational development. These early years are the formative years—they are the years in which permanent foundations are laid for a child's feelings of self-worth, his sense of self-respect, his motivation, his initiative, and his ability to learn and achieve.

We know, moreover, that a child's intelligence is not fixed, once and for all, at birth. We have learned that his intelligence is shaped by his experiences, and that his mental development is heavily determined by the conditions and the environment he encounters in the first few years of life.

We know, in addition, that children are most eager and often most able to learn during their early childhood years. As Dr. Benjamin Bloom concluded in "Stability and Change in Human Characteristics":

> As time goes on . . . more and more powerful changes are required to produce a given amount of change in a child's intelligence, . . . and the emotional cost it exacts is increasingly severe.
>
> To a very great extent, a child's experiences at the beginning are critical determinants of his entire future life.

Yet, we have never adequately provided for those early childhood years; we have left things to chance; and we have particularly neglected those children with the greatest economic and social need.

Today, there are nearly 3½ million children under the age of 6 whose families have incomes below the poverty level, and probably an equal number from families living in near poverty. Regardless of the love and attention these children receive from their families, many of them are growing up without adequate nutrition and health care, and without the active mental and intellectual stimulation that is necessary during their early years.

As a result, many of these children are depressed, withdrawn, and listless. Child development specialists report that in the beginning it is difficult to get some of them to smile or show interest in anything around them. Young children in many of these homes are considered well behaved if they sit quietly in a corner during the day, instead of talking, playing, and exploring. The frequent moving and use of many different babysitters makes some of the children confused, insecure and, in extreme cases, results in emotional disturbances and hyperactivity. Sometimes there are no books or magazines in these homes, no clocks or radios, and what few toys there are usually have no educational value for the child.

In addition, many poor children—Mexican Americans, Indians, Eskimos, Puerto Ricans, and members of other minority groups—grow up learning English as a second language, or not at all. Besides being burdened with possible nutritional and intellectual deprivation in their early years, many of them are confronted with an alien language and an alien culture when they begin school.

Most American children are more fortunate. Their early childhood years are spent in a more secure and stimulating environment where they receive the physical and mental nourishment necessary for development. Some have the additional advantage of a private pre-school experience.

The child from a privileged family who enters school at the age of 6, even if his parents have made no conscious effort to teach him, has behind him a full and complex learning history.

The variety of skills this well-endowed 6-year-old brings to school with him are impressive. Yet the child was born with none of these specific abilities. He has learned them all from interactions with his environment. In short, his "cognitive development" is already well advanced. He also, as a rule, has had his medical and dental needs attended to. And he has never truly been hungry or undernourished.

Unfortunately, most poor and near poor children arrive at school without these same advantages and assets. Many of them may have suffered irreparable damage in their early years. Many have not had the benefit of adequate physical and mental nourishment. Many have not received sufficient nutrition, health care, and intellectual stimulation. Many of them, as a result, appear listless and apathetic at early ages—in stark contrast to the curiousity-filled active youngster from the average middle-class home.

Research reveals quite clearly the costly and lasting effects of deprivation in these early years. It reveals, for example, that as early as 18 months of age, poor children start falling behind middle-class children in tests of language development, and general intelligence. It reveals, furthermore, that this intellectual gap between poor and nonpoor children that appears so early in life tends to grow larger over time.

The following passage from the Westinghouse Learning Corp. study of headstart summarizes the tragic conclusions of research in early childhood deprivation:

> One theme which emerges with great clarity from all the related literature and research is that there exists significant and substantial differences between so-called lower-class and middle-class children. It is universally reported that the former typically enter school much below the level attained by the latter, on the average, and that schooling furthermore operates to increase these differences, so that the children of the poor suffer a "cumulative deficit" as they progress through school. Consequently, they drop out of school in large numbers, fail to develop saleable vocational competence, and thus continue the cycle of poverty throughout their own lives and throughout the lives of their own children, in turn.

The work of the Select Committee on Equal Educational Opportunity, which I chair, has underscored this tragic cycle of poverty and failure. Testimony before our committee has documented the way in which many of the underfunded schools in our large cities—often serving the poorest of the poor—are educational graveyards. Many of the children who enter their first grades have already had their minds stunted by malnutrition or inadequate educational stimulation in preschool years. And the schools often cannot reverse this trend of destruction.

Once they enter inner city schools, all too often this deterioration continues. In Hartford, Conn., the average IQ of fourth graders in ghetto schools was 94 in 1965. Two years later, when that class was in the sixth grade, its average IQ had dropped to 88. In another 2 years, in the eight grade, it was 86—only 6 points above the IQ level at which children become candidates for institutionalization in Connecticut facilities for the retarded.

Similarly third graders in Washington test four-tenths of a year behind students in 11 other big cities. By the ninth grade they are 1.6 years behind other big city students, and of course even further behind—some 2.2 years behind—the national averages.

In short, damage is done in the crucial early years, and often our educational institutions are unable to repair it in later life. The cycle of deprivation rolls on.

Research and testimony like this demonstrate the critical nature of the early childhood years. But let us make sure we understand exactly what this means. It means that neglect, hunger, inadequate health care and lack of stimulation during this period can cripple a child's intellect for life, or at least make it exceedingly difficult and expensive to restore and recover what has been lost. But it does not mean—and this fact cannot be overemphasized—that quality preschool programs alone will guarantee that children reach their full potential.

Early childhood services are not an innoculation that lasts for life. There are no magic periods in childhood. Child development is continuous, and we must provide adequate support and services through childhood. That is why our bill authorizes services from prenatal period through age 14. We have placed a priority on the preschool years not because those are "magic years," but because they are the foundation years, and the years that are most neglected in our existing pattern of services for children.

NUTRITIONAL DEPRIVATION

Mr. President, I would like to underscore the role that inadequate nutrition plays in perpetuating this cycle of poverty. As a member of the Senate Select Committee on Nutrition and Human Needs, I have had an opportunity to hear expert testimony about the tragic and permanent effects of nutritional deficiency during pregnancy and the first few years of life. Presently, there is no government program that deals adequately with the critical nutrition needs of infants from the period before birth until they reach school age. Pediatricians have pleaded eloquently before the committee for national recognition of the disaster—mental as well as physical—which befalls undernourished infants. Besides the dangers of permanent physical impairment and increased susceptibility to illness which malnutrition brings during the preschool period, a child's capacity to learn can be seriously and permanently damaged by undernourishment.

Dr. Charles Lowe, chairman of the Committee on Nutrition of the American Academy of Pediatrics, testified before the Nutrition Committee:

> Severe malnutrition suffered during childhood affects learning ability, body growth, rate of maturation, ultimate size, and if prolonged, productivity throughout life.

Dr. Lowe stated further that:

> In effect, the quality and quantity of nutrition given during the first formative years of life may have the effect of programming the individual for all the years of his life. Malnutrition during the last trimester of pregnancy and certainly during the first months of life may seriously compromise ultimate intellectual achievement.

When I asked Dr. Lowe if Government food and nutrition programs had to be limited arbitrarily to only 6 years, which period of a person's life he would focus these programs on, he answered without hesitation, the last 3 months of pregnancy and the first 5¾ years of a child's life.

Mr. President, the problems and the potentials I have been discussing are all too familiar to most of us. We have known for some time that deprived children start school at a disadvantage; that most of them do not have the intellectual and verbal skills that their middle-class classmates developed at home. And we have learned in recent years some of the reasons for this inequality, and the importance of early childhood and preschool programs.

SOCIOECONOMIC DIVERSITY

I do not mean to suggest that middle-class children cannot benefit from child development programs and preschool experiences. Indeed, quality comprehensive programs can help all children and should be available in this country—on a voluntary basis—to all children as a matter of right, regardless of their economic, social, and family background. Many families whose income falls above the poverty level cannot afford child development programs for their children. Preschool in this country thus becomes a privilege for the very rich and, to the extent that public programs are currently provided, for the very poor.

But, by providing services only at the socioeconomic extremes, we are neglecting the majority of our children and, in a very real sense, we are assigning poor children to a track system even before they enter the public schools. Perhaps most tragically we are ignoring the enormous opportunity for children to learn from one another.

Dr. Edward Zigler, Director of the Office of Child Development, testified before the Senate Subcommittee on Employment, Manpower and Poverty in the 91st Congress, in his capacity then as a member of the National Planning Committee and the National Research Council of Headstart and of the Department of Psychology of Yale University specializing in child development programs. He strongly supported the need for expanded and improved programs of child development and argued most eloquently for expanded participation in Headstart by children "of middle socioeconomic class":

> Another important reason for guaranteeing a good socioeconomic mix in Headstart centers is the growing body of evidence that children learn a great deal from one another. The middle-class child does have a number of attributes that the poor child could profitably model. By the same token we often find in poor children particular strength and characteristics worthy of emulation by the middle-class child. We must see to it that Headstart centers are institutions where our Nation's children, regardless of economic status, can enrich one another.

SERVICES FOR CHILDREN OF WORKING MOTHERS

The demand for quality child development services has grown, not only with the recognition of the vital importance of the early childhood years, but with the steady increase in the number of mothers who are working outside the home. Their infants and preschool children need care, affection, social stimulation and intellectual motivation, and their older children need supervision and support before and after school.

In 1965, the Women's Bureau of the U.S. Department of Labor conducted a survey of the 6.3 million mothers who worked, to determine the kind of care provided for their 12.3 million children under the age of 14, and particularly for their 4.5 million children under the age of 6. That survey revealed that about 87 percent of the children required supplementary care—only 13 percent were in school during all the hours their mothers were outside the home. Forty-six percent were cared for at home by other family members, 15 percent by mothers on the job, and 16 percent by relatives outside the home or in small family day-care homes. Only 2 percent were enrolled in any type of day-care center or nursery school. Most shocking of all—8 percent, incuding 18,000 preschoolers, were left to take care of themselves.

Today's situation is unquestionably worse. Since 1965, the number of working mothers has nearly doubled. One-half of all mothers with children in school work today, and one-third of all mothers with preschool children, are working at least part-time. But we have increased the space available in licensed child-care centers to accommodate less than 40,000 more children than we accommodated in 1965.

In other words, while more and more mothers are working—most of them out of economic necessity—quality services for their children are simply not available. Too many mothers who are forced to work, or who chose to do so, must rely at best on custodial care, and all too often must utilize centers which cannot even provide for the basic health and safety of their children. Others must leave their "latch key" children on the streets, where they are subjected to drugs and delinquency, rather than constructive development programs which might supplement their school and home environment.

CUSTODIAL VS. COMPREHENSIVE SERVICES

Mr. President, the increasing demand for day-care services has been accompanied by a disturbing shift of focus from the development of the child to the convenience of the parents.

A Washington Post reporter in an excellent series reviewing day-care programs and prospects put it this way:

> The focal point of government interest seems to be shifting—from the "develop the child" emphasis of the Great Society days to the "free the mother to work" emphasis of the Nixon Administration's proposed welfare reform bill.

I am deeply concerned about the current discussion of day care in the context of welfare and food stamp reform and forced work requirements, because the emphasis is being placed not on helping the child but on putting the mother to work.

If, under the guise of welfare reform, we take more and more disadvantaged children away from their mothers and condemn them to custodial care centers, then we are neglecting the potential of their early childhood years and denying them their greatest opportunity to move out of the cycle of poverty. We accomplish little toward real reform if, in the process of getting parents into jobs and off the welfare roles, we deny their children the comprehensive services they need to compete in the classroom and become productive members of their society.

A recent series in the Washington Post described the kind of custodial care that is being offered in the Nation's Capital—"not the best of it, but some of it, and not the worst".

> In one corner of the large, neat and very bare room 21 children, 3 to 6 years old, and two adults sit, watching "Captain Kangaroo" on a small-screen black-and-white television perched far above their heads on a room divider.
>
> About half the children seem attentive, a handful are squinting or glassy-eyed and five have their heads down on the table either resting or sleeping. . . .
>
> There is no talk, either during commercials or after the program ends. The images flitting across the small screen are the only movement, their mechanically jolly banter the only sound.

According to the reporter, there are few books in the center, no educational toys, little if anything to stimulate creative play. The children spend up to 11 hours in the sparsely equipped room with a schedule which includes an hour of television, 3 hours of naptime, morning and afternoon devotions, an hour and 15 minutes "getting ready to go home," and an hour and a half for "going home." Only 1 hour is set aside for "class."

Such a center is all too typical, not just in the District of Columbia, but throughout the Nation. And as the demand for such services increases, these typical centers, and others even less adequate, will proliferate—unless we provide the financial resources, the technical assistance, and the delivery mechanism to provide quality care for every child who needs it.

FEDERAL ROLE IN CHILD DEVELOPMENT

Mr. President, quality child development programs are expensive. Several years ago, the Office of Child Development prepared estimates of national costs, based on three levels of services: "minimum" custodial care, "acceptable" basic programs of developmental activities, and "desirable" programs with a full range of general and specialized activities suitable to individualized development.

Group day care for 3- to 5-year-olds, OCD estimated, would cost $1,245 a child at a "minimum" level, $1,862 at an "acceptable" level, and $2,320 at a "desirable" level. "Minimum" programs for children under 3 would cost $1,423, "acceptable" programs, $2,032, and "desirable" programs, $2,372. Services for children in school would be $310 at a "minimum," and $653 at an "acceptable" or "desirable" level. Limiting the total costs to 4 million children of families with incomes under $5,000 who were identified as "needing day care," OCD calculated that such programs would require a "minimum" national expenditure of $2.5 billion, $4.2 billion at an "acceptable" level, and $4.6 billion at a "desirable" level. The study pointed out, however, that for children from disadvantaged homes, only the "desirable" level would be appropriate.

Since that study was published, inflation has pushed the cost of child development programs upward, and more mothers are working. Thus, the $4.6 billion is an outdated, conservative "desirable" cost, and does not take into consideration any children from families above the $5,000 cutoff who might need and benefit from such programs or the other poor children who may not "need" day care but who could benefit from it.

Mr. President, our States and cities are already being bankrupted by the costs of elementary and secondary education. They have no resources to undertake a massive program of this kind. Parents of the poor cannot pay for the services their children need, and indeed, the 2 million working mothers of preschool children with family incomes between $5,000 and $10,000 can contribute little if anything toward the cost of child development programs.

The Federal Government must assume the responsibility. The President has already expressed his commitment to that responsibility, although the administration's budget requests do not reflect it.

The major, in fact the only, Federal investment in quality comprehensive child development programs has been Headstart—a program designed to give poor young children the kind of foundation that makes it possible for them to succeed in life, based on the understanding that a child's development involves not only the child but also his parents, other family members, and the community. The results of Headstart have been notable, but one of the clearest lessons we have learned from our experience thus far is that, if we are to accomplish our objective, then Headstart must be expanded downward toward infancy and upward through the elementary and secondary schools. In addition, we must reach more than the 425,000 children who will be served in the coming year. Even if we limit Headstart to 3- to 5-year-olds below the poverty level, there are 1,598,000 children eligible for the program. Yet the administration has requested only those funds necessary to keep the program going at its present level. In testimony before the House Education and Labor Committee recently, Dr. Zigler, the Director of the Office of Child Development, conceded that the request for $376.5 million was only a "maintenance budget" and that it would require an additional $1.126 million to reach all of the eligible children. This does not include the expansion to include a broader socio-economic diversity in programs, which Dr. Zigler has supported in his testimony and I agree is so important.

The other major Federal expenditures for day care services are provided through the Social Security Act and the State welfare agencies. The President has requested $78 million to provide day care services for 200,000 children of welfare recipients in training, for the most part under the work incentive program, and has proposed an additional $400 million under the new family assistance plan, to provide day care services for children whose mothers will be required to work if the program is enacted. I question whether any of this money will be spent for quality comprehensive programs, rather than custodial care, in the absence of legislation such as we are introducing today.

Mr. President, the national need for child development is obvious and irreversible. Only the Federal Government has the financial ability to meet that need. The question before us today, therefore is not whether we are going to have Federal involvement in day care, but rather how it is going to be structured and what kind of services we are going to provide for our children and their families.

THE COMPREHENSIVE CHILD DEVELOPMENT ACT OF 1971

We have examined all of the proposals for child development and day care which have been introduced in this and earlier Congresses, including the administration's proposals for the family assistance plan and the Federal Child Care Corporation which was proposed in this body last year. We have studied the testimony of expert witnesses before both the House and Senate Committees. We have benefited from some of the community decisionmaking emphases in a bill introduced by Senator JAVITS and Senator BAYH. And we have consulted with a broad coalition of organizations interested in child development including the: Amalgamated Clothing Workers; AFL-CIO; Americans for Democratic Action; Americans for Indian Opportunity Action Council; Black Child Development Institute; Committee for Community Affairs; Common Cause; Day Care and Child Development Council of America, Inc.; Friends Committee on National Legislation; Interstate Research Associates; International Ladies Garment Workers Union; League of Women Voters; Leadership Conference on Civil Rights; National Council of Churches; National Council of Negro Women; National Education Association; National League of Cities and U.S. Conference of Mayors; National Organization of Women, president and vice president for Legislation; National Welfare Rights Organization; United Auto Workers; U.S. Catholic Conference, Family Life Division and Washington Research Project Action Council.

A companion bill which is very similar in many ways to the one we introduce today was introduced recently in the House of Representatives by Representative BRADEMAS, Representative REID and a large number of cosponsors from both parties. I am delighted that these bills are so similar. Both versions have benefited from the gifted leadership of JOHN BRADEMAS in particular, who has been a pioneer in this field and whose subcommittee held extensive hearings on child development last session.

The Comprehensive Child Development Act of 1971 which we are introducing today is the result of that exhaustive study and consultation, and embodies the following components which we have determined to be essential to any national effort in this field:

First. Comprehensiveness: Our bill assures comprehensive educational, nutritional, social and health services to provide for the cognitive, physical, and psychological development of each participating child; including prenatal services, infant care, preschool programs, and before and after school programs for children in school.

Second. Local flexibility: Within the priorities established, programs may be full or part time, day or night services, in child development facilities, neighborhood centers, homes, work-based facilities, or mobile units, according to locally determined needs and priorities for child development services.

Third. Priorities for economically disadvantaged: Priority will be given to children from families with an annual income below the lower living standard budget determined by the Bureau of Labor Statistics—currently $6,900 for an urban family of four—by reserving 65 percent of all Federal funds for such children and by assuring that services will be provided free for children in this category.

Fourth. Socioeconomic diversity: To the extent possible, each program will include children from a broad range of socioeconomic backgrounds. Up to 35 percent of the available funds may be spent to include children whose families have an income above the lower living standard budget, with fees charged on a sliding scale according to ability to pay. Until funds are available for all children in this income category, priority will be given to those with the greatest need, especially children of working mothers and single parents.

Fifth. Needs of minority, Indian, migrant, and bilingual children: Funds are provided for year-round mobile programs for migrant children, and for programs on Indian reservations. In addition, each local program must provide equitably for the needs of all minority groups, Indian, and migrant children in the area served, with particular emphasis on the needs of children from bilingual families for the development of skills in English and the other language spoken in the home.

Sixth. Administration by local governmental units: The success of child development programs depends upon their relevance to local needs—needs which vary from one community to another. Most of the programs which do exist today, with or without public funds, are operated locally; few States have become involved in early childhood development programs in any significant manner, and none have the resources to undertake a program of the scope we intend in this legislation. For their reasons, our bill provides for administration by local governmental units—cities or counties in most cases, or combinations of cities or counties if local officials decide such cooperation will provide more efficient administration. Local governments will prepare comprehensive child development plans to serve their own communities, and once these plans are approved by the Secretary, local authorities may directly fund program applications from private and public organizations, including parent groups, headstart and community action agencies, labor unions and employed groups.

We have provided the authority and the funds for the States to sponsor programs in those areas where no other sponsor has been designated. In those cases where the local government refuses to act, fails to meet the requirements of the law, or does not meet the needs of economically disadvantaged or minority group children, the Secretary may fund public or private nonprofit groups directly.

Seventh. Parent, family, and community participation: Parents will determine needs and priorities for child development services within their communities, assist in developing project proposals, recommend projects to the local governmental unit for funding, and serve equally with locally appointed officials in the overall administration of the city's or county's program.

In addition, parents and older family members will participate directly in programs in which their children are enrolled, as volunteers and as paid personnel with opportunities for in-service training and career advancement. Local programs will include in-home services for children and their parents, with training in the fundamental of child development for parents, older family members, and prospective parents.

Eighth. Protection of current Headstart programs: Our bill builds heavily on the experience with comprehensive programs under Headstart. To assure coordination and efficient administration of all child development programs, Headstart will be incorporated into the comprehensive legislation. However, funds will be set aside to assure continuation of such programs for the Headstart target group at no less than the 1972 level. Local sponsors will be required to fund on-going Headstart programs unless there is a community determination that such programs are no longer providing adequate services. In addition, community action and Headstart agencies will be given an opportunity to comment on the comprehensive child development plan in their area before it is approved by the Secretary. Authority is also provided for the coordination of other child development programs operated by Federal, State, and local governments, and by private organizations.

Ninth. Training and technical assistance: Assistance is provided for local community groups and governmental agencies to develop comprehensive child development programs and to train the professional and paraprofessional personnel, especially members of the community necessary to conduct quality programs.

Tenth: Adequate funds: Appropriations are authorized at a level adequate to assure an effective comprehensive national program, not a token response to the overwhelming need: $2 billion for fiscal year 1973, $4 billion for fiscal year 1974, and $7 billion for fiscal year 1975.

Federal funds will pay for 80 percent of individual program costs, with discretion to fund up to 100 percent where it may be necessary to do so in order to meet the needs of economically disadvantaged, Indian, and migrant children.

Mr. President, the Forum on Development Child Care Services of the 1970 White House Conference on Children identified the challenge before us:

There are two clear issues in developmental child care for American children: the comprehensive and quality of care which all children deserve; and the responsiveness and flexibility of social institutions to the changing needs and desires of American parents. The best care, with stimulating and nurturing personnel, will be wasted if offered in programs which will not be used by families as they adjust their own special, economic, and personal needs. Simply keeping the child during parents' working hours without applying our utmost expertise and common sense for his sound development is as cruel and absurd as feeding him only minimal nutrition required to sustain life and expecting a vigorous and healthy body. We need not just day care centers so mothers can work, nor just preschools. Rather, we must respond as a nation to the changes that we as individuals are living, changes in our views of family roles and in the needs of our families with children. Our lives are changing more rapidly than our institutions. We must develop a network of voluntary supplementary child care, flexible enough to be part of family life, able to promote the full development of our children, and readily available to all families with children. We must commit our heads, our hearts, and our pocketbooks.

The Comprehensive Child Development Act of 1971, which we are introducing today, provides the mechanism and the resources to meet that challenge, and to assure that every child and every family in this Nation has an equal opportunity to reach its full potential.

I ask unanimous consent that a complete section-by-section analysis and the text of the bill be printed in the RECORD.

There being no objection, the section-by-section analsyis and text of the bill were ordered to be printed in the Record, as follows:

SECTION-BY-SECTION ANALYSIS OF THE COMPREHENSIVE CHILD DEVELOPMENT ACT

Sec. 2—Amendment

The bill technically amends title V of the Economic Opportunity Act (but places administrative responsibility in the Office of Child Development in the Department of HEW).

Sec. 501—Statement of findings and purpose

States (a) the finding of Congress that (1) children are suffering unnecessarily from the lack of adequate child development services, particularly during their early childhood years; (2) comprehensive child development programs should be available as a matter of right to all children, (3) until such programs are available to all children, priority should be given to preschool children with the greatest economic and social need, (4) such programs are essential to allow many parents to accept work, (5) such programs should be undertaken as a partnership of parents, community and local government.

(b) the purpose of the Act to provide a fair and full opportunity to each child to reach his full potential by establishing and expanding comprehensive child development programs, building on the Headstart experience, with emphasis on economically and socially disadvantaged and preschool children and including children of working mothers and single parents, involving parents and community groups in the decision-making process, and establishing the legislative framework for eventual universally available child development programs.

PART A—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS

Sec. 511

Authorizes Secretary of HEW to direct programs.

Sec. 512—Appropriations

Funding levels established at $2 billion for FY 73, $4 billion FY 74, $7 billion FY 75.

Sec. 513—Allotments among prime sponsors

Reserves for Secretary funds for migrant and Indian programs at a ratio equal to the ratio of such children in the nation; 5% for Secretary's discretion, with the remainder apportioned among the States as follows: (1) 50% according to the ratio of economically disadvantaged children in the State, (2) 25% according to the ratio of children through age 5; (3) 25% according to the ratio of children of working mothers and single parents. Apportions a State's allotment among prime sponsors within the State according to same formula as used for apportioning money among States. Provides for reallotment of unused funds among States and prime sponsors.

Sec. 514—Use of Federal Funds

Lists activities for which funds can be provided, including: planning and development of programs; establishing, maintaining, and operating comprehensive fulltime, parttime, family, day, night, intermittent and home and group programs for children through 14 with a broad range of activities; design, acquisition, construction, alteration, renovation or remodeling of facilities including mobile facilities; programs to meet special needs of minority children, with emphasis on bilingual skills; training programs for professionals, paraprofessionals, parents, older family members and prospective parents; public information activities; child advocates; assistance to enable community organizations to participate in programs; monitoring and evaluation.

Sec. 515—Prime sponsors

Authorizes any city, county, combination of units of local government, or federally recognized Indian reservation to serve as prime sponsor, upon approval of application by Secretary of HEW.

Authorizes a public or private non-profit agency or organization to become a prime sponsor if the appropriate unit of local government has not submitted an application or is out of compliance, or if Secretary determines such prime sponsor is necessary to meet the needs of minority or economically disadvantaged children.

Authorizes public or private non-profit agency or organization to become a prime sponsor for year-round programs for migrant children.

Authorizes States as residual prime sponsor for those areas where no other prime sponsor has been designated.

Provides opportunity for State to comment on all applications for designation; notice and hearing before Secretary makes adverse decision on designation, and judicial review of Secretary's final action.

Sec. 516—Child development councils and local policy councils

Requires that each prime sponsor which is a local governmental unit (or the State as residual prime sponsor) establish: 1.) a Child Development Council to submit a Comprehensive Child Development Plan and to conduct, coordinate, and monitor programs in the prime sponsorship areas; one-half of its members to be elected representatives of Local Policy Councils, one-half selected by the mayor or chief executive officer of the prime sponsor unit, one-third of the total membership to be parents of economically disadvantaged children; chairman selected by members; and 2.) Local Policy Councils elected by parents of eligible children to serve appropriate subdivisions within the prime sponsor area, including nongeographic groupings of parents working or training for employment in a common area; each Local Policy Council to determine needs and priorities for its own area and to recommend project applicants to the Child Development Council for funding.

Requires that each prime sponsor which is a public or private nonprofit organization funded directly by the Secretary establish a Local Policy Council elected by parents of eligible children to serve the appropriate functions of Local Policy Council and Child Development Council in the area served by such prime sponsor.

Sec. 517—Comprehensive child development plans

Requires submission by CDC and Secretary's approval of a Comprehensive Child Development Plan before a governmental prime sponsor may receive financial assistance. Such plan (1) identifies needs and goals and describes purposes for which funds will be used; (2) provides for needs of eligible children with priority to programs for children through age 5; (3) gives priority to economically disadvantaged children by reserving for them funds equal to 1972 Headstart and 65% of the remaining federal allotment to the prime sponsor; (4) gives priority thereafter to children of single parents and working mothers; (5) provides free services for economically disadvantaged and fees on a sliding scale for others; (6) provides for coordination and cooperative funding among prime sponsors in metropolitan areas; (7) provides in so far as possible for socio-economic mix in centers; (8) provides for special needs of minority, bilingual, migrant and Indian children in the area; (9) provides equitably for children from all minority groups; (10) coordinates programs so family members relate to each other during the day; (11) assures benefits for children in nonpublic preschool and school programs; (12) provides for parental participation in plans and programs; (13) provides for paraprofessional and volunteers, including parents, older Americans, students, other children, and those preparing for child development careers; (14) provides jobs in so far as possible for unemployed and low-income residents of the community; (15) assures dissemination of information on child development programs to parents of eligible children; (16) eliminates barrier of State teacher certification standards; (17) assures coordination with schools and with other child development programs in the community; (18) assures payment of the non-Federal share; (19) provides for fiscal control and fund accounting procedures; (20) provides for continuing evaluation, analysis of needs and reports to the Secretary; (21) gives emphasis to on-going programs; (22) adequately provides for staff and administrative expenses of Local Policy Councils.

Sec. 518—Project applications

Authorizes funding by CDC, on recommendation of LPC after open hearing, of a qualified public or private agency which submits an application to run a child development program, which provides comprehensive services for children served, assures adequate personnel, provides for parent participation, and otherwise satisfies appropriate provisions of the Comprehensive Child Development Plan.

Authorizes funding by Secretary of a non-government prime sponsor designated under Section 518 which submits a project application on which the LPC has held open hearings.

Sec. 519

Provides for promulgation of *Federal Standards of Child Development Services,* applicable to all programs receiving assistance under this Act.

Sec. 520

Provides for promulgation of *Uniform Minimum Code for Facilities* for all facilities which receive assistance under this Act or in which programs which receive assistance under this Act are operated.

Sec. 521—Additional conditions for programs including construction

Allows construction only of facilities essential to provide child development services, where use of existing facilities is shown to be not practicable. Limits construction to 15% of a State's or prime sponsor area's total apportionment. Provides for 20-year use of facility for child development programs or return of proportionate value of facility to the Federal government. Requires that prevailing wage rate be paid by contractors and subcontractors. Authorizes Secretary to establish interest rates of construction loans. Limits federal share of cost to other than private nonprofit organizations, to 50% of total cost and requires that it be in the form of loans; authorizes grants up to total cost of construction for private nonprofit organizations.

Sec. 522

Provides for maximum utilization of existing Federal, state, and local public facilities, including school buildings, for child development programs.

Sec. 523—Payments

Provides 80% Federal share (with allowance for Secretary to pay up to 100% if necessary to provide services for economically disadvantaged) of costs; 100% Federal share of migrant and Indian programs. Provides that non-Federal share may be in cash or kind. Fees paid by parents, returned to prime sponsor to create additional lots.

PART B—TRAINING, PLANNING AND TECHNICAL ASSISTANCE, AND EVALUATION

Authorizes training grants to individuals working or preparing to work in programs assisted under this Act, and to prime sponsors to carry out preservice and inservice training of professional and paraprofessional personnel, including volnuteers.

Authorizes Office of Child Development (OCD) to evaluate Federal involvement in child development and to provide technical assistance to prime sponsors and project applicants including funds for initial planning and staffing of prime sponsors and Local Policy Councils.

Authorizes $25,000,000 annual appropriation to carry out purposes of this title

PART C—FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAMS

Authorizes federal grants for child development programs for children of employees of the Federal Government, with a $5,000,000 appropriation.

PART D—NATIONAL CENTER FOR CHILD DEVELOPMENT

Establishes National Center within OCD to conduct, coordinate, and disseminate research on child development.

PART E—GENERAL PROVISIONS

Sec. 561

Defines the terms used in the Act to insure accurate interpretation of its intent. Defines "economically disadvantaged" as the Lower Living Standard Budget determined by the Bureau of Labor Statistics (currently $6960 for an urban family of four).

Sec. 562

Establishes Office of Child Development (OCD) to be principal agency in HEW to administer this Act.

Sec. 563

Provides that economically disadvantaged children and families eligible for programs under this Act would be eligible for supplemental food programs including Section 32 of P. L. 74320, and full authority under Section 32 and that other federally assisted commodity distribution programs would be utilized to provide economically disadvantaged persons participating in programs under this Act with well balanced nutritionally adequate diets.

Sec. 564

Provides for advance appropriations and advance funding of programs.

Sec. 565

Establishes procedure for withholding grants to prime sponsors for noncompliance with provisions of this Act, or with a Comprehensive Child Development Plan or a project application submitted by the prime sponsor.

Sec. 566

Assures public information, without charge.

Sec. 567

Prohibits federal control.

Sec. 568

Repeals, consolidates, and coordinates existing child development programs, effective July 1, 1973.

S. 1512

A bill to amend the Economic Opportunity Act of 1964 to provide for a comprehensive child development program in the Department of Health, Education, and Welfare

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Child Development Act of 1971".

AMENDMENT

SEC. 2. Title V of the Economic Opportunity Act of 1964, as amended, is amended to read as follows:

"TITLE V—COMPREHENSIVE CHILD DEVELOPMENT PROGRAM

"STATEMENT OF FINDINGS AND PURPOSE

"SEC. 501. (a) The Congress finds that—

"(1) millions of American children are suffering unnecessary harm from the lack of adequate child development services, particularly during early childhood years;

"(2) comprehensive child development programs, including a full range of health, education and social services, are essential to the achievement of the full potential of America's children and should be available as a matter of right to all children, regardless of economic, social and family background;

"(3) children with special needs must receive full and special consideration in planning any child development programs and, pending the availability of such programs for all children, priority must be given to preschool children with the greatest economic and social need;

"(4) while no mother may be forced to work outside the home as a condition for using child development programs, such programs are essential to allow many parents to undertake or continue full- or part-time employment, training, or education; and

"(5) it is essential that the planning and operation of such programs be undertaken as a partnership of parents, community, and local government.

"(b) It is the purpose of this Act to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs and services designed to assure the sound and coordinated development of these programs, to recognize and build upon the experience and success gained through the Headstart program and similar efforts, to furnish child development services for those children who need them most, with special emphasis on preschool programs for economically disadvantaged children, and for children of working mothers and single parent families, to provide that decisions on the nature and funding of such programs be made at the community level with the full involvement of parents and other individuals and organizations in the community interested in child development, and to establish the legislative framework for the future expansion of such programs to universally available child development services.

"PART A—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS

"PROGRAM AUTHORIZED

"SEC. 511. The Secretary of Health, Education, and Welfare is authorized and directed to provide financial assistance for child development programs in accordance with the provisions of this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 512. For the purpose of carrying out this part, there is hereby authorized to be appropriated the sum of $2,000,000,000 for the fiscal year ending June 30, 1973; the sum of $4,000,000,000 for the fiscal year ending June 30, 1974; and the sum of $7,000,000,000 for the fiscal year ending June 30, 1975.

"ALLOTMENTS AMONG PRIME SPONSORS

"SEC. 513. (a) From the amounts appropriated for carrying out this part the Secretary shall first reserve the following:

"(1) not less than that proportion of the total amount available for carrying out this part as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to the total number of economically disadvantaged children in the United States, which shall be made available to prime sponsors designated pursuant to section 515(a)(5)(C);

"(2) not less than that proportion of the total amount available for carrying out this part as is equivalent to that proportion which the total number of children on Indian reservations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among federally recognized Indian reservations for programs serving such reservations so that the amount apportioned to each such reservation bears the same relationship to the total amounts reserved pursuant to this paragraph that the number of children residing in such reservation bears to the total number of children residing in all such reservations;

"(3) not to exceed 5 per centum of the total amount available under Sec. 502, which shall be made available under section 515 (a)(5)(D); and

"(b) The Secretary shall allot the remainder of the amount appropriated for carrying out this part among the States in the following manner—

"(1) 50 per centum of such remainder so that the amount allotted to each State bears the same ratio to such 50 per centum as the number of economically disadvantaged children in the State, excluding those children in the State who are counted under paragraphs (1) and (2) of subsection (a) of this section, bears to the number of economically disadvantaged children in all the States, excluding those children in all the States who are counted under paragraphs (1) and (2) of subsection (a) of this section;

"(2) 25 per centum of such remainder so that the amount to each State bears the same ratio to such 25 per centum as the number of children who have not attained 6 years of age through age 5 in the State, excluding those children in the State who are counted under paragraphs (1) and (2) of subsection (a) of this section, bears to the number of children who have not attained 6 years of age in all the States, excluding those children in all the States who are counted under paragraphs (1) and (2) of subsection (a) of this section;

"(3) 25 per centum of such remainder so that the amount allotted to each State bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the State, excluding those children in the State who are counted under paragraphs (1) and (2) of subsection (a) of this section, bears to the total number of children of working mothers and single parents in all the States, excluding those children in all the States who are counted under paragraphs (1) and (2) of subsection (a) of this section.

"(c) The Secretary shall apportion the amount allotted to each State among the localities within such State in the following manner:

"(1) 50 per centum thereof so that the amount apportioned to each locality bears the same ratio to such 50 per centum as the number of economically disadvantaged children in the area of the locality bears to the total number of such children in the State;

"(2) 25 per centum thereof so that the amount apportioned to each locality bears the same ratio to such 25 per centum as the number of children who have not attained 6 years of age in the area of the locality bears to the total number of such children in the State;

"(3) 25 per centum thereof so that the amount apportioned to each locality bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the area served by the locality bears to the number of children of working mothers and single parents in the State;

"(d) The number of children who have not attained 6 years of age, the number of economically disadvantaged children, and the number of children of working mothers and single parents in the area of a locality in a State, and in all the States, shall be determined by the Secretary on the basis of the most recent satisfactory date available to him.

"(e) The portion of any allotment or apportionment under subsection (b) or (c) for a fiscal year which the Secretary determines will not be required, for the period such allotment is available, for carrying out programs under this part, shall be available for reallotment or reapportionment from time to time, on such dates during such period as the Secretary shall fix, to other States in the case of allotments under subsection (b), or to other localities in the case of apportionments under subsection (c), in proportion to the original allotments to such States under subsection (b), or apportionments to such localities under subsection (c), for such year, but with such proportionate amount for any of such States, or localities, being reduced to the extent it exceeds the needs of such State, or locality, for carrying out activities approved under this part, and the total of such reduction shall be similarly reallotted among the States, or reapportioned among localities, whose proportionate amounts are not so reduced. Any amount reallotted to a State or reapportioned to a locality under this subsection during a year shall be deemed part of its allotment under subsection (b) or apportionment under subsection (c) for such year.

"USES OF FEDERAL FUNDS

"SEC. 514. Funds appropriated under section 512 may be used (in accordance with approved applications) for the following services and activities—

"(1) planning and developing child development programs, including the operation of pilot programs to test the effectiveness of new concepts, programs, and delivery systems;

"(2) establishing, maintaining, and operating child development programs, which may include—

"(A) comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential;

"(B) food and nutritional services (including family consultation);

"(C) rental, remodeling, renovation, alteration, construction, or acquisition of facilities, including mobile facilities, and the acquisition of necessary equipment and supplies;

"(D) programs designed (i) to meet the special needs of minority group, Indian and migrant children with particular emphasis on the needs of children from bilingual families for the development of skills in English and the other language spoken in the home and (ii) to meet the needs of all children to understand the history and cultural backgrounds of minority groups which belong to their communities and the role of members of such minority groups in the history and cultural development of the nation and of the region in which they reside;

"(E) a program of daily activities designed to develop fully each child's potential;

"(F) other specially designed health, social and educational programs (including after school, summer, weekend, vacation, and overnight programs);

"(G) medical, psychological, educational, and other appropriate diagnosis and identification of visual, hearing, speech, nutritional and other physical, mental, and emotional barriers to full participation in child development programs;

"(H) prenatal services to expectant mothers designed to help reduce malnutrition, infant and maternal mortality and the incidence of mental retardation and other handicapping conditions;

"(I) incorporation within child development programs of special activities designed to identify and ameliorate identified handicaps, and special learning disabilities, and, where necessary or desirable because of the severity of such handicaps, establishing, maintaining, and operating separate child development programs designed primarily to meet the needs of handicapped children;

"(J) preservice and inservice education and other training for professional and paraprofessional personnel;

"(K) dissemination of information in the functional language of those to be served to assure that parents are well informed of child development programs available to them and may become directly involved in such programs;

"(L) services, including in-home services, and training in the fundamentals of child development, for parents, older family members functioning in the capacity of parents, youth and prospective parents;

"(M) use of child advocates to assist children and parents in securing full access to other services, programs or activities intended for the benefit of children; and

"(N) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this title; and

"(3) personnel and administrative expenses of Local Policy Councils and Child Development Councils established and operated in accordance with this part.

"PRIME SPONSORS

"SEC. 515. (a) The following shall be eligible to be prime sponsors of a comprehensive child development program in accordance with the provisions of this section—

"(1) any State;

"(2) any locality—

"(A) which is a city; or

"(B) which is a county or other unit of general local government and which the Secretary determines has general powers substantially similar to those of a city;

"(3) any combination of localities;

"(4) a federally recognized Indian reservation; or

"(5) any public or private nonprofit agency or organization, including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of migrant workers, labor unions, organizations of Indians, employers of working mothers, and public and private educational agencies and institutions, serving or applying to serve children in a neighborhood or other area possessing a commonality of interest under the jurisdiction of any locality referred to in subsection (a) in the event that—

"(A) such locality either has not submitted an application pursuant to this section within 120 days of the date of implementation of this title by the promulgation of regulations by the Secretary, or has not submitted a plan pursuant to section 517 within 240 days of such date during the first fiscal year after such date or earlier than 90 days before the start of each succeeding fiscal year, or, although serving as a prime sponsor, is found, in accordance with the procedures contained in subsection (f) of this section, not to be satisfactorily implementing a child development plan which adequately meets the purpose of this part; or

"(B) the Secretary determines such sponsorship necessary to meet the needs of economically disadvantaged or preschool children residing in the area served by a prime sponsor designated pursuant to paragraphs (1) through (4) of this subsection; or

"(C) such sponsorship is for the purpose of providing comprehensive child development programs on a year-round basis to children of migrant workers and their families; or

"(D) with respect to funds reserved pursuant to section 513(a)(3), the Secretary determines that sponsorship by such agency or organization will result in the establishment of a model project responsive to the needs of economically disadvantaged, minority group, or bilingual preschool children.

"(b) Any State, locality or Indian reservation that is eligible to be a prme sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this part shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served, shall provde for—

"(1) the establishment of a Child Development Council which shall be responsible for submission of a comprehensive child development plan, pursuant to section 107, and for planning, conducting, coordinating, and monitoring child development programs in the prime sponsorship area organized in accordance with section 516(a);

"(2) the establishment of Local Policy Councils organized in accordance with section 516 (b);

"(3) the delegation by the Child Development Council to an appropriate agency (existing or newly created) of the State, locality, or Indian reservation of the administrative responsibility for developing a Comprehensive Child Development Plan pursuant to section 517, for evaluating applications for such assistance submitted to it by other agencies or organizations, for delivering services, activites, and programs for which financial assistance is provided under this part, and for continuously evaluating and overseeing the implementation of programs assisted under this part, provided that such delegate agency will cooperate with the appropriate Local Policy Councils, and will be ultimately responsible for its actions to the Child Development Council.

"(c) Any public or private nonprofit agency or organization that desires to be designated a prime sponsor pursuant to paragraph (5) of subsection (a) of this section in order to enter into arrangements with the Secretary under this title shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served, shall—

"(1) demonstrate that such agency or organization qualifies as eligible prime sponsor pursuant to paragraph (5) of subsection (a) of this section;

"(2) evidence the capability of such agency or organization for effectively planning, conducting, coordinating, and monitoring child development programs in the area to be served; and

"(3) provide for the establishment of a Child Development Council and Local Policy Councils organized in accordance with section 516(a)(2)(B).

"(d)(1) In the event that a State has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor serving a geographical area within the jurisdiction of a locality or an Indian reservation which is eligible under paragraphs (2), (3), or (4) of subsection (a) of this section and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (b), the Secretary shall tentatively approve the latter application, subject to review of the Comprehensive Child Development Plan.

"(2) When a locality has submitted an application for designation as prime sponsor or is acting as prime sponsor serving a geographic area within the jurisdiction of another such locality which is eligible under paragraph (2) or (3) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the locality which he determines will most effectively carry out the purposes of this part.

"(3) When a locality has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor serving a geographical area under the jurisdiction of an Indian reservation that has submitted an application for designation as prime sponsor that meets the requirements of subsection (b), the Secretary shall tentatively approve the latter application, subject to review of the appropriate Comprehensive Child Development Plan.

"(e) The Governor or appropriate State agency shall be given a reasonable opportunity to review applications for designation filed by other than the State, offer recommendations to the applicant, and submit comments to the Secretary.

"(f) Except as provided in subsection (d), an application submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

"(1) written notice of intention to disapprove such application including a statement of the reasons therefor;

"(2) a reasonable time in which to submit corrective amendments to such application or undertake other necessary corrective action, and

"(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

"(g)(1) If any party is dissatisfied with the Secretary's final action under subsection (f) with respect to the disapproval of its application submitted under this section or the withdrawal of its designation, such party may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The Court shall have jurisdiction to affirm the action of the Secretary or as to set aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

CHILD DEVELOPMENT COUNCILS AND LOCAL POLICY COUNCILS

"SEC. 516. (a)(1) Each prime sponsor designated under section 105(b) shall establish and maintain a Child Development Council, which shall be responsible for the submission to the Secretary of a comprehensive child development plan pursuant to section 107, and for planning, conducting, coordinating, and monitoring child development programs in the prime sponsorship area.

"(2) Each Child Development Council shall be selected in the following manner: At least half of the members of such Council shall be elected representatives of Local Policy Councils, and each Local Policy Council located in the area to be served by the prime sponsor shall elect at least one representative to the Child Development Council. The remaining members of the Council shall be appointed by the chief executive officer or officers of the prime sponsor and shall be broadly representative of the government of the prime sponsor, the public and private economic opportunity, health, education, welfare, employment, training and child service agencies in the prime sponsorship area; minority groups and organizations; public and private child development organizations; employers of working mothers; and labor unions. At least one-third of the total members of the Child Development Council shall be parents who are economically disadvantaged, and at least one appointed member shall be a child development specialist. Each council shall select its own chairman, and establish procedures for its operation.

"(b)(1) A Local Policy Council shall be established for each neighborhood, or subarea possessing a commonality of interest, within the area served by a prime sponsor designated under section 105(b). Where the prime sponsor finds it appropriate, pursuant to criteria established by regulation by the Secretary, to provide child development services for a grouping of children eligible to participate under this part, whose parents work or participate in training in a common area, or otherwise possess a particular common interest in the establishment of one or more projects under this part in an area other than the area of their residence, a local policy council shall be established for such grouping. Each local policy council shall be responsible for determining the child development needs and priorities of the neighborhood, community, or other grouping which it serves, encouraging project applications pursuant to section 518, and recommending such applications for funding by the Child Development Council.

"(2) Each Local Policy Council shall be composed of parents of children eligible under this part, or their representatives, who reside in the neighborhood or sub-area, or in the case of a grouping not based on residence, who are members of the grouping, and who are chosen by such parents in accordance with democratic election procedures established by the Secretary.

COMPREHENSIVE CHILD DEVELOPMENT PLANS

"SEC. 517. (a) Financial assistance under this part may be provided by the Secretary for any fiscal year to a prime sponsor designated pursuant to section 515(b) only pursuant to a Comprehensive Child Development Plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this part. Any such plan shall set forth a comprehensive program for providing child development services in the prime sponsorship area which—

"(1) identifies child development needs and goals within the area and describes the purposes for which the financial assistance will be used;

"(2) meets the needs of children in the prime sponsorship area, within the limits of available funds, including infant care and before and after school programs for children in school with priority to children who have not attained 6 years of age;

"(3) gives priority to providing child development programs and services to economically disadvantaged children by reserving for such children from such funds as are received under section 513 in any fiscal year an amount at least equal to the aggregate amount received by public or private agencies or organizations within the prime sponsorship area for programs during fiscal year 1972 under section 222(a)(1) of the Economic Opportunity Act of 1964; and by reserving no less than 65 per centum of the remainder of its apportionment under section 513 for child development programs and services for economically disadvantaged children;

"(4) gives priority thereafter to providing child development programs and services to children of single parents and working mothers;

"(5) provides that (A) no charge for services provided under a child development program assisted under the plan will be made with respect to any child who is economically disadvantaged, except to the extent that payment will be made by a third party (including a Government agency) which is authorized or required to pay for such services; and (B) such charges will be made with respect to a child who is not economically disadvantaged in accordance with an appropriate fee schedule which shall be established by the Secretary by regulation and which is based upon the ability of the family to pay for such services, including the extent to which any third party (including a Government agency) is authorized or required to make payment for such services;

"(6) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area, and arrangements for cooperative funding where appropriate, and particularly for such coordination where appropriate to meet the needs for child development services of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

"(7) provides that, to the extent feasible, the enrollment of children in each program within the prime sponsorship area will include children from a range of socioeconomic backgrounds;

"(8) provides comprehensive services (A) to meet the special needs of minority group and migrant children, with particular emphasis on the needs of children from bilingual families for development of skills in English and in the other language spoken in the home, and (B) to meet the need of all children to understand the history and cultural background of minority groups which belong to the communities and the role of members of such minority groups in the history and cultural development of the nation and the region in which they reside;

"(9) provides equitably for the child development needs for children from each minority group residing within the area served;

"(10) provides that children in the area served will in no case be excluded from the programs operated pursuant to this part because of their participation in nonpublic preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

"(11) provides, insofar as possible, for coordination of child development programs so as to keep family units intact or in close proximity during the day;

"(12) provides for direct parent participation in the preparation of project applications pursuant to section 518 and in the conduct, overall direction and evaluation of programs;

"(13) provides that, to the extent appropriate, programs will include participation by paid paraprofessional aides and by volunteers, especially parents and older children, and including senior citizens, students, and persons preparing for employment in child development programs;

"(14) provides that, insofar as possible, unemployed or low income persons residing in communities served by such projects will receive jobs providing career ladder opportunities, including in home and part-time jobs and opportunities for training in programs to be assisted under part B of this title;

"(15) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons in the community are fully informed of the activities of the Child Development Council and its delegate agency;

"(16) provides that no person will be denied employment in any program solely on the ground that he fails to meet State teacher certification standards;

"(17) assures that procedures and mechanisms for coordination have been developed by preschool program administrators and administrators of local educational agencies and nonpublic schools, at a local level, to provide continuity between programs for preschool and elementary school children, and to coordinate programs conducted under this title and programs conducted pursuant to section 222(a)(2) of the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act of 1965;

"(18) assures coordination of child development programs for which financial assistance is provided under the authority of other laws;

"(19) establishes arrangements in the area served for the coordination of programs conducted under the auspices of or with the support of business, industry, labor, employee and labor-management organizations and other community groups;

"(20) provides assurances satisfactory to the Secretary that the non-Federal share requirements will be met;

"(21) provides for such fiscal control and fund accounting procedures as the Secretary may prescribe to assure proper disbursement of and accounting for Federal funds paid to the prime sponsor;

"(22) sets forth plans for regularly conducting surveys and analyses of needs for child development programs in the prime sponsorship area and for submitting to the Secretary a comprehensive annual report and evaluation in such form and containing such information as the Secretary shall establish by regulation.

"(23) provides that emphasis will be given to continued funding of on-going projects, and that applications submitted by projects which received assistance during the previous year under section 221(a)(1) of the Economic Opportunity Act of 1964 shall be denied continued assistance only upon determination by the Child Development Council, based upon the recommendation of the Local Policy Council, after opportunity for hearing before such Child Development Council, that the applicant no longer provides effective services;

"(24) provides for mid-year termination by the Child Development Council of assistance to programs which no longer provide effective services, or which fail to meet the requirements of the project application or of this part, upon the recommendation of the appropriate Local Policy Council, after opportunity for hearing before such Local Policy Council; and

"(25) makes adequate provision for staff and administrative expenses of the Local Policy Councils.

"(c) No Comprehensive Child Development Plan or modification or amendment thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines that—

"(1) each community action agency or single-purpose Headstart agency in the area to be served, previously responsible for the administration of programs under this part or under section 222 (a) (1) of the Economic Opportunity Act of 1964, has had an opportunity to submit comments to the prime sponsor and to the Secretary;

"(2) any educational agency or institution in the area to be served responsible for the administration of programs under section 222 (a) (2) of the Economic Opportunity Act of 1964 has had an opportunity to submit comments to the prime sponsor and to the Secretary;

"(3) the Governor or appropriate State agency has, in the case of a prime sponsor that is a locality or an Indian reservation, had an opportunity to submit comments to the prime sponsor and to the Secretary.

"(d) A Comprehensive Child Development Plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary provides written notice of intention to disapprove such plan, including a statement of the reasons, a reasonable time to submit corrective amendments, and an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

PROJECT APPLICATIONS

"SEC. 518. (a) Upon the recommendation of the appropriate Local Policy Council, a prime sponsor designated under section 515 (b) may provide financial assistance, by grant, loan, or contract, pursuant to a Comprehensive Child Development Plan, to any qualified public or private agency or organization, including but not limited to a parent cooperative, community action agency, single-purpose Headstart agency, community development corporation, organization of migrant workers, Indian organization, private organization interested in child development, labor union, or employee and labor-management organization, which submits an application meeting the requirements of subsection (b).

"(b) A project application submitted for approval under this section shall—

"(1) provide such comprehensive health, nutritional, education, social and other services as are necessary for the full cognitive, emotional and physical development of each participating child;

"(2) provide for the utilization of personnel, including paraprofessional and volunteer personnel adequate to meet the specialized needs of each participating child;

"(3) provide for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities; and

"(4) otherwise further the objectives and satisfy the appropriate provisions of the Comprehensive Child Development Plan in force pursuant to section 517.

"(c) The appropriate Local Policy Council shall conduct public hearings on applications submitted to the prime sponsor under this section prior to making its recommendation for funding.

"(d)(1) The Secretary may provide financial assistance, by grant, loan, or contract, to a prime sponsor designated under section 515(a)(5), which submits a project application meeting the requirements of subsection (b);

"(2) Such financial assistance may be provided from the funds allotted under section 513 to the prime sponsorship area in which the section 515(a)(5) prime sponsor will be conducting programs, and in the case of prime sponsors designated pursuant to section 515(a)(5)(C), such financial assistance may be provided from the funds reserved pursuant to section 513(a)(1);

"(3) The Local Policy Council of such prime sponsor shall conduct public hearings on such project application prior to its submission to the prime sponsor and shall submit the record of such hearings to the prime sponsor with the project application.

"FEDERAL STANDARDS FOR CHILD DEVELOPMENT SERVICES

"SEC. 519. (a) Within six months of the enactment of this title, the Secretary shall, after consultation with other Federal agencies, and with the approval of a committee established pursuant to subsection (b), promulgate a common set of program standards which shall be applicable to all programs providing child development services with Federal assistance, to be known as the Federal Standards for Child Development Services.

"(b) The Secretary shall, within sixty days after enactment of this title, appoint a special committee on Federal Standards for Child Development Services, which shall include parents of children enrolled in child development programs, public and private agencies or specialists, and national agencies or organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this part, section 222(a)(1) of the Economic Opportunity Act of 1964, and title IV of the Social Security Act. Such Committee shall participate in the development of Federal Standards for Child Development Services.

"DEVELOPMENT OF UNIFORM CODE FOR FACILITIES

"SEC. 520. (a) The Secretary shall, within sixty days after enactment of this title, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities. Such standards shall deal principally with those matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal standards for Child Development Services under section 519.

"(b) The special committee appointed under this section shall include parents of children enrolled in child development programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering child development programs, and national agencies or organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this part, section 22 (a) (1) of the Economic Opportunity Act of 1964, and title IV of the Social Security Act.

"(c) Within six months of its appointment, the special committee shall complete a proposed uniform code and shall hold public hearings on the proposed code prior to submitting its final recommendation to the Secretary for his approval.

"(d) The Secretary must approve the code as a whole or secure the concurrence of the special committee to changes therein, and, upon approval, such standards shall be applicable to all facilities receiving Federal financial assistance or in which programs receiving Federal financial assistance are operated; and the Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with the procedures set forth in this section.

"ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

"SEC. 521. (a) Applications including construction may be approved only upon a showing that construction of such facilities is essential to the provision of adequate child development services, and that rental renovation, remodeling, or leasing of adequate facilities is not practicable.

"(b) If within twenty years after completion of any construction for which Federal funds have been paid under this part the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated."

"(c) All laborers and mechanics employed by contractors or subcontractors on all construction remodeling, renovation, or alteration projects assisted under this part shall be paid wages at rates not less than those prevailing on similiar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within such loan shall be repaid, but such interest rates shall not be less than 3 per centum per annum and the period within which such loan is repaid shall not be less than 25 years.

"(e) The Federal assistance for construction may be in the form of grants or loans, provided that total Federal funds to be paid to other than private nonprofit agencies and organizations will not exceed 50 per centum of the construction cost, and will be in the form of loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the prime sponsor from whose financial assistance the loan was made, or used for additional loans or grants under this title. Not more than 15 per centum of the total financial assistance provided to a prime sponsor pursuant to section 524 shall be used for construction of facilities, with no more than 7½ per centum of such assistance usable for grants for construction.

"USE OF PUBLIC FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

"SEC. 522. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within sixteen months of enactment of this title report to the Congress in respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private nonprofit agencies and organizations if appropriate services were provided, as facilities for child development programs under this title during times and periods when not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such utilization.

"(b) The Secretary may require as a condition to the receipt of assistance under this title, that any prime sponsor that is a public agency of a State, locality or that is a local educational agency agree to conduct a review and provide the Secretary with a report as to the extent to which facilities owned or leased by such prime sponsor could be available, if appropriate services were provided, as facilities for child development programs under this title during times and periods when not used fully for usual purposes, together with the prime sponsor's proposed actions for such use.

"PAYMENTS

"SEC. 523. (a) The Secretary shall pay from the applicable apportionment under section 103 the Federal share of the costs of programs which have been approved as provided in this part.

"(b)(1) Except as provided in subparagraphs (2) and (3), the Secretary shall pay to each prime sponsor an amount not in excess of 80 per centum of the cost to such prime sponsor of such programs. The Secretary may in accordance with regulations establishing objective criteria, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child development needs of economically disadvantaged persons;

"(2) The Secretary shall pay to each prime sponsor approved under section 515(a)(5)(C) an amount equal to 100 per centum of the costs of providing child development programs for children of migrant agricultural workers and their families.

"(3) The Secretary shall pay to each prime sponsor approved under section 515(a)(4) an amount equal to 100 per centum of the costs of providing child development programs for children on federally recognized Indian reservations.

"(c) The non-Federal share of the costs of programs assisted under this part may be provided through public or private funds and may be in the form of goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, or employee and employer contributions; provided that fees collected for services provided pursuant to Section 517(a)(5) shall be deemed assistance under section 103 for purposes of section 517(a)(3);

"(d) If, in any fiscal year, a prime sponsor provides non-Federal contributions exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this part.

"(e) Payments under this part may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(f) No State or locality shall reduce its expenditures for child development and day care programs by reason of assistance under this part.

"PART B—TRAINING, PLANNING AND TECHNICAL ASSISTANCE AND EVALUATION

"INSERVICE TRAINING

"SEC. 531. The Secretary is authorized to make payments to individuals preparing for employment or employed in child development programs assisted under part A of this title and to the prime sponsors of such programs for the purposes of meeting the costs of ongoing inservice training for professional and nonprofessional personnel including volunteers, to be conducted by any agency carrying out a child development program, or any institution of higher education, including a community college, or by any combination thereof.

"PLANNING AND TECHNICAL ASSISTANCE

"SEC. 532. (a) The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this title on a continuing basis.

"(b) The Secretary may provide financial assistance to prime sponsors for use by the prime sponsors and Local Policy Councils to obtain staff and other technical assistance relating to development and submission of child development plans and project applications.

"(c) Payments under this section may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

"EVALUATION

"SEC. 533. (a) The Secretary shall, through the Office of Child Development, make an evaluation of Federal involvement in child development which shall include—

"(1) enumeration and description of all Federal activities which affect child development;

"(2) analysis of expenditures of Federal funds for such activities;

"(3) determination of effectiveness and results of such expenditures and activities;

"(4) the extent to which preschool, minority group, economically disadvantaged children have participated in programs under this title; and

"(5) such recommendations to Congress as the Secretary may deem appropriate.

"(b) The results of this evaluation shall be reported to Congress no later than eighteen months after enactment of this title.

"(c) The Secretary shall establish such procedures as may be necessary to conduct an annual evaluation of Federal involvement in child development programs, and shall report the results of that evaluation to Congress.

"(d) Prime sponsors assisted under part A of this title and departments and agencies of the Federal Government shall upon request by the Secretary make available, consistent with other provisions of law, such information as the Secretary determines is necessary for purposes of making the evaluation required under subsection (c) of this section.

"(e) The Secretary may enter into contracts with public or private nonprofit or profit agencies, organizations, or individuals to carry out the provisions of this section.

"APPROPRIATIONS AUTHORIZED

"SEC. 534. There are authorized to be appropriated for the fiscal year ending June 30, 1972, and for each succeeding year, $25,000,000.

"PART C—FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAM

"PROGRAM AUTHORIZED

"SEC. 541. (a) The Secretary is authorized to make grants for the purpose of establishing and operating child development programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) for the children of employees of the Federal Government.

"(b) Employees of any Federal agency or group of such agencies employing eighty working parents of young children who desire to participate in the grant program under this part shall—

"(1) designate or create for the purpose an agency committee, the membership of which shall be broadly representative of the working parents employed by the agency or agencies; and

"(2) submit to the Secretary a plan approved by the official in charge of such agency or agencies, which:

"(A) provides that the child development program shall be administered under the direction of the agency committee;

"(B) provides that the program will meet the Federal Standards for Child Development;

"(C) provides a means of determining priority of eligibility among parents wishing to use the services of the program;

"(D) provides for a scale of fees based upon the parents' financial status; and

"(E) provides for competent management, staffing, and facilities for such program.

"(c) The Secretary shall not make payments under this section unless he has received approval of the plan from the official in charge of the agency whose employees will be served by the child development program.

"PAYMENTS

"SEC. 542. (a) No more than 80 per centum of the total cost of child development programs under this part shall be paid from Federal funds available under this title.

"(b) The share of the total cost not available under paragraph (a) may be provided through public or private funds and may be in the form of cash, goods, services, facilities reasonably evaluated, fees collected from parents, and union and employer contributions.

"(c) If in any fiscal year, a program under this part provides non-Federal contributions exceeding its requirements under this section, such excess may be used to meet the requirements for such contributions of other programs applying for grants under the same part, for the same fiscal year.

"(d) In making grants under this part, the Secretary shall, insofar as is feasible, distribute funds among the States according to the same ratio as the number of children of Federal employees in that State bears to the total number of children of Federal employees in the United States.

"APPROPRIATIONS AUTHORIZED

"SEC. 543. There are authorized to be appropriated for the fiscal year ending June 30, 1973, and for each succeeding year, $25,000,000.

"PART D—NATIONAL CENTER FOR CHILD DEVELOPMENT

"DECLARATION OF PURPOSE

"SEC. 551. It is the purpose of this part to focus national research efforts to attain a fuller understanding of the processes of child development and the effects of organized programs upon these processes; to develop effective programs from research into child development and to assure that the result of research and development efforts are reflected in the conduct of programs affecting children.

"NATIONAL CENTER FOR CHILD DEVELOPMENT

"SEC. 552. (a) There is established in the Office of Child Development in the Department of Health, Education and Welfare an agency to be known as the National Center for Child Development.

"(b) The activities of the Center shall include—

"(1) research to determine the nature of child development processes and the impact of various influences upon them; research to develop techniques to measure and evaluate child development; research to develop standards to evaluate professional and paraprofessional personnel; and research to determine how child development programs conducted in either home or institutional settings positively affect child development processes;

"(2) evaluation of research findings and the development of these findings into effective products for application;

"(3) dissemination of research and development efforts into general practice of childhood programs, using regional demonstration centers and advisory services where feasible;

"(4) production of informational systems and other resources necessary to support the activities of the Center; and

"(5) integration of national child development research efforts into a focused national research program, including the coordination of research and development conducted by other agencies, organizations and individuals.

"GENERAL AUTHORITY OF THE CENTER

"SEC. 553. The Center shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this part, including but not limited to, the authority—

"(1) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

"(2) to make such expenditures as may be necessary for administering the provisions of this part;

"(3) to enter into contracts or other arrangements or modifications thereof, for the carrying on, by organizations or individuals in the United States, including other Government agencies, of such research, development, dissemination or evaluation efforts as the Center deems necessary to carry out the purposes of this part, and also to make grants for such purposes to individuals, universities, colleges, and other public or private nonprofit organizations or institutions;

"(4) to acquire by purchase, lease, loan, or gift and to hold and dispose of by grants, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this part;

"(5) to receive and use funds donated by others, if such funds are donated without restriction other than that they be used in furtherance of one or more of the general purposes of the Center set forth in section 551;

"(6) to accept and utilize the services of voluntary and uncompensated personnel and to provide travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"ANNUAL REPORT

"SEC. 554. The Center shall make an annual report to Congress summarizing its activities and accomplishments during the preceding year, reviewing the financial condition of the Center and the grants, contracts, or other arrangements entered into during the preceding year, and making such recommendations as it may deem appropriate. Supplemental or dissenting views and recommendations, if any, shall be included in this report.

"COORDINATION OF RESEARCH

"SEC. 555. (a) Funds available to any department or agency of the Government for the purposes stated in section 551 or the activities stated in section 552(b) shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Center for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Center for the purposes for which the transfer was made.

"(b) The Secretary shall coordinate all child development research, training, and development efforts including those conducted by the Office of Child Development and by other agencies, organizations, and individuals.

"(c) A Child Development Research Council consisting of a representative of the Office of Child Development (who shall serve as chairman), and representatives from the agencies administering the Social Security Act, Elementary and Secondary Education Act of 1965, the National Institute of Mental Health, the National Institute of Child Health and Human Development, and the Office of Economic Opportunity, shall meet annually and from time to time as they may deem necessary in order to assure coordination of activities under their jurisdiction and to carry out the provisions of this part in such a manner as to assure—

"(1) maximum utilization of available resoruces through the prevention of duplication of activities;

"(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the purposes of this part;

"(3) a setting of priorities for federally funded research and development activities related to the purposes stated in section 501.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 556. There are authorized to be appropriated $15,000,000 for fiscal year 1972, $20,000,000 for fiscal year 1973, and for each succeeding fiscal year thereafter such sums as may be necessary to carry out the provisions of this part.

"PART E—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 561. As used in this title, the term—

"(1) 'child development programs' means those programs which provide the educational, nutritional, social, medical, and physical services needed for children to attain their full potential;

"(2) 'children' means children who have not attained the age of 15;

"(3) 'Center' means the National Center for Child Development;

"(4) 'economically disadvantaged children' means any children of a family having an annual income below the cost of family consumption of the Lower Living Standard Budget as determined annually by the Bureau of Labor Statistics of the Department of Labor;

"(5) 'handicapped children' means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services;

"(6) 'program' means any mechanism which provides full- or part-day or night services conducted in child development facilities, in schools, in neighborhood centers, or in homes, or provides child development services for children whose parents are working or receiving education or training, and includes other special arrangements under which child development activities may be provided;

"(7) 'locality' means any city or other municipality (or two or more municipalities acting jointly) or any county or other political subdivision of a State (or two or more acting jointly) having general governmental powers;

"(8) 'parent' means any person who has day-to-day responsibility for a child or children;

"(9) 'single parents' means any person who has sole day-to-day parental responsibility for a child or children;

"(10) 'working mother' means any mother who requires child development services under this title in order to undertake or continue full or part-time work, training, or education outside the home;

"(11) 'minority group' describes any person who is Negro, Spanish-surnamed American, American Indian, Portuguese, or Oriental; and the term 'Spanish-surnamed American' includes any person of Mexican, Puerto Rican, Cuban, or Spanish origin and ancestry;

"(12) 'bilingual' refers to persons who are Spanish-surnamed, American Indian, Oriental, or Portuguese and who have learned during childhood to speak the language of the minority group of which they are members; the term 'bilingual family' means a family in which one or both parents is bilingual;

"(13) 'local educational agency' means any such agency as defined in section 801(f) of the Elementary and Secondary Education Act of 1965;

"(14) 'institution of higher education' means any such institution as defined in section 1201(a) of the Higher Education Act of 1965;

"(15) 'Secretary' means the Secretary of Health, Education, and Welfare;

"(16) 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"OFFICE OF CHILD DEVELOPMENT

"Sec. 562. The Secretary shall take all necessary action to coordinate child development programs under his jurisdiction and such programs under other Federal departments and agencies. To this end, he shall establish within the Department of Health, Education and Welfare an Office of Child Development which shall be the principal agency of the Department for the administration of this Act and for the coordination of programs and other activities relating to child development. The President shall take appropriate steps to establish, insofar as possible, procedures and practices for coordination at the State and local level of federally assisted programs providing child development services.

"NUTRITIOUS COMMODITIES

"Sec. 563. The Secretary of Agriculture, in consultation with the Secretary of Health, Education and Welfare, shall utilize the full authority granted to him under section 32 of Public Law 320 of the Seventy-fourth Congress, section 416 of the Agricultural Act of 1949, as amended, section 709 of the Food and Agriculture Act of 1965, and all other federally assisted commodity distribution programs to provide children of low-income families participating in child development programs under this Act with well-balanced, nutritionally adequate diets. Notwithstanding any other provision of law, funds available to the Secretary of Agriculture under section 32 of Public Law 320, Seventy-fourth Congress, shall be expended in carrying out the provisions of this section to purchase agricultural and other suitable products without regard to whether such products are in surplus supply. Children and expectant or nursing mothers who are members of low-income families and who are served by any project receiving assistance under this Title shall be deemed eligible for certification to receive food assistance under the supplemental food program for low-income vulnerable groups administered by the Department of Agriculture pursuant to the authorities of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) and Public Law 90–463, 82 Stat. 645, 646, August 8, 1968.

"ADVANCE FUNDING

"Sec. 564. (a) For the purpose of affording adequate notice of funding available under this title such funding for grants, contracts, or other payments under this title is authorized to be included in the Appropriations Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

"WITHHOLDING OF GRANTS

"Sec. 565. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any prime sponsor, finds—

"(1) that there has been a failure to comply substantially with any requirement set forth in the plan of that sponsor approved under section 517; or

"(2) that there has been a failure to comply substantially with any requirement set forth in the application of a project applicant approved pursuant to section 518; or

"(3) that in the operation of any program or project assisted under part A of this title there is a failure to comply substantially with any applicable provision of this Act; the Secretary shall notify such prime sponsor of his findings and that no further payments may be made to such sponsor under this title (or in his discretion that the prime sponsor shall not make further payments under part A of this title to specified project applicants affected by the failure) until he is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected. The Secretary may authorize the continuance of payments with respect to any program or project assisted under this title which is being carried out pursuant to such plan and which is not involved in the noncompliance.

"PUBLIC INFORMATION

"Sec. 566. Applications for designation as prime sponsors, Comprehensive Child Development Plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary.

"FEDERAL CONTROL NOT AUTHORIZED

"Sec. 567. No department, agency, officer, or employee of the United States shall, under authority of this title, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to, the personnel, curriculum, methods of instruction, or administration of any educational institution.

"REPEAL, CONSOLIDATION, AND COORDINATION

"Sec. 507. (a) In order to achieve to the greatest degree feasible, the consolidation and coordination of programs providing child development services, while assuring continuity of existing programs during transition to the programs authorized under this title, the following statutes are amended, effective July 1, 1973:

"(1) Section 222(a)(1) of the Economic Opportunity Act of 1964 is repealed.

"(2) Part B of title V of the Economic Opportunity Act of 1964 is repealed.

"(3) Section 162(b) of the Economic Opportunity Act of 1964 is amended by striking out 'day care for children' and inserting in lieu thereof 'assistance in securing child development services for children, but not operation of child development programs for children.'

"(4) Section 123(a)(6) of the Economic Opportunity Act of 1964 is amended by striking out 'day care for children' and inserting in lieu thereof 'assistance in securing child development services for children', and adding after the word 'employment' the phrase 'but not including the direct operation of child development programs for children.'

"(5) Section 312(b)(1) of the Economic Opportunity Act of 1964 is amended by striking out 'day care for children'.

"(b) The Secretary shall by regulation insure that to the extent consistent with other provisions of law, all federally assisted child development programs and related programs will be administered in a manner consistent with the provisions of this title."

Mr. JAVITS. Mr. President, I am pleased to join with Senator MONDALE, the chairman of the Subcommittee on Children and Youth; Senator NELSON, the chairman of the Subcommittee on Employment, Manpower and Poverty, and Senator SCHWEIKER, the ranking minority member of that subcommittee in this effort to achieve a breakthrough in child development throughout the Nation.

The Comprehensive Child Development Act builds upon previously submitted proposals—including the Headstart Child Development Act introduced in the last Congress by Senator MONDALE, and S. 706, the Comprehensive Community Child Development Act, which I introduced with Senators HARRIS, CASE, HUMPHREY, and SAXBE early this year.

We have combined these efforts both to underscore the high importance which we feel should be attached to the matter of child development and to emphasize that we have reached a bipartisan consensus as to the kind of legislative framework in which that priority may best be honored.

We shall submit this legislation as our response to the goal stated in the call of the White House Conference on Children, held last December—for the establishment of "effective procedures for implementation and administration of child development programs by which all available or committed resources can be identified, coordinated, and harmonized into a national effort having as its goal the enhanced development of the American child through the remaining years of the 20th century."

We propose—as did the Comprehensive Community Child Development Act—that the essential decisions in regard to child development programs be made at the community level with the States, the cities, counties, Indian reservations—and portions thereof—participating in efforts to translate the national commitment into meaningful programs throughout the country.

In that basic framework, this bill emphasizes the comprehensiveness of services—in terms of educational, health, nutritional elements, as well as services to meet the particular needs of children—for example by providing for programs in the functional language of the child. Parental involvement is also stressed as an essential ingredient of the programs contemplated under the act, not only in terms of participation in ongoing programs, but in their initial formulation.

To breathe life into this legislative structure, the bill would authorize $2 billion in its first year of operation, reaching $7 billion in its third, a total authorization of $13 billion over a period of 3 years.

These are large amounts in comparison with our current commitment—which is less than $1 billion per year—but they are scant in terms of the universe of need:

There are 26,129,000 preschool children—that is children under 6 years of age—in the Nation, including more than 3 million preschool children of low-income families. While there are more than 23.6 million preschool and school age children under 13 whose mothers work, there are less than 700,000 licensed child care center slots in the country.

Were all of the funds authorized for the third year applied to preschool programs alone, we would even then be reaching less than one-sixth of the children who could benefit.

The message of the effort which we

propose today is that child development should hereafter be viewed as a universal right of the family which this Nation must begin to honor.

It is time to discard the limited perspectives that view child development only as a means of getting parents off the welfare rolls, solely as compensatory education for the disadvantaged, or solely as a means of permitting the fulfillment of women's rights.

These are important rationales that have brought child development to the threshold of universal expansion; they are important considerations to society and to parents alike; and they should continue, as our priorities—but they must give way to a more comprehensive and far-reaching effort and commitment that focuses on the universal needs of the child.

The child welfare movement has freed children from the factories and mines of the early industrial revolution; it has pinned down our society's affirmative obligation to provide children with a basic general education and it has brought us to the verge of enactment of legislation establishing a basic level of Federal support across the Nation.

I submit that the moment is at hand to assert the affirmative obligation to children for child development. As President Nixon stated in his February 19, 1969 message to the Congress:

> So crucial is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life.

I hope that the administration will work with us to architect legislation which will weave a legislative framework and substantial funds into the fabric of existing efforts, to bring about a truly comprehensive system designed for the child and directed from the community level. Its commitment to child care programs in the context of its proposed Family Assistance Act is commendable, but it is a limited effort having as its prime purpose the elimination of welfare dependency in the short term. It runs the risk, therefore, of the child being delivered into a new servitude—like that of the industrial revolution—subordinating the developmental needs of the child once again to the economic needs of parents and society.

I take this occasion to suggest to President Nixon that he make the Federal Government a "model employer" for child development, just as President Johnson instituted efforts to make the Federal Government a "model employer" for equal employment policies. Such an action—which would expand the limited projects now carried on for employees of the Department of Labor and the Office of Education—would not only provide an example of comprehensive care, but evidence further the commitment of the administration to child development programs.

We are in the infancy of child development. I hope that Members of both parties, and the administration itself will join with us and others in the Congress in establishing a framework in which our efforts can mature into a national effort which will enure to the future benefit of our children and therefore to the Nation.

Mr. SCHWEIKER. Mr. President, today, I am pleased to join an important bipartisan effort with Senators JAVITS, MONDALE, and NELSON in introducing, with a number of other Senators, the Comprehensive Child Development Act. This legislation is designed to meet the needs of millions of American children for a full opportunity in preschool education, health care, nutrition and other child development services. Along with the preschool years, which have definite priority in this bill, this legislation would also strive to meet similar needs of older children through age 14 whose mothers are working.

Professional day-time child care is no longer just a luxury for a select few. We must face facts—one-third of the American labor force is composed of women. Who is to care for preschool children of working parents? Relatives, or neighbors, if they are willing and available, might do the job. But our communities, in addition, need child care and child development resources that can offer comprehensive services to the preschool child. The importance of early experience in child development is an established fact and during the past 5 years, research has reinforced the belief that day care cannot and should not be separated from education, health care, and nutrition.

I believe that proper child development should be one of our Nation's social priorities for the 1970's. The time has come for a major thrust, building on the excellent work of Project Headstart and going well beyond it to embrace not only more children of low-income families but more children of the middle class, as well, whose mothers work.

Many private organizations have begun to work for greater efforts in day care. The labor movement, no doubt because of its direct day-to-day connection with the needs of working families, has pioneered in day care, particularly in those industries with large numbers of women workers. In 1969 Congress passed, and President Nixon signed a bill that allowed joint administration of day care center funds by labor and management. I was, incidentally, a cosponsor of this bill. As a direct result of this legislation, the Amalgamated Clothing Workers has opened a $750,000 child care center in Chambersburg, Pa., for the preschool children of clothing workers in that area. This center is the third child care center built under an agreement between the Baltimore regional joint board of the ACWA and the 70 clothing manufacturers falling within its geographical boundaries. A fourth center is near completion in Hanover, Pa., and will open soon. To date, this joint board alone has spent more than $3 million on day care facilities and programs, making it the largest such activity in the country. This is just one example of the potential of private groups to work for better day care. If the Federal Government will assume its share of the responsibility, the job can be done throughout the Nation. The comprehensive child care bill is a step toward just this very thing.

Currently there are 249,000 children in Federal day care programs funded in fiscal year 1970 at $222.1 million. This is a notable increase from just 3 years ago when the Federal Government spent only $73.4 million for child care. The bill we are introducing today sets an authorization of $2 billion for fiscal year 1973 rising to $7 billion in fiscal year 1975. The basic delivery system provided in the bill for child care services will be child development councils set up in local communities or regions, sponsored by governmental units. The comprehensive child care bill would authorize the Secretary of Health, Education, and Welfare to direct all comprehensive child development programs and would designate the Office of Child Development to be the principal agency in HEW to administer this act.

I think it is significant, Mr. President, that a broad coalition of groups has been involved with this legislation thus far. These organizations include church groups such as the National Council of Churches and the U.S. Catholic Conference; labor groups such as the AFL–CIO, the United Auto Workers, the Amalgamated Clothing Workers, and the International Ladies Garment Workers; civil rights groups such as the Leadership Conference on Civil Rights, the Washington Research Project Action Council and the National Education Association, the U.S. Conference of Mayors, the National League of Cities, and Common Cause.

These organizations are pointing the way, by their input on this bill, for a true priority in the 1970's on comprehensive child development. It is now up to us in Congress to move ahead on this vital legislation.

GEORGE WASHINGTON'S BIRTHDAY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. McCLORY. Mr. Speaker, the celebration of George Washington's Birthday for the first time this year on the third Monday in February suggests the importance of recalling that, according to the Julian calendar observed at that time, George Washington was born on February 11, 1731.

The 1970 annual report of the Mount Vernon Ladies' Association of the Union—which owns, maintains, and administers the historic home of George and Martha Washington at Mount Vernon—announces that its annual "Open House" hereafter will be held on the third Monday in February.

In connection with the announcement, the association compiled an historic account of George Washington's birth record and several birthday celebrations which were held during his lifetime. This interesting article is contained in the report and is as follows:

A Movable Occasion

By act of Congress George Washington's birthday in 1971 and thereafter will be observed as a legal public holiday on the third Monday in February. Literally, the act identifies the third Monday as the birthday—a legal action which contradicts the historical record. As traditionalists we may deplore this arbitrary revision, but we are relieved that the annual observance of the birthday of our principal funding father was not legally obscured by designating the third Monday in February "Presidents' Day," as was proposed.

In considering the rescheduling of the George Washington birthday observance Congress may have been aware that in his own lifetime the British Parliament decreed a calendar change which effected a revision in the date of his birth. According to the family Bible at Mount Vernon, . . . George Washington, son to Augustine Washington, and Mary, his wife, was born ye 11th day of February, 1731, about ten in the morning and was baptized ye 3d of April following. Mr. Beverley Whiting and Captain Christopher Brookes, godfathers, and Mrs. Mildred Gregory, godmother. . . . For the first twenty years of his life his birthday was the eleventh, but in 1752 by act of Parliament, the eleventh of September became the twenty second and all earlier dates were revised by the addition of eleven days to accord with the Gregorian calendar, which had been established by Pope Gregory XIII in 1582 to correct the ancient church calendar. Thus George Washington's birthday became February twenty-second. To the end of the century his neighbors in Alexandria clung to the unrevised date in observing his birthday, but the General himself accepted the revised dating, as did the majority of his contemporaries.

The surviving domestic records contain no mention of family birthday observances at Mount Vernon during the years of felicitous obscurity before the Revolution; they seem to have passed unnoticed. Fame and the high admiration of his fellow citizens inspired observances of General Washington's birthday throughout the new nation, even before its independence had been secured. In February, 1779, the twenty-second was celebrated at the Raleigh Tavern in Williamsburg by the inhabitants of the town and the students of the College of William and Mary. In 1781 the French forces at Newport recognized their allied commander by declaring a cessation of labor on February twelfth (the eleventh was Sunday) and performing military exercises in the manner of the times. From the close of the Revolution, public celebration of Washington's birthday prevailed in the larger American towns. In 1796 a young English traveller, Isaac Weld, observed, . . . Not one town of importance was there in the whole Union where some meeting did not take place in honor of this day. . . .

In Philadelphia by 1796 Washington's birthday had become quite a festive occasion. Members of Congress, state officials, members of the Society of the Cincinnati, clergymen, diplomats, members of the faculty of the University of Pennsylvania and a throng of other well wishers waited on the President to congratulate him on his anniversary. There were artillery salutes; the bells of Christ Church rang out every half hour. At night the City Dancing Assembly held a birthday ball, a brilliant affair, attended by the most respectable inhabitants and honored by the company of the President and his lady.

There were those who looked upon these festivities with deep misgivings. They were too reminiscent of the honors accorded their recently renounced ruler, George III; they constituted, in the words of the anti-Federalist National Gazette, . . . a monarchical farce. . . . They may well have caused pique in some Federalist circles also. In 1798, when President Adams was invited to the Dancing Assembly's birthday ball on February twenty-second, he bluntly declined, sensing a slight to his office. The George Washington birthday balls continued through the years, honoring not the office, but the man who, in his own words, . . . had rather be at Mount Vernon with a friend or two about me, than to be attended at the seat of government by the officers of State and the representatives of every power in Europe. . . .

In 1798 and 1799 the master of Mount Vernon, at last in longed-for retirement, attended celebrations of his birthday (old style) by his Alexandria neighbors. Of the later occasion he noted in his diary, . . . Many Maneuvers were performed by the Uniform Corps, and an elegant Ball and Supper at Night. . . . February twenty-second, 1799, his last birthday, was spent at home. The full diary entry for the day reads: Morning raining Mer at 30. Wind a little more to the Northward. Afterwards very strong from the No. Wt. and turning clear and cold. The Revd. Mr. Davis and Mr. Geo Calvert came to dinner and Miss Custis was married abt. Candle light to Mr. Lawe. Lewis. It is recorded elsewhere that the retired general wore his old Continental buff and blue uniform, no doubt to please the bride. Mrs. Washington's youngest granddaughter, and the groom, his nephew. No doubt he was pleased that the bride elected to be married on his birthday. He may well have found this recogntion of his natal day more congenial than the more splendid observances of recent memory.

STATEMENT OF INCOME

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. HUNGATE. Mr. Speaker, in accord with my regular practice since coming to Congress, I again disclose my income as shown by my most recent income tax return for the year 1970, due and filed in the year 1971.

My joint personal income tax return, form 1040, line 12, shows my congressional salary of $42,500. Lines 14 and 15 list other income of $2,891.82 for a total income on line 16 of $45,391.82. Less line 17, adjustment for allowed congressional living expenses attending Congress in Washington, D.C., $3,000, adjusted gross income, line 18, is $42,391.82.

Itemized deductions, form 1040, part IV, line 47, are $5,142.38, consisting primarily of State and local taxes, real estate, and personal property taxes of $2,408.16 and interest payments of $1,707.02.

The total income tax and surtax, form 1040, line 21, is $10,329.19, plus a self-employment tax of $153.78 from line 24, form 1040. The total tax, form 1040, line 25, is $10,482.97. The total Federal income tax withheld, line 26, form 1040, is $10,208.51, plus 1970 estimated tax payments, line 27, $400.

Total tax payments are $10,608.51 as indicated on line 29, form 1040. This constitutes an overpayment of $125.54 elected to be credited to my 1971 estimated tax.

The principal sources of income, aside from congressional salary, were interest on savings and loan deposits, U.S. Treasury note, executor commission, and lecturer fees in excess of expenses incurred in connection therewith.

Neither my wife nor I own any stocks or bonds.

Campaign funds raised for me are handled by committees and held in trust so that I have no direct control over such funds.

MARYLAND'S SIXTH DISTRICT QUESTIONNAIRE RESULTS

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. BYRON. Mr. Speaker, in February I polled my district on a variety of local and national issues and priorities. I had an excellent response to this questionnaire and feel that the results of the survey would be of general interest since the Sixth District represents a typical cross section of rural and urban America.

Approximately 6,500 citizens responded to the 10-question February survey—from Garrett, 3 percent; Allegany, 12 percent; Washington, 31 percent; Frederick, 18 percent, and Carroll County, 10 percent, and the portions of Howard, 11 percent, and Baltimore County, 15 percent, which comprise the district.

The three top national problems cited by district-wide respondents were "taxes and spending", "state of the economy" and the "war in Vietnam" in that order. County tabulations show that Garrett, Allegany and Washington County respondents reflect this exact same ranking, with opinions differing sharply outside of Western Maryland. Frederick County respondents ranked the "war in Vietnam" first, followed by "state of the economy" and "control of air and water pollution." Carroll County residents named "crime" as the No. 1 problem, "taxes and spending" was second, with "drugs" and "control of air and water pollution" tied for third. Howard County placed "control of air and water pollution" at the top of the list, followed by "state of the economy" and "war in Vietnam." Baltimore County gave the nod to "crime" with the "war in Vietnam" second and "taxes and spending" third.

Question No. 2 asked constituents to write the most pressing problem currently facing the Sixth District, and overall results showed 42 percent of all respondents naming unemployment, 33 percent inflation and 18 percent air and water pollution. Answers again differed markedly among counties, however, with unemployment being ranked the No. 1 district problem by only Washington, 71 percent; Allegany 60 percent; and Frederick County, 37 percent respondents. In contradiction, a scant 10 percent of those from Howard County, 11 percent from Baltimore County, 16 percent from Carroll County and 32 percent from Garrett County cited unemployment as a problem area. Inflation was seen as the most pressing problem by individuals responding from these four latter counties.

Question No. 3 asked for remedies to deal with inflation, and wage and price controls were cited by 49 percent of those who answered the questionnaire. This specific reply was the overwhelming answer by respondents from all counties, ranging from 59 percent in Allegany County to 45 percent in Frederick County.

Question No. 4 dealt with actions to combat pollution and 63 percent of all respondents named stricter enforcement of laws to deal with all forms of pollution, with respondents from each county in agreement.

Question No. 5 concerned the status of the Selective Service and 42 percent of all respondents preferred universal national service at age 18. Abolishment of the draft and dependence on an all-volunteer military force was chosen by 33 percent and continuation of the present system was cited by 25 percent. This same order was reflected by respondents in all counties with the exception of Frederick Countians who were deadlocked at 39 percent for universal national service and an all-volunteer military force.

The last five questions in the survey required "yes" or "no," answers. In question No. 6, 43 percent of the districtwide respondents favor a guaranteed minimum family income for families on welfare with adults who receive training and accept employment. Forty percent do not favor such a move and 17 percent are undecided. A county-by-county analysis indicates a divergence of opinion with those from Garrett, Washington, and Frederick Counties turning thumbs down to a guaranteed income.

In question No. 7, 52 percent of the 6,500 respondents do not favor Congress allocating additional funds for the Super Sonic Transport (SST). Twenty-eight percent in favor of such a move and 20 percent are undecided. The majority of the respondents from Washington County, however, replied in the affirmative for SST funding.

In question No. 8, 50 percent of all respondents said they are not satisfied with present Vietnam policy, 37 percent are satisfied and 13 percent are undecided. Carroll County citizens differ in reverse though, with 49 percent expressing satisfaction with Vietnam policy and 40 percent dissatisfaction.

Question No. 9 asked constituents whether they thought law and order has broken down in the country, and a whopping 70 percent of all respondents answered in the affirmative. The range was from 78 percent in Garrett County to 56 percent in Howard County.

In the final question, an overwhelming 63 percent of all respondents favored reducing the farm subsidy ceiling below the current amount of $55,000. Approximately 9 percent were not in favor and 28 percent were undecided, with a county by county analysis revealing similar percentages.

Dr. Kenneth Kerle, associate professor of political science at Hagerstown Junior College, and his State and local government class at the Maryland Correctional Training Center in Breathedsville, tabulated the bulk of questionnaires as part of their studies. Without their help the results would have not been known for another month, and that the recording of answers by the students was "an accurate job in all respects."

FEBRUARY 1971 SIXTH DISTRICT QUESTIONNAIRE RESULTS

[Total number of questionnaires received: 6,500]

Respondents by County:	Percent
Garrett	3
Allegany	12
Washington	31
Frederick	18
Carroll	10
Howard	11
Baltimore	15

ALL FIGURES ARE EXPRESSED IN PERCENTAGES

1. WHAT ARE THE 3 TOP PROBLEMS THAT YOU WOULD LIKE TO SEE THE NEW CONGRESS DO SOMETHING ABOUT?

	Total 6th District	By county—						
		Garrett	Allegany	Washington	Frederick	Carroll	Howard	Baltimore
Taxes and spending	46	42	49	54	47	43	42	41
State of the economy	44	38	42	51	49	33	48	40
War in Vietnam	42	31	41	36	55	30	47	43
Control air and water pollution	37	33	37	28	48	34	52	40
Crime	33	30	24	32	32	44	33	44
Welfare reform	33	32	29	33	38	33	38	32
Cut foreign aid	21	21	24	25	29	14	15	14
Drugs	17	17	12	14	21	34	16	17
Increase social security	15	24	27	19	10	12	7	12
Abolish the draft	7	12	6	5	11	8	5	4
Education	6	7	6	5	8	5	8	8
Student unrest	6	9	7	6	5	6	6	7
Housing	5	2	4	5	4	8	3	4
Racial problems	5	2	4	4	6	3	10	9
Farm problems	3	10	3	3	4	8	2	2
Other	4	6	1	3	4	1	11	3

2. WHAT DO YOU THINK IS THE MOST PRESSING PROBLEM CURRENTLY FACING OUR 6TH DISTRICT?

	Total 6th District	Garrett	Allegany	Washington	Frederick	Carroll	Howard	Baltimore
Unemployment	42	32	60	71	37	16	10	11
Inflation	33	49	22	18	37	50	42	53
Air and water pollution	18	18	17	9	19	21	35	27
Other	7	1	1	2	7	13	13	9

3. IN GENERAL, WHAT ACTIONS DO YOU THINK SHOULD BE TAKEN TO DEAL WITH INFLATION?

	Total 6th District	Garrett	Allegany	Washington	Frederick	Carroll	Howard	Baltimore
Establish wage and price controls	49	58	59	51	45	47	46	49
A balanced budget at all costs	17	18	14	16	21	14	17	19
Lower interest rates	10	12	7	12	10	11	9	8
Continue a tight-money, high-interest rate policy	5	4	2	3	5	12	8	5
Don't honestly know	19	8	18	17	19	16	20	19

4. IN GENERAL, WHAT ACTIONS DO YOU THINK SHOULD BE TAKEN TO DEAL WITH POLLUTION?

	Total 6th District	Garrett	Allegany	Washington	Frederick	Carroll	Howard	Baltimore
Stricter enforcement of laws to deal with all forms of pollution	63	52	70	59	57	70	75	62
Tax incentive to encourage industries to police themselves	22	30	19	25	23	19	15	22
Increase Federal funds now available to clean up the environment at the expense of other Government programs	13	16	10	15	13	9	9	14
Increase taxes for use in combating pollution	2	2	1	1	7	2	1	2

5. IN GENERAL, WHAT ACTIONS DO YOU THINK SHOULD BE TAKEN IN REGARDS TO THE SELECTIVE SERVICE?

	Total 6th District	Garrett	Allegany	Washington	Frederick	Carroll	Howard	Baltimore
Universal national service at age 18	42	39	37	42	39	40	45	50
Abolish the draft and depend on an all-volunteer military force	33	36	33	28	39	32	38	29
Continue the present system	25	25	30	30	22	28	17	21

6. DO YOU FAVOR A GUARANTEED MINIMUM FAMILY INCOME FOR FAMILIES ON WELFARE WITH ADULTS WHO RECEIVE TRAINING AND ACCEPT EMPLOYMENT?								
Yes	43	36	46	38	40	47	54	51
No	40	50	36	45	44	36	31	36
Undecided	17	14	18	17	16	17	15	13
7. DO YOU FAVOR CONGRESS ALLOCATING ADDITIONAL FUNDS FOR THE SST?								
Yes	28	24	23	44	20	21	19	21
No	52	48	53	41	58	54	67	60
Undecided	20	28	24	15	22	25	14	19
8. ARE YOU SATISFIED WITH PRESENT VIETNAM POLICY?								
Yes	37	35	31	36	30	49	43	43
No	50	51	55	50	57	40	48	47
Undecided	13	14	14	14	13	11	9	10
9. DO YOU THINK LAW AND ORDER HAS BROKEN DOWN IN THE COUNTRY?								
Yes	70	78	70	76	64	74	56	72
No	24	17	24	17	29	22	35	21
Undecided	5	5	6	7	7	4	9	7
10. DO YOU FAVOR REDUCING THE FARM SUBSIDY CEILING BELOW THE CURRENT AMOUNT OF $55,000?								
Yes	63	72	62	67	53	61	70	68
No	9	11	8	7	13	10	7	7
Undecided	28	17	30	26	34	29	23	25

Note: Percentages total over 100 percent because of multiple answers.

TOTAL FEDERAL GRANTS TO STATE AND LOCAL GOVERNMENTS AND ESTIMATED TAX BURDEN OF FEDERAL GRANTS

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. SANDMAN. Mr. Speaker, on numerous occasions in my discussion of fiscal issues in remarks here, in letters and various statements, I have cited figures indicating New Jersey's share of the tax burden of Federal programs.

Invariably, Members and their staffs ask the source of these calculations and then what the figures are for their respective States.

I am, therefore, submitting, for the consideration of all Members, a highly valuable table of figures on each State's receipts from the Federal Government in grants-in-aid, each State's relative tax burden, and the tax burden of each State per dollar of aid received from Uncle Sam.

This information, Mr. Chairman, was compiled by the highly respected Tax Foundation, Inc., a private, nonprofit organization founded in 1937 to engage in nonpartisan research and public education on the fiscal and management aspects of government.

The Tax Foundation's work is doubly important since Federal tax collection data published by the Treasury Department do not accurately reflect the tax burden by State. The foundation, therefore, in cooperation with other organizations, had developed a special allocation formula to distribute the Federal tax burden by State.

Detailed explanations of the various formulas and bases used for estimating these tax burdens are available from the Tax Foundation's office at 1725 K Street NW., here in Washington. Suffice it to say that I am satisfied with its fairness.

The table that follows shows the tax cost of all Federal grants in aid to State and local governments, including payments financed through trust funds. These are the very latest figures, based on fiscal year 1970.

Each of the four columns contains valuable information. The columns, from left, first, show the total Federal grants to States in millions, second, the percent of the total tax burden borne by each State, third, the estimated burden for grants to each State in millions, and fourth, the tax burden per dollar of aid received by each State.

It is the latter figure that I have found most useful in explaining the actual average cost to the taxpayers of New Jersey of various existing Federal grant-in-aid programs and proposed new ones.

By these figures, Mr. Chairman, note that the tax burden per dollar of aid received for New Jersey is $1.62. In other words, taxpayers of New Jersey have to pay $1.62 for every $1 the State gets back from Uncle Sam in grants in aid.

Thankfully, the Garden State is no longer last on the list of States in this regard as it was for several years previous to 1970. Now, Connecticut has the dubious distinction of paying the most for Federal programs: $1.70 to be exact. Taxpayers of Connecticut, to put it another way, are paying 170 percent interest on their investment in the Federal Government.

It must be borne in mind that these comparisons of Federal assistance per $1 of its estimated Federal tax burden for aid payments do not actually indicate the entire cost which the States incur for obtaining Federal grants. The comparisons do not, for example, take into account the costs to the States of administering the programs for which the aid is granted, nor the matching funds which the States must make available out of their own revenue in order to qualify as recipients of these grants.

I want to point out another factor, Mr. Chairman. I realize fully that in our Federal Union, some of the wealthier States must kick in more into the Federal Treasury than they could ever hope to get back. Just as a number of other States pay as little as 33 cents for every $1 they get back in Federal grants in aid. This is understandable, necessary for programs of a genuine national concern and I am certainly not complaining about this.

What I am concerned about is that on a Federal program, such as that proposed for the administration's $55 billion general revenue-sharing plan, the distribution of the funds should correspond to a greater degree to what is paid in.

General revenue sharing, as proposed, is little more than a money changing scheme, an unfair redistribution of the wealth of our people. Now I realize, Mr. Chairman, that the distribution system proposed under revenue sharing is slightly different than current distribution of grants in aid to the States. However, this does not change the fact that my State, to mention just one of a dozen, will be seriously shortchanged.

It is my hope and my feeling that this Congress will not enact any revenue sharing plan that does not have a revenue raising aspect to it. To merely say the $55 billion program will be financed by increasing the national debt is ridiculous and shortsighted.

The truth, of course, Mr. Chairman, is that Congress has no magical powers to give away money we do not have. And sooner or later, one way or another, our expenditures at the Federal level must be paid for by taxation.

It is based on this that I ask my colleagues to apply the figures provided below, not only to revenue sharing, but to all other proposals for various grants in aid to States and local governments.

The table follows:

TABLE 2.—TOTAL FEDERAL GRANTS TO STATE AND LOCAL GOVERNMENTS AND ESTIMATED TAX BURDEN OF FEDERAL GRANTS[1]

[Fiscal year 1970]

State	Grants (millions) (1)	Percent of total tax burden (2)	Estimated burden for grants[2] (millions) (3)	Tax burden per dollar of aid received (4)
Total	$23,532.7	100.00	$23,532.7	$1.00
Alabama	519.9	1.11	261.2	.50
Alaska	106.8	.15	35.3	.33
Arizona	235.3	.72	169.4	.72
Arkansas	274.0	.59	138.8	.51
California	2,979.3	11.24	2,645.1	.89
Colorado	278.2	.97	228.3	.82
Connecticut	295.5	2.13	501.2	1.70
Delaware	51.1	.35	82.4	1.61
Florida	509.0	3.04	715.4	1.41
Georgia	553.3	1.76	414.2	.75
Hawaii	123.6	.40	94.1	.76
Idaho	91.0	.26	61.2	.67
Illinois	950.6	6.67	1,569.6	1.65
Indiana	352.2	2.45	576.6	1.64
Iowa	244.1	1.21	284.7	1.17
Kansas	231.3	1.01	237.7	1.03
Kentucky	454.0	1.11	261.2	.58
Louisiana	525.3	1.32	310.6	.59
Maine	112.5	.39	91.8	.82
Maryland	395.0	2.21	520.1	1.32
Massachusetts	715.8	3.17	746.0	1.04
Michigan	768.5	4.74	1,115.4	1.45
Minnesota	407.0	1.70	400.1	.98
Mississippi	411.0	.59	138.8	.34
Missouri	501.3	2.15	506.0	1.01
Montana	$128.0	.26	$61.2	$0.48
Nebraska	129.7	.64	150.6	1.16
Nevada	75.8	.30	70.6	.93
New Hampshire	72.1	.35	82.4	1.14
New Jersey	619.7	4.26	1,002.5	1.62
New Mexico	206.8	.35	82.4	.40
New York	2,365.6	11.51	2,708.6	1.14
North Carolina	506.6	1.83	430.6	.85
North Dakota	87.2	.21	49.4	.57
Ohio	888.4	5.49	1,291.9	1.45
Oklahoma	403.0	.98	230.6	.57
Oregon	235.2	.96	225.9	.96
Pennsylvania	1,342.9	6.01	1,414.3	1.05
Rhode Island	132.7	.49	115.3	.87
South Carolina	277.3	.84	197.7	.71
South Dakota	103.2	.22	51.8	.50
Tennessee	477.6	1.46	343.6	.72
Texas	1,152.6	4.87	1,146.0	.99
Utah	170.3	.39	91.8	.54
Vermont	76.9	.19	44.7	.58
Virginia	465.5	1.99	468.3	1.01
Washington	387.6	1.74	409.5	1.06
West Virginia	303.5	.61	143.5	.47
Wisconsin	368.6	2.00	470.7	1.28
Wyoming	64.8	.14	32.9	.51
District of Columbia	405.2	.47	110.6	.27

[1] Excludes shared revenues; includes highway aids and unemployment compensation and employment service administration aids.

[2] The total tax burden for aid payments is assumed equal to aid payments. The burden of aid payments financed through Federal funds is distributed by State on the basis of an estimated distribution of the burden of general taxes; the burden of highway aid payments is distributed by State on the basis of a Bureau of Public Roads estimate of the State distribution of taxes going to the highway trust fund; the burden of Federal unemployment insurance aids is distributed on the basis of social insurance contributions by State and State unemployment insurance taxes deposited with the Federal Government by State.

Source: Tax Foundation, Inc.

I LOVE AMERICA

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. DANIEL of Virginia. Mr. Speaker, recently I attended a beauty pageant in the Fifth District of Virginia, which I have the honor to represent in the Congress. In the talent division of the contest, the first runnerup offered a reading which gave an insight into her character. Miss Wanda Leigh Epps adapted an article which appeared in the March issue of Reader's Digest into a dramatic reading entitled "I Love America."

Putting herself in the place of an immigrant who had arrived in America penniless, she recounted her experiences in this land of freedom.

Through her excellent delivery, Miss Epps' sense of patriotism became apparent to the audience. Behind the moving story which she told was a true pride in one's country and in the American way of life. The feeling with which she addressed those present revealed love for homeland which had permitted an immigrant girl to "make it" on her own. She truly "swelled" with pride. While listening to Miss Epps, it became obvious that she was absorbed with devotion to America and that she was unashamed to proclaim our Nation's merits to all those who would listen.

Mr. Speaker, Miss Epps is the kind of young person who will keep America great. Although something will be lost without hearing the presentation of this lovely young Virginian, I insert her remarks in the RECORD:

I LOVE AMERICA

A few years ago I came to America with $5 in my pockets, few clothes, some books, old letters, and my Saint Christopher—that was a going away gift from my friends. I was an immigrant girl hoping for a new life in a new country.

I'm not gonna give ya a big success story because there isn't any. When my husband and I met in New York City we shared many of the same problems. We both left the old country looking for a new beginning in a free country. As the saying goes it wasn't easy. We had no career training, our language was different, we had no jobs, no family, and few friends. Man, it was easy to be depressed! But as always things change. There is something about America that gives me a deep feeling of independence and freedom gives strength. There is no one to lead you by the hand or boss you around! Once I set foot on America I was all alone to shape my life, to test *me!* This, I guess, is what being free is all about.

We started at the bottom so there was no place to go but up. Just like other Americans we worked all day and studied all night. Every penny went for rent, food, tuition, and books. We didn't save a cent, but we believed in the future. Thank heaven we weren't disappointed.

Today we work as teachers and my husband is working for his masters. We have a small house and a red car (my own private dream). Every year we travel over the United States. All this, we know, we owe to ourselves and to the most hospitable and beautiful country in the world. Our American friends think it is out of style to love America. After all there is Vietnam, there are drugs, racial conflicts, poverty and pollution. America does face very serious and urgent problems. But what we, the newcomers, see are not only the problems, but also the democratic solutions people are looking for and using. To vote for the first time as a free citizen in a free country makes me realize what it means to participate in a democracy.

I love America because I am accepted for what I am! They don't ask who my parents were, what faith I am, or my political beliefs. I love this country because when I want to move I can, without asking anyone. Because when I want some thread I can go to Woolworth's and buy it. I love it because I don't have to stand in line hours for a piece of tough, fat meat or pay a day's earning for a small chicken. I love America because America trusts me, and one can't live without trust. My mail isn't censored, my phone isn't tapped, and my conversations with friends aren't reported to secret police!

Sometimes when I walk down the streets of New York with my husband we stop, and smile, and kiss. People say we're in love and that's true. But we are also in love with America. And the noise and pollution we suddenly realize what joy it is to live in a free country.

MAJOR TECHNOLOGICAL ADVANCES FROM GYRFALCON, INC.

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. GOODLING. Mr. Speaker, Americans too many times are guilty of taking things for granted, and just recently I received a letter from an industry in my congressional district that demonstrates this point vividly.

The letter was sent to me by Gyrfalcon, Inc., which is located in Camp Hill, Pa. Gyrfalcon is the developer, among other things, of a major advancement in fastener technology called the "Bolt with a Brain," a bolt which, through an optical indicator that changes color, indicates when a bolt is too tight. This letter illustrates how very little American attention was given to some very fine attainments by this American corporation in technological competition abroad. Toward the end of bringing these achievements out into the light they deserve, I introduce the pertinent letter to the CONGRESSIONAL RECORD and commend it to the attention of all:

DEAR SIR: Being one of your constituents from York County and having offices in Cumberland County, I thought it would be only natural to inform you of our corporation's recent success in Brussels, Belgium, at the International Inventors Exposition.

There were 1500 inventions from all over the world, with 16 gold medals awarded. We have won one of these for being the best safety invention; also, we won another gold medal for the best invention from the United States.

So far we haven't had much acclaim from the United States. I guess if it were for a sporting event, we would have been heralded, not just by the press but from the United States Embassy in Brussels.

We have been approached by no less than 60 corporations in Europe who wish to incorporate our invention as a safety feature in automobiles and aerospace. I am enclosing one of our brochures which explains the "Bolt with a Brain" invention. It can be used on any type fastener made. I am sure you will agree its use is virtually limitless, and it is of major technological importance.

Sincerely yours,

ROBERT F. PARISE,

Executive Vice-President and Secretary, Gyrfalcon, Inc.

THE CALLEY DECISION

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. ADAMS. Mr. Speaker, the court-martial of Lt. William Calley has brought a great outpouring of emotion from every section of the Nation. My feeling is one of great sadness for about the whole tragic episode which shows the brutalization of the Indochina war. I was impressed by the editorial which appeared in the April 1, 1971, edition of the Washington Evening Star and I am including it in the RECORD at this point:

THE CALLEY DECISION

The sentence of life imprisonment imposed yesterday on First Lieutenant William L. Calley Jr. is nearly as harsh as the crime of which he was convicted by a jury of his peers: The premeditated murder of at least 22 unarmed, unresisting South Vietnamese civilians at the hamlet of My Lai 4 on March 16, 1968. Given the testimony of more than 100 witnesses, officers and enlisted men alike, it is difficult to see how the six members of the Fort Benning jury could have found otherwise.

And it is important to remember who sat on that jury. The six were not peaceniks. They were not civilians. They were not rear-echelon types. They were combat soldiers, each of whom had been decorated for gallantry, and five of whom had served in Vietnam. They, above all men, knew the sort of conditions Calley faced and the sort of response these conditions might reasonably be expected to elicit. These men found him guilty.

We are aware that a large segment of the public will be appalled by the verdict against Calley; that as Undersecretary Thaddeus R. Beal has put it, the court-martial has been "a pretty wrenching experience" for the Army, which sees one of its own sent up for life while draft-dodgers skip off with impunity to Canada or serve short jail sentences (Calley's sentence will be subject to appeal and review; if it stands, he will be eligible for parole after 10 years).

Some liberals will blame society, the Army's system and Calley's personal background, and—as usual—they will be half-right. But those who give the matter some careful thought and study the record (as the jury did during its 80 houres of deliberation), will see that there are rules of war, that there is a line between what is permissible and what is not permissible and that Calley clearly crossed that line when he ordered and participated in the massacre at My Lai 4. In so doing, he violated the entire canon of law embodied in the Hague and Geneva Conventions, in the Nuremberg principles and in the Army's own Uniform Code of Military Justice. And now he has to pay the penalty for his deeds.

There will be those who will say that the jury has placed an indelible stain on the uniform of the United States Army. That is not true; Calley did that. Twenty-four-year-old American boys have been leading platoons into stiuations like My Lai for a goodly portion of the last three decades without giving way to the homicidal rage which apparently gripped the young Floridian. They—and the jury—are the real heroes of this sordid incident.

Some elements in the Army will say that this was (is) a war unlike any other, and—as usual—they will be half-right. The enemy, as witnessed both by his everyday behavior and his callous treatment of American prisoners of war, does not give a damn for the Hague or Geneva Conventions. He does not care about Nuremberg. His own Uniform Code of Military Justice, if he has one, would make the Mafia blush.

But one cannot permit a Gresham's law of ethics to come into play on the battlefield. One cannot treat barbarians with barbarity without descending to their level, without becoming barbaric oneself. As an officer, Calley had an obligation to control his passions and those of his men. In this, he failed. In so doing, he failed himself, his men, the Army and his country.

If others are guilty (25 officers and men were accused of transgressions at My Lai; Calley has been convicted, two have been acquitted, three are awaiting trial and charges against the other 19 have been dropped), they, too, must pay the penalty.

In an editorial on December 7, 1969, we refused to convict Calley in these columns. We said that he was "entitled to a free trial in the broadest sense of the word." We said:

"Justice will be done. Lieutenant Calley can receive—and expect—no more than that."

Justice has been done. But one is left with no sense of elation, only sadness. Sadness for Calley, for his victims, for the men who testified against him and convicted him, for all of us.

LEGISLATION TO PRESERVE THE WILD RIVERS OF CALIFORNIA

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. WALDIE. Mr. Speaker, today I am reintroducing legislation to include California's most valuable rivers under the protective provisions of the Wild and Scenic River Act of 1968.

These rivers, the Eel, Trinity, and Klamath, along with their main tributaries, are the last major free-flowing rivers in the State. Their value as scenic, ecological and historic resources to California, the West and the Nation are unchallenged.

Mr. Speaker, what is being challenged is the natural integrity of these river systems themselves. There are more than 20 proposed diversion and dam projects being planned for these river systems. These dams, if completed, would turn a free-flowing river into a series of warm-water lakes and would inundate thousands of acres of prime wilderness and recreational land.

The fishery of these rivers: Salmon, shad, steelhead, and trout, will surely suffer the fate of the fisheries of other impounded rivers—utter ruin. There is no real mitigation of a salmon or steelhead population once a free-flowing river is actually turned into a series of lakes.

This legislation, Mr. Speaker, has been supported by the major conservation groups of the Nation, including the Sierra Club, Friends of Earth, Trout Unlimited, National Wildlife Federation, Izaak Walton League, and the Committee of Two Million, which has organized conservationists and sportsmen into a coalition dedicated to saving these precious natural resources.

One year ago today, Mr. Speaker, I first introduced this bill. I have been gratified at the size of the response from not only northern California, but the entire Western area of the Nation and others from around the country who have enjoyed the scenic delights, hiked the trails or fished the streams of this area—an area which is in great danger of being dammed out of existence.

Mr. Speaker, those who would destroy these resources are the speculators and developers who are trapped within their own concept of "growth."

To them, growth is good and wilderness is either a source of water to make desert lands green in order to sell them at a great profit, or wilderness is an area to be fenced off and sold "as is."

To many Americans, growth is more smog, more traffic, more people, and more pollution of all kinds.

It should be noted, in considering the environmental impact of such projects as those planned for the Trinity, Klamath, and Eel Rivers, that there is impact at the point of receipt of those diverted waters, as well as impact at the point of diversion.

Mr. Speaker, it is my belief that the people of southern California do not want the type growth that land speculators want to force on the overtaxed environment of that beleaguered area.

It is my profound belief that the people of northern California do not want their finest rivers dammed to destruction. We must act to save these rivers and in so doing prevent the despoiling of one area for the ultimate destruction of another.

APPROPRIATION FUND FREEZE HITS RURAL ELECTRIFICATION LOANS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. EVINS of Tennessee. Mr. Speaker, the Office of Management and Budget in freezing funds appropriated by the Congress has even held up loans for REA loans for our farmers and rural citizens.

As a result of this impoundment, many priorities and funding levels set by Congress have been shunted aside and ignored. In the current issue of the magazine, Rural Electrification, an editorial discusses OMB's slowdown policies in this important field. The editorial is entitled "Snubbing Noses at Congress."

Because of the interest of my colleagues and the American people in this most important subject, I include the REA editorial in the RECORD:

SNUBBING NOSES AT CONGRESS

It has been mentioned more than once that the Nixon Administration—specifically, the Office of Management and Budget (OMB) at the White House—has refused to permit REA to lend to rural electric cooperatives the total amount of loan funds appropriated by Congress for fiscal years 1970 and 1971.

For FY 1970, the Administration's budget asked $320-million in new electric loan funds. Congress actually appropriated $340-million, but the additional $20-million was not used during the year for which it was appropriated. Instead, it was "carried over" into the 1971 budget.

In that budget the Administration asked for $322-million in new electric loan funds, but again Congress saw fit to raise that figure, to $337-million. While the fiscal year is not over yet, indications are that, once again, the OMB will refuse to let REA use the additional $15-million, and will "carry it over" to the 1972 budget.

The Administration, in other words, has gotten into the habit of putting off lending, for a year, a portion of the funds Congress actually appropriates.

And it turns out that REA funds are not the only appropriations being treated this way at the White House.

According to George F. Shultz, director of the OMB, the Administration has held up more than $8-billion in funds appropriated by Congress, mostly for domestic programs.

Sen. John J. Sparkman of Alabama has called the practice "a serious breach of faith" with Congress, and Sen. Sam J. Ervin of North Carolina contends that the Administration's intent in doing so is "to avoid or nullify Congressional intent."

"All too frequently," Ervin said, "when Congress votes substantially more funds for a program than the executive branch requests, the President signs the appropriation bill, then directs the Office of Management and Budget not to release the funds to the agencies designated to carry out the program in question."

Rep. Joe Evins of Tennessee argues that the practice amounts to "item veto," a power the President does not have under the Constitution.

Shultz, on the other hand, argues that an appropriation by Congress is not the same as a Congressional command that the money be used, and that furthermore the impounding has been done to control inflation. Much of the money held back, he says, would have been used for construction.

Everybody, of course, is against inflation, including us, and including Congress. Why, then, has Congress appropriated $8-billion which the Administration won't use? One reason is that Congress is also concerned about unemployment, and the Administration has been quite candid that it permitted unemployment to rise above 6 percent to combat inflation.

The inflation, in turn, has its roots in Federal spending for the war in Indochina. So even though the war may appear to be winding down, its effects are still being felt by domestic programs. Provided the withdrawal from Indochina continues, we may begin to see this Administration prosecuting domestic programs with more zeal. It will come not a moment too soon.

A WELL-DESERVED HONOR FOR CHARLES AND MARY WARD

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. EDMONDSON. Mr. Speaker, I would like to call to the attention of this body an outstanding achievement on the part of your own administrative assistant, Charles Ward, and his wonderful wife, Mary.

Charles and Mary have received the 1970 award given by the Organized Bible Class Association for the outstanding Bible class worker. The fact that Charles and Mary received this award from the 12,000-member association together, rather than one of them being singled out, is not a surprise to those of us who have been privileged to know Charles and Mary over the years. The Wards are a devoted couple who work together for single goals.

The Wards received this honor for the work they are carrying on at the Mount Vernon Place United Methodist Church, where they have been active members for years.

Mr. Speaker, I know you share my pride in the Wards. I would like to have the article reporting on this award from the Evening Star of April 3, 1971, appear in the RECORD.

The article follows:

HOUSE SPEAKER'S AIDE, WIFE GIVEN ANNUAL OBCA AWARD

(By Caspar Nannes)

Ever since Blanche W. Taylor of Capitol Hill Methodist Church received the first Outstanding Bible Class Worker award in 1950, it has gone to an individual. This year it was different. A man and wife, working jointly with a couple's class in a downtown church received the Organized Bible Class Association's 1970 award.

Chosen by the 12,000-member organization were Mr. and Mrs. Charles L. Ward of the Rustin Couple's Class at Mount Vernon Place United Methodist Church. Mr. Ward is the administrative assistant of Speaker of the House Carl Albert of Oklahoma.

Mrs. Erma Patterson, chairman of the selections committee, said the letter nominating the couple listed an extensive number of credentials. The couple have been members of the class since 1959 when they came here from Durant, Okla.

Together they serve as curriculum chairmen, a job which included responsibility of planning topics for the year and providing speakers each Sunday. They also serve the social concerns committee of the class, publicize the class activities, carry out an extensive visitation program with those who attend the class, and are very active in bringing new people into the church.

Their pastor, Dr. Edward B. Lewis, former chaplain of the U.S. Senate, was the banquet speaker. Lewis and Mrs. Patterson stressed that the couple also are very active in other phases of the church's program, serving as counselors for young people, serving the church's administrative board, and the ushering, music and worship committees.

When Ward received the bound Bible, which symbolizes the award, he commented; "We are trying to be worthy of being Christian. We hope to walk closely to Jesus to merit this honor." Mary Ward voiced a similar sentiment.

Ward came to Washington out of a career in journalism, where he was editor of the Durant Democrat. When he was 17 he was editor of a newspaper in Heber Springs, Ark. He studied journalism and economics at Arkansas Tech and the University of Oklahoma. He is a member of Phi Beta Kappa.

Mary Ward's interests are in music, placing heavy emphasis on playing in the band, singing in the chorus and participating in dramatics while at Hendrix College, her alma mater.

With OBCA president Harold S. King in charge, the banqueters were introduced to students who are recipients of two annual scholarships. Robert Whittler of Melrose, Mass., is a recipient of the Homer Councillor Scholarship at Wesley Theological Seminary and Melinda Jackson holds the Etchison Scholarship to Western Maryland State College. She is a 1970 graduate of Edison High School.

Former president Jack I. Gauntt told of the organization's efforts to become more appealing to younger people, and outlined several activities in this direction.

The Federal City Four quartet provided musical entertainment.

THE NATIONAL ROTC BAND AND DRUM AND BUGLE CORPS COMPETITION

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, I would like to remind my colleagues that on April 30 and May 1 the National ROTC band and drum and bugle corps competition will be held in the New Jersey-New York metropolitan area. This is the 10th annual event, sponsored by the National ROTC Band Association, which was formed in 1959 to bring military music to more people and to instill a fraternal feeling among bandsmen.

I know that there is not one Member of the House who has not felt the tremendous uplift and patriotic feeling when a military band goes by. Somehow those great bands make the colors in the flag seem a little brighter and cement the closeness that Americans feel for their country.

The National ROTC Band Association, which is headquartered at St. Peter's College in Jersey City, N.J., has requested that the week of April 25 to May 1, 1971, be set aside as National ROTC Band Week. The Honorable ROBERT A. ROE, of New Jersey, joins me today in introducing a joint resolution authorizing and requesting the President to proclaim April 25 to May 1 as "National ROTC Band Week."

I am also inserting into the RECORD an outline history of the Association. The history follows:

MAJOR EVENTS IN THE PAST, PRESENT, AND FUTURE

Official establishment of the NROTCBA, August 1959.

First Army ROTC band to join NROTCBA, St. Peter's College ROTC Band, Jersey City, October 1, 1960.

First Drum and Bugle Corps to join NROTCBA, New York University, Bronx, New York, February 15, 1961.

First Air Force ROTC Band to join NROTCBA, Rutgers University, New Brunswick, N.J., January 12, 1962.

First National Competition, Camp Kilmer, New Jersey, May 19, 1962.

Second National Competition, Camp Kilmer, N.J. and Jersey City, N.J., April 19–20, 1963.

First State Proclamation of ROTC Band Week, Governor Richard Hughes, State of New Jersey, this practice continues to this date, April 15–21, 1963.

Third National Competition, Jersey City, N.J. and Singer Bowl, World's Fair, New York, April 30–May 2, 1964.

Fourth National Competition, Jersey City, N.J. and Singer Bowl, World's Fair, New York, May 7–8, 1965.

Fifth National Competition, Philharmonic Hall, Lincoln Center for the Performing Arts, N.Y.C. N.Y. and Fort Wadsworth, Staten Island, New York, May 6–7, 1966.

Sixth National Competition, Jersey City, N.J. and Union City, N.J., May 5–6, 1967.

National SOP adopted at Sixth Convention, May 1967.

Constitution revised, October 1967.

Honoraray membership to Senator Edward "Ted" Kennedy, October 7, 1967.

Area Reorganization, Junior Division of NROTCBA established, May 1968.

Seventh national competition, Philharmonica Hall, Lincoln Center for the Performing Arts, N.Y.C., N.Y., and Fort Wadsworth, Staten Island, New York, May 10–11, 1968.

Honorary membership to Leonard Bernstein, February 1969.

Table of organization and equipment published, revised SOP published, February 1970.

Eighth national competition proposed for Jersey City, N.J. and Fort Wadsworth, Staten Island, New York, April 24–25, 1970.

Future competition sites proposed for the United States Military Academy, West Point, New York and the United States Air Force Academy, Colorado.

Proposed honorary membership to the adjutant general, MG Kenneth G. Wickham, U.S. Army, and "Doc" Severinson of NBC studios.

NEW CITIES—THE IMPACT OF TELECOMMUNICATIONS ON THE CREATION OF NEW RESIDENTIAL AND WORK AREAS

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. COTTER. Mr. Speaker, the problems of establishing new communities are often talked about but all too often there is very little positive action.

The President's Advisory Group on Telecommunications and the National Academy of Engineering are working together to investigate the potentiality of new cities. These efforts in telecommunication in the formation of new towns have been combined with the Connecticut Research Commission activities devoted to the same project, and the result is the NEA–CRC Joint Committee of the "Cities of the Future."

Just recently, Dr. Peter C. Goldmark, president and director of research of CBS Laboratories, delivered an informative paper outlining the factors in this project. I would like to have my colleagues informed of these developments, and I am including this speech at this point in the RECORD:

NATIONAL ASSOCIATION OF BROADCASTERS, 1971 CONFERENCE, CHICAGO, ILL.

INTRODUCTION

As members of the same fraternity and under the aegis of the NAB, you would probably expect me to discuss the future of broadcast engineering.

Instead, I would like you to join me in exploring how we could make use of communications technology on a much broader scale, to ensure that in the year 2000 this country will be a wonderful place in which to live and to work, whether one chooses the city or prefers the country.

Before we discuss solutions, let us look at the problem:

Ten thousand years ago, there were no more people on earth than in Greater New York City today, about 10 million.

The first slide shows how world population suddenly increased in the last few hundred years. By the year 2000, we will be six billion.

In Figure 2, we see that life expectancy only two centuries ago, was 30 years, and that it is almost two and a half times higher today.

The third graph illustrates the frightening growth of explosive power we have created.

In Figure 4, we can see that from earliest history until 150 years ago, man travelled on earth no faster than 25 miles per hour, namely on horseback or behind horses. Today, this figure is 25,000 miles per hour—in space.

We could show similar curves for many other statistics, but let us now look at the most interesting graph: (Figure 5.). Here we see the cumulative number of books (titles) which have been published since the invention of the printing press. During the last 200 years, this number climbed from barely one million to 50 million. A cause and effect relationship exists between the previous curves and this one: namely the most significant invention in communications, printing, made it possible for scientists to learn about the ideas and discoveries of others without having to explore ground already covered. Also, teaching and learning were greatly accelerated by the use of text books. The result is that technologies developed at an ever increasing rate. This is illustrated in Figure 6.

Recalling Figure 1, one of the disturbing effects of the rapidly increasing population is that the majority of people in most western countries have been compelled to live under conditions of extreme density, within the confines of cities and their suburbs. Today, nine-tenths of the United States population lives on less than ten percent of the land.

If this trend continues, two hundred of the three hundred million Americans in the year 2000 will be crowded into twelve urban centers on less than 10 percent of our total land area (Map 7). Over half of the population, or 150 million people, will be in the three largest urban concentrations, namely: Boston-Washington, Chicago, Pittsburgh, San-Francisco-San Diego.

Man is physiologically and psychologically unprepared for the stresses and strains which result from such living conditions. Available statistics show that it is in the high-density living areas that the problems of crime, pollution, poverty, traffic, education, etc. are the greatest.

Figure 8 shows clearly the rapid increase in the rate of crime per 100,000 citizens as a function of city size. Pollution, defined in this case as sulphur-dioxide concentration in the air over the East Central U.S. (Figure 9.), also increases with city size.

Experience has shown that, whereas smaller towns have the same type of problems, they are manageable and will remain so, if limits and standards are carefully planned for the development of these towns.

Today, in addition to the urban problems, we also have a rural problem. There exists a large migration of people from rural areas towards urban centers. This is shown in Figure 10 which is almost a photographic negative of the urban concentration map shown before (reproduced here as Figure 10a).

We now have roughly outlined the problem. Let us see what might be a solution. Hundred million Americans, which is the increase predicted by the year 2000, should be able to choose whether to live and work either in improved urban or in a new rural environment. Thus, a new rural society must be created. In this task communications technology plays a key role.

In 1968, the President's Advisory Group on Telecommunications requested the National Academy of Engineering to establish a committee on telecommunications. As an outgrowth of this, the NAE created a panel for applying communications technology first to alleviate existing urban problems and also to make possible new living patterns based on fuller use of the nation's land resources. The latter activity has been combined with the Connecticut Research Commission's project devoted to the same objective, thus forming the NAE–CRC Joint Committee on "Cities of the Future", which I chair. The NAE panel is supported by a joint group consisting of the Departments of Housing and Urban Development, Justice, Commerce, Transportation, Health Education and Welfare, and also the U.S. Postal Service, and the FCC. It is our belief that with all necessary inventions already made, broadband communications systems can now be imaginatively applied to the needs of business, government, education, health care, and cultural pursuits to stimulate the development of the new rural society. The task is a gigantic one, but one which will present an urgent challenge to our youth and one to which we all must direct at least part of our efforts. I believe the magnitude of this task will make going to the Moon seem like a ferryboat ride.

To illustrate the dimensions of the overall task, the tabulation in Figure 11 shows one of the ways in which 100 million people could be distributed over the next 30 years among existing communities of different sizes. For reasons mentioned before, communities with less than 100,000 people should be primarily considered. The average yearly growth rate is given in percentages as well as the average number of new jobs that would have to be created each year over the 30 years. Of course, the creation of new towns will make the task easier.

The approach to the new rural society does not mean the deurbanization of America. In our opinion, the main objective is to provide options for 100 million more people, options which today do not exist. Conceivably half of the next 100 million Americans may prefer to live in an urban environment, whereas 50 million people already in the cities, may wish to be part of the new rural society. This in itself may relieve the pressure on the cities, making it feasible to deal with their most urgent problems and to start them on a new life cycle.

We must recognize that to change the entire nation's living pattern is not dependent only on communications technology. Nor is it true that the only way to improve the quality of life in America at the turn of the century will come about exclusively through the increased use of our land resources. Before nationwide planning is undertaken, an exploratory program on a small scale is proposed in the attractive rural north-eastern section of Connecticut where the population density is low and the need for planned economic development is high.

The first phase of the NAE-CRC study will be completed by June of this year and we are now in the process of writing the program for the next phase. Perhaps I could give you an idea of the method of attack and magnitude of the task by describing portions of our proposal.

We have summed up the major objectives in the following manner:

In order to halt the migration of people from rural areas to the cities and to reverse the continuing trend of urban deterioration, we propose a four part experimental program:

1. Study with business, industry and government operations the specific nature of office procedures, practices and communications which usually result in meetings, memos, letters, presentations, etc., and how these can be transposed into broadband and other communications media. The results would indicate how components of business or government could function effectively in rural communities.

2a. Explore closely with a number of towns within a region how to establish standards and limits which will ensure the optimum rate and pattern of growth for the highest quality of life.

b. Coordinate the above efforts with relevant State agencies to assure that the development program is in the best overall interests of the State. In turn, establish the needs for the necessary supporting resources, i.e. utilities, surface and air transportation, etc., based on given growth goals.

3. Experiment over broadband and other communication links with a variety of terminal equipment which would provide the services necessary for the companies and the government and for all other phases of life of the developing community.

4. Create an intergovernmental body of federal and state officials which would cooperate with the Joint Committee and be responsible for initiating a coordinated, national effort based on the experiences gained by the study project.

The new rural society

Clearly, we are trying to intercept the majority of the U.S. population headed toward large urban concentrations and offer them the opportunity to work and live in small out attractive rural communities. They will become then "The New Rural Society".

The obvious question is, why doesn't this already exist?

In general, people do not want to move into rural areas, no matter how attractive, unless they have jobs, adequate educational and health services, opportunities for cultural pursuits, entertainment, social contacts, and so on.

The British have explored for a long time a solution to their own high-density population problems. Their plans are similar to ours, but they are way ahead of us in the creation of new towns and enlarged towns. In 1944, the Abercrombie Plan for Greater London provided for the establishment of a whole series of new towns around London, past the so called Green Belt.

The purpose of the plan was to relieve the concentration in Inner-London; to provide a better working and living environment; and to reduce the length of commuting trips. While 31 new towns were built, which were successful in attracting business and industry, the office employment in London still continues to expand. Clearly, the rate of generating new towns is not fast enough.

Also, the British government concluded that using no more than the existing and overtaxed communications facilities, the largest cost factor and deterrent in decentralizing is likely to be the reduction in operating efficiency due to the stretching of communication links.

Another British study, by a group called Joint Unit For Planning Research, which has engaged in one of the most thorough and controlled experiments applied to communications between widely separated operations, concluded that:

1. The ordinary telephone is highly effective for one-to-one communications, particularly where familiarity between participants is high, conflict is low, and subject matter is well defined.

2. The greatest value of a wideband network suitable for television or picture-phone, will lie in its ability to handle a wide range of auxiliary services such as graphics display, rapid facsimile, computer and data access, conferencing, etc.

3. There will be large scale decentralization of employment from large metropolitan centers as the various person-to-person telecommunications systems improve.

4. The effect on the volume of business travel is likely to be negligible.

5. Most importantly, the chief effect of such telecommunication developments will be to increase the choices: The employee will be able to select the environment in which to live; the company or government operation will have a choice of areas in which to locate.

It may be interesting to observe that in further pursuit of their ruralization plans the British are currently designing broadband services on four fronts:

1. a national data network.

2. conference television.

3. dedicated cable educational television for the London area.

4. household wired television.

Let us examine what functions new applications of communications technology can provide to a new rural community. We know that most cities today are social networks of communications and if we superimposed on these electronic networks of communications without forethought, this may increase the congestion and complexity of operation. Thus, cities to be built or to be enlarged must be well planned so that the growth is based on a planned network of communications, of transportation, and of utilities.

New communication networks could be divided into internal and external systems. The internal system, which is strictly within the bounds of towns will consist of five basic networks:

The first is the primary network which only exists now in the form of the telephone. In these plans it would be expanded into a full two-way random access network able to accommodate voice, data, and two-way video-phone. This would be the most basic urban "nerve system" which will be as vital as streets, water, or power. The most basic purpose of this system would be to put anyone in contact with anyone else within the city, no matter how dark the streets are, how heavy the traffic. Through the network's access to data processing, the same system will provide random access between man and machine, or between machines. This network can also be looked upon as providing a pipe into every home, office or library through which one can not only converse, but also transmit and receive written materials, pictures, data, etc. Its most important contribution is its ability of interconnecting any one terminal with any other.

The second network would be in the form of AM–FM radio and television broadcasting, the extent depending on the channels available for the particular community. This could consist of one or more local stations preferably with network affiliations and educational television broadcasting.

The third internal network would be in the form of broadband cables carrying a multitude of television channels into individual homes. This network would include limited address narrow band call-back for purposes of polling or making requests. Such two-way cable television systems are now already under test. The cable network could also carry, if desired, off the air programs, originating either from local broadcast stations or from satellites. This cable network should be so designed that it has sub-centers at the local neighborhood which, in terms of program material, could cater to its own local audience. As part of this network general informational services would be made available to individual homes. One important example would be the ability to dial up important municipal events, such as meetings of the various town boards, i.e. Education, Finance, Zoning, Board of Representatives, etc. Through the two-way polling ability public opinion could almost be instantly registered on any issue under discussion. Through a system of "frame freezing" vast amount of information concerning travel, weather, pollution, shopping, traffic, various municipal and other public services, listing of cultural and entertainment events, etc. could be selected and seen on the home television screen.

The fourth information network superimposed on the town, would be again a broadband cable system, carrying approximately 30 two-way television channels which would interconnect the major public institutions of the city, such as city hall (center and neighborhood halls); hospitals and nursing homes; schools and colleges; libraries; police and fire stations; bus, railroad stations and airports; all other town services.

The purpose of this would be to provide informational services amongst the vital institutions and key officials of the town for its smooth operation.

Superimposed on these four networks would be a town emergency service. This would include the "911" police and fire emergency system augmented by automatic identification of callers' location and by a system to identify the location of vehicles operated by police, fire, sanitation, ambulance, utilities, and other large fleet operations.

Here we have described the internal communication network systems. The external systems would be the following:

1. Incoming broadband cable or microwave circuits which connect the town's businesses, industry and government offices with their operations in other cities or countries. These are essentially dedicated point-to-point links.

2. Long-distance broadband circuits interconnecting the town's switched telephone and video-phone services with the corresponding switched services in other cities.

3. Common carrier broadband and narrow band services such as U.S. Postal Service, Western Union, and others.

All these communication systems, properly integrated on a national basis will go a long way toward realizing the New Rural Society.

I apologize that in this limited time we could only sample certain aspects of this very ambitious but essential plan. As you heard, a beginning has been made, but for the ideas to become reality, scientists and engineers of this and the next generation must help. Very simply, this is an opportunity for science and technology to make one of its greatest contributions to man and his environment.

(Figures 1 through 10 not included.)

POPULATION GROWTH MODEL FOR SMALL CITIES

City size by population	Number of cities in 1960	Total population in 1960	Additional population growth required over 30 yrs.		Uniform yearly growth rate (percent)	Yearly population growth averaged over 30 yrs.	Average yearly additional jobs needed per family (4 members)
			Percent	People			
50,000 to 100,000	201	14,000,000	50	7,000,000	1.5	1,100	275
25,000 to 50,000	432	15,000,000	200	30,000,000	3.75	2,310	577
10,000 to 25,000	1,134	17,500,000	200	35,000,000	3.75	1,030	260
5,000 to 10,000	1,394	9,780,000	290	28,000,000	4.75	670	168
Total population accommodated over next 30 years				100,000,000			

PORNOGRAPHY, OBSCENITY, AND THE CASE FOR CENSORSHIP

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. GALIFIANAKIS. Mr. Speaker, among the many controversial public issues which deeply concern all Americans, the problems of pornography, obscenity, and censorship are receiving increasing attention. One of the most thoughtful and perceptive statements in this difficult area may be seen in the New York Times magazine of March 28, 1971. I refer to Prof. Irving Kristol's article, "Pornography, Obscenity, and the Case for Censorship."

Irving Kristol is an able and respected scholar and journalist, whose views on this complex matter deserve the widest circulation and consideration. "Authentic concern for the quality of life in our democracy" serves as the ground and motivation of Professor Kristol's reflections.

In this respect, he has raised the level of the whole debate over pornography, and has provided a new perspective for our examination of censorship in a free society. Too often it is assumed by some liberal spokesmen that critics of "smut" are guided by simplistic and repressive notions. Here, however, is a carefully considered analysis of all pertinent concerns by a man liberal-minded in his views and rigorously honest in confronting realities. His argument is intelligent and contemporary, and bears the mark throughout of that reasoned commonsense seldom evident in those whose insights are clouded by prejudice or passion. In distinguishing freedom from anarchy, he does significant service to our thinking in the realm of moral responsibility and the common good. I heartily commend his article, which is reprinted below, to my colleagues and to all men and women of good will. I hope that these views may help shape our decisions in this House as we consider the challenging problems with which he deals:

PORNOGRAPHY, OBSCENITY, AND THE CASE FOR CENSORSHIP

(By Irving Kristol)

Being frustrated is disagreeable, but the real disasters in life begin when you get what you want. For almost a century now, a great many intelligent, well-meaning and articulate people—of a kind generally called liberal or intellectual, or both—have argued eloquently against any kind of censorship of art and/or entertainment. And within the past 10 years, the courts and the legislatures of most Western nations have found these arguments persuasive—so persuasive that hardly a man is now alive who clearly remembers what the answers to the arguments were. Today, in the United States and other democracies, censorship has to all intents and purposes ceased to exist.

Is there a sense of triumphant exhilaration in the land? Hardly. There is, on the contrary, a rapidly growing unease and disquiet. Somehow, things have not worked out as they were supposed to, and many notable civil libertarians have gone on record as saying this was not what they meant at all. They wanted a world in which "Desire Under the Elms" could be produced, or "Ulysses" published, without interference by philistine busybodies holding public office. They have got that, of course; but they have also got a world in which homosexual rape takes place on the stage, in which the public flocks during lunch hours to witness varieties of professional fornication, in which Times Square has become little more than a hideous market for the sale and distribution of printed filth and panders to all known (and some fanciful) sexual perversions.

But disagreeable as this may be, does it really matter? Might not our unease and disquiet be merely a cultural hangover—a "hangup," as they say? What reason is there to think that anyone was ever corrupted by a book?

This last question, oddly enough, is asked by the very same people who seem convinced that advertisements in magazines or displays of violence on television do indeed have the power to corrupt. It is also asked, incredibly enough and in all sincerity, by people—e.g., university professors and school teachers—whose very lives provide all the answers one could want. After all, if you believe that no one was ever corrupted by a book, you have also to believe that no one was ever improved by a book (or a play or a movie). You have to believe, in other words, that all art is morally trivial and that, consequently, all education is morally irrelevant. No one, not even a university professor, really believes that.

To be sure, it is extremely difficult, as social scientists tell us, to trace the effects of any single book (or play or movie) on an individual reader or any class of readers. But we all know, and social scientists know it too, that the ways in which we use our minds and imaginations do shape our characters and help define us as persons. That those who certainly know this are nevertheless moved to deny it merely indicates how a dogmatic resistance to the idea of censorship can—like most dogmatism—result in a mindless insistence on the absurd.

I have used these harsh terms—"dogmatism" and "mindless"—advisedly. I might also have added "hypocritical." For the plain fact is that none of us is a complete civil libertarian. We all believe that there is some point at which the public authorities ought to step in to limit the "self expression" of an individual or a group, even where this might be seriously intended as a form of artistic expression, and even where the artistic transaction is between consenting adults. A playwright or theatrical director might, in this crazy world of ours, find someone willing to commit suicide on the stage, as called for by the script. We would not allow that—any more than we would permit scenes of real physical torture on the stage, even if the victim were a willing masochist. And I know of no one, no matter how free in spirit, who argues that we ought to permit gladiatorial contests in Yankee Stadium, similar to those once performed in the Colosseum at Rome—even if only consenting adults were involved.

The basic point that emerges is one that Prof. Walter Berns has powerfully argued: no society can be utterly indifferent to the ways its citizens publicly entertain themselves. This is as good a place as any to express my profound indebtedness to Walter Berns's superb essay, "Pornography vs. Democracy," in the winter, 1971, issue of The Public Interest.) Bearbaiting and cockfighting are prohibited only in part out of compassion for the suffering animals; the main reason they were abolished was because it was felt that they debased and brutalized the citizenry who flocked to witness such spectacles. And the question we face with regard to pornography and obscenity is whether, now that they have such strong legal protection from the Supreme Court, they can or will brutalize and debase our citizenry. We are, after all, not dealing with one passing incident—one book, or one play, or one movie. We are dealing with a general tendency that is suffusing our entire culture.

I say pornography and obscenity because, though they have different dictionary definitions and are frequently distinguishable as "artistic" genres, they are nevertheless in the end identical in effect. Pornography is not objectionable simply because it arouses sexual desire or lust or prurience in the mind of the reader or spectator; this is a silly Victorian notion. A great many nonpornographic works—including some parts of the Bible—excite sexual desire very successfully. What is distinctive about pornography is that, in the words of D. H. Lawrence, it attempts "to do dirt on [sex] ... [It is an] insult to a vital human relationship."

In other words, pornography differs from erotic art in that its whole purpose is to treat human beings obscenely, to deprive human beings of their specifically human dimension. That is what obscenity is all about. It is light years removed from any kind of carefree sensuality—there is no continuum between Fielding's "Tom Jones" and the Marquis de Sade's "Justine." These works have quite opposite intentions. To quote Susan Sontag: "What pornographic literature does is precisely to drive a wedge between one's existence as a full human being and one's existence as a sexual being—while in ordinary life a healthy person is one who prevents such a gap from opening up." This definition occurs in an essay *defending* pornography—Miss Sontag is a candid as well as gifted critic—so the definition, which I accept, is neither tendentious nor censorious.

Along these same lines, one can point out—as C. S. Lewis pointed out some years back—that it is no accident that in the history of all literatures obscene words—the so-called "four-letter words"—have always been the vocabulary of farce or vituperation. The reason is clear; they reduce men and women to some of their mere bodily functions—they reduce man to his animal component, and such a reduction is an essential purpose of farce or vituperation.

Similarly, Lewis also suggested that it is not an accident that we have no offhand, colloquial, neutral terms—not in any Western European language at any rate—for our most private parts. The words we do use are either (a) nursery terms, (b) archaisms, (c) scientific terms or (d) a term from the gutter (i.e., a demeaning term). Here I think the genius of language is telling us something important about man. It is telling us that man is an animal with a difference: he has a unique sense of privacy, and a unique capacity for shame when this privacy is violated. Our "private parts" are indeed private, and not merely because convention prescribes it. This particular convention is indigenous to the human race. In practically all primitive tribes, men and women cover their private parts; and in practically all primitive tribes, men and women do not copulate in public.

It may well be that Western society, in the latter half of the 20th century, is experiencing a drastic change in sexual mores and sexual relationships. We have had many such "sexual revolutions" in the past—and the bourgeois family and bourgeois ideas of sexual propriety were themselves established in the course of a revolution against 18th century "licentiousness"—and we shall doubtless have others in the future. It is, however, highly improbable (to put it mildly) that what we are witnessing is the Final Revolution which will make sexual relations utterly unproblematic, permit us to dispense with any kind of ordered relationships between the sexes, and allow us freely to redefine the human condition. And as long as humanity has not reached that utopia, obscenity will remain a problem.

One of the reasons it will remain a problem is that obscenity is not merely about sex, any more than science fiction is about science. Science fiction, as every student of the genre knows, is a peculiar vision of power: what it is really about is politics. And obscenity is a peculiar vision of humanity: what it is really about is ethics and metaphysics.

Imagine a man—a well-known man, much in the public eye—in a hospital ward, dying an agonizing death. He is not in control of his bodily functions, so that his bladder and his bowels empty themselves of their own accord. His consciousness is overwhelmed and extinguished by pain, so that he cannot communicate with us, nor we with him. Now, it would be, technically, the easiest thing in the world to put a television camera in his hospital room and let the whole world witness this spectacle. We don't do it—at least we don't do it as yet—because we regard this as an *obscene* invasion of privacy. And what would make the spectacle obscene is that we would be witnessing the extinguishing of humanity in a human animal.

Incidentally, in the past our humanitarian crusaders against capital punishment understood this point very well. The abolitionist literature goes into great physical detail about what happens to a man when he is hanged or electrocuted or gassed. And their argument was—and is—that what happens is shockingly obscene, and no civilized society should be responsible for perpetrating such obscenities, particularly since in the nature of the case there must be spectators to ascertain that this horror was indeed being perpetrated in fulfillment of the law.

Sex—like death—is an activity that is both animal and human. There are human sentiments and human ideals involved in this animal activity. But when sex is public, the viewer does not see—cannot see—the sentiments and the ideals. He can only see the animal coupling. And that is why, when men and women make love, as we say, they prefer to be alone—because it is only when you are alone that you can make love, as distinct from merely copulating in an animal and casual way. And that, too, is why those who are voyeurs, if they are not irredeemably sick, also feel ashamed at what they are witnessing. When sex is a public spectacle, a human relationship has been debased into a mere animal connection.

It is also worth noting that this making of sex into an obscenity is not a mutual and equal transaction, but is rather an act of exploitation by one of the partners—the male partner. I do not wish to get into the complicated question as to what, if any, are the essential differences—as distinct from conventional and cultural differences—between male and female. I do not claim to know the answer to that. But I do know—and I take it as a sign which has meaning—that pornography is, and always has been, a man's work; that women rarely write pornography; and that women tend to be indifferent consumers of pornography. (There are, of course, a few exceptions—but of a kind that prove the rule. "L'Histoire d'O," for instance, written by a woman, is unquestionably the most *melancholy* work of pornography ever written. And its theme is precisely the dehumanization accomplished by obscenity.) My own guess, by way of explanation, is that a woman's sexual experience is ordinarily more suffused with human emotion than is man's, that men are more easily satisfied with autoerotic activities, and that men can therefore more easily take a more "technocratic" view of sex and its pleasures. Perhaps this is not correct. But whatever the explanation, there can be no question that pornography is a form of "sexism," as the Women's Liberation Movement calls it, and that the instinct of Women's Lib has been unerring in perceiving that, when pornography is perpetrated, it is perpetrated against them, as part of a conspiracy to deprive them of their full humanity.

But even if all this is granted, it might be said—and doubtless will be said—that I really ought not to be unduly concerned. Free competition in the cultural marketplace—it is argued by people who have never otherwise had a kind word to say for laissezfaire—will automatically dispose of the problem. The present fad for pornography and obscenity, it will be asserted, is just that, a fad. It will spend itself in the course of time; people will get bored with it, will be able to take it or leave it alone in a casual way, in a "mature way," and, in sum, I am being unnecessarily distressed about the whole business. The New York Times, in an editorial, concludes hopefully in this vein.

"In the end . . . the insensate pursuit of the urge to shock, carried from one excess to a more abysmal one, is bound to achieve its own antidote in total boredom. When there is no lower depth to descend in, ennui will erase the problem."

I would like to be able to go along with this line of reasoning, but I cannot. I think it is false, and for two reasons, the first psychological, the second political.

The basic psychological fact about pornography and obscenity is that it appeals to and provokes a kind of sexual regression. The sexual pleasure one gets from pornography and obscenity is autoerotic and infantile; put bluntly, it is a masturbatory exercise of the imagination, when it is not masturbation pure and simple. Now, people who masturbate do not get bored with masturbation, just as sadists don't get bored with sadism, and voyeurs don't get bored with voyeurism.

In other words, infantile sexuality is not only a permanent temptation for the adolescent or even the adult—it can quite easily become a permanent, self-reinforcing neurosis. It is because of an awareness of this possibility of regression toward the infantile condition, a regression which is always open to us, that all the codes of sexual conduct ever devised by the human race take such a dim view of autoerotic activities and try to discourage autoerotic fantasies. Masturbation is indeed a perfectly natural autoerotic activity, as so many sexologists blandly assure us today. And it is precisely because it is so perfectly natural that it can be so dangerous to the mature or maturing person, if it is not controlled or sublimated in some way. That is the true meaning of Portnoy's complaint. Portnoy, you will recall, grows up to be a man who is incapable of having an adult sexual relationship with a woman; his sexuality remains fixed in an infantile mode, the prison of this autoerotic fantasies. Inevitably, Portnoy comes to think, in a perfectly *infantile* way, that it was all his mother's fault.

It is true that, in our time, some quite brilliant minds have come to the conclusion that a reversion to infantile sexuality is the ultimate mission and secret destiny of the human race. I am thinking in particular of Norman O. Brown, for whose writings I have the deepest respect. One of the reasons I respect them so deeply is that Mr. Brown is a serious thinker who is unafraid to face up to the radical consequences of his radical theories. Thus, Mr. Brown knows and says that for his kind of salvation to be achieved, humanity must annul the civilization it has created—not merely the civilization we have today, but all civilization—so as to be able to make the long descent backwards into animal innocence.

What is at stake is civilization and humanity, nothing less. The idea that "everything is permitted," as Nietzsche put it, rests on the premise of nihilism and has nihilistic implications. I will not pretend that the case against nihilism and for civilization is an easy one to make. We are here confronting the most fundamental of philosophical questions, on the deepest levels. But that is precisely my point—that the matter of pornography and obscenity is not a trivial one, and that only superficial minds can take a bland and untroubled view of it.

In this connection, I might also point out those who are primarily against censorship on liberal grounds tell us not to take pornography or obscenity seriously, while those who are for pornography and obscenity, on radical grounds, take it very seriously indeed. I believe the radicals—writers like Susan Sontag, Herbert Marcuse, Norman O. Brown, and even Jerry Rubin—are right, and the liberals are wrong. I also believe that those young radicals at Berkeley, some five years ago, who provoked a major confrontation over the public use of obscene words, showed a brilliant political instinct. Once the faculty and administration had capitulated on this issue—saying: "Oh, for God's sake, let's be adult: what difference does it make anyway?"—once they said that, they were bound to lose on every other issue. And once Mark Rudd could publicly ascribe to the president of Columbia a notoriously obscene relationship to his mother, without provoking any kind of reaction, the S.D.S. had already won the day. The occupation of Columbia's buildings merely ratified their victory. Men who show themselves unwilling to defend civilization against nihilism are not going to be either resolute or effective in defending the university against anything.

I am already touching upon a political aspect of pornography when I suggest that it is inherently and purposefully subversive of civilization and its institutions. But there is another and more specifically political aspect, which has to do with the relationship of pornography and/or obscenity to democracy, and especially to the quality of public life on which democratic government ultimately rests.

Though the phrase, "the quality of life," trips easily from so many lips these days, it tends to be one of those cliches with many trivial meanings and no large, serious one. Sometimes it merely refers to such externals as the enjoyment of cleaner air, cleaner water, cleaner streets. At other times it refers to the merely private enjoyment of music, painting or literature. Rarely does it have anything to do with the way the citizen in a democracy views himself—his obligations, his intentions, his ultimate self-definition.

Instead, what I would call the "managerial" conception of democracy is the predominant opinion among political scientists, sociologists and economists, and has, through the untiring efforts of these scholars, become the conventional journalistic opinion as well. The root idea behind this "managerial" conception is that democracy is a "political system" (as they say) which can be adequately defined in terms of—can be fully reduced to—its mechanical arrangements. Democracy is then seen as a set of rules and procedures, and *nothing but* a set a rules and procedures, whereby majority rule and minority rights are reconciled into a state of equilibrium. If everyone follows these rules and procedures, then a democracy is in working order. I think this is a fair description of the democratic idea that currently prevails in academia. One can also fairly say that it is now the liberal idea of democracy par excellence.

I cannot help but feel that there is something ridiculous about being this kind of a democrat, and I must further confess to having a sneaking sympathy for those of our young radicals who also find it ridiculous. The absurdity is the absurdity of idolatry—of taking the symbolic for the real, the means for the end. The purpose of democracy cannot possibly be the endless functioning of its own political machinery. The purpose of any political regime is to achieve some version of the good life and the good society. It is not at all difficult to imagine a perfectly functioning democracy which answers all questions except one—namely, why should anyone of intelligence and spirit care a fig for it?

There is, however, an older idea of democracy—one which was fairly common until about the beginning of this century—for which the conception of the quality of public life is absolutely crucial. This idea starts from the proposition that democracy is a form of self-government, and that if you want it to be a meritorious polity, you have to care about what kind of people govern it. Indeed, it puts the matter more strongly and declares that, if you are only entitled to it if that "self" is worthy of governing. There is no inherent right to self-government if it means that such government is vicious, mean, squalid and debased. Only a dogmatist and a fanatic, an idolator of democratic machinery, could approve of self-government under such conditions.

And because the desirability of self-government depends on the character of the people who govern, the older idea of democracy was very solicitous of the condition of this character. It was solicitous of the individual self, and felt an obligation to educate it into what used to be called "republican virtue." And it was solicitous of that collective self which we call public opinion and which, in a democracy, governs us collectively. Perhaps in some respects it was nervously oversolicitous—that would not be surprising. But the main thing is that it cared, cared not merely about the machinery of democracy but about the quality of life that this machinery might generate.

And because it cared, this older idea of democracy had no problem in principle with pornography and/or obscenity. I censored them—and it did so with a perfect clarity of mind and a perfectly clear conscience. It was not about to permit people capriciously to corrupt themselves. Or, to put it more precisely: in this version of democracy, the people took some care not to let themselves be governed by the more infantile and irrational arts of themselves.

I have, it may be noticed, uttered that dreadful word, "censorship." And I am not about to back away from it. If you think pornography and/or obscenity is a serious problem, you have to go even further and say that if you want to prevent pornography and/or obscenity from becoming a problem, you have to be for censorship. And lest there be any misunderstanding as to what I am saying, I'll put it as bluntly as possible: if you care for the quality of life in our American democracy, then you have to be for censorship.

But can a liberal be for censorship? Unless one assumes that being a liberal *must* mean being indifferent to the quality of American life, then the answer has to be: yes, a liberal can be for censorship—but he ought to favor a liberal form of censorship.

Is that a contradiction in terms? I don't think so. We have no problem in contrasting repressive laws governing alcohol and drugs and tobacco with laws regulating (i.e., discouraging the sale of) alcohol and drugs and tobacco. Laws encouraging temperance are not the same thing as laws that have as their goal prohibition or abolition. We have not made the smoking of cigarettes a criminal offense. We have, however, and with good liberal conscience, prohibited cigarette advertising on television, and may yet, again with good liberal conscience, prohibit it in newspapers and magazines. The idea of restricting individual freedom, in a liberal way, is not at all unfamiliar to us.

I therefore see no reason why we should not be able to distinguish repressive censorship from liberal censorship of the written and spoken word. In Britain, until a few years ago, you could perform almost any play you wished—but certain plays, judged to be obscene, had to be performed in private theatrical clubs which were deemed to have a "serious" interest in theater. In the U.S., all of us who grew up using public libraries are familiar with the circumstances under which certain books could be circulated only to adults, while still other books had to be read in the library reading room, under the librarian's skeptical eye. In both cases, a small minority that was willing to make a serious effort to see an obscene play or read an obscene book could do so. But the impact of obscenity was circumscribed and the quality of public life was only marginally affected. It is fairly predictable that some one is going to object that this point of view is "elitist"—that, under a system of liberal censorship, the rich will have privileged access to pornography and obscenity. Yes, of course they will—just as, at present, the rich have privileged access to heroin if they want it. But one would have to be an egalitarian maniac to object to this state of affairs on the grounds of equality.

I am not saying it is easy in practice to sustain a distinction between liberal and repressive censorship, especially in the public realm of a democracy, where popular opinion is so vulnerable to demagoguery. Moreover, an acceptable system of liberal censorship is likely to be exceedingly difficult to devise in the United States today, because our educated classes, upon whose judgment a liberal censorship must rest, are so convinced that there is no such thing as a problem of obscenity, or even that there is no such thing as obscenity at all. But, to counterbalance this, there is the further, fortunate truth that the tolerable margin for error is quite large, and single mistakes or single injustices are not all that important.

This possibility, of course, occasions much distress among artists and academics. It is a fact, one that cannot and should not be denied, that any system of censorship is bound, upon occasion, to treat unjustly a particular work of art—to find pornography where there is only gentle eroticism, to find obscenity where none really exists, or to find both where its existence ought to be tolerated because it serves a larger moral purpose. Though most works of art are not obscene, and though most obscenity has nothing to do with art, there are some few works of art that are, at least in part, pornographic and/or obscene. There are also some few works of art that are in the special category of the comic-ironic "bawdy" (Boccaccio, Rabelais). It is such works of art that are likely to suffer at the hands of the censor. That is the price one has to be prepared to pay for censorship—even liberal censorship.

But just how high is this price? If you believe, as so many artists seem to believe today, that art is the only sacrosanct activity in our profane and vulgar world—that any man who designates himself an artist thereby acquires a sacred office—then obviously censorship is an intolerable form of sacrilege. But for those of us who do not subscribe to this religion of art, the costs of censorship do not seem so high at all.

If you look at the history of American or English literature, there is precious little damage you can point to as a consequence of the censorship that prevailed throughout most of that history. Very few works of literature—of real literary merit, I mean—ever were suppressed; and those that were, were not suppressed for long. Nor have I noticed, now that censorship of the written word has to all intents and purposes ceased in this country, that hitherto suppressed or repressed masterpieces are flooding the market. Yes, we can now read "Fanny Hill" and the Marquis de Sade. Or, to be more exact, we can now openly purchase them, since many people were able to read them even though they were publicly banned, which is as it should be under a liberal censorship. So how much have literature and the arts gained from the fact that we can all now buy them over the counter, that, indeed, we are all now encouraged to buy them over the counter? They have not gained much that I can see.

And one might also ask a question that is almost never raised: how much has literature lost from the fact that everything is now permitted? It has lost quite a bit, I should say. In a free market, Gresham's Law can work for books or theater as efficiently as it does for coinage—driving out the good, establishing the debased. The cultural market in the United States today is being preempted by dirty books, dirty movies, dirty theater. A pornographic novel has a far better chance of being published today than a non-pornographic one, and quite a few pretty good novels are not being published at all simply because they are not pornographic, and are therefore less likely to sell. Our cultural condition has not improved as a result of the new freedom. American cultural life wasn't much to brag about 20 years ago; today one feels ashamed for it.

Just one last point which I dare not leave untouched. If we start censoring pornographic or obscenity, shall we not inevitably end up censoring political opinion? A lot of people seem to think this would be the case—which only shows the power of doctrinaire thinking over reality. We had censorship of pornography and obscenity for 150 years, until almost yesterday, and I am not aware that freedom of opinion in this country was in any way diminished as a consequence of this fact. Fortunately for those of us who are liberal, freedom is not indivisible. If it were, the case for liberalism would be indistinguishable from the case for anarchy; and they are two very different things.

But I must repeat and emphasize: what kind of laws we pass governing pornography and obscenity, what kind of censorship—or since we are still a Federal nation—what kinds of censorship we institute in our various localities may indeed be difficult matters to cope with; nevertheless the real issue is one of principle. I myself subscribe to a liberal view of the enforcement problem: I think that pornography should be illegal and available to anyone who wants it so badly as to make a pretty strenuous effort to get it. We have lived with under-the-counter pornography for centuries now, in a fairly comfortable way. But the issue of principle, of whether it should be over or under the counter, has to be settled before we can reflect on the advantages or disadvantages of alternative modes of censorship. I think the settlement we are living under now, in which obscenity and democracy are regarded as equals is wrong; I believe it is inherently unstable; I think it will, in the long run, be incompatible with any authentic concern for the quality of life in our democracy.

TORRANCE WOMAN'S CLUB CHALKS UP HALF A CENTURY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. ANDERSON of California. Mr. Speaker, last month, the Torrance Woman's Club celebrated its 50th anniversary as a service organization dedicated to improving their community with the advancement of general culture, civic betterment, and social welfare.

Throughout its 50-year history, the Woman's Club has brought great pride to the city of Torrance for its numerous achievements and for its activities in behalf of those who were in need. All of us in the South Bay area admire the deeds which this organization has accomplished and I would like to share with my colleagues the following article from the Torrance Press-Herald, written by Edna Cloyd, which recounts the efforts of the Torrance Woman's Club over the years:

TORRANCE WOMAN'S CLUB CHALKS UP HALF A CENTURY

There's nothing new under the sun. The Torrance Woman's Club attests to the truth in this old adage.

The hoopla of today's Women's Liberation Movement only brings smiles to the faces of these clubwomen. They've been liberated for years.

It was 50 years ago this month that their club was formed—a determined group of women dedicated to improving their community with the advancement of general culture, civic betterment and social welfare—all within the system.

Their scope of interest was not limited to "their own backyard". They saw need around the world. Yellowed pages of minutes show their first international project was "near East Relief." This was in 1922.

In 1932, records show, the clubwomen took a stand on the conditions of the women's quarters at the San Quentin prison. They adopted a resolution which was sent to the governor requesting the women prisoners be sent to the Industrial Farm at Sonoma and that the farm be properly safeguarded and developed. They also urged the appointment of a woman to the State Prison Board.

Torrance Woman's Club emerged from the Vista Highlands Neighborhood Club organized March 19, 1921 by a group of women living in Vista Highlands, the area bounded by Torrance Blvd. on the south and extending west from Cedar St. (Crenshaw Blvd.). The sewing club met at the home of Mrs. W. H. Gilbert and elected Mrs. C. W. Stock as its first president.

They also opened their first bank account at the First National Bank depositing $4.95.

Shortly after this membership was opened to all interested women and from Torrance proper came many new members. The club's name was changed to Torrance Woman's Club and the group affiliated with the Federation of Woman's Clubs. By the end of the first year there were 100 members.

Organized a year before Torrance was incorporated as a municipality, the club added the woman's touch to the incorporation. The tattered flag furnished by the county was discarded and a new American Flag to be flown over their city was bought for $10.50 by the new club.

Meeting in church halls, school auditoriums or any place available, the members at their meeting Nov. 20, 1922 decided to establish a building fund for a clubhouse. Into the fund went $150 of their $171 bank account and years of money raising events began.

During the presidency of Mrs. John Young, 1923–24 their building site, a 58x140 ft. lot on Engracia Ave. was bought for $2,515.

The 194 members, directed by Mrs. J. M. Fitzhugh 1924-25 decided to finance the building by incorporating and selling stock at $10 a share. Stockholders elected J. W. Post, president, George Neill, vice president and W. Harold Kingsley, secretary-treasurer. Directors were Isabel T. Henderson and Mrs. Hurum Reeve. Business men of Torrance donated $2400 Oct. 10, 1924. A campaign began to raise $10,000 with a series of entertainments at the high school auditorium and fashion shows by Von Andles Specialty Shop and Sam Levy Dept. Store.

Groundbreaking for the new $17,500 clubhouse took place June 15, 1925 with Mrs. Fitzhugh turning the first shovel.

The club obtained a mortgage for $7,500 at 7 percent after Brian K. Welch disposed of $5,000 in stock among his friends and the family of Jared Sidney Torrance.

Torrance firms furnishing materials for the building were Columbia Steel, Ebys Dry Goods, Haynes Lumber, Huddlesston Furniture, Rappaports, Reeve Hardware, Rossman Lumber Co., Smith and Kesler Tile Roofing, Torrance Brick, Torrance Electric, Torrance Plumbing, Torrance Machine Co. and Torrance Wallpaper and Paint Co.

The club, totaling 225 members held its first meeting in the new clubhouse Oct. 8, 1925 with Mrs. F. L. Parks presiding.

With a mortgage to pay off, the ways and means chairmanship was of vital importance. Mrs. Dorothy Jamieson assumed this spot under the presidencies of Mrs. J. S. Lancaster and Mrs. J. A. Stone, 1926–27.

There were minstrel shows, plays, bazaars, dances and lectures. One speaker's topic was "Why the Radio Is a Real Service."

In February 1932 when Mrs. Caroline Collins was president, Torrance Woman's Club was hostess to 800 women of the President's Council of California Federation of Los Angeles District. This was the largest gathering ever held in Torrance. Business sessions were held in the Torrance High auditorium and the guests were divided into groups for luncheons served at the Woman's Club, Methodist Church, Legion hall and other spaces around town.

Working with the Veteran Relief Agency and supporting a Mothers Education Center were the main projects during 1932–34, Mrs. W. J. Neelands, president.

It was during this year that Mrs. C. T. Rippy, club treasurer, announced "Despite the depression we have met our mortgage payments and we have also gained 25 new members."

During the presidencies of Mrs. A. W. Johnson 1935–36, Mrs. M. J. Beale 1936–37 and Mrs. H. C. Barrington 1937–39, the club continued to raise money staging a Costume Ball at the Hollywood Riviera clubhouse, a musical comedy at the Civic auditorium and sponsored authors and speakers on current issues. A radio commntator told his audience that he was "loathe to believe television would ever be so popular as to replace motion pictures."

In 1939, when Mrs. H. C. Barrington was president, Torrance was again spotlighted when the Club was hostess to 1,000 delegates attending the district convention.

Directed by Mrs. A. H. Silligo in 1939–40 the club too action to get bus routes in Torrance by notifying the City Council of its approval of the Asbury Rapid Transit System application.

Social meetings with husbands as guests was approved for the first time during the presidency of Mrs. E. A. Miles, 1939–40.

During the club years 1941 to 1943, when Mrs. C. B. Mitchell was president, night meetings were necessitated as many members were involved in war work.

The Junior Woman's Club came into being in 1941. Mrs. Dean Sears headed the committee to organize Torrance young women between 18 and 35 years.

The Club also contributed to the Kiwanis Club's fund for an ambulance.

In the World War II years of 1943–44, Torrance Woman's Club members sold $3,058 war bonds. They also rented their clubhouse to the USO which assumed all financial and upkeep responsibilities.

Humanitarian issues filled the club years 1944–46 under the leadership of Mrs. R. R. Smith. A seeing eye dog was purchased for the blind and juvenile delinquency and proper nutrition came under study.

In 1946, the Torrance Woman's Club's long standing mortgage was paid off and there was a mortgage burning ceremony.

Out from under its financial burden, the club turned its attention to other needs in the area. Money raised from its participation in the city's Fourth of July Jubilee in 1946 when Mrs. Margaret Jones was president, went to purchase an incubator for Torrance Memorial Hospital.

From 1947 to 1949, Mrs. W. I. Laughon served as president. During these years the club supported Juvenile Hall, purchased an audiometer for Torrance schools and contributed to the National Polio Foundation Fund.

The club bought vitamins for children at Torrance Elementary school during the 1949–50 years, Mrs. S. V. Raus and Mrs. Dean Sears, presidents. Club members also served as chaperone for the Teenager dances held once a week.

A donation of $100 to the Dr. W. I. Laughon Memorial Fund to be used to purchase hospital equipment was made by the club during the presidency of Mrs. B. T. Whitney 1949–50. The club also continued its sponsorship of Leonard Sen, Indian child through Save the Children Foundation.

Mrs. B. W. Roberts, president 1951–52, presented a check for $768 from the club to the YWCA for furnishings for the new building. Supporting legislation for the enforcement of severe penalties for selling narcotics to children was the highlight of the presidency of Mrs. A. F. R. Ewalt 1952–53.

The club received Silver Candle award for $500 donation to Sister Kenny Foundation 1953–54, Mrs. Grover Van Deventer president.

Mrs. Richard Rogers served as club president 1954–55 when permission was granted for the clubhouse to be used for an Adult Education Class. During the term of Mrs. H. L. Mitchell 1955–56 the club supported the establishment of a Municipal Court in Torrance and donated $50 to the Torrance Dental Health Association.

Torrance Woman's Club endorsed the city for the All American City Award during the presidency of Mrs. Lee McCoy, 1956–57. Mrs. McCoy was named "Outstanding Woman of the Year" by the Torrance Chamber of Commerce.

Community achievement Award, given by Sears, was won by the club in 1957–58, Mrs. R. E. Moffitt president. A donation of $50 to the Torrance float for the Tournament of Roses was also made.

City beautification highlighted the 1958–59 year, Mrs. Don Wolf president. The club donated 79 oleander trees to be planted along Torrance Blvd. west of Crenshaw. That year the club assisted the Chamber of Commerce at the mobile x-ray unit and donated toward the purchase of a heart machine for Harbor General Hospital.

During the term of Mrs. John Thuss 1959–60, Mrs. Victor Benstead won first place for the club in the Marina District Garden Show. Mrs. Mark Wright, another club member, was honored by the National PTA with a life membership. Mrs. Wright helped create the Torrance School system in 1947 and served as president of the Board of Education.

A Diabetes Detection Drive was sponsored by the Woman's Club during the presidency of Mrs. Roy Apsey 1960–61 and the group supported the Chamber of Commerce in its Powder Puff Derby promotion.

A Braille typewriter was donated to the Junior Blind Foundation while Mrs. Leondrus Stamps was president and during Mrs. Joseph Bay's term 1961–62 members participated in a talent show to raise money for a recreation building in Victor Park.

Fireplace equipment to Torrance Scout Center, $500 to YMCA building fund, $100 to American Field Service and a wheel chair for a young girl were contributions during 1963–64, Mrs. J. G. Louvier president.

Retarded children received the club's attention in 1964–65. Mrs. Andrew Acamporta president. A Friendship party was given for the Southwest Association for Retarded Children as well as a $100 donation.

Scholarships for high school students as well as nursing scholarships were goals during the terms of Mrs. H. F. Heinlein 1965–66 and Mrs. Ted Olson 1966–67.

When Mrs. R. E. Moffitt assumed the presidency for the second time 1968–69, full attention was focused on Southwest Association for Retarded Children. The club, joined by the Juniors, compiled a cookbook. Sales from the project $1,000 went to the Retarded Children.

Club members joined the Junior Club in staffing the California Youth Employment Service during 1968–69, Mrs. Robert Winship president. The two clubs also donated telephone service for the CATHY organization and served as volunteers to the group seeking homes for youngsters.

Financial aid to the Pueblo area of Torrance was a goal during the presidency of Mrs. Richard Dorothy 1968–69. During her term the clubhouse was also remodeled.

Today at its clubhouse, this 50 years old organization, led by Mrs. Richard Rankin, will take time out from its work to better the community to celebrate its birthday at a potluck luncheon.

Past presidents will be honored and many long time residents and former club members have been invited. Special guests will be Mrs. C. W. Stock of Long Beach, the club's first president, and Mrs. C. T. Rippy, charter member.

The Drama Section, directed by Mrs. Douglas Hedde, will present a skit on the history of the club.

It will be a day of reminiscing as these women look back with pride to years of achievement, enjoy long standing friendships and welcome newer residents.

For they have set the pattern for women interested in a better world by "putting into action our better impulses, straight-forward and unafraid."

CAPITULATION: A PREPOSTEROUS VIETNAM SOLUTION

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. BOLLING. Mr. Speaker, the following article by Crosby S. Noyes which appeared in the Washington Star of March 25, is particularly timely in view of the action on the Vietnam resolution in the Democratic caucus on March 31.

Capitulation: A Preposterous Vietnam Solution

(By Crosby S. Noyes)

Perhaps I overstated the case. President Nixon is not doing everything that his critics want him to do in withdrawing from Vietnam. He still is refusing to comply with the rest of the critics' demands and negotiate a surrender at the Paris peace talks.

From the outset of the Paris talks, the Communists have pursued two objectives with great persistence. They have demanded the unconditional withdrawal of all American and other allied forces from South Vietnam. They also have demanded that the Americans, before leaving, should engineer a replacement of the regime in Saigon by another, "broadly based" coalition in which their interests would be strongly represented.

Nixon, it seems, is now committed to complying with the first of these conditions. The probability is that, barring some kind of unforeseen reversal, American forces will be substantially withdrawn from South Vietnam by the middle of next year. It is to be expected that Korean, Thai and Australian contingents will leave at a proportional rate.

But the assumptions on which this withdrawal is being made are quite different from those of the Communists in Paris. Their thesis all along has been that the resistance to their plans for a takeover in South Vietnam has been very largely an American affair.

Never mind that from the departure of the French in 1954 to the arrival of American fighting units in 1965, resistance to a Communist takeover was very largely up to the South Vietnamese themselves. The essential Communist dogma is that, without American support, South Vietnam would quickly fall into their hands.

The calculation of the Nixon administration is exactly the contrary. It holds that the essential objectives of the intervention in Vietnam have, in fact, been accomplished. Not only has the military prognosis been reversed in South Vietnam; the military and political tide has turned in all of Indochina.

Today, from Indonesia to Thailand, the Communists have been routed or thrown on the defensive. Cambodia and Laos will remain precarious for a long time to come. But South Vietnam—the essential objective of the leaders in Hanoi and Peking—can more than hold its own against any military pressures that the North can bring to bear against it.

It can, that is, unless President Nixon were to be foolish enough to comply with the second of the demands of the Communists in Paris and destroy the government in Saigon. And curiously enough, that is exactly what Nixon's liberal critics are now insisting that he should do.

Knocking the government in Saigon is, of course, one of the favorite pastimes of the anti-war contingent. It goes back to the days of Ngo Dinh Diem, when the Kennedy administration involved itself in a brutal effort at government reform with disastrous results.

Today the critics delight in cataloguing all of the fairly obvious shortcomings of the Thieu-Ky regime, citing everything from its failure to curb the black market in Saigon to the suppression of the civil rights of its political enemies. Though Thieu is the constitutionally elected president of the country and rules with the concurrence of a national assembly which is anything but a shadow legislature, the standard argument is that his is a repressive military dictatorship, representative of nothing except American interests.

All this, to be sure, is quite beside the point. The critics, in calling for the departure of Thieu, do not suggest that the men who should replace him will be more democratic or representative of the people of South Vietnam. The essential qualification is that they should be less determined to resist a Communist takeover of the country. If a group of men could be found to take power who were acceptable to the leaders in Hanoi, the American liberals would begin to see the light at the end of the tunnel.

This, as they see it, is the essential precondition to a negotiated settlement of the war and the release of American prisoners held by Hanoi. The alternative, they argue, is an indefinite prolongation of the conflict, with a continued, though much reduced, American involvement.

And here, of course, they are right. Unless there is a complete capitulation to the Communists' demands, it is quite likely that fighting will go on in Indochina for a long time to come. It is also true that negotiating the release of the American war prisoners remains the single most difficult problem that confronts the administration.

But capitulation is a preposterous solution to the problem. It would destroy everything that has been accomplished in 17 years of cruel effort by the South Vietnamese, untold billions of dollars and 45,000 American lives. And that is a price which this administration most certainly is unwilling to pay.

TV CREDIBILITY GAP

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. BROWN of Michigan. Mr. Speaker, I call the attention of my colleagues to a recent editorial in the Detroit News critical of network television entitled "TV's Credibility Gap." The newspaper commented that Vice President AGNEW was "restrained, indeed charitable, when he charged CBS with distorting the facts and making propaganda in its recent so-called documentary on the Pentagon."

Commented the News:

> TV constantly criticizes the "credibility gap" in government but obviously suffers a credibility gap of its own.

The full text of the editorial follows:

What Agnew Sees on CBS: TV's Credibility Gap

Although CBS cries "foul" in a voice edged with pain, the truth is that Vice-President Agnew was restrained, indeed charitable, last week when he charged CBS with distorting facts and making propaganda in its recent so-called documentary on the Pentagon.

In "The Selling of the Pentagon," CBS pictured the Defense Department as a secretive, runaway, unethical bureaucracy. As it turns out, the pot was calling the kettle black.

The vice-president confined himself to making a general charge. Had he wanted to give CBS genuine cause for pain, he might have mentioned the factual errors and distortions detected by Dan Henkin, a Pentagon assistant secretary for public affairs.

Henkin in a recent letter to the House Armed Services Committee noted that the CBS "documentary" had taken out of context a film sequence which seemed to show a military officer making a foreign policy statement. In truth, the officer was reading a quotation from the prime minister of Laos.

Another segment of film showed Jerry Friedheim, a Pentagon spokesman, answering "No comment" three times to questions by reporters. Hinting dark things, CBS observed that Friedheim does not tell all he knows and "wouldn't have his job long if he did."

CBS failed to tell its viewers that in the briefing from which the film was taken, Friedheim had made nine announcements and given answers to about 35 questions. The questions he left unanswered could not have been answered without violating federal law and disclosing information connected with national security.

TV constantly criticizes the "credibility gap" in government but obviously suffers a credibility gap of its own.

Perhaps there should be a CBS TV documentary on deceptive devices that have been used on TV—shaving cream in the whipped cream commercials, marbles that give body to the ingredients in the soup commercials, distorted and out-of-context film segments offered as "proof" of evil in the Pentagon.

It would make a most interesting show. But who could be trusted to produce it?

GUN CONTROL LAW

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. BROOMFIELD. Mr. Speaker, for too long gun control legislation has waited for the resolution of the conflict between the legitimate right of the citizens to bear arms and the need of society to prevent crime. Most of the attention in this area—indeed, a mountain of inconclusive debate—has been directed toward regulating the ownership of firearms, a measure of still uncertain value.

Meanwhile, I fear we have ignored another, less controversial area, but still one of primary concern to the fight against crime; specifically, action that would penalize those who abuse their right to bear arms. For this reason, I am introducing today a bill that would make the use of firearms to commit a felony a Federal crime. This measure deserves our immediate consideration.

My proposal would add a second penalty to that prescribed for the felony, as long as the use of the firearm in the crime was a violation of State law. This extra sentence would run from 1 to 10 years, while a second conviction under the law would bring another 25 years imprisonment. Further, under the terms of my bill, the second offender would be denied any chance for a suspended or probationary sentence.

It is long past time that the Congress made clear its abhorrence of the misuse of deadly weapons. If we can just deter a few criminals from using firearms, we may find the incidence of useless killings vastly decreased. Too many deaths occur every year, Mr. Speaker, only because a weapon was handy.

WOMEN AND POLITICAL PARTIES: THE LEGAL DIMENSION OF DISCRIMINATION

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mrs. GRIFFITHS. Mr. Speaker, sex discrimination pervades the institutions of our society, and political parties have not escaped its curse. At this time I would like to insert in the RECORD an excellent analysis of present discrimination against women in American political parties, written by Phyllis N. Segal of the Georgetown University Law Center:

WOMEN AND POLITICAL PARTIES: THE LEGAL DIMENSION OF DISCRIMINATION

(By Phyllis N. Segal)

INTRODUCTION

When women won the vote in 1920, Carrie Chapman Catt advised that "the only way to get things done is to get them done on the inside of a political party. . . . You won't be welcome, but there is the place to go."[1] Women were not welcome in the political parties then, and the 19th Amendment notwithstanding, they are not welcome as equals today.

The underlying thesis of this paper is that Catt's analysis was right: the passage of the 19th Amendment was not sufficient in itself to insure women a proper voice in public policy; the right to vote is hollow without the right to meaningful participation in the decision making process of the political parties.

Since their inception in the early years of the 19th century, political parties have served as the vehicles through which candidates are presented to the public for evaluation and decision. This virtual monopoly in the translation of ideas into public policy makes influence in the political parties one of the most important ways to implement the spirit of the 19th Amendment.

If women are to be successful in changing this society into one which more closely resembles their ideals, it is crucial to explore ways to open up the political parties for their participation. Through an analysis of the structure of major party organizations as they exist today, ways to democratize that structure can hopefully be found. Such is the purpose of this paper.

One caveat is necessary at the outset. This paper does not deal with that whole subtle—and not so subtle—pattern of discrimination against women in political parties which exists independent from, or as the result of, the legal system.

In the preparation of the paper several ideas came to mind about this matter. The role of women in political parties is certainly affected by the fact that there are only 12 U.S. Congressmen, 1 U.S. Senator and 163 out of 4,445 Democratic state legislators[2] who are female. The absence of female role models in government will make a woman's perspective on what she can get out of political parties different from ambitious men who frequently see parties as vehicles in their personal quest for public office. Furthermore, the extreme underrepresentation of women in public office must depress the sense of political efficacy of all female citizens.

Regardless of whether the underrepresentation of women in public office is the cause or the result of discrimination in political parties, the fact remains that the traditional party role of women is confined to dealing with other women and to physical work. Rep. Shirley Chisholm, who spent 10 years in New York City ward politics before attaining public office, has described her experience: "Starting as a cigar box decorator, I had compiled voter lists, carried petitions, rung doorbells, manned the telephone, stuffed envelopes and helped other people get elected."[3]

Among the party elite subtle practices serve to reinforce the second-class citizenship. The Democratic National Committee provides a chauffered limousine for its Chairman and Treasurer—invariably males—while the female Vice-Chairman apparently must walk to work. In New York City, the female district leader is almost without exception considered the "co-leader", while the male is called the "leader", even though state law and party rule make no such sexual classification.[4] An intensive analysis of the Republican and Democratic delegations to the 1964 National Conventions found that men made the speeches, managed the campaigns, and ran for public office themselves, while the women were contacting the voters and distributing the literature.[5]

Any women active in political parties can add her own stories of discrimination. This paper will not be an accounting of the humiliations women suffer in their day-to-day political dealings. Nevertheless, the human dimension should not be forgotten as one evaluates the legal context of inequality.

I. THE RECORD OF INEQUALITY

It is not difficult to document the domination of men in the political process.[6] A look at the leadership ranks of the two major parties[7] shows a virtual absence of women: out of 108 state and territorial Democratic and Republican parties,[8] only two are chaired by females.[9] Neither the Democratic nor Republican National Committees has ever had a female national chairman, treasurer, or legal counsel. And there has never been a temporary or permanent chair-woman in the history of either party's national conventions. It was not until 1944 that a woman even served as Secretary of a national convention; in that year Democrats selected women as their Secretary and as their Assistant Chairman.

Delegate positions at the national conventions are also among the political offices that remain beyond the reach of women. In 1968, only 13% of the Democratic delegates in Chicago were women; and women conprised only 17% of the delegates at the G.O.P. National Convention. Only one of the 108 delegations was chaired by a woman: Rep. Edith Green leading the Democratic delegation from Oregon.

A closer look at the individual delegations in 1968 reveals no Republican women at all representing New Hampshire, West Virginia or the Virgin Islands. Four Democratic delegations included only one female delegate within their ranks—the National Committeewoman, who by convention rule was an automatic delegate.[10] In Alabama, of the 48 delegates at the Democratic National Convention (excluding the Committeewoman and Committeeman), only 1 was a female. In Illinois, only 8 of the 118 Democratic delegates were women; in Indiana, only 4 of 68.

Only 2 states approached a representative proportion of women on their Democratic delegations in 1968: Florida with 44%, and the Canal Zone with 50% (of a delegation of 8). In Florida, equal division of delegate positions between men and women is required by state statute, FLA. LAWS ANN. 103.111 (1960), infra.

Even those few women who made it to their party's last national nominating convention were not guaranteed full participation in the process. First, there was the

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Footnotes at end of article.

under-representation of women on the Standing Committees of the Convention—Platform, Rules, Credentials and Permanent Organization. Despite the fact that regulations of both parties require the participation of one woman from each delegation on each of the 4 committees,[11] 22 Republican delegations and 13 Democratic delegations, did not include the four women necessary to represent them. The rules do not allow one woman to serve on more than one committee.[12]

Second, there was a widespread policy of compensating for the underrepresentation of women delegates by assigning a larger number of women to alternate (non-voting) status. These positions are not included in the delegate counts previously cited. In the Maryland delegation at the 1968 Democratic National Convention, for example, there were 2 women delegates and 8 women alternates. In the Pennsylvania Democratic delegation, women comprised only 9% of the delegates, but 20% of the alternates. The Wisconsin Republican Party sent a delegation to Miami composed of 4 women delegates (13%) and 12 women alternates (40%).

Third, at the Democratic Convention, a rule which authorizes fractional votes[13] was used in several cases to dilute the strength of even those women who had voting status. In Ohio, for example, of the 7 women delegates sent to the convention (representing 6% of the delegates), 5 were accorded half-votes. In Louisiana, of the 4 women delegates (representing 8% of the delegation), 3 had only half-votes.

The domination of men in the political process is even perpetuated by those groups which claim to be making the process more representative. The Democrats' Commission on Party Structure and Delegate Selection (the McGovern Commission), mandated by the 1968 Democratic National Convention to "assure broader citizen participation in the delegate selection process,"[14] has only 3 women members, out of a total of 28 (or 11%, an even smaller proportion than at the Convention). The companion Democratic Rules Commission, formed to democratize the convention procedures, has only 5 women, representing 18% of the membership. Louisiana's Democratic Party Reform Commission has disregarded women entirely—not one of the 8 members is a female.

And this just touches the surface; an analysis of women in county and district party organizations and conventions would reveal a similar pattern of underrepresentation in decision making positions. On all levels of the political process, women play subordinate roles if they are represented at all. Consequently, women are not exerting proportional influence in determining who will run for office, and what policies the political parties will bring to government.

Is it mere chance that so few women are counted among the leadership ranks of the political parties? Could the figures possibly be accurate reflections of merit and capability? Of course not. Neither chance nor measure of talent could create such a *consistent* picture of male domination.

II. A THEORETICAL EQUALITY

The record of male domination in the two major political parties is inconsistent with the theoretical equality between men and women that has been written into many state laws and party rules governing the political process.

At the national level, the governing bodies of the Republican and Democratic parties—the National Committees—are composed of one man and one woman from each jurisdiction entitled to representation.[15] The Democratic National Committee's (DNC) Executive Committee is further required to include an equal number of male and female members (in addition to the National Chairman, who without exception has been a man).[16]

Similarly, in many states, party rules and/or state laws provide for the equal representation of men and women at each level of party organization. In at least one state, this is constitutionally recognized: the New York State Constitution provides that any political party may by rule require equal representaiton of the sexes on any committee of the party. N.Y. CONST. art. 13, § 1.

In most states, the basic unit of political party organization—e.g. the precinct, ward, town or voting district—is required to elect an equal number of committee*men* and committee*women* to operate the organization and represent it at the county level. In Colorado, for example, state law requires the selection of one committeeman and one committeewoman from each election precinct; such representatives from all precincts within a county then constitute the membership of the County Central Committee. COLO. REV. STAT. 49.5.8. (1953).[17] This is required by Democratic Party Rule in North Carolina.[18]

In addition to having equal representation on the county committees (because of the equal number of male and female precinct officers), some states have built into law or party rule an equal opportunity for men and women to be chosen for leadership positions. In Oregon, state law requires the County Committee to elect a Chairman and Vice-Chairman, "one of whom shall be a woman". ORE. REV. STAT. 248.035 (1961).[19] In Oklahoma, Democratic Party Rules require that the County Chairman and Co-Chairman be of opposite sexes.[20]

Where such a system of equal representation and/or equal opportunity for leadership positions is provided for in one unit of organization, it is often carried through to all levels. Thus the legislative, congressional, senatorial and judicial district committees in Missouri will have a membersihp divided equally between male and female representatives. MO. STAT. ANNO. 120.810.[21]

The state party's parent organization—variously called the State Central Committee, State Executive Committee or State Committee—may also be required to have an equal number of male and female representatives from each district. The Republican Party of Washington instructs that "[t]he State Committee*man* and the State Committee*woman* elected by each Republican County Central Committee in the State shall constitute the membership of the Republican State Central Committee." (emphasis added).[22] This may also be required by statute as, for example, in Oregon. OREG. REV. STAT. 248.075 (1961).[23]

In some states, the officers of the State Committee are required by rule or statute to be divided equally between men and women. In Washington, for example, the State Committees are required by statute to choose a Chairman and Vice-Chairman "who must be of opposite sexes." WASH. STAT. 29.42.020 (1965).[24] In Colorado, state law provides that the chairman and vice chairman "may be" of opposite sexes. COLO. REV. STAT. 49.5.8.2(c) (1953). The by-laws of the state party may similarly require that the chairman and vice- (or co-) chairman of the State Committee must include one woman, as in the New York Democratic party Rules.[25]

In addition to the state laws and party rules regulating party structure, there are statutes and rules that require equal representation of men and women in the delegate selection process. In Florida, a unique state law requires that an equal number of male and female delegates to the national convention be chosen by each party:[26]

> Each political party . . . shall elect . . . the delegates of said party to the National Convention, one man and one woman from each congressional district and the remaining delegates . . . from the state-at-large, one-half men and one-half women. FLA. STAT. ANNO. 103.101 (1960).

A similar regulation has been proposed by the Democratic Reform Commission of Oklahoma as a new Democratic party rule.[27]

The regulations governing the national conventions of both parties include a system of assigning an equal number of male and female delegates to serve on each of the standing committees—Platform, Credentials, Rules and Permanent Organization. A male delegate may not serve in lieu of a woman, and in the Republican Party a woman may not serve on more than one committee.[28]

Statutes and rules such as these have created a theoretical equality between men and women as members of party committees, and equal opportunity for them to become party officers. Political parties that are not regulated in this way may be governed by laws and rules which make no reference at all to sex, providing for committees and officers without regard to who fills the positions.[29] This could be interpreted as implying a presumption of equality, and it is possible to describe such parties as theoretically "sex-blind."

In these ways, the political process is being regulated to promote equality between men and women. Whether sex-blind provisions, required equal representation on party committees, or equal opportunities for political office make a party more open to meaningful participation by women in fact is of course a different question.

III. DISCRIMINATORY RULES

Inequality between men and women in the political parties is perpetuated in several ways—both with and without the assistance of the legal system of party rules. In this section, the ways in which party rules contribute to discrimination against women will be discussed.

A. Party rules inconsistent with the theoretical equality promoted in statutes and other rules

In Missouri, where state law requires the election of committeemen and committeewomen by the ward and township political organizations,[30] the major function at the ward and township level is the caucus. Such meetings are the first step in the party's delegate selection process and in the conduct of all party business. A rule about to be adopted by the Missouri Democratic Party provides that the committeeman shall act as temporary chairman of the ward and township caucus, and the committeewoman shall serve as temporary secretary.[31] Accordingly, while the committeeman gavels the meeting to order, determines the temporary rules of the caucus, sometimes chooses the nominating committee and otherwise exercises his influence over the deliberations, the committeewoman is doing whatever secretaries are supposed to do. This rule—recommended by the party's Reform Commission—translates an implied equality between two representatives elected in the same way and with the same title-prefix, into the subordination of one into a secretarial role, while the other becomes the decision maker. The rule requires that the subordinated committee-representative must always be the committeewoman.

Again in Missouri, where state law instructs that the Chairman and Vice-Chairman of both the County and State Central Committees must be of opposite sexes,[32] the proposed Democratic Party Rules go on to imply that the second post should always be filled by a woman, with the Chairmanship, therefore, then going to a man. The Rules define the duties of Vice-Chairman on both the county and state level as primarily involving supervision of the organizations of Democratic Women Voters.[33] While it is of course conceivable that a male vice-chairman

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Footnotes at end of article.

could be in charge of the woman's organization, such an intention is far from likely, and such practice is never found.

The Oklahoma Democratic Party, which requires that the co-chairman be a woman only if the chairman is a man,[34] includes in the duties of the co-chairman the proviso that "in the event that the state co-chairman is a woman, she shall have full control over all women's organizations." [35] While this suggests a more open opportunity structure, there is no provision in the rules for a leader of the women's organizations in the event that the co-chairman is a man! Once again, therefore, this represents an implicit assignment of the second post to the woman, despite a theoretical equal opportunity for leadership positions.[36]

In Colorado, where the state law recognizes that the chairman and vice-chairman of the State Committee "may be" of opposite sexes,[37] and the Democratic Party rules require this,[38] the rules go on to undermine the notion of equal opportunity. The Democrats have defined the work of the state vice-chairman as including the coordination of the county vice-chairwomen and precinct committeewomen.[39] And, more explicitly, the rules consistently refer to the vice-chairman with the pronoun "she". Clearly, the vice-chairman is supposed to be a woman; the chairman, by elimination, is required to be a man.

Two of the states studied do not, on the face of their rules, distort the equality mandated by state law.[40] The Democratic Parties of Oregon and Florida do not define the functions of their chairman and vice-chairmen so as to implicitly assign the offices to a specific sex. Both men and women therefore have an equal opportunity to be chosen for either leadership position. It is interesting to note that Oregon's Democratic Party is currently the only one headed by a female chairman; Florida's Democratic State Chairman for most of last year (under succession rules) was also a woman.

B. Mandate for inequality: Party rules

In jurisdictions where statutes and/or party rules do not require equal representation or equal leadership opportunities in levels of party organization, there may be a mandate for male domination within the party rules. In Pennsylvania, for example, instead of calling for the officers of the State Committee to be of opposite sexes, the Republican Party rules require that "the Chairman and Treasurer of the Republican State Committee shall be men, the Vice-Chairman and Assistant Secretary . . . shall be women. . . ." [41]

In other states, the officers of the county and/or state committees include a Vice-Chairwoman, either as the only second officer,[42] or among other vice-chairmen [43] thus reducing the status of the one "female" office even further. The Democratic National Committee includes a Vice-Chairman who is a woman,[43] and the Republicans have a national Assistant Chairman who is a woman.[44]

While rules such as these may guarantee women one party office, they also serve to confine women to positions that have no policy making power, but do include a myriad of housekeeping responsibilities.[45] Calling for a change in such rules, the Deputy Vice-Chairman at the DNC, Mrs. Harriet Cipriani, described the "inherent implication that the Chairman must always be a man and that the office of Chairman is specifically closed to women, I believe", she continued, "the implication of this wording in the Rules could have a serious, unfortunate, negative effect on many hard-working Democratic women, and possibly on women voters generally, if they are forced to assume that the office of Chairman can never be occupied by a woman, solely because of her sex." [46]

The DNC Rules do not include in the responsibilities of the Vice-Chairwoman any reference to the normal "Vice" function of assuming the duties of the Chairman in the event of vacancy in that office.[47] Instead, the member of the Executive Committee with seniority of service on the National Committee becomes the acting chairman.[48] The Vice-Chairwoman is not even an automatic member of this Executive Committee.[49] These rules suggest quite clearly that the Vice-Chairwoman is not considered part of the Democratic National Committee's power structure.

Isolation of women from party politics on the decision making level is often further formalized and extended through provision for a separate Women's Division within the party structure. The G.O.P. has a network of Women's Divisions in every state and territorial party, coordinated by the National Assistant Chairman (as Director of Women's Activities); they also have a formalized auxiliary structure of women's groups as an "educational arm of the party": the National Federation of Republican Women. These women's organizations are devoted to "the building and strengthening of the Republican Party through the utilization of womanpower across the nation." [50]

Unfortunately, the development of "womanpower" itself has been neglected by such separate divisions, as demonstrated by the litany of underrepresentation summarized in the first section. Geri Joseph, former Democratic National Vice-Chairwoman, has described the separate women's groups and the vice-chairwoman role both as devices "designed to keep women working, but in their place." [51] The Executive Director of New York's New Democratic Coalition, Bonnie Lobel, considers such divisions "an insult to anyone who wants to influence the positions of the party". [52] The National Organization of Women (NOW) has pledged itself to the goal of eliminating all separate women's divisions in political parties.[53]

The Democratic National Committee announced with much flourish last year that their formal Women's Division was being abolished. The offices of the Vice-Chairwoman were moved to be adjacent to the National Chairman, as a symbol of integration and to facilitate the substantive change. The exact status of this attempt to bring women into the party as equals remains, however, somewhat ambiguous. According to the present Vice-Chairwoman, Mary Lou Burg, her office has been expanded to include other responsibilities *in addition to* representing the women's groups, which she feels should continue to exist as part of the organization.[54]

Among the arguments advanced by Miss Burg and others who believe that a formal structure of women's organizations should be maintained, is that they increase female involvement in politics on the local level. By muting the dilemma of sex appropriateness of political activity, women's groups encourage women to join others of their sex to work for the party. Without such groups, the argument goes, many women could not be easily recruited, and the parties would consequently lose much-needed "womanpower".

Women are important to political parties because of the physical work that they contribute—e.g. canvassing, telephoning, leafleting, secretarial work. Shirley Chisholm has called discrimination against women in politics particularly unjust "because no political organization I have seen could function without women".[55] Mrs. Chisholm is referring to the unstimulating, but necessary, tasks that become the responsibility of women. Isn't such utilization of women one of the very things that keeps them in their place?

Most politicians would probably agree that women should be able to form political groups of their own within the party. But there are important distinctions between informal opportunities to do this, and formalized structures which, under the pretense of providing an avenue for involvement, become a trap of powerlessness.

Women should indeed be able to unite, especially to work for specific political goals. This is being done throughout the country as women's caucuses form to promote specific legislation, campaign for selected candidates, and push for party reform.[56] Such activities are not encouraged within the Women's Division Structures, where women are organized to help others—who are mostly men—rather than themselves

IV. REMEDIES

The pervasive assignment of women to secondary or separate positions within the political parties does not lend itself to easy solution. Several approaches to changing the reality of male domination in the political process have occurred to me in writing this paper. In broad brush strokes, they are as follows:

(1) State laws requiring equal representation or equal leadership opportunities in the parties could be enacted. A delegate law, such as that in effect in Florida [57] requiring an equal number of male and female delegates, would be the quickest way to insure equal representation of women at the national conventions.

A law prohibiting parties from adopting rules which provide that all officers, or particular officers be of one sex, by title or function, could be enacted. A companion law could require or permit state parties to choose officers of opposite sex.[58] The first law would remove all legal barriers to a woman seeking any office in the party structure, particularly that of chairman, and would not confine her to an office that coordinates women's activities. The second would insure that a woman will hold one of the top two leadership positions in the party.

(2) In those states where statutes already require equal representation on political committees and/or equal leadership opportunities, party rules that undermine the spirit of the laws, or directly contravene them, could be challenged in court. In *McSweeney* v. *Republican County Committee of Bronx County*, for example, party rules excluding female Associate District Leaders from the Executive Committee, and limiting their functions to "such as county committee or county chairman shall promulgate" was held inconsistent with Election Law § 15(3). That statute makes leaders and associate leaders automatic members of the county committee or any subcommittee thereof, with the right to participate and vote. 307 N.Y.S. 2d 88 (1970).

In the *McSweeney* case, the statute involved was explicit about the equal functions of both leaders. It is more common for the state law to merely name the two positions, e.g. committeeman and committeewoman, without going into their duties. It could be argued, however, by statutory construction that the same titles imply similar functions, or at least a random distribution of jobs. Accordingly, an automatic assignment of secretarial functions to one officer and chairman duties to another, as in the proposed Missouri Democratic Rules,[59] may be inconsistent with the legislative intent. Court cases should be framed to challenge party rules such as this, and determine the legislative intent of equal representation and equal opportunity statutes.

(3) In the absence of state laws requiring equal representation or equal leadership opportunities, it could be argued in court that discriminatory party rules are unconstitutional in light of the 14th and 19th Amendments.

The first barrier to such an action is the reluctance of courts to take jurisdiction over political parties. Under the traditional legal

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Footnotes at end of article.

interpretation, parties are private voluntary associations, and therefore not subject to judicial scrutiny.[60] However, courts are gradually moving towards viewing the party as an arm of the state election machinery, because of the essential part parties play in choosing candidates for public office. In *U.S.* v. *Classic*, 313 U.S. 299 (1941) and *Smith* v. *Allwright*, 321 U.S. 649 (1944), the party primary was held to be an integral part of the electoral process, and therefore subject to court review. In *Maxey et al.* v. *Washington State Democratic Committee*, opinion No. 7838 Oct. 26, 1970, the Federal District Court speaking through Judge Alfred R. Goodwin took jurisdiction over party apportionment of delegates to a State Convention which would select delegates to the National Convention, for the same reason.

But courts are still reluctant to interfere in issues of party structure that are more removed from the candidate selection process, such as the organization of precinct and district committees.[61] In 1966, however, the Supreme Court of Pennsylvania discussed ways that a political organization can have a "direct and substantial relationship to the selection of public officials by the electoral process" besides direct candidate selection. *Bentman* v. *7th Ward Democratic Executive Committee*, 218 A2d 261 at 269. For example, a party committee may be required by statute to select a candidate by its own rules if a vacancy occurs (by reason of death or incapacity) after the primary or nominating convention is over. Similarly, if offices are created too late to be included in the primary, as was the case in *Bentman* with judgeships, candidates may be chosen according to party rules by the District Committee. Where state laws impose such duties on the party, it may be transformed into a state agency. *Bentman* at 269.[62]

The key to establishing jurisdiction therefore appears to be showing a relationship with the candidate selection process in some way.

The second issue to establish in such a court action is the applicability of the 14th and 19th Amendments. It could be argued that the rules of political parties denying women the opportunity to become specific officers of political organizations, and separating them into powerless divisions, represent an unreasonable classification in violation of the 14th Amendment. In *Maxey*, cited above, the underlying rationale of the case was that voters in urban districts were being underrepresented, and rural areas overrepresented in the party's apportionment formula; this was held to be an unreasonable classification violating the equal protection clause of the 14th Amendment. If the Constitution forbids geographical discrimination in political parties, it may be prepared to forbid sex discrimination—especially since the consequences of the latter are so pervasive. Admittedly, however, precedent does not support an automatic application of the 14th Amendment to classification by sex.

A 19th Amendment case could be framed by arguing that the underrepresentation of women in the political parties, and especially in the nominating process, abridges their right to vote. The problem here would be connecting a specific party rule with the low participation of women as delegates. But perhaps by arguing that party committees do perform nominating functions (see *Bentman* above), rules barring women from attaining certain party offices can be seen as a similar "abridgement" of the right to vote.

(4) Changes in party rules could be developed, requiring no judicial involvement. For example, equal representation of men and women as delegates could be required, as Florida has done by statute, or some minimum quota set, as the Oklahoma Democratic Reform Commission has recommended.[63]

The Democratic Party's Commission of Party Structure and Delegate Selection has adopted guidelines which include a requirement that "State Parties . . . eliminate all vestiges of discrimination on . . . grounds of sex . . ." Furthermore, the Commission requires State Parties to "overcome the effects of past discrimination by affirmative steps to encourage representation on the national convention delegation of . . . women in *reasonable relationship* to their presence in the population of the State" (emphasis added).[64] A potential problem with this guideline is that it talks about "delegations" rather than delegate votes. The term "delegation" can refer to the entire number of people sent to the convention—including alternates and those with fractional votes.[65] At least one State Democratic Party is reportedly exploring the possibility of handling the fair representation requirement in this way.

As a means of implementing reasonable or equal representation on delegations, it is useful to consider a provision in New York State Law that requires designating petitions and ballots to list party positions separately by sex once party rule requires officers of opposite sex. McKinneys Consol Law N.Y. 2 § 11 (1964). This would mean that women would be competing against women for their delegate seats, and the votes received by male candidates for delegates would not affect the selection of women. See *Levine* v. *Millspaugh* 180 N.Y.S. 2d 470 (1958).

As a short-term affirmative step, a state party could reserve a portion of their delegate seats for women, and have the competition for these seats be among women. While this is not desirable as a permanent solution—because meaningful equality requires men and women competing against each other as equals—drastic measures may be necessary to overcome centuries of male domination.

CONCLUSION

It is impossible to determine the casual relationship between discriminatory rules and discriminatory practices. We can begin, however, to determine where the real problems lie by creating a legal climate in which inequality is no longer sanctioned. Then and only then can we determine if women will ever be able to play a meaningful role in our major political parties.

If the rules and laws are changed but discrimination against women continues, then the call of some women's organizations for new party and extra-party activities may be the only answer.

FOOTNOTES

[1] As quoted in Richard Childs, *Inside 100 State Parties*, National Municipal League, New York, N.Y. 1969, p. 19.

[2] *History of Democratic Women*, Democratic National Committee Fact Sheet, 1971: 143 Democratic female State legislators.

[3] Shirley Chisholm, *Unbought and Unbossed*, Houghton Mifflin Company, Boston, Mass., 1970. p. 76.

[4] Interview with Arlene Hershman, District "Co-Leader" Murry Hill District, New York City, December 28, 1969, by telephone.

[5] M. Kent Jennings and Norman Thoman, "Men and Women in Party Elites: Social Roles and Political Resources", *Midwest Journal of Political Science*, Vol. XII, No. 4, Nov. 1968.

[6] No such comprehensive documentation has, however, been prepared. Sources used for the statistics in this section include *The Presidential Nominating Conventions* 1968, Congressional Quarterly Service, Sept. 1968: *CBS News Campaign, '68*, CBS Inc., 1968; *Mandate for Reform*, Commission on Party Structure and Delegate Selection, Democratic National Committee, Washington, D.C., April 1970.

[7] I have focused on the two major political parties because their candidates for public office are almost invariably elected. This decision does not reflect any bias against minor parties. In fact, if the two major parties do not prove responsive to demands for democracy then the only course for women may be to organize in new political parties.

[8] In addition to the 50 states, the Democratic Party includes the District of Columbia, Guam, Canal Zone, Puerto Rico and the Virgin Islands; the G.O.P. includes the District of Columbia, Puerto Rico and the Virgin Islands.

[9] Oregon Democratic Party chaired by Caroline Wilkens; Nebraska Republican Party chaired by Lorraine Orr.

[10] Alaska, Hawaii, Guam, Virgin Islands.

[11] *Democratic Manual For The Democratic National Convention of 1968; Woman Power*, Republican National Committee.

[12] *Women Power*, R.N.C., p. 7; contra *Democratic Manual . . . 1968.*

[13] *Democratic Manual . . . 1968.*

[14] 1968 *Proceedings of the Democratic National Convention* p. 248.

[15] Rules of the Democratic National Committee, Art. II; Rules of the Republican National Committee, Rule 20.

[16] Rules, DNC, Art. X.

[17] See also Mo. Stat. Anno. 120.780–781 (1960); Fla. Stat. Anno. 103.111 (1960); Oreg. Rev. Stat. 248.015 (1961); N.Y. Consol. Law Art. 2 § 15 (McKinney 1964); *Contra* Minn. Stat. Anno. 202.20 et seq. (1962).

[18] North Carolina Demo. Party Rules, Art 1 § 1 (1968).

[19] See also Mo. Stat. Anno. 120,800 (1960); Wash. Stat. 29.42.030 (1965).

[20] Oklahoma Democratic Party Rules 2.3 (1966).

[21] See also Oklahoma Dem. Party Rules 2.4, 2.8 (1969). *Contra.*, there is no consistency in the Michigan statute, Mich. Comp. Laws. Anno. 168.597–599, 168.603 (1965).

[22] Rules, Republican State Central Committee of Washington. § 11 (1969).

[23] See also Mo. Stat. Anno 120,770–820 (1960); Mich. Comp. Laws. Anno. 168.597 (1965); Constitution of the Republican Party of Iowa, Rule IV (1954).

[24] See also Mo. Stat. Anno. 120.830 (1960); Oreg. Rev. Stat. 248.085 (1961).

[25] By-Laws of Democratic State Central Committee, Oregon, Art. 2(B) (1966); Rules of the Democratic Party of the State of New York, Art. 2 § 1 (1969)

[26] In 1968, 50% of the Florida delegates to the Republican National Convention were women, while 44% of the delegates to the Democratic National Convention were women.

[27] Oklahoma Reform Commission, proposals presented to State Central Committee meeting, March 14, 1970, no action taken as yet. This regulation would suggest that no more than 50% of the delegation to the Democratic National Convention be of any one sex, and require that no more than 60% be of any one sex.

[28] See chapter I, fn 7

[29] For example, North Dakota, Virginia. See *History of Democratic Women*, Democratic National Committee, Washington, D.C., (1960) p. 42.

[30] Mo. Stat. Anno. 120. 780 (1960).

[31] Report of the Commission on Democratic Party Constitution, By-Laws and Party Structure to the Missouri Democratic State Committee, Chapter VI, § 6 (1969). Action will be taken on this Report in Feb. 1971. This Report is the first effort to codify party practices into rules, and therefore the provision cited does not necessarily represent a new or unusual requirement.

[32] Mo. Stat. Anno 120.830 (1960).

[33] Report, Chapter I § 3, Chapter IV § 5.

[34] Oklahoma Democratic Party Rules, 2.5 (1968).

[35] Oklahoma Dem. Rules, 6.1(c); also 6.2(c) for District Committee Co-Chairmen, 6.3(c) for County Committee Co-Chairmen.

[36] See also Washington Democratic Party Rules, Art II (D) (1969).

[37] Colo. Rev. Stat. 49.5.8 2(c) (1963).

[38] Plan of Organization and Rules of the Democratic Party of the State of Colorado, Art. 3, § 3–3(a) (1969).

[39] Plan, Art. 3 § 3–7.

[40] Oreg. rev. stat. 248.085 (1961); Standing rules of the Florida State Democratic Executive Committee, Rule 3 (1966).

[41] Rules of the Republican Party of the State of Pennsylvania, Rule 1 § 4 (1968).

[42] Arkansas Dem. Party Rules 6.23 (1964).

[43] By-laws of the Mississippi Republican Party Art. VII § 3 (1968); Delaware Democratic Party Rules 6.3 (1966). North Carolina Democratic Party recently adopted a rule providing for 3 Vice-Chairman: one representing women, one youth, and one minority groups; this was hailed by Democratic reformers at the McGovern Commission as a great victory.

[44] Rules, DNC, Art. IX (1968); Rules, RNC. Rule 25(1968); The Republican Party also provides for four vice-chairmen, two of whom shall be women, Rule 25.

[45] See testimony of Bonnie Lobel before the Democratic Commission on Party Structure and Delegate Selection, July 29, 1970, p. 3.

[46] See testimony of Mrs. Harriet Cipriani to the Democratic Commission on Rules, Sept. 19, 1969, p. 1.

[47] Contrast, Standing Rules of Florida State Democratic Executive Committee, Rule 4 (1966)

[48] Rules, DNC, Art. IX

[49] Rules, DNC, Art. X. Contrast, the Chairman of the DNC is an ex-officer member of the executive committee and serves as chairman thereof, Art. X 1(a). As a matter of tradition, the Chairman does appoint the Vice Chairman to the Executive Committee.

[50] *Women Power*, RNC, p. 26.

[51] See testimony of Geri Joseph before McGovern Commission, Minneapolis, Minn., May 5, 1929.

[52] Testimony of Bonnie Lobel, p. 4.

[53] NOW pamphlet, undated

[54] Interview with Mary Lou Burg, Washington, D.C., January 7, 1971.

[55] Shirley Chisholm, *Unbought and Unbossed*, p. 76.

[56] A Women's Opportunity Organization has been formed by women from the Democratic-Farmer-Labor Party in Minnesota. Among the goals of the group, according to Arvonne Fraser (interviewed in Washington D.C., January 8, 1971), are the reform of party rules and encouraging candidacies of women.

In New York several Women's Caucuses have been formed in the past few years. One is presently planning to hold a workshop session at the Issues Conference of the New Democratic Coalition scheduled for February 6, 1971.

In Michigan, a Democratic Women's Commission pressed unsuccessfully for a quota of 33% on the National Convention delegation at their Constitutional Convention, January 1970.

[57] For text, see p. 11.

[58] See p. 10.

[59] See p. 13.

[60] Eli Segal, "Delegate Selection Standards: The Democratic Party's Experience," *George Washington Law Review* Vol. 38, July 1970, pp. 890–891.

[61] In *Dahl* v. *Republican State Committee of Washington*, decided the same day as the Maxey case, Judge Goodwin held that the apportionment of delegates on the State *Committee* is not a matter for judicial scrutiny. Opinion no. 7557, October 26, 1970.

[62] Contrast *Lynch* v. *Torquato*, 343 F2d 370 (3rd Cir. 1965).

[63] See p. 11 and Chap. 2 fn. 13.

[64] *Mandate for Reform*, Commission on Party Structure and Delegate Selection, Democratic National Committee, April 1970 p. 40. The Commission, however, added the caveat that "this is not to be accomplished by the mandatory imposition of quotas" p. 40.

[65] See p. 6. The McGovern Commission's staff advises that such interpretation would be inconsistent with the spirit of the Guidelines.

HELP FOR SMALL BUSINESSMEN

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. WHITEHURST. Mr. Speaker, one of the historic traits of our Nation is the ability and willingness to commitment in reacting to an emergency. We see this in our reaction to such problems as Southeast Asia, civil rights, education, foreign trade, natural disasters, pollution, and consumer affairs, to name just a few.

When an emergency arises we react, strongly and totally, and in some instances we are lucky that our cures do not kill the patient.

We have come a long way in recent years. In varying degrees, we are making progress in all areas, and we can begin to see ourselves catching up with our recent technological advancements. However, what we must be aware of are the side effects of what we are doing in our effort to make these long-overdue corrections, particularly as affects our daily lives.

This situation became quite evident in the early days of our urban renewal programs. As is our nature, we recognized the deplorable conditions that were developing in our urban centers, and we reacted strongly. We passed strong and innovative laws in an attempt to stem the growing problems of our cities that were beginning to develop in the forties.

When a neighborhood was declared an urban renewal area, older people who had finally paid for their homes, and many poor young families, were forced to shoulder the financial burden of relocating in more expensive homes elsewhere. Today when this situation arises, the Federal Government provides financial assistance by paying allowances to make up the difference between the cost of the previously owned home and the equivalent newer, more expensive one.

Gradually this same theory was applied to another important social and economic component of the neighborhood, the small business, and as a result of legislation passed in the 91st Congress this principle now applies to all Federal programs involving land acquisition.

The rate of failure of small businesses is historically high. To add a further burden, one not of their own making and one usually affecting an established small proprietorship, was not fair. Today when a small business is forced to relocate because of displacement by a Federal program, financial assistance in the form of long-term, low-interest loans can be arranged.

Step by step, the Government recognized that land acquisition is land acquisition, and a homeowner or a businessman must relocate regardless of what Government program takes his property. It is this principle of assisting the innocent bystander that I advocate in the legislation I am introducing today.

When we pass a new law that requires plant facility changes or the purchase of new equipment, we are in fact passing a law that establishes retroactive guilt and are charging a fine for that guilt. A new Federal law or regulation that requires major alterations in real property, capital equipment, or services rendered is no different and has the same effect as a displacement by a Federal program.

As an example, the Wholesome Meat Act cost the private sector of our economy millions of dollars, because with a stroke of the pen businesses were, for all practical purposes, found guilty of a crime they had never committed. This is an immense burden to put on any business, but it is particularly hard on a small business that does not have the equity or collateral to finance such sweeping changes. Nor do many small businesses have the ability to carry high-interest loans because of their already high debt-to-income ratio.

My bill will correct this inequitable situation by permitting a small business, forced to undertake substantial expansion or alteration as a result of a new Federal law, to receive low-interest, long-term loans from the Small Business Administration.

Mr. Speaker, this is the identical bill I introduced in the 91st Congress, and its principles were included in the occupational health and safety bill. This bill also contributed to my receiving an award from the National Small Business Association, an award of which I am extremely proud.

This principle has been one of the major goals of the NSBA over the years, and as I mentioned earlier, was included in the occupational health and safety bill. However, in order for the situation to be corrected, there must be universal application of this principle, not the patchwork that has been all too common in the past.

I would like to include in my remarks the contents of a letter that I recently received from Mr. Carl Beck, chairman of the legislative policy committee of the NSBA:

> DEAR CONGRESSMAN WHITEHURST: In meetings and in communications with President Nixon and Dr. McCracken, Chairman of the Council of Economic Advisors, the National Small Business Association stressed the need for encompassing the principle put forth by the legislation you are about to introduce.
>
> This legislation will enable the SBA to make preferential low-interest loans to small business firms required to make alterations and other changes due to the promulgation of new Federal laws or regulations.
>
> May we congratulate you again on taking leadership in this area and other legislative areas that will be extremely beneficial to the small business community.
>
> Sincerely,
>
> CARL BECK.

Mr. Speaker, this bill, while broad in scope, will solve only one of the ills that have developed over the years, and, as indicated in Mr. Beck's letter, is only the first of five bills which I will be introducing over the next 3 weeks.

At this point, I think it should be made clear exactly what we mean when we use the term "small business."

I am sure that most of us visualize a local grocery store, dry cleaner, or delicatessen, but the Federal definition of small business includes everything from a dental practice where there are only two people, all the way up to American Motors. The prime factors in making such a determination are the number of employees and the amount of sales of one company compared to other firms doing the same business. Therefore, what we are in fact talking about is a vast American social and economic institution that currently comprises approximately 98 percent of American business. The more than 10 million small firms in this country employ almost two-thirds of the labor force.

When one stops to analyze the situation, the next few statistics will show that big business could not survive without the small private enterprises:

Boeing Aircraft required 16,500 small suppliers to build the 747;

General Motors Corp. has 38,000 small suppliers;

General Electric is supplied by 45,000 small firms;

Sears Roebuck & Co. has 20,000 small suppliers each year, and 14,000 of them are regulars.

The inventions of the past few years have come from the men and companies who have been regarded as independent or small. Such wonderful items as the rocket, Polaroid cameras, helicopters, the jet engine, Xerox, insulin, FM radios, vacuum tubes, and a large number of other devices and processes have been the products of independent inventors or small firms.

So it is obvious that small business is a great deal more than a local grocery store or delicatessen. We must face up to the fact that small business is a major economic force in our country and that it needs our assistance.

The Federal Government made a major effort to express its understanding and intention to help small business when in 1953 it created the Small Business Administration by combining the Defense Plants Act and the Reconstruction Finance Corporation.

The primary concern of the SBA was to work with the Nation's banks to see to it that small firms could get long-term loans. It was also given authority to make fully-collateralized loans to firms that could not get financing from conventional sources. Since that beginning, many new programs have added to the potential of the Federal Government's ability to deliver technical, managerial, and financial aid to the small business community. Some of these programs include the SBIC's set-asides, 8(a), economic opportunity loans, 502, participating loans, guaranteed loans, 406 grants, SCORE, ACE, lease guarantee, procurement assistance, and percentage credit when bidding on Government contracts. However, as important and beneficial as these tools have been, they do not fill the needs created by the complex economy we live in today.

In the 1970 "Report of the President's Task Force on Improving Small Business," the following tables were published: They clearly indicate what small businesses need the greatest help, as well as the dangerous trends that appear to be developing.

Rates of Failure, 1950–69

[Percent of total failures]

1950	4.5
1960	11.6
1968	18.7
1969 (9 months)	20.3

Manufacturing Industries Ranked by Failure Rate

12 months ended Dec. 31, 1968

[Failure rate per 10,000 operating concerns]

Line of industry:	
Furniture	117
Transportation equipment	90
Textile	75
Leather and shoes	70
Electrical machinery	51
Apparel	50
Machinery	48
Paper	47
Metals, primary and fabricated	45
Chemicals and drugs	44
Printing and publishing	36
Food	32
Stone, clay, and glass	30
Lumber	20

Failure Rates in Specific Manufacturing and Retail Lines, 1968

12 months ended Dec. 31, 1968

[Failure rate per 10,000 [1] operating concerns]

Line of business:	
Cameras and photographic supplies	67
Books and stationery	58
Women's ready-to-wear	58
Appliances, radio and television	54
Furniture and furnishings	52
Men's wear	50
Gifts	50
Infants' and children's wear	49
Toys and hobby crafts	49
Sporting goods	47
Lumber and building materials	40
Bakeries	35
Women's accessories	30
Auto parts and accessories	29
Drugs	28
Eating and drinking places	27
Dry goods and general merchandise	24
Shoes	22
Hardware	21
Automobiles	21
Farm implements	19
Groceries, meats, and produce	16
Jewelry	16

[1] Sources: Industry Studies Dept., Dun & Bradstreet, Inc., Department of Commerce (Bureau of the Census).

Mr. Speaker, during the hearings on Small Business legislation held in the 91st Congress, many Members, myself included, testified on behalf of expansion of SBA's current programs. While SBA is not the only tool the Government has to aid small business, it is the symbol of the Government's intent and does contain the vast majority of direct aid programs.

Of particular interest in those hearings was the direct loan program. It is my contention that the direct loan program is particularly needed today because of high interest rates and a shortage of secondary market money. The Small Business Administration should be becoming more active in the direct loan field instead of less involved as has been the trend over the past few years.

When former Congressman Thomas Kleppe appeared before the other body to testify on his confirmation as the newly appointed Administrator of the Small Business Administration, the subject of direct loans was brought up. Mr. Kleppe stated that while in order to meet the tremendous demands for financial aid the SBA must tune in private capital via the guarantee route, there is indeed a place for direct loans in SBA, and that this was in fact why the agency was created.

Mr. Speaker. I am sure that many of my colleagues join me in wishing our former colleague the best of luck in his new role as administrator of SBA. It is indeed a challenging venture, and one which holds great promise. The Federal Government is lucky to have Mr. Kleppe in this position, and the small business community will benefit from his success as a businessman, as well as his experience as a former Member of the House of Representatives.

Mr. Speaker, as potent a tool as the Small Business Administration is, it not only cannot do the job without the full backing of Congress and the Administration, it is not the only tool available.

Solutions to the problems of small business, as well as big business, cannot and should not rely solely upon direct Government financial assistance. As a matter of fact, many of the more pressing problems are not centered around financial aid, problems such as labor relations; marketing and distribution; national health insurance; patents, trademarks, copyrights, and taxes; and general economic policy; and their solutions are crucial to a healthy atmosphere for business, both management and labor.

We must come up with answers to the following questions:

First, what is the effect on the small business, as well as the community in which it is located, when a major strike prevents the small firm from obtaining a product vital to its operation? In many cases, irreparable damage is done. Of course the right to strike should not be abridged, but we do not want to see the economy detrimentally affected, nor do we want to see a worker deprived of his ability to earn a living.

Second, many firms are being forced to relocate because of the necessity of conforming with modern methods of management and technical processes, or facing bankruptcy. Many firms face bankruptcy even though they relocate, because of the financial burden. What can we do to assist them?

These are but a few of the problems faced by business today, and as is usually the case, small business must carry the greatest burden. We must find solutions to these problems.

Mr. Speaker, the legislation I will be introducing over the next few weeks will attempt to deal with some of the problems small business must face. I hope that my bills are received favorably, and that they will receive rapid consideration.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

"PATRIOTISM: TO BE OR NOT TO BE"

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. SCHMITZ. Mr. Speaker, one of the finest statements of the true meaning of American patriotism it has ever been my privilege to read, was written by Mrs. Judy Anne Headlee, a high school teacher of English at Mission Viejo, California, and published in The Freeman for July 1970. Entitled "Patriotism: To Be Or Not To Be," it is highly inspirational and provides a convincing answer to those among Mrs. Headlee's teaching colleagues and among our younger generation who have been persuaded to believe that there is something wrong with being patriotic. I recommend it unreservedly to the attention of my colleagues.

The article follows:

PATRIOTISM: TO BE OR NOT TO BE

(By Judy Anne Headlee)

"The flag is dead!" exult moratorium demonstrators, and teachers and school administrators shake their heads knowingly.

"We must blame American traditions and morality," conclude the educators, "for goading the youth into resistance. In an age of international peace-seeking and social liberality, patriotism is obsolete."

Oddly enough, the more the academicians denounce prayer and pledges of allegiance, the more they compound the problem of student violence. Like sage Socrates, who was excessively wise yet could not, in his wisdom, control Xanthippe, they fail to approach their own problems directly. They fail to realize that unrest among students has not been caused by unreasonable authoritarian demands for loyalty, but by the gradual removal, over the past two or three decades, of demands for loyalty from the curriculum.

The roots of the problem reach back to the time in American history when the emancipation of women and urban mobility, among other things, caused the home to relinquish much of its control over the morals and ideals of youngsters. The unhappy recipients of this misplaced moral responsibility were, of course, the schools. Zealously trying to be objective and academic in the spiritual as well as the factual realms of knowledge, many teachers demonstrated a haughty distaste for their roles as guardians of American morals. They began to stress the basic irrationality of teaching respect for family, self, country, and God. From there they proceeded to the assertion that the latter values are contrary to the principles of universal peace and interracial understanding—principles basic to the assumption that love of self and country must be replaced by an all-consuming love for one's fellow men at large.

A typical expression of this educational "humanism" can be found in the writings of Urban Whitaker, a coordinator of education at San Francisco State College and a one-time trustee of the San Bruno Elementary School District. Whitaker speaks of the need to "seek to de-emphasize the narrower emotions of nationalism in favor of a more humanistic world view." In discussing the "narrower emotions of nationalism" he continues,

Perhaps the leading example on the emotional side today is the pledge of allegiance. Allegiance to the United States of America—one country among more than 130 in the world—is not taught as a reasonable thing. Nor is it taught in a reasonable way. But it is taught in every class, every day, of every child's public school training. We are *indoctrinating* our children to believe, emotionally rather than rationally, that it is good, right, and patriotic to place the interests of Americans, who are only six per cent of the world's peoples and already fantastically better off in material welfare than all the others, above the interests of humankind in general. Such a proposition is . . . downright dangerous.[1]

FAITH ESSENTIAL TO STABILITY

At this point we will ask Mr. Whitaker and his fellow administrators exactly what is so dangerously irrational about nationalistic self-interest, and, to whom is it dangerous? Nowhere has it been proven that patriotic devotion to the interests of one country generates denial of "the interests of humankind in general." To suggest that such a denial is inevitable is as absurd as to suggest that the love of a man for a particular woman is inimical to his ability to love his fellow man. And, romantic love is not more basic to human nature than religious love or patriotic love.

In fact, patriotism is much akin to religious faith. Like religious faith it can be logically discounted, yet is totally necessary to man's sense of direction, integrity, and belief that he is a significant integer in a larger scheme of spiritual good. We can say that godliness and loyalty, and an apprehension of right and wrong, are not only abstract, but also entirely relative to the time and place in which one lives. We cannot say, however, that right and loyalty do not, therefore, exist as definable qualities—definable, that is, in terms of the nonabstract human organism. In other words, "right" can be defined as that which preserves the social stability of the organism, and "wrong" is that which destroys such stability. Any organism must develop those attributes needed to defend and preserve itself. The human organism, being gregarious, must, to preserve itself and its integrity, also preserve the society of which it is a part. In these terms, loyalty to society, and to one's nation, are "right," while immorality, treachery, and athesim are "wrong."

PSYCHOLOGICAL MOORINGS

If we still doubt that national allegiance is rational, we can turn to psychology for reassurance. Erich Fromm, noted psychologist and philosopher, in his book, *Man for Himself*, suggests not only that man needs faith, but also that he cannot live without it. "Devotion to an aim [such as success or prestige], an idea, or a power transcending man such as God," asserts Fromm, "is an expression of [man's] need for completeness in the process of living." That is, the healthy, mentally stable person is the person who loves himself enough to want to preserve himself, and, in preserving himself, relates to his immediate environment with love, responsibility, and loyalty. Because that person can know and love himself, he can also know what is good for him. Because that person can know and love himself, he can also know what is good and moral for others. Because he needs to be loyal to himself in order to gain a sense of identity, he also needs to be loyal to others in order to develop that sense of identity. In other words, patriotism gives each individual the pride of self-identification which is vitally necessary if his mind is to be healthy and productive.

Of course, a certain sense of identity can also be gained through the development of universal understanding. There is no reason to doubt that the liberal ideal of world unity and universal love is reasonable. Man must link himself to his fellows with interest and compassion, knowing that life is essentially not a drama of the hunter and the hunted, but a complex of interpersonal relationships. Even so, world unity cannot come by discounting national unity. National unity is the first step toward world unity, just as a child's first step toward love of others is love of his mother. The child's ability to love grows outward from himself, its spiral including more and more people and objects that he encounters in his environment. If this spiraling growth is arrested or interrupted, he becomes prone to crippling doubt and mental disruption.

Many American youths who, doubting the integrity of the United States, stage violent demonstrations, are suffering from a disruption in the growth of their ability to love. Un-American and atheistic societal elements have persuaded them that they can and must eliminate the milestones of loyalty to God and country which lead to universal love. Missing these milestones, they suddenly feel as if they have no country, or that their country has done them some grave injustice. Brazenly rocketing toward the desirable ideal of world unity, yet out of the path which goes toward that objective, they are, essential, lost in space.

SUDDEN CHANGES AND BREAKDOWN

The fact that so many youths are irretrievably lost, and the fact that patriotism is at such a low ebb in this country, is indicative of the sickness that besets civilization when it changes too rapidly, or embraces change for the sake of change. Our civilized mentors, our teachers, tend to feel that nationalistic observances are "cultural lags" which harken back to a primitive, inferior way of living. Yet, the realization that the new lack of nationalism has not improved our ways of living should suggest to them that they have tried to overthrow a life-style that really enhances, rather than retards, our collective well-being.

Certainly the need has not passed for formal observances, however much like primitive tribal ceremonies, to discipline the youth to fight bravely and proudly. Loyalty is as much a discipline as it is a subjective bond. The instilling of a belief in national unity as a possible and positive good is a necessary exercise for the channeling of youthful inquiry into fruitful fields of endeavor. Through such discipline, the loyalties of young people will become increasingly complex, spiraling outward from neighborhood to state, state to nation, nation to the world, and becoming true, solidly-based, and mature bonds of unification.

Yet, even if patriotic discipline were unnecessary to develop world loyalty, patriotism would be the only cause championed by a particular group of people which could successfully transcend the barriers of race, religion, and political party in this country. For these barriers are immediate and, it is widely asserted, peculiar to this nation, and can only be prevented from becoming extreme by the presence of another cause which is also peculiar to the nation and ultimately responsive to the needs of the people. Love of men in general cannot meet local needs or tear down local barriers, because loyalty and love are, at best, abstractly and vaguely understood when conceived of in general terms, or on a large scale. In order to become meaningful and to inspire positive action, motivation, and interest, abstract emotions must be particularized. They must be directed toward a symbol or body, that is, a person, a flag, or a coat of arms.

Indeed, human nature has always found it necessary to particularize and symbolize its highest ideals with idols, monuments, medals, and other material objects—objects which man can fashion and improve with his intellect and his artistry to rival all other objects in his environment. Perhaps this need to translate the abstract into the concrete accounts for man's inability to face death with confidence. For even a man who believes in a heavenly afterlife can be afraid of dying. Why? Because life in a realm of universal beneficence and beauty is not totally attractive to the human spirit. Man, with his competitive nature, is only attracted where his realm can be thought to be better than another's, or where he can work to make it better. The person who does not feel that his surroundings can be improved through his own efforts is rootless indeed, and probably suffers from frustration and suicidal impulses.

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[1] Urban Whitaker, "War/Peace: The Magic Formula," *California Elementary Administrator*, 31, May-June, 1968, p. 21.

And all too many people in this country do suffer from frustration and despair, having been deprived of the knowledge that patriotism is rational, logical, and psychologically necessary. But if satisfaction of basic human needs is not desirable enough to engage the dissatisfied American, there is much more to be gained from patriotism. National loyalty is, in a sense, an invaluable "social security" system, which, in return for active interest and allegiance, provides positive benefits to the investor. That is, a nation, with the support of its people, can furnish the benefits of public education and of equal protection of the law. Such advantages cannot be provided unless they are based upon the common interest, and belief in the common good, of the people. Without the confident support of the people, public education becomes private indoctrination, and the protection of the law becomes autocratic control.

EMOTIONAL REWARDS

But patriotism's good points are not all couched in direct benefits and mental gratuities. The real advantage of national observances lies in their emotional rewards. Of course, the detractors, the Urban Whitakers, insist that it is the subjective, emotional quality of allegiance that is its weakness. A brief study of the history of civilization, however, might suggest to them that the most enduring aspects of civilized life have been, in essence, subjective. The legal and political records of Ancient Greece are historically interesting, but hardly memorable. Yet we do recall the poetic triumphs of the Greek poets, including Sophocles' ode to mankind:

Many are the wonders of the world,
And none so wonderful as Man.
Over the waters wan
His storm-vext bark he steers,
While the fierce billows break
Round his path, and o'er his head:
So soaring far past hope,
The wise inventiveness of man
Finds diverse, good and ill:
If from their course he wrests
The firm foundations of the state,
Laws, and the justce he is sworn to keep,
High in the city, citiless I deem him,
Dealing with basenes: overbold,
May he my hearth avoid,
Nor let my thoughts with his, who does such
 deeds, agree! [2]

Like poetic sentiment, patriotism is feeling—feeling that is both controlled and directed. It is a complex love of men, landscapes, ideals, and ways of living that does not limit the mind, but directs it toward making faith a reality. In other words, the patriot loves his way of life enough that, wherever faults exist in it, he has reason to want to correct those faults.

When nationalism, thus, becomes a sentiment that expands the intellect and ennobles the soul, it also contributes to the cultural progress of civilization. Many of the world's greatest acts of heroism and works of skill have been accomplished for nationalistic reasons. The Greek Classical Age and the Elizabethan Age were two of the most patriotic periods in history. These ages, during which there was tremendous concern with idealism, honor, and what was "right," were also the most vibrant, the most creative, and the most culturally productive ages in the history of mankind. Shakespeare, the greatest poetic genius of the English language, and the bright start of the Elizabethan Age, spoke of his nation in reverent terms:

This royal throne of kings, this scepter'd isle,
This earth of majesty, this seat of Mars,
This other Eden, demi-paradise,
This fortress built by Nature for herself
Against infection and the hand of war,
This happy breed of men, this little world,
This precious stone set in the silver sea,
Which serves it in the office of a wall
Or as a moat defensive to a house,
Against the envy of less happier lands,
This blessed plot, this earth, this realm,
 this England,
This nurse, this teeming womb of royal kings,
Fear'd by their breed and famous by their
 birth,
Renowned for their deeds as far from home,
For Christian service and true chivalry,
As is the sepulchre in stubborn Jewry
Of the world's ransom, blessed Mary's Son,
This land of such dear souls, this dear dear
 land,
Dear for her reputation through the world,
Is now leased out. . . .[3]

Thus, historically, when men like Shakespeare have partaken of national pride, they have also believed in their own worth as human beings and have been able to put that belief to good use artistically, intellectually, and scientifically.

Ultimately, it must be concluded that only those who do not wish a nation to prosper culturally, or to defend its integrity against an enemy, will not wish the people of that nation to be patriotic. Love of country and love of liberty are inseparable aspects of the same basic human approach to civilized life. Mature love is an extension of self that must be freely given, and cannot be adequately developed in an atmosphere of repression. Those who would take away a man's freedom are well aware that they must first take away that man's belief in the integrity and worth of those in his cultural and social complex who protect him from oppression.

We would hope that our public educators will not continue to advocate overthrow of American liberty by suppressing patriotic and moral attitudes in the schools. The study of Shakespearean literature would more surely benefit students than the consideration of the doctrine of universal love. Shakespeare pondered the "to be or not to be" question, and decided that the struggle to save his country from ruin was more desirable than a quiet death. If educators were to approach patriotism as Shakespeare did, they would know that "to be," or, to live, means to be free, and to learn to love one's country freely.

TRIBUTE TO WHITNEY YOUNG, JR.

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. McCOLLISTER. Mr. Speaker, the death of Whitney Young, Jr., nearly 3 weeks ago continues to remain a shock to the thousands of us who followed his career with admiration and respect. In the time since, he's been eulogized by hundreds of people, including some of the Nation's greatest leaders. My purpose is not so much to eulogize him as to reverberate my sorrow at the passing of one of the most effective civil rights workers.

We from Nebraska take special pride in being associated with Young during some of his beginning years with the Urban League. Young was executive director of the Omaha Urban League from 1950 to 1954, and impressed many of the city's civic leaders then with his ability to get things done. Young was a terrific persuader, they say, and chose to do battle where it did the most good—at the conference table.

Whitney Young served with quiet dignity. Despite the intolerances and injustices he saw in the American system, he never once lost faith in his country. He worked diligently to right these wrongs. Through his extraordinary efforts and positive leadership, he accomplished much for the Blacks of America and in doing that, accomplished much for America.

He opened needed lines of communication between citizens. He mastered the art of getting things done. Young came at a time in history when the Nation greatly needed tolerance, understanding, and responsible leadership.

He will be greatly missed.

TO CONFER AUTOMATIC U.S. CITIZENSHIP UPON CERTAIN ALIEN, FOREIGN-BORN CHILDREN OF PARENTS WHO DIE DURING HONORABLE SERVICE IN U.S. ARMED FORCES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. MIKVA. Mr. Speaker, last session I introduced a bill to provide automatic citizenship to foreign-born children whose parent or parents have died while serving in our Armed Forces. I rise today to reintroduce the bill, which has in the interim been studied by the Departments of State, Justice, and Navy. All have indicated that they favor adoption of this remedial legislation.

Under the present provisions of the Immigration and Nationality Act, certain children whose parent or parents die while serving honorably in the Armed Forces of the United States are denied citizenship merely because they or their parents have not resided for a sufficiently long period in the United States itself. Thus, these children may be denied the benefits and privileges of citizenship of the country which their parent was honorably serving on military duty at the time of his death.

The inequity of this situation is immediately apparent in cases where the child's parent is killed in combat. But even where the parent dies of natural causes while on honorable active duty with the Armed Forces, the hardship which may be worked on alien, foreign-born children who do not qualify for automatic citizenship under present law may be very great. To alleviate this hardship, I am introducing a bill which will close the loopholes in existing law and insure that whenever the parent of an alien, foreign-born child dies during a period of that parent's honorable service in our Armed Forces, the child automatically become a citizen of our country.

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[2] From the *Antigone* by Sophocles, translated by Charles Robinson, Jr., *An Anthology of Greek Drama,* 1962, p. 112.

[3] William Shakespeare, *Richard the Second,* II, 1, 40–59.

A few words of explanation about existing law and its effects on certain children of members of the U.S. Armed Forces will be helpful in demonstrating the need for this bill.

The children involved fall within two classes—those born before the deceased serviceman became a U.S. citizen, and those born after such acquisition. Under existing law, birth abroad of a U.S. citizen parent does not, of itself, automatically vest the child with U.S. citizenship. To have that effect, the parent must have been resident or physically present in the United States for periods not less than 10 years prior to the birth of the child, 5 years of which are after age 14 years—honorable service in U.S. forces is computable.

Where the parent acquired U.S. citizenship after the birth of the child, citizenship descends to the child under existing law only if statutory conditions as to the child's immigration status, the citizenship of the other parent, and the marital status of the parents, are met—section 320 of the Immigration and Nationality Act.

The following amendments are intended to confer citizenship upon the foreign-born children of U.S. citizen servicemen who would not meet the conditions for automatic acquisition of citizenship through the parent under existing law. The benefits are limited to those children whose parents died while serving honorably in the Armed Forces of the United States.

With respect to a child whose parent was a citizen at the time of birth of the child, the following new section should be added to section 301(a):

> (8) A person born outside the United States, whether before or after the effective date of this paragraph of a United States parent who dies during a period of honorable service in an active-duty status in the Armed Forces of the United States under any other provision of law.

This amendment would apply only to a child who had not already become a citizen, for example, through naturalization, or through derivation by naturalization of the alien parent, Consequently, where the citizen parent dies in service, but the child had therefore acquired U.S. citizenship at birth under section 301(a) (7), the child could not take under proposed paragraph (8) and would be required to comply with the retention provisions of section 301(b). Where paragraph (8) does apply, the effect thereof would be to waive the residence or physical presence requirements otherwise required under sections 301(a) (3), (4), (5), and (7), as well as the retention requirements of section 301(b). The amendment would be applicable also to a case in which citizenship is conferred upon the serviceman, as of the date of death, by private legislation.

With respect to a child whose serviceman parent became a citizen after the birth of the child, but who could not meet existing statutory condition for derivation of citizenship through the naturalization of such parent, the following amendment would confer citizenship upon the child, as of a date subsequent to birth, provided the child had not theretofore become a citizen under another law.

> A child born outside the United States of alien parents or of an alien parent and a citizen parent shall, if one of the alien parents becomes naturalized and the child is not a citizen of the United States under any other law, become a citizen of the United States, upon the death of the naturalized parent during a period of honorable service in an active-duty status in the Armed Forces of the United States.

This amendment would, by reason of the definition of the term "child" in section 101(c) (1), be applicable only to unmarried children under 21 years of age, It would confer citizenship on the child, without regard to existing requirements of section 320 and section 321, as of the date of death of the parent, even though the child may never have been in the United States. It would operate also in favor of children whose parent was granted citizenship as of the date of death by private legislation, such grant constituting a naturalization within the meaning of the amendment.

Mr. Speaker, citizenship is one of the most precious gifts which a country can bestow. If anyone deserves to receive this gift, it is the children of men and women who die while honorably serving this country in its Armed Forces.

REORGANIZATION PROPOSALS ARE WELL-RESEARCHED AND LOGICALLY PLANNED

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. KEMP. Mr. Speaker, now that the administration's reorganization proposals have been submitted, I find them well-researched and logically planned. It may well be that dividing the activities of seven present Federal departments into four new departments called Human Resources, Community Development, Economic Affairs, and Natural Resources will pull together similar projects and programs.

But, what really interests me, is whether this Government system can be sufficiently streamlined to reduce the redtape. I am talking now, not simply of the redtape encountered here in Washington, but the tremendous Federal entanglements which snarl the local citizens who seek Federal help, be it a school, a highway, or a sewer plan. To cite an example, the Model Cities program requires local officials seeking assistance to complete an application usually 400 pages long. When the city of Chicago applied for assistance, the grant application papers measured eight and a half inches. Ridiculous—we all agree. Reorganization should reduce this redtape paperweight by letting local officials make more decisions with fewer referrals to Washington for approval.

At present local communities and regional groups must hire specialists who understand the Federal jargon to complete their applications for them. What could be a more divisive block between Government and the people? Is this what we design to call service? Is such redtape really essential to the smooth operation of the Federal Government? Of course not.

I am convinced we can do better. And I commend the President for submitting such comprehensive proposals for us to use as the basis of legislation to streamline Government procedures.

TWO EDITORIALS ON NIXON'S GOVERNMENT REORGANIZATION PLAN

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. TERRY. Mr. Speaker, I want to insert in the RECORD two thoughtful discussions of President Nixon's Government reorganization plan. They are contained in two basically favorable editorials, one in the New York Times, the other in the Wall Street Journal.

The Times conclusion is that:

> Even if it did not achieve the broader philosophical objectives which he envisages, President Nixon's reorganization plan would produce tangible gains in efficiency and improved delivery of services to the ordinary citizen.

The text of both follows:

[From the New York Times, Mar. 29, 1971]

TO REORGANIZE THE GOVERNMENT

It is not necessary to accept President Nixon's sweeping indictment of the failure of the Federal Government in order to agree with him that any big organization can occasionally benefit from a thorough overhaul. His plan, spelled out in complex legislation submitted to Congress last week, would reorganize and consolidate seven of the Cabinet-level departments into four new departments. It is the most ambitious reform of the Federal Government attempted since the unification of the armed services and the creation of the Defense Department in 1947.

The departments affected employ nearly a half million people, spend approximately $50 billion a year and administer hundreds of grant-in-aid programs. The dominant theme of the reorganization is that existing departments which serve specific constituencies—such as Agriculture and the farmers, Labor and the unionized workers—should instead be regrouped in terms of broad missions. These missions are self-evident in the names of the four proposed new departments—Natural Resources, Human Resources, Community Development and Economic Affairs.

The Department of Natural Resources, on which we have previously commented in detail, involves the least change because it is essentially a strengthening of the existing Interior Department. It would gain the Forest Service from Agriculture and policy control of the water programs of the Army Corps of Engineers. Both changes are highly desirable and have long been advocated by experts in natural resources management.

The Department of Human Resources is the Department of Health, Education and Welfare with a still broader mandate. It would acquire manpower training programs as well as the Women's Bureau from the Labor Department. This rearrangement makes excellent sense. Manpower training logically relates to the vocational adult, and technical education programs now in H.E.W., while women's programs belong with the other social services provided by that department.

Labor and Commerce have long been the two weak sisters among the Cabinet departments. Labor's responsibilities have not been broad enough, while those of Commerce have been incoherent. President Johnson urged a merger of the two, but his recommendations foundered on the opposition of the trades unions. In the proposed reorganization, Mr. Nixon assigns most of their functions as well as many from Agriculture and Transportation to the new Department of Economic Affairs. To attempt to sweep these agencies off the bureaucratic checkerboard is easily President Nixon's boldest stroke. The resistance in Congress and the special-interest lobbies is sure to be strong, but the reasons for reform are compelling.

The new Department of Community Development would be created around the nucleus of the existing Department of Housing and Urban Development. In short, whatever contributed to the strengthening of an old community or the development of a new community, whether rural or urban, would be sheltered under a single departmental roof.

Unquestionably, the committees of Congress and interested public groups will argue the merits of specific changes. In any reorganization of this magnitude, there are gray areas where the choices are hard and the decision could easily have gone the other way. Nevertheless, the President's plan moves in the right direction and the detailed reasoning behind most specific changes is persuasive. Even if it did not achieve the broader philosophical objectives which he envisages, President Nixon's reorganization plan would produce tangible gains in efficiency and in improved delivery of services to the ordinary citizen.

[From the Wall Street Journal, Mar. 29, 1971]

ONCE MORE UNTO THE BREACH

"Sometimes it is easier to win a big war than a small war," one of the architects of President Nixon's sweeping governmental reorganization program said the other day.

We hope he is right, because getting such a major overhaul through Congress will involve a major war. Other Presidents have failed at far less ambitious attempts. As Mr. Schorr noted on this page on Friday, Senator Stennis and other powerful Congressmen already are aiming their howitzers at the program. Their reasons aren't impressive, being mainly based, we suspect, on fears that their personal power is threatened.

They would serve their country better if they adopted a more receptive attitude. There is evidence on all sides that a more rational management of the government bureaucracy is becoming a national imperative. The government has evolved—through political interplay, not design—into a myraid of functional units, under separate commands, often duplicating each other and warring over who gets what piece of what action. To cite one horrible example, 17 different units spread across government involve themselves in international economic affairs.

Too often recently, with no single department having either sufficient authority to do a job or accountability for failure, expensive programs have failed for lack of proper implementation. The gap between what the government promises and what it delivers increasingly strains its credibility. The President and Cabinet officers waste countless hours refereeing intramural disputes.

The President's proposals, in four bills sent to Congress last week would wipe out seven existing departments and five executive agencies and divide their functions among four new departments, Natural Resources, Human Resources, Economic Affairs and Community Development.

Cynics might think that the proposed reorganization, like many, would merely apply new department names to the same people doing the same things. In fact, the program is revolutionary, which is why it will be so difficult to get through Congress. The regrouping of functions to avoid duplication and rivalries is only part of the idea.

Present departments too frequently serve as the voice in government of certain well-organized constituencies, such as organized labor or farmers, whose interests might be counter to the national interest. The reorganization would attempt to substitute departments that would be stronger and more independent from narrow pressures and thus better able to undertake missions truly in the national interest.

For example, a good case can be made that manpower retraining programs serve important national social and economic goals. They do not, however, necessarily benefit organized labor, a minority group in the work force, because they create new job competition. It probably is no accident that they have not been a notable success.

In some of the existing departments, the ability of the Cabinet secretary to manage has been deliberately weakened by Congress to enhance Congressional power. The Secretary of Health, Education and Welfare does not have even full budget control over his department. The reorganization would attempt to restore management control and accountability.

Congressmen might worry that the reorganization would weaken Congress and strengthen the executive to the point of destroying traditional balance. But we doubt that the concern is justified. Congress still would have control over appropriations. And many Congressmen themselves complain about their inability to establish accountability in the Executive Branch.

No one would argue that the reorganization proposal is perfect; yet the public has heard a lot of complaints in recent years about the untoward power of military contractors, labor leaders, farm organizations, health organizations and other lobbies in Washington. Whatever the attempts at obfuscation, voters would do well to closely observe how their own congressmen perform on a reorganization that could reduce such influences. The issue may well be a test of whether the country has the will and power to return to more representative government.

But it indeed will be a big war, and we can only hope that the country wins it.

VOLUNTEER ARMED FORCES SHOULD BE OUR GOAL

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. DENNIS. Mr. Speaker, I have said that I favor a volunteer force, and that I support this bill as a step toward that goal. This is true. The volunteer force accords with the American tradition; and the voluntary soldier who serves willingly makes the best of soldiers and expects and intends to do all the duties of a soldier. The average citizen then expects to be called to duty only in time of true national emergency.

This is a goal and an ideal which I hope we can achieve and which I believe we ought to try to attain. A word of caution is, however, necessary. Times change. In the old days of our volunteer army, America did not have the many and worldwide obligations and commitments which she has today. Even if we decide to and are able to reduce these commitments in some degree—and this is by no means a certainty—it will still remain to be seen whether enough men will volunteer to enable these commitments to be discharged. These are important questions, and they are imponderables which we cannot resolve this afternoon.

To me, however, with a war in progress, with a great transition in the method of raising our Armed Forces to be, if possible, accomplished, and with these imponderables looming for consideration and decision in the future, it seems only reasonable and prudent to support the 2-year draft extension, as provided in the committee bill, in our decision here today.

Meantime, we must work toward the future—with the goal of a volunteer force, if it can prudently be done, when this legislation next expires in 1973.

ENVIRONMENTAL ENIGMA

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. DELLENBACK. Mr. Speaker, with our country's concern about environment we need to stop once in a while and carefully take stock of some of the constructive things we have been doing on the land for a long time. We must not overlook, ignore, or forget that throughout this century a relatively small group of professionals in forestry have been protecting and growing forests for our future on a third of our whole country.

One of these men, a resident of my State, is W. D. Hagenstein, executive vice president, Industrial Forestry Association of Portland. He was the Nation's top professional forester from 1966 to 1969 when he served as the first two-term president of the Society of American Foresters in a quarter century. A logger before he was a forester, Hagenstein has worked for an organization for 30 years which founded the nationwide tree farm movement, which is also in its 30th year. His responsibilities have included the management of two large forest tree nurseries which have grown 231 million trees for reforestation in Oregon and Washington and are continuing to do so at the rate of 20 million trees per year. During World War II he was chief engineer of our military lumber production in the South Pacific. His professional accomplishments include coauthorship of a college textbook, "Harvesting Timber Crops," which is used throughout the world. He served as an associate editor of the Journal of Forestry for 7 years and has authored more than 180 articles on forestry and natural resources. Recently he briefly outlined the progress which the forestry profession has made in this country on the land in a talk entitled "Environmental Enigma" and which was published in the Journal of Forestry this month. I insert it in the RECORD and I commend it to all my colleagues, because of its vital historic account of where forestry has come in the United States in its first 70 years:

ENVIRONMENTAL ENIGMA

(By W. D. Hagenstein)

From its beginnings in Saxony in the latter half of the 14th century, forestry has always been an environmental undertaking. Its main thrust has always been to tame the wild forest for man's use and enjoyment by managing the ecology instead of letting it run rampant.

The first attempts to manage the forest environment came about as a combination of economics and ecology. The economic basis was the transportation distance which could be reached by a man and his sons leaving the security of their walled town at daybreak, traveling with horse and wagon to the wood, felling and gathering their harvest, and returning within the walls by dark. The ecology was perpetuation of the tree species useful to man by coppice, natural seedfall, and, later, by transplanting wild seedlings to places needing them. Man was adapting himself to his environment and he quickly realized that he had no choice but to grow trees within his economic reach or he would go without their service for shelter, warmth, furniture, and tools. In time, this basic response to adaption to, and management of, the forest environment spread to every part of the world.

U.S. FORESTRY: EARLY YEARS

Nowhere did forestry take hold more slowly than in the United States, until only a quarter century ago. This was principally because no other country was blessed with such abundance of trees of such great variability in utility nor was so well able to direct the flow of settlement. The vast area of the United States could only have been settled as quickly as it was because of the abundance of forests through its length and breadth, with the notable exception of the Great Plains and the western deserts. It is significant that these were the regions of the country to be settled most slowly and today support the smallest populations.

Once a balance was reached in timber demand and supply in the United States, only a short 25 to 30 years ago, forestry really got started in earnest. During the last quarter century forestry in America has advanced as far as it did in two centuries in Europe prior to 1900.

Even in these early years American forestry benefited from the fact that men had been trained in the science and art of forestry for more than four decades. Much of the basic research necessary to reproducing desirable species and using their harvest wisely had already been done. Men had also learned how to harvest and process wood more efficiently than in most other parts of the world, so that cities could be furnished with homebuilding materials, paper, conveniences, communications, and many other essentials for civilization.

While it hasn't been so thought of previously, forestry is an environmental science. It is concerned with biology, engineering, and economics: biology, for growing and protecting an inventory of healthy trees; engineering, for their harvest, protection, processing, and use; and economics, for supplying people with their needs at competitive prices. Growing, protecting, harvesting, manufacturing, and marketing trees, and then repeating the process, crop after crop, to serve generation after generation of people, is the primary environmental aim of forestry.

MILESTONES: 1905–40

From the time that Gifford Pinchot and five other pioneer foresters started the Society of American Foresters 70 years ago, forestry accomplishment has been growing by leaps and bounds. The first big milestone was the establishment of the National Forest System in the U.S. Department of Agriculture in 1905. The second was the beginning of cooperative protection against fire with the federal government, the states, and the private owners under the aegis of the Weeks Law of 1911. The third was the cementing of that protection partnership by the Clarke-McNary Act of 1924 whose principal architects were W. B. Greeley and E. T. Allen. Clarke-McNary, besides solidifying the previous advances in cooperative protection against fire, started the cooperative federal-state nursery program for supplying trees to farmers for their woodlots and set the stage for more massive educational efforts to prevent man-caused forest fires and to intensify interest in planting trees.

The fourth was the McSweeney-McNary Act of 1928 which authorized the unparalleled system of federal forest experiment stations, the Forest Survey, and Forest Taxation Inquiry. The experiment stations and the federal forest products laboratory at Madison, Wisconsin have led the way in basic research on every aspect of trees in relation to our environment—developing better tree-planting-techniques, better trees through genetics, and better nailing patterns for housing components. The Forest Survey found out how much timber the nation had, how much was being consumed through harvest, how much was being lost to insects, disease, fire, and old age, and how much was being replaced through growth. The Survey gave us our first real timber balance sheet, and through periodic updating, has indicated the trends to allow some reliable measure for assessing public policies which will determine whether we will be able to satisfy the nation's needs for all the products and services which can only come from the renewability of our forest environment. The Forest Taxation Inquiry, first conducted by Fred Rogers Fairchild, concluded that the customary property tax didn't fit the economics of tree growing, and in fact, discouraged, limited, or prohibited it, and, therefore recommended a modification. Some states have tried to develop such modifications, but in most states property taxes which neither recognize the long-term nature of the timber crop nor adequately allow for the largely uninsurable risks inherent in timber growing are the rule.

PROGRESS: 1940–69

The fifth milestone was the beginning in the state of Washington in 1940 of the "keep green" idea. Designed to educate the public to reduce man-caused forest fires, it soon spread to most states through industry-state cooperation, and was later augmented by Smokey Bear. This movement, a prime environmental protection activity, has probably reached more Americans than any other forestry program in our history. It confuses no one; people really understand the part they play when they are asked to "keep their state green."

The sixth milestone was the establishment of the Clemons Tree Farm by Weyerhaeuser Co., also in the state of Washington, in 1941. Expanding the idea into a nationwide vehicle for encouraging private forest owners to grasp their forestry opportunities was a joint contribution of the West Coast Lumbermen's and Pacific Northwest Loggers Associations, succeeded eight years later by the Industrial Forestry Association. Today there are more than 34,000 certified tree farms, located in every state, except Alaska and Hawaii, and their holdings comprise 75 million acres. On some of these lands you'll find the most intensive forestry practiced anywhere on earth.

The seventh milestone was the Federal Forest Pest Control Act of 1947, largely the creation of the Western Forestry and Conservation Association, which set the stage for the same kind of cooperative protection of forests against insects and disease, as the Weeks and Clarke-McNary Acts did for fire long before. Under this cooperative umbrella, trees were saved for man on millions of acres where, had the environment been unprotected, defoliators, bark beetles, and other pests would have cleaned the forests out for generations—much more completely than the worst forest fire.

The eighth milestone was the Cooperative Forest Management Act of 1950, which significantly increased the joint federal-state effort in the education of the some 3 million individual non-industrial forest owners in the United States as to their forestry opportunities. Coupled with the tree farm movement, these educational efforts have stimulated much interest in and application of forestry, when and wherever local economics supplied the motivation.

The ninth milestone was the Multiple Use-Sustained Yield Act of 1960, which declared a policy for management of the national forests for timber, water, wildlife, and forage for domestic livestock and recreation. It also declared wilderness as one of the multiple uses. This marked the beginning of significant and continuing controversies over which areas of national forest were to be managed for either limited or broad service to the public.

The Multiple-Use Act was soon followed by other "environmental" legislation—the Wilderness Act in 1964; the Land and Water Conservation Fund Act, also in 1964; the Wild and Scenic Rivers Act in 1968; and the National Environmental Policy Act in 1969. These all contain purpose statements which seem to deify environment as a sacred cow. They are popular acts because they reflect what most city dwellers think they want in the rural areas of the nation—a pretty playground to which they can escape from their own daily environment, which they have been propagandized into believing is really unfit for humans. So they escape to a different environment when the practice of forestry could improve theirs by better housing, more conveniences, better watersheds, better wildlife management, and prettier countryside as a backdrop for every kind of outdoor play from picnicking to skiing.

FIVE DISTINCT ERAS

From the beginning of applied forestry in the United States to the present posture of environmental concern and widespread lack of appreciation for forestry, the development of public policies has significantly influenced the practice of forestry on all ownerships in the United States. Evident in this development are five distinct eras in American forestry: *crusade, protection, researcher, application*, and *environment*—one major step at a time, based upon need, knowledge, and favorable economic and political climates.

The crusade was shrill, its propaganda exaggerative, but its purpose was pure—to keep America supplied with trees.

The protection era was born in the flames of the 1910 blowup in the Bitterroots. No one knows how many million acres of America's forests were burned over annually before World War I, but as late as 1939 it was nearly 30.5 million acres. In 1940, at the beginning of the keep green movement, it was 26 million acres; less than 18 million in 1945; dropping to 15.5 million in 1950, 8 million in 1955, 4.5 million in 1960, 2.5 million in 1965; and back up to more than 4 million in 1968. But the trend is down, thanks to a responsive public and a scientifically trained and experienced cooperative fire prevention and control force numbering almost 100,000 men. The record of forest fire prevention and control has chalked up an enviable environmental plus for the nation.

The research era brought much of the biological, engineering, and economic know-how essential to keeping America's forest lands fully productive. It is still continuing, but the blush is off. The basic breakthroughs which taught us how to handle most of our tree species, how to use their wood, and how to reap the bonuses of multiple benefits from forests managed for all or most of their multiple-use potential, are in the tool-kit now. The new horizon in research is now the discovery of newer techniques to solve some of the biological mysteries of insects and disease and the fulfillment of the bright promise of genetics in tree and wood improvement.

The application era, in progress for only a quarter-century, has seen American foresters substantially increase reforestation to "green up" the environment everywhere. Starting with the old burns and other deforested areas up through 1925 there had been only 1,600,000 acres planted in the whole country by all owners. Now that much is planted annually. Through 1968, there was a total of 30,000,000 acres artificially reforested by planting and seeding. In Washington and Oregon alone there have been one billion trees planted in the last 30 years. This era has seen the first commercial application of genetics to improve America's forests and the widespread use of thinning. Thinning not only improves the productivity of forests through more ideal spacing, but is now yielding substantial quantities of raw material for every kind of product from fence posts to plywood. Better protection of forests against pests has also been an environmental contribution of this era. Removal of beetle-susceptible trees before they are attacked and the salvage of infested trees while the broods are still in them to safeguard living trees, are now standard practices. Fertilizer too is being applied to speed up tree growth.

Another great contribution of America's forests to her total environment in the application era has been the building of more homes since 1945 than in the previous three centuries. More than 40 million homes have been built in the last quarter-century, 80 percent of them from wood—the only renewable building material. Another environmental contribution of forests applies directly to the economy. The growing, protecting, harvesting, manufacturing, and marketing of timber crops is the fourth largest business in the nation. This gigantic enterprise, operating on over 500 million acres in every state and in almost every community of 200 people or more, employs 1.5 million persons, furnishes an annual payroll of $7.5 billion and contributes more than $30 billion annually to our gross national product. It also provides the transportation network with 10 percent of its freight. With about 50 percent of our annual timber harvest going directly into home building—the best single barometer of the health of the nation's economy—trees could easily be called America's most supportant environmental asset.

THE ENVIRONMENT ERA

We are now in the environment era of American forestry. It resembles the earlier crusade era because once again the voices are shrill, the propaganda persuasive, and its promoters and perpetrators endowed with the same religious zeal. The only difference between the crusaders and the environmentalists is that while they sound and act alike ("the end justifies the means"), they don't think alike. The crusaders wanted forestry to work as an environmental science, while the environmentalists ignore the knowledge that through forestry trees can be a renewable resource and that forestry can be practiced for the enhancement of the environment—both in the forest and in the city.

Where does the road lead now? We are at the environmental crossroads. We should pause and heed the time-honored admonition of "stop, look, and listen." First a moment of silence, and hopefully of truth, then look down the track both ways—one way to the woods, the other to town. If someone is talking, listen. Hear him out. If he opts for environment without understanding that forestry is doing so as well, let him know what forestry is doing for him—a comfortable home; edification through newspapers, magazines, books, TV, and radio; comforts and conveniences such as sanitary packaging and soft tissues; modish furnishings; and the numerous other benefits derived from forestry. Then take him to the woods and show him how trees grow, how they're harvested, protected, and processed for enhancement of the environment. Tell him that multiple use is not a myth, a fad, a smokescreen, but something that works if land is sincerely managed for that purpose.

It's strange that a national endeavor of such proportions as forestry, which has gained economic acceptance—people like its products, jobs, freight, and taxes—doesn't make the grade today either socially or politically. Is it because of economic and scientific illiteracy? Or is it the result of forestry's foes being more persuasive than its friends? Certainly ignorance or unacceptance of forestry as a constructive form of land management and use is the environmental enigma of the day. But we can't lie down, roll over, and play dead if we are to make the continuing and lasting contribution we want and know how to make for the country.

With a rededicated forestry profession and a forest industry that, despite today's soft market, is spending additional millions each year to improve its forestry, the nation will grow trees in ever-increasing abundance for its citizens yet unborn. No country in the world ever survived without wood, and as the nonrenewable resources of the earth are used up, wood will take their places with ever increasing frequency. We are dedicated, as a profession, industry, and nation to provide every family with a decent home. Without forestry, it can't be done.

REPRESENTATIVE PRYOR SENDS LETTER TO PRESIDENT NIXON CONCERNING OUR INVOLVEMENT IN SOUTHEAST ASIA

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. PRYOR of Arkansas. Mr. Speaker, yesterday I sent to President Nixon the following letter which I hereby submit for inclusion in the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 5, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In January 1970 I proposed to you that we should no longer continue sending fresh combat troops into Viet Nam, but rather, as we withdraw our own American soldiers from the combat zones they should be replaced with South Vietnamese soldiers.

Because you are addressing our Nation on Wednesday night of this week concerning our involvement and status in Southeast Asia, I respectfully urge you once again to consider not sending new American troops to fight in Southeast Asia. According to all reports, the South Vietnamese Army can now adequately fill the shoes of those of our troops who will be withdrawn. In adopting such a procedure, you would be keeping your word on systematic withdrawals of our soldiers, and we, as a Nation, would be saying to South Viet Nam that the war is now their responsibility.

I was one of 100 Democrats who voted last week to withdraw all American trooops by December 31, 1971. As you know, our position did not prevail, losing by only one vote. However, as we do seek the solution to this dilemma, I sincerely feel it is senseless, unjustifiable and barbaric to continue sending our American boys to be slaughtered in a war you have said we will not win.

Respectfully, I urge you to consider this measure as you prepare your remarks for your Wednesday night message.

With kind regards.

Very truly yours,

DAVID PRYOR,
Member of Congress.

CONGRESSMAN BILL SCOTT REPORTS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. SCOTT. Mr. Speaker, as you know, I send a monthly newsletter to every citizen in the Eighth District who requests a copy and am inserting a copy of the April newsletter in the RECORD at this point for the information of the membership:

YOUR CONGRESSMAN BILL SCOTT REPORTS

For the most part, our Congressional Committees are now organized, beginning to hold hearings and the House is acting upon a variety of measures. Last week, to encourage voluntary enlistments and move toward an all-volunteer force, the Military Service Act was passed by the House. It increases the pay of the members of the military force, with greater emphasis on enlisted men and junior officers beginning their careers, extends the draft law for two years, provides that conscientious objectors shall serve in alternate non-combatant duty for three years rather than the usual two. Both Houses of Congress also passed legislation to amend the Constitution to provide for uniform 18 year old voting throughout the country, increased Social Security benefits, and the House is considering appropriations for education. I hope as various matters are being considered in Congress, you will feel free to let me have the benefit of your opinions.

Eighteen year old vote: Both Houses of Congress have passed a joint resolution to amend the Federal Constitution to provide for uniform voting throughout the country for citizens 18 years of age or older. You will recall that last year an effort was made to change the voting age to 18 in all elections by act of Congress rather than by a Constitutional amendment. Many felt that this was a matter reserved to the State governments under our Federal Constitution. However, the Supreme Court ruled that the law was valid insofar as it related to Federal elections but invalid as it is related to State and local elections. This interpretation, if not changed, will require the maintenance of separate voting lists for persons eligible to vote in Federal elections and those eligible to vote in State and local elections and could result in additional expense and confusion. However, the joint resolution enacted by Congress last month and already ratified by more than 12 states will provide a uniform age for voting throughout the country in all elections when two-thirds of the states ratify the resolution. While there is a difference of opinion as to whether our youth at 18 have the required maturity to cast an intelligent vote, the amendment will in all probability be adopted and this will place a responsibility on parents and teachers to assist the youth in obtaining adequate knowledge of the candidates, issues and duties of elective office so that they will not only vote, but will cast informed votes.

Lorton Correctional Institutions: You will remember the House of Representatives during the last Congress passed a measure to transfer jurisdiction over the District of Columbia correctional institutions at Lorton from the District of Columbia to the Federal Bureau of Prisons as a part of the D.C. Crime Bill. In a conference with the Senate, however, this provision of the Crime Bill was deleted.

Because of the interest of the correctional officers and residents of the Lorton area and the strong support given the measure by the House, I have introduced the transfer bill as a separate measure this year. From the information available, it does appear that personnel of the Federal Bureau of Prisons have superior knowledge of prison administration and the Chairman of a House Subcommittee on the District of Columbia has scheduled hearings on the measure to begin on Monday, April 19th. In the event you or your organization would like to appear and testify with regard to the Bill, it is suggested that you contact Mr. Hayden S. Garber, Counsel for the Committee. His phone number is 225-4457.

Post Office & Civil Service Committee: The new Subcommittee on Investigations, created in the 92d Congress, has broad powers both to review and study the application, administration and execution of those laws which come within the jurisdiction of the full Committee. We expect to pay particularly close attention to the way the new Postal Service is organized and begins operation as a corporate-type agency under the provision of the Postal Reorganization Act of 1970. At the moment, interest is focused on postal modernization involving more than $1.5 billion in new postal buildings and an agreement of the Postal Service with the Army Corps of Engineers to take over major postal construction. We expect to follow this program closely over the coming months and will report our findings to the Congress and the public.

Terms for Federal Judges: To improve our system of justice, I have introduced a Resolution to amend the Constitution to provide that all Federal judges be appointed for ten-year terms with the right to be renominated and reconfirmed for additional ten-year terms. Should the proposal be adopted by the Congress and ratified by the States, in my opinion, we would still have an independent judiciary but it would tend to minimize arbitrary action by the courts if the judges were required to account for their stewardship every ten years. As you know, in Virginia our trial judges are appointed for eight years and our Court of Appeal judges are appointed for twelve years. However, for practical purposes, once a judge is named to the state bench, he continues to serve until his retirement and I believe this would generally be true for the Federal judiciary under my proposal. The thrust of the Resolution is that the mere knowledge an incumbent would be called to account every ten years would prevent him from taking irresponsible action. Twelve colleagues from both major parties joined me in co-sponsoring this legislation, which should increase the chances of favorable action. I have also asked for Administration support of the proposal. The reasonableness of the Resolution is demonstrated by the fact that 46 out of our 50 states have specific terms for members of the State judiciary.

Other Bills Proposed: Since Congress convened, I have introduced or co-sponsored more than 40 separate measures relating to such diverse topics as clearing title to Alexandria waterfront property; National catastrophic illness insurance; preserving neighborhood schools; having the Government fiscal year coincide with the calendar year; thirty year optional retirement for government employees; prohibiting the mailing of pornographic matter to minors; establishing a national cemetery adjacent to Manassas Battlefield Park; authorizing the suspension of assistance to foreign countries which fail to take steps to prevent narcotic drugs from unlawfully entering this country; providing a tax credit for certain expenses incurred in providing higher education; amending the Constitution to permit nondenominational prayer in schools and other Federal buildings; protesting the treatment of our Prisoners of War in Southeast Asia; providing four-year terms for members of the House; establishing a committee on the environment; establishing a select committee to study the problems relating to older people; and providing for more effective inspection of imported meat to prevent the importation of diseased or contaminated meat or meat products.

Cherry Blossom Time: More than the usual number of school groups are visiting the Capital at this time and, of course, our office will be glad to assist them with their plans. Should you desire assistance, you may want to contact the receptionist of the Washington office (phone 225-4376) and she will be glad to assist.

Government Employees Retirement: The House Subcommittee on Retirement, Insurance and Health Benefits will commence hearings on April 21 on Federal employees' health insurance. The Chairman of the Subcommittee has expressed the opinion that the Government may not be obtaining the best health insurance at the lowest cost for Government employees and witnesses to be called will include representatives of the Civil Service Commission and the principal insurance carriers.

The same Subcommittee also plans to hold area hearings on a variety of bills introduced with regard to Federal employees retirement laws. A number of groups including fire fighters, air traffic controllers, and correctional officers have requested legislation to authorize early retirement based upon hazardous duties and bills have been introduced to liberalize retirement laws with regard to Government employees generally. Rather than to hold separate hearings on these measures, the Subcommittee plans to look into all Federal employees retirement laws and to consider what changes, if any, should be made in them. As a part of the hearings, the Subcommittee plans to visit Dulles Airport and the FAA facility at Leesburg to see first-hand the activities of the air traffic controllers as the basis for determining whether they should receive hazardous duty retirement.

Fredericksburg Office: Any constituent should feel free to visit our Washington office at any time, and may call 225-4376 for an appointment. However, if you do want to discuss a matter and it is inconvenient to come to Washington, the Fredericksburg office also is open each day. I will be there to confer with constituents on Friday, April 23. You may wish to arrange an appointment through the Fredericksburg office by calling 373-0536 but, of course, you can stop by without an appointment.

Publications Available: The following bulletins are available for distribution upon request:

Family Food Budgeting
Your Child from 1 to 6
Lawn Diseases
How to Buy Beef Roasts
Planning Your Home Lighting
Rural Recreation
Clothing Repairs
Making Basements Dry
Family Fare Cookbook
Part-time Farming
How to Buy Beef Steaks
Foundations for Farm Buildings

Something to Ponder: Anger is never without a reason, but seldom with a good one.

THE CALLEY DECISION

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. CORMAN. Mr. Speaker, a great deal of attention has been focused this past week on the court-martial of Lieutenant Calley. President Nixon's decision to intervene in the case at this point in time is all the more reason we should view the decision from every point of view.

The following commentary on the case by Frank Mankiewicz and Tom Braden, which appeared in the Washington Post of April 6, should be of interest to all the Members. I insert the commentary below in the RECORD.

NIXON MOVES IN ON CALLEY

(By Frank Mankiewicz and Tom Braden)

President Nixon has not ordered Charles Manson released from custody, and Vice President Agnew has not spoken out in Manson's defense. One must conclude that their role in the outcry of support for Lieutenant Calley is based upon something more than concern for a convicted murderer.

Manson was convicted for six murders at which he was not present. The jury brushed this fact aside in the face of evidence that he had ordered the killings. It also brushed aside—as did the American public—the fact that his girls were just obeying orders.

But Lt. Calley was on the scene. He personally murdered at least 24 old men, women and children, unarmed and totally in his power. He killed 22 of them with an M-16 rifle from a range of about 5 feet, while they cowered in fear and the mothers tried to shield their babies. Then he killed an old man he was tired of "interrogating," ("I butt-stroked him in the mouth, sir"), and fired at a two-year-old boy.

That was the unanimous verdict of six combat veterans. They anguished for 13 days before they reached their verdict. For doing their duty to their country and its laws, they might have thought to be praised. They might even have expected criticism of the Army for starting at the bottom in its exposure of war crimes. What they got was far different.

What they got was George Wallace asking his draft director to suspend selective service until Calley is pardoned; Rep. Don Fuqua (D-Fla.) proposing that Calley address a joint session of Congress (as Churchill and MacArthur did); Rep. John Rarick (D.-La.) presenting the convicted murderer with a medal in absentia for "service beyond the call of duty," and a resolution by Sen. Henry Bellmon (R.-Okla.) to put the Senate on record against prosecution of any military man for killing civilians during a war.

After that, they got Agnew. The Vice President, sitting comfortably in Washington, let it be known that conditions during a military operation "are not subject to Monday morning quarterback judgments by someone sitting comfortably in Washington."

"It is over-simplified extremism," according to the Vice President, to believe that anyone involved at Mylai "is guilty of a war crime and should be punished." He may have forgotten that the President of the United States once spoke of Mylai as "a massacre."

But if so, it didn't matter. For it remained to Richard Nixon, given an opportunity to remind the nation of that rule of law which was the keystone of his 1968 campaign, to demonstrate that when principle is at stake, politics comes first. If, in this century, there has been a more coldly calculating play to the momentary popular majority than Mr. Nixon's release of Calley from custody and his assumption of final review, it escapes memory.

Mr. Nixon has often reminded us of the brutality of the enemy, and he ought to know more than most Americans how brutal this guerrilla war has become. He could have talked about this and drawn a sharp distinction—we prosecute our war criminals. Given that opportunity to call upon the best in America, the President yielded instead to the worst.

Because the President and the Vice President have chosen to play to the crowd, the outcry in behalf of Calley will go on for a longer time than hysteria in this country usually does.

As he said he would never do, Mr. Nixon has now tailored his actions to the clamor in the street, ignoring those who sometimes uneasily, always quietly approve the rule of law. When passion subsides he and Vice President Agnew may find that their countrymen's respect for law runs deeper than theirs.

CALLEY—A TEXAS VIEW

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. COLLINS of Texas. Mr. Speaker, when I was back in Texas this weekend, everyone was discussing the Calley matter. A Texas viewpoint that speaks for many Texans was expressed in an April 4 editorial by Felix R. McKnight in the Dallas Times Herald.

More and more I wonder why we are in Vietnam. And day by day I am convinced that the sooner we bring all of our American boys home, the better off we will all be. For a plain spoken analysis of war and Calley, I want you to read McKnight of the Herald:

Why, in the name of God, make the 27-year-old William Calleys pay at hard labor through life so that the artisans of war can crawl from the mudholes of history to the wash basin?

Is this ramrod Floridian, whose tears were even disciplined as he stood before his jury, supposed to be our conscience?

Is he, by life in a stockade, supposed to be the total atonement for the million tragedies that are the footnotes to war manuals?

Must Lt. William Calley, in one sweep of righteousness, be the cleansing agent for massive World War II bombings that obliterated cities and brought other men the Congressional Medal of Honor?

Are we, in currently recounting the miseries of man's wars, to go back and prosecute Commander-in-Chief Harry S. Truman for the premeditated extinction of hundreds of thousands of civilians in the atomic erasure of Hiroshima and Nagasaki?

Do we call back for trial Gen. Killer Kane, wearer of the Medal of Honor, for leading his cluster of lethal B-24 bombers on a raid that leveled the military target of Schweinfurt? Or the bomber swarms that buried Dusseldorf, Bremen, Cologne?

The Allies arose from the ashes of Britain's Coventry after mass burials of their civilians to retaliate in savagery against enemy cities.

Remember Audie Murphy, the freckled kid from Commerce, of the same slight, Calleyish build? Audie wears the blue-ribboned Medal of Honor for single-handedly dispatching 240-odd Nazis and shattering enemy machine-gun nests that had been killing and maiming his fellow soldiers.

Audie's act was premeditated; committed in the wrath that comes from seeing a buddy's blood.

William Calley stood unshakable before his jury the other day—except for tears that wet his cheeks—and told them he shot at My Lai for the same reason:

"If I have committed a crime, the only crime I have committed is in judgment of my values. . . . Apparently I valued my troops' lives more than I did the enemy. . . . That was my enemy out there and I had to value the lives of my troops. . . . That is the only crime I have committed."

Calley sobbed his final plea:

"You stripped me of all my honor. Please, by your actions, don't strip future soldiers of their honor—I beg of you. . . ."

It is unthinkable that William Calley, a nice young guy dislodged from civilian life and given a gun to fight 8,000 miles away in some cause we are now departing, would walk the streets of his hometown Miami at high noon and gun down women and children and old men in monk's cloth.

William Calley, the records show, committed his first sin at My Lai. His trial, orderly and conducted within the strict structure of military law, found him guilty. Jurors publicly said they combed back through the thousands of pages of testimony to grasp words that would prove him innocent. They did not find them—beyond reasonable doubt.

The harsh judgment rendered is to be questioned. The severity of sentence appalled America. It undoubtedly will be reduced as Lt. Calley lives in reflection and remorse through appeal procedures.

President Nixon, vested with final commutative authority, will decide the moral issues that go with it; issues that have crystallized in the futility of the Vietnam conflict.

No—this should not be the lot of William Calley. But perhaps the system that got him there should be called into the witness box.

It is late in the game to start indicting the military. So we ask again, as generations before, what price war? Do we finally use every resource reborn by the Calley affair to end the scourge that—left with more My Lais, rapes of Poland, etc.—will end us all?

War, at its sorry best, is a concoction of anguish, distrust, misery and impetuous acts of dishonor. It is the sordid game that ends in no decision; only the pause before the next shooting, the next My Lai.

The poison of war; the discipline that says clean out a resistance pocket or get cleaned out yourself, has made Lt. Calley reflect on many things. It caused him to say, even before his jury found him guilty of premeditated murder—whatever that is in war:

"My Lai was a small tragedy in a small place. But, for once, man was able to see all the hells of war. I can't say that I am proud of being in My Lai or participating in war. But I would be extremely proud if My Lai shows the world what war really is . . ."

NEW APPROACHES TO URBAN MASS TRANSPORTATION NEEDS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, the problems of urban mass transit in the 1970's are certainly ones which shall merit our complete attention in the months ahead. Soaring inflation, together with the need to modernize and expand services, have made it imperative that we in the Congress find some effective mechanism to assist our ailing urban transit systems.

In the city of Chicago, we have the good fortune to have one of the Nation's leading experts in the field of urban mass transportation in our Commissioner of Public Works. I refer to my good friend Milton Pikarsky.

Recently, in Philadelphia, Commissioner Pikarsky was the keynote speaker at a joint American Society of Civil Engineers-Institute for Rapid Transit Specialty Conference. His topic, "New Approaches to Urban Mass Transportation Needs" is one that I am sure will be of interest to my colleagues. For this reason, I am enclosing the Commissioner's remarks in the RECORD.

SOME THOUGHTS ON URBAN TRANSPORTATION GOALS AND OBJECTIVES

With the recent release of the President's Revenue Sharing Program for Transportation, this nation is at a critical policy crossroads.

We are going through a period when major decisions concerning the future of urban transportation will have to be made both at the local and national levels. The problem is complex and the task is difficult, but our resources are of adequate magnitude to meet the challenge. Let us summarize what has thus far been achieved:

Awareness of the seriousness of the urban transportation problem.

Broader understanding of the urban "whole" consisting of interrelated elements.

Recognition of the need for multi-modal balanced transportation systems.

Recognition of the seriousness of environmental impacts of transportation systems.

Substantial research and development efforts for problem solving, new concepts and hardware systems for better transportation.

The task, now, is one of selecting appropriate courses of action so that already developed concepts can be put to work.

GENERAL FRAMEWORK

The urban transportation system is a subsystem common to two main separate systems: The general urban system and the general transportation system. Therefore, it is only natural that its goals and objectives should be derived from the overall goals of the two larger systems. The general urban transportation goals and objectives are subject to modification with changing public priorities. These objectives must be consistent with the overall objectives, they must be attainable with the short-term programs and must reflect the most urgent needs.

It is in this area that a continuous effort of updating and re-evaluating the objectives is required. Once selected, the immediate objectives should serve as the guide for action programs. We will also need a process by which the results of these action programs can be evaluated as to their success in meeting the objectives, and this is what we call

"Program Monitoring." This evaluation will produce feedback into the system and will guide the updating of immediate objectives.

Now, let us try to state our present goals and objectives within the framework we have established.

GENERAL URBAN GOALS

What distinguishes urban life from that of rural is the great diversity of activities at urban centers which have been attracting people. Therefore, the most essential goal of urban living should be the provision of adequate and equal *Options and Opportunities* for all residents so that they may participate in these diversified activities. Another urban goal, which to some extent is a derivative of the first one, would be to increase the aggregate *Quality of Life* which includes social, economic and environmental considerations.

GENERAL TRANSPORTATION GOALS

Transportation is not an end in itself, but is a means towards fulfilling social and economic needs of the total society. Its primary goal is to *provide maximum mobility of people and goods*. In addition, transportation should also be used as a tool to enhance *national economic* development.

URBAN TRANSPORTATION GOALS AND OBJECTIVES

Our general urban goal of "Options and Opportunities" and general transportation goal of "Maximum Mobility" could be achieved by *minimizing the friction of urban space between activity centers*. Reduced travel frictions will enable the urban residents to pursue their activities with a real freedom of choice in employment, shopping, cultural enrichment and recreation. In addition to serving these activities, the urban transportation system can be used as a tool to *enhance urban environment* by creating more desirable land-use and social patterns.

The stated goals can be translated into a generally recognized set of more specific objectives:

A continuing objective of transportation is to reduce the aggregate time spent between origin and destination. Increased personal income leads to a continuous increase in the value of time. Therefore, *minimization of travel times* will always be a primary objective.

Minimization of aggregate travel costs in relation to other service costs is a natural objective of urban transportation. This objective should have a higher relative weight for public transportation.

The urban transportation systems should be *adequate to meet the demands* at a higher level of performance in terms of capacity, speed, frequency, safety, convenience, comfort and reliability.

Land use and transportation systems interact with cumulative effects. It is, therefore, essential that we *optimize arrangements of land use and transportation systems*.

As stated earlier, the environmental impacts of transportation systems are no longer a matter of dispute. A strong objective is to develop systems having *minimum detrimental effects on the environment*.

Urban transportation systems should also have the objective of *enhancing urban opportunities such as employment, education and recreation* by seeking to create more such opportunities in addition to providing service to them.

IMMEDIATE OBJECTIVES

While it would be ideal to seek the continuous fulfillment of all the stated objectives, project planning and programming will have to be geared towards meeting more finite objectives. Selection of these immediate objectives should be based on the existing imbalances among the various components of the system, the urgency of the needs, and the availability of resources to meet them. As needs and resources change, our set of immediate objectives will require updating.

Urban transportation as a part of the general urban system should be guided and handled in a wide and comprehensive way. This interdisciplinary approach requires a well-defined organization to take care of the subject from the different urban life aspects. Thus, it is of great importance to *improve the institutional framework* in order to achieve better coordination and balance between urban transportation and the general urban system.

Urban transportation could alleviate some of the social imbalances by *achieving mobility for the disadvantaged*. Good transportation should decrease the existing polarization by providing equal opportunities of mobility to all.

Supplying a sufficient service in any given time is one of the major objectives. The main constraint towards achieving this objective is the fact that a given capacity should be able to meet a changeable demand. This causes a great many difficulties, particularly in adjusting the capacity to meet the peak-hour demands. Consequently, most transportation systems are experiencing serious problems at peak-hours, very often approaching a system breakdown. Therefore, immediate efforts are needed to *alleviate capacity deficiencies*.

A significant part of the noise and air pollution in our cities is due to the types of rolling stock and sources of energy used for transportation. Hence, an immediate objective of urban transportation is to *reduce air and noise pollution* caused by it.

There must be a continuous checking and evaluation of any technological development in order to *apply new technology* to upgrade existing systems for higher level of service.

PROGRAMS

Once we have defined the goals and objectives of urban transportation and the immediate objectives to be fulfilled in the short-run, we have to find an approach by which we could achieve our objectives. This could be done, of course, by developing a set of action programs which would be guided by the goals and objectives we have already stated. We could distinguish among *four different phases* of programming:

1. The planning phase

High priority should be given to:

Updating outputs of transportation studies with serious consideration to new technological developments and mass transportation.

Identifying deficiencies in the existing system and determining priorities.

Developing a framework for system development in order to fulfill the various needs.

2. The system development phase

Emphasis should be placed on the unique requirements of the different segments of the system rather than developing separate networks for each mode. Following this approach, we can identify four segments with different functional and structural characteristics.

The CBD core or central business district segment should be provided with:

Automated circulation systems or other people-movers;

Continuous pedestrian passageways;

Restrictive legislation including zoning for certain modes and services;

Integrated transfer centers; and

Specialized freight handling systems.

The accessibility corridors segments requires:

Upgrading existing facilities using present technology and innovative measures such as exclusive bus lanes, automatic train control operations; and

Building new facilities where needed. In developing new facilities to expand the capacity, dual mode transport systems and new transit concepts should be considered.

The collector-distributor systems segment should provide:

Specialized feeder bus systems;

Improved services for intra-area or neighborhood passengers with new techniques such as: dial-a-bus; and

Convenient transfer centers such as:

Park-n-ride, interfaces among bus, rapid transit and commuter rail services.

And *the special generators segment:*

Outside the CBD which includes airports, large shopping centers, recreational and educational centers and which should be provided with both:

Direct corridor access systems to the CBD; and

Intra-area transport systems such as people-movers and special shuttles.

3. Programing phase relates to capital financing

As long as our objectives include:

Minimization of travel time, transportation adequate to meet the demands and alleviation of capacity deficiencies, then we should be ready to find a financial solution to the possibility that the urban transportation system fails to break even.

In order to keep the system balanced among its different modes, we have to have a formula for continued, equitable means of financing public transportation. This financing if and when it be needed, could be collected in different ways. Each one of the following possibilities has its own proponents and opponents and most require special legislation:

A federal subsidy;

A state income tax;

An assessed property tax;

A property appreciation tax;

A motor fuel tax;

An employers tax;

A sales tax;

An excise tax;

A utility tax;

A special transit taxing district; and

An income from air rights, direct access And other special privilege uses.

Among the programs derived from the immediate objectives of urban transportation, our fourth program applies to the operations area. It is obvious that prior to any technological development, the operations of the existing system should be studied exhaustively. A check list should include:

Improved coordination of services among carriers for optimum use of facilities.

Consolidation of services when feasible.

Utilization of technical efficiencies, such as the monthly pass or automated ticket control.

The total scheme presented here would not be complete unless a continuous evaluation or re-evaluation is made. In other words, a system or a model is needed to continuously evaluate the net community benefits derived from the different action programs mentioned. This feedback process in the system will serve as a decision tool by which the selection of the immediate objectives and programs may be accepted, modified or rejected.

In this presentation an attempt has been made to identify the immediate specific objectives of urban transportation as derived from the overall societal goals. It has been emphasized that these objectives are subject to modification based on changing needs and resources.

Towards meeting the stated objectives, a checklist of action programs has been suggested for all phases of urban transportation. Some of these action programs would involve local and national legislation. A framework has also been presented for the continuous evaluation of these activities.

It must be emphasized that defining goals and objectives will be meaningful only if they are followed by positive action programs. Efforts should be directed to the accomplishment of these programs, including active support for progressive legislation.

REMARKS OF LT. GOV. MALCOLM WILSON, NEW YORK

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. ROBISON of New York. Mr. Speaker, this past St. Patrick's Day, the Society of Friendly Sons of St. Patrick in the city of New York were fortunate enough to hear from New York State's Lieutenant Governor Malcolm Wilson. To those of us from New York the warm thoughtfulness of the speech will come as no surprise—for this is the Malcolm Wilson we have long admired and loved. But it is my feeling that others throughout the Nation who are not as well acquainted with our distinguished Lieutenant Governor would enjoy his remarks. Mr. Wilson has been second in command in our State for over 12 years now. He and Nelson Rockefeller have initiated far-reaching programs in every area of social endeavor, and have—together—forged a record which is the envy of every other State. In times of trouble, it has often been Malcolm Wilson's strong, calm, compassionate leadership which has smoothed the waters and prepared the way for reason and consensus.

So, is it any surprise that this great New Yorker, this great American, would end his remarks by toasting:

> Thus, determined, Gentlemen, let this be our toast: To the United States of America! God keep her! God help her! God bless her!

For the enjoyment of my colleagues, I now present the full text of Mr. Wilson's address:

REMARKS OF LT. GOV. MALCOLM WILSON

It was not without considerable trepidation that I accepted the invitation to respond to the toast "the United States." Not only is it an awesome challenge even for one far more gifted than I, but also I anticipated the very circumstance in which I find myself at this moment. Like Jason and his Argonauts in their pursuit of the Golden Fleece, I am caught between the Scylla of the magnificent dinner and delightful Glee Club we have enjoyed together, and the Charybdis of the eloquent bishop of Albany whose address will be the highlight of this evening as it is whenever he speaks. Frankly, gentlemen, this is a situation from which I propose to extricate myself, if not deftly, at least expeditiously!

I wondered what I might usefully say in these precious few moments of your individual lives which have been put into my keeping.

The impulse is almost irresistible to wring one's hands verbally at the disquiet we feel in contemporary times. The temptation is strong to inveigh against those who confuse means with ends and resort to violence, whether in the streets, or on the campus, or in public buildings, seeking to accomplish their objectives, valid or invalid. One is impelled to express alarm at the emergence of a strange philosophy which equates freedom with license, which scorns authority and the organized structures of society, which exalts the anti-hero and the alienated, and sneers at the poor square who, in truth, holds society together.

It struck me, however, that none of these courses would be appropriate to the occasion, for a variety of reasons.

One reason is my awareness that this is too sophisticated and knowledgeable a company in which to labor the obvious.

A second reason is that I did not wish to engage in the rhetoric of crisis which increasingly marks our time.

Essentially, however, it is because I feel strongly that in complex situations one must beware of simplistic solutions. There are none.

In a remarkable but little noted farewell address on his retirement as counselor to President Nixon, Daniel Patrick Moynihan expressed this concept admirably.

He said:

"A century ago the Swiss historian Jacob Burckhardt foresaw that ours would be the age of "The Great Simplifiers," and that the essence of tyranny was the denial of complexity. He was right. This is the single great temptation of the time. It is the great corruptor, and must be resisted with purpose and with energy.

"What we need are great complexifiers,—men who will not only seek to understand what it is they are about, but who will also dare to share that understanding with those for whom they act."

Therefore, gentlemen, I leave to wiser heads the formulation of solutions for the problems of our time. However, this I do believe. There is nothing wrong with America that we do not have the spiritual, human and natural resources to overcome;—there is truly nothing America cannot achieve,—if we but renew in ourselves the proud heritage which is ours,—if we will only believe in ourselves again.

The sons of St. Patrick have a special pride, a special trust, a special stake in preserving that heritage—because in no small measure the story of America is the story of the Irish in America.

I must admit—albeit grudgingly—that there are others than the Irish who contributed to the totality of that heritage,—for uniquely among all the nations of the world, ours represents a distillation of the finest traits and characteristics of races from many lands.

I disparage no other, however, when I assert that the Irishman's contribution to our American heritage is exceeded by none.

When our ancestors arrived on these shores, they came without material possessions. They had no schooling,—no capital,—nothing but a deep-seated faith in God and a fierce passion for liberty,—both tested in the crucible of cruel oppression for almost a millenium.

They could offer their new land nothing of scientific skills,—or of wide university training; nothing of the professions or the arts,—because they came here a people denied their natural inheritance in their native land. That is why they came.

They dug our canals,—and built our railroads,—and tilled our soil,—and drove our trolleys,—and fought in our armies, yes,—and in due time many of them baptized our babies,—taught our children,—and buried our dead.

Their new land offered them liberty and opportunity. That is all they needed,—for their material poverty was relieved by a richness of character,—their lack of education by a hardbitten wisdom,—and their aching hearts were mended by the depth of their faith in God.

You may have noted, gentlemen, that I did not mention "security." I recall the beloved Al Smith saying long ago that in all the years he had been attending these dinners, he had never heard the word "security" used in any of the speeches,—but he always heard the word "liberty" for, in Al's words, "everyone knows that an Irishman,—given liberty,—will find security for himself." And he was right.

Our forebears got for themselves in some cases—and provided for their children in all cases—the education they had been denied in their native land. They became—and saw their children become—men and women of respectability and leadership in religion, in commerce, in the professions, in government and in the arts.

Who will deny that the twin pillars of strength which sustained them in the face of privation and peril and which gave them the courage to win the struggle were their passion for liberty and their faith in god?

Ireland, for seven centuries, rode out the storm and survived the whirlwind because her race, her nation and her people were founded on a rock. As St. Matthew said of the wise man in the gospel who built a house:

"And the rain fell, and the floods came, and the winds blew, and they beat upon that house, and it fell not, for it was founded on a rock."

So, too, gentlemen, I am convinced that we will survive the storms of our time if we remain faithful to the heritage which is our own foundation of rock—an unshakeable belief in the creator and in the dignity of each individual made in his image—a recognition of moral values—the same values which marked and molded the Irish character—an indestructible love of liberty and justice—and a boundless supply of courage and, yes, of humor with which to face life's storms.

In short, what is needed more than anything else in this time of uncertainty and concern is an act of faith.

For surely you share with me the conviction that, armed with this faith, there is truly nothing we cannot accomplish within the framework of the American system which has provided the most freedom in its society—the most abundance in its economy—and the most responsiveness in its government the world has ever seen.

Thus, determined, gentlemen, let this be our toast: to the United States of America! God keep her! God help her! God bless her!

FAMILY ASSISTANCE AND FINANCIAL SHARING ACT OF 1971

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, I am today introducing the Family Assistance and Financial Sharing Act of 1971. This legislation is unique in that both welfare reform and fiscal relief are seen as compliments, not alternatives, to one another. The themes of this legislation are currently part of our national debate: to federalize welfare or not; to legislate revenue sharing or not;

how do cities, people, and States benefit from a revenue-sharing act.

What has struck me about the nature and tone of the debate is that the questions have generally been phrased in either or terms: either welfare federalization or revenue sharing. Mr. Speaker, I am not certain that the debate should center on the either—or; I do not believe that welfare federalization and revenue sharing are mutually exclusive. My bill begins with this assumption—that the legislative ends need not be mutually exclusive but are integrally related. The Family Assistance and Financial Sharing Act of 1971 joins both concepts for a frontal attack on two of our most pressing needs—the plight of the poor and the fiscal relief for our cities and our States.

GENERAL PROVISIONS

This bill has three main provisions. First, it provides for a family assistance plan—a thorough overhaul and reform of the present welfare system. This section includes the following:

First. A family of four with a minimum income of $3,600 and each additional family member receives $500.

Second. Provides work incentives by permitting recipients to retain 50 percent of earnings. In this way, it is more beneficial for individuals to work than to live only on Federal welfare.

Third. Requires State to maintain present level of benefits until full Federal takeover. States will be reimbursed for 70 percent of their costs over $3,600 in the first year, and on an increasing basis until the fourth year when the Federal Government will fully relieve them of their costs. Pennsylvania currently pays an average of $3,433.

Fourth. Requires all recipients to register for employment or training except mothers of children under 13, wives of family heads, aged, blind, disabled, children under 16, and full-time students.

Fifth. Increases benefit level over a 4-year period to the Labor Statistics poverty index.

Sixth. Requires employment registration and suitable employment.

Seventh. Assumes the development of day care facilities and manpower opportunities at prevailing or Federal minimum wage levels, whichever is higher.

Eighth. Recipients retain ownership of home, household goods, personal effects, and other property held essential to family means of self-support—generally denied welfare recipients.

Ninth. Safeguards due process and equal protection rights of recipients.

Tenth. Adult welfare categories are increased.

Second, welfare costs and program administration are completely federalized.

Third, fiscal relief is provided through a Federal assumption of State and local public assistance costs and through a Federal revenue-sharing program. This section includes:

First. Frees for the States money not committed to welfare plus a share of Federal income revenue which grows from 1 to 2 percent over the 4-year phasein. This offers the States $8.7 billion the first year and up to $22 billion by year four.

Second. Sixty-percent of the funds freed in welfare must be returned to local communities and divided among them according to a formula based on population, local revenue effort, percentage of low income families. This formula will give cities like Philadelphia, New York, and Boston substantial increases of funds for their operating programs.

Third. Forty-percent of the Federal revenue shared must be passed directly to local communities.

Fourth. Fund expenditures will be required to take into account civil rights, contract compliance provisions, and civil liberties. Money must be spent on priorities which are determined by open community hearings.

OBJECTIVES OF THE BILL

In drafting this legislation, six major objectives guided my thinking. First, I wanted a welfare proposal that was income based. My assumption was that the problems of the working and nonworking poor are traceable to the amount of disposable income they have.

Second. I wanted a system that was progressive. I felt that benefits must keep pace with this society's standard of living.

Third. I wanted a system that would maintain and strengthen the family unit, that would spare the necessity for a paternalistic social welfare apparatus, that would protect the rights and privileges of eligible persons, that would encourage an increase in one's self-esteem, that would encourage those now working but underemployed to continue to work. For those not now working, but able to work, my bill provides for registration, training, and suitable employment.

Fourth. I wanted a system that would establish as national policy an understanding that welfare and public assistance are not an isolated State function but a national function requiring Federal investment of funds, technology, and administration.

Fifth. I wanted a bill that would recognize that the middle- and moderate-income families living in our cities need desperate relief from a fiscal bind they find increasingly hopeless, frustrating, and discouraging.

Sixth. I wanted to provide a mechanism that encourages a growth in funds returned to the geographic areas of greatest needs—to be spent on locally determined priorities.

THE PROBLEMS OF WELFARE AND FISCAL RELIEF

In setting out these objectives, it is obvious that I am not dealing with a single "welfare problem" but a problem involving many dimensions. I would like to discuss three of these dimensions because I believe that my bill has significant impact on them: the problem of poverty, problem of working low-income families; and systemic problems—the crisis in welfare and the crisis in our States and our cities.

1. PROBLEM OF THE POOR

Poverty has been defined by some as a condition when resources of families or individuals are inadequate to provide an acceptable standard of living. Though, this definition has come to have great currency in Government, it does omit crucial aspects—for poverty is also social isolation and it is also a certain sense of powerlessness.

Perhaps programs to guarantee an income will, after a period of years, translate into new forms of social awareness and an increased participation in the political life of the Nation. Almost all of us accept this as a reasonable assumption, and it is the assumption that is the foundation of this plan.

Any attempts to measure the extent of poverty in the United States are immediately subject to criticism. Whether one opts for the Social Security Administration categories of poor or near poor or the Bureau of Labor Statistics low- or moderate-income budget—the results are still the same: there is no perfect scheme and no value free poverty measurement. It certainly is true that the social security index does have serious problems of being food based—which brings up questions about an adequate diet definition and the proportion of the food budget allotted for food. The Bureau of Labor Statistics budget, on the other hand, while reflecting consumption cost, does little to tell about cash outlays, for it does not recognize the enormous amount of credit buying. Also, there are serious problems in the index as to calculating the value of one's living residence.

There are pitfalls either way. I would personally favor replacing the index with a measure that is designed to reflect conditions of inequality, say that share of the income that goes to the bottom 10 or 20 percent of the population. However, I have not opted for such a change with this bill. I have adopted the Bureau of Labor Statistics Index as the prime measure on which to base my calculations.

The Census Bureau's recent publication, "24 Million Americans: Poverty in the United States, 1969," noted that some 24.3 million persons had incomes below the poverty level—a decrease of 1.1 million since 1968 and 15.2 over the past decade. The proportion of persons below the poverty level decreased slightly from 12.8 to 12.2 percent. About one out of every 10 families were poor in 1969, compared with about one of five in 1959. Sixty-one percent of poor male family heads and 43 percent of poor female family heads worked in 1969. About 90 percent of poor male heads who did not work were either ill or disabled, or can be presumed to be retired. In 1969, it would have taken approximately $10.1 billion to raise the aggregate incomes of all poor families to the poverty level. The average poverty dollar gap for poor families in 1969 was $1,280.

Table I indicates the characteristics of poor families for 1969.

TABLE I.—SELECTED CHARACTERISTICS OF FAMILIES BELOW THE POVERTY LEVEL IN 1969, BY SEX OF HEAD

[Numbers in thousands]

Selected characteristics	Male head				Female head			
			Percent distribution				Percent distribution	
	Number below poverty level	Percent below poverty level	Below poverty level	Above poverty level	Number below poverty level	Percent below poverty level	Below poverty level	Above poverty level
RACE OF HEAD								
Tota	3,146	6.9	100.0	100.0	1,804	32.3	100.0	100.0
White	2,490	6.0	79.1	92.6	1,065	25.4	59.0	82.6
Negro	608	17.8	19.3	6.6	718	53.2	39.8	16.7
Other	48	12.2	1.5	.8	21	(1)	1.2	.7
AGE OF HEAD								
Total	3,146	6.9	100.0	100.0	1,804	32.3	100.0	100.0
14 to 24 years	264	8.6	8.4	6.6	263	60.2	14.6	4.6
25 to 54 years	1,418	4.9	45.1	65.4	1,103	35.5	61.1	53.1
55 to 64 years	485	6.6	15.4	16.3	174	18.9	9.6	19.7
65 years and over	980	16.4	31.2	11.7	263	23.6	14.6	22.6
SIZE OF FAMILY								
Total	3,146	6.9	100.0	100.0	1,804	32.3	100.0	100.0
2 persons	1,313	8.7	41.7	32.5	583	23.1	32.3	51.5
3 and 4 persons	798	4.3	25.4	41.6	673	32.1	37.3	37.6
5 and 6 persons	535	5.8	17.0	20.4	373	53.8	20.7	8.5
7 persons or more	500	17.6	15.9	5.5	175	66.0	9.7	2.4
NUMBER OF FAMILY MEMBERS UNDER 18 [2]								
Total	3,146	6.9	100.0	100.0	1,804	32.3	100.0	100.0
No members	1,438	7.5	45.7	41.8	307	13.9	17.0	50.3
1 and 2 members	745	4.4	23.7	37.7	754	34.6	41.8	37.8
3 and 4 members	563	7.4	17.9	16.5	482	56.8	26.7	9.7
5 members or more	400	19.3	12.7	3.9	262	76.2	14.5	2.2
EDUCATIONAL ATTAINMENT OF HEAD [3]								
Total	2,879	6.8	100.0	100.0	1,539	29.9	100.0	100.0
Elementary:								
Less than 8 years [4]	1,225	21.7	42.5	11.1	460	43.4	29.9	16.6
8 years	498	9.1	17.3	12.5	188	28.0	12.2	13.4
High school:								
1 to 3 years	429	6.1	14.9	16.6	442	40.0	28.7	18.4
4 years	469	3.5	16.3	32.7	347	21.5	22.5	35.2
College:								
1 to 3 years	155	3.2	5.4	11.7	73	17.5	4.7	9.5
4 years or more	102	1.6	3.5	15.4	30	10.9	1.9	6.8
WORK EXPERIENCE OF HEAD								
Total	3,146	6.9	100.0	100.0	1,804	32.3	100.0	100.0
Worked in 1969	1,931	4.9	61.4	89.1	771	23.3	42.7	67.3
50 to 52 weeks	1,064	3.3	33.8	74.2	228	11.4	12.6	46.9
27 to 49 weeks	440	8.6	14.0	11.1	152	24.7	8.4	12.3
26 weeks or less	428	20.8	13.6	3.8	390	55.8	21.6	8.2
Did not work in 1969	1,156	23.9	36.7	8.7	1,032	45.5	57.2	32.7
Main reason for not working:								
Ill or disabled	540	36.2	17.2	2.2	203	48.5	11.3	5.7
Keeping house	(5)	(5)	(5)	(5)	741	46.7	41.1	22.4
Going to school	26	31.7	.8	.1	20	(1)	1.1	.2
Unable to find work	11	(1)	.3	.1	25	(1)	1.4	.2
Other	579	17.9	18.4	6.3	43	21.6	2.4	4.1
65 years and over	493	17.7	15.7	5.4	29	17.5	1.6	3.6
In Armed Forces	60	5.9	1.9	2.2	(5)	(5)	(5)	(5)
OCCUPATION OF LONGEST JOB OF HEAD								
Total	3,146	6.9	100.0	100.0	1,804	32.3	100.0	100.0
Worked in 1969	1,931	4.9	61.4	89.1	771	23.3	42.7	67.3
Professional and managerial workers	270	2.2	8.6	27.8	40	8.2	2.2	11.8
Clerical and sales workers	86	1.8	2.7	11.2	129	11.8	7.2	25.5
Craftsmen and foremen	307	3.4	9.8	20.2	4	(1)	.2	.9
Operatives	352	4.6	11.2	17.3	147	23.2	8.1	12.9
Private household workers	6	(1)	.2	----------	147	57.0	8.1	2.9
Other service workers	113	5.3	3.6	4.7	244	35.3	13.5	11.9
Nonfarm laborers	270	13.0	8.6	4.2	15	(1)	.8	.5
Farmers and farm laborers	525	25.3	16.7	3.6	46	(1)	2.5	.9
Did not work in 1969	1,156	23.9	36.7	8.7	1,032	45.5	57.2	32.7
In Armed Forces	60	5.9	1.9	2.2	(5)	(5)	(5)	(5)

[1] Base less than 75,000.

[2] Other than head or wife.

[3] Head 25 years old and over.

[4] Includes heads with no years of school completed.

[5] Not applicable.

Anthony Downs, in a pamphlet published by the Committee for Economic Development notes that 13.4 percent of all poor persons live in the central cities. Table II indicates the number of persons these percentages represent.

TABLE II.—POVERTY IN METROPOLITAN AREAS

Area	Persons (millions)	Percentages
United States	25.4	12.8
Metropolitan	12.9	10.0
Central cities	7.8	13.4
Suburbs	5.1	7.3

Note: 1968 figures.

Less graphically. Downs lists six major groups of poor persons in metropolitan areas. The largest group is that of children under the age of 18. Downs estimates that this group comprises 42.2 percent of all poor persons in the areas. His next group is that of the elderly—the estimate here is 2.4 million or about 18.3 percent of all poor in the areas. The third group is composed of adults in households headed by a female under 65; there are 2.3 million adults accounting for 17.6 percent of all metropolitan poor in 1968. Adults in households headed by an unemployed male compromise over 7 percent of the population, and 7.1 percent of the metropolitan areas. Adults in households headed by a disabled male covers 2.8 percent.

Sixth, adults in households headed by employed males ages 18 to 64 comprise 11.9 percent of metropolitan population and 10.3 percent of the central city population. These figures are taken from table III:

TABLE III.—BREAKDOWN OF POOR PEOPLE IN METROPOLITAN AREAS, 1968

Population group	Metropolitan areas		Central cities		Suburbs	
	Thousands	Percent of total	Thousands	Percent of total	Thousands	Percent of total
Elderly (65 and over)	2,353	18.3	1,405	18.1	948	18.5
Children (under 18)	5,433	42.2	3,315	42.8	2,118	41.4
Adults in female-headed households (18 to 64)	2,262	17.6	1,467	18.9	796	15.6
Adults in households headed by disabled males (18 to 64)	392	3.0	219	2.8	173	3.4
Adults in households headed by unemployed males (18 to 64) [1]	903	7.0	553	.1	346	6.7
Adults in households headed by employed males (18 to 64)	1,528	11.9	795	10.3	736	14.4
All persons in poverty	12,871	100.0	7,754	100.0	5,117	100.0

[1] This group represents the households headed by males who were either unemployed or worked less than 40 weeks a year.

Data from the National Center for Social Statistics helps shed some light on the nature of public assistance in our urban areas. New York has 13.4 percent of its population on public assistance.

Baltimore City has 12.8 percent of its population receiving public assistance; in St. Louis, the number is 12.5 percent. My own city of Philadelphia has, according to latest published statistics, 11.5 percent of its population—a total of some 222,115 people, receiving public assistance. Of this number, 74.5 percent are receiving AFDC benefits. Table IV documents these figures for other cities.

TABLE IV.—CITIES AND PUBLIC ASSISTANCE

City	Population	All programs [1]		AFDC	
		Number	Percent	Number	Percent
New York	7,798,757	1,048,876	13.4	778,397	10.0
Philadelphia	1,927,863	222,115	11.5	165,428	8.6
Baltimore	895,222	114,778	12.8	93,236	10.4
St. Louis	607,718	76,033	12.5	54,420	9.0
San Francisco	704,217	82,616	11.7	47,948	6.8
District of Columbia	746,169	50,081	6.7	39,845	5.3
Chicago-Cook	5,427,237	368,816	6.8	271,404	5.0
Detroit-Wayne	2,642,348	169,946	6.4	117,342	4.4
Boston-Suffolk	721,152	110,637	15.3	80,300	11.1
Pittsburgh-Allegheny	1,591,270	92,687	5.8	64,027	4.0

[1] OAA, AB, APTD, AFDC, G.A.

What kind of solutions have we developed to deal with these problems of poverty? Broadly, there seems to be two main types of programs: Redistributive or economic and remedial or structural. Of the remedial programs, the best known are the social services—often grand in design but small in accomplishment. Social services though do play an important role in the welfare system and as such, they cannot be ignored. Counseling, true counseling and not indoctrination—can be an important support for people. The nutritional aid program of the food and nutrition service can inform people about new methods of cooking and the nutritional adequacy of diets. Legal services has become increasingly indispensable in the fight of a poor person for local justice and self-respect. Referrals for employment or training and counseling on marriage can aid the fight against poverty. In my own State of Pennsylvania, the Department of Welfare has at least 30 specialized social service functions. Social services are expensive—in Philadelphia alone, some $18,360,160 is expended each year. In Pennsylvania, some $38,630,128 is spent on social services. Social services are expensive—but they are necessary.

Our efforts at redistribution have generally been half-hearted or nonexistent. We have programs such as OAA or AFDC but neither do the job required. And, the best proof of the inadequacy of welfare payments is the food stamp program—an inkind program that is underutilized, too expensive for the recipient, and questionable in nutritional adequacy.

The plan I am proposing attempts to deal with this problem of redistribution by establishing a floor under recipients, increasing the categorical benefits, and structuring the benefit levels so that those recipients now with incomes under $2,000 will receive 52 percent of the total payable benefits.

I estimate that when the program is in operation, 47 million potentials will be eligible for assistance. This does not mean, of course, that 47 million eligibles will receive the basic $3,600 allowance. Studies have indicated that as a family gets closer to their break-even level, participation in the program decreases.

What it does mean is that our needy in about 40 of our States will have benefits increased immediately—that there will be a significant impact of new money held by new people on the economy of that area. Poor people will have increased purchasing power, increased economic power, and much to the apprehension of those in local institutions which now discriminate against the poor, poor people are likely to have increased political power.

2. The working poor

The second dimension of the problem with which I am concerned is that of the working poor. This is one glaring area where the present public assistance programs have failed. What does one do when one works but cannot earn enough or is not paid enough to support his family?

As Herbert Gans in a recent New York Times Magazine article has said, the ultimate tragedy is that the American economy simply does not need all the unemployed looking for work at a living wage and cannot provide for all the working poor who require higher wages to support their families. Gans notes and rightly so that those not in need and underpaid require a decent income, also.

Anthony Downs estimates that 3.2 million persons living in metropolitan areas lived in poor households headed by a man under 35 who worked 40 weeks or more during the previous year. Downs traces this inability to earn decent living standards to low wages, insufficient hours of work, long job layoffs, seasonal employment, and large family size. The poorest paid have the least skills and least desirable work habits. Downs notes that they lack the skills for a variety of reasons: difficulty in acquiring them, difficulty with union apprenticeship rules, motivations, discriminations, and inaccessible training, for example.

Then too, the Heineman Commission has estimated that at least 10 million jobs—including some State and municipal government jobs—pay less than current Federal minimums. The commission further noted that unemployment insurance does not cover all workers and pays below the poverty line in most States.

The consequences of the failure of the underemployed to earn living wages is, in Downs' view, an element that erodes respect of the entire family for the economic system. At the same time, evidence suggests that if there is a possibility to rise out of poverty, it, as Downs indicates, exists with families headed by men who are working.

My legislation provides that families will be eligible up to a break-even dollar level of $7,200. The essential thrust is this—we must include the working poor in our programs and we must do it in such a way that encourages, not discourages work. The proposed legislation provides for a 50-percent offset rate—so that the working poor retain 50 cents in benefits for every dollar of income they earned.

Some of the critics of this work incentive plan have said that people will not work and that they would rather live on welfare than be employed. But, the evidence indicates that this is a myth. Data from the New Jersey-Pennsylvania negative income tax experiment shows that wage earners did not leave the labor force, that families did not treat payments as windfalls and that fears of spending sprees or unusual expenditures were not justified.

The proposal I have outlined here must be only part of the response to the needs of the working poor. I believe, first that we must have a full employment economy—but not the full employment economy that is defined as 4.5-percent unemployed. Second, we need additional coverage for workers by minimum wage laws and we need to increase the minimum wage. Third, we need a system of public service employment that will lead to permanent jobs. Fourth, we need manpower development programs that train for existing, not potential jobs.

3. The systematic problems

The third dimension is that of the systematic problems—the crisis in welfare and the fiscal crisis in our cities.

The idea of a welfare crisis is hardly new. The President has called the present welfare system a monstrous consuming outrage; one of our own colleagues titled his recent newsletter "A Scandal Called Welfare." Certainly, any recipient or social worker or legislator can list without hesitation the problems of the welfare system. No more graphic evidence is needed than to point out the increase—about 259,000 a month—in recipients receiving public assistance. Something is wrong and something must be changed.

Our present welfare system is administratively fragmented. The variation on cost per caseload is from $9.40 in Mississippi to $81.40 in the District of Columbia. Administrative costs run about 19 percent of the total per recipient cost of AFDC. Welfare boards operate under varying regulations and promulgate disparate sets of application, investigations and checking procedures. The compliance with Federal regulations in many States could rightly be called noncompliance.

An elaborate means test, a wasteful bureaucracy, a protection of Government money mentality, and a disregard for human self-respect, all of these are ingredients of public assistance.

Our present system has a built-in incentive against earning income or maintaining the family unit. The man in the house rule or the dollar for dollar reduction do nothing to aid the poor and the needy.

The present system does not reach enough of the poor. Estimates run as many as 3/5 of the eligibles outside the system. Examine the food stamps for example. Only in the last year has the program had high participation and even now, it does not reach the total number of eligibles.

The cost estimates of the present public assistance, exclusive of medicaid, administrative and general assistance, runs some $10 billion a year, of what is approximately $5.7 billion of Federal money. The non-Federal share is $4.48 billion. Table V presents a State by State breakdown of estimated 1972 costs.

An even larger amount of the total dollars spent on welfare cost is indicated from table VI. Included in this table are the whole range of social welfare services—the adult programs, the family programs, the social service and training components, the administrative components, and the medical components. Total cost estimates with all of these combined programs is about $20 billion.

TABLE V.—ESTIMATED 1972 FEDERAL AND NON-FEDERAL COSTS OF PUBLIC ASSISTANCE, BY STATE AND PROGRAM (EXISTING LAW)

[In millions of dollars]

State	Combined programs			Adult programs			Family programs		
	Total	Federal	Non-Federal	Total	Federal	Non-Federal	Total	Federal	Non-Federal
Alabama	161.2	126.5	34.7	117.3	92.1	25.2	43.9	34.4	9.5
Alaska	15.9	5.0	10.9	5.5	1.7	3.8	10.4	3.3	7.1
Arizona	60.2	34.7	25.5	21.0	15.3	5.7	39.2	19.4	19.8
Arkansas	81.1	64.7	16.4	59.9	47.8	12.1	21.2	16.9	4.3
California	2,103.7	1,051.9	1,051.8	939.0	469.5	469.5	1,164.7	582.4	582.3
Colorado	105.4	60.7	44.7	45.3	26.1	19.2	60.1	34.6	25.5
Connecticut	118.0	59.1	58.9	25.3	12.7	12.6	92.7	46.4	46.3
Delaware	18.2	10.6	7.6	5.5	3.0	2.5	12.7	7.6	5.1
District of Columbia	82.0	41.1	40.9	20.3	10.2	10.1	61.7	30.9	30.8
Florida	311.8	147.0	164.8	90.4	55.9	34.5	221.4	91.1	130.3
Georgia	205.8	157.8	48.0	94.9	73.1	21.8	110.9	84.7	26.2
Hawaii	40.3	20.5	19.8	6.9	3.5	3.4	33.4	17.0	16.4
Idaho	22.1	15.2	6.9	6.3	4.3	2.0	15.8	10.9	4.9
Illinois	509.3	254.7	254.6	113.1	56.6	56.5	396.2	198.1	198.1
Indiana	78.8	48.4	30.4	20.3	14.1	6.2	58.5	34.3	24.2
Iowa	108.1	59.7	48.4	44.9	24.8	20.1	63.2	34.9	28.3
Kansas	78.8	45.5	33.3	19.5	11.3	8.2	59.3	34.2	25.1
Kentucky	121.8	92.6	29.2	63.1	48.2	14.9	58.7	44.4	14.3
Louisiana	212.8	156.9	55.9	133.2	98.3	34.9	79.6	58.6	21.0
Maine	51.0	34.9	16.1	16.2	11.1	5.1	34.8	23.8	11.0
Maryland	121.7	62.7	59.0	27.1	16.5	10.6	94.6	46.2	48.4
Massachusetts	426.4	213.2	213.2	122.8	61.4	61.4	303.6	151.8	151.8
Michigan	384.3	192.1	192.2	77.1	38.5	38.6	307.2	153.6	153.6
Minnesota	159.9	91.1	68.8	39.7	22.6	17.1	120.2	68.5	51.7
Mississippi	95.8	79.5	16.3	72.9	60.5	12.4	22.9	19.0	3.9
Missouri	179.0	125.5	53.5	109.2	75.4	33.8	69.8	50.1	19.7
Montana	14.9	9.6	5.3	5.5	3.5	2.0	9.4	6.1	3.3
Nebraska	31.4	18.5	12.9	10.7	7.5	3.2	20.7	11.0	9.7
Nevada	10.2	6.9	3.3	3.3	2.2	1.1	6.9	4.7	2.2
New Hampshire	32.3	19.2	13.1	13.1	7.8	5.3	19.2	11.4	7.8
New Jersey	415.1	207.6	207.5	44.0	22.0	22.0	371.1	185.6	185.5
New Mexico	47.0	32.7	14.3	16.8	10.9	5.9	30.2	21.8	8.4
New York	1,400.3	700.2	700.1	271.0	135.5	135.5	1,129.3	564.7	564.6
North Carolina	132.5	96.1	36.4	68.8	49.7	19.1	63.7	46.4	17.3
North Dakota	15.3	10.7	4.6	6.6	4.6	2.0	8.7	6.1	2.6
Ohio	278.0	156.2	121.8	75.8	51.9	23.9	202.2	104.3	97.9
Oklahoma	146.2	99.3	46.9	101.2	69.3	31.0	45.0	30.0	15.0
Oregon	83.8	48.1	35.7	19.2	11.0	8.2	64.6	37.1	27.5
Pennsylvania	645.7	357.9	287.8	127.2	70.4	56.8	518.5	287.5	231.0
Rhode Island	46.4	23.4	23.0	6.7	3.4	3.3	39.7	20.0	19.7
South Carolina	44.7	35.8	8.9	21.2	16.6	4.6	23.5	19.2	4.3
South Dakota	21.4	14.9	6.5	5.5	3.8	1.7	15.9	11.1	4.8
Tennessee	160.0	121.5	38.5	71.9	54.7	17.2	88.1	66.8	21.3
Texas	368.2	274.9	93.3	210.0	156.5	53.5	158.2	118.4	39.8
Utah	35.0	24.6	10.4	8.7	6.1	2.6	26.3	18.5	7.8
Vermont	19.5	12.7	6.8	7.4	4.8	2.6	12.1	7.9	4.2
Virginia	110.9	71.0	39.9	24.3	15.6	8.7	86.6	55.4	31.2
Washington	152.3	76.1	76.2	40.9	20.4	20.5	111.4	55.7	55.7
West Virginia	62.5	43.9	18.6	24.1	16.3	7.8	38.4	27.6	10.8
Wisconsin	98.9	55.6	43.3	34.0	19.1	14.9	64.9	36.5	28.4
Wyoming	7.3	4.4	2.9	2.0	1.5	.5	5.3	2.9	2.4
Guam	1.2	.7	.5	.3	.2	.1	.9	.5	.4
Puerto Rico	40.9	20.5	20.4	9.1	4.6	4.5	31.8	15.9	15.9
Virgin Islands	1.4	.5	.9	.3	.1	.2	1.1	.4	.7
Total	10,276.7	5,795.1	4,481.6	3,526.3	2,124.5	1,401.8	6,750.4	3,670.6	3,078.9

TABLE VI

State	Total all programs	Federal share	State/local share
U.S. total	$20,939,144	$11,600,610	$9,338,534
Alabama	309,517	237,956	71,561
Alaska	21,285	8,365	12,920
Arizona	72,278	42,109	30,169
Arkansas	127,330	99,637	27,693
California	4,196,620	2,179,268	2,017,352
Colorado	212,862	126,210	86,652
Connecticut	279,449	144,008	135,441
Delaware	30,972	17,968	13,004
District of Columbia	148,311	76,536	71,775
Florida	487,514	257,288	229,866
Georgia	423,426	305,783	117,643
Guam	1,877	937	940
Hawaii	74,255	36,956	37,299
Idaho	42,704	29,369	13,335
Illinois	965,316	494,099	471,217
Indiana	180,981	103,411	77,570
Iowa	169,616	96,913	72,703
Kansas	172,110	97,412	74,698
Kentucky	221,949	163,799	58,150
Louisiana	329,812	236,936	92,876
Maine	103,736	70,379	33,357
Maryland	300,491	150,513	149,978
Massachusetts	817,954	400,582	417,372
Michigan	774,658	400,544	374,114
Minnesota	386,419	222,073	164,346
Mississippi	158,070	125,813	32,257
Missouri	289,318	188,761	100,557
Montana	33,068	21,334	11,734
Nebraska	79,811	47,306	32,505
Nevada	23,457	14,065	9,392
New Hampshire	44,570	26,654	17,916
New Jersey	723,844	364,238	359,606
New Mexico	83,642	58,335	25,307
New York	3,520,137	1,684,259	1,835,878
North Carolina	275,904	184,204	81,700
North Dakota	35,627	24,936	10,691
Ohio	498,107	274,366	223,741
Oklahoma	275,924	186,380	89,544
Oregon	175,466	105,080	70,386
Pennsylvania	1,274,973	651,095	623,878
Puerto Rico	146,436	48,732	97,704
Rhode Island	112,447	58,288	54,159
South Carolina	110,095	83,047	27,048
South Dakota	44,560	30,832	13,728
Tennessee	259,223	193,173	66,050
Texas	741,583	517,563	224,020
Utah	69,816	48,915	20,901
Vermont	47,816	30,924	16,892
Virgin Islands	3,849	1,450	2,399
Virginia	234,012	150,475	83,537
Washington	351,916	183,231	168,685
West Virginia	104,405	72,224	32,181
Wisconsin	355,425	207,062	148,363
Wyoming	14,561	8,817	5,744

The plan as outlined in this legislation would simplify the administration and the delivery of services. It would establish national standards of regulations and benefits. It is designed to be attractive to all the poor and it contains an element of outreach that will require the Secretary to inform potential recipients about the bill. There are provisions for periodic increases in the base Federal floor, and maintenance of benefits as provided by the States. Income and work incentives are included; registration for employment and job requirements follow guidelines of suitability and minimum or prevailing wage.

While the costs are higher than present expenditures, the additional money will not go toward destroying self-respect or distintegrating family units. It will go for a plan designed to provide a chance for those in poverty to increase income, to move out of poverty and ultimately to reduce the welfare rolls.

The crisis in welfare is directly related to the second systemic problem—that of the fiscal crisis in the States and the cities. It is all too commonplace to note that cities and States are crying out for funding. Philadelphia finds that it will need about $100 million to meet budget projections. The Federal Reserve Bank of Philadelphia warned that Philadelphia faces "fiscal chaos in the 1970's." The report noted that cumulative deficits alone for Philadelphia total $1.325 billion over the next 5 years.

At the same time, States are finding a need to first, increase existing taxes and second, in many cases to enact new taxes. Local government units find themselves trying to tax almost everything—a recent story in the New York Times said that New York City has proposed to tax bank vaults which are located under city sidewalks. The States have increased the sales tax to some unbearable proportions, and that burden is regressive in impact. For the local areas, the property tax and the assessment levels in many cities are already as high as possible. Undoubtedly, there must be some hard questions asked as to whether or not these local government units are exerting enough tax effort. There are already some proposals that suggest the value of the land and not the value of improvements should be the base for any property tax.

But the facts still remain. Debt, multiple taxing bodies on same population, high real estate taxes, declining population, antiquated financial procedures—all of these negatives at a time when the demands made on the State and cities for improvement in housing, education, transportation, and health are increasing.

It is time that we recognize that many of the functions of today's Government are not strictly local in impact. Education, for example, though it is paid by the local governments, the local area seldom derives complete benefit from such education expenditures—students move from the community, taking their educational background and earning power with them.

The proposal I am making is a two part revenue-sharing plan—it proposes to return to States and local governments a percentage of Federal revenues while at the same time providing for a pass-through of money saved by State and local governments when the Federal Government assumes the burden of welfare costs. The formula for such a return of Federal expenditures attempts to get the money into those areas of greatest need. It is based on a Government's population, revenue effort and proportion of low-income families. Only those units greater than 12,500 population are eligible for Federal/State revenue sharing.

The revenue-sharing measure contains the safeguard against civil rights violations and a provision for open community hearings. Public elected officials are required to publish a listing of proposed expenditures and at the end of each fiscal year, they must publish another list indicating exactly how that year's funds have been spent.

Under the full funding and full allocations of my bill, when federalization and revenue sharing are both operative, my home city of Philadelphia will realize approximately $198 million a year.

In the first year of my proposal, Pennsylvania will have a total allocation of approximately $631 million.

Mr. Speaker, I believe that it is time we stopped playing politics with the future of people and the future of our cities. We must not reject out of hand any proposal for the partisan reason that a Republican President proposed it or a Democratic Congress proposed it. We must realize that welfare reform and fiscal relief are the people's programs and deserve to be judged as such.

I believe that the two insurmountable problems that now confront the cities and the States—the cost of aid to dependent children and welfare programs that consume the raw revenues needed to meet the demands for services—can be solved with this bill. It provides a decent Federal standard in welfare and it offers cities and States new revenues to give their people the services they want.

By joining the two concepts and by looking at the problems in terms of the effect each can have on the solution of the other, we can reform welfare and we can provide fiscal relief for the cities and the States.

ERNIE LEGATO'S MISSION OF MERCY

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. KARTH. Mr. Speaker, once in a while I come across something in the local press that I would like to bring to the attention of my colleagues. These are troubled times and most of the news nowadays is bad news. Often it has to do with man's inhumanity to man—thus the article below is particularly welcome especially at this time of the year.

I have known the subject of the article, Ernie Legato, for many years and despite his acknowledged rough exterior, his good works are many and varied. In addition, he is a fine representative of organized labor—Local 556 Hotel and Restaurant Employess, AFL-CIO—and a member of St. Paul's outstanding Italian-American community.

I just thought that this account of one man's attempt to help his fellows is particularly appropriate and ought to be called to your attention. The short article reprinted below appeared in the Oliver Towne Column of the St. Paul Dispatch on March 22, 1971:

> Ernie Legato, Hotel and Restaurant Union business agent, is one of those rough, ready and ebullient types, with a salty voice and a turtle-facade. That is the outside.
>
> Inside is Tony Legato, who collects old bed sheets for the benefit of Our Lady of Good Counsel Cancer Home. Tony passes the word out to hotels and motels around town and they save their sheets. Then he delivers them to St. Mary's, St. Ambrose and Mt. Airy homes for senior citizens. Residents turn the sheets into bandages, which Tony picks up again and takes to the cancer home. It's a long route with a lot of steps every week. But it's Tony's mission of mercy.

VOCATIONAL EDUCATION

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. MOLLOHAN. Mr. Speaker, I would like to extend my remarks on vocational education by inserting the text of a recent address by U.S. Commissioner of Education Sidney P. Marland, Jr. This address shows the growing importance of vocational education in this time of uncertainty in which rising unemployment among college graduates and higher college costs are forcing more and more high school graduates into vocational education.

The address follows:

CAREER EDUCATION NOW

(Address by Sidney P. Marland Jr.)

Since I intend to devote a major part of my remarks today to the subject of career education, it seems appropriate to begin by mentioning that I am finding my new job to be a richly rewarding learning experience.

Take the matter of the Commissioner's place in the Washington pecking order. I have always held the commissionership to be one of the great and auspicious positions in the Federal Government. So naturally, when I learned that a prominent Federal official is issued a brand new $30,000 bulletproof limousine each year, I immediately inquired into the nature of the transportation furnished to the Commissioner of Education.

It turned out to be rather basic—a small, misshapen, used Rebel. When I asked for an improvement, I was sent a slightly newer, small, misshapen, used Rambler.

I am not discouraged. I am merely chastened. It's really a very nice car. And, besides, I have been assured that the Commissioner hardly ever gets shot at.

Career education is an absorbing topic at the Office of Education lately. In essence we are attempting to answer a very large question: what is right and what is wrong with vocational education in America today and what can be done to build on our strengths and eliminate our weaknesses?

I will indicate to you in a few moments the major points of our reply, the steps we believe should be taken by the Federal Government and particularly by the Office of Education to strengthen your hand in refashioning the vocational or career curriculum. For we are in wholehearted agreement that it is in serious need of reform and it is my firm intention that vocational education will be one of a very few major emphases of the U.S. Office, priority areas in which we intend to place the maximum weight of our concentrated resources to effect a thorough and permanent improvement.

But let me broaden the discussion a bit at this point to talk about career education not simply from the Federal point of view but from the point of view of you and me and of everyone who has committed his life's work to the proposition that education's prime task is to seek and to free the individual's precious potential. My concern with this vital area of education was with me long before I came into possession of my bent Rambler. It is the result of more than 30 years in school life, ample time to observe the vocational education problem in such diverse settings as New York City, Pittsburgh, and Winnetka, Illinois. For even in Winnetka, archetypal suburb, blessed in material things far above most communities in this country, there are many people who are worried about the logic and relevance of what is being taught their youngsters, particularly when considered in the light of the amazingly sophisticated complex, and rapidly changing career situations they will face upon graduation from high school or from college.

Winnetkans, like most Americans, ask: what are we educating our children for?

Educators, it seems to me, have too often answered: we simply are not sure.

Uncertainty is the hallmark of our era. And because many educators have been unsure as to how they could best discharge their dual responsibility to meet the student's needs on the one hand and to satisfy the country's infinite social and economic appetites on the other, they have often succumbed to the temptation to point a God-like finger at vocational educators and damn them for their failure to meet the Nation's manpower requirements and doubly damn them for their failure to meet the youngster's career requirements, not to mention his personal fulfillment as a human being.

Most of you are secondary school administrators. You, like me, have been preoccupied most of the time with college entrance expectations. Vocational-technical education has been a second-level concern. The vocational education teachers and administrators have been either scorned or condemned and we have been silent.

There is illogic here as well as a massive injustice. How can we blame vocational educators for the hundreds of thousands of pitifully incapable boys and girls who leave our high schools each year when the truth is that the vast majority of these youngsters have never seen the inside of a vocational classroom? They are the unfortunate inmates, in most instances, of a curriculum that is neither fish nor fowl, neither truly vocational nor truly academic. We call it general education. I suggest we get rid of it.

Whatever interest we represent, Federal, State, or local, whether we teach or administer, we must perforce deny ourselves the sweet solace of knowing the other fellow is in the wrong. We share the guilt for the generalized failure of our public system of education to equip our people to get and hold decent jobs. And the remedy likewise depends upon all of us. As Dr. Grant Venn said in his book, *Man, Education, and Manpower:* "If we want an educational system designed to serve each individual and to develop his creative potential in a self-directing way, then we have work to do and attitudes to change."

The first attitude that we should change, I suggest, is our own. We must purge ourselves of academic snobbery. For education's most serious failing is in its self-induced, voluntary fragmentation, the strong tendency of education's several parts to separate from one another, to divide the entire enterprise against itself. The most grievous example of these intramural class distinctions is, of course, the false dichotomy between things academic and things vocational. As a first step, I suggest we dispose of the term vocational education, and adopt the term career education. Every young person in school belongs in that category at some point, whether engaged in preparing to be a surgeon, a brick layer, a mother, or a secretary.

How absurd to suggest that general knowledge for its own sake is somehow superior to *useful* knowledge. "Pedants sneer at an education that is useful," Alfred North Whitehead observed. "But if education is not useful," he went on to ask, "What is it?" The answer, of course, is that it is nothing. All education is career education, or should be. And all our efforts as educators must be bent on preparing students either to become properly, usefully employed immediately upon graduation from high school or to go on to further formal education. Anything else is dangerous nonsense. I propose that a universal goal of American education, starting now, be this: that every young person completing our school program at grade 12 be ready to enter higher education or to enter useful and rewarding employment.

Contrary to all logic and all expediency, we continue to treat vocational training as education's poor cousin. We are thereby perpetuating the social quarantine it has been in since the days of the ancient Greeks, and, for all I know, before then. Since the original vocational fields were defined shortly before World War I as agriculture, industry, and homemaking, we have too often taught those skills grudgingly—dull courses in dull buildings for the benefit of what we all *knew* were young people somehow pre-judged not fit for college as though college were something better for everyone. What a pity and how foolish, particularly for a country as dependent upon her machines and her technology as America. The ancient Greeks could afford such snobbery at a time when a very short course would suffice to instruct a man how to imitate a beast of burden. We Americans might even have been able to afford it a half-century ago when a boy might observe the full range of his occupational expectations by walking beside his father at the time of plowing, by watching the farmers, blacksmiths, and tradesmen who did business in his home town.

But how different things are today and how grave our need to reshape our system of education to meet the career demands of the astonishingly complex technological society we live in. When we talk of today's career development, we are not talking about blacksmithing. We are talking about the capacity of our people to sustain and accelerate the pace of progress in this country in every respect during a lifetime of learning. And nothing less.

The question seems to be fairly simple, if we have the courage and creativity to face it: Shall we persevere in the traditional practices that are obviously *not* properly equipping fully half or more of our young people or shall we immediately undertake the reformation of our entire secondary education in order to position it properly for maximum contribution to our individual and national life?

I think our choice is apparent. Certainly continued indecision and preservation of the status quo can only result in additional millions of young men and women leaving our high schools, with or without benefit of diploma, unfitted for employment, unable or unwilling to go on to college, and carrying away little more than an enduring distaste for education in any form, unskilled and unschooled. Indeed, if we are to ponder thoughtfully the growing charge of "irrelevance" in our schools and colleges, let us look sharply at the abomination known as general education.

Of those students currently in high school, only three out of 10 will go on to academic college-level work. One-third of those will drop out before getting a baccalaureate degree. That means that eight out of 10 present high school students should be getting occupational training of some sort. But only about two of those eight students are, in fact, getting such training. Consequently, half our high school students, a total of approximately 1,500,000 a year, are being offered what amounts to irrelevant, general educational pap!

In pained puzzlement they toil at watered-down general algebra, they struggle to recollect the difference between adjectives and adverbs, and they juggle in their minds the atomic weight of potassium in non-college science. The liberal arts and sciences of our traditional college-preparatory curriculum are indeed desirable for those who want them and can use them. But there must be desire and receptivity, and for millions of our children, we must concede, such knowledge is neither useful nor joyful. They do not love it for its own sake and they cannot sell it in the career market place. Small wonder so many drop out, not because they have failed, but because we have failed them. Who would not at the earliest convenient and legal moment leave an environment that is neither satisfying, entertaining, nor productive? We properly deplore the large numbers of young men and women who leave high school before graduation. But, in simple truth, for most of them dropping out is the most sensible elective they can choose. At least they can substitute the excitement of the street corner for the more obscure charms of general mathematics.

I want to state my clear conviction that a properly effective career education requires a new educational unity. It requires a breaking down of the barriers that divide our educational system into parochial enclaves. Our answer is that we must blend our curricula and our students into a single strong, secondary system. Let the academic preparation be balanced with the vocational or career program. Let one student take strength from another. And, for the future hope of education, let us end the divisive, snobbish, destructive distinctions in learning that do no service to the cause of knowledge, and do no honor to the name of American enterprise.

It is terribly important to teach a youngster the skills he needs to live, whether we call them academic or vocational, whether he intends to make his living with a wrench, or a slide rule, or folio editions of Shakespeare. But it is critically important to equip that youngster to live his life as a fulfilled human being. As Secretary Richardson said, "I remind you that this department of government more than anything else is concerned with humaneness."

Ted Bell, now Deputy Commissioner for School Systems in OE, made the point particularly well in a recent speech to a student government group. He was speculating on the steps a young person needs to take not just to get a diploma or a degree today, but to make reasonably sure he will continue to learn in the years ahead, to be an educated man or woman in terms of the future, a personal future.

"Here," Dr. Bell said, "the lesson is for each person to develop a personal plan for lifelong learning: learning about the world we live in, the people that inhabit it, the environment—physical and social—that we find around us; learning about the sciences, the arts, the literature we have inherited and are creating; but most of all, learning the way the world's peoples are interacting with one another. If one educates himself in these things, he will have a pretty good chance of survival and of a good life."

In other words, life and how to live it is the primary vocation of all of us. And the ultimate test of our educational process, on any level, is how close it comes to preparing our people to be alive and active with their hearts, and their minds, and, for many, their hands as well.

True and complete reform of the high school, viewed as a major element of overall preparation for life, cannot be achieved until general education is completely done away with in favor of contemporary career development in a comprehensive secondary education environment. This is our ultimate goal and we realize that so sweeping a change cannot be accomplished overnight, involving as it does approximately 30 million students and billions of dollars in public funds. Until we can recommend a totally new system we believe an interim strategy can be developed entailing four major actions.

First we are planning major improvements in the vocational education program of the Office of Education. This program, as you know, involves the expenditures of nearly $500,000,000 annually and our intention is to make the administrative and programmatic changes that will enable the States to use this money to make their vocational education efforts more relevant to the needs of the young people who will spend their lives in careers in business and industry. We intend to give the States new leadership and technical support to enable them to move present programs away from disproportionate enrollments in low-demand occupations to those where national shortages exist and where future national needs will be high.

Right now State training programs fill only half the jobs available each year. The other half are filled by job seekers with no occupational job training of any kind. We do better in some fields than others, of course, particularly production agriculture where we are able to come closer to meeting the total need because it is a relatively static job market with little growth projected. About 70 percent of the demand in farm jobs will be met with trained help this year compared with only about 38 percent in the health occupations and 35 percent in various technical fields. This is nice if you happen to own a farm, not so nice if you run a hospital or laboratory.

We obviously require greater emphasis on such new vocational fields as computer programmers and technicians, laser technicians, and jet mechanics. We particularly need qualified people in health occupations such as certified laboratory technologists, dental assistants, occupational therapists, and the like. And, of course, we badly need men and women to capably service the rapidly growing environmental industries. Though when we speak of new occupations it is always useful to remind ourselves that even some of the newest, such as computer programming, for example, will very likely be obsolete in 20 years or so, affirming once again the need for a sound educational base underlying *all* specific skill training.

Second—here I speak of all cooperating agencies of education and government—we must provide far more flexible options for high school graduates to continue on to higher education or to enter the world of work rather than forever sustain the anachronism that a youngster must make his career choice at age 14. This demands that we broaden today's relatively narrow vocational program into something approaching the true career education we would eventually hope to realize. Vocational students need much more than limited specific skills training if they are to go on to post-secondary education, whether at the community college or four-year level. And young people presently drifting in the general education wasteland need realistic exposure to the world of work, as well as to the option of general post-secondary schooling.

Third, we can effect substantial improvement in vocational education within current levels of expenditures by bringing people from business, industry, and organized labor, who know where the career opportunities are going to be and what the real world of work is like, into far closer collaboration with the schools. Eventually, further subsidies or other encouragement to industry to increase cooperative education and work-study could greatly enhance these programs. Efforts should be made by people in educational institutions offering occupational courses to get nearby employers to help in the training. This will not only aid the students but employers as well by providing these cooperating firms a ready supply of skilled workers well prepared for the specific demands of their particular fields. I would add only this caveat: that these work experience arrangements be accepted and operated as genuine educational opportunities, of a laboratory nature, not simply as a source of cheap help but for the business and pocket money for the student. Youngsters should be given the opportunity to explore eight, ten, a dozen occupations before choosing the one pursued in depth, consistent with the individual's ambitions, skills, and interests.

Fourth, we must build at all levels—Federal, State, and local—a new leadership and a new commitment to the concept of a career education system. For we require leaders willing to move our schools into more direct and closer relationships with society's problems, opportunities, and its ever-changing needs. I believe these leaders will come primarily from the ranks of organizations such as yours. Not only will the present vocational-technical education leaders be partners in change, but general educators, long dedicated to the old ways, must become new champions of the career program.

In closing, a word about two very promising OE efforts to help strengthen vocational-technical education in its most critical aspect, personnel.

The teacher is by far the most important factor in the school environment. We all know this. And we also know that voc-ed teachers are in seriously short supply.

We are also keenly aware that vocational-technical education is starved for other critical personnel, especially those qualified to develop and administer productive programs.

The first effort, called Leadership Development Awards, is a doctoral-fellowship program under the Education Professions Development Act. It seeks to identify and train a cadre of leaders for the vocational-technical career education field. As an initial move we have made the first group of awards to 160 experienced vocational educators to enable them to undertake full-time study at the doctoral level.

These men and women are attending 11 universities which share an emphasis on career education. These institutions pay special attention to the needs of the disadvantaged and handicapped; they cooperate closely with industry, the States, and the local districts; and they have established close working relationships with the surrounding communities.

Training lasts from two to three years. It is not tied to the campus but is essentially an intensive internship program with opportunities for research and exploration into the complexities of our constantly changing occupational structure.

We believe these doctoral candidates will make a very constructive imprint on the world of career education. But they will not be cast adrift upon graduation to search out their own niche in that world. Their home States will develop plans for the most strategic use of their skills—in colleges and universities which prepare career educators, in State departments of vocational education, in community colleges, and at the local level for development of the entirely new approach school systems must take to career education.

Our second effort is a program, already producing impressive results, to help the States attract and train teachers and administrators in vocational-technical education. The Leadership Development Awards I have described will produce the shapers and developers of the new career education; this second effort will produce the teachers to carry out the realistic and contemporary plans and programs they develop.

We are funding a variety of State plans. The money is helping to train personnel to work with the disadvantaged and the handicapped, to develop innovative and effective methods of exchange between teachers and businessmen, and to design and carry out more effective vocational guidance, a particularly crucial area. The funds are also being used to increase the number of trades and industry teachers in the emerging occupations that I spoke of a few moments ago.

The overriding purpose of this program is to encourage the States to develop their own capacities and their own resources to produce vocational-technical teachers in the numbers we need and a quality we need. This new blood will energize career education, particularly in our city schools, whose revitalization is certainly education's first order of business.

President Nixon put the matter well when he said, "When educators, school boards and government officials alike admit that they have a great deal to learn about the way we teach, we will begin to climb the up staircase toward genuine reform."

We have, I believe, begun to climb that staircase. We have begun, at least in part, the difficult, continuing work of reform. These recent tumultuous years of challenge and strife and all-encompassing change have given us lessons to learn, especially lessons in humility. But they have also taught us to hope and to act. The actions in vocational education and teacher education that I have outlined to you today are but the first in a series of reforms which I intend to initiate and carry out within the U.S. Office of Education. I solicit your reactions to what I have said for I particularly want to bridge the gulf between the Federal Government and the education leaders in the States, in the communities, indeed, in all the classrooms of America.

With a guarantee of your tolerance and support I will return to Washington and my new duties confident that the absolute need to develop a strong new program of career education is well understood by you who must understand it, that you and I agree on the kind of action that must be taken and the urgency of taking it. I respect and salute your capacity to reform the secondary schools of the land. In sum, the schools are engaged in swift change because you the educators have chosen to change them. The schools, I conclude, are in good hands.

PULLING THE WOOL OVER OUR EYES

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. MANN. Mr. Speaker, I would like to insert into the RECORD the following editorial by Anthony Harrigan from the Southern States Industrial Council of April 1, 1971. It strikes me as an apt commentary for April Fools' Day, when it was first published. For the Japanese are actually "pulling the wool over our eyes" in more ways than one. Even as they force our once viable domestic textile manufacturers out of business through slave-wage competition, they are able to persuade another segment of the American business community of an alleged Japanese belief in fair and free trade. Any plant boss or laid-off worker knows the truth, however, and it is that the Japanese mode of trade is neither fair nor free. It is based on a wage-scale so low that no American business can compete with it, and the effect is that more and more American textile businesses are going under. Does anyone seriously believe that once the Japanese manufacturers have conquered the American market the prices of Japanese goods will remain low? That is hardly the way of colonialism—the colonial way is for prices to go sky-high once the market is captured. And make no mistake: It is conceivable that this will become a country of warehouses and distributors for the goods of Japan and other foreign slave-wage countries, and if that is not colonialism in reverse, what is it?

I believe that this Congress and this administration must take a hard and long look at how the American textile, steel, glass, citrus, electronics, and other industries are being affected by competition from abroad. I believe that once this is done, it will become obvious that what is needed is not the fake protection of so-called voluntary restrictions dictated by people who are already waging a trade war against this country, but real protection in the form of American-made legislation to make it possible for American industry to compete, for American jobs to continue, and for American markets to be available. The editorial follows:

THE JAPANESE TEXTILE GAMBIT

(By Anthony Harrigan)

Announcement by the Japanese textile industry that it will impose limited, voluntary quotas on exports to the United States is not an acceptable solution to a serious trade problem. Indeed many Americans may wonder whether the announcement is not a shrewd effort to sweep the textile import problem "under the rug."

President Nixon very rightly rejected the Japanese proposal. The Japanese government—in the wake of the announcement—has indicated there is no need for further negotiations. For many months, the Nixon administration has been holding discussions with the Japanese. Now, the Japanese government apparently believes it can stop negotiations. This Japanese attitude can be viewed as an affront to the United States government. Sen. Herman Talmadge (D.-Ga.) has said that the Japanese proposal merely shows Japan's "arrogance and contempt for our own government."

Unfortunately not all American public officials are critical of the latest Japanese gambit. U.S. Rep. Wilbur Mills, chairman of the powerful House Ways and Means Committee, has praised the Japanese proposal which calls for a 5 per cent annual limit on sales growth.

The unilateral Japanese plan isn't constructive because it doesn't bind other Asian countries that export textiles to the United States. The Textile Manufacturers Assn. in free China said March 9 that its sales "will never be affected by a unilateral voluntary agreement Japan may reach with the United States."

It is unclear how the Japanese plan would be enforced. There's a strong likelihood that it would be unenforceable and that the Japanese would make an end run around the agreement. Some years ago an agreement curbed Japanese cotton goods shipments to the U.S., but Japan then began exporting more wool and synthetic textiles.

A practical approach to the textile imports problem would involve specific limits on various textile products exported by Asian countries. Last year, the Congress came very close to approving import quota legislation. Legislation of that type is still needed.

The Wall Street Journal, which is critical of the textile industry's effort to restrict the flood of Asian textiles, said that import quotas "are simply an unsophisticated response to the problems of any import-troubled company or industry." The WSJ editorial writer, sitting behind his desk, may deplore what he considers an "unsophisticated response," but the textile mill owner who has to close down his plant—and his employes who are faced with loss of jobs—undoubtedly prefer results to sophistication.

The hard fact is that the Japanese are engaged in a trade war against the United States. They seem determined to monopolize certain markets in the United States, without thought to the consequences of such monopolization.

The Japanese trade struggle would not cause so much concern in the United States if Japanese industry fully accepted the free trade principles they appeal to in winning sympathizers. But Japan is known to be extremely reluctant to open its markets to foreign business. Moreover, the Japanese regularly sell their products in U.S. markets at lower prices than they charge their people at home.

The U.S. textile industry isn't the only target of unfair Japanese trade practices. U.S. Sen. Paul Fannin (R.-Ariz.) recently said in a speech on the Senate floor that Japanese "dumping" of TV sets in the American market resulted in the loss of 47,000 jobs in the electronics industry. "Not only have the Japanese used illegal sales tactics in the United States," said Sen. Fannin, "they also have closed their home market to any competition from American-made television sets."

Finally, Japanese industry has a very involved relationship with the government of Japan. Sometimes it is hard to tell whether business managers or government officials are making company decisions. In view of this close relationship, the U.S. government is right in protesting the Japanese withdrawal from negotiations.

In the long run, it is unlikely that the Japanese will accept meaningful import restrictions until Congress takes decisive action in support of the threatened textile industry and its many thousands of employes around the country.

FUTURE U.S. ROLE IN ASIA

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. BOB WILSON. Mr. Speaker, Lt. Gen. V. H. Krulak, USMC, retired, the distinguished vice president of Copley Newspapers and president of Copley News Service, made some pointed observations on the future U.S. role in Asia in a recent address to the World Affairs Council in San Diego. As the former commanding general of the Fleet Marine Force, Pacific, before his retirement in 1968, Brute Krulak is particularly well qualified in the field of Asian affairs and I know my House colleagues will find his remarks very pertinent.

REMARKS BY LT. GEN. V. H. KRULAK

China—the oldest state in the world. One quarter of all mankind, embodying a culture of depth and continuity unmatched elsewhere on the globe.

One quarter of all mankind; a people who have evolved, in six fateful decades from an Oriental Empire to a communist society.

One quarter of all mankind, most of whom now have memory of no other sort of life than one characterized by deprivation, mass coercion and terror.

In 1809 Napoleon said, "Let China sleep. When it awakes, the world will be sorry."

China is indeed awake and, unless the world faces realistically the nature of that awakening, it is indeed likely to be sorry.

In one brief discussion, it is not possible to treat adequately all the aspects of Red China's interface with her neighbors and with the world at large.

A real understanding of this interface involves consideration of the burden on the little nations of Southeast Asia who must live with a hungry and acquisitive China; of their problems of survival.

It involves an understanding of the race between China and India for modernization and power.

Of the hunger of Japan for Chinese raw materials;

Of the impact of fertilizer, antibiotics and the pill on China's future.

Of the dispute between China and the U.S.S.R. over millions of square miles of border area.

Of the tragic turmoil that has beset China for 25 years.

Of the true state of affairs in Peking today.

But in the interest of time and simplicity, I will speak today on one matter only—what is happening to Mao Tse-tung's government; where it is headed today, and what it means to us.

We are faced with a crisis—nothing less—where the matter of recognition and U.N. membership of Red China are concerned. What should we do, in our own self-interest?

This, of course, has to be a product of what China is; what she means and, more important, *who* is speaking for the 750 million people. In short, just what is going on in Peking? Can we deal with Mao Tse-tung? Should we deal with him?

And that was the purpose of my trip to the Far East;—to learn the answers to those questions.

I visited Japan, Taiwan, Thailand and Hong Kong.

I spoke to government leaders, U.S. and foreign diplomats, businessmen, journalists, military people, and personal friends in these areas and hammered continually on the basic question—How strong is Mao's government? What is it doing? Where are its aims? Where is it going? What does it all mean to us?

I believe I got some of the answers.

Just as skilled doctors are likely to disagree on either the diagnosis or treatment of a disease, so the many people to whom I spoke were not unanimous on either the situation in Red China or what needs to be done about it. Mostly, they spoke confidentially and with great candor.

I was impressed, in the end, that their viewpoints did not diverge greatly, and from it all, I believe I was able to distill a clear picture of how a group of real experts sees the situation.

First, let us talk briefly of background. Recall that the Chinese society has lasted for over 2 millennia, based always on the family as the embodiment of the Confucian ideology and as the fabric which held the people together.

The Manchus understood this, and tried to exploit the Confucian system. So did the Mongols before them.

But not the communists. After 2,000 years of family existence, when the communists came into power in 1949, the first thing they sought to destroy was the family.

In a society which had been largely independent of oppressive central government domination in 20 centuries, the Maoists undertook almost overnight to break up the family as a bourgeois instrument of inequality.

They took the farmer from his wife;—they dismembered the family fishing crew. They took the children from their parents, set up boarding schools and nurseries, said that all children belonged to the state and tried to teach them to despise their parents.

As a basically independent people, the Chinese had shown an astonishing amount of initiative over the centuries.

The communists undertook to destroy this initiative, and to substitute slogans and theories.

Since they were looking for mechanical efficiency more than anything else, the communists turned their back on the greatest reverence of all where the Chinese people are concerned,—the land.

They did such outrageous things as desecrate sacred burial areas, bulldozing over graves and otherwise affronting an ethic that went back for 2,000 years.

They did all of this in order to break with the past and to change the attitude of the people into one of complete subjection to the communist system.

The years between 1950 and 1965 were a constant procession of experiments—experiments involving millions and millions of people, and each aimed at destroying the old order and replacing it with something that would be kindred to Marxist theory.

Each of the experiments gradually faded off in the face of stubborn resistance on the part of the Chinese people. They just would not change. Sometimes they went through the motions. They nodded their heads obediently. But, in the end, they ignored the orders.

Mao Tse-tung and his closest advisers could not stand for this and, in 1966, they launched the Great Proletarian Cultural Revolution which was probably the bravest and, at the same time, the most foolhardy idea that anyone has ever attempted to perpetrate on a great mass of people.

Mao realized that he was growing old; that all of his previous experiments had been failures and that he had the opportunity for no more than one more big endeavor. He determined that the only way to correct his previous mistakes was to destroy completely his whole system and to recreate a brand new one which followed the most idealistic communist design.

It is not easy for the world to realize that, despite his personal brutality, Mao is a romantic, a pure Marxist; probably the greatest Marxist theoretician alive.

He sees his destiny clearly—as the man who never compromised; the man who was charged by fate to bring the real essence of Marxism to reality; first, in the lives of 750 million Chinese, and ultimately throughout the world.

Nothing dare stand in the way of his great experiment; least of all the lives and welfare of the people involved. Mao has been given to violence in the face of disagreement since his childhood, which was turbulent because of his impatience and his violent temper.

His consummate brutality where his colleagues and his people are concerned should be no surprise to anyone who reads his history. The blood of millions is on his hands.

The Great Proletarian Cultural Revolution was born of a series of experimental failures, each one going to defeat in the face of quiet stubborn resistance by the millions of peasants that are China.

First, there were rural communes, separating 300 million husbands, wives and children, aimed at converting the whole land into impersonal "production units." Children were to be wards of the state. Men and women were to be allowed to cohabit, not as a part of normal existence, but simply for procreation.

It was a failure.—It resulted in less food, lower industrial production, more work and unfulfilled promises.

Then there was total change. Mao determined—almost overnight—that there would be a general subordination of everything to industrialization—"The Great Flying Leap Forward."—

This was intended to project China dramatically into the world's manufacturing producers. It included a program of ten million crude backyard blast furnaces, presumably to make industrial steel.

It was a failure, too. The people were lost in a welter of complicated instructions. The backyard steel was almost worthless, and there was a by-product of famine because of reduced emphasis on food production.

Then a dramatic re-shift was decreed—a return from industrialization to a new emphasis on agriculture.

The country was hungry.—Five million dead of famine in a single year.

This, too, was a failure, simply because the bulk of the increased food production went to the cities, and not to the farmer who raised it.

He quickly lost interest.

The next experiment was a period of self-criticism; a program where Mao encouraged critics of Maoism to speak out freely. He called it his "Thousand Flowers" program aimed at getting to the heart of their lack of progress by encouraging critics of the regime to speak their minds.

That failed too. Mao and his cohorts were shocked by the volume and violence of the criticism. They simply could not take the truth. Almost a million so-called activists were ultimately executed for speaking their mind. Ten million more were uprooted and sent to prison or work camps. The brief period of candor came quickly to an end.

Then the Maoists decreed an attack on science and technology, condemning them as opponents of the classless society.—This failed too. It took only a brief year or two to make clear that technicians, scientists and trained men were needed to make the machinery of government and commerce go.

They were far from finished.—An effort was made to convert cities into pure Marxist urban communes, with every act of city living and working completely communized. No initiative; no personal freedom.

Failure. Inefficiency in administration, bureaucracy and stupidity resulted in chaos, hunger and just plain refusal of millions of stubborn Chinese to work.

Then the Maoists tried a mass birth control program to help fight famine.

Failure. The Chinese family would not cooperate.

In the face of this incredible pattern of experimentation with the lives of his people and the unvarying pattern of failure, there was a brief and significant period in 1965 and 1966 when things grew better. This was not because of any improvement in government or enlightenment in leadership but simply because of exhaustion.—The Communists Party relaxed its pressure to experiment, probably because they were worn out and devoid of ideas.

For a brief moment, the people were left alone to live their own simple lives. The result was almost miraculous—more food, more tranquility, more consumer goods;—not only because the low level party functionaries were tired of putting their efforts behind Maoist experiments with the lives of the people.

Mao himself, in 1966, was sick with Parkinson's disease; 74 years old, a consummate failure in his effort to prove that Communism is a practise as well as a theory. Weakened physically and mindful that his years were numbered, he determined to make one last major push; one designed to transcend in both scope and results all of those experiments that preceded it.

He decreed what amounted to an attack on his own party mechanism, or the machinery and principles of Marxism.

His scheme was to wipe the slate clean, get rid of every official who had exhibited any doubt whatever of the efficacy of Maoism, purge the intellectuals who had raised questions regarding the regime, wipe out the remaining large businessmen, and try again to create an absolutely classless, totally communized society. The only people to be left undisturbed were farmers and laborers in industry.

The Red Guards were Mao's instrument; schoolboys in the main; boys who had never been off the farm or out of the classroom.—He turned them loose in the Autumn of 1966 with a free hand to eliminate every vestige of anti-Mao thought. Mao and his cohorts expected that the youths would have done their purging in a month or so, and they certainly expected that the youngsters would respond to the direction of the party leaders.

But it did not work that way. They went wild—killing, stealing, battling among themselves, losing sight completely of the Marxist idealism that was supposed to govern their actions.

The rampaging of the several million irresponsible youth simply crystallized and intensified the opposition to Mao—both in and out of the party. Anti-Mao groups took courage and came out into the open. The country was in turmoil. Strikes and even street fighting between the Red Guards and the contesting factions were common. Wherever he could get someone to obey, Mao's repression was brutal. Deaths and imprisonment were the order of the day.

The government in Peking existed in form, but not in any substance. The fact was, in 1967 and part of 1968, nobody was in charge at the top. It was a hollow shell. Low level civil functionaries did pretty much as they pleased. Many simply stopped functioning. People everywhere felt relief at the lack of government supervision, and were free to criticize Mao and his minions. Under the influence of anti-Maoists, things grew substantially better, particularly in the countryside.

Mao saw that his regime was tottering—about to be engulfed in civil war, involving not just the party, but the cities and farms as well. In desperation he finally turned on the farmers and laborers, whom he had spared previously. He declared that all dissident farmers and industrial workers had to be purged, too. He ordered the people's liberation army to enter the battle to restore and keep the peace.

The only problem was, large segments of the liberation army were not loyal to Mao. The great bulk of the forces insisted on remaining aloof; refusing to enter the conflict, refusing to intervene in Mao's behalf; willing at most, to keep some semblance of law and order in the countryside.

In the end, the army was loyal only to itself. Its leaders realized that it stood as the only stabilizing power in all China. They were not committed to ideology as much as to maintaining the focus of power, and building up their nuclear strength against a possible confrontation with the Russians. They are tough men, they are patient men. They have the strength, and it grew clear, as early as 1968, that they would ultimately run the country.

With political opposition visible on all sides, with the army insisting on staying in the wings, Mao saw his era coming to an end and, like the real fighter that he is, elected to give it one final try.

Almost with a wave of a wand, in late 1968, he went all the way. He declared that henceforward all of China—urban and rural—would become a truly proletarian state, with absolutely every act of authority discharged by committees of the people.

Whether it was a store, a farm, a factory, a newspaper or a school, it would be administered by committees of the persons doing the work. Everyone would have the same pay and the same privileges. Committee members would be subject to instant recall by their fellow workers.

Of course, the idea collapsed. The Chinese people were fed up with arbitrary experiments that disrupted their lives. They were patient and quiet, but simply ignored Mao and his directives. He was defeated by his own philosophy. He had always said, "Let the masses manage the affairs of the state." They did.

That brought us up to about 1970—a year or more ago. Mao since has had to offer a procession of face-saving compromises—just to stay in a position of nominal authority;—more freedom for the farmer, amnesty for his enemies, concessions to the army. That is what is going on now. The Mao regime is trying desperately to put on the face of success, to preserve the fiction that their Marxist innoculation has taken on the Chinese people; that he and his cohorts are in fact the nation's leaders.

The fact is, they are not. They are hated and ignored today, and another in the long train of Chinese dynasties is passing. Although among the shortest, and certainly the most oppressive, like all of its successors over a 3,000 year span, like the Mongols and the Manchus, it will simply have to leave some mark on the amorphous Chinese people.

The Chinese administrative procedures of the future will certainly see the effect of Maoist totalitarianism. The viciousness of Mao's 20 years of attack on his enemies will be felt everywhere, and the Maoists mania of totally isolated superiority will make relations with the outside world most difficult for his successors to engineer.

Mao believed he and his China were destined to make over the world. His successors are going to have to make up their minds that wars of national liberation are really not their bag; that they will be lucky if they can manage their own internal affairs while maintaining some facade of sovereignty in facing the outside world.

They have grave economic problems, brought on by a quarter of a century of experimentation. They have serious agricultural problems. Even though this year's grain harvest was good, it is still less than needed for a bare subsistence diet.

In the face of these facts, all of which are available to the Department of State and thus to our legislators in Washington, it will be well to go directly to the subject of Red China recognition, and the United Nations.

It is obviously a major issue facing the United States this year. In addition to the Communist countries, several of the larger non-Communist nations have established some form of relationship with Peking; Britain, Canada, France, Italy, Sweden and Norway are the principal ones.

Last year about 40% of the required 66% of the United Nations were in favor of seating the Maoists. Now the pressure is on us.

There the key phrase is, "Establish a meaningful dialog."

Some of the U. S. diplomatic people to whom I spoke, some of our business people, some of our foreign friends, speak to the wisdom of our "talking meaningfully to a people who constitute a quarter of all mankind." And the implication is that we should do it at once.

But by no means does everyone feel this way.

Others contend that, applied to the conditions of today, this is the worst sort of sophistry, and I have to agree.

Even if we could somehow talk to the Chinese people at large, they wouldn't know what to talk about. They are simple, provincial folk, whose horizon does not extend far beyond their own village. Eighty-five percent of them are existing at the subsistence level or below. Their only aim is to survive; their only satisfaction, caring properly for their elders; their only pleasure, sleeping with their wives.

A dozen times I was reminded that the government which purports to represent them does not. Nobody really does. As I have said, the Maoist leadership is a failure. The great leap forward failed. The great flying leap failed, and the great proletarian cultural revolution failed in a wave of unprecedented blood letting.

Mao has largely lost the helm to a group of generals to whom power and not dialectic is the key and the objective.

What Senators Fulbright and McGovern and our "meaningful dialog" proponents are really contending is that there is some benefit to be found in intercourse, not with the men in the fields and factories, but with a tiny hard core of men—Mao and his threadbare satellites.

And just who are they?

They are a band of nihilistic Marxist brigands who have survived literally by killing off the opposition wherever they found it. Their murders have numbered 15 million since 1949.

They are a group of arrogant and frightened men who have failed in every one of their social experiments, who inspire no loyalty among their people, who really have less popular mandate than Atilla the Hun.

They are a group of perennial losers who, in 1967 and 1969 came within an eyelash of being destroyed as they attacked the very fabric of their own regime.

They are a group of vicious minds who labor under the grotesque idea that they must remake the world; who hate us and all we stand for with a bitterness that defies description; who have supported, sustained and nourished our enemies wherever and whenever they could.

Dialog with them? We might as well get in bed with a nest of rattlesnakes, that is, assuming they would be willing to get in bed with us, which is doubtful.

There is a Chinese proverb that is applicable here—"If you wish to know the road ahead, inquire of those who have travelled it."

Inquire of our British cousins.

They were anxious to create a "meaningful relationship" with Mao and his bandits because of the economic benefits. "Seven Hundred and Fifty Million Customers," they said. After two years of humiliating haggling, they finally got the Maoists to sign a paper that was supposed to begin a diplomatic and economic give and take.

What became of it?

Ask the British businessman, a tiny trickle of trade, perhaps sixty million dollars annually, and a negative trade balance at that.

Seven hundred and fifty million customers—all broke.

Ask Sir Donald Hopson, Her Majesty's Ambassador to Peking, who, at the beginning of the Red Guards fiasco in 1966, had to stand while Mao's bullies beat him physically, sacked his Embassy and violated the Embassy's women before his eyes.

Ask the Russians—Mao's ideological cousins, and bandits in their own right. Ask them about dialog with the Chinese Marxists.

Ask the Black African countries that have been disillusioned by their presumed Chinese benefactors.

Ask them to tell us just why they threw the Reds out.

Ask them all. Ask them all just how much "meaningful dialog" they had with a "quarter of all mankind". And ask them how they would behave if they had it all to do over again.

The fact is, the United States of America has an opportunity today that comes to a few generations. It has both the chance and the challenge to contribute directly to the peace of the world by standing up and telling it like it is, to say, with the confidence of the world's own experience, that there is no such thing as "meaningful dialog" with cut-throats, that where the Mao group is concerned, no written agreement has any value.

"You cannot wrap fire with paper," said a Chinese philosopher.

We can be the rallying point to the whole world on this issue if only we cease equivocating and raise our national voice with the truth.

Dialog with China? There is no argument there. Certainly, we must have it and, if it were definitely in our selfish national interest to do so, we would be justified in dealing with the cut-throats this very day.

But it is not in our selfish national interest. There is no pressure whatever on us to dignify them or help perpetuate them. There is no pressure whatever on us to demoralize the opposition to Mao inside China.

There is no significant promise of fruitful trade with them; not now, or in the early future.

There is certainly no promise of greater security for us in talking with Mao and his irresponsible chauvinist comrades.

It will be far better to talk when there is someone respectable and responsible to talk to. If we will just wait, the Chinese people will throw them out for us. All we need to do is be patient.

"There is a day to cast your nets, and a day to dry your nets," say the Chinese.

We will do well to dry ours for awhile. And that, I submit, should be our national policy.

CONCLUSION

At the beginning, I offered the generalization that China is in both torment and in ferment, and that her torment is critical to the world.

I hope the picture I have projected through the eyes and lips of others, gives meaning to those words.

I hope I have been able to underscore truths that we cannot—that we dare not—elude.

First, the peace of the world—the tranquility of the United States of America—are at stake in Asia.

Second, the economic well being—the standard of living—of the United States of America—are at stake in Asia.

If we walk away from our commitments there, we can expect results so bitter that a generation of Americans will have to pay dearly,—in terms of encouragement beyond measure to Red China, with the specter of a Communist dominated Southeast Asia—to include Singapore, Burma, Malaysia and maybe Indonesia.

Whether we like it or not, whether we want it or not,—the United States of America has a role to play in Asia.

Ming Yun I Ting.

It is decreed.

If Americans believe in their country and their future, they will heed this ancient counsel.

SERGEANT O'GRADY'S VIEW

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. McKINNEY. Mr. Speaker, today, we hear quite a bit about the generation gap and especially as to how it relates to the scourge of drugs. Certainly, communication, at all levels, should begin and be fostered in the home. But there is another aspect of community life where communication is all important, particularly in its relation to the generation gap and drug abuse, and that is at the police departments.

Our law enforcement officers face this challenge on a daily basis; many times confronting a particular problem long before youngster's parents become informed.

I think it is especially encouraging to find a police officer who has a deep understanding of this many-faceted problem and who can deal with it sympathetically but resolutely. While I know that this Nation is blessed with a number of officers who have this capability, I would like to bring to my colleagues' attention a policeman from my district who was recently interviewed by the Norwalk, Conn., Hour.

A reading of the following article will reveal many of the fine qualities of Sgt. Philip O'Grady, Jr., a 16-year-old veteran of the Norwalk Police Department. I would add that the author of this piece, James T. White, is a freelance writer who did the story because he felt the community should be informed. Mr. Speaker, may I commend him to you also. At this point, I would like to insert the story in the Record:

Policeman's Viewpoint—Sergeant O'Grady Talks About Narcotics

(By James T. White)

"There's a lot more to it than telling the young user about the long-term effects of drugs. For, unanimously, medical experts warn that 'drugs are hell and the dope addict is readily destroying himself!' The vast majority of young drug abusers invaribly begin with marijuana, move on to pills, including all types of barbiturates, then heroin or other hard drugs. And the drug-dependent person is only adding to his problems, for using drugs, other than those that are medically prescribed, that is, is stupid.

"And kids, who say they don't 'dig' adult 'squares' and the 'establishment's' double standards, racism, bigotry, war and alcoholism, instead of 'turning on' with drugs should do all they possibly can to obtain a good education . . . then they can help try to solve some of the world's problems."

Sgt. Philip O'Grady Jr., a veteran member of the Norwalk Police Department, when asked about the so-called drug epidemic said that "Statistics show that in many areas of the country, particularly in the big cities, and especially along the west coast and the eastern seaboard areas, the situation is gravely serious. But, while all local communities certainly have a drug problem that is steadily increasing, Norwalk is about the same as the average community of its size."

Does it help to sentence a young drug-addict to jail or prison?

"If he is convicted for the possession of drugs, and is willing to seriously participate in receiving treatment that is available as a county or state anti-drug institution, it might help him if his sentence is thusly suspended. Court officials strive to decide on the most logical course," says Sgt. O'Grady.

Sgt. O'Grady comes into contact regularly with cases that touch the heartstring. A girl in a nearby city from a good family, found with some marijuana was released with no penalty. But soon she was among users, Sgt. O'Grady said, and the last heard of her she had taken to the road.

Another was the boy who was arrested enroute to school carrying several pounds of marijuana, the officer recalled.

Appointed a supernumerary officer on June 9, 1954, and a regular member on Apr. 1, 1955, Sgt. O'Grady was assigned to the Detective Bureau, general investigation, in May 1963. Appointed a member of the Special Services Division in September 1964, he was promoted to the rank of sergeant in October, 1969, and took command of the Special Services Division in February 1970.

The 43-year-old Broad River resident is a man who takes pride in his profession. And with close to 17 years of police experience behind him he is looking forward to many more years of service to the department and the residents of the community. A veteran member of the Detective Bureau, he has completed courses at the Federal Bureau of Narcotics Training School in Washington, D.C. (1966), the Police Academy in New York City (1967), the Drug Seminar for Connecticut and Westchester County (1969 and 1970), the Organized Crime School (1970), as well as classes of instruction given by the Norwalk Police Department in all phases of tactical force training. He has instructed classes at the Fairfield County Detective Conference training school as well as classes in advanced police technology at the Connecticut Chiefs of Police training school.

IT IS DAMAGING

How widely is marijuana used in the United States, how does the drug work and what are its physical effects?

"The exact extent of marijuana use in the United States is now known. But according to the President's Commission on Crime arrests on marijuana charges have more than doubled since 1960. In the past 10 years, narcotics authorities have reported a sharp increase in the use of marijuana, and just how widely the drug is used somewhat varies—research studies by health authorities have found that five and six million Americans may have used the drug at least once in their lives, but other estimates run as high as 18 to 20 million.

"When smoked, marijuana affects the user's mood and thinking, and the user may get talkative, loud, unsteady, drowsy or dreamy, and find it hard to concentrate or co-ordinate his movements. And as the marijuana quickly enters the bloodstream and acts on the brain and nervous system, it may cause hallucinations when taken in very large doses. Therefore it is classed by medical scientists as a mild "hallucinogen." Some scientists have stated that the drug can render serious physical harm to the user's body as it accumulates in the liver and brain. A study by the National Institute of Mental Health also showed that psychotic reactions often occur in some individuals who use even the smallest amount. The report stated that a person using marijuana invariably finds it harder to perform tasks or make decisions that require clear thinking. Doing anything that requires good reflexes and co-ordination is affected by the drug. Thus it is especially dangerous to drive while under the influence of the drug," he says.

Sgt. O'Grady said that health authorities report that marijuana's effect, when smoked, is usually felt quickly, in about 15 minutes. And the range of effects, that can last, last from two to four hours, can vary from the lowest depths of depression to great heights of excitement. And while an individual user may sense no drastic change of mood at all, invariably the sense of time and distance, co-ordination and mental reflexes of many users frequently becomes greatly distorted.

In explaining that the drug is known as "pot," "grass," "weed," "tea," "Mary Jane," and by other names, Sgt. O'Grady said that marijuana is usually rolled and smoked in cigarettes or in pipes. The marijuana cigarette which is commonly known as a "joint," "stick" or "reefer," is often rolled in brown rice-paper, and its smoke is easily recognized by its sweetish odor, which is pungently harsh, and smells like dried grass or burnt rope. The officer pointed out that parents should look upon marijuana as being potentially dangerous.

Medical experts agree that marijuana isn't especially strong, that the user can only get a somewhat mild "high." But, inevitably, smoking marijuana puts the youth around people who use heroin or other hard drugs. And marijuana-smoking, which usually begins with just a little "experimenting," then soon develops into a full-time habit, more often than not eventually leads to the user "experimenting" with hard drugs. And although there are diversified opinions as to what causes a drug addict, experts agree that it's difficult to be around "junk" and not use it.

Sgt. O'Grady talked to over 6,000 public and parochial school children in the past two years on the dangers of drug addiction. He said that parents must educate their young from the earliest years to prevent them from becoming involved with drugs, thus avoiding the horrible misery that is synonymous with drug addiction.

COURT THE RESULT

"We, who daily come in contact with those who violate the drug laws, often wonder why it is that a young person will start experimenting with marijuana or habit-forming drugs. Undoubtedly, in many groups, drug-taking is considered a sort of status symbol, a display of youth sophistication . . . and it is unfortunate that many well-meaning youths will end up in court two or three times before they realize that drugs, jail, and possible mental and physical impairment, and possible death from an overdose, are synonymous," he says.

When asked about the serious risks involved in breaking the laws dealing with marijuana, Sgt. O'Grady points out that an arrest or conviction for a felony can hinder plans of one's future life: conviction can prevent a person from being able to enter a profession such as law, medicine, teaching, or attending a U.S. military academy. He has to be approved by a special hearing board before he can hold a government position, he my find it extremely difficult to get a responsible position in business or industry, and in many states, a person with a police record for drug conviction must meet special qualifications to obtain or renew a driver's license.

What are the drugs most commonly used locally?

"Amphetamines, which stimulate the central nervous system, are used by people in all walks of life to combat fatigue and sleepiness. These stimulent drugs, when legally prescribed by a physician, and used as medically directed, can be used with effective results. However, scientists have found that, when abused, these drugs concentrate their stimulative action in nerve endings and the higher centers of the brain. This speeds up the action of the heart, producing a temporary sense of alertness, self-confidence, and well-being.

"Some addicts take very large daily doses of amphetamines, which are generally swallowed as pills, but can be taken in liquid form by injection into a vein at varied time intervals . . . a dangerous practice known as 'speeding' . . . which leaves the addict unable to organize his actions, movements or thinking.

"The Food and Drug Administration reports that probably half the amount of amphetamines produced by the drug industry each year, which is tremendous in quantity, finds its way into illegal channels, for non-prescribed use. Students often take these stimulents while cramming for exams, drivers take them to stay awake on long trips, and others merely take them for "kicks." It is reported that some abusers alternate between stimulate and sedative drugs, to produce alertness and then to slow themselves down."

Sgt. O'Grady explained that stimulant drugs, while they do not become physically dependent on their continued use, nevertheless are all extremely dangerous. The body does, however, eventually develops a tolerance to these drugs, with the result that large doses are necessary to achieve the desired effects.

Sgt. O'Grady said that barbiturates—sedative preparations whose slang terms include "barbs" and "goof balls"—relax the central nervous system, and are dangerous when taken without proper medical supervision. The NIMH (part of the Health Services and Mental Health Administration), which is the federal agency primarily responsible for research on drug addiction and abuse, that is constantly conducting extensive animal and human research to uncover underlying effects of various drugs. It wants to try to find out how psychological or physical dependence develops. It a recent report it stated that "barbituates are a leading cause of accidental poison deaths in the United States."

Sgt. O'Grady, said that reasons given by young users for smoking marijuana or taking drugs include: "for kicks," "for self-confidence," "curiosity," "well-being," "alertness," "to understand myself better."

To the question, "Who do you think is best qualified to help the young addict?" Sgt. O'Grady said that he firmly believes that an interested ex-addict can render an invaluable service to his community by becoming involved in self-help programs for drug addicts.

"Such local self-help projects as SPEAR, Vitam and Renaissance undoubtedly owe much of the success they have achieved in aiding drug-dependent youths to the fact they are manned by ex-addicts . . . and former drug abusers are invariably well informed about the reasons for drug addiction. All communities have their share of 'glue-heads,' 'pitheads,' 'speedfreaks' and 'acid-heads,' for 'junkies' come from all walks of life, from all social and economic backgrounds. And many reformed addicts play an important role in 'getting through' to addicts and potential addicts.

"Other projects that are rendering an invaluable service in self-help programs for drug addicts are Daytop Village, Synanon, Gateway House and Phoenix House. At such places, they tell it like it is, with no nonsense, and if a youngster is sincere about really helping himself, the results can be advantageous. Such a program has to be all business, no mincing of words, no half-hearted effort, no insincere enthusiasm."

HEROIN MOST COMMON

"The most commonly used drug in the country today is heroin. And the slightest overdose can cause death! That is why our advice to youngsters is, 'Do NOT get involved with drugs!'

"Local youths have the money and cars to go to New York City to buy drugs. In the big cities the drugs are cheaper and available—as easy to acquire as a bar of candy. But, fortunately, and not to underplay the steadily-increasing seriousness of the local drug situation, the problem in our local schools seems to be not overly serious, for most of the users that become involved with the law are already out of school, in their late teens or early twenties.

"And there's more to it than telling the young user about the long-term effect of drugs. For, invariably, his friends are fellow drug-dependents too, who, like himself, will do anything to get one more fix. And besides being in trouble with his family, he is certain to be in trouble with the law. For an addict may have to spend up to $100 and more a day to buy his day's supply of heroin. Supporting a heroin habit is expensive.

"Young people who begin using drugs as a symbol of revolt, rebellion, as a way of escaping the realities of life, of antagonizing their elders, are definitely on the wrong path! We must educate our youngsters to appreciate the values of life . . . the fulfillment of which cannot be acquired through pills or the needle. If we can do this then we have done a great deal to assist and direct those who desire to become responsible citizens of our communities, or our country."

THE VOLUNTEER DEVELOPMENT CORPS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. HALPERN. Mr. Speaker, over the past decade I and other Members of the House of Representatives have voted to use some of the taxpayers' dollars to help the people of the developing nations build a better society. In general, I am proud of our record.

This week I had an opportunity to discuss the usefulness of these expenditures with a volunteer technician, a cooperative housing management specialist, who has just returned from Chile, and I want to share some of her observations with my colleagues, believing we can thereby improve our performance.

She is Ruth M. Senior, who spent the past 17 years managing small housing cooperatives in New York, Puerto Rico, and the Virgin Islands for the Association for Middle Income Housing, headquartered in New York City. She is a professional economist, speaks Spanish fluently, and had worked earlier in Latin America.

In December Sociedad Auxiliar de Cooperativas de Vivienda, known as INVICOOP, a federation of small housing cooperatives headquartered in Santiago, asked Volunteer Development Corps—VDC—a new private organization headquartered in Washington, to send someone to help INVICOOP devise some feasible means of providing centralized management for its member cooperatives, each of which is too small to employ its own manager.

VDC asked Mrs. Senior to undertake this assignment as a volunteer. She agreed to do so, and she and her husband, Clarence, a former member of New York City's Board of Education and himself an outstanding sociologist, spent the past month in Chile.

Cooperative housing is nothing new in Chile. In fact, INVICOOP itself has organized cooperatives that provide homes for 10,000 families. These families' incomes range from $70 to $150 a month, and among these families blue-collar industrial workers and rural farmworkers predominate.

What amazed me is that, according to Mrs. Senior, in Chile no housing cooperative, no public housing project is managed—at least, as we use that term. These cooperatives—and public housing, too—are simply spawned and abandoned. There is no maintenance of the properties, except as each cooperative member or public housing tenant provides it. Generally, no reserves for major repairs or replacements are established or maintained, even though the contract with the lender probably requires it. Indeed, it is a wonder the houses stand, the monthly payments are made, and some of the cooperatives succeed in providing decent housing at prices the median-income Chilean can afford, year after year after year.

Fortunately, INVICOOP's officers recognize they need the kind of management that has made housing cooperatives so successful in New York and elsewhere throughout the United States. While there, Mrs. Senior helped them devise a pilot program that will include 22 cooperatives with 1,066 member families. Under this program, the cooperatives will pay INVICOOP 20 escudos—$1.40 at the official exchange rate—per month per unit, and for this they will get central financial management, bookkeeping, and property maintenance. It is a beginning—an auspicious beginning.

U.S. taxpayers' funds have helped establish some of these cooperatives and public housing in Chile, elsewhere in Latin America, and around the world. These funds have flowed by various routes—through the International Bank for Reconstruction and Development through International Development Bank, through Latin American Development Bank to savings and loan associations and other housing lending institutions. Some of the funds, through the U.S. Agency for International Development, have provided loan guarantees for builders who have constructed these housing cooperatives and public housing. I believe we should continue to use U.S. funds in this manner.

Yet I suggest we can use these funds somewhat more wisely by building into each project adequate provisions for management, property maintenance, and financial administration. We should see that proper reserves are established. And we should see that the letter of such agreements is observed.

I am pleased to have talked with Mrs. Senior. She was one of the first volunteers this new organization, Volunteer Development Corps, sent overseas, and I appreciate what she has done not only for these cooperatives in Chile but for the United States and our relations with the people of that country.

VDC's purpose is to provide short-term, volunteer, technical help to cooperatives in the developing countries at their request. U.S. cooperatives provided some of the funds to finance this new venture, and the Agency for International Development has granted VDC $100,000 for its first year's work.

VDC pays its volunteer's travel to the co-op's headquarters overseas and his lodging and meals while there. The overseas cooperative commits itself to the costs of in-country travel, an interpreter—if necessary—secretarial help, and the like. Each AID dollar, therefore, is supplemented by the volunteer who contributes his services, by U.S. cooperatives that pay part of VDC's administrative costs, and by the overseas cooperative that requests VDC's help.

As my colleagues will recognize, VDC is patterned somewhat after the very successful International Executive Service Corps, headquartered in New York, which is now handling more than 500 businessman-to-businessman projects overseas each year. VDC's work is cooperative-to-cooperative effort—the kind of effort some of us have sought to stimulate in various ways through our foreign aid programs. This seems to me an especially wise use for a part of the funds Congress has provided AID, and I wish the Volunteer Development Corps every success in its future activities.

I insert the summary report of Mrs. Senior's successful trip to help the cooperative housing program of Chile in the RECORD following my statement:

VOLUNTEER DEVELOPMENT CORP, PROJECT 4, CHILE

(Summary report by Ruth M. Senior)

Sociedad Auxiliar de Cooperativas de Vivienda (INVICOOP) is a federation of small housing cooperatives, with headquarters in Santiago, Chile. In the past 15 years INVICOOP has organized more than 200 housing cooperatives throughout the country with nearly 10,000 member families. Incomes of these families range from $70 to $150 a month. These families are generally urban blue-collar or rural farm workers.

These are tiny cooperatives, averaging fewer than 50 units. None is managed, except on a self-help basis. In fact, there seems to be no professional management for any public or public-interest housing. Under such circumstances, the rate of failure—estimated at 20% by INVICOOP officials—is surprisingly low.

While an impressive number of cooperatives nominally exist, there is no cooperative action among cooperatives nor generally within the cooperative itself. This results in lack of maintenance, slipshod financial stewardship, and deterioration of the homes.

Though housing law stipulates adequate reserves, their absence is widely assumed. Lenders seldom resort to legal action to assure such reserves, for such action is costly and the verdict uncertain. Nevertheless, cooperatives' repayment record is good.

INCICOOP has recognized the weakness of spawning cooperatives and abandoning them. In December 1970 INVICOOP asked Volunteer Development Corps to help determine the feasibility of centralized management for small housing cooperatives and, if feasible, to help structure a department of centralized management within INVICOOP. At VDC's request, I volunteered for this assignment and arrived in Santiago in February.

I visited 31 of these cooperatives in Greater Santiago, Maipu, Los Andes, Llay Llay, Valparaiso, and Vina del Mar. I met with officers and members of these cooperatives. I conferred with officials of government housing agencies, including MINVU (Ministry of Housing & Urban Affairs) and Caja Central (the regulatory agency for savings and loan associations).

Under the direction of Juan Pablo Roman Rodriguez, INVICOOP's manager, we have outlined a feasible pilot demonstration of centralized management. It includes 22 cooperatives with 1,066 member families. These cooperatives would pay INVICOOP 20 esculos ($1.40 at the official exchange rate) per unit per month, and INVICOOP would provide central financial management, bookkeeping, educational services, and property management.

With the help of INVICOOP's staff, I have prepared a 60-page document that places the project in its local setting, explains the problems of centralized management, indicates solutions to these problems, lists the cooperatives to be included in the pilot effort, explains their selection, describes the structure of a new department within INVICOOP—*departmento de servicios habitacionales*—including budget and personnel, outlines services to be performed, analyzes each service in detail, and includes drafts of promotion and education material.

The three great problems are these. First, each cooperative is small and will thus require much management for a small fee. Second, apparently no one in Chile has experience in such housing management that INVICOOP can call on. Third, cooperatives already in occupancy must accept—and get their members to accept—a fee, however modest, for centralized management, which they have never experienced.

As INVICOOP forms other cooperatives, it can avoid these problems. It can develop larger cooperatives. Through this pilot project, it can itself gain the experience it needs. And it can build management fees into the basic cooperative structure.

I have suggested that INVICOOP seek a $10,000 grant to finance this pilot project in centralized management for the first six months. It can thus demonstrate to the cooperatives and their members the value of proper maintenance, beautification, central purchasing, accurate accounting, membership training and education, and full occupancy before putting centralized management on a self-sustaining basis.

This pilot project will, for the first time in Chile, provide families that own these cooperatives competent, technical management and thus strengthen cooperative housing, economically and politically. Equally important, it will reestablish the cooperative idea within each cooperative and link these cooperatives with cooperatives throughout the free world. I am pleased to have had the opportunity of working to implement this important concept.

RAILPAX

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. JAMES V. STANTON. Mr. Speaker, the great concern of the people who reside in the Lake Erie shore area over their exclusion from the Railpax route system has been expressed in the formation of the Great Lakes Committee for an Improved Railpax. I bring to the attention of my colleagues the resolution which this organization approved at its first meeting in Cleveland on April 2:

RESOLUTION

Whereas, The National Rail Corporation has designated a system of rail passenger service which is inadequate to meet the needs of the nation and its population centers, and

Whereas, this system will result in the loss of rail passenger service throughout the nation which is currently being provided, and

Whereas, Railpax has chosen not to provide passenger service from Buffalo West to Chicago via Erie, Cleveland, Toledo, Elkhart, South Bend, Gary, and

Whereas, Railpax will not provide service from Detroit to Toledo and points to the East, and

Whereas, the States of New, Pennsylvania, Ohio, Michigan, and Indiana, as represented here today, are deeply concerned that such service be provided, and

Whereas, it is the belief of the representatives of such states that such service is within the stated purpose of the Rail Passenger Service Act and further that such service is considered mandatory as a part of the national rail passenger network, and

Whereas, this Committee has not had sufficient time to analyze and review the impact of the Railpax determination,

Now therefore, it is hereby resolved that:

1. Each of the states of this Committee shall appoint a representative to meet as a group with the Railpax personnel to analyze the technical data upon which the Railpax route determinations were made. These representatives shall meet with the Railpax personnel as soon as possible and report their findings back to this committee.

2. This committee shall meet again in Washington, D.C. as soon as possible with the Railpax authorities and all interested Congressmen and Senators to attempt to have the service to the afore mentioned cities included in the Railpax system.

3. This committee also encourages all Congressional action designed to broaden the service of Railpax and specifically the service on the routes previously mentioned. We commend Congressman Jack F. Kemp, New York, for his interest in this matter and we endorse the principle of his proposed bill which would provide increased capitalization for the Railpax Corporation.

4. We further order Henry W. Eckhart, Chairman, PUCO to forward copies of this resolution to the President, all Senators, all Congressmen, the Railpax authorities, the Secretary of Transportation, the National Association of Railroad Passengers and the Governors of all of the participating states.

DR. M. R. HADLEY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. GAYDOS. Mr. Speaker, 42 years ago a young medical doctor settled in McKeesport, Pa., hung out his shingle and opened an office for the general practice of medicine. No one realized then, of course, this young physician, Dr. M. R. Hadley, was destined to become one of the most respected men in his profession and one of the most revered men in his community.

Dr. Hadley retired from active practice in January of this year. He took down that old shingle and with it a multitude of awards, citations and tributes he collected throughout his career for achievements in medicine, human rights, youth work, humanitarianism, and outstanding service to people and the community.

Over the years there have been many dinners and affairs honoring this fine gentleman. There is to be another on April 22, but this one will not fit the mold of prior testimonials. It cannot. There simply are not platitudes left to describe Dr. Hadley's unselfish dedication to medicine, McKeesport, and people. The usual list of glowing superlatives has long since been exhausted and no new phrases have been coined to adequately express the feeling the community has for this man. The good doctor will have to be content with the knowledge that those who honor him April 22, admire him as a physician, respect him as a man and cherish him as a friend.

It is a fact Dr. Hadley was not born in McKeesport, but its citizens long ago claimed him as a native son and will deny anything to the contrary. However, records show he was born in Thomasville, Ga., a son of the late Herbert and Carrie Corker Hadley, and graduated from public school there in 1914. He enrolled at Savannah State College and in 1917 moved to Cleveland, Ohio, where he received the familiar "greeting" from Uncle Sam, inviting him to partake of military life.

After the war, Dr. Hadley returned from the Army and in 1919 entered Howard University's Pre-Medical School, graduating 6 years later from its college of medicine. He served his internship at Kansas City General Hospital in 1925–26, and spent 2 more years there as house officer. He came to McKeesport in 1929, was admitted to the staff at McKeesport Hospital, and began a career that was to bring him widespread recognition.

In 1940, Dr. Hadley was admitted to the staff of the Bedford League Tuberculosis Hospital in Pittsburgh, a post he held for 5 years until the league closed its doors. However, a year later, he was elected to the active staff of the McKeesport Hospital as an associate in medicine, and in 1948 he passed the examination for fellowship in the American College of Chest Physicians. In 1950, he was elected to the McKeesport Hospital's senior staff, serving as president in 1955–56, and also named chief of its department of pulmonary diseases.

Subsequently, Dr. Hadley was to hold many offices in many organizations. He was president of the McKeesport Academy of Medicine in 1960 and 1961; a member of the board of directors of Allegheny County Medical Society and vice president of the group from 1963–66; president of the McKeesport Tuberculosis Association in 1957–58; a member of the board of directors for the county chapter of the American Cancer Society and director at large for the State division of that society and the American Heart Association.

The honors collected by Dr. Hadley during his career are far too numerous to list in full, Mr. Speaker, but I would like to mention some of the major awards. He was cited in 1954 by the board of directors of the United Negro College Fund Inc., and 10 years later was named "Physician of the Year in Pennsylvania" by the Governor's Committee for the Employment of the Handicapped. His work on behalf of disabled veterans and handicapped persons was recognized by the Pennsylvania State Senate in a resolution adopted on the floor in December 1965.

That same year he was appointed to the board of trustees of Allegheny County Community College. In 1966, he was named to the Pennsylvania Medical Society's Environmental Health Commission and honored by Alpha Omicron Lambda Chapter of Alpha Phi Alpha Fraternity for outstanding service in medicine. The Jewish War Veterans gave him its "Brotherhood" Award in 1967, and he received the Alumnae Federation Award from Howard University for conspicuous service to his profession in 1968. In November of last year, the McKeesport Optimist Club cited him for outstanding service to the community.

Dr. Hadley has been listed in "Who's Who in the East" since 1950 and has been most active in the American Legion, serving as a past commander and a past deputy district commander. He is a member of the Urban League, a life member of the NAACP, a director of the community chest, a member of the State Veterans Employment Committee, the Mon-Yough Adult Retarded Center, and the Mon-Yough Handicapped and Rehabilitation Committee. He also belongs to the National Medical Association, the Amedican Medical Association, the American Thoracic Society, the American College of Chest Physicians, the Gateway Medical Group of Pittsburgh, and the IBPOE. He has been credited with bringing about the integration of personnel in every department of McKeesport Hospital, including interns, surgical residents, and the School of Nursing.

Dr. Hadley's retirement from active practice, however, by no means is the end of his involvement with the hospital, the community or the people. Just a few weeks ago he was elected as a member of the hospital's board of trustees, and I know he will continue to lend his abilities and experience to any program or project which will benefit the city and its citizens.

Mr. Speaker, this is the Dr. Hadley who is recorded in citations, plaques, and certificates. It can be shared with my colleagues. Unfortunately, I cannot share with them the warmth, sincerity, humor, and gentleness which also are part of Dr. Hadley. These are qualities which cannot be captured in citations and awards. They are the treasures of we who know him, and we are richer for it.

SMOKE GETS IN YOUR EYES

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. YOUNG of Florida. Mr. Speaker, public support for H.R. 4776, the Nonsmokers Relief Act I introduced on February 22, keeps coming in from across America and even abroad. Millions of nonsmoking citizens are deeply distressed over being forced to breathe polluted air that leaves them gasping, coughing, and half-nauseous.

Among thousands of letters in support of this bill were only two in opposition; this, I believe, is because the measure would place no burden on the smoker but merely protect the rights of those who do not want to smoke.

H.R. 4776 would require the Secretary of Transportation to establish regulations for a protected area to be set aside aside on airliners, trains, and buses for nonsmoking passengers .

The U.S. Surgeon General supports this bill. Trans-World Airlines, one of our biggest carriers, has separated smokers and nonsmokers aboard its planes for some time now, with considerable success and wide acceptance of its passengers.

We must immediately act to provide needed relief to millions of American travelers. If further evidence is needed to support this legislation, I would draw the attention of my fellow Congressmen to an editorial from television station WFLA-TV serving my home district in Florida, and a news story that appeared Sunday showing how passengers will ask to be in a nonsmoking area if one is provided, and also showing the possible health threat from secondary smog inhalation:

SMOKERS ON JET SEGREGATED FOR HEART PATIENT

CLEVELAND, April 3.—A United Air Lines 727 jet plane took off from Cleveland Hopkins International Airport today for Miami with smoking passengers segregated from nonsmokers.

Pete Williams, manager of customer services for United here, said he had a request from United President Edward Carlson to section off a portion of the plane for nonsmokers because a passenger, Dr. David Gitlin of Cleveland, might suffer heart trouble because of the smoke.

He said few people moved into the smoking session, and some passengers asked to be moved amidst the nonsmokers.

Smoke Gets in Your Eyes

With no personal affront to the smoking public, it's a rare person who enjoys tobacco smoke blown in his face . . . even when sitting downwind in such open expanses as sports stadiums.

And confined in close quarters, these fugitive fumes can become downright annoying—sometimes even nauseating.

This invasion of nasal privacy is particularly irritating, mentally and physically, when traveling via public transportation. There is no escape short of leaping from the plane, train, or bus, and the prolonged inhalation of smoke from another's ashes can create a sense of resentment . . . even dislike . . . for the most lovable fellow passenger.

Thus—we welcome the introduction in the Congress by Representative Bill Young and Senator Ed Gurney of the Transportation Smoking Bill—and wish it well. The measure does not restrict smokers from smoking in public places or conveyances . . . that is an individual decision . . . but it would require the Secretary of Transportation to establish protected areas to assure the rights of non-smokers who prefer to travel aboard airliners, trains, and buses without a cloud of secondhand smoke.

This theory could also well be extended to doctors' waiting rooms where, despite the ailing, coughing humanity huddled together awaiting diagnosis, someone usually lights up and blows the winds of secondary smoking into already suffering lungs.

It might eventually even find its way into the traditional smoke-filled back rooms of political conventions. But, for now, we'll settle for it getting out of committee.

CREDIBILITY GAP IN REVERSE?

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. ARCHER. Mr. Speaker, the Washington Post of Tuesday, March 30, contained some disturbing information concerning the questionable editing practices of CBS.

Because of the great public interest in the recent CBS news documentary "The Selling of the Pentagon," I commend to the attention of my colleagues the following two items from the Washington Post:

[From the Washington Post, Mar. 30, 1971]

CBS Replies to Editorial on Pentagon Documentary

This letter is in response to your editorial of March 26, in which you start by calling the CBS News documentary, "The Selling of the Pentagon," a "highly valuable and informative exposition of a subject about which the American people should know more," and then proceed to examine in some detail the specific editing of that film and general practices of television news editing technique.

The editorial was obviously written by one who has long labored on the editorial page—and not on the news pages.

You conclude that in some measure (not specified) public confidence and credibility are undermined by our editing techniques "innocent or not."

The question of how a news or documentary broadcast is edited is at least as important as you obviously consider it. It is precisely as important as, and possibly no more complicated than, questions pertaining to editing in the print medium (newspapers and news magazines)—the process by which any journalist rejects or accepts, selects and omits, and almost always compresses material available to him. You do not question the right, indeed the professional obligation of your reporters to do this, nor of your editors to continue the process once the reporter has done his job, nor indeed, of your senior editors to impose their professional judgment upon this same piece of work when or if it comes to them.

But you question not only our rights to do the same thing, but also the methods by which we edit, and even our motives ("innocent or not"). You do not, in other words, grant us the right to do precisely what you do—and must do if you are journalists as distinguished from transmission belts.

Why?

The key to why you feel this way is spelled out in your editorial: "People who work in the nonelectronic news business know how readily they themselves may distort an event or a remark . . . these dangers are of course multiplied in the production of a televised documentary."

You are saying that good reporting—fair reporting—is a difficult business, with many pitfalls along the way, that television reporting is a more difficult business with more pitfalls. Fair enough.

Then you go on to suggest, indeed recommend, that our rules should be different than your rules, that sound journalistic ethics and the First Amendment are somehow divisible between rights granted to journalists whose work comes out in ink and somewhat lesser rights for journalists whose work comes out electronically. You say we should go out of our way to "preserve intact and in sequence" the response of those we interview. We both "go out of our way" to be fair and accurate, but we both have limitations of space, and we both seek clarity. Except in verbatim transcripts, neither medium preserves intact or in sequence everything it presents. You say at the very least we should indicate that something in the interview has been dropped. If we asked you to do this, you would properly respond that readers know, without a blizzard of asterisks, that material in your paper is edited, that these are not the complete remarks. Our viewers know it, too. And so do those whom we cover.

But most astonishing of all, you propose that we should give the subject of the interview an opportunity to see and approve his revised remarks. Is that now the policy at The Washington Post? Of course not. You know and I know that this strikes at the very core of independent and free journalism. To grant a subject such a right of review is to remove the basic journalistic function of editing from the hands of the journalist and place it—in the case of the documentary in question—in the hands of the Pentagon. I almost wrote—"tell you what, we'll do it if you'll do it." Then I had a second thought: No, we won't do it even if you should do it.

We are all after the same thing: to be fair, to inform the public fairly and honestly. We do not suggest that we—or any journalistic organization—are free from errors, but nothing in the First Amendment suggests that we must be perfect, or that we are not human. And nothing suggests that if our responsibility is larger, our job tougher or our coverage broader there should be some new set of rules for our kind of journalism, as if to say the First Amendment is fine so long as it doesn't count for much. You don't seem to mind if our end of the dinghy sinks, so long as yours stays afloat.

Fairness is at the root of all this, and fairness can be and always will be debated.

But I submit that we are as careful about editing, as concerned with what is fair and proper and in balance, as rigorous in our internal screening and editorial control processes as any journalistic organization.

The job of ensuring that fairness, that balance and that sense of responsibility is difficult. It is the subject of our constant review and concern. It is not a question that can be solved by a single statement of policy or staff memorandum. It must be, and it is, the daily concern of our working reporters, editors and management.

We believe, as I have said publicly before, that "The Selling of the Pentagon" was edited fairly and honestly. Long after the useful and valuable debate on this broadcast has subsided and perhaps been forgotten we shall be editing other news broadcasts and other documentaries as fairly and as honestly as we know how, and in accordance with established journalistic practice—just as you shall be so editing.

RICHARD S. SALANT,
President, CBS News.

NEW YORK.

Mr. Salant's Letter

In our letters space today we print a response by Richard Salant of CBS News to our recent editorial concerning the dispute between CBS News, the Pentagon, Vice President Agnew, Congressman Hébert, and now—as it seems—The Washington Post. In time the U.N. may have to be called in, but for now we would like, in a unilateral action, to respond to Mr. Salant's complaint. We think it is off the point. And we think this is so because Mr. Salant invests the term "editing" with functions and freedoms well beyond anything we regard as common or acceptable practice. Mr. Salant taxes us with unfairly recommending two sets of standards in these matters, one for the printed press and another for the electronic. But he reads us wrong. We were and are objecting to the fact that *specifically, in relation to question-and-answer sequences,* two sets of standards *already* exist—and that what he and others in television appear to regard as simple "editing" seems to us to take an excess of unacknowledged liberties with the direct quotations of the principals involved.

Before we go into these, a word might be of use about the editorial practices (and malpractices) common to us both. When a public official or anyone else issues a statement or responds to a series of questions in an interview, the printed media of course exercise an editorial judgment in deciding which part and how much of that material to quote or paraphrase or ignore. The analogy with TV's time limitations, for us, is the limit on space: deciding which of the half million words of news coming into this paper each day shall be among the 80,000 we have room to print. Thus, "Vice President Agnew said last night . . . Mr. Agnew also said . . ." and so on; it is a formulation basic to both the daily paper and the televised newscast.

That bad and misleading judgments can be made by this newspaper in both our presentation and selection of such news goes without saying—or at least it did until we started doing some public soul-searching about it in this newspaper a good while back. There is, for example, a distorting effect in failing to report that certain statements were not unsolicited assertions but responses to a reporter's question. But that we do not confuse the effort to remedy these defects with a waiving of our First Amendment rights or a yielding up of editorial prerogatives should also be obvious to readers of this newspaper—perhaps tediously so by now. What we have in mind, however, when we talk of the license taken by the electronic media in the name of "editing" is something quite different, something this newspaper does not approve and would not leap to defend if it were caught doing. It is the practice of printing highly rearranged material in a Q-and-A sequence as if it were verbatim text, without indicating to the reader that changes had been made and/or without giving the subject an opportunity to approve revisions in the original exchange.

It is, for instance, presenting as a direct six-sentence quotation from a colonel, a "statement" composed of a first sentence from page 55 of his prepared text, followed by a second sentence from page 36, followed by a third and fourth from page 48, and a fifth from page 73, and a sixth from page 88. That occurred in "The Selling of the Pentagon," and we do not see why Mr. Salant should find it difficult to grant that this type of procedure is 1) not "editing" in any conventional sense and 2) likely to undermine both the broadcast's credibility and public confidence in that credibility.

The point here is that "The Selling of the Pentagon" presented this statement as if it were one that had actually been made—verbatim—by the Colonel:

ROGER MUDD. What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?

Mr. HENKIN. Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what are we doing about such problems as drugs—and we do have a drug problem in the armed forces; what are we doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions.

This, on the other hand, is how Mr. Henkin actually answered the question:

Mr. HENKIN. Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces.

The answer Mr. Henkin was *shown* to be giving had been transposed from his answer to another question a couple of pages along in the transcribed interview, and one that came out of a sequence dealing not just with military displays but also with the availability of military speakers. At that point in the interview, Roger Mudd asked Mr. Henkin whether the sort of thing he was now talking about—drug problems and racial problems—was "the sort of information that gets passed at state fairs by sergeants who are standing next to rockets." To which Mr. Henkin replied:

Mr. HENKIN. No, I didn't—wouldn't limit that to sergeants standing next to any kind of exhibits. I knew—I thought we were discussing speeches and all.

This is how the sequence was *shown* to have occurred, following on Mr. Henkin's transposed reply to the original question:

Mr. MUDD. Well, is that the sort of information about the drug problem you have and the racial problem you have and the budget problems you have—is that the sort of information that gets passed out at state fairs by sergeants who are standing next to rockets.

Mr. HENKIN. No, I wouldn't limit that to sergeants standing next to any kind of exhibit. Now, there are those who contend that this is propaganda. I do not agree with this.

The part about discussing "speeches and all" had been omitted; the part about propaganda comes from a few lines about Mr. Henkin's actual answer and was in fact a reference to charges that the Pentagon was using talk of the "increasing Soviet threat" as propaganda to influence the size of the military budget.

Surely, something different from and less cosmic than a challenge to CBS's First Amendment rights is involved in the question of whether or not the subject of such a rearranged interview should not be given a chance to see and approve what he will be demonstrated to have said. And surely this "editing" practice must be conceded—with reason—to have damaging effect on public confidence in what is being shown to have happened—shown to have been said. We agree with Mr. Salant's premise that we are all in the same dinghy. That is why we are so concerned that neither end should sink.

LOOK BACK IN ANGER OR HOW GROSS WAS OUR PRODUCT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. BOB WILSON. Mr. Speaker, the following tongue-in-cheek letter to the President, dated January 1997, may prove to be an accurate look at the future if present trends continue and I include this article from the March 15 issue of Advertising Age in the text of my remarks:

LOOK BACK IN ANGER OR HOW GROSS WAS OUR PRODUCT

(NOTE.—Advertising Age herewith presents the complete text of a draft report from a Presidential commission. It was retrieved from the archives by Fred Danzig.)

JANUARY 1997.

DEAR MR. PRESIDENT: Recommendation for Legislative Program to be presented to Congress by your Administration:

The Ad Hoc Commission to Study Maximization of National Growth, created following the November, 1966, national election, has, on the recommendation of the President, centered its concern on the Gross National Product.

For a number of years, the GNP has failed to advance beyond normal inflation rates (population and monetary) and thus constitutes a decline. Lesser nations have started to outstrip the U.S. growth rate and in a number of essential sectors, the GNP is lagging seriously.

The commission has traced the source of the problem to the year 1970, a year in which the GNP first failed to expand satisfactorily in the post-World War II era. In that year, coincidentally, the consumerist movement evolved into a national phenomenon. That was a quarter of a century ago. The cry that was heard in the otherwise quiet days that ensued was, "Every product a Molotov cocktail, every advertisement a boomerang."

You will recall that Ralph Nader (associate justice, U.S. Supreme Court), and Robert Choate (director, U.S. Consumer Interest Agency, or CIA, as it is commonly known) were in the vanguard when it came to arousing the interest of consumers and media in product performance and advertising claims. As this movement gained strength in the '70s, federal agencies and other elected officials added their voices—and power—to the cause. The dynamics of the economy soon were disrupted as advertising came under attack from numerous sides. There was a ban on the radio and television advertising of cigarettes that nearly crippled the broadcast industry. This, in turn, led to higher unemployment in the media and at advertising agencies. Advertising restriction became more segmented as the technology of the '70s improved.

You, Mr. President, recall that you first achieved national attention when you led Congress in a fight to ration cigaret advertising in the print media. Your bill to prohibit magazines, newspapers, radio stations, tv stations, Phonevision, closed circuit networks and cassette programers from transmitting or delivering advertising to the public without prior approval from the head-of-household at the viewer/subscriber end became a cause celebre, but finally went into effect.

Other consumerists saw to it that "me-too" products were removed from the store shelves. Only one aspirin brand was needed; only one laundry bleach, one peanut butter, one breakfast cereal (dry), two toothpastes (regular and mint), three soda flavors (cola, cream and orange) and three hot cereals (oatmeal, wheat and farina) were permitted on the market.

In retrospect, we see that the assault on brand proliferation and advertising claims accelerated as the GNP declined. We are now prepared to see a relationship in this area; some argue that the GNP declined as the consumerist assaults escalated.

You will recall that magazines and newspapers were required to publish cigaret and non-cigaret editions. After the success of the law that made it mandatory for a direct mail advertiser to first obtain permission from "occupant" before mailing promotional material, the law was amended so as to apply to all media and advertising. The law of the land, plainly stated, became: No advertiser can furnish an ad to a U.S. citizen without that citizen's prior consent. Enforcement is provided by modern technology.

In the field of political advertising, you know how all candidates must appear on tv for no less than five minutes, be seen without makeup, speak in their own voices and submit to spontaneous questioning from a random selection of newsmen for at least three of the five minutes. This must occur once each night (prime time) for the final two weeks before an election.

While our land is freer than ever from complaints about misleading advertising and questionable merchandise, the commission has detected consumer discontent with what has been called "media monotony" and "merchandising tedium." On examination, this discontent translates into a malaise brought on by a steady diet of the same old foods and packages, the same "look" and "sound" of our advertising. The commission more significantly, has found that 24% of all Americans are now utilizing the services of tax-free consumer co-ops to screen commercials, approve ad campaigns and media schedules and shop for their daily and weekly household needs. They find this arrangement less time consuming than if they looked after such business on their own. Brokers are springing up across the land to represent individual consumers and consumer groups in meetings with advertisers, would-be advertisers, agencies and would-be agencies. Some brokers are known to have assembled as many as 4,500,000 consumers under their control, thus creating new power blocs. Advertisers have been currying favor with such groups, to the detriment of independent consumers.

This trend has led to a decline of 7.6% in tax revenues, since such activity is tax-free. Red tape seems to be increasing in the approval apparatus for ads. It has also been shown that it now takes the Advertiser's Acceptance Committee nearly 20 times longer to place a tv commercial than was required 25 years ago. With computers, the time increases, of course.

The Consumer Advertising Acceptance Board (CAAB), which regulates all 3,476 city, state and national advertising codes and regulations, now numbers 6,453,288 employes in 1,176 district offices. (This does not include supervisory personnel in Washington.) Such activity, while noble in its original concept, seems to have a depressing effect on the GNP, reducing it by 14.5% per year at current rates. Since no more than 54.7% of the population ever gives permission to have advertising appear on network tv programs at any given time, the tv networks have yielded their once preeminent status to closed circuit and cable tv networks. Clearance problems have been encountered with commercials for tv cassettes. One cassette commercial, rated GP by the CAAB and the USCIA, recently contained X-rated commercials. The federal government is now being held liable for "psyche damage" to 3,452 minors in 16 programing zones. Psyche damage cases, successor to the earlier class action suits brought by consumers, are tying up our courts and further impeding the diminishing GNP growth.

Briefly, adults are spending more and more time screening advertising claims, testing products and conferring with advertising executives in order to work out differences of intepretation. Our adult population also spends an average of 11.3 hours per week ordering ads for personal perference viewing hours (under provisions of the 1978 No Right to Advertise Law, and as amended in 1980 to include the "advertiser liability concession").

Such duties have curtailed productivity 63% more than was reported in 1992. Offices that serve as clearing houses for consumer groups and individuals are now occupying 34.6% of the available office space in our 20 largest cities, thus creating enormous pressures on the so-called "production sector" of the economy, always in need of working space.

Suggested policy:

1. To meet this GNP crisis, restore more adults to the work force and reinvest the economy with a fresh burst of productive energy, as well as to boost national morale, the commission recommends that the President embark on a program of benign neglect of advertising and marketing.

2. The time has come for a massive rollback of laws that pertain to advertising. The commission recommends that the President call on Congress to repeal advertising laws and embark on a determined program of returning the economy to the level of freedom enjoyed, and still recalled with pleasure by many Americans, in the year 1984. Very truly, yours . . .

MRS. ELIZABETH SPORE, NEWARK TEACHER, HONORED

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. EDWARDS of California. Mr. Speaker, on May 21 the citizens of Newark, Calif., will honor Mrs. Elizabeth Spore, a first grade teacher at the H. A. Snow School in the Newark Unified School District. Mrs. Spore is retiring after completing her 26th year of dedicated service to the schoolchildren of California. Ten of those years were spent in faithful service to the community of Newark. Mrs. Spore has provided that steady leadership and constancy of purpose which is really the highest kind of service. The fruits of her efforts can be seen in the character of the young students she taught and in the pride and gratitude of multitudes of California parents. Let me add my voice to the voice of the community she has so faithfully served and let me add my thanks for her dedicated and selfless efforts.

SERIOUS CHARGES AGAINST U.S. TREATMENT OF SOUTH VIETNAMESE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. BINGHAM. Mr. Speaker, the evidence of brutal treatment of the people of South Vietnam by the U.S. Government mounts daily. I have asked the Secretary of State and the Administrator of AID for a prompt report on the factual statements made in the following article by Donald Luce in today's New York Times:

BRUTALITY IN VIETNAM

(By Don Luce)

SAIGON, South Vietnam.—The invasions of Laos and Cambodia are no solution for the people of Indochina. Nor is Vietnamization. The Nixon plan to "end" the war fails to take into consideration that a negotiated political compromise is the only way to peace.

Many people here echo the statement of fourteen Vietnamese religious, labor, social welfare, youth, and political groups which said: "The action of sending Vietnamese troops into Laos in order to decrease the loss of American forces according to President Nixon's declaration reveals the submissive nature of Nguyen Van Thieu's Government. The lives of Vietnamese young men are cannon fodder for the American expeditionary soldiers in Indochina."

Repression grows steadily. The Vietnamese police force is being bolstered from 97,000 to 122,000 this year. U.S. aid to "public safety" is being increased from $21 million to $30 million this fiscal year. Meanwhile, budgets, for two of the most needed areas of foreign assistance, health and education, are being cut back.

John Mossler, director of the Agency for International Development, described the police efforts in the 1970 "Report to the Ambassador." "During 1970," he wrote, "the police continued to improve their capability in traditional police functions. Their timely and positive action effectively contained civil disturbances including war veterans, students, and religious groups, thereby preventing the spread of violence."

How can we expect to promote understanding with the people of a country when our highest officials publicly brag about "containing" the war-wounded veterans, the students, and the religious groups? What has happened to our priorities when six times more aid is given to a repressive police force than to the education system? Who, we must ask ourselves, is encouraging the spread of violence?

The Saigon government and American advisers now speak of moving more than a million refugees from central Vietnam to the delta. This is testimony of the Government's failure to control the central Vietnamese and reveals their pathetic lack of understanding for regional ethnic differences and the importance of the ancestral land. In the highlands, 20,000 Montagnards are being moved in a "Gathering People for Hamlet Establishment" campaign. American helicopters and army trucks, given in the aid program, descend on the tribal people and forcefully carry them to crowded urban centers. their animals, ceremonial gongs and burning longhouses are left behind.

A third of all the South Vietnamese have been moved from their traditional village surroundings into refugee camps and city slums. The fathers fight in one army or the other. Mothers wash clothes for foreign soldiers. Daughter become "hootch mates" or prostitutes. Young children shine shoes, pimp, wash and watch cars and sell peanuts. They live undisciplined lives away from the needed direction of fathers and mothers.

The basic family unit has been almost destroyed by the war and by American social scientists who believe "profit incentives" are the basic underlying drive in all human beings.

The following proposal is submitted as an alternative to continuing the death and social destruction.

I. The United States will:

(a) Not bomb or invade North Vietnam.

(b) Immediately end all bombing, artillery bombardment and combat operations.

(c) Immediately withdraw all U.S. troops and air support from Indochina.

(d) Propose and respect an immediate embargo on all weapons, ammunition and military equipment going into Indochina.

II. The National Liberation Front will:

(a) Not shoot U.S. forces as they withdraw.

(b) Allow international inspection of all camps holding U.S. prisoners.

(c) Release all American prisoners upon completion of U.S. withdrawal.

III. The United States will offer its economic assistance through the United Nations and other mutually acceptable international organizations on the condition that all political prisoners are released.

VISTA: REORGANIZATION OR EROSION?

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, last week I met with VISTA volunteers from all over the country who traveled to Washington at their own expense to express their opposition to President Nixon's reorganization proposal which would merge VISTA, Peace Corps, and other national volunteer agencies into one large agency, ACTION.

The national VISTA alliance, an independent organization which represents over half of the Nation's VISTA volunteers, is opposing the proposed merger on the grounds that it would deemphasize the needs of the Nation's poor, and it would further weaken the already debilitated Office of Economic Opportunity.

The VISTA volunteers represent some of the finest and best of the young people in this Nation, and they deserve our utmost support. I would like to express my strong opposition to this latest maneuver by the Nixon administration to undermine and destroy this vital program.

Earlier this year, the International Executive Board of the American Federation of State, County and Municipal Employees reaffirmed their support for VISTA as a viable and meaningful program, and they applauded the efforts of the national VISTA alliance in organizing to protect themselves from administration pressure. Even at this early date, the executive board of AFSCME warned of the possible results of the proposed reorganization plan.

Mr. Speaker, I would like to place this statement in the RECORD for the benefit of my colleagues:

STATEMENT ON THE VISTA PROGRAM

(Adopted January 29, 1971)

Since the early 1960's thousands of young Americans have responded to calls and opportunities to work through "the system" to assist residents of low income areas. The principal national program enabling young people to volunteer their services in this manner is the Volunteers in Service to America program under the Office of Economic Opportunity.

There have been successes and failures in the VISTA program; there have been severe criticisms, strong Congressional opposition, and clear if not obvious efforts by the Nixon Administration to destroy the program.

What the VISTA program has been is an opportunity for concerned young people to participate in efforts to change the system by working through the system. That is what we have asked of them; that is what they have tried to do, most of them in a responsible manner. They have challenged that system, often in ways that have proven unacceptable to the so-called "establishment."

What they have sought is not unlike what the trade union movement seeks—power for the powerless.

Now the VISTA program is under direct attack by the Nixon Administration and there is serious question of its survival. There is reason to suspect that the recent proposal of President Nixon for a combination of VISTA and other voluntary agencies may be an attempt to kill off VISTA, or, at least, to limit VISTA to less controversial—and less meaningful—efforts.

Perhaps because what they seek to do is so similar to what trade unions seek to do, VISTA volunteers have organized themselves into the National VISTA Alliance for the purposes of protecting volunteers from Administration pressure and strengthening, rather than weakening, the VISTA program.

The International Executive Board of AFSCME unequivocally supports a strong, flexible and creative VISTA program in which "the system" can be challenged and changed.

We encourage the efforts of these young people to organize themselves for collective pursuits and we pledge the assistance of AFSCME in that effort.

KELLY-SPRINGFIELD CELEBRATES 50 YEARS IN CUMBERLAND, MD.

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. BYRON. Mr. Speaker, on April 2, 1971 at the Ali Ghan Shrine Club in Cumberland, Md., the Kelly-Springfield Co., celebrated the 50th anniversary of its move to Cumberland. Mr. J. Carson Dowell, president of Kelly-Springfield gave a very important speech on that occasion, and I would like to take the opportunity to share his thoughts.

THE 50TH ANNIVERSARY LUNCHEON ADDRESS

(By Mr. J. Carson Dowell)

Good afternoon, ladies and gentlemen . . .

And welcome to Kelly-Springfield's 50th anniversary-in-Cumberland luncheon.

Fifty years may seem like a long time to some of you, but to me—I only wish it were *just* my 50th birth anniversary.

I'm delighted that so many of you could be present. We have one guest with us who is also celebrating an anniversary today. He was a young man when Kelly-Springfield moved to Cumberland and, like good wine, seems to improve with age. He has served as a member of the board of directors of Kelly-Springfield for many years and is one of our community's most distinguished citizens. Today he is 81 years old, and I'd like for you to join me in warmly saying: Happy birthday, Judge William Walsh.

Cumberland is Kelly-Springfield's adopted home town, just as it is *my* adopted home town . . . and the home town of 3,000 other employees—almost a third of our company's world-wide payroll. I've had a lot of things on my mind about our town recently, and I'm going to talk about some of them today. I'm concerned, and I hope you're just as concerned as I. The partnership between Cumberland and Kelly-Springfield has been going on for a long time. And we share the same problems.

And that reminds me of a story about a pair of newlyweds:

"Is something bothering you, dear?" the new wife asked anxiously. "Please share your problems with me. Now that we're married, your problems are *our* problems now."

"O.K., dear," the husband replied. "I'm sorry to tell you that *we're* being sued for breach of promise in Baltimore."

Speaking of women, I'm happy to see a few ladies here today. I welcome you and assure you that I do not share the opinion of W. C. Fields, who once said that to him women were like elephants. He enjoyed looking at them, but he had no plans to own one.

At the outset, I want to emphasize the fact that Kelly-Springfield is one of the oldest companies in the tire industry—a company internationally famous prior to its relocation here.

Kelly-Springfield was founded in 1894 in Springfield, Ohio, and its first product was a unique rubber tire for a buggy wheel.

In those days, personal transportation depended on the horse. You could ride it, or you could have it pull your wagon, cart, buggy, or carriage . . . and those vehicles could give you a very rough ride on the streets and roads that existed at that time.

That first successful rubber tire for a buggy cushioned the shock and stayed on the wheel so well that it became immensely popular . . . and hence the beginning of Kelly-Springfield. The word "Kelly" came from the name of the financier who helped organize the original firm and "Springfield" from the town in which the company was founded—Springfield, Ohio.

The rubber tire for the buggy gave way to the solid tire for the car and truck, and the solid tire to the modern pneumatic tire, but not before Kelly-Springfield became one of the world's leading producers of tires—particularly truck tires in the early days. Our country's armies in both world wars moved on Kelly-Springfield tires.

By the time the Cumberland plant produced its first tire on April 2, 1921, Kelly-Springfield had been in business for 27 years. This year, 1971, our company will mark its 77th year of operation.

But it's Cumberland and the Cumberland area's affairs that concern me here today—some 50 years after Kelly-Springfield was so warmly welcomed to this city.

I would be less than honest if I tried to minimize Kelly-Springfield's problems at this time. We have had a strike at our Mexico Farms Distribution Center since January 31. We have begun a substantial layoff at the tire factory. Economic conditions throughout the country are lagging, and the tire market demands have not rebounded as vigorously as we had hoped. But in spite of the outlook, I remain cautiously optimistic. I firmly believe that we are solving our problems and that we will soon resume the rapid growth our company has enjoyed for so many years.

In reading about Kelly-Springfield's early days in Cumberland, I was struck by the cooperation among the city's business, political, and civic leaders who organized the campaign to attract new industry.

As far as Kelly-Springfield was concerned, the company could hardly have chosen a worse time to move than in 1916. That was when the decision was made to come to Cumberland, and Europe was already two years into World War I. The groundbreaking ceremony was held in 1917 after the U.S. had become involved in the war, and it was four long years later before the first tire was produced. A delay of that length would be very costly to us today, and it probably had just as bad an effect on the company 50 years ago.

But at last the plant was erected, and production was begun. Kelly-Springfield closed down its plants in Akron and Wooster, Ohio, and in Buffalo, New York, and cast its lot with the good people of Cumberland.

One of the most ardent leaders in the movement to bring Kelly-Springfield to Cumberland was George G. Young, former mayor and secretary of the chamber of commerce. Mr. Young's widow and his son still live in Cumberland, and I believe George is with us today.

The elder Mr. Young was mayor of Cumberland when he first asked Kelly-Springfield to come here. He was secretary of the chamber of commerce when he turned the first shovelful of dirt to begin construction of the new plant in 1917.

There were many others who helped in the campaign. But I'm afraid to begin naming them, because I would be sure to leave out somebody. Thousands of local people bought shares in the non-profit company that gave Kelly-Springfield a cash bonus of three-quarters of a million dollars to relocate in Cumberland. In addition, Kelly-Springfield was given a free plant site, and the city provided special utility services to get the factory started.

In those days, Cumberland had many advantages over the 41 other cities Kelly-Springfield surveyed. The city was on U.S. 40, the first national highway and a major east-west artery. The B & O and Western Maryland Railroads made this an important rail center. There was an adequate supply of good labor, and plenty of good water in the river. One of the big advantages was Cumberland's location in the heart of one of the richest coal-producing areas in the country.

All those factors helped Kelly-Springfield decide to locate here. But I suspect the most important factor of all was the spirit of cooperation.

Those early Cumberland people showed rare wisdom, in my opinion. They had a clear vision of all the advantages a major industry could bring to a community. They had learned their economics lesson well. They were well aware of the principle that wealth can only be created by manufacturers, farmers, miners, and other producers of materials and commodities. They knew that the entire structure of wholesale and retail trade, plus all services, both public and private, grow out of basic industry.

Twenty years ago the United States Chamber of Commerce studied the effect of what happens to a community when a hundred new industrial jobs are created in a town. They found that every dollar paid out by a factory is spent seven times during the year.

By that yardstick, the $35-million-plus that Kelly-Springfield paid out last year in wages and salaries, in local purchases of materials and services, in construction, and in taxes had a total economic value to this area of about $200-million.

The U.S. Chamber's analysis found that many new retail establishments are required to serve the families represented by one hundred new industrial jobs. The new jobs benefited schools, utilities, transportation, churches, and services of all types—as well as the merchants.

That survey proved the value of a factory in a community, whether it produces tires, glass, paper, or any other product. Mr. Young and his co-workers did not have the advantage of that U.S. Chamber study, but they knew what a new plant would mean to them in terms of jobs and in terms of dollars and cents to storekeepers, doctors, schoolteachers, repairmen, and everybody else who lived and worked here.

Undoubtedly, as I have been talking, you have been drawing comparisons between those days and today. And I think those comparisons are inescapable.

No longer is Cumberland the gateway to the West. With the rise in the automobile and the decline of the passenger train, the cross-country highway became supremely important. The location of Interstate 70 on the Pennsylvania Turnpike from Breezewood to New Stanton, instead of parallel to U.S. 40 as it is virtually everywhere else, was a body blow to this area. In that location of Interstate 70, Western Maryland was bypassed by coast-to-coast superhighway traffic.

The waters of the once beautiful Potomac were contaminated until they became almost unusable. Coal became a difficult or impossible fuel for large industries because of air-pollution problems.

And I hate to say it, but I believe there has been a slight recession in the spirit of cooperation among all groups and individuals in the community—when compared to that magnificent spirit that was instrumental in bringing Kelly-Springfield to Cumberland in the first place.

But I am not here to paint a picture of gloom. I am here to challenge the men and women of this community to return to those principles of progress and cooperation that Cumberland and Cumberland people demonstrated so effectively 50 years ago.

In the 17 years I have lived here, some progress has been made . . . and this has been particularly apparent in recent years. We have seen the improvement in U.S. 40 from here to Hancock, the erection of the new Sacred Heart hospital, and expansion of the Memorial hospital. Other great strides forward include the construction of Allegany Community College, the vocational technical school and the regional health center. Cumberland now has two fine homes for the elderly.

The city has made a start in urban renewal, but it will take dedicated effort by everyone to see such a complex project through to a successful conclusion. I think urban renewal is important to Cumberland because it turns our faces toward the twenty-first century instead of the nineteenth.

Rocky Gap State Park will be an important addition to our recreational facilities, and we must exert every effort to see that the delays in its construction are eliminated.

We must, also, devote much more attention to our highways to the west. The Appalachian Thruway is a project of primary importance to the economic well-being of Cumberland and Western Maryland. It isn't Interstate 70, to be sure, but it will be a good 4-lane route to all points west.

The railroads have been beset with problems, and *they* need our understanding and support. The value of their services and their economic contributions to this area and to the whole nation is too often misunderstood. The preliminary decision by Railpax to eliminate passenger train service here must be fought. I am glad that Senator Beall, Congressman Byron, and Congressman Staggers are aggressively putting our position before Congress in this matter.

As far as our environment is concerned, I can see a lot of progress. At Kelly-Springfield, the law made it necessary for us to switch to low sulphur fuel oil. We are engaged in a project to eliminate everything but clear water reaching the river from our plant. Our air and water programs are costing us more than half a million dollars, but we are proud to be a leader in the abatement of pollution.

The declining population of our area has been the result of our inability to attract new industry. The local tax base is shrinking, but it is unwise to pile more taxes on the smaller base. We must attract new industry, and we must encourage existing industry. That means we need realistic tax laws and realistic financing. We can only get new industry through energetic competition with other states and other cities, just as those Cumberland people did more than a half century ago when Kelly-Springfield relocated here.

Injudicious taxation and elimination of exemptions not only discourage newcomers . . . but these measures also block the expansion of companies already here. And I would not think it necessary to remind you that a hundred new jobs at Kelly-Springfield or PPG or the B & O or any other firm doing business in the area mean just as much to the economy as jobs created by a newcomer.

Another problem of this area has been the recent upsurge in labor strife. These bitter struggles are the greatest deterrent possible to new industry. No problem has ever arisen that cannot be resolved by reasonable and responsible men through negotiation. Responsible conduct by labor leaders may not always be immediately popular, but it will win the most friends and serve the greatest good in the long run.

A profitable, competitive company must be the common goal of both management and labor. The uncompetitive, unprofitable plant or business cannot continue to provide the jobs, the wages and salaries that make for happiness and success. Again, the need here is for a renewal of Cumberland's historic spirit of cooperation.

Progress and growth for Cumberland entails all these elements:

An enlightened, energetic management.
A competent, responsible labor force.
Good, modern highways.
Good rail facilities.
Attractive financing.
Abundant utilities.
Good government.
Wise tax laws.
And cooperation among people at all levels.

Given those elements, new industry is bound to come. Old business will rise to the challenge. The tax base will grow, and we will see a renewal of community faith and community power. Cumberland! The historic old name will reverberate with new meaning . . . so . . .

Let's all work together to put Cumberland back on the superhighway—a major industrial stop on the road to everywhere!

VOTER ASSISTANCE ACT OF 1971

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. BADILLO. Mr. Speaker, for well over a decade the issue of election reform and the extension of the right to vote to the disenfranchised has been a major topic debate before the Congress. It is unfortunate to report that we have still not completed the task of insuring every American citizen who wishes to vote a reasonable opportunity to do so.

I am introducing legislation today which will permit any citizen of this country the opportunity to vote in congressional elections if that person has resided in the district where he or she seeks to vote for a minimal period of 30 days. This bill should be viewed as a companion to the Voting Rights Act of 1970, which extended the right to vote in presidential elections. This bill further provides for a streamlining of the procedures used by the States for absentee ballots.

We have become an extremely mobile Nation. Our young people as well as our older people do not remain in one location if their needs will be best served by relocating. Senator HAROLD HUGHES, upon introducing this bill in the Senate, stated that nearly 5 million voters failed to cast ballots in 1968 due to durational residential requirements, and that perhaps as many as 4 million citizens did not vote because they were outside of their voting districts on election day.

It is quite clear that there is much to be done in America if we are to achieve the promise that our Constitution holds out to all Americans.

I have worked in the area of electoral reform for well over a decade in the city of New York and on various national reform commissions, and I find that it is absolutely essential that if we are to make our political system a forum where divergent points of view can be heard and the merits judged fairly, we must do all that is humanly possible to give our citizens a guaranteed right to be heard. This legislation, I believe, will make a large contribution toward that goal.

Mr. Speaker, I would like to append to my remarks a full copy of the bill for the benefit of my colleagues.

H.R. 7213

A bill to regulate the election of Members of Congress by prohibiting the imposition of durational residency requirements as a condition of voting for such officers, and providing a procedure for absentee voting and registration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Voter Assistance Act of 1971".

TITLE I — RESIDENCY REQUIREMENTS FOR CONGRESSIONAL ELECTIONS AND PRESIDENTIAL PRIMARIES

SEC. 101. (a) No citizen of the United States who is otherwise qualified to vote in any election for any Member of Congress shall be denied the right to vote for such officer in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States he denied the right to vote for any Member of Congress in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by title II of this Act or the law of such State or political subdivision providing for the casting of absentee ballots in such election.

(b) For the purposes of this title, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply not later than thirty days immediately prior to any Congressional election, for registration or qualification to vote for Members of Congress in such election; and each State shall provide by law for the casting of absentee ballots for any such officer by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

(c) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for any Member of Congress shall be denied the right to vote for such officer in such election because of any requirement of registration that does not include a provision for absentee registration.

(d) Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

(e) As used in this title, the term—

(1) "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(2) "Member of Congress" means Senator, or Representative in, or Resident Commissioner or Delegate to, the Congress; and

(3) "Congressional election" means any election held for the nomination of a candidate for election as, or for the election of a Member of Congress.

(f) The provisions of section 11(c) of the Voting Rights Act of 1965 shall apply to false registration, and other fraudulent acts and conspiracies, committed under this title.

SEC. 102. Whenever the Attorney General has reason to believe that a State or political subdivision is denying or attempting to deny to any person the right to vote in any election in violation of this title, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 thorugh 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

SEC. 103. Any person who deprives, or attempts to deprive, any other person of any right secured by the first section of this title shall be fined not more than $5,000, or imprisoned not more than five years, or both.

TITLE II—ABSENTEE VOTER FORMS

SEC. 201. (a) A citizen of the United States who, although a legal resident of a State, will not be physically present in his precinct or election district on the date of a presidential or congressional election may use the post card application (hereinafter referred to as the "Absentee Voter Form") set out in subsection (d) in order to be registered as an absentee voter or request absentee voter ballots for any such election.

(b) When duly executed by a person entitled to use the Absentee Voter Form, such form shall be accepted by the appropriate officials of any State or political subdivision thereof as absentee registration to vote in any congressional or presidential election, and as an application for an absentee ballot for use in such election, if such person is a legal resident of such State or subdivision and is otherwise entitled to register and vote in such election. The provisions of this subsection relating to presidential elections shall not apply to the Commonwealth of Puerto Rico.

(c) The Congress recommends that the States provide for the acceptance of the Absentee Voter Form for absentee registration to vote in, and as an application for an absentee ballot for use in, State and local elections.

(d) The form and content of the Absentee Voter Form shall be as follows:

(1) The form shall be printed on both sides of a card approximately nine and one-half by four and one-eighth inches in size.

(2) Upon one side, perpendicular to the long dimension of the card, there shall be printed the following:

Fill out both sides of card.

ABSENTEE VOTER FORM

State of (Fill in name of State).

1. I am a citizen of the United States and am eligible to vote in the State indicated above. I am not requesting a ballot from any other State, nor am I voting in any election conducted by any other State.

2. I (am) (request to be) registered to vote

(Strike out one)

in such State.

3. (a) The date of the first election for which I am requesting a ballot is (day, month, year).

(b) For ------ months prior to the date of such election my legal residence in the State indicated above has been: (street address or rural route number, city, State, and ZIP code).

The voting precinct or election district for this residence is (enter if known).

(c) I request that an absentee ballot be sent to me at my present address, which is: (name, street address or rural route number, city, State, and ZIP code).

4. (a) I request an absentee ballot to vote in the coming election of the following type:

------General
------Primary
------Special
------Congressional (check any which apply)
------Presidential
------Presidential preference primary
------Primary for the selection of delegates to a national nominating convention.

(b) If I have requested a ballot for a primary election, my party affiliation is (name of political party).

NOTE: If party affiliation is secret in your State, do not fill in the blank for item 4(b).

5. I will be temporarily absent from my precinct or election district on the date of this election because (give reason for absence).

6. (Additional information).

7. The statements made above are all true and accurate.

(Signature, Date).

NOTE: Any person who knowingly and willfully makes any false statement or misrepresentation in filling out this form is subject to a fine of up to $10,000 and imprisonment for up to five years.

INSTRUCTIONS

1. Before filling out this form check the instruction chart at any Post Office for information as to any additional information your State may require, the title and address of the official to whom this form must be sent, and other information.

2. Type or print all entries except signatures. Fill out both sides of the card.

3. Address card to the proper official, whose title and address appear on the instruction chart posted in any Post Office.

4. Mail this form as soon as your State will accept registration or ballot requests.

(3) The other side of the card shall have a red, white, and blue band across it longitudinally, and there shall be printed on such side the following:

Fill out both sides of card.

(Offical mailing address)

(Name of sender, Street address or rural route number, City, State, and zip code).

OFFICIAL ABSENTEE VOTER MATERIAL—
VIA AIR MAIL

To: (Title of election official, Street address, City, State, and zip code).

SEC. 202. The Attorney General shall—

(1) have a sufficient number of Absentee Voter Forms printed and provide for their distribution to United States Post Offices and other appropriate Federal buildings;

(2) provide for the preparation, revision, printing, and distribution of charts and pamphlets showing the title and address of the State and local election officials to whom Absentee Voter Forms should be sent in each State, and such other information as the Attorney General deems necessary;

(3) enter into arrangements with the Postal Service and other Federal agencies to provide that a copy of such chart or pamphlet and a supply of Absentee Voter Forms are conspicuously displayed and readily available;

(4) cooperate with State and local government officials in providing for the effective operation of this title.

SEC. 203. (a) The provisions of section 11 (c) of the Voting Rights Act of 1965 shall apply to false registration, and other fraudulent acts and conspiracies committed under this title.

(b) Any person who deprives, or attempts to deprive, any other person of any right under this title shall be fined not more than $5,000, imprisoned not more than five years, or both.

(c) The provisions of section 1001 of title 18, United States Code, are made applicable to the Absentee Voter Form.

SEC. 204. (a) This title shall not affect the provisions of the Federal Voting Assistance Act of 1955, however, persons eligible to use the form and procedures provided under such Act may use such form or the Absentee Voter Form, if they are eligible to use the Absentee Voter Form also.

(b) As used in this title—

(1) "Presidential election" means a primary election held for the expression of a preference for the nomination of persons for election to the office of President and Vice President or for the selection of delegates to a national nominating covention of a political party held to nominate candidates for such offices, and an election held for the election of Presidential electors; and

(2) "Congressional election" means any election held for the nomination of a candidate for election as, or for the election of, a Senator, or Representative in, or Resident Commissioner or Delegate to, the Congress; and

(3) "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 205. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

SEC. 206. If any provision of this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act or the application of such provisions to other persons or circumstances shall not be affected by this determination.

JOHN D. COFER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. PICKLE. Mr. Speaker, a short time ago a citizen beloved and respected by all who knew him either in his hometown of Austin, Tex., or around the world passed away. John D. Cofer was truly a distinguished citizen of the first order.

He brought great credit to his profession of law and served as an attorney and counselor of the Supreme Court of the United States. A veteran of both world wars, he was a constant patriot. At the end of World War II, his wise and equitable performance of his duties as Military Governor of Fuerth and Rothenburg, Germany, caused the people there to write of him:

> The town of Fuerth can be eternally grateful that its destiny in those fateful weeks and months lay in the hands of a man so circumspect, understanding, and upright.

Mr. Cofer went on to lend his able services to former President Lyndon B. Johnson beginning when the President was a U.S. Senator and on up through his tenure as Vice President and as President. He has long been a close personal friend whom I have admired greatly.

I will long remember this giant gentleman of a man, as will the citizens of Austin and of Texas. The Texas Legislature recently passed a resolution in his memory.

Mr. Speaker, in loving memory of Mr. Cofer, I include the resolution in the RECORD at this time:

SENATE CONCURRENT RESOLUTION NO. 40—IN MEMORY OF HON. JOHN D. COFER

Whereas, Mr. John D. Cofer, a distinguished citizen of our nation and State, died February 28, 1971; and

Whereas, His chivalrous manner and pleasing presence will be forever remembered by those who knew him; and

Whereas, For fifty years he adorned the legal profession, practicing law in the grand manner; supporting the Constitution of the United States and of this State; honestly demeaning himself in the practice of law, and discharging his duty to his clients to the best of his considerable ability; and

Whereas, In the perilous years of World War I and World War II he served our nation valiantly; and at the end of World War II won the affection of our former enemies by discharging with justice, wisdom, tact and patience his duties as Military Governor of Fuerth and Rothenburg, Germany; and

Whereas, With ardor, dignity, integrity and high purpose he participated in the political life of our people for many years; and

Whereas,

"He scarce had need to doff his pride or
slough the dross of Earth—
E'en as he trod that day to God so walked
he from his birth,
In simpleness and gentleness and honor
and clean mirth."

Now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the sympathy of the 62nd Legislature be and it is hereby extended to the family of John D. Cofer; and, be it further

Resolved, That the gratitude of the Legislature be extended to the family of John D. Cofer for his enrichment of our heritage; and, be it further

Resolved, That copies of this Resolution be prepared for the family of John D. Cofer; and that when the Senate and House adjourn today they do so in memory of John D. Cofer.

BEN BARNES,
Lieutenant Governor.

WHAT'S HAPPENING TO OUR HERITAGE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. LENT. Mr. Speaker, in these times when so few things in our society are spared criticism—when so few things remain "hallowed," I was extremely disturbed to learn yesterday that another of the historic pillars which for so long has represented the inner strength of this Nation will soon come tumbling down unless action is taken very swiftly to prevent it.

When talk of battlefield casualties in another war occupies us, few will recall what battle claimed more lives in one day than any other war in our country's proud history. On September 17, 1862, the Battle of Antietam cost 23,000 Union and Confederate casualties, and in that important struggle a New York volunteer regiment dubbed "Hawkins' Zouaves" played a great role. It is reassuring in these times to reflect that it was Antietam rather than Hue or Khesanh which was the turning point in the preservation of our Nation.

In tribute to the valor of these many New Yorkers who fell, a massive and inspiring monument stands today at the beautiful Antietam National Battlefield, less than an hour's drive north of Washington. I had the pleasure to visit Antietam recently and I must admit to experiencing a surge of pride when I looked upon this edifice to brave New Yorkers which overlooks all of the land on which so many gave their lives to preserve our Union.

I was shocked to read in the April 6 edition of the Washington Post that the land on which this tribute stands is soon to be parceled out for a subdivision for private developers.

When so many today seek to divide our Nation, it is indeed troubling to me that we should permit the destruction of this monument to New Yorkers who died to preserve the Union and insure that only one war would be fought on American soil—and in the interest of more motels, restaurants and apartments.

Mr. Speaker, this is a shameful development and one that I would much like to see corrected. I hope that the appropriate officials will take note and rally to the preservation of this historic site. It would be a sad testament indeed to abandon our own historic grounds to commercialism when the small nations of Europe so proudly preserve the many acres that entomb our lost soldiers of other wars.

WITHDRAWAL OF APPEAL IN HENTOFF AND OTHERS AGAINST ICHORD

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. ICHORD. Mr. Speaker, I wish to advise the House that I and other Members, who appear as appellants in *Hentoff et al.* v. *Ichord et al.,* case No. 24,761, U.S. Court of Appeals for the District of Columbia Circuit, have instructed the Department of Justice to withdraw our appeal.

You will recall that on October 28, 1970, during a recess of the House, a judge of the U.S. district court, the Honorable Gerhard A. Gesell, acting at the instigation of a representative of the American Civil Liberties Union, had the presumption to enter an unprecedented order permanently enjoining the Public Printer and the Superintendent of Documents from printing and distributing a House report. The report in question was a report of the Committee on Internal Security, titled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities," which I filed with the House on October 14, 1970.

Following the filing of this report, the House adjourned on that day and recessed until November 16, 1970. An appeal was taken on October 30, 1970, to the U.S. court of appeals and motions were filed for summary reversal of the district court's order or, in the alternative, for the expedited processing of the appeal. We asked the court of appeals to consider and decide the case before Congress returned from recess on November 16, 1970. In doing so, we had hoped to avoid the head-on confrontation between the judiciary and the legislative authority which was inherent in the district court's assumption of power in excess of that which it possesses. Article 1, section 6 of the U.S. Constitution clearly denies jurisdiction to the courts to question the speech or debate of Members in the House. We had every reason to believe that the court of appeals would summarily reverse the action of the district court without delay or equivocation.

Contrary to our expectation, the Court of Appeals, in disregard of the urgencies of the situation and of the rights and privileges of the House, on November 5, 1970, entered a per curiam order denying our motion for a summary reversal or, in the alternative, for an expedited processing of the appeal. On the return of the House from recess, these facts were brought to its attention. See CONGRESSIONAL RECORD, volume 116, part 27, pages 36680, 37110; volume 116, part 28, page 37799; volume 116, part 29, pages 39512–39521; volume 116, part 31, pages 41355–41374.*

In the enactment of House Resolution 1306 on December 14, 1970, the House acted decisively to vindicate its constitutional authority. So that the business of the House should not be obstructed on the report while the matter was on appeal, a second report on the same subject matter was filed with the House. The printing and public distribution of the second report was ordered by the resolution which further restrained any and all persons, whether or not acting under color of office, from interfering with its printing and dissemination.

The enactment of this resolution, a landmark occurrence in the history of the relationship between the judicial and legislative branches, thus squarely placed the issue of confrontation as a choice to be made by the court. I am pleased to report to the House that although the second report has been printed and published as ordered, we have not to date

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*The first two sentences of the first paragraph of my statement in the CONGRESSIONAL RECORD, vol. 116, pt. 31, p. 41358, should be corrected to read as follows: "I rise to a question of privilege in a matter affecting the rights of the House collectively, the integrity of its proceedings, and the rights of the Members in their *representative* capacity. See House Rule *IX*."

experienced any further interference on the subject by either the district court or the court of appeals. Should any such action be attempted, we are confident that the House will know what to do and will not lack the will to do it.

In my opinion, no useful purpose can be served by continuing the appeal at this stage and at this time. The printing of the first report would now amount only to a duplication of that which has been printed and published. Under the circumstances, I do not think it desirable that we should, by continuing the appeal, appear to give credence to the thought that we in any way acknowledge or submit to any assumption of jurisdiction by the courts in defiance of the constitutional bar of article I, section 6. While the withdrawal of the appeal would, in a sense, permit the decision of Judge Gesell to stand, his action should have no precedential value whatsoever in light of the resolution enacted by the House on December 14 restraining its enforcement.

I have discussed the question of withdrawal of the appeal with the present and former Members of the House who are appellants with me, as well as the Public Printer, and the Superintendent of Documents. We are all in agreement in taking this course, and we have accordingly instructed the Department of Justice to file a withdrawal of the appeal in the U.S. court of appeals.

AMERICAN FARMERS

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. EVANS of Colorado. Mr. Speaker, probably the hardest fact facing an American farmer today is that he needs capital to be successful, and lots of it.

Recent figures show that farmers' use of borrowed capital has now risen to nearly $60 billion, more than double the amount of 10 years ago. Within this decade, the figure is likely to double again.

It seems clear, therefore, that one of the most critical factors in determining whether individual family farmers will survive and prosper in the years ahead is the extent to which they will be able to obtain adequate financing.

Though it varies by the area and the type of farming, it is generally acknowledged that to achieve an efficient sized farming unit today requires a capital investment of about $200,000. This would be the amount of money needed to purchase sufficient land, equipment, and livestock to return a reasonable income to the producer.

Obviously, a young man just does not walk up to a lender, borrow $200,000 and go out and begin his career as a farmer. It does not work that way.

First, no commercial lender would advance the entire amount needed for a young farmer to get started. That would place all the risk on the lender and none on the farmer.

Second, today's farming is too complicated and sophisticated for an untrained individual to succeed. It takes several years of work as a hired man or in partnership with his father or another farmer for a young man to become knowledgeable enough to make good in today's agriculture with its low profit margins.

There are, nevertheless, a great many capable farmers—particularly young farmers—who are unable to obtain sufficient long-term credit to buy their own farm.

It is essential that we as a Nation find ways to encourage these young men—and that we seek every possible avenue to keep agriculture in the hands of individual family farmers. Adequate financing of today's operators—and of the young farmers coming up—should therefore be a national goal. It would be a sad day indeed if we were to awaken and find that our family system of farming had been replaced by giant corporate entities.

Accordingly, I was encouraged recently to learn of a special, cooperative effort by the Federal Land Bank System and the Farmers Home Administration which adds another dimension to long-term financing of farm real estate.

Under the program, long-term loans for purchasing farm real estate can be made to the same borrower by both the Federal Land Bank and the FHA. The program would work like this:

The Federal Land Bank would make a long-term first mortgage farm real estate loan to a farmer. Simultaneously, the FHA would make an initial farm ownership loan to the same farmer. In doing so, the FHA would subordinate its mortgage to the Federal Land Bank lien.

There are a number of benefits which will flow from this program.

It should be noted that by law the Federal land banks are restricted to advancing not more than 65 percent of the normal value of a given piece of farm real estate. On the average this is about 50 percent of the present market price of the farm. Obviously, with such a restriction, a large down payment is required on the part of the borrower.

But with the FHA financing a substantial share of the total, a far lesser amount of initial cash downpayment is required. This of course is crucial when one considers the large amount of capital required in today's agriculture.

The net result of the program is that there will be more young, capable farmers on the land contributing to their rural community than would otherwise be possible.

A direct byproduct of the program is that with the land banks and FHA pooling their efforts, more funds are left available to FHA to serve other farmers. This is important because FHA is subject to a ceiling on the total amount of farmownership loans it can make. Historically, there has been more demand for these insured loans than money made available.

The Federal land banks, on the other hand, are completely owned by their member-borrowers. Though the banks were initially capitalized by the Government, these funds have been repaid for more than 20 years. The banks received nearly all their loan funds by issuing their bonds on the Nation's money markets.

Both the Federal land banks and the Farmers Home Administration are to be commended for their efforts. It is a prime example of the Government, represented by the FHA, and the private sector, represented by the land banks, of cooperating in a common and worthwhile purpose.

As I stated earlier, the sheer magnitude of financing agriculture in the future is such that no opportunities can be overlooked if the family farming we know today is to survive.

In this regard I applaud the efforts by the entire farm credit system with its indepth look at the future of credit in agriculture as contained in the report of the Commission on Agricultural Credit. That document spells out the importance of the job ahead in agricultural lending and some of the changes which are needed if that job is to be successfully carried out.

I commend these and other efforts to improve upon the financing of today's agriculture—financing with the goal of improving the economic well-being of the family farm unit.

CONGRESS SHOULD INVESTIGATE IMPOUNDING OF FUNDS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. BENNETT. Mr. Speaker, the question of Presidential impoundment of funds authorized and appropriated by the U.S. Congress is an important one which relates to separation of powers as defined by the U.S. Constitution and basic fair play.

The President has recently stopped a duly authorized and appropriated project, one-third complete, vital to national defense, the economy and environment, although Congress passed laws establishing the project.

In halting construction of the Cross-Florida Barge Canal, the President was apparently misled by his advisers and the action was clearly unconstitutional. Laws can only be repealed by congressional action in which both sides of the question are entitled to be heard, including Members of Congress. This is discussed in an article by James J. Kilpatrick in the Washington Evening Star of April 5, 1971.

I would like to call attention to Mr. Kilpatrick's article and also a bill pending in the House and Senate, cosponsored by Senator Sam J. Ervin of North Carolina and myself, which would establish a Joint Committee on Impoundment of Funds to look into this important question. Members interested in cosponsoring this resolution—House Concurrent Resolution 244, pending in the Rules Committee—should contact my office, extension 52501. Following is the column by Mr. Kilpatrick which sets out the apparent need to study in depth the question of Presidential impoundment and the resolution:

IMPOUNDING FUNDS: THE QUESTION IS POWER

(By James J. Kilpatrick)

One of these years, I keep telling myself, I will retire to the mountains, feed a last sheet of copy paper into this battered Underwood, and undertake to distill a lifetime of political observation into a single sentence of political truth. The sentence will read: The question is power.

That is what the game is all about. We are seeing it in a new form in Washington these days—actually a very old form—in the inchoate confrontation between Congress and the White House on this matter of the impoundment of appropriated funds. Senator Sam Ervin, D-N.C., has been holding some mild hearings. The White House has dispatched a spokesman to make a mild response. There is not much drama thus far.

Yet the issue is important. One of the fundamental powers of the Congress is the power of the purse. It is the power to raise funds—to lay and collect taxes, to borrow money, to coin money. It is equally the power to say how the taxpayers' money shall be spent. "No money shall be drawn from the treasury," says the Constitution, "but in consequence of appropriations made by law."

It follows from that stricture that appropriations are in fact laws; and the Constitution also says, in defining the powers and duties of a Chief Executive, that the President "shall take care that the laws be faithfully executed."

A specific example may clarify the kind of impasse that develops. Consider, if you please, the Florida barge canal. Critics of the project see it as something more than a mere boondoggle; they see it as an absolute disaster, threatening the delicate ecology of the Everglades. Defenders of the project, such as the Jacksonville Chamber of Commerce, hold a different view; they see the canal as a significant economic benefit, and they regard the environmental arguments as vastly overblown.

Put the merits to one side. The point is that Congress has decided the issue explicitly in favor of the proponents. Congress repeatedly has made appropriations for building the canal. These appropriations are "laws" as surely as the laws appropriating funds to pay a President's salary; they are laws manifesting a specific congressional intent.

But on Jan. 19, by executive order, Mr. Nixon simply nullified the laws appropriating money for the Florida barge canal. Acting on the recommendation of Dr. Russell Train, chairman of his Council on Environmental Quality, the President imposed an effective veto. Does the duty to execute the laws embrace a power to nullify the laws? If so, what dignity and purpose attach to congressional appropriations in the first place?

Consider a different hypothesis. Suppose it were President Proxmire in the White House, he is a steadfast opponent of federal funding of a supersonic transport plane. Suppose the Congress had fought out the question of an SST, and the proponents had won. The fight is over. The appropriation has passed. But instead of vetoing the bill, President Proxmire impounds the money and refuses executive consent to its expenditure. What then? Impeach the President? Sue him? Such remedies have little substance of reality.

The law is unclear. In a major speech to the House on Feb. 10, Florida's Charles E. Bennett cited precedents going back to Kendall v. United States in 1838 to support his conviction that specific appropriations cannot lawfully be impounded. The case involved a small claim of a man named Stokes for carrying mail, and may not be in point. Bennett also cited various law review articles criticizing a President's asserted power to impound.

Manifestly, a President must have some discretion. Existing law permits impoundment to avoid deficiencies, or to effect economies. Custom and commonsense support a President's refusal to expend appropriations when circumstances have changed; after World War II, President Truman reasonably nullified outlays for unneeded military hospitals.

None of these exceptions touches a case such as the Florida barge canal. Congress has said it shall be built. Mr. Nixon, without a formal veto, has said it shall not be built. Never mind who is right or wrong, for the question is not a question of wisdom or of folly. Again, in saecula saeculorum, the question is power.

H. CON. RES. 244

Resolved by the House of Representatives (the Senate concurring), That (a) there is established a joint congressional committee which shall be known as the Joint Committee on Impoundment of Funds (hereafter in this concurrent resolution referred to as the "committee") consisting of five Members of the Senate to be appointed by the President pro tempore of the Senate, and five Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Of the five Members of the Senate appointed under this subsection, three Members shall be from the majority party, and two Members shall be from the minority party. Of the five members of the House of Representatives appointed under this subsection, three Members shall be from the majority party, and two Members shall be from the minority party.

(b) The committee shall expire at the close of the second session of the Ninety-second Congress.

(c) The committee shall select a chairman and a vice chairman from among its members. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship shall alternate between the Senate and House of Representatives and the chairman shall be selected by members from the body entitled to the chairmanship. The vice chairman shall be chosen from the other body.

(d) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(e) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony.

(f) The committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the committee and shall be kept in the offices of the committee or such other places as the committee may direct.

(g) No legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate or to the House of Representatives.

SEC. 2. (a) It shall be the duty of the committee to conduct a continuing comprehensive study and review of the President's constitutional power to terminate authorized Federal projects for which appropriations have been made or to withhold funds for same and to report to the Congress its findings in a final report before the close of the Ninety-second Congress. The committee may make such interim reports to the appropriate standing committees of the Congress as it deems advisable.

(b) In carrying out its functions and duties the committee shall avoid unnecessary duplication with any investigation undertaken by any other joint committee, or by any standing committee of the Senate or of the House of Representatives.

SEC. 3. (a) For the purpose of this concurrent resolution, the committee is authorized, as it deems advisable (1) to make such expenditures; (2) to hold such hearings; (3) to sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate and of the House of Representatives; and (4) to employ and fix the compensation of technical, clerical, and other assistants and consultants. Persons employed under authority of this subsection shall be employed without regard to political affiliations and solely on the basis of fitness to perform the duties for which employed.

(b) The committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Congress, or any subcommittee thereof, the committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

SEC. 4. To enable the committee to exercise its powers, functions, and duties under this concurrent resolution, there are authorized to be appropriated for each fiscal year such sums as may be necessary to be disbursed by the Clerk of the House of Representatives and the Secretary of the Senate on vouchers signed by the chairman or vice chairman of the committee.

QUIET ENVOY TO ISRAEL

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. FRELINGHUYSEN. Mr. Speaker, an interesting item appeared in the New York Times of April 3, describing the efforts of one of our most experienced but lesser known diplomats. Ambassador Walworth Barbour, who has represented this country in Israel for nearly 10 years now, seldom makes the headlines, yet there is little doubt but that he is one of the most effective of our spokesmen overseas.

The article follows:

QUIET ENVOY TO ISRAEL

TEL AVIV.—The Nixon Administration's movement toward assuming the role of middleman in negotiations between Egypt and Israel on reopening the Suez Canal has kept Walworth Barbour, the United States Ambassador here, even more busy than usual. But for the quiet, 62-year-old diplomat such occasions have become almost routine. He has headed the smooth-working United States embassy for nine and a half years. Neither in Israel nor in the United States is he a prominent public figure, and that is the way he wants it. In both countries, among the influential group of policymakers who claim his full attention, he is a respected figure.

The post of Ambassador to Israel is a sensitive one for both Governments. The United States Ambassador is vulnerable to political pressures at home, where the influential Jewish community has a particular interest in his actions and attitudes.

APPOINTED BY KENNEDY

It was specifically to take the embassy out of American politics that President Kennedy appointed Mr. Barbour, a career diplomat, instead of a political figure, as had been the custom.

Israelis recall being apprehensive about the change when Mr. Barbour arrived. They feared that he would be a typical representative of what they consider the State Department Arabists—he had served in Cairo and Baghdad earlier in his career—and would be lacking in political clout with the Administration. It did not take long for them to find that they were wrong on both counts.

Mr. Barbour acknowledges that when he arrived he had no particular interest in Israel one way or another. Nor did he have any expectation of staying so long—longer than any American Ambassador currently serving has remained in one post. Asked why he was still here, he replied: "I like it."

KNOWN FOR TERSE REPORTS

His terse reports to Washington, brief and blunt even in the most complex crises, command the attention and respect of his superiors in the Department of State, so accustomed are they to lengthy and erudite dispatches.

In Israel he has become, as a gossip columnist put it, "part of the Israeli landscape." He is on intimate social terms with the leading figures of the Establishment. It is with Israelis rather than with the diplomatic community in Tel Aviv that he chooses to spend his so-called leisure hours, in the evenings, as he moves his large, heavy frame across a golf course.

Mr. Barbour, a shy man who is deceptively diffident in social conversation, has never married and limits his obligatory entertaining to the few months of the year when his sister, Ellen, visits to act as hostess for him.

EXETER AND HARVARD

Born in Cambridge, Mass., on June 4, 1908, he was graduated from Phillips Exeter Academy and Harvard. His first post as a professional diplomat, in 1932, was a vice-consulship in Naples. From then until the end of World War II he concentrated on southern European and Mediterranean affairs, serving as political officer in Cairo during the war years.

In 1949 he became counselor of embassy in Moscow—he was considered for the ambassadorship there by the Nixon Administration, but made it clear that he did not want to change posts. He later served as second man in the embassy in London and as a Deputy Assistant Secretary of State.

His impact here is manifest in his easy relationship with Premier Golda Meir, with whom he has been meeting recently on the Suez Canal issue.

Last year, appearing with Mrs. Meir at the opening of an American school in Tel Aviv, Mr. Barbour complemented the principal on having obtained the Premier's presence. "I wish I knew how to influence the Premier to do what I ask her to do," he said.

Mrs. Meir replied to Mr. Barbour: "I will now reveal the secret to you—you must only ask me to do what I want to do."

UNFAVORABLE PUBLICITY TO THE GAO UNFOUNDED

HON. GEORGE W. ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. ANDREWS of Alabama. Mr. Speaker, recently the GAO had some unfavorable publicity with reference to one of their reports. Our subcommittee—the Legislative Subcommittee of the Appropriations Committee—questioned the Comptroller General about this matter. We were satisfied that the unfavorable publicity was unfounded. I am inserting a letter from Mr. Staats explaining the GAO's position:

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, D.C., April 5, 1971.

Hon. GEORGE W. ANDREWS,
Chairman, Legislative Subcommittee of the Committee on Appropriations, House of Representatives.

DEAR MR. CHAIRMAN: During the hearings before your Subcommittee on March 30, 1971, on the appropriation request of the General Accounting Office for fiscal year 1972, you requested I furnish you a statement with respect to allegations which have appeared recently in the press relating to a report issued on March 17 on defense industry profits. This study had been requested by the Congress in the Armed Forces Appropriation Authorization Act for 1970. The allegation carried by two columnists were based on a comparison of a preliminary "leaked" draft with a subsequent revision of the draft. While the preliminary draft was available to other members of the press, they did not carry such allegations.

The allegations of the two columnists in several widely circulated news stories implied that the GAO had followed an unusual and improper procedure in obtaining comments from contractor associations and defense agencies, and had altered the facts and conclusions as a result of "pressure" from these agencies and associations. You asked that I supply a statement of these allegations and our response to them.

1. *Allegation.*—GAO followed an unusual and improper procedure in obtaining comments from defense agencies and contractor associations in asking them to review and comment on a preliminary draft of the report.

Response.—It has been the policy of the GAO for many years to refer draft reports of this Office to agencies, organizations, and others specifically affected to obtain their views. With respect to contractors, the written policy establishing this procedure goes back to 1955; the practice had been followed in many cases earlier than that. This procedure is designed to enable GAO to have available any disagreement as to factual accuracy or completeness of the report as well as differences with respect to our findings and conclusions. We believe it important not only that we consider these comments prior to completing our report to provide reasonable assurance that our reports are accurate, fair, complete and objective, but that we also reflect in our reports to Congress such differences as may exist. The procedure followed in this instance is identical to that followed in previous reports.

2. *Allegation.*—GAO was subjected to "pressure" to alter its conclusions and recommendations.

Response.—There was no pressure of any type. Neither I nor any member of our staff received any follow-up communications, oral or written, from the associations or agencies beyond the formal responses to our request of January 5, 1971, for their views. The last response was made available to this Office on February 12.

3. *Allegation.*—The analysis in the report of 146 individual contracts was more "representative" of defense profits than the 4-year review of total contractor profits (1966 to 1969); however the GAO subordinated the first analysis by shifting its location in the report from chapter 2 (first draft) to chapter 5 (final draft).

Response.—The report contained two sets of data to serve two different purposes: (a) The 4-year analysis, reporting on more than 60 percent of all defense procurement for the period, was designed to meet the statutory directive to this Office; (b) the analysis of 146 individual contracts was designed to examine initial profit objectives with profits actually realized, and to determine if it was practical to develop profit data by contract in order to ascertain if there was a wide range of profits as a percent of invested capital. Interest in this type of analysis had been expressed during the hearings which lead to the statutory directive.

We believe it only logical that the final draft have the 4-year analysis placed first and the second analysis clearly identified and differentiated from the first. Since the entire report was only 55 pages and contained a 4½ page summary, we did not agree that there was any "alteration" or "burying" of the data.

The apparent reason for the press interest in the 146 contract analysis was the higher profits reflected. The final draft makes it clear that the 146 contracts was not a valid statistical sample and that this analysis served an entirely different purpose from the 4-year analysis. Had the analysis of individual contracts shown a lower profit rate, it is interesting to speculate whether the two columnists would have found the matter of such great interest.

4. *Allegation.*—The final report was "drastically altered" and "softened" to be less critical and key data was subordinated.

Response.—Aside from the reordering of the chapters mentioned above, the revised draft contains numerous editorial changes of the type which take place in virtually every report issued by this Office. The two columnists neglected to indicate, however, that not a single figure in the report had been altered at any stage in the drafting of the report, and none was added or deleted as result of agency or contractor views. Nor do they mention that the conclusions in the report, which is critical of the way in which profit objectives have been established on defense contracts in the past, remain unchanged.

Our report is critical of the present practice of negotiating contracts whereby profit objectives are based primarily on cost of sales. We believe the policy should be revised to place more emphasis on the total amount of contractor capital required. The report states that "by relating profits to costs, contractors have little incentive to make investments in equipment which increase efficiency and reduce cost." The report also notes that the Department of Defense has been considering this matter since 1962 "and GAO believes that it is time to move ahead."

It was primarily to obtain the views of agencies and contractors on this issue that we requested comments on our draft report. We are pleased to note that many contractors agree with our position and that the Department of Defense officials have been quoted in the press as agreeing generally with our recommendation.

I appreciate this opportunity to set the record straight. This Office plays an important role as an arm of the Congress in assuring that Government programs are managed effectively and economically. It is important that we carry out this responsibility in an effective and impartial manner; it is also important that Members of Congress have the confidence that we have made, and will continue to make, every effort to carry out our responsibilities in this manner.

Sincerely,

ELMER B. STAATS.

EQUAL EMPLOYMENT OPPORTUNITY

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. ERLENBORN. Mr. Speaker, in the 91st and again in the current 92d Congress, the House Committee on Education and Labor has considered changes which would grant enforcement powers to the Equal Employment Opportunity Commission. As you know, this Commission has operated since its creation 7 years ago as an agency of conciliation.

It has done well in this role, perhaps better than expected. It has found that a great many businesses want all Americans to have equal opportunities. It has found that a lot of businessmen and unions have discriminated without knowing it; and they have changed their ways when their attention was called to the effect of their policies.

Many of us now believe that EEOC can do a better job if granted enforcement powers. Two bills to accomplish this change have been introduced and have been considered by the General Subcommittee on Labor, of which the gentleman from Pennsylvania JOHN DENT, is chairman and I am the ranking minority leader.

There are many differences between the two bills, but I want to underline one difference today.

The gentleman from California, AUGUSTUS HAWKINS, is the principal sponsor of H.R. 1746, the Equal Employment Opportunities Enforcement Act of 1971. Among other actions, this would transfer the Office of Federal Contract Compliance from the Department of Labor, where it has done an exemplary job, to the EEOC, where I doubt it would do as well.

Throughout the hearings, the unions have urged that we report the Hawkins bill, and they have been particularly urgent in seeking the change of the contract compliance agency, OFCC. I believe, however, that the unions have not been candid with us.

It seems to me that their real goal is to get stern enforcement of equal employment opportunity standards against business, but slap-on-the-wrist enforcement against unions; and this desire to move OFCC from the jurisdiction of the Secretary of Labor is part of the plan.

In keeping with the Labor Department's even-handed program, the Secretary announced a proposed rulemaking in late January, and it probably will go into effect in the next few days. It is a regulation aimed at equal opportunities in apprenticeship and training.

If people of all races and creeds have equal access to apprenticeships, we will have come a long step toward the equality of opportunity on which we Americans have prided ourselves. Because the Secretary of Labor has shown a willingness and an ability to use this power against them, the unions apparently do not want him to have authority in this area.

To those who argue otherwise, I submit the following correspondence: a letter from Edward Arambasich, speaking for Local Union 444, of the Bridge, Structural, and Ornamental Iron Workers, in Joliet, Ill., in the district which I represent; and my response.

INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL AND ORNAMENTAL IRON WORKERS,
Joliet, Ill., March 15, 1971.

Hon. JOHN N. ERLENBORN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: We, the members of Iron Workers' Local Union No. 444 of Will, Grundy, Kane and DuPage Counties, Illinois are writing to you protesting the passage of Proposed Rule Making (29 CFR Part 30) U.S. Department of Labor, in its entirety.

We are of the opinion that this ruling is in no way operable. Not only would it be impossible to abide by, the Iron Workers' would refuse—absolutely and unequivocally—to heed this ruling.

It would behoove you to remember that there are approximately eighty-five (85,000) thousand Iron Workers' in the State of Illinois. Not only can this many men tie up a lot of important construction, but that many votes could make a difference at election time—one way or another.

Yours truly,
EDWARD J. ARAMBASICH, B.A., F.S.T.,
Iron Workers' Local Union No. 444.

APRIL 2, 1971.

Mr. EDWARD J. ARAMBASICH, B.A., F.S.T.,
Bridge, Structural and Ornamental Iron Workers, Local Union No. 444, Joliet, Ill.

DEAR MR. ARAMBASICH: It is my understanding that the rule tentatively announced by the Secretary of Labor January 29, 1971, will become effective in the next several days. Its purpose is to promote equal opportunity in apprenticeship.

In his Notice of Proposed Rule Making, Secretary Hodgson noted that, in the past seven years, "some significant equal employment opportunity progress" has been made—some progress, but spotty.

At the February convention in Miami Beach, the Building and Construction Trades Department, AFL–CIO, opposed the rule and made an official statement that "the goal of equal employment opportunity in apprenticeship has generally been achieved . . ."

If that were true, of course, there would be no need to dissent from the proposal, for it is aimed only at unions *not* complying and will have no effect on those which have achieved the goal of equal opportunity in apprenticeship.

Your letter of March 15, however, says, "We are of the opinion that this ruling is in no way operable." You are entitled to that opinion, although it carries a strong implication that the Miami Beach convention was talking through its hat.

You add: "Not only would it be impossible to abide by, the Iron Workers would refuse—absolutely and unequivocally—to heed this ruling."

This is strong language, and I am skeptical of your authority to make such a statement. Several other union officials have voiced opinions about this proposed rule. Like you, they have been opposed to its becoming effective, but none has even hinted at a determination to defy the law.

You are not the first group to be saddled with a difficult task in making our United States more nearly equal for all people.

The medical profession was overwhelmingly opposed to Medicare, and individual physicians have done their best to torpedo the program; but it appears that, if Medicare doesn't work, it will be replaced by something even less palatable.

When the Equal Employment Opportunity Commission has urged businesses to open their rosters to Negroes, Indians, Latins, and other minorities, the owners have complained loudly. EEOC demands place an impossible burden on them, they say, but the commission has been adamant and, one by one, businesses have complied.

It is not lost on me that organized labor has been among the leaders in urging the government to bring the medical profession and business into line. You and your union have prospered under protection of the laws of the State of Illinois and the United States. Surely, you do not believe that you are so much better than the rest of us that you need obey only such laws as you like; and may violate with impunity a ruling you don't like!

I cannot believe that your union believes that your threat would deter the United States in pursuing its commitment to equal opportunity.

Forty years ago, labor was oppressed and was denied equality with management in the determination of wages, hours and conditions of work. After a long and sometimes violent campaign, labor's rights were recognized and were protected by law.

Labor sought equality, and has gotten it. Sometimes it has gotten more. Sometimes it has gotten superiority.

Now black people seek equality—equality of opportunity to learn a craft, to develop a skill, to earn a living. So do the red people and the brown people and other minorities.

Your union may resist. It may refuse, and that refusal may be absolute and unequivocal; but that will only postpone the attainment of equal opportunity (as management's resistance postponed labor's advance toward equality).

The 85,000 iron workers in Illinois can try to protect their jobs by denying opportunities to others—and as you threaten in your last paragraph—tie up a lot of important construction. You can try to cast your votes as a block but, in my opinion, you will fail because your cause is not just.

Yours very truly,
JOHN N. ERLENBORN,
Member of Congress.

NO SAVINGS ON THE REJECTION OF THE SST

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. ROUSSELOT. Mr. Speaker, Americans have a tradition for doing things in a big way—and our folly in handling the SST program is no exception. After an 8-year commitment, the Congress suddenly reversed itself and literally flushed an $800 million investment by the taxpayers of this Nation down the drain. Of course, the soothsayers of ecological doom rejoiced, and more important, cries for a reordering of national priorities echoed through the Congress. But has this dramatic turn of events provided answers or simply raised serious new questions? For example, would the SST actually pose a serious threat to the environment? If so, then why did the Congress initiate such a program in the first place? If not sure, then why not build the two prototypes and find out for certain, and especially at this late date? And even more important, a larger question—why does the Congress continue to set up questionable programs with lavish funding without adequate assurances beforehand that the programs have a reasonable chance for success?

In the case of the SST the recent vote was not a success for the Congress, but rather a serious indictment of failure. Savings in terms of the environment, money, and people are highly dubious to say the least, and more than likely are nonexistent. In some places it will cause unemployment. We have killed the SST bird—now we must pay the cost of the wake. A recent editorial in the Washington Daily News does a good job in summing up the bill by showing that there will be no savings.

The article follows:

A HIGH-PRICED FUNERAL

When Congress recently shot down the big bird—the SST—it reneged on an eight-year commitment Congress itself repeatedly had affirmed by overwhelming majorities. It knocked out the big bird just as it came within sight of its goal.

And it did all this on an emotional binge scrambled by speculation, hypothetical hobgoblins, politics and nonsense, all mixed in with some valid questions.

But the ultimate argument, when both houses of Congress finally reversed themselves, got down to "national priorities." The money would be better used, it was contended, to meet other pressing national needs.

So now where will the money go which Congress allegedly was going to "save" by cancelling the SST?

The appropriation Congress rejected was for $134 million.

As a result of that action Sen. Edmund S. Muskie has proposed that the $134 million be shifted to research on air safety and to urban mass transit. The government has community applications for more than $2 billion in Federal help for mass transit. The $134 million stacks up as a drop in the bucket.

And since the SST was killed, a sudden compassion has developed for workmen being laid off as a result.

Sen. Birch Bayh has introduced a resolution asking the administration to find other jobs for these people.

And Rep. John W. Davis of Georgia, another SST opponent, has proposed an appropriation of $250 million ($116 million more than the cancelled sum) to subsidize other projects for the aircraft industry.

President Nixon has ordered $42 million to promote a retraining and job placement program for technicians and scientists out of work in the whole aerospace industry, not just the SST casualties.

All of these things, of course, would eat up several times over the $134 million Congress decided not to spend on the SST.

But the big catch in this is that no $134 million has been saved. In addition to the $864 million in taxpayer money already invested in the SST, it will take two years and cost around $334 million just to wind down the project—paying off contractors and subcontractors and the like. No savings at all, and no SST!

There is an old saying about chickens coming home to roost. But a dead bird on Congress' doorstep can be a lot more costly to the taxpayers.

THE DRAFT REFORM/ALL VOLUNTEER BILL, H.R. 6531

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. FRENZEL. Mr. Speaker, last week we passed H.R. 6531. This consolidated draft reform/all volunteer force bill contains sweeping, and meritorious, changes in military manpower procurement procedures.

Most importantly it takes the necessary first steps to this country from a selective service system to an all-volunteer military force. Many of us, including me, have serious reservations about a professional volunteer army, but most of us have less objections to it than to the involuntary draft system.

The bill also extends the draft for a 2-year period. In my judgment, 2 years is too long. I believe that a 1-year extension would serve a number of purposes: First, it is a stronger vote of confidence in the volunteer concept; second, it would assert congressional prerogatives to review annually, and control, the military personnel levels; third, it would express more strongly our intention to terminate the draft; fourth, it would provide an incentive now lacking for the Defense Department to implement speedily and successfully the volunteer concept; fifth, it is symbolic of our intention to speed up withdrawal from Southeast Asia.

Since my point of view did not prevail, we now have to hope the volunteer concept is so successful that the need for the draft will wither away prior to its actual expiration. My hopes are higher when backed by a 1-year law, but such hopes can also be fulfilled under a 2-year extension.

The bill also makes a series of improvements in our draft structure and procedures. I heartily endorse the uniform national call, the elimination of student deferments, except divinity students, and the lowering of age requirements for draft boards.

I supported the proposal to equalize conscientious objector service with active military service at 2 years each, and am sorry it, too, failed. I was tempted to support the proposal that, of men drafted after December, only volunteers be sent to Southeast Asia. It is a good idea, but sets up a double standard depending on date of induction.

If there is any one feature of the bill now that is especially unsettling, that feature is the contemplated force level of 2½ million men by June 1972. This target manpower level makes the volunteer concept harder to achieve, the extended use of the draft probable, and budget impossible to balance.

The cost of the volunteer army for the next fiscal year is a dreadful, but necessary $2.6 billion. I am strongly persuaded that we cannot have our cake and eat it too. We will not get, and can hardly afford, a volunteer army at a force level of 2½ million.

We must look for more ways to reduce force levels. The volunteer concept seeks professionalism and reduced turnover, both of which factors should reduce personnel needs. The Nixon doctrine, in my judgment, also requires lower manpower levels, not only in Southeast Asia, but throughout the world. Therefore, I believed the amendment which sought to reduce the 2½ million force level to be a critical one. I supported and voted for that amendment, and felt its loss hurt the bill badly.

As with any complicated, important bill, H.R. 6531's blessings are not unvarnished. Along with those blessings I have tried to point out some of the dangers. Nevertheless, there are too many good things in the bill for me not to vote for it.

FUTURE GROWTH OF WATER TRANSPORT AND THE AMERICAN ECONOMY

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. SAYLOR. Mr. Speaker, one of the unsung sectors of the American economy is the water transport industry. Perhaps because the industry has been vital to the life and economic growth of our Republic from our earliest days, we have overlooked its contributions to the development of our high standard of living. In a recent speech before the Water Resources Associated annual meeting, Mr. Charles E. Walker, president of the Union Barge Line Corp., outlined the past, present, and prospects for the future of the industry. While I do not agree with all the comments of Mr. Walker, I believe you will find his remarks on the "$2 Trillion Economy" enlightening. The speech follows:

WATER TRANSPORT AND THE MAKING OF A $2 TRILLION ECONOMY

(By Charles E. Walker)

It is a particular pleasure to be here today to address Water Resources Associated. I know the last thing we have time for is self-congratulation, but I want to make a point about this organization which we may overlook because we are so close to it.

Our country faces many difficult problems in the years ahead, but water management should not be one of them. The fact is no more water is available today than was available 5,000 years ago. We have a well-thought out long-range program on which we have been working since the first Congress in 1789, with specific plans out ahead 40 and 50 years, to meet foreseeable needs of our economy. If the nation is not diverted from the programs which members of this organization are promoting, the economy's needs will be anticipated in time and severe problems will be prevented.

I have deliberately made that statement tame and somewhat lifeless. We all live with the program of WRA; we're used to thinking ahead 20 and 50 years; we're used to anticipating problems. It doesn't occur to us just how sensational this approach is when compared to the handling of some of the other problems the country faces.

Through this organization many conflicting interests are resolved. The power interests are not necessarily parallel to the interests of navigation. If you store water for irrigation, you can't use it to maintain the stream flow. Different regions compete for available funds for developmental projects. Similarly, different regions have to arrive at a sharing of limited water supplies. There is potential here for bitter controversy. And yet, under the guidance of the members and the leaders of this organization working patiently with others, we achieve a miracle of accommodation and reasonableness.

Analyze any of the major problems facing the country. What stands out in painful clarity is that we have them *not* because we don't know the answers, but because we haven't put the machinery together to anticipate the problems and provide the necessary remedies in time. Our major social problems cannot be solved overnight any more than you could build the presently built network of water management projects overnight. These problems will only yield, in my opinion, to the same kind of public spirited, dedicated work over many years that has been characteristic of this organization. What we have here, after all, is the cooperation of diverse interests, willingness to compromise, willingness to work, sensible long range plans, and patience to accommodate our energies as these plans unfold over a 50-year time span.

We've been successful in the past with this approach and I believe our government would be much more successful with its other problems if it were to adopt the procedures and format which have made so much sense for water management.

I think it is worth taking time to stand off a little bit from the concerns of these few days and try to see Water Resources Associated as a problem solving vehicle which should be copied for other of our national problems.

What about the navigation part of the multi-purpose water management programs? I'd like to give you a progress report on what's going on, an insight into the current controversies and a look ahead.

I won't burden you with a lot of statistics. I'll simply summarize by saying that the barge industry appears to be expanding about a point or two ahead of the long-run growth of the gross national product. We seem to hold steady, as the economy expands, at about 9 to 9.5 per cent of the inter-city freight ton miles. It will interest you to know that we receive for this service in revenues less than one half of one per cent of the nation's total expenditures for freight service.

We're providing capacity through the private enterprise system to anticipate demand and we're operating at an efficiency level unmatched by any other transport mode, except possibly the pipelines.

I mention these facts because I know you are concerned by some of the arguments against water management projects which discount the navigation benefits. The critics say: you don't impress us by talking about all the industrial development along the rivers. All that development would have taken place anyway. It would just have been located differently. Hence, they claim, the benefits of industrial development should be ignored.

I think we all know the answer to that one from our experience of the diverse reasons of water supply, etc. given for the location of industry along the river. Let me limit myself to the navigation aspect. A means of transportation which provides nine per cent of the inter-city freight service for less than one per cent of the freight bill is a major factor in improved efficiency for the agricultural and industrial production of the region. The benefit is not alone in the amount of industrial expansion, and in the new jobs, additional taxes, better spread of population beyond the congested urban areas with their built-in social antagonisms, but, most importantly, in the fact that, for many goods, production and distribution is performed far more efficiently and at lower cost in areas where water transportation exists than in areas where water transportation is not available.

If it were not for the developed rivers, some expansion would take place, but the efficiency of production would be greatly reduced and it is very likely indeed that a great deal of the production which now occurs in the United States would take place instead in foreign countries where cost advantages, including water transportation, are available. Our own country would then have more call for subsidies or tariffs to protect such basic industries as steel and chemicals.

The stimulus to production efficiency comes not just from the low cost of water transportation. It comes also from the interaction of the competition of rail, water, pipelines and trucks, each stimulating each other to become more efficient.

Let me give you an example of a problem of the future which many are beginning to consider. In the past few years, we have seen the development of huge ocean-going tankers and bulk carrying ships of 300,000 tons deadweight and up. There was no port on the mainland of Europe capable of receiving these monsters until Rotterdam built a superport, dredging 27 miles out into the North Sea. The German steel industry was asked whether it could afford to move to a deep water port. The answer came back; we can't afford not to.

There isn't a port on the east coast or on the Gulf coast of the United States capable of receiving one of the big ships today. Only Seattle and Valdez, Alaska have deep water ports. The economies of the big ships are so spectacular that *unless* the United States has at least one deep-water port on the Gulf and one on the east coast some of our basic industries and our agricultural production centers are going to be in deep trouble.

I mention this problem to emphasize that, as water management specialists know, the stakes are always very high. The problems would be much more manageable, but for the rapid growth out ahead of the economy. It's customary in a period of relatively low economic activity for the prophets of gloom to tell us that the magnificent American era of expansion is over, that our industrial way of life should be unrooted. This is nonsense. To the contrary, it is up to you and to me who have a stake in this system, which is still the finest anywhere in the world, to get among the younger generation and the sophisticated academicians in Washington's inner sanctum and, from our years of experience of the practical realities, encourage constructive development. In other words, let's build on what we are richly endowed with rather than give up and let our system be torn apart to the future detriment of our children and children's children.

In the long run, we have been doubling our gross national product about every 20 years. Now we have just reached a $1 trillion dollar economy. We look to seeing that $1 trillion increase to $2 trillion in under 20 years.

Numbers of that magnitude tend to have little meaning. But they have this much meaning. We are going to double in less than a generation all the productive capacity it has taken this nation nearly 200 years to develop. *That's* something worth thinking about.

And of course there is a truly monumental task ahead of all of us, not least for those of us in transportation. We are not expected just to double the transport capacity in place today, but we've got to find the money to improve the productivity of the new capacity we buy or we will be overwhelmed by the forces of inflation.

More intensive use of the navigation facilities and the natural low cost advantages of efficient water transport are essential if we are to increase the efficiency of our rapidly expanding economy. You can take it as fact that without greatly expanded water transport, there will be no $2 trillion economy in 20 years.

Let's take a brief look at the improvements in productivity in barge transportation—and through them—improvements in efficiency of production for American industry and agriculture which lie ahead.

They naturally fall into several categories. I'll take the navigation improvements first. We can count, I think, on the elimination of the existing bottlenecks on the most heavily traveled segments such as the Illinois River, the Alton lock, and the industrial canal at New Orleans. The modernization—deepening and widening—of the Gulf Intracoastal Canal is essential if the Texas coastal industry is to maintain its rate of growth. Other waterways will no doubt be improved and extended, probably sooner than we think as a result of the overall government shifts from inflation and the dollar value problem to economic expansion and encouragement of more job opportunities.

Most important, I think, is the improved productivity in barging which will result from the natural deepening of the Mississippi channels which is a direct result of the bank stabilization program. As the river is shortened and straightened, the current digs deeper. So very soon we are going to be able to load barges to 12 feet instead of 9 feet; indeed we are already doing so on some reaches of the Ohio River. When the Ohio redevelopment program is completed later in the decade, a 12-foot channel will be available from Pittsburgh to the Gulf. An increase in channel depth of one-third will have a tremendous impact on the productivity of water transportation.

Turning to improved productivity in the motive power—the towboat—we find our engineers and researchers opening wide vistas in their future planning. The diesel engine, they tell us, may well be superseded by gas turbines or nuclear energy engines at great savings. Even something as prosaic as counter-rotating propellers—two propellers on the same shaft rotating in opposite directions—may give us needed additional and more economical thrust for the heavier loads of tomorrow. But, of course, in engineering, the future productivity improvements involve many seemingly small developments. Automatic controls and warning devices will improve the productivity of our crews. Greater reliability will eventually make us think of marine engines as we now do of truck engines—feed them fuel and leave them alone except at regular maintenance periods. Generally such duties as tightening packing glands on water pumps and continual greasing will be eliminated in favor of built-in alternatives. New searchlights have increased our night vision by 70 percent and improved safety and reliability of operations. Such navigation equipment as automatic pilots, depth finders, ship-to-ship radios, gyroscopic compasses which give us early warning when tows begin to swing and bow thrusters—propeller units at the head of the tow—have greatly improved efficiency. It appears that there is a great potential for doppler sonar speed indicators.

We continually ask the question: how can horsepower be applied more efficiently and effectively? We are continually getting new and better answers.

What of the barges? Many developments are coming to improve efficiency, most notable of which I think I mentioned—the larger capacity barges for the deeper channels. But the trend is also to higher cost speciality barges for new and sometimes exotic commodities—chemicals whose names we can't even pronounce. Barges are available and being developed which keeep products hot or extremely cold or under pressure. Such seemingly minor changes as fiberglass or reinforced plastic barge covers may save us important money.

We haven't changed the method of lashing barges together much in recent years although a great deal of study has been devoted to efficiency improvements. There may be a breakthrough toward a practical automatic coupling device, but we can't see our way to it now.

Finally, of course, we should not forget the shore-side control of the barge system. Sophisticated long-range formalized plans—five years ahead in our company—computer controls, market research radio communications, engineering research, training, and better management information systems all contribute to improved efficiency.

Entirely new on the river are the LASH and SEABEE type barges which reach inland up the American rivers, are loaded at ports far from the ocean, then are towed down the river and hoisted aboard great mother ferry ships for transport to the other side of the world, where they slip into foreign rivers for delivery to final destination. This development may well be as important for improved efficiency in the handling of commodities adaptable to LASH and SEABEE barges as the new container systems have been for the general commodity trades. Areas far inland and away from the rivers will feel the impact of this innovation in floating containers if we don't let artificial cost increases eat up the potential savings to the public.

Let me mention one more breakthrough that I am sure lies just ahead. For some years now we have been actively trying to sell the railroad industry on combining the best efficiencies of water transportation and rail transportation. The "willing partner" program of the Water Transport Association has had some limited success, but it needs a big push from the ICC. When that comes and rail-water coordination becomes a commonplace, overall savings of 10 to 30 per cent in transportation charges can be accomplished and both modes can get a better return on their investment and better utilization of equipment that is in short supply. In the years ahead, the competition for capital will be so intense that there just won't be any money to invest in any but the most efficient combinations of transport services.

I hope I have given you some small insight into the many opportunities ahead for improved efficiency in barging and greatly improved service to the economy. Navigation is one of the most reliable and predictable benefits of the water management program. It is distressing to find that it has such a low reputation in the Office of Management and Budget. It should be an important task of this organization to clear away some of the misconceptions which plague navigation among the theoretical advisers to the government.

I suppose the most common is the misconception that there is something unfair about water competition in relation to the other modes. The Water Transport Association met this issue head on last year with an economic study of the public costs associated with rail transport all documented in ICC Docket 34013, Sub. 1. You will be interested to know that, *not* counting the land grants, Federal assistance to railroads has been so extensive that if you were to count navigation outlays against the benefits for railroads, the railroads would come out ahead or at the very least on balance the benefits would cancel each other out.

So many of us believe the railroad propaganda on the subsidy question that it is good to have an economic study of the relative subsidy and subsidy-effect programs of the government to demonstrate that this old substitute for thinking—unfair subsidy of navigation—is indeed a myth. Our study was entered in a formal ICC proceeding and was not rebutted either by the Department of Transportation or the railroad industry. I strongly urge you to read this public record.

I have one last point to make. I think those of us in the water management program make a mistake in not coming to grips directly with our critics in the Office of Management and Budget. The whole attempt to increase the interest rates on the water management programs stems from fancy mathematics founded on extremely vulnerable assumptions. How can you determine 50 years ahead and reflect in precise interest rate terms the benefit of today's water management projects in a six trillion dollar economy—the size of our economy in 2020 if we maintain our traditional growth? The answer is you can't and yet we allow ourselves to be hypnotized by the numbers produced. Our answer is usually unresponsive—you can't do that to us. Well, perhaps, we can stop them in the Congress, but how much better to beat them on their own grounds before they get started?

The sponsors and beneficiaries—industry, agriculture, recreation and all the rest—must not permit themselves to be led around by the nose by faulty theorizing masquerading as higher economics. We are warned by leaders in Congress that the present advisers to the budget makers, if allowed to put their theories into effect, would bring the nation's water resource management program to a halt. These theorists believe they can justify such a sharp rise in the interest rate—or more properly the discount rate—applied to water management projects as to stop future projects. I hope this Association will devote itself in the coming year to demonstrating the unsoundness of the theories of the proponents of such a rise. At the best, such theorists are crystal ball gazing and in my view they are vulnerable and ought to be tackled on their own theoretical grounds.

The country can't afford long periods of delays in essential water management projects. We should be able to reach the minds of those government officials in the Office of Management and Budget and elsewhere who apparently need assurance—as if the record of the performance of the water projects in the past were not enough—as to the validity and wisdom of the guidelines used to determine the size and shape of the water management program of the nation.

TWELFTH MEETING OF THE PANEL ON SCIENCE AND TECHNOLOGY WITH THE COMMITTEE ON SCIENCE AND ASTRONAUTICS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. MILLER of California. Mr. Speaker, some of the world's greatest scientists from this country and seven foreign nations participated in the 12th meeting of the Panel on Science and Technology with the Committee on Science and Astronautics. The meeting took place this year on January 26, 27, and 28 and was devoted to "international science policy."

The committee has just published the complete proceedings, and I feel that they will serve as a valuable source book for decisionmakers and scholars during the coming decade.

The Panel on Science and Technology was established in 1959 for the purpose of developing authoritative and timely information of a technical and scientific nature for the Committee on Science and Astronautics and the Congress. It is composed of 16 prominent American scientists and engineers. Fourteen guest panelists joined them and the committee in exploring "international science policy."

This year's panel meeting has been the most successful that I can recall, and wide attention has already focused on its results. It has served as a valuable adjunct to the traditional sources of information to the Congress, and has brought important policy issues before the public as well.

Secretary of State William P. Rogers delivered the keynote address, and issued the first comprehensive review of the U.S. position regarding international science policy since the space age began. He also announced a general policy of exchange of unclassified scientific information with all nations, regardless of their form of government.

The environmental dangers facing the world's oceans were forthrightly catalogued by guest panelist Capt. Jacques Cousteau.

Dr. James Watson, who shared the Nobel Prize for medicine and physiology in 1962 with two British biophysicists, brilliantly outlined the ethical, moral and legal dilemmas we face in genetic and biomedical research.

Two prominent parliamentarians presented papers, the Honorable Allister Grosart of the Senate of Canada and the Honorable Staffan Burenstam Linder of the Parliament of Sweden.

At this point, I insert in the RECORD a list of the members of the panel on science and technology, the participants in the panel meeting, and the program for the 1971 meeting on International Science Policy:

MEETING ON INTERNATIONAL SCIENCE POLICY

MEMBERS OF THE PANEL ON SCIENCE AND TECHNOLOGY

Ivan L. Bennett, Jr., New York University (medicine)

Harrison S. Brown, California Institute of Technology (geochemistry)

A. Hunter Dupree, Brown University (history)

David M. Gates, Missouri Botanical Garden (ecology)

Martin Goland, Southwest Research Institute (applied mechanics)

Walter J. Hesse, LTV Aerospace Corporation (aircraft and missile systems)

Herbert E. Longenecker, Tulane University (biochemistry)

Thomas F. Malone, University of Connecticut (meteorolgy)

J. Roger Porter, University of Iowa (microbiology)

William F. Pound, Massachusetts Institute of Technology (management)

Roger Revelle, Harvard University (geophysics)

H. Guyford Stever, Carnegie-Mellon University (aerospace engineering)

Athelstan Spilhaus, Woodrow Wilson International Center for Scholars (oceanography)

James A. Van Allen, University of Iowa (physics)

Fred L. Whipple, Smithsonian Astrophysical Observatory (astronomy)

John T. Wilson, University of Chicago (psychology)

KEYNOTE SPEAKER

Hon. William P. Rogers, Secretary of State, Washington, D.C.

MODERATOR

Dr. Adriano Buzzati-Traverso (Italy), Assistant Director General for Science, United Nations Educational, Scientific, and Cultural Organization (UNESCO), Paris, France.

GUEST PANELISTS

Dr. Viktor A. Ambartsumian (U.S.S.R.), President, International Council of Scientific Unions, Rome, Italy, and President, Academy of Sciences of the Armenian SSR, Yerevan, U.S.S.R.

Hon. Staffan Burenstam Linder (Sweden), Member of Parliament, Stockholm, Sweden.

Capt. Jacques Yvees Cousteau (France), Centre d'Etudes Marines Avancees, Marseilles, France.

Hon. Emilio Q. Daddario, Senior Vice President, Gulf & Western Precision Engineering Company, Manchester, Conn.

Hon. Allister Grosart (Canada), Special Committee on Science Policy, The Senate of Canada, Ottawa, Canada.

Dr. Franklin A. Long, Director, Program on Science, Technology, and Society, Cornell University, Ithaca, N.Y.

Prof. Thomas Odhiambo (Kenya), Director, The International Centre of Insect Physiology and Ecology, Nairobi, Kenya.

Mr. Herman Pollack, Bureau of International Scientific and Technological Affairs, Department of State, Washington, D.C.

Dr. Walter Orr Roberts, President, University Corporation for Atmospheric Research, Boulder, Colo.

Prof. Thomas Odhiambo (Kenya), Director, International Centre of Theoretical Physics, Trieste, Italy.

Dr. James D. Watson, Professor of Biochemistry, Harvard University, Cambridge, Mass.

Mr. James E. Webb, Treasurer, National Academy of Public Administration, Washington, D.C.

PROGRAM—THEME FOR 1971: INTERNATIONAL SCIENCE POLICY

International science policy, viewed as a summation of national policies, international agreements, and voluntary associations between groups of scientists and engineers, plays an increasingly important role in our technological society. These sessions will explore the nature of our present policies, how they can be improved, and ways to more effectively harness them for meeting worldwide problems.

TUESDAY, JANUARY 26, 1971—10:00 A.M.

Call to Order:

Hon. George P. Miller, Chairman

Opening Remarks:

Hon. Carl Albert, Speaker, U.S. House of Representatives

Hon. Gerald R. Ford, Minority Leader, U.S. House of Representatives

Hon. James G. Fulton, Ranking Minority Member

Hon. John W. Davis, Chairman, Subcommittee on Science, Research, and Development

The Keynote:

Hon. William P. Rogers, Secretary of State

Moderator: Dr. Adriano Buzzati-Traverso (Italy), UNESCO

2:08 P.M.

International cooperation in the environment sciences

Chairman: Hon. Earle Cabell

Moderator: Dr. Thomas F. Malone

Paper: Dr. Walter Orr Roberts, University Corporation for Atmospheric Research

International cooperation in the physical sciences

Chairman: Hon. Thomas N. Downing

Moderator: Dr. James A. Van Allen

Paper: Prof. Abdus Salam (Pakistan), International Centre for Theoretical Physics, Trieste

New mechanisms for scientific cooperation in the future

Chairman: Hon. Charles A. Mosher

Moderator: Dr. Roger Revelle

Paper: Dr. Viktor A. Ambartisumian (U.S.S.R.), International Council of Scientific Unions

Science, technology, the military and arms control

Chairman: Hon. John W. Wydler

Moderator: Dr. Walter J. Hesse

Paper: Dr. Franklin Long, Cornell University

WEDNESDAY, JANUARY 27, 1971—10:00 A.M.

Call to Order:

Hon. George P. Miller, Chairman

Address: Hon. Emilio Q. Daddario, Gulf & Western Precision Engineering Company

Address: Mr. James E. Webb, National Academy of Public Administration

Moderator: Dr. Adriano Buzzati-Traverso (Italy) UNESCO

2:00 P.M.

International cooperation in the social and life sciences

Chairman: Hon. Henry Helstoski

Moderator: Dr. Ivan L. Bennett, Jr.

Paper: Prof. Thomas Odhiambo, (Kenya), International Centre of Insect Physiology and Ecology, Nairobi.

Legislative role in science policy

Chairman: Hon. Larry Winn, Jr.

Moderator: Dr. H. Guyford Stever

Paper: Honorable Allister Grosart (Canada), Senate Committee on Science Policy, Ottawa

Science, techology and the developing countries

Chairman: Hon. Robert Price

Moderator: Dr. Fred L. Whipple

Paper: Dr. Harrison S. Brown, National Academy of Sciences

Role of science policy in solving social problem

Chairman: Hon. James W. Symington

Moderator: Dr. Athelstan Spilhaus

Paper: Hon. Staffan Burenstam Linder (Sweden), Member of Parliament Stockholm.

THURSDAY, JANUARY 28, 1971—10:00 A.M.

Call to Order:

Hon. George P. Miller, Chairman

Address: Captain Jacques Yves Cousteau (France), Centre d'Etudes Marines Avancees, Marseilles

Address: Dr. James D. Watson, Harvard

Summary Views and Comments:

Mr. Herman Pollack, Department of State

Moderator: Dr. Adriano Buzzati-Traverso (Italy) UNESCO

Closing Remarks:

Hon. George P. Miller, Chairman

Let me cite a specific example of how the 1971 panel meeting has performed its important function of informing the Congress and the public.

On March 24, Senator Mondale and 17 other Senators introduced a joint resolution to provide for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology.

In his introductory statement Senator Mondale noted:

> When I reintroduced the resolution in the last Congress, the first succesful test-tube fertilization of a human egg had just been reported. Now, just two months ago. Nobel Prize Winner Dr. James D. Watson told the House Committee on Science and Astronautics that we will soon see the day when a baby will be conceived in a test tube and placed in a woman who will bear the child. As you may recall, Dr. Watson's reported prediction was that when such an implantation is successfully made, "all hell will break loose."

Senator Mondale cited Dr. Watson's presentation to the panel meeting, together with news and editorial comment on it, at the end of his introductory statement.

All of us in the Congress realize the difficulty which we have in keeping informed on the important issues facing our Nation.

I am happy that the panel on science and technology, through its annual meetings with the Committee on Science and Astronautics, helps provide the Congress with information in those areas in which public policy impinges on scientific and technical issues.

I should like to submit for the Record a representative group of editorials and news articles concerning this year's panel meeting. They too, I believe, illustrate the effectiveness and importance of this unique source of information for every Member of Congress:

[From the Biomedical News, March 1971]

Capitol Life

The House Committee on Science and Astronautics' Panel on Science and Technology was treated to Nixon Administration views on international science policy at its annual meeting in Washington late in January.

In the keynote address, Secretary of State William P. Rogers outlined three major steps being taken by United States "to put science and technology at the service of human—and humane ends." These include:

Emphasis on science and technology in our aid to developing countries;

Encouragement of international effort in preserving the quality of the world's environment;

Stress on international cooperation in science to enhance the benefits of technology and to curb its dangers.

On the matter of aid to developing countries, Rogers supported the recent proposal by President Nixon for the establishment of a US International Development Institute. The Secretary said he believes the UN Conference on the Human Environment, scheduled for 1972 in Stockholm, will establish policy on the international environment. To facilitate cooperation in science the Secretary emphasized America's bilateral and multilateral agreements on the exchange of scientific information, fellowships and training programs, weather forecasting, and medical knowledge.

[From the Washington Post, Jan. 27, 1971]

Rogers Offers Peking Science Data Exchange

Secretary of State William P. Rogers offered Communist China yesterday the exchange of unclassified scientific information, saying "We have as much to gain as anybody from cooperation."

Rogers told members of the House Space Committee, "It is the general policy of this administration to permit the exchange of unclassified, scientific and technical information with the scientists and institutions of any country, regardless of the state of our diplomatic relations with that country."

The secretary did not mention China by name, but a high ranking State Department official made clear that Rogers had Peking in mind.

An aide to Rogers told reporters American scientists already have been exchanging such information on a small scale with Communist China, East Germany and Cuba, even though there are no diplomatic relations with them.

The official said the Kitt Peak Observatory in Arizona exchanges its astronomical observations by mail with Chinese Communist observatories in Nanking, Kunming and Peking. He said the National Academy of Sciences also exchanges publications with Red Chinese scientists.

The aide said that oceanic data has been exchanged with East Germany and Cuba since 1957.

Rogers observed that the U.S. Space Agency and the Academy of Sciences of the Soviet Union recently reached agreement on further cooperation in space activities.

Rogers also said the U.S. would like to see international lending institutions encourage adequate concern for environmental matters through projects they finance.

He said pollution carried dangers for developing countries as well as rich nations

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[From the Washington Star, Jan. 26, 1971]

SCIENCE FOREIGN POLICY IS OUTLINED BY ROGERS

Secretary of State William P. Rogers today issued the first comprehensive review of international science policy since the beginning of the space age, in an apparent effort to move the United States closer toward cooperation and exchange of knowledge with all nations regardless of the state of diplomatic relationships.

Rogers outlined the policy in a speech to the panel on science and technology of the House Committee on Science and Astronautics.

In it, he officially opened the door for exchange of unclassified information with countries like Red China, East Germany and Cuba, although some of the cooperative gestures he described already have taken place.

"We are convinced that it is in everyone's interests, including our own, to do everything we can to facilitate the widest possible spread and exchange of scientific information," Rogers said. "Thus it is the general policy of this administration to permit the exchange of unclassified scientific and technical information with the scientists and institutions of any country regardless of the state of our diplomatic relations with that country."

U.S. officials indicated this applies to mainland China and cited exchanges that already have taken place on astronomical data between the Kitt Peak Observatory in Arizona and Chinese astronomers in Peking, Kunming and Shanghai. Oceanic data also has been exchanged with East Germany and Cuba, officials said.

Rogers said it is U.S. foreign policy to take three major steps to put science and technology at the service of humanity:

Increasing emphasis on science and technology in U.S. aid to developing countries.

Encouraging an international effort to preserve the quality of the world's environment.

Seeking greater international cooperation to enhance the benefits of technology and to curb its dangers.

[From the Christian Science Monitor, Feb. 13, 1971]

BIOLOGISTS WARN PUBLIC: 'TEST-TUBE BABY' ISSUE RAISED

(By Robert C. Cowen)

LONDON.—Biologists have begun to warn loudly of an imminent moral crisis raised by the advancing art of human embryo manipulation.

They know this crisis may be upon us this year or next. So they are adding the trumpet blasts of dramatic public statement to the more-muted notes of research reports.

Nobel Prize winner James Watson of Harvard University gave the warning loudly when he recently spoke to the science subcommittee of the United States House of Representatives.

He noted that, within a year, a baby very likely will be conceived in a "test tube" in British experiments. The resulting embryo then will be implanted in a human mother who will bring it to term. Then he warned, "All hell will break loose"—morally and politically.

Now, almost as though on cue as a complementary refrain, comes the report of yet another successful test-tube fertilization of a human egg. This time it was done in Dr. Watson's own country by L. B. Shettles of Columbia University.

IMPLANTATION NEXT STEP

Like Cambridge University's R. C. Edwards, to whose work Dr. Watson referred, Dr. Shettles envisions implanting an embryo conceived in this way in a human mother.

When such experiments succeed, when such a baby is born, deeply serious questions will arise. They will concern the relations and mutual attitude of parents and child. They will concern society's attitude to such a deviation from the normal course of conception.

What may be most important, they will concern the individuality and rights of the fetus. At what point does it cease to be merely a developing mass of biological material to be manipulated as experimenters of society see fit? At what point does it become an incipient human being with individuality and rights of its own?

Here is no remote challenge to face in 10 years' time or at the century's end. It is already upon us.

PREDICTION SHUNNED

Because their work is well advanced, Dr. Edwards and his colleagues may well be the first to demonstrate the implantation technique successfully. They may well do it within a year, as Dr. Watson suggests, although Dr. Edwards himself makes no specific prediction. He prefers to carry out the work without publicity and announce it afterward.

But like Dr. Watson, he too tried to face up to the moral challenge. For some time now, he has been discussing it from the public platform and with the press.

As reported here, Dr. Watson told the congressional committee that the technique would not long remain purely an experiment. Many infertile women would be eager to have babies this way. Beyond that, he foresaw lazy women hiring surrogate mothers, perhaps needy women, to bear their babies for them In that case, the fetuses would be conceived in vitro from the natural mother's eggs and the father's sperm.

He further warned that some less-scrupulous couples and their physiicans might inspect such fetuses for sex and destroy those of an unwanted gender.

RIGHTS OF FETUS QUESTIONED

Dr. Edwards has also repeatedly expressed concern about such implications. But he stresses that the problems of the rights of the fetus will likely raise the first really difficult questions. He says that he and his associates "recognized when we started the work that fertilizing human eggs in vitro raised ethical issues we couldn't duck."

As far as parents directly involved are concerned, he says he and his colleague, Patrick Steptoe, have gone out of their way to explain everything in order to get truly informed consent. Dr. Steptoe, a surgeon, has developed the relevant techniques of operation.

But this scarcely begins to get at the deeper ethical issue Dr. Edwards sees. "When does a fetus begin to have rights," he asks, "and what are those rights?"

He points out that, at this stage of the experiments, mistakes will be made. Faulty embryos will develop. This may happen after as well as before implantation.

ABORTION OR INFANTICIDE

If spotted in the test tube, at this stage of moral thinking they would be destroyed. How long can we go on doing this thoughtlessly, Dr. Edwards asks. Discussing this at a public meeting late last year, he observed that, in Britain, "We are accepting abortion at seven months. This is close to infanticide."

Society must face this situation squarely, Dr. Edwards says, and face it now. Dr. Watson warned of fetuses being destroyed in the test tube because they were not of a desired sex. Dr. Edwards observes that they could be destroyed at a much later stage under legalized abortion.

He says he abhors the notion of abortion for sex control. It is alien to the humanitarian reason for which medical abortion has been developed. Yet this is the kind of thing society lets itself in for when it approves of medical techniques in the field of embryo development without thinking through all the implications and the safeguards needed.

Dr. Edwards defends the motives of himself and his colleagues. "Our work," he says, "stems from a fundamentally humanitarian point of view. We want to improve the quality of human life. We want to do it by developing better means of contraception and by preventing some forms of malformation. A second stimulus to our work is that we want to know as much about ourselves [as biological entities] as we can.

GOALS DESCRIBED

"At first, we may help the infertile. Later, we may help [those susceptible to conception of genetically malformed children]. . . . Probably we will understand the processes of conception itself and will work out better means of contraception."

But as in the case of abortion today, Dr. Edwards knows that praiseworthy motive on the part of researchers won't prevent bad use of their results. "We must accept we have a right to investigate anything that might benefit the human species, provided we protect the patients' interest," he says. He adds that society has a responsibility to grapple with the moral and legal problems that arise, too.

This is what Dr. Watson was trying to impress on Congress. He urged it to take the lead in establishing an international commission to tackle the moral and legal questions of test-tube conception.

The warning he gave may sound "sensational." But Dr. Watson and Dr. Edwards both are among biologists who have met together to think out ways of informing the public responsibly, without exaggeration, of the implications of advances in their field. It is significant, then, that Dr. Watson spoke to Congress in the urgent terms he used.

[From the Washington Post, Jan. 29, 1971]

NOBEL BIOCHEMIST WARNS HILL ON IMPENDING TEST-TUBE BABIES

(By Victor Cohn)

"Within a year" a scientist will conceive a baby in a test tube and successfully place it inside a woman who will bear the child, Dr. James D. Watson, noted biochemist, told the House Science Subcommittee yesterday.

"Then all hell will break loose," politically and morally, all over the world, he predicted. "The United States," he said "should take the lead now in forming an international commission to ask, 'Do we really want to do this?'" and perhaps "take steps quickly" to make it illegal.

"If we do not think about that matter now," Watson argued, "the possibility of our having a free choice will one day suddenly be gone."

Watson—Nobel-prize-winning co-discoverer of the shape of DNA, the heredity molecule and author of "The Double Helix," a popular best-seller—spoke near the close of three days of testimony on international science policy.

He is not the first scientist to warn of coming biological engineering. But the time has arrived, he emphasized, to speak not of mere theory but of a feat that could occur any day now in a British laboratory.

Only last month, Patrick C. Steptoe, the surgeon who intends to perform the critical operation, disclosed in Washington that he and his scientific collaborator—Dr. Robert G. Edwards of Cambridge University—have joined a female egg cell and a male sperm cell, then grown the resulting embryo to the 10-or-more-cell blastocyst stage.

This is the point where it is ready to attach itself inside the womb.

This means difficult decisions "may soon be upon us," Watson said, for "thousands of infertile women," once such an operation is successfully done, will want to have babies the same way.

Then the next steps, as he saw it, could include:

Hiring needy women as surrogate mothers to have a baby while the unharried biological parents merely look on.

Determining while an embryo is still in the test tube whether it is a boy or a girl. If the baby were then unwanted, an unscrupulus doctor might wash it down the sink.

Genetic engineering of various kinds, with many good purposes—like detecting and preventing hereditary defects—but also, possibly, "all sorts of bad scenarios."

"Cloning" human beings, that is, test-tube production of a limitless number of duplicate embryos—perhaps by some dictator or experimenter who decided this was desirable.

"If the matter proceeds in its current nondirectional fashion," Watson warned, "a human born of clonal reproduction most likely will appear" within 20 to 50 years, but perhaps within five.

Before the committee and in an interview, the Harvard University biochemist emphasized that laboratory growth and fusion of human cells could have many good results. One might be understanding the genetic basis for cancer and other diseases.

But with laboratory growth of human embryos, he said, "the nature of the bond between parents and their children" and everyone's values about their individual uniqueness could be changed beyond recognition.

"Certainly, to many," Watson added, "our most sensible course would be to de-emphasize all forms of research which would circumvent the normal reproductive processes.

"Prohibition of such research would most certainly put off the day" of test-tube creation. "Even more crucial," he said, "would be to take steps quickly to make illegal, or reaffirm the illegality of, any experimental work with human embryos. With both these actions taken, our current value system might survive somewhat longer."

[From the Evening Star, Feb. 8, 1971]

The Breakthrough Syndrome

In 1962, Dr. James D. Watson was awarded the Nobel prize for his part in determining the structure of DNA, the molecule that transmits the complex hereditary code from one generation to the next. That discovery unlocked a door to the mysteries of human development and growth, opening a vast new area of scientific exploration. Last week, Dr. Watson urged that the door should be slammed shut.

Testifying before the House science subcommittee the Nobel laureate portrayed the coming era of biological engineering as an age of horrors. Test-tube babies will be a reality within a year. Conception will take place in a laboratory nurtured through the blastocyst stage and then implanted in a woman who will give birth to the child. Then, he said, "all hell will break loose."

Thousands of infertile women will demand that the technique be used to enrich their lives. Wealthy couples will hire surrogate mothers to carry out the bothersome details of childbirth. Genetic tinkering will create all sorts of evil potentials, including the possibility of the mass production of human clones, a limitless number of identical beings descended asexually from a single common ancestor. The answer, according to Dr. Watson, is to make any experimental work on the human embryo an international crime.

The reaction is not unique. Others who have opened the doors to lead mankind into new ages have suffered similar tortured second thoughts. Some of the scientists who led the way across the atomic threshold came to see their accomplishment only as a contribution to men's destructive capability. Genetic engineering possesses the potential for abuse, and it is vital that man should be aware of the possible misuses to which the recent discoveries can be put. But Dr. Watson's thesis that the techniques should be forgotten and outlawed is both wrong and impossible.

The dawning science of genetic control offers all the disturbing possibilities seen by Dr. Watson. It also offers the probable end of a wide variety of birth defects and the possibility of a cure for cancer. Test tube conception can mean surrogate mothers and clones. It will mean a proper, wholesome solution to a problem for some childless couples.

The potential for evil should not be forgotten. But neither should it be allowed to overshadow the greater good that may result. Man cannot turn away from his discoveries or destroy the results of his probe of life's mysteries. He must instead, learn to live with them.

[From the Washington Post, Feb. 4, 1971]

DNA and the Sorcerer's Apprentice

Man has come to be where he is in part because—at least until Hiroshima—he has considered anything that seemed possible by way of scientific discovery and technological capability to be *ipso facto* desirable. Lately, however, an increasing number of scientists has become increasingly worried that man, like the Sorcerer's Apprentice, may be unable to control the forces he keeps unleashing—that progress in science and technology is coming far faster and more easily than progress in our ability to deal with the social, political and moral implications of our discoveries.

One such worrier is Dr. James D. Watson, the Nobel-prize-winning co-discoverer of the structure of DNA, the heredity molecule and the author of "The Double Helix," a book that gave thousands of laymen a fascinating and human glimpse of these awesome scientific endeavors. Dr. Watson told the House Science Subcommittee a few days ago that any day now British scientists may produce a human embryo that can be placed inside a woman who will bear the child. "Then all hell will break loose," he said. For the next logical step will be to engineer biologically a human being by screening out "undesirable" characteristics and otherwise manipulating the female egg cells and male sperm cells before they are joined.

Scientists can see much obvious good resulting from these experiments. One might be an understanding of the genetic basis for cancer and other diseases. But Dr. Watson and others also have no difficulty imagining fearful abuse, not the least of which would be a drastic change in the nature of the bond between parents and their children and in the values we now attach to man's individuality. And worse. The "scientific" experiments in Hitler's concentration camps—the biological engineering for other than research purposes—are still too fresh on many minds to dismiss as mere nightmares. There is enough of what George Orwell called "double-think" even in our own, open society, to make it at least feasible that, once test-tube production of an unlimited number of duplicate embryos become possible (Dr. Watson deems this likely in 20 or 50 or perhaps 5 years) someone will set out to produce a master race or supermen.

Dr. Watson and a number of his colleagues, at any rate, fear that if we do not think about these matters now, "the possibility of our having a free choice will some day suddenly be gone." He suggested that the United States take the lead in forming an international commission to make this kind of biological engineering illegal.

Illegal? At first thought, a good many people will surely feel that this could only dangerously tempt another Sorcerer's Apprentice to invoke governmental control over some other quest for knowledge; international control, furthermore, seems a naive hope at best. So we share these first tentative thoughts. But we also urge second thoughts. And third and fourth ones, because the issue is incredibly complex, and therefore much too important to be allowed to become polarized between wishful thinkers and "realistic," first-thought-only thinkers. It is going to take broad, as well as hard, thinking, by which we mean, if you will pardon the cliche, that the application of these bio-medical developments is far too serious a matter to be left to the bio-medical scientists alone. This is why Dr. Jonas Salk is inviting philosophers as well as physical scientists to his Institute in La Jolla and why the Committee on Life Sciences and Social Policy of the National Research Council and the Institute of Society, Ethics and Life Science seek to draw lawyers and scientists in a variety of disciplines into their search for a middle ground between statutory limitations on certain research and pragmatic laissez-faire.

We desperately need this search. And to spur it along, we need broad discussion on the ever more urgent question of whether we dare continue to let material progress be our only guide.

[From the Washington Post, Feb. 24, 1971]

Experiments on Humans

In your most thoughtful editorial of Feb. 4, you discuss many of the matters which I talked about recently before the House Science and Astronautics Committee. The International Commission on Genetic Engineering that I proposed be set up, however, would not have as its purpose the outlawing of human embryo experimentation. Instead its task would be to assess the state of the art, and so be in a position to advise the world's governing bodies of the particular consequences of any given techniques in genetic engineering.

Some governments, upon thoughtful consideration, might wish to ban certain manipulations (e.g. human cloning). But in other cases, there may be general agreement that certain procedures (e.g. test-tube conceptions to overcome infertility due to oviduct blockage) are in the national interest and should be actively promoted. In any case, I think the matter is much too important to be left in the hands of the scientists whose careers might be made by the achieving of a given experiment. In no case should we forget that the products of these experiments will be human beings, which we must afford the same opportunities for a meaningful life that are now given to children born of "God's" will.

J. D. WATSON,
Professor, Molecular Biology, Harvard University; Director, Cold Spring Harbor Laboratory.

CAMBRIDGE.

[From the Washington Post, Feb. 13, 1971]

Test Tube Babies? Some Comment on Controlling Scientific Progress

Your Feb. 4 editorial, "DNA and the Sorcerer's Apprentice," was most appropriate as well as very timely. Too often we permit scientific and technological advances to dictate our next move—we react rather than act. Considering the nature of the American political process this often results in hasty decisions based all too often on inadequate information.

This time, however, the stakes are too high for this "crisis-oriented" incrementalism.

A recently issued annual report of the National Institute of General Medical Studies declares that the impact of biomedical engineering "will be realized rather gradually over the next 10 to 15 years." Thus we have a golden opportunity to avoid past errors and to approach these problems with better insight into their magnitude and into the consequences they hold for society. Hopefully, a greater public awareness of such problems will generate a national commitment to solve them.

Mark S. Frankel.

Graduate Student and Research Assistant with the Program of Policy Studies in Science and Technology, The George Washington University.

Washington.

I share the concern of Nobel Prize winner James D. Watson and of The Washington Post about the production of human embryos in test tubes. What is not clear to me is *why* The Washington Post should be concerned. Since you have for years supported the proposition that fetuses before the 20th week of pregnancy may be destroyed, I do not see why fetuses of less than 20 weeks may not be created. Presumably our abortion laws tell us that before the 20th week, or "viability", or some other arbitrary line, the fetus is not a human being. Why should it then be improper for scientists to create such "blobs of tissue", "blue prints", "tissues with potential", or other euphemism, in text tubes, if no human life is involved? Surely it should be alright to do so providing the "tissue" is destroyed prior to the 20th week or some other arbitrary time at which it supposedly becomes human. And why should philosophers be consulted in this creation when our abortion laws are just concluding that the destruction of such "tissue" is a matter strictly between a woman and her physician? Or have we now reached the interesting position that fusing a sperm and an ovum in a test tube creates human life, but doing so by intercourse does not?

I agree with your editorial that further thought is in order—about a lot of things.

Andre E. Hellegers, *M.D.*,

Professor, Obstetrics and Gynecology, Physicology and Biophysics, Georgetown University Hospital.

Washington.

Nobelist James Watson's recent proposal before the House Science Subcommittee to outlaw the production of duplicate human embryos is ironical in view of his own pioneer work in genetics. His testimony reminds us again that expertness is no guarantee of historical perspective.

Dr. Watson is apparently afraid that some dictator will mass-produce outstanding physical specimens and send them marching across the world in a war of conquest. To those who know him such rampant hyperbole is as predictable as it is boring; it is theatre, not science. We should not take it too seriously.

We do not yet have the capability Dr. Watson envisions and may not have it for a generation, by his own admission. That should be quite long enough, if we start now, for a sensible projection of the major social consequences of genetic engineering.

Eventually, however, when the public realizes it can enjoy an asymptotic advance in longevity and intellectual power, the demand for genetic services may prove irresistable. A similar shift of attitudes happened in the 19th Century as vaccination, anaesthesia, and antisepsis won favor despite fanatical opposition by reactionary physicians.

To connect the supreme achievements of biology to the mindless savagery of Hitler's SS, as The Post did on February 4, is inimical to science. Those who admire the paper's courage on other issues will expect it to lead on this front as well. We need a mature, well-informed analysis of the controls which must be placed upon some aspects of genetic medicine; for example, we cannot indulge parents whose choices for their offspring would unbalance the ratio of males to females.

The advent of eugenics will teach us not to take a parsimonious attitude toward our stirps, but instead dedicate them to the common welfare of mankind. Our grandchildren will not be goosestepping legionaires, but true individuals, superbly endowed, god-like in their powers, continually creating a society whose excellence, wholeness, justice and beauty are incomprehensible to us, the last of homo sapiens.

Don Bronkema.

Washington.

Like you, I viewed with some concern the recent testimony by the noted biochemist, Dr. James D. Watson, concerning the imminence of "test tube" babies. I fully agree with the thoughts expressed in your recent editorial. This new development raises the most profound questions of law and ethics in our society.

Three years ago, stimulated principally by the new breakthrough in heart transplants, I introduced legislation to provide for a national commission to study the legal, ethical and social issues posed by biochemical advance. Although the proposal was supported by the Johnson Administration, there was sufficient opposition from the medical profession to any outside "interference" with its activities that the measure died in the 90th Congress.

I introduced similar legislation in the 91st Congress, S.J. Res. 48. Despite a written promise by the Department of Health, Education, and Welfare for a prompt report in 1969, the 91st Congress adjourned without benefit of any views from the Nixon Administration on this proposal. I intend to introduce this legislation again this year. Surely, the time has come for a thoughtful and deliberate review of the implications of these challenging medical advances. The alternative, I fear, is hasty and ill-considered legislation to deal with the problems which will, nevertheless, be thrust upon us if we do not seize the opportunity to prepare ourselves.

Walter Mondale,
United States Senator.

Washington.

[From the Washington Post, Feb. 25, 1971]

Nixon Aide Hits Limits on Science

"We must not place limitations on biological experiments," including those that could produce test-tube babies, Dr. Edward E. David, Jr., President Nixon's science adviser, said yesterday.

He disagreed with Dr. James E. Watson, the Harvard Nobelist, who told a House committee last month the U.S. should help form an international commission to ponder test-tube birth—and perhaps "take steps quickly" to make it illegal.

Dr. David argued, too, for experimentation on the SST—building flying prototypes to see what they really do, without committing the country yet to an SST fleet.

"A limitation on experimentation in whatever cause is the beginning of a wider suppression," he told a seminar at the National Academy of Sciences sponsored by the Council for the Advancement of Science Writing.

"Already we see timidity in new undertakings. If these trends progress our society will become dull, stodgy and altogether stagnant."

[From the Washington Post, Mar. 21, 1971]

Lab Growth of Human Embryo Raises Doubt of "Normality"

(By Victor Cohn)

A New York obstetrician has reported growing a human embryo in the laboratory to the point, at five days of life, that it is ready for the womb. This is an essential step in creating test-tube life—life started by mating a female egg cell and male sperm in a lab dish—and nurturing it.

The report by Dr. Landrum B. Shettles of Columbia University is the first in the United States. In England, Dr. Robert G. Edwards and surgeon Patrick Steptoe still apparently lead the world in such techniques. Many others are trying.

Dr. Martin Clyman of Mount Sinai Hospital in New York said recently that he has unsuccessfully tried to implant laboratory-fertilized ova or egg cells in four women in the past two years, most recently eight months ago.

Shettles, Edwards and Steptoe likewise want to implant a laboratory embryo in a womb—to try to give a baby to a woman who can produce normal ova but is infertile because her Fallopian tubes are blocked or absent.

Two Buffalo geneticists have favorably answered an all-important question: Can any mammalian mother who produces a baby after such implantation have normal offspring?

Drs. Anil Mukherjee and Maimon Cohen of the State University of New York and Buffalo Children's Hospital implanted test-tube embryos into mice. These mice then had normal-looking litters, which later had their own normal litters.

In all measurable ways, including gene studies, reported Mukherjee, "We now have three normal generations." Many other workers have their doubts, however.

"It is my feeling," said Dr. Luigi Mastroianni of the University of Pennsylvania, "that we must be very sure we are able to produce normal young by this method in monkeys"—close in physiology to human beings—"before we have the temerity to move ahead in the human."

What New York's Dr. Shettles has reported—in a recent article in Nature based on his work at Columbia-Presbyterian Hospital—is growing an embryo to the five-day-old blastocyst stage.

The British team last December disclosed raising several embryos to this point. Though it is only a dot barely visible to the unaided eye, the embryo then has undergone enough cell divisions to become a mass of more than 100 cells.

It has completed the growth that usually takes place in the oviducts or Fallopian tubes, where sperm and egg cells normally meet. Only at this stage is the embryo mature enough to embed itself in the womb and establish its first direct link with a mother.

There is this difference between the Edwards-Steptoe and Shettles methods. Edwards and Steptoe raise their embryos in a chemical mixture supplemented with human or fatal-calf blood serum. Shettles uses fluid from the human cervical canal, the passage into the womb, "to stimulate the natural environment."

But Shettles, who has worked for nearly 20 years in reproductive biology, and the British are equally optimistic. Though he did not transfer his embryo to a mother (but did try it in 1963), Shettles sees "no discernible contraindication for a successful transfer and continued development."

Steptoe predicts that "we will be able" to solve "certain problems" and one early day give "a particular couple" a baby.

It is here that many American workers differ—some on the ease of a speedy solution; some on the wisdom of moving with speed.

Many scientists are unconvinced that any of the lab fertilizations of human ova so far have been true ones. They feel they may be either cell proliferations without fertilization, or abnormal fertilizations that will not produce an embryo capable of clinging and maintaining itself in a womb.

"Recent claims are encouraging," said Dr. Horace Seitz at the University of Pennsylvania, "but whether or not the cell division is due to fertilization or some abnormal situation has yet to be documented."

"So far as I am concerned," said Dr. Joseph Kennedy at Johns Hopkins, "no one, including myself, has demonstrated that a normal human embryo has been produced."

A key word is "normal." Clyman fears what may happen to make a fertilized cell abnormal during the five or six days outside the womb needed for development to blastocyst stage. "The longer it is outside the womb," he said, "the more chance of cellular damage—from heat, light, maintenance of a proper nutrient medium."

He wants to implant the ova at the four- or eight-cell stage, but the timing has to be very precise, at the 18th or 19th day of the woman's cycle. That's very difficult to hit—unless you stimulate the womb artificially with a hormone, which he eventually hopes to do.

Will "eventually" be within 10 years? "I think so." Inside five? "It depends on how many people work at it and how hard."

The British reports have been far more optimistic, though Steptoe—in Washington in December—refused to give any timetable and said: "I think that before we replace an embryo, we must learn a great deal more."

Mastroianni—head of obstetrics and gynecology at Pennsylvania—thinks one "must" is observing the whole process first in non-human primates. So far no one has successfully fertilized ova, though success goes and implanted monkey back years in rabbits and is more recent in mice.

"In our laboratory," Mastroianni explained, "our position is, 'Let's explore the thing thoroughly in monkeys and establish the risk.' Then we can describe that risk to a patient and obtain truly informed consent before going ahead.

"We must be very careful to use patients well and not be presumptuous with human lives. We must not be just biologic technicians."

A like attitude, or even a more conservative one, made Nobelist Dr. J. D. Watson tell a House science subcommittee that nations ought to look hard at the advisability of such experimentation and even consider whether some steps should be legal.

[From Alameda Times Star, Mar. 30, 1971]

Miller Releases Science Findings

Representative George P. Miller (D-Calif.), chairman of the House Committee on Science and Astronautics has released the complete proceedings of the Twelfth Meeting of the Committee with its Panel on Science and Technology. The meeting was devoted to "International Science Policy". Participants included some of the world's great scientists not only from the United States but from seven foreign countries.

Much attention has been focused on the results of this year's meeting. The keynote speaker, Secretary of State William P. Rogers, presented before Miller's Committee the first comprehensive review of international science policy since the beginning of the space age. His comments before the Panel reflected United States policy for closer scientific cooperation and increased exchange of scientific knowledge with all nations.

The proceedings contain Nobel Laureate James Watson's warning of potential danger in genetic engineering: The ramifications of "test tube babies" were carefully analyzed during discussions at this year's Panel Meeting. As a result they have become a public policy issue.

Chairman Miller stated that, "This year's Panel Meeting has been the most successful that I can recall. I have conceived of this Panel since its inception more than a decade ago as a valuable adjunct to the traditional sources of information available to the Congress. Forthright discussion of important issues related to scientific discovery and public policy provides a unique manner of informing Members of this Committee and the entire Congress.

"I feel that the Proceedings on International Science Policy will serve as a valuable source book for scholars and decision makers during the coming decade. The increasing importance which science and technology plays in our world today means that efforts to coordinate and control their effects must occur at the international level. Governmental and private groups working together can and must develop framework of international science policy which will permit the solution of the environmental and technological problems facing mankind.

"For the first time this year I have asked the Panel on Science and Technology to submit a report to the Committee regarding the results and conclusions of their deliberations. I view that as a valuable step forward in my continuing attempts to incorporate the services of this outstanding group of scientists and engineers into the Congressional decision-making process."

WELCOME TO MAPLEWOOD, N.J.

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. MINISH. Mr. Speaker, I am pleased to insert into the CONGRESSIONAL RECORD an article which appeared in the March 1971 issue of Response. Response is published periodically by the Office of Civil Defense as a forum for the exchange of information and ideas about peacetime emergencies.

The article that will follow shortly was prepared by Director A. Dombey Wadsworth of civil defense and disaster control in Maplewood. I believe that the Maplewood civil defense effort under Director Wadsworth sets a most impressive example, and I am therefore reproducing his article for the benefit of my colleagues.

Welcome to Maplewood

MAPLEWOOD, NEW JERSEY—If you're planning to move up to this northeastern New Jersey community and you want to find out something about local Civil Defense, relax. Don't call them. They'll call you.

Every new family is contacted by A. Dombey Wadsworth, Director of Civil Defense and Disaster Control for Maplewood, and is provided with information on the Civil Defense program, an invitation to participate in one of the local emergency services, and a request for information on any invalid in the family who would need special attention in an emergency.

And Mr. Wadsworth doesn't stop there. At a minimum of once a year, every one of the 7,200 families in Maplewood receives some item of Civil Defense information delivered to the family home.

A recent action? A gimmick that will disappear once the initial enthusiasm wanes? Not on your life. Mr. Wadsworth is no "fair weather soldier." He's been carrying out this people-to-people project in Maplewood for the last 13 years.

He started the project in 1957 when it became apparent that more information was needed on the families in Maplewood, especially those families with a bedridden person or one who uses a wheelchair. Serious injuries and deaths had resulted when local fire and rescue departments were unaware of invalid persons, Mr. Wadsworth said. A survey was conducted to gather this type of information, and now names and addresses of invalids in Maplewood are maintained on a current basis by the Maplewood Fire Department and Rescue Squad and are checked on every emergency call.

COST OF INFLATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, for several months the Nixon administration has tried to convince the American people that its economic policies have been successful and that inflation has effectively been curbed. But, in reality, during the last few months we have experienced continued inflation and substantial unemployment. While the President may have succeeded in convincing himself of the success of his economic plan, he has not been able to convince the American public.

For example, in February I mailed a questionnaire to the residents of my district requesting that they list the three most important issues facing this country. An overwhelming majority of them believed that inflation is by far the most serious problem.

I received one letter from an auto worker in my district which provides an especially revealing example of how deeply the Nixon administration's "game" plan has affected the average American citizen. I would like to insert this letter into the RECORD for it points out very clearly the difficulties that the average citizen has in maintaining his standard of living in this inflationary economy.

MARCH 3, 1971.

Congressman WILLIAM D. FORD:

Just a break down of an Auto Worker's pay for a family of 5 with three school children. For 40 hours work, $145.00 take home pay weekly, without overtime, after taxes and social security.

For $11,500.00 house payment	$127
Groceries ($95 five years ago)	160
Cheap car payment	80
Gas/expenses for car	40
Electricity	17
Gas	18
Phone	8
Water	9
Car insurance	30
Children's lunch money	20
School Supplies	4
Total	$513
Total take home pay	$580
Expenses	—513
Left over for clothing, doctor, dental care, entertainment and vacation if we are careful every month	$67

GEORGIA EDUCATIONAL TV NETWORK

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. STUCKEY. Mr. Speaker, I would like to take a couple of moments to commend the Corporation for Public Broadcasting and the Georgia Educational Television Network for their outstanding contribution to the government and people of the State of Georgia during the past year.

We have witnessed in recent years a breakdown in respect for the democratic processes of government. And, everyday there are new charges that government is becoming less and less responsive to the wishes of the people.

There has been a definite communication gap between the people and their elected representatives in the government at all levels. This breakdown in communication has not necessarily been the fault of either the people or the representatives. As Members of Congress, we all realize the difficulty of keeping in touch with the vast numbers of constituents we are here to serve. And, by the same token, how many Americans have the time to spend observing their State and Federal legislatures?

One cause, of course, which is pointed out so often, is the news coverage of the Nation's mass media. But, radio and television producers and newspaper publishers say that it is not entirely fair to place the blame on their shoulders. They claim, and I believe justifiably so, that they lack the space and have insufficient air-time to give in-depth coverage of legislative proceedings.

Recognizing, however, that public broadcasting can afford to give more complete coverage of the government process, the Corporation for Public Broadcasting gave a grant to the Georgia Educational Television Network this past year to enable that network to provide extensive coverage of the Georgia Assembly.

The results have been nothing short of amazing. Members of the Georgia Assembly, like the Members of this Congress, were long reluctant to let television cameras into the legislative chambers. However, to a man they have been convinced of the wisdom of their decision to allow coverage of their committee hearings and floor debates.

Demonstrating their appreciation, the assembly unanimously passed joint resolutions March 10 commending the Corporation for Public Broadcasting for providing the funds and the Georgia ETV Network for providing its extensive coverage of the 1971 general assembly.

As the assembly resolution stated, such coverage of the operation of the legislative process both contributes to responsiveness of the Government to the people, and strengthens the people's faith in that Government.

For the benefit of my colleagues, I am including at this point in the RECORD an article from the Atlanta Journal and Constitution Magazine, "State-Owned TV Covers the Legislature," and several editorials from Georgia newspapers commending the legislature coverage. Also included are the two joint resolutions passed by the assembly.

A RESOLUTION

Commending the Corporation for Public Broadcasting; and for other purposes.

Whereas, the Corporation for Public Broadcasting recognizes the need to inform the public on a regular basis of the work of this legislative body; and

Whereas, the Corporation for Public Broadcasting provided the funds to make possible the Georgia Educational Television Network's extensive coverage of the 1971 General Assembly; and

Whereas, the Corporation for Public Broadcasting recognizes that providing conscientious coverage of the operation of the legislative process contributes to responsiveness of the government to the people; and

Whereas, the General Assembly looks forward to having again the opportunity to participate in this service to the people of Georgia. Now, therefore, be it

Resolved, by the General Assembly of Georgia That the members of this body do hereby commend the Corporation for Public Broadcasting for its participation in the efforts of the Georgia Educational Television Network to provide continuing coverage of the 1971 Georgia General Assembly as a service to the people of Georgia. Be it further

Resolved, That the Clerk of the House of Representatives is hereby authorized and directed to transmit an appropriate copy of this Resolution to the Corporation for Public Broadcasting.

A RESOLUTION

Expressing appreciation to the Georgia Educational Television Network; and for other purposes.

Whereas, The Georgia Educational Television Network, a service of the Department of Education, renders an outstanding service to the people of Georgia by its excellent, continuing coverage of the 1971 Session of the Georgia General Assembly through its program called "The Lawmakers"; and

Whereas, "The Lawmakers" provides an opportunity for all Georgians to witness the actual proceedings of the General Assembly and to become better informed of the complex operations of the legislative process; and

Whereas, "The Lawmakers" also provides in-depth analyses by legislators of the week's activities in a weekly "wrap-up" show; and

Whereas, this program brings a one-hour show on the legislature six nights a week, which provides far more information of public interest than is provided in the few minutes allotted to legislative matters on most news programs; and

Whereas, the Georgia Educational Television Network also produced six instructional programs on the legislative process for high school students in an effort to educate the voters of the future; and

Whereas, the Georgia Educational Television Network obtained funds from the Corporation of Public Broadcasting so that it could provide its services at no cost to the taxpayers of Georgia; and

Whereas, over 5,000 man-hours have been utilized in this extensive legislative coverage; and

Whereas, the engineers of the Georgia Educational Television Network have devised numerous technological innovations to provide the best coverage possible under existing conditions; and

Whereas, the Georgia Educational Television Network has begun the first extensive legislative news coverage of its kind in the United States; and

Whereas, these efforts of the Network have been widely accepted and acclaimed by the people of Georgia. Now, therefore, be it

Resolved, by the General Assembly That the members of this Body do hereby express their appreciation to the Georgia Educational Television Network, a service of the Department of Education, for its continuing coverage of the 1971 Georgia General Assembly. Be it further

Resolved That the Clerk of the House of Representatives is hereby authorized and instructed to transmit appropriate copies of this Resolution to Bill Johnston, Producer-Director; John Haney, Executive Producer; Jim Whipkey, Reporter; Richard Ottinger, Director, Georgia Educational Television Network; and Honorable Jack Nix, State School Superintendent.

[From the Atlanta Journal and Constitution Magazine, Feb. 14, 1971]

STATE-OWNED TV COVERS THE LEGISLATURE

(By Margaret Shannon)

It was opening day of the 1971 session of the Georgia General Assembly. Outside the capitol, to one side of the front steps, stood a big green and white bus. It bore no identification, but a tiny metal label showed that it came from the same place most school buses in this state come from.

This was no conventional school bus, however, even though it does belong to the State Department of Education. It was the Georgia Educational Television Network's mobile unit, there to cover the legislature.

This is something new. For the first time in any state, state-owned television, manned by state employes and advised by state officeholders, is presenting to the public its version of what goes on in the legislature.

There is a purpose. It is stated as follows in the State Board of Education's application to the Corporation for Public Broadcasting for a grant of $32,500:

"The purpose of this series of programs is to provide an in-depth coverage of the state legislature during the 1971 general session. It would provide citizens a different and more intensive view of legislative activities than is normally reported in the newspapers, and would attempt to change the image of the legislature in the eyes of the citizens from 'a bunch of politicians having fun in Atlanta and spending money' to that of a group of hardworking lawmakers coping with the problems and policies of operating state government."

So, in the green and white bus, some of the image-changers were at work. In a small, dark room occupying the front part of the bus, four television screens glowed with views of the House of Representatives. An intent young man in a brightly striped shirt, with tie loosened, sat there watching the screens, flipping switches, giving instructions to three cameramen in the House chamber. One camera is on the House floor; two are in the gallery.

"Three," Johnston says via his hookup with the cameramen, "give me some senators. No, farther back. Now come in closer. That's good. Hold it."

The image on camera three's monitor screen has been changing as the operator followed instructions, swinging around, zooming in. Naturally he didn't find any senators. Members of the House bear the title of representative. Members of the Senate are senators.

Never mind. Bill Johnston, producer-director of the educational television (ETV) series called "The Lawmakers: 1971," might be getting their titles mixed up, but he was very sharp on the switches. He got the camera where the action was.

Johnston is one of the key men in the project. Others include John R. Haney, director of programming for the state-owned ETV network; State Representative Larry Thomason of DeKalb County, a 29-year-old lawyer in his third year as a legislator, and House Speaker George L. Smith II, architect of the House's new independence.

The idea for "The Lawmakers" was planted at a meeting in the speaker's office one day not long after last year's regular session ended. ETV had done a program on the legislative intern project, which Thomason had headed, and Smith, Thomason and Haney were talking about it.

The speaker, a Swainsboro lawyer who has been in the House since 1945, remarked that he wished something could be done to change the public's image of the House. Obviously the news media weren't seeing the legislature as Smith saw it.

Not long afterward Haney came up with a plan for ETV to provide full coverage of the General Assembly. There was a good possibility that a grant for such a program could be obtained from the Corporation for Public Broadcasting, a quasi-government agency three-fourths funded by federal tax money.

Haney went to Thomason with his plan and Thomason went to Speaker Smith. Since the ETV network is part of the State Education Department, Haney also went to Jack Nix, state superintendent of schools, and Nix, too, went to see Smith.

Smith gave the go-ahead. Nix and Richard E. Ottinger, executive director of the ETV network, signed the application for a grant on April 20.

The state government is the biggest owner and operator of television stations in Georgia. No privately owned chain can match the ETV network. The State Education Department's eight TV stations and the University of Georgia's one station supply statewide coverage. The department's television facilities are valued at $8,165,000 and ETV has a budget of $3,064,000 this fiscal year.

Two of the education department stations—at Pembroke-Savannah and at Waycross—and the university's station at Athens-Atlanta are regular VHF channels. The others—at Chatsworth, Wrens-Augusta, Cochran-Macon, Pelham, Dawson and Warm Springs-Columbus—are UFH.

The ETV people who set out to provide "an in-depth coverage" of the General Assembly hadn't ever covered the legislature before and didn't know much about it. Their experience with the legislature in past years had been mainly in connection with ETV's providing the pool feed for the governor's annual State of the State address. That means that ETV supplied the camera work and engineering to relay the telecast to commercial as well as educational stations throughout the state.

As ETV staffers started preparations last fall for the legislative series, Representative Thomason, then completing his freshman term as a member of the House, became their mentor. The television milieu exhilarates him. "I always thought law was the most fun I'd ever had, and then politics, but I've never enjoyed anything more than this," he said.

Bill Johnston, producer-director of "The Lawmakers," and some of the other ETV staffers attended the seminar for new legislators held at the University of Georgia. It's a three-day course in how not to get lost in the legislative labyrinth.

Somewhere along the way it occurred to Thomason, Haney and others that "The Lawmakers" might just be criticized as a propaganda vehicle for the General Assembly. After all, ETV is a creature of the legislature, depending on it (and the federal government) for most of its funds. Would it bite the hand that fed it?

"Our whole approach is to cover the legislature in as much detail as possible," John Haney said. "We're trying not to take a two-minute item out of context and put it on the air.

"Commercial television does an excellent job and is very adept, but it can at best devote only a very short amount of time to coverage of the legislature. I don't think that a three-minute film clip of the activities of the legislature really tells the whole story.

"We're not down there to do hard news in that sense," Haney said. "In the process of covering the full extent of each day, we hope that not only will the people see that their representatives are doing a lot of hard work and representing them, but also that they'll learn a little bit about the processes of government."

Haney scheduled the program for 10 p.m. showing so that it could run longer than an hour if the day's activities warranted that much coverage. The maximum length was flexible, but an hour and a half was considered about as much as viewers could be expected to bear.

"The first week when we went over an hour, I found I flipped back to the commercial channels to catch the 11 o'clock news," Haney said. "We have to assume that a lot of viewers are going to do this."

On the opening day of the session, Bill Johnston and his crew wound up with four hours of videotape—and there wasn't even much doing that day. It was a foretaste of the editing problems ahead when House and Senate and their committees would consume videotape like mad.

Editing—that is, the selection of what is to be shown and what is to be discharded—is a matter of judgment. John Haney said the hard decisions about what to leave out probably would be his and Representative Thomason's as the daily legislative sessions got longer.

"I think he'll be able to determine what can be taken out without losing context a little better than I would be," Haney said, "and he's willing to come out to the studios in the evening and look at the whole thing and say, 'This I think you can take out.'"

All concerned regard the grant from the Corporation for Public Broadcasting as a cushion against criticism that state-owned television is being used, as the grant application says, to "attempt to change the image of the legislature" from a bunch of playboy politicians to a group of hardworking lawmakers.

House Speaker Smith assigned Thomason as a one-man liaison committee to work with the ETV people. Thomason expresses confidence in his own and others' ability to maintain objectivity in what is essentially an official effort to remold the public's view of the General Assembly.

Thomason said he wouldn't have any part in turning "The Lawmakers" into a propaganda vehicle. He said that if the occasion arose, he'd resist any legislator who might try to make such use of the program. "In fact," he said, "I'm not even obligated to the speaker."

The DeKalb legislator said he'd ruled himself out of appearing on the Friday night wrap-up program, which features interviews with legislators. Thomason gets a nightly credit line as the General Assembly's liaison representative.

Thomason says he wouldn't have favored doing the show with state funds. He thinks further grants can be obtained to finance "The Lawmakeres" after this session. If no money is forthcoming from the outside, he says he'd oppose state funding.

John Haney isn't sure outside money will be available after this year, although he naturally hopes it will. The Corporation for Public Broadcasting is almost as dependent on politicians for its funds as the Georgia ETV Network is, so its resources are subject to fluctuation. Grants could be sought elsewhere, of course.

But Haney isn't against state funding. "I would hope personally that if the program is successful, I would see any reason why the State Department of Education wouldn't want to continue it," Haney said. "I would propose it. The decision would be made on up the ladder someplace.

"I would hope we're creating a demand that would have to be met. I think it's something that rightfully could be done by state money and by the Department of Education. If they feel that way, then I don't think there'll be any problem funding it on the state level."

But that's a question for the future. The more immediate question is the day-to-day coverage. One thing that John Haney and Bill Johnston didn't claim was prior expertise in the workings of the legislature, and they're the two ETV staffers chiefly responsible for the program.

Johnston, for instance, was asked what he'd do if several committees were meeting at once—a situation not uncommon when the House and Senate really get down to business. He has only one portable unit available, so that means only one committee meeting at a time can be covered.

"These determinations will be made by the speaker as to what he feels will be the most important to the people that day and we will cover that," Johnston said.

"In the same way, this is how we handle the interview situation. We ask the speaker who he feels should be there to handle a particular bill. It's not up to us to decide who's going to be on the program. It's up to the speaker or Larry Thomason."

ETV hired one extra person for the program, Jim Whipkey, a WSB-TV newsman. Whipkey, who is covering the legislature for his station, has taken on the side job of narrator-moderator for "The Lawmakers" on a paid basis with his employer's approval.

"I wouldn't have believed we could come up with anyone of Jim Whipkey's caliber," Representative Thomason said. "He knows the legislature, and he's will-liked by the members. He knows the state, too."

The ETV network didn't have enough equipment to cover both the House and the Senate, so it bought a portable unit with two cameras for $13,800 to use in the Senate. When not in use at the legislature, it will be available for other educational television projects.

Except for Whipkey and the portable unit, ETV is using people already on the payroll and equipment already on hand. It is "renting" both personnel and equipment to "The Lawmakers." The ETV network has two production crews. One of them was pulled away from other duties to handle the legislative program.

"We started our logistics planning in November," Haney said. "Pulling one full crew out of our studios for as long as the legislative session lasted involved readjustments for a great deal of the other programs we're producing, primarily instructional programs that we had to maneuver around so they could continue to be produced at the studios."

The capitol crew headed by producer-director Bill Johnston includes five engineers and five cameramen. At the studio where the tapes are edited, Johnston has the help of another staffer. Programming director John Haney is spending a lot of his time on the project. Two legislative interns are assigned to help the ETV people.

In the first week of the 1971 session, ETV fed three events live to commercial stations—Jimmy Carter's inauguration as governor and his State of the State and budget addresses to the General Assembly.

ETV has no mobile color equipment. Last year when it provided the pool feed for Gov. Lester Maddox's State of the State address, there was some complaint to commercial TV stations that Maddox was being discriminated against because the program was in black and white instead of color.

This year ETV worked out an agreement with WSB-TV to lease its mobile color unit for $1,800 for the three events the first week of the new administration. The State Democratic party as usual paid the line charges for transmission of the telecasts to commercial stations that wanted them on this basis.

Producer-director Johnston has a degree in radio and television from Northwestern University. He was a TV producer at Fort Gordon while in the Army, stayed on there another year as a civilian and went to work for the ETV network three years ago.

He and his crew arrive at the capitol a couple of hours or longer before the legislators arrive. The TV men hook up their equipment and are ready to grind away when the action begins. In late afternoon Johnston gathers up the tapes and heads for the $2 million ETV center on Stewart Avenue in southwest Atlanta to edit them for that night's show.

The most important decisions are, first, what to cover and, second, what to air. "This is the hard part, because we could get into politics, if we're not careful, just in the nature of what we select;" Johnston said. "So it's kind of a group effort as to what goes on the program—Larry Thomason, John Haney and myself. I'm sure there are times when somebody doesn't get on who feels he should get on, but we really think that overall an objective picture of the legislature will emerge."

The Georgia network is the largest state-owned interconnected educational television system in the United States. It produces and broadcasts instructional programs which go out from 8:30 a.m. to 3 p.m. on school days. Last school year 503,829 individual students were reached by at least one instructional series.

Programs for teachers are aired from 3 to 4:30 p.m. The evening hours are given over to public broadcasting—programs of more or less general interest. This is where "The Lawmakers" comes in.

An offshoot of "The Lawmakers" will be development of an instructional series of six programs, which will be used in high schools. House Speaker Smith and the state school superintendent, Jack Nix, came up with this idea.

The estimated cost of "The Lawmakers," according to the budget proposal submitted to the Corporation for Public Broadcasting, was $39,759, some $7,250 more than the grant sought. The largest single item in the budget proposal was $8,000 for publicity and advertising.

Legislator Thomason was just sure that "The Lawmakers" would help the Georgia General Assembly. If nothing else, just having those TV cameras around would make them more careful of their image.

[From The Atlanta Constitution, Jan. 18, 1971]

AIRING POLITICS

The era of the smoke-filled room fades into the past. In our age of electronic communication, politicians conduct their campaigns under the steady stare of the TV cameras. Now in Georgia they will be on the air even as they hammer out the legislation that affects us all.

In a remarkable first, Georgia's State Department of Education's educational television network will present every weeknight the highlights of that day's work in the general assembly. The cameras will enter committee hearings, caucuses, lobbies, legislative councils (costs underwritten by the Corporation for Public Broadcasting).

Good idea. If the strength of democracy depends on citizen interest and knowledge and involvement, these programs can only do good. Perhaps the day is near when millions of Americans will participate in a nationwide equivalent of the democratic old New England town meetings.

[From Wayne County Press]

VIEW OF THE LEGISLATURE

Perhaps 75 percent of Georgia's voters have never been to Atlanta to see the Georgia Legislature in action. They need not feel far removed from the law-making halls of the state now, because of a grant from the Corporation for Public Broadcasting and funds from the State Board of Education.

The reason for this new insight into state legislative circles is a television program seen each night at 10 p.m. on the educational television channel. "The Lawmakers: 1971" is a one-hour wrap-up of the day's events in the House of Representatives and in the Georgia Senate.

It lets the average voter see what's going on.

Those viewing the program for the first time, and never having seen the Legislature in action, may be shocked and appalled at the manner of the two deliberative bodies.

The rules seem more bizarre than the British game of cricket. The methods seem high-handed, off-handed, and slick-handed. It reminds us of the hawker at sporting events, who says: "You can't tell the players without a program." We Georgians who are in the dark on the legislative process certainly need a program to watch these goings-on.

However, there's the quiet commentary from Newsman Jim Whipkey, who gives the gist of what's going on. He tries to make sense out of what sometimes seems a real circus.

We commend the State Department of Education for providing this touch of realism for the average person to the Legislature. We are concerned because no commercial television station has realized the importance (and probably interest by the people) in this area of televiewing. Again it shows that if private industry will not pick up the ball, the government will step in.

For an interesting hour of viewing, turn to the Educational Channel at 10 p.m. these days. It'll open your eyes.—EEB

[From the Macon (Ga.) News, Dec. 8, 1970]

EYE ON THE ASSEMBLY

One of the complaints frequently heard as America has grown larger and more impersonal is that government has become too remote and mysterious, too far removed from the people it is sworn to serve.

The 1971 Georgia General Assembly, recognizing the validity of such criticism and seeking ways to correct the situation, has joined forces with the state's educational television network for a first-of-its-kind series of live telecasts of legislative proceedings.

The ETV network will cover important floor debates, committee and public hearings and broadcast approximately one hour each night over some 18 stations. There will also be a one-hour legislative roundup each week.

In case you're wondering what this is going to cost the state's taxpayers, the answer is nothing. The broadcasts have been made possible through a $32,500 grant from the Public Broadcast Corporation.

The idea of telecasting legislative proceedings is such a good one it's a wonder it wasn't done long before this. What better way to explain to school children, college students and private citizens the workings of the government in which each of us has so vital an interest?

In the words of Rep. Larry Thomason of DeKalb County, one of those who worked closely with the ETV network in formulating plans for the program: "The people of Georgia will have an opportunity to judge for themselves the successes and pitfalls of government in this state. It should lead to a better understanding between the citizens of Georgia and their government and, hopefully, it will bridge the 'confidence gap.' There will be no staged interviews and it will be objective."

The ETV telecasts will give Georgians an unparalleled chance to gain first-hand knowledge about how their state government operates. The progress of Georgia's pilot program also will be closely observed by those who may wish to establish similar ones elsewhere. For the sake of a better informed electorate, we hope the telecasts of General Assembly sessions are enormously successful.

[The Daily Citizen-News, Dalton, Ga., Jan. 14, 1971]

EDUCATIONAL TELEVISION AIRS GENERAL ASSEMBLY

Actual proceedings of the 1971 Georgia General Assembly will be shown on the state's educational television network this year in a first-of-its-kind-in-the-nation program.

State Rep. Larry Thomason of DeKalb County, who has done much of the legislative work in preparation for the unique effort, explained that it is a joint product of an interim legislative committee working with the Georgia ETV Network.

"This is the only state in the nation that has any such program as this," Thomason said. "Several states have public TV and Georgia has the largest publicly owned TV network in the United States.

"This is the first use of TV to show the process of government to both school children, the university system and citizens in their homes," he continued.

The ETV network will cover important floor debates, committee and public hearings and broadcast approximately one hour each night over some 18 stations.

Additionally, each Thursday at 7 p.m. there will be a legislative roundup which will have as frequent participants the speaker of the House, the lieutenant governor, authors of major legislation, committee chairmen and the majority and minority leaders of both houses.

After the session a film or films will be put together and made available to all colleges and universities throughout the state.

"We've all agreed that our goal is going to be public education and public information about the actual legislative process and the actual personalities involved," Thomason said.

"The people of Georgia will have an opportunity to judge for themselves the successes and pitfalls of government in the state," he continued. "It will lead to a better understanding between the citizens of Georgia and their government and, hopefully, it will bridge the confidence gap. There will be no staged interviews and it will be objective."

Veteran TV news reporter Jim Whipkey, of WSB–TV in Atlanta, will introduce and explain each program, possibly conduct some interviews and make brief concluding statements after the live action is shown.

Thomason said the Public Broadcasting Corporation approved a grant request that will cover all expenses so that the program will cost the state nothing.

"The idea originated with John Haney of the ETV network and myself after we both supervised a program that was done on the House internship program last session." Thomason said.

"The speaker (of the House, George L. Smith of Swainsboro) made the comment that it would be wonderful if the actual proceedings could be shown to all the people of Georgia, so we got to work on it."

Thomason said the grant application was made for "a broad, incisive program to be shown throughout the state covering all the important proceedings of the General Assembly" and had no idea whether funds would be forthcoming.

"They thought it was unique and had confidence in us, and granted us exactly what we asked for—$32,500—and it won't cost the people of Georgia a penny," he added.

Staffing for the unique setup will be headed by WSB–TV which feels the educational programs are compatible with their regular news coverage, Thomason said.

Thomason will be legislative coordinator for both houses of the Legislature and Bill Johnson of the ETV network will be the director.

The ETV network at present handles the governor's two primary addresses to the Legislature (his State of the State and budget talks) for the commercial networks, Thomason said.

[From Southside Neighbor, Atlanta, Ga., Jan. 7, 1971]

UNIQUE PROJECT

When the 1971 session of the General Assembly gets underway Monday Jan. 11, a unique project begins in Georgia. A project which we highly recommend to southside citizens.

Monday through Friday, at 10 p.m., the Georgia Educational Television Network will carry an in-depth look at the procedures and actions of the legislature. This will provide an exceptional opportunity for citizens to become better informed on the legislative process. Each Friday evening at 10, a summary of the week's important events will be televised and this program will be rebroadcast on Sunday at 10 p.m.

Since the framers of the program wish to keep the information to the public as timely as possible, they are not predicting exactly what will be carried on the series, however, they have offered a schedule of the first week's program.

Monday, Jan. 11 the convening of the 1971 General Assembly and the swearing in of its members will be aired, as well as an initial presentation of legislation.

On Tuesday, Jan. 12, a rebroadcast of the entire inaugural ceremonies for Gov. Jimmy Carter will be carried in color.

Wednesday, Jan. 13, there will be a rebroadcast, in its entirety, of the State of the State address by the governor.

Thursday, Jan. 14, there will be coverage of the house chambers as new legislation is proposed.

And Friday, Jan. 15, the week in review will include a welcome and explanation of the series' goals by Gov. Carter, excerpts from the inauguration, State of the State address and budget message. Also there will be an interview with Lt. Gov. Lester Maddox and House Speaker George L. Smith about possible activities of the 1971 General Assembly. Color. This show will, of course, be rebroadcast Sunday, Jan. 17.

Remember the time on all of these programs is 10 p.m.

Georgians will now have an opportunity to know what the people they have elected to public office are doing, how well they are carrying out the wishes of the people and how effectively and efficiently they are operating.

If we are not informed, we will have only ourselves to blame. We strongly urge our readers to take advantage of this exceptional opportunity.

VETERANS' TESTIMONY ON VIETNAM—NEED FOR INVESTIGATION

HON. MARK O. HATFIELD

OF OREGON

IN THE SENATE OF THE UNITED STATES

Monday, April 5, 1971

Mr. HATFIELD. Mr. President, the moral sensitivity of the Nation has been aroused by the conviction of Lt. William Calley. More clearly than before, this incident has focused the fundamental moral questions that our Nation must confront regarding our conduct in Indochina.

The Department of Defense said in its recent statement relating to the Calley conviction:

> The Department of the Army has had a moral and legal obligation to adopt a continuing policy of investigating fully all substantive allegations or violations of the laws of war involving American personnel.
>
> Every allegation of misconduct on the battlefield—regardless of the rank or position of the person purportedly responsible—must be thoroughly explored.

There has recently been brought to my attention testimony relating to the policy and conduct of American forces in Indochina which has grave and very serious implications.

The testimony is given by honorably discharged veterans who had served in Vietnam, and was conducted by Vietnam Veterans Against the War. Three days of testimony were conducted in Detroit, Mich, on January 31, February 1, and 2 of this year. This group, which represents 11,000 veterans, plans to send several thousand to Washington the week of April 19 to petition Congress for full congressional hearings.

I, of course, have no way of ascertaining the veracity of all the testimony given, and I am not in agreement with certain of the statements and judgments made by those who testified.

However, I believe that the allegations made by these Americans, who served their country in Vietnam, are so serious and so grave that they demand the full study by the appropriate committees of Congress as well as by the executive branch.

The testimony and allegations raised by the experience of these veterans includes charges regarding: the torture and murder of suspects and prisoners of war captured by Americans and South Vietnamese forces; the wanton killing of innocent, unarmed civilians; the brutalization and rape of Vietnamese women in the villages; military policies which enabled indiscriminate bombing and the random firing of artillery into villages which resulted in the burning to death of women, children and old people; the widespread defoliation of lands of forests; the use of various types of gases; the mutilation of enemy bodies, and others.

A recurrent theme running throughout the testimony is that of institutionalized racist attitudes of the military in their training of the men who are sent to Vietnam—training which has indoctrinated them to think of all Vietnamese as "gooks" and subhuman.

Further, the thrust of the allegations made in the 3-day testimony is that such actions were the consequence of reasonable and known policy adopted by our military commanders and that the knowledge of incidents resulting from these policies was widely shared.

Several of the allegations made in this testimony would place the United States in violation of the Geneva Conventions and other international agreements relating to the conduct of war which have been ratified by our Government.

Therefore, the necessity for investigating fully these alleged actions, and all evidence that bears on our actions in Indochina and the international agreements we have ratified cannot be overstated.

Therefore, first I ask unanimous consent that the testimony presented by over 100 honorably discharged veterans in Detroit be placed in the Congressional Record.

I realize that the testimony is very lengthy, but its full force and content must be made available so that it can be read and judged on its own merits.

Second, I will transmit this testimony to the Department of Defense and the Department of State and urge, in accord with its stated policy, that the evidence and allegations it contains be fully investigated.

Third, I urge the appropriate committees of the Congress to conduct hearings on the policies governing the use of military force in Indochina and their relation to international agreements our country has ratified.

Fourth, I recommend consideration be given to forming a special commission that would investigate in full these matters and would provide a forum to assess the moral consequences of our involvement in Indochina to us as a Nation and a people.

We as a Nation must find the proper way to honestly confront the moral consequences of our actions, and to corporately turn ourselves from the thinking and the policy that has degraded our moral posture and to recognize that out of contrition and self-examination can come a genuine rebirth of the ideas we hold as a people.

The testimony that follows and the steps I have advocated are presented with this hope.

I ask unanimous consent to have the testimony printed in the Extensions of Remarks.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

WINTER SOLDIER INVESTIGATION TESTIMONY

(Testimony given in Detroit, Michigan on January 31, 1971, February 1 and 2, 1971—Sponsored by Vietnam Veterans Against the War, Inc.)

1ST MARINE DIVISION

Opening statement

William Crandell, 26, 1st Lt., 199th Light Infantry Brigade Americal Division.

Moderators

Jonathan Birch, 24, Cpl. (E–4) "B" Co., 3rd Shore Party Bn., 4th Marine Regiment, 3rd Marine Division (May 1965 to June 1966)

Scott Shimabukuro, 21, L/Cpl. (E–3), "C" Btry., 1st Bn., 13th Marine Regiment, 3rd Marine Division (October 1967 to November 1968)

Veterans testifying

Robert S. Craig, 23, Pfc., (E–2) 2nd Bn., 5th Marine Regiment, 1st Marine Division (August 1966 to December 1967)

Ernie Sachs, 27, Captain, Medium Helicopter Squadron 362, Marine Air Group 36, 1st Marine Division (August 1966 to September 1967)

Scott Camile, 24, Sgt., (E–5) 1st Bn., 11th Marine Regiment, 1st Marine Division

Kenneth Campbell, 21, Cpl. (E–4) "A"

Btry., 1st Bn., 11th Marine Regiment, 1st Marine Div., scouted for "B" Co., 1st Bn., 1st Marine Regiment, 1st Marine Division (February 1968 to March 1969)

Christopher Simpson, 21, Cpl., (E-4), "E" Co., 2nd Bn., 5th Marine Regiment, 1st Marine Div. (1967–1968)

Paul Olimpieri, 23, Cpl. (E-4), "D" Co., 1st Bn., 5th Marine Regiment, 1st Marine Division (1967–1968).

Fred Nienke, 21, Sgt. (E-5), "D" Co., 1st Bn., 5th Mor. Reg., 1st Marine Division (July 1967 to February 1968); 1st Prov. Rifle Co., Mag 36, 1st Marine Air Wing, 1st Marine Div. (January 1969 to August 1969).

David Bishop, 21, L/Cpl.., "H" Co., 2nd Bn., 5th Marine Regiment, 1st Marine Division.

Joe Bangert, 22, Sgt. (E-5), VMO-6, PMAG-39, 1st Marine Air Wing, 1st Marine Division (October 1968 to October 1969).

Jack Bronaugh, 21, Pvt. (E-1), "E" Btry. 213, 2nd Bn., 27 Marine Reg.; H & S Bn., 7th Marine POW Compound; 1st Bn., 5th Marine Regiment; MAC-11, H & MS-11, 1st Marine Air Wing, 1st Marine Division (February 1968 to October 1969).

Michael Kenny, 20, 2nd Bn., 26th Marine Regiment, 1st Marine Division.

Kevin Delay, 20, Cpl., H & S Co., 3rd Bn., 1st Marine Regiment, 1st Marine Division, (October 1969 to March 1970).

Ted Eckert, 21, Sgt. (E-5), MAG-16; Support Group-17, 1st Marine Air Wing, 1st Marine Division (July 1969 to August 1970).

Opening statement of William Crandell

"Over the border they send us to kill and to fight for a cause they've long ago forgotten." These lines of Paul Simon's recall to Vietnam Veterans the causes for which we went to fight in Vietnam and the outrages we were part of because the men who sent us had long ago forgotten the meaning of the words.

We went to preserve the peace and our testimony will show that we have set all of Indochina aflame. We went to defend the Vietnamese people and our testimony will show that we are committing genocide against them. We went to fight for freedom and our testimony will show that we have turned Vietnam into a series of concentration camps.

We went to guarantee the right of self-determination to the people of South Vietnam and our testimony will show that we are forcing a corrupt and dictatorial government upon them. We went to work toward the brotherhood of man and our testimony will show that our strategy and tactics are permeated with racism. We went to protect America and our testimony will show why our country is being torn apart by what we are doing in Vietnam.

In the bleak winter of 1776 when the men who had enlisted in the summer were going home because the way was hard and their enlistments were over, Tom Paine wrote, "Those are the times that try men's souls. The summer soldier and the sunshine patriot will in this crisis shrink from the service of his country, but he that stands it now deserves the love and thanks of man and woman." Like the winter soldiers of 1776 who stayed after they had served their time, we veterans of Vietnam know that America is in grave danger. What threatens our country is not Redcoats or even Reds; it is our crimes that are destroying our national unity by separating those of our countrymen who deplore these acts from those of our countrymen who refuse to examine what is being done in America's name.

The Winter Soldier Investigation is not a mock trial. There will be no phony indictments; there will be no verdict against Uncle Sam. In these three days, over a hundred Vietnam Veterans will present straightforward testimony—direct testimony—about acts which are war crimes under international law. Acts which these men have seen and participated in. Acts which are the inexorable result of national policy. The vets will testify in panels arranged by the combat units in which they fought so that it will be easy to see the policy of each division and thus the larger policy. Each day there will be a special panel during the hours of testimony. Today, a panel on weaponry will explain the use and effects of some of the vicious and illegal weapons used in Vietnam. Tomorrow there will be a panel on prisoners of war composed of returned POWs, parents of a POW, American POW interrogators and Vets who served in our own military stockades. Every witness throughout the three days will be available for cross-examination by the press after their initial statements and questioning by their fellow-vets who are acting as moderators.

We had also planned to present a panel of Vietnamese victims of the war who would testify by closed circuit television from Windsor, Canada. Last Wednesday, after we had spent a great deal of time and money arranging to bring these people to Windsor so that they could tell the people of the United States and Canada what we are doing to their country, the Canadian government denied them visas. We need not speculate upon the motives and policies of the Canadian government as our primary concern is with the motives and policies of our own government.

In addition there are two evening panels. Tonight at 7:30 a panel which includes Sid Peck and John Spellman will discuss what we are doing to Vietnam. Tomorrow night at 7:30 two psychiatrists, a lawyer, and three vets will discuss what we are doing to ourselves.

It has often been remarked but seldom remembered that war itself is a crime. Yet a war crime is more and other than war. It is an atrocity beyond the usual barbaric bounds of war. It is legal definition growing out of custom and tradition supported by every civilized nation in the world including our own. It is an act beyond the pale of acceptable actions even in war. Deliberate killing or torturing of prisoners of war is a war crime. Deliberate destruction without military purpose of civilian communities is a war crime. The use of certain arms and armaments and of gas is a war crime. The forcible relocation of population for any purpose is a war crime. All of these crimes have been committed by the U.S. Government over the past ten years in Indochina. An estimated one million South Vietnamese civilians have been killed because of these war crimes. A good portion of the reported 700,000 National Liberation Front and North Vietnamese soldiers killed have died as a result of these war crimes and no one knows how many North Vietnamese civilians, Cambodian civilians, and Laotian civilians have died as a result of these war crimes.

But we intend to tell more. We intend to tell who it was that gave us those orders; that created that policy; that set that standard of war bordering on full and final genocide. We intend to demonstrate that My Lai was no unusual occurrence, other than, perhaps, the number of victims killed all in one place, all at one time, all by one platoon of us. We intend to show that the policies of Americal Division which inevitably resulted in My Lai were the policies of other Army and Marine Divisions as well. We intend to show that war crimes in Vietnam did not start in March, 1968, or in the village of Son My or with one Lt. William Calley. We intend to indict those really responsible for My Lai, for Vietnam, for attempted genocide. General Westmoreland said in 1966, "I'd like to say that let one fact be clear. As far as the U.S. Military Assistance Command in Vietnam is concerned, one mishap, one innocent civilian killed, one civilian wounded, or one dwelling needlessly destroyed is too many.

By its very nature war is destructive and historically civilians have suffered. But the war in Vietnam is different; it is designed by the insurgents and the aggressors to be fought among the people many of whom are not participants in or closely identified with the struggle. People more than terrain are the objectives in this war and we will not and cannot be callous about those people. We are sensitive to these incidents and want no more of them. If one does occur, mistake or accident, we intend to search it carefully for any lesson that will help us improve our procedures and our controls. We realize we have a great problem and I can assure you we are attacking it aggressively."

We need not judge Westmoreland's bland assurances nor need we pass responsibility for these crimes. You who hear or read our testimony will be able to conclude for yourselves who is responsible.

We are here to bear witness not against America, but against those policy makers who are perverting America. We echo Mark Twain's indictment of the war crimes committed during the Philippine insurrection: "We have invited our clean young men to soldier a discredited musket and do bandit's work under a flag which bandit's have been accustomed to fear not to follow. We cannot conceal from ourselves that privately we are a little troubled about our uniform. It is one of our prides; it is acquainted with honor; it is familiar with great deeds and noble. We love it; we revere it. And so this errand it is on makes us uneasy. And our flag, another pride of ours, the chiefest. We have worshiped it so and when we have seen it in far lands, glimpsing it unexpectedly in that strange sky, waving its welcome and benediction to us, we have caught our breaths and uncovered our heads for a moment for the thought of what it was to us and the great ideals it stood for. Indeed, we must do something about these things. It is easily managed. We can have just our usual flag with the white stripes painted black and the stars replaced by the skull and crossbones."

We are ready to let the testimony say it all.

MODERATOR. I'd like to welcome you all. This is the First Marine Division. It landed in South Vietnam in 1965 and is still there. You've probably all heard the quotation "Ask a Marine". So after these gentlemen have finished their testimony, you'll be allowed to ask a Marine and find out what really went on over there.

CRAIG. My name is Stephen Craig. I'm 23 years old. I entered the service about two weeks after graduation in 1965. I entered the service after high school in 1965. Went to Vietnam in 1966 to serve with Second Battalion, 5th Marines and served there from September '66 to September '67. When I got out of the service I worked as a laborer. My testimony basically covers the maltreatment of prisoners, the suspects actually, and a convoy running down an old woman with no reason at all—no provocation or anything. And bounties were put on our own men in our own companies if they were inadequate in the field. And they were either disposed of, or wounded, or something to this effect just to make sure they were taken away. I was a Pfc. in the service.

MODERATOR. We're going to allow everybody to speak first and after that the press will be allowed to ask questions.

SACHS. My name is Rusty Sachs. I entered the Marine Corps in 1964 after working as a news broadcaster for a network radio station. I was a helicopter pilot. I came out as a Captain. I was in Vietnam with Marine Medium Helicopter Squadron 362 as a MEDIVAC pilot from August of '66 to September of '67 and my testimony concerns the leveling of villages for no valid reason, throwing Viet Cong suspects from the aircraft after binding and gagging them with copper wire, and racism in the assignment of priorities to medical evacuations where white people were given priority over nonwhite people.

CAMILE. My name is Scott Camile. I was a Sgt. attached to Charley 1/1. I was a forward observer in Vietnam. I went in right after high school and I'm a student now. My testimony involves burning of villages with civilians in them, the cutting off of ears, cutting off of heads, torturing of prisoners, calling in of artillery on villages for games, corpsmen killing wounded prisoners, napalm dropped on villages, women being raped, women and children being massacred, CS gas used on people, animals slaughtered. Chieu Hoi passes rejected and the people holding them shot, bodies shoved out of helicopters, tear-gasing people for fun and running civilian vehicles off the road.

CAMPBELL. My name is Kenneth J. Campbell. I'm 21. I'm a Philadelphia resident. I was a Corporal in the Marine Corps. I was an FO, Forward Artillery Scout Observer. I FO'd for Bravo Company, First Battalion, First Marine Regiment, First Marine Division. I was in Vietnam from February of '68 to March of '69. I went straight into the Marine Corps from high school and I am now a student at Temple University in Philadelphia. My testimony will consist of eyewitnessing and participating in the calling in of artillery on undefended villages, mutilation of bodies, killing of civilians, mistreatment of civilans, mistreatment of prisoners and indiscriminate use of artillery, harassment and interdiction fire.

SIMPSON. My name is Chris Simpson. Age 21; of New York. I was a corporal in the U.S. Marine Corps from '66 to '70. I was in Vietnam from '67 to '68. I'll be talking about maltreating of prisoners, destruction of villages, crops and animals. I was attached to Echo Company, Second Battalion, 5th Marines.

OLIMPIERI. My name is Paul Olimpieri. I entered the Marine Corps about nine months after graduating high school. I was in 1st Battalion, 5th Marines in Vietnam and my testimony is on killing civilians and killing livestock and destroying villages.

NIENKE. My name is Fred Nienke. I joined the Marine Corps shortly after graduating from high school in 1966. I went to Vietnam and was assigned to Delta, 1st Battalion, 5th Marines. My testimony includes killing of non-combatants, destruction of Vietnamese property and livestock, use of chemical agents and the use of torture in interpreting prisoners.

BISHOP. My name is David Bishop. I was attached to Hotel Company Two Five. Before I went into the Marine Corps I was a lab technician. I'm still a lab technician. My testimony is going to consist of my skipper, or my captain, killing prisoners. Throwing heat tablets or Trioxylene gas to children, four NVA nurses that were captured—were POWs—were raped, tortured and then were completely destroyed—their bodies were destroyed—and free fire zones and health problems in Vietnam.

BANGERT. My name is Joe Bangert. I'm a Philadelphia resident. I enlisted in the Marine Corps for four years in 1967. I went to Vietnam in 1968. My unit in Vietnam was Marine Observation Squadron Six with the First Marine Air Wing and my testimony will cover the slaughter of civilians, the skinning of a Vietnamese woman, the type of observing our squadron did in Vietnam and the crucifixion of Vietnamese either suspects or civilians in Vietnam.

BRONAUGH. My name is Jack Bronaugh. I joined the Marine Corps about six months after getting out of high school. I was 18 years of age at the time. I enlisted for four years. I went to Vietnam in February of '68. I served with Echo Battery 213 attached to 2nd Battalion, 27th Marines. Mainly my testimony is about the indiscriminate murder of, in a sense, civilian women and children, torture of prisoners for fun and other reasons.

KENNY. Michael Kenny. Joined the Marine Corps at the age of 17 in '68. Served in Vietnam '69–70, Second Battalion, 26th Marines. My testimony mainly concerns the maltreatment and murder of Vietnamese non-combatants and the general maltreatment of the civilian population.

DELAY. My name is Kevin Delay. I entered the Marine Corps shortly after graduating from high school. I served in Vietnam with 3rd Battalion, 1st Marines from October, 1969 to March, 1970. My testimony concerns the falsification of body count reports.

ECKERT. My name is Ted Eckert. I'm 21 years old and I'm a resident of Las Vegas, Nevada. I entered the Marine Corps in March, 1968 and was sent to Nam July of the following year. I was attached to Marine Wing Support Group 17, 1st Marine Air Wing. My testimony deals with harrassment fire from the air, burning of villages from the air, and black marketeering in De Nang itself.

MODERATOR. We'd like to ask a few questions of the gentlemen up here. Mr. Craig, on that thing with the convoy, the people you saw a convoy run down an old man—it was an old woman—okay, who is the, or did the convoy commander—what was his rank and did he do anything about it? Did he try and slow the convoy down or did they just run right over her?

CRAIG. The convoy was moving pretty slow and the old woman, like, most of the civilians over there sort of ignore the military people going down the road. And it didn't seem—like he didn't beep the horn or like do anything—like, he just moved up to the old woman and started nudging her and then I saw her fall out of the way. When the convoy had completely passed, like she was on the road, really like squashed.

MODERATOR. How many—was it a large convoy?

CRAIG. No, it was about five trucks, maybe six.

MODERATOR. Five or six trucks. Did anybody stop from the convoy and see . . .?

CRAIG. No, they kept moving. They were loaded.

MODERATOR. They kept moving. Also, did you you ever see the mistreatment of prisoners that we had taken? Viet Cong suspects or NVA?

CRAIG. Yes, I did. These people were only suspects taken from a village after we had a mine sweep team that was wiped out and I guess people more or less went out to pick up these suspects on a grudge basis. When they brought them back in they were loading them on a truck to take them to (?) and they were making a game out of it by grabbing their feet and their hands and swinging them up in the air to see how high they could throw them and land in the back of a duce-and-a-half truck which had a steel bed.

MODERATOR. Okay. Were there any senior NCO's present?

CRAIG. There was a Staff Sergeant present.

MODERATOR. Staff Sergeant—that's a staff NCO?

CRAIG. Yes, sir.

MODERATOR. Okay. Mr. Olimpieri, I wish you could . . . there's some testimony here . . . you witnessed a 70-year-old man wounded about 20 miles southwest of Da Nang. Could you elaborate on this, please?

OLIMPIERI. Yeah. We were in a sweep in a rice paddy and the flank man spotted somebody and told him to halt and he started running and I fired an M79 over the trees. It went off and the man went down and our Lt. told us to go over there and check and see if he had an I.D. and find out if he was dead or what was happening with him. We went over there and he was still alive. He was about 70 years old. I believe he was some sort of religious, like a monk or something like that, from his dress. He had an I.D. card and he was in pretty bad shape so they didn't want to call in a MEDIVAC Chopper so they told us to kill him. And the person who did the killing fired about six rounds in him and I had to tell him to stop. Right after that we told the Lt. what the situation was and he called in and said "Get rid of the . . .". He told us to get rid of the I.D. card before we killed him. He called in one V.C. body count.

MODERATOR. So this man who was killed wasn't even a suspect. He was civilian.

OLIMPIERI. Right. He didn't halt when he was told so they shot him.

MODERATOR. Mr. Nienke, I understand you were in the same unit with Mr. Olimpieri. Were you present when this happened?

NIENKE. Yes. Paul Olimpieri was my squad leader and I was in the same squad.

MODERATOR. So you can in fact substantiate this. He did tell the person who did the shooting to stop afterwards.

NIENKE. Correct.

MODERATOR. When you did take POWs were they tortured or what was the procedure or if you did take prisoners?

NIENKE. We took a lot of prisoners. Some of them were suspected V.C., N.V.A., and they were usually brought to the compound, when we took prisoners, and turned over to an interpreter usually a South Vietnamese or Korean interpreter, and if the information couldn't be extracted from them they were tortured and sent back to the C.P., the Command Post.

MODERATOR. What type of torture was used? Would you know?

NIENKE. Well, we were basically on the lines and we could hear screaming. I didn't see any torture, but we could hear screaming and somebody was being beaten.

MODERATOR. Mr. Sachs, you testified that there was prisoners thrown out of a helicopter. Could you elaborate upon that subject? SACHS: This was one of the big games. Whenever any prisoners were taken, the crewmen in the helicopters were in charge also of loading, in addition to maintenance on the aircraft would blindfold the prisoners, holding the blindfold on with heavy wire, safety wire. They'd bind their hands, bind their feet and maybe bind them into a fetal position and upon landing, rather than releasing them so they could walk off the aircraft, they'd throw them out—get the grunts to mark how far they could throw them and have little contests. This was done with officers observing, at least all company grade officers. There may have been a Major present too.

The general attitude of the officers was (I was a Lt. at the time) "Well, there's somebody senior to me here and I guess if this wasn't S.O.P. he'd be doing something to stop it and since nobody senior ever did anything to stop it, the policy was promulgated and everybody assumed that this was what was right. We'd never had any instructions in the Geneva Conventions. When we were given our Geneva Convention cards the lecture consisted of "If you're taken prisoner, all you gotta do is give 'em your name, rank, serial number, and date of birth. Here's your Geneva Convention cards. Go get 'em, Marines." We were never told anything about the way to treat prisoners if we were the capturers rather than the captee and this was very standard.

MODERATOR. Mr. Delay, on your testimony on the 24th of December, 1969, twenty-five people were killed. Could you elaborate on this subject?

DELAY. Yeah. Christmas Eve shortly before midnight, a group of Marines from India Company had set up an ambush in Arizona territory and they killed twenty-five people. To my knowledge, it was never determined whether they were civilians or were, in fact, the enemy, but in examining the bodies they discovered one weapon. It was a 9-millimeter pistol. The next day, on Christmas day, the battalion commander sent an order all about the battalion area, Hill 37, requesting any enemy weapons that were in the hands of individual Marines. A friend of mine from Delaware, ——— ———, had bought an AK47 from another Marine when he came in the country. I was ordered to take this weapon down to the command bunker and give it to Major ———, the executive officer of Third Battalion, 1st Marines. When I gave this to him he gave it to another Marine and told him to go smear some mud on it. There were several other weapons acquired in this manner and they were all sent in to regimental headquarters as being captured Christmas Eve with those bodies to make the group of people appear to be a heavily armed enemy force.

Moderator. Do you remember if there was a Christmas truce announced at that time?

Delay. Yes, there was.

Moderator. So it could be said that at least on this level that the Christmas truce was broken?

Delay. Yes.

Moderator. All right. Mr. Camile, you were in Artillery, F.O. You were attached to the 1st Battalion, 12th Marines.

Camile. I was in the 1st Battalion, 11th Marines, attached to the 1st Battalion, 1st Marines.

Moderator. You have some testimony here on the burning of villages, cutting off of ears, cutting off of heads, calling in artillery on villages for games, women raped, napalm on villages, all sorts of testimony of crimes against the civilians. Could you go into just a few of these to let the people know how you treat the Vietnamese civilian?

Camile. All right. The calling in of artillery for games, the way it was worked would be the mortar forward observers would pick out certain houses in villages, friendly villages, and the mortar forward observers would call in mortars until they destroyed that house and then the artillery forward observer would call in artillery until he destroyed another house and whoever used the least amount of artillery, they won. And when we got back someone would have to buy someone else beers. The cutting off of heads—on Operation Stone—there was a Lt. Colonel there and two people had their heads cut off and put on stakes and stuck in the middle of the field. And we were notified that there was press covering the Operation and that we couldn't do that anymore. Before we went out on the Operation we were told not to waste our heat tablets on food but to save them for the villages because we were going to destroy all the villages and we didn't give the people any time to get out of the villages. We just went in and burned them and if people were in the villages yelling and screaming, we didn't help them. We just burned the houses as we went.

Moderator. Why did you use the heat tabs? Did you just light off the villages with matches or just throw the heat tabs in so it would keep burning?

Camile. We'd throw the heat tabs in because it was quicker and they'd keep burning. They couldn't put the heat tabs out. We'd throw them on top of the houses. People cut off ears and when they'd come back in off of an operation you'd make deals before you'd go out and like for every ear you cut off someone would buy you two beers, so people cut off ears. The torturing of prisoners was done with beatings and I saw one case where there were two prisoners. One prisoner was staked out on the ground and he was cut open while he was alive and part of his insides were cut out and they told the other prisoner if he didn't tell them what they wanted to know they would kill him. And I don't know what he said because he spoke in Vietnamese but then they killed him after that anyway.

Moderator. Were these primarily civilians or do you believe that they were, or do you know that they were actual NVA?

Camile. The way that we distinguished between civilians and VC, VC had weapons and civilians didn't and anybody that was dead was considered a VC. If you killed someone they said, "How do you know he's a VC?" and the general reply would be, "He's dead", and that was sufficient. When we went through the villages and searched people the women would have all their clothes taken off and the men would use their penises to probe them to make sure they didn't have anything hidden anywhere and this was raping but it was done as searching.

Moderator. As searching. Were there officers present there?

Camile. Yes, there were.

Moderator. Was this on a company level?

Camile. Company level.

Moderator. The company commander was around when this happened?

Camile. Right.

Moderator. Did he approve of it or did he look the other way or——

Camile. He never said not to or never said anything about it. The main thing was that if an operation was covered by the press there were certain things we weren't supposed to do, but if there was no press there, it was okay. I saw one case where a woman was shot by a sniper, one of our snipers. When we got up to her she was asking for water. And the Lt. said to kill her. So he ripped off her clothes, they stabbed her in both breasts, they spread eagled her and shoved an E-tool up her vagina, an entrenching tool, and she was still asking for water. And then they took that out and they used a tree limb and then she was shot.

Moderator. Did the men in your outfit, or when you witnessed these things, did they seem to think that it was all right to do anything to the Vietnamese?

Camile. It wasn't like they were humans. We were conditioned to believe that this was for the good of the nation, the good of our country, and anything we did was okay. And when you shot someone you didn't think you were shooting at a human. They were a gook or a Commie and it was okay. And anything you did to them was okay because, like, they would tell you they'd do it to you if they had the chance.

Moderator. This was told you all through your training, then, in boot camp, in advanced training, and so forth and it was followed on then, right on through it?

Camile. Definitely.

Moderator. Mr. Campbell, you were, I believe, in the same unit that Mr. Camile was. There was a period of perhaps two months separating the time that he left and the time you came. Was this same unit type policy, was this carried on?

Campbell. Some of the policy was not carried on because of an incident that happened in Quang Tri Province that Scott Camile witnessed and there was a big stink about it. There was some kind of investigation into it and I heard about it when I got to Nam and all the guys that were there before me talked about it and things were kind of cooled down and so a lot of this stuff when I first got there wasn't actually carried out. Bravo Company was to cool it for a while. The whole Battalion, actually, because we had a bad mark against us from the incident previous to the time I got there.

Moderator. One more question on that. The training—What did you consider the Vietnamese? Were they equal with you?

Campbell. The Vietnamese were gooks. We didn't just call the VC or the NVA gooks. All Vietnamese were gooks and they were slant eyes. They were zips. They were Orientals and they were inferior to us. We were Americans. We were the civilized people. We didn't give a ——— about those people.

Moderator. Mr. Eckert, you stated that you witnessed an old Vietnamese woman shot by security guards in Quang Tri Province. Could you elaborate and tell us if she was a VC or a civilian?

Eckert. I was up in Quang Tri visiting a friend of mine who was on security, which is like a rat patrol. They go out in these little jeeps and patrol the perimeter. We were out about five o'clock in the morning, just about coming in, when they spotted this old woman about—she looked about fifty but she was probably about twenty-five—and she was running across some trees and everyone in the jeep—no one was supposed to be out there, of course, it was not a free fire zone but from the hours from dusk to dawn there's not supposed to be anybody out there, and if there is, you're supposed to stop them, check them out, and eliminate them if you have to. So these guys decided that they would kind of play a little game and they let her run about fifty yards and they'd fire in front of her so she'd have to turn around, and then they'd let her run another direction and then they'd cut her off. This went on about a half hour until the time the sun started to come up. So then they decided it best to eliminate her as soon as possible, so they just ripped her off right there, and then the guy, the corporal that was in charge, he decided that they'd better check her out for an I.D. card just to be safe about it and they went over and, of course, she didn't have an I.D. card; she didn't have anything. Her only crime was being out probably tending to her buffalo before the time she should have been. These guys just took it upon themselves to waste her.

Moderator. What was the general attitude of the men in your unit toward the Vietnamese? Was this a common experience?

Eckert. I think the feeling was pretty wide spread that these people were inferior to us and based on the training we received these people were not looked upon as even humans. If they had slanted eyes they were the enemy and the only good one was a dead one. And that was for the majority of the people in my unit, that was the only way they looked at it.

Moderator. Mr. Bishop, you've stated in your testimony that you witnessed your commanding officer killing a prisoner. Could you go into that a little bit, please?

Bishop. Right. This would have been on Operation in Quang Nam Province between August and September of '69. We had just gone on a search and destroy mission in the mountains and we made no contact. We were on our way back and we knew of enemy in the area. There was a lot of rock formations where we were and we were checking out the bunkers and the holes and everything in the rocks and we came across a wounded prisoner who was a wounded Vietnamese. He appeared to be VC or NVA. He didn't have a weapon. There were a few grenades and rounds laying around him. He seemed to have been in this hole for quite a few days. One of his legs was broken in half and the maggots had already gotten into one of his legs and they were living inside his leg while he was still alive.

Well, we dragged him out and we had quite a distance to go down the mountain to get back to the base camp and the squad that found him had to report him to the skipper. The skipper came down to where they had found the prisoner, had asked the people around him to get going and that he would tend to the prisoner. I was machine gunner at the time and I had to set up some security around him and I came up over a rock to watch what he was doing and he took out his 45 and he blew his head off. This, like, wasn't really the first time this ever happened.

This happened quite a few times during this operation because we were working in the mountains and any POWs that we had it was really hard to get them back down the mountains and it was the general consensus of everyone that there would be no POWs. That any people that we did find would be KIAs and they were reported as such. They weren't reported as POWs.

MODERATOR. Do you know of many instances where, say, MEDIVAC Choppers were called in to bring out wounded Vietnamese, be they NVA, VC, or civilians?

BISHOP. Very few times. I hardly saw any MEDIVACS at all taking out wounded Vietnamese civilians or Vietnamese prisoners. Usually we didn't have any prisoners. The prisoners were exterminated.

MODERATOR. Mr. Sachs, you were a helicopter pilot. Did you fly many MEDIVAC missions?

SACHS. I flew probably 500 MEDIVAC missions in the course of 13 months. I can't recall ever evacuating a Vietnamese civilian. Allied with this, there were times at night in bad weather during the monsoon season we would not launch a night MEDIVAC unless it was an emergency. There were instances where a frag would come in; my copilot would go out to start the aircraft while I took down the numbers to get to the zone correctly and the major, the operations officer of the squadron, would say "Now hold it a minute. It's bad weather out there and you're going to get your ——— killed and these are only ARVNs. There aren't Americans. These are gook Marines. We don't need 'em. We're not going to risk ourselves for them". We would try to fly the mission anyway. But it was a squadron policy, unwritten, not to launch for gooks if you could possibly avoid it.

MODERATOR. Mr. Bangert, there's an incident here where you found crucified bodies hanging on barbed wire fences and in the same incident you witnessed South Vietnamese civilians shot without provocation on Highway 1. Could you go into this and kind of see how they are related?

BANGERT. I can cover a couple of these at the same time. The first day I got to Vietnam I landed in Da Nang Air Base. From Da Nang Air Base I took a plane to Dong Ha. I got off the plane and hitchhiked on Highway 1 to my unit. I was picked up by a truckload of grunt Marines with two company grade officers, 1st Lts.; we were about 5 miles down the road, where there were some Vietnamese children at the gateway of the village and they gave the old finger gesture at us. It was understandable that they picked this up from the GIs there. They stopped the trucks—they didn't stop the truck, they slowed down a little bit, and it was just like response, the guys got up, including the lieutenants, and just blew all the kids away. There were about five or six kids blown away and then the truck just continued down the hill. That was my first day in Vietnam. As far as the crucified bodies, they weren't actually crucified with nails, but they would find VCs or something (I never got the story on them) but, anyway, they were human beings, obviously dead, and they would take them and string them out on fences, on barbed wire fences, stripped, and sometimes they would take flesh wounds, take a knife and cut the body all over the place to make it bleed, and look gory as a reminder to the people in the village.

Also in Quang Tri City I had a friend who was working with USAID and he was also with CIA. We used to get drunk together and he used to tell me about his different trips into Laos on Air America Airlines and things. One time he asked me would I like to accompany him to watch. He was an advisor with an ARVA group and Kit Carson's. He asked me if I would like to accompany him into a village that I was familiar with to see how they act. So I went with him and when we got there the ARVSs had control of the situation. They didn't find any enemy but they found a woman with bandages. So she was questioned by six ARVNs and the way they questioned her, since she had bandages, they shot her. She was hit about twenty times. After she was questioned, and, of course, dead, this guy came over, who was a former major, been in the service for twenty years, and he got hungry again and came back over working with USAID, Aid International Development. He went over there, ripped her cloths off, and took a knife and cut, from her vagina almost all the way up, just about up to her breasts and pulled her organs out, completely out of her cavity, and threw them out. Then, he stopped and knelt over and commenced to peel every bit of skin off her body and left her there as a sign for something or other and that was those instances.

MODERATOR. Okay, there were American officers present when this happened or?

BANGERT. There were two super-secret, I know they were field grade officers, who were with MACV in Quant Tri Provinces in the area. They knew about it.

MODERATOR. Mr. Bronaugh, I believe you mentioned something earlier of the massacre of women and children in late March, early April of 1968. Could you go into that a little bit, please?

BRONOUGH. Yes. Well, I was with the 2nd Battalion, 27th Marines, attached to them with Battalion FSEC.

MODERATOR. Which is the Fire Control Center?

BRONAUGH. Right. It co-ordinates everything for the Battalion Artillery and troop movement and everything. I had some spare time this particular day so I left the compound and went to a bridge where people usually go and swim and they had a detachment on this bridge, in total about two platoons of people. A 2nd Lt. in charge of the bridge and a gunnery Sergeant that was staff NCO of the bridge. There were people from mortars platoon, weapons platoon, there was a tank, there were a couple of mules with 106 recoilless rifles, two snipers, and assorted machinegun crews. This particular day I was going to go swimming and I was at this bridge and they had sent a patrol out from our battalion CP. They had gone north of the CP for about a half a mile or a mile. There was a few huts that comprised a small village north of the compound.

The bridge got a radio call that they had supposedly received a sniper round from this village. So the Lt. on the bridge told them to sweep the ville. They swept the ville and they called back that there was nothing found. There was nothing found, I mean, there were just people in the ville and so the Lt. told them to burn the ville. From my position, which was about 150 to 200 yards away, and there was a tree line in the way, smoke started coming up over the tree line and about this time, I guess about three minutes after the smoke started showing, there was a lot of screaming and just chaos coming from the direction of the village and a lot of people started running out of the tree line. From where I was standing, I saw maybe two or three male villagers and the rest were women and children—some of the children walking and some of them young enough to be carried, I would say under a year, maybe. The last thing I heard as a command was the gunnery sergeant told them to open fire to keep them back. Their village was on fire and they were in panic; they didn't stop, so they just cut down the women and children with mortars, machine guns, tank, snipers were. . . .

MODERATOR. There was a tank there also?

BRONAUGH. Yes. Well, the tank, the 90 millimeter gun wasn't used because, I mean, it was too close a range, but they used the .50 and the .30 off the tank and all the troops that were at the bridge with M16s. The officer, a Lt., a few got close enough to where he used his .45. They used a few frag hand grenades.

MODERATOR. The fifty caliber. That was used specifically against the people?

BRONAUGH. Yes . . . Yes.

MODERATOR. Right. Just for general information, the .50 caliber machine gun is specifically forbidden to be used against people. It's an anti-vehicular weapon.

BRONAUGH. Yes, it was used in automatic and single fire, against human beings.

MODERATOR. There are many different types of ways that we have heard of people being mutilated, of villagers being killed, but there is one way that affects the people afterwards. They don't physically shoot them or hurt them at the moment and this is the use of chemicals. And Mr. Bangert, I think, has a good example here where he shows twenty deformed babies resulting from Agent Orange Defoliant Spray. Could you tell us what Agent Orange is and the type of deformity that was the result?

BANGERT. I used to work with the pacification program in Vietnam and I traveled extensively through Quang Tri Province. Specifically in the area of Quang Tri City and west, Trieu Phong District, I saw approximately, during my tour, twenty deformed infants under the age of one. It never made sense to me, I thought it was congenital, or something, from venereal disease, because they had flippers and things. I didn't understand what I saw until approximately six months ago I read a report that was put out by Stamford which talked about the thalidomide content within Agent Orange and it was common knowledge that Agent Orange was sprayed in the area and we used to see it about every three to four days where I was in Quang Tri Province. If I could get back to the Vietnamese woman I saw that was mutilated so horribly by that person, it didn't really shock me because I think I talked about my first day in Vietnam.

You can check with the Marines who have been to Vietnam—your last day in the States at staging battalion at Camp Pendleton you have a little lesson and it's called the rabbit lesson, where the staff NCO comes out and he has a rabbit and he's talking to you about escape and evasion and survival in the jungle. He has this rabbit and then in a couple of seconds after just about everyone falls in love with it, not falls in love with it, but, you know, they're humane there, he cracks it in the neck, skins it, disembowels it, just like I testified that this happened to a woman—he does this to the rabbit—and then they throw the guts out into the audience. You can get anything out of that you want, but that's your last lesson you catch in the United States before you leave for Vietnam where they take that rabbit and they kill it, and they skin it, and they play with its organs as if its trash and they throw the organs all over the place and then these guys are put on the plane the next day and sent to Vietnam.

MODERATOR. Mr. Camile, you have testimony here of napalm being dropped on villagers. Could you go into this and kind of let us know what napalm is and how it was used and any of the results?

CAMILE. I really don't know that much about what it is or what it's make of. I just know that when it gets on you it burns and when they drop it from the planes, they usually drop two big cannisters of napalm at a time. It just burns everything up, including the people. Many times we've called in air before we'd go into a village, or if we had a village where we'd lost people because of booby traps, we'd call in napalm and it just burns down the village and the people.

MODERATOR. Wasn't it usually normal, or so-called operating procedure, you don't fire until fired on, and on these villages, did you usually receive a lot of fire from them of the type that would say, we can't take the village, you'll have to call in napalm?

CAMILE. No, most of the time it was for safety. We'd napalm it first before we'd even go in just to make sure we wouldn't lose any men without any fire whatsoever. It was just for our protection, supposedly.

MODERATOR. Mr. Nienko, it says here that you used CS grenades clearing bunkers and hootches. Could you tell us if these were enemy bunkers or hootches or if they were civilian bunkers or hootches? Just exactly what was the incident?

NIENKE. I think every person who was in Vietnam who was in the Infantry used CS, which is a gas, chemicals, Willie Peter—that's White Phosphorus—and we used these sometimes to clear bunkers and other times to destroy a hootch. We used to think that was kicks; there would be people in a hootch or something like this and we'd throw in a gas grenade and they'd cough and then we'd leave. And other times we used to use —we had mortar squads in the infantry used to avoid going into a village or something if we thought it might be VC infested or something like this, we'd send in Willie Peter mortars, 60 millimeters, and this would burn up the hootches—that explode—throwing white phosphorus on different hootches in the village. Start the hootches burning and also kill people. It's probably one of the worst sights I've ever seen is a person that's been burned by Willie Peter, because it doesn't stop. It just burns all completely through your body. The only way you can end this burning is to cut off the air. It's very difficult.

UNIDENTIFIED PANELIST. I'd like to add that white phosphorus is not supposed to be used for personnel. It's supposed to be used for marking and in artillery for spotting. But as you know, these rules are not too well followed most of the time.

MODERATOR. Mr. Olimpieri, you were in the same unit. You were Mr. Nienke's squad leader. Who was in charge of calling in on the mortars or ordering of the throwing of the CS grenades?

OLIMPIERI. Well, it was usually the officers, but I can remember times where we'd be sitting up on a hill, Nick and myself, and they used to have these things called "Pop-ups". You hit them on the bottom and it shoots like a green star cluster up in the air. It's used for location when somebody wants to find out where you are and we used to shoot them down into the village that was below and watch the people run around and we used to get big kicks out of it.

MODERATOR. Were there usually any officers present around this or was it usually known that this was done, wasn't it?

OLIMPIERI. Yeah, it was pretty well accepted. I mean, everybody did it.

MODERATOR. But nothing was said about it. The Vietnamese were considered. . . . They were goods, right?

OLIMPIERI. Right, nothing was said about it at all.

MODERATOR. Mr. Bishop, we were told that you were in Vietnam from '68 to '69. I believe this was before President Nixon said we had any troops in Laos or Cambodia at all. It says here that you entered Cambodia in pursuit of enemy between '68 and '69. Is this a true fact?

BISHOP. That's correct. We were on Operation Taylor Common. We were up in the mountains. We were operating just above the Laotian border where Laos and Cambodia meet. We were making heavy contact up there. We had quite a few losses and most of the operations we were holding were usually squad type or platoon type because the area was so thick and we couldn't send big units in there. We were very close to the border and very many times we were fired upon and we would chase the enemy back and you wouldn't know really how many grid squares you would go. We would come back to the unit and even though we knew we were close to Cambodia, we'd come back and the skipper would kind of get us all together and say like, "That was really a far out thing we did today and just for your own information we were in another country". This was general knowledge at the time that we were going back and forth into Cambodia.

MODERATOR. So you could say in effect that Mr. Nixon might possibly have been guilty of untruths in a matter that it was your company commander or platoon commander who told you that you had been in another country.

BISHOP. That's correct. The platoon commander didn't really tell us to go in there but once he found out that we were in there, because we report grid squares and our operations as we're moving, it was kind of a neat thing to do because we were in Cambodia and I'll admit that about the Nixon thing, really.

MODERATOR. Was there no distinction between the borders?

BISHOP. No, there's no distinction at all. It's on your map. You can't tell, like your border could be a tree line away and you just don't know. You can't tell.

MODERATOR. So you could have gone into Cambodia more than once then?

BISHOP. Oh, that's correct. We could have held patrols there and if we weren't informed about exactly where we were, then we wouldn't have known.

MODERATOR. Mr. Kenny, you mentioned earlier that shooting of unarmed civilians. You weren't supposed to shoot civilians at all unless you found that they were armed. Could you go into this and explain how they explained the dead bodies if there were no arms on them?

KENNY. Yes, in many instances, particularly Operation Brave Armada which took place in Quang Ngai Province in the summer of '69, circumstances would come up where there would be a patrol walking along, a single person or a small group of persons would be sighted at a distance of anywhere from, like, one to maybe five hundred meters. The standard procedure was to holler "Dong Lai!" which is "Stop". A lot of times the civilians or Vietnamese couldn't hear at that distance and if they didn't respond immediately, the procedure was to have the squad or platoon open up on these people. Upon approaching the bodies it was usually found that these people had no weapons at all; that the only reason they hadn't stopped was that they hadn't heard or were frightened, and in order to explain these civilian bodies it was standard procedure to carry several extra fragmentation grenades in the field and these would be planted on the bodies in order to make them a Viet Cong rather than a civilian.

MODERATOR. Do you know whether this went on in other units besides yourselves? I realize this is hearsay, but from things that other people have told you.

KENNY. Yes, I understand from other people I have talked to that this was fairly standard operating procedure.

MODERATOR. And usually the platoon commander was present when this happened?

KENNY. That's correct. On several instances, the platoon commander, a Lieutenant, actually ordered this to be done.

MODERATOR. All right. Was anything ever said to you about civilians? What defined a VC? When they were dead, when it was just a body count?

KENNY. When a body was found, the general procedure was that if the body didn't have a weapon it was a Viet Cong suspect. If a weapon could be planted on it, it became a Viet Cong and if the body had any other equipment other than a weapon, that is any piece of uniform or other equipment, it became a North Vietnamese and this was the general criterion that our battalion used to discriminate.

MODERATOR. There's a program in Viet Nam called the Chieu Hoi program where they leaflet and they pass out these passes where the enemy, the NVA, or the VC with these passes can get safe conduct and be treated as respected human beings, not as POWs, but we have an instance, Mr. Camile, could you go into this, where Chiou Hois were shot and their passes were rejected?

CAMILE. We understood what the Chieu Hois were for, but we were told why should these people be able to shoot at us and then run and when they got close to being captured, come out with it and get away with it.

MODERATOR. Was this on orders or . . . ?

CAMILE. It was on orders.

MODERATOR. And what was done with the Chieu Hoi pass after the person was killed?

CAMILE. Anytime a person was killed, if they had any identification or passes or anything that would get us in trouble, they were destroyed.

MODERATOR. The platoon commander was present when this happened?

CAMILE. Definitely.

MODERATOR. Mr. Nienke, it says here there was torture of POWs. Did you ever run into any Chieu Hois or any type of prisoners trying to surrender?

NIENKE. Yes, I ran into some prisoners that tried to surrender but we were a roving battalion in Vietnam and we went to a lot of different places, mostly way out in the bush, up in the mountains, not close to any major Army or Marine bases such as this, and we didn't believe in Chieu Hois. We didn't take prisoners. When we did take prisoners, like, we'd come into a village and there might have been somebody that we thought could have possibly been a prisoner or a POW or a VC, whether it might be an old lady or a young kid or something like this, they were always brought back to our local platoon or CO position where we set up that night and interrogated.

MODERATOR. Did you ever witness any of this interrogation?

NIENKO. Like I said before, we were mostly on the lines and I walked back, I'm not sure what province this was in, I walked back to talk to the captain because I was going on a listening post that night and I saw a young man and he was being beaten by an ARVN interpreter that came along with us. He was being beaten and I was told to leave the area.

MODERATOR. Okay, thank you very much. Before we open up for questions, these Marines are seated in chronological order of when they were in Vietnam. Mr. Craig was in Vietnam in '66 and at the end Mr. Eckert ends it with 1970. So we're trying to show that the policy that was carried out wasn't by one man when we first got there, wasn't by the next man when he got there, but it was standard operational procedure that was carried through from when we've been in Vietnam and it's still going on now. These are not isolated incidents. It happens in the Army and in the Marine Corps. I guess we could open up questions to the press or anybody who had questions.

QUESTION. I'm ——— of WBAX News and I have a couple of questions. First were there any GIs or people in your battalions that objected to these kind of atrocities or made any effort to stop it when they saw them?

MODERATOR. Is this a general question? Would anybody like to answer that? Mr. Camile.

CAMILE. When people first got there they were pretty idealistic about what you're supposed to do and what you're not supposed to do. The first time you see your buddies get killed, then that changes your mind and the group pressure, like, if people wouldn't do things, people would beat up other people and say "You either do it the way we do it or else you're going to get shot".

REPORTER. Did anyone actually ever stop an act of terrorism that he witnessed?

CAMILE. Only when the press was around and that would usually be Lt. Colonels or Majors.

REPORTER. How did they do that?

CAMILE. They would tell them that the press was there and not to do it and that was it.

REPORTER FROM AP. Question for Mr Delay. What was the unit involved in the ambush you described?

DELAY. That was India Company, 3rd Battalion, 1st Marines.

AP REPORTER. Was it ever established who the people who were ambused were? Where they came from?

DELAY. Not to my knowledge.

REPORTER FROM WJR: One of your men who was here before mentioned in your opening statement generally something about fellow Marines who didn't do their job would be purposefully wounded or something. Could you be more specific?

VET RESPONSE. Excuse me, would that be in reference to like fragging that's been in the newspapers lately where they throw hand grenades at their own officers and staff NCOs?

VET RESPONSE. The question was if some sort of value was put on men who were inadequate in the field. What I was basically familiar with was newer personnel coming in country and taking the place of somebody who was more experienced in the field and maybe causing unnecessary deaths in the field or something like this and the men felt that if they put a little money together somebody would have the guts to wound them or something so they'd be drawn out of the outfit.

QUESTION. Did you actually ever witness that happening?

VET RESPONSE. Yes, I have.

MODERATOR. Any of you gentleman here on the panel, could you release any incidents of fragging that you ever heard of or saw? Mr. Campbell.

CAMPBELL. In January of 1969, a couple of miles northeast of An Hoa, in the Arizona territory, my unit was temporarily assigned to Operation Taylor Common. We moved out, we waited until dark and moved out into a very heavily booby-trapped area. The lead platoon hit a booby trap. The word was passed back that it was the platoon commander that hit it and then the CO went up to check to see how the platoon commander was and there was another explosion. The initial word came back that the CO hit a booby trap.

Now from the first blast, the first booby trap that was hit, the platoon commander's radio man was also hit. He went to the hospital and was back to the unit about two weeks later. He told me and several other people, two or three other people privately, that the second booby trap was not a booby trap but that one of the men from the platoon of the commander who hit the first booby trap fragged the company commander because he was very upset about the platoon commander hitting the booby trap. He was upset about the CO waiting until dark to move out. He thought it was a stupid move and figured that got his platoon commander, and the men in that platoon were pretty tight with that platoon commander. I witnessed the explosion. I witnessed the flash, but it was dark. I couldn't see the guy throw the grenade. I didn't know that he threw it until the platoon radio man explained this to me.

MODERATOR. Mr. Bangert, you said you had an incident of this.

BANGERT. I guess the majority of us had been in country for about nine or ten months and this new guy came. The new guy was a lifer. A lifer was in charge of the mail. He stopped the mail for about three days because he wanted his troops to shine their shoes or something or clean up or shave or get a haircut and he stopped the mail. So someone told him if we don't get mail by noon on a specific day before midnight, that night you're going to be offered. But since he was hard and he was in the Korean War, he thought that what happened in the old Marine Corps is happening in Vietnam, he persisted and the mail wasn't gotten out and before midnight he was fragged. And the mail did come through the next day.

(Question and answer period continued)

QUESTION. A couple of people on the panel mentioned brutalities to women. Is rape and other sexual brutalities to women—brutality involving the vagina in particular—is that a usual feature of people on tour in Vietnam?

SIMPSON. Me myself, I think it's pretty usual over there. Cause you'll be out in the bush and you'll meet women out on the trails. And the Marines over there, just like the Army and the Navy, are human. But they just don't go about it the right way—they might stick a rifle in a woman's head and say, "Take your clothes off." That's the way it's done over there. Cause they're not treated as human beings over there, they're treated as dirt.

QUESTION. Another question was: In your training is anything ever said about women in particular? Is there anything besides just being "gooks?" Are you encouraged to rape women in any way? Or think of them in any particular way?

PANELIST. Yes, in ITR in the Marine Corps you go through Infantry Training Regiment. They have a class on when you interrogate a POW or a villager what to look for—where they hide things. They stress over and over that a woman has more available places to hide things like maps or anything than a male. So it took about twenty minutes to cover where to search for a male suspect, and about an hour on a female. It was like everyone was getting into it pretty heavy like, you know, wishful-thinking, you know. But it seems to me that the philosophy over there is like somehow or another we're more afraid of females than we are of males, because, I don't know why, but the female was always like you never knew where you stood, so you went overboard in your job with her in all your daily actions. You doubled whatever you would do for a male. Because we always heard these stories that, like, the fiercest fighters were the females over there. You know, we didn't want to be embarrassed by getting our asses kicked by a bunch of females. So that's about it.

QUESTION. In terms of practice does that mean that women were treated especially rudely? You said "double everything."

PANELIST. Yes, I would say so. Because it makes a lasting impression on some guy—some "zip"—that's watching his daughter worked over. So we have a better opportunity of keeping him in line by working her over.

MODERATOR. Mr. Bangert did you have something to add?

BANGERT. Yeah, I think that in regards to women in Vietnam, first of all, you get this feeling sometimes when you're over there that you don't even think of their sex. This is really disgusting. You don't even think of them as human beings, they're "Gooks". And they're objects; they're not human, they're objects. The general rule was a Vietnamese who is dead is confirmed Viet Cong and one who is living is a Viet Cong suspect. And that's the way it was. Back to this specific instance where I talk about the dis-embowlment of the women—I think the person involved was a freaked out sexist, if that's what you're trying to get at. I think maybe he had problems. He had to be—he was in the army for 20 years.

QUESTION. You were talking about mutilation of bodies and, in general, murder. I was wondering—how did you get rid of all these mutilated bodies?

CAMPBELL. A particular way that the people I was with got rid of bodies was on Operation Meade River in November '68. There were some mutilated bodies. The Engineers blew them with C-4. They put 40 pounds of C-4 underneath the bodies and blew them. This was done for kicks; not just to dispose of them, but for kicks, to watch them go up. Another thing, I wasn't given a chance to make this clear earlier and I'd like to make this clear now. When we were showing the policies within the same unit changing—from when Scott Camil was there to when I was there a few months later—I mentioned the fact that things cooled down after the incidents that he explained. But they picked up again about three or four months later. And then came the blowing away of vills and the mutilation of bodies and stuff. All the incidents that I described earlier.

QUESTION. Was there discrimination between the black soldiers and the white soldiers in the service, or were the white soldiers supposed to be superior to the black soldiers? I mean, did they tell you anything about that over here before you went over there, or was it put into practice anyways over there?

PANELIST. I went to Boot Camp at Paris Island and we had a lot of brothers from Philly there and the common term used in discussing the brothers amongst the DI's, the drill instructors, was they were "niggers." "Come here nigger, do this nigger." I think this had a carry-over effect throughout the entire training. It always seemed to be that the brothers were always looked down upon.

QUESTION. I just wondered if there were any correspondents, or any newsmen, or any of the media that was present during these brutalities that these men know of and just ignored reporting any of these things?

BANGERT. I testified to the fact of the bodies outside Quang Tri City. Sometimes people from the press would drive through there, specifically women journalists who were readily welcomed into the unit. There was always this whitewashing thing. Well, sometimes these people would go right past the bodies and come into our base to get a story. They were kept away from the enlisted men, away from the people who were involved. The typical thing was to take them down to the Officers Club, get them soused, get them in a flight suit, and take them out and fly them through Quang Tri Province. And if they wanted to, they could see what it's like to shoot a gun. That happened a couple of times when I was there.

QUESTION. My impression is that it doesn't sound like even if the newsmen had gotten to you that any of you would have been willing to talk about these things at that time. Is that true?

CAMILE. That's very true.

MODERATOR. On Tuesday when the 25th Division gives their testimony, there are former PIO men from MACV who will talk about the civilian press at length. These questions will be answered then.

QUESTION. Mr. Sachs, you told about a prisoner being pushed from a helicopter. It wasn't clear whether or not that helicopter was on the ground or not.

SACHS. The incident I was talking about when they were making to see who could throw the gooks farther? It was done on the ground because it's hard to mark them from 3000 feet. However, it was an official policy that after every mission you fly, you have to fill out an Aftet-Mission Report to show them all the good stuff you did during the day. Like, how many pounds of rice you carried, and how many Americans and how many gooks you carried. Well, we were given very specific oral orders from the Colonel on down: When you are carrying VCS, Viet Cong Suspects, you don't count them when you get in the airplane, you count them when they get out of the airplane because the numbers don't always jibe. And if one of them happens to get scared of heights and decides to get out, or something like that, or if he looks like maybe he's going to try and raise some —— in the belly of the aircraft and the crewman has to kick him out, that's none of your business; it didn't really happen because you counted the men when they got off.

QUESTION. Did you ever witness anyone being thrown from a helicopter in the air?

SACHS: I'm a pilot and they're below you and behind you and you can't see.

PANELIST. Another method they used in regard to helicopters is sometimes when they captured three suspected enemy people they might take them for a joy-ride. They usually tie them up and put a blindfold on them and they'll put maybe three guys in a C–53 and fly off. They'll ask the guys in the air, "What is your unit?" and all this jive, and if they don't cooperate, they just might take one of them and say, "Okay, take off the blindfold," and just shove him right out. Now this gives us a psychological edge because apparently it works. When the other two guys come down to the ground, they're scared and they cooperate more readily than they ever would before.

MODERATOR. Mr. Camile, you had some actual instances of observing Vietnamese being thrown out of helicopters.

CAMILE. On Operation Stone, I was on the ground and I didn't see this Vietnamese pushed out, but I did see him come flying out and land over where we were.

MODERATOR. Perhaps he decided to take a little walk or something. Any more questions?

QUESTION. Mr. Bishop, could you elaborate some more on the circumstances of the killing of the four NVA nurses?

BISHOP. I didn't say it in the testimony, but it's written on my testimony sheet. The operation was Meade River, a very large scale operation. ROK (Korean) Marines were involved, U.S. Marines and Army were involved, and the ARVNs were involved. A cordon was set up outside of Da Nang and a big squeeze was put on right outside the airport. There were quite a few body counts as far as the enemy went. It was something like 1,300. The allies had something like 700 or 800 so called dead—we never knew. On part of the operation, we had just gotten through making heavy contact and we went through a bunker system. It was a large bunker system and we found hospitals. We came across four NVA nurses that were hiding out in one of the bunkers. They were nurses, we found medical supplies on them and they had black uniforms on. The ROK Marines came up to us and one of their officers asked us if they could have the NVA nurses, that they would take care of them because we were sweeping through the area, and that we couldn't take care of any POWs. So, I imagine, that instead of killing them, we handed them over to the ROK Marines. Well, we were still in the area when the ROK Marines started tying them down to the ground.

They tied their hands to the ground, they spread-eagled them; they raped all four. There was like maybe ten or twenty ROK Marines involved. They tortured them, they sliced off their breasts, they used machetes and cut off parts of their fingers and things like this. When that was over, they took pop-up flares (which are aluminum canisters you hit with your hand; it'll shoot maybe 100–200 feet in the air)—they stuck them up their vaginas—all four of them—and they blew the top of their heads off.

MODERATOR. Any further questions?

QUESTION. It was stated by one veteran, I don't know which, that on the last day, and I believe it was at Camp Pendleton, they were given a briefing by a sergeant, apparently, where they skinned a rabbit, disembowled it, and he told them or instructed them that this is how it's done. Can anybody else corroborate that?

MODERATOR/SHIMABUKURO. How many guys in Marine Staging saw this—the last day in Staging Battalion? I saw it myself in Staging Battalion. All those who saw it please raise your hands again.

MODERATOR/BIRCH. The question for those who didn't hear it was in reference to the skinning of a rabbit as an example of "this is how it's done in Vietnam" or "this is what happens in Vietnam". In answer to the question, most of the Marines here did see it.

QUESTION. This is still part of Basic Training? Are we to understand that this is part of the course before combat in Vietnam?

MODERATOR/BIRCH. This is part of the Staging Battalion which is the last day before you go to Vietnam. Could we have the show of hands again?

(Note: A majority of hands were raised.)

QUESTION. Are there officers present at this?

PANELIST. Yes. It usually was a company formation. They made quite a spectacle of this. They made a moccasin out of the skin. A couple of dudes were playing with the organs. It was a really cool thing, I guess.

MODERATOR. We'll now show Mr. Camile's slides and he'll narrate them.

CAMILE. (First Slide) This particular picture is what the houses generally look like when we go through and throw our heat tablets in. They catch on fire very quickly and there are people in these houses. The houses are made of grass. Sometimes if the people don't get out before we throw the heat tabs in, they don't get out at all. (Next slide) We carried aces of spades and it was kind of like a game. When we killed someone, you plant an ace of spades on him and you'd pose with the body because it was something really cool to do, to show everybody how many people you'd killed. (Next Slide) These are bodies that attacked us at a place called Alpha North and after we killed them, they were inside our position, we threw them on trucks and took them to the middle of the village. We dumped them out in the middle of the village. We dumped them out in the middle and left them there like that. We don't treat any bodies like they were human bodies. It was just like throwing out garbage.

The foregoing almost completes the testimony of the 1st Marine Division and is representative of the remaining testimony.

The rest of the testimony (composed of some thirty reels of tape of approximately 800 feet each) is given by the: 1st Air Cavalry, Third Marine Division, Miscellaneous Units, 5th Special Forces, 101, 82, 173 Airborne, 25th Infantry, 1st, 4th, and 9th Infantry Divisions.

The panels are: Weapons Panel, Prisoner of War Panel, Medical Panel, "What we are doing to Vietnam," "What we are doing to Ourselves."

A glossary of military terms and expressions is also available as well as a brief summary of the testimony to be given by each veteran.

Moderator

Michael Hunter, 24, Sgt. (E–5) "B" Co., 5/7 Air Cav. Reg., 1st Air Cav. Div. (from February 1968 to February 1969) "H" Co., 75th Rangers (Att. to 1st Air Cav. Div.), "I" Co., 75th Rangers (Att. to 1st Inf. Division) (September 1969 to March 1970)

Veterans testifying

John Mallory, 24, Captain, 1st Sq., 11th Arm. Cav. Reg., 1st Air Cav. Division (from May 1969 to May 1970)

James Mackay, 20, Sgt., E–5, HHQ 3rd Brigade, 9th Inf. Div., (from October 1968 to August 1970)

Douglas Craig, 22, SP/4, "D" Co., 2nd Bn., 8th Brigade, 1st Air Cav Division (from December 1968 to August 1969)

Robert Wiktorski, 22, SP/4, (E–4), "C" Co., 2/12 Air Cav. Reg., 1st Air Cav. Div. (from May 1968 to May 1969)

David Stark, 25, SP/5, (E–5), 524 Military Intelligence Detachment (from October 1967 to October 1968)

James Duffy, 23, SP/5, (E–5), 228 Avn. Bn., 1st Air Cav. Div. (from February 1967 to April 1968)

Kenneth Ruth, 26, E–4, HHQ Co. 2/12 Air Cav Reg., 1st Air Cav Div. (from February 1966 to February 1967)

MODERATOR. Brothers and sisters, or sisters and brothers, I'd like to present to you the veterans from Vietnam who will be testifying about the atrocities that took place and were created by American troops with the 1st Air Cav. Division in Vietnam. To give you a little history on the 1st Air Cav. Division, it is an air-mobile division; it was the first created and the 1st Air Cav. was the first Air-mobile Division to ever take place, or to function, in Vietnam. It arrived in Vietnam in 1965, in Qui Nhow. Now I'd like to introduce to you the first testifier, former Captain John K. Mallory. Mr. Mallory?

MALLORY. I'm Jack Mallory and I served as a captain with the Eleventh Armored Cavalary Regiment, which during most of my time in Vietnam from May, 1969 to May, 1970, was under the operational control of the 1st Air Cavalry Division. I served as Regimental Assistant Civic Action Officer and Civic Action Officer for the 1st Squadron, 11th Armored cav. I'd like to say a few words about treatment of Vietnamese civilians by members of the 11th Armored Cavalry Regiment. The destruction of crops and killing of domestic animals was common whenever the 11th Armored Cavalry Regiment operated in populated areas. Crops were destroyed in the building of defensive positions and animals were run over when the tracks—armored cars, tanks—ran through the villages. Civilian deaths were quite frequent, Vietnamese civilians were killed accidently when tracks and tanks running through their villages, often at excessive speeds, struck them, ran off the road, ran into their houses, hit their bicycles, etc. On at least one occasion, the village of An Phu, in Binh Hong Province, was struck by artillery fired from Quan Loi Base Camp causing several casualties. A civilian riding on an ox-cart, just south of Quan Loi base camp, was intentionally struck by an American air-craft which came in out of the sky, hit him in the head, and travelled on. The man was killed; the aircraft was never identified. A helicopter, also never identified, dropped two white phosphorus grenades (they're incendiary grenades) into the village of Sa Troc, also in Binh Long Province, burning down several buildings and two small Montagnard children. In Loc Ninh, a young boy about twelve years old was attacked by two American soldiers, severely beaten, resulting in a broken arm. There is no reason known for this attack. On one occasion, a North Vietnamese Army nurse was killed by 11th Armored Cavalry troops; subsequently a grease gun of the type used in automotive work was placed in her vagina and she was packed full of grease. On several occasions, enemy graves were violated, their skulls taken out of the graves and used as candle-holders and conversation pieces. CS gas, better known as tear-gas, was often used on civilians to chase them away from our positions where they came to sell, or to look for valuable American trash, in our trash dumps. On one occasion, this gassing of Vietnamese civilians was done by an American Army major. On another occasion, Vietnamese selling their wares in the area had their wares taken and destroyed by American troops led by two captains. One of them was myself. In August, in Binh Long Province, north of An Loc, six Vietnamese (friendly Vietnamese soldiers or civilians or regular Defense Group soldiers) were killed by helicopter gun-ships from the 11th Armored Cavalry Regiment. Although the CIDG area of operations was clearly marked on our tactical map in our tactical operations center, sheer carelessness of the duty officer from the 11th Armored Cav. led him to give our gunships permission to fire at armed Vietnamese in the area, although it was quite well known that there were friendly armed Vietnamese in that immediate vicinity. In general, U.S. attitudes towards Vietnamese civilians were not inhumane per se, but they were certainly not human. The Vietnamese civilians were regarded much as

America regards her own minorities—a pat on the head for a trick, a kick in the . . . for an imagined fault, and invisible the rest of the time.

Moderator. O.K. The next speaker or testifier is James Mackay, former E–5. James?

Mackey. My name is James Mackay. I served with Headquarters Third Brigade of the Ninth Division from October '68 to August '69, and I served with the First Cav. from August '70 to December '70. Our A.O. was from Song Be north to Cambodia. During this time our helicopters, our Cobra gunships, and small observation helicopters would go out on search and destroy missions more or less where they'd go out and they'd shoot anything, any structures they saw. They'd shoot all structures; they'd shoot all people, be they men, women, or children—old men, children, whether they had arms or not. They'd shoot all livestock, destroy all food. They'd destroy everything they saw that was man-made. Also, to prove that they'd been getting body counts, the troop commander had given the order (not given an order, but let it be known) that the next time Vietnamese were killed, the body would be taken and dumped from two-hundred feet right to Brigade TOC, right in front of the TOC, and this was done, and there was no reprimand to the officer. Explosives have been put in the dumps for the purpose of exploding and injuring men, women, and children while they're going through the trash—while they're going through this valuable trash. Consequently, one of my friends was blown and burned on the upper portion of his body due to the carelessness of the discarding of trash and purposely planting booby-traps.

Moderator. James, you stated that on the first time that an A-troop, recon missions, right?—the Cobra and the Loach—when they fired on any moving target that meant men, women, and children? Right?

Mackey. Right, this meant, anybody they say whether they were men, women, or children, or whether they had arms or not. One kind of joke that went between the pilots was if they fired or not, upon anybody they saw, it was whether they waved or not. This was a kind of joke going between the pilots, but it didn't count, because they just shot anything they saw, any structures.

Moderator. Could you clarify on the booby-traps set into the fire-dump? They were charges from the artillery battery—excessive charges from the artillery battery?

Mackey. Right, excessive charges were thrown in the dump, and then fires were set so that they would burn people. At this time, when my friend was injured at the dump it was artillery charges that had been thrown away and set to go off. How they were going off, I don't know. I found that they were set there.

Question from floor: The fires were set?

Mackay. Oh. I heard, I had a lot of friends in artillery, and they told me many times when we were sitting around talking that they put charges out there. The excessive charges they don't use during their midnight missions, they'd put in the dump, and these are all supposed to be destroyed in a certain point through EOD and they were thrown in the dump for the purpose of going off.

Moderator. They were deliberately set-up, so that the children or the young men, could walk into the dump, get close to the charges, and then they were set on fire and they'd go up relatively fast. Is that correct?

Mackay. Right, and the dumps were all supervised. There was a supervisor there, but he was never there; he was supposed to be there. He was supposed to make sure that no ammunition was thrown away. There was not supposed to be any ammunition or any kind of explosive or inflammable material thrown in the dumps except trash, and consequently, when they were thrown in there, they were thrown in with the knowledge that someone might get hurt, and would probably get hurt when these burned or exploded grenades, etc.

Moderator. Thank you. The next testifier is former Spec. 4 Craig.

Craig. One incident I'm referring to is the Second Batallion, Eighth Brigade—their policy of mortaring the local dump every night. My statement reads: I was stationed in LS St. Barber, roughly between the months of March and August 1969. And it was battalion-originated policy to mortar the neighboring dump on the pretext "the gooks are scavenging food." It was proven that it was civilians from the town of Loc Minh. Roughly two a week were killed and occasional injury was often treated at the battalion first-aid hootch.

Moderator. All right. Craig, let me ask you a question. How many black personnel, and when I say black personnel, how many black men, were assigned to your company?

Craig. Company strength varied between 80 and 120 and it was usually about a third.

Moderator. A third?

Craig. A third of all personnel, yes.

Moderator. Let me ask you this. When you point, it's well known to all us vets that when initial fire takes place usually the first five people are the ones that got hit, is that correct?

Craig. That's true.

Moderator. How are blacks used as far as walking point? Explain that for me, O.K.?

Craig. They're considered to be more adept at walking point. Plus the added factor, blacks came under a lot of blame for some of the so-called fragging that goes on. Anybody under suspicion found himself on point, usually pretty fast.

Moderator. Thank you. The next speaker, testifier, is former Spec. 4 Robert Witorski.

Witorski. All right, my first complaint would be on August, or in August, I worked in Quang Tri Province near the city of Quang Tri. We were on a searching mission—

Moderator. Excuse me, Robert, could you start off by giving your company, and your unit and the time you served in Vietnam?

Witorski. I was with Charlie Company, Second and Twelfth, First Air Cavalry, and I served there from May of 68 to May of 69. Now in August of 68, we were sent on a searching mission of a supposedly evacuated or deserted village. Now the policy of searching a village is that they take the whole company—that is about a hundred and sixty guys, it varies—and they put you on the line, and they're going to cover every square inch of this village, they're theoretically going to turn up every booby trap that was set in that village. And you can't always see the booby traps. Now, we took a bunch of prisoners there, approximately 30, and we were going to evac them for questioning—bring in a helicopter and lift them out. Now as the helicopter came in (they were going to remove the wounded also) we took fire; we received one mortar round. They got the civilians and wounded out and nobody was hurt as a result of that mortar round. We were given the order to move out again, and as we did, I turned behind me and some of the drag elements, some of the guys that were lagging behind, were burning hootches. It wasn't our policy to destroy anything, but for some unknown reason, somebody had set fire to about four hootches. It was also our policy to frag any suspected position. Now, every one of these houses in this village has an adjoining bunker in case of mortar attack—see, they're going to get it from either end; if they support the U.S., they're going to get attacked by the Vietnamese, the North Vietnamese. Now they used these bunkers that were adjacent to their houses more or less as an air-raid shelter, rather than a fighting position. Most of the openings, or the access holes to these bunkers were inside the houses so that if a person was in the house and something happened, they could run into the bunker. On that particular day, there was an order given to frag all suspected positions.

And it got to the point where we didn't so much look out for the booby traps as you were looking out for the guy next to you who was throwing grenades in every direction. You'd yell a term "fire in the hole" when you'd throw a frag. And, like that just echoed all day, "fire in the hole." Now, the next day we continued on our sweeping mission and that night we set up a perimeter. I wasn't familiar with the area I was put in, so I took another man with me to sort of recon the area and I engaged a booby trap. I was wounded as a result of this. Now, if this village had been swept properly, or as it was supposed to have been, that booby trap should have been discovered. I was looking for booby traps, but they're pretty well hidden; they're pretty hard to see. Another incident I'd like to mention is at L–Z Grant. This is near Tay Ninh in Tay Ninh Province. We had been hit; we were attacked. The landing zone itself was attacked at night by NVA soldiers. They had taken approximately 200 bodies on the wire, on the barbed wire, that were dead. To the best of my knowledge, they had only captured one prisoner and he was a high-ranking NVA official. Now, en route from L.Z. Grant to Tay Ninh for interrogation, this man was pushed out of the helicopter approximately a quarter mile from the perimeter, and consequently died as a result of the fall. On that same night that the base was attacked, they called in jet air support.

The jets—they had jets in the area and they had helicopter gunships in the area working in a ——, you know, in just a scattered pattern. They asked the jet to move in a little closer to the perimeter for closer support. And the pilot, I guess, misjudged the perimeter and dropped a napalm bomb on one of the bunkers. As a result, one man who was formerly with my unit was killed. He had been put in the rear as a safer place to be because he only had 29 days left in the country. It was usually a policy where if you got within a short time of your DEROS date they would try and give you a position that would be less detrimental. Now, I don't know how detrimental that can be; the guy was burned beyond recognition. The only way we know it was him is because he was missing and he had a wallet on him. Another incident I'd like to mention was just after getting out of the hospital. My unit had pulled a big shift from up north in I–Corps area to the III–Corps area near Tay Ninh. And this was in Cu Chi. It's a large base camp; they have planes land there and it is pretty civilized. My unit was lining up for chow. We were going to go in and eat supper in the mess hall and the C.O. gave the order to spread it out in the chow line. Now the reason behind this is that when you're out in the field the guys get a little hungry and a little anxious for some hot chow and they tend to bunch up together. As a result, it can be pretty bad if somebody pops a couple of rounds at you—like a mortar round could kill up to 30 guys, if they're grouped together and it's placed right. But in a big base camp, its relatively pretty clear. Guys are walking around with baseball hats on, trucks are driving by, guys are swimming in swimming pools.

Our C.O told us we had to wear our helmets in the chow line and spread five meters apart. Some of the guys expressed their, you know, feelings about this and the C.O. said, "All right, you're not going to spread it out", and went and got a fragment grenade and fragged our chow line. As a result, he wounded one of my ammo bearers. He wasn't hurt too bad, but what the heck, when you're fighting one enemy you don't have time to fight you're friends, or your leader. Another incident happened up in the I Corps area. We had been working the Street Without

Joy (it's adjacent to Highway One). It leads from a place called Wonder Beach almost directly to—at that time it was the Cavalry Headquarters—Camp Evans. We were told to establish a perimeter and set-up positions, which we did and as the days passed, more and more people were coming to this perimeter, engineers and the like, and setting up barbed wire, and extending the perimeter—making it bigger. They were planning on making a large stationary camp in this area. Now in the early days of this, when there wasn't any barbed wire (it was just us guys on the line) they had us stringing barbed wire. I was on a barbed wire detail and that night I had to pull an ambush. The area we were in was hilly and small brush. You could see for miles. Clearly, for miles. And I commented to one of the guys who was on ambush with me, I asked him, "what makes you think that anybody is going to come walking along through the middle of nowhere? You know, just in the middle of the night, you know, helter-skelter?" and he said, "Well, we've got two bodies". We were given the order not to take any prisoners or wounded on this mission. If we ambushed anybody that night, they had to be killed. They had taken two prisoners earlier, and they were shot and their bodies were placed approximately 30 yards from the perimeter site, from the ambush site, and Claymore (Claymore mines) were set-up in a defensive position around the bodies in order to decoy, as bait. We never executed an ambush; nobody ever came along. So following about three days of this, a bulldozer from the engineering outfit came over and just pushed dirt over the bodies because they were starting to smell. And another incident I'd like to mention is that we were on a, just a random pattern of walking around in the jungle, near Nui Ba Den, near Tay Ninh, working that area, when we engaged the enemy. To the best of my knowledge, there were only two of them, maybe three at the most. One was killed as a result of it, and we were in the process of tracking the other one. Now that day ended and the next day came and we were still tracking this guy, when we, the point element, thought they saw something. So the C.O. got a little anxious and said, you know, let's get with the program: if you see something, shoot it. When you're the point element, and you figure that the first five, six, seven guys get hit in the initial volley of shots, you're not too anxious, you know, you're pretty cautious, and when you've got somebody who's sitting maybe two hundred yards back on a radio telling you to hurry up, you really don't appreciate it; he's not the one up there. So, this NVA apparently didn't have a rifle—we didn't find any rifle. He had a Chi Com pistol with him and a few hand grenades. Now, he had gotten to the point where I guess he was exhausted; he couldn't run any more, and with this hot pursuit on his trail, I imagine he was pretty scared. He threw a couple of frags at us, you know, in an attempt to hold off impending doom, and then took his own life. Shot himself through the head. He never once tried to surrender. I think we would have taken him as a prisoner. I don't think he would have been abused—we didn't usually make a habit of abusing prisoners. We sent them in the back, and possibly there they were abused, but not out in the field. We got rid of them too quick.

Moderator. Robert, I'd like to call you Rob, if you don't mind, to get on that last one that you stated, would you say that the actual main reason why he did shoot himself was that a superior force was after him and all he had was a pistol so his destiny was pretty well determined if he continued to fight? Or if he had yelled "Chieu Hoi" would you have taken him as a "Chieu Hoi". Or if he had thrown away his pistol, and yelled and put up his hands would you have taken him as prisoner?

Witorski. Well, the reason I said that he was probably pretty scared is because of what happened to his buddy. Now, upon killing the other member of his team, a lieutenant from either the 2nd or 3rd platoon (it wasn't my platoon) came up from the rear, saw the dead body, and seemed satisfied that he was dead. But then he took the body and set it up against a tree, crossed his legs, put a cigarette in his mouth, put a hat on his head, folded his arms, and then with a sharp instrument (he might have even taken a stick and sharpened it) took a Cav patch and just tacked it to his chest and left it there—we left it there; we marched right on by it.

Moderator. All right, if I may explain to the audience that to multilate a Vietnamese body or a Buddhist body (anything of the Buddhist religion or Hindu or Indian) is to violate their religious rites; to take any part off the body or to mutilate it means that the soul cannot go to heaven or wherever it's supposed to go. It lies in limbo, and to the North Vietnamese and to the Vietnamese, this is the most horrible thing that could ever happen. This breaks up the family dynasty that they have going. That's why we are told not to pet the little children on their heads because this directly offends the Vietnamese people. The head is the most, how would you say it, sacred part of the body. Now, to get back to Rob. The military tactics that are being used in Vietnam, when we were there and that are being used now, are vesting the lives of Americans and civilians for no necessary reason; this is through carelessness. Now, am I right, or am I wrong?

Witorski. Well, I have to state this from my own point of view. I didn't go over there because I wanted to, or becaused I liked it, but, you have to do something, so I went over there. I think what happens, the way they get you into actually fighting—where the bullets are exchanged—is that when you're ambushed, or when you hit contact, usually, I'll say usually, somebody is hurt in the initial contact. So if you're following some guy and he drops in his tracks, are you going to turn and run? Or are you going to stay there and try and help the guy? The army puts you in a position where you are not obliged to the army itself, but to your friend. You know, the friends you made over there, the guys you live with. When one of them is hurt, you just can't leave him. If there was an initial volley of shots and nobody was hurt, we would withdraw out of the area, and we would call in support-artillery, jets, whatever it took, until we felt it was safe to proceed. But when somebody was hurt in the initial volley, somebody had to stay there with him.

Moderator. In other words, what the military system is doing with the American troops in Vietnam is using them, the infantry troops, the grunts that hump the fields, is using them as bait.

Witorski. That's putting it kind of rough. I would say that the army put you in a bad position and you just got to make the best of it. You know, whatever comes, may come. Like I said, if nobody was hurt, all the guys would withdraw; nobody was for pushing ahead; nobody wanted to make contact. Everybody dreaded contact because usually with contact came injury and maybe even death. I know they never got me in a position where they would say "All right, I need three men to go up here and do this or that." It was always, "There's somebody hurt up there," or something like that, and "You guys get down there and help them." That kind of thing. It was never a voluntary basis out of the clear blue. When they sent us on patrols, I would have to say that the guys I was with kept it to a bare minimum as far as looking for trouble. We didn't poke our noses into places we didn't want to go. If the C.O. said, "Well, go out about two miles and turn left and circle back in," we might go out of sight and just sit down and wait a half hour and then come back in.

Moderator. OK, to get back on to the same thing about the fragging in the villages, that specific village of Quang Tri. Was there any enemy activity in the village itself?

Witorski. Well, like I said, we received one mortar round, no small arms fire or anything else and the reason I don't think there was any enemy activity in it was because we would have heard the tube fired for one, if it was in a reasonable amount of distance, let's say within a mile. So it was pretty well out somewhere where we didn't hear it. And they just lobbed one round in. I think they were too far away to engage us in small arms fire. In fact, I went so far as to walk into a clearing and look over the terrain. It was all rice paddies and I found a sandal in the mud, right there, and I kind of got scared and I pulled back into the trees. But I believe that if there had been close enemy activity, I would have been shot at.

Moderator. OK. When the men of your company fragged the shelters that the Vietnamese had in their houses, could there have been a possibility that there were children—women, children, or older men—in the bunkers and if so, were there enemy bodies found after they fragged these bunkers?

Witorski. Well, like I said, I think they were used more or less as an air raid shelter or a place of hiding rather than a place of fighting. There was no accessible fighting position. They were completely blocked off on the outside. The only access was through the inside of the house and it wouldn't make a very good place to sit and try to fight. But still and all, they made sure they fragged every bunker at least once. We never once in that whole village, in the two days that I remember did we ever find a weapon. We found a poncho, a wallet (an unidentified wallet) nothing in it, and booby traps and thirty civilians, about thirty civilians.

Moderator. Thank you very much, Robert. the next testifier we have is former E-5 David Stark. David.

Stark. Yes, I'd first like to clarify my unit which was the 524th Military Intelligence Detachment. It had no direct connection with the 1st Air Cav. I'm not part of this other unit. I was in Vietnam from October 67 to October 68 and I had the opportunity, the unfortunate opportunity to be there during the original Tet offensive in Saigon. I have two photographs here that were taken from my house. I lived in a rented French building in Cholon, which is a district of Saigon. The picture on the top right I took one day from a water tower on the roof of our house. That fence, the barbed wire fence in the foreground which isn't clear to people sitting too far away, is on the back perimeter of our house. The picture encompasses an area of approximately one quarter square mile. It was taken approximately January 29 or January 30 right about at the beginning of the Tet offensive. The second picture, on the bottom left, which is labeled "after", was taken just less than two full days later. This was a result of a bombing run called in on a rumored number of 300 Viet Cong living in the area. Where that information came from, I'm not quite sure. That was not part of our unit's doing. There was a Korean compound down the street. A Korean general's house who was active in that movement and I think the figure 300 came from them. The Koreans later related to us during the clean-up phase they reportedly found somewhere from 1300 to 1400 bodies. Due to the nature of my job in Saigon I had friends in other units (intelligence units in Saigon) and one of these friends took me to an interrogation compound located between Cholon and Tan Son Nhut. I myself, at that compound, witnessed minor beatings of Viet Cong prisoners, especially in chairs where they would be strapped down and their legs would be beaten. I, also, saw in that same compound (I didn't see it used on an individual), but I saw an apparatus I can only describe. It was a fence about seven feet high and it had high hooks mounted in the wood. I was told that the prisoners were stripped of clothes placed up against this fence, and approximately ten to fifteen feet away there was a pipe sticking out of the ground on the top of which there was mounted a high pressure water nozzle, the same type you would be familiar with on a fire hose. I was informed that prisoners would be placed up against this fence and this high pressure hose would be turned on, for any period deemed necessary, I guess. I, also, saw, in the building, a table with a piece of apparatus on it that I was told was the inside of a field telephone and it did look like a field telephone to me. I have seen them a number of times. This was taken out of the case and it had two long wires, electric probes that I was told were used on all parts of prisoners' bodies for electronic type torture. The way this operates, there is a crank on a field telephone and when this is cranked it builds up enough power inside to transmit over the wires a strong enough signal to ring the other person's telephone. I don't know the voltage of it, or what, but I understand it is very painful. I was just told that the faster you crank it, the higher the voltage, so I guess the more you crank it, the more information you got.

MODERATOR. David, and to the rest of the panel also, if there is a feeling that I am baiting you into answering a question, just tell me to cool it. David, how many North Vietnamese were supposed to have occupied Cholon?

STARK. The entire area of Cholon?

MODERATOR. Right. That vicinity that was burned.

STARK. That vicinity in the pictures?

MODERATOR. Right.

STARK. I couldn't really estimate that number because the area was a refugee area—not a sanctioned government refugee area—just an area where people saw space and moved into and built houses out of whatever was available. It was a very highly concentrated population, I'm sure, because the houses are just stacked on top of each other and right next door to each other and many people live in single room dwellings, so I'm sure there were several, several thousand people in that area.

MODERATOR. What about the enemy activity in that area? How many people? The troops, an estimate that was related to you?

STARK. Activity?

MODERATOR. The enemy activity, right. The troops that had supposedly moved into Cholon?

STARK. Oh, well at the onset of the Tet offensive there was a great deal of fire activity all throughout the city. The highest concentration of activity was in Cholon, Phu Lam and Phu To which are all suburbanite districts of Saigon. It's not in downtown Saigon. It's as a neighboring area within the city limits would look to Detroit, I'm sure. And the activity was very indiscriminate sniper fire, occasional rocket rounds, mortar rounds, this sort of thing.

MODERATOR. But yet there were thirteen hundred bodies counted?

STARK. Approximately thirteen hundred bodies were picked up after, during clean up period.

MODERATOR. All right. Thank you David. The next speaker, a former E-5, James Duffy. James.

DUFFY. I served as a machine gunner, on a CH-47, Chanuk helicopter with Company A, 228th Aviation Battalion, 1st Air Cav division, from Feb. '67 to April '68. Most of our missions we flew alone and we had a wide variety of missions. One such mission was a gas run where we loaded the ship with twelve 55 gallon drums of what I was told was CS gas which we dropped into a well travelled path in the An Lo Valley. We were told that gas would be effective for a number of weeks; it would remain there. Another mission was a defoliation run on our own perimeter in An Khe-that was the base camp at the time. The perimeter was occupied by GIs, grunts, pulling guard duty, and also Vietnamese civilians from the neighboring town who were allowed to chop wood there. So both our people and theirs were exposed to the defoliants. And when I first became a gunner, I was told the company policy was to return fire from all guns when fired on. To continue fire until our supply of amo had been expended. This was usually thousand round belts that we kept in each of the two M-60 machine guns. Also the crew chief, myself, and the flight engineer had M-16s with as much ammunition as we wished to fire. It was quite usual that there would be a sniper outside a village in the foliage, in the trees, and if we took fire from one sniper we'd return fire on that sniper and then continue to spray the entire village with machine gun fire and M-16 ammunition until we either ran out of ammunition or we had flown so far away from the village that we could no longer reach them with the weapons. Now, the thousand round belts we used in the machine guns were usually straight tracer rounds so during the dry season (when the Vietnamese live in these hootches made of C-ration cans and straw huts) the tracers would set fire to the huts so the ones that we didn't get with ammunition we could try and burn them out. The free-fire zones were posted on the operation map in the operations tent and this gave us a policy to kill anything that moved within that area. On one operation, I was flying an LZ. We took fire when a round hit one of our fuel pods and one of the jobs of a crew member is also to pull maintenance on the ship—and the more maintenance you have to pull the less flying time and the less chance you get to kill gooks because that's the mental attitude that the army forces you into. So we were kind of mad that we had taken a round in the fuel pod, so after leaving the LZ we requested the pilot fly over the area we had taken the round from so we could get whoever it was that had fired at us. We were all pretty up-tight about it, and as soon as we left the LZ, I noticed a contingent of Vietnamese peasants chopping wood and I decided, well, if the Vietnamese can fire a round into my ship, then I can fire as many rounds into the Vietnamese as I want to.

So I swung my machine gun onto this group of peasants and opened fire. Fortunately, the gum jammed after one or two rounds, which was pretty lucky, because this group of peasants turned out to be a work party hired by the government to clear the area and there was GI's guarding them about fifty meters away. But my mind was so psyched out into killing gooks that I never even paid attention to look around and see where I was. I just saw gooks and I wanted to kill them. I was pretty scared after that happened because that sort of violated the unwritten code that you can do anything you want to as long as you don't get caught. That's, I guess that's, what happened with the My Lai incident. Those guys just were following the same pattern that we've been doing there for ten years, but they had the misfortune of getting caught at it. And rotor wash from the helicopters was a very effective and sadistic weapon. Chanuk helicopter is basically a cargo ship; that's what it's designed for. I forget the weight you can pick up with one, but when you've got a full load, you can put out a rotor wash at certain times that approaches a hundred miles an hour. Some of the things we used to like to do was in the morning the people from hamlets and villages go out to a designated field to defecate and if we'd be on an early morning mission, we'd spot them, make a swoop in, and we could get up to a hundred twenty knots, about a hundred thirty miles an hour. And as you swoop in with the ship, just as you approach, the pilot would flair the ship on its tail, and the rotor wash would spin around and hit the people, blowing them over through the sand and their defecation. This was one of the things that we did for kicks. Rotor wash was also used to blow down the villages; like I said they are made out of straw and junks. So we'd come in and flair on a ship and just blow away a person's house. Also, the Vietnamese, when they've harvested a crop of rice, put it out on these large pans to dry and that harvest is what is supposed to maintain them for that season—what they're supposed to live on. We'd come in to flair the ship, and let the rotor wash blow the rice, blow their entire supply of food for that harvest over a large area. And then laugh, as we'd watch them running around trying to pick up individual pieces of rice out of a rice paddy. Over an area larger than this room. It was also used to spook water buffalo. The Vietnamese when they plow their fields and rice paddies they follow the rows of plants which are fairly straight. And if we'd spot somebody plowing his field, we'd make a run on him. That would spook the water buffalo and the water buffalo would take off in any old direction with that plow ripping up the field and usually the farmer being dragged with the plow through the field. Once we were picking up a sling load of ammunition and the army had a habit of putting pick-up zones and drop-off zones right near well travelled roads, you know, roads travelled by the local villagers.

So we were hovering over this sling load of, I think it was Howitzer rounds, and I was hanging out the window observing what appeared to be a twelve year old Vietnamese boy standing there watching us. And as we lifted up with the load, the rotor wash increased because of the weight and it blew him into the path of a 2½ ton truck with trailer which killed him instantly. The psychological effect is something I'd like to bring out here to you people. When that happened, my first reaction, and my flight engineer who was observing this too, our first reaction was, I guess, you would call normal. It would be horror, pain, and then I realized that I caught myself immediately and I said, "No, you can't do that", because you develop a shell while you are in the military. They brainwash you. They, they take all the humanness out of you and you develop this crush which enables you to survive in Vietnam. And if you let that protective shell down, even for a second, it could mean, it's the difference between you flipping out or managing to make it through. And I caught myself letting the shell down and I, and I, tightened up right away. And started laughing about it and joking about it with the flight engineer. He sort of moved on the same logic because I guess he thought it sort of knocked his shell down too.

MODERATOR. Excuse me, Duff. We're running out of time.

DUFFY. All right.

MODERATOR. Quickly, could you go over the mistreatment of the POW's and the feeding of the Vietnamese the poisonous food?

DUFFY. All right, all right. When we picked up POW's to transfer them to a POW camp, they'd be blindfolded and their hands would usually be tied behind their backs. On a few occasions, not often, I and other people would pistol whip them with our 45's and when that wasn't cool to do, because maybe we had, a, you know, somebody flying the ship that really wasn't hip to how to off the gooks, then we'd just kick them around as we walked around the ship. Also, on the ship, when we hit the LZ at times, we'd drop the ramp down half-way and, like I said, these people are blindfolded and tied and we walked them off the ramp and it was literally like walking off this table blindfolded with your hands tied. So they'd just fall flat on their faces. Also, during test flights, we'd go to a specific area where the pilots could check out the controls and this would attract a lot of Vietnamese. We'd throw out the C-ration cans that we didn't like and, after they thought they were getting a lot of food, we'd hand them cans of 5606 which is helicopter hydraulic fluid and very poisonous. And I observed one kid, that I handed a can of hydraulic fluid, take a good healthy drink out of it before his mother knocked it over, knocked it right out of his hand, and he was immediately sick right after that happened. In one incident we were flying back from Khe Sanh Valley and we took fire from six NVA which caused the ship to explode in the air and make a crash landing. Now, on the way down, because our company policy was to just keep on firing, I had fired at all the military targets I could spot and I looked out across the field and I spotted a Vietnamese woman peasant running away from the ship. I fired a burst of about six or seven rounds into her back before we fired, before we hit the ground. When I was being questioned as to what happened about two weeks later by a captain in my company. I told him what we did and what I did. We both had a good laugh about it. That was pretty much company policy. Also in Hue, during the Tet Offensive in 68, I observed American fighters and bombers (Phantoms) dropping bombs and napalm into very crowded streets full of civilians. I don't know how many people were wiped out in that place. They blamed that on the NVA. Also, I was flying tail gun at the time on one mission into Hue, and just for kicks, the pilot told me to spray a house with my M-16. I don't know if the house was occupied, but the area was occupied by civilians. This was common policy. Kill anything you want to kill, any time you want to kill it, just don't get caught.

MODERATOR. Thank you James. Before we go on to the next one I'd like to ask all the veterans that are in here to please leave and give your seats to people that are trying to come in. It's imperative that these people get in and understand and know what's going on.

Our next speaker is Kenneth Ruth, an ex-E4 of the United States Army.

RUTH. My job while in the Service was medic. I was attached out to different companies at different times. I'd just like to say that each of us could go on all day talking about atrocities that we witnessed, every veteran in here, not just the guys up here. Each of us saw many, and many of them we all participated in, so I am not going to run into a whole bunch that I saw. I'd just like to name a few. At one time we were securing, which means that we set-up a perimeter around it to protect it, and you know you might sit there for four, five, six, seven days, and so we wanted to make sure our weapons were in order. What you do is you test-fire your weapons, just shoot 'em off for about two minutes or so into the distance. Well, we were told one day that we had to test-fire our weapons and be prepared to do it. Well, many of us knew that on the other side of these bushes, out in front of us, was a whole village of people, and that if we did test-fire our weapons, those people would be in jeopardy. So I approached the platoon leader and the platoon sergeant and told them this—that there were civilians on the other side of the village beyond the bushes. I was told first of all by the platoon leader that he just didn't care, and when I told the platoon sergeant about it, he said he'd shoot a Montagnard as fast as he would a Cong, so it didn't make any difference to him. Nobody else cared. This is the general attitude. You know, Vietnamese aren't humans, they're targets. And one other thing I'd just like to point out is when I was one time attached out to the Special Forces, once in a while they needed a medic, and I was usually, I usually "volunteered" to go along with them. And one time—I have some slides of this—can you show these slides?

MODERATOR. Can we have those lights dimmed, please?

RUTH. See, I'd just like to point out some of the intelligence and modern interrogation methods used by the modern and sophisticated war machine. This first one will just give you an idea of how we go into a village and get information on enemy movements and things like this. This is our special forces. You can't see it too well, but that big guy there, the guy on the far side of the picture there, he's a special forces officer or probably an enlisted man, a sergeant, and first of all we go into the village and ask people who they think are Viet Cong. (Next picture.) So we were given two people that we were told were Viet Cong. See, what we do, is we took these two guys out in the field and we strung one of 'em up in a tree by his arms, tied his hands behind him, and then hung him in the tree. (Next picture.) There you can clearly see the prisoner being strung up into the tree. Somebody point out that special forces man on the far side of the picture, the big guy. That's him right there. That's a special forces man. He's running the whole show, and this is all under their command and everything, and it's not the Vietnamese. Now what we did to this man when we strung him up is that he was stripped of all his clothes, and then they tied a string around his testicles and a man backed-up about ten feet and told him what would happen if he didn't answer any questions the way they saw fit. Now all we had to go by was that we were told that he was a suspect by other villagers. Now the other villagers weren't going to point out themselves, and somebody had to be pointed out. So they'd ask a guy a question: "Do you know of any enemy units in this area?" and if he said, "No," the guy that was holding that string would just yank on it as hard as he could about ten times, and this guy would be just flying all over the place in pain. And this is what they used—I mean anybody's just going to say anything in a situation like this to get answers out of him. And then when they were done, when the guy was just limp and hanging there, the South Vietnamese indigenous troops who worked with the Special Forces, went up there and then to get kicks, would run their knife through his ear and carve little superficial wounds on his body, not deep ones, but just you know, trickle it down his body to make fun of the guy.

We took a guy to the other end of the village, and we didn't do this, all we did was burn his penis with a cigarette to get answers out of him. And if—I'm sure people understand what that would be like if it was done to yourself or to your children. Like I said, this is just one of the things I saw. I could just go on all day. All of us could. And every GI in this room could say the same thing. But it's not just us. Everybody knows this. It isn't just Lieutenant Calley. I was involved, I know there are so many other people involved in all this American policy in Vietnam.

MODERATOR. I might state that Kenneth Ruth is a police officer and is working on his master's degree in education. All right, the last testimony that we have to give is from myself. I am Michael Hunter, 24. I served in Vietnam two tours, the first tour was from the 1st Air Cav. Bravo Company 5th/7th Air Cav. and the second tour was the 1st Infantry division, I Company, 75th Rangers, Lurps (LRRP) about 40 miles west of Saigon. The first thing I want to bring to you is that I arrived in Vietnam during the Tet Offensive and Bravo Company, 5/7 was already outside of Hue. I flew out, and the second day that I was in the field, we came across a boy—he couldn't have been any older than fourteen—his arm was half, I'd say, 90% blown off. It was hanging by the skin, I mean it was hanging up to here. I requested—as a matter of fact, I didn't request—I demanded, from the medical NCO, that we had there that something be done about him or else he'd die. He was so far gone, as far as deterioration, that he was stinking. You couldn't stand too near his body. The NCO said, "No, I don't want to waste my medical gear. It's no use now wasting our medical gear, because if we make contact we're going to need it. We don't have that readily available Medivac or the ships to supply us medical aid." I told my C.O. and he said, "Well, we don't have the time to stop and help him. He's going to die anyhow. We've got to move on because we got a mission to perform". That was the first incident. Later, in between Hue Phu Bai and Camp Evans, which is also in the I Corps area, we came across and had an awful lot of fire fights with mainly the NVA. After the fire fight was over and the NVA were laying on the trail, we would approach the bodies, we'd shoot again to make sure that they were dead and then we'd carve—and I would say we, meaning myself also—carve Cav patches (what you see on that gentleman's arm right there) into his chest. And after that, if that wasn't sufficient (and this was done quite a few times) the heads of the bodies were cut off and they were placed on stakes, jammed down on stakes, and were placed in the middle of the trails and a Cav patch was hammered into the top of his head, with Bravo Company's "B" written right on the top. Now this hasn't happened just once or twice, it happened five or six times. It didn't happen just in Hue Phu Bai, it happened around the Tay Ninh Province also, when the First Cav moved north or south. We also dug up bodies, bodies that had been dead, gone for about three or four weeks when we weren't making that much contact, and we would take the skulls and do the exact same thing—put them on the stakes on the trail, put another Cav patch on it, plus we would use them for body counts, repeated body counts, and what I'm saying, so no one will just misquote me, is that the body count given to the American public is extremely exaggerated. Every bunch of hootches that we came across (and I may say we didn't take activity around the roads unless we were resting) of huts numbering them six to twelve and on up, whether they were occupied or unoccupied, were burned.

And if we didn't have the grenades or satchel charges to destroy the sanctuary holes for the Vietnamese, then we would tear them apart by hand. This was a standing order for Bravo Company 5/7, and it was standing order for 5/7 alone. As far as CS gas, we always used CS. CS is the most powerful gas that can be used that will not kill you. It can create bodily harm if you're close—extremely bad burns. My C.O. of Bravo Company, 5/7 gave an order, or I should say, gave permission to all the senior NCO's the officers, and the enlisted men who were on guard on the outposts, to use CS on the civilian population who were congregating around the fences or the wires. Now this particular area was a rest area no more than 50 feet from a village directly on a road, and directly between a road and a bridge. The Vietnamese farms or their properly lay on the other side of the bridge. They had to go past this bridge to get there. Smoke was constantly thrown outside the fence area at people walking by, and when the kids, and I do mean kids, four years old, ranging up to sixteen years old, came around the fence to sell GIs cigarettes, or candy, or beg for food, they were CSed. And what I mean is they were gassed. This didn't happen just once, it happened constantly, the whole time we were there and when we were in the base camp also. And when we didn't use CS out of the grenade we used CS out of the canister round of the M-79, which, if you're hit by it, you can be killed. We were in a free-fire zone just outside of Camp Evans and an old man, age 68, (I must say we could not tell that he was 68 at the time) was approximately 100 meters away from us cutting pineapple. It was very visible that he was cutting pineapple, and that he did not have a weapon. What he had was a machete. Machetes are carried in Vietnam by almost every civilian that works in the field and by the children. I was ordered by the senior NCO that was backing me up at the time, right behind me, to open fire. I opened fire and killed the man that was 68 years old. We found identification on his body stating that he was not a VC, not a Viet Cong, not an NVA. He was a civilian and he did live in the nearby village, which was no more (and this was a free-fire zone, I may add) than 1200 meters away. That was his farmland that he was cutting down—the crops on the farmland. It was reported to the battalion that this was a body count. He had a weapon—the weapon being the machete. Suspected VC. I served with I Company, 75th Rangers, excuse me, H Company, with the First Air Cav., and as you know, we do not have permission to cross the Laotian border. Up around A Shau Valley, which you might have heard of, or might not have, we crossed twice. When I say we, I say the teams that I was with, and we located enemy positions—how large the enemy was, its capability, and so on. That is not the thing. The fact is, we crossed a border line illegally. And you haven't heard anything about that yet.

QUESTION FROM AUDIENCE. Could you give us a date on that, Mike?

MODERATOR. As far as a date, as far as crossing the Laotian border, that took place in March, 1968, twice. That was just prior to the Ashau Valley incident involving the 1st Air Cav., I, One Second. I, also, served with the 75th Rangers, I Company, attached to the First Infantry Division, just outside of Saigon. Prior to my getting there, in March, April, May, and June of 69, one helicopter of Lurps was sent across the Cambodian borderline, and I may add this was also illegal because we had no right in sending troops over there. The chopper was lost. It was hit by a B-40 rocket round and exploded in mid-air. We lost seven Lurps and four crewmen. Another time, another team was sent across the borderline, dropped off just short of it, walked across, and was never heard from again. To this day they are missing in action, presumably killed in Viet Nam. Now, as far as atrocities, my company, Bravo Company, 5th of the 7th, when we were outside of Hue shortly after the Tet offensive, went into a village (and this happened repeatedly afterwards) and searched for enemy activity. We encountered a large amount of civilian population. The civilian population was brought out to one end of the village, and the women, who were guarded by a squad and a squad leader at that time, were separated. I might say the young women were separated from their children and the older women and the older men, the elderly men. They were told at gunpoint that if they did not submit to the sexual desires of any GI who was there guarding them, they would be shot for running away. And this was best put in the language as best possible for the people that cannot speak Vietnamese and they got the point across because three women submitted to the raping of the GIs. I think that pretty well does it.

QUESTION. Mike, back to the body count. Were the body counts just enemy or were they men, women, and children? You said they were grossly exaggerated. Does that include the men, women, and children?

MODERATOR. A body count is a body count. I mean, that's exactly what it says. When the battalion commander calls up and says he wants a body count, if there are men, women, and children laying out there, he gets a body count of that many people. And usually we'd count about five bodies and it gets back there and it's about 25 or 15 bodies.

UNIDENTIFIED PANELIST. I'd like to add something to that. I know on numerous occasions, when we would receive contact in the field, we would call in support—artillery, gun ships (by that I mean helicopters) and, if necessary, jet fighters. Now, every time someone is killed, there is kind of a dispute over who got him. So the Air Force claims one, the Artillery claims one, the Infantry claims one, and the gun ships claim one. So you've got only one body, but you've got four people claiming it. Ah, I don't know, it was my distinct impression that during periods that I was over there, that we weren't winning the war.

MODERATOR. Okay, I'll open it up to the press now and to questions, for a brief amount of time because we are way overtime as it is now.

QUESTION. I am not clear on the point I think Robert was making, or somebody else over there, about the role of the point men and how the black GI's are used as point men. This is not clear. I don't understand that. Could you amplify that point?

ANSWER. The point man is a function where the company moves in three ranks, somewhat like a wedge. The point man is in the middle column in the front. If there are any booby traps with a wire, the wire hits him. Any enemy in a concealed position waiting to ambush, day or night—the point man sees him. The point man should be super-alert, super-apprehensive but at the same time collected enough to function. Like if he gets shot at and he is pinned down, he should be able to not only keep things cool to his front, but at the same time get word back exactly what he thinks is up there. It's extremely dangerous. Most point men are volunteer. If they are volunteer, they're gung ho and got their just-come-uppance. Or the practice of fragging, which you might have heard about where certain career-motivated personnel have to be disciplined by the EM (enlisted men). Standard procedure is the first time to put a CS grenade in his lodging. You know, he sleeps on a cot, most other people sleep in the mud. If he still doesn't straighten up, hand grenade or claymore. This happened to our master sergeant in 8th Brigade.

QUESTION. My name is ——— and I'm from the Detroit Women's Media Co-Op. I have a couple of questions. The people mentioned that there was brutality done to people's testicles and stuff like that. I just wanted to know if that kind of specifically sexual brutality to men is done a lot, you know, is a lot of brutality aimed at a guy's penis and stuff like that because people talk about what they've seen with the——

MODERATOR. Do you want any one of the panel to answer that question?

ANSWER. Anybody that knows about it.

MODERATOR. Yes, Dave. The question was about the pictures of people torturing the men by wires and other means by using their testicles. Is this done frequently?

STARK. I can't speak too much for the frequency of it, as much as for the reason. There are two basic reasons for it. One is that if you are looking for information, you seek the most senstive areas of their body. If you're out in the field, you basically want to degrade them more. And attacking their sexual organs would be more degrading than their arms or legs.

MODERATOR. Okay, we are extremely overtime. Okay, the last one, since you had your hand up. Go ahead.

QUESTION. I was in Vietnam with a service project that was a private program. It wasn't anything to do with the government. I lived in An Khe, in a refugee camp. I didn't see torture, but I heard a lot of stories because I spoke Vietnamese, from the Refugees there. And I think that it does no good to tell of all these atrocities unless you explain what you understand of why we are in Vietnam and I learned one Vietnamese phrase very well from these people "De Quoc My" it means American imperialist.

AUDIENCE. Right on.

SAME QUESTIONER. Please, each of you, try and explain what you understand from this. Why are you working in the Police Department after being in Vietnam? These people are working at the base for 50¢ to $1.00 a day. And they have to eat rice from the United States. They were rice farmers. They left their villages because they had been forced to leave them and forced to work on the American base because there was no alternative. They were filling sandbags, cutting grass, doing anything. Their kids couldn't go to school because they had to sell peanuts and pop to the soldiers. They hung laundry, which was given to them to wash as a security measure by the GI's. They have machines on the base. This was in order to give them some means of income. They washed it by hand.

UNIDENTIFIED PANELIST. Could you come down, please, to the room at the end of the corridor? I'd be glad to rap with you about that. If you were over there and you want to know how the GI looks at it—the ideologies—and you referred to him being a cop now—The difference is believing in what you are doing and being forced into what you are doing, I'd like to talk to you later about that.

SAME QUESTIONER. Who is the enemy?

MODERATOR. Well, I'm sorry. I wish we could sit up here all day and talk to you, but we are 45 minutes over time and we're keeping other people from coming up and testifying to atrocities that happened in Vietnam. At this time I'd like to thank you, the press, and my brothers and sisters out there, all of you, and thank you very much. I forgot to remind you that every person that sat at this panel for the 1st Air Cav. has stated that they would swear, under oath, for everything that they have said.

WEAPONS PANEL

Moderator

David Braum, 26, SP/5, 21 Trans. Co., 119 Avn. Co. Airmobile, 52 Combat Avn. Bn., 52 Prov. Plt., Delta Bn. (1963–64)

Panelists

Dr. Bert Pfeiffer, Professor of Zoology, University of Montana; Visited Cambodia, Laos, North and South Vietnam 1969–1970

Douglas Hostetter, Vietnam Christian Service, July, 1966 to June, 1969; on the National Student Association Trip to Hanoi, December, 1970.

Arthur Kanegis, Research Assistant at NARMIC (National Action and Research on the Military-Industrial Complex), a Project of American Friends Service Organization

Richard Ward, Foreign Editor, *The Guardian;* in Vietnam, summer of 1965; in North Vietnam and Laos, summer of 1970.

MODERATOR. This afternoon the people on this panel are going to be testifying about weapons. And, I would like to take this time to introduce myself and the members who are going to give testimony. My name is David Braum and for military purposes my serial number was RA13766564. The Pentagon has a record of it and the paper can check it out. In Vietnam, in 1963 and 1964, I was a helicopter crew chief with the 119th Aviation Battalion, assigned to 52nd Combat Aviation Battalion, headquartered at Pleiku, and operating out of II corps. I went there under the advisor myth during the administration of John F. Kennedy and later Lyndon Johnson and I worked in I Corps, II Corps, and the Delta, so I've seen a fairly good section of Vietnam. My qualifications to be the moderator this afternoon for the Weapons Panel are that in civilian life I was, for five years, purchasing all materials and supplies for the United States Air Force, the U.S. Navy, the Atomic Energy Commission, the Army and the CIA, and I worked for Columbia University's Government Contract Purchasing Division. The members of the panels this afternoon are: Dr. Bert Pfeiffer, whose subject will be defoliation in Vietnam; Mr. Art Kanegis, who will discuss automated battlefield equipment and anti-personnel weapons; Mr. Doug Hostatter, who will document actual effects of chemical and biological warfare programs on people, animals and crops in the Southest Asian area; Mr. Richard Ward, who will show you the results of bombing in North Vietnam and Laos, and Mr. Wilbur Forester, former 1st Lieutenant with the American Marine, 11th Marine Division. He was an artillery officer and he will be here to provide testimony relevant to Art Kanegis' material on battlefield electronic equipment. I would like to make an opening statement and I quote, "every violation of the law of war is a war crime," as published in the United States Army Field Manual 27–10, the Law of Land Warfare, page 179. We are going to be able to, if you need it, document the applicable laws under the Geneva convention and various treaties should these questions arise later. I would like to begin by having Dr. Bert Pfeiffer introduce himself and give you his qualifications to discuss the subject of defoliation. Dr. Pfeiffer.

Dr. PFEIFFER. Thank you very much, Dave. I want to say that it's a real honor for me to have been invited by this outstanding group of Vietnam war veterans to participate in this very important meeting. First, I'd like to say that I am a biologist, professor of zoology at the University of Montana. I've taken my degree in Biology at the University of California, at Berkeley, some years ago. With respect to the thing I want to talk about, which is the chemical war in Vietnam, with particular reference to anti-plant chemicals, I would say that I, like many of my colleagues, have been greatly concerned about this massive use of these chemicals; they've never before been used for military purposes and we have been very concerned about what the short and long-term effects were. Our concern, which dates way back to when they were first being used, has been thoroughly confirmed by the evidence that I am going to present and some others will. My concern has led me to Indochina on three different trips. In '69 I went, sponsored by a group of scientists, Social Scientists for Social Responsibility. We spent about two weeks mostly with the DOD people with the Air Force. I flew with the 12th Air Commando Squadron on a couple of defoliating raids. We made one raid up into the Plain of Reeds, a heavy suppression mission. We'll get into that a little bit more later on. On my second trip, I was fortunate enough to be the guest of the Royal Government of Prince Sihanouk, the man who I still consider to be the legal ruler of Cambodia. We were in his country as his official guests, just about a year ago, 13 months ago, to inspect the damage caused by American defoliating aircraft in his neutral country, at that time, and I want to talk about that. A third trip took me into Laos and parts of North Vietnam. I might also say, I suppose it's pertinent to indicate that I had five years from '40 to '45 in the Armed Forces fighting the war against Fascism which we all know has not been completely won yet. I want to, as I say, talk about chemical war and go through this rather lengthy paper that I want to summarize and then show you some slides. The chemical war that the Americans have been carrying out in Vietnam and other areas in Indochina as we will see it, is of two components: one, anti-plant warfare, anti-herbicidal warfare and anti-personnel gasses. I'm going to say a little bit about gasses. Not very much, and spend considerable time with the anti-plant chemicals. These are known as herbicides because they do kill plants; they also in lesser amounts defoliate them; they remove the leaves; and they also damage plants (some of the agents) by drying them up. The one we use against the rice, Agent Blie, is a desiccating agent. It makes the plant die. Now, the other agents are synthetic plant hormones. When we put the slides on I'll show you the chemical formulations for them, but they are essentially called briefly 24D and 245T and picklerram and I want to emphasize one should not confuse these with things like DDT or pesticides These chemicals act more or less like plant hormones.

They interrupt plant metabolism and in relatively low amounts do not have too much effect on animal systems although it has been found, and we'll hear more about this, Agent Orange the one most commonly used—something like 120,000 tons of this agent has been dropped upon Vietnam in the past 7 years by the United States—this has now been found to be highly toxic to experimental animals because it causes in a wide range of animals, chicks, rats, and guinea pigs a very high incidence of malformed offspring and stillborn young. Now the levels at which this will produce these pathologies in experimental animals is such that if the Vietnamese women are as sensitive as a laboratory rat is, they can very well ingest enough of these chemicals to produce malformed infants. As you know, there are many reports in Vietnamese papers about increasing numbers of malformed infants and this is a possibility. It's not proved yet that we may have created a really catastrophic situation with respect to future generations because of the use of these chemicals. The Department of Defense has recognized the toxicity of this Agent Orange which until last year was the most popular one in use and they have, as you probably all know, banned the use of this agent for any more activity at all in Vietnam. It's one of the most irresponsible situations, I think, one can imagine where for eight years they used a thing that they finally realized was too toxic and had to be removed. Now, there have been several groups of scientists who have assessed the effects of this chemical war, anti-plant warfare, on Vietnam. Dr. Shirley of the U.S. Department of Agriculture, myself, Dr. Orient, Dr. Westing and, very recently, the American Association for the Advancement of Science, concluded a study—in fact, they got back in September of '70, and they have summarized what all of us who have been there have found, and I want to quote now their summary—rather briefly—from their official publication called "Science". This, that I'm going to read was published in the January 8, 1971 issue. It says, "As a result of the anti-plant chemicals dumped upon Vietnam, one-fifth to one-half of South Vietnam's mangrove forests have been utterly destroyed and even now, years after spraying, there is almost no sign of life. Half of these trees in the mature hardwood forests north and west of Saigon are dead and the massive invasion of apparently worthless bamboo threatens to take over the area for decades to come. Six point two billion board feet of merchantable timber has been destroyed at a loss to the South Vietnamese economy of a half a million dollars minimum. The army's crop destruction program which seeks to deny food to enemy soldiers has been a near total failure because nearly all the food destroyed would actually have been consumed by civilian populations, particularly Montagnards.

This triple AS team, made up of Dr. Maiselson, one of the country's leading biologists, found evidence of shocking deficiencies in the precautions taken by the U.S. military authorities to protect the civilian populations from needless attack under the Army's Crop Destruction Program. About five hundred thousand acres of arable land have been sprayed, good cultivable land, have been sprayed according to the Army's figures, the actual figures probably much more. This amounts to enough food, Maiselson and his group calculated, on the basis of that many acres having been destroyed, to feed six hundred thousand persons for one year was destroyed. This is concrete proof that the main purpose of this was not to deny food to NLF soldiers but to deny it to civilian populations in areas that we did not control. Most of this spraying has been in the food-scarce central highlands which is principally inhabited by Montagnards. This triple AS team this summer was flown over an area in Guang Ngai Province. (I'll show you one of the slides that they have lent me) where crop destruction operations had been conducted only a few days previously. They were accompanied by the chemical operations officer, a colonel, who had planned the operation, and he assured them that the fields destroyed were growing food for the NLF. The reasons given for his assessment were found by this official team to be all false. Although the officer said there were no dwellings below and none could be seen from the air, aerial photographs taken by the Triple AS and a map in 1965 indicated more than nine hundred dwellings in the area suggesting that that target area had housed about, or was inhabited, by some five thousand, mostly civilian people. The boundaries of the fields seen in the photographs compared with ones in 1965 indicated no major crop expansion. The triple AS team concluded the land cultivation was just about enough to support people apparently living there. They said, "Our observations lead us to believe that precautions to avoid destroying crops of indigenous civilian populations have been a failure. Nearly all the food destroyed would actually have been consumed by such populations." Now I want to ask the question, "Does the use of these anti-plant chemicals violate the terms of the Geneva Protocol of 1925?

This, as you know, outlaws chemical and biological warfare. The Nixon administration maintains that the use of anti-plant chemicals does not. However, the UN General Assembly adopted a resolution last year making clear that those countries that voted for it viewed the Geneva Protocol as prohibiting herbicides in war. The resolution declares that any chemical agents of warfare which might be employed because of their direct toxic effects on animals, man or plants, is prohibited by the generally recognized rule of international law. The vote was 80 to 3 to ban anti-plant chemicals. Only Australia and Portugal joined the United States in opposing this resolution. Crop destruction involves violating more than the Geneva Protocol of 1925. It involves violation of two other rules of international law. They are both embodied in treaties which the U.S. has ratified. As you know, we have not ratified the Geneva Protocol, so we are not theoretically violating a law there. The first rule is from a 1907 Hague Convention. It prohibits employing poisons or poisonous weapons in war. The U.S. Official Army Field Manual on the law of warfare, which we've just heard referred to, clearly implies that this 1907 rule bans the use of defoliants to kill crops intended to feed civilian non-combatants, whether enemy or not. One of the crimes against humanity of which the German leader Goering was convicted was the denial of food, the removal of food, from occupied territory to supply German needs, and if this resulted in starvation, this was one of the crimes with which he was charged. The U.S. also supported the prosecution of Japanese military officials for the destruction of crop-growing lands in China. In 1949, the Geneva Convention, relative to the protection of civilian persons in time of war, forbids occupying powers from destroying enemy farm lands except in the event of absolute military necessities. So we have the Hague Convention and the 1949 Geneva Convention which specifically ruled out poisoning food for civilians. According to Professor George Bun, who spoke three weeks ago at the triple AS convention in

Chicago, a professor of law at the University of Wisconsin and formerly General Consul of the U.S. Arms Control and Disarmament Agency, he concluded that American spraying of Vietnamese civilian food crops with herbicides is totally in consistent with the rules of international law. In addition to spraying anti-plant chemicals in Vietnam, the U.S. has sprayed the neutral kingdom of Cambodia in April and May of '69, exactly one year before Nixon openly invaded the country.

As I said, I had the honor with Dr. Westing of Windham College in Putney, Vermont, to be the guests of the Royal Government who took us on a ten-day tour all through the defoliated areas. I'll show you some photographs. About 180,000 acres of Eastern Cambodia, what is called Fishhook, was sprayed by an agency of the United States government, the name of which we cannot find. The U.S. government is negotiating to pay something like twelve million dollars damage for this violation of Cambodian neutrality, but when one asks (I've asked Senator Mansfield, Senator McIntyre of the Armed Services Committee), they cannot find what agency of the government mounted this massive attack. It's a rather bizarre phenomenon that the files got lost or something. As a result of this attack, which most Americans probably don't know even happened, one-third of the rubber trees in production in Cambodia were damaged and it has very severely knocked out Cambodia's principal source of foreign exchange—rubber. In the area actually hit, rubber production fell 35% to 45%. Damages to crops other than rubber were estimated by the Cambodian Government to be approximately 1.2 million dollars. The area that was hit was inhabited by about 30,000 people and their crops of pineapple, guava, jackfruit, and papaya were simply destroyed. Approximately 45,000 jackfruit trees were killed, and I think you know that the jackfruit tree is one of the principal sources of food for the peasants of Indochina. Now, in addition to anti-plant chemicals, we are, of course using anti-personnel gasses. The only ones that I know much about are CS, DM, and CN. CS is a fast-acting tear-gas. As you know, we have CS2 now which is very persistent. It is spread as small silicanized pellets and will last for many, many weeks. DM is a vomiting agent. CS and CN are so-called tear-gasses. The U.S. has maintained that since these agents are in routine civilian use that they're just anti-personnel weapons. They do not constitute gas war. They are not lethal. However, I want to categorically state, that there is conclusive proof that adamsite DM gas has killed people, civilians, and I want to read the letter. In 1967 I received a letter from Dr. Algy Vetama, the medical director of the Canadian Aid Mission to Vietnam. And he directed the TB hospital at Quant Ngai. Dr. Vetama wrote me as follows: "During the last three years I have examined and treated a number of patients, men, women, and children, who have been exposed to a type of war gas, the name of which I do not know. The type of gas used makes one quite sick when one touches the patient or inhales the breath from their lungs.

"The patient usually gives a history of having been hiding in a cave or tunnel or bunker into which a cannister of gas was thrown in order to force them to leave their hiding place. These patients that have come to my attention were very ill with signs and symptoms of gas poisoning similar to those that I have seen in veterans from the first world war treated at Queen Mary Hospital in Montreal. The mortality rate of adults is about 10%, while the mortality rate in children is about 90%." This is from a respected member of the Canadian medical profession whom I have met and he has attested to the veracity of this letter. It seems clear to me that in using herbicides and anti-personnel gasses, the U.S. is violating several international rules of law, some of which have been ratified by the U. S. Government. I want to conclude by briefly mentioning another very serious violation concerning conventional weapons, the results of which I personally witnessed and photographed in Cambodia. This was about 200 miles north of where the defoliation occurred. It was an attack upon a Cambodian Anti-Aircraft position in late November, 1969 in which 25 Cambodian soldiers were killed by 500-lb. bombs by F–100 fighter planes. It is the post at Doc Dahm, which is right across from the Special Forces camp at Bu Prang. I don't know if you people know where that is, up in the central highlands. Now, the reason for the attack was that the Cambodians had defended their air space by shooting an American observation plane, shooting it down, that had been flying over them. In response, the United States Air Force attacked this position, killed these Cambodian soldiers and attacked a hospital. I'll show you the destroyed, well-marked hospital; and they also attacked an ambulance. The United States government, on February 20th, 1970, issued a statement in which it apologized for this. The U. S. government expressed its profound regrets and condolences and requested the Royal Cambodian government to facilitate the payment of the equivalent of $400 to the next of kin of each twenty-five persons killed. I don't know how you assess the life of a Cambodian at $400 per person. I'm quoting the State Department now. "In addition, the U. S. expresses its special regret and apologizes for the attack upon an ambulance, the character of which the pilots concerned inadvertently failed to distinguish." I saw photographs of this ambulance; it was a white vehicle, well marked with a Red Cross.

This incident was investigated by the International Control Commission. I talked with the Indian, the chief of that commission; he verified what the Cambodians told us and what we saw. This was sold in the United States as an attack upon a North Vietnamese Army Artillery position inside Cambodia. This was the justification given for this attack. This was a complete lie. I can verify this. The only places that were attacked were well-marked Cambodian installations. There were no North Vietnamese anywhere in the area. I'd like to conclude this short presentation; then we'll switch to the pictures. It should be recalled that President Nixon, in his May 1st speech announcing the invasion of Cambodia, stated that the U.S. had always scrupulously respected the neutrality of Cambodia, and it was the North Vietnamese who were violating the territorial integrity of that kingdom. The attack upon Dak Dahm, with the destruction and killing of twenty-five Cambodian soldiers and the defoliation attack that I just described and that I will show you pictures of, show, I think, how far from the truth the President of the United States can stray. Could somebody get the lights and we'll run through these pictures, so you can see I wasn't making these things up. This is just a slide of types of chemicals, just to show I really am a scientist, I can go into . . . dicholorphenoxyaceticacid, that is (Next Slide) Now the next slide simply shows how it's escalated and only takes it up to about '68. I want to say that my friend, Art Westing, who just came back, has calculated that about 12% of the total land surface has been sprayed with these chemicals, something like 50% of the hardwood forests of Vietnam have been hit, a very high percentage of them having been killed, the merchandizable timber. This is not a Tarzan-type useless jungle. The timber industry is a very important part of the economy of Viet Nam. (Next Picture) Now this slide shows the way in which the spraying has been done. These are C–123 aircraft. They carry 1,000 gallons in their fuselage of the defoliant. The raid that we went on was a heavy suppression mission. We were accompanied by F–100 fighter bombers dropping CBU's because we have to get down just above treetops and fly quite slowly about 130 knots and then this is applied at a rate of about 27 pounds per acre. The maximum in my home state is two pounds per acre, so you can see there's quite a difference in the amount of stuff we put out over there. (Next picture) These are some slides given to me by Dave Braum.

It shows you again C–123's. Now the interesting things are the Vietnamese markings on this one, but I'm told by Dave that this is flown by American pilots with Vietnamese markings on the aircraft so the U.S. government can say, of course, that this is the Vietnamese doing it, not us. (Next picture) Here's another shot. If you focus that, I think that they have pipes with nozzles. I think there's something like sixteen nozzles coming out the wings and tail and they lay down a very wide swath of this chemical. It comes out as an aerosol, and it falls on the roofs of houses if they're down below and this is what's pertinent here. I took this on the border between Cambodia and Viet Nam. This is a typical situation in a village. The people during the monsoon collect their drinking water off rooftops. This pipe runs into a great big earthern cistern. You see, they sell them (the cisterns) in the marketplace. They're huge; they hold, oh, forty, fifty gallons, I guess, and we have calculated that, at the rate of application a spray plane dumped this Agent Orange on the roof of that house during the rainy season, enough stuff could wash into the drinking water of a pregnant woman so that if she's as sensitive as rats, she'd get enough dose to make a malformed offspring. Now, keep in mind that thalidomide, which also does this, (what I'm saying is this agent Orange is a thalidomide type agent) if it's like thalidomide, women are much more sensitive to it, in terms of malformations, than the rats were, but we don't know but what this isn't true of this Agent Orange. Next picture. That's why it's been banned. It's no longer in use. This is what it does to chicks. We'll just run through these in a hurry. I was given samples of all three agents, Agent Orange, White and Blue, that we use over there, by the chemical operations at Tan-Son-hut Air Base. I had them tested for toxicity by a (look at these malformed limbs on these chicks) U.S. Food and Drug Administration doctor, Dr. Jacqueline Veret. She found all of the agents that we use over there highly toxic to chick embryos in her preparations. Keep in mind that we're dumping tons and tons of this on these people. (Next picture) We now know that all of them are toxic. Now here's the way it looks when you fly over a sprayed area in the Saigon River Delta. This is down near Vung Tau and you can see a swath of gray. (Next picture) This is a healthy mangrove swamp. The reason that we sprayed in here was the freighters coming up form the South China Sea to supply Saigon have to go through these narrow channels and the military felt that it would prevent ambush if we defoliated the area, so just hundreds of square miles have been killed.

The next picture shows you what it looks like. We went sixty-five miles on PBR's down through there and these mangroves are killed. They're not sure whether they'll ever come back. Westing, who's a forester, the second time he was in there, couldn't see any sign of regeneration. These things were sprayed maybe eight years ago. There's nothing green at all. No birds, no nothing. (Next picture) Here's a close-up that Art Westing took. This is what you call a free fire zone and we went down on a BBR with our flack jackets and all. He made a landing here and took these pictures and took soil samples in August of 1 this summer (1970). Now, I want to say a word or two about this, because the same PBR that took the AAAS scientists down went down a week later and at the precise point where this picture was taken, where the Americans had made a landing, the NLF had brought up a forty-millimeter rocket and wiped out that PBR one week after my friends got off. Now, there's a lesson here, because it proves that this defoliation did not prevent the ambush. The other side got in there even though it was defoliated and did the damage that the Army said it was preventing.

(Next picture).

There's a very serious erosion problem. I think those of you who have had some ecology, know that happens when you remove the top comver of a forest. Now, here's a hardwood forest. These are dead trees; these trees are probably 150 feet high. They're logostromia . . . We saw a lot of them in Cambodia. They're a very, very valuable source of timber. This is the sort of tree that I said 6.2 billion board feet have been killed, particularly up and around war zone C & D, Tay Ninh northwest.

(Next picture).

Now, this is the valley in Quang Ngal that was sprayed. You see the brown swath right down that valley. The Ranch Hand boys, the ones who defoliate, the Twelfth Air Commando Squadron, I think it was that did this, got almost all that rice. Now, the colonel told the AAAS team that was all destined for NLF soliders. In fact, they found out from the USAID people that it was all Montagnards living there.

(Next picture).

Now, we're on the Cambodian border now. I just want to show you what's really there. This is in Me Mot. This is the place, if I can diverge a little bit and get a little political, that President Nixon pointed his finger to this town and said it'd been the headquarters of the NVA in Cambodia for the last five years. He said this place was completely controlled by the NVA. Well, there they are, but if you know Indochina, they're all Cambodians.

As you know, the Vietnamese look very different from Cambodians. Cambodians are much larger, much darker, they wear totally different dress, the women do. I should also point out that in this so-called communist sanctuary in Cambodia, the Sihanouk Government had invited and actually took through this area, this commie sanctuary, four American experts in July of 1969. They were taken all through, they flew over the commie sanctuaries in helicopters. One of them is Charles Minnerick from Fort Detrick and it doesn't seem logical to me that if it was what Nixon characterized it to be, that they would have allowed officers from Fort Detrick and Washington, D.C. to wander all through those sanctuaries so I think he was misinformed on that. I'm going to take you all through these communist sanctuaries in Cambodia. Here we are flying over 'em now. This is in a Royal Cambodian airplane You see over the right wing is Black Virgin Mountain in Tay Ninh. I don't know if anybody's been up on that. A lot of people died on that mountain. It now belongs, I think, to the NLF.

(Next picture).

Here we are flying over a defoliated Cambodian rubber plantation. This, as I say, Nixon said, was completely under NVA control. The facts are these were very lucrative French-owned rubber plantations and there were many, many French people living there and Belgian, the plant pathologists with their wives and children. We asked them, "Have you seen any military activity, any soldiers?" "None at all, just a few of the Royal Cambodian Army troops." It's interesting that the rubber plantations of Cambodia were the world's second largest source of natural rubber. I dare to think of what the first source is. It's U.S. Firestone in Liberia. I don't know if there's any connection between the destruction of the second-French-owned one and the first.

(Next picture).

Cambodian rubber production is now completely destroyed. Here's the way it looked on the ground. We are now in the heart of the sanctuaries. The Vietnam border is just down that road. It was through this road that many of the American troops came across into Cambodia. I saw them on T.V. shooting right into this very plantation.

(Next picture).

Now. I want to show you some of the other . . . (you saw what happened to the rubber trees) now this is jack fruit tree. There's a little Cambodian boy. It's perfectly obvious the difference.

See, they look very different from Vietnamese. These jack fruit were killed with a single application. They're like the mangroves. They don't just defoliate, they die. See, there's a big branch of one of the earlier fruits remaining. It's a very good source of food for these people.

(Next picture).

As I say, thirty-thousand people were in the area. Now this is interesting from the standpoint of a biologist because we're taking these pictures eight months after the attack and this is what is known as a custard apple. It should be about the size of a grapefruit and a nice, big, green, juicy thing, but due to this chemical (we don't yet know exactly what it was because it's hard to get anything out of Uncle Sam about this attack), whatever it was, it caused these fruits to dry out and go black. And this was very rough on these peasants. They're subsistence farmers. There are on supermarkets for them to go down and buy food. They grow most of their own food.

(Next picture).

Now this is what it did to papaya. These leaves are eight months later and the tree is still sick as a dog. The leaves are defoliated by now they're dying and the fruit is very, very deformed. Keep in mind, these herbicidal weapons are very, very effective against subsistence farmer populations of the sort that we have in Indochina, Africa, and South America and if we don't put a stop to their use now, I think we're going to see them employed against Third World peoples on a tremendous scale. We were told when we were in Vietnam the only limits to the operation at that time was the fact that they did not have enough C–123's and crews to do it. Now, I want to conclude by showing you—I just can't resist showing you—what happened to the Cambodians at Dak Dam. That is a Soviet thirty-seven millimeter aircraft gun, which they have every right to have, and it had fired at an American plane. While we were there, we saw at least three aircraft openly violate, Fly right over, right across Cambodia—American aircraft. The whole gun crew here was killed, of course.

(Next picture).

Here's a trench. About fifteen of them were dug out of this trench where they were taking cover. On the skyline there is Vietnam and the Special Forces Camp at Bu Prang. We can see it. What made the Americans mad and was that they want to be able to fly over Cambodia to maintain good aerial reconnaisance and because the Cambodians had to gall to defend their air space, they decided to take out this post.

(Next picture).

There is the smashed up hospital. And it was well-marked.

There were bomb craters about one hundred feet away from this. We picked up medicine, etc. The point about this hospital was it was at least a quarter of a mile from the gun positions. It was deliberately attacked. I'm ashamed to have to . . . it breaks my heart to have to say this about . . . what our government had done. Whether this is an aberrant phenomenon, I don't know . . . but I saw this with my own eyes. Here are the broken bottles.

(Next picture). .

This is Art Westing down in one of these craters. This is a five hundred pound bomb crater. This is the one that knocked over the hospital. It was not aimed at the military installation at all.

MODERATOR. Thank you very much, Dr. Pfeiffer. In ordering to facilitate a considerable amount of questioning later, rather than allowing questions now, (we had fewer panelists here than we had with the other group) we'll go on with the testimony and then we'll all tie it together for you in the end. The next person to speak to you will be Mr. Doug Hostetter, who will discuss the actual effects of chemical-biological warfare programs on people, animals and crops in the Southeast Asian area.

HOSTETTER. My name is Doug Hostetter. I'm a resident of Harrisonburg, Va., currently in school in New York City in the New School for Social Research, graduate study in Sociology. I worked for three years for Vietnam Christian Service from July 1966 until June 1969 in Community Development in the village of Dahm Ke in the Province of Quong Thimh, South Vietnam. During that time, I learned to speak Vietnamese and lived in the area and learned to know the people quite well. I recently got back from a National Student Association trip both to Saigon and Hanoi during the month of December. I spent ten days in Saigon and at that time and eight days in Hanoi and surrounding areas. I'll speak a little bit first about the use of defoliation and the movement of personnel, specifically refugees. Quong Thimh Province has a population of about 300,000 people. According to the government statistics in 1968, over 100,000 people in this area were refugees. The people from western Quong Thinh from about a kilometer west of Route 1 all the way to the Laotian border, were almost completely removed with the exception of two special forces camps—one at Dien Phuk and one at Han Duc. The movement of these refugees was done in a number of ways. Earlier there had been attempts to move them by taking American troops in with helicopters and bringing them out by helicopters. They were unable to get all of the people in this method, and in some areas, it was too insecure to take in American choppers. So for these areas, they would go across the areas, heavily defoliating the areas. I speak Vietnamese and I would go out to the Vietnamese in the reception center and ask them about the situation in the homes where they had come from.

All of the areas west of Quong Thinh have been heavily defoliated. The reason why most of the people came in was because there was no more food to eat or because they were forcibly brought in by American helicopters. The people said that usually right around the harvest time, the planes would come over and defoliate the whole area. It would destroy all of the rice crop and any other above-the-ground vegetation. Sweet potatoes and peanuts that were reasonably developed could be dug up and could be lived on for a short period of time, but if an area was repeatedly defoliated, they were not able to subsist from one planting to the next on sweet potatoes and peanuts and so they would be forced to come in. During this time I did have the chance at times to go into areas which were defoliated by American planes out of Da Nang. In March of '68, I went into villages, the village of Ke Phu, Quong Thinh Province, and talked with the farmers and villagers in this area. They informed me that about four or five days before I had come there, the area had been defoliated. I checked back, and the attempt had been to defoliate the village of Ke Ahn, which at that time was under the control of the National Liberation Front, but that morning there had been heavy coastal winds which had lifted the defoliants up over one village and landed them down in Ke Phu and Ke Troung villages. I spoke with farmers and they informed me that they had lost cattle, pigs, water buffalo, ducks, and chickens.

Another farmer showed me the dead animals.

I talked to quite a number of the farmers and I made up a list of how many water buffalo, pigs, and cattle the farmers had lost because this was in a Saigon government village. I took the list with the names of the villagers, the hamlets, and the villages which they had come from, and took it to the MACV Headquarters in Dahm Ke. I spoke with the Deputy Province Adviser for Quong Thinh Province and also with a number of CORDSC people—Civilian Organization Revolutionary Development Support Command. I spoke with both of these men and I informed them of the villages that had been defoliated and according to CORDSC regulations, they had to go back and pay these villagers for their losses in livestock and losses in rice, peanuts, and sweet potatoes. When I told the officers about the cattle, pigs, and water buffalo being lost, they referred me to the Army Manual which assured me that these defoliants do not in any way harm or injure any human beings or animals, so, therefore, these animals did not die. I gave them the names of the farmers, the hamlets from which they came, and the villages and districts, and asked them to go out and speak with the farmers and persuade them that their animals had not died. They all declined at this point. There were no reparations paid for crops or animals killed during this time. You were informed by Dr. Pfieiffer that after much pressure from American scientists, Agent Orange has been discontinued officially by the American forces in South Vietnam. What has happened is that these defoliants have been turned over to the Vietnamese government so that the Americans no longer have control over Agent Orange and its use. According to American officials.

Two weeks ago, Judy Coburn of the Institute of Policy Studies was in the airport of Danang and saw the barrels of Agent Orange standing in the airport. When asking about it, she was again informed that these are no longer under American control. You also noted from the photographs that the airplanes which are now flying the defoliation missions are marked with Vietnamese markings so that it is an official Vietnamese operation now. However, due to the fact that they have no Vietnamese pilots that can fly C–123s they have to be flown by American pilots. But it is a Vietnamese operation now and the Americans officially are not using Agent Orange in Vietnam. You will be glad to hear that, I'm sure. While I was in Hanoi, I spoke with Doctor Nguyen Swong Nguyen of the Bien Vinh Hanoi Hospital. He works in the ward that is dedicated to Southerners, which treats the Southerners, that come up to the North. I will read just a few quotes from his report from our interview: "In our hospital we have 903 patients from the South. 179 of these show the effects of chemicals; of these, 90 are men, 19 are women, and 70 are children. They have lived in the affected zones for periods of two months to five years. When speaking of the symptoms, the first symptoms (this is in people who have been exposed to defoliation) appear in 24 hours to a few days. These are irritations of the eyes and nose. After this time there is disturbance of the digestive system, vomiting and diarrhea. Those hit directly also have irritation of the skin and later swelling. In addition to these symptoms," there are other symptoms which appear later, perhaps as complications of the earlier effects, and some as direct but chronic effects. The most important is malaise and asthenia (general weakness). Treatment involves five to six months in bed. Another symptom is weakness of the eyes. Patients can read no more than three to five minutes. Ocular complications result in hyperocudidity, lesions affecting up to 24.6% of the eye. Of the 19 women we have treated in North Vietnam, four of them were pregnant. One was delivered in South Vietnam, the other three in the North. One child was normal, the other three were abnormal. One child was one month premature. All of the mothers had been in the defoliated areas, at least through the sixth through the eighth week of pregnancy. The mothers were all normal, and had not taken any medication during pregnancy, and none had ever been X-rayed. There were no abnormalities in any of their families for three generations. One of the abnormal children was a typical Mongoloid, and another was a Mongoloid plus microcephalic, and the third was a Mongoloid with many other abnormalities. Mongolodism usually occurs in older women, but these women ranged in age from 23 to 37.

For three of the women, it was her first child, and, for the fourth, it was her third. The first child, which I met, and talked with the mother and saw the child (these pictures I've all taken personally) is Wang Thi Tute, 3 years old, and his mother is Lei Ting Yu Mai. She was from Quong Nam province, Phuk Shan village. The mother lived four years in the defoliated zone, but was never hit directly by the chemical spray. She drank water and ate food from the area. The child shows effects of being a typical Mongoloid; the eyelids have an extra wrinkle typical of Mongoloidism, and there is only one crossline across the palm. Feet and hands can both be bent back in the wrong direction, and the heels can easily be made to touch the ear. The child cannot walk or talk, except to say "Mama". The second child is Nguyen Thi Thi, and the mother is Trang Thi Chuc, Quang Tri Province, the village of Trich Phung. The mother lived two months in a defoliated zone. When seven weeks pregnant, she was hit directly with defoliation chemicals. She went to the North when she was four months pregnant and the child was born there; this was her first child. The child has one line across the palm, has a small head, and shows symptoms of having no cerebrum. The child convulses with legs crossed and head tilted backwards.

The hard palate of the mouth is much higher than normal; there are lesions in the respiratory system. When the child breathes, the neck immediately above the chest collapses inward. The child can only eat, defecate, and urinate. The third child is Wang Thi Aich; the mother had two previous. The mother Wang Thi Li, 37 years old, Quang Tri Province, Cam Lo Village. The mother had two previous children, 15 years of age and 17 years of age. Both are normal. The mother was hit directly with chemical spray when seven weeks pregnant. The child was born in North Vietnam. The child's head is flat from behind with prominent forehead; index finger is flat, three toes are abnormally long. The left foot has six toes. Tear ducts, instead of running out onto the eyes, run down into the nose, causing choking when the child cries. Tears run into the nose cavity and back into the throat, and it also causes permanent infection of the eyes. The child can neither stand nor walk, has very low intelligence, can cry, but cannot talk. And here's another shot of two of the mothers with some of the NSA team that met with them and talked with them in the North. Thank you.

MODERATOR. Thank you very much, Doug. Our next testimony will come from Mr. Art Kanagas. The information we will be discussing is with reference to automated battlefield equipment, electronic equipment, detection and anti-personnel weapons which are specifically covered in the laws and rules of Land Warfare. Art, introduce yourself.

KANAGAS. My name is Arthur Kanagas and I work with NARMIC, which stands for National Action and Research on the Military Industrial Complex. I'm not a veteran, but I'm very pleased to be invited to come to this meeting. I'm not like most of your other panelists, speaking from first hand experience, but rather from research that we've done on the staff of NARMIC. NARMIC, by the way, is a special project set up by the American Friends Service Committee which is the Quaker organization. I'd like to start off by trying to give you some sense of the military's projections in the automated battlefield area by starting off with a simple science fiction scenario. The earthman leaves his hut, to slip through the rainy forest, to an isolated spot where he will join his comrades in the struggle against the invading masters. Jungle sounds penetrate the dark night air, but otherwise the woods are quiet. No one is in sight, and there is no indication that the invading masters are in the area. The earthman feels confident. He does not know it, but his every step is being felt by ADSID sensors. Every word he speaks is being listened to and recorded by Acousid. He is smelled by an XM–3. If he is carrying a hoe or a gun, that too is registered by a magnetic sensor. This information is relayed through a communication link to an EC121R Relay Platform in the sky. As he makes his way toward the spot in the jungle where he will join his comrades, a blip appears in the SRP, Sensory Reporting Post of the S.T.A.N.O. Control Room. Computers whirr, lights flash, and a blip appears on the screen. The lone earthman is watched as he and five other blips approach the same spot. The computer measures his speed, 2.31 miles per hour. It measures the speed of his comrades, and computes when they will reach their destination, figuring in the terrain and other relevant factors. With a flash of electricity this information is fed into the huge ADSAF computer network, which instantaneously correlates this information with previous intelligence data and with information from its SLAR radar and the ICR night vision device to determine the mission of the grouping earthman. The mission, the IBM 360 decides, is dangerous.

Another bolt of electricity carries the word to the Tacfire Central computer. This computer determines the appropriate tactical response and flashes this information to one of the interlinked data processing systems in the field. Seconds later, the field computer sends coordinates of the earthman to a fully automated high firepower aircraft with an array of night vision capability sensors.

From a point high above the gathering earthmen, the B57G and a nearby F4 are automatically steered over the target. One aircraft releases a laser guided bomb automatically released by the computer at the appropriate time. Another releases an EO or Wall Eye television guided bomb with a television camera in its nosecone focused clearly on the six earthmen. This Wall Eye Two bomb follows this picture on a self-contained TV screen correcting its course with a wave of its movable fins until it reaches the target. The highly lethal firepower eliminates this threat to the invading masters and successfully sanitizes the area. Meanwhile in Zone F, another blip appears on the screen. Does this sound as if it were set in the year 2000 by a science fiction writer? It's actually set for the 1970's by the US Pentagon. In fact, at this very moment, in a war room in Fort Hood, Texas, the MASTER group, which stands for Mobile Army Sensor Systems Test Evaluation and Review, is evaluating reports on TAC fire, Tactical Fire Direction System in the integrated battlefield control system. In July of 1969, the US Army set up a program called Surveillance Target Acquisition and Night Observation, to plan, test, and put into operation a totally controlled and computerized electronic battlefield. William Westmoreland, who commanded the US forces in Vietnam and is now Army Chief of Staff, discussed the automated battlefield in a speech to the Association of the US Army last year.

"On the battlefield of the future," Westmoreland said, "enemy forces will be located, tracked, and targeted almost simultaneously through the use of data links, computer assisted intelligence evaluation and automatic fire control." These weapons, the computer systems for detection, have been used both in Cambodia, Vietnam, and in Laos—largely, so far, on an experimental basis. They have been testing detection systems which amplify the light of the stars, and numerous other detection systems which are integrated into the ADSAF, Automatic Data System for the Army in the Field.

Some of the information on these sensors was released by the Senate Armed Services Committee in hearings released last week and they do show pictures of some of these sensory devices, but they're probably too small for many of you to see. But in this case the Accuboy is a sensor that's camouflaged, dropped in a jungle and it catches in the trees. Here it's camouflaged and it looks like part of the jungle, but it actually picks up voices and during the hearings in Washington, they played tapes in which you could hear the Vietnamese talking as they walked by, hear what they were saying . . . very clear detection of everything that was being said in the jungle below. And this APSID is a seismic detector that falls down into the ground and gets buried in the ground with just the antenna sticking up. It, too, can continue to transmit data to the data links and to the computers. They're moving more and more toward the computers, but they're starting with a lot of man-controlled elements.

During these hearings, they mentioned specific use of this in the EGLO White program in Laos; it's a specific operation called Commando Bolt. An assessment officer monitors the sensor activations in the area of interest. When he recognizes the target signature from a particular sensor stirring, he calls up on his cathode ray tube a sketch of the road net which that string of sensors is monitoring. The computer automatically displays and updates on the CRT the movement of the target along the road. He then can instruct one or a number of the F4's, which I mentioned earlier, to enter these coordinates into the aircraft's computer. This gives the aircraft a course to steer to that point and produces an automatic release of ordnance at the proper time, to hit the target.

Now this automated battlefield program has been a very top-priority item within the Pentagon. It was originally conceived as the McNamara Line, or it was derisively called that, which was the idea of setting up a line that would cut off all infiltration from the North. It would cut off infiltration from North Vietnam, but when that seemed to be failing, the Army response, rather then dropping a program that seemed to be failing, was to put more money for a larger program into it.

The Defense Communications Project Group, which oversees this, is authorized to use the highest industrial priorities, according to these hearings, to guide its development and procurement efforts. "This speeds up work by putting us at the head of the line" this general says "for materials, facilities, and contracting." He says that virtually every US ground unit in South Vietnam is now applying sensors to detect the enemy. Also training programs have been set up in a Central Sensor School in Vietnam to train the Vietnamese in using these, who, according to these hearings, have taken over 47% of the use of sensors in ground tactical operations in Vietnam.

The US Border Patrol in the United States is also using some of these sensors to patrol the borders of the US. You may have read of some recent incidents like in Mexico where they were using these to detect possible border crossings with marijuana and things of this sort. The Justice Department has also put out contracts for surveillance-type data of this sort to bring home some of this technology to use on the home front. So what they bragged about during the hearings was that they've been able to reduce the normal five to seven year defense development cycle by a factor of four. That is, the period elapsed from the time that the need was discerned for these sensors until the time they were placed in the hands of the troops was fifteen to twenty-two months rather than the usual five to seven years. So it has been, as I mentioned, a top priority item within the military. When the army outlined its eight major items for the 70's, automated battlefield components composed most of the list. The expenditures on this according to these hearings are $1.6 billion, which is, when you think about it compared to anything else like the poverty program or HEW, is just phenomenal. Much larger than expenditures for federal aid to education or anything else.

However, according to columnist Jack Anderson, this figure is actually an underestimate. You get that feeling clearly from the hearings, too, when they talk about various parts of it that are funded under other agencies. So, in fact, it probably comes closer to four billion that's been spent on developments for the automated battlefield. An important part of this is not that these sensors are tied in to a total system. The automated battlefield concept is not just a concept of sensors, but as it comes through in these hearings it's using these sensors and in tying them in through the data links and through the various data processing equipment to automatically release the weapons that are actually used in Vietnam.

Most of the weapons outlined in the hearings are anti-personnel weapons. Well, many of them are anti-personnel weapons, some of which has been used before in North Vietnam and South Vietnam, but which are constantly being modernized and improved with newer and better versions. I want to show these slides. This is Ken Kirkpatrick who is with the American Friends Service Committee office in Seattle. He took the pictures that you are about to see. With him is one of the girls who is a napalm victim. You can see her hands. Here's a Laotian holding up what they call the pineapple bomb.

PFEIFFER. I actually took those pictures with Ken. This is in a Laotian refugee camp outside of Vientiane. These people had been moved forcibly from the plain of Jarres, their ancestral northern part—well. I wouldn't say forcibly, they told us they couldn't withstand the bombing, so they agreed to come down near Vietinane in the American-held area. They brought with them this souvenir, a pineapple bomb, which did not go off. These people had fashioned a little war-wick lamp out of this. They're very innovative, I think. They put it to positive use.

KANEGIS. I can just say that the last one has little fragments embedded in its side. When it explodes it spews out in all directions, tearing into people's flesh. Even if it just struck them in their arm, the pellets could run up through their body and be almost impossible to remove. Now let me go on to these other things. This particular one shown here, what do the Laotians call it?

PFEIFFER. This is a guava bomb.

KANEGIS. This is the one where the strings are shot out. The term for it was spider bomb, the term used in the electronic battlefield hearings is wide-area anti-personnel munition, which they abbreviate Wampum. In the pictures in the automated battlefield hearings, they show a large canister that looks like an egg box with all the little wide area anti-personnel munitions falling out. These have a spring in them that shoots out a string in all directions.

BAAUM. It's not a proximity type device; it has a chemical timing fuse in it. These are tripped as the spring goes out as it passed out of the casing of the bomb. It can spread destruction in a wide area, somewhere as much as a 60-yard circle which is representative of about the size of a rice paddy. It has the possibility of getting five or six people immediately. If these bombs do not go off immediately, a slight jar will set them off later. So people who have been in an area that's been bombed could conceivably come back into the area to work, feeling they were secure from no air-raid, and dislodge one of these, or disturb it, committing havoc again as a result of it.

KANAGAS. In this particular one, the springs shoot out a string that's triggered. This is a mine, rather than a bomb. But if anyone walks through the area and touches the string, this immediately explodes, and like the guava bomb, it would have pellets embedded in it that would tear into people's flesh. The military nomenclature is a wide-area antipersonnel weapon. It's not aimed at, and wouldn't even be effective against, sandbags or military installations, only against unprotected human flesh. It couldn't be considered a flak suppressant or anything of that sort. It is not something that you would shoot at people below who are shooting back at you in the plane. I guess they would call it an area denial mine. In any case, it's something that would be set off at some later point and it would kill any people who happen to be in the area and across the string. Here's both the pineapple bomb that you saw before and the guava bomb with the little pellets inside of it. Over on the other side you see what the Vietnamese call a cloth mine. Is that correct?

PFEIFFER. A leaf mine.

KANAGAS. Ken Kirkpatrick mentioned to me that sometimes the Vietnamese children would see these things on the ground and would think they were toys or something and pick them up. Basically, that's also mentioned in the hearings. They're referred to as gravel mine, the XM41–E1 gravel mine. According to (the hearings), it's an anti-personnel mine system. The only kill mechanism is blast. Gravel will blow a man's foot off, but it will not blow a hole in a truck tire. It's not even a weapon aimed at killing anybody in the area, but rather causing them a maximum amount of suffering—blowing off their leg or something like that. It's purposely not powerful enough to kill people, but rather to maim them for whatever military reasons you can figure out. Perhaps it's to demoralize the population or to tie down other people in aiding these peoples. Of course, the Hague Convention specifically says that it's illegal to employ arms projectiles or materials calculated to cause unnecessary suffering. But clearly this is its only purpose. It wouldn't put somebody out of commission, it would just cause them unnecessary suffering.

PFEIFFER. This shows again the leaf mine, as the Vietnamese call it. It's a little bit of black powder plastic with holes in it. It's just enough to split the foot. That knocks you off balance and then you fall, put your hand out, and split your hand. The ground will be covered with hundreds of these. If people come to help you, they'll get their foot split, too. It's almost impossible to detect; there are no metal components in it and it's only about two or three inches square. The one on the right is Bouncing Betty. They told us that the 7th Fleet used to put these into the villages. What happens is that they have a canister fired from a Naval gunnery gun. It explodes thousands of these things. They come down and are designed to hit at a specific detonating point. This then sends up another bomblet at about five feet height, which then goes off with little pellets and catches you right in the face and chest.

KANAGAS: On the next one, you can see the writing on it. It says "Mine Apers, A-P-E-R-S," which means anti-personnel M-14 with fuse interval. The one right next to that looks like a little bat, which is the term they used on that one. In the terminology used in the automated battlefield hearings (talking about the use of these munitions as a part of this complete system, though of course it can be used even without the sensory devices and so forth) in the complete cycle, it is talked about as the dragon tooth anti-personnel mine system. Major Anderson, in the hearings, said, "It is purely anti-personnel. If a person steps on it, it could blow their foot off. If a truck rolls over it, it wouldn't blow up the tire." So again, this is one of the purely anti-personnel weapons. They showed a picture in the hearings of a long sort of tubular thing that drops down from the plane, opens up, lets all of these dragon teeth spin out and fly over a wide area, and the arming begins as it's dropped. Do you want to talk about the next one?

PFEIFFER. That's a picture we took on our first trip, 20 miles out of Saigon. This was what one B-52 would do to manioc fields. Each B-52 has about one hundred and eight 500-lb. bombs or 750's and that's just part of the load from one. Keep in mind, we're now making strides in Laos with up to thirty in one strike. You see what one B-52 does; what is the daily bombing of the B52s doing to the countryside up there?

KANAGAS. I forgot to comment on one that was shown before. They're BLU 66, which is another one used in the CBU 46. That's another bomb whose primary kill mechanism is fragmentation. There BLU's can make up a complete CBU when they're combined with the SUU, called colloquially "the mother bomb." It can be a dispenser that stays on the plane. Or the mother bomb, which is like a big 750-lb. bomb case, drops out, opens up, and all these little bomblets (sometimes there are a variety of different types of them inside) spread out over a very wide area. As soon as they stop spinning, (they have different type fuses and some are jungle proximity fuses) some detonate as soon as they touch ground; some detonate above the ground and some wait until people are coming to pick up survivors and then go off. But in any case, they spring off with just thousands of tiny pellets that tear into any flesh in the area. Again, they're useless against another industrialized power. They're aimed particularly at a particular type of warfare in Vietnam, where you're fighting a 3rd World people who don't have the advanced technology that we do. The whole automated battlefield is oriented in that direction.

In other words another advanced industrial nation could jam the sensors, but supposedly a simple people like the Vietnamese couldn't. In fact, there have been a number of incidents where they have been successful in using very simple methods to knock out this advanced electronic equipment. For instance, Mark Lane mentioned talking with one of the GIs who said that the NLF would put buckets of urine under "the people sniffers" and this would totally knock their sensing perspective out of whack. There have been other things like this.

Each of these is looked upon by the military as simply another experiment, another research and development contract for another company to come out with a sensing device that won't be put off by urine buckets. They had the same type of problem when they were dropping the acoustic sensors. First, when they were dropping these into Cambodia the "enemy" would walk very softly in order not to be detected by them. So they dropped tons of these button bomblets which were little bombs that would make a cracking sound when they were stepped on. That would just alert the sensor in the area. But these were also detected so they had some more manufactured that were disguised as animal dung.

A similar problem could be overcome with the planes, the ones that are parachuted down and land in the trees. The microphones for the Accousits were originally able to be detected by the parachutes still staying up there even though the thing itself was camouflaged. According to one source I talked to, they asked International Playtex to devise a parachute that would disintegrate as soon as it reached impact with the tree. Apparently it has very, very fine wires running all through it which instantly disintegrates the parachute when it touches down.

There have been a lot of failures in the development of this thing over such a short period of time, but they have been simply used as an experiment result for them to move on to the next more lethal experiment. I think it took many of the GIs who have been talking here a long time and a lot of soul-searching to be able to come out publicly and talk about the war crimes they've been made to commit. But there are many officers, generals, that aren't so shy about their war crimes and, in fact, brag publicly about those crimes, even glorify them as saving American lives.

Again in these automated battlefield hearings, General Williamson brags that he was the first commander in Vietnam to use these sensors and he states, "For the past 25 years I have been singing a simple tune. If you have to fight, then fight with bullets, not bodies." And then he goes on to say "I hope I can demonstrate how these sensors have helped us to make the first steps towards the automated battlefield. This is a worthwhile approach toward fighting with bullets instead of bodies, that is, getting the job done with a minimum danger to friendly personnel." He says:

"In the third week of September," (talking about when they were first starting these activities in '68) "our efforts with sensors finally paid off. At eleven o'clock one night the monitor at a French fort indicated movement. This was reported by two of the sensors. It was raining hard but there was no doubt about the reading; something more than rain was being registered. Two 175mm guns opened up slightly north of the sensors. Six 105mm howitzers commence blocking fires just South of the sensors, while two 81mm mortars fired directly in the road junction." He says, "When the patrol arrived on the scene, they found literally a carnage. The big 175mm guns had found their target."

Then he gives another example. He talks about the Nighthawk Helicopters, which he speaks of to emphasize that the sensors were not working in isolation. "This helicopter proved to be a valuable night tool." The HU1-helicopter is fitted with a crew-served night observation device. Alongside the light is an observation device and a pedestal mounted minigun—the rapid firing machinegun. As soon as an unmanned sensor registered enemy movement, a Nighthawk helicopter was dispatched to the scene. We killed 103 North Vietnamese soldiers during a one month period using this technique at no personnel cost to us, not even an injury.

Diverting from that for a minute, I'd like to give an example, of what this looks like from the other side. A Quaker worker in Vietnam was with the Quang Ngai program that AFSC sponsors, wrote back in February 1969, "Several of us went to the roof about 3 a.m. The American's unleashed the terrifying Puff the Magic Dragon which is an AC47 gunship. There is a whole range of helicopters and aircraft that can be outfitted as gunships which spews forth 5000 machinegun bullets per minute.

As I watched it circle overhead last night, silhouetted against the low clouds in the light of the flares, flinging indiscriminate bolts of death earthward, I could vividly visualize the scene below. Men, women, children, and animals caught like rats in a flood; no place to hide, no way to plead their case of innocence to the machine in the sky. No time to prepare for death. The beating the civilians are taking in this war is beyond adequate description. The cold, mechanical compassionless way that monster circled around and around and around ruthlessly pursuing an unseen "enemy", stabbing viciously earthward again and again, probing, searching, killing, maiming all in its path. We have survived but a lot of Quang Ngai people didn't make it and a lot more who are now clinging to life over at the hospital will not make it till morning. If we could only bring the horrifying scene of human devastation in its true dimensions home to the people who must know what it's like. The ones who are pulling the strings on this deadly puppet show. Man's inhumanity to man has reached its climax in Vietnam," she wrote from Vietnam.

Going back to the testimony of Major General Williamson. He says, "I guess the best real war story that I have is Firebase Crook." This is where 142 enemy soldiers were eliminated with a loss of one US soldier. He goes into a lot of the technical details of the battle and shows how the different type radars and sensors were able to detect people at 220 meters this direction 1800 hours and so forth. And then he says, "Starlight Scope operators spotted movement around midnight. Radar detected two groups of about 40 persons each moving 1500 meters north of the base at about 2030 hours. And the Nighthawk helicopter detected another group of 40 persons actually in formation approaching Crook. The Nighthawk immediately dived in on its targets. All of the targets were engaged with artillery and mortar fire and all available army helicopters and airforce attack planes." And then, he said, "our search of the battlefields proved just how punishing our efforts had been."

He showed the congressmen present a little chart with a body count of the area and he said, "This diagram indicates where the bodies were found and gives us an idea as to which weapons eliminated the enemy. The 60 west of the river were killed almost exclusively by helicopters; the 32 along the woodline were killed by indirect artillery. The 20 close in were killed by direct fire from the base. The 43 along the road were killed by the Nighthawk helicopters and the remainder of over 150 were killed by a combination of US Airforce planes and fire from within the base. In all, in the second night, 323 additional enemy were killed and ten live prisoners taken. I had to move two bulldozers up just to bury the dead."

Then he says, "We in the army are continuing tests in Texas and elsewhere. We're making an unusual effort to avoid having American young men stand toe-to-toe, eyeball-to-eyeball or even rifle-to-rifle against the enemy that may outnumber him on the battlefield. We are trying to fight the enemy with our bullets instead of with the bodies of our young men—firepower, not manpower. How less painful it is to use fire-power to fight them at a distance rather than to expend your manpower as the enemy makes his close in assault."

And it occurs to me as he goes through this story of how he slaughtered the people mechanically without any deaths on our part, that if the Nazis had had the courage to brag blatantly you might imagine a Nazi general saying, "My best war story is Dachau where we slaughtered one million Jews with less than one guard lost on our part." The Army talks about phasing the war down so they will need less manpower, but . . . technologically, the war is escalating.

Moderator. Thank you very much, Mr. Kanegis. The next person who will give testimony will be Mr. Ward who is going to discuss the results of bombing North Vietnam and Laos.

Mr. Ward. To begin with, I want to give my qualifications. I was with the first group of Americans who traveled in North Vietnam under US attack in the summer of 1965. Subsequently I visited North Vietnam again this past summer. I spent almost two months in North Vietnam broken by a visit to the liberated zone of Laos. In 1965 I visited Vietnam, not as a member of any war crimes tribunal, and I was not there to see what the United States was doing in terms of how much damage. I was there to see what life in North Vietnam was like. In fact, I believe the North Vietnamese hoped I would realize something that few Americans could believe: that they were going to resist the US bombings as long as necessary.

So, in fact, they didn't make an effort to show me the damage. They wanted to show me how life was going on and I had to insist with my colleagues, there were four of us including the then station manager of WBAI, New York, on this trip—on seeing the bombed areas of North Vietnam.

In other words, going into areas that were under attack. So we traveled down to the city of Nam Diem which you may have heard about. This was made famous because up until then most people in this country believed the words of our President that the United States was bombing only steel and concrete. Nam Diem is a textile town. The textile factory was destroyed. This was in August, 1965. The housing around the factory was destroyed and also the area had been strafed. There was clear evidence of strafing—the lines of bullets along the sides of buildings. This town was very heavily hit. And not until Harrison Salisbury saw Nam Diem nearly a year and a half later did the real evidence appear in the US press, that the United States was bombing civilian targets.

In Than-Hoa the main destruction was of the provincial hospital. You could see the medical equipment. By the summer of 1965, most of the hospitals in North Vietnam had been bombed one or more times. This hospital had already been bombed three times and was levelled to the ground. By the time I revisited, in 1970, every hospital outside of Hanoi, I believe, outside of Hanoi and Haiphong, had been bombed, if not completely destroyed. In 1965 many of the victims I saw had been maimed by the napalm and phosphorous.

By 1970 the array of weaponry was much wider. All those weapons that were pictured on the screen have been used during the bombing—during the several years of bombing of North Vietnam. Pellet bombs and the so-called leaf mines. North Vietnam is a very poor country. The leaf mine looks like a piece of cloth and a person seeing it might pick it up and put in their pocket, thinking that it would make a good patch for a worn-out piece of clothing. As the person brushes his pocket, it explodes and maims him. My conclusion was that already in 1965 the main purpose of the bombing was to destroy the civilian economy, to break the morale of the people. When this failed, the bombing became more intense and the escalation widened and the targets extended beyond just the people themselves. The people resisted. They dug tens of thousands of miles of shelters. Then the air force began to systematically destroy the industry. U.S. Government reports claimed they bombed—only roads. Well, what does it mean if you bomb all the roads of a country? How do people exchange goods? How do they carry on any possible normal economic life? The main traffic on roads is the normal commerce of a country, the normal economic life. Some areas grow rice, some areas produce other products. There has to be an exchange of products to carry on the economy. Well, the Vietnamese won the battle and decentralized their whole economy and despite all the efforts there was never any starvation. But a lot of people were killed. During my second visit, I noticed a large number of graveyards that I had certainly not seen before. According to the Vietnamese, the statistics—which I don't have before me—but roughly speaking, two-thirds of the victims of U.S. bombings were women and children, non-combatant women and children. Some young women could be classified as combatants engaged in combatant activities. In brief, that's North Vietnam.

I have a few pictures to show you at the end but I want to say a few words about Laos. Few Americans have ever had the opportunity to get into the liberated zones of Laos. In Laos the United States is carrying on the same program it carried out in North Vietnam, that is, systematic bombing of everything. I was in Sam Neua, the chief city of the liberated zone. I will show you pictures of that city. Not a soul lives in that city anymore. The destruction was enormous although the town was not completely leveled. But every single building had been hit, every village in the surrounding area was destroyed. I had not seen much destruction on that comparable scale in North Vietnam. By proportional comparison there had been greater destruction because North Vietnam had been more populous.

The ultimate strategy of U.S. bombing was to depopulate the liberated zone; to take the people away from the revolutionaries. But it has not completely succeeded, although according to the statistics of Senator Kennedy's refugee sub-committee approximately a third of the people of Laos have become refugees because of U.S. bombing.

Another way they depopulate an area is by sending in CIA teams, sabotage teams, that try to force the people out at the point of a gun. They have little villages in Laos; sometimes only 50 people live in a single village. These teams of mercenaries run by the CIA are brought into this town and try to force all the men to leave—to go into the Vientiane zone. To conclude, in Vietnam the bombing is beginning again. Don't believe Nixon. He's not just bombing military targets. He's bombing the people.

In Laos, the bombing is continuing. According to the most recent press reports the bombing has been heavier than at any time previous in the whole history of the war in Indochina, in Laos and Cambodia put together. That means that this has been done since October of 1970, the end of the rainy season. This is going on to this day and will go on until we and the Vietnamese and Laotians and Cambodians together stop Nixon.

Moderator. If you get the lights we'll see the slides.

Ward. First slide. This is the city of Sam Neua. From the distance it looks like a very beautiful pastoral landscape and it's impossible to see that every building has been hit by a bomb. That's what it looks like from a distance. So, now, closeups.

Next slide: you can see that the windows have been blown out. There was just one man I saw walking through the town, except for the people in our party. Every single building, the church, everything had been hit.

Next slide: This is again Sam Neua. I could have gone down every street and you would have seen that every building is gone.

Next slide: and here is how some of the people manage to survive. This is a mountainside and inside this mountain is a cave and people live in there. This particular cave—is used only for a very important institution. This cave happens to hold a school of art.

Next slide: this is a particularly vicious weapon. That's a ball point pen, next to it are these little arrows called flenchettes which are used as anti-personnel weapons against the populace in North Vietnam.

Next slide: this is just one example of what it's like to live in a pacified or quasi-pacified area of South Vietnam. This is, to say that until it is pacified this is what happens. This girl was living in a liberated village. She's now in the North for treatment; one eye is still completely closed. She's regained the partial sight in one eye. The surgeons feel she'll regain partial sight in both eyes when they finish about one half dozen operations. Her injuries were caused by napalm.

Next slide: this is a Roman-Catholic church in North Vietnam. As I said, I was never part of a war crimes tribunal and the Vietnamese made no effort to emphasize how many churches were destroyed. I was examining the photographs of a recent visitor to North Vietnam and I saw at least a dozen pictures of churches destroyed.

Next slide: that's the rail lines. Despite the efforts to destroy the railroads—and you see the destroyed railcars still there—the traffic goes on. Next slide: this is a hospital, but I should say it was a hospital. There's nothing left of it. It's in the City of Bien, near where I stayed. It's about half-way between Hanoi and the 17th parallel and it was near a small hotel that had just been built because Bien is near Ho Chi Minh's birthplace and they have a number of visitors. I looked around and I asked the interpreter, "Where is the center of the city?" And he said, "You're there." And it was almost bare fields wherever I looked. Vien, the city of Vien was almost 99% destroyed by the US bombs. Next slide: that's another view of the hospital just to show you that everything had been destroyed.

Moderator. We only have five minutes for questioning. Please state your name and the organization that you're with.

Question from the audience. What criminal corporations are responsible for the research and production of the weapons you testified about?

Kenegis. Well, for the automated battlefield, first of all, I think there'd be the generals who are guilty of the war crimes. Not just the generals in the Pentagon but generals like General Dynamics, which makes the ANSS squealer intrusion detector that changes frequently as a person approaches it. They make the ANPPS portable combat surveillance radar, they make the grasshopper anti-intrusion mine that I mentioned. General Motors that has been the manufacturer of the M-16 rifle which isn't part of the electronics in the battlefield but is another weapon which has an anti-personnel effect in that it has, the dum-dum effect, and, of course, they're working on an improved version.

This special purpose individual weapon is going to be the M-19. This is a tiny fleschette which has a plastic casing which drops off. A little needle enters a person and spins around inside, makes a huge hole inside, even though the needle penetrates on the outside. It only has to hit their arm and it will kill a person. There is General Electric who makes weapons for the gunships we were talking about—the AC47, the various miniguns, and so forth. They work on it. Let's see, some of the automated battlefield contractors are Western Electric, Westinghouse Electric, Texas Instruments. Sperry Rand, Ratheon, Radio Corporation of America, Radiation Inc., Magnavox, Kaiser Industries, IBM, Hughes Aircraft, Honeywell, Hazelton Corp., General Telephone and Electronics, Sylvania Electric, General Aviaonics and so forth. If people in the community that you are in would like to know about production of weapons for Vietnam and particularly automated battlefields weapons and so forth, you can write to us at NARMIC.

We have quite a number of detailed sources from the industries involved in war production. They state very explicitly all the contracts that are awarded for any county in the country for each quarter of the year. We also have a book, Weapons for Counterinsurgency, that details some of the weapons that we showed pictures of here—the chemical and biological weapons, the incendiaries like napalm, and talks about who the contractors are. It tells how to organize a project against one of the corporations producing these weapons. You should write to NARMIC if you want to really organize a project. We must conclude with that. The Third Marine Division will testify next.

Moderators

Kenneth Campbell, 21, Cpl. (E-4) "A" Bat., 1st Bn., 11th Marine Reg., 1st Marine Div.; scouted for "B" Co., 1st Bn., 1st Marine Reg., 1st Marine Division From February 1968 to March 1969.

Evan Haney, Naval Support Activity, United States Navy, Da Nang.

Veterans testifying

Allen Akers, 25, Pfc. (E-2), "E" Co., 2nd Bn., 4th Marine Reg., 3rd Marine Division From May 1965 to March 1966.

Steve Rose, 26, E-5, (U.S.N. Corpsmen), HQ Bn., 4th Marine Reg., 3rd Marine Division From December 1966 to December 1967.

Sean Newton, 24, L/Cpl. (E-3) 3rd Bn., 7th Marine Reg., 1st Marine Division From February 1966 to December 1966; "D" Co., 1/26, 3rd Combined Action Group, 3rd Marine Div. From August 1967 to August 1968.

Michael Damron, 24, Pvt., (E-1), "B" Co., 3rd Tank Bn., 3rd Marine Reg., 3rd Marine Division From September 1966 to October 1967.

Jack Smith, 27, S/Sgt. (E-6), Hq. Battery, 12th Marine Reg., 3rd Marine Division From January 1969 to December 1969.

John Birch, 24, Cpl. (E-4), "B" Co., 3rd Shore Party Bn., 4th Marine Reg., 3rd Marine Division From May 1965 to August 1966.

Christopher Soares, 20, L/Cpl. (E-3), "G" Co., 2nd Bn., 9th Marine Reg., 3rd Marine Division From February 1969 to April 1969.

William Hatton, 23, Cpl., (E-4), Engineer Mn. Plt., FLSG Bravo, 3rd Marine Div. From October 1968 to September 1969.

Robert Clark, 22, L/Cpl. (E-3) "H&S" Co. & "G" Co., 2nd Bn., 9th Marine Reg., 3rd Marine Division, From May 1969 to May 1970.

Nathan Hale, 23, SP/5, M.I. Detachment, 198 L.I.B., Americal Divison From December 1967 to December 1968.

Gordon Stewart, 20, Sgt. (E-5), "H" Co., 2nd Bn., 9th Marine Reg., 3rd Marine Div. From September 1968 to September 1969.

Jamie Henry, 23, Sgt. 1/35 Inf., 3rd Brigade, 4th Infantry Division From August 1967 to August 1968.

Walter Hendrickson, 22, Pfc. (E-2), "F" Co. 2nd Bn., 9th Marine Regiment, 3rd Marine Division From November 1968 to April 1969.

Moderator. This is the Third Marine Division. They landed in Vietnam in March of 1965 and they are still there. There are two people minus their DD-214's, but they do have military ID's and other military identification which the press can check later. Their names are Allan Aker and Walter Hendrickson. Also, attached to this panel because these people can't stay for tomorrow or the next day are Jamie Henry with the 4th Infantry Division, Army and Nathan Hale, an interrogator from the Americal Division.

My name is Allan Akers. I am 25 years old and from the city of Chicago. I joined the Marines just after high school and was in Echo Company, 2nd Battalion, 4th Marines, Infantry Unit. I am presently in college and work for the YMCA. I was in Vietnam from May of '65 until March of '66. The bulk of my testimony will consist of mass movement of villagers after destroying their original homes, the killing of civilians in search and reconnoiter by fire, the false percentages of blacks in Vietnam told by the Pentagon, and how troops are geared into committing war crimes.

My name is Jonathan Birch. I'm 24. I live in Philadelphia. I joined the Marine Corps right after high school. I was a corporal in "B" Company, 3rd Shore Party Battalion attached to 4th Marine Division. I landed in Chu Lai, South Vietnam in 1965, in May. I was a field radio operator and presently I'm employed as an accountant in Philadelphia. I will be testifying about the forced re-location of villagers in Chu Lai area.

My name is Steven Rose and I'm 26 years old and spent four wasted years in the Navy, from 1963 through 1967. I was a Navy corpsman in Vietnam and I'm presently working now at a psychiatric hospital on Long Island. I will testify to the blowing up of a civilian bus by the VC and the throwing out of wounded civilians by their ARVN crew. I will also talk about the preparation of ears from the Marines to be shipped back to the States. Thank you.

My name is Sean Newton. I'm 24 years old and a resident of Santa Monica, California. I joined the U.S. Marine Corps in 1964 right after high school. I served in Vietnam from February, 1966 to December, 1966 as a private in 3rd Battalion, 7th Marines. My second tour was as a Lance Corporal with Delta Company, 126 and with 3rd Combined Action Group from August '67 to August '68. I'm now continuing my education at Santa Monica City College.

My name is Mike Damron. My age is 24. I'm from Springdale, Arkansas. I was a student before enlisting in the Marines. My rank was Private and I served with "B" Company, 3rd Tank Battalion, 3rd Marine Division from September, 1966 until October, 1967. My job was gunner on a tank. I'm presently a student at the University of Arkansas.

My name is Jack Smith. I'm 27 years old. I was a student at the University of Connecticut for 3½ years before I enlisted in the Marine Corps in 1966 and I was also an unemployed carpenter at the time I enlisted. I was a Counter-Mortar Radar Team Chief and a Vietnamese interpreter. I served in Vietnam in 1967 and all of 1969. I was with Headquarters Battery, 12th Marines and I am presently an unemployed carpenter and an on-strike student. My testimony concerns genocide against the Vietnamese people, murder of civilians—old women and children—harassment and maltreatment of children and also the murder of children, the maltreatment of ARVN soldiers, racism against the blacks, both institutional and by official policy and individual, the crossing of borders with artillery fire, and the maltreatment of POW's.

Moderator. Excuse me, Mike you didn't give what you were going to speak about. Could you do that?

Newton. My testimony will consist of the burning of villages, the killing of civilians, mutilation of bodies, the taking of ears, scalps, and heads, the destruction of crops and livestock, use of defoliants, the evacuation of civilians from their villages to relocation centers, the killing of wounded North Vietnamese army troops, and the resist policies of the armed force in Vietnam.

Damron. My testimony will include witnessing of killing of civilians, destruction of villages, and treatment of prisoners of war.

My name is Gordon Stewart. I'm 20, I live here in Royal Oak, Detroit area. I joined the Marines in January of '68. Until November, '70 I was a Sergeant. I served in Vietnam with the Second Battalion, 9th Marines as a Forward Observer attached to Hotel Company from September, '68 through August, '69. My testimony concerns Operation Dewey Canyon, which is the invasion of Laos, contrary to published documents. I'm mostly going to talk about the genocide committed against the Vietnamese people, the killing of civilians by calling in artillery and white phosphorus on villages and hamlets.

My name is Christopher Soares, age 20, resident of New York City, New York. I'm currently an unemployed student because of disability. I was in high school in New York City and had a part-time job before joining the Marine Corps. My rank was Lance Corporal, E-3. I was a rifleman in the infantry: grunt. My outfit in Vietnam was Golf Company, 2nd Battalion, 9th Marines Regiment, 3rd Marine Division. My testimony will consist of the invasion of Laos, correlated with Gordon Stewart, Operation Dewey Canyon, from February, '69 to March, '69, mortar attack on approximately 30 Montagnards; nightly H&I fire, using high explosive and white phosphorus rounds; throwing cans of food at civilians while passing by on truck convoy; .50 caliber machine guns used in antipersonnel weapons; killer teams; distributed contaminated food; witnessed POW beaten and interrogated at knife point; deformed civilians; and my platoon sergeant had a $1000 bounty on his head.

My name is Walter Hendrickson, age 22. I'm a resident of upstate New York. I'm unemployed now because of disability. I entered the Marine Corps shortly after working 6 months as a turret lathe operator. I was trained as an anti-tank personnel and when I reached Vietnam I was made a regular rifleman grunt. I'm going to be testifying about entering Laos; throwing cans of chow from moving trucks at villagers; wounding of civilian personnel for suspicion of being with NVA; H&I firing nightly; the mutilating of bodies of NVA; and the killing of a Chieu Hoi who was shot to death.

Soares. I'm sorry, I missed testimony. Also recon by fire by patrol boats, rivers.

My name is Bill Hatton. I'm 23 years of age and I was a high school student before I entered the Marine Corps in 1966. I spent 4 years in regular enlistment. I attained the rank of Corporal, as a Lance Corporal and Corporal both during my tour. I was in Vietnam from October of 1968 to September of 1969. My outfit was Engineer Maintenance Platoon, FLSG Bravo, Dong Ha. My testimony will deal with the stoning to death of a 3 year old Vietnamese child; handling kids heat tab sandwiches; and firing mad-minutes at [LZ] stud; throwing cases of C-rats at women and children off moving trucks; and fragging and price-setting on the heads of officers in the unit. My occupation at present—I'm the director of the Department of Planning Promotion for the village of Bagley, Minnesota.

My name is Bob Clark. I'm 22 years old. Right after high school I entered the Marine Corps. I served as a Battalion Radio Operator and interpreter with Golf Company Two Nine from May to August, 1969. From December, 1969 to late February, '70, I served as One Four Chief calling in air strikes in Vietnam. I'm currently unemployed and a resident of Philadelphia. My testimony will concern killing of wounded prisoners; prisoner refused medical attention, and as a result died, with about 30 Marines watching him, including a Colonel; brutalities toward Vietnamese children and women.

My name is Jamie Henry. I'm 23 years old. I was drafted on March 8, 1967. ETS'd March 7, 1969. Entered Vietnam August 31, 1967 and returned to the United States in August, 1968. I'll be testifying on the murder of innocent civilians which ultimately culminated in the execution of 19 women and children and the causes behind these murders.

My name is Nathan Hale. I'm 24 years old. I'm a resident of Coatesville, Pennsylvania.

I'm currently a student and a candle maker. I joined the Army in April of '66. My rank at discharge was Specialist 5. I was an interrogator-linguist with Americal Division. I will show a series of slides of an interrogation by the Vietnamese National Field Police and describe general techniques used in interrogation.

Moderator. Al Akers, you mentioned the killing of civilians as one of the things you will be testifying to. Could you elaborate on that please?

Akers. Yes, we were given orders whenever we moved into a village to reconnoiter by fire. This means to—whenever we step into a village to fire upon houses, bushes, anything to our discretion that looked like there might be somebody hiding behind, or in, or under. What we did was, we'd carry our rifles about hip high and we'd line up on line parallel to the village and start walking firing from the hip. There were times when Vietnamese villages had man-made bomb shelters to protect themselves from air raids. Well, sometimes when we'd come to a village a Vietnamese would run out of the bomb shelter for fear of being caught, so consequently this surprise would startle any individual and they would automatically turn and fire, thereby uselessly killing civilians without giving them a chance.

Moderator. Could you also explain about the false black casualty reports by the Pentagon?

Akers. Definitely. I was with the 2nd Battalion, 4th Marines and the same unit that was there in Hawaii shipped out for Vietnam, and in Hawaii especially, of Two Four, of 1100 Marines, approximately 600 of them were black and the same went with the other two battalions of the 4th Marines. I know darned well that 600 out of 1100 is not 10 or 12%. Two and two—you know, that's got to be it.

Moderator. Were mostly black soldiers on the front lines? Or did they have people in the rear also that were black?

Akers. What do you mean by front lines?

Moderator. The ones that went out to the field. The grunts.

Akers. Well, see, consequently because of the balance of black soldiers in the units, whenever a unit was sent out, you know the black soldiers were used as points, rear guards and side guards. Echo Company was considered to be Colonel ——'s most prized unit. Colonel —— as everybody called him. And Echo Company was Colonel ——'s, what he called "The Magnificent ——". Echo Company was about 50% black.

Moderator. Were most of the orders that came down from him—Major ——?

Akers. Colonel ——? Yes, he was kind of his own man. If you remember, I believe, the book written by Chesty Puller where he was elaborately mentioned in the book as being like one of the few last supposed Marines would be.

Moderator. Jon Birch, you mentioned the re-location of fishermen. Could you elaborate on that, please?

Birch. This was in Chu Lai and it was in the period of May to August 1965. I landed at the same time as Al's unit. I was attached to the 4th Marine Regiment of which the 2nd Battalion was a part. I can support his testimony with the percentage of the blacks within the units. On the beach where we landed was a fishing village up in the northern edge of Dong Quai Bay. It was perhaps 5 to 10 huts. These people had been fishermen all their lives. They knew nothing but fishing, but since the Americans—the military—wanted to use that area they moved them up a river, about a mile and a half up the coast. Now they were still fishermen and could still go out, but they were suspected of being VC. They weren't VC. They were just fishermen, and you have to go out everyday if you're going to earn your living by fishing. So they decided we'll move them up the river further still, where we can keep a closer eye on them. They did that and then, just about August, they moved them into a relocation village which was off the river. They took their boats away, burned them, and gave them land and said "All right, now you can become farmers. People need food and we don't trust fishermen."

We personally took some of their little round boats—they look like little sampans—these little round things—called bull boats. So these people who had been fishermen for generations now suddenly became farmers on land that could not be farmed because the area in and around Chu Lai on the beach was sand, very dry, rotten sand.

Moderator. Okay, Steve Rose. About that blowing up of the bus by the VC. How many people were on there, what was their status, how many of them were killed and wounded?

Rose. Yes, this is on Highway 1 outside of Camp Evans in I Corps area. I would say there were about 50 civilians on this bus. They pack them in pretty good on these busses, and with all their belongings. This bus was heading up Highway 1 north and the word that came back to us before we went out was that the VC blew up this civilian bus because the convoy didn't come through today.

So I was at 4th Marine Regiment Headquarters and the doctor and I and a few other corpsmen went out to this bus. Now there was people laying all over the mud there and most of them were dead, but there were some that were still alive and we did a little preparatory work and ARVN helicopters came in with American crews as head. We asked the civilians around the area to help us load the wounded onto helicopters, which they refused to do. Now I sort of understand why. It's not really their war. We're too involved there and we shouldn't be. So what happened was that we, the Marines from 2nd Battalion, 4th Marines, that was on patrol, helped load these bodies onto choppers and as the choppers took off into the distance, the wounded that we put on were being thrown off into the field.

Moderator. How high was the chopper when these people were thrown off?

Rose. It was about a hundred yards out and maybe about 50 or 60 feet high; it was just taking off into the distance.

Moderator. How about the taking of ears? Would you explain that?

Rose. Yeah, it's a thing maybe it's only with 3rd Marine Division, to cut off the left ear of NVA troops that are killed. I had some friends—I was back down to Phu Bai and some friends came out of the field and as a corpsman they asked, "Can we get a bottle and something to put it in so we can ship it back to the States?" and I proceeded to do that—pack 'em for shipment.

Moderator. What sort of emotions did the GIs have of cutting off the ears and sending them back to the States? Were they happy about it or were they sad or what was the emotion?

Rose. I think . . . I call the time I spent in Vietnam "dead time". I call it a time when you just function and do things that, hopefully, you won't do when you come back home. As dead time, I think it's a sort of emotionless, you know, you do it, your buddy did it, so you can do it. So you just send it back. You don't make a big deal of it.

Moderator. Okay, Sean Newton, you say you spent two tours in Vietnam.

Newton. That's right.

Moderator. The question I'd like to ask you is, "What were the differences, if any, in the policies of units that you were in in Vietnam from the first tour to the second tour"?

Newton. The first time I was in Vietnam, I was with the 1st Marine Division, 3rd Battalion, 7th Marines; the second tour was with the 3rd Division, 1st Battalion, 26th Marines at Khe Sanh and 3rd Combined Action Group. That job was in an advisory capacity with South Vietnamese militia living in the villages. The overall policy of the Marine Corps in '65 and '66, to me, seemed to be sort of a scorched earth policy. There was a lot of burning and a lot of killing and no one was saying much about it. When I returned in '67, our staff NCOs and officers would tell us, "You know, you just have to be careful. If there are newsmen who go out on the operation with you just be cool, you know, but if there's no one there, do the same thing you did in '65 and '66. So you just have to be a little careful." And that was just about the only change that I noticed besides an escalation of the war.

Moderator. Before you went to Vietnam did you have any expectations of what was going to happen there? Did you receive any kind of information while you were going through training?

Newton. When we went through the four weeks before you go—staging—I didn't have to go through staging the first time because they gave us three days notice, gave us no leave at all, and put us on ships in Long Beach. We couldn't even call our parents and tell them where we were going or why we were going or anything and they said we were just going out on maneuvers. Like 11 days later we knew we weren't going to be going out on maneuvers. What was the question again? I'm really tired.

Moderator. What kind of information did you receive while going through staging?

Newton. Oh, yeah, going through staging. They just tried to hype you up and prime you to go over there and just waste them, you know. The Communist threat was brought up time and time again, like, you had to go over there and do this thing so that they wouldn't come invading the United States, make a beach landing, or something or other.

Moderator: Mike Damron, you testified to the killing of civilians and the treatment of POWs. Would you like to talk about that?

Damron: Well, in January of 1967, we were on Operation Newcastle about 30 miles out of Da Nang and our function as a tank unit—we had our tank and some infantry people on top of a hill while some more tanks and infantry was sweeping through the valley below—and our job was to more or less plaster the area before the infantry got there and if there was any stragglers left, enemy stragglers, after our people went through, we were to plaster them again. We were told we couldn't fire unless we saw people with packs and rifles. That was more or less the policy as written, but what we made it a practice to do, is our unit was to boost the body count. We'd paint a little hat, a triangled shaped hat, on the side of our tanks for each confirmed kill we had, so any chance we got to add more hats to the side of the tank, we fired. And on this particular occasion we fired on five people that we had no way of knowing who they were because they were not armed. As far as prisoners of war go, on the back of a tank there's a thing called a travel lock, so when the gun tube's to the rear it can be locked down where it won't be bounced around. They don't use these in Vietnam, but they use them in the States. But what we used them for in Vietnam was we could put a VC's head or a VC suspect's head in that travel lock and lock it down. But it could be dangerous because if we did hit a bump it could break the person's neck.

Moderator: Mike, you said that this could be done. Was it done and did you witness it?

Damron: Yes, I did.

Moderator. Could you tell us approximately when this was and where?

Damron. This would have been in the same general area, around Da Nang I believe in Dai Loc Province. It would have been in late 1966, around December.

Moderator. Okay, thank you. Jack Smith,

you were going to testify about the crossing of borders and treatments of POWs. Would you go ahead?

SMITH. Right. We were assigned to a counter-mortar unit. We also had other electronic equipment, along McNamara's Wall up there. We were involved in tracking enemy rocket fire and mortar fire and we would in turn direct our artillery fire back on the positions that we located. Now, we were in generally a free fire zone along the DMZ overlooking the river and it was a free fire zone. Anything that moved out there was fair game. The NVA used to come down across the river and fire rockets and mortars at our base at Dong Ha in Quang Tri. We would in turn fire back at them and locate them with our anti-personnel radar that located them and also the counter-mortar weapons that we'd locate their position. We'd follow them with our equipment and also with AOs back across the river as they would flee after firing back across the river. So we would take our artillery and since it was against the regulations to fire across the river, what we would do was call in a grid location, that's a grid coordinates and the numbers of the location—we'd call in a grid this side of the river and we would have clearance then to fire a 1000 meters around that area. So what we would do is call in a spot right on the bank of the river and then as soon as we got clearance to fire on that spot because this was okay to do, then we would immediately start walking it across the river and fire across the river and up into North Vietnam. We would fire at any truck movements or personnel movements that we found along the thing. We'd just keep firing until we no longer got any movement up there.

MODERATOR. Excuse me, when you say you were cleared, who did you call back to?

SMITH. We had to clear it with the fire direction center back in Dong Ha which coordinated all the movements of allied ground and artillery positions in all the units moving those areas. So they gave us clearance to fire up there.

MODERATOR. Jack, when they'd give you clearance, did these people know that these rounds—the people who gave you clearance—did they know these rounds were being adjusted across the river?

SMITH. Yes, but officially the policy was written that we would not fire across the river, but it was standard operating procedure that whenever we called in along the river bank that we were going to be firing across into North Vietnam. And also this was our practice when we were out at Vandegrift Signal Mountain in the Rockpile out there. In support of Dewey Canyon we were also firing across the river into Laos. We'd call in a grid in South Vietnam just across the border from where we were firing and then in turn adjust the fire across Laos in support of the ground actions over there. As far as the POWs go, our radar location was located right next to the heloport at Charley Two which was overlooking the DMZ up by Con Thien. They'd bring the prisoners in from the field and some of them severely wounded and crying for water. They were always denied medical aid, food, and water until after they had testified to what we wanted to have them testify to. I myself didn't interrogate them. We simply stood out there and watched them and then they would take several of the Vietnamese—they might have four or five prisoners—they'd throw four or five of them along inside the chopper. The chopper would take off, fly over up by the DMZ, come back about 10 or 15 minutes later and unload two. Somehow, along the line, somebody had decided they were going to take a walk out there so they suddenly lost a couple of prisoners, but we never questioned this. If you questioned it, it was simply—they were just gooks anyway, so it didn't matter.

MODERATOR. Did you ever come into contact with Vietnamese people beside the POWs?

SMITH. Yes, almost every day the vehicle for my . . . I had three radar locations up along the DMZ there, about forty people there, and we had to make a run in with our vehicle every week, or every day, into the supply base at Dong Ha. So we'd send our truck into Dong Ha every day and we'd have to pass through the village of Cam Lo which was just a civilian village located on the way to Highway 9 which runs into Dong Ha. Every day as we passed through the village—the GIs when they originally get in country they feel very friendly toward the Vietnamese and they like to toss candy at the kids, but as they become hardened to it and kind of embittered against the war, as you drive through the village you take the cans of C-rats and the cases and you peg 'em at the kids; you try to belt them over the head. And one of the fun games that always went was you dropped the C-rats cans or the candy off the back of your truck just so that the kid will have time to dash out, grab the candy, and get run over by the next truck. One of the other fun games was you take the candy and you toss it out on a concertina wire. The kids are so much dying for the candy that they'll tear their flesh and their clothing and their clothes off trying to get at this candy which you've thrown inside the barbed wire. Additionally, when we had to go into Dong Ha we also used to have to make a garbage run about every other day and the garbage dump was located just down the road in front of the village of Cam Lo. In order to unload our garbage with the least amount of harassment to the Americans what we would do is send down our barrels of garbage, we'd send down a team of five or six, or squad of five or six, Marines along with it. One guy would be assigned to dump the garbage and the other six would beat the Vietnamese, shoot them, do anything they could to keep them off the truck while you were unloading the garbage, because they wanted to get into the cans and be the first ones to scrounge through and get something to eat. So in order to save your vehicle and keep the equipment that you had on it, you'd just throw the Vietnamese off the side of the truck and dump the garbage cans on top of them—just chuck 'em overboard. If they got too frisky you just blew a couple of them away.

MODERATOR. Excuse me, you mentioned that after a while you would be giving candy to the kids, just throwing it to them, but you said people got embittered and you started throwing off the back of the trucks and they got run over. Do you know why you were embittered?

SMITH. Two of our people had gotten killed by stopping in the dump and rapping with the kids and somebody had given a grenade to one of the kids and he pulled the pin on it and walked up to the guy in the truck and just handed the guy in the truck the grenade and blew the kid and the guy in the truck up. One of our guys out there passing candy come up and got shot through the forearm by a .45 pistol. He was shot by about a nine year old kid so they tended to become a little embittered with the kids and as you'd go through the ville the kids would yell "Chop, Chop, Chop, Chop." They wanted candy and you'd throw them the candy and then they'd go ——— you." In general, you tended to get alienated from the kids.

MODERATOR. Gordon Stewart and Chris Soares, both of you have mentioned an operation that I think is fairly familiar to most of the American public—Dewey Canyon—and is that operation crossing the border into Laos. Gordon, could you start by explaining that?

STEWART. The name of the operation was Dewey Canyon. I was a Forward Observer with Second Battalion, 9th Marines, who participated in the operation. My job primarily was calling in artillery fire, mortars, and air strikes with Forward Air Control working with them, except contrary to published documents, the operation did take place in Laos. I have a map here if the press or anybody wants to look at it—it's an official documented map. In the press room I'll show what route was taken, how far we penetrated into Laos. It was approximately four miles. The operation started in January of '69 and ran through March, '69. Approximately February 25th, Hotel Company, Two Nine, pulled an ambush into Laos on a North Vietnamese Convoy destroying a tank, bulldozer, trucks and a lot of personnel. Where we got the permission to do this, I don't know. I heard over the radio that undoubtedly it came from higher sources as everything did. The next night at approximately 12 o'clock, Hotel Company moved into Laos again. The whole company had set up a base camp on a hill. For the next three days it was pretty much hell. We ran through a lot of contact and lost a lot of men, but, of course, you know, we never lost anybody in Laos, which is hardly true at all. Many men were lost. The men became quite embittered during this operation. It became easy to kill Vietnamese. You were just animalistic.

SOARES. I was with Golf Company and I was an infantryman. I had just gotten in Vietnam in February. Soon after I was choppered out to a hill, which can be shown on the map, as part of the Reactionary Platoon with the Battalion Commander Major———. We set up there for a couple of days. We had one of our squads ambushed in Laos. I saw B–52 strikes in Laos. I saw air strikes in Laos and I saw a hell of a lot of men killed in Laos. We had moved down from this hill, down the valley and across it, across a stream and up another hill. A couple of days later we had come upon a hill which was strewn with rice. This was tons and tons of rice. I believe it was Hotel Company that had found this rice and had destroyed it instead of having airvaced it. Now the people in South Vietnam are pretty ——— hungry for this rice but instead of that, we destroyed it. Another thing is that, Oh, God . . . I'm sick.

STEWART. I'd like to bring up—Chris is talking about hills in Vietnam—these hills he's talking about I can confirm with the grid coordinates because I called in artillery and air strikes and mortar fire onto the North Vietnamese. To my knowledge we didn't kill any civilians in Laos. That came before and later, but during the Laotian Operation, Dewey Canyon, moved down Route 922 in Laos. We could have gotten helicopters in to evacuate our dead and wounded but the battalion commander wanted to be Gung Ho and carry the dead on litters, so we carried the dead for three days on litters. They don't smell very good. The operation was a military success if you look at it from a military point of view. They captured a lot of—this is all documented someplace—they captured a lot of rounds, artillery. What can I say? We were there and I can prove it.

SOARES. The whole 9th Marine Regiment took place in Laos, in Dewey Canyon, and that's approximately 2,000 men. To my knowledge, I may be wrong, but I know that quite a few of these men were in Laos all the time. I would say for approximately a week, a day or so, more or less. The order was, when I left Ashau Valley, where the operation took place, on a helicopter—I was given the order by a second lieutenant—that if we met any war correspondents in our rear, which is Quang Tri, Vandegrift Combat Base, we were not to speak to them at all about Operation Dewey Canyon and if approached by any war correspondents, we were to say nothing. Perhaps just say we weren't in Operation Dewey Canyon and our name and serial number if they requested so. If they persisted, to go up the chain of command. In other words, if a war correspondent had any kind of idea that this operation took in Laos, he could not find anything and you end up knocking on White House and, of course, he wouldn't be let in. So, in a way, the American people perhaps knew about Operation Dewey Canyon but certainly did not know that it took place in Laos. Another thing, too, is body counts. I can verify one thing: we lost, I'll be very conservative, at least 50% of these 2,000 men in this operation—wounded and killed. My company itself which was approximately 115 men, the whole company itself, we had about forty replacements waiting in the rear, and I was one of the replacements during the operation itself. That goes for body counts. Another thing, too, that's the complete devastation and defoliation in that area. I do not know if it was perhaps of shrapnel from high explosives delivered by air strikes or artillery strikes, but I know that quite a few hundred miles were just stumps or something that looked like stumps sticking out of the ground, and just let me say that that land, there is just nothing left of it.

Stewart. When we were in Laos we were very humane about it. We left the bodies piled all along the road in Laos on Route 922.

Soares. That's true. On one point, when we were moving out on the trail, I walked over a body, a dead body, a dead NVA body, and, of course, nobody would move any bodies or any kind of objects that looked like it was either NVA or belonged to us or whatever because of fear of being booby-trapped. So we just left the bodies there.

Stewart. We booby-trapped the bodies. We placed grenades without the pins underneath the bodies in case anybody—they had a policy, the North Vietnamese, of dragging their bodies away with hooks in order to destroy more people. When moving through Laos, taking our dead and wounded, we took a lot of casualties. It was also the policy—they told us not to tell anyone for fear of repercussion that it would be very bad for us. I don't care anymore. This is what happened.

Moderator. Excuse me, you mentioned the body count of the U.S. casualties. Were these figures accurate? I mean, you said they were conservative, but when the Pentagon gives out the statistics they have their numbers. But do you agree with the numbers they give out?

Soares. Definitely not. Marine Corps puts out magazines called *Northern Marine*. It says that we killed 1,111 NVA soldiers. Now that's a pretty interesting number. Now the only body I saw is the one I walked over and I saw a hell of a lot of bodies of ours being taken away in one piece or another.

Stewart. Echo Company was another company in the Second Battalion, 9th Marines. I can confirm that they were also in Laos, moving through Laos in a different direction from us. B-52 raids were called into Laos and I myself called in air strikes and artillery. White phosphorus was also called in on hamlets and villages. We didn't want to leave anything above the ground level. I don't know why.

Moderator. Gordon, something . . . a question I've got for you is concerning wounded and dead Marines. How did you get them out of Laos, if you did get them out of Laos?

Stewart. We dragged them on litters.

Moderator. Were any left behind?

Stewart. A squad was ambushed trying to start a North Vietnamese truck that we destroyed in the ambush in Laos. The squad was completely wiped out. We had to leave our dead and wounded. We couldn't get back to them. Eventually we did. We picked up what was left and dragged it through Laos because the Colonel thought it was nice. It looked like a typical John Wayne epic.

Moderator. When you went back to get the Marine bodies and the Marine wounded, did you get all of them?

Stewart. I don't know. There is also one Marine received the Medal of Honor posthumously. It was presented to his parents. His name will probably be mentioned somewhere. I'd rather not. He did receive this medal of honor later, some months later, I read it in the Quantico paper and I believe the press has the citation. He was killed in Laos on Route 922 right next to me.

Soares. I'd like to say something else about body counts, is that no where in any papers that I read, and that's the *Sea Tiger* in Vietnam or in any magazines like the *Leathernecks* which was put out by the Marine Corps, or any such thing of, of course, the media, was any actual number of men killed or wounded—our men killed or wounded in this operation. I can say that I remember an incident in which I was there, these two squads got ambushed one right after the other and wound up with 3 men killed and 14 wounded and not one enemy soldier killed. And that's the way we fought in Laos. I mean, like, just everybody was being killed, left and right, and they called this operation a success. I don't know if you call it a success by catching some small arms ammo; they did find a couple of 122 millimeter Russian made howitzers and I believe some trucks and I think also a tank and, of course, the rice. But as far as the confirmation of body counts is concerned, I believe it is very important, is that quite a few times people will, especially airmen, will say we dropped a bomb in such and such a place and we believe that we killed 20 NVA's and wounded 6. Now this cat's about 500 feet up in the air at the lowest point and I doubt it very much if he can see going 600 miles an hour. So that's the way body counts go in Vietnam. Also, counting chickens and pigs.

Stewart. Body counts are like football games. They keep a score and as long as the other side has more dead then it's got to be a success.

Moderator. Gordon, you say you were an FO, a Forward Observer. There's a round used over in Vietnam, an artillery round, called a firecracker round. Could you explain what that is and what it does?

Stewart. A firecracker round can be fired from different types of artillery, usually from 105s—105 millimeter artillery. What they do in essence, the round impacts, which causes other rounds to impact out of it like a firecracker, and these other rounds impact, causing shrapnel to fly 100 meters in diameter, causing a lot of casualties. Forward Observers like to use these rounds because they put on a good show for the men.

Moderator. While you were there did you know of any instances were this type of ammunition was fired into civilian communities or population?

Stewart. Yes, white phosphorus—which is, well, if you don't know what white phosphorus is, you can't put it out once it gets on your skin—the only way to put it out is maybe in mud—I called white phosphorus in on a village with air bursts, complete destruction.

Moderator. Chris, you mentioned something about a bounty put on your Platoon Sergeant's head. Would you like to get into that a little bit?

Soares. Well, our platoon sergeant at one time or another, I believe, was a great . . . well, at that time he was acting sergeant; in other words he had been busted to corporal for some act which I do not know. I believe his previous grade was either an E–7 or E–6, which is either a gunnery sergeant or a staff sergeant, so he was busted back to corporal. Because of his so-called ability, he was given the rank of Acting Platoon Sergeant. He was a ——— let me tell you this much. I mean, like, he drove the men crazy. He used to have the men—just about the only thing he didn't do is polish their combat boots—he used to have the men clean their food, just about shave every ——— day, have haircuts; I personally at one time was growing a mustache and I had to shave it with a dry razor and nothing else—on his own orders—and he just drove a man, like, just about to death. Another thing also is that periodically, maybe once or twice a month, he used to get some beer and also some nice warm soda and nice warm beer. I mean we really dug on that. But they had a thing like finders and keepers. Like you got, say, 20 cases for a platoon and wind up with, let's say, about 15 left and 5 cases of each wind up in the platoon command post. This sergeant used to be the biggest pig in the world and he just used to take everything—first man to be on the chow line; first man to grab the best C rations and leave us with the ham and lima beans, which we used to call ham and ——— and so for this reason and for driving us to the point of not knowing where your mind is—not knowing where the ——— to go or what to do—we just hated that guy and we wanted to see him go. As far as the bounty is concerned, the first man with a witness in a fire fight who blew his ——— away with a round across his eyeballs would get a $1000. And we had a pool going within the platoon. This was around Quang Tri Area and I personally offered approximately $25.00 for his head.

Stewart. Bounties were quite common, undoubtedly. I think everyone would agree.

Moderator. Due to the fact that one of the men has to leave very shortly to go back to his home, Nathan Hale, I'd like to let him testify to the interrogation procedures and show his slides at this time. Could we have the lights turned off, please, all lights? Could you also turn that screen just a little bit towards us here in this corner? Okay, that's all right. You think the press could get this light out here, please?

Hale. These slides I want to show you were taken in October, 1968. I was on a Marine mission called "Daring Endeavors". The operation took place south of Da Nang. The idea was to cut off an enemy force. This is just showing the unit. (Next Slide) This is a group of detainees being brought in. (NS) This just shows a typical Vietnamese who was bound. The ropes are really super-tight and the idea is to make the prisoner or detainee as uncomfortable as possible. (NS) I was sitting here drying my boots and I had a little fire going and this man here came over—these are National Field Police—this man came over and put a tin spoon, it's a Vietnamese spoon, it's shaped like a scoop and he put it in my fire. He then grabbed my sock, wrapped it around, and he's burning the skin off of the back of the man's neck. (NS) This is after he burned his neck. The man's still not giving the correct information. (NS) And finally the man, in fear of his life, admitted that at one time he had given tax to the VC but you can't prove that. (NS) I heard earlier today that they used CS. Well, the Marines used a lot of CS on this particular operation, and this particular man wouldn't come out of the hole and they threw two CS grenades at him. I personally escorted this man back to division and he died. So if gas doesn't kill, I don't know what killed. (NS) Okay, there's an interrogation going on right here. This man here is a warrant officer. This is the way its conducted. It's a big production. There are all the Marines sitting around giving the various cheers. At all times during these interrogations there were officers present. At one time there was a Lt. Colonel present. This is a good expression of agony. (NS) The general attitude you can see—of the Marines. That's it.

Moderator. Okay, could we have the lights, please? Nathan,you pointed out that Warrant Officer. I don't know if it was clear or not—the focus for everybody to see. Was he, indeed, an American warrant officer?

Hale. Yes.

Moderator. Okay, thank you. It there anything else you'd like to add in the line of interrogation?

Hale. Yeah, I sure would. I arrived in Vietnam in December of '67. In January of '68 I was assigned to the 1st of the 1st Cav, Americal Division. I arrived at the base camp of the 1st of the 1st Cav which is Hill 29k. When I arrived there my S2, a captain, told me that my job was to illicit information. This meant that I could illicit information in any means possible. He told me that I could use any technique I could think of and the idea is "Don't get caught" and what he meant was I could beat these people, I could cut 'em, I could probably shoot 'em—I never shot anyone—but I could use any means possible to get information—just don't beat them in the presence of a non-unit member, or person. That's someone like a visiting officer or perhaps the Red Cross and I personally used clubs, rifle butts, pistols, knives, and this was always done at Hill 29. And in the field it even gets better. On this particular operation the National Field Police also hanged two men, just because they thought they were VC. The important point here is that everything I did was always monitored. An interrogator is always monitored. I was monitored by an MP Sergeant at Hill 29 who often helped me in my interrogations—he and his squad. One other incident on Hill 29—there was a man who was kicked to death by the ARVNs—the South Vietnamese. They called me the next morning and they said, you have a dead prisoner. So I had to take a doctor over to confirm that he was dead. My S2, instead of going through the necessary paper work, had him put in two 500 pound rice sacks and the troops took him out that day and dumped him. He was added to the previous day's body count. I guess that's about it. I can tell you that Americal Division has the ideal interrogation location. There are MPs on the hill watching you but this doesn't mean you can't kick prisoners under the table. We used to take knives into the interrogation huts and use the guys hands as a means of terror. I might also add that I learned everything I know from the South Vietnamese and from my Americal cohorts.

Moderator. All right, thank you, Nathan. The next one will be Walter Hendrickson. Would you go ahead and testify?

Hendrickson. I spent from November of 1968 to April of 1969 where I was wounded on an operation in Laos and I really don't remember what the operation's name was because we never were told. We just knew that we had landed right near the Laotian border and we had a sniper unit with us who worked right inside of Laos and all our LPS—our listening posts—which were at night and our observation posts in the daytime—all were in Laos plus the fact that we did run patrols constantly through Laos. Also, before we started this operation, we were—Tet offensive—in the MACV compounds, where we worked out of right around Mai Loc, which is in the Quang Tri Province and working around there the squad I was in. We run into an NVA observation post, it must have been, because they were all sitting around the fire and the point man and the man behind him, I'm quite sure they killed three of the five men and the other two were wounded. My team leader at the time was right up front there giving orders and one of the NVA threw his rifle down—he was wounded—and he was crying "Chieu Hoi, Chieu Hoi" and my team leader just said "Burn him" and he was shot to death. Then we were told to pull back and we were working with a 1st lieutenant, he was a tank commander, he was out with us because we were working with the tanks and he called the tanks up on line and they proceeded to shoot into these wounded NVA, bee-hive rounds and HE rounds, plus they were firing from their 30 caliber machine guns.

Moderatfr. Excuse me, there may be some people in the audience who don't know what "Chieu Hoi" means. Would you explain what it means?

Hendrickson. "Chieu Hoi" is a Vietnamese word for surrendering. In other words he'll "Chie Hoi" if he doesn't want anymore of fighting. Pretty near every grunt over there, I would say, knows the meaning of "Chieu Hoi", but the six months I spent over there before I was wounded, we never took a prisoner. I can remember one time in the village, we brought a person in for questioning and he was released the next day, but we never took any prisoners. Before I was sent out to my platoon, my squad, we used to have to pull convoy duty quite a lot, and it was the same thing while you were on the back of the trucks, any of the chow that you didn't eat that you were given, was thrown right at the villagers, the civilians.

Moderator. Okay, thank you very much. Before we go on to our next person, I would like to ask one question. You say that you didn't take prisoners. What exactly did you do with them and who ordered you not to take prisoners if somebody did?

Hendrickson. Well, we really never got an order to take prisoners and I think it was a general attitude of almost everybody over there not to take a prisoner. All the while I was over in Vietnam we were pretty much in a free fire zone and if we saw anybody out there we didn't even attempt to take a prisoner; we just opened fire.

Moderator. Bill Hattan, you talked about the stoning of a three year old child. Would you like to explain that, please?

Hatton. When I arrived in Vietnam my MOS was a Heavy Equipment Mechanic. Since there wasn't a real need for my billet to be filled as a mechanic, I was put in my secondary MOS which was 8151, that of a security guard. Since I filled this billet so admirably, they kept me going on perimeter, which was in a sense a — detail that they send people they don't like out on. Since I wasn't the most popular type of personality, there I went. Well, at any rate, my duty was to go out and serve as a perimeter guard on the Dong Ha Ramp. This was an LCU Ramp on the Quat River where Navy ships came up and they'd off-load supplies. We took our truck outside the combat base every night at 5:30 to set up at the ramp for our night's duty. We used to drive by this row of hootches and a little three year old kid in a dirty grey shorts used to run out and scream, "You, Marines, Number 10" and we'd always go back, "Oh — you Kid" and all this stuff. So one night the kid comes out and says "Marines, you Number 10" and throws a rock. So we figured we'd get him because this was a way of having fun. The next night before we went out we all stopped by COC, which is right by the Ammo Dump, picked up the biggest rocks we could get our hands on and piled them in the back of the truck. So when we left the Combat Base we just turned the corner and we saw a little kid, we were waiting for the kid—he ran out of the hootch—and he was going to scream "Marine Number 10" and we didn't even let him get it out of his mouth. We just picked up all the rocks and smeared him. We just wiped him out. In fact, the force of the rocks was enough to knock over his little tin hootch as well. I can't say that the kid died, but if it would have been me, I would have died easily. The rocks, some of them, were easily as big as his head. It was looked upon as funny. We all laughed about it. And then we forgot about it. It took me about a year to even to be able to recall the situation. I think it said something about the entire attitude of us over there. I never had a specific hatred for the Vietnamese, I just tended to ignore them. They didn't figure in any calculations as to being human. They either got in the way or they weren't there. And also, we had this habit, when we'd leave the combat base—I frequently traveled between Quang Tri and Dong Ha and contact teams and we'd take C ration crackers and put peanut butter on it and stick a trioxylene heat tab in the middle and put peanut butter around it and let the kid munch on it. Now they're always looking for "Chow, Chop" and the effect more or less of trioxylene is to eat the membranes out of your throat and if swallowed, would probably eat holes through your stomach.

Another portion of the testimony that I would like to cover is that in March of '69, I was serving as security in a convoy, and this wasn't actually in line of duty, I was able to have a day off and I was going down to Quang Tri so I got on a truck belonging to Seven Motors. They were in convoy; they just gave me a ride at the gate and we got four miles south of the Dong Ha perimeter and there were a group of Vietnamese women and children who were gathered around at this little bridge outposts the ARVNs had as security on Highway 1 there. The truck was doing considerable speed and it was just sort of a spontaneous reaction, they said "Let's get 'em. They want Chop, Chop, we'll give it to 'em", picking up cases of C-rats which weigh up to approximately thirty pounds and threw them off into the women and the kids. You know, just flattened them out and knocked them back quite a few feet. There again, there was no way of determining whether or not they were actually dead but the injuries must have been serious. The whole thing, like I mentioned with the garbage trucks, I never experienced shooting anybody off garbage trucks, but many times we put our boots in the faces of kids and women who'd crawl all over it. There used to be a game we played—we'd pour liquid garbage off the end of our truck to make 'em crawl for it. The mama-sans would come up with half-cut fifty gallon drums and they'd try to fill it up. They'd get pork chops and sloppy rice and mystery meat or wop slop, or whatever we had for chow, and put it in there and we'd let 'em walk so far and then we'd tip it over, spill it on the ground, and watch them scrape the dirt in there. Anything to dehumanize them. I think the program went even farther. We used to have kids from the orphanage visit us aboard Dong Ha and have a party for them so that we could play games like holding sodas in the air and watch them grasp for it; patting them on the head and teaching them little tricks like how to beg for candy bars. A further part of my testimony is, like, with mad minutes. As I traveled variously around northern I Corps I used to go to a place called "Stud" which was later gloriously reclassified as Combat Base Vandegrift. This was due to the John Wayne snydrome which is pretty prevalent in the Marine Corps. They just don't name anything a plain name; it has to have glorious connotations. I had gone over to visit some friends of mine at Third Shore Part and we went over to have a little party out there on the lines and nobody gave me the word that we were going to have a mad minute. What happens with a mad minute is that everybody opens up, at least half the guys on each bunker and every sector of the line open up with four duces—the guys in support—and they'll fire for two or three minutes. They call it mad minutes. This in effect kills anything. You don't know what's out there and neither do they. You just fire in the hope that you're going to get something. You cease fire and you wait for a reaction and there's usually none. It's more or less a waste of ammunition. This I witnessed about two or three times. Like I said, I was never assigned as a guard to do mad minutes, but I was witnessing it.

The other part I would like to discuss or mention was the private war that used to go on in Dong Ha. My particular outfit, FLSG Bravo was a rear support unit that we sent people out to various commands like One Three and that. We managed to spend two-thirds of our time in the rear and there was considerable friction between the troops back there. There was open warfare between what we called the heads, the people who smoked dope, and what we called the juice freaks, the people who drank. It was heavily weighted for a while, in fact, it was quite evenly matched. There were frequent stabbings and as a result of this mutual parannoia, we put prices on, I'd say, fully the heads of at least 40% of our staff and officers had prices on them. The highest prices going, on the heads of the CID. One Lt. ———, a CID, had a price of $2000 on his head. Of course, the person who collected the head also had to kick back a $1000 for a celebration we were going to have. And the same thing with Staff Sgt. ———. He was more clumsy so we didn't have the heart to wipe him out but he still had a $500 price on his head. It was payable. Once you were familiar with the people in your unit, you knew whom to apply for the money. I heard that the 1st Sgt. in Communication Company, 5th Com in Dong Ha, they had a whole unit there locked on a legal hold. In other words, they couldn't rotate from Vietnam because someone had attempted to frag grenade their first sergeant. They had wired it to his desk and a Pfc. was sweeping out his hootch, pulled out the chair, and it blew his legs off. That wasn't the end of the attempts. An attempt to get Staff Sgt. ——— netted another gunnery sergeant who thought he'd use his rack and we lost two gunnery sergeants who bedded down with Willie Peter grenades one night. I think it's pretty indicative of the whole spirit of the troops back in the rear. It's very frustrating. You know, if Vietnam is not violently painful then its such a crashing bore that you can't stand it.

MODERATOR. I'd just like to corroborate Bill's testimony as to Sgt. ———. We had a murder in our unit and one of our troops was standing trial for murder. At the time that his court-martial came up, we were sent down a report of the hearings and the findings of the court martial on these same fact sheets, that was sent down to my unit and given to me, there were four men that had just been court-martialed for attempted murder on Staff Sgt. ———. So I still have this in my files somewhere, this testimony as to four men who were indicted and court-martialed for an attempted murder on Staff Sgt. ———.

MODERATOR. Bob Clark, you mentioned the brutality of women and children. Would you give us a run down on that?

CLARK. I served with Gold Company, Two Nine, and due to my popularity and quick mouth in the company, I made frequent garbage runs. We were instructed that when we got down there that if anybody was going through the garbage, chase them away, we could do what we wanted to do and if anybody jumped on the truck they were fair game for anything. Now what they did, they put about 10 grunts on the truck and they just laid down in the garbage and we'd have two standing on the back of the truck. Now when about 30 people would jump on the truck, then the 10 grunts would jump off and they'd just beat them with their rifle clubs until they were either knocked senseless and then they'd knock 'em on the ground and just kick their (———) all the way across the garbage dump which was over a hundred yards long. At the time I was there, nobody ever got hurt in the garbage dump as far as Americans. But a lot of Vietnamese women and children were hurt. And it was fair game between Con Thien and going through the city of Cam Lo, on the outskirts of Quang Tri going into Stud, that American troops would stock up on their heavies (their spaghetti and meatballs and ham and lima beams) and any little children who were begging along the side of the road, which never numbered less than 50 or 60, were fair game for these full cans of food. They wouldn't throw them to the kids, they would just bounce them off their heads or try and knock them off their bicycles. If they ran out of food they would just light up heat tabs and wait until a kid got really close to the truck and then they would just easily drop it into his hands and particularly this Bru village, they relocated them right on Route 9 right close to the Rockpile. And there was a little kid with crutches out there; he was missing one leg; he was about five years old and he was about the most popular target because every time we came by he ran out and the people wanted to see if they could knock his crutch or hit his old man in his woods, because if the kid ever did get any candy, he brought it to his old man and these two people were the most popular targets.

MODERATOR. You mentioned the killing of wounded prisoners. Would you talk about that also?

CLARK. Right on. On June 13th, on Operation Cannon Falls, we were on Fire Support Base Wisemans, Gulf Company and H and S Company. Now at 2:30 in the morning I was used as a line filler because one of our listening posts was wiped out and they had to send a platoon of grunts out there to see who was alive and who was dead. At three o'clock, we were hit by exactly a company and a half and the contact lasted until five thirty. We were hit with RPGs and small rifle fire, plus they threw some Chicoms, but everybody forgot to pull the pins so none of them went off. Now twice during the night we were overrun on our lower LP. The whole night we only sustained three dead people and ten wounded. Now in the morning when the mist cleared, about five-thirty, everybody just got out of their holes and we started to sweep down towards the bottom of the hill to count our body count and see how brave we were. There was one NVA soldier who was caught on the wire. He had a bullet wound through the neck and numerous shrapnel wounds all through his body from fragmentation grenades. Now this big bad ——— corporal took out his knife and stuck it in his neck and just jiggled it until the man bled to death because he didn't want to carry him to the top of the hill. Another man was laying at the bottom of the hill on his stomach. He was in pretty bad shape but I think he would have made it and three grunts emptied full magazines of M–16 fire in his back. Another man who was shot at the top of the hill and had a bullet wound in his thigh, two in his back, and his elbow was hanging off by a thread, plus he had numerous shrapnel wounds from fragmentation grenades. He was laying on his back at the top of the hill and what was left of second platoon and first platoon gathered around him including a Lt. Colonel, a Major, a Captain, and at least one 2nd Lieutenant. He was made the object of a little game for about a half hour. He was screaming for water and they just poured it on the ground. They laughed at him; they kicked him in the ribs. One time he just jumped up spastically and he sat up on his waist and his arms started to dangle. A grunt kicked him in the chest and he died. While all this was going on, they were suggesting what they should do with him. There were three senior squids there, that's doctors, all three of them were E–6s, none of them would help him. They said, "He's not worth it". Somebody suggested we tie him up because he might be dangerous. It was suggested he might be tied up with barbed wire.

Now after all this happened, they chased what was left of the NVA company out through the woods and an NVA lieutenant surrendered. He ran to the bottom of the hill and he walked up with a Chieu Hoi leaflet to Gunnery Sgt.———. He was unarmed; he didn't have anything on him; he grabbed Gunnery Sgt. ———'s hand and kissed it and he seemed pretty happy. Well, he got punched out. They brought him up to the top of the hill and he wasn't physically abused because he told everything he knew, plus he got on a loudspeaker, and he talked through a helicopter that was circling the area telling his comrades to surrender. Well, that night he said that we were going to be hit with 60 mortar fire and it was going to march from the east side of the hill to the west side. They decided to keep him there overnight so they took off all his clothes and they dug him a little hole, three feet by four feet. They just put him in there and put a board on top and had the Kit Carson sleep on top just in case we didn't get hit by the mortar fire, then they would take care of him. Well, we did get hit by the mortar fire and we took care of him anyhow. The following day elements of Golf Company claimed that they saw 400 NVA walking along the trail. I informed this to this Major there, since I was in the COC bunker on Radio Watch. He told me I was an ———. So I called up Golf Company again and I said, "Repeat this. This guy doesn't believe me." So he told me again I was an ——— because Recon said there are no NVA in this area, even though the previous night we were hit by a company and a half. Well, about a day following, Hotel Company (and Gordon was there at the time) was hit by about half a regiment, I'm not sure, but they were in contact for nine hours and Major ——— was on the net and the Captain from Hotel called up and he was crying because they were pinned down for nine hours and he wanted air support and he wanted to be lifted out of there because they were pretty well chopped up; they had had hand-to-hand fighting; they were running out of ammunition and Major ——— got on the air and, I quote, called him a ———. He said, "Never in Vietnam has any Infantry Unit been withdrawn" and he said, "You people can do it by yourself. I don't care if you've been there nine hours or nine weeks. You're going to stay out there until there is none of you left or until we come and get you." Later on that night I took the casualty report. It was fourteen pages. There were 43 killed and about 30 wounded and a lot of them were my friends. They claimed they killed a hundred Viet Cong, but Gordon says they killed two or three hundred. Stars and Stripes claimed that only 35 Americans were killed and wounded. I know they're pretty confused out there, but it's pretty ——— up when not even Stars and Stripes can figure out how many people there were.

STEWART. I'd like to add on that, since I was there and wounded there, that they wouldn't bring any ammunition into us, food or water. The helicopters were afraid of getting hit because the one helicopter that came in for a MEDIVAC was shot down in the river. We managed to get all the dead and wounded out but one. It was a gunner, I believe. I don't really want to talk about it.

SOARES. I personally know of an incident that . . . Well, the Marine Corps choppers, the pilots and co-pilots, are usually officers and the Army pilots and co-pilots are usually Chief Warrant officers and enlisted men. The officers get paid quite a lot more than the enlisted men do so I know one incident in which this platoon got pinned down. They called in Marine Corps choppers to get them out and there were three of them up there, more than enough to pick up the men and not one of them landed. There was an Army chopper around there—it actually took about one hour for the Army chopper to get there—and that Army chopper went down and between that one hour I was told that something like ten men were killed and wounded, between that time, because three Marine Corps choppers wouldn't land because they got to make more money and they've got their wives and children back home.

MODERATOR. Jamie Henry, could you go into the testimony you have of the murdering of nineteen women and children?

HENRY. Okay, what I have to say is a direct result of the policy by the United States

Army in Vietnam and what I'm going to detail was reported to the United States Army CID. I made a full statement to them. I gave names, dates, grid coordinates, etc., etc., etc. We have my signing of the statement on film with the two CID agents, who are really—— but we have it on film so they can't deny it and it's witnessesd, etc., etc., etc. So there's no way that they can deny this. This statement was given to the CID over a year ago, almost exactly a year ago, and I'm sure they'll come out with something to say about it—why they haven't done anything about it. They'll probably say it's a lie, but it has been corroborated. I just want to give a brief account of what happened. On August 8th our company executed a ten year old boy. We shot him in the back with a full magazine M-16. Approximately August 16th to August 20th, I'm not sure of the date, a man was taken out of his hootch sleeping, was put into a cave, and he was used for target practice by a lieutenant, the same lieutenant who had ordered the boy killed. Now they used him for target practice with an M-60, an M-16, and a 45. After they had pretty well shot him up with the 60, they backed off aways to see how good a shot they were with a 45 because it's such a lousy pistol. By this time, he was dead. On February 8th, this was after a fire fight and we had lost eight men, on February 8th, we found a man in a spider hole. He was of military age. He spoke no English, of course. We did not have an interrogator, which was one of the problems in the fields. He was asked if he were VC and, of course, he kept denying it, "No VC, No VC". He was held down under an APC and he was run over twice—the first time didn't kill him. About an hour later we moved into a small hamlet, this was in I Corps, it was in a Marine AO, we moved into a small hamlet, 19 women and children were rounded up as VCS—Viet Cong Suspects—and the lieutenant that rounded them up called the Captain on the radio and he asked what should be done with them.

The Captain simply repeated the order that came down from the Colonel that morning. The order that came down from the Colonel that morning was to kill anything that moves, which you can take anyway you want to take it. When the Captain told the Lieutenant this, the Lt. rang off. I got up and I started walking over to the Captain thinking that the Lt. just might do it because I had served in his platoon for a long time. As I started over there, I think the Captain panicked, he thought the lieutenant might do it too, and this was a little more atrocious than the other executions that our company had participated in, only because of the numbers. But the Captain tried to call him up, tried to get him back on the horn, and he couldn't get a hold of him. As I was walking over to him, I turned, and I looked in the area. I looked toward where the supposed VCS were, and two men were leading a young girl, approximately 19 years old, very pretty, out of a hootch. She had no clothes on so I assumed she had been raped, which was pretty SOP, and she was thrown onto the pile of the 19 women and children, and five men, around the circle, opened up on full automatic with their M-16s. And that was the end of that. Now there was a lieutenant who heard this over the radio in our company—he had stayed back with some mortars—he, when we got back to our night location, he was going half way out of his mind because he had just gotten there, relatively. He was one of these —I don't know, I guess he was naive or something, believed in the old American ideal. He was going nuts. He was going to report it to everybody. After that day he calmed down and the next day he didn't say anything about it. We got in a wretched fire fight the next day and the whole thing was just sort of lost in the intensity of the war. Now when I got out of the Army an article was written about this and we got in contact with the Lt. who was mad and he denied even remembering the company commander's name, which is a bunch of —— because he's a lifer and he doesn't want to jeopardize his chances for getting promoted, etc., etc. I don't want to go into the details of these executions because the executions are the direct result of a policy. It's the policy that is important.

The executions are secondary because the executions are created by the policy that is, I believe, a conscious policy within the military. Number one, the racism in the military is so rampant. Now you have all heard of the military racism. It's institutionalized; it is policy; it is SOP; you are trained to be a racist. When you go into basic training, you are taught that the Vietnamese are not people. You are taught they are gooks and all you hear is "gook, gook, gook, gook". And once you take the Vietnamese people or any of the Asian people, because the Asian serviceman in Vietnam is the brunt of the same racism, because the GIs over there do not distinguish one Asian from another. They are trained so thoroughly that all Asians become the brunt of this racism. You are trained "gook, gook, gook" and once the military has got the idea implanted in your mind that these people are not humans, they are sub-human, it makes it a little bit easier to kill 'em. One barrier is removed and this is intentional, because obviously, the purpose of the military is to kill people. And if you're not an effective killer, they don't want you. The military doesn't distinguish between North Vietnamese, South Vietnamese, Viet Cong, civilian—all of them are gooks, all of them are considered to be sub-human. None of them are any good, etc. And all of them can be killed and all of them are killed. Now the second reason for atrocities that occur is because it doesn't take very long for an infantryman in the field to realize that he is fighting for nobody's freedom. You can ask any of the men here. They may have thought they were fighting to protect their mother when they got there, but they sure didn't believe that very long. And this isn't just the grunt, it's the lieutenants, it's the officers in the field. Our captain believed it. It takes only a few months to be subjugated to the circumstances of Vietnam when you come to the realization that you are not fighting for Ky's freedom; you are not fighting for Thieu's freedom; you are not fighting for your Mother's freedom or anybody's freedom. You're just getting your —— shot up and all you want to do is go home.

STEWART. I'd like to make a comment to what he has just said. It was very enlightening to me some eight months after I had been in country and I was able to come in contact with Vietnamese civilians in the village of Cam Lo, three girls to be precise. It was some three days before I discovered that they spoke better English, in fact, than I could muster; in fact, any of my friends. And heretofore we had been pretty much running our mouths with the general statements you make about slant-eyes, zips, and it sort of drug your face in the dirt. Well, at any rate, you know one thing that you're commonly given to wonder when you go over in Vietnam is why there are so many such a lack of males of military age in the Villages. And the girls had asked me what I thought I was doing and I said, "Well, I'm defending you against Communist". And they asked me, "Do you really think that you're defending me against my father, my brother, and my uncles?" And I was going to point out to her that her uncles, cousins, brothers, and whatever, were probably misguided and they didn't understand but it began to become clear to me that I was the one who wasn't understanding. It came as quite a shock because I had to re-arrange my thinking. After initial confusion, I just put it out of my mind and I forgot about it until I got back to the States, because it's quite a shock to find out the Vietnamese are actually intelligent and they may know more about the situation than you do.

PANEL ON RACISM

Moderator

Michael Hunter, 24, Sgt., (E-5), "B" Co., 5/7 Air Cav. Reg., 1st Air Cav. Division, (From February 1968 to February 1969); "H" Co., 75th Rangers (Attached to 1st Air Cav. Div.); "I" Co., 75th Rangers (Att. to 1st Inf. Division) (From September 1969 to March 1970)

Panelists

James Duffy, 23, SP/5, (E-5), 228 Aviation Bn., 1st Air Cav. Division (From February 1967 to April 1968)

Scott Shimabakuro, 21, L/Cpl. (E-3), "C" Battery, 1st Bn., 13th Marine Regiment, 3rd Marine Division (From October 1967 to November 1968)

Evan Haney, Naval Support Activity, United States Navy, Da Nang

MODERATOR. All right, now, we're going to discuss with you the topic of racism, and we're going to try very hard to parallel different racisms with that in Vietnam. On my right is James Duffy from the 1st Air Cav. Division, Army. The first gentleman to my left is Scott Shimabukuro, and to his left is Evan Haney. As you know, Evan is Indian, Scott is Oriental, I am Black, and James is White. Racism is really a kind of a heavy thing to get into. But then we've been really getting into heavy things tonight. So, let me start off by relating some things that happened in Vietnam that were outright racism. When I arrived in Vietnam during the first tour, which is back in 1968, I never, because I'm an Army brat, expected to find that the Oriental people would reject a black man for two reasons—for two main reasons. One, because he is of the minority group. We are not of the Anglo-Saxon heritage, and a lot of our plights are approximately the same, as far as living conditions, as far as the future, which holds nothing for the Vietnamese and holds nothing for Blacks. But I was very shocked. It seems that the American government has established the class role in Vietnam also. They're not satisfied with starting it here with the upper class, the middle class, and the lower class, but they have to go out to Vietnam and do it too. The classes of which I'm speaking are the French Vietnamese, who are considered as the aristocratic Oriental. The straight-heritaged Vietnamese is the middle class, and of course, the Indian, better known as the Montagnard, is the lower class. Now to bring something really home, you go out and you look for a girl to shack up with, and you figure, if you're going to pay the money, who cares. But you run into the whole thing. A certain girl here will go with only white guys; a certain girl will go with only black brothers, and this girl will go with the American Orientals. But never, and I do mean never, would they ever go with their own men. If you can understand the parallel that I'm trying to draw, this is direct racism, and it's discrimination, however you want to put it. It not only took place in Vietnam, but in Bangkok, Thailand. It's supposed to be a haven for RR, and the racism that exists there is very blunt; like it smacks you in the face like a brick wall. But let's get on to other people so you can understand what's really happening. Scott?

SHIMABUKURO. All of you have been here most of the day listening to how the Americans treat the Asian people, which are the South Vietnamese in this instance. I don't want to go into the rhetoric of Vietnam essentially because it goes deeper than that. It goes into American society, which is all of you people out here. You see, the military doesn't propagate, necessarily, the racism. The racism starts right back here in the

United States and it is magnified when you enter the service. It has a great effect on the Asian community in the United States. It's obvious that military men have the attitude that a gook is a gook, and in the United States, before men go into the military, there's a great deal of this racism directed toward the Asians in the United States. But some men manage to make it into the service with an indifferent attitude. But once they get into the military, they go through this brainwashing about the Asian people being subhuman—all the Asian people—I don't just mean the South Vietnamese. All Asian people. I want to relate this as a personal experience that I encountered when I was in the service. Before I went into the Marine Corps, I grew up in an all-White and Chicano neighhorhood and I encountered a moderate amount of racism; it didn't bother me much. When I went into the Marine Corps, I thought was going to serve my country and be brave, a Marine and a good American. As I stepped off the bus at UCMD, San Diego, the first words that greeted me were, the DI came up to me and said, "Oh, we have a gook here today in our platoon." This kind of blew my mind because I thought I was a pretty cool guy myself. But, ever since then, all the during boot camp, I was used as an example of a gook. You go to a class, and they say you'll be fighting the VC or the NVA. But then the person who is giving the class will see me and he'll say, "He looks just like that, right there." Which goes to show that the service draws no lines, you know, in their racism. It's not just against South Vietnamese or the North Vietnamese. It's against the Asian, as a people, all over the world. This is proved anywhere the Americans have gone in Asia. There's been a great deal of friction between the people—the Asian people and the military as an establishment. They have subjugated the people, under this guise of the people being less than human. This causes a great deal of problems for all Asians, all over the world, not just in Vietnam or in the United States. The problems that cause this blatant racism, when they come out of the service, is this attitude they have toward Asians which they carry over to all Asian people wherever they go. Therefore, this creates a great problem within the Asian community.

There was an incident in Georgia two or three months ago. It was in all the newspapers. Two visitors from Japan were beat up because they were believed to be gooks. Well, they were. But they were thought to be Vietnamese, and they were put in a hospital. Last summer a personal friend, whom I work with in Los Angeles, was traveling through Ohio, hitchhiking with a freind. They were taken as Vietnamese and they were badly beaten up. They stumbled into the police station and were laughed at. They went back on the street and somebody gave them a ride to some town away from where they were beat up. They were in the hospital for six months. This type of thing creates a great amount of animosity, not only in the Asian community, but in the Black and Chicano communities because they can relate to this type of racism that exists in our society. In Vietnam the people will tell Americans when they see them, the white GIs, "All you guys are really cool, you know, we really think you're great." But I had many chances to come in contact, close contact, with the Vietnamese on person-to-person level and they did not think very much of the white Americans. They don't think much of Americans at all. But an incident of racism is the aspect of racism against Asian women, in particular. They are only a sexual object. You hear about how the girl can really, you know, do a good thing over in Japan or in Okinawa, or Korea, or Thailand. Wherever they go on RR, they go to these countries where they're all Asians. This causes a great amount of distress among Asian women, because they are thought of as objects. An instance of racism that I encountered was when, in Vietnam, I desired to marry a Vietnamese citizen, a National. She said it would be no problem on her part, but that I would have to find out what I would have to go through to gain permission to marry her. There's a chain of command in the military when you start on your sergeant, the next step up above you. I went to my sergeant and told him what I wanted to do. He said I shouldn't marry this girl because she was a gook, which struck me as kind of funny because I was a gook also. But, besides this, he said, "She's not civilized, you know. You'll be so embarrassed with her when you get her to the United States that you'll want to get rid of her because she's a savage. She doesn't know how to live like a human." Well, you know, I just told the dude where to go and went to my gunnery sergeant; and I got the same from my gunnery sergeant, except he told me to come back in a week. I came back in a week and the same thing happened.

Finally when I got to my CO, he told me that there was a waiting period. And I said, "Well, how long is the waiting period? He had my record book in front of him, and on it was my rotation date which was in approximately two months. Well, he set my waiting period for three months, so that by the time I got permission to marry this girl, I would be in Los Angeles. Now, it's instances like this that point out the insensitivity of the service as a system, which reflects their ideas of the society. Servicemen don't just have these ideas. They have to come from someplace. They come from the people in the society and they bring these ideas with them. These ideas come all the way from Agnew; he's very famous for some quotes that he's made. It's accepted all the way through American society that racism is a normal thing. A friend of mine went to boot camp, and the DI told him he wanted to see his wallet. He took out the wallet and he found pictures of these Japanese girls. He kept four of them; I guess he thought they were the best-looking four. He saw the picture of my friend's sister and he asked my friend, "What's your sister's name?" He gave the name and the DI says, "Oh, well, I had a whore in Japan with the same name. Is that her? Now, it's things like this that cause a great deal of animosity. People wonder why some of the minority groups get loud. I'm surprised that the minority groups just don't go wild. It's things like this that people have to live with, all the minority people in the United States have had to live with since they're born. In particular the Japanese community has a problem with this because the Nisei, which is a second-generation who went through the war camp experience, tell us, "Well, don't worry about it. There's no racism. You know, we've worked hard; we're middle class now. We served in the 442nd Army Battalion; they were the most decorated. So we won the right to be Americans." Well, my father was in this unit, and he told me the same thing. He said, "You're an American now. I fought for you to be an American. All these Japanese men fought for you to be an American, so there's not that much racism." Like I said before, as I stepped off the bus, I was a gook, not an American. So this causes a great deal of problems.

Haney. I would like to say that I was born in Oklahoma, and I went to school there all my life. While I was going to school I was taught the white man's ways, how he thought. I'm an Indian, but I'm not really an Indian right now. Back in World War II, the Indians were known as great fighters, and even to this day, all the Indians in Oklahoma either join the Marines, the Army, or Air Borne because they have to be a man; and that's the position I was in. I went over to Vietnam and when I got there I didn't know what I was doing there, but I was there. I went tripping around the streets and I see my brothers there. I didn't know what was happening; it took me a long time to realize. But the thing that I finally realized was that the thing that is happening in Vietnam now is not new. Approximately a century ago it was General Sheridan, I believe, who said that the more you kill this year the less you'll have to kill next year. He wanted to find a person to do this, and the person he got was Custer. Custer went out into the countryside. It was during the winter when the people were holed up in the tents and wigwams. He may not have known it, but he was on a Search and Destroy mission. And he may not have known of body counts, but if he'd heard it, he'd have known what it was. That happened many years ago and it's still happening today, and I can see it; and a lot of the other people see it. I don't really have an explanation for this, why it's happened, but I do have an idea. It started in 1492 when Columbus was on his way to the West Indies for gold, silks, wealth, power. He just ran into the Americas, and it took him hundreds of years to pass through America. Now he's passed through America and he's going to Vietnam. That's where they are now. And they're still doing the same thing. I don't know how you people feel, but I was reading a story the other day about this rich landowner. He has a lot of land and this one poor man comes up because he doesn't have a place to live. He's gonna live on this land. The rich landowner comes up to him with a gun and he says, "Get off, you're trespassing on my land." This guy says, "Well, where'd you get it?" He said, "Well, I got it from my father." "Where did your father get it?" He said, "I got it from my grandfather, and he got it from his grandfather." The poor guy says, "How did he get it?" The reply was "He fought for it." This other poor dude said, "Well, I'll just fight you for it right now." And that's where I'm at, man.

Audience. Right on.

Haney. By the way, right now I live on Alcatraz in San Francisco Bay.

Hunter. The next speaker is James Duffy.

Duffy. I'm going to try and deal with white racism from maybe a little different point of view. When they were building this country, some folks got the idea that they would get all hung up on patriotism to the flag and not to the people. Because this country's predominantly made up of white people, white people started getting the idea that non-white people were the minority. You see that everyday in the press. But if you get down to nitty-gritty, and start getting your mind out of the concept of America, and dealing with people all around the world, whites are the minority. Now in this country, the white people move on some kind of fantasy that if you don't look like them and act like them, there's got to be something wrong with you. This fantasy stems from the concept of them being the majority and, therefore, everybody should fall into place and follow them.

I'm of the opinion that racism, white racism, is a form of sexual deviation. The white people in this country are the only people I know of who are uptight about the most beautiful things in life—the human body and how people relate. They've lost track of reality; and by losing this track, they've violated the laws of nature, which has perverted our minds. We've been forced to seek some other form of release for this natural drive. Probably the easiest way to go about that is to build up your own ego and go on this super-ego trip which is called White Power play. You find that non-white people on this planet the most humane people on this planet Earth. I never hear about, you know, people from Africa running over to America to rip off Rockefeller's oil wells. I don't hear about people from Asia running over to America to rip off Fort Knox. It's just that this sexual deviation—this not being able to deal with the reality that we're human beings—has manifested itself into this ego trip, where these white people have got to go out and prove themselves. And the way they do that is through oppression of other peoples. They've developed this sense of—what the ——— is the word—it's greed, man, it's greed.

It's a fantastic desire for material wealth, which you don't find in countries that are made up of non-white pople, that haven't been subjected to white people that we haven't had a chance to pervert as yet. I think once you start to understand the concept of a *World of People,* and not just a United States, you start to look around the world and see what's going down. If the white people of America would start looking at reality from a different perspective, they'd find out that they are the minority, and the way they've been living is perverted.

If they can start to deal with their humaneness—*their* humaneness—they'll be able to deal with all their sisters' and brothers' humaneness no matter what they look like. If we can move on that logic, we can advance to a point where there won't be any more racism. Racism is a manifestation of the white man's mind by dividing people, just like he's divided this country from the rest of the world. We've got to first start dealing with our own humaneness and that's something we haven't been about for the past three hundred years—the humaneness—other than personal profit and greed.

HUNTER. You know, it's just one big power play and that's what Vietnam is, a power play. That's what it is in Cambodia, a power play. That's what it is right here, the racist issue right here in our own backyards, a power play. The whole thing is that money means more to man than the human body does or than his brother does. And like man, you know, nature's the most beautiful thing we have. You don't have to pay for it; you don't have to run out and plant the trees just to get it, because they'll grow. You know, they were here long before we came about. But they're going now. They're almost gone. And why? Because man is sick. He wants this thing called power, and this thing called power means money.

In order to get money and power, you must step on people, and you must forget that you're human. And one of the main reasons, and the only reason, to have power is to be over someone else. The absolute power is what? It is to be over all. For me to have absolute power would mean that I would be absolute over all. That is racism. That's a form of racism. That's the form of racism that we're taking on right now in the United States. That's the form of racism we're interjecting in Vietnam and all the Asiatic states. That's the racism that's been inflicted on the Blacks, the Indians, the minority Whites, Spanish-speaking people. I don't know if we're getting it across to you about how this is affecting us in Vietnam, but let me say this. You know, when you have minority groups here and you kick them in the ———, I'm going to be very blunt with you now—you send them over to Vietnam, after you've been kicking them in the ——— all this time, you expect him to fight your war, right? Well, let's say the Man expects them to fight the war. And he goes on over there, he fights this ——— up war, and he gets kicked right smack-dab in the ———. Right while he's over there fighting the war. Then the Man turns up. And the guy says, "Well, look, I'm not going to get kicked in the ——— anymore.

You leave me the hell alone." And what happens? He's not left alone. He's thrown in the stockade because he's creating racial disorder. And what you heard about in LBJ, (U.S. Army Stockade in Long Binh, Vietnam) let me tell you something. A third of the people that were in LBJ were Blacks and a fourth of the remaining two-thirds were Spanish-speaking people. So I'd say just about a half were the lower class. You know something, they almost burned that ——— place down because of the way they were treated. And the way they were treated was the most, the most sickening, the most—I, I, there's no word for it—I mean I guess you have to feel it.

The racial issue was there way before Martin Luther King died. You know, when he died, so many Blacks got uptight, and there was reason for them to be uptight. There was ——— reason for them to be uptight. They should have been uptight long before that. But when it came, they were really uptight and the brothers started getting togther and you know what happened? The Man wouldn't understand that they were getting together because they needed some sort of comfort. Instead of doing this, he's splitting them up. Where there were once five Black brothers in one squad, he split them up.

When there were five brothers, or three brothers walking down the street, the MPs would come up, put them in the jeep, drag them off. Why? Because they were brothers together. Now, you know, the gooks——— you see, you see, you understand now? Wow, I'm sorry. Wow. But——

DUFFY. They should be the ones who should be sorry.

HUNTER. I know. The Vietnamese get up, you know, and like they call me a nigger, you know. And they call my Spanish-speaking brother, they say, well, you know, the same, nigger. That's the way they talk, you know. The majority of the time they talk a hell of a lot better than we do. But, where do they get this? Now, I know ——— well they didn't get it before we came over there. You see what I'm getting at? And, like, all right, here's the man, he's getting kicked in the ——— and I'm getting kicked in the ——— from these white bigots, these racists, and they're just not white either; we got some black brothers that are just as racist as can be. Here you are. You're in between two levels, man. I mean. You're fighting on one end. You're trying to combat the Vietnamese; on another end, here you are, you're fighting the man on the other end. You got three sides. Now you don't stand a chance.

You know how many brothers are AWOL in Vietnam? Do you know how many whites are AWOL in Vietnam? You might think this is getting off the issue, but it's not. Spanish-speaking—just people, are AWOL? I don't even know. It's so many I couldn't even guess. But you know something, they can't come back now. And the reason they went AWOL was because they can't put up with the ——— that they were getting. And the crap that I'm talking about is coming right from the American officers that are put over there. I'm not talking just about white officers, I'm talking about black officers and white officers; I'm talking about senior NCOs that really think that the system is the most fantastic thing in the world. They said, "I'm not going to take it anymore. I'm not going out to the field." And you know something they said also? "I'm not going to jail either. So there's only one other recourse, I'm going to take off." And when they make that decision, brother, that means they ain't coming back, at all. What forced them into doing that? Outright racism.

Question From The Audience: How can an American soldier get lost in Vietnam?

HUNTER. How do you get lost in Vietnam? Wow. You know, something sister. I'll call you sister because we're all like brothers and sisters. You might think it's a hard thing but, you know, first of all you're leaving what little bit you love back here.

Question From The Audience: No, I mean getting lost physically.

HUNTER. It's relatively easy. You have what is known over there as the Communist government, you know. I retract it. It's not a government. You have agents from the Communistic government there. You have them in all your R & R centers. Matter of fact, you even have them in Hawaii. Now you want me to tell you something? It might be shocking and I didn't think to put it in testimony, but there are pamphlets that are handed out in Bangkok; there are pamphlets that are handed out in downtown Saigon. Any brother, any dude, no matter who he is, when you're sick and tired of fighting, you know where to go. They will pay your ticket, give you a passport, get you to either Switzerland or to anyplace you want to go to get out of there.

SHIMABUKURO. I'd like to say that that happens also before you leave Oakland or Ft. Lewis.

DUFFY. I'd like to add that anybody can get lost in Vietnam very easily because the American people keeping moving on the logic that we're right and they're wrong. Well, we better start turning our heads around and start realizing that they're the ones who are right and we're the ones who are wrong. We're moving on this war from an imperialistic point. We're over there to rip them off. So we don't give a damn about how we relate to them. Listen, the Vietnamese people are moving on an internal revolution. That means a revolution about love, not about hate, not about imperialism, not about ripping people off. Now, if you're moving off love and a brother who's been fighting against you comes over to you and says, "Wow, I know that this is really a bad scene. Can you stash me someplace?" They'll say "Fine, you know, we have no problem with that." They've got a beautiful little intricate system in Saigon. The brothers can run around the streets all day long, and as soon as the first MP steps out on the street, the grapevines got the word out all over, and those brothers are inside those houses and those Vietnamese don't ever let anybody in there to take them out. It's so easy. They're moving off love.

HANEY. I would like to mention the fact that, the peoples of the world are going to win. I have that much faith because we are fighting for life. The people we are fighting against, they're for wealth and money. You could debate that all day long, but I only see the winner. That's who I see.

SHIMABURO. I would like to draw a parallel here. As I mentioned before, the military is just part of an extension of—the government's policies, and their policy is a policy of repressing the struggles for liberation; not only in Vietnam, but in the Mideast and in the Dominican Republic. The United States Armed Forces are used to put down people's liberation struggles all over the world and that is just a reflection of their policy from the government. Therefore, that must mean that here in the United States they try to put down the people's struggle for liberation, such as the Black Panther Party and other parties. This can be easily shown in the murders of the minority people who are trying, as I say, to liberate themselves; not to gain power, but just to liberate themselves.

They are being murdered. Some of those trials you've all heard of are just outrageous. So it goes to show that this government not only has its policy overseas used by the military, but they have that power here in the United States used by the law enforcement officers and the National Guard. They're also used to keep the people from gaining any kind of life here in the States. There is even repression against the white working class. When there is a strike, the first people to come in is the National Guard to break this up. As in New York during the mail strike, the first people to be called in were the National Guard. And this goes to show where the government's head is at. Everytime something comes up that they don't like, the military steps in and takes care of it for them. Either that or the law enforcement officers. It goes to show it's just an extension of what the government's policy is. Not just the Vietnamese, but to all people trying to liberate themselves. But they will liberate themselves. It will happen. Maybe they want to ask you some questions.

Question From the Audience: What is R & R?

Shimabukuo. It's Rest and Recuperation. It ranges anywhere from four to seven days in an out-of-country resort.

Question from audience: Can you give us any kind of picture of what is happening to the children of Vietnamese mothers, fathered by GIs? What happens to those people? Are they accepted by the Vietnamese out of love or what?

Hunter. You're asking about babies that are born between an American and an Asian. Well, it's obvious what happens in Japan when there's an Asian woman and a white service man. Most of these, if the babies are born as females, end up as prostitutes or entertainers. Same thing happens in Vietnam. They are not accepted. They are not accepted because the United States has created such hassles. Racism is carried wherever they go; therefore, they carry it to Japan, to Vietnam, and Korea. When these babies grow up, they have a high percentage of suicide attempts because they cannot be accepted by society. Not because they are mixed, but because of the situation that was created by the Americans. If the Americans were loved over there, then the kids would be loved over there. But the Americans are hated there; therefore, mixed babies are hated over there which is the same as in Vietnam.

Duffy. Also, we've brought this wonderful culture of ours over there. I can remember going into villages where Americans were rarely seen, and it would be very commonplace for the women to be openly breastfeeding their children, in the open. You know, communal swimming pool, bathing pool. These people don't have any hang-ups about relating to one another. When we first go into a village, they don't have any hang-ups about relating to us until we instill our cultural hang-ups into them. Then they start running into the hootches with the babies, covering themselves up when we come around, because they know that we're not moving on the same type of logic they are. They're moving on that love logic, and we're moving on a hate logic. Now, in a town that's built around a military installation, those people have already been perverted and any type of a mixed relationship that produces a child of cross-breed, those people are going to treat that child with American logic.

Question from audience: What about Vietnamese women who actually welcome GIs? Wouldn't they also welcome any children they have?

Duffy. Well, the mothers of the child, naturally, love their children, but to answer that I would have to say that the Vietnamese do not hate. They hate what is known as the GI, if you know what the GI is. They hate what is known as the American imperialist. This is the GI. You know, you portray a certain feeling when you're in uniform. You're superior. They are extremely inferior. Are you following what I'm saying? And for a brother, and brother—when I speak of brothers now I'm not speaking of Blacks, I'm speaking of all my brothers and sisters—when a brother comes back to Vietnam, he says, "Well, I'm coming back." He's loved! Because like, it's like he's thrown away this imperialistic ego trip that he was on, you know. Like this whole thing about this money bag, you know, and being superior because I'm an American and all this—he's given it up; and he's shown the Vietnamese people that they're just as equal to him as he is to them. And then naturally they're loved.

Question from audience: Well, wouldn't they transfer this same feeling to any child of a U.S. civilian?

Duffy. I'll tell you why they can't. It's because the American government is still in Vietnam right now. And as long as they're in Vietnam, they will not, because they will always instill their culture and their nasty habits on the Vietnamese.

Hunter. And bringing the troops home isn't going to change that totally either because as we de-escalate and withdraw troops, we increase our airpower to preserve the Bank of America in Saigon and the Chase Manhattan Bank. That means that the American influence is still in Vietnam and still able to pervert those people's minds and force the American culture on them. As long as we continue to force this culture on them, they're going to continue to relate to those children as we relate to them here. Not as they would normally relate to them if we weren't messing with their own way of life.

Audience. In some American communities cross-bred children are welcome.

Hunter. Sure, and that's why you say *some*.

Duffy. Where is this? In America?

Hunter. I don't know too many enlightened communities.

Duffy. I wish someone would enlighten me where. There may be enlightened individuals in a community, but most communities as a whole aren't too enlightened. He might be accepted by the people who know him personally, but the baby, you know, who is half—whatever, he may be accepted by the people who know him personally, but the same enlightened community, but if he leaves his personal frame of friends, or people he relates to, and goes to the other side of this enlightened community, it's not so enlightened over there.

Question from Audience: Could you give some more information about how Black GIs are organizing at Fort Jackson at Fort Bragg and about how Black GIs in Germany, as well as in Saigon are organizing against racism? Would you care to comment on the changes in attitudes that Black GIs are undergoing from the time they go in to the time they leave?

Moderator. I'd say that they become 90% more militant. If they're 90% militant when they go in, they're 100% militant when they come out. I'd say this: Hoover has an awful damn lot to worry about because it's not just the Black brothers that come out militant. It's the Puerto Rican brothers, our Spanish-speaking brothers, our Indian brothers who were militant way the ——— before they got over there, and a lot more of our white brothers. Don't ever make the mistake and believe that you can come out, form a Black racism and combat White racism with Black racism; you can't do it. A lot of people have related to me by saying, "Well, it's easier to hate all Whites because it's so blasted frustrating to find out which Whites are your enemies and which Whites are your friends. So why not hate them all?" Well, that's an easy thing to do, but you're not going to combat racism that way. The only way to combat it is, it might sound funny, but it's to love your brothers and sisters.

Audience. Just a point before you get away from it—the racist term, "cross-breed". Most people of the world don't even have that in their language, you know. A human being is a human being. So the whole concept that we were discussing here was a racist concept. Cross-breed, you know. I think what you were running down was a result of the attitudes of the people toward their child. Basically this is an American concept, cross-breed, which is racism. I just wonder how that got into the conversation. That concept never got challenged. Two human beings, regardless of who they are, male and female, if they're effective and fertile, they can produce a child. So many societies have no word for it, but a child. But in our society, going back to the Indians, the Blacks and so forth, they got all hung-up on this cross-breeding and it's still with us. As you pointed out, it spread to other parts of the world. But I just wanted to point that out as an example of the kind of racism in our terminology.

Duffy. I was also speaking as a white man educated in white schools and if you got your head together you'd also know that before you can build a "revolution" you've got to build a revolutionary vocabulary and a new revolutionary way of thinking. If you try to move off the same old foundation you're just building on mud, that's all, you'll just sink right down to the bottom.

Shimabukuro. It's the same way right back here in the United States. I'm going to put it to you bluntly, okay? The female, according to the way that the males have been brought up, is inferior. Like, they are inferior, period, you know; and yet we still go to bed with them because we have certain needs that have to be satisfied. And she's a female in Vietnam, whether she's sub-human or not, she's got the body, she's got the right build, she's got the proper things to do it, you know. But to show you one thing, where our heads are, we back Women's Liberation 100%. But it just doesn't end there at all. The women in America are perhaps the strongest, and I do mean the strongest, human beings in the world. They can stop the war in Vietnam if they want to. You know something? I bet you all of my paychecks for my college that if every woman refused to cook meals and refused to shack up with their husbands, and their girl friends refused to shack up with their boy friends, I bet you, I bet you, whew.

Audience. Right on.

Question from the Audience: There seems to be a discrepancy in what you said before. You said that if a GI, for instance, throws away his uniform and goes AWOL, he will be accepted by the Vietnamese people and harbored. And then you said that they won't accept a child of mixed parents because the troops are still in Vietnam. So it hardly explains why they would accept him if the troops are still there.

Duffy. I'd like to try and answer that. It's going to be kind of mixed up, but I think I can answer it. You see, when a man gets there, let's say he is a man and he gets there, he can relate to these people because he is supposed to have brains. He can tell them how he feels, exactly what's going on inside of his head; and he is there. Now let's take, for instance, the baby from mixed parents. The reason I believe there is animosity toward this baby is because the mother has fallen in love with one of these GIs. The GIs are representative of this imperialist regime; therefore, this baby is her baby and the baby's mother had the nerve to go to bed with one of these people who's killing their people. So they direct this hatred, not only to the mother, but to the baby.

If the father is there, the hate wouldn't be there, because they would know that the father had thrown away his values of money, etc. But if the father is not there, it is taken for granted that he is a typical GI; and so they hate the mother for going to bed with this typical GI, for what the GIs do to the Vietnamese people. They direct this hatred toward the mother and, therefore, the baby also.

Hunter. You want to know something else. Something just hit me. We were out on a recon mission and we shot a 260-pound North Vietnamese, right? Do you know the average weight of a Vietnamese? It runs around 90 pounds to maybe 105; they may get to 110. You have some exceptions to that, but 260 pounds, no; and 6'4'', no; and as black as I am, no. You sure don't, and that's where their heads are. You missed it? Well, what I'm getting at is you're dealing with an awful lot of hatred, especially from these kids that are being fathered by the Americans in Vietnam. I've seen kids that are being fathered by the Americans in Vietnam. I've seen kids that have been born through Americans. They come right out and spit in your face, and they refuse to do anything that you ask them to do. Sure, they'll go to bed with you, I mean as far as the females are concerned, but they'll get your money and a lot of times you know where your money is going? Your MPCs (Military Payment Certificates) and everything. It's going right back to the North Vietnamese; it's going right back to the VC, and that's where their heads are. They hate you. I mean, they really darn right despise you.

Question. from the Audience: Who was this man?

Hunter. That was a North Vietnamese. He couldn't have been any more than twenty years old. We had captured him. First of all, they thought that he was a deserter. Looking at the face and the features, he was not all black, of the Negroid family. But he displayed the blackness of the skin and the nose discepancy, the cheek bones and the large bones; and he was not Cambodian either. What I am saying, in other words, he was an offspring of a black man who was there and a Vietnamese. The Americans were in Vietnam during World War II. You might not realize that, but we were there in '54.

Question from Audience: Sexual inferiority and superiority dates back to slavery. The female has the right to enjoy sex and to derive gratification. This imposes a responsibility upon the male. So going to bed with the Vietnamese or going to bed with the prostitute releases the man of that responsibility. As a GI of World War II, I had a group of men, about 40, under me. One night a weapons carrier pulled up with two women on it who worked in the PX, and not one single fellow went out to have an affair with those women. We couldn't figure out why. We finally concluded that those two women, who worked in the PX, were far too close to those men, those GIs, and all those big strong he-men were really afraid to lay it on the line. I think that this is part of what we see in the black-white relationships in the United States between the white man and the black woman. He does not have to satisfy her, you know. He does not have to do it. It is not required. He does not have to satisfy the Asian woman, you know. So really what it stems from, I believe, part of the thing that we are hung up on is the inferiority feeling on the part of American males; sexually inferior with the females. I think that explains it much more than his feeling really so superior; I think he really is, I think we are, pretty sick.

Shimakukuro. And I think that sexual inferiority stems from the fact that the white culture of America is the only people I know who refuse to deal with their own bodies. I mean, how can you love somebody else, if you don't love yourself? Right?

Hunter. You know something? You know what Sin City is? How many people have heard of Sin City? Well, let me tell you something. Sin City is in An Khe. An Khe was built by the 1st Air Cav. It's about 50 hootches in a complete circle with hootches around in the very center also. It is the world's biggest whore house. It was built by the American government, by the United States Army. There are Mp's standing at the gate, at the barbed wire fence which surrounds Sin City. You go to the orderly room and you go to the first sergeant, and he says, "What do you want?" You tell him you want to go to Sin City. He gives you a pass to go down to the United States Government's one and only whore house in Vietnam.

Duffy. And you want to hear something else too? When they built it, they had medics standing up there. They would go by periodically and give shots, right? To the girls to make sure that they were kept clean, right? OK. But the American public got wind of it somehow, and it came down that, no, this is an immoral thing to do. So they stopped giving shots to the girls, but they still let GIs go in there. And do you know something? Out of Sin City comes back here to the United States not just Sin City (because Americans refuse to give shots to the prostitutes) but some of the worst cases of venereal disease that you will ever lay eyes on; cases that can never be cured. Do you know that the American Government, and I bet you they never told you this, they have an island to send people where they have required a disease that is incurable. Do you know that island? It is an island surrounded by miles and miles of water; and you can't get off it unless you fly, because ships don't come in and out.

Question: Where is it?

Duffy. Its in the South Pacific.

Question: How do you know about it?

Duffy. Because I went up to one of my head medics, and he hipped me on it. He showed me on the map exactly where it was; and then I went up and I asked a couple of the doctors about it and they said, "That's right. If you acquire it and it's an incurable disease, there's no use in keeping you here in Vietnam."

Question: What do they tell the families back home about what happened to their boys?

Moderator. Any time somebody either falls into that predicament or he's burnt so badly, beyond recognition, or blown into so many pieces that they can't even find the teeth to recognize them, they usually list it as missing in action. Sometimes the family can move on that logic for more than a year. I mean you got people back here in the States that are just waiting for their son to come home because he's missing in action; but the U.S. government, the United States Army, knows that they buried him a long time ago. They stuck him on that island. You can be missing in action up to a year. In other words, you can't claim insurance until that year is over; then you are declared as dead. But what I really want to get into is that the biggest spreader of VD, or venereal disease, or any other type of disease that is brought about by physical contact, is spread by the American male in Vietnam; and it is spread because of the stupidity of the American culture and the American government in Vietnam. If they were to give shots to the Vietnamese, if they would tell them how to take care of themselves—These people wash after every contact, they wash. But, you know what good old GI does. He makes his contact, right? He gets it. Sometimes he finds out about it, but he really doesn't care because he's so really going on his male superiority that he's got to find someplace else to put it; and he runs out and he finds someone else. So he's spread it around for the next GI to pick up, and it goes right on down the line. It's the stupidity of the American government in Vietnam.

Question: Do you have any information on how many men have been sent to this island in the South Pacific?

Duffy. No, I have no idea, and I don't think it would be made available to me right now. They won't make it available to the American public. Just as they have not made available, you know, that such a thing exists. So, it would be kind of hard.

Question: In your opinion, do you think that the average white American GI returning from Vietnam will be less racist than when he went over?

Shimabukuro. Well, I believe a racist is a racist. He might be more vocal about it than somebody else. The ones who voice their opinion, you don't have to worry about because you know who they are. It's the racist that says nothing that you have to watch out for because you don't know what is coming down; but as long as there is a racist policy in the United States, it's not going to change in the service. He could go over and have the best experience with the Vietnamese people; but with the constant racism that exists in our society, he still could be racist. In my opinion, most GIs come back more racist or just as racist as when he left.

Duffy. I have to agree with him 100%.

Hunter. So do I because I think the average white man doesn't know what racism is. I mean to the average white person, people who run this line, it's: well, I'm not a racist because you can live in my neighborhood or you can work with me. But there's this real hidden, deep, inside racism which is called the lack of understanding and love. And when you're moving on understanding of the people and loving them, that's the only way you're going to really rid yourself of that internal racism that's been drummed into your subconscious ever since you started school in this country.

Duffy. In a conversation between two people, let's say an Asian or a black, or in a conversation with a white persoon, if the words "you" and "us" are used referring to "you" as black and "us" as white, then he's racist. If it's not us, us as people, then he's racist. If he makes that distinction—there's "you" and there's "us", but I'm not racist, well he is racist. If he weren't racist, there would just be you and me as people, not you as black and me as white.

WHAT WE ARE DOING TO OURSELVES

Moderator

Tim Butz, 12th Tac Recon Squadron, United States Air Force, Sgt. (from November, 1966 to June, 1968)

Panelists

Dr. Robert J. Lifton, Professor of Psychiatry, Yale University

Ron McSheffrey, 6/31, 9th Infantry Division (1969–1970)

Dr. David Galicia, Major, Psychiatrist, 3rd Field Hospital, Saigon, (from July 1969 to June 1970)

John Geymann, 23, Cpl. (E–4), "M" Co., 3/3 Marines, 3rd Marine Division (1969)

Dr. Jon Bjornson, 37, Major, Psychiatrist, Flight Surgeon, Deputy Surgeon, USASC, 8th Field Hospital, Nha Trang(May 1964 to April, 1965)

Ken Cloke, Lawyer

Dr. Sid Peck, Professor of Sociology, Case Western University; Visiting Professor at M.I.T.

Arthur Egendorf, 525 Military Intelligence Group, Saigon

Charles Stephens, 24, Pfc., 1/327, 101st Airborne Division (from December 1965 to February 1967)

Moderator. Tonight, we have on our panel, "What We Are Doing to Ourselves," from Yale University, Dr. Robert J. Lifton; a Vietnam veteran, Ron McSheffrey; and former Army psychiatrist with the Third Field Hospital, now practicing in Detroit, Dr. David Galicia; former Marine veteran, John Geymann; formerly with the Army 8th Field Hospital in Vietnam, psychiatrist Dr. John Bjornson; a lawyer who has dealt with the problems relating to the GI's, Ken Cloke from Los Angeles; and on the end nearest me, Dr. Sid Peck, professor of sociology at Case Western University, now visiting professor at the Massachusetts Institute of Technology. Tonight we are going to deal with the problem of the effects of the war in Vietnam upon the United States, dealing rather heavily with the problems of the veteran and how they relate in a total picture to the problems facing the United States. Dr. Lifton has spent quite a bit of time studying what is known as the post-Vietnam syndrome and Dr. Lifton, I'd like you to begin by explaining what happens to these men after they return from Vietnam.

Dr. LIFTON. I think that I'd like to do in the few minutes I have is outline in a very broad and general way some of the things that those of us who have been working with Vietnam veterans have discovered. Personally, I've been talking to Vietnam veterans for the last 18 months or so, individually and in groups, and some of us have formed informal rap sessions, in New York, at which we've discussed in some detail and thoroughness, the emotions, feelings, difficulties, and possibilities that Vietnam veterans feel. Some of this I've discussed also before a senatorial subcommittee on veterans last year. I think the first point I'd like to make, and make very strongly, is the psychological difference of this was, for a veteran, as compared to other wars.

One way that the American public, or some of the American public, tries to slough off the depth of harm this war is doing to all of our society, is to say, well, war is ———, it happens in war, people become dehumanized, this is just the way it is with war. But I think one has to look at certain features of the experience in this war that are very special to Vietnam. I can name one or two of them and they are decisive, it seems to me.

There is no structure of fighting in this war that gives it any meaning or psychological satisfaction for the participants. In other words, in most wars, one suffers, one loses buddies, one becomes what we think of as a survivor. But then one has some means of finding the survivor's significance, which is the task of a survivor, getting over the guilt one feels about staying alive while one's buddy dies, by getting back at the enemy in some structure of warfare. Battle lines, a way of being brave, and so on. Here, as all of you know, much better than I do, there is no clear enemy; he's everywhere and nowhere. One can't find him and there are no battle lines, certainly.

There is no psychological satisfaction in any self-respecting form with which to cope with the enormous confusion and guilt that one experiences. One is under great danger in Vietnam, as an American GI, and one does undergo this guilt with the loss of buddies. Moreover, when one comes back to the society, it is quite clear that one does not return as a hero, either in other's eyes or one's own eyes. It's more than just not being a hero. There's an overall sense, shared by the larger society, whatever its position about the war, and the vets themselves, that this is a dirty war.

It has no justification, no inner necessity. So the returning veteran, who has a psychological need, as he returns from any war, to make his difficult transition into civilian life by in some way giving significance to what he did in his war, has no such opportunity, because he can't, in any way, inwardly approve of what he has done in this war. Nor can the rest of society find sources of pride for him or acceptance or necessity about this war. Both the veteran and the larger society see him the taint of this filthy, unnecessary, immoral war. That aspect of the war itself has a lot to do with the way in which veterans experience their psychological difficulties just as the experiences in Vietnam leading to atrocities are directly related to the illusions of the political conduct and military conduct of the war.

Now, let me explain what I mean by that. If we think of the burdens that the Vietnam veteran brings back with him into society, inner burdens he carries, I think the most immediate and the one that everyone is aware of most, is a burden of convoluted guilt. It's been, in a sense, imposed upon the GI, the veterans who fought the war, because he cannot, in any sense, justify or give any rational or formulation for having fought the war. He comes back with a taint, that I mentioned. But beyond this burden of convoluted guilt, is the burden of atrocity. It's the sort of think you've been hearing about all day and you'll hear about for the next couple of days.

There's a quality of atrocity in this war that goes beyond that of other wars in that the war itself is fought as a series of atrocities. There is no distinction between an enemy whom one can justifiably fire at and people whom one murders in less than military situations. It's all thrown together so that every day the distinction between every day activities and atrocities is almost nil. Now if one carries this sense of atrocity with one, one carries the sense of descent into evil. This is very strong in Vietnam vets. It's also strong in the rest of society, and this is what we mean by the primitive or brutalized behavior that there has been so much talk about. I think that this brutalization and the patterns that occur in the war again have to do with the nature of the war we are fighting and the people we've chosen to make our enemies.

This has to do with the atrocities characterizing the war, as often happens in a counter-insurgency of war, we intervene in a civil war or in a revolution in a far-away alien place that you don't understand historically or psychologically, but also with the technological disparity. It's of great psychological significance that Americans go around with such enormous fire-power in a technologically under-developed country and develop a kind of uneasy sense of power around their technological fire-power, which they then use very loosely, and often with the spirit of a hunter, as we've again heard much about. In all this way, I would stress very strongly, the GI in Vietnam becomes both victim and executioner.

In addition to the burden of atrocity, or in keeping with it, the veterans becomes enormously sensitive to the way in which he's probed or questioned by others in the society at large. And when we talked about this in rap sessions, a lot of vets said, "Well, I just can't stand it when people ask me what I did over there, whether I killed anybody." It turned out that the reason why vets can't stand being asked this question is because they see themselves being accused of having been a monster in some way over there, of having been something less than human. The problem is so great because they inwardly tend to accuse themselves of having been this, and it's one reason why it's so important for vets in making their recovery and undergoing their process of renewal (and I see this kind of meeting as being in the service of that kind of process), that they understand how they were forced by the situation to act in a way that could have led virtually anyone to act in the same way. It has to do with military training that others will talk about; it also has to do with the extreme situation of Vietnam which itself creates the aberrant behavior, rather than with some particular trait that particular vets have in order to then lend them to do these things. They carried with them also a tremendous burden of violence, and every session we have with vets has, at its center, the issue of violence.

Many vets feel that they are ready to murder the first person who crosses them when they come back into society. This has partly to do with the course of the reflex of violence. It's a very simple and direct way to solve all problems. It renders them simple, and it's the way one is taught to solve them in Vietnam. But it also has to do with residual rage over having been victimized in the way I've described by the society in being asked to fight this immoral, tainted, and unnecessary war; therefore the sense of being betrayed. Perhaps the greatest violence, or some of the most violent impulses that vets feel, are towards those who don't respond, who won't believe what happened over there, who, as the vets say, just don't give a damn. Because those people who resist the information or the truths of American atrocities and the details of the war, who resist knowing what the war is all about, are preventing the veteran himself from reaffirming or confirming the truth that he has learned and sharing it with a larger society. In other words, they are impairing his renewal, his return, as the vets themselves put it, to becoming a human being. They carry also a burden of numbing, desensitization, sometimes called dehumanization. When we talk about the issue of numbing or desensitization, some vets resent, and quite understandably, the term "dehumanization." What they really want to convey is the idea that what they went through in Vietnam was a temporary, desensitized state, where they could then commit or witness or not stop these atrocities, and that the desensitization is reversible; that there are ways to become human again.

Of course, they're right. But the problem of numbing, or withdrawal, of not feeling, can stay with them and linger with them for a very long time and is one they must cope with in this process of recovery and renewal. Now what about this general struggle for rehumanization? I want to say a word about that and then stop. Becoming human again means, of course, forming new relationships in society here and new views of society, independent, and independent of and alternative to, those more narrow and brutal ones they knew and lived in in Vietnam. This means that they simultaneously—and I think this has to do with the whole process of the peace-minded vet—the kind that are gathered here and that I see in these rap sessions—they must simultaneouely change their life style, their sense of themselves as men, on the one hand, and their sense of society or their world view on the other.

Briefly, the life-style change is a very significant shift, I think, from the old-fashioned American ethos on the warrior-hero, the belligerent, intrusive, domineering John Wayne type of hero, to a person who can be equally or more courageous but in ethical and moral terms, who can be softer, gentler, can reject the idea of killing and of violence. In this change in life-style and sense of what, indeed, can be termed manly behavior, I think vets are helped very much by their identification with many respects of youth culture which have been making the same important psychological shift for the last five or ten years in this country. Similarly, they've got to change their view of society because once you've questioned the war in a fundamental way, you've questioned that American society has done in creating the war, what has led to that war in deficiencies of a fundamental kind in American institutions.

You've questioned very basic issues of war and peace in a very general way and of one's own relationship to a society that imposes war-making on one. This is a very basic kind of change and not an easy one, but my point is that the change in the self and the change in the world-view, including political and ethical world view, have to be simultaneous for this renewal and rehumanizing process. Well, all this has helped, I think.

Interestingly enough by positive memories, many vets call forth of having lived on a double level in Vietnam because some humanizing emotions were retained through all this dehumanizing process that I've been describing. Especially at times, for some, in relationship to Vietnamese—Vietnamese children, Vietnamese families, and it's interesting how much veterans in these rap sessions want to focus on these positive relationships with Vietnamese people as a way of reinforcing a human aspect of themselves that, so to speak, never did die. I think that's terribly important in this process. I think finally, I want to say in closing, two things. One is that the process is difficult. The process of recovery that I'm talking about is very problematic because of resistance in society, because of psychological difficulties that one has to face in all of this, along the lines I've described. It's a very moving process to see and to help along. There are all kinds of backsliding, all kinds of impulses toward violence, understandably.

I think one has to understand them in this context that I've set forth. But the last thing I want to say is that the problem is not simply that of the vets. I mean clearly, on the one hand, there a hundreds of thousands of vets—it's going to be millions—coming back into American society so in numbers alone it's a problem for American society, and especially a problem where the vet chooses the more chauvinistic and belligerent, violence-prone posture than the one that I'm describing as a way of defending himself against these psychological problems. But it also is a problem for American society at large which is now struggling with the overall and excruciating issue of learning and recognizing, very gradually and very grudgingly that we have been, as a society, immersed in evil, that we are responsible for one long, criminal act of behavior in our project in Vietnam; so, in this sense the veteran's problem and quest for rehumanization is simply a crucible, an intensification of the problem of the whole society, and I think it should be understood as such.

Moderator. Dr. Bjornson, you worked with GI's in Vietnam at the 8th Field Hospital. There have been many questions raised here today on the subject of war crimes and people, especially from the press, have asked, "Why did you do it? Why didn't you refuse to do it?" In your conversations and sessions with men on active duty and with veterans, what have you found to be their justification?

Bjornson. Well, in the first place, I was in Vietnam in 1964 to '65. This has been a rapidly changing five years in terms of my very close acquaintance with the war in Vietnam. I think that our attitudes have changed from advising to frustration to violence to atrocities, and now it's as if we are attemping to develop a conscience. I don't think we have developed enough of a conscience, I think that My Lai's can still take place in Vietnam, but I think because of the My Lai exposure, it's going to be less likely. In terms of why, the whys involve a lot of things. In the first place probably the main thing is Army training, and I'm going to have John talk about this in a minute, but Army training is dehumanizing. The Army knows how to train soldiers, and so do the Marines, and so do the Navy. Most of you experienced basic training, and one of the things that happens in basic training is you don't get much sleep. When you don't get much sleep, you become an automaton. When you become an automaton, you begin to follow orders—the idea of killing and sticking bayonets into the model soldiers, the whole business of the Gooks, the Vietnamese are inferior, which is constantly drummed into your heads. It's a kind of programming. Also the Army knows that a squad of nine men is probably the most cohesive group of human beings you can get in terms of numbers. The likelihood is good that this group will support each other, will fight to save each other's lives, and that this is more important than what they're fighting for or why they're fighting or why they're there. They know this. And this is why you have a nine-man group. Most GI's in combat situations, and this goes back to the Revolutionary War, don't usually fight for a cause or for patriotism or for much else. They do acquiesce to a system and the system tells you what to do. Because of the consequences of not doing it, you go into the military and do what they say. A few other things I'm sure happened. It's a tremendous change going from an affluent country to an extremely poor country like any country in Southeast Asia. I think we have some sense of guilt. There's a tremendous kind of racist unconscious that I guess we all have, and again this is programmed; it's reinforced. The Vietnamese are inferior, and this has been mentioned many times. And it's also a kind of a strange attraction.

As I'm sure you know, many occidentals become very attracted to the Orient and stay there. I'm sure many of the vets here have been involved with Vietnamese girls. So, it was one thing one day to call a Vietnamese soldier a gook, and that night to sleep with a Vietnamese girl. We did it. That causes a lot of ambiguity, a lot of confusion in one's mind. Furthermore, and applicable to any war, the whole concept, sort of licenses what we would call psychological regression. It licenses us to act out impulses. We all have a certain sense of sadism, and this licenses violence. You've got a programmed soldier in combat with a gun and then you've got a hierarchy in the military. When I was in Vietnam, the generals and the colonels would say, "If we can only get some American soldiers here, they would react. The Vietnamese, these ARVN, they just won't fight." Well, the Vietnamese are very patient. You can't hustle the East. We got our own troops there, because the generals wanted it. But the generals were wrong, as we all know. It's beginning to look like we don't want to fight any more than the ARVN. So, I would say, probably the main thing is the training. When you say to a man, as we said in the Nuremburg trials, that the defense of obeying an order isn't good enough, I would question this. The American GI has a great deal of difficulty disobeying an order after the kind of training he goes through. I'd like to ask John to tell us a little bit about what Marine training is like.

Geymann. Well, Marine training starts from the first day you get into Boot Camp and doesn't end till the day you're discharged. When you're told something to do, whether to go to the bathroom or have a cigarette, or whether you go to bed or you get some free time to write a letter, you preface it or you end it with V.C., or Gook or Slope, kill, kill, kill. That's all you're told to do. Everything is done on a threat basis; if you don't do things the way you're supposed to do, this is what's going to happen to you. If you go to Vietnam, and you don't kill the Gooks, this is what's going to happen to you. If you don't defend freedom in Vietnam, the Gooks are going to be here. They're going to be in California. They're going to be in Detroit. They're going to be in Windsor. They're going to be all over you. You've gotta go to Vietnam, you've gotta kill the Gooks. They're no good. In Com School I was in the hospital. Even in the hospitals, they're passing out pictures of mutilated bodies, showing this is what we do to the Gooks, this is what's fun to do with the Gooks.

When somebody asks, "Why do you do it to a Gook, why do you do this to people?" your answer is, "So what, they're just Gooks, they're not people. It doesn't make any difference what you do to them; they're not human." And this thing is built into you, it's thrust into your head from the moment you wake up in Boot Camp to the moment you wake up when you're a civilian. And it's a very hard thing to try and forget about it. It's about the only way I can put it, it's—they make you want to kill. Their whole thing is killing. You're not to question, you're not to ask why. If you're told to kill, you're to kill. You're not supposed to say why or who who says so? Or why should I kill this person? For what reason? How is it benefitting to me? How are they hurting me? It's just to be a machine. When you're wound up and when your button is pushed, you've gotta react. If you don't react the way they want you to, you're in trouble with them.

Moderator. Dr. Galicia, you were at the Third Field Hospital in Saigon and you recently returned. Could you kind of update some of the thing that Dr. Bjornson was describing to us, as to the condition of the men, and their justification and methods of escape?

Galicia. I think that from the time that Dr. Bjornson was there until the present day, and I guess I can speak in terms of the present day because I've been back about six to eight months, there's been a tremendous swing in the way things are there. As best I know it, and as best I can remember it, I was a senior at medical school at that time, and the idea, as it came across to me, was that we were there helping people. That we were there to help them to remain free or whatever. I don't know what it was like to return home at that time. I think perhaps I could best tell you maybe from the standpoint of my own personal experiences. I don't have a huge grudge with the Army, maybe it's because I don't have a huge grudge with anybody. But I was in training in Walter Reed in Child Psychiatry and it and I just did not agree. So I went downtown in Washington, D.C., and I asked to be allowed to drop this program. It was not in the sense the program was terrible.

I just said I don't think it's for me, I'd like to quit. And twenty-three days later, I was in Bien Hoa, waiting for an assignment somewhere in Vietnam. I got twenty-three days and this is something which I can prove. I think that when John came back maybe he didn't get back with the feelings that I had. I've come back with a lot of the paranoid type feeling that these kids have come back with. I found today I made a special trip to go home, to bring back my discharge, and to bring back the paper that says that I was in Vietnam from 13 July 1969 to 30 June 1970, so that I could be sure to prove it to somebody, in case they asked me. I remember my plane flight when I went over there. It was a plane filled with about 140 people, typically American, the kind of America I know and the kind of America I like. People talking, carrying on conversations. Of course, being thrown together in a circumstance in which they're going to a war zone and they don't know where they are going to go, you've got to give them that much leeway for nervousness. But it wasn't really a different plane flight than I thought I would have experienced any place else at any other time, with a lot of wisecracking to the stewardesses and that kind of thing. I remember, then, getting ready to come home after I had spent a year there. I would like to preface that with the fact that my office was in Saigon and I was the only psychiatrist in Saigon not only for the Army, but for the Air Force, the Navy, the Marines, the civilians—everyone. The kicker to this is that I was also the psychiatrist for Delta, the entire Mekong Delta. I had in my mind decided that I would go to Vietnam whether I liked it or not, because I felt that my services were probably needed there by the very people perhaps sitting to my left and my right. And so I decided whether I like the war or whether I didn't, I would go. I could have stayed in Saigon. I had an air-conditioned office, and things were nice there. I will not try to tell you anything else but, I decided I would travel through the Delta because I felt if there was any way I could effectively help these people, it would be if I went to talk to their C.O.'s. I went to the base camps where they were. And so consequently, every month, for about a week out of the month, I would take a trip through the Delta. I saw a lot of field activity, I saw contact. I flew over battle areas and I was in places where wounded were brought in. So, I think I've got the feeling for the other side of it.

And as the year wore on, I began to get the feeling within myself, "What is this really all about? Why? What are we trying to accomplish?" And the culmination of it was for me, as I can best understand it or feel it in my own personal experiences, was that in getting ready for this plane to come home, I was standing there with a tech, who had travelled exclusively with me. It was against the principles of the Army that an enlisted man and an officer keep that close a relationship, but we said the —— with it and we went together most of the time. There was a very close Vietnamese friend who came to see me off too, and I was trying to think again about what had I really done? And I finally decided that I'd really done nothing. And when I got on the plane, the thing that I noticed was that this was a group of a hundred and forty American people all thrown in together but you couldn't really cut through the atmosphere in that plane with a machete. Nobody had anything to say to anybody else. Myself, I'm the kind of traveler who does not sleep in vehicles, and I slept all the way, all eighteen hours of the flight except to get up and get off the plane during refueling. But in the waking minutes I had, I noticed that most of the people had very little to say to one another. It was my general feeling that for most of the people on that plane, if one of the stewardesses had come up and made an overt pass at this person, they would probably tell her to bug off, because we just really didn't care as a group. This is the feeling that came across. I think experiences that built this thing up within me were some of the circumstances under which I worked. The drugs in John's time were not a problem. As I best understand it, there were no drugs or very little in the way of drugs. We hear a lot of this business about marijuana and I'd like to comment only to the point to say that whatever percentages are put out by anybody, unless they range eighty percent or more, they're inaccurate. It's at least an eighty percent rate that have at least tried. It got to the place where a good deal of the commanding officers realized the futility and the absolute nonsense in pressing this subject, so the few people we got in who had smoked marijuana, we sat and rapped for about twenty minutes and then I would say to them, "Look, next time you decide to smoke it, why don't you smoke it some place where you won't get caught?" And that was the end of it. I might say that I'm not an advocate of marijuana, I'm not an advocate of anything. I'm just saying that these people felt they had the right to do this and if they wanted to do it, it's fine.

And my last sentence to them was, "Just don't get caught at it." But I think the bigger pressing problem was that we were then beginning to see, and in large amounts, the thing which bugs middle class America the most, or worries them the most, the hard drugs. The Army had given me leaflets at time to go give talks on the faults of marijuana and what evil things would come from using this particular drug. It was all nonsense. It simply was not the truth, and I quit going on these speaking tours because I felt I was betraying myself. I think the problem I had later is that we would get people in on harder drugs and I'd have a —— of a time because I'd feel like I had two and a half strikes against me already to try to tell this individual medical facts which I knew, that barbiturates are addictive, heroin is addictive, and that these are the kind of drugs which taken in proper amounts, high enough, are very detrimental, and in the end can end up killing. We saw numerous people on barbiturates, which was called by the name Benoctil. This is a drug which all the vets are familiar with. I'm sorry to have to say that I saw four or five people, who, after six to eight months usage of this drug on a heavy basis, were sent home as pure vegetables. They were by this time organic. They had so much brain damage that they were really no longer able to function. I don't really believe that I would have been able to get across the information to them that this is really a lethal drug; this is not marijuana, this is not a game. We had the same problem within our hospital for amphetamine usage. We had people who took so much amphetamine that they really didn't even know who they were or where they were, became very paranoid and reached psychotic proportions for which we had to admit them to the hospital. You just cannot impart this kind of information to these people when they've already been told lies about something else. Insofar as getting people in the hospital for heroin addiction and opiate addiction, the best we could offer was to hospitalize them and sort of work them off their habit with thorazine, because at the time that I was there, methadone was not available to me. I asked for it and I never did get it. This is a much more effective means of taking someone off heroin or opiates than thorazine. Thorazine's a decent substitute, but it's not the answer. And one of the most very trying things for me was the fact, that I felt I went there fully qualified. I had had three years of training. I was entitled to go into practice as a practicing psychiatrists. I was "board eligible" at that time.

I had all the prerequisites for being a psychiatrist; and I thought also, the prerequisites for being able to determine whether a person was seriously addicted, in the physical sense, to a drug, which in this country we treat as a diagnosable disorder which is hospitalizable. You've got to take the person away from the source. We could do that much, but once I made a diagnosis in my own mind, from there on out my hands were tied because the regulations which I worked under would not permit me, even though I made the diagnosis of opiate addiction, to medically evacuate these people from the country. I considered this disease to be in the same realm as a surgical disorder, a medical disorder, which people were sent out for all the time with no questions. And if I could prove that these people had a psychotic episode going on, then I had no problem. But I could not send a seriously ill alcoholic or a seriously addicted drug addict out of country. In essence I found myself in a real quagmire. I had no effective means really of treating him and no effective means of sending him on where he could get better treatment. So he ended up going back to his unit. I can distinctly remember one black boy within the hospital under my care six times. He was taking upwards and over thirty CC's of heroin a day—that's four CC's, seven times, eight times a day. He would come in. I would do the best I could with the thorazine. Bring him down off it, get him pretty well straightened around. The MPs would come and take him back. They wouldn't put him in LBJ for this offense, which is not a good way out either, and they would eventually give him back to his unit, and he would go back downtown and get another hit. Immediately, because he had been previously addicted, he would end up coming back over and over again because this is the way things happen in this country. And I was monitored in a sense. Each and every one of the papers I made out for air evacuations took two days to get through, one in preparation and the next day they went out to the flightline, or they went over to Tan Son Nhut air base for a day and then they went for flightline the next day, and finally, they went out. There was enough time for any one of my handwritten things to go up to Long Binh to the office of the Consultant for Psychiatry to the Surgeon General, to go through each and every one of these things and monitor what I had been doing. And on numerous occasions, I got called to have to defend why I was sending this man out of the country. And, to say the least, it became very annoying and very disturbing to me, because personally I feel I am professionally competent in my field.

I was not sending out a man who'd gone downtown and shot three CC's of opium in his arm and came up with one puncture wound in his elbow and then said to me, "Doc, I'm a heroin addict, get me out." These people were seriously ill. Some of these people had been addicts in this country before, and had had the cure and were coming over there. I had one incident with a boy from the Third Brigade of the 9th Infantry Division, who went AWOL out of my office many times. Each time he'd come up for his 212 discharge evaluation, he'd end up screwing it all up because he'd go off downtown and get another hit. He'd be gone for days at a time, and we'd have to go through the process all over again. I personally received letters from his family, as well as the chaplain in my hospital, concerning this lad and what an awful gummed-up mess we are making of this process. I wrote personally to these people to try and tell them what was happening. Finally there was a Congressional investigation came down on my office about this thing. I ended up writing the Congressman about this situation and about my inabilities to send these people out because of the regulations I was working under. I told this man in the letter that I stood ready at that time to get on a plane and come back to Washington, D.C. and explain it to him and the rest of Congress if that's what they wanted. That I would be most happy to serve those days on the end of my year so that I wasn't trying to get out of anything. I got a letter back from this man which was rather disturbing to me because it was simply a form letter which said to me, "Look, I'm not questioning your professional ability. It seems to me from what you said that you have great compassion for this boy and perhaps you ought to be able to show that for his family also." This was my answer. But it did not say anything that regulations stand this day the same way. So you'd best find another way of getting out of Vietnam because it isn't going to be on addiction, unless it's on a 212 discharge. The last thing I think I'd like to add to this is to tell you an experience that I had. I sat here all day, off and on, listening to these fellows tell on an individual basis how dehumanizing they consider this whole process is. They tell it from an individual standpoint. I can't document this because I don't know the dates. I know the places, but I don't know the dates and I don't know the names. But because of my traveling and because of my rank (I was a Major at that time) and maybe perhaps because of my personality, I got into multiple places where now, when I think about it, I had no business being. But I got invitations to just about every place. And one night I was down with the last element of the 9th Infantry Division that was left in country at that time, the 3rd Brigade, who had four battalions left. They each had their base camp areas.

The Brigade Headquarters was located at Tan An, which was about forty miles south of Saigon. I was asked if I would like to take a tour of the tactical operations center or the TOC. I said I thought that would be a real good idea. I tried to figure in my mind what I thought it would be like in there and I thought there's probably a bunch of relief maps, situational maps, banks of radios, telephones, and a lot of people. When I got in there, I found that my assessment was pretty good; that's about what it was. Except for the fact that when I started looking around, I noticed that there were four charts on this wall, on opposite walls, and each one of these charts had recorded on it for an entire year the monthly kill, one battalion against another, like it was a game.

It is off these kind of things, I'm certain, that rank is made. The most upsetting thing was the way it was condoned. While I was there, they were in contact out in the field with someone, and apparently pretty good contact. In the presence of this Major, who was running it, a bell rang three times. I asked him what that was all about and he said, "We just killed three of theirs." I looked at the man, turned around, and said, "Man, what the h—— do you do when they kill one of ours?" He had no answer for me and this was the end of our conversation.

That's just one but I had multiple ones like this and I think that's what led to feel as I did when I got on the plane. And when I returned home, (I consider myself to be quite a stable individual. I've never really had a suicidal thought in my life.) I was staying in Detroit by myself. I was staying in a hotel on the ninth floor. And because I was alone, a lot of this stuff kept coming back to me. I was standing by the open window one day with this stuff running through my head and I had to leave that window; because I felt that, at any moment, I would jump. I've had the same feeling a number of occasions crossing freeway bridges when I am thinking about the subject again. And this has remained an upsetting thing to me until just the other day. I read an account in the Detroit Free Press which probably many of you have. It was a very long, long article last Sunday about veterans returning. Somewhere buried in the middle of that was a paragraph that said, roughly, about 7,000 people are coming into VA Hospitals, and this doesn't include only psychiatric patients, this includes the whole spectrum, everybody. Out of these 7,000 people, 54% of these people have at least suicidal feelings. And that 27% of these people have actively tried suicide, one or more times. I suspect that perhaps this is a low estimate because up until today I don't think I would have been prone to express what's happened to me.

MODERATOR. Thank you, Doctor. You mentioned the drug problem and this is something that all of us veterans are aware of and that we all realize as being a very dynamite problem. I'd like to bring it around to Ron for a minute. Ron, first let us know where you were, what your job was, how you reacted, and what your contact with the drug situation was.

MCSHEFFREY. Well, I was in the 6/31st, 9th Infantry Division and like I ain't got a general discharge, but I got a 212. I had all kinds of jobs when I was over there, but they couldn't find one to suit me. Well, anyway, after all the different jobs of truck driving (and I ground tar for a couple of weeks) I just decided to go on bed strike. The only thing that could keep me on bed strike with all the demoralizing threats I got from the lifers and stuff was a little bit of smack, you know, once in awhile. So I was shooting up six times a day and stuff like that. I went to Saigon so I could withdraw properly without a bunch of headaches and stuff.

When I got there I showed them my trash and my scabies and everything from dirty works and he said that I wasn't physically addicted, but he gave me a bed anyways because I told him I just wasn't going to go back. So he gave me a bed. The withdrawal treatment is a shot of thorazine once in awhile. You know, a light dose. You still got your headaches and everything. So the first night I was there I went out to get a fix because I was really getting some really bad headaches. I come back in and the dude told me I didn't want his medical treatment very bad so he sent me back to the base camp. I had a buddy that went there when I was there again a second time and he said like methadone was too expensive to give us and he gave us a big rap on that and what it boiled down to was that he didn't have any. So that night me and my buddy went out again. I just couldn't handle it. So we went out and my buddy shot up a little cocaine and he OD'd. I got us out going again and got him back to the hospital. When I checked the guy in they wanted to put a bust on me. Like they said I pushed him out of the hospital, I guess. I guess you just let your buddy die instead of helping him out because they really gave me some bad threats. Like I was going to jail and everything because I was smuggling dope into the hospital. And another thing I wanted to reach was, like when they don't give you nothing, when they send you back to the base camp with cold turkey. Well, the only thing I could find to do to keep the headaches away was like just about OD on BT's all the time. And, like a lot of guys, I mean I seen a couple guys really get bad on these BT's just from trying to get away from the cold turkey pains, I seen a guy OD and die on them and stuff. I haven't got the dates or anything.

MODERATOR. Would you tell the people what BT's are? I believe it was mentioned before.

MCSHEFFERY. BT's are Bempctals, downers, like seconals. I'm just trying to point out that the only way you can get away from drugs over there is to go on to other drugs and like chance on ODing and killing yourself on them; the medical treatment is really bad there.

Dr. GALICIA. I'd like to state to you that at the time that this lad came into the hospital, I was not there. I was shifted to the 101'st Airborne for a month and whoever took care of him was not myself.

BJORNSON. I wanted to know one thing, I wanted to ask Dave how many GIs started on hard drugs, heroine, speed, and so on in Viet Nam who hadn't used it prior to going. Any estimate?

Dr. GALICIA. I don't have figures in that regard. All I know is that from the time I entered to the time I left, the problem was increasing. We were getting more and more people in because of drugs and more and more people because of hard drugs. There was a goodly number of these people, I would have to say at least 50% or more, probably more, probably way more. Maybe they smoked a little pot while they were in this country. But they had not used hard drugs: the hard drugs had begun there.

BJORNSON. Another question or kind of response. Having been kind of trained in military psychiatry, trained in an Army hospital, I paid them back there three years plus one, and I resigned my commission when I came back from Viet Nam. I probably would have resigned anyway. I know the attitude of military psychiatry is to keep the men on the line and so on. And it sounds to me like they are kind of vaguely using this concept of keeping the men on the line in a crazy way that must reinforce a fantastic amount of drug use. Certainly drug use is epidemological. That if you get one user you are going to get more and so on. Furthermore, it didn't do anything to stop the traffic—is that right? .

Dr. GALICIA. In my original presentation, I really tried to leave things out that I just had no way of proving, but I had a correspondent from Look in my office two days running and we sort of shut down the clinic because I sat rapping with this guy all this time about all this. He took pictures of myself and the office and some of the patients we did see. I took him out. I knew the locations because, besides having a close relationship with my nearest tech, I knew probably 80 to 90 percent of all enlisted personnel in the hospital and was included in their grapevine of information. They felt not at all ill at ease about telling me things that just didn't go out to other parts of the hospital.

I knew multiple places in the city of Saigon where you could get anything you wanted to. You name it. Any thing you can conjure up—mescaline, LSD, speed, marijuana, heroine, it doesn't matter, it was available. And I took this fellow to places and I pointed them out to him. There is no attempt on control of these. For one reason I think it is almost impossible because they're run by profiteering Vietnamese and we, of course, have to understand that the Vietnamese are human beings like everybody else. They'll profiteer like we will and they will sell anything that they can get a profit for. I don't fault them for that. One of these places however was right outside of the entrance of Tan Son Nhut Air Force Base and it was the biggest one that I knew of. And consequently, there was really very little in the way of doing anything about this trafficking. If there are avid readers in this room, and I'm sure there are, you know that there is an Air Force Major now sitting in LBJ who has smuggled in on an Air Force plane, pounds and pounds of heroine he brought in from Thailand. This was a guy who was flying VIP's like General Westmoreland around the country. I took it that his major occupation was flying heroine.

BJORNSON. I'd like to postulate a reason for drug use in Vietnam, as I see it now as a civilian. It seems to me that we have put practically a decade, a generation of males in this country into a tremendous bind. If you're against the war, you have no exit. If you are for it, I suppose you do. It seems that at least 50% of the people in this country, if not more, are openly or statedly against the Vietnam war. They think it should be ended immediately. If you're a draftee, what do you do? You can go to jail, you can attempt to fake a medical illness; you can attempt to fake a psychiatric illness; or get a cooperative resistant psychiatrist that Hershey talks about. Or you can try to become a conscientious objector. Whatever you do, you're going to be wrong, in a certain sense, and you're going to be guilty. It's going to damage your self image. Obviously, going to jail is not a pleasant experience; why should one go to jail for beliefs? If you're drafted, you're guilty, because you're going to Vietnam and you're going to be guilty for fightnig in a war that shouldn't exist in the first place. So, if you fake a psychiatric illness, then you have to live with that for the rest of your life. If you passively resist or aggressively, and you go AWOL a lot, they give you a 212 then you have that to live with.

To become a conscientious objector, first you have to believe in it. Then if you believe in it, you have to be middle class; you have to have a lawyer; you probably have to be white and it helps if you have a lot of references. It's extremely difficult to fill out Conscientious Objector forms. Once you do and they're accepted, you are given a list of jobs—none of which pay more than $4,000 a year and you are supposed to do this for two years to protect the morale of the troops, supposedly. So it seems that a whole generation is in a box. One out is drugs. I'm sure that is out is the reason why Americans are on hard drugs in Vietnam—what percentage, I don't know. But I know that the percentage on grass is high. It's not just grass, it's being stoned twenty-four hours a day, everyday for a year.

MODERATOR. Ken, did you have something you wanted to add?

CLOKE. First I wanted to say that it is also known that General Ky is directly implicated in the heroin smuggling that goes on in Vietnam. The CIA planes fly opium into Vietnam. The Meo tribesmen in Laos earn a great deal of their living from, not only CIA funds, but also from the opium trade. The remnants of the Chinese Nationalist Army that is still left in Burma also cultivate the opium trade extensively. I don't think that the question of drugs in Vietnam can be seen in isolation from these things. It is also, I think, a fact, that enormous amounts of graft exist openly in Vietnam and that the war is profitable to a large number of different people, not only at high levels, but at low levels as well. This forms part of the social psychology of drugs.

MODERATOR. Thanks for talking about the CIA, that is a point I feel needs clarification.

Dr. GALICIA. I heard this rumor of Ky. One thing I know for a fact is that in each and every base camp area we set up in Vietnam we pay rent to somebody for the right to use their land so that we can defend their freedom or whatever the ——— it means, I don't know. I've lost the concept. But I do know that we pay rent to absentee landlords, most of whom live in Cholon, at least in the area in which I was. But the rumor that I was going to make reference to was that somebody told me that all the property on which Long Binh is situated is owned by Mrs. Thieu.

MODERATOR. I have no information on that.

GALICIA. Well the only thing is that people with any knowledge of Vietnam know that Long Binh is the biggest Army post in the world. It used to house something like 50,000 troops. I don't know what the number is now, but it is a huge space of land.

MODERATOR. Ron, I'd like to ask you a question on the drug situation again. What was the attitude in your unit on drugs? Were the senior NCO's and officers aware that you and other men might be using hard drugs and, if so, could you relate some incidents as to how they reacted?

MCSHEFFREY. Well, they knew all about it. Like one day my first sergeant walked in on our bunker and there were at least seven or eight of us shooting up. He walked in the doorway and he just stood there. He had a big nothing in his eyes. He turned around and walked away and never said anything again.

MODERATOR. He never said anything. He never asked you what you were doing? He just turned around and walked out?

MCSHEFFREY. Well, I think he seen what we were doing.

LIFTON. Let me make one point about a few things we've been saying the last few minutes that I think has to be said. There's a lot of effort on the part of various people, many of them in the government, to prove things statistically about Vietnam. They've been doing it ever since the war began. The statistics now, and of course they always turn out to be false, but one of the new statistics now, is that all this talk about disurbances or dehumanization of disturbance in Vietnam GIs doesn't apply because they have statistics that show that the psychiatric cases have diminished in percentage as compared with the Korean War or World War II. I want to expose that statistic for what it is. In other words, it doesn't really tell us anything. In fact, it's another one of those sort of technicist's misleading efforts to really get away from the heart of the matter. Most of the harmful behavior that occurs in Vietnam is due to the malignant environment we create there, an environment of murder. The aberrant behavior. For instance, the men who killed others at My Lai, let's say, had no discernible or diagnosable psychiatric disease.

They were, I would say, in an advanced state of numbing and brutalization and under enormous pressures. The kind of thing that could happen to any one of of us, were we put under similar training and that kind of situation. But they don't have any nameable psychiatric impairment; they'll never be diagnosed. The same is true for many who have various forms of drug addiction. As you know, many people with drug addiction don't come into medical facilities even in this country and don't fit into any statistics. So when one begins to examine the extraordinary impairment and destructiveness of the Vietnam War on all levels of American society, one shouldn't be led by these narrow statistics about psychiatric cases.

MODERATOR. Dr. Peck, I'd like to ask you a question. We've been hearing a lot about the veterans the use of drugs, the problems. Most of the men that came here have come from working class families. How are their fathers taking all this? We're kind of like the sons of the hard-hats, and what's the American public saying about all of this? At least from your point of view.

Dr. PECK. Well one of the things I wanted to comment on was this whole question of dehumanization, and a certain kind of presentation of the dehumanization process, as one that begins with Army training then one that proceeds further in terms of the brutalization of warfare itself. I think that what we have to come to grips with is that, fundamentally speaking, the working class youth in our society, white, black, brown, red, yellow, and so forth, serve fundamentally as the father for this kind of neo-imperialist venture in Vietnam, Laos, and Cambodia. And being the father for that kind of military intervention, their programming doesn't begin in the Marine training camp or in the Army base or at Great Lakes, but the programming to be a bullet and a bomb, begins in that working class household. That's where the dehumanization process initiates, because if you come out of a working class background family, and that's my situation also, you come into a situation where your father, as the provider for that family, is in fact a very powerless figure.

Your family itself is a very powerless kin unit. The neighborhood that you grow up in is a neighborhood that is without power in terms affecting the very fateful decisions of life in the society. And so the one dominant characterization of that kind this seems to me like profound truth of culture that you live in, in a working class area, is a characterization of profound powerlessness. Of not being able to really determine your own future in your own way. To that extent you're constantly involved in an effort to prove otherwise. To prove that you really are something. That you really do count. That you really represent some sense of power. Often times this relates to one's own kin unit, a tremendous sense of what we might call kin chauvinism, ethnic chauvinism and fundamentally for the male working class youth, a pattern of intense male chauvinism. That male chauvinism is one that focuses primarily on penis power. That's where you become powerful, through your penis. By literally not only expressing your dehumanization in a profound way, but by brutalizing other persons, primarily women in your neighborhood. Just as your old man brutalized your mother. And so you grow up in a household, and in a neighborhood, that is oppressive, that is fundamentally oppressive. Yet you're trapped and the only way you can get out of it, in addition to this kind of penis power, is through a sort of entertainment route. You know, like you can join the Golden Gloves and get your face smashed in or smash somebody else's face so that you eventually get into a prizefighting ring. Or you become an all-star, all-city quarterback in football, which I was, and at each moment you have to prove and demonstrate your male prowess and your male power and your masculinity, which involves brutalizing other persons. That's reinforced fundamentally in the basic socializing agency in the working class area, namely the working class school. See, that's your first Marine Training Camp. That's where you do what you're told. That's where you learn to be an automaton, and it doesn't necessarily come from loss of sleep. It comes out of a very rigid custodial jail, that is termed an elementary school, and that is termed a high school. You're trying to break out at all times. Where can you break out to? You can't be a man hero; you can't be a football hero; you can't be the leading outstanding boxer; you join the service.

You join the military. And what has happened fundamentally in Vietnam, that I think relates to a certain kind of awakening and a sense of liberation, a certain kind of struggle on the part of the GI, is that they were placed in the midst of fighting a people, fighting working people like themselves, fighting people who are struggling for a certain kind of dignity of person, fighting a people who were struggling against a similar kind of oppressiveness. I was in Vietnam recently, as recently as last November, but I was North, and I visited working class families. I visited women working in textile factories, I visited workers working in the factories in the caves, I visited working class and peasant homes. I saw men in Vietnam walking down the street hand in hand. I saw them embracing one another in public. I saw them hitting one another's heads. I saw them touching one another tenderly and they were soldiers. I think what I'm trying to say is that the oppression, the dehumanization is very, very deep, extremely deep. It is not a question of becoming somehow dehumanized as though you left the States as a humanized person and somehow you become dehumanized and now we have to put you back to where you were. The fundamental normal characterization of people of our society who suffer this oppression is a form of dehumanization. That may not necessarily make you psychotic in terms of some kind of category of syndromes, but the fact of the matter is, that all of us, each in our own way, have been brutalized and dehumanized and we're already bullets before we go into the military.

MODERATOR. One of the problems that this country faces is the fact there's been 2½ million men that have served in Vietnam and that's an awful lot of manpower whether it's going into factories or just dropping out of society. Some of us are coming back with physical scars and some are coming back with emotional scars. Sitting beside me is Charlie Stephens. Charley was in the 101st Airborne, and he's brought back maybe some of those invisible scars that I think a lot of us have. Charley, why don't you talk to us for a couple of minutes and tell us about what in ——— coming down man? Why can't you get any help?

STEPHENS. When I came back to the United States in 1967, I know that some of the things I did in Vietnam I wouldn't have done prior to going over there. At least I don't think I would have done it. But I knew something was wrong because I could still do those things now that I was back here. I had thirty minutes of debriefing, a steak dinner, and a guy patted me on the back and said, "Well, you did a good job in Vietnam. Now you're back home, forget it." It just didn't work that way because when I was on leave I would get uptight, I'd get very irritable. If someone says something to me, I get real excited sometimes.

I can't answer a person. Maybe we'll get into an argument or something, and I can't give them the answer that they want. They start to, you know, like really pressure me for for an answer. I'll get uptight, and I might swing at them. I won't think twice about it 'cause I was taught it's better to give than to receive. A chaplain told me that: "Do unto others before they do unto you." I don't know 'cause like I came back here, I went to a psychiatrist. Where was the first one? Well, before I went over, I went to a psychiatrist at Fort Campbell, Kentucky because after my paratroop training I thought it was all over. When I got to my unit I was still a cherry, so they threw me out of the window twice with a poncho and told me to make my cherry blast. I went to a psychiatrist the next day because a sergeant reported that he saw me jump out of a window twice. Well, when I came back from Vietnam, I went to a psychiatrist again because of the things I did, cutting off ears, castration. I was a medic, but we did all this. They wanted to get an accurate body count so you cut the right ear off everyone you had killed. Now, I was taught in Fort Sam Houston that we just supposed to carry our weapons for our personal protection and our patients' protection and that we were supposed to treat the enemy the same way we would like, treat an American soldier. Several times I had to leave like women lying in hammocks dying, one lady suffering from a chest wound. I know the lady died and there were two babies left unconscious. The lieutenant told us to just go sit up on this hill, and the next day when they were burying the dead, they were burying these two babies too. They were alive when we left that village. We had guys up on top of the hill firing down with machine guns at these people, and at that time it didn't, you know, it really bothered me, but I was afraid to speak on it. And before I realized it, I was doing the same thing. When I came back here, well, now I'm out of the service, I've been going to the VA for treatment since 1968, and every time I go to a doctor, he says, "Well, you'll be alright in a couple of years, six or seven years, you'll be alright, so don't worry about it." So finally I got one psychiatrist that seemed to like really be interested like in treating the guys. But this guy he's so busy that you can never see him, and then if you go down, I have a peptic ulcer also that I got in the Army, if you go downstairs for medical treatment like for my feet or for my ulcer, if I go downstairs for medication, they say, "Well, you don't need any medication because it's all in your mind. It's all psychogenic," they tell me. And that's the ball game. You get no treatment from the VA, and the doctor that you have like he's so busy, if you're working, you can't see him when you want to.

Moderator. I want to ask a question of the panel in general. Where are we going nationally? Men like Charley and lots of others can't get help. Guys are coming back as drug addicts. They're coming back and finding unemployment, inflation. They can't adjust and relate to the life they had before. and I think every vet here can swear up and down that he could never go back to being the way he was before. Are we going to go through a national guilt complex? Is this country ever going to wake up and realize what the ——— we've done? And if it does, what are the effects going to be? Not just on the 2½ million vets that have already realized this, but I mean on the whole nation and that's open for anybody that thinks they can answer it.

McSheffery. I think there's another thing which guilt has something to do with. That's when you get out and try to get a job 'cause like we see what our system is doing. You know how they survive with this system by mass genocide and stuff like that. How can a guy come back here and really want to make a lot of money?

Bjornsen. I'm sure none of us can answer your question. The war isn't the only conflict, but the war has a lot of secondary conflicts or maybe parallels. This includes certainly the ecological problem, the problem of racism, the problem of oppression and repression. Our federal government is attempting to try to control what they consider a monster they've created. It's hard to say. You know, Marx once said that this country would change without a revolution. Maybe it will.

Galicia. I think we've all sat here, and we've pondered your question and its magnitude. I think that maybe the answer's really simple. That we're just going to have to get the h——— out of there. And that we're going to have to stop doing the things that we as veterans all know we do. And treat the ones that are among us now who are actively seeking it. I think that in time it would go away, like all other natural things, including floods and fires. It would just disappear. I feel compelled to end my part of this thing by saying just this. One of my severest critics brought up a point to me, my wife. She said, while we were out for supper, that she had some fear in her mind that because of the presentation of some of the panels, the words that were being used, the appearance of the people here, that maybe what they were trying to do would have a dampening effect upon the people who were here, who represented the people that they were trying to get to, and that person is the middle American, whatever the devil that means I think we've all got our concept of it. I'm not back long enough to not identify with these people. I identify with them tremendously, and we haven't used such terms up here as "m———" and so on. We all know they exist. And even the kids to my left and right have refrained from this. But I would like to come to these people's defense only from the standpoint that they are trying to tell you what it was really like. And for the most part, I know they are telling you the truth. And that was the language of Vietnam; that was one of the few avenues of expression open to them. You can't try to express an idea without that kind of thing coming back, I think that the thing that impresses me most is not that a man will come up here and tell you about the things he's done. I think that takes some courage. But I think the real courage is for a man to come up here with the gall he's experiencing and tell the things he's done with the definite knowledge in mind that he might not be believed.

Cloke: I'd like to try and follow up on the question, if I could. And also try and follow up on some of the things that Sid mentioned because I think they're quite relevant. I think this discussion has been interesting so far because a large number of things have, I think, been presented to us both in terms of what has been talked about and what hasn't been talked about. I'd like to try and find a way of trying those things together because I think they tie together. I think the framework that we have to work from is expressed in a very famous statement by the Baron von Clauswitz, who everybody knows is a master strategist of war, who said that "war is a continuation of politics by other means." And I think that, that's a fundamental fact that has to be appreciated about war. You cannot separate the problems of individual psychology and the individual psychological problems of people in a wartime situation, or the individual problems whatever they are, that are faced in that wartime situation from the problems of the society as a whole. So, what has not been talked about, except there was one mention of it, are the thousands of different forms of chauvanism and bias and prejudice which we manifest in every aspect of our daily life. The thousand different forms of self-doubt, of self-hatred, of social schizophrenia, which take place not just individually among individual Vietnam GI's, but among everybody in the population. There's not a single person in the United States today who feels like a whole human being. Not a single individual who feels creative, or loved, or worthwhile; or all of those things. And I think that that's a terribly fundamental fact, and it's not just the individual who's involved in that understanding. It's the total society that we live in. So I think that what has to be gotten to is a kind of social psychology of imperialism. A social psychology of the relationship between colonizer and colonized; between racist and the subjects of racism, and in terms of sexism. Another fact that was not mentioned is just the mere simple fact that GI's are in a totally male environment, which encourages and increases all of the natural forms of male dominance and male chauvanism that exists in the society as a whole. The other thing that I think has to be gotten to is some attempt at definition to understand what we're talking about; to begin to put it in some kind of a context so that chauvanism doesn't just appear like an abstract word coming down from the mouths of professionals, but has a reality to it. The same thing is true of the question of atrocities.

What attempts have been made to define the question of atrocity. And I think that that's an important thing that has to be done. The reason it's important is because of the fact that all of those things have subjective meanings, if you will. Subjective, not in terms of the individuals involved, but also in terms of the social classes involved, also in terms of where people are coming from in terms of their attitudes. One does not trust the white colonizer, in Algeria, to make decisions as to what is a colonialist type of behavior. One does not trust a white American to be able to understand all of the different forms of racism within the society, or a male to be able to talk about the question of chauvanism in terms of really defining the ways in which it works, the ways in which it has to be understood. The reason for that is because the facts are just not available to them. We've been raised in an environment which is oppressive in a thousand different ways. And I think that we have to begin to understand the ways in which we have been affected, the ways in which all of our thinking has been affected by that. For example, and this is a problem throughout this whole discussion, I think, is to begin to try and differentiate between form and content, between phenomenon and essence, between the structure of things and the reality, the essence of things. And, on the superficial level, the violence btween the United States and the Vietnamese is identical; they both kill one another. They both shoot one another. They deprive each other of human life. But, in fact, the violence between Vietnam and America, on the part of the National Liberation Front and on the part of the American forces in Vietnam, is not at all identical. It's totally different. And the reason it's totally different is the reason behind the violence. The same thing is true with respect to atrocities. That is, that atrocities are subjective; each side defines atrocities in a different way. And it's not just a question of balancing out the atrocities on one side against the atrocities on the other side. It's a question of understanding why they occur; what caused them to occur in the first place. For example, the wiping out of water buffalo in Vietnam which is considered by the Vietnamese to be an atrocity. Americans don't consider it to be an atrocity because they don't particularly care for water buffalo in the first place. The same thing is true with defoliation.

The same thing is true on a number of different levels. While the sides are at different points in time able to come together and engage in agreements as to what constitutes an atrocity, nonetheless, the major atrocity in the war in Vietnam is the war itself; is the fact of imperialism. Is the fact of exploitation and oppression in Vietnam. One of the reasons why people feel guilt about the use of violence is not just because of the fact that they've used violence, but because they used meaningless violence, violence without any sense, without any direction, without any purpose or cause. So, therefore, for example, the poll that was taken by the HARVARD CRIMSON, I believe, among black veterans in Vietnam, found that 53% of the veterans in Vietnam, while opposing the war, believed that they would use the techniques that they learned in the United States military to fight against racism and for Black Liberation in the United States. I think that the question of why My Lai happened is a very important question, and, again, everyone here knows that My Lai was not an isolated incident, that it didn't just happen at some single point in time, but has happened throughout the war. But the reason that My Lai happened is not because we're winning the war, but because of the fact that we're losing it, because of the nature of guerrilla warfare, because of the inability to resolve the basic conflict that the United States military and, through the form of basic training, prepares people for. The same source of dissatisfaction, you know, "can't get no satisfaction" and all of that, is true for everyone in this society, and we've got to begin to understand the ways in which the problems that the Vietnam veterans face in Vietnam are relevant to us here at home. We aren't just going to learn at this conference of Winter Soldier Investigation from Vietnam Veterans about what happened in Vietnam, I hope. I hope that we will also learn about our own lives, about our own problems, about our own sources of oppression within this society as a whole. And that's the thing that we have to begin to pick up on, to see the interrelationships between all of these different forms of oppression at home and abroad. It's impossible to think about, or to look at, a situation where someone commits an atrocity without attempting to examine the reason that that atrocity was committed in the first place. There's a law which says that internal contradictions are reflected externally. I think the same is true in reverse.

Not only is it true in reverse in the sense that external contradictions are reflected internally, but also the resolution of those contradictions is reflected both internally and externally. And, therefore, we can through meetings of this sort, through gatherings of this sort, through protest, through struggle, through the use of every apparatus available to us, engage in an attempt to discuss these things. Maybe we can begin to see some ways in which we can begin to resolve that problem internally and externally. But you cannot nearly treat the problem of the war in Vietnam in abstract. The only solution, to answer the question that you asked is a total solution and what that total solution amounts to is not decided by us. We are aware of the problem. We're aware of the nature of the sources of oppression within the society. But it's basically up to the ruling class of the United States, including several gentlemen residing here in the city of Detroit, to attempt to give an answer to that basic problem. If we can solve the problems of this country by running people for office, then I think we ought to do that. But, all you have to think about, I think, is what would happen if Huey Newton were elected President of the United States (and how that would be accepted by various people in the United States) to understand that violence is not a problem that is only going to happen in Vietnam. The struggle in the United States, the movement against racism, against war, against repression, against sexism, against militarism, against imperialism in the United States, is a struggle which is already violent. We saw what happened already at Kent State. We have seen the numerous different forms through which violence has affected people in the military, and I think that we have to begin to turn this discussion inward and to deal with our own problems in that respect. The last thing that I want to say primarily is that the solution to the problem is people, and the phrase about "Power to the People" ought not to be just abstract rhetoric. It has a real meaning and people ought to think about the meaning and, and try and understand that meaning. Brecht I think summarized it very well—and I don't have a copy of the poem with me so I'll have to try and paraphrase what he said. He said, "General, your tank is a mighty vehicle. It can crash through forests and tear down buildings. It has only one defect. It needs a driver.

General, your airplane is a mighty instrument. It can fly thousands of miles and drop bombs from thousands of miles above and wreak terror on whole populations. It has one defect. It needs a driver. General, your army is a mighty institution. It has conquered whole peoples and subjected whole peoples to your oppression. But your army has one defect and your soldier has one defect. He can think."

Moderator Thank you, Ken.

McSheffery. I have one short thing to say, I don't know how they can call all these things atrocities because really it's nothing but an All-American with a "Kan" way of living.

Moderator. Dr. Lifton?

Lifton. I'd like to add something also. I agree with much of what's been said, but I guess I've got my additions and qualifications, too. I'm a little wary of the phrase "total solution." It's been used badly in the past. We do need fundamental solutions and I guess we all agree on that. We can't, it's true, we cannot separate My Lai from the rest of American society, and we've got to dig deep into American society and into ourselves about My Lai. But, if you really believe the solution is people, as I think all of us on this panel and in the audience are committed to, then we've got to really consider the people in that solution, and what they become and what they are and how they behave as human beings. In that regard clearly one has to be militant. And I think one has to, in this regard, distinguish, as has been done, between forms of violence and motivations for violence. But I think we should beware of, rather than welcome, the use of lessons in violence learned in Vietnam, in our own society, and elsewehre.

Moderator. Dr. Bjornsen?

Bjornsen. I thoroughly agree with that. I would also like to point out that one of the major problems in the United States is obviously its economics. Two-thirds of our federal budget goes to this war or past wars. We're paying now about a 14 billion dollars per year interest debt, mostly for past wars. One of the solutions is very simple; no more wars anywhere, anytime.

Moderator. I would like to open this up to the people in the audience. I imagine we've stimulated their thought a little bit and I'd like to throw it open for questions. This gentleman here had a question.

Egendorf. I asked for the microphone because although I thought I had testimony to give, for quite some time I was scared and I didn't want to give it. And I didn't come forward until today. They couldn't fit me in, but I wanted to be on this panel. My name is Arthur Egendorf. I served with the 525 MI Group in Saigon, later with a group called the Field Support Group in Washington. I got particularly interested in this discussion because they were talking about the working class, as well as part of the solution being no more war. But people began to hint about institutions, and I think I have some things to say from my own experience in intelligence as to what extent the institutions of this society are very much a part of the phenomenon that we're discussing tonight. It's not something we can deal with just by treating veterans, or by getting the government out of the war in Vietnam, or by proposing a moratorium on future wars, but by looking at all these institutions that the radicals are saying are all wrong. In fact, those of us who came from my background never suspected to be actually involved in the things that we later found out we were involved in. I went to Harvard, majored in economics, worked on a project studying multi-national corporations, did research in Europe on them before being bothered by the draft board, and I enlisted in intelligence. I was told that I would be in areas studies because people with my background should be in area studies and not with the infantry. And I found out in the first day of intelligence school that area studies is spying. I was later sent to Vietnam, and because I speak French, I was set up in Saigon in a position I really wanted. I didn't want to be out in the field. I didn't want to have to be under fire. I ran French spies back and forth into Cambodia. And one of the first things that I had to do there was to arrange to get press cover for my spies.

This, some of the people in the press corps might have heard about, and they might also have heard last year the Army's denial of this fact—that press cover was need for espionage operatives. But it's been a standing policy, covert, of course, since the beginning of the war. Later I found out about Esso Standard Oil being used to provide cover for people in Cambodia; that was a proposed operation. Later when I was sent back to Washington, I found out about x-hundred different companies working through the CIA with Army Intelligence and providing cover and accommodation addresses. About how Internal Revenue Service documents were falsified in order to hide income paid to spies, as well as Treasury Department and Immigration Department documents falsified to aid operatives overseas. And, in fact, a large number of the institutions that I had studied in college, believing that these were things that were going to help toward world peace, the multi-national corporation was going to weld the world together—were in fact working for Uncle Sam; not totally, not everybody committed to Uncle Sam, but the institutions provide a cover for things that are not published in this society. Not because it would be a threat to our national security, but because the people of this country, if they found out about it would probably feel what I feel now. Which is quite a bit of desperation. The feeling that Dr. Lifton talked about—the word is rotten (it's not articulate enough), but that's what I feel. It's rotten. All these old alternatives are no longer there. They have the same taint that the Army has. They're not viable alternatives. I don't know where the new ones are to come from. People who are not only just working class or not the great middle America, but are shining elites are faced by the same problems. We're all in the same boat.

Moderator. One of the situations we face in this investigation is that as publicity has kind of got out about what we're doing people such as this gentleman have come forward at the last minute. we've found out we're not alone. And maybe that's the good thing about it. A lot of men at the last minute have come forth and said they'd like to testify. They have something to offer us. There are an awful lot of people who are in the same boat. I'd like to open it now to more questions.

Question. The question is do the gentlemen of the panel feel that there is something about the United States which more or less predestined and preordained that the course of this war, the policies of this war, the way it was prosecuted, would go the way they have gone, or do you feel that perhaps with wiser leadership, with a different sort of policy making procedure and so forth, it might have been different? Was this an inevitable tragedy, or was it a tragedy that could have been avoided?

Bjornsen. All right Tim, I can answer this. I would like to answer this very quickly from personal experience. When I was in Vietnam they had seven changes of government. We were on red alert twice for removal of all U.S. troops because we were in danger of possible take-over of the government by a South Vietnamese government self-appointed which we could not get along with. We were ready to pull out all American troops as early as August 1964. I'm sorry we didn't.

Lifton. I'll say something as long as we, he asked the two of us at this end of the table, whatever his reason. I'm willing to use the word genocide for what we're doing in Vietnam. I think it's an appropriate word. Because genocide means killing of whole population groups. It also involves moving and destroying the land or as a colleague of mine used the term, ecodide, meaning destroying the entire ecology with defoliation and bombing and the various fire power that we're using in Vietnam. Even though it's true that a sizable population still exists and lives in South Vietnam and North Vietnam too, I think the word genocide, given the extent to which things have gone, is not excessive. I think it's a reasonable word and here, incidentally, I'm willing to follow Jean Paul Sartre when he says that you create a situation, that almost inevitably leads to genocide under certain conditions. These are: a country from an alien but highly developed technology, moving into the area of an alien country with a very low developed technology in a situation of revolution and counterinsurgency. Given that situation, and I must agree with my colleagues here, we must look at this historical and political situation along with the psychological issues, some kind of genocide is very, very likely to result. But, in terms of the second question, inevitably, I think one has to be careful about inevitability about anything. Whenever you study human behavior it's hard to say anything is inevitable, but you can have certain conditions where things are more likely. And given a lot that's been said about the institutions in American life, things that happen in Vietnam have been all too likely. Therefore, I think that we should not, on the one hand, take a position of absolute inevitability; then we wouldn't be able to change things. We've got to change things. Nothing is absolutely inevitable. On the other hand, the war was not a simple accident that we blundered into through some foolish leadership. But rather has to do with a lot of things. Yes, it's a kind of neo-imperialism. It's also a kind of remnant of cold war ideology that has to do with pure American virtue and absolute Communist evil, no matter where these arise. And even though this particular revolution we're ostensibly combatting happens to be over 40 years old and arises from deep national aspirations, as well as being communist, as you know. So these illusions are a source that run deep into American foreign policy, in the fabric of American life and yes, into the American class structure. But I don't think we should take a position of absolute inevitability, rather of making fundamental changes in institutions that take a very different course and avoid that kind of outcome.

PECK. Well, I would just like to follow up that comment first of all by stating that the evidence for genocide is clearly there. Whether one looks at the use of biological and chemical means of warfare as Professor Messleman has at Harvard, in terms of the genocide that has taken place; whether we look at the indiscriminate use of napalming, the use of anti-personnel pellet bombing, or whether we take a look at the bomb tonnage that has been dropped in Vietnam during this period, greater than all the bomb tonnage in World War II, an average of bomb tonnage equivalent to nearly three Hiroshima bombs a week in Vietnam. Now I was in Hiroshima and Nagasaki last August and I talked to the survivors and victims of the atomic bomb, I saw and visited the museum at Hiroshima. And yet in Vietnam that means every 2½ days a Hiroshima bomb is dropped. Now why does that take place? Why is the United States doing that? Why is the United States in Vietnam? That's just a very, very simple question. One could say that we stumbled into Vietnam; that we sort of trickled ourselves into it by a series of miscalculations, a series of errors, a series of misjudgments on the part of the State Department during the Truman Administration and from then on into now. But the fact of the matter is that the United States emerged as the dominant world power in the immediate post-World War II situation. And we emerged in that way because our whole industrial, political and social base was unscathed in this horrible international holocaust. I mean, we were not bombed, we were not destroyed here, but the fact of the matter is that the industrial base in England, in Japan, in Germany, in Italy, in the Soviet Union, in every major industrial power was destroyed, except the United States. In addition, we had attained the use of nuclear power and we proclaimed in initiating our ascendency to a position of preeminence in the world, the introduction of the American Century, Pax Americana. Gar Alprovitz, in his very, very important work on atomic diplomacy has documents in a very definitive way, that the dropping of the bombs at Hiroshima and Nagasaki were primarily for political and diplomatic reasons and, in fact, initiated the cold war. Now you can read the evidence if you like. The point is we entered Vietnam because Vietnam is part of our whole Pacific rim strategy, our whole effort to maintain presence in the mainland of Asia and to effect control over what we consider to be an important market resource area. And when the French, in their colonial rule a kind of graft-ridden colonial control based on the uses of a coastal elite in oppressing and exploiting the Vietnamese peasantry, when the French finally, through the continued perseverance of the Vietnamese movement for a national independence, were in the throes of defeat, we went in there with everything we could. From 1950 to 1954 we poured in nearly 3 billion dollars. Even prior to the defeat at Dien Bien Phu, our now president, Mr. Nixon, along with Admiral Radford and others, was floating the Operation Vulture program, which would have meant American expeditionary intervention at that time including possible use of a nuclear strike. Now, what we are trying to say is that there is a history to our involvement and those of us who never knew where Vietnam was in February of 1965, when LBJ, our peace candidate, (of course we all wore buttons, you know, "part of the way with LBJ") initiated unilateral bombing of North Vietnam.

We didn't know anything about Vietnam or Indo-China and we had to teach ourselves right from scratch; and that's what the teach-in movement was about. And we learned plenty. We learned that the war was not a mistake, that it was not an error. But, it was a calculated expression of American neo-imperialist policies. What went wrong? What went wrong, my friend, is that we could not pull off the Dominican Republic. If we could have pulled it off in five days, there would have been no protest movement. There would have been no struggle against the war. But what we did not expect in Vietnam and what the Secretary of Defense, who was esteemed for his use of computer programming could not program at that time, was the deep will to resist on the part of the Vietnamese people and the fact that their struggle for national independence was rooted not only in an immediate forty year period, but went throughout their centuries of history of struggling against foreign oppression. That it was rooted in their very culture. Therefore, we were immediately faced in fighting a people. We were fighting against a peoples' war. And, where does our strategy come from? It comes from one of the, I assume, instructors of our young brother here, Samuel Huntington at Harvard and Kissinger, too, no doubt. But, I mean, what did Huntington say? What you have to do to defeat a people engaged in a peoples' struggle against foreign intervention and oppression is to dry up the ocean so that the fish don't have any water. That's to say, destroy the logistic base of a movement struggling for national independence.

And, if you want to destroy the military arm of that movement, then you must destroy the people. You must destroy their social fabric. You must destroy their very infrastructure. You must uproot them from their land, you must move them into concentration camps and you must kill them indiscriminately so that a sufficient number are so destroyed, so uprooted, so demoralized, so broken apart that the rest will submit. But if there's anything that I've learned from the Vietnamese, they will never, never submit. Never! I think that what all of us are saying here is that we are fundamentally appreciative of the Vietnamese for that struggle because in the process they save us, as human beings. They give us the opportunity to struggle for our own freedom, our own independence, and our own liberation here.

MODERATOR. I'd like to simply add that if anybody doesn't believe the gentlemen that have participated in the panels today and the panels that will be given the next two days about the question of genocide, that he simply take a trip to Vietnam and go ask a rice farmer how he feels about having his crops blown away; that he ask a Vietnamese mother who has borne a deformed child how she feels about the question of genocide, and you'll get a pretty good answer.

PECK. When I was in Vietnam, I did have a chance to visit some of the bomb victims. We're under the impression, of course, that bombing of Vietnam has really ended north of the 19th parallel since the April Fool's speech of LBJ. Also, we think that that's the case since October 1968. But, I carry with me, and I always will, these photographs of three bomb victims that I met. I asked the attending physician to have these photographs made after I met with them. This is the young woman, aged 21, Miss That who was the victim of a napalm bomb in December 26, 1969; and you see her leg, it's as though she's resting it on a bench. Well, the fact of the matter is, that's the permanent position of her leg. The napalm has so shriveled up that skin that the leg cannot stretch out at all. And they've done innumerable skin grafting already and they will continue to do it. She just doesn't have use of that leg and it will retain itself in that permanent position. The next one is a 22 year old saleswoman, who was struck by a pellet bomb, on March 28, 1970 and only survived because a person, who was killed by the pellet bombs, fell on top of her. But she has six pellets embedded in her body and they can't be removed. One is on the back of her neck and, as a consequence, the arm is completely paralyzed and subject to every whim and change of the temperature and to touch.

I just sort of reached out to her hand, and she just retreated in pain. And then here is a young farmer, aged 26, who was bombed in late '68. And he was bombed by a phosphorus bomb. Phosphorus makes for intense burning of the skin and his whole body is disfigured. You can see his arms and his whole face was blinded by it. He has one of his eyes restored. And I don't believe that I am responsible for that bombing. I mean I'm trying to say that to myself. But when you look and when you talk to Vietnamese and you see what is being done to a whole people (and this is just three of a whole number of people, every family in Vietnam no longer has members of it and I think you just have to understand how deeply loyal and close they are to their own kin and to their own family) you know what this means. I can only tell you when you ask is there genocide in Vietnam, I've seen the villages that have been leveled. I've seen the fantastic bombardment that has taken place there. I haven't seen it in the South as the GI's and others have seen it. But anybody going to Vietnam can tell you that the people are being destroyed and the land is being destroyed and it's summed up in that horrible, absurd, dehumanized, brutalized phrase that in order to save the village we had to destroy it.

GALICIA. I think that each of us comes home with this kind of thing. I offer you a picture that was sent to me by a good friend of mine of a young Vietnamese girl. This was a 2nd Lt. who did my work for me down in the Delta. He's written off the back, "In the eyes of a child one can see what to most of us is a memory of life and love and being free. A child again can I ever be? Signed, Steven?" And he says, "this child's sister was just killed by wounds inflicted by misdirected U.S. Artillery fire. Pray for peace."

GEYMANN. How many times on television at night can you see John Wayne killing dirt yellow ———— on television? It happens every day. I dare somebody in this city, in Detroit to go to a TV network during the day and not find at least one war movie where they're killing yellow ———. That's genocide on just more than the Vietnamese. That's on the whole yellow race. You don't see them killing Germans because they're white. You don't see them killing Italians 'cause they're white. But something from the Orients' yellow, and it's not to be trusted.

CLOKE. I really didn't plan this but it fits in with the comments that I made earlier in terms of the question of genocide and the relationship back into the United States. I just received an announcement that many of you know about Chicano Moratoriums that take place in Los Angeles and have taken place. There was a Chicano Moratorium in Los Angeles today and there is already one person dead and six persons wounded in the hospital. That's a concrete illustration of the fact that it doesn't just take place in Vietnam. The Chicano Moratorium is a group of Chicano persons in the United States, concentrated in Los Angeles, that has had a large number of demonstrations against the war, pulling out as many as thirty and forty thousand people. Each time they have demonstrated they've been met with police violence and police brutality to an extent which the white anti-war movement has not really seen. It has been very clear that police have provoked incidents of violence with the Chicano leadership and have used indiscriminate harrassment and brutality against them.

MODERATOR. A woman from the audience has more or less charged us with sexism because we don't have a woman on the panel. Well, madam, the fact is that there's very few women, and this is a credit to them, that have picked up guns and bombs and killed Vietnamese and that's mainly who has testified today. There's very few women involved in the war in Vietnam. Most of them are nurses. Some of them have returned and are continuing the struggle. If you'll come tomorrow, you'll hear a woman talking on the prisoner of war situation. You'll hear two of them, in fact, a mother of a prisoner and also a woman who was working with the Friends of Vietnam who was taken a prisoner of the NLF, and they will be talking on these points from a woman's point of view.

CLOKE. Nonetheless, I think that the point that was raised is a very legitimate one because we are talking about the psychology of GI's. Part of that psychology relates to the question of how, for example, people who participated in the military in an all-male institution again, in terms of not just Vietnam but in terms of basic training and the work that happens in the United States, the ways in which their family life is affected by that and, the ways in which their attitudes towards women are affected by it. What is true of the attitude toward the Vietnamese as being gooks, is identical to the attitude toward women which exists inside the military. Some attempts to reach them are taking place in the form of attempts to reach GI wives, dependents and women in the military. There may be some people here who would be able to talk more about that. But I think that the point is directly relevant.

Audience question. I was with the 4th Infantry and 9th Infantry in 1967 as a rifleman. Ever since I got back, I've been working in the peace movement, mainly with veterans. I want to direct this question to Mr. Lifton. I skimmed over his book on Hiroshima and I kind of get the picture that you're not sure of what's going to happen with those of us who've returned and have this feeling of wanting to die, that you mention, or wanting to kill. And there's 2½ million veterans and I don't know what percentage involved in the peace movement, I was just wondering if you could comment on that? Secondly, I know that we've been trying to get work within the government to try to get help and make the problems of the Vietnam veteran known. How are you coming along with this?

LIFTON. The first question has to with really the fate of millions of Vietnam veterans. Will they take a direction of violence and chauvinism and really tie themselves to reactionary and chauvinistic political movements in this country and tendencies? I think there's a real danger of that and I think we should be aware of it. We were discussing informally and we don't know how large an issue this is, but it may be a very large one indeed.

There is a tendency of a number of GI's to get out of service earlier by showing a willingness to join the police force. Now it's very possible, we can't prejudge it, but it's very possible that the most chauvinistic of the GI's, those who want to keep on a violent pattern that they learned in Vietnam or they learned before that but had intensified enormously in Vietnam, that they'll simply maintain that. I think there is an important psychological point here. Anybody who comes back from Vietnam, just as anybody who underwent an atomic bomb in Hiroshima, in fact, anybody who undergoes any extreme experience involving massive death, becomes a survivor of that experience and in Vietnam one has the added element of having been, as I suggested before, an executioner as well as a victim in many ways. Now the survivor can fundamentally go one of two directions. He must, no matter what direction he takes, find significance and meaning in his life, because he's struggling too, in some way, reintegrate himself, find integrity in his life in a very personal way and in his overall world view and his general, larger political and ethical position. He can, in the traditional way of veterans, as veterans usually have in this country, take the direction of more chauvinism, more war, defending war and fighting as you saw in those little demonstrations outside today, objecting to anybody who wants to take peaceful direction or direction of fundamental change and transformation. There's a very real danger that a large number of veterans in this country will follow that. What I think is encouraging, on the other hand, is the enormous number of veterans who are struggling against very great odds, but with considerable success, to take the other direction, that is, finding meaning and exposing the very meaninglessness of the Vietnam war. But not only that, but finding what led to the war, giving form to the experience. That's more difficult, but a much more profound and a much more beneficial and noble direction that veterans are taking. And I think that it may be that if all of us work hard enough, we can swing the thing for the great majority of Vietnam veterans to move in that direction. Because there are large and important ties between veterans and youth culture and between veterans and militant political groups of a number of kinds. The thing I would add to that is that it's a complicated personal transition and I think it's all too easy to reverse the kind of paradigm I mentioned before, the cold war ideology; that American posesses all and total virtue and America's alleged enemies, the Communists, reflect total depravity. It's easy to reverse that, to see all too easily, I think, America as possessing total evil, the only evil that's ever been felt in the world.

Clearly that's not true. But it happens that America is perhaps the most destructive force, given our technological and social structure, that the world now faces. If that's so, what we have to do is draw upon whatever positive and humane traditions, and there are some, the fact that we meet here in this way perhaps attests to this, that exist in American life, and strengthen them and deepen them and transform the rest of American life into that positive direction. Not sink in a mire of breast-beating about total evil. I want to say another word about the second question that he raised because that's important, too. I did testify before the Cranston Subcommittee. I do believe that veterans need much better facilities at all the veterans hospitals. That they've been a scandal; everybody knows that. In fact, the administration has apparently blocked whatever efforts Cranston's group has made to increase facilities for veterans. But I confess that my appearing before that committee, as I made very clear to the people when I went there, was not for the purpose of getting better facilities primarily, although that would be fine if that happened, but rather for the sake of publicizing the full breadth of the problem that we've been discussing tonight about brutalization of our whole society as reflected in the veteran's problems. And I guess what I really believe in (it's a small thing but lots can grow from it) are, as some of you in the audience know, informal rap sessions in offices of peace-minded veterans groups. They help vets to really come to terms with themselves and find their bearings along the lines we've been discussing, but also they help again gain information and publicize and spread over various media some of the things that we've been talking about tonight. I think that can grow in various ways that are unpredictable; along with many other movement efforts.

Question from the Audience: (not audible)

Dr. LIFTON. I was asked whether the process of basic training can be compared to a so-called though reform process that I described in an earlier work on Communist China, or so-called brain-washing. Let me make clear that when I described that process in an earlier study, what I tried to do was take a specific series of examples and then apply them universally. The issue there was not even the nature of the political movement so much as the process by which men's minds could be molded and narrowed. The McCarthy movement in America at that time, which was then rampant, was another very vivid example that I spoke of and developed. The problem then became not Chinese thought reform so much, as a general tendency anywhere, in any society, toward totalistic thought, toward an absolute point of view which totally taints with guilt and even non-existence, the threat of non-eixstence, whether through murder or some other form of the equivalent of non-existence by being tossed out of soceity, as in the case of certain Russian writers now who are protesting that that pattern of totalism, or ideological totalism, has to be defined. And I tried to set up certain criteria for it. Getting back to basic training in American military units; I think it falls into most of those categories and a colleague of mine, who I hope will be here tomorrow and the next day, Peter Bourne, who has studied basic training and also studied combat, has actually used examples and quoted work that I and other have done about thought reform or totalism and demonstrated their existence in American military basic training procedures. You must remember that what is characteristic of this kind of process is that a man is made to feel extremely quilty, as if he doesn't exist at all, can't exist, and is threatened with terrible harm unless he takes a very narrow, and in this case, very brutalized pattern, adopts it as his own, internalizes it, and then expresses it. I think basic training has to be looked at very severely in this light.

MODERATOR. I had a question passed up to me. It says, you speak of racism. Why is there no representative of black GIs on the panel when more blacks, per capita, are sent to Vietnam?—and it's signed "A White Canadian." If the gentleman hadn't run off to supper, he would have seen a very interesting discussion on racism with a black vet, a Chicano, and Indian veteran an Oriental veteran and a white veteran. We have quite a few black veterans who are going to testify. Let me say one thing else on the subject of racism. Blacks have been talking about racism for years; they've been trying to get it across to white people. I think it's important that we White are understanding it now; that we're talking about it, too. And the fact that these veterans who are predominantly white, understand that it's racism that's screwing up the works is very important step in building a new America.

QUESTION FROM THE AUDIENCE. Not much of the panel is along these lines true because if we need a total solution, we have to understand that there's a total problem. When we're talking about genocide I don't think we want to think only about the genocidal acts in South East Asia, but the genocide of 25 million blacks in America. I'm not talking about the repression of the Panthers. I'm not talking about Angela Davis. We expect intellectuals to be repressed and to be killed off. I'm talking about the people in the ghettos. Five years after the Hough fires those houses are still standing, gutted, homes for rats and for other things which are not good or healthy for babies and other living things. I would like the panel to discuss for a moment the effects of having two-thirds of our national budget being spent in Vietnam and what this does to genocide of 25 million Blacks.

MODERATOR. I'd like to open that with just one thought. The war in Vietnam and racism are so closely related that now the National Guard has M–16s in my home state, which is Ohio, and you know Detroit and lots of other places, that are inter-city areas, have been subjected to the concept of free fire zones, which were developed in Vietnam. So I think there's definitely a close tie. Ken would you like to talk on this point?

CLOKE. Sure. I think that one of the things that needs to be said about that problem is the way in which the United States creates, intentionally creates, categories which allow racism to foster and to develop. The primary category is poverty. The ways in which that happens in terms of the international relations of the United States and the ways in which it happens at home are very nearly identical. I think that part of the discussion has to deal with a question of the economics of racism in terms of the way in which poverty is reinforced by a social system which, I think everyone will recognize, can be called capitalism in which there are large numbers of people who own the major instruments of production and distribution in the society and who, by virtue of that ownership, force other people to sell their labor power and work for a wage. That fact ought to be clear to people here in Detroit more than maybe in other places in the country.

But the creation of a whole class of people, a whole category of people who are incapable, rendered incapable, not by virtue of their own activity but by virtue of the activity of the social system in which they operate, of participating in that society as equals, is part of a total historical process and I think that it has to be dealt with in that way. I don't think that its possible to look only at the United States of America in the 1970's and to examine the question of racism and to think that it has to be examined on an historical scale. For example, the ways in which the United States forced Cuba to produce sugar cane. The ways in which the United States forced other countries of the world to produce items which would be economically beneficial to it. And all in the name of what some people have referred to as the multi-national corporate scheme of world development. The fact is that at present the United States is, and American ruling interests are, deeply involved in the extraction of the wealth of the world from different parts of the world. That wealth exists not only in the form of natural commodities, that is, items for sale, but in the form of the human commodity also, labor and labor power. And it's important for us, I think, to see the question of racism in those terms. In addition to that, there develops alongside of that, and with that, a kind of social psychology of racism. A kind of social psychology of oppression which, I'd recommend a book which I'm involved in reading right now, which is a book by E. Memé called *Dominated Man*, which talks about the problems of racism, the problems of colonialism, the problems of sexism in terms not of one country at a given historical period in time, but it attempts to extrapolate from that experience and to generalize in the experience. And the conclusion, I think, that you come to is a conclusion which Sartre reached in his introduction to Franz Fanon's book, "The Wretched of the Earth," where he says, at one point, that the engine of colonialism turns in a circle and that you can hardly distinguish its daily practice from its own objective necessity. In other words, you can hardly distinguish what is done on a daily basis from the necessities of that system in operation. The most important thing I think which we've been trying to develop here is the idea that all of this is part of the system. That is, that there are not just isolated individual sources of oppression that exist within the society as a whole, here is not just on the one hand, the oppression of blacks and on the other hand, the oppression of women, on the other hand, the oppression of Vietnamese. But that all these dovetail; come together and integrate and that part of the process of our political awakening is discovering ways in which these things are integrated. When I spoke earlier about total solution, that was what I meant. That the only way in which you can begin to reach the fundamental problems of oppression first particular groups of people is to see the general oppression that exists throughout the society; to understand some of its general features, its historical evolution; the ways in which it originated and grew.

The difficulty in terms of dealing with questions of racism and sexism and imperialism, I think, are primarily, at this point, problems in how we organize ourselves in such a way that we understand that even though we're against this process in some kind of total sense, the ways in which we exemplify and participate in this process on a day-to-day level. This is particularly coming to the fore right now with the women's organizations that are growing and multiplying around the country. But it's a problem that exists for Vietnam veterans also. It's a problem that exists for everybody in the society. The ways in which the process that you go through, the political process that you go through, tends not to be critical of the society that you operate in. It tends to assume all kinds of things and to take things for granted. The ways in which, for example, in the early phases of the civil rights movement that whites moved into the South and essentially, in many respects, ran the civil rights movement. These kinds of problems I think lead to one general thought in terms of a solution and that is, the integration of united and separate organization. The integration of, on the one hand, the right to complete total self-determination, the right to complete total separation at the same time as demonstrating in some concrete ways the ways in which our interests are all united. The ways in which we have to get together in order to solve the fundamental problems. And it's not just a question of eliminating racism, or sexism or the various forms in which we've been brutalized by this society. It's also a question of complete and total necessity on our part to recognize the ways in which we act and the ways in which we oppress other people in order to be able to reach a point, a level of development, where they can provide a real basis for a voluntary agreement between people; where we can unite women, blacks, white working class intellectuals, mental workers, people from towns, people from counties, people who are in the military, people who are civilians. What I think we have to keep in mind is this dynamic that exists in terms of separateness and unity. The only other thing that I'd like to say about it is that there is no clearcut solution to any of those problems. The part of the process that we're going through right now is the discovery of the fact that even revolution, in places where revolutions have taken place, has not solved those fundamental problems. That what is required is some form of revolution inside the revolution. That process is not something that takes place at one appointed period in time, but it's a process that takes place throughout that period in time. So, therefore, I think that attention should be called to the use of the word "boy" in terms of black people; the use of the term "girls" in relationship to women; these have occurred right here in this panel and have been part of this very presentation. The absence of black people and women on the panel, I think is something that illustrates that basic point. And what we have to be conscious of is the fact that as Vietnam veterans call tell us—Vietnam veterans who came into the war effort believing in all of the ways in which this country is oppressive and manifesting that oppression in their own relationships with other people—we have to realize that we're in the same boat. That we have to begin to deal with those problems also in order to be able to do anything about it.

MODERATOR. We have time for one more question.

Question from the Audience: I'd like to ask Mr. Lifton a question about violence. I'm a Vietnam veteran. Other veterans have come back from other wars expressing a certain intense hatred or dissatisfaction, perhaps not based on quite the same kinds of things that we base ours, Robert Ardrey, Desmond Morris and others, perhaps more respected than they, have written about territorial imperative, basic instincts of man towards violence. I wonder if you'd comment on this as it might pertain or if it does pertain, to Vietnam, and our participation, or anybody's participation there? And beyond that, whether or not youth culture, or youth consciousness is any kind of solution?

LIFTON. It's a big question for the last one. But I'll try to answer in a few sentences. The question, of course, is about violence, and how much of it is kind of instinctual and inevitable producing, Vietnam, and even after Vietnam in other wars. I'll make two simple points: one, that I think that violence always follows upon war, because there is such a thing as a habit of violence, and there are lots of other psychological and other patterns that perpetuate violence after war. But I think that there are degrees of violence, and there's an unusual or unique extent to which the Vietnam veteran feels used, betrayed, victimized, and therefore his violence, his potential for violence, may be considerably greater. It doesn't mean that that's inevitable, returning to that word. I don't believe in the Ardrey and other—Konrad Lorenz' theories about instinctual violence. I think that those are old 19th century, biological visions, that most thoughtful people in this realm don't accept, even though they've received a great deal of publicity. It doesn't mean that human beings aren't a violent race or violent species. Indeed, we seem to be among the most violent. But I don't think one can simply explain that away by biology. What you must say is that human beings, in a combination of history and upbringing or socializing or civilizing, call it what you will, have an enormous potential for violence, but that there's an enormous variation depending on the way in which it's symbolized, and the symbolizing patterns, the principles of relationships between people, and that's why, yes, male-female issues are very pertinent to all this. Relationships in families, domination and suppression, all these perpetuate, or make the maximum potential for violence emerge. So, I don't think violence is inevitable and instinctual. I think it's always there as a possibility. I think one has to work terribly hard to create new forms, in which youth culture, as you say, is a beginning. Youth culture is at the beginning of an idea; it's not the end of an idea. And it has a magnificent kind of idea about moving beyond violent solutions. But it's just the beginnings of that, and there's an enormous amount of work that must be built from there and from other sources.

CLOKE. I'd like to add just one short comment to that. I think that one of the sources of violence within the society is contradiction, is irreconcilable contradiction among people. That contradiction can be of many different sorts and varieties, but the basic problem of violence, I think, is not resolvable without dealing with the problem of where the violence came from to begin with. And how you can eliminate that violence is the most important aspect of that. For example again I think that we have to go back to the Vietnamese and the reason why that's so important is because that superficially it's quite possible to compare the violence of the Vietnamese and the Americans. But, in fact, the violence of people fighting for their own right to survival is of a whole different category from the violence of people who are attempting to prevent them from surviving in any viable way. I think the same thing is true in the United States again, and that only eventually can you speak about the elimination of violence. And only in terms of the eventual elimination of violence, can you begin to get a grip on it, if you begin to see where that violence comes from in this society as a whole. There's also a kind of logic that works in modern society, which inverts the real cause of the relationship, and makes the effect seem like the cause. For example, I can analogize from law. The law that says "Thou shalt not steal" originates at a certain period in time. There is an attitude among lawyers in the society that that law exists for all periods in time and describes all relationships. But it's just an elementary thought that leads you to conclude that the law "Thou shalt not steal" arises at a particular point in time, and that particular point in time is when on the one hand, there is movable private property, and on the other hand there is a need to steal. That is, scarcity, poverty, and, therefore the law "Thou shalt not steal", in fact, indirectly reflects a social need to steal on the part of the society. And that's true with a number of different laws. A law which says that thou shalt not drink is illustrative of a society that has created inside of it a need to drink. A law that, or a society that promulgates laws against possessing weapons, has created a need to shoot, etc. In all of these areas there's not a simple one-to-one correlation, but someone mentioned the question of inevitability, and while it's true that there is not absolute inevitability, there is relative inevitability. And those are the kinds of things that are relatively inevitable. Perhaps the major source of violence in the society as a whole is that contradiction between people that we've been speaking about, and the only way of eliminating that even at its most basic levels, is to eliminate that source of aggravation of it.

PRISONER OF WAR PANEL

Moderator

Don Duncan, M/Sgt., 5th Special Forces, (196-65)

Panelists

Howard Zinn, Professor of Political Science, Boston University

Stephanie Caldwell, Sister of James Warner, Prisoner of War in North Vietnam

Jon Floyd, 24, 1st Lt., VMA 533, Marine Attack Group, 1st Marine Air Wing, 1st Marine Division (from February 1967 to July 1968)

Jon VanDyke, Attorney. Worked in State Department in 1966 on POW matters. Now Visiting Fellow at the Center for the Study of Democratic Institutions in Santa Barbara, California.

George Smith, E-6, 5th Special Forces (Taken prisoner by the NLF in 1963 and released in November, 1965)

Dr. Marjorie Nelson, medical doctor, worked in Child Day Care Center, Rehabilitation Center for Civilians, Treated prisoners in Vietnam; captured in Hue during the Tet offense in 1968 (from October 1967 to October 1969)

Virginia Warner, mother of James Warner, American Prisoner of War in North Vietnam

Jon Drolshagen, 26, 1st Lt., April 9, 25th Infantry Division(from 1966 to 1967)

Veterans testifying

Don Dzagulones, 23, SP/5, 635th Military Intelligence Detachment, attached to 11th Infantry Brigade, Americal Division (from January 1969 to December 1969)

Steve Noetzel, 31, SP/4, 5th Special Forces Group Augmentation (from **May** 1963 to **May** 1964)

DUNCAN. Good morning. This morning the first panel relates to the issue of prisoners of war. Yesterday, we heard some testimony, or quite a bit of testimony, some of it very repetitive, relating to the treatment of prisoners, Vietnamese prisoners, in the hands of Americans. Today we are going to talk about the treatment of Americans in the hands of the Vietnamese. It's an emotional issue, and it's one certainly causing terrible discussion in this country right now. It seems like the whole war issue has centered around the prisoner of war issue. On the panel this morning we have more "alleged" veterans, some of whom "alleged" to have been prisoners of war in an "alleged war." Again I would like to remind you that this is not a mock trial. We are presenting testimony into an investigation relating to the prisoner of war issue, war crimes in general. My name is Don Duncan. I am a veteran. I served in Vietnam in 1964 and 1965. I was a member of the United States Special Forces. At this point I will have the rest of the people at the tables introduce themselves in turn to you.

ZINN. I'm Howard Zinn, I teach Political Science at Boston University. I'm a veteran of the Air Force in another war, but I'm here today because I went to North Vietnam in early 1968 with Father Daniel Berrigan to bring out the first three American pilots who were released as prisoners by the North Vietnamese.

FLOYD. My name is Jon Floyd. I was a pilot with the Marine Corps and I served in Vietnam in 1968. I flew missions over both the North and the South. I was discharged in December of 1969.

VAN DYKE. My name is Jon Van Dyke. I'm an attorney. I worked in the State Department on prisoner of war matters in 1966. I'm now visiting fellow in the Center for the Study of Democratic Institutions, Santa Barbara.

SMITH. I'm George Smith. I was a member of the Special Forces Aide Team in South Vietnam in 1963. My camp was overrun. I was captured by the NLF troops and held prisoner for two years and released in November 1965.

NELSON. I'm Dr. Marjorie Nelson, and I'm not a veteran. I was in Vietnam from October of 1967 until October 1969. I was captured in the Tet offensive of 1968 in Hue.

CALDWELL. I'm Stephanie Caldwell, and my brother is a prisoner in North Vietnam. He's been a prisoner since October of 1967.

AUDIENCE QUESTION. What is your brother's name?

CALDWELL. James Warner.

WARNER. My name is Virginia Warner, and I am the mother of James Warner, who has been a prisoner in Vietnam, North Vietnam, since 1967 in October. I'm here to ask the American people to help get this thing over with.

DROLSHAGEN. I'm Jon Drolshagen. I was a lieutenant. I was a prisoner of war interrogator. I was in Vietnam from '66 to '67.

DZAGULONES. My name is Don Dzagulones. I was an interrogator also. I was with the Americal Division in Southern I Corp. I was inducted into the Army in December 1967. I spent 1969 in Vietnam.

NOETZEL. My name is Steve Noetzel, and I'm from Floral Park, Long Island, New York. I was drafted in 1962, in July. I went to Vietnam June of 1963 and stayed until May of 1964. While in Vietnam, I was attached to the 5th Special Forces Group. I was a member of a psychological warfare civic action team. While in Vietnam I traveled extensively through the Mekong Delta with our spy war efforts, and during this time I witnessed several incidents of mistreatment, maltreatment, of prisoners and that's what I'm here to testify about today. I now work for the Bell System. I'm in management at their headquarters in New York.

MODERATOR. Mr. Noetzel, we'll start the testimony with you. Please explain specifically where you were in the Delta, and elaborate on this mistreatment, some specific instances, please.

NOETZEL. Right. Before I start maybe some of the media people are interested in some kind of proof that I was there, I am who I say I am, was what I say I was, whatever. This is my DD-214 form discharge from the Army. It tells what unit I was in in Vietnam and when I came back. I have a commendation letter from a Brian Mills, who was the spy war director for the CIA in the embassy in Vietnam in '64. Attached to the commendation letter is another commendation letter from Col. Theodore Leonard, who was the commander of US Special Forces at the time.

I have several sets of orders, sending me on different missions in the Mekong Delta. I have an after action report, and official copy of the after action report, from our Civil Affairs Augmentation Team No. 4, U.S. Army Special Forces Provisional, Vietnam Detachment B-5410, November '63 to April '64. I have about 100 pictures from different places in the Mekong Delta, including many recognizable places to any reporters who may have been in the Mekong Delta, including figures like Henry Cabot Lodge, who visited our camp at the time that I was there, and pictures, maybe somewhat incriminating of a forced work detail of Viet Cong prisoners. If that's not enough, I have a copy of a statement that I made to the U.S. Army concerning the things that I had seen. Its been brought out a few times yesterday, I guess, that some people may or may not be willing to make a statement about what they had seen. I'd like to read to you just a paragraph from the affidavit that accompanies this statement. "I, Steven S. Noetzel, hereby certify the attached eight pages to be an exact copy of a statement concerning my personal observations of war crimes committed by United States and South Vietnamese military personnel while I was on active duty with the U.S. Army in South Vietnam. I further certify that the original of this document was forwarded to the U.S. Army 12th Military Police Group, Criminal Investigations Detachment E, Military Ocean Terminal, Brooklyn, New York, 11250, care of Investigator William H. Bass, on September 12, 1970, for their subsequent investigation. I further certify that since that date Investigator Bass has acknowledged receipt of the original document and has assured me that an investigation is now in progress. To this affidavit and to each of the eight pages of the attached statement, I have affixed my signature and solemnly swear to the truth of all statements therein." This is the statement that I will be speaking about today, and these are the incidents that are in this statement. Finally I was contacted, I believe on Wednesday of this week, by a reporter from the Detroit Free Press. He called me at my office in New York and asked me if I would give him my Army service number and so on so he could check out my validity at the Pentagon. He had reason to contact Colonel Heath at the Pentagon who said he knew me. I asked the reporter what Heath said about me, and the reporter said that Heath said that "Noetzel is okay." The first incident that I will speak about happened in November or December of 1963. I was stationed in Can Tho in the Mekong Delta and was trying to hitchhike a chopper ride to Saigon. The only flight going to Saigon on that particular day was a five chopper flight.

They were transporting some 16 prisoners, South Vietnamese prisoners, who had been interrogated at several levels before being sent to Saigon. They were transporting these prisoners in two helicopters, double-rotor helicopters, H–121. There were eight prisoners brought onto each helicopter. They were tied, their hands were tied behind their backs, and they were tethered together with rope around their necks, and about a six-foot length of rope to the next prisoner. A string of eight of them like that were put on each helicopter. With them were about an equal number of South Vietnamese or ARVN troops as guards. Also on that flight of five helicopters were three gunships, HUIB single-rotor helicopters. I flew in the first of these helicopters. The point helicopter. We were to fly support for this mission to bring these prisoners to Saigon. Incidentally, during those days, prisoners were brought to Saigon for a six-month rehabilitation program and then they were released after the six months to go back to wherever they wanted to go, that is, South Vietnamese or NLF prisoners. We took off from Can Tho. We heard, or I heard, (I had a headset on), the radio message to Saigon. We got in contact with NACV headquarters in Saigon, told them we were coming with 16 prisoners, and they said they would have a greeting party for us at Tan Son Nhut Airport. We flew in one direct nonstop flight. All the ships stayed toegther the entire flight, about an hour and ten minutes or so. No helicopter left the group at any time. It could never have caught up with us if it did leave, and land anywhere. We landed in Saigon, I got out of the helicopter, and there was a greeting party there to meet us, a colonel from MACU and some other field grade officers. They had a paddy wagon to transport prisoners and so on. When we got off the helicopter, there were exactly three prisoners left on one helicopter, and one prisoner left on the other helicopter. These prisoners were now bound with their hands behind their backs. They were blindfolded, and of course no tether or no rope around their necks attaching to any other prisoners. I instantly realized what had happened and couldn't believe it, although I knew, rationally, what had to have happened. I went over to the American door gunner of one of the transport ships, and I asked him what the ——— happened, and he told me that they had pushed them out over the Mekong Delta. And I said, "Who?" and he said, "The ARVN guards did." And I just shook my head and said, "I can't believe it," and he said, "Go over there and look at the doorway." There are open doorways on these helicopters; they have no closeable door, there's just a door frame.

And I went over to the doorway and stopped when I got about five feet away and didn't want to go any closer because there was flesh from the hands of the prisoners when they were pushed out on the door jambs and on the door frames. And there was blood on the floor where they had been beaten and pushed out of the helicopters. I went back to my own helicopter that I had just gotten out of and there I overheard the conversation between the American pilots and the MACV colonel who had come to meet the prisoners, and he asked them what the ——— happened to the other prisoners and one of the American pilots simply said to him, "They tried to escape over the Mekong Delta." That was the first, or only, incident of helicopter murder that I had seen in Vietnam.

Moderator. Steve, could you now relate to treatment of prisoners at a specific A Team Camp or in the Delta?

Noetzel. Right. This occurred at one particular camp, this was an A Team at a place called Tan Phu which is in the Caman Peninsula, deep in the Mekong Delta, the southernmost A Team. It was in a completely isolated area. It was completely VC controlled (around the A Team camp). In January or February of 1964, I'm not sure exactly which month, I witnessed an almost public, or not almost, a public display of electrical torture of Vietnamese prisoners.

Moderator. Excuse me, Steve, when you say public, who was present or who was witness to this specific one?

Noetzel. Well, the way the camp was situated, it had about four or five foot walls around the compound, maybe even a little higher than that. There were at least 100 or 150 ARVN strike forces watching from inside the compound, all of the American A Team that was there watching, and also there was a little bridge at a canal right next to the camp, a little camelback bridge, and if you stood at the middle of the bridge, on the highest part of it, you could see down into the camp. And the torture was done outside at a place in the camp where anyone standing on the bridge could watch it. It was done for a psychological effect, I suppose, to show off a new invention, or a new kind of lie detector that they had conjured up. A captain there, the commander of the A Team, had conjured up a system of electrical torture, whereby they took a Sony tape recorder, a plain tape recorder with the w-meters on it, and hooked that up with some field telephone batteries (hooked up in series) and a toggle switch, that was held under the table by a Special Forces Sergeant.

Then the captain asked questions of a prisoner, who was stripped naked, and electrodes from these field telephones were attached to the back of his neck to his armpits, to his genitals, and his feet. He was told that this apparatus was a lie detector, that he would be interrogated, and that every time he didn't tell the truth, the machine would give him a shock. He didn't know the difference between a lie detector, or had never seen a tape recorder, I guess. In truth, the captain, simply asked questions and the interpreter asked them in Vietnamese, when the captain didn't like the answer, he gave some kind of signal to the sergeant who gave him an electrical charge and the fellow would jump and scream. Everyone was very impressed with this new lie detector except, I guess, the fellow who was being questioned and couldn't understand why the lie detector was working so badly. He may or may not have been telling the truth. At any rate, they got information. Whether it was valid or not, I don't know.

Moderator. In your testimony on your sheet here, you mention something about snakes?

Noetzel. Right. At the B Team in Can Tho, this was the headquarters for the Four Corps, they had an eight foot python snake which was kept at the camp in a cage, supposedly for rat control. When we had prisoners or detainees who were brought to the B Team, they were immediately questioned, and if they balked at all or sounded like they weren't going to be cooperative, they were simply placed in a room overnight. This was like a detention room; the door was locked, and this snake was thrown in there with them. Now the python is a constictor, similar to a boa. It's not poisonous. It will snap at you, but it's not poisonous, and it probably can't kill a full-grown American or a large male, but it sure terrified the Vietnamese. Two of them usually in a room overnight with the python snake, struggling with it most the night, I guess, and we could hear them screaming. In fact, on one instance, they had to go in there and gag the prisoners, so they wouldn't keep everyone awake all night. In the morning they were usually more cooperative.

Moderator. Steve, traveling around through the Delta as you did, just in two words or less, how would you summarize the general treatment of prisoners throughout the A Team camps in the Delta during that period of time?

Noetzel. I didn't see any humane treatment of prisoners, but I didn't see that many prisoners. However, every time I did see them, they were being mistreated in one way or another. If it wasn't electrical torture, it was the snake torture. If it wasn't the snake torture, it was barbed wire cages, which are also used in Tan Phu. This was a coffin-like cage made of barbed wire, about the shape of a coffin—barbed wire strung around stakes. A prisoner was stripped naked and put into this cage for about a 24-hour period. In the daytime he would bake in the sun, and in the night the mosquitoes would eat him all night I guess. If the mosquitoes weren't particularly attracted to the Orientals, which they're not, they were sprayed with some kind of a mosquito attracting liquid, and they'd be full of bites in the morning. Finally, if it wasn't that, at the B Team at Can Tho, there was another form of torture, a water torture. Prisoners were taken, usually two in a small canoe, out behind the compound in a small rice paddy. They were bound, their hands behind their back. They were blindfolded and were put on this little canoe. An American Special Forces sergeant was there, another Vietnamese soldier was there, and they poled the boat around in circles in this rice paddy. Except that it wasn't a rice paddy anymore, it had been a rice paddy. Now it was used as a latrine really. That's where the drainage from the B Team latrines went, into this rice paddy. It was filled with urine and feces, and it stank to high heaven. The prisoners were rowed around in that water and were asked questions. And when they balked, the fellow who was poling the boat simply took the pole and knocked them out of the boat into this water where they sputtered around for a few minutes. It was about four feet deep or so. They were blindfolded with hands tied behind their back. Finally they surfaced somehow, after drinking half of it, I guess, and were dragged back into the canoe. That was about the only kind of treatment of prisoners I saw.

Moderator. George Smith, where were you stationed in the Delta, with your A Team?

Smith. We were at a camp called Hiep Hoa; it was about 30 miles out of Saigon in the Delta Area.

Moderator. During what period was this?

Smith. This was from July 1963 until November 1963 when I was captured.

Moderator. So we're talking generally about the time relating to the time that Steve was talking about. This was the same period of time.

Smith. Right. We were under the jurisdiction of the B Detachment that he was attached to.

Moderator. The same B Detachment we just talked about. Did any of this type of treatment of prisoners occur at your camp?

Smith. Our treatment wasn't as sophisticated as what he had described. We just beat them and put them in barbed wire cages that were about three or four feet high.

Moderator. You were captured the 23rd of November 1963?

Smith. That's correct.

Moderator. The same day that President Kennedy was assassinated, right?

Smith. Right.

Moderator. Would you just briefly describe the circumstances of how you got captured?

Smith. We were in one of those isolated special forces camps but we had a strike force of South Vietnamese that were on our payroll and about midnight on November 23rd, I was awakened by an explosion and mortar shells were falling on our house. The camp was very quickly overrun by a large NLF force, and I was captured along with three other Americans.

Moderator. You were taken captive. What specifically, you know, did they do. What were your feelings? How did they treat you at that specific moment?

Smith. During the excitement of battle of course they were a little rougher than they were later on, but they didn't mistreat us terribly bad at the time, and I was sure that we were going to be shot, because all the stories that I had heard at Fort Bragg and after coming into Vietnam was that they didn't take prisoners, and if they did, that they tortured and eventually killed them, if not immediately.

Moderator. Were you with the other three prisoners at this time?

Smith. I was by myself when I was captured, but I was later taken behind the latrine in the camp where I met Sgt. Camacho, who was one of the mortar operators and a string was attached to us sort of like a leash and I thought that we had been taken behind the latrine, of course, to be shot. They set us down in a cross position but nothing happened to us at this time.

Moderator. Quite apparently, you weren't shot, what did happen?

Smith. After they had rounded up all the equipment, the ammunition, weapons in the camp, they took us out over the barbed wire apron surrounding the camp through Madame Nhu's sugar cane field that we were guarding, to a small village on the Oriental River.

Moderator. What were your feelings as you were being led away from this camp at that time?

Smith. I thought they were taking us to another place to execute us. And I was worrying about that along with the air strike that we were under by that time. The South Vietnamese Air Force was attacking the cane field and burned down a lot of sugar cane. I thought they might accidentally drop something on us. But other than that there was no immediate fear, 'cause the guards seemed to have relaxed once we left the camp.

Moderator. What did happen in the village?

Smith. When we arrived in the village, everybody sat down, lit up a cigarette, offered us one, gave us some bananas to eat, patted us and reassured us that everything was going to be all right. That they had no intentions toward us.

Moderator. And the next step?

Smith. After they took their, sort of their break after the battle, we crossed the river and went farther into the Delta area. We travelled for about three or four days until we finally reached a place where we met up with Rohrback and McClure, who were also at our camp and had been captured. This was the first we had seen of them. After we met these two people, the four of us were taken in those little boats that they have through the canal system down into what is probably the Plain of Reeds, the swamp region, and we stayed on a little island there. They constructed a small shack just big enough for the four of us; they slept out in hammocks in the water. And they allowed McClure's foot wound to heal so he would be able to travel at a later time.

Moderator. What kind of medical attention did they provide for McClure?

Smith. They provided immediate attention for him when he was captured. He told me that they dressed his wounds the best they could. He had a fragmentation wound of the foot which was extremely painful for him it turned out. It was difficult for him to walk. They treated it the best they could.

Moderator. How about in the swamp?

Smith. In the swamp then they had time to do things and they got a medic from someplace and he was quite a good medic; he was well-trained; he had penicillin; he had the instruments to probe the foot and find if there were any foreign objects in it. Soon McClure's foot did heal quickly enough that we were able to move out in about ten days, I think.

Moderator. So, apparently what you're saying is, is that this stopover at the island was specifically for the purpose of taking care of McClure's foot for future movement.

Smith. Right, I think it was sort of to allow us time to recover from the initial shock of being captured and for McClure's foot to heal so we could be transported.

Moderator. Were you ever bothered by American aircraft at this time?

Smith. In that area there were some overflights, but no harassing fire in the swamp. But the day that we met Rohrback and McClure, that same day we were under extremely heavy attack by B–26's, helicopters, and everything that the Air Force had in '63. They strafed us, bombed us, and we happened to be in a village. They evacuated us from the village into a swamp area where we were luckily not bombed by B–26's.

Moderator. By this point you seemed to have the feeling you were not going to be tortured or executed but you had made reference to that. Why, specifically, did you think you were going to be tortured or executed?

Smith. Well, that was what I would call common knowledge among the Special Forces people that if any of us were captured in South Vietnam, that we'd had it. They certainly hated us very much, and they would surely do everything to us, at least as much to us as we did to them, and that was kind of frightening from the stories that I heard in Vietnam.

Moderator. Did you ever think about the way you'd been treating prisoners before you were taken prisoner yourself? How your camp was treating prisoners?

Smith. Oh certainly, I was sure that I would be subjected to at least that bad a treatment, the beatings and living in barbed-wire cages, and probably much worse than that because they were reputed to have chopped heads off and tortured prisoners by any means that you could imagine.

Moderator. So now you left the swamp, and where did you go then?

Smith. We went on a long march that led generally north or northwest, I would guess because we passed by the Tay Ninh mountain and went into the heavy jungle area. It was a long walk and very difficult for us because we didn't have shoes, three of us. It wasn't because they had taken our shoes, they did try to give us some shoes, but unfortunately the Vietnamese have small feet compared with Americans, and they just don't fit.

Moderator. You say it was difficult, was it because the Vietnamese were making you do something that they weren't doing or what?

Smith. No, as a matter of fact we carried only the things that were necessary for existence, our hammocks and a change of clothes.

Moderator. And they carried the rest?

Smith. And they carried all the food, and the weapons—and those big weapons they were carrying were some of the ones that we wouldn't carry because they were too heavy, like the BAR rifle that weighs 20 pounds fully loaded. They were carrying those plus sacks of rice around their neck which can weigh 10 to 15 pounds, all of their equipment, and some of our stuff that we weren't able to carry.

Moderator. Were you bound and gagged?

Smith. Never at any time was I gagged; I did, as I mentioned earlier, have a rope around my wrist, that they sort of held on to me so that if I would decide to run away that they could pull me back a little bit.

Moderator. Not around your neck though?

Smith. No, not around my neck.

Moderator. And you arrived at something like a permanent or semi-permanent installation?

Smith. Yes, as permanent as they could build anything in the jungle there, because nothing was very permanent; if it wasn't eaten by termites they went away and left it after a month.

Moderator. Were you ever interrogated in this swamp?

Smith. They asked us what our names were, that was the only thing they asked us.

Moderator. No attempt at interrogation?

Smith. Absolutely none, it was very surprising.

Moderator. Were you ever interrogated?

Smith. Finally, I was interrogated after about three months.

Moderator. After you were a prisoner for three months, they finally got around . . .

Smith. Right, about three months.

Moderator. What type of military information were they looking for?

Smith. Well, he told us that he certainly wasn't interested in any military information that we had, because it would be outdated anyway, and he reminded me that their intelligence was far superior to any information that we might have.

Moderator. Well, what form then did this interrogation take? It sounds like they weren't after information, so what, what were they after, or what form did it take?

Smith. He wanted to present the views of the National Liberation Front, concerning the war in South Vietnam. In other words, tell their side of the story. And he asked me if I would think about it, and try to rationalize whether we were right or they were right, and to come back later and talk with him about it, and try to have a discussion about South Vietnam.

Moderator. Would you think of this as brainwashing?

Smith. I would think not, unless you would say that what they did at Fort Bragg was brainwashing.

Moderator. If you could, elaborate a little bit. In what sense?

Smith. Well, before we went to Vietnam, they tried to impress upon our minds that the South Vietnamese were something less than human, and that it was quite all right to go over there and kill them because this was the only war that we had anyway. Yeah, its a report from a Lieutenant in a secret class, they call an area study, and he said that I'm sorry, you know, that it's not much of a war, but it's the only one we have, so we'll have to make the best of it.

Moderator. Could you compare this interrogation session then, let's say, to a command information class?

Smith. Yeah, you could compare it with the Saturday morning Information and Education classes where they told us about different things that were happening in Vietnam and the way their life was compared with what we were let to believe it was.

Moderator. What were the physical circumstances of this class or interrogation session?

Smith. Well, we sat at tables, approximately like this, except that it was hand made in the jungle, and they served tea and sugar cubes if they had it. They really didn't have chocolate candy for us, but . . .

Moderator. How long would a session last?

Smith. Usually an hour or so, and they gave us cigarettes while we were in interrogation, and gave us a pack to take back to our hammock with us—or the bed as the case may be.

Moderator. At any time—you were a prisoner for two years—at any time were you ever physically abused?

Smith. Never physically abused. I was really surprised to find that out because contrary to everything we'd heard, they never once laid a hand on me; except when I was captured they pushed me around a little bit, which I would expect to do myself if I captured somebody.

Moderator. But still and all, you were a prisoner of war. There must have been difficult times. What was the attitude of the guards towards you and the other three prisoners?

Smith. Their attitudes varied from time to time. They could be very friendly, and at times they would appear very hostile towards us. We learned during our stay with them that these were reflections of political activities in Saigon, that when the NLF soldier was executed in Saigon it usually influenced their attitude to a certain extent. But it seemed that there was enough control from their commanders that they never took any hostilities out on a prisoner. They may have disliked us intensely because of what was happening, but they still were under the control of the commanders. We were told at one time that our men would like to kill you, but we have discipline and we don't allow them to do so. And I can understand that because of the things that we were doing to them in sixty-three.

Moderator. Are you aware that when these NLF soldiers were being executed in Saigon that the American government was being warned against that?

Smith. Absolutely, they let us listen to Radio Hanoi; they brought the radio around every evening. Of course they didn't force us to listen to it, they turned it on, and if we wanted to talk that was all right. But Radio Hanoi was warning the United States and the Saigon regime that executions had been taking place (we had heard about them) and they were warning the United States if any more executions took place (I think there were threee prisonrs being threatened at the time), they would definitely retaliate. They said the United States must bear the responsibility for these executions, and so this sort of put us in a crimp, because, you know, who are they going to execute besides American prisoners of war if they want to retaliate against the United States? It worried us a great deal.

Moderator. This did in fact lead to such an act. Would you go into that in a little detail?

Smith. After they had warned for probably a week that the executions would take place, I heard that the executions did in fact take place. At about that time one of the members that was captured with me, a Sergeant Rohrbach, was taken from our camp area. And it was later found out that they had reported that they had executed him; the strange thing is that they never told us that they had executed Rhorbach; they never used it for coercion. As far as we knew, he had disappeared from the earth and his name was never mentioned again.

Moderator. For the record, there was another man executed at that same time?

Smith. Yes, I understand it was a Captain———.

Moderator. Right. But that was after repeated warnings about the execution of NLF soldiers.

Smith. Yes, well this was like a final warning. They had warned some months before when they executed somebody in Saigon that had tried to blow up McNamara, but wasn't successful. But they executed him for the attempt. They had warned at that time that they were going to retaliate, but as far as I know, they didn't retaliate at that time.

Moderator. How did it make you feel? I mean you were there as a prisoner and the warnings are going out and these executions are still going on?

Smith. It's kind of a panicky situation, really, you know, that there's nothing you can do about, you know that the United States is so stubborn and bullheaded that they won't listen to someone like the NLF because they don't recognize that they exist. So how could they listen to them protesting? So really we were in a bad position, almost hopeless, because we knew that the United States wouldn't listen to them, and they were saying that they would retaliate, which I didn't appreciate, but gee, they were certainly within their rights. If their soldiers were being executed, there was no reason why they shouldn't retailiate.

Moderator. George, I know you can't testify to POWs in the North, but we have heard a lot about POWs in the North, much of which relates to the subject of food. You were a prisoner for two years under some rather strange circumstances in the jungle. How would you describe the food that you had in terms of whether it was sufficient, adequate, whatever?

Smith. I usually had more food than I could eat; I usually ate better than they did. They brought in things like sardines for us, which they didn't eat themselves. They brought in cases and cases of sardines. And it sort of worked in a cycle, like I would be able to eat the food for a certain period of time and then I would build up an intolerance toward it and I would become ill, and wouldn't be able to eat the food for a while. But strangely this only affected Comacho, McClure, and myself; Rohrbach thrived on the food. He ate mountains of rice, and everything else he could get. If one of us was sick, he of course ate what we didn't want. The man was really well-fed and he got fat.

Moderator. In other words, there was nothing wrong with the food. There was something wrong with your head, is that what you're—?

Smith. I would suspect that this was the problem. It was a matter of being under the circumstanecs of being bombed daily, and having rice to eat for breakfast with the sardines, and the whole thing of looking into the future.

Moderator. Did you ever eat rice before you went into the service?

Smith. Oh, of course I ate rice, but not that much, but I was rather fond of rice, and I do still eat rice.

Moderator. When you were released, finally, in November of '65, it was, right?

Smith. Yes, November '65, almost two years to the day.

Moderator. What was your weight in relationship to your weight at the time of capture?

Smith. I probably weighed about the same as I did when I was captured.

Moderator. You mentioned sardines, that they were giving you sardines as sort of a special little diet supplement or something. How about other special things?

Smith. Well, as I said they gave us sardines and they brought in canned milk for us. It wasn't limited to that. On Christmas, our first Christmas, they brought in a woman who spoke English and asked us what we would like to order for Christmas dinner. We told her, well, a chicken would probably be good, with some bread, and of course this was an asinine request as far as we were concerned. But sure enough, they brought a chicken and bread, along with a paper star with a candle in it, so I had it hung in the cell for us.

Moderator. And when you say cell, uh . . .

Smith. It was like a little house, it was made of poles that they had cut nearby, in the forest there.

Moderator. It's not a permanent installation, though, it's something that—

Smith. It's something they just constructed, with pegs, and bamboo string.

Moderator. When you say "bread", they had bread in the camp?

Smith. No, they told us that they did not eat bread, and they didn't even buy bread, but since we requested it, they sent men to wherever the nearest bread factory was, and got us some bread. It was at least two days away, I"m sure of that, because there were certainly no towns large enough to have a bakery, and when the bread came, it was long loaves of French bread, so it definitely wasn't made in some jungle.

Moderator. And how about smoking material, and things like that?

Smith. Tobacco they usually gave me more than I could stand, because it was an extremely strong variety that they smoked themselves. If they had the tailor-made cigarettes, they gave us what they had. They'd give us a pack if they had a pack. If they had a couple, they'd divide them with us. They gave us cigarettes, and as I went to talk about this Christmas thing, this prompted us to capitalize on the fact that they recognized our holidays. So we told them how important birthdays were, and about Easter and the Fourth of July, and Labor Day, and Thanksgiving. We were trying to just be kind of silly about the whole thing, but it turned out that the people recognized the fact that, you know, we felt this way about our holidays, because they would bring us a bottle of beer and a chicken dinner, usually something special. If they could get bread, which they couldn't always do, they brought us a loaf or so of bread apiece. At Christmas I think we had twelve loaves. That was a lot of bread for them.

Moderator. How did your rations of food, tobacco, whatever, how did that compare with your guards'? In terms of quantity and so on?

Smith. Oh, the quantity of tobacco, we always had the biggest share of tobacco. They brought us so much one time we didn't know what to do with it. We had to store it all over the house trying to keep it from being soaked up with water from the rainy season. But the guards would run out of tobacco very soon after we got our supply because they seemed to get just a handful. They would occasionally bum a cigarette from us. They'd come up and ask if they could have it; they never took the liberty to take our tobacco away from us. They always asked us for it, and we would usually give it to them, if we had some. But they would stand around without a cigarette, watching us puff away all day long while we lay around on our beds and they were out working and digging holes or what have you.

Moderator. Did you ever receive mail? As a prisoner?

Smith. Yes, I think I received about four letters, three or four letters, anyway, while I was a prisoner, from my mother.

Moderator. Back in the jungle.

Smith. Right.

Moderator. Were you allowed to write?

Smith. They allowed me to write as often as I wanted to. I didn't write often because I didn't believe that the letters would be delivered if I wrote, and possibly they might use it against me at some time or another. I wrote two letters, I believe, two solid letters. But they asked me and said, "You may write every week. We'll furnish you with the paper and material which is necessary to write." But I normally declined. McClure wrote a number of letters himself. How many were delivered, I don't know. The ones I did write were finally delivered to my mother.

Moderator. How would you describe the attitude of the prisoners towards your captors?

Smith. Well, I can speak for myself. I was extremely hostile and very arrogant with them. This ethnocentrism thing was strong enough that even though I was a prisoner I still looked down upon them. And how they were able to tolerate my attitude for a year or so until I finally decided that these were people, and I could look upon them as such, I don't know. But I was really a bad prisoner, and they told me at one time that I was the worst prisoner they had.

Moderator. But despite that, you were never physically abused.

Smith. Never physically abused; and finally released, which was the most unusual thing.

Moderator. Did you ever make any statements while you were a prisoner?

Smith. Yes, I made statements. Like I was telling you, these classes that we had where they presented their views and we would go back and discuss them at some length. I stated that I believed that they were basically right about Vietnam—that I didn't have any business there, that the war in Vietnam was wrong, that we were violating the Geneva agreement, that I certainly didn't want any part of it, and that all the troops should be withdrawn. This was basically what I said. We, of course, elaborated on different points of it. But these are statements I made, and I wrote a letter to that effect in one of the letters to my mother, describing the situation there and how I now felt about it, according to what I had observed from that frame of reference.

Moderator. You've been out of the service now five years, about. How do you feel about those statements now?

Smith. Well, when I first came back, I was not positive that I was taking the right position, so I did considerable research on my own to find out just where I was. The more research I did the more entrenched I became in my beliefs. And now I feel very strongly that what I said then was right. In fact, I say even more then than I do—even more now than I did then, and I'm not under the duress of being a prisoner of war.

Moderator. How old were you when you joined the Army?

Smith. I was seventeen.

Moderator. And what are you doing now?

Smith. I work for the post office in New Cumberland, West Virginia.

Moderator. You going to school?

Smith. I go to the Kent State University branch in Ohio.

Moderator. Rather appropriate. Did any of the other prisoners make statements while they were there?

Smith. All of the prisoners as far as I know made statements very similar to mine and McClure made more statements than I did, I believe, because he wrote more letters to his wife than I did. But everybody that was there were making the same statements because we got together and talked about it after the interrogation. We all generally agreed that it was a bad situation, we really didn't belong there, and that we would just be glad if the war ended and we all went home.

Moderator. And, Sergeant Comacho made these statements also?

Smith. Oh, absolutely, he and I lived together. In fact, he was the senior N.C.O. among the prisoners and when they were asking us to make a statement one time concerning our views (a written statement so they would have something to retain in what would be considered our records I suppose) Comacho said he thought that was a good idea. That we should go ahead and write a statement if we felt that we wanted to do so. They didn't tell us that we had to write anything, but they said that if you would like to write something they would be glad to have it.

Moderator. It's a matter of public record that in 1965 Sergeant Comacho, Isaac Comacho, escaped from the same camp that George was at, thereby becoming the first prisoner of war to successfully escape since the Second World War. At the time that he did escape, as it appeared in *Life* magazine, Comacho made the statement that what made it possible for him to escape was the fact that George Smith was the one that covered for him, so he could. In other words, one man could go and one man had to stay and cover for the other to give the other one a head start. What was the net result for Comacho after he got back?

Smith. Well, from what I heard after I got back (the Army refused to tell me where Comacho was even), after I got back——

Moderator. I mean, what recognition was given to Comacho?

Smith. This is what I was getting to. I found out after I got back that Comacho had been returned to the United States, to his home in El Paso, and that President Johnson made a special trip to El Paso to personally decorate Comacho with a Silver Star for escaping.

Moderator. In November 1965, you were finally released. Did they ever tell you why you were being released?

Smith. Yeah, the NLF told me that I was being released in direct response to the peace movement in the United States, and more specifically to replace Norman Morrison and a woman who had immolated themselves, Norman Morrison in front of the Pentagon at that time, I believe. They stated that they realized that the American people were basically peace-loving people and did not condone the actions that the United States Government was taking in South Vietnam, so they were returning two of their sons to them for the replacement of the two who had given ther lives for the cause of peace in Vietnam.

Moderator. Where were you actually first released?

Smith. I was turned over to the Australians in Pnom Penh, Cambodia.

Moderator. And when did they tell you this about the peace movement and so on?

Smith. Well, they had mentioned the peace movement back at the camp before I was actually taken to Pnom Penh. And at Pnom Penh of course they set up a press conference for us. International reporters were there. And someone asked me a question of what I intended to do when I got back to the United States. I told him that I was going to tell the true story of Vietnam as I could see it, from my experiences. That the United States had no business in Vietnam, that it wasn't in the best interest of the American people, and that therefore we should all get out immediately. And someone asked me, "How do you intend to tell this story?" I said, "I'll probably get in touch with the peace movement when I get back because I understand they're saying similar things."

Moderator. Had you ever heard of the peace movement before you were captured?

Smith. On Radio Hanoi. I had heard of demonstrations.

Moderator. But not before you were captured?

Smith. I didn't know anything about such a thing existing.

Moderator. You had no way of knowing what the attitude of Special Forces toward the peace movement would be?

Smith. Right, I didn't know what the peace movement did, even.

Moderator. So, did you look up the peace movement?

Smith. No, I never did.

Moderator. Now, if I can get this straight, Sergeant Comacho, who made the same statements, and who escaped with your assistance, was given the Silver Star?

Smith. Right, exactly.

Moderator. And you are now under court-martial charges which hold the ultimate penalty of death.

Smith. Seems rather curious.

Moderator. Yes. Would you comment on that?

Smith. Well, I suspect the fact that I opened my mouth and said I was going to look up the peace movement when I got home didn't set very well with Special Forces and the Army. And to be able to stop me from doing this, they brought the charges against me, which allowed them to hold me on Okinawa indefinitely, until maybe the peace movement forgot about me or I forgot about the peace movement.

Moderator. Before you were released, you had to sign a piece of paper relating to classified information, and they specified certain information you were not to discuss.

Smith. Right.

Moderator. Would you give us a couple of examples, a couple of things you weren't supposed to discuss?

Smith. Well, one of the strangest things (this was a secret you know, I'm under violation of the National Security Act if I discuss this thing, so I expect to to be arrested as soon as I finish saying this) but I wasn't allowed to tell anybody that I received a Red Cross parcel while I was a prisoner of war.

Moderator. You did receive a Red Cross parcel back in the jungle?

Smith. Oh, yes, yes we received—Comacho, McClure and myself each received a large Red Cross parcel, probably weighed fifteen pounds apiece.

Moderator. They had to be tracked on somebody's back into the jungle?

Smith. Right. They had to carry it maybe fifty miles at least because they certainly didn't have any roads in the jungle.

Moderator. Thank you, George. We're now going to hear from our second prisoner of war, Dr. Marjorie Nelson, and I wonder if she could just begin by saying in her own words how she was captured and what the experience was like in the hands of the Viet Cong.

Nelson. Well—can you hear me?—I had gone to Quang Ngai in October of '67 and I had been there for four months when the Tet holiday was coming up. I went to Hue for Tet to visit friends, and, of course, you know, Hue was overrun and held for some time by NLF and NVA forces. I was staying with a friend, Sandra Johnson, who was working for International Voluntary Service teaching English in Dong Thaien High School, which is a girls' high school in Hue, and she and I spent the first four days of the attack in an improvised bomb shelter in her dining room while the fighting went on outside. On the fourth afternoon, NLF soldiers came to the house and pounded on the front door. We were too frightened to respond, so they went around to the kitchen door and broke in through the kitchen. We could hear them kind of rummaging around the kitchen, and then they came to the door between the dining room and the kitchen, which was bolted from our side by two bolts, and they began to shoot the bolts off the door. I said to Sandy, "I'm going to talk to them." And so I asked them in Vietnamese, "What do you want?" and they said, "Open the door," so we did. There were five of them. They came in, asked just a few questions—asked us if we had any weapons in the house, to which we replied, "NO," and then they searched the house. We talked a bit more; they attempted to reassure us that we should not be afraid and that they did not intend to take anything. Then the fighting sort of began again and we moved out of the living room and just about that time I heard something coming. I don't know what it was, but I jumped back into the bomb shelter and whatever it was hit the living room where we'd just been, and demolished the living room.

So they went back outside and left us alone for two more days. Then, on the sixth afternoon, they came back and told us that we should go with them.

We were in Hue about three more days before we were officially registered as prisoners of war. We had to fill out forms in triplicate, giving our passport number, our name, who we worked for, etc. And then, finally, someone who spoke English—for the first time we met someone who spoke English—he told us that because of the continued heavy fighting in the city they couldn't keep us safely; that we were going to be taken to the mountains to study, and that when there was peace, we'd be returned to our families. So we expected to be there for the duration of the war.

That night we left with about fifteen or twenty Vietnamese prisoners. We walked into the mountains and were held then in the mountains for a little over six weeks before we were released.

Moderator. Just to emphasize one point, when you were captured, Hue was still very much a battlefield, was it not?

Nelson. Absolutely.

Moderator. And so, they seem to have taken a great deal of care with you. All this was done while a huge battle was raging throughout the city. Now, once you were in the mountain camp there, and even before, could you say whether there was any physical molestation of you, any abuses taken of you as a woman or as a person?

Nelson. No. This is a question that I know comes up in the minds of, well, certainly of any GI who's been in Vietnam, and many other people. Certainly this thing could have occurred and I think on a couple of occasions, we were simply lucky that it didn't. However, once we were in the camp, it was quite clear that the cadre also were concerned about this, and they made sure that our privacy was respected. In the first camp we were living with a Vietnamese family, and were living family style—I mean we didn't have a separate room. And then in the second camp, we had our own house.

Moderator. How many other prisoners were there with you at the second camp?

Nelson. At the second camp Sandy and I, that is, my girlfriend and I, were the only ones there during the whole time. When we were separated from the main group of American prisoners, two fellows came with us. They stayed a couple of days and then went on.

Moderator. And in the first camp, you were with how many other people?

Nelson. We were with about fifteen or twenty Vietnamese prisoners, and when we got there we found about twenty-five American men already there, all of whom had been captured in Hue.

Moderator. Do you have any knowledge that any of these other American or Vietnamese prisoners were mistreated by the Viet Cong?

Nelson. I can't speak about the Vietnamese prisoners. I didn't see any Vietnamese prisoners mistreated. I talked with all the American men. None of them had been maltreated or mistreated, except that at the time of capture, I mean when they were captured, several of them had their shoes or watches or rings taken away from them. One man said that he had been, and I think I quote exactly, "They made me walk over barbed wire on the way out." He did not indicate whether he thought that was a deliberate act or simply an order to go that way and he went.

Moderator. This of course was during the heat of battle.

Nelson. This was during a battle, when he was captured. I think two or three others had received wounds before they were captured, you know, fragments and that sort of thing.

Moderator. And was there medical attention given to the wounded people?

Nelson. They received medical attention and a nurse came two or three times a week to dress their wounds, which was adequate except for two of them: that was the man I mentioned, whose feet were in bad shape, and another man who'd taken a big piece of something in his side; they needed more medical attention. I spoke to the camp commanders in the best Vietnamese that I could about this. I said that I felt they needed more medical care and they should be sent to a hospital, if possible. He seemed very uncomfortable with this. He said, "I'm sorry. We'll do the best we can. The situation is temporarily very difficult for us, but please don't worry. I'll do the best that I can for these men."

Moderator. What about yourself, did you get adequate medical attention?

Nelson. Yes, I did. I didn't need any medical attention at that camp except for blisters, which I could take care of myself. But about two weeks later, at the second camp, I came down with amoebic dysentery, and the cadre, I call him, that is the man who spoke English and who was in charge of prisoners, immediately had a nurse come and see me. She gave me a standard antidiarrhea treatment, which didn't help very much. And so, after about a day and a half, when it was apparent to them that I was really quite ill, I heard them talking about trying to get me a doctor. So I waited all that day and all the next day and finally, just before supper time on the second day, a doctor did arrive, a young man who'd been educated in Hanoi at medical school, very well-trained. He examined me and prescribed appropriate therapy. Any of you who know medicine, he gave me chloromycetin, and I was really surprised, because I expected at best that I'd get tetracycline, but he did have chloromycetin. He also gave me fluids, intravenous fluids, by dermoclysis, and in four days my symptoms were gone.

Moderator. After you were released from prison by the Viet Cong, did you stay in Vietnam?

Nelson. No, I returned to the United States for about four months, and then I went back.

Moderator. And what was your job when you returned to Vietnam?

Nelson. I returned to the project in Quang Nagi that I was working with before, which was basically three things. It was a child day-care center for refugee children, and a rehabilitation center for civilians (primarily war-injured, though we had some like polio and other cases). The third thing that I was doing was, once or twice a week, I was going to the local civilian prison, that is, the provincial prison, where I was examining sick prisoners.

Moderator. What kind of prisoners were these?

Nelson. Well, this is basically the province jail. In normal times, this would be where any person convicted and sentenced to jail would be sent. But at present, that is, at the time I was there, I was told both by the prison officials and by the prisoners, that eighty per cent or more of the people in the prison were there because they were accused of political crimes.

Moderator. So these would be Viet Cong or Viet Cong suspects?

Nelson. Well, presumably, though in my conversations with prisoners it seemed to me that many, many of them were there because, one, they didn't have proper papers; two, they'd been picked up in an unauthorized area, someplace it was thought they weren't supposed to be; or in the case of the women (and there were usually somewhere between a hundred and fifty and three hundred women in the prison), they couldn't account for there their husbands were, so they were put in jail for that.

Moderator. Did you have any chance to discover whether or not these prisoners had been mistreated in prison?

Nelson. Yes. As I say, I was examining sick prisoners. Almost every time that I went I would see one or more prisoners who had been tortured, not in the prison itself, but in the province interrogation center, which I was told by the Vietnamese was the American interrogation center. I examined people who had been severely beaten. On at least two occasions, I was able to document broken bones by X-ray, and I kept very careful records and after several months I went to the province senior advisor, who is the highest-ranking American civilian in a province, and I took my records along and I said, "Look. This is what I'm seeing, and the Vietnamese tell me that this takes place in the American interrogation center. What do I do?" And he said, "Well, yes, the province interrogation center system was started by the Americans. The idea was to teach South Vietnamese enlightened intelligence in interrogation procedures. It's intended to be a total isolation center, but no torture is to be going on, and if it is, we'll stop it." So I said, "Please do." I saw him two or three days later and he was quite embarrassed. He said, "I'm sorry; I didn't know this, but the province interrogation center has been turned over to the Vietnamese. We're no longer in control of it." There was still an American adviser assigned to the center, however. He said, "Since that's the case, I suggest that you go directly to the province chief," which we then did. The province chief at that time was Col. Than Tat Kien. I took my records along and I presented this to him, and he said, "Well, you know, most of the prisoners that we take have been forced to work with the VC and they're very cooperative and they tell us everything that we need to know. But sometimes we meet people who are very hard." Those were the exact words he used, "very hard, and we have to use other methods, and these are used." He said, "There are limits." And I said, "Well, it seems to me that any reasonable limits are being exceeded, that this is inhumane and furthermore, even from your point of view, I would think it would be politically counter-productive. And I'm asking you to do something to stop this."

He did not promise that he would stop it. After about two weeks I began to see the same thing again, and it's still going on.

Moderator. So you saw bruises and broken bones from beatings. Any other kinds of torture that you had experience with?

Nelson. I was not able to document by physical examination any other methods, though my patients told me of the electrical torture, such as has been described, with the field telephones. They told me of being forced to drink concoctions containing things like powdered lime. They also told me of being tied up and hung from the ceiling, sometimes upside down, but I couldn't document this.

Moderator. Marge, just one last question. What dates are we talking about? When were you working at this?

Nelson. This was from September, 1968

until October 1969 in Quang Ngai province, which is south of Danang.

Moderator. Thank you, doctor. Mrs. Warner, I must apologize for having kept you sitting here so long. I hope you have been somewhat reassured by some of the things you've heard here, however. I would just like you, if you would, to express your thoughts. I don't see that we need to ask questions.

Mrs. Warner. First of all, I want to say, I am an American. I'm sure I'm going to be labeled Communist; I'm sure I going to be labeled revolutionary, but I am not. I am an American. I love my country. It's being torn apart by this war. I want to appeal to the middle-aged, middle-class America. We have to wake up and realize what's happening to us. My son's been a prisoner, and, of course, I'm interested in him coming back. I'd love to have him back, and I know he wants to come back, but this isn't the only consideration. We have to consider the people in Vietnam. What would we do, what would you and I do, if a Vietnamese plane flew over and bombed our town? How would we react to somebody that we've captured?

I think my son isn't being humanely treated. I don't think he's been brutally treated, but he doesn't get steak; I'm sure he doesn't get chicken like George Smith got. But I think he has food enough to sustain him. Lt. Frischman said the food that they get is enough to sustain them, and if we can sustain him till he comes back, fine. We're allowed to send him a package every other month. We send, oh, aspirins, vitamin capsules, and such things as that. We hadn't heard from him for two and a half years. We knew he was a prisoner. We knew he had been captured by the North Vietnamese. We began to write letters for foreign newspapers and letters to foreign governments to try to get the Vietnamese to tell us about the prisoners, where they were and who they were. Now we've gotten two lists. I don't understand why we claim the lists aren't complete; I don't understand that. Of course, maybe it's because my son's name has appeared on it and you know, in the back of my mind, maybe I'm satisfied. But I've talked to other families and the circumstances of their son's disappearance or their husband's disappearance is quite different and it's perhaps that the North Vietnamese don't know where they are. These are the things we have to rationalize with. We have to stop and think what's happening to our country and to that country. Is it worth going on, is it worth tearing everybody apart? I think, I don't know what else to say. I'd just like to say that since Hanoi has said that if we set a date, they'll talk about the release of the prisoners, is that asking so much, just to set a date? Let's put them on the spot. Let's put them on the spot. Let's set a date and see if they really will live up to their word. They've told the whole world that this is what they'll do, and if they're interested at all in world opinion, like we've been told they are, I think they will. I think they'll listen. And will America listen? Will middle-aged, middle-class America listen? Don't let our country be torn apart by this.

Moderator. Thank you, Mrs. Warner. Stephanie, did you want to add anything?

Mrs. Caldwell. No.

Moderater. Fine, thank you. We're going to break the format here a little bit. Mrs. Warner has to go back to work, but I know some of the press, if Mrs. Warner does not mind, might like to direct some questions directly to her, and then we'll go on with the rest of the format. Does the press have questions? Would you identify yourself please?

Question. What relationship has the President or his aides had with you? Has there been any attempt to propagandize you?

Mrs. Warner. No. We get a Christmas card, that's about the size of it.

Moderator. Yes? Over there, please.

Question. Mrs. Warner, do you think the POW's in North Vietnam are being used for political purposes by the President?

Mrs. Warner. Well, it seems that way. The Song Tay raid, well, it was called a success, even if there weren't any prisoners there, it was labeled a success; suppose there had been prisoners there? Is it reasonable to assume that they could have captured, rescued twenty? How many lives would have been lost? It just seems like it raised the hopes of prisoner families for really no good reason, no good purpose.

Question. Have you been in contact with any other prisoner families?

Mrs. Warner. Yes, I have, sir.

Question. Do they share your opinions?

Mrs. Warner. I think not. I wish if they did they'd step forward. I feel like I'm on a mountain top all by myself, my husband and I.

Moderator. The question was have you tried to express your opinions to the United States government?

Mrs. Warner. Sir, I've written many letters. A month or so ago, when the bombing was renewed over North Vietnam, my husband called everybody he could think of, because I'm sure you understand that we didn't want the prison camp where my son was to be bombed. It's sort of like batting your head against a stone wall. I've written many letters to the President, many letters to the Free Press and the news media but never mailed them because I felt that I'm being put on the spot. I'm isolated, I'm alone in the way I feel about this, and it's kind of frightening, you know?

Question. But I believe every prisoner of war family, let's say, has someone that they can contact. The Defense Department has an advisor let's say. You've had personal contact with your adviser. What sort of reaction did you get from him?

Mrs. Warner. Well, it's a Marine officer, and they've always been very kind. I have no complaints whatever. They try to get questions answered for us through the Pentagon, any questions that we have. They're willing to cooperate with us in any way. They have to turn in a report every three months, I understand, and I have no complaint about these men. They're doing their job.

Question. You're not harassed in any way?

Mrs. Warner. Not harassed, not yet. Not yet. We were told when Jim was first shot down that if we let his name be published in the paper that we'd probably get harassing phone calls.

Moderator. From whom, from whom?

Question. Your objection is that the White House has not been responsive. Is that correct? To your letters and so on?

Mrs. Warner. Well, maybe not in a way we think they ought to be. I'd like to see us get out of Vietnam. I'd like to see us get out completely, so that we don't tear our country apart more than it already is.

Question. Did you say earlier that your letters to the White House were not answered?

Mrs. Warner. No, I did not say that. I said I had written them, but hadn't mailed them. I put my feelings down on paper, as a release, I suppose, maybe it's frustration. Maybe I feel if I wrote it, it wouldn't really help how I feel.

Question. Have you tried to contact the White House at all?

Mrs. Warner. Yes.

Question. You have?

Mrs. Caldwell. (Sister of POW) Can I answer that? When the bombing was resumed over the North, my father called the White House.

Question. What sort of a reaction did you get?

Mrs. Caldwell. Well, he didn't talk to anybody. He didn't get in touch with anyone. As Mrs. Warner said, he made a lot of phone calls, and he did make a lot of phone calls, but he didn't get in touch with anyone at all, not directly. He was promised all of these phone calls would be returned, so on the following Monday, or Sunday, he sent a telegram to Melvin Laird, and we didn't get any response from that either.

Mrs. Warner. No, he got a letter. We got a letter back.

Mrs. Caldwell. Did he? But the personal letter didn't really give us a justifiable explanation as to why the bombing was resumed without thought for what it would do to the prisoners that were being held there.

Question. Would you say as a flat statement that the United States government was not being responsive to the . . .?

Mrs. Caldwell. They're being responsive to the families that are cooperating with them and the families that are backing them. They aren't being responsive to us.

Question. What were your opinions on the war in Vietnam before your son was shot down over North Vietnam?

Mrs. Warner. From the very beginning, before my son ever went to Vietnam, I had mixed emotions about this thing. I've read a lot of things about it, I talked to people about it. Well, I'm anti-war, period. I'm anti-violence, period. I never could figure out why we should be there and why we should be afraid that they were going to come over and take over our country. Obviously, we're fighting on the side of the minority. If it was the majority, we wouldn't have to be there.

Moderator. Can you tell us what the basic content of the telegram to Melvin Laird was? What sentiments it expressed?

Mrs. Warner. I hope I don't get my husband upset about this. He said, "Congratulations on the resuming of the bombing of the North. Whose brilliant idea was it, Premier Ky or General Westmoreland?"

Question. Mrs. Warner, is it your feeling that President Nixon and his staff are using the publicity on the prisoners of war to divert the American public's attention from what they are actually doing in Vietnam?

Mrs. Warner. I wouldn't say that's my feeling. It just seems we have been kept busy with little busy work, like writing letters to Hanoi condemning them for the inhumane treatment. And we've gotten everybody in America to write a letter to Hanoi. How many was it they took over there and dumped on the steps of the Hanoi delegation in Paris? I don't think they're going to read all these letters, in the first place, and our government isn't swayed by public opinion. How do we think that Hanoi is going to be swayed by public opinion from another country?

Question. Do you feel that President Nixon is using this as a focus for American public attention, rather than having the focus on anti-war activities or anti-war public sentiment?

Mrs. Warner. Let's not just say President Nixon, let's say our administration. Sometimes I feel yes, that we are being used. I feel that they did not want the prisoner of war families to join with any peace groups, but I'm a peace-loving person, that's why I had to go.

Question. Mrs. Warner, a few moments ago you said that you were alone on a mountain top. Well, I want to say that you're not alone because these people are all our brothers and sisters and we've got to get them back.

Mrs. Warner. Thank you.

Moderator. Are there any other questions from the press? I'd like to thank you personally, Mrs. Warner, and our prayers go with you.

Mrs. Warner. Thank you very much. Thank you for listening.

Floyd. My name is Jon Floyd. I was a pilot with the Marine Corps. I was based with Marine Attack squadron 533 in Chu Lai. Mrs. Warner's son was at Chu Lai. He was shot down about five months before I arrived there. Most of our missions consisted of close air support (which amounts to blowing the tops off of hills or something for helicopters to land) and what is called a TPQ Mission, which is a radar set. This guides the aircraft in at a high altitude, usually about 20,000 feet; they'll give us an air speed to fly, an altitude, and heading control, and we'll reach a point their gear tells them to tell us and we release the bombs. Sometimes we were told what our target was; the targets might be a suspected enemy truck park, or a suspected supply depot, or sniper fire. Normally we'd go up in either single or section aircraft, two aircraft. We carried normally a load of twenty-eight five-hundred-pound bombs per aircraft, and it isn't uncommon, it was a kind of standard joke, about releasing fifty-six five-hundred pound bombs on a suspected sniper.

The TPQ bombing is a strato-level bombing which is directly condemned by the Nuremberg Principles after Dresden, in World War II, was wiped out because no significant military targets were there. Regarding pilot's living conditions, at Chu Lai we had air-conditioned Quonset huts. We lived there on the beach.

We had access to sailboats, and mainly spent our time in the Officer's Club and nominally doing some sort of job. We also flew into North Vietnam. I was flying an A6A Intruder aircraft, and this is a radar strike aircraft. We'd fly in at a low level at night. They had stopped bombing Hanoi area about two months after I arrived there. This type of mission up into the Hanoi-Haiphong area, called Route Pack Six, was called a "rolling thunder". Primarily what we did, while I was there, was basically going in at night, low level, popping up to about twelve hundred feet, acquiring a target on radar, and through the information from our various systems, it went into a computer; I pulled a commit switch and the computer dropped the bombs. We went back at low level. This was always done at night. I didn't get any rolling thunders while I was there, I'm not too unhappy to say.

Our bombing of the North mainly consisted of between the 17th and 18th parallel. This is where the Air Force and Marine Corps area was allotted when the bombing halt was called above the 20th parallel. The Navy had between the 18th and 19th parallel. Our primary objective was to pick up moving targets, such as trucks, or barges, any convoys carrying supplies, etc. We also had secondary targets, which were normally called a truck park or a gun-emplacement or ferry positions across the river, which we would drop our bombs on if we didn't pick up any moving targets. These were the same targets that we had for months and months, and they'd be bombed many times over each night.

Basically the type of weapons we used there were five-hundred pound bombs, and two-thousand pound bombs with what we called "daisy-cutters", which was about a yard-long 1 fuse, to make sure that the bomb doesn't go ahead and penetrate the ground when it explodes but it stays above ground so the frag pattern will be large enough. We also used CBU's, (cluster bomblet units) which are classified, a secret I believe, which amount to a canister which releases a number of small bomblets which are anti-personnel. Also, we mined the rivers and roads with five-hundred pound bombs which were set to go off normally in the twenty-four-hour period following to catch trucks and barges coming along at later times.

Anywhere in North Vietnam basically is a free drop zone. There were no forbidden targets. If you didn't find any particular targets that you wanted to hit, then normally you'd go ahead and just drop your bombs wherever you wanted to. They had zones off in the water where you could go and jettison your bombs, but this was very seldom ever used. Many times, I know, a lot of pilots I've talked to said they would drop their bombs on the City of Dong Hoi, which is the main city between the 17th and 18th parallel there on the coast. We had gotten information that the North Vietnamese had told us that they had a prisoner of war camp in Dong Hoi. It was always blacked out, but no one seemed to believe this and they'd go ahead and dump their bombs on the city there. Referring to Dr. Nelson's experience in Hue, our government claims that most of the people that died there were executed by the Viet Cong, after the cease fire, but a great deal of the city of Hue was destroyed by our own bombing and I'm sure a great deal of these people that died were destroyed by our bombing. I wouldn't doubt but that her living room was blown up by one of our bombs. This war from the pilot's standpoint, is a very impersonal war. You go over there and whether or not you believe the goals that the government prescribes for us to fight for or whatever, most of the pilots just go along and figure, well, it's a job. And that's the way we all looked at it. You fly. You see flak at night. That's about as close to war as we get. Sometimes you get shot down, but you don't see any of the explosions. You can look back and see 'em, but you don't see any of the blood or any of the flesh. It's a very clean and impersonal war.

You go out, fly your mission, you come back to your air-conditioned hootch and drink beer or whatever. You're not in contact with it. You don't realize at the time, I don't think, what you're doing. It dawned on me, I think, when we got reports of thirteen-year-old NVA soldiers coming across and being captured; that most probably they had young girls driving most of these trucks that we were destroying up north. And as far as the damage reports that were put out by the pilots, it was a kind of a standard joke. Especially when you knew which pilots would not particularly do a good job and every bomb they saw exploding, they'd come back and report secondaries. It was just a standard joke. Among the career officers, especially major and above field grade officers, this was just a place to advance your career. They tried to give everyone a command of some sorts. They made sure everyone pretty well got a medal of some sort. In my unit (it was in a flight status) it was a Distinguished Flying Cross. I got two of these; virtually all of the officers got one. This was just a standard procedure. Have you got your DFC yet? It was a common thing. We had an older bombardier navigator and he used to fly with a lot of the colonels who would come down from Group. They had a high change-over of command to make sure everyone got their command over there. We would send him up with all the colonels to take them up north, get shot at, and bring them back and write up their horror tale of how brave they were, and give 'em a medal. Then they'd probably never fly again with us, after they got the medal.

MODERATOR. Okay, now I'd like to go and talk to a few of the other men here on the panel who were interrogators. First we have John Drolshagen. He was in the army. He worked with S-5 which is the Civic Action Program in Vietnam. This is what he was assigned to. This Civic Action Program is to win the hearts and minds of the people. I'd like John to explain a little bit about how he carried out this Civic Action Program.

DROLSHAGEN. Right. Well, being an interrogator you automatically don't win hearts and minds. Being an interrogator the way I was, you definitely don't win hearts and minds. I've heard about these bell telephone hours where they would crank people up with field phones. I guess we did them one better because we used a 12-volt jeep battery and you step on the gas and you crank up a lot of voltage. It was one of the normal things. I'll give a little background. I started out in Vietnam as a platoon leader, seven months in the field doing little fire fights, killing people, etc. You get a little bit hardened, I guess. You become a superhawk or whatever you want to put it at.

After a while, people in my unit were a little bit weary of going out in the field with me. I started enjoying killing people a little bit more than you're supposed to, I guess. Even for the United States, I guess you can like it too much. I was taken out of there and put in the civic action. The basis of the civic action is to win the hearts and minds of the people, propagandize them to our way of thinking. We're supposedly building schools for them, getting medical aid to them, food and clothing, all the nice things that you can think of that you would want to do for people that are "less than we are" so we can bring them up to our standards—which is amazing for a country that's been there an awful lot longer than we have. Instead of doing this type of thing, we had a major that enjoyed doing other types of things. We worked more as an intelligence unit to gather information for our brigade and division. My area was from the city of Tay Ninh, the Tay Ninh Province, down to Phu Cuong which Cu Chi bisected. Outside of Cu Chi, there's a little village called ——— Tau Chi that has an ARVN battalion and an RND unit outside. A little bit north of that is another village that we had commandeered, some head honcho's hootch, which is a big place, you keep your beer cool in it, and where we could carry on interrogation without outside people knowing what was happening. There was another lieutenant and a major there that was an adviser to the Vietnamese batallion down there. There were Vietnamese officers, enlisted men, and NCO's and American officers, enlisted men and NCO's that were present for the wiring of prisoners. You could take the wires of a jeep battery (it's a tremendous amount of voltage), put it most any place on their body, and you're going to shock the hell out of the guy. The basic place you put it was the genitals. There were some people who really enjoyed that because people would really squirm. The major that I worked for had a fantastic capability of staking prisoners, utilizing knife that was extremely sharp, and sort of filleting them like a fish. You know, trying to check out how much bacon he could make of a Vietnamese body to get information. Prisoners treated this way were executed at the end because there was no way that we could take them in to any medical aide and say, "This dude fell down some steps", or something, because you just don't get them kind of cuts and things like that. That was our basic way of getting the information that we needed from prisoners, suspects or whatever. These people were not taken in to the 25th Division Headquarters which is stationed in Cu Chi. These were utilized out in the ARVN areas. We would go back into base camp at night, and being red-blooded American like we were, we'd go down to the Officers Club and get blasted and talk to people. So I'm sure that my brigade commander, my brigade CO, and all the officers attached to Headquarters and Headquarters Company, 1st Brigade, 25th Division, knew what was happening. There was no condemnation of this. People would request to go out there with us and watch it. We had pilots with us and they don't get on the ground too much. They don't see what's really happening. We would take pilots out with us to show them our side of the war, as it were. You become very hardened after being out in the field, losing a lot of people, killing a lot of people, and when you come in, torturing really is just another way of going over it.

MODERATOR. Would you say, Jon, that these were commonly used tactics for interrogators over there, our interrogators?

DROLSHAGEN. Well, using personal experience, yeah. It was so commonplace, you know, you just do it.

MODERATOR. Just accept it as policy.

DROLSHAGEN. Right. That's just what we do.

MODERATOR. What about the prisoners? Who were these prisoners, normally? How did you acquire them, or where did you get them?

DROLSHAGEN. Well, they would be brought to us by the Vietnamese.

MODERATOR. I see. For what? Were these actual prisoners taken in an engagement of some sort, or what? Or do you know?

DROLSHAGEN. I'm not really positive as to whether they were taken in engagements or whether we're going to label them as suspects. Anybody, and this is the racist attitude of Americans in that country, anybody that has slanted eyes and is our age is a Cong if he doesn't have a South Vietnamese uniform on. And if you find one of these guys (we don't even use the term suspect) he was known, and if he died, he was definitely a Viet Cong. You know he's not going to retaliate or anything. He's used as a body count. We would take snipe fire in that area quite often. There was, I quess, a price on our head. We were told that the North Vietnamese, the Viet—I'm just going to use Vietnamese because they all are—they didn't like us, which I can imagine. They were trying to do away with us so any time we had to slice somebody up and do away with them, it was just another body count.

MODERATOR. Jon, what was the highest ranking officer that you've seen at these interrogations?

DROLSHAGEN. A major.

MODERATOR. Major.

DROLSHAGEN. Right.

MODERATOR. Did he take part in them?

DROLSHAGEN. Well, yeah. He was my instructor-type guy.

MODERATOR. He taught you what you knew.

DROLSHAGEN. Right. He was pretty good at it, I guess.

MODERATOR. Okay, thanks very much, Jon. We have another gentleman here, Don Dzagulones, who was also an interrogator. He was an interrogator for eleven months in Vietnam. I'd like him to describe a few of his experiences to you. If you would, tell us where you were stationed and basically what the set-up was there.

DZAGULONES. Okay. I was attached to a Military Intelligence Detachment which was attached to the Americal Division and it was subdivided further into teams. During the three days of interrogation, MPs were present at all interrogation sessions, which is a rule in Vietnam. All interrogations are conducted in the presence of MPs who are to make sure that we adhere to the Geneva Conventions, but, as it is, the MPs were usually the most sadistic people. As far as the field phone itself, I watched as the MPs applied the torture themselves. Like I didn't have to do it. They did it for me. And that night, the night of the first interrogation, a medic came to my area with a syringe with seven ccs—I believe it was of sodium pentathol—and it was kind of like an anonymous gift.

I was told how to use it and it was left to my discretion whether or not I wanted to. I didn't because I was afraid of killing the guy. I didn't know too much about that particular drug. There were numerous incidents I feel I should explain what our function was as an interrogator. Most of the prisoners were women, children, and old men. It wasn't often that we got a military-aged male and our primary function was to find something that these people had done wrong. In that part of Vietnam (I guess they call it disputed) but it's controlled by the Viet Cong; there's no doubt about it. No one ventures out anywhere at night and the Viet Cong force people to join organizations. The Viet Cong tax them heavily and these people are forced to join various organizations, each of which has a separate interest in aiding the Viet Cong. So anyone that we got as a detainee prisoner who admitted to being in an organization was classified as a civil defendant, which meant that he or she went to the National Police and the National Police applied further interrogation techniques. The National Police were probably, well, they could put the Gestapo or the SS to shame.

In our particular district, the favorite tactic used by the National Police was to string a guy up from a beam or a rafter or anything that would extend his hands out, get a speedometer cable, I believe it was, and kind of whip the person until either he died or talked or was unconscious. A lot of the interrogations were witnessed by officers. As I said, all of the interrogations were witnessed by MPs, none of whom ever did anything to prevent brutality.

When I first got into Vietnam, I was an observer at most interrogations for a couple of weeks just to learn what was going on and how to conduct the interrogations. One of the first interrogations I witnessed took place in a hospital in which a North Vietnamese prisoner was brought in wounded. He was severely wounded. He was going into shock from loss of blood. They had gotten the prisoner at an ambush. We had an interrogation team there that was interrogating the guy, but he wasn't offering information fast enough. The Brigade S-2, which is the Brigade Intelligence officer, a major, was there and he was dissatisfied with the proceedings so he took over the interrogation himself.

He got smelling salts, hands full of smelling salts, and he held them to the guy's face to keep him conscious, to make him talk. That didn't work very well, so he poked around in the wounds and what not. And there were MPs present again. There was a Captain who was a doctor present and two or three interrogators who could easily corroborate what I'm saying. Anything I say can be corroborated. I can get people to corroborate what I say. No one took any steps to prevent the abuse of the prisoner.

As I said, he was severely wounded and he was there for maybe half an hour. They were working on getting a helicopter to medivac him up to Division for more intensive treatment, medical treatment that is. Field phones and beatings were commonplace occurrences. As an interrogator, I was subject to the Geneva Conventions and I was watched by the MPs during the interrogations. However, there were other people in our unit who were counter-intelligence and, during their interrogations, there was no one ever present. They conducted their interrogations on their own. There was no one to supervise, and consequently, they took advantage of it. They always used the field phone. They never bothered to ask the person questions.

One of the incidents that I know of personally, which I witnessed, was a guy who was supposed to be a spy. They'd interrogated him for about four or five hours and they alternated between beating him and wiring him up with the field phone. Subsequent to the interrogation, the guy was unconscious. I don't know if he was alive or not. They loaded him in a jeep, left the base camp, dumped him off Highway 1 somewhere off the side of the road and came back. No one ever found out about the conduct of the counter-intelligence people.

Another time they brought in a woman prisoner who also was alleged to be a spy. They continued the interrogation in a bunker and she wouldn't talk. I don't think she even gave them her name. So they stripped off her clothing, and they threatened to rape her, which had no effect on her at all. She was very stoic. She just stood there and looked at them defiantly. So they threatened to burn her pubic hairs, and I guess it wasn't done on purpose, I'm sure of that, but they lighted a cigarette lighter and she caught on fire. She went into shock. I guess she was unconscious, so they called the medics. The medics came and they gave the medics instructions to take her to the hospital under the pretext of being in a coma from malaria, which they did. And nothing was ever done about that.

I also had experience with Psy-Ops teams, which is basically the same thing Jon was. They were to win the hearts and minds of the people. There was one sergeant in particular who had a reputation for being a sadist. His mission was to go into areas and propagandize the people, try to win their hearts and minds over to the South Vietnamese government's side, which is an impossibility. There was no part of his mission which involved detaining people, but at least once or twice a month, he'd send in a bunch of prisoners. Usually they were old women, and, invariably, all had been beaten. One time in particular, we had five elderly ladies sent in, all of whom were beaten. One had a broken leg, I believe, and another had a skull fracture. We sent them over to the hospital for medical attention and we brought it to the attention of the people at Brigade (the majors, the captains, and the colonels).

We told them that it wasn't an isolated incident, that it happened before with the same guy, but no one took any action to prevent it or to reprimand him or to see that it never happened again. As I said, it was commonplace to beat people. There were many assorted techniques used. The field phone was the most popular, though. I'm sure there's a lot more I could relate but right now I'm too nervous to think of them.

MODERATOR. Okay, how about the dehydration?

DZAGULONES. One of the favorite methods used in coercing a prisoner to talk was dehydration. Our main objective in getting a prisoner to talk was to make sure we left no marks, nothing that was traceable. So the MPs were very cooperative with us. We'd get a prisoner and we'd keep him on a diet of crackers and peanut butter, which comes in C-rations. The prisoner was kept out in the sun for three or four days eating crackers and peanut butter and occasionally they'd make him do a little physical labor. If the guy wasn't suffering enough, they'd make him fill sand bags and carry them around. They did this until it was obvious that the prisoner wasn't going to talk, or the prisoner broke. No steps were ever taken to prevent these actions. There was no supervision.

If people did find out about it, they just let it go, because is was an accepted practice; it was common. They were after the information and since the Vietnamese, as has been mentioned, were treated and held as less than human, anything that we did was perfectly all right. I was trained at Fort Meade, Maryland, and officially we weren't trained to use any kind of torture tactics. A class was supposed to last for an hour. They'd lecture us for half an hour and then they'd turn the class over to Vietnam veterans, people who had been interrogators in Vietnam. It was up to them to tell us what they felt was essential to help us function as interrogators in Vietnam. Invariably the instruction would turn to various methods that they'd seen or heard of or used in torturing people in Vietnam and there are many, many, many methods.

MODERATOR. Also, you related to me earlier about women in the camp and about a mother and a daughter.

DZAGULONES. Like I said, most of the prisoners we had were women. It wasn't uncommon to have a mother and daughter coming in the same group of prisoners. I don't know why, I can't understand it, but we had a rarity in our unit. We had a black interrogator, which is really uncommon. There aren't too many black people in military intelligence. So we found out that by threatening a woman with having the black interrogator rape her, would usually make them talk. So they'd have the woman and her daughter brought in at the same time. We'd send the daughter into a bunker and tell the mother that we were going to send the black interrogator in to rape the daughter if she didn't cooperate and give us information. Usually they took it only as a threat. There were occasions on which the guy did go in to the bunker, but he was a pacifist, he never did anything. He didn't even want to interrogate. I guess he was considered by the brass to be a malcontent, but he served his purpose just by walking in the bunker. He'd scare the woman and usually they'd talk. They'd tell us what they knew.

MODERATOR. Okay, thank you very much.

DUNCAN. I think the point is obvious here. We talked yesterday about maltreatment of prisoners by combat troops in a combat zone in the heat of battle. And of course what we've presented here with this type of testimony is the fact that this is delivered by professionals not in the heat of battle. It's common knowledge at all echelons of command. At this point, I'd like to ask John Van Dyke if he would sort of summarize what we have been listening to here this morning.

VAN DYKE. My contribution to this panel is that I did work in the State Department in 1966 for the Office of the Legal Advisor on the question of prisoners of war. Since then, I've kept in contact with the people in Washington that are connected with us and I've tried to find out as much as I could about what the actual practices were—are in the North and the South in connection with prisoners. I've talked with as many of the men who've returned from North Vietnam as I can persuade to talk to me. I've just tried to piece together the picture of what is going on as best as I can.

Now, we've all been deluged in the last eighteen months with this incredible campaign from Washington to get us aroused over the prisoner of war issue. I don't need to go into any great detail about what's been happening. Members of the Cabinet have met with wives and parents of the prisoners, Congressional resolutions have been passed with great urgency. 135 million prisoners of war stamps were issued by the Post Office. Local telephone companies have circulated little notes with the bills telling you to write to Hanoi. The Steve Canyon cartoon strips went through a period of presenting daily sagas of life of relatives of POWs.

This whole effort has been designed to arouse us, get us concerned, and generate hatred toward an enemy that none of us find it very easy to hate. Ho Chi Minh looked like Santa Claus. It's very difficult to generate any hatred toward him. Most people you know just don't want to have anything to do with hating this enemy. The campaign has had some success and I think it's useful to try to understand what's been going on and to acknowledge how closely this is being regulated from Washington.

The Defense Department provides direct encouragement for wives and parents who have organized themselves into a group called the National League of Families of American Prisoners and Missing in Southeast Asia. The chief fund-raiser for this group is a chap called Paul Wagner who was Barry Goldwater's Press Secretary during the '64 Presidential campaign and has since, as a PR man, served clients such as Portugal in its disputes with Angola. The group's chief lawyer is a chap called Charles Havens, who was employed by the Defense Department when I was at the State Department and worked on prisoners of war affairs.

Then just in typical military-industrial complex fashion, he switched over to the private sector. This group has continued to work closely with the Defense Department to get as much interest as it can. Now the amazing thing about this campaign to me is how little evidence the government and the League of Families has come up with about abuse by the North Vietnamese toward our prisoners.

Virtually each of the nine men who've been freed has made statements which contradict themselves. So we're left with a great state of confusion. Two of the three men who were last freed, which was in the summer of 1969, said after they'd had a month of debriefing in Washington, that they had been mistreated to some extent. These are the prime witnesses for the government.

These statements that they made in September 1969 directly contradicted statements they'd made when they were freed. And at that point, none of the other seven prisoners who had been released would corroborate the statements that the two of the nine made. I called one of the other seven, Air Force Captain Joe Carpenter, after the two, Robert Frischman and Douglas Hagdahl made their statements, and asked him whether he had experienced any of the kind of mistreatment abuses that Frischman and Hagdahl announced or whether he'd heard about any. He said, "No," but that he could not make any public statement because he'd been contacted by the Pentagon. He'd been contacted right after Frischman and Hagdahl held their press conference. They had told him not to say anthing, that there was an elaborate plan being organized and that his role at this point was to stay quiet, which he did, because he was still in the Air Force and still wanted to make a career of it.

Last September, September 1970, which was some two years after Carpenter was released, he finally did make a statement on ABC news and gave a generally mild account of his captivity. He said that soon after he was shot down, he was, of course, terrified when he arrived, but he soon got over his fears when he realized that his life was being protected by the militia that quickly arrived. The most serious problem that arose was that some villagers pulled at his mustache. He was, once he got used to the prisoner's camp, kept alone in a bunker and he found the isolation somewhat difficult to get used to.

But it wasn't total solitary confinement because he had a window out on the street, kids would come by and they would communicate as best as they could without knowing the language. He'd make faces at them and they would make faces back. They got along and eventually the older people came over and he sort of dug it. Friendship developed and he had no charge of brutal treatment at all toward his captors.

Well, since that statement of September 1970, two of the other released pilots have made public statements and indicated that they had some rough times, especially when they were being transported around North Vietnam during periods of heavy bombing. They had to suffer the same inconveniences as the North Vietnamese. As we know, our government and the pilots who fly for our Air Force, Navy, and Marine Corps, have been making it very unpleasant to live in North Vietnam. There's been no explanation of why these two pilots that have recently made statements waited two, and in one case, three years, before making any statements. The remaining charges against North Vietnam involved procedural irregularities.

In those areas, North Vietnam has responded and has made dramatic improvement. There's been an official list that has been released and mail is now coming regularly. Mrs. Warner indicated that since March, she's gotten a letter about once a month. That's the general average that most families have been getting. Now what's the comparable situation in South Vietnam in terms of the legal structure? We've heard a great deal about what happens before prisoners get to formal prisoner of war camps. It's fairly clear that life is made very unpleasant for any prisoner before that happens.

Now, there are six formal prisoner of war camps in South Vietnam which hold some 35,000 men and the International Committee of the Red Cross does make inspections of these camps. The Department of Defense, for some reason it's not been announced, classifies as confidential information about the number of prisoners who have died in these formal prisoner of war camps. Richard Dudman, who is the Washington Bureau Chief for the St. Louis Post-Dispatch, and a man who was incidentally himself a prisoner in Cambodia for a month last year, did some investigating and discovered that the figure of prisoners who have died in the formal prisoner of war camps in South Vietnam is at least 899 out of the 35,000 and that includes at least more than 300 North Vietnamese and another 500 Viet Cong soldiers.

The comparable figure of Americans who have died in captivity in North Vietnam is five. I'd like to mention some other aspects of the legal situation. There's been an effort in one or two cases to bring to trial men accused of killing prisoners of war in the South and the record of convictions is so amazing that it just elevates what we've heard here as unofficial and what really happens to an official policy. The trial of Lt. James Duffy in March, 1970 indicates the somewhat hypocritical attitude that our government takes.

Duffy was in command of a company in Binh Phouc district, September 1969, attempting to set up an ambush. The company discovered a man hiding inside the bunker with documents indicating he was a deserter from the South Vietnamese army and they suspected he was a Tiger Scout for the Viet Cong and imprisoned him.

Subsequently, according to allegations which the Court Martial panel accepted, Lt. Duffy told Sgt. John Lanasa, "It's time to get up and get out and shoot him." Lanasa replied, "I always wanted to shoot a gook between the eyes." Lanasa then put an M–16 to the prisoner's head and did in fact shoot him between the eyes. This is uncontradicted testimony. Lt. Duffy reported to his superiors that the man was shot while trying to escape. Duffy's lawyer, in the defense in the Court Martial, did not deny that any of these events took place, but instead argued that Duffy was acting in accordance with an Army policy not to take prisoners in combat operations.

Two fellow 1st Lieutenants in Duffy's company testified in his behalf at the trial that there was a conscious policy to avoid taking prisoners. And we've heard plenty of evidence here that this has been a policy throughout South Vietnam. The eight-man military court martial accepted this defense. They first concluded that Duffy was guilty of premeditated murder, but upon learning that such a finding required a sentence of life imprisonment, they changed their verdict to involuntary manslaughter and gave him a six month sentence.

Duffy continued to be paid by the army while in prison with a forfeiture of $25.00 per month. He was allowed to remain in the army. The court martial panel, in fact, wanted to avoid imposing any penalty on Lt. Duffy and they only gave him a six month sentence after they were told that they could not completely suspend the sentence. Sgt. Lanasa, who was put on trial in July of last year, was acquitted by the court martial entirely. There's another trial that I'd like to mention and it happened more recently. Last month a court martial panel was being organized to try Sgt. Charles Hutto for participation in the My Lai massacre.

In the process of impaneling the group of officers to try Sgt. Hutto, an army colonel was questioned to determine whether he could be an impartial member of the panel. He was asked whether it would be appropriate to execute a prisoner of war in Vietnam, his answer was, "This is not a conventional war. We have to forget propriety." It's an army colonel that makes this statement. He was then accepted as foreman of the court martial panel being deemed to be an impartial observer of the situation.

I think that that elevates a policy of killing prisoners of war to an official level. Since then, Sgt. Hutto, of course, was acquitted by this court martial panel and since then all but five of the twenty-five people originally charged with the My Lai massacre have also had the charges dropped against them. So it would appear that we will not even get a scapegoat for the My Lai massacre. I'd like to touch on one other aspect of North Vietnam's prison treatment: the question of inspection of camps which generally comes up. The North Vietnamese have always refused to have an international body inspect the camps and I think that position ought to be explained a bit. The North Vietnamese genuinely doubt whether any international body can be neutral in this war.

The United States has for some time tried to persuade North Vietnam to allow the International Committee of the Red Cross to visit the captured American pilots. The United States views the International Committee as an impartial body. It's composed entirely of Swiss nationals and they cannot understand why North Vietnam does not similarly view the committee. Well, the history of it is that Asian nations were first introduced to the Red Cross by Western countries which brought it along with their colonizing missions.

The Red Cross is still viewed as an arm of imperialism. Although the International Committee of the Red Cross has done as best it can to be neutral in the war, the Swiss naturally find it easier to communicate with other westerners and they've maintained a close relationship with the United States. North Vietnam has in turn, grown to mistrust the Red Cross. Second, and perhaps a more important reason why the North Vietnamese do not want any foreign organizations inspecting their prison camps, is that they fear a renewed and even more intensive bombing campaign by the United States if the United States learns the exact locations of all the prison camps.

The North Vietnamese reason, I think correctly, the Air Force and Navy would be free to begin a saturation bombing campaign in all other parts of the country and to send over more commando raids on the camps themselves. The bombing attacks on various parts of North Vietnam in January, February, May, September, and November 1970 and again during the past month, provide new reasons for North Vietnam's fears. In fact, I think the recent commando raid would end forever the possibility of any international inspection of North Vietnam's prison camps. The North Vietnamese should not, however, be viewed as intransigent on this issue of prisoners of war. Mrs. Warner mentioned the Viet Cong offer about prisoners of war. In September of 1970, Madame Binh said that if the United States would set a definite timetable for troop withdrawal, the Communist forces would refrain from attacking withdrawing U.S. troops and in addition they would begin immediate discussion on the exchange of prisoners. Never before in modern warfare has there been a general prisoner exchange prior to the end of hostilities. It's a really remarkable offer. The Nixon Administration ignored the offer.

Instead of responding directly to it, President Nixon made an address the following month, October, 1970, in which he said he favored the immediate release of all prisoners but he would not link this gesture to withdrawal of American military forces from Vietnam. Another obstacle in the way of complete settlement of the prisoner of war situation is the U.S. insistence that those men now held in Saigon's POW camps be given a choice of whether or not they will be returned to the North.

And there's evidence that we may be undertaking some kind of reeducation program in the POW camps in the south similar to what we did in Korea to encourage the men in those camps not to return to North Vietnam. This issue of voluntary repatriation delayed the Korean truce by some 18 months during which 140,000 casualties occurred and it seems possible that the Nixon Administration is going to use this issue again in an attempt to gain time for what they hope might be a military victory.

In contrast, we see that the issue might backfire on them. Mrs. Warner is not alone; there are at least half a dozen other relatives that have gone on record as favoring Madame Binh's proposal. Fred Thompson who was released in the summer of 1968 has gone on record in favor of Madame Binh's proposal and the day may come in which the majority of these relatives turn around and force the administration to accept Madame Binh's proposal as the appropriate way of getting out of Vietnam and getting the prisoners out of Vietnam.

It would seem that this is a possible course that we can take. In the meantime, however, government officials are talking about more raids into North Vietnam to rescue prisoners. Before the November raid, the administration's use of the prisoner of war issue seemed a cynical attempt to manipulate popular support in order to gain emotional hatred toward the North Vietnamese. The raid raises deeper questions. Unlike President Johnson, Mr. Nixon has given no assurance against American military expeditions to the North. As we know, an American invasion of Laos seems imminent. The Administration is exploiting the prisoner of war issue to generate emotional support for military actions as a pretext for yet another expansion of the war. Thank you.

MODERATOR. Relating directly to the concern of the American military and the American government to the release of prisoners, at the time George Smith was captured, three other American Special Forces people were captured in Vietnam in November, 1963. Steve has a leaflet, part of an after action report, relating to those three people, Sergeants, Versage, Rowe, and Pittser. Rowe, I think, was a lieutenant.

NOETZEL. This is a copy I showed you before of an after action report. It's an official report which was forwarded to the Pentagon which included every major piece of civic action that was accomplished by this particular Psy war team. I had an extra copy. I brought it home with me. Before I explain the leaflet, I want to give an example of the kinds of leaflets we did use in a leafleting campaign all through the IV corps or the Mekong Delta, then I'll show you the leaflet that relates to a ransom for the three sergeants. One is in Vietnamese and there's a translation with it. I'll read it quickly to you. "To the people in the VC-controlled area. On 3 February 1964, government military units on the way to liberate the village of Can Chu engaged in a battle with the VC unit. The battle was very furiously fought and both sides suffered casualties.

As a result four of our members and Mr. Nyguyen Van Do, an innocent civilian, were killed. We confirmed the exact figure in order that we might be able to keep a record of soldiers killed and their families. The bodies of these brave men killed by VC were removed from the battlefield by the comrades and taken by helicopter back to Camp Long Kanh were their leaders and comrades helped their families and shared their grief. After their bodies were washed and prepared for burial, in accordance with their particular religious customs at the camp dispensary, all expenditures of burial, including coffin and incense stick, were beyond the families' concern.

We also provided transportation by helicopter to those families who wished the bodies of beloved soldiers to rest in their home towns and substantial payment was made to the survivors of each soldier killed by VC. Dear Countryman, it is evident that the government of the Republic of Vietnam always cares for each and every brave soldier sacrificed for his nation. How about you? Have you ever thought of your life? You have already witnessed that when your comrades die, their bodies will be hidden beneath the mud or thrown into the river. Their families will never get neither gratuity nor the least of condolence. On the contrary, they will starve and peril will be brought down on them.

From the miserable life of present time to the shameful deaths sooner or later and a stormy outlook for such beloved people, have you ever thought about it? Be sincere and answer the question by yourself and bravely change sides which are integral to your life. We are always delighted to welcome your return to the nation and to your families." This leaflet was used. The leaflet that I will read now was not used. Never dropped.

Communique of IV Corps Tactical Zone Leaflet. There's the leaflet in Vietnamese. It says: "1. Commanding general of IV Corps Tactical Zone will have a reward of 300,000 Vietnamese piasters to the one soldier or civilian who releases or helps release the three Americans Versage, Rowe and Pittser. 2. Pro-communist members are able to benefit from this reward too and when they return they will also benefit from the government's clemency in the surrender inducement campaign, now known as Chieu Hoi. 3. Inform or conduct the three Americans to the nearest strategic hamlet or military post. 4. Procedure of collecting reward will be simplified and prompt. Reward will be drawn within 48 hours after the release of the three Americans. Signed Phong Dinh, 27 November 1963 by General Nyuen Hu Ko, Commanding General IV Corps, the ARVN Army."

Special Forces commanders in Trang Nha, Vietnam, saw this leaflet, read it and decided that they were not going to ransom, not going to pay any money to communists whether civilian or VC, to release American prisoner. This amounted to a total of $3,000 or $1,000 a piece because they didn't want to contribute that to the war effort of the Viet Cong. That's how interested they were in the release of these three Americans.

MODERATOR DUNCAN. The testimony we've heard so far, of course, continues to relate between Americans and Vietnamese. Much of it, I hope at least, is not very pleasant to listen to. Much of it must seem rather incredible. Is this what we can do to people? Other people? Vietnamese? I have two people who I'm going to bring on very briefly to show you we are capable of it. We do it to ourselves. Denny Leonard and Thomas Carroll come forward, please. We've talked of prisoners of war and we think of it usually in the classical sense of being captured by an unfriendly power or hostile power. Denny Leonard was a member of the United States Army, an American Indian. He was in basic training and as part of the command information classes there, to show the elitism and the esprit de corps and the buildup of esprit de corps, they were shown the proud tradition of the 1st Cavalry, which included, of course, the massacre of his people and this was considered the way to build esprit with the troops. Denny left. Subsequently, he did return and was confined to the stockade at Presidio, California, United States Army stockade. Denny, would you just very briefly talk about, first of all, your briefing on entry and maybe one or two other little incidents?

LEONARD. When I entered the stockade in San Francisco, they made you go through a process, a special processing detachment—they called it a black cell. It was downstairs and they used all black soldiers there. These soldiers were returning AWOL's and they promised them that they would be set free or not be court-martialed if they would teach the new people that were coming down there that going AWOL or defying the army was a very bad thing. And so, all the black soldiers that were in this black hole would counsel new people that were coming in. That was GI's that were being returned by the armed forces patrol from AWOL, or those people that were transferred to the Presidio from other stockades. When I was down there, there was two prisoners that were beaten. They were both white. I wasn't bothered because I was an Indian and the black GI's dug Indian people, but the whites were treated pretty badly. That's how the army was utilizing racism when I first went into the stockade.

DUNCAN/MODERATOR. The man sitting next to Denny is Thomas Carroll, formerly of the United States Marine Corps, who went AWOL and was subsequently court-martialed for that, is that correct? We don't have time to go into the whole story, Tom, but perhaps the press can ask you questions about it later, if they want. I have on your sheet here that you were held in stockade for nine months, four months in solitary. Would you just relate some of the conditions under which you were confined?

CARROLL. Well, I was in solitary confinement for 120 days for not going along with the brig program. I was confined at 3rd MAF, outside Da Nang, first if you didn't go along in your cell, then you were put on diminished rations which was bread and water three times a day and dehydrated vegetable. But, you never got the vegetables and they'd spit in the water and step on the bread. Charges were written up against you for talking in your cell. You weren't allowed to do anything.

MODERATOR. How much did you weigh when you went in there?

CARROLL. About 170 pounds.

MODERATOR. How much did you weigh when you got out of there?

CARROLL. 98 pounds. I had malaria when I got out that was why they let me out. But they'd spit in the water and step on the bread and most of the time in my cell there were handcuffs and leg irons. They'd come down and give you injections of thorazine to immobilize you.

MODERATOR. Can you explain what thorazine is used for? Or do you know?

CARROLL. Well, the only thing that I knew it was used for was an antidote to bring someone down that was on LSD or to quiet someone down. They'd do this about three times a day and then they'd come in and throw water in your cell and kick the door and once they sprayed five gallons of DDT to kill a spider while I was still in there.

MODERATOR. Would you briefly go through the routine that you went through to go to the latrine?

CARROLL. Well, when you were in solitary you didn't go to it. There was a bucket in there with you.

MODERATOR. This was in medium compound?

CARROLL. Right. But when I was in maximum compound, first you'd have to request permission to speak to Sally Quarter NCO who's the guard walking the aisle. To do this you'd say, "Sir, prisoner so-and-so requests permission to speak to the Sally Quarter NCO" and he'd make you say it four or five times and then he'd give you permission to speak. And you'd say, "Sir, prisoner so-and-so requests permission to make a head call". You'd go through the whole thing again and he'd keep you standing there. He'd give you permission and then you'd have to ask permission to leave where you're standing and step over into the aisle and go through the same routine to first to speak, and then to get permission to do this, and then once you got that far, he'd tell you whether or not he was going to let you go all the way. Then you'd request permission again to do it, and he'd march you down there and you had a limited amount of time. You had to go through the same procedure to get back. And all during this time, after you requested permission to speak. Then you had to ask permission to ask whatever question it was that you were going to ask him.

MODERATOR. How did they usually address you when they responded to your questions?

CARROLL. "Turd" or "Scum" or a few other choice names. And while you were standing there, they'd go over all the things that was wrong with you. If your boots weren't shined or you didn't have shoe polish or your uniform was dirty (you had no place to wash it) and then if you'd talk back, they'd mark it down in the book.

MODERATOR. Would you consider this type of training demeaning? Did it make you a better Marine?

CARROLL. No, that's what the worst part of it was. That was the purpose for it; it was for discipline so they got you completely disciplined to kill without question. You weren't allowed to question orders and this was the reason and they told us they did this. We had to go through all this stuff to learn not to question an order and to do exactly what you're told, when you're told, and how to do it, how you were told to do it.

MODERATOR. Thank you Tom. I have one more question. Let the press have their licks at it. I'd like to ask Dr. Zinn about the treatment of the prisoners in North Vietnam again, and specifically, can you relate what George was saying about food and starvation and so on to anything in the North?

ZINN. I don't want to take too long with this but the point about the food given to the prisoners of the North Vietnamese, but when Father Berrigan and I were in Hanoi to pick up the first three of the nine pilots who were released by the North, we met them for the first time in the prison compound inside the building in the outskirts of Hanoi. We were introduced to them and we wondered what condition they were in. We wanted to see if they had been well fed or ill fed and they looked as if they'd been well fed, that is they looked pretty good. To put it another way, they looked better than we did, which may not have been saying very much. But when we talked to them later, they said they'd been given adequate food; in fact, they'd been given double the ration that the Vietnamese themselves were getting because the Vietnamese assumed that the Americans were big, which was true. They needed more food. They gave them more food. They also told us that they had plenty of French bread all the time—all the French bread apparently that they wanted, more than they could eat. We wondered if they, these three particularly, because they'd been selected for departure from North Vietnam had been given special treatment in the way of food and we asked them about that.

They said they were quite sure that all the prisoners in the camp were getting the same food because, although they didn't see the other prisoners very often, when they would go out to pick up their particular tray of food, they saw all the other trays of food, and all the other trays of food looked the same. So it seems that the prisoners were being adequately fed. Just let me make one point to re-inforce what has been said several times about the fact that the American government, despite all its heart-rending pleas about doing something for the POWs, and deluging the North with letters and so on, has never cared for the fate of the American POWs. It has taken us a while to realize.

We also knew that the American government didn't care what happened to the Vietnamese but it was assumed that they cared something about what happened to Americans. It turns out that that's not so either, and I suppose it should occur to anybody who thinks about it that if the American government were concerned about the treatment of POWs in the North, the first thing they would do is not to add to the number of POWs in the North by more bombing raids. And the second thing they would do is not intensify the bombing raids in order possibly to provoke the North Vietnamese into worse treatment of the prisoners that they hold?

Of course, this hasn't happened. Father Berrigan and I had one graphic and close at home illustration of this. When we were talking to the Prison Camp Commandant in Hanoi about the release of the three pilots, he said to us, almost offhandedly at one point in the conversation, he said, "Of course, you realize, that if your government bombs Hanoi while you are here and while we are talking about the release of these three pilots, we may not release them." And we thought about this. It seemed on the one hand cruel and upon second thought, understandable. That was a Wednesday. I remember, and we were to leave Hanoi on Friday with the three men.

The next day was Thursday and we were having a conversation with several North Vietnamese and the air-raid alert sounded. There had been several days of no bombing. Later the American government claimed that they hadn't bombed in deference to the POWs and the fact that we were bringing them home. By a remarkable coincidence those were days of bad weather. It wasn't easy to bomb on those days. Thursday was the first clear day, on Thursday the bombers came, and they bombed Hanoi, And, as Dan Berrigan and I were sitting there in the shelter listening to the bombs fall on Hanoi, we wondered about what was going on in the minds of the people in Washington and the generals in the Air Force and whether they really gave a ——— about the American prisoners or about anybody else.

Just one more point, before I conclude, and that is that Mrs. Warner said at the very outset of her remarks that she wanted to make it clear she wasn't a revolutionary, she was an American. Of course, I suppose you can be an American Revolutionary. But, I think, she was concerned to make it clear that there is something about America which she cherished and which she cared about and which was inside her. I was thinking as people were talking here, as ex-GIs were talking about their experiences and listening to Randy Floyd talk about a bombing (I was a bombardier once)—I remember how we just dropped bombs and everybody claimed we were doing pin-point bombing. We never knew where the bombs were falling.

But I thought those were crude times. We're in sophisticated times and technology has improved. Johnson and Nixon said we were doing pin-point bombing; maybe it was true, of course. Technology is secondary to human will and the fact is, we don't have the will not to bomb civilians. That's the crucial thing. But listening to all this testimony and thinking about what Mrs. Warner said about America, it occurred to me that what is happening in this country now is something very special and that is that we were all brought up to really believe that there is something about America that is great. We were different from other countries. We were different from tyrannies; we were different from totalitarian states.

These other countries were cruel; they were brutal; they invaded countries. They sent armies across borders; they bombed; they bombed civilians; they destroyed cities; they lied also to their people—these other countries did; they tortured. America was different and what's happening now in the United States is that all the things that we believed about America and which were part of the American tradition—our ideals, turn out, well, not to be true, if they were ever true, and certainly not to be true now.

I guess it's very important for us to hold on to this original notion about what America stands for because what's happening now as more and more Americans become aware of the gap between what America is supposed to stand for and what we are really doing, not only to other people but to ourselves, we are going to see a Mrs. Warner multiply a thousand times. We're going to see these GIs, veterans, multiply a thousand times. We're going to see the people in this room multiply by thousands of times and when that happens, things are going to change in this country. At that point, maybe we'll begin to match the traditions that we always claimed we stood for.

Moderator. We'll take questions from the press now.

Question From the Audience. I'd like to ask the former interrogaters to comment further on the American forces' attitude toward and treatment specifically of women, female prisoners of war.

Panelist. The interrogating I did was basically with the men. That's all we did. With the pacification, we used to round up a lot of women; we would separate families, when we brought them in from the field. We put the children in an area, away from their parents and take the women away from their husbands and just totally separate the whole family. We wouldn't let them know what was coming off. I never worked with any torture against women, but we did mess up their minds by taking them away from their children and the rest of the family.

Another Panelist. None of my experiences in interrogating women had any sensationalism, if that's what you're seeking.

Same Questioner. I wasn't really asking for sensationalism. I was, more than specific incidents of treatment, asking you to talk about the general attitude toward women.

Panelist. Oh. Most of our prisoners were women and they were treated basically like a Viet Cong soldier was. They weren't taken advantage of in any way. Only if they had a child or something, we would separate them from their child—try to use that to make them talk. Our basic job was to get information. That was our basic mission and if the situation was that we could exploit a woman, a woman with a child, we would do it. Other than that, women were treated no differently than the men prisoners. They were treated the same way, they were kept in the same areas. They weren't segregated or anything. They were all kept together with the men.

Panelist. I'd like to add to that. I tried to make obvious the fact that of all the people that I had encountered in military intelligence, this guy was the only black man, that I had encountered. I can't attribute it to official Army policy, but to me it seems that the ratio of blacks in military intelligence would have been more than one out of maybe five hundred people that I had seen. I tried to bring that point out. That this was the only black man that I had encountered in military intelligence in two years in the Army.

Question From the Audience. In a discussion with black GIs yesterday, I was informed that, especially in the 3rd Marine Division, black GIs were always given the dirty work in torturing villagers, slapping around villagers. They always made the black GIs look like devils to the villagers to strike terror into their hearts. Perhaps this is related to the theory that the villagers had about blacks interrogating.

Panelist. Well, I'd like to make a comment on that statement. In my experiences in Vietnam, the blacks were more apt to identify with the Vietnamese, than the white GI was, because, they, the blacks, are suffering from racism as the war in Vietnam is a racist war against the Vietnamese people. Therefore, they can identify with them in my estimation. I believe that black GIs were less apt to be sadistic and violent with Vietnamese people. The black interrogator that we had refused to interrogate people. Any classification that he put on the prisoner would intensify. If he found the prisoner to be guilty of any of the numerous crimes that they can be guilty of, you know, belonging to Viet Cong organization, they would go to the National Police and he wanted no part of it. He tried to remove himself from it completely.

Question From the Audience. Was there a difference in attitude between the heads and the alcoholics?

Panelists. Well, generally, the alcoholics were the career types and their attitude was body counts. Killing people was what they were after, but they didn't have to do it so they were really anxious to send people out into the field to do it. I imagine if they had gone out into the field, they may have tried grass, but seeing as they were in rear areas they had alcohol. It was readily available. But had they gone out and had they experienced some of the combat conditions, which they expected other people under their command to go through, I imagine maybe they would have tried other things.

Question From the Audience. I was wondering if drug abuse . . .?

Panelist. I never saw anyone interrogate anyone under the influence of any drugs, other than maybe alcohol. But, I think that had anyone been stoned during an interrogation, they would be less apt to use torture than somebody who was straight or especially drunk.

Question From the Audience. Earlier, when you testified, you referred to the Viet Cong forcing people to join them. How did you get this information? Was that information extracted from them under duress or force?

Panelist. Normally they'd volunteer the information. Saying that the Viet Cong had forced them was probably a bad statement to make because to them, especially in the northern part of Vietnam, the government of Saigon is a remote intangible entity. The only government that they've known and they identify with is the Viet Cong. Because the Viet Cong don't own the land that they're farming. The Viet Cong don't tax the land that they're farming. The people in Saigon own the land and it's the constant struggle between the poor and the rich. They give their allegiance to the Viet Cong because Viet Cong are the people they encounter in their daily lives; the people that live in the same way that they do. The people who are fighting for them, as opposed to the government of Vietnam, the official government of Vietnam, the American-sanctioned government of Vietnam, which has nothing to do with the people except levy taxes and kill them.

MISCELLANEOUS PANEL

Moderators

Jan Crumb, 28, SP/4, 18th Aviation Co., from December 1961 to October 1963.

John Kerry, 27, Lt. (j.g.), Coastal Sq., Coastal Division, 11 & 13, U.S.N.R. from November 1968 to April 1969.

Veterans testifying

Michael McCusker, 29, Sgt. (E-5), Public Information Office, 1st Marine Division from 1966 to 1967.

David Cohen, Naval Coastal, Division 11, from November 1966 to November 1967.

Sam Schorr, SP/4, (E-4), 86th Combat Engineers, from September 1966 to September 1967.

Dennis Butts, 24, SP/4, (E-4), HHQ Co., 2/12, 25th Infantry Division and "E" Co., 4/39, 9th Infantry Division from September 1966 to September 1967.

Thomas Heidtman, 26, Pfc. (E-3), 3rd Bn., 5th Marine Regiment, 1st Marine Division from October 1966 to November 1967.

Paul Williams, 24, L/Cpl., (E-3) "A" Btry., 1st Bn., 12th Marine Regiment, 3rd Marine Division from May 1966 to May 1967.

Donald Donner, 24, SP/4, (E-4) 20th Brigade, 86th Combat Engineers, from August 1967 to July 1968.

Joe Galbally, 23, SP/4, (E-4), 1/6, 198 L.I.B., Americal Division from October 1967 to April 1968.

Ed Murphy, 23, Sgt. (E-5), 1/6, 198 L.I.B., Americal Division from October 1967 to September 1968.

Timon Hagelin, 21, SP/4, (E-4), Graves Registration Platoon, 243 Field Serv. Co., 1st Logistics Command, from August 1968 to August 1969.

Russel Kogut, 22, WO–1, 155 Assault Helicopter Co., from May 1968 to March 1969.

Dennis Caldwell, 24, CWO–2, "A" Trp., 3/17, Air Cav., 1st Aviation Brigade from October 1968 to October 1969.

Don Pugsley, 23, SP/4, 5th Special Forces. from October 1969 to December 1969.

Steve Pitkin, 20, SP/4, "C" Co., 2/239, 9th Infantry Division, from May 1969 to July 1969.

Moderator. This panel is comprised of various units from Vietnam which is why it's called a Miscellaneous Panel. Each vet will introduce himself, tell what unit he was in, what years he served in Vietnam, in some cases months, and briefly summarize what he will give testimony on. After the testimony we will talk very briefly about why these things happened and about the changes that occurred in them between the time they went and came back. So, we'll start at this end and work on down.

McCusker. My name is Michael McCusker and I'm from Portland, Oregon. I was in the 1st Marine Division, in I Corps, in 1966 and 1967. I was discharged on 19th October, 1967 as a Sergeant E–5. This ragged piece of paper here is a Xeroxed copy of my discharge papers. I was in the 1st Marine Division with the Informational Services Office which meant that I was an infantry reporter-photographer. I spent all of my time out in the field with the infantry on infantry operations. I went out with damned near every Marine outfit in all of I Corps from 1st Marine Division and 3rd Marine Division units. And so, these things in the field, the torturing of prisoners, the use of scout dogs in this torture, the Bell Telephone hour as has been described with the field phones, by seeing all of these units, I discovered that no one unit was any worse than another. That this was standard procedure. That it was almost like watching the same film strip continually, time after time after time. Within every unit there was the same prejudice; there was the same bigotry toward Vietnamese. All Vietnamese. There will be a panel tomorrow on the press censorship that a military reporter goes through. At this time I'm not going to speak much of that because we're going into detail in tomorrow's panel. Today I just want to mention a few atrocities of a larger scale that I saw. All three of them were ironically with the same battalion, 1st Battalion, 5th Marine Regiment, 1st Marine Division. All three atrocities happened in the month of September and October, 1966.

Now the first one took place around September 6th or 7th, 1966, about ten miles northwest of the Province capitol of Tam Ky near the mountains. It was in a pineapple forest and a Marine had just been killed. He had been hit by a sniper and the entire battalion, in revenge, destroyed two entire villages, wiping out everything living, the people (and that was men, women, their children), all their livestock, burning the huts, destroying the paddies, their gardens, their hedgerows, just wiped them out—erased them. They did not exist the moment after the Marines were finished and they might never have existed. The next instance happened also in the same month of September when a squad of nine men, that was a Chu Lai rifle squad, went into this village. They were supposed to go after what they called a Vietcong whore. They went into the village and instead of capturing her, they raped her—every man raped her. As a matter of fact, one man said to me later that it was the first time he had ever made love to a woman with his boots on. The man who led the platoon, or the squad, was actually a private. The squad leader was a sergeant but he was a useless person and he let the private take over his squad. Later he said he took no part in the raid. It was against his morals. So instead of telling his squad not to do it, because they wouldn't listen to him anyway, the sergeant went into another side of the village and just sat and stared bleakly at the ground, feeling sorry for himself. But at any rate, they raped the girl, and then, the last man to make love to her, shot her in the head. They then rounded up ten villagers, put 'em in a hut (I don't know how they killed them—grenaded them or shot 'em down), and burned the hut. They came back to the company area where it was bivouacked for the night while on a regular routine search and destroy mission. I personally came into contact with this when the squad came back, told their C.O., who was a lieutenant, and they hastily set back off again towards that village with the lieutenant. I sort of tagged along in the rear and when I got up there they were distributing these bodies that were charred and burned and I asked what these bodies were. They said, "Oh, we were hit by an ambush. These were the people who ambushed, but we got 'em." Okay, I didn't want to ask them how they killed them because all the bodies were burned as if they'd been roasted on a spit. There was a tiny little form, that of a child, lying out in the field with straw over its face. It had been clubbed to death.

As later was brought out, the Marine that clubbed the child to death didn't really want to look at the child's face so he put straw over it before he clubbed it. The woman survived, somehow, and crawled to a neighbor; the neighbor ran off to the ARVN commanders. The commanders were rather angry, put pressure on the Marine Corps and these men were tried. However, they got very light sentences—a little slap on the wrist. I don't know exactly how much time they got nor do I know how much time they actually served, but they're on the streets again because I ran into one about two years ago in New York. The third atrocity was a village called Pho Duc which was farther northwest of Tam Ky, across the first range of mountains into several valleys. This area was not touched for two years until the Army started taking up operations in that area. Jonathan Shell wrote a very very graphic two-part story for the *New Yorker* concerning that area, mentioning that nobody had been in there for two years after the Marines had passed through. Nobody had to. There wasn't really much left after we went through. In this one particular village of Duc Pho, another man was killed by a sniper. He was a lifer by the name of ——— and I really don't know whether a sniper blew him away or not because ——— was not one of the most popular men in the company. This involved Bravo Company, 1st Battalion, 5th Marines, and I believe it was the 1st Platoon with the Company Commander along. Well, the C.O. pulled us back. We were sweeping across the party when ——— got hit. He pulled us back and called in for nape, which is napalm, or which the military now likes to refer to as incinder jell as if it were as harmless as jello, an after-dinner dessert. But it was napalm. We walked into the ville after the fires burned down and there was an old man lying on a cot, burned to death with his hands stiff in rigor mortis, reaching for the sky as if in prayer or supplication forgiving us for what we had done. We walked past him and across the hedge row there was an old woman lying dead curled into the fetal position as if she had been just born. An old man lay beside her. Over the next hedge row there were thirty dead children. They had been lying out there in this courtyard for us to see them before we got into that village. They were laid out there by survivors who split into the jungle. Now these kids, thirty of them, none were over fifteen; some of them were babies. Some looked like they had just been sunburned, that was all. Their skins were a very ruddy, ruddy pink or scarlet color. Others were just charred with their guts hanging out.

Ironically it was my mother's birthday, 27 October, and I somehow seemed to feel that there were her children. An officer, a captain, walked up to me and said, "Well, Sgt. McCusker,"—remember I was the reporter—"Do you see what the Viet Cong did to their own people?" And I said, "Captain, I saw our planes drop the napalm." He says, "Well Sgt. McCusker, you had better write that the Viet Cong did it." I told the captain politely what I thought he should do to himself and I walked off. Now these things happened. Now these were some of the more gruesome things that happened, or more gruesome because of the numbers. But daily things like this happened, a kid shot down in the paddy because, well, it looked like an adult running away. I couldn't see, so we walk up to him, and it's a kid. The philosophy was that anybody running must be a Viet Cong; he must have something to hide or else he would stick around for the Americans, not taking into consideration that he was running from the Americans because they were continually shooting at him. So they shot down anybody who was running. I was in a helicopter once and I saw this farmer in a cart. Suddenly the farmer in the cart just blew into all sorts of pieces and the helicopter I was in was shaking like the devil. It wasn't hard to put it together because I watched the gunner finish off the rounds. He had extra ammo. The tortures started in the villages. Prisoners were picked up by the average infantrymen who really didn't have much idea of exactly what intelligence was needed. So, therefore, you're all prisoners. We'll let interrogators take care of it. The method of taking prisoners was that you take the villagers that were left in the village, not those that had run away. You tied them to a tree and got the dog handler to let the dog jump and bite at the person tied to the tree. Or again, with the field telephone, you wired it up to his ears, his nose, his genitals. This was done to women; I've seen it done to women. In Ben Song, which was the province capital, in a prison, this guy was telling me all about why war was hell. He took me down to this dungeon where South Vietnamese troops were pulling finger nails out of an old woman. There was an American captain standing by, rocking on his heels, rather enjoying the show. I could testify to the systematic destruction of village hospitals, by mortars, by air, by artillery, believing that if those hospitals were destroyed the Viet Cong could not use them for their wounded. I was also on an operation in the Rung Sat area just north of Saigon which is just mud flats, like the Mississippi delta at high water.

It was in April, 1966, with the 1st Battalion, 5th Marines again. They were a battalion landing team at that time. We came across a big NLF hospital complex and destroyed it out of hand. Now interestingly enough, in Portland Oregon, where I was a medic in the student strike, we had an unauthorized hospital tent in what was called the park blocks out in front of the college. The city decided to destroy it because it was an unauthorized hospital. We did have patients in it, but these were unauthorized people too. They were long hairs. So the cops came in, the tactical squad with their sticks. They bloodied up about thirty of us pretty badly and did a lot more damage to perhaps fifty more. So not only in Vietnam do Americans destroy hospitals. It was graphically pointed out to the people in Portland that they were destroyed too by police power, except of course, the hospital was not officially authorized. Nor are Vietnamese hospitals in the villages. Doctor Margarette, who was in Quang Ngai, can testify to the condition of the provincial hospital in Quang Ngai, the Vietnamese hospital for the province. That hospital is so over-crowded that they can't get anything done. People are dying in those wards; they just shove them off the beds and put somebody else on them. One of the reasons that that hospital is so crowded is because all the little hospitals within the villages were all destroyed. Quang Ngai, in that province of Quang Ngai, an entire war of attrition is being put across there. My Lai is in Quang Ngai; My Lai suffered that war of attrition. When Calley and his people went through there, it was not the first time anyone went through My Lai and put the torch to it, nor was it the last time. You can prove it by a Reuters dispatch of October, 1969. They were doing it again, and in the villages of the whole Son My Province. The entire Quang Ngai area was slated for destruction. The Vietnamese were slated for relocation and forced urbanization, which is what is happening in this country as a matter of fact. So the methods don't differ. I guess, really, that's the end of my testimony, except right now, while I'm speaking, it's happening in all of Southeast Asia, some guys are going through what I did, what all of us did; they are going through it right now. The Vietnamese, Cambodians, and Laotians are dying right now, at this exact moment, and they will continue to die tomorrow, maybe even next year. So remember that and maybe you're going to find one of these days an F–100 flying in napalm strike on a ghetto; you're going to find an F–100 flying a napalm strike on where the long-hairs live. It's not too far off. They've used tear gas from helicopters already; they've used shotguns; they've blown away Black Panthers—it's not too far off.

Cohen. My name is David Cohen. I was with Coastal Division 11, USN, over in Vietnam, stationed down in IV Corps in the Gulf of Siam, from November '66 to November '67. I left high school to enlist in the Navy. When I left the Navy, I was thoroughly disgusted with everything I'd seen and everything I was still seeing. I tripped around for a long time trying to figure out where I was at. And now what I'm doing is full-time GI organizing, because I know. I'm convinced, that one of the best ways to end this war is to get all the active duty GIs to say we are not going to fight your war anymore. I can talk about the dehumanization of the Vietnamese. I can talk about the brutal treatment of the Vietnamese. But one thing that I saw, and that I participated in as government high-up promulgated policy, was the hiring of Cambodian and National Chinese mercenaries by Special Forces Teams who operated in Cambodia, South Vietnam, other places. I only participated in operations in South Vietnam and Cambodia.

Schorr. My name is Sam Schorr. I'm from Los Angeles. I was in the US Army, 86th Combat Engineer Battalion in Vietnam from September 1966 to September 1967, in the area of Lai Khe, the Iron Triangle, the Mekong Delta around Dong Tam, Ben Luc, and Tan An. I was an E–4. That was the highest I ever got; they wouldn't promote me after that. I will testify to the destruction of crops and rice paddies, ripping off graves, random fire on civilians, recon by fire, indiscriminate firing in mad minutes, throwing people out of helicopters, throwing C-rations at kids along the side of the road, killing of water buffaloes, and last but not least, the whole major issue, the issue of fighting in this imperialistic war.

Butts. My name is Dennis Butts and I'm from Madison, Wisconsin. I was an infantryman with the 4th Division and the 9th Division in 1966 and 1967. My testimony will involve the killing of civilians, the playing of games with mortars—setting them so that they will burn down civilian homes, and also I will try to give my insight into why this happened.

Heidtman. My name is Thomas Heidtman and I'm from Ann Arbor, Michigan. I served from October '66 to September '67; I served with Third Battalion, 5th Marines all this time. I can attest to prisoners being shot. I've seen it; I've done it. Villages being burned was a common everyday thing in the "Burning 5th Marines." Prisoners were tortured. They were forced to carry other wounded prisoners on bamboo poles for up to seven hours. Women and children were brutalized. I've seen water buffaloes killed. Anytime you have to dig a hole, you find a nice soft bean field. You destroy crops. Rice is contaminated with CS. For three months they were attempting to burn rice with illumination grenades, which never did work, but they kept on trying. Destroying villages was a common practice. On one occasion, a captain ordered the burning of a villa because we were staying in this area for a day and a half and it was "too close."

Williams. My name is Paul Williams of Fayetteville, Arkansas. I served from May of 1966 to June of 1967 in the 1st and 3rd Marine Divisions. I was a Lance Corporal and I was a Forward Observer in the field. Among other things that I witnessed were POW's being beaten, the condition of children after air strikes had taken place in their villages, H&I (harrassment and interdiction) fires, and most particularly the command that I received at Khe Sanh that after dark anything was a free fire zone for H&I's. Further, re-con by fire, FSCC orders, at Khe Sanh, to do this on unidentified targets, and, in the northern part of Viet Nam, the killing of unarmed individuals, destruction of houses, property, crops, the use of prisoners of war as pack animals, the use of CS grenades, the forced evacuation of villagers, and refugees being moved without prior notification, without time to pack their own personal belongings. In Operation Hickory, which was within the DMZ, we made an amphibious landing. We were given the order that anything north of the river there, which marked the demarcation line at that point, was to be considered a free-fire zone.

Donner. My name is Don Donner. I'm also from Fayetteville, Arkansas. I served with the 86th Engineers from approximately September '67 to July of '68. I'm going to testify about the refusal of medical attention to civilians wounded by Americans, the allowing of desecration of dead Vietnamese bodies by ARVN's, corroboration of the destruction of livestock, and many of the other things that have been mentioned.

Galbally. My name is Joe Galbally. I'm 23, I served as a PFC in the 198th Light Infantry Brigade from October of '67 to April of '68 when I was medivaced to Japan. My testimony will deal with the gasing of hungry children, the use of scout dogs on innocent civilians, indiscriminate leveling of villages, killing of livestock, and pollution of water supply. In other words, they made it totally impossible for these people to live in their ancestral homelands again.

Murphy. My name is Ed Murphy. I'm 23, I was an E–4 rifleman in the 198th Infantry Brigade, Americal Division, and I served in Vietnam from October '67 to September '68. I'm from Philadelphia.

Hagelin. My name is Timon Hagelin. I'm from Philadelphia. I was in the Graves Registration Platoon attached to 233rd Field Service Company, 1st Logistic Division. I'll testify to the racism of human remains, the rape of women, the misconduct and child molesting of children, and just an all-around bad attitude of Americans towards Vietnamese and Vietnamese attitude towards Americans.

Kogut. My name is Russel Kogut, I'm 22, I'm from Flint, Michigan. I was a Warrant Officer Helicopter Pilot with 155th Assault Helicopter Company in Ban Me Thuot. I will testify on illegal operations in Cambodia, on the destruction of livestock in free-fire zones, burning of villages, forced evacuation of villages, and attitudes of American towards Vietnamese.

Caldwell. My name is Dennis Caldwell, I'm 24 from Ypsilanti, Michigan. I was a Warrant Officer flying gun ships from October '68 to October '69 in Vietnam. This was the Cobra Gunship Helicopter. I flew for the 3/17th Air Cav, which was not part of the 1st Air Cav. It was part of the 1st Aviation Brigade. I have testimony concerning the destruction of hootches, destruction of crops, destruction of animals, treatment of prisoners, and also, I have some comments on censorship which I witnessed.

Pitkin. My name is Steve Pitkin, age 20, from Baltimore. I served with the 9th Division from May of '69 until I was airovaced in July of '69. I'll testify about the beating of civilians and enemy personnel, destruction of villages, indiscriminate use of artillery, the general racism and the attitude of the American GI toward the Vietnamese. I will also talk about some of the problems of the GI's toward one another and the hassle with officers.

Pugsley. My name is Don Pugsley. I served as a Spec 4 as a Green Beret Medic in South Vietnam. I will testify about some of the little known organizations that worked within the Green Berets in South Vietnam. When I was in Vietnam I carried a Secret Classification and I had several close friends who had top-secret classifications. Also, I have a photograph that I was ordered not to take at Nha Trang. It's a picture of an aircraft that serves the specific units my testimony deals with. I also want to say a few words in the capacity of a medic regarding the most abused drug in South Vietnam, alcohol.

Moderator. Joe, you talked a lot about the use of dogs in interrogation, as well as the treatment which kids received and about rape. I wonder if you would elaborate on this.

Galbally. I'll talk about the rape first. As I said earlier, I was a Pfc in an Infantry Company, which meant that there was about seventy-five of us turned loose on the civilian population in Vietnam. We would set up our night perimeter between three and four every evening. If we had passed any villages on the way to this night perimeter, there would be patrols mounted and sent out. On several occasions, one in particular, we sat upon a hill which was strategically important, I suppose. There was a village sitting at the bottom of the hill. We went back down to the village; it was about an eight man patrol. We entered a hootch. These people are aware of what American soldiers do to them so naturally they tried to hide the young girls. We found one hiding in a bomb shelter in sort of the basement of her house. She was taken out, raped by six or seven people in front of her family, in front of us, and the villagers. This wasn't just one incident; this was just the first one I can remember. I know of 10 or 15 of such incidents at least. The gentleman on my left can corroborate my testimony because we were together the whole time; served in the same squad, the same company.

Murphy. At the time most of this happened, our platoon leader was a minister. He's dead now so he can't really be found out and questioned. But when he got there, he was a pretty well high-character man because he was the minister. By the time he got killed he was condoning everything that was going on because it was a part of policy. Nobody told you that it's wrong. This hell changed him around. And he would condone rapes. Not that he would do them, but he would just turn his head to them because who was he in a mass military policy.

Moderator. Joe, you told me about a guy who collected ID cards. Do you want to talk about that?

Galbally. Okay. There was an individual, I won't mention his name, he was a friend of mine, a Spec. 4, and he was, I guess you would say, the platoon hatchet man. Anytime that he had a prisoner that nobody in the room wanted, this guy would take his ID card and tell him to "Di Di Mau" which is "run" in Vietnamese. The guy would get about ten feet, and get a full burst of automatic, which is 20 rounds, in the back. As I said I was Medivac in April of '68 and as of April I know that he had at least five or six ID cards also. He was, I guess, more or less proud of the fact that he was the hatchet man and was all the time showing everybody the ID cards. "Look where I got this guy and, how about this, and look at this." It was common knowledge what was going on. On certain occasions, if there was something that had to be done, the commanding officer would call up and ask for this guy by name over the battalion radio. I'm sure that somebody had to be monitoring this, you know, listening to it, but it was never stopped and no action was ever taken.

Moderator. Joe, you also said something to me about the dogs and wells.

Galbally. On occasions we were on the road. I don't know the name of the highway. As I said, I was a Pfc., and nobody ever told me much. It was between two LZs—LZ Baldy and LZ Ross. It was a fairly secure area. I don't think we ever received any fire. As I said, we were with a company of maybe 75 of us taking a break along the road. A Vietnamese civilian, wife and child, were riding down the road on a motorcycle, small motorcycle. Vietnamese were very ingenious and this guy had probably most of his possessions packed on the back of his motorcycle. We were sitting with this guy; I don't remember his name or rank. He had a scout dog with him. As the motorcycle was approaching us, he told the scout dog to get this guy. The dog jumped over the handlebars of the motorcycle, grabbed this guy off, had him by the leg and was really doing a job on the guy's leg. This caused the motorcycle to crash by the side of the road; the woman went one way, the baby went the other.

All the possessions were all over the place. When we got to the guy, the dog trainer took the dog away from the guy. We went through his pockets. He had an ID card and a pass. As it turned out, he worked at either LZ Ross or LZ Baldy and had a pass signed by some military personnel. His motorcycle was wrecked. His wife had to push it down the road. He followed, limping, because he had blood pouring out of his leg, carrying most of his possessions and his young child. No action was ever taken against this guy. This was amusement, I suppose. There were at least 75 people watched this—four officers and I don't know how many E–7s and E–6s. Nothing was done.

Moderator. Timon Hagelin, you served with Graves Registration and I believe you have some observations on how Vietnamese are treated. In addition, I believe, you have some testimony about a young girl who was mistreated at Dak To.

Hagelin. I was at Dak To at two different times. The first time was about a month after I got in the country. I came in the country with the MOS of shoe repairman. And when I got to my field service unit they said that I had a choice of baking bread or picking up dead bodies. So I told them that I wanted to go to the field to see what was happening. They sent me up here. While I was on the base taking care of KIAs as they came through, I made friends with people in my company that I considered basically nice people. We used to get together at night and talk. I went down to a certain place where * * * or the Montagnards are just treated as animals. They know they're human beings but they really don't treat them that way. It's like they're a lesser thing; they're a lesser type human being. Anyway, it was a KIA from a straight force, a Mike force. That was Special Forces, you know. The special forces guy came in and he said, "I'll just put the body back on the runway because it's just a dead yard you know. Just leave him out there." This was the person that was supposedly helping these people out. And going out in the jungles with them was "it's just a dead yard, you know; like forget about him". There was also an incident in Pleiku where the Special Forces E-5 from Pleiku did 'em a favor. He put a Montagnard body in one of our reefers. We had two or three reefers turned on for American KIAs and When we had spare reefers that we didn't always use ——— refrigeration to keep the KIAs. The yard was in there for about five days. The guy that put him in there forget that he was in there and the body was just laying inside this reefer for five days. That's like putting it in an oven. And finally, two of my friends were walking through the mortuary, and they smelled something. When they opened it up, the guy was really very ——— like, you know, he was really, after five days inside that thing. And the action taken against the E-5 that did it was Article 15—you know, they called him stupid.

Moderator. Why don't you explain to people what an Article 15 is.

Hagelin. If the Army court-martialed everybody, they'd have court-martials all the time. So they made a lesser thing. A lesser way for them to burn you. If you do something wrong, they just take your money away from you. They took some of his money away from him for destroying a Montagnard body.

Moderator. Sam, you talked about recon by fire and mad minutes. I wonder if you'd explain these terms, as well as talk a little bit about the incident with the helicopter?

Schorr. Recon by fire is when you go into an area and you're not exactly sure what is in the area. You want to find out, so you just fire into the jungle or into the surrounding vegetation in the hopes you hit the enemy or something. But they really didn't know who was out there or what was out there. And mad minutes is just where everybody on perimeter, around the base camp, (you have bunkers all the way around it) opens up and fires away with all their fire power for about a minute, two minutes. I saw several incidents of recon by fire. This was on convoy duty. The convoy would stop. Tanks would pull out to the edge of the convoy. These are around inhabited areas; there were villages all up and down the highway. This was highway 13, Thunderroad. And they would point their muzzles down into the vegetation and fire a cannister round. Now a cannister round has something like 7000 oblong bearings in it. It's got a range of about 400 meters and it spreads as it goes. It goes in at an angle. Starts out at a small angle and just goes out like this. It's kind of like a Claymore mine. It just rips everything to pieces that's in the way. If there's anybody out there—any animal, any person, any kid, any hootch—it's going to be destroyed, flattened. Knocks trees to pieces. Regarding throwing people out of helicopters, I only saw one incident to this. I was coming out to do bunker guard during the day and right outside their perimeter, this was Lai Khe, there was an armored personnel carrier and a Huey chopper, which was warmed up and ready to go. There were people standing around the APC. There were five Vietnamese people. I do not know if they were civilians, Viet Cong or Viet Cong suspects. Three of them were wounded, had bandages on their bodies and their legs and their arms looked in bad shape. The other two were older men, somewhere around fifty years old. The Lieutenant from the armored personnel carrier and the Captain from the chopper helped place these people in the helicopter. He got in the helicopter and took off. He got a couple of hundred feet up and three bodies came out. The lieutenant who was on the ground radioed up to the 'copter and he asked, "What happened to the prisoners?" The reply was point blank, "They tried to escape."

Moderator. Sam, you also spoke about the random destruction of crops, including some fields with graves, and shooting of people. Do you want to discuss that at all?

Schorr. Right. The destruction of crops was fairly widespread. I was in an engineering outfit. I operated a bulldozer and also an earth mover, which is a very large piece of equipment for removing eighteen cubic yards of dirt at a time. When we had to build a base camp or we needed dirt for a road, we just drove off the side of a road into somebody's rice paddy and just started scraping away and taking their dirt. It didn't matter if the Vietnamese people there were using it at the time, or if they were going to use it at a future time. We just went in there and got it anyway 'cause we needed the dirt. Along almost all these rice paddies, they have graves on the dikes, at corners of the dikes, and these are the fathers, mothers, and grandfathers of the people who lived near that particular rice paddy. If there was a grave in the way, we just went right through it. I scraped up several graves into my pan and probably dumped it on a road somewhere. And there were sergeants and lieutenants watching it. They never said a thing. I was never reprimanded for doing something like this. Also, this was kind of a contradiction in army policy. When we were at a base camp that had a rubber plantation in it—this is thousands of rubber trees planted for the use of taking out the sap and using it for latex—when we ripped off a rubber tree we paid the French owner of that plantation 700 piasters per tree. This was the deal they had worked out. Somebody was getting rich off of taking down these unused rubber trees. But when we did it to these local Vietnamese peasants, or anybody living around there, we didn't pay anybody anything. We just went off and did it. As far as random fire on civilians, this happened quite often, especially on bunker guard. You sit on bunker guard for a week, 24 hours a day and you get pretty bored. So we'd play little games. The Vietnamese would be working out in their rice paddies with South Vietnamese flags stuck in the rice paddy so you would know they were there. And we would try and knock the flag down. I had a machine gun. My friend had a grenade launcher. We would shoot all over the area and the Vietnamese would just take off for the hills. They thought we were friendly and they put the flag up there to let us know that they were there and we fired at it anyway. This was just out of sheer boredom and also because we just didn't give a damn. Also, we threw full C-ration cans at kids on the side of the road. Kids would be lined up on the side of the road. They'd be yelling out, "Chop Chop, Chop Chop," and they wanted food. They knew we carried C-rations. Well, just for a joke, these guys would take a full can if they were riding shotgun and throw it as hard as they could at a kid's head. I saw several kids' head split wide open, knocked off the road, knocked into tires of vehicles behind, and knocked under tank traps.

Moderator. Dennis, if I can switch to you quickly because I remember you mentioned something about the rubber plants too and about payoffs. Do you want to discuss that and then talk about the destruction of that perimeter village?

Butts. I'm going to talk about the perimeter at Dau Tieng, which I was on for about two months. I spent about every night on it. Dau Tieng is on the Micelin rubber plantation owned by the French. When someone is not there on this perimeter protecting these rubber trees, well, they might be just a little bit confused or embittered at what they're doing. It came down from battalion. We wondered why we weren't too careful when we were in the rubber about getting mortared and battalion said the reason we weren't mortared was because the French were paying a volunteer fee to the Viet Cong for not mortaring the rubber. Where did the French get this money? Did they raise their prices on the rubber? No, they got it from the American government. So the American government was paying the French rent at Dau Tieng and then the French were paying the VC. The VC were carrying out the war in other parts of Vietnam with this money. This was part of why you might feel a little bit confused in Vietnam at what's going on around you. I'd like to talk about the general situation on this perimeter. It was really a confusing thing. I don't know if I can make it clear. We had concertina wire up. The people in the village were friendly. In these two months I never saw any sniper fire coming from that village. The girls would come in at night and stay in the bunkers with us and smoke pot. A lot of guys would go in the village and sleep in the village at night; they'd go through the concertina wire. And it was that friendly. The army has a policy of putting people who are in a rear echelon in the perimeters, such as cooks, mechanics, and mortar people (like I was at that time) who have really no experience at combat or anything and might feel a little bit uneasy at what's going on. They put these people on the perimeter, just after they've got off a day of being book, or working in a motor pool. They're using World War II equipment also which wasn't designed for Vietnam, so they got 50 caliber machineguns for the mess-halls. Well, the mess-halls don't really need 50 calibers so they put them out in this perimeter. Now the perimeter of the village was about 150 to 200 feet from this 50 caliber. And anybody who knows what a 50 caliber can do, if he can see any logic in that, I would like to know. But, anyway, they got this 50 caliber sitting there and the bullets on a 50 caliber are about that long (approximately six inches).

With some guys, not everyone, it just got to be a game of shooting at lights in the village. One night there was a light or something in the village, and this one guy, he was from a rear echelon, a mechanic. he was on this 50 caliber. He saw something and he opened up onto the village with a 50 caliber in about a ten second burst. Then the rest of the perimeter opened up. Not everyone, but a lot of firing. And all I could hear—it was just people screaming all of a sudden, people screaming, you know. So a few guys started yelling, "Come on, cut it out. Cut it out!" And everybody was wondering what was going on because there was no fire coming from the village. Then there was a big silence, and all of a sudden, just babies crying. And, you know it just—every time I hear a baby cry right now, I—that comes back to me. In another incident that happened, at the time perimeter, up about 100 yards, and this gives a little bit more insight into why this thing happened. They had a man whom I know. He wasn't a close friend, but I'd known him pretty well. And he just didn't want to be in Vietnam. He started out to be pretty straight, a pretty straight guy, pretty legal-headed. He tried everything to get out of the army. He took court-martials and Article 15s and he finally shot himself in the foot to get out of the army. They patched up his foot and sent him on this berm. He was on the berm and there were a couple of other guys there with him. I was on the next bunker and we had field phones in between us. There was a kid out there urinating. And this guy talked the other two and himself into shooting. Now, I think the other two guys shot. It was only about 150 feet away. I don't think they tried to hit him. But this guy did with a grenade launcher. They hit him with this grenade launcher and I don't know, he must have been about 13 to 15 years-old. I witnessed this. We went into the village and he had shrapnel in his back. The medics did treat him and take him into the first aid station. This guy did not get a reprimand for this. He was just kind of given up on and he was still put in the field again. I don't know whatever happened to him, after that. But, I'm just trying to say the things that happened to people. They go in the army pretty sane or level-headed or adjusted. They tell the army that maybe they shouldn't be there and nobody listens. They just put them in a worse situation and this is how some of these things happen.

MODERATOR. I might just point out to the audience that a 50 caliber, which is the bullet which Dennis was talking about, is outlawed according to the Geneva Convention for use against people. It is not an anti-personnel weapon. It is actually anti-vehicular. However, in Vietnam it has been used by every unit as one of the major staples of weaponry for people. Paul Williams and Don Donner, you both talk about mistreatment of refugees amongst other things. I wish you two would amplify upon the mistreatment of refugees first.

WILLIAMS. Well, in Operation Hickory, an operation inside the DMZ, we were told that the reason for our being there was to evacuate Catholic refugees. We had a detachment of military police with my company at that time, who were to handle these refugees. After making our landing on about the second or third day, in May of 1967, I went out with the platoon to a village about 1000 meters from our position. From all appearances the villagers had not been notified that they were to be evacuated and, they obviously didn't want to be evacuated. About 30 or 40 villagers were rounded up; they were not given a chance to collect any of their belongings. They were taken back to our position where they were loaded on amtracks and taken down the beach. We were told they were being taken to Gio Linh to the refugee camp. I don't know what actual disposition was made of them after they left our position. On another occasion a couple of days later, we saw refugees about 1000 meters in front of our position, moving south. I checked them out with binoculars to see if they were troops or what. They were all people carrying belongings on their back. There were no weapons present. The platoon that I was with at that particular time was in a position about 500 meters from the rest of the company and there were no officers present. Some of the men in the company, or in the platoon, rather, fired upon these refugees. They were too far away for any accurate firing. I don't know if any of them were hit, but there was no command given for them to cease. This went on until they got tired of the sport.

DONNER. First of all, I would like to corroborate a little bit which has already been said. I was with an engineer unit, the 86th, with the other gentlemen at a much later date. The engineer unit is not allowed to have 50 calibers as a standard weapon. We had borrowed two 50 calibers from an infantry unit and we had them the full ten months that I was there. We also had borrowed an automatic grenade launcher from a naval unit, much the same as is mounted on Huey Cobras; a very, very effective anti-personnel weapon as far as killing and maiming goes. I'm an OCS drop-out. I decided I couldn't stand the extra year. It was a hard decision there at the last. But in OCS Fort Belvoir, Engineer OCS, Combat Engineers, recon by fire is a standard technique for convoy duty, which is taught to all the officers and suggested to be used. We often fired on flags in the field, both VC and VA flags, and South Vietnamese flags. We often shot water buffalo while on convoy, sort of to relieve the boredom. Cleaned weapons, things like that.

We threw C-rations at kids. Part of the feeling behind this being the poor gooks are so hungry, you know, give them some food. We don't want these damn C-rations. Some of the people did a pretty good job of aiming the C-rations. I never saw anybody get killed because of one, but there were a few kids who were pretty fast jumpers. We were on a bridge site, building a bridge over the Com Nuong Choi River. We had the two 50s, one at each end of our position on the one side of the river. Standing orders were that at night time any sampan which came along the river was to be fired and sunk: any sampan. The two or three which I remember being sunk were basically sampans which had broken lose from neighboring villages. This was about fourteen, fifteen miles outside Saigon and had floated down the river. We had binoculars. We checked them out. We knew that nobody was in them, as close as we could tell. Standing orders were to sink them and it was a good chance to get in some target practice. Mad minutes we didn't do too much of. The one situation that I can remember, was Tet '68 before we ever heard word that Tet had actually broken out. We'd spent the entire day with neighboring villagers, getting gassed up on rice whiskey (which is a very, very effective form of home brew) and many other forms of dope. When midnight rolled around we unloaded everything we had into the sky and it was quite a sight to watch the tracers climbing up and back down. Again, this is like fourteen miles outside of Saigon. I don't know how far 50 caliber bullets carry when shot in the air, but the entire circle of sky as far as could see around us was completely red with tracers going up—a fantastic sight. When I was in Vietnam I usually drove a jeep, except for a few weeks. It gave me a unique opportunity to get out and see the country which most of my fellow men didn't have. It gave me a unique opportunity to meet with the people. One time—I'm going to give some background so you can understand my feelings on it. I was running a steel convoy after we left the bridge site, back to Bear Cat. We had a large truck loaded with steel and it was barreling along about fifty miles an hour. I was in a jeep trying to keep anybody from a crossroad from getting in the way. So we were pretty well back to Saigon, back to Bear Cat, rather, past Saigon, past the last turnoff, and we slowed down to about thirty-five when an oil-tanker came hustling around, moving much faster than we were. About two miles on up the road, we came upon an accident where the oil tanker had hit a civilian car. There were two kids in the car, boys, twins, about 12 or 14 and two older men. They were pretty well broken up. I got on the radio and called for MEDIVAC pretty fast. It took a while, but normal length of time, before there were medics out there and the kids were medivaced out with no questions asked.

Okay, that's the background. We were down at base camp Linda on the Mekong River, or just off the Mekong, rather, running a convoy up to Saigon again. Bunch of five tons, jeeps, vehicular stuff. We were about, I'd say, about ten to fifteen miles out of base camp Linda. We came upon a bridge with a village around it. The truck, oh five or six vehicles ahead of me, made a dash for the bridge at the same time a forty-fifty year old Vietnamese civilian man was trying to go on the bridge. He was on a bicycle. He saw he wasn't going to be able to make it so he slipped off the bicycle, straddling it, trying to back it up off the bridge. The rear wheels of the five ton caught the bicycle, pinning him underneath it. The metal seat caught in his crotch and quite a bit of blood was pouring out. Our medic checked him over fast and said he couldn't do anything for him. They'd have to get him on to a different hospital or something. So, I got on the radio and called for another MEDIVAC which would take about 15 minutes to get there. I called in on the straight MEDIVAC band. My company was monitoring that band and, unfortunately, I guess, the CO of the company was walking by at the time. He came back and asked me what was happening. I explained we had a wounded Vietnamese civilian. He said not to do anything till he got there. Now this fellow's bleeding to death very fast, very fast. There's a crowd of thirty to fifty villagers standing around in a half-circle sort of watching, talking to themselves. So I argued for a couple of minutes and said, "Okay, you know, hurry up and get here." About five minutes later the civilian was in much, much worse shape. It was obvious that he was going to die by now. I called back to the company again and said, "We got to have a medivac now. It's not right just to leave this man bleed to death in front of his own people. We're the ones who wounded him, therefore we should at least try to show that we're trying to help him." Again the captain came back. Said, "Don't do anything till I get there. He's a civilian, you know." Another five minutes later and the medic brought my poncho to cover him up with. He was dead. About fifteen minutes twenty minutes after that, the CO finally got there. He took quite a while leaving. The body was turned over to advisers working with the ARVNs that were guarding our perimeter and I don't know what happened to it other than that. But, you know, what can you say? What can you say? The other major instance I'd like to talk about was the one time that I actually saw a dead Vietnamese body. It sort of got to be a game with us. This was after Tet and there was a slight push by the VC later on in the year. Let's say this was around May '68 or so. They were trying to block supplies coming up from the southern Delta region to Saigon. And we were trying to keep Highway 4 open for those supplies. So every day we would go out and work on the roads. Dig up the mines and the VC's lay low and take a shot at us. We'd lay down beside the road and fifteen or twenty minutes later, we'd get up and go back to work. They'd take another shot at us. We'd lay back down again.

They didn't seem to be really, at that time, trying to kill us; it was more of a game. We had ARVNs providing our security. Whenever a shot was taken at us, we'd lay down and sweep the ARVNs through the area. They'd go through, say everything's fine, all clean, no VC. We'd go back to work and then get shot at again. Usually they'd go through a field until they received fire. As soon as they were shot at they would sit down, wait, call in our airstrikes, our artillery. Then go forward again. The VC were wise to this. They wouldn't shoot at them. They'd run back to their shelters, wait for the air strikes, artillery to get over, then come back out and shoot. This time the ARVNs were being pushed by a new advisor who got them moving instead of calling in air strikes and they caught a VC who was hiding in a bunker. And they shot him. They towed his body back to camp, oh four, five miles behind a jeep. They drug up outside our area. Everybody came up to look at the VC. After a while, there were quite a few GIs standing around. We were company size strength. Some of the people wanted to cut his ear off—this sort of thing. It was the common short of thing which we understood as being done. I can't testify to any though. But quite a few of the EMs there, like myself, didn't particularly like the idea and notified the officers, at least the good ones, who also didn't like the idea. The ARVNs then took the body, sat it up along the roadside, and let it set. This is what it looked like four or five days later. . . . Sort of frightening to realize I still have this on film. I Almost forget about it because I don't like to look at the film very much. I don't like to be reminded. To the best of my knowledge there was no protest filed with ARVNs or the advisor working with the ARVNs at that time, about letting the body sit there. And part of the importance of this is that, as I understand some of the religions there, is that immediate burial is very, very important in their religion. It's as if you didn't confess before you died. There's no hope. It breaks the cycle of reincarnation if you're not buried, or if your head's cut off, or if the head is mutilated in any way. But to the best of my knowledge, there was no word said about it. The body was allowed to lay there and rot. There was another instance of a body laying beside the road which I drove by for about three days. There was some sort of a sign pinned on him, but it was in Vietnamese. I never did find out if the body was a Vietnamese civilian, a VC, a Vietnamese working for the Americans, or what. And I don't know if anybody else did either. One of the other things which I might mention is this sort of mad minutes which go on. Before I got to the bridge site, evidently one had gone on earlier.

Oh, six months earlier, or so. There was a very pretty, very vivacious little twelve, fourteen year old girl who lived within our perimeter at a hootch. She was permanently disabled. Her leg was stiff, would never straighten out again. She was on one side of the river and evidently somebody thought there was some VC over there and everybody opened up. Most likely everybody was messed up on some sort of dope or other. And she was wounded, could not be helped. To help balance it out though, I might say, that at least at Com Muong Choi, where we did get to know the people, we were fairly good about giving medical attention to anybody who needed it or to taking any Vietnamese who was wounded or sick to a hospital. In fact, I guess that was the only time that I really felt decent over there, was the three or four times that we took pregnant women over to have their babies.

Moderator. Tom, burning is something which is pretty much taken for granted in Vietnam but it's the destruction of dwellings which are inhabited by civilians that is a war crime. And, Tom, I think you wanted to talk a lttle bit about the burning of villages and the Marines and their nickname.

Heidtman. My first day with 3rd Battalion, 5th Marines, I was informed that the nickname of the company was the "Burning Fifth Marines." Once, just before my first operation, we had a company formation, which means that the entire company who was going on the operation is fully equipped with everything they're going to take with them, including ammunition. At the time, our company commander was a 1st Lieutenant, who was hit on Hill 1100 in April, but he said that we're going out in the morning and we're going out on choppers. We're going out into an area west of Tam Ky. Then he said, "We're going to have a zippo inspection right now." And I would say approximately two-thirds of the entire company had zippo lighters. We held them up, lit them, demonstrated that they were filled, would burn. Then put them away. He smiled and let it go at that. When we went out, I would say 50% at least of the villages we passed through would be burned to the ground. There was no difference between the ones we burned and the ones we didn't burn. It was just that where we had time, we burned them. I've seen a gunnery sergeant take a .45 and kill six piglets that probably came from Americans because they had a big program to give the Vietnamese people pigs, ducks, and things like that. They were shot because their area, their pen, or whatever, was right next to a village or a hootch that was burning. The entire village, for about a quarter of a mile, was on fire with illumination grenades or zippo lighters. Everything was burned. Everything was torn down. All the animals were killed. Water buffaloes were shot and allowed to just lay right where they were. They were just shot right in their pen; they couldn't move. It's hard to kill a water buffalo, but when he's standing right there there's nothing much he can do. Everything is burned. On one particular occasion we had been moving on Operation Arizona, in April and May, we'd been moving constantly. About one hour just before dark, the order came right from our first lieutenant to first squad, which I was a member of, to go burn the village because it's too close.

We're spending too much time here. So my squad, myself included, went and put a zippo lighter to the village. Burned it. They were still inside the houses. They came outside and just stood there and cried and carried on. A short while later they wandered off. We don't know what happened to them. That was the only village in the immediate vicinity so we cleared the area more or less. Everything was liable to be burned or destroyed. We would stop along the side of a hill, going up a hill, just to check out the top which is a procedure the Marine Corps seems to adhere to. Everytime we would stop somebody would be taking a machete or some such thing and chopping down banana trees. The people would slice potatoes and dry them out in front of their hootches. They would be scattered all over the place. They would just be kicked and destroyed. Men would urinate on these vegetables that were drying in the sun If they complained they were definitely brutalized. That was a common procedure. The reason I came down here was because I've been living with this thing for two and a half years. There was an aura of hate in my outfit. I mean, a Vietnamese . . . there was no such thing to my unit as a friendly Vietnamese. Every Vietnamese was a gook. I've hardly ever heard the term Vietnamese. They were always gooks. There was no difference between a good one and a bad one except that the good one at the time is carrying no weapon but he's still fair game. The games that some of the Marines in my outfit played, myself included, would be to find older papa-sans with long whiskers, which I guess is the symbol of his identity in their culture, and they would just be cut. Every man in my outfit had at least a combat knife and they would just cut these whiskers. They would brutalize anybody who complained. We would move into a village and we would just sit down. We owned the village while we were there. These people would do what we told them, or they wouldn't be allowed to stay in their own house, or would be beaten inside the house. In one village we were using this particular hootch for the command post. There were officers, two officers and two senior enlisted men inside. The old grandfather appeared to be about sixty or seventy years old. He would not cooperate and go get water for some of the enlisted men and officers, so he was picked up by two marines; each had a wrist and an ankle and they just pitched him in about 15 feet out the back door; he just landed there and split. To the marines, there was no such thing as a free fire zone in my outfit. Every place was a free fire zone, whether it was 50 yards from the perimeter or five miles or whatever.

Moderator. A free fire zone for the information of somebody who just came today is an area designated by the command, whichever command has jurisdiction over an area, stating that anything in it is fair game. Any moving thing can be shot. Anything can be destroyed. It's a VC area. Many of these areas were designated such without any American presence for two and three year periods.

Heidtman. One other thing that was more or less like a joke, like cutting the whiskers off, and it would get a laugh every time from somebody, was if we were moving through a village and there was a woman present. Her clothes, at least the top half of her clothes were just ripped. I've seen that happen and done it several times, probably thirty, forty times I've seen civilians with their clothes just . . . just because they were female and they were old enough for somebody to get a laugh at . . . their clothes—the top of their clothes, at least, would be ripped. Just torn right down. It only takes one hand to rip those kind of clothing. They're real thin silk or whatever, and they would be shoved out into the ditch and we'd just keep going.

Moderator. Now, when you first arrived in Vietnam you told me that they burnt a village just to show you how to do it. Is that true?

Heidtman. Well, it was more or less demonstrated. We were on our first operation and it was an operation so it just followed the procedure. They were used to it and we were just shown how you destroy a village. How you cut anything taller than you are down, unless it's a big tree and will take time. Banana trees are chopped down. Everything is set on fire. My squad leader personally ignited the first two hootches and then just told us to take care of the rest so we could learn how this procedure was carried out. And he said, "Now you know that everything in the way gets burned," and we just proceeded to follow that procedure.

Moderator. David, you wanted to testify about U.S. operations in Cambodia as far back as 1967 and I think two others also have testimony on this subject with slides. Why don't you go ahead.

Cohen. I was in the Navy and I was on swift boats which are patrol boats. Their primary mission is board and search. And all they do is search every junket and sampan they see, looking for VC suspects and contraband. But it was a very mundane operation. It wasn't really exciting. I was really bored and I figured well, what the ———, here I am in a war zone, let's go see some war. So I went and I volunteered for any sort of special operations that were going on. Our base was on this island about fifty miles off the coast, on the Gulf of Siam, and there was this town right on the coast. It was called Ha Tien. There was a special forces, mercenary group, there which was a team of special forces who were provided with money. I mean, I've seen the safe full of the million piasters. They hired Cambodian and Nationalist Chinese mercenaries. Most of them were bandits, you know, who hired themselves out to anybody. They would go out on these operations. The base was five miles from the Cambodian border. So anything in that direction would have had to have been in Cambodia because we always went more than five miles in a northerly direction. I went out on operations with them anywhere between five and ten times. Sometimes it'd be out riding the boats and sometimes I'd be out relating to the Special Forces. Supposedly, my capacity was coordinating naval gunfire support. But fifty miles inland there are no naval guns that are going to do that. The special forces maintained arsenals of unregistered weapons. That is, weapons that are not registered anywhere in the United States. Not even with the manufacturer. So that if anybody was captured, if any of the weapons were captured, there would be no Ameircan implicated. There would be no Americans implicated in anything that happened. Nobody ever wore uniforms. They were either black pajamas or camouflaged fatigues and tiger greens. I would like to say that one of the reasons they hired mercenaries was because the ARVN troops realized that the NLF were really representative of the people and they didn't want to fight against the NLF. So they had to hire these bandits to do it. I saw NLF. We talked about racism here. The terms VC and Viet Cong is racist. The terms for the supposed insurgent forces is the NLF, National Liberation Front.

Moderator. Russ, I believe you were a helicopter pilot, and participated in dropping Special Forces teams in Cambodia. I think at this time we might show your slides and you can explain that operation.

Kogut. In July of '68 I worked with the Special Forces unit, B–50, out of Ban Me Thuot. Their main support were these air force helicopters here, the UH–IP, and you'll notice there are no markings on the aircraft. We were just being used as backup because they were running more missions than they had aircraft for. And we supported them like this, on and off, for the whole year I was there and it continued after I was there.

Our company took over a good deal more of this mission, as I was told by a friend of mine who came back. We worked out of a base camp at Duc Lap down on the border. We put recon teams in consisting of two or three Americans and two or three hired, well, I can't swear that they were hired, but they were Cambodes or Montagnards, sympathetic with the U.S.—either for money or other reasons, and we put these teams in. We went anywhere from one to three miles inside of Cambodia and, in the briefing that we received, they told us that their mission over there was to gather information on a known NVA unit that operated out of that area.

The NVA had a base camp there of approximately 15,000 of them by the estimates gathered from these reports, from these spies that we took in. These missions were secret. The president had knowledge of these. I am informed that a copy of what goes on, goes to him. I can't verify that so I shouldn't say it, I guess. But, these missions continued up until the time of our going into Cambodia on the legitimate side and now they're no big thing.

Other testimony I have would be corroboration of these mad minutes. These things took place in our compound. They were quite common. Also, evacuation of villages. On occasion in De Lat, a village southwest of Da Lat, we evacuated all the inhabitants and the ARVN's went through afterward and burned the whole village. The livestock that they didn't kill, they stole and brought back for themselves. It was on a similar type operation at Tuy An on the coast. A whole peninsula on the coast was said to be uninhabited and we went out there on these little search and destroy things.

On one occasion they found a woman. We took her prisoner and she had a whole basement full of rice. They destroyed the house and I believe they destroyed all the houses in the village. On one of these operations, as we were leaving the pickup zone, which is where we operated out of, somebody gave the okay for all the crew member to load rocks aboard the helicopter. Apparently, the province chief, who is like God in these areas, said that it was okay for the gunners and crewchiefs to play bombardier by dropping rocks in the bay. He said anywhere over in this one part of the bay was okay to drop rocks. We took off to go pick up the troops.

On the way we passed over this place, and all the crew members were throwing these rocks out. One sampan I know of was hit and sunk. There were two people in it. They swam to shore and another old man was hit by an ARVN captain. He threw the rock out and hit this old man right in the chest and at that speed there's little doubt of what happened to him. The ARVNs burned the villages whenever they found rice because these missions were strictly one-day things and they didn't have time to haul rice out or investigate. The province chief decided where everybody was going to live, so if they didn't live where he wanted, they took the risk of having their houses burned. Free fire zones are all over the place, wherever somebody decides to have one.

We had one where we regularly tested our gunships after they came out of maintenance. We took them out there, they would check them out, and anything in there was a free target. On one occasion I was flying north near a village called Ban Dong on a sniffer mission. For anybody not familiar with it this is a device in a helicopter which detects ammonia scent emitted by humans. It's also emitted by monkeys. When they got a high enough count, they would bomb it, and either get monkeys or VC by their book. On this particular mission the gunships had to turn back early because they were low on fuel, and there was just myself with a sniffer and the commanding patrol ship which was a ways above me with a map. I saw an elephant and made mention of the fact. The captain was in charge of the overall mission told me to go back and look and see what was going on.

I went back. There were four adults and a calf. I circled them several times. There was no village in the vicinity, so they were not friendly elephants, and there were no (this was by the captain's definition) there were no marks on the elephants or packs or any signs of any people around, so I assumed they were wild. The captain assumed they were enemy and told me to have 'em destroyed. So I had my gunners shoot 'em. And this is the price an animal pays for being wild in Vietnam. The same thing goes for water buffalo. Several times I've seen water buffalo shot for sport. If they were on a certain side of a ridge or on the other side of a river, they were considered fair game.

Moderator. Russ, you told us about taking special forces into Cambodia. Sitting at the end of the table is Don Pugsley, who was in Special Forces with Project Delta. Don, do you have another slide to show and explain?

Pugsley. Well, first of all, it's kind of an involved rap, but just like our large universities have colleges within them, the Special Forces in South Vietnam have different subsections with in—A teams, B teams, and C teams, all of which you know about through the media, movies, and that ridiculous song.

There are other sub-sections of this special forces that are not too well known to the people of the United States of America. These are known as C & C North, C & C Central, and C & C South. I'd estimate about a hundred green berets, and then I don't know how many more mercenaries, work in these different sub-sections. There is also an organization known as Project Delta B–52, of which I was a member.

I will explain the functions of these units. I'd started off in 1964 as SOG, Special Operations Group. It evolved some time between '64 and when I went to Vietnam, into C & C. C & C stands for Command and Control, which is just an army term that has absolutely nothing to do in regard to explaining the unit it represents. C & C North's sole function was to run reconnaissance and related missions into North Vietnam. C & C Central's sole function was to run reconnaissance and related missions into Laos and northern Cambodia; C & C South did the same thing in Cambodia exclusively.

Project Delta did the same thing only within country, within South Vietnam. I served with Project Delta as a Green Beret Medic. I had a very close friend, who will have to remain nameless because he chose to make the Army a career, who was a weapons expert. In Green Berets you are given a speciality—medics, weapons, demolitions, operations and intelligence, communications. He carried a top-secret clearance because he wanted out of country. I carried a secret clearance I worked in country. He was at C & C South. His first mission into Cambodia (and this is all prior to our official invasion of Cambodia) was sanctioned by the CIA because all these C & C units take their orders directly from the CIA. A man in civilian clothes, who my friend did not know, he would come into the room and say, "Okay, men," and put a map on the wall. "An aerial photograph shows that this particular NVA installation in Cambodia has armor.

"We don't know if they're mock-ups or real. We want you men to go in on the ground and determine if they're real or not." Then the man would leave the room and my friend and his fellow teammates decided whether they wanted to go in or not. He went in, and encountered an approximate NVA company. He went in with another American and three Montagnards. I might point out that Montagnards are not allowed to serve in the South Vietnamese Army because they're considered sub-humans, and contrary to what this man said down the table, I have never seen an instance where a Green Beret was down on Montagnards.

Perhaps it happens, I never saw it when I was over there because the Montagnards, we really loved them. The Montagnards women were never molested, ever. We just didn't touch them. They were something different than a South Vietnamese. In his particular photograph here, this is a C–130 aircraft, right in front of it on the flight-line is a C–123 aircraft. This photograph was taken from the Nha Trang airport. Nha Trang is the headquarters for the Green Berets, and my particular unit was a gypsy unit. We had our main base in Nha Trang, but we went all over the country.

I was wounded and injured in a helicopter accident on the Cambodian border about fifteen klicks west of Kontum, the highland. In the front, the first aircraft is an official American aircraft. It's got a different type of camouflaging. The official camouflage of South Vietnam is a light sand, light green color. It carries numbers on the side of the aircraft that register with our government plus the usual insignias, etc. This here is called the blackbird. It used to be known as the SOG bird. This is a C–130. They have several C–123s like the other one painted the same way and used for the same functions. You'll notice that the only marking on it is a star here to the rear.

My friend flew in these—well, as a matter of fact, he flew into Nha Trang trying to visit me one day on this. People in C & C fly only on these aircraft right here. He told me that the pilot and the co-pilot, all crew for this aircraft, were of Chinese nationality. Not related to the Americans in any way. On the front right here, there's a boom which at the moment is folded back, There's another identical one on the other side. When that boom is folded forward, it creates a "V" with the apex of the nose. In that "V" is a winch.

For those of you people who saw the James Bond movie "Thunderball", at the end of it, James Bond put on a rubber suit which had a cable running up the back that went to a balloon up in the air. An airplane came by, snagged that rope, and yanked him out of the water. This is what this is functioned for: to snap agents out of North Vietnam, Laos or Cambodia when they get into hot spots and they aren't able to get choppers in to get the teams out. The uniform, etc., is dropped in an aluminum cocoon and the man puts it on and is snapped out. This is the only aircraft I ever saw with that particular device in the nose. I saw this device demonstrated at Fort Bragg, North Carolina, the United States headquarters for all of our Special Forces. My friend did not wear a uniform. He carried a special weapon. I carried a thing called a Car-15, which is a kind of a sub-machine gun, a cut-down version of the M-16 weapon. Only officers in the regular army units carried them. All Green Berets carried them, those in C & C South specifically.

I carried a weapon known as the Stoner system, which is eight weapons in one. It incorporated silencers for silent prisoner snatches in Cambodia. You'd wound the man in the leg, grab him and get out of there with the man. These particular agents for C & C South carried cards, which I saw, that were from MACV which said to anyone stopping these people, they have a right to carry whatever particular weapons found on them; they're not to be molested in any way by MPs or what have you in the country.

In Nha Trang, when I was speaking to my friend, he had a friend with him who was in C & C South. We were at the bar and he was telling me about all the craft they were putting on Cambodia, in regard to bombing, etc. This was when we weren't supposed to be bombing. He also told me about a group of men within C & C South code-named then as the Earth Angels.

I said, "What do these Earth Angles do?" and he said, "Well, this guy here is an Earth Angle." This guy hadn't said one word to me throughout the whole night, and he said, "I really don't know what they do. I know that they go in one and two-man teams, they come back, and it's rumored that they commit assassinations and atrocities." I've heard that same rumor, not only in Vietnam, but at Fort Bragg, North Carolina, several times from several different sources, sometimes officers, so I just began to assume that it was true after a while.

Moderator. Dennis Caldwell, you were an attack helo pilot. If we could just move very quickly through your testimony, we'd like to get to another area.

Caldwell. I'd like to just briefly explain exactly how we worked, because you probably haven't heard much testimony on this. I was a helicopter Cobra gunship pilot. I worked with another aircraft at all times; 90% of the time it was called a hunter-killer team. A hunter-killer team goes out and does reconnaissance on certain areas. The other aircraft that was with me was a small observation helicopter, normally OH6A Cayuse. Every morning we'd go out and look at certain targets, certain coordinates that were given to us in the morning. We spent about two hours in the morning, plus or minus an hour, sometimes all day, looking at targers, and also just before sundown we would do this. During the day we were on call for any ground units that got into contact. I was told by the other pilots in the unit how to tell a VC from a civilian—if they were running, they were VC. If they were standing there, they were well-disciplined VC, and shoot 'em anyhow. They also told me that when we were flying over a village, or near a village, if people started to leave the village, civilians, it was a good sign that there were VCZ in the area, that they were expecting a fight. While speaking with my hootch-mate (I had it pretty good over there in Vietnam, I had a mate) she says, "When American helicopters come through, people run. They think they're going to be killed."

So you put these two things together, and you see civilians are in a kind of bad spot. Recon by fire has been mentioned—I've seen this happen many times, I couldn't even begin to count. It was a perfectly normal, standard operating procedure for my unit and many other units, to recon by fire. It's done with a mini-gun which fires (I can't remember exactly what it is) three or four thousand rounds a minute. It was done using CS grenades; it was done using 40 millimeter grenades; it was done using 2.7 5-inch rockets, with either ten or seventeen pound warheads of various combinations. As far as clearance to fire went, my first three months I never heard of the term clearance to fire. If there was somebody that we thought might be VC by his actions, by running or hiding, he was a dead man.

Ninth Division were people that we supported mainly when I first got to Vietnam. We had pretty much our own show. We didn't have to ask anybody what to shoot. We didn't have to ask for clearance. After that we worked closer to Saigon. We worked probably within a thirty or forty mile radius of Saigon in all direction, and we had extreme trouble receiving clearance to fire. An Air Force Forward Controller, who coordinates air strikes from jets, told me one time, "If you have trouble obtaining clearance to fire, just holler out that you're receiving fire, and we'll send jets in to bomb the hell out of the place, whether or not you actually receive fire or whether or not there are any weapons in the area at all." Free fire zones—I worked in many free fire zones.

It's kind of hard to number them because almost everyday, someplace, we'd come in contact with a free fire zone. I've seen hootches burned down which were not proven to be military targets. I've seen hootches CS'ed to drive people out. When the people were driven out, naturally running away (who wants to hang around and breathe the CS for an hour), they were killed. There was one night at Tan An, which is south of Saigon, I believe in Long An Province, February 23rd of 1969. It was about midnight and somebody detected some movement out on the perimeter. Somebody climbed on top of a hootch to see what it was. Well, actually what they were doing, was shooting at them. Somebody was trying to get them out. It was a high ranking officer. We played around with them for a while. They didn't get anywhere, so they sent our firefly ship up, which is Hue Vuey with a cluster of seven landing lights to light up the ground, brighter than the sun, especially at night when you're looking right up at it. They sent the firefly ship up.

The Viet Cong had set up some rockets right outside the perimeter, rockets, RPG's, things like this. So they scrambled, the gunships off and through the rest of the night, for approximately six hours, there were, I would say, at least ten full loads of armament expended from Cobras in that area, plus several loaches. We scrambled the whole unit from Di An, which is my home base. Di An was my home; they scrambled our whole unit to come down to Tan An and to work on this area.

The next morning, the reports were that there were many civilians killed. This was the village on the south end of Tan An, there were many civilians killed. There were reports of Americans killed by this attack. I believe there was one injury. This is from the report that I got. In the same general area, probably within one or two blocks of the same exact location, several months later we were working on a canal. We were just looking around, doing a recon with the firefly and one Cobra. The firefly ship saw a man in a sampan. He was an old man with a bunch of nipa palm leaves in the sampan. Because he was out after dark, he was killed by the door gunner of the Huey. I have seen a prisoner beaten. He was in a cold area; no fire was received from this area. This was to the northwest of Saigon, to the south of Cu Chi. I can't remember the exact location. We'd been called out to do a recon in this area. It's quite desolate. It was at least a couple of kilometers from any real village, any settlement. Along this canal line, this man was hiding. I do not know whether or not he was armed. But I know that there was no fire received in that area from any enemy soldiers. They flushed this guy out. They tied his hands behind his back.

The water was approximately a foot deep in this rice paddy where they were working him over. I was watching from approximately 500 feet. He was kicked. He was beaten in many ways. Kneeling in this water, with his hands behind his back. I don't know if he was blindfolded or not. Being repeatedly knocked down into the water, set back upright, hit again, and knocked down. Concerning 50 caliber machine guns, many, many times, I have seen them mounted on the doors of Hueys, specifically to be used against ground troops. That's what you go up for is to kill ground troops. Go up in conjunction with firefly ships used at night, used at day, and this is fairly well known among us. I have seen, several times, C-123 Aircraft working to the west of Saigon. There's a large river that's to the west of Saigon, runs roughly north and south.

I can't remember the name of it at the moment, but beyond this river there is absolutely nothing left. There were hundreds and hundreds of villages, marked on the map that I had with me, all kinds of names on the map, but you get over that area and there's nothing there at all. It's all been wiped out long ago. Now the C-123's are going out to that area with defoliant, I don't know exactly what chemical it was. I've seen formations of six C-123's out there, low level spraying with Air Force jets providing cover for them. And, I believe there was one time we were to be on stand-by for these people; in fact, I'm sure of it.

There was one time we were to be on stand-by for these people in that general area in case they ran into any ground fire. I have seen a herd of water buffalo CS'ed, because nothing was going on, the pilot flying the loach was getting bored and saw the water buffalo; he dropped one or two CS grenades on them and they stampeded. They crashed into a bunch of foliage next to the river and they went head overheels into the river, you know; it just completely drove them crazy. I don't know what happened to them after that. I don't know if water buffalo can swim or not. I never saw any of them swimming.

Moderator. We are running short on time and we do have a couple of things we wanted to do. One was to throw the panel open to a couple of questions, but before we did that, many of the vets, particularly the vets participating in this panel, have expressed the fact that they could go on and on for a long time, talking about various instances of brutality, torture, rape, everything that's been talked about here for the last two days. But one thing they felt was very important and which hasn't, in a sense, been done by many of the veterans was to say why this happened. What happens to them that this happens and how these things came about. Steve Pitkin in particular felt the need to try and express something about how these men become animals in a sense. I know several of the other vets on the panel want to mention it very briefly. So Steve why don't you start off.

Pitkin. I've sort of got a little hassle by the idea of coming up here, sitting down and telling basically war stories to everybody, because I'm sure, besides the FBI agents that we have in here, most of you people are against the war. Most of you people know atrocities have been committed. The thing I sort of wanted to impress was that there are different sorts of atrocities being committed. It doesn't necessarily have to be in Vietnam, although those are the ones that get the most attention. But, I'm sort of directing this one at the present because I think one of the most atrocious things about Vietnam is the way it was covered in the press. I guess it's sort of like you shouldn't have news reporters over there; you ought to have sports writers, box scores and everything. I guess the war's winding down, because this week we only lost 27 men and because Richard Nixon said so.

But ask anyone of those 27 men if the war's winding down. Bet you won't get an answer, you know. Well, what I'm trying to say is one of the saddest experiences I had is when I returned from Southeast Asia and I was waiting to catch a plane from Frisco Airport to Baltimore. It's like two o'clock in the morning or something and four long-haired people came in. And, you know, it's okay with me, but they laughed at me and in a sense I really had to fight back tears. I didn't say anything. I tried not to let it faze me that much, but we're not tin soldiers, we're people; the people they sent over to Vietnam are blacks; they sent a lot of college graduates and college students over there. I don't know if this is a form of genocide, but believe me, if you look up the definition, it sort of hints to it.

I feel that if people knew more the human part of the American soldier in Vietnam and about the enormous underground and how well organized it is over there, they might have some second thoughts before they called me a pig or before they called me a tin soldier, laughed at me. I figured before I went over to Nam I had a choice of either going to jail or to Canada or making it over there. I figured that I was doing more in a capacity to attack it over there in Vietnam, where the problem was actually happening, than I would be sitting in jail. Although, believe me, anybody who does go to jail or does go to Canada, has my full support. I think it's an atrocity on the part of the United States Army, (I don't know about the Marines, Navy, or anything else) to allow eight weeks of basic training, nine weeks of advanced infantry training, and then to send you against an enemy that's been fighting in his own backyard for twenty-five years. The training that they gave us, the infantry, really amounted to nothing but familiarization with the small-arms weapons and the explosives you would use once you got over there. We attacked a mock Vietnamese village in the snow at Fort Dix. An interesting point: a lot of times when we were put on line to attack a point of something, you were told not to fire until your left foot hit the ground. I remember asking a drill segreant, "Do they really do this in Nam?" "Yeah, you know."

When I got to Nam, it was like black had turned into white because I was totally unprepared. I was put into a recon unit operating in the Mekong Delta. I hadn't been taught anything about the weather, the terraine. I had been taught a little bit about booby traps, but that's really up to the guy who lays them; they can just be anything. It was just a hit and miss thing. You go over there with that limited amount of training and knowledge of the culture you're up against and you're scared. You're so scared that you'll shoot anything, that you'll look at your enemy and these people that you're sort of a visitor to. You'll look at them as animals and at the same time you're just turning yourself into an animal, too.

I'd say that's got my head spinning a little right now. The fact that I was actually at one time sort of animal and that now I have to come back and be civil again and people sort of expect a purpose and expect you, just to have a definite purpose. You know, you're going to school, yeah, you're going to work, yeah. But there's like more and more veterans now that are just finding that there's no purpose, because nobody's ever given us one. The only purpose I had was surviving and getting the hell out.

STATEMENT FROM THE AUDIENCE. One of the things I really wanted to say, and I feel is really important, and points up that not only are they using GIs to kill our sisters and brothers over in Asia, but they use GIs to police our ghettos and to scab in labor disputes. They use GIs on campuses to put down dissenters and the main reason that they are able to do this is because there's this huge isolation between civilians and GIs. GIs hate the way they look, I mean it's amazing the ends they go to to disguise the fact that they're GIs. Wigs, god; and it's because people, civilians, don't relate to them. A short-haired dude hitch-hiking they don't pick him up. They don't do anything and that's the way the military operates; they isolate you from the people; they isolate you from each other; they just build on this isolation and your fear. Like I said before, the only way that I think this war is going to be over is for active duty GIs to say that they're not going to fight this war; not go over to Vietnam and not fight that war.

PITKIN. I'd say that the government, and a lot of the people who sort of run this nation, have been telling a lot of GIs that the biggest detriment to our morale has been the long-haired, protesting, pinko sympathizer-type, but I think the biggest lift for my morale came when I was lying in Okinawa in the hospital there and a girl wrote me about a place called Woodstock, where 500,000 people had come together and it was so beautiful. It was the first time I smiled in a long time.

PANELIST. I wanted to say something also. A funny thing happened when I was in basic training. They had this flick about what is a communist and, it was pretty cool. They showed, you know, the dictatorship of the poletariat, socialized means of production and the people relate on a socialist basis and they're trying to get rid of the government. Wow, that sounds pretty cool, so I went up there, I went up to the guy, and I asked him, "Well, what's wrong with communism?" And he goes, "What are you? A communist?" I said, "No, I just watched your movie and I think I'm beginning to understand what a communist is." And they sent me on to somebody else and I was getting into trouble with that, so I cooled it. I went over to Vietnam and I found out that the Viet Cong and the National Liberation Front are called communists because they're fighting for people. I came back to the States, and got out, and I find out now that I have to fight for people. And I'm called a communist. Well, ——— it, I am one.

MODERATOR. Apart from the suggestions which have been made now and we've been making in the past, I wonder if one or two of you who did express a desire to say something about this earlier want to say something more about how you actually went through a transition and about what it did to you. Particularly if you were against the war and went over, or express your feelings as to how this came about and then we would like to take some questions.

DONNER. It wasn't till OCS that I started realizing some of the things that were being done to me. One of the things that we found out after we had been in OCS for a while was that there was a purpose for all the Mickey Mouse harassment which we were put under. We were put under immense physical strain, running several miles, several tens of miles each day. We were put under, that is for the Army, at least, the intense mental strain, the studies there, but they weren't that tough. We were put under intense emotional strain, being away from everybody, being not allowed to leave the barracks for about five months. And we were told later that the purpose of this was sort of a Pavou's dog type thing. That after a person is put under immediate strain for a long period of time that he sooner or later snaps. After that snap occurs, he becomes much, more receptive to any ideas which are given him and that was the entire purpose of all the harassment. Well I started looking back and putting that together with AIT and basic.

The same forces were operating there. They shave your head. They make you lose your entire sense of identity. Instead of reacting as the individual, you are reacting as a group. The group, honorary eliteness, that's not quite the word, but it's forced upon you. You must react together or you're all punished. This continues and continues and continues. I was lucky in the sense that when I was at OCS, Dr. Howard Levy was on trial, and Dr. Levy changed my thinking for me in a very large fashion. He at least made some of the others think. I don't know what else I can say except for that. I'd like to also point out that GIs are a repressed minority which should be able to relate with the black movement more than anybody else in that each time you walk off that post and into the next Leesville, or Fleasville, or whatever the name of the town is offpost, you're charged more money for anything you buy. You're hated more by the civilians, there. You live in your own sort of ghetto which you usually escape from by going further out and growing long-hair. Unfortunately, our black brothers can't escape.

QUESTION FROM THE AUDIENCE. I'd like to ask one question of anybody on the panel, and that is did anybody here try at any point when he was in Vietnam to fight the policy which called on him to do these things and if he did, what happened? Or if he didn't, why didn't he?

MODERATOR. Does anyone want to tackle that?

PITKIN. You were so contained in how much liberty and how much mobility of thought that you were allowed in Vietnam, while you were serving there, and due to the circumstances no matter where your head's at, you were under somebody. If you're being fired at by the enemy, he really doesn't care who you are and you really don't care who he is. I think one of the biggest ways the guys fought the army, or any policy, was through lingering or shamming. We had a lot of guys who would use a P-38, which was something you open C-rations with, a can opener. They would cut their legs, take a cotton ball and soak it with lighter fluid, tape it to these cuts, walk around in it, and some beautiful sores would appear. Any way you could damage yourself.

The first time I walked into my unit, I walked in and a brother was laying on a bed, stoned out of his mind. Another brother came down with a bat on his leg, broke it right in front of me and like, you know, I asked what's happening, and he says, "Why don't you go out and hunt bush for a while and you'll find out!" That was about the only way you could do it unless you fragged any of the officers or NCOs or got them out in the field or else beat the —— out of them. But a lot of times we found that we were such strangers to this game, and you had a captain and a lieutenant who knew how to call in really good artillery; who could get your ——— out of a tight bind. You'd sort of, you wouldn't want to frag him. But, the CID, which is over there, they tried busting a unit of grunts, who had just come out of the field for a rest period; four of them were killed, this is before I got there, and they went to bust my unit when we got out of the field, too. Five of them walked in with my captain, my lieutenant, and a lieutenant from Bravo Company and the first one in line says, "You gentlemen are smoking the wrong cigarettes, I suggest you put them out." His eyes lit up, he turned out and walked off with everybody. I turned around and every ——— guy in my platoon had his gun raised and I guess he sort of got the message. I guess the idea behind that was that if we were out there and we didn't know if we were going to be alive from day to day, I didn't want a man with spit shine jungle boots and starched fatigues coming in and tell me he's going to put me away in LBJ for smoking a harmless weed.

MCCUSKER. I'm going to try and lead to it. It's going to be hard to articulate, in a way, because it's very complex. The atmosphere of the military is definitely a repressed minority. It not only operates on, but it feeds on fear. The unity that is pounded into you is yet a separate unity, because each is afraid of the other. Each is supposed to police each other and keep the other from doing anything extreme which might get the unit in trouble because they're punished similarly together.

If one man does something, the whole outfit pays for it. So this form of unity is one yet built to separate you from each other. Each man is supposed to know his way around a litle bit. He gets to know how to get around regulations for his own personal safety or he learns how to operate where he can keep some form of freedom for himself, however minor. It could be the way he wears his clothes at particular times or what he does on the base. Like a young woman Marine I was talking to on the airplane last night. She was telling me about these medics that she knows at Camp Pendleton who, when many lifers come up for discharge, the medics can't find their medical records so these lifers are put on a medical hold. They just say the records are somewhere in Japan and they can hang on for one or two years.

So there's many small ways in which you can try to screw up the brass and the lifers; from record books all the way to fragging the guy and that happens many, many times. Now, within your own conscience, in the spectrum of war, that whole Vietnam thing is based on fear. You're scared to death all the way over there.

You're told continually that you're going to die if you don't do this, if you don't do that. That every Vietnamese is going to kill you; that booby-trapped babies are going to be sent against you and old grandmothers are going to throw bombs at you, which can be very, very true and in many instances is true, but the question is not asked why that old grandmother wants to throw a bomb at you. That's the part of the discussion that doesn't occur. But even in the Nam, as many atrocities as there were and as many people committed atrocities, there were many, many who did not and tried to prevent them in their own small ways. You could tell a man, "Hey, don't fire that hut or don't ding that round" and sometimes it worked and sometimes it didn't work. Men went on their own to not do those things.

They're having a problem in Vietnam right now, at least the military's having a problem in Vietnam; a lot of guys aren't firing their guns. It's like World War II again. In the last parts of the war, they said maybe one out of seven were firing their rifles. I think the average now might be one out of ten. Because now, like when I went over to Nam, there wasn't really much political dissent. What political dissent there was, was squelched. So we didn't have too much to guide by.

The captains over there right now has had five years of a very strong anti-war movement that reached every level of society and he knows what's going on. He's been pretty well educated outside the military education. So though he's over there right now, he knows what to do and what not to do and what steps to take to prevent atrocities. So it comes down to an individual consciousness and discipline of action, and when I say discipline, I killed men because I wanted to survive. I didn't question why I should survive over the men I killed. I killed so that I could feel the guilts and question myself as to why I wanted to survive and that's a bind in which we were all put.

Some men exceeded the self-defense and did a lot of things they would be locked up for doing here in the United States. Vietnam has been pictured as a good football game; it's been pictured as a legal rumble. For a lot of people, it's been that way. In the streets I learned how to feel like a Vietnamese, I've been clubbed; I've been maced. Now I have a little bit of feeling and I needed that and maybe most of us need it. As a matter of fact, Portland, Oregon, itself, finally got clubbed back in the spring and a lot of the white kids, middle-class white kids learned how to feel like a black man in this country and like a Vietnamese in Vietnam.

There is only one real true way, unfortunately of learning something to your bones, and that's to have something try and break them. Okay, so now many, many vets are out in the streets. The soldiers that they send against us are clubbing down veterans who are trying to prevent them from going to Vietnam. These soldiers are clubbing us down so they can have the privilege of going to Vietnam. The soldiers themselves don't consider it a privilege, of course, but I find that a great tragedy. Because as more and more vets get out into the street and the soldiers are used against those vets, that to me is a very great tragedy.

Panelist. Yeah, but the soldiers that are used against vets in this country are enlisted reserve and National Guard and they aren't going to go any place except to a meeting once a month and to summer camp every summer. Those are the real cowards in this whole mess. People that split to Canada have guts because they're leaving their families behind.

McCusker. Well, wait a minute. We ran a little jamboree against the American Legion in Portland this summer and we had reformed ex-Marines who wanted to be elite and join the police forces and get into tactical squads. We had the National Guard against us, who were the people that you spoke of, and they were in the guard for many, many different reasons. Some pure cowardice, others because of mixed up emotions. Then we had Army units, regular Army units, and remember the 82nd and 101st has been used to blow people away, so they infect at all degrees. Now the politicians in Oregon were trying to raise the fear of Genghis Khan coming to Oregon, so that they could justify blowing us away.

In other words they wanted the parents to justify the deaths of their children. They almost succeeded because of their propaganda and their fear-raising. That fear-raising is the same kind of fear-raising they use on each GI before he goes to Vietnam. Get him so scared that his only morality is his own survival and he doesn't think beyond that. You've got the POW issue here in this country. That's just an emotional issue to disguise the actual intelligent issue of what the ——— we're doing in that country. And as brought out this morning by Howard Zinn, it keeps us from questioning the government that continually sends over more people to become prisoners.

THIRD WORLD PANEL

Moderator

Donald Williams, United States Army; refused to go to Vietnam, went to Sweden.

Allen Akers, 25, Pfc., "E" Co., 2nd Bn., 4th Marine Regiment, 3rd Marine Division from May 1965 to March 1966.

Panelists

Scott Shimabakuro, 21, L/Cpl. (E-3), "C" Battery, 1st Bn., 13th Marine Reg., 3rd Marine Division from October 1967 to November 1968.

Barry Romo, 23, 1st Lt., "A" Co., 2/1, 196 L.I.B., "C" Co., 3/4, 11th Inf. Brigade, Americal Division from June 1967 to November 1968.

Evan Haney, Naval Support Activity, United States Navy, Da Nang.

Earl Rose, 3rd Marine Division.

Charles Stephens, 24, Pfc., 1/327, 101st Airborne Division, from December 1965 to February 1967.

William Light, 22, E-3, "E" Co., 1/6, 198 L.I.B., Americal Div. from May 1968 to June 1969.

Veterans testifying

Orville, Carey, 1st Logistics Command.

Larry Brooks, 21, Pfc., 2nd Bn., 7th Marine Reg., 1st Marine Division (July 1969–January 1970).

Murphy Lloyd, 27, Sgt. (E-5) "D" Co., 4th Bn., 173 Airborne Bridgade (February 1967–February 1968).

Mike Nakayamo, 1st Bn., 5th Marines, 1st Marine Division.

Moderator. Can I have your attention? The Black veterans are coming up to speak on the Black experience with racism in Vietnam and we'd like for you to give your attention, if possible. Any Third World people, you know, people of color, all of us. Do you think the minority groups could have some water, please?

Excuse me, is this the bulk of the press that's going to be covering; this panel? You're not even from the press, so the press is not even covering this, right? Can somebody on the staff go see about the press?

Voice from audience. We're here and we're important. We'll pass the word right on.

Moderator. Say, people, isn't this typical racism for the press? Okay, we're ready to deal. My name is Donald P. Williams. I spent eight years in the service. My unit was alerted to go to Vietnam in March of 1968. They went to Saigon, but I went to Stockholm. When I got to Stockholm, I sent my commanding officer a big picture postcard and told him good luck. I want to make an opening statement, and then we're going to have the brothers from the Third World give an opening statement. Then we'll give it to the panel.

We, the Black veterans of the Vietnam war, are expressing our experience with racism in Vietnam. We intend to show by our testimony that the war in Vietnam is nothing more than an extension of the racist policies as practiced here in the United States. Racism is the motivating factor in determining America's genocidal policy against non-whites. The overwhelming majority of people killed or maimed in Vietnam are non-whites, whether they are Vietnamese, Viet Cong, or American Blacks. Whites' statistics say that Blacks constitute only ten percent of the total population in the United States, yet they represent at least forty percent of the fighting forces in Vietnam, and, in many cases, due to racism, Blacks are the overwhelming majority in the combat areas. The statement you will hear this afternoon reflects the reality of American society's attitudes towards non-whites. This attitude emanates from years and years of oppression based on the refusal of American people to eliminate racism. At this time I'll turn you over to the brothers from the Third World and they're going to make an opening statement.

Shimabukuro. My name is Scott Shimabukuro and I'm representing the Asian brothers and sisters, not only in the United States and veterans, but also in Asia. Now this tribunal, or investigation, is into the treatment of Asians, and I'm relating this not only to Asians in Vietnam but to Asians all over the world. The United States has a policy of racism that in Vietnam is only an extension of this, and we feel that since this gathering is to bring these things out, we think there should have been a bigger representation from not only the Asian people in this community and in this United States, but of all Third World people, because we are the people who are receiving all these crimes against us and we feel we should be heard. We've been quiet too long.

Romo. My name is Barry Romo. I represent, supposedly, the Chicano community, which isn't hard to do, because I'm the only one here. Chicanos constitute the largest percentage of deaths of any minorities, which is way out of proportion to their numbers. It's because of language and culture. This thing has turned into a horror show. The people dying are Third World and the people getting hurt are Third World, and that has to be brought out.

Haney. My name is Evan Haney. I'm an Oklahoma Indian, and I would like to say that I am probably the only one here who is an Indian, and there should have been more here, but we have our own fights to do in our own communities. And, I represent the Indian community all over the United States and I would like to say that I hope to convey the feeling that you know that we are out fighting and not in a position where . . . well, I don't know what to say right now, but I represent the Indian community across the United States.

Rose. By name is Earl Rose, and I'm a representative from the West Coast. I'd like to talk about the mis-education and how they take Third World people and through mis-education and using the word Cong as a symbol of killing, instead of using the words "Go out and kill Vietnamese people," how the word "Cong" is used against Third World people to manipulate and to kill them. That's all.

Moderator. At this time, I'd like to introduce the co-moderator, Allen Akers, and he's going to introduce the rest of the members of the panel.

Akers. Yes, my name is Allen Akers. I was a Pfc. in the United States Marine Corps. I was attached to Echo Company, Second Battalion, Fourth Marines. I was in Vietnam from 1965 to 1966 in the Chu Lai area. I was an infantryman and the bulk of my duties was search-and-destroy missions.

Moderator. Steve?

Stephens. My name is Pfc. Charles—*ex*-Pfc. Charles N. Stephens. I was in the 101st Airborne Division, First Brigade, and I was a Medic from December 1965 to February 1967.

Light. My name is William Light. I served in the Americal Division of the 1/6, E-company, Echo Recon. I was a grunt.

Corey. My name is Orville Corey. I was in First Logistics Command in Pleiku. I was a postal clerk.

Brooks. My name is Larry D. Brooks. I served with the First Marine Division, Second Battalion, Seventh Marine Regiment. I served in Vietnam from July of '69 to January of '70.

Lloyd. My name is Murphy Lloyd. I was in the 173rd Airborne Brigade, Separate. My MOS was 11 F, Recon Intelligence, and I worked from the Saigon area all the way up to Dak To in the Northern region.

Moderator. Okay, thank you very much, Larry.

Nakayamo. My name is Mike Nakayamo. I was in the First Marine Division, First Battallion, Fifth Marines.

Shimabukuro. My name is Scott Shimabukuro. I was in the Third Marine Division, Charlies Battery, 13th Marines, at Khe Sanh.

Romo. Barry Romo, former First Lieutenant, Americal Division, 196 and the 11th Infantry Brigade.

Haney. My name is Evan Haney. I served with the United States Navy in Danang, NSA, Naval Support Activity, Danang.

Rose. My name is Earl Rose, Third Marine Division, US Marine Corps.

Moderator. (**Akers**). Okay, thank you very much, Mr. Rose. At this point we would like to get into the testimony of some of the personal experiences. Myself, I'll start off and then we'll stem from there. I'm sure if you've been watching some of the news media on television you would have seen some of these mercy missions that are sent out into the Vietnamese villages to help the people there. Now, the hospital ship, Hope, that is docked just outside the three-mile zone in Vietnam, will transport nurses in their, you know, clean white smocks, and everything, and send them into villages to help Vietnamese children, you know, if they're sick or if they have any ailments or diseases. Now this is the picture that they'll portray, you know, the white man coming in with his doctor bag and he's going to help you out with your sick and ailing. Now any time they want to portray the Black man to the Vietnamese, they will have us situated so that on search and reconnoiter missions, we would be the first ones into the village, shooting and hunting; through the huts for Viet Cong.

Consequently, very seldom do you run into a village where there are any men at all. There are usually just women and children, so you can imagine the picture that these villagers see when they look outside their little homemade bomb shelters and see big heavy-set Black dudes with rifles aimed hip-high and grenades in one hand, shooting and firing. So consequently this here is one of the mental tactics that is used over there to keep the Black man from identifying with the Vietnamese people—because for all intents and purposes we are one and the same. There are many relationships between the Vietnamese and the Black man as far as skin tone and a lot of cultural things, for that matter.

Another thing I would like to talk on is the psychological effect of tactics that is used on Black troops. What they would do is they would pull us in to a barrack-like situation and keep us there for about a month at a time. And, consequently, when your're sitting there in garrison, doing nothing but smoldering in the hot sun, you begin to build up friction among the troops. And your white troops might be playing their country and western music and you have your Black troops who will be playing our soul music and that'll get to going back and forth and if we can get hold of any liquor or anything, this builds to the animosity among the groups.

So consequently they get to fighting amongst each other, and the higher brass knows, well, it's about time to cut these guys loose on some villages somewhere. So they check back on some of their old recon reports where they have heard of some Viet Cong suspects being in the area and they just route them out to these particular villages and cut loose with them. They give them an ambiguous order, like something to the extent of "All right, you're going into an area where there are known Viet Cong, so you are to reconnoiter by fire". So that when you get there, anything that moves you're going to fire on. So this is one of the mind-taxing things that he does to make you want to attack somebody even though you know that you don't want to kill another Vietnamese because you feel that he might be, in fact, your brother.

Stephens. When I arrived at the base camp of the 101st First Brigade, in Phan Raang, in December, I was told never to go to "B" Company, because "B" Company, that's boo-boo company. They're always getting ambushed. They're always getting a lot of guys killed. They're always under strength. What I wasn't told about B Company was that "B" Company was all Black.

The only thing in "B" Company that was white was the officers and the platoon leaders, rather, the officers and the platoon sergeant. Also, when I was fortunate to get sick and go to the hospital, I went downtown one day, I went to a bar and I asked for an orange soda. But they didn't have any orange soda. So I asked for a coke, but they didn't have any coke. And the guy next to me, he ordered a coke and he got the coke. So I asked the girl. I says, "Well, I thought you said you don't have any cokes." She says, "Well, you no same same me. Me number one, you number ten." And I was also told that I have a tail. Where?

Light. I'm going to start off with racism on a personal basis. For reasons of my own, I chose not to go over to Vietnam. Behind this, I was railroaded, and handcuffed, and taken under guard to Vietnam. They forwarded orders to my company commander of my background when I was in basic and AIT, relevant to my behavior. From the jump, he discriminated against me. I was commonly referred to as a "field nigger". I was on an operation. We were under attack by a regiment of VC. The outcome was like seven to eight guys out of about thirty-five left. The first thing my first sergeant did when he called in was to find out if I was dead or not. The majority of my company consists of white guys, but the majority of brothers are in the field. The ratio is like sixty to forty and most brothers, Puerto Ricans, and Mexicans, have to walk point to more or less prove their manhood, on an individual basis, that they are just as much man as the next guy. Consequently, there were all forms of racism.

I was in the stockade in Lon Bin for three months. I saw a brother fed rat poison because he chose not to do some of the things that the racist MP's asked him to do. A lot of brothers were beaten, handcuffed, and gagged, and thrown into solitary confinement without food. My first meal in solitary confinement was mashed potatoes and coffee grounds. That was it. You'd be surprised at the things that happen over there. I came home, and I tried to apply for some money from VA. They told me, "Well, look, you wait two weeks or a month. Come back, you know, later on when we get the chance." I came back in two weeks. I had to fill out more forms, more paperwork, I kept getting the runaround, etc. Since I've been home, I can relate this to a lot of guys, white and black. It's hard to find employment for veterans. Dig it. I don't understand what the big thing is. All the guys are coming home from Vietnam and can't find work. Like, it should be some type of system where a brother or somebody coming home from Vietnam is guaranteed employment. I went back to my old job and the guy told me, he says, "Good, when do you want to start, today or tomorrow?"

So I says, 'Well, I'll start tomorrow." And he looks on my DD–214, which is my Army discharge files, and then he saw I was in Vietnam and he said, "What did you do?" and I said "Infantry." And he says, "Oh, wait a minute." He came back two minutes later and told me he didn't need me. I took a test with a hundred and fifty guys and only twenty passed, and just because I had a general discharge, I wasn't accepted at that particular corporation. That's all I got to say. Thank you.

Corey. Well, I was in administrative service for most of my time in the service. Most administrative service is about ninety percent white, maybe ten percent black, and I originally was in Germany. I volunteered to go to Vietnam, to get away from what I considered overt racism that was going on over there. We had Klansmen, white hats, and this was more or less accepted as policy. Nobody worried about cross-burnings or stuff. I probably could have stood it generally a little bit better if I had been maybe in a field company with more Blacks, but it was only about four Blacks in a company of about maybe seventy people, seventy or a hundred people and four Blacks, and it was just a little bit too much. There was no chance for a promotion. You were handed out all the vile details, and in general we got a lot of practical jokes and pranks pulled on us. The only way I could get out of Germany was to volunteer to go to Vietnam. Upon arriving in Vietnam, I found out that the situation in the rear echelon companies is much the same. There are very few Blacks in rear echelon companies, mostly whites. The excuse was, I believe, that there weren't enough Blacks qualified to work in things like finance, personnel, and the other back-up companies. Okay, thank you.

Brooks. As I said before, my name is Larry Brooks. I'd like to relate to the people how the racist system over there deals with brothers that was more or less a mental destruction more than material destruction. Like they had their own ways of dealing with brothers that talked up. If a brother talked up and what he was talking about, didn't know what he was talking about, he was given time in the brig, or off his hours, or fined some money. Like brothers that knew what they were talking about or knew where they were coming from, they would deal with them by giving them good jobs.

I was in the First Marine Division and they like had put out the Third Marine Division. They sent all the brothers from the Third Marine Division down to the First Marine Division and they sent all the whites back to Okinawa and back to the States. And then after I got to rapping and telling them how it was, well, they told me, we think something is wrong with you, and they pulled me in the rear and put me in the kitchen. So I worked my way from bottom mess man to chief mess man. Actually, I played on Whitey. I knew that I wanted to get out of the field, so I played on whitey to get a good job and after I got the job I rapped again. So, officially, the captain came to me to say, Well, something just ain't right, son." So he pulls me in and said if you don't start acting right we're going to send you to the psychiatrist" So, boom they sent me to the psychiatrist, and I asked him what his problem was, you dig? After a while, the dude sure enough thought that I was ready to dance, so they sent me back. They put me back in the kitchen and I started washing pots. So officially I was head of all the brothers in the mess section, and so I started organizing a meeting in the mess hall every night.

So they sent me up to the colonel and he checked my temperature and sent me back to the psychiatrist again. I asked him, "You got to let me see somebody." So they thought maybe they'd give me a three-day leave, and I went to Bangkok, Thailand, and stayed for six days.

I came back and it seemed like all the brothers that I had on mess duty with me were going back to the field. so I ran down and asked my first sergeant what happened, and he told me, "Be cool, you'll be leaving here in seven days". This was right up my alley, because I had over half a year left.

Up until today, now, (I got out in January '70) I have a discharge here, I don't even know what I got it for. It doesn't state a reason why I was discharged from the military. This is a good discharge; I didn't do all my time, you understand, I didn't get hurt, and yet here I am. Like when I apply for a job, they ask what did you get out for. So I scratch my head. I say, "Well, really, I can't tell you."

They state on your discharge why you were discharged. Mine is just a blank. I don't have no bad record. I wasn't no hero. You see, I don't know what the deal was. So these are some of my personal experiences in Vietnam. If the press were here, I wish they'd write the government and tell me what I'm doing out of the service. My expiration date wasn't but two days ago, and I've been out a year.

Lloyd. My name is Murphy Lloyd, and right here before me I have two discharges. Yeah, well, I went in twice. I went in in '61 to '63. And something funny happened. Around '66 I got patriotic because the President said he needed men to fight in Vietnam and at the time I really believed that I had just as much to fight for as anybody else in Vietnam regardless of what color he was. I just felt that this was my country too. But upon arriving in Vietnam, I found a different story altogether. For the first thing, I arrived in Vietnam on a Saturday, and Sunday morning I had been awarded the CIB. That's the Combat Infantry Badge, a star. After receiving this, things just started that I didn't want to believe were actually happening. I had been hearing about how racist the Army was, but I didn't want to believe this because I judge a man not by his color but by him being a man, regardless of what he is. But I started finding out; that in the field, I went over there, as a communications specialist, and while receiving my gear the man told me, "I'm sorry, we don't need a communications specialist, we need a grunt."

He got to issuing me claymore mines and things I didn't know anything about. And when I got out in the field, I noticed that ninety percent of the outfit out there were from minority groups. They weren't just Blacks, they were Chicanos, Indians, anything else you want to name. We were there. Quite naturally we couldn't complain about rank, because we were getting all the rank because there wasn't anyone else out there to get the rank but us because we were in the leadership position. This is true; I wouldn't lie to you. You know, it's funny when you look back at it. Like I just jumped up and said "Well, boom, my country needs me." And I went over there to fight, and come back home to this thing here that they call freedom. And last night while on the way home, after leaving the meeting, over on Emerson Street, the police stopped me. So I go in my pocket to give the policeman my license and he happened to see this (Vietnam Veterans Against the War button). And he made a statement about Miss Fonda, I wouldn't like to repeat the words here, but, wow, it was pretty deep. So like I told him I was doing what I feel I had to do. So there I go down to jail. So I spent the night in jail last night. If you see me nod every now and then, it's from that. I could say some more things, but I think I'll pass it on to my man here.

Moderator. I just got a message here. Michael Olover, a Vietnam veteran, has a statement to read regarding something very important. So where's Mike?

Oliver. Sisters and brothers, we have just received word from Detroit that United States Senator George McGovern (Democrat, South Dakota) and Representative John Conyers (Democrat, Michigan) called today for immediate investigation by the United States . . . (Applause drowns him out) . . . immediate investigation by the United States Senate and the House of Representatives of allegations arising from testimony given by a group of honorably discharged United States veterans of war in Vietnam at the three-day Winter Soldier investigation being conducted in Detroit.

Chief amongst these charges are reports that the United States committed ground troops action inside Laos as long ago as February 1969, contrary to affirmations by government officials that no such incursions had occurred. Senator McGovern charged that the Winter Soldier Investigation testimony provides evidence of the administration's growing credibility gap in Indochina military affairs. "Last week," McGovern said, "we were told by Defense Secretary Melvin Laird that our combat troops have not operated outside Vietnam. A few days ago we learned that some of our servicemen were on the ground in Cambodia. Now there are reports invasions into Laos as long ago as early 1969. These are serious charges which require immediate and intensive review. The American people must know all the facts about our military policy in Vietnam.

Congressman Conyers recalled similar reports he received during his 1969 tour of Vietnam. "The charges that our command office sanctioned interrogation by torture and other brutal acts, the occurrence of atrocities without investigation or punishment, and that racism still pervades our Armed Forces require complete disclosure. I shall ask for the full transcript of the Winter Soldier Investigation hearings and I will propose that these veterans be brought to Washington to deliver their testimony before the appropriate Congressional authorities."

During the first day of public hearings, thirty-five veterans of Vietnam service described a wide variety of atrocities and war crimes in which they participated or which they witnessed during their tours of duty, often in the presence or with the approval of their officers. The veterans' testimony included charges of killing of unarmed women, children, and elderly peasants; the use of torture to elicit information from captured prisoners; the shooting of enemy soldiers attempting to surrender; and the wanton burning of Vietnam villages. Veterans who served with the First Marine Division in Quang Nam Province of South Vietnam told of an American ambush executed on Christmas Eve 1969, during what was to have been a cease-fire for U.S. ground troops. The witness said, "Twenty-five Vietnamese were killed, but only one weapon was actually found. An officer then gathered previously captured weapons from other units in the area to justify the labeliing of the new kills as enemy soldiers."

The Detroit Free Press confirmed this incident from another Marine who had been present in Vietnam at that time but was unaware of the Winter Soldier Investigation. His recollection was that there had been thirty-one persons killed in the ambush."

Shout From the Audience. Let's go to Washington and tell the world about it! How about it?

Panelist. Okay, ladies and gentlemen, I think I might throw a monkey wrench into the fine working machine for a second here. For the last couple of days you have been receiving testimony from the war of injustices to non-whites over in Vietnam. Now, if these injustices and these here genocides are perpetrated against the non-whites in Vietnam, the Vietnamese soldiers, and they are solely admitted since yesterday, Sunday, on television, and this morning, what do you think they've been doing to the Black soldier they've been serving along with? Just think about that.

Williams. I'd like to pose a number of questions to the panel here, and then we want to open it up for some questions from the audience.

Voices. Let's let our brothers speak. Our brothers from the Third World, minority groups, all of us are called underdogs, masterminds of the world; rap, brothers. . . .

Nakayamo. My name is Mike. I wanted to rap about racism directed against Asians in the military and in Vietnam. First of all, I felt quite a bit of racism before I joined the service, okay, that's understood. When I got into the service I experienced amplified racism. As soon as I got off the bus at my boot camp, I was referred to as Ho Chi Minh, which, you know, was. . . .

Voice. A compliment!

Voice. Right on! Right on!

Nakayamo. Yeah! I can dig it. I was referred to as Jap and gook constantly through my training. Then I knew I was going to go overseas to fight for this country. I can rap about quite a few instances, right in boot camp, but I'll just move on to my experiences in Vietnam. While on Vietnam, I was in the infantry, but a few times they let you come back to the rear. Most Marines are allowed to go into PX's without showing an ID, and I was not allowed to go into the PX on a number of occasions with an ID because I was yellow. I was constantly referred to as "gook" in Vietnam also, and, relating this back to the United States, I know a number of my Asian brothers and sisters who are being referred to as "gooks" by returning servicemen, by American people in the Los Angeles area.

The thing that bothered me about this investigation is that it seemed as though people were trying to cover up the issue of racism, which I believe is one of the definite reasons why we are in Vietnam. We talked a lot about atrocities, but the systematic and deliberate genocide of all Asian people through the use of racism cannot be allowed any longer.

Voice. Take your time, man, you're doing good. You're telling the truth.

Nakayamo. I'm sure I don't have to go into detail about the racism and atrocities being committed against Asians, because you've been hearing that all week, or since Sunday. But the things that the brothers are relating have been happening in the United States since the Third World people have lived here. Now there's been a thing on relocation of Vietnamese from their homes to relocation camps. That strikes home pretty close, because my parents and grandparents, who were supposed to be American citizens, were relocated during the Second World War, and; that just amplifies the racism that has been coming down in this country. And also, you know about the Indian brothers that this country belongs to. When Evan speaks, he can go into that, how they were robbed. But I want to go into the atrocities against the people here, because the people have been telling you how they treat the Asian brothers and sisters. Now they bring this home with them, and this has a great effect on the Asians here in the United States.

Just to bring this a little more personal, two personal friends of mine were hitchhiking through Ohio and on the road a few of these people (I think they were people) got out of the thing and called them Vietnamese gooks and beat them so bad they were in the hospital for six months. Now things like this should also be investigated, because this is crimes that are committed here too, against all people, working class and Third World people in the United States. And I feel some of the crimes here should be investigated in Washington because these are just as great in magnitude if not greater, because we are supposed to be free. I haven't felt free, because I guess I haven't been. Now you've heard of instances of genocide and murder in Vietnam.

I'd like to relate a few that have happened in the United States. Now you all know what happened in Chicago. The only Black brother on the Chicago Eight was thrown in jail and they're going to try to keep that brother there, I said they're going to TRY to keep him there. Now this is just racism. Now this brother was trying to speak up for his rights and because he was Black, he was treated worse than even the white radicals. Now there's got to be wrong there. You know they've been ripping off the Panthers all over the United States. For what? For their right to be free. That's just like the Vietnamese, they're fighting for their right to be free, so the military is oppressing all liberation struggles all over the world and here in the United States. Now this has to stop. We've been hearing about trying to get this war over, investigations and such into genocide. I'd like the people to get behind trying to end the genocide here and get behind some people like Angela Davis and free ourselves over here. I'd like to say Free Angela, and All Power to the People.

Moderator. I'd like to pose some questions to the panel. Anyone can answer them. I would like to know, were those Black men who were considered troublemakers forced to the front before other men more qualified.

Romo. If I can say one word before you go on, just one word about the Chicano, the Puerto Rican, the Brown. If it's all right, thank you. The brown people, the Puerto Rican, the Chicano, suffer from a problem in America, not only of racism, but of a language and a cultural difference. The ghettoizing; that goes on in his early life, his economic background of relegation to farm work, etc., puts him in a position that when he goes in the service, the only thing the service feels he's qualified for is the front line and infantry duty. As a consequence, when he gets to the field, he cannot relate to his officers or NCO's. He can't understand the language and he can't understand the culture behind it. As I said before, the Chicano, the Brown, the Puerto Rican suffers statistically more casualties than any other minority and the white. I think this has to be brought out and it has to be stopped.

Haney. My name is Evan Haney, and I would like to point out that if you took the Vietnamese War, of the American war, as it is, and compared it to the Indian Wars a hundred years ago, it would be the same thing. All the massacres were the same. Nowadays they use chemical warfare; back then they put smallpox in the blankets and gave them to the Indians. You could just go right on down the line and name them out and they would be the same thing. One thing I would like to bring up about racism is that I have grown up with it all my life, and when I was small I was exposed to this, and I kept growing and growing and learning. But it was so much that when I watched TV or something and watched the Indians and the cavalry, I would cheer for the cavalry. That's how bad it was. Right now a lot of Indian people are . . . they're not going back to the old ways, but they're thinking about the old ways. You can take any culture of these people up here on the panel, any culture of you out there, and if you look back into it deep, they had something good. Way back, they had it. And then people started getting into a money bag, and that's when it all happened. When we made treaties long ago, it was for as long as the grass shall grow and as long as the rivers shall flow. The way things are going now, one of these days the grass isn't going to grow . . . and the rivers aren't going to flow. . . .

Rose. I guess most of it's been said. All the brothers said real beautiful, all the Asian brothers, and my Indian brother here. I have been in the Marine Corps for ten years, ten long years in the Marine Corps. Went to Vietnam twice. When I looked around me in those ten years I found out who was really fighting this war, and all I've seen was Third World people and poor whites fighting this war. Most of the poor; whites in the war were in the positions of power, more or less the sergeants and officers.

People can say, how Third World people go in the service and fight? All through the years we've been mis-educated, all through high school, elementary school, and then we have one more choice left, and that's the military. To make this great big American splash, like in Hitler youth, we got to make our name in the sky. So we go into the service. My brother was there in 1965; he felt like it was his patriotic duty. I did the same thing in '65, "I'm going to wipe them all out, really do it, get my medals, really make it on the scene." Then you go out and they keep using words like Cong and Slopehead and Slanteyes. I said, "Hey, those are the same words they use in the States against me, against Third World people." They dehumanize these people so much that it's easy to go out and kill them or blow them away, because they are dehumanized, and it becomes in your mind, they become more dehuman to you. But as you go on, you've got to realize that this is foolish, you're killing our own brothers. So that out of ten years this is what I got out of it and it makes me very bitter. A lot I'd like to say, and I'm not going to say, because the rest is going to be practice. I have no more time to talk.

Moderator. I'd like to pose a number of questions to the panel and then we're going to open it up for discussion from the audience. I'd like to ask: Were the Black soldiers, considered as troublemakers, ever forced to go to the field and qualified people were kept back?

Light. They had their ways. Whitey would play this game. He'd have us ready to go in to the field before we even got over there. We were trained to go to the field back in the States so Whitey gets the typewriter, you get the rifle. That's the way it went down. You couldn't beat the game.

Moderator. I'd like to know, how did you think the Vietnamese looked upon you as people of color?

Lloyd. I had a few experiences, you know, I met quite a few Vietnamese, old women and children and to me they looked up to the Black man—those that had been oriented properly—looked up to the Black man something like for help more or less. Most of the time we'd go in the village, we'd go in there with food or candy or clothes if we had it and the little kids were always around us and then some of them would come up and look for a tail and different things. When they run it down to you, they try to make you understand that you are part of them by being black in your blood line. We have the same blood that they have, something like, you know, it's just like about that. We related to them and why should we be fighting them and we're the same color? This is what it boils down to.

Panelist. I'd like to speak to that just two seconds—about how we feel. We went over in Vietnam the first time in 1965. Vietnamese people, because of the economic factor—(and that most of the GIs over there, say more or less white, went into town and spent all the money)—the Vietnamese people in the towns looked at us more or less Black people as down on because we were more or less discriminated against. White GIs discriminated against Black GIs, who in the towns we had our own little section. We were outsiders, let's say. We were more or less discriminated against and when we went to buy something, they always would try to refuse it, or say what the brother said about our tails supposed to be growing, and always asking us if our tails were going to come out at 12 o'clock and all this kind of thing. And towards the end, the second time I went over in 1969, the most beautiful thing I ever seen when we was driving a truck come by a village and the Vietnamese people gave the power sign for Black people. That was outasight.

Akers. Something that's food for thought, when we went into Chu Lai, Vietnam, we did a lot of relocating Vietnamese villages after we had destroyed their original homes. Consequently, along with the homes we had destroyed their way of life. Their own crops were destroyed and, as you know, their religion calls for them not to eat cows or water buffalo or beef, for that matter, so consequently the animals that they depended upon for meat such as dogs and wild animals out in the forest were ran off by our constant bombing and heavy artillery fire. So consequently they became dependent upon the United States dollar to exist. We had changed their way of normal living. They were content to live the way they were, off the land, growing their rice and worshipping their God, and then when we come over there we destroyed their means of obtaining food.

We have destroyed their means of sustaining themselves whereas they had to figure out ways of getting money from us or getting food from us. It would get to the point where they would actually raid our garbage trucks, our dumps, and I don't believe no human being should have to stoop that low under any circumstances. This is the type of genocide that is brought down upon the Vietnamese people in Vietnam and what makes it so bad is the Black man is given these details to dump garbage. So who is the Vietnamese looking at to get their garbage from? None other than the Black man. That conscientious mind-psyching, psychological warfare thing is still ever so present in that regards.

Moderator. Okay, what we're going to do now, we're going to open up questions from the audience, so just raise your hand. The question was, were you ever forced into doing something that made you look bad in front of the Vietnamese people as a black man?

Light. There were a number of these degrading things that they did. Like a number of blacks in the rear, they had jobs assigned to them like KP. And getting trash, etc., things like that there. And the viewpoint, you know, like from the eyes of the Vietnamese, like, this is the type of thing a degrading person would do. It was very few whites that had anything to do with this type of detail and like they're destroying our culture and the Vietnamese culture. Now the Vietnamese, like, this is the type of thing a degrading person would do. It was very few whites that had anything to do with this to serve the rest of his time. More or less the Black guys there were more harder than the white ones.

Nakayamo. I would like to add another point. What's happening in the stockades with the GIs is not only happening there, it's happening in the prisons in America also. And, if you know, that's where most of the revolutionaries come from.

Akers. It was brought up before we came up here that there was quite a few of the veterans who wanted to say something about the way this is all run and the way things have been brought up and if there are any veterans out there that have something to say, raise your hand, or come up here, and say it, you know.

Moderator. (Question from the audience) Did you all hear the question? How does the USO serve the black GIs?

Panelist. Like, the USO, they come over with a bunch of ——— like every other, out of every ten shows, you'll see one sister and chances are her background is not of being a Negro, you understand, like there's discrimination there too. What I'm trying to say, like, they supposed to be serving by coming over, you know, playing games with us, you know, and more or less, there's more or less a teasing factor to me 'cause they don't serve any purpose at all. Maybe one other brother can answer better than I can.

Moderator. Okay, this brother here.

Stephens. When all the USO shows came over, I was with the 101st, we stayed in the field. None of those shows ever came to us. The only time we saw it was in the papers and that's it. Don't know anything about it. I never even heard the USO overseas.

Moderator. Okay.

Lloyd. For one complete while I was in Vietnam I saw practically fifteen minutes on one USO show, and that happened to be a black group, the Dixie Cups, if anybody remembers, and that had to be a long time ago. But now, when we did come out of the field what did they have for us? Country and Western. Yeah, country and western well, look, you, yeah, you can listen to any type of music but that is the only black show I know that has been in Vietnam while I was there and that was the Dixie Cups and we didn't get but fifteen minutes of that because we had to move out into the field. Now, if you want to see a good USO show, be in the rear echelon, go to Saigon, somewhere an infantry troop is not welcome until after they took over the embassy there. Then an infantry troop was welcome in Saigon. If the MPs would catch you in Saigon and find out that you was in the infantry, they would write you a DR.

Moderator. A ticket, a disciplinary report. Okay, I'll call on this gentleman . . . the question was, how does the black person feel after fighting in Vietnam, then returning to the States and the situation, racism, is still running rampant here.

Brooks. Well, like, when I came back from Vietnam, we arrived in California; I expected a brass band or a parade or something when I got off the plane, but the first instructions were that when you flew, officers come off first, then the sergeants, then the lower sections, well, the minority really. I was surprised. I expected a parade, somebody putting a medal on me, you understand? But he told me, he said, "You're on a working party, to carry suitcases, you understand?" So this was my experience, after coming back from fighting a war, you understand, like this is the way they greet us with a working party.

Lloyd. In coming back, if you're a peon, as he put it, you're lucky to get back, because if it's an officer that has to come back and there's one man on the manifest that's the shipping list, too many, now that officer because he wants to go home, he's going to knock one of these privates or peons off where he can come home but yet you don't want to come home bad as an officer.

Audience Voice. Are you saying that if you being an enlisted man if it's your turn to go home and the officer is supposed to come home at the same time, and there's only one space that's left—

Lloyd. That's right. What they call it in the army is RHIP—rank has its privileges.

Moderator. Okay, thank you very much.

Question From Audience: I think we're trying to find out what can the white community do to help the black man in the draft.

Williams. I think, you know, that draft counseling is a very big disappointment. I think one thing, we don't have the legal aid and another thing is information. This information has to be a concerted effort to get this information out to draftable young people, and this is one thing we as veterans are going to rap about while we're here in Detroit. How can we use the knowledge that we have about the military, about being drafted, to assist people in our community.

Perry. I have a comment on that. Sometimes in the service, being drafted in the service, is preferable to a lot of black cats to standing out on the streets, cause it's pretty rough out here for them, you know. The service is sometimes the way out, like keep you out of jail, keep you from starving to death, but it's preferable to being on the streets at times.

Voice From Audience. Is there a religious conflict between the North Vietnamese who are mostly Buddhists, and the South Vietnamese who are ———?

Shimabukuro. Religious differences play no difference in the conflict, because they're all the same people. They don't care about the religion. They're not like people over here, you know, they don't fight over that petty stuff.

Moderator. The people in Vietnam are fighting for something very important to them and that's their liberation and unification, self-determination of their country. This comes first, so these differences haven't even come into effect because they haven't even been given a chance to get unified yet because we're still over there.

Audience Voice. When I was in Vietnam, I noticed that when men of different races would drink together they would fight and when they smoked together they would tend to have some kind of understanding. Now I want to know, I want to know if the members of the panel feel that good grass is a weapon against racism?

Williams. Uh, yeah, okay, we're going to deal with that later brother, it's real. How come? The only thing I've ever seen bring people, all types of people together, to have fun, is some grass and some music. Everybody can relate to that.

Moderator. There is a question referring to the stockades.

Light. The way it was set up, you had white guards and black guards guarding blacks, but only whites could guard whites. Dig it, that's the way it was.

Williams. The question was, was it fair to send black soldiers to Vietnam to fight for the Ky puppets or would it be more of an asset towards humanity to send black soldiers to South Africa to free victims of apartheid.

Perry. Our soldiers in Vietnam, they're fighting to protect capitalism, for one thing, and the United States is not going to send anybody anywhere to destroy capitalism, destroy the capitalist system, no matter how racist it is.

Moderator. The question is, what percentage of American Indians get drafted into the service?

Haney. Well, right now, well, my brother just got drafted into the army about three weeks ago and he'll know what's going on pretty soon, you know. It was good in the sense that he got into it, and he will see it as it is, and with people around to help, he will recognize that it's not right, and he will fight, but a lot of Indians usually join because in World War II, the Indian communities had their own heroes, and to be a good fighter, to be a warrior, he would have to, you know, he would have to go to fight, and that's one way of proving he is a warrior, by going to fight. They usually join the Marines or the Army and if they go Army, they go airborne. But, as I personally know, it's not happening that way any more and a lot of people will be getting to the drafting age but they're people now and they have long hair, they smoke dope and the works, and they're not going into the Army. They'll go to the people first. They'll go into Alcatraz.

Moderator. Are there any more questions?

Audience Voice. Like he just said, his brother just was drafted last week, you know, like I know there's a lot of pressure for him to go in there and that, but what did you do as his brother who is against the war, I presume?

Haney. What am I doing about it?

Audience Voice. Yeah, to influence your brother, yeah.

Haney. I'm influencing now. I've written him letters. Like he was going to—

Audience Voice. You're working inside?

Haney. Yeah, sure, I mean, that's the only way you can do it. We're fighting from the inside too.

Akers. We've been talking about the draft and all this other stuff but as long as the United States has interests and natural resources in Vietnam, racism will continue, the war will continue.

So you have to deal with the economic structure of our country before you deal with the draft.

Audience Voice. Bring the boys home. Right on!

WHAT WE ARE DOING TO VIETNAM PANEL

Moderator

Wilbur Forrester, 1st Lt. 11th Marine Regiment, 3rd Marine Division, Civil Affairs Officer, U.S.M.C. (1968–1969)

Panelists

J. W. Spellman, Professor of Asian Studies, University of Windsor, Ontario, Canada.

Jim Clark, Agency for International Development (1966 and 1969); Catholic Relief Service in Vietnam, 1968.

Mary Emeny, American Friends Service Committee, 1967–1968.

Jay Craven, Student, Boston University, Went to North Vietnam with the National Student Association, December, 1970.

Moderator. I'm Wilbur Forrester, former 1st Lt. in the United States Marine Corps. During my 13 months in Vietnam, I spent five months as a Civil Affairs Officer on the regimental level. The topic of our panel tonight will be "What We Are Doing To Vietnam". Certainly testimony that we've had previously in this Winter Soldier Investigation has shown very well the effects to the ecology, the land, and the atrocities performed on the people physically. We will not go into that type of testimony on this panel; we will focus our attention primarily on the cultural aspects. I'd like at this time for the panel to introduce themselves and give you a brief background.

SPELLMAN. My name is J. W. Spellman, and I'm a teacher.

CLARK. My name is Jim Clark. I was in Vietnam from 1966 through 1969. I was there originally with the Agency for International Development. I resigned from that organization in 1968 and took a position with Catholic Relief Services. I coordinated a project dealing with social welfare and the training of social workers in Vietnam under that. With A.I.D., I was a refugee officer for a year on the central coast and I spent a little over a year in Saigon as a special assistant for voluntary agencies. The remarks I will make will be primarily related to refugees and the problems associated with the generation of large numbers of refugees in Vietnam.

EMENY. My name is Mary Emeny. I was in Vietnam in 1967–68 with the American Friends Service Committee. Home was a Buddhist orphanage in Da Nang and after the Tet offensive, or the Tet whatever-you-call-it in 1968, I spent a large amount of time in Hue, some in Quang Tri and Cam Lo in refugee camps and mostly working with refugees and Buddhists in Central Vietnam.

CRAVEN. I'm J. Craven. I'm a student at Boston University and I was recently on a student delegation to Vietnam. I was in North Vietnam between December 4th and December 20th just this past year.

MODERATOR. Okay, we'll open the panel with Dr. Spellman.

SPELLMAN. I should begin by saying that I make no claim to any special expertise in the field of Vietnamese studies. I may have some knowledge of Asian societies in a more general context and it is in this regard that I speak. The United States presence in Vietnam is only one aspect of American involvement in Southeast Asia which is related, in my judgment, to its cultural imperialism throughout most of the traditional societies of the world. At no time in previous human history has the cultural integrity of so many millions of people of the world been threatened as it is today by the United States. This issue this evening touches not merely questions of national self-determination or the right to decide one's own self interest, it involves, if I may say so, matters of the gravest importance regarding the quality and the quantity of the life of this species. We are not very old as far as a species goes.

By our own proclamation, we are the most intelligent, the most powerful, the most creative, and the best of all life that this planet has seen. Indeed, the Book of Genesis tells us that after creating this world, with its apex as man, God gave man dominion over it. Now, we have been around for approximately two million years and our future is reasonably uncertain. Even the dinosaurs, whom we classify as rather dumb creatures, managed to survive for about 12 million years. There are many who question the likelihood of this species surviving for that long a period. The experiments of Darwin on the Galopagus Islands and the work of other scholars have shown that adaptation to environment is crucial to survival.

As I understand these lessons, they mean that each society has its own integrity, physical and cultural. As a consequence of its adaptation, according to its past experiences, its judgment and self-interest, values which may be desirable for one society, cause the gravest physical and mental harm when imposed on another. And it is in this light that I wish to view what we are doing to Vietnam. The bulk of Western values are based on the historical experiences of the Judaic-Christian and Greco-Roman cultures. Of prime importance in that value system has been the role assigned to the importance of belief, and this concept of belief occupies a cardinal role, particularly in Christianity.

Unless, we are told, you believe in the Lord Jesus Christ, you shall not have eternal life. And in this sense I wish to contrast that statement with the statement of the Lord Krishna and the Bhagavad Gita, the sacred Hindu text: "Whatsoever divine form any devotee with faith seek to worship, that same is divine." But the beliefs of Christianity were understood as exclusive and excluding beliefs. And it was part of our heritage, and it is part of our heritage to this day, that what is good for us ought to be universal and it ought to be good for everyone.

Earlier in our history we found that those who held a different perspective than we did on religion, and we made our ultimatum very clear, after we had poured scorn and ridicule on these people, calling them heathens and pagans and superstitutious polytheists, we then killed them in the name of our religion. And the Crusades and witchcraft and the religious persecutions followed. Later (and this continues today), we felt that we had the righteous responsibility to condemn those who believed in political systems (rather than religious systems) that were different from our own. Thus it became quite legitimate to kill Communists and others simply because they were Communists, and because they believed in a different form of government from ours. There are still those today who believe with all the fervor that righteousness often summons, that we ought to continue on this path of killing those who disagree with us. I believe that we are now on the threshold of a new killing crusade.

Having killed for religious benefits and then political beliefs, I believe we are now on the threshold of killing for economic beliefs. It takes no prophet to predict that there will be destruction and riots and killings in the name of economic creeds in the future. And that these will seem just as valid as religion and politics have seemed to our predecessors historically. Such values as these are alien to Asian society. Neither Hinduism nor Buddhism, Confucianism nor Taoism have ever engaged in religious crusades because of their beliefs. Indeed, both Hinduism and Buddhism advocate non-injury as among the highest of values.

Truth, Hinduism states, is like a great diamond with many facets, and no person, no government, no institution can see all of the facets of the great diamond of truth. There are not merely two sides, but inherently truth is multi-dimensional. In that area known as Indo-China, the great civilizations of India and China and the values of those societies have been merged with the beliefs of life that were held by the peoples of Southeast Asia. How Vietnam is culturally related to the civilization of China. The impact of Confucianism and Taoism is still strong in Vietnamese values, and the Buddhism which arose from India won the hearts of much of Asia as it was adopted to the various cultures of the area.

The Confucian orthodoxy assumed that there was nothing evil or inherently evil in human nature, including, it held, the Barbarian nature. But if the Barbarian could be reformed by education, then tolerance and kindness were the basis, it held, of a sound foreign policy. Prince Kung enjoined his fellow countrymen to hate the evil that a barbarian might do, but not the barbarian himself; to be kind to men from afar in accordance with the classics, to the end that myriad nations might be tranquilized, that China might flourish, and that not government, but virtue, might prevail throughout the world. Mencius, the great Chinese philosopher, said that all men might have a sense of commiseration. When a commiserating government is conducted from a commiserating heart, then one can rule a whole empire as if one were turning it on one's palm. I say all men have a sense of commiseration; here is a man who suddenly notices a child about to fall into a well. Invariably he will feel a sense of alarm and compassion, and this is not for the purpose of gaining, the favor of the child's parents or seeking the approbation of his neighbors and friends, or from fear of blame should he fail to rescue it.

Thus we see that no man is without a sense of right and wrong. And Mencius went on: "The sense of compassion is the beginning of humanity. The sense of shame is the beginning of righteousness. The sense of courtesy is the beginning of decorum, and the sense of right and wrong is the beginning of wisdom. Let every man but attend to expanding and developing these four beginnings that are in our very being, and they will issue forth like a conflagration being kindled and a spring being opened out." To those who will listen, the greatness of the civilization of China speaks far more eloquently than I, or I think anyone else ever could about it.

European travelers of the seventeenth and eighteenth centuries were lavish in their praise. Duhald, whose famous description of China may well be regarded as the synthesis of seventeenth and early eighteenth century works on China, said of Chinese commerce, "The riches peculiar to each province and the facility of conveying merchandise by means of rivers and canals, have rendered the domestic trade of the Empire always very flourishing. The inland trade of China is so great that the commerce of all Europe is not to be compared therewith; the provinces being like so many kingdoms which communicate to each other their respective production. This tends to unite the several inhabitants among themselves and make plenty reign in all the cities."

But I think more to the point was a very classic reply given by the Emperor of China to King George III, when the King asked the Emperor for trade and enclaves in China. (And perhaps some may regret that Western Imperialism and colonialism were too strong for this well-mannered society.) The Emperor replied to the King as follows, "Yesterday your ambassador petitioned my ministers to memoralize me regarding your trade with China. But his proposal is not consistent with our dynastic usage and cannot be entertained. Hitherto, all European nations, including your own country's barbarian merchants, have carried on their trade with our celestial Empire at Canton. Such has been the procedure for many years. Our celestial Empire possessed all things in prolific abundance and lacks no product within its borders. There was, therefore, no need to import the manufacture of outside barbarians in exchange for our own produce. But as the tea, silk, and porcelain, which the celestial Empire produces, are absolute necessities to European nations and yourselves, we have permitted, as a single mark of favor, that foreign hongs or business associations should be established at Canton so that your wants might be supplied and your country thus participate in our beneficence. But your ambassador has now put forward new requests which completely fail to recognize the throne's principles to treat strangers from afar with indulgence, and to exercise a pacifying control over barbarian tribes the world over. Your England is not the only nation trading at Canton. If other nations, following your bad example, wrongfully importune my ear with further impossible requests, how will it be possible for me to treat them with easy indulgence? Nevertheless, I do not forget the lonely remoteness of your island cut off from the world by intervening wastes of sea. Nor do I overlook your excusable ignorance of the usages of our celestial Empire. I have consequently commanded by ministers to enlighten your ambassadors on this subject, and have ordered the departure of this mission."

It is regrettable that subsequent leaders of the societies of Asia were not able to speak as forthrightly or have the ability, as the Emperor did in this reply. When we impose our values on traditional societies it is well that we ask what they get for these losses. Thich Nhat Hanh had described some of the cultural impacts as a direct consequence of this war. "Sporadically," he writes, "during the course of the war, there have been expressions of interest in the idea of strategic hamlets.

These were intended to draw people together in an area of some protection, and to make available to them such social services as would improve their lives and introduce the concept of cooperative efforts. On paper they look good. In practice, like every other promise of social improvement in the history of the South Vietnamese government, they turned out to be another device related to the military effort of that government. People were herded into villages against their wills, and the total concept of the village became a military concept. Peasants were forced to leave villages that had been the homes of the families for generations, and in leaving them, to leave behind not only the graves of their ancestors, but many relics and mementoes, including family altars which perished in the same flames which consumed the village. Thus, they went to the new strategic hamlets already sorrowing and embittered and hardly in a frame of mind to create a new society.

The hamlets were created to keep out the Viet Cong so that the villagers could live in them and not be intoxicated by the Viet Cong. But the fact is that the Viet Cong themselves lived in many of the villages among their fellow Vietnamese. Since the war has become the national preoccupation of Vietnam, the numerous professions serving the war have become numerous and profitable. Literally hundreds of thousands of Vietnamese work at various services for the Americans at their bases, on airfields, in their Headquarter buildings, and in many other ways. Landlords are constantly seeking to evict their Vietnamese tenants so they may rent their premises to Americans at prices that are ten or twenty times as high as the Vietnamese are paying. It is almost impossible for Vietnamese to find housing since there are almost no Vietnamese who can afford such prices.

Taxi and petticab drivers avoid Vietnamese customers for the far more profitable Americans. They do not charge according to the taxi-meter any longer. Americans, accustomed to the costs in their own country, pay ten times as much as the normal rate for such a ride, and in so doing, of course, increase the pressure on the normal Vietnamese person. Profit. In addition, taxi drivers frequently operate a profitable sideline in taking foreigners, especially American soldiers, to girls of "friendly disposition", who will compensate the driver in addition to what he receives from his passenger. Bars, dance halls, and rest halls catering to foreigners, thrive. The number of prostitutes increases daily and at a frightening rate. For many it is the only way in which they can support themselves and their family.

The tradesmen and businessmen working with Americans earn large sums of money, while the majority of their fellow countrymen are going through a major economic crisis. Inflation that occurs from the hoarding of scarce goods for profit, the pouring in of American dollars, and the spending of great sums on non-productive war enterprises—all this means that the Vietnamese, without access to these American funds, are in an increasingly desperate plight. Another large group in the cities are the peasants who fled from their ancestral homes, leaving their possessions and their farms behind. They fled not only from the actual dangers of the war, but from the frustration of a situation in which crops may be grown only to be destroyed by one side or the other as a measure of war to keep the other side from getting them.

Planes of the United States and South Vietnamese Air Forces drop napalm bombs on these crops so that they may be burned rather than fall into the hands of the Viet Cong. In such circumstances, priests and nuns cannot go on preaching morality. The war has destroyed not only human lives, but human values as well. It undermines all government structures and systems of societies, destroys the very foundations of democracy, freedom, and all human systems of values. Its shame is not just the shame of the Vietnamese, but of the whole world. The whole family of mankind will share the guilt if they do not stop this war. It is not possible in this land of thirty million people, 90% of whom are engaged in agriculture, to ignore the terrible destruction that has been brought to the land and families.

Now, when one considers that 80% of the people live on approximately 20% of the land (which was so fertile that Vietnam was known as the "Rice Bowl" of Asia), then that tragedy is heightened. When one considers the great skills of artisans that were handed from father to son as guarded secrets, that now lie somewhere hidden amongst the bodycount figures, then the loss to the world of art is, I suggest, also not insignificant. When one considers the waters which provided over three hundred kinds of fish along the nine-hundred-mile coastline of Vietnam, which fed much of the population, and the bombs and the chemicals now destroying that form of life, no cease-fire or truce or withdrawal will end the effects of those ravages, which will be felt for generations. But it will not be the Vietnamese alone who will bear this burden or who will suffer this evil, although undoubtedly their burden will be the greatest.

The Buddha has said, and I believe correctly. "Think not lightly of evil, spying it will not come to me. Even a waterpod is filled by the falling of drops; likewise the fool gathering little by little fills himself with evil. Whosoever offends an innocent person, pure and guiltless his evil comes back on himself like fine dust thrown against the wind, and as rust sprung from iron eats itself away when arisen, Even so the deeds and his own deeds leads the transgressor to the states of woe." The fifteen hundred species of wooded plants, of the tropical forest of Vietnam, that provide cover for numberless wild animals, that have been bombed, may appear only a casual consequence of this war. But the ecological toll to Vietnam will be counted there too.

It is difficult for us to understand how great is the feeling for family in Vietnam. Stemming from the principles of Confucianism, the family and not the individual, not the government, was the basic core of society. Through it, honor and loyalty and nobility were expressed. And it was this which was the thread which gave much of the expression of the joy and the warmth and the love for which men live. For it is difficult to understand why it was necessary not only to violate the integrity of the heart of Vietnam in this way, but also to act in such a way that even death was not enough. The decapitations and the body slayings and the other mutilations—which religiously affected the passage of the soul to the next life—even that has not been spared in this war. And when one goes through all of these things and much more in terms of what we are doing to Vietnam, the list becomes enormous—and enormous is a very small word, it seems to me, to describe these things. One asks what are the values that are being imposed on this society: values which we espouse such as efficiency and productivity and urbanization and equality and democracy—values which may indeed be unviable even in our own society.

There is no compelling evidence, certainly no compelling historical evidence, that suggests that democracy necessarily provides a greater degree of justice or happiness than, say, kinship or other forms of government. The evidence with respect to the supporting of the concepts of equality, political equality, has very little philosophic basis to support it, in my judgment. The assumption that illiteracy equals poverty seems to me at best a false assumption. There is a vast degree of difference between our system of education, which is essentially aimed at information for the sake of economic productivity, and that system of education which has been at the heart of Asian education, which is based not on information but on knowledge or on wisdom or enlightenment.

And there is a very considerable difference between wisdom and information, between knowledge and technical ability for productive purposes. And the emphasis on wisdom and knowledge is, I am sorry to say, very little to be found in our own academic system. Now there are some who argue that at least we have been beneficient in terms of what we have done medically—in terms of what we have done in the area of health. Here, too, I think the evidence is not very compelling, particularly if one looks at our own society. There are something like six out of ten adolescents who are supposed to be in need of mental treatment, where there are few people who are not popping one pill or another into themselves, where the competency of physicians in the area of drugs is one of the lowest in the world, where we are, in fact, involved in a gigantic medical vested-interest situation, which under the A.M.A. the insurance companies, the pharmaceutical companies, the physicians, the government, all underwrite a system of chemical medicine that is related to the chemical productivity of the society.

One wonders how the species could have lived for the nearly two million years that it has—before the introduction of chemical medicine. But the great systems of accupuncture, Chinese medicine, the indigenous systems of medicine—of plant and herb medicine, that have been developed in the countries of Asia; all of these are ridiculed as being primitive superstitions, while more and more chemicals in the forms of medicines are imposed not only on a supine and glib American population, but which we now tout to the rest of the world as being their only salvation for the betterment of their health. It would be a nice idea if perhaps we could have adopted the ancient Chinese system where one paid one's physician only so long as one was well. When one was sick, one didn't pay. Under such a situation, it seems to me, we might be disposed to make a very dramatic reappraisal of that system of medicine which we tout to the rest of the world as being absolutely necessary for their lives.

I hold the same view with respect to the concept of Western law, which seems to me one of the most inequitous systems of law in the world, and I will explain why. I recently reviewed a book by a scholar from the Sorbonne who was complaining that in India there were great problems in getting Western law introduced at the village level. He was pointing out, which is correct, that the traditional law is free, it is flexible, and it is merciful, as opposed to our own system of law, which is ——— expensive, very rigid, and very harsh. He was wondering why the villagers were so adamant to this progressive system of law that we have in the West, which, once again, we think all the world ought to adopt.

This system of law, of which I speak, involves again, as it does in the field of medicine, an extraordinary vested-interest group which handles the whole business. That is to say, the lawyers are the legislators, the lawyers write the laws, the lawyers are the judges and the lawyers are the prosecutors. The lawyers in fact have the entire system sewed up to such a degree that the law, in its relationship to the people, is a vast gap. A gap which does not exist in the traditional societies of Asia. Any mother, I'm sure, will tell you that if you want to treat people justly, you do not treat them equally. And I suggest to you that the greater the degree of equality you have in a society, the lesser the likelihood of justice in society. I go further than this. If you examine some of the traditional lawbooks of these societies you don't find very many laws. And I am almost disposed to put to you a hypothesis which goes something like this: the greater the number of laws in a society, the less the amount of liberty that society will have. For every law is, by definition, a limitation on the ability to exercise options. When you constantly confine these options, as we do in our legal system (and you have this most incredible vested interest enforcing this), then I believe that our system of law and our concept of law in this society is essentially bankrupt. It is morally bankrupt, just as I believe that our system of medicine is bankrupt, just as I believe that our system of education is bankrupt. And why, in the name of any kind of morality or humanity, we should think that we are giving other societies (which we call "underdeveloped", "backward" societies or, less pejoratively, "Third World") we are giving them any kind of a deal by foisting upon them the rot which many of us cannot even stand in our own society, seems to me a most incredible kind of reasoning.

This goes beyond the suggestions that I make here. We have great idea about employment in our society. I do not recall in history any other society, including the most dominant slave societies, where people worked for 50 weeks out of a year in order to get a two-week holiday. Not even the most thoroughgoing slave societies had the kind of voluntary slavery which seems to be a hallmark of our society. And now it seems that we have conned the blacks and women and all kind of other groups into feeling that we're offering them a great deal by joining this kind of slavery. I suggest to you that if the indices of well-being would change with simply one word, and instead of employment we used the concept of self-employment, that this would be one of the most underdeveloped societies in the world. Self-employment is creative employment. Self-employment is the kind of thing you see throughout Southeast Asia—whether it's the family running a teashop or a person taking fruits and vegetables down to the railway station—whatever it is, it is self-employment.

It is not the huge, mechanized complex that we have here. Just change that word from employment to self-employment and we will be the "underdeveloped", "primitive" society, and I think it would not be a bad change to understand what the basic values consist of in terms of economic development. But we insist that these nations of Southeast Asia—Vietnam, Laos, Cambodia, wherever we go, that we are to industrialize them and we are to put them working on the same kind of mill-value system that we have. I believe that this exchange is unjust. I believe it is unequal. I believe that what we are doing to Vietnam goes far beyond Vietnam; that it goes far beyond Southeast Asia; that it goes beyond this generation; and I believe that it also goes beyond reasonable belief. It goes beyond any concept, any viable concept of humanity. I may say that it is hard, it is difficult for anyone to sum up the truly awful consequences of what this means in terms of the species. For if this species is not diversified, if this world adopts this value system, which we are imposing and exporting to the rest of the world, then the danger becomes far more than rhetorical. We have this big thing on health and on diets as well. How the people of Asia managed to live until our nutritionists told them where they ought to get their protein is also remarkable, a kind of observation that does not seem to occur to our foreign advisers and to their experts. The whole field is just so incredibly immoral, though I know that so many people do this with the best intentions in the world, but with the most damaging and disastrous consequences. I can express my feeling on this perhaps best with a poem, a short poem from Tagore, the great Indian poet, who said this:

"Mother, I shall weave a chain of pearls
For thy neck with my tears of sorrow.
The stars have wrought their anklet of light
To deck thy feet,
But mine will hang upon thy breast.
Wealth and fame come from thee
And it is for thee to give or to withhold them.
But this, my sorrow, is absolutely mine own,
And when I bring it to thee as my offering
Thou rewardest me with thy grace."

And if there were a prayer that would be appropriate for this situation and for this country, I would, again, take that request from the same poet, who said, "Where the mind is without fear, and the head is held high; where knowledge is free, where the world has not been broken up into fragments by narrow domestic wars; where words come out from the depths of truth, where tireless striving stretches its arms toward perfection, where the clear stream of reason has not lost its way into the dreary desert sand of dead habit; where the mind is led forward by thee into ever widening thought and action, into that heaven of freedom, my father, let my country awake."

MODERATOR. I may have a problem with the other panelists, trying to follow this. Thank you, Dr. Spellman, thank you very much. Jim Clark?

CLARK. It's going to be a pretty hard act to follow. I'm reminded of a story that was told about Sam Rayburn one time when a young representative had just addressed the House. He got down and said, "What did you think of what I said?" And Rayburn said, "What you had to say was both new and interesting. But unfortunately, what you had to say that was new, wasn't interesting, and what you had to say that was interesting, wasn't new." And I'm afraid that's the boat I'm in. Before I get into my remarks, just addressing myself shortly to some of the things that Dr. Spellman has said reminds me—when I was in Phu Yen, I was new in the country—this was back in '66. I went out to a refugee camp. The conditions were really deplorable. There were about 3,000 people living on a sandspit in tin huts with rooms about eight-by-eight with seven people in each room. There was a reception camp with buildings that were about forty feet long, and twenty feet wide with 400 to 500 people in each—impossible as that sounds, but it was true. I went out there, and I was really depressed about the situation. I thought there must be something we can do. The first thing that struck my mind was that I was going to build some latrines, some outhouses for these people, because I noticed they were defecating out on the side, across the road. So I went off and I got some barrels (because you couldn't dig a hole in the sand) and I put these barrels into the ground. I got some people to help and we built a cement block house with a tin roof on it.

I came back a couple of days later and these places were locked up. I went to the fellow who was in charge of each area, and I said, "Why have you locked up these latrines, these wonderful things that I've built?" And he took me over and he opened them up and there was rice inside. And he said, "You know, you Americans are a strange breed. In the first place, such a fine structure makes a much better place to keep my rice, which is much more important to me than a place where I can defecate. You probably never thought of it, but if you defecate in one place all the time, it's going to smell. And besides that, if you continue it, eventually you're going to have to clean that up. Besides that, the way that you defecate, sitting up like that, it's very uncomfortable. If you squat it's healthier and you'll appreciate it better. In the last place, closing yourself up in a room . . . it smells, all you look at is a blank wall. At least when I go across the road I can contemplate, I can look across the horizon." I went home and I started thinking about that and I thought, maybe we could get an AID mission to the United States to teach us how to defecate. The refugee situation in Vietnam is deplorable. Perhaps levity is out of place. But often, when something is this bad, you find yourself reacting in such a way that you have to treat some of the tragedy that you see in this manner to be able to accept it. I'll briefly go over the reasons for the generation of refugees in Vietnam, where they're located, who the refugees are, and some of the economic implications that Dr. Spellman has already referred to. One observer of the Asian scene writing in the *Southeast Asian Quarterly* a while back, referred to Vietnam—American involvement there—as the rape of Vietnam. I contend that perhaps rape is too strong a word. In reality, probably what actually happened (to use a simile) would be that it's more like a young fellow who dated the girl across the tracks. And through a backseat affair, got her pregnant. Later on he decided that she was really quite worthless, a dirty little girl full of corruption and other things. But unfortunately he had got her pregnant, and now he faced the problem of trying to find an honorable way out of his predicament. I don't know what all the errors are in relation to our involvement with Vietnam, but there have been several. And I don't know how we can get out of this problem. Between 1964 and the fall of 1969, the American effort in Vietnam, directly or indirectly, produced an internal generation of refugees, which was on a level probably unknown before in the world. 25%, to use some estimates, of the entire population of the country have been displaced.

The estimates run anywhere from two million and on up. The agrarian economic base of the country has been destroyed. The cultural identity factors of the population have been severely strained. Health and welfare problems, totally beyond the experience of the vietnamese in terms of the extended family and the nature of the people to generally solve their own problems, have been spawned. We're facing a problem now where we're going to leave. We're picking up our toys and we're going home. And we're going to leave this country ravaged. An investigation of the nature of the refugee problem and how the problem affects the economic base of the country may result in a perspective which may be beneficial in evaluating the current state of affairs. Who are the refugees? Where are the refugees from? Where are the refugees currently located? And what may we expect in terms of the refugees in the future? Traditional discussions of Vietnam generally begin with the migration of refugees from the North. In 1954 some 900,000 people did leave; some 700,000 of these people were Catholics. They had the benefits of an educational system; they had money. When they came to South Vietnam, their resettlement was not that difficult a problem. This group also, this original group, is distinguished by the fact that they, unlike the people who would become refugees later, did make a choice.

To borrow a popular phrase among propagandists, they voted with their feet. They made a choice and came South.

This cannot be said of the vast majority of the 2.5 million people who were to follow them. The refugee camps and towns in the provincial capitals today are swollen by people who once populated the rural areas of the country. Dan Ronk, an experienced Vietnam observer, wrote recently that the peasant population who left their ancestral homes and livelihood to seek refuge in the cities represent at least 80% of the total number of persons who once populated the farms and rice paddies. Ronk reasoned that this displacement was by the design of the American military. Reasoning that the Chinese revolution serves as a base for revolution in Asia, Mr. Ronk assumed that Mao's dictum regarding the revolutionary forces as a fish in a sea of people, was a determining factor in American military planning. By denying the Viet Cong and the North Vietnamese elements the environment to wage war, victory could be achieved. It is doubtful in my mind that American policy makers would admit to such special warfare methods. However, the fact that so much of the war population was displaced, lends credence to this concept. The argument suggested by Mr. Ronk of total premeditation of refugee generation is weakened by the diversity of reasons given by refugees for their eventual migration.

The principal aim of the military was to seek out and destroy the Viet Cong. To achieve this end, the enemy were bombed, shelled, deprived of their supplies of food and medicine, and continually harassed. In the process, many noncombatant civilians were made to suffer: either at the hands of American and allied forces, or at the hands of NLF and North Vietnamese military units. An analysis of the reasons given by the refugees themselves finds that they are divided in their reasons for leaving. The casual agents of movement differed from area to area. The degree of enemy activity and the degree of allied action in response to the activity were important determinants. The pattern which was normally adhered to was an air drop of leaflets encouraging the population in NLF-controlled areas to evacuate. However, an analysis of movement based on refugee interviews would imply that the leaflets served more to ease the conscience of allied forces engaged in future action than to actually result in refugee generation or migration. Planning for refugee generation may have been unrealistic in expecting persons to leave their homes and livelihood and their extended families for migrations to areas of high unemployment and, in some cases, local hostility. If military leaflet-dropping was unrealistic, as surveys seem to indicate, the resulting deaths and casualties raise some questions as to the morality of allied actions. The assumption that persons not leaving free-fire zones were enemies, also was a generalization having severe moral implications. The hostility toward refugees by urbanites went beyond urban-rural conflict. Refugees were, in many cases, the families of NLF forces. Assistance to such people was often viewed negatively by Vietnamese government personnel as aid to dependent enemy. I had a conversation with a province chief in Phu Yen one day. He was quite blunt with me and he expressed the opinion, "Why should I help these people, who have sons and fathers out fighting in the countryside and who, if they had the opportunity, would slice my throat?" I tried to convince him, of course, at that time, that if he'd start acting like a decent human being towards these people and accepting them as people, the situation might change around. Persons living in enemy-controlled areas could be encouraged to leave directly or indirectly. A direct movement would result from forced movement, where allied forces would be airlifted into an area, round up residents and airlift them out. Though this was not a common method, it did occur from time to time. Notable examples would be the Iron Triangle Operation of 1967 and several efforts in the DMZ in the North.

Refugees might also be encouraged to leave through heavy military bombardment or artillery. Among refugees in Vinh Long Province in the Delta, about 20% of all families had either experienced wounds or deaths in their families as a result of allied artillery. In Phu Yen Province 18% listed such artillery as reasons for their becoming refugees. Direct intervention resulting in refugee movement would also include instigation of battle or conflict in densely populated areas. 8% of the Vinh Long refugees and 4% of the Phu Yen refugees listed family deaths, or deaths of neighbors in such battles, as reasons for their migrations. Approximately one-fourth of the refugees in Phu Yen cited ground military operations as a primary motive for their decision to move. When artillery ground operations and forced movement are added together as causal factors, the total percentage represented is 47.2%. Thus about half of all the refugees were generated by direct intervention of American and allied forces. This group cannot be said to have voted with their feet. The indirect generation of refugees results from allied pressure on NLF forces to a level that causes the enemy to increase demands on the local population to a degree which becomes intolerable to some members of the population. The bombing of supply routes and the firepower brought down upon NLF and North Vietnamese Forces resulted in shortages of both personnel and supplies. As tax rates and the drafting of local youth is on the upswing, the potential degree of dissatisfaction with the occupying forces will increase. In Phu Yen, about 30% of the refugees listed coercive activities and general hardships from VC activities as the primary cause for their decision to move. It should be acknowledged that the situation in other provinces would be different in accordance with the variables related to the degree of allied activity, religion and the period of time that any particular faction was in control. The second form of indirect movement would be those persons who migrated to urban areas to take advantage of specialized local economic advantages. In Phu Yen the construction of a large airbase offered high-paying day labor jobs to women and older men. Persons who could only be marginally employed in rural areas found employment in areas where there were large concentrations of allied forces. Prostitution, laundry services, truck and vehicle washing services, and snack bars were primary examples of such new entrepreneur vocations. 7.2% of the Phu Yen refugees listed economic and social reasons for their reasons for movement.

The final category of movement cannot be assigned to either direct or indirect allied involvement. In hamlets and villages which were only marginally controlled by the Saigon government there occurred constant reprisals and terror against government and Vietnam officials. School teachers, health officials, and any functionary of the government was endangering himself and his family by remaining in insecure areas. Nighttime assassinations and abductions were quite common. In Phu Yen 16.5% of the refugees could be so classified. The reliability of this data gathered must be questioned to some degree in terms of the faction which was responsible for taking the interviews. A Hawthorne effect, or an effect of people saying what you want them to say, is obviously probably at work here. When we tried the same forms with non-refugees, as to why their neighbors had left the countryside, 95% gave Viet Cong action as the primary season. Though solid argument in support of Mr. Ronk's theory seems inappropriate, the results in terms of denying food, labor and a tax base to the insurgents, are partially confirmed from our interviews. 15% of the refugees reported threats by the Viet Cong against them if they were to seek refuge in government areas. There are also on record several refuge hamlets which suffered from attack by the Viet Cong. The reasons for the attack were not always clear. In some cases the reasons were related to the population turning against the Viet Cong infra-structure members. In others, the Viet Cong were attempting to get farmers to resume planting and harvesting rice crops necessary to the food supply. In summary, one can assume that several variables played a contributing factor to refugee generation. Fear of either allied or Viet Cong forces are represented in approximately 90% of the refugee population. It would appear unrealistic to view the refugees as totally committed to either of the contending factions. Their eventual reasons for migration were rooted in their concern for their personal security, not because of political ideology. Persons who became refugees were not all located in government subsidized camps. People with relatives in the cities, with saleable skills, with cash savings often avoided the horrors of camp life and resettled themselves. Conversely, the people who lacked vocational skills who lacked contacts in urban areas, who possessed no cash savings and, most of all, who had no wage earner in the family tended to populate the official refugee camp. The persons seeking assistance in the refugee camps (and who would eventually number close to two million persons), were those members of society who would most likely be assigned to the lowest socio-economic realm of society.

If we look at a break-down of the age groups of the people who were in these camps, we find that in the age range 20–45, males are outnumbered by females by 50%. The females in the 20–24 age group are under-represented in terms of the total population. Among children and young people, the males slightly outnumber the females. As a percentage of the total the under twenty-one group represents nearly 50% of the total population. The fact that over 50% of the population is under twenty could be expected from similar studies of other emerging nations. However, the population distribution may be important in terms of the future economic state of the country, and the government expectations related to future refugee conditions. What inference can we make from the demographic make-up of the in-camp population? To begin with, we might note that the large base of children associated with the population pyramid is characteristic of rapidly expanding populations. Past population statistics seem to confirm this trend. The next growth rate of Vietnam has been estimated to be from 1–2%. However, considering the large number of children in refugee camps, we must assume that there is a higher birth-rate amongst the refugee camps than outside. Concerning the growth of Vietnam, population-wise, it has grown rather rapidly. In 1937 the population of South Vietnam was only four and a half million people. In 1959 it was 13.8 million. And we can expect from statistical progression ratios that by 1994 the population of Vietnam will approach thirty million people. The distribution of the sexes, combined with our knowledge of their former rural locations, seems to suggest that many of the males remained behind in the rural areas. Presumably, since these areas were controlled by the NLF, many of the persons absent from the population are probably troops with the NLF. Thus, the hostility of many government officials, particularly military officers toward dependent enemy, merits some consideration. An occupational survey among persons in refugee camps in 1967 found 3,000 persons, out of a sample of 62,000 adults, listing their occupation as soldier. If we assume that approximately half are males, we can assume that one in ten males are soldiers; this would be about one-half of the national average. Therefore, the other half must be some place else. Prior to assuming that all males absent who are not represented in the population are Viet Cong, one could consider that many have been killed in prior allied engagements or artillery bombardments. Such deaths would contribute to the welfare status of in-camp refugees in that there is no wage earner in the family.

The evidence at this point would seem to suggest that the missing male population is either dead, has remained behind to work the family field, has become a fighting member of the NLF, or is part of the government forces. The rural origins of the typical refugee family create the expectation that most former refugees followed a farming vocation. This expectation was confirmed by an occupational survey administered in 1967. most former refugees followed a farming as their primary form of occupation. The survey covered 113,000 people and the results bore out the agricultural emphasis. At the same time that the occupational survey was made, persons interviewed were asked if they desired to learn a new trade. Nine out of ten said they weren't interested in doing that because they wanted to go back to the countryside. 73% of those interviewed expressed a desire to return to their original villages. When asked when they would return, they indicated they would return when the war was over or when it was secure and safe from both of the contending factions. Returning to the demographic data mentioned earlier, we can see that the number of family heads, traditionally the elders of the extended families, may not be fully appreciative of contrary desires by younger members of their families. That is, after you've seen Nah Trang, who wants to go back to the farm? With over 50% of the members being young persons, there is reason to believe that many of the people will have no desire to return to the life of the rural areas. Many of the refugees have been away from their former homes for periods of four years or more. In October of 1965, there were over 700,000 refugees. Studies of rural-urban migration indicate a positive correlation of time in urban participation. The longer one remains in an urban area, particularly after two years, the greater one's involvement and identity with the urban structure. It is unlikely that these people will want to go back and farm the fields. Other factors mitigating against a return of the refugees population to the farming areas are continued insecurity or future insecurity as the allied troop withdrawal continues. In that current land reform measures require that a person receiving title be farming the land, some farmers may return to find that the land they once farmed as tenants now belongs to someone else. These factors which mitigate against the return of refugees to their homes may be crucial to the future of the country. The government policy towards refugees has always been one of assuming that one day the refugees will return and the problem will evaporate. If refugees do not return, or if a substantial number remain in the cities, problems of welfare and urban slums will no doubt continue.

Posters have begun to appear in Vietnam and in refugee areas encouraging refugees to return to their villages. The reasons go beyond the urban problems of welfare and overcrowding. Crops are not being planted, and the country's important economic base crop, rice, is in need of labor capital. In addition, security in the countryside requires a population from the urban areas, who can reasonably be expected to support the central government. The final consideration, which would appear to confirm the fact that many refugees will not be returning to their rice fields is related to a political decision made by the United States government in 1968. Reacting in part to increased pressures from voluntary agencies, the press, and Senator Edward Kennedy's Refugees Subcommittee, a decision was made to reclassify refugee camps, which had received all of the assistance required by law, as having been resettled into New Life hamlets. What this meant was that after receiving a cash payment, so many sacks of cement, so many sheets of roofing, and having met communal requirements related to a classroom for every hundred children and one toilet for every twenty families, the refugee camps were delisted. The degree of this type of delisting of refugees can be seen in noting that in the first ten months of 1968, 168,000 refugees were resettled on location, as compared to 86,000 who were listed as having returned to their villages. The process was guaranteed to reduce the number of refugees. Unfortunately the condition of the refugee, his future and the future of the country were not considered. It would be like if we had a welfare program in the States and we said, "Well, we'll give everyone $100 and after that we'll say that he's not welfare anymore." It's just totally unrealistic. One can imagine the tragedy of this measure if similar government measures were to be incorporated into the welfare programs we have for the poor in the United States. The actual location of the refugee camps should also be mentioned as a factor in understanding the social and economic impact of the problem. The most populated areas of the country, the area around Saigon and the Delta area, account for only 20% of the refugees. The northern areas of the country account for the remainder. In part, this relates to the firmer hold by the NLF and North Vietnamese units in that part of the country, and the greater intensity of fighting in the area. Unfortunately, the economic potentiality of the northern area is extremely limited. The topography of the north is mountainous and severe.

And what land that is available for cultivation is highly prized. As the refugees flooded into the secure provincial capitals it became impossible to employ them or to assist them by providing land on which they might farm. In the majority of cases the refugees were placed upon barren, uncultivatable land. To return to the free-fire zones was impossible and employment locally was equally impossible. Unemployment rose from a level of .8% before migration began to a post-migration level of 33.4%. Only 2% of the refugees from Phu Yen province continued to earn an income from farming. Among those who were able to find employment, many were forced to accept wages substantially lower than they earned before becoming refugees. In Phu Yen, income levels average 50% lower than pre-migration income levels, the average wage being about thirty cents a day. Thus, the location of refugees was a primary factor leading to high unemployment. Summing up our knowledge of the refugee family, our profile would suggest that the average refugee is a farmer who sought refuge from indirect or direct allied action and is not stressing a political preference when he migrates. When he arrives in the secure area he will not be able to farm, will face some political hostility, will probably be a child, an old person, or a female, he unemployed, or marginally employed. In addition, the period he will remain in a refugee camp will be an extended one, greater than two years. His chances of being administratively resettled are greater than his chances of returning home. The true economic impact of the refugee problem has not yet been felt in Vietnam. The reason for this is because great volumes of United States dollar support of the government of Vietnam, in a wartime private or indirect report factor, related to United States military factor, related to United States military expenditures and construction and services to well-paid allied forces, is in effect. The pre-war economy of Vietnam was like many Asian countries a two-crop agrarian economy. There were other exports, including some tea. But rubber production from French rubber plantations and rice production from the Mekong Delta were predominant. The effects of the war on South Vietnam's exports cannot be minimized. In 1961 South Vietnam's exports were valued at $76 million. By 1964 the export values were down to $48 million. In '65, again down to $35 million. In '66 down to $20 million. In 1967 a brief increase in exports took place, but was followed by a further decline in exports in '68. Rice became an import in 1965. Where South Vietnam had exported $33 million worth of rice in 1964, it imported $15 million worth in 1969. Rubber production fell from an export dollar value of $43 million in 1961 to $8 million in 1968. As production and exports fell, the dollar deficit expanded and foreign exchange reserves fell.

To function the government of Vietnam became more dependent on the United States. In 1969, the American government was underwriting, directly or indirectly, 60% of the South Vietnamese budget. The form that this aid to South Vietnam took was in indirect and direct aid. Direct aid was generally either food for freedom imports, or support of the costly commercial import program. The commercial import program allows Vietnamese citizens to purchase foreign goods with piasters. The piaster, being inflated by increased government issue of notes, and the absence of domestic articles to buy with monies being generated by American Forces, is thus made valuable. The United States government would use dollars to purchase consumer items and sell the items to the Vietnamese government at favorable exchange rates. The government would then sell the items to the local citizens. The indirect gain offered by the United States was similar to that generated in tourist economies. By waging a war that destroyed the normal source of export-income, the economic base was changed radically. The new export item was similar to that offered by college towns or small down-state capitals in the United States. Vietnam was dependent upon GIs spending money on the local economy. If the GIs are to be withdrawn, the economic export item would evaporate and the country would be without any base to support the economy, except monies received through direct aid. Generally, by being dependent upon GIs, as you withdraw the GI (and having done away with the rice and rubber export crops), the Vietnamese economy no longer has anything to have its roots in. And the people who once did the farming, as I pointed out earlier, cannot go back nor can we expect them to go back and get the rice crops and the rubber crops going. I think that when we recognize these factors, these statistics, boring as they, do point out that the future of Vietnam is in very serious trouble. The people have been uprooted, their culture has been destroyed, the extended family has been severely broken up, we have overcrowding in the cities and tremendous slums. Saigon has grown from a city of 600,000 in 1960, to close to three million today with people living in the streets. There is no future hope, economically, that these people are going to get back on their feet in the immediate future. I suggest that we have a very serious problem in Vietnam that we have not given consideration to. In our rush to get out, in our desire to get out, I ask those of you who think on this to consider, when we do leave, what we are leaving behind and is there anything that we can do? Is there any way that we can get out? I don't think we know what we are doing there or we haven't proven that we have. Is there any way that we can get out and help these people? Is there anything that we can do other than leave this tragedy?

Emeny. When Dr. Spellman was speaking my head started going wild with memories, and all the time Jim's been talking I've been writing down things. One of the things I have been thinking about an awful lot lately is the whole concept of genocide. Genocide, it seems to me, is just the ultimate extension of a policy of population control. I think in terms of three kinds of levels of control. There's physical, there's economic, and then there's psychological and political. We've heard a lot about physician control in all the stories we've heard and I can tell you just examples of my own, but I won't now. Economic control: there has been a 300% inflation in the last four years. But there is the psychology or the political, and in Vietnam there is an incredible will to live. This is, I guess, what I would like to talk a little bit about. We think of Vietnam in terms of the Vietnam that wc have experienced, which is the Vietnam of maybe ten years, twelve years ago. Well, we've been there for longer than that. But, we've been actively involved for ten or twelve years. But the history of Vietnam, the history that the Vietnamese know, is a history of 4,000 years or more. That whole history is a history of struggle. A struggle for survival, and most of it a struggle for survival against outside people, outside invaders. Home for me was a Buddhist orphanage and there was a song that kids in the orphanage sang. Kids all over Vietnam sing it, you know, five year old kids, which sums up their history in a nutshell. It goes like this: "A thousand years as slaves to the Chinese, a hundred years a colony of France, twenty years of this war. The inheritance that the mother gives on to her child is the inheritance of the sad Vietnam." And it goes on. But that's one side of the history; the other side is this incredible will to live, which is summed up in another song that I would just like to read the translation from. This is a song by a young man who lives in Saigon, who is in prison for writing songs like this, because in South Vietnam today it is illegal to be for peace. Literally, it's illegal. But his song goes like this: "From the untilled rice fields today, we still sing together these words, even though a thousand lives are hard and sad, still life carries joy. From two exhausted dry hands, pray that effort still rises one more hour. Though today the rice fields are untilled, we still move one step towards tomorrow.

"Our ruined wasteland, our dry bare earth. Earth bears ardent flowers, our future is here. Our earth is sick, our earth is wretched, our earth is in rags, our earth sits. Our earth gives us life, our homeland carries us, our earth gives us death, to our homeland we return. Tomorrow our land will stretch out fragrant with the smell of new rice. Tomorrow flowers will grow, red lips will smile. Tomorrow the country will grow green with the color of the river in the hills, because today our people are determined to live." And this is what's happening in Vietnam also. Dr. Spellman talked about self-employment and creativity. This is really evident in Vietnam. As I said, home for me was a Buddhist orphanage. And the kids ran the orphanage. I was sort of attached to the staff you might say; but learning more from the kids than from anybody else. There were two nuns on the staff and two other young fellows; there were three older women who did most of the cooking. But everything was done by the children. The older people were there as advisors. And anybody who has spent any time in Vietnam can see what people of all ages, but especially the children, do make with out leavings. There are, I don't know, how many rings made out of American metal floating around. All kinds of things are made with leftovers of American goods. This kind of creativity is everywhere. There's poetry everywhere, and the people are encouraged in this kind of creativity. But an extension of this is the awareness, total awareness, that our own survival is in us. For Vietnam that means that their survival is in their own history—their seed for survival, their strength for survival—is in their own history, in their own culture and it's going back to that. It's in that they get the strength to keep going. So, you see what things are very central to the culture of Vietnam: the whole concept of the family, and the central object in the home of the Vietnamese is the altar, the family altar. Now when the people are made refugees, everything's taken and they can't take the altar with them because it's usually a permanent structure. But when they go, they'll build a new one. I'm sorry that I don't have slides of these here. I have pictures and anyone who's interested in looking can see afterwards. But I have here a picture taken in Hue, shortly after Tet, and the house is completely destroyed, but the family is moving back. The first thing they do is set a chair in the corner and put the family altar on it. And another one of the camp just south of the de-militarized zone where again there are no materials, nothing to make anything out of. The first thing they do is to build the family altar with the only available materials, which happen to be ammunition boxes supported on mortar tubes. It's this kind of creativity in maintaining their own culture that the Vietnamese keep insisting is their own survival. And it comes out in all their songs; it comes out in the poetry; it comes out in the daily way of living.

Craven. I was on a delegation of students that went to Vietnam. From the time we arrived in Vietnam till the time we left, I must very honestly say that I had the most incredible human experience that I have ever had. Before our plane landed in North Vietnam we had been flying over Laos, and much of the landscape in Laos looked very barren. In some places you could see the results of the American bombing, and parts of Laos looked like the surface of the moon. It was reported that there are between 800 and 1200 bombing sorties flown every single day. But as our plane descended beneath the clouds over North Vietnam, we were all very struck with the lush vegetation and with the whole fertility of the land. And as we came closer to the ground, we saw peasants and water buffalo working the fields in the kind of sight that I've never seen before, and nobody in our delegation had ever even conceived of before. We arrived at the airport and were met by 75 Vietnamese who were holding flowers. When we came to the airport, we were embraced very warmly. During the time that we were in Vietnam this became a very kind of commonplace occurrence. The Vietnamese themselves expressed tremendous solidarity and tremendous love, for one another. And it is not an uncommon sight, in the streets of Hanoi, to see people walking down the street, young girls, or even soldiers, women and men, embracing each other, holding each others hands—all of them always very happy. At the airport, we went into a side room, and we met the group that was hosting us; a group called the Committee for Solidarity with the American People. We had several toasts; we were introduced to each other, and we were told roughly what our itinerary would be for our stay in Vietnam. We were asked to make any requests for things that we would like to do. We were asked to mention any kinds of people that we would like to see, and what particular interest we might have where we could understand better how similar kinds of people live and work in Vietnam. We got into our bus to go to our hotel in Hanoi and, as we traveled on the road to the Long Binh Bridge, we saw the shells of a bombed train depot and an old factory, as well as the millions of Vietnamese who were riding their bicycles, or riding in water buffalo or horse carts, with whatever goods they might be taking to the market in Hanoi. When we got to the river right outside of Hanoi, we found that the Vietnamese were repairing the Long Binh Bridge. We had to go over a floating bridge that the Vietnamese have become very skillful at assembling and disassembling, as they repair the bridges which have been destroyed by American bombers.

It took us about an hour and a half to get across the bridge, waiting for a long time as traffic went one way. Finally we crossed the river to Hanoi in sort of single file, with the water buffalo carts, the people walking, the people on their bicycles and the people on their pony carts. It was just incredible to see the patience of everybody just moving right across that river on this floating bridge. We arrived in Hanoi and went to our hotel; we were very well accommodated. Almost embarrassingly well accommodated, compared to the way we knew the Vietnamese live. Vietnam is very obviously a poor country. It is very obviously a very strong country. The people are not poor to the extent that there is any kind of poverty, to the extent that there is any kind of hunger, or to the extent that there is any kind of poverty that is shown through people not having sufficient clothing to wear. The first night we were in Vietnam we were taken to see the Vietnamese circus, which is right on the outskirts of Hanoi. And it was just an incredible, incredible thing. The circus was under a big top, and there were magicians and clowns and acrobats, and all the kinds of things that you would expect to see at a circus. There was also an anti-American imperialism skit. It was just so incredible in the way that it did not show hostility to the American presence in Vietnam, but showed kind of a humorous insight and humorous perception into the nature of the American presence, and the nature of the Saigon complicity with the Americans. The skit was about a South Vietnamese shoe-shine boy who was sitting on his shoe box waiting for somebody to come along. He was sitting next to a sign that said "Yankee Go Home." Well, an American soldier came by, saw the sign and was immediately outraged. He started to harass the shoe-shine boy. He asked for his papers, began kicking him around, and as the soldier turned to look at the papers, the shoe-shine boy took his shoe-shine brush and hit him over the head and knocked him out. Well, the shoe-shine boy then saw a Saigon troop coming and was very afraid. So he put the American soldier in his shoe-shine box with the top half of his body inside the box and his feet hanging outside. Then he sat on the box with his own feet curled underneath him so that it looked like the feet of the American soldier were his own legs. The Saigon troop came, saw the "Yankee Go Home" sign, was immediately afraid that an American soldier would see him not doing anything about it, so he began to harass the shoe-shine boy. He then tied a rope round his legs to haul him away from the place. Well, the shoe-shine boy had put something over on the Saigon puppet.

That was perfectly clear. And as the skit ended, the Saigon puppet was hauling the shoe-shine box away with the American soldier lying in the box and the shoe-shine boy was sort of scampering off. The American soldier came to consciousness and you can imagine what happened then. I think it's significant to show this kind of feeling among the North Vietnamese people. I think it's significant to show the kind of impression that I got from the Vietnamese, going there not knowing what to expect and being so warmly received. The Vietnamese will tell you time and again, almost everywhere you go, that they always distinguish between the American people and the American government. And they knew that they are not at war with the American people; they know that there are no people on the face of the whole earth that would wage the kind of war against their country that is currently being waged. Often before breakfast a couple of us would walk in the streets of Hanoi. By the time we would get to the market place, there would be as many as two or three hundred small children who would have followed us and come around us by that point, who would sing songs and whistle. And they would find somebody that could speak English and they would say that they were singing the songs for their American friends. At one point, I was walking in Hanoi and I heard one of the young children whistling an American movie theme. I really can't remember the name of it, but he was very proud of the fact that he knew it. One day during our stay in Vietnam, we visited a place called the Revolution Museum, which is in Hanoi. This museum traces the entire history of Vietnamese struggle against foreign aggression and depicts, through various paintings and pictures, significant hallmarks of Vietnamese history. The Vietnamese will tell you that they have spent three-quarters of their entire history under foreign domination, but they have never been unsuccessful in expelling the aggressor. They will tell you about the French having been there for eighty years. About the French being overthrown by the Japanese, the Japanese being overthrown by the Vietnamese, the French coming back nine months later. The French being overthrown by the Vietnamese and the Americans coming only a year later. They will tell you of how in the twelfth century, Kubla Khan had defeated and conquered all of Asia and most of Europe, and had never been defeated, but that when he came to Vietnam he was defeated for his first time.

They will tell you how he made three successive attacks on Vietnam, and on the third attack the Vietnamese ambushed him and defeated him so badly that his entire naval fleet was completely destroyed. They have these paintings in their Revolution Museum: one of the ambush of Kubla Kahn's ships coming into the Haiphong River and another which they explain as the Mongolian troops standing on the shore really not knowing what to do next. They will explain to you that the Vietnamese then gave the Mongolians their entire naval fleet to transport them back to Mongolia. Also, at the Revolution Museum, we were shown a re-staging of the entire battle of Dien Bien Phu. We sat in a room where there was a pit, that was about the size of the middle section of this room, which had a whole land scale of the battleground of Dien Bien Phu, with the valley in the middle, the mountains surrounding it, and the French fortress right in the middle. Through a narration they show you how the Vietnamese progressed and advanced against the French fortress, and, through colored lights on the ground, they will show the various advances, the couple of setbacks, and the renewed advances against the French fortress. Finally, when the Vietnamese conquered the French fortress in the last moments of the monologue, the French flag on top of the French fortress is electronically lowered, and the Vietnamese flag is raised. We also were able to visit the art museum in Hanoi. The Vietnamese are very proud of their art.

They have a long tradition of art, music, and of very beautiful poetry. A third of their museum is devoted exclusively to discussion and portrayal of the minority groups that live in North Vietnam. They have the costumes, the dress, the houses and the architecture of these minority groups and different representations of their culture. It is interesting to compare how the North Vietnamese perceive their minority groups as compared to the South Vietnamese, especially the South Vietnamese Christians, the South Vietnamese ruling class. The South Vietnamese have been noted for their systematic racism; their systematic oppression of their minority groups—montagnards—and the Cambodians who are from the same kind of ethnic extraction as these groups. On the other hand, in North Vietnam, the minority groups have been consciously incorporated and made an active part of the society. In the colleges, where education is a very valued and a very treasured thing, the minority groups constitute a greater proportion of the percentage of college students than they actually constitute as a proportion of the society. Everywhere you go in North Vietnam, you can see the effects of the destruction. I don't think it's really necessary to elaborate too much on that. It's very interesting how the Vietnamese have dealt with the situation of aerial bombardment.

Many of the schools and many of the hospitals which have been destroyed by American bombs, have been rebuilt. You will see great craters in many of the fields where bombs have been dropped. These craters create a problem with drainage from the rice paddies, from the fields. Unless they are filled up, there can be no crops grown in these fields. Where the craters have been too big for the Vietnamese to be able to refill, they have filled them with water and made them into fish breeding ponds. The Vietnamese have also adapted to the situation of bombardment and war by being able to totally decentralize their entire country. Every province is self-sufficient and any province, when it is cut off from the rest of the country during bombardment, can be sufficient medically, can provide enough food for its people, and can begin immediately, when something is destroyed, to rebuild it. The Vietnamese talked of their leprosy research and treatment center that was at Nui An in southern North Vietnam. They talked of how this leprosy treatment center was the most sophisticated leprosy research treatment center in all of Southeast Asia. They tell you that during the air war, between 1964 and 1968, this leprosarium was bombed by American planes on thirty-nine different occasions. All of the 160 buildings making up this leprosy center were destroyed; 117 lepers and medical workers were killed; all of the research documents and records were destroyed. This gives you some idea of the kinds of setbacks in terms of production, in terms of accomplishment, that the Vietnamese have had to suffer. North Vietnam is very different from South Vietnam in that they have been able to advance, in that they have been able to solve the problems of starvation. They have been able to solve these problems by increasing production and developing more sophisticated facilities. Yet the air war destroyed almost all of this. The Vietnamese will tell you, as Nixon again makes threats against North Vietnam to renew bombing, that what seems to be happening is that the facilities they have rebuilt are again being threatened and will again be destroyed. The Vietnamese dealt with had a very astute kind of insight into the situation in America. They would talk about the recent Senate elections. They talked about what they felt to be the significance of the GM strike, for example. They talked of the anti-war movement with great love and with very great confidence. They talked about their American friends they read about. They talked about the books that they had read by American authors, and the kinds of cultural accomplishments that they saw as being significant in this country.

When we met with a group of musicians, artists, and poets in Vietnam, they described to us in great length, how before their revolution their culture and their society had been undergoing a period of decadence. They talked about how the Vietnamese, when they tried to represent in their art, for example, love, found that they could represent only a very desperate kind of love. They talked about the sort of preoccupations represented in their art, with the use of opium, and that much of the art and much of the music had to do with opium dreams and opium experiences. They will tell you how, after the revolution, there was a resurgence of feeling; there was a resurgence of spirit. The people felt a renewed capacity to express their feeling for one another, to pull together as a people, to begin working toward the kind of solidarity that now exists in Vietnam. Our delegation during this meeting presented to the Vietnamese a copy of the screenplay *Satyricon*. We told them that many of us felt that this movie, and this play, represented the same kind of decadence that existed in a great society—Rome during its fall—and that we experience many of these same kinds of conditions in this country. About a week later, as we were getting ready to leave, about five or six Vietnamese came to me and told me that they had read the entire screenplay from *Satyricon*. They asked me to sort of graphically portray the various scenes. There was one movie in Hanoi when we were there that dealt with the battle between the American Indians and the American Cavalry, in which the Cavalry was totally wiped out. One day we were going to the coast, to a place called Ha Long Bay. This is a tremendous bay right on the Gulf of Tonkin where there are 6,000 mountain islands with monkeys, caves, grottos, and all kinds of things. We were crossing the river near Haiphong on a ferry boat with our Vietnamese friends. Our buses had been put on the ferry. One of the Vietnamese took out his pipe and offered us some Thoc La which is what the Vietnamese smoke as a kind of tobacco. It is very strong kind of tobacco. It gives the Vietnamese people the sensation of being kind of stoned. He brought out the pipe and we sort of smoked the pipe. We were going across this river and one of the Vietnamese friends pointed down the river to the cliffs where Kubla Khan had been wiped out and said, "You know this is where it was. We're very proud of those cliffs."

As we were going along, just sort of sitting there watching the river, just enjoying the beauty of the countryside, a man named Mr. Xuan Oanh, who was one of the leading musical composers in all of North Vietnam (he wrote and composed the Vietnamese national anthem and was also a member of the Paris delegation) brought out his cassette recorder and started playing the Jefferson Airplane's "Volunteers." So I think you can understand what I mean about the ease with which we were able to relate to the Vietnamese. We were able to feel so much at home in this country. When we would greet each other in the morning or when we would say goodnight, we would always embrace and there would always be a very genuine feeling of love between us. We saw that the Vietnamese had been pulled together by the kind of progress they have been struggling to make together, and the kind of suffering they have had to suffer together. They feel not at all desperate. They feel very determined to deal with the renewed threats that are being made against their country, to deal with the suffering that is being leveled against their South Vietnamese brothers and sisters. We understood very clearly that they have a great deal of confidence in the American people to be able to stop the kind of technology, the kind of death machine that comes from the air. But they will continue to resist until the American people stop it once and for all.

EMENY. One thing they say about Thoc La is that, after a long morning, you sit down (Thoc La you smoke through a water pipe) and you take one long, slow drag. It knocks me flat on my back. What they say is, they take one long, slow drag and they can do seven more rounds on that field.

Moderator. I'd just like to add a brief statement, to corroborate the kind of information we've been given. From my experiences as a Civil Affairs Officer in Vietnam, I can only testify that all of my civil affairs experiences were either very frustrating or very disastrous. No program ever recommended to me by any of my training or any of the manuals available to me worked. The techniques that I felt were so pertinent to the saving of these people were useless. And I had many months of experience in this frustration. Of all the experiences I had while I was in Vietnam, which include several war crimes, I consider this to be probably the greatest war crime that I committed. If it's not defined as a war crime, then I'll accept whatever kind of definition someone would like to put on it. I will entertain questions from the floor.

(Question.)

Question. I want to address this to the second speaker up there. About two weeks ago in The New York Times it was announced that the United States and Saigon governments were going to evacuate about three million peasants to the southern part of South Vietnam. I want to hear if you have any predictions about how these people are going to react to this plan?

Clark. I read the same thing that you did. The provinces of the northern half of South Vietnam were traditionally controlled by the Viet Minh. And the population in that area has traditionally been more sympathetic to the NLF than they've ever been to the central government. In my discussions with people I had up there when I was in Quang Tri, they openly stated that they saw the refugees as what they called Viet Cong sympathizers, or VCSs. While the operations near the DMZ were going on, there was 31,000 refugees generated at one point in a short period of time. I think 12,000 were suspected to have gone north, and a great many others of them went back into the area, even though they realized their lives would be threatened in a free fire zone. Basically, the situation is that most of these people cannot be allowed to return to their fields, in the terms of the South Vietnamese government, because if they did, they would go back with very hostile attitudes toward the central government. And if they did grow food, it would be for support, probably, of the NLF. Therefore, by relocating them to the south, there would be greater chance of control by the South Vietnamese government over them. I think that that's what predicated the decision to send them south. Obviously, I think it's a bad idea.

Moderator. Jim, do you think there's anything involving the numbers which would change the situation?

Clark. There's going to be a tremendous tactical problem in trying to move that many people. I just can't imagine their attempting to do it, unless they do it over a very long period of time. I really don't think that it's the solution to the problem that they're facing. I don't think you can win the hearts and minds of people by forcibly transporting them to other areas.

Moderator. Jay, do you have a comment?

Craven. I think that that announcement about Melvin Laird is one of the most significant events that has happened in the last several months. And I think there's no question the Vietnamese are not going to want to move to the southern-most provinces of South Vietnam. It's a fact that that kind of dislocation is a very severe war crime. I think what this may indicate is that that entire area is being cleared for an absolute saturation bombing or possible nuclear strike zone. And in fact, by moving all those peoples out, the only people left can be said to be NLF sympathizers, and thereby a justification could be presented by the administration for just total annihilation of all of central Vietnam.

Question. This may be an unfair question, but I'd like to ask you if you could speculate what would have happened if a Gandhi had arisen in Vietnam, in let's say 1954 or 1955, would he have had any following, and if so what would be the result?

Emeny. There is a long tradition of non-violent struggle in Vietnam. This is the tradition that is most active in the cities today, for example. It's totally blacked out here. There is not a central leader. There hasn't arisen a Gandhi, but there have arisen a series of people—in the student leaders, in the Buddhist leaders, in women—a series of people who have led this kind of a non-violent struggle. There hasn't been anything like the salt marches of Gandhi, but the current situation in South Vietnam is something really extraordinary. About nine months ago the Saigon government started a more intensive campaign of repression than had been before. It was first directed against the students, when they tried to close down and take over the universities. They arrested some of the student leaders. The student leaders went to jail and their prisons are impossible. Everyone knew they were being tortured, as they routinely are, so some students started fasting in sympathy. Then their mothers started fasting in sympathy. And more joined every day, until the students were released. There have been marches. There are non-violent forms of struggle going on daily in Vietnam and it is escalated to the point now where on November 7th—again, something that's gone unspoken of in the United States press—there was a meeting in a small pagoda outside Saigon. At this meeting all kinds of organizations were represented in South Vietnam: shoe-shine boys, student groups, women's groups, Buddhists, Catholics, lawyers, doctors, government officials, all levels, ages, everything. And this group formed what they called the People's Front for the Defense of Peace. Now the first demand of the People's Front for the Defense of Peace is that U.S. withdrawal is a pre-condition to peace in Vietnam, a pre-condition to any kinds of negotiations for peace in Vietnam. Now this is not the NLF. This is the non-NLF side of the Vietnamese struggle to remain Vietnamese, and much of this is based as a non-violent struggle.

Spellman. I think the question is a very difficult one. It's not an easy one to answer because you first have to ask whether or not a Gandhi could have arisen in that type of a cultural milieu. Gandhi, as a man, was an extraordinarily rare moral being. I'm not so sure that Buddhism has as strong a tendency toward "ahimsa" which is not, simply not, killing. Gandhi was not so interested in winning. He was not really interested in non-violence as a tactic, as it has unfortunately become as it has moved into the American political scene. He was interested in non-violence as an extraordinary kind of moral stamina, and when he had the British, as it were, over a barrel, at the beginning of the Second World War, and could have done many things to obtain independence in India, he said no. Our adversary is in a weak position. It is not proper that we take advantage of that situation. Therefore, he supported the British in the Second World War. Now, he was severely criticized about that. We remember the ultimate triumph of Gandhi, but that triumph was preceded by many very great failures, and those failures of Gandhi were themselves preceded by a great wave of terrorism in India, particularly during the First World War with a large number of terrorist movements. So Gandhi really had that kind of thing on which to base his campaign. It's unfortunate that non-violence is so often understood in this society as being a very useful political tactic that you use when you are weaker than your adversary. Gandhi understood it as a form of strength that was much stronger than your adversary. It did not depend on numbers, as demonstrations frequently depend today, using the cultural values of this society. It depended on moral strength, not a righteous bigotry, and on a perspective of truth that men like Gandhi, Tagore and a few others have had, that overrode political concerns. The politics was religion. It wasn't politics under the guise of religion. So I think that to the extent that non-violence becomes a political tactic, in which the techniques are useful for winning, that that is a mockery and a sham of non-violence. Non-violence is an outgoing form of love with certain humor and quips mixed into it, in which it is the love of your adversary that finally conquered him, not the hatred, not the techniques, and not the tactics. And so I am not sure whether the degree of Christianizing that has taken place in Vietnam would certainly not have supported this kind of thing. Then you have the other problem, and that is the British were on the other side and not the Americans. And I dare say that the British have a far higher sense of moral decency than the American government does, at least if one considers the kinds of things that you find in the British press. Moral indignation is I think a much stronger basis in England than it is in this country.

Emeny. On the other hand, I do have a children's song that I'd really like to read you the translation of again. I guess that's one of the main things I brought away from Vietnam. "The enemy is not people. If we kill people, what brothers will be have left? The enemy's name is cruelty. The enemy's name is no conscience. It's hatred. It's bitterness. A group of phantoms. The enemy is not people; if we kill people, what brothers will we have left? The enemy wears a coat of doctrine, the enemy wears the false front of freedom. It has a deceiving appearance. It sifts our words. It's a germ to separate us.

People, people have compassion for the weak, have compassion for the innocent, have compassion for those who pity us. The enemy is not stranger. It lies inside each one of us. The enemy carries the name of unjust accusation. The enemy is the name of ignorance. It's ambition. It's jealousy. It's jealous hatred. The enemy is in desiring eyes. It's in an arrogant head. In a lonely heart. In a narrow mind. In the dream of conquering. The enemy is no stranger. The enemy lies inside each one of us."

Question. Dr. Spellman, I'd like to ask you a question concerning what you feel to be the root of the problem in Vietnam and a lot of the imperialistic expansion of the western countries of this world, in particular the United States. I know that you've touched a little bit on the values system, the structure of the values in the United States with reference to technology, industrialization, competition. I know I have my definite views about what is causing many of the Third World revolts, as well as U.S. expansion. I would say that's capitalism. But I wish that you would give us your opinions as to this.

Spellman. That, too, is a difficult question. I do not think that I would feel that it was capitalism. I think that maybe the root lies certainly not solely with the United States. I think that we are dealing with values that extend far beyond the national boundaries. They are cultural values that have a very long heritage. I suppose at the root of this lies concepts such as the idea of truth. Now, we understand things in our society largely from a lineal perspective, and we have the idea that a thing is either right or wrong, good or evil. It is a kind of dualism. And so in order to include something, we must exclude all else. And I think that it is this idea of exclusion, that is one. I think that the idea of evangelism, the crusading, the idea of universalism, which is common both to Christianity and to Islam, is also involved here. I think that our concept of time is also relevant. Our concept of time is again a lineal concept, and it is only a lineal concept which can give you an idea as progress, which I find a very curious concept. But progress, which is basically a 17th or 18th century development, says that on this line—this beginning and end spectrum—that things continuously improve. So there is a beginning and end, a birth and death, this kind of thing. Now if you contrast that with the Asian concept of time which is cyclical, which deals with the way the seasons operate, so that February, 1971 is not much different than February, 871 or 1871 B.C., time continues. This gives us the concept of reincarnation and transmigration, that nothing is created or destroyed, not only physically, but also in terms of the spirit of the divine which manifests itself in many ways. We don't accept the multi-dimensionality of life. We don't accept our relationship to all that is living. This again makes a difference in our relationship to nature where we feel that we have the idea of conquest. Conquest is not simply a political idea. We have the idea of control. You look in telephone directories and see how frequently the word "control" comes. You look at our present orientation in terms of the concept of problems, and you will find very few people who are nowadays able to go through one day without using the word "problem." In other words, the emphasis is on disharmony rather than harmony, and I think that it is the interrelationship of these kinds of values which lead us to believe that our ideas are good for everyone and even in a discussion, (and I don't care how right or left the group is) if someone disagrees, we feel that we have to convince them. So we say, "Well, why do you disagree?" instead of saying, "Very well, you disagree, that's fine." We can't do this.

We feel that we have this tremendous adulation of the scientific values, of objectivity, of impartiality, of non-emotionalism. So we dismiss their arguments by saying, "You are being emotional. You are being subjective. You are being prejudiced about this," instead of saying, "Of course a human being is not a machine. It is inconsistent and illogical and so am I." Much has been made sometimes that Asian society is not individual. It is not; that is true. But it is extremely personal, as you heard from the last statement here. And it is this different value system, which itself forms a kind of unity, but I believe a bankrupt one, that is involved. It is like language. We have this opposition to age. The newest, the most recent, is the best. No matter what my argument is, I can prevail over you by saying, "Recent research shows" and, immediately, whatever you say is finished. This is very useful for a consumer-oriented society, where you don't have to do your own creative work. So youth becomes a tremendous value in the society and newness. Damn the old. All you have to do is examine our vocabulary on age and you will see that words implying great age, "old-fashioned," "out of date," "obsolete," "archaic," are pejorative words toward age. Again, this is not a value that is sympathetically received in most Asian cultures. It is a large, large question that you pose.

EMENY. Let me just add a couple of things about the Vietnamese language. The word "I" does not exist in Vietnamese language, technically. Everything is termed in terms of a relationship. That goes back to what Dr. Spellman was saying about the sense of individuality. It ties in very much with the way the Vietnamese are themselves, because the survival of Vietnam as a nation is much more important than my own individual survival. It all ties in. It is ecological, thinking in terms of the balance of nature.

QUESTION. I'd like to address this to Dr. Spellman. He referred to Southeast Asia's traditional legal system as free, flexible, and merciful. Would you elaborate on what makes it free, merciful, and flexible?

SPELLMAN. Well, again, I tried to put a kind of a disclaimer at the beginning by indicating that I was not a specialist on Southeast Asia or particularly on Vietnam. I've spent the last fifteen years doing some studies of Asia. I am Professor of Asian Studies at the University of Windsor in Canada. I am in this sense making projections from the traditional legal system as I understand it, of India, and taking this through Burma as Indian influence moved, all the way to Cambodia, and to Indonesia. Now that system was largely based on customary law, rather than traditional law. There is no point in having written legislation where people don't read, for example. The first point about that law is that it is extremely decentralized and much of it is village-operated. Now I have done some work on the ancient political theory in this, and if you're really interested you can look at my book on Political Theory of Ancient India, which was published by the Oxford University Press in 1964. What I've tried to indicate is that because of the very heavy decentralization of law, first of all, there is no police. The enforcement of law is up to the people. If the law is not reasonable, then through their social behavior, through ostracism, through buying at shops, this kind of thing, people will not enforce the law. Therefore, laws fall, without any legislative process. It has only been very recently that it has been understood that the people make law. In the law books of Manu, the ancient Indian code, it says, "A thousand fools cannot declare what righteousness is, what law should be. One wise man can." There was no concept at this time that the majority makes right, although unfortunately that idea is in our own society. But that, of course, is the very basis of a lynch mob, in which everybody except one man is pretty agreeable as to what is going to be done. Here, you can't afford to enforce laws which are very rigid. An example is a man in a caste situation who was accused of eating meat in a Hindu situation. When he came up before the Punjaid, before the village elders, he said, "I am accused of eating meat, but so does so-and-so, so does so-and-so, so does so-and-so," all of whom were very reputable people in the village. The decision of the Punjaid was to say, well, the man by accusing all these other people of eating meat is obviously very disturbed about this and we can't accept his testimony so we'll have to dismiss the case. The Buddhist texts, that is the Indian Buddhist texts in the 3rd Century B.C., have a text called the Questions of Melinda in which a question is put to the king about a man who is not responsible for his crime, and they said, "What shall we do about this man?" and the answer is, "If he is not responsible for this, if he is insane, no blame is due to this man." Now this was long before these ideas ever came into Europe, as many ideas have come from these countries into Europe. The purpose of law is not guilt or innocence as it is in our legal system. We are not interested in who is guilty or who is innocent. We are interested in the harmony of the village, and the purpose of law is to provide harmony, to provide justice as we see it in our light, not as the Americans or the British legal system sees it. This system arises from very different concepts of the nature of man, and not the kind of thing that you work on in the West.

THE 25TH INFANTRY DIVISION AND PUBLIC INFORMATION OFFICE

Moderators

Jan Crumb, 28, SP/4, (E-4), 18th Aviation Co. (from December 1962 to October 1963).

Larry Rottmann, 25, 1st Lt., Public Information Office, 25th Infantry Division (from June 1967 to March 1968).

Veterans testifying

Ron Podlaski, 24, Sgt. (E-5) 5th Special Forces Group (from April 1968 to April 1969).

Eugene Keys, 25, SP/4, (E-4) 3/4, 25th Infantry Division (from February 1966 to February 1967).

David Chiles, 24, SP/4, (E-4) 3/4, 25th Infantry Division (from January 1968 to December 1968).

Pat Ostrenga, "D" Co., February to December, 25th Infantry Division.

Mike McCusker, 29, Sgt. (E-5) Public Information Office 1st Marine Division (from 1966 to 1968).

Larry Craig, 29, SP/4, Public Information Office, 25th Infantry Division (from 1966 to 1967).

Vernon Shibla, 27, SP/4, Public Information Office 25th Infantry Division (from 1966 to 1967).

Alex Primm, 26, SP/4, (E-4) Public Information Office, 1st Logistics Command, Headquarters (from September 1968 to June 1969).

MODERATOR. We feel that particularly after the actions of the last two days in Indochina, and the reaction of Senator McGovern yesterday to information which we brought out on Sunday about a Marine combat regiment operating in Laos in 1969, that we should open today's panel with someone else who has been in Laos, Ron Podlaski.

PODLASKI. My name is Ron Podlaski. I'm from New York. I was a sergeant in the United States Army Special Forces. I served in Vietnam from 1968 to 1969. My testimony will consist of cross-border operations into Laos, Cambodia, using Thailand as launch-bases for Laotian targets, and our involvement in Laos and Cambodia.

MODERATOR. How many times have you been in Laos?

PODLASKI. I couldn't give you an exact figure of how many times I've been to Laos, but I spent one year in Vietnam and that entire year was devoted to running cross-border operations.

MODERATOR. Would you say a half-dozen times or more?

PODLASKI. I'd say at least that many times, not to mention the times that we attempted to get in and were not successful in infiltrating.

MODERATOR. What was the nature of your sort of group?

PODLASKI. We were running long-range reconnaissance patrols. They consisted of two Americans and four indigenous personnel. Our particular team was Chinese Nungs. We were going into Laos, Cambodia, for intelligence reasons.

MODERATOR. Ron, would you explain what a Nung is?

PODLASKI. Well, Chinese Nungs, our particular team, they came from North Vietnam and their families had fled to the South and they were mostly Catholics. They were mercenary soldiers, is what they were. They were higher paid than the ARVN army and whoever gave them the most money. that's who they fought for.

MODERATOR. Was yours the only team going into Laos?

PODLASKI. Negative I belonged to C & C North, which was located up around Da Nang, and it was their base camp. We had FOB's in Khe Sanh, Phu Bail, Kontum. There was also C & C South, which had two or three FOB's. I'm not exactly sure. I ran missions for them, TDY, into Cambodia.

MODERATOR. An FOB is a Forward Operating Base?

PODLASKI. Right.

MODERATOR. What do you know about hatchet forces?

PODLASKI. Hatchet forces are company-size, consisting of American advisers with a majority of Vietnamese, possibly Montagnards, possibly Chinese Nungs. They would run company-size operations, cross-border.

MODERATOR. Often?

PODLASKI. My last three months in Vietnam were spent in Kontum, it was the old FOB-2 which was changed to C & C Central (Command Control Central), and they were running hatchet force operations into Laos on quite a heavy basis those last three months.

MODERATOR. Would you explain what C & C North, Central, and South is?

PODLASKI. C & C North stands for Command Control North. It consisted of Special Forces. However, we took commands from Saigon and we had nothing to do with actual special forces command in Nha Trang. We answered to Saigon.

MODERATOR. Where were these operations to take place?

PODLASKI. These operations, well, you would launch from different launch sites near the border, and you'd be infiltrated into Laos wherever they felt there was heavy troop movement. We would take pictures, tell the strength of the troops, their morale, their physical fitness, if they were young, if they were hard-core North Vietnamese or if they were just grabbing anybody, and this intelligence was supposedly fed to conventional units. They could cut these people off as they crossed the border into South Vietnam. However, I don't know of any incident where we were ever listened to. Whatever intelligence we would give to them never seemed to be followed through.

MODERATOR. Ron, the President and other members of the government have said we have never had ground forces fighting in Laos.

PODLASKI. Well, all I can say about that is that the administration has been lying. They've been lying to the President and together they've been lying to you people.

MODERATOR. Ron will be available for further questions. We'd like to go along with the combat veterans of the 25 Infantry Division, who will introduce themselves.

KEYS. My name is Sonny Keys. I was in the Third Squadron, Fourth Cavalry of the 25th Division. I'll be talking about forced relocation of civilians and a convoy of approximately fifty trucks filled with American dead, which the *Stars and Stripes* reported as "light" casualties.

CHILES. My name is David Chiles. I'm a student at Kent State and I live in Atwater, Ohio. I'm going to be discussing some operations in the Iron Triangle, the use of American soldiers as guinea pigs to give a squadron colonel a better body count, and an incident I had with some civilians in Saigon. I believe it was June or July we were sent to the Iron Triangle and we took very heavy casualties. We found these ten graves, or what we took to be graves. One day A-Troop called in and used them as body count. The next day, B-Troop called in and used the same graves as body count. So meanwhile, the people that buried these definitely called them in, so you have ten graves that are worth thirty body counts. Vietnam was a very strange war, for the simple reason that the only way your unit was judged by the number of bodies in relationship to your casualties.

One instance I remember, we joined with the 4/23 Mechanized Infantry (oh, by the way, I was with the 3/4 Cav in all of all 1967). They were dragging two Viet Cong behind their tracks, which isn't really unusual. They came in at night and we had a rendezvous. At this time two GI's went over and cut the ears off and put them across the track to dry. And then I noticed two GI's were fighting over these bodies, so I went over to take a closer look and there was a lieutenant observing this. One of them had a pair of pliers, and to my dismay, they were fighting over the rights to the gold teeth of the Viet Cong they had killed. This was kind of a status for them, to see who got the most gold teeth. As I said, we had taken very heavy casualties. I think the only thing that we found there was about fifty bags of rice. It was from New York City and Houston, Texas, is where this rice had originated from. Around September or October our colonel got this fantastic idea to start running convoys at night, from Cu Chi to Tay Ninh, then from Tay Ninh to Dau Tieng. The sole purpose of this was to be ambushed; this is a mechanized unit at night, when you can hear them miles away. His theory was, our fire power was much more superior than theirs. What he forgot to think about is three Viet Cong with RPG-2's and a well placed mine could kill ten GI's and destroy three or four tracks. Meanwhile, while all this is going on, he's riding around in a helicopter and observing this. Now this went on for two or three months, and I think the division finally told him to get himself together, because we were just getting ripped up.

MODERATOR. I understand you have some slides.

CHILES. Yes, I'm going to show those.

MODERATOR. Could we go through the other two fellows' testimony and then come back to your slides?

LARRY ROTTMAN. Just a point of clarification. RPG-2 is a recoil-less projectile round, sort of a crude bazooka, that the VC uses, a shoulder-held weapon that will penetrate eight or ten inches of armored plate. One man can fire one projectile.

OSTRENGA. My name's Patrick Ostrenga and I am currently a student at the University of Wisconsin in Madison. I was a medic with the 25th Division, Second Battalion, Twelfth Infantry, and attached to D-Company. My unit operated around Dau Tieng, which is about forty miles north of Saigon. My testimony concerns mistreatment of Vietnamese civilians, mistreatment of prisoners, and murder of Vietnamese civilians.

MODERATOR. Sonny, could you amplify a little on what you were talking about?

KEYS. The relocation of civilians? Okay. We were in an operation in Ho Bo Woods, I believe it was Cedar Falls or Junction City in January of 1967. We came across a village of women, young kids, and old men—no young men. We surrounded the village, then we forced all the civilians out to an open field and we called in a Chinook, a large helicopter. At gunpoint we held these people until the Chinook arrived. Then we forced all of them onto the chopper to be taken to Saigon, I believe, and then we destroyed all of their hootches, we dumped all the rice down in their wells, killed all the fowl and the livestock, and left the place a real scorched earth. Prior to that, in December, we were running convoys day and night for Operation Attleborough up at Tay Ninh. One night we ran approximately fifty trucks back down to Cu Chi. We got there. You could tell that these trucks were heavily laden; they were really weighted down. We got there and my squad leader went over and talked to a lieutenant. He came back and said that the lieutenant had told him that these trucks were weighted down with American bodies. I didn't see inside the trucks, so it is hear-say, but I do know that *Stars and Stripes* reported about a week later that we had taken light casualties, light casualties, and fifty trucks loaded with American dead is more than light casualties.

MODERATOR. Pat, would you amplify a little on your testimony?

OSTRENGA. I was working as a medic in Vietnam and there are quite a few things I can talk about. Well, one of the things I saw was one Vietnamese civilian, a pretty old man, was riding down a road with a bicycle. The lieutenant that was with us took out his M-16 and aimed it at the guy and shot one round and well, killed the guy. We went up to the guy, and he had a South Vietnamese ID card. Common practice in my unit was, if you killed a civilian with an ID card, you take his ID card and tear it up. The lieutenant's comment on this was, "Well, I guess I'm still a pretty good shot." We took some prisoners one time, and one of them was wounded. The guy had a pretty big gash in his arm, some frag from some artillery. I went up to treat him, and as I was putting on the bandage, the guy was pulled away from me and the commanding officer, a captain, told me not to waste anything on the gooks except bullets. And, there were also some civilians that were wounded another time from some of our own artillery fire. I tried to treat some of them but I was told not to waste anything on them because they're not worth anything; they're just gooks. It's a very racist war.

MODERATOR. Dave, could you show your slides now and explain them?

CHILES. First, let me explain this slide. The first one's a 45-caliber, the second one's an M-16, the third one's an M-14, which is a NATO round. This is supposedly the largest round to be used as anti-personnel. The large one beside the pack of cigarettes is called a 50-caliber, which is to be used as anti-aircraft. (Next slide) This is a Vietnamese that has been hit with a 50-caliber, which is supposed to be used for anti-aircraft, but all our tracks have them, and since the Vietnamese don't have a good Air Force, I could never see the logic behind it. (Next slide) This picture was taken by my lieutenant on the way to the Iron Triangle. This isn't my unit; I don't know what unit it is, but it's with the 25th. I just asked them what the reason for burning the village was, and I believe the quote was, "It's a hostile village." (Next slide) There's many people back here that for some reason think an armored unit is invincible, and this is one of the reasons for having us run the night convoys to be ambushed. I think the next few slides will show you what a couple of Viet Cong with the RPG and mines can do. This is a track that has been hit by an RPG and burnt up. (Next slide) This is an RPG that hit a track. An RPG is a heat round. It looks like a very primitive weapon. (Next slide) This is another picture of an armored personnel carrier that has hit a mine and totally destroyed. I believe there was four or five American deaths.

MODERATOR. Thank you.

OSTRENGA. I think something should be mentioned about how in Japan there are many acres covered with totally destroyed APC's that they're just sitting there, waiting to cannabalize. And I've seen this on Okinawa too.

MODERATOR. We're going to take questions from the press at this time for the 25th Infantry Division combat veterans and for Ron Podlaski, who has been in Laos over a half-dozen times, and then we're going into a second part of the panel that of former PIO Information Specialists, many of whom were with the 25th Infantry Division, who will explain what happens to news. Are there any questions from the press to the veterans who have just testified? Are there any questions from the audience?

QUESTION FROM THE AUDIENCE. Mr. Podlaski, when were you in Laos?

PODLASKI. I served in Vietnam from April '68 to April '69. I can't tell you the exact days I was in Laos. It was between '68 and '69. Also it wasn't just Laos, it was Cambodia and Laos; we would go to Thailand and launch from Thailand into Laos with Vietnamese personnel. We would go on these missions, also I forgot to mention, with no American markings, no American dog tags, these are the tags you wear around your neck to identify yourself if you're killed. If we were killed over there we were deserters—not to tie in our government. A lot of teams a lot of times would go out with North Vietnamese uniforms on carrying North Vietnamese weapons: AK-47's. Just so it didn't look as if Americans were involved in this.

Question from the Audience: What were the various ranks of the American personnel on your missions?

PODLASKI. That's a good question. There were Spec. 4s running teams. There were E-5s running teams. There was one E-7 and he was a very young E-7 and he was killed. He was the last high-ranking NCO that worked on a team. We had one or two lieutenants who went out with teams so they could get an idea of the way operations went. Therefore, they became launch officers. However, any of these officers who had any feelings for the men who went on these missions were relieved of their job.

Question from the Audience: What kind of information were you trying to get?

PODLASKI. Intelligence on the size, the shape they were in, the type of uniforms they were wearing, did they look well-fed, did they look tired, run down, beat? Were they hardcore veterans, were they young people just from the North, green? What type of weapons they were carrying.

Question from the Audience: Did you ever engage in combat?

PODLASKI. We were not extracted out of Laos unless we made physical contact, which is, anyone who knows anything about recon—once you're visually compromised your mission is supposedly aborted because you can gain no intelligence if they know you are in the area. When you've only got six men, you can't put up much of a firefight. However, our policy was, you're in a firefight or you don't come out.

Question from the Audience: Did you ever go on any search and destroy missions or do you know of any search and destroy missions into Laos or Cambodia?

PODLASKI. Negative. I didn't go on search and destroy missions. My last three months over there I was changed from recon to hatchet force. And I was scheduled to go out, but, fortunately, I caught malaria and I didn't have to do it.

Question from the Audience: Did you know about Operation Dewey Canyon? That was a marine operation, but it was during the time you were there.

PODLASKI. I know about it like the public knows about it but . . .

Question from the Audience: You didn't know about operation Dewey Canyon when you were in Vietnam?

PODLASKI. Negative. The only reason I am aware of it is because I have a cousin who doesn't walk today because of it.

Question from the Audience: Were there any special instructions about keeping your operations in Cambodia and Laos a secret?

PODLASKI. Yes there were.

Question from the Audience: Like what?

PODLASKI. We were told any information we gave on these operations—we were forced to sign papers before we left Vietnam—We were told that if we didn't sign these papers we wouldn't leave Vietnam. Telling us that we were subject to a ten thousand dollar fine and ten years in prison if we mentioned these operations. However, I think it's more important that the public knows, because, man, you've been lied to long enough!

MODERATOR. Ron will be available for further questioning. We'd like to move along. I'm sorry, there's another question right there.

Question from the Audience: Did you, was there a unit with you? I know there's one at C & C Central called the Earth Angels. Code name Earth Angels.

PODLASKI. I was in C & C Central my last three months in Vietnam and I went TDY to C & C Central a few times and I'm not familiar with that at all.

Question from the Audience: Was there ever a unit within C & C Central or C & C North that was more or less separate from the rest and engaged in, you know, assassination type operations?

PODLASKI. I have heard of these. It was not C & C North that had these type operations. I heard of them and I know they existed but for me to comment on them would be strictly hearsay.

Question from the Audience: Well, what did you hear?

PODLASKI. Well, that there are Americans working on special operations that are assassination teams.

Question from the Audience: Within C & C?

PODLASKI. Well, not in C & C North or C & C Central. It was in another area and I really don't like to comment on something that I don't know for sure. Because I wasn't involved in this. I heard about it. I know it exists; but I have no proof.

MODERATOR. We'll have to take this one more question.

Question from the Audience: Yes, this paper here says that Eugene Keys participated in operations in Cambodia back in December of '66. Can you comment on that?

KEYS. There is a town north of Cu Chi on Route 1 called Go Dau Ha. Now anytime we ran a convoy, we would place an APC at a crossroads to make sure that the convoys went north to Cu Chi instead of crossing the bridge. We were told that this river was a border. Now, according to the map, it is not the border. I've talked to other people who have been there since I wrote that down. And they say it's not the border, so obviously they were just giving us a line.

MODERATOR. We'd like to move along to a panel on information specialists and on press censorship. Larry Rottmann.

ROTTMANN. My name is Larry Rottman. I served as Assistant Information Officer for the 25th Infantry Division, based at Cu Chi, Vietnam from June 5th, 1967 till March 9th, 1968. My duties were to be officer in charge of the division newspaper, *Tropic Lightning News*, the Lightning Two Five monthly news magazine, and the Lightning Two Five ARVN radio program. I was also in charge of division press releases including photos, officer in charge of visiting newsmen including television network crews, and a frequent briefer of the division staff on all civilian news media and information matters. I'd like to introduce the rest of the members of the information panel:

Mike McCusker, who was information specialist with the Marines; Larry Craig, who was information specialist at Brigade level in the 25th Division; Vernon Shibla, who was an information specialist on the Brigade level; Alex Primm, who was an information specialist at the 1st Logistical Command Headquarters. Those men will identify themselves and give you a little background. Mike, do you want to start out?

MCCUSKER. My name is Mike McCusker. I was a sergeant in the Marine Corps and I served in Vietnam in 1966 and '67 with the 1st Marine Division as what they call an Infantry Combat Correspondent. This meant that I went out with every unit of the Infantry that was stationed, generally in Chu Lai, but I ended up all over the I corps with almost every Marine infantry unit and also Reconnaissance unit because I was also Reconnaissance qualified. These things that the men from the 25th told you were covered up. None of these instances were generally reported. Most of the stories that we wrote generally appeared in such publications as *Stars and Stripes*, a paper we had in I corps area called *Sea Tiger*, various other military news services, and the civilian press. They appeared in ways that we did not even write them. Information in them was either deleted or added. Quite often what we had written, what we had seen, what we had covered, just didn't come out in the stories. It was something entirely different. The general policy of being an Informational Services man (that's what the Marine Corps calls its reporters, The Informational Services Office). The only thing we had to do with information, I believe, is to cover it up, disguise it, or deny it. Some of the things that we could not write about, and if we did write about them they were always redlined from our stories, were the amount of American dead. Now they'd always go into light casualties, medium casualties, or heavy casualties. However, heavy casualties were never reported upon because when they got to Da Nang—and if they mention casualties in the Da Nang press center, if a platoon went out and got wiped out, they would measure platoon by battalion strength and that would, of course, be light casualties. And play those little games. Every Vietnamese dead was naturally a Viet Cong dead; even six month old babies, 99 year old men and women. If they are dead, they are Viet Cong, which is a misnomer, at any rate.

We could never really write about the Vietnamese life style, or how the Vietnamese viewed their life in their universe, because it's so contrary to how we viewed Vietnam and the purpose of Vietnam. And the dichotomy would be very apparent in any story. We could not write of taking souvenirs—souvenirs that we witnessed being taken such as ears and teeth. You can't help but notice it because it happens all the time and if you did write of it, it would be redlined and, of course, you'd be on the carpet if your Information Services Office could find you out on the field. You could not write of villages being burned, of crops destroyed. You could not write of defoliation, of the use of tear gas. The use of tear gas on at least three occasions—I witnessed tear gas pumped into caves and people running out and shot down as they run out of those caves. When the story of tear gas being used in 7th Marines in 1965 was exploded, through Colonel ——— the regimental commander at the time said it was only for humane purposes. And I witnessed a few of those humane purposes and I did write it in the story, infuriated, and it was redlined. The use of napalm: you can't even use the term napalm anymore. It's called incindergel, like jello. You could not write of women guerrillas, women prisoners; especially the deaths of women, children, old man and women. You could not write of H & I fire which is harassment and interdiction. This was supposedly to keep the Viet Cong on their toes. What they would do is just throw rounds out in every direction every night. It didn't matter where. There was no set plan, just throw them out. Anything in the way, that's a shame. Also free fire zones: a set-up. Free fire zones essentially means anything within that zone is dead. Anything moving is fair game. We could not write of these things. One particular instance of the free fire zone was a village that was supposedly pacified and I had to cover it for the division. This colonel went in with a bunch of newsmen—into this one particular village. The medical team that had preceded him had a chow team and they had set up hot chow. They passed out the band aids and the Kool-Aid and they only gave medical supplies enough for two days in any particular village because they figured if they gave these medical supplies to a village lasting longer than two days, the NLF would get to those supplies and use them. So, therefore, though the medical teams might not visit a particular village for a period of a month, maybe, they would only leave supplies for two days.

The villagers definitely needed medical help essentially because, as I testified yesterday, they systematically destroyed most of any village dispensary, or hospital, or anything that looked like it. We could not write, at the time I was there, of what was called Puff the Magic Dragon—DC-3s with Miniguns. I forgot how many rounds they can throw out a minute. Around 4000 I believe it is . . . 6000? They can cover an entire football field in about a minute and it just destroys, chops down every thing in sight. We could not write of those, could not write, especially, of the torture of prisoners. My witnessing of the torture of prisoners was generally on the field level whenever any particular outfit, whether it be squad size, company size, or battalion size, swept into a village on a search and destroy mission and captured prisoners. Which means any Vietnamese hanging around the village, or any Vietnamese flushed out of the bush, if he wasn't shot first. And they had field torture techniques: determining who was going to go into the more refined tortures which involved somewhat the same type. In the field it was the use of dogs after tying a suspect, who was any particular villager, to a tree and let the dog start yapping at his face, snapping at him. Field phones were wired to genitals, to ears, to nose. Threatenings were done with the knife, dunking in wells, dunking in rivers and streams. And we could write of none of these and if you did write of these, they would be redlined. We could not write of recon-fire missions. As I said before I was reconnaissance qualified and jump qualified. So I was the only man in recon trusted to go out with them—the only reporter-photographer the recon trusted because I knew their business. And recon was a little bit different than what I'd been trained to do. Generally in Vietnam you would take a few helicopters, land in an area, move out on top of a hill and call in arty strikes or air-strikes in a particular given area. One particular time I watched a herd of elephants get hit by arty and several villages. Could never write of this. Could never write of how it was done and what the rationale for it was. Now this redlining of stories was a very complex thing. I was out in the field—way the ——— out in the field and I tried getting so far out that nobody from the division could find me. All they would ever see of me was stories I sent back. Whatever story I wrote would go to an NCO, the staff NCO, generally. I was an NCO at the time; that's a non-commissioned officer.

The story would go to a lifer who was called the Press Chief. The Press Chief would then make his cuts and additions. From the Press Chief it could go to the Section Chief and he would add or delete what he thought, then to the Information Officer himself, in the division, and he would do what he was going to do with it. Then it would be passed up to Da Nang for the Press Center at Da Nang for 3rd MAF. Third Marine Amphibious Forces Press Center in Da Nang. It would go through a whole battery of NCOs and officers up to a colonel before it was released to the press. And by the time it was released to the press, as I've said, it was hardly recognizable. Now I say this because ironically the Marine Corps gave me its top three writing awards for the year '66–'67, which was the first year of its Vietnamese Correspondent Awards. And I was rather bemused at the fact that I got the ——— things. However, when they discovered that I was a Benedict Arnold, discovered it officially, I guess, the next year I understand there was a caucus to try and take my awards away from me because I didn't deserve them. What we would do sometimes to counter all this thing that came down was to find a few trusted Fourth Estaters, civilian pressmen, or television crews, take them to places where we were not supposed to take them, or try to tip off, as I said, trusted civilian reporters. Because that was rather hot. Had a lot of rednecks in there and if you gave them some info, they would report it to your CO and you were on the carpet. Television crews the same way. Policy in the Marine Corps was that anything that happened to the Marines—if there was any blunder or any slaughter because of short-sightedness or any mistake that cost Marine Corps lives, any military blunder—it was to be hidden, not to be shown and if information did leak out, then it would be claimed as a great victory. In the meantime such things as My Lai would never be reported. If a village were destroyed, the body count could stand as is, but suddenly you would find that there was a great big action around it. You know, one ——— of a fire fight. Really, from my end, that's essentially all I have to report for censorship.

MODERATOR. Next will be Larry Craig who was with the 25th Infantry Division's 1st Brigade, as a Brigade level Information Specialist. Now in the army the information specialists begin at battalion level. There's supposed to be a brigade information specialist—that's an enlisted man who collects the news; an information officer for each brigade.

In reality, in Vietnam, anyway, the information officer was usually the commanding officer of the unit and the next stage up from battalion was brigade and this is where Larry worked. Larry, do you want to tell us a little bit about your experiences?

CRAIG. Yes. I was in Cu Chi, Vietnam during 1966 and 1967 and as Larry says, I've worked as a Public Information Office Specialist. And, generally, I think what I have to talk about is what I perceived my job to be there and what it actually turned out to be. It was an over-all cover-up of what was actually going on in the division operation.

During the time that I was there with the 25th Division every news release that came out of our information office—this was at Brigade level and at Headquarters level with the division—made it appear that we were really winning the war; that we were doing a fantastic job.

So while people like Dave with the ¾ Cavalry were out getting their tracks blown up by one or two Viet Cong, we would write stories about these glorious victories which didn't take place. And generally, what I saw, were how the figures were turned around on body counts. One particular time I was with the ¾ Cavalry where three of our men got killed.

Our men killed one young Vietnamese who was actually a prisoner at the time that he was killed, laying in the grass in front of us. We counted graves in an old cemetery that day so the story that came out of our office was 17 Viet Cong killed. What actually had happened was two or three Vietnamese had killed three of our men and if there had been a large force there, they left. But it was just contact with two or three.

But, over-all, this is what my job was: to go out on these missions where nothing happened except that we might kill a few civilians, if we found them, and pretend that we were really winning some battles when, actually, it was Americans being killed.

MODERATOR. Larry, you mentioned you had trouble sort of perceiving what your job was at first. Did you ever write what you consider to be a truly objective news story? In other words, one based on the facts?

CRAIG. To me there was never any question about anyone wanting me to write what I saw in the field. The job of our newspaper was to build morale in the field and as a public information office our job was to propaganize the American people.

And this is what we would do. We would write propaganda, and at times I would go to the field and write a story that was personally related to what we saw taking place, but what was actually happening was that our people were being killed as they alienated the Vietnamese people in the villages that we went through on search and destroy missions. That was never what we would write about.

One particular mission near Dau Tieng we lost, I think, about five men that day, but we happened to find some rice. Well, this was a big cache, fine. So we made it into a real victory. We didn't see the Vietnamese Communists who shot at us. They left. They killed several of our men and left. We found some rice.

Well, the story that I wrote, which is the kind of job that I had, was that we had a very successful mission. I didn't mention that the rice was marked, I think it was from Houston, Texas. This wasn't allowed. Any of the rice caches that we found was generally rice that had been diverted from Saigon to the Viet Cong. This is generally the kind of work that I did.

MODERATOR. You mentioned that there was never an question in your mind that that was policy. How did you come to the realization that that was the kind of thing you were supposed to do, the slanted story? I mean, did somebody say, "Larry, I hereby order you not to write a . . ."

CRAIG. Generally, it was more subtle than that. But one time in particular an order came down from division headquarters and I was at the Division Public Information Office when (I believe it was the information officer) a Major ——— told us that we had to write stories about cooperation between American Infantrymen and the ARVN, the South Vietnamese Infantrymen. Well, this was non-existent.

The ARVN in our area weren't respected; there was no good feelings between the American infantrymen and the South Vietnamese and yet this was an order that came down—that we were to make them look good in the way of cooperation.

One thing that I did see, I was walking with an American unit along a river. A South Vietnamese unit was operating on the other side of the river. One of their armored personnel carriers hit a mine. Probably two fellows at least got killed. Our side cheered. This was nice. We were happy for ARVNs having their track blown up. But the order that came down was that we were to write about how well we got along and how well the ARVNs were doing and how we cooperated with them.

MODERATOR. That order came from the division information officer, field grade officers, is that right?

CRAIG. He was a major, yes.

MODERATOR. Okay, then, the next person is Vernon Shible who was with the 25th Infantry Division and worked in the division information office underneath the aforementioned major. Vern.

SHIBLA. I was in Vietnam with the 25th from April '66 to April '67. And I mainly was a photographer for the division and I wrote a few stories, fabrications, or whatever you want to call them. Larry and I worked together in fact, thinking things up to make us look good. There's various things that we couldn't photograph such as flamethrowers burning villages, which we saw.

We couldn't photograph flenchette rounds or cannisters, which are tiny darts fired out of howitzers at point blank range when you come under attack by Vietnamese. In fact, there was a battle that was written up in *Time* magazine, but we won it; even *Time* magazine said we won it, so we must have—in which 900 Vietnamese were killed by the flenchett rounds which is totally against the Geneva convention. But then, it doesn't matter, I guess.

Another thing we couldn't photograph or write about was shotguns which are carried extensively in Vietnam because they seem to do a better job than the M–16. They don't jam as easy. We couldn't photograph Americans wounded. We couldn't photograph dead. We couldn't photograph civilians injured or dead.

On Operation Wahiwa during 1966, I think it was the end of May, we were in a place called the Ho Bo Woods, and we came under fire when we landed and that was suppressed. We were walking along and having recon by fire which means the first unit in the company fires indiscriminately in the treelines and hedgerows.

Well, we heard crying coming from a little house that had been partially destroyed by a previous aerial bombing mission from the airforce, and we snuck up on the house very carefully and there was a mother and a baby sitting inside. The mother was crying and the baby was sitting there with his intestines hanging out. One of our bullets had creased its stomach. And it wasn't crying or anything and the sergeant asked the interpreter, you know, to tell her that, well, it's her fault. She shouldn't be there because we dropped leaflets and told her to get out. It was only her country, you know. So, they did evacuate her, as far as I know, to a medical battalion. We couldn't photograph or write about that kind of thing.

There were battles, like the battle at Phu Hoa Dong where the 4/9 was just about annihilated which was never played up very big. There was a battle in Tay Ninh province, Operation Attleborough in which a general was relieved of duty on the spot by General Westmoreland. The General was named General ——— and we called him General Death for Sure. And he was relieved of duty for having his company almost wiped out. It was wiped out down to a Spec/4 level and a Spec/4 was given a silver star and . . . that kind of thing. But the general was relieved and nobody knew about it because he did such a bad job.

I've had photographs come back from MACOI which is Military Office of Information in Vietnam, censored, marked "not cleared for release" and what I got back was a photograph of two MPs carrying a Vietnamese prisoner and he had a sandbag over his head and he was not being harmed in any way. There was no harassment. He was in good physical shape. I don't know how he made it, but he sure did. And the note came back across the picture and it says, "Sorry Vern, we don't treat VC's this way."

So I guess they meant they treated them too good; I never understood it. But we couldn't release the picture. And I had a story killed that I wrote that was told about a Captain ———, who was killed by a mine while leading his company. There was nothing wrong with the story but we couldn't . . . nobody was killed over there, as far as Americans go. So we couldn't talk about him.

Craig. Larry, can I interject a comment about . . . ?

Moderator. Go right in.

Craig. Okay. One of the things that really disturbed me as an information specialist in the army was I realized what my job was and I knew that if I wanted to keep this job that was the only way I could do it—write the kind of stories that the army wanted. I worked for a major and I'd write his kind of propaganda. It was the only way to do it. But, I, at that time, was under the impression that America had some sort of a free press and occasionally would attempt to talk to some of the representatives of the press from the States.

One time in particular, I was especially disturbed. This was on April 10, 1967. Three men from our office were killed during an attack. It was an incoming mortar round on the division headquarters. So three of our friends were killed. Vern was in the bunker with the three fellows who were killed when the round came in and it went right into the bunker. His first comment on coming out of the bunker . . . he was the first one out . . . was "that (b———) Johnson," that's what he had to say. This was the feeling in our office at that time. April 10, 1967. Three of our friends were killed. We were disgusted with Johnson, with the US policy there. This was the office feeling, and this was, to me, a story.

Well, the next day I had the job of bringing news releases from division headquarters into Saigon and distributing them. I went to CBS and told them what had happened and how we wanted to tell about what we felt that day. And how we were so disgusted with the war. These were GIs on duty in a war zone who wanted to tell how they felt. We were disgusted. We wanted to protest. We couldn't through the military. We tried through CBS. Mike Wallace from CBS came out with me on a helicopter. All he wanted to do was a sensational story about no top on the bunker.

Vern and I and others were ready to tell him what we felt about the war and who we were disgusted with. Why we were unhappy with our friends being killed. No hard feelings towards the communists from that group. It was their mortar that did it, but, as far as we were concerned, the fault was with the US. But the press at that time was not interested. That wasn't their kind of story.

So what CBS wanted was a little sensationalism about no top on the bunker and we were pleading with them to tell the story about how we actually felt, protesting the war. But it wasn't wanted.

Shibla. Most, most of the press over there, is over there for the same reasons that the generals and lifers are over there. It's not to report the news so much as to further their own careers. And that's what it's all about.

Craig. Another story I wrote was regarding an outfit that Dave was with. It was called McCormick's Raiders. This was with the ¾ Cavalry and a group got together—typists and clerks from the headquarters of the company, the ¾ Cavalry—who wanted to go out on some combat. Well, they didn't do anything. Maybe Dave should mention a little bit about what they did. But this is something that the media picked up. It was a funny story. McCormick's Raiders and it meant nothing. Well . . . a TV crew came out and did a big thing on it. *Readers Digest* picked it up. They wrote about this group. It was nothing. It had nothing to do with the war. This is what the press in Saigon was looking for.

Moderator. Dave, would you just give us a little bit of a rundown on McCormicks Fearsome Raiders?

Chiles. Yeah. This is more like McHale's Army, I guess. These were a . . . this was the most . . . this was the sorriest group I ever saw of people. Well, there were about 20 of them, ranging from cooks, clerks, mechanics and they decided they were going to start going out on operations. And they wouldn't let them go out more than about 100 yards from base camp; they didn't want anything really to happen to them because they couldn't take care of themselves.

So all of a sudden they took up on the story and built it up. How they had been stopping supply routes at night and everything. And the guy from *Readers Digest* comes out and does a fabulous story about these great Americans who have such a secure job.

And a film company comes out and wants to do a little film of it. So, at the most we took them a hundred meters from base camp cause these people didn't want to go too far anyhow and they were throwing hand grenades and it sounded like a real war was going out there and this guy was, you know, taking all kinds of pictures and was crouched down and talking real soft, like, you know, like it was really a big thing. In reality, if they wanted to go, they should have gone in the Iron Triangle with us instead of 100 yards from base camp, if they wanted to see the war.

Craig. We'd write about the funny things and pretend it was a big party over there. This was our job: keep up moral. And yet, this is what the civilian press from Saigon would pick up on. This was the kind of stuff they liked. Just the happy times.

Shibla. Well, the civilian press never got out of Saigon, let alone anyplace else.

McCusker. They got to Da Nang.

Shibla. Yeah, that's another nice place.

Keys. I'd like to put in right here that this operation, Operation Attleboro, or General ——— was relieved, is the one where we escorted the trucks back that the lieutenant said were filled with American dead.

Moderator. Alex Primm is the next man on the panel here. He was an information specialist with the Headquarters of the 1st Logistical Command at, I believe, at Long Binh, is that right?

Primm. That's right Larry.

Moderator. Why don't you go ahead and tell us a little bit about your experience as an Information Specialist in the Information Headquarters?

Primm. I was assigned to the headquarters of the first logistical command which handles the supplies throughout Vietnam. I was there from September, 1968 to June, 1969. The set up in 1st Logs is pretty much the same as the 25th Division. We had information specialists and an information officer. It was a little different in the sense that we had four support commands located throughout Vietnam and one headquarters at Long Binh.

The way it worked, we received stories that came from the smaller, the support command information officers, and then with these stories we'd rewrite them and then mail them directly, after being cleared, to stateside newspapers—the ones you read here—and the military newspapers, the *Stars and Stripes,* as well as the unit newspapers in Vietnam. I was the editor of our newspaper. I also did rewriting and I was also a correspondent in the field.

There's one incident that will give the idea of the way the army, or at least the way our unit, handles the news. One time we received a story from our Qui Nhon branch, which is a town about in the middle of Vietnam. This was a story about an army repair team that worked on portable pipelines for oil. The tankers would dock along the coast and then the oil would be piped off the ships and about five miles inland are helicopter bases.

The real problem with these portable pipelines, they could be taken apart easily and they were often sabotaged. 1st Log had a pipeline repair team whose job it was to find out, when a break occurred, what had caused the break and what they could do about it. They would go out and they didn't know if it was just a Vietnamese mama-san who had taken apart the pipes to get a little oil, or if it was a Viet Cong sabotage team. It could be either. And these guys ran into a lot of bad stuff.

Unlike most units of 1st Log, this unit had quite a few guys killed and wounded. They'd also won a number of decorations which was unusual for a logistics unit. So, it was a good unit to do a story about. And the story came to us about this team, what their job was as I have described it to you and the number of decorations it won. I was told to shorten the story down. I shortened it and played up the fact that these guys had won a number of decorations which is unusual for our unit. I turned it in to our information officer. He gave it back to me and said, "Delete the fact that these guys won awards for heroism. Delete the fact that there have been men killed and delete the fact that there had been wounded."

So the story that I had to turn out was what a great job these guys had done and it made them sound like a bunch of John Wayne heroes, when in actuality, they were having a very tough time. This is the way the information office sometimes works.

Moderator. While you were with the 1st Log Command, how did you get the information? I mean, how was it conveyed to you that your job was not to tell, you know, to do straight reporting? How did you come by that?

Primm. Well, the reporter doesn't work like a reporter does in the United States for a civilian newspaper. He's given assignments. He doesn't go out and look for them himself. He doesn't have a beat. He's told by an officer what to cover. That's the main way we're told what to do. The information, the stories we write about, aren't news as such. We had to write, sometimes I thought, very trivial stories.

One time I was assigned to do a story on state flags, and find out how guys were displaying their state flags. I went to some units—some of these truck convoys where guys were getting up at four in the morning, driving oil tankers out to the 25th Infantry Division, coming back at eleven at night after having been ambushed often—and asked these guys if they had any state flags. They thought it was just absurd.

Here they were, constantly being shot at, and this stuff wasn't getting in the newspapers. We had to write things for troop morale. It was very rarely did we write anything . . . well we actually never wrote things that were news and I'm afraid often this information was typed up and given in press releases to the civilian press. And not too often did they come digging for the real stories.

Moderator. Well, we've heard a lot about the information officer with the red pencil and that was me. Before I begin my rap here I want to make just a couple of points. One is that just a little while ago during part of the press censorship testimony a film crew from the local television station, which was sitting in the front row, got up and left without. . . . What? It was CBS Network TV. They didn't shoot any pictures of press censorship, which is a form of censorship, I guess.

Shibla. Mike Wallace works for CBS.

Rottmann. Many times since I've been back, I've been working with veterans groups—speaking. Many times I've been asked, when I talked to groups, "Please hold down the obscenities." And on Sunday night one of the psychiatrists on the panel here expressed some concern about the legitimacy of the hearings because his wife had complained to him about somebody saying ———. You know, I can't relate to that at all.

When you talk about an experience, you relate that experience in the terms of the language of that experience. If you're talking about the street, you use street language. If you're talking about war, you use war language. There is a war language. It's a very deliberately contrived language which allows you to express yourself using a minimum of the English language.

There's a lot of talk nowadays, you know, about war. War is on everybody's lips. The word war. Parents, grandparents, anywhere you go. At a cocktail party. Anywhere you go, it's war this, it's war that. Even the little kids, you know, are hip to the war. They know something's going on and they talk about war. So war is used a lot. And nobody seems to mind. This is what I want to say. If there's anybody in this room who thinks that the word ——— is more obscene than the word "war", you know, then you're more obscene than the word ———.

As I said, I was the red pencil. These other guys are out in the field getting shot at, getting the news, taking pictures. When it came to me, I took out my red pencil and I went to work.

Now as an information officer, I was given a set of orders. These orders were stated either verbally or in writing from officials of the Information Offices in Saigon.

There are three: MACOI (Military Advisory Command Office of Information), MACV (Military Advisory Command, Vietnam) and JUSPAO, which is the Joint United States Public Affairs Office which is attached to the U.S. Embassy. Military censorship concerning matters of military nature usually came from MACOI, MACV or my division chief of staff. Matters concerning foreign policy or over-all military planning and activity or special forces or CIA activities, fell under the jurisdiction of JUSPAO or the Embassy.

The following is just a partial list of things that I was to red pencil, and I did. You'll recognize some of these from the previous testimony.

Effectiveness, ineffectiveness or mistakes of the ARVN army.

Handling, processing, interrogation or treatment of prisoners of war.

Use of shotguns.

Use of flamethrowers or flamethrowers tracks.

Use of lethal, non-lethal gas or gas dispensing methods or gas masks.

Female VC.

Very Young VC.

Huey Cobra helicopters.

Information on the size, accuracy and range or effects of the enemy 122 M.M. rocket.

M–16 rifle malfunctions or deficiencies.

Extent of damage and number of US casualties from any enemy attack.

Any story concerning enemy tenacity, courage, or ingenuity.

Marriage of US personnel and Vietnamese nationals.

US soldiers use of pot or drugs.

Conditions of US military stockades.

Anything about the CIA or CIA sponsored activities.

Project Phoenix.

Air America.

Anything about US activities in Cambodia or Laos.

B–52 or other bombing errors.

Burning, bull-dozing, destruction of Vietnamese hamlets.

Anything about troop morale, pro or con.

Information about captured enemy material of US manufacture.

The NLF.

Napalm.

Enemy armor or helicopters.

Plus anything else that Saigon felt might be detrimental to US causes.

Now, I'll run through the list very lightly and just give you some specific examples. Handling, processing and interrogation of prisoners of war: although there was a POW compound in Cu Chi, standard division policy was to deny its existence, to refuse to take anybody—newsmen or civilians—to the area where it was located and we, ourselves, were denied access to that compound.

In Vernon's testimony just a few minutes ago, he mentioned the photograph taken by the 25th Infantry Division (taken by himself, for the 25th Infantry Division) of two MPs carrying a Vietnamese suspect (captive, we don't know) who'd been bound and had a sandbag tied over his head. He said it came back stamped "not cleared for release, per MACOL." Here is a xeroxed copy of that photograph. I'm sorry if you in the back can't see it. It's just a photograph. It shows the two MPs carrying the man. Right across the front is stamped "not cleared for release, per MACOL." Stories about female VC, were sometimes cleared and sometimes not.

If the story emphasized the bravery or determination of women guerrillas, it was, of course, killed. If, on the other hand, it made a point of how VC were hurting so bad from US presence that they were forced to recruit women (who supposedly were not as good fighters), the story would pass.

This policy was never well defined, but as a general rule, VC women stories were not to be used. I submitted a story about a woman VC. I'll read you just a bit of the story. It's about an ambushed US unit. "Sweeping the ambush site, the GIs found that two of the dead guerrillas were packing automatic weapons but their real surprise was the enemy point man, who was actually a point girl. She was leading the VC when the ambush was sprung and died with a 45 caliber pistol in her hand. This clash was but one of several in recent weeks which involved female VC.

"In one case, a US patrol was attacked by a guerrilla unit led by a sub-machine gun toting girl who one US soldier described as 'very attractive, but a bad shot.'" Across the bottom of this press release it says, "not cleared for release, MACOI. This is a xeroxed copy of it. Attached to that is a censor sheet from the US Infantry Information Office, United States Army of Vietnam, signed by ——— ———, Chief of the Clearance Branch, PID, and it says "Remarks: Not cleared for release per MACOI."

On occasions, in isolated cases, stories of US killing women has been cleared. But any such story draws a bad light on our forces. A girl killed in an ambush at night doesn't help our image. Agreed, she may be dangerous, but the press always doesn't see it that way." Here's a copy of that right here. I'll be glad to show this to anybody after the testimony. Very young VC: general policy here was the same as with VC women. That is, stories emphasizing the courage of young VC were not to be released.

Or stories indicating that US pressure was forcing the enemy in such dire straits as to recruit young VC. This, on occasion would be cleared. As I said, though, the policy was ambivalent and was never consistent. Here is a picture of a VC who was known to have killed at least five US soldiers. He's 11 years-old. Story and photo not cleared for release. Photo was taken by an information specialist. The boy was captured. (I'll answer questions later.) These are xeroxes. I'm sorry, for obvious reasons, I don't carry the originals with me.

Information on the size, accuracy or range of the effects of enemy 122mm rockets. During the offensive (Tet offensive) in 1968, the VC began using Chinese built 122mm rockets to bombard US bases in position.

GIs were intimidated by the rocket's long range and terrific power. In February, 1968, I submitted a story and a photo of the first intact rocket to be captured by the 25th Division, which is also, as far as we knew, the first rocket ever found in Vietnam. MACV killed the story, and instead, sent a team out to take the rocket back to Saigon "for examination" and here's the photo that accompanied the story. It shows a GI standing with the rocket beside him, and I'm sorry if you can't see it, but the rocket is about a foot taller than he is and bigger around than his neck. M–16s malfunctions and deficiencies: in 1967 rumors of numerous M–16 malfunctions were getting back to the Congress. US Representative Richard Eichord, my representative, launched an investigation of the army's much ballyhooed rifle, even sending a team of experts to Vietnam to question GIs. MACV told all information officers, prior to my arrival, that the M–16 was not a topic of discussion. Newsmen were not to question soldiers about the weapon and no stories about the rifle jamming or malfunctioning were to be written. This was done despite the fact that many GIs hated the M–16, felt they couldn't trust it, and until an order stopped the procedure, many carried other weapons instead. Carbines, 45s, greaseguns, etc. At the same time, the army launched an all-out propaganda campaign to make GIs in Vietnam more confident in the M–16. Special classes were held on the weapon. New cleaning procedures were instituted. New lubricating materials were introduced (due in large part to GI pressure) from the use of a commercial lubricant called Dri Slide here in the States. And a whole campaign was initiated to instill the American soldier with confidence in a weapon that he basically mistrusted.

Marriage of US personnel and Vietnamese: it was specific MACV and MACOI and JUSPAO policy that nothing ever be said about American and Vietnamese marriages. I never saw any official written statement on this policy, but it was general knowledge that mixed marriages would be discouraged in every way possible, including the withholding of the information for making the necessary arrangements. GIs would frequently ask us in the information office what the procedures were, since we were information officers. It took me two months to get a clear statement of the procedure from MACV for publication. I have a copy of that here. I won't read it. I'll only read the headline. It said, "Minimum of three months required to marry alien."

In Vietnam, this was the story written. There's an interesting point here. The process takes at least three months. If a GI applied to his CO, and filled out the necessary paper work, the CO, more likely than not, would hold the application until the GI had less than three months to go and would then forward it to the necessary headquarters. This put the GI, who was really in love with the Vietnamese girl, in a sort of a situation. He could either give up the marriage or he could extend for six months. Spend six more months killing Vietnamese, in order to marry a Vietnamese girl. I think you'll agree that's a truly untenable position.

Anything about CIA, CIA sponsored activities or Air America: although the headquarters for a large 5th Special Forces Group was located in our area of operation at Tay Ninh and Nui Ba Den (which Ron, on the end of table, talked about) Nui Ba Den being one of the staging points for the mercenaries' snatch teams and hatchet teams, our Information Division Office was forbidden by JUSPAO directive from publicizing or discussing any Special Forces operations or policies. I was ordered that my response to all inquiries—information of this nature—was "no comment."

Anything about US activities in Cambodia or Laos: Just one instance. The second week of January, 1968, elements of the 25th Infantry Division's 1st Brigade (this is January, 1968, during Operation Yellow Stone) crossed the Cambodian Border and conducted an air assault on objective area near the Cambodian village of Ke Pang Long. This is about six klicks or kilometers inside the Cambodian border. 4th Battalion, 9th Infantry conducted a helicopter assault on this area and along adjacent Cambodian Highway 22. Rumors of this operation did get to Saigon. Newsmen flew out to our office and by order of my division chief of staff, I didn't know "nothin about nothin."

Special Forces Groups were operating, as I said, out of Tay Ninh and Nui Ba Den as Ron mentioned, conducting extensive operations, the training and arming of Chinese Nationals or Nungs and Cambodian Mercenaries inside Cambodia. Regular US Army troops would frequently encounter groups of these Mercenaries crossing back and forth over the Cambodian border. They had special IDs which identified them and told anybody who came in contact with them they were not to be bothered. By order of JUSPAO, that's Joint United States Public Affairs Office which is attached to the Embassy staff in Saigon, the very existence of these clandestine groups was denied.

I have here, it's very hard to see, and again I apologize, a photo of a Cambodian mercenary force on a training mission inside Cambodia. According to official MACV and MACOI policy, there is no NLF (National Liberation Front).

Anything about enemy armor or helicopters: by MACV, MACOI and JUSPAO directive, the enemy armored cars, armored personnel carriers and tanks, which were frequently sighted along the Cambodian border in War Zone C, did not exist. The same thing went for enemy helicopters which were based in Cambodia. Rumor had it that they were used as command and control ships by COSVN, Central Office of South Vietnam, and they often carried North Vietnamese and Red Chinese advisers. For this reason, US forces were under orders not to fire on these helicopters when they were sighted. This is an interesting ambiguity, in other words—although they didn't exist—if you saw one, don't shoot at it. 25th Infantry Division helicopter crews relished the idea, of course, of bringing down a VC chopper and at least on one occasion they chased one into Cambodia, flying above it and throwing ammo cases and tools at it, trying to bring it down without firing on it.

Anything else that the Army felt might be detrimental to the best interests of the Army (was redlined). I'll just give you a few small examples. One is a water hole sharing story. Shortly after my arrival in Vietnam I did a story about Nui Ba Den or Black Virgin Mountain, in which I mentioned that US and VC forces shared a common water source, the only spring on the mountain.

Anticipating no problem of release, I used the story before complete clearance procedures had been gone through. The story appeared in the Division newspaper and in our magazine and in the St. Louis Post Dispatch, to whom I sent a copy. I was severely reprimanded from the Division Chief of Staff and MACV officials for letting it be known that the US might in anyway cooperate with the VC, like sharing a water hole. I have a lot more but we are running out of time, I just want to do one more thing. Harassment, intimidation and prosecution of GIs who tried to tell their stories: it involves myself and all the members of the panel. As both Information Specialists and soldiers we received frequent threats, written and verbal, in response to attempts to tell the truth.

I have something here I want to show you—a USARV information directive entitled the *Colonel's Colonels,* datelined Information Office Headquarters, US Army, Republic of Vietnam, December, 1967. It says, and I quote, "There are a few military information officers who are out here who are not playing on the team. On occasion these guys have down-graded one or another of the programs of the US which the US is trying so hard to make work in Vietnam.

And these information officers have done their sounding off to the press. Even though we are not thinking disloyal thoughts, out of our mouths tumble disloyal words. To argue your case in the press is not to show the courage of your convictions. It's a betrayal of a trust; it's disloyal to your country." Right here, folks. To ferret out these disloyal information officers, myself included, MACOI sent out Army spies armed with fake press cards to act as reporters.

These guys would show up at our division and say, "Hi, I'm Joe Jones with the New York Times. What do you know that you can't tell me?" This procedure was followed many times, but it got to the point where we knew, generally we thought we knew, who were reporters and who were not. Also MACV and USARV Command Information channels directed a constant barrage of intimidating and threatening instructions at the regular GI in the field about what he could and could not say about the war. Directives made it plain that the Army could and would take all possible action against the GIs who told their own story, even after they were out.

From the *Tropic Lighting News,* 25th Infantry Division, we have a story from MACV called "Writing for Stateside Use? Get your Story Cleared First." It goes on at some length about how you may be asked to write for a civilian newspaper or speak before groups and it says, "basically the thing to remember is all material on military subjects, articles, stories, newspaper columns, essays, drawings and photographs must be cleared by Army authorities before you show it to anyone for publication.

The rule has been made because many Army interests involve military security or matters of national interest, and of course no soldier wants to help the enemy. Battlefield photographs are particularly sensitive because the enemy can convert them to use in propaganda. Why this has actually happened! Incidently this same rule applies to speeches you may have prepared for delivery after you are released.

When you write or speak, concern yourself with matters about which you have only personal knowledge or for which you are responsible. It's just common sense to avoid getting into any matters involving our country's foreign policy." It's a directive from MACV. You can come up and read it yourself.

McCusker. Can I make a comment, Larry, on——

Rottmann. Yeah. Stick it right in there.

McCusker. There is a young Marine, I forgot his name, (he wasn't even involved with informational services), but he got fed up one day, so he wrote a story and sent it to his hometown paper. The paper published it. And CID came down on this kid hard and he was held incommunicado for about three weeks around the base area then shipped off to Da Nang for court martial. I don't know what happened to him. No one seems to have seen or heard of him. It's the same with the young Army newscaster in Saigon, ——— ———, who last year, in January, said that the Army was suppressing news.

They immediately made him a chaplain's assistant and busted him and nobody can find him anymore. I'd also like to relate to marriage to Vietnamese. I was engaged to a Vietnamese girl. She was finally killed which made everyone rather happy, I would imagine. The chaplain . . . ah, you go into so much harassment once you do this, once you try to take out these papers.

You meet cold stares, people shuffle you back and forth, it takes you almost a month before they start to make these papers. Now Larry said it was three months, the Marine Corps told me that it'd be at least six months and I had about four months to do in the Nam—I had about five months, I guess. Chaplains would come and tell me that God did not want me to marry inferiors. Expressed a little differently of course, but that's how it came out.

Officers, staff NCO's, I was visited by them regularly, and essentially it came down to the fact that the military didn't want to pollute the white American blood stream with anymore Asian blood than it is already polluted. Again the remarks were a little bit more sophisticated than that, but that is essentially how it came out.

Rottmann (to the audience). I heard a lot of groans when you heard what the Chaplain had told him. At the 173rd Assault Helicopter Company, 25th Infantry Division, Cu Chi, there is a chaplain who prays for the souls of the enemy on Sunday morning and earns flight pay as a door gunner on a helicopter during the rest of the week. This kind of threat that I was talking about, which I mentioned, speeches and everything, this extends also to your mail, to your letters.

While I was in Vietnam, I sent what I called a holiday message from 1st Lieutenant Larry Rottmann. On it there's a small picture of a black medic, a white medic, and a Vietnamese treating a wounded Vietnamese. And there's a little small thing beside it which is a quote from honorably discharged General William Tecumseh Sherman saying, "I am sick and tired of war. Its glory is all moonshine. It is only those who have never fired a shot nor heard the shrieks and groans of the wounded who cry aloud for blood, more vengeance, more desolation, and destruction. War is cruel and you cannot refine it. War is hell." That quote was taken from the Army Digest, a Department of Defense publication.

For sending that card, I was court-martialed. I'll read you the charges. "This is to inform you that action is being taken by this headquarters to determine your fitness for retention as a reserve officer in the United States Army. Your record indicates that in December '67 you printed and distributed at government expense (the 'at government expense' was—I wrote 'free' on my envelope, which we are allowed to do, so I didn't put a stamp on it. That's the government expense: they paid the postage for the card and they're upset.) A Christmas card depicting a seriously wounded soldier receiving plasma, etc., etc."

This court-martial was finally held last fall at Boston Army Base. I was represented by the ACLU (American Civil Liberties Union) resulting in the dropping of all charges and specifications. This is just to point out to you that they will do that. They pursued me for sending that Christmas card taken from the Army Digest; they pursued me, and spent, I guess, a million dollars, for three years across the country until they finally actually held the court-martial and it was thrown out. That's just to show that they do mean business.

Many people ask us, right, why we haven't spoken up before and I think we have given you the reason. We are ordered not to speak up and if you do speak up, action will be taken against you—sometimes very serious and very harsh action. There is another question in many peoples' minds here. They say, "Well, why do you talk now? Why do you come here and tell us these things that happened two, three, maybe four, five years ago? What is your motivation behind it? You want to get on the boob tube? You're on some kind of an ego trip? You know, why are you here?"

I'm here, speaking personally, because I can not be here. I'm here because, like, I have nightmares about things that happened to me and my friends. I'm here because my conscience will not let me forget what I want to forget. I didn't want to talk about it when I first got back, you know, I didn't want to talk about it at all. I didn't watch Cronkite.

I went fishing a lot and changed socks two or three times a day and slept on beds and ate cheese-burgers. But after a while, it gets to the point where you have to talk to somebody and when I tried to talk to somebody, even my parents, they didn't want to hear it. They didn't want to know. And that made me realize that no matter how painful it was for me I had to tell them. I mean, they had to know. The fact that they didn't want to know, told me they had to know.

So I'm here, not a member of any political group, not as a member of any lobbying group, I'm just here as myself, you know, saying to other people, to other human beings, something that I just have to say. And if you think it's just clearing my conscience, some kind of therapy, you can think what you want. But I got to say it. I'm going to ring off.

I have one little thing I want to read; it's sort of a poem; it's not because I'm a real great poet that I want to read it. But I spent some time getting the fewest possible words to say what I wanted to say.

I was that tiny premature baby
born Christmas, 1942 at St. Mary's Hospital.
Remember how you all said I'd never make it?
Then there was the time when I read from the Bible
When the minister got sick, just before his sermon.
Remember how you all said
"Hey, you ought to consider the ministery!"
How about the last second basket I made
That beat Perryville and took us to the State Tournament?
Remember how you all cheered and said I'd make the pros someday?
And when I was chosen the best actor in the college public speaking contest
Remember how proud you were?
You slapped my back and shook my hand.
Then came Basic Training
and Advanced Infantry Training
and the Infantry Officers Candidate School.
Remember how impressed you all were that I became an Officer?
And then Vietnam, where I did my job.
I got a Bronze Star, a Purple Heart, and an Honorable Discharge.
Remember how proud you were when I came home?
But now, I ask why I had to shoot those little people?
When I question the policies and the decisions and the people that made me a killer
When I ask you why you never asked why
You treat me like a stranger.
Hey! Remember me?

McCusker. I'd like to make an addition to that. Like, I didn't know Larry in Vietnam, but I met him in Chicago and we both got gassed together. A lot of us have been doing this for years. Larry has in his hands something I wrote in '67 just after I got out of the service. I was thrown out of Japan for things I was doing within it. We've been saying it for a long, long time, but only now, only in the last few months, have people started to listen. So it's not the matter of waiting so long to say it. It's a matter of people waiting a ——— of a long time to listen.

Question from the Audience: Mr. Rottmann, do you have any testimony about the body counts, official MACV policy?

Rottmann: Yeah, I do. One of the things that I did as an Information Officer was at the end of each day I turned in a thing called a Sit-Rep—a Situation Report. In this report I gave a sort of a rundown of the total division activities of the day, including the number of VC body count. Now, during my tour, there was a standing policy in MACV that VC losses for any given week for the entire campaign in Vietnam were not to fall below 2000.

Now, it sometimes was kind of hard because if you reported negative contact for a day, in other words, you never saw an enemy and an enemy never saw you, it's kinda hard to come up with your daily allotment of bodies. I have been called back and ordered to dig up bodies and I have asked units to dig up bodies which they rightly interpreted as finding themselves a graveyard or someplace where they put some bodies before or someplace where they happened to know there were some bodies or some water buffaloes or some children or some elephants.

Bodies are bodies. VC bodies are VC bodies and we never fell below our quota and my division was in a constant race. My division commander had a bet with the division commander of the 1st Infantry Division that during the first three months of 1968 our body count would be higher than his body count.

Now, it turned out that it was a tie, believe it or not, but our body count was higher than his body count, if you count the number of GIs killed. Anybody here on the panel can talk about that body count business.

Moderator. Question here.

Question from the Audience: Yeah, during the past few days, we've heard people give testimony to the fact of increasing the body count by digging up graves. Why was it so necessary to go through the actual effort of digging up graves? Why was not simply the number increased? I mean, why? Because when you dig up graves, you already knew the hoax involved. Why could it not just simply be done by words?

Rottmann. It was done in both fashions. It was done much more frequently just by inflating it artificially. Audience? Would you repeat the question? I'm sorry. The question was, "There's a lot of talk about digging up graves for bodies. Why didn't they just add on, double the number you had, and not go to the trouble of finding more bodies?"

It has to do with the chain of command and the fact that things get out of hand. If there's an order comes down to dig up bodies, eventually somebody is going to go out and dig up a body. It's inevitable. As it gets down to the lowest level, a sergeants going to call in some Pfc. and say, "Hey, listen, go out and dig me up some bodies for the morning report!" He does it!

Craig. One actual instance that I was in on. We had a body count of 17 and it was a matter of digging up graves. The idea was to dig up a grave and verify that this particular Vietnamese had been killed in that action and had been hastily buried as the Viet Cong left. But, what we actually did was dug in one grave; it looked very old in this case, it was just an old graveyard. The fellow digging got tired of digging so we didn't even get down to any skeletons but we counted all the graves in the old graveyard. So as far as the report that went to Division Headquarters, we had uncovered graves that were new.

Audience voice. I'd like to ask the question if the black GIs in Vietnam were treated to the degrees of harassment that the white GIs were treated when they were trying to marry Vietnamese girls, and also the type of treatment that the black GIs got in regards to the racial tension between the white GIs and the blacks in Vietnam.

McCusker. I was kicked out of Japan for this. Regarding the marriage of Asian girls was equal for black and white. They got the same harassment. The black man might have gotten a ——— of a lot more harassment, but that was probably essentially because he was black and had to add his portion of harassment to the fact he was going to marry an Asian girl, woman. Actually, the one I was going to marry, was a girl. She was seventeen, US, eighteen, Vietnamese. But, in Japan during the time, well, you're all familiar with it.

During the time of the Detroit uprising in the summer of '67, I was in Japan. Now, overseas, blacks and whites segregate themselves into different sections of town. Each has its own little entertainment area and there's a line and neither crosses each of those lines. Iwakuni had the same thing.

Because of Detroit and the tensions of the summer Stateside, most of the blacks and whites on the base at Iwakuni believed it was inevitable that it was going to explode there. And I went and talked to a ——— of a lot of people. I was the base editor of the newspaper and I talked to both blacks and whites, about, I don't know how many, maybe 200, I'm not sure.

And I wrote an editorial which the colonel gave me direct orders not to publish but which I did publish anyway, resulting in 10 MPs taking me to an airplane. However, what I understand is, that it helped quell what was going to happen because my premise was that no matter what was going to happen, between the blacks and the whites, the Japanese in the country were going to be the ones that suffered the most.

They were going to be caught in the crossfire. And so, I rather angrily pointed that out. And, from what I gather there was no riot. I don't know about the racial tension in Iwakuni right now, but I'm willing to bet it's essentially the same.

Riding on an airplane here I talked with a little woman Marine, Pfc., and she was telling me about Pendleton (Camp Pendleton, California). She was telling me how hot it is at Pendleton, racially, between blacks and whites. No one walks alone on that base.

They walk in packs. Blacks and whites! The tension is so high it's ready to explode—so you can take it from there.

Question from the Audience. What was the attitude towards civilians and people in the United States who were getting this misleading information about the state of the war? Did you feel contempt for them being so stupid believing it or what?

Craig. At that time it was a rather frustrating experience. You just couldn't fight *Readers Digest*. People read it and believed it.

PRIMM. I felt angry at the press, at the civilian press for not sending out reporters who would really go after the facts. It seemed that the civilian reporters were very docile and would accept what the army told them. I was angry and I still am and I don't think the war has been reported accurately.

ROTTMAN. I want to say just one thing, okay? This thing still continues. I mean, maybe most of us in this room have an understanding of it, but the lady who runs the cigar stand downstairs, all she knows about what's going on up here is what she read in the *Detroit News*, which said that (now, I'm just telling you what she told me) we were alleged veterans, you know, and that we were just phonies. And she's like where it's at, I think, into a large majority of this country because she said, "Look, I don't want to listen to you 'cause you're a Commie." I said, "how do you know?" She said, "I read it in the *News*." That's what she told me.

QUESTION FROM THE AUDIENCE. It's a point of fact for most of the people in here that the military information service has distorted the news. However, some pretty serious indictments about the civilian press have been made today and I would like to ask if any of the gentlemen of the press, or ladies of the press, sitting in the front, would dare, or care to, respond to the charges of the prostitution of their profession.

AUDIENCE PRESS MEMBER. I was in Vietnam as a civilian reporter and I'd like to know if I could testify to some of the reasons why the civilian press has been brought up.

MODERATOR. Sure, come on up. Would you care to give your name?

PRESS MEMBER. I will, man. My name is Lee Elbinger and I was in Vietnam for the month of December of 1967. I was representing *Michigan State University News* and I had accreditation with MACV. Now, I would like to explain something about what it was like to be a civilian reporter in Vietnam. I would like to corroborate much of what these gentlemen have said and to elaborate upon it. I noticed one thing when I first got to Vietnam as a reporter. I noticed that the first thing the army tried to do was to buy you off and I got a little list of things that they do to buy you off. First they take you to JUSPAO and they give you a briefing and big manual about what you're supposed to do, etc., as a reporter.

Now, if you're a reporter from the United States, or if you have ARVN accreditation, which I also had, which allowed me to go to the ARVN press briefings, you're treated better than the third country nationals. The third country nationals are anyone in that country who is not United States or Vietnamese. And, they don't get these privileges. Some of the privileges are: access to the officer's open mess in Saigon on top of the Rex Hotel. Let me tell you a little bit about what it's like to go up to the Officer's open mess up there; and this is where all the reporters sit around and get drunk with all the officers. There's 20 slot machines up there; there's a swimming pool; there's a bar and a rock band which goes continually; and every Sunday night they have a $2.00 steak dinner while the people in the streets are starving and these people are up there just swimming around and getting drunk, and eating steak. Now, when I got there, I was told that I could send and receive mail with postage rights from APO San Francisco, which I never did because I didn't really trust them. I was given PX rights. I was allowed to go into the PX and buy any item up to the value of $10.000. I was given my MACV press accreditation which allowed me to fly free on any military airplanes, and we could bump off up to 15 GIs. In other words, the press had priority. They came right after the officers, I guess. I was given a beer ration card, a liquor ration card, and a tobacco ration card, which could be used at the PX. None of which I ever used. The reason reporters never left Saigon, was because Saigon was the only place in the country that was really very much like America and it was very comfortable just to sit there and to go to the 4:15. Every day at JUSPAO they had these press conferences at 4:15. We called them the 4:15 Follies, and a friend of mine, a Danish correspondent, told me that the Swedish television crew came one day, filmed the entire 45 minute press conference, and showed it on Swedish television as a comedy. I did take advantage of my free flights around the country. I got to Na Trang, I got to Da Nang, and I was in Hue one month before it was destroyed. I was in the press camp in Na Trang and Da Nang, and you were allowed to stay there for $3.00 a night. It had a bar, and it had hot showers in it, which was, you know, really beautiful compared to what the men were getting there. You were supplied with an interpreter and a chauffeured jeep, but I had a little bit of trouble because everytime I got in there they started finding out what I was doing and in this case I went to Na Trang twice to investigate a Special Forces Captain who murdered his interpreter.

As soon as I got out there, they started finding out what I was doing, suddenly a lot of those privileges which I was supposed to have, were mysteriously cut off. Speaking on the issue of censorship, when I got out to the Special Forces camp, outside of Nha Trang, I think it was the 5th Special Forces, I got out there and I had a tape recorder with me. I had a whole list of questions from some people in Saigon to ask the father of the (Vietnamese) interpreter who was killed—given half a helicopter ride as they call it. He was killed by his Captain because apparently there was a squabble; somebody said he was stealing something. But, the point of it is, I wanted to interview one of the key witnesses, who I was told both in Nha Trang and in Saigon, could speak English. I got to the Special Forces camp and when they found out that I wanted to talk to this man (I knew he was there because they said he was there) they would not allow me to speak to him. They told me he was a truck driver and he didn't speak English and I didn't want to see him. What they did instead was they piled me into a jeep and they took me over to this place where they were displaying all these dead bodies and I was told that these were VC that had been shot the night before. There were two rows of five each of the dead bodies of some Vietnamese people; young girls, old men and young men as well. And I was told that it was official policy (not of our government, I suppose, but of the ARVN forces) to line these bodies up and to leave them there for one full day. I guess it had a psychological effect of terrorizing the villagers. To keep it very brief, I just want to say one more thing about reporting in Vietnam. When I got over there, I was very keen on being objective. I tried very hard to keep emotionalism out of what I was doing. I admitted in all the things that I wrote that I was prejudiced against the war and I tried to have that discounted by just Franz Fanon's book, *Wretched of the Earth,* where he talked of colonial wars and he talked about Imperialism and that when a newspaper reporter says, "I'm just being objective. I'm just reporting the facts," in effect he is hiding on the side of the imperialists. So it's a very difficult thing if you're a newspaper reporter and you're trying to be objective and to be coldly unemotional and not get involved as a human being. Chances are you're not telling the full story because I think healthy people have emotions. I finally just had to discard this whole policy of objectivity and I said at the beginning of all my reports "this is a subjective impression." I started giving just surrealistic, subjective impressions, and I felt that that was the best way to report on this atrocity. Thank you.

MCCUSKER. One point to add to that. Every week in our office, and posted to all the GI correspondents, would be a list of civilian reporters whose accreditations were ripped off for one reason or another. And, generally, anybody that ever reported on anything significant in Vietnam had his accreditation taken away from him.

ROTTMANN. Right. An instance of that that just rings a bell in my head, is a story written by Merton Perry, who is Saigon Bureau Chief of Newsweek magazine. It was written in 1967 and it's called "Their Lions, Our Rabbits." It's an expose of the Vietnamization program. It appeared in Newsweek magazine. Merton Perry had his credentials ripped off; was suspended for a short time I believe, by his headquarters in New York City, I believe. All issues of that magazine of Newsweek were confiscated in Vietnam, including the issues in the PXs around the American bases. So that's just a specific example. Look, don't get us wrong. There were some really great civilian reporters. Don Webster comes to mind, in my experiences, Merton Perry, Peter Arnett. A lot of names came to mind and we began to sense, after a while, of course, who the guys were who were really straight and they would frequently end-run the information officers, either with our cooperation or without our cooperation and sort of go straight to the field and get the story. Some of the press, let me emphasize, some of the press, and many were killed, are doing really great jobs, but we did have a very big problem with apathetic press. I might mention "JUSPAO Joe ———" from the New York Daily News, who never left the Caravelle Hotel in Saigon and who writes the most fantastic "I was there" battle stories you'll ever want to know.

MODERATOR. I'd like to add one last point about press censorship. After my three years in the army when I got out in '65, having resigned a West Point appointment that I got in Vietnam in '63, I went to work for a newspaper in this country to try to find out why what I had seen going on in Vietnam wasn't being reported here because I knew there were some good reporters over there. So I worked for a major newspaper, which I will not name, because it could be any newspaper in this country. Those stories that came in that were best, that were good, were killed by the editors here, who knew more about Vietnam than those of us that had been there. Not only did they kill these stories when little things came about what Johnson was supposedly doing, going out to Asia and having meetings with Ky. They would stick little headlines on a story that mentioned nothing about peace talks, that would say "Johnson in Peace Parley in the Philippines."

QUESTION FROM THE AUDIENCE. I'd like to say that yesterday I was listening to a CBS news photographer who was sitting up here that I don't see anymore. He was sitting up here a little while ago. He said that this stuff isn't anything new, that we've been photographing this all along, right from the beginning, and I'm just wondering why the ——— it wasn't on TV.

Also, I'd like to know, I guess apparently all of you people can be prosecuted and imprisoned and I don't know what else for the testimony you've been giving. I'd like to know, who's making these laws and how they're enforced, and that kind of thing.

MODERATOR. There's two questions. One was, the gentleman said he was a CBS news crew and he talked talked with them briefly and he heard somebody in the crew say that it was old stuff and that they'd seen it before and they'd filmed it before and his question was why wasn't it on TV? The second question was: are we liable for prosecution for our testimony and if we are indeed liable, whom are we liable to?

ROTTMANN. Some of us are liable. Those of us who had secret clearances or above, who have signed some kind of release, are liable. We're liable to the Army and the Army is liable to itself. The Army represents the government that we elected, if that answers your question. The other question is: Why isn't it on CBS news and why wasn't it on last night, etc. I can only say two things. One is sort of what Jan said about self-censorship within a network, which is a big problem, and the other problem is there's a term that people in the press and the media have for this kind of situation: the term is called "market fatigue".

Question from the Audience. I'd like to ask what the CIA did do in Vietnam and Laos and Cambodia.

Podlaski. They did a pretty good job there. Take a look at Laos now. I think that pretty well answers it.

McCusker. Take a look at your own antiwar movement. You'll find the CIA in it somewhere.

Podlaski. Right.

Rottmann. The CIA in Asia has almost total control over the activities of many parts of the Special Forces and all the clandestine mercenary groups. The extent of that control is very, well, you know, it's been documented quite a bit and is available. None of us have been CIA agents, obviously, so we can't speak from experience, other than just encountering them from time to time.

Question from the Audience. Just recently we've been hearing about the drug problem in Vietnam and has this slipped out or have they been getting a little bit more lenient?

Rottmann. The drug problem was broken by CBS news, if you remember correctly, not by the military. CBS ran that little thing that shows the guys puffing up with the barrel of the shotgun. The shotgun itself was sort of an interesting thing since it's not supposed to be shown, especially not in that context.

Moderator. I'm sorry, we are going to have to close this panel now so the next panel can begin. The Veterans Caucus will take place now in the Vets room. The press is politely disinvited. I would like to read a telegram that has arrived this morning. "As active-duty servicemen, we support your investigation into US war crimes. The American people must be told the truth about our government's brutal destruction of Indochina. We must all remain Winter Soldiers until this war against humanity is ended. Signed, Fort Bliss GIs for Peace." Thank you.

82ND AND 101ST AIRBORNE DIVISIONS AND 173RD AIRBORNE BRIGADE

Moderator

Michael Hunter, 24, Sgt. (E–5) "B" Co., 5/7 Air Cav Reg., 1st Air Cav Division (from February 1968 to February 1969) "H" Co., 75th Rangers (Attached to 1st Air Cav Division), "I" Co., 75th Rangers (Attached to 1st Infantry Div. (September 1969 to March 1970)

Veterans testifying

Charles Leffler, 25, Pfc. (E–3) "G" Co., 2nd Bn., 26 Marine Reg., 9th Marine Amphibious Brigade, LRRP attached to 1st and 3rd Marine Division (September 1968 to September 1969)

Fred Bernath, 26, 1st Lt., 101st MP Co., 101st Airborne Division (December 1968 to October 1969)

Bill Perry, 23, Pfc. (E–3), "A" Co., 1/506, 101st Airborne Division (November 1966 to August 1968)

Sam Bunge, 1st Lt., "B" Co., 3/187, 101st Airborne Division (July 1968 to June 1969)

Kevin Byrne, 21, Sgt. (E–5), 42nd Scout Dog, 1st Brigade, 101st Airborne Division (November 1968 to November 1969)

Charles Stephens, 24, Pfc. (E–3), 1/327, 101st Airborne Division (December 1965 to February 1967)

Michael Misiaszek, 22, SP/4 (E–4), 1st Brigade, 101st Airborne Division (FSSE) (December 1968 to January 1970)

James Umenhofer, SP/4, (E–4) 2/501, 101st Airborne Division (From November 1969 to October 1970)

Murphy Lloyd, 27, Sgt. (E–5) "D" Co., 4th Bn., 173rd Airborne Brigade, (From February 1967 to February 1968)

Michael Erard, 29, SP/5, (E–5) 3/503, 173rd Airborne Brigade, (From April 1969 to March 1970)

Allan Crouse, 22, E–4, 3rd Engineers Brigade, 82nd Airborne Division (January 1969 to December 1969)

Moderator. Will everyone get out their 214's. What we have here right now is testimony of the 101st, the 82nd and the 173rd Airborne units in Vietnam. We also have one Marine that will be testifying with us. The first gentleman that will be testifying on atrocities in Vietnam will be a former E–3, Leffler, Marine.

Leffler. My name is Charles Leffler. I live in Detroit and I was formerly with Battalion 226, Golf Company, the 9th Marine Amphibious Brigade in Vietnam. I'm not going to recount any atrocities here because what I would say would just be repetition of what has gone on in the past two days. But I do want to comment on two things which I was involved with in Vietnam. One was in January of 1969. I was in Vietnam from September, 1968 to September, 1969. In January, 1969 we were on a sweep. We were on line through a series of rice paddies and villages in Quang Nam province, which is just southwest of Da Nang. We'd received a battalion order at that time and the order stated that this order would take effect from that day forward until a rescinding order would come through. It never came through in the next eight months, until after I returned, so the battalion order was always in effect. If while sweeping on line and passing by friendly villages, which we did, you received one round of any sort from a friendly village, the entire battalion was to turn on line and level that village. The exact wording was to kill every man, woman, child, dog, and cat in the village.

This was one round from any known friendly village. The second thing I'd like to comment on deals with a speech made by Defense Secretary Melvin Laird two weeks ago. In that speech he stated that our combat troops have not operated outside of Vietnam. Now in the past two and a half days you have heard testimony that combat troops have operated in Cambodia. This was other than the Cambodian operation that I guess was okayed by Secretary Laird. When I arrived in Vietnam at the end of September, my next sixty days were spent with battalion in either the Demilitarized Zone or in North Vietnam. This was an entire 226 Battalion in the DMZ and North Vietnam. When I arrived in country, I spent two days getting supplied and getting all my gear. I was then helicoptered out to where battalion was. I was very new in country, and being only a Pfc. I was never told where this was: we were just helicoptered out. We came to the landing zone and I joined up with my unit, which was 2nd Platoon, Golf Co., 226. The next day we went on a platoon-size patrol. This consisted of about 30 people. I went on this patrol and we went for about four hours in a northerly direction. I did not know where we went since I did not have a map. But after proceeding for about 33000 meters and crossing a river which I later found out was the Ben Hai River (which runs exactly through the middle of the DMZ) the lieutenant turned to me and said, "Well, Leffler, you have something to write home about now." And I said, "What do you mean, sir?" He said, "We just crossed over into North Vietnam." We spent about the entire afternoon there, looking or checking along this road that they had found, which was covered over by a canopy which the Vietnamese had ingeniously carved so that jets or anybody from the air couldn't see it. We made no contact that day and we came back that evening. About three days later, we went in the same general direction. We again crossed over. This time it was a company patrol and we crossed over again, checked on the road, and again made no contact. We spent about a total of about sixty days in the DMZ, moving around every week—the entire battalion. I would say at least every two days there were patrols anywhere from platoon size to company size into North Vietnam. I can't give any data on the locations since I was only a Pfc and I was never told. But I was told that we were in North Vietnam. I was pointed out the river which was recognized as the Ben Hai, and if you check a map, the Ben Hai runs through the center of North Vietnam.

Moderator. Our next speaker giving testimony will be Fred Bernath, former 1st Lt., 101st MP Co., 101st Airborne Division.

Bernath. I was the platoon leader of the 2nd MP Platoon which supported the 2nd Brigade of the 101st at LZ Sally. One of our jobs was security of the base. LZ Sally had a garbage dump which was located about 200 yards outside of the perimeter. It wasn't a part of LZ Sally, but it was surrounded by wire and it was open from the hours of about nine in the morning to about five in the evening. There was an NCO who was in charge of the operations out there. This was the area where people from LZ Sally would take their trash. The stuff consisted of sometimes wood, old machine parts, food wastes, and things like that. During the day when it was operating, it was continuously surrounded by Vietnamese women and children. And also prostitutes and people who were interested in dealing in narcotics to the GIs. This was the main area where people got to prostitutes or got to dope. But the majority of these people were interested in getting at what we were throwing away. At the end of the day, usually after it closed down, about 200 civilians, mostly women and children, would just swarm over the dump. It was kind of a sorry sight to see, but the brigade XO who was in charge of LZ Sally was interested in keeping these people away from LZ Sally for security reasons, since they were only 200 yards outside of the perimeter. Actually, they had a right to be out there until seven o'clock in the evening, at which point the entire area around Sally became free fire zone. So they called the MP Platoon leader, who was my predecessor, and they decided that one way to get rid of the civilians was to try to scare them away. They would drive out there with their jeeps, drive outside the wire of the garbage dump, and start chasing them with their jeeps. When they got them running, they'd take M–79 CS rounds and fire it at them. To my knowledge they never hit anybody with the rounds, but they would completely surround them with CS and scare the ——— out of them. This action started under the command of my predecessor and was continued under me from November, '68 through October, 1969. Rather than work out a program whereby Vietnamese civilians could obtain access to what we threw away, we just chased them away. It didn't work, 'cause they always came back the next day. But we still did the same thing. There wasn't any other kind of program worked out. The second incident that I have to relate consists of treatment of detainees. Another one of our jobs was to process detainees who were sent in by the infantry companies of the Second Brigade. We lived in the same area as the military intelligence detachment. Our job was to fill out paper work, guard them and transport them. The MI Detachment interrogated them and classified them. While I was there, we mostly got innocent civilians.

I was getting kind of concerned with the fact that we were getting so many civilians, because I considered that just bringing them back from wherever their home area was and putting them through this was a form of harassment.

But in addition to this, the ones who were suspicious for one reason or another, would be given forms of physical harassment. One type which was the most shocking to me, was the shocking of suspicious detainees with a field telephone. You can generate electricity with a field telephone and you can zap somebody with it. I had heard the interrogators talking about this many times when they were sitting around playing cards and drinking at night. And I, in fact, observed it on one occasion. The Military Police platoon leader was there (he was a 1st Lt.), and a Military Intelligence platoon leader (a 1st Lt.). They never said anything about it. It was just kind of tacitly approved.

MODERATOR. Fred, did you treat detainees who were not known to be VC or NVA in the same manner as you treated those who were known to be?

BERNATH. Well, the standard procedure was to treat them all the same way until they were classified. You didn't know who they were until they were interrogated. Some of them would be suspicious because they were confused. They didn't know what was going on and that might be a reason for the interrogator to be suspicious of them because they wouldn't answer questions right away. These people would get the same kind of harassment that someone who was actually suspected of being a VC would get. They couldn't tell, really.

MODERATOR. Before introducing our next former Vietnam War veteran, I'd like for all the vets up at the table to raise the form DD-214, please. Those forms that you see in the middle are the new DD-214's that are being handed out by the Army and the units they are discharging now. The reason I asked these people to show these forms is because a few press releases came out and said that we did not have valid proof that the people up here testifying are Vietnam veterans. I'm sure now that they have no reason to doubt it. The next veteran that will be speaking is Bill Perry, a former Pfc of the U.S. Army, 101st Airborne.

PERRY. I served in Vietnam from '67 to '68. I wouldn't like to go too far into the horror stories you've been hearing about the last few days, but I would like to relate a few incidents. On March 5th, 1968, in the province of Phuc Long, village of Song Be, a platoon of us, twenty-nine of us, were on a search and destroy mission. A few of us, who were considered expendable, were told to walk point.

As we came up out of a bamboo thicket into a clearing, a woman with whom I and one of the other two people had previously had what you might call business transactions with concerning marijuana, informed us of an imminent ambush on the part of the local forces. Myself and two others ran into her home with her. We weren't sure whether she was ——— us or what, but we were scared so we ran into her home. The rest of the platoon came up out of the valley into the clearing and was ambushed. We were isolated pretty well from the rest of the platoon while they were getting shot up. And when an NCO came up to look into the house where we were kind of looking out the door with the woman, the NCO automatically figured that we must be VC prisoners and he shot her up. She had a very young child inside her bomb shelter. Every Vietnamese home has to have a bomb shelter. The ambush actually lasted about two or three minutes, and the platoon got pretty well shot up. For about five hours they called in artillery and air strikes and pretty well demolished the town of Song Be. Finally when enough reinforcements came, they went out to sweep the area. They decided to throw fragmentation, or white phosphorus grenades, instead of each bunker regardless of what was going down in any bunker. We tried to stop them from fragging other bunkers where we could hear screams or moans or whatever, but they were really into it.

There was another incident in mid-July 1968 in the vicinity of Nui Ba Den where we had been in about two days of steady combat. We had found a lot of bodies, some killed by air strikes and some killed by small arms fire. And the military fear, you know, came through once again in their mutilation of bodies. They were very much into cutting patches and numbers on dead bodies in this particular incident. I could go on with more horror stories, but like we all know what happens. You can hear it from the other GIs and when the rest of the people on the panel finish, I'd like to go into a little of what causes people to act this way, why people act this way, and what we can do to combat people acting this way. Thank you.

MODERATOR. Perry, before we go on to the next one, you mentioned something before about an order received by the higher up and crossing across the national borders. Could you mention something on that?

PERRY. It was very well known that we were within two klicks of Cambodia which is about a mile and two-tenths. Very often we went on search and destroy missions directly west as far as 8–10 klicks and back. We were definitely going into Cambodia.

MODERATOR. Did you ever make contact in Cambodia? Did you ever make contact when you crossed the border?

PERRY. No, I didn't.

MODERATOR. Sam Bunge, a former 1st Lt. with the 101st Airborne Division.

BUNGE. I served in Vietnam for one year between July of '68 and June of '69. During that time I had a succession of jobs. First I was a rifle platoon leader, a grunt, for three or four months. Then I was a battalion staff officer and my final five months in country I was in charge of the brigade security platoon. My unit operated in the vicinity of Cu Chi, which is between Saigon and Cambodia. Then we were transferred up to I Corps and operations were conducted west of Phu Bai in the mountains. The incidents I have to recount are just in random order. Camp Evans, which is the next base camp up the country from Sally, also had trash dumps outside the wire. This was standard procedure all over Vietnam because I heard other people complaining about the practice. Civilians would get into our trash dump, too, and we routinely used CS to disperse the civilians. They kept coming back, of course. I observed many instances of H & I (harassing and interdicting fire) which is artillery fire pooped out at irregular intervals at indiscriminate targets around the fire base just with the idea of keeping the enemy off guard in case he's coming up. When I first took over my platoon, we were on a sweep operation and we received a couple of rounds of sniper fire from a village in an area that we knew had a lot of VC. The civilians weren't terribly sympathetic to them or to us. So we went over to the village to check it out, to look for weapons, to see what was in there. We'd been there several times before and after we'd reached the center of the hamlet (it wasn't a very big place), I noticed that a couple of haystacks were on fire in an area that we'd already come through. I asked the squad leader of the third squad back there why that was and he said, "Well, that's SOP." And I said, "No, it's not." He said, "Well, the other lieutenant (referring to my predecessor) said that if we ever get sniper fire from a village we were supposed to burn it down." So after we got the village secure, I called all the squad leaders together and changed the policy. The point here is, that in a war like Vietnam where small unit commanders have such autonomy (lieutenants and captains to a large degree run the show), an individual can make a big difference. If a man wants to burn villages, he can do it. Quite a bit later as I said, when I had the security platoon north, we had a problem with civilians in the trash dump. One day we picked up about a dozen kids; they were all boys ranging in age from twelve down to about six. I got an order from the Brigade commander through Headquarters company commander to hold the kids in the POW cage for 48 hours without food or water to teach them a lesson. I didn't want to do this. I argued a little bit and I said, "You know, prisoners are the responsibility of the MPs. Why don't you give it to them?" We had an MP platoon stationed at Camp Evans, and finally, he admitted that the MPs wouldn't do it because they realized it was illegal too.

So, I went away, thought about it for awhile, then went back to my company commander, and said, "Sir, I can't do this. It's illegal. How about backing me up? We'll go tell the colonel that we can't do it." And he says, "No, I won't." So I went looking for the brigade executive officer to try to get his backing and I couldn't find him. Finally I decided what I should do. They probably wouldn't check on me, so I just disobeyed the order without telling anybody. When I got up to the cage to tell the platoon to feed 'em, but to be discreet about it, the kids were already eating. So, the problem was circumvented. Several times while flying back and forth between the mountains and Camp Evans, I observed an operation on the ground called "Rome Plowing" which I don't think has come out before. A Rome Plow is a very large tractor; the driver sits inside a heavy reinforced cage, and if you can imagine a giant snowplow on the front, it's very similar to clearing snow except that it clears ground. As it drives along, it uproots and pushes aside all vegetation so what you're left with is an area that looks like a bulldozed area. A Rome Plow is good because it can push over trees; it can do a large area in a very short time. This was being used to clear a patch about 500–1000 meters wide down the base of the mountains so that it would be easy for air observers to detect anybody coming in and out of the mountains.

They wouldn't be hidden by the foliage. A mechanical sort of defoliation rather than the chemical sort. I used, several times, chemical Agent Orange around the perimeter of Camp Evans in an effort to clear the underbrush. They gave us about ten 55-gallon barrels of it, and we sprayed the stuff all around. There were two villages adjacent to the area and we didn't spray these villages intentionally, of course, but we got pretty close. When I was a grunt platoon leader, we were moving across a rice paddy and were re-conning by fire in a tree line on the other side. When we got there, there was a village right there, a lady came out and told us that her mother had been wounded by a frag from one of our M-79 rounds. So I told the medic to patch her up and stopped the platoon to provide him with security. It took about fifteen minutes to dress her wound and give her some antibiotic. The whole time the company commander was hassling me about why didn't I just leave her alone and hurry and catch up with the rest of the company. He didn't want me to stay back there. Another time, the company was together and we were moving in on an area to reinforce another company that was in contact. We were back in the staging area waiting for the battalion CO to tell us exactly where to go. I happened to be up talking to the CO and his headquarters group spotted a farmer plowing, or doing something, with a buffalo in his fields—maybe 500 meters away—a considerable distance.

Some of the EM in the headquarters section got the idea that they'd get some target practice on this individual. My memory is not clear whether the CO participated—I know he actively participated as a spectator and sort of encouraged this—but I can't tell you whether he pulled any triggers himself or not. But they fired on this man. The farmer had been dong nothing hostile, just minding his own business, just walking across the dyke or something. But they fired on him single shot with an M–60 machine gun and they were obviously doing it just for sport because they did it shoulder fire, which is extremely inaccurate. If they'd felt it had a military necessity, they would've put the gun down on a bi-pod and done it accurately. And when they didn't hit the fellow, and evidently he didn't notice because he kept going, they set up the 81 Mike-Mike mortar and pooped out a few high explosive rounds at him. He went down and my suspicion is that he went down just to get us to leave him alone, but we never did go and check. At one point we were going into a village which we had reason to believe had a lot of weapons in it. As a matter of fact, we did find a few weapons. But we didn't find nearly as many as we expected. So we found a grave, an old grave, obviously an old grave, an old tombstone in the red-pitted rock that they make tombstones out of, and the CO said, "Gee, there might be something buried in that grave because the VC sometimes do that. So let's dig down a little bit." We dug down about two feet and obviously the ground hadn't been disturbed for years because it was the same color and the same density that the ground always was. But something had caught the CO's imagination, so he made us keep going and eventually we got down to the casket. He told us to break it open, so we broke it open. There was nothing inside. Evidently, his whole motivation for disinterring this grave and disturbing the corpse was simple morbid curiosity. When I was back with the brigade again, my platoon was given the assignment one month to implant a series of six sensor fields out in the mountains in an unihabited area. The area was literally unihabited. I flew over the area many times and there were no traces of anybody ever having lived there. These are electronic devices that you bury in the ground to detect through various means. One means is seismic, one is infra-red, and another is magnetic. If anybody passes near them, they send out a signal. A man on the fire base reads the signal and tells the fire direction control center. They fire artillery on the target and what's bad about it is they don't know who it is they're firing on. It's done without any positive identification. You just pick up the impression of somebody out there, check with the infantry TOC to make sure it's nobody friendly, assume it's enemy, and fire 'em up. That's the way these things are intended to be used.

Moderator. Okay, Sam, I want you to evaluate this. It was a fact then that the battalion CO gave the order to have the children put into battalion stockade which is directly against American policy. He also gave the order not to feed them, give them water or anything for a period of 48 hours. But the fact is you did give them water and they were put in prison or in that little conex for that amount of time, right?

Bunge. Well, no. It turned out that the order wasn't executed as intended. The headquarters company commander, my immediate superior, told me that this was what the colonel wanted, and I pointed out to him in so many words that it's illegal, it's against the law. He said, "Well, you better do it anyway." Then, after my effort at getting the order changed failed, I decided to disobey it. So the kids weren't actually kept 48 hours. We let 'em go after about 36. They spent the night there. The place we kept them in was actually a decent place; it was a plywood building reinforced with wire so they couldn't get out. So, the mistreatment of prisoners was not done, but it was intended to be done.

Moderator. By a colonel in brigade headquarters.

Bunge. Right.

Moderator. Okay, the next speaker is Kevin F. Byrne, a former sergeant in the 101st Airborne. Kevin?

Byrne. I was a sergeant in a Scout Dog Unit in the 1st Brigade of the 101st. I've always worked in a free fire zone, and the policy was if we found any villages, hootches, houses or any animals, we were to destroy the houses and destroy all structures. We would kill water buffaloes, the pigs and we'd cook the chickens. I worked with units of the 1st Brigade and I worked with units of the Second Brigade. I worked with ARVNs, Marines, Capteams, proper forces and regional forces and this is a policy of all these units. I was down in Tam Ky area in May, June, July and August of '69. I was with the unit of the 101st. We received fire and we returned fire. It was sniper fire. We went on a sweep, found a hootch and we, you know, burned it down. We found an NVA officer inside and, like, he was immobile. His arms and legs were all torn up. So they drug him out and like before they drug him out, the day like, I call it tunnel rat. You emptied a magazine of 45 ammunition into the officer and we drug him out. It was getting late at night and so rather than calling in the MEDIVAC to take this officer back and try to save him, we just lifted him up and stuck a fragmentation grenade underneath him. We went back to our MDP and the next morning came out and, like, I was the first man. I was like a hundred meters from this area. We were going back to see if he was still alive and then maybe call in the MEDIVAC. About a hundred meters from where he was, the grenade went off. I got really spooked about this.

We went back; we didn't find the officer, like you, you know, we didn't find anything. Just where the house was. The whole company was really spooked about this. They were all mad that they didn't kill him the night before. Kill him or send him in. Like you know, this guy's running around like he, he really had everybody scared by the way he looked at us. Like he looked really hard. He was all torn up and he was waiting for somebody to try to mess with him. In all the areas I worked whenever my dog would give me an alert, I would request recon by fire. Normally this would be coming from the company commander. And I would request recon by fire. I would always be leading the companies with the first lieutenant behind me. He would just tell the commander that the dog wants a recon by fire and you know, he would just let it ride. I'd call for a 60 machine gun or an M–79 up there and there was never any higher ups knowing about this. This was unwritten policy, what they used, because nobody ever questioned a dog handler's judgment. Like I'd develop like a sixth sense where I know danger's gonna come. Usually my dog wouldn't alert me and I'd stop and I'd say "My dog's got something up here. Just want to get the 60 up here just to ease my mind." A couple of times my dog would alert me and I'd see a house or like a complex up ahead and I'd tell them, "Recon by fire, get the 79 up here, a 60." Cause I don't wanna put my life on the line like that. Going up there acting like John Wayne or anything. Nor do I wanna put the men behind me, their life on the line. So like I felt really responsible if anything happened to them. Like sometimes when I'd call the recon by fire. If it was a long distance, I'd tell them to do it with mortars and they'd radio back to the nearest fire base and have mortars laying in this area where I'd call. And nobody would check out these areas really because like, they didn't want to go out of our planned route. In one spot, in a place called Lanco, near the end of the 101st AO in I Corps, my dog had an alert. We wrote it down as around a thousand meter alert. And on the bridge they didn't have anything that could fire this far. Like I was on a listening post and I was about a klick from the bridge myself. So I radioed back. We had to dump something in this area. So they called a destroyer in off the coast and like it pumped a few rounds in the area where I requested it and nobody checked the area out at all. There is this H & I fire that you've been hearing about in the Phu Loc district. They would have this H & I going out and be laying in certain trails designed at our so-called local VC's trails at night.

Moderator. Before I ask you this question, let me explain one thing. My brothers here are giving testimony and we all are extremely up tight because it's no easy thing to sit up here and rap about what happened. In a way we're kind of ashamed of what we did. I'd appreciate it if you'd help them out a bit because they are extremely nervous and I'm extremely nervous. So how about giving them a big hand? Kevin, what was the SOP on prisoners while you were out there? when you took prisoners? when you detained civilians? How were they treated? How were the enemy treated when you captured them?

Byrne. If we had any prisoners or detainees, we'd round them up and then we'd send them in by chopper. If we were in the low lands, we'd have the national police, or the white mice, come out and check them out there and then take them to the district headquarters or detention areas. If we had cordons, we'd have the village chief come out and he'd get all the people together. Then we'd have the national police and the interpreters interrogate these people, you know, one by one. Anybody suspicious in any way, anybody new in the area, or anybody that didn't have the proper ID, they'd be taken away by the ARVN police. They'd be taken to district Headquarters or to detention areas.

Moderator. Charles Stephens, former Pfc, medic with the 101st Airborne Division.

Stephens. I served with the 1st Brigade, 3/27, 101st Airborne Division as a medic. I went over in 1965, in December, 1965, and I stayed until February, '67. When I first got to Phan Rang, our base camp, our battalion commander said we were going to leave Phan Rang—going to Tui Hoa. And we'd be in Tui Hoa anywhere from three weeks to three months. And I believe we were gone about a year and seven days. But before we left he told us, he said, "Don't worry. I know you guys are impatient, cut when you get to Tui Hoa there'll be enough VC to go around." Also, the chaplain added that it's better to give than to receive and do unto others before they do unto you. When we got to Tui Hoa the first battle we were in was in Happy Valley. And at Happy Valley we got quite a few of the people from our brigade killed. The very next operation I went on every village we went into we'd recon by fire and in one village, we wounded women and kids going into the village. When we got in there, this was in Tui Hoa, me and another guy were treating two unconscious babies—not babies but like five and six-year old kids and a woman lying in a hammock. I told the lieutenant that these people had to be evacuated because if not evacuated (this lady and these kids had shrapnel and they were unconscious) I said they're gonna die. And he said, "Well, forget it doc; we don't have time to stay and wait."

We went up on the hill right above this same village and we fired down on this village the next day while the people were trying to bury their dead, while they were doing their burial ceremony. And they killed another person in the village. The people, they didn't wait to see if the guy was dead or not. They just rolled him over and put him in the hole with the others and covered him up. We went down that same day to get some water and there were two little boys playing on a dike and one sergeant just took his M–16 and shot one boy at the dike. The other boy tried to run. He was almost out of sight when this other guy, a Spec 4, shot this other little boy off the dike. The little boy was like lying on the ground kicking, so he shot him again to make sure he was dead. Then we went into the village and this pappa-san. I don't know if he was a village chief or who he was, but he came up to us, he was telling us, he was making motions that a bird was flying over and the bird took a ——— and a thing went boom-boom. He was saying this was how a lot of the people in the village got hurt. I told the lieutenant and the lieutenant still wouldn't have the people evacuated. So, every operation we went on after that, after our Happy Valley, they didn't believe our body counts. So we had to cut off the right ear of everybody we killed to prove our body count. I guess it was company SOP, or battalion SOP, but nothing was ever said to you. Guys would cut off heads, put them on a stake and stick a guy's ——— in his mouth. At Nan Co, we were at the 95th, I think it was a base camp, a regiment base camp or something, and they say the VC had just left there. We had a guy with us, my senior aid man. He had about two weeks left in country and because we couldn't get resupplied (they didn't want to give away our position) we had to live off the land. There were some chickens in this village and my senior aid man was running through this elephant grass to find the chickens. He tripped a land mine that the VC had left behind. He blew his thighs and everything and the back of his legs up. Well, his leg was just messed up. He went into shock and died anyway because the doctors wouldn't come in to take him out. They were afraid. They had to stay with him that night, but they were afraid to come down. It was cabled from the MEDIVAC. I have some money here, this is North Vietnamese money. We took it off a paymaster. It was on the Ho Chi Minh Trail but we were supposed to be in Cambodia. We went ambush there for about two weeks.

MODERATOR. You want to hold that money up and show it to them?.

STEPHENS. We had been on an ambush for about two weeks. The first week that we were there we didn't fire at any of the enemy. We just watched them come down, and I guess further down the trail they were being knocked off. I don't know.

But the second week we were told when anything came down this trail, we were to shoot. About two-thirty one morning this lady and a little boy and a dog came walking down this trail (they did this every night) and the lady made some kind of funny sign with a lantern. This particular night a guy met her on a bicycle. She went back to her house alone, but this guy stayed on her trail and a few minutes later some more guys came and joined him. As they were coming down the trail, we knocked them off. They said we were not supposed to use CS gas. We threw CS gas and the whole business. That particular night the password was "pussycat". There was like a big hill behind us where we were supposed to all come up and meet after the ambush. I was left with two Vietnamese ARVNs who were asleep during the ambush. There was an American machine-gunner who couldn't get away from the ambush and on the way back up the hill the only thing we could do to keep from getting killed was to sing like "What's New, Pussycat". In Dak To, June, '66, I think was the biggest battle fought by the 101st during the time I was over there. There was a captain who called in napalm on his own company and I think he got a big award for it. But he wasn't actually there. He was there when the fighting first started, but when he called in napalm he was in a helicopter with a megaphone telling us, "Get in there and mix it up. You're doing a good job.

When we went up to Dak To, all our companies were overstrength. But after the battle, I think our largest company had ninety-seven people in it. That was including officers and everyone. If you had wounded guys, you'd never leave wounded guys or dead Americans, you'd always take them with you or have then evacuated. But this time I was left with one round of 45 ammunition and I was left with three other guys. One guy had an M-79 with one HE round. Another guy had one magazine of M-16 ammo. We were told to follow a trail, and we had to create our own little war, to make the company commander come back and get us. Then he was going to court-martial us because he said we were cowards. That's about it.

MODERATOR. Charles, would you describe for us the policy of your unit with regard to the taking and the disposition of prisoners? I think you have something to say about the throwing of prisoners out of helicopters?

STEPHENS. Yes, in Tui Hoa, after Happy Valley, we didn't take any prisoners. If we were on an operation for one week and you caught a prisoner the last day of that operation, that meant you stayed out there a couple of more days because there were more people out there. So you took the guy to the woodside and you knocked him off. I saw on two different occasions these warrant officers come in in helicopters and take the prisoners. Like I was new over there then and I didn't know what they were going to do. I saw them take these prisoners, take them in the helicopter. I would see these guys sitting down watching the sky, laughing, you know, and here comes a guy waving down out of the sky. Then they bring the other two guys down and I guess they'd be saying something, so I imagine they'd be talking to them. I saw that on two different occasions.

MODERATOR. And they were actually pushed out of the helicopter?

Mr. STEPHENS. Yes.

MODERATOR. Thank you. Mike Mike Misiaszek, former Spec/4, also with the 101st Airborne Division.

MISIASZEK. Right, my name is Mike Misiaszek. I'm from Reading, Pennsylvania. I was with the 101st in the 1st Brigade, Support Element. We rigged up the choppers to fly supplies out to the troops and sometimes we'd go out and hand them out wherever they were. That was the last half. The first half, I was actually just a telephone answerer. I was in Vietnam from the first of December, 1968 to the end of January, 1970. This as at Camp Eagle and I was also down at Tam Ky after I got fired from my office job. My testimony concerns a whole bunch of things. Most of it's been heard before. I'd just like to elaborate on it for those who may not have been here before. The first thing I'd like to talk about is the destruction of a cemetery. The entire northeast corner of the 101st base camp, Camp Eagle, southwest of Hue, is built on a Vietnamese cemetery. They didn't plow under any graves; they didn't have to. They just built the compound on top of it, which means that there are still graves between some of the buildings. Some of the buildings are on top of old graves which had been plowed under and are all misshapen. I'd like to talk about harassment fire. Where we were sleeping was pretty close to a battery of 8-inch howitzers. These are big guns, man. They go off and they shake the ground. I think the round is as long as this table, maybe. And there's a lot of high explosives in there. They fired these things indiscriminately. They woke us up, they shook the whole place, and several of us got really ———off. We wanted to find out why they were doing this all the time. This was every night. We talked to a specialist up in the battery, and he said they had orders to fire no less than thirty rounds nightly at a strip west of Camp Eagle. This strip was supposedly a free fire zone. Anybody could have been walking in there, like even some of our own people from other units, but they didn't really seem to care. They just shot this thing up! Another thing I'd like to talk about is the use of some chemical agents. On our perimeter we had CS gas, little canister with tear gas I guess, and what's known as Fugas. I don't know if anyone has brought this up. Fugas is a jelly-like substance. It's flammable, and they put it in barrels. What they do to it is they explode the barrel over an area and this flaming jelly-like substance lands on everything, if it's people or animals or whatever. And you can't get it off. It just burns, and you rub it and it sticks on. You just spread it all around. The only way to stop it is by suffocating it in mud or water. This was not around too often during the dry season, you know. When we were at Tam Ky, we convoyed in August back to Camp Eagle. They put a whole bunch of guys on a truck and we had C-rations. We made a pretty good game out of throwing C-rations at civilians as hard as we could. Then we tried to see if we could maybe get them through the grass huts. Like we would throw them at a grass hut. It would go through and we'd wait and see if someone comes out yelling or something. I'd also like to talk about mad minutes. This was mentioned before. Our mad minutes, for those of you who may not have heard it, were at the perimeter fence. Every once in a while at Camp Eagle, every two months or so, the order would just come down, "Okay guys, get to it." You got a mad minute. And everybody picks up a weapon with both hands, both feet, and they shoot. And they don't care what they shoot at, just as long as it's away from the base area. That's a lot of fun, too. All those sickees.

MODERATOR. Mike, is there the chance that into the areas where you were firing during these mad minutes there were unarmed persons?

MISIASZEK. Absolutely. Sometimes there were. There were maybe cows. I never saw any, but I've heard of some people who were shooting cows.

MODERATOR. Thank you.

PANELIST. I'd also like to talk about fragging. Maybe this really is nothing, but our morale in our company was extremely low. We hated our CO and we were always making up little plots to sneak at him. I decided to take it upon myself to secure a hand grenade that nobody knew about. I had this hidden for the next time he was going to screw me over. I had it in a stream in about five or six plastic bags. Well, I never got the chance because they found it on the police call.

MODERATOR. The next speaker is a former E-4 from the 191st, Jim Umenhofer.

UMENHOFER. The first thing that I'd like to say is we're not here for ourselves, we're here for all our brothers in the human race, and love is what keeps us going, and love is what this thing is all about. I was a radio operator with the second 501st and the 101st. I was an E-4. I was there from November of 1969 until October of 1970—that was about three months ago. In the northern I Corps area it's changed a little bit and the atrocities are just a little different from the atrocities that have been going on that you've been hearing about all week. The policy, which I'm sure has been brought out, the idea we are superior to our enemy or we are superior to the gooks or whatever—this carries over on all levels, even the higher echelon officers. Especially the higher echelon officers are preaching this. The first incidents I'd like to bring up occurred in March. I had seen a man I knew in a hospital. He was in the hospital, he had one arm cut off. He told me that his entire platoon, a platoon consisted of approximately twenty-five men or so, had been wiped out in hand-to-hand combat in the Paris area of operation. My unit, about three or four days later, Alpha Company, was sent into this particular area of operation. They had a mission to move from the top of a hill to a river which was approximately a mile away. Alpha Company was reduced to fifty men through combat. They were then removed and our Bravo Company was sent in there. Our Bravo Company was sitting on this same hill with the same mission and they were reduced to approximately twenty-five active men. They were removed and our Charlie Company was placed on this same hill with the same mission. Our Charlie Company was there for about a half an hour.

Then the CO of that company called up our battalion commander and said he'd like a few slicks, which are the Huey helicopters, to come in and pick up a few men who wanted to re-enlist so they could get out of the field. When the battalion commander, inquired how many, he said sixty. The battalion commander then flew out to the hill, told the men that he was going to leave them out there for twenty days or as long as it takes for them to start doing what they're supposed to do. What happened was they were out there for approximately a day and then the battalion commander changed plans and they removed them from that hill. We moved on from there. The morale was low. The fact is that we were to beat the enemy. We knew that we were superior to the enemy because we had been told this, and it was relatively hard at this time to believe it, seeing that our entire battalion was almost wiped out. We moved into a ripcord area of operation and we received many casualties there. Then we moved up into a gladiator area of operation. This is all approximately in the same area. It is just to the east of the A Shau valley. In the gladiator area of operation, our troops were deployed around the fire base. The fire base was mortared every night. From there we moved on. I was in the rear part at this time. I witnessed myself truckloads of replacements coming in. There would be eighty replacements in one day, maybe a hundred replacements, coming in to our battalion. The next place we went was Fire Support Base Henderson. Fire Support Base Henderson was quite north of where we had been working. I'm not quite sure of the distance from the DMZ. It was between ten and twenty miles I'm pretty sure. I was told by a major in our tactical operations center that there were 2300 North Vietnamese soldiers in this area. He was just explaining on the map; he wasn't taking me particularly out and pointing at this. However, I worked in the tactical operations center and I observed this as he was pointing it out to the rest of the people. This was a new fire base. Because of the tactics in Vietnam changing (this is all my opinion, however) it was kind of hard to find missions to send the men on. We had no specific mission. So we were building a base camp, as it looked to me, in this North Vietnamese stronghold. It only had two strands of concertina wire around it, which is quite unusual. Two strands of concertina wire can be laid in maybe less than one day. It is just like a preliminary. It really is nothing at all. Now the NVA prisoners were utilized to build this fire support base. That is, these were North Vietnamese soldiers who had been captured, and they were kept on the fire base at night. My Alpha Company was sent to this fire base, and also my recon unit to secure it. Our Alpha Company had eighteen new people sent to it on Henderson.

These eighteen new people were all new in country. They had only been in country four days. They had had no in-country training. Nine of these people were in this battalion less than twenty-four hours and they were dead. Our recon unit was set in an area on this fire base where they had, say, this part of the fire base to secure. There was an ammo dump in this section. Then there was the rest of the main fire base. That night, the night that those replacements went up there, the North Vietnamese got into the fire base. They blew up the ammo dump, thus cutting off our recon team. One hundred percent casualties were received in our recon team, and it was virtually wiped out. All weren't killed, but like I say they did receive one hundred percent casualties. The next day, after it was attacked, one of the Brigade Colonels flew to Fire Support Base Henderson. They were there for approximately a half an hour, and he returned. He was put in for a Silver Star for being at Fire Support Base Henderson. Like I say, it's terribly hard right now up there to find a mission. This is the way it looks to me, and I'm sure these facts actually do point it out to you too. They were striving to prove our superiority. Yet we ended up killing quite a few of them uselessly.

Ripcord in July, I think this was pretty much in the news. Before we tactically moved off of Ripcord, my Delta Company was sitting on a hill, which was Hill 1000, approximately a mile from Fire Support Base Ripcord. They sat on top of this hill for nine nights. They were hit by mortars every night and every night at least one man was wounded or killed. The significance of sitting on this hill for nine nights I also question. And then there was the tactical retreat in July. I myself thought it was because of the Cambodia thing, the moving into Cambodia. There was more intense NVA push in the northern areas. This is the way it looks to me. Like I say I was a radio operator, and a lot of things I never witnessed myself. However, I heard many, many things. In August I was working on a fire support base where I had access to radios from the First Brigade, radios from the Second Brigade, and also radios from an ARVN Regiment. I would get calls daily from Fire Support Base Barnett. It was almost a natural thing. At five o'clock I would get a call saying we're receiving mortars on Fire Support Base Barnett. Barnett is about one klik from O'Reilly, which was abandoned. In the north, because of this lack of ability to prove ourselves in the field—it's throwing a backlash in the rear areas also. And not only in the rear areas but out in the field too, where instead of being able to prove yourself by defeating the enemy, it's coming right down to the people right among the American ranks. There were incidents which began to accelerate more.

They were always there, but they began to accelerate around July and on up until I left. A Black stabbing a white man; because of this a white man jumped a Black brother, started beating him, started kicking him. The brother jumped up, went and got some more brothers, came back, there was almost a big hassle. Nothing ever came out of it. The white dude never had anything done to him at all. Black brothers were in the barracks. They were in the barracks listening to music. Some, I cannot say they were white, however even if they were Black, they must have had white thoughts, were throwing in grenades. They threw in two grenades from either door. Two of the brothers were killed and two of them were wounded. In March, a Black brother, a good friend of mine, a very good friend of mine, was supposed to move. He was supposed to make a movement and he was supposed to be on a truck at seven o'clock in the morning. Now he didn't make that truck, and this is failure to meet movement. He didn't quite know what was going to happen, nothing ever became of it. However in October (this had happened in March by the way), they had his trial. He found out about it about a week before. As a result of his trial he was sentenced to two months in LBJ, which is the Long Binh Jail. And I'm sure there's been a few stories about that place. At one time our battalion had fifteen people from it in the Long Binh Jail. The majority of them were Black, Mexican, and Puerto Rican. The way I see it, it's still an atrocity. Human beings are harming other human beings, and it's wrong. And that's why we feel that it's got to stop now. When the power of love overcomes the love of power, then there will be peace.

MODERATOR. Our next speaker will be a former E-5 of the 173rd Airborne Brigade, Murphy Lloyd. Murphy, let me ask you a question. How did you encourage information from your detainees or from the prisoners that you captured in the field?

LLOYD. Well, first of all we would ask them. If we didn't get the information, or if they said they didn't know any and we figured they were lying, we'd go to torture. The first time I ever saw it used was on Operation Junction City. We were over by the Cambodian border in War Zone C. We had just walked into an ambush, and out of this ambush we had approximately fifteen casualties. Five were killed out of those fifteen. We picked up five or six prisoners, and were flying them back toward our fire support base. We had a lieutenant that had been in country about five days. He said that he was going to conduct the interrogation. We were explaining to him that we had qualified people in the rear to do this, but he told us to shut up, he was a lieutenant. So boom, that ended that. So he asked two or three questions, and all of them kept saying No "bic" or "Mu la" or something.

MODERATOR. Explain what that means.

LLOYD. Either "I'm not going to tell you" or "I don't know." I believe it's "I don't know." So what he did, we were in a Chinook. A Chinook is bigger than a Huey. It has a door that opens in the rear and that's how we went in. Also it has a middle door used to take up cargo. Then he ordered the door opened, the middle door, and without another word, he just pushed one out. And then he said, "Are you going to tell me now?" and he started to put his gun on them. So all this time we're looking at him. We're kind of mad too because we had been out there and some of our friends had been killed or wounded. At the time it really didn't mean anything to us. He pushed out another one. Now the third one he came to, he started to say something in Vietnamese and pointed to one of them on the end. As we found out after searching this fellow, he was a lieutenant in the North Vietnamese Army. On the way in after this, he said if anything was said about this he would make it harder on us. Okay, so he wrote himself up for a medal by detaining and getting information from prisoners and saving us from walking into another ambush, evidently. But he received a Bronze Star with a V device in it for valor. The V stood for valor. And again, we were in the northern part. We were up by Dak To. This was in May of 1967. A-Company of the Second Battalion was annihilated, all but about four or five people. During the time that they were being annihilated up there, we were sitting down ready. Our battalion commander kept asking for word to go up. And the battalion commander of A-Company, Second Battalion, kept saying they could hold their own, they could hold their own. So about four or five hours later they told us to saddle up and we had to go. They took us in on another side of the hill which was hot. By the time we worked our way to where A-Company was of the Second Battalion, all the bodies we found that were American soldiers were shot through the head I mean you could look at a fellow and tell if he had been wounded in the arm or the leg or the chest, but all the ones we found had a bullet hole right here. And this showed that the NVAs after they had gone through killing, even during the battle, had enough time to go through and make sure that all GIs were dead. But out of this battle four people came out. That was the lieutenant, the CO, the first sergeant, and the FO.

MODERATOR. And the FO's an officer also.

LLOYD. Yes. And about two days after that we found an Indian fellow. He was just wandering around in the jungle. He had been wounded. Evidently it wasn't too serious and he had slipped away. And he ran down to us what had happened. The way it was he don't know how the officers or anybody made out because he figured everybody else was killed too. But that same day these four individuals were transferred to another unit or out of country, which we didn't know. We just knew that they had left the unit that day. When we brought this prisoner back he was back in the fire support base approximately a half an hour. And then after the word got around that the officers had ran, they were gone. We don't know where they went. To this day I don't know. And one time I was on my way home. We were in An Khe and while waiting on our plane, the airstrip was overrun by NVAs. They came through the old An Khe village side. The only ones left back there to defend it was the finance personnel, the clerks, and the cooks, more or less administrative people. So they took all the infantry people that were going home, issued us weapons right quick.

They ran us on out to the airstrip. During this time we had worked our way across the airstrip, and after we got everything organized and we finally took back the airstrip, we started going on little search and destroy missions in old An Khe. We ran into a few NVA that came to us Chieu Hoi and right on the spot where we're taking them prisoner a lieutenant came up. He said, "There's a three-day pass for any body. If you can prove that you've killed an NVA you have a three-day pass to Vuc To, "that's the in-country R & R center. And right there at that point I actually with my own eyes saw a first sergeant and a lieutenant fight over over who (the prisoners were killed; they were taken and killed right there on the spot) over who killed them. They just started to fight right there. And there's been quite a few incidents like that that I could recall. I have helped in torturing prisoners. One time the village chief came and said that he wanted to take the bodies and put them on display in Sin City where most of the soldiers went for entertainment. So that the rest of the people in the village, Viet Cong, NVA, would see 'em and leave. But he couldn't do this due to the fact that the majority of the bodies that were there that day either had their pinky finger joint cut off or their ears cut off. And at one time (we thought it was showing courage and bravery, or whatever you want to call it) we wore ears. We'd take them and catch them while they were alive; take an ear. The Vietnamese people believe if they die without all of their bodies they won't go to heaven and we would do this to two or three of them to get information from the rest of them.

MODERATOR. Thank you. The next speaker giving testimony will be Michael Erard, former Spec. 5, also with the 173rd Airborne Brigade.

ERARD. I served with the Third Battalion, 503rd Infantry and I had two jobs. I was in the field for about four months as a line doggie transferred into a battalion and I served as the medic liaison with S-5. S-5 is what they call civil affairs to handle the PSY-OP operations, to handle the Chieu Hoi program for the battalion. The Chieu Hoi program is designed to get NVA and VC defectors to come over to our side and the specific instructions given out on a battalion level were that these people were to be treated differently than POWs. If a man, after a contact or during a contact, would raise his hand and say Chieu Hoi, the Americans were supposed to give that man treatment. He was supposed to be set aside. He was supposed to be given receipts for his weapons.

None of his personal belongings were to be touched. This was the battalion SOP, but it was never carried out on a company level. On my whole tour there our battalion never took a live Chieu Hoi. There were many leaflets dropped. We found Chieu Hoi passes on bodies of dead VC and dead NVA, but we never took a person in. The feeling among the grunts was that they didn't trust the Chieu Hoi. I went down with an officer to Saigon, to the national Chieu Hoi center to recruit these former NVAs to serve as what we called Kit Carson Scouts. These scouts would serve in a line company. They would serve as the point men on the line companies. For the most part they were mistreated in the battalion. They were not given proper equipment. They were saying, well, a gook doesn't have to have this. A gook doesn't have to have that. He was supposed to have the exact complement that a U.S. soldier had in the field, but he never got it. The soldiers didn't want a Chieu Hoi, a Kit Carson, in their platoon. We had to force company commanders to take a Chieu Hoi into the company. The second incident, relating specifically as a medic, was an incident in the village of An Quan, which is in Bin Dinh province, north of Qui Nhon. I was with Charlie Company, 3/503rd, and we had been suffering serious injuries, traumatic amputations, especially from booby traps. On two specific incidents, we had men who were picked up by supposedly a MEDIVAC chopper, but the chopper was a slick with guns on it. It had a Red Cross on it, but there was no medic on board; there were no stretchers. In the third incident we had three men who were seriously injured. The gunners from the slick jumped down and started to throw our wounded on board. I had two men in our platoon who went beserk, as it were. They beat up the two gunners on the chopper while the chopper was hovering about two feet above the ground. The pilot wouldn't even land. And it was not a hot LZ. We were not taking fire from; anybody. They beat up the gunners because they were mad at the way our wounded were being treated. To add to this, our battalion did not have a Medivac chopper of its own. When we wanted Medivac, a dust-off, we had to call back to battalion headquarters and they had to call brigade. Then we got a clearance for the dust-off. This was a matter of fifteen minutes. Fifteen minutes seems pretty quick over here, but over there it's a long time, specially when you have a man dying of a serious wound. There were numerous accidents around our LZ, LZ Uplift, which is south of Bong Son, in Bin Dinh Province. We had a friendly village to the south of us. There were two times when Americans fired from the perimeter into this village. Working in S-5 I would go out and be part of the investigating team in which the American government would investigate the accident. Then we would pay them what they called a "saladium payment." Now the saladium payment was a condolence type payment, like you might send flowers to someone's funeral.

It in no way implied or implicated us as the perpetrators of this. So we would pay them a certain amount of money for people lost. In one incident there was a woman and five children killed and I think a sum of $500 was paid for this. In another incident. right before I left, a young boy was out tending cattle. An M-79 was fired from the perimeter and he was seriously wounded. We could not take him to an American hospital. We spent about an hour just preparing him for surgery. He was not taken to an American hospital but to a Vietnamese hospital. This was battalion SOP, that you did not take wounded Vietnamese to American facilities. No payment was made and I went all the way to brigade on this. I tried to get payment for the family of this boy who died, but I was not able to follow it through. At the time I left, the S-5 officer there would not listen to me; the brigade S-5 would not listen to me. The last thing that I want to relate was the last mission that I was involved in in Vietnam. Our battalion was in the An Lau Valley in Bin Dihn Province which is west of Bong Son. Our mission was to interdict NVA infiltration down the valley. I was the medic, I was the senior medic on Fire Base Abby. Along these valleys there were small garden plots and graves. In the garden plots were potatoes and small fruit-type gardens, or truck-type gardens. Intelligence said that the NVA were using these gardens as sources of food. In the period of six weeks that I was there, I know of ten civilians, ten unarmed civilians, who were killed tending these gardens. Again, I had access to the TOC and to all the briefings. The battalion CO was upset that there were no weapons found with these people. They were shot while they were working the field and there were no weapons found with the people. It was covered up on the battalion level and these people were reported as VC. In fact, they were old men who were killed working these plots. Again, there were PSY-OP missions and Chieu Hoi passes were dropped in the area. But the fact was that these people were up there to visit graves. The graves were actually in the garden plots. I doubt very much if the people really understood that they weren't supposed to be in the area. The area was not a free fire zone. So prisoners were not taken. In regard to medical treatment of wounded Vietnamese, and this involves not only captured prisoners, but also any Vietnamese, when we went out into the field we were issued a small bottle of serum albumin, about 500 cc's. Our platoon sergeant said, "This is worth $25. Never use it on a gook." There were many occasions where a wounded Vietnamese was sent back or dusted-off with only a bandage to stop the bleeding when the man needed IV fluids to make it. He was not given that aid. We had to account for our bottles of serum albumin just as we had to account for our morphine. We were, we were not allowed to waste it on a Vietnamese.

MODERATOR. Allan Crouse, former E-4, also with the 82nd Airborne Division.

CROUSE. I would like to talk about the policies and the conditions of the people in our areas of operation. We had fire bases twenty, thirty miles north of Saigon and we had one battalion on the border. I was down there from January, '69 to December, '69. This was about a year after the Tet offensive and conditions were quiet. There was some light contact. but the North Vietnamese, you know, could not stage anything right around this area because it was too much. Peace prevailed around the area and with relatively light security. We were getting work done without harassment from the enemy. We got to know some of the Vietnamese people as human beings. We talked to them, with interpreters, and got to know some of these old papa-sans, trash as the army says. I mean, these people do have so much intelligence and wisdom that it's just phenomenal. And you learn that they don't really want much materially because they never had anything. All they want is a chance for peace, to live off the land, raise their children peacefully. In the past it's just has been too much. They never knew anything else besides this war. It's just tearing everything up. We cleared about 2,000 acres north of Saigon, about twenty miles north, with many tunnels there, destroying the land.

MODERATOR. Excuse me. Allan, could you get into the dynamiting of villages?

CROUSE. Yes. Actually atrocities were not too prevalent there because the army felt it was close to a populated area and they didn't want any bad news. Just as the other man said, whenever the newsmen were around everything was nice. They went out of their way to keep calm. The army didn't want any atrocities around this area. But we would go through one or two villages where they'd practice their explosives. Just walk into these huts and destroy one or two.

Moderator. I will open up the floor right now to the press for questions.

Question. I'd like to ask Bill Perry a question. What do you feel like, you men who go to Vietnam and are subject to such brutality? How do you feel this affects the individual when he comes back to the United States and sees things happening back here? How do you think the average Vietnam veteran that's done all these things, and gone through all these things, feels when he comes back to the States?

Perry. People say we must stop the war. I feel it's so much more than this. The whole rich man's game has always been fear. They've always been very much into impressing us. Now here's the Empire State Building. Be impressed. Now here is the C–5A or some fantastic jet bomber. Be impressed. You know, be afraid of it. Here is a club. I'll bust your head if you don't stay in line. Be impressed. Be afraid. Competition is another thing that brings about fear. Like ever since we're little children. Come on, stupid, you're thirteen months. Why can't you walk yet? Then there's this fear that's always put into us by the movie people for instance. That all Africans are cannibals and all Indians are savages. Who are the real savages? Who is really creating this climate of fear—this climate of mistrust—this climate which makes us scared to death of the person sitting next to us? Who prevents us from loving each other? The whole fear thing is what's creating atrocities in Selma, atrocities in Phuc Vinh, atrocities in Angola, atrocities in Mozambique, atrocities in Montevideo. It's happening everywhere. We're afraid of ourselves. We're not allowed to love each other. The whole life-style of the Vietnamese people, their whole cultural and social way of life, it nothing but love. It's a kind of love we really lack in this country and a kind of love that we have to build. A kind of opening of ourselves, an honesty ourselves and a love for each other where you know there will be no reason to hurt anyone except perhaps to protect our love. You know, the kind of love which is called primitive or savage. The whole American policy is nothing but what you might call cultural imperialism. It's like a very clever form of racism. They've always been in to trying to to honkify white people as much as possible. Trying to make you whiter than white. Just taking their whole decadent culture, their whole cold-weather culture, their whole fear culture, their whole money culture, and push their fear, push this hate, push this mistrust, among all of us. It's this kind of thing some of us have felt all of our lives. You know, when I was sixteen years old, I used to hang out on street corners, drink wine with other kids, have a lot of fun, and be free. The cops came along and, bam, put me in jail for sixteen months. Said get a haircut and look like a honkey. I got out of jail, you know, and I was being free for a while, having a lot of fun, and you know the Army said come with me. And, you know, bam, they give you a haircut, you look like a honkey. . . . and act like a honkey. I came out of the Army and for two and half years I was really having a lot of fun being free. My wife is Oriental; we have two children. We were stopped in New Jersey for possession of rifles and illegal weapons. Like the whole thing happened all over again. You know, they arrested me again cut off my hair.

You're a nigger lover. You're a pig killer. We're going to make you white. You know, cut your hair. You know, the whole thing. Don't be free—you're not allowed to be free. They put the children in the home. The whole thing about what are you doing? ——— to make more gooks? These are Vietnam veterans who have joined the police force and still carry the same racism. Telling my wife thinks like, "You get your orders from Chairman Mao, don't you?" All this weird paranoid fear they have. Fear that they've had, and we've had, since birth. It's on us to eradicate this fear. It's on us to dig on love, you know, to love each other—to learn how to love. The Vietnamese people dig on preserving their beautiful life-style and they won us over by loving us. Loving us to the death of our honky culture. Loving us to the death of holding our white values. Loving us to the death of believing in technology. Loving us to the death of all the phony ——— they have always given us. And this is where it's at—digging on what they've told us are primitive cultures, you know, getting back into the sun, treating each other like real human beings, not competing, but really cooperating, and really loving while doing so. Like it's all we can do. We have to do it. It's just a question of getting it together and doing it.

Moderator. I have a release statement here to read to you. "To the brothers of Winter Soldier: Those of us who are still prisoners of the war machine would like to express our solidarity with those of you who have found the courage to expose what we are part of and what we are now facing. Hopefully your actions will move more of our brothers and sisters in uniform to join us in our resistance from within of the system which is responsible for the oppression of peoples around the world. Together we can bring that system to a halt. Keep up the struggle. Signed, The Brothers of the American Servicemen's Union, Selfridge Air Force Base, Michigan." And the last statement is that Representative Conyers and Senator McGovern have invited us to come and talk to a Congressional hearing. Now this is it. I don't trust the United States Government. I don't trust the FBI or the CIA and I most certainly do not trust Conyers. I don't trust McGovern, either. McGovern's a presidential candidate. Is he going to wait until he gets ready to get the votes and then invite us to come down there and speak? I'm sorry, but I'm not going to wait for that. And I don't think my brothers are going to wait for that either. We're going to take it to the street. We're not going to wait for somebody to come up and ask us, "What the ——— was that thing that went on up there in Michigan? Was that a hotdog sale? What was it?" We're going to take it right to the street and we're going to make sure people remember what's going on. I'm not going to play a political bag with them and neither are my brothers going to play the politic bag. So that's where it is.

FIRST, FOURTH, AND NINTH INFANTRY DIVISIONS

Moderators

Wayne Novick, 22, SP/4, 1st En., 26th Inf., 1st Inf. Division (From February 1969 to February 1970).

Donald Donner, 24, SP/4, Combat Engineers, 20th Brigade, 86th Combat Engineers (August 1967 to July 1968)

Veterans testifying

John Lytle, 24, SP/4 (E–4), "E" Co., 6/15 Arty., 1st Inf. Division (August 1967 to March 1969)

Robert McConnachie, 22, Sgt. (E–5), 2/28th, 1st Infantry (October 1967 to October 1968)

Ron Newton, Pfc., (E–3), 24, 3rd Brigade, HHQ Co., 704 Maintenance Bn., 4th Inf. Div., (July 1966 to June 1967)

John Hartner, 26, Sgt., (E–5), H & HD 3rd Brigade, H & HD 2nd Brigade, 4th Infantry Division (November 1969 to August 1970)

Carl Rippberger, 23, E–4, K Troop, 3rd Squad, 11th Armored Cav. Reg., Attached to 9th Infantry Division (May 1967 to May 1968)

Michael Farrell, 24, SP/4 (E–4), "A" Co., 2/60, 9th Infantry Div., (January 1967 to January 1968)

John Henry, 26, SP/4, 2/60, 1/11 Artillery, 9th Infantry Division (March 1968 to February 1969)

Franklin Shepard, 23, S. Sgt., (E–6), 5/60, 9th Infantry Division (March 1968 to August 1969)

William Rice, 21, SP/4, 3/47th, and HQ, 3rd Brigade, 9th Infantry Division (January 1969 to January 1970)

Barry Hopkins, 23, 3/39th, 9th Infantry Division (January 1969 to January 1970)

Scott Moore, 26, 1st Lt., 2/39th, 9th Infantry Division (1968 to 1969)

Mark Lenix, 24, 1st Lt., 1/11th Arty and 2/39 Infantry, 9th Inf. Division (1968 to 1969)

Moderator. Good afternoon. My name is Wayne Novick. This is going to be the testimony of the 1st, 4th, and 9th Infantry Divisions. I'm the moderator.

Donner. My name's Don Donner. I'm going to moderate also. We're changing the format somewhat this afternoon. Instead of having each person rap down his basic line, about what happened to him in Vietnam, we're going to try and take wide areas—treatment of G.I.s, treatment of civilians, treatment of prisoners, H and I fire, the entire realm of free fire zones, what the war has done to us individually and collectively. For each of these sections each of the gentlemen on the panel will be allowed to testify on that one particular section before we move on to the next. We will allow questions from the press, one or two at the end of each section if anybody wishes to ask. Okay, starting here, John, would you like to introduce yourself and work on down.

Lytle. John Lytle, 6/15 Artillery, 1st Division. I spent—I was in Vietnam in 67, 68, 69. Came back a Spec. 4. I think I was really an E–3, but I ripped my records off so they never knew what I was. My M.O.S. was 13 Echo 20, Artillery Forward Observer.

McConnachie. My name is Robert McConnachie. I'm 22, I'm from the Sunshine State, Miami, Florida. I was a student before I entered the service. I enlisted in the service. I was a sergeant E–5, I was in the 1st Infantry Division, 2nd/28th, Black Lions, I was an RTO. I was in Vietnam in 67 and 68 and right now I'm a student.

Newton. My name is Ron Newton, 24 years old, Portland, Oregon. I was drafted. I was with 704 Maintenance Battalion, 4th Division. Personnel Specialist. Now I'm a student at Portland State University.

Hartner. My name is John Hartner, I am now a student, I was in graduate school before I was drafted. I served with the 4th Infantry Division, in Vietnam. When I first arrived in the country, I worked with the Third Brigade Headquarters Company in the Operating Section. Shortly after I arrived, the Third Brigade was sent home. I then worked in the Intelligence Section in the Second Brigade.

Rippberger. My name is Carl Rippberger, I'm 23, I was a student before I entered the service. I was in Vietnam from May of 67 to May of 68. I was in K troop, 3rd Squadron, 11th Armored Cavalry Regiment. I was a machine-gunner for the first few months I was there. Later on I drive an armored cavalry assault vehicle. I'm now a salesman for an electrical distributor.

Farrell. My name is Mike Farrell, I'm 24. I was a part-time student before I was drafted. I was drafted in April of '66. I got out of the army in January of '68. I was with A-company, 2nd/60th, 9th Infantry Division. I was a rifleman for the first three months that I was over there. The remainder of the tour, I was a machine-gunner. Right now I'm a student at Oakland Community College here in Detroit.

Henry. My name is John Henry. I'm 26. I'm a student from Detroit. I was a Spec 4 in Vietnam in the 9th Infantry Division, same company he was in, 2nd/60th. I was there from March '68 to February of '69. I was an Infantryman for 9 months, worked on a mortar squad, and the last three months I was a trash man for an Artillery Unit.

Shepard. My name is Frank Shepard, I'm 23, from Plymouth, Michigan. I was a student before I entered the service. I'm a free spirit now. I was in the 5th Battalion, 60th Infantry in the Headquarters Division, in the Personnel Department. Served in Vietnam from March of '68 to August of '69.

Rice. My name's Bill Rice, I'm from Vineland, New Jersey, I'm 21 years old. I was a machinegunner for D-Company, 3rd Battalion, 47th Infantry, and then when they were moved out I was transferred to Headquarters, Third Brigade.

Hopkins. My name is Barry Hopkins, I'm 22 years old from Greensberg, Kansas. I enlisted for the draft in '68 and went to Vietnam in January, 1969 to January '70. I was with the 3rd/39th, 9th Division. I was a point man for five months.

Moore. My name is Scott Moore, I'm 26 years old, I'm from New York City. I was a First Lieutenant in the Infantry. I was a platoon leader for five months and Forward Resupply after that. I served with the 2nd/39th, 9th Infantry Division.

Lenix. My name is Mark Lenix, I'm 24 years of age, I was a lab technician before I went in the service. I was drafted. I was a 1st Lieutenant, served with the 1st/11th Artillery attached to the 2nd/39th Infantry Battalion as a Forward Observer.

Moderator. We're going to start discussion on H & I fire. Bob, you were an RTO and an FO, Forward Observer, for Artillery working with the Infantry. Could you tell us about H & I fire? Exactly what it is, how it was used, how often, and things like that?

McConnachie. H & I fire is Harrassment and Interdiction. These guns, 105 Howitzers, they shoot mostly at night, to keep the V.C. on the move. They always got to keep them moving to protect us and the ambushes. I'll give you one instance on H & I fire. The people firing don't know what they're firing them at: they're so stupid. I was in a leper colony, it was called Ben Son. There was a unit of 40-meter mike mikes, they're usually not on jeeps, dusters they're called. This one unit put 46 rounds in this leper colony, killing some civilians. It was a hospital complex. They knew where it was. So I jumped in the ARVN's truck (there were 140 ARVNs at this place and there were only three Americans, a sergeant and two PFC's), and the ARVNs took me over where this unit was. There was a Captain there and he asked me if I had told his superiors. My superiors were located in Di An which is detonate 5–2. I showed him where we were on the map and he holds his hands in the air and says, I know where you're at now." You know, he says, "Don't tell my superiors," and I said okay. So I went back to my base camp where I was stationed.

Moderator. John, you were also in Artillery, would you care to talk about H & I?

Lytle. We'd have to get clearance from battalion to shoot 'em.

You'd have to call in and get your clearance, get your grids, you'd mark it off on your maps and you'd get everything set up to shoot H & I's. We used to shoot H & I's three times a night anyway. Every time we shot we'd shoot like a hundred rounds, maybe two hundred rounds, of these big shells, you know. 105 Howitzer shoots a shell approximately five inches in diameter. It's about this long with a projectile on it and a shell part on it. It'll make you a nice swimming hole when it lands. So maybe three times a night we'd shoot those, you know. At least for six months we did that, I remember. We usually didn't have to get much clearance, you know. If we just wanted to shoot 'em, we would mark off for one of the companies that were out on patrol or something; they'd call in and say there's a little bit of movement (or one of the starlight scopes would pick up some movement) and we'd just throw some shells in. If it happened to be a village, we'd probably just lob some shells in there too. It's no big thing, you know. We didn't worry about it.

Moderator. Did you ever notice any results of the H & I fire? Were you ever in the area after H & I fire?

Lytle. Well, yeah, like I've been around in areas, you know; walked through the villages after we've hit 'em, and they're just totally destroyed, totally. Like, say this building right here would be nothing, you know. You could see the sky, everything would be completely, completely rubble.

Moderator. Okay. You say the order came down from battalion on this. How do we know that these people were V.C. or were not V.C.?

Lytle. We were in areas that if there was movement at night, wow, maybe they're trying to get you, so we get them first.

Moderator. Okay. John Henry, you also mentioned that you were in an area where H & I fire was S.O.P. Would you care to comment on it?

Henry. I was in an Artillery unit for a while. It wasn't where we fired H & I's. But you've got to get clearance from the Vietnamese nationals and the Americans. They set up these fire zones, the H & I fire zones. There are areas like in the Plain of Reeds, which is south of Saigon and a stronghold of V.C., where they pretty much own the country and they walk at will at night. Well, you've got to fire a lot of harassing fire. We used to take our mortars out to the field and—well, the V.C. aren't stupid either.

They get out of the rain. They're not like us; we sleep in the rain around dykes. But the V.C., they go to houses and hamlets, rest up for the night, and get food and things. And we used to shell villages at times, like five or six rounds every thirty minutes or so all through the night. On the perimeter of the village, people had a curfew and were supposed to be in. But if some mama-san got up during the middle of the night and had to move her bowels, she was ducking flack, too. We had free fire zones; we had mad minutes, just about throughout the Ninth Division. You know about mad minutes. A mad minute—everybody gets on line, everybody in the company, and you play Machine Gun Murphy. You're told to fire a magazine through your weapon and you just pepper the countryside. Usually you do this about six o'clock at night because you get colors off the tracers. I don't know why.

Moderator. John, did you ever use the mad minute in an area or in a fire support base where there was a village close by?

Henry. Well, there are hootches along the woodline and that's where pockets of V.C. would collect. So we fired towards the woodline, and where there were hootches, where there was civilian population. But they had thick bunkers, thick bunkers.

Moderator. Mark, you were an artillery officer, can you give us anything more on H & I policy and techniques?

Lenix. Well, H & I was to sort of keep the V.C. off guard.

You weren't sure what was there, but if they were, then of course, you just drop artillery on top of them. When I was working with H & I fire, you'd put your arms out and the only clearance you'd have would be from battalion. You'd call them, give them a grid square, and they'd say, "Sure, there's nothing there. Go ahead and shoot." And then, of course, you'd send the order to the guns and the guns would shoot. Well, on one instance that I can remember, there was nobody there and we went ahead and shot. The next day a papa-san brought in his dead wife and wounded baby. There was nobody there.

Moderator. Okay. Mike Farrell, we also talked about H & I; would you care to talk?

Farrell. Yes, I was in a Brigade Medical Center in Tan An. This was a short distance from my base camp. I was trying to get dental aid and I was in the aid station. This was approximately May of '67 and they brought in a woman with a small child. The child was approximately three, four years old, and the child was very badly mutilated. He was bleeding very profusely, you know, and he was in a state of shock. I asked the doctor what had happened to this child and the doctor said that the child was hit by H & I fire. I myself did not see the child being wounded by this H & I fire, but this was the report that the chopper pilots brought in.

Moderator. Scott, I just want to get this in here. You were in the same unit as Mark. Can you corroborate the testimony he's given?

Moore. Right; I was in the same unit for four or five months before Mark got there and H & I's were definitely used. I can remember going through rice paddies on search and destroy missions and finding dead peasants in the middle of the paddies, just lying there. I'm sure they were caused by H & I's.

Moderator. Bill (Rice), you also were talking about H & I.

Rice. Well, we went out one night when an ambush was set up around this hootch. We had gone through this area several times. We knew the papa-san and everything there. We come up there this one night and started getting a big hassle from him because mortar rounds from our 81s had gone through the roof of his hootch. Another landed outside his hootch and blew his boat up. Fortunately, no one was killed. We used to get a lot of readings. They put out these things called duffle bags and radar. They pick up readings on these and fire on them. I doubt that they had any visual contact with the people they were firing on, but rather picked them up on radar and fired on a radar sight, not knowing who was there.

Moderator. That's radar against personnel on the ground?

Rice. Right.

Moderator. Is there any way that you would understand for the radar to be used to tell if these troops were friendly or not?

Rice. About the only way you could tell, was to call and see if any friendly units were in the area. They'd check with the ARVN, with the American units, and any unit operating around us. If there were no military units there, then they would fire. They'd not check for civilians.

Moderator. I see.

Moderator (Novick). Just on this radar business, I was in the Infantry also. To tell you how accurate it was, they set up some anti-personnel radar in my base camp and sent my platoon out on a little riff around the NDP. They were picking up VC in between us, on the sides of us, in back of us and in front of us and there was nobody out there but us. So that's how accurate the stuff is.

Moderator. Okay. Most of you have agreed that H & I is fairly SOP—standard operating procedure. Does anybody else have any particular story they want to relate on this matter? Okay. For the benefit of the audience, it's my understanding that the entire free-fire zone concept, where areas are set aside and anybody there is assumed to be an enemy, H & I fire, firing without warning at anything moving in this area, is against not only the Geneva Conventions, but most of the rules on civilized warfare. Do any of the members of the press wish to raise a question on H & I fire to this panel? Okay. Our next topic is going to be treatment of GIs in the service in Vietnam by officers and other GIs. Ron, you were a personnel specialist. Would you like to give us something on this?

Newton. As a personnel specialist I had contact with records, of course. I saw enlisted men being used in jobs that were outside of their MOS. I was used in a completely unrelated job, a menial job at tech supply, when I was a personnel specialist, because they were short handed. I saw men that were not qualified to go out on guard duty or shore patrols, sent out on patrols. Men who were not qualified with M-16's were sent out on patrols to use the weapons. I myself was issued a Claymore. I never saw one before I got to Vietnam.

I never had any AIT training, OJT (on the job training) and many other people were this way. No jungle training. We were part of an advanced party from 4th Infantry Division which I think is the worst Division in Vietnam because it's poorly trained. Besides we shouldn't be over there anyway. But I was part of the advance party. We did not know how to do anything right while we were over there. The first initial months the officers completely harass the men. We were living in pup tents, yet we had to have spit-shined boots. And shined buckles. If you didn't obey the commands, if you didn't get into the program, they'd take you out and ship you to the infantry. AIT, for those that don't know, is Advance Infantry Training. Now, you qualify with your weapons, you learn how to fight. Since I was a personnel specialist, I really didn't know what was coming off when I got over there. And they said, "Okay, you're going on a patrol tonight." "A what? Can I take my typewriter with me or something?"

Moderator. Ron, you said you were issued a Claymore and never had any Stateside training on the use of such a weapon. Did you receive training while you were in Vietnam on any weapons that you were required to use or carry?

Newton. No. I started out with an M-14 but shortly after we got to Vietnam we got M-16's.

Moderator. And you also did not have any training on the M-16?

Newton. I had training on the M-14, but I did not have training on the M-16.

Moderator. Mark, a lot of people in the States are under the impression that the GI gets the best medical care in the world. I believe you have something that's a little contrary to that. Could you give us that?

Lenix. Right. My Easter of '69 wasn't exactly what I'd call a treat. I was wounded. They decided that I wasn't wounded bad enough to be dusted off, so I waited a period of approximately nine hours while I was laying in a pig sty to be dusted off. When I was dusted off, I was taken to the hospital. I will say the treatment I got was fast, but efficient, it wasn't. I was taken into the operating room and worked on. They completely neglected the wounds on my arms and, of course, I had to say, "I don't think you're finished yet." So they sewed up the wounds on my arms. I was then released to get to a ward. I was put in a ward where there was no medic, no supervisor. I was told by the man laying next to me that I was hemorrhaging. Well, since there was no one in the ward that meant I had to get up and walk back to the operating room and open the door and say, "Doctor, I'm not done." Then they put me back on the table and said, "Oh, I guess you're not!" And they finished it up. Well, that wasn't the end of it. Then they sent me for two weeks recuperation. As I was recuperating, the wounds were supposed to be healing. Well, they didn't heal, but the doctor gave the orders to take the stitches out without ever looking at me. The stitches came out and the wounds opened back up, but I'd already been released from the hospital so they couldn't treat me again. So they sent me home. When I got back to my unit, I stopped at the hospital in Dong Tam, which was the 9th Med. Battalion Hospital, and they told me that I'd have to be operated on again. I told them that "No, thank you, brother." I went to the aid station and was worked on by a Spec/5 who was just a male nurse, but he gave me excellent treatment. The treatment that the army offered me and gave me was no good. I had to seek my own from people within the unit that I knew.

Moderator. What was the general attitude of the doctors in the hospital toward yourself and the other people who hadn't been treated properly?

Lenix. Well, I never saw a doctor. He came in one day and took a look at me and said, "All right. Your stitches will come out in three days." And that was the last of it. Three days later the stitches came out. He wasn't there to supervise it; it was a Spec/4, just an aide, who came and clipped 'em out. As they were coming out, the wounds were opening up and he asked the nurse in the ward, "These wounds are opening, should I taken 'em out?" And she said, "The doctor ordered it." The rest of them came out and the wounds opened back up.

Moderator. Is there anybody else on the panel who has any testimony?

Farrell. Yes. It was April of '67 and I sprained an ankle. The only medical treatment I ever received was an Ace Bandage; if you're not familiar with it, it's a big elastic bandage that they use to tape up sore muscles. I could not walk out in the field. But for three months I was out in the field with this foot taped up like this and it was the only remedy they would give me. They wouldn't give me enough time off out on the line to let that foot heal up properly. They'd give me Ace bandages—new ones—each time I'd come out of the field because they'd be ruined by the water and the mud that we were in. And Darvon Compound. If you don't know what Darvons are, they're just little pain pills, mild pain pills, and they're very widely distributed over there. There is another instance of my mistreatment over there. I have very poor vision and I lost my glasses on a night ambush patrol. I only had one pair of glasses remaining and these were sunglasses. I was made to pull guard duty at night on a bunker with sunglasses. I have 220/20 vision in both eyes. As far as I'm concerned that's pretty blind. I couldn't see and then with really dark sunglasses (the type that the army issues you), I was pulling guard duty. For the remainder of my tour—I had to go to the doctor—I couldn't tell them that I couldn't see at night. I had to go get a doctor's note to tell them I had to get a profile that I wasn't supposed to be on guard duty. So seeing as I couldn't pull guard duty and details during the day, they had one remaining chore for me to do while I was waiting for my glasses to come in.

That was to pull KP, which I did. Like I pulled KP every day, I was on permanent KP for a month and a half, two months. Needless to say, everybody knows what KP is like. How do you feel at the end of the day of doing KP all day, day in and day out.

Moderator. Right. John, we were talking earlier about sick call, and such, if you'd care to go into that.

Henry. The army is a very demeaning experience. They have a pre-set way of thinking about enlisted people, especially draftees. When I was an infantryman, there weren't many ways to get off the line and the thing you wanted to do was get off the line. But they'd save those jobs for the short-timers—building bunkers, filling sand bags, burning . . . good jobs like that. A lot of people were going on sick call because we were losing a lot of people. I went on sick call and I had to get my slip from the doctor that said I was exempt from going out in the field because I had a split-open toe. The conditions out in the paddies would have just aggravated it. So I got this slip from the doctor, but he said I had to go and see the major who was the battalion CO. He was clearing all people; he was like the second step after you went through the doctor. He looked at my toe, took off the bandage, and said it didn't look that bad. He said that they were obliged to send a certain amount of people out to the field—they had to field so many people from each company—and if I didn't go somebody else would have to go. So what they did, they had the first sergeant going out to the field; they had the mail clerk going out in the field; they had the supply clerk going out to the field; and they had the guy who fixed the radios going out to the field. They couldn't field enough people because too many people were going on sick call.

Moderator. Would you consider this going on sick call, in the majority of cases, to be malingering?

Henry. Well, it's really hard to rap to people who haven't been in the army. If you've never been to Vietnam and you've never been in the situation where you go out every day, you've got a really good chance to die. It was tough when you went on sick call because they gave you a bad time. You had to sit on the porch, not smoke cigarettes, and stand around until sick call started at eight o'clock. You had to be there at 7:30. You had to go to the orderly room and get a pass, which meant you had to miss breakfast. They didn't make it easy to be sick; and it wasn't fun to be sick, either, because they always had something else. Like if you couldn't go out to the field, you could fill sand bags or something. You had to be really sick-sick to stop doing anything.

Moderator. Okay. Evidently it was required to have a certain amount of people in the field at all times. If people were sick, documented sick by the doctor, they had to go to a major who was in charge of putting a certain number of people out in the field. If he could not get enough people out in the field, then he could override the doctor's orders, even though the person was classified by the doctor as supposed to be staying in?

Henry. Well, I can only speak for myself, and the doctor told me that I was borderline. He said that if I went out to the field it might be aggravated, but there weren't any stitches in it. I got a shot of Tetanus and some pills. I was wearing shower shoes and he said that I should keep it dry as much as possible and keep it out in the air. If I went out to the field, I'd have to wear my boots and I'd be wet as long as I was out there. I know of other people who got turned down by the major who had to go back out in the field even though they had crotch rot so bad that it was from genital to toe. We lost a lot of people the first couple of months I was in country. My MOS was mortars and they disbanded the mortar platoon to fill the infantry platoon.

Moderator. By lost, you mean a lot of men were ripped off, killed? And they had to fill back up, or what?

Henry. Yeah, we lost fifty percent. More than fifty percent of our casualties were by booby traps and that's just being unlucky because all it takes is one guy to put his foot in the wrong place and a lot of people get hurt. There's no enemy contact, no direct enemy contact. You're not getting a body count, but they are. I don't think we ever did better than they did against us because they were ingenious, you know.

Moderator. Okay. Ron, did you want to say something else?

Newton. Yes, I had ulcers while I was over in Vietnam, probably as a direct result of being in Vietnam because I didn't like it at all. At first, I went on sick call a couple of times, complained of a bad stomach, a progressively growing worse stomach. Then they started thinking I was faking because some of the men were faking. But one night I had an attack which started bleeding—bowel movements produced blood. In the morning I couldn't get out of my bunk. The sergeant came in and said, "Get the ——— out of the bunk. Go out and work." And I said, "I can't get up." So he went and got the 1st Sergeant and they grabbed me, took me out of the bunk, and I passed out. Then they thought, well, maybe he isn't faking, so they got me on a stretcher, took me over to the hospital, and found out I did have ulcers.

I was in the hospital that time for two weeks. They put me on a bland diet, but at the same time, in the first three days or so, I couldn't get around very much. They wanted me to make my bunk, lay on top of it, and do a few details around the hospital. I refused and that made them a little uptight. They wanted to get me out of there, since I wouldn't play ball. About a month later, I went back the second time with worse ulcers. They finally gave me a different diet in the company so that I could keep working.

But the second time I went back, they shipped me to Qui Whon where I did finally receive some treatment, some really good treatment and I was able to combat the ulcers. But every time that I tried to go on sick call, since I was one of the troublemakers in the company, they tried to refuse me. Also, I had a dental problem. Some of us lost our toothbrushes while we were over there; they didn't have any more toothbrushes to give us, because we were Advanced Advance Party.

The first month or two we were over there, we didn't have anything. We had a canteen of water, that's it. No toothbrushes whatever. My teeth got progressively worse. Finally, I wanted to go see a dentist because I started getting sores on my teeth, and they said, "No, we can't spare you." It got so bad that I could just lift my gum up, or lift my teeth and say, "Hey, look at that." They finally gave me dental treatment, but now as a result of those ——— people, I'm going to lose my teeth.

MODERATOR. It is very common for whoever is in charge, the sergeant or the officer in charge of allowing people to go to sick call, to put it off for any length of time?

NEWTON. If they can. They'll try to say faking at first. If they see signs of it, they'll put it off some more until they can spare you.

MODERATOR. John Hartner, we were talking earlier about many, many things. One of the most important things which we feel we must talk about on this panel is the treatment of both civilians and suspected (meaning civilian) VC. Would you care to go into that?

HARTNER. First, I want to tell you a little bit about the way we ran our operations. We, of course, like everybody else in Vietnam, ran our operations under the free-fire zone concept. This is where the Vietnamese clear, with military personnel, a certain area that they are going to work. I'm talking about our American troops. The result of this clearance is that anything then in this area is considered enemy. In the area that we worked in, which was the Central Highland area, there are a lot of Montagnards. The Montagnards, of course, were not consulted. The Montagnards are hated by the Vietnamese, and they couldn't care less whether they lived or died. When I was working in the Intelligence Section of the 2nd Brigade, our average reports, daily reports, consisted of individuals who were fired upon that had no weapon whatsoever. These were primarily Montagnard farmers and hunters just moving around doing their daily chores. But our troops were under orders to fire on these individuals.

I have an example that I'd like to read right now. I'd say that approximately 60 percent of all our reports consisted of this type of material. "On the 24th of July, 1970, 1 Bravo, 1st 22nd, Bravo Romeo 583818, observed two individuals ten meters to the west, wearing blue shirts, black trousers, no weapons. They employed small arms resulting in one enemy KIA; the other fled north. Artillery was employed. They swept with negative findings." This was an everyday occurrence, or more than every day—several times a day, depending on how many individuals our troops ran into. Every once in a while, we'd be assigned an Air Cav. Troop. I have another example of the same thing. This time, however, there were four NVA soldiers with this Montagnard village. "On the 24th of July, 1970, Bravo, 17th Cav. at Bravo Romeo 2902656, observed 15 to 20 individuals.

They received an unknown number of small arms, ground to air fire with negative hits. That means that a couple of the NVA took their rifles and they fired at the gunships expended, resulting in six enemy KIA. Five minutes later they observed an unknown number of individuals in a bunker and hut complex. This was a Montangard village. "They employed artillery and an air strike resulting in ten enemy KIA. Thirty minutes later they observed 15 individuals running south along the ridge line." These were individuals who were now fleeing the village. "Artillery was employed again resulting in 10 more KIA. An hour and a half later, they observed 30 to 40 enemy moving south into a wood line. Artillery and an air strike was again employed resulting in 14 more KIA. Thirty minutes after that they observed 12 individuals. Gunships one again expended resulting in 8 enemy KIA." If the count was correct, a total of 48 people died that day. There were only four weapons discovered among these people. It was a Montagnard village.

MODERATOR. For those of you who were not here yesterday, we had a chopper pilot testifying and he mentioned that the way he was told to distinguish between VC, NVA and civilians was that if he was up in the air and he saw somebody down on the ground who was running, that was a VC. If he was up in the air and he saw somebody on the ground standing still and waving at him, that was a well-trained VC. In any case, take care of them both.

You mentioned earlier a conversation which you had. Would you like to talk about that, too?

HARTNER. This is an example of an officer's attitude who flew some of these missions. He was an intelligence officer, working for the 3rd Brigade. One night he was talking to two Specialists bragging about the mission that he had been on that day, how good it had felt to kill one of the individuals. At that time I was standing around the back side of the wall of the TOC, posting maps, and the conversation went like this: The officer is talking now to the two Specialists: "I promise you that I will personally kill two dinks tomorrow. I'll bet you that I'll kill two dinks tomorrow." This time I walked around. I said, "Sir, what do you consider a dink? Any Vietnamese?" His answer: "Anything over three months old." My response: "Sir, you are really . . . sorry." The officer then spoke: "It doesn't make any difference if they have a weapon or . . . this big. I killed a woman once, and it was really funny."

MODERATOR. Most of us can testify that in many, many cases, this is the general attitude of not only the officers but ourselves. Carl, would you like to go into those first two slides you have?

RIPPBERGER. The first two slides you're going to see were the burning of a village. Our armored column moved it. It was in June or July of '67. It moved into a village. The people obviously heard us coming and fled the village in fear of what would happen if they were still there when we got there. We made a thorough search of the village. We found no weapons and nothing to suspect that these people were Viet Cong. Orders came down to burn the village anyway. It was a small farming villages of maybe 10–15 hootches.

MODERATOR. This is a picture of the village itself burning, is that correct?

RIPPBERGER. Right. This is one of the hootches burning. All the people's belongings, everything they owned were in these hootches.

MODERATOR. Carl, was there any warning given to these people before moving in, or did you just move into the village and say we're going to burn it?

RIPPBERGER. No, we were on search and destroy and we were just driving through. The helicopter spotted this small farming village and as we moved in the tanks and armored cavalry assault vehicles were very loud. They can be heard for miles and the people left before we got there. We found no weapons or anything there.

MODERATOR. Do you have any knowledge of where the people went to, both when you were coming in and after you had left their village destroyed?

RIPPBERGER. I don't know where the people would have gone, other than into the jungle waiting for us to leave.

MODERATOR. Scott and Mark, since you were both in the same unit, I believe you both have testimony related to burning of villages which you can both corroborate. Can we hear some of that, please?

LENIX. Well, in the burning of villages and of individual hootches along stream banks or in wood lines, if there was no one there, then apparently they must be VC and were afraid of you. If they were there, then the civilians were of course mistreated and their houses were burned anyway. It was standard procedure that if you swept through a village and happened to see anything that you wanted, you just took it for the simple reason that the people couldn't stop you, because if they did, then they'd die. So, it was a terrible relationship. It was the Lord and the Peasant. We weren't serving the people at all, other than ripping them off and burning them out of their homes. This isn't an isolated incident.

I myself have burned a whole lot of villages. It doesn't happen just once, it happens every day, and that's the thing that's so terrible. When you think about it, it's like having someone come to your home, set it on fire, say I'm sorry but I like your stereo, and I'm going to take it. There's nothing you can do, because if you say no, they'll shoot you down. And this goes on all the time. I think Scott can testify to this, as Scott and I served in the same unit.

MOORE. It did happen a lot. The battalion commander at this time frowned upon it. However, the platoon leaders and company commanders, when he was out of the way or was not in the area with the chopper, burned a lot of places. As Mark said, you just go into a place, walk into these hootches, take what you want and walk out. The people didn't say anything because you had a gun and they didn't.

FARRELL. I also can elaborate a little further on that. I can give you a specific date where an order like this came down. Easter of 1967 we had a mission, a search and destroy. It was to destroy every man-made object that we came to, until we reached our objective from the place where we were inserted by helicopters until we reached our objective where we would be airlifted out back to our base camp. And upon landing, we were told that all the gunners on the helicopters were going to open up fire on the woodline to suppress fire. We landed right next to the woodline and there was a young woman with a child running down a path. She wasn't in the woodline; she wasn't an enemy. She had her baby and she was running away from the soldiers. A gunner opened up. Luckily, he didn't hit her, but I saw the bullets inches away from her, just missing her.

Whether he did it on purpose, I don't know. I do know that he did open fire on this woman who was completely defenseless, was not an enemy, didn't have a weapon, just had a baby in her arms, and I say again this was on Easter Sunday. You know, it's sort of symbolic that Easter Sunday, if you're

Christian, you know, it's supposed to be the birth of Christ and we're destroying everything in the name of the United States.

Moderator. John Henry? In my unit we had many civilians who raided our trash dumps for wood to build houses and such. Do you want to talk about any of that?

Henry. When I was trashmaster, 1/11 Artillery, my entire job consisted of making a run to the trash dump once a day and going to My Tho with Special Service people for lunch. We used to make our dump run about 11:30 in the morning so we'd have the rest of the afternoon to go to the pool. There are two kinds of life in Vietnam: there's the good life and then there's the infantry life. And I was an infantryman for nine months and it was a bad life. We used to make our run about lunchtime and the Vietnamese used to climb over the brim to get the boxes from the artillery canisters and the plastic wrapping before it went into the fire. Well, they had some MP's up there at the gate watching the trash trucks come in so you couldn't run dope out. They didn't do anything with the people for a long time. The people were just running amuck.

Then they issued a few MP's BB guns and put them inside the dump. They were posted every so far and they'd shoot the people with the BB guns as they came over the brim. Well, to the MP's it ended up to be a joke. You'd be shooting a fat old mama-san in the ass and she's be screaming, but you weren't really bugging the people. So they got some ARVN's and gave them BB guns to shoot their own people. BB guns—I don't know—that's kind of insulting right there. Most of the people in Vietnam are poor people who aren't making a lot of money off the war. They make a little money—they know some Americans and get some soap and some cigarettes. But the peasant—he doesn't live too well.

Farrell. When we would come in from the field, we would have to pull bunker guard in the daytime, to get out of details. These kids would come into the dump around the berm and try to take cans and anything that they could use. They issued us M-79's with CS gas and they told us to shoot close to them. We'd shoot maybe around eight or nine rounds of M-79 CS, and chase them the way way back to the woodline. We wouldn't be aiming close to them, we'd be aiming right at them.

Moore. We did the same thing in 239. In fact, I've participated in that myself. Shooting at kids and civilians in garbage dumps with the M-79. You remember, Mark, when that happened. I saw brutalization of civilians. We were on an S&D, search and destroy, mission one time, outside of Ra Kiem early in '68 and we were about, I'd say, 2 miles outside of Ra Kiem. All of a sudden a water buffalo charged the point, and the guy machine-gunned the water buffalo. It so happened that an ARVN squad was in front of us and they thought they were being ambushed. They hadn't seen us, so they started firing at us, and a small fire fight broke out. Well, in the middle of the fire fight (the fire fight stopped after a few minutes) a civilian was hit, I think in the chest. He was on a bicycle when he was hit, and we had about two klicks to go back to Ra Kiem, so instead of calling in a dustoff, we just threw him over the bicycle. He was still alive, and he went back that way, on the bicycle, bleeding. I don't know what happened to him. I think he died, but I don't know.

Moderator. Scott, I think this might fit in here. You were talking to me before about inflated Medcap counts. Could you explain exactly what a Medcap is, and explain how the inflated count would harm the civilians?

Moore. Medcap is an idea. It's supposedly treating the Vietnamese civilians for wounds received by H&I fires or for diseases they have or things along this line. I should first explain that in the 9th Division there was a tremendous competition among the Colonels, not only in this particular area which we're talking about, but also body count and combat effectiveness which we talked about before. Pressure was put on me as a platoon leader to make sure I got a lot of people out into the field. And they didn't care how I got them out there. If I didn't get them out, all sorts of things were threatened. So I sent men out who had jungle rot and this sort of thing. Pressure was put on the battalion doctor. As a matter of fact, everything had to be approved by the major, the executive officer, and if the battalion doctor had too many people on sick call, pressure was put on him. So it's a circle. I think Mark can get into the Medcap Program. He was on more Medcaps than I was.

Lenix. Well, the Medcap Program was supposed to be part of a pacification plan that the United States was to carry out in Vietnam. And it was trying to win the people, of course, by being nice to them and treating them. I was still on the line as a combat troop, and we'd go in to give the doctor and his team of people security. When you go into a village for a Medcap, you didn't need the security because anybody who was there wasn't going to mess with you. They knew you were bringing them good things. But the thing is, the people didn't get treated. Not like they say. You'd have Medcaps where there's be 10 people and out of the 10 people you'd give away ten bars of soap and three candy bars. And then you'd go back to the battalion, and the colonel would want to know, "Well, how'd we do on the Medcap today boys? Did we get to treat a lot people?" "Sure, we treated a lot of people, sir. We treated 50 people. We treated a lot of bad feet and a lot of little babies that were sick. We gave a lot of injections." And you did nothing. You threw soap out, then everybody sat down and ate bananas and ripped off the people. Then you'd leave, and that was the pacification program. So no matter what you hear, it's not the truth.

Moderator. Mark, or Scott, what was the attitude of the medical personnel towards the civilians while on a Medcap?

Moore. I guess Mark pointed out that they didn't really care. Some of them did; it depended on the individual. But the general attitude was to get as many people treated so it would look good on the Medcap chart which they had. I was with the 2/39. The other battalions were competing to see who could treat more people and I remember the S-5 officers standing up at briefings and saying, "Well, you treated 60 people," and the colonel would say, "Well, 2/60th treated 85. Let's get the count up." So he'd go back and sometimes read *Playboy* Magazine and come back and report 85. Sometimes they never got treated. Bob, you told me about an incident where a little kid was killed. Could you go into that in more detail?

McConnachie. When I was out in the field outside of Lai Khe with the infantry, we were moved north, so some of us had to go by slicks, which are helicopters, and some by trucks, or jeeps, to Quan Loi, to resupply the people who left before us. On the way up to Quan Loi, we were on Highway 13, you go through villages and you see little kids with their hands out, begging. Well, at first I saw GIs tossing the cans out to them, C-ration cans. Then all of a sudden I saw they were coming pretty fast at the children, and I saw two or three of them killed right there, stoned with C-ration cans. We were stopped by the MPs; he just warned us, so we kept on with our convoy and nothing was said about the kids.

Moderator. Were there any officers present?

McConnachie. Yes, there was a 1st Lieutenant present when we were going to Quan Loi.

Moderator. Did he say anything?

McConnachie. No, he just looked away and kept on walking towards his jeep when the MPs were talking to us.

Moderator. OK, and besides the MPs' warning, was there any other action taken?

McConnachie. No, there wasn't.

Moderator. Yes, John?

Henry. There was a certain craziness among the people in Vietnam, when they were in Vietnam. When I was there, you'd be on back of a deuce and a half, and you'd throw smoke bombs into busses. All the people would be running. There are a lot of games you play with the people. The Army kind of fosters this gaming. Most houses have shrines, Buddhist shrines, and on patrol, you'd go in and rip off knick-knacks to send home, you know. I've got some Buddhist prayer beads at home that I saw ripped off by another guy who gave them to me, and I tried to give them back to a Buddhist, but I'm afraid you don't do things like that.

Moderator. Scott and Mark, I just want to ask you, since you both were officers, and I guess you were a lot closer to the general attitude of the officers during these incidents? You know you were shocked, did you do anything, and if not, why not?

Moore. Well, I think it was a matter of the training I'd received when I went through Officer Candidate School at Benning and I was a Tactical Officer after that. And like, I was gungho and just in a weird mentality. When I think back on it, it is difficult to believe I felt like that once. But to me, at that time, there was no humaneness. These people were subhuman, and well, they were, the expression is, "good." There was just this inhumane attitude in general. So usually, at least the way I saw it nothing very much was said about it.

Lenix. To go along with what Scott said about the mistreatment of civilians and personnel, that happened *all* the time and nothing was said about it. I was also an officer, and if it was to be reported, apparently it should have been reported by myself. But my attitude at that time was that they were subhumans and it didn't make any difference what happened to them because I didn't want to be there anyway. I just wanted to get home and get it over with. And if it would make it a little easier for me, well, then, I'd make it easier on myself.

I have an incident that I'd like to relate. On the first operation that I was on, in-country, we went into a village called Five Fingers. It was a typical cordon and search which means you surround the village and then you sweep through it. And hopefully, when you're sweeping, if anybody's running from you, they're going to run into the surrounding troops on the other side and then they'd get wiped out. We received fire as we walked into the village. We took no casualties, but we did end up with a body count. No weapons were found, so apparently they were civilians.

The next day, in the morning, they rounded up the entire village, all of them, and marched them out. They were all prisoners of war, all of them. Men, women, children, made no difference. We filled two deuce and a halfs. They had to walk maybe 5000 meters to the vehicles. From the vehicles they were transported to our forward base where they were interrogated. Then they were just relocated, man, just moved away. The next day we went back into the village. We were to finish it off. There was burning and things going on and one of the things that was picked up were two Hondas that were confiscated by the troops. As these were confiscated, one was sold on the road immediately to another civilian who just happened to be passing by and the guy turned the motorcycle into Vietnamese Piasters. So he had ready cash.

The other one was taken down the road a short way, was repaired at a Honda repair shop, and then was just taken with the troops. They used it at the base. Not only were they confiscated, but the part that was bad, was that it was reported on the battalion board as a VC platoon, a VC transportation platoon that had been captured. Then of course the Colonel brought this up when he was with his contemporaries, people of his same rank. "Yeah, well, my battalion got a transportation platoon yesterday, man. We got it on the board. Look, doesn't that look nice?" And what had happened was that we ripped off two mortorcycles.

MODERATOR. You say when these people were relocated, they were put into deuce and a halfs; they were taken for interrogation. Were they allowed to take any of their belongings with them?

LENIX. Right, and the next day, like I say, we went through the village and tore *everything* apart. You know, tore walls out of hootches, just ripped everything apart looking for weapons or whatever. But we found nothing. They just set a torch to whatever you wanted to burn.

MODERATOR. Mike, would you like to speak?

FARRELL. Yeah about the brutalizing effect that war has on people and that the Army helps to foster. Our platoon sergeant told us (I'm going to gentle down the language. I'm not going to say it the way he said it), he said, "If there's a woman in a hootch, lift up her dress, you know, and tell by her sex; if it's a male, kill him; and if it's a female, rape her." You know, like this man, this was his third war. He's rather proud of the fact that he was in his third war. Served in World War II, Korea and Vietnam. I think he had irrational conduct because we were slightly rebellious about all the work we had to do plus the ambush patrols we had to go on at night. There was a lot of complaining. This was in a forward area, the village of Bam U Thanh. We're out there in close march drill in Vietnam. This was his punishment to us because we were grumbling. In that same village where we were marching, we got fired upon. I could just go on, and on, on. A spotter pilot flies one of these little planes around for the artillery.

It's like a Piper Cub; it's a single engine plane and its top speed is about 90–100 miles an hour. They'd also call in the jets and they monitor where the jets were dropping their bombs, and they'd get body counts from them. They see pieces of arms, bodies, flying in the air and then they'd get a body count off of that. Here's a man flying around, 100 feet, 200 feet, 300 feet in the air, and he's counting bodies that are reported back to the news. Really it's a joke. I myself really never had anything accurate as a body count from our company sweeping through an area and really killing somebody.

MODERATOR. By the way, Mike, earlier we were talking to John Henry about the dumps. I believe that you mentioned to me that you had seen a child on the dumps who was permanently lamed. Could you go into that a bit?

FARRELL. We threw CS gas at them in the dumps. At our battalion base camp the supply sergeant said that if any of them gooks come over by the garbage dump, to fire over their heads. So like I just didn't do it. The fellow I was with was firing over their heads; he fired over a couple of children's heads. Another time, I was on sick call, and there was a young child, a Vietnamese child in there. I'd say school age, about 6, 7. He had a mutilated limb. I really don't remember whether it was his arm or his leg, but he was hit by a bullet from an M–16. I asked the Medic that used to be attached to our Company what happened to that child. He said he was down at the dump and he was hit; the sergeant shot at him. Chasing him away and he hit him. I asked him, "Did anything come of it?", and he said "No."

MODERATOR. Bill Rice.

RICE. The psychology used, especially in the 9th Division, was that they take C-ration cans and make booby traps out of them. They tried to psych people's minds out that these people are always out to get you.

MODERATODR. We're going to end this segment right here. Does the press have any questions on treatment of civilians? Scott, did you want to say something?

LENIX. No, I did. In November, '68, in an area called the Wagon Wheel just northwest of Saigon, while on a routine Search and Destroy mission, gunships which were providing security and cover for us in case we had any contact, were circling overhead. Well, no contact was made, and the gunhsips got bored. So they made a gun run on a hootch with miniguns and rockets. When they left the area, we found one dead baby, which was a young child, very young, in its mother's arms, and we found a baby girl about three years old, also dead.

Because these people were bored; they were just sick of flying around doing nothing. When it was reported to the battalion, the only reprimand was to put the two bodies on the body count board and just add them up with the rest of the dead people. There was no reprimand; there was nothing. We tried to call the gunship off, but there was nothing you could do. He just made his run, dropped his ordnance, and left. And there they were, man. The mother was, of course, hysterical. How would you like it if someone came in and shot your baby? And there was nothing we could do, man, we just watched it. And nothing happened. I have no idea what happenned to the helicopter pilot, or to anyone in the gunship. It was gone. Things like this happen. I'm sure, more than once, because if I saw it, I'm sure a lot of veterans who aren't here saw it.

And this is why we have to stop the war. Because not only are we killing our brothers in the Armed Forces, and brothers on the other side, but we're killing innocent people, man, innocent civilians, who are just standing by and happen to be at the place at that time and for no other reason than that, wind up dead.

MODERATOR. This is much, this is exactly the sort of thing that John was talking of at first. John was at the other end of the whole thing. He was the person who got the reports on how many people were killed, how many weapons were found, who as a VC, who apparently were civilians, and how they were all lumped together. John, do you have something to say?

HENRY. In my unit there was a bounty posted for a body count because we went dry for a long time. We were pulling blocking forces and things and we were offered a fifth of liquor for the first man who got the first body. If you're E–6 or under, you can't buy alcohol, in Vietnam. It doesn't matter if you are 53 years old, you can't do it, not in a PX. If you're a 19 year old lieutenant, you can. The incentive, the programs that they build to talk you into killing people. . . . My friend Frank here was in a unit that exemplifies this. We had a Brigade Commander called Colonel ——— ———, who issued Recondo pins. These were glory badges, and if you hadn't tasted your first blood, you couldn't pin one on. He stood up there on a little hill, and let us all take the pledge. All of us pinned on one of our Recondo pins, if we promised, you know . . . had to promise. Frank's unit was even more ridiculous, I think, more absurd, not ridiculous. It does certain things to your head, and I think it would be a really opportune time for him to expose that.

MODERATOR. One moment, please, does any member of the press have questions?

PRESS QUESTION. Does any member of the panel remember a General ———?

UNKNOWN PANELIST. Commander of the 9th Division?

PRESS QUESTION. Right . . . do you remember appetizing tales about him?

UNKNOWN PANELIST. Right, I was in three parades that he had.

MODERATOR. Hold on a second, please. It's against the policy of the Winter Soldier to name any names of any officers or NCOs because we are trying to avoid scapegoating. That is one of the main premises, so once this man has been named let's just hold back on any tales about him specifically. If it had been mentioned, "just a general" that would have been one thing, but we are not going to do anything by scapegoating; we don't want these people, to just jump on them; we want the government policy changed; we don't want them scapegoating more Calleys.

QUESTION FROM THE AUDIENCE. My question was for Mike. General ——— is well known for having gone above and beyond the call of duty with regards to obtaining high body-counts and things like that. According to another witness who's not here he called his Command ship the Gook mobile. My intent was not to scapegoat General ———, but to see if there was anything further informational about this rather outstanding officer.

MODERATOR. Okay, we're going to be getting into inflated body counts; the entire question of how do you up the morale of the men in the field, how do you get them to kill. Frank, we were talking at considerable length earlier about a special award which was issued—would you care to tell the rest of the people about that?

SHEPARD. Well, as you were mentioning, there are many ways to build up your body count. In our particular unit, as John mentioned, he had the Recondo badge. We had this badge known as the Sat Cong badge. This badge, translated into English, means "Kill Cong". This represents one Viet Cong—or civilian, whatever it may be, because there's really no way of telling. It represents one life. These badges were given when someone could prove that he had killed a Viet Cong, or Vietnamese. There are many ways of doing this. One is to have somebody verify that you did in fact see him kill a Vietnamese. Another way is—and this a common way—to cut off the ear of the dead Vietnamese and bring it in. You could exchange it for one of these badges. The badges were created on a battalion level; I have the order here that created this badge, and the sick individual that signed it.

MODERATOR. I tell you Frank, on the "sick individual" let's just say a Captain in the infantry'.

SHEPARD. All right. This is a disposition form. It's an official Army form dated 28 June '69. It reads as follows: Any member of this battalion who personally kills a Viet Cong will be presented a Sat Cong badge—Kill Viet Cong—for his gallant accomplishment. The Sat Cong badge will only be given to those individuals who have accomplished the above-mentioned feat. There will be no honorary presentations. Furthermore, only personnel who have personally killed a Viet Cong may wear the Sat Cong badge. Company Commanders will draw Sat Cong badges from the Executive Officer, and will maintain all control." And also, explaining more about the badge, this is what is known as a Chieu Hoi leaflet. On one side, it's in Vietnamese; on the other side it's translated into English. This is used for two purposes: It's to build up the morale of the soldier, make him want to kill, and it's also to scare the hell out of the Viet Cong. It's entitled, *Viet Cong, N.V.A. Beware*. It says: "You are now located in the Area of Operations of the Cong-Killer 5th Battalion, 60th Infantry.

Each member of this elite American unit is a trained killer, dedicated to the annihilation of every VC NVA. The proof of this dedication is the Cong bade he proudly wears proclaiming he has personally killed a VC–NVA. "We don't rest; we will hunt you with our helicopters, track you down with our radar, search above and below the water with boats, bombard you with artillery and air strikes. There are no havens here. You are not safe nor are you welcome here. Rally to the government of Vietnam now, or face the fact that you will soon join your ancestors. Signed, Cong-killer 5th Battalion, 60th Infantry."

Moderator. That's sort of interesting, the "you are not safe nor are you welcome here"—this was in Vietnam, was it not?

Shepard. Yes, it's their country.

Moderator. Okay Frank, in talking about this, how do we know that these people were VC–NVA, rather than normal peasants?

Shepard. There's no possible way, really, to tell. As for myself, I never witnessed anyone cutting off an ear, for example, and bringing it in; I don't know that these were Viet-Cong. It just seems that if you have something like this you're going to get instances where people take civilians to get one of these badges. This was considered quite an honor, in fact, to have one of these badges. It was, it now seems rather sick, but over there it was the accepted thing that you were a real man if you had one. Some of them put oak-leaf clusters on the bottom if they killed more than one. Like I say, it's sick.

Moderator. Frank, the bottom line reads, "rally to the government of Vietnam now." Was this used as a Chieu Hoi pass, and if it was, or if it wasn't, were other Chieu Hoi passes accepted by your unit?

Shepard. No, there were the standard Chieu Hoi passes that are issued to all units; this was not considered a Chieu Hoi leaflet; this was more or less a threat. Now, if you were a civilian, imagine reading this in your village. This was dropped over populated areas. You can imagine reading this in your area. You'd be in fear for your life; afraid someone would take your ear and get one of these badges. If you collected so many badges, if you killed so many, you would get an R & R, or a pass. Get to go to Saigon, something like that. It was just part of the way to build up the body count.

Moderator. Okay, Frank, what was the purpose of these Sat Cong badges? For what were they designed—to up the morale, to up the body count, or what?

Shepard. Yes, up the body count, up the morale, make the men want to kill. As it said in the leaflet, it was, you know, "trained killers". The unit is full of trained killers.

Moderator. Another interesting thing that was brought out, these badges were made up at the local Vietnamese laundry.

Shepard. Cost the taxpayers 11¢ a piece.

Moderator. 11¢ a piece!

Shepard. All it is really, if you can't see it that well, it's just a cloth; it's regular O.D., really and it had the letters "Sat Cong" labeled on it, in hand, you know, or in a sewing machine. It's covered with plastic, and the ring at the top is to hang it over your button. They wear these to the field. Covered with plastic so the rain and the mud won't get at it. And people can see that you're a killer.

Moderator. Okay, do you have any evidence for the press that this actually did take place, other than your saying so?

Shepard. Yes, I do. I have two letters from the Defense Department admitting that the Sat Cong badge was initiated in my unit. They say the practice was discontinued after this letter was written. As I say, they do admit that it did happen. There's no question in their mind that it did happen. They pretend that they don't know the purpose for it, but as I say, I have the orders that were issued. I know the purpose for it, and everybody that was there knows the purpose for it. They say they can't do anything about this; they couldn't prosecute the individuals, as they indicated they would if they could, because the commanding officer and the brigade commander were killed in a helicopter crash. Well, that's kind of funny. In the Calley case they say that they can't prosecute the higher officers because it's an individual thing, and there they turn it around. It's another inconsistency.

Moderator. If they wish to take action, then somebody has signed their name to this, and there is a live personnel.

Shepard. Yes, I believe he's responsible for it. I think he was, he was taught in the Army that the reward system is a good system, and you should be given something to spur your men on to kill, and want to kill. I think this is just came out of his own mind; I think it's sort of an isolated instance. But it is, of course, part of our general policy.

Moderator. Thank you very much. Scott, you and I talked about upping the body count before. Could you tell us some of the ways in which this is done, and some of the reasons for it?

Moore. As I explained before, with our Battalion, and the 9th Division in general, there was this tremendous competition between the Colonels. Vietnam is not a land war; as you gained land in other wars, your efficiency report would go up; in this war, it's based on body count. The more people you kill, the better efficiency report, officer's efficiency report, you get. So what happened here is a case of the colonels going into competition, and making up more bodies than they really had. And this was, of course, passed on down to the company commanders, platoon leaders, and the squad leaders. So, ———, we were reporting stuff, water buffalo in some cases, and shadows.

I remember one time I called artillery into a woodline, where I received sniper fire, and didn't check the woodline, and called in a three body count; this went on all the time. Other fire-fights, the count would be 80, 90, and personally I only saw two, three bodies. So it's a totally inflated system. What's happened, is, the American public's been lied to. The Army's stated that we've got a kill ratio of one to thirteen, and yes, it's one to thirteen, because of this inflation. But it's a lot of bull.

Lenix. Going along with what Scott said, I was involved in an action on January 6th, where Alpha Company, 2nd/39th was ambushed. The ambush was effective; Alpha Company lost a lot of people. It turned out to be more than my company Bravo Company, which went to help them. Quite a few battalions were trying to get everyone out. Well, in the process, there were air strikes, artillery all night. We had spooky overhead kicking out flares with miniguns. The area was saturated. I imagine the expenditure in dollars would run into a hundred thousand, two hundred thousand dollars worth of ordinance was expended. And we had lost twelve lives. Well, in order to justify this, they had to do something, so the next day we swept the area. I personally swept a large area with my company, and saw *no* bodies, none whatsoever.

But the next day, or when the next issue of the paper came out, there was a body count of a hundred and one, and it was telling what a great victory it was for 2/39 to have been able to produce these bodies. There were none—no bodies at all. So there's where your thirteen to one comes from. I saw twelve of ours, but I didn't see thirteen of theirs—I didn't see *any* of theirs. So I really don't think we're gaining anything in the war, except losing people. Because we found nothing. There was no evidence that a conflict had even taken place; there was no evidence of a fire fight. Nothing.

But we got a hundred and one bodies. And a hundred and one bodies from just mud and dirt is really I think a fantastic story to tell. But it doesn't happen just once, because as Scott has said, it's happened many times. And I'm sure everyone down the line could tell you two, three, five, ten occasions when they were with a unit, got absolutely nothing, and the body count was six, three, two. You'd be on an LZ and they'd say, "What's your body count today?" You'd say, "Nothing." And they'd say, "Well, we need bodies."

So everyone would face the outside, shoot a magazine, and then you'd just call in and say, "Well, we got six." And you'd never move from where you were; you'd just shoot your weapon and call them in and say, "Well, we got six," and then you'd fly out. And this is what the higher-echelon people wanted to hear. They didn't care what you were doing, or how you were getting it; they wanted bodies, and that's where civilians came in also.

Moderator. Mark or Scott? John has testified that there were rewards offered in his unit for bodies. Was this practiced in your unit either on the company or a higher level?

Moore. No, it was mostly a pat on the back, this sort of thing. As I remember, the sniper units in our unit, for so many killed, I've forgotten the exact number, they received an award or decoration like a Bronze Star or a Silver Star, depending on how high the kill was. And a lot of snipers would go out at night and shoot a few rounds, or usually not shoot a few rounds because of security problems, but they'd come back and say they shot two or three people, and then of course that would add up.

Moderator. Okay, back to John Hartner again. John was in Operations at Headquarters for the 4th Division. He's brought back quite a bit of information, very interesting information, I might add. One thing which I think would be very worthwhile for all of us to hear, it's a bit lengthy, but I'll run through it fast, is the total take, I guess you'd call it, for the Fourth Division's entire Cambodian operation. These are the official figures which were turned in to the 4th Division. Later on, if you want, you can check them against whatever the newspapers said. For the total entire 4th Division:

Killed in action	61
Detainees	5
Starlight scope	1
Ak–47s	25
Rifles (SKS, Carbines, etc.)	9
Pistols	5
Grenades	236
Piasters (money)	39, 840
Crossbows	10
75mm recoilless rifle (chicom)	1
120mm rounds	3
M–79 LAWS	2
SAs (small arms)	4, 153
60mm rounds	27
82mm mortar rounds	46
B–40 rounds (B–40's the rocket used much the same as the bazooka in the U.S. Army)	6
Pounds of TNT	45
Pounds of medical supplies	770
Pounds of corn	300
Pounds of rice	21, 288
Pounds of salt	361
Pounds of potatoes	920
Sewing machine	1

This was for the entire Cambodia excursion for the 4th Division. This is the thing which is saving our boys in Vietnam by going after them in a neighboring country. Against the Geneva Convention.

Moderator. Is there anyone else on the panel who has anything on this?

Unidentified Panelist. We never really had that much incentive for body counts. But this is slightly related. You know, everybody likes souvenirs. That's sort of like an American pastime. I went to visit a friend. There was a Conex—it's a metal box that they ship goods over to Vietnam in, and they're big enough for a man to walk in. On top of it was a set of ears drying in the sun. This was right behind the battalion TOC, which is Tactical Operations Center. They could not help but see a set of ears on Conex, you know, drying in the sun. I thought at first that it was revolting, but after a while I thought, you know, hey man, maybe I want a souvenir. One of these days when I come across a body I'll get myself a finger or an ear. When I went over there, it was a revolting idea. But then, you know, once you did kill a body, you could bring back the souvenir that you did kill it.

Moderator. Are there any questions from the press?

Press Question. In reference to the incidents of the higher-ups coming over and asking for the body counts, your having none, and turning around and shooting into the air and then reporting—do you have any opinion as to why you were asked to go to the trouble of expending that ammunition? In other words, why did not the higher-ups simply choose a number out of the blue sky? Why were you asked to participate?

Lenix. It's very simple. You key the mike on your radio, and say, "In contact." In the background you have, of course, small arms fire. Then about ten minutes later you call in and say, "We got six." So, he knows you're playing the game; and you know you're playing the game; but, it's the game. And therefore he's convinced they must have got them; he heard the small arms fire. He's convinced and apparently that frees his spirit.

Press Question. Is there a dynamic going on in which the officer, the higher-up, tries to implicate the rank and file men such that both of them are in the game?

Lenix. Right.

Moderator. Are there any other questions from the press?

Press Question: **How big is the 4th Division?**

Hartner. Well, I couldn't tell you right now in numbers; at that time it consisted of two brigades. If you look on that sheet of paper, I believe we had six battalions or seven battalions. Of course, the size would fluctuate constantly, too, within each of your battalions. There were six battalions: in each of your battalions you had your supporting companies, such as artillery, maintenance crews, headquarters companies, etc. and then you had usually four infantry companies ranging between a hundred and fifty and a hundred men each.

Moderator. Are there any other questions?

Question From the Audience: **I have a** question to the guy in the light shirt on the badges. What did the Viet Cong do when they caught a man who had a Sat Cong badge?

Shepard. That's a good question. I'm afraid you'd have to ask them. But I would imagine it would anger them somewhat. They could see that he had this thing that represented the life of one of their comrades. If he were wearing a badge saying that he had killed an American, I imagine it would upset you. I don't know if he would be treated too kindly, but I don't recall that situation.

Moderator. Perhaps we'd better also ask, how you came by the badge?

Shepard. Well, I have sticky fingers by nature, so I confiscated this one from battalion headquarters. This is an unauthorized badge, by the way, so, no commander has the authority to create this, so, I'll pay the government back their 11¢ any time they're ready.

Moderator. Okay, the question from the floor was, how does a GI who has been trained through his life to believe that the Vietnamese are people, and that we're defending their freedom, and all this other ——— that the government puts out, how do you take him and turn him into a killer, and how does he justify that? Well I can answer for myself. First of all, you're never really taught that the Vietnamese are human beings, not in the Army and not out. It's the whole racist policy of the government. You're not taught that blacks are human beings; you're not taught that Indians are human beings; you're not taught that Vietnamese are human beings. You're not taught that anybody except a white American is a human being. And this is basically what happens. So when you get into the Army, all they have to really do is teach you how to use a gun.

Moderator/Donner. It could probably be answered very simply. The quickest answer which I think would be most truthful, is how many Japs did John Wayne kill last night?

Moderator. I think there was one more question.

Question from the Audience: Is there any way of determining what percentage of the body count actually represents bodies?

Lytle. They used to report body counts, after H & I's or after a battle, or something like that. If it looked like in the Starlight Scope that there was maybe ten people moving, we'd fire out there. Then if there wasn't any movement, we'd say, "Okay, we got ten," or something like that. And this would just add up, each night, from each battalion and you'd end up getting like 40 or 50 body counts per day, without sometimes ever seeing any bodies.

Moderator/Novick. I'd like to answer that also. In my unit, I was with the 1/26th Infantry, First Infantry Division, in the entire year I was there, my platoon actually killed maybe five VC. We turned in a body count of close to a hundred from my platoon alone. And I know the other platoons were doing the same thing. So that's how accurate it is.

Moore. I think in my time on the line in Vietnam I saw in a combat situation maybe 35 dead enemy and that's it. And before I left the battalion, the body count over a seven month period, was a thousand, two hundred.

Question from the Audience. Do any members of the panel have any information on lowering of American body count? In other words, covering up how many are truly dead. I know this question was got into quite a bit this morning with the Airborne units.

Lytle. I know of one instance. We haven't been able to prove anything about this, but there was one battle we fought for about a day. I was told that we lost a company of men. It was never reported back here in the States. There was never any report of it. It kind of seems strange to me.

Question from the Audience. You wouldn't have any idea about the total number of Americans killed there? The figure is approximately around 50,000.

Lytle. I don't know. I really don't, I can't tell you.

Henry. When I was in Vietnam there were 11 support people for every infantryman over there and the casualty rate was running, I'd say from my own experience, like five to one—five infantry people for every one support person. When you get blanket statistics on your local news in black letters and you see 800 Americans dead you're thinking in terms of 500,000 GIs and that's not the way it is. You have got to divide that number by 11 and subtract a few. I remember when we were supposed to be de-escalating, one of the many times, and my mother wrote to me how good it was becoming. Well they don't report by division or by brigade. You can't check. Now I'm sure the Army wouldn't falsify people, KIA's, but they might spread it over a month or something. Like it doesn't really matter to you whether your son dies last Thursday or the week before. The only point is that you're going to get your letters back that you wrote him, they'll make sure of that, and you'll get a flag and an honor guard and more than likely a Silver Star or a Bronze Star. It all depends what his rank was. It's prety cold-blooded, the whole thing. You just got to accept that. I imagine they're telling you how many people are really dead, but I'm sure they're not telling you, like, in a meaningful way—who is dying. When I was in the 9th Division we got some people from I Corps because they were not having much contact and they put them down in the Delta in the 9th Division. You don't hear about that either.

Moderator. I think that what we're trying to say is, that the total number which is reported may be correct. I would have my doubts on that. It's too easy to mail out 400 letters saying your son died and report 200 in the press. Carl, you have a number of slides. Would you care to go through them, numbers 3 through 7, and talk about them?

Rippberger. This first slide here shows a Prisoner of War. He was being interrogated. The way they tried to get him to talk is by making him stand in front of a pile of Viet Cong bodies that we had picked up and stare at them. (Next slide.) The same POW was forced to sit probably from 6 to 8 hours by this pile of bodies in the hot sun.

Moderator. Carl, how long had those bodies been there? One day or what?

Rippberger. They were killed at approximately three in the morning and they were not taken away until three or four in the afternoon. This is a shot of five or six GIs going through the bodies looking for souvenirs. In this picture there is a Lieutenant and a Captain overlooking what's going on. (Next slide) This was earlier in the day. This fellow here, he could not speak Vietnamese and periodically he walked up to the prisoners and hit them. A few times he kicked them. This went on quite a while till they moved these young kids here into the pile of bodies. This is a shot of our interrogater. The M-16 has an open flash suppressor at the end and three prongs which are about a half inch long. He took them and forced them into this prisoner's nose and he twisted them. It's extremely painful.

Moderator. I believe that's the last slide. Earlier you said something about these people being forced to sit by the bodies. Is that what you meant?

Rippenberger. Right, we took our POWs and forced them to sit and look at the bodies. This went on for hours.

Moderator. Officers were present at all times, right?

Rippberger. Yes, field grade officers were present all day long, they were flying in and out. This was a major firefight. This happened on June 19th, 1967.

Moderator. For the benefit of people who don't know the military, field grade is major and above. What was their attitude?

Rippberger. Nobody seemed to care. They were extremely happy that we had a body count. That's how they got their medals. I might add that some of the officers after this firefight received medals for flying over in a helicopter. Bronze Stars and Silver Stars and medals of this type. During the firefight they were nowhere near the area. They received medals anyway

Moderator. Was this one isolated incident or did this happen numerous times?

Rippberger. No, this happened often. Any time we saw any action things like this went on.

Moderator. Mark, I believe you have something to say about mistreatment of prisoners.

Lenis. Right. Well, as has been mentioned before, making the prisoners extremely uncomfortable was just sort of the accepted rule. We were on an operation in the early part of '69 where we encountered three VC. One was KIA. He was killed in the contact and another was wounded. His wound was too serious to be treated by the medic, but not so serious he'd have died if we could have got him dusted off. He was laying there and the medic said "I can't do anything for him, we're going to need a dustoff." Well, apparently the commanding officer decided that a dustoff wasn't necessary and had one of the Chieu Hoi's or one of our Tiger Scouts, who were Vietnamese, interrogate the man. He was laying on the ground on his back and apparently was in shock. The Tiger Scout muttered a few words in Vietnamese and then shot him through the joint of the elbow. It was a grotesque scene. His arm just sort of flopped around on the ground and he had to be in shock because there was no expression of pain. He had no expression on his face, at all. He shot him a few more times and then eventually he just put the muzzle of his weapon to his head and blew him away. I don't believe that the Geneva Convention regards this as fair treatment of prisoners.

RICE. We had very little contact with prisoners, actually our company never ran into too many of them. On occasions we took detainees. Whether they were Viet Cong or not was not determined at the time. Officers would take them and with the Tiger Scout perform interrogations, field interrogations. Sometimes including beatings. Other times the favorite trick—especially in the Delta where you have a lot of water, you just take him down to the water and dunk him a few times until he starts talking. Just hold him down longer each time, until he talks. That was the main way to get information from people. Now these were not confirmed VC. These could have been civilians, because a lot of them were shipped out on a helicopter later on to detainee centers.

MODERATOR. We were talking earlier about a VC who had been wounded. Do you want to try and relate the story as best you can

RICE. Right. Our company was sweeping northeast of the city of Jon Trong in Jon Trong District in Cam Hoa province. When we came across this paddy, our point element broke into this paddy which was being worked by the farmers. There were old men and women with water buffalo and children working in the field. They commenced to yelling "La De" which means "Come here" in Vietnamese and the people started running when they saw the Americans. At this time someone noticed a young man, of approximately military age, taking off down a paddy dike. The point element opened up on him and finally brought him down. He received a gun shot wound in the head.

MODERATOR. May I ask, was he carrying a weapon?

RICE. No, he was not. The only thing he had was a transistor radio. We came up to him and found the transistor. I do not know whether he had an ID card or not. Our medic went up to him and started treating him. At this time we were ordered on up the road. I got about ten feet up the road and another member of my platoon said one of the sergeants had slit his throat.

MODERATOR. Okay, this again is almost hearsay evidence, but the medic did leave the body? Did it just stay there, or what?

RICE. No, the medic left the body. We left the body laying on the dike, and went on.

MODERATOR. So in other words, the person was abandoned, even if his throat was not slit.

RICE. This is true.

MODERATOR. Okay, what happened? This is sort of interesting. I remember on the Cambodian invasion one sewing machine was captured. Did the transistor radio get recorded as captured?

RICE. The transistor radio wound up in our hootch where we used to listen to it.

MODERATOR. Ron, you were speaking to me yesterday about a POW compound. Could you elaborate on that?

NEWTON. Just vaguely. I saw it only once. We usually don't keep any prisoners in a support outfit. They set one up for awhile and transported them in. I was there very early in 1966, but I only saw one incident where prisoners would try to put their fingers through the wire. Something anybody would do. They would put their fingers through the wire and guys would take the butts of their rifles and smash them. Just like you see in the movies, just like John Wayne again. That's probably the only incident I could recall. I saw one beating at the same time. I don't know any details about it. I just saw the physical aspects of this beating.

MODERATOR. This POW compound, was it just a wired-in area without any shelter at all?

NEWTON. Yes. I think it was temporary. I don't think they were supposed to be kept there. I don't know how long it existed. I only saw it once.

MODERATOR. Bill Rice, could I ask you one more question about that incident of the farmer, or VC, one of the two, whichever it was. Was there an officer present with your group?

RICE. Yes, it was a company operation. We had Lieutenants and a Captain.

MODERATOR. Thank you. John Henry, you and I talked a bit about the interrogation of prisoners. Do you want to go in to that, please?

HENRY. When he was talking about holding people down under water until they talked, I've seen that. I've seen LRRPs interrogate prisoners, knock out teeth, and then hold them under water. But pretty soon a chopper comes in and takes them to wherever the final disposition of them is made. But the point is, you don't know if these people are VC or just civilians. You're so indoctrinated that women and children are a lot of times more dangerous than old men and old women, which is why I think so many women and children get killed, just because of the poop that's handed down when you first get to country.

MODERATOR. Mike Farrell, we also talked about this a little bit. You mentioned one instance of a Sergeant working with a POW. Would you like to talk about it?

FARRELL. I didn't see this. This is again "alleged". Here's another instance. We were out in the field and we came across a woman in a hootch. She was by herself. It was an older woman and she didn't want to leave her house. They wanted to take her with us to detain her. She was treated in a very humiliating way. She was dragged by a GI and her blouse was ripped open. She wasn't wearing anything underneath and one person went up there and made an attempt to cover her up. But then, as they were crossing a bridge, the woman jumped. It was right on the edge of a mangrove swamp. There was a stream there; they were crossing the bridge and the woman jumped into the water. She was never seen again. Nobody in our unit ever saw her again, so she could have drowned, she could have swam under water, she could have gone anywhere.

MODERATOR. Barry, we were talking earlier about an operation your unit went on where quite a few prisoners were mistreated.

HOPKINS. Yes, I think it was in April. I don't remember the province. It was pretty close to our fire base—Fire Base Moore. They reported that they had seen six VC. They eagle-flighted men in there and we started coming in on these hootches. It was wide open and there were a lot of hootches. We started going to each one and there were about five or six VC in each one. They were all real young, like about 18, 19 years old. We got 32 prisoners. They reported that there were that many and just a few more that were killed by the helicopters and our own men. I think they divided them up so we could have those evenly. There was more VC there than what they thought. The Major came in and he and I witnessed one of my friends chasing one of these kids. He stabbed him and the kid just didn't want to die. So he took him in the moat and drowned him and it took a long time to drown him. He just didn't want to die. I couldn't dig going out, walking all that ways, and bringing in all these prisoners like these other guys. I just stuck around where the Major was and was helping tag all the prisoners that they brought up. We used wire and string, wrote a number on it, and tied it around their necks to tag them. We had six women that we brought in. Some of my friends were really messing around with these women. When they jumped off the helicopter when we brought them into camp, there were newsmen there. They were filming this.

MODERATOR. On the operation bringing them back there was quite a bit of mistreatment, but unfortunately, your friend, when they did get back, mistreated a prisoner in front of newsmen's cameras, right?

HOPKINS. Yes, to me, this was sort of just like My Lai. He was caught, and for that he was prosecuted. There was a lot of mistreatment. We stood there and watched these leeches on these peoples' backs. They would suck out enough blood (they would be about five inches long) and these young guys would just fall over and nothing was done.

MODERATOR. No medical attention was given to them?

HOPKINS. None at all, and the Major was standing right there. He observed us tying these tags around their necks and lot of the mishandling of the women and the young men.

MODERATOR. Are there any questions on treatment of POWs?

Question from the Audience: Yes, I'd like to know, you said that when this guy was caught, he was shipped out or something like this. At any other time was there any reprimand for mistreatment of prisoners? Who was the one by and what type would it be?

HOPKINS. No, this man was the only one that I could recall, and I don't think that it ever got out of our battalion. The Colonel and the Major worked it out, his papers were drawn up, and he was just sent to another company. He was still in the 9th Division, but other than that nothing else was done to him. They just wanted to get him out.

UNIDENTIFIED PANELIST. It's kind of a rampant de-personalization of humanity, you know.

QUESTION FROM THE AUDIENCE. What exactly is a dustoff? What would they do with the bodies of the dead VC? What kind of burial do they give them?

MODERATOR. A dustoff is a MEDIVAC. It's a chopper which comes in (a helicopter) to rescue, (not exactly rescue) to pick up wounded personnel and to take them back to back areas for treatment. What do they do with the dead bodies of VC? Okay, what does the trashman have to say?

HENRY/TRASHMAN. They just leave them there and they rot. Then the people come and bury them. The same people who rebuild all the bunkers that we blow up.

MODERATOR. I think this is a perfect lead-in to our next session. Basically, what has Vietnam done to ourselves. Carl, you have another picture and I think it is very applicable.

RIPPBERGER. The next slide is a slide of myself. I'm extremely shameful of it. I'm going to show it to you so you can see this sadistic state of mind that my government put me into. I'm showing it in hope that none of you people that have never been involved ever let this happen to you. Don't ever let your government do this to you. Okay—that's me. I'm holding a dead body—smiling. It's on the back of my armored cavalry assault vehicle. It's there because everyone in our platoon took two bodies and put them on the back ramp, drove them through a village for show, and dumped them off at the edge of the village.

MODERATOR. Does anybody else have anything particularly they want to add to this?

FARRELL. Yes, the brutalizing effect it has on yourself. We were out on eagle flights. This is just where a small unit of men go out on helicopters. They are set down, they sweep a couple of thousand meters, and they are picked up from their objective to go to another area. You just go out for a day; the object of it is to try and catch the Viet Cong by a series of quick movements like jumping—leap frogging. We'd been in contact all day, no matter where we went. We didn't produce very good results. Choppers finally came in to pick us up to take us back. I was sitting on the helicopter. I was the machine-gunner at the time. I was sitting in the door of the helicopter and then all of a sudden I felt the crew chief kick me out of the helicopter. You know—unload, unload. I looked over and see one helicopter with its blade starting to slow down, so I figured that it had been shot down. As soon as I got off the helicopter, I got out from underneath the blades and I noticed there was a farmer in the distance, about four or five hundred meters, riding his water buffaloe back from the field. I jumped off the helicopter and opened up at him with my machine gun. He was just a civilian farmer and I shot at him. But thank God I missed him. It was just the severe frustration of being shot at all day.

MODERATOR. Part of the reason for the attitude of Americans is sort of a racial thing. We are seeing it right now. We don't understand Vietnam. We think they're less than we are. We don't understand their personnel; we don't understand their customs; we don't understand their entire culture. Ron, would you like to talk about it?

NEWTON. I arrived in Vietnam in '66 in the summer months just before the monsoons. The first night we were there we were going on convoy because we were trying to get the 4th Division through to Dragon Mountain Base Camp near Pleiku. This has already been mentioned, but I'd like to add to it. I saw C-rations being thrown. I threw C-rations. I'm not proud of it. I saw people pointing weapons at people just trying to scare them a little bit. I saw people locking up and loading. Finally we put up base camp, talking about the women we were going to mess with and the people we were going to kill. Support is really boring. You don't get to kill anybody out there; you just get to support, whatever. Now this is '66, mind you. I was in a tearoom, a bar, in Pleiku one afternoon.

I saw an officer complaining about a watered drink. He picked up the Vietnamese girl that he thought had watered the drink, grabbed her by the neck, and lifted her up. He was about 6 foot or more. Lifted her up, raised back, and slapped her hard. And you know what? They carried her out of that room. I don't know what happened to her. But everybody sat back down and started drinking. You know, nothing was thought about it. This happened all the time, abuse of the people. It was like we were uncaged animals. We were bored . . . bored and we wanted to do something, you know. It's like the guy coming to the big city and he wants to do something. We were able to create inflation in Pleiku. As an analogy, it would be like you trying to purchase a regular $100 apartment for $300. Now that's beyond my means. I think it's beyond a lot of peoples means. These people could not purchase apartments. They couldn't buy food anymore because we were paying whatever the people wanted. The prices just kept going, going, going. Finally the General put Pleiku off limits because of the inflation, because we were driving the women to prostitution so they could feed their kids. We were driving all the people to corrupt activities just to keep alive. We were driving these people. And this is racism. We were the supreme race. These people were nothing.

MODERATOR. One question which has often been asked, "If this is the way we feel about the war, then why are we here now rather than before we went?"

NEWTON. I was a hawk.

MODERATOR. John, you and I have talked about this to some considerable depth. You have just been over recently (in Vietnam). You mentioned being in some of the Moratorium-Mobilization things. Would you care to read that letter for us?

HARTNER. I'm different from some of the people on this panel, in that I was very against the war before I went to Vietnam. I marched in the two Moratoriums of '69. The night before I left my home, I wrote a letter to my Senator, that's James Pearson of Kansas. "It is very difficult to write a letter so extremely important to me, and I hope to my country, because I'm afraid some mistake might be made in its interpretation. For several years now, our involvement in Vietnam has been a prime concern of mine as it should be for all. I have spent considerable time studying the history of our involvement, the development of our policies concerning this problem, and its current trends.

My conclusions, Sir, is that we have made a horrible mistake; a mistake that has caused not just billions of tax dollars, but what is most important, is that it has cost thousands of lives, both American and Vietnamese. Since life is the most precious gift that God has given us, it seems to me that before a country requires a man to face the possibility of death, it should give him a very clear and definite reason. This, I believe, our Administration has failed to do. So often, I have wished that I could approach our President, and ask him to please give me the answers to several questions, which I believe are so important. I've wanted to ask him why the elections were never held, the Geneva Conference set up: why we fired at Tonkin Gulf; why it appears that the Military Industrial Complex has so much power in the government policy; why we believe that the number of lives sacrificed has been worth it; why we believe that our democratic ideal is so right for the Vietnamese people. Since I have already stated my opinion concerning our involvement, I'm sure you understand the answers I hold to these questions and others like them. This is also very important to me, because I do love my country. I love the freedom it has given me. It has allowed my family to grow happily. It has allowed me to receive the type of education I desire, and to choose the profession I wish to engage in. It has allowed my mother to raise her family in a joyful environment, and it has allowed my father to speak freely to his congregation. These are only a few of the reasons I have for respecting, loving and wishing to spend the rest of my life in this country. There is, however, a conflict, for you see this country which has allowed me to hold and express my opinions publicly has now placed me in a situation where I could be tried and jailed for these beliefs; in a few days, I will be leaving for Vietnam and I'm going not because in any way I believe what we are doing is right there, but because this is what my government is now requiring me to do in order to spend the rest of my life here. But I must also stand up for what I believe in and for this reason, unless in some way or by someone I can be shown that what I believe in is wrong, then I will not be able to participate in any offensive actions. So this freedom of belief may lead to a restriction of my physical freedom. I urge you, Sir, to please do all within your power to aid in ending this confusion. Peace means so very much. Thank you for your time."

MODERATOR. I think that's what we're trying to say here today. Peace means so very much.

AMERICAL DIVISION

Moderator

Barry Romo, 23, 1st Lt., "A" Co., 2/1, 196 L.I.B., "C" Co., 3/4, 11th Inf. Bde., Americal Division (From July 1967 to 1968)

Veterans testifying

William Bezanson, 24, Pfc., 4/3, 11th Brigade, Americal Division and 123rd Aviation Bn. (From 1967 to 1968)

Ronald Palosaari, 23, SP/4, 1/6, 198 L.I.B., Americal Division (From 1967 to 1968)

Jim Weber, 24, Sgt. (E-5), "A" Co., 1/6 & 1/46, 198 L.I.B., Americal Division (From November 1967 to November 1968).

John Beitzel, 21, Sgt. (E-5), 4/21, 11th Brigade, Americal Division (From January 1969 to January 1970)

Curtis Wingrodski, 22, SP/4, 59th Scout Dog, 11th Brigade, Americal Division (From March 1969 to October 1969)

Gary Keyes, 22, SP/4, "E" Troop, 1st Cav. Reg., 11th Brigade, Americal Division (From April 1969 to March 1970)

Robert Kruch, 25, Pfc. (E-3), 3/21, 196 L.I.B., Americal Division

Doug Wright, SP/4, 1/6/198 L.I.B., Americal Division

MODERATOR. The Americal Division was formed in 1967 out of three separate brigades. It's stationed in I Corps area, with its headquarters in Chu Lai. My name is Barry Romo. I'm a former 1st Lieutenant with the 196th Light Infantry Brigade, and also the 11th Infantry Brigade. I was commissioned when I was 19 years old and served as a Battalion S2, which is an intelligence office, and as an infantry platoon leader. During this discussion we are not going to dwell on the atrocities that were committed by my unit or by Americans in Vietnam. That has been rehashed. We will give a short testimony about some of the things we did see and try to go into the reasons behind them. When I arrived in country, one of the first things I saw was the pacification program, which consisted of moving or forcing villagers to leave their homes and bringing them to the coast so as to deny them to the Communists. These people were forced out of their homes. I saw the use of artillery fire against civilian targets because of the possibility of VC with no regard taken for the Vietnamese. I saw rice stolen from Vietnamese because it was considered too much for them to have. I saw also a general racist attitude by most Americans towards the Vietnamese.

BEZANSON. My name is William Bezanson. I was a Pfc. in the 11th Infantry Brigade in Vietnam. I was also with the 123rd Aviation Battalion. We supported such actions as My Lai, the Quang Nai Valley. Quang Nai Valley had many incidents of villages being wiped out because the North Vietnamese may use them for food, but we're not here to dwell on these subjects today. The reasons for all these things taking place are the reason we're up here today There's been enough rehashing of incidents such as My Lai. To me, the greatest guilt that any man can suffer, is that he died without a good reason. And to me, Vietnam is not a good enough reason. Not when we're destroying the Vietnamese land, property and populace. We're destroying the very moral fiber of this country at the same time. And those of us that do put our principles above personal ambition are labeled Communists by the very people that sent us over there. I've got a quote here from a John Birch magazine entitled, *American Opinion* and the man that makes the quote is General Scott. He is the author of *God Is My Co-Pilot*. And he says, "Our threat is not from abroad. It's not from outside the gate. It's right here in the midst of our homes. The danger is internal and the solution can only be internal. Every American must once again accept the responsibility for what is done in his name. We are still the strongest nation on earth and once enough Americans raise their voices to be heard nothing can defeat us." That's why we're here today. These people that run around here waving flags, trying to disrupt our meeting, all we're trying to do is, we're asking you to give us enough respect. We lost friends, arms, legs, and sometimes lives in Vietnam because you sent us over there. We're only asking that you give us enough respect to listen to us.

PALOSAARI. I was with the Americal Divsion, 198th Infantry Brigade, 1/6 Infantry. I served from October, 1967 to September, 1968. And, for the first, maybe, three months, I was rather inactive as far as any enemy contact. I mean we had, you know, light sniper fire, this sort of thing, but nothing really big. And then one time we were coming up. You know, walking down the trail, you know. It was really not much of any mission, except just to see what was out there, you know. And if there was anything to be had, to get it. And we had come across two Viet Cong by a well, drinking water. We had fired at them and they naturally, you know, taken off. Ran. And we never did get them. And there was a small hootch nearby with a bunker. And I did not see this personally, but later on the guys were bragging about it, some of the other men. They had, in Vietnamese, yelled down the bunker, "Is anyone there?" And, simultaneously, while yelling this, they dropped a grenade in. I went up to the bunker later. There was a, I think, what was a little boy and a little girl killed and there was an old lady in there. And the feelings that I had were rather mixed. I was, you know, rather shocked, you know, because they were bragging about this, and thought it was rather humorous. But, at the same time, it seemed to be more or less something that was socially acceptable. We weren't really, you know, concerned that, you know, these, these were little kids. But that, what we were concerned with is, that they had slanted-eyes and were Vietnamese and that was enough to justify it. It's just, you know, well, that's war. I wrote a friend of mine that was also in the army in Vietnam at that time. And I told him about this incident. And I'd like to read you his reply and show you that, you know, this was not only a feeling among our company, among myself, but universally a feeling of the men, Americans, over there. What he said was, "You guys are killing off kids, huh? Ain't no big thing. They're the same-same. I hate all these gooks, VC or not." And that pretty well exemplifies how Americans feel. It's rather unfortunate. I really feel ashamed of myself. I find it embarrassing to admit that I am a Vietnam veteran. And this was only, you know, one of many sorts of incidents. It was nothing as huge as My Lai or maybe nothing as drastic as torture, or anything like that. They probably died instantly. But it was still three human lives. Another type of thing that goes on, is, we were in a valley and I think we had nicknamed it AK Valley, after the AK–47 because we were getting, every once in a while, sniper fire. And you can tell when it's an AK–47 because it makes kind of like a popping sound when it fires. It's like a crack. And we had CIDGs working with us.

CIDGs are Civilian Independent Defense Group. And they had spotted (they were like our point men, more or less) an NVA, presumably carrying a weapon, I guess it must have been. And they had fired on him. They had blown off the top of his head. And then one of the CIDG had cut off one of his ears. And I understand, that according to Buddhism, unless your body is complete, you cannot go wherever it is that the Buddhas go to after they die. So, they had done this. And as we walked by, you know, everyone thought it was, you know, kind of cool, to see this head there that was, you know, half-gone to begin with and have the ear sliced off and there it was just like a, you know, it was flat—with a small hole left in the side of the head. This feeling that we had that it was, you know, a rather humorous incident, or, you know, looked upon as being a good thing, and we were really men because, not that the CIDG had done this, but because, you know, it was an act that we would have liked to have perpetrated ourselves, I think. It's something, you know, it's, it's more or less condoned over there. And the feelings that you have are the policies of the military—that this is really, you know, a thing to be manly about. Another, not the same sort of incident, but this is more dealing with lack of medical attention of a Vietnamese peasant.

We had come across rice paddies and someone had said that they had seen two VC in the rice paddy carrying weapons. And I was an M–79 man at the time, and they called all M–79s up front, so naturally I go up front and they told me this. And they had fired at them. There was two big boulders in this rice paddy and these two VC were supposed to be behind this boulder. So I lop M–79s behind the boulder and we went back there later on to see, you know, if anything, you know, if there'd be anything there. So, when we get back there, all we found was a Vietnamese peasant farmer with a sickle in his hand—or it lay next to him; his thigh was broken by an M–16 bullet and his spine was hit with shrapnel from the M–79. He had passed out in the sun. We, we waited for about two hours for a MEDIVAC to come out and pick him up. When the chopper came, it wasn't a MEDIVAC, it was just a regular chopper. He had just been laying there in the sun and he had passed out in the sun. And I'm not even sure if they gave him morphine. I know they wrapped his leg up. And that was about the extent of any medical attention that he got while we were with him. I need some water.

Weber. I'm, I'm Jim Weber. I was formerly a sergeant and I was also in Ron's platoon. And I can kind of verify what he's saying in case anyone kind of doubts it. A lot of stuff happened like that. Especially things about the medical attention, things like that. I was in two different battalions. I was in the 1st of the 6th and the 1st of the 46th. In the 1st of the 46th there was one—I say an example; like, I say, we can go on all day rapping about war atrocities. Okay, anyhow, right? Now, we had surrounded this village and went into it on the north side. We had taken one Vietnamese suspect, a Viet Cong suspect, you know, kept him with us. About 15 minutes later we found another one that was hiding in a bunker underneath these hootches. And I have a lot of pictures and things here that we didn't have time to get blown up that I can verify this with. Okay, now here's the picture that I want to show you, it's a picture of a GI holding up a head. Okay, now, this was when I was with the 1/46th Battalion. This happened in December of '67, west of Chu Lai. Other isolated examples. We had moved into a village. We had confiscated approximately 25 pounds of rice. We rounded up approximately 40 civilians in the village. It was decided that there was too much rice in the village for 40 people. We left them with five pounds of rice. One woman was complaining about it and she kept saying that she wanted back her rice. The officer in charge, you know, hit her over the head with a rifle for complaining. He was complaining because she was too close to him, you know, and she smelled and everything like that.

Beitzel. My name is John Beitzel. I'm 21. I served in the 11th Brigade, 4/21 Infantry. I served as a sergeant and as squad leader. Worked in Quang Ngai Province. I worked around My Lai and Duc Pho. I've witnessed the mutilation of bodies. This consisted of cutting off ears and plucking out teeth for souvenirs. I have pictures of this that I've showed to the presss at other times. Don't have them with me today. I've witnessed electrical torture many times with not only VC suspects and prisoners, but also detainees. I've witnessed the relocation of villagers. One particular operation was a three day operation where we took all the villagers out of the village, put them in a barbed-wire compound, interrogated them.

Tortured some of them. Beat some of them. And then we had supplies brought in. Bangelore torpedoes, all types of explosives—to just level the hill and just get rid of anything; make it look like there was never a hill there. My CO once fired at a group of kids merely because they came up to our hill to collect C-rations. We were also ordered to fire gas grenades at them. There was a big pressure for body count. We had a very low body count in our company and we had a lot of pressure come down from the battalion commander to the company commander, down on to us. We were given new incentives to get a higher body count such as a six-pack of beer or a case of soda. And sometimes, a three-day pass, you know, for the amount of body count we had. Common things in my company were throwing grenades into civilian bunkers. We once threw a white phosphorous grenade. And a lot of times I never thought people were in these bunkers, but an old man came out when we threw this white phosphorous grenade in and he was all singed and burned. We . . . everywhere we went we would recon by fire if we felt . . . if we felt it necessary. We'd innumerable amounts of free fire zones. We shot at anything on high ground. And in this particular area where I was at, the mountains and the high ground was very close to the beach. Was only a few miles between the beach and the high ground and there was a lot of hills, isolated hills, all over the place.

We shot anything or anybody that went up on these hills. Because they were free fire zones. Burning villages was very common. It was mentioned on an earlier panel that villagers would leave and that we suspected that they left because they were VC and they didn't want to be captured. So we would burn their hill. Whenever we received sniper fire we would return it, no matter where it came from. If it was a hill with people on it or not. I was in Vietnam from January '69 to January '70. We were ordered to go out on a patrol, a regular patrol that we go on all the time—during a cease fire. We were very perturbed at this because we wanted to take the time off to write letters home. In one incident, we were working with another company and our battalion was nearby. Both companies were on the same radio frequency. Over the radio, the other company told us to pass on to our higher command that they had a body count of thirteen. So we passed it on up. (They were too far to have radio contact.) So we passed it on up. Then later, one of our platoons went into the village and they said we can confirm the body count of that company. They said, there's nine women, three children and one baby.

Bezanson. John, could you give us any reason as to why this happened? Was this an individual thing or is it a company policy, any of the torture of prisoners or the . . . ?

Beitzel. Well, as far as torturing the prisoners, this happened as . . . I've seen a major there during torturing of prisoners. We also had electrical field phones in our battalion base camp in the Headquarters, TOC Room that's what they call the headquarters. There was torture going on in there so I'm as sure . . . I'm sure everyone from battalion commander on down knew of it; so I can presume from this, it was policy. These things I'm telling about—about burning the villages, free fire zones, reconning by fire—they were all common. They weren't isolated. We did them wherever we went.

Windgrodzki. My name is Curtis Windgrodzki. I was a Spec/4 in the Americal Division, 11th Brigade, 59th Scout Dog and, I, I, don't know what to say. I've listened—I've been here for three days listening to, you know, people come up here and tell whatever war stories they have and what not. And, as I said, I worked for Scott Dog and I worked with different companies of different battalions in our area. And I got to rap with the guys and, I just know that, we learned somewhere along the line, that a dink was less than a person. And these things go on. They really happen. I don't know how to . . . man, I can't talk. I can't tell you people . . .

incidents or whatever you want to hear. I'm just here because it goes on and on and somebody's got to do something. Here I am, you know.

KEYES. I was a Spec/4 when I was assigned to E-Troop, 1st Cav, Americal Division. I guess the worst thing I really saw over there was mistreatment of civilians. Now, most of this went on when we had convoys running from Duc Pho to Sai Wen. Such things as tear gassing villages, throwing spent 50 caliber rounds at civilians. Sometimes, another instance, where children were with split skulls from a thrown 50 caliber round. You can kill them just throwing them. Running down hootches. Doing things in rice paddies. Destroying their crops. The worst thing I ever really saw was when we're on a mission. We're taking some grunts out on a beachhead. And there were some fishermen out on the ocean and a couple of our sergeants thought it would be a good sport to use them as target practice. So they swung their 50 calibers around and they just shot the ——— out of them, for no reason, I guess. And, I'm no better. Lots of times on mine sweep, we'd pass a lake, also running from Duc Pho to Sai Wen, and there'd be fishermen in this lake and since we had nothing better to do, we'd fire M-79 rounds at them, M-16 rounds. Sometimes M-60s. We'd call for a test fire. And . . . sort of aim their way, hoping we'd hit somebody. I can't really say why we did it. Maybe it was because we were taught to hate them. I know this is all I heard when I was over there. I was told by my own lieutenant, my CO, well, he saw me wearing one of these bracelets—you've probably seen them before. Well, a Vietnamese boy gave it to me and we were pretty up tight you know.

I thought he was a pretty neat little kid. And first thing he did was, he told me, he asked me why I was wearing it. I told him, I said, "Well, a Vietnamese boy gave it to me." I said it was a token of his friendship, really. He liked me and I liked him. We gave each other gifts, I suppose. And, he told me to take it off. And, of course, I didn't agree. I didn't want to take it off. I didn't feel I should. But, he told me these are the same people—he says, "Why do you accept gifts from the same people that go out and put mines in the roads and blow up your buddies?" And he told me that if I didn't take it off, he'd go to more maybe drastic measures. I don't know. And he just dismissed me. But, I don't know. I don't want to give any blood stories or nothing. I just can't do it. I just want you to know that the people over there aren't really being treated as human beings. They're being treated as slaves, let's say. Maybe not even slaves. I don't know. I don't know. I just don't know what to say. I just wanted you to know about it.

KRUCH. My name is Robert A. Kruch. I was a Pfc. in Vietnam with Company A, 3/21st, 196th Light Infantry Brigade. And a few people may have heard about it. It was in August of '69 that they (my company) refused to fight. Then I had some rather bitter feelings. I seen some of the things some other people have talked about. But I've also seen mistreatment of GIs by the higher command because they wouldn't produce a body count. After I had joined my company, we went in on a stand-down because most people had been in field for 2½ months and we got into a fight with a recon platoon, which our colonel didn't like, so he choppered us out back into a hot LZ. Some of us had faulty weapons that were never replaced, like they were supposed to be when we were in. And there's about six people, at least, that got wounded. From that time on, it was rumored that the reason we never received our mail (it only came in sometimes once a week) or never got any hot food (supplied maybe once a month) was because our colonel was down on us because we didn't produce a body count and one time when we were being re-supplied, he flew in and started yelling at the CO and he said, "I don't want anymore of your ——— prisoners.

I want a body count." After that we were issued orders to . . . well, we were told we were in a free fire zone and anybody we saw that was over 12 years of age that we thought was a male, was to be considered the enemy and engaged as such. And I was told that the battalion commander before that had told the troops not to fire at anybody unless they were seen with weapons. To me this is a kind of a drastic change and it shows a difference in policies between the Field Grade officers as they come in. And it was rumored that this guy was with the 9th Division and he volunteered for an infantry unit to, as they put it, to make rank. And we were harassed, it seemed like from every day on, you know, for not having a body count, until we were finally sent on the last mission in which we were told it was a one-day assault. I, I got wounded on the third day and my own squad had only two meals of C-rations in three days between us, and we had to risk our necks to get water. And there's one case there where two people lived for eight hours and they wouldn't bring in MEDIVACs to take them out and they both died. And those were the two bodies this company was supposed to retrieve when they refused to go back out again. We were ordered to assault a line of bunker complexes by a major that was back in LZ Center, when most of us didn't have any food or water and the things that we did have were hogged by the TOC Center. Our commander was judged by most of us as being in a state of shock. He didn't know what he was doing. He just issued orders to do it. And everybody in our . . . in our company felt that since this guy had only three weeks in the country and was obviously in a state of shock, you know, his orders shouldn't be obeyed. But, yet, we were told we'd be court-martialed or, or even shot, if we didn't obey, obey his orders. But, I think what, what it really was, is that people saw the people that got killed in those three days (which were at least nine that I saw and I was one of those that got wounded) and were totally senseless. And there was no reason for it other than being pushed by superiors up above to do things, you know, at a faster speed than we . . . we thought could be accomplished. And by poor leadership. We didn't feel that just going out and indiscriminately killing people helped matters any. And the way I felt, and the way most people felt, was that we were just picked out discriminately and set down in . . . over in Vietnam; shafted by our own country—to fight in a war which most of us didn't understand and nobody knew—even when we were over there we didn't know where we were at because we were just choppered around and set down so much.

I was there about a month and I had . . . there was only one person that had more time than I had and he had a couple of days more, almost a month. And the people that I did know that supported the war there, didn't even know simple facts about it. It was, it was almost unbelievable. They just supported it because they said that they were supported to be there. I just don't think its right to draft somebody and send him to an undeclared war that has moral connotations that are awfully bad. Subject them to the . . . just the mental treatment that some of these guys go through. And I think a lot of them feel that it's more the fault of their country than the people they're fighting against. That's all I'd like to say for right now.

WRIGHT. My name is Doug Wright. I was also with Americal. I went over with the 198 Infantry Brigade, the 1/6 Infantry. I served with the Infantry and also with Operations, Tactical Operations of Brigade Headquarters. For the past two days, or three days, rather . . . I mean you've heard all sorts of terrible things so that if many of us . . . many of us seem callous, it's only because of the indoctrination that we were subjected to, you know, before we went to Vietnam. That—coupled with personal vengeance. If you see your brother, you know, shot, shot in the face, you're going to be mad and you want to get back. I could relate horrendous occurrences, you know, that should have made most of you vomit by now. But I'd just like to say one thing. I'd like to re-emphasize our purpose here . . . the purpose of the Winter Soldier Investigation. We're here to make people aware, or we're here to make you people aware. If you want a true awareness, you could go. But you've heard a first-hand experience. Nobody else besides the vet, besides the leg in the field, knows what's happening. He doesn't really know what's happening because when you go to the boonies they tell you where you're going and what you're going to do. But you really don't know what's happening. Because they keep you isolated, just as much as they keep you people isolated. We came to make you people aware. Now it's up to all of us. When you go from here, you need to make as many people aware as possible. To your homes, to where you work, to where you go to church; any type of organization. Tell what you've heard here. Make people aware. That our brothers in Vietnam are very unhappy.

MODERATOR. This whole panel, or this whole thing, was brought together to bring up war atrocities and the reasons behind it. It's really been an emotional thing for an individual to get up here and have to relate experiences that he's tried to forget. And I'd like to ask some of the people here on the panel why you came. We'll start our way here and just work our way down.

BEZANSON. The reason why I, myself, came is because I was tired of living with the nightmares that I lived with. The people that I, myself, messed up. The people I've seen my buddies mess up and then the next day they're killed; where they went from there we don't know, you know. But, like ever since I've come back to the United States, I've watched it turn from a country of democracy to one of hypocrisy. A person will teach their children, "Love thy neighbor" until they get 18 years old and then you hate. Then they're taught to hate. Just hate. How can a person . . . I can't understand how a person can approve of the war and sleep at night knowing that he's sent his brothers or his sons over to Vietnam to be killed for, for something that makes no sense. It has never, to me, been explained why Vietnam exists. I came to this Winter Soldier Investigation to give my testimony and to find out how many of my brothers felt the same way I did, and I'm really glad to see that there's quite a number of people that are against the war and would like to see the $800.00 a second that we're spending on the war put into an automobile to make it safe to drive. They're spending it to kill the dude's brother and the same dude's dying in the automobile. But I just got tired of living with my nightmares and I think by relating I can share them with you, you know, and, and, it takes kind of the guilt off me, in a way. And maybe it'll stop, like my younger brother or, or some of your younger brothers or sisters, or your children, from going over there and then having to come home and live with these same nightmares.

PALOSAARI. My primary reason for getting involved in this testimony was because of Jim Weber. He called me up last Thursday night. He said he was coming up to Detroit to testify. He gave me a rundown on what he planned on telling the people. And everything he said was true and, you know, I had to support him. I told him I would. I'd corroborate his story. I just felt that now was the time for me to do my part, to let people know how I feel, or how Jim feels, and how many, many of us feel. That was about it.

WEBER. I'm the Jim that he's talking about. This had bothered me for a long time. Prior to going into service, I was a manager of a shoe store—it's a chain across the country. I had a relatively easy job, well paying job. And so I imagined I would be a flag waver because I had a little bit of money and I wouldn't care about, you know, I had a racist attitude. Of course, we all still have racist attitudes. I, I didn't care about anyone else. You know, I cared about myself and I, I got drafted into the army and it, it made quite a big change because I was waving flags all the time that I was on my train, you know, down to South Carolina where I got my murder training. And I . . . okay, I went in there, and my complete moral worth was completely destroyed. I mean I was a worthless human being. The worst thing that you can be in the military is to be called a civilian. And so they had to completely re-socialize us, which they were very effective at doing. I didn't agree with everything, but I went along with it. Then I was sent on to advanced genocide training down at Ft. Polk, Louisiana. And this, this is where I got, you know, this is where I started to hate, hate anything that wasn't exactly like me. Anything that wasn't a fighting machine. Gooks. You've heard that mentioned here for three days, but I don't think you really know what it means unless you know how much hate is instilled in one person, how much, how much really guilt, I mean . . . like if you're not white and 21, you know, forget it. And this is what they do. This is what they do. They turn you into a fighting machine and it's, it's so, it's so hideous some of the things. I mean we've gone into barracks and we've had like pictures of . . . well, they weren't pictures, they were like cartoons, with slant-eyes, you know.

Everything was a slant-eye and these little hats on the top, you know. And these were the people you were hating. They were positioned right above the gun racks, you know. No uniform or anything, just, just simply the profile of one, or maybe the face, full face of another. And this, this went on, you know for sixteen straight weeks. By the time I had left Ft. Polk, Louisiana, I wanted to kill my mother, you know. Or anyone, that, that wasn't you know, completely in agreement with me. I wanted to just kill everything, you know. It's really bad. I went over to Vietnam with the same attitude because I, I had been trained and I knew I was an effective fighting machine. That I was going to kill everything in my path and it started out and it . . . it lasted for about one day. When I got there and saw the . . . being beat out of a few children, you know. And from there on, it was all downhill and, man, like I was a great American, and I think I still am a great American, you know. Just because you don't completely agree with something you don't understand, there was no reason why, you know, you should be a Communist and write with your left hand. And it's really wild. Through Vietnam these things just kept going and going on and going on. I can relate to you . . . that went on. I mean, like, you've gone through this, right, you've gone through the whole thing. But even the people that were on our side, man, even the people that were fighting with us, were still lower class, second class citizens, you know. Since there weren't that many, they were a complete different race. We would call them niggers, you know, in this country. Over there we call them gooks, you know. It's the same thing. They're second class citizens. It's a complete racism thing, you know. Okay, so what happened? Like even the people that are supposed to be on our side, they're supposed to be fighting with us. Right? I have an example here. This isn't an atrocity. You know, it isn't blood and gore. We went into a village and we searched, we searched the people and not everyone understandably could be in the military because someone had to, you know, work the land. Someone had to provide the food. Okay, who was going to do this? It was people . . . it was people that, you know, had special permits, special passes, special ID cards. Now these are the people that are on our side.

We went into a village and we took the ID cards off of people and sent them back to the rear. I have one here that the press can verify after. (Bill Schmidt of the Detroit Free Press is supposed to be writing this down. I don't know how far he's got with it.) I'd like to know what happened to this man. Not this man, but all of our yellow brothers. It's just a big racism thing. You know, they're all complete second class citizens and it's really, really hideous, you know. There's a number of things. And then, when I come out of the service, and I come back. I would go into, you know, the bars, to where my friends used to loaf and, you know, I would hear these same things going on, that went on before I left. But now, things had changed for me, see. Because I had seen what was going on. I had first-hand, you know, witnessed these things and I wasn't getting it from the Pittsburgh Press or the Pittsburgh Post Gazette or anything like that, man. I had seen it. And my father, my parents, had sent me clippings of these massive massacres that we had committed. My unit, the 198th, which weren't true. You know, simply weren't true. And, the same thing that's been brought up all day long about the body count. Everything is a bunch of lies. And you get people sitting back here, you know, back here, and, and they believe this stuff and that's what we've got to get out. I really believe it. Like I've said before, you know, I think this is being a true American. I think it's, you know, sticking up for your country. Damn it, I love this country and I can't see it being run by fascist pigs, you know.

PANELIST. I came here for a lot of reasons that were just mentioned by the previous people talking. I have bad dreams. I have nightmares. I have guilt feelings. I would like to see true self-determination by the Vietnamese people. But most of all, I think, primary and utmost, I'd like to see the war ended because I think that's the first thing we can do in order to get our country together.

MODERATOR. Pardon me, we have to cut this short. So we're just going to make one statement. We all belong to the unit that Lieutenant Calley belonged to. What's been brought out during this whole testimony is that it's a general policy and not an isolated incident. We're trained from basic training, AIT and OCS, to kill and that's what we're out there to do. It is not the fault of Lieutenant Calley. It is not the fault of the infantryman in his platoon, but the fault of the US government and the US military establishment. The whole system is nothing. It is set up to dehumanize us and to make everybody we see a non-human so that we can kill them. It would be impossible with our background to go into a village and kill a woman and child unless we looked at those people as non-humans. And because of the service and because of the military establishment, that's how we look at the Vietnamese. If there are any questions, ask now, for we have a very short amount of time. Go ahead, ma'am.

AUDIENCE QUESTION. Nobody really likes war. I don't like it either. If you go into a war, it's kill or be killed. Now, if you see a Vietnamese person there with a hand grenade sitting in the rice paddies, you better kill them or they'll kill you.

PANELIST. You've never seen that, lady.

ANOTHER PANELIST. Ma'am, we're not talking about a Viet Cong with a weapon. We're talking about a civilian. A person with a hoe in his hand. We're talking about a woman and a child in a bunker. We're talking about My Lai, which happens every day. Every day, ma'am. And it happens in the United States, too.

MEDICAL PANEL

Moderator

Dr. Jon Bjornson, 37, Major, Psychiatrist, Flight Surgeon, Deputy Surgeon, USASC, 8th Field Hospital Nha Trang (from May 1964 to April 1965).

Panelists

Michael Erard, 29, SP/5, 3/503, 173 Airborne Brigade (from April 1969 to March 1970).

Dr. Joseph Grosso, 31, Captain, General Medical Officer, 173rd Airborne Brigade, Field Hospital in Nha Trang (from April 1967 to December 1967)

Dr. David Galicia, Major, Psychiatrist, 3rd Field Hospital, Saigon (from July 1969 to June 1970)

Jeff Dubrow, 22, HM3, 1st Med. Bn., U.S.S. Sanctuary, (from June 1969 to June 1970)

David F. Fortin, 20, E-4, H & S 3rd Medical Bn., 3rd Marine Division

Gary Steiger, Sgt., 366th United States Air Force Dispensary, Da Nang

MODERATOR. This panel is concerned with medical aspects, medical affirmation of problems in Vietnam. My name is Jon Bjornson. I was formerly a Major, US Army Medical Corps. I have my DD-214 right here, which is an honorable discharge form. I was a psychiatry-neurology consultant in Vietnam through 1964–1965. I also functioned for five months as a Flight Surgeon in the Mekong Delta and was Deputy Surgeon, United States Support Command at the time. I must admit that I wasn't happy with our policy in Vietnam before I went there, even in 1964, just after the overthrow of Diem. When I came back I was extremely disgusted and I resigned my commission. I'd like each of the panel members to introduce themselves, if they would. Why don't we start with you Mike?

ERARD. My name is Michael Erard. I served as a Medic with the 173rd, 3rd/503rd.

GROSSO. My name is Joseph Grosso. I was a General Medical Officer for the 173rd Airborne Brigade in Vietnam.

GALICIA. My name is David Galicia. I served as a psychiatrist, 3rd Field Hospital, Saigon, Republic of Vietnam.

DUBROW. My name is Jeff Dubrow. I was a Hospital Corpsman on the USS Sanctuary in Da Nang.

FORTIN. My name is Dave Fortin and I served as the driver for the 3rd Medical Battalion, 3rd Marine Division in Quang Tri.

STEIGER. My name is Gary Steiger and I served as a Medic in the 366th USAF Dispensary at Da Nang.

MODERATOR. Thank you. The first thing we will try to demonstrate is the variance of treatment, which was not medically sound, in terms of preference for patients. That is, Americans got the best treatment. If an ARVN had the same type of problem, wound, what have you, he got the second best. Prisoners got the worse by far. And we're going to take it by subjects. Mike, why don't you start off with something about how prisoners were treated by our medical people?

ERARD. We had a policy whereby prisoners were given just the basic treatment. In other words, maybe just a bandage or field dressing was put on a wound. We were instructed—and this was battalion SOP—that we were to expend no medical supplies on them. In other words, specifically we carried a small bottle of serum albumin, 500ccs, to be used for people who were in shock or had serious wounds. When we went out in the field we were told this costs $25. It's never to be used on a gook, meaning both Vietnamese and prisoners.

MODERATOR. Anybody else want to comment on it? Dave, what about you? What have you seen happen with prisoners?

FORTIN. Basically, in regard to this, a lot of various instances. But I can relate one specifically to you. A prisoner would be brought into triage, which is where they get their basic medical treatment before they go on to their specific needs like operations which had to be performed directly by a doctor. Well, in triage, a prisoner would be interrogated. They'd come down with ITT, which is Intelligence Translations People, and they'd try to get information from the prisoners. If the prisoner wouldn't give information out to the questions they asked, they'd use various ways of torture. They'd poke at his wounds. I've seen them stand a prisoner up who had a stomach wound; his shoulder was torn up. They generally harassed the prisoner until they could get information out of him. I don't even think he could speak. He was in pretty bad shape. They took him to an operating room and in the operating room he wasn't treated by a doctor, such as Americans were. I know sterile conditions were less than normal in this case. Rather than having a doctor who would work on an American, they'd have Corpsmen who were practicing or getting experience from working on the prisoners, treat them. He was in pretty bad shape. They had very little regard, whatsoever, for the concern of him once they got him out of the operating room. Their attitude was like, okay, we got to do it so we're going to do it, you know. But, like, who cares whether he lives or dies. It's just something that has to be done. There was one doctor present. Other than that, the corpsmen did all the major work. They set bones, very sloppily. If you set a bone sloppily, it's going to come out crooked. They don't care. You've heard all this through the testimony. You're dehumanized and yellow people are not even human. You have no regard for them, so you don't care what happens to them. And the prisoners more so than anyone else. Instances like this go on all the time. This is just one I could bring up. I don't know what happened to him once he left that operating room.

MODERATOR. David, you said there an American doctor present when they tortured this guy?

FORTIN. When the interrogation people came in, he was still in triage. He was laying on a stretcher. He was in really bad shape. ITT is intelligence. It's translations; it's getting information from prisoners and working a litle bit with civilians. But, they came in. There's a doctor present. The doctor's not concerned with intelligence. They had a Captain in this case, who is a Marine officer, and two ARVN, South Vietnamese intelligence people. One of which was an officer, one of which was a staff officer, or staff sergeant. And they're the ones who interrogated him. The officer was present. He ignored the interrogation. As a matter of fact he almost went along with it. He didn't actually touch the prisoner, but he didn't say anything to stop the torture, or whatever you want to call it, that was going on.

MODERATOR. Jeff, what about treatment of ARVN or civilians?

DUBROW. I worked in the surgical unit on board the Sanctuary. And most of the minor surgical procedures that were done on the Sanctuary were done in the recovery room. Such as debridgment of wounds around minor suturing cases, things like that. An ARVN soldier came in one day. I set him up for his procedure. It was a debridgment of a wound and it's done under a local anesthesia, like xylocaine or novocaine. I set the tray out and I drew up 10cc's of xylocaine. The ARVN was pretty apprehensive about what was going to be happening to him. So we had the interpreter tell him what was going on and he calmed down. About five, ten minutes later he was screaming like crazy, you know. I ran over to see what was the matter and I noticed that the syringe hadn't been touched. And the doctor was performing this procedure without anesthesia. He had done this about ten times. I've seen him do it. And he was a Lieutenant Commander, by the way, which is like a Major, so he knew better. Also the same doctor claimed in some cases he was rushed, like from one case to another. Like in suturing cases, I've seen him perform suturing cases without the use of sterile technique. In other words, no gloves. And it only takes 15 seconds to put a glove on, you know. So there was no excuse for that. This is, like I said, done only on ARVN soldiers, not American soldiers. Another doctor, who was a Lieutenant Commander also, performed 27 out of 30 negative laparotomy cases. A laparotomy is cutting into the abdomen and exposing the intestines and repairing any tear or wound that would be in the intestines. The x-rays would come in with the patient from triage, or from x-ray, or whereever, and I put the x-rays up on the screen. So I saw every x-ray that came in on these patients. And you could see a metal fragment in the intestines. It stands out like a sore thumb. It's just like a big, you know, lump in the middle of nothing. You can really see it. If, let's say, an ARVN or Vietnamese civilian would come in with a fragment wound of the arm or leg, or something like that, he would automatically order a laparotomy to be set up on him. We can't question him because I'm only an E-4 and he was a Lieutenant Commander. So I had to do what I was told. So, he would do these cases that didn't have to be done and a laparotomy can be an easy case. If there's a frag there, he could take the frag out, repair the wound and that's it. Sometimes it can be a very bad case. There would be a lot of bleeding. I've seen fellows from a simple fragment of the stomach, die in surgery. And he would do these cases and they wouldn't have to be done. And like I say, there was 27 out of 30 negative cases. That's about all I have to say.

MODERATOR. At an American hospital he would be kicked off any staff. Tell me Jeff, you're pretty knowledgeable about medicine. How much training did you have?

DUBROW. I went to basic Hospital Corps School and Orthopedic Technician School in Philadelphia, and OJT OR technician in Vietnam.

MODERATOR. And what are you doing now?

DUBROW. Nothing.

MODERATOR. Why?

DUBROW. Civilian hospitals, somehow think that Navy Corpsmen, Army Medics, or whatever, the only thing they're good for, would be making beds and passing out bed pans. They think the training we have insufficient. And they won't give any ex-Medics a chance to prove themselves. So Medics won't work in a lot of civilian hospitals because after what they've done in Vietnam, or in the service, even if they haven't gone over there, they don't want to push bedpans around all day. They want to get down to the nitty-gritty and really get into some work. But they can't do this.

MODERATOR. You probably do most things a nurse can do, right?

DUBROW. Most things nurses can do. I can do probably more than a nurse can do. Nurses cannot suturize. I've sutured. I've debrided wounds where nurses can't.

MODERATOR. What about the triage? Gary you want to explain what triage is? And how it worked in terms of Vietnamese Americans.

STEIGER. We worked six days a week in Vietnam in our dispensery. And you can get pretty bored on your days off because there really wasn't a heck of a lot to do. And there were, I think, six hospitals in the area including the ship that Jeff was on. Oftentimes the Air Force Medics would go to the Navy or Marine Hospital. I worked quite a bit in those places and triage is a system whereby the patients are divided into three main categories for treatment.

If you have a person coming in who is really badly wounded, he may have a limb or two missing, of multiple shrapnel wounds or whatever, and they expect him to die, he's placed in a category "expectant." Right after those people, come the guys that if they weren't treated immediately would possibly die. In the "expectant" category, the chances are they wouldn't make it even with surgery. And the third category is a delay in which the guys come in, maybe have minor wounds, or things like this. When patients came in, not only to the Navy hospitals and others, but when they came in to our casualty staging flight where I worked, these patients would usually be the ones that were treated last. You could have an American come in in an expectant category and there was no way that he was going to make it. And the doctors would oftentimes treat him before they would treat an ARVN soldier or NLF soldier, or whatever, in a lower category who had a really good chance of making it if he was taken care of. Most of the time the corpsmen would give him basic first aid and that was it. You weren't supposed to use anymore of your supplies on them than was absolutely necessary to get them out of your facility and into a Vietnamese hospital. Now the prisoners that I saw that we handled were taken into our hospitals where they didn't receive treatment. I mean, it's, it's no way to . . . I lose the words. I mean they were lower than worms as far as these people were concerned. I mean you don't treat worms and you don't treat ARVN. It was about the same thing. We'd bring them in on a MEDIVAC. The Air Force flies cargo planes. They're hooked up for carrying litters and they carry wounded personnel and so forth on them. A C-130 would come in which could maybe carry 60 American wounded, and it would have over 100 Vietnamese on it. *Well* over a 100. Stacked on top of each other and everything else. These people'd get off. They'd be taken off the plane. You'd have a man who's say in a body cast—you know, cast from his neck to his knees—and he'd be walking down the ramp and somebody would trip. This guy would fall three feet. He'd maybe had half the bones in his body broken and the doctor'd spent hours in or working on him, and they'd drop him from three feet. They'd put them into buses, and they were tossed into the buses more than put. They would take them down to the ARVN hospitals instead of taking them to a place where they could be treated. They'd be taken there and even if the ARVN didn't have the facilities—which they don't have—to treat these patients, we'd leave them anyway. The prisoners were transferred. There's several hospitals where they take care of these. One was where John was at, one at Vung Tau, and there's one at Chue Lai. And it was common knowledge amongst the people that were working on the flight line transferring these prisoners that they were turned over to the Koreans. It was a standing joke that in the Korean hospital if you had a patient who was really bad off, and you were sending someone down there who wasn't quite so bad off, and they didn't have the beds, the one in the bed that was going to die anyway would either be shot, or something else done to them, so they'd have room. And this happened all the time. The patients that we got in our casualty staging flight would set up in the end of the ward; if you were lucky, you could give them some water. It wasn't worth your time to treat them. That's the way I saw it. Unless we can realize that those people are human beings, that we're killing human beings over there, that they are the same flesh and blood of which we are . . . I don't know. We're just not human beings ourselves.

MODERATOR. I'm going to kind of throw this open to you, as I'm sure you've all had experience with it. There's a program in Vietnam which probably was the first major attempt at "pacification" called the Medical Civil Action Project. This was begun about six months before I got there under MACV and then later all the medical units were, to some extent, rewarded, reinforced, encouraged to become involved in Medical Civil

Action, which the press built up. Joe, why don't you start off on Med CAP. What's it all about?

Grosso. Well, in general, it was an attempt to use the practice of medicine as a propaganda device. Essentially it consisted of bring into a village personnel and equipment to give the impression that some kind of a treatment facility was being provided for people. That, itself, was well-meaning, but the program involves the sporadic and often the inadvertent distribution of antibiotics of all kinds; both oral antibiotics and injectable antibiotics. This in itself is a very dangerous procedure and one which can ultimately disturb the normal bacterial flow which these people have carried for so many thousands of years. Now, while I was in Vietnam, of course, the Surgeon General's office issued a proclamation stating that no tuberculous disease would be treated. However, it was obvious at the time that the Medical Civic Action Program Personnel had been attempting to treat tuberculosis in the villages with inadequate doses of antibiotic and this certainly is a practice which is detrimental, both to the people who have tuberculosis and to the other people in the village. Most of the other practices that were common in the Med CAP program I believe to be contrary to what I had been taught in medical school. I believe most of us, even the lay public, is aware that to treat someone inadequately with antibiotics is a dangerous process. However, this is something that went on all the time in the villages. And it wasn't the fault of any of the medics who distributed the antibiotics because they certainly couldn't be responsible for a command policy which allowed a jeep with medical supplies to go into a village. Often times the jeep would go into the village and the villagers themselves would procure the medicine from the jeep; would just take the medication right from the jeep. The medical personnel there were not able to control two or three hundred villagers picking at a medical chest filled with outdated, surplus medicinals. And I should add that more often than not, the medications that we used in the medical program were out of date, were surplus, were things that we had no use for in our own medical operations for the military.

Moderator. Any more comments about MEDCAP?

Steiger. Well, the Air Force also had a MEDCAP program and I participated a half dozen times in this program. It wasn't an officially sanctioned thing, but it was something that the people in our dispensary got together. I could back the doctor up on the fact that the only supplies we were ever allowed to use were the medicines that were outdated and the supplies for which we had no use. Things which had been sitting in Conexes, which are large steel storage boxes, since World War II. And there was no way that you could guarantee there was any kind of sterility, that any time these drugs would serve any purpose at all. We had no means, the majority of the time, to check out whether the people that we were treating were allergic to any of these drugs, and yet they were still given. They were given on a one-time basis. You know you can't treat some of these diseases on a one time basis. You know you give people pills for two or three days and it's not effective at all. There were only one or two Vietnamese doctors in the province that would work with us. The rest of them refused.

Moderator. Where was that?

Steiger. Da Nang.

Moderator. That's one of the largest Vietnamese hospitals in the country.

Steiger. Sometimes, the patients would come through, get their pills and they'd go back into the lines. And the Vietnamese interpreter, which we had, was supposed to go through and make sure that these people didn't come back for additional dosages of their medicine. And, on occasion, people would be removed from the MEDCAP line because the interpreter said they were either VC sympathizers or they didn't need treatment or something like this. We had no way to verify whether they needed treatment or not because none of us spoke Vietnamese and the whole thing was really phony. It didn't serve any purpose at all except for propaganda.

Moderator. When I was in Vietnam they had both a polio epidemic at one point, and a cholera epidemic, very severe. Were there any immunization programs? Any of you in MEDCAP immunization programs?

Grosso. There were no immunization programs. There was no organized preventive mental health program that had any central authority. Everything was on a village basis. It was an attempt to put a jeep with some kind of personnel into the village. There was no preventive medicine or vaccination programs, to my knowledge.

Panelist. The way our MEDCAP program worked is we never hit the same village twice, so I don't think there could have been.

Grosso. That was my experience, too. As a matter of fact the program was to hit as many different villages as possible. And not to hit the same village again and again. Evidently the propaganda impact could be best utilized by hitting a village once and then moving on to another village.

Moderator. Why did they do that? I don't understand.

Grosso. I don't understand it either.

Moderator. Didn't you just say that you had to give in a list or something?

Grosso. No, the only list was the list kept by the interpreter. The interpreter would make a list of names in a large book. A ledger, that would be submitted to the command when we returned from the village. And I was led to believe that at the end of the month the names registered in this book would be submitted to a higher command as some indication of our pacification work in that area. Whether the villager was treated or not, the mere fact that he had come up to the jeep and sought treatment allowed us to enter his name in the ledger. He then became recipient to American military medicine.

Panelist. Well, all we did, we just kept the numbers—we didn't even keep a book—and the numbers we brought back to the dispensery were given to the hospital commander.

Moderator. What would you say, Joe, is the over-all effect of MEDCAP as far as pacification or meeting the needs of the people?

Grosso. The conversations that I was able to have with Vietnamese nurses who provided interpretation for us, was that the program had very little effect on community health. Actually, it's my belief that the program had a detrimental effect, because it usually would preclude the possibility of the village people going to the Province hospital or some central diagnostic facility where a clear-cut indication for treatment could be obtained. Once the military physician had seen them and done anything, even if it involved the saying of a few words or the giving of an aspirin, the primitive Vietnamese would think that he had received treatment, that he had received the best the earth could offer and after that he wouldn't avail himself of any further help. So I would say that overall the program was detrimental to the community health—to the village health.

Panelist. Joe, another reason here. I just thought of this, was the use of Vietnamese interpreters to help you make a diagnosis. Often a Vietnamese could come up and say something to the interpreter and point to his stomach and you would get back, from the interpreter, stomach ache. And that would be your only basis for making a decision on what kind of medication or anything. I mean there's a million things that can be wrong with the stomach and, you had to go on that judgment. You couldn't say to the Vietnamese, "You'll be alright." You had to give them something. Even, even if it was just an aspirin or something because they expected this from the Americans. And I got to a point if I couldn't make a positive diagnosis on something I'd give a shot of worm medicine so I figured I wasn't doing any harm and I might be doing a little good because most of them, especially the children, had worms. So they wouldn't feel slighted anyway. But, many times I couldn't, in conscience, give them something, especially an antibiotic, that might harm them—so I gave them worm medicine.

Galicia. Insofar as medical coverage for Vietnamese in Saigon, Third Field Hospital, this was the only hospital in the Republic where the nurses wore whites. We had our hospital set up in what was an ex-school.

Moderator. Madame Nhu's School as I recall.

Galacia. Yeah, that's right. It was altered many times over to affect a hospital. The hospital, itself, was good. It was a very sterile place and the type of treatment that was dished out there was of top-notch variety. I cannot fault the hospital, in that regard. We used to get ARVNs, VCs, sometimes VC prisoners, our own people and civilians. After all, Saigon is a city of three million people now because of the war. It's mushroomed from its 750,000 it was a few years ago because that's where they're coming, from the rural sections. Now these people knew it was a hospital and when they came in, they were actually refused treatment in the emergency room. They might get a cursory going over if they were brought in by our ambulance to the triage areas. The standing order was that if he was in such rough shape that he might die any moment, you just stuck a bottle of V5W, glucose water, in his arm. You use a plasmic spander or something so that then they can be taken to the ARVN hospitals. The standard word for the civilians was that they go to Choi Rhe hospital. I was in Choi Rhe hospital and I know why they didn't want to go there. There were two and three people to the beds.

Moderator. We have a picture. Can you show the slide?

Galicia. The beds were full of cockroaches.

Moderator. This is a typical Vietnamese hospital.

Galicia. Whatever care these people got in Choi Rhe was mostly what their family gave them because they would have the family stay with them. They were very shorthanded. After all, this is a backward country. We all know that. And the number of trained people there, the number of trained personnel is limited. And even when the facilities were available within our hospital that was the standing order. And I know this because I lived there daily.

Moderator. (First slide) Here's a hospital in Ban Me Thout but almost every province hospital looks this way and some are worse and more crowded.

Panelist. The one at Da Nang was a lot worse.

Galicia. The one at Cho Rhe was a lot worse also. In contrast to this I'd like to go on to say that, however, where it concerned Vietnamese officials, we took care of the Prime Minister, his family and anybody who had any position or any authority within the Vietnamese government, this kind of thing. You'd know they were there because there were a dozen cars, there was all kinds of personnel to protect these people, and we actively treated these people. This was a time when you would finally see my commanding officer, whom I would prefer to leave nameless. This man was an internist. He was a fully qualified internist, but he never practiced a day of medicine when I was there. His rounds consisted of gladhanding all the VIPs that happened to be in the hospital at any one particular time.

Within the family of the hospital, itself, I remember one occasion in which I overheard one of my techs talking to a girl who worked within the hospital, hospital cleaning, and I heard him say something about me. And he said, "Well, why don't you talk to the Doc, he's a pretty straight guy, maybe he'll do something for you?" I learned that this girl's brother was ill. She lived out in the alley and after all she did work for us; this kind of made her part of the family. You would have thought that at least maybe these people would be treated. I went with this girl later on to her family's home, and I determined that this was a five year old boy who had pneumonia. I went back and I asked if he could be brought in. I was flat out told no. I then asked if I could have the medication to go out and treat him and I was again told no. So I stole the penicillin and went and treated him anyway.

MODERATOR. Two days ago there was a Weapons Panel here and there was an expert from the American Friends Service Committee who discussed what he called the automatic or computer-run battlefield. He showed a number of very sophisticated, what we call anti-personnel weapons, which are to be used in this automated battlefield—which is, incidentally, one of the reasons why we can cut down our troop numbers in Vietnam. Some of these weapons can kill everything within a 60 yard radius, everything. It was a surprise to me that they are actually in use there now. Mike, you had a little personal experience with one.

ERARD. We were hit by our own artillery fire with three of the rounds. We were on a hill and we had ambush sites out around the hill. And somehow, either through our own error, or through a computer error, we were fired on. We received three 105 rounds right over us. Then the next three was this anti-personnel type round 105. When it hits it explodes. Inside the canister are small pellets—they look something like a hard ball, only a bit smaller.

These things explode and I believe there are about six or eight of these in a 105 round. They explode out and they can be set for different times. The ones that hit us exploded about a minute after it landed. We didn't know that this round was being used either, until we took sharpenel from it. Everybody up on the hill took shrapnel in this. These can be set from a minute, but I understand they can be set up to hours and days as to when they actually go off. That was my personal experience. I never treated a Vietnamese with that type of wound though. It's a regular type shrapnel type wound.

MODERATOR. Joe, you've seen what they do. What do they do?

GROSSO. Well, I didn't exactly see the weapon, but I had to police the remains of a command post that was hit with an anti-personnel bomb. It was our command post, unfortunately, which received an 800-pound anti-personnel bomb one evening. And thirty members of the command post were killed. The parts and remains of the bodies had to be policed and the damage done is considerable. There were no survivors. Bodies were devastated and destroyed, some beyond recognition.

DUBROW. I don't remember exactly what the dates were, but in 1969, whether through sabotage or error or what, the bomb dump at Da Nang Air Base blew up. It was a Marine bomb dump. There was a village that was right adjacent to the bomb dump and I was assigned as a medic to the demolition team that was there, defusing the bombs, and things like that. There were literally thousands of these things that Mike was describing—guava bombs which had a concrete outer shell filled with high explosives inside, timed ones, and things like this. As I understand it from talking to friends of mine who were working at the First Medical Battalion, which was near Freedom Hill at Da Nang, they treated many of the people in the village for shrapnel wounds which were received from these types of bombs. They flew out of the bomb dump and landed in the village.

MODERATOR. I guess all of you have seen what happens with napalm. Anybody want to describe that happens or what you've experienced with our use of napalm to kill VC? What does napalm do and what have you seen?

PANELIST. In Dong Ha, located about 18 miles south of the demilitarized zone, they have a children's hospital. It's all Vietnamese children. Mainly they're all civilians. They had a lot of children in there for treatment of diseases. There was one specific child I saw. I asked the child what had happened to him, and he said he'd been hit by napalm. His face, from his right eye around the back of his head (and had no ear), on down to the middle of his chest, was like one big mass of scar that'd just grown together. He'd been treated, but there's not a whole lot they can do for him. There's several of these cases, you know. I'm sure these people could tell you.

MODERATOR. Who else saw it? Anybody else see napalm?

GALICIA. I saw the effects a couple of times. One I distinctly remember was a lady I used to see out in the yard in between two of the wards. This lady'd been burned beyond recognition, facial-wise. She had no face. Her eyes were left and they had somehow or another grafted some skin over the front of her head. She had some sort of an orifice left that she could take food through, but that's about it. She'd been the victim of napalm.

PANELIST. On our trips to the Da Nang provincial hospital and to the other hospitals in the city, when we took our Vietnamese patients down there, I recall seeing several dozen over the period of a year—men, women and children—who'd been hit by napalm and were in essentially the same condition as has been described. They were scar tissues. These people were like kids with arms that were grafted to their sides because they had no skin left on the inner part of their arm. Kids that were, like, two, three, and four years old. They would never be able to lead a normal life because the scar tissue had been allowed to build up. There was no physical therapy program. I believe the only one in Vietnam is run by the American Friends Committee in Quang Ngai and they have the facilities to treat only a very small percentage of these people. There were a fairly large number, several dozen, that I saw at Da Nang burned by napalm.

MODERATOR. I have a sort of anecdote about napalm. I had a date with a representative of Dow Chemical Co. who told me that most of these burn injuries were due to the fact that the Vietnamese were using gas stoves and they were blowing up. Vietnamese use charcoal. How about white phosphorous? White phosphorous, I might add, is generally used for marking positions. It's absolutely against the Geneva Accords to use white phosphorous for military purposes. Did we?

GALICIA. Before we have any testimony concerning that, I think it's worth adding that white phosphorous is not something that if it hits you, you can put out. You have to carve it out, because it'll burn it's way straight through anything, especially, if you're speaking in terms of humans. It burns through anything: flesh, bones, till it gets to the other side and falls out.

PANELIST. There's only one way you can even temporarily stop it and that's to smother it. You can't keep something smothered for an extended amount of time.

GALICIA. Why? Because it re-ignites?

PANELIST. It just continues to burn, unless it is kept away from air.

GALICIA. Right. It ignites with air.

MODERATOR. Have you seen any white phosphorous injuries?

DUBROW. I saw several patients who supposedly had been burned, (I saw them in the Naval Hospital) by something we were told was white phosphorous or Willy Peter. I can't say for certain. It chars its way through. As I understand it, the Marines in our area would use what is called a pop-up flare, which is a hand-held flare that you shoot up into the air and fire at Vietnamese. I do know that these patients did come in and were treated for this after they had been burned.

PANELIST. In our battalion, when we were in Bau Loc, which is in Lam Dong province, the mortar platoon used white phosphorous with their HE rounds. The officers and platoon leaders were issued white phosphorous grenades. They were used, not as markes, but during firefights or in a village to either scare out people or burn it down.

MODERATOR. Next thing is gas. This is also against the rules set down in the Hague and Geneva Conventions. We used a combination of gases there called CS, CN and I think DM. These are a nauseant, a mucous irritant, and a tearing gas, a lacimating agent. I knew we used these because I saw them used. On Christmas day in 1964, we were attempting to recapture eight Americans somewhere in the area of Tay Ninh. We were attempting to recapture Americans who had been captured by the Vietnamese. They were going to blanket a large area near the Black Virgin Mountain where they thought these prisoners were. They mixed this gas on a soccer field which was adjacent to an airfield on one side and the hospital for Tay Ninh on the other side. They had large drums, they would mix them, and they would put them in a rocket pod of an armed helicopter.

While they were mixing them, a helicopter landed improperly behind the area where they were mixing and a large cloud of gas settled over the entire city of Tay Ninh including us. That included the hospital. Now these gases are said not to be lethal. Unfortunately they are lethal if you have pulmonary disease. If you happen to get nauseated and vomit when you've had abdominal surgery, it can be pretty serious. And if you happen to have an open wound with a nerve exposed, it will cause direct nerve damage. This whole hospital was covered with this gas which poured down over the area. Anybody else seen the effects of this non-lethal gas?

GROSSO. My only recollection doesn't include observation of the use of gas, but I recall four or five prisoners of war who were dying in the Tuy Hoa general hospital, one of our general hospitals, of pulmonary edema. The nurses there informed members of our brigade that these prisoners had been in tunnels and gassed. They did have pulmonary edema from my observations, at least, and according to the physicians who were attending them.

PANELIST. Something I can relate concerns a chemical. I don't even know exactly what chemical is used. I just saw what happened to children in the Dong Ha children's hospital from various use of chemicals and a lot of the other things you people have been seeing the last few days. Gas possibly could have been the cause of these things. I'm not really sure. There was a whole ward of about 12 little kids who had been born deformed because of gas, chemicals, whatever agents were used in the country by the United States. But these kids were deformed. One kid's feet were turned around and he was walking on the joints of his ankles. His elbows were also inverted. His hands were backwards.

MODERATOR. My guess is that you're talking about defoliating agents. There are three versions—White, Blue and Orange.

Panelist. I couldn't exactly say what chemical or what defoliants caused it.

Moderator. Was this in an area where they were defoliating?

Panelist. They defoliated portions of the whole country, so you can't designate a specific area. At least in this place I couldn't.

Moderator. Agent Orange, which is sometimes called 245T, is known to be terogenic or cause birth defects in a number of experimental animals. Supposedly now it's outlawed by the US Department of Agriculture and supposedly we have stopped using it in Vietnam. However, the Vietnamese are reportedly still using it. We have dropped 40 million pounds of this agent on Vietnam.

Panelist. My understanding is that a mother would come in contact with it through their drinking water most of which is rain water. They have a barrel outside of their house, a catch basin on top of the house, and the water runs down into the barrel. Everyone drinks out of this water and a woman, if she drinks about a quart of this water, can cause damage to a child while she's in pregnancy.

Moderator. Dave, why don't you tell us about some of your experiences with US military personnel problems of drug addiction or drug abuse?

Galacia. We went into this subject somewhat extensively on Sunday when we were talking about what we do to ourselves but I think it's worth repeating. I went there as a fully trained psychiatrist and that makes me have enough brains in my head, supposedly, to come up with a standing diagnosis for any one individual. Our policy, and the regulations which I worked under, precluded my being able to send people out of country for further treatment. I could make a positive diagnosis of severe physical addiction to a drug such as heroin or opium. In this country we consider this a big enough disorder to hospitalize people and we take them away from the source of the drug. There was no way to take people away from the source of the drug in Vietnam. That doesn't come as any new bit of information to any of the vets here. You get drugs anywhere. There is no problem where that is concerned. I dislike to use the word, but I can't really think of another one. I was monitored where this was concerned.

It took two days for the medivacee to get on a plane and get the ——— out of country. He went to Tan Son Nhut on the next day, he rested there for a day, and then he got on the plane and went the following day. So this left plenty of time for my write-ups to go up to Long Binh to the office of the Psychiatric Consultant from the Surgeon General's office for Vietnam. If I tried to push something through like this, I would get a phone call, be told that this simply was not policy and that what the ——— was I doing trying to Medivac this person out of country. The one person that stands out largest in my memory was a black kid who came in on six different occasions. He had shot up to 30 cc's of heroin or opium a day, 4 cc's at a crack—seven or eight times a day. And if this is not addiction I don't know what is. He would be taken by the MPs back to some MP unit, then be released to his Company Commander again because there is such a rampant problem they didn't have space for these people. They didn't know what the ——— to do with them, so they ended up giving them back to the Company Commander.

The Company Commander may or may not have been an understanding guy; he'd try to put the man back to work, and, of course, this man would be back in the hospital again. I harbored a few of these people for a while. Most of my patients were on Ward 8. I would sneak these people up to Ward 9, which was a convalescent ward, and again I constantly got bombarded from the hospital, itself, because regulations there said I couldn't keep anybody for more than 30 days—I got called down front many times, accused of harboring individuals, and I confessed to it, but these were the people who had been in so many times that, you know, it was like clockwork—three days or four days from the time I let them out, they'd be back. I kept trying to tell people this and I kept getting turned off. Nobody ever offered me an explanation as to what I should have done with these folks except wean them off the drug at that particular time. Don't worry about their addiction.

Their ETS or their Deros day (their day for leaving) would rotate around some time and I'd be rid of that problem. I'd just have another one to handle. And this is about the way it went for me, all year long.

Moderator. You didn't have any methadone?

Galicia. I was denied methadone. I don't know why the ——— I was denied methadone. I broke people on thorazine. I might say that it served the purpose and most people adequately came down. But that doesn't take away from the addiction and it's not the drug of choice. Anybody who has any medical school training knows that. It's a simple proposition and I think that one of the things that was put forth was that it was too expensive and, you know, that's a crock of ———. It's a cent and a half a tablet.

Moderator. In terms of hard drug use, that's heavy use of barbiturates, heroin, speed, how many of these guys started over there? Have you any idea?

Galicia. Well, I don't have figures because I never kept figures. It would have made a tremendous study, I suppose, for somebody's article. But, I felt so sick inside most of the time, I wasn't really concerned with articles. I'd say that probably one out of two or three out of five of the people who came in would outrightly confess to me that they had taken nothing (in the United States). Maybe they'd smoked some pot while they were in this country, but that was about the extent of it. And, I don't know what their purpose would have been in lying. I really don't know.

Panelist. Just about any kind of drug that you can think of from heroin on down, if you couldn't get it from one of the guys in the hospital, it could be bought downtown.

Galicia. It was no problem to get drugs up on the ward, even. While I'm at it, there's another thing I'd like to get my licks in on. I'd forgotten about it till right now. When I came into country I was shown my office. The office was in the back of an area which had been the dayroom. And that would have been okay. The dayroom had some things we could have used almost for therapy. At that time it had pool tables, ping-pong tables, card tables. This place had been turned into a Special Services Library and had been carpeted much the same as the carpeting on this floor. Rows and rows of books had been put up. Most of the time the ——— thing just went to no avail.

It was a good show piece for people who came in to see Third Field and nurses in white, etc. But the psychiatric office (it had a real fancy name—Chief of Department of Psychiatry and Neurology) was fine, except there were no other psychiatrists and there was no neurologist. So I was it. I had a social worker and two techs. And then I had to fight like ——— when they went home to get some more techs to replace them. The area, the type of degradation I felt this particular service of medicine was held in was incredible. Here I sat with my office in the back of a Special Services Library. This wasn't bad enough. We continued under this. But my in-patient service was on an open medical ward and I'd just like to describe the ward very briefly to you. This was a huge ward that was subdivided much the same way as these pillars subdivide. On that side, and back away from the nursing station, and on the other side, back away from the nursing station, were medical patients. You know, they had pneumonia, this kind of thing.

Down the sides from the nursing station, because it seemed like the best thing to do, the psychiatric patients were housed. This would include anyone from a psychopath to a neurotic to a psychotic. And the kicker to this is that in the middle was the intensive care unit for cardiac patients who were on monitors. What I'm telling you is the truth. This could be confirmed. Off to the left, by the way, was the renal unit, which was the only renal unit in Vietnam and, briefly, if you're in the renal unit, you're in there because you just can't make pee. And that's because you've got so many other injuries that your kidneys shut down so they put you on a machine that drains all your blood out, filters it and cleans it out for you, and then puts it back in. I had a paranoid patient walking around in there one night, I was told, after I left the ward, talking about how people were drawing knives on him, etc., etc. You know, if you're in a state of paranoia, and you're walking around seeing people that are having all their blood taken out of them, and you go for a further walk and you see people on cardiac monitors, it's pretty bad.

Moderator. The next subject is: what have we done to the Vietnamese people with venereal disease?

Grosso. It's a strange subject to talk about. My contribution would be the observations about our brigade's activities in the Dak To area when we used military personnel, military equipment, and military time to construct a large wooden-framed restaurant which was staffed by Vietnamese girls. I believe there were at any time from 12 to 14, who provided services for an entire brigade of about 4,500 men on a volunteer basis, alphabetically. The charge was approximately $2.50. It required a great deal of time, materiel, and manpower for the medical company to examine these women several times a week. So it was more or less command policy that prostitution be part of the military operation.

Galicia. I can add to that. In the travels I had to the south, each and every one of the battalion areas of the 3rd Brigade of the 9th Infantry Division, located 40 miles south of Saigon, had, under the army sign for the PX (Post Exchange) buildings that were erected for the purpose, supposedly, of a steambath and massage. Each one of these things had a medic and I talked to these medics. Some of these medics had a full time chore—to examine the GIs who wanted to partake of this particular service. I'm not so much against the service, myself, as I am the fact that these were Vietnamese people and they were being used in this fashion. If you want to be a prostitute, I guess that's your own business, but, I'm not so sure that that was the case. I just don't know.

We were developing strains of gonococcol organisms that were so virulent we were having a very difficult time eradicating them from people. We didn't see much syphillis. That's not worth talking about. I don't know what the treatment for an average strain of gonorrhea or gonococcus would be. I suspect it's in the realm of a million and two tenths penicillin. But the standing order over there was a combination of 4.8 million units of penicillin IM, and something like 16 tablets of 250 mg. tetracycline per day for three or four days running and then a continued dosage after that. A lot of the times this really didn't do the trick either. There were still people who were having difficulty and I think the long-range thing, when we're talking about what we do to the Vietnamese, is that when we leave, it stays.

Moderator. How about treatment on the Vietnamese? You know, can he get all these drugs to kill that organism?

Galicia. No. It's not really available to them. Earlier in this panel I indicated to you that I stole the penicillin to treat a pneumonia.

Panelist. At Da Nang the same situation existed everywhere. Outside of the military installations, you had houses of prostitution that were either built by the military or at least maintained by the 95th Evacuation Army Hospital at Da Nang. On the road leading to it were four houses, and the women, the prostitutes, who worked there, received their treatment from sympathetic doctors and corpsmen who worked at the hospital—the Evacuation Hospital there. We had a very large number of Air Force personnel at our base. We had an immunization clinic for the GIs and the longest lines for any of the immunizations were the penicillin lines for VD. If one of the Vietnamese women came in, whether she worked on the base or wherever she worked, claiming that she had caught VD or gonorrhea or whatever from a GI, she was always refused treatment on the grounds that if you treat one, you have to treat them all.

Moderator. Are there any last comments?

Steiger. I have one that I would like to make. Jeff can back me up on this because he was there and he saw the same thing. From the 95th Evacuation Hospital and from other hospitals in the area, when we received patients, they all funneled their patients into the 22nd Casualty Staging Flight, where I worked to be Medivaced to another base in Vietnam, which is usually Cam Ranh Bay or out of the country to Japan or the Philippines or to the States. We would receive Korean, American, Australian, or whatever. We'd get men who had been wounded and had not had their dressings changed for days. We would receive patients who had had amputations of the legs or arms, and when we tried to change the dressings on these patients, we would find that they were hard. I mean, it was an Ace-wrapped elastic bandage, like you used in athletics. They were solid, and the only thing that had been done for them was to pour Batadon which is an antiseptic, over these wounds. After you soaked them and got them down, there were maggots inside, and these were our own men. This is the medical treatment they received. And this isn't like a thing that happened just once. It happened all the time.

Moderator. This was one hospital?

Steiger. This was specifically from the 95th Evacuation Hospital. And those kinds of things go on over there all the time.

Panelist. We had one GI who came in who had a big gaping wound on the lower part of his leg. The dressings hadn't been changed in about three weeks. I think it was the original battlefield dressing he had on. Why, I don't know, but it happens.

Steiger. This is the superior medical care we had.

Galicia. I was the recipient of some information today that made me think back. I went home to get this, because I think that this man (who for all good reasons remains nameless) was shipped to us from the 91st Evacuation Hospital in Chu Lai. I think that this man, as the story was given to us, was a recipient of some of our own misdirected fire. Whether he was or whether he wasn't, I don't believe really serves any purpose. This man had so many diagnoses, and this is a photocopy, or a transcript of the admission note when he came in, that they ran out of space on this paper and put the rest on a second one.

I sort of keep it as mere testimony of not only what these kind of weapons can do but what I was part of. I've many times thought about throwing it away, but I never did and I really don't know the reason for that. I suspect I do somehere. This man had a penetrating wound of all his extremities—face, chest, abdomen and genitals. He had a perforation of the small bowel, contusion of the transverse colon, laceration of the liver, a transection of his distal ureter on the right, a ruptured bladder, a wound open—penetrating of the rectum, fracture of the pelvis, rupture of the right spermatic cord, rupture of his ———, fracture of some of the bones in his leg, contusions of his lower left lung lobe, a hemathorax, which is blood of the thorax, acute renal failure and peritonitis. And the thing about it that really struck home with me, was that he was admitted to our hospital on 22 June, 1970. He was to go home on 16 July, 1970.

Moderator. Thank you. I would just like to share with you one last comment. During my last three days here, I think all of us have been extremely frustrated by the lack of national press coverage. We came from many parts of the country, often at our own expense, and this isn't the only country where there is a blackout on news. We're not sure why. We feel that what we had to say here as significant. And we all can prove we were in Vietnam. Here is a Saigon newspaper which I have saved—an English language newspaper. It's quite obvious that they did not want us to get certain kinds of information, and in terms of the hearings that you have heard in the past three days, it is obvious that somebody does not want the American people to hear what we had to say here. Thank you.

CLOSING STATEMENT

(By Don Duncan)

Before we bring these three days to a close, I would like to pass on some thoughts relative to the testimony to which we have been listening for the last three days. As most of you know, the purpose of this investigation, of course, was to bring some sort of reality as to what the war in Vietnam really means to people that must fight it, to the people that must suffer in it, to the Vietnamese, to the Americans, to all the mothers, fathers, sisters, wives, brothers. To let them know, in fact, what, people do in Vietnam, and what it is doing to their sons, as well as to the Vietnamese. It's tremendously important that this testimony be brought out, and that it be as widely disseminated as possible, to remove once and for all the blinders and the blinds from in front of America's eyes. No president could have sent us, soldiers and others, to Vietnam, had there not been some sort of cooperation or concurrence, passive or active, on the part of a large segment of this country. How that consent was come by is rather irrelevant. The fact is they had it. Whether it was because we were bent by the media, bent by propaganda, or whatever, the point is now the blinders must be removed. This meeting here today has been tremendously important. If it ended here today, it would be important. I hope it doesn't because there is still a lot of important work to be done, namely, to get this information out to the rest of the country. It seems that we're not going to be able to count on the mass media to do that, so it is incumbent on those who were present here over these past three days, to do it. It has been important for another reason. We have had an unprecedented number of veterans from the Vietnam War come in contact with each other for the first time. And many of the revelations to which we have been witness for the past three days have come from these contacts. Men who otherwise never would have stepped forward, knowing that they had company, did step forward. It wasn't an easy thing. I can assure you for most of these people, it was probably as difficult as anything they have ever done in Vietnam—I would say more difficult than anything they ever did in Vietnam.

In the introduction to these hearings, you were told that we were going to prove that, in fact, war crimes in Vietnam are not the result of individual, personal aberrations, but are, in fact, policy of this country. We have presented testimony for three days covering a wide range of war crimes. We have covered a period by actual first hand testimony from 1963 to 1970—seven years. We find; that in 1963, we were displacing population, we were murdering prisoners, we were turning prisoners over to somebody else to be tortured. We were committing murder then, and in 1970 we find nothing has changed. Every law of Land Warfare has been violated and been testified to here in the past three days. It has been done systematically, deliberately, and continuously. It has been done with the full knowledge of those who, in fact, make policy for this country. No active step has ever been taken to curtain those acts in Vietnam. The argument could be made that we have not shown policy, all we have shown is pattern and practice.

I think the argument to that is best displayed not by the testimony of the man who holds the rifle on the ground, but think of the bombings, think of the decisions that are behind the man that is carrying that rifle. We built forts in Vietnam to protect villages, or so we told the Vietnamese. And at the first shot fired at Tet in 1968 we destroyed the villages to protect the fort. District Eight in Saigon was leveled brick by brick, to the ground, to secure an area where Vietnamese, North Vietnamese, and Catholics, had come to the South because that was something the Church had told them in 1954. We leveled that area to protect a bridge. We have listened to some terrible stories here. We have found there are some wondrous ways indeed to inflict pain upon each other. We will call them atrocities, and we will call them war crimes. And to talk about those acts, I'm sure, has been almost as painful for those who have had to listen as for those who have talked about them.

I would, personally, at this point, like to thank those who have been setting here for the last three days. I would like to thank you for the respect that you have shown the material that has been presented here. I think the way that you received it is admirable. I only hope you will do something with that knowledge now. In Vietnam, we have a situation where never has there been such a disparity of power since the days when Mussolini and Count Ciano went in to Abyssinia to slaughter the spear-carrying troops of Haile Selassie. We have brought wondrous tons of ordnance, hundreds of thousands of men, Dr. Strangelove weaponry. We have used an air force against a country that has none. We have used a navy against a country that has none. And it still wasn't enough, and still the war goes on, and still the Vietnamese fight. It has been called a war of attrition. All wars are wars of attrition. A war of attrition in an industrial society means, in fact, destroying the means of waging war, the factories, communication lines, the roadways, bridges, the iron factories, and so on.

In a non-industrial society—in an agrarian society—such as Vietnam, when you talk of a war of attrition, you're talking only of one thing. You're talking about destroying the means to resist—that is killing people. Our country has set out very systematically to kill whatever number of people are necessary in Vietnam to stop them from resisting whatever it is we are trying to impose on that country. This, I think, is policy. I think we have established that policy here at these hearings; for those of you who have never been in service and have listened to this testimony, you might well be amazed at how our people, our men, our boys, our sons, could do some of these things that they described in this room. Otherwise normal individuals, creating terror, torture, destruction, wanton. How could they have done this? How could they have been changed that dramatically in eight short weeks of basic training? I think the fact that so much can be done to so many men by so few people is the greatest testament to the fact that our colleges, our high schools, our everyday life is nothing but pre-basic training. We are well prepared.

Whatever it was that was in these men, that allowed them to do the things they did, is in all of us. We start taking it in, if by no other process, at least by osmosis, from the day we are born in this country. The men did not become racists when they entered the service. They grew up with it. It was taught to them and it was taught to them in our schools. The idea; that the United States has a God-given right to go into any country and take out its raw materials at an advantage to ourselves is not something that they learned in Vietnam. They learned it in our schools. They learned it from their mothers, fathers, their sisters and their brothers, their uncles. They learned it from all of us. We did a terrible thing to a lot of men in Vietnam and we're still doing it. I don't know who the ultimate victim in Vietnam will be. Will it be those who went from the United States to fight in it, or the Vietnamese that tried to resist? I do know this, having met and talked with many Vietnamese who have gone through worse hardships than anyone in this room who has been here these three days, that they, at least, do not seem to have lost their humanity in the process. But I fear that many of us, if we don't shorten up and get the message out, we will have lost our humanity beyond redemption.

If I can give you a specific example of the insanity of this policy, I think it might explain something. In 1967 (and this deals with this business about what was in these men that might have horrified you and what is in all of us) Dean Rusk went before the Senate of the United States trying to explain why we were in Vietnam and what we were doing there, and he made the statement that the reason that we were killing Vietnamese and engaged in a war of attrition against the Vietnamese was because Red China was a threat to the security of the world—meaning us. And one hundred eighty some odd million Americans sat in front of the TV tubes and nodded their heads. At last we had the reason why we were in Vietnam. We were in Vietnam to kill Vietnamese because China was a threat to us. He also went on to say that he was not going to allow wars of liberation to succeed, anywhere in the Third World. It's an interesting statement—that it could have been accepted by this country.

In fact, I heard very few voices raised against that statement. One of the few that heard was, of all people, Curtis LeMay. Curtis LeMay said we should go and bomb China. Everybody said Curtis LeMay was a madman. But who was the madman? He, having accepted that China was the enemy, thought at least it made sense to go and bomb the enemy. Dean Rusk wanted to bomb the Vietnamese. What a shock this must have been for a lot of soldiers who thought about that statement. Having been told they were going to Vietnam to fight for peace and freedom, they were suddenly told they were going to have to keep fighting Vietnamese until the Bolivians and the Peruvians learned their lesson. And Curtis LeMay was mad. The terrible thing we did to so many men in this country—and ultimately to the Vietnamese because of it—we sent them to fight a war without a reason to fight it. I don't know how many of you have experienced standing up in front of bullets, exposing your flesh to shrapnel, to hand grenades, and so on. It's a ——— of a thing to do, to send out somebody and tell them to make their body a target, and never give them a ——— reason to do it.

From 1963 through 1965, the war was fought by professionals, which is to say it wasn't fought at all. Things were going to ——— in a bucket. And so they started sending over the draftees, and large units, the people who had to enlist in the military reasons, or for whatever reason. And they threw them in. For them, taking orders wasn't enough. They wanted a reason. They wanted to believe the reasons they were given. And they accepted those reasons. In fact they urged and begged for a reason. And so they accepted the reasons of freedom and democracy. The reality of Vietnam, I believe, was a little too much. Anybody in Vietnam for three months, especially in a combat zone, who still believes he's fighting for freedom and democracy, should become a professional. The progress was given. Progress seemed to be enough. Large numbers of troops were sent to various areas of Vietnam, and after three days of battle and God knows how many killed, they would be in possession of that ground. And it was called a victory. The operation was called search and destroy. Quite appropriately. A series of these so-called victories, because we were in possession of the ground, albeit we left it the following day, was called progress. And progress for most, but many, was enough. And then came Tet of 1968. And in one night, the illusion of progress was gone. Tet could not have taken place without the active or passive cooperation of even the friendly Vietnamese. And who was the enemy? The slopes, the dinks, the zips—the Vietnamese. And all Vietnamese were gooks, sloops, slopes, dinks, and whatever. And yet they still had to go out and fight. There was nothing left, not even an illusion of progress. The light at the end of the tunnel turned out to be just what that implies—tunnel vision. And; then, we had to keep fighting. For what? We were told "so we won't be slaves". This isn't the road out of slavery—when you go to fight and kill for absolutely no cause, real or imagined. But in the end, the men keep getting killed. And every day the rage builds up, and the hate grows a little harder. And that rage must vent itself. And who do we blame this rage upon? The Captain that gave the order to attack? The people that sent them over there so the Captain could give them that order? Or the people who are shooting at you? The Vietnamese are shooting at you, and ——— it, you'll kill Vietnamese, and that's what you're in Vietnam for. So that terrible hatred spills out. And the whole thing not only destroys Vietnamese. It destroys the people who are destroying the Vietnamese. And I feel that it is probably destroying us at a greater and faster rate than it is destroying the Vietnamese. This country needs scapegoats. It needs a Lieutenant Calley. How can we admit it's policy? We need Negroes in this country. Who else are we going to kick? Chicanos? Our whole system is built on a principle of racism. To believe that you have the right to go into another country, and take from that country, at an advantage to you and a disadvantage to them you first of all have to believe that those people are something less than you are. Otherwise you'd be guilty of something.

And, of course, we're not guilty of anything. Because they are lesser people. When we got tired of the Indians, and there weren't too many of them left to exploit, we went and did it to somebody else. The move westward in this country has moved into Asia. And we're doing it to the Vietnamese, what we did to the Indians. It's oversimplified, but I think it's accurate. We are born with it; we live with it. We have heard testimony relating to another terrible thing. We heard testimony relating to electronic battlefields. Now we're going to kill Vietnamese without using people. And so that the only people who die in this war will be Vietnamese. We're in Vietnam for a very simple reason. We're in Vietnam, as Dean Rusk says, to prevent wars of liberation from happening in the Third World, anywhere. And why do we have to have that? It is not because the United States is against taking over a country by force.

We have proved, time and time again, that we have no objection to anybody of any political hue taking over another country; by force. Just so long as the power that comes into power is cooperative with us on trade relations, etc. to supply the sinews of American industry, to supply the people of this country with all the things they never needed. To eliminate a nation, to engage in a war of attrition against a people, any people, for such ends as this can only be described adequately with one word; and it's a word that I think falls very harshly on American ears, because we relate it to another incident, and the word, of course, is genocide. Any time you engage in the systematic destruction of a people, that is genocide.

The London Agreement and Charter describes war crimes (this is the basis for the Nuremberg Tribunal) as crimes against peace, namely, planning, preparation, initiation or waging of war, a war of aggression or a war in violation of an international treaty, agreements, or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing. War crimes, namely, are a violation of laws or customs of wars. Such violations shall include, but not be limited to, murder, ill treatment or deportation of slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity. And under the definition of the Charter, we tried the leaders of another nation for war crimes at Nuremberg.

We have heard much testimony to all of those things, here in the last three days. Again, there is much to be done. And we have to get this information out. I don't want anybody here to carry away a feeling of guilt with them. I want them to carry away the realization of what you have done, and I have done, and why we did it. And I want us all to do something with that. It may look like a hopeless struggle. I remember in 1966, February, I testified to many of the things that have been testified to the last three days. I was very lonely. Thank God, I'm not lonely anymore. But still it's a terrible way to gain company—to have men do these things. We have to get it out.

Our country has given us very definite proof within the last couple of days while we have been sitting in this room that our policies in Vietnam have not changed; that nothing is acceptable to the United States except victory. The Vietnamese have made it quite plain, for almost 2000 years now, that they won't accept victory from an outside power. The policy has not changed. We must change the policy for them. We must get out and talk to these people. To the veterans who came out here today, from myself personally, and I hope from all the rest of you, a ——— of a big thank you, and a sincere thank you. But again, this for many of you, is a first step. There are many things that you, as veterans, with this experience, can do. You must not forget that, in fact, there are still 3,000,000 men in uniform. A ——— of a lot of them still in Vietnam and a ——— of a lot of them to end up in Vietnam, Laos, and Cambodia. Start working with them. Start working with those who have not yet been drafted, and talk to them, and make the reality of the war known to them. And talk to your families. Over 40% of all the adult males in this country are veterans. That's something we have to turn around. We have to stop producing veterans. And for many of you who have spoken out for the first time and become involved in something for the first time, stay with it. For those of you who are veterans and are working and have been working for some time, keep working. And some day, you will be ex-veterans and we'll just be people again. Thank you.

THE PROPOSED UNIFORM MORTGAGE FORM FOR THE NEW SECONDARY MARKETS FOR CONVENTIONAL LOANS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mrs. SULLIVAN. Mr. Speaker, the Emergency Home Finance Act of 1970, Public Law 91-351, enacted July 24, 1970, a measure initiated by the Committee on Banking and Currency to meet what was then a crisis in home mortgage funds for middle-income families, included two new avenues for supplying additional funds to mortgage lenders: First, by expanding the purchase authority of the Federal National Mortgage Association to include conventional mortgages as well as the FHA-insured and VA-guaranteed mortgages it had previously been limited to acquiring; and second, by establishing a new secondary mortgage market system within the Federal Home Loan Bank System, known as the Federal Home Loan Mortgage Corporation, to purchase residential mortgages from home loan banks, the Federal Savings and Loan Insurance Corporation, member savings and loan associations and insured mutual savings or commercial banks.

In preparation for initiating the new secondary market operations in conventional loans, both the FNMA and the Federal Home Loan Mortgage Corporation have been working on a proposed uniform mortgage form which would be required to be utilized for new mortgages which lending institutions or other eligible agencies might eventually wish to offer to the secondary markets.

Mr. Ralph Nader and his associate, Mr. John A. Spanogle of the Public Interest Research Group, a professor of law on leave from the University of Maine, have severely criticized many of the provisions of the working drafts made public so far of the proposed uniform mortgage form. Other consumer groups have also expressed strong opposition to some provisions, as has the St. Louis Post-Dispatch and other newspapers.

HEARINGS CONDUCTED BY FORMER CONGRESSMAN RAINS

Today and tomorrow, a public hearing on the proposed mortgage form is being held by FNMA and FHLMC in the Statler Hilton Hotel, conducted by former Congressman Albert M. Rains of Alabama, who was for many years the Chairman of the Subcommittee on Housing of the House Committee on Banking and Currency, and is recognized as an outstanding and fairminded expert in the housing field. I am hoping that out of these sessions will come general agreement on a mortgage form which would be equally as fair to home buyers as to the lending industry. There are, as I indicated, many points in controversy on this issue.

Among the points in dispute are provisions in the proposed mortgage form prohibiting the payment of interest to mortgagors on their escrow accounts held for payment of taxes and insurance, providing for a substantial prepayment penalty for pay off of the mortgage prior to term, giving the lending institution sole determination of the use to which insurance claim payments are to be used following a casualty loss, and permitting demand for full payment of the mortgage if monthly payments fall in arrears after 30 days. There are, of course, other issues in controversy.

LETTER TO HON. ALBERT RAINS

Mr. Speaker, I am not an expert on the fine print in mortgage forms, but I am very much concerned over the rights of a home buyer in entering into a mortgage transaction, the biggest loan he probably has ever made, and particularly when it is one in which the Federal Government has a direct interest under legislation passed by Congress intended to make home financing available to more families.

Hence, without attempting to argue all of the technical points involved, but in order to place before a fairminded gentleman who, prior to his voluntary retirement from Congress, served for several terms as ranking majority member of my Subcommittee on Consumer Affairs, some of the factors I think should be borne in mind in the resolution of this issue, I have addressed today the following letter to former Congressman Rains for his consideration and for the public record in the hearings he is conducting for FNMA and the FHLMC:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., April 5, 1971.

HON. ALBERT M. RAINS,
Statler Hilton Hotel,
Washington, D.C.

DEAR FRIEND: Since it is not possible for me to attend the public meetings you are conducting for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation today and tomorrow on the proposed uniform mortage instrument for the new secondary markets on conventional loans, I would like to share a few of my thoughts on this issue with you, and would appreciate having this letter made a part of the record of the hearing.

As you know, I am not a lawyer and do not pretend to understand all of the fine print in a mortgage. To most consumers, it is a mysterious document which binds the home buyer to do all manner of things under the constant threat of losing his home. It has been my observation that nearly every mortgage form is—like most credit contracts—a one-sided document which gives to the creditor every conceivable right in protecting his right to recovery of the loan while giving to the debtor few if any rights in any subsequent dispute between the two parties, or between the debtor and the seller of the mortgaged house.

Even in Federal Housing Administration insured loans, and Veterans Administration guaranteed loans, we discovered—as you remember from your outstanding work as Chairman of the Subcommittee on Housing of the House Committee on Banking and Currency—that real hardship was often visited on the home buyer because he was obligated to pay for a home which might be falling apart because of fraud or negligence by the builder (perhaps with collusion of Federal inspectors). As a result, Congress had to enact legislation to provide relief to the home buyers in such instances. The possibility of this problem arising on conventional loans is even greater, since no Federal inspection is involved.

The secondary markets authorized by Congress in 1970 for conventional home mortgages were intended to increase the availability of mortgage funds for homes at a time of extremely tight money and record breaking interest rates. The situation in home financing today is somewhat different from that which prevailed when this legislation was enacted. Hence, I think the agencies which will administer the new secondary markets for conventional loans have an opportunity—and are obligated—to proceed with great caution in adopting a uniform mortgage instrument which would automatically become the standard for the entire home financing industry—applying just as much to the good risk as to the marginal purchaser and being utilized in all cases whether or not a particular mortgage is ever sold to the secondary market. No financing institution will consider offering residential mortgages which could not be transferred quickly to the secondary market whenever it is to the lender's advantage to do so. So, to all intents and purposes, the proposed uniform instrument will become universal.

I do not for one moment believe that lenders should be required or coerced into extending mortgage loans without adequate security. Most lenders will undoubtedly continue to exercise care in extending loans, even if the loan can be sold and even if it is privately insured. My fear is that lending institutions which in the past have offered terms on escrow accounts, or insurance, or rates, or pre-payment penalties which were more favorable to the borrower than the terms competitors have offered, will now be in the position of saying the Government has "forced us to change these policies."

Should not the purpose of the uniform mortgage form be to protect the secondary market's investment by reasonable requirements but not make the "least common denominator" of finance industry practices the government-imposed norm for all residential mortgage transactions ever after?

I have the highest confidence in your ability to sift through the technical arguments on both sides of this issue, and I am just delighted that FNMA and the FHLMC have selected you as moderator of the public meetings. Thus, I have no hesitancy in calling your attention to the fact that, on escrow accounts, for instance, neither FHA nor VA nor the Home Loan Bank Board has been able to give me any basic data on the degree to which income from the use of moneys deposited in escrow accounts for taxes and insurance is essential to the economic health of the lending institution holding or servicing the mortgage. I have asked for such facts, and they do not seem to be available.

Some lenders have applied the tax and insurance deposits each month against the mortgage principal until such time as the taxes and insurance are due, thus, in effect, giving the mortgagor some benefit from these sizable deposits. Since the mortgagee is fully protected by his first lien on the property, the question about the application of these escrow accounts becomes one of which party is more entitled to receive some benefits from these funds—the home buyer or the lender?

I urge that this aspect be fully considered on the basis of the record which is compiled at these public meetings.

The pre-payment penalty to be incorporated in the standard form is another issue which involves equity to both sides. Also, the use of insurance proceeds from casualty claims.

Knowing your fairness, I am sure you will want to make recommendations, based on the record of the public meetings, to give the consumer not just "more of the same" on mortgage forms, but fair treatment. To the extent that a uniform mortgage form reduces competition among lenders in the terms they offer to borrowers, it is more essential than ever that the borrower's rights are fully protected in the structure of such a form.

Sincerely yours,

Mrs. Leonor K. Sullivan,
Member of Congress.

CAPITAL ATTACK SET BY RADICALS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. CRANE. Mr. Speaker, this morning's Chicago Tribune carried a startling article by the very able reporter Willard Edwards.

Mr. Edwards outlined the plans of various groups of radicals, extremists, and other kooks to disrupt the business of the Nation's Capital City later this month.

I am taking this opportunity to insert Mr. Edwards' column in the Record, with the hope that it will come to the attention of all of the law enforcement officials here in Washington, so that there can be no claim that "we weren't warned" about these activities.

In dealing with these people, I would hope that the legal authorities will be firm as well as fair.

We cannot tolerate civil insurrection in the United States, and I commend Mr. Edwards for calling these plans to the attention of the Nation so that we might be better prepared to deal with them effectively.

The article follows.

Capital Attack Set by Radicals

(By Willard Edwards)

Washington, April 5.—"I hope," said Rennie Davis, "that the government will not make the great error Mayor Daley of Chicago made in 1968."

This grim reminder of the violence that flared in Grant Park during the Democratic Convention was voiced by Davis last week after federal officials refused him permission for a "peace city" encampment of possibly 75,000 antiwar demonstrators in Rock Creek Park in this city.

Davis, convicted of antirioting law violations in the Chicago 7 trial, is coordinator of the Peoples Coalition for Peace and Justice, one of the dozens of militant organizations planning an assault on the nation's capital from April 24 to May 8.

He is one of the advance skirmishers for the approaching invasion who have been studying the field of battle since mid-March.

If their plans materialize, and many authorities fear the operation may be successful, the world may gape at the spectacle of the United States government's executive, legislative and judicial branches under siege by tens of thousands of militants. Some estimates put the expected attendance as high as 200,000.

The stated objective is "to shut down the government until its stops the war in Vietnam."

The major targets will be the White House, the Pentagon, Selective Service headquarters, the Senate Office Building and the Capitol, the Internal Revenue Service, Justice Department, Health, Education, and Welfare Department and all police stations and fire houses.

Police, military intelligence, secret service and the Federal Bureau of Investigation have received reports of a carefully planned and coordinated exercise. Beginning April 17, the "convergence" on Washington will be initiated in many sections of the country.

From April 19 to 23, an organization known as Viet Nam Veterans Against the War will stage marches, "vigils" on Capitol Hill, and "guerrilla theater" in which performers will be dressed in jungle fatigues and carry toy M–16 rifles.

On April 24, the National Peace Action Coalition, after a march from the White House to the Capitol, will stage a rally, addressed by members of Congress, in which 50,000 persons are expected to participate.

During the last week of April, the pace of the demonstrations will be stepped up in preparation for the climatic week of May 1–8 when a serious attempt will be made to bring all government to a standstill.

As disclosed by Davis, demonstrators will block traffic by abandoning old automobiles, purchased for the purpose, setting them afire if possible. Massed bands will provoke the police. Federal buildings and congressional offices will be occupied. Not even the Supreme Court will be immune.

Under cover of repeated claims that violent tactics are not contemplated, the potential for violence is freely recognized. At a secret meeting in Chicago March 19–20, attended by leaders of ten organizations, the use of explosives was discussed.

These leaders also reported that organized units of their followers had been trained in crashing police lines. The overall plan for the Washington operation bears the label "Mobile Civil Disobedience."

The comparatively small Capitol Hill police force is particularly apprehensive about its capacity to preserve order under massive attack.

AMVETS AWARD TO DANNY THOMAS

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. ARENDS. Mr. Speaker, at the 26th Annual National Convention of the AMVETS held in New York City last August, this outstanding veterans' organization conferred on Danny Thomas its Special Silver Helmet Award for Humanitarianism.

The life of Danny Thomas exemplifies our American way of life. I believe all should read the AMVETS citation in making its coveted award to him.

It follows:

Special Silver Helmet Award for Humanitarianism Presented to Danny Thomas

SHOWMAN UNEXCELLED—HUMANITARIAN UNSURPASSED

March 27, 1971.

Talk to anyone about Amos Jacobs, born in Deerfield, Michigan, and raised in Toledo, Ohio. Chances are, they will say "Who?" But mention Danny Thomas and faces light up with smiles.

Amos was one of nine children. He never finished high school but he did go to work. First, selling newspapers then, for seven years, as a candy butcher in a burlesque. He saw all the great comedians perform. In time, he realized that he, too, could make people laugh—and he had a brother named Danny and another named Thomas.

Somewhere in the climb from a $2 a night saloon comic to probably the best stand-up comedian of our generation, the humanitarian developed.

In the beginning, times were hard. His young wife, Rosemarie, about to have her first child, begged him to get into some other line of work. Danny turned to prayer.

Kneeling before the statue of St. Jude, patron saint of the hopeless, he begged for a sign. He was even willing to negotiate. If Danny Thomas could succeed in show business, he would erect a shrine to St. Jude.

The outcome is legendary. We are among the millions to whom Danny Thomas brings pleasure. AMVETS who served in North Africa, Italy or the Philippines during World War II, remember especially how he entertained us with the USO troupes, when we were so far away from home.

When success came, Danny decided that only a hospital would be a fitting shrine to his patron saint. Thus, he established the non-profit St. Jude Hospital Foundation in Memphis, Tennessee. Again, his success has been phenomenal.

St. Jude's is the only one of its kind in the world—a children's research hospital dedicated to help grieviously ill children of all faiths and races.

Danny leads the list of contributors of time, energy and personal treasure to the foundation. He has also inspired thousands of others to help pay for construction and maintenance of St. Jude's, including the annual Teenagers March sponsored by the American Lebanese Syrian Associated Charities which raises most of the annual $2 million maintenance cost.

What motivates Danny Thomas? Here is his answer: "For years, when I was struggling to get somewhere, all my prayers were 'gimme' prayers. I always needed something. Things are different now. The only thing I ask for these days is a grateful heart."

AMVETS proudly presents the Special Silver Helmet Award for Humanitarianism to Mr. Danny Thomas, a truly fine person who makes the business of living worthwhile.

AMVETS AWARD TO FRANK BLAIR

Mr. Speaker, at the 26th Annual National Convention of AMVETS last August, the National Commander's Special Achievement Award for Public Relations was presented to Frank Blair.

He has proven himself to be an outstanding journalist, and I believe that the citation presented to him by AMVETS should be made a part of the Record. It follows:

The National Commander's Special Achievement Award for Public Relations Presented to Frank Blair

In recognition of your twenty years of service to our generation by the impact on our daily lives of your in-depth reporting of the news of the world on the NBC "Today" Show AMVETS Wish You a Continual Bright and Happy "Today."

Frank Blair's news, sports and weather reports are telecast on the full TODAY station line-up of over 200 stations. He presents the national and international news four times each morning, five days a week. In his twenty years as TODAY news reporter, Frank Blair has delivered more than 20,000 reports.

AMVETS AWARD TO POPE PAUL VI

Mr. Speaker, no man has worked more tirelessly and more relentlessly for the achievement of peace throughout the world than His Holiness Pope Paul VI. It is appropriate that he should be selected by AMVETS for its Peace Award.

I believe that the AMVETS citation presented to His Holiness should be made a part of the Record.

It follows:

Peace Award Presented to His Holiness Pope Paul VI

March 27, 1971.

For personally pursuing a relentless quest for peace and courageously speaking on behalf of all people to the governments of the

world, calling upon them to honor the value of human life.

Eight times Pope Paul VI has journeyed to foreign nations to walk among the people—to talk and to reason about problems so often bypassed by others or disguised in a cloak of rhetoric. His footsteps are halted neither by praise nor by criticism.

Head of the largest religious population in the world, Pope Paul VI occupies a powerful place among the leaders of today—yet, his strength is unique. He leads not with the backing of mighty armies but with the majesty of God. And this good man, with unshakable faith, advocates that mortals must live together with tolerance for one another and respect for authority, if mankind is to continue on this earth.

Fifty years ago, Giovanni Batista Montini was ordained a priest. From his earliest youth, it was recognized that he had high intellectual capabilities and even then, he devoted his time to helping the sick and the poor and the fallen-away Catholics in his neighborhood. This was a strange pursuit for the son of a well-to-do Italian family.

He has held positions of increasing importance in the ensuing years but always, there remained his vital interest in others and his complete devotion to the dogma of the Church.

When the College of Cardinals selected Cardinal Montini to be head of the church, he chose the name of Paul, a name that has been carried in times of turbulence in the church in ages past.

AMVETS represent veterans of World War II, Korea and Viet Nam. We are proud that we fought for our country and through each war, our goal has always been world peace—but it has not been so. We realize that battles must cease and each man must learn to live with the other. This is the message of Pope Paul VI.

We proudly present the AMVETS Peace Award for 1970 to His Holiness Pope Paul VI, for we believe that the world will be a better place, because he walks among us.

HOUSE OF REPRESENTATIVES—*Wednesday, April 7, 1971*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If any man would come after Me, let him deny himself and take up his cross and follow Me.—Mark 8: 34.

O God and Father of us all, without whom no one is good, no one is wise, amid all the concerns which drain our strength, drown our efforts, and divide us in our endeavors on behalf of our country, may we this week—

"Take time to be holy,
Speak oft with thy Lord:
Abide in Him always,
And feed on His word:
Make friends of God's children,
Help those who are weak,
Forgetting in nothing
His blessing to seek."

Keeping ourselves hospitable to the highest and best in life, may we be prepared for the work of this day and for the Easter recess which soon will be ours.

Bless our Nation with Thy favor and make us channels through which peace and good will can flow into our world.

In the spirit of our risen Lord, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
April 6, 1971.

HON. CARL ALBERT,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Please be advised that the Clerk of the House has received a certified copy of the certification executed by the Board of Elections certifying the election of Walter E. Fauntroy as Delegate to the House of Representatives from the District of Columbia.

The above certification of election is on file in the Clerk's Office.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

COMMUNICATION FROM CAPT. AUBREY M. DANIEL III TO THE PRESIDENT

(Mr. CORMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORMAN. Mr. Speaker, I suppose that each of us has had a different reaction to the verdict rendered by the court-martial in the Calley matter. My own was renewed confidence in our capacity to administer justice in our Military Establishment.

Early public reaction evidencing some disfavor with the result of the court-martial was not surprising, since we have for the past several years witnessed strange, spontaneous public reactions in the whole field of the administration of justice.

What became terribly distressing to me was to watch the reaction of my President and some of my colleagues who, either through sincerity or political expediency, joined in the clamor—a clamor that seemed to me as reasonable and logical as a lynch mob.

I have not found it within my capability to put into words my total feelings. It has been done for me by a young captain in the Judge Advocate General's Corps, Aubrey M. Daniel III. Captain Daniel has spoken for me. I believe he has spoken for most loyal Americans who have had any experience in military combat, and I hope he speaks for the vast majority of American people who live in a nation dedicated to freedom and justice under the rule of law.

Mr. Speaker, I intend to request a special order today at the conclusion of all business, and any other special orders heretofore entered into, to place in the RECORD the letter from Captain Daniel to the President of the United States.

ERA OF THE BELIEVABILITY GAP

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, since we passed the era of credibility gaps, perhaps we should prepare for the era of believability gaps.

Consider as cases in point the following quotations:

> The slaying of Vietnamese civilians at My Lai could under no circumstances be justified.
>
> I'm going to do everything I possibly can to see that all the facts in this (My Lai) incident are brought to light and that those who are charged, if they are found guilty, are punished.
>
> I will "see to it that what these men did—if they did it—does not smear the decent men that have gone to Vietnam in a very, in my opinion, important cause."
>
> What appears was certainly a massacre, and under no circumstances was it justified.

All of these are quotes from the President at his televised press conference on December 8, 1969. So Mr. Speaker, to you and my colleagues, let me say in light of the President's recent actions—welcome to believability gap.

J. EDGAR HOOVER

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, J. Edgar Hoover has served our country with the utmost devotion and distinction from the very inception of the Federal Bureau of Investigation. He has made a major contribution to the survival of our democratic form of government and to the cause of individual liberty.

I fear what might have happened during the days of Nazi and Fascist subversion had it not been for Mr. Hoover and our superb FBI. At a time when Joe Stalin was pictured as a benign benefactor of humanity, J. Edgar Hoover knew of the designs of international communism and warned America in the nick of time. Today the Nation is faced with yet another threat, the threat from multistate conspiracies of anarchists and terror bombers. The FBI is today our first line of defense against these interstate terrorists.

Mr. Speaker, one of the greatest accomplishments of the FBI has been the training accorded to law-enforcement personnel at all levels. Mr. Hoover has inspired and helped countless thousands of law officials in leading the campaign for more efficient and scientific law enforcement. Mr. Hoover has encouraged, inspired, and supported local and State law officers. They admire and respect him.

Mr. Speaker, I shudder to think what might have happened to our democratic liberties had the FBI been formed and led these years by some other Director who was less sensitive than Mr. Hoover to the vast potential power of his position. A lesser man might not have had the strength of Mr. Hoover to avoid the intrusion of his agency, with its vast vestigative apparatus, into domestic politics. The absolute integrity, devotion to duty, and esprit de corps of Mr. Hoover and his associates has been a model for the Nation. In this most demanding and sensitive position he has defended us from domestic enemies to society while at the same time he has been the first to respect the civil liberties that keep our people free. He not only set the example here at home but was a great influence in preserving freedom throughout the Western World.

Mr. Speaker, few public officials are today as widely respected and admired by my people as is J. Edgar Hoover. My people believe in him. I am honored today to add my words of commendation and respect to those of my colleagues and of the American people. J. Edgar Hoover best epitomizes today those words made immortal by Gen. Douglas MacArthur when he said at West Point "duty, honor, and country." Mr. Hoover is a dedicated patriot, statesman, and crusader for good, who by performance, has earned the respect, high esteem, and gratitude of the American people.

PROPOSED LEGISLATION TO PREVENT DESECRATION OF THE NATION'S CAPITAL

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHERLE. Mr. Speaker, during the weeks of April 24 through May 7, a mob of antiwar protesters, estimated in the thousands, plan to camp on Government property in the District of Columbia. One of the chief spokesmen for the group, Rennie Davis, the convicted felon of the infamous Chicago riots, has been negotiating with Government officials for permission to use Rock Creek Park as their rally roost and sack-out sanatorium.

As Washington, D.C., and the Nation learned to their sorrow, the ill-fated Resurrection City, which should have been labeled "Insurrection City," cost the U.S. taxpayers approximately $2 million to restore the publicly owned site to its original beauty. So outraged were the American people at the damage done to their Nation's Capital that the House of Representatives overwhelmingly passed legislation to prevent any recurrence of similar desecration to their hallowed land. Subsequently the bill was referred to the other body where no action was taken, and therefore it never became law.

In order to meet the threat of this invidious invasion, I am introducing a proposal identical to that approved by the House almost 2 years ago. In no way does this proposed legislation interfere with freedom of speech or expression. It merely provides that the American people will be allowed to protect their heritage against the wanton destruction of sponging spoilers. The citizens of this Nation are in no mood to host another "Insurrection City" or to provide a propaganda pad for protestors.

AMERICAN PRISONERS OF WAR HELD BY THE NORTH VIETNAMESE

(Mr. BAKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER. Mr. Speaker, today marks the seventh year and 12th day during which American men have been held as POW's by the North Vietnamese.

Since capturing the first U.S. soldier in 1964, the enemy has consistently failed to abide by its Geneva Convention agreements. It has repeatedly and flagrantly violated four points contained in the agreements. The Communists are breaking elementary rules which civilized countries are expected to follow in their dealings with prisoners of war.

The Communists have never permitted impartial observers to inspect their prison camps and have refused such requests by the International Red Cross.

They have released less than a dozen prisoners in the past 5 years.

Although a few letters have been allowed to trickle back to the United States, the enemy has never allowed its prisoners a free exchange of mail with friends and family in the United States.

The North Vietnamese have made incomplete lists for propaganda purposes, but they have never made a complete disclosure of the prisoners they hold.

All these violations are creating unjustified pressures and anxieties for the friends and families of those missing in action.

I call on all concerned Americans to join me and my staff in contacting North Vietnamese officials demanding that these conditions be corrected. We must bring the pressures of world opinion to bear on Hanoi.

COMMENDATION OF J. EDGAR HOOVER

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I rise to commend the excellent job being done by J. Edgar Hoover as Director of the FBI. I feel he has provided an invaluable service to the American people through his leadership in forming the most efficient crime fighting agency in the world. I personally feel his record of dedication in upholding our Nation's Constitution should be envied by all.

I take exception to the statements that imply Mr. Hoover should resign because of his age. I have never felt age should be a factor in a man's ability to perform his job as long as he is physically able, which Mr. Hoover most definitely is.

Mr. Speaker, I for one welcome continued service by J. Edgar Hoover as Director of the Federal Bureau of Investigation.

ON THE REELECTION OF MAYOR DALEY TO A FIFTH TERM

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, yesterday the people of Chicago reelected the foremost mayor of any city in the United States by a margin of more than 400,000 votes.

Mayor Richard J. Daley now begins a fifth term at the helm of a city administration that has amply demonstrated it works better than any other city administration in this complex country of ours.

Chicago's mayor has proved conclusively that urban problems can be handled, they can be solved, and a city of several million people can indeed be governed democratically.

This victory of Mayor Daley's should serve as a sign of the health and vitality of one of America's largest cities. During the 16 years of his administration, Chicago has faced the same problems that confront other American cities. Our people are just as diverse. We, too, have a large and growing population of emigrants from other States who are out of work, or who are poorly trained and equipped to work. We have had problems between neighborhoods and schools, between those in the city and those in the suburbs.

But Mayor Daley has refused to walk away from these problems. His own example of trying to solve them on a 24 hours a day, 52 weeks a year basis, has inspired numerous communities throughout the country to reexamine their own problems and attempt once more to cope with them. Mayor Daley's example of dedication to a great metropolitan community has, I believe, made Chicago the leading American city.

Richard Daley has proved he is equal to the difficult challenges of a vast urban area. The standards he has set for himself and his administration are high, as they should be. The results are impressive, as all the country can see.

This election victory we applaud here today stays more eloquently than words that Mayor Daley has the full confidence of the people of Chicago. They know that he cares about our city and the health and well-being of the country as a whole. Despite efforts by the media to create presidential contenders for the election next year, the people of Chicago know also that Mayor Daley's voice will be heard in national politics as well.

Mr. Speaker, I am proud to represent the city of Chicago in the Congress and to serve in the same political party with the best mayor of the 20th century.

ATTACKS ON J. EDGAR HOOVER AND THE FEDERAL BUREAU OF INVESTIGATION

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, in reading the news media and the various publications, I note that it now becomes open season on the Federal Bureau of Investigation and the gentleman who directs it, the Honorable J. Edgar Hoover.

Mr. Speaker, I take exception to some of the remarks that have been made prior to the introduction of any basic information that would substantiate some of the charges being made against Mr. Hoover.

How can you defile the character of a man who for over 40 years has carried out the mandate of the law of this Nation? Perhaps, some people do not know what the real job of the Federal Bureau of Investigation is. It is primarily to protect the internal security of the U.S. Government.

If someone's name should appear on a tape during a conversation sometime because they are affiliated with something or someone whose name gets into the police records, that is just too bad. Let the chips drop where they may—if people cannot stand the heat, it is best for them to get out of the kitchen.

THE MAJORITY LEADER'S CHARGES AGAINST J. EDGAR HOOVER

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, the Members of this body heard the majority leader level a most serious charge against J. Edgar Hoover. He claimed that the FBI has been tapping the telephones of the Members of this body and those of the Members of the Senate.

Hard on the heels of these charges came a flat denial from an FBI spokesman, and the Attorney General of the United States, the Honorable John N. Mitchell, has categorically stated the FBI has not tapped the telephones of Congressmen or Senators.

What are the facts? The majority leader has told the press that he has irrefutable evidence. If this is so, let him produce it here and now.

There have been back-alley rumors for months and even years about alleged tapping of the phones of Congressmen and Senators. The FBI has stated repeatedly it has not engaged in such practices. I, for one, believe the FBI's denial. But, whatever the facts may be, I say let the chips fall where they may. Let's have this thing out on the table once and for all. Mr. Speaker, unsupported statements challenging the integrity of J. Edgar Hoover do serious harm to the highly respected FBI and, in fact, to our democratic form of Government.

CHARGES MADE BY REPRESENTATIVE BOGGS AGAINST J. EDGAR HOOVER

(Mr. McCOLLISTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLISTER. Mr. Speaker, I am greatly disturbed by the serious charges made on the floor yesterday by our colleague, Congressman HALE BOGGS. Particularly, I am alarmed by the Congressman's allegation that the FBI, under the leadership of Director J. Edgar Hoover, has tapped telephones of the Members of Congress.

Based on my personal knowledge and from what I have been able to determine, I feel that Congressman BOGGS is in error. In fact, the Attorney General has categorically stated:

> The FBI has never tapped a telephone of any Member of the House or Senate, now or in the past.

Since the Congressman from Louisiana has reportedly stated that he has "proof positive" to support his charges, I respectfully insist that the furnish such evidence to the President, to the Attorney General, and to you, Mr. Speaker, so that appropriate action can be taken.

On the other hand, if he cannot conclusively show that the FBI has indeed tapped the telephones of congressional Members, I say that he has done a great disservice, not only to Director Hoover and the FBI, but also to our country. Under such circumstances, a full and public apology by Congressman BOGGS from the floor of this Chamber would be the least he could do.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORTS ON H.R. 5208 AND H.R. 6479 UNTIL MIDNIGHT APRIL 15, 1971

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries have until midnight April 15, 1971, to file reports on H.R. 5208, to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and H.R. 6479, to provide for the licensing of personnel on certain vessels.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

HON. E. ROSS ADAIR NAMED AMBASSADOR TO ETHIOPIA

(Mr. BRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRAY. Mr. Speaker, last week it was announced from the Western White House that President Nixon had nominated one of our former colleagues, and a good friend to many of us, Ross Adair, to serve as Ambassador to Ethiopia.

Ross and I entered the House of Representatives together following the election in 1950. His 20 years' service had seen him rise to the position of ranking Republican Member on the House Committee on Foreign Affairs. With the aid of his gracious and charming wife, Marian—who, incidentally, received the Indiana Mother of the Year Award recently—Ross won the trust, confidence, respect and affection of all he came in contact with—on Capitol Hill, in the executive department, and among the foreign embassies in this city—in this most difficult and highly important field.

Those of us who were privileged to know him well—and I dare say that includes the majority of Members of this House—have certainly missed him, but at the same time I am sure all share with me the feeling that no better appointment to the top level of our diplomatic corps abroad could have been made.

The President will be sending as Ambassador a patient, wise and highly skilled practitioner of the art, who has demonstrated this by his performance on his native soil, and in this House.

Ross and Marian Adair, as Ambassador and lady, will continue to render abroad the same faithful service they have given their country so long here at home. It is with happiness and pride that I wish them both Godspeed.

CONGRATULATIONS TO THE HONORABLE ROSS ADAIR

(Mr. DENNIS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DENNIS. Mr. Speaker, I would just like to associate myself with the remarks of the distinguished gentleman from Indiana (Mr. BRAY) who preceded me in the well. Some of the Members know Ross Adair better and longer than I, although he is one of the most distinguished citizens of our State; but it has been my pleasure and privilege to know him for some time, and to serve with him in this House, and I am confident that he will make a most distinguished representative abroad for the United States of America.

I am happy to join in congratulating him on his new honor.

J. EDGAR HOOVER AND THE FBI

(Mr. MYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MYERS. Mr. Speaker, the majority leader and now others in his party have added their voices in criticizing J. Edgar Hoover and the FBI. A great deal of criticism I have read seems to me to be irresponsible and based on prejudices and innuendoes. Frankly, I have heard "whisky talk" make more sense.

I think the majority leader owes it to this body to produce the facts if, indeed, he has them. He has claimed to the press to have irrefutable evidence that the FBI has bugged and wiretapped Congressmen and Senators. He has said this in the face of specific denials from the FBI and from the Attorney General of the United States.

I do not think facts are available. If they are, let us have them presented now. Have we not had enough of this "cat and mouse" game? I say we have. The outstanding record of J. Edgar Hoover, one of this Nation's great leaders and patriots, deserves better than this.

If there is evidence Hoover is spying

on elected officials in the legislative branch, present it to this body. Until hard evidence is produced, my faith in the FBI and its leadership remains unshaken.

The final proof that the FBI is not a Gestapo is the fact this body continues to exist and its Members feel free to level even malicious charges against Hoover and his employees.

OFFICE OF EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7016) making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 7016, with Mr. Holifield in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the gentleman from Pennsylvania (Mr. Flood) had 9 minutes remaining, and the gentleman from Illinois (Mr. Michel) had 22 minutes remaining.

If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

TITLE I—OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

For carrying out, to the extent not otherwise provided, title I ($1,500,000,000), title II ($85,000,000), title III ($143,393,000), title V-A ($33,000,000), title VII, and section 807 of the Elementary and Secondary Education Act, section 402 of the General Education Provisions Act, and title III-A of the National Defense Education Act of 1958 ($20,000,000), $1,822,218,000: *Provided*, That (1) the amounts made available to State agencies for the purposes of section 103(a) (5), (6), and (7) of title I-A of the Elementary and Secondary Education Act and to the States for the purposes of title I-B shall not be more than the amounts made available in fiscal year 1971 for these purposes and (2) the aggregate amounts made available to each State under title I-A for grants to local educational agencies within that State shall not be less than such amounts as were made available for that purpose in fiscal year 1971.

POINT OF ORDER

Mr. O'HARA. Mr. Chairman, I make a point of order to the language of the provisos in the paragraph just read, beginning at line 9 on page 2, and running through line 18 on page 2.

The CHAIRMAN. The gentleman will state his point of order.

Mr. O'HARA. Mr. Chairman, my point of order is that the language in the provisos constitutes legislation on an appropriation bill. It provides for adjustments different than those provided in the authorizing legislation, to wit: Section 144 of the Elementary and Secondary Education Act, and that, in addition, the provisos require the exercise of judgmental and discretionary functions on the part of the administrator; imposing those conditions upon him.

For those reasons, Mr. Chairman, I make a point of order against the language of the provisos.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. FLOOD. I do, Mr. Chairman.

Mr. Chairman, this is the classical problem that arises in this bill since we first brought it here a few years ago. It is purely and simply a limitation, and no more and no less. We have heard the point of order before.

I suggest that the point of order not be sustained.

The CHAIRMAN (Mr. Holifield). The Chair is ready to rule.

The Chair has listened with care to the presentations of the gentleman from Michigan and the chairmen of the subcommittee. The Chair has also examined the provisions of title I of the Elementary and Secondary Education Act.

It seems to the Chair that the argument is essentially this: certain appropriations are authorized for programs under title I of the act. The Committee on Appropriations has reduced this amount and has appropriated $1.5 billion. There are within title I of the act certain legislative directions to the Commissioner of Education about how entitlements for the various State educational agencies are to be computed. These are rather complicated and the Chair does not think it necessary to explain them in detail. But the Chair does wish to refer to the explicit language of section 144 of the act, and will paraphrase a portion of that section:

> If the sums appropriated for any fiscal year for making the payments provided in this title are not sufficient to pay in full the total amounts which all local and State education agencies are eligible to receive—

And that is the case now before this Committee.

> the amount available for each grant to a state agency under paragraphs (5), (6) or (7) of section 103(a) shall be equal to the maximum grant as computed under such paragraph . . .

The section then provides for certain ratable reductions for other programs under that title.

The Chair has also examined certain precedents relating to the doctrine of limitations on appropriation bills. It is clear from those precedents that while it is proper in an appropriation bill to deny an appropriation or refuse to appropriate for a specific object or program which may be authorized by law, it is not in order, under the guise of a limitation, to impose new duties on an executive officer, to curtail the discretion given that officer under law or to change the law.

The Chair feels that the provision in the bill to which the point of order is directed conflicts with these well-established doctrines. The Chair therefore sustains the point of order.

Mr. GUBSER. Mr. Chairman, I move to strike out the last word.

(By unanimous counsent, Mr. Gubser was allowed to speak out of order and to revise and extend his remarks.)

THE CALLEY TRIAL—ARE CALLEY'S APPEAL RIGHTS BEING PREJUDICED?

Mr. GUBSER. Mr. Chairman, as one of the four members of the Armed Services Investigating Subcommittee which investigated the unfortunate occurrence on March 16, 1968, at My Lai 4 in South Vietnam, I have probably been exposed to more of the facts regarding the incident than most civilians. Our committee heard more than 100 witnesses in executive session and took more than 4,000 pages of testimony. Our report was straightforward and clearly stated.

> Competent testimony established conclusively that a large number of unarmed Vietnamese, not in uniform, were deliberately killed at My Lai 4 on March 16, 1968 . . .

Later, in the same paragraph, our report stated:

> Some were killed inadvertently under circumstances which would preclude the assignment of blame. Some were deliberately killed, and that cannot be condoned.

Members of the subcommittee agreed that we would make no comment whatever regarding the guilt or innocence of officers and men charged by the Army in the case. We felt that this was properly the function of a court-martial proceeding and that we should not attempt to prejudice such a proceeding with legislative judgment. To this day all four members of the subcommittee have scrupulously adhered to this decision.

At present one officer has been convicted of premeditated murder by a military court-martial. In keeping with the agreement made by the subcommittee, I will not comment on the findings of the court in the case. At least one other officer will be on trial for his life and his rights must not be prejudiced.

Mr. Chairman, I feel obliged to speak out today and to raise questions about administrative procedures which have followed the conviction of Lieutenant Calley. I sincerely feel that his right to a fair and impartial utilization of the appeal procedures available to him may have been prejudiced by administrative decisions. I feel that a dual standard is being applied—one pertains to the accuser and the prosecution, and still another applies to the accused and the defense.

Following the verdict, Lieutenant Calley was admonished to make no statement to the press and not to talk publicly in any manner. I could understand this if the same requirement were imposed upon the military men who prosecuted Calley and convicted him. Day after day members of the Calley jury have defended their decision and in this morning's newspaper the prosecuting attorney makes headlines in defending the decision while attacking the President of the United States.

Mr. Chairman, Lieutenant Calley is not finally convicted. The Uniform Code of Military Justice provides him with appeal procedures which have not yet been exercised. Why should he be gagged from speaking out while his accusers and prosecutors are under no such restraint? This is a dual standard of justice.

President Nixon has done no more than state that the defendant in this case shall be confined in his quarters under guard rather than the stockade. He has also stated his intention to utilize his constitutional right as Commander in Chief to make the final decision regarding the case. Not once has he referred to the merits of the case or discussed Calley's guilt or innocence. Yet the prosecuting attorney uses this proper exercise of the President's duty and right as an excuse for continuing the trial in the Nation's headlines.

Mr. Chairman, if the precedent in the famous Dr. Sheppard case were to apply, I am confident that any civilian court would determine that Lieutenant Calley's right to an appeal has been prejudiced. Even though it may now be too late, I believe Department of Army officials should forthwith direct all military personnel connected with the Calley case to refrain from comments just as they have directed Calley to so do.

Unless this is done, military justice will become an object of even further mockery. It has been dragged through the mud enough and it is time someone acted to put a stop to this Roman circus.

Mr. FLOOD. Mr. Chairman, due to the fact that before the Committee is an extremely important appropriations bill for the Department of Education, I shall object to any further requests to speak out of order on any other subject.

AMENDMENTS OFFERED BY MR. HATHAWAY

Mr. HATHAWAY. Mr. Chairman, I offer an amendment to the paragraph just read which is a single substitute for several paragraphs of the bill dealing with the Office of Education and I hereby give notice that if the amendment is agreed to, I will make motions to strike out the paragraphs appearing as follows:

The paragraph on page 2 beginning with line 19 down through line 15 on page 3;

The paragraph on page 3 beginning with line 16 down through line 19;

The paragraph beginning on page 3, line 20, extending down through line 8 on page 4;

The paragraph on page 4 beginning with line 9 and extending down through line 4 on page 5;

The paragraph beginning on page 5, line 5 down through line 24;

The paragraph on page 6 beginning with line 1 down through line 6;

The paragraph on page 6 beginning with line 7 down through line 15;

The paragraph beginning on page 6 beginning with line 16 down through line 19;

The paragraph on page 6 beginning with line 20, extending down through line 8 on page 7; and

The paragraph beginning on page 7, line 9 and extending down through line 17.

The Clerk read as follows:

Amendment offered by Mr. HATHAWAY: On page 2, strike out lines 2 through 18 and substitute in lieu thereof the following paragraph:

"TITLE I—OFFICE OF EDUCATION

"For carrying out, to the extent not otherwise provided, title I ($1,650,000,000), title II ($90,000,000), title III ($158,393,000), title V–A ($33,000,000), title V–B, C ($7,000,000), title VII, and section 807 of the Elementary and Secondary Education Act, section 402 of the General Education Provisions Act, and title III–A of the National Defense Education Act of 1958 ($50,000,000), $2,030,218,000. For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950 as amended (20 U.S.C., ch. 19), $683,316,000, of which $668,316,000, including $37,650,000 for amounts payable under section 6, shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 30, 1950, as amended, and $15,000,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act of September 23, 1950; for carrying out section 303(1)(C) as of said Act of September 30, 1950, as authorized in section 5(c) of said Act for making payments attributable to the number of children who resided on, or resided with a parent employed on, property which is a part of a low rent housing project, $75,000,000. For carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, and section 402 of the General Education Provisions Act, $120,000,000. For carrying out, to the extent not otherwise provided, section 102(b) ($30,000,000), section 102(c) ($4,500,000), parts B and C ($429,162,000), D, F ($24,000,000), G ($19,500,000), H ($7,500,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), the Adult Education Act of 1966 (20 U.S.C., ch. 30) ($90,000,000), the Cooperative Research Act, and section 402 of the General Education Provisions Act, $643,862,000, including $16,000,000 for exemplary programs under part D of said 1963 Act. For carrying out, to the extent not otherwise provided, titles I, III, IV (except part F), part E of title V and title VI of the Higher Education Act of 1965, as amended, section 105(b), section 306, titles I and IV of the Higher Education Facilities Act of 1963, as amended, titles II, IV, and VI of the National Defense Education Act of 1958, as amended, section 22 of the Act of June 29, 1935 (7 U.S.C. 329), the Emergency Insured Student Loan Act of 1969, sections 402 and 411 of the General Education Provisions Act, and section 102(b)(6) of the Mutual Education and Cultural Exchange Act of 1961, $1,426,431,000, of which $1,054,400,000 shall be for student assistance programs: *Provided,* That the following amounts shall remain available until June 30, 1973: $165,300,000 for educational opportunity grants and amounts reallotted for grants for college work study programs: *Provided further,* That the following amounts shall remain available until expended: $196,600,000 for the student loan insurance programs and $29,010,000 for interest payments for subsidized construction loans and provided further that $91,000,000 shall be available for section 101 and $6,000,000 shall be available for section 105(b) of the Higher Education Facilities Act of 1963, as amended. For carrying out, to the extent not otherwise provided, section 504 and parts B ($7,000,000 for subpart 2), C, D, and F of the Education Professions Development Act (title V of the Higher Education Act of 1965), and section 402 of the General Education Provisions Act, $143,800,000. For carrying out, to the extent not otherwise provided, titles I ($51,428,000), II, and III ($2,281,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); title II (except sections 224 and 231) of the Higher Education Act of 1965 (20 U.S.C. 1021–1033, 1041), section 402 of the General Education Provisions Act and part IV of title III of the Communications Act of 1934 (47 U.S.C. 390–395), $98,409,000, of which $10,000,000, to remain available through June 30, 1973, shall be for grants for public library construction under title II of the Library Services and Construction Act, and $11,000,000 shall be for educational broadcasting facilities and shall remain available until expended. For carrying out, to the extent not otherwise provided, the Cooperative Research Act (except section 4), the Drug Abuse Education Act of 1970, the Environmental Education Act, and sections 402 and 412 of the General Education Provisions Act, $108,500,000. For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Office of Education, as authorized by law, $3,000,000, to remain available until expended: *Provided,* That this appropriation shall be available, in addition to other appropriations to such office, for payments in the foregoing currencies. For the necessary expenses of the Office of Education, not otherwise provided, including rental of conference rooms in the District of Columbia; $47,700,000. The Secretary is hereby authorized to make such expenditures, within the limits of funds available in the Higher Education Facilities Loan Fund, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 849) as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such fund: *Provided,* That loans may be made during the current fiscal year from the fund to the extent that amounts are available from commitments withdrawn prior to July 1, 1972, by the Commissioner of Education. For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interests or participations in assets of the Office of Education authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(c)), $2,961,000, to remain available until expended."

Mr. HATHAWAY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. MICHEL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MICHEL. Mr. Chairman, the gentleman from Maine has offered an amendment in the form of a package to a number of paragraphs of the bill. The amendment itself is subject to amendment, is it not?

The CHAIRMAN. The gentleman is correct.

Mr. MICHEL. Mr. Chairman, further than that, the first vote that would come, conceding that there would be no amendments to the gentleman's amendment, if his amendment as offered, the package form, is defeated, then is it not in order for us to read the bill from the beginning paragraph through in orderly fashion and subject to amendment by paragraph?

The CHAIRMAN. The gentleman is correct.

Mr. MICHEL. I thank the chairman.

Mr. HATHAWAY. Mr. Chairman, the amendment was not read completely, but the various programs that the amendment purports to increase in funding have been printed in the Congressional Record for yesterday and the day before, so the Members have had an opportunity, I believe, to go over the various items that this amendment would increase. There are actually 26 separate programs that would receive increased funding. The total amount of the amendment is $728.9 million. The programs run from the Elementary and Secondary Education Act to the Higher Education Act, vocational education, library services, and research.

In my opinion and in the opinion of those who are supporting this amendment, this is a minimal addition to the recommendations made by the Appropriations Committee. I do not mean to diminish in any way the efforts that the subcommittee has gone through in trying to bring to the floor an appropriation bill that would be acceptable to the whole House, but I think that in this day and age we can expect with a shift in our priorities that requests for increases in the amount of education are going to be forthcoming regardless of what the committee's decision has been in the matter.

I know that many Members are thinking immediately that if we raise the appropriation by $728 million, this is going to put the budget out of whack; we are going to go over the budget recommendation of the President. As far as the budget is concerned, the administration's recommendation with respect to education is $6.1 billion. Even with this increase, we are still going to be $800 million under that total recommendation made by the administration of $6.1 billion.

I know some Members are going to point out immediately that part of the $6.1 million is for programs not authorized as yet, such as the desegregation program and such as $400 million for higher education. But nevertheless, as far as budgetary considerations are concerned, as far as increasing the deficit beyond what the President himself has said we have to have this year, this amendment will not do that.

What will happen later on if—and only if—these programs the President would like to have authorized are authorized, remains yet to be seen. Some of these programs might not be authorized until the latter part of this year, at which time it would not be proper to appropriate the full amount the administration has requested, or the programs may not be authorized at all. So I say to the Members the amount of this increase is within the administration request.

I stated that we are asking for a minimal amount. I think it is. If we consider percentages, we will see that the United States as a percentage of gross national product contributes much less than many other civilized nations of the world to education—including Italy, Sweden, and Switzerland, for example, who contribute much more of their gross national product toward education than the United States does.

If we compare the amount of money we are asking for in the appropriation bill as amended by this amendment, we are still far below the amount that we are authorized by this Congress for elementary and secondary education, for example, with 57 percent still below the authorization even after this amendment passes. And in many other programs we are as much as 73 percent behind, and an average of at least 50 percent behind the amounts that this Congress considered was the correct amount that should be appropriated for education.

Let us look at what this addition or what all the money we are pouring into education really means. I think the money we place in education is probably the best investment we could make in the United States of America.

We have tangible evidence of this. After World War II, for example, the Federal Government expended $12 billion for the education of GI's returning from that war. As a result of this investment of $12 billion the Federal Treasury has received back over the years to date $100 billion. That is a tremendous investment, to invest $12 billion and to get $100 billion back as a result of the increased taxes the GI's were able to pay by furthering their education.

The CHAIRMAN. The time of the gentleman from Maine has expired.

(On request of Mr. Perkins, and by unanimous consent, Mr. Hathaway was allowed to proceed for 5 additional minutes.)

Mr. HATHAWAY. I thank the gentleman.

Furthermore, to point out what a good investment it is to pour money into education, the reason we have extensive welfare programs, at least one of the reasons—the reason we have to have a Job Corps, the reason we have to pay out a lot of money in unemployment benefits is that we have been unwilling in the past to pour money into education, especially in the lower grade levels.

The President is now asking for a revenue sharing program under the terms of which he would send money back to the States with no strings attached. I submit that we can do a great service to the cities, towns, and States throughout the United States by increasing the amount of money we are going to send them for education, because in almost every budget of every city and town throughout this country the education percentage of the budget is over 50 percent.

The last point I want to make is that an investment in education is really not only an investment that is going to pay off in dollars and cents in this country but also an investment that is going to pay off in ideas. This country has become a great country because we have had the ideas to make progress. But we still have a great many problems in this country. Rivers are still polluted. The air is still polluted. The cities are still crowded. We still have 30 million poor people in the country. We have some people who are not getting enough to eat. We have a lot of problems, such as mass transit, that can only be cured by ideas.

The best investment we could make to get these ideas is to pour more money into education so that we can fertilize the ideas now lying in the heads of our youth throughout the country so that in the next few years they will be able to blossom forth to make contributions to make this Nation even greater than it is today.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have been one who has supported a substantial increase in the Federal support for the educational system of this country. But I want results, not just to play politics with this bill.

I want to review just a little bit of history with you. Let us take a look at the 1970 appropriations.

We had on the floor that year what was called the Joelson amendment. That bill was out about this time of the year. It was about 1 year later when the school districts got their money.

Mr. FLOOD. Mr. Chairman, I should like to point out that the gentleman now in the well is a member of this subcommittee. I would suggest that the members listen with good attention to him. I consider him one of the best informed men in this House on this subject.

Mr. SMITH of Iowa. Not only was it about a year later before they got their money, because the package was too visible, was too exposed and permitted the President to veto the bill with enough support to have his veto sustained, but in addition to that in the end some of these programs actually got less money than was in the original bill brought out on the floor a year earlier.

For example, vocational education work study ended up with $5.75 million less money than we had in the original bill when it came to the floor. There was $5.25 million less for library community services and college library services were reduced about $5.25 million. There is a whole list of items that got less money after that year of controversy than they had in the original bill that we reported to the floor.

I believe it is not right for the school districts to wait around and get jockeyed around like that and then have to pay in the end. Last year, we separated the education bill from the rest of the HEW and Labor bills and came to the floor early. We started working on it early in the year, and we came out, just like we did this year, with an early bill so that the school districts could get their money early. We have been told by the schools that they would rather have their money early so that they could use it more effectively than if they have to wait until a later time and get an extra $1 for each pupil.

Now, that worked out pretty well last year. We had an increase of something like $600 million, over the bill that we had in the previous year, but we did it in such a way that they got their money early and it was not so visible and with not so much controversy. It was handled in a way that permitted supporters to barely override a veto.

So this year we started again working on an early bill. We were working on this bill before other committees were even organized. We were working to get this appropriation developed and bring it to the floor as early as possible—even before some programs are authorized. We are bringing it to the floor early again, but I will tell you now that there is no need to do it if the extra time is going to be used up playing politics with a big package item which is so big that it is almost guaranteed of a veto and that it will be much later before the final bill is passed. Why do that? If this amendment passes, we might just as well wait next year and put education into a regular bill and bring it in at the regular time months later. There is no need for us to start working on this bill early and bring a bill onto the floor early only to have someone come in with an amendment that is obviously so exposed that it will result in a veto.

Mr. HATHAWAY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. HATHAWAY. Is the gentleman advocating that we abide by whatever any committee reports to the floor and not offer any amendments?

Mr. SMITH of Iowa. No. I think some amendments would be in order. In fact, I think there are some weak spots in this bill, and there are some amendments to it that I made in the full committee. This bill, I believe, will be amended in the Senate, and I will push for agreeing to some amendments when we are in conference. I would not be against people putting amendments into the bill on the floor and would support some, but to make the amendments so big that they will obviously result in a veto, I do not think serves the purpose of aiding education. In fact, I believe it sets it back and plays politics with an important bill, and that is not in the best interests of the people of the country. I would rather have an amendment that could stand some possibility of being sustained if there is a veto or to have a veto overridden.

Mr. HATHAWAY. Will the gentleman yield further?

Mr. SMITH of Iowa. Yes. I am glad to yield to the gentleman.

Mr. HATHAWAY. Is there a possibility of a veto if we are still within the total budgetary limits?

Mr. SMITH of Iowa. There is no way to arrive at that kind of an answer except to say in advance that Congress will exclude any kind of a possibility of an emergency assistance bill, and I do not think you want to do that.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. SMITH of Iowa was allowed to proceed for 5 additional minutes.)

Mr. SMITH of Iowa. What you are saying in your amendment and with your argument is that you do not want any emergency assistance bill. You do not want any of these other unauthorized programs to be funded when they are authorized, but you want to use all of the money now for the purposes that you have in the amendment.

Mr. HATHAWAY. Will the gentleman yield further?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. HATHAWAY. I am saying that we should wait to cross that bridge when we come to it, but we have no idea that we will have an authorization on the books by the end of this calendar year, even.

Mr. SMITH of Iowa. I will say it has been traditional for the Committee on Education and Labor to be about a year late with their authorizations. With that part I have to agree. We get these authorizations, I will say, about a year after they ought to be enacted, and we do not have an adequate chance to plan for them. If some members of that committee, instead of spending so much time in working on these big amendments on appropriations which are assured of a veto, would spend some time working in their own committee on their own work, I think the cause of education would be much better served.

Mr. HATHAWAY. If they are going to be late with it, this addition will probably still be within the budgetary recommendation of the administration.

Mr. SMITH of Iowa. I would assume that we are going to follow the procedure which we did earlier in spite of the fact that there was an additional authorization. We did have emergency assistance appropriations and we did increase these others in a supplemental bill. I would assume that would happen again.

Mr. Chairman, I think the sensible and reasonable way to approach this problem is to come up with a bill that will be signed by the President of the United States. Whether you like it or not, the President can veto it. He got elected in 1968. Some of you did not like that, but it is too late to do anything about it. Some of you who now complain did not do much to oppose his election and he is President. As President, he has a right to veto any bill. We might as well recognize that fact. We are the legislative branch and he is the President representing the executive branch of Government and if a bill is too large, obviously he is going to veto it.

I voted to override two of his prior vetoes last year. One was overridden and one was sustained. The bill for fiscal 1970 was vetoed and the veto sustained.

Now, some want to go back to the approach which did not work and we could not override the veto. As a result, the cause of education was hurt in the end.

I might point out that there is a need for a considerable amount of increases over what the President requested. If you will look at the RECORD at page 9764 you will see a total of $634 million of increases that we put in this bill in the committee. We are expecting that there will be some more increases in a lot of these items before we get back from the conference. But, this is not a bill without increases. This is not a bill where we did not adjust the President's budget. We went over the budget in detail.

Therefore, I say that to appropriate more money for education the best way to proceed is to make those individual increases that are within the ball park and where we can hope that if it is vetoed, we will have a chance to override the veto. And then when the bill goes over to the Senate, there no doubt will be some more increases and the bill will come back to the House with appropriate increases.

I want some kind of a package that we can pass here and, if necessary, override a Presidential veto.

Mr. Chairman, I think we need more Federal effort in the field of education. However, I feel that the local people have not been doing the job which they should do. We are getting only about 50 cents of the dollar which is spent on education. There is a lot of reform needed to make these programs more relevant and to prepare our young people for careers for today's competition. However, you are not going to correct that situation merely by appropriating more money, without regard to some reforms in the school districts. Instead of pumping more money into the school districts where they continue to use it under the same old practices and yardstick, we should be trying to develop and educate our children so that they can use the education they are getting to earn a living.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Michigan.

Mr. CONYERS. I appreciate the gentleman yielding. However, I construe from your remarks that you are predicting that if the Hathaway amendment passes the President will veto this bill.

Mr. SMITH of Iowa. I have no pipeline to the White House, but I do not know how the President could help but veto it if the amendment is added. This is due to record which he has made in the last 2 years when we went over and visibly above the budget, and one of those bills carried an appropriation of about 30 percent less than this budget.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield further, is the gentleman saying that without regard to the merits of the Hathaway amendment, and because the President might veto it, we ought not to support that amendment?

Mr. SMITH of Iowa. I am saying that the way to get the most for education is to pursue those amendments that are reasonable and are needed and are not quite so visible. In order words, support those amendments and go to the Senate not with a bill over $300 million or $400 million above the budget, and with the kind of a bill that will attract the attention and the support of the country so we can override a veto if it is vetoed.

Mr. PEYSER. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I would like first of all to compliment my colleague, the gentleman from Maine (Mr. HATHAWAY) for introducing this amendment. While I am speaking in opposition to the amendment, I support what is being said in the amendment. I think I ought to clarify this point.

I am very concerned, as has just been expressed, that if the amendment should be passed by the House we are then going to see a Presidential veto. I think there is little question of this fact. I think because of the problems in education today—and I am a member of the Committee on Education—we would be doing a grave disservice to the educational system to allow this bill to come back into the House because I believe the President's veto would be sustained. I believe we would then see this long procedure of delaying moneys getting into the educational field where they are so gravely needed.

On the other hand, I would like to suggest to my colleague—and I would be very delighted to do this if the gentleman does not feel that he can—that a bill be introduced, in effect his amendment, as a bill for a supplemental appropriation for this education program, upgrading the entire proposed appropriation bill that is now before this House. And I would certainly support it.

I really believe we would be doing a disservice to the cause of education today to try to pass a bill that would represent an increase of nearly $850 million over the President's proposal.

So it is for this basis that I would suggest this amendment be defeated today.

Mr. HATHAWAY. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Maine.

Mr. HATHAWAY. Mr. Chairman, I appreciate the gentleman's suggestion. I believe that we would probably, however, face the same situation if we had a supplemental covering the same amount of money because those who oppose it for budgetary or for other reasons would still oppose it then.

If the gentleman is really in favor of additional money, which I think he is, I would think this would be the opportune time to support this amendment. It is only a guess that the President will veto the whole educational bill. We are still under the total budget, $6.1 billion, by some $800 million. It is only contingent upon authorizing these additional programs and fully funding them that we would be over the $6.1 billion.

Mr. PEYSER. Mr. Chairman, I would disagree with the assumption Mr. Hathaway makes. I think, based on the past situations, the President would veto the bill.

I think if we are seriously interested in getting money on time into the educational system that we ought to enact the committee bill, and then go for a bill encompassing the gentleman's amendment, and work for it. Then if we can pass the increase, fine. If not, we would not be hurting anybody. But the way he is suggesting, I am sure that the entire educational program would be hurt.

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from New York.

Mr. CAREY of New York. Mr. Chairman, would my colleague from New York disagree that the speediest way to get money into education is in writing the bill that is before us right now, because there is no assurance we are going to get a supplemental of any size except an increase in welfare expenditures which is due for next June?

I hope my colleague does not think that if a supplemental appropriation bill is going to be introduced, and should go to this effect, that this is going to bring it out in time before you can get action on this bill in this House, action in the Senate, a veto, and then an override; that this would not take as long as it would take to get justification and hearings on a supplemental.

Let me also say that one of the cardinal principles I stand for is local and State control of education, and I want to be guided by what is good for the educational system for the State of New York. Financial disaster has been predicted by most of the educational authorities in our State. For instance, I have before me a telegram from the commissioner of education of the State of New York, Ewald B. Nyquist, in which he pleads for a vote today in favor of the Hathaway amendment.

So I think we should leave it up to New York as to what is right for New York. You and I should get together and vote for the Hathaway amendment, and if the President vetoes it, then in behalf of our schoolchildren vote to override the veto.

Then if we want a supplemental later on to deal with it.

Mr. PEYSER. Let me say to the gentleman, I am concerned with the children of New York and the children all over this country and I want them to have the money and a good program at the start of the school year in September so that the planning and the work can be done, in order that the taxpayer and the children can get full value for the money spent.

I believe that some of us are trying to play a political game at a time when it is going to hurt education everywhere.

Let us get this appropriation bill passed so the needed money will be there at the beginning of this school year. Then we will work for the additional sums that are needed.

Mr. CAREY of New York. Mr. Chairman, I rise in support of the Hathaway amendment.

Mr. Chairman, I want to commend my colleague, the gentleman from Maine (Mr. HATHAWAY) who has given long, zealous, and diligent service to children by the expansion of education over several years in the authorizing Committee on Education and Labor. He has seen how often we had an authorization bill up and had to listen as those in the States and localities who supervise our educational system came to the doors of the committee and pleaded for money. Every time we cut back our education budgets, we fail to live up to our authorization responsibility and the children suffer and the institutions suffer and we wind up paying out the money in delinquency and lack of education through the welfare system. There have been a wealth of authorization bills that passed this House to authorize money for education which this House stood for over the past years since 1965, but we have reneged on appropriations to match our authorizations.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. CAREY of New York. I yield to my colleague, the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Maine (Mr. HATHAWAY) increasing appropriations under the education bill by $728.6 million.

The President has consistently chosen to deemphasize Federal support for educational programs, having vetoed two education bills in the past. He has already threatened to veto this one. It appears that the committee has chosen to go along with this Presidential form of blackmail.

The bill before us today would appropriate $4.77 billion for the Office of Education and related agencies. This is $101 million more than the President requested, but it is 65 percent or $8.8 billion under what Congress has already authorized for education programs. The Hathaway amendment would help close this disgraceful gap between congressional promises and payouts.

Our schools are being hard hit by inflation. Financial deficits in the school budgets are the rule rather than the exception. Many districts have been forced to drastically cut back on services.

In New York City just recently, the board of education was faced with letting go over 10,000 teachers and combining classes. They were also considering eliminating bus service and curtailing special educational services that aid the handicapped and the educationally deprived. All this because of a $40 million deficit.

And what does the administration do? President Nixon has decided that as far as his priorities are concerned it is better to spend money on the SST than in educating our children. He has felt it is better to prolong the war in Southeast Asia rather than to educate a new generation of Americans to the notion of peace.

It is this type of realinement of the priorities of the United States that this body must reject.

I would like to comment on two particular programs in the bill. The first is the bilingual education program. New York City is a major beneficiary of this program along with the State of California. With the many Puerto Ricans and other Spanish-speaking people living in New York, this aid is desperately needed. These people need help in adjusting to their new life in America.

The Congress authorized $100 million for fiscal year 1972, but the President has only requested $25 million and the committee recommended $27 million. This is woefully low. The funding should be at the full level authorized.

Additionally I would like to comment on the aid to handicapped children. It seems that because this group does not protest as loudly as most, Federal assistance to them is quickly passed over when a budget is tightened.

The President felt that helping these children would only require $110 million. The committee tacked on an extra $5 million. However Congress has authorized $436.3 million for fiscal 1972. We cannot continue to put aside the rights of these children to an equal education. Since they require special services to obtain that education, special efforts must be made to help them.

Already in many places what services are provided the handicapped are now being cut back. Full funding of this section would go a long way toward making equal public education available to this special group. Let them have the opportunity open to all other children.

Mr. Chairman, I sincerely hope that my colleagues will adopt the Hathaway amendment and then go on to increase appropriations further for other vital programs. Education is our most important investment. The returns are well worth it. I, for one, will not compromise on this essential issue. It is about time Congress put the money where its promises are.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CAREY of New York. I yield to my colleague.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise today in support of Representative HATHAWAY of Maine to add an additional $728.6 million to the Appropriations Committee's recommendation contained in H.R. 7016, the Office of Education and related agencies appropriation bill for 1972. While going further than the amount requested by the administration for fiscal year 1972, the $4.77 billion reported out of committee still falls 65 percent short of the amount authorized by Congress for much needed education programs. If this House did not feel the urgency and the need for education programs here and now, then it would never have authorized the programs in the first place. Now we have the responsibility for following through with our commitment to the American people, especially the future generations of this country, and coming up with the funds necessary to put the programs into effect. The administration's penny-pinching approach to education has already been rejected by Congress, both in fiscal year 1970 and again in fiscal year 1971, so we should have no trouble once again rejecting this approach as entirely inappropriate for the times and the seriousness of the educational needs of this Nation. The temper of the House was clear for all to see last Congress when the House went so far as to override the Presidential veto of the education appropriation for fiscal year 1971.

I am particularly disturbed that the bill as reported out of committee short-changes the elementary and secondary school needs of this country. Even though the recommendation surpasses the administration's request, it falls below the fiscal 1971 level. Expenditures in 1972 should not be any less than those in 1971 in view of the easily predictable impact of the continued inflation on costs and the added expenses associated with increased enrollment.

I am also particularly interested in the recommended increase in funding for ESEA title III. We must recognize the increased costs that have occurred under this deserving program simply because of inflationary pressures. To follow the committee's recommendation and merely repeat the amount which was spent in fiscal year 1971 would be in effect to cut back on this program. I have had opportunity to observe firsthand the excellent work being done in the Commonwealth of Massachusetts and particularly in my district under this title. The excellent contribution being made by the dedicated individuals that I have met in this program should be rewarded by increasing the funds available for these worthwhile projects and not repudiating their efforts by cutting back or standing still—which is the same thing in this case. As a matter of fact, the Governor of the Commonwealth has recognized the importance of creative education under title III to the extent that the 2-week period April 11 through 24 has been declared by proclamation "Creative Education Through Title III Weeks." As a Congressman, I am observing these weeks in the best way possible by urging today fellow Members of this House to follow me in voting for the increased funding provided for by the Hathaway amendment.

Mr. EILBERG. Mr. Chairman, will the gentleman yield?

Mr. CAREY of New York. I yield to the gentleman.

Mr. EILBERG. Mr. Chairman, the schools and the colleges of our Nation are in serious financial trouble. You have only to read the newspapers in almost any part of the country to discover this fact. Story after story tells how the elementary and secondary schools are retrenching—laying off teachers, increasing class sizes, abandoning special services, dropping new ideas—all for lack of sufficient money. And the stories tell how colleges—big, little, public, and private—are experiencing growing deficits.

Inflation in recent years has hit everyone hard. But the effects on our educational system have been doubly hard. Our schools and colleges, in effect, have had to serve more customers with less money, in terms of preinflationary dollars. Furthermore, inflation has hit the educational system at a time when the public is demanding more of it, in terms of such things as compensatory services for disadvantaged inner city children and financial aid to enable needy students to attend college.

These are the reasons why I support the Hathaway amendment, which would help our schools and colleges keep pace with the rise in the cost of living. The costs of wages, food, military hardware, medical care, insurance and practically everything else you can think of all have gone up. Is it not reasonable that the cost of education should likewise rise?

If you read the material submitted in justification of the Hathaway amendment you will see that funds for many programs are increased over the administration's budget solely to compensate for inflation. These increases merely keep the programs operating at the same level as before. In a few other instances, the increases are needed to cover the costs of changing conditions.

As an example of the need for the increases in the Hathaway amendment, I should like to address myself to the item providing some $90 million in grants for the construction of college classrooms, laboratories, and libraries. Since 1965 1½ million additional students have enrolled in our colleges and universities. Funds provided in the past under the Higher Education Facilities Act of 1963 enabled the colleges to construct the buildings necessary to accommodate these additional students. According to even the most conservative estimates, several million more new students will be seeking admission to college by 1980. For the second consecutive year, the administration's budget asks nothing whatsoever in funds for classroom construction grants. The Hathaway amendment will make a beginning—admittedly small—to rectify this lack of foresight.

Just as it takes time to build a house, it takes time to build classrooms. It has been estimated that the least time required for the planning and construction of an academic teaching building is 3 years. Let us, then, use some foresight so that there will be space available in our colleges and universities for the additional students of the not-too-distant future. What we do today, will become apparent in about 1974. If we have missed the boat, it will be too late then to board it, and we may have to explain why we were so tardy.

In the nicest of all possible worlds we might be able to rely solely on subsidized loans to build classrooms as the administration budget envisions. But loans must be repaid by someone, and that someone, obviously, is the student of today or tomorrow. If students must help repay construction loans, this can only mean a further escalation in their cost of attending college and may price many of our young people out of a college education.

I urge you today to support the Hathaway amendment which provides a modest amount indeed for academic facilities grants. While this amount is inadequate to meet the needs, it is double the token amounts Congress has appropriated in the last 2 years, and it is a large improvement over the zero figure in the administration's budget.

At this point in time, it would be well to remember the maxim about too little and too late. We have already been too little. We cannot afford, from now on, to be too late.

Mr. CAREY of New York. Mr. Chairman, I would like to go back to what was said by my distinguished colleague, the gentleman from New York, that if you want to serve education to get this bill out of the way at a figure that is unrealistic with regard to the needs of education and then protect the President and his budget because we fear his veto.

Let me remind this body and this committee today that we went over this ground last year. The President did veto our bill and a hue and cry occurred all over the country that this veto should be overridden and we overrode it. I think the country gave us a mandate last year. They said that by supporting our override, we want more money in education and we want the money now. The President is bound by that mandate and we are bound by that mandate. If it was wisdom last year to come in with realistic figures, then it is wisdom this year to do so because the children are still suffering for lack of facilities, overcrowding double sessions; and States and localities are simply unable to cope with school needs particularly in the rural areas and inner cities. We have not made the progress in education that this country deserves and the only way to catch up is to act now and pass the Hathaway amendment.

Mr. CONYERS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Ninety-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 51]

Alexander
Anderson, Ill.
Ashley
Brown, Mich.
Broyhill, Va.
Carney
Celler
Clark
Clay
Collins, Ill.
Colmer
Delaney
Dingell
Downing
Dwyer
Edwards, Calif.
Edwards, La.
Esch
Fascell
Flynt
Foley
Fraser
Gallagher
Garmatz
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Haley
Halpern
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hébert
Hicks, Mass.
Jones, Ala.
Jones, Tenn.
Kastenmeier
Long, La.
Long, Md.
McCloskey
McClure
McCulloch
McKay
Macdonald, Mass.
Matsunaga
Murphy, Ill.
O'Neill
Pickle
Pryor, Ark.
Railsback
Rangel
Roe
Rosenthal
Seiberling
Shipley
Sikes
Skubitz
Steele
Steiger, Ariz.
Thompson, N.J.
Waggonner
Waldie
Wilson, Bob
Wright
Yatron

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Holifield, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 7016, and finding itself without a quorum, he had directed the roll to be called, when 364 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The Speaker resumed the chair.

The SPEAKER. The Chair will receive a message.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries.

OFFICE OF EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 1972

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from New York (Mr. Carey) had been recognized and had consumed 3 minutes and has 2 minutes remaining.

Mr. CAREY of New York. Mr. Chairman, I yield back the balance of my time.

Mr. ANDREWS of Alabama. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, as one who has always supported school authorization legislation and appropriations, I rise in opposition to this amendment.

I want to say to the school people of America that they have no greater friend than the distinguished gentleman who chairs this subcommittee of the Committee on Appropriations, the gentleman from Pennsylvania (Mr. Flood), and the other members of that subcommittee are equally friendly to the education people of this country.

Now they bring you a bill here totaling $4,700,000,000.

I say, Mr. Chairman, that had this subcommittee brought out a bill providing for $7 billion, one of these big package amendments would have been offered. In my opinion, the people who promote these huge package amendments do a disservice to the educational institutions of this Nation. This is like mother's love.

You remember a few years ago we had one called the Joelson amendment, and it completely disrupted the educational funding processes of that year.

We have got to think, whether we want to or not—and this applies to the educational people of the country—about the sad financial condition of this country today. I have spoken several times on the floor about that condition. I do not want to be a prophet of gloom and doom about the financial condition of this country, but the truth of the matter is the Nation is broke, and if you and I occupied a comparable position as does the Federal Government, we would have long since been in a bankruptcy court. It is projected that this fiscal year's Federal funds deficit will be $25 billion. Next year it will be more than that.

Did you know that the second biggest item of expense in our appropriation bills is for the interest on the national debt? And it is rising at such a rapid rate that it is conceivable that within a few years it will take the entire Federal income just to pay the interest on the national debt.

In 1961 the interest on the national debt was $8.1 billion. For this fiscal year it is $20.8 billion. Projected for next year, just the interest on the national debt is $21.150 billion.

I had the clerk of our committee figure it out, and he calculated that amount figures to $39,600 a minute, or $400 million a week—just for interest on the national debt.

With a situation like that confronting this Nation it is time for all groups—all groups, including the educational group—to tighten belts.

This bill would by no stretch of the imagination hurt the schools of this Nation. It would provide $300 million above the budget, according to the chairman of the subcommittee. It provides $251 million-plus above last year's appropriation. So for the life of me I cannot see why this Congress should be stampeded by telegrams, letters, and telephone calls into adopting an amendment which would add roughly $800 million to the bill.

Mr. CEDERBERG. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. CEDERBERG. Mr. Chairman, I take this time, and I yield to no one in my concern for education. But I think it is an affront to this subcommittee, chaired by the very able gentleman from Pennsylvania (Mr. Flood) who spent months in the hearings, and bringing out a bill, a bill that increases by a couple of hundred million dollars the amount provided in last year's bill, to be confronted with an amendment which would increase that amount $728 million.

This would mean if it were adopted, there would be close to a billion dollar increase over last year. I think the time has come when we are going to have to practice a little fiscal responsibility here in the Congress.

Oh, I know that those of us who are going to oppose this amendment are going to be branded as being against education. It just is not true. Who is going to say the gentleman from Pennsylvania, the chairman of this subcommittee is not just as much interested in education and proper education of our young people as the gentleman from Maine who offered the amendment is—who is also my good friend.

But after this committee has labored long and held hearings and listened to everybody and taken into consideration the needs of the country, not only for education but also for maintenance of some kind of fiscal sanity, and the committee has come up with a good bill which I will support, I would hope all the Members of this body will not fall prey to the idea that every time we have an education bill—because they always come back with substantial increases over the year before—we have to face requests for more increases.

I do not know how these men have come up with the $728 million. They probably held a 3-day hearing in some hotel in Washington and came up with this amendment after the committee has worked for 3 months trying to come up with a bill which they believe is in the best interests of the students of this country.

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Texas.

Mr. CASEY of Texas. As the chairman of our subcommittee claims that he has some fairly good spies, I also have one or two spies who are fairly accurate. I understand this amendment was cooked up last Sunday, in one afternoon.

Mr. CEDERBERG. Mr. Chairman, I believe it is quite a sad commentary really on the educational lobby of this country to have this amendment offered at this time. I have a great respect for the educators in my district. They are great and honorable men. I understand the problems they are faced with in getting money at the local and State levels. But here we have a subcommittee which has brought in a bill with an increase over last year of $200 or $300 million, and I do not think we can intelligently expect to go much beyond that. I am going to support the subcommittee bill because I have a great respect for the integrity of the members of the subcommittee on both sides of the aisle. They know their subject matter and they have studied the issue, and they have listened to the experts.

I would love to spend more money for education, just as we would all love to spend money for many things, but there comes a time when we have to practice a little fiscal responsibility.

Mr. HATHAWAY. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to my very good friend, the gentleman from Maine.

Mr. HATHAWAY. Mr. Chairman, I concur with the gentleman from Michigan that the committee has spent a great deal of time in hearings on this matter, but I think the gentleman also has to recognize that we have spent a great deal of time listening to those in our district on this. The educators have been thinking for a long time about just how much money is needed on this program, and we have been listening to the educators in our districts.

Mr. CEDERBERG. I have listened also to the educators in my district, and I think they agree that if there is one thing we need more than anything else, it is that we need educational reform. We need this reform, as well as we need more money so educators can use the funds to better advantage. We are getting a $200 million increase. We are getting that much more money. I think that is a pretty good increase over last year.

Mr. HATHAWAY. If the gentleman will yield further, I could not agree more that we need reform in the authorizing programs, but this is not the time and the place to do that. This is the time and the place to spend more money for funding those programs authorized.

Mr. CEDERBERG. The gentleman is a new member of our committee. He offered no such amendment to increase the amount of money in this bill in the full committee and all of a sudden now there is the Hathaway amendment.

It is my conviction this bill with its substantial increase will have a progressive impact on Federal participation in education and deserves the support of the Members of this body.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I should like to look at this amendment in a kind of a broad way for the purpose of reaching a logical conclusion as to what we should do about the proposed amendment, which would increase the magnitude of the bill by about three-quarters of a billion dollars.

The budget in brief, which I have in my hand, estimates that in 1972, for elementary and secondary education, higher education, manpower training and so forth, if we appropriate within the President's budget we will spend some $8 billion. That is for the whole package. Today we are considering only a portion of the whole education and manpower program, some $4.8 billion. For the items in the bill, the total is an increase above the appropriations for fiscal 1971 of nearly $300 million.

Now, it is impossible to appropriate all the money that one might want for health or for the environment or for education, because we do not have the money and we are not increasing taxes in an effort to raise it.

A short time ago—in fact, last month—the President asked us to increase the debt ceiling to $435 billion. But no, we said we wanted to hold down spending as much as we reasonably could, so in that bill we cut the President's request for raising the debt ceiling by $5 billion. In the discussion on that bill last month the very able chairman of the Ways and Means Committee made this statement:

> I want to emphasize that the new debt ceiling is not generous. We have been most careful to keep the increase in the debt limit as small as possible to avoid encouraging any increase in spending.

Well, the reason, no doubt, for this action by the Ways and Means Committee was that the Ways and Means Committee recognizes, as I believe all of us do, we are in a very precarious situation. No one speaking against this amendment wants to be characterized as being unfriendly to education. We have demonstrated our friendship to education many times. But we have to be realistic and fair.

Here, we are being asked to increase this bill above the budget by three-quarters of a billion dollars, and above the committee bill which is already above the budget.

According to the best recent estimates of the Treasury and of the Director of the Office of Management and Budget, in Federal funds we will go in the red this year by about $25 billion. In other words, the President's latest budget says that the debt will be increased this year—that is, for the current fiscal year—by $25 billion. It is estimated in the President's latest budget that the debt will be increased in the next fiscal year by about $23 billion, if the recommendations and estimates in the budget itself are in all respects carried out—a budget which in some respects is generous and in some respects not so generous.

At any rate, here we are, without the money in hand or in sight, debating, after cutting down on the requested debt ceiling, whether or not we should increase this bill by three-quarters of a billion dollars. To me it utterly makes no sense at all to take this approach to the problem which is confronting us.

If we want to raise additional revenue—if the country will stand for raising sufficient additional revenue—then those of us who are opposing this amendment would be glad to support additional funds for education. But we do not have the additional funds, and the more we appropriate and go in the red, as we are in Federal funds estimated to do this year to the tune of some $25 billion, the more we generate inflation and the more precarious our fiscal situation becomes and the less the dollar is worth.

The Committee on Appropriations, made up of 55 members, considered this bill. We have a subcommittee that held the hearings.

However, the committee itself has 55 members and practically all of them were present at the time the bill was reported, and the commitee took the position that this was reasonable under the circumstances. It seems to me that it would be good if the House could vote for the bill as reported by the committee.

Mr. Chairman, I rise to plead with the Members of the House to support the program and the bill as it was presented to you by the Committee on Appropriations.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 3 additional minutes.)

Mr. MAHON. The President submitted a so-called full employment budget for fiscal 1972 on January 29. He estimated that the budget in Federal funds would be $23 billion in the red for fiscal 1971–72 but he said, according to the full employment budget, it would be in the black by about $100 million. That was the tentative estimate of the President.

Well, here we are going seven times above that. We have taken actions in the field of social security and otherwise that will take us far above the $100 million and put the Federal Government far in the red even under the full employment budget.

While the Federal funds deficit next year is estimated to be $23 billion by the administration, I have no doubt that the Federal funds deficit for next year will be nearer to $30 billion than to $23 billion.

I say to you that when you deal recklessly with the taxpayers' money and with the fiscal affairs of this country we are tending to pull down the house on education and on our other institutions and are making it impossible for our schools to operate effectively, because it is obvious if inflation continues at the current rate, it will be impossible to get all of the funds from Federal sources or otherwise to operate them.

If there is a specific amendment for a specific program that some Members feel they must vote for, that is one thing. But let us vote down the Hathaway amendment, this ill-considered collection of amendments, and then, as we read the bill in the normal way, let us resist the opportunity of voting for any amendment which may be offered.

Mr. GERALD R. FORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I had originally intended to speak later in the debate, but a major part of the remarks that I will make at this point fit within the context of the remarks just made by the distinguished chairman of the Committee on Appropriations.

However, before pointing out some other aspects of the basic problem raised by the gentleman from Texas, I would like to compliment the gentleman from Iowa (Mr. SMITH), on what he said a few moments ago.

I believe he pointed out the practicality of the situation we face. Universally educators in this country condemn any unfortunate delay in the enactment of this appropriation bill for education at the Federal level. Every educator with whom I have talked tells me that the major thing they want to know as far as Federal funds are concerned is how much will be available as soon as possible so they can plan on the availability of Federal funds early enough to know what their responsibilities are at the local and at the State level.

We have had several most unfortunate experiences in the last few years where there has been regrettable delay in the Congress making available its Federal contribution to local school districts in the area of education.

I hope and trust that we do not go down that blind path and dead-end street again in 1971.

In January of this year the President submitted to the Congress a budget for fiscal year 1972. He forecast that if the budget were approved without change there would be an estimated deficit of approximately $11.5 billion. It was categorized as a full employment budget, one that would be helpful in improving the economic environment of our country. It is a Federal budget aimed at reducing unemployment and increasing employment and at the same time continuing the effort to win the battle against inflation.

At this point we ought to take a look at the record as to what this Congress has done thus far in the consideration of the budget for fiscal year 1972. We have had two major bills involving expenditures come before the House in the last several weeks. First, we passed a bill that is now law increasing social security benefits over and above what the President recommended. He recommended a 6-percent increase and the Congress increased it by 10 percent. I support that increase. The added cost in expenditures because of that action was $1.5 billion a year.

At the same time in the same legislation the Congress did not impose the added taxes in calendar year 1971 with which to pay for those increases in social security benefits. The added costs as far as the budget is concerned by that action is $2.6 billion. So in that legislation which I personally support, we added to the Federal deficit for fiscal year 1972 about $4.1 billion.

Is it not a little paradoxical that on the one hand within a short span of several weeks we added to the Federal deficit $4.1 billion? Then, with the other hand we reduced the manageable leeway in the debt limit by $5 billion. That contradictory action makes us look a little ridiculous quite frankly, but now let us take a look at the legislation we worked on last week.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. Gerald R. Ford was allowed to proceed for 5 additional minutes.)

Mr. GERALD R. FORD. Last week we were considering some very important legislation involving the extension of the selective service law.

The President, in his proposal, suggested that in order to move toward an all-volunteer Army that we add to the pay, allowances and fringe benefits for military personnel by a very substantial amount over the budget during a 2-year span. As I recall, the figure was approximately $1.7 billion extra.

The House, in its wisdom, decided to compress those two proposals for pay increases from 2 years to 1 year, and the net result was we added in a 12-month period $1.7 billion in expenditures. I hope that that added financial incentive for people to go into and stay in the military will bring us an all-volunteer military force. I hope that is the case. But I am just pointing out the fiscal impact by what we have done.

So if you take the consequences of the social security legislation and the consequences of the extension of the selective service, this Congress already has added in a 12-month period $6 billion to the expenditures out of the Federal Treasury which in turn you have to add to the $11.4 or $11.5 billion deficit that was forecast in the budget.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. If the gentleman will let me complete my statement I will be delighted to yield to the gentleman.

Again I remind you that just a few weeks ago we said the debt ceiling had to be $5 billion less than recommended by the President. On the other hand, we have presently in action in this body added $6 billion through expenditures to the anticipated deficit. That just does not make sense. Let us at least be consistent.

Now we come to the bill before us. There are varying opinions as to what the Committee on Appropriations has done with this bill vis-a-vis the budget recommendations of the President, but I think you can generalize and say that when you add up all the pros and cons and throw out things that are not authorized, and otherwise, this bill probably adds $250 million to $300 million over the budget. And now this amendment wants to add another $728 million, roughly three-quarters of a billion dollars. So if you take the committee's recommendation and this amendment that is on the floor, we in effect are going to add another $1 billion to the expenditures in a 12-month period, which means that the House in a span of a month is adding roughly $7 billion more in Federal spending.

And I say again, we told the administration that they could not go up to a higher debt ceiling limit, and they had to operate under one that was $5 billion less than what they thought was responsible.

How ridiculous. How paradoxical can we be? And who do we think we are kidding?

Now, let me say that I strongly believe, for fiscal reasons and for reasonable reasons, in trying to get Federal funds to educators as quickly as possible, we ought to defeat the amendment offered by the gentleman from Maine (Mr. Hathaway) and we ought to unequivocably support the gentleman from Pennsylvania (Mr. Flood) and his subcommittee, and the Committee on Appropriations.

Mr. Chairman, I will be glad to yield to the gentleman from Michigan (Mr. Conyers).

Mr. CONYERS. Mr. Chairman, I thank the minority leader for yielding.

Do I understand the gentleman to say that he objects to the added $1.7 billion in the Selective Service Act extension? I did not hear the gentleman complain about that at the time. I believe the gentleman supported that provision.

Today, when we are considering adding $728 million to an education appropriation, I am wondering why the gentleman points out that we added an unexpected $1.7 billion in the Selective Service Act. Do I gather from his statement that the gentleman places a much higher priority on additional money for military pay as opposed to adding $728 million to the educational measure that is currently before us?

Mr. GERALD R. FORD. I will respond to the gentleman from Michigan (Mr. Conyers) by saying this: I firmly believe in the desirability and the practicality of achieving an all-voluntary military force. But the facts of life are that in order to achieve this result one of the ingredients has to be additional financial incentives to get young people to join the military voluntarily, and stay in the military voluntarily. I believe that is important.

Second, I would would add that I think it is important that we maintain a high caliber of people and a greater readiness in our national security forces. I believe the legislation we passed last week is a factor in achieving and maintaining our national security. That was my judgment and that is why I supported that legislation.

This Committee on Appropriations has recommended a substantial amount of money over and above what we are spending this year and over and above what the President recommended.

Mr. Chairman, therefore, I support the committee's action.

Mr. PUCINSKI. Mr. Chairman, I move to strike out the last word and rise in support of the amendment offered by the gentleman from Maine (Mr. Hathaway).

Mr. Chairman, it is my high privilege to serve as chairman of the general subcommittee on education. While I have the highest respect for the chairman of the Committee on Appropriations and also for the chairman of the subcommittee, and I agree with the gentleman from Alabama (Mr. Andrews) that the educational community of this country does not have a better friend in Congress than our distinguished colleague, the gentleman from Pennsylvania (Mr. Flood) and the members of his subcommittee. They have a tough job. There is no question about it. There is just so much that you can get out of this budget—and they have a tough job and I appreciate the difficulty of their assignment.

But, as chairman of the committee that has made extensive studies of the crises facing American education, I believe it is my responsibility to present to this House the grim facts of the educational crisis that faces America.

School districts across the country are facing an unprecedented financial crisis. Two weeks ago New York City barely averted laying off 10,000 teachers. Chicago is still $58 million short of funds for the current school year. Los Angeles eliminated 3,500 teachers, shortened the schoolday, dropped interscholastic athletics, and is still finishing in the red.

Even suburban districts are faced with the crushing decision of whether to lay off teachers or to shorten the school year. Brookfield, Ill., for instance, layed off seven teachers, a librarian, and a guidance counselor from its high school. Many suburban Long Island districts have also had to lay off teachers and counselors. Versailles, Youngstown, and many small towns in Ohio have had to actually close down for months because of a lack of funds.

They are faced with disaccreditation—a high school diploma is no guarantee a youngster will get into college if the school loses its accreditation.

Why are we hearing cries of financial disaster—not only from the large cities, but also from many suburban, small town, rural educators? What has happened to our schools?

In seeking answers to these questions, I think that we must keep several facts clearly in mind. The first basic fact is that although we have in recent years greatly increased local and State funding for education, the United States from all levels of government and from all sources of funding is only spending little more than 6 percent of its national income on education. By comparison Canada and Israel are spending 9.6 percent and 9.2 percent respectively on education. In fact, most of the other highly industrialized countries are spending far more than the United States: Denmark, 8.1 percent; Sweden, 7.9 percent; the Netherlands, 7.6 percent, and the U.S.S.R., 7.1 percent.

Furthermore, of the total amount which we are spending on education a disproportionate share is going for higher education. Last year we spent more than $2,100 on every college student and only $700 on every elementary and secondary student. Of course, some expenses involved in higher education may be greater, such as dormitories and more sophisticated science laboratories, but an expenditure three times greater per student does not make sense when we consider that less than 20 percent of our children ever attain a college degree.

The final fact which we must bear in mind is that even though costs have greatly increased in recent years, the Federal Government's percentage contribution for elementary and secondary education has actually declined. In fiscal 1968 the Federal Government was paying 8 percent of the costs of elementary and secondary education. This year it is only paying 6.9 percent.

I support the Hathaway amendment because I believe that it will halt this decline and bring the Federal Government to the threshold of a partnership in financing education.

In particular, I enthusiastically support the $75 million appropriation for the education of children living in federally assisted public housing. Since I was the author of that amendment in 1969 I would like to explain its rationale.

The Federal housing laws now require that low-rent housing constructed with Federal aid must be tax exempt. In lieu of these taxes a Federal payment is authorized to be made to the local governments. This payment to school districts is now averaging $11 per child.

Since school districts receive well over half of their revenue from local property taxes and since this amount is averaging $420 per student this year, we can see the enormous burden created by this minimal Federal payment. After receiving the $11 per student a school district must find $409 from other sources to pay for the education of each public housing student. This generally leads to backbreaking property taxes on the small homeowner and to resentment against public housing.

The public housing amendment to the impact aid laws recognizes this burden and treats it like other hardships created by the Federal Government. That amendment authorizes a payment to the local school district of one-half of its locally raised cost of education for every student residing in federally assisted public housing.

Today we are considering the Hathaway amendment which would appropriate $75 million or one-fourth of the amount authorized by the public housing amendment. In other words, if the House accepts the Hathaway amendment, this $75 million will only pay for one-eighth of the local cost of educating every public housing child. I support the amendment because I believe that we can do no less than this.

Since the large cities have great numbers of public housing children, they will benefit substantially from this appropriation. Their school systems are undoubtedly the most hard-pressed in the Nation and, therefore, most in need of this direct Federal aid.

But this is not just a big-city program. The Department of Housing and Urban Development estimates that almost 60 percent of the public housing units are in cities and towns with populations of 500,000 or less. Although the plight of these smaller school districts does not receive the national publicity given to the large cities, they are no less burdened by the presence of public housing children.

I would also like to discuss in particular the increase in appropriations for vocational education. First of all, I want to congratulate Chairman FLOOD and his subcommittee for increasing the appropriation for vocational education $64 million over last year's appropriation.

Furthermore, I want to commend the subcommittee for providing separate appropriations for the special categories authorized by the Vocational Education Amendments of 1968. The President's budget had requested no funds for these categories; and if that request had been granted, the following programs would have been immensely downgraded: consumer and homemaking education, cooperative education, work-study, innovation, curriculum development, and special programs for the disadvantaged.

Even though the subcommittee has treated vocational education fairly, I would urge the adoption of the Hathaway amendment because I believe that its increase of $50 million for vocational education and its further emphasis on these special programs is badly needed. Consumer and homemaking education under the amendment would receive an extra $3.7 million, work-study an extra $1.5 million, State advisory councils an extra $1.8 million, disadvantaged an extra $15 million, and basic State grants an extra $29.7 million.

I am calling for this increase because the Federal Government still is not adequately supporting vocational education. The Federal Government spends $4 on remedial manpower programs for every $1 we spend on preventive vocational education.

And furthermore, the Federal Government spends $14 in our universities for every $1 it spends in vocational schools, even though only 20 percent of our youngsters will ever receive a college degree. The children left behind by this neglect are experiencing the highest unemployment rate of any age group in the country. In March of this year unemployment among all teenagers aged 16 to 19 was 17.8 percent. It was 16 percent for white teenagers and 32.3 percent for black teenagers—black boys 30 percent and black girls 35.3 percent.

So when I say that I support the Hathaway amendment, this is not to be in any way disrespectful of the hard work that the Appropriations Committee has done. I yield to no one in my respect for this committee. They showed excellent judgment when they appropriated more money than was requested for vocational education, because they realize the needs. I think this committee has been very sensitive to the educational needs of America. But I submit to you that the authorizing committees also have a responsibility, and we supported legislation and we brought legislation here based on very extensive hearings on the educational needs of the country, and we authorized certain levels.

We did this on the basis of very extensive studies. The legislation was approved by unanimous votes on both sides of the aisle. Are we now saying that those priorities were wrong? Are we now saying that our authorizing vote was wrong? Are we now saying we did not know what we were doing at the time we authorized the expenditures?

The amendment offered by the gentleman from Maine (Mr. HATHAWAY), if adopted, will still be substantially below the funds you have authorized for education in this country.

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the amendment.

(By unanimous consent, Mr. PASSMAN was allowed to proceed for 3 additional minutes.)

Mr. PASSMAN. Mr. Chairman, it is unusual for me to speak on any money bill other than the one it is my privilege to handle on the floor. We speak about the excessive requests for funds for the educational system. It is not merely in this area that we are overspending; it is in almost every area. We are spending money we do not have for things we do not need trying to be everything to everybody everywhere, on borrowed money and at the expense of unborn generations.

I am of the opinion if we had some legal way of confiscating all the wealth of America, we would still not have sufficient funds to do all the things labeled desirable by the free spenders.

My educators are no different from yours. My constituents are no different from yours. They speak for home rule and States rights, but still insist on Washington furnishing money and controls.

Some of us must take a positive position. You hear talk about spending money, but you never hear those who advocate excessive spending tell us where we are going to get the money.

I represent 19 parishes—counties in your States—and I have received telegrams just as you have asking me to support these programs. But, it has been my privilege to serve on the Committee on Appropriations 23 of the 25 years I have been here, and I think I know something about what expenditures are. So, I decided I would make a test case out of this. I sent to my superintendents of education the following telegram:

> Retel increased educational appropriation. I say forthrightly and without intending to be offensive that the demand is so great for federal funds from every source that we will overspend our revenue this year by 25 billion dollars. It is absolutely impossible to collect sufficient funds from the American taxpayer to fund all programs labeled desirable by the free spenders. We are on the verge of wrecking our economy through inflation and increasing the public debt that must be paid by unborn generations which now exceeds two trillion dollars, when you include statutory and borrowed money obligations. Please support me in my efforts to help keep some semblance of sanity in fiscal affairs, otherwise, unborn generations will detest those who are loading them with an unbearable public debt. I must think of the welfare of the next generation rather than just the outcome of the next election. I cannot support the increase.

Mr. Chairman, let us look at this matter realistically. Since we first set up a bookkeeping system 181 years ago to record the receipts and expenditures of our Federal Government, we have collected from the American people in revenue two trillion, two hundred and sixty billion dollars. But for every dollar we have collected during that 181 years, we have created a Federal obligation of an additional 71 cents against each one of those dollars.

We have actually a public debt of two trillion, 103 billion dollars. Every American baby born this morning as well as every senior citizen who reaches his 100th birthday this evening owes our Government $8,210.

Mr. Chairman, we are going to wreck the economy of this Nation if we do not start practicing some sanity in the fiscal affairs of our Government. Can Members imagine that in this day of great prosperity, when our revenues are at an all time high, we will overspend our revenues during this fiscal year by 25 million dollars? This 25 billion dollars takes on value only by deleting the purchasing power of every person's earnings and savings, including life's insurance that people bought to protect their dear ones.

When will we ever come to our senses and exercise sound judgment in the expenditure of our constituents' money? We receive wires from constituents asking us not to support certain expenditures, but maybe during the same week the same constituents will wire us to support funds for some other extravagant program. So, in the eyes of the people collectively, all programs are good. It is time to give some thought to the welfare of future generations rather than just the next election.

Mr. Chairman, we should not only vote down this amendment, but we should also vote down all amendments that call for unnecessary and excessive spending. As I said earlier, we are having to borrow this money because it is in excess of our revenue. I just do not know, Mr. Chairman, how any person could serve on the Committee on Appropriations, study the budget requests, and then possibly support legislation that would continue to increase these outlays beyond our means to pay. I certainly hope we will analyze all appropriation bills and not just this one, because we will be hearing the same arguments to increase every appropriation bill that is brought to the floor of this House. I hope we will vote down this amendment.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I think the gentleman from Louisiana has made some very persuasive arguments, but will the gentleman help this Member explain to his constituents how we tell the local school districts, when they start shutting down the schools, that we have other priorities besides education?

Mr. PASSMAN. There is a quick, concise and accurate answer, and that is to let the States and counties raise the revenue for their public school systems as they did during the first 175 years of existence of our great country. Federal aid to education, as such, is a new concept. It started in 1965. We have gone too far, too fast.

We must keep in mind that when you ask the Federal Government to raise the funds for your school system, you have to collect the revenues from the same people that the local public officials would collect the revenue from. The political brokerage fee on every dollar in revenue brought to Washington is 29 cents, and the local people who sent the dollar to Washington receive the return of only 71 cents.

There are sources of revenue available in every State, but of course the State public officials had rather come to Washington for money than to muster the courage to raise the funds locally.

I want to urge you Members to do as I do. Tell the people the facts as they are, and they will not only support you, they will applaud you.

In addition to the 25-billion-dollar deficit that we will have for the fiscal year that ends June 30, this year, if we continue increasing all money bills as we are attempting to increase this one, then the Federal deficit for the next fiscal year may reach $32 to $33 billion.

Mr. Chairman, finally, if we do not practice some restraint in the wild spending spree that we embarked upon not too long ago, then we are going to create runaway inflation and cause the collapse of our economy and our Government which made our country so great, free, strong, and wealthy so quickly.

Mr. QUIE. Mr. Chairman, I rise in opposition to the Hathaway amendment and I move to strike the requisite number of words.

Mr. Chairman, I want to commend the Committee on Appropriations for the increases in the bill they have brought in. There are some decreases which I disagree with, but I think for the most part the bill before us is good.

Especially I commend the gentleman from Iowa (Mr. SMITH) for laying out to us the dangers of following the argument of voting for a substantial increase in the appropriation with an amendment that can delay the education appropriation bill. This Congress has never provided the education money when the schools needed it. Now the House is trying to send a bill to the other body on April 7, in order to have the time to permit the kind of planning on the part of schools that is necessary.

But let us look at what the committee has recommended. The committee has recommended $630 million above what the President has requested in certain items. That really has not been said so far today. We have been talking about the need. But there has been a reduction in some portions of the administration request, primarily grants to college students, that the committee did not choose to go along with. Maybe later, when we pass authorizing legislation, the committee would be disposed to provide additional grant money for college students.

The following is a good simple description of the increases and decreases from the President's budget.

Money already added to President's budget in H.R. 7016 [1]

INCREASES

	Amount (In millions)
College student aid:	
NDEA loans	+288
Insured loans	+37
Impact aid	+137
Vocational education	+89
Libraries (Public and college)	+36
Equipment (NDEA III)	+20
Educational broadcasting	+7
Land-grant college aid	+5
Library resources (elementary and secondary)	+5
Education of the handicapped	+5
Bilingual education	+2
Total	+630

DECREASES

College student aid:	
Amounts associated with proposed legislation:	
Grants and work-study payments	−443
Interest subsidies	−85
Salaries and expenses	−1
Total	−529
Net increase	+101

[1] Excludes from computation $400,000,000 one-time budget authority under proposed student aid legislation.

Let us bear this in mind: For most of the programs for which the Hathaway amendment recommends increases the committee has sent to us a bill with a $630 million increase in money. That is on top of the $1.4 billion in the present fiscal year over the fiscal year before. The 1971 fiscal year is $1.4 billion above the 1970 fiscal year.

Let us look at that argument that we are not spending enough for education. I believe there is an education crisis in the country, but it is not just a crisis of money. Bear in mind that in this Nation, with 6 percent of the people of the world, we are spending about half of all the money being spent in the world for education. Fifty percent of all the money spent for education in the world is being spent for 6 percent of the people, who live in the United States.

Let us look at the total education expenditures in this Nation. We are not funding 100 percent of the money for education in the Federal Government the way we are funding 100 percent of the money for the military. Education receives assistance from the local and State governments as well.

In the past 10 years expenditures for education in this Nation have doubled—doubled. If we had asked the educators 10 years ago what would happen if they could have their money doubled for education, they would have thought Utopia had arrived. We have done it in this Nation—the local communities, the States, and the Federal Government.

I do not believe we ought to delay the legislation by adopting an amendment that will run us through the whole kind of turmoil we had last year with respect to appropriation bills and finally send the schools their money in December.

There is another point we ought to bear in mind. We are still using the same formula for title I ESEA, the biggest single Federal assistance given for elementary and secondary schools, for disadvantaged children. Title I is still using the census information from the 1960 census, based on 1959 income.

Do the Members know that the children we are counting in title I on the elementary and secondary education program from census information have all left school? They are not in school any more.

We are counting people who are adults, no longer in school.

The census information for 1970 will not be used until next year, and we do not know exactly how many children there are in each county. It will not be until the end of this year that we find that out.

Let me point out a few examples of what is happening, and why we should not increase title I this year, when counties with decreasing population will have to cut back next year.

Greene County, Ala., receives $552,000 of title I money. They have had a 24-percent population loss in the last 10 years.

Or let us look at Aroostook County, Maine, which receives $876,900. Those are all title I allocations for 1971, not the authorization. Aroostook County has had a 12.8-percent population loss.

Or look at Pemiscot County, Mo., which receives $1,039,800. They have had a 32.2-percent population loss. Evidently they just do not have as many children now as existed there in 1960.

Or let us take Warren County, N.C. They received $643,735 and have had a 22.2-percent population loss in 10 years.

McDowell County, W. Va., receives $1,490,000, and has had a 31.9-percent population loss.

Throughout the Nation just about half—about 44 percent—of the counties of the Nation have had a population loss. That means those children we expect are there are over in some other county. Why pay additional amounts of money for a program when the needs are not the same in many counties anymore?

The Appropriations Committee sent out a bill with a figure that does not cut title I money at all. It does provide the same amount of money as the year before.

Let us wait until next year before we provide any increases in title I when we can find out where the children actually live. We ought to pay for the education of the children who are living there, not for those who lived there about 13 years ago.

To give you an idea of some of the population changes in the country, I have checked some of the States at random. All had population gains, but with losses in various counties as shown:

State	Population gain (percent)	Total counties	Number losing population	Upper range of loss (percent)
Alabama	3.3	67	38	24.0
California	25.5	58	9	25.5
Colorado	24.2	63	34	40.1
Georgia	13.9	159	79	26.6
Illinois	8.9	102	54	26.4
Maine	.8	16	7	12.8
Michigan	12.2	68	16	20.4
Minnesota	10.4	87	47	18.1
Missouri	7.3	116	60	32.2
New York	7.4	61	11	11.1
New Mexico	5.0	32	17	29.2
North Carolina	8.9	102	44	22.2
Utah	19.1	28	14	43.6

Nationwide, 1,362 counties—43.9 percent of the total counties in the Nation—lost population between 1960 and 1970.

The best reason why I oppose the Hathaway amendment is because of the fact that it provides for a $138 million increase for impact aid. Until we amend that act it is unconscionable that we provide that kind of an increase.

Mr. PERKINS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I do not hold to the belief that the President will again veto an education bill when the needs are so great. To my way of thinking, we would be derelict in our responsibility if we did not do something about the crisis that exists today in education throughout the length and breadth of this land.

I hope that no one will get excited about the figures that the gentleman from Minnesota gave to this committee, namely, that the children were not in existence any longer. The truth of the matter is we are only serving about 35 percent of the disadvantaged children in all of the communities throughout America. If anyone does not believe that within the sound of my voice, go and ask your local school superintendents. If you could hear the local school superintendents of this Nation testify, I think they would convince about 95 percent of this body that we should vote for increased appropriations. Even with the Hathaway amendment increase under title I, the program would be funded only at 43 percent of the authorization. This authorization amounts to over $4½ billion. Since 1968 we have been going backwards because of inadequate funding under title I—at a time we should have been moving forcibly forward.

Let me ask you again to go and call your local educational agencies throughout America if you do not believe that statement. I am telling you what the record shows. I have from two or three different surveys put all of these facts from time to time into the CONGRESSIONAL RECORD. I put some of those facts in the RECORD yesterday.

We have the same level of funding for title I this year as we had last year of $1.5 billion. A point of order was sustained today where the Committee on Appropriations had undertaken to rewrite the authorization and deny funds to orphans, migrants, and handicapped. Now these children will be funded and get the full appropriation entitlement in their States, which means a reduction of assistance to local educational agencies under title I.

I say to you that a 10-percent increase over last year's level is required to keep local education programs at the previous level. If the increase is not provided, either the local educational programs will be curtailed or disadvantaged children will be dropped from programs at the State agency level. That is the situation.

I just wish we had the time to discuss all of these programs. The $150 million proposed in this package, to my way of thinking, for title I is a minimum as well as the $5 million for title II, libraries and textbooks of the elementary and secondary education program, raising the appropriation up to $90 million. Even with this increase the program would only be funded at 41 percent of the authorization. Thus, 423 million volumes are needed to bring school libraries up to standard. The additional $5 million addon will be a very modest step in attempting to meet this need.

And, in the land-grant colleges under the Jones-Bankhead Act it is felt unanimously at a time when we need increased salaries for teachers at these institutions such as Penn State, the University of Kentucky, and all of the other land-grant colleges, that we should not say to them we are going to cut back your money. However, that is what has happened in this bill. These needs are addressed, though in modest fashion by the Hathaway amendment. At this point let me commend the distinguished gentleman from Maine (Mr. HATHAWAY). His knowledge of educational needs, his knowledge of educational programs, his sensitivity to the problems of this Nation which have roots in what happens in the educational and formative years of the lives of young people have been evidenced time and again as he worked as a member of the House Education and Labor Committee.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent to proceed for 10 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. FLOOD. Mr. Chairman, I object.

Mr. GROSS. Mr. Speaker, reserving the right to object, would not the gentleman from Kentucky settle for 5 additional minutes?

Mr. PERKINS. I would be delighted to if I have to, but I wanted to go into all of these programs.

Mr. GROSS. I thought we came in early this morning in order to try to dispose of this legislation at a reasonable time.

If the gentleman wants to amend his request to proceed for 5 additional minutes, I shall not object, but I shall object to 10 minutes.

Mr. PERKINS. Mr. Chairman, I amend my unanimous-consent request and ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. We are cutting back our programs at a time when we should be expanding the programs in the land-grant colleges and to all of the higher education institutions throughout America.

Now, Mr. Chairman, I shall not take the time to discuss all of these programs, but let us take, for instance, facilities under the Higher Education Act. There is nothing in the committee bill for facility grants. The Hathaway package adds $94 million. The record is replete with evidence that they need not just $94 million but more than $1 billion. This is just another example of the modesty of the package which I urge you to support.

Now, under the Vocational Education Act, the State plans filed with the Office of Education show a need of $779.6 million for vocational education programs in fiscal year 1972. Even with the increase, we will fall short of that amount by more than $150 million.

And, again, think of a program that we could take advantage of that would do more to bring long-range alleviation of unemployment than this vocational education program. I think it is our duty to make additional funding available for all of our area vocational schools throughout America where we have long waiting lists. I know in my district we have a waiting list of more than 3,000, and the same thing exists all over this Nation.

Now, the total we have added on here for consumer and homemaking, work study, cooperative education, and exemplary programs, carries an increase in the Hathaway amendment of $95.820 million for vocational and adult education. To my way of thinking this certainly should be supported.

Now, Mr. Chairman, higher education, just like education at all levels across the country, according to the Carnegie report is facing a crisis. We all know in the Committee on Education and Labor, and I know the information is available to the Committee on Appropriations, that we have colleges in this country closing their doors with alarming regularity. I know that some of you say, "Well, we have gone far enough. We have done all that we can do." But, we have not done, what the Congress could and should do.

Mr. Chairman, I do not view any threat from the President insofar as our duty to legislate is concerned. I think it is our duty. The Appropriations Committee is certainly to be complimented for a timely appropriation bill. But now is the time—not later—to add funds that will be needed in September when school doors open.

I say in my judgment we should vote for this package as a minimum.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, is the gentleman telling us now that there will be no authorization for school desegregation?

Mr. PERKINS. I am not telling the gentleman that. There is need for assistance to schools undergoing school desegregation. But as between the two priorities, if we are going to serve the disadvantaged children of the Nation, 90 percent of what is being proposed in the President's bill can be well and efficiently expended under title I.

I say to you that we will be derelict in our responsibilities if we do not do something about the educational crisis that exists in America today. All you have to do is just go to the telephone, if you ignore the record, and call your local school superintendent.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. CASEY of Texas. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the distinguished gentleman from Kentucky who just preceded me in the well asked you in the beginning of his statement, and when he closed, to go back and call your local school superintendents. Why do you have to do that? You probably have already been hearing from them, because any time any local administrator hears of some additional money his eyes light up like the proverbial pinball machine, and you know it.

Of course, they want more money. They need more money. Who does not? We do in our Federal Government, we need more money as far as that is concerned.

He talked about schools being at the end of the road. Well, we in the Federal Government do not have too much road stretching ahead of us when you get right down to it, and if you listened to the gentleman from Texas, the chairman of the full Committee on Appropriations, (Mr. Mahon), I think that gentleman factually laid it out.

Now, I received the "dear colleague" letter from our very good friend and able colleague, the gentleman from Maine (Mr. Hathaway), on April 5, for this package deal. Why did the gentleman not send it to us sooner? Because it was not cooked up until Sunday. He did not know what was going to be in it until Sunday.

You remember, the ice cream man used to sell one flavor of ice cream, and the next thing he knew somebody down the street started selling chocolate and vanilla, and started getting more customers. Now the ice cream man sells 48 different flavors and they are all in this amendment, they are all in here; there is something for everyone.

Let us look at this. If our subcommittee, my distinguished chairman, and the members of the committee, if we had sat around on our constitutional rights and done nothing all these past months, we would deserve to be criticized. We were given, by the administration, a budget request that did not make sense because it was based on legislation that is sitting in the committee chaired by the gentleman from Kentucky now, he has not had a chance to hear all of it yet. It was based on revenue sharing—and incidentally, on that you can call your local mayor, and he will tell you how great revenue sharing is, because he can just see those dollars rolling into him, and he does not have to do a thing for them.

This is a reasonable bill that we reported out. Why, Mr. Chairman, you do not need to call anyone, just go out and ask anyone, "Are you for education?" Who is not in this country?

Who is not? The little fellows, the high school students, college students, and the adults—we are all for it. We have been doing plenty on the Federal level.

I do not recall, when I first entered Congress, but my guess or recollection is that the Federal Government was probably only contributing a few hundred million dollars. Well now, that is not paltry. As my very good subcommittee chairman says, when you mention $100 million, "you should show respect"—and hold your hand over your heart.

We are talking about over $4 billion in this bill, this is how Federal support has jumped in the last decade.

We have to show some fiscal responsibility. As one of my colleagues said—"This is over the budget request and I probably should vote against it." Oh no, I convinced him that these figures that we put in here were a responsible increase.

Someone added that the President would not veto this. He did, twice in a row. We did not override the veto 2 years ago, because the increase was put on in a big package deal. On the last bill we overrode the veto, because we increased it responsibly by amending it on the floor section by section, and the gentleman from Kentucky had a chance to speak longer.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman.

Mr. PERKINS. Mr. Chairman, I say that we all should not criticise the package put together by the gentleman from Maine which deals not only with disadvantaged children, but all critical needs in education. It has been carefully worked out. My only complaint would be is that it is more modest than the need requires.

Mr. CASEY of Texas. Mr. Chairman, I decline to yield further to the gentleman.

Mr. PERKINS. I want you to state further——

Mr. CASEY of Texas. Mr. Chairman, I refuse to yield further.

I think he sent his amendment around—if anyone wants to read it.

You want to speak longer and explain all these proposed amendments.

If you vote the Hathaway amendment down, you can offer an amendment on each of these items that you are talking about and then you will have the time to speak. But you do not want to do that. You want to offer a package deal and say—Look, you have everything in here—you have the 48 different flavors and you can vote for it.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Texas. I am pleased to yield to my good friend, the gentleman from Alabama.

Mr. ANDREWS of Alabama. The gentleman said that this package was cooked up, whatever he meant by that—last Sunday. Do you know who cooked it up?

Mr. CASEY of Texas. I believe it was one of these full funding organizations. I think they are for full funding for this, but I do not think they are for full funding for all other Federal programs.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. CASEY of Texas asked and was given permission to proceed for 3 additional minutes.)

Mr. CASEY of Texas. Mr. Chairman, I just want to say—I used the words "cooked up." Of course, and really they want more money on each of these things. But just to show you how some of it may have been picked out of thin air, in my opinion, here they have "dropout prevention"—and they have added $1 million. That is a modest increase. But you know we have dropout prevention in every program in this bill. But they figured and somebody said—You had better put something in there for an increase for the dropout prevention, if you want to get full support. So there has been a million more dropped in the dropout prevention.

So I just want to say to the Members of this House that you will not have to apologize by supporting this bill and the increases that are in it.

You vote down this amendment, and as was pointed out by the distinguished ranking minority member of our subcommittee, the gentleman from Illinois (Mr. MICHEL) you then have an opportunity to take this up section by section and offer amendments which can be discussed fully. Then you will know what you are doing and whether you want to support increases or not.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman.

Mr. PERKINS. I think the gentleman, with his knowledge and with his wide experience as a legislator, knows, and he will agree with me, that when this package is voted on for all intents and purposes, that ends our consideration of the bill.

Mr. CASEY of Texas. I do not know that that is true at all. I know if Members feel strongly about some of these particular programs—and if I felt as strongly as some of them claim they do—I would not try to ride on anybody else's coat tails, but I would offer my own amendment, and try to pass it on its own merits.

Mr. REID of New York. Mr. Chairman, I rise in support of the Hathaway amendment to H.R. 7016. Specifically I think this amendment is important to the State of New York. Governor Rockefeller and his commissioner of education, Dr. Ewald B. Nyquist, Jr., have telegraphed members of the delegation to the effect that they support the amendment, and I am apprised that it represents something on the order of $60 million additional to the State of New York.

More directly to the point, in 1969, over 22 percent of the local school budgets were voted down in New York. Last year something on the order of 12 percent met the same fate. What we are talking about here today basically is the question of priorities and whether we are going to attach a higher priority to education than either the Johnson administration or this administration.

Quality education cannot be provided cheaply. Quality education cannot be provided when it is assigned a low budget priority. Quality education cannot be provided when a commitment and genuine interest are lacking.

Increasingly, citizens are looking to the Federal Government to assume a portion of the local costs of education. Homeowners simply cannot afford an increase in the property tax when inflation and other tax increases are already pressing hard on their budgets. States and localities are cutting back on their expenditures for education as they are squeezed to provide other essential municipal services.

The Federal Government must not abdicate this responsibility. While revenue sharing may provide some of the funds needed for education, revenue sharing does not exist now and it is not likely to become effective for some time, if at all. We cannot allow schools and colleges merely to be strung along while we debate the merits of future programs. Schools, colleges, and students need money now. They will not wait and they should not be asked to wait.

The administration's budget request hardly reflects the urgency of the fiscal crisis in education. There is virtually no money for NDEA loans, no money for construction grants for college facilities, a mere token appropriation for college library resources, and—once again—no funds for public library construction. Other programs are generally requested to be funded simply at levels which will permit maintenance of prior year operations, with no expansion or increases or allowance for rising costs.

The committee has added to these budget requests in many important areas, and I wish to commend the members for these efforts. What has been done, however, is not good enough and that is why the Hathaway amendment is necessary. The committee has added $101 million to the President's budget request, bringing the total for education appropriations to $4.77 billion excluding amounts for programs not yet authorized. Nonetheless, this amount still falls 65 percent or $8.8 billion below what the Congress has authorized for education programs.

Specifically, with regard to the programs I have mentioned and related areas, the following figures are relevant:

For titles I and III of the Library Services and Construction Act, public library services, the administration requested only $18 million. The committee fortunately raised that figure to $40.709 million and the Hathaway amendment would add another $14 million.

For title II of the Library Services and Construction Act, public library construction, the administration requested absolutely nothing; the committee provided $8 million and the Hathaway amendment would add $2 million more.

For title II–A of the Higher Education Act, college library resources, the administration requested $5 million, the committee recommends $10 million, and the Hathaway amendment would add another $10.3 million.

For title II–B of the Higher Education Act, librarian training, the administration requested and the committee recommended $2 million and the Hathaway amendment would double that figure.

For title II of ESEA, school library programs, the administration requested $80 million, the committee recommended $85 million, and the Hathaway amendment would raise this amount to $90 million.

For college construction grants under the Higher Education Facilities Act, neither the administration nor the committee recommended any funding but the Hathaway amendment proposes $99 million.

For direct loans under title II of NDEA, the administration requested $5 million to phase out the program, but the committee recommended $293 million.

I would like particularly to indicate the importance of the additional funds in the Hathaway amendment for library programs. They are a vital element, the essential ingredient, if you will, of all the education programs supported by this legislation, for the library services we will endorse this day range from the storytelling that awakens a desire to read in the preschool child all the way to the bibliographic apparatus provided to the postdoctoral scholar, as well as the everyday services we have come to expect from our public libraries.

My district and my State, I am proud to say, enjoy relatively good library services, in our schools, our colleges, and universities and research institutions, and in our communities. New York is among the States that provide in matching funds far more than it obtains under the programs encompassed in this legislation. Yet this bill and the additional funds that would be available under the amendment are of great significance to New York State, not only because we want to do our part in the nationwide effort to improve school and college and public library services, but also because we have tremendous needs, especially in our urban areas, and can make good use of the additional library funds in New York State.

An estimated 16 percent of the elementary schools in New York State are without libraries. The amendment would add $5 million to the appropriation under title II of the Elementary and Secondary Education Act, one of the few Federal programs that is available to the private schools that enroll about 11 percent of the young people in the elementary and secondary schools. The amount proposed by the amendment, $90 million, would provide about one book for every three of the 52 million enrolled in elementary and secondary education.

The New York State Education Department's Right-to-Read Task Force, which is working to achieve the administration's goal of wiping out illiteracy, has emphasized the need of every school for "a school library media center staffed by a trained librarian and equipped with an appropriate collection of materials to satisfy a wide range of interests." Yet we know that about 43,000 schools throughout the country lack media centers and that 425 million volumes would be needed to create them and bring all the centers up to desirable standards, not to mention the films, tapes, recordings, and other instructional materials that are used in the present-day methods of teaching and learning.

Teaching tools are also provided under title III of the National Defense Education Act, the appropriation for which would be increased under the amendment. This program was enacted in the Eisenhower administration with strong bipartisan support. It is one Federal program for which virtually every school is eligible, and the appropriations are fully utilized even though one State or local dollar must be provided for every Federal dollar.

The amendment would merely bring the appropriation for title III up to the level of the previous year. This is little enough. The schools of New York State and the Nation are willing to match a Federal appropriation twice as large.

They need scientific laboratory equipment, they need films and programed learning materials, they need foreign language laboratories. Let us reorder our priorities and provide them with at least half the classroom teaching equipment they are seeking.

The amendment would augment the committee bill with respect to the appropriations under title II of the Higher Education Act, which provides support for college library resources under part A of the title. Unless the amendment is adopted, only 48 out of 175 institutions of higher education in New York State are likely to be given grants under part A of title II. The number of books available per college student has been going down in recent years, yet the committee bill would reduce this appropriation by one-third, below the amount appropriated last year, while the amendment would raise it by $9.3 million, almost up to the fiscal year 1970 level.

Last year, 2,200 colleges qualified for basic support grants, which must be fully matched. This year, only 750 institutions qualify for basic grants with the reduced funds available. And the number would not increase in fiscal year 1972 unless the committee bill is improved by the proposed amendment. How can we justify less support for college library operations in the face of still-rising enrollments, the rising tide of published materials, the broadened and improved curriculum of the colleges, and the trend toward independent study which requires reading far afield from the assigned textbooks?

The colleges are well aware of these trends. They stand ready to match three times the sum that would be provided under the committee bill for basic and supplemental grants. Let us meet them half way by adoption of the amendment.

I am informed that three times as many applications have been received for training programs under part B of title II of the Higher Education Act as could be funded. This program provides trained librarians, and they are badly needed. The shortage is estimated at 10,000 for public libraries alone, while the library schools of the Nation graduate only 6,000 per year for the school, college and public libraries that have budgeted but unfilled positions for them. At the same time, retirements continue to deplete the working force of professional librarians.

The amendment would double the amount proposed by the committee bill for part B of title II for library training, yet this increase would bring the appropriation only up to the level of last year. All we seek here is to keep the program on an even keel, and even restoring the appropriation to the previous level would suffice only to fund about one-third of the applications for master's degree fellowships in library science for deserving students.

For the Library Services and Construction Act, the amendment would provide additions that are modest indeed, not only in relation to the amounts proposed by the committee but also in proportion to the need as determined by objective fact. The amount proposed by the committee for title I and for title III would be increased by little more than one-third by the amendment. Title I provides grants for extension of public library services to places without them or with inadequate library services.

There are many such places. An estimated 15 million Americans have no public library service whatsoever. Last year we merged into title I the program previously authorized under title IV of the act, for provision of library services to the physically handicapped and persons in State-supported institutions such as hospitals, prisons, homes for the aged and for dependent children. Only about 2 percent of the physically handicapped are receiving the special public library services they need and were promised when we enacted the legislation. Less than half of the State-supported residential institutions are getting the aid we promised because of the insufficient appropriations.

The demands are therefore very great upon title I of the Library Services and Construction Act. With the adoption of the amendment, the appropriation would still be less than half the amount authorized, an amount that the Committee on Labor and Education considered very carefully before adopting. Title III, which supports interlibrary cooperation, is a vital part of the program. It enables the libraries to knit together the services provided in various parts of each State and among libraries of all types.

New York State has used its title III funds to improve interlibrary loan services with NYSILL—the New York State Interlibrary Loan Network. It operates through selected public library systems, which are designated as Area Referral Centers, and selected public, college, and special libraries, which are designated as Subject Referral Centers. The hub and monitor of this network is the New York State Library. In this way, the library patron in every part of the State has access to large general library collections as well as extensive special collections in many fields. This service is needed in every State, for it capitalizes on the investment in library services by expanding access, and the Federal investment that is required is very small indeed in proportion to the improvement that is wrought.

Finally, Mr. Chairman, there are some 300 communities throughout the country that have planned new public library construction projects or the modernization or expansion of existing facilities. Many of these projects are located in inner-city areas; some of them involve the alteration of stores to provide library services or the provision of a small library in a low-income housing project. Many others are for rural areas that have no library buildings or only worn-out and overcrowded buildings. The amendment would permit the building of some 30 to 36 additional libraries—that is all the amendment would add, and that is hardly more than a token addition, yet welcome and needed.

To further illustrate the importance of providing adequate public library construction funds, I cite a case in my own district. In 1969, New Rochelle was ready to begin constructing a library building, but there was not enough Federal money to go ahead. Subsequently, the construction site was lost, and with it the proposed Audio Visual Center for the Westchester System.

I would add, in closing, Mr. Chairman, that considerably more than libraries are at stake in the current fiscal crisis affecting our universities. While the committee has labored under difficult circumstances to make appropriations for student aid programs which have not yet been authorized, I think that the additional amounts in the Hathaway amendment for educational opportunity grants and work-study are essential. While the administration may wish to persist in sticking its head in the sand and ignoring the fact that loans from the private sector are not a feasible means of financing higher education today for families in income ranges over $10,000, I trust that we in the Congress will pay greater attention to the realities. We can start by increasing, rather than by allowing to remain static, the number of EOG's and work-study awards made.

Similarly, I am pleased that the committee, by recommending $293 million for NDEA direct loans, has rescued that important program from the oblivion to which a $5 billion budget request would have consigned it. The 648,900 students will be able to take advantage of this vital program with these funds.

And although this bill is not the proper vehicle for a discussion of new programs, I must take the opportunity to emphasize again that unless we give serious consideration to institutional aid to colleges and universities, we may well be consigning our great universities to a reduction in the very services and programs that have made them great. In my judgment, our Nation cannot afford that and we are deluding ourselves if we think that education—whether elementary, secondary or higher—is going to survive and thrive without a massive infusion of Federal aid. The sooner we accept that fact the sooner our educational system can concentrate on excellence instead of survival.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I am happy to yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding. I commend him on his statement. I would like to associate myself with his remarks.

Mr. Chairman, I rise in support of the Hathaway amendment to increase Federal funds for education.

Today not only are more children attending school but the costs of education are rising rapidly. The administration has recommended a hold-the-line budget, but to hold the line in the face of increasing numbers and increasing costs is to fall further behind. Substantial increases are needed if we are to just hold the line and our objective should be to do more. The President argued that we needed the SST so that we could maintain our leading position in aerospace construction. I would rather see us leading the world in education; in what we can do for deprived segments of our society; in what we can do for handicapped children.

In my own district, the need for Federal assistance to education is acute. For example, the Upward Bound program, originally started by the Office of Economic Opportunity and later transferred to the Office of Education in the Department of Health, Education, and Welfare, has helped many young people from the 23d District in New York, who might otherwise never have been able to meet the academic requirements to go to college, continue on to college after completing high school. This program is being severely cut back by the administration. The Hathaway amendment will add $5 million to this program, the bare minimum to enable this program to continue at present levels in the face of rising costs. We can do no less.

I am disappointed that the Hathaway amendment does not include any increase in title VII, ESEA, funds for bilingual education. Last year, $25 million was appropriated for bilingual education. This year, the amount has been increased to $27 million by the committee but this is still 73 percent below the level authorized by Congress. Since the Hathaway amendment does not increase this amount, I would like to go on record as urging the Senate to provide a substantial increase in funds for this program. I would hope that the House would accept the Senate increase in conference. The Appropriations Committee has recommended $4.77 billion in the education appropriations bill before us today, an amount which is a bare $101 million above the President's bare bones budget request. The Hathaway amendment would add a total of $728.6 million to the committee bill, an increase which, when viewed in terms of the increased costs of education and the priority education should have in our Nation, can only be viewed as minimal. This increase includes funds for higher education, vocational and adult education programs, impact aid, educational assistance to handicapped children, elementary and secondary schools, and many other important programs.

Mr. Chairman, I urge adoption of the amendment.

Mr. WILLIAM D. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the package amendment to provide $728 million additional over the committee recommendation for the funding of education programs in the school year which will begin in September 1971.

Mr. Chairman, this bill which we consider today marks the third conflict between Congress and the administration over the funding of education programs. The President vetoed both the Office of Education appropriation bills for fiscal year 1970 and fiscal year 1971. The committee bill for fiscal year 1972 would appropriate approximately $4,654 million to the Office of Education for education programs conducted by local education agencies, State education agencies, vocational education agencies, and institutions of higher education. It does make some steps forward in restoring funds eliminated for education by the President's budget submission. At this point, let me show for the attention of my colleagues what the President's budget submission would mean for education in the State of Michigan. If the budget were followed instead of what Congress appropriated last year, $111,351,479 for Michigan, the State would receive this year only $84,561,922. To illustrate the impact, let me submit at this point tables prepared by the Department of Health, Education, and Welfare with respect to the President's budget impact on Michigan.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1972 BUDGET ESTIMATES

	Fiscal year—		
	1970 actual	1971 appropriation	1972 budget request
Elementary and secondary education:			
Aid to school districts:			
Educationally deprived children (ESEA I):			
Pt. A:			
Basic grants	$42,339,833	$47,052,229	$47,486,093
State administrative expenses	423,398	470,522	474,861
Pt. B: Special incentive grants		945,696	945,696
Pt. C: Special grants for urban and rural schools		392,756	392,756
Supplementary services (ESEA III)	5,346,325	5,857,683	5,837,297
Grants to States for school library materials (ESEA II)	2,000,378	3,765,418	3,780,218
Strengthening State departments of education (ESEA V):			
Grants to States	1,002,131	1,002,131	1,116,121
Grants for special projects			
Acquisition of equipment and minor remodeling (NDEA III):			
Grants to States	1,553,289	2,116,053	
Loans to nonprofit private schools			
State administration	86,366	85,916	
Dropout prevention (ESEA VIII)			
Bilingual education (ESEA VII)	256,450		
Follow Through (Economic Opportunity Act, sec. 222(a)(2))	1,802,333		
Subtotal, elementary and secondary education	54,810,503	61,688,404	60,033,042
School assistance in federally affected areas:			
Maintenance (Public Law 81–874)	4,690,071	5,523,000	4,983,000
Construction (Public Law 81–815)			
Subtotal, school assistance in federally affected areas	4,690,071	5,523,000	4,983,000
Emergency school assistance		$11,332	
Education for the handicapped:			
State grant programs (EHA, pt. B)	$1,268,699	1,426,642	$1,472,906
Early childhood projects (EHA, pt. C, sec. 623)	100,000		
Teacher education and recruitment	1,479,273		
Research and innovation	737,563		
Subtotal, education for the handicapped	3,585,535	1,426,642	1,472,906
Vocational and adult education:			
Grants to States for vocational education:			
Basic vocational education programs: State grants	12,038,767	12,596,706	15,217,985
Programs for students with special needs (VEA, pt. B)	665,143	782,682	
Consumer and homemaking education (VEA, pt. F)	586,753	831,649	
Work-study (VEA, pt. H)	186,486	241,334	
Cooperative education (VEA, pt. G)	353,636	552,045	
State advisory councils (VEA, pt. B)	74,803	74,803	85,062
Vocational research:			
Innovation (VEA, pt. D)	280,886	441,818	
Curriculum development (VEA, pt. I)			
Research	30,275	1,399,634	
Adult education (Adult Education Act):			
Grants to States	1,106,931	1,248,005	1,686,848
Special projects and teacher education	141,999		
Subtotal, vocational and adult education	15,465,679	18,168,676	16,989,895

	Fiscal year—		
	1970 actual	1971 appropriation	1972 budget request
Higher education:			
Student assistance:			
Grants and work-study payments:			
Educational opportunity grants (HEA IV-A)	$6,815,400	$2,894,032	
Work-study	4,773,268	6,082,702	
Direct loans (NDEA II)	8,690,339	10,522,089	
Special programs for disadvantaged students (HEA, sec. 408):			
Talent Search	171,000		
Special services in college	984,309		
Upward Bound	240,000		
Institutional assistance:			
Strengthening developing institutions (HEA III)	50,000		
Construction:			
Subsidized loans (HEFA III)	21,940		
Grants:			
Public community colleges and technical institutes (HEFA I)	1,733,216	1,701,935	
Other undergraduate facilities (HEFA I)	1,247,385		
State administration and planning (HEFA I)	219,606	156,601	$99,817
Language training and area studies:			
Centers, fellowships, and research (NDEA VI)	1,157,950		
Training grants (Fulbright-Hays Act)	113,638		
University community services (HEA I)	283,968	283,968	283,968
Aid to land-grant colleges:			
Annual (Bankhead-Jones Act)	336,028	248,182	
Permanent (Second Morrill Act)	50,000	50,000	50,000
Undergraduate instructional equipment (HEA VI):			
Television equipment		43,207	
Other equipment		302,450	
Higher education—Cont.			
College personnel development	$1,837,925		
Subtotal, higher education	28,725,972	$22,285,166	$433,785
Education professions development:			
Personnel training and development	3,015,609	555,910	181,854
Special programs serving schools in low-income areas:			
Teacher Corps	798,719		
Career opportunities and urban/rural school programs	877,245		
Subtotal, education professions development	4,691,573	555,910	181,854
Libraries and educational communications:			
Public libraries:			
Services	1,263,804	1,489,643	467,440
Construction (LSCA II)		202,706	
College library resources (HEA II-A)	344,588		
Librarian training (HEA II-B)	266,901		
Educational broadcasting facilities (Communication Act of 1934, title III)			
Subtotal, libraries and educational communications	1,875,293	1,692,349	467,440
Research and development	1,561,240		
Civil rights education (title IV, Civil Rights Act of 1964)	432,977		
Total, Office of Education	115,838,843	111,351,479	84,561,922

I submit to my colleagues, however, that a simple restoration of cuts falls far short of what needs to be done at this time. At a time when there is a crisis in every school in the Nation with respect to increased enrollment, rising costs, underpaid teachers, desperate need for inservice training, new materials and new equipment, substantial increases of new financial resources must be provided. The Hathaway amendment is extremely modest, but I see it as only the first step of a legislative process, and I am hopeful that as the legislation progresses through the Senate and again through the House after conference, we can more closely approach what Congress has already authorized in funding these programs. The total funds provided for education, assuming the adoption of the Hathaway package, will be slightly over $5,000,000,000. Yet, Congress has already authorized in excess of $11,000,000,000. I say to my colleagues: This is the amount we should be providing. This is the amount we are capable of providing right now, without waiting for newly authorized legislation. The Congress has provided the means by which we can bring relief to all facets of education. It exists on the books. It does not need the hearing process, the lengthy debate that accompanies new authorizing legislation. This is why I say to you that the proposal confronting us today in the Hathaway package is a modest one.

I do not believe that the President would dare to veto this modest proposal. But, if he did, I believe that the crisis in education would again call upon the Congress to override the veto. I urge my colleagues to join me in supporting the increase of $728,000,000 for education which will provide additional funds for vocational education, for elementary and secondary schools, for the purchase of equipment for laboratories, provide new facilities for colleges and universities, and increase the amount of funds available for college work-study and national defense student loans.

Mr. Chairman, it is indeed sad that we have spent so much time in the last 2 hours talking about all the things that are not in the Hathaway amendment, while once again we are attempting to use those in our society who are least able to bear the burden as the scapegoats for our failure to find the solution to all of the problems we are unable as a legislative body and the President is unable as the Chief Executive to deal with. Once again, as we have so many times in the past, we are looking around and saying, "Who is the least able to carry the burden?" And then we are placing the burden on their shoulders.

It really pains me to hear the gentleman from Michigan, the distinguished minority leader, followed by the chairman of the full committee, stand here and talk in terms of issuing Members of the House with high-powered rifles to sit by the jungle path ready to shoot down appropriations expenditures and solve the problems of our budget and clear up the deficit. The fact is they are advocating that the Members sit by the path with their rifles and shoot mice while the elephants march by.

These same people were on the floor last week telling the Members we were going to go bust in this country unless we spent more on the SST. There was not one word from the President about how inflationary that would be.

It pains me to hear the cries and see the crocodile tears from the minority leader over a delay in the education appropriations unless we pass this appropriation bill.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I will yield to the gentleman from Michigan if the gentleman will help me get time equal to what the gentleman had a few minutes ago. I will not yield unless I get the time.

Mr. Chairman, we passed this authorization bill last year in March, not April, as we are now, and the reason the money did not get to the schools until after the schools started in the fall was not because of dereliction or inaction on the part of the Appropriations Committee, the full committee or the subcommittee, or of this House or of the Congress, for that matter. It was because the President of the United States decided to draw the line against inflation on all school expenditures. If we do not adopt the Hathaway amendment, we will be firing teachers who were paid with Federal dollars last year. We will not be firing the teachers because we have less pupils. We will be firing them because we cannot send the students to school for full days.

This is being done in a country in which, in response to the President who asked us to go to the moon in 10 years, we did so. We are now getting ready to celebrate our 200th anniversary by having school less than full days, by having school of half days for many of the children in this country.

We hear that we have not cut down Federal support in this field. We hear we have not cut down the legislation in this field, but every year we hear we spend more money on education, and twice as much as 10 years ago. That is true, but the cost of education has gone up three times while we have increased the expenditure only twice. We are not providing the level of support we provided before. In 1965 when we first passed this legislation, this House then appropriated 88 percent of what it had authorized in legislation. This year we are supporting, if we vote against the Hathaway amendment, only 37 percent of the money we already have voted to expend.

A majority of this House—and this is not a Democratic or a Republican issue—on both sides of this House this body has voted to expend these funds. We are now being asked, out of some sort of loyalty to the committee and some plea to save the budget, to vote for 37 percent of the money we promised the people of the country we were going to expend on education. Every year since these programs have been in effect, every year since 1965, including the last two years when we have adopted the Joelson amendment and the Cohelan amendment, which are identical with the Hathaway amendment in their purpose and scope, we have cut back on the Federal commitment to education.

Do not be fooled by those who are saying that we are here asking for $750 million of new money. All we are asking Members to do is to keep afloat the school children who are not trying to swim ahead. They are falling behind now, but we are trying to keep them from drowning.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, let me first compliment the gentleman on his great concern for the problem the House now considers. I would like to ask if the gentleman agrees that unless the Hathaway package is adopted "b" children will be drastically reduced but if it is adopted at least we will achieve 90 percent funding for both "a" children and "b" children.

Mr. WILLIAM D. FORD. The gentleman is exactly right. The effect of opposing the Hathaway amendment and supporting the committee is to rewrite the substantive legislation, previously passed by Congress, and reduce support in impact school districts.

The committee recommendation totals $4,596.7 million or about 40 percent of the authorization. This is $6,809.5 million, or 60 percent below the authorized level. The Hathaway amendment totals $728.6 million, or less than 11 percent of the $6,809.5 million which education programs are underfunded.

Adoption of the Hathaway amendment would increase the total education appropriation from $4,596.7 million to $5,325.3 million or about 48 percent of the authorization. Thus, even with approval of the Hathaway amendment, education programs would still be funded at less than half of the authorized level.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment. Reluctantly, as a Member on this side of the aisle, I make the observation that our leadership is not present at a time when we are considering one of the most important measures that could come before this body. Our leadership is not giving the kind of support that is necessary even to insure full attendance in this House. As one Member on this side of the aisle, I resent it. The leadership that is desperately needed, however, goes far beyond mere presence on this floor. As the majority party in Congress, we cannot escape the responsibility for the ultimate result of this legislation. We have before us an appropriations bill for education which is sorely inadequate to meet the increased enrollment and increased costs of our schools. The Hathaway amendment can and must be won. But where have our leaders been? They should have been actively pursuing the passage of this extremely crucial increase for education.

I strongly support the Hathaway amendment, and I yield back the remainder of my time.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, when it comes to schools I believe we all agree we are dealing with an emotional issue, not only because of the deep feeling we all have for the youth of this country but also because of the absolute knowledge we have that without education this country will fail in the long run.

I rise in opposition to this amendment. I wish to place my confidence in those who are interested in education and who spend months each and every year studying these problems and supporting education to the maximum of their ability. That is the members of this Appropriations Subcommittee.

I have been here long enough to believe, and to say, that I do not believe it made much difference how much money was put in here by the committee; an amendment would have been offered on this floor to greatly increase it, because it is usually accepted as good politics.

In these days when a dollar is buying less and less, when we are increasing year by year the amount of money spent for education, what your people and my people believe we need is more education for the money we spend.

I say to you, if you will start with Dan Flood and go down the list—Neal Smith, Bill Hull, Bill Natcher, Bob Casey, Bob Michel, Garner Shriver, and Silvio Conte—I do not know of any group in this country I can tell the school people of my district I would rather look to, to see that the schools are run year in and year out on a solid, sound basis.

Now, there may seem to be a little political benefit to some in sending a bill down to the President that he would have to veto. It could be you might override such veto. I do not think so. May I say too, if we get into enough of a wrangle the Department of Education may be forced to operate on last year's level on a continuing resolution and have less than is in this bill. Such a situation has happened in the past.

I repeat what I said when we discussed this issue years ago. Whatever amount of money had been put into the bill by the committee which spent weeks and weeks studying it, which raised it above last year's level and above the budget level, somebody, somehow, would have offered an amendment to increase it, because it is that kind of an issue.

I hope you will listen to me and think about this. I tell my school people, and I believe you can tell yours, I would rather support the Members who handle this program year after year, who believe in your program, who study the facts, who come in and make recommendations to us, in whom the Congress can have confidence to look at the issue, rather than to have a Johnny-come-lately effort to raise the amount, an action which, I repeat, will be made every year.

That is not to reflect in any way on my colleagues who follow that course of action.

I repeat, let us vote down this amendment and let us go ahead with this substantial increase in funds for education. Then let us cooperate with our folks at home and try to get more education for the dollars we spend. That is what we need.

Oh, it tears your heart out to read in the daily papers the deplorable condition of the schools in the District of Columbia and to go around the country and see how little of the money that is being spent is going to real education. Yes, and you can go and see what we need in these schools. We need discipline, we need public support, we need parental support and yes, judicial understanding that education must come first. We need to teach the boys to read and write, to teach them the fundamentals of arithmetic. Friends, we have a lot of troubles. Too frequently we are not teaching the subjects that the students need. We can dish out all of the money in the world because of what? Not because of the youngsters in school but because of a highly organized educational group, many whom I number among my friends, but I have never seen them have enough money since I started in political life at the age of 21. You just cannot satisfy that group. And most are very sincere.

Let us go back and support this committee who have worked with this bill and who have recommended more than $200 million above what they had heretofore. Let us see that these funds go to our schools. Let us not have a wrangle with the White House and end up with less money than we had last year. I hope you will vote down this amendment and support this able subcommittee.

Mr. MICHEL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the Committee, I would like to join with my colleague who just preceded me in asking you for several reasons to vote down this package amendment.

You are still going to have the opportunity, after you vote down this package, of reading this bill through paragraph by paragraph and making the amendments that you think you ought to make and rejecting or supporting them on their individual merits.

This package amendment was offered to the very first item in the bill. If it is defeated, we go back to that initial stage and read it through item by item.

You would think when you hear some of the arguments which have been advanced here that education today is dependent solely on Federal dollars for sustenance. But, I would remind you that Federal funds account for 11 percent of the total national expenditure for elementary and secondary education and

25 percent of the total expenditure for higher education.

I would also point out elementary and secondary enrollment increased about 17 percent from the fall of 1968 through 1970 and in those 2 years the total of State, local, and Federal funding increased by 20.6 percent. The per pupil expenditures during the same period of time went from $786 to $932—an 18-percent increase in 2 years.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the Chairman.

Mr. FLOOD. Mr. Chairman, this is the ranking Republican member of the subcommittee. I suggest that we listen quietly.

Mr. MICHEL. Proceeding further, in the field of higher education, from 1968 to 1970, higher education enrollment increased about 10 percent, but during that same period of time the total Federal, State, and local funding for higher education increased more than 23 percent. Per pupil expenditures went up from $2,941 to $3,278 or an 11.8-percent increase.

Now I would like to address myself to some of the individual items that the gentleman from Maine suggests ought to be increased in this particular bill.

Incidentally, who did put together this package amendment? I suspect it is no secret to anyone that the education lobby and the Emergency Committee for Full Funding meeting across the street one afternoon, as was previously alluded to, did so. I suggest those of us who sat for 6 weeks in these hearings listening to all of the witnesses have a little bit better idea about what the individual items ought to call for instead of someone coming in from outside and trying to tell us as Members of Congress what is best for education and the country.

This lobbying operation has misrepresented to many of your constituents what the real big issue is here.

To the land grant colleges the pressure has come for restoration of just a small item of $5 million. To the vocational education people, the Hathaway amendment means more money for them in the amount of $50 million and so on. To each of the groups the pitch is made for support of the amendment for what they would get out of it, but the big issue here is the total package of $728 million. It is an outlandish overall increase, but let me go to the specifics and answer each item of proposed increase point by point.

The first item calls for a $150 million increase for title I. Expenditures have in fact risen proportionately a much greater amount than the student enrollment and greater than the inflationary factor. We have had the gentleman from Minnesota (Mr. QUIE) point out some of the problems that exist in title I. We have not yet completed our evaluation of that particular program. No assurances do we have yet that the dollars are achieving the purposes of the legislation. We have to get a better fix on the program before pouring more dollars into it.

Then we move on to supplementary services. The gentleman from Maine says we ought to have $15 million more in here and says that at an average cost per program supported of $193,000 the committee bill would give us less than $6 million or 50 new starts—one per State. The $5 million add-on would permit three per State. What can you say to the argument that if one is good, then three are better? And, that is about the only argument for an increase available here. I suggest that what the committee has provided is sufficient.

Then, Mr. Chairman, on Library Resources, the gentleman from Maine says we ought to have another $5 million. On what basis is the statement made that another $5 million is needed just to maintain the program? The committee has already added what could be considerd a cost-of-living increase which amounts to about 6.25 percent, which should be adequate to maintain the programs.

Mr. Chairman, I will not put the gentleman from Maine on the spot himself as to how he arrived at the particular figure.

Mr. PERKINS. Will the gentleman yield to me in order to tell him how that figure was arrived at?

Mr. MICHEL. I will yield to the gentleman when I complete my statement.

Now, take the third item of $30 million, to be added to the item for equipment, materials and minor remodeling. Of course, there was nothing in the budget for this but your committee saw fit to add $20 million.

However, there are a variety of other programs under which this particular equipment can be purchased. We know what will happen in the other body, and we have some problems in the conference on this one.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. MICHEL was allowed to proceed for 5 additional minutes.)

Mr. MICHEL. On the dropout provision, the gentleman from Maine adds $1 million over the figure of $10 million which is carried in our bill. But you know there are a number of other programs not so visibly marked as the dropout provision. Title I certainly cannot be ignored, as well as the supplementary centers, vocational work studies and cooperative education—all programs designed to cut down on dropouts. But, again, a little sweetener is thrown out with no real justification.

Then, Mr. Chairman, with reference to grants to the States for special projects. Why $7 million? We have an increase of $3¼ million in the bill and that figure is based upon the statements and testimony of the witnesses who appeared before the committee and the arguments we heard.

Then, Mr. Chairman, this Public Law 874—impact aid. It should be pointed out with this act, of course, Mr. HATHAWAY is talking about funding A and B categories at 90 percent. However, under the committee bill the A's with over 25 percent will get 100 percent and those A districts with less than 25 percent will get 90 percent funding and then, B's of course, will be scaled down to 68 percent.

I submit to you that what the package does for your A category with 25 percent or more federally connected students—the real problem areas—is inadequate. And then the Hathaway amendments would provide $75 million for districts with public housing. This is bad, for the money goes to the district, but in Peoria the school district covers the whole community. The most affluent areas in town conceivably could get in on the program simply because our having some public housing.

I say to you people who want to do something for the cities, that this is not the route to take. You have been the people who have been criticizing the impacted aid program as one of the worst programs on the books. However, now you are trying to go through the back door to get the money under that program for the cities. And to those of you who have a legitimate case for impacted aid, think about how you will be submerged later on for your legitimate needs if this thing gets expanded to include public housing?

For bona fide and legitimate impacted areas; yes, we have an obligation to fund those, but let us not get into the business of payments to districts with public housing.

Mr. Chairman, we are all for the handicapped. We increased this item by $5 million in our bill. Mr. HATHAWAY says:

> Well, let us shoot the works and add another $5 million.

Why not $10 million or $20 million more.

Every Member on this floor can outdemagog one another on this one. Send the record back home, and tell the folks what a champion you are for the cause.

The committee increased these programs selectively by $5 million. Further increases, especially of a blanket nature, could defeat the purpose of the program. The intent of Congress was to provide catalysts to bring about changes in our educational patterns in the field. The Federal commitment was never intended to be a total one in the sense of providing complete per-child cost of education and support. Go back and read the legislative history on this particular item. Programs developed to the limit are significant changes in the quality and effectiveness of much larger and more direct programs being conducted by State and local educational agencies. Models developed under these programs have already led several State legislatures to enact legislation to enable local agencies to claim funds for the multiple-handicapped children attending school, and assume high portions of the cost of special education, instruction, and materials.

Then of course for vocational education, to which the gentleman from Maine wants to add on another $86 million. The budget came in at a far lower figure, and we saw fit to add to this item $89 million for vocational education. Your subcommittee did that over what was submitted to us in the budget.

So I submit that we have done a good job there.

And for the Advisory Council on Vocational Education, the gentleman from Maine would add $1.8 million. The add-on would bring an amount for each council up to a nice, neat round figure of $75,000 per. That is about the only justification for that kind of an increase.

Can these add-ons actually be justified? I wonder.

And then we come to adult education. The committee has $55 million in the bill, and the gentleman from Maine would like to add on another $35 million.

Why $35 million? The gentleman says this increase is required to assure that there will be no reduction in funds below the 1971 level for some 17 States, but the figures he uses show a total reduction of about $6 million.

For grants and work-study payments, the gentleman would add $30 million above your committee recommendation, to help 57,000 more low-income students than would the committee bill. He overlooks the fact, however, that we also included in the bill an increase of $288,000,000 over the budget estimate for NDEA student loans which would provide for 88,500 more loans than last year.

Funds for special programs for disadvantaged students would be increased by $5 million by the gentleman's amendment because, he says, the cost of education has increased by 10 percent. I would just say to the gentleman from Maine that if he had sat in our subcommittee sessions and learned what we did about the problems in the Talent Search program especially, of evaluating the effectiveness of their projects and accounting for where their money is going and what results it is getting, he might have second thoughts about even continuing current program funds, much less adding more.

The goal of the Talent Search program is placement in postsecondary educational opportunities, but it was operated for 4 years without any solid evidence of actual placement in college of impoverished youth by the project contractors. In one project, cost per student was a phenomenal $3,219 per student, and others ran $1,212 per student, $521 per student and $686 per student, for example. It makes no sense to put more money into programs about which there are such fundamental unanswered questions as to their effectiveness and the results we are getting for our dollars. The need in education is too great to do this.

Strengthening developing institutions is a high priority program both with the administration and with your committee, as evidenced by the $5 million increase sought in the budget and approved in the committee recommendation. Funds are targeted primarily on developing community colleges and black colleges. The gentleman would add $52 million to this program, above that increase. He should note, however, that the objective here is to meet the need of these developing institutions through a variety of assistance programs, including particularly the student aid and subsidized construction loan programs, for which HEW is giving these institutions high priority. A $52 million increase is simply not justified.

The gentleman suggests adding $99 million for construction grants, but he overlooks the fact that your committee has made available some $520 million in subsidized loans for the same purpose. This new program of subsidized construction loans was authorized in the Higher Education Amendments of 1969, and the $520 million annual loan volume level this program will finance for next year is much higher than budget constraints would allow through the direct loan program.

For university community services it is suggested that we add $6.5 million. On what is this figure based? The $9,500,000 provided in the committee bill will support an estimated 500 programs involving 555 institutions and 1,050,000 participants. It is expected that 25 more institutions and some 50,000 more people will participate in the programs in the next fiscal year under the funding provided by your committee. But, more important, this is another one of those programs on which we have serious questions as to how well and how effectively our dollars are being spent.

An additional $8.4 million would be added to funds for college teacher fellowships under the gentleman's amendment, but I would just point out to him that the committee reduced this item because of the current surplus of college teachers in so many areas. The amount in the bill, however, will allow continuation of the program at a reasonable level.

I would like to discuss every item in more detail, Mr. Chairman, but in the interests of time I will mention just one more—libraries. Your committee feels the amounts provided in the bill are adequate and reasonable in light of current conditions. For public libraries we restored funds to the 1971 level. In the past several years both States and localities have consistently overmatched Federal funds for public library services and facilities. This indicates to us that State and local sources could be used to support these projects, freeing Federal funds to areas where there is an even greater need. As a result of the increased efforts over the last few years, there is now a surplus in librarians trained under the Librarian Training program of HEA–II–B, which is directed toward training at the graduate level. So, the funds in the bill are adjusted accordingly, leaving an amount adequate to continue the program at a level to meet the need.

One other point, Mr. Chairman, before I step down. I have heard quite a bit of concern expressed about the level of education appropriations in relation to the authorizations for the programs. It has been pointed out, for example, that our committee recommendation for last year was less than 40 percent of the authorization level, and that this year it is something less than 50 percent.

It is a natural mistake—and one that is often made—to assume that when a legislative committee authorizes x millions or billions of dollars for a program, there are good, solid reasons for doing so. Many people naturally assume that the authorization figure is based directly or indirectly on some measure of need. But, of course, we here in Congress know that this is rarely the case. As often as not, the authorization figures are simply pulled out of the air and have little relation to anything in the real world.

Time and again I have read and reread committee reports and gone back to hearings in a vain effort to find some justification for an authorization level in a bill that is to come to the floor. I have made this point many times in the past and, unfortunately, will probably have to make it again many times in the future, for this is a problem which does not lend itself to easy or simple solution. It is directly related to the increasing difficulty Congress is having in obtaining and analyzing and interpreting all the relevant information needed to make sound policy and program decisions.

When the drug abuse bill came to the floor during the last Congress, for example, I raised the question as to how the Committee on Education and Labor determined its authorization figures for the measure. It appeared as though the $7, $10, and $12 million figures authorized were merely pulled out of the air. I did not receive a satisfactory response, and frankly, did not really expect one. But now, those authorization figures, based on nothing in particular, may mistakenly be used as funding guidelines by sincere people who are interested in combating the drug problem.

At that time I said:

> Today I am still concerned that authorizing committees prepare their cost analysis on a more rational basis so that when appropriating committees have to make their final determinations they have a reliable basis of information.

That statement is still valid—nothing has changed in the interim.

The whole point here is that whatever the level of need is in the field of education, the authorizations for education programs are not reliable indicators of that need, and to use them as a funding guideline is not only a relatively meaningless exercise, but can also be quite misleading. Reasonable men may disagree on what the appropriation for education programs should be to do the job that needs to be done, but the authorization level alone is not a sound basis from which to analyze the adequacy or inadequacy of education funding.

Mr. Chairman, I submit that this committee has done a good job in its selective increases in this bill, and that we ought to vote down the Hathaway package amendment, go ahead and read the bill and in orderly process make the individual amendments as Members see fit.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mrs. ABZUG. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Maine (Mr. HATHAWAY).

There are many of us who have been in the midst of a very serious crisis for a good number of years. I say there are many of us, because I think it represents probably 80 percent of the population whose growing needs for assistance in the field of education, housing, health care, and jobs, have been systematically denied to them by the men who have been talking here about the billions of dollars we need to continue the war in Indochina, about the billions of dollars we need for better bombs, missiles, nerve gasses and other such weapons of death and destruction. These men are not concerned with one of our most important priorities; namely, the better education of the young people in this country.

Mr. Chairman, it seems to me that this Congress can face no greater challenge than to increase our commitment of Federal tax dollars to the educational programs throughout this country, and it is, therefore, that I support this amendment.

Mr. Chairman, I particularly address myself to the funding of category C of the impact aid to federally affected areas program. This new category, which Congress authorized last year under Public Law 91-230, would compensate the schoolchildren who reside therein in low-rent public housing units. I note with great distress that this part of the amendment seeks to fund a program that has been completely ignored by the administration and by the Committee on Appropriations.

This is just another example of a distorted sense of priorities, and I think it is time we changed that. I think it is time that we listened to the cries of the generation that we have been talking about here today.

In many of our cities public housing units reflect a substantial portion of the homes of pupils. These public housing units are by law exempt from taxation. Furthermore, the admission criteria for public housing tend to guarantee that a large percentage of the children living in these public housing units will also be disadvantaged.

These children need and deserve greater educational efforts than those made by school systems on behalf of children who are not disadvantaged. The school districts that need the revenue from taxation because of the preponderance of these disadvantaged children within the district are ironically not getting the revenue for this very same reason.

About one-half of the cost of public school education is funded by local property taxes. Therefore, at an average national per pupil expenditure rate which now exceeds $900, with each new public housing student school districts must raise $450 from other sources in order to maintain a per pupil expenditure for all students in the district at the national average, an almost impossible burden in our current economic state.

Given some 22,000 public housing units under management and an average of 1.6 children per unit, there were approximately 1.35 million schoolchildren in public housing units last year. This figure is probably closer to 2 million this year. At 2 million students, the authorized level of 300 million would only provide $150 per student—our public housing burden has been estimated to be over $200 per pupil. This amendment asks for $75 million or one-fourth of full entitlement. This would only provide $40 per pupil yet it is a large improvement over the budget request which provided for no funding at all. I do not know why the administration has chosen to ignore even the results of its own study, the Battelle report, which grudgingly conceded that the impact of public housing was somewhat less than $100 per pupil.

At a time when almost every city in our Nation is experiencing an education fiscal crisis we must search for better ways in which to transfuse the much needed Federal money into the economically depressed school systems.

Unfortunately, this administration has not sensed the urgency of our need nor has the Appropriations Committee today. The President has ignored and chosen not to support a much needed appropriation which will prove to be of unquestionable benefit to the entire Nation—suburban and rural as well as urban districts.

I might add that this is not only a big city program. Over 3,000 communities in all of the 50 States have public housing. I am sure that many of my colleagues from suburban and rural areas know that the growth rate of public housing is on the increase. The report of the 1970 census would indicate that suburban public housing will continue to expand during this decade.

The CHAIRMAN. The time of the gentlewoman from New York (Mrs. ABZUG) has expired.

(Mrs. ABZUG (at the request of Mr. PUCINSKI) was granted permission to proceed for 3 additional minutes.)

Mrs. ABZUG. I thank my colleague.

Mr. Chairman, by voting for this program today my colleagues in suburban and rural districts will avoid the school crunch which you may otherwise soon fall victim to as your tax rolls are squeezed to the breaking point.

Mr. Chairman, today we are confronted with a clear mandate and an increasingly serious problem. If this appropriations amendment is defeated, our districts and our constituents will be forced to choose between public housing for a few and an adequate level of education for all.

We have been confronted with too many crises with regard to the question of education in New York and in other cities we find that we cannot continue unless we get assistance out of our own tax dollars. This great legislative body has the power to commit the resources of the Nation for the needs of the young people of this Nation. This is a commitment we all have.

The passage of the amendment, will bear witness to our commitment to imaginatively confront urban problems and to guarantee quality education and housing for that segment of our society which traditionally has had the worst of both.

Finally, Mr. Chairman, I am concerned that this Congress give sufficient recognition to the very special educational needs of many children of limited English-speaking ability in the United States—children who are seriously handicapped by their bilingualism—children who are unable to get the head start in life they need in order to succeed because they speak another language. I am afraid, Mr. Chairman, that the President in initially asking for $25 million and the Appropriations Committee in recommending $2 million in additional funds for bilingual education, have not given the recognition at all commensurate with the urgent need of so many children. Given the rising cost of education, we must significantly increase our present commitment to the fight of Chicanoes, Puerto Ricans, American Indians, and other language minorities for equality of educational opportunity.

A much larger sum is necessary to make the substantial impact on bilingual education which is so badly needed and in order to begin to fulfill our commitment to make the promises of education available to all children regardless of language. I urge the other body to recognize the need for bilingual education and to greatly augment the administration recommended appropriation.

Mr. PUCINSKI. Mr. Chairman, will the gentlewoman yield?

Mrs. ABZUG. I yield to the gentleman.

Mr. PUCINSKI. Mr. Chairman, the gentlewoman from New York has made a very important point. I would like my colleagues to understand one thing—this is not a big-city amendment. Sixty-five percent of the money out of this appropriation would go into rural communities of America where the need is most urgent. Sixty-five percent of all the public housing in this country is in the rural areas and not in the big cities, as the gentlewoman has underscored.

Mrs. MINK. Mr. Chairman, I rise in support of the Hathaway amendment, and do so not for the purpose of reiterating ground that we have plowed over these many years in discussing education matters—and on many occasions I have taken to the floor to defend increased appropriations for the impact program—but to specifically clarify some of the statements that have been made this afternoon with respect to the committee's action with regard to the impact program. I believe that there is a misunderstanding by many Members whose school districts depend upon the impact program to provide them with the necessary funding for the education of their children that because the dollar figure which the committee reported for this program is larger than the dollar figure which was appropriated for the total needs of this program in the last fiscal year, that this necessarily means that the status quo, at least, or that even additional dollars might be provided for your school districts.

This is absolutely false. If you will look at the precise figures that were allocated in the fiscal year 1971, you will see that what we did in that appropriation bill was to take care of 80 percent of the funding of the impact program. Even though the generosity of the Appropriations Committee came up with an additional $23 million because, as the distinguished ranking Republican member pointed out to us, the cost of education has increased, and the per pupil expenditure of the programs has increased, the $23 million additional dollars provided by the Appropriations Committee still represents a cut of the percentage of funding of this program of our school districts to 75 percent. It represents a 5-percent cut which our school districts are going to have to absorb.

We have all heard this afternoon about the crisis in education. Many of us, I firmly believe, are dedicated to the notion that education is an important responsibility of our Government. But I think that many of us are out of touch with reality. We no longer have children in the elementary and secondary schools. We do not know the conditions under which they are being expected to learn in our classrooms today.

Any wonder that even the President has cited in the message which he presented to the Congress yesterday that we must do more to make sure that our children learn, and it certainly is incumbent upon us to recognize this today.

I speak for the children who are in the 2,000 school districts that are most affected by the impact program, and plead with you to support the Hathaway amendment, because if you do not, you will be cutting your school appropriations and each one will have to assume that responsibility.

The other point about our fiscal crisis I think we have to put in proper perspective. Remember, the President has said he has found $6 billion of free money to give back to our school districts and to our State governments. Where is this money going to come from when we have not even been able to fund the programs to their lawful authorization? This is not competition between the brainpower in the Appropriations Committee and the brainpower in the Education Committee. We have both diligently done our homework. It has been the decision of the Congress, the House and the Senate, that we must spend at a certain level for each of these programs and we have failed miserably.

So I plead with you today, for the children of America, for the school districts that you represent, that the very least you can do is to support the Hathaway amendment and provide our school districts with the stability that we all believe we are required to provide.

Mr. BRADEMAS. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman from Indiana.

Mr. BRADEMAS. I thank the gentlewoman.

Mr. Chairman, I wish to congratulate warmly the gentlewoman from Hawaii on the splendid statement which she has been making, and express the hope that the Committee will give its strong support to the amendment offered by the gentleman from Maine (Mr. HATHAWAY) who has had the unique experience now of having served for some years on the Committee on Education and Labor before going over to the Committee on Appropriations.

It does seem to me, Mr. Chairman, at a time when we are talking so much about revenue sharing, that the Hathaway amendment provides an opportunity to share, in a thoughtful, intelligent, and appropriate way, additional revenues with hard-pressed schools, colleges, universities, and other educational institutions throughout our country.

Now, Mr. Chairman, I have alluded to hard-pressed colleges and universities.

Let me take advantage of the opportunity afforded by the debate today on this education appropriations bill to observe that yesterday, a group of eight Members of the House, led by the distinguished chairman of the Special Education Subcommittee (Mrs. GREEN), introduced a major bill aimed at providing much needed assistance to our colleges and universities and to the students who attend them.

I was very pleased, Mr. Chairman, to join as a cosponsor of the Higher Education Act of 1971 because I believe this bill contains a number of provisions that are highly desirable from the viewpoint of the interests of higher education and of the national interest as well.

Let me here reiterate, Mr. Chairman, that many colleges and universities in the United States are facing a grave fiscal crisis. Likewise, the constantly rising cost of living has made it ever more difficult for many families to send their children to college.

Unfortunately, the Nixon administration's response to these problems has been woefully inadequate. The administration would restrict Federal student assistance to the most needy students, and would provide virtually no aid to institutions.

In contrast, the Higher Education Act of 1971 would extend all existing higher education programs for 5 years, including authority for building academic facilities.

It would continue to provide Federal assistance to all students in need, including those from middle-income families.

And it would add a brand new and highly significant program of institutional grants to both public and private colleges and universities, with special provisions for smaller institutions.

So for all these reasons, Mr. Chairman, I hope our committee acts expeditiously on this legislation.

Let me add that I am sure members of our committee on both sides of the aisle will have valuable suggestions for improving and strengthening the legislation during subcommittee and full committee consideration.

Indeed, I can think of several provisions in the bill which will require careful scrutiny and modification if the bill is to be effective in helping meet the pressing needs of our colleges and universities and to insure that all students, whatever their economic circumstances, have access to a quality education.

In this connection, I am glad to be able to say that the distinguished ranking minority member of the full Committee on Education and Labor (Mr. QUIE) has, is several conversations with me, expressed his own strong desire to work to fashion a higher education bill which will win the support of both Democrats and Republicans in Congress.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I oppose the Hathaway amendment, and I support the committee bill H.R. 7016.

We have heard some statements here today that if we do not believe the great need we have in our school districts, we should just call our local superintendent of schools or just call our local educational institutions, and they will tell us all about the need. I say to Members that this is just about as practical as calling the President of the Penn Central Railroad to find out what the Penn Central Railroad needs, or calling the president of any one of the other railroads, and we will get a long list, as long as our arm, about what they would like the Federal Government to do for them. Actually, they can do these things for themselves.

I have heard a great deal of talk here about a crisis in education. In my opinion there is no crisis in education except that which has been caused by the local school districts. In my congressional district I have one particular school district that has just completed a two-story addition, and leading from the first floor to the second floor is a stairway that cost $60,000. It would have been cheaper to put in an escalator. I can tell Members about other facilities that have gone into that addition that are just as expensive and contain just as many frills.

Why all this discussion about the big shortage of money on the part of the local school districts? In my hometown of Springfield, Pa., my real estate taxes on my home have more than doubled in the last 6 years, and most of that increase has gone to the school district. In addition to that, the school district has another 30-percent increase in tax revenue due to new construction.

I would say this: I think school taxes have increased from 75 to 100 percent all over this country, and every county in the country. They do have enough income and they do have enough means to raise additional income.

I get a little tired of hearing about the closing of schools and dropouts and the low-quality education in the inner-city schools. I say these are problems that are not going to be solved with Federal money. What we need is more responsibility on the part of the local school districts, and especially we need to strengthen the family units so that dropouts will diminish, and we will have fewer physical attacks on the schoolteachers in those schools I have heard so much about.

In the 1968–69 school year in one major metropolitan school area immediately adjacent to my district, there were 5,000 physical assaults on schoolteachers. How do people expect to keep teachers under that type of situation? Federal money is not going to solve that problem.

A previous speaker said 75 percent of the libraries in this country do not meet the standards. The standards he was talking about were developed by someone like the American Association of Librarians. I have seen the standards. I have participated in the construction of libraries, and to meet these standards is almost impossible. Therefore, that statement is totally invalid.

I have heard the statement here this afternoon that we are firing schoolteachers. The fact of the matter is we have fewer school students in the United States today than we have been having. One school district in my congressional district is graduating a class of approximately 530 seniors from the 12th grade and enrolling approximately 300 students in the first grade next September.

The size of the classes in between are steadily declining. Incidentally, in the school district I am talking about, the average class size is under 25 students per class.

I have heard talk here about impact aid. I believe impact aid is a total fallacy. We have all kinds of Federal installations shoring up the economy of various parts of our country. I would rather have those jobs, with people buying homes and paying real estate taxes, and really aiding the economy of the area.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. Williams was allowed to proceed for 2 additional minutes.)

Mr. WILLIAMS. Mr. Chairman, on top of all these economic benefits we are giving them a carrot in the form of impact aid.

I have heard talk here today about housing, highways, health care, and all that sort of thing. I want the Members to know we are spending more total tax dollars—more total tax dollars—on education than we are spending on housing, highway, missiles, the war in South Vietnam or anything else in this country, with the possible exception of the total defense budget.

The committee bill very wisely provided more Federal money for education than ever before from the Federal Government. I urge Members to vote down the Hathaway amendment and to support the committee bill.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Kentucky.

Mr. PERKINS. Let me say to my distinguished colleague I very much believe strengthening the family unit, to the degree the gentleman believes in that philosophy. I disagree with his statement that the local educational agencies are not in trouble.

In fact, a recent survey of some 20,000 local educational agencies showed that 95 percent state they are in financial trouble at all levels; that is, in the metropolitan, rural, and middle class and everywhere.

If the gentleman does not believe that the elementary and secondary schools are in trouble, does he feel we are in trouble at the higher education level, where we have placed in this bill $94 million, when there is nothing in the committee bill? What does the gentleman think about that $94 million for college facilities?

Mr. WILLIAMS. In respect to the first statement, I have already covered that, when I said going to educators or going to educational institutions and asking them for information is just like going to the president of the Penn Central to find out what the Penn Central Railroad needs.

Mr. PERKINS. I heard the gentleman make that statement.

Mr. WILLIAMS. So far as higher education is concerned, there is more money available today in the way of scholarships and student loans than ever before, and we have made it easier for people to go to college than ever before in the history of this country. I do not believe we need more aid to higher education. The fact of the matter is that the difficulties on our campuses today are due largely to the fact that people are going to colleges federally subsidized, subsidized with tax money, who are not truly interested in getting an education. This has produced the conditions on our campuses today.

Mr. THOMSON of Wisconsin. Mr. Chairman, I have always favored expenditure of public funds to assure a high quality of education at every level. I support H.R. 7016, the 1972 appropriation for the Office of Education, as recommended by the Committee on Appropriations. I feel, however, that the cause of public education could be even better served by additional expenditures in four areas: Title I, ESEA, aid to disadvantaged elementary and secondary school students; improved library facilities to further progress toward the nationwide goal of a "right to read"; title VI, Higher Education Act, funds to acquire instructional equipment; and vocational and technical education assistance to offer a more productive alternative strategy for advanced education than our universities provide for many of our high school graduates.

I am, therefore, in favor of spending more money for education than recommended by the Committee on Appropriations and intend to use my vote to influence increased emphasis on the above listed programs to benefit elementary and secondary schools, libraries, colleges and universities, and vocational-technical schools.

In good conscience, however, I cannot support such an ill-justified and scattergun approach as advocated in the so-called Hathaway amendment. It is not good policymaking to merely rubberstamp any proposal; a critical examination of its merits is clearly required. I can find no solid justification for an increased Federal role presented by advocates of the proposed $728.6 million addition and I will vote against this hastily conceived amendment.

The Congress today sits like a local school board in judgment of proposals delivered by the education establishment. Like the local school board members, we know that our resources are not inexhaustible, our taxpayers' pockets are more empty than full.

A quality education must guarantee every young citizen literacy and proficiency in personal skills. My support of H.R. 7016 assures an adequate Federal role in this process which has traditionally been a local responsibility.

Everyone is familiar with the election-year rankings on the various issues produced by lobby groups. They purport to tell who is for this or against that. They, of necessity, oversimplify and distort in their effect and often do a disservice to those who depend on them. Consider a ranking on support for education. Is a Representative necessarily more for education if he votes to let education administrators have everything they want, no questions asked? That is what the rankings compute, on education and other related issues. The lobby judges whether the Congressman accedes to their submitted request, nothing more.

To use an analogy, the taxpayer-voter is like the pre-Ralph Nader consumer, an unprotected babe in the marketplace confronted with conspiracies of big business, big labor, and big government. The taxpayer-voter wants his money well spent, but he will find no "truth-in-ranking" among the lobby preelection listings. To the lobby, the Congressman who irresponsibly endorses the lobby's request emerges the good guy, while the Representative who really does his job by critically examining each request and eliminating the almost-automatic padding will always fall short of the ideal and be rated at the bottom, against—you name it.

Support of education should not be confused with currying favor with self-interested education lobbyists.

Mr. BADILLO. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, at the beginning of this Congress I fought vigorously and successfully to be transferred from the Committee on Agriculture to the Committee on Education and Labor. It is becoming clear today that that was a very small victory indeed, because not only does a freshman member of the Committee on Education and Labor have no influence, but also it seems that even the influence of the chairman of the committee is limited.

The chairman of the committee, Mr. Perkins, and the chairmen of the subcommittees, Mr. Pucinski and Mr. Brademas, have spelled out the need not just for an additional $700 million plus but for additional millions of dollars beyond that, not today and not last Sunday, but they have spelled it out week after week in the Congressional Record and in public hearings.

As Chairman Perkins indicated, from time to time he deliberately reports to you precisely how every one of the programs that we have approved has been underfunded. I can tell you that I have attended public hearings since January where witness after witness documented the need.

This package was not cooked up this Sunday. This package goes back to the bills that previous Congresses have passed. The very Members who are now opposing the addition of several hundred million dollars were the same Members, in many instances, who voted for an authorization in a much larger amount. The problem is not just in cases where there is an authorization and then the Committee on Appropriations cuts it down by 50 or 55 or 60 percent. We have cases where the Congress even passes legislation and then they refuse to fund it altogether. I want to refer particularly to the public housing program, which is an example of precisely that. The bill was authorized and the program was authorized, but no money has been requested and no money has been appropriated. The importance of funding the $75 million for public housing as proposed by the amendment is that unless we recognize that the programs of public housing have to be approached from the point of view of total community development, we are not doing anything at all. Public housing by itself does not build a total community. Indeed, it may build the opposite. It is only if you provide other facilities—if you provide for schools, libraries, parks, and for the facilities that make for a total community life—that you can have a meaningful community development. That is what the President himself said in his other revenue-sharing proposals when he spoke of community development. So when we seek to include $75 million for public housing, it is in recognition of the fact that the problems of education, the problems of housing, and the problems of the total community cannot be separated.

WITH RESPECT TO FUNDS UNDER TITLE I

In the current year, New York schools are actually receiving only 46 percent of the funds authorized—$131,896,631.80 out of an authorized maximum of $278,290,647.36. Schools in the Bronx, which represents the largest single portion of my triborough congressional district, are receiving slightly over $35 million in title I funds compared with $74.3 million authorized while schools in Manhattan are receiving $27 million out of an authorized $56.9 million and schools in Queens are receiving $9.5 million out of an authorized $20.1 million.

The $150-million increase proposed in title I appropriations by the Hathaway amendment will obviously not bring the total appropriation up to the authorized level but it represents a significant improvement of obvious benefit to the hard-pressed schools of New York.

Another area of particular concern to me, Mr. Speaker, is the tragically low level of appropriations under the Library Services and Construction Act, truly one of the landmark programs enacted during the 1960's. It is shocking that almost 10 million Americans still have no library service whatsoever. Some 300 towns in the United States actually have library buildings planned and need Federal assistance desperately if those plans are ever to get off the drawing board. Many of the constructon projects awaiting this appropriation are to bring library services to inner-city areas. The $14-million add-on for titles I and III and the $2-million increase for title II are welcome and necessary. They deserve the full support of our colleagues.

Finally, Mr. Chairman, I want to comment on a program which unfortunately has been overlooked in connection with this appropriation bill. I refer to title VII of the Elementary and Secondary Education Act, which provides assistance for bilingual education programs.

For the current fiscal year, Congress has authorized $80 million for bilingual education and, even if this amount had been appropriated, it would not have begun to meet the needs which exist among the more than 3 million non-English-speaking school-age children in this country. The $25 million that was appropriated keeps bilingual education to basically a pilot program basis and this clearly was not the intent of Congress in enacting title VII. Even within that appropriation, the Office of Education has established seriously distorted funding priorities which have discriminated against New York in the past and which continue to do so in the new fiscal year.

It is not surprising, though hardly justifiable, that the administration chose to fund bilingual education in the new fiscal year at current levels, and the $2 million added by the Appropriations Committee represents no more than a recognition of inflationary cost increases. It presents a tragic-comic disparity with the $100 million authorization for fiscal 1972.

I have discussed with a number of my colleagues, including the chairman of the Committee on Education and Labor, the possibility of further amending the Hathaway amendment to increase funds for bilingual education. It was decided, wisely I believe, not to make such an effort at this time in view of the complicated situation facing us.

However, it is our hope and our intention to seek a substantial increase in bilingual education funds when this legislation comes before the Senate Appropriations Committee and I would hope that ultimately the House Members on the conference committee will agree to a higher figure for title VII.

I want my colleagues to be aware of the fact that in New York State alone, there are about 300,000 Spanish-speaking children in prekindergarten through 12th grade and almost all of them are in New York City. The gap between authorization and appropriation for bilingual education is an unforgivable neglect of the needs of these children. It is a responsibility for which both Congress and the administration must be held accountable.

Mr. SCHEUER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the prior speaker from the Republican side, the gentleman from Pennsylvania, told us that we should not listen to the school administrators of America and the elected boards of education that support them and appoint them in the 18,000 local education agencies of our country, because if we listen to them, it is just like asking the board of directors or the president of Penn Central what he needs. If we do not listen to the local education agency spokesmen and the elected officials who put them where they are, then to whom shall we listen? What is the voice of American education if not the parents and the local boards of education and the local administrators whom the boards appoint? Where are we to get our information from if not there?

When we want to know what the Department of Defense needs for next year, we do not go to citizens groups, but we go to the Defense Department and listen to them. Sometimes we listen to them too much, but we certainly listen. When Boeing Aircraft Co. is in trouble, whom do we go to to find out what they need to bail them out of a tremendous cost overrun? We go to Boeing. I fail to see why we cannot and I fail to see why we must not listen and listen hard to the people who are administering our local school systems. If there is any integrity whatsoever to local control of education and local design of education, we must listen to the people who are controlling education in our country and who are elected by middle-class America and who are in turn appointing the administrators of our education system.

And, the fact is that education in this country is in a crisis and the fact is that it is just not a crisis of the big cities and education for the poor. It is a crisis in education for everyone.

Mr. Chairman, the cost of education has increased in the last 5 years at the rate of about 10 percent per year in the cities, hamlets, and villages across the length and breadth of America which are now dying on the vine. They are suffering eroding tax bases and revenue as well as inflation and increased cost of education. They are also suffering from the impact of an increased student enrollment.

I suggest to you that it is not a problem of the poor; it is not a problem of the blacks or a problem of the Puerto Ricans. It is not a problem of the big cities. This is a problem of America and we had better listen to the voice of the people of America, the 18,000 locally elected agencies which operate our school system.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. First of all the gentleman from New York just concluded by saying that we had better listen to the voice of America. I assume that the gentleman represents somewhere between 425,000 and 450,000 people.

Mr. SCHEUER. Yes; but may I suggest to my colleague that virtually every single organized education group in this country is supporting this add-on legislative package.

Mr. WILLIAMS. Mr. Chairman, if the gentleman will yield further, I would suggest that the gentleman had better listen to the voice of America which is the voice of the people the gentleman represents and not an interest which could be construed as a special interest group.

I have heard the gentleman refer to the fact that when we need information with reference to defense matters, we go to the Department of Defense.

I would like to suggest to the gentleman that based upon some of the votes which the gentleman has cast, the gentleman does not listen to the Department of Defense.

When the gentleman refers to the overrun on the Boeing SST, I think the gentleman is using an incorrect term. I do not think there is any overrun on the two prototypes of the SST.

Mr. SCHEUER. No; there has not been any overrun on the SST and I was not directing my remarks at that program. The Congress voted to close down the program, and the consequent costs are certainly no fault of Boeing's.

Mr. WILLIAMS. I voted for the SST and I received no statement or information from the Department of Transportation or from Boeing. I investigated the project and I was convinced the Federal Government was going to get its money back, and I took exception to the statement that the SST was a sort of

WPA project. The fact of the matter is that the aerospace industry in this country has paid billions of dollars in taxes and has provided jobs for hundreds of thousands of people.

Mr. SCHEUER. The gentleman is correct in that statement but I would make the prognostication that in the long term we are going to be short of aircraft maintenance workers for the air travel and this will be true of all of the airlines. I am wondering where we are going to get our trained manpower from. They are going to have to come from an educated America. If we do not educate the youth of America today, if we insist on stretching out and thinning out the quality of American education, I suggest that our private enterprise system will be in serious trouble because it depends upon trained manpower which only first-rate education produces.

Mr. WILLIAMS. Mr. Chairman, if the gentleman will yield further, I would like to suggest that there is no shortage of trained personnel in the aerospace industry. There are approximately 40,000 of them now unemployed in the State of Washington.

Mr. RYAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Hathaway amendment offers us an opportunity to set priorities and to recognize the education crisis which confronts our Nation. It should be supported, and I will discuss its components later on in the debate.

Now I should like to discuss a very critical area of educational need which has not been sufficiently met either by the committee bill or by the Hathaway amendment, and that is the area of bilingual education which is underfunded in the committee bill by some 73 percent.

The fiscal year 1972 authorization is for $100 million. The administration's budget request was $25 million—the same as the fiscal year 1972 appropriation. The committee bill recommends $27 million, which will hardly make it possible to continue the programs which have already been started in the last fiscal year because of the impact of inflation on these programs. It is essential that funding for bilingual education be substantially increased. If the House does not increase the appropriations, then I urge the Senate to do so. The distinguished chairman of the House Committee on Education and Labor has assured me of his support for our efforts to obtain increased funding.

Ours is a nation two of whose premises are, first, the stress on education as a means for every child to learn and advance himself, and, second, the stress on maintaining cultural, heritage and identity. The bilingual education program—title VII of the Elementary and Secondary Education Act—combines both of these premises. Of particular importance in New York City to our Spanish-speaking citizens, this program seeks to facilitate the educational opportunities of our children for whom English is a second language, while maintaining their pride in the language of their birth.

There are more than 3 million non-English-speaking school-age children in this country. In New York State alone there are approximately 300,000 Spanish-surnamed children in prekindergarten through 12th grade. New York City accounts for most of them. These youngsters constitute more than 22 percent of the schoolchildren in New York City. And their percentage is rising.

The bilingual education program has received $25 million for fiscal year 1971. This is $55 million below the amount which could be appropriated, were the Congress to meet the fully authorized amount.

As I said, the fiscal year 1972 authorization is $100 million. Yet the bill before us, H.R. 7016, appropriates only $27 million—a gap of $73 million.

The truth of the matter is that this funding level is not sufficient to meet the educational needs of our children. We cannot teach our students with empty words and yesterday's promises. It takes money.

Further, there has been a shocking inequity in the distribution of funds under the bilingual education program. The 1970 obligations under this program for New York State were $1,494,059; California, $7,231,886; Texas, $4,791,481. Match those allocations against the approximate number of Spanish-surnamed children in school in these States: New York, 300,000; California, 500,000; Texas, 600,000.

To complicate this existing inequity even further, the Office of Education has proposed to use three new priorities in funding bilingual education. According to a December 23, 1970, memorandum to chief State school officers from Thomas J. Burns, Acting Commissioner of Elementary and Secondary Education, these new priorities are as follows:

First, school districts with a high concentration of migrants;

Second, school districts with a high concentration of Spanish-speaking children that are in the process of desegregating; and

Third, school districts with a high concentration of Indians.

It seems clear that these priorities will aggravate even further the unfairness in allocating funds so urgently needed for bilingual education in New York.

In meetings with the New York congressional delegation, the Office of Education has conceded that New York State and New York City have been shortchanged in the past in the allocations of bilingual funds. This inequity must be remedied.

For the sake of our Nation's Spanish-speaking children, as well as other bilingual schoolchildren, the program should be fully funded.

I include at this point in the Record an editorial from El Diario-La Prensa:

Bilingual Education Needs Money

Children sitting at the school, idling their time away and learning nothing, are not going to be the citizens of tomorrow whom we will be proud of. These idle children are not learning because they have little or no knowledge of the English language. The fault is not theirs, but of our authorities who have failed to provide enough money for bi-lingual education.

The fight for bi-lingual education has been a long one and El Diario-La Prensa has been on the forefront of it since its very beginning. It is true that we attained a substantial victory when the Bi-lingual Education Act was enacted. This victory has failed, however, to produce the sought after results because Congress has not allocated the necessary funds.

The Bi-lingual Education Program has received $25-million for fiscal year 1971. This is $55-million below the amount which could be appropriated, were Congress to meet the fully authorized amount.

For fiscal year 1972 the administration has again requested $25-million for the program. Since $100-million is authorized for 1972, this marks a gap of $75-million between the rhetoric of authorization levels and the reality of actual monies appropriated.

If we consider that bi-lingual education is needed not only in New York but in many other states with a total of over ten million Spanish speaking inhabitants, it is easy to realize that even $100-million will not be enough.

Pointing out the need to increase to its full authorized amount the appropriation for bilingual education, Representative William F. Ryan (D-N.Y.) called to the attention of the House a just published study by the Committee for Economic Development entitled "Education for the Urban Disadvantaged."

The study said: "While the American schools have generally provided middle and upper income youth with the intellectual tools necessary for success in our society, they have commonly failed to cope effectively with the task of educating the disadvantaged youth in our urban centers. To an alarming extent, they have simply swept disadvantaged youth under the educational rug."

Mr. Ryan pointed out that the Bi-lingual Education Program is part of the answer to the above "devastating, accurate indictment."

"Why then is there so little money for the program? How many times do we have to hear of the sorry state of education and of the tragic plight of our disadvantaged children before action will be taken?"—Mr. Ryan asked.

In New York City we have a couple of pilot programs that are living proof of the success of bi-lingual education. These, however, are not enough. The said truth was stated by Dr. Bernard Friedman, Superintendent of District 7, who, speaking with a reporter of the New York Times, said: "Although we had many good teachers and programs in the schools of the district, we found that virtually thousands of children were just sitting in classrooms with no real accumulation of sequential structured instruction, because they did not understand English. We had to get the bi-lingual concept."

All congressmen with large percentage of Spanish speaking citizens should back Mr. Ryan's bill—H.R. 1589—which appropriates an additional $55-million for fiscal year 1971 for the Bi-lingual Education Program. This is a basic first step, then we can all start fighting for a bigger appropriation on fiscal 1972.

Mr. PUCINSKI. Mr. Chairman, would the gentleman yield?

Mr. RYAN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I think the gentleman from New York makes a very important point, but I believe it is also important to point out that at this stage, with 18,000 school districts in this country faced with economic disaster, they are not looking to where the money is coming from because they need the money so urgently. And I would just like to remind the House of what I said earlier, there are many schools around this country threatened with disaccreditation because they have had to curtail essential educational services beyond acceptable norms. They have had to eliminate many of the services, they have had to reduce their faculties, they have had to reduce the number of teachers available, they have had to increase the class size beyond the limits of that accepted by the North Central Association, so I am telling my colleagues that school districts all over this country are faced with disaccreditation, or will be faced with disaccreditation if they continue to provide less than the minimum services necessary. Young people who will not be able to enroll in college because their high school diplomas are invalid will not ask who failed them, the local government, the State government or the Federal Government. They will be disillusioned with all government for having failed them.

For that reason I strongly urge the adoption of this amendment.

Mr. KOCH. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Maine (Mr. HATHAWAY).

Mr. Chairman, I urge the passage of the Hathaway amendment to add $728 million to the education appropriation for a number of reasons.

We have heard the figures in this bill bantered about until the millions and billions and monetary amounts blur in our minds.

I think we can bring these figures into sharp perspective by comparing our promises with our performance. When authorizing legislation for education programs was before the House, we pledged $13.5 billion to this cause. Now that it is time to put substance into our words, we find ourselves appropriating $4.77 billion, or 35 percent of that amount for these same programs.

The committee recommendations for individual programs are almost identical to 1971 appropriations. Although the administration denys that this represents a decrease in funding, we should remember that inflation raises the cost of teachers' and professionals' salaries, construction materials, and building sites. For many programs, the funds provided in the Hathaway amendment do not represent an absolute increase, but will only serve to combat inflation.

The need for these funds has been stated most eloquently by a number of my constituents. One, the director of a clinic, writes:

> Our child guidance clinic has been unable to obtain trained staff in sufficient numbers to meet the demands on us for service. Disturbed children in the school system are excluded, truant or drop-out.

A mother of a deaf child attending a federally aided school for the deaf wrote to me:

> It is only through the school's fine educational program that our daughter will become an independent and contributing member of our society.

A teacher of handicapped children adds:

> Without the work that my colleagues and I are doing, these children would probably buckle under their severe handicap and become added statistics on the welfare rolls.

We need to look at these funds in human terms and to remember that we are making the wisest investment possible—in our country's children.

Mr. FLOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, "Upon what meat do these our Ceasars feed that they have become so powerful"?

I have seen this cast of characters, like a road show, year after year after year. My friend, the gentleman from Maine (Mr. HATHAWAY) in his first year on the Committee on Appropriations—aye, aye, aye. And at the full committee, Mr. Chairman, when your subcommittee reported, he sat there silent, not a word, not a sound, simply charming. That was last week. And then something funny happened on the way to the forum, and now we have this thing. This thing appeared about 5 minutes of 11, 5 pages. I did not read it. Did you? Of course not.

Now, the subject has been exhausted and so have the Members. I suggest that the Hathaway amendment be voted down.

Mr. BARRETT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Maine. I first, however, want to commend my colleague from Pennsylvania (Mr. FLOOD), the chairman of the Subcommittee on Labor-HEW Appropriation, and the members of the subcommittee for presenting this legislation to us early in the congressional year. Their diligent efforts should allow for the enactment into law of the measure prior to July 1, 1971, which in turn will allow local school authorities to prepare for the school year commencing in the fall of 1971.

The bill before us would appropriate approximately $4.8 billion for education programs administered by the Office of Education. This sum, unfortunately, is short of what is needed to meet the crisis confronting education programs, even though it surpasses the President's request by $101 million. The proposed amendment would increase the committee bill by about $729 million. Regardless of the arguments made against adoption of this amendment, it is a simple fact that the funds are needed to restore programs to fiscal 1971 levels of funding, to make a minimum provision for increased enrollment and increased costs of education, and to initiate urgently needed educational programs.

The Nation must, and we here in Congress must, face up to the problem of rising educational costs. This is a fact of life and one which we cannot alter. It is a situation which we must face now; we cannot put off until tomorrow for the future of this Nation and our society rests on decisions here today. The future will depend upon the success of our efforts to prepare today's youth to meet the social, economic, and political problems of the next two decades. As I have said so often, the future of America rests with her most precious possession: her youth.

Preparing our youth for the task ahead means providing the proper education. This preparation will be severely affected if it is obtained in overcrowded classrooms and underfunded programs. And it will be fatally affected if we are forced to slam the school door shut in the face of an inquiring youngster. The loss of educational services in the early years of the life of a child can never be effectively recovered. We cannot erase our neglect and go back and supply the deficiencies in educational services that should have been supplied in that year in that person's life. That is why the bill we are considering today is so crucial and the funds to be added by the proposed amendment are so vital to our fulfilling our responsibilities.

Mr. Chairman, I most strongly urge my colleagues to support the proposal offered by the gentleman from Maine.

Mr. FRENZEL. Mr. Chairman, H.R. 7016, a nearly $5-billion education spending bill, is a complicated proposition. It includes literally dozens of programs, many of them glaring examples of the grantmanship game.

The Hathaway amendment would add $728 million of spending. H.R. 7016 came from the committee $100 million in excess of the budget recommendation and slightly in excess of last year's appropriation.

The Appropriations Subcommittee has labored manfully to produce this bill before the fiscal year begins. Hopefully, this will give educators a chance to plan for use of funds in advance. Many of us, including myself, while applauding the committee's diligence, have been and continue to be dissatisfied with programs and program structure which are represented in this bill.

Impact aid, for instance, is a worthy concept which has been warped into an education porkbarrel. Other grant programs, noble in intention, also apparently failed to have a demonstrable effect on the quality or equality of education, at least, in my area.

Federal aid to education, because of our programs, simply does not live up to its promise. It does good things, of course, but its impact on education enhancement is not proportional to the dollar invested. Our school districts need discretionary money. So do our colleges. This bill will help, of course, but the pity is that we are not doing anything here but updating the financing of the same tired programs.

The Hathaway amendment, in my judgment, represents simply another congressional affirmation of the frequently invalid theory that more Federal dollars always equals better programs.

It has been said here today that the amendment was invented last Sunday. I hope it was drawn more carefully than that, but be that as it may, it is a pretty complicated piece of legislation to adopt in the Committee of the Whole. There is no way in the world that we can write a careful three-quarters of a billion-dollar education appropriation under the 5-minute rule. No one can tell us where the extra money will really go and what good it will do. We are told by one Member that New York will get 8 percent of it. We are told by another Member that the rural areas will get two-thirds of it. But we really do not know.

I have received many communications from educators in support of the Hathaway amendment. Most of them did not know the nature of the amendment. All of them knew it "had more money in it." How can education administrators not want and ask for more money? They are under unbearable pressures, and they have the obligation to seek other than local funds as aggressively as possible.

On the other hand, when I confronted a group of over 100 local school board members on this subject yesterday, only one indicated to me directly that he supported the Hathaway amendment and wished me to do so, too.

It is hard to oppose an amendment seeking to increase aid to education without being accused of being against education. For the record, I believe we should spend more than we are now doing. But I want it spent effectively. The arbitrary increasing of old program spending is not good enough for me. If we have to live with these old programs, the committee's appropriations are enough.

Without dramatic change in program, I believe the Hathaway amendment, an increase of three-quarters of a billion dollars, is excessive.

Being an incurable optimist, I have high hopes that we will develop through some form of revenue sharing, grant consolidation, impact reform, and other improvements, a more reasonable and effective form of educational aid worthy of first-class funding.

Mr. Chairman, without knowing where the dollars will go, without knowing what the effect of the extra money will be, without confidence that our programs are doing all they should do to improve education, without assurance that we are really meeting local needs or helping local school boards, I cannot support this amendment. I do intend to vote for the bill, but in the future I will insist that Federal education expenditures take a form more usable to local educators and school boards and that the effectiveness of those expenditures be measured on a regular basis by this Congress.

Mr. **PRYOR** of Arkansas. Mr. Speaker, I rise in support of the Hathaway amendment to H.R. 7016 which would add $15 million to programs of the Library Services and Construction Act.

Since 1956 when the Library Services Act was first enacted, 85 million people have benefited from new or improved library services. Every Federal dollar spent on library services had stimulated a $3 expenditure by the State and communities; for library construction, the ratio is one Federal dollar to two State dollars. In my own State of Arkansas, under LSCA title II, there are two construction projects involving 20,000 square feet in early planning stages which would require 247,500 Federal dollars and 165,000 non-Federal dollars.

The current backlog of public library building construction in Arkansas as of February 1, 1971, totals 12 projects which are needed but not yet actually in the planning stage. This is a present lack of 120,000 square feet. The estimated cost would be $2,400,000.

Forty-three State library agencies now have some 300 projects waiting. The Federal dollars needed total $49 million, which would be matched by 90 million non-Federal dollars.

An example of how LSCA title II construction moneys have improved public library services in a fast growing area, the Arkansas River Valley Regional Library—1970 population 84,535—which is composed of five counties situated in the Arkansas River development area, shows a population increase of 12,827. With LSCA title II funds, matched by local funds, this library headquarters has doubled floor space; built three branch libraries, a fourth branch is under construction and a fifth branch is on the waiting list. Educated people moving into this area are demanding adequate library services.

The continuation of our development of multicounty library systems would be unmet unless LSCA funding is substantially increased. Of our 75 counties, 19 are still operating as single county libraries. LSCA funds are needed to strengthen these libraries and to develop multicounty systems.

About 29 million books and other library materials were purchased under State plan programs with Federal, State, and local funds during the first 10 years of this program. In fiscal year 1968 alone, public libraries were able to purchase 6.5 million books and related materials.

The National Education Association says education costs have gone up 10 percent this past year. Therefore, 10 percent more money than last year would have to be appropriated just to keep up with last year's appropriation.

I wish it were possible to speak to each individual Member of Congress in order that all of us would be aware of the solid accomplishments the Library Services and Construction Act has brought about thus far in their own districts, resulting in improved library and information services.

This is a bipartisan effort in behalf of all citizens of the United States. This major Federal program assists both metropolitan and rural libraries by providing for library services to physically handicapped and disadvantaged persons, and for services to people in hospitals, welfare institutions, and other State facilities.

Unless LSCA funding is increased substantially, the development of mobile units to serve metropolitan areas in central Arkansas would be unmet. Many people are moving to the Little Rock and Pine Bluff areas. These people, along with many, many others, are without library services which could be supplied with staff, books, and mobile units.

So we have a big job to do in Arkansas, and there is a big job to do in many other States as well.

The Hathaway package is a step toward continuing what has been started, and I strongly support it.

Mr. **MINISH**. Mr. Chairman, I rise in support of the package amendment increasing the Office of Education appropriations. The package would add $728.6 million to the total appropriations measure of $4.77 billion. I might mention at this point that the Appropriations Committee increased education moneys over the budget request by $101 million. However, the money bill before us today still remains 65 percent below the congressional authorization for the programs covered.

Since $5 billion is a large sum of money, I believe it necessary to discuss what programs are benefited from the add-on amendment introduced by my distinguished colleague from Maine. Moreover, I hope that I can help to justify the increases.

Last year, the Congress appropriated $4.4 billion for the Office of Education programs for fiscal 1971. Since that time the cost of educational goods and services has risen an average 9 percent, while the number of educational participants, students, and teachers has increased.

In fiscal 1971 the Congress appropriated $1½ billion for title I programs of the Elementary and Secondary Education Act. This is the title that provides assistance to educationally deprived children, assuring that many of them receive compensatory education. The 1965 act, as amended, provides funds to supplement State and local money spent to provide underprivileged children with an educational opportunity. A 10-percent increase in funds is necessary just to buy the same educational program for the same number of children enrolled last year. Thus without the increased funds provided under the amendment, there would be resultant cutbacks in services and enrollees.

Title II of the Elementary and Secondary Act provides grants to the States for school library resources, textbooks, and other printed and published instructional material. It is estimated that 40 percent of elementary school libraries still have no central library facility and far too many others have woefully inadequate resources. The package amendment would provide enough funds to maintain the programs existent under this title; no expansion would be possible.

Title VIII of ESEA is the dropout prevention program. This program has an excellent success rating where it has been applied, with an average dropout reduction of 25 percent. The additional funds would serve to meet education cost increases and provide only a slight program expansion.

The public housing program under Public Law 874, part C, had been excluded from the Office of Education money bill. It was not included in the budget request although Congress has authorized this program. The package amendment would provide $75 million for the program, which makes payments to equalize the tax revenues lost on land used for public housing. The amendment provision of $75 million, moreover, is only one-quarter of the amount authorized for this program.

Title IV of the National Defense Education Act supports graduate students preparing for teaching careers at postsecondary levels. While $47.35 million was spent on this program in fiscal 1971, today's money bill allots only $26.91 million. The added sum of $8.4 contemplated in the amendment would permit the same number of new starts in fiscal 1972 as there was in fiscal 1971, rather than limiting the program to continuation only.

The education professions development contains an authorization providing grants to institutions to assist in the training of college teachers and administrators. The amendment will add $1 million to the $10-million program to cover the increase in the cost of education over the past year, thereby keeping the program on an equivalent level.

The Education of the Handicapped Act was an amalgam of different pieces of legislation that had been enacted to assist the 7 million preschool and school-age handicapped children. The legislation developed after studies demonstrated that this group of children was not adequately served in existing school programs. Research evidence has shown that early education may provide enough compensatory results to overcome early handicaps. Many of the children in this fortunate group can thereafter work within regular classrooms without difficulty. This program thereby combines two elements that are most convincing—on the one hand a handicapped child is taught to function as well as possible with a handicap; on the other hand, the education he receives may so successfully compensate for the handicap that the child is brought back within the realm of normalcy. Yet the 1972 Office of Education appropriations hearings demonstrated that 74 percent of the multihandicapped are not receiving services, that 79 percent of children who are hard of hearing and deaf are not receiving services, that 67 percent of crippled children are equally ignored, and that 66 percent of the visually handicapped receive no services. The same hearings also revealed the deplorable inadequacy of trained personnel in their field. Moreover, the amendment to increase this program by $5 million can only hope to cover the increased cost of services in the field of education and covers no expansion of the program.

The amendment also provides a $50-million increment to the vocational education program. The program was first established in 1963 legislation providing assistance to the States so that persons throughout the Nation could participate in vocational education programs. The programs are geared to providing students with training skills necessary to obtain employment, and the program includes physically, academically or socio-economically handicapped persons. In an area such as vocational education, it is obvious that the money spent for training is diminutive compared to the costs of maintaining unemployables.

The money slated to be expended for fiscal 1972 for adult education according to the Office of Education money bill is $55 million, the same as the figure appropriated in fiscal 1971. The amendment proposes an additional $35 million for the program because it is believed that due to formula changes in the act, there may be reductions in funds for many States with the increase. The adult basic education program was established to eliminate functional illiteracy among the Nation's adults, and operates in cooperation with other human resource development programs such as vocational education and manpower training.

The grants and work-study program help to make available to students with little financial means the financial ability to obtain a post-secondary education. The programs also assist veterans who are eligible to receive aid through the program. The additional $30 million provided under the package amendment would help those low-income students desirous of obtaining an education to remain in school.

The amendment would also provide $5 million to provide special programs for disadvantaged students who wish to obtain a post-secondary education. Such students are not only financially needy, but require remedial and cultural education as well in order to compete against other students on an even basis. The added funds would assist the program to remain at the 1971 level in view of increased educational costs.

Title I of the Library Services and Construction Act authorizes State grants to provide an extension of library services so that the disadvantaged, the bedridden, the blind, and handicapped would have access to libraries. It has been estimated that public library income from all sources this year will amount to $435 million less than needed to provide adequate service. The amendment would add on the sum of $14 million to help close the gap in library services.

Title II of the Library Act would provide the States with the wherewithal to support library construction. Lack of space for books, outmoded and inefficient quarters are common problems burdening library personnel and users. Moreover, under the construction provisions of the library services legislation, inner city areas could obtain library services simply by remodeling rooms in public housing projects or storefront libraries. There is no more basic tool in a civilized nation than books. The $2 million increase contemplated in library construction funds would help assure their availability.

Mr. Chairman, in view of the large number of programs requiring attention in today's Office of Education money bill, it has been necessary to skim over many worthwhile programs and simply eliminate others during discussion. However, I should like to point out before I finish my statement that there are few bills considered in this Chamber that merit the attention of the one before us today. Any investment in children will reap future dividends. Be it money, or time or just attention, nothing given to a child is ever lost. The converse is also true. A deprived child never can make up his loss. We must, therefore, act on this money bill with that fact uppermost in our minds. Spending money is always painful. However, the possibility of a future generation inadequately prepared to cope with adulthood is far worse.

Mr. JOHNSON of California. Mr. Chairman, I rise to urge my colleagues in the House of Representatives to meet fully our obligation to the children of this Nation.

As many of you know, I started my career in public service as a trustee in my local elementary school district. Since that time, I have followed the development of our education system with a great deal of interest and attention.

Education is the prime means of developing human resources so necessary in this fast moving technological age. As one who has participated in the school system, I believe the Federal Government has a responsibility in this field. This is nothing new. More than 160 Federal-aid-to-education laws have been enacted by Congress since 1785. The Morrill Act of 1862 establishing land-grant schools was expanded in 1890 to authorize payment of Federal funds to land-grant colleges and universities. The Smith-Hughes Act of 1917 provided Federal assistance to States for vocational education. Most familiar is the 1950 enactment of Public Laws 815 and 874 to assist schools in federally affected areas. These resulted in the payment of millions to schools in my district in California.

Education, or lack of it, knows no State boundaries. I oppose any Federal encroachment upon local and State jurisdictions. Our State constitution and the historic authority of the school boards to govern our educational programs must continue, but the Federal Government has and should help finance the cost of education in order to relieve the heavy burden placed on local property-tax payers.

In recent years, we in the Congress of the United States, I believe, have taken an enlightened position as it relates to education. We have done this over the objections, some of which were strenuous, and the vetoes of the present administration; I feel that we must continue this leadership if we are to meet the education needs of this Nation.

Therefore, I support wholeheartedly the proposal being advanced by the gentleman from Maine (Mr. HATHAWAY) and I share his thoughts that this amendment is a realistic approach to solving the critical crisis now confronting education programs from elementary through the college levels.

While I support all aspects of the full funding proposal, I would of course like to emphasize two particular sections; namely, the elementary and secondary education programs and the programs for federally affected areas, Public Law 874. These two account for much of the increase.

We have heard in the past few months a great deal about the problems of the property taxpayer and the fact that the property owner has just about reached his limits. Increases on this narrow-based property tax are unthinkable. And yet, if the Federal Government does not meet its responsibilities, the school districts of the Nation face an untenable choice of either increasing the property tax or increasing the size of the class, thereby reducing the level of education for our children, especially for those in the greatest need, those who would benefit from the provisions of ESEA.

With the maximum limits of local property taxes already reached, there seems only one alternative, and that is for the Federal Government, in the national interest, to insure an adequate and quality education for all; to recognize that education is a major lifeline for the future health and prosperity of this Nation, and to take the necessary steps in addressing itself to these goals.

In conclusion, I would also mention the Public Law 874 program which is of special importance to areas such as the Second District in California which I represent. There, the Federal Government owns 60 percent of the land mass, by far the largest property owner, employer, and the basis upon which our economy depends. We cannot take lands off the property tax rolls and not compensate for it. In a small way, Public Law 874 meets this obligation, and I would hope that we would provide the full funding for this program.

It is my firm belief that we cannot afford to lower our education standards. There is no faster way for this Nation to become weakened and erode than to follow a progressively lower road in our educational goals.

Mr. WYMAN. Mr. Chairman, the House is being asked today to adopt an amendment to the education appropriations bill which would add almost three-quarters of a billion dollars to the Appropriations Committee recommendation—itself increasing expenditures $205 million over the fiscal year 1972 budget. No one can deny that money spent for educational purposes is a sound investment. But education is only one of many vital needs facing our Nation. Despite tremendous wealth, the United States is limited in its resources and, like any household, cannot afford everything it desires, no matter the merit.

It is necessary, therefore, to establish an order of priority for meeting the competing needs of the country. Responsibility for this is logically placed by the Constitution with the President and the Congress. In his annual budget, the President—with the assistance of the vast and expert Federal bureaucracy—divides the Nation's available resources so as to meet all the responsibilities of the Government. Congress then reviews the President's suggestions before enacting the necessary legislation. The Appropriations Committees, with their highly professional staffs, have been created to aid Congress in effectively discharging its responsibilities. Clearly, such a process insures national priorities are realistically assigned, and the Government made as responsive as possible to the needs of the Nation.

The request before us now is a sharp break with responsibility. The proposed $728.6 million increase represents the legislative goals of one special interest group—the National Education Association.

While I recognize and applaud the preeminence of the association in matters educational, it represents a specialized constituency and not the Nation as a whole.

I urge the defeat of this ill-advised amendment. We simply cannot afford to continue spending money we do not have without running the serious risk of tearing down all we are trying to build.

The bill is already more than $100 million over the budget and the gentleman from Maine's amendment is a blatant attempt to roll the Committee on Appropriations.

Those Members who sincerely wish to aid in fighting inflation and in preserving fiscal responsibility in this time of fiscal crisis must oppose the amendment.

Mr. LLOYD. Mr. Chairman, I oppose the Hathaway amendment adding a lump sum of $728.6 million to an education bill which already amounts to more than $4.5 billion and which already exceeds the President's budget by more than $100 million. In opposing the Hathaway amendment, I realize that I incur the displeasure of many individuals in the education profession, but I trust that the majority will realize the obvious, which is that opposition to the Hathaway amendment is not synonymous with opposition to education, despite the fact that some representatives of organized education may attempt to communicate a different view.

The Hathaway amendment is a bad way of attempting to enact legislation. It is bad because it offers something for everybody under one umbrella, so that programs perhaps deserving of additional appropriations are lumped with those not so deserving.

It is the wrong way to enact legislation because the subcommittee has worked long and hard to determine the specific factual situation, and there are no opposing views in the committee report. What those of us in the Congress are faced with today are telegrams and letters from individuals, asking not that we give consideration to facts which they offer but only that we vote according to the conclusions which they present. The public at large hardly realizes what is transpiring here today.

I have done considerable individual examination of most of the provisions of this appropriations bill. My examination of the impact of the Hathaway amendment in my area is that the need is certainly not overriding, if indeed it exists at all, in the field of elementary and secondary education. We have gone a long way in providing special educational assistance to the underprivileged. The committee bill, which I support, continues that program. We have gone a long way in providing instructional facilities and media under title III. The committee bill, which I support, does not cut that program back. As a matter of fact, I believe this would be a good time, considering the many emergencies confronting the country, for education to take a little time to digest the new programs which are already being financed, to determine whether more mileage can be gained from funds already being spent.

In the field of higher education, naturally, the institutions desire to receive increased Federal grants, but the committee bill, which I support, continues the subsidy of interest on borrowed money for the construction of needed facilities. The Hathaway amendment not only goes beyond what the country can afford, but it also changes the type of assistance which is now operating with a considerable degree of efficiency in the area of construction.

In the field of vocational education, the committee bill raises last year's appropriation by nearly $64 million. The increases provided in the Hathaway "Christmas tree" amendment go beyond what we can reasonably do in my opinion.

The committee bill continues appropriations to public libraries on the present level, and, although college library programs are reduced somewhat, I believe the Hathaway amendment to be excessive. We must learn to achieve broader use of the funds we are already spending on libraries.

I appreciate the reasonable manner in which most Utah educators have approached me on this problem, and I believe that many of them agree with me that we are making reasonable and responsible progress in our assistance to education but that we cannot do more than is justified in view of the great emergencies presently facing this country.

The greatest need in education today, in my opinion, is to raise the quality of individual teacher instruction and communication through the finding of a way to raise teacher salaries to a scale commensurate with similar professions and jobs.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of the Hathaway amendment to H.R. 7016 which will increase the Office of Education appropriations by $728.6 million.

We all know that the great majority of funds to operate our schools comes from State and local sources. According to the National Education Association, States and localities pay 93.1 percent of the cost of educating a child in our school system. The remaining 6.9 percent of the school revenue comes from the Federal Government.

On the average, 52 percent of the revenue for operating the schools comes from the localities, and we all know that the majority of these funds are raised by local property taxes.

Mr. Chairman, it naturally follows that in order to enable localities to reduce property taxes, the State and the Federal Government must increase their share of the revenues in operating the schools.

This is especially true in California. While nationwide, the Federal Government pays 6.9 percent of the costs in education, in California, the Federal Government only pays 5.1 percent. Thus, California is not receiving her share and, in fact, ranks 39th in the percent of revenue received from the Federal Government.

But, not only is the Federal Government skimping on its payments to California, the State government in Sacramento is falling down in its payments to the school districts. Nationally, the State governments contribute 41.1 percent of the costs in education, but in California, the State government only pays 35.2 percent.

I want to raise the Federal and State payments so that we can give the property owner a break. The administration request does not meet this goal. Instead of raising Federal payments, the administration has requested that Congress reduce Federal spending in California by $80.1 million.

Mr. Chairman, I commend the committee for increasing the administration's request by $101.2 million, but this is not enough to bring expenditures in California to the level they should be.

The Hathaway amendment would increase Federal funds for educationally deprived children—ESEA I—$150 million over the 1971 expenditure. This amendment will increase the 1971 appropriation by $10 million for library resources—ESEA II. It will increase the funding level for supplementary services—ESEA III—by $15 million. In order for States to strengthen resources and reinforce their ability to identify and to meet the needs of elementary and secondary education, the Hathaway amendment adds $7 million to the committee's recommendation for ESEA V.

Under Public Law 874, aid to federally impacted areas, the Hathaway amendment adds $63 million to the committee recommendation, thus making $625 million available, while the administration recommended $425 million for this program.

Under title III of the National Defense Education Act, California received $3.7 million in fiscal year 1971. For fiscal year 1972, California has estimated a need for $14 million under this program. The Hathaway amendment would raise this appropriation from $20 million to $50 million.

Under title I, HEFA, the Federal Government is authorized to make grants to public community colleges and technical institutes for the construction of academic facilities. Last year $43 million was appropriated for this program. The Hathaway amendment would increase the funding level to $99 million.

The amendment increases funding for aid to land-grant colleges by $7 million, and grants to libraries under titles I, II, and III of the LSCA by $16 million.

Mr. Chairman, the Hathaway amendment will provide additional Federal funds for the educational systems, and, hopefully, will allow the local communities to lessen the burden on the local taxpayer.

I commend my able colleague (Mr. HATHAWAY) for his leadership in this field and for his initiative in proposing this much-needed amendment. I feel that Mr. HATHAWAY's knowledge of the needs of our school systems is great, and I am pleased to join with him in this effort to increase Federal funds for education.

Mr. LINK. Mr. Chairman, I join my distinguished colleagues in support of the Hathaway amendment offered by the distinguished gentleman from Maine.

In our consideration of this amendment to the education appropriations bill, I believe that we must give consideration to the relationship between the amounts authorized by the Education and Labor Committee and the amounts which have been recommended by the Appropriations Committee. While the Appropriations Committee's recommendations are certainly an improvement on the administration's budget request, we must recognize that the committee's amount still falls about 65 percent short of the amounts authorized for education. This amendment would help reduce the gap between our promise and our performance in the vital area of education.

I have received letters requesting my support for this amendment. Their unique quality is that they go beyond mere self-interest and are deeply concerned with the importance of making Congress vision of excellence in education a reality.

Mr. ROBISON of New York. Mr. Chairman, I am supporting the committee position on the bill before us—the 1972 appropriation for the Office of Education and related agencies—and casting my vote against the so-called Hathaway amendment.

I am doing so not because I am satisfied in every detail with the committee bill—who in this Chamber is?—but because I believe the all-out Hathaway approach represents an irresponsible, and possibly futile, attempt to get at the things that are wrong about the American educational system, today. These things are various and sundry in nature. Together they represent a challenge to every educator, to every public official, to every parent and teacher, and, of course, to the Congress.

By and large, those things have not arisen due to a lack of money poured into the system; and, if that be true, then it is equally true that they cannot be cured simply by further infusions of money, Federal, State, or local.

To be aware of such things—or to take the position I take, today—is not to waver one whit in one's commitment to excellence in the American system of education. Rather, it is to evidence a further commitment in that regard—to set right those things that need to be set right, so that the degree of excellence we wish for our children can eventually be achieved.

Now, I have been importuned by representatives from the educational community in New York, as well as by the Governor's office, to support the Hathaway amendment. The sole argument advanced in that regard is that, should the amendment carry, our State could anticipate receiving perhaps as much as $60 million more in Federal assistance to education during fiscal 1972 than it can look forward to under the committee bill.

That argument ignores the perils that this amendment faces, if adopted, by way of what seems a likely Presidential veto of the bill. It ignores, as well, the cost and uncertainty of the delays that would inevitably accompany any such veto and the subsequent, necessary congressional reconsideration of this entire matter—which, let us recall, does now go on to the Senate for review, anyway, and some possible readjustment on a line item basis which, I think, is the proper and responsible way of going about the task of considering the committee's product.

And that argument also totally ignores something else—which, in the overall context of our problem, is of greater importance. It ignores the prospect of enhanced Federal assistance to education that will be ours if—and at the moment it is a big "if"—the administration's proposals for both general revenue and special revenue-sharing for education can be advanced. Under the first such proposal—that for general revenue-sharing which, incidentally, I have also been importuned both by the Governor and the educational community in New York to support—our State would receive $543 million in unrestricted Federal aid in fiscal 1972. As we all know, about half of that sum would automatically pass on through our Governor's hands to the hands of those in charge of local government in our State. If it was in line with local wishes, that passed through sum—or any part thereof—could be used to meet the rising costs of education; and, given our special problems this year, in New York, with the State's own budget, one can assume this would be a likely result.

So, there is that, Mr. Chairman, which I have by way of an alternative to the Hathaway approach. And I think it a far preferable alternative, to that of here increasing these narrowly focused, categorical-grant programs, for it would give the local authorities the flexibility they now lack—with Federal assistance—to determine their own special needs, settle on the priorities between them, and then run their own programs designed to meet those needs without having a Federal bureaucrat watch their every move.

Mr. Chairman, I am strongly in support of this kind of revenue sharing. I believe it constitutes true reform—not just of our federal system so as to make it more responsive, but of our educational systems, as well. I had thought this was supposed to be my target, this year, and I intend to preserve it, as best I can, as an achievable goal; this is why I hope, as I vote against the Hathaway amendment, those who in all good faith have asked me to support it will understand that I am not doing so because I believe that, if it passes, we will just have hammered one more nail into revenue sharing's coffin.

So, let us go on from here to consider this bill on a line item basis—and to make certain increases therein where they can be fully justified, and where they will not stand in the way—and restoring the moneys for the land grant colleges to last year's level would be one example of this—of the chances, in this session, for either general revenue sharing or the President's recently submitted special revenue-sharing fund for education.

Finally, let us begin to look with a growing sense of urgency at those things which, as I said earlier, are wrong in our educational systems. At the manner by which Federal grant-in-aid programs, often too narrowly defined and designed to achieve the things that Washington wants while, at the same time, allowing little latitude to meet the needs of the individual community, twist, and distort the application of ever-dwindling local resources. At the hazards involved in our continuing to increase institutional aids that do little more than underwrite the status quo in education. And at the compelling need to bring such a degree of flexibility into the relationship between the Federal Government and State and local governments as to stimulate rather than stifle creativity and local initiative so that, in the end, we will have the diverse and responsive American system of education I believe we all desire.

Mr. DONOHUE. Mr. Chairman, I intend to support and I most earnestly hope the majority here will also approve the Hathaway amendment to reasonably increase funding in certain and essential areas contained in this pending education appropriation bill. The proposed increases are truly modest and their urgency is authoritatively cited by the endorsement and approval by the Emergency Committee for Full Funding of Education, which includes organized labor and over 100 professional education groups.

Over these past months I have repeatedly voted, at times with real reluctance, to reduce or eliminate appropriations for other programs, such as the SST, in order that these funds could be transferred to the more immediately urgent and vastly higher priority needs and programs directly affecting human welfare and development, such as those included in this education bill.

The President himself has expressed his conviction that education is "the one area we cannot shortchange" and I am in full agreement with him on this score. Particularly at this critical time in our history I do not believe that we are warranted in taking a chance on dangerously shortchanging the growing and urgent needs of our higher and elementary and secondary education systems, the educationally deprived, our handicapped children, the expanding need of vocational and adult educational programs and for impact aid for the operation of hard-pressed school districts throughout my home area and the country.

Mr. Chairman, in this unhappy and unfortunate inflationary period of our history we are all required to be diligently concerned for the reduction and elimination of nonessential Government expenditures. Our real legislative challenge is to determine the areas of most urgent human need and prudent spending to meet those human needs. Few people will attempt to dispute the fact that education is basic and essential to the development and progress of our most valuable national asset, our youth, and it has become an increasingly essential element in the lives of our adult population.

The increases that are proposed here, to strengthen the operation and effectiveness of these several educational programs, are modest by any standard and are far below the authorized program levels. In my earnest opinion they represent a prudent investment for the present stability and future progress of our country and I urge approval of this bill with the amendments included.

Mr. FRASER. Mr. Chairman, the Hathaway amendment proposes to add $9,300,000 to the committee's recommendation for the college library resources program, title II–A of the Higher Education Act, bringing the total for fiscal year 1972 to $19,300,000.

This program has helped academic libraries build their collections to better serve the students and faculty of their institutions. But enrollments continue to grow and curriculum needs change. The library must expand and adapt to these new conditions. In addition, title II–A funds are crucially important to the development of libraries in new institutions of higher education. Community colleges and technical institutes are opening their doors at the rate of one a week, and the expense of starting an academic library from scratch is more than these small colleges could bear without financial assistance from the Federal Government.

The administration has said that one reason for reducing the appropriation request for this program is because it has had marginal effect. But a recent survey of college librarians showed that this was not the case in 90 percent of the institutions. Also, most librarians reported increased support from the college administration above and beyond what was necessary for matching funds.

The Office of Education has already received 1,800 applications totaling $29,000,000 in basic and supplemental grants for fiscal year 1971 funds, and 500 applications for special purpose grants are anticipated. The amount requested will be about $34,000,000. And to meet expressed needs of this magnitude, the bill before you provides only $9.3 million.

In Minnesota, for example, only 22 out of the 44 eligible colleges are likely to receive grants. We must not allow this situation to occur again. By approving an increase in funds to $19,300,000 we will not meet all the needs, but we will come closer to it than we have in the past.

The same kind of disparity in funding recommendations is found in the title II–B program for training in library and information science. The Office of Education expects 175 applications for $15 million in grants to fund continuing education institutes. The present recommendation proposes only $2 million to take care of both institutes and fellowships for graduate study.

The Nation's libraries—all types, including school, public, academic, research and special—need 10,000 more professional librarians to provide good service to all their clients. Even the most well-stocked library, housed in the most modern building, needs the expertise of trained librarians to lead the consumer to the information he desires. The deans of the 47 accredited library schools in the United States report that they need 692 Master's and 149 doctoral fellowship grants for the coming academic year.

Cutbacks in these awards would seriously jeopardize schools of library science including the one at the University of Minnesota. Many awards are used to attract top quality minority group members into the profession. Even $4 million, as proposed by the Hathaway amendment, will be far from adequate to satisfy these demands for personnel, but it may keep the program from dying out completely.

Although I have spoken about the library programs involving higher education, I am also most concerned about other education programs. I strongly support the amendment offered by the gentleman from Maine (Mr. HATHAWAY).

Mr. MOLLOHAN. Mr. Chairman, as we consider the appropriation for the Office of Education, we should give serious thought to the direction we should take to provide education for the future. I agree with a growing number of educators that education in the future should be more pragmatic and more geared to the realities of preparing a youngster for a career. Vocational education is the kind of education which gives this direction.

Now, the administration has requested $468.9 million for vocational and adult education for the next fiscal year, a decrease of $25.3 million. This is, in my opinion, inadequate. In this time of uncertainty, when job opportunities for college graduates are decreasing, when college costs are increasing, the appeal of a college education is less than it was a few short years ago. At one time, high school counselors were pushing students into college as if it were the threshold to security. It was an unspoken shame for a student to choose the lower path of vocational or technical education. It was the unusual student indeed who successfully held out against the pressures of society and admitted to himself that college might not be for him. But times have changed and vocational education, which once suffered under a stigma, is becoming more appealing.

I support the amendment offered by the Honorable WILLIAM HATHAWAY to increase appropriations for the Office of Education, and I urge my colleagues to do likewise, for the Hathaway amendment would provide the kind of commitment needed to insure the growth of vocational education programs.

I think our vocational education programs must grow and must improve, and my reasons for such belief are not based solely on the present economic condition which I hope is only temporary.

The present economic slowdown has placed the perspective values of college and vocational education in balance and it has deflated the promises of college education, but far more important, it has pointed out a fundamental neglect in our secondary and post-secondary educational philosophy. For too long, this Nation, under the spell of increased scientific competition from the Soviet Union, has neglected the average student in favor of expanding opportunities for the extraordinary student.

This Nation needs skilled craftsmen and laborers just as much as it needs engineers and scientists, so any Federal program to educate young people in these areas will pay off.

Recently, the new U.S. Commissioner of Education, Sidney Marland, Jr., gave an address in which he called for increased emphasis upon vocational education. We are glad that high administration officials are becoming aware of this need, but money—not talk—is the way to fulfill this need, that is why I urge my colleagues to support the Hathaway amendment.

Mr. VANIK. Mr. Chairman, the Appropriations Committee is to be commended for reporting out a bill which provides some needed increases in vital programs. The legislation before the House provides an increase in expenditures of $205 million over the amounts projected in the budget for fiscal year 1972—this increase is vital in times of rapidly increasing education costs. The committee is also to be commended for reporting out a bill so early in the year. In the past, we have enacted education legislation after the fall school term had already started. Last year, we passed the Office of Education appropriation bill—over a Presidential veto—in August. As a result, bureaucrats were late in getting notifications of available funds out to colleges and college students. The chaotic situation created by late funding must be avoided. It is my hope that the other Chamber will be able to take prompt action on the bill we send to them so that educators may be allowed adequate planning for the coming school year.

Despite many good features in the bill, Mr. Chairman, I am disturbed at inadequate funding in many areas. All too often the level of funding between fiscal year 1971 and fiscal year 1972 remains the same—despite sharply rising costs. Funding this year's programs at last year's levels means that fewer students will be assisted.

In addition, we must view the appropriation bill against the level of authorization provided for the programs in question. The bill before us falls about 65 percent or $8.8 billion below what we have authorized for these programs. The Federal Government as a result is contributing less than 8 percent of the Nation's total education budget. Frankly, I can think of no better form of revenue sharing than for the Federal Government to increase its efforts in this area—thus increasing the quality of education while reducing the need for increased local tax efforts to support education programs.

For these reasons I intend to support the Hathaway amendment to the bill which will provide an additional $728.6 million in vitally needed funds. I believe that a closer examination of some of the projects which will be assisted by the Hathaway "package" will help demonstrate the very real need for these extra funds.

One of the largest and most important programs being funded today is title I of the Elementary and Secondary Education Act. This was provided with $1.5 billion in fiscal year 1971 and the committee is providing the same amount for the coming school year. This program is absolutely vital to inner-city school districts—such as the Cleveland public schools and the East Cleveland public schools which I represent. In the Cleveland school system, with the present level of Federal aid, no new teachers are being hired to meet increasing loads in the classrooms. Class sizes are beginning to range above 40 students per room per teacher. No children, let alone children with educational disadvantages, can be taught under crowded conditions such as that. Cleveland school officials inform me that if the level of funding for title I stays the same, they will have to cut back on already strained services. The Hathaway amendment, which will provide an additional $150 million for title I, is essential. This amendment will meet the 10-percent rise in education costs thus permitting at least a continuation of services at present levels.

In fiscal year 1971, the Office of Education was given $78.4 million for library aid and education communications programs. That amount has been cut to $72.1 for the coming school year. Yet so much more is required in this area. The Nation's school districts report that 50 percent of the elementary schools and between 45 to 67 percent of the secondary schools fail to meet their State standards for school library resources. To meet the standard, some 425 million volumes are needed. The Hathaway amendment would provide an extra $28 million for library and communications services. This will just enable school libraries to stay abreast of the 22-percent increase in book prices which has occurred since 1969. It is clearly needed.

Another vital program on the frontiers of education is title III of the Elementary and Secondary Education Act, commonly known as the supplementary services program in which special and innovative education programs are assisted. These programs are designed and implemented by the States and local educational units. With the extra money provided in the Hathway "package," we will be able to move from one new program start in each State to three new programs in each State. The need for this is clear when one considers that my district alone would be able—and willing—to support three new starts.

Another program which deserves increased support is the dropout prevention programs provided by title VIII of the Elementary and Secondary Education Act. This is a small program but it has had spectacular results. In the 10 target school districts, there were 3,830 dropouts in the year before the program began. In the first year after the program had been in operation, there were only 2,837 dropouts. Since it has been determined that the crime rate among dropouts is nearly three times that for those who finish high school, the importance of this program is all too clear. I only regret that this program cannot be immediately expanded to all major metropolitan areas.

Another area where the Hathaway "package" will be useful—but still inadequate—is in the increased appropriation for education for the handicapped. Despite increased Federal efforts in this area during recent years, it is estimated that only 40 percent of the Nation's handicapped children are receiving appropriate educational services. The magnitude of the problem in this area can be seen by Treasury's opposition to an amendment which I offered in my Committee on Ways and Means last year. Treasury opposed my bill—which would have provided a limited $600 tax credit for expenses incurred in the education of handicapped and retarded children—because the cost to the Treasury would have exceeded $1 billion. This means that parents of handicapped and retarded children are financing out of their own pockets—despite the fact that they pay school taxes—enormous sums of money to meet the special education needs of these children. In many cases, this is a cost which the family can ill afford. It is obvious that a great deal more needs to be done in this area if we are to educate these children and remove them from dependency for the rest of their lives.

Mr. HOGAN. Mr. Chairman, during the 91st Congress the House considered two education appropriation bills. On each occasion, the House voted to approve large increases in the budgets of numerous educational programs and on both occasions, President Nixon felt compelled to veto these measures. My votes to override these Presidential vetoes were difficult decisions to make; however, I voted to override because I place a high priority on the education of our children. I have long felt that educational programs deserve a high priority and should receive generous funding.

Today we are considering the committee's recommendation's for the fiscal year 1971 education appropriation, which have increased by $101 million the President's request for approximately $4.5 billion in education funds. The President has advised that the amounts in the committee's bill are acceptable to him. Now, once again, we are faced with a "package" amendment to increase the funding for various education programs by another $728 million. This has caused me to closely review the past and proposed funding figures for each of several educational categories receiving funds under this bill. I have noted the following figures regarding the committee's recommendations:

Various elementary and secondary school programs—$1,822,218,000, an increase of $27 million over the budget request, and a decrease of $24,750,000 below the 1971 appropriation;

Impact aid—$577 million, an increase of $137 million over the budget request, and an increase of $25,932,000 over the 1971 appropriation;

Handicapped—$115 million, an increase of $5 million over the budget request and an increase of $10 million over the 1971 appropriation;

Vocational and adult education—$558,042,000, an increase of $89,130,000 over the budget request, and an increase of $63,846,000 over the 1971 appropriation;

Higher education — $1,215,451,000, though a decrease from the budget request, an increase of $247,571,000 over the 1971 appropriation;

Student assistance — $1,024,400,000, which will support a total new loan level of $1,160 million for fiscal 1972, an increase over fiscal 1971 level. Also includes $293 million for NDEA student loans, which will provide a total of 648,900 NDEA student loans compared with a total of 560,400 student loans in fiscal 1971.

Libraries and educational communications—$72,109,000, an increase of $42,709,000 over the budget request and a $6,317,500 from the 1971 appropriation; and

Research and development—$105 million, an increase of $3,500,000 over the budget request and an increase of $6,923,000 over the 1971 appropriation.

Certainly, the committee bill does not contain the amount of funds which many of us would like to see spent on educational programs. Even the funds in the Hathaway amendment will not provide the impact and assistance to greatly further any one program because it is spread so thinly across the spectrum. We must take into consideration the various proposed and pending changes in the educational structure and weigh their effect on the funding needs of these programs.

I feel that the members of the subcommittee which reported this bill share my strong support for education. Yet they realistically have reported funding levels which they consider desirable under present conditions. In my opinion, the committee bill deserves our support. Therefore, I am not voting for the Hathaway amendment.

Mr. GUDE. Mr. Chairman, I rise in support of the Hathaway amendment which will provide additional funds for educational programs in fiscal 1972. Educational needs must be given a higher priority in the allocation of Federal funds as the greatest chance for the continuation of the American ideals can best be served by a well, and widely, educated, citizenry.

Specifically I sight the need for improved vocational and adult education programs. Though the committee recommendation does increase the initial budget request. I feel an even greater assistance is required in this area. With over 50 percent of our young people unable to go on to higher education, we must prepare them for the working world. Furthermore, our youth must be encouraged to continue their educational effort even after they have begun to work—the Hathaway amendment will be a major step toward this goal.

The one area where this amendment will have the greatest impact is in the area of higher education. Approximately one-third of the Hathaway effort will provide much needed relief for colleges and universities across the country, and Maryland campuses would certainly be helped substantially. I feel that this increase is vital if we are to strengthen our institutions of higher learning.

The other major effort of the Hathaway proposal is in the elementary and secondary education field. Without this additional $200 million we will be appropriating the same amount as we did in fiscal 1971. Taking into account the rising costs and the additional pupils, the same number of dollars would mandate a reduced program. Therefore, to hold the line, the proposed increase is fully justified.

Mr. Chairman, let me conclude my stating my full support of the Hathaway amendment which places a higher priority on the Nation's educational needs.

Mr. PEPPER. Mr. Chairman, I rise in support of the amendment currently on the floor. The legislation reported from the distinguished Committee on Appropriations was a promising sign of renewed interest in the problems of education in this country. This amendment would make that bill even stronger.

We are all interested in and concerned about the quality of education and educational programs in this country. I have a special concern born of my duties as chairman of the Select Committee on Crime. The ravages of juvenile crime are known to all. The statistics have been too often repeated. Yet only recently have we come to appreciate the vital role of the educational system in preventing and combating juvenile crime and delinquency.

Mr. Chairman, I find it appalling that the present administration, which talks so much of lowering the juvenile crime rate and helping young people to avoid a life of crime, can treat this pressing problem in such a cavalier manner. The agencies charged with administering programs that could have a direct and beneficial effect on juvenile crime are forced by the administration to request far less than their authorizing legislation permits. The dropout prevention program, of which more will be said later, is a case in point. Although this program has done excellent work with its limited resources in the past, it is still limited to requesting $20 million less than its congressional authorization.

Happily, the Appropriations Committee has seen fit to ignore the arbitrary limitations placed on the agencies and to provide for more money than requested for several of the programs dealing with delinquent and underprivileged youth. This action is most laudable. However, the amendment now before us goes even further. In seeking to increase even the House Appropriations Committee figure by $728 million, this amendment will pave the way for the greatest assault ever on the problems of educational retardation, vocational training, and dropout prevention. If these programs are strengthened and extended, the fight against juvenile crime will be concomitantly more successful.

Several sections of the bill and the amendment fund programs that will directly affect delinquent and predelinquent young people. These programs are deserving of special mention.

One of the major recommendations of the House Select Committee on Crime in its report on "Juvenile Justice and Corrections" was that programs for educationally deprived children be maintained and extended. The committee heard continuously at hearings that many young people derive no benefit from their schooling. Among the causes of this is the inability of the educational system to reach certain young people. Present teaching methods have, in too many cases, simply not worked.

Programs under title I of the act were eminently successful in the last fiscal year. That does not mean we may rest on the laurels of past successes. The increase of this appropriation by 10 percent will enable ongoing programs to continue, and perhaps provide for some innovation. This program is probably the heart of the entire educational system, and no increase in its funds should be questioned.

Another appropriation that would be increased by this amendment is the title II provisions for library resources. The Committee on Appropriations was so impressed by the success of the reading skills programs under this title that it saw fit to increase the appropriation $5 million over the administration's request. This amendment would bring the total increase to $10 million.

Mr. Chairman, the existence of illiteracy in this country, at this time is incomprehensible. Yet, sadly, there are far too many people who just cannot read. The effect of this is most unhappily manifested in a study privately undertaken in Philadelphia. That study showed that virtually all the young people appearing as defendants in juvenile court had reading levels significantly below the norm for their age and educational levels. This is but one of the nexuses that can be found between poor or deficient education and juvenile behavior of a criminal nature.

Our children must learn how to read, Mr. Chairman. This program will help them. It deserves all the support we can give it.

To me, one of the most important programs included in this appropriation is the dropout prevention program in title VIII of the Elementary and Secondary Education Act. I was privileged to testify on this appropriation before the subcommittee chaired by the distinguished gentleman from Pennsylvania (Mr. Flood). At that time, I pointed out that while these programs were authorized to ask for $30 million, they only requested $10 million. I urged the subcommittee to grant the full request, and indeed, to exceed it. The committee saw fit to grant the full $10 million. This amendment would add an extra $1 million. The increase, based on recent experience, will pay untold dividends.

The problems of the dropout are well known. Without education, a young person finds himself virtually without hope. Jobs, especially good jobs, will be impossible to obtain. Bitterness and frustration will rapidly appear. Antisocial and criminal activity will not be far behind. Witnesses at virtually all the hearings of the Select Committee on Crime have indicated a causal relationship between dropping out of school and criminal activity.

As we know, young people who drop out of school are faced with much idle time. Testimony before the Crime Committee has shown that this free, unused time too often leads young people into harmful activity. Whether it be experimentation with drugs or petty criminal conduct at first, such idleness and alienation can easily be conceived as the root causes of juvenile crime.

Nineteen programs are currently being run by the dropout prevention program administrators. Results of these programs and other helpful information are being distributed around the country by the U.S. Office of Education. The results of these programs are most gratifying. In the target areas where these programs were run, there was a decrease of 25 percent in the number of students dropping out. Mr. Chairman, if this success can be expanded and extended, we may be well on our way to solving one of the most disturbing problems of our educational system.

A very important section of this bill, and another wherein the appropriation will exceed the request, is for projects in bilingual education.

America has always been proud to welcome people from other shores to this country; to give them a home. In my congressional district in Florida, we are quite proud of our sizable community of persons who came to our shores from Cuba. The need for specialized and intensive training of young people to whom English is not a native tongue is most obvious. I am very pleased that the committee has granted $2 million in excess of the request for this program.

Another recommendation of the Select Committee on Crime in its report on "Juvenile Justice and Corrections" was the increase of funds for vocational training for young people. The bill would provide an increase of $61 million for vocational training grants to the States. The amendment would provide an additional $50 million.

Vocational training has only lately been recognized as a crime prevention method. Many young people have no interest in purely academic subjects, but they do wish to learn a trade. When vocational training is not available to these young people, they may lose all interest in continuing their education and drop out. The relationship between dropping out and criminal activity was mentioned earlier.

There is currently a program in Florida that proves this point. Several hard-core juvenile delinquents, young people who have committed several offenses, and all of whom are school dropouts, have been placed in a program teaching marine technology skills. Among these skills are shrimp and fish farming, small engine repair, and seamanship—all useful vocational endeavors. To date, none of these young people has returned to criminal activity, and they are well on their way to securing responsible, high-paying jobs.

Mr. Chairman, 80 percent of the students in high school today will never graduate from college. When added to the staggering number of high school dropouts, we are faced with a huge mass of people potentially unable to find a decent place in the labor market.

This program supports vocational education programs through grants to the States. These funds are used to pay costs incurred in providing vocational education programs, including teacher salaries, training of teachers, construction of facilities, purchase of training materials and equipment, development of curriculums and research studies.

We must help the young people who are not fortunate enough to go on to college. We must provide programs, in addition, for those young people who cannot grasp or who do not wish to receive an academic education. There are many, many young people whose only wish is to learn a trade so that they might go out and earn their living. When a young man can conceptualize the vocation he desires for his life work, we should make the facilities for learning this trade available to him.

Mr. Chairman, the increase under this amendment may seem excessive at first blush. Fifty million dollars is a lot of money. When that figure is added to the increase over the appropriation for the last fiscal year, there may be some who will term it excessive. This is just not the case.

The skills the young people will learn under these programs will be their one asset when they have to face the cruel business world. The young people who will benefit from this bill are not the ones who will have wealthy families or college degrees to fall back on when the going gets rough. The economic turbulence hitting us today has made it quite difficult for those with advanced degrees; we can imagine what it does to the people with no skills whatsoever.

These people need our help, Mr. Chairman. The added appropriations will serve a purpose at least as useful as any other that the money in question could be applied to. We should not hesitate to spend money when the returns are so overwhelming.

My remarks do not encompass the entire amendment now before us, nor every category covered in the Appropriations Committee bill. I have tried to concentrate only on the areas where I have had direct, recent contact. I tell you with conviction that these programs have been underfunded in the past, and it is time we put a stop to that.

Earlier this session, the Congress passed a constitutional amendment to allow 18-year-olds to vote. These people must be prepared to exercise this sacred franchise. Through providing funds for educational programs, education for deprived people, remedial education, and vocational education, we can provide some assistance. We must help them so that they will have the perception and ability to be able to help all of us.

The Committee on Appropriations has done an excellent job of preparing this legislation. It trimmed many of the needless requests while providing adequately for the necessary programs. However, we must be more than adequate today. The future of our youthful resources is in as much danger as the natural resources of this country. Yet, we hear far more of the latter. We must prevent the problems of juvenile crime, illiteracy, and unemployment from getting out of hand. The time is now and we must act. The amendment on the floor will be a grand start, Mr. Chairman, and the expenditures now will reap dividends and rewards later on.

Mr. HORTON. Mr. Speaker, I rise in support of the amendment offered by my distinguished colleague, Mr. HATHAWAY.

While I disagree with the increases proposed for aid to federally impacted areas, the overall effect of the amendment—increased appropriations for education—must be the overriding consideration.

We are in the midst of what I feel is the most important debate since Congress convened in January. Each of us has the opportunity to make good our promises to our constituents that we will redirect our resources toward solving our domestic problems.

Education opportunities to insure that young Americans, particularly the disadvantaged reach their full potential can only be made available on a nationwide basis with substantial Federal help. Many of the education facilities and programs in both urban and rural areas across the country are seriously deficient. Without exception, the States, localities, and privately funded educational systems and institutions are facing severe limitations in available revenue and financial resources. While the entire educational system is faced with a funding squeeze at every turn, the Federal Government continues to contribute less than 8 percent of the total budget for education.

Despite the action taken by the Appropriations Committee to increase appropriations by $101 million, H.R. 7016 still falls far short of the Nation's education needs. The additional increase of $728.6 million offered by the Hathaway amendment is the bare minimum we can, in good conscience approve to begin to ease the revenue pinch which States and localities suffer as a result of increased demands on the educational system.

The amendment calls for significant increases for a number of important programs, including higher education, educationally deprived children, vocational and adult education and library resources. All of these must be given the funds they need to have impact and cannot be ranked less important than the countless other budget items we will consider in the months ahead.

Yesterday, President Nixon proposed a highly constructive educational revenue-sharing program. The Hathaway amendment would in no way compromise or preclude prompt consideration of the President's landmark proposal. Yet, even if such special revenue-sharing proposals were enacted, the level of Federal support to education must be examined as carefully as the type of Federal support.

In urging my colleagues to support the Hathaway amendment, I ask that we place on education assistance the importance and priority it deserves and adequately fulfill the promises we have made to solve, through education, many of the human problems we face in America.

Mr. BOLAND. Mr. Chairman, I rise in support of the package of amendments offered by my able colleague from Maine, Congressman HATHAWAY. These amendments, seeking $728.6 million in additional funds for programs ranging all the way across the spectrum of American education, would answer one of this country's most pressing needs. Before saying anything further, Mr. Chairman, I want to make one thing plain: The money sought in these amendments is the very least—yes, the absolute minimum—needed to keep U.S. education from foundering. Beset with soaring costs and lagging incomes for the past decade, American schools are sinking deeper and deeper into a financial morass that now threatens to engulf them. This is not empty talk, Mr. Chairman. It is stark reality.

What is at stake here is American education itself, the cornerstone of a society envied and celebrated around the world. Our schools turn out the scientists, the doctors, the technicians, the craftsmen, the public leaders, the businessmen needed to maintain our way of life. Is it prudent, Mr. Chairman, to jeopardize that way of life in the name of "economy?" Indeed, is it even sane?

It is no secret that school costs are moving upward at a rate unprecedented in American history. Construction costs alone, among the most burdensome faced by our schools, have leaped almost beyond reach. Teachers' salaries, too, are soaring. Virtually every service and product used by American schools, in fact, is increasing alarmingly in cost. Yet, despite this disheartening trend, the Federal commitment to education is dwindling. The U.S. Government's financial assistance to schools, estimated as a percent of revenue for public elementary and secondary schools, has dropped from a high of 8 percent in 1968 to 7.2 percent in 1970.

This, I am convinced, is nothing short of unconscionable.

The Congress has made an explicit pledge to help maintain this country's educational excellence, and the Congress must honor that pledge.

Let me cite just a few of the programs clearly endangered by the committee bill—a bill that, astonishingly, falls nearly $8.8 billion below the authorization level sanctioned by the Congress. The impact aid program—the program offering financial assistance to school systems charged with educating the children of Federal workers and military personnel—would end up with only token funding. Their tax bases shrinking year by year, the schools eligible for impact aid are caught up in a financial plight so severe it threatens their very existence. Armed Forces personnel, living on military bases or in transient apartments, contribute little to a community's sources of revenue. Federal workers, similarly, tend to move in and out of a community as contract jobs wax and wane. They, too, could hardly be described as exemplary taxpayers. Without adequate impact aid—the kind of aid proposed in Mr. HATHAWAY's amendments—school systems throughout the United States might be plunged into educational and administrative chaos. Chicopee, Mass., for example, a community within my congressional district, would lose funds it desperately needs.

The committee bill, moreover, would bring to an abrupt halt the progress of one of the most promising programs within the Office of Education—ESEA title III, the program that stimulates innovative and imaginative educational projects. Recommending the same budget granted to title III last year—a budget only distantly comparable to 1970's in buying power, since inflation has pushed up costs nearly 10 percent—the committee bill would blunt this program's effectiveness. No new title III projects could be started. Indeed, projects now in operation might not survive intact.

Other educational programs, just as significant as impact aid and title III, are in peril. Upward Bound and Talent Search, programs that prepare the poor and disadvantaged for higher education, are striking examples. So are the Office of Education's library programs—programs for construction, supplementation and research.

Suffice it to say, Mr. Chairman, that the Hathaway amendments are quite literally crucial to a host of educational programs this country needs.

I urge prompt passage of the amendments.

Mr. RYAN. Mr. Chairman, I rise in support of the amendment offered by our distinguished colleague from Maine (Mr. HATHAWAY), to H.R. 7016, the Office of Education appropriations bill for fiscal year 1972. This amendment proposes to increase the total appropriation by $728.9 million over the $4.77 billion which the committee bill provides.

However, it should be pointed out that H.R. 7016 exceeds the totally inadequate administration request by $101 million. But, even given this added amount, the bill still falls almost $9 billion below the amount which could be appropriated, were we to provide funds up to the amounts authorized. Even the Hathaway amendment, which I support, falls short. There would still be approximately $8 billion separating the amount which Congress has said could be spent for the federally funded education programs, and the amount which the bill today, as amended by the Hathaway amendment, would provide in actual dollars.

The programs funded by the Office of Education appropriations bill are enormously important. After all, if we cannot provide adequate education for the people of this country, we certainly fail in one of the most basic aspects of our national life.

I will not review every program involved, but I would call attention to a few of them in order to illustrate, in program terms, what we are talking about when we say more money is needed.

Title I of the Elementary and Secondary Education Act provides financial assistance for disadvantaged children. The purpose is to alleviate educational deficiencies resulting from an impoverished environment and inadequate cultural, health, social, and educational experiences. In New York State, in fiscal year 1970, 653 school districts participated in 911 programs.

For fiscal year 1971, $1.5 billion was appropriated for title I. The administration requested the same amount for this fiscal year, and that is what the committee has reported out. The amount which could be appropriated, were the full authorization met, would be $3,642,800,000—more than $2 billion more than is being provided by H.R. 7016. The Hathaway amendment adds an additional $150 million—clearly a good step in the right direction but, in actuality, still too little for such an extremely important program. I think an excerpt from the recently published study by the Committee for Economic Development, entitled "Education for the Urban Disadvantaged," aptly states the need:

> While the American schools have generally provided middle and upper income youth with the intellectual tools necessary for success in our society, they have commonly failed to cope effectively with the task of educating the disadvantaged youth in our urban centers. To an alarming extent they have simply swept disadvantaged youth under the educational rug.

Money alone is certainly no answer. But its lack certainly forecloses any answers.

The dropout prevention program is funded with $10 million by the Office of Education appropriations bill before us. This matches the administration request, but it falls $21.5 million below the amount which has been authorized. The purpose of this program is to develop and demonstrate educational practices in dropout prevention which show promise in reducing the number of children who fail to complete their elementary and secondary education.

The Hathaway amendment adds $1 million for this program—the amount needed to meet costs of education increases and minimal program expansion beyond the limited demonstrations now in operation. But, that is not enough. This program should be fully funded.

The Hathaway amendment is enormously important, because it does provide funds for an especially significant program—impact aid for children residing in low-income public housing. The bill before us provides nothing. The administration requested nothing. The amendment provides $75 million, and that alone is all the justification needed to support the amendment.

This program—new in the law—provides Federal funds where there has been a loss in tax dollars. When the Federal Government encourages public housing construction, the land involved becomes tax exempt. It has been estimated that revenues lost by public housing amount to somewhat less than $100 per pupil. And this figure does not even take into account revenues lost from alternate land use by private industry, and the indirect revenues, as well, flowing therefrom, in cases where industry has no other realistic site on which it can locate within the district.

There are numerous other programs underfunded by the Office of Education appropriations bill, H.R. 7016. Some of them receive additional funds under the amendment offered by the gentleman from Maine (Mr. HATHAWAY). For example, the library resources program is funded at $80 million, the same amount the administration requested, but $131.3 million below the authorization. The Hathaway amendment adds $5 million. College teacher fellowships are funded at $26.91 million. The amendment adds $8.4 million. The education for the handicapped program is only funded at $115 million by H.R. 7016—$5 million more than the administration requested, but a massive $321.3 million below the authorized level. The Hathaway amendment adds $5 million. Vocational education receives $558 million under the committee bill, almost $90 million more than the administration requested, but $680.6 million below the authorization. The amendment adds $121.8 million. Upward

Bound receives $50.1 million under H.R. 7016; the Hathaway amendment adds $5 million. Higher education programs receive $1,215,451,000 under the committee bill; the Hathaway amendment adds $216 million.

I realize that this recitation of figures may diminish one's appreciation for the actual programs involved. However, I feel it essential to point out that we simply are not providing the funds that could be, and should be, provided for education—education for children, for college students, for the disadvantaged, for adults, for the handicapped.

There is one program, which I have previously discussed during the debate, which is not funded in an additional amount by the Hathaway amendment. This is the bilingual education program, which receives $27 million under the committee bill, a full $73 million less than the authorization. I very much regret the absence of additional funds in the amendment, and would have myself offered an amendment to provide such funds, if I did not believe that to do so would, considering the parliamentary situation on the floor, have a deleterious effect. However, I am determined, as I know many of my colleagues are, to urge further funding when the other body takes action on the Office of Education appropriations bill. The bilingual education program is of enormous importance. It is particularly essential in New York City, which has such a large non-English-speaking population. Yet the program has consistently, without exception, been underfunded. This simply is not tolerable. We hold out the promise of education, in both the mother tongue and English, to our non-English-speaking citizens, and then we provide so little money.

The Hathaway amendment must be adopted. It does not provide enough additional funds, but it does provide some.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine (Mr. HATHAWAY).

TELLER VOTE WITH CLERKS

Mr. HATHAWAY. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. HATHAWAY. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered, and the chairman appointed as tellers Messrs. HATHAWAY, MICHEL, FLOOD, and PERKINS.

The Committee divided, and the tellers reported that there were—ayes 188, nays 191, answered "present" 1, not voting 53, as follows:

[Roll No. 52]

[Recorded Teller Vote]

AYES—188

Abourezk
Abzug
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Tenn.
Annunzio
Aspin
Badillo
Baring
Barrett
Begich
Bell
Bergland
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Carey, N.Y.
Carney
Celler
Chisholm
Clark
Conyers
Corman
Cotter
Culver
Daniels, N.J.
Danielson
de la Garza
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Fascell
Foley
Ford, William D.
Fraser
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Gonzalez
Grasso
Griffiths
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks, Wash.
Holifield
Horton
Howard
Hungate
Ichord
Jacobs
Johnson, Calif.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Leggett
Link
McCormack
McFall
Madden
Mathis, Ga.
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Pickle
Pike
Podell
Powell
Preyer, N.C.
Price, Ill.
Pucinski
Quillen
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Scheuer
Sebelius
Sisk
Staggers
Stanton, James V.
Steed
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Watts
White
Whitehurst
Wilson, Charles H.
Wolff
Wright
Yates
Zablocki

NOES—191

Abbitt
Abernethy
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Baker
Belcher
Bennett
Betts
Blackburn
Bow
Bray
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conte
Corbett
Coughlin
Crane
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Downing
Duncan
duPont
Edwards, Ala.
Erlenborn
Eshleman
Evans, Colo.
Findley
Fish
Fisher
Flood
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Giaimo
Goldwater
Goodling
Griffin
Gross
Gubser
Hagan
Hall
Harsha
Hastings
Hillis
Hogan
Hosmer
Hull
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
Lujan
McClory
McCollister
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mayne
Michel
Miller, Ohio
Mizell
Montgomery
Morse
Mosher
Myers
Natcher
Nelsen
Nichols
Passman
Pelly
Pettis
Peyser
Pirnie
Poage
Poff
Price, Tex.
Purcell
Quie
Railsback
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Shoup
Shriver
Sikes
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Stanton, J. William
Steiger, Wis.
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Wampler
Ware
Whalen
Whalley
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion
Zwach

ANSWERED PRESENT—1

Gallagher

NOT VOTING—53

Alexander
Anderson, Ill.
Ashley
Bevill
Brown, Mich.
Broyhill, Va.
Clay
Collins, Ill.
Colmer
Davis, Ga.
Delaney
Dowdy
Dwyer
Edwards, La.
Esch
Evins, Tenn.
Flynt
Gray
Green, Oreg.
Green, Pa.
Grover
Haley
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hébert
Heckler, Mass.
Hicks, Mass.
Jones, Ala.
Jones, Tenn.
Long, La.
Long, Md.
McCloskey
McClure
McCulloch
McKay
Macdonald, Mass.
Matsunaga
Mills
Minshall
Murphy, Ill.
Pryor, Ark.
Roe
Seiberling
Shipley
Skubitz
Steele
Steiger, Ariz.
Thompson, N.J.
Waggonner
Waldie
Yatron

Mr. MOLLOHAN. Mr. Chairman, I mistakenly voted "nay." I intended to vote "yea." I ask unanimous consent to change my vote to "yea."

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. GALLAGHER. Mr. Chairman, I vote "present."

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $577,000,000, of which $562,000,000, including $37,650,000 for amounts payable under section 6, shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 30, 1950, as amended, and $15,000,000, which shall remain available until expended, shall be for providing school facilities as authorized by said Act of September 23, 1950: *Provided*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 68 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3 (b) of title I: *Provided further*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(a) of said title I if the number of children in average daily attendance in the schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools.

POINT OF ORDER

Mr. O'HARA. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. O'HARA. Mr. Chairman, I make a point of order against the provisos appearing on page 3, beginning at line 4 and running through line 15.

Mr. Chairman, the point of order is that the language referred to constitutes legislation in an appropriation bill. It provides a different method of making adjustments where necessitated by appropriations than that provided in the authorizing legislation; to wit, in section 203(c)(4) of Public Law 91–230.

In addition, I make the further point of order that the language referred to would require the Executive to make certain judgments and decisions and take certain ministerial actions not otherwise required of him by law.

In making these points of order, Mr. Charman, I rely particularly on the ruling of the Chair of June 26, 1968, found in the CONGRESSIONAL RECORD, volume 114, part 14, page 18894 for that date, the ruling of February 19, 1970, found in the CONGRESSIONAL RECORD, volume 116, part 3, page 4015 for that date and the ruling of April 14, 1947, found in the CONGRESSIONAL RECORD volume 116, part 10, page 11676 for that date.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. FLOOD. Thank you, Mr. Chairman.

Mr. Chairman, the language to which the gentleman objects is clearly a limitation on the use of funds contained in this bill. The language is germane and it is completely negative. In the words of Chairman Nelson Dingley of Maine, which are quoted in Cannon's procedure in the House of Representatives—Chairman Dingley said:

> The House in committee of the whole has the right to refuse to appropriate for any object, either in whole or in part, even though that object may be authorized by law. That principal of limitation has been sustained so repeatedly that it may be regarded as a part of the parliamentary law of the Committee of the Whole.

Mr. Chairman, this language in the bill, to which objection has been made, is simply an exercise of that right to refuse to appropriate for any object, in whole or in part, even though that object may be authorized by law.

I trust the Chair will overrule the point of order.

Mr. MICHEL. Mr. Chairman, I agree with everything the gentleman from Pennsylvania has said. I, too, feel that this language is clearly in order.

I would like to add just one point and that is with respect to the question of whether or not this would require additional duties on the part of the Commissioner of Education or other executive employees. Mr. Chairman, the answer is "No." On the surface it might appear that these limitations would require the Commissioner to determine the total enrollment of each school as well as the number of federally connected children, and to calculate the percentage the latter is of the former. But, Mr. Chairman, he is already required to do this by the enabling legislation. For instance, section 3(C) of Public Law 874, as amended, refers to the "Number of such children equal to 3 per centum or more of the total number of children who were in average daily attendance during such year."

There are other similar provisions I could quote, but there is no point in taking the time to do so; the fact is that these limitations do not impose new duties.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is prepared to rule.

The precedents which the gentleman from Michigan (Mr. O'HARA) pointed to are quite familiar to the Chair. There is a subtle difference between those amendments and the language that is before us.

I have examined these two provisions appearing in the bill on page 3 and I have reviewed the provisions of Public Law 874, including the two rulings which were made by the Chair a year ago on April 14 and February 19.

The first proviso uniformly reduces the amount available to the school districts which are entitled to funds under section 3(b) of Public Law 874, which is the section of the law which applies to local educational agencies where the impact is due to children of parents who reside or work on Federal property.

The second proviso limits the entitlement of certain local educational agencies where the impact is due to school attendance of children whose parents both reside and work on Federal property as determined by section 3(a) of Public Law 874 if the number of such children is less than 25 percent of the total number of children in such school.

Under the law, the Commissioner of Education is already required to determine the number of such children in this category in average daily attendance and the schools so affected. Determining these districts or local agencies where the 25-percent limitation applies thus presents the Commissioner with no substantial additional duties. He is already required by basic law to make that determination.

The Chair feels the decision of the committee is valid; that these provisos are in fact limitations couched in negative language on the funds in the bill. The Chair therefore overrules the point of order.

WIRETAPPING TO BE CHECKED

(Mr. HAYS asked and was given permission to proceed out of order.)

Mr. HAYS. Mr. Chairman, I ask unanimous consent to speak out of order for the purpose of making an announcement.

Mr. Chairman, in my capacity as chairman of the Committee on House Administration and after consultation with the Speaker, I am going to enter into a contract with a reputable electronics firm to provide a check on any committee phone or any Member's phone who may request it to find out if there is any electronic surveillance on their phone lines. I am sure, if there is any, by the FBI or by anybody else, they will take them off so that when the check is made none will be found, but I propose to keep this service on an irregular basis at any time in the future that any Member may request it. I do not know whether any phones are tapped or not and I cast no political aspersions, but in Ohio one faction of the Republican Party had a couple of members of the other faction arrested because one faction of the party was bugging the other faction's phones. So phones can be bugged by police agencies and a lot of other people.

And, if any Member feels his phone is being tapped, if he will let the Committee on House Administration know within a few days we will provide the service with which to find out whether his phone is, in fact, bugged.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Is there any means by which you can determine who tapped the telephone?

Mr. HAYS. No. I think, however, if we found a tap we would have to make a guess as to whether it was an FBI or Republican Party or the tap of someone else.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield further?

Mr. HAYS. Yes.

Mr. THOMPSON of Georgia. Then, it would be possible for someone to have their telephone tapped and blame it on the FBI?

Mr. HAYS. Well, I do not think that is quite possible, because I think we can run down the source of the tap, and if he had his own phone tapped, I think we would find out about it.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Texas.

Mr. GONZALEZ. In case such things do go on is there any way you could protect a Member on his royalty rights for anything that is published?

Mr. HAYS. I do not want to mention any names, but I contacted two Members and asked them if I could have the royalty rights to their phones between 5 o'clock in the evening and 9 o'clock.

AMENDMENT OFFERED BY MR. LENNON

Mr. LENNON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. LENNON: on page two, line twenty-three, strike out the figure $577,000,000 and substitute in lieu thereof the figure $607,580,000 and strike out the figure $562,000,000 and substitute in lieu thereof the figure $592,580,000. On page three, line six, strike out the figure 68 and substitute in lieu thereof the figure 73.

Mr. LENNON. Mr. Chairman, I would appreciate it if I could get the attention of the members of the committee. I thank the membership for giving me just a few minutes to explain what I want you to hear.

Yesterday on the floor we considered this and I know this situation in which I am involved does not involve the entire membership of this House. I am talking about Public Law 874 and more particularly category B students and the funding provided for them in this appropriation bill.

Let me tell you my own personal situation. In one county in my congressional district, Cumberland County, there is located both Fort Bragg and Pope Air Force Base. There are two school districts in this county. Last year at this time when I took the figures—and they were accurate figures and I can document them for you if you so desire—there were 17,582 category B pupils in this one county. The preponderant majority of the children, both boys and girls, are the children of men wearing the uniform of this country who serve at Fort Bragg or either Pope Air Force Base.

Now, what is the situation? We do not do there like we do in Washington, D.C., where the Federal Government makes an appropriation to the District of Columbia in lieu of the many Federal buildings located here.

Now, what is taking place? I cannot blame the man in uniform because part of his inherent rights and fringe benefits are involved, but the preponderant majority of those men who are the fathers of these 17,582 children attend the public schools of those two school districts of this county. They live off the base. Under the Soldiers and Sailors Relief Act of 1946, as amended, they are not required to register their motor vehicles, their automobiles for the purpose of property taxes.

The predominant majority of them live where? In a mobile home, in a trailer park, and that is personal property that is not subject to taxation. Where do they trade? The biggest PX and the biggest commissary in the world on an annual dollar volume are at this base. That is a right that the service man has, and ought to have. The concessionnaires are there. So the community does not generate from the man in the uniform moneys that can be used in school purposes.

What I am suggesting and asking the Members to do is to raise this figure from 68 percent of their entitlement, it is 68 percent under the committee bill, and I am advised that the subcommittee considered this matter, and there was an effort made to raise it to 73 percent—actually, they ought to get at least 90 percent, but I am asking for 73 percent, and for this reason: Why should the other taxpayers take the responsibility for putting these 17,500 children through the public schools when they do not contribute anything, and the parents do not contribute anything, either through owning property, personal or real, and the employer, the Federal Government, the DOD, does not contribute anything?

I urge the Members to adopt this amendment. It is reasonable, and it is a practical amendment. I ask the Members to adopt it and let it go to conference, and then I will accept whatever decision is made by the respective representatives of the committee on conference for the House.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I yield to my distinguished friend, the gentleman from Texas (Mr. KAZEN), who is a cosponsor of this amendment.

Mr. KAZEN. I would ask the gentleman whether or not the 73 percent is the current figure that is being allowed our impacted school districts?

Mr. LENNON. That is my understanding.

Mr. KAZEN. And the gentleman by this amendment is not raising it above what they are now entitled to, or were entitled to this past year; is that right?

Mr. LENNON. That is my understanding, I will say to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I commend the gentleman for offering the amendment, and am proud to be a cosponsor.

Mr. LENNON. I would ask my colleagues, my friends, what they would do if they were in the same respective position some of us are in? And as we reach the goal hopefully of an all-volunteer service more and more are going to devote their entire lives to careers in the military service, and this is going to escalate the number of children and all children must be educated in the public schools, and somebody has to pay a little part of that education.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this points up the dilemma that this Congress is confronted with. The gentleman from North Carolina has stated the facts correctly. It will take $630 million if we are going to support A and B category children at 90 percent of their entitlement. The committee bill would provide less than 70 percent.

Mr. LENNON. Mr. Chairman, if the gentleman will yield, it presently provides only 68 percent, and I am shooting for the goal of at least 73 percent with the figures I specified.

Mr. PERKINS. I support the amendment offered by the gentleman from North Carolina, but I personally feel the gentleman has not gone high enough. I think we ought to go to 90 percent, but I am supporting the 73-percent amendment. What is being said during the debate on this amendment about how far we are from meeting the needs can be said about all of the programs involved in the Hathaway package. In many programs the disparity is greater than in the impact program.

Mr. Chairman, I support the amendment.

I will support all amendments to improve education. I hope the gentleman's amendment is adopted.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I am glad to yield to the gentleman.

Mr. GERALD R. FORD. Would the gentleman give us the rationale for having Federal aid to impacted children in areas surrounding the District of Columbia where the pupils are the children of Members of Congress and are counted for the qualification of aid to impacted schools.

Mr. PERKINS. Let me say that there has been criticism of the program and perhaps there are certain injustices in the program. There will be injustices always when you have an underfunded situation. That is what I tried to point out in my statement. The situation described by the gentleman from North Carolina actually exists and must be corrected.

It is hard to get absolute equality in any instance in trying to write legislation. But, by and large, the needs of the B children throughout the country are legitimate. The gentleman talks about the children in the suburbs. I hope he will consider the B children here in the District of Columbia also.

Let me reiterate my support for the amendment and my concern that we need additional funding from the Federal Government for title I of the Elementary and Secondary Education Act, for college facilities, and for other educational programs. We tried to add less than a billion dollars—and it is going to take some $700 million or $800 million in additional funds just to keep things going at previous levels.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman.

Mr. GERALD R. FORD. I have asked a serious question and I have not been given a reply.

Mr. PERKINS. Let me say to my distinguished colleague that he is just picking out one small aspect of the whole program. As I say, there are some injustices in connection with that program particularly during underfunded situations. Considering that the greatest needs, are in higher education, in connection with the programs under the Elementary and Secondary Education Act and in vocational education, there will be greater injustice if we take care of the impacted program and not take care of the others.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield further?

Mr. PERKINS. I continue to yield to the gentleman.

Mr. GERALD R. FORD. The gentleman from Kentucky is chairman of the Committee on Education and Labor and this basic and substantive legislation comes within the jurisdiction of that committee.

Mr. PERKINS. That is correct and I hope in the future we can have more of a meeting of the minds with the House Committee on Appropriations.

Mr. GERALD R. FORD. Let me just ask the gentleman, because he has admitted there are inequities and injustices in this legislation, and that is patently true—when is the gentleman going to have some hearings to try to correct those admitted injustices that are long overdue so far as correcting them is concerned?

Mr. PERKINS. Let me say to my distinguished colleague that during the past year, since the last appropriation bill was on the floor of the House, the distinguished gentleman from Illinois (Mr. PUCINSKI) has held 10 days of hearings. Every Member of this body was invited and would have been welcomed to present testimony.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am at least a little bit encouraged. I heard the chairman of the Committe on Education and Labor say that there are injustices in this program and that they should be corrected. I wish they would go ahead in that committee and correct them.

As he said, last year they did have hearings. They have had a lot of hearings and I appeared at the hearings and other Members appeared at the hearings, but they did not even report a bill out of the subcommittee.

Now I think we are getting ourselves

in an untenable position here. We find that there are districts that deserve some impact aid. But as long as the abuses are not corrected, then they say to appropriate the full amount so that those who do not deserve aid get it right along with those who do deserve it.

I say that as long as bad abuses are still in the program and that program is not changed, we surely need to hold down the appropriations in that category that do not deserve the attention.

In this bill, we give 100 percent to category A students where they exceed 25 percent in the district. We also provide 90 percent for those category A students in other districts.

The only ones who may be cut back maybe are the B's. It says in the bill 68 percent. But I point out that we do not know for sure how many pupils there are who are eligible. We know that there has been a substantial cutback in the Defense Department. The budget estimate was based upon last year's level of activity in the Defense Department. So there may be enough money for more than 68 percent for B's.

In addition, I point out that one of the glaring examples of inequity in this program is that some local school districts get the national average—and that amendment was put in in 1958—they receive the national average even though they do not in their district spend that much money. In fact, some of the districts that are being paid impact-aid spend less on the children than the national average and spread receipts to help pay for schooling on federally connected pupils.

This abuse, of course, is one of the biggest abuses. It totals about $160 million in entitlement in this program. There are some districts that deserve more money that are not getting enough. New York and Masachusetts, for example, are two States that spend a lot of money per pupil, but the deserving ones do not get enough because we have this drain off, this siphoning off in this program due to provisions that were put in the act in 1958, and it does not appear that there is any serious attempt to get it out as long as we will appropriate enough money for nearly full funding this program with abuses.

So I say that while some districts do need money, the only alternative we seem to have is to hold down the B category until we get a little better program and some of the abuses out of the present program. This would encourage the deserving ones to work toward curing the abuses.

Mrs. MINK. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentlewoman from Hawaii.

Mrs. MINK. I thank the gentleman for yielding. In your statement you said it may not necessarily be that the 68 percent limitation will apply to the B's. As I read the language of the bill, it says that none of the funds shall be available to pay any of the B districts in excess of 68 percent. So in case the estimates that have been presented to your committee or to the Congress or that have been developed by HEW are wrong and there are extra dollars available, the proviso that you have placed in the bill would prevent any payment over the 68 percent.

Mr. SMITH of Iowa. It is very simple, I will tell the gentlewoman. Around here we seem to have two forces on education appropriations bills because some of the members of the Education and Labor Committee try to interfere with the appropriating process. So we are limited in correcting abuses in the appropriations bill and in doing what is equitable and right. Since strict application of the rules is demanded, we must have language that is air-tight and which comes within the rules of the House rather than bending to provide more equity and correct abuses. However, the Senate does not operate under such restrictive rules. They can knock out the 68 percent maximum and permit it to go higher to the extent funds are available.

This situation arises because certain members of your Education and Labor committee have been more interested in upsetting the appropriation process than working to bring about equity in this program.

Mr. LENNON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from North Carolina.

Mr. LENNON. Assuming the accurateness of the statement that I have made, who should pay for the support of the children in the schools to which I referred?

Mr. SMITH of Iowa. I believe the first thing for you to do in your case is to have the people in your district start pressuring the authorizing committee to take the abuses out of the program so the money can go to those who deserve it instead of teaming up with those who do not deserve the money.

Mr. LENNON. You speak of errors in certain terms, but you are perpetuating by your statement and position an inequity on certain communities by your unwillingness to meet this situation.

Mr. SMITH of Iowa. We are not. The basic law is doing that.

Mr. LENNON. But you do not recognize the inequity, as I understand it, by your unwillingness to accept at least a 5-percent increase.

Mr. SMITH of Iowa. No, I do not think that that is a correct statement.

Mr. LENNON. You do not have in your district a problem such as I have.

Mr. SMITH of Iowa. I have six of those districts.

Mr. LENNON. What county in your district has 17,582 category B pupils with 82 percent of them children of people in the military service? Seventy-two percent are living in trailers, and you cannot get a dime out of them for support of the schools.

Mr. SMITH of Iowa. I will say that the people in my district spend more than the national average, and they do not receive more for any pupils than they spend.

Mr. PUCINSKI. Mr. Chairman, much has been said about the impact and bill, and I believe the House ought to be apprized of the facts. We had before our subcommittee the President's impact reform bill. The President had sent this message to the House a year or more ago and had asked for early consideration. We held hearings, and we soon learned from those hearings that one thing you do not do around here is to shoot Santa Clause. I do not agree with my colleague from Iowa that only the Appropriations Committee has the profound wisdom of knowing how to spend money. I think that the authorizing committees do a pretty good job around here, too, of studying needs and ascertaining what those needs are, and then authorizing legislation to fill those needs.

But on this bill the gentleman from North Carolina would find perhaps some relief if indeed we could get an impact reform bill through the Congress, because right now what we are doing in many instances—and those who are going to vote on this issue ought to know this—under the present formula we are subsidizing a certain number of school districts in this country at the expense of others. The formula we now have permits a school district to choose either one-half the local contribution, one-half the State contribution, or one-half the national norm. In many districts around the country the national norm is substantially higher than the local contribution. We are faced with this inequity, that the Federal Government is paying in some areas substantially more for educating children brought into the community by some Federal activity than the local community is paying for the same education for children who live in that community.

We have tried to offer just a simple amendment to provide one-half of the actual cost of educating a child in the particular district seeking aid under the program.

This very simple modest suggestion that was offered to impact reform cannot get any support, because, let us not kid ourselves, there are 361 congressional districts which get some form or other of assistance under this program, and we are not going to shoot Santa Claus.

The gentleman from Iowa has suggested we eliminate the one-half the national norm option and only pay one-half the actual cost. What could be more logical than for the Government to pay one-half the actual cost, the actual cost of educating a youngster in that school district?

And we cannot even get that modest proposal enacted.

If we had gotten that kind of amendment, or if we had any reason to believe we could bring to the floor that kind of bill and get it enacted, the money that could be saved from those districts that are now getting more money from the federally impacted program than they are paying for their own indigenous students, that money could be spread more equitably around the country. But this law is untouchable. If there is anything which is untouchable, it is Public Law 874 and Public Law 815. I am sure this amendment will be adopted today, because, as I said earlier, these school districts need the money so desperately that I am going to support anything that will give any of these school districts some help, but I think this House ought to know what the real issue is.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Kentucky.

Mr. PERKINS. Let me say to my distinguished friends and colleagues from the South, that one-half of the national average was written into the 1954 bill, because there were found to be disparities, for instance, between $34 for Mississippi and $250 for New York. It was this kind of injustice that caused us to do that, and if we were ever going to do anything for the poor districts, we must take that into consideration. That is why we wrote in the impacted legislation that those poor districts are entitled to go to one-half the national average. I think we should hold fast to that principle and urge that the amendment offered by the gentleman from North Carolina be adopted.

Mr. PUCINSKI. I would say to my Chairman that this is one of the things that has made it impossible to get this reform through the House.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the necessary number of words, and I rise in support of the amendment offered by the gentleman from North Carolina (Mr. LENNON). It is a moderate approach to this particular problem.

I will say to the gentleman from Iowa that if we, in fact, could get this program reformed as proposed by the gentleman, or any very reasonable reform proposals which would assure that the money distributed in impact aid funds gets to districts in real need we could be a great deal prouder of the program. But Federal money should not go to districts which provide the least on the most local money, but to those districts which have the least wealth behind each pupil and still provide the most effort but do not provide sufficient money. If such districts would be benefited, we would be a great deal better off.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, I am in complete agreement with the gentleman.

Mr. Chairman, I am honored to support my distinguished colleague from North Carolina (Mr. LENNON) in his effort to obtain a somewhat more reasonable level of payment to school districts throughout the Nation which are located in political subdivisions whose normal tax base has been greatly depreciated by the Federal Government.

I refer, of course, to the funds made available to what are known as federally impacted areas.

The district which I have the honor to represent includes four of Virginia's independent cities and seven of her southeastern counties. The majority of my district is federally impacted. We have a heavy concentration of defense establishments and numbers of other supporting installations. There are large numbers of dependents of military personnel living on many of these, and there are far more civilians employed in these installations who reside in the surrounding civilian communities. The children of both of these groups of individuals must all be educated in our local school systems.

It is true that these Government workers pay local taxes as individuals. However, their employer pays no tax on the real estate which he occupies, and likewise he pays no tax on the volume of business which he does.

The position of one of my counties is that almost 40 percent of its area is occupied by Federal establishments. I believe it only fair to say that very few political subdivisions could maintain a significant standard of operation if almost 40 percent of their tax base were removed from them. All we are asking is that the Federal Government accept its rightful share of educating the chidren of those who work for an employer who, because it is the Federal Government, is exempt from taxation.

I believe that the formula which my friend from North Carolina seeks to have approved would help considerably even though it is still not the full entitlement which we should have every right to expect. I would like to cite just a few figures to show you what this failure to fund at the full entitlement rate has cost this county to which I referred previously. During the 1969–70 school year this county lost $166,704 in the failure of the Congress to fund at full entitlement. In the following year this loss amounted to $217,572. In other words, gentlemen, in 2 years it has cost one of my counties more than $384,000 to educate dependents of Federal employees.

The funding stipulated in this amendment would still not represent full entitlement, but we would at least not be any worse off than we were last year.

Mr. BROWN of Ohio. I believe that is correct, depending upon the figures as they turn out to be in actuality.

Mr. DOWNING. I certainly hope the Members will go along with this amendment.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I also rise in support of the amendment.

I should like to respond just briefly to our distinguished minority leader with regard to the suburban areas of Washington, and to say that the Members of Congress constitute a very small percentage of the people who live in the suburbs of Washington.

My own district, in Fairfax County and Prince William County, is the fastest growing area of Virginia. Those areas are growing faster than the rest of the State because of the Federal Government being here in Washington, and for no other reason. That is the principal employer.

It seems to me we should be given a fair proportion of the cost of building new schools.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Ohio.

Mr. HARSHA. I thank the gentleman. I rise in support of the amendment.

Mr. Chairman, I rise in support of this amendment. Every year it seems we have this same confrontation over Public Law 874. Admittedly there are inequities in the legislation as pointed out by the distinguished minority leader, but that is no reason for compounding the problem faced by school districts with situations described by the author of this amendment. Correct these inequities in the authorization legislation not in the funding legislation, not by denying funds to deserving districts. Every year it seems there's an effort to chop away at these 874 funds, now the appropriations committee has reduced the payments to 68 percent of entitlement. This amendment will simply restore those payments to 73 percent of entitlement the same level as last year. Actually they should receive 90 percent of entitlement, but at the very minimum restore the level to that of last year. If the House desires to correct the inequities referred to do that in the proper manner and serve adequate notice on the affected school districts so they can prepare for an adjustment in their revenue. Do not mislead them by leaving the legislation on the books thereby giving them the false impression that they will receive this money and then attempt to cut it out by the appropriation process.

This is a good amendment. It does not materially affect the overall sums provided in this bill and it keeps faith with the school districts affected and should be adopted.

Mr. DENNIS. Mr. Chairman, I rise in opposition to the amendment.

I should like to say, Mr. Chairman, there are conditions such as stated by the distinguished gentleman from North Carolina (Mr. LENNON), which call for help.

There was a gentleman from my State who called on me yesterday—not from my district—who has the same type or a slightly different type of impact problem. He was a school man. He was an honest man. He said to me, "I know this B category is wrong. All I ask of you is that you try to support it this one more time because we need the money." I am sure he does.

In the short career I have had here we have had this same thing every year. I am being asked to tax my people to take care both of these meritorious cases and the cases around here—around Washington—where we are helping to support the richest counties in the country, which I do not believe are meritorious cases.

This continues year after year because the committee of the gentleman over there does not bring out a bill to tailor the problem as it should be.

This committee bill is $137 million above the budget request. Think of what we could do with $137 million. We could put it on handicapped children. We could put it on libraries. We could put it on higher education. Instead, we fool around with this business.

Before I vote for the bill I will just have to register my protest. I say to the gentleman over there, I do not know the merits of his particular measure, but if he will bring something out tailored to give us an opportunity to get to the inequities in this program, I am one Member who will vote for it.

Mr. PUCINSKI. I am very pleased to have the gentleman's commitment.

Mr. DENNIS. Wait a minute. I did not say that. I said I did not know the merits of the gentleman's bill but that if he would bring something out to give us an opportunity to get to the inequities I would support it.

Mr. PUCINSKI. The President sent up a reform bill, which I thought was pretty good. I might advise the Members that out of some 60 witnesses who appeared before our committee only two brave souls dared to speak out in support of the President's reform bill. All the others who have an interest in this legislation strongly opposed any kind of reform.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Illinois.

Mr. MICHEL. The gentleman made reference to a neighboring county of Fairfax. Page 456 of the hearing record discloses it ranks No. 1 in the country, receiving $12,219,000-some, for one particular citation.

I should also make note of the fact that the record also discloses the B category children are 20,000 fewer this year than they were last year. That is some justification for scaling back.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I would like to point out to the gentleman from Illinois (Mr. PUCINSKI) that several of us who spoke on this legislation spoke with reference to the President's proposals and tried to improve those proposals further. Those people who have impacted aid areas in their districts are not necessarily supporting the legislation as it stands now. I think some changes have been made which have made the impacted aid programs even worse, frankly, such as extending them to public housing areas.

Mr. PUCINSKI. If the gentleman will yield, we will make every effort to bring in the President's reform bill on impacted area aid to this floor as early as possible. It is all ready to go. We have concluded our hearings. Then let us see what the House wants to do with impacted area aid reform.

Mr. BROWN of Ohio. Fine. Let us do that. However, the gentleman has my testimony, and I hope that he reads it again.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I cannot remain silent when I hear a lot of words bandied about on this floor about the ill effects of impacted aid. It is too bad that my good friend from Iowa does not have some impacted schools in his district. If he did, he might look with as much favor on this as he does on some of the subsidy money we spend in agriculture.

I have some agriculture in my district, Mr. SMITH. My district does nearly $20 million in one form of agriculture, which gets no support because it happens to be in cut flowers. Unfortunately, they have not been brought up to equity.

The city of Alameda, where I reside, has the biggest and most active air station on the west coast if not in the Nation. It involves about 8,000 civilians. It also has stationed there a great number of uniformed personnel. It is an island city that has no other or practically no other industry in the heart of an industrial area on which to base a tax base, so everything must fall on the property owner; everything must fall on the home owner. There is some public housing there that I have heard discussed here today. The result is that the school district cannot carry the burden. Today there are 2,200 category A youngsters who live on the base, and there is not a fit shool for them. The district is taxed to its limits.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. MILLER of California. No. I will not yield. I did not ask you to yield.

The Navy realizes this and it has assigned to the school district for use its two former World War II types of barracks. These violate every bit of the California law as to the type of buildings school children should be put into. They tried to correct it by putting steps down and opening new doors, but this is the condition under which these children have to be educated. I do not think these people should be taxed for any more. This is true of other facilities in the area you have an Army supply base, a Navy supply base, a great naval air station and a naval hospital and a material headquarters for the Coast Guard as well as some big institutions that are serving the Defense Department which can qualify.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Chairman, I associate myself with the remarks of the gentleman from California because I have three major military installations in areas with practically no industry. I have almost the identical problem. I compliment the gentleman from California for his statement.

Mr. MILLER of California. It is not an uncommon problem throughout the country.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from North Carolina.

Mr. HENDERSON. I thank the gentleman for yielding and I commend the gentleman for his statement.

I think we ought to pass the amendment to increase the appropriations here, for those areas in which we are vitally interested. The military children are brought into the impacted community but are children who belong to all America. They belong to districts other than the districts in which they are being educated, and that should be taken into consideration. As the chairman of the Committee on Education and Labor said, we are trying to get one-half of the national average as a contribution, so that the children of the military can be as well educated as the average child in the various States.

Mr. RANDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentleman from North Carolina to increase class B impacted area aid. I submit 68 percent of entitlement as H.R. 7016 now provides is not enough. Of course, I support that 73 percent figure. That is, after all, only a 5-percent increase. I had hoped his amendment would have provided for 90 percent. For that matter, I fail to see why if these school districts are entitled to this assistance at all the entitlement should not be 100 percent, or all of their entitlement.

There was some discussion here a few moments ago to the effect that we should hurry on and not worry about this increase in entitlement. Someone said let us leave this adjustment of entitlement to the other body.

Mr. Chairman, this body, the House of Representatives, should never shirk its clear responsibilities. It is our job to provide a better appropriation for these impacted schools. We ought to do it today. Up to this point in the debate the question has not been answered as to who is going to pay for category B students if the Federal Government does not. The truth of the matter is it will have to be paid by the local taxpayers who are already overburdened by property taxes. Category B children is not the obligation of civilian taxpayers in these districts.

Mr. Chairman, another point was raised a while ago that we needed reform of the act providing for impacted assistance. Of course, reform is always in order. The gentleman from Illinois (Mr. PUCINSKI), has however just delineated the difficulties involved to achieve this reform. However, failure to secure reform right now should not be a roadblock to the entitlement of those school districts which merit this impacted area assistance because military personnel they did not invite have moved into our midst. While we wait for reform, we should not deprive those who are entitled to it and who need this help now. If we delay this assistance, then the taxpayers of the area will have no choice but to accept the children of these military families living off the base. When this happens it means belt tightening, curtailment of other school programs or an increased school levy where this may be possible.

Local taxpayers cannot carry the burden of these category B students. It is not their obligation. It is ours. We should meet our responsibilities. We can go part of the way toward doing that if we support this amendment.

Mr. ROY. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman.

Mr. ROY. Mr. Chairman, I rise in support of the amendment.

Mr. Speaker, I rise to register by concern for the inadequate expenditures this Congress and particularly this administration are willing to invest in their most important natural resource: the education of their children. I previously voted for Mr. HATHAWAY's amendment to increase the level of funding for the Office of Education by $728.6 million for fiscal year 1972; it was defeated by 5 votes. Had this amendment carried it would have meant an increase of $63 million for children attending school in federally impacted areas; an increase of $75 million for public housing for federally affected areas; and an increase of $208 million in the elementary and secondary education appropriation, to cite just a few examples.

Although I am delighted that the Appropriations Committee saw fit to increase, in almost every instance, the Nixon Administration's appallingly paltry budgetary requests for education, I am disappointed that these levels were not increased even more today. For those of us who feel educational expenditures are a national priority of utmost importance, it is painful to witness any indifference to the desperate needs of our educators. I, therefore, am delighted to voice my support of the amendment now offered by the gentleman from North Carolina (Mr. LENNON).

In my district in Kansas, there are three school systems which would benefit from this provision. I have learned much from these dedicated people about the financial dilemmas that Federal facilities, such as Fort Leavenworth, Fort Riley, and Forbes Air Force Base, create for a school system. As you know, the bill before us appropriates $562 million for payments to school districts in federally affected areas. It provides payments at 90 percent of full entitlement to "A" children—whose parents both live and work on Federal property—if they constitute less than 25 percent of the district's total enrollment; and 100 percent of full entitlement if they constitute more than 25 percent of total enrollment. However, for those children whose parents work, but do not live, on Federal property—designated as "B" children—the bill provides that payments shall not exceed 68 percent of maximum entitlement. The gentleman from North Carolina's amendment to increase this percentage to 73 percent has my full support. After all, this money is only a compensatory payment, not a "handout; it is in lieu of the taxation of this Federal property and should, therefore, equitably reflect the costs of this property and the facilities on it to the community. Without adequate impact aid, the citizens of these school districts will be forced to pay increased property taxes to maintain quality education.

Mrs. MINK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the gentleman's amendment, although I would have been much happier had the committee agreed to the Hathaway amendment and provided 90-percent funding.

I will admit that half of what we are seeking is better than none at all, I do believe that the equities require the Congress to recognize our problems and fund this program at 100 percent. But, at the very least I think what this amendment does is to recognize the status quo.

The current fiscal year appropriation provides for 90-percent funding for category A students and 73-percent funding for category B students. This is precisely the gentleman's amendment. The committee bill cut the B category to 68 percent.

I think there is a basic misunderstanding when we are talking about 100-percent funding. I think a lot of people beileve that what we are talking about 100-percent funding. I think a lot of people believe that what we are talking about is the Federal largesse going in and supporting the children 100 percent. This is not so, because the law requires in the definition that the local contribution rate for category A children is 50 percent of the cost of educating those children. These are children whose families live on a military base. What the committee did was to say that the education of these children shall be supported by the Federal Government at the rate of 90 percent of the base, which, as we already know, is only 50 percent. Therefore the Federal support represents a 45-percent contribution only.

So if the average per-pupil cost of that district is $1,000 this means that the Federal Government pays only $450 for the education of the child who lives on the military base.

For the B child, and we have thousands of these children in my district whose parents are in the military and who cannot find on-base housing and who live in the community, but who contribute nothing in taxes to support the school system, it is only 68 percent funding. The formula in the law provides that for the B child we only pay 25 percent of what the cost of educating that child is.

Ladies and gentlemen, 25 percent of 68 percent is only 16 percent of the cost of educating that child. So in my school district, where it costs $1,000 a year to educate a child, there is a Federal contribution of only $160 a year for the B child. And this is for children whose parents in the military buy everything on the base tax free, pay nothing into the tax coffers of my State, own no property, and yet we have 84 percent of the responsibility to educate them.

I agree with the gentleman who spoke earlier that these are the children of America, and that the Federal Government expressed a responsibility for educating these children. And the concept is not a handout. The concept is in lieu of taxes. We must recognize that as the established principle in this legislation. I hope you will agree with the amendment and at least support the spending level for B category children at 73 percent of entitlement.

Mr. FLOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like the Members to hear this. There is no one closer to this subject than am I. This you know. If you do not know you should. The people who have spoken in behalf of this amendment I have talked to personally during the years that we have had this question before us, and they know.

Now, listen. This is the Appropriation Subcommittee dealing with this subject. You have these schools in your districts, and you are hurting. We know this—we know this. If I were you I would say and do exactly what you have done. You are representatives of your districts.

Twice today points of order were raised against this bill because the Committee on Appropriations should not write law. I agree that they should not, and this committee will not. But there are inherent inequities in this law, and they should be corrected. You want a law? Go and get it. I will vote for it, and every man on this subcommittee will vote for it. Go and get a law. You do not want us to write it, and you are right. Get a law from the proper committee so that you are not placed in the embarrassing position each year of having to sponsor amendments to the appropriations bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. LENNON).

The question was taken; and on a division (demanded by Mr. LENNON), there were—ayes 86, noes 68.

So the amendment was agreed to.

Mr. PUCINSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to make some legislative history here.

If I may have the attention of the chairman of the subcommittee.

On line 22 of page 3, we carry $394,682,000 for parts B and C of the vocational and adult education act.

On line 7 of page 4, we say "not to exceed $18,000,000 for research and training under part C of said 1963 Act."

There is an incongruity here between the authorization and the provisions in this legislation. The authorization provides that 10 percent of basic State grants shall be set aside for research and vocational education, with half of it going to the States and the other half remaining with the commissioner here.

I am afraid that the way the language is written in the appropriation bill, the $18,000,000 limitation for research and training will actually give the States only $9,000,000 and the commissioner the other $9,000,000.

Is it the intention of the appropriations committee to void the authorizing legislation which requires that 10 percent "shall" be set aside for vocational research with half of it going to the States, as provided in the law, and the other half remaining with the commissioner here for vocational research? I wonder if the chairman would clarify that point.

Mr. FLOOD. No, I will say that the answer is—no. The language speaks for itself and means exactly what it says. This is a limitation.

Mr. PUCINSKI. I do not want to raise a point of order as to this because it is not my purpose to do that, but the authorization clearly states that 10 percent "shall" be set aside for vocational research.

When you consider that we have added 5,000 new job skills to this country in the last few years, vocational research is the area in which we need the most help. In view of the fact that the authorizing language provides that 10 percent "shall" be set aside for vocational research, then it occurs to me that any action by the Appropriation Committee would be to insure that the intent of the authorization would be carried out by insisting that half of basic State grants go to the States and the other half goes to the Commissioner for vocational research. This is the only kind of limitation I could accept.

Mr. FLOOD. That is exactly what it is, a limitation at $18 million.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. The language which is in the bill does that. The Bureau of the Budget requested the whole $36 million be spent by the Commissioner. The language here is designed to make sure that the States do get half of it.

Mr. PUCINSKI. If the language in the appropriation bill is designed to limit the Commissioner to only $18 million of the basic State grant for vocational research and assure the States will get the other $18 million, then authorizing language is met. Suppose we have appropriated $394 million. The authorization clearly states that 10 percent of that "shall" be set aside for vocational research. I ask again, are you attempting to establish a different allocation?

Mr. SMITH of Iowa. The gentleman misunderstands. There is a total of $36 million to be spent on research, of which $18 million would go to the States and $18 million to the Commissioner.

Mr. PUCINSKI. If that is going to be done, I have no quarrel. But then what the gentleman has in this bill—and I want to clarify this—the other $18 million that you have here is for cooperative research. Now, that is an entirely different thing. It has nothing to do with the 10 percent set aside for vocational research in the basic State grants. Is it the gentleman's opinion that the $18 million provided here for cooperative research and the $16 million provided for exemplary programs under part D are separate and apart and, in addition to that, there will be another $36 million available for vocational research and training under part C, half of it to go to the States and half of it to remain with the Commissioner? Is that the understanding of the gentleman from Iowa?

Mr. SMITH of Iowa. That is correct. I think the Department understands it that way. It is rather legalistic language, but they understand it that way. All we did was to change it to provide for half of it to go to the States.

Mr. PUCINSKI. As long as we have that agreement, that actually 10 percent of the basic state grants will be set aside for vocational research and half of that will go to the States and the other half will stay here with the commissoner for vocational research, not for exemplary programs, not for cooperative research, but for research in vocational education, then I would like to congratulate the committee for taking this action.

Mr. SMITH of Iowa. This is all consistent with the authorization.

Mr. ROONEY of New York. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized.

J. EDGAR HOOVER

(By unanimous consent, Mr. ROONEY of New York was permitted to speak out of order.)

Mr. ROONEY of New York. Mr. Chairman, on last St. Patrick's Day, March 17, 1971, long before the present controversy arose, the Honorable J. Edgar Hoover, Director of the Federal Bureau of Investigation, accompanied by his Associate Director, the Honorable Clyde A. Tolson and the Assistant to the Director, the Honorable John P. Mohr, attended hearings before the House Subcommittee on Appropriations for the Departments of State, Justice, and Commerce, the Federal Judiciary and Related Agencies, of which I happen to be chairman. On that day the following colloquy took place, duly recorded by an official stenographer:

LATENT FINGERPRINT WORK

Mr. HOOVER. Examinations of latent fingerprints were made in a record 30,339 cases, an increase of 3 percent over the cases received last year. I hand to the Chairman a chart which shows the growing amount of latent fingerprint work we are being called upon to handle.

Mr. ROONEY. The chart entitled Cases Involving Latent Fingerprint Examinations, Fiscal Years 1966–1970, shall be inserted at this point in the RECORD, without objection.

(Thereafter is a page which contains the fingerprint examinations chart to which reference was made.)

Then follows further colloquy:

Mr. SMITH. Do you have fingerprints of all Members of Congress?

Mr. HOOVER. No, sir. I would like to add, also, we have never tapped a telephone of any Congressman or any Senator since I have been Director of the Bureau.

Mr. SMITH. I was thinking in terms of it being a good thing to have the fingerprints of all members for the protection of the members or in case of accident.

Mr. HOOVER. I think that would be good. As to surveillances, when our agents have a suspect who has violated a Federal law under surveillance and he enters any of the buildings of the Capitol compound the agents drop him at the entrance and they never enter the building to follow him to determine where he goes or what Congressman or Senator he may see, notwithstanding statements to the contrary.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Ohio (Mr. BOW).

Mr. BOW. Mr. Chairman, I am delighted that the gentleman brought this matter to the attention of the House. I have served on the committee—as the ranking minority member now—for about 20 years with the distinguished gentleman from New York. During that time each year, in each session we have heard the testimony of Mr. Hoover. It has always been accurate and truthful, and I am delighted the gentleman has brought this to the attention of the Congress. I reiterate that Mr. Hoover testified there were no taps on any Congressman, on any Member of the House or Senate during the period he has been the Director.

I have absolute confidence and faith in Mr. Hoover, and I believe every word he said to us.

Mr. ROONEY of New York. Mr. Chairman, I thoroughly agree with the distinguished gentleman from Ohio.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, this might be an appropriate point to mention this relative to the colloquy regarding fingerprinting. All the Members, for example, might be interested to know that citizens can have their fingerprints filed in the national library kept by the FBI. People in Government service, ex-servicemen and most people have theirs on file but others can place theirs on file. Members might be interested to know that when a Rockefeller child is born, they have the fingerprints put on record with the FBI. If there is an airplane accident or a kidnapping or some need for identification, they have a way to identify an individual. Any Member of Congress who wants to do that may do so. It is a way to protect one's self in case of accident, a mass catastrophe, or something like that where there may be a need to have this positive identification.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Michigan (Mr. CEDERBERG), a member of the committee.

Mr. CEDERBERG. Mr. Chairman, I want to express my appreciation to the distinguished gentleman from New York for bringing this matter to the attention of the House. As a member of the subcommittee, this is really the matter I alluded to yesterday. At the gentleman's suggestion this morning, it was decided to do this.

Mr. ROONEY of New York. Mr. Chairman, it was unanimously decided this morning, I previously failed to tell the committee, by the members of the subcommittee, that I be instructed to come here and present this testimony to the House.

Mr. CEDERBERG. That is correct. I might add when this testimony is printed, I think the Members might find there is some further interesting information that will be provided that has not been provided up to now.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding, and I want to commend the gentleman from New York for bringing this testimony to the attention of the House. I say to him that I am patiently waiting for the Member of the House who made the allegations the other day to submit for the CONGRESSIONAL RECORD and the edification of the Members a list of the Members of Congress whose telephones have been tapped.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Illinois.

Mr. SPRINGER. I thank my distinguished colleague from New York for yielding to me. I am speaking out of order, because I think it is important, and I am inserting in the Record at this point—in accordance with the rules—a statement as follows:

> Mr. Chairman, on Monday, April 5, my colleague from Louisiana, Mr. Boggs, made an accusation on the floor of this House in which these words were included : "When the FBI taps the telephones of Members of this body and of Members of the Senate, . . . then it is time—it is way past time, Mr. Speaker—that the present Director thereof no longer be the Director."
>
> This is one of the most serious charges that could be made against what is probably the best known Bureau in the United States Government.

The CHAIRMAN. The time of the gentleman from New York (Mr. Rooney) has expired.

Mr. SPRINGER. Mr. Chairman, I ask unanimous consent that the gentleman from New York may have 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. EVANS of Colorado. Mr. Chairman, reserving the right to object—and I am not sure I will—we came here early, Mr. Chairman, to work on the education bill. I agree with the statement of the chairman of the subcommittee which he made earlier that if there were any further requests made to speak out of order, he would object.

Mr. ROONEY of New York. Mr. Chairman, I previously assured the distinguished gentleman from Pennsylvania (Mr. Flood), I would not take more than 2½ minutes. I do not think I have taken more than that 2½ minutes.

(On request of Mr. Springer, and by unanimous consent, Mr. Rooney of New York was allowed to proceed for 5 additional minutes.)

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman, I am informed that under the 1968 Act passed by this Congress, it is a crime to tap the telephone of any Member of Congress. The penalty therefor is up to 5 years in the penitentiary. My colleagues can understand from the penalty the seriousness of the charge.

According to the Evening Star of April 6, the distinguished gentleman from Louisiana is alleged to have said that he has positive proof that the FBI has tapped the telephones of Members of Congress.

I was a member of the Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce in 1958. There, we established that we had jurisdiction over electronic surveillance in the Bernard Goldfine case. In view of this precedent, I have asked the chairman of our committee who is also the chairman of the Subcommittee on Investigations to have a hearing at which the gentleman from Louisiana could present his charges and also to hear such other evidence as would be necessary to establish or disestablish the fact that the Federal Bureau of Investigation has funds for regional resources centers, re- or has not tapped the telephones of Members of Congress.

I have been informed by what I believe to be the highest and best informed authority in this Government that the FBI has not tapped the telephones of any Members of Congress. It is not my purpose in this speech to argue the merits of either side. The purpose is to get these charges into a forum where everyone will have a chance to testify regarding the tapping of the telephones of Members of Congress.

I have urged the chairman of our committee to call this subcommittee hearing at the earliest moment after the recess in order that a complete record can be made on the charge of the gentleman from Louisiana. If he has the proof, he certainly should be willing to present it at the proper time and place. If he can sustain his charges, he will have rendered a great service to the country. However, if he does not have such evidence and cannot prove that the FBI has tapped the telephones of Members of this body, he certainly owes the FBI and this country an apology. The important thing is that we get on with the hearing as soon as possible.

Mr. ROONEY of New York. I plead with the distinguished gentleman from Illinois to please not try to put the gentleman from New York in a box.

Mr. SPRINGER. I am not.

Mr. ROONEY of New York. Let us just finish with this sort of thing here and now. I did not come here to present this testimony for political reasons. I am doing it now because I implicitly believe in Mr. Hoover. I have believed in him for the 25 years I have served on the subcommittee, and I am not going to play politics with this matter.

Mr. SPRINGER. I am not here for political purposes. I will explain to the gentleman what I have done.

Mr. ROONEY of New York. Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EDUCATION FOR THE HANDICAPPED

> For carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, and section 402 of the General Education Provisions Act, $115,000,000.

Mr. McFALL. Mr. Chairman, I move to strike the last word.

I rise to compliment the committee for the job they have done on this bill, and especially for the job done with respect to the Teacher Corps. The Teacher Corps has done a tremendous job of training new teachers for disadvantaged children. I am glad to see that this appropriation has been increased.

Further, Mr. Chairman, it is rumored there will be proposed by the administration a change of the Teacher Corps from the Department of Education to some other agency. I would be opposed to this and I believe the subcommittee would also. Such a change is contrary to the theory that tested programs should be assigned for administration to established administrative agencies. The Department of Education has done a fine job with the Teacher Corps and should continue to administer it in the future. A change would be a bad mistake.

Mr. BOW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, while we are discussing appropriations for the Office of Education, I wish to call attention to a problem with regard to education for the handicapped in Ohio that is giving me serious and increasing concern.

I hope officials of the Office of Education will take note of these remarks and come up with some answers and some improvement in the administration of the discretionary funds provided in this bill for programs to aid exceptional children.

The State of Ohio has a special education program which we believe is second to none in the United States. Ohio is the only State which has prepared and is pursuing a master plan for special education. Ohio is the only State in which all of the State-supported universities have joined in an integrated plan and program to support special education, including education for the handicapped, deaf and blind, mentally retarded, and others. Ohio supports these programs generously from our own funds. We raise and spend five State, local, and private dollars for every dollar of Federal money received under part B of the Education for the Handicapped Act, this being the part that provides for formula distribution of grants among the States.

My concern is with the fact that we do not receive consideration for the discretionary funds under which the States are expected to provide research and development, personnel training and early childhood education. These are the vital supportive programs for special education. Ohio needs them desperately. Ohio is staffed and prepared to use such funds constructively. Yet the following table for fiscal year 1970 shows a typical distribution of the discretionary funds, a pattern that has been observed since these programs commenced and which shows no improvement and some deterioration as fiscal 1971 draws to a close.

DISTRIBUTION OF DISCRETIONARY FUNDS, EDUCATION FOR THE HANDICAPPED ACT, U.S. OFFICE OF EDUCATION, 7 PRINCIPAL STATES, FISCAL 1970

	Research and development	Personnel training	Early childhood
California	$1,486,696	$1,612,834	$100,000
Illinois	747,126	1,271,209	99,928
Michigan	397,138	1,195,000	100,000
New York	2,469,200	1,972,022	289,068
Ohio	119,467	684,200	26,701
Pennsylvania	393,883	1,188,800	
Texas	351,542	1,076,900	149,992

Experts in the Ohio Department of Education and in our university system have tried to learn from the Office of Education an explanation for the fact that Ohio is not only low but very low in the amount of discretionary money in each of these categories.

No official has been able to point to any deficiency in our expertise, our effort, our planning, our ability to use the money to advantage or any other consideration that might enter into the allocation of these moneys. Yet this is the record for the past 5 years.

We have seen other States receive

search demonstration centers, materials centers, and learning disability centers. Ohio with one of the finest and most advanced programs for deaf-blind children is unable to upgrade its teaching staff because we are left out when personnel training funds are allocated. In short, Ohio has been shortchanged and I want to know why. As one who has worked long and hard in committee and on this floor to provide adequate funding for special education, I believe Ohio is entitled to the answer and to better consideration than we have enjoyed to date.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles I, III, IV (except part F), and part E of title V of the Higher Education Act of 1965, as amended, section 105(b), section 306, title IV of the Higher Education Facilities Act of 1963, as amended, titles II, IV, and VI of the National Defense Education Act of 1958, as amended, section 22 of the Act of June 29, 1935 (7 U.S.C. 329), the Emergency Insured Student Loan Act of 1969, sections 402 and 411 of the General Education Provisions Act, and section 102 (b) (6) of the Mutual Education and Cultural Exchange Act of 1961, $1,215,451,000, of which $1,024,400,000 shall be for student assistance programs: *Provided*, That the following amounts shall remain available until June 30, 1973: $165,300,000 for educational opportunity grants and amounts reallotted for grants for college work-study programs: *Provided further*, That the following amounts shall remain available until expended: $196,600,000 for the student loans insurance programs and $29,010,000 for interest payments for subsidized construction loans.

AMENDMENT OFFERED BY MR. EVANS OF COLORADO

Mr. EVANS of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Colorado: On page 4, line 20, strike out "$1,215,451,000" and insert "$1,222,531,000".

Mr. EVANS of Colorado. Mr. Chairman, I am very concerned that the appropriation bill for the Office of Education, which is now before us, does not meet the very real needs of the predominantly black land-grant schools established under the Second Morrill Act of 1890. This concern is based on the following factors:

In the last complete enumeration carried out by HEW in 1969, it was discovered that approximately one-fifth of all black college undergraduates were enrolled in the predominantly black land-grant colleges.

These schools have also trained in their ROTC programs most of the black officers who have entered our Armed Forces.

Many of the most important black leaders have received their education in these schools.

Almost all of the college educated black farmers received their agricultural training in these schools.

Black enrollment in the white land-grant schools has always been and continues to be extremely limited.

The predominantly black land-grant colleges over the years have gained expertise in training students from educationally deprived backgrounds.

For these reasons the importance of Bankhead-Jones funds to the predominantly black land-grant colleges cannot be overlooked.

Bankhead-Jones funding has been earmarked for a critical academic need. Ninety-four percent of these funds have been utilized by the land-grant colleges to support faculty salaries.

Faculty salaries at the predominantly black land-grant colleges have traditionally lagged substantially behind the average salaries available in their areas and the country as a whole.

This fact coupled with the fierce competition for qualified black college professors in particular has left the predominantly black land-grant colleges at a competitive disadvantage in their ability to attract top faculty to their schools and thereby upgrade their educational programs.

The loss or diminution of Bankhead-Jones funding will have a disproportionately serious effect on the predominantly black land-grant colleges, as these schools have been unable to gain the extensive Federal funding from other Federal programs which have been going to the predominantly white land-grant colleges.

For example, in 1969 in the 16 States which have both a predominantly white and predominantly black land-grant college, the predominantly white land-grant schools received almost $59 million from the Hatch Act and Smith-Lever funds—while the predominantly black land-grant schools received from these funds only $196,000. And, though total figures are not yet fully available for later years, I have been informed that there has not been a large-scale change in this situation up to the present time.

Therefore, when the administration claims that Bankhead-Jones funds should be phased out because the land-grant schools have sufficient financial strength so as to no longer require Federal assistance, this completely ignores the fact that the white land-grant colleges receive other large sources of Federal assistance while the predominantly black land-grant colleges do not.

The white land-grant colleges, despite these sources of alternate funding, also claim that they continue to need Bankhead-Jones funding. James L. Fisher, representing the American Association of State Colleges and Universities, and John W. Oswald, president of Pennsylvania State University, representing the Higher Education Association, both maintained that the type of funds Bankhead-Jones provided were critically necessary funding for public colleges which enroll the highest proportion of students from low-income families and are facing an ever-tightening squeeze on their main sources of funds; that is, State budgets. The proposed reduction in instructional funds is equivalent to a loss of some 1,500 faculty members who would teach at least 18,000 students. Loss of these funds would mean a likely 10-percent reduction in entering freshman classes at these institutions.

With these figures in mind, it is easy to see how much more desperate the situation of the predominantly black land-grant colleges is when they do not have access to these alternate sources of Federal funds. This loss of funds would mean a loss in the black land-grant schools of approximately 100 faculty members, and consequently some 1,500 students, mostly from disadvantaged families. This is equivalent to a 15-percent reduction in next year's freshman class at these institutions.

The predominantly black land-grant colleges not only do not have access to significant sources of alternate Federal funds, but their sources of other funding is limited.

First, the States have continued to fund the predominantly black land-grant colleges at a lower level on a per-student basis than they have funded the predominantly white land-grant colleges.

Also the predominantly black land-grant colleges have attempted to keep their tuitions low so that they would not become financially inaccessible to the rural poor who they have attempted to educate in growing numbers in the last few years.

Even if Bankhead-Jones funding is not completely phased out as the administration suggests and is cut to the $5,040-million figure proposed by the committee, this would still mean that if the cut were proportional and if the 16 predominantly black land-grant schools divided the remaining funds among themselves eevenly each would receive only $34,000.

The administration admits that a phaseout of the Bankhead-Jones funds might injure the predominantly black land-grant colleges.

However they claim that this problem will be avoided as they will make available through title III of the Higher Education Act of 1965 at least equivalent funds.

Title III, however, is a totally inadequate replacement for Bankhead-Jones funding.

First, the assumption implicit in the administration's proposal is that continuance of funding of the predominantly black land-grant colleges at the present level is sufficient. This is patently false. These schools, despite their important functions, are starved for Federal funding. Therefore they need a supplement to Bankhead-Jones funding rather than programs which merely replace Bankhead-Jones funding.

Finally the funds under title III would not be a satisfactory replacement for Bankhead-Jones. Title III funds are not used for operational expenses. Funds under the developing colleges program of title III are granted competitively on a project basis for limited periods of time and for specific purposes. They are not intended to provide support for the fundamental instructional programs of the college on a continuing, predictable basis as are the Bankhead-Jones funds. Therefore Title III is an inappropriate replacement of Bankhead-Jones funds.

For these reasons, Mr. Chairman, I hope the committee will support my amendment which adds $7,080,000 to the bill and fully funds the Bankhead-Jones authorization.

Mr. MICHEL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the 1971 Bankhead-Jones funds account for only 1 to 2 percent of the operating expenditures of the 16 black land-grant colleges to which the gentleman from Colorado refers.

And in only one case, the University of Maryland, Eastern Shore, did Federal funds exceed that general level, and it came up to something like 8.4 percent.

Mr. Chairman, under title III we have provided $5 million over and above the $5 million we have put in the bill for the Bankhead-Jones Act, and although the 16 black colleges might lose altogether something less than one-half million dollars under the Bankhead-Jones Act, the increase of $5 million under title III act will more than offset the anticipated loss.

Mr. Chairman, there was good testimony throughout the hearings as to what additional steps the administration is taking to develop and fund the black colleges throughout the country.

Therefore, I think we ought to vote down the gentleman's amendment for even with a $7- million increase for the entire Bankhead-Jones Act, the amount going to the 16 black institutions would be insignificant. That act is outmoded and ought to be scrapped.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I shall be glad to yield to the gentleman from Colorado.

Mr. EVANS of Colorado. One point I agree on and that is certainly the amount of money we are talking about is minimal. Even if fully funded, I agree with that. It is the principle I am trying to direct our attention to; that is, that they are not adequately funded or fairly funded at the Federal level.

No. 2, the moneys that go under title III cannot be used for operation and general support of the colleges. They cannot be so used. Bankhead-Jones money can. In other words, title III money is not going to help them hire professors or operate their schools at all. This is an additional reason why I propose this amendment.

Mr. MICHEL. I will say in all fairness to the gentleman from Colorado that he has made a very fine presentation not only before our education subcommittee, but also before the Agriculture Subcommittee on which we both serve. The administration has recognized that the black colleges around the country, regardless of whether they are land-grant colleges or otherwise, with the exception of Howard University, have been shortchanged, and that is the reason we have the testimony in the Record. I submit the subcommittee has recognized that and has provided adequate funds for this program.

Mr. SHRIVER. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Kansas.

Mr. SHRIVER. Yesterday we put into the Record the figures that we have asked for because of the concern of this committee for education at our black colleges and it shows it has almost doubled in the last 2 years. It is now $173,470,000 for black colleges. Although this committee is aware of this fact and expects to do something in regard to this phase of higher education, this is in addition to the $45 million we have in this bill for Howard University.

Mr. MICHEL. I thank the gentleman for his valuable contribution.

Mr. FLOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I concur with my friend, the gentleman from Illinois (Mr. Michel) and the gentleman from Kansas (Mr. Shriver). We are concerned about the black colleges. Of course, I must oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. Evans).

The amendment was rejected.

The Clerk read as follows:

Sec. 305. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to other in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

AMENDMENT BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Roybal: On page 10, line 3, strike out Sec. 305.

Mr. ROYBAL. Mr. Chairman, my amendment is a very simple amendment. It merely strikes section 305. As you know, section 305 would cut out funds for persons who have engaged in conduct which involves the use of or the assistance to others in the use of force or the threat of force, or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

What worries me, Mr. Chairman, is that section 305 requires no proof that an individual has participated in a disorder. It does not even stipulate that a hearing process be provided for a person threatened with a loss of funds. This could very well result in any individual, a student, primarily, being deprived of Federal funds simply because someone might have pointed to him or has accused him of being involved in some disorder anywhere near a university.

Last year 350 students lost Federal assistance because of this act. I do not know of the circumstances surrounding these cases, but I think it would be interesting to know just exactly what grounds were used and if any of the students were either arrested or brought to trial, or if they were reprimanded by the law itself, or by the institution, or whether or not these individuals even had the right of appeal, and if such mechanism was ever set up.

The provision in section 305 is wholly different from the so-called Green amendments to the Higher Education Act. The Green amendments serve to deny funds to students who are judged not by the university regulations, but by a court of law, to have violated criminal statutes. Under section 305 students would not be charged in violation of anything, whether it be criminal law or university regulation, and it is quite possible that under this section most anyone can be wrongly accused of being involved in anything that may be contrary to individuals who may be running the university.

Under section 305 funds could be cut off without the individual having done anything at all. In fact, he may have been just attempting to use his civil rights under the first amendment. Under those conditions it is quite possible under section 305 that an individual could be denied the privilege of using Federal funds.

Mr. Chairman, I believe that the administration agrees with the viewpoint that I have expressed because the administration had requested that section 305 be deleted from this year's legislation. For reference, we can turn to page 492 of the budget appendix, and find title II, section 205, in brackets, clearly indicating that it should be deleted. Further, the Deputy Commissioner of Education reiterated the administration's opposition in his appearance before the Committee on Appropriations.

The Green amendment covers the intent of section 305 and I believe that section 305 should definitely be deleted, and that it is not needed.

Therefore, I urge the adoption of my amendment to delete section 305 from the bill.

Mr. DELLUMS. Mr. Chairman, I move to strike out the last word and rise in support of this amendment.

Mr. Chairman, I agree with my colleague, the gentleman from California, that section 305 is arbitrary, prejudicial, ambiguous, and legally questionable.

The provision before us is in fact different from and worse than the Green amendment to higher education acts which deny funds to students judged by a court of law to have violated criminal statutes.

I would hasten to add that I am totally opposed to the Green amendment as well. For, while one cannot for obvious reasons argue that it is double jeopardy in the strict legal sense of the term, the practical effect is double jeopardy. For we have a process of legal adjudication in this country which ostensibly protects the interests of the people—and the Green amendment goes beyond that process to punish again by denial of funds. Now then, section 305 does not even make an effort at cloaking the intent in questionable legal terms. This section provides broad discretionary authority to interpret virtually any act to constitute a basis for denial of funds to the students. I say that by virtue of the ambiguous nature of the language in this section.

If the discretion is so broad that it becomes absurd, then why not leave the discretion in a local situation to be determined by the local institution. It is interesting to note, and I reiterate, that the present administration's approach to this section is to let the local institutions handle their own matters, and their own discipline.

There is no statement as to who holds the hearings which determine the basis for denial of funds. There is no distinguishable process for an appeal. I, frankly, consider this section of the act expedient, divisive, demagogic, and conspicuously political.

I believe strongly that this type of provision sets a dangerous course for this Congress to take. I am opposed, just as everyone in the Congress is opposed, to violence. But I would suggest to you this section is not a blow against violence; it is a blow against freedom and justice.

Mr. Chairman, I would urge every Member of the House to strike out this absurd section 305 with its ambiguous language and its political intent.

Mr. Chairman, I support the amendment offered by my colleague, the gentleman from California.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. ANNUNZIO. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred twenty Members are present, a quorum.

Mr. SMITH of Iowa. Mr. Chairman, let me bring out a few things concerning this amendment. First, there is nothing in the amendment which would keep a college from using any or all of its non-Federal funds to support any of its students it wants to. All that is provided is that Federal funds will not be used to support those students who commit violence or who are involved in the use of force against other students. It does not provide that colleges have to follow a certain procedure, for to do so would be to require the colleges to submit to Federal control.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, the gentleman in the well wrote the section which we are discussing, and I hope Members will listen.

Mr. SMITH of Iowa. Those complaining about there not being such a provision in the bill, apparently desire to exercise Federal control over the institutions. We avoid that. The institutions may use any procedure they want to. We are giving them the money. There are about 10 conditions in the law that they have to follow in distributing the money, and this is only one of the 10 conditions. They have to be needy. They have to meet a number of other requirements. This is merely one of the conditions, that they not be persons who have committed violence or exercised force to keep others from going to class, blown up Columbia University, or whatever it may be, or engaging in similar acts.

You will recall that at the time this matter was considered a number of proposals were offered that would be very restrictive on institutions. We put this provision in the law 3 years ago because, I think, it is something that goes only to the individual student who happens to be involved and avoids the cutting off of institutions.

As has been pointed out, last year there were only a total of 35 students denied funds under this provision. I do not believe the whole program should suffer merely because 35 students commit violence or use force to deny others their rights.

Another point that has been made is that the funds, as has been said, can be cut out by the university without any reason given. The institutions have that right. They do not have to give anyone a loan if they do not want to do so. They do not have to give an applicant a loan because they don't like the color of his hair or for any reason. Under the law that is within the institution's discretion.

It was said that the administration is opposed to this provision. They told us they felt they, as a matter of form, should be opposed to it because whatever is in the bill would require them to exercise a little bit more responsibility. But it is only in form; they are not really opposed to it.

I also point out that this is merely a matter of civil rights. This is another example of a situation in which we deny the use of Federal funds to those who violate the civil rights of others. I have consistently voted for such propositions, and we have them before us every year. We should not permit people to have money without regard to their violation of the civil rights of others. That is what this is. The bill states that you cannot give money to one who is involved in the use of force to keep other people from going to class, thus violating the right of that person to attend a class or using his presence in school for that purpose.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from California.

Mr. DELLUMS. The gentleman mentioned civil rights. The Constitution of the United States provides in the first amendment the right to dissent. I would suggest that this section is intimidating.

No. 2, we have a 14th amendment, which provides equal protection. You have not set forth in this section any of the criminal acts. You have made one specific charge, and that is why I say it is demagoguery and politically expedient.

Mr. SMITH of Iowa. We have set forth a similar provision in about 50 laws that we have passed in the last 20 years in relation to violations of civil rights. We do set forth the full provisions in every law. We just do it in cases where we know that others are being denied their civil rights. That is a basic responsibility involved in the allocating of Federal money.

Mr. DELLUMS. Will the gentleman yield further?

Mr. SMITH of Iowa. I yield to the gentleman from California.

Mr. DELLUMS. You mentioned the institutions of higher learning in this country already having discretionary power to deny funds. If that is the case, then why make this a political issue? I suggest that this section does not go to the question of violence. It goes to a violation of rights.

Mr. SMITH of Iowa. I would say that I do not think anybody thought it was a political issue until that question was raised.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to my colleague from Iowa.

Mr. GROSS. I would like to commend my colleague from Iowa for having put this provision in the bill. Howard University is in this bill for $45.5 million, a complete Federal grant for that educational facility. I recall not too long ago, perhaps 2 years ago, when buildings were set afire apparently by students in a riot at Howard University, and a firetruck was destroyed when gasoline was dumped on it and a match applied. I do not know who bought a new firetruck for the city of Washington. I do not know who paid for the repair of the buildings and to replace one that was destroyed there. I am quite sure it was the Nation's taxpayers. This ought to be a tougher provision than it is. I commend the gentleman and resent anyone referring to a Member who had anything to do with this amendment or a member of the committee for putting it in the bill as practicing demagoguery. The shoe is on the other foot.

Mr. SMITH of Iowa. Mr. Chairman, I think it is perfectly obvious, as it was 3 years ago, that something was going to be written into the law and this was the best thing we could get at the time. It served all forms of justice. If we had not had this, there might have been something punitive put in the alternative, and just a few people committing these acts would have been causing damage to several programs, and we could not have gotten further appropriations.

I am the first one to say it ought to be in the basic legislation rather than in the appropriations legislation, but until that is done, we have been carrying it in appropriations bills.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, the record should reflect the high esteem in which I hold the gentleman from Iowa, and his concern for freedom of inquiry and intellectual freedom. That position of the gentleman from Iowa is known by all of us.

But, having said that, I think we have here a classic example of an invasion of the jurisdiction of another committee and, let us say, a usurpation of authority by the Appropriations Committee.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BURTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Education and Labor Committee has the basic policy jurisdiction in this field, and that committee has consistently refused to hamstring the

basic education laws of this land with this kind of provision. In my judgment the provision is a bad one.

More particularly, the Appropriations Committee should not usurp the jurisdiction of a policy committee, in this instance, the Education and Labor Committee, on matters of educational policy.

I hope the amendment before the committee to delete this section receives the support of our colleagues.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. BURTON of California. I yield to my distinguished friend and colleague, the gentleman from Massachusetts (Mr. Drinan).

Mr. DRINAN. Mr. Chairman, I urge dropping completely all of section 305. In my judgment this is probably unconstitutional as involving double jeopardy. Furthermore, I do not understand the language. What is a "threat of force"? And who is to judge this?

It seems to me that the 6 million or 7 million people in colleges today deserve better legislation than is written here. I, therefore, say as a person who has been teaching in colleges and universities for the past decade that this legislation is just one more thing that would alienate the young people from the lawmaking process, because it would impose on them a double penalty. I urge seriously and earnestly its deletion.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Roybal).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DELLUMS. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 309. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Conte: On page 11, strike section 309.

(Mr. CONTE asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Does this have anything to do with agriculture?

Mr. CONTE. Once in awhile, I should like to inform the gentleman from Iowa, I get out of my league.

Mr. Chairman, I offer the amendment to strike out section 309, and then I will offer an amendment to strike out section 310. I am cosponsoring this with the gentleman from Ohio (Mr. Stokes).

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. MICHEL. Would the gentleman consider having the amendments considered en bloc, or is there a reason to separate them?

Mr. CONTE. I would just as soon have them separate.

Mr. Chairman, by now, we are all familiar with the repeated efforts to include this confusing and misleading language in the education appropriations bill. The time to end this meaningless charade is now.

These sections would prohibit HEW from requiring the busing of students, closing of schools, or assignment of students over the protests of their parents, with respect to schools or school systems which are desegregated, as that term is defined in title IV of the Civil Rights Act of 1964.

The pertinent section of that title provides that desegregation means "the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Practically speaking, the situation is this. The Supreme Court has held only that de jure segregation is unconstitutional. Therefore, HEW must operate within this guideline and may only remedy officially sanctioned segregation. It may not remedy fortuitous racial imbalance; or to put it another way, it may not end de facto segregation.

Thus the language in these sections does not alter school desegregation requirements resulting from enforcement of the Civil Rights Act of 1964 HEW concurs in this view. A school district which has not completed its constitutional obligation to achieve a unitary system would not be "desegregated" within the meaning of sections 309 and 310. Consequently, such a district is unaffected by these sections. In sum, these provisions carry little or no legal impact. They have not stopped the implementation of court orders and HEW's enforcement of title VI.

Nevertheless, their inclusion in this bill makes HEW's enforcement task more difficult by encouraging a belief that the basic law has been changed. As a result, school districts may be misled as to their constitutional responsibility. Moreover, instead of supporting the efforts of local authorities to desegregate pursuant to the nondiscrimination provisions of law, these sections offer a false allure of relief from their legal obligations.

Great progress has been made during this school year in accomplishing legally required desegregation. Much remains to be done however if we are to fulfill our duty to extend equal educational opportunity to all segments of our society.

As Secretary Richardson points out in opposing these provisions, local school officials and communities throughout the country are entitled to honest, unambiguous answers regarding the nondiscrimination requirements of law in this difficult area. School districts which are living up to their obligation to desegregate are entitled to Federal support and to a clear definition of their title VI responsibility.

Instead of helping school districts to resolve their problems however, sections 309 and 310 offer nothing but a morass of needless confusion and a false promise of relief from their constitutional duty. At the close of my remarks, I shall submit for the Record a copy of a letter from Secretary of Health, Education and Welfare, Elliot Richardson expressing the administration's opposition to these provisions and an explanation of HEW's opposition to inclusion of these provisions in last year's appropriations bill.

In short, these provisions constitute irresponsible legislation that flaunts our moral mandate to extend the protections of the constitution to all persons in our Nation. They are opposed by the administration and should be eliminated once and for all.

I urge the House to strike these sections from the bill. Thank you, Mr. Chairman.

The material referred to follows:

THE SECRETARY OF HEALTH, EDUCATION,
AND WELFARE,
Washington, D.C., April 5, 1971.

Hon. Gerald R. Ford,
House of Representatives,
Washington, D.C.

Dear Mr. Ford: The Department has been informed that on Tuesday, April 6 the House of Representatives is scheduled to take up H.R. 7016, the Office of Education Appropriation Bill for Fiscal 1972.

Sections 309 and 310 of the bill are identical to provisions adopted last year by the Congress. It is the Department's position that the provisions do not alter school desegregation requirements resulting from the enforcement of Title VI of the Civil Rights Act of 1964.

However, as I testified before the House Committee on Approriations, the Administration opposes Sections 309 and 310 since they can easily be misrepresented as effecting a change in basic law and HEW regulations.

As you know, unprecedented progress is being made during this school year in accomplishing legally required desegregation. Substantial problems remain, however, and we believe that local school officials and communities throughout the country are entitled to honest and unambiguous answers as to the nondiscrimination requirements of law in this difficult area. Unfortunately, instead of helping school districts resolve the problems of desegregation, Sections 309 and 310 offer nothing but needless confusion and a false promise of relief from a Constitutional obligation that remains in fact undiminished.

Therefore, the Administration supports deletion of the provisions.

I have taken the liberty of sending identical letters to Mr. Bow and Mr. Michel.

With kindest regards,

Sincerely,

Elliot Richardson,
Secretary.

EXPLANATION OF DEPARTMENT'S OPPOSITION TO SECTIONS 209 AND 210 OF THE GENERAL PROVISIONS OF THE FISCAL YEAR 1971 OFFICE OF EDUCATION APPROPRIATION ACT

The provisions opposed are as follows:

"Sec. 209. No part of the funds contained in this Act may be used to force any school or a school district which is desegregated as that term is defined in Title IV of the Civil Rights Act of 1964 (PL 88-352) to take any action to force the busing of students; to

> force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.
>
> "Sec. 210. No part of the funds contained in this Act shall be used to force any school or a school district which is desegregated as that term is defined in Title IV of the Civil Rights Act of 1964 (PL 88–352) to take any action to force the busing of students; to require the abolishment of any school so desegregated or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school."
>
> Last year when the Congress considered the Fiscal Year 1971 Office of Education Appropriation Act, the Administration stated its opposition to Sections 209 and 210 on several occasions.
>
> On July 20, 1970, in a letter to the Senate Minority Leader, Senator Hugh Scott, the Department indicated that enactment of Sections 209 and 210 would not alter desegregation requirements under Title VI. Nor would they restrict the authority of the Department to administer Title VI in accordance with existing procedures and regulations (Congressional Record, vol. 116, pt. 19, p. 26214).
>
> Broadly speaking, while the legal effect of the provisions is of no consequence, the Department felt and still feels that they tend to confuse local school authorities as to their responsibilities under the Constitution and under Title VI of the Civil Rights Act of 1964.
>
> A school district which has not completed its Constitutional obligation to achieve a unitary system would not be "desegregated" within the meaning of the proposed sections 209 and 210. Such a district, therefore, is unaffected by these sections. The provisions, nevertheless, tend to encourage a belief that the basic law has been changed, with the result that school districts may be misled as to their Constitutional responsibility. For the reasons stated, sections 209 and 210 are undesirable as constituting meaningless and confusing language in legislation.
>
> In addition, the major thrust in dismantling the dual school systems commenced at the start of the 1970–71 school year. Sections 209 and 210 do not arrest the implementation of court orders and HEW's enforcement of Title VI. However, instead of supporting the efforts of local authorities to desegregate pursuant to the nondiscrimination provisions of law, these sections hold out a false promise of relief from the obligation which they cannot in fact provide. The Department believes that school districts which face the obligation to desegregate are entitled to Federal support and to a clear definition of their Title VI responsibility, whereas Sections 209 and 210 are not supportive and can only confuse the issues without effecting any substantive change.

Mr. KLUCZYNSKI. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred twenty-two Members are present, a quorum.

Mr. STOKES. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, at the outset I should like to associate myself fully with the gentleman from Massachusetts (Mr. Conte). I would certainly like at this time to commend the gentleman for the excellent statement he has just made on this particular amendment. This gentleman has been a longtime fighter in trying to eliminate this obnoxious section of legislation from these appropriation bills.

Mr. Chairman, it seems to me that this Congress has a responsibility to this Nation—not to sanction further procrastination with reference to educating black and white children alike in this Nation.

Mississippi has 140 school districts; of that total, exactly 100 are still under court order to desegregate. They have spent 17 years plaguing the courts with their determination to keep segregation alive. In the fall of 1968, 6.7 percent of the black children in Mississippi attended majority-white schools. By 1969, the total had reached 12 percent. The 1970 figures have not been finalized yet.

The gentleman sponsoring the amendment contends that it is simply a restatement of the law, and as such is innocuous. My own opinion is that it is not a restatement of the law and while legally it may be innocuous its effect in confusing civil rights law is not innocuous.

Let us take a look at section 309: The language of this section is such that everyone, including the sponsor of this section agrees that it is meaningless.

The key clause in both section 309 and 310 is "a school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964." Now, what does title IV provide: "As used in this title . . . desegregation means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance." But "racial imbalance", which is the "code word" for de facto segregation, has not been the basis for legal action taken by HEW in the past under either the 14th amendment or title VI of the Civil Rights Act. HEW has always maintained, and still does, that they only fight de jur segregation which is prohibited by the Constitution and which has nothing whatsoever to do with "racial imbalance." To quote an interdepartmental memorandum from Elliot Richardson:

> Where a school district has acted to separate children on the basis of race, color, or National origin, subsequent assignments "in order to undo that separation are not assignments in order to overcome racial imbalance" as that term is used in title IV. A school district which previously established schools on a racial basis does not achieve a desegregated status until it has achieved the constitutionally required unitary school system.

Therefore, we have to look behind this smokescreen to discover the real purpose and effect of this so-called Whitten amendment. The section is designed solely for the purpose of confusing civil rights enforcement and more basically to give unwarranted and false hopes to the remaining groups of holdout school districts in the South.

I would briefly like to discuss with you the key to the reasons why this section should be struck.

Secretary Elliot Richardson's testimony before the subcommittee in response to Mr. Conte's questions:

> Secretary Richardson. Here, then, since the plan is one that is negotiated with HEW, in order to comply with the requirements of the Civil Rights Act itself and the Constitution, again funds are not being used to force the result. So it becomes possible, nothwithstanding this language, to do what is necessary in order to carry out the requirements of the Constitution. But the language, nonetheless, we think, is an undesirable clog in the appropriations process.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. Ryan, Mr. Stokes was allowed to proceed for 2 additional minutes.)

Mr. STOKES. As late as July 1970, HEW in a letter to the Senate indicated that enactment of 209 and 210 which are identically the same as 309 and 310 would not alter desegregation requirement under title VI.

And I again quote from the hearing record before the subcommittee:

> Secretary Richardson. Broadly speaking, while the legal effect of the provisions is of no consequence, the Department felt and still feels that they tend to confuse local school authorities as to their responsibilities under the constitution and under title VI of the Civil Rights Act of 1964.

The Secretary further said:

> A school district which has not completed its constitutional obligation to achieve a unitary system would not be desegregated within the meaning of these sections. Such a district therefore is unaffected by these sections. The provisions, nevertheless, tend to encourage a belief that the basic law has been changed, with the result that school districts may be misled as to their constitutional responsibility. For the reasons stated these sections are undesirable as constituting meaningless and confusing language in legislation.

Additionally Secretary Richardson said:

> These sections do not arrest the implementation of court orders and HEW's enforcement of title VI . . . these sections hold out a false promise of relief from the obligation which they cannot in fact provide.

Mr. Chairman, we have now reached another milestone in the history of school desegregation—the class of children who entered kindergarten in the fall of 1954, 4 months after Brown against Board of Education, will be graduating from college next month.

This of course means that in many sections of the South, the resistance to desegregation has now lasted a full generation—that to me seems like time enough. It is time that we get on with the business of educating children in this country. This section has nothing whatsoever to do with busing and it has absolutely nothing to do with de facto school segregation whether it exists in the North or the South. It has no applicability whatsoever and therefore should be struck.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman, I want to commend the gentleman from Ohio (Mr.

STOKES) for a very splendid statement, and for his analysis of the character of these amendments.

The Whitten amendments embodied in the Office of Education appropriation bill, H.R. 7016, show that there is some certainty in life. Like the sun coming up every morning, so do these anti-civil rights provisions appear with stultifying regularity in legislation providing appropriations for the Office of Education. These amendments are pernicious, and they only deserve deletion from the bill before us.

The Whitten amendments, embodied in sections 309 and 310 of the Office of Education appropriations bill, provide:

SEC. 309. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 310. No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

These amendments seek to impede enforcement of title VI of the 1964 Civil Rights Act by sanctioning freedom-of-choice school desegregation plans. They stipulate that no funds in the bill may be used to force busing, abolition of schools, or attendance at particular schools whether against the choice of the student's parents or as a prerequisite for obtaining Federal funds.

The effect of the amendments is to frustrate enforcement of the Supreme Court desegregation decision and the Civil Rights Act of 1964. They confuse school districts as to their responsibilities under the law, and they make it more difficult for the Federal Government to seek compliance with the law.

Equally as important, if not more so, the amendments stand as a symbol of that diehard last gasp of segregation which lingers on. The fact is that freedom of choice, which these sections espouse, is a cloak for segregated schools. Intimidation and harassment are the tools used to dissuade black parents and black children from choosing the white schools in their districts. For them, there is no freedom, when the watchword is freedom of choice.

The amendment offered by our colleagues from Massachusetts (Mr. CONTE) and Ohio (Mr. STOKES) to strike section 309 should be adopted, and the amendment which will be offered to strike section 310 also should be supported. The Whitten amendments should be buried forever.

Mr. STOKES. Mr. Chairman, I yield back the balance of my time.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

(By unanimous consent, Mr. WHITTEN was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from Mississippi is recognized for 10 minutes.

Mr. WHITTEN. Mr. Chairman, I did not interrupt those who preceded me, and I might well have done so, because some of the statements and opinions expressed by some of the speakers were completely erroneous.

In the first place, these provisions were sent down as a part of the bill by the Bureau of the Budget and by the Department of Education. What do they provide? Let me quote them:

SEC. 309. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 310. No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

Now, the preceding speakers did compliment the progress which has been made in the last year in integration, much by the Judiciary. However, the Department has been operating under these provisions, and keeping their people from making unreasonable demands in local schools, a practice which existed in my area for a number of years. It has been stated that Secretary Richardson, who I understand was called back before the committee, and that more or less it was demanded that he come back to testify in opposition to the provisions, did not voluntarily do so in his first appearance. Be that as it may, if that is or is not the case, that is beside the point.

I would like to point out to the Members that I was responsible for offering these provisions, when they were first sponsored and made a part of the bill and a part of the law. At that time the provisions were described by the local press as being sufficient to wreck everything in the world, that they would repeal the Civil Rights Act, and so forth. I am not talking about my colleagues here, but I am talking about the news media, which indicated I was just out to wreck and destroy everything that had been done by the Supreme Court. I said then that all these provisions could do was to help control the money in the bill and at least keep the Department of Education from using money appropriated for education to force busing and the other actions which are enumerated plus sending their employees around making demands.

When the Congress accepted the provisions the press took the opposite view: That, oh well, it did not make any difference anyway.

These amendments have never been one-tenth as strong as their worst enemies have said they would be, and I would also have to say that they have never been one-tenth as good as some folks have claimed. Under the rules, we are limited to this approach, and you have not read where I have made any big claims beyond the fact that at least this was a start toward sanity; toward putting education first. I do think they are important for many reasons, including that of preventing the Department of Education from stepping in, if we can get the courts to show some commonsense and put education back as the prime purpose of schools for our youngsters.

The Civil Rights Act was passed by the Congress in 1964; it defined segregation, what it is, and what it is not. Prior to that the Supreme Court had taken jurisdiction in these areas and said what the Constitution required in the way of integration. Needless to say, I differed, but we had to accept such decisions, though against our beliefs. And I will say to all of you here that these provisions did not stop the Federal courts in the exercise of any of its powers, and they do not stop the Civil Rights Act in any of its provisions, because the rules applicable here will not let me reach such laws. Again, I am limited here to limitations on this appropriation.

What they do is say: If your school district and your court have decided where your children should go to school, and if the school is truly integrated as the statutes require, then these provisions say that Mr. Richardson, Secretary of Education, cannot take his money and go down there in the face of the court order, or in opposition to the desegregation provisions passed by Congress; or in the face of a school district which is fully desegregated, and use this money and his personnel to force you to bus children against your desires. Now under section 310, can we withhold your money until you "voluntarily" do what he asks.

I will say to my friends, I have been around here a good while and I hope to stay longer and I hope to serve with you a while longer.

As it was pointed out by the gentleman from Ohio, the South is operating under court orders. We are fully integrated by court action. It does not please anybody, nor either race, and education suffers, the students suffer. My hometown has a population of about 50 percent colored or Negroes and about 50 percent white. In my last campaign I ran against a Negro citizen who had run for the State legislature. He had attended college. I sent copies of my amendments and what they would do to everybody whose name I had in the area, Negro and white, and I carried it six to one.

The schools under court order are completely integrated, may I repeat, against the wishes of nearly everyone, and the people still do not want Mr. Richardson and the Washington people sending youngsters down there, as they were doing until we wrote these provisions, and have them going around from school to school, many of them without permission of the school administrators, creating disturbances and creating additional problems that do not have to exist.

So these amendments do some good.

Let me tell you another thing these provisions do.

You know that the Department of Education was created by the Congress. I have heard lots of speeches today; but I have not heard anybody speak who did not claim that he was strictly for education—those who voted for amendments and those who voted against amendments. I take the statements of everyone of them at their face value. Today we have labored all day long providing money for education, the purposes for which the Congress created this Department.

It is not right that section 310 should prohibit Mr. Richardson from using this money for purposes other than education, to force busing, and to force you to send your children to schools that you do not want to send them to.

I say, take the money we provide and use it for education. What does this really mean? It means that they are going to have these arguments in the local areas—and they have had them. It means they are going to be settled by the school boards and the courts. But in the meantime the Congress, which provided the money for education, is going to see that Mr. Richardson sends that money down there so that education can go on while these differences get settled. That is all I have ever claimed for it. That is what it has done and such peaceful progress as we have had this year was made for the first time, because these provisions were in the law; and we made more progress throughout the Nation than in any 5 years in history because the Department of Education has kept out of it and it has been handled by the local judges—not always with my approval—and by the local school boards. We hope the courts will let up, for education is suffering. If the judges do begin to be reasonable, we certainly do not want Secretary Richardson to step in and be worse.

Again, these provisions are sound, and I cannot see for the life of me, that those of you who live in what are called de facto segregated areas and those of you in the big cities, would want to strike these provisions and leave it so that Mr. Richardson can send people to your areas and tell you where you have to send your children to school, and this he would be pressured into doing.

If he is not going to do it, this does not hurt you. If he has any idea of doing it, then you should vote to retain these provisions. To those who say it does not amount to anything—why worry about it? But it does amount to something. It keeps Mr. Richardson here handling the Department of Education and it keeps him here to send out the money to the respective areas of the country so that education may go on, while the local people who have differences and problems with the court will have the opportunity to settle those differences locally without Mr. Richardson's interference.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman.

Mr. STOKES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, in light of the gentleman's statement with reference to the fully integrated situation and the rate of progress now existing in Mississippi, would the gentleman agree that as a matter of fact that in McComb City, Miss., they reneged on a negotiated desegregation plan, and they are now being sued by the Department of Justice?

Would the gentleman agree that in Rankin County, they are now under investigation for teacher firings and segregated buses?

And that in South Pike Consolidated School District, they are under investigation for segregated classrooms?

In Amite County, they are under investigation for segregated classrooms and segregated buses?

And in East and West Jasper, they are under investigation for allowing free transfer out of desegregated schools?

And in Vicksburg, they are under investigation for segregated extracurricular activities?

In Laurel County, they are under investigation for demotion of black teachers?

In Leake County, they are under investigation for segregated classrooms and teacher firings?

Would the gentleman say that this is progress?

Mr. WHITTEN. Mr. Chairman, I do not yield further, because I want an opportunity to answer the gentleman. The gentleman has just pointed out that the Department of Justice is active in my State as are the courts. What the gentleman has pointed out shows the Department of Justice and the courts in my small State of 2 million people have taken a hundred times as much action as they have done in the State of Ohio. It is more than is being done in any of the big Northern States that you can name.

But, wait a minute. If you strike those provisions out, Secretary Richardson can withhold your money. He can force you to bus your child even though the school be desegregated. He refers to de facto segregation and de jure segregation; as a long-time lawyer, it took some stretching of the law for judges to make this distinction. Actually it is a distinction without a difference, except they wanted to bear down on my area where we have few votes, and avoid further confrontation in Chicago, Cleveland, and the other big cities of the North, where the overwhelming majority of the votes are.

I hope the Members will strike down the amendment; let us keep these provisions in the bill. They would not solve a difficult problem, but they will help.

Mr. JONAS. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. JONAS. I will not take the 5 minutes. The time is late. Members are anxious to finish this bill. I only take time to urge my colleagues to vote down this motion to strike these two sections. The arguments advanced by the gentleman from Mississippi are unanswerable, in my opinion. He makes very clear what the two sections do, contrary to what they have been represented as I intended to do.

It should be remembered and noted that this is not substantive law that we are enacting here. These sections constitute a limitation on the use of funds. That is all they do. They merely provide that no part of the funds provided in this act shall be used to force action upon school districts that are fully integrated in accordance with the provisions of the Civil Rights Act of 1964. If a school district has been desegregated as required by that act, and if the desegregation exists, this language merely denies the use of funds by a bureaucrat in Washington to force the school district to assign students to particular schools on the basis of race, color, or creed. That is just exactly what Brown against Board of Education undertook to eliminate—the assignment of schoolchildren to particular schools on the basis of race or color. It is hard to understand why people who so strongly favor desegregated schools would support a proposition that would force the school districts to assign students to particular schools on the basis of their race or color. That is exactly what the Supreme Court has been saying is unconstitutional. And that is all that these two sections do—merely denies the bureaucrats in Washington the right to use any part of these funds to force a school district to assign students to particular schools on the basis of race or color. It would seem to me that all of the people who favor school desegregation would be in favor of these two sections, and I urge defeat of the motion to strike them.

Mr. CELLER. Mr. Chairman, I rise in support of the amendment.

(By unanimous consent Mr. CELLER was allowed to proceed for 2 additional minutes.)

Mr. CELLER. Mr. Chairman, I do not agree with the distinguished gentleman from Mississippi. His proposal, while not apparently forcing anything, does have a covert purpose; namely, to discourage a unitary school system. Sections 309 and 310 are not innocent, not by a long shot.

They imply grave danger. They will add fuel to the flames of segregation.

Sections 309 and 310 have an obvious purpose—to prevent a unitary system of education, free from the evil of segregation. These sections do not say this in so many words, but that is the clear intent.

It is tragic that 17 years after the Brown decision of 1954, those opposed thereto have been able to foist upon this appropriation bill the attempt to prevent the Office of Education from carrying out its solemn obligation to desegregate the schools.

Sections 309 and 310 propose to prohibit use of busing as a means to effect desegregation. It often takes less busing to desegregate schools than to segregate them.

"The legal impact of these sections is

dubious," says the Leadership Conference on Civil Rights, "but their intent is mischievous. Their practical effect is to confuse the issue, to hold out false hopes to those who continue to resist the law and to dishearten those who want to comply with it."

As I have previously stated on the floor of the House, the Whitten amendments would encourage the evil of segregation.

Six times such amendments have come before us as riders to appropriation bills. This is not the first time. This is an unwise practice and an effort to rewrite the Civil Rights Act of 1964. That act was sponsored and floor managed by me and I shall not remain passive while it is emasculated. Every effort must be made to wipe the slate clean of these debilitating amendments.

All children, white and black, are entitled to equal educational opportunities. These sections deny this basic concept. The preponderating number of black children are still in segregated schools. Make no mistake about it. We must not move backwards.

The cry of the segregationists is "freedom of choice."

The words now used are, "No part of the funds contained in this act may be used—to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent." The courts have held this idea of "freedom of choice" unacceptable. These sections 309 and 310 might permit "freedom of choice," which issue the Supreme Court in the Green case met head on and in effect said, "Freedom of Choice" shifted the burden to Negro parents and children—a duty which belongs to school officials; namely, the duty to "convert to a unitary system in which racial discrimination would be eliminated root and branch"—391 U.S. 430, 438.

The Court continued and said that if, as an alternative to "freedom of choice," "There are reasonably available other ways, such for illustration as zoning, promising speedier and more effective conversion to a unitary nonracial school system—then—'freedom of choice' must be held unacceptable."

There has been enough, as the Germans say, "Stürm and Drang" in the passage of civil rights laws. Let us not now give up the struggle for decency and honor by these harsh sections. Let us continue the voice of Leviticus—and Leviticus, Members may remember, said—"Proclaim liberty throughout the land" to all the inhabitants thereof—not to some but to all the inhabitants thereof.

Therefore, I ask and urge that we wipe out sections 309 and 310.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Mississippi.

Mr. WHITTEN. May I say to the gentleman, there is much which can be said for his argument if I could here change the basic law. I believe he would agree that these provisions by the rules have to be only a limitation on the use of the money in this bill, which is appropriated for education, to limit what can be done with the money appropriated for education, and I could destroy the basic Civil Rights Act. It leaves the courts free to do that which they had the right to do in the beginning, and also the responsibility.

Will the gentleman agree that these amendments are a limitation on the money in this bill for education, which leaves that money available for education? It merely says they cannot use this money to force these very things provided the school is already integrated as provided by Congress.

Mr. CELLER. I have the greatest respect for the gentleman. We have served together for a great many years. Of course, that does not mean I cannot differ with the gentleman.

I must respectfully differ with the gentleman. If the language has the import he says, there is no need to have that language in the bill at all. Leave it out.

Mr. WHITTEN. The gentleman, being from New York City, the gentleman would be unfamiliar with these facts, but throughout my area prior to these provisions the Department of Education sent into practically every school two or three or four youngsters, 23 or 24 years old, who were telling them how they had to run the schools. Seldom did they have any experience as administrators. These provisions has stopped that. It is making for a better situation. In the gentleman's city he would be unfamiliar with that for the Department has not done that to you.

Mr. CELLER. I understand the Department of Education opposes these sections.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

We have been through this for a number of years. I should like to ask the ranking minority Member, the gentleman from Illinois (Mr. MICHEL) if I could gain his attention for a minute, if he has a position on the amendment the Chamber is now debating?

Mr. MICHEL. Well, I have made the point in our subcommittee, in deliberations, that I was going to stand by the committee's position. I have no really strong feelings one way or the other. As a matter of fact, even with the amendments there the Department is doing what it wants to do and everybody seems to be happy. In view of that, I just take a kind of neutral position.

Mr. CONYERS. I thank the gentleman.

I should like to ask the distinguished subcommittee chairman, the gentleman from Pennsylvania, what his position on this amendment is?

Mr. FLOOD. The amendment is in the bill.

Mr. CONYERS. Thank you.

I would hope we would join with the gentleman from Massachusetts (Mr. CONTE) and delete these provisions. In my judgement, the hypocrisy of these provisions is a disgrace to this Chamber.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The Chair will clarify the question by saying that the amendment only covers section 309. In the debate several Members have assumed it covers both 309 and 310. The vote is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE) with reference to section 309.

The question was taken; and on a division (demanded by Mr. CONTE) there were—ayes 63, noes 89.

TELLER VOTE WITH CLERKS

Mr. CONTE. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. CONTE. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. CONTE, Mr. JONAS, Mr. STOKES, and Mr. WHITTEN.

The Committee divided, and the tellers reported that there were—ayes 149, noes 206, answered "present" 0, not voting 78, as follows:

[Roll No. 53]

[Recorded Teller Vote]

AYES—149

Abourezk
Abzug
Adams
Albert
Annunzio
Ashley
Aspin
Badillo
Barrett
Begich
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brown, Ohio
Burke, Mass.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Cleveland
Conte
Conyers
Cotter
Coughlin
Culver
Daniels, N.J.
Dellenback
Dellums
Denholm
Dent
Diggs
Donohue
Dow
Drinan
Dulski
Eckhardt
Eilberg
Evans, Colo.
Fascell
Findley
Fish
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Gallagher
Gaydos
Gonzalez
Grasso
Gude
Hamilton
Hanley
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Wash.
Holifield
Horton
Howard
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Keith
Koch
Kyros
Leggett
Link
McClory
McCormack
McDade
McFall
McKinney
Madden
Mailliard
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Monagan
Moorhead
Morgan
Morse
Mosher
Nedzi
Nix
Obey
O'Neill
Patten
Perkins
Pike
Price, Ill.
Quie
Railsback
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Robison, N.Y.
Rodino
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Ryan
St Germain
Scheuer
Schwengel
Sisk
Smith, N.Y.
Stafford
Stanton, J. William
Stanton, James V.
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Tiernan
Udall
Vanik
Whalen
Widnall
Wolff
Wydler
Yates

NOES—206

Abbitt
Abernethy
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Baring
Belcher
Bennett
Betts
Bevill
Blackburn
Blanton
Bow
Brinkley
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del

Collier
Collins, Tex.
Conable
Corbett
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Dennis
Derwinski
Devine
Dickinson
Dingell
Dorn
Downing
Duncan
duPont
Edmondson
Edwards, Ala.
Eshleman
Evins, Tenn.
Fisher
Flood
Flowers
Ford, Gerald R.
Fountain
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gettys
Giaimo
Gibbons
Goldwater
Goodling
Griffin
Gross
Gubser
Hagan
Hall
Hammerschmidt
Harsha
Hastings
Henderson
Hillis
Hogan
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Kazen
Keating
Kee
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
Lujan
McCollister
McDonald, Mich.
McEwen
McKevitt
McMillan
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Miller, Ohio
Mizell
Mollohan
Montgomery
Myers
Natcher
Nichols
O'Konski
Passman
Patman
Pettis
Pickle
Pirnie
Poff
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Rogers
Roy
Runnels
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shoup
Shriver
Sikes
Slack
Snyder
Spence
Springer
Steed
Stephens
Stubblefield
Stuckey
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Ullman
Vander Jagt
Veysey
Vigorito
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

ANSWERED "PRESENT"—0

NOT VOTING—78

Alexander
Anderson, Ill.
Baker
Bell
Bray
Brown, Mich.
Broyhill, Va.
Cabell
Clay
Collins, Ill.
Colmer
Corman
Danielson
Delaney
Dowdy
Dwyer
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Flynt
Garmatz
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Haley
Halpern
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hays
Hébert
Hicks, Mass.
Jones, Ala.
Jones, Tenn.
Kluczynski
Long, La.
Long, Md.
McCloskey
McClure
McCulloch
McKay
Macdonald, Mass.
Matsunaga
Mills
Minshall
Moss
Murphy, Ill.
Murphy, N.Y.
Nelsen
O'Hara
Pelly
Pepper
Peyser
Poage
Podell
Roe
Rousselot
Sarbanes
Seiberling
Shipley
Skubitz
Smith, Calif.
Smith, Iowa
Staggers
Steele
Steiger, Ariz.
Talcott
Thompson, N.J.
Van Deerlin
Waggonner
Waldie
Wilson, Charles H.
Yatron
Zwach

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 310. No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On pages 11 and 12, strike out section 310.

Mr. CONTE. Mr. Chairman, if I can have the attention of Members, I realize the temperment of the House, as the last vote told me the story. There is no use delaying the adjournment of the House. I have not lost my desire or motive with regards to the Whitten amendment in this bill, but I will not detain the House any longer, and ask for a vote.

Mr. Chairman, I wish everybody a happy Easter.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The question was taken; and on a division (demanded by Mr. CONYERS), there were—ayes 92, noes 157.

So the amendment was rejected.

Mr. BROOMFIELD. Mr. Chairman, I doubt any Member of this body would deny the serious problems that have grown up in the impact aid program. The well-worn case of Montgomery County—one of the richest areas in the Nation, yet one of the prime recipients of impact aid—demonstrates the inequity and abuse which has come to distort the program's original intent. For 21 years now, educators, citizens, and Presidents have recommended a revision of impact aid, and for 21 years Congress has steadfastly refused to listen. This session looks no different.

The education appropriations bill we are debating today raises the administration's budget request for impact aid by $137 million. All of the additional funds will be spent on the part B category of impact aid, the category most seriously in need of change. I cannot support the committee's action in this area, and I suggest strongly that this $137 million be stricken from the bill.

The basic concept behind impact aid was, and remains sound. Local taxpayers should not be expected to bear the full cost of the education of children whose parents live on Government property. Federal installations, in contrast to privately owned property, are exempt from local taxes, which are, of course, the main source of school revenues. Impact aid was designed to provide money to school districts in lieu of property taxes.

Yet, of 2.6 million children who fell under the impact aid program in 1969, only 359,000 were category A students; children whose parents both lived and worked on Federal installations, and therefore, paid no local property taxes. The remainder, over 2.2 million, were classified as category B students, whose parents worked on Federal installations, but lived on and paid taxes for local property. As a result, impact aid to school districts with category B children was not a replacement for property taxes, but a supplement to them.

This is borne out by all our available evidence. A recent study found that districts with a large percentage of B students are characterized by better pupil-teacher ratios, higher per pupil expenditures and lower tax rates than districts with lesser Federal impact or no impact at all. One need only look at Montgomery County to recognize the truth of this description.

Literally hundreds of school districts eligible for impact aid suffer no adverse effect from the presence of federally connected children. On the contrary, a Federal activity is usually a major and much-prized economic benefit, for by raising incomes and land valuations it increases property taxes. Impact aid for these districts is just an added and unnecessary source of education revenue.

There are many, much poorer districts around the country which could well use this Federal money. The administration's special revenue-sharing program for education would see that these areas receive some help by channeling category B money directly to the States. The States, in turn, would decide what local units could best use the Federal funds. This seems to me a much fairer approach to the problem.

To increase the appropriation for part B impact aid would only perpetuate the inequities which now exist. I see little point in expanding a program that everyone recognizes as fundamentally unfair, and I urge that this section of the bill be defeated. The committee's action is a disservice to anyone who values the principal of equal education for all.

Mr. TALCOTT. Mr. Chairman, because of the delayed scheduling and of the extended debate on the education appropriation bill for fiscal year 1972, I will be forced to be absent from the House floor at the time of the vote on final passage in order to meet a speaking commitment of long standing in Des Moines, Iowa.

I, therefore, wish to be recorded as favoring final passage of this appropriation bill even though it exceeds the President's budget request by several hundred million dollars.

It is my hope that at this juncture next year, we will have adopted revenue sharing for education and that a more generous and equitable distribution of Federal funds will rebound to education—one of our most urgent unmet national goals.

Today we are caught between the increasing need for more funds for education and the critical necessity of curbing Federal expenditures in our efforts to reduce the devastating effects of inflation upon all segments of our society—including students and other young persons.

If the proposed budget is to be exceeded, education must be an appropriate place.

I believe the increase proposed by the Committee on Appropriations was thoroughly considered and it was as reasonable a resolution of a difficult and delicate dilemma as possible.

Mr. GRIFFIN. Mr. Chairman, the question of the total effect of racial integration in public schools must be faced with realism.

Two recent writings have come to my attention. They are thought provoking and deserve consideration by Government officials and the public.

The first appeared in the Washington Post on April 4, 1971. It deals with racial segregation in Boston.

The second is a paper written by the eminent scholar, Henry E. Garrett, Ph. D. Sc. D.

The writings follow:

Apartheid in Urban Schools—Boston Typifies Battle Over Integration

(By Peter Milius)

Boston.—If Boston, Mass., were Little Rock, Ark., Sen. John L. McClellan (D-Ark.) gruffly told the witness at a hearing in Washington last August, "you would be down there tomorrow."

The witness was Attorney General John N. Mitchell. He had just testified that, in his opinion, Boston's "open enrollment policy," a shaky exercise in the simultaneous appeasement of both whites and blacks on school integration, was unconstitutional.

The policy is a system under which black children are allowed to transfer out of black schools into white ones; it is a citywide invitation to integration. Yet it is also, as the senator had pointed out, a system under which white children, too, are allowed to escape into white schools if they are somehow assigned to black ones; it can and often does also lead toward segregation.

The South, as everyone in the room knew, had also had an "open enrollment policy." Its kind had been known as "freedom-of-choice," and it, too, had allowed black and white children to attend integrated schools, but only as they chose it.

Freedom-of-choice had been attacked by the Justice Department and struck down by the federal courts. What was Mitchell going to do now about open enrollment, McClellan asked.

There was nothing he could do, Mitchell said, because no Boston parent had complained.

The 75-year-old Arkansas senator exploded. "Now that," he said, "is a double standard in America today."

The Department of Health, Education and Welfare has, since McClellan's outburst, quietly dispatched a small team of civil rights investigators to this Northern city. It says today that Boston is one—the largest—of about 50 Northern school districts in which it has looked or is looking intensively for violations of the federal civil rights laws.

It is one of the ironies of today's politics that a senior Southern senator should have helped spur on these investigations. Yet the whole episode—McClellan's scathing remarks, the government's halting response—is a telling summary of some powerful new truths about school integration in this country.

The first of these truths, and the most basic, is that the integration background has shifted. Today it is in the big cities. More than 50 per cent of the nation's 6.7 million black school children now attend its 50 largest school districts according to federal figures. Technically at least, and though problems still abound, the rural and small-town school districts of the South, the scenes of the big battles of the 1960s, have desegregated. The South's classic dual school system is no more.

And in some cities, the issue is rapidly becoming moot in any case. Washington, D.C. is an example. Its school system is 95 percent black, and there is no way to integrate.

The second truth is that, however they got that way, the cities of the North and South are today the same. Little Rock is where President Eisenhower had to send armed troops in 1957 to safeguard the right of black school children to attend formerly white schools. Boston, as McClellan wryly noted at that hearing in August, "is the city often represented as the cradle of American liberty."

Yet in both today, there is something approaching educational apartheid. Blacks go primarily to black schools in black neighborhoods, white the reverse. The only apparent, immediate way to break up the pattern is to bus. But in both today, Boston and Little Rock, North and South, whites and increasingly, blacks as well, are resisting busing. For many blacks, integration is no longer the pathway to better education. Black control is.

The third truth is that integration thus is at a crossroads. Lawyers, judges, and the government used to make a distinction between "de jure" segregation—the deliberate, official kind, which is illegal—and "de facto" segregation—the kind that reflects residential patterns, and which is not illegal. The South was de jure, the North, for the most part, de facto. Yet today, in the cities at least, there is no difference between them. There is a widely recognized need for a new set of standards, one that would be both urban and national.

The Supreme Court is now trying to write such standards. It soon will decide two key urban cases, both from the South, one from Charlotte, N.C., the other from Mobile, Ala. Charlotte is busing, and has no more distinctly black schools. Mobile is not busing, and does. The President and the Justice Department are supporting the Mobile alternative. The Supreme Court must choose.

Congress also is writing a new law. It has before it President Nixon's $1.5 billion school desegregation bill. The questions are how the money should be used and to whom it should go, whether there should be pressure or a command in favor of full integration or something less. Congress, too, has to choose.

McClellan's hope, the hope of the Southerners, is that these emerging new standards will be weak ones. Their reasoning is that pressure now in the North will produce resistance now—and that, if the Bostons of the country can ultimately ward off integration, so can the Little Rocks.

In many ways, this city of historic landmarks and major universities seems an odd testing-place for school integration. It was, as every schoolboy knows, a home to the first American Revolution. It also was a breeding-ground for the second. Leading abolitionists, men who sought to strike down slavery, wrote their tracts here. In 1855, the state legislature passed a law prohibiting discrimination in the public schools. In school admissions, the legislature said, "no distinctions shall be made on account of . . . race."

In 1965, 110 years later, the state seemed at the forefront of still a third revolution. The state legislature passed another law, the Racial Imbalance Act. It was then, and remains today, the strongest school integration law in the country.

Its key provision was a simple, powerful declaration that no public school in Massachusetts could any longer be "racially imbalanced," which it defined as more than 50 per cent non-white in enrollment. A school committee (local school board) that had such schools had to balance them or forfeit its state funds.

The primary target of the act was the spreading "defacto" segregation—the kind that flows from housing patterns—here in Boston. The Boston public school system was then about 25 per cent black in enrollment. It had about 60 per cent of the state's nonwhite school children—and contained 46 of its 55 "racially imbalanced" schools.

The Racial Imbalance Act was, on paper at least, a high-water mark in the history of school integration. Time magazine printed a picture of the governor, John A. Volpe, as he "proudly" signed the bill. Standing behind him were the lieutenant governor, Elliot L. Richardson, the attorney general, Edward W. Brooke, and various others, black and white, who had supported the measure. "Another First for Massachusetts," Time proclaimed it.

Yet today that mild euphoria seems to have been misplaced. The Racial Imbalance Act has not reduced racial imbalance in Boston. The Boston public school system is no longer 25 per cent black in enrollment, but 32 per cent. It no longer contains 46 "racially imbalanced" schools. It contains 63.

The approaching racial harmony suggested by that six-year-old picture in Time also seems a thing of the past. For the last two months, a daily minimum of 1,000 black students has been boycotting the Boston schools. Their protest is not that their schools are too black, but that they are not black enough. They want more black teachers—Boston now has only 5 per cent—more black principals and additional "black studies." Ultimately, their leaders say, they want black self-determination, some form of what is commonly known as community control. Their elders, many of them committed integrationists in 1965, are for the most part quietly supporting them.

The public officials in the Time photograph also have moved on. Volpe is now President Nixon's Secretary of Transportation; Brooke, the only black U.S. senator and a first for Massachusetts. Richardson is Secretary of Health, Education and Welfare. It is another of the ironies of this case that his department is now investigating Boston. "It is," as McClellan noted with considerable satisfaction at the hearing last August, "his home."

Richardson's team began its study of Boston last November. It is not expected to submit even its preliminary report for at least another month. In a sense, the study is itself a measure of the current confusion over what the Constitution requires, and what the federal government should require. The only question before the HEW team is how much of Boston's school segregation is the result of official policies, the kind that the lawyers call "de jure." Under the law now, that is the only kind of segregation HEW can attack.

In the South, the presumption has been that all segregation is de jure, the result of the old Southern laws. Yet in cities like Little Rock, with their ghettoes, that presumption becomes increasingly hard to sustain. In the North, the presumption has been that most segregation is de facto, inadvertent and not illegal. That presumption, too, tends to fray on close study.

This city's 63 "racially imbalanced" schools are indeed a mirror of its social geography. Most of them lie well within its sprawling and spreading black neighborhoods, the heart of which is the area called Roxbury.

The school committee is able to point out that it has only 14 all-white schools, and only three all-black, out of a total of 193. Yet many others are tilted heavily in one direction or the other. Of the 31,324 black pupils 52 per cent, 16,289, are in schools 80 per cent or more black by enrollment. Seventy-six per cent, 23,893, are in the 63 schools more than 50 per cent black in makeup, those "imbalanced" under the state law.

As early as 1966, a team of social scientists from the Joint Center for Urban Studies here told both the city and state, which had solicited its views, that there was only one way to get white children into Roxbury schools, and black children out, and that was to bus.

"There is no foreseeable program," the team said, "which can eliminate more than a fraction of the racial imbalance which now exists in Boston without transporting children to schools outside their residential districts, presumably on buses."

Yet the Boston School Committee, all five of whose elected members are white, will not hear of busing, at least not on a large and compulsory scale. Nor, so far, has the state Board of Education, the agency responsible for enforcing the state law, been willing to insist upon it.

One argument against it is legal; the Racial Imbalance Act contains a partial ban on busing, nailed into it by the Boston delegation when the legislature passed it. Yet the ban, according to some civil rights lawyers, could be circumvented argument against busing is political. The former School Committee chairman, Louise Day Hicks, was elected last year to Congress, in large measure on the strength of her long record as an adamant supporter of "neighborhood schools." Her political success has not been lost on either her successors or her antagonists.

Two busing programs are in operation in Boston today. Both are privately run, both voluntary, both small and both one-way. The first, Exodus, transports about 725 black pupils out of Roxbury into white Boston schools. The other, METCO, Metropolitan Council for Educational Opportunity, buses about 1500 black children into 33 of Boston's suburban school systems. Both are financed by the state board, neither in any way by Boston School Committee.

What the school committee has put forward as a substitute for busing—and the state board has so far approved—is an anti-imbalance plan based on two lesser alternatives, one long-range, the other short.

The long-range plan is to build about 20 new and, it is hoped, racially balanced schools of two distinct kinds. The first is what the school committee describes as "magnet schools," inside the black parts of town. The second is a ring of peripheral schools on the city's black-white borders.

Both of these longer range strategies have had their problems. The first of the magnet schools, Trotter Elementary, opened in the heart of Roxbury in 1968. It was and remains a high-expenditure, experimental and fully integrated (though not quite "racially balanced") school. The blacks enrolled are drawn from the neighborhood; the whites are bused in. A measure of the school's widely acknowledged success is that it has a waiting list of both whites and blacks.

Ironically, the whites already enrolled and on the waiting list represent the problem at Trotter. Trotter was the first new school built in a black neighborhood in Boston in what some blacks say was 30 years. It opened amid protest. Roxbury blacks were unhappy that half of its seats were reserved for whites. Is it better to have 350 Roxbury children in a racially balanced school, or 700 in a new school that happens to be all-black? The question is still being asked.

The problem with the peripheral schools is also one of race and residence, but far simpler. About 18 are planned; only one has been built. The black-white borders on which some of the others were planned are moving beyond them; the ghetto is growing out faster than the schools are going up. Some of them, if they are built where planned, will be as imbalanced as those they replace.

The school committee's shorter-range plan is also in trouble; its plan for the short run is simply to persist in its open enrollment policy. The committee says it adopted the policy in the early 1960s basically as a concession to blacks. It has the effect, as in the Exodus program, of allowing black children to move out of black schools into white ones. Yet it allows white children to do the same.

The Lewenberg Junior High School south of Roxbury was 25 per cent black in 1965. It is 96 per cent black today. The School Committee says the school was transformed only when the neighborhood was. Neil V. Sullivan, the state's commissioner of education, says the school was transformed first.

The open enrollment policy, Sullivan testified before a Senate committee last May in Washington, "permitted these middle-class children to escape from that school, continue to live in their community but go to all-white schools in Boston on the periphery."

It was Sullivan's testimony in May that led to McClellan's outburst last August, and that may be the ultimate irony of school integration in Boston. For Sullivan is perhaps the nation's leading practicing apostle of school integration. He is also, by his simple presence, the one good reason for thinking that school integration may yet come to pass here.

The commissioner came to Massachusetts in 1967 from Berkeley, Calif., which he had built into one of the most integrated major school systems in the country today. The Racial Imbalance Act helped to attract him; he is now in the process of cracking down, and trying to make its terms come true.

There are two other school systems in the state that have, in proportion to their size, major problems of racial imbalance. They are Springfield and New Bedford. The state board is insisting that both eliminate all their imbalance by next September. The tactic is ancient: Smaller fish first, the largest last.

Late last year, at Sullivan's urging, and at HEW's, too, the state board also ordered Boston to rewrite its open enrollment policy. Transfers would only be allowed if they reduced imbalance. Whites in black schools would have to stay, or not stay in the system.

The School Committee has threatened to take the state board into court. So far it has not.

Boston's only black city councilman, Thomas Atkins, who plans to run for mayor this fall, thinks Sullivan may have come too late. "At time when the problem was solvable," he says of the state Board of Education, "they were unwilling. Now they're willing, and it's unsolvable."

Whites here have their suburban schools, Catholics a huge parochial system, which in the city of Boston alone has an enrollment of about 30,000. Blacks, too, have now begun to develop "alternative schools," there are three now, privately run, hard pressed for funds, predominantly black, in the Roxbury area.

Atkins' solution, much like that of the boycotting black students, is to carry these black alternatives one step further, toward a form of "community control."

Six years ago, Atkins, like other blacks, was calling for integration of the Boston public school system. Today, again like other blacks, he is calling instead for its dissolution.

"There is no reason why, if a (suburban) town is capable of running its own school system," Atkins says, "a big-city neighborhood is not. It's a fiction. We have to break down the concept of centrally administered systems."

Sullivan's answer is to generally recall something Robert F. Kennedy once said:

"If we don't have people of different colors and religions going to school together, we will have local school boards that are all black power or all middleclass Negro or all Irish or all Italian. They will put themselves in concrete, and we will never have any possibility of achieving a relationship among various ethnic groups."

In Sullivan's view, it is all quite stark. "The base of this whole thing," he says, "is the survival of the democracy."

HEREDITY'S THE CAUSE OF RACIAL DIFFERENCES IN INTELLIGENCE

(By Henry E. Garrett, Ph. D., Sc. D.)

By now it must be obvious to all but the most thoroughly indoctrinated that school desegregation has failed miserably. Our public schools are a mess. Washington public schools, for instance, once heralded as the showpiece of integration, are now 95 percent Negro, and have all but ceased their function as educational establishments; they have become custodial institutions in which teachers fear for their lives.

And these schools are not exceptional. Wherever massive race mixing takes place, demoralization follows disorganization. New York City schools, once boastful of their high quality are hovering on the brink of ruin. Day by day, reports are heard of truancy, of stealing, of vandalism, and violence, all inspired by the false theories of the integrationists coupled with an incredible lack of discipline. The reports we do not get are far more numerous and, one suspects, far more critical, than those that make the newspapers—which systematically conceal the true conditions.

Thus, despite grandiose promises of "quality education", despite massive doses of taxpayers' money, our public schools are in deep and worsening trouble. Many indeed, have become Blackboard Jungles.

We are entitled to ask whether this state of affairs is necessary; how it came about and why we tolerate such madness now that the situation is apparent to even the casually interested.

Was it brought on by a misreading of the Negro's intellectual and temperamental gifts? Or is it, as we have been told, the result of invidious discrimination, oppression, prejudice, lack of incentives, and slum living?

There are two theories of why the Negro pupil lags. The first, the *genetic* view, would lay the blame on heredity. The *environmentalists* lay the blame on the environment.

We shall examine, in turn, these two views.

GENETIC THEORY

The *genetic* view holds that there are innate (inborn) differences between Negro and White. This theory is based upon the *genes*, those minute units (carried by the chromosomes) that are to be found in the cells of the human body.

Man has 46 chromosomes, of which 23 come from each parent. Hence, we resemble both parents—even grandparents and more remote ancestors, though not necessarily in like degree. Among those factors that are genetically determined are the body structure (height and weight), the glandular system, sex, hair and eye color, perception, level of intelligence and potential for learning.

Those who espouse the genetic theory are often labeled "racists" by those who deny the theory's validity. When used in this sense, the word becomes an epithet and is both incorrect and abusive. Such name calling is a true measure of the weakness in the argument of those who would deny the evidence encompassed by the genetic theory.

ENVIRONMENTAL THEORY

The other theory of race differences puts the burden on the environment. This is the view that *all* children have the same native potential and can learn at the same rate. This equalitarian dogma is largely a matter of faith, of wishful thinking. It makes a bow to heredity but argues that the undeniable differences between the races arise almost, if not entirely, from environmental pressures, many of which are under our control.

This paper holds that equalitarianism is dead wrong on both counts. Black and White children do *not* have the same potential, they do *not* learn at the same rate, and environment is not the sole cause of non-achievement.

It should not be thought from the above that *all* Negroes reason less well than *all* Whites. At least 1/6th of the Negroes do better than the average White of the same age—but 5/6ths do not.

We shall present the facts that amply support this view, that of heredity. The evidence comes from many sources, from biology, genetics, anthropology, psychology, and history.

BIOLOGICAL EVIDENCE FOR THE HEREDITY VIEW

1. *Anthropology & Biology:* Carleton Coon, past president of The American Anthropologi-

cal Association, describes five races of mankind, of which the White (Caucasoid), Yellow (Mongoloid), and Black (Congoloid) are by all odds the most important.

Arguing from fossil remains and anthropological research, Coon believes the Negro race is less well advanced in the evolutionary sense than is either the White or Yellow race; perhaps by as much as 200,000 years. This means that the Negro is *immature* vis-a-vis the White and Yellow races. Other evidence confirms Coon's opinion. Breeds of dogs correspond roughly to human races. Through selective breeding, dogs are bred to vary from the excitable terrier to the placid St. Bernard; from the slow-moving dachshund to the fleet greyhound. Man does not vary as much as do these carefully-bred dogs, but he differs markedly *inter se*, owing primarily to gene mutation plus nutrition, climate and disease—the same factors that alter dogs, or sheep, horses, or cattle. This is natural selection and is to be observed most dramatically, among humans, in pygmies or the Australian aborigines.

2. *Brain Physiology & Biology:* The Negro brain is slightly smaller than the White, but the difference is not great and there is much overlap. However, Connelly[3] has reported the Negro brain less fissured and less complex than the White. Vint[15] found reduced thickness in the frontal cortical brain layers. These brain areas are the latest evolutionary development and are operative in reasoning and abstract thinking.

3. *Body Growth & Development:* J. C. Carothers has advanced the theory of lazy frontal lobes to explain the backwardness of the Negro. He has written that the "peculiarity of African Psychiatry can be envisaged in terms of frontal idleness" (p. 157). Carothers, long a British physician in East Africa, believed the African to possess a mind more auditory than visual. He wrote that the African with his lack of synthesis must therefore use his frontal lobes very little. Most of the Negro's activity is sensory and motor.

Geber in a careful study of 107 African babies, found the rate of physical growth to be far more rapid than that of European babies. This growth advantage, Geber found, was lost at about three years of age; the Whites, thereafter, far outstripping the Blacks. Such accelerated-growth findings is in harmony with the work of the American psychologist, Kellogg who raised a chimpanzee in his home with his son. At first, the chimpanzee led the human in coordination and muscular development. But soon the child overtook and far outstripped the animal.

In general, intelligence is greater in species which develop more slowly.

All of this evidence shows the average Negro to be biologically *immature*, vis-a-vis the White; his brain is less well developed, his rate of growth rapid at first, then greatly retarded.

4. *Twins:* Over the past 25 years, numerous students have assigned to heredity 75-to-80 per cent of the differences in ability among children. These findings have grown out of the study of twins.

There are two sorts of twins, *identical* and *fraternal*. Identical twins arise from the double fertilization of a single ovum (egg) and have the same, or almost the same, inheritance. Fraternal twins arise from fertilization of two eggs and are compared with identicals. Identicals, however, provide the basic hereditary data.

In England, Burt and Darlington have assigned an even larger proportion of ability differences to heredity (90 per cent). Most recently, Jensen has received much publicity by rediscovering the large hereditary component in twins. Osborne has shown that mental test variables are inherited with the same strength as are physical and psychological measures.

Differences in mental traits between the races are not 100 per cent, as some people seem to think. Negroes do as well as Whites—perhaps better—on rote memory, and are quite verbal. However, they lag consistently when reasoning (mental manipulation with abstract symbols—numbers, ideas, etc.) is required.

If one group (race) is consistently ahead of another it is, unquestionably, different from the other. The equalitarians admit to this difference—they can hardly do otherwise—but it enrages them to speak of such differences as manifestations of "superiority", much as it might enrage a person who supports a "soft" currency to be told his money is "inferior" to the holder of "hard" money. They point to the dollar sign" on each and take their stand there.

PSYCHOLOGICAL EVIDENCE FOR THE HEREDITY VIEW

1. *Children:* There have been numerous comparative studies of Negroes and Whites on mental tests. These are usually not as convincing as is the biological material, because mental tests are subject to varying interpretations. Their general trend, however, is unmistakable.

Kennedy, von Riet, and White[11] measured individually the intelligence of 1,800 Negro children, five to 14 years of age. The 1960 edition of the Stanford-Binet was used and an IQ determined for each child. The average Negro IQ was 80; White, 102. Only five per cent of the Negro children achieved IQs above the average White, whereas 89 per cent of Whites scored above the average Negro child. Only 1-to-3 per cent of Negroes (as opposed to 15 per cent of Whites) can do acceptable college-level work.

Osborne measured the intellectual and educational growth of more than 800 Whites and Negroes over four grades: Fifth, Sixth, Eighth, and Tenth. The average IQ (group test) was 80; that of Whites, 103. The following table (Table 1) shows the average grade placement in reading and arithmetic for 1,000 White and 900 Negro pupils. (Only the Eighth and Tenth grades are shown).

TABLE I.—DIFFERENCES IN WHITE AND NEGRO PUPILS IN READING AND ARITHMETIC

	8th grade		10th grade	
	Reading	Arithmetic	Reading	Arithmetic
White	7.7	8.0	9.6	9.5
Negro	5.6	6.0	6.4	6.4
Negro lag[1]	2.1	2.0	3.2	3.1

[1] Thus, the Negro lag is seen to be 2 to 3 grades.

The author has verified these results in testing 2,000 Negro and White pupils in the Seventh Grade of a Virginia city. He found the Negro lag to be closer to three grades than two. Teachers of the children participating in this study had received the same training in reading methods and had the same supervisor.

It is often claimed by well-meaning (but uniformed) people that the Negro is disadvantaged and that his backwardness comes from lack of "equal opportunity". This generous opinion, unfortunately, is quite fallacious. Opportunities are never equal unless those who face them have the same *potential* ability—the same inherited traits. The *same* opportunity offered to a dull boy and to a bright boy is not—and cannot—be equal. True enough, training will often improve the social acceptability of a retarded child but training can never make him "smart".

Evidence that training does improve but does not equalize is given in Shuey's monumental study. *The Testing of Negro Intelligence*, 2nd edition. This book reviews *all* of the comparative racial studies over the past 50 years, about 400 of them. Mean differences for the White over the Negro were found for school children, college students, adults, deviates, and delinquents.

There is, to be sure, an overlapping of 10–15 per cent, i.e. 10–15 per cent of Negroes do as well or better than the average White. (Equality demands 50 per cent overlap). But the mean differences persist. One is forced, therefore, to conclude from the regularity and persistency of the results under all sorts of conditions that the evidence is strong (it is *all* the evidence there is) of a genetic basis for test differences.

A final study may be mentioned in which environmental factors have been equated as far as possible. Out of a total of some 3,000 high-school seniors in New Jersey and Pennsylvania, McGurk selected 213 Negroes and 213 Whites who could be matched for age, sex, course of study and for 11 socio-economic factors. Each student was given a test of 74 items, 37 of which were identified as *cultural* and 37 as *noncultural*. This two-fold classification was based on the opinions of 78 judges trained in psychology who sorted the more than 200 items. When the upper 25 per cent of each racial group was studied (53 Negroes and 53 Whites), the Negro overlap was 18 per cent. According to equalitarian theory, the overlap of these highly-selected Negroes (those most cultural) should have been far greater than the 15 per cent usually found in random groups. It was not.

2. *Adults:* For 50 years the Armed Forces tests (chiefly tests of abstract intelligence) have been administered to Negro and White recruits. Results for the latest (1966) testing are remarkably in accord with results for children in Table 1. Nationwide, 19 per cent of young White adults and 68 per cent of young Negroes have failed to pass the tests. Just 12 per cent of Negroes scored as well or better than the average White. This in close agreement with the 15 per cent for children. Some specific results of the Armed Forces tests are:

(a) About 75 per cent of Whites fall in Groups I, II, and III (see Table II). In contrast, 22 per cent of Negroes fall into these groups.

(b) About 25 per cent of Whites fall in score-groups IV and V (the lowest levels), whereas 75 per cent of Negroes place in these groups.

(c) The two top brackets contain 40 per cent of the Whites and about 4 per cent of the Negroes.

TABLE II.—NEGRO AND WHITE DRAFTEES RANKED IN MENTAL TEST CATEGORIES

	In percent—		
Mental groups	White	Negro	
I superior	7.6	0.3	25 times as many whites as Negroes.
II high	32.1	3.3	10 times as many whites as Negroes.
III average	34.6	18.2	Twice as many whites as Negroes.
IV low	16.0	38.2	Twice as many Negroes as whites.
V borderline	9.1	37.1	Four times as many Negroes as whites.

Source: American Education, U.S. Department of Health Education, and Welfare, Office of Education, October 1966.

A man's education and work history were also considered in his acceptance into the Armed Forces.

Results for young adults in college show the same Negro-White differences found in the public schools. The New York Times, September 9, 1967 carried a statement from Governor Kirk of Florida that only 38 per cent of White high-school seniors in his State were able to pass college-entrance examinations. Only 2 per cent of Negro high school seniors were able to pass. According to Science (1967) only 5 per cent of Negroes in Michigan University scored in the upper 25 per cent of White students despite careful selection.

3. *Federal Studies Confirm Genetic Theory:* Three massive and expensive documents prepared under government auspices in an attempt to "prove" the equalitarian dogma. These studies are called *Project Talent* (1963); *Equality of Educational Opportunity* (1966); and *Racial Isolation in the Public Schools* (1965). They cover tests given elementary and high-school students. Testing was nationwide and sampling adequate. Detailed results follow:

(a) On 19 tests predictive of schooling, the trend was consistently downward as per cent of Negroes in classes increased. Losses of from 20 per cent to 80 per cent were registered in classes from all-White to all-Black. This in reasoning tests as well as in nonverbal tests. Losses in the East were slightly less than in the South.

(b) Quality of housing did not affect the scores, atlhough it was predicted it would. In fact, in all-Negro schools, tests were actually *higher* in housing rated as of low quality than in housing rated medium and high quality.

(c) Drop-out rates and absenteeism increased in direct proportion to the number of Blacks in the school.

(d) Despite the American Indian's deplorable environmental restrictions, the Indians exceeded the Negroes in most scores.

(e) Only 15 per cent of the Negroes did as well as the average White student—a consistent finding.

(f) Improved performance by Negroes in White schools sometimes occurs when the Negroes are highly selected and brighter than those left behind. This improvement-by-picking-the-best is often improperly reported as the "typical finding".

So far as isolation affecting the Negro's performance, there are at least three groups that have been discriminated against and isolated as much or more than the Negro. These are the American Indian, the Jew, and the Chinese.

The Indian seems to prefer his own way of life apart from the White man and his civilization. Even so, he performed better on the mental tests in Federal studies than did the Negro.

The Jew has made his way despite obstacles, and we find Jews leading in business, science and the arts.

The Chinese, who are as high in tested intelligence as the Whites, never needed special incentives or "Head Starts" to appease them or have them "Catch Up".

Valiant efforts have been made to show that Negro-White differences can be eliminated by the use of special techniques. Remedial reading, enrichment programs, Higher Horizons, Community Zoning, Head Start, all represent these attempts. None has enabled the Negro to "Catch Up", despite the expenditure of much time and money. Only Head Start has had limited success. That came in teaching cleanliness, better manners and health habits.

DIFFERENCES IN HISTORY AND TEMPERAMENT

History: Despite glowing accounts of ancient African achievements, over the past 5,000 years the history of Black Africa is a cultural blank. South of the Sahara Desert, until the arrival of other races, there was *no literate civilization.*

Consider these facts: The Black African had no written language; no numerals; no calendar; no system of measurement. He did not devise a plow nor wheel, nor did he domesticate an animal; he built nothing more complex than a mud hut and thatched stockade. The Black African had no external trade except in slaves of his own race, in ivory, and (on the West Coast) in palm oil and mahogany. His system of cartage was the human head.

Instead of the legend of the happy savage basking in the shade of a friendly tree, the actuality was a miserable creature wracked by disease, by beasts and humans alike. The extreme cruelty of the Black African toward his own kind has often been commented upon by travelers.

Temperament: Civilized behavior arises almost as much from temperament and personality as from ability to learn. *Differences* between the races is nowhere better illustrated than in these areas. The crime rate of the Negro in the U.S.A., for example, is staggering and the cost of policing his unlawful acts is greatly disproportionate to both his numbers and his ratio in our total population. A recent FBI report shows that *per capita*, the Negro:

Had 10 times as many illegitimate children as White people;

Committed 13 times as many murders and manslaughter;

Committed six times as many robberies; and

Committed 10 times as many rapes and assaults.

COMMENT AND SUMMARY

It is clear that the case for genetic differences is as strong as a scientific case in the social sciences can be. Even if not conclusive, the fact that the Negro pupil is on the average 10–20 IQ points behind the White, and lags 2-plus grades in elementary school and up to four grades in high school is enough to render massive desegregation untenable and in any productive sense, unworkable.

In physical and motor skills, athletic prowess, the Negro often equals or exceeds the White. (This is especially true when the Negro is mulatto). But in man's most recent—and most valuable—acquisition, namely, the ability to think in the abstract, to reason with concepts, to use symbols (words, numbers, diagrams), to solve problems, the average Negro is immature (closer to childhood) than the White.

The official doctrine of HEW is equalitarianism. In its view, heredity counts for little, environment for all (or almost all) variability. This view has required all sorts of rationalizations to explain away Negro nonachievement.

Some of the "explainers" are fanatic idealists who cannot accept the fact that all men are *not* created equal; some are pragmatic politicians looking for votes; some are ordinary, uninformed or misinformed people; and some are unprincipled propagandists.

None is right and all are wrong. Several years ago, the Nobel laureate, Dr. William Shockley, proposed to the National Academy of Sciences that a straight-forward attack be made on the probable genetic basis for race differences. He was voted down by members who fell into one or more of the above-listed categories.

A Boas disciple, an anthropologist named Ashley Montagu, has written that "Great kingdoms were in Africa while many White men were still savages".

About one-third of that statement is true. There were, to be sure, three African kingdoms, savage kingdoms, in West Africa in the Middle Ages. They left no real art except a few bronzes whose artistic merit is questionable. They left no music, no literature, and no science. There is no history of early Africa written by an African—for the good reason that there was no literacy in Africa. Their means of communication were severely-limited, spoken dialects. What was written of early Black African history was produced by Arabs or by Europeans.

The inescapable fact is this. The policy of our Federal government turns not on better education for the Negro but upon racial *amalgamation* or absorption of the Negro by the White.

This policy is the crowning insult—to the Negro. It holds that he cannot go it alone, that he cannot compete successfully.

The "Chocolate Colored Compromise" liberals speak of so glibly, if effectuated, would lead to another Brazil with its incredible slums, chaos, and lack of true progress. The news media, especially TV, represents Negroes in social situations with Whites usually in a token fashion. Such Blacks are in fact highly-selected, light-skinned Negroes. Rarely are they African blacks and these are worked into a scene with no purpose other than to have them there. Every effort is exerted to make such artificial and obviously staged activities seem natural and usual. They fool no one—least of all the Negroes.

For all such artificialities, racial integration in the U.S.A. is an impractical dream. It is not desired by either White or Black. If it were, racial amalgamation would already have been achieved.

Sir Arthur Keith, eminent British anthropologist of a generation ago, believed that races have a natural antipathy to one another which prevents extensive commingling. Instinct is out of fashion today as an exploratory concept but one doesn't have to accept instinct to agree with Sir Arthur. Youngsters of one race are so strongly conditioned to members of their own kind they quite often find members of another race unattractive if not downright repulsive.

An interesting observation on so-called integration comes from an unusual source, namely, from W. H. Ferry, vice president of the left-wing Fund for the Republic. Ferry is quoted in the *Liberator Magazine:* "The United States is a White Man's country conducted by White customs and laws for White purposes . . . Integration in the U.S. is a sentimental not a doctrinal idea. Racial integration in the U.S. is impossible. If we in Whitetown had ever really wanted integration we would have rushed to achieve it. Finally, we shall have to learn how to run a separated society. Since we cannot have integration we must have something".

Ferry's observations come very close to recognizing the ineradicable nature of racial differences.

Even the Supreme Court is unknowingly a supporter of the genetic theory of race differences—though it probably does not intend to be. In the desegregation decision of 1954, the court ruled that regardless of teacher training and adequate school facilities, Negro children could not get a decent education by the sheer fact of being separated from White children. In fact, the Court said that separate education was "inherently inferior."

Besides being a first-magnitude blooper in logic, this statement is a cruel insult to the Negro (no White children, "inherently-inferior" education) and is a *racist* decision in the correct meaning of the term. Apparently, the justices believed—at least, what they *said*—is that a Negro child cannot learn as well as he might unless he is in class with White children, from whom presumably he will absorb wisdom otherwise unobtainable.

RECOMMENDATIONS

In the present state of chaos in our public schools, a new and drastic approach is certainly to be recommended. Environmental theory has wrought havoc; why not try a "new" set of premises in terms of genetic theory? Suggestions are as follows:

1. Institute separate and equally-well-equipped schools for Blacks and Whites, wherever feasible. This would clearly not be workable, nor would it be necessary in Vermont, say, or the Dakotas where there are few Negroes, but it would be workable in Alabama.

Let the Blacks run their own schools; let them appoint principals and teachers, set up courses of study and conduct programs of their own choice. Then get the Federal government completely out of the field of race relations because the element of coercion, the essence of government, is the cause of most of the damage.

Many Blacks—probably a large majority—would welcome such a program if it were properly presented. When the Negro goes to a school as well equipped as that of his White neighbor, when teachers are of his own race and when the athletes and societies are from his own group, he may well develop that pride of race about which so much is said and so little done. Left alone, "consciousness of kind" will lead a Black or White to seek the company of his own race.

2. Separate facilities would prevent the sort of divisive occurrences that have been recently reported from various places: Demand for more books about Blacks; about Black (as opposed to *American*) history; "soul" food; Black teachers, and the like. One Negro girl, grown antagonistic *because of* classroom integration, refused to be treated by a White physician and demanded, instead, a Black one. Such instances would not occur if Blacks (as well as Whites) were allowed to govern sensibly their own affairs.

3. Under this plan, of course, there would be an immediate abolition of busing as a school problem, as well as the idiotic "racial quotas" which must be revised almost as soon as set up. No other racial or national group has demanded quotas—in fact, they have abhorred quotas. Busing school children to achieve the "proper mix" is as asinine as it is useless.

4. Trends toward a return to separate-but-equal are appearing with an increasing regularity. Government-inspired loans that are being made to encourage Negro businessmen to set up hotels, restaurants, stores, etc., are evidences of this fact. They, *naturally*, tend to be established in Black neighborhoods. Most Blacks, understandably, do not prefer living among Whites (unless goaded or bribed), just as most Black children prefer Negro schools unless induced to attend a White school.

A growing number of Negroes, in a position of leadership, have come close (and are coming closer) to the acceptance of this reality. Roy Innis,[17] National Director of The Congress of Racial Equality, and himself a Negro, has said: "Neither (the Republican nor the Democratic) administration has really dealt with the fundamental issues affecting the Black community: the institutions, the need for a basic restructuring of organizations and the transfer of management and control from people outside the Black communities to the people inside those communities."

That, in a word, is separateness. The sooner we let the Negro break away from paternalism and stand on his own feet, the happier and more peaceful the whole country. The alternative is chaos.

Mr. GROSS. Mr. Chairman, this bill calls for the spending of $4.8 billion in the next fiscal year and that is an increase of more than $280 million over the spending for the same purposes this year. This is unacceptable at a time when the Federal debt has crossed the $400 billion mark and there will be a deficit of some $20 billion this year and a far greater deficit next year.

One of the most unacceptable, in fact, reprehensive provisions of this bill is the $600 million for so-called impacted school aid. That is an increase of $56 million over spending for the same purpose this year and no less than $167 million above the President's budget.

Impacted school aid is one of the most abused programs operated and financed by the Federal Government. It filches the pockets of taxpayers in the Third Congressional District of Iowa to pay for the costs of educating children in such areas as Montgomery County, Md., which is conceded to be the wealthiest county in this country. There is no more reason for handing out millions of dollars to this county and similarly located counties in Virginia than there is in sending impacted aid to schools on the moon.

Instead of an increase in spending for this purpose, common sense, decency, equity, and financial responsibility dictated a drastic cut in these funds.

Since these and other cuts were not forthcoming, and in view of the desperate financial plight of this Government, I have no choice but to vote against the bill.

Mr. RARICK. Mr. Chairman, we are today considering H.R. 7016, a bill making appropriations for the Office of Education and related agencies and for other purposes. The debates and appeals in support of the bill all relate to the appeal for more Federal funds to improve educational facilities and to guarantee every American child a good education.

Without even touching on the constitutionality of Federal control of education or the shambles that public education under such control now finds itself in in my area of the country, I do think it is safe to call to the Members' attention that HEW is involved in other areas than quality education and likewise that this bill includes more than what many of us have come to accept under the definition of education.

Under title 2, for example, is an authorization of $30 million to enable HEW to make payment to the Corporation for Public Broadcasting. I do not recall having received a single letter from any of my constituents that they could not exist without Sesame Street and similar psychological educational television programs which are or at least border on brainwashing of our American children. Likewise, I have heard many complaints against such educational television giants as Pacifica Corporation, which according to Barron's magazine of last month, was awaiting approval of several of its licenses until it received HEW funding for its facilities. Few, if any, who have ever seen the Pacifica exhibitions would classify its programs as educational unless one believes in the bizarre, the immoral, and the extreme antithesis of everything that is accepted as good, decent, and American.

Without mentioning the $3 million authorized for educational activities overseas, which would be paid for by U.S. currency which our benevolence prohibits us from regaining, I do think that the Members should all be aware that this afternoon's paper carries a most unusual report of activities of HEW employees in HEW buildings. In short, the Office of Education is showing anti-American war films produced by the Vietcong and its political arm, the National Liberation Front, and in the Health, Education, and Welfare Department auditorium and other rooms of the Department. Since the Vietcong are the Communist military terrorists who are and have been killing Americans in South Vietnam as well as our South Vietnam allies, it is extremely difficult to understand how or why any Member of this body could understandably support this bill, at least until such time as the HEW people police themselves to act like Americans, even if some are not. Showing of the enemy's war films to our educators who are responsible for the textbooks, the curriculum and supervision of our Nation's schools hardly seems like an educational function which should be supported by the U.S. taxpayers.

Then too, approval of this bill can but be considered an approval of the past record of deterioration in education by continuing such HEW-endorsed activities as sensitivity training, race relations, and socialistic mental conditioning.

While many are talking about the good to come from this bill, I see but the pernicious effects of the past and more of the same.

I cannot be a party to funding such a movement and must cast my people's vote "no."

I insert a news clipping:

SHOWINGS SET OF VIET CONG FILMS AT HEW

A series of anti-American war films produced by the Viet Cong and its political arm, the National Liberation Front, will be shown to employees of the Department of Health, Education and Welfare starting tomorrow.

The programs are sponsored by the HEW Action Group, department officials said. Showings will be in the department auditorium and other rooms.

The program of films is entitled the "Indochinese Film Festival." Titles are, "The People's War," showing North Vietnam under war conditions; "Time Is Running Out" and "Struggle for Life."

The series also will feature a talk by Rennie Davis, one of the defendants in the Chicago Seven conspiracy trial and a leader in the anti-war movement.

Flyers announcing the film series were distributed to HEW employees as they arrived for work today.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

PERSONAL ANNOUNCEMENT

Mr. PEPPER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I merely wish to state that I was unavoidably detained and missed the last teller vote on the deletion of the Whitten amendment, rollcall No. 53. Had I been present, I would have voted "aye."

The CHAIRMAN. The RECORD will show the gentleman's statement.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7016), making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. FLOOD. Mr. Speaker, I move the previous question on the bill and on the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. FLOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 355, nays 7, not voting 70, as follows:

[Roll No. 54]

YEAS—355

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conte
Conyers
Corbett
Cotter
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
duPont
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Griffin
Gubser
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanley
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Lujan
McClory
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKevitt
McKinney
McMillan
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Vander Jagt
Vanik
Veysey
Vigorito
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—7

Ashbrook
Crane
Gross
Hall
Rarick
Saylor
Schmitz

NOT VOTING—70

Alexander
Anderson, Ill.
Baker
Bell
Blanton
Bray
Brown, Mich.
Broyhill, Va.
Cabell
Clay
Collins, Ill.
Colmer
Corman
Danielson
Delaney
Dowdy
Dwyer
Edwards, Calif.
Edwards, La.
Esch
Fish
Flynt
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Haley
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hays
Hébert
Hicks, Mass.
Jones, Ala.
Jones, Tenn.
Long, La.
Long, Md.
McCloskey
McClure
McCulloch
McKay
Macdonald, Mass.
Matsunaga
Mills
Minshall
Moss
Murphy, Ill.
Nelsen
O'Hara
Pelly
Poage
Podell
Roe
Rousselot
Sarbanes
Seiberling
Shipley
Skubitz
Steele
Steiger, Ariz.
Talcott
Thompson, N.J.
Ullman
Van Deerlin
Waggonner
Waldie
Yatron
Zwach

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Bell for, with Mr. Rousselot against.

Until further notice:

Mr. Thompson of New Jersey with Mr. Anderson of Illinois.
Mr. Hays with Mr. Minshall.
Mr. Hébert with Mr. Bray.
Mr. McKay with Mr. Baker.
Mr. Seiberling with Mr. McCloskey.
Mr. Waggonner with Mr. Skubitz.
Mr. Alexander with Mr. McCulloch.
Mr. Blanton with Mr. Nelsen.
Mr. Danielson with Mr. Fish.
Mr. Edwards of California with Mr. Pelly.
Mr. Flynt with Mr. Broyhill of Virginia.
Mr. Moss with Mr. Esch.
Mr. Matsunaga with Mr. McClure.
Mr. Van Deerlin with Mr. Talcott.
Mr. Shipley with Mr. Harvey.
Mrs. Hicks of Massachusetts with Mrs. Dwyer.
Mr. Cabell with Mr. Zwach.
Mr. Corman with Mr. Steele.
Mr. Delaney with Mr. Grover.
Mr. Gray with Mr. Brown of Michigan.
Mr. Green of Pennsylvania with Mr. Steiger of Arizona.
Mr. Macdonald of Massachusetts with Mr. Hansen of Idaho.
Mr. Jones of Tennessee with Mr. Jones of Alabama.
Mr. Yatron with Mr. Collins of Illinois.
Mr. Clay with Mr. Podell.
Mrs. Green of Oregon with Mr. Haley.
Mrs. Griffiths with Mr. Sarbanes.
Mr. Roe with Mr. Murphy of Illinois.
Mr. O'Hara with Mr. Long of Louisiana.
Mr. Waldie with Mrs. Hansen of Washington.
Mr. Colmer with Mr. Long of Maryland.
Mr. Dowdy with Mr. Edwards of Louisiana.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I have three unanimous-consent requests.

First, Mr. Speaker, I ask unanimous consent that I may be permitted to revise and extend my remarks that were made on the bill that has just been passed, and to include extraneous material and certain charts and statistics.

Second, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, and to include extraneous material.

Third, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the so-called Hathaway amendment, in the Committee of the Whole today.

The SPEAKER. Is there objection to the several requests of the gentleman from Pennsylvania?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. BEVILL. Mr. Speaker, I was unavoidably delayed in getting to the floor of the House for the vote on rollcall No. 52, known as the Hathaway amendment. Had I been present, I would have voted for the Hathaway amendment.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have requested this time for the purpose of asking the distinguished majority whip the program for the rest of this week, if there is any so scheduled, and for the week following the Easter recess.

Mr. O'NEILL. There are two messages from the President which will be presented to the House, and there is no further business other than that.

The House will adjourn to meet on Monday, April 19.

The legislative program for the week of April 19, 1971, is as follows:

On Monday, there will be a call of the Consent Calendar.

Two bills will be taken up under suspension of the rules:

H.R. 1534. Amend sections 320 and 321 of the Immigration and Nationality Act.

H.R. 1535. Amend section 312 of the Immigration and Nationality Act.

Tuesday is Pan American Day.

The Private Calendar will be called.

H.R. 5352. Supplemental Maritime Authorization for fiscal year 1971 will be considered under an open rule with 1 hour of debate, on which a rule has been granted.

H.R. 4724. Maritime Authorization for 1972 will be considered under an open rule with 1 hour of debate, and the rule has been granted.

On Wednesday:

H.R. 5376. Accelerated Public Works Act under an open rule with 2 hours of debate, and the rule has been granted.

For Thursday and the balance of the week, the program is as follows:

H. Res. 28. To provide funds for the Committee on the District of Columbia.

H. Res. 282. To provide pay comparability adjustments for certain House employees whose pay rates are specifically fixed by House resolutions.

H. Res. 288. To provide funds for the Foreign Affairs Committee.

H. Res. 320. Transferring jurisdiction of the Subcommittee on Foundations of the Select Committee on Small Business to the Committee on Banking and Currency.

H.R. 6444. Railroad retirement annuity increase. This is subject to a rule being granted.

Conference reports may be brought up at any time and any further program will be announced later.

DISPENSING WITH BUSINESS IN ORDER UNDER CALENDAR WEDNESDAY RULE ON WEDNESDAY, APRIL 21

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday, April 21.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DISTRICT OF COLUMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-84)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on the District of Columbia and ordered to be printed:

To the Congress of the United States:

Too often in the time since President Washington met with Pierre L'Enfant in Georgetown to review plans for the new District of Columbia—180 years ago last month—the Federal responsibility to the Federal District has not been honored as it should be. Too often Presidents and Congresses have overlooked the opportunity to validate their designs for the Nation by realizing them here in the District of Columbia. But in recent years we have begun to write a new record, one in which the Federal Government can take pride, one which is lifting the city of Washington from the status of a stepchild into the ranks of the firstborn among America's great cities.

The single unifying motive behind all of the diverse proposals and initiatives I am putting forward in this message today is to give Washingtonians, as American citizens and Washington, as the Nation's Capital the very best in the performance of the responsibilities of government—as they deserve. Let the New American Revolution which we seek for all Americans begin here, in the Nation's Capital—and now, in 1971.

TOWARD SELF-GOVERNMENT AND FULL CITIZENSHIP

If we are to bring the New American Revolution to the people of Washington, we must start by securing for them the benefits of the original American Revolution, in which they still do not fully share. The fundamental rights for which George Washington's armies fought—men's rights to be represented in the legislature that taxes them and to hold consent over the government that rules them—can no longer be denied to the city that bears Washington's name.

Reorganization Plan No. 3 of 1967, which broke almost a century of stagnation in the progress of District government and set up a new system with a Mayor-Commissioner and a City Council, represented an important first step toward making Washingtonians full citizens of their own city. I am in full support of the letter and the spirit of that reorganization, and my administration will continue to work to strengthen the city government's hand in managing its own affairs more effectively.

One of my most pressing goals for this Nation is to place local functions under local control, and to equip local governments with the authority and the resources they need in order to serve their communities well. To this end I solicit the cooperation of the Congress in transferring many of the routine municipal functions it now must exercise itself, into the hands of the District government. Several such functions whose transfer is requested in the District's 1971 legislative program include the setting of liquor license fees, the execution of long term lease agreements, and the issuance of no-cost driver's permits for use by District police officers on duty. It is clearly time to stop tying the city's hands, and squandering the Congress' valuable time, by holding on Capitol Hill minor powers that belong in the District Building.

Further managerial reforms will be recommended by the Commission on the Organization of the Government of the District of Columbia (Nelsen Commission) created last year and charged (in legislation now pending) to report its findings to the Congress in March 1972. Such recommendations are needed—but there is another dimension of need as well. District government must become not only more efficient but also more democratic.

Therefore, we will shortly submit legislation adding six months to the life of the Nelsen Commission and authorizing it to prepare a second report stating its views on the subject of expanded self-government for the District of Columbia. This would be a logical use of the expertise assembled on the Commission, and a natural extension of its area of study. From the first report on improving government *for* the people, it would move to a second report on shaping government *by* the people.

Evolving hand in hand with the movement toward full popular participation in District government is the steady progress toward giving the people of Washington full participation in the Federal Government. They have now voted in two Presidential elections, and now they have elected their first Congressional delegate in a century. I was proud to personally congratulate the Reverend Walter Fauntroy immediately after his election to this important post two weeks ago. Establishment of the non-voting House delegate position—by legislation which my administration introduced and advocated—gives Washington a voice in the Congress. But it is only an interim step, for the city should be entitled to a vote there as well. I reaffirm my strong support for a Constitutional amendment granting to the District at least one full voting representative in the House of Representatives, plus such additional representation in one or both houses as the Congress may approve.

There is a wide range of other fronts on which local government in the Nation's Capital could be strengthened and its responsiveness to the people increased. Electoral reform is one, and there are many others. This administration will continue to work receptively and cooperatively in this area with the Congress and with all interested groups in the District of Columbia.

TAKING THE LEAD IN CRIME REDUCTION

Forms of government are important—yet they can mean little in a city whose people are ruled by fear for their personal safety and the security of their property. One of my administration's first priorities in the District of Columbia has been to move the city from its place near the top of the list in the incidence and increase of crime, into a position of leadership in crime reduction. Only when this is done can we move toward healthy development for Washington and a fuller life for its people. And now, it is being done.

The District's crime rate declined 5.2 percent from 1969 to 1970, reversing the rapid increases of the late 1960's. Thus people who live in the District, people who work here, and our millions of visitors from around the world, are safer on the city's streets. Equally important, the decline in the District's crime rate, together with crime decreases in 21 other major cities last year, demonstrates that urban crime throughout the Nation can be successfully challenged through decisive action.

Action taken to combat crime in Washington has included:

—An increase in the Metropolitan Police Force from 4,100 to 5,100 officers, with a greater percentage of the force moved into the law enforcement front lines by using civilian personnel to perform many routine functions.

—Landmark legislation which modernized the D.C. court system and provided law enforcement officers with new criminal procedures.

—A substantial narcotics treatment and enforcement program, to rehabilitate narcotics victims and to reduce the criminal activity which supports drug addiction.

—A program of experimental, high-intensity street lighting in selected areas of the city.

—An increase in minority representation on the police force from 28 percent to 37 percent—the highest in the Nation—through a determined community recruiting program.

—A language training program to improve police service in Spanish-speaking neighborhoods.

—Creation of the Executive Protective Service to enhance protection of foreign embassies and free D.C. police for regular civil assignments.

In addition, an increasingly metropolitan perspective is developing among law enforcement agencies in and around Washington. The administration will help to reinforce this trend toward coordinated action, so that crime reductions within the District of Columbia are not rendered hollow by a growing crime problem in the suburbs. The first logical place to begin applying some of the lessons we have learned about combatting crime in the District is right in our neighboring communities.

Looking to the future, we will continue to press the combination of programs that has proved so successful over the past two years. In order to strengthen the D.C. Narcotics Treatment Administration—one of the keystones of the District's success in crime reduction, and a national leader in the fight against hard drug abuse—I have requested the Attorney General to provide the program with a total of $3 million in grant assistance during calendar year 1971 from the Law Enforcement Assistance Administration. This will enable the program to reach more of the city's addicts and to expand the job counseling and other services it offers them.

My 1972 budget requests, together with those of the District government, provide for:

—Full-year funding for Washington's 35 new U.S. Attorneys and 13 new U.S. District judgeships, which were approved by the Congress in a 1971 supplemental appropriation.

—Upgrading the efforts of the Executive Protective Service in protecting the foreign embassies in the District.

—Maintenance of police strength at 5,100 men with additional training to improve force effectiveness.

—Implementation of the new court reform legislation.

—Improved care and custody for the growing institutional population, and expansion of the community-based correctional program.

I urge the Congress to contribute to the momentum of our winning battle against crime in the Nation's Capital by approving these requests.

HELPING THE DISTRICT HELP ITSELF

Central to my proposals for revitalizing State and local government across this country in the years ahead is the recognition that all the political authority a community may possess is only paper power if it lacks the resources—the dollars—it needs to deliver services and amenities to its people. Our program for some $16 billion in general and special revenue sharing—the last portion of which I transmitted to the Congress yesterday—is essentially an effort to give the cities and States the tools they need to do their jobs.

"Revenue sharing" of a sort has been a way of life in the District of Columbia for many years, as it properly should be in view of the Federal presence in the District. My budget requests for fiscal year 1972 call for Federal payments of $153 million to the District government—an increase of more than 20 percent over the currently authorized level. And General Revenue Sharing, when enacted, would bring the city an additional $23 million share during the first year. Welfare reform, besides extending new dignity and tangible benefits to the District's welfare recipients, would lead to further large savings for the city government.

Beyond the fiscal relief which these national reform proposals would afford Washington, there are several areas where the Federal interest in the District warrants special financial support. These include the metropolitan rapid rail mass transit system (METRO); improved water quality facilities and other public works construction projects; and public higher education.

FEDERAL GUARANTEES FOR METRO REVENUE BONDS

Excavations for METRO's subway tunnels and stations already dot the District. When it goes into operation at the beginning of 1974 it will be the Nation's most modern mass transit system. It should do much to unify the metropolitan Washington community, to improve the quality of life by reducing congestion and pollution in the area, and to stimulate the metropolitan economy by the increased labor mobility it will provide. I am confident that disagreements over implementation of the 1968 and 1970 Highway Acts—now tying up needed METRO funds—can be resolved, and I have urged all of the parties involved to give priority to meeting these legislative obligations.

To remove another major obstacle now confronting METRO, I am today proposing that the Federal Government guarantee the revenue bonds of the Washington Metropolitan Area Transit Authority so as to expedite their sale. Severe inflation in the construction industry has combined with unexpected delays in the METRO development timetable to create a $450 million gap in the financial plan originally advanced by WMATA, and to impair the marketability of the METRO revenue bonds. By guaranteeing these securities, we can help WMATA sell all its originally planned bonds so that METRO construction can go forward at once. The bonds would become taxable as condition of the guarantee, providing a revenue flowback to the Treasury from the interest paid on them. This flowback in turn would permit the Federal Government to cover 25 percent of the Authority's anticipated interest costs on the bonds, enabling the issuance of $300 million in additional bonds. Federal assistance would thus help WMATA close two-thirds of its $450 million revenue gap, in keeping with the two-thirds Federal and one-third local cost sharing arrangement that has prevailed for METRO funding in general.

BONDING FOR CLEAN WATER AND OTHER PUBLIC WORKS

Washington's efforts to improve its public services and to enhance the urban environment are doubly deserving of Federal support—not only for the sake of the city and the people themselves, but for the sake of the whole Nation as well. This applies to the city's hopes of showing the Nation the way in urban mass transit, and it applies equally to the ecological and esthetic imperatives of purifying our waters.

The Potomac, the great river that George Washington loved and that was the principal influence on his choice of a site for the Federal District, must be restored as an asset to the entire region. The Congress last year indicated its strong interest in this matter by ordering a thorough study of the water resources and waste treatment problems of the Washington metropolitan area. The Environmental Protection Agency has completed that study and it is now being reviewed within the administration.

A vital factor in whatever strategy we adopt will be the regional water pollution control plant at Blue Plains. Work is now underway to increase the capacity of this plant in response to population growth in the metropolitan area, and to upgrade its treatment level so it can meet required water quality standards. My 1971 environmental proposals and my FY 1972 budget provide for continued support of this improvement project by the Environmental Protection Agency. I will shortly submit to the Congress a District FY 1971 supplemental appropriation request to permit the District of Columbia to maintain its share of support for the work.

The money which the District government is required to spend to meet its share of the Blue Plains improvement costs is raised by direct borrowing from the United States Treasury—the standard means of financing all District public works and capital outlays. However, the borrowing authority of the District government under present law is insufficient to meet the Blue Plains needs in FY 1972 and subsequent years. Rather than merely seeking an ad hoc extension of this borrowing authority, I am renewing my proposal that all capital financing for the District of Columbia be shifted from direct Treasury loans to municipal bonds. The 91st Congress did not enact this needed reform, and I have now placed it before the 92nd Congress. The features of this bonding proposal parallel those I have just described for METRO bonds: D.C. capital bonds would be federally guaranteed and federally taxable, with a Federal subsidy covering approximately 25 percent of interest costs. Under this arrangement the District of Columbia would gain most of the advantages of ordinary municipal bonds while retaining an extra degree of Federal support in keeping with the unique Federal interest in District affairs. Blue Plains is only the most urgent of many public works projects which could progress more quickly and efficiently as a result.

Extending this type of bonding authority to the District government is exactly in line with a cardinal principle of the New American Revolution: that the way to help local government become more responsible is to entrust it with more responsibility.

ASSISTANCE FOR PUBLIC HIGHER EDUCATION

A city can have no obligation higher, and no investment more worthy, than the development of its human resources. The Nation can be proud of the way this priority is being recognized in the District of Columbia. The Washington Technical Institute and the Federal City College, both created in recent years, are helping thousands of young Washingtonians expand their opportunities by developing their potential beyond the high school level. The work that these institutions have done under a variety of handicaps and hardships is remarkable, and this administration is committed to helping the District eliminate their handicaps as quickly as possible. For this reason, my proposal for District of Columbia public works bonding makes a special provision to assist the construction of permanent campuses for the Institute and the College. It would shift the financing of these projects from Treasury loans to direct Federal grant support.

This approach would simplify and speed the effort to give Washington Technical Institute and Federal City College the kind of physical facilities they deserve to match the levels of dedication and performance they have shown from the first. It would also remove a substantial burden on the future public debt of the District Government. Purely from a business standpoint, these grants can be regarded as a sound investment in upgrading the local work force—with the Federal Government, as Washington's major employer, certain to be one of the principal beneficiaries.

It has seemed particularly desirable that the Washington Technical Institute be relocated from its temporary quarters in the southern portion of the old National Bureau of Standards site in Northwest Washington. Since 1968 this land has been earmarked by the Congress for construction of an International Center which would house foreign chanceries and the headquarters of the Organization of American States. Many countries have been unable to find adequate quarters for their chanceries here in Washington, and the Congress by this action recognized the importance of providing suitable space for them. At the same time, it is important that the Washington Technical Institute be moved with minimum interruption of its outstanding educational programs.

After a thorough review of alternative sites for the Institute and the International Center, I have accepted the recommendations of the National Capital Planning Commission, other affected Federal agencies, and the Washington Technical Institute that the two activities share the old Bureau of Standards site. The International Center can occupy the south end—the present Institute grounds—while the northern portion of the site can become an excellent permanent campus for the Institute. Planning is proceeding accordingly. During construction of its new buildings, the Institute will be housed in suitably adapted existing buildings on the north side of the site.

I will shortly transmit budget requests for this move and for the relocation of Federal agency activities now on the site. In the coming years, both the Institute and the International Center will be important new landmarks on upper Connecticut Avenue, symbolizing side by side the Capital City's dedication to human development and to international understanding.

Planning for the permanent campus of Federal City College has not progressed as quickly as that for the Washington Technical Institute site, and so I will not discuss the various alternatives and possibilities at length here. I would stress, however, my firm commitment to assisting the College not only through construction grants but also through active interest in the process of translating those dollars into land, classrooms, and other facilities which can begin benefitting Federal City's students in the near future.

A DEVELOPMENT BANK FOR THE DISTRICT OF COLUMBIA

All of the areas in which I have proposed that the Federal Government give special attention to helping the District government help itself—mass transit, clean water, and human resources development—bear directly on the support of a vigorous, expanding economy in the Nation's Capital. They would help to create a climate that favors economic growth. I now urge the Congress to assist business and industry in taking advantage of that climate by establishing a Development Bank for the District of Columbia, as proposed in legislation which the administration is submitting. Such a Development Bank, forging a new partnership among Federal officials, local officials, and representatives of the private sector, would serve as an action center in assembling the necessary combinations of capital and management skills so that economic development opportunities do not go begging as they have sometimes done in the past.

Washington has been called, not too kindly but with a measure of truth, a "company town." Inevitably the Federal Government will remain a dominant factor in the metropolitan economy, but one-industry communities all over the Nation are seeing the wisdom of diversifying, and often it is the major employer in the community which takes the lead in broadening the economic base to create new jobs and a wider prosperity. Certainly that should be the case in Washington, and can be if we move to establish the Development Bank.

PREPARING FOR THE BICENTENNIAL

The bicentennial of American independence, now only five years away, is a natural focal point for our hopes and plans of what the Nation and the Nation's Capital can become. Many cities will take part in this great observance as we celebrate our heritage and map our third century that lies ahead. Boston as the cradle of liberty, and Philadelphia as the scene of the bold political strokes leading to independence and union, will both play leading roles. But Washington, truly the child of the American Revolution, will have an especially exciting chance to show the world how that child has come to full maturity.

We must give urgent and continuing attention to enhancing the Nation's Capital as "the city of magnificent distances"—the gracious description a Portuguese diplomat gave it when it was little more than a village in the wilderness. To insure vigorous Federal participation in the work of readying Washington's public buildings, avenues, and open spaces for the bicentennial year, I have asked Robert Kunzig, the General Services Administrator, to serve as my Special Assistant for District Bicentennial Development Projects. I have also resubmitted to the Congress legislation to create a Federal City Bicentennial Development Corp. which would exercise leadership in public and private efforts to realize the development potential of the Pennsylvania Avenue area.

A number of construction projects included in my budget for fiscal year 1972 also point to an attractive new look for Federal Washington by 1976. These include the Smithsonian Institution's plans to build a new National Air and Space Museum on the Mall and a new display area for cultural and technological advances of the past two centuries in the National Museum of History and Technology; the National Sculpture Garden which the National Park Service will build on the Mall; new buildings for the Departments of Labor and Health, Education, and Welfare, and the United States Tax Court; and the James Madison Memorial Library addition to the Library of Congress. I ask the Congress to appropriate the necessary funds for these projects.

As we work to beautify the official face of the city, we will not neglect the task of healing its residential heart. The wounds of anguish inflicted on portions of Washington in the tragic aftermath of Martin Luther King's assassination 3 years ago this week are still far too evident, depressing the lives of residents and scarring their neighborhoods. The riot-torn areas, as well as those suffering from blight and decay, deserve accelerated urban renewal assistance—this the administration is cooperating with local officials to provide. One of my first Executive actions as President was to pledge "full support * * * and * * * the utmost Executive energy" for neighborhood redevelopment efforts in the District of Columbia. A start has been made, but through Federal and local determination we can do still better. We shall.

Georgetown, the District of Columbia's living link to the colonial and revolutionary eras, also merits special attention in the course of our bicentennial preparations. We have come to the point where failure to act immediately on an overall development and preservation plan for the Georgetown waterfront area will mean the loss by default of its unique combination of historical, scenic, and natural values. While many imaginative ideas for such a plan have been advanced over the years, none has been adopted. Now roads and commercial development threaten to change the waterfront forever, piecemeal. I have asked the District government, the National Capital Planning Commission, and the Departments of HUD, Transportation, and Interior to join with private citizens and move ahead at once in developing an overall plan for the Georgetown waterfront. The purpose of the plan will be to insure the preservation of historic buildings, to increase park lands, to save the open vistas of the river and Roosevelt Island, and to provide for the harmonious development of public, commercial, and residential facilities.

INTENTIONS FOR THE LIVING CITY

Charles Dickens, visiting the United States in 1842, took issue with the Portuguese diplomat's characterization of Washington. It should be called, he said, the city of magnificent intentions. His novelist's eye missed no detail of the bustling human life of the Capital, and the whole scene suggested to him visions and dreams—social and political as well as architectural—unfulfilled, still striven for.

Dickens' insight remains pointed and valid today. For it is clear that Washington's role as we enter America's third century must be not only that of a political and ceremonial capital, but also that of a living city—a city alive in its own right with three-quarters of a million Americans, the life-center of all these United States. Our intentions for Washington still outreach our achievements, as they may for decades to come. But let us at least be very clear about what those intentions are; let us make them as magnificent at L'Enfant's physical plan for the District; and let us begin moving apace to realize them.

The reality may be long in coming, but the right intention is simple enough to state: Washington should embody the essence of what is best in America. The direction of Federal effort then is plain. Federal effort should contribute wherever possible to making this a city unexcelled in quality of life, urban grace and efficiency, and economic opportunity. Federal effort should follow the principle that since government is Washington's *raison d'etre,* we will do the city the greatest credit by making its local government a model and by making the Federal Government that is centered here as effective and democratic as we can.

Washington as a living city, and an exemplary one—Washington as the seat of a local and a Federal Government that are truly of the people, by the people, and for the people: I invite the people of the District of Columbia and the Congress of the United States to share in these exciting hopes for the years ahead.

RICHARD NIXON.

THE WHITE HOUSE, *April 7, 1971.*

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND THE ENVIRONMENTAL PROTECTION AGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–85)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed with illustrations:

To the Congress of the United States:

Creation last year of the National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency (EPA) has given us the capacity to manage our Federal oceanic, atmospheric and environmental responsibilities with substantially greater effectiveness and efficiency.

The United States' marine science program was marked in 1970 by a number of sound accomplishments and new departures.

Internationally, we worked successfully with other nations to produce a seabed arms control treaty. We proposed development of a treaty governing the exploration and exploitation of seabed resources and submitted a working draft of such a treaty to the United Nations. And we are also joining forces with others in earnest efforts to preserve the quality of the marine environment.

A major step toward more rational use of the oceans was taken in December 1970, when the nations of the North Atlantic Treaty Organization resolved to achieve by 1975, if possible, and by the end of the decade at the latest the elimination of intentional discharges of oil and oily wastes into the oceans. We are earnestly pursuing this worthy objective. It is my hope that the Senate, as part of this effort, will soon give its advice and consent to the international oil spills conventions and amendments which were transmitted last May.

I have also asked the Congress to enact the Ports and Waterways Safety Act which would increase the Coast Guard's authority to protect against oil spills, and the Wholesome Fish and Fishery Products Act, which would provide for the inspection of fish and fishery products during their harvesting, processing, and transport.

These accomplishments are reported in detail in the annual report of the National Council on Marine Resources and Engineering Development, "Marine Science Affairs," which I am today transmitting to the Congress. During 1970, the Council, which is chaired by the Vice President, has continued to assist me in the development of marine science policy, the coordination of Federal programs, and the effecting of an orderly transition during the reorganization of Federal agencies in the marine sciences. As the Council now completes its work, we can take pride in the new policies and programs that fulfill the objectives of the Marine Resources and Engineering Development Act. The Council deserves our gratitude for a job well done.

My budget request for fiscal year 1972 provides $609.1 million for marine science, technology and services—an increase of more than $70 million over my request of a year ago. These funds would permit NOAA to undertake priority programs of fundamental importance to the Nation's marine science interests; they will permit us to continue the accomplishments of the Sea Grant program; to further our participation in the International Decade of Ocean Exploration; to insure that necessary marine research and development is conducted for national security purposes; and to make certain that marine research and development, generally, continue to make productive contributions to our growing use of the sea.

We have embarked on a strong marine science program for the 1970's. In the year ahead the Federal Government will build on these accomplishments. And we will look to all sectors of the Nation's marine science community—State and local governments, industry and the universities—to contribute to the fullest to the United States' efforts to make better use of the oceans and to provide world leadership on the major ocean issues before the community of nations.

RICHARD NIXON.

THE WHITE HOUSE, *April 7, 1971.*

MANPOWER REVENUE SHARING ACT OF 1971—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–86)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed with illustrations:

To the Congress of the United States:

In a recent special message to the Congress which forms the first part of this volume, I urged prompt consideration and enactment of a Manpower Revenue Sharing Act of 1971, a long overdue and fundamental reform of the country's manpower programs.

This second Manpower Report of my administration provides factual background for this recommendation. A major feature of the report recounts the strenuous efforts we have made over the past 2 years to coordinate and strengthen the present multiplicity of manpower programs. Nevertheless, they remain much too rigid and narrowly focused to meet differing and changing local needs. Transfer of responsibility for planning and administration to State and local governments is essential if the programs are to become adequately responsive to the problems of local areas and their people.

The report analyzes in depth the critical employment and manpower utilization problems of urban labor markets and of rural areas. Because these problems differ in nature and intensity from State to State and community to community, there is no single, simple national solution. While job opportunities have expanded more in the suburbs, the central cities generally have not lost jobs and most cities have had some employment increase. The problem is that the inner city residents are confronted simultaneously by a number of obstacles—poor education, lack of skill training, bias in hiring practices. Overcoming these multiple, self-reinforcing barriers to employment is the hard challenge to imaginative local leadership in best using shared manpower revenues.

The States face equally challenging human resources utilization problems in our rural areas. Continued decline in farm employment is borne on the wings of ever-increasing farm productivity. Development of employment opportunities in our rural communities is vital, both to improve the quality of life for rural residents and to stem the tide of migration to our already crowded cities.

Another aspect of the labor market developed analytically in this report is the effects on employment of government purchases of goods and services. The shifting "mix" of government buying has far-reaching implications for the pattern of employment offered in the job market. The expected rapid growth in State and local government services over the decade of the 1970's offers real opportunity for improving job prospects for our disadvantaged fellow citizens.

As I said in transmitting last year's Manpower Report, full opportunity for all citizens remains a central goal for this Nation. The present report is concerned with the progress we have already made toward this goal and the distance we still have to travel. The report provides important new information clarifying the obstacles in the way and pointing to the new legislation and other public and private action essential to overcome them.

RICHARD NIXON.

THE WHITE HOUSE, *April 7, 1971*.

FARM FORUM DAY NO. 2 SET FOR MONDAY, MAY 3

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, a few days ago 80,000 farmers marched in Brussels, demanding that prices paid for their farm commodities be raised. They must have made their point strongly because prices on farm products were raised shortly afterward an average of 6 percent in the European community.

Better prices for our farmers and ranchers who produce food and fiber in this country is also crucial if they are going to meet the steady increase in operating costs.

There is no one single piece of legislation that is a panacea to solve this dilemma of agriculture. We will find solutions through a number of acts. We failed in the House yesterday to support a small bill for some Western sugar beet growers who are facing an economically tough change in their farm operations. Our failure came because we split the vote on the basis of regionalism and partisanship. I regret the House did not respond to the needs of these farmers in the West, but there are more and bigger fish to fry to help out agriculture and rural areas.

One of our main problems is to overcome the things that divide us, and act in the Nation's best interests on a bipartisan basis to support and write into law measures that will revitalize depressed agricultural markets, bolster income of people on the land, and again create opportunity in rural areas.

Farmers and ranchers across this country believe it is time to fish or cut bait. On May 3 each of you can stand up for solving the problems of agriculture. Four of us, NEAL SMITH, KEITH SEBELIUS, JOHN ZWACH, and myself, have requested 4 hours of Special Orders to talk about these problems and what we should be doing. We ask all of our colleagues on a bipartisan basis to participate with us in this House discussion. All of our colleagues who represent urban areas and are not familiar with agriculture, are especially invited to attend and participate. We share a common interest in making economically sound America's most basic industry, on which we are all dependent.

Like the 80,000 farmers that marched in Brussels, the principal concern of agriculture is to improve income, but there are other topics that are current, including a proposal to abolish the Department of Agriculture, the plan for sharing with the States funds now appropriated for land conservation programs, the extension program, Forest Service grants, economic development, and others. There is also the Department of Transportation's proposed edict prohibiting the operation of farm trucks by farm youths less than 21 years old. All of these are of particular concern at this time.

May 3 will be our second Farm Forum Day. In our first on March 1, 75 Members of the House participated. We who have the Special Orders on May 3 urge all of you to be a part of this second Farm Forum Day.

AN ACT TO END COMBAT IN VIETNAM

(Mr. DOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DOW. Mr. Speaker, today I am introducing a bill titled, "An Act To End Combat in Vietnam."

So many events have happened of late—such as the dubious Laos incursion and the Calley sentence—as to generate a near consensus in the United States that the time has come to bring the military venture in Southeast Asia to a close.

My bill does not set a date certain. It provides that U.S. military forces shall cease all hostile action within 48 hours after the bill is enacted. It contains a qualification which would allow our forces to repel any attacks made upon them.

Our troops would evacuate with all possible speed their encampments in the Southeast Asia States of Cambodia, Laos, Vietnam, and Thailand, taking arms and equipment for transport to appropriate points of debarkation.

The bill provides asylum for South Vietnamese leaders and their families, up to 25,000, whose lives could be jeopardized by U.S. withdrawal.

The bill recognizes what our leaders have barely perceived, namely, that U.S. prisoners in North Vietnam can probably not be freed unless exchanged for Vietcong and North Vietnamese prisoners previously captured by United States forces and turned over to the South Vietnamese. In order to secure the release, for such exchange, of such prisoners previously captured by our forces, my bill authorizes a negotiation fund of $1,000,000,000 that could be offered as compensation to South Vietnam for such release.

Mr. Speaker, I should like to dwell a little longer on this aspect of Vietnam prisoner negotiations, which has not been well recognized in the United States as yet, but I submit again that it will be a matter of major consequence in the negotiations for U.S. prisoner release. As you know, it has been the practice for the U.S. military, when capturing North Vietnamese or Vietcong prisoners, to turn them over to the South Vietnamese for imprisonment. I do not have the slightest doubt that, when the time comes for negotiations for the release of American prisoners in North Vietnam, the question of releasing prisoners held on our side will be raised.

It will be recalled that the Korean war dragged on for nearly a year because the negotiations foundered on the question of prisoner exchange. It is unlikely that negotiations at the close of the Vietnam hostility can be completed in a context that avoids the difficult problem of prisoner exchange.

Now, the position of the United States vis-a-vis the prisoners of the other side that the United States has captured and turned over to the South Vietnamese, is very weak indeed. Here again, we have another example of the mistakes in judgment that were made by our military and civil officials from the very beginning of the Vietnam hostilities. By passing up the responsibility of holding the prisoners captured by our forces, and by turning them over to the Saigon control, we have lost the most effective lever that might permit us to negotiate successfully for the release of American prisoners held in North Vietnam.

Since this painful difficulty must be overcome, and there is not an easy strategy for doing it, I offer in my bill the negotiation fund of $1 billion to facilitate the exchange of prisoners.

I think the fund would not be without interest to the South Vietnamese Government if it was offered to secure the release by them of those Vietcong and North Vietnamese prisoners turned over by our forces during the course of the war to South Vietnamese custody. Such released prisoners could then be exchanged for U.S. prisoners in North Vietnam, and perhaps for South Vietnamese also held prisoner in North Vietnam.

This process which suggests ransom is not one that will generate much cheer amongst Americans, and it does not in me. However, the fact of the matter is that American prisoners held by the North Vietnamese are clearly not going to be released as long as the war continues, unless we turn to hideous escalation; in such case the American prisoners would no doubt be lost. Therefore, we must turn to a mode of negotiations for their release that certainly contributes nothing to our pride. In my judgment, Mr. Speaker, this is pretty much the sole avenue open to us within the premises as they exist today.

The bill I am introducing provides that the President shall acquaint the South Vietnamese Government of our purposes under this bill, and that he will turn over to them equipment of an economic, but not of a military, nature to help them in making the economic and social adjustments that follow from the U.S. withdrawal. All permanent installations built or provided by the U.S. Government in the past and located in those Southeast Asia States would be turned over to them respectively.

Also the bill provides for the asylum outside those States for their public leaders whose lives would, presumably, be jeopardized by U.S. military departure. The bill sets a limit of 25,000 persons, including families of the leaders, who might be granted this asylum.

Other bills introduced in Congress for ending the Vietnam conflict have contained broad provisions that asylum would be granted to any and all who might seek it. To me this open-ended arrangement is beyond our capacity to fulfill. It almost irresponsibly overlooks the logistics of caring for every Vietnamese who might want to leave his country.

The concluding provision of my bill would allow asylum for the aforesaid limited number of persons within the territory of the United States, notwithstanding any existing law which prohibits such immigration.

Mr. Speaker, I am not one who believes that a settlement in Vietnam can be readily attained in the near future through negotiations. The sole function of negotiations in the interest of the United States is the release of the American prisoners held by the North Vietnamese. All the rest of our disengagement can be handled not so much by negotiations as by action. Let us heed the desires of most Americans and manifest the resolution to take the action that the present Southeast Asia situation clearly demands.

Mr. Speaker, the transcript of my bill follows below:

H.R. 7337

A bill to end combat in Vietnam

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited hereafter as the "Act to End Combat in Vietnam."

Sec. 2. (a) Congress finds and declares that forty-eight hours after the enactment of this legislation, all United States Armed Forces shall cease all military combat and military support missions in the States of Cambodia, Laos, Vietnam, and Thailand, subject only to the qualification that United States Armed Forces may, in order to repel attacks made upon them, use such force as may be necessary at the scene of any attacks, but for the purpose of self-protection only.

(b) Such United States Armed Forces shall, with all possible speed, evacuate their arms and military support equipment from outposts and encampments in the aforesaid States. Such United States Armed Forces shall, with all possible speed, proceed with their arms and equipment to appropriate points of debarkation, and from there they shall, together with their arms and equipment, be transported to stations and posts under the command of the United States in places other than the aforesaid States of Cambodia, Laos, Vietnam, and Thailand.

(c) Commencing on the effective date of this Act all United States equipment with a military purpose not heretofore turned over to the South Vietnamese or other allied forces shall be removed from Southeast Asia and transported to stations and posts under the command of the United States.

(d) A report by the Defense Department of all military equipment disposition under control of the United States Armed Forces upon the enactment of this Act will be made to the Congress at the end of each month until all logistical exercises necessary to carry out the purpose of this Act have been exhausted.

Sec. 3. In accordance with the intent expressed in this Act, the Congress authorizes the President to conduct such negotiations as may be necessary to secure the release from captivity of all United States personnel, either military or civilian, who are held prisoner as a consequence of the recent hostilities in the aforesaid states. For the purpose of securing the release of American prisoners of war a negotiation fund of $1,000,000,000 is hereby authorized. Such fund to be spent in any aspect of the negotiation for release of United States personnel held prisoner. The negotiation fund shall be used to facilitate the release of prisoners previously captured by the United States and held in custody by allied states, if that will facilitate the release of United States prisoners.

Sec. 4. The Congress further authorizes the President to convey immediately to the heads of states that have been allied with the United States in Cambodia, Laos, Vietnam, and Thailand, advice of the enactment of this legislation. He is authorized to turn over to them such equipment of an economic, but not military, nature as could be helpful to them in economic and social development. The authorization shall include all permanent installations built or provided by the United States Government in the past, and located within the territory of the aforesaid States of Cambodia, Laos, Vietnam, and Thailand.

Sec. 5. The President shall provide for asylum outside the territory of the aforesaid States of Cambodia, Laos, Vietnam, and Thailand, of public leaders to the number of 25,000 persons including members of families, dwelling in those states whose lives would, presumably, be jeopardized by a departure of United States Military Forces from the States of Cambodia, Laos, Vietnam, and Thailand. Provision of asylum for such persons within the territory of the United States is permissible notwithstanding any existing law or regulation limiting immigration to the United States.

A BREAK FOR OUR NATION'S LAWMEN

(Mr. RONCALIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALIO. Mr. Speaker, I have many reasons to be proud of my colleague from New York City, Congressman Biaggi, the author of the Law Enforcement Officers' Bill of Rights. Not the least of these is the fact that our parents came from the same village in the province of Emilia in Italy. His own career is one to bring credit to the U.S. House of Representatives. He is the only member from the State of New York's Police Department to be a member of the National Hall of Fame, he holds the coveted medal of honor award from the New York City Police Department, and has been injured and has suffered in the line of duty with the New York Police Department. Congressman Biaggi brings with this legislation personal knowledge that only experience can bring. I am deeply honored to have this opportunity to cosponsor the Law Enforcement Officers' Bill of Rights, and I pledge my efforts to the successfulness of this cause.

On the national scale our police forces and sheriff's deputies have been demoralized as a result of not only a growing number of injuries and murders among their ranks, but by the verbal abuses hailed upon them by dissident segments of our society.

In the face of both physical and verbal assault, our police and sheriff forces have little recourse except individual over-reaction; over-reaction that can only result in tragedy for policemen, for the groups or individuals they confront, and which can only continue the demoralization of our police forces in a downward spiral.

The Law Enforcement Officers' Bill of Rights provides for means by which law officers can work for their betterment through the channels open to the average citizen in the United States. It provides that lawmen can participate in political activity while off duty; it provides that an officer of the law can bring civil suit against others for damages arising out of official duties; it provides policemen the right of counsel during interrogation.

Of equal importance, the Law Enforcement Officers' Bill of Rights establishes a Law Enforcement Officers' Grievance Commission to be composed of representatives from police forces, from government, and from the general public. Such a commission holds out the promise of recourse to the police officer other than direct, face-to-face dealings with those with whom he has contact in the course of his work.

In my State of Wyoming, law enforcement officers face unique and particular problems. Because of our sparse population and the great distances between towns, our State has become a haven for the lawless from more populated areas with better apprehension facilities.

The policemen, the sheriffs, the highway patrolmen of Wyoming need better salaries and better law enforcement facilities. Most importantly, the policemen of Wyoming need the encouragement that the Law Enforcement Officers' Bill of Rights offers.

Wyoming lawmen, and police forces across the Nation, are in desperate need of career opportunity and prestige. With the Law Enforcement Officers' Bill of

Rights, a career in the police force again has a chance of regaining the dignity to which it is entitled.

TRUTH-IN-NEWS BROADCASTING BILL GAINS COSPONSORS

(Mr. MINSHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINSHALL. Mr. Speaker, in reintroducing my truth-in-news broadcasting legislation with cosponsors today, I am greatly encouraged that we are on the way to separating fact from fantasy in news and public affairs programing.

Public response to this bill has been entirely enthusiastic, with words of commendation coming from citizens all the way from California to Connecticut.

I wish to express my appreciation to the six colleagues who are adding their names as cosponsors to the bill: Mr. GUBSER, of California; Mr. TEAGUE, of California; Mr. VEYSEY, of California; Mr. WAGGONNER, of Louisiana; Mr. WHITEHURST, of Virginia; and Mr. WILLIAMS, of Pennsylvania. I hope that when we meet again after Easter recess other Members will also join in sponsoring the measure.

To recapitulate briefly, truth-in-news broadcasting makes very simple requirements of radio and television licensees. Any program containing sequences which have been staged, edited or altered, including interviews that may have been rearranged or altered so that questions and answers are taken out of context, shall be so identified by the licensee for the information of the audience.

Contrary to objections raised by a few in this branch of the news media, my legislation would not prohibit them from continuing to stage, dramatize or alter news sequences or interviews. It would merely require that they clearly and publicly label such productions for what they are. Presently the TV-radio news audience has no way of knowing where truth leaves off and the media's manipulation of facts takes over.

There is precedence for this, of course. Newspapers and periodicals label advertisements for what they are. Public service and political announcements must be so identified on the air. We are all familiar with the phrase, "portions of the preceding were recorded."

Constitutionally guaranteed freedoms of the first amendment are in no way impaired by truth-in-news broadcasting, and the rights of American news consumers will be considerably enhanced by its enactment. Never before in our history has the right to know the truth been more important. My bill would be one step toward helping assure that right.

On Wednesday, April 28, I plan a special order, at which time I invite all Members of the House to join with me on the House floor in this crusade for truth-in-news broadcasting.

THE NEWS MEDIA MUST ASSUME ITS SHARE OF THE BLAME

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HENDERSON. Mr. Speaker, I was extremely interested to note that at a combined meeting of the American Legion and VFW posts in the town of Dunn, N.C., in my district, a resolution was adopted which specifically laid the blame for the Calley trial and conviction on the national news media.

Singled out for particular mention were CBS–TV and Life magazine which, the resolution states, "persecuted Lieutenant Calley by pushing him into a trial that should not have been held and in all probability would not have been held without the furor generated by biased news reporting."

It is possible that the resolution may be just a bit strong, but we cannot fail to take note of the fact that we read, see, and hear about the war in Vietnam what the network news editors, wire service reporters, and newspaper editors have chosen to let us read, see, and hear.

If the media chooses to play up My Lai and play down atrocities like the Hue massacre and the Tet offensive, it is easy to establish the impression that the American armed services are acting with unnecessary cruelty while the enemy is waging the war in a more conventional manner.

If the media chooses to play up the action of a single platoon in refusing to obey an order to advance instead of the actions of thousands and thousands of men who without hesitation risk their lives daily in carrying out their orders, they can give the impression that our troop morale in Vietnam is low and that our soldiers there are inferior to those who have served in other wars or other times.

If the media chooses to give broad coverage to small groups of protesters and demonstrators and ignore the rallies, meetings, and actions of hundreds of thousands of loyal Americans who still cling to the time honored precept, "my country—right or wrong," both at home and abroad, the impression is given that protest and irresponsibilities are the prevailing practices in our Nation.

It is true that the media, as it so often reminds us, does not make the news. It only reports the news.

But what the media is avoiding is the obvious fact that it—and only it—decides what the news is. There have been proven instances of carefully staged filmings being woven into so-called documentaries with no revelation of this fact being given to the public.

While such instances may be the exception rather than the rule, it is a fact that every day the media make the basic decision on what to report and what not to report. These decisions are made by human beings with their inescapable prejudices, their opinions, and their experience. It is impossible for them to divorce their backgrounds and their predispositions from this decisionmaking process.

When everyone on a particular news team or editorial staff is liberal, just as surely as the sun rises tomorrow, the news reported by such a team or approved by such a staff will reflect a liberal viewpoint.

If, on the other hand, the staff is conservative, the news reported will reflect that viewpoint.

Many of my constituents believe that the liberal press has deliberately used the My Lai incident and every other one it could find to try to turn American public opinion against our involvement in Indochina.

I agree with the Vice President that we cannot and must not attempt to establish censorship or coersive measures to control the news media and that the sanctity of the freedom of the press guaranteed by the first amendment must be preserved. But in the long run, a biased press will destroy itself.

The American public must learn not only to scrutinize carefully what the news media say, but also to be aware of what they do not say.

THE CALLEY TRIAL

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, the conviction and subsequent life in prison sentence handed to Lt. William Calley by military court at Fort Benning, Ga., last week has brought widespread criticism from throughout the country.

In my own State of Alabama, I would say without reservations that the Calley trial continues to be the chief topic of conversation. The almost unanimous ground swell of public opinion in support of Lieutenant Calley has generated the highest of public outcry since the Japanese Air Force bombed Pearl Harbor at the beginning of World War II.

After spending the weekend in my district, I can say without hesitation that Alabamians are solidly united behind Lieutenant Calley. Our district offices have received more than 500 personal telephone calls protesting the Calley verdict and our offices continue to be swamped with piles of personal letters written in the lieutenant's behalf.

On Friday of last week, I spoke to an estimated crowd of more than 1,000 concerned citizens on Noble Street in Anniston, Ala., at a rally protesting the decision handed down by the military court. In the city of Jacksonville, just north of Anniston, schools were dismissed, businesses were closed so that residents of that city could attend the rally. Following the meeting, I received petitions from a number of high schools, industries, civic clubs, and veterans organizations and just average citizens protesting the verdict. The following day, I received a petition circulated by the police department in my hometown of Sylacauga and more petitions were received in my district office on Monday of this week. We now have more than 15,000 signatures on these petitions which will be forwarded to the President.

Mr. Speaker, the people of Alabama and of this Nation are up in arms. Everywhere I went over the weekend, there were bumper stickers saying "Free Lieutenant Calley." On Friday of last week, the Governor of my State of Alabama, the Honorable George C. Wallace, visited

Lieutenant Calley in his quarters at Fort Benning, as a representative of the people of Alabama. Yet the Washington Post felt obligated to criticize the Governor for this visit. Although the same Washington Post, Life magazine, and other publications saw nothing wrong in the page spreads which this media used in pretrial publicity which most surely had a bearing on bringing this matter to trial in the first place.

I commend the President for his decision in deferring the sentence to confinement pending the outcome of litigation. The people of my State and of the Nation will be following this case closely as it goes through the appellate procedure.

SITUATION IN VIETNAM

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, I am greatly disturbed by recent reports indicating that the President's much-heralded report on Vietnam tonight will only be another numbers game.

Officials of the State and Defense Departments testified yesterday that they were against linking the POW issue with changes in the U.S. military or political policies on the Indochina war. And Secretary Laird was unresponsive last night to an appeal from nine members of the President's own political party calling for a new initiative.

Frankly, Mr. Speaker, the President will have to do more than just announce further troop withdrawals. This much is expected and predictable. Rather what we need is a strong initiative from the Chief Executive in the hopes of breaking the deadlock in the negotiations and on the battlefront.

In a telegram to the President today, I have proposed that he immediately order a total withdrawal of all American troops from Southeast Asia before December 31, 1971. However, such an order should be rescindable if the North Vietnamese, the Vietcong and the Pathet Lao do not release all American prisoners of war. Additionally, he should call for an immediate cease-fire to facilitate the troop withdrawal. Such a plan could bring our boys home before the end of the year.

It is quickly becoming clear to a majority of Americans that the President's "light at the end of the tunnel" may only be a mirage. Continued talk of large residual forces and a dragged-out support force commitment have dashed all hopes that Mr. Nixon would keep his campaign promise to end the war.

In March of 1969, I asked the President to initiate proposals that would set a date and the conditions for total U.S. withdrawal. In addition, I have consistently supported efforts both public and private to develop and pass legislation that would help end the war. And I will do so again in this session of Congress.

We cannot continue to wait for the other side to move. The Vietnamization program seems to have worked well. It certainly appears that the South Vietnamese are fully capable of protecting themselves. A continued policy based on this effort is no longer sufficient. My proposal would certainly be a strong step toward bringing about the peace that all peoples of the world so desperately seek.

PROPOSED INVESTIGATION OF THE FBI

(Mrs. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ABZUG. Mr. Speaker, the announcement of our distinguished majority leader, Mr. Boggs, that the Federal Bureau of Investigation has put taps on the phones of Members of Congress is the latest in a series of revelations about the unconstitutional behavior and incompetence of that division of the Department of Justice. We are all in Mr. Boggs' debt for he has done a service to this country in making public this latest outrage. But it is only the latest example.

More and more frequently the bizarre administration of the FBI comes to light and I today introduce a resolution calling on the House Judiciary Committee to investigate the entire Bureau: the quality of its administration, including reports of a marked decline in the ability of its aging Director, the activities of the agents and their supervisors; the rationale choosing which cases get the special effort, the methods used in gathering evidence, the accuracy of the statistical measures of bureau activity, and personnel policies and practices.

Recent events have made it starkly evident that the FBI, busy investigating others, needs someone to investigate it. For example, in recent months we have observed charges against leaders of the Catholic antiwar movement originate in testimony made before committees of Congress and justified only by an indictment returned 2 months later. In fact, the entire history of the Berrigan case has been one of impropriety on the part of the FBI. First there is the fact that the accusations against Father Berrigan and the others originated in testimony made before committees of Congress by a Justice Department official seeking expanded appropriations for the Bureau he heads. Then there is a question as to whether the indictments were returned with insufficient evidence in order to silence criticism of the original accusation. There are further questions: On what evidence, if any, did the grand jury act? Why is an investigation being conducted after, rather than before, the indictments? To what extent did the statements of informers provide evidence for indictment? To what extent did the Department of Justice use the immunity laws to coerce witnesses? How was Harrisburg chosen as the place of venue?

I fear that the true story behind the Berrigan indictments is an ugly story of political repression, and that few Members of Congress will consider it politically expedient to come to their aid. Yet if we as elected officials and as citizens remain silent in the defense of freedom, the ugly hand of repression may next knock on our door in the night. All Americans concerned about civil liberties should be vigilant that the courts not become the platforms of men who would use the perjured testimony of spies, infiltrators, wiretaps and other such methods to convict those whose crime was that they loved peace more than war.

Besides the Berrigan case, other examples of FBI arbitrariness and overreaching have recently come to light:

An agent of the FBI, John F. Shaw, who criticized in an academic program the administration of the agency was summarily dismissed and effectively precluded from finding any other employment;

A group of anonymous FBI agents has indicated that the treatment accorded Mr. Shaw was not unusual;

Congressional leaders have disclosed that the telephones of Members of the Congress have been subject to wiretap;

Stolen FBI files have shown us that the agency routinely maintains large and inaccurate dossiers on special groups and individuals—notably the peace movement and black activist groups—whose politics the Director finds personally offensive.

These incidents show us that the FBI may be slowly but inexorably invading the privacy, the constitutional freedoms, and the peace of mind of us all. Any individual, it appears, who dares to criticize any of his country's policies; anyone who dares to suggest that our war policy may be misguided, that some of our children are hungry, that racism and sexism are rampant—any such citizen is eligible for surveillance by Mr. Hoover and his men. The time for congressional inquiry into the activities of the FBI is now.

Under the rules of the House, the Judiciary Committee has a duty of "continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee." I call upon the House to approve such an investigation. After all, in the last analysis, law and order depend on public respect for the integrity of law enforcement officials.

It seems that the time has come for us to begin watching the watchers.

REACTION TO THE CALLEY TRIAL REQUIRES MATURE JUDGEMENT AMONG US ALL

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BENNETT. Mr. Speaker, I have not previously spoken on the trial of Lt. William Calley although I have written a number of letters on the subject. I speak now out of a sense of duty, and not because I think it will be helpful to me. I think the matter has lately not experienced in some quarters the mature judgment which it deserves. In the first place, the case has not exhausted its appellate review and there is under the Constitution and statutes possible intervention available by the Secretary of the Army and the President of the United States.

The day the verdict was rendered I wrote the President suggesting a policy that could include a pardon or exclusion of a lengthy period of imprisonment but I did so in a manner that was not critical of the court that had rendered the verdict because only they had the fullest information on the subject, and all I know of it comes from newspaper accounts. The court may have been fully justified in their action and yet leniency may now be called for because of other matters. In writing the President I urged the consideration requested "because of the peculiar circumstances of an enemy not being in uniform but belligerent, and of the dangers involved in this particular locality from such nonuniformed enemy." I also urged it "because of the ambiguities involved in the impression that Lieutenant Calley had of his orders and what he believed was his ordered duty and the right thing to do."

These matters suggested as to leniency go beyond the technical requirements of a legal trial and even beyond the evidence submitted perhaps, but they are matters that have a valid place in consideration of the ultimate handling of the case. The fact that they did not play a stronger part in the verdict is not necessarily a criticism of the military court action.

There are already ways under existing legal procedures where these matters can have a bearing on the ultimate disposition of Lieutenant Calley's case. However, the whole situation points up to me that matters of a merciful nature sometimes seem less easily handled by military courts; and it is for this reason that I am drafting for future congressional consideration amendments to the Military Code of Justice which would allow a military defendant an option to be tried in civilian courts under certain circumstances. I am hopeful by this process that a military defendant can thereby be assured that the fact that the defendant wears a uniform will not be an obstacle to him in a criminal case, even though sometimes it may in fact be an assistance that would not be available to a civilian. I think the special obligations of the public to a man in uniform do not make this concept unduly partial for the military accused.

PRODUCTION OF M-16 RIFLES

(Mr. COTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COTTER. Mr. Speaker, I have been informed that the Department of Defense, through the office of the Assistant Secretary of Defense for International Security Affairs, is in the process of approving a contract that would further decrease the production of M-16's in Connecticut.

The contract would involve $42 million of Foreign Military Sales Credit for a "co-production" plant in Korea. This plant will make in the neighborhood of 600,000 M-16 rifles.

I do not have to tell the Members of this House the pressing problems of unemployment that beset this Nation. Given these problems, I do not understand why we would consider moving jobs from the United States to Korea. Let me be perfectly clear on one point: I do not for a minute feel that we should not supply our Allies with equipment so that they can protect themselves. I am just questioning whether the construction of plants overseas is in our best interest given our own economic problems. I do not think so.

Thus, I have written to the President asking him to have Secretary of Defense analyze this contract keeping in mind the employment situation facing this Nation. There have been many layoffs of those involved in the production of the M-16's in Connecticut and there will be more even without this contract. I am confident that should we produce these rifles for our Allies in this country, it will result in more jobs here.

I am including a copy of my letter to the President on this matter.

APRIL 6, 1971.

Hon. RICHARD M. NIXON,
The President,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: It has come to my attention that the Colt Firearms Division of Colt Industries, Hartford, Connecticut, has concluded a preliminary contract with the Republic of Korea for the setting up of a "co-production" plant in Korea that will make somewhere in the neighborhood of 600,000 M-16 rifles.

It is my understanding that the Office of Secretary of Defense, International Security Affairs, has arranged for financing through the Foreign Military Credit Sales program. Specifically, some $42 million in FMS credits will be made available to the Republic of Korea for the purchase of capital equipment and raw materials in the United States.

My question to you, sir, is why can't we use FMS credits to permit the Republic of Korea to purchase completed M-16 rifles produced in Hartford? Unemployment in the defense-aerospace industries is bad enough without compounding the situation by subsidizing foreign competition.

For your information, employment at the Colt's Firearms Division has fallen from a high of 2,400 in late 1969 during peak production of the domestic M-16 program to a current low of 1,500 people. Employment, I understand, is expected to fall to 1,300 shortly.

The preliminary contract, or Memorandum of Understanding, must now be approved by the Secretary of Defense. I strongly urge that you instruct the Secretary of Defense to re-examine this proposed "co-production" contract in light of the pressing employment situation here.

Sincerely,

WILLIAM R. COTTER,
Member of Congress.

REPRESENTATIVE NIX TO INTRODUCE COMMEMORATIVE STAMP BILL HONORING DR. MARTIN LUTHER KING

(Mr. NIX asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. NIX. Mr. Speaker, today, I am once again going to introduce a commemorative stamp bill honoring Dr. Martin Luther King on behalf of myself and other Members of Congress. Within the last week over 100 Members of Congress have cosponsored legislation which would require the issuance of a commemorative stamp honoring Dr. King.

Another anniversary of Dr. King's death has come and gone. I have introduced bills for 3 years with scarcely a flutter of interest on the part of the postal service.

I believe, and I think the 100 cosponsors of this legislation believe, that it is time to honor Dr. King who did so much during his lifetime to make democracy a reality in America. Three Civil Rights Acts are evidence of that fact.

When previous bills were introduced, I pointed out that the postal service did not find it difficult to issue commemorative stamps honoring Walt Disney, Grandma Moses, Edgar Lee Masters, Henry Ford, Lucy Stone, and others. Commemorative stamps have been issued honoring the American sheep, football, and Stone Mountain, Ga.; the Confederate War Memorial.

Recently Postmaster General Blount announced a series of four stamps honoring the alligator, the polar bear, a California condor, and a trout. This is added to the previous commemoration of elephants and reptiles. A stamp honoring the artist John Sloan portrays the posterior of a ferryboat.

I think it is time to honor Dr. Martin Luther King who is honored by millions of Americans. Today I am proud to announce that Congressmen KOCH, HARRINGTON, MOORHEAD, ADAMS, FULTON of Pennsylvania, and Mrs. GREEN agree with me and have cosponsored this latest bill. A complete list of cosponsors of legislation requiring the issuance of a commemorative stamp honoring Dr. King is attached. So far there have been 103 Congressmen and Congresswomen who have joined in this effort. I hope that Postmaster General Blount has noted this.

The list follows:

COSPONSORS OF MARTIN LUTHER KING COMMEMORATIVE STAMP

James Abourezk of South Dakota.
Bella S. Abzug of New York.
Brock Adams of Washington.
Joseph P. Addabbo of New York.
Glenn M. Anderson of California.
William R. Anderson of Tennessee.
Frank Annunzio of Illinois.
Les Aspin of Wisconsin.
Herman Badillo of New York.
William A. Barrett of Pennsylvania.
Edward G. Biester, Jr., of Pennsylvania.
Jonathan B. Bingham of New York.
Richard Bolling of Missouri.
John Brademas of Indiana.
Frank J. Brasco of New York.
James A. Burke of Massachusetts.
Phillip Burton of California.
James A. Byrne of Pennsylvania.
Charles J. Carney of Ohio.
Shirley Chisholm of New York.
William (Bill) Clay of Missouri.
James C. Cleveland of New Hampshire.
George W. Collins of Illinois.
John Conyers, Jr., of Michigan.
Lawrence R. Coughlin of Pennsylvania.
John C. Culver of Iowa.
Dominick V. Daniels of New Jersey.
George E. Danielson of California.
Ronald V. Dellums of California.
John H. Dent of Pennsylvania.
Charles C. Diggs, Jr., of Michigan.
John D. Dingell of Michigan.
John G. Dow of New York.
Robert F. Drinan of Massachusetts.
Florence P. Dwyer of New Jersey.
Don Edwards of California.
Joshua Eilberg of Michigan.
Marvin L. Esch of Michigan.

Dante B. Fascell of Florida.
Daniel J. Flood of Pennsylvania.
Thomas S. Foley of Washington.
William D. Ford of Michigan.
Donald M. Fraser of Minnesota.
James G. Fulton of Pennsylvania.
Cornelius E. Gallagher of New Jersey.
Henry B. Gonzalez of Texas.
Ella T. Grasso of Connecticut.
Edith Green of Oregon.
William J. Green of Pennsylvania.
Seymour Halpern of New York.
James M. Hanley of New York.
Richard T. Hanna of California.
Michael Harrington of Massachusetts.
Augustus F. Hawkins of California.
Ken Hechler of West Virginia.
Henry Helstoski of New Jersey.
Floyd V. Hicks of Washington.
Frank Horton of New York.
Craig Hosmer of California.
Edward I. Koch of New York.
Peter N. Kyros of Maine.
Robert L. Leggett of California.
Paul N. McCloskey, Jr. of California.
John J. McFall of California.
Ray J. Madden of Indiana.
Spark M. Matsunaga of Hawaii.
Lloyd Meeds of Washington.
Ralph H. Metcalfe of Illinois.
Abner J. Mikva of Illinois.
George P. Miller of California.
Patsy T. Mink of Hawaii.
Parren J. Mitchell of Maryland.
William S. Moorehead of Pennsylvania.
F. Bradford Morse of Massachusetts.
John E. Moss of California.
Robert N. C. Nix of Pennsylvania.
Edward J. Patten of New Jersey.
Claude Pepper of Florida.
Otis G. Pike of New York.
Bertram L. Podell of New York.
Charles B. Rangel of New York.
Ogden R. Reid of New York.
Henry S. Reuss of Wisconsin.
Donald W. Riegle, Jr. of Michigan.
Peter W. Rodino, Jr. of New Jersey.
Robert A. Roe of New Jersey.
Fred B. Rooney of Pennsylvania.
Benjamin S. Rosenthal of New York.
William R. Roy of Kansas.
Philip E. Ruppe of Michigan.
William F. Ryan of New York.
Fernand J. St Germain of Rhode Island.
Paul S. Sarbanes of Maryland.
James H. Scheuer of New York.
John F. Seiberling of Ohio.
B. F. Sisk of California.
Louis Stokes of Ohio.
Robert O. Tiernan of Rhode Island.
Morris K. Udall of Arizona.
Lionel Van Deerlin of California.
Charles A. Vanik of Ohio.
Jerome R. Waldie of California.
Charles W. Whalen, Jr. of Ohio.
Lester L. Wolff of New York.

SUPPORT AMERICA

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, for the past 2 years our President has been the target of an unprecedented barrage of criticism for his efforts in winding down this Nation's military involvement in Southeast Asia.

Once that is accomplished, I predict the very people who have done everything to tear down the President and frustrate his efforts toward Vietnamization of the war will be the very first ones in line to claim credit for the Nixon success.

Many of the critics, including some Members of Congress, were the very same voices who supported our Vietnam involvement not too many years ago; but that was under other administrations, and therein lies the difference.

But just watch, they will claim credit for successes that have been achieved not because of their actions but despite their actions.

If the carping critics had devoted only 10 percent as much effort in support of the President as they have in trying to tear him down, I feel we would have been out of Vietnam by now.

For whatever their motives, they have chosen instead to encourage the Communists to renew their military efforts in Southeast Asia in the misguided hope that the United States does not support its fighting men, and might even be in imminent danger of internal collapse.

No matter how wild the accusations, no matter how anguished the howls, certain facts remain indisputable.

President Nixon inherited the worst political and military situation of any Chief Executive in many years—a situation handed to him by those who criticize him most for not promptly solving it.

He has turned around the spiraling U.S. involvement in the unfortunate Vietnam conflict, and is getting us out of it in a fashion that will leave the South Vietnamese with the capability to handle their own defense.

Perhaps the President's critics fear, more than anything else, that he is succeeding in Southeast Asia.

PRINCIPAL ASSISTANTS OF MEMBERS REQUIRED TO FILE UNDER FINANCIAL DISCLOSURE RULE

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Illinois. Mr. Speaker, time is fleeting for compliance with the requirements of House rule XLIV (44), the financial disclosure rule.

As chairman of the Committee on Standards of Official Conduct, which has administrative authority over the rule, I take this means of reminding those Members who have not yet responded, that the committee needs their designations of "principal assistants," as provided in the rule, as soon as possible.

Likewise, some committee chairmen have not yet furnished the committee the names of committee staff personnel who, in their judgment, should file the financial reports.

The rule requires that these reports be in the committee's hands not later than April 30, but to date nearly a third of the Members have not even designated "principal assistants" for the purpose of the rule.

Letters were sent to all Members the first week in February requesting these designations. Forms were enclosed for listing the designations. Similar letters and forms were sent to all committee chairmen at the same time.

Our committe needs these designations as soon as possible in order to provide the designated employees with the proper financial disclosure forms in time for them to meet the April 30 deadline.

I also urge those Members who have not filed their own reports to give early attention to the matter.

HEARINGS ON HEALTH MANPOWER TO BEGIN APRIL 20

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, I am pleased to announce that the Subcommittee on Public Health and Environment has scheduled hearings in Washington on legislation which will begin to alleviate our national crisis in the health manpower field. On April 20, 21, and 22, 1971, the subcommittee will conduct hearings on H.R. 4155, "The Comprehensive Health Manpower Training Act of 1971" and H.R. 4618, "The Nurse Manpower Training Act of 1971" and related bills.

Mr. Speaker, the principal emphasis on health legislation during the past decade has been on the means of payment to providers of health services. Hopefully during the 1970's more emphasis will be placed on the delivery of health services and the means by which the quality of health care in these United States can be improved.

It has been estimated that today's shortage of physicians in the United States approaches 50,000 and that the shortage of nurses is three times that number. The population explosion, coupled with the rapid movement into the metropolitan areas, has left our Nation bare of health personnel. For example, Mr. Speaker, in Topeka, Kans., where members of the subcommittee held hearings last week, we were told of the total inadequacy of health care in many of the rural areas of that State. In one rural Kansas community, a 7-year effort to obtain a physician—which has included contacting 250 doctors with promises of immediate construction of a clinic with community funds—has only met failure. In another Kansas county, a resident testified that farm animals receive better care than human beings.

Yet we are told, Mr. Speaker, that of the 12,000 applicants turned away from medical schools each year, 10,000 are qualified to be admitted to medical colleges.

Mr. Speaker, the legislation to be considered by the subcommittee is designed to provide this country with increased health manpower at a dramatic rate. Moreover, the legislation is designed to encourage medical schools and their counterparts to establish new programs and develop innovative modifications of existing programs which will help alleviate shortages of medical and paramedical personnel in rural and other financial distressed areas.

I welcome the participation of my colleagues in these efforts.

PRESIDENT'S INTERVENTION IN CALLEY CASE

(Mr. FRASER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FRASER. Mr. Speaker, I want to compliment the prosecutor in the Calley case, Capt. Aubrey M. Daniel III, for the statement which he made with respect to the President's intervention in that case. I like to think that the United States Army always will reflect the devotion to duty and to the rule of law which is exemplified by the very fine statement by Captain Daniel.

Mr. Speaker, I include at this point in the RECORD the complete text of Captain Daniel's letter to the President:

Text of Captain Daniel's Letter to Nixon on Calley Case

This is a complete text of a letter sent to President Nixon by Army Capt. Aubrey M. Daniel, III, prosecutor in the trial of Lt. William L. Calley Jr. Copies also were sent to six senators:

Sir: It is very difficult for me to know where to begin in this letter as I am not accustomed to writing letters of protest. I only hope that I can find the words to convey to you my feelings as a United States citizen and as an attorney, who believes that respect for the law is one of the fundamental bases upon which this nation is founded.

On Nov. 26, 1969, you issued the following statement through your press secretary, Mr. Ronald Ziegler in referring to the My Lai incident:

"An incident such as that alleged in this case is in direct violation not only of U.S. military policy but is also abhorrent to the conscience of all the American people. The Secretary of the Army is continuing his investigation. Appropriate action is and will be taken to assure that illegal and immoral conduct as alleged be dealt with in accordance with the strict rules of military justice.

"This incident should not be allowed to reflect on the some million and a quarter young Americans who have now returned to the United States after having served in Vietnam with great courage and distinction."

NOT JUSTIFIED

At the time you issued this statement, a general courtmartial had been directed for a resolution of the charges which had been brought against Lieutenant William L. Calley Jr. for his involvement at My Lai.

On Dec. 8, 1970, you were personally asked to comment on the My Lai incident at a press conference. At that time you made the following statement:

"What appears was certainly a massacre, and under no circumstances was it justified.

"One of the goals we are fighting for in Vietnam is to keep the people from South Vietnam having imposed upon them a government which has atrocity against civilians as one of its policies.

"We cannot ever condone or use atrocities against civilians in order to accomplish that goal."

These expressions of what I believed to be your sentiments were truly reflective of my own feelings when I was given the assignment of prosecuting the charges which had been preferred against Lt. Calley. My feelings were generated not by emotionalism of self-righteous indignation but by my knowledge of the evidence of the case, the laws of this nation in which I so strongly believe, and my own conscience.

I knew that I had been given a great responsibility and I only hoped that I would be able to discharge my duties and represent the United States in a manner which would be a credit to the legal profession in our system of justice. I undertook the prosecution of the case without any ulterior motives for personal gain either financial or political. My only desire was to fulfill my duty as a prosecutor and see that justice was done in accordance with the laws of this nation.

I dedicated myself totally to this end from November of 1969 until the trial was concluded. Throughout the proceedings there was criticism of the prosecution but I lived with the abiding conviction that once the facts and the law had been presented there would be no doubt in the mind of any reasonable person about the necessity for the prosecution of this case and the ultimate verdict. I was mistaken.

TRIAL FAIR

The trial of Lt. Calley was conducted in the finest tradition of our legal system. It was in every respect a fair trial in which every legal right of Lt. Calley was fully protected. It clearly demonstrated that the military justice system which has previously been subject to much criticism was a fair system. Throughout the trial, the entire system was under the constant scrutiny of the mass media and the public, and the trial of Calley was also in a very real sense the trial of the military judicial system.

However, there was never an attack lodged by any member of the media concerning the fairness of the trial. There could be no such allegation justifiably made.

I do not believe that there has ever been a trial in which the accused's rights were more fully protected, the conduct of the defense given greater latitude, and the prosecution held to stricter standards. The burden of proof which the government had to meet in this case was not beyond a reasonable doubt but beyond possibility. The very fact that Lt. Calley was an American officer being tried for the deaths of Vietnamese during a combat operation by fellow officers compels this conclusion.

The jury selection, in which customary procedure was altered by providing both the defense and the prosecution with three preemptory challenges instead of the usual one, was carefully conducted to insure the impartiality of those men who were selected. Six officers, all combat veterans, five having served in Vietnam, were selected.

These six men who had served their country well were called upon again to serve their nation as jurors and to sit in judgment of Lt. Calley as prescribed by law. From the time they took their oaths until they rendered their decision, they performed their duties in the very finest tradition of the American legal system.

SERVED WELL

If ever a jury followed the letter of the law in applying it to the evidence presented, they did. They are indeed a credit to our system of justice and to the officer corps of the United States Army.

When the verdict was rendered, I was totally shocked and dismayed at the reaction of many people across the nation. Much of the adverse public reaction I can attribute to people who have acted emotionally and without being aware of the evidence that was presented and perhaps even the laws of this nation regulating the conduct of war.

These people have undoubtedly viewed Lt. Calley's conviction simply as the conviction of an American officer for killing the enemy. Others, no doubt out of a sense of frustration, have seized upon the conviction as a means of protesting the war in Vietnam. I would prefer to believe that most of the public criticism has come from people who are not aware of the evidence either because they have not followed the evidence as it was presented or having followed it they have chosen not to believe it.

Certainly, no one wanted to believe what occurred at My Lai, including the officers who sat in judgment of Lt. Calley. To believe, however, that any large percentage of the population could believe the evidence which was presented and approve of the conduct of Lt. Calley would be as shocking to my conscience as the conduct itself since I believe that we are still a civilized nation.

WAR BRUTALITIES

If such be the case, then the war in Vietnam has brutalized us more than I care to believe, and it must cease.

How shocking it is if so many people across the nation have failed to see the moral issue which was involved in the trial of Lt. Calley—that it is unlawful for an American soldier to summarily execute unarmed and unresisting men, women, children, and babies.

But how much more appalling it is to see so many of the political leaders of the nation who have failed to see the moral issue or having seen it, to compromise it for political motives in the face of apparent public displeasure with the verdict.

I would have hoped that all of the leaders of this nation, which is supposed to be the leader within the international community, for the protection of the weak and the oppressed regardless of nationality, would have either accepted and supported the law of this country as reflected by the verdict of the court or not made any statement concerning the verdict until they had had the same opportunity to evaluate the evidence that the members of the jury had.

In view of your previous statements concerning this matter, I have been particularly shocked and dismayed at your decision to intervene in these proceedings in the midst of the public clamor. Your decision could only have been prompted by the response of a vocal segment of the population, who while no doubt acting in good faith, cannot be aware of the evidence which resulted in Lt. Calley's conviction.

SYSTEM HURT

Your intervention has in my opinion, damaged the military judicial system and lessened any respect it may have gained as a result of these proceedings. You have subjected a judicial system of this country to the criticism that it is subject to political influence when it is a fundamental precept of our judicial system that the legal processes of this country must be kept free from any outside influences.

What will be the impact of your decision upon future trials, particularly those within the military?

Not only has respect for the legal process been weakened and the critics of the military judicial system been given support for their claims of command influence, the image of Lt. Calley, a man convicted of the premeditated murder of at least 21 unarmed and unresisting people, as a national hero has been enhanced, while at the same time support has been given to those persons who have so unjustly criticized the six loyal and honorable officers who have done this country a great service by fulfilling their duties as jurors so admirably.

Have you considered those men in making your decisions? The men who since rendering their verdict have found themselves and their families the subject of vicious attacks upon their honor, integrity, and loyalty to this nation.

It would seem to me to be more appropriate for you as the President to have said something in their behalf and to remind the nation of the purpose of our legal system and the respect it should command.

SUPPORT LAW

I would expect that the President of the United States, a man whom I believed should and would provide the moral leadership for this nation, would stand fully behind the law of this land on a moral issue which is so clear and about which there can be no compromise. For this nation to condone the acts of Lt. Calley is to make us no better than our enemies and make any pleas by this nation for the humane treatment of our own prisoners meaningless.

I truly regret having to have written this letter and wish that no innocent person had died at My Lai on 16 March 1968. But innocent people were killed under circumstances that will always remain abhorrent to my conscience.

While in some respects what took place at My Lai has to be considered to be a tragic day in the history of our nation, how much more tragic would it have been for this nation to have taken no action against those who were responsible.

That action was taken, but the greatest tragedy of all will be if political expediency dictates the compromise of such a fundamental moral principle as the inherent unlawfulness of the murder of innocent persons, making the action and the court of six honorable men who served their country so well, meaningless.

Respectfully yours,

AUBREY M. DANIEL III,
Captain, JAGC, Trial Counsel, United States versus Calley.

INTRODUCTION OF YOUTH COUNCIL BILL

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 10 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, it is essential that our Government undertake a comprehensive effort to relate and respond to the needs of our young people. This fact has prompted me to cosponsor the Youth Council Act of 1971.

The Federal Government, specifically the executive branch, can do a great deal to establish lines of communication between the Government and the young people of our Nation. The need for programs to react and respond to our youth is apparent, not only to alleviate a major source of frustration and apathy in our country, but also to utilize youth's great storehouse of talent and imagination.

In a June 17, 1969, letter to the President, the Campus Task Force, comprised of 22 Congressmen including myself, set forth their consensus impressions of student attitudes and problems.

In personal meetings with over 1,000 students, these Congressmen were told that a lack of channels of communication between government and students exists, and as a result, there is no responsiveness by government to student demands. These students further stated they did not see the government solving problems, and there is a gap between the government's promises and its performance.

To gain a deeper insight into the existing youth policies of the Federal Government, several members of the Campus Task Force jointly requested 37 Federal agencies to respond to a questionnaire dealing with programs and policies for and involving youth. The questions concerned new programs developed by the agencies that have an impact on youth and the control, coordination, and review of these programs.

An analysis of the agencies' responses reveals numerous youth oriented programs existing within the executive branch of the Federal Government. These numerous programs directed toward youth are for the most part aimed at either recruiting employees or informing young people of the agency from a public relations posture. Moreover, the findings of the Campus Task Force and the survey results reveal that despite the vast number of programs, an effective governmentwide youth policy does not exist.

An excellent avenue for effecting change in Government-youth relations is an Council on Youth in the Executive Office of the President. Placement in the Executive Office will insure the Council's accessibility to the President. This factor is of prime importance in establishing a governmental mechanism that will provide timely and effective responses by an administration when the Council's recommendations for changes affecting youth are proposed.

The Youth Council will review and report on the impact of present and future Government policies and programs for young people. It will also be concerned with the interaction of youth and nongovernmental institutions in our society.

The five members of the Council will serve as advisers to the President. We contemplate they will be members of the youth community and people close to youth who have an understanding and insight into young people and their needs. With the aid of a supporting staff, the Council members will analyze and relate to the President the needs and desires of America's youth. The Council will be active in recommending to the President national policies and programs for all segments of our Nation's youth.

Through the creation of such an organization which can serve in an oversight capacity and act as a spur to the administration, I feel that we have an outstanding atmosphere in which our youth will be proud to take their places as constructive citizens.

Mr. BIESTER. Mr. Speaker, today I join with two of my colleagues in the House introducing a bill to establish a Youth Council in the Executive Office of the President.

About 2 years ago, I had the pleasure of being part of a group of 22 colleagues which visited over 50 colleges and universities. We listened rather than lectured and came away most impressed and both concerned and hopeful. We learned that there is no single answer, nor any set of answers, to the problems faced by youth and by the whole society in working with youth. We did find, however, that we need significantly better communication with youth and more responsiveness on the part of Government to the views and needs of youth.

Some will no doubt say, "Why give such special attention to youth?" The answer is found in the size and impact youth has on society. Americans under 25 account for nearly one-half our entire population. More importantly, however, our youth represent the most important resource for the future health and prosperity of our Nation. These factors make it doubly important that the highest levels of Government have an up-to-date and constant input as to the needs of young Americans. The Congress and the President do not receive this continuing up-to-date input. A permanent Council on Youth will do much to bridge this gap and it will provide a mechanism for a continuing communication with youth—on campuses, in high schools, wherever young Americans work and live.

For the first time, we will have a mechanism to measure and evaluate the impact of Government programs and policies on youth. It will be one of the primary functions of this Council to continually review present programs and recommend changes and improved methods of coordination among programs. The Council will also operate to review proposed programs and evaluate their impact on youth before the commitment is made to carry out the program.

It is my hope that my colleagues will join in supporting the establishment of the Council on Youth as an important step in insuring that lines of communication and cooperation between youth and Government remain open on a constant basis.

Mr. FREY. Mr. Speaker, I am today cosponsoring with my distinguished colleagues, Mr. STEIGER of Wisconsin and Mr. BIESTER, a bill to establish a Youth Council in the Executive Office of the President.

The three of us were part of a task force made up of 22 Republican Congressmen who traveled to 50 college campuses in May of 1969 to seek out the underlying reasons for campus unrest. Six of us met afterward to report our findings to the President.

Since that time, some of the members of that task force have continued to work together to have our recommendations adopted or enacted into law. A number of them have become law.

We called for the lowering of the voting age and reform of the draft. A statute has been passed to lower the voting age to 18, and a constitutional amendment was passed by the House to correct the constitutional problem caused by passage of the statute. The draft has been replaced by a lottery and President Nixon has recommended ending deferments. Moreover, the voluntary army concept is only a year or so away.

We also rejected repressive legislation against universities which penalize both the guilty and the innocent and the President and the Congress have refused to empower the Federal Government to police the Nation's campuses.

A Student Teacher Corps, which we recommended, has been established to provide the opportunity for youth to work with the disadvantaged.

Just recently, two other recommendations of the task force were implemented by the administration. A National Volunteer Agency, comparable to the National Youth Foundation, we recommended, has been created to expand opportunities for involvement and service by young people. In addition, the President has called for the creation of a national student loan program to ease the financial burdens of a higher education—another measure we proposed.

These accomplishments, we feel, have helped to reduce tensions and evidence to young people that we in the Congress realize that the vast majority are responsible, mature young persons who can and should make useful contributions to the society in which we live.

However, one of our principal recommendations—the establishment of a central office in the Federal Government to coordinate all national youth programs—has not received the serious consideration we had hoped for. The Youth Council that we are proposing would have two major functions: First, with its locus in the White House, it would work with the Office of Management and Budget and others to review and coordinate all present youth programs; and, second, it would represent the views of young people in the consideration of future programs and policies which affect them.

For the past year, the Campus Task Force has made a study of all Federal policies and programs which pertain to youth. Youth, it should be noted, include young people in all walks of life—not just college students. After all, fully two-thirds of the under 25 age group are blue collar and white collar workers.

That study revealed that there are over 400 separate programs which have a direct and indirect effect on youth. The expansion of these programs and services has taken place without the needed analysis of their effects on young people, and how they mesh with other on-going programs. It was also apparent that youth is inadequately informed of its rights, obligations, and opportunities in Government.

Our campus tour revealed that young people today believe they have no effective impact on the processes which govern them. They feel a remoteness from those processes and believe their governmental leaders are isolated. Government, in their view, has become institutionalized in the hands of professionals, experts, and managers, whose decisions are governed by the laws of bureaucratic and professional behavior. Only organized interests, they feel, are represented; for example, labor unions, management, the military, and other vested interests in government. And since young people, as a group, are not organized and lack "political clout," they feel increasingly isolated.

The Youth Council that we propose would go far to remedy this situation. It would: First, provide better communication with youth; second, represent their views and interests in the processes of Government; and third, coordinate, review, and publicize existing youth programs.

The Youth Council in operation would be somewhat analogous to the Council on Environmental Quality. It would be located in the Executive Office of the President and composed of five members appointed by the President. Each member would be a person who is qualified to: First, analyze and interpret the needs and desires of youth; second, appraise programs and activities of the Federal Government as they relate to youth; and third, formulate and recommend national policies to promote the participation of youth in Government of our society. It is anticipated that two or more members of the Council would be under the age of 25.

Our legislation requires the President to transmit to the Congress beginning June 1, 1972, a report on youth which will set forth: First, current and foreseeable developments in the interaction of youth with the institutions of our society; second, a review of governmental programs and policies on youth; and third, a program for remedying difficulties in existing programs and activities, together with legislative recommendations.

The principal duties of the Council will be to: First, assist the President in the preparation of the annual report; second, gather information concerning the developments in the interaction of youth with the institutions of society; third, continually review, critique, and advise the President on Federal programs and activities which effect youth; fourth, review and evaluate the impact on youth which regulations and legislation proposed by the various departments and agencies might have; fifth, develop and recommend policies and legislation on youth matters to the President; sixth, make such studies as the President shall recommend; and seventh, make an annual report to the President and the Congress.

GENERAL LEAVE

Mr. STEIGER of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to join me in my special order today.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

THE NEED TO CLARIFY THE PAKISTANI QUESTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I am sure that everyone who has been reading the newspapers and listening or watching media presentations of the civil war now raging in Pakistan has been left with a feeling that we are not getting the whole story about that conflict. All that we seem to get is that thousands of people are being killed in a conflict that does not make a lot of sense.

For that reason, I was grateful to receive and read two excellent background papers on this crisis, and I insert them into the RECORD following these remarks. The first is called "Conflict in East Pakistan: Background and Prospects," and it was written by three extremely knowledgeable members of the Harvard University faculty. The second is entitled "Pakistan: Background to Crisis," and it is a Ripon Society position paper.

It is becoming very clear to me that the United States cannot afford to become involved in this conflict. It would be easy to say that the present government of Pakistan has been our ally and we will stand by that government as it attempts to put down the insurgents from East Pakistan. Such a policy, I believe, would be a tragic mistake.

We should stop all U.S. military commitments and assistance to Pakistan, and we should carefully assess other nonmilitary assistance to insure that it does not result in giving West Pakistan a more favorable status in the present conflict. For example, we should explore the possibility of providing our promised wheat shipments for the Pakistani flood victims through CARE supervision rather than the Pakistani Government.

Above all, ours should be a policy of noninvolvement in the present conflict in Pakistan. Such a policy, I believe, will improve our relations with a number of Asian and Middle Eastern nations.

The material referred to follows:

CONFLICT IN EAST PAKISTAN: BACKGROUND AND PROSPECTS

ABOUT THE AUTHORS

Edward S. Mason is Lamont University Professor Emeritus at Harvard University, and a former Dean of the Graduate School of Public Administration. He is a past-President of the American Economic Association, and a long-time advisor to the United States Government and the World Bank. In 1954–55 he directed an eight-man team that drew up the first development plan for Pakistan, and has had a long and continuing involvement with the problems of the development of Pakistan and other countries. Mr. Mason was most recently a member of the Petersen Commission on foreign aid appointed by President Nixon.

Robert Dorfman is professor of economics at Harvard University. He has been concerned with the problems of Pakistan development since 1961, when he became a member of the White House-Interior Team appointed by President Kennedy at the request of the then-President of Pakistan, Ayub Khan, to advise the Government of Pakistan on problems of water-logging and salinity. Mr. Dorfman has recently been a consultant to the World Bank on the development of the Lower Mekong River Basin.

Stephen A. Marglin is professor of economics at Harvard University. He has advised governments in Asia, Africa, and Latin America on problems of economic development, as well as the United States Government, the World Bank, and the United Nations.

I. SUMMARY

The independence of East Pakistan is inevitable. What started as a movement for economic autonomy within the framework of a united Pakistan has been irrevocably transformed by the wholesale slaughter of East Pakistani civilians into a movement that sooner or later will produce an independent East Pakistan—"Bangla Desh" is a matter of time. A complete discussion of the Pakistani question would include an analysis of cultural, linguistic, and social issues, which along with economics and politics, are at the heart of the present conflict. This paper has a more limited goal: to assess the economic and political bases of disaffection in East Pakistan and to suggest the likely implications for international relations of the break-up of Pakistan.

In brief, the fact of a large and widening gap in the average standard of living between the two regions of the country is incontestable. Even the West Pakistani-dominated Government admits that the average East Pakistani must make do with barely two-thirds the average income in the West, and he faces higher prices too. The East Pakistanis argue that income disparity is largely the result of a systematic subordination of the interests of the Eastern region to those of the West; specifically, the East Pakistanis charge that allocation of foreign exchange—both that earned by the export of East Pakistani jute and that provided by foreign aid—disproportionately favors West Pakistan; that allocation of domestic investment reinforces the income dispartity; and that high tariffs and import quotas raise prices to East Pakistanis in order to provide profits and jobs in West Pakistan.

We believe that in the main the facts support these charges. Pakistan Government policies have at the very least exacerbated the inequalities that arise from an uneven distribution of natural resources between the two regions, and a disproportionate share of the benefits of economic development have accrued to West Pakistan.

The political program of Sheikh Nujib's Awami League, overwhelmingly endorsed by the people of East Pakistan in the recent elections, sought to correct these disparities by transferring control over economic policy from the Central Government to the provinces. The response of the Yahya Khan's Government has been to unleash a reign of terror whose full dimensions are only gradually becoming known.

The West Pakistani Army can delay independence, but terrain and logistics, coupled with the implacable hostility of the East Pakistanis to what has become foreign domination, are on the side of "Bangla Desh". Apart from the elementary and overwhelming humanitarian interest in an end to further bloodshed, American interest lies with a quick rather than a slow realization of independence. Most important, tensions in South Asia will be reduced. Bangla Dash and India will develop mutually advantageous economic and cultural relations, a move long desired by both sides but frustrated by West Pakistanis who have refused to countenance any normalization of relations in the East as long as the Kashmir issue remains outstanding. The Kashmir issue too is likely to subside in importance, not because of any reduction in tension in the West—the Kashmir issue has never aroused much interest in the East—but because West Pakistan, without the economic support of the East, will be unable to sustain the level of pressure it has been able to mount until now. In short, Bangla Desh will be a truly independent state, ready and able to maintain normal relations with its neighbors and the powerful nations of both blocs, but a satellite or pawn of no one.

The independence of Bangla Desh will be inimical to American interests only insofar as American aid is used to delay the inevitable. Economic aid to the Pakistan Government should be immediately suspended. The "one-time" exception made last year to the embargo of arms sales and military aid (imposed after the Indo-Pakistani war of 1965) should be rescinded. American arms must not be supplied to a government that makes war on helpless civilians.

II. U.S. ECONOMIC AND MILITARY AID TO PAKISTAN

Since 1951 Pakistan has been a major recipient of U.S. economic aid amounting to approximately $3 billion [1] by 1969. Except for food aid donated under Public Law 480, the bulk of this assistance has been used to support industrialization in West Pakistan, with only a handful of projects undertaken in East Pakistan.

The quantum of U.S. military aid to Pakistan is a classified figure but two estimates [2] put it between $1.5 to $2 billion for the period between 1954 and 1965. The assistance has included F–104 Starfighters, Patton tanks, armoured personnel carriers, automatic and recoilless infantry weapons. This impressive array of modern weaponry was given expressly [3] for defensive purposes. With Pakistan an early member of SEATO and CENTO this military aid was intended to bolster the armed containment of the Communist Bloc in the Dulles era of U.S. foreign policy but apart from the brief border war with India of 1965 the only active use of these sophisticated weapons has occured against the unarmed and defenseless civilian population of East Pakistan.[4]

The growth and maintenance of the superstructure of the armed forces which was built up with massive U.S. military aid continued even after 1965 when the United States decided to put an embargo on the delivery of arms to both Pakistan and India. This was made possible by diverting resources from the much needed development projects. East Pakistan, poorer and less powerful politically than the West, suffered more by this irrational policy.

Surprisingly, the United States has just recently (October 1970) made an exception to its embargo on military sales to Pakistan. According to the information available, the United States has offered to supply Pakistan the following items:

(a) Armored personnel carriers (approximately 300)

(b) Maritime reconnaissance aircraft (4)

(c) F–104 jet fighters (6)

(d) B–57 bombers (7)

Fortunately, no sales or deliveries have yet been made. It is not too late to rescind the offer, a move that would be of practical as well as symbolic value.

III. ECONOMIC AND POLITICAL DOMINATION OF EAST BY WEST

The basic facts seem to support the East Pakistan charge of economic domination by the West. The economic disparities between East and West, Pakistan have been so serious for so long that the Pakistan government's highest planning authority has been forced to take official note of them.

A recent report [5] by a panel of experts to The Planning Commission of the Government of Pakistan provides authoritative documentation of the widening of economic disparities in the two regions. The most striking fact in this report is the widening gap between the income of the average West Pakistani and his Eastern counterpart. In 1959–60, the per capita income in West Pakistan was 32% higher than in the East. Over the next ten years the annual rate of growth of income of West Pakistan was 6.2% while it was only 4.2% in East Pakistan. As a result, by 1969–70 the per capita income of the West was 61% higher than in the East.[6] Thus in ten years the income gap doubled in percentage terms; it increased even more in absolute terms.

East Pakistanis blame three instruments of central government policy for their plight:

1. Pakistan's scant investible resources, plus foreign aid, are directed unduly to the development of West Pakistan—to the comparative neglect of East Pakistan.

2. In particular, East Pakistan's foreign trade earnings are diverted to finance imports for West Pakistan.

3. Economic policy favors West Pakistan at the expense of the East. Specifically, tariffs, import controls, and industrial licensing compel East Pakistan to purchase commodities from West Pakistan which, but for the controls, they could obtain more cheaply in world markets.

We believe the East Pakistani claims to be largely justified. First, it is indisputable that the bulk of public investment has been in West Pakistan though the majority of the population lies in the East. With 60% of the population, East Pakistan's share of central government development expenditure has been as low as 20% during 1950/51–1954/55, attaining a peak of 36% during the Third Five Year Plan period 1965/66–1969/70. East Pakistan has received an even smaller share of private investment, less than 25%.[7]

It may be true, as defenders of Pakistan government policy claim, that the great bulk of worthwhile investment opportunities have been in the West, though the relative attractiveness of the West may be more the effect of overall government policy than a cause. In any event the fact remains that investments in the West have done little or nothing for the people in the East.

As for the second point, it is clear that foreign exchange has been allocated to the detriment of East Pakistan. Over the last two decades East Pakistan's share of total Pakistan export earnings has varied between 50% and 70%, while its share of imports has been in the range of 25% to 30%.[8] Until 1962/63 East Pakistan has shown significant surpluses on foreign account, which has changed in recent years to small deficits. By contrast the West's foreign trade has shown a substantial and chronic deficit that has absorbed virtually all foreign exchange made available through foreign aid.

With respect to the third point, general economic policy has clearly favored West Pakistan. The West's preponderant share of imports and investments might have provided in expensive necessities for all of Pakistan's people. In fact it has allowed the development of inefficient [9] industries, which, ironically, have prospered largely because of tariffs and quotas that have made East Pakistan a captive market. 40% of all exports of West Pakistan are sold to East Pakistan; in 1968/69 the West sold 50% more to the East than it bought from the East.

An analysis of foreign trade data reveals that a net transfer of resources has taken place from East to West Pakistan. According to the official report referred to above, East Pakistan has transferred approximately $2.6 billion to West Pakistan over the period 1948–49 to 1968–69.[10]

In short, Pakistan's economic policies are harmful to East Pakistan. "Exploitation" may be a strong word, but it seems clear, all in all, that East Pakistan's economic interests have been subordinated to those of the West, and that the East Pakistanis have had good cause to resent that fact.

The economic domination of East Pakistan has been facilitated by West Pakistani dominance of the Central Government. The military regime in Pakistan has existed, with modifications, since 1958, and decisionmaking authority rests with a well-entrenched civil service and their military bosses. *All* senior military members of the administration have been West Pakistani, and of the senior officers in the Central civil services, 87% were West Pakistani in 1960,[11] and the proportion has not changed much since. The Deputy Chairman of the Planning Commission and the Central Finance Minister, key individuals in resource allocation, have always been West Pakistanis.

The location of the Central Government in West Pakistan has encouraged the concentration of industry and the entreprenneurial class in West Pakistan.[12] Such a concentration is to be expected in an economic system where direct allocational control of resources by the government makes direct access to government authorities a prime business asset.

IV. BACKGROUND TO THE BREAK-UP OF PAKISTAN

The history of economic and political domination of East Pakistan by the West led naturally to increasing demands for provincial autonomy, spearheaded by Sheikh Mujibur Rahman's Awami League. Its 6-point platform for autonomy sought to transfer control over foreign trade, foreign aid allocation, and taxation powers to the provinces so that no province could be dominated through disproportionate control of the Central Government's powers over resource allocation.[13]

At the polls last December this Awami League platform swept 167 of the 169 seats in the National Constitutional Assembly that were alloted to East Pakistan. The Awami League's 167 seats constituted an absolute majority in a chamber of 313. The political and military powers of West Pakistan tried to pressure Sheikh Mujib into compromising on his 6-point autonomy mandate. In particular Zulfikar Ali Bhutto, leader of the West Pakistani People's Party which had won 80-odd seats in the elections, demanded that control of trade and aid should remain with the Central Government. When Sheikh Mujib refused to compromise on these instruments of past economic domination, Bhutto announced a boycott of the Constitutional Assembly sched-

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Footnotes at end of article.

uled to meet on March 3. General Yayha Khan used this pretext to postpone the Assembly indefinitely. This arbitrary postponement provoked demonstrations in Dacca and other cities on March 1, which the military decided to control by force. The military authorities conceded 172 deaths in the disturbances (the Dacca correspondent of the *London Observer* put the figure nearer 2000).

Despite this bloody provocation the Awami League refrained from declaring independence. Instead they launched a campaign of civil disobedience to demand a return of troops to barracks and an enquiry into the firings. The campaigns of non-cooperation effectively transferred civilian authority to Sheikh Mujib but even in the massive rally of March 7 Sheikh Mujib still spoke of a united Pakistan with autonomy for each province. His preparedness for negotiation and commitment to the unity of Pakistan was demonstrated by his continuation of talks for the next two weeks despite the well-advertised influx of West Pakistani troops. Indeed, in retrospect it would appear that the West Pakistani officials were never negotiating in good faith; negotiations were a way to forestall an open break until sufficient numbers of West Pakistani troops could be brought on the scene to unleash a terror whose full dimensions are only now becoming known. The Awami League's commitment to a peaceful political settlement was convincingly demonstrated by the complete lack of preparation of the civilian population to the onslaught[14] of military arms which was unleashed on them on the night of Thursday March 25.

V. INTERNATIONAL IMPLICATIONS OF AN INDEPENDENT "BANGLA DESH"

From news reports now available it would appear that the use of massive military fire power has broken the Awami League and its supporters in most urban centers. But control of urban centers are gun-point in a country where 90% of the population lives in rural areas hardly constitutes a framework for any effective government, let alone a popular one. The immediate prospect is for ruthless military rule in urban centers, with tenuous control over a countryside which is likely to become increasingly the base for armed guerilla resistance.

The base for such a movement clearly exists. The overwhelming support for the Awami League's demand for autonomy was clearly shown in the election results of December when 167 out of 169 seats allotted to East Pakistan were won by the League. As reports of military massacres[15] are carried by urban refugees to the rural areas, the democratically expressed sentiment for autonomy is likely to be converted to a militant desire for independence. It is possible that a West Pakistani army of occupation can suppress the Bengali nation for two months, six months, or a year, but the American experience in Vietnam illustrates only too painfully the impossibility of holding an entire population captive by force of alien arms alone.

The emergence of an independent Bangla Desh appears to be inevitable in the long run. What remains in question is how much blood will flow before it occurs. Politically it is clear that the longer it takes to achieve independence, the more likely it is that control of the independence movement will slip away from the moderate leadership of the Awami League to the more leftist National Awami Party (which did not contest the December elections).

Assuming that the independence movement succeeds while under Awami League control, certain predictions may be made about its relations with neighbors and superpowers. As expressed in public statements of Sheikh Mujib, an independent Bangla Desh will establish friendly relations with India and set up economic trade to their mutual advantage. Up to now such trade—and all cultural ties—have been frustrated by the West Pakistanis who dominate the Central Government. They believe that, short of war, their only lever to force a settlement of their Kashmir claim is the economic interest of India in trade with East Pakistan. By contrast, East Pakistan has never been aroused by Kashmir, and in the 1965 war no military activity took place within its borders. Strong linguistic and cultural ties with the state of West Bengal in India are likely to help cement durable good relations between the two countries and reduce tension in the area. Unable to share the burden of military expenditures with the East, West Pakistan is bound to tone down its policy of confrontation with India, a confrontation which for the past 24 years has diverted scarce resources of both these poor, populous countries from much needed economic development to defense.

As an independent nation Bangla Desh might conceivably establish marginal economic contacts with Communist China. But these are unlikely to be any greater than the current scale of trade and aid between China and Pakistan, and will certainly be less than the likely range and depth of East Bengal's economic ties to neighboring India. As long as India is the main trading partner (and both pronouncements of Awami League leaders and the economic geography of the region support this posibility), it is unlikely that Bangla Desh will become a satellite of Communist China.

The U.S.S.R. has in the past three years become an active patron of the military clique that controls Pakistan. Soviet aid has included considerable economic aid (including agreements for a steel mill in West Pakistan) and some military aid. The Soviet initiative has been largely a resopnse to growing Communist Chinese ties with Pakistan. This competition between rival giants has redounded to the benefit of West Pakistan where the central government and military establishment are based. The U.S.S.R. has not been sensitive to the aspirations of East Pakistanis in the past, and is unlikely to make a new Bangla Desh an arena for superpower competition for influence.

A major goal of U.S. foreign policy in this area has been the reduction of the debilitating confrontation between India and Pakistan. This goal will surely be advanced by the existence of an independent Bangla Desh friendly to India. Most observers believe that the Awami League leadership will follow a neutral foreign policy, particularly if the U.S. and multilateral aid agencies like the World Bank are the major aid donors.

Bengali independence will be inimical to American interests only if by following short-sighted policies we drive East Pakistan into the arms of another power—the U.S.S.R. or China. To the extent that Bengali independence is delayed by means of American arms, the image of the United States will suffer, and rightly so. The offer of arms to Pakistan by the United States Government in October 1970, whatever its ostensible purpose, will, if implemented, oil a Pakistani military machine that is making war on its own citizens. The United States Government must rescind this offer forthwith. No further military aid, or economic aid—which directly or indirectly provides foreign exchange that makes it possible to buy weapons abroad—should be given to West Pakistan until it withdraws its occupation force from East Bengal and recognizes the independence of the Bengali nation.

FOOTNOTES

[1] Stern, J. J. and Falcon, W. P., *Growth and Development in Pakistan 1955–69*, Occasional Paper No. 23, Harvard Center for International Affairs, April 1970; M. A. Sattar, *United States Aid and Pakistan's Economic Development*, unpublished Ph. D. dissertation, Tufts University, 1969.

[2] *New York Times*, September 28, 1964; Frank N. Trager, "United States and Pakistan," *Orbis* Vol. IX, Fall 1965, No. 3.

[3] Formal agreement signed May 1954, reported in Department of State Press release, *Department of State Bulletin*, May 31, 1954, pp. 850–851.

[4] *Washington Post*, March 30; *New York Times*, March 29 and March 30. These contain eyewitness accounts by correspondents of use of U.S. supplied tanks.

[5] *Reports of the Advisory Panels for the Fourth Five Year Plan 1970–75*, Vol. I; Planning Commission, Government of Pakistan, July, 1970.

[6] *Ibid.*, p. 2, Table 1. As the report notes these estimates of disparity are understatements because of a lack of adjustment in the basic official data for the generally higher prices which prevail in East compared to West.

[7] *Ibid.*, p. 6, table 2.

[8] Total foreign exchange available for imports is made up of export earnings and foreign aid. All data on trade are compiled from official statistics issued by the Central Statistical Office, Government of Pakistan.

[9] Lewis, Stephen R., *Pakistan: Industrialization and Trade Policies*, O.E.C.D., Oxford University Press, 1970.

[10] Planning Commission, *op. cit.*, app. 3.

[11] Rahman, A., *East and West Pakistan: A Problem in Political Economy of Regional Planning*, Occasional Paper No. 20, Harvard University Center for International Affairs, 1968. By 1966, among all Class I officers in the Central Government East Pakistan's share was only 20 per cent.

[12] Papanek, G. F., *Pakistan's Development: Social Goals and Private Inventives*, Harvard University Press, 1967.

[13] The Six Points are:

(1) Establishment of a federation "on the basis of the Lahore Resolution and the Parliamentary framework of government with supremacy of legislature directly elected on the basis of adult franchise."

(2) Federal government shall deal with only two subjects, that is, defense and foreign affairs, and all other residuary subjects should rest in the federating states.

(3) There should be either two separate but freely convertible currencies for the two wings or one currency for the whole country provided that effective constitutional provisions were made to stop the flight of capital from East to West Pakistan. There should be separate banking reserves and a separate fiscal and monetary policy for East Pakistan.

(4) Denial to the Central Government of the right of taxation; vesting of tax provisions in the hands of the federating states with the Central Government receiving a fixed share.

(5) Foreign trade; Five steps shall be taken:

(a) There shall be two separate accounts for foreign exchange earnings.

(b) Earnings of East Pakistan shall be under the control of East Pakistan and the same for West Pakistan.

(c) Foreign exchange requirements of the federal government shall be met by the two wings either equally or in a ratio to be fixed.

(d) Indigenous products shall move free of duty within the two wings.

(e) The constitution shall empower the unit governments to establish trade and commercial relations with, set up trade missions in and enter into agreements with foreign countries.

(6) Set up a militia or para military force by East Pakistan.

[14] Preplanned according to reports by foreign correspondents, e.g. Sydney Schanberg in *New York Times*, March 26–29.

[15] The eyewitness account of a British correspondent in *Washington Post* March 30 leaves no doubt about the appropriateness of the word "massacre".

PAKISTAN: BACKGROUND TO A CRISIS

(NOTE.—This paper was reviewed for the Ripon Society by a committee consisting of

J. Lee Auspitz, President, Ripon Society; Stephen A. Marglin, Professor of Economics, Harvard University; Gustav F. Papenek, Lecturer on Economics and former Director, Development Advisory Service, Harvard University.

I. HISTORY OF ECONOMIC AND POLITICAL DOMINATION OF EAST PAKISTAN

In many ways East and West Pakistan have never been one country. Even at its strongest, the bond between East and West Pakistan was somewhat tenuous. They are physically more than 1,000 miles apart, the people speak different languages, have different cultures and different economies. They have in common religion, a short history, and the same central government.

Since the formation of the state of Pakistan 24 years back, the East Bengalis have derived little benefit from the association other than a limited sense of security that the Hindu landlords would not be able to return and reposses the land.

It has become increasingly apparent that the economic and political interests of the East Pakistanis have been systematically subordinated to those of West Pakistan. Even the Central Government's highest planning authority was forced to take official notice of the widening economic disparities between the two religions. A recent report[1] by a panel of experts to the Planning Commission of the Government of Pakistan showed that, while average (per capita) income in the West was 32% higher than in the East in 1959–60, the disparity had almost doubled to 61% ten years later in 1969–70.[2]

The Central Government's instruments of tariffs, import controls, industrial licensing, foreign aid budgeting, and investment allocation have been used to direct investment and imports to develop high-cost[3] industries in West Pakistan whose profitability is guaranteed by an East Pakistan market held captive behind tariff walls and import quotas. Though 60% of all Pakistanis live in the East, its share of Central Government development expenditure has fluctuated between a low of 20% during 1950/51–1954/55 and a high of 36% in the period 1965/66–1969/70.[4] East Pakistan's share of private investment has averaged less than 25%. Historically, 50% to 70% of Pakistan's export earnings have been earned by East Pakistan's products, mainly jute, hides and skin. Yet its share of foreign imports (which are financed by export earnings and foreign aid) has remained between 25% and 30%.[5] Basically, the East's balance of payments surplus has been used to help finance the West's deficit on foreign account leading to a net transfer of resources, estimated by an official report[6] to be approximately $2.6 billion over the period 1948/49 to 1963/69.

The subordination of the East's economic interests has been accomplished by the overwhelming concentration of governmental authority in the hands of West Pakistanis.

After the military regime of Ayub Khan took power in 1958, the East has had little political representation in the Centre. Only coopertaive Bengalis were appointed to political office, and in the powerful Civil Service, Bengalis held only a small fraction of the positions. Under-representation of Bengalis in the army was even more severe, believed to be 10% or less. Ayub Khan, against whom the Bengalis had voted heavily in 1965, was forced to resign because of widespread unrest in both East and West, culminating in demonstrations and strikes in 1969. Since taking power in the Spring of 1969, Yahya Khan's martial law regime has always spoken of itself as an interim government to be replaced after popular elections. In the economic and social spheres, the army made no innovations. However, the military did take one positive step: they held free and fair elections in December of 1970, both for a Constituent Assembly and for Provincial Assemblies.

These elections were based on "one man, one vote;" this meant that in the Constituent Assembly the East was allotted roughly 55 percent of the seats. Two parties dominated the elections. In the East, Sheikh Mujibur Rahman's party, the Awami League, won 167 out of 169 seats for the Constituent Assembly; in the West, Zulfikar Ali Bhutto's party won approximately 80 out of 140 seats. The Awami League actually had sufficient seats to be a *majority* in the Constituent Assembly.

The Awami League ran on a single issue, autonomy[7] for East Pakistan. Until the shooting began on March 25, they did not seek independence but a loose union with the West. While on paper they had the votes to dominate a strong central government they presumably felt they could not, in fact, dominate, given that the military, the civil service, and the large businesses were all in the hands of West Pakistanis.[8] Therefore, they opted for a form of government which would give them control over what they considered their essential interests. The established interest groups in the West, particularly the military whose budget was threatened and large businesses who stood both to lose markets and the foreign exchange earnings of the East, opposed autonomy for the East.

When it was clear that the East would not compromise on its demand for autonomy, President Yahya Khan postponed the Constituent Assembly scheduled for March 3, resulting in demonstrations in which hundreds of people died in army firing on March 1. Despite this provocation, Sheikh Mujib kept the door for negotiations open. General Yahya Khan appeared to respond by holding talks for two weeks with the Awami League leadership. In retrospect, this appears to have been a ploy to buy time for reinforcing the West Pakistani armed forces in the East. On March 25, the military authority outlawed the Awami League, arrested its leaders, and opened fire with tanks, artillery, and automatic weapons (much of it supplied by the U.S.) on the defenseless and unarmed civilians.[8]

The military's approach appears to be to intimidate the urban population through a reign of terror. Killing and destruction apparently have been indiscriminate. Reports on the number killed in the first three days ranged from 15,000 up.

In the short run the army can intimidate the people of the major cities. But it cannot even now control any substantial part of the countryside. In the long run the military position is untenable. In a hostile environment and given the logistical problems, maintaining even the 60,000 West Pakistani troops now in the East, will be difficult. Moreover, the military cannot possibly guard the borders or prevent the Bengalis from acquiring arms with which to resist.

The Bengalis have now declared themselves independent and have the will to fight. In the end, they will win; the only question is time, how many deaths, and how much destruction must take place before they achieve their independence.

The recent elections provided East Pakistan with a political party capable of governing. Rather than a civil war, the present action is more of an invasion of one state by the military of another, with the aim of overthrowing a duly elected government and subjugating the people.

II. AN INDEPENDENT EAST PAKISTAN IN THE INTERNATIONAL COMMUNITY

Bangla Desh, the name chosen by East Pakistanis for their desired nation, is bound to establish good relations with India. Apart from the cultural bonds of a common language—Bengali—between East Pakistan and the state of West Bengal in India, interest in strong economic ties coincides. The industrialization of East Pakistan would be greatly facilitated by the nearby supply of coal and iron ore in West Bengal. Even for agricultural growth, much of the investment to improve water control would have to be undertaken in India, presumably as cooperative ventures, likely with World Bank support. India would benefit not only from water control but also from direct access to the East Pakistan market, and incidently by the improvement of access to Assam. Historically, in spite of evident mutual interest in regularizing cultural and trade relationships between India and East Pakistan, such a development was consistently discouraged and resisted by the West Pakistani-dominated government. Specifically, the West Pakistanis believed that, short of war and victory, they have no other lever to force a settlement of the Kashmir claim but the economic interest of India in resuming trade in the East.

An independent Bangla Desh may set up minor economic ties with China, but these are likely to be much less than the current scale of trade and aid between China and Pakistan. The chance of international links between China and Bangla Desh are likely to increase the longer the independence struggle takes to achieve its goal, since its control may, over time, slip from moderate Awami League leadership to more militant and leftist elements such as the National Awami Party (which did not contest the December elections).

In recent years U.S.S.R. has competed with China for influence over the West Pakistani-dominated Central Government, using the levers of economic and military aid. In its newly established relationship the Soviet Union's contacts have been confined to the military regime in West Pakistan. Though it is hard to predict the Soviet attitude towards an independent Bangla Desh, ties with the Soviet Union are unlikely to be any stronger than with China.

III. UNITED STATES POLICY: PAST AND FUTURE

The likely pattern of United States relations with Bangla Desh depends crucially on U.S. policy in the current crisis—particularly with regard to the decisions on economic and arms aid to the Central Government in West Pakistan. To appreciate possibilities for U.S. policy, a little history is helpful.

Since the early 1950's when Pakistan joined mutual security pacts of SEATO and CENTO, she has received massive economic and military aid from the United States. By 1969 economic aid amounted to about $3 billion and military aid, a classified number, has been estimated to have been between $1.5 and $2 billion. This assistance has included F–104 Starfighters, F–84 Sabre jets, C–130 transports, Patton tanks, armoured personnel carriers, heavy artillery, and automatic weapons. This arsenal of sophisticated equipment was explicitly intended for defense, and in terms of the context in which they were provided, the Communist Bloc was seen as the potential aggressor. After the 1965 Indo-Pakistan border war, when the U.S. imposed an arms embargo on both countries, the Pakistan government turned for support to another adversary of India, i.e., the People's Republic of China.

The Pakistani initiative was sympathetically received by China, presumably not so much because of the Sino-Indian conflict but because it represented a breach in SEATO and CENTO. The growth of Chinese military and economic aid spurred similar offers from the Soviet Union, anxious to get into the act of weaning Pakistan away from its military alliances with the Western powers. Perhaps because the United States still believed it could compete for influence with Pakistan through arms sales, or perhaps due to the sheer momentum of long and close ties be-

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Footnotes at end of article.

tween the Pentagon and the military superstructure in Pakistan, attempts to circumvent the arms embargo gathered strength in 1967. Attempts were made to persuade "third countries"—West Germany and Turkey—to sell arms previously provided by the U.S. to Pakistan for nominal prices, with the assurance that the U.S. would replace these weapons with newer equipment.[10] Though this particular move of the Johnson Administration was frustrated by the unwillingness of any suitably equipped third country to go along with the arrangements, in October 1970 the Nixon administration offered to sell Pakistan certain items including a squadron of F-104 Starfighters, a squadron of F-104 Starfighters, a squadron of B-57 bombers,[11] and about 300 armored personnel carriers.

Viewed from the United States, the emergence of an independent Bangla Desh friendly to India is likely to aid the long-term U.S. foreign policy goal of reducing conflict and tension on the Indian sub-continent. The issue of Kashmir, a matter on which East Pakistan has never been aroused, will continue to divide India and West Pakistan. But as a separate entity, West Pakistan is unlikely to have the capacity to continue the long and costly confrontation with India, which has sapped the scarce resources of both these poor countries.

An independent East Pakistan will probably follow a moderately pro-Western policy, which may be consolidated with the provision of aid by U.S. and multilateral agencies. But if the struggle for independence is prolonged by the continuation of U.S. aid to the Pakistan government, the damage to the United States' image and the rise to power of leftist elements in the independence movement will both frustrate the development of friendly relations with the U.S. Eyewitness reports in the *Washington Post* and *New York Times* confirm that American arms are now being used, along with Russian and Chinese, to establish a reign of terror in East Pakistan. The American Government must not be party to the killing of defenseless civilians or the forcible repression of the struggle by East Pakistanis for control over their own lives. Since the agreements under which the arms were given limit their use for defensive purposes, the U.S. certainly has a basis to protest their use for massacring unarmed civilians.

Continuing military and economic aid is not neutrality in this matter. In the current situation, all aid is bound to flow to the government in West Pakistan. At the very least, the United States should prevent deliveries under the October 1970 arms offer, avoid all further arms deals, and cut off economic aid to Pakistan. Such action, together with moral and diplomatic pressure, could bring an end to hostilities and lead to early institution of democratic government.

FOOTNOTES

[1] *Reports of the Advisory Panels for the Fourth Five Year Plan 1970–75*, Vol. I, Planning Commission, Government of Pakistan, July, 1970.

[2] Planning Commission, *op. cit.*, p. 2.

[3] Soligo, R. and Stern, J. J., "Tariff Protection, Import Substitution, and Investment Efficiency." *Pakistan Development Review*, Summer 1965. This demonstrates the inefficiency of nearly all industries.

[4] Planning Commission, *op. cit.*, p. 6.

[5] *Foreign Trade Statistics*, various issues, Central Statistical Office, Government of Pakistan.

[6] Planning Commission, *op. cit.* Appendix III.

[7] The Six-Point autonomy program of the Awami League is—

(1) Establishment of a federation "on the basis of the Lahore Resolution and the Parliamentary framework of government with supremacy of legislature directly elected on the basis of adult franchise."

(2) Federal government shall deal with only two subjects; that is defense and foreign affairs and all other residuary subjects should rest in the federating states.

(3) There should be either two separate but freely convertible currencies for the two wings or one currency for the whole country, provided that effective constitutional provisions were made to stop the flight of capital from East to West Pakistan. There should be separate banking reserves and a separate fiscal and monetary policy for East Pakistan.

(4) It denies the centre the right of taxation and vests it in the hands of the federating states with the centre receiving a fixed share.

(5) Foreign trade: Five steps—

(a) There shall be two separate accounts for foreign exchange earnings.

(b) Earnings of East Pakistan shall be under the control of East Pakistan and the same for West Pakistan.

(c) Foreign exchange requirements of the federal government shall be met by the two wings either equally or in a ratio to be fixed.

(d) Indigenous products shall move free of duty within the wings.

(e) The constitution shall empower the unit governments to establish trade and commercial relations with, set up trade missions in, and enter into agreements with foreign countries.

(6) Setting up a militia or para-military force by East Pakistan.

[8] Papanek, G. F. *Pakistan's Development: Social Goals and Private Incentives*, Harvard University Press, 1967.

[9] The *Washington Post*, March 30, gives a graphic account of the massacres committed with the use of armored units in Dacca, the regional capital of East Pakistan.

[10] Bowles, Chester, *Promises to Keep: My Years in Public Life* 1941–1969, p. 521, Harper, and Row, 1971.

[11] Bowles, *op. cit.*, p. 522.

VOTING RECORD OF MR. HOGAN

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, on October 8, 1970, I placed in the CONGRESSIONAL RECORD a condensation of my voting record for the 91st Congress to that date. At this time, I insert in the RECORD an addendum to my voting record which contains those votes taken during the "lame duck" session of the 91st Congress:

ADDENDUM TO VOTING RECORD OF HON. LAWRENCE J. HOGAN FOR 91ST CONGRESS, POST-ELECTION SESSION

Passed (P) or Defeated (D) by the House of Representatives (Reflects House action only; measures may or may not have been enacted into law).

AGRICULTURE

Voted

Against conference report on the Agriculture Act which included a limit of $55,000 in subsidy payments per farmer per crop on wheat, feed grains and cotton. (P)

For recommittal to Committee of bill authorizing amending marketing orders for milk and potato research and promotion programs. (P)

Against authorizing amending marketing orders for agricultural commodities including milk to provide for product research promotion and advertising; also a national research and promotion program for potatoes. (P)

For the Plant Varieties Protection Act to encourage the development of varieties of plants. (P)

Against conference report on legislation authorizing promotion of various agricultural products. (P)

CIVIL RIGHTS

Voted

For authorization of funds for the Civil Rights Commission. (P)

CRIME

For exempting .22 cal. rimfire ammunition from the recordkeeping provisions of the gun control law. (P)

DISTRICT OF COLUMBIA

Voted

For D.C. Revenue Bill, extending borrowing authority of the D.C. Government and increasing annual federal payment to D.C. to $120 million. (P)

EDUCATION

Voted

For a comprehensive manpower training bill, including a program of public service employment. (P)

Against the conference report on the Manpower Training bill due to unacceptable changes by House-Senate Conference Committee. (P)

For postponing consideration of the School Transportation Aid bill until 92nd Congress. (D)

For a program of aid to school districts to help them meet special problems incident to desegregation and the elimination, reduction or prevention of racial isolation. (P)

ECONOMICS AND ECONOMIC DEVELOPMENT

Voted

For opening the Foreign Trade Bill up for amendment on the floor of the House. (D)

Against the Foreign Trade Act which provided import quotas on textiles, footwear and other commodities. (P)

For a nongovernmental Securities Investors Protective Corporation to assess broker dealers for a fund to protect customers in case of broker-dealer financial insolvency. (P)

For the conference report on bill which would apply the Federal regulations governing multi-bank holding companies to one-bank holding companies also. (P)

For federal railroad loan guarantees to keep the bankrupt Penn Central Railroad from ceasing operations. (P)

For exclusion of Export Import Bank receipts and disbursements from the U.S. budget. (D)

FOREIGN AID

Voted

For supplemental foreign aid authorization bill, including aid for Cambodia. (P)

For supplemental appropriation bill for fiscal 1971, including funds for Cambodia, Korea and military credit sales to Israel. (P)

For conference report on the fiscal 1971 foreign aid appropriation bill. (P)

GOVERNMENT OPERATIONS/GOVERNMENT EMPLOYEES

Voted

For additional authorization for the Smithsonian Institution in Washington, D.C. (P)

For conference report on bill providing for revision in the pay system for prevailing wage rate federal employees. (P)

For including Federal firefighters within the provisions of Federal retirement law as pertains to employees engaged in certain hazardous occupations. (P)

For conference report on bill to change the system for granting pay increases to federal classified employees, basing annual pay increases on comparability with private industry wage rates. (P)

HEALTH/WELFARE/SAFETY

Voted

For an expanded and improved Federal program of family planning services and population research activities. (P)

For amending the Occupational Health and Safety Act to create a five member board appointed by the President to set job safety and health standards, and a three member commission, Presidentially appointed, to enforce these standards. (P)

For the Occupational Health and Safety Bill, so amended. (P)

For a program of federal grants to medical schools and hospitals to encourage and promote the training of family doctors. (P)

For extending the food stamp program, with the requirements that participating states partially finance the program and able-bodied adults register and take available jobs as a condition to eligibility for food stamps for household. (P)

For conference report on the Occupational Health and Safety Bill which provided Labor Secretary authority to set health and safety standards, with enforcement function in the hands of a separate commission. (P)

For recommittal of the conference report on the food stamp bill to the conference committee. (P)

LABOR

Voted

Against adding a pay increase feature to the resolution which called for a temporary prohibition until March 1, 1971 of strikes or lockouts in the railway labor dispute. (P)

For the resolution calling for a temporary prohibition of a railroad strike, as amended to provide the above wage increase provisions. (P)

For conference report on the resolution providing for a temporary prohibition against a railroad strike. (P)

MILITARY AND SECURITY

Voted

For educational assistance to wives and children, and home loan benefits to wives of Prisoners of War and Missing in Action servicemen. (P)

For resolution expressing the sense of Congress that whenever feasible there should be Presidential consultation with Congress before U.S. troops are involved in armed combat. (P)

For resolution expressing support for efforts to rescue American POWs in North Vietnam. (P)

For Defense Department Appropriation bill for FY 1971. (P)

For conference report on military construction authorization bill. (P)

For conference report on Defense Appropriations Bill for FY 71. (P)

For second conference report on Defense Appropriation Bill for FY 71. (P)

PUBLIC WORKS

Voted

For the Federal-Aid Highway Act, including provisions designed to force further construction of D.C. freeways. (P)

For conference report on Federal Aid Highway Act. (P)

TAX LEGISLATION

Voted

For bill to postpone reductions in excise taxes on autos and on telephone service, and to speed up collection of estate and gift taxes. (P)

MISCELLANEOUS

Voted

For bill authorizing funds through FY 1971 for the American Revolution Bicentennial Commission. (P)

For $17.7 billion HUD-Independent Offices appropriations bill, to replace that bill which was vetoed by the President. (P)

To extend the authority of the Housing and Urban Development Act. (P)

For deletion of funds for Supersonic Transport from the Transportation Appropriation Bill. (D)

For the conference report on the Transportation Appropriation Bill, including funds for the Supersonic Transport. (P)

For a three-year reprieve for the "Delta Queen" to allow this Mississippi River passenger boat to continue in operation. (P)

For resolution ordering the Public Printer to print and distribute an official report of the House Committee on Internal Security listing various radical-type campus speakers. (P)

Against the conference report on Housing and Urban Development Authorization Bill. (P)

For defraying part of the cost of expanding the United Nations headquarters in New York. (P)

Against withholding the contribution for expanding the United Nations headquarters until such time as the delinquent dues of all member nations are paid in full. (D)

For authorizing appropriation of not more than $20 million as a U.S. grant toward expanding the U.N. headquarters in New York. (P)

Against providing retiring Speaker John McCormack with an office and paid staff for two years. (P)

For return to the Senate of papers concerning the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians. (P)

For a closed rule prohibiting amendments on the floor when considering a resolution to continue appropriations for the Department of Transportation. (P)

For continuing appropriations resolution permitting the Transportation Department to spend through March 30, 1971, at a $2.6 billion annual level, including funds for the Supersonic Transport. (P)

ENDANGERED SPECIES CONSERVATION ACT OF 1969

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN), is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, reflecting upon the achievements of the 91st Congress, I am sure many of my colleagues would agree that not all was done that could or should have been done in the area of conservation. Nonetheless, it is most reassuring to learn of the effectiveness of the action that we did take. One such happy instance was recounted recently in the Christian Science Monitor. The article noted that—

> The Florida Everglades, other swampy regions, and islands off the South Carolina coast now are seeing alligators again due to tougher conservation laws.

Among those tougher conservation laws which are helping the alligator to make a comeback is an amendment to the Endangered Species Conservation Act of 1969 which prohibits the interstate shipment of alligator hides. We certainly can be proud of that act and of the cooperation it generated at other levels of government. Both New York State and New York City, for example, have passed laws banning the sale of alligator products.

Sound legislation, when implemented, can produce impressive results.

Sound legislation, when ignored, can be frustrating, embarrassing, and disastrous.

The Endangered Species Conservation Act of 1969, unfortunately, fits the second circumstances as well as the first.

Section 5(b) of the act called for the Secretary of the Interior, "through the Secretary of State" to "seek the convening of an international ministerial meeting on fish and wildlife prior to June 30, 1971." The purpose of the meeting is to assure the worldwide conservation of endangered species.

Mr. Speaker, to date, no such conference has been called, nor has the setting of a proposed date for such a meeting been publicly announced. Therefore, I am today introducing a joint resolution which, once again, instructs the Secretary of the Interior, "through the Secretary of State," to call an international ministerial meeting on the conservation of fish and wildlife as early as possible. At the latest, the conference would be held by October 1, 1971.

I quoted from a recent Christian Science Monitor article to show the effectiveness of the Endangered Species Conservation Act. At about the same time, the Monitor carried another item which pointed up the need to apply all provisions of that act—including the convening of the international conference. The article related that—

> The Mediterranean nun seal is disappearing from its Sardinian breeding grottoes. Fulco Pratesi of the Italian Association for the World Wildlife Fund expresses fear that the species may be extinct soon.
>
> A year ago naturalists here estimated that about 15 still sought haven in their favorite grotto. Mr. Pratesi says the number is believed to have dropped to seven—six adults and one young, indicating a virtual end to breeding.

Mr. Speaker, I realize that any conference may have been too late to save the nun seal, but such a conference may well help to save other species whose plight is not yet so hopeless as that of this rare seal.

Last year the head entomologist of Honolulu's Bishop Museum, Dr. J. Linsley Gressit, stated that one-third of Hawaii's native birds already are extinct and another third may follow.

There is growing evidence that the ivory billed woodpecker has become all but extinct in this country.

Tourists are causing inroads on the numbers of exotic creatures found on Darwin's enchanted islands, the Galapagos.

In Scandinavia, the total population of wolves is thought to number little more than a few dozen.

Perhaps, Mr. Speaker, by our actions we can assure that the intent of this body in passing the Endangered Species Conservation Act will be carried out. And in carrying out that intent, perhaps we can prevent the shortening of the roll of world wildlife.

OCCUPATIONAL EDUCATION ACT OF 1971

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. QUIE) is recognized for 20 minutes.

Mr. QUIE. Mr. Speaker, I am today introducing a bill entitled the "Occupational Education Act of 1971." In my judgment this is an important bill because it addresses itself to vital but unfulfilled needs in America's educational system. Moreover, while the administration shares the concerns which this bill reflects and has been exploring with care the possibilities for further Federal legislation in this field, this bill is a congressional initiative. We developed it after full consulation with representatives of such organizations as the American Vocational Association, the American Association of Junior Colleges, the American Association of State Colleges and Universities, and the United Business Schools, Inc.

President Nixon in his recommendations on general and special revenue sharing and in his recommendations for the reorganization of the executive branch has opened new doors to more effective administration of Federal programs in education and presented new ideas for financing them. While making these proposals, the President has at the same time been careful to delineate a vigorous Federal role in promoting such interests as education, including the use of categorical State-grant programs where those are the most effective means of producing the desired result. The bill I have today introduced would complement—not contradict—the President's proposals.

This bill deals with two extremely important aspects of occupational education which require a new Federal initiative if we are to achieve vital national goals. The first is post-secondary occupational education which is not designed to lead directly to a baccalaureate degree, but rather to lead directly to a job. Although some such programs have been supported in recent years in a wide variety of post-secondary institutions under the Vocational Education Act, we lag far, far behind our needs for such education in every State in the Union; in some States it is scarcely available at all.

The second thing with which this bill deals is the increasingly urgent matter of infusing occupational education and counseling into the regular elementary and secondary school system on an equal footing with traditional academic education. We attempted to approach this through the 1968 Vocational Education Act, and that attempt may yet prove very helpful—but vocational education funds—including State and local funds—are no more than 4 percent of the total annual expenditures for public elementary and secondary schools. This does not provide much leverage in making fundamental changes of attitude and direction in such schools. We are, therefore, seeking in this bill yet another approach—another handle—to the problem. This bill would involve general educators, vocational educators, postsecondary occupational educators, and higher education in a cooperative effort to effect change.

Change of the kind this bill seeks is long overdue in American education. The basic statistics relating to post-secondary occupation—without embellishment or elaboration—tell a bleak story of unmet needs and neglected opportunities. There are 28 million persons in the 16- to 24-year-old population, of whom fully 16 million are in the civilian labor force, yet our existing training capacity for the occupational preparation of this population, beyond the high school level, is only about 2 million enrollments—or one in 16 for the total age group and one in eight for the actual work force. This is terribly inadequate to meet our needs—and it is all the more so when examined more closely and existing programs are compared with emerging manpower needs in technical fields and subprofessional occupations in a wide variety of medical, social, and educational services.

At the post-secondary level the largest resource by far happens to receive virtually no public support aside from a relatively small amount of student assistance: this is the group of accredited, proprietary—private enterprise—trade, technical, and business schools which enroll about 1,200,000 students. The next largest group of enrollments are in the post-secondary occupational curriculums supported in a wide variety of public institutions under the Vocational Education Act; these number about 700,000, of which less than one-third are in the health and technical occupations. Another 175,000 enrollments are in our organized apprenticeship programs, which are both excellent and far too few. Perhaps a few thousand more places may exist in organized programs conducted by industry—although this is doubtful since many of the accredited proprietary institutions mentioned above are owned and operated by major corporations. This is the sum total of the Nation's capacity in post-secondary occupational education and it is disastrous when compared to our obvious needs.

In fact, a persuasive case could be made that important national thrusts in the last 10 years for the development of human resources has been seriously inhibited by the lack of training capacity for the development of subprofessional personnel in health, education, and social services. For example, enactment of title I of the 1965 Elementary and Secondary Education Act—dealing with disadvantaged children—created a vast new demand for trained teacher aides for which we had virtually no capacity to meet other than on a catch-as-catch-can ad hoc basis. I am convinced that this fact alone accounts for our failure to make more effective use of title I funds. Incidentally, we still have very few organized programs for training subprofessional people in education. Numerous other examples can be cited.

Time after time in place after place, speaking here on the floor of the House or to groups of educators or to various civic organizations in many parts of the Nation, interested members of our committee have drilled home the point that four out of five of our schoolchildren will require education for a job other than that requiring a college degree. Yet this elemental fact seems so difficult to get across to the Nation's educational establishment, especially those who during several national administrations have made policy for the U.S. Office of Education and the Department of Health, Education, and Welfare.

This bill is a carefully conceived instrument for dealing with that elemental fact. It aims toward the blending and fusion of occupational education with academic education beginning with grade one and continuing beyond the high school. As the third report of the National Advisory Council on Vocational Education stated last July:

> The primary reason this nation has not yet established a society in which there is equal opportunity to learn and work is that it has not yet tried.

With this legislation we are beginning to try. The advisory council report also argued that "every secondary school should be an employment agency" just as colleges and universities operate employment offices for their students. We agree, and that is a major objective of this legislation.

Mr. Speaker, in developing legislation for these purposes we faced many difficult questions. What kinds of institutions would conduct the post-secondary programs? Which of several possible State agencies would administer the program at the State level? How could we assure the wide variety of professional and institutional interests that they would be meaningfully involved in this effort? Those who work in education will recognize that these are not easily resolved. Yet, by working carefully with major professional groups such as—but not limited to—the American Vocational Association, the American Association of Junior Colleges, the United Business Schools, Inc., and the American Association of State Colleges and Universities, we resolved these questions in such a manner that lots of people support this bill who have previously not been able to agree upon a single piece of legislation affecting post-secondary education.

The basic reason for this is that we have worked out a bill which concentrates on program content rather than administrative or institutional concerns. We did so for very practical reasons. In terms of State administration, there is no agency in most States which has responsibility for the programs which this bill treats in a unitary manner, so we leave it up to the Governor to designate or establish an agency which then must broaden its structure to meet the requirements of this bill and involve in an effective manner all of the educational and other groups involved in the programs. The involvement would include every significant activity from initial planning through evaluation of programs which are carried out.

In terms of institutional interests, there is no national pattern to follow. Today post-secondary occupational education is taking place in a wide range of public and private institutions, all of which would be eligible to participate in programs under this act. In fact, the bill encourages broad participation on the sound theory that even if we utilized all existing facilities we could not meet existing needs. The bill provides a flexible approach which can be fitted to the existing pattern of institutions in every State.

This bill strongly emphasizes the need for careful initial planning and for continuous evaluation of the programs which are funded. This has been a weakness in some education legislation and we are determined that it not be repeated. It also provides for coordination with all existing programs—at the State level the Advisory Council for Vocational Education would expand its responsibilities to encompass this act—and it would ensure—with respect to the now existing structure of the executive branch—that occupational education is placed on an equal footing with academic education.

This final point, Mr. Speaker, to which I have alluded, is a major purpose of this bill. In my judgment, occupational education has been treated by the U.S. Office of Education for years—running through both Democratic and Republican administrations—as though it were not a legitimate part of our structure of education. I have publicly criticized this and have privately pleaded for change. Now I propose to accomplish by legislation what so many of us have been unable to bring about through exhortation. This bill would establish a Bureau of Occupational Education within the U.S. Office of Education headed by a GS–18 with the rank of Deputy Commissioner and it would authorize additional supergrade positions to support the new Deputy. Moreover, it would spell out the responsibilities of both the Secretary and the Commissioner in creating a proper emphasis upon occupational preparation and would establish a unit in the office of the Secretary to ensure that the coordinating responsibilities of the Department are carried out. One of the problems I have encountered with our manpower programs, for example, is that the educational oversight supposed to be exercised by the Department of Health, Education, and Welfare has not been conducted at a level high enough to have much effect. This bill would also cure that problem.

I support the President's proposal for a new Department of Human Resources, and I feel that when it is finally approved we can achieve an even better administrative position for all of education, including occupational education and manpower training. However, in the interim period—which could be a long time—I am not willing to tolerate the continued neglect of occupational education in the executive branch.

For all of these reasons, Mr. Speaker, I hope that this bill will get prompt and full hearings, and that it will be enacted with strong support from both sides of the aisle. I urge my colleagues in the Congress to study the issues raised by this bill and to act to deal effectively with them. I am attaching to this statement a brief analysis of the major provisions of this bill, as follows:

SUMMARY OF BILL

Short title.—"The Occupational Education Act of 1971."

Types of programs supported.—The bill would have two major thrusts: (1) the planning for and establishment or expansion of post-secondary occupational programs (which prepare for job entry rather than a baccalaureate degree) in a wide variety of institutions, and (2) the development and implementation of long-range strategies for infusing occupational counseling and preparation into the elementary and secondary schools on an equal footing with academic preparation.

Authorizations.—Fiscal 1972—$100 million; 1973—$250 million; 1974—$500 million; and "such sums as may be necessary" for each fiscal year thereafter.

State allocations.—80 percent of the fiscal 1972 appropriations and 85 percent of those for succeeding years are allotted to the States on the basis of (1) a basic flat grant and (2) relative size of population aged 16 years and older. There is a special treatment of Guam, American Samoa, and the Trust Territories of the Pacific, but the District of Columbia, the Virgin Islands, and Puerto Rico are in all respects treated as States of the Union.

Reserved Funds.—The Commissioner would reserve 20 percent of the fiscal 1972 funds and 15 percent of appropriations in succeeding years to provide technical assistance to the States and to establish model or demonstration programs in occupational education which would advance the purposes of the Act on a national basis.

State administration.—The Governor would establish or designate a State agency to administer the Act, but with assurances that the agency would involve in both the planning and implementation representatives of public and private elementary and secondary education and of all the major educational and institutional groups, resources, and interests involved in post-secondary occupational education. The bill (section 122) would require a comprehensive planning effort and no program grants would be authorized until such planning had been completed. It would be anticipated that the initial year's appropriations would be available largely for helping establish the State administrative agencies and for carrying out the planning functions (except in a few States where such planning may have occurred).

Federal administration.—The major features of the provisions for Federal administration are as follows:

(1) A special unit is established in the Office of the Secretary to provide intradepartmental coordination in meeting subprofessional personnel needs in the health occupations, rehabilitation, education, and welfare and community services, and to provide inter-departmental coordination with the manpower training and related programs throughout the Federal Government.

(2) A Bureau of Occupational Education is established by law to administer the Vocational Education Acts, the Adult Education Act and this Act.

(a) The Bureau would be headed by a GS–18 with the title of Deputy Commissioner; and

(b) Thirteen additional "supergrade" positions would be mandated for the new Bureau.

(3) The general responsibilities of both the Secretary and the Commissioner for coordinating other Federal programs and utilizing other resources to encourage and promote occupational education are made explicit.

Other features.—(1) To assure maximum coordination, the State advisory councils on Vocational Education would have the same responsibilities for this Act as for the vocational acts, and additional funds would be made available to them.

(2) There is provision made for the utilization of private, proprietary schools on a contract basis when susbtantially equivalent education or services can be rendered more readily or more economically through such utilization.

(3) Job placement is treated as a desirable responsibility there is encouragement for the follow-up services and of secondary schools, and concept of continuing occupational counseling as a normal function of the educational system.

(4) Continuing evaluation of programs is stressed at all levels of administration.

CHRONOLOGY—VIETNAM

The SPEAKER. Under a previous order of the House, the gentleman from Ohio, Mr. DEVINE, is recognized for 15 minutes.

Mr. DEVINE. Mr. Speaker, I think it would be useful for all of us in this Chamber to consider Vietnam in historical perspective. In the welter of words and emotion surrounding this great issue of our times, we too frequently lose track of the long history of Vietnamese conflict in general and American participation in particular. I would like to present today an unclassified summary of a chronology of events pertaining to the war in Vietnam and with permission would like to insert for the record a copy of the detailed chronology at the conclusion of my remarks.

No one looking at the history of the Vietnamese peoples can doubt that they have endured hardships for a century—beginning in 1867 with the French conquest of southern Vietnam. After decades of French colonial rule, the Indochina war truly began in 1946 after fruitless negotiations between the French and Vietnamese.

After the French defeat of 1954, the Geneva accords were signed providing for the division of Vietnam along the 17th parallel. Under separate agreements, Laos and Cambodia were neutralized. But by October 10 of 1954, 1 month after the establishment of the Southeast Asia Treaty Organization, President Eisenhower made the decision to offer U.S. military aid to the Government of Vietnam. A day later, the Communist Viet Minh regime formally took over control of Hanoi and North Vietnam.

American presence in Vietnam through 1960 was virtually nil. In May of 1960 the United States increased our military assistance personnel from 327 to 685. By the end of the year, the Communist Party of North Vietnam resolved—December 20—to "liberate" South Vietnam and unite the two Vietnams and the National Front for the Liberation of South Vietnam was formed.

This was the situation when President John Fitzgerald Kennedy entered office. The first major indication of President Kennedy's policy came on May 13, 1961, when then Vice President Johnson during a visit to Saigon announced additional U.S. military and economic aid. In August of that year, President Kennedy declared that the United States would do all it could to save South Vietnam from communism, and in December of 1961 the first U.S. helicopter units arrived in South Vietnam.

Later, in February of 1962, the U.S. Military Assistance Command Vietnam (USMACV) was established under Gen. Paul D. Harkins. Continued turbulence through 1963 culminated in the military coup of November 1 which overthrew the Diem government, following which there insued a number of other coups and changes in government through the spring of 1965.

Prior to that, events in 1964 had moved at a rapid pace, including the increase of U.S. military and logistical support to the Government of Vietnam. Shortly after Gen. William Westmoreland assumed command of USMACV, the North Vietnamese attacks on U.S. patrol boats occurred in the Gulf of Tonkin. Retaliatory U.S. air strikes followed along with the joint U.S. congressional Southeast Asia resolution of August 7, affirming that the United States was prepared to take all necessary steps to assist any SEATO member or protocol state requesting assistance in defense of its freedom.

Mr. Speaker, we all know that the "Tonkin Resolution" was an important watershed in U.S. involvement in Southeast Asia, and I might point out that every present Member of this Chamber who was sitting here in 1964 voted in favor of that resolution.

On December 31, 1964, American military strength had reached 23,000. By this time, it was no secret that the North Vietnamese had introduced their regulars into the fighting in the South, via the Ho Chi Minh Trail, and were using Cambodian and Laotian sanctuaries in violation of the Geneva accords.

From there many of the following actions are familiar to Americans and to Members of Congress. On June 7, 1965 U.S. military personnel in South Vietnam passed the 50,000 mark. Later that month B-52 strikes began in the North. On July 25 President Lyndon Johnson announced that U.S. troop strength in Vietnam would rise to 125,000, but by December 31 it was up to 154,000. By that same date total American combat deaths numbered 1,636. After a prolonged delay of U.S. air strikes in the North, air strikes were resumed on January 31, 1966. Two months later American forces there numbered 215,000.

As the fighting stepped up throughout the summer, the Defense Department announced on July 10th that U.S. forces would expand to 375,000 by the end of 1966 and to 425,000 by Spring of 1967. And the United States was reported to have been carrying out over 100 air strikes a day over Communist infiltration routes in Laos. By the end of 1966 U.S. troop strength reached 389,000, an increase of over 200,000 in 12 months. There were 5,000 additional combat deaths and total combat fatalities numbered 6,644.

The troop buildup continued into 1967 so that on June 17 troop strength stood at 463,000 and combat deaths to date were 11,099. The Glassboro conference between President Johnson and Premier Kosygin followed on June 23 with no apparent easing of tensions over the war in Vietnam, and on August 20 a new one-day record of 209 bombing missions took place over North Vietnam. Days later, South Vietnam elected a civilian national government in free and open elections in which 83 percent of the registered electorate participated—voting General Nguyen Van Thieu to the Presidency.

By the end of 1968, U.S. military strength had grown to 480,000, and in the next month the siege of Khe Sanh began. On the fateful day of January 30, 1968, the Tet Offensive was launched by the Communists with well coordinated simultaneous attacks on Allied bases and major South Vietnamese cities, including Saigon and Hue. Allied forces canceled their previously announced Tet standdown and resumed military operations.

When American combat strength reached 495,000 by February 24, combat deaths had grown to 18,799. In the meantime, the enemy had launched the second phase of their winter-spring campaign. On March 31, 1968, President Johnson announced an immediate halt in air and naval bombardment over most of North Vietnam and also announced a 13,500 increase over the 525,000-man ceiling in U.S. troop strength in South Vietnam. Although President Johnson and North Vietnam exchanged public statements in which they agreed to establish contact between their representatives, peace talks did not begin until May 13 in Paris. By June 30, USMACV reported U.S. death of 10,503 in the first 6 months of 1968, a figure almost equal to the 12-month 1967 figure of 11,058.

On October 31, 1968, President Johnson ordered the complete cessation of air, ground, and naval bombardment of North Vietnam, and an accelerated pacification campaign began. By late November, the Communists were reported to have quadrupled their enemy and supply movements along the Ho Chi Minh Trail since the bombing halt U.S. troop strength at the end of the year was 536,040 and U.S. combat deaths since January 1, 1961, numbered 30,543.

This was the situation when President Nixon came into office on January 20, 1969. On January 25 the peace negotiating teams met in Paris for the first substantive talks. Represented were the United States, the Government of Vietnam, the Democratic Republican of Vietnam, and the National Liberation Front.

At an April 18 press conference President Nixon announced the U.S. troop redeployments from South Vietnam would depend on any of three factors: (1) The ability of the South Vietnamese to handle their own defense; (2) the level of fighting in South Vietnam, whether or not the offensive action of the enemy receded; or (3) the progress of the Paris peace talks. Twelve days later, American troop strength peaked out at 543,482.

On May 14, 1969, the President presented eight specific proposals for peace, developed after consultation with President Thieu, including phased, mutual withdrawal of major U.S., allied, and North Vietnamese forces. On June 8, at the Midway meeting between Presidents Nixon and Thieu, President Nixon announced the initial replacement of 25,000 U.S. troops with South Vietnamese.

The Vietnamization process had begun.

Phased withdrawals began on a continuing basis. In August, the U.S.S. *New Jersey* was deactivated, the refugee population dropped below the 1 million mark for the first time since February of 1968, and U.S. military strength was lowered to 509,618, well below the announced goal of the President. Throughout the fall, Americans turned over combat responsibility and war materiel to the South Vietnamese. On November 3, 1969, President Nixon in a major Vietnam policy address told of U.S. resolve either to get a satisfactory negotiated settlement, or complete Vietnamization on an orderly schedule which allowed the South Vietnamese to "become strong enough to defend their own freedom." He warned the enemy of strong and effective measures if increased enemy action jeopardized the remaining U.S. forces.

At the end of 1969, U.S. troop strength in Vietnam was down to 484,326, and by April of 1970 the downward trend of troop levels brought it to 428,000.

On April 30 the President announced that after full consultations and review of the available options, it had been decided that U.S. and South Vietnamese ground and air forces would attack the enemy sanctuaries in the Cambodia/Vietnam border areas.

Mr. Speaker, I think it would be useful here to pause and consider the Cambodian operation in light of the history of the fighting in Indochina. A little over 2 years ago, the authorized troop strength for Americans in Vietnam was 549,000 after levels had risen steadily for 5 years. On January 1, 1971, that authorized level was 344,000 and by May 1 it will drop to a new ceiling of 284,000. We have been assured that the process will continue.

The year before President Nixon entered office, American combat deaths averaged 278 weekly. In 1969 the weekly average dropped to 180. In 1970 it was 80, and in the last 6 months of 1970, due to the highly successful Cambodian operation, combat deaths had come down to a weekly average of 51. The decline has been steady and constant—irrefutable evidence that the American presence in Vietnam has been lessening, while at the same time increased progress has been made in developing South Vietnam's ability to protect itself.

Such progress enabled President Nixon to make on October 7, 1970, the most generous peace proposals of the war:

A cease-fire in place throughout Indochina.

A call for an Indochina Peace Conference.

A preparedness to negotiate an agreed timetable for complete withdrawals as part of an overall settlement.

Political settlement that truly meets the aspirations of all South Vietnamese.

Immediate and unconditional release of all prisoners of war held by both sides.

And in November, from a time in 1965 when there was a high of refugees on the rolls of 3.5 million, the number had been reduced to 470,000 with another 240,000 in a "return-to-the-village" status.

And finally, Mr. Speaker, to continue to provide for the safety of withdrawing American troops and for the prevention of heavy enemy offensives, ARVN units with U.S. air support entered the Laotian panhandle to attack the North Vietnamese logistics network. This operation, I am sure, will prove historically to have been every bit as successful as the Cambodian operation.

I hold the strong belief that the story I have outlined today is essential to an understanding of our present status in Vietnam. I can only express my deep regrets that this message has not been received clearly by those so anxious to criticize current decisions in Indochina. Let us give due credit for the great progress which has been made, and let us be thankful that we are closer to peace today than we have been in a decade.

THE TEXTILE DILEMMA

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. Mizell) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, I rise today to call my colleagues' attention to further evidence of the fast growing dilemma in our American textile industry.

An article appearing in the April 5, 1971, newsletter of the Republican Congressional Committee presents a balanced set of facts pertinent to the textile crisis.

I believe my colleagues will find this article informative and interesting, especially since it crystallizes so well the arguments on both sides of the issue.

I remind my colleagues that legislation which I have introduced, and which I believe merits their attention, can effectively relieve this critical situation, which threatens the South's largest employer, and thus has a direct bearing on almost one-third of the Nation's population.

I request permission at this time to have the text of this article reprinted in the Record of today's proceedings.

Newsletter Backgrounder—A Trade Crisis Led by Textiles

Almost two centuries ago, economist Adam Smith said: "It is the maxim of every prudent master of a family never to attempt to make at home what it will cost him more to make than to buy. . . . What is prudence in the conduct of every private family can scarce be folly in that of a great nation."

For years, the U.S. Government has followed this rough guideline in encouraging free trade. Now the burgeoning glut of cheap products from abroad has become a direct threat to U.S. industries employing millions of workers. The issue has come to a head over textiles. Lined up on one side are "Be American, Buy American" proponents. On the other are free traders who claim the interests of consumers in seeking lower prices.

What is at stake?—The textile industry in the U.S. employs 2.3 million workers, one out of every eight in manufacturing, four times the number of workers employed by the steel industry and five times the number in the auto industry. It is a heavy employer of minority groups and of the underskilled—areas in which job mobility is lacking. It is an industry with high labor intensity—not adaptable to computerization and machine technology.

The problem—The U.S. imports textiles from 100 other countries. Many of these products are produced by cut-rate labor, hence can be sold at prices far less than for U.S. textiles. Employment in the U.S. textile industry dropped 100,000 in nine months during 1970 to the lowest point since 1966. Profits in the textile industry dropped 44 percent and 32 percent in the apparel industry. Capital expenditures for new equipment dropped 8 percent last year. Some 238 firms in textiles failed in 1969–70, as did 311 in the apparel industry.

The U.S. trade deficit was about $1.2 billion in textiles last year, in contrast to a decade earlier when we were exporting more textiles than we imported.

Where imports come from—In 1970, we imported 760 million yards of textiles from Japan. Taiwan and Korea combined sent in 585 million, Hong Kong, 190 million. And Commerce Department officials report that other nations are clamoring to get into our textile markets as they increase production capacity.

What are the remedies?—Today's conflict in Government is based on what form curbs on textiles should take. On one hand, there is growing sentiment for a strict trade bill which would put quotas on imports of textiles—with U.S. shoe manufacturers and other industries wanting it expanded to include their products. Opponents of this approach claim it would set off an international trade war and hurt our exports of other goods, especially farm products, which hit $7 billion last year.

Voluntary curbs?—The Japanese have suggested a voluntary limit on textile exports to the U.S. But their proposal for 1971 is based on a 5 percent increase over 1970's record level and a 6 percent rise in each of the subsequent two years—a 17 percent-plus increase in textile imports over the next three years, in other words. They also will not curb their textile exports unless South Korea, Hong Kong and Formosa also agree. The Administration has rejected this approach as inadequate to protect U.S. jobs.

The Administration position—President Nixon favors negotiated agreements, but failure of Japan and other major exporters to suggest effective curbs has swung his support to restrictive legislation. On March 11, he said: "It is well known that I would prefer a negotiated agreement to solve this problem. The maneuver of the Japanese industry, now apparently ratified by the Government of Japan, has effectively precluded further meaningful government-to-government negotiations, the resumption of which this country would welcome. Consequently, I will strongly support the textile quota provisions of the legislation now pending before the Congress, H.R. 20, a bill passed by the House of Representatives last year. . . ."

Summary—U.S. industries are being hurt by textile and apparel imports at a time when we are trying to restore full employment. Negotiation has been continuous but unproductive. The Administration and leaders in Congress have decided to seek legislation that will let foreign governments know that the U.S. is willing to act.

The Administration still seeks a solution of the problem of trade balance by negotiation if at all possible. President Nixon is seeking wider markets for U.S. products, asking that trade barriers in other countries be broken down. A Commerce Department spokesman summed up the Administration stand: "While we can accept substantial volumes of imports, and can allow imports to grow in the future, we cannot accept a situation in which all growth of this trade is directed at the United States."

CAPT. AUBREY M. DANIEL'S LETTER TO PRESIDENT

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. Corman) is recognized for 10 minutes.

Mr. CORMAN. Mr. Speaker, I take this time to bring to the attention of my colleagues the letter to the President of the United States from Capt. Aubrey M. Daniel III, JAGC, trial counsel in the case of Lt. William Calley. The text of the letter is as follows:

Daniel's Letter to President

April 3, 1971.

The President of the United States,
White House,
Washington, D.C.

Sir: It is very difficult for me to know where to begin this letter as I am not accustomed to writing letters of protest. I only hope that I can find the words to convey to you my feelings as a United States citizen, and as an attorney, who believes that respect for the law is one of the fundamental bases upon which this nation is founded.

On Nov. 26, 1969, you issued the following statement through your press secretary, Mr. Ronald Ziegler, in referring to the Mylai incident:

"An incident such as that alleged in this case is in direct violation not only of U.S. military policy, but is also abhorrent to the conscience of all the American people.

"The Secretary of the Army is continuing his investigation. Appropriate action is and will be taken to assure that illegal and immoral conduct as alleged be dealt with in accordance with the strict rules of military justice.

"This incident should not be allowed to reflect on the some million and a quarter young Americans who have now returned to the United States after having served in Vietnam with great courage and distinction."

At the time you issued this statement, a general court-martial had been directed for a resolution of the charges which had been brought against Lt. William L. Calley Jr. for his involvement at Mylai.

On Dec. 8, 1970, you were personally asked to comment on the Mylai incident at a press conference. At that time you made the following statement:

"What appears was certainly a massacre, and under no circumstances was it justified.

"One of the goals we are fighting for in Vietnam is to keep the people of South Vietnam from having imposed upon them a government which has atrocity against civilians as one of its policies.

"We cannot ever condone or use atrocities against civilians in order to accomplish that goal."

These expressions of what I believe to be your sentiments were truly reflective of my own feelings when I was given the assignment of prosecuting the charges which had been preferred against Lt. Calley. My feelings were generated not by emotionalism or by self-righteous indignation but by my knowledge of the evidence in the case, the laws of this nation in which I so strongly believe, and my own conscience.

I knew that I had been given a great responsibility and I only hoped that I would be able to discharge my duties and represent the United States in a manner which would be a credit to the legal profession and our system of justice.

I undertook the prosecution of the case without any ulterior motives for personal gains, either financial or political. My only desire was to fulfill my duty as a prosecutor and see that justice was done in accordance with the laws of this nation. I dedicated myself totally to this end from November of 1969 until the trial was concluded.

ABIDING CONVICTION

Throughout the proceedings there was criticism of the prosecution, but I lived with the abiding conviction that once the facts and the law had been presented there would be no doubt in the mind of any reasonable person about the necessity for the prosecution of this case and the ultimate verdict. I was mistaken.

The trial of Lt. Calley was conducted in the finest tradition of our legal system. It was in every respect a fair trial in which every legal right of Lt. Calley was fully protected.

It clearly demonstrated that the military justice system which had previously been the subject of much criticism was a fair system.

Throughout the trial, the entire system was under the constant scrutiny of the mass media and the public, and the trial of Lt. Calley was also in a very real sense the trial of the military judicial system. However, there was never an attack lodged by any member of the media concerning the fairness of the trial. There could be no such allegation justifiably made. I do not believe that there has ever been a trial in which the accused's rights were more fully protected, the conduct of the defense given greater latitude, and the prosecution held to stricter standards. The burden of proof which the government had to meet in this case was not beyond a reasonable doubt but beyond possibility. The very fact that Lt. Calley was an American officer being tried for the deaths of Vietnamese during a combat operation by fellow officers compels this conclusion.

The jury selection, in which customary procedure was altered by providing both the defense and the prosecution with three preemptory challenges instead of the usual one, was carefully conducted to insure the impartiality of those men who were selected. Six officers, all combat veterans, five having served in Vietnam, were selected. These six men who had served their country well were called upon again to serve their nation as jurors and to sit in judgment of Lt. Calley as prescribed by law. From the time they took their oaths until they rendered their decision, they performed their duties in the very finest tradition of the American legal system. If ever a jury followed the letter of the law in applying it to the evidence presented, they did. They are indeed a credit to our system of justice and to the officer corps of the United States Army.

TOTALLY SHOCKED

When the verdict was rendered, I was totally shocked and dismayed at the reaction of many people across the nation. Much of the adverse public reaction I can attribute to people who have acted emotionally and without being aware of the evidence that was being presented and perhaps even the laws of this nation regulating the conduct of war. These people have undoubtedly viewed Lt. Calley's conviction simply as the conviction of an American officer for killing the enemy. Others no doubt out of a sense of frustration have seized upon the conviction as a means of protesting the war in Vietnam. I would prefer to believe that most of the public criticism has come from people who are not aware of the evidence either because they have not followed the evidence as it was presented, or having followed it they have chosen not to believe it. Certainly, no one wanted to believe what occurred at Mylai, including the officers who sat in judgment of Lt. Calley. To believe, however, that any large percentage of the population could believe the evidence which was presented and approve of the conduct of Lt. Calley would be as shocking to my conscience as the conduct itself since I believe that we are still a civilized nation. If such be the case, then the war in Vietnam has brutalized us more than I care to believe, and it must cease. How shocking it is if so many people across this nation have failed to see the moral issue which was involved in the trial of Lt. Calley—that it is unlawful for a soldier to summarily execute unarmed and unresisting men, women, children, and babies. But how much more appalling it is to see so many of the political leaders of the nation who have failed to see the moral issue or, having seen it, to compromise it for political motives in the face of apparent public displeasure with the verdict. I would have hoped that all of the leaders of this nation, which is supposed to be the leader within the international community for the protection of the weak and the oppressed regardless of nationality, would have either accepted and supported the enforcement of the laws of this country as reflected by the verdict of the court or not make any statement concerning the verdict until they had had the same opportunity to evaluate the evidence that the members of the jury did.

In view of your previous statements concerning this matter, I have been particularly shocked and dismayed at your decision to intervene in these proceedings in the midst of the public clamor. Your decision can only have been prompted by the response of a vocal segment of our population, who while no doubt acting in good faith, cannot be aware of the evidence which resulted in Lt. Calley's conviction. Your intervention has, in my opinion damaged the military judicial system and lessened any respect it may have gained as a result of these proceedings. You have subjected a judicial system of this country to the criticism that it is subject to political influence when it is a fundamental precept of our judicial system that the legal processes of this country must be kept free from any outside influences. What will be the impact of your decision upon future trials, particularly those within the military?

Not only has respect for the legal process been weakened and the critics of the military judicial system been given support for their claims of command influence, the image of Lt. Calley, a man convicted of the premeditated murder of at least 22 unarmed unresisting people, as a national hero has been enhanced, while at the same time support has been given to those persons who have so unjustly criticized the six loyal and honorable officers, who have done this country a great service by fulfilling their duties as jurors so admirably. Have you considered those men in making your decisions? The men who since rendering their verdict have found themselves and their families the subject of vicious attack upon their honor, integrity and loyalty to this nation. It would seem to me to be more appropriate for you as the President to have said something in their behalf and to remind the nation of the purpose of our legal system and the respect it should command. I would expect that the President of the United States, a man whom I believe should and would provide the moral leadership for this nation, would stand fully behind the law of this land on a moral issue which is so clear and about which there can be no compromise. For this nation to condone the acts of Lt. Calley is to make us no better than our enemies and make any pleas by this nation for the humane treatment of our own prisoners meaningless.

I truly regret having to have written this letter and wish that no innocent person had died at Mylai on 16 March 1968. But innocent people were killed under circumstances that will always remain abhorrent to my conscience. While in some respects what took place at Mylai has to be considered a tragic day in the history of our nation, how much more tragic would it have been for this country to have taken no action against those responsible. That action was taken, but the greatest tragedy of all will be if political expediency dictates the compromise of such a fundamental moral principle as the inherent unlawfulness of the murder of innocent persons, making the action and the courage of six honorable men who served their country so well, meaningless.

Respectfully yours,

AUBREY M. DANIEL III,
Captain, JAGC, Trial Counsel,
(U.S. v. Calley.)

STANLEY PENKALA RECEIVES DR. BENJAMIN RUSH AWARD

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, one of the best known, highly regarded community workers in Luzerne County, Pa., recently received another recognition of his untiring efforts in behalf of the handicapped persons, particularly those afflicted, like himself, with cerebral palsy.

Stanley Penkala, chief of security at the Luzerne County Courthouse, and one of the most popular and widely known residents of the Greater Wilkes-Barre area, was named the recipient of the Dr. Benjamin Rush Award by the Luzerne County Medical Society. This recognition came soon after the presentation in New York City last fall of the National United Cerebral Palsy Association's special award "for his untiring efforts on behalf of other local and statewide charity organizations."

Mr. Penkala is as active in other community organizations as he is in the pursuit of the cause of those handicapped with cerebral palsy. An original member of the United Cerebral Palsy organization in Wyoming Valley, he is also a third degree member of the Knights of Columbus Council 302, an active member of Wilkes-Barre Lodge 109, Elks, the St. Alphonse Retreat League, the Wyoming Valley Crime Clinic, the Greater Wilkes-Barre Democratic Club, and St. Mary's Church, South Washington Street, also in my hometown of Wilkes-Barre.

Mr. Speaker, as you are aware, I am the chairman of the Appropriations Subcommittee for the Department of Health, Education, and Welfare. In that capacity each year I hear witnesses by the hundreds who plead the case for more Government funds for research and treatment of the handicapped persons. While the cause of each is most worthy, and the need for additional funds grows continuously, we can, I think, take good example from Stanley Penkala and the outstanding work he, a handicapped person, has done for his fellow man, as well as his fellow handicapped.

Mr. Penkala has refused to let affliction and constant physical inconvenience deter him. His incapacity has served him with additional inspiration and source of courage to carry on each day at the Luzerne County Courthouse, where he is loved so well, and in his untiring efforts to aid persons with cerebral palsy. His community spirit and activities, his spirit of patriotism and concern for his fellow man have made him an example for all of us who are privileged to know him.

Mr. Speaker, I join with Stanley Penkala's multitude of friends in saluting him for his outstanding role as citizen, community activities leader, and handicapped person. I commend his outstanding performance and extend further recognition for him in this House of Representatives.

PRIVATE BILLS RELATING TO IMMIGRATION AND NATIONALITY MATTERS

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, on Friday, March 12, 1971, as chairman of the Subcommittee on Immigration and Nationality, Committee on the Judiciary, I sent a letter to each Member of the House of Representatives calling attention to the change in the committee rules of procedure governing consideration of private bills relating to immigration and nationality matters. With minor modifications they are the same rules which existed during the previous Congress.

The members of the subcommittee hope by diligent effort to eliminate the long waiting period between introduction and consideration of private legislation, and intend to substantially reduce the entire backlog of the great number of private bills now pending which were first introduced prior to the major change in the committee rules of procedure in the last Congress.

At the same time, we want to assure the Members that no bill will be adversely acted upon without first notifying the author and giving him ample time to supply the subcommittee with documentation in support of his bill.

After reviewing each case, the subcommittee will make a tentative decision concerning the merits of the bill. If it is favorable, we will then advise the author of our intention to report the bill favorably and request that he submit a statement for inclusion in the Record.

When adverse action is contemplated, authors will be advised to that effect and given ample opportunity to submit additional material pertinent to the case.

A private immigration bill is an extraordinary remedy available to assist aliens with unusual problems resulting in unusual hardship. The private immigration bill is, in essence, an exception to the general law and should be viewed as such and not as a method to circumvent the general law.

The committee is well aware that there are areas within the existing immigration statute which lend themselves to contradiction of policy and resulting hardship to certain alien classes, but we will endeavor, through remedial legislation shortly to be the subject of hearings, to correct these deficiencies. Meanwhile, it must be remembered that a private bill is not the answer to the need for general legislation.

We would also impress upon our colleagues in the House the importance of pursuing all possible administrative remedies which may be available to beneficiaries of pending private immigration bills. Ofttimes the beneficiary of a bill does not investigate or seek administrative relief and merely relies upon a private bill to solve his immigration problem. Beneficiaries should be cautioned against this practice.

Mr. Speaker, in order that the Members of the House and their staffs will be fully aware of the rules of procedure of Subcommittee No. 1, Immigration and Nationality, I reproduce at this point in the Record.

Rules of Procedure

1. The regular meeting day of the Subcommittee will be Thursday or upon the call of the Chairman. The regular meeting days of the Subcommittee on private bills will be the first and third Thursdays of each month or upon the call of the Chairman.

2. A quorum of the Subcommittee shall consist of two members for the purpose of holding hearings on private bills and five members for the purpose of making recommendations to the Committee.

3. The introduction of a private bill does not automatically act as a stay of deportation until the Committee requests a departmental report. Requests for reports on private bills from the Departments shall be made only upon a written request addressed to the Chairman of the Subcommittee or the Chairman of the Committee on the Judiciary by the author of such bill. That request shall contain the following information which shall be submitted to the Committee in triplicate.

(*a*) In the case of aliens who are physically in the United States:

The date and place of the alien's last entry into the United States; his immigration status at that time (visitor, student, exchange student, crewman, stowaway, illegal border crosser, etc.); his age; place of birth; address in the United States; and the location of the United States Consulate at which he obtained his visa, if any.

(*b*) In the case of aliens who are residing outside the United States:

The alien's age; place of birth; address, and the location of the United States Consulate before which his application for a visa is pending; and the address of and relationship to the person primarily interested in the alien's admission to the United States.

(*c*) In the case of aliens who are seeking expeditious naturalization:

The date the alien was admitted to the United States for permanent residence; his age; place of birth; and address in the United States.

4. The Subcommittee shall not address to the Attorney General communications designed to defer deportation of beneficiaries of private bills who have entered the United States as nonimmigrants, stowaways, in transit, deserting crewmen, or by surreptitiously entering without inspection through the land or sea borders of the United States.

Exemption from this rule may be granted by the Subcommittee in cases where the bill is designed to prevent unusual hardship. However, no such exemption may be granted unless the author of the bill has secured and filed with the Subcommittee full and complete documentary evidence in support of his request to waive this rule.

5. No private bill shall be considered if an administrative remedy exists, or where court proceedings are pending for the purpose of adjusting or changing the immigration status of the beneficiary.

6. No favorable consideration shall be given to any private bill until the proper Department has submitted a report.

7. Upon the receipt of reports from the Departments, private bills shall be scheduled for Subcommittee consideration in the chronological order of their introduction, except that priority shall be given to bills introduced earliest in any of the previous Congresses.

8. Consideration of private bills designed to adjust the status of aliens who are in the United States shall not be deferred due to nonappearance at Subcommittee hearings of the author of the bill or person authorized to represent him.

9. Bills previously tabled shall not be reconsidered unless new evidence is introduced showing a material change of the facts known to the Committee.

APPOINTMENT OF FBI DIRECTOR

The **SPEAKER**. Under a previous order of the House, the Chair recognizes the gentleman from California (Mr. Charles H. Wilson) for 15 minutes.

Mr. CHARLES H. WILSON. Mr. Speaker, there has been much controversy in recent months surrounding the Federal Bureau of Investigation and its Director, J. Edgar Hoover. It has been my feeling for some time that perhaps some rational, legislative approach might be appropriate for this situation. I am, therefore, introducing today a measure which in essence, would retain the power to appoint an FBI Director with the President—with the advice and consent of the Senate—limit the duration of any such appointee's tenure to no more than 10 years and call for mandatory retirement at 65 years of age. The President could appoint no one as FBI Director who had served 10 years in the position or who had attained the age of 65; further, the President would have the power to remove a Director at any time.

Mr. Speaker, it is my belief that individuals who serve the public in high-level positions should be accountable and responsive to the judgment of the people, either directly—through the elective process—or indirectly—through powers vested in elected officials at various levels. In addition, those who hold sensitive appointments to positions of great stress and responsibility should be limited in terms of age. These beliefs have prompted me to introduce this legislation.

No responsible individual can fail to acknowledge the Herculean task which J. Edgar Hoover has accomplished in building today's Federal Bureau of Investigation. Prior to his appointment, the only Federal investigative agency existing in this country consisted of a poorly trained, relatively undisciplined, and loosely organized group of political appointees. Begun in 1908 under Theodore Roosevelt and known as the Bureau of Investigation, this agency had very little professionalism and virtually no facilities. When he became Director of the Bureau in 1924, J. Edgar Hoover promptly got permission to reorganize it from the ground up. Tough new standards and a model training program soon followed, along with steady improvements and additions to the Bureau's equipment and facilities. Today the FBI is a model agency without equal in the precise and scientific world of law enforcement. I think we in this country know that we owe the Director a great deal of respect and appreciation.

Nevertheless, any objective analysis of the powers and prerogatives of a modern-day FBI Director indicates, I think, that it is a difficult and sensitive job which should not be held more than 10 years or by a man who is 65 or more years old. A basic tradition in this country—indeed, one of our founders' precepts—is the prohibition against any public servant amassing dynastic or dictatorial powers. A President was once elected to four terms; now we have the 22d amendment. Every Member of this body must "lay it on the line" every 2 years, regardless of qualifications, attitudes, age, popularity, or whatever. The voters have their say. The President, if he chooses to seek reelection, must face the same test and his tenure is limited to 8 years. No Senator can escape the voters' judgment for more than 6 years. Most Government appointees are also subject to term limits or, at the least, being critically reviewed periodically. I believe all of these limits are proper and well intended.

It does not seem proper to me, however, that an individual, backed up by as much power as the FBI possesses and having such broad authority, should become a sacred institution at age 76, after 47 years of service. No one is indispensable. The record would certainly suggest that back in 1924 President Coolidge showed good judgment in selecting J. Edgar Hoover as FBI Director. I regret that I cannot say the same regarding the judgments of our more recent Presidents who have followed one another in perpetuating a term of service which I frankly think has gone on too long. I therefore believe the limits my bill would impose are in the best interests of our Nation's future, as well as the interests of future Directors of the FBI.

The character and professionalism of FBI personnel would certainly seem to be very high. I am sure Mr. Hoover has seen to it that there is no dearth of qualified candidates to succeed him now and in the future. With so many controversial statements and charges being presently made about the Bureau, it appears essential to me that any Director should be free of personality cultism or ideological identification. Modern professionalism and an objective approach to duty should stand as the major factors in an FBI Director's selection and subsequent performance. I do not think it inappropriate or disrespectful to the present Director for me to call for legislation aimed at accomplishing the goals I have set forth—for the FBI's competence and high standards are, in fact, consequences of his original policies. To J. Edgar Hoover we owe a great deal, including legislative safeguards to assure that future Directors will serve with professionalism and within reasonable limits, properly restrained by and responsive to the citizens of this country.

ACTIVITIES OF ANTITRUST DIVISION OF DEPARTMENT OF JUSTICE

The SPEAKER. Under a previous order of the House, the Chair recognizes the gentleman from Pennsylvania (Mr. ROONEY) for 10 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, I am becoming more and more concerned about the activities of this administration's Antitrust Division of the Department of Justice. Without coming to Congress and asking for legislation to change the antitrust laws, Mr. McLaren, the Division head, has been attacking many of our larger corporations on the theory that bigness in itself is a violation of the antitrust statutes. An editorial recently appeared in the News-Item, Mount Carmel and Shamokin, Pa., which praised a recent victory for the free enterprise system as set forth by Judge Timbers of the U.S. district court, Connecticut. I would like at this point to call this to the attention of my colleagues.

[From the Mount Carmel and Shamokin (Pa.) News-Item, Feb. 9, 1971]

BUSINESS SCORES, FINALLY

A victory was scored for free enterprise a few weeks ago. Judge William H. Timbers, in the U.S. District Court of Connecticut, ruled for the defendant in a government anti-trust suit against a corporation, and stated that: ". . . the government has not sustained its burden (of proof) upon the essential issue . . ."

It has been said before, but is worth repeating; there is nothing wrong with being big as long as you are competitive. There is nothing wrong with being small either, if you choose to be small. You ought to be able to exercise a choice in the matter.

Judge Timbers went on to stress that: ". . . it is fundamental under our system of government that any decision to change the standard (anti-trust laws) be made by the Congress and not by the Courts."

However, what if the Justice Department decides to take the case on to the Supreme Court? The Supreme Court has a 100 per cent batting average against business in antitrust suits—it has decided for the government side of the case every single time. It would be unfortunate if the only monument to the current administration is the continued dismantling of the free enterprise system as a result of the activities of the head of the Anti-Trust Division of the Department of Justice. What if they decide that since bigness is bad, all large companies should be dismantled? This has already been suggested in the case of General Motors.

If the idea ever becomes a reality, you won't have any choice anymore. You will have to be small, or not at all.

THE CAMPBELL SOUP CO.—LEADERSHIP IN IMPROVING OUR INNER CITIES

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 10 minutes.

Mr. PATMAN. Mr. Speaker, a company willing to assume a leadership role in combating the problems of environmental pollution and urban growth should be recognized and applauded—the Campbell Soup Co. is such an organization. Under the excellent leadership of its president, W. B. "Bev" Murphy, the Campbell Soup Co. began working actively toward solutions to these problems long before it was the popular thing to do.

Campbell Soup long ago recognized that a major cause of our "urban crisis" was the rapid migration of our population away from rural areas to the central areas of our cities. The company, seeking a better rural-urban balance, began placing its plants in these rural areas, countering some of the flow of workers and their families away from our smaller towns and cities. An example is the Campbell plant in Paris, Tex., which has been an award winner for innovations in pollution control.

Adding to these enviable achievements, Campbell's has now received much deserved national recognition for its accomplishments in fighting the decay of our inner cities. For its work in improving the quality of housing in Camden, N.J., the company is winner of a Business Week magazine award for business citizenship. Look magazine has also recognized the company's continuing successful efforts in rescuing and restoring rundown houses in the most blighted sections of Camden providing quality low-cost housing for low-income families.

The following articles from Business Week and Look describe the outstanding housing renewal project which the Campbell Soup Co. is sponsoring in Camden.

[From Business Week, Mar. 6, 1971]

A REHABILITATOR OF ITS HOMETOWN

Back in the mid-1950s, Campbell Soup Co. found itself in a quandary common for many big corporations. Its headquarters and principal plant were situated in an aging, Eastern industrial community, Camden, N.J., that typified the urban crisis. People were leaving, commerce was dying, decaying housing was being abandoned, unemployment and poverty were rising, city services were overstrained and faltering. The urban landscape consisted largely of boarded up storefronts, vacant lots, and endless streets of shabby brick houses.

Campbell's response, though, was not typical. Instead of taking the company to an attractive suburb, leaving many of its workers behind, Campbell's president W. B. Murphy decided to stay and fight for Camden. For its work in the area of human resources, Campbell is the winner of a Business Week award for business citizenship.

No single company, of course, could convert Camden into a vital, growing city again. But Campbell has provided leadership in countless ways and generated optimism that the small town across the Delaware River from Philadelphia has a future. Mayor Joseph M. Nardi, Jr., praises Campbell's role. "No question," he says, "Campbell has shown the leadership—and in a meaningful way." Mrs. Ruth Coleman, a black community leader, agrees: "Campbell is relevant to the things we are doing."

The company has put $6-million into a variety of projects. It is building some parks, setting up day-care centers, underwriting a summer job program, and partly funding Reverend Leon Sullivan's Opportunities Industrialization Center. Campbell also drew other local companies into a Greater Camden Movement, arranged loans and management support to fledgling black businesses, and plunged into the frustrating field of large-scale downtown renewal. And along with RCA, Boise Cascade, and a well-known Wilmington builder, Leon N. Weiner, it set up the Camden City Centre Corp., which plans to turn some run-down waterfront and central city acreage into an imaginative mixture of apartments, shops, motels, and offices. Finally, the company helped the South Jersey Port Corp. to buy an abandoned shipbuilding works for a new port.

Of more direct consequence to poor families, Campbell set up a housing rehabilitation plan, called the Camden Housing Improvement Program. With seed money from Campbell, RCA, two banks, and a foundation, CHIP buys run down houses, fully renovates them, and sells them to low-income families with the help of a federal interest subsidy program. So far, 250 families have been helped to buy their own homes.

Murphy waves aside talk of his company's altruism, saying, "It's selfish." The company decided it was cheaper and better for its employees to remain in Camden. "We knew we had to take the necessary steps to improve the environment. Camden has got to work. It will work."

[From Look magazine, Apr. 6, 1971]

RENEWAL THAT WORKS

Camden, N.J., has no easy answer on low-income housing, but it has a successful one. More than 280 families, 1,400 people, have moved into once-empty row houses in the poorest parts of the city.

Less than four years ago, Camden suffered from rapid deterioration of the central city, aggravated by a severe case of highway and urban-renewal cramps. Recovery began when a group of business leaders representing Campbell Soup, RCA, the Dorrance Foundation and both Camden banks put together a $500,000 interest-free loan and formed the nonprofit corporation, Camden Housing Improvement Projects (CHIP). With an additional annual grant from the state, CHIP started buying vacant houses. the aim was not to make the usual "show street" splurge but to rescue the worst houses wherever they were located. When a homeowner saw things happening next door, he began to fix up his own place. Streets like Erie, are the outcome. "We are just beginning," says the hardworking CHIP director Jerome Weinstein. Owning a home, instead of paying endless rent to a landlord, who all too frequently neglects the property and his tenants, works wonders for a family."

CHIP AVOIDS PATCH-UP REPAIR JOBS; THE AIM: THOROUGH REBUILDING TO MAKE HOUSES "NEW AGAIN"

Each house is gutted and virtually rebuilt. Aluminum screens and storm windows are installed. Inside improvements include new wiring, copper plumbing and gas heat. Woodwork is replaced or repainted, and plenty of closets are built. "We use wallpaper and hardwood flooring," explains Weinstein. "They can be maintained as easily as wall paint and floor tiles. They cost about the same but give a place a cozy new-home feeling instead of the institutional look."

Facilities include bath with ceramic-tile shower, kitchen with new sink and wood cabinets, new gas range, refrigerator/freezer and modern washing machine.

LOW MONTHLY PAYMENTS ENABLE EVEN THE POOREST FAMILIES TO AFFORD A HOME

The average "new again" price for a typical row house of two or three stories and full basement is $13,000. CHIP buyers pay $200 down, plus $75 to $110 a month, depending on their income. HUD/FHA finances each house with a 40-year mortgage at interest as low as one percent. Even the poorest families can own a home.

Investigation of low-income housing scandals from Paterson, N.J., to Everett, Wash., indicates that experienced sponsors are the best insurance against the shabby practices of the fast-buck boys. Camden owes its success to a major commitment by influential private citizens.

"I really underestimated both the difficulties and the tremendous effect of CHIP," says Weinstein. Lately, his headache isn't working capital or costs but, as neighborhoods improve, a good supply of vacant houses.

COMMITTEE TO BEGIN HEARINGS ON THE BANKING REFORM ACT OF 1971

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ), is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, on April 20 the House Banking and Currency Committee will begin hearings on one of the most important and, by the same token, one of the most controversial bills ever to come before it. On that date hearings will begin on H.R. 5700, the Banking Reform Act of 1971. During the following weeks members of the committee and the membership of the House will decide the basic question as to whether financial institutions will become more competitive or whether they are to be allowed to continue to move toward control of thousands of commercial and industrial entities through interlocking relationships and the manipulation of assets owned by others in bank trust departments.

Nine democratic members of the Banking and Currency Committee, myself included, are cosponsoring the Banking Reform Act which was originated by Chairman WRIGHT PATMAN. In addition to this bill, the hearings will also consider H.R. 3287, which I have introduced. It contains a provision not included in the Banking Reform Act—one which I think should be made part of the committee's deliberations on the overall subject of conflict of interest and lack of competition among financial institutions.

In essence, my bill would prohibit any federally insured bank from making a loan for the purchase of stock in another bank. The legislation is designed to check a growing pattern of such loans because they result in a large bank acquiring a control position over smaller banks because the bank stock in question is held as collateral on such loans.

The situation raises antitrust law questions centering on discouraging competition among banking institutions because of the existence of this condition of control. Moreover, the bill goes to the question of whether the officers, directors, and employees of a large bank should be permitted to obtain loans from their own institutions to purchase an equity interest in competing banks.

In my view this is urgently needed and should become a part of any considerations concerning reform among federally insured and supervised commercial banks, savings and loan associations and their holding companies, and mutual savings banks, insurance companies and stock brokerage firms.

The Banking Reform Act goes to this broad field. It will encourage competition between these financial institutions by eliminating the conditions that have led, and will continue to lead, to conflict of interest on the part of officers, directors, employees, and trustees of such institutions.

The importance of this legislation cannot be overestimated because it goes to the heart of the issue of whether adequate loan funds at reasonable rates are to be made available to everyone who has a legitimate need for credit. It goes to the very core of achieving and sustaining a viable economy in the Nation.

INTERLOCKING RELATIONSHIPS

By their very nature, interlocking relationships between the officers, directors, and employees of one competing lending institution and another create basic conflict-of-interest situations. The divided loyalties and responsibilities of persons in such positions automatically impair their ability to act in the best interests of the stockholders and depositors of the lending institutions in question. The heavy interlocking relationship between the Penn Central Railroad board and large banks is a classic example of the problem.

A commercial bank officer who is a savings and loan association director cannot act in the best interests of both institutions when they are competing for depositors and loan customers.

The same principal holds true for interlocking relationships between the officers, directors, employees, and trustees of commercial banks, savings and loan associations, and mutual savings banks and corporations when:

First. The corporations have a substantial and continuing loan relationship with these lending institutions;

Second. The corporations have employee benefit accounts managed by these lending institutions;

Third. The lending institutions exercise the voting power of 5 percent or more of any class of stock in corporations through securities held in trust accounts;

Fourth. The corporations and companies provide title, property appraisal, closing, and other real estate transaction services in connection with loans made by these lending institutions;

Fifth. Legal services are provided to customers of financial institutions by the officers, directors, or employees of these lending institutions.

H.R. 5700 prohibits the occurrence of any conflict of interest situation described above as of the date of enactment and requires elimination of such existing situations within 3 years following enactment for federally insured or supervised commercial banks, savings and loan associations, mutual savings banks, and credit unions.

The act also prohibits interlocking relationships between the officers, directors, and employees of federally insured and supervised lending institutions, the holding companies of other banks and savings and loan associations, as well as insurance companies and brokerage firms.

COMMERCIAL BRIBERY

During recent months the House Banking and Currency Committee staff has uncovered evidence which disclosed that one of the chief officers of a large corporation, without the knowledge of his employer, used his position to obtain a million dollar line of credit under unusually favorable conditions from a commercial bank in which the corporation had major deposits and loan accounts. It hardly needs to be said that such transactions are not in the best interests of either the stockholders and depositors of the bank or the stockholders of the corporation.

New York law prohibits such transactions. Using this as a pattern, H.R. 5700 makes it a violation of Federal law for certain financial institutions to provide personal benefits to officers, directors or employees of a firm which is involved in loan and other business transactions with the lending institution without the consent of the firm. The act would also make it a criminal violation for officers, directors and employees of the firm to accept such personal benefits as part of an effort by a lending institution to influence the firm in its behalf. This section of the act applies to federally insured and supervised commercial banks, mutual savings banks, savings and loan associations, credit unions, and to brokerage firms, insurance companies, bank and savings and loan holding companies.

TRUST DEPARTMENT STOCKHOLDINGS

Commercial banks, through their power to exercise the voting rights of stock held in their trust accounts, constitute a major and often controlling force in the fortunes of the Nation's corporations. This continually expanding situation means that commercial banks can and do bend corporations to their own will, especially in terms of controlling the conditions under which credit is made available to these corporations. Commercial banks exercise this advantage without having to know what is best for these corporations or even having to invest their own funds. The danger presented by this situation is self evident. Moreover, it is contrary to the spirit of bank holding company laws, which are designed to prevent banks from owning or controlling nonbanking commercial and industrial enterprises.

Just as there is a need to protect corporations from commercial bank control, so too is there a need to protect the beneficiaries of trust accounts administered by these banks. In this connection, it should be recognized that commercial banks can and do purchase and hold their own stock for the trust accounts they administer. This practice creates a fundamental conflict-of-interest situation. It places the bank in the impossible situation of having to simultaneously exercise fiduciary responsibility for the affairs of the bank and the beneficiaries of the trust accounts which hold bank stock. This inescapably results in the use of these trust accounts for the benefit of the bank rather than the beneficiaries of the accounts.

In order to protect both the stockholders of corporations and the beneficiaries of trust accounts, H.R. 5700 prohibits any commercial bank from holding more than 10 percent of any class of stock in any corporation whose securities are publicly owned.

In addition, the act also prohibits commercial banks from holding their own stock or the stock of a parent holding company in the trust accounts which they administer.

As a further protection to the beneficiaries of trust accounts, the investing public in general and to supply valuable information to Congress and the agencies which supervise and regulate banks and securities transactions, H.R. 5700 requires commercial banks to disclose annually the assets which are held in their trust accounts, the voting rights provided the bank by these trusts, and how these voting rights were exercised.

LOAN RESTRICTIONS AND DISCLOSURE

The tight money/high interest conditions which dominated the Nation's economy in 1969 and 1970 stimulated the coercive, inflationary practice of equity participation by financial institutions, especially in regard to real estate development investments. Basically this amounts to a demand by the lender for a significant portion of the income or a share in the ownership of such investment projects in addition to the market interest rates which apply to loans. This in turn means that the lender is receiving an enormous return—an enormous effective interest rate on the loan—which forces the borrower to raise sales prices or rents to recover the loss. This practice amounts to large-scale usury, and circumvents the spirit of bank holding laws which prevent commercial banks from owning and controlling nonbanking enterprises. H.R. 5700 would prohibit this practice by commercial banks, savings and loan associations, mutual savings banks, bank and savings and loan holding companies and insurance companies.

INSIDER LOANS

H.R. 5700 also prohibits commercial banks, savings and loan associations and mutual savings banks from making loans to corporations when the officers, directors, trustees, and employees of these lending institutions, or members of their immediate families, hold 5 percent or more of any class of stock in such firms. Without this restriction the resources of the lending institutions in question can be and have been used to provide insider loans, often for questionable investments, to benefit the persons who have the responsibility of protecting the interests of the banks and savings and loan associations which supply them.

INSIDER LOAN DISCLOSURE

To further protect commercial banks, savings and loan associations and mutual savings banks from abuse of authority by insiders, H.R. 5700 requires public disclosure of the nature and amount of loans made to their officers, directors, trustees, employees, and members of their immediate families. The Act also requires that the identity of persons receiving benefits from loans be disclosed to these lending institutions when the loan is made to an agent, trustee or nominee acting for the borrowers.

This section of the act is not only valuable in terms of protecting the lending institutions and their stockholders from insider abuses; it also is a guard against the fraudulent use of straw parties by some real estate speculators who depend on banks and savings and loan associations for the funds * * *.

BROKERED DEPOSITS

During the past several years brokered deposits—deposits which have been obtained by a fee or commission collected by an investor or an agent and often earmarked to be loaned to specific individuals or firms—have been shown to figure in an increasing number of financial institution failures. Lending institutions which accept such deposit agreements are made captives of such arrangements which many times result in highly questionable loans. When these loans go sour it is the lending institution and not the depositor or his agent that is responsible for the loss. Moreover, these losses often spell the difference between the survival or the collapse of these financial institutions.

For these reasons, H.R. 5700 prohibits commercial banks and savings and loan associations from accepting brokered deposits. It also prohibits anyone from receiving anything of value from these lending institutions in return for obtaining the funds of a third party for deposit or investment in commercial banks and savings and loan associations.

The prohibition extends to the offer of gifts, premiums, or any other items of value to bring in deposits.

INSURANCE FOR GOVERNMENT DEPOSITS

The failure of commercial banks and savings and loan associations because of brokered deposits and other unsound financial practices has often resulted in the loss of substantial amounts of tax funds which local governments had on deposit with these failed financial institutions. Losses of this kind are often covered by insurance provided by the Federal Deposit Insurance and the Federal Savings and Loan Insurance Corporations, but in a number of instances the deposits exceeded the maximum amount of insurance available, and there was no recovery of funds in excess of the insurance limit.

Because these are funds on which local governments depend to operate, H.R. 5700 extends Federal Deposit Insurance and Federal Savings and Loan Insurance coverage to 100 percent of such deposits.

THE DEHUMANIZING OF HUMANS

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HANLEY. Mr. Speaker, a few days ago, the majority leader of the House of Representatives charged that the telephones of several Members of the House and Senate are under tap, allegedly by the FBI. Although I have no proof of this one way or the other, like many of my colleagues I have long suspected that bugging and telephone tapping are quite rampant in Washington.

Because I do not have specific information, I shall not comment on the specific charges. I do want, however, to spend a few moments today discussing the implications of wiretapping and related activities as they pertain to what I call the closing of an open society.

For many years, I have been concerned about and have spoken about the increasing depersonalization of our society. I suppose what concerns me most is the fact that we have created a sort of technological frankenstein—the type of thing that George Orwell wrote about in his classic, "1984." While we claim to be an advanced and progressive civilization, we are becoming increasingly dependent upon mechanical and technical machinery in our everyday life. The immediate upshot of this involvement is to force the average individual—and that means every one of us—into an uncomfortable situation of heavy if not total reliance on these inanimate contrivances. We know, for instance, that human beings no longer control our credit ratings; that such things are handled by a huge piece of aluminum and neon ensconced in an office building in downtown New York City. We are all aware that speeding violations no longer depend on the eye and the wit of a traffic officer; that an impersonal machine says with incontrovertible evidence whether or not we were actually doing 35 miles an hour in a 25-mile zone. We know that our monthly bank statements occasionally cause temporary cardiac arrest because a computer managed to withdraw $100 more than our balance.

While these cases may only be examples of inconveniences, they run to the heart of my thesis. They are symptomatic of a wider disease in the society—a disease which ultimately evidences itself in the type of thing the majority leader tried to spell out in his charges. It is the dehumanizing of human beings, the reduction of persons to mere statistical information and, ipso facto, the introduction of the idea that mere things do not need or deserve privacy.

We are all aware of the obvious dangers in this situation. But the subtle, less immediate consequences are more frightening. In short, where do we go from here? If telephones can be tapped with impunity, if clubs, offices, and even homes can be bugged by Government agents, if private lives can be questioned, snooped into and possibly publicized by individuals who have no direct responsibility to anyone or anything except a data bank in some obscure Government building, then we have effectively dispensed with one of the principal underpinnings of a free society. Privacy is to freedom what electricity is to a light bulb. You can have the latter without the former, but it does not mean anything and it would not work.

I am deeply concerned about the direction our Government is moving in on this subject. Instead of striving to maintain an open society, we seem to be doing our best to close the doors on free expression by subtle intimidation and in some instances, outright badgering.

The first and fourth amendments to the Constitution were not drawn up as literary toys. They had and still have a very pointed purpose; to guarantee and protect personal liberty. Any attempt to thwart that intention, whether direct or oblique, flies in the face of everything we hold dear. Privacy can be sacrificed on the altar of expediency, only at the risk of having the altar fall over on us.

There are some in our midst who think the price of liberty is not eternal vigilance but eternal surveillance. Thomas Jefferson must be doing cartwheels in his grave.

LET THESE PEOPLE GO

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I have just returned from a 1 week visit to Leningrad and Moscow to investigate for myself the plight of imprisoned Soviet Jews. Before presenting a summary report of what I saw and heard, let me give you some background about the situation in the Soviet Union today.

Last year, between June and December, 25 Soviet Jews were arrested in several cities in the Soviet Union. They have been held in prison on undisclosed charges—some for almost 10 months, even though Soviet law requires that anyone arrested be tried within 9 months or be set free. The Soviet authorities recently announced that these Jews would be tried early in April in secret proceedings in separate cities within the Soviet Union.

I was urged by constituents, in effect at the 11th hour, to travel to the Soviet Union before any trials were held to inquire about the plight of these prisoners and their families.

I was in the Soviet Union from March 30 through April 6. During this trip I visited Leningrad and Moscow.

In Leningrad, I talked with two of the families of the prisoners in one of their homes. We assumed that I was followed to their apartment by the secret police and that the telephone in their apartment, and perhaps the street phone which I used in making the appointment, was tapped. Still the families were happy to receive me although it was clear they were terribly afraid—afraid primarily for their loved ones in jail but also for themselves. We talked in whispers fearing the apartment was bugged.

They believed the nine Jews being held for trial in Leningrad are now illegally imprisoned because they have been held for more than 9 months. During that period the wives have not been permitted to see the prisoners and only one letter has been received by each of the two families. No mail is permitted to be sent by the wives to the imprisoned men. The wives believe that their husbands were arrested because they hand copied and photographed Jewish and Hebrew translations of text books as well as having stated their wish to emigrate to Israel.

The wives said that they and their husbands were not anti-Soviet but wished to go to Israel where they could live as Jews without fear or prejudice. It was clear they had thrown caution to the winds in seeing me but they know that only world opinion—aroused and maintained—will cause the Soviet Union to relent and free these men and perhaps even permit their immigration to Israel. They said so eloquently with their eyes and with their words, "Help us." I must confess that all of us found it difficult to restrain tears. Somehow in the 45 minutes we were together, even the silences were as moving as the conversation. I asked a young woman present if her husband was in jail. She laughed with tears in her eyes, and said, "Not today," pointing to a young man sitting with us, "but who knows of tomorrow." When I left we kissed and embraced. I told them people in the United States, of all faiths and beliefs, were concerned for their welfare and want to help.

I sought to make appointments myself and through the American consulate offices in Leningrad with representatives of the Soviet Union including Mr. Sizov and Mr. Barulin who represent the city Soviet of Leningrad and with Mr. Silantjev, the prosecutor of Leningrad, as well as with representatives of the District Soviet of Leningrad, the city and district party committee, and the city board of advocates. Again and again they refused to see me.

I left for Moscow where American Embassy officials and especially Ambassador Jacob Beam were very cooperative. I was able to arrange two interviews. One was with Andre A. Korobov, president of Iniurcolleguia, a major Soviet attorneys' association. I told him the defendants in the Leningrad case were being held without trial in violation of the law. At my request, he said he would bring it to the attention of Soviet Attorney General Rodenko.

I also saw Aron Vergelis, editor in chief of the magazine Sovietishe Heimland, and himself a Soviet Jew. He is normally the person designated by the Soviet Union to speak on the Jewish question in response to foreign criticism. I asked him how the Soviet Union could pride itself on keeping its treaty commitments when it refused to honor such basic rights as stated in the International Convention on the Elimination of all Forms of Racial Discrimination which the Soviet Union signed in 1969. He replied that in the Soviet Union all citizens, including Jews, are free to leave. When I pointed out that there are thousands who have requested permission and have not been permitted to leave, he admitted that this is so but gave two reasons: First, that the Soviet Union wants to be sure that Jews going to Israel realize the danger in that area of the world and second, that the Soviet Union does not want to provide Israel with a military advantage.

I spoke at some length with Jews at the Moscow Synogogue where last Saturday's service was well attended. They, and the Americans in Moscow I met with, indicated that, at the very least, 300,000 or 10 percent of the Soviet Jewish population would emigrate if allowed. It is remarkable that so many Soviet Jews have publicly defied the Soviet authorities by demanding the right to emigrate.

We saw what happened when the world outside caused the Soviet authorities to commute the death sentences in the recent hijacking case. I believe that the continued pressure of world opinion will ultimately help to free the prisoners and permit the exodus of Jews from the Soviet Union.

Since returning Tuesday night, I have already talked with a number of my colleagues in the Congress and I have urged them to take a similar interest in the plight of these prisoners and their families. And I have written to Secretary of State Rogers urging that our Government take stronger public measures to effect a change in Soviet policy.

Friday night commences the Passover holidays which commemorates the exodus of the Jews from Egypt. Moses said to Pharaoh, "Let my people go." The people of the world should now with one voice say to the Soviet Union, "Let these people go."

LIEUTENANT CALLEY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am amazed to find so many people in this country coming to the defense of Lt. William L. Calley, recently convicted of shooting and killing innocent civilians.

I wish to insert in the RECORD a column by the distinguished conservative William F. Buckley, Jr., on this matter. I would also like to call to the attention of our colleagues the letter which Capt. Aubrey M. Daniel III sent to President Nixon.

I think Mr. Buckley's column and Captain Daniel's letter are thoughtful and responsible rebuttals to the public clamor to "free Calley."

Observations on Calley Reaction

The reaction to the conviction of Lt. William L. Calley has greatly surprised everyone, and is directly responsible for President Nixon's sudden intervention. It appears that the mail is altogether lopsided, 100–1 in favor of Calley. And that is a vexing datum, inasmuch as Americans do not usually rally to the cause of someone who, it has been determined, aimed a rifle at old ladies and little children, and killed them.

A few observations:

The American people are very well aware that a diligent effort is being made to discredit the military. They sense, moreover, the effort springs from other than mere technical dissatisfaction with the performance of the military. It is one thing to say that Gen. William Westmoreland is incompetent because he assured us over and over again that the Vietnam war was on the verge of being won, dozens of thousands of casualties ago. It is another to scoff at the military in what amounts to generic terms, and that is the kind of criticism that is being leveled.

It is the fruit of a cultural assault, of which Dr. Strangelove was a historical landmark, and CBS's "The Selling of the Pentagon" a recent expression. In between is the running contumely, the closing down of ROTC chapters in the fashionable colleges, the decline in re-enlistment, the chaos surrounding the draft laws.

All of this is not merely derogation of an American institution: It is the derogation of the institution that is supposed to defend the Republic against foreign enemies. So that without exactly realizing why, many Americans view the conviction of Calley as an elaboration of the attack on the military. And they view the attack on the military as a vote of no confidence in the society the military is supposed to defend.

It is, moreover, widely suspected that Calley is a "scapegoat." The word is being used loosely: Too loosely. Properly used, a scapegoat is an innocent who is singled out to receive the punishment that should properly be visited elsewhere. Calley's situation is not such.

In the first place, there is apparently no doubt that he did kill 22 persons whom he had no reason to kill. But the court-martial is not over: His immediate superior is about to be tried, and so is the immediate superior of his superior. Whether it will reach on above the brigade level one cannot at this point be certain, but already, there is hardly evidence that the case is being ended with Calley as scapegoat.

To the extent that the public is outraged that Calley should be singled out for court-martial, one needs to urge reflection. It is true that only one man out of perhaps 500 is stopped on the highway for speeding. It is the luck of the draw, and one feels a twinge of bitterness when it happens to oneself, knowing of all the others who got away.

But are we really prepared to believe that what Calley did in South Vietnam was routine? I do not doubt that there are other living and unnoticed American soldiers who have taken innocent lives illegally. But surely one should await the evidence, before presuming that the American military has become so calloused and cruel and irresponsible as to make My Lai massacres altogether workday phenomena?

The point about My Lai surely is that it is an aberration—an atrocity. Not that it is the victimization of only a single man who happened to be caught. Those Americans who protest the Calley verdict thus indiscriminately are unwittingly allied with others who are desirous to believe that Calley is a typical product of the American womb.

As regards the question of ultimate responsibility, the public is entitled to be confused. We hanged General Yamashita after the Second World War, and if we applied rigorously the logic of that execution, we would have a case for hanging Gen. Westmoreland. That would be preposterous and cruel. So that we learn, gradually, what some people knew and warned against in 1945: Victors' justice.

We are overdue for shame in our complicity in the Nuremberg-Tokyo trials. But whatever we do to amend these doctrines, it is inconceivable that we should come up with new rules of war that permit to go unpunished such an act as Calley was found guilty of, and I for one am proud of a country that makes such activity punishable by imprisonment or death.

Daniel's Letter to President

April 3, 1971.

The President of the United States
White House,
Washington, D.C.

Sir: It is very difficult for me to know where to begin this letter as I am not accustomed to writing letters of protest. I only hope that I can find the words to convey to you my feelings as a United States citizen, and as an attorney, who believes that respect for the law is one of the fundamental bases upon which this nation is founded.

On Nov. 26, 1969, you issued the following statement through your press secretary, Mr. Ronald Ziegler, in referring to the Mylai incident:

> An incident such as that alleged in this case is in direct violation not only of U.S. military policy, but is also abhorrent to the conscience of all the American people.
>
> The Secretary of the Army is continuing his investigation. Appropriate action is and will be taken to assure that illegal and immoral conduct as alleged be dealt with in accordance with the strict rules of military justice.
>
> This incident should not be allowed to reflect on the some million and a quarter young Americans who have now returned to the United States after having served in Vietnam with great courage and distinction.

At the time you issued this statement, a general court-martial had been directed for a resolution of the charges which had been brought against Lt. William L. Calley Jr. for his involvement at Mylai.

On Dec. 8, 1970, you were personally asked to comment on the Mylai incident at a press conference. At that time you made the following statement:

> . . . what appears was certainly a massacre, and under no circumstances was it justified.
>
> One of the goals we are fighting for in Vietnam is to keep the people of South Vietnam from having imposed upon them a government which has atrocity against civilians as one of its policies.
>
> We cannot ever condone or use atrocities against civilians in order to accomplish that goal.

These expressions of what I believe to be your sentiments were truly reflective of my own feelings when I was given the assignment of prosecuting the charges which had been preferred against Lt. Calley. My feelings were generated not by emotionalism or by selfrighteous indignation but by my knowledge of the evidence in the case, the laws of this nation in which I so strongly believe, and my own conscience.

I knew that I had been given a great responsibility and I only hoped that I would be able to discharge my duties and represent the United States in a manner which would be a credit to the legal profession and our system of justice.

I undertook the prosecution of the case without any ulterior motives for personal gains, either financial or political. My only desire was to fulfill my duty as a prosecutor and see that justice was done in accordance with the laws of this nation. I dedicated myself totally to this end from November of 1969 until the trial was concluded.

ABIDING CONVICTION

Throughout the proceedings there was criticism of the prosecution, but I lived with the abiding conviction that once the facts and the law had been presented there would be no doubt in the mind of any reasonable person about the necessity for the prosecution of this case and the ultimate verdict. I was mistaken.

The trial of Lt. Calley was conducted in the finest tradition of our legal system. It was in every respect a fair trial in which every legal right of Lt. Calley was fully protected. It clearly demonstrated that the military justice system which had previously been the subject of much criticism was a fair system.

Throughout the trial, the entire system was under the constant scrutiny of the mass media and the public, and the trial of Lt. Calley was also in a very real sense the trial of the military judicial system. However, there was never an attack lodged by any member of the media concerning the fairness of the trial. There could be no such allegation justifiably made. I do not believe that there has ever been a trial in which the accused's rights were more fully protected, the conduct of the defense given greater lattitude, and the prosecution held to stricter standards. The burden of proof which the government had to meet in this case was not beyond a reasonable doubt but beyond possibility. The very fact that Lt. Calley was an American officer being tried for the deaths of Vietnamese during a combat operation by fellow officers compels this conclusion.

The jury selection, in which customary procedure was altered by providing both the defense and the prosecution with three preemptory challenges instead of the usual one, was carefully conducted to insure the impartiality of those men who were selected. Six officers, all combat veterans, five having served in Vietnam, were selected. These six men who had served their country well were called upon again to serve their nation as jurors and to sit in judgment of Lt. Calley as prescribed by law. From the time they took their oaths until they rendered their decision, they performed their duties in the very finest tradition of the American legal system. If ever a jury followed the letter of the law in applying it to the evidence presented, they did. They are indeed a credit to our system of justice and to the officer corps of the United States Army.

TOTALLY SHOCKED

When the verdit was rendered, I was totally shocked and dismayed at the reaction of many people across the nation. Much of the adverse public reaction I can attribute to people who have acted emotionally and without being aware of the evidence that was being presented and perhaps even the laws of the nation regulating the conduct of war. These people have undoubtedly viewed Lt. Calley's conviction simply as the conviction of an American officer for killing the enemy. Others no doubt out of a sense of frustration have seized upon the conviction as a means of protesting the war in Vietnam. I would prefer to believe that most of the public criticism has come from the people who are not aware of the evidence either because they have not followed the evidence as it was presented, or having followed it they have chosen not to believe it. Certainly, no one wanted to believe what occurred at Mylai, including the officers who sat in judgment of Lt. Calley. To believe, however, that any large percentage of the population could believe the evidence which was presented and approved of the conduct of Lt. Calley would be as shocking to my conscience as the conduct itself since I believe that we are still a civilized nation. If such be the case, then the war in Vietnam has brutalized us more than I care to believe, and it must cease. How shocking it is if so many people across this nation have failed to see the moral issue which was involved in the trial of Lt. Calley—that it is unlawful for a soldier to summarily execute unarmed and unresisting men, women, children, and babies. But how much more appalling it is to see so many of the political leaders of the nation who have failed to see the moral issue or, having seen it, to compromise it for political motives in the face of apparent public displeasure with the verdict. I would have hoped that all of the leaders of this nation, which is supposed to be the leader within the international community for the protection of the weak and the oppressed regardless of nationality, would have either accepted and supported the enforcement of the laws of this country as reflected by the verdict of the court or not make any statement concerning the verdict until they had had the same opportunity to evaluate the evidence that the members of the jury did.

In view of your previous statements concerning this matter, I have been particularly shocked and dismayed at your decision to intervene in these proceedings in the midst of the public clamor. Your decision can only have been prompted by the response of a vocal segment of our population, who while no doubt acting in good faith, cannot be aware of the evidence which resulted in Lt. Calley's conviction. Your intervention has, in my opinion, damaged the military judicial system and lessened any respect it may have gained as a result of these proceedings. You have subjected a judicial system of this country to the criticism that it is subject to political influence when it is a fundamental precept of our judicial system that the legal processes of this country must be kept free from any outside influences. What will be the impact of your decision upon future trials, particularly those within the military?

Not only has respect for the legal process been weakened and the critics of the military judicial system been given support for their claims of command influence, the image of Lt. Calley, a man convicted of the premeditated murder of at least 22 unarmed unresisting people, as a national hero has been enhanced, while at the same time support has been given to those persons who have so unjustly criticized the six loyal and honorable officers who have done this country a great service by fulfilling their duties as jurors so admirably. Have you considered those men in making your decisions? The men who since rendering their verdict have found themselves and their families the subject of vicious attack upon their honor, integrity and loyality to this nation. It would seem to me to be more appropriate for you as the President to have said something in their behalf and to remind the nation of the purpose of our legal system and the respect it should command. I would expect that the President of the United States, a man whom I believe should and would provide the moral leadership for this nation, would stand fully behind the law of this land on a moral issue which is so clear and about which there can be no compromise. For this nation to condone the acts of Lt. Calley is to make us no better than our enemies and make any pleas by this nation for the humane treatment of our own prisoners meaningless.

I truly regret having to have written this letter and wish that no innocent person had died at Mylai on 16 March 1968. But innocent people were killed under circumstances that will always remain abhorrent to my conscience. While in some respects what took place at Mylai has to be considered a tragic day in the history of our nation, how much more tragic would it have been for this country to have taken no action against those responsible. That action was taken, but the greatest tragedy of all will be if political expediency dictates the compromise of such a fundamental moral principle as the inherent unlawfulness of the murder of innocent persons, making the action and the courage of six honorable men who served their country so well, meaningless.

Respectfully yours,

AUBREY M. DANIEL III

Captain, JAGC, *Trial Counsel, United States v., Calley.*

cc: Hon. Harry F. Byrd, Jr., Hon. William B. Spong., Jr., Hon. Harold Hughes, Hon. George McGovern, Hon. Edmund S. Muskie, Hon. Robert Taft.

SOIL CONSERVATION

(Mr. SCHERLE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SCHERLE. Mr. Speaker, I come to you in support of a realistic 1972 budget for the Soil Conservation Service. Our Nation's goals in developing rural America and improving the quality of the environment depend largely upon the wise use and proper care of our soil, water, and related resources.

Money appropriated for the program of the Soil Conservation Service is a sound investment. With the current emphasis on environmental quality, we often overlook established agencies who have the technology to meet environmental needs, providing they have the necessary support. My primary concern is that we are continuing to lose trained personnel to work in assisting Soil Conservation Districts at the county level. We have lost 1,200 of these people nationwide during the last 4 years, and in my own State of Iowa, we have lost nearly 100 people in this same period of time.

Soil Conservation Districts have established a reputation of making sound and efficient use of technical assistance furnished by the Soil Conservation Service. Through this sound, Federal-State-local working relationship, we should continue to focus more attention on the going programs designed to plan and develop our land and water resources.

My support for these programs is well known and I have continuously fought for the recognition that the programs justly deserve. Our conservation program accomplishments have proven their worth over the years and have shown benefits worthy of our investment.

The benefits of this investment accrue to every U.S. citizen. The housewife who fills her grocery shopping cart with plastic-wrapped packages may not fully appreciate that meat, eggs, milk, bread, potatoes, and cornflakes all result from well managed soil. The abundance of food endlessly displayed on supermarket shelves, impressive as it may be, will represent the principal and not the interest from our land resources unless they are continually protected.

Despite the efforts of dedicated soil conservationists, erosion is still excessive on 63 percent of the Nation's 437 million acres of cropland, according to the recently completed soil and water conservation needs inventory.

In my home State of Iowa where 95 percent of the total land area is devoted to agriculture, including much of the Nation's very best soil, 66 percent of the land needs additional conservation treatment if a sustained resource base is to be maintained without excessive erosion resulting in further deterioration of our environment.

We must make an effort to support a realistic budget toward improving the quality of the environment through conservation programs carried out through soil conservation districts. As we enter this period of the 1970's with increased national concern for the quality of the environment, it is highly inconsistent for the Federal Government to take action that would further reduce technical assistance on the Nation's private lands.

Of real concern to soil conservation district officials and other leaders is the level of funding to provide day to day technical assistance to individuals and other land users in applying on the land conservation measures. If these increasing demands are to be met in conserving soil and water resources of individual soil conservation districts, the proposed budget estimate of $135 million for technical asistance through the Soil Conservation Service will need to be raised to at least $150 million.

A part of the soil and water conservation program that is so popular throughout the Nation today is the watershed protection and flood prevention program. This program, as you know, solves soil and water conservation problems on a complete watershed basis. Community benefits in my area have included conserving water for industrial and municipal uses, recreation developments, and the reduction of floodwater and sediment damages.

If urban and rural communities are to deal effectively with their land and water problems, this phase of the program must be raised from the budget estimate of $80 to $107 million. The progress of this program in the Nation has been inspiring. It is a popular and effective program because people receiving support from it are from all walks of life and in most cases it benefits all the people.

Resource conservation and development projects as administered by the Soil Conservation Service have given rural people the opportunity and means to raise the economic level of their community through resource development. The leadership of this Nation is especially interested in types of development which stimulate rural economic growth and will reduce the outmigration from rural areas. In my home district, the southern Iowa R.C. & D. project has brought together people from seven counties in an effort to make better use of the total resources of the area. With assistance of the Soil Conservation Service and other agencies, they have made plans that will bring about new jobs, economic improvement of the area, additional income, and improved community facilities. This kind of a program allows local people to direct their efforts and those of all agencies toward community and area development. The current budget estimate for this part of the program for 1972 is at a level of about $14 million a year. A more realistic figure of $20 million is necessary for the Soil Conservation Service if we are going to help rural areas do an adequate job to upgrade rural living.

In hundreds of communities throughout the Nation, large and small, the Soil Conservation Service, working through local soil conservation districts, has made significant contributions in dealing with agriculture-related pollutants of soil, water, and air. These program activities are designed to complement and supplement each other to the extent that there will be an improvement in our total environment.

If these programs are to continue moving in the direction of meeting our environmental goals for quality in our living, your support is needed in funding these programs. The funding levels I have suggested are consistent with the recommendations of the National Association of Conservation Districts.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The Evergreen Point Bridge in Washington consists of 33 floating concrete pontoons weighing 4,700 tons each, held in place by 77-ton concrete anchors. The pontoon structure is 6,561 feet long and, with approaches, the bridge is 12,596 feet long.

SEX DISCRIMINATION AT WRC/NBC

(Mrs. ABZUG asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, last month a group of courageous women employees at a local radio-television station here in Washington filed job discrimination charges against their employer. The women work for WRC/NBC, and they took the unprecedented action of filing charges against the station with three separate Federal agencies: The Federal Communications Commission, the Equal Employment Opportunity Commission, and the Office of Federal Contract Compliance.

I support this action and, together with other women Members of Congress, I call upon the agencies to investigate these charges immediately and to end sex discrimination at WRC—and at its parent company, the National Broadcasting Co.—without delay.

Sex prejudice is deeply ingrained in our society, and no one is more aware of it than a woman Member of Congress. All of us had to fight to get here. All of us had to fight to overcome the male myths that said that, as political women, we were fit only to check voting records, distribute leaflets, and ring doorbells. All of us had to run twice as hard as our male colleagues to prove not only our own credentials, but to prove that women are capable of holding office and exercising political power in the first place.

We made it—at least this far—but other women have not. So we support others, like the WRC women, who are risking their jobs to fight discrimination in employment. Mrs. Chisholm, Mrs. Mink, Mrs. Grasso, and I are proud to submit, at this point in the Record, a copy of the charges filed by the women, a newspaper article about their case, and our letter to the Federal agencies before whom the matter is pending:

April 7, 1971.

To: Equal Employment Opportunity Commission, 1800 G Street NW., Washington, D.C.

Attention: Chairman Brown, Commissioner Walsh.

Mr. William B. Ray, Chief, Complaints and Compliances Division, Federal Communications Commission, 1919 M Street NW., Washington, D.C.

The Honorable James D. Hodgson, Secretary, Department of Labor, Washington, D.C.

Dear ———:

This letter is to request a progress report on your investigation of job discrimination charges filed by women employees at WRC and WRC–TV, the NBC-owned stations here in Washington. These charges, filed March 2, 1971, were the first such charges filed simultaneously at three federal agencies: the Federal Communications Commission, the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance.

We consider the allegations extremely serious. The absence of women in major job categories, the presence of only one woman in a management position, the discriminatory maternity leave policy and the failure of the company to establish and implement an affirmative action program indicate that NBC, a giant in the broadcasting industry, is operating in violation of federal law. To make matters worse, it appears that the station has threatened recriminatory action against some of these female employees who have pursued their rights for equal and nondiscriminatory treatment. Prompt action by your agency is therefore clearly necessary.

We don't need to spell out for you the power of radio and television. Nor do we need to remind you of the obligation of broadcasters to operate in the public interest and of the requirement that federal contractors and private employers operate on a nondiscriminatory basis. If WRC discriminates in its employment policies, then inevitably its service—the programing which is communicated over the public airwaves—is tainted with discrimination, further demeaning the image of women.

As women Members of Congress, especially sensitive to the problems of sex discrimination, we urge you to process this charge expeditiously and to inform us of your progress in doing so.

Sincerely,

Bella S. Abzug,
Patsy T. Mink,
Shirley Chisholm,
Ella T. Grasso,
Members of Congress.

[From the Wall Street Journal, Mar. 3, 1971]

Charges of Sex Bias Filed Against NBC's 3 Stations in Capital: Three Women's Rights Groups Allege Job Discrimination at WRC–TV, WRC–AM, FM

Washington.—Women's rights groups filed sex discrimination charges with three government agencies against three Washington-based stations owed by National Broadcasting Co., a subsidiary of RCA Corp.

The stations, WRC–TV and WRC–AM and FM, are among the "very few" broadcast stations to be formerly charged with job discrimination based on sex, a government official stated. An NBC spokesman said in New York the company was studying the charges "but at this point they appear to be without foundation."

The charges were filed simultaneously with the Federal Communications Commission, the Equal Opportunity Commission and the Labor Department's Office of Federal Contract Compliance. Making the complaints were the Women's Rights Committee of WRC–NBC, the Women's Equity Action League and the Washington chapter of the National Oragnization for Women.

The three groups contend that WRC–NBC violates Title VII of the Civil Rights Act of 1964, which prohibits discriminatory employment practices, and the equal employment regulations of both the FCC and the OFCC. A representative of the women's groups said this was the first such charge against a broadcaster to be filed with the OFCC, which requires government contractors to operate on a nondiscriminatory basis. RCA is a large government contractor.

The three groups contend that WRC–NBC violates Title VII of the Civil Rights Act of 1964, which prohibits discriminatory employment practices, and the equal employment regulations of both the FCC and the contract compliance office. A representative of the women's groups said this was the first such charge against a broadcaster to be filed with the contract compliance office, which requires government contractors to operate on a nondiscriminatory basis. RCA is a large government contractor.

In the complaint filed with the FCC, the women's groups allege that WRC–NBC has engaged in "a pattern and practice of systematic discrimination against women." Specifically, the complaint charged, WRC has "failed or refused" to recruit, hire and promote female employes.

Also the complaint alleges that no women have been hired for major job categories such as directors, film editors, announcers and engineers. Of the 24 positions designated "manager" or "department head" only one is held by a woman the complaint says. Instead women have been restricted to lower-paying jobs according to the complaint.

No official was immediately available at WRC–NBC for comment.

A spokesman for the EEOC said the only similar charge to be made against a broadcaster was filed last year against an Ohio station for allegedly failing to hire female announcers. The official declined to identify the station in the Ohio case charges against which are still pending.

The Washington complaint asks the FCC to investigate the alleged discriminatory practices at both WRC–NBC and other NBC-owned stations and major affiliates. At the same time the complaint asks the FCC to require the three WRC stations to begin "affirmative action programs" aimed at correcting the alleged abuses.

The women's organizations requested the EEOC to investigate the charges and turn the case over to the Justice Department if warranted.

Charge of Unlawful Employment Practices Engaged In by NBC/WRC–TV and NBC/WRC–AM/FM

To the Commission:

We the undersigned hereby charge that NBC/WRC–TV and NBC/WRC–AM/FM (hereinafter referred to as WRC) have violated Title VII of the Civil Rights Act of 1964 by engaging in the following unlawful and discriminatory employment practices:

1. WRC has engaged in a pattern and practice of systematic failure or refusal to recruit and hire prospective employees and promote present employees without discrimination on the grounds of sex. Women have, therefore, been restricted in access to job categories and have been precluded from earning salaries as high as those being earned by men whose job opportunities have not been restricted.

The following brief statistical summary is prima facie evidence of such discriminatory employment practices. Although 51% of Americans are female, only 20% of the workforce at WRC are women. Of the 10 directors employed, none is a women. Of the 8 operations directors, none is a woman. Of the 14 announcers, none is a woman. Of the 3 unit managers, none is a woman. Of the 18 employed on film crews, none is a woman. Of the 28 film editors and processors, none is a woman. Of the 96 engineers, none is a woman. And of the 24 managerial heads or chiefs of departments, 1 is a woman.

2. WRC has no women employed as radio or television sales-persons and refuses to hire any women for those positions. For example, in order to evade its obligations to hire on a non-discriminatory basis, and in order to discourage any potential women applicants from either learning of job openings in this category or from applying for such openings, in February, 1971, WRC/AM/FM hired a new male employee before terminating the employment of the male incumbent and without making any effort to advertise the availability of such position to all who might be qualified as had been its prior policy.

3. In December, 1970, WRC management personnel announced to two women who qualified for a vacancy in the position of Administrator, Press and Publicity, that women would not be considered for such job category. The two individuals were, in fact, denied any consideration for such vacancy. After substantial pressure was exerted by women employees at WRC, a woman from outside the company was finally hired to fill this vacancy. However, the two individual women who were denied consideration for this job vacancy on the grounds of sex alone, still hold their original positions and have received no indications of being considered for promotions in the interim.

4. WRC has threatened women employees, who have been actively pursuing their right to equal and non-discriminatory employment opportunities, that they will be denied promotions or job increases in the future. In particular, one woman employee was forbidden to attend a meeting of the Women's Rights Committee and was told she could not take a leadership role in the activities of the Women's Rights Committee if she expected to be considered for any promotions.

5. Numerous terms and conditions of employment at WRC, including personnel rules regarding the day-to-day management of operations at WRC, differentiate between employees solely on the grounds of sex. For example, in the matter of maternity absences, women are forced to take their time off without pay rather than use accrued sick leave, and are forced to take a four month period of time off rather than the amount of time dictated by their own individual medical needs which may be far less than four months. No such limitations are imposed on men taking time off for medical problems.

6. WRC has refused to submit any written data substantiating its defense against the charges of employment discrimination by sex made by the Women's Rights Committee. Nor has WRC made available to its female employees the Equal Employment Opportunity statistics it is required to file with the Federal Communications Commission. WRC has refused to establish an affirmative action plan to end discrimination against women at WRC. It is clear from the foregoing that WRC is making no good faith effort to end its patent employment discrimination against women and that such discrimination is conscious, willful, and intentional.

MARCH 2, 1971.

Mr. WILLIAM B. RAY,
Chief, Complaints and Compliances Division, Federal Communications Commission, Washington, D.C.

DEAR MR. RAY: The WRC Women's Rights Committee and the Washington chapter of the National Organization for Women hereby charge that WRC-TV and WRC-AM/FM, as well as other Owned Stations of the National Broadcasting Company, have violated Sections 73.125, 73.301 and 73.680 of the Commission's Rules and Regulations by engaging in a series of unlawful and discriminatory employment practices.

Sections 73.125, 73.301 and 73.680 provide:

1. That no licensee shall discriminate in employment based upon sex, and

2. That every licensee shall establish a continuing positive program to assure equal opportunity in every aspect of station employment policy and practice.

WRC has violated these provisions in the following ways:

1. Since July 10, 1970, when the new rules took effect, WRC has continued to engage in a pattern and practice of systematic discrimination against women. Specifically, WRC has failed or refused to recruit and hire prospective employees or to promote present employees without discrimination on the grounds of sex. Women have, therefore, been restricted in access to job categories and have been precluded from earning salaries as high as those being earned by men whose job opportunities have not been restricted.

The following brief statistical summary is prima facie evidence of a present pattern of discriminatory employment practices:

Although 51% of Americans are female, only 20% of the work force at WRC are women;

Of the 10 Directors employed, none is a woman;

Of the 8 Operations Directors employed, none is a woman;

Of the 14 Announcers, none is a woman;

Of the 3 Unit Managers, none is a woman;

Of the 18 employed on film crews, none is a woman;

Of the 28 Film Editors and Processors, none is a woman;

Of the 96 Engineers, none is a woman; and

Of the 24 managerial heads or chiefs of departments, one is a woman.

2. Since July 10, 1970, WRC has employed no women as Radio or Television Salespersons and refuses to hire any women for those positions. In order to evade its obligation to hire on a non-discriminatory basis, and in order to discourage any potential women applicants from either learning of job openings in this category or from applying for such openings, in February 1971, WRC-AM/FM hired a new male employee before terminating the employment of the male incumbent and without making any effort to advertise the availability of such position to all who might be qualified as had been its prior policy.

3. In recent weeks WRC has refused to consider qualified women employees for a vacancy in the position of Administrator, Press and Publicity. Station officials said privately they were under instructions to hire a man, and they hired a woman, when a vacancy in fact did occur, only under pressure from the Women's Rights Committee.

4. In recent weeks, WRC has threatened women employees who have been actively pursuing their right to equal and non-discriminatory employment opportunities, that they will be denied promotions or job increases in the future. In particular, one woman employee was forbidden to attend a meeting of the Women's Rights Committee and was told that she could not take a leadership role in the activities of the Women's Rights Committee if she expected to be considered for any promotions.

5. At present, numerous terms, conditions and benefits of employment at WRC, including personnel rules regarding the day-to-day management of operations at WRC, have differentiated between employees solely on the grounds of sex. For example, in the matter of maternity absences, women are forced to take their time off without pay rather than use accrued sick leave, and are forced to take a four-month period of time off without pay-rather than use accrued sick leave, and are forced to take a four-month period of time-off rather than the amount of time dictated by their own individual medical needs, which may be far less than four months. No such limitations are imposed on men taking time off for medical problems.

6. Furthermore, WRC has failed to respond affirmatively when confronted with the legitimate grievances of the Women's Rights Committee. For example, the station refused to submit any written data substantiating its defense against the Committee's charges of employment discrimination by sex. Nor has WRC made available to its female employees the E.E.O. statistics it is required to file in its annual employment report to the Federal Communications Commission. Moreover, despite the new FCC requirements, in effect since July 10, 1970, WRC has failed and refused to establish an affirmative action plan to end discrimination against women.

7. It is clear from the foregoing that WRC is guilty of patent employment discrimination against women and that such discrimination is conscious, willful and intentional. Furthermore, contrary to FCC requirements, WRC is making no effort to eradicate sex discrimination by establishing the "positive continuing program" called for in Rules 73.125, 73.301 and 73.680.

In addition, sex discrimination at WRC is only a part of a networkwide pattern. WRC is owned by the National Broadcasting Company. The National Broadcasting Company owns or is affiliated with local stations in nine of the nation's top ten television markets. In each of these stations, women are totally unrepresented in management positions; of the 74 top jobs, not one, according to listings compiled from the 1970 Broadcasting Yearbook, is held by a woman.

Sex discrimination in broadcasting is important not only because it denies job opportunities to women in the broadcast industry, but also because of its inevitable effect upon programming. It is our view that entertainment, news broadcasts and television commercials prepared exclusively by men cannot help but present a biased picture of women. Furthermore, we do not believe a station can serve the public interest, as it is required to do under the Federal Communications Act, if it systematically violates national policy against sex discrimination in employment.

For these reasons, we urge the Commission to conduct an immediate investigation of discriminatory employment practices at both WRC and the other owned stations and major affiliates of the National Broadcasting Company. Because of the urgency of this matter and the likelihood of further retaliation by WRC management against individual women employees, we ask the Commission to consider this complaint on an expedited basis.

WOMEN'S EQUITY ACTION LEAGUE,
Silver Spring, Md.

Hon. JAMES D. HODGSON,
Secretary, Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: Please consider this letter as a formal charge of sex discrimina-

tion against WRC–TV and WRC–AM/FM, under Executive Order 11246, as amended. The Order forbids all Federal contractors from discriminating on the basis of sex. The parent company of the two NBC stations is the Radio Corporation of America (RCA), one of the largest contractors in the country.

The charges are based on a continuing pattern of discrimination against women in recruiting, hiring, and promotions, 20% of the work forces at WRC are women, yet there are no women at all among the 10 directors, the 8 operations directors, the 14 announcers, or the 3 unit managers. None of the 18 person film crew is female. None of the 28 film editors and processors is a woman, nor are there any women among the 96 engineers. Of 24 managerial heads and chiefs of departments, only *one* is a woman. None of the Radio Salesmen is a woman. Women are relegated to lower paying jobs with little chance of advancement.

Women who have actively worked to secure equal and nondiscriminatory employment opportunities for themselves and other women, as is their legal right to do so, have been threatened and harassed by company officials who have told them that they would not receive promotions and salary increments in the future if they continued their activity.

The company discriminates in its maternity leave policies which forbid women from using accrued sick leave for maternity absence. All pregnant employees *must* take a forced four month leave of absence regardless of their individual medical needs. Such leave policies violate Sec. 60–20.3(g) of the June 1970 Sex Discrimination Guidelines.

Moreover, neither RCA nor its facilities WRC–TV or WRC–AM/FM have ever developed or filed affirmative action plans for women as required by the Executive Order.

Therefore, we request an immediate compliance review of RCA and *all* its facilities including WRC, and that such a review include a full scale investigation of all recruiting, hiring, promotion and salary policies, and admission to in-house training programs including management training. We also request that all current contract negotiations be suspended immediately, and that no new contracts be issued until such time as all inequities have been corrected and a plan of affirmative action is developed and implemented. Please notify me when the investigation begins.

Sincerely,

(Dr.) BERNICE SANDLER,
Chairman, Action Committee for Federal Contract Compliance, WEAL.

RICHARD CHAPUT—A REMARKABLE MAN

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, on April 14, a remarkable constituent of mine, Richard R. Chaput, will observe his 34th birthday. It is my hope that I will be able to pay my personal respects to Dick on that date. At this time, I wish to share with my colleagues some of the reasons why I consider him a truly remarkable young man.

For almost 25 years, Dick Chaput's body has been confined by the paralysis of poliomyelitis. He has no power to move, yet he has moved men.

Although he spends most of his time in a small room in a nursing home, he has reached out with his love to men, women, and children who were in despair and distress. He has brought them love and hope.

After years of struggle and doubt, he refused to accept the conclusion that because he was paralyzed, life had completely passed him by.

AN IRON LUNG HAS NOT CONTAINED HIM

He has refused to close himself in. An iron lung cannot contain or inhibit his quick mind, his desire to help others, his desire to show the love he found in his religion for his fellow man.

None of this has come easy for Dick. For several years, following the attack of infantile paralysis in the fall of 1946, when Dick was 9 years old, he hoped for recovery and a near normal life. When he was faced with the fact that he would be confined, it is reported that he lived with despair, anger, and self-pity for many months.

His strong religious faith and the ever-present support of his parents, his family, and his friends turned his thoughts around from the depression of his physical inadequacies to the possibility of using his mind and his all encompassing love for others.

During a 12-year period he received the equivalency of a high school and college education. Several students with various majors of study in nearby Rivier College would bring their notes to Dick in the nursing home and go over the lecture with him. Special blackboards, reading boards and recordings were also put to use. Even lab experiments were performed in Dick's room.

He received the love, support, and help that he was later to return to others a thousandfold.

In recent years, Dick has counseled people—young and old—from his flat stretcher bed. Priests and ministers have referred people to him. He is a volunteer for the FISH organization.

ACTIVE IN COMMUNITY AFFAIRS

Dick has been an active leader in the Friendship Club, an organization of handicapped people. He has worked with the National Association for Physically Handicapped, the New Hampshire Easter Seals Society. Dick serves as a volunteer to the New Hampshire State Library as an adviser on the needs for the physically handicapped. He has raised money for children in an orphanage in Danang, Vietnam.

When Dick was asked to become a member of the Nashua Jaycees, he said:

> I'd be happy to join as long as I can be active and contribute something.

And he has contributed in both the local and State organizations. In 1966, Dick was selected by the National Jaycees as one of America's 10 Outstanding Young Men.

Although he has great difficulty breathing, he seldom refuses a request to speak to college, church, civic, and health organizations. Dick, handicapped though he is, often sings before groups, and is a frequent guest star on a weekly radio program.

Dick Chaput also keeps busy writing. He has written many articles for national publications and a weekly newspaper. In 1964, he published his autobiography "Not to Doubt," and has his second book in manuscript. This is a busy man.

He has looked deeply into his life and the lives of others. He found, during those dark and depressing days, a sense of purpose to his life. He knows that there is purpose for the lives of others and shares his strength and knowledge with all who come in contact with him.

DICK CHAPUT—INSPIRATION FOR THE TROUBLED

Mr. Speaker, much of the time of Members of Congress is taken up with efforts to help people who have brought their problems and troubles to us. We do this most willingly, because these difficulties are usually quite genuine and serious.

True as this is, it is equally true that problems and troubles are relative matters. I sometimes wish that people who feel that their problems and troubles are overwhelming could spend a few minutes with Dick, as I have done from time to time over the years. I feel confident that if they would, the perspective they would gain would give them a new strength, courage and inspiration to face and overcome their difficulties. For Dick Chaput has demonstrated that massive difficulties and handicaps can be overcome, given determination, courage, and faith.

BILL TO REGULATE COMMERCIAL TAX SERVICES

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, by April 15 of this year approximately 75 million Americans will have filed Federal income tax returns with the Internal Revenue Service. Our system of tax administration, probably the most efficient of any free country in the world, is as retiring IRS Commissioner Randolph Thrower states:

> Founded on the bedrock of confidence we term voluntary compliance, where each taxpayer assumes the responsibility of making his own assessment, in compliance with the tax laws.

During the past 5 years it has become evident that a large number of American taxpayers, most of them in the middle and lower income brackets, are disinclined to prepare their own Federal tax forms and are turning in growing numbers to nonprofessional commercial tax services for assistance at a fee.

Approximately a year and a half ago Congress enacted a comprehensive Tax Reform Act which provided tax relief to a significant number of taxpayers in the middle and lower income brackets. While the act achieved many overdue reforms, it is evident that it did not serve well the cause of simplicity. The ironic consequence of continued complexity in our tax laws and procedures is that a portion of the tax savings that the law provides for the low- and middle-income taxpayer is expended by those taxpayers as fees to commercial tax services. Substantive tax reforms are thus negated by procedural complexity. This is not to say that the income tax forms for 1970 are any more complicated than those of previous years, or that the 1969 Tax Reform Act is the cause of a great upsurge in the volume of business of commercial tax services. In fact the cumulative data on the reporting characteristics of taxpayers for 1970 are not yet collected. However, there is every indication that the percentage of taxpayers who seek and pay for assistance in the preparation of their 1970 Federal tax forms will not decrease.

The following tables prepared by the Congressional Research Service for the use of the House Government Operations Subcommittee on Legal and Monetary Affairs, which I chair, compare the number and percentage of taxpayers who filed Federal tax returns which contained signatures other than those of the taxpayer for the years 1966 and 1969:

RETURNS PREPARED BY OTHER THAN TAXPAYER, BY ADJUSTED GROSS INCOME

Adjusted gross income	Returns with signature of preparer other than taxpayer	
	Number (in thousands)	Percent
For the tax year 1966:		
Total	28, 512	40. 7
Under $5,000	10, 381	31. 5
$5,000 to $10,000	11, 542	48. 5
$10,000 to $25,000	5, 787	47. 0
Over $25,000	802	73. 3
For the tax year 1969:		
Total	38, 914	51. 5
Under $5,000	14, 612	46. 5
$5,000 to $10,000	12, 619	55. 7
$10,000 to $25,000	10, 453	52. 5
Over $25,000	1, 230	65. 9

Among the estimated 200,000 persons and firms in the United States who, for a fee, provide tax form preparation and counseling services to taxpayers, the largest is the firm of H. & R. Block, Inc. A review of the growth rate of that company provides insight into the growth rate of the commercial tax service industry. In 1966 it prepared more than 1.7 million Federal income tax returns; in 1969 it prepared 5.3 million. Currently it is estimated that the firm prepares almost 10 percent of the more than 75 million income tax returns filed with the Internal Revenue Service. An additional 50 percent of the total number of filed returns are prepared by large and diverse groups of nonprofessional persons and firms whose qualifications, fees, and competence are subject to no uniform standards.

This large multimillion-dollar industry, which undertakes to provide services in one of the most sensitive areas of a citizen's affairs with his Government, is basically unregulated. The Internal Revenue Service states that it is "without authority" to regulate the activities of commercial tax services "absent a clearly fraudulent act such as inducing a taxpayer to file a false return or document." The Congress has never taken final action to authorize regulation of this area. Nor have any of the States taken action to set minimum standards for persons offering taxpayer assistance for a fee.

And, so, in the face of official silence in the field, because of the potential for taxpayer abuse which exists in this area, because of the highly sensitive nature of information to which commercial tax preparers are privy in the course of their work, because I believe that taxpayers are entitled to assurance that in return for fees paid they will receive competent and honest treatment of their Federal tax matters, because the Federal Government has a rightful concern over the adequacy of and charges for services regarding compliance with the tax laws, and because of the large economic and revenue impact which this large and growing industry has on our Nation's finances, I am introducing a bill to authorize the Secretary of the Treasury to regulate commercial tax preparers. As an addition to an existing provision of the law, my bill expands existing authority of the Secretary to govern persons representing claimants before his Department with regard to tax matters. I feel that legislative action is needed to provide taxpayers with a modicum of assurance that the weighty responsibilities of fiduciary duties which they place in commercial tax services will be carried out with honesty, integrity and competence.

JOBLESS COVERAGE FOR FARM WORKERS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I have introduced today legislation to extend unemployment compensation to farmworkers by eliminating the exemption of agricultural laborers in the present law. This matter has been debated for many years and, I think the time has come for us to dispense with the rhetoric and act.

In my State the tragic effect of our failure to act is obvious. Recently a severe freeze hit the southern part of the State, destroying crops. Because the farmworker—unlike the industrial worker—has no unemployment compensation, the resulting loss of work is causing a great deal of misery and unnecessary poverty. If a General Motors plant burns down, the workers do not starve while a new plant is being rebuilt. They get unemployment compensation checks each week in place of pay checks. But, farmworkers are second-class citizens. When the crops fail, they have nothing but empty pockets until the next crop comes along. It is time that farmworkers stopped being second-class citizens and begin to be treated like other working people.

Objections have been raised to covering farmworkers because of the seasonal nature of some farmwork, but seasonal work in shoe factories is covered. Others have objected to covering migrant farmworkers, but circus employees are covered.

There was a time when people said that you could not provide social security to farmworkers for the same reasons, but farmworkers have been covered under social security since 1950. In fact, there was a time when some people said that social security and unemployment compensation were impossible in concept, but both programs were provided by the Social Security Act of 1935.

Mr. Speaker, I would remind the House that in the best of times the lot of the farmworker is not easy and that in bad times their lot is nearly impossible. I urge this body to act quickly to do something to improve the situation of thousands of unemployed farmworkers by providing them with the same unemployment insurance that we have provided to industrial workers for a third of a century.

A NATIONAL NUTRITION PROGRAM FOR THE ELDERLY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, a few weeks ago I introduced H.R. 5017 in behalf of 118 Members of the House to provide a national nutrition program for the elderly which would make nutritionally sound meals available in strategically located centers in a community. The program directs itself to the promotion of both the physical and mental health of the elderly through provisions for balanced meals, education in nutrition, and opportunity for social contact to end the isolation of old age through the encouragement of greater physical and mental activities.

Similar legislation has been proposed in the other body by Senator KENNEDY and 17 colleagues.

After introducing the bill, I sent copies of the legislation together with my remarks to key people in each of the several States who will make recommendations in the field of nutrition and health care to the White House Conference on Aging which will meet in Washington, D.C., this November.

Encouraging responses have begun to reach my office already, which I am inserting in the RECORD today. Other letters will be included for the information of the House as they reach my office.

The responses follow:

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF PUBLIC WELFARE,
Harrisburg, Pa., April 5, 1971.

Hon. CLAUDE PEPPER,
House of Representatives,
Washington, D.C.

DEAR SIR: Your letter of March 22, 1971, addressed to Mr. Stanley Miller, has been referred to me for reply.

As State Coordinator of the White House Conference proceedings, I heartily endorse H.R. 5017.

I shall present this for consideration at the Governor's White House Conference. Thank you for your consideration of the elderly of this nation. Your service in their behalf has been greatly appreciated by the elderly in Pennsylvania.

Sincerely yours,
HERMAN M. MELITZER,
Director, Bureau of Community Consultation—Aging.

GOVERNMENT OF THE DISTRICT OF COLUMBIA, DEPARTMENT OF HUMAN RESOURCES,
Washington, D.C., March 31, 1971.

Hon. CLAUDE PEPPER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PEPPER: You may be sure that the nutritional needs of the elderly are of paramount concern to me and others in the District of Columbia who have experience with needs, and findings of demonstration programs now underway.

The District of Columbia report to the

White House Conference on Nutrition and Human Needs gave bountiful support for the legislation introduced by you and Senator Kennedy and the co-sponsors in both Houses of the Congress.

You may be sure that the District of Columbia White House Conference on Aging will give ample attention to this issue and I anticipate that additional support will be evident in our report to be completed subsequent to the May 26, 1971 Conference we are now planning.

Thank you for calling this matter to my attention.

Respectfully yours,
(Miss) WINIFRED G. THOMPSON,
Director.

STATE OF ILLINOIS,
DEPARTMENT OF PUBLIC AID,
Springfield, Ill., April 1, 1971.
Hon. CLAUDE PEPPER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PEPPER: The Section on Aging of the Department of Public Aid has been requested by Director Swank to acknowledge and thank you for your letter of March 22, 1971, regarding H.R. 5017.

In only a few instances, covering a relatively small number of elderly persons who need "meals on wheels" or other arrangements for providing good nutrition has it been possible to provide this service in Illinois. In some few cases this has been done with the help of Title III or Title IV funds (Older Americans Act) and in fewer cases by action of purely local groups.

We agree that in the absence of a strong Federal program and ample Federal funds to provide this service, it will be a long time, if ever, before the nutritional needs of senior citizens can be met.

This is a matter which has concerned our planners for the White House Conference in November.

We will certainly see to it that all concerned shall be informed of the intent and content of H.R. 5017. We hope the question it raises may be included in the program of the White House Conference.

Thank you for your continuing concern for the welfare of older people.

Sincerely,
HENRY L. MCCARTHY,
Special Assistant, Office of the Director.

STATE OF NEBRASKA,
ADVISORY COMMITTEE ON AGING,
Lincoln, Nebr., March 30, 1971.
Hon. CLAUDE PEPPER,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PEPPER: This will acknowledge your letter of March 22, 1971, and the attached materials regarding your proposal for a Nutrition Program for the Elderly.

As per your suggestion, we are passing these materials along to the Nutrition Task Force appointed for the Nebraska Governor's Conference on Aging. I am sure that the Task Force will find the materials useful, and I hope that their evaluation and recommendations will be helpful in securing Congressional approval. We will, as per your request, inform you of the results of their deliberations.

Thank you for your letter and for your interest in the Nebraska Commission on Aging.

Sincerely,
RONALD L. JENSEN,
Executive Director.

STATE OF NEW YORK,
OFFICE FOR THE AGING,
Albany, N.Y., March 29, 1971.
Hon. CLAUDE PEPPER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PEPPER: Thank you for your letter of March 22, in which you enclosed a nutrition program for the elderly, H.R. 5017, which you have reintroduced in the 92nd session of the Congress.

I am pleased to learn that 117 of your colleagues in the House of Representatives have joined in the sponsorship of the above legislation and that Senator Edward M. Kennedy has introduced a companion bill in the Senate, S. 1163, with 18 cosponsors.

May I assure you that I will do everything possible to include discussions on nutrition in the task forces which are meeting in New York State prior to the 1971 White House Conference on Aging, and I will be happy to inform you of any policies or recommendations that are developed in the ten regional meetings which are projected pertaining to nutrition.

Thanking you for your interest and with kind greetings, I remain,

Sincerely,
MARCELLE G. LEVY,
Director.

MISSISSIPPI COUNCIL ON AGING,
Jackson, Miss., April 1, 1971.
Congressman CLAUDE PEPPER,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: Thank you very much for your letter of March 22 enclosing a speech made by you on the subject, "Nutrition Program for the Elderly". This speech is certainly timely and I hope will be very effective in bringing about a recognition on the part of Congress to the desperate needs of many senior citizens in this country. In my opinion, this is vital legislation.

The Mississippi Council on Aging has been in recent weeks engaged in conducting community conferences over the State of Mississippi. In these conferences there has been discussions on nine needs areas and nutrition is one of the vital subjects under discussion.

We very greatly appreciate your dedication to this all-important matter.

Sincerely yours,
E. D. KENNA,
Executive Director.

STATE OF CONNECTICUT,
DEPARTMENT ON AGING,
Hartford, Conn., March 30, 1971.
Congressman CLAUDE PEPPER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PEPPER: I was delighted to receive your letter of March 22, with enclosure of H.R. 5017 "A Nutrition Program for the Elderly". I know of your interest in the provision of food for our elderly. It is a tremendously important program and I recollect your previous letter to me dated July 30, 1970, regarding H.R. 17763, to establish a new Title VII under the Older Americans Act.

I will refer your letter and enclosure to our Technical Committee on Nutrition for the White House Conference on Aging. Thank you so much for thinking of us.

Sincerely yours,
SHOLOM BLOOM.

INTERNATIONAL BROTHERHOOD OF
PAINTERS AND ALLIED TRADES,
Washington, D.C., March 26, 1971.
Hon. CLAUDE PEPPER,
Cannon Office Building,
Washington, D.C.

DEAR CONGRESSMAN PEPPER: Thank you for sending a copy of H.R. 5017 which you recently re-introduced in the 92nd Congress.

I have given this material to our Director of Legislation, John J. Pecoraro, who is a member of the Task Force and, incidentally, is assigned to the Committee on Nutrition.

You may be certain that he will do all that he can to assure favorable consideration of this legislation in his task force discussions and will keep you informed as to progress.

With our sincere wish for early enactment of this most worthy legislation.

Sincerely,
S. FRANK RAFTERY,
General President.

THE AMERICAN DIETETIC ASSOCIATION,
Chicago, Ill., March 31, 1971.
Hon. CLAUDE PEPPER,
House of Representatives,
Washington, D.C.

DEAR MR. PEPPER: Thank you for your recent letter and for the enclosure of the bill concerning the nutrition program for the elderly. I have reviewed it with interest.

The task force which I will work on does not meet until May. I will be glad to let you know the reactions of the task force at that time.

As an individual, I can assure you that I am very much interested in nutrition programs for the elderly, and so I appreciate your concern.

Sincerely,
MARJORIE M. DONNELLY, R.D.
President.

AMERICAN DENTAL ASSOCIATION,
Chicago, Ill., March 31, 1971.
Hon. CLAUDE PEPPER,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE PEPPER: Dr. C. Gordon Watson, executive director, has asked me to respond to your March 22 letter calling our attention to your proposal, H.R. 5017, "A Nutrition Program for the Elderly". Adequate nutrition for the elderly is a subject closely related to their dental health, so please be assured that your bill will be kept in mind by the two American Dental Association representatives to the task force on the White House Conference on Aging.

Thank you for your letter.

Sincerely,
VIRON DIEFENBACH, D.D.S.,
Assistant Executive Director, Dental Health.

EQUAL JUSTICE UNDER LAW

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, Capt. Aubrey M. Daniel III, the brilliant young Army prosecutor in the court-martial trial of 1st Lt. William L. Calley, Jr., has protested President Nixon's action in the case.

In a letter to the President made public today by the New York Times, Captain Daniel has raised the very serious question whether the ultimate victim in this tragic case will be respect for the legal process. By his action in the case Captain Daniel said to the President:

> You have subjected a judicial system of this country to the criticism that it is subject to political influence when it is a fundamental precept of our judicial system that the legal processes of this country must be kept free from any outside influences.

Implicit in Captain Daniel's argument is the fact that there are 82 members of the Armed Forces confined today in prisons for crimes committed against Vietnamese civilians. No special quarter, no Presidential intervention was afforded these men.

It has been my sorrowful experience to follow this case, Mr. Speaker, made more so because this young officer, Lieutenant Calley, has a family in my district who have shared the agony of this trial and its verdict.

In fact, Lieutenant Calley is as much a victim of this tragic and disastrous war as are those old men, women, and children a jury of combat soldiers said died by his hand.

Mr. Speaker, Captain Daniel said in his letter to the President that:

> For this nation to condone the wanton killing of unarmed and unresisting civilians is to make us no better than our enemies and make any pleas by this nation for the humane treatment of our own prisoners meaningless.

These are brave words, Mr. Speaker, and they are entitled to be heard. We cannot before the world and in our own consciences condone or approve such conduct.

Mr. Speaker, this whole tragic episode involving Lieutenant Calley emphasizes the necessity of our getting out of this Southeast Asia war and getting out in the very near future.

Mr. Speaker, I include Captain Daniel's letter which appeared in the New York Times of April 7, 1971, as a part of my remarks:

TEXT OF CALLEY PROSECUTOR'S LETTER TO THE PRESIDENT

WASHINGTON.—Following is the text of the letter sent to the President by Capt. Aubrey M. Daniels 3d, the prosecutor in the Calley case:

Sir:

It is very difficult for me to know where to begin this letter as I am not accustomed to writing letters of protest. My only hope is that I can find the words to convey to you my feelings as a United States citizen, and as an attorney, who believes that respect for law is one of the fundamental bases upon which this nation is founded.

On Nov. 26, 1969, you issued the following statement through your press secretary, Mr. Ronald Ziegler, in referring to the Mylai incident:

"An incident such as that alleged in this case is in direct violation not only of United States military policy, but is also abhorrent to the conscience of all the American people.

"The Secretary of the Army is continuing his investigation. Appropriate action is and will be taken to assure that illegal and immoral conduct as alleged be dealt with in accordance with the strict rules of military justice.

"This incident should not be allowed to reflect on the some million and a quarter young Americans who have now returned to the United States after having served in Vietnam with great courage and distinction."

At the time you issued this statement, a general courtmartial had been directed for a resolution of the charges which have been brought against Lieut. (written) William L. Calley Jr. for his involvement at Mylai.

MY OWN BELIEF

On Dec. 8, 1970, you were personally asked to comment on the Mylai incident at a press conference. At that time you made the following statement:

"What appears was certainly a massacre, and under no circumstances was it justified.

"One of the goals we are fighting for in Vietnam is to keep the people from South Vietnam from having imposed upon them a government which has atrocity against civilians as one of its policies.

"We cannot ever condone or use atrocities against civilians in order to accomplish that goal."

These expressions of what I believed to be your sentiment were truly reflective of my own feelings when I was given the assignment of prosecuting the charges which had been preferred against Lieutenant Calley. My feelings were generated not by emotionalism or self-indignation but by my knowledge of the evidence in the case, the laws of this nation in which I strongly believe, and my own conscience. I knew that I had been given a great responsibility and I only hoped that I would be able to discharge my duties and represent the United States in a manner which would be a credit to the legal profession and our system of justice.

IN THE FINEST TRADITION

I undertook the prosecution of the case without any ulterior motives for personal gain, either financial or political. My only desire was to fulfill my duty as a prosecutor and see that justice was done in accordance with the laws of this nation. I dedicated myself totally to this end from November of 1969 until the trial was concluded. Throughout the proceedings there was criticism of the prosecution but I lived with the abiding conviction that once the facts and the law had been presented there would be no doubt in the mind of any reasonable person about the necessity for the prosecution of this case and the ultimate verdict. I was mistaken.

The trial of Lieutenant Calley was conducted in the finest tradition of our legal system. It was in every respect a fair trial in which every legal right of Lieutenant Calley was fully protected. It clearly demonstrated that the military justice system which has previously been the subject of much criticism was a fair system. Throughout the trial, the entire system was under the constant scrutiny of the mass media and the public, and the trial of Lieutenant Calley was also in a very real esense he trial of the military judicial system. However there was never an attack lodged by any member of the media concerning the fairness of the trial. There could be no such allegation justifiably made.

I do not believe that there has ever been a trial in which the accused's rights were more fully protected, the conduct of the defense given greater latitude, and the prosecution held to stricter standards. The burden of proof which the Government had to meet in this case was not beyond a reasonable doubt, but beyond possibility. The very fact that Lieutenant Calley was an American officer being tried for the deaths of Vietnamese during a combat operation by fellow officers compels this conclusion.

JURY CAREFULLY CHOSEN

The jury selection, in which customary procedure was altered by providing both the defense and the prosecution with three peremptory challenges instead of the usual one, was carefully conducted to insure the impartiality of those men who were selected. Six officers, all combat veterans, five having served in Vietnam, were selected. These six men who had served their country well, were called upon again to serve their nation as jurors and to sit in judgment of Lieutenant Calley as prescribed by law.

From the time they took their oaths until they rendered their decision, they performed their duties in the very finest tradition of the American legal system. If ever a jury followed the letter of the law in applying it to the evidence presented, they did. They are indeed a credit to our system of justice and to the officer corps of the United States Army.

SHOCKED AND DISMAYED

When the verdict was rendered, I was totally shocked and dismayed at the reaction of many people across the nation. Much of the adverse public reaction I can attribute to people who have acted emotionally and without being aware of the evidence that was presented and perhaps even the laws of this nation regulating the conduct of war.

These people have undoubtedly viewed Lieutenant Calley's conviction of an American officer for killing the enemy. Others, no doubt out of a sense of frustration, have seized upon the conviction as a means of protesting the war in Vietnam.

I would prefer to believe that most of the public criticism has come from people who are not aware of the evidence, either because they have not followed the evidence as it was presented, or having followed it they have chosen not to believe it.

Certainly, no one wanted to believe what occurred at Mylai, including the officers who sat in judgment of Lieutenant Calley. To believe, however, that any large percentage of the population could believe the evidence which was presented and approve of the conduct of Lieutenant Calley would be as shocking to my conscience as the conduct itself, since I believe that we are still a civilized nation.

If such be the case, then the war in Vietnam has brutalized us more than I care to believe, and it must cease. How shocking it is if so many people across this nation have failed to see the moral issue which was involved in the trial of Lieutenant Calley—that it is unlawful for an American soldier to summarily execute unarmed and unresisting men, women, children and babies.

APPALLED BY LEADERS

But how much more appalling it is to see so many of the political leaders of the nation who have failed to see the moral issue or, having seen it, to compromise it for political motive in the face of apparent public displeasure with the verdict.

I would have hoped that all leaders of this nation, which is supposed to be the leader within the international community for the protection of the weak and the oppressed regardless of nationality, would have either accepted and supported the enforcement of the laws of this country as reflected by the verdict of the court or not make any statement concerning the verdict until they had had the same opportunity to evaluate the evidence that the members of the jury had.

In view of your previous statements concerning this matter, I have been particularly shocked and dismayed at your decision to intervene in these proceedings in the midst of the public clamor. Your decision can only have been prompted by the response of a vocal segment of our population, who while no doubt acting in good faith, cannot be aware of the evidence which resulted in Lieutenant Calley's conviction.

Your intervention has, in my opinion, damaged the military judicial system and lessened any respect it may have gained as a result of the proceedings.

You have subjected a judicial system of this country to the criticism that it is subject to political influence, when it is a fundamental precept of our judicial system that the legal processes of this country must be kept free from any outside influences. What will be the impact of your decision upon the future trials, particularly those within the military?

RESPECT WEAKENED

Not only has respect for the legal process been weakened and the critics of the military judicial system been given support for their claims of command influence, the image of Lieutenant Calley, a man convicted of the premeditated murder of at least 21 unarmed and unresisting people, as a national hero has been enhanced, while at the same time support has been given to those persons who have so unjustly criticized the six loyal and honorable officers who have done this country a great service by fulfilling their duties as jurors so admirably.

Have you considered those men in making your decisions? The men who since rendering their verdict have found themselves and their families the subject of vicious attacks upon their honor, integrity and loyalty to this nation.

It would seem to me to be more appropriate for you as the President to have said something in their behalf and to remind the nation of the purpose of our legal system and the respect it should command.

I would expect that the President of the United States, a man whom I believed should and would provide the moral leadership for this nation, would stand fully behind the law of this land on a moral issue which is so clear and about which there can be no compromise.

ABHORRENT TO CONSCIENCE

For this nation to condone the acts of Lieutenant Calley is to make us no better than our enemies and make any pleas by this nation for the humane treatment of our own prisoners meaningless.

I truly regret having to have written this letter and wish that no innocent person had died at Mylai on March 16, 1968. But innocent people were killed under circumstances that will always remain abhorrent to my conscience.

While in some respects what took place at Mylai has to be considered to be a tragic day in the history of our nation, how much more tragic would it have been for this country to have taken no action against those who were responsible.

That action was taken, but the greatest tragedy of all will be if political expendiency dictates the compromise of such a fundamental moral principle as the inherent unlawfulness of the murder of innocent persons, making the action and the courage of six honorable men who served their country so well meaningless.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Mills, for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, as granted to:

Mr. Obey, for 1 hour, on April 27, and to revise and extend his remarks and include extraneous matter.

Mr. Minshall, for 30 minutes, on April 28, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. McCollister), to revise and extend their remarks and to include extraneous matter to:)

Mr. Steiger of Wisconsin, today, for 10 minutes.
Mr. Halpern, today, for 5 minutes.
Mr. Hogan, today, for 5 minutes.
Mr. Blackburn, today, for 5 minutes.
Mr. Quie, today, for 20 minutes.
Mr. Devine, today, for 15 minutes.
Mr. Mizell, today, for 5 minutes.

(The following Members (at the request of Mr. McCormack) and to revise and extend their remarks and include extraneous matter:)

Mr. Corman, for 10 minutes, today.
Mr. Flood, for 10 minutes, today.
Mr. Rodino, for 10 minutes, today.
Mr. Charles H. Wilson, for 15 minutes, today.
Mr. Rarick, for 15 minutes, today.
Mr. Rooney of Pennsylvania, for 10 minutes, today.
Mr. Patman, for 10 minutes, today.
Mr. Gonzalez, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Ryan, immediately following the remarks of Mr. Stokes in the Committee of the Whole today.

Mr. Randall in two instances.

Mr. Gross, immediately prior to the passage of H.R. 7016 today.

(The following Members (at the request of Mr. McCollister) and to include extraneous matter:)

Mr. Schmitz in three instances.
Mr. Myers in two instances.
Mr. Frey.
Mr. Scherle.
Mrs. Heckler of Massachusetts in four instances.
Mr. Spence.
Mr. Duncan in two instances.
Mr. Hosmer in six instances.
Mr. Halpern.
Mr. Pettis.
Mr. McClory.
Mr. Wyman in two instances.
Mr. Schwengel.
Mr. Morse.
Mr. Forsythe.
Mr. Hunt in two instances.
Mr. Coughlin.
Mr. Johnson of Pennsylvania in two instances.
Mr. Pelly in two instances.
Mr. Conte.
Mr. Baker in two instances.
Mr. Nelsen.
Mr. Bob Wilson.
Mr. Broomfield in three instances.
Mr. Hastings.
Mr. Findley.
Mr. Derwinski in two instances.
Mr. Bow.
Mr. Springer in two instances.
Mr. J. William Stanton.
Mr. Talcott.
Mr. McDade.
Mr. Carter.
Mr. Mizell.
Mr. Dellenback.
Mr. Chamberlain.
Mr. Saylor.
Mr. McKevitt.
Mr. duPont.
Mr. Dickinson.
Mr. Reid of New York.
Mr. Thompson of Georgia.
Mr. Wylie in two instances.
Mr. Scott.
Mr. Gude in two instances.

(The following Members (at the request of Mr. McCormack) and to include extraneous matter:)

Mr. Drinan in two instances.
Mr. Murphy of New York.
Mr. Begich in eight instances.
Mr. Dingell.
Mr. Bolling in three instances.
Mr. Carney.
Mr. Abourezk in three instances.
Mr. Badillo in five instances.
Mr. Flood in two instances.
Mr. Moorhead in two instances.
Mr. Jacobs.
Mr. Bingham in two instances.
Mr. Pryor of Arkansas.
Mr. Brooks in two instances.
Mr. Kee.
Mr. Edwards of California in two instances.
Mr. Burlison of Missouri.
Mr. Leggett.
Mr. Ryan in three instances.
Mr. Roncalio in six instances.
Mr. Hungate in 10 instances.
Mr. Hébert in three instances.
Mr. Patten.
Mr. Nix.
Mr. Fuqua.
Mr. Monagan.
Mr. Dent.
Mr. Brasco.
Mr. Griffin in two instances.
Mr. Pickle in three instances.
Mr. Dorn in two instances.
Mr. Rostenkowski.
Mr. Nedzi in two instances.
Mr. Kyros in two instances.
Mr. William D. Ford in two instances.
Mr. Conyers in two instances.
Mr. Hawkins in two instances.
Mr. Giaimo in 10 instances.
Mr. Tiernan in three instances.
Mrs. Sullivan in three instances.
Mr. de la Garza in three instances.
Mr. Moss in five instances.
Mr. Hagan in two instances.
Mr. Daniels of New Jersey in four instances.
Mr. Bennett in two instances.
Mr. Smith of Iowa in five instances.
Mr. Symington.
Mr. Gonzalez in two instances.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. In accordance with House Concurrent Resolution 257 92d Congress, the Chair declares the House adjourned until 12 o'clock noon on Monday, April 19, 1971.

Thereupon (at 6 o'clock and 39 minutes p.m.), pursuant to House Concurrent Resolution 257, the House adjourned until Monday, April 19, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

548. A letter from the Assistant Administrator for Program and Policy, Agency for International Development, Department of State, transmitting copies of Presidential Determination 71–10; to the Committee on Foreign Affairs.

549. A letter from the Commissioner of the District of Columbia transmitting a draft of proposed legislation relating to education in the District of Columbia; to the Committee on the District of Columbia.

550. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

551. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide a new and improved system of Federal financial assistance to State and local governments for solving the transportation problems of the State and local governments and for improving the Na-

tion's capacity to meet the demands of interstate commerce, and for other purposes; to the Committee on Ways and Means.

Received from the Comptroller General

552. A letter from the Comptroller General of the United States, transmitting a report on the need in New Jersey for improved administration of the Federal program of aid to educationally deprived children, Office of Education, Department of Health, Education, and Welfare; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 155. A bill to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel; with amendments (Rept. No. 92–119). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 5674. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorization for the Commission on Marihuana and Drug Abuse (Rept. No. 92–121). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 2166. A bill to amend the Federal, Food, Drug, and Cosmetic Act, and for other purposes (Rept. No. 92–122). Referred to the House Calendar.

Mr. HAYS: Committee on Foreign Affairs. S. 531. An act to authorize the U.S. Postal Service to receive the fee of $2 for execution of an application for a passport (Rept. No. 92–123). Referred to the Comittee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr MANN: Committee on the Judiciary. H.R. 4667. A bill for the relief of Roger Stanley, and the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra; with amendments (Rept. No. 92–120). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 7328. A bill to authorize the appropriation of additional funds for cooperative forest management; to the Committee on Agriculture.

H.R. 7329. A bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in providing an urban environmental forestry program, and for other purposes; to the Committee on Agriculture.

H.R. 7330. A bill to authorize the appropriation of additional funds for cooperative forest fire protection; to the Committee on Agriculture.

H.R. 7331. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance for the aged; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Patman, Mr. Garmatz, Mr. Halpern, Mr. Pepper, Mr. Flynt, Mr. Duncan, Mr. Karth, Mr Derwinski, Mr. Yatron, Mr. Lent, Mr. Roe, Mr. Buchanan, Mr. Montgomery, Mr. Broyhill of Virginia, Mr. St Germain, Mr. Roncalio, Mr. Hechler of West Virginia, Mr. Teague of California, Mr. Thone, Mr. Zablocki, Mr. Devine, Mr. Mayne, Mr. McCormack, and Mr. Stratton):

H.R. 7332. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADEMAS (for himself, Mr. Thone, Mr. Koch, Mr. Morse, Mr. Nix, Mr. Frelinghuysen, Mr. Eilberg, Mr. Schneebeli, Mr. Carney, and Mr. Kemp):

H.R. 7333. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. BELL (for himself, Mr. Price of Illinois, Mr. Biaggi, Mr. Mitchell, Mr. Kuykendall, Mr. Mazzoli, Mr. Hawkins, and Mr. McClory):

H.R. 7334. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. CLAY (for himself, Mr. Biester, Mr. Leggett, Mr. Dent, Mr. Anderson of Illinois, Mr. Kastenmeier, Mr. Coughlin, Mr. Charles H. Wilson, and Mr. Forsythe):

H.R. 7335. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. DELLENBACK (for himself, Mr. Helstoski, Mr. Schwengel, Mr. William D. Ford, Mr. Dellums, Mr. St Germain, Mr. Gibbons, Mr. Podell, and Mr. Stafford):

H.R. 7336. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. DOW:

H.R. 7337. A bill to end combat in Vietnam; to the Committee on Foreign Affairs.

By Mr. ESHLEMAN:

H.R. 7338. A bill to amend the Packers and Stockyards Act, 1921, to provide that marketing agencies acting in good faith shall not be liable for selling livestock mortgaged under the Bankhead-Jones Farm Tenant Act until the Secretary has exhausted his civil remedies against the mortgagor; to the Committee on Agriculture.

By Mrs. GRIFFITHS (for herself, Mr. Corman, Mr. Mosher, Mr. Reid of New York, Mr. Eilberg, and Mr. Scheuer):

H.R. 7339. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho (for himself, Mr. Ryan, Mr. Conyers, Mr. Roy, Mr. Foley, Mr. Horton, Mr. Harrington, Mr. Roe, and Mr. Hosmer):

H.R. 7340. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. HARSHA:

H.R. 7341. A bill; the Mercury Pollution Control Act; to the Committee on Public Works.

By Mr. KOCH (for himself, Mr. Brademas, Mr. Fulton of Pennsylvania, and Mr. Kyros):

H.R. 7342. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. KYL:

H.R. 7343. A bill to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations; to the Committee on Interstate and Foreign Commerce.

By Mr. MEEDS (for himself, Mr. McDade, Mr. Daniels of New Jersey, Mr. Frenzel, Mr. Addabbo, Mr. Steiger of Wisconsin, Mr. Gonzalez, Mr. Stephens, Mr. Esch, and Mr. Hechler of West Virginia):

H.R. 7344. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mrs. MINK (for herself, Mr. Keith, Mr. Green of Pennsylvania, Mr. Fulton of Pennsylvania, Mrs. Chisholm, Mr. Veysey, Mr. Rees, Mr. Halpern, Mrs. Hicks of Massachusetts, and Mr. Wydler):

H.R. 7345. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. MINSHALL (for himself, Mr. Gubser, Mr. Teague of California, Mr. Veysey, Mr. Waggonner, Mr. Whitehurst, and Mr. Williams):

H.R. 7346. A bill to amend the Communications Act of 1934 to provide for more responsible news and public affairs programing; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX:

H.R. 7347. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of a man of peace, Martin Luther King; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H.R. 7348. A bill to amend section 8(b)(4) of the National Labor Relations Act, as amended, with respect to strike at the sites of construction projects; to the Committee on Education and Labor.

By Mr. QUIE (for himself, Mr. Stokes, Mr. Corbett, Mr. Matsunaga, Mr. Pepper, Mr. Mikva, Mr. Rostenkowski, Mrs. Hansen of Washington, and Mr. Gerald R. Ford):

H.R. 7349. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.R. 7350. A bill to further provide for the farmer-owned cooperative system for making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. RAILSBACK (for himself, Mr. Mikva, Mr. Biester, Mr. Anderson of Illinois, Mr. Archer, Mr. Begich, Mr. Bell, Mr. Blackburn, Mr. Brasco, Mr. Brown of Michigan, Mr. Carney, Mr. Collins of Illinois, Mr. Córdova, Mr. Coughlin, Mr. Danielson, Mr. Dickinson, Mr. Drinan, Mrs. Dwyer, Mr. Forsythe, Mr. Fraser, Mr. Frenzel, Mr. Gibbons, Mr. Gude, Mr. Hanley, and Mr. Hansen of Idaho):

H.R. 7351. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. RAILSBACK (for himself, Mr. Mikva, Mr. Biester, Mrs. Hicks of

Massachusetts, Mr. Hillis, Mr. Morse, Mr. Mosher, Mr. Murphy of New York, Mr. O'Neill, Mr. Nix, Mr. Preyer of North Carolina, Mr. Roncalio, Mr. Rosenthal, Mr. Rostenkowski, Mr. Ryan, Mr. Sarbanes, Mr. Schwengel, Mr. Shoup, and Mr. J. William Stanton):

H.R. 7352. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. REID of New York (for himself, Mr. Roybal, Mr. Moss, Mrs. Grasso, Mr. Fish, Mr. Edwards of California, Mr. Wolff, Mr. Dulski, Mr. Begich, and Mr. Burton):

H.R. 7353. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. ROYBAL:

H.R. 7354. A bill to provide for the establishment of a system of overtime pay for the U.S. Capitol Police; to the Committee on House Administration.

By Mr. SAYLOR:

H.R. 7355. A bill to amend section 503 of title 38, United States Code, to provide that payments to an individual under a public or private retirement, annuity, endowment, or similar plans or programs shall not be counted as income for pension until the amount of payments received equals the contributions thereto; to the Committee on Veterans' Affairs.

H.R. 7356. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments shall not be included as income for the purpose of determining eligibility for a pension under title 38; to the Committee on Veterans' Affairs.

By Mr. SCHERLE (for himself, Mr. Devine and Mr. Clancy):

H.R. 7357. A. bill limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes; to the Committee on Public Works.

By Mr. SCHEUER (for himself, Mr. Shoup, Mr. Melcher, Mr. Drinan, Mr. Sarbanes, Mr. Rodino, Mr. Bingham, Mr. Hathaway, and Mr. Whitehurst):

H.R. 7358. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. JAMES V. STANTON (for himself, Mrs. Abzug, and Mr. Roe):

H.R. 7359. A bill to provide maternity benefits for pregnant wives of certain former servicemen; to the Committee on Armed Services.

By Mr. STUBBLEFIELD:

H.R. 7360. A bill to extend to all unmarried individuals the full benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 7361. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

By Mr. ABOUREZK:

H.R. 7362. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 7363. A bill to amend the Bacon-Davis Act, as amended, and the Walsh-Healey Government Contracts Act, as amended, to prevent suspension of their provisions by the President; to the Committee on Education and Labor.

H.R. 7364. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes; to the Committee on Education and Labor.

H.R. 7365. A bill to terminate the airlines mutual aid agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPINALL (for himself, Mr. Saylor, Mr. Johnson of California, Mr. Hosmer, Mr. Burton, Mr. Don H. Clausen, Mr. Meeds, Mr. Kazen, Mr. Camp, Mr. Lloyd, Mr. Roncalio, Mr. Begich, Mr. Abourezk, and Mr. Terry):

H.R. 7366. A bill to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BADILLO (for himself, Mr. Nix, Mr. Edwards of California, Mr. Drinan, Mr. Eilberg, Mrs. Grasso, Mr. Halpern, Mr. Addabbo, Mr. Dulski, Mr. Celler, Mr. Carey of New York, Mr. Rosenthal, Mr. Harrington, Mr. Dellums, Mr. Podell, Mrs. Chisholm, Mr. Helstoski, Mr. Abourezk, Mrs. Abzug, Mr. Bingham, Mr. Reid of New York, Mr. Ryan, Mr. Rangel, and Mr. Scheuer):

H.R. 7367. A bill to amend the Second Liberty Bond Act to authorize the United States to borrow $20 billion to make intergovernmental advances during the next 2 fiscal years to States and local governments, and for other purposes; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Wright, Mr. Griffin, Mr. Clark, Mr. Collier, Mr. Murphy of New York, Mr. Dowdy, Mr. Johnson of California, Mr. Hastings, Mr. Vigorito, Mr. Chappell, Mr. Charles H. Wilson, Mr. Daniel of Virginia, Mr. Kemp, Mr. Williams, Mr. Byrne of Pennsylvaina, Mr. Wolff, Mr. Quillen, Mr. Addabbo, Mr. Fascell, Mr. Melcher, Mr. Byron, Mr. O'Hara, Mr. Hicks of Washington, and Mr. Brasco):

H.R. 7368. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 7369. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act and extend its coverage, and for other purposes; to the Committee on Education and Labor.

By Mr. BLANTON:

H.R. 7370. A bill to authorize the release of 100,000 short tons of copper from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. BURKE of Massachusetts:

H.R. 7371. A bill to amend general headnote 3(a) (i) of the Tariff Schedules of the United States Annotated (1971); to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. Boland, Mr. Clark, Mr. Collins of Illinois, Mr. Córdova, Mr. Dellums, Mr. Edwards of California, Mr. Flood, Mr. Fraser, Mrs. Grasso, Mr. Gray, Mr. Green of Pennsylvania, Mr. Helstoski, Mr. Howard, Mr. Pepper, and Mr. Vanik):

H.R. 7372. A bill to amend title II of the Social Security Act to provide a 50-percent across-the-board increase in benefits thereunder, with the resulting benefit costs being borne equally by employers, employees, and the Federal Government, and to raise the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits; to the Committee on Ways and Means.

By Mr. CAREY of New York:

H.R. 7373. A bill to amend the Internal Revenue Code of 1954 to equalize the taxation of certain cooperatives (other than marketing and purchasing agencies); to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 7374. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; to the Committee on the Judiciary.

H.R. 7375. A bill to remove the statutory ceiling on salaries payable to U.S. magistrates; to the Committee on the Judiciary.

H.R. 7376. A bill to amend title 28, United States Code, to transfer Charlotte and Lee Counties from the middle to the southern district of Florida and Highlands County from the southern to the middle district of Florida; to the Committee on the Judiciary.

H.R. 7377. A bill to provide for the appointment of justices and judges to the offices of Administrative Assistant to the Chief Justice, Director, Administrative Office of the U.S. Courts, Director, Federal Judicial Center, and for other purposes; to the Committee on Judiciary.

H.R. 7378. A bill to establish a commission on revision of the judicial circuits of the United States; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 7379. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

H.R. 7380. A bill to increase the contribution by the Federal Government to the costs of employees' group life and health benefits insurance; to the Committee on Post Office and Civil Service.

H.R. 7381. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants; to the Committee on Post Office and Civil Service.

H.R. 7382. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DINGELL (for himself, Mr. Saylor, Mr. William D. Ford, Mr. Hechler of West Virginia, Mr. Karth, Mr. McCloskey, Mr. Nedzi, and Mr. Reuss):

H.R. 7383. A bill to provide for comprehensive management of the Nation's forest lands through the application of sound forest practices, and for other purposes; to the Committee on Agriculture.

By Mr. EILBERG:

H.R. 7384. A bill to amend the prevailing wage provisions of the Davis-Bacon Act to include subsistence allowances; to the Committee on Education and Labor.

H.R. 7385. A bill to amend the Davis-Bacon Act to extend its protection to workers employed in the demolition, dismantling, removal, and/or salvaging of public buildings; to the Committee on Education and Labor.

By Mr. ERLENBORN (for himself, Mr. Brown of Ohio, and Mr. Hastings):

H.R. 7386. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Bureau of Consumer Protection in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. FOLEY (for himself Mr. Ullman, Mr. Mathias of California, Mrs. Hansen of Washington, Mr. Sisk, Mr. Don H. Clausen, Mr. McClure, Mr. Johnson of California, Mr. Hansen of Idaho, Mr. Dellenback, Mr. McCormack, Mr. Shoup, Mr. Melcher, Mr. Talcott, Mr. Abourezk, Mr. Baring, Mr. Roncalio, Mr. Wyatt, and Mr. Veysey):

H.R. 7387. A bill to amend the Department of Agriculture Organic Act of 1944 to authorize the Secretary of Agriculture to enter into negotiated contracts for the protection from fires of lands under the jurisdiction of the Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. FRASER:

H.R. 7388. A bill to authorize a family assistance plan providing basic benefits to low-income people, to provide incentives for employment and training to improve the capacity for employment of members of poor families, to achieve greater uniformity of treatment of recipients than under the Federal-State public assistance programs and to otherwise improve such programs and for other purposes; to the Committee on Ways and Means.

H.R. 7389. A bill to amend the Internal Revenue Code of 1954 to provide relief to certain individuals 65 years of age and over who own or rent their homes, through a system of income tax credits and refunds; to the Committee on Ways and Means.

By Mr. FULTON of Tennessee:

H.R. 7390. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. GAYDOS:

H.R. 7391. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for social security taxes paid by employees and by the self-employed; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 7392. A bill to amend the Internal Revenue Code of 1954 to provide relief to certain individuals 65 years of age and over who own or rent their homes, through a system of income tax credits and refunds; to the Committee on Ways and Means.

By Mr. HAGAN:

H.R. 7393. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

H.R. 7394. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

H.R. 7395. A bill to authorize the United States to transfer the nuclear vessel N.S. *Savannah* to the city of Savannah, Ga., for the purpose of preserving and establishing such vessel in its home port for all generations, as a monument to the peaceful uses of atomic energy; to the Committee on Government Operations.

By Mr. HALPERN:

H.R. 7396. A bill to amend the Internal Revenue Code of 1955 to allow a deduction against income tax to individuals for certain expenses incurred in providing higher education and to provide a tax credit for contributions to institutions of higher education; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho (for himself, Mr. Brown of Ohio, Mr. Dellenback, Mr. Frenzel, Mr. Hastings, Mrs. Heckler of Massachusetts, Mr. Kemp, Mr. Myers, Mr. Powell, Mr. Quie, Mr. Steiger of Wisconsin, and Mr. Whitehurst):

H.R. 7397. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. HARSHA:

H.R. 7398. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for river basin programs; to the Committee on Public Works.

By Mr. HOGAN:

H.R. 7399. A bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan; to the Committee on Armed Services.

By Mr. HOGAN:

H.R. 7400. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 7401. A bill to exempt citizens of the United States who are 65 years of age or over from paying entrance or admission fees for certain recreational areas; to the Committee on Interior and Insular Affairs.

H.R. 7402. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

H.R. 7403. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HOGAN (for himself and Mr. Gude):

H.R. 7404. A bill to authorize the construction of a low diversion structure or dam on the Potomac River, Md.; to the Committee on Public Works.

By Mr. HUNGATE (for himself, Mr. Gude, Mr. Diggs, and Mr. Harsha):

H.R. 7405. A bill to extend the protection of the mechanic's lien law of the District of Columbia to subcontractors beyond the first tier, and for other purposes; to the Commitee on the District of Columbia.

By Mr. JACOBS (for himself, Mr. Brademas, Mr. Edwards of California, Mr. Adams, Mr. Kyros, Mr. Hicks of Washington, Mr. Galifianakis, Mr. Symington, Mr. McCormack, Mr. Pryor of Arkansas, Mr. Van Deerlin, Mr. Annunzio, Mr. Barrett, Mr. Biaggi, Mr. Blanton, Mr. Brasco, Mr. Carey of New York, Mr. Davis of Georgia, Mr. Dent, Mr. Dorn, Mr. Eshleman, Mr. Gaydos, Mr. Gray, Mrs. Green of Oregon, and Mr. Halpern):

H.R. 7406. A bill to extend the benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

Mr. JACOBS (for himself, Mr. Bray, Mr. Findley, Mr. Addabbo, Mrs. Chisholm, Mr. Sandman, Mr. Hastings, Mr. Horton, Mr. Jones of North Carolina, Mr. Kastenmeier, Mr. Buchanan, Mr. Corman, Mr. Hamilton, Mr. Hathaway, and Mr. Miller of Ohio).

H.R. 7407. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. JACOBS (for himself, Mr. Helstoski, Mr. Kluczynski, Mr. McDade, Mr. Mikva, Mr. Patten, Mr. Podell, Mr. Preyer of North Carolina, Mr. Rodino, Mr. Rosenthal, Mr. Tiernan, Mr. Ullman, Mr. Waldie, Mr. Wampler, Mr. Whitehurst, Mr. Wright, Mr. Dowdy, Mr. Carter, Mr. Andrews of North Dakota, Mr. Madden, Mr. Perkins, Mr. Culver, Mr. Hogan, Mr. Kee, and Mr. Flowers):

H.R. 7408. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. JACOBS (for himself and Mr. Giaimo):

H.R. 7409. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. McCORMACK:

H.R. 7410. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or proposed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mr. McKEVITT:

H.R. 7411. A bill to establish a Federal Judiciary Council; to the Committee on the Judiciary.

By Mr. MELCHER:

H.R. 7412. A bill to suspend Federal financial assistance to the National Railroad Passenger Corporation until the Congress has approved the basic system of intercity rail passenger service designated by the Secretary of Transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE:

H.R. 7413. A bill to assist workers whose jobs may be terminated by reductions in defense and space spending to establish a system of benefits to ease the transition of such workers to civilian occupations, to minimize the hardships encountered by communities which are dependent upon defense industry and employment, to encourage cooperation between the United States and defense contractors in meeting the challenge of economic conversion and diversification brought by changing defense needs of the United States, and to facilitate the transfer of public and private resources to new national priorities; to the Committee on Ways and Means.

By Mr. MORSE (for himself, Mr. Adams, Mr. Byrne of Pennsylvania, Mr. Corman, Mr. Eilberg, Mr. Frenzel, Mr. Goldwater, Mr. Grover, Mr. Hansen of Idaho, Mr. Helstoski, Mr. Hicks of Washington, Mr. Horton, Mr. Howard, Mr. Meeds, Mr. Nix, Mr. Rees, Mr. Robison, Mr. Roybal, Mr. St Germain, Mr. Sarbarnes, Mr. Williams, Mr. Charles H. Wilson, Mr. Wolff, and Mr. Wright):

H.R. 7414. A bill to amend the State Technical Services Act of 1965 to make municipal governments eligible for technical services under the act, to extend the act through fiscal year 1974, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS:

H.R. 7415. A bill to amend the Airport and Airway Development and Revenue Acts of

1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; to the Committe on Interstate and Foreign Commerce.

By Mr. NIX:

H.R. 7416. A bill making an appropriation to provide support for the Neighborhood Youth Corps summer support program for the summer of 1971: to the Committee on Appropriations.

By Mr. PATTEN:

H.R. 7417. A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes; to the Committee on Ways and Means.

H.R. 7418. A bill to provide that individuals entitled to disability insurance benefits (or child's benefits based on disability) under title II of the Social Security Act, and individuals entitled to permanent disability annuities (or child's annuities based on disability) under the Railroad Retirement Act of 1937, shall be eligible for health insurance benefits under title XVIII of the Social Security Act; to the Committee on Ways and Means.

By Mr. PATTEN (for himself, Mr. Kyros, and Mr. Mikva):

H.R. 7419. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 7420. A bill making an appropriation to provide support for the Neighborhood Youth Corps summer support program for the summer of 1971; to the Committee on Appropriations.

H.R. 7421. A bill to extend unemployment insurance coverage to agricultural labor; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 7422. A bill to provide for the cooperation between the Federal Government and the States with respect to environmental regulations for mining operations, for the prevention, control, and abatement of water pollution, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PETTIS:

H.R. 7423. A bill to provide that State laws or regulations with respect to certain environmental matters shall not be preempted or nullified by Federal law until such time as regulations in lieu of such State laws or regulations are put into effect by or pursuant to Federal law; to the Committee on the Judiciary.

H.R. 7424. A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; to the Committee on Ways and Means.

By Mr. PEYSER:

H.R. 7425. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

H.R. 7426. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced in such country from entering the United States unlawfully; to the Committee on Foreign Affairs.

By Mr. PEYSER (for himself, Mr. Harrington, Mr. Halpern, Mr. Anderson of Illinois, Mr. Mitchell, Mr. Lent. Mr. Railsback, Mr. Coughlin, Mr. McKinney, Mr. Forsythe, Mrs. Hicks of Massachusetts, Mr. Rosenthal, Mr. Rostenkowski, Mr. Biaggi, Mrs. Chisholm, Mrs. Abzug, Mr. Wolff, Mr. Anderson of California, Mr. Vanik, Mr. Fish, Mr. Kemp, Mr. Podell, Mr. Carey of New York, Mr. Reid of New York, and Mr. Bell):

H.R. 7427. A bill to repeal section 15 of the Urban Mass Transit Act of 1964, to remove certain limitations on the amount of grant assistance which may be available in any one State; to the Committee on Banking and Currency.

By Mr. PEYSER (for himself and Mr. Dulski):

H.R. 7428. A bill to repeal section 15 of the Urban Mass Transit Act of 1964, to remove certain limitations on the amount of grant assistance which may be available in any one State; to the Committee on Banking and Currency.

By Mr. QUIE (for himself, Mrs. Green of Oregon, Mr. Reid of New York, Mr. Pucinski, Mr. Dellenback, Mr. Brademas, Mr. Esch, Mr. Eshleman, Mr. Steiger of Wisconsin, Mr. Hansen of Idaho, Mr. Dent, Mr. Mazzoli, Mr. Forsythe, Mr. Badillo, Mr. Kemp, Mr. Peyser, and Mr. Buchanan):

H.R. 7429. A bill to assure an opportunity for occupational education (other than that resulting in a baccalaureate or advanced degree) to every American who needs and desires such education by providing financial assistance for postsecondary occupational education programs, and to strengthen the concept of occupational preparation, counseling, and placement in elementary and secondary schools, and for other purposes; to the Committee on Education and Labor.

By Mr. QUIE:

H.R. 7430. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Bureau of Consumer Protection in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. ST GERMAIN:

H.R. 7431. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SAYLOR (for himself, Mr. Steiger of Arizona, Mr. Kyl, Mr. Camp, and Mr. Sebelius):

H.R. 7432. A bill to provide for the settlement of certain land claims of Alaska natives, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHEUER (for himself and Mr. McCormack):

H.R. 7433. A bill to establish the Office of Drug Abuse Control within the Executive Office of the President; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHWENGEL:

H.R. 7434. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

H.R. 7435. A bill to amend title 38, United States Code, to provide employment and relocation assistance for veterans; to the Committee on Veterans' Affairs.

H.R. 7436. A bill to amend title XVIII of the Social Security Act to eliminate the requirement that extended care services follow hospitalization in order to qualify for payment thereunder; to the Committee on Ways and Means.

H.R. 7437. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. J. WILLIAM STANTON:

H.R. 7438. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

By Mr. STEIGER of Wisconsin (for himself, Mr. Biester, and Mr. Frey):

H.R. 7439. A bill to establish a Youth Council in the Executive Office of the President; to the Committee on Education and Labor.

By Mrs. SULLIVAN:

H.R. 7440. A bill to clarify and expand the authority of the Federal Home Loan Bank Board to regulate conflicts of interest in the operation of insured savings and loan associations, and for other purposes; to the Committee on Banking and Currency.

By Mr. TEAGUE of Texas (for himself, Mr. Saylor, and Mr. Purcell):

H.R. 7441. A bill to authorize the payment of fees for civilian counsel and other expenses connected with the defense of members of the Armed Forces charged with certain crimes committed while engaged in combat; to the Committee on Armed Services.

H.R. 7442. A bill to amend title 10 of the United States Code to extend the benefits provided for civilians under the Bail Reform Act of 1966 to members of the Armed Forces; to the Committee on Armed Services.

By Mr. TIERNAN:

H.R. 7443. A bill to amend the Communications Act of 1934 to provide permanent financing for the Corporation for Public Broadcasting; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN (for himself, Mr. Roe, Mrs. Hicks of Massachusetts, Mr. Roybal, Mr. Wolff, and Mr. Brasco):

H.R. 7444. A bill to establish an independent agency to be known as the U.S. Office of Utility Consumers' Counsel to represent the consumers of the Nation before Federal and State regulatory agencies with respect to matters pertaining to certain electric, gas, telephone, and telegraph utilities; to provide grants and other Federal assistance to State and local governments for the establishment and operation of utility consumers' counsels; to improve methods for obtaining and disseminating information with respect to the operations of utility companies of interest to the Federal Government and other consumers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK:

H.R. 7445. A bill to prohibit the introduction or shipping in interstate commerce of any polluting substance; to the Committee on Interstate and Foreign Commerce.

H.R. 7446. A bill to accelerate the schedule of tax reductions for individuals provided by the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 7447. A bill to provide for the conservation and improvement of land affected in connection with the mining of bituminous coal by the open pit mining method, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CHARLES H. WILSON:

H.R. 7448. A bill to provide for the Presidential appointment of the Director of the Federal Bureau of Investigation, to limit the Director's term of office, and for other purposes; to the Committee on the Judiciary.

By Mr. PEYSER (for himself and Mr. Hathaway):

H.R. 7449. A bill making supplemental appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes; to the Committee on Appropriations.

By Mr. BLACKBURN:

H.J. Res. 544. Joint resolution instructing the Secretary of the Interior to call for an international meeting on the preservation, conservation, and protection of endangered species of fish and wildlife; to the Committee on Foreign Affairs.

By Mr. CONABLE:

H.J. Res. 545. Joint resolution expressing a proposal by the Congress of the United States for securing the safe return of American and allied prisoners of war and the accelerated withdrawal of all American military personnel from South Vietnam; to the Committee on Foreign Affairs.

By Mr. CORBETT:

H.J. Res. 546. Joint resolution to authorize the President to designate the period January 16, 1972, to January 22, 1972, as "International Printing Week"; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. PELLY, Mr. KARTH, Mr. MAILLIARD, Mr. REES, Mr. MOSS, Mr. WALDIE, Mr. EDWARDS of California, Mr. HANNA, and Mr. DELLUMS):

H.J. Res. 547. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. ESHLEMAN:

H.J. Res. 548. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. GARMATZ (for himself, Mr. DINGELL, and Mr. PELLY):

H. J. Res. 549. Joint resolution amending the Fishermen's Protective Act of 1967 in order to initiate action to resolve the recurring problem of seizures of U.S. fishing vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HUNGATE:

H. J. Res. 550. Joint resolution designating the second Saturday in May of each year as "Fire Service Recognition Day", and for other purposes; to the Committee on the Judiciary.

By Mr. RODINO:

H. J. Res. 551. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. SCHNEEBELI:

H. J. Res. 552. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. SCHWENGEL (for himself and Mr. FRASER):

H. J. Res. 553. Joint resolution to provide for the designation of the calendar month of May 1971, as "Human Development Month"; to the Committee on the Judiciary.

By Mr. FINDLEY (for himself, Mr. BRASCO, Mr. COLLIER, Mrs. GREEN of Oregon, Mr. GUDE, Mr. MCCLORY, and Mr. ST GERMAIN):

H. Con. Res. 261. Concurrent resolution proposing unconditional, large-scale repatriation of enemy prisoners of war; to the Committee on Foreign Affairs.

By Mr. RARICK (for himself, Mr. SCHMITZ, and Mr. ROUSSELOT):

H. Con. Res. 262. Concurrent resolution expressing the sense of Congress that the United States offer sanctuary in the United States to anti-Communist South Vietnamese from the bestiality and tyranny of the North Vietnamese Communists; to the Committee on the Judiciary.

By Mr. RODINO:

H. Con. Res. 263. Concurrent resolution designating the last full week in July of 1971 as "National Star Route Mail Carriers' Week"; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H. Con. Res. 264. Concurrent resolution to designate the calendar week of May 10, 1971, as "Voluntary Overseas Aid Week"; to the Committee on the Judiciary.

By Mrs. ABZUG:

H. Res. 378. Resolution to provide for an investigation by the Committee on the Judiciary of the administration and operation of the Federal Bureau of Investigation; to the Committee on Rules.

By Mr. ANDERSON of California:

H. Res. 379. Resolution commemorating the 50th anniversary of Torrance, Calif., as a general law city; to the Committee on the Judiciary.

By Mr. BADILLO:

H. Res. 380. Resolution directing the Committee on Government Operations to investigate the failure of the Food and Drug Administration to take timely, effective steps to ban the use of contaminated intravenous solutions manufactured by Abbott Laboratories; to the Committee on Rules.

By Mr. DENT:

H. Res. 381. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. HUNGATE (for himself, Mr. ANNUNZIO, Mr. BRINKLEY, Mr. CULVER, Mr. GALIFIANAKIS, Mrs. GRASSO, Mrs. GRIFFITHS, Mr. LONG of Louisiana, Mr. PERKINS, Mr. QUIE, and Mr. WAGGONNER):

H. Res. 382. Resolution urging the President to release appropriated public works funds now frozen; to the Committee on Appropriations.

By Mr. HUNGATE (for himself and Mr. FASCELL):

H. Res. 383. Resolution urging the President to release appropriated public works funds now frozen; to the Committee on Appropriations.

By Mr. SCHWENGEL:

H. Res. 384. Resolution amending the Rules of the House of Representatives to set aside a portion of the gallery for the use of scholars engaged in studies of the House of Representatives; to the Committee on Rules.

H. Res. 385. Resolution to change House rules relating to election of committee chairmen; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

112. By the SPEAKER: Memorial of the Legislature of the State of Nebraska, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

113. Also, memorial of the House of Representatives of the State of South Carolina, relative to permitting McCormick County, S.C., to share in the revenue derived from the sale of electric power generated at the Clark Hill hydroelectric facility; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS (by request):

H.R. 7450. A bill for the relief of German D. Anulacion; to the Committee on the Judiciary.

By Mr. ASPIN:

H.R. 7451. A bill for the relief of Corentin Georges Tatepo; to the Committee on the Judiciary.

By Mr. BOW:

H.R. 7452. A bill for the relief of Francesco Ferrante; to the Committee on the Judiciary.

H.R. 7453. A bill for the relief of Sara Laredo; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 7454. A bill for the relief of Mrs. Paola Fontana and her son, Girolamo Fontana; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 7455. A bill for the relief of Maria Christine Munoz de Reyes and Juan Pedro Reyes-Munoz; to the Committee on the Judiciary.

By Mr. FREY:

H.R. 7456. A bill for the relief of Lucia S. David; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 7457. A bill authorizing the President to award the Medal of Honor to Harry S. Truman; to the Committee on Armed Services.

By Mr. GREEN of Pennsylvania:

H.R. 7458. A bill for the relief of Piero Andreni and Luigia Andreni; to the Committee on the Judiciary.

By Mr. HOLIFIELD:

H.R. 7459. A bill authorizing the President to award the Medal of Honor to Harry S. Truman; to the Committee on Armed Services.

By Mr. O'NEILL:

H.R. 7460. A bill for the relief of Benito, Rosaria, and Benedetto Bisconti; to the Committee on the Judiciary.

H.R. 7461. A bill for the relief of Gerardo LoPilato; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 7462. A bill for the relief of Pureza Ruiz Languisan; to the Committee on the Judiciary.

SENATE—*Wednesday, April 7, 1971*

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senate will come to order.

Under the previous order and in accordance with the provisions of House Concurrent Resolution 257, as amended, the Senate stands adjourned until Wednesday, April 14, 1971, at 10 a.m.

ADJOURNMENT UNTIL 10 A.M., WEDNESDAY, APRIL 14, 1971

Thereupon (at 10 o'clock and 14 seconds a.m.) the Senate adjourned until Wednesday, April 14, 1971, at 10 a.m.

EXTENSIONS OF REMARKS

CLEVELAND HILL MIDDLE SCHOOL REQUESTS APRIL 30 PLEDGE OF ALLEGIANCE TO OUR FLAG DAY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. KEMP. Mr. Speaker, another school in the 39th Congressional District, the Cleveland Hill Middle School of Cheektowaga, N.Y., has indicated its support of the resolution I recently introduced which would authorize the President to proclaim April 30, 1971, as Pledge of Allegiance to Our Flag Day. I would like to call to the attention of my colleagues the following letter and proclamation I have received from a Cleveland Hill Middle School student, Ray Siskai, urging that appropriate action be taken in order that this proclamation may be made:

CLEVELAND HILL MIDDLE SCHOOL,
Cheektowaga, N.Y.

Hon. JACK F. KEMP,
U.S. Representative, House of Representatives Building, Washington, D.C.

DEAR SIR: We would like you to help make April 30th Pledge of Allegiance Day for all children in all schools in the United States. Please read the attached proclamation. We know that after reading it, will want to help us in our patriotic endeavor.

Yours truly,
RAY SISKAI.

PROCLAMATION TO THE CONGRESS OF THE UNITED STATES OF AMERICA

Whereas, on April 30, 1789 George Washington took the oath of office and was inaugurated as the first President of the United States.

Whereas, George Washington was the only President of the United States of America inaugurated on April 30th.

Whereas, April 30, 1802 Congress passed the first enabling act authorizing the people of the eastern division of the Northwest Territory to hold a convention and frame a constitution in order to become a state, and a precedent was set in helping Ohio's gaining its statehood, followed by the same, set for the rest of the states in this territory.

Whereas, on April 30, 1803 the United States of America, under the leadership of President Thomas Jefferson, made its first territorial expansion by purchasing 828,000 square miles of land (doubling the size of the United States by peaceful means) known as the Louisiana Purchase, which land eventually was divided into the states of Missouri, Nebraska, Iowa, Arkansas, North Dakota, South Dakota, most of Louisiana, Kansas, Minnesota, Montana, Wyoming and parts of Colorado and Oklahoma.

Whereas, on April 30, 1812, the state of Louisiana was admitted into the Union.

Whereas, on April 30, 1889 Congress fixed this date of April 30th as a national holiday to celebrate the inauguration of George Washintgon as the first President of the United States of America.

Whereas, on April 30, 1970 the proclamation sent by Mrs. Irene Priore's Third Graders of Cheektowaga, New York, requesting that April 30, 1970 be proclaimed as Pledge of Allegiance to Our Flag Day in the United States of America for all school children in all schools of our nation, was read in Congress.

Whereas, schools, community leaders and citizens in all 50 states of our nation responded by letter, telephone and telegram to the Cheektowaga, New York Third Graders that they wished to participate in this unified promise of loyalty at 1:30 P.M. Eastern Savings Time so children's voices might echo throughout the land.

Therefore, We, the boys and girls of Cleveland Hill Middle School do hereby ask the Hon. Jack Kemp to proclaim each April 30th as an annual special school day to honor our nation *and its flag in school* by song, speech and activities planned by the faculty and students of each individual school.

We request that this proclamation be made known to all the schools of our nation so that all the school children may have the pride and honor to help plan a dignified program for their own schools. We believe that by encouraging children to have the pleasure of involvement in planning a program for April 30th each year that we are taking a positive approach toward building better attitudes in school children and planning for better citizens and leaders of the future.

ALBERT N. JACKSON

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. COLLINS of Texas. Mr. Speaker, last Thursday we were all shocked at the sudden death of Albert N. Jackson. Always a civic leader in Dallas, his death marks a real loss to our city.

Albert was my good friend. I liked him because he was genuine, knowledgeable, and always working to help us build a better community.

You will be interested in this fine editorial of the Dallas Times Herald of April 2, 1971:

ALBERT N. JACKSON

There are many ways and of varying degree in which a man can serve his fellow man. We believe one of the best is in the capacity of an able, conscientious, dedicated professional journalist.

It was in that capacity that Albert N. Jackson chose to serve his fellowmen. And Albert Jackson served them thus in the highest degree.

At the time of his death Thursday, Mr. Jackson held the position of vice chairman of the board of The Times Herald Printing Company. But he had reached that position through nearly half a century of service with The Times Herald as a reporter, as an editor and then as a company executive.

But we who knew him best remember him best for his work as a reporter and political writer. And of all his positions, he was proudest of having been a good reporter. The fact is that he was more than just a good reporter. As the publisher of this newspaper, James F. Chambers, Jr., a long-time personal friend, said "Albert was the most professional journalist I've ever known. He was a meticulous reporter—the smallest details were all there in his stories"

Mr. Jackson spent some 15 years of his career as a journalist reporting Dallas municipal affairs. And it was there that he made probably his greatest contribution to the people of this city.

Mr. Jackson came into this field of journalism at the time the City of Dallas was beginning its transition from a comparatively small city to a great metropolis. And through his scrupulously honest reporting and more, through his campaigning for good government, through his advice and consultation with civic leaders of the city, Albert Jackson had a major hand in helping fashion and encourage the excellent city government Dallas has enjoyed for so many years.

But Albert Jackson's influence for good in government went far beyond the city limits of Dallas. Over the years he became the friend of governors and other state officials, of congressional leaders and of presidents. All of them sought his advice and counsel, not only on political matters but in the broader matters of state, at all levels of government, from the lowest to the highest.

For they recognized in Albert Jackson, as did all of his legion of friends, a man not only of consummate political acumen but of fundamental wisdom as well, a wisdom which grew out of a deep understanding of, and a deep sympathy for, people.

These characteristics were manifest in the great host of persons who knew him as a friend. Indeed, hundreds upon hundreds of persons, from the lowest rank to the highest, will mourn his passing.

This city, this state, the nation, and most of all, this newspaper, will miss him. All of these and all of the multitude of people who were his friends are better for his having lived among us.

UNITED STATES INVOLVEMENT IN INDOCHINA HAS BECOME AMERICA'S MALEDICTION

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. ESCH. Mr. Speaker, no one would question the national malaise over this war. It is evident in every corner of the Nation and every segment of society. The extent of despair knows no boundaries. It transcends all vocations, the rich, the poor, black and white.

It was the late Senator Arthur Vandenberg who once commented:

> It is easier to be critical than to be correct.

His statement of more than 20 years ago is most appropriate today.

During the 91st Congress this body initiated its long overdue concern and desire for a larger role with greater responsibility for the conduct of our international affairs. Subsequently, a multitude of proposals for the disengagement of American forces from Indochina have been put forth in an attempt to affect a change in our involvement in this conflict. It is disquieting and disturbing that recent public discussion has to a major degree, been simplified to a polarized position presenting only an early and specific deadline for the withdrawal of all U.S. troops and suggesting that subsequently without any additional effort all other problems would somehow be resolved. Unfortunately no such simple panacea will work.

The purpose of this discussion is to delineate the many variables affecting the situation, and to suggest a more systematic approach leading to the disengagement of armies, the cessation of hostilities, the exchange of prisoners, the placement of refugees, and the rehabilitation of the countryside in Indochina.

Unquestionably President Nixon inherited a tremendous burden when he assumed the Presidency. How to deal with a cruel and senseless Asian war that has taken 45,000 American dead, wounded another 290,000 Americans and cost our Nation $100 billion, is a subject that has demanded and received much of his attention. The Nixon administration has had many successes in respect to ending our involvement. I say this not because the President is a Republican, and we are of the same party, but because he has succeeded where his predecessor failed. The only American President to start to bring boys back from Vietnam is Richard Nixon. Today troop levels are at one-half of what they were when he took office. This is a major achievement. He deserves our congratulations—not our continued criticism.

The President is about to make a major announcement on his Indochina policies. It is my fervent hope that it will be one of substantial deescalation and withdrawal. I know this is the prayer of each and every American. For too long we have been told of the light at the end of the tunnel, but it is always shrouded in fog.

There will undoubtedly be many who disagree with the approach which the President will announce. But it is the responsibility of those who disagree to put their critique and criticism in constructive form, rather than simply to condemn. The country has had its fill of demagoguery and handwringing on Vietnam. What the Congress and the President must provide is partnership, not competition. The responsibility for getting out of Vietnam is ours to share. With this in mind, we can and must work toward emphasizing the opportunities for peace and deemphasize the divisive rhetoric.

New initiatives for peace must be taken. I believe it is appropriate for Congress to participate in exploring these new avenues for peace. It may well be presumptuous to put forth yet one more "peace proposal," but I strongly feel my responsibility to discuss some of the issues in Vietnam which have all too frequently been forgotten in the massive public rhetoric. The "initiative" I am proposing here not put forth as any "sure cure" or as a simple answer to a complicated war—it is meant to be a preliminary systematic approach on which a stable peace can be built.

I am therefore today introducing the following resolution:

Whereas, The House of Representatives believes that each Member of Congress shares with the President the responsibility for continued military involvement in Indochina and for ending it. Therefore we propose:

That it is the sense of this Congress that a date certain of June 30, 1972 be established for the withdrawal of all U.S. forces in Indochina provided that in the intervening time: (a) immediate steps be initiated through the United Nations Human Rights Commission for the identification and exchange of all prisoners of war held in Indochina, (b) that through a United Nations Special Commission, or a group of neutral nations, a cease fire be established between the parties involved, (c) that this government working through the United Nations or a group of neutral nations, seek a free and independent election in the Republic of Vietnam in October, 1971, (d) that immediate steps be taken through the United Nations Office of High Commissioner for Refugees, for the immediate placement of refugees in Indochina, (e) that immediate steps be initiated to re-activate the United Nations Rehabilitation and Relief Association in order that an extensive program of rebuilding Indochina be started upon the cessation of hostilities, and that the Congress of the United States state its intention to appropriate funds to the United Nations to be used specifically for the rehabilitation of Indochina.

The essence of this proposal is not only in setting a date certain for withdrawal of American troops from Vietnam, but in relating that withdrawal to the tangential but essential issues which must be involved if a stable peace is to follow. The date itself is less important than the relationship between all the many factors. Indeed, it should be noted that last week I indicated my willingness to work for withdrawal by the end of this calendar year. This resolution sets a time 6 months later in June of next year. Like all Americans, I hope that the former date can be met and will work with that goal in mind. However, practical advice and briefings have indicated some doubt as to the logistic possibilities for the earlier time. My resolution therefore states June 30, 1972, as the absolute, outside acceptable time limit for our withdrawal. I am personally convinced that if the other sections of my resolution are implemented, the much earlier withdrawal can be achieved.

Any peace initiative must, in my view, follow three guidelines if it is to be successful.

First, and most important, it must be flexible. Rigid guidelines are rarely amenable to negotiation and frequently result in a hardening of position on both sides rather than reaching any agreement. Second, negotiations must appear to have been initiated by both sides. To end any limited war, especially the one in Indochina, it is essential that the adversaries be able convincingly to claim that their own initiatives were responsible for the cessation of hostilities. Additionally, each must be able to make a convincing argument to its people that the results of the negotiated settlement are to its advantage and, that it has, in fact, gained what it has been fighting for. Third, each side must be able to have confidence in the word of the other side. Despite 2 years at the peace table in Paris, it is clear that such mutual confidence has yet to be achieved. In my view this confidence can best be built through a series of small, readily identifiable steps, each agreed upon in advance, and each leading to further negotiations.

As indicated above I propose that the President of the United States and the Congress jointly declare that it is the intention of the United States to withdraw all ground, sea, and air forces from Indochina on or before June 30, 1972. The announcement of a date certain for withdrawal is, in my opinion, the single necessary step on the part of the United States, to initiate full and fruitful discussions in Paris on the many other vital issues affecting the future of this war-torn section of the world.

Although I favor announcing a date certain, there need not be a prior public announcement in the manner in which troops are to be withdrawn. This, as well as so many other questions involving the American commitment, should immediately become part of the negotiation process. For example, 50,000 troops might leave by x date, in exchange for an agreement by North Vietnam to cease using certain portions of the Ho Chi Minh trail. Or 75,000 troops might be withdrawn for the release of American prisoners. All prisoners held by the South Vietnamese might be released upon the acceptance by both adversaries of a full cease-fire. The date for complete withdrawal might be advanced considerably by agreement on the part of the North to both a cease-fire, and the release of all prisoners on both sides. The combinations are endless. Each can be taken in small or large steps and be quickly verified by both governments.

In every case, the "concessions" can be claimed as peace initiatives, by all affected governments. Since the combination of concessions are extensive, the proposal is flexible in allowing concessions at any point of negotiations, and as they appear appropriate.

My proposal, however, does not end with the military questions of withdrawal. It also addresses itself to the issues remaining when the last American soldier leaves Indochina. For the most part, my resolution calls for additional actions to be taken by the United Nations or a "group of neutral nations" to aid in resolution of several difficult problems. It may well be that some of these questions can be settled among the parties at the Paris talks among themselves. But history has indicated that outside forces are frequently most helpful in reaching agreement.

Three immediate issues fall into the category of those which can be solved by mutually agreed upon action as part of the Paris talks, or issues which the outside world can assist in solving. The first, and probably most obvious of these, is the identification and exchange of prisoners of war which are held by both sides. As indicated above, we would be well advised not to put preconditions on this—but to make it a part of the negotiation process—a step which can be taken to prove the good faith of all involved. Because the efforts of the International Red Cross have been rejected out of hand, I have suggested the United Nations Human Rights Commission as one possible intermediary. Also, appropriate might be neutral nations, or allied nations which are not directly involved in the fighting—such as Britain and Yugoslavia—who might agree to accept interim responsibility for the welfare of the prisoners.

Second, an early cease-fire would obviously be helpful to both sides in bringing the war to an earlier end. The experience of outside influence in the Middle East in bringing about a cease-fire, even though an uneasy one, might well be a useful guide and again either the United Nations or a group of nations could help reach an agreement. The other nations of the "big four" might well work constructively in this role since Britain has generally supported the United States, Russia has generally supported the North Vietnamese and the French have generally been critical of both sides.

Third, there is a broad commitment to free and independent elections in the Republic of Vietnam this fall. My proposal would urge that outside observers be intimately involved in the election process in order to verify its validity. I do not propose that an outside force actually conduct the elections, but that worldwide scrutiny of the election process might limit both politically motivated charges of bias and actual practice of bias in the election process.

The final two steps of my proposal are written to specifically involve the United Nations. I do not choose the U.N. for these heavy responsibilities on the basis of intuitive judgment, but rather after a careful examination of the record. The accomplishments of the U.N. in humanitarian, social and economic restoration are abundant and impressive. Anyone who has ever analyzed or researched the work of the United Nations, particularly after World War II or Korea, will find a surfeit of facts to substantiate this.

Once hostilities have ceased, I believe it is the U.N. that can sucessfully lead the struggle to promote order, health, justice and prosperity in Indochina. If we are to replace the helicopter with the housing development as a symbol of power, the job can be done most efficiently and effectively by the United Nations.

It was the late Ambassador to the U.N., Adlai Stevenson, who once observed:

> If the UN did not exist it would have to be invented.

At this particular moment in history, I believe this to be an extremely apt statement.

A full year and a half before Germany surrendered but with ultimate victory in sight, 44 nations signed an agreement at the White House, establishing the United Nations Relief and Rehabilitation Administration.

It became commonly known thereafter as UNRRA. Its specific purpose was to bring aid and relief to the inhabitants of those countries that were overrun by the enemies of the United Nations. The mission then was to end famine, pestilence, devastation and disease in these nations.

At the peak of UNRRA operations, there were five types of offices and missions and a staff of nearly 25,000, as follows.

1. Washington Headquarters. This was the administrative center for the organization.

2. European Regional Office, in London. Supervised all offices, missions, and displaced persons operations in both the Middle East and Europe.

3. Servicing Offices and Missions. Twenty-nine of these around the globe engaged in recruiting personnel, processing supplies, expediting the shipment of goods, providing to the various governments health and welfare services.

4. Missions to Receiving Countries. Sixteen of these advising governments on the preparation of requests to UNRRA for supplies and their use and distribution thereof within the Nation. Gave technical advice on health, welfare, and both industrial and agricultural rehabilitation.

5. Displaced Persons Operation in Germany, under ERO Supervision. Dealing in repatriation and care of displaced persons in cooperation with the military command.

One of the spin-offs of UNRRA, was its assistance to refugees. Help for the refugee, under international sponsorship dates back much further. It can be traced to the League of Nations, in 1921. The pattern established then has been followed for decades. For the most part, we have seen nonpermanent international and intergovernmental agencies solve each problem as it arose. However, since 1951, the United Nations Office of High Commissioner for Refugees has been continuously operating under a mandate which is purely humanitarian, and exclusively nonpolitical. I believe its praiseworthy accomplishments should continue after Vietnam. The high commissioner has become the international protector of refugees. The refugee problem was large scale after World War II, and Korea. There is no reason to believe it will be any different this time. It makes sense that this office of the U.N. carry on its work and assist those who have become displaced as a result of the fighting in Indochina.

Mr. Speaker, there is no panacea for Vietnam. The proposal I offer is not put forth as one. Without a doubt it can be improved. Nor is it offered as a complete solution to our present situation. It does offer a more comprehensive approach than which has been presented in many current proposals.

It answers the problem regarding withdrawal by setting a fixed date certain.

It deals with the prisoners of war, those held by all parties.

It meets the problem of the placement of refugees.

And it gets to the task of rebuilding these war-devastated countries.

Hopefully, it is a proposal with a firm foundation on which to build.

I believe the time is here when we need to get back on that road toward an unalterable exit from Indochina. We need not have a crescendoing political challenge to the President's war power. We need not underscore devisiveness. We must come up with a plan that will end this war, return the prisoners to their loved ones, find solutions for the homeless refugee, and rehabilitate these nations.

If this be our mission, we will be dealing honorably with the damage a great country has caused in a tragic conflict.

This then is our challenge.

QUESTIONS AND ANSWERS ABOUT THE "ESCH INITIATIVE"

Q. Isn't the fact that you are setting a "date certain" of June 30, 1972 in direct conflict with Presidential policy?

A. Not necessarily so. The President has indicated his intention to continue to withdraw troops so that troop levels, barring unforeseen circumstances, will be at a minimum level. This concept behind the ESCH INITIATIVE proposes that we set a date *now* so that negotiations can begin *now* and we can start to exchange prisoners, arrange for free elections, place refugees, and rehabilitate.

Q. Hasn't this been tried before?

A. Not directly in this context. This proposal says "we are getting out of Vietnam by June 30, 1972." Now we are asking other nations to accept responsibility to become involved in the other substantive and equally vital issues. For too long we've had a hang-up with the date, and have failed to talk about equally great issues.

Q. What makes you think the North Vietnamese will respond?

A. For the first time we are giving a definite timetable on withdrawal.

Q. Is UNRRA the most effective method of rehabilitation?

A. In my opinion, an unequivocal yes. It has a proven track record. The machinery is there. It only must be re-activated. UNRRA tested the capacity of the United Nations in Europe. A new UNRRA can test the capacity of the UN in Indo-China.

Addressing himself to the UNRRA challenge back in those dark days of the Second World War, Dean Acheson observed:

> It is a great task—one worthy of a great organization.

The UNRRA concept has worked in the past, for the common good, it can again.

Q. How do you re-activate UNRRA?

A. I intend to explore this in the next few weeks with Ambassador Bush.

Q. How would it be financed?

A. By member nations of the UN, with major contributions from the United States. After World War II, UNRRA contributions totalled $3.8 billion. The greatest amounts came from the United States, Britain, and Canada. The U.S. bears great responsibilities in this part of the world and my resolution would pledge full U.S. appropriations.

Q. Who would have the responsibility for the cease-fire?

A. Either a Commission of the United Nations or a group of Nations.

Q. What about free elections?

A. This is very important. The United States must do all it can to assure open, fair, and free elections in October 1971. We cannot afford anything less. Outside observers should be encouraged from nations throughout the world.

Q. Is the withdrawal of troops by the United States contingent upon the release of prisoners?

A. Absolutely, and it is so stated within the resolution itself.

What I am proposing is an announcement by our Government that we are going to withdraw by June 30, 1972, and I have incorporated the precondition that steps be taken to initiate the release of prisoners of war on both sides prior to that date.

CONCERNS ABOUT FAMILY ASSISTANCE FROM A STATE WELFARE DIRECTOR

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. FRASER. Mr. Speaker, the Ways and Means Committee is now considering welfare reform legislation which would establish a Federal assistance payment of $2,400 for a family of four.

Recently, the welfare director for the State of Minnesota, Morris Hursh, contacted me to express concern about the bill as it is now taking shape in committee. Mr. Hursh is particularly disturbed about the proposed elimination of Federal support for State supplemental payments. A copy of his letter follows:

STATE OF MINNESOTA,
DEPARTMENT OF PUBLIC WELFARE,
St. Paul, Minn., April 2, 1971.

Representative DONALD FRASER,
House Office Building,
Washington, D.C.

DEAR MR. FRASER: This is a follow-up on our conversation of a few days ago regarding the bill now coming out of Ways and Means with reference to Family Assistance and the Adult Categories of Assistance.

I was in Washington recently with a few other state welfare administrators and we discussed the bill at great length with the top officials of HEW. So I have a general idea of its provisions, but not having the actual text makes it difficult for us to estimate the fiscal effect on Minnesota.

In a recent N.Y. Times story there was a Table of estimated state savings, and Minnesota was listed as saving $17.3 million. On the basis of what we know about the proposal, our Research department believes this is approximately correct, although perhaps $1 million high.

I might say that we have some concerns about the Family Assistance part of the bill, as follows:

The federal government will pay a guaranteed minimum of $2400 to a family of four, but anything the state wishes to pay above that amount is entirely from state funds. This is fine for the southern states and other low-grant states, but it doesn't do too much for the high-grant states, such as Minnesota, New York, Massachusetts, etc. There is also the temptation for states with a budget above $2400 to come down to that level, and thus avoid any state payment whatever. This could be rough on the recipients.

Food stamps are cashed out, and that is O.K. But with a level as low as $2400 per year for a family of four, it would be a big help to the recipients if they could get this additional break. For example, in Minnesota our budget is about $3500 for a family of four. We will have to supplement the difference between $2400 and $3500—or lower our standard—and the $1100 is less than we have to pay now in a similar case, but the recipient will be getting the same $3500 he now gets, but with no bonus food stamps—which amounts to about $30 per month.

Our big objection to the Family Assistance Plan—in the form now taking shape—is the same one we had to the Plan considered in the last Congress: It sets up administrative machinery that seems unnecessarily complicated and cumbersome, as well as expensive. FAP will make the $2400 payments; the states will have to supplement where they wish a higher standard of assistance; and now it is proposed to turn over all employable persons [working poor, unemployed fathers and AFDC mothers] to the Department of Labor. DOL will not only handle training and employment, but also determine suitability for T & E, and will make the assistance payments [supplemental] to all the families enrolled with DOL. To carry out this function, we were told that the plan is for DOL to establish offices all over the country, just as FAP will do. So then we will have a client dealing with the county welfare office, the FAP office and the Employment Office. This doesn't make sense to me.

I could write at greater length, but would prefer to do so after we have seen the bill, and can assess its effects on Minnesota. Will you please provide me with a copy as soon as it is introduced?

Sincerely yours,

MORRIS HURSH,
Commissioner.

UNION CARBIDE CORP. AND MARIETTA, OHIO, PLANT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. WALDIE. Mr. Speaker, on March 24, I submitted to the CONGRESSIONAL RECORD a statement by Mr. R. L. Osborn of the Oil, Chemical, and Atomic Workers Union concerning the activities of the Union Carbide Corp. in dealing with Federal pollution directives at ITS Marietta, Ohio, plant. The corporation's Washington representative has since then forwarded to me a statement by Perry Wilson, the corporation's president defending the Union Carbide actions in Marietta. In the interest of fairness, I feel that I should present the corporation's defense to my colleagues:

STATEMENT BY PERRY WILSON

First, let me assure you that we did not, and will never, engage in any economic or environmental blackmail, and we regret that our January 18, 1971 letter was so interpreted. Our letter to EPA Administrator William D. Ruckelshaus indicated our intention to come into compliance, as soon as possible, with the air pollution abatement recommendations of the Parkersburg, West Virginia-Marietta, Ohio Conference.

We pointed out that we do not now have at hand the capability to meet certain of the intermediate, short-term abatement recommendations. We tried to make it clear that if all other efforts failed, we would regretfully have to shut down parts of the operation temporarily in order to comply. This would be not only unfortunate from the point of view of our employees and the community, but also the most costly course of action to Union Carbide.

Therefore, we are exerting and will continue to exert every effort to avoid this solution to our problem. In this endeavor we welcome your concern and that of all other interested persons.

In order to respond fully to your request, I am attaching a detailed memorandum reviewing all of the factors involved in air pollution control at our Marietta facilities. Should you, or your staff, have further questions, we shall be glad to respond to the best of our ability. We will also plan to keep you informed of the progress of our efforts.

Let me assure you that Union Carbide Corporation, including its officers and Directors, is fully committed to effective and constructive action to improve the environment. As individuals and as a corporation we are prepared to act, at Marietta and elsewhere, to the limit of our capabilities.

MISLEADING THE CONSUMER

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. ROSENTHAL. Mr. Speaker, Morton Mintz, who is among the best of a growing number of journalists who specialize in consumer reporting, has written a perceptive commentary on President Nixon's February 1971 consumer message. In the April issue of the Progressive, Mr. Mintz concludes that the most recent consumer message is a retreat from relatively weak positions the President had taken in his first consumer message in 1969.

I share Mr. Mintz' conclusions and concerns. Immediately after the President sent his latest consumer message to Congress, I said that "Congress will respond, but not as he anticipates or hopes. Full measures, not half measures, will be coming very soon from Congress on the consumer's behalf. The days of indecision, confusion, and misguided goals are ended. This will be a consumer's Congress despite the President and not, I am sorry to say, because of him."

Mr. Mintz' article, entitled "Misleading the Consumer," follows:

MISLEADING THE CONSUMER

"This is by far the greatest, most important consumer message that any President has released," Virginia H. Knauer, Mr. Nixon's consumer affairs adviser, told a news conference. The message demonstrates, she continued, the President's "commitment to a better world, a world where quality, justice, compassion, and understanding are key elements in the marketplace." If the Fair Packaging and Labeling Act applied to political bombast, Mrs. Knauer surely would be no less deserving of prosecution than Attorney General John N. Mitchell, who, it will be recalled, earlier described the President's State of the Union Message as nothing less than "the most important document since they wrote the Constitution."

At least in Mrs. Knauer's case one must suspect that the purity of her adulation of the President is not unalloyed by self-delusion. She is, after all, a woman who once accounted for her first twenty months of Federal service with such weights and measures as the number of consumer bills pending in Congress, her 154,980 miles of travel ("I think we can round that out to 155,000"), and her five scrapbooks of clippings ("which are five inches high"). And it may be that no one told her that the consumer message made good sense only if seen as a Presidential instrument to maintain the flow of campaign contributions from the business world by using the rhetoric of consumer reforms to abort those reforms.

In significant respects the President retreated even from positions he had taken in his first consumer message in October, 1969. At that time—sixteen months more remote in time from the 1972 Presidential election—he rightly pointed out that existing Federal laws give private citizens no standing to bring suits as a class against those who defraud them in consumer transactions. He proposed legislation to permit class-action suits, with the proviso that either the Justice Department or the Federal Trade Commission first had completed a prosecution. Leaving aside the fight made against the proviso by Representative Bob Eckhardt, Texas Democrat, and others on the ground that it would impede citizen suits, Mr. Nixon in his new message does not even use the phrase "class action." He proposes a "Consumer

Fraud Prevention Act" which, however, would permit such litigation "where appropriate"—an obviously rubbery qualifier. Further, only the Justice Department, which he controls through his closest adviser, John Mitchell, could "trigger" a class action suit by completing a prosecution; the FTC could not.

Also in 1969, Mr. Nixon spoke of the need for legislation to assure the efficacy, reliability, and safety of some 5,000 types of medical devices—everything from emergency respirators to bone pins, heart pacemakers, and intrauterine devices for birth control. His 1971 message made no reference to the subject. However, aides have said a bill would be forthcoming.

In numerous other ways this "greatest, most important consumer message" resembled a modern breakfast cereal—over-advertised, sugar-coated, and low in nutrition. As Senator Warren G. Magnuson, Washington Democrat, pointed out, Mr. Nixon somehow managed to ignore "the one area of perhaps the greatest consumed frustration and inequity: auto insurance abuses."

To his credit, or, possibly, because he bowed to political necessity, the President proposed legislation to fix minimum safety standards for consumer products used in and around households. But again he wants crucial authority vested in one of his own appointees—in this case, the Secretary of Health, Education and Welfare; under this arrangement actual and potential campaign contributors would not find it difficult to apply heat to HEW through the White House. This approach was *not* the one urged by the National Commission on Product Safety before it went out of business last summer; it asked for an *independent* commission to set and enforce product-safety standards.

When the President made a bitter-end fight to put G. Harrold Carswell on the Supreme Court, he lost—but won support from white Southerners. When he approved the raid on Sontay, he failed to free any POWs—but profitably identified himself with their cause. And when in his consumer message he continued to resist creation of an independent consumer protection agency, he presumably knew he would lose, because on Capitol Hill there is massive bipartisan support for such an agency—but presumably he also knew that grateful businessmen would express their appreciation in the form of campaign contributions.

It would be erroneous and unfair to suggest that there are no worthwhile proposals in the message; there are. One would strengthen the Federal Trade Commission's power to act against deceptive practices. Even here, however, Mr. Nixon would deny the agency power to impose criminal penalties for willful fraud and to require compensation of defrauded consumers. The forward steps in the message, as Representative Benjamin S. Rosenthal, New York Democrat, justly said, "are outweighed by half-steps, side-steps, and back-steps to confuse and mislead the consumer."

JUDGE KETTMANN HONORED IN FIGHT AGAINST EYE DISEASE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. EDWARDS of California. Mr. Speaker, it is not every day that I can have the pleasure of pointing out to my colleagues and the American people selfless and humane activities such as those carried on by Judge Gerard J. Kettmann of the San Jose-Milpitas-Alviso Municipal Court in California. Judge Kettmann, who was recently awarded the fourth annual Genevieve Mettelstaedt Carbert Award for distinguished service to ophthalmology, has been instrumental in the fight against blinding glaucoma, diabetes, and amblyopia. He has been active in the program in San Jose, Calif., to provide free tests for these horrible diseases so they can be treated in time to prevent blindness. The Federal Government has been trying, more and more so over the past few years, to improve the medical care available to the American people, and especially to make necessary treatment available to people who cannot afford it. However, we have seen that the care provided to Americans is not always adequate. Some people are not covered under any program. Some kinds of preventive, but absolutely necessary, medical services are not available to all, and perhaps even most, people who need it. We owe our sincere thanks to individuals like Judge Kettmann who have worked vigorously to bridge this gap. Let him be an example to the rest of the Nation for what can be accomplished through dedicated and unselfish efforts.

A LETTER FROM ATHENS

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. CARNEY. Mr. Speaker, in February I proposed the issuance of a commemorative stamp to honor the 150th anniversary of Greek independence. In this regard, I received a letter from Athens, Greece, which is deeply appreciated. It is a pleasure to insert this letter into the RECORD:

ATHENS, GREECE, *March 5, 1971.*

DEPUTY PRIME MINISTER AND MINISTER OF THE INTERIOR.

HONORABLE FRIEND AND CONGRESSMAN MR. CARNEY: Your proposal in the United States Congress that a special (commemorative) stamp be issued on the occasion of the Anniversary Year of Greek National Freedom, as well as your speech which followed that proposal, deeply moved the Greek People and their Government.

The Central Government Committee in charge of the Program of Celebration, during its meeting of March 3, 1971, under my chairmanship, unanimously decided that we express to you our warmest thanks for your kind sentiments inspired by philhellenic ideals, and for your constructive participation in the celebrations of our Country.

The Greek Nation taught freedom and has been its defender for thousands of years, having repeatedly been consumed in fire and having risen from its own ashes like the phoenix. It remains now and it will remain forever on the ramparts as the champion of Freedom. Today it (the Greek Nation) is doing nothing more than working creatively towards substantiation in depth of its Freedom and fortification of its eternal ideas and of its way of Life, which it taught (to humanity).

With our friendliest sentiments,

STYL. PATTAKOS,

Deputy Prime Minister of the Greek Government, Chairman of the Central Government Committee on the Program of Celebration of the Sesquicentennial of (the Greek Revolution of) 1821.

KERNERSVILLE, N.C., CELEBRATES BICENTENNIAL

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. MIZELL. Mr. Speaker, I rise at this time to call my colleagues' attention to a great celebration in Kernersville, N.C., on the occasion of that community's 200th birthday.

This bicentennial celebration has been the object of a great deal of attention throughout North Carolina, and a great deal of justifiable pride to the people of Kernersville, for several weeks.

President Nixon has sent a letter to the citizens of Kernersville expressing his congratulations. The North Carolina General Assembly has honored the community, and other leaders of government and the private sector have sent personal messages of praise for the people of this community, which is older than this Nation's independence.

I believe my colleagues will be interested in some of the proceedings that have marked this wonderful celebration. A great deal of credit goes to Mr. John M. Pinnix III, chairman of the celebration, and to a large number of Kernersville citizens who made the celebration a time to remember.

It was my pleasure to attend the opening festivities of the bicentennial celebration, and I only hope that when the United States reaches its 200th birthday 5 years from now, the national celebration will be as spirited as the one in Kernersville was last week.

At this time, Mr. Speaker, I include in the RECORD two articles from the March 28, 1971, edition of the Winston-Salem Sunday Journal and Sentinel, chronicling the events and the pageantry that made the Kernersville celebration a success.

TWO HUNDRED YEARS PARADE THROUGH KERNERSVILLE

KERNERSVILLE.—Mixing past with present and a look into the future, the town of Kernersville opened yesterday a week-long celebration of its 200th birthday.

Several thousand people—the actual number was estimated at anywhere from 4,000 to 8,000—turned out yesterday morning to watch a parade of costumed marchers, bands, horses, oxen and old cars roll down Main Street.

The celebration had its formal opening at a ceremony in Harmon Park, just west of the town center, at noon. The ceremony was attended by three congressmen and more than a dozen other office-holders.

The first performance of a historical drama, "In His Hand," was staged last night at Kernersville Elementary School. It will be repeated Thursday, Friday, and Saturday nights.

The one thing that had worried the celebration's planners, the weather, was no problem as the bicentennial started.

The day was bright and clear, and by midafternoon the three inches of snow that fell Friday had either melted or been turned into snowballs and snowmen. The temperatures rose to the 50's, and overcoats were rapidly shed.

The only irritation was the snow that remained on sloping store roofs and awnings during the parade, dripping incessantly onto onlookers. But it was of little consequence.

The procession of buckboards, bands, buggies—every one surrey with fringe on top—enchanted children. In addition, it seemed to bring out every old car buff in the county.

Mixed in with the horses and oxen was everything from a 1913 electric car to a 1960 Rolls Royce. One entry, Hubert Foltz' 1949 Dodge, even won the entry prize for the period 1927–1951.

The bicentennial is essentially a commemoration of the past. One of its high points is a 200-year exhibition of tools and handicrafts which opened yesterday afternoon in Paddison Memorial Library.

The exhibit contains old uniforms, lingerie, a copy of an 1831 newspaper, farm implements, glassware, something called a "left-handed pitcher," pictures, maps and quilts.

Yet there was ample attention to the present and future in the bicentennial. Yesterday afternoon, that meant a band from East Forsyth High School which staged an impromptu rock concert on the deserted parade rostrum.

The town will bury a time capsule Wednesday in front of the library containing everything from phone books to mail order catalogs. The town fathers are to open it in 2021.

Both Mayor Roger Swisher of Kernersville and John Wolfe, parade chairman, said they were highly pleased with the parade and ceremony.

Swisher declined to make a precise estimate of the crowd. "But I think we had more people than we do residents," he said. "It's working out splendid."

After the parade and opening ceremony, more than 1,000 of the participants and onlookers crowded into the fellowship room of the United Methodist Church for a four-hour barbecue.

The luncheon included a number of former residents returning for the celebration.

Homecoming will be today in all the town's churches, and a lantern vesper service will be tonight at 7:30 at the United Methodist Church. The library exhibition will be open from 3 p.m. to 5 p.m. today.

Costumes Vary in Age, Style

"Watch what you say today," advised a woman in the exhibition room at Kernersville's library. "You'll tell your age in a hurry."

She was looking over a collection of old lingerie and other sartorial knick-knacks put together as part of the town's 200th anniversary celebration. And her words expressed well the diversity of clothing.

Cedar chests from Old Salem to Kernersville and back again popped open for the celebration—some probably for the first time since the centennial.

There were ruffles, frills, maxi-skirts (at least today they would be called that), high button shoes, derbies, and countless other things so old that many of them are back in style.

For the most part, the participants in the festivities wore them pretty well.

Mayor Roger Swisher said he was comfortable with his beard, and doesn't plan to shave it off until the Wednesday after the celebration, 10 days away.

Some of those people who couldn't bring themselves to grow something purchased false beards or mustaches for the occasion.

Several people were wearing knickers they rented for the week from Old Salem. One boy wore a pair of knickers his mother had put together from a pair of regular pants.

(Cut off about the last 18 inches, hem them up, and insert a piece of elastic through the hem, or something like that, he said.)

"They say they're coming back," said one man who rented knickers from Old Salem. "They're okay for this. But if they show up on the golf course I'm going to give up golf."

There were several oddities. Miss Betty Ann Korner, who won the best-dressed-child award, was dressed in Revolutionary war clothing, but dressed as a boy.

So many men were wearing black beards, derbies and dark suits that after a while it became difficult to tell them apart.

The dress produced various opinions. W. O. Barrett told Rep. Wilmer Mizell that "some of those old gentlemen look pretty well."

"I wish we could turn the whole thing back 200 years," he said.

A 9-year-old boy munching barbecue looked at it differently. "In another 100 years they'll be having a tricentennial," he told his mother. "Do you think they'll be wearing clothes like us?"

VETERANS' REACTION TO CALLEY VERDICT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. RARICK. Mr. Speaker, letters and telegrams not only from my constituents but from all sections of the Nation continue flowing into my offices in large numbers. Without exception they are vehement in their disgust with and denunciation of the Calley verdict. The messages come from mothers, fathers, wives of servicemen, veterans, teachers, civics classes, public officials, laborers, and various other groups. I have even received mail and telephone calls from people who told me they had never before contacted a Congressman.

The consensus of the feeling of most veterans is that the verdict could result in complete demoralization of the Armed Forces and that if Calley is not exonerated, every bombardier in the Air Force and every naval gunner who ever bombarded populated areas should have to stand trial. Veterans have also expressed condemnation of persons of high positions in Washington, D.C. who have allowed the court martial and of the national news media for the "un-American" manner in which the activities of the case were presented to the public.

I insert in the Record a few of the messages typical of those received from veterans, an editorial from "The News" of Lynchburg, Va., and an article entitled "A Veteran's Opinion" from the Austin Statesman:

[Telegram]

Baton Rouge, La.,
March 30, 1971.

Congressman John R. Rarick,
Washington, D.C.:

The 2,800 members of Nicholson Post No. 38, the American Legion, urge you to contact the President and ask that he reverse the decision of the trial jury of Lt. William L. Calley as we feel that the decision could result in complete demoralization of those now in uniform.

Wade M. Lemoine,
Commander,
Nicholson Post No. 38.

[Protest]

Baton Rouge, La.,
March 31, 1971.

Hon. John R. Rarick,
U.S. Congressman,
Washington, D.C.

Dear Congressman Rarick: Please afford me this opportunity to utilize your services as my representative in Congress to protest the unbelievably wretched treatment of Lt. Wm. Calley, United States Army.

I lodge protest not only as an American citizen, but also as a Vietnam casualty and as a present member of the United States Army Reserve.

Two years past this month, I was medivaced from RVN after having served as an infantryman with the Fourth Division. Should I tomorrow receive a call to active duty, in light of Calley's crucifixion, I would have serious reservations about complying.

I hold in contempt not primarily the callousness of six jurors, but rather the un-American activities of the national news media as well as those persons of high position in Washington, D.C. who have allowed the court martial.

Enclosed is a letter sent this day to the President of the United States.

Thanking you in advance for standing up for the American soldier, I am

Respectfully yours,
Charles S. Koon.

[Protest]

Baton Rouge, La.,
March 31, 1971.

Richard M. Nixon,
President of the United States,
White House,
Washington, D.C.

Dear President Nixon: May I introduce myself: I am an American citizen. I am a veteran of Vietnam (Fourth Division, Nov. 68–Mar. 69). I am disabled from wounds received in Vietnam March 11, 1969 from hostile mortar fire.

I wish to use this means to protest the treatment of Lt. William Calley, United States Army.

I wish to call upon *you* to stand-up for the American soldier. *I* stood up against the NVA while you were behind safe doors in Washington. Is this not a reasonable request?

If Calley is to be punished for serving his country in the most demanding sense, then I hereby call upon you to prosecute me also, for I am indeed guilty of that same "crime".

Charles S. Koon.

March 31, 1971.

Hon. John R. Rarick,
Member of House of Representatives,
Washington, D.C.

Dear John: The trial of Lt. Calley is a disgrace to our country. As a former infantryman and infantry officer, I believe he is being made a scapegoat. You as our Congressman must do all in your power to stop this miscarriage of justice. John, as you know I am a veteran of both WW II and Korea conflict.

How can you as our representative ask us to be good Americans and send our sons to fight. I have always been proud of my Army record but after today I am ashamed to say I served in the same Army that court martialed this live officer for doing his duty by following orders.

John, do what you can to help this poor man.

Yours very truly,
Leon S. "Bubber" Geiswar.

P.S. I will make a motion at the next School Board Meeting to stop all Army Recruiting in our school until Lt. Calley is free.

Covington, La.,
March 31, 1971.

Hon. John R. Rarick,
Member of Congress, Longworth House Office Building, Washington, D.C.

Dear Congressman Rarick: The verdict of guilty for Lt. Calley came to me and the members of my family like a bombshell. This is a most stunning, numbing and unbelievable edict.

True, Lt. Calley no doubt had his faults in his conduct under fire. But where is the justice of it all?

The United States is fighting an illegal, undeclared war, but does anyone face trial for the murder of our own troops who were committed to death by an unauthorized action?

Sir, if Lt. Calley's verdict sticks, then every bombardier in the Air Force and every naval gunner who bombarded populated areas will have to stand trial. There would have to be civilian casualties during mass bombings and naval bombardments; all premeditated, as the air and naval strikes were pre-planned.

As an Army veteran, and as the father of a son in the Marine Corps, I vociferously denounce this injustice born of an illegal war and killing perpetuated through Presidential commitments of prior administrations.

I urge you, sir, to do all in your power to aid this young man. There must be a way!

My wife, Verna, joins me in sending our warmest regards to you, Weetsie and family.

Very truly yours,

JAMES O. JOHNSON.

[From the Lynchburg (Va.) News, Apr. 2, 1971]

THE DAMAGE DONE—

The view that the My Lai killings were unjustifiable and indefensible is itself unjustifiable and indefensible. Since when have normal codes of conduct applied to men fighting for their lives in the heat of battle?

In World War Two towns with civilian populations were levelled by artillery to remove the menace of German troops fighting from within the walls. And American pilots were decorated for devastating cities—including residential blocks, hospitals, schools, et cetera—with bombs. There were many, many instances when American troops did not bother to take prisoners, nor give the enemy—in Europe and the Pacific—an opportunity to surrender.

But the people generally approved that war. Massacres committed in a war the people approve, evidently, are viewed as justifiable. When committed in a war the people do not approve, they are abhorred, and someone has to pay.

In war, the individual is trained and ordered to kill. And the line between when to kill and whom to kill is mighty fine, indeed.

We, along with most Americans, are appalled by what happened at My Lai. But we can't escape the obligation that we have to the men committed to the battle in the name of all Americans. In that sense, the conviction of Lt. William Calley, Jr., applies to all of us. If we condemn him, we condemn ourselves—through our elected officials—for ordering him into battle, for putting a gun into his hand and giving him command of men similarly trained and armed, and placing him in situations where massacres are possible.

During the Tet offensive, the North Vietnamese massacred many thousands of human beings in Hue, but no hue and cry was raised in this country. Those massacres were viewed as inevitable in war. Nor have we as a people condemned the Communist for a relentless campaign of murder and terror in South Vietnam.

We have sent our men into battles which they have not been permitted to win, and forced them to fight under rules the enemy does not observe. Even while drafting and sending them to that war, we have condemned them and the war.

The verdict of the Calley trial was anticlimatic. It is important now only on an individual level, to the man convicted. The damage has been done. Morale and discipline in the American armed forces have suffered a serious set-back. Already troops are questioning the orders of their officers, and some officers are hesitant to issue orders even when necessary to protect their men because they fear reprisals and possible court-martial.

The following excerpts from a letter written by a Marine to his Congressman, document the effect this trial has had upon our men in the field:

"The reason I am writing to you is because of the way things are going since this Lt. Calley incident. The Marine Corps is afraid to fight because of it. It's gotten so bad that the hierarchy is afraid to allow us to fight back for fear of hurting an innocent civilian. For instance, last week we were catching sniper fire. We spoted the sniper and we radioed COC to get permission to shoot. Our request was denied. One of the men from the 106 platoon requested most. He was told that we couldn't get permission to shoot because the hierarchy was afraid of another My Lai incident.

"* * * Back in December, while I was on watch, myself and the people in my hole spotted some gooks about 200 meters outside our wire, after curfew. They had rifles but they weren't going to attack us. They were just checking out our area to more or less see how alert we were. Well, the officer of the day wouldn't allow us to shoot at them because they weren't inside our wire. Am I supposed to wait until I see the slant in their eyes?"

This is the legacy of My Lai. It has corroded the will of the individual soldier and officer in the field, and the corrosion will continue. Right now there is a serious question, indeed, whether Americans will consent to fight even in defense of their country. The public has taken the view, if the polls can be believed, that defeat is preferable to sacrifice, that there is no disgrace in a surrender thinly disguised as "withdrawal."

We have been beaten in Vietnam, not by the enemy, but by our lack of will to win. And only a fool would expect that we can resurrect that will even to survive. Mr. Nixon may have been ominously right in his recent statement that there will be no more wars—because we may refuse to fight them.

Why should men consent to sacrifice their lives in war when they can't trust the people, in whose place they fight, to support them?

[From the Austin (Tex.) Statesman, Mar. 31, 1971]

A VETERAN'S OPINION

OBITUARY—U.S. ARMY

The U.S. Army, mortally wounded at My Lai on March 16, 1968, died Monday at the age of more than 194 years at Ft. Benning, Ga.

Survivors include three brothers, the U.S. Air Force, the U.S. Navy and the U.S. Marine Corps. However, all may be suffering from the same affliction to which the Army succumbed.

The mother also survives, but she is left without visible means of support.

The Army was preceded in death by Discipline, Obedience, Pride, Honor, Sacrifice and Patriotism.

They have been succeeded by Anarchy, Civil Disobedience, Shame, Defeat, Selfishness and Apathy.

The death was announced by a general court martial of six men. Funeral rites apparently will be pending for a number of months while relatives are being returned from Vietnam for the final interment.

Pallbearers will include Senators ——, —— and ——.

Officiating at the funeral rites will be recent justices of the U.S. Supreme Court and the heads of state of the Soviet Union, North Vietnam and Red China.

All members of the funeral procession have not been determined, but honorary pallbearers will include moratorium marchers.

In lieu of flowers, mourners may send old campaign ribbons and victory medals from the Korean Conflict, the Berlin Airlift, World Wars I and II, the Spanish American War and other skirmishes which the nation attempted to win.

Burial will be in the Tomb of the Unknown Soldier.

NAT HENDERSON.

THE UNITED STATES NAVY—AND SOUTHEAST ASIA

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. HOSMER. Mr. Speaker, the Soviet Union is engaged in developing a naval and maritime program designed to make the USSR number one. In an era of "nuclear parity" between the United States and the Soviet Union, it is essential that we be assured of our ability to respond to limited conventional aggression in meeting our foreign commitments and in aiding our allies as implied in the Nixon doctrine.

The United States must, therefore, replace our aging ships with the most modern fleet, both convention and nuclear, that our technology can provide.

Adm. Arleigh Burke, writing in the editorial opinion page of the New York Times, March 2, 1971, discusses the unique role naval power can provide in contributing to peace and security as our ground troops are withdrawn from South Vietnam as well as in other parts of the world.

Admiral Burke served as Chief of Naval Operations from 1955 to 1961 and is currently chairman of the Center for Strategic and International Studies, Washington, D.C. Admiral Burke's statement follows:

THE UNITED STATES NAVY—AND SOUTHEAST ASIA

(By Admiral Arleigh Burke)

The United States is now withdrawing its ground forces from Vietnam—all critics to the contrary notwithstanding. But this withdrawal will not reduce the requirement for an American strategy offering some hope to the nations of Asia that the United States has an interest in their future.

This hope is implied strongly in the Nixon Doctrine, which, despite all its ambiguities, means in essence that the United States will meet its commitments and aid its allies and others wishing our support by supplying weapons and material for indigenous forces and also be assisting their ground troops with our air power, fire power, and logistics.

The only way this Doctrine can be fulfilled is through a strong maritime strategy. The strategy will require a hard-hitting modern naval force in readiness, not only in Vietnam, but in other parts of the world as well. The strategy will be effective only if it is implemented with the appropriate combat ready capabilities able to undertake the necessary operations promptly, as well as "show the flag" in all the oceans of the world.

The final control of an area in any post-Vietnam war will, as always, be determined by the foot soldiers, but in the future, given the changed political and military environment, the United States will expect the foot soldiers to be supplied by the indigenous powers. America cannot lend its support to such indigenous powers, let alone conduct any of its own military operations overseas, unless it has the naval power to maintain control of the seas in the area of conflict, as well as the sea lines of communication between the war threater and the United States. As the United States reduces its combat forces on the ground in Vietnam the South Vietnamese are doing a splendid job in developing a ground warfare capability. Yet even after they take full responsibility for all ground combat it is still possible that they may some day need quick fire power support and, if such is the case, it will be necessary for the United States Navy and Marine Corps to provide it. Beyond this, assuming the South Vietnamese hold their own and bring the war to an end, the United States must continue to have adequate Marine forces afloat to deter potential reemergence of the conflict in Vietnam or to assist the Vietnamese in dealing with aggression, should deterrence fail. These forces should be capable of intervening quickly and being withdrawn quickly once they have made their contribution to the restoration of peace and stability in the area—much like they were able to do so successfully in the Lebanon in 1958. This ability to engage decisively and disengage quickly is the inherent strength of a maritime strategy. It has been neglected or ignored by most post-World War II administrations in the United States, even those committed to a strategy of maximizing military flexibility.

While the United States has been historically considered a sea power and the Soviet Union a land power, it is the Soviets who recently have been making the greatest effort to bolster their sea power, as we can see in the Mediterranean, east of Suez, and now it would appear even in the Caribbean. Significantly, they have placed equal emphasis on building both nuclear and conventional naval capabilities.

The Soviets have already had success in reorienting political thinking in the Mediterranean. This is particularly noticeable in the changed policies of Turkey and Iran, who have adopted more neutral policies as they see signs provided by the ample presence of the Soviet Navy to the south of them that the Soviet Union will eventually dominate this area.

This changing attitude in such countries as Iran and Turkey may well be duplicated in other areas of the world, and particularly in the area east of Suez, including southeast Asia. If there is no U.S. military presence to give these indigenous nations confidence, inevitably they will feel the necessity of adjusting their policies to accommodate the only other major powers in the region, which in the near future will be the Soviet Union, and at some later date possibly communist China.

In conclusion, the United States has left only the option of a maritime strategy and its implementation. This will require a very large and modern navy capable of "showing the flag" and conducting the necessary supporting military operations in all areas of the world. The question is rapidly arising as to whether the U.S. Navy will long be capable of meeting this great responsibility. Its capability is now marginal due largely to the age and neglect of our surface fleets. The decision must be made now to develop rapidly the kind of modern navy needed to effectively implement a maritime policy and strategy. This will be as true for southeast Asia as it is for areas as close to our shores as the Caribbean.

If we do not pursue the only acceptable strategy open to us under the Nixon Doctrine, i.e., a peripheral maritime strategy, then the United States will be unable to adequately support our various treaty commitments around the world, and we will also be setting ourselves on a course destined to relegate us to the status of a second-rate power. Such a development will be neither in the interests of the United States nor world stability.

NATIONAL FARMERS ORGANIZATION

HON. BILL D. BURLISON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. BURLISON of Missouri. Mr. Speaker, a great deal of leadership for the nationwide National Farmers Organization has come from my State of Missouri. As you know, the president of many years past, Oren Lee Staley, is from Missouri. The organization's cotton division chief, Murray Wallace, is from my congressional district—Gideon, in New Madrid County and in the heart of the Missouri-Mississippi Delta Bootheel.

In the most recent edition of the NFO Reporter, that in March 1971, appears an article concerning the work of my constitutent. I wish to insert in the RECORD at this point, for perusal by my colleagues, excerpts from this article:

Cotton, blocked together in a phased program, has already delivered powerhouse results to NFO farmers, and promises to make secure one of collective bargaining's most impressive breakthroughs. Some NFO farmers have seen specialty cotton prices increase as much as $20 a bale in the wake of block bargaining, according to Murray Wallace, the organization's Cotton Division chief. Prices improved on all common varieties within days after NFO rolled out its three-phase program.

The NFO push came in the wake of a $10 per bale price drop, a development that put cotton well below the new loan level. Trade practices had long used the support price loan level as a floor, and bid for market cotton at prices above the loan. In August 1970 the running average stood at near 22 cents for mechanically harvested cotton, a figure that approximated the loan level.

Loan levels are complicated, running on an almost county by county basis, with numerous variations for type and production territory. The averages used by crop reporting services merely reflect an arithmetical figure, and not the spot situation that exists across the 13 cotton states.

In the wake of sinking prices last winter, NFO's cotton program pulled into gear. Starting in January, NFO regulars launched a cotton signup and made secure blocks of production on bill of sale. Three block phases characterized the program and insured its probable success.

The base bargaining block came first. Growers who put their production with the NFO bargaining program were asked to earmark 10% of their signup with the base bargaining block.

"Needless to say," commented Murray Wallace, "this 10% cut deep in the trade channel traffic. It simply wasn't available except through NFO's bargained supply contracts, and that in itself drove prices off the tired old floor."

To handle the workaday job of driving cotton prices off the floor, Wallace set up Cotton Bargaining Headquarters at Gideon, Missouri in the Show-Me State's bootheel cotton base. Staffers blocked out the 13 cotton states and ran through an endless inventory of contacts.

Out of the Gideon, Missouri headquarters for cotton, Charles Holiman set up the machinery for covering Missouri, Arkansas, Louisiana, Mississippi, Tennessee and Alabama.

With a 10% base bargaining block in tow, and more cotton in a 30% backup block for pre-harvest bargaining available to the NFO teams, the market responded.

"Several developments took place almost immediately," Wallace reported at press time.

1. Almost all of the 10% base bargaining block was in fact bargained under supply contracts. In California the price inched back above the support level floor and returned to farmers the $10 per 500 pound bale that sinking markets had taken away. Moving from California, Arizona, and Texas east into the rainbelt south, cotton prices climbed simply because NFO bargaining instruments had to be matched by the trade.

2. The 30% pre-harvest supply contracts fell into harness, and are still working. With harvest starting July 1, the upward price pressure has a while to run, and each week of that running accounts for stair-stepped upward price pressure.

3. Phase three will roll into motion at harvest. Under the NFO program, 30% of the cotton earmarked for the program after machines move through the fields this year will have its price level determined by farmers bargaining together and selling together.

"The program is working," Wallace pointed out, "because cotton farmers understand what the trade is doing when it tries to break up an NFO block. We'll keep advancing prices area by area. Right now, the trade is coming to NFO."

The big sweep through the cotton country started off with seven county zone meetings. By blocks of counties, growers elected bargaining teams for workaday assignments under the four regional supervisors. Touring the cotton country and meeting the mill owners and processors at the trade's front door resulted in hundreds of contracts.

"We've had tremendous signups," Wallace summarized. "As a broad observation, we can say we moved the cotton price up from $10 to $15 a bale across the board at spot markets since January 7."

SOUTH DAKOTAN PRAISED IN A JOURNALISTIC MASTERPIECE

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. ABOUREZK. Mr. Speaker, on March 10, my friend and colleague Senator GEORGE MCGOVERN inserted a biographical sketch of me in the RECORD and I was deeply honored. At this time I want to call the attention of this body to another excellent article by the same fine journalist, Mr. Bill Wagner, formerly of the Rapid City Guide.

This article is a profile of my friend and former law associate, ex-State Senator Frank B. Henderson of Hill City, S. Dak. The story tells how Frank, in a low-budget, one-man campaign took on and nearly defeated the incumbent Governor of our State in the 1970 Republican primary.

I especially commend this article to my friends on the other side of the aisle, because Frank Henderson is both a Republican and a man of the people:

HENDERSON TAKES ON GOP MACHINE

(By Bill Wagner)

Things are distinctly not what they used to be for Sen. Frank Henderson.

A few short weeks ago, nobody would have put a dime on his candidacy. Now the entrenched Republican regime is shaking in its collective boots out of fear that the lawyer-rancher from Hill City may very well pull off the biggest political upset in the history of the state.

The Republican machine politicians began to pull their hair when the South Dakota Poll showed the man, whose chances they had written off, with 44 per cent in the contest for the GOP nomination for governor.

For Henderson, it was a vindication of his belief that things are not what they should be in the Republican party, plus that in the final analysis it is the voice of the people that not only should be heard, but counted.

All this is nothing new for Henderson. Throughout his political career he has been a fly in the ointment of the well-oiled GOP machine, but in Pennington County and on the state level. But efforts to muzzle him have failed and now he stands within striking distance of the governor's mansion.

In an age of campaigning with the aid of advance men, media specialists and heavy advertising budgets, Henderson stands out as some kind of anachronism, a throwback to the past when a candidate for public office took his case to the people by personal appearances and speeches. Henderson's "organization," if you can call it that, is a friend here, a friend there and lots of void in between.

He tries to fill that void by taking his candidacy to the people, shaking as many hands as possible and speaking whenever he gets the chance. He is his own press man, his own advance man. On the campaign trail, he starts early and quits late. His main theme is "throw the rascal out," but he also offers a positive program of progress as he treks up and down the state. Henderson these days is buoyed up by the poll results and is almost rejuvenated by his prospects.

Henderson is many things to many people. He is recognized at once as articulate, a fighter; to some as a spoiler and an irritant. Now he is a candidate for governor and when no one else was really taking him seriously, the people did and Henderson is confident more people will between now and the June 2 primary.

A little while on the Henderson campaign trail tells much about the man, his feelings and how he hopes to shatter precedent by unseating the incumbent Republican governor. The evening before he left for a campaign swing scheduled for eastern South Dakota Henderson and a couple of the older of his seven children were stuffing one-page brochures in envelopes for statewide mailing. Wife Norma was away making her campaign debut speaking before the union auxiliary in Lead.

Clad in a pair of blue jeans in his modest ranch home a few miles south of Hill City, the Pennington County State Senator was discussing his aims and aspirations, fears and frustrations. His monologue is occasionally interrupted by one of his sons filling him in on the basketball scores, requests for more envelopes and the normal household banter. His well-behaved children field his questions with a quaint "Yes, sir . . . No, sir."

Henderson makes no secret of the fact that he's happy in Hill City. "Look at those stars," he says walking outside on a clear night. "Did you ever see anything like that. Listen to the creek running. I love it here," he says commenting that he won't have lost much if he fails in his election bid, leaving him free to go about his way in the pine covered hills of the Hill City area.

Henderson's day begins early: he's got 80 head of cattle and 23 horses to feed and care for on the few hundred acres he rents and leases around Hill City. Armed with a pitchfork, he tosses the 80-pound bales of hay onto his pickup as if they were matchsticks. He calls the cows for chow, throwing a bale here and bale there and then spreading the hay out. He enthusiastically describes the type of hay he's feeding the animals like a chef describing the day's prize entree. Every now and then he philosophizes about his cows: "Some of them are just like people. They're selfish. But I have to be sure they all get enough to eat."

Helping him with the chores are his two youngest sons, John and Eric. They tug away at the heavy bales a bit until dad comes along to pull them off. Then they scamper off the back of the truck to pick up the bales' twine bindings. Needless to say, they and the rest of the other Henderson five children are the apples of Frank's eye and one of the main reasons that he forsook a lucrative fulltime law practice in Rapid City to divide his time between his law work in Rapid City and Hill City, the Henderson Pine Rest Motel and the ranch.

After he's wound up feeding his stock, Henderson climbs into a size 54 suit and prepares for an outing into eastern South Dakota. He gets a report from wife Norma about her outing to Lead the night before. He stops in his office in Hill City looking for an elusive political questionnaire from the East River Guardian requesting his views for that publication's readers. After a hectic half hour he finds it and he's set for a three-day excursion to eastern points in the state. At the airport, an unbidden man walks up to him and gives him a $25 donation—larger than most, but typical of the way Henderson raises funds: people just give him money, unasked and unsolicited.

Along the way, he tells his story of his lifelong fight bucking the Republican organization. "The entrenched special interests have fought me ever since I've been in politics and now today 15 years later I'm running for governor and they're not sure they can beat me."

He mentions the banks as one of these special interests and remembers he was the only senator to speak against the "banker's bill"—the law which raised the usury limit in South Dakota to 10 per cent. After that speech in the legislature, one state senator, a banker, came up to him and remarked caustically, "Thanks a hell of a lot, Frank."

And since then they've been paying him back. He was scheduled to give the main address at the Jefferson, S.D., Chamber of Commerce banquet a while back when the "Sioux Falls banking interests" got wind of it. They did their utmost to cancel his appearance. As it happened the furor only intensified the interest of the Jefferson populace to hear Henderson, although he was forced to an unofficial part of the program. His speech came after the banquet had formally closed, although only four of the 125 there left before he spoke. After he was through speaking, a Henderson for Governor club was formed. "I was stirred by the attempt to eliminate freedom of speech I fought for in the Korean War . . . I talked for an hour and when I got through it was the first time in the history of that little town that they gave a standing ovation."

This is typical of the type of frustrations that confront Henderson as he tries to take his message to the people of South Dakota. He tells of a time not too long ago when the Young Republicans in Madison invited him to speak. When an announcement came out in the local paper that Frank was slated to speak, the county GOP chairman was up in arms. He told the YGOP chairman in no uncertain terms that he cleared all the Republican speakers who came to Lake County and that YGOP was just an auxiliary of the Republican party. The lady YGOP chairman said she'd have to suffer the consequences, and now fears her husband, a professor at Dakota State College, may lose his job over the episode. "I can only conclude they run a pretty tight ship in Lake County," observes Henderson.

Another bane of his candidacy, Henderson feels, is the state's largest newspaper, the Sioux Falls Argus Leader. "The first week I was in eastern South Dakota I turned in a release to the Argus Leader about opening up my headquarters in Sioux Falls and it wasn't used.

"Wednesday of that week they carried a 165 word release from Farrar on taxation and education, the thrust of which was, he, Frank Farrar, was going to do a great deal for education—fund the minimum foundation, but he didn't say how. He said he would wait and see how the initiated income tax measure fared and then he would decide on what kind of tax program he'd recommend and how education could move ahead.

"To me, it's inconceivable how the voters in this state could accept such mush. We've had two sessions of the legislature under Farrar and we've had no legislation at all, no plan for financially distressed school districts.

"How can he have the gall to assume he'll defeat me in the primary, the Democrat in the fall and then take a look see at the initiated income tax? What he's apparently assuming is that he need not tell what he intends to do about the two most critical obligations facing the state."

Here Henderson mentions he was up until 3:30 a.m. the morning after the Farrar release was published working on a reply. He turned it into the Argus Leader at 9:30 a.m. Henderson says he was told it was too late, and the next day he was informed it was too old.

"That same day," Henderson recalls, "the Sioux Falls Argus Leader had a picture of Farrar with a man winning a safety award. I had given them a picture of me and Jim Arness shaking hands at the Rapid City airport. Matt Dillon coming to the Black Hills apparently was not news.

"The news media is trying to portray Farrar as some sort of a superman. I went to school with Farrar and was a better student and a better ballplayer and will be a better governor. He has no feel for the people.

"From what I can understand, Farrar is trying to portray himself as quite a collegiate basketball player. The truth of the matter is he never made the squad. He's a tinsel governor," Henderson goes on, "he's not a meat and potatoes governor. He manages the news and through a barrage of publicity and public relations gimmicks foists himself on the public as some sort of brilliant young leader. Nothing," asserts Henderson, "could be further from the truth. The legislature knows it and the people in Pierre know it."

Henderson sees his battle for the governorship as one which will determine the fate of the Republican party in South Dakota: "It's a matter of what to do with the Republican party. I'm trying to interject and give it some democracy, to make it the party of the people instead of the special interests." So far, he adds, it's been largely a one man war. He has scores of stories of how the Republican party in Pennington County has played into the hands of these special interests and frustrated the party's ideals. He is especially critical of the influence Rep. E. Y. Berry and his secretary have held over the Pennington County Republican party over the years.

"It's been Frank Henderson's one man war against the tight ship. The state motto is 'Under God the People Rule'—that's the last thing they want is for the people to rule.

"The resistance to me is chiefly because of one thing: they can't control me. I do not want to destroy the Republican party. I want to breath some life into it, I want to make it democratic so the people have a voice in the party in the state. The people don't rule in Pierre, a small band of special interest groups do."

Here he cites the 10 per cent usury bill, what he dubs the "loan shark bill" passed by the 1969 session of the legislature which permits small loan rates up to 36 per cent, the pollution bill passed by the last session of the legislature, which Henderson says "legalized" through the grandfather clause industries already polluting and the defeat year after year of a bill to create a state Department of Labor. "They don't want to recognize labor in South Dakota, yet they want industry but you can't have industry without labor.

"Look at the resistance to my $1 an hour minimum wage bill. When I first put it up, I was told it would get okayed if I voted for the governor's consumer council bill. I couldn't go along with that. After it was passed Gov. Farrar sat on it as long as he could and then signed it. He then sent me a note saying 'Frank, you owe me one.' Today the dollar an hour bill is shot full of holes with gimmicks like provisions to deduct so much for room and board. I just learned of a girl in Custer who went to work there for 75 cents an hour. I was told the people were afraid and needed the jobs. And then they wonder why the young people leave South Dakota . . . they leave because they can't get a decent wage in South Dakota."

After his plane touches down in Aberdeen, he's telling an audience there that an "election isn't much of an election unless there's a selection . . . where there's only one candidate that sounds a lot like Russia. The old guard says I'm being devisive, but the primary is the time to clean house. I'm disturbed about democracy within our party."

He touches on other themes: "Farrar was seen as a ray of hope but he didn't take the bull by the horns . . . Frogging and jogging doesn't take care of the problems . . . You can't say the party is one individual . . . People are willing to feed their children and are willing to support education," he says as he announces his support of 40 per cent state aid to education.

Henderson's crowds usually sit there spellbound. He starts off in a low key telling ,them about his boyhood background in Miller where he grew up in the back of a "saloon dash cafe." He then picked up the tempo a bit as he goes into his qualifications for governor: "The United States entrusted me with a commission during the Korean war. Judge Axel Beck and the late Judge George Mickelson appointed me to the United States judiciary system as United States Commissioner and the people of Pennington County have twice elected me state senator."

Then he reaches a crescendo as he denounces the special interests which he claims control the state government. He tells his audience with the fervor and finesse of an old time evangelist "Our state motto is 'Under God, the People Rule.' I want to breath life into that beautiful expression. Our state government at Pierre is dominated by the special interests. I want to return state government to the people. It is the ordinary family struggling for existence in South Dakota that concerns me. Laws and government should be structed to protect the weak. The strong can take care of themselves."

Then the words start pouring out in a sort of measured ferocity and defiance as he denounces these special interests and charts his "blueprint for progress." The audience is with him now as he launches into a full scale attack in his oratorical style that seems like a page from the past: broad sweeping gestures, a rich resonant voice that at once is seemingly shouting and then lowers down to a whisper. On his face the expressions range from a grimace, then a smile, a frown, a look of anger, an appearance of perplexity but always the look of a man in control of the situation. To stress a point he raises an arm and then moves his bulk a few steps back and forth. The words lend themselves to his somewhat bombastic delivery: "I'm here to tell you that under God the people do not rule in this state . . . It sounds a little disloyal doesn't it, but I'd rather lose with plain talk than loose with double talk . . . The people of South Dakota are controlled by a small band of special interests . . . Sometimes I feel like John the Baptist crying in the wildneress . . . Do I have anything good to say about Frank Farrar," he asks rhetorically, "well I won't answer that . . . The state's problems can't be solved in Rome or Israel."

Then he throws the meeting open for questions, which vary depending on the type of audience he's speaking to. Henderson doesn't pause long to think over his response, instead he fires back a forthright reply.

After he speaks, he usually meets with his key supporters in the area and more often than not sparks the formation of a Henderson for Governor Club. He sounds out the people of the town on what they think are key issues and how they estimate Farrar's standing. His big plea these days is to Farrar dissidents, especially teachers and farmers. These meetings usually run late into the night, but Henderson doesn't show the least bit of fatigue.

He's up first thing in the morning writing press releases about his speech the night before. He patiently calls them in to the wire services, newspapers and radio stations. Then he's soon out amongst the voters. He walks his giant frame down the street pausing to give voters his one page brochure. His conversation with the voters goes something like this: "I'm Frank Henderson, senator from Pennington County. I'm running for governor against Frank Farrar. I want you to look at this and give me your consideration." Sometimes he elaborates a little more depending on whether his listener is in a hurry or interested: "It's time to throw little Frankie out and put big Frankie in." Or else he'll ask about "this fellow Farrar" and how he fares in that territory.

In Aberdeen last week, he had a stroke of good fortune: he was invited to appear on a popular radio talk show for 45 minutes. Again he handled the questions with skill and ease without avoiding the issues. He left Aberdeen feeling chipper and confident: he had gotten an organization formed and he had all that air time on the radio.

His next speaking stop was in the little town of Colman, just a few miles north of Sioux Falls. He was told there was a man in the audience who had placed an ad in the Brookings paper urging the formation of a Farrar for governor organization to save the governorship for the "East River." Henderson spent a great deal of time pointing out that South Dakota is one state, and that the twain, to paraphrase Kipling, can meet. He also denounced a reported Washington cut in funds for the Rural Electric Administration. He tells his audiences in eastern South Dakota that while Farrar suffers from a poor image, he has no image.

Then again it's late to bed and early to rise. He was up early calling the media telling them what he'd done the day before. Most of the radio stations were more interested in his views about student unrest, much in the news last Saturday. He said something to the effect that while he believed in "peaceful dissent," which he pronounces "dye-sent," he was opposed to giving the students in the state a day off to meditate on the woes of the world.

He spent the rest of Saturday walking up and down the main street of Dell Rapids. He approaches a passing pedestrian with his long arm outstretched and the fingers of his ham of a hand spread apart as he reaches out to shake a hand. He tells them who he is and what he's running for. Dropping into stores he comments, "I suppose you've been hit pretty hard by politicans here, but I can claim to have come the farthest. I come from Hill City out in the Black Hills and I'm running for governor."

He talks to them as long as they are interested. While most of these people he talks to are noncommittal, many mention what they feel to be an undue amount of showboating on the governor's part.

Although he was nearly a straight "A" student in high school, he attended the University of South Dakota on an athletic scholarship. In high school at Miller, he was recognized as one of the foremost prep athletes in the state. One newspaper dubbed him the "young giant from Miller."

He was offered a full scholarship from Dakota Wesleyan University but turned it down because he wanted to study law, a profession where he felt he could help people the most. Helping people has long been one of Henderson's chief concerns, a notion he picked up from his father.

"I would have to say my father was the greatest influence on me," says Frank. His father had been a railroad engineer until he was waylaid with asthma. After that he operated a hotel and cafe in Miller and a small farm near St. Lawrence. "He was a very forthright and outspoken individual—like me he irritated some and shocked them with bluntness. I can't help but feel some of it rubbed off on me because I idolize him. He was the most generous man I think I ever knew. Back in the days of bums and hoboes on the rails I never saw him turn away a hungry man."

Those were hard but happy days. It was in his years as a tyke that Henderson picked up the nickname, "Rudy." "They called me Rudolph Valentino because they thought I was such a handsome child, but the bigger I grew the more they realized what a mistake that was and after I lost the cute stage they shortened it down to Rudy.

"I'll never forget the time out at the St. Lawrence farm my Dad looked out on a row of corn and he told me it was the most beautiful crop of corn he'd ever seen. Then came four days in July of a hot dry wind that destroyed the crop. I was with him out in the corn field watching the corn wilt before his eyes. He looked down at me and said 'Rudy, I'm dying just like that corn crop.' I look back on it and I think what he meant was his spirit and dreams of saving the farm were dying . . . I don't think a day goes by that I don't say a prayer for the soul of my father. We used to go through western South Dakota and see deserted farmhouses and he would say 'Rudy, somebody had a dream.'

"I always think of that when I see deserted farmhouses. It is no different now. The people are migrating off the farms and it's something I hate to see. It was the family farm that gave South Dakota its strength and character. I have a very sympathetic attitude for the people of South Dakota who are trying to save their way of life. I think of that wilting corn crop and of my father's statement 'Rudy, somebody had a dream' as I campaign for governor. I sense in this campaign that I will get the vote of the rural people. It was these kind of feelings toward the rural people the governor's bill (the gas-utility regulation bill) that would have hurt rural life."

Here he pauses his narrative as he's driving from Aberdeen to Colman to comment "I like this country. The rolling hills and pastures make me feel at home." A bit later he pulls over to the side of the road to admire some cattle. "Do you know what they are," he asks. "They're Holsteins and they're heifers."

Henderson has always had an urge to excel, whether as a child prodigy at checkers, in sports and scholastic endeavors both in school and college and as an officer in the Army during the Korean War. Although he was a platoon leader, he spent most of his time serving as liaison officer and adviser to the regimental commander. One time when several young officers had been wiped out during some particularly heavy fighting, one of the colonel's aides suggested he send Henderson in to fill the gap. "I can't spare Henderson for dog meat," was the colonel's reply. Frank did see his share of the action but refuses to discuss it at all other than to say "I'm not a textbook fighter of communism."

After his honorable discharge from the army following 14 months in Korea and a near fatal bout with malaria, he hung out his shingle as a lawyer in Rapid City. He was drawn to the law because "essentially I wanted to help people and essentially that's what I want to do as governor." He was also influenced by former U.S. Senator and Governor Harlan Bushfield, a resident of Miller. "There were some great lawyers in the little town of Miller. Bushfield was a distinguished looking man—his carriage, his whole countenance bore respectability. I also noticed when I read history and government that a great number of people who led and helped this democracy usually had a legal education.

"The basic reason lawyers exist is to help people protect their rights. It isn't to make money. Oliver Wendell Holmes said once that lawyers are not mere grubbers in the muck heap of the world. A lawyer owes a responsibility to be in public life to serve his state and nation more than any responsibility to make money. If I'm neglecting my law practice to serve in public life, if that's a sin, I'm guilty."

Although Henderson has been called a maverick within the Republican party, he feels he shares the heritage of the party than most. "I think one of the things that attracted me to the party was its founder, Abraham Lincoln. He was a man with great compassion for people. He was the first civil rights president and also made remarks about the workman being entitled to his just wages. Lincoln is on Mount Rushmore, so is Theodore Roosevelt the trust buster and conservationist whose credo was the common man. They were the two greatest Republican presidents. Whose the true proponent of the Republican party—the old clique or Frank Henderson?"

During his formative years he was influenced by South Dakota's progressive Republican Sen. Peter Norbeck and Sens. LaFollette and Norris. "They were my kind of Republicans. They were just like Roosevelt and Lincoln. I don't want the Republican party to be just simply against programs. Where the Democrats lose me is with their tax, spend, elect philosophy. I think the Republican party has been the party of fiscal responsibility. One of my hangups with the Democratic party is that I don't believe in a strong federal government."

Henderson has come a long way from the days of a struggling young lawyer who had to borrow law books and do his own typing. His pride and joy is his family. That's one of the reasons he moved to Hill City in the first place. "Being on the ranch gives me a chance to work with my boys. I'm raising those boys to be men, not pets. The boys don't want to leave the ranch to go to Pierre but I told them if I got to be governor I'd find a horse pasture and have the family horses there and they were relieved. The girls have heard there's an automatic dishwasher in the governor's mansion and they seemed more interested in that than Daddy getting to be governor."

All told there are seven young Hendersons—Stacey, nine months, John, 4; Kimberly, 11; Frank, 12; Eric, 6; Andrea, 8; and Pat, 10. "They all seem to take a great interest in the ranch and the animals and seem to enjoy it. They like to feed the baby calves and I think the children are enriched greatly by living on a place where there are animals . . . They like to fish in the creeks and go for hikes; even little Johnny and Eric will take a canteen and a sack of sandwiches and hike up into the hills. Life out there puts something into the kids that money can't buy."

A convert to Catholicism six months before he married Norma in 1956, Henderson particularly likes the church life in Hill City "because it's a small church and the religion is very personal. Another thing is that the kids get to serve mass more often." Henderson's mother, Hilda of Rapid City, still spry at 80 and an immigrant from Norway as a young girl, is also a convert to Catholicism.

Henderson isn't particularly concerned about what people think about him. Instead, he says, "I want to be a man of principal, not popularity—that blows with the winds. I want to be respected by the legislature. I don't think I have always been liked by the legislature, but I've had their respect."

At the moment Henderson is extremely confident. He predicts to one and all that the next statewide poll will show him even higher, and, come election day, he will be on top.

He and many others are wondering just how Gov. Frank Farrar is responding to his candidacy. So far the governor hasn't seen fit to take official notice of it, although it is well known that he called in key legislative leaders on how to parry the Henderson sally. Farrar is also consulting with the party faithful down to the precinct level.

The best guess at the moment is that the governor will continue to ignore the Henderson threat officially if at all possible. The best bet political observers see in the offing is a sniping campaign to be launched by Farrar's friends. It is expected to take the form of lavish praise of Farrar and various sorts of attacks on Henderson.

Henderson, of course, is waiting for the attack, whatever form it might take. And when it comes it won't be the first time the one man campaigner will have to fight off assaults of all types. It won't be the first time he's had to fight against the odds, and what he no doubt feels is a stacked deck, and although he wistfully speaks of eventual retirement from the political arena, chances are it won't be the last.

PREDATOR CONTROL PROGRAM ECOLOGICALLY DESTRUCTIVE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. WALDIE. Mr. Speaker, it has been the policy of the Division of Wildlife Services of the Interior Department's Bureau of Sport Fisheries and Wildlife to engage in predatory animal control for almost half a century. Two million dollars will be spent this year on this program. It is my contention that there is no ecological justification for such a program and great evidence that predator control is environmentally cancerous. The poisoning of predators that is now performed under this program has shown to be shortsighted and ecologically destructive.

Important natural mechanisms have been upset by these poisoning programs, and the result has often been environmental disaster. For when the predators are gone, rodent populations explode, tripping a new onslaught of poisons. Millions of dollars may be spent merely to correct former damage by means of more destruction. It is time to declare a ceasefire in this national war against natural species of predators, for the warfare could soon approach holocaust proportions. When Dr. A. Starker Leopold headed a special advisory board to former Secretary of the Interior Stewart Udall, he concluded:

> Control tends to become an end in itself and, following Parkinson's law, the machinery for its accomplishment can easily proliferate beyond real need.

I can see no legitimate justification for the continuation of these mass poisonings. The bureau has conducted no studies to assess the results of their poisonings which often involve setting out huge amounts of meat chunks injected with a particularly vicious poison known as component 1080. This poison degrades quite slowly resulting in inadvertent poisonings almost whenever it is used. The deadly poisoned meat is simply dumped in great quantity into the ecological network—a recent seven-State study indicated that approximately 2,318,000 pounds of 1080—treated baits were used from 1964 through 1969—where it passes along long after its intended function has been fulfilled.

California condors, which conservationists are now trying to save from extinction, have died from eating ground squirrels poisoned by 1080. Massive poisonings of prairie dogs with 1080 have driven the black-footed ferret, which preys on prairie dogs, nearly to extinction.

I have just introduced legislation aimed to relieve wildlife services of its poisoning function. Extension mammal control agents in each regional office of the Bureau of Sport Fisheries would counsel farmers and ranchers on alternative methods of predator control.

I urge my colleagues to recognize the seriousness of this chemical tampering with the ecological balance of America and give careful consideration to this measure.

THE NATIONAL DEMOCRATIC PARTY AND THE STATUS OF WOMEN

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mrs. ABZUG. Mr. Speaker, a group of Democratic women, informally organized, share common concerns about the endemic underrepresentation of women in party councils and their continued relegation to positions traditionally regarded as proper for women in politics; that is, secretaries, hostesses, petition carriers. These women, working with Mr. Ken Bode, have prepared and presented a resolution to the Democratic Policy Council and have suggested explicit rules changes to the Commission on Rules of the Democratic National Committee, which is chaired by the Honorable James O'Hara of Michigan. At its next meeting, the O'Hara Commission will give final consideration to reforms of the National Convention and the National Committee. To date, as the statistics at the end of the document developed by the Center for Political Reform vividly attest, the party reform movement in the Democratic Party has meant little or nothing for the status of women. I submit for the Record, the Policy Council resolution on the status of women in the party:

Resolution

On March 24, 1971, the Policy Council of the National Democratic Party unanimously passed a resolution on the status of women in the Party. That resolution stated:

"Women have been underrepresented consistently in the affairs of the Democratic Party. Their representation as party officers and on party committees is seldom commensurate with their numbers in the population.

Moreover, once included in party affairs, women are relegated to secondary positions and denied meaningful decision-making power."

As women and members of the Democratic Party, we have all experienced the problems expressed in the Council resolution. We have all experienced white, male dominance—both in numbers and in power—at every level of National and State Party organizations.

The information on the last pages of this document is vivid evidence that the largest task remaining for the Party reform movement is the effective involvement of women.

We wish to draw the attention of the members of the O'Hara Commission to their important role in the solution to this problem. In its consideration and recommendation of new rules for the Democratic National Committee and the National Convention, the Commission has the opportunity to exert a profound influence on female participation in the Party.

The Policy Council resolution urged the Commission to "mandate absolutely equal representation at all levels" of the Democratic National Committee and the 1972 National Convention. We concur with this resolution. We further urge the O'Hara Commission to give serious consideration to the following rules and recommendations. We submit them with the belief that their adoption would constitute a significant step toward equal representation for women in the affairs of the Democratic Party.

Gloria Steinem, Arvonne Fraser, Hon. Bella Abzug, Hon. June Franklin, Hon. Particia Derian, Ronnie Eldridge, Sarah Kovner, Hon. Midge Miller, Phyllis Segal, Anne Wexler, Patti Knox, Hon. Liv Bjorlie.

POLICY COUNCIL RESOLUTION ON THE STATUS OF WOMEN IN THE PARTY

Women have been underrepresented consistently in the affairs of the Democratic Party. Their representation as party officers and on party committees is seldom commensurate with their numbers in the population. Moreover, once included in party affairs, women are relegated to secondary positions and denied meaningful decision-making power.

This underrepresentation of so substantial a portion of the Democratic Party must be corrected. We believe this is a particularly appropriate time for the Policy Council to speak on this internal party matter:

1. The O'Hara Commission will consider new rules for the Democratic National Committee and rules for the 1972 National Convention at its next meeting. Their decisions could have an important effect on the future role of women in the party.

2. The party reform movement has thus far meant little to women in the party. The status of women received official consideration only by the McGovern Commission, which stopped short of mandating the necessary quotas. The Commission's Guidelines require only "reasonable representation", which will probably be interpreted to mean less than the necessary 50% in some states.

Many state reform commissions are presently reviewing the rules and practices of their state parties. We cannot assume that their reform efforts will include the necessary attention to the problems and rights of Democratic women. The reform commissions have often neglected the issue of equal female participation and have sometimes written sex discrimination into party rules.

It is time for conclusive, forthright action. In the same way that initial female involvement in party affairs was not accomplished until their representation was made mandatory, similarly, positions of influence and power will be kept in the realm of male dominance until explicit provisions are made for equal representation of women on all committees and in all positions of influence in the party.

The Policy Council therefore:

1. Requests that the Chairman contact all State Chairmen and Chairmen of State Reform Commissions to urge them to pay special attention to eliminating rules or practices which place women in traditional roles and which functionally deprive them of equal status with men in the party.

2. Urges the O'Hara Commission, in its consideration of rules revisions for the National Committee and the National Convention, to mandate absolutely equal representation at all levels in each body and to pay special attention to providing positions of equal status to women and men at the 1972 Convention. These should include positions of influence, such as Co-Chairmanships of Convention Committees with equal power, and positions of visability, such as keynote speaker or Convention Chairman.

RULES AND RECOMMENDATIONS

Women and the Democratic National Committee

1. *Officers of the DNC:*

The present rule provides that: "The Officers of the National Committee shall be a Chairman, a Vice Chairman who is a woman and five other Vice Chairmen including the Chairman of the Minorities Division, the Chairman of the Nationalities Division, a Democratic Governor, a Democratic United States Senator, and a Democratic United States Representative, as well as a Secretary and Treasurer and such other officers as may be designated from time to time by the National Committee." (Article IX, Section 1)

Recommended Rule Change:

"The officers of the National Committee shall be a Chairman *and a Vice Chairman of different sexes* and *six Directors*, including the *Director* of the Minorities Division, the *Director* of the Nationalities Division, the *Director of the Women's Division*, a Democratic Governor, a Democratic United States Senator, and a Democratic United States Representative, as well as a Secretary and Treasurer and such other officers as may be designated from time to time by the National Committee. *The Director of the Women's division shall be a person other than the Chairman or Vice Chairman of the National Committee.*

Note: It is recommended that a Women's Division be established as a permanent division of the National Committee. This Division should be charged with the responsibility of studying the special problems of Democratic women and of developing new means of increasing female involvement at all levels of Party activity. To this end, the Division should be given a broad range of initiative and authority.

2. *Vacancy in the Chairmanship:*

The present rule provides that: "In the event of any vacancy existing in the Office of Chairman, the member of the Executive Committee with seniority of service on the National Committee shall call a meeting of the National Committee promptly but in any event within sixty (60) days for the purpose of the election of a Chairman or if so desired by the National Committee, for the appointment of an Acting Chairman pending further consideration of filling any such vacancy." (Article IX, Section 5)

Recommended Rule Change:

"In the event of any vacancy existing in the office of the Chairman, the *Vice Chairman* shall call a meeting of the National Committee promptly but in any event within sixty (60) days for the purpose of the election of a Chairman. *Until such time as a permanent Chairman is elected, the Vice Chairman shall serve as acting Chairman of the National Committee.*

3. *Appointment of National Committee Personnel:*

The present rule provides that: "The Chairman shall be the chief executive officer of the National Committee and shall have full authority to exercise the executive power of the Committee. He may appoint and dismiss any and all personnel of the staff of the National Committee, including all deputies, assistants, counsel, and staff members." (Article IX Section 6(a)).

Recommendation:

Since the Chairman of the National Committee is given the power to appoint and dismiss all Committee personnel, he or she has the final responsibility for equitable female representation at all levels of the DNC staff. It is therefore recommended that the Chairman be directed to evaluate the status of women on the staff of the National Committee, giving special attention to the number of women occupying professional positions. The Chairman should correct any underrepresentation of women that is discovered and should insure that considerations of sex do not play any part in the delegation of responsibility and authority among professional staff members.

Note: The Chairman of the National Committee also has responsibility for the appointment of members of various Party Commissions and Committees. In making these appointments, he or she should be guided by the principle of equal representation for both sexes on all official Party bodies.

Women and the national convention

A woman was first selected as a delegate to the Democratic National Convention in 1900. Since that time, little progress has been made toward effective involvement of women in the Convention process. They are traditionally underrepresented on state delegations and are seldom appointed as Convention officers or Committee chairmen. (In the case of several important offices and chairmanships, a woman has never been asked to serve.) As means toward a more equal role for women at the Democratic National Convention, we offer the following recommendations:

1. Convention Chairman (Temporary and Permanent): The Temporary Chairman and the permanent Chairman of the National Convention should be of different sexes.

2. Convention Committees: States that elect a single Committee member to each of the four Standing Committees should be required to elect two women and two men as Committee representatives. States that elect two or more Committee members to each of the four Standing Committees should be required to elect an equal (or as equal as possible) number of men and women to each Committee delegation.

3. Committee Chairmanships: Convention Committees should no longer have a single Chairman. Two Co-Chairman, of different sexes, should be selected for each Standing Committee. The Co-Chairmen should share equally in the authority and responsibilities of the Chairmanship and should preside over alternate sessions of the Committee.

WOMEN AND THE DEMOCRATIC PARTY

National conventions

1832—First Democratic National Convention was held.

1900—First woman delegate was selected to the Democratic National Convention.

1916—First woman was selected to serve on a Convention Committee (Credentials Committee).

1924—First woman served as Chairman of a major Committee (Credentials Committee).

1944—First time the National Convention had women as officers (Permanent Assistant Chairman and Permanent Secretary).

Convention Chairman: A woman has never served as Temporary or Permanent Chairman of the Democratic National Convention.

Convention Committee Chairman: Since 1924, when the first woman was chosen Chairman of a major Convention Committee, there have been only four women chosen as committee chairmen. (See chart on following page.)

Commissions established by the 1968 Democratic National Convention

Commission on Party Structure and Delegate Selection: Three members of the twenty-eight member Commission are women.

Commission on Rules: Five members of the twenty-six member Commission are women.

Commissions and committees established by the Democratic National Committee

Equal Rights Commission (1969): Three members of the nine member Commission are women.

Commission on Youth Participation (1969): Six members of the twenty-three member Commission are women.

Democratic Policy Council (Current):

Members-at-large: Six members of the forty-eight member Council are women.

Executive Committee: Three members of the twenty member Committee are women.

Committees: Of the six Committees of the Policy Council, only one has a woman Co-Chairman.

Site Committee (for the 1972 National Convention): Five members of the ten member Committee are women.

WOMEN AND THE DEMOCRATIC NATIONAL CONVENTION

	1924	1928	1932	1936	1940	1944	1948	1952	1956	1960-68
National convention committees:										
Permanent organization	7	6	3	9	0	5	1	3	4	(1)
Credentials	12	3	2	3	8	5	4	4	3	(1)
Rules and order of business	1	3	2	4	0	6	5	2	3	(1)
Platform and resolutions	0	0	1	1	1	[2] 42	47	51	52	(1)

[1] Equal representation of men and women on all major committees of the Democratic National Convention was voted by the Democratic National Committee in September 1959 and has been applied to all convention committees since 1960.

[2] In 1940 a resolution was passed requiring that 2 members of the committee on platform and resolutions be selected from all States, and 1 of the 2 members must be a woman. This provision went into effect in 1944 and remained in effect until the Democratic National Committee Resolution of 1959, which required 1 man and 1 woman to be selected from each State delegation to serve on the 4 major convention committees.

Chairman of National Convention Committees

1924—A woman was chosen Chairman of the Credentials Committee.

1948—A woman was chosen Chairman of the Credentials Committee.

1960—A woman was chosen Chairman of the Committee on Permanent Organization.

1964—A woman was chosen Chairman of the Committee on Permanent Organization.

1968—A woman was chosen Chairman of the Committee on Permanent Organization.

Women and State politics

State Legislators

Only *163 of 4,445* Democratic State Legislators are women.

State party chairmen

Of the *55* State, District, and territorial Democratic Parties, only *one* (the Democratic Party) is chaired by a woman.

State Delegations to the 1968 Democratic Natinonal Convention

Only 13% of the delegates to the Convention were women represented commensurate to their presence in the population.

Only one (Oregon) of the 55 delegations to the Democratic National Convention was chaired by a woman.

Four state delegations included only one woman—the National Committeewoman, who, by Convention rule, was an automatic delegate.

By party rule, one woman from each state was to be appointed to each of the four standing committees of the Convention. Ten state delegations did not have the four women required to fill these positions.

Forms of Discrimination by State Parties

Even when state law or party rules imply equal representation for women, they are often relegated to subordinate positions in the party organization.

Example: Missouri state law requires the Chairman and Chairwoman of both the County and State Central Committees to be of opposite sexes. New party rules proposed by the Missouri Democratic *Reform* Commission imply that the secondary position should always be filled by a woman. The rules define the duties of both the County and State Vice-Chairman as primarily involved with supervision of the organizations of Democratic Women Voters.

Example: Colorado state law provides that the Chairman and Vice-Chairman of the State Committee "may be" of opposite sexes, and Party Rules require this. However, the Rules consistently refer to the Chairman with the pronoun "he" and the Vice-Chairman with the pronoun "she". (The Vice-Chairman is charged with the coordination of the county Vice-Chairwomen and precinct committeewomen.)

Example: Arkansas Democratic Party Rules provide for a Chair*man* and a Vice-Chair*woman* for county and state committees.

CHEYENNE FAMED HOSTELRY IS THE HITCHING POST

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. RONCALIO. Mr. Speaker, Wyoming prides itself on her increasing reputation as a vacation haven. With two national parks, two national recreation areas and seven national forests, Wyoming boasts one of the fastest growing tourist industries in the Nation.

I am pleased to call to the attention of my colleagues the recognition recently accorded to one of Wyoming's outstanding hosts, the Hitching Post of Cheyenne, owned and operated by the Harry Smith family.

In the March issue of the Motel-Motor Inn Journal, the Smith family is featured in an article by assistant Journal editor Ray Sawyer.

The extensive article covers the meager beginnings of the Hitching Post in the mid-1940's and its continuing progress as a favorite visiting place for Wyoming tourists.

All Wyomingites share a pride in the modern and complete services available to visitors, and I am proud to have been a friend for many years to this talented and dedicated family. I am especially pleased to see that the quarter century of experience which Harry and Mildred Smith described has been treated to national coverage, and I recommend the article as an outstanding example of the hospitality and service associated with Wyoming and the West.

URBAN EDUCATION AND OUR DUAL SOCIETY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. BADILLO. Mr. Speaker, the distinguished senior Senator from Connecticut, ABRAHAM RIBICOFF, created quite a stir last year when he came out in support of the so-called Stennis amendment, urging this Nation, its leaders and its citizens to acknowledge that segregation, de facto as well as de jure, is wrong in the North as well as in the South.

Although the Stennis amendment died in the 91st Congress amid warnings that its overall effect would be to slow the elimination of de jure school segregation in the South while not affecting de facto segregation in the North, the logic of Senator RIBICOFF's argument was widely recognized and he continued his efforts.

In a noteworthy speech before the Senate last November 30, Senator RIBICOFF warned:

> We have made no noticeable progress toward dealing with this problem. Distrust, hostility, and bitterness are increasing among minority-group citizens of this country, especially in the major population centers, North and South, where whites continue to flee the inner city. Unless we take action soon to correct this volatile situation, the breach between the races will pass the point of no return.

In my view, Senator RIBICOFF's assessment is 100 percent correct and our colleagues would do well to heed his warning and take action now. To give added impetus to the effort he initiated, and to further dramatize the need for action by this Congress, I am today introducing in the House of Representatives two bills authored by Senator RIBICOFF—one cosponsored in the Senate by Senator BROOKE of Massachusetts and Senator CRANSTON of California, and another cosponsored by Senator MONDALE of Minnesota.

These bills—the Government Facilities

Location Act of 1971 and the Urban Education Improvement Act of 1971—represent a comprehensive and effective approach to the problems created by the economic and racial separation that poses so serious a threat to our society today.

The Urban Education Improvement Act requires State and local educational agencies in metropolitan areas throughout the Nation to develop and implement plans to reduce and eliminate minority-group isolation in the public schools, no matter what the causes of that isolation may be. The bill authorizes Federal assistance in the development of those plans, but school districts not complying would be deprived of all Federal education funds and States that funded such districts would lose Federal funds for statewide programs.

At the heart of this bill is a requirement that the State and local school district plans include a provision that within 10 years every school in a metropolitan area will have a percentage of minority-group students equal to at least one-half the percentage of minority-group students in the metropolitan area as a whole.

This bill recognizes that realities both of the racial isolation that has emerged in our communities and the inability of State and local educational agencies to establish quality, integrated school programs without new financial commitments from the Federal Government.

Another key feature of this legislation is a requirement that local committees of parents, teachers and students representative of minority and majority groups and the geographical areas within the metropolitan areas must be established to advise the local education agencies regarding the development of the plans and to report periodically to the Secretary of Health, Education and Welfare on the extent of compliance with the legislation.

The Government Facilities Location Act complements the education bill by going right to the heart of residential segregation. It requires that adequate housing be made available for low- and middle-income employees, both black and white, in a community before a Federal or State Government facility or a Federal contractor can locate or expand there.

Recognizing the financial plight in which many suburban communities find themselves this bill also provides financial assistance to suburbs which make available the housing required. While there will be those who may argue that enough wealth is already concentrated in the suburbs, that the advantages of having Federal facilities should be sufficient economic incentive for these communities to provide the housing needed by low- and middle-income workers. I think we must recognize that education costs represent a major portion of most suburban community budgets and that there is bound to be a reluctance to reduce the level of educational services in order to meet the costs imposed by new families. In recent years, we have seen growing evidence of a taxpayers' revolt in even the most affluent suburbs and I am convinced that we cannot hope to make progress in promoting integration and housing opportunity unless we face up to the economic and tax consequences.

Mr. Speaker, I offer these bills not as a complete answer to the growing separatism in our society but as a necessary first step toward bringing this Nation and its people together.

For years now, we have seen the white middle-class families of New York City flee to suburban sanctuaries, leaving that great metropolis to the poor and what has been happening in my city is becoming all too typical in other areas of the country.

We can no longer talk about pockets of poverty in our cities, for our cities are rapidly becoming entire ghettos, unable to meet even basic levels of essential services. It has been documented time and again how zoning practices, school district decisions, and Federal housing policies have contributed to this sad development. We can no longer ignore that while the style of segregation in the North may differ from the South, its nature is every bit as insidious.

As New York Times columnist Tom Wicker recently observed:

> These measures are not child's play; they do not evade the real problems of racial division with patty-cake and pretensions.

We face a serious challenge and we must face up to it with real commitment, not more rhetoric. Senator RIBICOFF has demonstrated courage and imagination in drafting proposals which, if enacted, will form the backbone of such a commitment. I am proud to join him in this effort and I hope that these bills will receive the support they deserve.

RB-211 ENGINE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. BOB WILSON. Mr. Speaker, I am deeply concerned about the current negotiations involving Lockheed, Rolls Royce, and the British Government with respect to the RB-211 engine. In my opinion, a decision to provide any public funds, aid or guarantees by the U.S. Government to directly or indirectly assist Rolls Royce or Harlan and Short would be most unfair particularly in view of the severe unemployment crisis facing our own aerospace industry. Several outstanding American manufacturers like General Electric, Pratt and Whitney, and Rohr are ready and able to furnish American engines and power packages competitive with whatever new higher prices result from these negotiations.

In addition, I have been informed by reliable sources that these companies are also capable of meeting comparable new schedules. Such a decision would be most unfair to the thousands of unemployed American aerospace industry workers who should benefit from any expenditure of Government funds in the aviation field. I sincerely hope that the fate of our own aerospace workers will receive first priority in consideration of public funding or Government guarantee.

SHORT-HOP AIRCRAFT MAY FILL GAP

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. BOB WILSON. Mr. Speaker, as an enthusiast for STOL-type aircraft, I was impressed with a recent editorial from the San Diego Union covering the importance of STOL airplanes to solve the burgeoning transit problems of our major cities. We must have STOL airplanes as an integral part of our mass transit system and I am hopeful that the Department of Transportation as well as NASA will add real impetus to the development of American made STOL airplines. It is distressing to know that the Canadian Government and the British Government are providing 99 percent of STOL and V/STOL to the American market. This must not continue.

I include the following article, published March 3, 1971, as a portion of my remarks:

TRANSIT PROBLEMS SPREAD—SHORT-HOP AIRCRAFT MAY FILL GAP

The long debate over the supersonic transport has diverted attention from a problem at the other end of the travel spectrum. While the argument goes on over whether the world really needs an SST, few would deny that we need better ways to get around in our congested metropolitan areas and between neighboring cities that are blending into "megalopolis" patterns of vast urbanization.

An answer may be emerging from that same aviation industry now reeling from financial setbacks. Aircraft with vertical or short take-off and landing characteristics (V/STOL) have been maturing in the shadow of more spectacular developments in high-speed jets. With rotors or fixed wings, or a combination of the two, they are showing promise as a way to speed the transportation of cargo and passengers on short-haul routes over congested urban areas.

The efficiency and versatility of the helicopter has been put to the acid test by the military in Southeast Asia, while the expansion of its use as a civilian vehicle has been equally dramatic. Its weight-lifting capacity is making it a freight carrier and a tool in heavy construction. Helicopters are being used to fight fires, as ambulances and as airborne police cars.

From the mass transit standpoint, the significance of the new V/STOL technology is that the means are at hand to lift 50 or 60 passengers from a downtown airport with a runway no longer than 1,000 feet, and whisk them at more than 200 miles per hour to a similar landing spot in a neighboring city. This, surely, is rapid transit.

The new Railpax system hopes to salvage railroad passenger travel and breathe new life into commuter rail service, and experiments with highspeed "busways" look to a resurgence in bus travel.

However, technology already may have leapfrogged these conventional modes of transportation, either in terms of V/STOL aircraft or other striking new conveyances—such as the air cushion vehicle which needs neither wheels nor rails but "flies" a few feet off the ground, or the hydrofoil which can make a high-speed roadway of a coastal waterway or a shallow river or bay.

If the U.S. aircraft industry proves to have failed to penetrate the sound barrier with a commercial supersonic transport, then V/STOL aircraft or another means of meeting the urban transit problem might present an alternate challenge for aerospace engineers faced with idleness.

Advances in the technology of travel have been breathtaking in the 20th Century. Another phenomenon of our time is the densely populated cluster of cities, swarming with vehicles, laced with rails and highways. The next revolution in travel may be to lift us off the ground for those trips too short for a high speed jet airplane, but too long and arduous for the means of surface travel now at hand.

ARCHITECTURAL FIRM ANNIVERSARY

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, there are few architectural firms in this Nation that have histories as lengthy and distinguished as that of Chicago's Graham, Anderson, Probst, & White. I am sure that I speak for all Chicagoans when I say that I am extremely proud of the architectural and engineering accomplishments of this award-winning firm which will shortly celebrate its 100th anniversary.

In 1873 Burnham & Root was founded in Chicago; in 1912 it became Graham, Burnham Co.; and in 1917 Graham, Anderson, Probst, & White succeeded to the business. In 1936 Edward Probst, his two sons, Edward E. Probst and Marvin G. Probst and Wellington J. Schaefer, organized a partnership under the firm name of G.A.P. & W. In 1942 Mr. Probst died, and his two sons continued as surviving partners. In the years following the firm has continued to design outstanding facilities, to establish impressive standards for the profession, and to be commended as one of the most visionary and reputable architectural offices in Greater Chicago.

Mr. Speaker, since 1873 G.A.P. & W. and its predecessors have planned and executed some of the largest buildings in downtown Chicago—the Field Building, Merchandise Mart, Continental Illinois Bank Building, Commonwealth Edison Building, Federal Reserve Bank of Chicago, Wrigley Building, Marshall Field & Co., U.S. Post Office Building, Chicago Historical Society Building, Shedd Aquarium, Civic Opera House, Pittsfield Building, and the Field Museum of Natural History.

In addition, G.A.P. & W. has designed the State Office Building, Indianapolis; new U.S. Department of State Building, Washington, D.C.; American Dental Association Headquarters, Chicago; Lake Point Tower, Chicago; Veterans' Administration hospital, Chicago; University of Illinois College of Dentistry; and the U.S. Naval Depot, Seal Beach, Calif.

The firm has also been active in civic, educational, philanthropic, professional, and youth endeavors, and, as a policy, seeks to involve its executives, directors, and staff in projects which serve their fellow man. Their dynamic president is William R. Surman, who attended Rice Institute, University of Illinois, and Northwestern University. He has been active since 1946 in architecture, engineering, and construction, and is a specialist in architectural programing and design, feasibility investigation, land use, and zoning and site planning.

Mr. Speaker, because I believe that this organization is in many ways most unique, I feel that it is appropriate at this time to honor its president, William Surman, its senior vice president, my good friend, Cliff Noonan, and, for that matter, all of its nearly 100 employees for both their professional accomplishments and their humanitarian services.

IMPORTS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. GAYDOS. Mr. Speaker, the question of free trade and fair trade has been discussed many times before this House during the past few years. Those who cherish dreams of worldwide free trade among all nations predict the United States will unleash an international trade war if it takes steps to assure domestic industries of fair trade as well.

On the other hand, we who support worldwide fair trade cannot accept the concept of worldwide free trade if it excludes the United States. America has been the greatest of all practitioners of free trade. The amount of imports from all over the world into our domestic market is proof of that. We have been the greatest practitioners of fair trade as well. No foreign goods are barred from this Nation's shores.

But is this true of the rest of the nations in this world? These nations which threaten retaliation against any effort by the U.S. Government to protect American industries damaged by foreign imports—do they practice free trade? Fair trade? The European Economic Community does not. Japan does not. The EEC prevents certain American products from entering its market. In some instances where our products are permitted to enter EEC member nations, we find ourselves the victim of preferential tariff rates granted our major competitors. An example of this is the recent discrimination practiced against American citrus growers who must pay a much higher rate per carton than their major competitors exporting to Europe. Japan is the greatest protector of its home markets. At one time, she barred more than 100 major U.S. products from her mainland; but we are the prime target for her export business.

Mr. Speaker, Uncle Sam has been turning the other cheek to foreign competitors for 25 years and now he is getting kicked in the pants to boot. We practice free trade but are not accorded it. We practice fair trade but are not accorded it either. In the March 28 issue of the Pittsburgh Press, this question was intelligently explored in an article by Mr. Ernest Cuneo. I insert the article in the RECORD and call the attention of my colleagues to Mr. Cuneo's noteworthy observations:

FAIRER TRADE ADVISED; FOREIGN CARTELS UNDERCUTTING UNITED STATES

(By Ernest Cuneo)

Free trade has been an American ideal since the beginning of the 20th century. Among other reasons is the fact that protective tariffs for the industrial North were one of the major contributing causes of the Civil War.

In the 20th century, variable tariffs were set up to provide for fair trade.

The reason, so early understood in Great Britain and so late in the United States, is that nations cannot buy the products of other nations except with the money they receive for selling their own products.

To achieve a balance where nations can sustain continued exchanges of products is fair trade. To open their domestic markets to the world without regard to such balance is, more or less, free trade.

Free trade, ideally, provides the best competitive price for the consumer, the lower prices stimulates volume, and ideally, a balance of fair trade results.

CONSUMER HURT

Out of honest conviction, and certainly with deep passion, it is widely felt in highly knowledgeable American quarters that protective American tariffs at this time mean not only an international commercial catastrophe, but a villainous impost on the American consumer.

The most respected mass media believe world free trade means world peace and, theoretically, they have a strong case.

Practically, however, they would be advancing the cause of both free trade and fair trade if they could convince the other nations of the world to go as far toward that ideal as the U.S. has.

The European Common Market, for example, provides protected markets for its member nations, but the U.S. is not a member.

Far from being a free market, for many American products it hasn't even a fair market. And in some instances, the European market has been actively closed to American companies.

American companies, additionally, may not enter into combines that would be in violation of U.S. anti-trust laws.

But combines, combinations and cartels are the ordinary methods of doing business in much of the world. Furthermore, in a considerable number of cases, the governments of the various nations enter into the cartels.

This is particularly true of Japan, where tremendous expansions into the world market are due to a cartel of the Japanese government and Japanese big business.

U.S. GIFTS AIDED

Much of the foreign industry clamoring for full free trade in the U.S. has been created by U.S. loans or outright gifts, such as the Marshall plan, for which the U.S. taxpayers are still paying.

Moreover, the U.S. taxpayer is bearing the tremendous expense of defending other countries; in the case of Japan, 80 per cent.

Free trade is not fair trade when a foreign product can undersell an American product in a U.S. market because the American taxpayers are bearing the expense of the foreign country's defense.

As another example, the high income tax deducted from an American steel worker's pay goes, in part, for the defense of Europe.

Since the European steelworker doesn't have to pay as much for his country's defense, the foreign steel can be made and sold at a lower price.

But though it may be free trade, it is not fair trade.

This, of course, is an oversimplification, but it does illustrate the complexity of the problem.

ST. ALOYSIUS REQUESTS APRIL 30 PLEDGE OF ALLEGIANCE TO OUR FLAG DAY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. KEMP. Mr. Speaker, the Saint Aloysius School of Buffalo, N.Y., has joined with many other schools in my congressional district urging that April 30 be designated as Pledge of Allegiance to Our Flag Day. I recently introduced a resolution which would authorize the President to make this proclamation and urge the support of my colleagues. Following is the text which was originally prepared by Mrs. Priore's third graders of Cheektowaga, N.Y.:

PROCLAMATION TO THE CONGRESS OF THE UNITED STATES OF AMERICA

Whereas, on April 30, 1789 George Washington took the oath of office and was inaugurated as the first President of the United States.

Whereas, George Washington was the only President of the United States of America inaugurated on April 30th.

Whereas, April 30, 1802 Congress passed the first enabling act authorizing the people of the eastern division of the Northwest Territory to hold a convention and frame a constitution in order to become a state, and a precedent was set in helping Ohio's gaining its statehood, followed by the same, set for the rest of the states in this territory.

Whereas, on April 30, 1803 the United States of America, under the leadership of President Thomas Jefferson, made its first territorial expansion by purchasing 828,000 square miles of land (doubling the size of the United States by peaceful means) known as the Louisiana Purchase, which land eventually was divided into the states of Missouri, Nebraska, Iowa, Arkansas, North Dakota, South Dakota, most of Louisiana, Kansas, Minnesota, Montana, Wyoming and parts of Colorado and Oklahoma.

Whereas: on April 30, 1812, the state of Louisiana was admitted into the Union.

Whereas: on April 30, 1889 Congress fixed this date of April 30th as a national holiday to celebrate the inauguration of George Washington as the first President of the United States of America.

Whereas, on April 30, 1970 the proclamation sent by Mrs. Irene Priore's Third Graders of Cheektowaga, New York requesting that April 30, 1970 be proclaimed as Pledge of Allegiance to Our Flag Day in the United States of America for all school children in all schools of our nation, was read in Congress.

Whereas, schools, community leaders and citizens in all 50 states of our nation responded by letter, telephone and telegram to the Cheektowaga, New York Third Graders that they wished to participate in this unified promise of loyalty at 1:30 P.M. Eastern Saving Time so children's voices might echo throughout the land.

Therefore, We, the boys and girls of St. Aloysius do hereby ask the Hon. Jack F. Kemp to proclaim each April 30th as an annual special school day to honor our nation and its flag in school by song, speech and activities planned by the faculty and students of each individual school.

We request that this proclamation be made known to all the schools of our nation so that all the school children may have the pride and honor to help plan a dignified program for their own schools. We believe that by encouraging children to have the pleasure of involvement in planning a program for April 30th each year that we are taking a positive approach toward building better attitudes in school children and planning for better citizens and leaders of the future.

APPROPRIATIONS FOR THE OFFICE OF EDUCATION

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. MOLLOHAN. Mr. Speaker, as we consider the appropriation for the Office of Education, we should give serious thought to the direction we should take to provide education for the future. I agree with a growing number of educators that education in the future should be more pragmatic and more geared to the realities of preparing a youngster for a career. Vocational education is the kind of education which gives this direction.

Now, the administration has requested $468.9 million for vocational and adult education for the next fiscal year, a decrease of $25.3 million. This is, in my opinion, inadequate. In this time of uncertainty, when job opportunities for college graduates are decreasing, when college costs are increasing, the appeal of a college education is less than it was a few short years ago. At one time, high school counselors were pushing students into college as if it were the threshold to security. It was an unspoken shame for a student to choose the lower path of vocational or technical education. It was the unusual student indeed who successfully held out against the pressures of society and admitted to himself that college might not be for him. But times have changed and vocational education, which once suffered under a stigma, is becoming more appealing.

I support the amendment offered by the Honorable WILLIAM HATHAWAY to increase appropriations for the Office of Education, and I urge my colleagues to do likewise, for the Hathaway amendment would provide the kind of commitment needed to insure the growth of vocational education programs.

I think our vocational education programs must grow and must improve, and my reasons for such belief are not based solely on the present economic condition which I hope is only temporary.

The present economic slowdown has placed the perspective values of college and vocational education in balance and it has deflated the promises of college education, but far more important, it has pointed out a fundamental neglect in our secondary and post-secondary educational philosophy. For too long, this Nation, under the spell of increased scientific competition from the Soviet Union, has neglected the average student in favor of expanding opportunities for the extraordinary student.

This Nation needs skilled craftsmen and laborers just as much as it needs engineers and scientists, so any Federal program to educate young people in these areas will pay off.

Recently, the new U.S. Commissioner of Education, Sidney Marland, Jr., gave an address in which he called for increased emphasis upon vocational education. We are glad that high administration officials are becoming aware of this need, but money—not talk—is the way to fulfill this need, that is why I urge my colleagues to support the Hathaway amendment.

APRIL 14, 250TH BIRTHDAY OF AMERICA'S FIRST PRESIDENT, JOHN HANSON

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. BYRON. Mr. Speaker, April 14 will mark the 250th anniversary of the birth of America's first President, John Hanson. John Hanson became the first President of the United States in Congress assembled, serving a 1-year term from November 5, 1781, some 8 years before George Washington became President under the new Constitution of 1789.

It is fitting that we honor John Hanson's birthday—he surely ranked among our Nation's greatest colonial patriots and statesmen. He represented Charles County and later Frederick County in Maryland's Colonial General Assembly and was a member of the Committee of the Assembly which instructed Maryland's delegation to the Stamp Act Congress of 1765.

When George Washington took command of the Continental Army in 1775, John Hanson organized and equipped two companies in Frederick and dispatched them promptly to General Washington in Cambridge, Mass. During the war he raised large sums of money to help the struggling States carry on their fight for independence.

Hanson was a Maryland delegate to the Continental Congress meeting in Philadelphia. In March 1781, the Congress ratified the Articles of Confederation which created the U.S. Congress. The new Congress met on November 5, 1781, and its first act was to elect John Hanson President of the United States. He had the honor of receiving General Washington before the Congress assembled in Philadelphia, of extending the gratitude of the Nation for the great soldier's services, and of receiving in return General Washington's thanks and appreciation.

As the Nation's first constitutionally elected Chief Executive he gave remarkable consideration, without predecent or guidance, to foreign and domestic state affairs which resulted in friendship and respect both at home and abroad. Under his leadership, the United States was recognized by the kingdoms of Sweden and Holland. Hanson organized the Post Office Department, took steps leading to the first U.S. census, recommended establishment of a Federal mint, floated the new country's first loan, arranged for Federal uniforms for the troops instead of the State uniforms, and signed into existence the Great Seal of the United States. Hanson also proclaimed the first Thanksgiving.

Hanson was born at Mulberry Grove near Port Tobacco in Charles County, Md., on April 14, 1721, and lived there most of his life. He made his home in Frederick, Md., the last decade of his life and died at Oxon Hill Manor in Prince George's County on Saturday, November 15, 1783. John Hanson was a truely remarkable man, and it gives me great pleasure to join in marking the 250th anniversary of his birth. His entire life was dedicated to the service of his Nation—a great example to be followed in any age.

OAK CLIFF BANK INSTALLS WORLD'S LARGEST DRIVE-IN SERVICE

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. COLLINS of Texas. Mr. Speaker, Oak Cliff Bank & Trust Co. in Dallas has just added another big drive-in wing. This new complex now provides 21 drive-in banking service windows. This progressive bank again sets the pace for the Nation. President James C. Dycus keeps the Oak Cliff Bank & Trust moving ahead with new ideas and better service.

You will be interested in the full story just the way Ray Zauber and Doris Harris summed it up in today's issue of the Oak Cliff Tribune.

Autobank Represents World First

Twenty one years ago, Oak Cliff Bank and Trust Company introduced multiple-window auto banking in the Southwest. Now, the addition of a new ten-unit contemporary complex combines with the previously existing 11 windows as Autobank Center, the world's largest and most modern auto banking installation. Autobank Center, which opened March 25, will serve an estimated 1,000,000 motorists annually from 9 a.m. until 8 p.m., Mondays through Fridays.

In remarks made just prior to the opening, James C. Dycus, the bank's board chairman and president, pointed out that the center, located just south of Oak Cliff Bank Tower, is bordered by Twelfth Street, Beckley and Zang, with the entrance off Beckley.

From an elevated, glass-walled control studio, tellers look out on a panoramic view of the ten new automated teller stations. As cars drive up to the island units, each customer is greeted by his teller through a two-way intercom system. Upon pushing a button, a drawer automatically opens in the unit. The customer then deposits his banking materials in a specially made carrier. The carrier is replaced in the drawer and whisked by pneumatic tube to the teller; then almost immediately returned. The customer then drives out, never having left the comfort and privacy of his own car.

Although the original 11 teller stations continue to be operated in the normal manner, with a new total of 21 windows customers can move through more rapidly, regardless of the complexity of their individual transactions.

The new ten unit complex was designed by Dallas architect C. M. Boatwright, Jr. The visual auto teller program and equipment was conceived and installed by the Southwestern Bank Division of Diebold, Inc. The general contractor was Dallas' Avery Mays Construction Company.

Pioneering innovation is nothing new to Oak Cliff Bank, for as Mr. Dycus pointed out, the bank was one of the nation's first in the use of magnetic ink character recognition checks, and currently is the Oak Cliff area's only bank to offer full trust services and to have an on-premise IBM 360–30 computer.

"A MAN'S IMAGE"

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 6, 1971

Mr. DELLENBACK. Mr. Speaker, I would like to insert in the RECORD a recent editorial from the Seattle Post Intelligencer regarding various ways the President has used to communicate with his fellow Americans.

The editorial states "there is no reason to think Mr. Nixon has been calculating anything in his recent press experiments other than trying to be better understood by the American public."

I include the article as follows:

A Man's Image

Various critics of the President, and especially certain columnists, have been amusing themselves these days by reflecting sarcastically on Mr. Nixon's latest experiment with his journalistic coverage.

They suggest there is something underhanded and insincere in White House efforts stressing the role of Mr. Nixon as devoted husband, loving father and booster of traditional close family ties in general.

The special interviews with women reporters, coupled with the recent focus on events involving birthdays, daughters and other such highly personal matters are seen as a calculated campaign aimed at female sympathy and votes.

Here, we think is further proof that the Nixon critics are out to slam him whatever he does. For years they have assailed him as a politician lacking in human warmth. Now he is accused of coldly scheming to use his human warmth for cheap political leverage.

The charge is quite unfair. President Nixon, like every president before him, needs all the sympathy and support he can get. Why should he not try to project his best image—even as President Lincoln sought to do in growing a beard?

Any fair-minded person has got to admit that Mr. Nixon is—beyond any doubt—a devoted husband, a loving father and a champion booster of traditional American family ties. His charming wife and two lovely daughters bespeak the obvious truth.

There is no reason to think Mr. Nixon has been calculating anything in his recent press experiments other than trying to be better understood by the American public.

His critics, as usual, are doing their darndest to make his efforts ineffectual. We can only wonder how many of them can match his record as a husband, father and pillar of domestic responsibility.

TRIBUTE TO THE LATE IGOR STRAVINSKY

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. HUNGATE. Mr. Speaker, in the passing of Igor Stravinsky, we have lost a great musical genius, and I insert the tribute carried to his life and creative works in the Washington Post of Wednesday, April 7, 1971, by Paul Hume:

Tribute to the Late Igor Stravinsky

(By Paul Hume)

From the moment of the first performance of his music for the ballet, "Firebird," on June 25, 1910, when he was just 28, Igor Stravinsky has never been out of the public ear as one of the great, original creative geniuses in the entire history of music.

During the intervening 60 years, his music has, as did that of previous monumental innovators like Monteverdi, Haydn, Beethoven, and Wagner, reshaped the music that followed it. And in an unprecedented achievement, almost every note of music, from his Opus 1, which was his first symphony, to his last published compositions, dated 1967, has been recorded with Stravinsky as conductor or directly in charge of the recording.

No composer was more insistently reviled at intervals in his career, but Stravinsky, like Wagner and Strauss, lived long enough to see much of his music established in the world's firmly fixed repertoire. Few composers ever spent as much of their lives in intimate working contact and friendship with the world's great artists as did Stravinsky.

Born in the heyday of Tchaikovsky and Rimsky-Korsakoff, he was quickly plunged into working association with Diaghileff, Nijinsky, Fokine, Pavlova, and Karsavina in the dazzling world of Russian ballet, with its famous scenic artists Bakst and Benois, and the young conductors Monteux and Ansermet.

To all that we know as the unfolding splendor of 20th century music, no one contributed more significantly than Stravinsky. In his youth a friend of Debussy, Ravel and Falla, he became an acquaintance of Schonberg, Webern, and Berg.

The century's great artistic names—Picasso, Matisse, Braque, Chirico, Rodin, Cocteau, Gide, St. John Perse—were among his intimates. And the world of musicians held no man in higher respect.

He enjoyed the warm friendship and unfetered admiration of conductors Koussevitsky, Reiner, Klemperer, and Stokowski, and of such renowned composers as Chavez, Sessions, and Prokofieff. He was a guest of honor at a White House dinner during the Kennedy administration, after which Stravinsky said, "The President reminds me of a young football player who cannot play because of his bad back."

Very few composers ever committed to print as many of their ideas on art and esthetics, religion, philosophy, and changing customs as did Stravinsky. Nor did any composer ever set out at such length anything like the blistering and often intemperate language that Stravinsky hurled, in his later years, against several music critics who most often irritated him.

The composer of the early triumvirate of great ballets—Firebird, Petrouchka, and The Rite of Spring—was born on June 18, 1882 in the town of Oranienburg, a suburb of St. Petersburg, in Russia.

In his memoirs, Stravinsky credits both his father, an opera bass, and his mother, whom he describes as a highly gifted sight-reader at the piano, with his own musical talents.

He says his father's family had Polish origins, emigrating from that country to Russia at the time of one of the numerous partitions of Poland. In spite of his father's stature as a professional musician, young Igor, at his father's orders, entered the University of St. Petersburg as a law student, taking his degree in jurisprudence in 1905.

STUDIED HARMONY

In the meantime, however, he had been studying harmony, in which he "found no satisfaction," and counterpoint, which he says, "amused me, even thrilled me, and I was never tired of it." Most importantly, he had found a close and valuable friend in Rimsky-Korsakoff, who advised him strongly against entering the conservatory, but who gave him private lessons in form and orchestration.

Rimsky's influence dominated not only Stravinsky's early works, up to and including "Firebird," but his advice and friendship was the first great musical guidance of his life.

It was as a young boy that Stravinsky first sensed that music was to be his life.

When he was 11, he was taken to hear his father in a performance of Glinka's "Ruslan and Ludmilla." Later he wrote, "During an intermission it was my good fortune to catch a glimpse in the foyer of Peter Tchaikovsky, the idol of the Russian public, whom I had never seen before and was never to see again. He had just conducted the first audition of his new symphony—the "Pathetic"—in St. Petersburg. A fortnight later my mother took me to a concert where the same symphony was played in memory of its composer. . . ."

"I think," concluded Stravinsky, "that the beginning of my conscious life as an artist and musician dates from this time."

Stravinsky's admiration and affection for the music of Tchaikovsky remained undiminished throughout his life. When he first appeared as guest conductor with the National Symphony Orchestra in January, 1941, his program included his own Firebird music, the later ballet, Jeu de Cartes, his early Scherzo Pantastique, written while studying with Rimsky-Korsakoff, and the Tchaikovsky Second Symphony.

The enormous success of the music for Firebird prompted the famous Impresario Sergei Diaghileff to ask his new protege for a new score immediately. On June 13, 1911, just a year after his initial triumph, the composer's second noted work, Petrouchka, was heard, to equal acclaim.

Thus it was with shock and dismay on May 28, 1913, that Stravinsky heard the Parisian audience in the Theatre des Champs-Elysees scream, hiss and boo and raise so vast a belligerent storm of disapproving noise that no one—onstage or off, or in the orchestra pit where Pierre Monteux was presiding—could hear the music. The new work was "Le Sacre du Printemps," or "The Rite of Spring." and it was the storm center of one of the most famous "scandals," in the threatrical sense of the word, in history. It was also one of music's most revolutionary moments.

In "Sacre," Stravinsky used the largest orchestral forces he ever employed. The work is a fantastic essay in orchestration, stretching far into a world not unrelated to those of Rimsky-Korsakoff and Debussy, but utterly different from theirs. Its principal effect, however, was to overturn traditional concepts of rhythm and rhythmic patterns.

Instead of a given time signature lasting for some appreciable length of time, "Sacre" has many passages in which the time changes every measure. It posed new problems of conducting and new and baffling puzzles for players accustomed to the rhythmic regularity of Beethoven, Wagner, or Debussy.

REFUSES TO REPEAT

One of the hallmarks of Stravinsky's genius is the way in which, at nearly every point of his long career, he refused to repeat himself. Not merely in basic content, but in form, in dimension, in purpose, his output contains a staggering diversity of ideas, proceeding from a parallel diversity of purposes.

Thus "Sacre" was followed by three pieces for string quartet. Then an opera, "The Nightingale," was begun in 1909, but not finished—because of the interruptions of the three ballets—until 1914. So greatly had his composing style changed that, by 1913 when he was asked to finish the opera, Stravinsky at first thought he could not do the job at all. He later realized, he said, that the Hans Christian Andersen story lent itself to two different styles, due to the difference between the real nightingale and its mechanical rival.

World War I and the accompanying Russian Revolution not only moved Stravinsky out of Russia forever—first to Switzerland and then to France—but cost him his personal library, a country house, and volumes of studies he had worked on with Rimsky-Korsakoff.

"This period," he wrote, "was one of the hardest I have ever experienced. Overwhelmed by the successive bereavements that I had suffered (an old family friend and a brother) I was now also in a position of the utmost pecuniary difficulty. The Communist revolution, which had just triumphed in Russia, deprived me of the last resources which had still from time to time been reaching me from my country, and I found myself, so to speak, face-to-face with nothing, in a foreign land and right in the middle of the war."

By this time Stravinsky was married and the father of two sons and two daughters. At the end of the war came the return of almost instant and widespread recognition with a series of compositions that included "The Soldier's Tale," the short opera "Renard," the ballet "Pulcinella," another short opera, "Marva," the famous and last of his Russian works, "Les Noces," or "The Wedding," a concerto for piano with woodwinds, a piano sonata and serenade.

The piano works were for the purpose of providing the composer with music he could play in concerts, in which he was increasingly frequently invited to take part. His creative resources, which never knew any kind of slump, were at peak energy. In 1927 there appeared the opera-oratorio "Oedipus Rex," in 1928 the ballet "Apollon Musagetes," commissioned by Elizabeth Sprague Coolidge for the Library of Congress. In 1930, for the Boston Symphony Orchestra's 50th anniversary, he wrote the magnificent Symphony of Psalms, in 1932 the Duo Concertant and Violin Concerto, and in 1934 his exquisite "Persephone."

By 1935 his son Soulima was old enough and proficient enough as a pianist that Stravinsky wanted to write something for two pianos to be played by father and son. The Concerto for Two Pianos was the result, followed in 1937 by the ballet "Jeu de Cartes," and in 1938 by the concerto commissioned by Mr. and Mrs. Robert Woods Bliss, called "Dumbarton Oaks."

WIFE, DAUGHTER DIE

Tragedy struck again in 1939, and again it was during wartime. Within a few weeks of each other, Stravinsky's first wife and his elder daughter, Mika, died. But even these blows and the problems of World War II did not stop him. He moved again, this time to the United States where Harvard University invited him to give the Charles Eliot Norton lectures—a request that resulted in the notable book "The Poetics of Music," which was reprinted in April, 1970. Established in the Los Angeles-Hollywood area of California, which he later called his happiest home, Stravinsky, in 1940, married Vera de Bosset, who survives him, as does the son, Soulima.

All this time his music continued to pour out in a remarkable flood. In 1940 the Symphony in C, for the Chicago Symphony's 50th anniversary; in 1941 the Danses Concertantes; in 1942 Four Norwegian Moods; in 1943 a two-piano sonata.

The unexpected combination of Stravinsky and Billy Rose got together in 1945 when the Broadway producer asked the famous composer for music to accompany a classical ballet in a production about "the lively arts." When the show opened in Philadelphia, several of its backers wired Stravinsky, "Great success. Could be sensational if you agree our arranger Mr. X touch up instrumentation here and there. Mr. X does arrangements even for Cole Porter. Telegraph agreement." Stravinsky immediately wired back, "Will settle for great success."

After the Symphony in Three Movements, in 1945, Stravinsky's direct involvement with American jazz produced the Ebony Concerto for Woody Herman's band in 1946. Still more of his greatest music was to come with the ballet "Orpheus" in 1947, and then his first mass in 1948.

At this point appeared the sole lengthy hiatus in the entire Stravinsky creative career. It was not, however, a time of silence, but rather the three-year period in which his only full-length opera was taking shape.

The public heard and wildly acclaimed the result in September, 1951, when "The Rake's Progress" was unveiled during the 14th International Contemporary Music Festival. To a text by W. H. Auden, the "Rake" is a "comic" opera in the same way that Mozart's "Don Giovanni" is. In less than 20 years it has made its way through the world's opera houses in a successful procession.

And still at the age of 70 there was neither any slackening of Stravinsky's creative energy nor the slightest lessening of his curiosity about new ideas in music and an interest in writing kinds of music he had not previously written. The music that stretches from the "Rake" to his most recent, shorter compositions shows a marked increase in the number of works on sacred themes, from the 1955 "Canticum Sacrum" written for St. Mark's Cathedral in Venice, the arrangement of Bach's "Von Himmelhoch" in the same year, the "Sacrae Cantiones" in 1957 to the 1958 milestone that is "Threni," or "Lamentations," Stravinsky's first 12-tone composition.

In that famous work, the composer, who had spent a lifetime in exploring and expanding concepts of diatonic and chromatic harmony, moved deliberately and with his own customary originality into the realm opened up 35 years before by a contemporary, Arnold Schonberg. Nor did new works end even in the composer's ninth decade. Without a significant break, the years from 1958 to 1967 saw him producing a continuing line of music.

At the same time he had become more active than ever, touring the world to conduct his music and also recording for Columbia records. He recorded nearly everything he ever wrote, except for a few pieces lost during wars and those like his early piano sonata that he himself suppressed. He said that he recorded "simply to show exactly how his music was intended to be performed."

Stravinsky has always objected to many common conceptions in the world of music, among them, certain ideas of conducting. He said of the Russian conductod, Napravnik: "He was the type of conductor which even today I prefer to all others. Certainty and unbending rigor in the exercise of his art; complete contempt for all affectation and showy effects alike; not the slightest concession to the public; iron discipline, mastery of the first order, an infallible ear and memory, and, as a result, perfect clarity and objectivity in the rendering."

In speaking of conductors of his music, Stravinsky often praised Monteux and Ernest

Ansermet for these qualities. In a recent discussion of his own "Sacre," he noted, "There are simply no regions for soul-searching in The Rite of Spring."

Stravinsky's gift for scathing invective was the equal of any. About Rudolf Bing he wrote, "What I find more difficult to explain is the installation of Mr. Bing as a culture hero, not how it came about, of course—he has virtually no competition—but why."

He freely expressed his opinions on world situations, sending a wireless message, via the BBC to Russia in 1968, "The Soviet Union can prove its greatness far more profoundly by pardoning the condemned writers than by the conquest of all outer space."

His firm view of music he often put unmistakably: "I consider that music is, by its very nature, essentially powerless to *express* anything at all, whether a feeling, an attitude of mind, a psychological mood, a phenomenon of nature, etc. . . . *Expression* has never been an inherent property of music."

He became an ardent U.S. citizen, naturalized on Dec. 28, 1945, with strong opinions on music for films: "I can probably count myself fortunate that none of the proposals Hollywood has made me ever reached a contractual stage . . . film people rarely try to obscure their motives with nonsense about art. They want my name, not my music—I was even offered $100,000 to pad a film with music, and when I refused, was told that I could receive the same money if I were willing to allow someone else to compose the music in my name."

DISCUSSES WEALTH

On the subject of his supposed wealth, Stravinsky said, "Those who imagine that my works make me rich do not realize that everything I composed before 1931 (I became a French citizen in 1934, and this citizenship extended authors' rights retrospectively for three years) was and is unprotected in the United States; the United States and the U.S.S.R. failed to sign the Bern copyright convention. I do not receive performance rights for the Firebird, which, as one of the most popular pieces of music composed in this century, would have made me a 'millionaire' (although, of course, for the good of my soul, I do not aspire to be any such thing)."

The bitterest of all Stravinsky's writing appeared in one of a series of volumes in which he collaborated with the young conductor and specialist in 20th century music, Robert Craft. In these it often appeared that Craft was, through an astute question-and-answer method, suggesting replies, if not actual words, to the aging composer.

However, there is no question about the meaning or strength of Stravinsky's remarks about two noted New York critics, Winthrop Sargeant, of the New Yorker magazine, and Paul Henry Lang, former critic of the New York Herald Tribune. The former Stravinsky called "S. W. Deaf," while Lang became "H. P. Langweilich."

"Nonsensical, usual grisly mediocrity" is some of Stravinsky's milder comment on "Deaf," while for "Langweilich" he cuts loose with "He writes so atrociously" and "ignorant, characteristically reptilian."

Stravinsky, whose own life was plagued by everything from pleurisy, Spanish influenza, typhoid fever and diphtheria to intercostal neuralgia and a host of other maladies, nevertheless came from a long-lived family. He said, "My great-grandfather lived to 111 . . . at 84 was making love. In fact, the old gentleman, bless his hormones, died in consequence of a fall while he was trying to scale a garden fence on his way to a rendezvous. What a way to go!"

Retaining the elasticity that never left him, Stravinsky, in his latest volume, asked "isn't it a tendency of old people of all periods to see everything absolutely and too moralistically, and haven't they always narrowed the issues to their own ever-shortening sight? Haven't they—we—always been puzzled by the enthusiasms of the young for things that we have outgrown, and no less puzzled by their lack of sympathy for things that we continue to feel enthusiastic about but that the *times* have outgrown?"

For 60 years Stravinsky did not permit the times to outgrow him, for he kept ahead of the times. There was never a time, since Firebird, when there was not some music by Stravinsky that touched new chords in significant ways. It is now unlikely that any time will come of which his music will not be a part.

ACCOMMODATING RED CHINA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. SCHMITZ. Mr. Speaker—

"We are prepared to establish a dialogue with Peking."—President Richard Nixon—State of the World Message (February 25, 1971)

This statement, and others, by the President in his official outline of U.S. foreign policy gives notice that the United States, the leading nation in the free world, is ready to accommodate itself to one of the most oppressive regimes on earth. Just how oppressive it really is was made unmistakably clear to me by hearing the testimony given March 25 by Prof. Ma Szu-Tsung, formerly of Peking, before the House Internal Security Committee of which I am a member, when he said:

> In China today, the most casual comment to a friend, to a relative, or even to members of your own family can often bring you before a tribunal. Everyone lives in a state of fear. Fear is everywhere. Everyone is isolated from everyone else by this fear. Allegations made by anyone can bring you before a people's tribunal and there is no defense . . . (Mainland China) has become the worst, most inhuman slave camp on earth.

Yet to promote dialog the administration is actively encouraging American firms to step up business with the Red Chinese. The Wall Street Journal has reported that General Motors, Monsanto, and Hercules chemical companies, American Optical, Sperry Rand, and Cummins Engine are presently all doing business with Peking. This influx of American goods can only strengthen the Communist hold on the Chinese people and help them expand both their strategic forces and their guerrilla warfare campaigns.

For example, on January 7 of this year the Department of Commerce approved the sale by General Motors of two huge earth-moving vehicles to the Red Chinese for use in their road-building efforts in the African nation of Zambia. Communist China is engaged in building a transportation system, including a railroad, from the seaport of Dar Es Salaam, Tanzania, on the east coast of Africa, through Tanzania and Zambia to Rhodesia's northern frontier. This transportation system will serve as an essential element of a logistical network for terrorist organizations headquartered in Dar Es Salaam, whose objective is the overthrow of the solidly pro-U.S. Governments of Rhodesia, South Africa, and Portuquese Mozambique. It is ironic that while we attempt to destroy the Ho Chi Minh Trail running through Laos we allow General Motors to participate in the construction of a similar network in southern Africa.

Numerous arguments have been advanced over the years in favor of recognizing the totalitarian regime on mainland China. One favorite cliche is that we cannot ignore the existence of 750 million Chinese people. This argument confuses the people of China with the pirate regime which is in power. It is precisely because we believe that the people of mainland China must be considered in our foreign policy dealings that we refuse to recognize the legitimacy of the Communist ruling class. To recognize the right of the Chinese Communist Party to rule mainland China is to strengthen their hand and weaken the position of the vast majority of non-Communist Chinese—both on and off the mainland.

Another specious argument is that since the Communists have managed to control the mainland for over 20 years, it is now time to begin dealing with them. But as Senator BARRY GOLDWATER recently said:

> The passage of time does not alter principle. The mere fact that the government of Mao Tse-tung has proven that it has staying power is no reason why it smells any sweeter. Indeed, the length of time the Maoists have been able to hold China's hundreds of millions of people in subjection merely argues for haste in another direction.

Others in favor of accommodating the Red Chinese talk about some "irreversible trend" mysteriously pulling the Maoists into the world community. This is nonsense. No trend is irreversible. Trends can change, have changed in the past, and will change in the future. It is the duty of the Federal Government to encourage trends favorable to the security and integrity of our Nation and reverse those which are not.

While it is hoped that the American people will reject our new course of appeasement toward the Chinese Communists, it is certain that the free Chinese on Taiwan will not be cajoled into coming to terms with the mainland dictatorship which would seal the fate of the Chinese people. If there is any truth to reports that elements in our Government are attempting to bring about a change of attitude of the Government of Nationalist China toward the enslavers of the Chinese people, this only reveals another case in which they are operating under a delusion.

The Nationalist Government of free China is the only government of China worthy of U.S. recognition and support. If we correctly understand the long-term interests of the United States, there can be no legitimate reason whatsoever for strengthening the Chinese Communist Party by lifting the economic and diplomatic sanctions originally imposed on them in the name of free world security, justice, and a concern for the well being of the Chinese people.

A WYOMING FARM PROBLEM

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. RONCALIO. Mr. Speaker, the U.S. Department of Transportation has pending at this time new trucking regulations to begin July 1, 1971, which will be detrimental to the farmers and ranchers of my State of Wyoming.

The new ruling provides that any driver of a farm truck involved in interstate commerce, regardless of the size and weight of this truck, is subject to the following regulations:

First, he must be 21 years of age.

Second, he must have no record of State or Federal law violations.

Third, he must have a certificate showing successful completion of a road test on the use of a truck.

Fourth, he must have a certificate showing successful completion of a written examination on motor carrier safety regulations.

Fifth, he must have a certificate showing successful completion of a physical examination during the last 24 months.

Mr. Speaker, in my State, with the long distances between our towns, it is often a fact that a farmer's regular outlet for selling his crops and for buying supplies and equipment for himself and his family is actually outside the State of Wyoming.

In my State, driving trucks for ranchmen is often the only summer job employment opportunity for young men saving for higher educational achievement.

In my State, farm and ranch families work as a unit to make a living, and sons of driving age are often the only working force the family can afford.

The Department of Transportation's new ruling is unjust and is discriminatory to the rural members of States such as mine where it is difficult enough to earn a living from the land without these unilaterally imposed restrictions.

I would like to call the attention of this body to the following fact, and I quote directly from a statement of December 31, 1970, made by Mr. Robert A. Kaye, Director of the Bureau of Motor Carrier Safety:

> The American Farm Bureau Federation, the National Council of Farmer Cooperatives, and certain other individuals and groups representing farmers have filed petitions, asking the Director of the Bureau of Motor Carrier Safety to suspend the application of the provisions of Part 391 of the Motor Carrier Safety Regulations insofar as those provisions apply to drivers of motor vehicles operated on behalf of farmers. Upon consideration of these petitions, the Director has concluded that, while some relief is warranted, it would not be in the interest of safety to provide an indefinite suspension of the rules or to exempt drivers of the larger, and inherently more dangerous, motor vehicles. Therefore, he is granting a 6-month suspension of certain of the driver qualification rules applicable solely to drivers of light-weight vehicles used to transport farm produce from a farm or supplies to a farm.

The Director of the Bureau of Motor Carrier Safety saw fit to grant a 6-month suspension of his ruling in December of 1970. At that time the Director was willing to see the hardship his ruling would place on the small family farmer, the very root of our society, and he suspended his original proposal which was to have gone into effect January 1, 1971. I submit that on July 1, 1971, only 6 months later, circumstances will not have changed for the family farmer, and the ruling will be equally as harsh and unjust as it would have been in January of this year.

There seems to be no reason for the Department of Transportation to place these restrictions on our farmers and ranchers, and there are many reasons for not only an additional suspension, but a complete elimination of drivers of light-weight farm vehicles from this regulation. Certainly, a pickup truck is no more dangerous than the family automobile.

To stress to my colleagues the great burden this matter has placed upon my constituents I would like to enclose in my remarks at this time excerpts from letters received by me from fellow Wyomingites.

Mr. and Mrs. Wilfred Bunney, Aladdin, Wyo.:

> We are ranchers and do most of our trading in another state so this would affect us terribly. The 18 year olds are taken in the service and drive all equipment. Then they come home and are not able to drive a truck or a pickup. We are opposed to this bill; it would ruin us ranchers.

Mrs. Ernest Leither, Northeast, Wyo.:

> We are residents of the northeast corner of Wyoming (with a Belle Fourche, South Dakota address) and it would be a real hardship for us and many others here, to say nothing of the expense involved in driving greater distances to get the same services and supplies. And many times the only way we can get out is with a pickup truck.

Mr. and Mrs. Joe Svoboda, Alva, Wyo.:

> We are, of course, quite worried about the Department of Transportation ruling that requires pickup and truck drivers to be 21 years of age, besides several other requirements. Some exemptions must be given farmers or agricultural operations will be seriously handicapped.

Marion L. Peters, Pine Bluffs, Wyo.:

> Its effect on the farmers and ranchers can only be one of hardship unless federal regulations of the farm truck driver qualifications are modified.

Bud Raben, Jr., Huntley, Wyo.:

> As a small rancher-farmer, we have been depending on some part time help from high school age boys. We are a scant six miles from the Nebraska state line and occasionally do business in that state. If rigidly enforced, these federal regulations will hinder the economical operation of many such state line farmers and ranchers.

Albert Grammens, Powell, Wyo.:

> I am very concerned about the new Federal Regulations of Farm Truck Driver Qualifications! I farm 225 acres between Powell and Cody, Wyoming. I raise 135 acres of sugar beets and 90 acres of malt barley. Both of these crops have to be trucked to market. I would be directly affected by this regulation.

Mr. and Mrs. K. M. Driskill, Alva, Wyo.:

> We would like to protest the new trucking regulations the Department of Transportation has proposed. This regulation would work a real hardship on most farmers and ranchers who are just barely getting by financially now. Our young sons (17 and on) do most of the truck driving now. They are better truck drivers than the older fellows. This would cut them out and we would need to hire help for the job. You should realize that much of our traveling is done in such a vehicle because of our road conditions. These regulations are designed to strangle further the rancher and farmer—we do produce the food, you know, so why make it so tough that we can't do our job?

Mr. Forrest R. Allen, Cody, Wyo.:

> We farm 220 acres between Cody and Powell, Wyoming and raise alfalfa hay and malt barley. We also own property in Montana and make trips back and forth. We use our pickup to travel many times into Montana and back on farm business and this would affect us.

Mr. Paul Schiltz, Powell, Wyo.:

> I farm 200 acres on Heart Mountain project. I raise 45 acres of beets and about 50 acres of grain or malt barley. Both of these crops have to be trucked to the market, and under the ruling I would be directly affected by this regulation. I use my pickup to travel to Montana and also my truck to haul grass seed up there. In the interest of all of us farmers in the State of Wyoming, I sincerely hope that we can count on your support.

Dean T. Prosser, Jr., executive secretary of Wyoming Stock Growers Association:

> Several members of the Wyoming Stock Growers Association, a trade association of some 3000 ranchers and farmers, have become quite concerned about the proposed safety regulation recently announced by the Bureau of Motor Carrier Safety to become effective July 1, 1971.
>
> It appears to us that it would be a great inconvenience to the average farmer and rancher if all drivers of these vehicles were required to be over 21 years of age and in possession of all the detailed requirements as specified in the order. This rule and regulation would also have a tendency to further reduce the availability of jobs for high school and college students during the summer months.

Mr. Bernard A. Bode, president, Laramie County Farm Bureau, Burns, Wyo.:

> This ruling will force a hardship on many farmers in our area as we live close to the Colorado and Nebraska lines, and many times find it necessary to buy or sell our products in one of these states. Although many farmers may not have to cross a state line more than several times a year, others who farm across the line in a different state may have to drive a pickup or truck across the line nearly every day.
>
> As to the age limit on drivers, if this law limits the driver to 21 years and over, it will rob our young people of a chance of employment which is very necessary financially as well as character building. Also, these young farm kids have a very impressive safety record when driving our trucks and pickups. Why limit our already short supply of farm labor?

Richard H. Neubauer, executive secretary, Wyoming Farm Bureau Federation:

> We feel that the new interpretation of these regulations is not only confusing to agricultural people, but if implemented would create tremendous hardships and unnecessary record keeping.

Mr. John Allemand, Hanna, Wyo.:

> This is really going to work a hardship on the farm and ranch people of Wyoming.

OPPOSITION TO RAILPAX DECISION

HON. JAMES KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. KEE. Mr. Speaker, I include in the RECORD an editorial which appeared in the Bluefield Daily Telegraph, Bluefield, W. Va., on Saturday, April 3, 1971. It is further evidence of the strong opposition in my congressional district to the recent Railpax decision.

The editorial follows:

N&W ROUTE CLEARLY SUPERIOR

The more one considers the selection by the new Railpax Corp. of the Chesapeake & Ohio route over that of the Norfolk & Western Railway from Norfolk, Va., to Cincinnati, Ohio, the more outrageous the decision appears. There is good reason to wonder whether those who made the decision took the facts of the case into consideration at all.

Some of these facts were spelled out in a recent communication by the United Transportation Workers Union headquartered in Roanoke, Va. The UTW chairman, M. Y. Lusk, sent this summary, regarding the situation in Virginia, to various officials and individuals in an attempt to gain recognition for the N&W route by the new federally subsidized rail passenger network:

"The Department of Transportation announced on January 28, 1971 that five new pairs of cities had been included in the basic plan for intercity passenger service under the National Rail Passenger Corporation when it begins operations on May 1, 1971.

"Included in the five new pairs added were Norfolk-Newport News and Cincinnati. There have been three routes suggested by which these trains would run. One plan would be from Newport News to Richmond, to Charlottesville, Clifton Forge, Charleston, Kenova and Cincinnati. This is the route now used by the C&O. The second would be from Norfolk through Petersburg to Lynchburg, then to Clifton Forge, Charleston and Kenova. The third route suggested would be the route now serviced by the N&W from Norfolk to Cincinnati. This would be Norfolk, Suffolk, Petersburg, Lynchburg, Roanoke, Christiansburg, Bluefield, Williamson, Kenova, Portsmouth and Cincinnati, Ohio . . .

"Naturally Richmond is making a big effort to secure this service. We, however, believe that in basic need, the route now used by the Norfolk and Western will provide the greatest number of people with an opportunity to make use of the service.

"The route we are proposing will serve directly six of the ten largest cities in Virginia. These are, (1) Norfolk, (3) Virginia Beach, (6) Portsmouth, (8) Roanoke, (9) Chesapeake, (10) Lynchburg. It would be within easy driving distance (30–40 minutes) of (2) Richmond, (3) Newport News, (4) Hampton and would therefore service nine of the ten largest cities of Virginia.

"The State Corporation Commission, in their December 30, 1970 presentation to the Department of Transportation, provided figures to show that the C&O handled 9,884 passengers in and out of Newport News, Norfolk and Williamsburg. The N&W, meanwhile, handled 25,398 passengers in and out of Norfolk alone. If the count for Suffolk had been added, as Williamsburg was for the C&O count, the total would be much greater. In 1969 N&W trains 3 and 4, between Norfolk and Cincinnati, handled 72,234 passengers for an average of 198 per day. This clearly shows the demand for service via this route.

"Virginia colleges and universities would be well served by the N&W route. In 1969, 58,165 instate students attended state-supported four-year institutions of higher learning. This route would directly serve Old Dominion Norfolk State, Virginia State, Longwood, Radford and VPI. The service would also be easily accessible to VCU students via Petersburg, thirty minutes away by Interstate 95 from the Richmond campus. In all over 40,000 of the state's 58,165 students would have access to this train. Longwood, Radford, VPI and Virginia State now depend heavily on this train for transportation. The bus service is indirect and infrequent and airline service is not available.

"Besides the state-supported colleges, the following private schools would be served—Bluefield College, Chesapeake College, Ferrum Junior College, Hampden-Sydney College, Hollins College, Lynchburg College, Randolph-Macon Women's College, Roanoke College, Sweet Briar College and Virginia Wesleyan College.

"I hope that you will see fit to support us in our drive to secure the selection of the Norfolk and Western route for this area."

Few did see fit, as it turned out, and the award went to the C&O. Now the problem is to see if anything can be salvaged from this mess.

Upcoming hearings before the House Interstate Commerce Committee headed by Rep. Harley O. Staggers, D-W. Va., may provide such an opportunity. In addition there is the problem of preventing the N&W, if possible, from abandoning its own rail passenger service effective May 1, now that it has been shut out of Railpax. That too needs a high priority. Rep. James Kee, D-W. Va., is working on that aspect of the situation, and hopefully will be able to do something about it.

SET THE RECORD STRAIGHT ON J. EDGAR HOOVER

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. SCHERLE. Mr. Speaker, Congressman HALE BOGGS made grave charges Monday against the FBI and its Director, J. Edgar Hoover. These charges were made on the House floor and attracted national headlines and news comment.

Specifically, Mr. BOGGS charged that the FBI has engaged in wiretapping of telephones of Congressmen and uses the "tactics of the Soviet Union and Hitler's Gestapo." In demanding Mr. Hoover's resignation, Mr. BOGGS said:

> We are a great country because we are a free country under the Bill of Rights. The way Mr. Hoover is running the FBI today, it is no longer a free country.

The FBI has denied these charges, stating that they "have absolutely no basis in fact." Attorney General Mitchell denied categorically that the FBI "has tapped the telephone of any Member of the House or Senate—now or in the past."

I challenge Mr. BOGGS to produce evidence to support these charges which have cast a dark shadow over Mr. Hoover and the men and women of the FBI, an organization which has remained untainted in the eyes of America for the past 47 years. The public has the right to know the basis of Mr. BOGGS' irresponsible charges and the record should be set straight. I think it is time for the majority leader to "put up, or shut up."

WASHINGTON SHOULD NOT BE INTIMIDATED BY HOOLIGANS AND RADICALS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. HUNT. Mr. Speaker, I am sure everyone here is aware of the negotiations instigated by antiwar leaders, led by militant revolutionary Rennie Davis, for Government permission to set up an encampment in Rock Creek Park for some 75,000 protesters from April 24 to May 8. As reported by the Washington Post, this so-called "Peace City" encampment is "to be used as the launching point for 2 weeks of militant demonstrations—against the Indochina war."

Davis is reported to have warned, "I certainly hope the Government won't make the great error Mayor Daley made in Chicago," said to be a reference to the violence that resulted when Chicago police attempted to remove protesters from Grant Park during the 1968 Democrat Convention.

Mr. Speaker, I am pleased that the position of the Government thus far has been that overnight camping in National Park areas in the Washington area is prohibited. There is no need for this city, the Capital of our Nation, to be intimidated by these two-bit hooligans nor should this collection of radicals from across the Nation be permitted to deprive others, many of them tourists, of the enjoyment of this city for that 2-week period. Tourists and all other organizations that come here for whatever purpose must make arrangements for their own accommodations, and I see absolutely no reason why these protesters should be treated any differently, aside from the implied threat of mass violence if the Federal and city officials do not bow to their demands.

Let me remind you of the bills that have been footed by the taxpayers, through the National Park Service, in the past in connection with these mass demonstrations. I would emphasize that the following are only Park Service costs and do not reflect the much larger amounts expended by the District government for added police protection and miscellaneous services:

Event	Date	Costs to Park Service	Reimbursement by sponsors
Resurrection City—Poor People's Campaign.	1968	$275,600	[1] $10,500
3-day antiwar moratorium.	November 1969	83,000	0
2-day antiwar demonstration.	May 1970	63,400	0
Total		422,000	[2] 10,500

[1] $5,000 bond plus $5,500 for lumber salvage.
[2] Reimbursed.

By contrast, the Honor America Day activities on July 4, 1970, cost the Park Service an estimated $186,000 of which $118,000 was reimbursed by the sponsors for facilities and services directly connected with the planned events. It might be noted that considerable costs were incurred to secure against the dissidents that had vowed to disrupt the ceremonies.

Mr. Speaker, the use of park area for this antiwar encampment has nothing to do with the rights of peaceful assembly, however far such right might be stretched, but to allow such encampment to take place would definitely infringe upon the rights of every American to the unmolested and lawful enjoyment of such public areas. Furthermore, those who are concerned about the protection of our environment might take note of the mudhole that was left by Resurrection City in 1968, within eyesight of the Lincoln Memorial, that is only now being restored to its natural beauty. It is time to stand firm in the face of unreason.

ALLEVIATING CONGESTION OF NATION'S AIRWAYS AND TERMINALS

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. PELLY. Mr. Speaker, today I want to talk briefly about a new proposal for developing an experimental jet short take off and landing—STOL—research airplane having quiet engines. The proposed development is part of NASA's fiscal year 1972 budget request.

The proposed development is meant to provide our country with the basic technology to satisfy a pressing need for a short-haul air transportation system. Major objectives are reducing noise to acceptable levels and alleviating congestion of airways and terminals.

It should be understood as the budget is being considered by the Congress that the NASA proposal is solely for the design, construction, and testing of an experimental research aircraft using advanced technology.

The plan calls for this program to be a joint venture between Government and industry. However, the Government would participate only in the experimental aircraft stage. Development of a prototype aircraft leading to production for operational use would be solely the responsibility of the areospace and air transportation industries.

Mr. Speaker, one of the reasons I am speaking out today is to help bring about a clear understanding of the basic idea. Both the Congress and the public need to consider the proposal on its merits.

Therefore, it is with some dismay that I note what seems to be the beginning of a campaign to review the proposal in press releases skillfully designed to create confusion. The public and the Congress have every right to factual information on the STOL proposal—and on any other issue before Congress. On the other hand, attempts to cloud this issue—or any other issue—with distortions and innuendos must be strongly guarded against.

We on the Science and Astronautics Committee have held nearly 4 weeks of hearings during the past 2 years for specifically reviewing the state of aviation and areonautical research and development. Among the critical problem areas we identified were noise pollution and airport and airway congestion. The STOL concept is designed to assist in solving both of these major problems.

PLAYING WITH THE FIRE OF THE RISING SUN

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BOLLING. Mr. Speaker, an important article by former Under Secretary of State George W. Ball dealing with American-Japanese trade relations appeared in Newsweek of April 12. The article follows:

PLAYING WITH THE FIRE OF THE RISING SUN

(By George W. Ball)

The chronicle of our relations with Japan prior to the second world war begins with ineptitude and ends with disaster. Not only did we affront Japanese pride by slamming our doors on their sons and daughters, but, by prohibitive tariffs, we excluded their goods from our markets. For this protectionist outrage we, of course, paid dearly. By threatening Japan's ability to earn the foreign exchange needed to buy the raw materials required to sustain her then exploding population, we helped encourage her soldiers to gain control of raw material sources through conquest—a course of action pretentiously known as the "Greater East Asia Co-Prosperity Sphere," which ultimately led to Pearl Harbor.

Happily, in the postwar period, we have shown the Japanese a more mature comprehension and a greater awareness of mutual interests; yet the critical test is only now beginning, as—a quarter century after the war—Japan abandons its "low posture" for a more assertive role.

Where that role may lead no one can say, since Japan is pervasively rootless. More than in any other country, the war tore asunder the fabric of Japanese society and politics. No longer was the Emperor the god-king, with his imperial will expressed through the military. No longer was the state cult of Shinto intact, or the obsession with ancestor worship and the Confucian authority of the family. Today, as a great industrial nation, Japan turns her eyes toward the West; yet even now the atavistic pull of the mainland remains strong, since Japan's Western ties lack the vital adhesive of a common culture, language, literature or history.

Largely because Japan leaped from feudalism to industrial pre-eminence in less than a century, the resemblance between her instiutions and those of Western nations is more apparent than real. We watch with dismay as her great industrial companies pursue pricing policies and practices in external markets that subordinate profit to the national purpose. We find the collective spirit of national effort permeating every aspect of society.

SENSIBLE COMPROMISE

Thus to fit Japan into a world system of politics and economics shaped by the traditions of Western individualism will not be easy, nor can it be achieved by America alone. Although European statesmen and business leaders seem deaf to the problem, it remains a common task for the whole community of industrialized nations. Meanwhile, Japanese relations with the rest of the world are becoming more and more polarized between Tokyo and Washington.

Undoubtedly, those two capitals have much to say to one another, but not always with full understanding. Recently they have faced two issues of special urgency: the reversion of Okinawa and the opening of the burgeoning Japanese market to the produce and investment of the West.

On the first issue, President Nixon took a long stride forward when he promised Prime Minister Sato in November 1969 that Okinawa would revert to Japanese administration during 1972. It was a decision long overdue, since how could anyone possibly justify the continued rule by the United States, a whole generation after the war, of more than 1 million Japanese living in Japanese territory? The solution—a sensible compromise that assured the United States the same rights in the Okinawa base as in the bases in the Japanese home islands—came just in the nick of time. It saved the Sato government and forestalled the termination of the security treaty which might otherwise have occurred last spring.

Yet, having taken this statesmanlike step, the Administration is now in danger of throwing away the benefits by deciding not to effectuate the Okinawa reversion by executive agreement, which at the most would require only a majority vote of both houses of Congress, but rather by a treaty, requiring the approval of two-thirds of the Senate.

DANGEROUS SUSPICION

All other things being equal, one could properly regard the issue as deserving full Senate treatment. But all things are not equal, for a totally irrelevant reason—that the Administration has shown a persistent willingness to sacrifice larger interests to fulfill a campaign promise to the American textile industry. In a so-far futile effort to reduce the inflow of Japanese textiles, not only has it squandered much political capital with Japan but it has proved more Catholic than the Pope by rejecting a proposal of self-restraint from Japanese industry that had been accepted by the chairman of the House Ways and Means Committee, Wilbur Mills.

In the atmosphere of bitterness and confusion thus created, calm analysis cannot flourish, and suspicion has inevitably developed in Tokyo and elsewhere that the treaty route was deliberately chosen to strengthen the Administration's hand in extracting a more restrictive import limitation from Japan. Yet what could be more grotesque than an attempt to trade off the reversion of Okinawa—a vital step to preserve our security in the Far East—for the appeasement of a single industry and a few Southern senators, at large cost to American consumers and with grave risk of undercutting all hopes of widening access to the vast Japanese market?

Whatever the Administration's motives—and I prefer to draw no invidious conclusions—the situation demands the most careful attention, for we dare not let protectionism again wreck our relations with Japan, as occurred 40 years ago. But, unless the White House vigorously intervenes, the protectionist lobbies may well mobilize the maximum 34 Senate votes needed to block the Okinawa treaty, in the event Japan refuses to grant their protectionist demands. That is an eventuality to make one shudder, for if the President should prove unable to deliver on his promise to hand back Okinawa, there is no doubt that the whole fragile structure of our relations with Japan would come tumbling down. And if that should happen with the only large modern make defeat in Indochina seem like a pin- industrial nation in the Far East, it would prick.

DR. WILLIAM C. PETTY—EDUCATOR EXTRAORDINARY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. McCLORY. Mr. Speaker, the dean of Illinois county school superintendents, as well as the dean of public officeholders in Lake County, Ill., is Dr. William C. Petty, superintendent of the educational service region. Dr. Petty is retiring voluntarily from his long service in the field of education on August 2, 1971. In recognition of Dr. Petty's distinguished career as a public servant and educator, he is to be honored at a testimonial dinner at the Illinois Beach Lodge in Zion, Ill., on April 23, 1971.

Mr. Speaker, born on a farm in Richland County, Ill., Bill Petty attended a rural one-room school and thereafter attended and was graduated from Olney Township High School in Olney, Ill. His higher education resulted in his earning a bachelor of education at Illinois State Normal University, a master of arts degree from the University of Chicago, and an honorary doctor of humane letters degree from Lake Forest College.

Mr. Speaker, Dr. Petty began his career in education as a teacher in the country schools of Richland County, Ill. He served later as a principal and superintendent in public schools, and on March 11, 1931, began his service as county superintendent of schools in Lake County, Ill. He has been consecutively elected and reelected since that time—being the chief administrative officer of the public school systems of Lake County during a 40-year period of rapid growth and development.

Mr. Speaker, Bill Petty has won many honors and tributes in the course of his distinguished career. He is a member of Kappa Delta Pi, Phi Delta Kappa, honorary educational fraternities, and Pi Gamma Mu, an honorary social science fraternity. He served as a member of the Illinois Public School Commission, contributing to the codification of the laws of Illinois pertaining to public education. He is a life member of the Illinois Congress of Parents and Teachers, as well as an honorary life member of the National Congress of Parents and Teachers.

Mr. Speaker, Dr. Petty's devotion to education is reflected also in the special attention which he has given to the handicapped youth of Lake County. He organized the Special Education Joint Agreement District for Lake County to benefit boys and girls whose handicaps prevent their normal education in the regular school system. He quite recently developed a parent's guide to special education services for the handicapped in Lake County.

Mr. Speaker, the program established by Dr. Petty sets forth the rights of the handicapped students as well as the steps for securing special educational services.

Mr. Speaker, this statement would be quite inadequate if I did not make mention of his devoted wife, Mrs. Lillie Petty, whose individual career and talents have contributed substantially to the success of Dr. Petty's career. Lillie Petty in her own capacity is an educator of some reputation and has served as a member of the Illinois State Scholarship Commission. She and Dr. Petty have resided in Antioch, Ill., during the period in which I have known them and their three married sons, Mr. Frank E. Petty of Los Angeles, William E. Petty of Antioch, and Dr. R. David Petty of Shawano, Wis. All have distinguished careers of which the family is rightfully proud.

Mr. Speaker, there are a great many persons in Lake County, Ill., who enjoy the same privilege as I of a close personal friendship with Dr. Bill Petty and his family. In paying this tribute to him, I speak also in their behalf, as well as in behalf of the teachers and school administrators, students and parents who have benefited from his service and leadership in education.

Mr. Speaker, Dr. William C. Petty has provided an example of the best in public service to the residents of the 12th District of Illinois, as well as to the citizens of the Nation. I am proud to call his 40-year record to the attention of my colleagues in the U.S. House of Representatives and to express to Dr. and Mrs. Petty my personal affection and profound respect on the occasion of the completion of his service as head of the public schools of Lake County.

Mr. Speaker, I am convinced that this does not mean the end of Dr. Petty's career. Instead, I expect him to contribute in many ways to an improvement of the quality of life in our Nation during the years ahead.

Mr. Speaker, in concluding these remarks, I wish to extend to Bill and Lillie Petty many more happy, healthy, and productive years.

REORGANIZATION OF THE EXECUTIVE BRANCH OF THE GOVERNMENT

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I wish to say how pleased I am with the President's proposal for reorganizing the executive branch of the Government. The task is of such colossal size that many people are tempted to believe it cannot possibly be done. Yet, I feel certain, myself, that what must be accomplished for the smooth operation of this great country can in fact be achieved. We all want to study the bills and the detailed research papers in order to begin action as soon as possible.

I am particularly eager to see that decisionmaking is shifted away from Washington, back to the regions where projects and people actually receive Government assistance. It is impossible for Washington bureaucrats, no matter how professionally dedicated they are to understand the intricacies of local problems. Even field visits over a few days do not really acquaint Federal administrators with the local needs, previous planning measures, and local priorities.

However, if the executive branch were to establish regional offices in 10 cities across the country as has been suggested, then professional administrators could study regional needs and develop vital expertise in the appropriate fields.

Organizationally, under the regional offices would be local field branches for the four major Departments so the decisionmaking power would, in fact, be returned to the people. The administration proposals outline that only regional directors and assistant directors would report to Department Secretaries in Washington. That would in itself contribute to speedier decisions and less bureaucratic redtape.

At last count, OEO, HEW, HUD, Labor, and Interior had 629 field offices reporting directly to Washington. We must reorganize our system of doing business for such practices are obviously inefficient and not in the best interests of the American people.

GOLD AGAINST INFLATION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. SCHMITZ. Mr. Speaker, almost everyone says he is against inflation, yet it continues with no end in sight. For to end inflation requires fiscal discipline—by Government, business, labor, and the consumer. No one must demand and obtain more than he is actually worth, or spend more than he takes in. And this is not an age which takes kindly to discipline.

Under our present monetary system, it is fatally easy to break the bonds of fiscal discipline. All that is needed is to pass a law—such as the recent bill raising the national debt limit—and then to borrow money by a process which creates more dollars not backed by anything of actual value. This situation has developed as a result of our abandonment of the gold standard for the dollar in 1934.

Nearly all advanced civilizations have used gold as their basic monetary standard. Its attributes of durability and beauty have given it a character apart from that of any other metal, a character that has remained untarnished throughout the ages. Gold commands respect in all quarters for its quality and imperishability. You may throw it into the ocean; you may hide it in the earth; or you may subject it to the heat of the furnace, but it remains essentially unchanged and unmistakable in its appearance.

So long as gold may be freely owned and traded, the very qualities which give it so much intrinsic value also act as a check on the inflation of other media of exchange, whose value will then inevitably be soon measured in terms of gold. When gold is in circulation, the people cannot long be fooled about what is happening when Government dilutes the value of their paper money. But when only paper money circulates and private ownership of monetary gold is banned, as in the United States today, then each group in society can blame another for inflation, and no one really knows just how fast the paper money is losing value because of it.

Among other things, inflation is a hidden tax. When Government creates new money unbacked by real value, Government gets to spend it first, thereby obtaining more for its inflated dollars than the private citizen who gets them only later when the effects of dilution begin to be felt. And Government manipulation of the paper money supply is standard practice in every advanced totalitarian regime.

Prof. Hans Sennholz, chairman of the Department of Economics at Grove City College in Pennsylvania, leading disciple of and heir apparent to world-famous economist Ludwig von Mises, states the problem and the solution very clearly:

> Step by step the federal government has assumed control over our monetary system. It thus captured a potent source of revenue and a vital command post over the economic lives of its people. That is why every friend of freedom is dedicated to the restoration of free money which is also sound money. It is the gold standard . . .
>
> The first objective must be the freedom to trade and hold gold . . . There must be no government interference with the gold markets, no regulation or controls, no taxation or dictation that would sabotage the gold markets. The next objective must be the individual freedom to use gold in all economic exchanges . . . the legal tender law which decrees that government must be accepted in payment of all debt, public and private, must exempt "gold contracts" and "gold clauses" that specifically call for payment of certain measures of gold.

I have introduced H.R. 6790 to give effect to these two excellent suggestions of Professor Sennholz. This bill would remove all present restrictions on the ownership, buying and selling of gold by American citizens, and allowing payment of contractual obligations in gold if both parties to a contract agree to it.

NO EVIDENCE PRODUCED IN HOOVER CRITICISM

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. FREY. Mr. Speaker, Monday on this floor one of our distinguished colleagues severely criticized the distinguished Director of the FBI, J. Edgar Hoover. It was charged specifically that the FBI taps telephones of Members of this body and of Members of the Senate.

To my mind, no charge leveled against the FBI could be more shocking if it is true. I repeat, if it is true.

Mr. Speaker, I would remind my colleagues that not one scintilla of evidence has been produced. In fact, an FBI spokesman has denied this charge as it has been denied in the past. Additionally, Attorney General John Mitchell has unequivocally declared that the FBI is not tapping the phones of Congressmen or Senators. In the face of these denials, the newspapers reported that the majority leader called the press to say he had "proof positive" that the FBI had tapped and bugged Members' telephones.

I say it is time to stop the game of allegations, denials, and counterallegations. If there is proof, this body is entitled to have it produced now. If there is none, and I believe there is none, then J. Edgar Hoover and his dedicated employees are due an apology. I think this body has the right to know the facts.

CALLEY: EXPOSING THE MORAL ISSUE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BOLLING. Mr. Speaker, a worthwhile article discussing the quality of the debate over the trial and conviction of Lieutenant Calley appeared in the Wall Street Journal on Monday, April 5, authored by David C. Anderson. The article follows:

CALLEY: EXPOSING THE MORAL ISSUE

(By David C. Anderson)

The conviction of Lieutenant William Calley, on charges of premeditated murder by a military tribunal has accomplished what the militant doves have been trying to accomplish for the past several years. It has momentarily moved the moral implications of the U.S. participation in the Indochina war into the field of intense national debate.

The moral question has tended to be studiously ignored. When Calley was arrested nobody denied that what he has now been convicted of doing was morally contemptible; the prevailing argument held only that the My Lai massacre was an aberration and not a conscious result of American policy, whose basic moral intent was positive. Only the most vociferous doves sought to extend Calley's guilt to all of American policy.

With Calley's conviction, however, a striking combination of hawks and doves has begun to argue differently; Calley is only a scapegoat, they say, for in fact the kind of atrocity he committed has been a routine result of U.S. strategy and tactics. If he is guilty of premeditated murder, they continue, so are countless other infantrymen, artillerymen, bomber pilots, and the officers who give them their orders.

This moral question of Indochina deserves the attention of every American, in government and out. For the evidence is unavoidable that the current understanding of Lieutenant Calley is sound; it is implicit in the nature of the war and the way the U.S. chose or felt compelled to fight it.

Aware that the enemy had the ability to disappear easily into the South Vietnamese villages, U.S. commanders sought to deny the Vietcong this sanctuary. "Pacification," winning the sympathies of the rural people, didn't work very well, so the solution had to be military.

Now this, as former Vietnam correspondent Neil Sheehan wrote recently in the New York Times Book Review, could have been accomplished relatively humanely, by sending enough U.S. troops to Vietnam to occupy enough of the rural areas.

But since it would have required a much heavier commitment to the war than the American people were willing to accept, U.S. commanders turned to reliance on firepower, with the effective result of denying the enemy his base in rural villages by destroying the whole structure of rural life. Rural areas were cleared as "free fire zones," their residents moved into refugee centers.

Furthermore, the war was a guerrilla war; this meant friend was hard to distinguish from foe. It also meant U.S. commanders employed the sweep-and-destroy mission, whose index of success was the body count. Very understandably, the somewhat frustrated American GI, fighting in a deeply alien land, could conclude easily that even a friendly Vietnamese life isn't worth much if it gets in the way of American operations. A great many American GIs had enough moral sense to resist this notion, of course, but many apparently did not. Murdering Vietnamese civilians at My Lai, Lieutenant Calley testifies, "wasn't any big deal."

It has been argued, with good reason, that the North Vietnamese and Vietcong commit atrocities too, and that their immoral behavior results from the pursuit of an immoral cause while ours at least is the product of a moral cause. This is true, but lately it has also begun to look less relevant. The magnitude of the military's moral lapse is substantial, and the pursuit of our cause frustrated, if not a failure.

Now these facts are depressing enough, but equally depressing is the quality of the debate which has begun over them. Some of those who have supported our involvement in the war try to excuse what Calley did, though a jury of military officers judged him a murderer after a searching trial. And some dovish politicians are calling for an American Nuremburg trial to exorcise the demons whose influence placed Calley in My Lai on that terrible morning—surely an extreme remedy.

It is too bad, for the questions raised by Calley's conviction are quite important to the future of America. Specifically, they involve at the deepest level the fact that since World War II we have managed to combine vast global power with viable democratic government, an unprecedented combination. The moral issues raised by Lieutenant Calley reflect the fundamental tension in this arrangement.

Increased power leads to increased moral ambiguity in the conduct of foreign policy; power tends to preserve itself for good reason or bad, even if morally questionable tactics are necessary to the task.

But viable democracy likes moral simplicity, and furthermore, a democratic society will not be fooled. Had Calley been a Soviet officer, and My Lai an Eastern European town, the Russian people and the world might never have learned about him. But as an American in an American war, attempts to hide him failed. An American journalist won a Pulitzer prize for telling us about My Lai.

For the U.S. to survive as a powerful democracy, this conflict—the ultimate magnification of the ancient dilemma of power and morality—must somehow be resolved, or at least better understood by the American people. Approaches to resolving it are by no means impossible:

A powerful democracy should seek consciously to limit its foreign involvements only to those which involve clear and obvious threats to its own vital interests, and only to those where the application of its power will work effectively.

A powerful democracy, furthermore, should make surer than it has in the past that its democracy is effective for its power decisions—its people should have a large and rational voice in the shaping of its foreign policies and commitments.

A powerful democracy should seek somehow to educate the rest of the world to the idea that it is different, that its self-limitation in cases of ambiguous threat should not be taken for weakness in the face of clear threat, for example.

Perhaps, of course, such suggestions are a bit naive, given the normal murkiness of international diplomacy. Perhaps there is no way to resolve the dilemma of power and morality; perhaps a powerful democracy is a contradiction in terms and is doomed to fall.

But the issue exposed by Lieutenant Calley is of that magnitude, and beyond the matter of his guilt or of his superiors', that is what we should be discussing now.

PRESIDENT NIXON'S POW POLICIES: A STUDY IN FUTILITY

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. LEGGETT. Mr. Speaker, on January 2, 23 Members of the House sent President Nixon a letter proposing a new plan for ending our military involvement in Southeast Asia and recovering all American prisoners of war held by the North Vietnamese, the National Liberation Front, and the Pathet Lao.

We called it "proportional repatriation." The letter explains the basic outline of the plan, and I insert it in the RECORD at this point:

JANUARY 2, 1971.

Hon. RICHARD M. NIXON,
White House, Washington, D.C.

DEAR MR. PRESIDENT: We share your strong desire to secure safe return of the American prisoners of war now held in Southeast Asia, and to end our military involvement in Vietnam by shifting responsibility back to the Vietnamese. We share the sense of national outrage at the inhumane treatment these brave prisoners have been forced to endure, which has caused great anguish to their families.

We share your dismay that your offer to exchange prisoners of war has not been accepted, and your commitment to secure their safe return at the earliest possible time. It is a source of deep concern to us, as it is to you, that efforts to obtain release of our prisoners of war have been essentially unsuccessful, and we wish there were more reason for confidence that similar efforts will be more successful in the future.

We know of your interest in developing new approaches which may offer hope for these unfortunate men, and hope of ending American involvement in the war. After considerable thought, we suggest that our best hope of achieving both goals may lie in tying them together in a coordinated plan which would be offered to the other side at the Paris negotiations. The purpose of this letter is to offer such a plan for your consideration.

The basis of the plan is what might be called "proportional repatriation." It consists of an agreement between us and the North Vietnamese that we would withdraw a certain percentage of our troop complement in Vietnam each time they returned the same percentage of American prisoners of war to us. It should be understood that this approach in no way implies a willingness to let our men suffer one additional moment beyond the earliest possible time we could otherwise secure their safe return We make this proposal only in the hope of achieving a breakthrough in the negotiating deadlock caused by the apparent unwillingness of the other side to return any substantial number of prisoners in the foreseeable future.

Unfortunately, while the number of American troops in Vietnam is a matter of public record, the numbers of prisoners of war held by the National Liberation Front and the Pathet Lao are not. Thus, before the coordinated repatriation and withdrawal could begin, it would be necessary for the North Vietnamese to publicize the total number of American prisoners held by all these groups. As further signs of good faith, it would be reasonable for us to require them to publicize the names of the individual prisoners, and to agree to repatriate all prisoners as long as we withdrew all American troops.

As a corresponding sign of good faith on our part, it would be equitable for us to declare our intention to withdraw completely within some specified reasonable maximum time, on the order of twelve months. The exact length of time, as well as the withdrawal sechedule, could be a subject of negotiations. This would leave you, as "Commander-in-Chief," flexibility in determining the best way to safely disengage U. S. troops.

Use of a mutually acceptable intermediary would free each side from fear of duplicity by the other. The intermediary would be a neutral nation or an international agency. It would receive and hold each contingent of prisoners of war from the other side; it would then release the men to us only after observing that the appropriate number of American troops had in fact departed from Vietnam.

The other side would agree to allow the intermediary to run checks and inspections to insure there were not more prisoners of war than publicly admitted. We in turn would allow the intermediary to run checks and inspections to insure we were not replacing our withdrawals under guise of rotation.

We regard this as a reasonable and equitable proposal that should be accepetable to both sides. If you feel, as we do, that this plan represents a fair settlement in terms of our national interest, we hope you will consider incorporating it into our negotiating strategy.

Signatures as of February 25, 1971:

Robert L. Leggett, Democrat of California; Donald W. Riegel, Jr., Republican of Michigan; Frank Clark, Democrat of Pennsylvania; Jerome Waldie, Democrat of California; Richard Hanna, Democrat of California; Michael Harrington, Democrat of Massachusetts; David Pryor, Democrat of Arkansas;

Abner Mikva, Democrat of Illinois; Spark Matsunaga, Democrat of Hawaii; Shirley Chisholm, Democrat of New York; Henry Helstoski, Democrat of New Jersey; James Howard, Democrat of New Jersey; Paul McCloskey, Republican of California; Peter Kyros, Democrat of Maine;

Seymour Halpern, Republican of New York; William F. Ryan, Democrat of New York; Parren Mitchell, Democrat of Maryland; James Abourezk, Democrat of South Dakota; Ronald Dellums, Democrat of California; Nick Begich, Democrat of Alaska; John Seiberling, Democrat of Ohio; and Arthur Link, Democrat of North Dakota.

Members of 91st Congress:

George Brown, Democrat of California; Allard Lowenstein, Democrat of New York; Jeffery Cohelan, Democrat of California; and Richard McCarthy, Democrat of New York.

I will not call it a "bold new proposal"—that phrase has been somewhat overworked lately. But proportional repatriation contained several elements which to the best of my knowledge had not been suggested earlier, and I believed, and still do believe, that it offered considerable hope. We awaited the President's response.

It never came. To this day, the President has not bothered to send us his views on our proposal. I do not know what he has to do that is more important than ending the war and freeing the POW's. I do not know why he failed to answer. I suppose there is nothing to be gained by speculating on his motives.

A few weeks ago, the Armed Services Committee, on which I have the honor to serve, heard testimony by Secretary of Defense Melvin Laird on the military procurement bill. I took advantage of this opportunity to ask him to give his views on proportional repatriation for the record, which he was kind enough to do. I assume he speaks for the administration in this matter.

I insert the full text of his reply in the RECORD at this point:

RESPONSE BY SECRETARY OF DEFENSE MELVIN LAIRD TO THE LEGGETT-RIEGLE PLAN FOR PROPORTIONAL REPATRIATION OF PRISONERS OF WAR

It is my view that, at the present time and in its present form, the proposal would not achieve the desired result and, in fact, might well prolong the return of our men and an accounting for those missing.

The proposal discards a well-founded U.S. position. We have long maintained that the prisoner issue is humanitarian and should not be related to other aspects of the conflict. The enemy has taken the opposite position and has sought to link the prisoner issue to the political negotiations for a settlement of the conflict. Agreement now to link the prisoner issue solely to political concessions would establish a precedent that could well make it more difficult to resolve satisfactorily the prisoner problem. An offer to connect prisoner release only to U.S. troop withdrawals would formally establish their hostage value.

The proposal suggests that agreement on such an offer would still permit the President the flexibility to arrive at a satisfactory withdrawal schedule through negotiations. This seems most unlikely. The President has repeatedly offered to negotiate a timetable for the withdrawal of all non-South Vietnamese troops. However, faced with the enemy's refusal to discuss withdrawal, especially that of its own troops, the President has undertaken to remove U.S. forces under the Vietnamization plan.

With regard to flexibility, the proposal would tend to foreclose on other opinions. We believe that, in the absence of a negotiated settlement, Vietnamization offers us the best course toward the achievement of our ends. At the same time, as Vietnamization progresses, we believe there is increasing incentive for the enemy to negotiate a settlement including the release of POWs.

The problem of prisoners and missing servicemen is one of the issues that must be resolved before any final settlement. The suggested proposal could have the effect of denying the President the flexibility to proceed with Vietnamization. Should we make the proposal as suggested and the enemy then refuse it, we would find ourselves faced with choosing between continuing our withdrawal under Vietnamization or retarding and perhaps stopping withdrawals. The former position would be in direct contradiction to the principles of the suggested proposal. The latter position totally compromises our best course of action, in the absence of negotiations, to achieve our objective of self-determination for the Republic of Vietnam while ending American involvement in the fighting.

There is still another aspect to be considered. We should not discount the value of the help given by various intermediary countries which have interceded with the enemy in behalf of our men missing or captured. The efforts of third parties have in our view had some effect and might still provide the catalyst for obtaining some agreement on the release of our men and an accounting for those missing. In all cases, intermediaries have been willing to assist us

> solely on the basis of humanitarian considerations. Linking the prisoner issue to the political aspects of the conflict would in all probability remove this possible means of achieving the return of our men.
>
> In summary, while the "proportional repatriation" proposal would appear to provide a reasonable plan if none other existed, there are other options which present, in our view, a higher probability of success. Efforts to undertake the suggested plan would tend to place achievement of the very objectives we seek even further beyond our immediate reach.

While I am grateful for Mr. Laird's taking the time to give us the substantive response we were unable to elicit from Mr. Nixon, I find myself in strong disagreement with his views.

It seems to me that Mr. Laird's strategy, while well meant, is bound to be an exercise in futility. I cannot imagine that it will achieve any success.

The crux of the administration position is explained in this paragraph:

> The proposal discards a well-founded U.S. position. We have long maintained that the prisoner issue is humanitarian and should not be related to other aspects of the conflict. The enemy has taken the opposite position and has sought to link the prisoner issue to the political negotiations for a settlement of the conflict. Agreement now to link the prisoner issue solely to political concessions would establish a precedent that could well make it more difficult to resolve satisfactorily the prisoner problem. An offer to connect prisoner release only to U.S. troop withdrawals would formally establish their hostage value.

Mr. Speaker, I know we have a drug problem in the Armed Forces. But this paragraph suggests that the use of pot and LSD has penetrated far higher than we had thought.

Mr. Speaker, the emperor's new clothes do not exist, and for the sake of our POW's we had better stop pretending otherwise. Whether we do or do not consider the prisoner issue to be political is of no importance. The fact is, the other side considers it to be political, and they are the ones who have complete control over the fate of the prisoners. If they say it is political, we must either play the game on their terms or we cannot play at all. I do not like this; I wish it were not so, but it is so, and we are not going to change it by playing with words. The hostage value of the POW's is there, whether we formally acknowledge it or not.

I find it ironic that President Nixon himself acknowledged their hostage value on March 4, when he said:

> As long as there are American POWs in North Vietnam we will have to maintain a residual force in South Vietnam.

This meant we value the prisoners so highly that for their sake we will do something which is against our national interest: we will remain in Vietnam. But now Mr. Laird says we do not value them so highly that for their sake we will do something which is consistent with our national interest: we will not get out.

We choose to stay in Vietnam, to let our men rot in the prison camps while others are killed or maimed on the battlefield and our national treasure continues down the drain, rather than returning prisoners and troops safe to their families and turning our financial resources to urgent domestic needs.

Is this not absurd?

Mr. Laird says:

> Should we make the proposal as suggested and the enemy then refuse it, we would find ourselves faced with choosing between continuing our withdrawal under Vietnamization or retarding and perhaps stopping our withdrawals. The former position would be in direct contradiction to the principles of the suggested proposal.

This is a legitimate misunderstanding on Mr. Laird's part. Our letter to President Nixon was not explicit on this point, and I will use this opportunity to clarify it.

If the other side does not accept, then we would continue the withdrawals. We would continue as if we had never made the offer.

The question which now comes to mind is, "If we are withdrawing anyway, what incentive does the other side have to release the prisoners?" The answer lies in the difference between partial and complete withdrawal. This difference is enormous in the eyes of the other side.

Vietnamization calls for partial withdrawal. President Nixon has consistently refused to state that he will ever take all troops and all air and logistic support out of Southeast Asia. Vietnamization says, "We're putting Saigon on a sink or swim basis, but every time they start to sink we're going to jump in and save them, even if this means we have to hang around forever." Vietnamization says we will not leave unless we can be sure a foreign-installed and foreign-approved government will sit in Saigon. This is what the whole war has been about.

Proportional repatriation offers to turn Vietnam back to the Vietnamese. This is what the other side has been fighting for for 30 years. I cannot imagine a stronger incentive to return the American POWs.

Moving from the serious back to the curious, we come to Mr. Laird's discussion of the use of third countries as intermediaries:

> In all cases, intermediaries have been willing to assist us solely on the basis of humanitarian considerations. Linking the prisoner issue to the political aspects of the conflict would in all probability remove this possible means of achieving the return of our men.

What Mr. Laird is saying is that neutral countries are willing to help on the prisoner problem, but they would have no part of a proposal which offered to end the war as well. To argue that neutral nations will not act as peacemakers is to assume that your audience has not read a newspaper in 20 years.

Mr. Laird concludes:

> In summary, while the "proportional repatriation" proposal would appear to provide a reasonable plan if none other existed, there are other options which present, in our view, a higher probability of success.

This is Mr. Laird's summary. In my summary, I would like to know what "other options" he is referring to in his summary. Nine prisoners have been released, primarily as gestures of goodwill toward the American peace groups. But official Government efforts have yielded nothing. The Sontay raid released zero prisoners. Efforts to appeal to world opinion have released zero prisoners. Letters to Hanoi have released zero prisoners. The Paris negotiations are universally acknowledged to be deadlocked. There is no reason to expect any of these approaches to be more fruitful in the forseeable future.

Mr. Speaker, it is not just that I can not see any other options which present a higher probability of success. I read the newspapers and attend the top-secret briefings, and I do not know of any other options which offer any probability of success.

We have offered a proposal which would work, and which I believe the other side would accept. Mr. Laird does not attempt to deny this. But he speaks of "other options which have a greater probability of success." What are these options? If anyone knows, I wish he would tell me.

TEXTILE RESOLUTION PASSED BY SOUTH CAROLINA GENERAL ASSEMBLY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. DORN. Mr. Speaker, the South Carolina General Assembly recently passed a concurrent resolution which memorializes the President and the Congress to take steps necessary to restore order to international trade in textiles. The resolution also supports the U.S. Government's rejection of the fake proclamation by the Japanese textile industry which was purported to be a reasonable solution to the problem of textile imports.

Mr. Speaker this most timely resolution was introduced in the South Carolina Senate by Senator John D. Long, Senator Robert C. Lake, and Senator J. C. Bonner. I commend them and their colleagues for taking this action, and I urge the Congress and the administration to respond by taking the necessary action to curb the flood of cheap, low-wage textile imports. The concurrent resolution follows:

A CONCURRENT RESOLUTION

Memorializing the President and the Congress To Take Steps Necessary To Restore Order to International Trade in Textiles and Commending the President for Rejecting the Unsatisfactory Japanese Unilateral Textile Export Restraint Offer

Whereas, the importation of textiles and apparel from foreign nations has seriously undermined the entire economic structure of the State of South Carolina; and

Whereas, thousands of South Carolinians have lost their jobs or are on short time that causes them to earn below average wages; and

Whereas, the revenues of the State Government, County Governments and Municipal Governments of South Carolina are down by millions of dollars causing mandatory cutbacks in all agencies of State Government thereby affecting every citizen of this State; and

Whereas, the foreign competitors who flood our market and force thousands of our citizens completely out of work or onto short time manufacture and market their textiles and apparel under conditions that are illegal in the State of South Carolina and in the United States; and

Whereas, the government of Japan has offered a most unsatisfactory proposal to restrain, unilaterally, its textile-apparel exports to the United States; and

Whereas, the Japanese proposal has been rejected by the President of the United States, by the Governor of South Carolina, by many members of the Congress, including the Senators and Representatives from South Carolina, by the American Textile Manufacturers Institute, by the South Carolina Textile Manufacturers Association, by numerous newspaper editorials and by many others; and

Whereas, the textile markets of the United States are virtually wide open to foreign imports while many of the major exporters to this country tightly protect their own markets against our textile exports; and

Whereas, our government has imposed upon the American industry numerous regulations and cost factors that are not required of our foreign competitors; and

Whereas, the recent Japanese offer is based upon imports at the highest level in history; and

Whereas, the percentage growth rate under the Japanese proposal would be nearly double the percentage growth rate of the American textile industry since World War II; and

Whereas, it would undercut the long-term arrangement on cotton textiles that has been in effect for ten years; and

Whereas, the Japanese plan destroys the vitally important concept of categories and government to government agreements; and

Whereas, the textile industry of South Carolina and the entire nation has invested billions of dollars in recent years in new plants and equipment, making it the most efficient in the world; and

Whereas, the American textile industry pays its employees approximately two dollars an hour more than the industry of Japan, with the gap being even wider between this country and some other Asian Nations; and

Whereas, the Legislature and the people of South Carolina are not willing to see these terribly unfair conditions continue to weaken their most important industry which together with its supply and related industries over the years have been good, responsible corporate citizens; and

Whereas, these unfair conditions largely have been created by a combination of policies of our Federal Government. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the General Assembly of South Carolina respectfully memorializes the President of the United States and the Congress of the United States to do all in their power through legislative and administrative action, to see that order is restored to the chaotic international textile-apparel trade situation.

Be it further resolved that the General Assembly of South Carolina expresses to the President of the United States its appreciation for his forthright statement in which he rejected the recent Japanese proposal and gave his strong support to textile quota legislation (H.R. 20) now pending before the Congress; and also expresses to the members of the South Carolina Congressional Delegation and to other members of the Congress, who continnue to work for a solution to this problem, deep appreciation for their dedication to this vital effort.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, to each United States Senator and each member of the House of Representatives of Congress from South Carolina, the Clerk of the United States Senate, the Clerk of the House of Representatives of the United States, the Secretary of Commerce and the Secretary of State of the United States.

THE NEW ROLE OF THE NAVY IN THE DEFENSE ESTABLISHMENT

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. HOSMER. Mr. Speaker, in reshaping our military presence abroad to conform to the Nixon doctrine, it is expected that the Navy will become the dominant service by the end of this decade. This means the Navy will have to make some hard choices in the 1970's concerning programs and policies. Adm. E. R. Zumwalt, Jr., Chief of Naval Operations, in his recent remarks to the National Press Club, discussed the problems faced by our Navy in fulfilling its new role and the program for meeting them. Admiral Zumwalt's statement reflects the innovation required of the Navy in meeting the challenges of our defense needs.

Admiral Zumwalt's remarks follow:

REMARKS BY ADM. E. R. ZUMWALT, JR.

I became Chief of Naval Operations at what I believe to be a unique time in modern history. Never before, to my knowledge, have so many diverse and powerful currents of opinion and fact converged so strongly to influence the occupant of my office.

As I approached the job, I attempted to isolate for my own benefit the major problem areas which were both most pressing and most influential on our future Navy. I am satisfied that the analysis we went through in those early days was sound, and that the relative priorities we have been applying are correct.

Last July we had arrived at or were approaching an entire set of decision points each having powerful interactions on the other—and no individual decision could stand alone or be separated in its impact on the future choices we might like to have.

Some of you have followed our efforts closely, and are well able to judge for yourselves whether or not our program has realistic goals, and the rate of progress toward our objectives.

But, I believe that it is quite possible that a full discussion of our entire program and its rationale might be in order if our separate actions are to be placed in proper perspective.

First, let me list for you the influences I see as most strongly affecting our Navy and its future. Since, as I have said, these matters are strongly interactive, my list is not in order of relative importance.

Most obvious is that as we wind down the war in Vietnam, our people are once more going through the same type of psychological rejections of things military as they have done after every war in our history. But this time, because of the nature of the war and the manner in which it had to be fought, we are faced with a much more deep seated feeling than the "bring the boys home" attitudes of 1918, 1945, and 1953.

I am sure I need not tell you of disenchantment with the military now seen among many of our citizens. There are no bands playing "Hail the Conquering Hero" in middle America today.

But, in addition to this traditional desire to turn swords into plowshares as the end of fighting comes in sight, a fundamental change of attitudes has become visible among Americans. They are more than ever determined to influence the direction of their own lives—they are giving greater attention to what are perceived as the social ills of the community—they have extended their personal interest to the need for cleaning up our environment and our cities—and they are being very expressive of their views on all problems which they see.

In the vast spectrum of opinion represented within our democracy, there have always been voices of dissent, but never before have so many in all walks of life seen fit to speak out directly or through their representatives in criticism of policies, customs, or circumstances long-accepted, rightly or wrongly, as part of the American way of life.

Out of these changed attitudes have come new elements of vital interest to those who would lead our military services:

There are sincere pressures to end the draft and move to an all-voluntary service concept.

The authority, customs, and organizational structure of military life are under question at all levels of our society.

The idea that military service is an honorable and challenging career for the individual is widely questioned, particularly among our young people.

Associated with and stemming from these trends we see a growing desire to reduce the level of resources committed to defense purposes. From that step inevitably flows the need for us in the military to reappraise the types and levels of forces we are to be able to support within a shrinking budget.

On the international side, we see a world far different from that of only a decade ago.

As President Nixon had put it, "the post-war era in international relations has ended" and new approaches were in order. This reshaping of our approach to allies and friends throughout the world under the Nixon Doctrine could have profound effect on the roles of each member of the defense team, and our Navy clearly will need to be responsive to its changed requirements.

At the same time, an expansionist Soviet drive to extend their influence world-wide is underway. Soviet recognition that attainment of their goal could be facilitated by sea power operating in conjunction with the political, diplomatic and economic power of the Soviet state has been clearly revealed by their expanding navy, oceanographic and commercial fleets.

Thus, it seemed to me that in our consideration of what we wanted and needed to do in this coming decade, there were four major realities that had to be dealt with—

First, the Nixon Doctrine, seeming likely to demand more of the Navy, second an adverse budgetary climate, promising to limit the forces and people we would have to do the job; third, a general disaffection with things military on the part of our population, accompanied by a turning away from the world beyond our shores to favor problems closer to home; and finally, a rising Soviet military-political presence approaching world-wide in scope.

These factors could create an endless chain of cause-and-effect which might have prevented us from effective action in pursuit of our defense responsibilities—

For example, the world-wide Soviet challenge has made a credible U.S. military-political overseas presence essential in the eyes of our allies, particularly if we were to ask them to assume a more responsible role in their own defense under the Nixin Doctrine—but the credibility of that U.S. presence hinges on our ability to maintain control of the sea lines of communications that bind together our essentially maritime alliance structure. In turn, such sea control ability depends on our projected post-Vietnam Navy force level and structure—but, our projected Navy force level depends on the resources in money and men our Navy can expect to receive from a populace grown visibly weary of the price in blood and treasure asked of them in defense against constant Soviet pressure over the last twenty-five years—thus coming full circle.

My first aim was to determine for myself what the principal task of our Navy would be in this decade.

To me, a logical U.S. military strategy consistent with our stated national interests and the new approaches of the Nixon Doctrine is sea-based mobility—mobility to shift our land-based forces to where they may be needed, and to support them there so long as their presence is required.

Therefore, I concluded that our first goal must be to provide that mobility and the means to protect it.

In order to do that, I felt that we had to break that circle of cause-and-effect that limits our ability to move toward any goal.

We might have tried to break it by pointing more directly at the growing Soviet military threat—but we already had been talking long and loud about the Soviet naval threat—perhaps too loud and too long. Many people no longer heard us.

In my view, the key, as always, lay with people—our Navy people who have for so long been asked to operate under the demands of war service while the nation was nominally at peace.

It was increasingly clear that the personnel situation in the Navy was approaching a disaster level and that failure to turn the situation around could pose a more immediate threat to our country than the Soviets.

For over twenty years, our Armed Forces have all been operating under conditions which heretofore had only existed under the pressures of war—our nation's land-based bomber force has spent years on a strategic alert status no less demanding than the tensions of war—our Navy carrier and escort forces have spent deployment after deployment operating intensively in all the oceans of the world, from the Mediterranean to the South China Sea. Equally exhausting demands had been made of our submarine forces, our Army, our tactical air squadrons—in short, all of our armed services.

Our military people were weary—and more and more, by one means or another, they have been made to feel that even their countrymen doubt that military service is an honorable career.

In the Navy their discouragement was obvious, and, in true democratic fashion, they showed their disillusionment by voting—their vote was registered in the re-enlistment tallies rather than the corner precinct house, but it was just as influential.

Fortunately, my predecessor, Admiral Tom Moorer, and Navy Secretary John Chafee had already begun to attack the problem.

They had initiated many "people-oriented" programs long before my return to Washington. With their strong support and encouragement, we continued their initiatives, and actively began seeking more ways by which to let our Navy people know that we intended a dramatic change in direction.

Over the last several months, you have all seen or heard about the many initiatives we have undertaken in our efforts to put people first, where they belong.

Some aspects of the program have received a bit more attention than others, with the result that many questions have been raised regarding the goals of our overall program.

I can state to you categorically that our intention to put people first is but the essential first step in moving to enable our Navy to carry out its mission in coming year.

People are the beginning, not the end, of our plan of action.

There are some, however, who suggest that we are pampering our people to the detriment of discipline. When this question comes up, I usually find that the concern centers around only 4 or 5 of the more than seventy-five "Z-GRAMS" we have issued since last July.

These deal with grooming and uniform policy, beer in the barracks and bachelor officers quarters, "hard rock" music in Officers Messes, and the so-called "Mickey Mouse" directive on beards and other minor issues.

Admittedly, these issues are the kind likely to catch the public eye, and to stimulate broad public interest in our Navy. But I would like to suggest that we put our people programs into perspective.

In the Navy we are dealing with a substantially youthful population. The average age of our Navy enlisted man is 25.1 years while that of our officer corps is 32.4 years. Among our enlisted community nearly 63% are under 24 years of age.

Essentially all of these people are drawn from the American population, and their value standards and perspectives of judgment are representative of those found in our civilian community—just as our civilian youth are showing a growing concern to influence events around them, so also do our young Navymen.

The majority of American youth is moving in constructive ways to exert influence within constitutionally-granted channels—and I believe the nation will be the better for it. We believe that similar channels can be created within the structure of our Armed Forces to permit youth to influence our Navy in similarly beneficial ways.

It is true that the Navy can never be a true democracy—the need will always exist to issue and accept arbitrary orders in battle—but I see no need to extend that necessity for arbitrary authority to include how Officers Messes shall be run, or to dictating hair styles, or to denying our men time with their families when no useful military purpose can be served.

Our modifications of what have proven to be demeaning or abrasive aspects of Navy life is intended collaterally to open doors of communication with our middle and junior grade executives and technicians—our officers and petty officers.

We have not undertaken to open these doors without regard to the views of our senior executives and technicians—indeed in staffing out each of our programs, these experienced people have been heavy contributors and valued counsellors. It must be so, for if we are able to communicate anything of enduring value to our juniors, it must be derived from the collective wisdom of our senior people—wisdom and experience in the techniques of naval warfare, of international affairs, and of military management—the core skills of our profession.

I believe that as our personnel situation turns around, the other major problem areas I mentioned will inevitably become more manageable.

In a restrictive budgetary climate, increased retention of trained people brings efficiency and economy—with fewer total forces available for deployment, those which are manned by people of experience and mental commitment will also be more effective and more battle-worthy.

With increased opportunity for youth to have its say, and to assume greater share of leadership responsibility through early promotion, our procedures and tactics will become more imaginative and less stereotyped, thus adding to the problems our Soviet counterparts must consider in planning for their operations.

With our visible determination to retain a quality force, and to pay the price it will cost, our allies can be more readily reassured of our national will to respond to our obligations as senior partner in a world maritime alliance, while our growing unit effectiveness will encourage a response in kind on their part.

As to the attitudes of our citizenry, I believe that there is a spirit of idealism now growing in our land. Not only among our youth, but as well among Americans of all ages. It is an idealism best reflected by the late Robert F. Kennedy when he said, "Some people see things that are and ask "why"—I dream things that never were and ask "why not?"

I share that philosophy.

But, I also believe idealism must be tempered by real world constraints if concrete change is to be made.

In the Navy today, many of our new programs seemed to be quite far down the road to idealism at the outset—but we have put our faith in people to work within our policies and to apply practical real world constraints only to the degree needed to get positive results and change for the better.

Our faith seems warranted.

Generations of Americans have looked upon the Navy as a demanding and honored profession, to which they could commit their sons both with pride and a certainty that they would be better men for the experience.

I believe that the American people want to see that view reaffirmed, and that they can be pleased with the progress we are making to that end.

I also hope that what we now see coming to pass in the Navy will serve in part to restore the spirits of those Americans temporarily disillusioned with the idealistic but costly and burdensome demands of Free World leadership.

Just as I believe that we in the Navy, by taking account of real world limits, are on the road to attaining our idealized goals, so also do I believe that this nation is on the road to peace so long as we temper our idealistic aim with realism.

A "generation of peace" is the announced goal of our President, but as he has made clear, that end cannot be attained without accounting for the threats to peace which exist in the real world.

We did not create them, but they are there nevertheless, and must be dealt with.

I believe that the threat posed to our security by Soviet aspirations to world dominance is real—it need not be overstated, but it does need to be accepted as reality.

I am deeply concerned by that growing threat—concerned not because I believe that the Soviet Union will attack us, either with their substantial nuclear arsenal or their conventional land and sea forces—they are too rational for that—but rather, concerned by their obvious determination to challenge our ability to maintain the maritime alliance structure which has been fundamental to our security for more than three decades.

In Cuba in 1962, Khrushchev gambled that he could get away with placing missiles so close to us that he could double the total megatonnage with which they could confront us and halve our warning time. He lost that gamble because we had the strategic nuclear and conventional superiority in our Navy and other services which made it rational for our leaders to confront him and demand their removal—in the face of that dual superiority, he made the rational decision to salvage what he could and to back away.

The Soviets also have made the further rational decision never again to be confronted with such a preponderance of power.

Since then, they have attained strategic nuclear parity, and are moving to attain a world-wide naval superiority over our own diminishing and aging Navy.

I believe that we need to be reminded of these facts—not because I am a "drooling, fanged militarist" hoping to frighten the taxpayers out of a few more ships and planes and missiles—rather, in my judgment, we need to know, in order to decide for ourselves what sort of defense establishment we will need in the years immediately ahead—years in which for the first time, the Soviet Union will become the world's leading naval power if present trends continue.

I share the idealized desire of many Americans that the burdens of defense be lightened—but I also fear the reality of Plato's view that "only the dead have seen the end of war."

I also believe that sufficient resources are available within this rich nation to meet our internal needs and those of national security, and that as President Nixon said, ". . . We will meet both, or we will meet neither."

Finally, I intend that our Navy will continue to play a valuable and productive role both in our defense and in setting the pace for changes to military life which reflect the desires and values of our citizenry.

In China, there is a saying—"May you live in interesting times."

Those of us in the Navy today believe that we are so blessed.

ARMED FORCES JOURNAL EXAMINES CBS PROGRAM

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. HÉBERT. Mr. Speaker, James D. Hessman, senior editor for the Armed Forces Journal, has written a concise and enlightening article about the CBS program, "The Selling of the Pentagon."

Of particular interest is the fact that he tells of the signed memos from five congressional offices which state that CBS told them it was planning a documentary on prisoners of war.

These memos prove false the statements made by Peter Davis, producer of "Selling," and Richard Salant, president of CBS News. Both said other Congressmen were asked for film clips of their Rowe interview and that these Congressmen knew CBS was doing a documentary on how the Pentagon sells itself to the public.

I released these memorandums to the press on March 22, but unfortunately they received little attention.

I insert the article from the April 5 issue at this point in the Record, so everyone may have the benefit of Mr. Hessman's observations:

CBS Backfires, Creates Own Credibility Gap

(By James Hessman)

A recently televised CBS program, "The Selling of the Pentagon," has backfired, leaving the network with a bigger credibility gap than the Pentagon's own.

The program, a purported expose of Defense Department hucksterism, was marred by numerous factual errors, distortions, dubiously honest film editing, half-truths and untruths, and an apparently abysmal ignorance of what the Pentagon is really doing in the field of public affairs. Some examples:

Deputy Assistant SecDef (Public Affairs) Jerry Friedheim was depicted giving several "no comment" answers at a news briefing. Roger Mudd of CBS said Friedheim "does not, of course, tell all he knows; he wouldn't have his job long if he did." Mudd and CBS neglected to tell viewers that, at the same briefing, Friedheim made nine announcements and answered over 30 questions—the only "no comment" answers related to national security or to questions to which Friedheim did not have specific answers but promised to "check back."

A military officer was shown speaking about the danger of South Vietnam being taken over by Communists, and the implication made that he was making a personal comment that related to foreign policy. The officer was, in, fact, reading a quotation from the Prime Minister of Laos, but careful editing by CBS turned the quote into a "personal comment."

CBS said "a team of colonels" lecturing "on foreign policy . . . to a mixed audience of civilians and military reservists" in Peoria, Illinois, had been invited there "by the Peoria Caterpillar Company, which did $39-million of business last year with the Defense Department." As pointed out in an incisive article ("The Wayward Press—Tube Division") by Claude Witze in the April *Air Force Magazine*, the Peoria seminar was arranged, not by Caterpillar, but by the city's Association of Commerce. Witze also pointed out that the "team of colonels" consisted of five military officers and a State Department officer from the Industrial College of the Armed Forces (ICAF), and that the State Department and Defense Department both clear all ICAF presentations.

A series of five apparently related statements made by Col. John A. MacNeil, USMC, one of the Peoria speakers, was actually, according to Witze, spliced together from, in order, pages 55, 36, 48, and 73 of the ICAF text.

HÉBERT STRIKES BACK

Vulnerable as the program was in substance, the CBS tactics were worse. The network's most grievous error, probably, was depicting House Armed Services Committee Chairman F. Edward Hébert (D-La) as a tool of the Pentagon. Hébert, a prize-winning reporter and former city editor of the *New Orleans States*, has, since the program, kept up a rolling thunder campaign against CBS, pointing out, item by item, the numerous distortions, false innuendoes, and unfounded allegations which characterized the program. Hébert took particular exception to the fact that CBS used a taped interview between Hébert and Maj. James Rowe, USA, a former POW, to demonstrate how "the Pentagon tries to counter what it regards as the anti-military tilt of network reporting," and how "war heroes are made available for the taped home district TV reports from pro-Pentagon politicians."

In an angry rebuttal, Hébert pointed out that (a) the interview "was not the Pentagon's idea; it was Hébert's idea," (b) the interview "was not filmed to counter network TV reporting—it was planned by Hébert for his local TV show in his home district because he felt his constituents should see Major Rowe," and (c) Major Rowe "was not supplied by the Pentagon. Major Rowe appeared at my request."

HÉBERT TRAP?

Adding insult to injury, CBS apparently obtained the Hébert/Rowe film segment under what Hébert termed "false pretenses." Hébert's press aide, Lou Gehrig Burnett, stated on 3 March that the film clip had been requested by CBS in July 1970 for what the network said would be "a documentary on the POW situation."

A follow-up Washington Post story reported, however, that a spokesman for CBS (unidentified by the Post) "termed the Congressman's charge untrue. The spokesman said the network . . . asked Hébert's office for use of the film for a program 'on how the Pentagon presents its message to the American people.' "

On 17 March, Steven Scheuer of WNYC (channel 31, New York) interviewed CBS's Peter Davis about Hébert's charges. "Well, he's mistaken," said Davis, who produced and wrote "The Selling of the Pentagon" for CBS. "There was never any suggestion that our broadcast was on anything except military public relations . . . we had similar tapes from a number of other congressmen. All of them knew what our broadcast was about," Davis added, possibly still believing it was the network's word against Burnett's word.

If so, he was mistaken. Hébert's office has made available to newsmen a transcript of the Scheuer/Davis interview, and along with its letters from the offices of Representatives Sam Steiger (R-Ariz), William R. Dickinson (R-Ala), Page Belcher (R-Okla), and Thomas N. Downing (D-Va), and former Representative Ed Foreman (R-NM)—all of whom also had been asked for interviews by CBS. The memos make it clear that, as Steiger phrased it, "The man from CBS sought the strip because he said the network was intending to do a documentary on POWs."

SELECTIVE BIAS

CBS, it would seem from a number of reports critical of the program, had numerous legitimate editorial points to make about DoD public affairs activities, but weakened its case considerably because of its ill-disguised preconceived bias against the Pentagon, and even more because of what can only be considered devious tactics both in obtaining material for the program and in "editing" several filmed sequences to give an impression substantially different from what was actually filmed.

Chairman Hébert, who noted in passing that "it would be hard to find anybody in this town who has issued more public criticism of the Pentagon than I have over the last 30 years," perhaps critiqued the program best when he said: "But presentations which are biased throughout, which are slanted to only use language and items which support that bias, and which clearly make false innuendoes about individuals in order to prove the bias—such presentations detract from the media's function of being a true critic of society and make it more difficult for the worthwhile criticism to be presented and accepted."

(Note.—As a matter of policy, The Journal normally does not reply to specific attacks on the military by members of Congress, magazines, newspapers, or other media, preferring instead to report the facts about any given situation and to let those facts speak for themselves—to act rather than to react, so to speak. An exception was made in this case because: (1) the CBS program was so blatant a distortion that an answer was all but mandatory; (2) unlike most newspapers, which have local audiences, or most magazines, which, except for a limited few mass-circulation magazines, have relatively small special-interest readerships, the TV networks claim a national audience often numbering in the tens of millions and encompassing all strata of U.S. society; and (3) the short CBS-edited rebuttal of the program by Chairman Hébert, Vice President Agnew, and SecDef Laird which followed a 23 March rebroadcast, although a step in the right direction, consisted largely of general rather than specific criticisms, and included a CBS counter-rebuttal almost as misleading and offensive as the original program.—The Editors.)

IS LIFE MAGAZINE TAPPING TELEPHONE LINES?

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. SPENCE. Mr. Speaker, recently we have heard on the floor of the House an accusation against the FBI and in particular its Director, Mr. J. Edgar Hoover.

I wonder if there is any significance to the fact that in the April 9 issue of Life magazine, received in the mail yesterday, one finds this statement on page 39:

> Mr. Hoover has drawn the attention of more powerful critics. Now he has been challenged—of all places—on the floor of the House.

The coincidence of the floor accusations and the publication of the Life article raises the question whether the distinguished Member who made the allegaations was in conspiracy with Life magazine or whether it is Life magazine, and not the FBI, who is actually tapping his telephone line.

THE COMMON LAW OF MORRISON COUNTY

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. HUNGATE. Mr. Speaker, some years ago, the American Bar Journal carried an article on the common law of Morrison County. Since I believe this article has widespread application and the doctrines set forth in there usually find themselves with no legal force but with great practical efficacy, I believe this article will be of interest to my colleagues:

THE COMMON LAW OF MORRISON COUNTY

(By John E. Simonett)

Not all the law is in the books, as any county seat lawyer will tell you. And in Morrison County, there is a vast quantity of legal lore that is never taught in the law schools. Members of the local Bar learn it only gradually, although real estate men, justices of the peace and notaries public seem to know it intuitively. In Morrison County, for example, wills should not be executed on Sunday; legal documents cannot be signed with ball-point pens; and there is an irrebuttable presumption that all defendants in personal injury actions are insured. Mr. Simonett writes of these and many other peculiar features of the common law of Morrison County.

"There are three great branches of the law", the senior member of the Bar told me when I first arrived at the county seat. I listened respectfully, but also somewhat skeptically, as befitted a man fresh out of law school. He then elaborated: "First, there is the statutory law, the law enacted by the legislature, found in the codes and statute books; second, there is the common law, the law handed down in court decisions since before the days of Coke and found in the reported court cases; and finally, and most important, there is the common law of Morrison County."

It is now ten years later and, oh, 'tis true, 'tis true. Not all the law is in the books.

Strange, these days when legal book publishers expertly minister to every felt and unfelt need of the modern law office, that the common law of Morrison County has been singularly ignored. Never a day passes but new volumes appear off the presses, but all of them deal with the first two great branches of the law, never the third. There are books on planning the estates of clients with estates exceeding one million dollars, learned dissertations on whiplash injuries, and a veritable paper blizzard of monthly supplements to the "complete" six-volume set on motorcycle intersection accidents purchased only two years ago. Yet the rich vein of Morrison County common law has never been mined.

Surely to the legal book publishers this field must be as lucrative as it is virgin. There are eighty-seven counties in Minnesota alone, each with its own distinctive common law. Each day new precedents are being set down in every county by real estate agents, bankers, justices of the peace, constables, auction sale clerks, notaries public and other prominent jurists. Indeed, when one realizes this legal process is also proceeding apace in forty-nine other states, the complete dearth of literature on the subject is nigh incredible.

This brief essay is written, then, in the modest hope it may be some kind of pioneering effort in exploring the little known third great branch of the law, so that it may stimulate both the serious student of jurisprudence and the law book publisher. It is fitting, I think, that Morrison County leads the way now, as it has so often in the past, in the field of jurisprudence. Justice Holmes observed that the life of the common law is experience, not logic. Undoubtedly he had Morrison County in mind.

A MORRISON COUNTY RULE TRAVELS TO MASSACHUSETTS

It was the common law of Morrison County that first established that no legal document signed with a ball-point pen is legal. Nobody knows who first made the ruling or why, but it stubbornly persists, and, as I understand it, the rule has spread as far east as Massachusetts.

A will, of course, should not be executed on a Sunday, nor should a deed except in the direst emergency, although it is legally permissible to execute an earnest money contract on Sunday. Apparently the law succumbed to the temptation of the earnest money. Assuredly some day it will happen, human nature being what it is—the dream case—somebody will sign a will on Sunday with a ball-point pen. This will mean going to see a lawyer and paying money, which might have otherwise been used for worthwhile pursuits, to get the whole mess straightened out.

Also a will does not have to be probated. Where this notion originated has never been adequately explained. Like much of the common law, its origin is shrouded in mystery, in the legends and mores of past generations. Some say the doctrine evolved from a logical rather than a historical basis; that it was reasoned by the people of Morrison County that if a man paid a lawyer once for making the will it could hardly be expected that he, or more accurately his estate, should have to pay the lawyer a second time for probating it.

Perhaps the first legal crisis any married couple faces is when, having purchased their home, the lawyer asks how the deed should be drawn—with the husband's name alone or with both husband and wife as grantees. If the wife's name is not included on the deed, won't she, the keeper of the hearth, be without any legal rights to her own home? This is at best a sticky situation, and, unless love is strong, domestic tranquillity dictates both spouses hold title. This explains why so much property is held in joint tenancy in Morrison County, or to put it more precisely, why husbands and wives hold property with an "or" between their names.

True, there is the academic objection that joint tenancy disinherits the children, that upon the father's death the property goes outright to the wife, evading any provision the father might have contemplated for his offspring. The objection is academic because it is firmly believed in Morrison County that a surviving spouse will not remarry and will always cherish the children in a pecuniary as well as a maternal or, in the unheard of instance where the wife dies first, paternal way.

THE IMPACT OF WOMAN ON THE COMMON LAW

The full impact of woman on the common law has never been really explored. There is the story which has long circulated in Morrison County, although it is propably apocryphal, about the grieving widow who was interrogating the caretaker of the local cemetery as to the location of her spouses' grave, her late husband having been J. Howard Jackson. The caretaker, having checked the directory, told her there was no cemetery lot in that name although there was one in the name of Mathilda Jackson. "That's him," the widow vowed with satisfaction, "Everything, you see, is in my name."

If the common law of Morrison County is ever put in print, there should be a separate volume entirely on criminal law. I say this not only because a multi-volume set is more impressive as well as expensive, but, equally important, the subject deserves a volume to itself, and I can only touch on it here. I do not mean the lackluster offenses of armed robbery, murder and white slavery, but real criminal law—crimes of passion such as driving a car under the influence of liquor; crimes of revenge, such as non-support; and crimes of premeditation, such as shining deer. Here a textbook would stand in good stead the practitioneer who must encounter a Morrison County jury. The governing principle, as Mr. Dooley once said so well, is that "In this counthry a man is presoomed to be guilty ontil he's proved guilty an' afther that he's presoomed to be innocent." (As contrasted with the English system where ". . . a man is presoomed to be innocent till he's proved guilty an' they take it fir granted he's guilty.")

ALL DEFENDANTS ARE INSURED

On the other hand a Morrison County jury is never influenced by sympathy for an injured plaintiff unless the defendant is insured. Since the Minnesota Supreme Court has held that it is prejudicial error to disclose to a jury that a litigant has liability insurance, local law has established the presumption that all defendants are insured. This is an irrebuttable presumption because it is usually objectionable in Minnesota to tell the jury that the defendant is not insured.

What gives the common law of Morrison County its zest and vitality is its great capacity to adapt to changing conditions. One illustration, the local law on fixtures, will suffice. It has always been understood in Morrison County that the corn crib goes with the land and the Venetian blinds with the house. When my aunt sold her house a few years ago, she unscrewed and took with her all the light bulbs, leaving the new tenant in darkness. When I protested, she told me, first, that she was surprised her nephew had learned nothing in law school, and, second, that everybody knows the light bulbs never go with the house.

This last decade, however, presented a new and vexing problem, when television antennas began sprouting ubiquitously on rooftops. Is the television antenna, or is it not, a fixture? For several years the law was unsettled, with some real estate agents claiming the antenna stayed with the house, others disagreeing, and notaries public generally refusing to venture any opinion on the reasonable assumption that, as soon as all homes had antenna, the problem would solve itself. In any event the question today is at rest. The television antenna is a fixture which stays with the house; any realtor or notary in the county will tell you this is the law.

In other ways, too, the common law of the county has admirably adapted itself to modern times. This is seen in the trend toward specialization which is common to all professions. Bankers in the county seem to specialize more in banking nowadays and draw fewer contracts and wills than a generation again, and, as often happens, the increased proficiency resulting from this specialization has paid off handsomely in higher banking income to bankers.

There might be, too, a separate volume, or at least a chapter, on the relatively new field of administrative law and procedure.

Actually in Morrison County administrative law is very old and there is much to say about it. There is much to say, for example, on such sensitive matters as how to call a creamery board meeting to order, how to find out when the town board will meet and where, and when not to speak at a village council meeting.

The common law pronounced by judges in reported court decisions and the common law of Morrison County are, at the same time, closely related and far apart. Both draw on the vast fund of common sense, prejudice, habits and customs of the community, and though the routes at times appear to go in different directions, they criss-cross and seek the same destination. The common law of Morrison County is aware that a set of rules and order is necessary for a community to carry on its daily business. The arena of the common law is the lawyer's office, the courtroom and the appellate judge's chambers; the arena of the uncommon law is the realtor's office, the sales barn and the street corner.

NO ONE NEEDS A LAWYER—UNLESS HE'S WRONG

The common law is made, or at least announced, by lawyers and judges. The common law of Morrison County avoids lawyers on the grounds that lawyers cost money and why should a man consult a lawyer about something so uncomplicated as to what is right and wrong—unless he knows he is wrong.

The common law of Morrison County is inconsistent at times. It suspects lawyers and "their" law represent a triumph of technicalities over common sense, but the common law of Morrison County treasures technicalities far more technical—witness the rule of the ballpoint pen.

Yet one should not think harshly of the common law of Morrison County for it serves a useful function discharges a ready justice. Much of it is good common sense, although I have dealt here mostly with its uncommon aspects. If at times the rules are arbitrary, it is sometimes better to have an arbitrary rule than none at all, and, if at times its doctrines seem irrational, it may be because people do not always act rationally, even in Morrison County.

The common law of Morrison County recognizes, as someone once said, that the law is too important to leave to the lawyers alone. Yet lawyers need not feel slighted. Indeed, the system pays the lawyer the supreme compliment, for in matters of great moment, where an appeal is taken from the decision of the insurance agent or the notary, the appeal is taken to the attorney's office, the court of last resort. This is, in truth, a matter of trust as well as a compliment, and if at times here I have sounded a plaintive cry, it is only because each year of law practice has brought with it an increasing realization of my vast ignorance of the third great branch of the law, the kind that is not to be found in the books.

ABOUT THIS THING I FOUND

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BROOKS. Mr. Speaker, a sixth grade student from my congressional district, Chancel Cargill, has written a theme which I think would be of interest to all Members of Congress. I find it most encouraging that young people like Chancel, a student at the All Saints Episcopal School in Beaumont, Tex., can show such a depth of understanding and appreciation for their country.

The item follows:

ABOUT THIS THING I FOUND

It is all full of love. It is big and wonderful, great and joyful, and it is also invisible to the eye except from above and within. What is this thing I found? Why, it is us. U.S. that is what it is and U.S. stands for the United States. The United States is where I live. But I never really knew it till a while ago. Sure, I have seen it before this, but I never thought about it being something other than a huge piece of land. I know now that the United States isn't land. It is a name for a people bound together in determination to follow God and to gain eventual peace and prosperity. You see the United States' initials are what that thing is, US.

SUPPORT FOR SUMMER RECREATION PROGRAMS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. NIX. Mr. Speaker, I am today proposing legislation to refund and expand the very successful program of Federal support which last year helped 100 major cities conduct expanded summer recreation programs in their inner city areas.

The $15 million allotted to this program last year enabled Philadelphia to receive $528,000 for the employment of additional summer recreation workers and $24,360 for special transportation for the participants in these programs.

These sums were very important to the well being of our city in the hot summer months when young people are not in school.

The situation could be even more difficult this year, when the National Urban Coalition is forecasting a hot summer in our inner city areas. I am supporting through other legislation greater Federal support for efforts to create more jobs, especially public service jobs which are vitally needed in our cities. I feel, however, that this recreation program is also very important.

I was distressed to find that the administration has not specifically recommended the continuance of this program this year. I would hope that he would do so in a supplemental budget request; but I do not think we can wait much longer if we are to enable the local communities to plan their summer recreation programs in such a way as to make the best use of these funds.

I include in the RECORD the following table of the funds spent for recreation and transportation in connection with this Neighborhood Youth Corps summer support program in 100 cities last summer, so my colleagues can see what this program has meant to their areas. The $30 million I propose would enable these cities to receive more money and permit the expansion of the program to other cities which need it.

The tabulation follows:

1970 SUMMER PROGRAM ALLOCATIONS

	Recreation	Transportation
New York City	$1,836,000	$96,960
Chicago	564,000	42,240
Los Angeles	552,000	43,120
Philadelphia	528,000	24,360
Detroit	360,000	26,560
Houston	324,000	25,060
Baltimore	276,000	11,100
Washington, D.C	228,000	12,960
Dallas	204,000	17,840
Cleveland	132,000	19,310
Boston	168,000	10,720
Milwaukee	108,000	17,280
San Francisco	180,000	11,920
San Antonio	324,000	11,570
San Diego	144,000	14,360
St. Louis	240,000	11,360
New Orleans	252,000	14,790
Kansas City, Mo	108,000	11,970
Seattle	84,000	12,760
Memphis	264,000	11,860
Columbus	132,000	8,640
Pittsburgh	108,000	12,650
Phoenix	144,000	11,740
Atlanta	132,000	12,080
Indianapolis	108,000	8,480
Cincinnati	120,000	7,920
Jacksonville	84,000	6,300
Denver	120,000	8,320
Buffalo	96,000	7,500
Minneapolis	60,000	10,500
San Jose	60,000	7,500
Newark	72,000	7,500
Toledo	84,000	7,990
Louisville	96,000	7,500
Oklahoma City	108,000	8,580
Long Beach	72,000	7,500
Portland	84,000	8,580
Omaha	48,000	7,500
Oakland	84,000	7,500
Fort Worth	108,000	8,130
Honolulu	60,000	7,500
Tulsa	72,000	7,500
Birmingham	120,000	7,790
Miami	120,000	7,500
El Paso	144,000	7,500
Norfolk	132,000	7,500
St. Paul	36,000	7,500
Rochester	47,000	7,500
Tampa	132,000	7,500
Wichita	60,000	7,500
Akron	48,000	7,500
Nashville	72,000	7,500
Jersey City	48,000	7,500
Sacramento	48,000	7,500
Charlotte	60,000	7,000
Dayton	48,000	7,500
Tucson	84,000	7,500
Austin	84,000	7,000
Albuquerque	72,000	7,000
Richmond	72,000	7,000
Mobile	84,000	7,000
Syracuse	36,000	7,000
Des Moines	36,000	7,000
St. Petersburg	72,000	7,000
Yonkers	24,000	7,000
Grand Rapids	36,000	7,000
Flint	36,000	7,000
Corpus Christi	84,000	6,300
Salt Lake City	36,000	6,300
Providence	48,000	6,300
Fort Wayne	24,000	5,400
Worcester	36,000	6,300
Gary	36,000	6,300
Baton Rouge	60,000	5,400
Kansas City, Kans	24,000	3,750
Madison	24,000	5,400
Jackson	60,000	5,400
Fresno	60,000	5,400
Lubbock	48,000	5,400
Spokane	48,000	6,300
Shreveport	72,000	5,400
Hartford	24,000	5,400
Springfield, Mass	24,000	5,400
Lincoln	24,000	5,400
Amarillo	36,000	5,400
Montgomery	60,000	4,200
Youngstown	36,000	5,400
Bridgeport	24,000	5,400
Rockford	24,000	4,200
Evansville	36,000	4,200
Tacoma	48,000	5,400
Paterson	24,000	4,200
New Haven	24,000	5,400
Greensboro	48,000	4,200
Savannah	48,000	4,200
Erie	36,000	4,200
South Bend	24,000	4,200
Topeka	24,000	4,200
Chattanooga	48,000	4,200
Albany, N.Y	24,000	4,200

GAINESVILLE, FLA., CITIZENS SHOW UNSELFISH SERVICE AS ALL-AMERICAN CITY

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. FUQUA. Mr. Speaker, one of the most inspiring stories of unselfish service has recently been told in Look magazine and its award to Gainesville, Fla., in my congressional district, as an All-American City.

This is a story of citizen-participation, where students, businessmen, college professors and others use their leisure time to help build a better community by repairing and cleaning up rundown neighborhoods. This is an excellent example of individual volunteerism, and hopefully will be copied in other areas of America.

I include in the CONGRESSIONAL RECORD the story and the cutlines from the article in the March 23, 1971 issue of Look magazine, which featured a photograph of Dr. Robert B. Bennett, a professor at the University of Florida in Gainesville, who is the brother of our colleague, Congressman CHARLES E. BENNETT of Jacksonville. We can gain something from this story of Dr. Bennett and other members of the neighborhood development group—volunteerism at its best.

ALL AMERICAN CITIES—GAINESVILLE, FLA.

A COLLEGE TOWN WHERE EVERYBODY GETS INVOLVED

The streets buzz with motorcycles carrying couples piggyback; middleaged teachers jog on a crunchy cinder track; others suit up in white to chase those furry tennis balls. Gainesville is a college town, home of the University of Florida. The average age is 23, which traces to the large student population. Located in the middle of the state, far from the profitable white-sand beaches and Miami-style hotels, Gainesville owes the largest slice of its economy to the University. But Gainesville is not just a college community in which the town and university lead separate lives. They are interested in each other's problems. Tumbledown housing in ghetto areas on the edges of town has aroused students and faculty. Drug abuse and a high suicide rate—on campus and in the ghetto—have shocked housewives and businessmen into seeking remedies through volunteer work.

"People in the ghettos feel the only thing the world owes them is a chance," says one city official. And community-action groups have moved in to show them how to refurbish their neighborhoods. Self-help organizations, with city aid and student-faculty manpower, comb neighborhoods, street by street, loading discarded furniture, refrigerators and boxes full of junk onto city trucks. Volunteers, white and black, in the Gainesville Neighborhood Development group, help repair and paint homes and hook up badly needed sewers.

College kids in Gainesville don't want phony do-gooder labels. They'd rather go into the ghetto the way Project Samson does, to work with neighborhood leaders like Rena Mae Goode, and help deprived children directly. The students tutor, make hot lunches, pack picnics and, in the summer, run a day camp.

At the Corner Drug Store, a rented house funded by the Federal state and local governments, Gainesville students offer refuge and counsel to kids hung up on drugs. "The police chief here understands and doesn't interfere," says John Creech, the director of the Drug Store. "It's a remarkable association; they let us work things out if we can. So far," he adds, "we've had no problems."

The people of Gainesville don't have all the answers—apathy, fear and suspicion still exist. But students and townspeople hope to erase them and get on with the job.

FIFTY YEARS IN THE FIGHT AGAINST POLLUTION

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. PATTEN. Mr. Speaker, with all the talk today about the problem of pollution and what we must do to combat it, I would like to bring to the attention of my colleagues the efforts of a group of very dedicated people in my congressional district who have been doing something for 50 years.

I refer, Mr. Speaker, to the department of environmental science at Rutgers—the State university in New Brunswick, N.J. Today marks the end of their 50th year observance. It has been a year full of remembering the projects, the breakthroughs, and the awards which have marked the 50-year history of this department. But it has also been a year of further planning, because the department of environmental science at Rutgers will continue to be an active participant in the fight against pollution.

Under the leadership of such men as Dr. Rudolfs, Dr. Orford, Dr. Heukelekian, and now Dr. A. J. Kaplovsky, the department of environmental science has attained an international reputation for its contributions in research in the environmental field. I take this opportunity to place in the RECORD an article on these achievements and a further outline of the department's program.

In closing, I would like to again commend the department of environmental science for its efforts in making our world a healthier place in which to live, and I wish them the very best in their next 50 years.

The article follows:

DEPARTMENT OF ENVIRONMENTAL SCIENCES, COLLEGE OF AGRICULTURE AND ENVIRONMENTAL SCIENCE, RUTGERS, THE STATE UNIVERSITY

The Department of Environmental Sciences has embarked upon its 50th year as a multidiscipline, problem-oriented, teaching and research, graduate department dealing primarily with technological solutions to the contamination of our environment. The mission of the Department of Environmental Sciences is the application of the physical, chemical, and biological sciences for the protection of Man and his environment against unwarranted assaults. These assaults include particulate matter, gases, vapors, liquids, ionizing and non-ionizing radiation, and undesirable organisms.

HISTORY

The Department of Environmental Sciences has attained international reputation for its long standing multidiscipline graduate teaching and research programs. The Department had its inception 50 years ago as an outcrop of a multidiscipline team of investigators working on a serious pollution problem.

In 1917, Dr. Headlee of the Department of Entomology investigated an infestation of flies in the trickling filters of the Plainfield Joint Meeting Sewage Treatment Plant. Recognizing other research problems besides fly nusiances, investigations were made and subsequently sufficient interest was developed concerning the valuable service Rutgers Experiment Station could give the state and communities in water pollution studies.

Thus an act was pased by the State Legislature on April 7, 1920 (N.J. Laws 1920, Chapt. 126, p. 263) that authorized the State Experiment Station and the N.J. State Department of Healh to conduct "an investigation of the biology of sewage disposal to the end that more effective methods of sewage purification may be discovered and applied to the purification of sewage in this state."

This was the first interdisciplinary organization formed in this country directed toward the problems of the environment.

Under the leadership of Dr. Rudolfs, Dr. Orford, Dr. Heukelekian and presently Dr. Kaplovsky, the Department has gained national and international reputation for its outstanding contributions in research, graduates and services to the field.

Over the years, the Department has recognized the many emerging problems of the environment, and has marshalled its forces and has maintained its front running position—in attacking the many complex problems.

The Department is carrying out a solid, technical program in the areas of Water Resources, Wastewater and Treatment, Stream Pollution, Water Chemistry, Microbiology of Water and Wastewaters, Aquatic Biology, Air Pollution and Atmospheric Chemistry, Radiation and Radiological Health, Solids Waste Management and Environmental Health.

In light of the tradition of the Land Grant College, the Department is continuing and expanding its services to all segments of the public: Example, service on State Commissions, on advisory groups to municipalities, Federal agencies, State Institutions and Agencies, professional societies, industries and to the private citizen.

The celebration of the completion of our first 50 years carries with it the obligation on the part of the Department and the State to expand the activities of the Department and its pursuit of excellence to meet the pressing needs of State, of our country and of our field.

FACULTY AND STAFF

Faculty of the Department is made up of the following disciplines: chemistry, engineering, biology, bacteriology, and physics, in keeping with the tradition of the multidiscipline theme. Presently, we have 16 faculty, two of which are Extension Specialists in air. In addition, we have 16 supporting staff and 5 summer personnel. Graduate student registration for the coming year (July, 1970) will approximate 75 students.

TEACHING AND RESEARCH PROGRAM

The primary areas of specialization include air resources, aquatic biology, aquatic chemistry, chemistry and physics of aerosol and hydrosol systems, environmental chemistry, environmental biology, environmental radioactivity, water and wastewater treatment, and water resources. The Department offers 12 undergraduate and 28 graduate courses. The advanced degree programs offered are: (1) the 2-year M.S. program, with thesis, and (2) a 1-year M.S. program, with expository essay, (3) the Ph. D. program with thesis.

Current research and activities cover the following broad areas:

Air Pollution; Fate and Effects.

Air Pollution Control.

Aerosols.

Incineration.

Photochemical and Atmospheric Reactions.

Governmental and Private Sources.

Ground and Surface Water Supply.
Ground Water: Pollution.
Municipal Waste Characterization.
Industrial Waste Characterization.
Wastewater Treatment.
Solid Wastes.
Solid Waste Treatment.
Animal Wastes.
Stream Pollution.
Environmental Pollution—Ecology.
Biodegradability.
Environmental Analytical Methods.
Advanced Waste Treatment.
Radioactivity in Environment.
Radiation Applications.
Ionizing and Non-Ionizing Radiation Biology.
Departmental General, Including Env. and Occupational Health.
Ultimate Disposal.
Continuing Education.

Over the years the Department has contributed over 1,000 research papers to the field.

AWARDS

The Industrial Waste Award of the international Water Pollution Control Federation was established in 1949 to be awarded annually for the most outstanding contribution by an industrial employee on any aspect of industrial waste control. The Board of Control named this award "The Willem Rudolfs Award" in 1966. This was in recognition of the extensive industrial waste research carried on by Dr. Willem Rudolfs (The Department's first Chairman) and his Department over many years. In addition, Dr. H. Heukelekian was given the Harrison Eddy Award for Research.

FACILITIES

The Department of Environmental Sciences occupies 23,000 square feet in six separate locations on the CAES and University Heights Campuses. However, active efforts are under way for a new Environmental Science building to bring the dispersed operations together.

GENERAL

The multidiscipline makeup of the Department of Environmental Sciences, both the past and the present, is geared to provide total solutions for assaults on man and his environment.

In order to achieve a total technological solution, the teaching and research are blended with the various needs and requirements of man and the ramifications associated with getting a completed package. Therefore, consideration is given to the quality of the environment desired, the methodology of treatment, basis for design, effective control and operation, socio-economic impact, legislative aspects, and enforcements. In addition, we have been and are increasing our efforts to help meet the varied manpower requirements in the field. Our continuing education specialists pursue the training whereas our graduate faculty concentrate on teaching and research. The Department acts as a technical adviser to all state institutions with regard to water and wastewater treatment, and radiation science such as nuclear reactor siting.

GOVERNMENT REORGANIZATION

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. HUNT. Mr. Speaker, great praise is due the President for putting the full weight of his office behind the executive branch reorganization. The proposals submitted for restructuring the Federal efforts in the domestic field according to purpose rather than constituency address the very great concerns of effective government.

Today the complexities of government need to be reassessed and simplified wherever possible. Much good will be accomplished by bringing together, as the President suggests, those programs closely allied to common purposes.

Federal officials cannot reasonably be held accountable for program performance, because so many conflicting programs are conducted within competing departments. In the question of housing—both Agriculture and HUD are involved. Health, Education, and Transportation all repeat the same story of too many overlapping programs. As an example, in the southeastern section of Idaho a conservative estimate is that 29 Federal programs are administered by nine Federal departments and agencies.

Under the plan proposed by the President this entire area would probably apply to one area office or regional office where representatives of the four new departments would coordinate local problems with Federal funds.

I think the American people want to understand Government programs. They want to see performance. I hope we can begin immediately on the task of Government reorganization.

THE AMERICAN SST REJECTION: VICTORY FOR CHICKEN LITTLE

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. PELLY. Mr. Speaker, the Pacific Northwest is weathering the loss of the supersonic transport program, despite the fact that thousands of highly skilled and capable engineers have lost their jobs in the Seattle area alone.

However, a recent printed article clearly indicate the frustration felt in the community caused by congressional rejection of the SST project. I call this statement to the attention of my colleagues who voted against the SST. There is a strong message in it which I hope will be heeded as the Congress faces future deliberations and decisions on research and technology in our great aerospace industry. The aforementioned article appears at this point in the RECORD:

SST REJECTIONS "VICTORY FOR CHICKEN LITTLE"

Following is the complete statement of James B. Douglas, first vice-president, Seattle Chamber of Commerce, regarding U.S. Senate rejection of the SST.

The rejection of the SST Program by the U.S. Senate is a victory for Chicken Little.

Opponents were successful in generating tremendous public pressure against the SST through the use of innuendo, misstatements of fact and deliberate deception. The use of scare tactics by irresponsible public figures created near-hysteria among sincerely concerned and mis-informed citizens, and that concern was expressed in vocal constituent opposition to the SST.

Hell hath no fury like a public deceived. The delay in the American SST Program involves a tragic waste of money and manpower which will only intensify public reaction against opponents as the truth about the SST becomes better known and understood.

We are convinced that, ultimately, an informed public will support the development of an American SST. For the present, we can only commend those Senators and Representatives who supported the SST Program for having the courage to place the national interest ahead of political expediency.

It takes a real statesman to risk his political future in the national interest—to support the SST Program in the face of hysterical opposition, and hope that his constituents will be enlightened by the truth before the next election.

We are frankly alarmed by the temporary success of SST opponents in deceiving the American public and discrediting American business, science nad technology. We are seriously concerned that political opportunists will make further efforts to exploit sincere public apprehensions about our environment and the very real problems of air water and land pollution.

While we agree with Abraham Lincoln that "you can't fool all of the people all of the time," the controversy over the SST demonstrates that political opportunists can fool enough people long enough to create economic chaos in the name of conservation.

The humanitarian goals of our society cannot be accomplished with a bankrupt economy and massive unemployment. Our best hope for improving the human condition—and surviving in a hostile world—rests with the optimum use of the tools of science and technology to achieve both environmental and economic objectives.

We are aware that a credibility gap exists between business and the public. Much of the blame rests with businessmen, themselves. They do an excellent job of merchandising their products and services, but have not been equally successful in informing the public of the advantages and social benefits of our American business.

On the other hand, business critics and the mass media are quick to point out the imperfections of business—real and imagined—but only rarely call attention to business contributions in the public interest.

As pointed out by Bernard Baruch, "everyone has the right to his opinion, but no one has the right to be wrong in his facts." Business must accept responsibility for getting the facts to the public and must take the initiative in seeking public understanding and confidence. Otherwise, political opportunists will continue to use business as the scapegoat for all of the social and environmental ills of our nation, and business will have only itself to blame if a mis-informed public is persuaded that our economic system is absolute.

In defeating the American SST, a majority of the Congress has demonstrated conclusively that the future of our nation rests with an informed public.

No longer can we afford to place our confidence in the integrity and intelligence of a majority of elected officials and complacently trust that statesmanship will prevail over political expediency in matters of national and public interest.

We cannot afford, ever again, to jeopardize the public and national interest by failing to challenge—immediately—efforts of political demogogues to mis-inform the voters of this nation.

The Seattle Chamber of Commerce is taking immediate steps to seek a nation-wide mechanism for countering deliberate efforts to deceive the American public in the future on issues affecting the national and public interest.

Business has a responsibility to itself and the public to seek a better understanding of the contributions of our business system to the preeminent social and economic condition of the American people.

Only through public understanding and confidence can we maintain a climate for survival and further improvement in a system which, with all its imperfections, has done more for the human condition than any other system yet evolved by man.

It is not enough for business to act in the public interest, we must make sure that the public knows business is acting in the public interest.

Business must re-establish and maintain credibility with the American public by being completely candid and responsive to the public interest.

Otherwise, business ultimately will suffer the same fate facing SST opponents and will become discredited and impotent with an informed and enlightened American public.

ALASKA RESOLUTION

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BEGICH. Mr. Speaker, presently there is an urgent and immediate need not only for keeping Public Health Service hospital and outpatient clinics open but a more pressing need to make more funds available so necessary operations such as upgrading, modernization, and expansion of all programs and functions that raises the quality of services can be continued.

The people who suffer most from these inequities are Alaskans. All Americans look forward to the day when quality health care is in the reach of all people. It will take several years for this to happen. Until that time comes the Public Health Service must expand and provide more and better quality medical care to all our citizens.

It seems inconceivable that the United States, given the medical needs of today, should be debating whether or not we should close health services. We should have passed this stage many years ago. The question, of course, should be how can we get better services to more people. The narrow outlook of the budget cutters is irresponsible in thought and inconceivable in action. The obvious scarcity of adequate health facilities should demand expansion rather than reductions and to do so is intolerable.

An Alaska Legislature resolution follows:

House Joint Resolution No. 6: Opposing the Closing of the U.S. Public Health Service Hospital in Seattle, Washington

Be it resolved by the Legislature of the State of Alaska:

Whereas the fishing and maritime industries in the Pacific Northwest would be adversely affected by the closing of the United States Public Health Service Hospital in Seattle; and

Whereas this facility, because of its central location, has as actual and potential patients fishermen from Alaska, Washington and Oregon; and

Whereas a conservative estimate would be that the closure of this hospital could affect approximately 12,000 fishermen; and

Whereas there are no known replacement facilities which would be adequate should this hospital be closed;

Be it resolved that the Alaska State Legislature expresses its opposition to the closure of the United States Public Health Service Hospital in Seattle and respectfully requests that Governor Dan Evans, the Washington State Legislature, and the United States Congress do everything possible to prevent the contemplated termination of this facility.

Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Dan Evans, Governor of the State of Washington; the Washington State Legislature; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

FINANCIAL STATEMENT OF SENATOR STEVENSON

HON. ADLAI E. STEVENSON III

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Monday, April 5, 1971

Mr. STEVENSON. Mr. President, I believe that the financial affairs of a public servant are a legitimate matter of public concern. I am, therefore, continuing my past practice of disclosing my economic interests. This report lists all such interests, together with my debts, to give a complete picture of my financial affairs. I will keep it current on a quarterly basis with copies available in my office. The values have been estimated to the best of my ability, or otherwise determined as indicated.

I ask unanimous consent that the statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Financial statement

REAL ESTATE	
Fractional remainder interest in farm, McLean County, Ill	$10,000
Home, Chicago, Ill	90,000
Home, Washington, D.C. (cost)	125,000
One-third interest, residence, Beverly, Mass	30,000
Interest in farm, Jo Daviess County, Ill	60,000
Fractional interest, Fish Building, Amarillo, Tex	3,200
Fractional interest, 1776 Pennsylvania Ave., Washington, D.C	20,000
Fractional interest, 633 Folsom St., San Francisco, Calif	12,000
Real estate—St. Maarten Island	8,000
STOCKS AND BONDS	
12,640 shares, Evergreen Communications, Inc. (publishes Bloomington, Ill., Daily Pantagraph, operates WROK, Rockford, Ill., and WJBC, Bloomington, Ill., owns 10 percent of Bloomington, Ill., CATV)	160,000
34.1 shares, R. R. Leaseholds, Inc	5,000
533 shares, KBA Townbuilders Group Limited, Tel Aviv	550
Market value as of Mar. 9, 1971:	
10,000 bonds, Baltimore, Md., 6.25 percent, 10–15–84	11,480
210 shares, CBS $1 Cv. Pfd	5,066
27 shares, International Telephone & Telegraph, $4 Cv. Pfd	2,903
68 shares, International Business Machine	23,732
400 shares, International Telephone & Telegraph	23,350
150 shares, Xerox	14,831
1,012 shares, Harris Intertype	65,780
306 shares, Boise Cascade	13,770
200 shares, Capital Cities Broadcasting	8,275
305 shares, Delta	11,514
400 shares, Lin Broadcasting	4,700
550 shares, Northwest Industries	13,269
305 shares, R. R. Donnelley	7,587
25 shares, Doubleday & Co	6,000
400 shares, McGraw Hill	8,700
130 shares, CBS 22/100	4,089
300 shares, RCA	9,825
100 shares, Standard Oil of New Jersey	7,678
CASH	
Less current obligations	3,000
MISCELLANEOUS	
Personal property, including securities of nominal value, furniture, cars, paintings and clothing	45,000
Total	814,299
DEBTS	
Mortgage—Perpetual Building Association, Washington, D.C.	79,820.73
Mortgage—Continental Bank, Chicago, Ill	20,187.13
Note payable to Charles J. and Charlotte T. Whalen	7,025.00
Notes payable to Warwick Anderson (father-in-law)	24,000.00
Total	131,032.86

MADISON MEMORIAL HIGH SCHOOL CHOIR

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. J. WILLIAM STANTON. Mr. Speaker, I would like to express my appreciation and thanks to the Madison Memorial High School Choir for their outstanding performance on the steps of the U.S. Capitol on Monday, April 5.

The choir, under the able direction of Mr. David Ayers, traced America's history by means of a musical theme, "America: Yesterday, Today, and Tomorrow." Their selections ranged from the "Ride of Paul Revere" to "Aquarius," and everyone in the audience, which included some of my colleagues, as well as staff employees and tourists, thoroughly enjoyed the performance. I was particularly impressed by the girls' costumes—pantsuits which they made themselves—and with the choir's use of coordinated hand and foot movements to give an extra spark to some of the songs such as "Kumbaya" and "Let the Sunshine In."

The Madison choir combined a trip to Washington with a busy singing schedule, giving similar performances to the patients at the VA hospital and the Soldiers Home. I am very proud that these fine students, who demonstrated so well their concern for the betterment of our country, are from my district, and I was glad to have the opportunity to introduce them to official Washington.

JAMESTOWN HIGH SCHOOL BAND IS NO. 1

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. HASTINGS. Mr. Speaker, I would like to pay tribute to the Jamestown, N.Y., High School Marching Band.

This outstanding group of musicians captured first place in the band competition during the recent Cherry Blossom Festival here in the Nation's Capital. In doing so, they brought new honor to a school which already has a lofty reputation in the realm of music and gladdened the heart of a prideful city.

The greeting accorded the band on its arrival home after its triumph in Washington would have made a conquering hero envious. But it was all justified. The 170 youngsters, led by Jeffrey Corbin, director, had competed against 17 of the best high school bands in the Nation.

With little chance to practice marching formations because of the snow in their hometown, they came to Washington and quickly caught the spectators' fancy with their precision afoot and their skill as musicmakers. As one television commenator said:

> It didn't take long for the judges to determine that the Jamestown High School Band was number one.

They are indeed, and it is particularly fitting that their prize-winning honors should be bestowed by the Mayor of Washington, D.C. Mayor Walter Washington was once a student at Jamestown High School.

These youngsters represent what is good in America. Their excellence comes from many hours of practice and working together as a team.

They well deserve their new laurels as the No. 1 band and I invite my colleagues to share my pride in their achievement by including in the RECORD, copies of news stories from the Jamestown Post-Journal and a radio editorial from station WJTN, telling the story of their welcome home:

[From the Jamestown (N.Y.) Post-Journal, Apr. 5, 1971]

DIRECTOR DESCRIBES BAND'S EXPERIENCES

"The Jamestown High School Marching Band was very thrilled by the whole trip," Jeffrey Corbin, director, commented this morning in The Post-Journal editorial room.

He added that so many wonderful things happened besides the honors won that went into making the trip an unforgettable experience. Among these, he said, was the greeting given the band by Congressman James F. Hastings who got on each of the four buses after the band's performances and expressed his pride in the young people. The Congressman told them that he would bring attention to the group on the floor of Congress and that their accomplishments would be reported in "The Congressional Record."

Mr. Corbin said he was extremely proud of the band. "They worked so hard and their performance gave evidence of this. In fact, when they had finished the competition they could hardly move. They had seemingly used every ounce of strength they had. But the results were most gratifying.

"The students were just wonderful on the trip and very good representatives of Jamestown. They enjoyed the many social and sightseeing events that went along with the trip."

"We were delighted also that a former Jamestowner, Mayor Walter Washington, presented the trophy to us."

Mr. Corbin said that the welcome by the townspeople in coming back to Jamestown left everyone speechless. "We never dreamed the city would turn out in such large numbers," he said. "There wasn't a dry eye on any of the four buses. Together with the young people I would like to thank everyone involved, those who had to wait a couple of hours on a brisk cool evening, school officials, music parents, the Mayor, the police department, the radio and press, all who had any part in this fantastic welcome home."

Mr. Corbin explained the delay of almost two hours was caused when one of the buses had to have its brakes repaired at Harrisburg, Pa.

(From The Jamestown, (N.Y.) Post-Journal, April 5, 1971)

BAND GETS ROUSING WELCOME

(By Jennie Vimmerstedt)

Jamestown has seldom given a more rousing welcome home to any honor group than it did last night to the Jamestown High School Marching Band on its arrival from the Cherry Blossom Festival in Washington, D.C. where it took top honors.

The 170-member band, in competition with 17 bands selected from throughout the Nation for musicianship excellence, took first place in both concert and field work.

Lights from hundreds of automobiles and honking horns by a crowd estimated at from two to three thousand greeted the bandsmen as their four buses came into view both at the Foote Avenue Plaza and at the Jamestown High School.

The hour of arrival had been set at 7 p.m. and long before that time, there were hundreds of cars lining up at both parking areas. The crowds had to wait almost two hours before the buses arrived at 8:45 p.m. but were kept informed by Radio Station WJTN both of the buses' departure from St. Mary's, Pa., and again as they were seen going through Warren, Pa.

The Jamestown Police Department did an admirable job in lining up the cars and directing the motorcade up Foote Avenue to the high school parking area.

Crowds thronged against the buses as they pulled up to the side entrance of the high school. Here the greetings were poured out from hearts swelling with pride. Among those who formally welcomed the bandsmen were Mayor Stanley N. Lundine and members of the Jamestown City Council; Bryan A. Shaddick, superintendent of Jamestown Public Schools; Charles Jacobson, principal of Jamestown High School; Russell Johnson, head of school music; and Harold A. Johnson, president of the Jamestown High School Music Parents Association.

GREAT HONOR FOR CITY

Mayor Lundine said that the entire community is proud of the band and the great honor it has brought to Jamestown. He spoke in appreciation of the continued excellence of the band over a long period.

Superintendent Shaddick said that he was proud of the band and expressed his feelings that the taxpayers of Jamestown should sense that the support they give the schools of Jamestown is most worthwhile.

Principal Jacobson used the word "fantastic" which seemed to be the keyword on the part of many last night. He said he had promised the band a royal welcome at the City Line if it took first place. He added that Jamestown has waited 15 years for this honor, that other conductors, including himself had worked with the band and that "Jeffrey Corbin had put it all together."

Russell Johnson who was among those accompanying the band said he had never expected such a wonderful welcome, and that the young people, whom he described as the greatest kids in the country, had played well and behaved well. He also called attention that the short time of practice in Washington, D.C. was the first the band had experienced without marching in mud and snow this winter.

Harold Johnson spoke for the music parents in their pride in the band and their happiness in having a part in supporting various endeavors through raising money for uniforms, instruments, trips, etc.

TROPHY DESCRIBED

Jeffrey Corbin also gave a response for the band on its arrival. "We're happy as can be," he exclaimed and also described the first place trophy as a replica of the Washington monument done in white marble.

Many parents and bandsmen also expressed their elation in words like "it's great," "fantastic," "never expected anything like this," "glad we live in a small town where people get excited over events of this kind," "great credit to school's music department," and "well deserved."

Much credit for last night's expression of community pride should be given the cooperation of Principal Charles Jacobson, Harold A. Johnson and Samuel Nalbone, the city's ombudsman.

WJTN EDITORIAL

WJTN jumped the editorial gun Thursday by congratulating the Jamestown High School Band for being one of the 18 top bands to compete in the Cherry Blossom Festival.

Though fully aware of the excellence of Jeff Corbin's 170-member outfit, we perhaps showed too little faith in not waiting for the competition to be held, before offering our congratulations.

The JHS Band marched off with all the prizes in sight at the Nation's Capitol and made James F. Hastings the proudest Congressman around.

The band won top prizes in the marching contest behind the White House, then moved to the Commerce Department auditorium and won first place in the Concert competition.

There is no way the band could have done better! And our congratulations go again to Mr. Corbin . . . to Russell Johnson, who heads the music program . . . to the school board for supporting it . . . to the taxpayers for providing that support . . . and, most of all, to the band members themselves and their proud parents.

We think the band should get a hero's welcome when it gets back to Jamestown Sunday evening.

HOUSE HELPS COLLEGE JOURNALISTS

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. FORSYTHE. Mr. Speaker, on Tuesday of this week the House passed a joint resolution designating April 24, 1971, as National Collegiate Press Day.

While this action will not exactly cause echoes around the world, it was extremely important to many thousands of college students and advisers who work on campus newspapers.

I am certain that I speak for those of my colleagues who joined me in sponsoring this resolution when I express my appreciation to the House and the Judiciary Committee for taking this affirmative action.

Now, I would hope that prompt action in the Senate will be forthcoming on this measure so that students in more than 20 States across this Nation can properly observe National Collegiate Press Day, when working seminars will be held aimed at improving the campus press.

For, it is my belief that the newspapers published on our college campuses play an important role in our higher educational system.

They offer students a legitimate voice in educational affairs. They provide a method for the student body to make itself felt, effectively, and constructively.

Moreover, college newspapers provide a valuable training area for future newsmen. Many of the most respected national correspondents here in Washington began their careers in the university newsroom.

While many students in this country take to the streets to picket and demonstrate, and some cause violence and disruption which has ended in death in the past, college journalists press their case more peacefully.

They use their ability to communicate through the press by appealing to reason and to public opinion.

National Collegiate Press Day activities will demonstrate the willingness of college reporters and advisers to learn about journalism and to approach careers in the field with valuable background and knowledge.

DUQUESNE LIGHT CO., PITTSBURGH, LAUNCHES BICENTENNIAL IN SALUTE TO OUR FLAG

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. MOORHEAD. Mr. Speaker, although our bicentennial will not be officially celebrated until 1976, Duquesne Light Co. of Pittsburgh, in cooperation with Flag Plaza, operated by the Allegheny Trails Council, Boy Scouts of America, has already moved to honor our country's 200th birthday.

Underway right now, as a result of a 2-year planning effort on the part of these sponsors, is a "You Are the Flag" essay contest—for the 65,000 seventh- and eighth-grade students in Allegheny and Beaver Counties, Pa., designed to stimulate an interest in our young people for the heritage of our country, its leaders, ideals, and a love of patriotism.

The contest, programed to be held annually, has the endorsement of local educators who have received educational materials and films to assist their students in preparing the essays, supplied by Duquesne Light Co., local educators, and civic groups. There will be many prizes for the classroom winners and semifinalists; the 15 grand prize winners, selected by a panel of educators, business and civic leaders, will be announced appropriately on Flag Day, June 14, at Flag Plaza, Pittsburgh. A 3-day, all-expenses paid "Cradle of Democracy Historic Flag Expedition" to Boston, will follow.

Mr. Speaker, I am very proud of the early efforts of Duquesne Light Co. and Flag Plaza, and know you will join me in congratulating them for their significant contribution toward our bicentennial. I include a descriptive article about the flag contest for the interest of my colleagues:

DUQUESNE LIGHT SPONSORS "YOU ARE THE FLAG" CONTEST FOR AREA STUDENTS

In an effort to stimulate interest in the heritage of the United States, Duquesne Light Company, in cooperation with Flag Plaza, is launching what will be an annual "You Are the Flag" essay contest for 65,000 seventh and eighth grade students in Allegheny and Beaver Counties.

Fifteen grand prize winners, selected by a panel or educators, business and civic leaders, will be announced on Flag Day, June 14, 1971 at Flag Plaza in Pittsburgh.

The following day, the 15 winners will leave on a three-day, all-expense paid, "Cradle of Democracy" Historic Flag Expedition to Boston with the famous flag historian Dr. Whitney Smith.

Two years in the development, teaching aids, individual learning tools and resource booklets have been especially prepared by an advisory panel of teachers and school administrators under the leadership of Duquesne Light and Flag Plaza.

Like each one of you, Duquesne Light and its employees have an important stake in the free enterprise system that was founded nearly 195 years ago. That's why we have developed this program.

Today's patriot is not just a flag-waver. He is one who is aware of his heritage and is determined to build on that heritage, using the methods of self-correction afforded him and every citizen by the Constitution.

FLAG CONTEST OPEN TO 65,000 STUDENTS

As each student writes his essay, he'll learn through the study of our history the meaning of American ideals—for which men and women have fought and died—and of the significance of our flags of the past, present and future.

The "You Are the Flag" contest has received the endorsement of the major school systems in the Duquesne Light service area; also of a number of civic-minded groups including veteran's organizations.

According to George Cahill, Executive Director of Flag Plaza Foundation, this program is the most significant salute to the celebration of our Nation's Bicentennial announced to date by any corporation.

Each of approximately 2,000 classroom winners will receive a four-color "Certificate of Excellence" bearing signature reprints of Astronauts Aldrin and Armstrong.

One hundred fifty semifinalists will receive the book "Broad Stripes and Bright Stars," a historical account of the American flag prepared by Flag Plaza, and a Certificate of Literary Achievement.

DUQUESNE LIGHT SUPPLYING SPECIAL EDUCATIONAL MATERIAL

To aid teachers in preparing their students for the contest, Duquesne Light is supplying a kit of educational material including a filmstrip, study guide, bibliography, and booklets dealing with the history of the flag and the role it played in the development of the United States. The 14-minute filmstrip, entitled "You Are the Flag," is narrated by James Stewart and Paul Long and features the works of the well-known artist, Milton Caniff.

Duquesne Light is also providing copies of "Use Your Voice"—a guide of congressional and senatorial districts—for use in classroom projects.

The school laws of Pennsylvania state that all supervising officers and teachers in charge of public, private or parochial schools must instruct each student in the principles and ideals of our nation . . . in an effort to promote respect and allegiance for the flag of the United States.

Duquesne Light believes that the "You Are the Flag" essay contest will help fulfill those requirements and instill in our young people an awareness of that heritage . . . so that we can continue to build on the solid foundation our forefathers left with us.

"Don't wait for other guys to do the job—to carry high the faith in what we've won. The other guy is You!

You Are the Flag!"

AN HONEST REPRESENTATION OF VA HOSPITAL CARE

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. TALCOTT. Mr. Speaker, when news is scarce, some of the national magazines and networks seek out the attendant misery of a Veterans' hospital to exacerbate the miserableness of their viewers who find some enjoyment or emotional release in sharing the unfortunate plight of others.

In a beautiful juxtaposition from the magazine and network misrepresentations of our VA hospital system, I received a personal letter from a friend who was simply sharing her VA hospital experience with me.

The candid, unsolicited letter tells me much more clearly and honestly about the care, treatment and concern of the VA hospital personnel and the condition and operation of the VA facilities.

Mr. Speaker, I insert a copy of a letter from Marie G. Browne, of Salinas, Calif., from Hines Veterans' Administration Hospital in Illinois.

Most patients, in spite of their illnesses and afflictions, are sincerely grateful for the care they receive in our VA hospitals.

This one letter is more honest and more representative of VA hospital care than the pages of posed pictures, and the reels of contrived film by which a national magazine and national network tried to discredit and malign the dedicated people of the Veterans' Administration.

Before you give credence to another slur of a VA hospital, may I suggest that you ask a patient or two about their treatment. The patient may know more than the critic whose livelihood depends more upon criticism and controversy than upon care and concern.

The letter follows:

HINES VA HOSPITAL,
March 22, 1971.

DEAR FRIEND BURT: While sitting around here all day, I decided to write you a letter. At the present time I am a patient at the VA hospital in Hines, Illinois. Have been here three weeks and it looks like three or four weeks or longer.

Jimmy came to the Montgomery plant of Western Electric about a year ago and I came to see him, and was not too well so hence my being a patient. They have diagnosed terminal cancer of the breast, so here I am. The treatment is very rugged but they sure are giving me fine care. I would return to Los Angeles to the VA there; but the doctors believe it wiser for me to stay here. This is a large complex and at the present time they about have 1500 men and I am the only woman here. So you can see I get more than 100% cooperation. I will say that it is run very efficiently and everything is spotless.

The food is excellent and plenty of it. They have some of the finest doctors and surgeons I have met. I am grateful indeed that I came here. I am not bed-ridden, but up and down and their recreation rooms are fine, and the Red Cross girls are wonderful. When they discovered a lady in the place they have showered me with so much it sort of makes me embarrassed. It is a fine organization and they are doing fine work. Several of the Legion Posts close by have workers, also the VFW. They have nightly bingo games and you get a $2.50 certificate for the PX.

They have a number of Vietnam amputees here. Young lads, and they are so happy for the care and attention they are receiving.

If you get a chance tell Senator Percy he should take time out and check this place. It's a wonderful place, but my heart really belongs in California.

I have heard from the Post, flowers and cards. It was so nice.

I hope to return to California and may try to get into Napa-Yountville home; but until the Doctors decide, I will remain here. They had two specialists here from Washington, D.C. and they suggested I be sent there, but at least I know they are willing to help.

There are so many nice men coming here for out-patient care and it is all run so efficiently.

It is a very hard job to run a place like this, but from all I see it is wonderful and gratefully thank all for their help.

This is about all for now and I surely wish you much more success, and we are so happy to have such a fine man in the Congress.

With kindest regards.

Sincerely,

MARIE G. BROWNE.

ANOTHER POINT OF VIEW

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BAKER. Mr. Speaker, the conviction and sentencing of Lt. William Calley has created a tremendous upheaval in the minds of many people. I have been reluctant as an elected official to pass judgment without the evidence which has been presented in the case. The more I hear, the more convinced I am that the position is correct. I have urged the President to release the evidence compiled so it can be studied by all. I have further requested that clemency be given full consideration if the verdict of guilty is upheld.

Yesterday, a friend of mine sent me an article which was published in a John Birch Society pamphlet dated December 17, 1969. I have no way of knowing about the documentation of facts as they are presented. I do think the article is worthy of consideration as we try to establish a proper course of action in this matter. I include the article in the RECORD for the study of my colleagues:

[From the Review of the News]

ANALYSIS: THE MY LAI "ATROCITIES"

(By Frank Cappell)

One of the most important propaganda campaigns of modern times is now being waged by the Communists in America and around the world. The flash point for this effort was the alleged "massacre" at My Lai in Vietnam. If all proceeds according to the current expectations of the Far Left, the blaze will be developed into a Presidential Commission amounting to a "War Crimes" Tribunal fashioned after the infamous Nuremberg Trials. The propaganda potential of the proposed Commission is almost limitless as emotions are fired by horror tales and gory films of doubtful origin.

It was open Communists who began calling American servicemen "War Criminals." Now selected servicemen are being brushed with this charge by conspirators in their own government.

The Presidential Commission was first used by the Left for political purposes shortly after the attack on Pearl Harbor. That one ruined the careers of U.S. Admiral Husband E. Kimmel and General Walter C. Short, by placing on them the blame for failing to defend properly against the Japanese sneak attack. The real culprit, of course, was President Franklin D. Roosevelt, who had done all but invite the attack by Japan to counter pacifist sentiments and get the United States into World War II. The Japanese code had been broken and Washington was aware of the Japanese threat, but our Pacific fleet was nonetheless ordered into Pearl Harbor to be sitting ducks for an attack which both Franklin Roosevelt and George Marshall knew was imminent. Warning was deliberately withheld from the officers at Pearl Harbor until the attack was well under way.

More recently, the Presidential Commission was used after the assassination of President John F. Kennedy to cover up a high-level conspiracy by promoting the myth that Communist agent Lee Harvey Oswald was but a "psychopathic loner." The Commission had even been proposed by the Communist *Worker*, which suggested that it be headed by Earl Warren.

Now comes a group of "prominent jurists," led by Arthur Goldberg, who are proposing that Mr. Nixon convene a Presidential Commission "of unquestionable impartiality" to investigate the alleged "massacre" at My Lai. Again the suggestion of a civilian tribunal was first made by a Communist newspaper—the *Daily World* of November 29, 1969—which cited as precedent the phony Roberts Commission on Pearl Harbor.

It was on December fourth at a news conference in the Center for International Studies at New York University that Arthur Goldberg read the statement of his group of "prominent jurists." Among these were Francis T. P. Plimpton and Ernest A. Gross, both former U.S. representatives at the United Nations; Loftus E. Becker, Abram Chayes, and Adrian S. Fisher, all former legal advisors in the U.S. State Department; Dean William Clements Warren of Columbia Law School; Dean Louis H. Pollak of Yale Law School; Dean Derek C. Bok of Harvard Law School; the Reverend Robert F. Drinan, Dean of Boston College Law School; and, a number of others including the former Special Assistant to the Secretary of Defense, Adam Yarmolinsky.

One remembers that Goldberg had earlier pontificated about the "appalling, indeed frightening, deterioration in our national standards of morality and law" when the Green Beret Case was finally dropped after every ounce of anti-American propaganda had been squeezed from it. In a short article in Life, however, he had lightly dismissed the sort of savagery later alleged to have occurred at My Lai:

"Of course war is hell. I suppose there has never been a war in which troops under stress of battle have not committed acts of savagery which they would not think of performing under other circumstances. And I recognize that a counter-guerrilla war in the jungles and rice paddies of South Vietnam is peculiarly prone to instances of misconduct of this kind."

Having found a propaganda reason to change his mind about savagery in the stress of battle and the terrible nature of guerrilla warfare, Goldberg now makes this pitch:

"The allegations of atrocities committed in Vietnam are hurting the reputation, but even more the conscience, of all law-respecting Americans. But even more damaging than the allegations would be the failure of this country to show itself manifestly unafraid to examine all the evidence, to review the context within which the alleged acts occurred."

The Goldberg group even urged that the propaganda commission they recommend be authorized to inquire into "the larger questions of policy guidelines for the conduct of military operations." Earl Warren was specifically mentioned as a man with the sort of experience necessary to run such a commission.

The Goldberg "prominent jurists" are, of course, little more than pro-Communist propagandists. Goldberg and the "Reverend" Drinan, for example, have both been connected with the subversive National Lawyers Guild, Goldberg as a president and Drinan as a vice president. Yarmolinsky was formerly an activist with the Young Communist League. Another member of the group who has shown himself to be interested in the "War Crimes" aspect of the war in Vietnam is Robert Woetzel of Boston College. In 1965, when he was a member of the staff of the radical Center for the Study of Democratic Institutions, Dr. Robert K. Woetzel wrote a long letter which appeared in the Los Angeles Times for July 17, 1965. There he stated:

"It is undoubtedly true that according to the principles of the Nuremberg trials, especially the International Military Tribunal which tried Goering and other leading German war criminals, and which was unanimously endorsed by the United Nations General Assembly, a person has the obligation to resist criminal orders; compliance could make an individual an accessory.

"A GI who commits a war crime, whether or not he is obeying orders, can also be held liable under the U.S. Rules of Land Warfare . . .

"It is clear that Americans from the President down to a lowly private who is capable of understanding the implications of a criminal order (the shooting of women and children, for example) can not hold themselves exempt from a law which they helped to fashion . . .

"The issue of intervention has not been decided by any international authority like the U.N. Security Council, and it would be difficult to conclude at this time that a crime against peace was committed by the United States or an infringement of the right of self-determination. Nazi and Japanese crimes which were tried before international tribunals were preceded by widespread protests. . . . It can be concluded, therefore, that there do not exist grounds at the present time to accuse anyone of crimes against international law."

But ah, that was before the My Lai accusations. We are faced now with the prospect that this expert and others like him will argue that American boys, who tried to do their duty, should be placed on trial as part of an all-out propaganda effort to end the war in Vietnam on Communist terms.

There can be no doubt whatsoever that the My Lai story has been promoted to serve Communist purposes. As Trotskyite Communist Robert Langston bragged in the Communist *Militant* for December 12, 1969:

"It took the power of the organized antiwar movement to break through the conspiracy of silence and distortion sustained by all the established institutions of American capitalist society, and bring to the attention of the world the Songmy massacre by a U.S. Army task force.

"The capitalist press [sic] is now attempting to claim credit for having disclosed what happened to the Mylai hamlet at Songmy. An examination of the way the story unfolded shows the fraudulence of this claim."

Remember that the source of the "atrocities" story that so much of the world has swallowed is not an unbiased news agency, but a product of "investigative reporting" by an antiwar agitator whose efforts were financed by a radical foundation and "sold" by a Leftist propaganda agency calling itself a "news" service. The man whose gory descriptions of hearsay incidents stirred up this investigation openly admits that he did not adjust to Army life and spent months collecting outright rumors. As *Time* magazine noted in its issue for December 5, 1969:

"Now a literature student at Claremont Men's College . . . [Ronald Lee] Ridenhour insists that he "has no ax to grind" with the Army. But he concedes that he did not get along well in the service. "It's very authoritarian, just not my bag. I'm one of those guys who question orders."

Ridenhour sent copies of his 1,500-word letter of March 29, 1969, to every Leftist in government he thought might get interested and, though an investigation by the Army was begun, things had been proceeding very quietly. In fact, Ridenhour was so dissatisfied with the lack of publicity wrought by his attack on the "authoritarian" Army that he hired a "literary agent" to try to peddle the story. There were no takers. None, we are told, until a key Leftist named Seymour Hersh got a "tip" from one of his "many sources" within the Pentagon that a juicy story was being ignored by the press. This, even though the Associated Press had on September 6, 1969, wired a report of the allegations to all of its subscribers. Datelined Fort Benning, Georgia, the A.P. report declared:

"An Army officer has been charged with murder in the deaths of an unspecified number of civilians in Vietnam in 1968, post authorities have disclosed. Col. Douglas Tucker, information officer, said the charge was brought yesterday against First Lt. William L. Calley, Jr., 26 years old of Miami, who was to have been discharged Saturday after two years in the service."

Seymour Hersh was just the man to front the promotion of such a story. He is a Leftist propaganda specialist who has long been crusading against the American military, even writing a book entitled *Chemical And Biological Warfare: America's Hidden Arsenal*. So important is he, in fact, that he served as press agent for Eugene McCarthy during his New Hampshire campaign, and in October was a speaker for the Vietnam Moratorium which supported the Vietcong.

Hersh moved quickly to acquire the necessary financing to develop his propaganda tale, going to the officers of the Philip Stern Family Fund. Although the amount Seymour Hersh received has been set at $1,000, the executive director of the benevolent Stern foundation is reported to have told him that the Sterns would pay the tab, no matter what the cost. The executive director who made this kind of offer was James Boyd, who has himself been involved in similar "investigative reporting." Boyd is, in fact, the former assistant to Senator Thomas Dodd who copied the Senator's files and turned copies over to Drew Pearson for a series of articles designed to smear Senator Dodd. The Stern Family Fund was established by Edith Rosenwald Stern and her late husband Edgar Stern. Mr. Stern's millionaire brother, Alfred, is a Communist spy who fled behind the Iron Curtain with his wife, Martha Dodd Stern, to avoid prosecution for espionage. The Boyd-run Investigative Journalism section of the Stern operation was personally funded by Philip M. Stern, an active supporter of the Communist-directed Moratorium and New Mobilization operations.

With his financial problems solved by the crimson fat cats at Stern, Seymour Hersh proceeded to track down malcontents in Lieutenant Calley's company. But, when he had his story ready he ran into difficulty peddling it and finally turned to the services of the virtually unknown Dispatch News Service, only recently founded by David Obst and Michael Morrow. Assisting Dispatch as an "adviser" is Richard J. Barnet, who has just returned from Hanoi where he gave propaganda speeches calling for a Vietcong victory.

Dispatch News Service's Dave Obst, age twenty-three, got on the phone and sold the story to thirty-five newspapers which printed it on November thirteenth. For a reported fee of $10,000 from C.B.S., the News Service even produced a participant in the alleged "massacre," one Paul Meadlo, to be interviewed for television by Mike Wallace. That it was a cash operation has been confirmed by Meadlo himself, who told one reporter: "I ain't talking to nobody now unless they pay." Senator Ernest F. Hollings has described Meadlo as "obviously sick."

With the purchased Meadlo interview, and the production of what were said to be color slides of the "atrocities" by former Army photographer Ronald L. Haeberle, the "massacre" story was on its way. Haeberle had been present on March 16, 1968, when Company C, 1st Battalion of the 20th Infantry, 11th Light Infantry Brigade, went into the hamlet of My Lai on a "search and destroy" mission. A member of the 31st Public Information Detachment, Haeberle claims he volunteered for this operation because word was out that it was to be "a hot one." He says he carried three cameras—two for himself and one for the Army. He maintains that he took his Army pictures in black and white and turned them over to his superiors; his own film was in color. Ronald Haeberle left the service shortly afterward and, returning to the United States, began lecturing and showing his slides around the Cleveland area without arousing so much as a hint of horror.

A year and six months after the "atrocities" are alleged to have occurred, Haeberle took a series of photos—which he claims reveals American atrocities at My Lai—to Joseph Eszterhas, a friend who worked for the Leftist *Cleveland Plain Dealer*. Eight of those pictures were published in that sheet on November 20, 1969. Then Haeberle and Eszterhas flew to New York, set up an office in Room 801 of the Gotham Hotel, and offered eighteen color slides to the highest bidder. *Life* magazine is said to have paid $40,000 for the slides and the services of reporter Eszterhas in writing gory captions.

There is, of course, a rodent in the woodpile. On December fifth, United Press quoted Senator Peter H. Dominick (R.-Colorado) as follows:

"Not one picture in the Life story showed anyone committing an atrocity. Not one was tied in with the My Lai terrain. . . . No one has challenged the integrity of the photographer who sold the pictures to Life for $40,000.

"Yet these pictures are published as fact by a national magazine. I think this is shameful."

He said the photographs do not jibe with the actual geography around the village of Song My ". . . and yet Life used the pictures and wrapped them up with an editorial judgment of guilt on the part of those involved."

Nonetheless, charges have been filed against Lieutenant William Calley and Sergeant David Mitchell, the former accused of slaying 109 Vietnamese civilians. Their commanding officer, Captain Ernest L. Medina, has not as yet been charged. A thirteen-year veteran, holder of both the bronze and silver stars, he has been permitted to speak to the press. Captain Medina commented:

"The task force was ordered to conduct a combat assault on a village which was named My Lai 4, which intelligence reports indicated that the 48th Vietcong Battalion was there in that village. . . . We had also been told by intelligence sources that there would be no women or children or innocent civilians in the village of My Lai 4 after 0700 hours. . . . At 0730 the first flight of the combat assault began its final approach up to the landing zone. . . . I immediately received a gunship pilot, or helicopter pilot, . . . "You are receiving fire. We are receiving fire. There are V.C. with weapons running from the village."

. . . I saw no shooting of any innocent civilians whatsoever. . . . I did not receive any reports of any atrocity or any shooting of civilians inside the village."

When questioned about the "massacre" stories detailed by "eye-witnesses" produced by the Leftist propagandists, Captain Medina was asked how such statements could be so totally in conflict with his own. Medina explained:

"There were certain individuals that have made statements for which they have been paid. Certain dissident groups have welcomed the chance to speak out against the military. There are certain individuals that I had disciplinary problems with."

It is interesting to note that the account of Captain Medina's interview published in the New York Times ignored the comment about his having had "disciplinary problems" with those making the charges.

At the time of the alleged "massacre" an investigation was conducted by the Army into "atrocity" stories spread by the Vietcong, who began dropping propaganda leaflets about the attack on the V.C. headquarters at My Lai within two weeks of the encounter. At the time, neither U.S. nor South Vietnamese officials investigating the matter found any basis whatsoever for the charges. A recent communique from South Vietnamese authorities reiterates their findings, based on an investigation by Lieutenant General Hoang Xuan Lam, commander of the area which includes the village of My Lai:

"More than a year ago in March 1968, an operation was launched by the Americal Division's Task Force Barker in the area of My Lai hamlet, Son My village, Son Tinh district, Quang Ngai Province, with the aim of destroying an important Communist force in that area.

"When Task Force Barker moved into that area, they met strong resistance from the enemy. . . . The result of the contact was 125 enemy killed and at the same time about 20 civilians living in the hamlet were killed by tactical air strikes and artillery while the fight was on.

"Reports from newspapers and foreign news agency recently saying that 527 civilians were killed were completely inaccurate."

Colonel Ton That Khien, Chief of Quang Ngai Province in which My Lai is located, also thoroughly investigated the charges. He said he could find none who saw any massacre, and that as the village was dominated by the Vietcong what tales there were amounted to Communist propaganda.

Nonetheless, under Leftist pressure, the U.S. Army has now named an eight-man board to check the possibility that the original investigations of the alleged incident could have been "inadequate" and that both the South Vietnamese authorities and the Army might have covered up what they knew of the alleged killing of South Vietnamese noncombatants. The board appointed on November 24, 1969, by Secretary of the Army Stanley R. Resor, Chief of Staff William C. Westmoreland, is headed by Lieutenant General William R. Peers.

With so many investigators looking into

the situation, why are Arthur Goldberg and his "prominent jurists" of the Left trying to get into the act? The reason can only be that they are afraid the present investigation will come up with the "wrong" answers, whereas an "impartial" Presidential Commission can always be depended upon to come up with the "right" ones. The effect of all this upon the military can only be disastrous—a disaster which the Vietnik press and Mr. Goldberg's "prominent" jurists are seeking to embrace as a part of a Leftist victory.

Meanwhile, our GIs are being subjected to unrelenting and increasing pressure of which the "atrocity" accusations are but one more straw in a load designed to break the camel's back. Coffee houses where seditious propaganda is served with cream and sugar have sprung up near our military bases throughout the world. Underground Marxist newspapers aimed at servicemen are allowed distribution on our military bases to undermine morale and discipline. Orders from Washington have forced commanders to permit on-base delivery of the Communist clenched-fist salute, dissemination of openly Communist propaganda, and organization of soldiers by Communist-led "unions."

During the March on Washington in November, a National Conference on G.I. Rights was held in the Shoreham Hotel in Washington, to organize Vietnik dissent within our armed forces. Sponsors were the separate Chicago and New York Veterans for Peace in Vietnam organizations; the American Servicemen's Union; G.I.'s United Against the War in Vietnam; Servicemen's Link to Peace; and, the G.I. Civil Liberties Defense Committee.

Speaking at the opening of the above Conference was David Rein, a Washington lawyer identified by official government reports as a Communist. Mr. Rein's point was that war resistance by servicemen could be used to force an American withdrawal from Vietnam. Another of the organizers of the Conference was Leroy Wolins, an officer of the Veterans for Peace in Vietnam, who is also an identified Communist. Chairman of the affair was Melvin L. Wulf, director of the legal department of the American Civil Liberties Union. Much of the discussion centered around refusals to obey "unjust, immoral and illegal orders"—a euphemism for insubordination under fire, and a key objective of the current furor over the alleged My Lai "massacre."

This business is very important. One remembers that in The Russian Revolution Isaac Don Levine noted:

"No single factor in the revolution was of such paramount importance as the army joining the ranks of the rebels. Without the army's support the Russian democracy [sic] would never have succeeded in overthrowing the Czar. . . . The alienation of the army from its traditional masters . . . became the most vital necessity of all for a successful revolution."

Those planning "revolution" in the United States know that similar tactics can be important today, and are therefore making our Armed Forces a prime target. That our mass media are supporting this operation should tell you something very important. Think about it.

NIMBUS IV WILL COMPLETE FIRST YEAR IN ORBIT

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. COUGHLIN. Mr. Speaker, a space birthday will be marked tomorrow when the Nimbus IV meteorological satellite, built for the National Aeronautics and Space Administration, completes its first year in orbit.

Nimbus IV, constructed by General Electric Co. in Upper Merion Township, Montgomery County, Pa., has achieved almost 5,000 orbits in its year-long space journey. In the tradition of previous Nimbus satellites, it has considerably exceeded its designed lifetime and has produced a tremendous amount of data about our weather and our atmosphere.

The nine advanced sensors aboard this weather satellite have tracked hurricanes, tropical storms, measured the amount of ozone and water vapor in the atmosphere, have measured and recorded the temperature profile of our atmosphere, have measured ultraviolet radiation from the sun, and have tracked and interrogated balloons, ships, and buoys carrying data-collection platforms.

In the process of its polar orbit, it has defined navigational landmarks, recorded erupting volcanoes, and traced the ice flow in the great oceans to prevent damage to ships.

I think it is most important that practical applications of our space technology be brought to the attention of the public. While we must keep expenditures for our space program in proper perspective with our national priorities, there are benefits being produced almost daily that contribute to our people and our country.

Contributions to space technology—such as Nimbus IV—are worthy projects. I feel that these are among the space efforts that we must support and to which we should lend encouragement.

I congratulate GE and its personnel in Upper Merion on their outstanding record of service to the country which is exemplified by the first anniversary of Nimbus IV's flight. I share the pride of managements and workers in a job well done—a job that has given the taxpayers their money's worth and has benefited our citizens.

AMERICAN JUSTICE ON TRIAL

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. MURPHY of New York. Mr. Speaker, I include for the RECORD a letter from Capt. Aubrey M. Daniel to the President of the United States.

Captain Daniel has just performed, for his country, the prosecution of Lt. William Calley for murder at My Lai. His was a most difficult task, and it involved the protection of our basic system of law and the moral principle which gives substance to America. He did his duty well, and the verdict was victory for law and for morality. Admittedly the verdict was a difficult one, particularly within the full emotional climate of the Vietnam war. However, it was the only verdict possible under the law.

Now we have the President of the United States personally intruding in the administration of justice. He has interfered in the confinement of Lieutenant Calley, and he has announced that he will personally review the case further down the line, thereby prejudicing the entire appeal procedure. By his action, he may have compromised the military justice system, and, indeed, the American judicial system itself.

Captain Daniel has written an eloquent letter to the President dealing with the aftermath of the Calley verdict. I commend it to you, to the Members of this body, and to the American people:

TEXT OF CALLEY PROSECUTOR'S LETTER TO THE PRESIDENT

SIR: It is very difficult for me to know where to begin this letter as I am not accustomed to writing letters of protest. I only hope that I can find the words to convey to you my feelings as a United States citizen, and as an attorney, who believes that respect for law is one of the fundamental bases upon which this nation is founded.

On Nov. 26, 1969, you issued the following statement through your press secretary, Mr. Ronald Ziegler, in referring to the Mylai incident:

"An incident such as that alleged in this case is in direct violation not only of United States military policy, but is also abhorrent to the conscience of all the American people.

"The Secretary of the Army is continuing his investigation. Appropriate action is and will be taken to assure that illegal and immoral conduct as alleged be dealt with in accordance with the strict rules of military justice.

"This incident should not be allowed to reflect on the some million and a quarter young Americans who have now returned to the United States after having served in Vietnam with great courage and distinction."

At the time you issued this statement, a general court-martial had been directed for a resolution of the charges which have been brought against Lieut. William L. Calley Jr. for his involvement at Mylai.

NIXON QUOTATION CITED

On Dec. 8, 1970, you were personally asked to comment on the Mylai incident at a press conference. At that time you made the following statement:

"What appears was certainly a massacre, and under no circumstances was it justified.

"One of the goals we are fighting for in Vietnam is to keep the people from South Vietnam from having imposed upon them a government which has atrocity against civilians, as one of its policies.

"We cannot ever condone or use atrocities against civilians in order to accomplish that goal."

These expressions of what I believed to be your sentiment were truly reflective of my own feelings when I was given the assignment of prosecuting the charges which had been preferred against Lieutenant Calley.

IN THE FINEST TRADITION

My feelings were generated not by emotionalism or self-indignation but by my knowledge of the evidence in the case, the laws of this nation in which I strongly believe, and my own conscience. I knew that I had been given a great responsibility and I only hoped that I would be able to discharge my duties and represent the United States in a manner which would be a credit to the legal profession and our system of justice.

I undertook the prosecution of the case without any ulterior motives for personal gain, either financial or political. My only desire was to fulfill my duty as a prosecutor and see that justice was done in accordance with the laws of this nation. I dedicated myself totally to this end from November 1969 until the trial was concluded.

Throughout the proceedings there was criticism of the prosecution but I lived with the abiding conviction that once the facts and the law had been presented there would be no doubt in the mind of any reasonable person about the necessity for the prosecution of this case and the ultimate verdict. I was mistaken.

The trial of Lieutenant Calley was conducted in the finest tradition of our legal system. It was in every respect a fair trial in which every legal right of Lieutenant Calley was fully protected. It clearly demonstrated that the military justice system which has previously been the subject of much criticism was a fair system.

Throughout the trial, the entire system was under the constant scrutiny of the mass media and the public, and the trial of Lieutenant Calley was also in a very real sense the trial of the military judicial system. However, there was never an attack lodged by any member of the media concerning the fairness of the trial. There could be no such allegation justifiably made.

JURY CAREFULLY CHOSEN

I do not believe that there has ever been a trial in which the accused's rights were more fully protected, the conduct of the defense given greater latitude, and the prosecution held to stricter standards. The burden of proof which the Government had to meet in this case was not beyond a reasonable doubt, but beyond possibility. The very fact that Lieutenant Calley was an American officer being tried for the deaths of Vietnamese during a combat operation by fellow officers compels this conclusion.

The jury selection, in which customary procedure was altered by providing both the defense and the prosecution with three peremptory challenges instead of the usual one, was carefully conducted to insure the impartiality of those men who were selected. Six officers, all combat veterans, five having served in Vietnam, were selected. These six men who had served their country well, were called upon again to serve their nation as jurors and to sit in judgment of Lieutenant Calley as prescribed by law.

SHOCKED AND DISMAYED

From the time they took their oaths until they rendered their decision, they performed their duties in the very finest tradition of the American legal system. If ever a jury followed the letter of the law in applying it to the evidence presented, they did. They are indeed a credit to our system of justice and to the officer corps of the United States Army.

When the verdict was rendered, I was totally shocked and dismayed at the reaction of many people across the nation. Much of the adverse public reaction I can attribute to people who have acted emotionally and without being aware of the evidence that was presented and perhaps even the laws of this nation regulating the conduct of war.

These people have undoubtedly viewed Lieutenant Calley's conviction simply as the conviction of an American officer for killing the enemy. Others, no doubt out of a sense of frustration, have seized upon the conviction as a means of protesting the war in Vietnam.

I would prefer to believe that most of the public criticism has come from people who are not aware of the evidence, either because they have not followed the evidence as it was presented, or having followed it they have chosen not to believe it.

Certainly, no one wanted to believe what occurred at Mylai, including the officers who sat in judgment of Lieutenant Calley. To believe, however, that any large percentage of the population could believe the evidence which was presented and approved of the conduct of Lieutenant Calley would be as shocking to my conscience as the conduct itself, since I believe that we are still a civilized nation.

If such be the case, then the war in Vietnam has brutalized us more than I care to believe, and it must cease. How shocking it is if so many people across this nation have failed to see the moral issue which was involved in the trial of Lieutenant Calley—that it is unlawful for an American soldier to summarily execute unarmed and unresisting men, women, children and babies.

APPALLED BY LEADERS

But how much more appalling it is to see so many of the political leaders of the nation who have failed to see the moral issue or, having seen it, to compromise it for political motive in the face of apparent public displeasure with the verdict.

I would have hoped that all leaders of this nation, which is supposed to be the leader within the international community for the protection of the weak and the oppressed regardless of nationality, would have either accepted and supported the enforcement of the laws of this country as reflected by the verdict of the court or not make any statement concerning the verdict until they had had the same opportunity to evaluate the evidence that the members of the jury had.

In view of your previous statements concerning this matter, I have been particularly shocked and dismayed at your decision to intervene in these proceedings in the midst of the public clamor. Your decision can only have been prompted by the response of a vocal segment of our population, who while no doubt acting in good faith, cannot be aware of the evidence which resulted in Lieutenant Calley's conviction.

Your intervention has, in my opinion, damaged the military judicial system and lessened any respect it may have gained as a result of the proceedings.

You have subjected a judicial system of this country to the criticism that it is subject to political influence, when it is a fundamental precept of our judicial system that the legal processes of this country must be kept free from any outside influences. What will be the impact of your decision upon the future trials, particularly those within the military?

"RESPECT WEAKENED"

Not only has respect for the legal process been weakened and the critics of the military judicial system been given support for their claims of command influence, the image of Lieutenant Calley, a man convicted of the premeditated murder of at least 21 unarmed and unresisting people, as a national hero has been enhanced, while at the same time support has been given to those persons who have so unjustly criticized the six loyal and honorable officers who have done this country a great service by fulfilling their duties as jurors so admirably.

Have you considered those men in making your decisions? The men who since rendering their verdict have found themselves and their families the subject of vicious attacks upon their honor, integrity and loyalty to this nation.

It would seem to me to be more appropriate for you as the President to have said something in their behalf and to remind the nation of the purpose of our legal system and the respect it should command.

I would expect that the President of the United States, a man whom I believed should and would provide the moral leadership for this nation, would stand fully behind the law of this land on a moral issue which is so clear and about which there can be no compromise.

ABHORRENT TO CONSCIENCE

For this nation to condone the acts of Lieutenant Calley is to make us no better than our enemies and make any pleas by this nation for the humane treatment of our own prisoners meaningless.

I truly regret having to have written this letter and wish that no innocent person had died at Mylai on March 16, 1968. But innocent people were killed under circumstances that will always remain abhorrent to my conscience.

While in some respects what took place at Mylai has to be considered to be a tragic day in the history of our nation, how much more tragic would it have been for this country to have taken no action against those who were responsible.

That action was taken, but the greatest tragedy of all will be if political expediency dictates the compromise of such a fundamental moral principle as the inherent unlawfulness of the murder of innocent persons, making the action and the courage of six honorable men who served their country so well meaningless

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LET MY PEOPLE GO

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BRASCO. Mr. Speaker, I have observed the agonies of the Russian Jewish community for some months now. It is such a sadly familiar tale, only with a unique new twist which can only lift the spirits of anyone who is deeply concerned with the cause of human liberty.

The Soviet regime, true to its heritage of anti-Semitism, seeks to keep the Soviet Jewish community, 3 million strong, in the silent grip of an all-pervasive terror.

Russia's Jews, inheritors and victims of one of the most long-standing, vicious traditions of bigotry in the world, have at last resolved to confront the Soviet hierarchy with the full force of their dedication to their faith and determination to live their beliefs. Such sublime courage has rarely been demonstrated before an astonished world in our time.

Here is a picture of the world's mightiest depotism backed into a corner by these frightened, yet stubbornly courageous remnants of a persecuted people. In spite of all the assembled might of the Soviet Union, they raise the ages-old cry of the Jew: "Let my people go."

And what does the Soviet Union do? What can it do? Whatever any tyrant confronted by resistance does. It deports them to labor camps. It questions whether protestors have full possession of their senses.

How marvelous. Just what is needed to show the Soviet Union up for what it really is—an apprehensive despotism still thrashing about in the throes of medieval anti-Semitism. And the world observes. And the world understands. And the world turns up its nose in distaste at the sight and sound of a familiar degrading spectacle.

Dozens of minorities are allowed a full range of intellectual, cultural and political expression in the Soviet Union today. Only the Jews are deprived of such privileges. Only Jews are unable to print prayer books—to bake unleavened bread on the Passover—to travel within the

Soviet Union unmolested—to pray in temples—to freely express their religious preference and faith. Only Jews are treated as their ancestors were under the czars—like 10th-class citizens. The evidence of this is damning, revealing the Constitution of the Soviet Union to be unworthy of the paper it is printed on.

"Woe unto the Jew living in Russia," was the ancient cry. History books are replete with names of those places and times representing so much Jewish blood spilled—for nothing. Kishinev pogrom, Lodz pogrom, Kiev pogrom, Grodno pogrom, Lwow pogrom. And what is a pogrom? Why it is simply an organized frenzy of violence and murder on the part of a government against the innocent Jewish population of a given district—that is all it is.

And how long did such pogroms go on? Why, just for several centuries, at given intervals—that is all.

And who was harmed by these terrible happenings? Why, just the Jews—helpless Jews—wailing Jews—praying Jews—people of the Book and Covenant—that is all.

And has anything changed? Nothing at all. Just the name of the persecuting government. Instead of a czar named Romanoff, it is a Communist named Brezhnev or Kosygin. And the Jews are still not allowed to live and pray as they wish.

Only today it is different. Today there is an Israel eager to welcome the persecuted home. Today there are those who will not sit in silence when they should speak out. Today there are Jews who take their cue from those who would not die like animals in a slaughterhouse.

There has been a Warsaw ghetto. There has been an Auschwitz. There has been a 1967 war. Jews no longer climb with alacrity down into the gutter, sweeping off their caps and bowing as a despot passes. Such days are gone forever, whether the Moscow regime wishes to admit it or not.

Instead of Fagin, the name reads, "Dayan." Instead of Mendel Bayliss, the word is "sabra." Instead of satchel, there is a gun. And if anyone seeks to butcher a Jew today, he had better be ready to fight in the process. That is why Russian Jews are ready to stand up to this awesomely powerful tyranny.

And where is some voice of encouragement from the U.S. State Department? Why is it not heard? It would not be gentlemanly to say anything, would it? It would be interference in internal affairs of another, supposedly friendly nation, would it not? Even though the Soviets freely criticize the United States for internal policies.

Ironically, it is the Jews who are in the forefront of the struggle for self-expression and individual liberty in the world today. Their ages-old cry echoes down the corridors of history from the time of the Pharaohs. It has sounded in every age, against every tyrant. It has survived despotism in a hundred lands and a thousand autocrats. And again the lament is heard—"Let my people go."

Many calling themselves righteous, upright, God-fearing human beings have turned a deaf ear when that tearful cry has sounded at an inconvenient moment for them. Today is no exception. The U.S. Government hears that utterance and does not listen.

The "Voice of America" will not even broadcast a program to the Soviet Union in Yiddish or Hebrew, although missionaries from Monaco do so. We subsidize broadcasts in dozens of languages, but not in that of people who have shown so eloquently they seek to hear what we say. All they wish is to know that somewhere—somehow—they are heard.

The righteous of other times and places rationalized their silence in many ways. During the Crusades, it was because Jews were heretics. In Eastern Europe, it was because Jews were despised outcasts unworthy of interceding for. In the France of Dreyfus, it was because the honor of the army was at stake. Under Hitler, it was because of fear and an unwillingness to stretch forth a hand in simple human compassion. Today, the U.S. Department of State does not want to utter a peep because it would be meddling in the internal affairs of another nation. How easily conscience is silenced. How smoothly the sounds of agony are stifled.

History has a special brand of contempt for those who have ears and refuse to hear and for those who have eyes but do not see. The Caesars are gone. The Crusaders have vanished. The Inquisition is but a horrid memory. Royal regimes who slew so many innocents have gone the way of all oppressors. Yet the Jews remain with us, and their cry is the same—"Let My People Go." Their epic poem of sorrow has an infinite number of stanzas.

And the world hears. And the world does nothing. And the world debates whether or not Israel has a right to use a strait—or a canal—or to have some relief from terror and murder.

Mr. Speaker, the voice of conscience can never be silenced. There is no escape from the cry of the persecuted by any honorable man or nation. If our ideals mean anything to us, let us heed it out of honor, dignity, and simple human compassion. For until that appeal is stilled by humanity's answer, there shall be no peace for any of us. The test of mankind is the answer, if any, to that awful, echoing, penetrating cry quavering now from Russia—"Let My People Go."

PRESENTATION TO THE SENATE COMMITTEE BY GEORGE MEANY, PRESIDENT OF THE AFL–CIO

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. DENT. Mr. Speaker, the presentation to the Senate Committee by George Meany, president of the AFL–CIO, is worthy of Senate consideration by every Member of Congress.

It points up the serious problems and conditions in a clear and easily understood presentation.

I am happy to make it available to the House:

STATEMENT BY GEORGE MEANY, PRESIDENT OF THE AFL–CIO

The AFL–CIO supports the general aims of S. 1201—to extend the legislation, adopted in 1969 and 1970, that provides the President and the Federal Reserve Board with authority to stabilize the national economy.

This is not a new position for the AFL–CIO. We endorsed the purposes of the original legislation, when it was pending before the Congress. We support its extension. We believe that the economy urgently needs government action to achieve full employment and a reasonably stable price level.

Economic distress is continuing to spread. Millions of workers are adversely affected by unemployment and by production cutbacks, which reduce working hours and weekly pay checks. All Americans are suffering from the rapid rise of living costs, which continue to wash out much of the buying power of their incomes.

The time is long overdue for the Administration to stop playing with misguided "game plans" and take the necessary action to restore the economy to health. It is time for the Administration to cease its double-standard—one for workers and another for the banks and big business—and pursue evenhanded, equitable policies.

The government's reports of the past few weeks reveal that stagnation persists in most parts of the national economy, following the general economic decline of 1969–1970. Let me call to your attention these few benchmarks of economic stagnation:

There were 5 million unemployed in March, after accounting for seasonal changes—up 1.4 million from a year ago and 2.3 million from January 1969, when the Administration took office.

Substantial unemployment has spread to 50 major industrial areas in March—from six in January 1969—and to 662 smaller areas.

The cost-of-living in January and February was 5% above a year ago and 11.6% more than in the same months of 1969.

The buying power of the weekly after-tax earnings of the average nonsupervisory worker, in January and February, was hardly any greater than a year ago, less than in the early months of 1969 and even below 1965.

Although the Administration attempted to blame the high unemployment of the October-December quarter on the effects of the auto strike, the rebound of auto production in the January-March quarter brought no improvement in the unemployment situation. Approximately 5 million people were unemployed in both quarters and the number of jobless, 15 weeks and more, has risen to 1.1 million. Moreover, the Labor Department report for March states that "full-time employment was down by 190,000 from the last quarter of 1970, mostly among adult men."

Yet the Administration persists in its optimistic rhetoric. Instead of positive actions to turn the economy around from stagnation to sustained and rapid expansion, the Administration has given the American people a diet of rosy predictions that have not been achieved. Instead of directing its attention and policies to real problems in the economy, the Administration has tried to make workers in general—and construction workers, in particular—the scapegoat.

Chairman Arthur Burns of the Federal Reserve and much of the Administration's leadership have been engaged in the shocking and blatant use of a double standard. To cover their record of failure in economic policy, with its tragic consequences for millions of American families, they try to pin the blame on workers, while providing subsidies and aid for the banks and big business.

Let me cite a few examples of these double standards:

Since the cash flow to corporations moved down after mid-1969, as a result of the Administration's engineered recession—following a 91% rise from 1960—the Administration has proposed a step-up depreciation, which would cut corporate taxes by $3 billion to over $4 billion a year in the next few years. But workers' wage increases to offset the accelerated rise of living costs and to gain some improvement in buying power are denounced as inflationary.

When exports lag, while imports continue to rise, the Administration proposes, as it did last year, to provide business with a mechanism to defer taxes on profits from exports, at a cost to the Treasury of hundreds of millions of dollars. But when organized labor seeks economic justice for workers, it is attacked as exercising "excessive market power."

In recent months, billions of American dollars from wealthy people and corporations have been transferred to other countries for personal gain. The only Treasury response (announced on April 1) of trying to bring some of that money home is to reward these people. Treasury will sell $1.5 billion of 3-month government notes to foreign branches of American banks at an interest rate of 5⅝%—about 1.5 percentage points more than for similar borrowings in the U.S. But workers are told they should be restrained in seeking wage increases, which are singled out as the primary inflationary factor.

When bank profits shoot up—like 21.9% for J. P. Morgan and Co. and 16.1% for Chase-Manhattan in 1970—there is not even a hint of government guidelines for the banks. And the New York Times reports that "the heads of the nation's largest banks—which enjoyed sharp increases in profits during the recession year of 1970—generally were rewarded with higher salaries last year." No Administration spokesmen admonished the bankers but workers are told that their wage increases are supposed to be held down.

Soaring land costs and financing charges have resulted in sharply rising housing costs (see Appendix). The cost of financing on FHA homes has risen 356% in the past 20 years and land costs have gone up 296%, while structure costs (which include on-site labor) has risen 65%. However, the Administration tries to pin the blame solely on construction wages and attempts to institute specific and immediate wage restraints. It offers only a vague promise of some future restraints on construction prices and profits and no mention at all of the major inflationary pressures of soaring land and financing costs.

The AFL–CIO rejects such lopsided double standards. They are unfair. They are unbalanced. They are not workable.

Back in February 1966, the AFL–CIO Executive Council adopted a policy statement which declared:

"If the President determines that the situation warrants extraordinary overall stabilization measures, the AFL–CIO will cooperate so long as such restraints are equitably placed on all costs and incomes—including all prices, profits, dividends, rents and executive compensation, as well as employees' wages and salaries. We are prepared to sacrifice as much as anyone else, as long as anyone else, so long as there is equality of sacrifice."

This statement has been reiterated by the constitutional conventions of the AFL–CIO in 1967 and 1969 and on numerous occasions by the Executive Council.

Mandatory government controls are never desirable, but at times, they may be needed. If such controls are deemed necessary by the President and are even-handed, across-the-board on all costs, prices, rents and incomes—including profits, dividends, interest and executive compensation, as well as workers' wages and salaries—they would be both equitable and workable.

It is our view that one-sided curbs on workers' wages, with no effective restraints on prices or the incomes of other groups in the economy, are neither a balanced and equitable stabilization program nor a workable policy in a free society.

It is also our view that government measures to restrain wages—or both wages and prices—in one industry or sector of the economy are also inequitable and unworkable. In this complex, interdependent and huge American economy, it is not possible to single out one industry or sector, in the hope of curbing price pressures, when all other parts of the economy are free of similar restraints.

How can the government, in good conscience, apply wage restraints on workers in one industry—to single out one group of workers—when the prices of the food, clothing and other goods and services they buy are free to move up? Such a measure smacks of punitive action, rather than a stabilization policy.

Moreover, how can the government hope to stabilize prices in one industry, alone—such as construction—when that industry depends on materials and services it buys from other industries, whose prices are free to rise? It just can't be done.

On April 1, only a few days after the President's Executive Order "Providing for the Stabilization of Wages and Prices in the Construction Industry," the Labor Department reported that wholesale prices of building materials shot up in March.

"Most of the advance for industrial commodities in March was due to price increases for commodities used in construction," the Labor Department report stated. "Lumber and wood products rose sharply again. . . . Almost all non-metallic mineral building materials were higher in price, with particularly large gains registered for asphalt roofing and concrete ingredients."

The costs and prices of the construction industry cannot be isolated from the price pressures in the rest of the economy. The prices of no industry can be isolated, for very long, from the pressures on the prices of the materials and services it requires.

The recent report of the Joint Economic Committee of the Congress indicated recognition of the inter-dependence of the economy's various industries and sectors, when it declared: "If a freeze is imposed, it should be general. A freeze should not be imposed on only one industry, nor should it be applied to wages without also being applied to other costs or prices."

A basic prerequisite for a genuine stabilization program, in our view, is that it must be across-the-board, equitable and even-handed.

For that reason, we endorse the bill's extension of the standby authority "to stabilize prices, rents, wages and salaries," with provision for "such adjustments as may be deemed necessary to prevent gross inequities."

We believe the Congress must make it abundantly clear that this authority is for overall, across-the-board and even-handed measures, rather than for singling out one industry or one group of workers. In addition, in the event that across-the-board economic controls are imposed, the Congress should immediately adopt an accompanying tax mechanism on profits, dividends and capital gains to assure genuine, overall and equitable stabilization. A balanced, fair and workable stabilization program must include overall restraints on all costs, prices and incomes—including profits, dividends, and capital gains—as well as wages, salaries and rents.

The AFL–CIO endorses the bill's proposed extension of authority to the President to establish selective credit controls. Such selective credit controls and interest-rate ceilings were urgently needed in 1969 and most of 1970—to curb the inflationary extension of credit for land speculation, business mergers, conglomerate take-overs, gambling casinos and investments in foreign subsidiaries, while providing increased credit for housing, community facilities and the regular operations of business. Selective credit controls will become urgently needed, in the months ahead, if the Administration does what it talks about—pursues expansionary measures to rapidly lift the economy.

The AFL–CIO also endorses the bill's provision for variable bank reserve requirements in order to allocate the flow of bank credit to where it is most needed, while restraining the extension of credit for low-priority purposes.

We recommend that the Committee examine the Federal Reserve's operation of this provision, within a year of its enactment. Moreover, we repeat our request that the Congress engage in a detailed study of the structure and policies of the Federal Reserve system, as the basis for a thorough reform of this key economic agency of the federal government.

In addition to authority for stabilization measures, America now needs expansionary economic policies to achieve and sustain full employment. The needed rise in output will, in itself, reduce inflationary pressures by boosting productive efficiency and easing the pressures on unit costs and prices. Moreover, such immediate measures to lift the economy out of its present stagnation would create jobs for the millions of unemployed and underemployed, restoring confidence and health to the economic foundation of American society.

In sum, then, this is the position of the AFL–CIO:

We want inflation ended. We want full employment restored. We are prepared to sacrifice to meet these goals—as much as anyone else, for as long as anyone else. But we will not be the scapegoat for the economic mess created by this Administration's ill-conceived "game plan."

APPENDIX I

INCREASES IN COSTS, FHA HOUSES, 1949-69

	1949	1969	Percent increase
Land	$1,144	$4,525	296
Structure	7,176	11,850	65
Financing	520	2,370	356
Overhead and profit	1,560	2,800	79
Sales price	10,400	21,545	107
Monthly mortgage payment	55.15	168.00	205
Cost of structure per square foot[1]	9.44	13.88	44

[1] Excluding land, the average number of square feet of the structure increased from 980 in 1949 to 1,226 in 1969.

Source: Journal of Homebuilding, June 1970, p. 31.

NOTE.—In the 20 years, 1949–1969, the size of the structure increased and the cost of the structure—materials plus on-site labor—rose 65%, while the cost of overhead and profit went up 79%. But the major inflationary cost increases, by far, were the cost of land which rose 296% and the cost of financing which soared 356%. These cost increases in combination, resulted in a 107% rise in the sales price. The additional costs to the homebuyer of closing fees and charges, which are not examined here, probably rose by a somewhat similar percentage or more.

Moreover, the homeowner's monthly mortgage payments jumped 205%—nearly double the 107% rise in the sales price of the FHA house. This resulted from the additional impact on the homeowner of the sharp rise of mortgage interest rates—from an effective rate of 4.34% on FHA new home mortgages in 1949 to an effective rate of 8.19% in 1969.

Essentially as a result of the inflationary increases of land costs and financing charges to the homeowner, as well as the developer and builder, the price of the FHA home more than doubled, between 1949 and 1969, while monthly payments on the mortgage more than tripled. The 205% rise in the homeowner's monthly mortgage payments was almost four times greater than the 54% increase in the overall cost-of-living, as measured by the Consumer Price Index.

APPENDIX II

CHANGES IN BUILDING COSTS, SINGLE-FAMILY HOUSE 1949-69

[In percent]

	1949	1969
Structure	70	56
On-site labor	33	18
Materials	36	38
Land	11	21
Overhead and profit	15	13
Financing	5	10
Average sales price	$9,780	$20,534

Source: National Association of Home Builders Economics Department. Congressional Record, Oct. 29, 1969, p. E9113.

NOTE.—This breakdown of building costs is slightly different from the FHA, Sec. 203, houses examined in Appendix I, but the changes in cost components are almost precisely the same.

In the 20 years, 1949–1969, the average sales price of this typical house increased 110%. But the total wages and fringe benefits of on-site construction workers fell from 33% of the price of the house to 18% and the cost of materials increased from 36% to 38%.

The major inflationary increases were land costs which rose from 11% of the price to 21% and the cost of financing to the developer and builder, which increased from 5% to 10% of the price.

On top of the 110% rise in the sales price, the homebuyer also paid the sharply increasing closing costs, which include a variety of fees, charges and taxes. In addition, interest rates on home-mortgages approximately doubled from 1949 to 1969. As a result, the homeowner's monthly payments on principal and interest charges of the mortgage approximately tripled.

This process of compounding cost and price increases has priced most families out of the market for new houses. Since a similar process has affected costs and rents of apartment units, most families have also been priced out of the market for new apartments. The result has been a growing housing shortage in a period of serious urban problems.

MIKE VANDEVEEGAETE OF WYOMING WINS FOURTH PLACE IN THE NATIONAL "ABILITY COUNTS" CONTEST

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. RONCALIO. Mr. Speaker, I am pleased to call attention today to the accomplishment of a gifted young man from Wyoming, Mr. Mike VandeVeegaete. Mike is a 17-year-old high school student in Powell and this week he has been awarded fourth place in the national "Ability Counts" contest.

The Community Survey Contest, sponsored by the President's and the Governors' Committees on Employment of the Handicapped, was open to thousands of junior and senior high school students in 47 states, the District of Columbia, Puerto Rico, and the Virgin Islands.

The theme of the essay competition was "Employment of the Handicapped: Community Attitudes." Its objective was to instill in young Americans a positive attitude toward their handicapped peers and to focus national attention on the capabilities, potential, and accomplishments of the handicapped.

Prize money for the contest was provided by the Disabled American Veterans, whom this House has recently honored. The presentation of awards will take place on April 15 at the Washington Hilton Hotel during the annual meeting of the President's Committee on Employment of the Handicapped.

Mike VandeVeegaete submitted a sensitive account of the problems faced by the handicapped in a small town and the encouraging report that Powell, Wyo., is making strides in improving the future of the young, disabled person. I ask you to share his insights by submitting for the RECORD his award-winning essay:

EMPLOYMENT OF THE HANDICAPPED: COMMUNITY ATTITUDES

(By Mike VandeVeegaete)

My home community, with a population of under 5,000, regards its 35 handicapped residents as small town curiosities. The 35 are amputees, blind, paraplegics, or mentally defective. Also most are receiving welfare, veteran's disability pensions, or social security.

I interviewed 44 businessmen in town who said they would not hire any handicapped. Since most of them manage their own stores, and employ at the most five people, there simply aren't any opportunities for anybody. The businessmen made it plain, also, that they would consider college students first. Even the managers of the 11 branches of the national chain stores here told me that while their nation-wide company policy was nondiscrimination against the handicapped, the chance of any handicapped persons getting on with the local branch was zero because there were no vacancies.

The only handicapped employed in town were at the grain elevator (seasonal), the police station and the city school system. The foreman of the grain elevator said he hired the handicapped not because he felt obligated to, but because he felt they were just as qualified as regulars. "I feel they are more conscientious of their job than others and are usually exceptional workers." The work is dirty, especially during harvest but those handicapped men stick with it until the crop is in. The summer I worked at the elevator, I saw four amputees with artificial limbs, whose duties were to push the grain into augers. Another permanently employed handicapped person I interviewed was a lovely young woman confined to a wheelchair who is a dispatcher at the local police station. Finally, there are three teachers in the city school system who have permanent employment.

Most of the unemployed handicapped in town are over 40, natives, and have their roots here. They prefer to stay here close to their families and friends, and survive on some sort of welfare or disability benefits. They don't want to break away and go to a large city, where they could no doubt find work. Yet many of them are very bitter about the community and feel that the town has no interest in them. They certainly carry a lonely, heavy burden, and for many the only place where they can find company and consolation is a bar. I observed two local bars and interviewed the bartenders to see if handicapped people frequented their establishments. They did, but they did not come to buy; they came to the bars to be with people who would accept them. I also interviewed a fifty-year old man in the bar, with an artificial leg and three fingers on his right hand missing. I asked him what life was like for the handicapped. He looked at me and bitterly replied, "Life for us here? We, great or otherwise, can go to hell as far as this town is concerned." I have seen this same man followed by teen-agers who were mocking him, and following him down the street, further making his life a hell.

Except for some church groups and people at these bars, the local population stares, looks the other way, or indulges in teasing and even harassing the handicapped.

For the young handicapped, the future looks more encouraging. The high school has two special programs for the handicapped and mentally retarded. Some are sent to rehabilitation centers where they can be evaluated and trained, or re-trained so they may lead productive lives and make personal achievements. Yet, once they've had training and are ready to be employed, they seldom come back here because there are almost no opportunities in comparison with the metropolitan areas. Also, in the larger cities, these handicapped individuals can associate with others like themselves. Their lives can and do have meaning, beyond waiting for the undertaker to pull up at the door.

The story of older handicapped persons in my town has few bright spots. Yet it must be similar to that of many handicapped persons in thousands of small towns over the country. The future for the younger people is promising, as the community, looking on the waste it has allowed or even contributed to in the case of the older people, now becomes aware of the urgency of their problems and their efficiency as workers. The change is slow but inevitable, that handicapped people will one day gain a productive place in small town society.

F-14 COSTS RISE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BINGHAM. Mr. Speaker, according to press reports today, there is now another big question mark hanging over the Navy's proposed swingwing F-14 fighter. The crash of the test version of the F-14 raised questions about whether this aircraft will be able to perform well enough to meet the requirements of the missions projected for it. Now we are informed that the cost of developing and producing the plane is going up by an as yet uncertain amount and that the contracts for the plane will have to be renegotiated to reflect these increased costs in the months ahead.

Despite these ominous question marks, the Congress is being asked to make a commitment to purchase another 48 production copies of this airplane in fiscal year 1972. In my judgment, the Federal Government should impose a "fly before you buy" rule on development of this aircraft from here on out by withdrawing requests for any further funds from Congress for purchase of these planes until it has been thoroughly and successfully tested in flight and the costs of producing it are precisely known. I hope such a decision is reflected in House Appropriations Committee action on this project.

An article by Michael Getler from today's Washington Post reporting the increased cost estimates on the F-14 follows:

$700 Million Cost Overrun Seen on New Navy Swing-Wing Jet

(By Michael Getler)

Rising costs on the swing-wing F-14 fighter, the single largest new Navy program, are expected to push the price tag per plane up at least $1 million above the $11.5 million cost estimated by Navy officials early in December.

Spread over some 720 F-14s the Navy is planning to buy over the next several years, the cost increase could add more than $700 million to the project, pushing the total cost to about $9 billion.

The Navy is now looking into renegotiating its contract with Grumman, the plane's manufacturer, because of a reported financial squeeze on the Bethpage, N.Y., company.

Congressional, Pentagon and other administration sources say Grumman's position is comparable in some ways to what brought the Lockheed Aircraft Corp. to the brink of financial disaster over the Air Force C-5A jet transport contract.

These officials add, however, that the Grumman problem is not nearly as severe as Lockheed's. But it does involve a fixed-price contract for a huge, top-priority defense program which, if fully enforced by the government could cause serious financial troubles for Grumman or prevent the Navy from getting the planes it says it needs.

In his annual defense posture statement March 9, Defense Secretary Melvin R. Laird noted that the F-14 contract was let before the Nixon administration took office and that the agreement "does not have some of the features we now believe necessary for good management control."

A Grumman spokesman said yesterday it would be inappropriate for the company to comment while the Navy is still studying the situation.

Government officials close to the project say it is virtually certain that the contract will have to be rewritten.

These officials say the Navy is now completing a proposal for Deputy Secretary of Defense David Packard and for Congress to deal with Grumman's money problem and with a six-month delay in the project caused by the crash Dec. 30 of the first test aircraft during its second flight.

Though no final estimate on the exact cost increase has been made, these officials say that "at least $1 million per plane is a reasonable estimate."

Only part of the anticipated cost increase is said to be because of mechanical changes growing out of the crash. The general business crunch that has hit several aerospace firms in recent years has hit Grumman as well. Less new business in the plant than was anticipated at the time of the contract bidding in 1968 is said to have forced up general overhead costs. Inflation has also played a major factor in the expected price increase.

Grumman won the F-14 contract on Jan. 15, 1969, in the last week of the Johnson administration after a tough competitive battle with McDonnell Douglas. The bidding was another factor that some project sources believe may have forced Grumman's price too low.

Defense officials remain generally optimistic that the craft, despite is cost troubles and the crash, will perform well, protecting U.S. aircraft carriers and repelling enemy fighters. The plane is meant to replace the Navy's highly successful, but aging, fleet of F-4 Phantom fighters.

Defense Department officials, briefing newsmen on the new military budget Jan. 28, reported the total F-14 request for the coming fiscal year, including further development work plus production, as $935 million.

But project sources say the actual total is $1.035 billion. An additional $100 million, they explain, is being spent by the Navy as its portion of joint development work with the Air Force on a new jet engine to power later models of the F-14, as well as the Air Force's new F-15 fighter.

The Navy is considering buying fewer than the 48 planes it planned to buy this year to keep within its budget, and also reducing the number of the F-14 "A" version, the first model scheduled to be produced. This version uses the jet engines originally developed for the ill-fated F-111 or TFX. The Navy had planned to buy 67 F-14As and the rest "B" versions with the new engine.

Project sources also say that the Navy's initial response to the Dec. 30 crash was overly optimistic about its impact on the schedule.

The cause of the crash was quickly determined and officials say the solution is in hand. Nevertheless, the F-14's entry into service is now expected to be delayed about six months beyond the April 1973 date which the Navy originally said it could stick to. Flight testing with the second test aircraft is expected to resume shortly.

LAND FOR UNALASKA, ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BEGICH. Mr. Speaker, as most members of Congress know, well over 90 percent of the State of Alaska is owned by the Federal Government. Many Federal locations have been used in the past, particularly during World War II, and have since been abandoned. The naval base at Dutch Harbor, Alaska, is such a location. The city of Unalaska has prepared a proposal for annexation and use of this land, and the agreement of the Secretary of Defense is necessary to make this proposal a reality:

House Joint Resolution No. 18

Relating to the former Naval Base at Dutch Harbor

Be it resolved by the legislature of the State of Alaska:

Whereas the City of Unalaska has annexed all of an area which encompasses the former Naval Base at Dutch Harbor; and

Whereas the City of Unalaska has had prepared a preliminary development plan for Dutch Harbor and is now in the process of obtaining a comprehensive and detailed development plan for the same area; and

Whereas the large area of Dutch Harbor which is still under Naval Reserve and that which is leased to private enterprise presents a hindrance to the comprehensive development plan of the city and to the economic progress of the whole area;

Be it resolved that the Secretary of Defense is respectfully requested to reconsider the necessity of keeping the former Naval Base of Dutch Harbor under reserve; and be it

Further resolved that the Alaska delegation in Congress is respectfully requested to cooperate in bringing about the change in the status of the Dutch Harbor base.

Copies of this Resolution shall be sent to the Honorable Melvin Laird, Secretary of Defense; the Honorable John H. Chafee, Secretary of the Navy; and the Honorable Ted Stevens and the Honorable Mike Gravel, U. S. Senators, and the Honorable Nick Begich, U. S. Representative, members of the Alaska delegation in Congress.

INDIA: DRIFTING TOWARD CHAOS

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BOLLING. Mr. Speaker, a native of India, Arabinda Ghosh, sees India as drifting toward chaos in his provocative article in the Wall Street Journal of April 5. The article follows:

India: Drifting Toward Chaos

(By Arabinda Ghosh)

Time is running dangerously short in India.

The Naxalite terrorism in West Bengal is spreading fast in Bihar, Andhra and Orissa, and if unabated, will engulf the major part of India soon. Unemployment is more than 16 million, and the educated unemployed are the powder kegs. There are 63,000 engineers waiting for jobs, countless arts and science graduates are pouring into the job market when there is no work.

In the fifties and early sixties the frustrated youth turned toward the leftist parties that more or less talked of capturing power by parliamentary means or at least through non-violent ways. Today the frustrated youth has in his hand the little red book of Chairman Mao and is convinced that the power will be wrested only by using pipe-guns and home-made bombs. And his action is attracting others to join in the act.

AGRICULTURAL PROBLEMS

The "green revolution" has given India only a breather. First, only the "wheat revolution" has taken place in India, and mainly in East Punjab, which was already more advanced in agricultural productivity than the rest of the country. Second, the "miracle" rice has touched only a fringe of rice cultivation and has barely taken root in the rice fields of West Bengal, Orissa and other major rice-growing areas. Since wheat accounts for only 15% of the total acreage in foodgrains and rice 31%, the latter is more important. Third, it is doubtful that the green revolution can continue the increase in agricultural productivity without fundamental changes in land tenure, fertilizer supplies, credit policy and price incentives, among others. Finally, the weather has been unusually good for three consecutive years. There is no guarantee that the spell will not break soon, and there is no guarantee that without the fundamental changes in agricultural methods and organizations the miracle seed will sustain the green revolution.

In other areas the picture is dismal. Industrial production has fallen from last year by 3.5%. In exports, the increase caused by the 1966 devaluation of the rupee has leveled off, as evidenced in a 2% increase of exports in 1969. General prices have gone up sharply, scoring a 6.8% increase in the wholesale price index from last year. The national income rose by only 2.2% in 1969 at 1960-1961 prices. With a population growth of 2.4% per year the per capita real income already among the lowest in the world, has gone down during this planning decade.

India's present economic policy is misleading and retrogressive. In the name of controlling monopolies, expansion has been denied to big industrial houses while few new investments have taken place in small and medium-scale firms. In an underdeveloped country like India, where the industrial sector is too small to break the agricultural stronghold of the economy, the big companies run by the large industrial houses are the only ones equipped for financing and undertaking technical development, product innovation and new industrial ventures. They are the only ones in the private sector that are big enough to ensure economies of scale and continual expansion leading to the creation of new employment and more supplies in the market.

The inefficiency and sluggishness of the small- and medium-scale companies had already been witnessed duirng the Second Five Year Plan period (1956–1961), when so much false hope was pinned on these companies for the creation of rural employment and consumer supplies. The present policy of reliance on medium-scale companies for new jobs and expansion of production will only worsen the current situation of large-scale unemployment and soaring prices. If Japan had restricted the growth of Mitsui, Mitsubishi, Fuji, Nissan, and other industrial houses, what would Japan's employment and economic growth be today? Indian unemployment is mounting because the big companies are barred from expansion and the small companies are limited in employment potential.

Not that the government-controlled enterprises are doing well. Of the 85 public-sector concerns, which enjoy a total investment of 39 billion rupees, 73 running concerns showed a net loss of 2.8 billion rupees during 1968–1969 despite government patronage and monopolistic supremacy.

The course Prime Minister Indira Gandhi is following now, nationalization by bits and starts, will dull the growth points of the economy and strangle the private sector slowly. If she follows the process of wholesale nationalization, the economy will stagnate, as happened in socialist Arab countries like Syria and Iraq. Egypt has been saved from chaos by those groups of Western-trained economists who have persuaded the regime to allow for private initiatives and less bureaucratic strongholds. The extreme example is neighboring Burma, where the Burmese way of socialism has wiped out the once-flourishing export trade in rice and timber, along with any hope of economic growth.

WHILE IN KENYA . . .

President Jomo Kenyatta of Kenya wants the Asian shopkeepers and business concerns in Kenya either to transform into Western corporations or to leave the country entirely. This is the general psychosis now prevailing among the rulers of most underdeveloped countries. If the private sector is to stay, let it be big corporations. But they forget that it took many years in the Western countries to transform the majority of the entrepreneurial corporations into mature corporations.

It took more than 60 years in the U.S. to evolve the process of separation of ownership of capital and the management of business, the public participation in the stock market and the education of the professional managers. These things are simply not available in underdeveloped countries. To hasten the maturing of corporations the most important need is the structural change in the stock market, so that many people may participate, and holdings by founding families may change hands, leading to collective decision-makings by professional management.

But the stock markets in these countries are always suspect and prone to abuses. So instead of creating any congenial condition for corporation growth, just to tell the Asian businessmen of Kenya to transform or to pack, most of them will be forced to pack, leading to a sharp increase in unemployment and a severe drop in production.

The same trend of thought is prevailing in India today. Since most of the big corporations in the private sector are entrepreneurial corporations, to prevent them from expansion in the name of curtailment of monopolies will stifle the growth of the entire corporate sector. The latest decree by the central government denying licenses to 28 of the largest industrial houses for expansion of production facilities is a case in point. While the government-owned mammoth Hindustan Steel Ltd. showed a loss of 400 million rupees last year and is working at present at about 65% of capacity, the private sector steel companies are not allowed to expand their capacity, although they are in a position to do so quickly and cheaply.

Even the long-avowed government policy of "mixed economy," in which the simultaneous development of the public and private sectors would take place in their respective spheres, has given way to a policy of creeping government encroachment on the private sector. Today this brave talk of creating a socialist economy will lead India to a deadening sway of statism where just the replacement of private management by government bureaucrats in the nationalized concerns would not accomplish any economic growth, as has been seen in recent bank nationalization, without scoring any visible improvement in functions.

A STUPENDOUS TASK

If Prime Minister Gandhi is serious about the socialist economy, she must undertake a stupendous task: complete mobilization of energies and resources, long hours of work in fields and factories, rationing of virtually all consumer goods, and the denial of protests, strikes and other expressions of freedom must be adopted immediately. (In 1969 alone, 16.6 million man-days were lost due to work stoppages.) Only then would the problem of unemployment be solved and millions of street-dwellers of India will at least be assured of two meals a day, two trousers a year, and roofs over their heads. Then India would no longer be a democracy in the usual sense of the term. Apart from bothering her mind with that, is Mrs. Gandhi ready to forgo her life-style, and lead peasants in paddy fields as Mr. Castro is doing in Cuba? If not, then let the private sector foster economic growth without further inhibition.

Time has come for a decision. Instead of following a moribund socialistic policy of the Arab variety, either India must undertake a complete transformation of the economy, in the Chinese way, or to let the private sector be the mainstay, in the Japanese way.

PRESIDENT NIXON IS RIGHT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. WYMAN. Mr. Speaker, President Nixon is right in responding to widespread expressions of public concern relative to the Calley court-martial, by stating that at the appropriate time he will review the conviction. As the Commander in Chief of the Armed Forces, the President has the ultimate reviewing authority. By the Constitution, article 2, section 2 he also has "power to grant reprieves and pardons for offenses against the United States."

Charging the President with undermining military justice by declaring that he would do what the Constitution of the United States gives him the power to do in his discretion, is ridiculous.

President Nixon has not indicated how he would dispose of the case after such a review. Nor is his release of Calley from the stockade to be taken as a reflection on the Calley trial or the participants therein. Permitting Calley to be confined to quarters during his appeal, instead of being kept in the stockade, like bail in civil cases, is also appropriate discretionary action by the Commander in Chief of the Armed Forces of the United States.

PAY INCREASES FOR SENIOR CITIZENS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. DRINAN. Mr. Speaker, I wish to commend the action recently taken by the House and Senate in approving the conference report on H.R. 4690, which includes a retroactive 10-percent increase in social security benefit payments, and the special 5-percent increase for those individuals, aged 72 and over, not eligible for the regular benefits. I was pleased to support these measures, but consider them only the first steps of a comprehensive program to improve the standards of living of all our senior citizens.

I believe there were several crucial measures omitted from this legislation, measures which must be enacted if we are to truly begin meeting the needs of our older Americans.

This legislation did not provide for an easing of the stringent earnings limitation, which restricted the annual outside earnings of the social security recipient to $1,680. Many of our senior citizens are both physically and intellectually capable of work. By placing this limitation at such a low level, we are, in essence, creating a deterrent for many of our older citizens to work to their fullest potential, as well as depriving society of the contributions they can make. I have consistently supported the measure whereby beneficiaries could earn up to $2,400 with no reductions in benefits. House Resolution 4269, which I have agreed to cosponsor, provides for such an increase in allowable outside earnings.

Another important provision omitted from this legislation deals with the much needed rise in the minimum monthly benefit payment. The approved 10-percent increase will bring the minimum benefit to $70.40 a month, hardly enough to maintain an adequate standard of living. I believe the minimum benefit should be raised to no less than $100 a month; H.R. 4269 provides for this highly desirable increase.

I urge my colleagues not to be fully satisfied with the legislation recently approved. Many more reforms in the structure and operation of the social security system need to be enacted. We must continue our efforts to develop a comprehensive national program, designed to allow our senior citizens to live with dignity and honor. We must end this unjust discrimination against the aged, and commit ourselves to the passage of the new and creative legislation our older Americans so rightly deserve.

ADDRESS BY DR. JACK K. WILLIAMS AT CHARLESTON, S.C.

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. DORN. Mr. Speaker, it was recently my pleasure to attend the inauguration of Maj. Gen. James W. Duckett as president of the Citadel, South Carolina's famous military college. General Duckett is an outstanding American, from my own hometown of Greenwood, who will be a tremendous credit to The Citadel and to all American higher education.

The guest speaker for this memorable occasion was Dr. Jack K. Williams, president of Texas A. & M. University and one of the Nation's most dynamic education leaders. I have had the privilege of observing the progress of Dr. Williams' career from the time he was a professor at Clemson University in my own district, and I was extremely proud of the timely address he delivered at Charleston. Dr. Williams gave a splendid discussion of the problems and opportunities that await the modern-day college president. I commend this speech to the attention of my colleagues and to all the American people:

REMARKS AT THE INAUGURATION OF THE PRESIDENT OF THE CITADEL, CHARLESTON, S.C., MARCH 19, 1971

(By Jack K. Williams)

Governor West, President Duckett, ladies and gentlemen: we are gathered to honor our esteemed colleague and to induct him formally as a member of a minority group called "University President".

During the course of today's pageantry, as your program indicates, the distinguished Governor of this beautiful and friendly state will authorize the medallion of office and pledge support from the executive and legislative branches of government. A representative of the alumni association will offer assistance and understanding in full measure. A spokesman from The Citadel's faculty will guarantee the cooperation of that great body in accomplishment of the tasks ahead, and the student body president will vocalize his constituency's expectation to move with our colleague along the cutting edge of high academic adventure (and with students these days, it is a cutting edge and it is a high adventure).

Indeed, we will all witness the symbolic ceremony of marriage of President Duckett to his university, with which he has been living in sin for the past several months.

We wish our colleague well, obviously, and we congratulate this great military college on having as it chief administrative officer a man of Jim Duckett's outstanding and enviable blend of scholarship, perception, courage, and commitment. He is offering and he will continue to offer executive leadership which is at once compassionate and firm, deliberate and decisive. These qualities have enabled him to make a remarkable record of accomplishment over the years—and those of us who have worked with him have long admired and respected him for that record.

A college presidency is, of course, a series of experiences which are in the collect a paradox of extremes. One might define this schizophrenic nature of the presidency through a paraphrase of Charles Dickens, as "the best of work and the worst of work; an encounter with wisdom, an encounter with foolishness; moments of belief, moments of incredulity; efforts made with light, efforts made with darkness".

But perhaps this apogee-perigee approach to the presidency is undeserved. One could make a strong case that these are the days of wine and roses for one about to move into college administration; for despite the Coxey's army of problems, serious and ridiculous, there exist remarkable, unparalleled, and even unexpected opportunities for purposeful and satisfying accomplishment. Never has the product of education been in a higher demand. Never has the role and scope of education been subjected to a more detailed analysis. And never has the totality of the *modus operandi* of education been placed under a heavier mandate for improvement. Hence, to be active in educational administration these days is to share in the heady excitement of moving against frontiers as it were; an undertaking which, while wholly within the American tradition, is not often associated with the management of colleges.

There are a number of reasons—four in particular—why I believe that Jim Duckett assumes his presidency, as others in education assume theirs, at a time of promise and purpose.

For one thing, I believe that during the years ahead we will be witness to an almost geometric rise in the development and adoption of innovative techniques and programs in our work. When we could hear our critics through the shouting and tumult, their message was clear and unequivocable that todays students (and the clientele of education generally) are wary of the archaic methodology and meaningless minutiae which crowd the pages of our academic rule books.

In matters large and small, the atmosphere of education is heavy with the smell of change. For some this is a heady perfume; for others, it is the stench of brimstone. This is so because while progress requires change, change comes hard in education. We who work in education teach change as a vital ingredient of life itself, but we sometimes deplore it because we are comfortable in our old ways and have them well mastered; or, perhaps because change involves sailing into uncharted seas, and many of us are past the age of exploration. But, either we will sail the strange seas, benefited by whatever navigational experience we have, or we will become passengers on educational vessels whose rudders are manned by those who have replaced us.

But if momentous change is in the air, so also is a return to stability in on-campus governance and to rationality in on-campus decorum; and this is a second reason why I believe these to be good times.

On the matter of stability in college governance, I think we will see during the year ahead, more and more faculty and student groups relinquishing the arguments that they should be in positive control of university administrative procedures. This simply has not worked in the years which have passed and faculty people who are concerned about their professional welfare, as well as their philosophic welfare, are becoming convinced that governance by slow-moving committee action or by voice-vote of faculty conglomerates is not productive. As a result, in the years ahead, more and more faculty will support boards and administrators in designing areas of administrative responsibility which are clearer and which call for consultation, advice, and suggestion rather than the mob rule of pure democracy.

What is happening here is that the faculty in instance after instance has taken the lead in declaring that part-time governance too often substitutes apathy and unpreparedness for meaures discourse and sound managerial research. The costs of such governance are too high in teaching time lost, in marginal productivity of scholarship, and in the increase of possibility of gross error through a pooling of ignorance.

Concerning the second facet of a return to stability—that being stability of on-campus conduct—I believe we will have a continuation of disruption and destruction by the rag-tag of student activists, together with their camp followers and ego-trippers. But while the day of building burning, indecency of speech and act, and unreasoned harassment of administrative and faculty personnel may continue, we will witness a quicker reaction to episodes involving these maneuvers. Police in strength will be called without hesitation. Students and faculty who are identified as leaders of felonious conduct and as inciters of riots will be moved off the campus and out of their positions, and the injunctive process will be applied to prevent their reentry. This is the backlash we have heard so much about, and I think it is as sure as death and taxes.

I believe this because, as Kingman Brewster of Yale has said, "The academy, if it is to continue to attract academicians, must provide orderly processes designed to protect the scholar from the coercion of the mob, which is wholly inconsistent with the life of the mind".

I do not refer here to those who protest legitimately and petition legitimately against rules and regulations deemed to be anachronistic—or to those who participate with reason and legal force in the giant effort to end war, poverty, and the inhumanity of man against his fellowman. I do refer to the trojan-horse army of militant fanatics in our midst, and I believe that all the communities of interest in the welfare of education are demanding that these persons not be allowed to interfere further with the educational process.

The substantial changes in method and technique, and in stability in governance and decorum, are two bright bands in the new college president's rainbow. A third is the promise that an end must soon come to unnecessary program competition, curricula duplication and academic empire building generally. These costly and plague-like activities will stop because soon every state in our union will have a central board, or coordinating group, based in law and given sufficient authority to enforce its judgments. The authority factor must be added to these coordinating boards because only through such addition can the board function with effectiveness.

These new and more powerful coordinating boards will assist presidents mightily in their endeavors. Members of these new boards will be citizens whose interest in, commitment to, and general knowledge about higher education, will be uncommonly deep; who will have the verve to shrug off special interest pleadings; and who will have the courage substantial enough to stand against the heavy pressures brought by persons inside and outside the education establishment who see a new or enlarged college either as a personal status symbol or as a state-fed community payroll.

The new coordinating boards will combat successfully the reluctance of so many political leaders, university administrators, and trustees to accept decisions which deny the initiation of programs or seek equity in finance for units of the educational complex. On this point, each university president and each governing board chairman has a right to expect the coordinating group to hear all sides, evaluate alternatives, and approach problems professionally. But if all board decisions, or any substantial number of them, are to be contested publicly after they are made, if the processes of gorilla warfare are to follow each board judgment; then voluntary coordination as such will die. Thoughtful legislators and lay citizens, believing as they do that public interest is more than the sum of the interest of separate institutions, will conclude that coordination has failed and will replace it with centralized total control.

The fourth factor I see in the future, which bodes well for the new college president and for higher education generally, is a reaching of agreement that no single university can be all things to all the diverse echelons of society, and that no university can be politicized and remain free.

I need not tell you that the role of higher education has undergone elaborate discussion and debate during the past decade. We have felt the need to restate existing theses about education, and this compulsion to restate has led, for one thing, to the complexitizing and compounding of university function. Indeed, as you well know, the literature of higher education has become top-heavy in advice about what the university should be doing—to whom, for whom, and against whom.

I will offer four illustrations taken from articles written by well-known educators during the past few years and indicating the alpha to omega nature of the problem.

One educator has insisted that "The critical function of higher education is not exhausted with the considerations of teaching and research. To the contrary, American universities must exercise their function by acting as watchdogs, defenders, Jeremiahs, and at times Cassandras of our society".

Another writer tells us that, "It is no longer enough to educate the men who will serve society; the American university must now become an instrument to be used for direct social action".

A third writes that, "Higher education in America has the responsibility for retraining and rehumanizing the mature American. To accomplish this function, radical and pervasive conversion of academic life is needed".

A fourth educator declares that, "There is the overall responsibility of education to contribute to a peaceful and progressive world order. At the apex, there is the special and formidable world responsibility which rests squarely on the universities and colleges".

These men insist that the function of the university today is not only to teach, research, retrain, and instill the love for truth—but to criticize, become action oriented and set the force of talent and intellect and conscience to the precise definition and active solution of problems in the whole fabric of civilization.

The truth is, of course, that no university can address itself to all these matters with vigor and action or with accuracy; and an institution which attempts to do so will lose its viability as a teaching institution.

We are in the teaching business, or we should be. We are responsible, as is no other institution, for the preservation and dissemination of knowledge and for the development of new knowledge. In turn, this awesome responsibility means that we must offer our students a basic framework of both fact and theory on which they can build and to which they can add. We must give our students the mental equipment with which they may think clearly as well as feel deeply. We must become again the pivot point for the maturation of leadership because our graduates are the leadership group, whether philosophical, economical, political, managerial or military. The direction of our social change—if it is to be reasoned progress rather than the chaos born of purposelessness—will be set by that leadership and not by the egocentric gadflys among us.

These, then, are to my mind illustrations (or predictions, if you like) of why Jim Duckett becomes President of The Citadel at a propitious and promising moment in the history of this remarkable military college. Under his strong and benevolent direction, The Citadel will continue at an accelerated pace to be a meaningful power center for the development of leadership qualities in young men. The Citadel, under Jim Duckett's lead, will devise a clear articulation for its direction; will skillfully mediate counter claims for its special services; will carefully sift the diverse evidences about its successes and failures; and—most importantly—will commit the exposure of new ideas to the light of day.

In the exercise of these heavy responsibilities, President Jim Duckett, we wish you Godspeed and all good fortune.

LIEUTENANT CALLEY

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. TIERNAN. Mr. Speaker, yesterday the text of a letter written by Capt. Aubrey Daniel III, prosecutor in the trial of Lt. William Calley, to President Nixon was released to the public. I completely concur with the arguments made by Captain Daniel.

There is no getting around the fact that war is hell. Lieutenant Calley is, admittedly, to some degree a victim of the war. He was sent by his Government to fight in a cruel and vicious war, one for which he was ill-prepared. Here is a man who was taught to kill and then punished for doing just that.

This is the easy, emotional view. It is true, but it is not the whole truth. The truth is that Lieutenant Calley rounded up men, women, and children, ordered them into a trench, and systematically murdered them. There is nothing in the military code that either explicitly or implicitly gives a soldier the right or the authority to summarily execute. Because others in this war and past wars have also killed innocent women and children does not diminish the guilt of Lieutenant Calley. If we can excuse these actions as consequences of war, how can we justifiably condemn the North Vietnamese for their inhumane and brutal treatment of American prisoners of war? In addition, the idea of assuming collective guilt for the murders at Mylai does not settle anything. There is truth in saying that we are all guilty for Mylai, but there is also an implication that no one is guilty.

The people of this Nation are horrified by the war and by the sentencing of Lieutenant Calley. This is an emotional and sympathetic reaction, and one which is understandable. What is not understandable and what cannot be accepted is the callous use of these emotions by politicians.

The interference in this case by the President of the United States is most appalling. Here is a man, a lawyer no less, who is aware, as Captain Daniel wrote:

> It is a fundamental precept of our judicial system that the legal processes of this country must be kept free from any outside influences.

Here is the President of the United States, who again and again has told the young people of this country to work within the "system," and that it will work. Now he himself is bypassing the system. Admittedly, as Commander in Chief he has the right to release Lieutenant Calley from the stockade and even to pardon him. But if he is to act then he should be the last person to act, following the complete judicial process.

Had the trial been unfair or biased, then maybe Mr. Nixon's actions could be understood. But this is not the case. Five out of the six-man jury had served in Vietnam. For over 4 months they heard testimony on what occurred at Mylai. Lieutenant Calley received all of the safeguards guaranteed by the Constitution. Captain Daniel has been praised by everyone, including the defense, for his just and fair prosecution.

Let me remind this body of the words of President Nixon in December of 1969 when this incident first became public. At that time Mr. Nixon stated it was important to insure that the incident "does not smear the decent men who have gone to Vietnam." Accordingly, "I am going to do everything I possibly can to see that all the facts in this incident are brought to light and that those who are charged, if they are found guilty, are punished."

Lieutenant Calley has been found guilty, and if the Appeals Court upholds this decision, then he should be punished. As William Greider of the Boston Globe pointed out, he is not the first American soldier to be prosecuted for killing civilians in this war. There are presently 75 to 80 men serving in Fort Leavenworth on murder charges which originated in Vietnam. Unlike Lieutenant Calley, most of these men killed only one or two people, not 22.

So while I truly sympathize for this man, I cannot condone what he did. The Vietnam war has done much to tear this country apart. I only pray that it has not also taken away our sense of morality.

TOBACCO PRICE SUPPORT

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BROOMFIELD. Mr. Speaker, for some years now cigarette packages have carried the Surgeon General's warning that smoking is dangerous to health. Since January cigarette advertisements have been officially banned from radio and television. And only recently, efforts have been made to prevent the distribution of sample cigarettes through the mails.

But for all our work to discourage smoking, we have continued to promote its only source: tobacco. A conservative estimate places tobacco production at 2 billion pounds a year with Government subsidies amounting to at least $70 million annually. Such Federal assistance runs directly counter to our official stance on smoking, for we subsidize the grower while we penalize the distributor. In doing so, we perpetuate a dangerous and hypocritical double standard. This should not be allowed to continue.

I am introducing today a bill that would terminate price support payments and export subsidies for the 1972 tobacco crop. I urge that this measure be given the most careful consideration by my colleagues.

In our deliberations we will recognize the serious problems that are involved in this proposal. Alternate crops would have to be found for the small farmer and the processor now dependent upon the production of tobacco and the manufacture of cigarettes. In addition, the many Americans who have jobs in tobacco processing plants must be equitably provided for.

But whatever the difficulties we face, I see no reason why tobacco price supports should be continued. The money we now pump into these subsidies could better be used for research in cancer and heart disease. We can no longer compromise the Nation's health to the interests of a single industry.

NEW DOCK FACILITIES FOR SEWARD, ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BEGICH. Mr. Speaker, few people outside Alaska realize that most of the freight shipped into interior Alaska comes into Seaward, Alaska, on barges carrying railroad cars, and that in order to reach Anchorage these cars must be pulled through an area of tunnels and narrow canyons. This entire route is in the midst of an area which is subject to earthquakes. As the attached Alaska Legislature resolution indicates, some alternative must be provided in the case of an emergency:

HOUSE JOINT RESOLUTION NO. 9

Relating to the Construction of a Train Slip Rail Car Loading Facility at Seward

Be it resolved by the legislature of the State of Alaska:

Whereas it is recognized by the Alaska Legislature that most freight being shipped into interior Alaska at this time arrives in freight cars aboard barges; and

Whereas these barges are currently unloaded principally at the Port of Whittier direct to the Alaska Railroad rails; and

Whereas, if an emergency should occur such as the closure of tunnels on the existing rail route from Whittier by an earth slide, earthquake, or even by an enemy military action, no provision has been made for an alternate train slip-type car unloading facility; and

Whereas freight tonnage projections by the North Commission indicate tonnages in excess of what can be handled through the Whittier Port when North Slope activities are in full gear; and

Whereas the City of Seward has recently seen the completion of a new $15,000,000 dock facility which does not include a train slip for handling rail cars;

Be it resolved by the Seventh State Legislature that the Congress of the United States is respectfully requested to provide the Alaska Railroad with sufficient funds to enable that entity to build a train slip rail car loading facility at Seward which would safeguard, in all contingencies, Alaska's freight handling capability, and which would enable the new Seward dock facility to be utilized to the utmost.

Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable John A. Volpe, Secretary of Transportation; the Honorable John E. Manley, General Manager, Alaska Railroad; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

THE ELECTRONIC ENGINEER ENDORSES CONVERSION LEGISLATION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BINGHAM. Mr. Speaker, the problem of converting our national and local economies from a wartime to a peacetime footing with minimum dislocation and hardship on workers and firms is one of overriding importance as we try to bring the war in Southeast Asia to a close. With that in mind, I have introduced legislation in the House—H.R. 1744—that would induce companies to plan for orderly conversion to peaceful production. I was pleased to note that the respecting engineering magazine, the Electronic Engineer, has editorially endorsed my bill, along with compatible legislation of which I am a cosponsor introduced by my colleague from Connecticut, Mr. GIAIMO. The editorial by Electronic Engineer Editor Alberto Socolovsky follows:

WRITE TO YOUR CONGRESSMAN

Unquestionably, the most important engineering development last month did not happen in a lab, nor in a factory. It took place in Congress, with the introduction of two bills—H.R. 4122 and H.R. 1744—which deal directly with the problems of unemployment and conversion of technology and funds from defense to civilian and socially oriented programs.

H.R. 1744, introduced by Representative Bingham, is directed at defense contractors. One of its most important provisions states that, to obtain a defense contract, a company must have a plan for conversion to peaceful uses of the technology it will implement in the contract. Or, where such a plan does not exist or is not practical, it must pay 12.5% of profits from the contract as a "conversion tax" to build a fund from which it can borrow to finance nondefense projects.

On the other hand, H.R. 4122 comes closer to the engineer who works (or worked) in defense programs. Introduced by Rep. Giaimo, it proposes to direct the Federal Government to fund the retraining of "scientists, engineers, and technicians" to "forestall and reduce unemployment and the related waste of national talent and resources." To this end, the Giaimo bill requests an appropriation of $100 million for Fiscal Year 1972 (July '71 to June '72), $150 million for FY 1973, and $200 million for FY 1974. Of these funds, more than 40 percent are for "conversion fellowships" for highly qualified technical persons, and 15 percent are to fund education programs for such persons.

Both of these bills deal in detail with the *machinery* required to implement them, rather than with the programs they will implement. And rightly so, since a law should establish goals, instead of spelling out the details of such goals. They both refer in general to "national goals" such as housing, urban rehabilitation, education, health facilities and equipment, and to the elimination of problems such as unemployment, poverty, crime, pollution, alienation, and the like.

However, while it may not be the job of Congress to spell out the specific problems involved, technical people constantly ask for a definition. "What kind of pollution? Controlled and monitored by whom? Over whose communication lines? For what price? Centralized, multiphasic health stations or remote, instrumented stations for health care?"

Used as we are to deal with military men or with space scientists who specify their systems parameters, we find it difficult to understand the broad and imprecise language of government officials, or even of social scientists.

But we must bridge the communications gap. The discussions and hearings for both bills will shed light on some technical solutions or programs. If only for this reason, these bills are worthy of your support. Write to your representatives. Tell them to get behind both bills, and do it now. A small investment of your time may reap incalculable benefits not just for you and for your fellow engineers, but for the whole country.

ALBERTO SOCOLOVSKY, *Editor*.

COMPASSION ASKED FOR PRISONERS OF WAR

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. DRINAN. Mr. Speaker, I join my colleagues in expressing my deep and compassionate concern for those American soldiers now detained as prisoners of war or listed as missing in action.

The wrath of this unjust, unwanted war has created a double tragedy. Our imprisoned soldiers are forced to endure great pain and suffering, and their parents, children, and wives must also endure the agony and frustration of the unknown.

I join concerned individuals and groups from across the world in imploring the Government of North Vietnam to abide by the provisions of the Geneva Accords, and comply with four simple mandates: to identify all prisoners of war they hold in captivity, to permit the impartial inspection of their POW camps, to release seriously injured or sick prisoners, and to permit the free exchange of mail between prisoners and their families.

I also call upon our own President to set a date for complete and total withdrawal of all American military personnel from Southeast Asia. Judging from Hanoi's past statements, as long as the hostilities continue, there is little hope for the release and repatriation of our prisoners. I firmly believe that the most expedient way to negotiate the release of American prisoners and relieve the tremendous emotional burden shouldered by over 1,600 American families, is to negotiate a settlement of the war as a whole.

Let us show our true concern for our imprisoned soldiers and their courageous families by ending this war and bringing all our men home.

UTILITY CONSUMERS' COUNSEL ACT

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. TIERNAN. Mr. Speaker, on March 3, I introduced the Utility Consumers' Counsel Act of 1971 with 21 cosponsors. Today I reintroduce this bill with an additional five cosponsors.

This legislation would establish an independent agency to represent the consumers of the Nation before Federal and State regulatory agencies with respect to matters pertaining to certain electric, gas, telephone, and telegraph utilities. In addition, grants would be provided to States and local governments for the creation of State utility consumers' counsels.

The need for the Utility Consumers' Counsel Act is evident. For years citizens have been frustrated in their dealings with utilities. It is time that we effectively regulate utilities in the public interest.

I include at this point a list of the cosponsors and a copy of the bill:

COSPONSORS

Mrs. Abzug, Mr. Collins of Illinois, Mr. Harrington, Mr. Link, Mr. Abourezk, Mr. Badillo, Mr. Blanton, Mr. Burton, Mr. Eckhardt, Mr. Fraser, Mr. Gibbons, Mrs. Grasso, Mr. Halpern, Mr. Hathaway, Mr. Howard, Mr. Mikva, Mr. Moss, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. St Germain, Mr. Roe, Mrs. Hicks of Massachusetts, Mr. Wolff, and Mr. Brasco.

H.R. 7444

A bill to establish an independent agency to be known as the United States Office of Utility Consumers' Counsel to represent the consumers of the Nation before Federal and State regulatory agencies with respect to matters pertaining to certain electric, gas, telephone, and telegraph utilities; to provide grants and other Federal assistance to State and local governments for the establishment and operation of utility consumers' counsels; to improve methods for obtaining and disseminating information with respect to the operations of utility companies of interest to the Federal Government and other consumers; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Utility Consumers' Counsel and Information Act of 1971.

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "Federal agency" means any department, agency, or instrumentality, including any wholly owned Government corporation, of the executive branch of Government.

(b) The term "State" means any State of the United States, any territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or political subdivision, department, agency, or instrumentality of any of them, but does not include the Panama Canal Zone.

(c) The term "utility" means—

(1) any company which owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale, other than sale to tenants or the employees of the company operating such facilities for their own use and not for resale;

(2) any company which owns or operates facilities used in the production, generation, or distribution of natural or manufactured gas for heat, light, and power (other than distribution only in enclosed portable containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale); and

(3) any company which is a common carrier as defined in the Communications Act of 1934, as amended.

(d) The term "company" means a corporation, a partnership, an association, a joint-stock company, a business trust or an organized group of persons, whether incorporated or not; or any receiver, trustee, or other liquidating agent of any of the foregoing in his capacity as such; having an annual gross operating revenue in excess of $1 million; but not including any cooperatively, federally, municipally, or other publicly owned person, company, or organization.

(e) The term "utility service" means any service provided for the public by a utility.

(f) The term "interests of consumers of utility services" means any matter relating to rates, charges, methods of service, adequacy of service, and safety measures which directly affect the consumer of utility services.

TITLE I—UTILITY CONSUMERS' COUNSEL

ESTABLISHMENT OF OFFICE

SEC. 101. (a) There is hereby established within the executive branch of the Government an independent agency to be known as the United States Office of Utility Consumers' Council (referred to hereinafter as the "Office"). The Office shall be headed by a Consumers' Counsel (referred to hereinafter as the "Counsel"), who shall be appointed for a term of five years by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate provided for level 2 of the Executive Schedule.

(b) The Counsel may—

(1) promulgate such rules and regulations as may be required to carry out the functions of the Office; and

(2) delegate to any other officer or employee of the Office authority for the performance of any duty imposed, or the exercise of any power conferred, upon the Counsel by this Act, and any reference herein to the Counsel shall include his duly authorized delegate or delegates.

PERSONNEL AND POWERS OF THE OFFICE

SEC. 102. (a) The Counsel shall, subject to civil service laws and the Hatch Act, appoint and fix the compensation of such personnel as he determines to be required for the performance of the functions of the Office.

(b) In the performance of the functions of the Office, the Counsel is authorized—

(1) to obtain the service of experts and consultants in accordance with section 3109 of title 5 of the United States Code;

(2) to appoint such advisory committees as the Counsel may determine to be necessary or desirable for the effective performance of the functions of the Office:

(3) to designate representatives to serve on such committees as the Counsel may determine to be necessary or desirable to maintain effective liaison with Federal agencies and with departments, agencies, and instrumentalities of the States which are engaged in activities related to the functions of the Office; and

(4) to use the services, personnel, and facilities of Federal and State agencies, with their consent, with or without reimbursement therefor as determined by them.

(c) Upon request made by the Counsel, each Federal agency is authorized and directed—

(1) to make its services, personnel, and facilities available to the greatest practicable extent to the Office in the performance of its functions; and

(2) subject to provisions of law and regulations relating to the classification of information in the interest of national defense, to furnish to the Office such information, suggestions, estimates, and statistics as the Counsel may determine to be necessary or desirable for the performance of the functions of the Office.

REPRESENTATION OF PUBLIC INTEREST

SEC. 103. (a) Notwithstanding any other provision of law, the Counsel is authorized to petition for, initiate, appear, or intervene in, any investigation, complaint, action, appeal, or other proceeding except a criminal proceeding, before any Federal, State, or local agency, or Federal or State court, in accordance with the rules of practice and procedure of such agency or court, where, in the opinion of the Counsel, there is a matter or controversy affecting substantially the interests of consumers of utility services within the United States: *Provided,* That such action by Counsel before any State or local agency or State court shall be authorized only when—

(1) it is requested by the Governor of a State or any official designated by him for such purpose; or

(2) it is requested by an agency or official duly authorized by a State to represent the interests of utility consumers before any State or local agency or court; or

(3) it is requested by a local government serving a population of fifty thousand persons or more, or a combination of local governments covering 10 per centum of the population of the service area of a utility within any State; or

(4) it is requested by a duly certified petition signed by the consumers of services of a utility within any State as follows: if the total of such consumers equals one thousand or less, petition must be signed by 20 per centum of such consumers; if the total of such consumers equals an amount over one thousand but less than ten thousand, petition must be signed by 10 per centum of such consumers; or if total of such consumers equals ten thousand or more, petition must be signed by 5 per centum of such consumers.

(b) With respect to any such proceeding, the Counsel shall present to the agency or court, subject to the rules of practice and procedure thereof, such evidence, briefs, and arguments as he shall determine to be necessary for the effective representation of the interests of such consumers. The Counsel or any other officer or employee of the Office designated by the Counsel for such purpose, shall be entitled to enter an appearance before any Federal agency or Federal court without other compliance with any requirement for admission to practice before such agency for the purpose of representing the Office in any proceeding.

(c) Notwithstanding any other provision of law, Counsel is entitled as a matter of right to appear as a party before any Federal agency or Federal court, but not including the Supreme Court of the United States, with respect to any matter or proceeding described in subsection (a), and coming within the jurisdiction of such Federal agency or court.

PUBLIC INFORMATION AND REPORTS

SEC. 104. (a) The Counsel from time to time shall compile and disseminate to the public, through such publications and other means as he determines to be appropriate, such information as he considers to be necessary or desirable for the protection of the interests of consumers of utility services.

(b) In January of each year, the Counsel shall transmit to the Congress a report containing (1) a full and complete description of the activities of the Office during the preceding calendar year, (2) a discussion of matters currently affecting the interests of such consumers, and (3) his recommendations for the solution of any problems adversely affecting those interests.

(c) The Counsel shall transmit to the President from time to time such recommendations for proposed legislation as the

Counsel may consider to be necessary or desirable for the adequate protection of the interests of such consumers.

GRANTS TO STATE AND LOCAL GOVERNMENTS

SEC. 105. (a) (1) The Counsel is authorized to make grants to any State or local government, or combination of such governments, that serve a population of one hundred thousand or more persons, for up to 75 per centum of the cost of performing any of the following functions:

(i) representing the interests of consumers of utility services before Federal, State, or local agencies and Federal or State courts, including but not limited to the initiation, appearance, or intervention, with respect to any investigation, complaint, action, appeal, or other proceeding and the preparation and presentation of evidence, briefs, and arguments in connection therewith;

(ii) compiling and making available to the public information which is necessary or desirable for the protection of the interests of consumers of utility services;

(iii) making available, to the extent possible, technical assistance, statistics, information, and personnel for consultation and assistance to Federal, State, and local governments and agencies, and to nongovernmental organizations having a special interest in matters affecting the interest of consumers of utility services.

(2) No grant under this subsection shall be made to any State or local agency authorized by law to regulate one or more of the utilities defined under this Act.

(b) (1) The Counsel is authorized to make grants to any State or local agency authorized by law to regulate one or more of the utilities defined under this Act for the following purposes—

(i) increasing the number and quality of professional staff personnel assigned to matters affecting the interests of consumers of utility services;

(ii) developing personnel, systems, and facilities, including automatic data processing equipment, for obtaining essential information, making studies and other evaluation of data, and assisting in the making of decisions with respect to matters affecting the interests of consumers of utility services; or

(iii) providing for training and education programs, including internship, work-study, fellowship, and similar programs for professional staff positions relating to matters affecting the interests of consumers of utility services.

(c) A grant authorized by this section may be made on application to the Counsel at such time or times and containing such information as the Counsel may prescribe.

(d) The non-Federal contribution may be in cash or in kind, including but not limited to plant, equipment, and services, or as otherwise determined by the Counsel. If, in any fiscal year, a recipient under this section provides non-Federal contributions exceeding its requirements, such excess may be used to meet its non-Federal requirements for the next fiscal year.

(e) The Counsel shall allocate grants under this Act in such manner as will most nearly provide an equitable distribution of grants among States and local governments, taking into consideration such facts as size of population, extent of utility services, the urgency of programs or projects, and the need for funds to carry out the purposes of this Act.

TECHNICAL ASSISTANCE TO STATE AND LOCAL GOVERNMENT

SEC. 106. The Counsel may furnish technical advice and assistance, including information, on request to any State or local regulatory agency for the purpose of establishing and carrying out any program of utility consumer interest within the general purposes of this Act. The Counsel may accept payments, in whole or in part, for the costs of furnishing such assistance. All such payments shall be credited to the appropriation made for the purposes of this section.

REPORTING REQUIREMENTS

SEC. 107. A State, or local government office receiving a grant under this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved program or project as the Counsel may require, and shall keep and make available such records as may be required by the Counsel for the verification of such reports and evaluations.

REVIEW AND AUDIT

SEC. 108. The Counsel and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received.

TERMINATION OF GRANTS

SEC. 109. (a) Whenever the Counsel, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or project for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is failure to comply substantially with any such provision;

the Counsel shall notify such recipient of his findings and no further payments may be made to such recipient by the Counsel until he is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Counsel may authorize the continuance of payments with respect to any projects pursuant to this Act which are being carried out by such recipient and which are not involved in the noncompliance.

(b) (1) If the recipient of a grant under section 106 is dissatisfied with the Counsel's final action under subsection (a), such recipient may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such recipient is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Counsel. The Counsel thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Counsel, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Counsel to take further evidence, and the Counsel may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Counsel or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

MODEL LAWS

SEC. 110. The Counsel shall make a full and complete investigation and study for the purpose of—

(1) preparing a comparison and analysis of State and Federal laws regulating utilities; and

(2) preparing model laws and recommendations for regulation of such utilities.

The results of such investigation and study shall be reported to the President, the Congress, and the Governor of each State as soon as practicable.

APPROPRIATIONS AUTHORIZED

SEC. 111. There are authorized to be appropriated annually for the purposes of this title an amount equal to three-tenths of 1 per centum of the aggregate annual net operating revenues of all utilities.

SAVING PROVISION

SEC. 112. Nothing contained in the Act shall be construed to alter, modify, or impair any other provision of law, or to prevent or impair the administration or enforcement of any other provision of law, except as specifically amended or to the extent that it is inconsistent with this Act.

TITLE II—PUBLIC INFORMATION WITH RESPECT TO CERTAIN UTILITIES

SEC. 201. (a) The Federal Power Commission with respect to electric companies and gas companies and the Federal Communications Commission with respect to common carriers as defined in section 2(c) (3) of this Act, shall obtain the information required pursuant to subsection (b) with respect to each such utility and shall publish such information at least annually in reports prepared for and made readily available to the public, especially in the service area of each such utility.

(b) The information to be made available pursuant to this section with respect to each such utility shall include, insofar as practicable, comparable data for previous years and national averages and shall include—

(1) annual earnings stated as a rate of return on a depreciated average original cost rate base and pursuant to other accounting principles and practices of the relevant Federal commission;

(2) annual earnings in dollars as determined pursuant to clause (1);

(3) capital structure stated as percentage of capitalization obtained from long-term debit, preferred stock, common stock, and earned surplus;

(4) average rate of interest on long-term debt;

(5) rate of return on average common stock equity;

(6) yearend yield on common stock (annual common dividend divided by yearend market price);

(7) dividend on preferred stock;

(8) yearend preferred dividend yield (annual preferred dividend divided by yearend market price of preferred stock);

(9) yearend earnings price ratio (earnings per share divided by yearend price per share);

(10) the names and addresses of the one hundred principal stockholders including, in those cases where voting stock is held by a party other than the beneficial owner, the name and address of each beneficial owner of 1 per centum or more of the voting stock in the company;

(11) the name and address of each officer and director and his annual income from the utility and its parent or subsidiary companies, if any;

(12) the names and addresses of other companies of which such officers and directors are also officers or directors;

(13) the names of directors, if any, who were not nominated by the management of the utility;

(14) terms of restricted stock option plans available to officers, directors, and employees (not to include plans available to all employees on equal terms) and including name, title, salary, and retirement benefits of each person to whom stock options have been granted, number of options each has exercised, date on which options were exercised, option price of the stock and market price of the stock when option was exercised;

(15) all payments included in any account

for rate, management, construction, engineering, research, financial, valuation, legal, accounting, purchasing, advertising, labor relations, public relations, professional and other consultative services rendered under writen or oral arrangements by any corporation, partnership, individual (other than for services as an employee), or organization of any kind, including legislative services;

(16) all payments included in any account for the purpose of supplying free goods and services or goods and services supplied below the usual charge for the purpose of securing additional customers;

(17) all payments included in any account for contributions, gifts, donations, dues, honorariums, and any other gratuities;

(18) policy with respect to deposits of customers and service connection charges, if required;

(19) rate of interest charged customers by the utility, stated as simple annual interest;

(20) rate base valuation and components of the utiltiy's rate base, as determined by the State commission having jurisdiction, expressed in dollar amounts, and including amount permitted in rate base in each of the following categories: accumulated tax deferrals, allowance for working capital, construction work in progress, customers' advances, materials and supplies, plant acquisition adjustment, and plant held for future use;

(21) rate base valuation and components of the utility's rate base, as determined by the Federal commission having jurisdiction, expressed in dollar amounts;

(22) dollar difference in each category and in sum, between the rate base as computed pursuant to clauses (20) and (21);

(23) summaries of franchises or certificates of convenience and necessity;

(24) with respect to each purchase of fuel, whether coal, oil, gas, or nuclear, including all cost components, the following information: supplier from whom purchased; producing company; location of mine or mines, well or field from which fuel is extracted; summary of terms of fuel purchase contract; including length of contract—long term or spot sale, and price provisions—fixed price, price escalation clauses; quantity purchased, stated in tons, barrels, cubic feet or pounds as appropriate for type of fuel; price of fuel per ton, barrel, cubic feet or pound, as well as stated in cents per million BTU where specified, at the originating source; cost of transportation per ton, barrel, cubic foot or pound of fuel, as well as stated in cents per million BTU where available; total cost of fuel as delivered to each powerplant per ton, barrel, cubic foot or pound, as well as stated in cents per million BTU; cost of fuel as burned stated in cents per million BTU at each powerplant; and average cost per kilowatt-hour of energy generated at each plant attributable to fuel, exclusive of costs associated with investment. Where more than one fuel is burned in a plant, composite heat rate for all fuels used at plant must be shown;

(25) a summary of terms of pooling, interconnection and exchange agreements;

(26) a description of expenses incurred, whether in payment of money, performance of services, use of officers, agents or employees on company time or any other things of value, with respect to (1) the candidacy, nomination, election or appointment of any person for any Federal, State, or local legislative or administrative other issue for which an official vote of the people has been authorized, or (3) any lobbying with respect to Federal, State or local legislative or administrative bodies;

(27) the names and addresses of the holders of 1 per centum or more of any issue of long-term debt including, in those cases where the debt is held by a party other than the beneficial owner, the name and address of each beneficial owner of 1 per centum or more of any issue of debt of the company;

(28) the names and addresses of any party who holds or held more than 10 per centum of the short-term debt (such figure to be derived on the basis of the short-term debt outstanding as of January 1 of the reporting year) at any time during the calendar (or repeating) year; including, in those cases where the liability is held by a party other than the beneficial owner, the name and address of each beneficial owner of 10 per centum or more of the short-term debt in the company;

(29) brief descriptions of rate schedules currently in effect for all classes of retail service and facilities, including but not limited to residential, rural, commercial or industrial service for general or limited use, which will inform the public accurately in clear, non-technical language of the rates, terms of purchase, character and conditions of each class of service; and

(30) such other information as the appropriate Federal commission determines to be in the public interest. Such information shall be determined on a fiscal or calendar year basis as may be appropriate and shall be reported as soon as practicable after the termination of such year.

(c) The Federal Power Commission, the Federal Communications Commission, and the Securities Exchange Commission are hereby authorized and directed to coordinate and assist in carrying out the provisions of this Act and to conduct investigations and promulgate such regulations as are necessary to implement this Act each in accordance with its own rules of procedure. It shall be a violation of this Act to fail to provide information required by this Act or to give false information. Any person so violating the Act shall also be deemed to have violated the Federal Power Act, the Natural Gas Act, the Public Utility Holding Company Act or the Federal Communications Act, and the civil and criminal penalties and procedures for enforcement provided in each of said Acts shall apply, whichever is most appropriate.

AUTOMATIC DATA PROCESSING

Sec. 202. The Federal Power Commission, the Federal Communications Commission, and the Securities and Exchange Commission are hereby authorized and directed to make full use of automatic data processing in preparing the information required under this Act and other Acts to which they are subject, to the end that Federal and State regulatory bodies, the Congress, the United States Office of Utility Consumers' Counsel, such State and local offices of consumers' counsel as may be established with assistance under this Act, and the public shall receive in a timely and understandable manner information upon which the interests of utility consumers may be assisted and protected. Such Federal commissions are hereby directed to include in their annual reports account of their progress toward full use of automatic data processing.

APPROPRIATIONS AUTHORIZED

Sec. 203. There are authorized to be appropriated such amounts as may be necessary for the purposes of this title.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

NEWSLETTER FROM YOUR OPEN DOOR IN WASHINGTON—CONGRESSMAN ALBERT W. JOHNSON

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I have completed the tabulation of the results of my recent questionnaire and for the information of the Members and other interested persons, I am pleased to present it today. The results of the questionnaire are set out in the form of a newsletter and contain the following caption: "Newsletter From Your Open Door in Washington—Congressman Albert W. Johnson, 23d District of Pennsylvania, Newsletter 19, April 1971."

The newsletter also contains a recent publication of the Pennsylvania Department of Commerce entitled "Discover the New Pennsylvania." The newsletter then continues as follows:

Newsletter From Your Open Door in Washington—Congressman Albert W. Johnson

Washington, D.C.

Dear Folks in the 23d Congressional District: In February of this year, as is my annual custom, I mailed a Questionnaire to all homes in the District. The response was tremendous and I am pleased to present the results, together with my own comments on the same.

Question No. 1—To assure an adequate petroleum supply for the United States, do you favor the construction of the 789 mile pipeline to transport oil from Alaska's North Slope southward to the Gulf of Alaska?

The answer:	*Percent*
Yes	57.9
No	32.4
N.A.	9.7

In 1968 oil companies discovered oil at Prudhoe Bay, Alaska, and the oil capital of the world shifted to the United States. The strike was first estimated to be 10 billion barrels, now increased to a 16 billion barrel reserve. Oil geologists speculate that the Alaskan Arctic may hold 50 billion barrels of petroleum. The oil strike was a life saver to our Nation's dwindling discovered oil reserves, and in face of increased domestic demand for oil each year. Our daily oil requirement for 1970 was 14.8 million barrels a day, with 11.3 million barrels produced at home. We imported 3.5 million barrels of oil a day. The Chase Manhattan Bank has projected that by 1980 we will be using as much as 25 million barrels of oil daily. This production will have to come from our own wells, and from imports. Oil countries around the world, in the Middle East, Africa, and Venezuela threaten nationalization of their oil. All these factors emphasize the importance of the Alaskan Oil to the U.S. The permit for the pipeline has not as yet been granted. If it is finally built, over ½ of the pipeline will be built above ground on stilts in order to do as little damage as possible to the environment. Other pipeline routes are being investigated.

Question No. 2—Do you favor continuing our space program on the conclusion of the three remaining space flights?

The answer:	Percent
Yes	**50.3**
No	**45.0**
N.A.	**4.7**

The historic landmark of the 20th Century was the landing of United States Astronauts on the moon in July of 1969, fulfilling dreams and prophecies of hundreds of years. Since Apollo 11 two other lunar landings have been achieved, Apollo 12 in November of 1969 and now Apollo 14 in February of 1971. The remaining three flights in the moon landing program are Apollo 15, which will aim in for a deep gorge known as Hudley Rille, and Apollo flights 16 and 17, which will head for Descartes and Copernicus craters, in 1972. Dividends from moon landings are said to include more accurate weather forecasts, early storm warnings, detection of crop diseases and pollution, spotting of mineral deposits and large schools of salable fish to say nothing of the scientific data already acquired from construction and from the moon rocks and information about the moon and solar system. Monitoring devices on the moon are now sending back scientific data. The paradox is that even though manned space programs have been sensational, they are losing public support. The Apollo program to date has cost $24 billion and NASA now is asking Congress for $3.3 billion this year. Future manned space programs planned for the *Skylab*, a two-decked orbiting laboratory to be launched in 1973, largely a military vehicle to watch troop maneuvers and fleet movements as well as study life in space; a *Space Station*, an earth-circling base, larger than the Skylab, having 4 decks full of labs and space for 12 men, to keep aloft for 10 years, and a re-usable vehicle called a *Space Shuttle* to get men to and from the space station. The future of these projects is uncertain, as there is a strong sentiment now favoring only future un-manned flights.

A flight to the moon is a stunning display of U.S. scientific progress, making Americans proud and despite its cost, the people seem to favor its continuance.

Question No. 3.—Do you favor the continuation of the poverty program beyond its present expiration date of June 30, 1971?

The answer:	Percent
Yes	**28.4**
No	**49.9**
N.A.	11.7

The Poverty Program was first initiated by President Johnson in *1964*. Since that time the program has cost $10.9 billion. The House Labor Committee is now holding hearings on whether to continue the OEO Agency beyond June 30th. President Nixon in statements over the past two years has indicated he was to break away from OEO all action programs and leave OEO merely a research agency. However the President has asked that the OEO be continued for 2 more years so that this plan can be made effective. The President wants the Job Corps, Neighborhood Youth Corps, etc., to be taken over by the states under revenue sharing. Community action programs would also be turned over to the cities under revenue sharing. Those who are against the poverty program state, "It isn't doing what it was intended to do." "I think Welfare and Poverty programs are being abused."

Question No. 4—In the event railroad unions and management cannot agree, do you favor:

	Percent
(a) Governmental operation in case of a strike, with profits and dividends impounded until the dispute is settled; or	27.3
(b) A binding settlement by government appointed neutrals, using the final management offer and the union counter offer as a basis for the settlement?	62.7
National average	10.0

The Congress by a special measure stopped the one-day railroad strike of December 10th, 1970. In ordering the strike halted, Congress gave the workers retroactive wage increases of 13.5% for 1970. This was part of the 37% wage increase over 3 years, recommended by the fact-finding panel. The Panel also recommended changes in work rules, which changes would help offset the pay raises. The workers will accept the 37%, but train crews are against the rule changes. The strike deadline of March 1st, 1971, has been reached and workers have agreed not to strike right now. In the opinion of many a railroad strike would be a national catastrophe. The "b" plan above is the Nixon Plan, which 62.7% favor. I would say Congress will have to pass this or a similar plan before very long.

Question No. 5—Do you favor a complete reform of the Federal Government by reducing twelve Cabinet Departments to eight?

The answer:	Percent
Yes	70.2
No	19.1
N.A.	10.7

This plan is the proposal of the President's Advisory Council on Executive Organization. It would set up four new departments out of 8, namely (1) Economic Development, (2) Community Development, (3) Human Resources, and (4) Natural Resources. Departments untouched: State, Treasury, Defense, Justice. It would appear that the plan is headed for trouble, despite widespread voter approval. Labor and Business do not want to be grouped in the Economic Development Department. Congressional Committees fear they will be ousted of jurisdiction. Government executives fear loss of jobs. Congressman Holifield (D), the Chairman of the Government Operations Committee does not even intend to hold hearings on the plan. It looks like President Nixon will have to go to the country for grass roots backing. The plan seems like a good idea for modern planning and government. Some Questionnaire comments: "Yes: providing we dump the bureaucrats and surplus employees and save some money." "No: things will be worse." "I think there is a lot of dead wood in Government."

Question No. 6—Do you believe the need to strengthen the national economy and gain full employment justifies resorting to Federal budget deficits?

The answer:	Percent
Yes	30.5
No	59.5
N.A.	10

Now with a business slowdown eating into the Government's revenue, President Nixon is accepting the idea of a deficit in order to prime the pump of business. His budget for 1971–72 totals $229.2 billion, which will mean deficit of $11.6 billion. The President called his budget a "Full Employment" budget, wherein spending is geared to revenues that would be generated if the country was operating at full employment. The Administration says this planned deficit will see 1972 a genuine boom year. The idea of a full employment budget was first proposed in 1947 by the "Committee for Economic Development" and was widely promoted by the Kennedy Administration, but not adopted. The poll results indicate that the district favors a balanced budget. A typical comment from a Questionnaire: "No: Maybe a depression will teach some of our citizens the value of a hard earned dollar." "Yes: full employment will bring on revenue."

Question No. 7—Would you be willing to pay substantially more for products (i.e., automobiles and gasoline) and utilities (i.e., electricity) if they were made virtually pollution free?

The answer:	Percent
Yes	**55.8**
No	**37.1**
N.A.	**7.1**

The affirmative answer to this question indicates the concern of citizens in the control of pollution. Folks in other districts share this concern: Corbett (R) 18th District of Allegheny County, Pa.—Yes: 60%; Eshleman (R) 16th District of Pa.—Yes: 55%. However, in view of the outcry against air and water pollution, I thought the percentage of *yes* votes would be greater. However. I discovered in the comments by those who replied that they feel industry should bear all the burden. Here are some typical comments: "The manufacturers can budget the expense." "The money would only be placed back into Corporate profits." "Prices are high enough now." It appears to me that the added cost of correcting pollution will fall on consumers, as indicated by the increase in automobile prices already.

Quesion No. 8—Do you favor:

[In percent]

(a) A new program extending medical care to indigents only regardless of age, coupled with insurance to everybody against catastrophic illness; or	23.5
(b) A Federal Health Insurance program for everybody, financed from Federal revenues and by increased social security taxes; or	28.7
(c) No new Federal Health Insurance program at all?	37.6
N.A.	10.2

As you can see, the district is divided on the above question, with the majority favoring no new Federal Health Insurance Program. Congressman Corbett (R) of the 18th District of Allegheny Co., Pa., asked only whether one favored National Health Insurance for everybody and the answer was No: 68%. Eshleman (R) 16th District of Pa., a similar question was No: 57% and Scott (R) of the 8th District of Virginia—No: 52%. The Dubois Courier recently in an editorial states: "The idea of National Health Insurance is one whose time at last has come." There are various plans before the Congress. One that would completely nationalize our health insurance industry is one sponsored by Senators Kennedy, Cooper and Saxbe. The plan would cover every person in the Nation for hospital care. Doctors fees, etc. The program would be financed by 50% from Federal taxes; and a Social Security tax on employers of 3.5% and employes 1% up to $15,000 earnings. Estimated cost: $77 billion annually, administered by the Social Security Administration. On February 18th, President Nixon announced his plan. He rejected the idea of nationalizing our health insurance industry to be run by the Government and proposes instead that employers of one or more provide basic Health Insurance coverage for their workers, 65% to be paid for by the employer and 35% by the employee the 1st 2½ years. For the poor or indigent there would be a family Health Insurance Plan fully financed and administered by the Federal Government. The plan for workers provides catastrophic illness coverage. The Nixon Plan would cost the Government about $3 billion. Other plans have been submitted by the American Medical Society, and Rep. Omar Burleson. Hearings will be held on the plans soon.

Question No. 9—Now that 18-year-olds can vote in Federal elections, do you favor an amendment to the Pennsylvania State Constitution to permit them to vote in State and local elections as well?

The answer:	Percent
Yes	68.3
No	29.5
N.A	2.2

Last year Congress passed a law giving 18 year olds the right to vote in all elections. However, the Supreme Court of the U.S., on December 21st, 1970, by a 5 to 4 decision, held that Congress only had the power to extend this right to Federal elections. This has made it incumbent on State Legislatures to pass a State law giving teenagers the right to vote in State and local elections. In Pennsylvania the voting age is fixed by our State Constitution, as follows: Article VII, Sec. 1—Every Citizen twenty-one years of age . . . shall be entitled to vote . . ." It will take 3 years to amend the Pennsylvania Constitution Congress has therefore passed an amendment to the Federal Constitution which could be adopted by ¾'s of the states in time for the 1972 elections. This amendment would give 18 year olds the full franchise. I supported this amendment. Many States have already ratified it.

Question No. 10—Do you favor the imposition of trade quotas on certain goods entering the United States?

The answer:	Percent
Yes	66.8
No	25.1
N.A	8.1

At the present time emotions about imposing trade quotas is very high. Last year the House passed an import quota bill, but it died in the Senate. Textile and shoe manufacturers have been hard hit by cheap imports resulting in unemployment and plant closings. A majority of Congressmen and Senators now seem willing to at least enact a textile quota bill. Japan, in order to avoid this, offered to restrict textile imports to a growth of 5% this year, and 6% in each of the next two. The textile industry and President Nixon turned the offer down because the 5% is figured on an already swollen import quantity. The 23rd District with its large plant capacity to build television sets, tubes, etc., is also hard hit. Japan imported into the U.S. last year black and white and color T.V. Sets valued a $255 million, about 28% of the TV sales in the USA. Recently the U.S. Tariff Commission ruled that these sales of TV sets were at less than "fair value," thus agreeing with the "Dumping" charge of the industry. The I.U.E. Union is now suing Japan for $68 million for loss of jobs. Because trade quotas invite retaliation, every effort is being made to obtain agreements on quotas to forestall legislation.

Question No. 11—Would you vote to bar food stamps to strikers?

The answer:	Percent
Yes	63.0
No	31.0
N.A	3.0

This vote indicates that many people rebel at the thought of prolonging or encouraging strikes by subsidizing them. Congressman Corbett found the same feeling in 18th District of Allegheny County, Pa., where the vote was: Yes: 73%. Those who favor food stamps for strikers argue that not providing the stamps penalizes the wives and children of the strikers' families and that a union member pays taxes too. Other arguments against the furnishing of Food Stamps to strikers are that a person who walks off the job should not be treated the same as a person who is in need for reasons over which he had no control. All attempts in Congress to deny strikers the stamps has failed.

Question No. 12—Do you favor the administration's "family assistance plan" with its provision for a guaranteed minimum income and which also requires work incentives and work requirements?

The answer:	Percent
Yes	63
No	31
N.A.	3

Most people agree with President Nixon's statement, "The present welfare system has become a notorious consuming outrage." Our relief system now makes possible widespread chiseling, and the heart of the system—Aid to Families With Dependent Children (AFDC) encourages fathers to desert their families so that they can obtain this AFDC relief. The AFDC payments keep growing. In 1951 to 1969 the number of individuals receiving AFDC doubled and costs tripled. Today 6.7 million are on AFDC and received $4.2 billion in Federal Aid last year, and unless changed, in 5 years 12 million will receive $8.8 billion. President Nixon's plan would scrap AFDC and set up a "Family Assistance Plan," "FAP" and in order to keep families together the plan would guarantee an income to a poor family of 4 of $1600.00 a year, the states to make up any difference in Welfare now received. Each family of 4 would also receive $800 in Food Stamps. The Plan also requires able bodied recipients to go to work, and if unskilled or handicapped to accept training or rehabilitation so that they can go to work. The Plan passed the House last year and died in the Senate. Both Houses are now again holding hearings and the plan will emerge again, drastically changed, and with even stronger work requirements.

Question No. 13—Do you favor the continuation of the Peace Corps program?

The answer:	Percent
Yes	59.8
No	33
N.A.	7.2

The Peace Corps, a revolutionary idea in foreign aid was established by an Executive order of President Kennedy in 1961. It is a missionary type program consisting of trained American Volunteers who assist interested countries in solving domestic needs in order to promote understanding, peace, friendship, good will and prosperity. Peace Corps Volunteers serve two years without pay. They receive living expenses and when they leave the Corps they receive $75.00 for each month served. The Peace Corps grew quickly to more than 12,000 Volunteers in nearly 50 Nations. The enthusiasm of volunteers has been subsided and there are only 7,770 now abroad, serving in 61 countries, 20 of them Latin America. However, in many of the countries, the Corps is in trouble and was recently ordered out of Panama. President Nixon in a speech on January 14, 1971, sensing this disenchantment, revealed a plan to consolidate all Volunteer Agencies, and give the Peace Corps a new direction.

Question No. 14—Should the United States sell enough jet aircraft and military supplies to Israel to replace combat losses and maintain military balance in the Middle East?

The answer:	Percent
Yes	70.3
No	22.7
N.A.	7.0

This question received the highest percentage of "Yes" vote of any of the 18 questions in the Questionnaire. Recently, Gerald R. Ford, Minority Leader, stated that a Soviet Military Headquarters staffed by dozens of first line Russian Generals and Colonels, has been established in Egypt, with 13,000 Russian troops there and 3,000 troops in missile battalions in the Suez Canal, mostly installed during the cease-fire last summer. We assured Israel that Russia and Egypt would not violate the cease-fire, but Russia moved in the missiles despite their promise. The last Congress appropriated $500 million to cover military equipment for Israel. Recently, Gerald R. Ford, the Minority House Leader, stated, "America has a moral obligation to Israel's security. The defense of Israel is linked with the security of the U.S." The situation in the Middle East continues to be a critical one, a virtual tinder box at this writing.

Question No. 15—Some women's organizations claim women are denied full equality. Should the Constitution be amended to guarantee equal rights for women?

The answer:	Percent
Yes	42.6
No	49.8
N.A.	7.6

Congressman Teague of California, in a Floor speech last year when this amendment passed the House stated, "It is a vital truth that the word persons mentioned in our Federal Constitution does not mean women, because the Constitution itself was written in the light of the old English common law which did not recognize women as persons." This statement furnishes the background for the so-called "woman's lib" amendment. Last Fall Congressman Corbett asked the above question and the results were—No: 66%. It is quite a controversial issue. The Questionnaire replies produced some interesting comments: "Yes: They should have to go to war, pay alimony, and have no special working conditions." "No: (by a woman) Men and women are in no way equal, and should be satisfied to let well enough alone." "Yes: If they accept all the responsibilities of men." "No: (by a woman) "So who wants being equal? I am happy as I am, fulfilling my job . . ."

Question No. 16—It is estimated wage and price controls will require 250,000 employees and $1.5 billion a year to administer. Despite this cost, do you feel Congress should impose mandatory wage and price controls now?

The answer:	Percent
Yes	40.8
No	49.1
N.A.	10.1

Congress recently extended the power of the President to put on wage and price controls for 2 more years. However, the new Secretary of the Treasury, John B. Connally, stated that the Administration felt that general wage-price controls are not needed now, nor do they believe the American people would stand for the regimentation that it entails. It goes without saying that wage-price controls is a drastic remedy. When they were on during World War II, everything was frozen, there were OPA offices in every county and big city in America with 65,000 employees alone in Washington, D.C. Three million businesses were covered and 8 million commodities and services controlled. My last Questionnaire showed 75% favored controls. The result above indicates a new attitude by many who remember the 1941–1947 OPA days. President Nixon has already placed wage-price controls on the construction industry.

Question No. 17—Should Congress appropriate $2 billion to provide 200,000 Federal, State and local government jobs for the unemployed?

The answer:	Percent
Yes	32.6
No	58.1
N.A.	9.3

This is the so-called manpower bill that President Nixon vetoed last fall. He vetoed the bill because it was a "make work" kind of a bill—similar to those in depression years. None of the jobs were linked to training programs, or were to lead to other employment. President Nixon said in his veto message: "WPA type jobs are not the answer for the men and women who have them." The President indicated he wants a bill that will train people for real jobs with a real future. This vetoed bill has been re-introduced already this session and soon will be before the Congress for a vote.

Question No. 18—Do you think our present Vietnam policy will be successful in ending the United States involvement in that conflict?

The answer:	*Percent*
Yes	38.6
No	50.2
N.A.	11.2

This percentage is a surprise in as much as one year ago 65% were in favor of the Vietnamization policy against all alternatives. Congressman Corbett's recent Questionnaire on the same question was No: 57%, and Congressman Eshleman's result was No: 49%. Despite the Laos campaign, President Nixon is winding down the war and soon the combat role will almost entirely be turned over to the South Vietnamese. When President Nixon took office we had 535,000 men in Vietnam. Now it is down to 265,000 and by the end of this year it will be less than 200,000. All during this year the President will of necessity have to make military decisions to assure the security of South Vietnam during the completion of the withdrawal of U.S. Combat forces. While the President is doing this he will need the support of the American people.

In closing I want to thank those who took the time and made the effort to return the Questionnaire. A separate acknowledgement is being sent to persons who wrote separate comments on the form.

Sincerely yours,

ALBERT W. JOHNSON.

A SALUTE TO J. E. HILL

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. FINDLEY. Mr. Speaker, a pioneer in the outstanding program of vocational education in the State of Illinois is dead.

J. E. Hill, a resident of my district for 45 years, died Monday after retiring in 1966 as director of vocational education for the State of Illinois.

He was a man always close to the productive soil of my State and responsible for thousands of young men receiving a solid education in the science of agriculture. Many of the farmers in Illinois owe a good measure of their success to the high school training received in vocational agriculture under the overall direction of J. E. Hill.

His leadership in the development of vocational agriculture in Illinois and his direction as State adviser of the Illinois Association of the Future Farmers of America were unexcelled.

But Mr. Hill was more than an educator of young men destined to be farmers. He was a national pioneer in realizing that young men not on farms need education in vocational as well as academic subjects. To fill this need he charted one of the leading vocational systems in the Nation to provide training in a variety of fields, helping young men and women learn an interesting, needed, and rewarding vocation.

Illinois has lost a dedicated educator and I wanted to call attention to his monumental contributions at his passing.

TECHNOLOGICAL SURPRISE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. SCHMITZ. Mr. Speaker, in recent testimony before the House Armed Services Committee Dr. John S. Foster, director of Defense Research and Engineering stated that:

> Starting about 1971 we could reasonably expect several technological surprises from the Soviet Union.

This statement may not mean a great deal to those who are not familiar with the implications of technological surprise in the present day. In order to shed some light on the ramifications of technological surprise I would like to insert in the RECORD at this point an extremely interesting chapter from a recent book by Dr. Stefan T. Possony and Dr. J. E. Pournelle entitled "The Strategy of Technology—Winning the Decisive War," Dunellen Press, 1970.

As our esteemed colleague, Honorable CRAIG HOSMER, states about the authors in his introduction to this very important book:

> The authors have had long personal experience with these problems. They have been closely associated with major technological problems in both military and civilian areas and have followed our performances closely as part of their professional careers. Both men are of that rare breed, the generalist. Both are trained academically as political scientists but have spent many years of their professional careers in positions requiring an understanding of the intricate details of technology. Both are students of strategy and strategic problems, and both were closely associated with one of the most remarkable studies of technology performed in recent years, the Air Force's Project Forecast.

In order to obtain a better grasp of technological surprise, both from past examples and what it could mean for our future, I would highly recommend that my colleagues pursue the following article which is chapter 5 of the book the Strategy of Technology:

SURPRISE IN MODERN WAR*

It never troubles a wolf how many the sheep be.—Virgil.

THE SNEAK ATTACK

The popular view of modern war surprise is identified with a sneak attack. Our experience at Pearl Harbor makes it easy to understand this belief, while the widely-known characteristics of the intercontinental ballistic missile permit us to grasp readily the nature of a future surprise ICBM attack. The missile is the ideal weapon for a rapid sneak attack, not just against one base like Pearl Harbor but against entire countries and continents.

Of the characteristics that make the missile suitable for a sneak attack, the most important is speed. Although the total flight time of an intercontinental ballistic missile from the U.S.S.R. to the United States is about 30 minutes, the present advance-warning of an attack is only 15 minutes. Operational satellite systems and over-the-horizon radars may increase the warning of an attack almost to the total missile flight time, some 30 minutes minus X seconds; but even if we are given this much warning, the intercontinental ballistic missile has changed the dimension of surprise and has given the aggressor a most potent tool. In addition, attack can come from space with literally no warning at all.

Space warning systems must be built despite the excellent performance of our space tracking radars, or else the enemy may attack over the South Pole, where we now have no warning systems. Since the attack can come from even more directions, warning systems may be too costly to be bought, even though they are technologically feasible.

A massive intercontinental ballistic missile attack launched by an aggressor is an ever-present danger. Such an attack would come as the culmination of a series of measures, operations, and techniques, orchestrated to achieve maximum psychological effect on the surprised. The aggressor would have undertaken specialized campaigns in the various elements of conflict—political, psychological, economic, military and, above all, technological.

Once the time is ripe, the attack comes suddenly and catches the defender asleep. But despite the present concentration on the sneak attack, surprise is not the exclusive province of the aggressor. Defenders have used surprise to great effect in the past and should strive to do so in the future. The future security of the United States requires that our strategy include measures to achieve surprise, as well as those to prevent it. The main surprise to aim for is that we won't be surprised.

Before we examine the broader aspects of surprise, let us point up the fundamental aspects of the sneak attack. First, surprise is tactical. Second, surprise is used by the aggressor, not the defender. Third, it will be achieved only with the most advanced weapons. Fourth, prevention of surprise requires use of the most advanced technical means.

STRATEGIC SURPRISE

There are also surprises on the strategic level. For illustrative examples, let us look at two of the ways in which the U.S.S.R. has actually achieved strategic surprise in the last few years: the opening of the space age, and nuclear testing during the test moratorium. As a result, the Soviets obtained a lead over us in space that has only partially been overcome by our massive and expensive NASA spectaculars. They lead in many military phases of space, whereas we are ahead in nonmilitary uses; in near-earth operations their lead may be as much as three years.[1]

The evidence on nuclear testing is less clear, but it is clear that the moratorium allowed the Soviets to determine critical effects of nuclear explosions in space. Because we honored the test ban, we let much of our testing capability atrophy, and now the Treaty of Moscow prevents us from finding out just how far behind we are in the application of nuclear weapons in space. The impact of these surprises cannot be calculated with precision but the Soviets have gained a considerable time advantage in offensive orbital weaponry and ballistic missile defenses. Note that preparing for strategic surprise must continue over a period of several years.

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* Copyrighted Material. Research on which this book is based was supported in part by a grant from the Relm Foundation, Ann Arbor, Michigan.

[1] As this was written the news was announced that the U.S.S.R. has demonstrated a space-borne "satellite destroyer."

These two surprises occurred in the technical phase of the Technological War, not in the military phase. They were achieved by an orchestrated strategy that employed several forms of conflict, including intelligence operations, propaganda and psychological warfare, political and diplomatic maneuverings, and a concentrated technical effort. While the goal of the Soviets has been to develop advanced weapon systems, such weapons were not employed militarily in these two surprises; however, military technology was developed, and diplomacy and treaties closed off our access to the means of catching up or at least made it difficult.

The best way to counter surprise is to deploy the most advanced technology possible and to keep up by means of fast modernization. This is not to imply that the technical effort must be devoted exclusively or even oriented primarily to countering potential technical surprise; but as we have insisted, surprise must be made a key element of any technological strategy. Since technology has given a new dimension to surprise in the strategic equation, technology is needed to support our own or prevent enemy surprise in all forms of conflict.

The misconception that surprise aids only the aggressor is especially harmful in the Technological War. In his classic work on surprise, General Erfurth[2] has shown that there are two parties to the operation, the surpriser and the surprised—this is not the same as saying the attacker and the defender. The defender also can employ the technique of surprise, and perhaps more effectively than the attacker.

Furthermore, there is a widespread misunderstanding that surprise refers exclusively to the initiation of war. Some writers consider surprise to be just a more elegant term than sneak attack. To other writers, surprise is tantamount to technological surprise. This is far too restrictive an understanding of suprise and its role in modern war.

TACTICAL SURPRISE

We begin the analysis of surprise by examining tactical surprise in more detail. Tactical surprise is essentially surprise in combat: the weapon of A is used in such a way that it bypasses or neutralizes the counterweapon of B; if no surprise were attempted, A would be required to use massive superiority to crush B's counterweapon. The difference is like that between judo and a bare-knuckle fight.

Tactical surprise usually does not lead to the nullification of the opponent's armament, but if it is well-conceived and backed by technological improvements and adequate forces tactical surprise can go a long way toward eliminating enemy armor as a relevant factor. Given the complexity of modern systems, the surprised opponent is faced with considerable delay before he can readjust his tactics; in a fast-moving war such readjustment may not be feasible.

Under modern circumstances time and technology as well as combat procedures are needed to gain tactical surprise. Technology can produce new types of weapons, new weapon effects, improved weapon effects, improvements in delivery systems, combinations of weapon systems, better active defense, and so on. Examples ranging from the "War of the Iron Ramrod" of Frederic the Great to the devastating effect of Lee's rifle pits at Cold Harbor show that technology and its proper tactical use may achieve surprise. With superior armaments or doctrines, and with troops trained in their use, the entire armament of the opponent can be nullified.

While this is the ultimate goal of tactical surprise, it is usually difficult to achieve. This is so because the possibilities of complete technical surprise are limited. Because of time required to develop a new weapon system, opportunities are increased for technical warning and for counterefforts, either technical or operational. Furthermore, excessive secrecy or failure to deploy weapons can result in surprising one's own troops, with disastrous results—as happened with the use of the mitrailleuse by the French in 1871. On the other hand, tactical surprise can be accomplished by a minor weapon improvement that from a technological point of view may be marginal but which today or tomorrow may facilitate victory in battle by creating a decisive advantage.

STRATEGIC SURPRISE THROUGH OPERATIONAL SURPRISE

Surprise can result from operations of the forces available, as well as from technological innovation. To achieve surprise of this type, the commander operates in a way unexpected by his adversary; in the ideal situation the enemy is unable to devise countermeasures in time. The failures, and interests. Another method is to send scientists to international meetings, where they either spread misinformation or are evaluated by their counterparts as not being knowledgeable or as being geniuses. Such evaluations may lead to all kinds of false deductions.

For example, we have seen arguments that the Soviets did not know anything about decoupling techniques to conduct nuclear tests underground in secrecy. Also, we have been told by Soviet leaders that the day of the heavy bomber is passed—which did not deceive us. On the other hand, we were quite surprised when the Soviets sent a man into space, although they had been forewarning us.

STRATAGEMS TO ACHIEVE SURPRISE

Scientific deception can have a great impact on research and development lead time. The United States has devoted a great deal of effort to reducing the time required to translate a scientific theory, discovery or invention into a practical weapon system. In spite of much study we have not reduced the time interval to less than five years. To develop and produce a weapon in even this fairly long time costs billions of dollars.

Scientific deception aims at keeping the enemy's lead time as long as possible. In this way a significant military advantage may result. This advantage may be crucial at the tactical level where it could have a direct impact on a strategic decision such as overt aggression.

The ultimate goal is to gain a strategic advantage by acquiring a major new family of weapons while concealing from the enemy that it is being developed. The appearance of a brand new weapon often is termed a breakthrough. When a nation makes a breakthrough of this type, as we did with the atom bomb, the British with radar, the Soviets in space, an entirely new arena for military operations is opened up. If the breakthrough leads to a military advantage that the enemy cannot counter in time, such as domination of the air, space, or deep water, the breakthrough may be decisive.

Strategic surprises can be accomplished in many ways. A few examples are:

The choice of a strategic concept;

The selection of weapon systems and their combination;

The quantitative and qualitative strength of the battle forces;

The size of the reserves and their degree of invulnerability;

The exploitation of geography such as bases, areas of access, and approach routes;

The formation of alliances, including secret prewar alliances or the utilization of an allied territory to launch an attack from an entirely unexpected direction;

The proper choice of a center of gravity of the operation; and

The mounting of diversions, so that the opponent divides his forces.

The major problem is developing techniques to achieve technological surprise. If we assume that the enemy intelligence service watches the development of a weapon system from its early scientific inception to its use by operational forces, deceptive moves we make at any step in the process contribute to the ultimate surprise. For example, in the scientific field we can misinform and disinform to fool the opponent. Scientific misinformation would not be propagated in the form of false formulas which would not survive the first test, but it can be created by cryptic hints about programs and alleged results. Disinformation makes the enemy doubt the accuracy of his findings.

In addition there is secrecy. A classic method of achieving a technological surprise is secretly using foreign know-how. Another widely used method has been making an unobserved modification in a technologically inferior weapon systems to give it a massive improvement in performance.

In the period of weapon development, surprise can be achieved through hiding and concealment, by pretended inadvertent showing of weapons and weapon components, by phony orders placed abroad for spares or scarce materials, and through a whole host of such stratagems that are not complex but must be planned into the production cycle.

One of the most effective methods is to start the development of several competing weapons, select one, and then give a great deal of publicity to the weapons that have been rejected and will not go into production. This was used by the Soviets when they exhibited the TU-31, equivalent to our B-36; the TU-31 did not go to production. In addition, rejected test models can be exhibited in operations in such a way that the enemy will be sure to see them and draw erroneous conclusions, while tests of the chosen models are concealed. If this is impossible, erroneous information can be fed into the technical intelligence stream and various red herrings can be used. In brief, the true testing operation can be enveloped in a lot of phony operations.

Similar tricks are available to hide production. The weapon system perhaps cannot be hidden, but there are many methods to make it difficult to obtain accurate performance data. As time goes on, several modifications that change the over-all characteristic of the weapon system can be concealed.

Errors contributing to surprise can be induced about the state of training and the precise deployment. In ground war, the effective concealment of a center of gravity is half the battle won. Generally, it is not correct to assume that military forces act consistently. Some nations tend to bluff; the German pre-World War I general staff operated on the principle that one should be considerably stronger than one appears to be. With respect to technological strategy, it is much better to create simultaneously impressions of greater, as well as lesser, capabilities.

The purpose of such maneuvers is to generate uncertainty in the mind of the opponent. Surprise may result from technology, but the actual surprise is not in the weapon system; it is in the mind of the staff that is being surprised.

The devastating effect of surprise in the past has been caused by the fact that the members of a particular staff have for years conditioned their thinking according to firm expectations of enemy behavior and have carried out all their calculations within that framework. Suddenly, the basic assumptions are proved false. The result is a paralysis of thinking which often makes it impossible to carry out even those adaptations which could be accomplished within the time available.

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[2] General Waldemar Erfurth, *Surprise,* S. T. Possony and Daniel Vilfroy, trans. (Harrisburg: Military Service Publishing Company, 1943).

In a discussion of surprise in very broad sense, it is often overlooked that surprise about many smaller items has occasionally been truly decisive. If it is true that a major weapon system cannot be hidden, it also remains true that specific performance data can be manipulated in such a way that the enemy makes small errors. These errors may be within the margins usually allowed by statisticians, let us say 5%. In actuality, speed differentials of 10 or 20, let alone 50, miles per hour may spell the difference between victory and defeat in combat. Similarly, such small differentials in, let us say, a radar performance, reliability of communications, or accuracy of missiles can be of the greatest significance.

In missile warfare, the reliability of the birds is crucial. If reliability is 10% higher or lower than estimated, the enemy's strike capability is quite different from what it is supposed to be. In addition, this reliability must be figured in the time dimension. Reliability can be very high if there are hours to get ready for the launch. If there are only 30 minutes, and if the force must be launched as the attack commences, the figure would change substantially.

When Minuteman II was deployed the reliability of its guidance and control system was about one-sixth of requirement. It took three years to overcome the difficulty, but then performance exceeded specifications. If we had been attacked during this period, we would have been in a fine mess. Since the mishap was widely rumored, the Soviets probably knew about it—fortunately, the U.S.S.R. lacked adequate strength.

There are a number of rationalizations that facilitate the surprise. For example, the assumption is frequently made that the enemy wouldn't do what we don't do—"Why should he do that?" Another widespread notion is that the enemy would not do what he apparently is doing because, according to his opponent's calculations of the cost-effectiveness of a weapon system, there are cheaper and better ways to achieve the desired result. There are also such common beliefs as that the enemy would not pursue a certain course of action because he would duplicate a strength he already possesses, because he could not afford the expenditures involved, or because he would not be so dastardly.

By contrast, sometimes the enemy makes a spectacular demonstration or diversion for no other reason than to create attention and misdirect the estimator's interest. Then, after losing years in trying to figure out what the military significance of the stunt really was, the estimator arrives at the wrong conclusions.

HISTORICAL EXAMPLE

In 1937, the Germans won a race in a spectacular manner by stripping down their Messerschmitts whereas the other nations entered fully-equipped fighters. Presumably the staffs understood this particular trick, but the public, the reporters, and the political decision makers were fooled. This, of course, is an example of combined technological and psychological strategy.

The most intriguing aspect of the history of aerospace war and the role of the surprise is that very professional staffs have been deceived about the most basic elements of this new type of war. At times this has been self-deception; at other times they were deceived through deliberate campaigns.

There was once the notion that the airplane was not really a militarily useful weapon. When this notion was dispelled—it took years—it was believed that the airplane would serve its purposes best by direct support of the ground battle. Consequently, the range of the aircraft was considered to be of no importance and it was thought that the range should rather be short. Later there was a great deal of doubt about the proper targets for strategic bombardment. The effectiveness of strategic air war was a matter of considerable dispute, largely because the interrelationships between industry, battle strength, and time factors involved were not understood. Furthermore, some air warriors overlooked the recuperation factor.

Similarly, during World War II there was a debate about whether the air weapon should be used for only one purpose—against industrial targets. After World War II, similar arguments raged with respect to nuclear weapons, jet aircraft, long-range bombardment versus forward bases (the question was ill-conceived as an either-or proposition), and, of course, space and air bombardment in Vietnam. Few debaters ever look at the whole range of arguments, and non sequiters usually abound because emotions become involved in the arguments.

Another frequent source of error is that the versatility of the weapon system is underrated. The aircraft obviously is an excellent purveyor of firepower. But often ignored are its uses for demonstration, reconnaissance, the transport of goods and troops, command posts, and damage assessment and its possible employment in big as well as small wars. Some people who know such capabilities only too well, but for political reasons don't want new equipment, put up smoke-screen arguments against it.

BREAKTHROUGHS

The many facets of developing, acquiring, and operating advanced weapons systems illustrate the need to consider surprise as one of the key elements of technological strategy. Technological warfare includes the anticipated breakthrough, but the breakthrough need not be a surprise.

In fact, it could well be tactical to announce a happy breakthrough that for a while cannot be countered by the enemy. His inability may come from one of two sources—technological inferiority or inferiority in the decision-making process. Naturally, the combination of these two deficiencies would increase the lead of the opposing power. In the end, unless he is defeated, the opponent would catch up with the new technique. The strategic impact of the breakthrough is a function of the duration of the one-sided advantage.

While surpirse has its advantages as far as modernization of the force in being is concerned, the breakthrough has the potential of pushing the state of military art into an entirely new field that may lead to clear dominance. This is the role space warface will play in the future. As we stand on the threshold of the space age, we face an unprecedented situation: a clear military superiority in space potentially can ensure dential of creating a countercapability. There may be a significant novel feature, namely, that even without war such denial could be long-term.

EXPLOITATION OF SURPRISE

Initiation of war usually is the object of a great deal of surprise planning. Prior to the initiation of war, the planning of the opponent can be rendered ineffective by such techniques as misinformation (the propagation of misleading and false knowledge) and disinformation (the propagation of news designed to induce the enemy to disbelieve existing truthful and reliable information and buy false new information instead). The aggressor can use the time-honored techniques of single and double deception[3] to cloak the steps leading to his attack and induce the opponent to misread his intentions.

To meet deceptions of this sort, the strategic planner by necessity must plan against a war that might come regardless of the probability that it will not. This planning must be based on the enemy's capabilities to strike rather than on his professed intentions. The fact too often ignored is that intentions can change very rapidly, and that implementation of the new intention might require a shorter lead time than improvisation of defense against an attack that was not expected.

Under conditions of nuclear war, the importance of deception techniques is growing ever more rapidly. Disarmament must necessarily be a part of an aggressive strategy under modern conditions; the aggressor must use deception techniques to bring about disarmament arrangements which reduce the size of hostile forces in being and thus greatly simplify his planning. For example, the reasonableness the Soviets seemingly displayed in the initial SALT talks may denote (a) a turn toward peace, (b) a maneuver to delay U.S. reaction to the missile build-up in the U.S.S.R., and (c) an attempt to gain a safe rear and increase supplies for a Soviet attack on China.

Surprise can be achieved through disarmament and arms control arrangements and the use of propaganda and diplomacy, on one hand, and through counterintelligence, introduction of misleading intelligence, and infiltration into intelligence and policy-making staffs, on the other. As an example, before they had completed operational tests of their antimissile system, the Soviets refused to discuss an atmospheric test ban; afterward they rushed to agree before we tested our weapons concept. Other surprise techniques which may be applied could involve the holding of deceptive maneuvers, the building of dummy forces and targets to divert firepower, the employment of electronic equipments that would not be used in war, and electronic deception on a broad scale.

One important technique of surprise of which American writers seem to remain unaware, is provocation.[4] This word in English usage denotes the provoking of an opponent into a rash act, but in the Communist dictionary it also means entrapment and instigation of a fight between third parties. Many wars have been started by provocations deliberately engineered by the aggressor; the purpose has frequently been to shift the onus of aggression from the aggressor to the defender.

Other purposes may be to force the defender to make some sort of premature move and thus expose his strategy, or to get him embroiled in a struggle on another front so that he would disperse his forces and lose control. Such an effect could be achieved, for example, by forcing the defender into a limited war in a peripheral theater and gradually cause him to invest ever-greater military strength from his forces in being into this limited operation. Thus, he would expose his main base to effective attack. If he can be induced to use obsolete equipment in the diversionary war, the victim may never develop the kind of weapons that will be used in the decisive combat.

So-called preemptive strikes also may play a great role in surprise. The attacker could proceed by a combination of double deception and provocation to make open preparation for attack and to evacuate his cities. Then by other surprise techniques he could divert the defender's fire to false targets and achieve military superiority. Certainly moves of this sort are extremely risky, because the defender has surprise options of his own and may see through the deception. The risk can be reduced through a first-rate intelligence system and good penetration of the opponent's military apparatus and inner decision-making cycle.

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[3] Double deception is best explained by the story about the two Jews who met on a train in Russia. Aaron asked Moses, "Where are you going?" Moses answered, "To Pinsk." Aaron replied, "You say you're going to Pinsk so I will believe you are actually going to Minsk, but in fact you are going to Pinsk. So why do you lie?"

In military parlance, if A plans an operation he would not try to hide his plan, but would make sure that B assumes that this particular plan is being advertised because it will not be instituted. The German deception plan of 1941 that preceded the attack on the U.S.S.R. was planned as a single deception but actually worked as a double deception.

[4] The Six-Day War in the Middle East has made the concept better known.

Strategic planning aims at the exploitation of weaknesses and vulnerabilities, just as the wrestler tries to apply holds that force his opponent to submit. But the strategist has one advantage over the wrestler: he can contribute to the creation of vulnerabilities in the opposing force.

Creating vulnerabilities is an area where the problems of force and budgetary levels become highly significant. They can be created by an opponent who uses political means to achieve surprise. With low budgets there will always be a great tendency to cut corners, and that means that many of the support systems needed to operate weapon systems effectively will be eliminated or reduced to insufficient numbers. Very often it becomes a question of whether it is more advisable to buy firepower and delivery weapons than to harden the missiles or acquire such items as warning systems. Sometimes the choice is between offensive and defensive weapon systems.

If the aggressor can, through the employment of political means, manipulate budgetary and force levels of intended victims in a downward direction, the effectiveness of the opposing forces will be greatly reduced. Fundamentally, with a low budget it is very difficult to maintain several weapon systems simultaneously, and even more difficult to maintain forces based on different technologies. It is extremely difficult to provide them with good warning and protective features, to acquire suitable shelters for population and industry, and to bring new systems into being. Consequently, low defense budgets and low force levels aid the attacker in his strategic planning by reducing the complexities of his operations. Political operations in both the economic and diplomatic fields may be used to reinforce the natural tendency of the defender to save money on defense. These operations will have as their twin goals the reduction of strategic complexities through the lowering of the defender's budgets and the achievement of a state of relaxation in the victim. Then, when the attack comes, on the victim's allies and or on his homeland, he will be unable to believe it has happened and be unprepared to defend himself. In this case, the last phase of the battle may not be a sneak attack at all; the defender may know it is coming and be unable to do anything about it.

To repeat: surprise techniques are available to both the attacker and the defender. Because we are firmly committed to a defensive strategy it is vital that we prevent surprise. We must understand also that capabilities for surprise exist for us and we must emphasize such capabilities.

These come directly from the basis for surprise: uncertainty. Although the attacker has freedom in choosing his surprise moves, the defender can do a great deal to increase the uncertainty in the mind of the attacker. If the attacker has no uncertainty about the enemy, it is child's play to plan operations that can be decisive. If instead he experiences a great deal of uncertainty, even the planning of surprise operations becomes extremely difficult.

For example, the antimissile may be used to create uncertainties. If the defender does not have this weapon, the attacker will be certain that he has a completely free ride. But if the defender does have this weapon, and if the attacker is in doubt about whether its effectiveness lies between 50 and 90 percent, the attacker's strategic plan is greatly complicated. Suppose he assumes it is 50 percent, but it is actually 90 per cent effective. Then he will fail in attack. Suppose he assumes it is 90 percent but it is actually 50 percent. In this instance he may not attack at all. Suppose his experts argue about whether it is 60 or 85 percent. In this case, the decision makers' will may be weakened. By manipulating the attacker's understanding of this situation, the defender may achieve considerable advantages.

The interplay between achieving and preventing surprise is one of the decisive elements of modern war. Speed appears to give the attacker greatly enhanced possibilities of surprise, but the defender is not without his options as well. The key to being the surpriser or the surprised is initiative, which in turn is based upon planning.

CONCLUSION

In guarding against technical surprise, it is important to keep its effects in the proper perspective. Technical advances generally and technical surprise in particular are steps to more decisive measures. Technology makes possible tactical, strategic, and timing surprise. It contributes to strategic deception. Surprise and deception are most vital when they contribute to or maximize the effectiveness of modern weapons. If our technological advantages are not exploited, while those of the U.S.S.R. are, we will inevitably lose the Technological War. Put differently: we must not be surprised about the fact that this is a Technological War and we must never be deceived about our relative technological standing.

Success in an operational approach based on deception and surprise depends on total orchestration of the types of conflict, not on the effectiveness of each element. Partial successes attained and exploited in many areas will offset the failures that will occur in others. The net result is that overall success is rendered more likely.

If the defender understands this particular aspect of the problem, he can devise many actions through which aggressive stratagems are neutralized. He can maintain force levels, both quantitative and qualitative, that preclude a successful attack. The defender must move constantly during the period of so-called peace, to keep abreast of technical and strategic developments. He must initiate actions to which the attacker must react, using resources that would otherwise be employed against the defender, and must initiate these actions in time to prevent the aggressor from achieving a significant advantage. Success in this game will mean that aggression by nuclear weapons would be unthinkable, simply because the aggressor would remain confined to an incalculable but low probability of success.

The really important point is that war has not become unthinkable simply because weapons of mass destruction have been invented. The prevention of war is just as much a strategic undertaking as preparation for aggression. If the strategy of prevention is effective, the aggressor will be blocked. If, on the other hand, it consists merely of dependence on passive deterrence and on weak retaliation, the strategy of prevention is doomed to failure.

For the Communists, surprise is vital to successful aggression. For our part, through the application of a rehumanized strategy surprise can be our path to the initiatives and maneuvers that suppress aggression.

IMPROVEMENT OF POSTAL SERVICES IN ALASKA REQUESTED

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BEGICH. Mr. Speaker, communication has always been one of the basic ingredients to the growth of a community, a State, or a nation.

One of the major problems facing Alaska today is the poor communication facilities linking communities with communities and communities with the southern 49 States. Basic and primary communication facilities is the U.S. Post Office.

It is the responsibility of the Federal Government to build and maintain postal roads and provide postal services. It is clear that in the growing communities of Nelson Lagoon, Ivanof Bay, and Chignik Lake, Alaska, the Federal Government has failed to meet its responsibilities. The Alaska State Legislature has observed this problem and has passed a joint resolution that calls on Postmaster Winton Blount to establish minimum post offices in each of these communities.

HOUSE JOINT RESOLUTION No. 19

Relating to Establishing a Post Office at Nelson Lagoon, Alaska, Ivanof Bay, Alaska and Chignik Lake, Alaska

Be it resolved by the legislature of the State of Alaska:

Whereas communication facilities are essential for the development of Alaska and the normal comforts of its population; and

Whereas Nelson Lagoon, Ivanof Bay and Chignik Lake are economically stable and growing communities; and

Whereas there are no roads to these communities and the only means of transportation is by airplane, either on scheduled or charter flights; and

Whereas these communities are being denied access to the regular postal services which are available to many communities of smaller size elsewhere in the nation, thus working a great hardship on the residents, be it *resolved*

That the Honorable Winton Blount, Postmaster General of the United States, is hereby respectfully requested to establish minimum post offices in each of these communities.

Copies of this Resolution shall be sent to the Honorable Winton Blount, Postmaster General of the United States; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

MOVING THE HAINES, ALASKA, U.S. CUSTOMS OFFICE MAKES SENSE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BEGICH. Mr. Speaker, one of the problems encountered by tourists entering Alaska near Haines, Alaska, is the location of the U.S. customs office 42 miles away from the actual border. Since the Federal law requires that persons crossing the border must report to U.S. customs office immediately, the distance is not only an inconvenience but also an unnecessary burden on all businessmen operating along the 42-mile route. The solution, as indicated in the following resolution by the Alaska Legislature, is a simple one. It is to move the customs office to a point on the border immediately adjacent to the location of the Canadian customs office.

The resolution follows:

SENATE JOINT RESOLUTION No. 22

Relating to the Relocation of the United States Customs Office at Haines

Be it resolved by the legislature of the State of Alaska:

Whereas the Canadian Customs Office is situated at the United States-Canadian border while the Customs Office of the United States is located some 42 miles away at Haines, Alaska; and

Whereas those persons crossing the border at mile 42 are required by United States law to report immediately to United States Customs; and

Whereas these facts have and continue to create an intolerable state of affairs for tourists as well as neighboring Canadian and American citizens; and

Whereas the distance between the two offices, together with the requirement that persons proceed directly from Canadian Customs to United States Customs, effectively stymies business development between the two points and particularly affects the tourist industry of the Village of Klukwan, and otherwise causes all concerned unnecessary and aggravating inconvenience;

Be it resolved by the Alaska State Legislature that the United States Bureau of Customs is urgently requested to relocate immediately the United States Customs Office at Haines to a position adjacent to the Canadian Customs Office at approximately 42 mile of the Haines Highway.

Copies of this Resolution shall be sent to the Honorable John Connally, Secretary, Department of the Treasury; the Honorable Myles J. Ambrose, Commissioner, United States Bureau of Customs; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

PROPOSAL FOR FEDERAL JUDICIARY COUNCIL

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. McKEVITT. Mr. Speaker, I rise today to introduce legislation that I hope will be a step toward restoring full public confidence in our judicial system.

The bill I am introducing today proposes to establish a Federal Judiciary Council, whose purpose would be to advise the Congress, the executive, and the Judicial Conference of the United States on matters affecting the administration of our Federal courts.

My bill is identical to one introduced in the other body by the distinguished senior Senator from Colorado.

Mr. Speaker, Congress has a continuing obligation to examine and reform out judicial system. The proposed Federal Judiciary Council would expedite this examination and reform. The duties of the proposed Council would be of aid to the Judicial Conference and the Federal Judicial Center in that useful communication between the branches of Government would be guaranteed as these matters involving our judicial system are considered.

The Federal Judiciary Council would be composed of six appointed members, two by the President, one each by the Committees on the Judiciary of the House and Senate and two by the Judicial Conference of the United States. The Council would be required to report to Congress at least once each year on the impact of proposed legislation on the administration of justice in the court, on the desirability of legislation and other steps aimed at modernizing court procedures and thus ease crowded dockets. The Council would be authorized to request from any department or agency of the Federal Government any information it requires to perform its duties.

While this legislation will not be a panacea, I believe it will help in expediting the job of court reform. One thing is certain: We cannot afford the economic or social costs of an inefficient judicial system.

A TRIBUTE TO FLOYD C. COVINGTON, SR.

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. HAWKINS. Mr. Speaker, one of the most outstanding individuals in Los Angeles, Floyd C. Covington, is to be honored for his four decades of service at a forthcoming testimonial. This recognition is long overdue. Floyd, as everyone calls him, has dedicated his life to the betterment of the lives of others. As a persevering and effective crusader in the battle for racial equality and human dignity, he has proved that economic and social progress can result from intelligent, aggressive, and moderate leadership.

Commencing in 1928 his employment career includes the positions of industrial relations secretary and executive director of the Los Angeles Urban League, and membership secretary of the YMCA. In 1950 he became intergroup relations adviser for the Federal Housing Administration and in 1957 he was appointed equal opportunity specialist for the Department of Housing and Urban Development.

His community service activities are many and varied, and include the following:

COMMUNITY SERVICE ACTIVITIES

Appointed to Governor Earl Warren's Crime Commission. Lecturer in Economics, Sociology, and Racial Relations at University of Southern California, Los Angeles City College, University of California at Los Angeles, Occidental College, Claremont College, Whittier College, University of Arizona; public and private schools, governmental organizations; Chambers of Commerce; Labor organizations; Real Estate Agencies; Catholic, Protestant, and Jewish Religious institutions; Business and professional organizations.

Organizer and first Chairman of Leadership Roundtable, a special project in the Little Tokyo area followiing the evacuation of the Japanese.

Organized first training class for Negro Building Service Custodians at Frank Wiggins Trade School.

Responsible for first Negro teller at a branch of Bank of America; first Negro drivers with the Carnation Milk Company; first Negro drivers with Helms Bakeries Company.

Member of Mayor's Home Front Unity Committee.

Commissioner of Housing Authority of City of Los Angeles.

One of the founders of the Community Relations Conference of Southern California.

Served on committees and consultant to Human Relations Commission, Los Angeles County; and Human Relations Bureau City of Los Angeles.

Following Watts disorders in 1965 delegated as coordinator of housing programs and services for Federal Housing Administration, located in State of California Service Center in Watts.

Organizer and Consultant to Special Workshops on government housing programs and services for Consolidated Realty Board of Southern California, Incorporated.

Consultant on housing services for the Department of Housing and Urban Development in State of California Service Centers in East Los Angeles and Venice, California.

Organizer and first chairman of Interagency Coordinating Committee, Watts, California.

Founder-member Southeast Symphony Association.

Member of Advisory Committee of South Central Welfare Planning Council.

Member of Los Angeles Branch of the Association for the study of Negro Life and History.

Served on regular and special committees of the Welfare Planning Council and Community Chests.

Served on committees and membership drives of the 28th Street Branch of Y.M.C.A.

One of the organizers of the Safety Savings and Loan Association.

Member of Housing and Social Welfare Committees of the Los Angeles Urban League.

Member of the Board of Directors and Committees of the Los Angeles Branch N.A.A.C.P.

Supervisor of Social Work Staff of the California Relief Administration.

Mr. Covington's record of public service is one that inspires us all. His pattern of life and work, and his insistent efforts to secure full rights and opportunities for all our citizens, have earned him this tribute. He has served his community and his country well and faithfully.

NEED CITED FOR INTENSIFICATION OF "JOBS FOR VETERANS" PROGRAMS

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. KYROS. Mr. Speaker, at the midwinter conference of the American Legion of Maine last month, Mr. Steve St. Laurent made the following address, which I commend to the attention of my colleagues. Mr. St. Laurent, formerly of Falmouth, Maine, and currently national membership consultant of the American Legion, outlined the concern of the Nation's newest generation of war veterans for their future as they leave military service. He pointed to the fact that young Vietnam veterans face a difficult readjustment to civilian life knowing that jobs are scarce. Certainly, Mr. Speaker, the problem of finding jobs for these fine young men, and the wherewithal for them to continue their education, is becoming increasingly serious. For this reason, I want to commend Mr. St. Laurent's excellent address to your attention.

Remarks By Steve St. Laurent

Thank you for inviting me to come home and to participate in the Mid-Winter Conference in my own Department.

Commander John, I would like you and all of the Maine Legionnaires here to know just how proud I have been of your accomplishments—not just in the field of membership, but in such programs as "Jobs For Veterans."

All of you are aware of my assignment with the Membership Section of National Headquarters. What many of you may not know is the high percentage of our time that is spent on activities not directly involved in membership procurement. I said "directly"—indirectly is another matter.

You have heard us repeat over and over that it's "Service First, Membership Second" when you are working with or visiting that Viet-Vet. What we are really saying is that The American Legion must be a very salable product—particularly at the post level. If you are going to sell you've got to have something to sell. That is one more reason why I am glad to be with you today.

During this meeting we have been developing a Legion with programs that have appeal—that serves a purpose—that justifies our continuing as the world's greatest veterans' organization—that will attract and keep a high percentage of the Viet-Vets. How important is this Mid-Winter Conference or any Legion meeting where we are attempting to improve ourselves and our organization?

Just before I left Indianapolis my boss was working with the latest statistical summary furnished by the Veterans Administration. If their figures are correct (and certainly I don't doubt them), The American Legion lost 5,000 World War I Legionnaires by death during the month of December alone. Add to that 2,500 World War II Legionnaires and a few miscellaneous from Korea or Vietnam and it means that The American Legion will lose by death close to 90,000 members this coming year. This is a little higher than the figure we have been publishing. But if it is only 70,000 a year, to replace a loss of that magnitude we have got to get replacements in numbers that can come only from the reservoir of youth—the Viet-Vet who will soon number one out of every three veterans and who, by the end of 1971, will be outnumbered in The American Legion only by the World War II veterans.

You are not seeing these newer Legionnaires at this meeting in that kind of numbers but you soon will, if our programs and our organization develops purposes that have meaning to them, and you will, if we remain concerned with and do something about their problems. Yes, they do have problems but these are also America's problems.

Many of you here are of an age to have experiences or at least observed at close hand the deadly effect of joblessness in the 1930's. Some never recovered their self-respect or their independence. But consider how much more shattering the experience is today when the vast majority of Americans are enjoying a degree of affluence never before known. At the same time, inflation stretches ever thinner the dwindling resources of the young, jobless veteran.

I have talked with men who have served in Vietnam, and of this I am certain. They performed a very difficult task that their country asked of them. But they are concerned about their future as they leave military service. They know that jobs are scarce. They have heard that GI Bill allowances will not meet the cost of further education or training—and at least 20% of them have either limited or no vocational skills.

We are indebted to the President and to the Department of Labor for measures that are being taken to improve our public facilities for job-finding for veterans. As a matter of fact, The American Legion as early as last June launched a "Jobs For Veterans" program in some 17 pilot areas and this fall expanded it into a national program. We are cooperating to the full with public agencies and other volunteer groups, including the national Jobs For Veterans program headed by Mr. James F. Oates.

But let me tell you, gentlemen, that good intentions, hopeful promises, and press releases are not enough. The decade in which we are entered has been described as "the socially sensitive seventies." Any institution—governmental, commercial or nonprofit—which fails to respond to legitimate social needs is headed for trouble. For the veteran, an adequate job is a legitimate social need. For the veteran who is without marketable skills, further education or vocational training is a legitimate social need.

Yet, in spite of last year's increases in GI Bill educational benefits, many, many veterans simply do not have the additional resources of their own that are necessary to meet today's rising costs of schooling.

It's not my purpose to present problems without attempting to give some answers. Fortunately, in the field of finding jobs for veterans I can learn from many of you here. Maine is making one of our most outstanding contributions in finding jobs for the returning serviceman. Watch for a write up on the part Maine is playing in the March issue of The American Legion Magazine.

But no matter how closely we work with veterans, with business, with the Veterans Administration, with the Employment Security Commission and the Veterans Employment Service we are not going to find jobs for every deserving veteran. This doesn't mean that we have to abandon them, far from it. We need to expand our program to include development of educational on-the-job apprenticeship programs. We need to get more of our young men going back to school and we can do it with such friends as Gov. Kenneth M. Curtis, the State Department of Education and the Guy Gannett Publishing Company.

Nationally we have a close relationship with the National Association of Collegiate Veterans. Locally many posts are working very closely with Veterans Clubs on campuses. This is good because these young men can make your job easier and more successful. Collegiate veterans have been helping other veterans returning or entering school, to assimilate into college life, and have been helping them stay in school by helping in their studies. Collegiate veterans groups have made their own social activities on campuses because, for many of them, the so-called generation gap exists between them and their eighteen year old counterpart.

Last month the National Membership and Post Activities Committee met in Indianapolis to plan a 1972 membership campaign. A special guest was Dr. Wm. E. Snead, President, Forest Park Community College, St. Louis, Missouri. Dr. Snead was there because he had written the National Commander expressing an interest in developing a closer relationship between the American Legion and the veterans on campus. He offered a 7-point program which I rather like. Each one of them would involve The American Legion and Legionnaires in a constructive way with the college student veteran. The 7-points were as follows:

1. Each post should urge its Legionnaires to be an informal sponsor of a college veteran. He suggested one veteran for every two members.

2. One of the problems that the veterans think about is the problem of getting started on the GI Bill. World War II veterans came out with some money and it was enough to tide them over until they could get started on the GI Bill. If the Legion could "free up" some money (at very little risk) for 90 day emergency loan funds, these would be rapidly repaid and would be available for the next semester.

3. Posts should make their facilities available for meetings and social events at no cost. Veterans do not have money to pay for such facilities.

4. The Legion is doing a lot about scholarships. I would like to see the sponsoring post have scholarship plans—these may be long term loan plans and scholarship plans for the particular college which they are sponsoring.

5. A program of working with the college administration on each campus to arrange panels among older veterans and younger veterans.

6. The Legion should continue its support of the National Association of Collegiate Veterans, Inc. I have written to them and have asked for some of their brochures for our college. You cannot order or direct students—you can counsel and advise them.

7. If at all possible, I urge you to take a student veteran from the college being sponsored by the post to the Houston Convention. If he's already a Legionnaire, fine—but take a college veteran along—preferably the president of the particular college veterans club.

This seventh suggestion brings up another point. The American Legion had excellent publicity from Portland at our last National Convention. The one negative thought that ran through most of that publicity was that there were not enough Vietnam veterans present.

Very soon each one of our Maine posts will be preparing for District Conventions and for the Department Convention to follow. I would like to urge each of you to make every effort to see that one or more Viet-Vets from your post is at those conventions.

There are two words you are going to hear quite frequently in the months ahead. The first one is "action" and the second is "visibility." Every department, every district and every post is going to be urged to develop relevent action-type programs that, because of their timeliness and importance, will be highly visible in the community and to the veterans who have not yet joined. And for the veterans my age, I hope that you already have several Vietnam veterans active in your post so that they can be "visible" to others.

There are 2,700,000 wonderful Legionnaires. They come from World War I, World War II, Korea and Vietnam. But if we are going to grow most of our recruitment must be with this newest group of veterans.

In summary let me say that our primary missions are clear:

1. We must continue and intensify our efforts to place every job-hunting veteran in adequate employment.

2. We must encourage and assist as many as possible to get back into school or into training programs.

3. We must make our legislators know that both the new veteran and America is being short changed by their refusal to make present GI benefits equal to those of World War II or Korea.

4. We must develop mutual programs as equal partners with college veterans clubs near us.

5. We must evaluate our post activities to be sure they are needed, visible, and attractive to all veterans with special emphasis on the group from which future growth will come.

6. We must insure that our newest Legionnaires are, in fact, equal partners and are assuming positions of leadership.

PUBLIC BROADCASTING

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. TIERNAN. Mr. Speaker, Time magazine, Newsweek magazine, and the rest of the mass media have been proclaiming in the past few months that public broadcasting has come into its own right. Millions of Americans have begun to look regularly to public broadcasting for quality programing both in education and entertainment fields. Sesame Street, the Forsythe Saga, Masterpiece Theater, Turned-on Crisis and a host of other shows are testaments to the great strides public broadcasting has taken since 1967. In that year, the Congress passed the Public Broadcasting Act creating the Corporation for Public Broadcasting.

At that time, the Congress authorized $9 million to be appropriated to enable the Corporation to come into being. According to Senate Report 91–869:

> This was intended to be "seed money" pending a long-range financing plan to be submitted by the Administration.

To date, however, the present administration has not submitted such a plan. President Nixon has this year stated in this proposed budget for fiscal year 1972:

> Legislation will be proposed to provide an improved financing arrangement for the Corporation.

The Congress has waited since 1967 for an administration plan. We are still waiting for the plan. One can read about proposals supposedly in the works at the Office of Telecommunications Policy. One hears of rumored studies said to be underway at the Federal Communications Commission. And still the Congress waits. We see massive reorganization plans for the entire executive branch, grandiose revenue-sharing proposals, and master plans for health insurance, but just rumors in the field of long-term financing for public broadcasting.

In 1970 I introduced a bill requesting the Federal Communications Commission, Department of Health, Education, and Welfare, and the Corporation for Public Broadcasting to each undertake a study of the question of long-range financing and to report to the Congress the findings of their studies by October 1, 1970. Although the legislation was not passed by Congress, I requested each of these governmental agencies to submit the studies regardless of the outcome of the bill so that the Congress could benefit from their research and move closer to a resolution of the long-range finance problem. I am sorry to note that only the Corporation for Public Broadcasting bothered to take the time to furnish the Congress with such a report.

As a result of the CPB report, I introduced H.R. 19143 on September 10, 1970. This bill was designed to provide permanent financing for the Corporation for Public Broadcasting through an excise tax on radio and television receivers, plus Federal matching grants.

I have received a number of comments in reaction to H.R. 19143 and many suggestions on ways to improve it. I am today introducing a new bill which omits the excise tax provision. This legislation would establish a trust fund on the books of the Treasury. Money would go into the trust fund through a two-for-one matching program. The bill sets maximum monetary limits for the years 1973 through 1977.

My bill is designed as a step toward providing long-term financial support from the Federal Government for the CPB in a manner that will avoid extraneous interference and control of the broadcasting and programing functions of public broadcasting. A number of studies have pointed to the need for such independence on the part of public broadcasting. If we do not guarantee this independence, we cannot hope to see quality shows dealing with timely subjects presented on public broadcast channels.

I have stated a number of times that Americans deserve a system of public broadcasting which will not be exposed to the pressures which a commercial system cannot easily resist. Public broadcasting has the potential to make education more productive and more meaningful to a wider range of the American public. A public broadcast system which is dedicated solely to the public interest has a much greater opportunity for informing and educating all Americans. But if we want to lead the world in the education field, we must be prepared to be innovative and appropriate the funds necessary for quality instruction. Clearly the United States should increase its investment in instructional technology based on the conviction that technology can make education more productive and more meaningful.

In House Report 91–1274, the Interstate and Foreign Commerce Committee said:

> The full promise of the Corporation for Public Broadcasting cannot be achieved until a plan for permanent financing of the Corporation can be developed and put into effect. This is an undertaking that demands the best efforts of both the Administration and the Congress. The beneficiary will be the people of the United States.

I believe the Congress is ready to do its part to pass such legislation. I hope the administration will do its share by either supporting my bill or by submitting a better proposal.

The corporation, the Congress, and the people have already waited over 3 years for an administration approach to long-term financing. We cannot afford to let another year slip by without passing legislation which will guarantee that public broadcasting will be funded adequately and in a way that is free from political pressures and interference.

Mr. Speaker, I include a copy of my bill for the RECORD:

H.R. 7443

A bill to amend the Communications Act of 1934 to provide permanent financing for the Corporation for Public Broadcasting

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Broadcasting Financing Act of 1971".

SEC. 2. The Congress hereby finds and declares—

(1) that in enacting the Public Broadcasting Act of 1967 the Congress declared that it is in the public interest and furthers the general welfare to encourage the growth and development of noncommercial educational radio and television boadcasting which will constitute an expression of diversity and excellence and be responsive to the interests of the people both in particular localities and throughout the United States;

(2) that the Corporation for Public Broadcasting was established pursuant to the Public Broadcasting Act of 1967 (Public Law 90–129) under the District of Columbia Nonprofit Corporation Act in order to facilitate the development of educational radio and television broadcasting and to afford maximum protection to such broadcasting from extraneous interference and control;

(3) that the achievement of the goals of the Public Broadcasting Act of 1967 will require significant financial support from local, State, and Federal Governments as well as from the private sector; and

(4) that financial support from the Federal Government should be made available in such manner as will avoid extraneous interference and control of the broadcasting, and programing functions of public broadcasting, stimulate greater support from other sources and enable the establishment of financial stability while insuring that the Congress will fulfill its responsibility to supervise the proper utilization of Federal funds.

SEC. 3. (a) Section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended to read as follows:

"(k) (1) (A) There is authorized to be appropriated to the Public Broadcasting Fund (established by paragraph (3)) for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, an amount equal to twice the amount by which non-Federal public broadcasting support for the second fiscal year preceding such fiscal year exceeds $50,000,000; except that the amount so appropriated may not exceed $60,000,000 for the fiscal year ending June 30, 1973, $80,000,000 for the fiscal year ending June 3, 1974, $100,000,000 for the fiscal year ending June 30, 1975, $120,000,000 for the fiscal year ending June 30, 1976, and $140,000,000 for the fiscal year ending June 30, 1977.

"(B) The amount of non-Federal public broadcasting support for a fiscal year shall be certified by the Corporation to the Department of HEW within 180 days after the close of such fiscal year. The Comptroller General may audit the procedures used to determine the amount of such support.

"(2) For purposes of this subsection—

"(A) Non-Federal public broadcasting support for a fiscal year is the aggregate amount of—

"(i) donations, gifts, and contributions of money or other property received during such fiscal year by public broadcasting recipients from any persons other than States, political subdivisions thereof, or educational institutions, and

"(ii) money or other property received by public broadcasting recipients from States and political subdivisions thereof and educational institutions (except in connection with the sale of property, or rendition of services, which are not related to the provision of educational television programs), in determining the amount of non-Federal public broadcasting support, any money or property received by a public broadcasting recipient from the United States or from another public broadcasting recipient shall be excluded, and any property received shall be valued at fair market value.

"(B) The term 'public broadcasting recipient' means

"(i) the Corporation

"(ii) a noncommercial educational broadcast station, or

"(iii) any person (including an agency of a State or a political subdivision thereof) the principal activity of which is providing programs or services to noncommercial educational stations and which is exempt from Federal income taxation by reason of section 501(c)(3) or is an agency of a State or political subdivision thereof.

"(3)(A) There is created on the books of the Treasury of the United States a special fund to be known as the Public Broadcasting Fund. The Public Broadcasting Fund shall consist of such amounts as may be appropriated to such fund in accordance with paragraph (1) or otherwise deposited in such fund in accordance with law.

"(B) All moneys received into the Public Broadcasting Fund shall be paid to the Corporation at the commencement of each fiscal year to be used solely for the expenses of the corporation and shall be available therefor until expanded.

"(C) The Secretary of the Treasury shall report to the Congress not later than the 31st day of December of each year on the income, disbursements, and status of the Public Broadcasting Fund during the preceding fiscal year."

(b) The amendments made by subsection (a) of this section shall apply with respect to fiscal years ending after June 30, 1972.

RESOLUTION URGING PRESIDENT TO RELEASE PUBLIC WORKS FUND

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. HUNGATE. Mr. Speaker, today 11 additional colleagues have joined me in introducing a resolution urging the President to release appropriated public works funds now held by him. This bipartisan resolution has gained much support and interest from my colleagues since I first introduced it in March. The total number of cosponsors come to 79, representing 36 States. I thank my colleagues for joining me.

It is time for Congress to speak up and express our concern and that of our constituents, over the questionable constitutional procedure employed by the President in freezing Public Works funds already authorized and appropriated by the Congress. I have written the President urging that he release these funds by April 19, 1971.

If these funds are not released by the time we return on April 19, 1971, then I think we should seriously consider following the suggestion of Senator MANSFIELD, and the House should study the possibility of a suit in the U.S. Supreme Court to compel Presidential compliance with the Constitution on this matter.

I am certain the Court, which has had no hesitancy in showing us the errors of our ways congressionally, would, if our construction of the unconstitutionality of such line item vetoes proves correct, then that same Court should have no hesitancy in directing appropriate orders to the executive branch.

Since there is some question concerning the outcome of such a suit by Congress against the President, we should proceed at the same time with the passage of our resolution urging Presidential action to halt the freeze of such public works funds.

TIRE RETREAD INDUSTRY SEES THREAT

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. NELSEN. Mr. Speaker, I have received a communication from Mr. George Burger, vice president of the National Federation of Independent Business, bringing to my attention a problem which has arisen in the rubber retread industry. The purpose of Mr. Burger's letter was to transmit a letter he had received from Mr. Raymond P. Hawkinson, Jr., of the Paul E. Hawkinson Co. in Minneapolis, which for years has been a leader in the tire retreading business.

Because of the general interest in tire safety, I include the correspondence in the RECORD at this point in my remarks.

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
San Mateo, Calif., March 31, 1971.

The Honorable ANCHER NELSEN,
U.S. House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN NELSEN: I want to thank you for your letter of March 30th re the March 18th communication directed to me from the Paul E. Hawkinson Company.

There are few institutions of this kind existing in the rubber industry today. Through their nationwide operations they have built up a vote of confidence for their products, both in passenger and commercial use, with no exception. For the record, this opinion was also expressed during the critical days of World War II, by the then president of the Union Pacific Railroad, on loan to the War Production Administration, crude rubber stock pile division. He recommended that the Hawkinson System be used exclusively as a conservation measure, during the rubber shortage. Then, secondly, the invaluable services rendered by the Hawkinson Company through it's agents, to the Navy Department, during the same period, on the aircraft tires problem.

You are to be complimented for your closing paragraph, and I quote:

"The last paragraph of your letter indicates the retread problem will come before Mr. Staggers' committee for approval or disapproval. For this reason I am pleased to have the background material so I will have some information on the subject when it is considered in committee."

In view of this important statement, and as the subject matter is of considerable importance, it is my hope and trust, solely as a matter of information to all your colleagues, that you will insert in the Record this letter and the letter of March 18th, directed to me, from the Paul E. Hawkinson Company (see enclosure).

With highest regards,

Sincerely,

GEORGE J. BURGER,
Vice President in Charge.

PAUL E. HAWKINSON CO.,
Minneapolis, Minn., March 18, 1971.

Mr. GEORGE J. BURGER,
National Federation of Independent Business,
Washington, D.C.

DEAR MR. BURGER: In the Department of Transportation's currently-proposed amendment (Docket No. 70-29) to Standard 109 covering new passenger tires, they suggest several things which appear to threaten the very existence of passenger tire retreading. Where passenger tires go, can truck and bus retreading be far behind? Among these suggestions:

(1) That manufacturers subject sample new tires to stringent new tests to determine their structural adequacy in terms of high-speed and endurance requirements, using the results of these tests to label all new passenger tires with the designation that they may be retreaded once, twice, or with the words "Not to be Retreated."

(2) That retreaders brand the tire with an X each time the tire is retreaded.

(3) That a six-year age limit be placed on casings eligible for retreading (the effective date of these three proposals being tentatively set for January 1, 1972).

The Paul E. Hawkinson Company, as an independent business serving the retreader and others who make up this industry, must add its voice to those who most emphatically and sincerely urge that the Department abandon the unfair and potentially self-defeating provisions found in the proposed amendment.

We recognize, of course, that the spirit behind the amendment, namely, a desire to protect the safety and welfare of the retread user, is in the best interests of both the general public and the industry at large. Nevertheless, we do not believe any of the above provisions will provide the safety benefits their writers envision. Instead, the provisions of this proposed amendment seem more likely to eliminate the retreading of passenger tires; and by so doing, put most of the nation's independent retreaders out of business. This, in turn, will force these motorists who have driven millions of safe miles on retreaded tires to buy new tires at higher prices!

In the last 10 years, over 350 million passenger tires have been successfully retreaded. The retread is well established in the marketplace and the repeat sales of retreads testify to the effectiveness of today's retreader and the quality of his product. Retreads provide car owners and truck operators with economy, safety, and satisfaction. The Department of Defense is one of the country's largest users of retreads and has conceded that the savings realized through the proper use of retreads is an important factor in maintaining the required mobility of defense forces within reasonable budget limitations.

About 10 years ago, the Rubber Manufacturers Association launched a vigorous and active campaign to eliminate "cheapie" tires from the replacement tire field. The RMA attacked so-called third, fourth, and fifth line tires and most of its members refused to deal in this shoddy level of merchandise. The RMA pressed for voluntary industry standards which has helped rid the market of most poor quality merchandise. The RMA policy of long standing is that "All Tires Should be Retreadable!" A "SUPER" level quality casing is not necessary for a successful retread. A casing must be sound to be successfully retreaded and this can be determined only upon careful inspection by the retreader before he approves the casing for the retread process. If a tire is to be permitted to be sold marked "Not to be Retreaded" we must reach the conclusion that that tire at some point in its wear is no longer safe! If it reaches a marginal level of safety at 50% or 75% of its wear, it should not be permitted on the highways; if the casing is adequate through the life of the original tread, there is no reason why a new tread cannot be added!

The requirements of Docket No. 70-29 place the independent retreader solely at the mercy of his competitor for the replacement tire market, "THE NEW TIRE MANUFACTURER!" If most new tires used as original equipment on automobiles and available in the replacement market are labeled "Not to be Retreaded," the supply of casings for the retreader will disappear. Most new tire manufacturers are obviously more interested in the new tire market than the retread market, and market casings that are not available for retreading will lead to only one predictable result!

Recently developed market statistics establish that a survey of 5,000 of the nation's retreaders showed an investment in equipment approximating 568 million dollars, and a continued supply of retreadable casings is essential to the continuation of these thousands of small businesses across the country.

Independent tire dealers employ some 80,000 people with another 30,000 being employed by manufacturers of retread equipment and supplies. Manufacturers now project the sale of 120 million dollars worth of equipment over the next 5 years to the retreading industry. The threatened extinction of this industry is thus of major concern to a large segment of American industry as well as to the economy.

The retreading industry is a pollution minded industry as for years we have been re-cycling a used product, "THE WORN TIRE!" What with the government's concern for pollution, what do they intend to do with the millions and millions of worn tires every year if this amendment is passed?

It seems clear to us, therefore, that this proposal must be withdrawn. At the same time, this Company would like to support the Department's efforts to assure a continuing supply of casings that will be suitable for repeated retreading. To accomplish this, it will be necessary to develop data on the retreadability of all new tires and the elimination of new tires which do not meet a standard of quality which would justify the retreadability of a tire. It is the sincere desire of the Paul E. Hawkinson Company to cooperate with and advance the objectives of the National Traffic and Motor Vehicle Safety Act, and we extend to the Department our firm assurance of complete cooperation in these undertakings. We cannot, however, support regulations based upon unverified test requirements nor regulations which permit the apparent opportunity to market new tires of questionable or marginal safety. We are firmly opposed to Docket No. 70–29!

Yours,

RAYMOND P. HAWKINSON, Jr.
V–P Design & Production.

ONE SOLITARY LIFE

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. WYLIE. Mr. Speaker, last Sunday I attended services at my church, the North Broadway United Methodist Church in Columbus, Ohio. Dr. William E. Smith, the senior minister, presented what I thought was a particularly outstanding sermon. During the course of the sermon, he referred to an article appearing in the Baltimore Sun entitled "One Solitary Life." The quotation so moved me that I felt it should receive widespread attention and deserved a lasting place in the CONGRESSIONAL RECORD:

ONE SOLITARY LIFE

Here is a man who was born in an obscure village, the child of a peasant woman. He grew up in another village. He worked in a carpenter shop until he was thirty, and then for three years, he was an itinerant preacher. He never had a family. He never went to college. He never put a foot inside a big city. He never traveled 200 miles from the place where he was born. He had no credentials but himself.

While He was a young man, the tide of popular opinion turned against him. His followers ran away. One of them denied him. He was turned over to His enemies. He went through the mockery of a trial. He was nailed upon a cross between two thieves. His executioners gambled for the only piece of property he had on earth while he was dying, and that was a coat. When He was dead He was taken down and laid in a borrowed grave through the pity of a friend.

Yet all the armies that ever marched and all the navies that ever were built and all the parliaments that ever sat, and all the kings that ever reigned put together have not affected the life of man upon this earth as has that One Solitary Life!

HELP OUR NEIGHBORHOOD PROGRAM

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. DE LA GARZA. Mr. Speaker, recently one of the daily newspaper in my district carried a story about Tony Ramirez and his Harlingen, Tex., community committee.

Tony Ramirez is remarkable in that he has organized the Harlingen Community Committee on his own initiative—initiative that has become so infectious that it has spread to others who are offering their time and effort to help Tony with his do-it-yourself, help our neighborhood program. I commend this splendid article by Mr. Glenn Eberhard, the feature writer for the Valley Morning Star of Harlingen, to your attention:

EDUCATION VENTURE GEARED TO DO THE JOB

(By Glenn Eberhardt)

"Give a man a fish and he can eat for a day; teach him to fish and he'll eat for a lifetime.' That may be an old Chinese proverb but it could well be the motto of Tony Ramirez and his Harlingen Community Committee.

Ramirez, a 40-year-old wholesale meat truck driver, believes that almost anyone who wants to earn his own way can do so if he will only try. He also believes government handouts do not encourage productivity and, with the aid of local people and businesses, he has set out to prove the correctness of his beliefs.

"Most poor people are poor," Ramirez says, "because they have nothing to sell; no land, no skills. We can't give them land and if they are given money it is soon gone and they are poor again. That means we have to give them skills they can sell, so that is what we decided to do here."

"Here" is an unused city fire station on North Commerce St. Used during the day as a "multi-purpose center" for Cameron County Community Projects Inc., at night it becomes a somewhat unorthodox schoolhouse.

The Harlingen Community Committee itself, had its roots in the local poverty agency; its members being elected periodically from the ranks of CCCP clients.

The Committee's school, however, is completely divorced from the federal apparatus, Ramirez says.

"We don't want OEO money," the chairman explains. "If we take that, then we have to follow guidelines and somebody else would be running this."

So, without the usual pipeline to the taxpayers' pockets, the little school with no name survives on the generosity of private businessmen and individual citizens who share Ramirez' twin beliefs.

The building, of course, is provided by the city of Harlingen as are most of the furnishings. The city, in the person of some of the commissioners and City Manager John Clary, also provides considerable moral support staving off attempts to have the building put to some other use and rounding up material aid.

Teaching skills are provided by private citizens, many of them staff members at Texas State Technical Institute, who serve without pay.

Equipment is donated by local businessmen, loaned by TSTI or the city, purchased sometimes, just appears.

The students, numbering from 50 to 150 on any given evening, come chiefly from the Fair Park section, although many come longer distances.

"Transportation is a problem," Ramirez said, "but a couple of generous gas station operators have been helping us."

"We're beginning a course in upholstery and a local firm is letting us have the material at cost," Ramirez added. "A banker and one of the savings and loan places have been helping, too. There are lots of people in this town who want to see their fellow citizens get started."

A typical evening last week found about 20 students at the school. They ranged in age from their teens to grandmothers and in education from illiterates to high school students. They were all there with one purpose: To learn the skills necessary to earn their own way in modern society.

On hand to teach were a group of instructors from TSTI, headed by Archie Rosales, director of instruction at the state school. They had all put in a full day at their regular jobs and were destined to put in a few more hours teaching people others might think are unteachable.

Rosales explained the TSTI involvement this way:

"Many of these people could take courses on our campus but first they have to meet the minimum academic requirements—a fourth grade education. In this way we can prepare them for our regular program. Others, for one reason and another, can't get to TSTI. Perhaps they work at odd hours maybe they are too shy. At any rate they want to learn."

"Some of the young people are dropouts," Rosales went on, "others are in school but need additional help. Some just want to learn something extra, such as typing."

"Many of the older students are enrolled in the adult basic education courses offered by the Harlingen public schools," Rosales said. "In that case, we try to supplement what they are learning there."

On this particular night there were classes in government with Jose Munoz explaining municipal organization basic English under Eugene Campos; reading, with Gilbert Leal using a language master borrowed from TSTI; typing under the direction of three young ladies themselves students in secretarial courses at TSTI and high school math designed to prepare the student for the general educational development tests.

On other nights there are classes in sewing, upholstery and even driver education.

Beginning next month, Ramirez hopes to install a cooking class. The Harlingen Family Welfare Service will donate the food and Miss Virginia Perez, a nutritionist will do the teaching.

According to Miss Perez, who has worked with the Extension Service nutrition program many poor people waste much of the food they get from government programs simply because they do not know how to prepare it. In some cases, they are not even sure what it is they are receiving.

Tony Ramirez and his friends are looking for more students and, of course, for more interested people who want to help.

"The only kind of people we are not looking for," Ramirez said, "are those who want to burn things down. The people that come here to learn and those that come here to teach are people who want to build, not destroy."

"After all," he mused, "if we wreck what we have, there will be nothing left for any of us."

OUR DEBT TO GREECE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. DERWINSKI. Mr. Speaker, throughout the year 1971, our fellow Americans of Hellenic descent are commemorating the sesquicentennial of Greek independence. It was in 1821, a century and a half ago, that Greece's long struggle for freedom began. Not until 1830 was independence from Ottoman rule finally achieved.

What is so special about Greek independence? A hundred nations have become free since the American colonists established the Republic in 1776.

During the early 1800's, most of the countries to the south of us severed their ties with Spain, Portugal, and France. World War I resulted in the collapse of long-intrenched dynasties and the birth or rebirth of nations on the Continent of Europe. The generation that has elapsed since the end of World War II has witnessed the founding of threescore new countries.

The globe is covered with nations that have secured their independence since the American Revolution. What is so special about Greek independence?

I will answer the question by asking another one. Where would America be without Greece?

The political system by which we govern ourselves and protect our fundamental rights, the Christian gospel of salvation and moral conduct, the scientific knowledge that has enabled us to achieve miracles, the fine arts that have enriched our lives, and even the very language that we speak—all these came to us, in whole or in part, by way of Greece.

Popular government—call it democratic or call it republican—had its origin two millenia ago in ancient Greece.

It was to the Greeks that the Gospel of Christ was first delivered by the missionaries whom the Saviour sent forth and it was to the Greeks that many of the epistles were addressed.

A scientist would be poorly educated indeed if he were not familiar with the contributions of Archimedes, Euclid, and Pythagoras, to name but a few of Greece's many brilliant scientific leaders.

The section of our Nation's Capital that contains most of the important Government buildings would become a ghost town if all the examples of Greek architecture were suddenly removed.

The most eloquent congressional orator would be tonguetied if he had to refrain from using words of Greek derivation.

Besides enriching our lives in many ways, Greece has sent us thousands of her finest sons and daughters. They and their descendants have demonstrated their gratitude for America, its freedoms, and the opportunities that it offers by giving it their best in return. They have served America loyally and well through war and peace and through prosperity and adversity.

Mr. Speaker, as they observe the 150th year of Greek freedom, let us all rejoice with them. Let us also hope that Greece, the homeland of their ancestors, will be able to maintain its freedom for many years to come.

FREEDOM SPEAKS OUT

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BAKER. Mr. Speaker, recently I had the privilege of judging a "Speak Out For Freedom" essay contest conducted by the Highland Sertoma Club of Chattanooga, Tenn. There were many fine entries in this contest and from them was chosen the prize winning effort by Miss Anne Norman, 4626 Cloverdale Loop, Hixson, Tenn.

Miss Norman writes well and speaks well on a subject of importance. In placing her essay, "Freedom Speaks Out," in the CONGRESSIONAL RECORD, I pay tribute to her ability and at the same time, commend the Highland Sertoma Club for sponsoring this worthwhile program for Chattanooga young people. The essay follows:

FREEDOM SPEAKS OUT

Come walk with me through the streets of your America, to the places that you all know so well. Come with me to the playgrounds of your children, to the schools of your youth, and to the businesses of your adults. Come with me to your state, your city, your town. Look for me in your own home, and there I will be found. I can be found anywhere in this America of yours, for I am Freedom.

I am present everywhere, represented in many forms and by many names. I am at many times a motivation to your people, and it is because of me that many changes are made in your society. Your young people use me as their justification in advocating violent change. And it was for me that George Washington and his forces starved and froze that terrible winter at Valley Forge. It was in my name that the people in Harlem revolted against the conditions, and it is I that enable the "hippies" to exist. Yet, it was to preserve me that you declared war on Japan after Pearl Harbor.

Time and time again throughout your country's history, you, as Americans, have fought to save me from extinction. No matter where I have been in danger, nor what the cost could have been, you have rescued me by rushing to my defense.

What did you save? You are now at a point in history where you must decide for yourselves what I am and what part I have played in your history.

In 1776, I was glorious. I was a lofty, breathtaking conception completely new to the world as a way of life. I lived only in the minds and hearts of those who dared to dream until you Americans decided that I was yours for the taking. So you fought for me and won, with me as your basic principle; you set up the greatest, most nearly perfect government ever in the history of the world.

Then, in 1860, I appeared in a different form. As in 1776, a group of people claimed me and attempted to break away. In this terrible conflict, a nation was ravaged and its people disunited. When the conflict was resolved, a decision had been reached concerning me. In effect, it meant that you realized I had to stop somewhere.

Now, let us span the gap of years and visit the campus of Kent State. As in so many cases in this age, your young people attempted to do as they wished, when they wished; saying they could because they possessed me. They attempted to make my name ring once again with the universal acclaim it had in 1776. But, they failed. Several students were killed, and many more were injured. You call it senseless? You say I had nothing to do with it? Oh, I know I am Freedom, the shiny, golden word from your nation's illustrious past, but are all things in my name justified? Remember 1860.

Remember Pearl Harbor? You rallied quickly and mobilized for war when I was threatened. Yet, I am the very same freedom that the "hippies" claim as their reason for existing and attempting to destroy your set way of life.

Perhaps you disagree. You think I am concerned only with the events you think about in capital letters—the proud events. Sorry. Look again. There are many activities today using me as an excuse to operate, and they are succeeding because you look at me through tinted glasses.

You see, I'm not an infallible rule of living. Just because I exist in your country does not mean that I will always guide you the right way. I am not the force that keeps you on the right path, but merely the torch that lets you search out the right path. You see, I am not everything; yet, without me, you can do nothing. I am yours to use, to protect, or to abuse.

Because I am a part and not a completeness in myself, I must have a purpose. I must be controlled and channeled. For while I am not life itself, I am the best way of living. Just because I am named, a cause is not justified. Just because I am possessed, an act of violence and aggression is not excused. I can be an inspiration and goal for your great leaders, or a source of propaganda for demagogues.

Your ancestors molded me into a glorious tradition. It is your duty to preserve that tradition. And preserve it you must. For I am FREEDOM.

PUBLIC OPINION IN JOHNSTOWN AND THE CALLEY TRIAL

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. SAYLOR. Mr. Speaker, in order to gage local public opinion on the Calley trial and decision, in the Johnstown, Pa., area in my congressional district, radio station WARD conducted a

1-hour telephone poll on the morning of April 2. The results confirmed what has been revealed from the national polls: Lieutenant Calley was unfairly singled out by the Army for vilification, retribution, and punishment.

The station gave its listeners 1 hour, between 9 a.m. and 10 a.m., to voice their opinion. The question posed was: "Are you for or against the guilty verdict in the My Lai court-martial of Lt. William Calley? Vote 'yes' if you agree with the guilty verdict, vote 'no' if you disagree with the guilty verdict."

Nine hundred ninety-three voted "no," six voted "yes."

REPEATED FLOODINGS IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BEGICH. Mr. Speaker, because of the geographical diversity of the State of Alaska, one of the natural hardships we experience frequently is repeated flooding.

Many areas in Alaska experience floods that cause disastrous effects on people and communities. The Tanana Valley flood in August of 1967 is one example of the seriousness of this problem and the hardship it heaps on the people of Alaska.

To this date, the Chena River flood control project has not been completed. If we are to stem future tragedies we must act quickly to help people save their lives and property. As the season for floods draws near it is imperative that the Chena River flood control project be completed as quickly as possible.

The resolution follows:

House Joint Resolution No. 5

Urging the Rapid Construction of the Chena River Flood Control Project

Be it resolved by the legislature of the State of Alaska:

Whereas after the disastrous Tanana Valley flood of August 1967, a flood control project was undertaken by the United States Army Corps of Engineers in conjunction with the Fairbanks North Star Borough; and

Whereas to date this project has not been completed and weather conditions again point to a possible repeat of that disaster in the spring of 1971; and

Whereas now, as before, the residents in the area are helpless to protect their property from large-scale flood damage;

Be it resolved that the United States Corps of Engineers is urgently requested to accelerate the design phase, and proceed as rapidly as possible with appropriation and construction of the Chena River Food Control project.

Copies of this Resolution shall be sent to the Honorable Stanley R. Resor, Secretary of the Army; Lt. General William F. Cassidy, Chief of Engineers, United States Army; Colonel E. L. Hardin, Jr., District Engineer, United States Army Corps of Engineers; and to the Honorable Ted Stevens and the Honorable Mike Gravel; U.S. Senators, and to the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

SUMMER YOUTH PROGRAMS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, on April 2, 1971, I sent a letter to the President urging him to restore vital funds for some of the major federally supported summer youth programs. A copy of the letter with the list of cosignees follows:

April 2, 1971.

Hon. Richard M. Nixon,
President of the United States,
The White House,
Washington, D.C.

Dear Mr. President: In recent summers, the Federal government has greatly assisted the youth of America by providing a substantial number of work opportunities through the Neighborhood Youth Corps, as well as providing funds for inner-city recreational and transportation programs. This assistance has been exceptionally helpful to America's cities in developing sorely needed employment, educational, and recreational opportunities for our nation's disadvantaged youth.

Thus, we are deeply distressed by reports of severe cut-backs in these programs. We understand that the summer Neighborhood Youth Corps, while ostensibly at the same position level, is actually being cut back through the reduction of each position's duration from 10 to 8 weeks. We understand as well that the Administration is not planning to repeat either the Recreational Support or the Transportation Programs at all.

In the strongest possible manner, we respectfully urge you to increase the number of summer Neighborhood Youth Corps positions to 630,000 nationally, and fund them for ten 32-hour work weeks. We also respectfully urge you to use the powers of your office to insure the repetition of both the Recreation Support and the Transportation Assistance Programs. We would further respectfully request that you announce these expanded program levels as soon as possible in order that local program administrators might carefully plan the most effective use of these funds.

Sincerely yours,

Dan Rostenkowski; Hale Boggs, Majority Leader; Thomas P. O'Neill, Jr., Majority Whip; Bella S. Abzug, Joseph Addabbo, Frank Annunzio, Herman Badillo, William A. Barrett, Nick Begich, Bob Bergland, Mario Biaggi, Richard Bolling, John Brademas, Frank J. Brasco, James A. Byrne, Charles J. Carney, and Shirley Chisholm.

George W. Collins, William R. Cotter, Joshua Eilberg, William D. Ford, Donald M. Fraser, Richard Fulton, William J. Green, Seymour Halpern, James M. Hanley, Michael Harrington, William D. Hathaway, Louise Day Hicks, Joseph E. Karth, John C. Kluczynski, Mike McCormack, and Spark M. Matsunaga.

Romano L. Mazzoli, Ralph H. Metcalfe, Abner J. Mikva, Patsy T. Mink, Parren J. Mitchell, F. Bradford Morse, John E. Moss, Morgan F. Murphy, Lucien N. Nedzi, Robert C. Nix, Claude Pepper, and J. J. Pickle.

Melvin Price, Richardson Preyer, Thomas M. Rees, Peter W. Rodino, Jr., Robert A. Roe, Benjamin S. Rosenthal, William F. Ryan, Fernand J. St Germain, Paul S. Sarbanes, James H. Scheuer, B. F. Sisk, John F. Seiberling, Frank Thompson, Jr., Robert O. Tiernan, G. William Whitehurst, and Charles H. Wilson.

THE CALLEY VERDICT

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. NEDZI. Mr. Speaker, as we all know, the eyes of the Nation have been on the Calley verdict. Amidst the uproar and the emotion, there have been calm voices, too, which have put forth steady and restrained assessments. When the uproar has run its course, I think that the following two assessments will have withstood the test of time in terms of balance and insight.

Under leave to extend my remarks in the Record, I submit for the thoughtful consideration of my colleagues a column by Judd Arnett of the Detroit Free Press and an editorial which appeared in the Detroit News.

I include the article as follows:

Calley Verdict Indicts Entire Concept of War

With mingled guilt, sorrow and shame I have been thinking, as doubtless you have, of Lt. William L. Calley Jr., convicted of killing an indefinite number of civilians during the My Lai massacre.

The evidence seems irrefutable that Lt. Calley, then barely 24 years of age, is guilty as charged, for surely he shot and killed civilians, women and children as well as men, under circumstances for them which might now best be described as helpless. He was on a mission which did not develop in intensity or danger as anticipated, yet still he ran amok. That is the simple part of it and one can therefore agree with the military court in its findings.

But my sense of guilt, sorrow and shame far transcends these bare bones of evidence, for in essence William Calley represents that part of our past which has become unacceptable in the present, but in the interim society neglected to bring him up to date.

The truth is that what William Calley did at My Lai was accepted—yea, approved!—in this country less than 100 years ago when the Indians were being cleared off the Great Plains, and the lust, brutality and bloody arrogance of it were condoned as late as World War II, with some spillover into the Korean conflict.

I have been reading John Toland's splendid work, "The Rising Sun," which treats upon the Pacific war from the Japanese viewpoint, and in it we come to the initial American disappointment with the performance of the B–29.

That bomber, by far the largest then aloft, had been engineered to destroy the industrial capacity of the Japanese, but early raids ranging to altitudes of 30,000 feet had been ineffectual. Then Gen. Curtis LeMay, a hero of the air war in Europe, was brought to the Pacific.

It was his decision, and no one in authority disputed it, that high-level pin-point bombing of industrial targets should be abandoned in favor of low-level saturation tactics, wholly dependent on incendiary devices. "Fire bombing," we were to call it, and it was worthy of the name.

For on the first night, after pilot planes had drawn a huge "X" in downtown Tokyo with incendiaries, wave after wave of B–29s homed-in on the target. In the conflagration which followed, it was estimated that more than 72,000 Japanese civilians died.

And that, of course, was just the beginning. Eventually, much of urban Japan was cinderized, with the vast bulk of casualties occurring among non-combatants. There is no record of American outrage at such tactics.

In Europe, the Allies have never been able to present a logical case for the late-war saturation bombing of Dresden, in which literally tens of thousands of civilians were killed. Dresden had been largely by-passed up until that cataclysmic decision, and then it was obliterated. Why? The question has been bouncing around for a quarter of a century, although never to the point of court martial for those who turned the hungry tiger of war loose on a weakly defended target.

Back in the Pacific, it was standard procedure for Marines and GIs to "shoot everything that moved" during invasions of such bastions as Saipan, Tinian, Okinawa and Iwo Jima.

Combat troops operated on the theory that everyone was an enemy until proven otherwise and there was no outcry in this country against such a policy. Later, in Korea, it was difficult at times to tell the difference between "friendlies" and "unfriendlies," and the presumption is widely shared that "mistakes" occurred.

The argument might be made that in the case of World War II we were fighting a war of survival, where as such has not been true in Vietnam, but the trouble with this is that the Army obviously neglected to impress upon William Calley that while his survival might be involved, the nation's wasn't, and therefore the ground rules had changed.

At My Lai, as far as a portion of public opinion is concerned, he was at least one war too late.

Leading a company of misfits, operating under orders he either misunderstood or accepted too literally, Lt. William L. Calley Jr. came to My Lai and to cold-blooded murder. So says the jury, and evidence sustains the verdict. But the case is not closed: The jury will remain out on the rest of humanity until an end is put to war, which is evil beyond description.

DESPITE PUPIL REACTION: CALLEY STILL NO HERO

The Calley jury is getting a raw deal. The nation has gone on an emotional jag following the verdict and sentence. In the process, there has been a tendency to make a hero out of a murderer. Thus six hours, five of whom knew at first hand the pressures in the field under which Calley cracked, have been thrust into the role of villains.

Calley is no hero. In this drama, his is an anti-hero role. In the wide spectrum of protest opinions have varied: Calley was only obeying orders, implicit or explicit; he was only doing what others before him had done; if not a scapegoat, his ordeal placed him in an heroic role; worst of all, the verdict against him was a condemnation of the American role in Vietnam.

The question the six jurors had to answer was: Did Calley with premeditation slaughter a group of civilians, including men, women and children? What the unthinking flag-waving protesters, with their "Free Calley" banners, forget is that if Calley, found guilty by due process of our laws, were freed, Americans would be admitting that such slaughter could be national policy.

The protesters can't have it both ways. The charge to the jury did not permit the jurors to have it both ways. As one juror said, "Calley was given every benefit of every doubt." The real pressure on these six men came from no rock-ribbed higher Army command trying to clear the Army's name. The real pressure was having to assess whether a man should be hanged, jailed or acquitted.

Their legal guideline was that American soldiers do not murder. Their finding was that Calley had done so, not once but 22 times.

There will be debate, also, over the intervention of President Nixon in announcing personal review and decision before any final sentence is carried out. He, it is stated, will hold a "nontechnical and nonlegal review." It is claimed it will not reflect judgment on the merits of the case nor will it cast doubt on the fairness of the review procedures by the army.

But in citing the public outcry as prompting his action, the President identifies himself with the protesting some of which has been near hysterical, in contrast to the soul-searching deliberations of the jury, which had to follow what the laws directed and could not weigh emotions of the public in balance.

There is reason to be worried also how the President's intervention will affect the interim decisions of military review before the final decision comes to his scrutiny.

EASTER

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. CARNEY. Mr. Speaker—

> Welcome, happy morning!
> Age to age shall say.

So runs the refrain of one of the earliest and best loved Eastertime hymns, witnessing to the rejoicing characteristic of the Easter festival for millions of believers. For Christians, Easter celebrates the resurrection of Christ, the great and central affirmation of Christian faith. Its religious meaning is clearly stated by St. Paul:

> If you then have been raised with Christ, seek the things that are above.

For those who are not Christians, Easter remains a season of joy and glad release, marking the springtime renewal of the earth. The Easter spirit and the many happy customs associated with it have become a part of the psychological, commercial, and community life of all Americans of every faith and creed who are touched by its annual celebration. The roots of the Easter festival run deep into history.

Behind its present religious significance we can discern an even more ancient pagan celebration marking the new life which the spring sun brought to earth at this time. These origins can be found in the very name of the feast, which derives from the Norse word for the season of the rising sun and new birth, Ostar, often misinterpreted as the name of an Anglo-Saxon goddess. The old custom of lighting Easter bonfires recalls this ancient rite of welcoming the spring sun.

In truth, Easter is closer to the venerable Jewish feast of the Passover, and its traditional religious name, Pascha or Pasch, comes from the Greek—and Latin—forms of the Hebrew word for Passover, Pesakh, the "passing-over." So it is that the oldest and greatest of Christian holy days is intimately associated with the deliverance of the people of Israel from the bondage in Egypt as told in the great narrative of the Exodus.

As Americans we rejoice in such pleasant Easter customs as the traditional Easter Monday egg-rolling on the White House lawn, the wearing of new clothing, and the cheerful Easter Parade. But, more than these things, we share in the inner significance of the Easter holiday—the celebration of new hope for man, the assurance of immortality, and the affirmation of the deathless quality of life at its noblest. In these things, Easter speaks with the accents of eternity, and its message extends to the whole family of man.

CAPT. KATHRYN DUPREE

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. MILLER of California. Mr. Speaker, the Alameda Times Star for March 29, 1971 carried a story about an Alameda girl who has made good in the Army, Capt. Kathryn Dupree, whom I knew when she was in grade school.

She is now the commanding officer of Ft. Sill's Women's Army Corps Battery. Captain Dupree was an excellent student and a dedicated American. She came by this naturally because her father is an ex-serviceman and her mother has always been extremely active in veterans' affairs.

This very competent young lady worked very hard to complete her education, and is a credit to her parents, to her community, and to her nation. I am happy to have known her and her parents these many years.

ALAMEDA HIGH GRADUATE NOW WAC CAPTAIN AT FORT SILL

FORT SILL, Okla.—Under some circumstances, a total of two inches of height can make a big difference. It did for Kathryn J. Dupree.

Today she is captain and the new commanding officer of Ft. Sill's Women's Army Corps Battery.

Standing a total of four feet 10 inches tall, Capt. Dupree missed the Navy by two inches. "You have to be five feet tall to join the Navy," she explained.

An Alameda High graduate whose parents still live here, Capt. Dupree received an invitation while a junior in college to see what the Army was all about. That summer (1968) she went to Ft. McClellan, Ala., for four weeks as a corporal.

"I looked at the Army and the Army looked at me," she said with a smile. At the end of the four weeks, Capt. Dupree returned to college for her senior year as a corporal in reserve status.

"I've always wanted to join the armed forces, and I liked the Army," she said.

Receiving a bachelor's degree in bacteriology and immunology from the University of California at Berkeley in June, 1969, she subsequently was commissioned a first lieutenant on July 29 of that year.

In December, 1969, she was selected as a distinguished military graduate of the WAC Officer Basic Course. One of the most impressive honors bestowed on Capt. Dupree happened that month—she was selected to lead her graduation parade.

For the past year, Capt. Dupree has been executive officer of the WAC Company at Ft. Gordon, Ga. She took the reigns of Ft. Sill's WAC Battery early this month.

"I reported with my own foot stool," she laughed. The women at Ft. Gordon made her a green and gold foot stool (the Women's Army Corps Colors.)

While at Ft. Gordon, Capt. Dupree finished a two-week course in chemical, biological and radiological instruction. She also became the first woman officer to take the U.S. Army Military Police Drug Investigation Course.

Adding to her list of credits, Capt. Dupree is also taking the Civil Affairs Advanced Career Correspondence Course.

The service life is not new to Capt. Dupree. She is the daughter of what is known in the Navy as an "old salt." During her father's career in the Navy, Capt. Dupree covered quite a bit of territory. "Washington, Oregon and Hawaii are the only states I haven't been through," she said.

After graduating from Alameda High School in Alameda, Calif., in Jan. 1958, Capt. Dupree picked up stakes and moved to Tehran, Iran, where she worked in the accounting section of the U.S. Embassy.

Returning to the states in 1959, she started classes at Merritt College. After two years of working nights and going to classes on days, Capt. Dupree received an associate of arts degree.

At that point, she transferred to the University of California at Berkeley. Then she received her invitation to see what the Army was all about, and Capt. Dupree wasn't sure what to do.

"I wanted to go on and become a doctor, but scholarships don't cover the cost involved. It's hard work to work your way through medical school," she said. "The invitation was sort of a decision-maker. I can use every bit of experience—everything I've ever learned."

Capt. Dupree believes that leadership is accomplished by example. "For instance when I asked my girls to shine their shoes I expect to have my shoes spit-shined."

Capt. Dupree received the Army Commendation Medal before reporting to Ft. Sill. She earned the medal for meritorious service while stationed at Fort Gordon.

Capt. Dupree is the daughter of Mrs. Sarah W. Booth, 2138 Alameda Ave., and Gordon P. Dupree, 917A Santa Clara Ave.

WHITNEY YOUNG: WE WILL ALL MISS HIM

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. MIKVA. Mr. Speaker, the past few weeks have brought to America two occasions for sorrow—the death of Whitney Young, and the anniversary of the assassination of Martin Luther King. These two great men, both leaders in the continuing struggle for justice and equality for black Americans, differed in life even as they did in death. Dr. King appealed to the conscience of a Nation; he dared to dream and to demand that his dream come true. He awoke the pride of a people. And he died by an assassin's bullet.

Whitney Young went downtown. He toiled tirelessly to reach the men who held the power to make good on the promises evoked by the Constitution and by the civil rights movement of the 1960's.

He died a long way from home, in a foreign land where he had gone to meet with men like himself, seeking real solutions to real problems.

His death, like Dr. King's, deprives us of a messenger, but not of the message. Like Dr. King, Whitney Young devoted his life to doing everything he could to make the American dream a reality for black Americans. It is now left to the country to do all it can. A Nation with a conscience would build no lesser a memorial to the cause for which Whitney Young lived. We will all miss him.

PLIGHT OF RURAL AMERICA

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. DE LA GARZA. Mr. Speaker, I join with many of my colleagues in a continuing effort to focus attention to the plight of rural America.

By no means do we seek—or is it our intention—to detract in any way from the problems of our city brethren. The fact is that in my estimation the problem is more acute in the rural areas, since it is the problem of the rural areas that has compounded the city problem.

As our brothers leave the farms and journey to the city with the hope of a better life—or at least more of an opportunity than they had in the rural areas—they overcrowd the cities, they overburden the governmental services and all the facilities and more often than not end up in worse circumstances.

Too many times people tend to apply a remedy to the local problem, not realizing that the actual cause of the problem is far away. And so we keep hearing pleas for increased expenditures for the cities, while the flow of people continues into the cities.

We must and I say very emphatically, we must attack the problem at its source.

Mr. Speaker and my colleagues, I know that many people have many ideas as to what causes the problem and there are, I am sure, as many answers. So what I say today is my personal opinion and my humble recommendations are again my personal views. I speak for no group nor for any person but myself.

Let us look for awhile at our city brothers and compare their plight to that of rural America. Regardless of any other problem our city brothers have, they have available at least the basic facilities and, in most instances, laws on zoning or housing to assure the minimum services of water, lights, sewer, and gas or at least supplies of coal or fuel oil.

Such is not the case in rural America. We have a terrible problem even for these basic necessities. There are many settlements—some are called colonis in my area—that have no facilities at all for sewerage disposal—and no reasonable expectation to secure any under the existing programs which are, in the major part, limited to cities and towns or at least incorporated areas.

The several Federal agencies dealing with this problem must meet this need. I urge strongly that they begin at least to look at the possibility of adding this area of concern to the existing programs or recommending appropriate legislation for that purpose.

Again our city brothers have, for the greatest part, domestic water available for home consumption and laws making certain requirements for water purity, also Federal programs for grants and loans to provide these facilities. We of the rural areas have a very limited area of Federal participation and never enough money to even take care of those areas that want to participate.

It is a shame to have to tell you that we still have many of our citizens in my area who must drink water from irrigation ditches and canals. Many must carry water in tanks or barrels for miles to have any water in their homes.

This should not be so in this day and age. I again urge the respective agencies to at least take a look at this terrible problem, and I again strongly recommend the appropriate legislation be recommended to make available grants for this type service. I say this because the greater majority of these people are below the poverty level and as much as they would like to help themselves, they are unable to do so.

They are not doing this by choice, they have no alternative. We cannot, we must not allow this to continue. As we speak of priorities the plight of these people should be uppermost in our plans.

Continuing these efforts, we now go to power and light. There is no problem, I am sure, in any municipality. We do have the REA, providing a very excellent service to Rural America, but we still have the problem that they do not have sufficient funds to provide the service everywhere that it is needed. As fine a service as the REA and the several public utility companies provide, we still have plenty of room for improvement.

And so the list continues, Mr. Speaker, reciting the problems of rural America and the areas in which they are deficient. Such areas are farther away from a doctor or a hospital, more often than not they do not have the necessary resources for either medical attention or medicine. Their children are farther away from the schools or other educational facilities. The same applies even to the few Federal programs available to them.

It becomes a problem of accessibility because of the concentrated location of these facilities in the cities.

Finally, Mr. Speaker and my colleagues, I would like to mention a most serious problem in the rural area—and this is employment.

I know that the Government cannot solve this problem, but it should help wherever possible. These our rural brothers in the much greater majority are decent, hard working citizens. The much greater majority are devout Christian families. Their children are not by and large those who are frequently in trouble.

Rural America is the grassroots of our country and it is very unfortunate that this vast segment really is suffering a plight not of their own making. I know of no one who is poor by choice.

Now, my colleagues, I do not want you

to get the impression that we have not been trying to correct these deficiencies, nor would I want you to get the idea that these people have not tried to help themselves. Let me assure you neither is the case. The reason for this talk is to ask your help, to strongly recommend that the several agencies revise their programs, and if necessary, recommend corrective legislation.

This is to respectfully ask you my colleagues, to look to the plight of rural America and to let us join the problems of our city brothers in order that we might work together to make truly a better life for all Americans.

FDA—FRIEND OR FOE OF THE PEOPLE?

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BADILLO. Mr. Speaker, today I have introduced a resolution calling upon the Government Operations Committee to fully investigate the procedures followed by the Food and Drug Administration before banning the use of intravenous—IV—solutions manufactured by Abbott Laboratories.

A recent article, April 2, in "Science" published by the American Association for the Advancement of Science entitled "Food and Drug Administration: Is Protecting Lives the Priority?" raises some extremely serious questions as to exactly how and based on what informational sources are decisions made within the FDA.

Mr. Bazall, the author of the article indicates that as early as January 1971, the Federal Center for Disease Control, the Public Health Service unit, responsible for monitoring outbreaks of infectious disease, informed FDA officials that there was something involving Abbott's IV solutions which was causing widespread blood poisoning.

The FDA on March 11 issued some precautionary instructions to users of Abbott's IV solutions and finally on March 22, after public attention had been drawn to the problem by Ralph Nader and Dr. Sidney Wolfe of the Medical Committee for Human Rights, banned the use of the solution in question.

No one at the present time really knows how many people were affected by the contaminated solution. The CDC studied eight of the 8,000 hospitals that used Abbott's solution and documented 150 cases of blood poisoning and nine deaths.

There is no way of knowing what a full-scale investigation will reveal but the American people have a right to know whether or not the FDA is working for or against their interests.

For the benefit of my colleagues, I am inserting Mr. Bazall's article and a copy of the resolution in the RECORD:

FOOD AND DRUG ADMINISTRATION: IS PROTECTING LIVES THE PRIORITY?

In January officials of the Food and Drug Administration (FDA) knew that the use of bottled intravenous feeding solutions manufactured by Abbott Laboratories had somehow led to an outbreak of blood poisoning and several deaths. Yet they took no action. In early March, the FDA found out that a large percentage of the Abbott solutions were contaminated with the infectious bacteria responsible for the blood poisoning. Yet they did not ban the products. They only recommended that certain precautions be taken when the solutions were given to patients. Not until 22 March did FDA recommend that hospitals stop using the Abbott products. And then only after consumer-advocate Ralph Nader appeared on national television denouncing the agency for its failure to act.

The intravenous (I.V.) solutions (mostly combinations of dextrose and salts in water) are used in virtually every hospital to feed nutrients to critically ill patients. Until the ban Abbott Laboratories supplied 45 percent of the 250,000 bottles of I.V. solutions administered daily to patients in the United States.

The magnitude of the epidemic brought on by the Abbott products is unknown. The federal Center for Disease Control in Atlanta (CDC) carefully documented 150 cases of blood poisoning including nine deaths in only eight hospitals. But over 8000 hospitals were using the Abbott products at the time the contamination was discovered. A spokesman for CDC told *Science*, "We have no way of knowing the full extent of the problem, but you can extrapolate a guess."

A decision by FDA officials to ban any product involves complex consideration, many of them subjective. And from the vantage point of hindsight, the FDA can make an easy target for critics. Nevertheless, the case of the Abbott's I.V. solutions involved enough irregularities and a sufficient number of deaths to warrant close scrutiny. Whether or not anyone acted incorrectly, the incident is likely to result in congressional hearings and another round of criticism of the FDA.

Included among the irregularities is a curious history of violations involving Abbott's I.V. solutions, none of them resulting in prosecution by the FDA. In 1969, FDA inspectors found hairline cracks in some bottles of the Abbott solutions, which resulted in contamination. Abbott agreed to recall the damaged bottles and improve its manufacturing techniques. In 1964, FDA first cited Abbott several times for mislabeling its I.V. solutions, then, later in the year, because two lots were discovered to be moldy, and finally because the caps on the bottles were shown to leak.

The House Intergovernmental Relations Subcommittee, while investigating the 1964 series of violations, discovered that high FDA officials in Washington had suddenly ordered an end to the investigation of Abbott Laboratories. During an inspection of Abbott's plant in North Chicago, two FDA field inspectors received a phone call from their superior ordering them to "get out of the plant by noon." The investigation was thus precipitously concluded. And no satisfactory explanation has been offered.

The death of a 28-year-old woman on 5 July 1970 at the Medical College of Virginia in Richmond called the first attention to the current problem. Although hospitalized for hepatitis, the woman died from blood poisoning (septicemia). And the same rare bacteria found in her blood were growing in her bedside I.V. feeding bottle. Richard J. Duma of the college's department of internal medicine, while investigating the death, found that two other patients had recently contracted blood poisoning from the same organism. Duma and two colleagues, John F. Warner and Harry P. Dalton, then sampled all of the I.V. units in use in the hospital. Thirty-five percent of the solution bottles were contaminated with the same organism. The hospital's entire supply was manufactured by Abbott. "I had a lot of trouble getting people to believe that so many of the bottles were contaminated," recalled Duma.

Despite the extent of the problem, unopened bottles of the I.V. solutions showed no signs of contamination. "We concluded that the source of the contamination was at the bottle cap," said Duma. "But we were unable to tell whether the bacteria were coming from the manufacturer or getting into the bottles after they were opened."

As soon as he was sure of his results (in late July), Duma notified FDA, CDC, and Abbott. CDC, the Public Health Service unit responsible for monitoring outbreaks of infectious disease, immediately dispatched a representative to the hospitals. Pending the investigation by CDC, FDA took no action. And Abbott only replied that the product was manufactured with adequate quality control. Meanwhile, Duma concluded that he had best get his results published in order to alert others to the potential danger. Duma's findings appeared in the 4 February issue of the *New England Journal of Medicine* (285, 257).

In early December, three CDC investigators, Dennis Maki, Conrad Fulkerson, and Frank Rhame, began a thorough study of the epidemic in the Virginia hospital. At first they assumed that the contamination originated outside of the bottled solutions. Accompanying the bottled solutions are disposable kits to deliver the liquid slowly into the patients' veins. And contamination could enter the system from the air or from a nurse's hand as she sets up the apparatus.

"We had regarded the prepackaged sterilized products as inviolate," said Fulkerson, "particularly since the unopened bottles showed no contamination." thus they searched, with no luck, for some source of the bacteria in the hospital.

NATIONWIDE EPIDEMIC

Late in December, however, the CDC investigators discovered that the problem went beyond the Virginia hospital. Through a chance conversation with a friend in California, Maki learned that a similar outbreak of blood poisoning with the same rare bacteria had occurred at Orange County Hospital. Then on 5 January, St. Anthony's Hospital in Denver reported 24 cases of blood poisoning and one death, again from blood poisoning due to the same organisms. Later in the month, Henry Ford Hospital in Detroit reported 45 cases and eight deaths.

Since the Medical College of Virginia used the Abbott products exclusively, no evidence had conclusively linked the Abbott solutions and the infections. But each of the newly discovered outbreaks involved the Abbott I.V. solutions. Furthermore, the CDC investigators had "cultured out" the I.V. solutions at a hospital that didn't use Abbott and found no contamination or infection. Thus, while they still didn't know how it was happening, the investigators realized that something about the Abbott products was resulting in blood poisoning. "Epidemiologically, it was damned suspicious," said Maki.

The decision to remove a product from use rests not with CDC, but with the FDA. All through the investigation, George Blatt of FDA's Office of Compliance kept tabs on the CDC findings. Blatt does not believe that the relation discovered in January between the disease and the Abbott products warranted any action by the FDA and, indeed, FDA did nothing at the time.

"You don't take legal action against a firm," Blatt told *Science*, "until you have evidence that can stand up in court. You have to define where the problem is. And all you had at the time was an association of the disease with the product." He emphasized, however, that the decisions regarding action against Abbott were made not by him, but by the Commissioner of Food and Drugs, Charles E. Edwards.

But, in spite of the illnesses and deaths resulting from the products, Edwards says he knew nothing of the problem. In an interview with *Science*, both Edwards and his associate commissioner for compliance, Sam Fine, insisted that the first they heard of the difficulties, other than what had been published in the *New England Journal of Medicine* was 11 March. That was after the discovery of the contaminated bottle caps.

Blatt told *Science*, however, that "Of course, Fine and Edwards knew of the investigation all along." But when told that they denied knowing about it, he replied, "I report things and I write memos. But someone above me makes the decisions about who sees them."

In any event, immediate action became imperative with the discovery of the guilty germs in a space between a plastic liner and an aluminum disk in the Abbott solution's bottle cap assembly. By 10 March, the CDC investigators were convinced that a certain portion of the Abbott I.V. fluids had left the factory contaminated. They surmised that the bacteria escaped into the solution if the bottle was shaken so that the fluid washed over the bottle cap liners.

On 11 March representatives of Abbott, FDA, and CDC met in Atlanta. The next morning David Sensor, the director of CDC, Edward J. Ledder, the president of Abbott Laboratories, Surgeon General Jesse Steinfeld, and Commissioner Edwards met in Washington to discuss the problem. That afternoon Edwards and Sensor announced at a press conference that a ban was not feasible and that "special precautions must be taken . . . to reduce the risk of septicemia from the use of Abbott Laboratories' intravenous infusion products." The precautions included gentle removal of the bottle caps, changing of the I.V. apparatus every 24 hours, and watching for the first signs of blood poisoning.

They also announced that "these products will be replaced as rapidly as possible by Abbott." A spokesman for the FDA insisted that Abbott representatives at the meetings came only to supply information and had nothing to do with the decision.

SHORTAGES OF ALTERNATE SUPPLIES

In explaining his decision on 13 March not to ban the use of the contaminated solutions, Edwards told *Science*, "You've got to understand that all we had at that time was very preliminary data. We believed that the precautions could allow the solutions to be used safely." Edwards also emphasized that FDA didn't have accurate information about the availability of replacement products from Abbott's competitors. And since Abbott was supplying 45 percent of the critical solutions, he could not simply order hospitals to stop using the Abbott products. "We might have killed more people by banning the Abbott solutions than by allowing their use," added Fine.

Yet FDA officials acknowledge that they did not even check on the availability of solutions from other manufacturers until after the 13 March announcement. Thus while FDA met with Abbott on 12 and 13 March, Abbott's three competitors, Baxter Laboratories, Cutter Laboratories, and American Hospital Supply, heard from FDA a few days later. When on 19 March government specialists did complete a suprvey of the competitors, they concluded that, for the most part, hospitals' stocks of Abbott solutions could be replaced. "The reason for the delay," said Edwards, "was that we didn't know of the problem until 11 March. After that we acted as fast as possible."

Although the FDA had declared that the Abbott solutions could be used safely, the Army disagreed. On 15 March, the Army Surgeon General issued a worldwide notice ordering all Army medical facilities "to suspend from immediate use and issue all Abbott intravenous solutions." The Army and the FDA differed in their actions, according to one medical officer, because the Army wasn't depending solely on Abbott products. And "because in the military services we never take a chance with a product that might be faulty."

On 19 March, Sidney Wolfe, a Washington internist and member of the Medical Committee for Human Rights, heard from a physician friend in New York. Wolfe's friend claimed that the extent of the infections caused by the Abbott solutions in his hospital exceeded the number claimed by government officials. He also claimed that the FDA-recommended precautions did little to reduce the incidence of blood poisoning.

After investigating the problem, Wolfe contacted Ralph Nader, who agreed to send a joint letter to Edwards demanding a ban on the product. The letter sent the following Sunday (21 March) alleged that ". . . there is a clear mandate from the data the CDC has collected to order Abbott intravenous products off the market and thereby *insure* the end of this epidemic of blood infections and death."

Nader and Wolfe were particularly critical of one of the FDA precautions that read: "At the first suspicion of septicemia which might be associated with contaminated intravenous fluid, all existent IV apparatus should be removed. . . ." Claiming that "it is a form of malpractice to wait until a patient develops evidence of the blood infection," the letter said, "the recommendation is a cowardly repudiation of the ethic of preventive medicine."

In response to an appearance on national television news by Nader and Wolfe publicizing their letter, Edwards defended his 13 March decision. But the next day he essentially followed their recommendation and banned the use of all Abbott I.V. solutions, except for emergency situations.

Listing the reasons for the change of decision, Edwards included new evidence regarding the exent of the epidemic, availability of alternative suppliers, and the ease by which bacteria can find their way into the I.V. solution. After 13 March, while evidence of new cases of blood poisoning was pouring into CDC headquarters, the three investigators who had located the contamination were working 20 hours a day trying to find the mechanism of the contamination. They found that one need only twist the cap, not shake the bottle as they had thought, to release the bacteria. Thus they concluded that the Abbott solutions were unsafe under any conditions.

Abbott Laboratories issued a press release stating that "it will co-operate with the FDA" and emphasizing that the I.V. solutions represented only 8 percent of the company's total sales last year. Beyond that, however, company officials refuse to discuss the matter.

Even though all the pieces of the puzzle weren't in place until the third week in March, FDA officials clearly had sufficient information to take action and save lives before then. One might ask why FDA officials believe that a strong association between a product and a serious infection is insufficient reason to take action against the product. Or, why, at the very least, they had not investigated the availability of alternative supplies of the I.V. solutions at the first suspicion of the Abbott products.

Only a congressional investigation can provide the answer to those questions, since FDA tends to regard the specifics of its regulatory decisions as privileged information.

Directing the Committee on Government Operation To Investigate the Failure of the Food and Drug Administration To Take Timely Effective Steps To Ban the Use of Contaminated Intravenous Solutions Manufactured by Abbott Laboratories

Whereas as early as January 1971 the Food and Drug Administration was notified of blood poisonings and deaths resulting from the administration of intravenous solutions manufactured by Abbott Laboratories, supplier of almost half of such solutions administered to patients in the United States;

Whereas despite evidence of numerous, widespread occurrences of blood poisonings and deaths from the administration of such solutions, the Food and Drug Administration took no action until March 13, 1971, and then only to recommend certain precautionary procedures in the use of such solutions;

Whereas not until there was national publicity indicating the seriousness of the problem did the Administration ban the use of such solutions;

Whereas it is clear that only a congressional investigation can provide the answer to why the Food and Drug Administration failed in this case to act promptly and effectively to save patients' health and lives: Now, therefore, be it *Resolved*, That the Committee on Government Operations, acting as a whole or by subcommittee, shall conduct a full and complete investigation and study of the failure of the Food and Drug Administration to act promptly and effectively against Abbott Laboratories to protect the health and lives of patients who were given contaminated intravenous solutions supplied by Abbott Laboratories.

SEC. 2. For the purpose of carrying out this resolution the committee or subcommittee is authorized to sit and act during the present Congress at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandas, papers, and documents, as it deems necessary. Subpoenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

SEC. 3. The committee shall report to the House, before the last day of the first session of the 92nd Congress, the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

EARTHQUAKES IN PANAMA

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. FLOOD. Mr. Speaker, on the 19th of January 1971, there was an earth disturbance in the Canal Zone and in a contiguous area in Panama. This was, perhaps, the most serious tremor in that region since 1882. Panama, as a whole, is supposed to be much less susceptible to earthquakes than the countries of Central America to the northwest.

In the earthquake shock of last January, it is of significant importance that a careful inspection was made under the supervision of Governor Leber, of the Canal Zone, to ascertain whether or not the locks and the canal were in any way damaged. The result of such inspection revealed no cracks or other injury to any of the locks or to the Panama Canal as a whole.

In Panama City, the tremors occasioned more damage, perhaps, than in any other portion of the isthmus, but apparently, without loss of life.

It was most gratifying that all the lock walls and chambers and other like installations of the canal were not in the least marked by the January visitation. This speaks well for the builders of the Panama Canal in the designs for the operating structures, and is eloquent testimony to the value of the route chosen for the existing canal.

It also constitutes assurance that the third locks-terminal lake plan for a parallel set of larger locks, as provided for in the pending bills in the House and Senate, authorizing such construction, is a feasible solution of the problem of increased capacity of the present canal.

In the official periodical of the Panama Canal enterprise, the Panama Canal Spillway, of March 19, 1971, there appears a most informative discussion of earthquakes and their application to the canal and Panama. Because of popular interest in the subject involved, I quote as a part of my remarks, the carefully written and scientific discussion of the subject, as follows:

EARTHQUAKES

A tall tale much circulated during the 1920's was that as the earth revolved on its axis, it needed oil to lubricate the bearings and since men were punching holes in it and extracting the oil put there for this purpose it was beginning to creak and groan and this was causing earthquakes. The dire prediction was that if the oil companies didn't stop digging oil wells the earth was going to stop rotating due to lack of oil for the bearings.

This tale was told in jest but from earliest history men speculated as to the cause of earthquakes and many theories were advanced before scientific knowledge was available. Some insisted that giant tortoises, moles, hogs, or whales lived deep inside the earth and their restless movements brought on the tremors. The Hindus, at one time, maintained that the earth was supported on the backs of elephants and shakes, could, of course, be expected.

We now know that earthquakes may be caused by a number of things. The movement of a train, the jolt from a landslide, a dynamite explosion or heavy thunder may produce a miniature local earthquake but the so-called seismic disturbances, like the ones that occurred here January 19 and 20, are usually caused by a slipping or settlement at fault lines in the earth rocks due to overstressing at some locality of the earth's surfaces.

A fault is a fracture in the earth's crust accompanied by a displacement of one side of the fracture with respect to the other in a direction parallel to the fracture. Places subject to earthquakes have usually had many periods of seismic activity in the past which have resulted in these deep vertical faults. Some of these fractures may be traced for many miles. In California the San Andreas Fault, recently well publicized in the calypso song, "Day by Day," reaches from the Gulf of California to the coast north of San Francisco. Seismic instruments have been set up along this fault in an effort to obtain understanding of the rate of strain accumulation and what signals, if any, precede a major shock. Studies of continental drift, the interaction between the earth's rotation and seismic activity, and other fundamental studies are being carried out in an attempt to better understand earthquakes.

There is, as yet, no way to predict where and when an earthquake will occur. Still, people in areas where there are frequent tremors are often heard to say such things as "it is perfect earthquake weather" when the sky appears hazy even though all available evidence indicates that there is no connection between weather and earthquakes.

An earthquake may be caused also by the sudden eruption of a volcano which sets up earth vibrations. In this case, the earthquake shocks usually precede the actual eruption. The biggest quakes, however, are not accompanied by volcanic action.

The first indication of a heavy earthquake is usually a distant subterranean thunder that seems to come from directly under one's feet. In a second or two, the ground swells into a low ridge moving like a wave on the sea. Some people are affected by nausea, like seasickness. Ponds of water may disappear and disagreeable earth odors may be noticed.

The source of an earthquake shock may be miles below the surface of the earth. The motion is transmitted longitudinally and transversely in waves like those of sound and light. The speed of the movement of these waves will vary as they move away from the source, called the "epicenter," according to the elasticity and density of the rocks it passes through, varying from a few hundred feet a second to as high as 5 miles a second. The waves move slower and get further apart the farther they get away from the source. The quake is less violent the farther one gets from the epicenter although the markings of the seismic instruments may show plainly many thousands of miles away.

A small room in one corner of the basement of the Administration Building at Balboa Heights provides local information about earthquakes which occur in this part of the world. The sensitive equipment there is a part of a global earthquake recording network spanning six continents and including a total of 125 stations in 65 nations and islands.

Here, by using several seismographic instruments placed in proper geographical relationship to the earth, the various vibrations coming from an earthquake are recorded simultaneously. Using these recordings the seismologist then is able to determine the direction from which the vibrations came, the distance they have traveled before reaching the seismograph, and the severity of the earthquake at its point of origin. By comparing data from a number of different locations, much more extensive information can be accumulated.

Small tremors or after shocks usually follow an earthquake. One such shock was felt on the Isthmus January 27 a week after the heavier quake which had registered between 5 and 5.5 on the Richter scale. The after shocks often cause renewed anxiety and people begin anticipating another heavy quake.

After the earthquake of September 7, 1882, reported to be the worst ever to occur on the Isthmus, many people began standing several narrow neck bottles upsidedown on a table every night before they went to bed so that the slightest shake would upset the bottles and serve as a kind of earthquake alarm.

Except for the 1882 earthquake, which caused extensive damage, Panama has been fortunate in comparison to her Central and South American neighbors. Ralph Z. Kirkpatrick, Panama Canal chief hydrographer in 1923, in discussing Panama said: "Her ancient and unbroken old Spanish Flat Arch, and the old masonry arched bridge and old towers in Old Panama, standing frangible but unbroken for over 300 years, told a reassuring story to the practical engineers who were looking for a safe site for an Isthmian canal—better than could have the best seismologists from theory. One of the fortunate things nature did was to put a sort of seismic safety valve, as it were, over 100 miles from the nearest part of the Canal, in Panama Bay. In the general location of the 100 fanthom depth line in Panama Bay there seems to be submarine palisades, running from the west coast of Colombia along the bed of the ocean nearly to Costa Rica. The occasional little jolt that is felt in Panama and the Canal Zone is nearly always from away out there; the safety valve is working to take up the undue earth stresses that have mounted up a little high since the last earth readjustment."

Reassuring as this is, however, the recent tremors have caused interest in what to do in the case of an earthquake and here are suggestions offered by the U.S. Environmental Science Service Administration:

WHAT TO DO DURING, AFTER THE SHAKING

During the Shaking:

1. Don't panic. The motion is frightening, but unless it shakes something down on top of you, it is harmless. Keep calm and ride it out.
2. If it catches you indoors, stay indoors. Take cover under a desk, table, bench, or in doorways, halls, and against inside walls. Stay away from glass.
3. Don't use candles, matches, or other open flames, either during or after the tremor. Douse all fires.
4. If the earthquake catches you outside, move away from buildings and utility wires. Once in the open, stay there until the shaking stops.
5. Don't run through or near buildings. The greatest danger from falling debris is just outside doorways and close to outer walls.
6. If you are in a moving car, stop as quickly as safety permits, but stay in the vehicle. A car is an excellent seismometer, and will jiggle wildly on its springs during the earthquake, but it is a good place to stay until the shaking stops.

After the Shaking:

1. Check your utilities, but do not turn them on. Earth movement may have cracked water, gas, and electrical conduits.
2. If you smell gas, open windows and shut off the main valve. Then leave the building and report gas leakage to authorities. Don't reenter the house until a utility official says it is safe.
3. If water pipes are damaged, shut off the supply at the main valve.
4. If electrical wiring is shorting out, shut off current at the main meter box.
5. Turn on your radio or television (if conditions permit) to get the latest emergency bulletins and the locations of safe shelters.
6. Stay off the telephone except to report an emergency.
7. Don't go sightseeing.
8. Stay out of severely damaged buildings; aftershocks can shake them down.

EMPLOYMENT

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. WYLIE. Mr. Speaker, Mr. David Cox, president of Ross Laboratories, Columbus, Ohio, called my attention to an article in the Wall Street Journal for March 1, 1971, which I found most interesting and revealing. For those of my colleagues who missed it, the information contained therein is as follows:

Employment within the United States during 1970 was up approximately 730,000 over 1969. Sound strange?

The facts surrounding this phenomenon are that although unemployment as calculated on a percentage basis rose to a year end high of 6.2%; there were 730,000 more

Americans employed at the end of '70 as opposed to '69. The reason for the upward trend in the percent unemployed was that the civilian labor force grew faster than the demand for labor. The labor force increased approximately 2 million in total while the increase in jobs was only 730,000. On a monthly basis this amounted to a 165,000 per month increase in the labor force as compared to 60,000 available jobs.

During the 1970's, an estimated 41 million workers will enter the labor pool. Most of these workers, it is estimated approximately 50%, will be in the 25-34 age bracket.

A JOINT HOUSE-SENATE COLLOQUIUM ON INTERNATIONAL ENVIRONMENTAL SCIENCE

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. MILLER of California. Mr. Speaker, today I am pleased to announce plans for a Joint House-Senate Colloquium on International Environmental Science, to be held on May 25-26, 1971, in the Old Supreme Court Chamber of the Capitol. This colloquium will be held under the auspices of the House Committee on Science and Astronautics and the Senate Committee on Commerce.

The purpose of this 2-day meeting is to discuss the status of scientific information as a basis for pending decisions on environmental problems which are worldwide in scope. The meeting will be open to all Members of the Congress and will provide a critical opportunity for them to meet with a number of leaders from governmental and scientific organizations working in environmental matters.

Key participants who will take part include: Mr. Maurice Strong, Secretary General of the United Nations Conference on the Human Environment; Mr. Christian A. Herter, Jr., Special Assistant to the Secretary of State for Environmental Affairs; Mr. Russell E. Train, Chairman of the Council on Environmental Quality; Dr. Francesco di Castri, vice president of the Special Committee for the International Biological Program; Dr. Bengt Lundholm from the Swedish Natural Science Research Council; and Dr. W. Frank Blair, Chairman of the U.S. National Committee for the IBP. Dr. Thomas F. Malone, vice president of the International Council of Scientific Unions and Deputy Foreign Secretary for the U.S. National Academy of Sciences, will serve as rapporteur for the proceedings.

The format for the colloquim will consist of morning sessions, from 10 a.m. to 12:30 p.m., on each of the 2 days, with invited participants presenting brief remarks and engaging in general discussion with the Members. More extensive prepared papers and supporting material will also be provided by the key participants.

Mr. Speaker, the problems of environmental management and quality are increasingly global in scope. We have long since passed the time when any one nation can solve alone the problems that confront it. Recognition of this fact has been manifested in the present plans to hold a United Nations Conference on the Human Environment in 1972. It is also manifested in the very nature of the problems with which Congress must deal—problems of ocean dumping, air pollution, pesticides in water, and a host of others. That pollutants know no national boundaries is a fact we have come to realize only too clearly in recent years.

We in Congress are increasingly bearing the burden for difficult and complex decisions relating to the environment. At the same time, our own organizational structure tends to fragment many of the programs as well as issues that confront us. Both Houses of Congress are involved in environmental affairs in virtually every one of its committees. In the operations of executive agencies, in appropriations approval, and in agreement on foreign treaties and arrangements, the Congress affects the role of our Nation in contributing to the resolution of national as well as international environmental problems.

Thus, the adequacy of the scientific information base which undergirds such decisions is of critical importance to all Members. The device of a Joint House-Senate Colloquium offers a timely and efficient means of acquainting a broad sector of the Congress and the general public with the status, needs, and opportunities of international and environmental science.

The rationale for the colloquium is that environmental pollution, resource management, and environmental quality are recognized as parts of a major public policy issue which is the proper relationship of man to his natural surroundings. Society is reexamining its attitudes, values, and activities, and changed programs and alternative life styles are being suggested.

Many of these problems are global in character while others are ubiquitous—sharing common causes and solutions. Environmental issues transcend arbitrary political boundaries. The working out of solutions to these complex problems in an optimum manner is one of the most difficult tasks to confront civilization. The decisionmaking process, in order to arrive at the best course of future action for all nations, must have the maximum possible information bases.

Both the House Science and Astronautics Committee and the Senate Commerce Committee have sought to develop these bases in their own way over many years.

The House Science Committee has actively sought to expand this information base in broad scientific areas from space exploration to environmental science. This committee has sought to further the aims and impetus behind our own international biological program—IBP—in an effort to provide the baseline data for future environmental decisionmaking. It has encouraged and supported increased activity in international environmental surveillance through our space program. It has also provided support to expanding scientific attaché programs of the State Department, to the basic and applied research programs of the National Science Foundation, and to the multiplicity of programs of the National Bureau of Standards. In addition, it has fostered improved international understanding and opened new channels of information concerning national and international science policy through its annual meetings with its panel on science and technology.

In 1967, it cosponsored the first House-Senate Joint Colloquium on the Environment with the Senate Insular Affairs Committee, which resulted in the influential Congressional White Paper on the Environment.

As you are aware, Mr. Speaker, promotion of international environmental science is a matter of personal commitment to Senator MAGNUSON, as evidenced by his sponsorship of Senate Resolution 399 last year, in support of a World Environmental Institute.

Similarly, the Senate Commerce Committee has played an active role in furthering the interests of international environmental science through its advocacy of oceanic and atmospheric programs. The committee has fostered stronger Federal organization for national and international participation in these areas.

In addition, the committee has sought to remedy ocean oil pollution through its handling of the implementing legislation for the Convention on the Prevention of Pollution of the Sea by Oil. The committee also actively pursues a broad range of environmental legislation, concerning pesticides, mercury and other toxic metals, low polluting vehicles, air pollution from aircraft, powerplant siting, urban and other international environmental problems.

The coming joint colloquium represents a continuing effort on the part of some of us to bring to the Congress an integrated, multidisciplinary, systems aproach to problems of a particularly complex nature. In that respect, perhaps, its form and mode may be as important as its substance.

LIFE LINES REVIEW WONDERS ABOUT CBS OBJECTIVES

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. HÉBERT. Mr. Speaker, Keith Kathan, editor of Life Lines, has written a review of the CBS program, "The Selling of the Pentagon," in the April 7 issue of his publication.

In the article he poses an interesting question relating to the motives of CBS in producing the so-called documentary.

I want my colleagues to read Mr. Kathan's review and for that reason I am inserting it at this point in the RECORD:

A First Amendment Crisis?

THE SELLING OF THE PENTAGON

(By Keith Kathan)

Who shall ascend into the hill of the Lord?
or who shall stand in his holy place?
He that hath clean hands, and a pure heart;
who hath not lifted up his soul into
vanity, nor sworn deceitfully.
Psalms XXIV, Verses 3–4

Anyone who was conscious while watching CBS's "Selling of the Pentagon" and who was acquainted with the above passages from the Bible could surmise that CBS–TV News is standing in a Bolshevik bawdy house.

Trying as hard as objectivity will allow, I cannot call this program anything less than a Communist propaganda film. The script and the feeble yet arrogant CBS reply to the program's critics were self-defeating and I got the impression that CBS has a passionate death wish. Not for itself, but for freedom of the press.

What was the point CBS was trying to make? CBS said that the Pentagon is an unchecked bureaucracy and this documentary would shed light on this runaway monster called the Pentagon. But the claim doesn't hold water, because too many points made by Correspondent Roger Mudd indicated a seething dissatisfaction with anything olive drab. Mudd said Pentagon films show "an obsession with monolithic communism." Mudd thus ignores the one billion people behind the iron curtain who got gobbled up by a monolith and blandly disregards Russia's record of genocide and militarism which is apparent from Ukraine to Suez, westward to Havana.

What, one would ask, is wrong with national defense? What is wrong with "selling" the view that the Pentagon is in the business of shooting guns and driving tanks and steering ships where such activity is required by the Constitutional prerogative of Congress? Presumably, judging from the CBS repetition of the word, *propaganda* is what is wrong; ergo, one would surmise, CBS–TV would have the Pentagon shut its trap. But ah, this would also mean Pentagon spokesmen could not go around bad-mouthing communism at Rotarian dinners—a practice which the CBS script treated with the finality of a Houndawg rocket.

It keeps coming back, when you review the script: CBS is mad because we have a Pentagon which is obsessed with monolithic communism. Then you remember the other documentaries—the ones favorable to Castro, to the Tax-Spend-Elect socio-economic views of socialists, indeed to the War on Poverty, HEW, and other bureaucracies whose runaway nature makes the Pentagon look like an also-ran. CBS is the chicken thief posing as a pillar of society.

U.S. Rep. F. Edward Hébert, Chairman of the House Armed Services Committee, said the film clip of him and a former prisoner of war was obtained under false pretenses, a claim which CBS News Boss Richard Salant tried to refute, but in the refutation only issued another abstractive inexactitude. He referred to the last paragraph of a letter of permission, written to CBS, as CBS's right to use the film in any way it wanted. Not so. CBS all along had told Hébert's office it wanted the film only in context of telling of the story of prisoners of war. The last paragraph merely gave permission to use all or a portion of the film clip.

Hébert said: "Wittingly or unwittingly, deliberately or undeliberately, this was one of the most un-American things done on TV. It was an un-American activity." Hébert was, I think, saying in his own southern gentlemanly way, that this was nothing less than a Communist propaganda film.

There is a little more to this whole disgusting chapter in TV journalism. CBS employs a tactic rarely understood by the people. In revealing that CBS Anchorman Cronkite has narrated Pentagon "propaganda" films and admitting CBS has aided Pentagonian propaganda in other ways, it assumes the listener will conclude the network has nothing to hide, hides nothing and is therefore to be believed. But as *Life Lines* has proved in print over the years, and as Vice-President Agnew stated: "(Viewers) cannot rely on CBS documentaries for facts." Thus, we see we have come full circle. CBS dons the halo of saintly newsgatherers, piously castigating the Pentagon for propaganda, while propagandizing against the military and employing every conceivably dirty journalistic trick known to mob psychologists.

I am bothered by a continually nagging question: could it be that CBS News is trying to create a constitutional crisis over the First Amendment, that it is trying to maneuver critics into the untenable position of defending themselves as destroyers of freedom of the press? The only such critics are conservatives and anti-communists. If they can be discredited, what opposition to Communist propaganda on television would be left? Those last remnants of a free press in Eastern Europe and Havana cry out from the grave:

"None."

Why, one *must* ask, does CBS stage news events, praise Castro and echo Kremlinesque phrases like "obsession with monolithic communism"? Why? It seems self-destructive on the surface. Why would CBS continually seek criticism or become a corporate Jerry Rubin if not to create crisis? CBS doesn't need the money, and has shown it can weather any criticism: all you do is admit a mistake here and there, and refute everything else. Result: you come out smelling like a rose, and only you know you have been researching in the out-house. If anyone fights back, tell everybody the critics are fascists who want to destroy freedom of the press.

I think that CBS worked for the other side, yes, I mean the Communists, in telecasting this program. Just as it did in its pro-Castro documentaries and the "Hunger in America" documentary—the latter emulating the editorial policy of the *Daily World*. If this keeps up, frequency would become the dictating factor as to whether one could call CBS the Communist Broadcasting System. If the lady persists, do you not call her a courtesan? I share these thoughts with members of one of America's largest clubs, "The Horrified CBS Watchers Society." No other explanation—discredit, create a crisis—seems rational or logical.

As a newsman who has talked with network reporters who left the networks because of staged and manipulated news, I agree with Spiro Agnew who said of CBS in the context of its telecast of "The Selling of the Pentagon" that CBS "has reached a level of irresponsibility which should no longer be tolerated."

How to end the irresponsibility is the problem. And no one knows that better than a snickering CBS News Department.

COMMERCE UNDER SECRETARY, ROCCO SICILIANO, AN OUTSTANDING PUBLIC SERVANT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BOB WILSON. Mr. Speaker, in a few days Under Secretary Rocco Siciliano will be leaving his position as the No. 2 man in the Department of Commerce to assume new duties and responsibilities as president and chief administrative officer of the T. I. Corp. of California. During his more than 2 years as Under Secretary of the Commerce Department, Rocco has been an outstanding public servant and the effort which he and Secretary of Commerce Maurice Stans have put forth since their appointment by President Nixon has contributed significantly to strengthening the role of the Department of Commerce in the affairs of Government and business.

Rocco has had a distinguished career in the Government service, legal profession, and in business. From 1953 to 1957, he served as Assistant Secretary of Labor and then was named Special Assistant to President Eisenhower for Personnel Management. In 1959 he joined the Washington law firm of Wisconsin, Cragun & Barker, and in April 1965 he became president and chief executive officer of the Pacific Maritime Association in San Francisco. He has made many significant contributions in these past 2 years and his understanding of maritime affairs made him a key figure along with Secretary Stans and Assistant Secretary for Maritime Affairs Andrew Gibson in putting together a program to revitalize the American merchant marine fleet.

On March 31, the Under Secretary made his last public speaking appearance before the San Diego Union's Ninth Annual Investment Clinic in San Diego, Calif. He spoke of the contribution which business has made to the American enterprise system and his remarks were particularly perceptive in pointing out the danger of public attitudes and political attacks upon that system. Business, he pointed out, used to be a most respected part of our national life, but today it is being attacked "both for doing and for not doing on matters of the environment, on consumer affairs, and on social involvement."

He goes on to say:

> This time in which we live may be described astrologically as the Age of Aquarius, but in fact it is the Age of Technology—and if the achievements of this century seem spectacular up to now, I submit that we have only had a taste of what lies ahead in the last 29 years of this century.
>
> Waging the battles which must be won to preserve our environment will require the development of unprecedented new technology, and in this lies the whole new frontier of economic opportunity, both for business and for its investors.
>
> Developing the resources of the seas which cover two-thirds of the earth—which must be done to meet the needs of a world population that may double in the remainder of this century—holds promise of another new economic bonanza waiting to be harvested by industry and investors.
>
> The whole thrust of our national effort to rebuild our cities, to expand our industry, to raise our standard of living and to increase our international trade lies in the growing development of exciting new high technology.

While we regret the administration is losing the services of this outstanding citizen, we are indeed pleased that he will be returning to California, where I know he will make a valuable contribution in his chosen field.

I insert in the Record his remarks before the San Diego audience last Wednesday:

ADDRESS BY THE HONORABLE ROCCO C. SICILIANO

This is the last opportunity I shall have to speak publicly as the Under Secretary of Commerce.

I am pleased to deliver my valedictory here in California, because like so many Americans this is where my roots have been transplanted in the adult years of my life, and this is the state to which I shall return in just a few days to begin a new private career.

SERVICE

The public service which I am now concluding marks the second time I have personally had the honor of participating in the work of the United States Government.

During the Administration of President Eisenhower I was privileged to see first-hand the great skill and patience and leadership which he brought to bear in the affairs of the Nation and the world to secure conditions of prosperity and peace.

During these past two years I have been equally privileged to share with the Administration of President Nixon in a commitment to the same goal under conditions which are often new, always complex and sometimes baffling.

Some of these conditions are matters which I would like to discuss here with you today.

COMPLEX

If any one fact is apparent from the Washington viewpoint today, it is this: that almost no aspect of our national life—or of the world around us—takes place without effect on the rest of the country or the rest of the world.

The environment, for example, affects political decisions on economic matters such as the SST, and in turn this will affect the welfare of a city, the progress of the aerospace industry, our balance of payments, and perhaps even our competitive position in an East-West race for technological leadership of the world.

So each action breeds its reaction. The world is not only shrinking in size with improvements in our systems of transportation and communications, but the smaller it gets the more complex its workings become.

The world which used to tell time by Big Ben now does so by the compact watch on our wrist.

FORWARD-LOOKING

This complexity being so, it is increasingly difficult to forecast the future, or even to predict its trends, with any reasonable degree of assurance.

Yet investors must look ahead by definition. When you make an investment, you are really buying a piece of tomorrow more than you are buying a share of today.

Since I am still cloaked in the mantle of public service, it would not be prudent for me to suggest specific opportunities for you to consider as you buy into the future.

Also, skilled economic analysts can look ahead with far more precision than I.

However, I would like to share with you a last look from Washington at some of the conditions which bear heavily on the working of our economy and our society today—some of the factors which will affect the investment climate in the near future and in the years to come.

ECONOMY

The first condition I would like to consider is the general state of the nation's economy.

As we all know, President Nixon inherited a set of economic and fiscal conditions which had their roots far back into the 1960's. Both inflation and unemployment were inevitable consequences of the public economic mismanagement which extended over most of the last decade.

Inflation and unemployment have not been solved as easily or as quickly as anyone expected. But as consequences of those calamitous years, they have also not been as severe as they might have been.

LONG-TERM

Today we hear the economy described as sluggish, slow to recover, and unresponsive.

But these observations often are the result of looking at the short-term individual indicators, rather than long-term trends. We have come too close to the trees to see the forest.

There are too many experts ready to predict the imminent failure of an orderly economic resurgence every time there is a stutter in the GNP or a stammer in the Consumer Price Index.

The fact is that the general state of the economy today is healthy.

The rate of inflation is less than it was a year ago, and far less than it was two years ago.

The rate of unemployment is declining. President Nixon's goals for reduced unemployment and a 4½ percent rate of inflation by mid 1972 are realistic, and they are attainable.

On a long-term basis, examining almost every major, significant, important indicator, the trend is upward. In the last 10 months alone the stock market has recovered more than 40 percent of its value from the low points of last year.

If you take even a longer view than the year past or the year ahead—if you look ahead to a decade of intelligent fiscal and monetary policies, as contrasted to the policies of the '60s—it becomes very clear that this nation's economy has no place to go but up.

GROWTH

The American affluence has only begun to make itself felt.

The fundamental fact is that we are growing in affluence and in numbers, and as consumers we have great and expanding spending abilities.

Our production capacity also is growing in its ability to satisfy our appetites and our pocketbooks.

Furthermore, we are buttressed on every side by protections against financial disasters, both personal and national. We have created systems of public and private insurance to protect almost every conceivable asset and every institution in the nation, so that regardless of the monthly or yearly fluctuations in our economy the general upward trend will never again suffer a 30's-type of major dislocation.

In short, the American enterprise system is strong and the American economy is in excellent condition.

ATTITUDES

The second factor which I would like to discuss briefly is the political condition surrounding the enterprise system in which you are investors.

On this point I am not quite so sanguine.

A major fact of American life over the past 10 years has been the conditions of change—in our social attitudes, our living standards, our position in the world at large—economically as well as politically—and in our attitudes.

We have changed our outlook on just about everything from crewcuts to women's skirts, and the public attitude has perhaps changed most sharply toward American business.

It used to be a most respected part of our national life. Today business has come under attack.

It is attacked both for doing and for not doing—on matters of the environment, on consumer affairs, and on social involvement.

Some of this criticism undoubtedly has been justified in the past, and may still be.

DAMAGE

But it is also certain that some of this criticism is in response to the popular complaints of fashionable zealots, who sometimes appear to seek not so much the correction of bona fide ills in our society as the destruction of our profit system and the corporate structure which sustains it.

These attacks leveled against business have been far reaching and perhaps far more damaging than many may realize.

The damage often lies not so much in the injury inflicted by each attack, but in the erosions which occur from this constant, relentless chipping away at the system. It is being increasingly worn down and fenced in.

CONTRIBUTIONS

Much of this may be the fault of business itself.

It has not done an adequate job of telling the public all that it is doing to cleanse the atmosphere and to help resolve pollution problems, many of which are not only the creatures of industry but also of government or the public itself.

Business has not done enough to tell the story of what it is doing to assure the consumers of the country better and safer products, with warranties that are meaningful and services that are valuable.

And business has really done very little to make the nation aware of its enormous contributions to help solve some of our most pressing social and economic problems, particularly involving the needs of our minority peoples and our cities.

POLITICAL CLIMATE

As a result of these criticisms and these failures, a political climate has developed in recent years which is increasingly hostile to the American enterprise system in general and to American business in particular.

Instead of being able to look ahead to problems that must be resolved 5 or 10 years in the future, or to problems that must be resolved many years in advance—with full consideration of all the options—we now find business often in the position where it must fight intensive short-term defensive battles in the political arena, with its options narrowed and limited to the lesser of two evils.

This is no way to run a railroad or a free economy.

RESPONSE

Slowly but surely industry is beginning to respond to this political pollution of the economic environment. If it is able to restore a balance to public attitudes, the investment climate in the years ahead will not be jeopardized by these considerations.

But it seems to me that the best investments available today are in those companies which take the lead not only in fighting the immediate political battles, but in genuinely striving to build a better society, one in which American enterprise is held responsible for its actions and in respect for its achievements.

OPPORTUNITIES

On the other side of this coin is the great opportunity that lies ahead for business—and consequently for the investor—in dealing with the problems of our cities, our environment, and in meeting the concerns of our consumers and our needy Americans.

This time in which we live may be described astrologically as the Age of Aquarius, but in fact it is the Age of Technology—and if the achievements of this century seem spectacular up to now, I submit that we have only had a taste of what lies ahead in the last 29 years of this century.

Waging the battles which must be won to preserve our environment will require the development of unprecedented new technology, and in this lies the whole new frontier of economic opportunity, both for business and for its investors.

Developing the resources of the seas which covers two-thirds of the earth—which must be done to meet the needs of a world population that may double in the remainder of this century—holds promise of another new economic bonanza waiting to be harvested by industry and by investors.

The whole thrust of our national effort to rebuild our cities, to expand our industry, to raise our standard of living and to increase our international trade lies in the growing development of exciting new high technology.

WORLD TRADE

In that thought lies the third condition affecting our economic environment which I would like to discuss with you.

It is the position of the United States in the commerce of the world.

In the public mind and perhaps in much of our business community, there has been a complacent confidence over the years that we could have almost any share of the world's markets that we wanted, together with a feeling that we really did not want or need very much.

Our own domestic markets have been so burgeoning over the past 30 years that American business has felt little inclination to compete in the markets of the world, particularly taking into account all of the problems of language, foreign exchange, political uncertainty, transportation and other difficulties involved in a growing export trade.

As a result, a relatively small 4 percent of our GNP has gone into the channels of international commerce, while other nations have pursued their own very aggressive export expansion efforts, often with their industries and governments working very closely together to create subsidized, monopolistic competitive forces.

CHANGES

As many other nations have grown with remarkable speed in world trade, several things have resulted.

First, with the spectacular growth of the Common Market and Japan, the United States is no longer the world's only economic superpower.

Second, the United States has been recognized by all of our competitors as the foremost market of the world and the great influx of imports in a wide variety of goods and commodities in recent years has had a jolting effect on some key elements of our domestic economy.

Third, the loss of our position of superiority, coupled with the growth of serious import problems in certain commercial areas, has seriously and adversely affected our balance of trade and balance of payments positions.

Fourth, to meet those problems, we have had to undertake our own extensive export expansion program. In its initial phases it has been remarkably successful, and we expect that our exports will continue to grow at a very healthy increase of about 10 percent a year into the foreseeable future.

PROBLEMS

However, American goods and commodities—and American investments—are faced with a wide array of discrimination, restraints, restrictions and regulations in most of the trading areas of the world.

As a government policy, we have undertaken a major effort to enlist the cooperation of other nations in reducing or eliminating these non-tariff barriers to trade.

If we succeed in this effort, we will have achieved something far more historic even than the Kennedy Round of tariff reductions, and I believe we will then cross the threshold into a new age of unprecedented international trade.

INVESTMENTS

But to do so—to realize this potential—there must first be created a far better investment environment than exists today in much of the world.

In recent years it has become increasingly fashionable in other nations to subject American firms to harassment, seizure or an infinite variety of restrictions and limitations.

If there is a modification in this hostile international attitude, then the great potential markets of the world will be opened more fully to the investments of American firms and multi-national companies. Not only will we realize the great benefits of expanded markets, but the developing nations in particular—now so short on investment capital—will realize the tremendous progress which can result when American dollars are put to work within their borders.

Again, no one can foresee the future with assurance.

TECHNOLOGY

But I would also like to reiterate my confidence in the future of American technology, oriented abroad as well as to our domestic needs.

If we review the trends of American international trade in recent years, however, not all signs are that optimistic.

First, our global commerce in agricultural products and commodities is holding fairly steady, with a slight surplus in our trade balance.

Second, our trade balance in raw materials—minerals and fuels—is in a deficit condition, considerably larger than our surplus in agricultural products.

Third, in most low-technology manufactured items—shoes, textiles, steel and others—we have gone from a healthy trade surplus 10 years ago to a severe trade deficit today which is getting increasingly worse, with no hope for a reversal in that trend.

It is only in the fourth area—in high-technology items—that the United States continues to run a substantial trade surplus with the rest of the world.

Even here, however, we are seeing the signs of new competition which could ultimately threaten our leadership. We have begun to lose a share of the world's electronic markets, and our dominance in aircraft production also has been threatened, particularly by the decision to abandon the SST, a decision which could, some now say, cost us a $12 billion deficit in our balance of payments in the next decade alone.

Nevertheless, it appears that as foreign trade becomes more significant to our own economic considerations, technology will become the most promising investment in the area of international commerce.

PRESIDENT'S PLANS

The final point affecting our economic environment, which I would like to make briefly is this:

We are heading toward improvements in the substance and in the structure of our Federal Government which will benefit the nation in many ways, for many years to come.

In the first two years of his Administration, President Nixon proposed a broad spectrum of reforms to deal with many of the specific problems he inherited.

Now he is turning to the long-range needs of our society—how to re-orient the spending of our revenues, how to redirect the whole concept of our staggering welfare burdens, and how to restore city and state governments to a point where they can really bear a significant responsibility in meeting the needs of our society.

As it is today, most levels of government have become supplicants in Washington; many of them have become almost totally dependent, and some could be described as indigent.

We need to restore, reconstruct, restructure, and strengthen government at all levels—so that our fundamental balance of powers between Federal, state and local governments shall not be lost beyond recall.

This is what the President is seeking to do.

Simultaneously he has proposed a major reorganization of the Federal Government in order to accommodate these improvements in its services, activities and its direction.

His reorganization proposals have attracted little interest outside of Washington. They may seem almost like a mechanical matter.

Yet the fact is that if his reorganization plan is approved by the Congress, the nation will have realized an historic renovation of the Federal system which will make all of the substantive improvements possible, with new efficiency.

What is sought here is really the first significant grasp on the fundamental nature of our government, since its course was altered so radically almost 40 years ago.

If this change of direction is achieved, if better government is brought into tune with the basic, significant long-range needs and issues before the country, there can be no doubt that the economic climate of America will improve, and the investment environment in which we live will hold new promise and opportunity for the people of our land.

REGULAR U.S. MAIL SERVICE REQUESTED

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BEGICH. Mr. Speaker, the residents of St. George Island, Alaska, are often forced to do without mail service for months at a time. Because of its location, its remoteness from other areas, vital communication links are greatly impaired by this poor service. Because other types of communication on the island are so poor, the citizens of St. George must rely on U.S. mail service. The people of St. George are in such desperate need of postal facilities that they are willing to donate their own labor. The least we can do is provide regular shuttle mail service.

HOUSE JOINT RESOLUTION NO. 14

Relating to the mail service at St. George Island

Be it resolved by the legislature of the State of Alaska:

Whereas the people of St. George Island are forced to do without mail service for months at a time other than an occasional air drop of first class mail; and

Whereas this lack of any sort of regular mail service creates an intolerable situation for all persons living on St. George Island; and

Whereas the people of St. George Island have, with their own donated labor, constructed an air strip which has the capacity to accommodate twin-engine aircraft; be it

Resolved, By the Alaska State Legislature that the United States Post Office Department is respectfully requested to institute regular shuttle mail service from St. Paul Island to St. George Island or from any other point that may be appropriate.

Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Winton E. Blount, Postmaster General of the United States; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and to the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

INSPIRING REVIEW AND STATEMENT OF HOPE

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BOW. Mr. Speaker, we were proud to have in Canton last week for the commemoration of the 150th anniversary of the independence of Greece a distinguished former general of the Greek Army, now a resident of the United States, Hon. Orestis E. Vidalis.

His remarks to those assembled at St. Haralambos Church were an inspiring review of the history of independence in Greece and a statement of hope that freedom will again be restored in that ancient land. I include the speech with my remarks as follows:

THE HELLENIC NATIONAL PERSONALITY

(By Orestis E. Vidalis)

We gathered here today to celebrate the 150th anniversary of the national rebirth of Greece.

Your participation in this historic celebration is a demonstration of your earnest longing to pay tribute to the land of our great ancestors.

I feel honored and moved for the invitation you extended to my family and to myself to join you in this unique opportunity for reflection and meditation.

The 150th anniversary of the nation's rebirth is more than an occasion for festivity. It is a historic landmark. The living generations have a duty to pause at these landmarks and think.

Today we, the Greeks, all over the world, have a double duty to perform. First we are called upon to honor the memory of our forefathers who in 1821 offered the nation the continuity of its historical course. Secondly, we must attempt to rise above temporary short-range considerations and identify the long-lasting values and the major weaknesses which have in these 150 years and can in the future affect the destiny of the nation.

Nations throughout the world are striving to develop an "image" which will identify them in the international environment.

Modern Greece is the fortunate bearer of a great name and of a unique "image" developed long ago.

This "image", this "identity", this "personality" of the Greek Nation is the fundamental bond that connects the past with the present and will assist Greece in carrying the message of Hellenism deep into the future.

This image was created 500 years before Christ. In a little town on the far western border of the then settled and civilized world, a strange new power was at work. Something had awakened in the minds and spirits of the men there. Something was to impress the world so deeply that the slow passage of the long period of time would be powerless to wear away its influence. A new civilization had arisen in Athens, unlike all that had gone before.

Civilizations of the ancent Orient were dominated by the denial of mind and by the subjection of the individual to the powerful group. Thier political regime was the reign of force.

Hellenism laid the foundations of new ideals. It discovered truth and virtue. It glorified the mind. It preached high regard for the dignity and value of man. It conceived freedom as an end. Freedom, in accordance with the Greek definition, is opposed to both blind obedience and anarchy. Hellenism combined these new ideals together and discovered democracy, which was offered to man as a supreme goal. Hellenism rendered man 'free" from despotism as an internal order.

These ideals constitute the substance and the spirit of the Hellenic National "Personality." This is the "image" we inherited from our ancestors.

This "personality" has illuminated generations of Hellenes and led them to unique achievements of the mind.

This "image" illuminated again the course of Greece towards the rebirth of the nation in 1821.

For 400 years of oppression, the captive people had felt with the sensitivity of their Hellenic souls the infinite greatness of their cause. How clearly the poet describes the impact of the Hellenic heritage in the minds and hearts of the enslaved people:

> "I hear within my being, deep
> Those thrice-great, mighty
> Fathers of Hellas
> They spoke alone—those dreadful
> moments
> The immortals"

Under the influence of this heritage three basic elements cooperated, struggled and won in 1821.

First: the spiritual efforts of the Church and of the intellectuals of the Nation, who helped keep alive in the Hellenes the consciousness of their obligation for the restoration of the Nation's freedom and sovereignty.

Second: The contribution of Philhellenes who believed in "Hellas" as a "Spiritual necessity" of mankind. They sacrificed comforts, wealth, and even their lives in order to restore Greece in a free and Hellenic environment.

Third: The determination of the simple people, who dared and won, with no means, no organized hierarchy, without assistance, and with an unfriendly Europe. The Greek Revolution was primarily the result of moral causes which enlarge the nation's intelligence and awaken its feelings. The simple Greek felt he was prepared to climb the rugged paths of virtue and self-sacrifice.

The enslaved Hellenes naively believed that European Monarchs could see more clearly their just cause which was as great as the history of Hellas. They were deeply disappointed when the then great powers pronounced statements like these: "We shall ignore every change that is made by force of arms in the interior state of the Nation", were the words of three Monarchs; the Czar, the Emperor of Austria and the King of Prussia. "The Greeks could not have found a worse moment to revolt", wrote Richelieu. "It is a deadly poison which endangers the body of society in its most sensitive areas," pronounced Metternich. Even Pope Pius the VII, stopped at Ancona, the Greek "ambassadors" who were dispatched to deliver a message to the assembled monarchs of Europe in Verona. He was fearing for his own safety which he believed was threatened by the Hellenic Movement.

Despite all adversities and despite their frustration from an unfriendly attitude in Europe, during the last days of March 1821, Bishop Germanos, incarnating the will of the captive Nation, raised the flag of the revolution, that bore the Cross and the symbol "Freedom or Death."

"Freedom or Death", the oath of the enslaved, are two symbolic words which opened his soul to a message, sent from the depths of time by his ancestors, that "Greece enslaved, under any form, is not Greece".

This message to the Hellenes, is the contribution of the uprising of 1821 to the reconstitution of the "image" of the Hellenic Nation.

One hundred and fifty years have gone by since those days of March 1821. One hundred and fifty years of privation, adventures, sacrifices, but great achievements. Wars, destruction and famines strengthened instead of weakened the souls of a people dedicated to nationhood, religion and family.

Greece had to fight a series of wars, very costly in blood, in the course of which the country acquired the territorial and population basis indispensable for her transformation into a viable modern state. The tremendous release of popular energy in the half century between 1897 marking the beginning of the last phase of Ottoman decolonization and 1950 closing the period of World War II can only be understood as a modern epic.

Greece was a nation in arms for decades on end.

During these decades the people of modern Greece respectful of their heritage have always supported the side of freedom, in all major world confrontations.

Despite the collective devotion of the people of Greece to the task of transforming the little territory that was Greece in 1821 into a self-sufficient nation, modern Hellenes, through hard individual efforts achieved throughout the world great recognition and respect, as scientists, artists, businessmen, architects, sailors, etc.

During this century we have also witnessed the successful story of the Greek immigrant in this impressive, sometimes frightening but prosperous vastness of the United States.

The first immigrants, practically illiterate, penniless, simple villagers brought to America no institutions except those of religion and family and an instinctive and powerful pride in their glorious heritage.

With these intangible tools and a determination to succeed, they struggled in the face of many obstacles and they presented the country of their adoption with new generations of extremely successful citizens in practically every field of endeavor.

They became loyal citizens of this country, but they also wanted to preserve the Hellenic tradition in the United States. To them, this was more than natural since they observed the closest relationship that exists between Hellenism and Americanism. They thus introduced great institutions like the Greek-Orthodox Church, The A.H.E.P.A., etc.

The Greeks in this country fully demonstrated their ability to constructively contribute in this free and highly competitive society.

Their presence and their efforts in this country constitute a perpetual bond not only between the two cultures but also between the people of the two countries.

The table of achievements of modern Greece is endless. The successful story of modern Greece, has been clouded by one major national weakness from which we have badly suffered during these 150 years of our modern life as a nation. This agonizing weakness, stems from the fact, that some of the modern Greeks have failed to understand the meaning of Hellenism. They have not properly conceived the "personality" of our Nation and have demonstrated a lack of trust in the people of Greece. For a Greek, lack of faith in the people of Greece is contrary to our heritage.

As a result, during the 20th century we have witnessed twenty-two times the intervention of force in the political process. This practice resulted in several dictatorships, a disastrous civil war, and the most damaging drawback of our National life, i.e., the perpetuation of the political irresponsibility of the people of Greece.

Experiments of governing by force without the consent of the people have as a rule led to easy and immediate solutions of some short range problems as is the enforcement of law and order. They have, on the other hand, failed to create conditions of long-term stability and continuity in the political life of the country. Each new regime of rule by force has justified its presence by claiming that the people of Greece are "immature".

These regimes failed to understand that maturity is developed by trial and error and it is always the end result of the exercise of responsible freedom in a democratically organized society. They also failed to realize that the people of Greece have been exposed to all alternatives from the extreme right to the extreme left of the political spectrum. Modern Greeks have, therefore, gained an experience and maturity very few people around the world can claim today.

This is the past—A glorious heritage, a miraculous rebirth, a continuous and epic struggle against all outside elements that have threatened the Nation, but an inadequacy to meet the responses from within.

The past as the present are beyond our control. The future, however, depends on what we do today.

Any Greek has the right to ask himself today this question: "What are the alternative courses of action for Greece in the future?"

Obviously, there are three courses available.

First, the continuation of the practice of the last 150 years with short periods of democratic experience followed by frequent interference of rule by force, with at least one dictatorship in every generation.

Second, a permanent dictatorship which, according to Plato, is the internal order where "Free men as well as masters are a few, but the people speaking generally and the best of them are miserably degraded and enslaved".

Third, the creation and maintenance of conditions that will allow the people of Greece to become once and for all the only sovereign authority responsible for the future of Greece.

The selection among these three alternatives is not a political problem. It is the gravest national issue of our times, and I suggest that no Greek is entitled to remain indifferent or apathetic in front of this issue.

Aware of my responsibilities towards the Nation and particularly towards our younger generation, I will attempt to define my choice of the proper alternative. I will in this manner define what I believe Greece of the future should be in a world environment that is drastically changing every day.

In our era where technology has eliminated geographical distances and has increased the interdependence among National entities, competition for survival is in process. The greater the internal cohesiveness, the stronger and better understood the national objectives and the more concrete and substantial contribution of each Nation in the struggle of man for a better and more humane future, the greater is the chance of its survival.

In this world, where man is still facing Totalitarianism of one kind or another, in a world where the war of ideas endlessly continues, in this decisive transitional period of humanity, Greece should remain Hellas and offer once again the ideals of Hellenism to mankind.

In this world Greece is not a big country today. But it is not small either, since none is small in the world of ideas.

Ancient Athens was a small town when her spirit prevailed.

Rome conquered Greece by force, yet eventually she was conquered by the Greek spirit.

The enslaved Greeks of 1821 were powerless to face the massive Ottoman Empire, yet the Greek spirit led them to resurrect the Nation.

The Greeks were few, and practically alone, when they faced Fascism and Nazism.

And last but not least, the Greek people, exhausted from a long enemy occupation during World War II, were again the first to check communist expansion in Europe in 1949 with the assistance of this country.

Bigness as a measure of material power was never an element in Greek life.

Greatness as an element of spiritual achievement has always been a part of Hellenism.

The problem of modern Greece is to regain its "National personality", maintain it at all costs and improve it. This will occur only if all, Greeks and friends of Greece alike, decide to respect the Greek people as the only responsible sovereign authority for the preservation of the destiny of Greece.

This will occur only if the Greeks, who imitate prototypes foreign to Hellenism, realize that this attitude is a tragic over-simplification in the process of solving very complex problems, connected with our race. And while copying others does not solve our long-range problems, it does serve as an argument of those who maintain that there is no continuity in Hellenism.

If there was a need to learn from lessons of other nations, I suggest we could follow the examples of great soldiers of the Western World in our century who above all respected the people of their countries. These great leaders felt throughout their public lives that they had one obligation to inspire confidence not in themselves but in the people of their nations.

We, the Greeks, certainly cannot survive relying on the achievements of our ancestors while disregarding the "unique Hellenic ideals" created by them.

The Great Challenge of modern Greece is to transform the Hellenic ideals into reality.

Then, Greece will recover its own "personality" and will be able to fulfill the mission of Hellenism.

Then the "image" of this democratic society will reflect itself beyond the Iron Curtain, beyond deserts and seas.

Then Greece will decisively accomplish her mission in the world today. This will be a tremendous contribution in the efforts of our Free World.

It is this Greece of the future that all mankind respects.

It is this Greece that you should feel proud of, as bearers of the same ideals and traditions in another land.

It is this Greece we should all insist on and strive to re-create.

It is this Greece we should entrust to our younger generations.

It is this Greece that the warriors of 1821 had visualized.

And it is this Greece they had in mind, when they wrote on our first flag "Freedom or Death".

HEAVEN AT HAMPSHIRE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. CONTE. Mr. Speaker, in the short time of its existence, Hampshire College has already attracted national attention as a resut of its daring and imaginative approach to the challenges of higher education. Though it has been opened for only 7 months, its wide-ranged student body, dedicated faculty, and innovative courses have drawn eight applicants for every one available admissions slot. It is destined to become, I am sure, one of the most prestigious educational institutions in the country.

I am proud to have played a part in the establishment of Hampshire College, which is located in the First District of Massachusetts. The April 5th issue of Time magazine contains an excellent article on the college's aims and achievements and I am pleased at this time to insert it into the RECORD.

HEAVEN AT HAMPSHIRE

The U.S. has a rich tradition of experimental colleges that start with high ideals but soon drift into dogmatism, anarchy or extinction. Massachusetts' seven-month-old Hampshire College hopes to be different. Created by the academic establishment, which vows to make it work, the school is thriving as a model of well-planned radicalism.

Founded by its well-known neighbors (Amherst, Smith, Mount Holyoke, the University of Massachusetts), Hampshire is their testing ground and showcase for lively ideas. To revamp admission standards, the college does not require high school diplomas. Of this year's first 268 students, 42 had top College Board scores of between 700 and 800, but another 28 got in with low scores of 300 to 500. Hampshire invites applicants to submit "anything that can tell us something about yourself." Last year it received hundreds of oddities ranging from homemade rugs to loaves of bread. The winners were chosen, says Admissions Director Van Halsey, partly for such personal qualities as "a tolerance for ambiguity, a lot of self-confidence, and some self-direction."

SELF-TEACHING

Once accepted, Hampshire students can take a year off before entering college. But the campus, atop a high meadow overlooking the Connecticut River valley, is hard to stay away from. The one dorm constructed so far is coed and co-genus: pets are permitted. Hiking trips substitute for intercollegiate athletics. The college inaugural convocation included a kite-flying festival—and a recent brochure spoofs the lack of campus history by putting photographs of the event in Victorian-style frames. Students are not labeled freshmen, sophomores, juniors or senior. Instead, they can spend as long as five years taking courses in three "divisions"—the first stressing techniques of advanced learning, the second concentrating on one or more disciplines, the third consisting of an independent study project. The only requirements are one term in "human development," ranging from sexual roles to the *I Ching*, plus another in "language and communication," a rubric for topics from grammar to the possibilities of "extraterrestrial intelligence."

Seeking new ways to goad restless students, Hampshire is brimful of "relevant" interdisciplinary studies. One environmental course, for example, pulls together the geography of Mount Washington, the works of Thoreau, the migration of the Mormons, and computerized mathematical simulations of ecological systems. Hampshire has also been a pioneer in letting students work on their own for a month in midwinter. This year one girl simulated blindness for two weeks in a self-designed psychology experiment; Holly Lyman, daughter of Stanford University President Richard Lyman, taught herself to weave.

Such freedom is alloyed with year-end examinations that are graded "distinction," "pass" or "fail." Those who flunk can design their own remedial program and try again, but Hampshire intends to expel students who fail to make academic progress. Says Sociology Professor Robert von der Lippe: "By putting a lot of responsibility on students to learn by themselves, we admittedly raise their anxiety, but that's the idea. If you can learn to be your own teacher, then when college ends the process of education can continue." To forestall ossification among the young faculty (average age: 32), professors have no tenure—only three- to five-year contracts.

DUTY AND REVERENCE

Hampshire is run by President Franklin Patterson, 54, a soft-spoken, firm-willed former director of Tufts University's Center for Citizenship and Public Affairs. Appointed four years before the first students arrived, Patterson had ample time to cull 50 faculty members from nearly 1,000 applicants and decide how to spend a $6,000,000 start-up gift from Harold F. Johnson, a publicity-shy New York lawyer and Amherst alumnus.

Patterson expects Hampshire's "hospitality to contemporary life" to be tempered by two "ageless virtues: duty and reverence." The college catalogue warns that academic life must be "hierarchical." Students are not allowed to abolish Hampshire's year-end exams, have no power over faculty appointments, do not sit on the board of trustees. A major continuing problem is money. Hampshire is still scrambling for $22.5 million to teach and house the new classes that will enter each year until enrollment reaches 1,500. With the cost of a year at Hampshire due to hit $4,300 next fall, students have already accused Patterson of running a rich man's college.

Elite or not, Hampshire seems to be turning its students on. "Last night I got high just writing a proposal for independent study in biology," says Jeff Maguire, a student from Old Greenwich, Conn. With eight applicants for every place, Hampshire has already become one of the hardest colleges in the U.S. to get into.

LIEUTENANT CALLEY

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. McDADE. Mr. Speaker, last Sunday in the Sunday Times in the city of Scranton, a seasoned reporter addressed an open letter to me concerning the case of Lieutenant Calley and the war in Vietnam. This is a man whose writings are well respected by the people of our community and by his own colleagues in the newspaper profession. His column is, indeed, most moving.

I insert that letter here in the RECORD so that each of my colleagues may have an opportunity to read Mr. Joseph X. Flannery's thoughts. I assure you the time in doing so will be well spent.

The letter follows:

Congressman JOSEPH M. McDADE,
House Office Building,
Washington, D.C.

DEAR JOE: I'm taking the liberty of writing to you and publishing the letter at the same time because I'm dealing with an issue of great importance—the fate of Lt. William Calley, Jr.

I have often dealt with you as a newsman talking to a public official, but now I'm writing to you as one of your constituents in the 10th Congressional District. And my purpose is to implore you to get involved in the Calley case.

Now I realize that it's easy for people to spout off about a "lousy verdict" after they ignored most of the evidence presented during a trial of more than four months. I for one believe that the trial was a sincere attempt to get at the truth of what actually happened at My Lai, South Vietnam, on March 16, 1968.

But what upsets me is the concentration on the "what" instead of the "why" of My Lai.

Let me make myself clear at the outset: I'm unhappy with the Calley verdict not because I think it is not supported by the facts in the case but rather because it is grossly unfair to try to solve our national conscience by pinning all of our sins on one scapegoat. It is explained in the Bible how a single goat was once singled out for such a ceremony and was made to carry off the sins of an entire tribe into the barren wilderness—and eventually to his death.

So we convict a 27-year-old officer for slaying 22 Vietnamese civilians. Yet The New York Times reported just last Sunday that 150,000 South Vietnamese civilians have been killed by American troops and bombs or by Vietnamese troops using American weapons during the past six years.

This horrible figure, coupled with the fact that all charges against Maj. Gen. Samuel W. Koster, the divisional commander of troops at My Lai, have been dropped makes Calley look an awful lot like the Biblical goat being banished to the wilderness of an Army stockade for the balance of his life.

I can't for a moment condone what was done at My Lai. Some pictures I have seen of bodies in ditches, dead tots along the roadways, terrified mothers clutching their children and other such things have tied knots in my stomach. I think of my family and your family living in such comfortable surroundings while nameless families in other parts of the world are slain so wantonly.

But let's not conclude that in our years of warfare in Vietnam the only bad thing we did occurred at My Lai and the only bad soldiers were Calley and a few of his associates. I read somewhere recently that an average of 68 civilians a day are being killed by friendly forces—mainly through bombings and shellings of areas suspected of harboring the enemy in South Vietnam.

The lofty reason we have for fighting the war—saving a part of the world from communism—sounds nice here at home because most of the horrors of war are filtered out when they are converted from the actual event to words describing the event. But what worse fate could have come to the residents of My Lai if they had fallen totally under communism? Could they possibly have suffered less?

What we must do is to quicken the pace of our departure from South Vietnam. If the people of that country have the will to fight communism, let them do it. If they don't, then we are in a war that could never be won in any case. In either case, let's stop killing them in the name of a noble cause that may mean more to us than it does to them.

As a congressman, I implore you to introduce or back any resolution in the House that would ask President Nixon to set aside the Calley conviction. I ask this while knowing that he is probably technically guilty of every offense. But every one of us share a tiny bit of his guilt and he cannot carry off that many sins into the wilderness.

And finally I ask you, as my congressman, to do everything in your power to speed up our departure from Vietnam. America is sick of the whole business.

Regards,

JOSEPH X. FLANNERY.

HOUSING FOR THE ELDERLY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. SCHWENGEL. Mr. Speaker, the guest editorial in the Davenport Times-Democrat on Saturday, April 3, points to one of the problems facing our elder citizens.

Mrs. Herbert Neumann of Davenport works with our senior citizens. She knows their concerns. Housing is one that ranks high on the list. This is why it is my own belief that funds for low rent housing for the elderly should be released soon.

Mrs. Neumann's thoughts are worth sharing with all House Members.

The article follows:

HOUSING FOR THE ELDERLY

(By Mrs. Herbert O. Neumann)

A letter to me from a group of aged citizens has prompted this plea to the people of our community: Help to provide good low-cost housing for our elderly citizens now.

The service of delivering hot meals to older folk throughout this community has opened doors for some of us into some nice homes—but also to many dreary quarters. It has opened our eyes to the crying needs of those forced to live in the substandard housing.

The following excerpts are from the letter addressed to me as a result of a feature article in the Times-Democrat about our Meals on Wheels Program:

"We, several of the Golden Age Bracket, are very interested in the article about Meals on Wheels, mainly the statement about the need for better housing for the elderly.

"Oh, how we wish someone would really help us. We are writing to you as you have had first-hand sight of the places available for Social Security people . . .

"Many of us have no relatives and want to manage on our own and not depend on others. Some said there was no parking area, but most folks on social security can't afford cars.

"We are not finding fault with Social Security. That is a Godsend to us. Another would be homes which would not take most of the check for rent.

"It seems to us that a large building would not only help us but our city. One roof could protect many, be a home with comfort and companionship and yet each have their own apartment, instead of dives they can afford to rent.

"Davenport is our home town and we want to live in the downtown area. We will be out in nursing homes soon enough.

"A Golden Age Group."

Most concerned citizens are aware that there is a great need for low-cost housing for these people. They realize our community has dragged its feet in doing something about this situation. Many people of Davenport are not aware of the fact that about 6,000 older persons live in and near the downtown area and pay high rent for housing in this area.

During the winter sub-zero weather one meal recipient wore his overcoat and boots because his apartment was so cold; another had the burners lit on his gas stove, which could be very hazardous. One woman with poor health is living at the top of two flights of narrow, dark, steep stairs. One man refused a small portable TV, saying it would be stolen as soon as he left his apartment. Do we really want our older people to live like this?

Some of these people have tried to bring their need before the public, especially those involved in the "housing business," and have been "tuned out." Many oldsters receiving Social Security, Old Age Assistance or welfare fear it will be taken from them if they complain or ask for better places to live in. Others are just too old, tired or discouraged to care.

Some neighborhood groups are trying hard to improve their own situations. A reorganized Committee on Housing and Urban Renewal is again reorganizing to see what can be done to obtain financial assistance in obtaining this type of housing.

It will not solve the problem to question why our city officials did not act much sooner, or why developers and realtors had not felt concerned enough to meet these needs. It's time for citizens who care enough to get involved, to urge those we have elected to provide housing for the aged.

For years I have traveled about promoting the work of the women's organization of my church, urging them to serve God by serving others. Becoming the volunteer chairman of the meal service program two years ago was the first time I directly served others in my community. It has been a joyful experience, but not one to quiet one's conscience. The need of the aged for good nutrition, transportation, housing, new interests and love are great. They are precious in God's sight. Let's make their latter years their best, not full of worry about what tomorrow might bring.

PORTSMOUTH—A PARTNER IN OUR NAVAL SHIPYARD COMPLEX

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. WYMAN. Mr. Speaker, since November 1964, the Portsmouth Naval Shipyard has been operating under a cloud imposed by a directive issued by the then Secretary of Defense McNamara ordering the yard closed by 1974. Personnel policies have been keyed to planned phaseout with modernization nonexistent and ordinary maintenance of plant equipment drastically curtailed. Thus, for 7 years the yard has been unable to operate at optimum effectiveness.

Portsmouth is a vital link in our national defense posture in that it is inextricably bound to the maintenance of our nuclear submarine fleet. In recognition of this fact, and the need for retention of Portsmouth's expertise now and in the future, the President on March 24 advised that "the McNamara order closing the yard in 1974 will be rescinded."

The salutory effects of this welcome announcement are taking hold very rapidly as evidenced by the following excerpt from the Portsmouth Periscope, which offers highlights from a recent visit to the shipyard by Rear Admiral Sonenshein, commander of the Naval Ships Systems Command.

The article follows:

Shipyard With A Future: Portsmouth Again Fully Accredited Member of Naval Shipyard Complex

Portsmouth Naval Shipyard is once again a full fledged member of the Naval Shipyard family. President Richard M. Nixon Wednesday, March 24, rescinded the order to close Portsmouth by the end of Fiscal Year 1974. The Defense Department announced the planned closure of Portsmouth November 19, 1964, with operations to be gradually reduced and work terminated over the 10 year period.

Rear Admiral Nathan Sonenshein, Commander, Naval Ship Systems Command, visited Portsmouth Monday, March 29, and expressed his pleasure on President Nixon's decision to cancel the closure order when he addressed management officials and officials of exclusively recognized unions in the Auditorium.

He reviewed this Shipyard's efforts over the past seven years to improve performance, citing the progress Portsmouth has achieved in certain areas and urged everyone to continue to strive to make PNS competitive with other Naval and private yards.

"I have every confidence that you can become a competitive yard. And I want to assure you that you'll have my support and the support of all the people in my Headquarters in moving in that direction," Admiral Sonenshein added.

MODERNIZATION PROGRAM FOR PORTSMOUTH

Admiral Sonenshein stated that Portsmouth will be included in the Shipyard Modernization Program. "We plan to engage an engineering firm to assist in developing a shipyard modernization program comparable to that developed for all the other shipyards. We expect to have this underway in very short order. It is our hope to fold Portsmouth into the Shipyard Modernization Program in a timely manner so Portsmouth can keep pace with the other yards." He stressed, however, that realization of these plans would depend upon the availability of funds and Congressional approval of such projects.

PORTSMOUTH ACCOMPLISHMENTS SINCE 1964

He pointed out that this Shipyard, since 1964, has improved its ability to estimate the actual cost of work. "You have made a major improvement in estimating the actual time to accomplish overhauls and conversions. You are now striking very close, but still the need for improvement is very clear.

"The Design Division, I'm happy to see, has made a major reduction in the mandays involved in the SSBN643 as compared to the 609, the 619 and the 635. In fact, these reductions are dramatic and reflect true cost savings which again puts this Shipyard in the lead for the Cost Reduction Program.

"The Supply Department has improved the availability of material from 70 per cent at the start of the overhaul in 1966 to 95 per cent this year. The sil brazed pipe joint deficiencies rejection rate dropped from 10 per cent in 1964 to less than 2 per cent in 1970. That's great—tremendous—and leads the parade, as a matter of fact, compared to other yards. The UT inspection surveillance audit deficiency rate dropped from 8 per cent in 1965 to almost zero in 1970. Again, a sign that things can be done when people want to, when they apply themselves, when they are well motivated and well led. And I could go on with others here—in hull structure welding, the percentage of rejection dropped down to less than 2 from a high of 9½.

"If these are the kinds of things this Shipyard can do, I am much encouraged—much encouraged for the future. I would expect that with the removal of the threat of closure, that you should—your people—the people you lead—should have higher morale and should have higher productivity—and I think you can do it. Of course this won't just happen automatically—by my talking and your talking. Every man and woman in this Shipyard will have to pull together, under your leadership, to achieve that.

"Given all these factors—the elimination of the closure order, the ability to reinstitute the MILCON planning for the future, the ability to assign a workload here on the basis of a continuing capability—I have every confidence that you can become a competitive shipyard. And I want to assure you that you'll have my support and the support of all the people in my Headquarters in moving in that direction. God-speed to you all," Admiral Sonenshein concluded.

EMERGENCY ASSISTANCE FOR CITIES AND STATES

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BADILLO. Mr. Speaker, on March 4 I went before the House to comment on the urgent fiscal crisis facing our State and local governments and to offer an interim proposal for meeting that crisis at the same time Congress and the administration work out a long-term approach.

I was extremely gratified at the response. Several of my colleagues participated in a colloquy to further develop the proposal, strong editorial support came from the news media, and the distinguished chairman of the Committee on Ways and Means was kind enough to offer the services of his staff in drafting the actual legislation.

The proposal I made was that we take the administration's general revenue-sharing formula, double the proposed amount to provide $10 billion in each of the next 2 fiscal years, put the program on an interest-free loan basis, and give the cities and States 50 years to repay the principal.

As I view it, this proposal is attractive from several points of view. First, it meets in a very affirmative way the immediate and serious needs of our cities and States on an affordable basis. Second, it involves relatively little in the way of a Federal investment, since the government would be absorbing only the interest charges. And finally, it gives Congress and the administration the opportunity to work out a long-term solution to the fiscal problems of State and local governments on the basis of a 2-year experience under this program. We would be able to see how a revenue-sharing-type program would work and how the States and cities would set their spending priorities.

The bill I am introducing today is based on the general revenue-sharing formula but it has several innovations. I have strengthened the civil rights compliance provision by giving primary responsibility to the Department of Justice instead of to the Treasury. And the bill includes provision for a periodic audit of the program's operations by the Comptroller General of the United States.

I am pleased that 23 of my colleagues have cosponsored this legislation, including 14 Members of the New York delegation. The cosponsors are Congressman Robert Nix of Pennsylvania, Congressman Don Edwards of California, Congressman Robert Drinan of Massachusetts, Congressman Joshua Eilberg of Pennsylvania, Congresswoman Ella Grasso of Connecticut, Congressman Michael Harrington of Massachusetts, Congressman Ronald Dellums of California, Congressman Henry Helstoski of New Jersey, and Congressman James Abourezk of South Dakota.

The New York cosponsors are Congressman Emanuel Celler, the head of our delegation and dean of the House, Congressman Hugh Carey, Congressman Seymour Halpern, Congressman Joseph Addabbo, Congressman Benjamin Rosenthal, Congressman Thadeus Dulski, Congressman Bertram Podell, Congressman Ogden Reid, Congressman Jonathan Bingham, Congresswoman Shirley Chisholm, Congresswoman Bella Abzug, Congressman William F. Ryan, Congressman Charles Rangel, and Congressman James Scheuer.

I present for inclusion in the Record

the text of the Intergovernmental Emergency Advance Act of 1971:

H.R. 7367—A bill to amend the Second Liberty Bond Act to authorize the United States to borrow $20,000,000,000 to make intergovernmental advances during the next two fiscal years to States and local governments, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

SHORT TITLE

SEC. 101. This Act may be cited as the "Intergovernmental Emergency Advance Act of 1971".

AUTHORIZATION OF FEDERAL BORROWING

SEC. 201. The Second Liberty Bond Act is amended by adding at the end thereof the following new section:

"FEDERAL BORROWING FOR INTERGOVERNMENTAL ADVANCES TO STATES AND LOCALITIES

"SEC. 28. (a) The Secretary of the Treasury is authorized to issue from time to time obligations of the United States the proceeds of which shall be available only for the purpose of making or continuing intergovernmental advances as provided in the Intergovernmental Advance Act of 1971. The various issues and series of the obligations issued under this section shall be in such forms, shall be offered in such amounts, and shall bear such rate or rates of interest, as the Secretary of the Treasury may from time to time prescribe.

"(b) The aggregate face amount of obligations outstanding under this section at any time shall not exceed $20,000,000,000, of which not to exceed $10,000,000,000 may be issued before July 1, 1972. The obligations issued under this section shall be subject to the limitations imposed by section 21 of this Act."

DEFINITIONS

SEC. 301. (a) For the purposes of this Act—

(1) except where otherwise indicated, the term "fiscal year" means the fiscal year of the Government of the United States;

(2) the term "general revenue" means general revenue from own sources, as defined and used by the Bureau of the Census, provided that in the case of the District of Columbia it shall include the Federal payment authorized under section 2501(a), title 47 of the District of Columbia Code (81 Stat. 339);

(3) the term "Governor" means the chief executive officer of each State or his delegate;

(4) the term "local government" means a municipality, county, or township (but does not include independent school districts or special districts) as such terms are defined and used by the Bureau of the Census;

(5) the term "personal income" means personal income as defined and used by the Office of Business Economics of the Department of Commerce;

(6) the term "population" means total resident population as defined and used by the Bureau of the Census;

(7) the term "Secretary" means the Secretary of the Treasury or his delegate;

(8) the term "Attorney General" means the Attorney General of the United States or his delegate;

(9) the term "State" means the several States of the United States and the District of Columbia; such term includes the Commonwealth of Puerto Rico and the possessions of the United States;

(10) the term "Bureau of the Census" means the Bureau of the Census of the Department of Commerce;

(11) the term "units of government" means all units of local government (including independent school districts and special districts) as such terms are defined and used by the Bureau of the Census;

(12) the term "major municipality" means a municipality with a population of 2,500 or more as reported by the Bureau of the Census;

(13) the term "major township" means any township—

(A) with a population of 2,500 or more as reported by the Bureau of the Census, and

(B) the employment ratio for which is not less than one-half of the average employment ratio of all major municipalities in such State; and

(14) the term "employment ratio" means a fraction the numerator of which is the total number of employees of any major municipality or major township as reported by the Bureau of the Census and the denominator of which is the population of such governmental unit.

(b) Where appropriate, the definitions in subsection (a) shall be based on the latest published reports of the Department of Commerce, and on the internal revenue laws in effect, on the date of the enactment of this Act. The data used in applying these definitions shall be the latest published data referable to the same point or period of time. The Secretary may, by regulation, change or otherwise modify the definitions in subsection (a) in order to reflect any change or modification thereof made subsequent to such date by the Department of Commerce or by a revision of the internal revenue laws.

ADVANCES TO THE STATES

SEC. 401. (a) For the fiscal year ending June 30, 1972, and for the fiscal year ending June 30, 1973, each State (other than a State referred to in subsection (c)(2)) is entitled to an advance as determined by the Secretary equal to—

(1)(A) $10,000,000,000 plus (in the case of the fiscal year ending June 30, 1973) any amount not distributed during the previous fiscal year pursuant to subsection (b), less

(B) an amount equal to 10 percent of the sum of the amounts described in subparagraph (A), and

(2) multiplied by the factor for such State.

(b) Except as provided in subsection (f), each State which has filed an alternative formula under section 501(c) shall receive an amount equal to the amount described in subsection (a)(1)(B) multiplied by the factor for such State.

(c)(1) The factor for each State (other than a State referred to in paragraph (2)) shall be obtained by—

(A) multiplying such State's population by its revenue effort, and

(B) dividing the product obtained in subparagraph (A) by the sum of such products for all such States.

(2) For the fiscal year ending June 30, 1972, and for the fiscal year ending June 30, 1973, the Commonwealth of Puerto Rico and each possession of the United States is entitled to an advance which bears the same ratio to $10,000,000,000 as the population of such Commonwealth or possession, as the case may be, bears to the population of all the States. Subsection (b) shall not apply to any State referred to in the preceding sentence.

(d) For purposes of subsection (c)(1), the revenue effort of each State for any fiscal year shall be obtained by dividing—

(1) the total general revenue derived by such State and all of its units of governments by

(2) the total personal income for such State.

(e) The amount determined under subsection (a) or (c)(2) of this section shall be paid by the Secretary to each State at such time as the Secretary may determine during any fiscal year, but not less often than once each calendar quarter. A pro rata portion of the amount described in subsection (b) shall be paid by the Secretary for each calendar quarter to which an alternative formula applies, at such times as the Secretary may determine during any fiscal year but not less often than once each such quarter.

(f) The District of Columbia shall receive its share of the amount described in subsection (b) notwithstanding the requirements of section 501(c)'

(g) All computations and determinations by the Secretary under section 301 and this section shall be final and conclusive.

(h) Any advance under this Act shall be repaid (without interest) ratably over such period, not in excess of 50 years, as may be agreed upon by the Secretary and the governmental unit to which the advance is made. Amounts so repaid shall be deposited in the general fund of the United States.

(i) No State shall be entitled to an advance under this Act for any fiscal year if the total general revenue derived during such year by such State and all of its units of government from taxation does not equal or exceed the total general revenue derived by such State and all of its units of government from taxation during the fiscal year ending June 30, 1971.

PAYMENTS BY STATES TO LOCAL GOVERNMENTS

SEC. 501. (a) The local governments of each State shall be entitled to receive an amount equal to the advance to such State pursuant to section 401(a) or (c)(2) multiplied by a fraction the numerator of which is the sum of the general revenues of all units of government of such State and the denominator of which is the sum of the general revenues of such State and all of its units of government. Such amounts shall be computed by the State on the basis of the latest data available from the Department of Commerce at the beginning of the fiscal year.

(b) Within thirty days after receipt of an advance pursuant to section 401(a) or (c)(2), each State shall advance to each of its local governments an amount, computed on the basis of the statistical data used in subsection (a) of this section, equal to—

(1) the amount determined under subsection (a) of this section, multiplied by

(2) the ratio of each such local government's general revenue to the total general revenue of all local governments in such State.

(c) To encourage States to take the initiative in strengthening the fiscal position of their local governments and to maximize flexibility in the use of the advances authorized by this Act for meeting the particular needs of differing State and local fiscal systems, the Secretary shall accept an alternative formula for the allocation of funds as required by subsection (a) of this section (and any modification or termination of such formula) if requested by the State, provided such formula (or modification or termination of such formula) is—

(1) enacted by the State in the same manner as authorized in such State's constitution for the enactment of State laws, and

(2) approved by a formal resolution by more than one-half of the governing bodies of each of the following classes of government in such State:

(A) major municipalities,

(B) counties, and

(C) major townships.

In each such class of government, approval must be by governing bodies representing a majority of the population in such class. A statement of such formula indicating approval thereof in accordance with this subsection (including a certification by the Bureau of the Census which enumerates major municipalities, counties, and major townships included in the classes referred to above) shall be filed by the Governor with the Secretary not later than ninety days preceding the first calendar quarter to which such formula would be applicable. The provisions of such formula shall govern the use of funds allocated by this Act to local governments and shall apply for the period stated therein.

(d) Except when a formula has been adopted pursuant to subsection (c), a State's aggregate payments to all of its local governments for such State's fiscal year (from all sources other than amounts received under this Act) shall be an amount which represents not less than the average proportion of such State's general revenues received by its local governments for the three fiscal years of such State next preceding the date of enactment of this Act, unless such State demonstrates to the satisfaction of the Secretary that there has been a transfer from local governments to the State of financial responsibility for the direct support of facilities or services previously the responsibility of local governments.

(e) It is the intent of the Congress in enacting this Act—

(1) to make the credit of the United States available to the States and to the local governments for an emergency period in the manner and to the extent provided in this Act,

(2) that the program provided by this Act is to be construed as borrowing by the United States coupled with intergovernmental advances to States and local governments, and is not to be construed as general purpose borrowings by the States and local governments from the general public or from private sources of the kind generally provided for in limitations on the authority of States and local governments to incur indebtedness; and

(3) that the Secretary and each State will cooperate in order that, to the maximum extent feasible, advances pursuant to this Act to the local governments of such State will not come within limitations on the authority of such local governments to incur indebtedness.

QUALIFICATIONS

SEC. 601. Participation by a State in the program established by this Act shall constitute a waiver by the State of its immunity from suit by its local governments pursuant to this Act. The Governor shall, on behalf of the State and any local government which may receive any advances pursuant to this Act, give to the Secretary such assurances as he may require that such State and its local governments will—

(1) use such advances for its governmental purposes;

(2) use such fiscal and accounting procedures as may be necessary to assure (A) proper accounting for advances received by such State and its local governments, and (B) proper disbursement of amounts to which the local governments are entitled;

(3) provide to the Secretary or his representatives, on reasonable notice, access to, and the right to examine, any books, documents, papers, or records as he may reasonably require for the purposes of reviewing compliance with this Act; and

(4) make such reports to the Secretary as he may reasonably require, including any computations made pursuant to section 501.

POWERS OF THE SECRETARY

SEC. 701. (a) The Secretary is authorized to prescribe reasonable rules and regulations for carrying out the provisions of this Act and to request from any Federal agency statistical data and reports and such other information which he may deem necessary to carry out his functions under this Act, and each Federal agency is authorized to furnish such statistical data and reports and other information to the Secretary to the extent permitted by law.

(b) If the Secretary determines that a State has failed to comply substantially with any provision of this Act, other than section 1101, or any rule or regulation issued pursuant thereto—

(1) he may refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; or

(2) after giving reasonable notice and opportunity for a hearing to the Governor of such State, he shall notify the Governor that if such State fails to take corrective action within sixty days from the date of such notification, further advances to such State in excess of the amounts to which the local governments of such State are entitled under section 501 shall be withheld for the remainder of the fiscal year and for any subsequent fiscal year until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts. In the case of the failure of the State to comply, for a period in excess of six months after the expiration of the sixty-day notice, the Secretary shall forthwith cancel any advances withheld pursuant to this paragraph for the current and for any subsequent fiscal year and shall reapportion and pay such canceled advances to all other States then entitled to receive advances under section 401 in proportion to the original installments paid to such States for the fiscal year to which such canceled advances pertain. Such advances to all other States shall be considered advances made pursuant to section 401.

(c) If an advance to a State is withheld or canceled pursuant to this section, the Secretary shall continue to advance to such State the amount to which the local governments of such State are entitled, as determined pursuant to section 501, and such State shall continue to distribute such amounts among its local governments pursuant to section 501.

(d) When a matter is referred to the Attorney General pursuant to subsection (b) (1), the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(e) The Governor shall be responsible to the Secretary for determining that local governments within his State have complied with the provisions of this Act, other than section 1101, and the rules and regulations issued pursuant thereto. If, after giving reasonable notice and an opportunity for a hearing to the chief executive officer of a local government of such State, the Governor determines that such local government has failed to comply substantially with any provision of this Act, other than section 1101, or any rule or regulation issued pursuant thereto, the Governor shall forthwith notify such local government that if it fails to take corrective action within sixty days from the date of such notification, further advances to it under this Act will be withheld for the remainder of the fiscal year and for any subsequent fiscal year until such time as he is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. The Governor shall forthwith notify the Secretary of his action.

(f) In the event of a failure by such local government to comply for a period in excess of six months after the expiration of a sixty-day notice issued by the Governor pursuant to a determination under subsection (e), the Governor shall forthwith cancel any advances withheld for the current and for any subsequent fiscal year and shall reapportion and pay such canceled advances to all other local governments of such State then entitled to receive advances pursuant to section 501, in proportion to the original advances made to such local governments for the fiscal year to which the canceled advances pertain.

JUDICIAL REVIEW

SEC. 801. (a) Any State or local government which receives a sixty-day notice under section 701 may, within sixty days after receiving such notice, file with the United States court of appeals for the circuit in which such State or local government is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. A copy of the petition shall forthwith be transmitted to the Secretary; a copy shall also forthwith be transmitted to the Attorney General, who shall represent the Secretary in any litigation.

(b) The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(c) The Court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. However, if any finding is not supported by substantial evidence, the court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous actions. He shall certify to the court the record of any further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(d) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

(e) In the event that judicial proceedings are instituted pursuant to this section, the Secretary shall after the expiration of the six-month period provided in section 701(b) or 701(f), or the point in time when any judicial decision becomes final and the time for appeal or rehearing has expired, whichever period is later, cancel, reapportion and pay any advances withheld pursuant to section 701 for the current and for any subsequent fiscal year.

(f) For purposes of this section, the term "Secretary" means the Secretary of the Treasury or the Governor of a State, whichever is appropriate.

REPORTS

SEC. 901. (a) The Comptroller General of the United States shall make interim reports on the operation of this Act on or before January 1, 1972, July 1, 1972, January 1, 1973, and July 1, 1973. Each such report shall include (but shall not be limited to) a report with respect to—

(1) the way in which the pass-through the State to the local governments under section 501 is functioning in each State, and

(2) the division each governmental unit receiving advances under this Act is making of such advances between amounts expended or proposed to be expended for capital purposes and amounts expended or proposed to be expended for operating purposes.

(b) The Secretary shall report to the President of the United States and to the Congress as soon as practicable after the end of each fiscal year on the operation of this Act during such fiscal year.

ADMINISTRATIVE EXPENSES

SEC. 1001. There is hereby authorized to be appropriated such sums as may be necessary for the administrative expenses required to carry out the functions of the Government of the United States under this Act.

NONDISCRIMINATION PROVISION

SEC. 1101. (a) No person in the United States shall on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with advances under this Act.

(b) (1) Whenever the Secretary determines that any State has failed to comply with subsection (a) or an applicable regulation, he shall attempt to secure compliance by voluntary means. If the Secretary determines that compliance cannot be secured by voluntary means, he shall have the authority to (A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or (C) take such other action as may be provided by law.

(2) Whenever the Secretary determines that a local government has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State in which the local government is located of the noncompliance and shall request the Governor to secure compliance. If within a reasonable period of time the State fails or refuses to secure compliance, the Secretary shall have the authority to (A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or (C) take such other action as may be provided by law.

(c) Whenever any individual or group (public or private) files a petition with the Attorney General charging that any State or local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General shall afford such individual or group an opportunity to be heard.

(d) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State or local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

CALLEY CASE

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. THOMPSON. Mr. Speaker, the most recent development in the Lt. William Calley case is the disclosure of a letter written by Army Capt. Aubrey M. Daniel, who served as prosecutor in the trial, to President Nixon. Although he has said to members of the news media that he did not want publicity from the letter, Captain Daniel sent a copy to Senator George McGovern and others. The letter was made public immediately, as I am sure Captain Daniel knew it would be.

I respectfully request that the letter I wrote to Captain Daniel today be part of the Congressional Record. Unlike the Captain's avowed intentions, my purpose in having this letter inserted in the Record is so that it may receive as wide public attention as possible.

I include the letter as follows:

April 7, 1971.

Capt. Aubrey M. Daniel,
Judge Advocate General Corps,
Fort Benning, Ga.

Dear Captain Daniel: Shame on you! Why were you not honest enough to admit that you sent copies of your letter to President Nixon to Senators such as George McGovern in order to gain publicity for yourself and your letter.

When you sent the copies of the letter you knew what would be the inevitable result—Publicity—For you to now state that you did not want any publicity about the letter indicates that at least on this point, you are not telling the truth.

Further, for you to state that the President did damage to the military system of justice by declaring, in response to public concern, that he, as Commander-in-Chief, would make the final decision in the Calley matter—this is absurd! This is the President's duty under the law and it is improper for you to criticize the President for his stating that he was not going to shirk his responsibility as the final appellate authority. The public was entitled to a statement from the President, and, by his speaking out, he affirmed that the system of justice which makes the President the final authority will continue to function.

I can only conclude the following from the limited knowledge I have of your actions:

1. You are so emotionally involved in the Calley matter that you cannot view it except in the narrow perspective of the prosecutor.

2. That you acted irrationally in writing the letter and sending copies to the President's political enemies.

3. By sending to the President's political enemy, Senator George McGovern, copies of the letter you wrote President Nixon, you knew that he would make the matter public at once.

4. That you are not truthful when you state, as reported by the press, that you did not want publicity on this matter.

5. That you do not believe in our system of law which makes the President the final appellate authority and grants him power as Commander-in-Chief to place a member of the military under house arrest in lieu of the stockade.

6. That you have done a disservice to our orderly system of law by condemning in a public manner the President for his having assured the public he will carry out the duties of his office.

It is too bad for our country that you acted so immaturely.

Yours very truly,

Fletcher Thompson,
Member of Congress.

NATIONAL ORGANIZATIONS JOIN COURT SUITS TO CONTINUE CROSS-FLORIDA BARGE CANAL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BENNETT. Mr. Speaker, to correct an unconstitutional administration decision to halt construction of the Cross-Florida Barge Canal, many national organizations are going to court to overturn the stop order.

The Canal Authority of the State of Florida has reported that a national campaign is being developed not only through the courts but directed to the general public to point out the consequences of closing down the one-third completed Cross-Florida Barge Canal.

Already, the executive director of the Department of Natural Resources for the State of Florida, sponsor of the canal, has said:

> There are more problems involved if the canal is dead than if it were going to continue.

The actual costs to stop the project, for which $60 million has already been appropriated, would be between $15 and $20 million. Instead of improving the ecology of Florida, an abandoned canal area would become in part a wasteland and in part an area of 50-foot lots with open sewers: and in neither case any wildlife or ecological protection.

The country needs the Cross-Florida Barge Canal for national defense reasons, for its economic benefits and the environmental approvements it will bring to Florida. The White House should make these suits unnecessary by rescinding its order; and, if it wishes, submitting repealing legislation for open debate and appropriate action.

I enclose in the Congressional Record an article from the March 27, 1971, Florida Times-Union of Jacksonville, Fla., which reports on the national interest in continuing the Cross-Florida Barge Canal.

Suit Against Canal Cutoff Gains Support

Support for a lawsuit the Canal Authority of Florida has filed against the federal government for halting work on the Cross-Florida Barge Canal is coming from many directions, Authority Chairman L. C. Ringhaven says.

Ringhaver said the groups which have indicated they are actually joining the suit are headed by the nation's most powerful water resources organization, the Water Resources Congress.

Others are the Arkansas Basin Development Association, Ohio Valley Improvement Association Inc., Texas Water Conservation Association, Gulf Intracoastal Waterways Association, Florida Waterways Association, Canal Counties Association, Jacksonville Port Authority, Marion County Chamber of Commerce and Jacksonville Chamber of Commerce.

Ringhaver said other groups and individuals are fighting for the project in other ways. Most prominent among these, he said, is the Propeller Club of the United States which is undertaking a nationwide effort to "focus attention on the project and the action taken by the President."

Ringhaver said some national interests fear their own projects could be next if "the strength of the forces for environmental progress does not counteract the power of those who oppose all change and development."

The meeting of the Cabinet in Tallahassee next Tuesday could end the hope of six Florida counties and the state of ever recovering from the federal government any of the $12 million they have spent on the canal, Ringhaver said.

Ringhaver said a vote by the Cabinet to approve the permanent halt of the canal would be taken as a breach of contract by the State of Florida.

He said this would tend to eliminate the opportunity for Florida or the counties to succeed with any future claim against the federal government for abandoning work in various unfinished stages.

"The six counties already have paid almost $100 percent of their part of the agreement with the federal government and are due some sort of return on their investment," he said.

He said a remedy for the counties can be achieved through the courts if the state does not make the mistake of breaching the contract itself.

The biggest loser, according to Ringhaver, would be Duval County, which has paid $6.5 million in the agreement and has received "not one iota in return."

CHERRY BLOSSOM FESTIVAL

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, the Cherry Blossom Festival is consistently a source of pride to both the residents and visitors of our Nation's Capital City. This year's festival in particular, was of special importance to me because one of the two bands that represented the State of Massachusetts was from Somerset in my 10th Congressional District.

It was my pleasure and privilege to welcome the Blue Raiders marching band of Somerset High School, and show these fine young people the Nation's Capitol. Their presence in Washington and participation in the Cherry Blossom Parade was a source of pride to me. I think all who had the good fortune to enjoy their performance agreed that these young people performed in the finest tradition of Cherry Blossom Festivals, both past and future.

Borden, Carol; Remy, Thomas; Harrington, Glen; Doucette, Susan; Medeiros, Denise; Teasdale, Mary; Grace, Kathy; Aballo, Brian; Desrosiers, Joe; Renaud, David; Chace, Melanie; Freitas, David; O'Keefe, Brad; Souza, Antone; Renaud, Valerie.

Botelho, Roger; Cummings, Bob; Pond, David; Freve, Paul; Grace, Micky; Langfield, Chris; McVey, Bruce; Mullen, Susan; Simmons, David; Nunes, Donna; Gouin, Donna; Clark, Lisa; McGrady, Jayne.

Campbell, Gayle; Bienvenue, Louise; Sherman, Cheryl; Frado, Cindy; Bothelho, Kathy; Heap, Joanne; Dube, Donald; Profio, Melanie; Wright, Cheryl; Langlais, Janine; Brouillard, Cathy; Dowty, Scott.

Teasdale, Nancy; Fernandes, Jo-Ann; Murphy, John; Robinson, Heidi; Hodasa, Lance; Ray, Frank; Chace, Bill; Dionne, Donald; Chace, Holly; Furtado, Ronald.

Greenberg, Ellen; Lempke, Steven; Motta, Rick; Nogueira, Ronald; Andette, Janine; Horden, Dottie; Mullaney, Claire; Conroy, Monica; Mills, Ellen; Fisher, Beth; Coates, Louis; Stukas, Beverly.

Greenberg, Alan; Bowers, Jeff; Miller, Donna; Forrester, James; Sandler, David; Helfenbein, Marsha; Zusman, Lawrence; Cordeiro, Steve; Hebert, Louis; Boulanger, Richard; Ford, Mike; Nunes, Edmond; Saurette, Bob.

Paradis, Gloria; Quin, Steven; Miller, Sue; Peloquin, Raymond; Farrell, Steve; Gesner, David; Lafond, Susan; Lesh, Kellie; Mullen, Debra; Perry, Debra; Murphy, Elizabeth; McDonald, Sue; Shahdan, Deanna; Giocable, Anne; Turcotte, Anne; Marsocci, Amy; Fortin, Pauline; Murphy, Luce.

Frasse, Renee; Hamilton, Nancy; Parent, Donna; Rapoza, Lynn; Bond, Mary; Leonard, Karen; Norman, Barbara; Peterson, Cindy; Gitlin, Phyllis.

Gomes, Helen; Mitchell, Linda; Pereira, Denise; Robillard, Denise; Furtado, Linda; Connors, Bonnie; Gardella, Nancy; Spence, Caroyln.

Schultz, Barbara; Mulready, Donna; Swidzinski, Linda; Souza, Ann; Silvia, Joyce; Lynch, Brenda; Gorham, Cindy; Sabra, Robin.

Band director—Mr. Robert Perry. Mr. Perry's wife, Elaine and two of his children, Robert, Jr. and Leslie Ann, also attended.

Chaperones: Mrs. Bruce Maggs, Miss Florence Lemaire, Mr. David Cucinotta, Mr. Daniel Maloof, Mr. Bruce Maggs, Miss Loretta Nowacki, Mr. Raymond Borges, Mr. Jack Driscoll, Mrs. Anna Danielson, Mrs. Eleanor Gorham, Mr. Kaiser Shahdan.

Trip coordinator—Mrs. Mary Zablocka.

CALLEY CASE

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the case of Lt. William L. Calley, Jr., and the great outpouring of concern over his conviction is the subject of a lengthy and thoughtful editorial appearing in the Jackson Citizen Patriot, Jackson, Mich., on Thursday, April 1, 1971. As we as a Nation seek to find how truth and justice can best be served in this tragic situation I believe that many of the points this editorial raised must be carefully considered and I commend it to the attention of my colleagues.

I include the article as follows:

CALLEY CASE REFLECTS A TROUBLED AMERICA

The great national debate which has raged since the massacre at My Lai was brought to the public's attention has taken a new turn with the guilty verdict brought by a military court against the principal figure in the tragedy, Lt. William L. Calley Jr.

The talk and the soul-searching will continue until final disposition of the case which may take as much as five years as all avenues of appeal are exhausted.

A consensus on the fate of Lt. Calley and of the victims he, according to the court, murdered at My Lai is impossible because so many conflicting views have at least a grain of validity.

The court, after a lengthy review of the mass of testimony produced during the trial, held that Lt. Calley was guilty of premeditated murder. It found his understanding of his orders to be no justifiation for what he did and what he ordered other members of his platoon to do. At this moment, the finding of the court stands as the official decision of the military on the behavior of Lt. Calley and is the controlling policy on any other cases of a similar nature. The primary decision is, of course, subject to review.

The morality of the My Lai incident is complicated beyond all belief by factors which are new to America in time of war.

The most unexpected development in this wake of the court's decision is the rolling wave of support for Lt. Calley.

At the time the killings came to light there was a very loud outcry for punishment of whoever was guilty. The inference was that hanging was too good for anyone who had anything to do with the incident.

Today, however, even persons who are deeply opposed to the war, and who see it as basically immoral, are questioning whether Calley should be held personally responsible for the "evils" of the system.

Therein, perhaps, lies the source of the confusion. The Vietnam War is like no other in America's history. As a nation, we are trying to rewrite not only the rules of war, but our standards of moral conduct in an armed conflict.

A comparison with World War II is inevitable and perhaps odious.

In the great conflict against the Axis powers the national commitment was unreserved. The armed forces were a true cross section of America. There were no pockets of resistance to the conflict such as exist today.

Men who heard the call to the colors through the draft or enlistments and women who volunteered for service, did what they were told.

The natural leaders boiled to the top in most instances and filled leadership posts in the armed force which was expanding at an unbelievable rate. The total commitment by all socio-economic groups, made it possible to forge a multi-million man fighting force out of civilians.

The same conditions do not exist today. In a recent column in Newsweek Magazine, Stewart Alsop pointed out that recruiting practices of the armed services today, along with the student deferments granted to men who might form the leadership needed in the kind of a war being fought in Vietnam, are leaving the tedious business of combat to men taken in the draft. Alsop asks if the ending of the draft might leave the armed forces with no fighting men at all.

The draft brings many capable men into the service. They become good soldiers and leaders and serve with distinction without questioning their duty to do so.

But the system also makes it necessary to promote men beyond their capabilities. Whatever else may be said about Lt. Calley he did not display the ability to command. He was a victim of the system as were those in positions of responsibility who put him in charge of a platoon at My Lai and issued orders he seemingly could not interpret in the context of the realities of the situation.

Thus the penalty he is being asked to pay seems in appropriate. Perhaps it is the inherent good judgment of the mass of American people which is inspiring the protests at the verdict of the military court.

In any event, we, as a nation, are trying to rethink the morality of war and military actions in light of a war which is not at all popular with the masses.

Because an obvious majority of the people regard the war as a national error or tragedy, if not patently immoral, they are trying to impose standards of conduct on military forces which would not have been given a second thought in the heat of World War II.

Saturation bombing in Europe and even the dropping of atomic bombs on Japan, were accepted as moral and necessary because they promised an early end to the war and the saving of both American and enemy lives. That innocent civilians were killed was more or less incidental.

The killings could be justified by the bombing of Britain by Hitler's forces. That was the way war was. We paid the enemy back in his own coin. The question of morality seldom arose.

It emerges today, to a great extent, because there is a tendency to try to make war somehow moral and to forget that it takes two to make a bargain. We try to elevate our own moral standards with respect to war with no reciprocal response from the enemy.

We forget that what happened at My Lai wouldn't put a patch on the genocide practiced by the North Vietnamese under the late Ho Chi Minh. The deliberate liquidation of literally thousands of South Vietnamese teachers, village officials, and other natural leaders was a part of the Communists' grand plan to dominate Southeast Asia. It was carried out with precision—and with little protest from the international community, including persons in America who now deplore America's involvement in the war and the immorality of My Lai.

The immorality of war, in general, has become dominant in American thinking in the course of a conflict which is unpopular. Deeds which would have been accepted without question in World War II or earlier encounters have become great public issues.

Inherent in all debate is the utter desire of the people to see an end to war and killing—an admirable urge, to be sure.

But in view of the inability of America to make a unilateral decision to end war and to impose our standards of morality on all mankind, the debate and the indecision will continue.

Where it all will come, no one can guess. Meanwhile, every commander who goes into combat may need to have a lawyer by his side to tell him what he can, and cannot do, in keeping with the precedent set by Lt. Calley's fate.

MISS IRENE PARSONS NAMED CIVIL SERVANT OF YEAR

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. DULSKI. Mr. Speaker, one of the most capable civil servants in our Federal Government was recognized recently by AMVETS for her many years of outstanding dedicated public service.

In 1965, President Lyndon Johnson appointed Miss Irene Parsons to the high position of Assistant Administrator of Personnel in the Veterans' Administration.

She is one of the most outstanding women in our government and supervises the personnel policies of over 170,000 Federal employees in the Veterans' Administration.

Miss Parsons is a veteran of World War II having served as an officer in the Coast Guard. She is a graduate of the University of North Carolina and also holds the degree of Master of Science in Public Administration from George Washington University.

In 1967, the University of North Carolina awarded Miss Parsons an honorary Doctor of Laws degree in recognition of outstanding administrative abilities and superior government service.

As Chairman of the Committee on Post Office and Civil Service and as a longtime member of the Committee on Veterans' Affairs, I take pleasure in calling the attention of Members to the recognition given Miss Parsons.

As part of my remarks, I include the text of AMVETS citation which accompanied the Silver Helmet Civil Servant of the Year Award presented to Miss Parsons on March 27.

Citation

The 26th Annual National Convention of AMVETS, assembled in New York City, New York, on August 26, 1970, did unanimously resolve that its "Civil Servant of the Year Award" be presented to Irene Parsons, Assistant Administrator for Personnel, Veterans Administration.

Whose unique career reflects a dedication to veterans and a concern for the equality of man.

The responsibility of directing personnel policies for 170,000 federal agency employees is a heavy one. When the mission of that agency is to carry out America's commitment to her veterans, the role becomes vital. This is the daily pursuit of Irene Parsons.

Success for this gentle woman did not occur instantaneously. It was achieved through diligent work, the application of a brilliant mind and nourished by a deep concern for her fellow man.

Miss Parsons is a native of the Tarheel state, a graduate of the University of North Carolina and holds the degree of Master of Science in Public Administration from George Washington University. During World War II, she served as an officer in the Coast Guard SPARS.

Following the war, she joined the Veterans Administration—a young veteran, a woman, on the threshold of a challenging career.

In the ensuing years, she progressed to responsible positions in the Federal Career Service—and Irene Parsons certainly put it all together. In 1965, she became the Assistant Administrator for Personnel of the Veterans Administration by appointment of the President of the United States.

Her leadership has brought honor to her agency and has been recognized many times. Perhaps the impact of Irene Parsons can best be summed up by mentioning two honors of special importance to her.

The Honorable Olin E. Teague, Chairman of the House Veterans' Affairs Commitee, has noted in the Congressional Record that Irene Parsons has made the VA personnel operation one of the most successful in government and "her personal efforts to advance equal employment opportunity have been cited as contributing greatly to the Veteran Administration's exceptional accomplishments in these programs."

In 1967, her alma mater, the University of North Carolina, awarded Miss Parsons an honorary Doctor of Laws degree, in recognition of her administrative abilities, superior achievements and outstanding service to the Government of the United States.

AMVETS are proud to join in the recognition of this lady, and with our award goes our gratitude on behalf of America's veterans.

It is a personal privilege to present the Silver Helmet, AMVETS' highest award, for the Civil Servant of the Year to Miss Irene Parsons.

CIRCUIT COURT EXECUTIVE STANDARDS ARE ISSUED

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. CELLER. Mr. Speaker, I am pleased to report that the Board of Certification created by Congress to certify persons eligible for the position of circuit court executive has now promulgated standards for certification as required by the new law. Because of the wide interest in court reform, I believe it important that the proposed standards and the accompanying memorandum be printed in the Congressional Record.

Tentative Standards for Certification of Circuit Executive

The Board of Certification, created by a recent amendment to Section 332, Title 28 (Public Law 91-647) acting in accordance with Subsection (f) of the amended act has promulgated the following standards for certification for appointment to the office of circuit executive.

An applicant must:

1. Possess executive ability, demonstrated by substantial experience in progressively more responsible management positions in government or the private sector;

2. Have experience in modern business and management techniques, including use of automatic data processing;

3. Have demonstrated capability to plan and conduct studies designed to improve the management of the business of the circuit court and of the district courts within the circuit, to prepare recommendations and reports to appropriate higher authorities and to implement such recommendations when approved.

4. Possess a very high degree of judgment, understanding and tact; exceptional ability to meet with and maintain proper relationships with other courts and officials of the state and federal governments, and with members of the bar and the public;

5. Possess ability to conduct conferences and meetings, and to express himself clearly in writing and orally before the council, the judges of the courts and representatives of government agencies, industry and the public;

6. Detailed familiarity with court procedures is not indispensable. Formal training in court management and managerial experience is particularly relevant.

7. Possess creative leadership, planning and organizing ability, initiative, decisiveness, dedication and independence to make significant contributions toward productive change in methods of operating.

8. Have acquired an undergraduate degree; a graduate degree in business or public administration or a degree in law is desirable.

Memorandum To Accompany the Statement of Qualifications

These standards have been established to the end that a circuit executive shall be fully competent to perform all the duties committed to him by the statute and such other duties as may from time to time be delegated to him by the Circuit Council. It is contemplated that the circuit executive shall act as the arm of the Circuit Council to conduct or supervise all delegable functions of court business. With the cooperation and assistance of the Administrative Office of the U.S. Courts and The Federal Judicial Center, he will collect, compile and analyze statistical data and will prepare and present reports and recommendations based upon such studies and data to enable the council to make all necessary orders for the effective expeditious administration of the courts within the circuit. It is contemplated that this cooperative effort will result in an integrated working relationship between the Circuit Council, the Administrative Office of the U.S. Courts and the Federal Judicial Center. The maintenance of this relationship is deemed to be essential to the efficient operation of the courts and the administration of justice.

DR. MILTON PEARL SPEAKS ON PUBLIC LAND LAWS

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. DELLENBACK. Mr. Speaker, some months ago we had the distinct pleasure in my State of Oregon of having Dr. Milton Pearl, then the Director of the Public Land Law Review Commission, speak at a conference of the Association of Oregon Counties.

Dr. Pearl is an extremely knowledgeable and able man and he spoke on a subject of major importance to our whole section of the country. His remarks were provocative and I intended to insert them in the Record immediately after they were made. Through an oversight, this was not done at that time. I take pleasure in rectifying that oversight at this time and in calling these remarks to the attention of my colleagues:

Remarks of Milton A. Pearl, Director, Public Land Law Review Commission

The difficulties that we have in obtaining significant public land laws is capsulized in a conversation I had the other day with a mid-westerner who has, however, travelled quite a bit through the western public land states. He started this phase of our dialogue by saying that there were adequate recreation lands available without the construction of new access roads for that purpose, that if it is intended to assist lumber companies he was certainly opposed to it, and finally if the purpose is to allow residents to reach their homes or ranches he, as a taxpayer, resented it.

He went further and said that on a recent trip that took him through Idaho and Utah he was "appalled" to hear of the large amounts of money we are spending to deliver mail to remote areas. "If people choose to live in such areas," he said "they should accept as part of the price of living there that they will not receive government services."

We did not have time to pursue our discussion to the logical nth degree. But I suspect that he would have you—officials of the county governments that have responsibility for furnishing most government services, ignore people in remote areas, possibly tell them to move, or maybe go in and force them out. We know that you cannot do any of these things; we know that the Federal, State, and local governments must serve these people to some degree out of concern not only for their welfare but for the welfare of the rest of us whose lives are affected by everything that goes on in the world around us.

Carried to the proverbial nth degree I wonder if our mid-western observer would have you ignore the commission of a crime, possibly murder, if committed on remote public lands? How about sanitary facilities or a large enough police force to see that there is no pollution?

No matter which way you turn, short of just keeping people out of these areas, it is going to cost you money. Some people do not understand that you, local government, have responsibility for policing these public lands and that you incur other burdens by reason of Federal ownership of the public lands. As a matter of fact in this enlightened era I have met people who were unaware of the fact that the United States makes no payments either of taxes or in-lieu-of taxes to support the units of government in whose jurisdictions the lands are found. For the record, for the benefit of those who may not know, we note that no Federally owned property can be taxed without the consent of the United States.

To compound your problems the Public Land Law Review Commission has recommended that the bulk of the public lands should remain in Federal ownership and that in most instances where the states have ceded legislative jurisdiction to the United States the Federal government should return such jurisdiction to the states—really to you the counties.

In view of these recommendations, the Commission concluded that the United States should make some payment to compensate the states and its subdivisions for the burdens imposed by reason of Federal ownership. While there are many recommendations, of the 400 made by the Commission that are of direct concern to you, and all 400 should be of interest to all, it is the recommendations that flow from the decision to compensate for tax immunity on which I will concentrate our discussion today. In doing so I will assume that all of you have read the report and the recommendations and confine my remarks to the implications of the recommendations and their impact with specific application to the unique situation existing here in Oregon.

We have, in the many meetings at which I have spoken to date, heard nobody take exception to the idea, as expressed in the report, that "If the national interest dictates that lands should be retained in Federal ownership, it is the obligation of the United States to make certain that the burden of that policy is spread among all the people of the United States and is not borne only by those states and governments in whose areas the lands are located." We find several separate paths when we start discussing how to do this.

It seems only logical to me that generally the payments made should have some relationship to the burdens borne by state and local governments because of the Federal ownership. This is the position of the Commission. And this is the position, in my opinion, that is going to be persuasive with the Congress—if, in fact, we are going to be able to persuade the Congress to do anything to alleviate the financial plight of states and counties within whose borders there are large Federal land holdings.

Returning to the states and counties a portion of the receipts from public land and resource sales and leases—revenue sharing—is not in any way related to the burdens of Federal land ownership. I make this as a statement of fact and not merely a restatement of a conclusion reached by the Commission. I make this statement knowing that our research shows that the two largest revenue sharing programs—for the sale of National Forest timber and of public land oil and gas—had their genesis in the desire of Congress to compensate states and counties for the fact that the lands from which these resources were to be sold would not go into private ownership and on to the tax rolls as previously contemplated. However, I also know from our research that there was no scientific basis, or even an attempt to develop a scientific basis, to determine what the amount of shared revenue should be and whether the amount agreed upon would in fact compensate for the loss involved.

The Commission, as you all know, recommended that generally, for the reasons I have stated and others, revenue sharing programs should be repealed and replaced by a system or systems of payments-in-lieu of taxes with the United States receiving a public benefits discount from what private owners would pay in taxes if the property were on the tax rolls. In some instances it is possible—maybe even probable—that payments would be less, even if full tax equivalency were paid, than is made through shared revenues. But on the whole payments would be greater and in the aggregate might be as much as $60 million a year more than paid at present even if the Commission's proposal for a discount is adopted.

This situation has naturally made unhappy those whose payments might be reduced. So two months ago, when we were here in Portland at the Discussion Forum, the idea was advanced that possibly the United States could adopt a dual system; share revenues where there are resources to sell but make payments related to regular tax payments where there are no such sales. The other day at a conference we were told that the Federation of Rocky Mountain States has supported this position and then suggests that the states or counties should have the option of choosing the system under which they wish to operate.

Examining this idea realistically it just does not seem to me that you can get the Congress—the people of the United States—to accept it. In addition to the question of burdens, there is, first, the fact, relied on heavily by the Commission and stressed by many citizen groups, that revenue sharing tends to generate pressure for sales without giving primary consideration to good conservation practices. Secondly, and maybe of greater importance, I have never heard of a statute giving options to recipients of payments solely on the basis of having the recipient make an election of the plan that will pay the most money.

While there are other aspects of significance in the other public land states, let us today examine only that of significance to you, to Oregon. This revolves, of course, around the O&C counties.

We—neither in our research program nor the Commission in its deliberations—studied the O&C counties and whether any of the recommendations should apply to O&C counties. The question remaining then is whether the O&C counties are so unique as to enjoy the separate status they have had in the past and thereby not have applied to them the policies made applicable to Federally owned lands generally. The fact is that sooner or later this question must be faced and you should prepare now to face it and to present a united front in doing so.

When the bill establishing the Public Land Law Review Commission was taken up by the subcommittee on public lands of the House Interior Committee there was immediate and unanimous agreement that the history of the O&C lands and their attendant problems were so different from those of the public lands generally that O&C should not be part of the Commission's study. In recognizing this difference there was implied an agreement that O&C lands should be reviewed periodically but separately.

Similar recognition of the different status of the O&C lands has been given over the years in the Executive Branch by the Bureau of the Budget and in Congress by the Appropriations Committees. Your Congressional delegation has had to keep alert, and I can testify to how hard they have worked at it, but they have been successful in maintaining so far the level of Federal revenues either shared or re-invested in the O&C lands.

The main point is that this special status has been recognized. A new examination must be made of whether that status should continue. I offer no answer today but suggest that you examine history and prepare your case accordingly with all Oregon united. Let us see what some of that history discloses.

Oregonians in and out of Congress have argued that public domain lands in Oregon are basically unlike other public domain because the United States did not purchase this territory but acquired it rather by discovery and settlement. This line of reasoning then apparently goes on to the assumption that must have been made when Oregon joined the Union that the Federal government would, as it did in other instances, devote part of this public domain to development.

The grant to the Oregon and California Railroad was such a development step. Oregonians have always held that the failure of that venture did not in any way cost the Federal government anything but it did, obviously, hamper the state. Some pointed out that the United States actually made a profit by selling even-numbered sections of land along the right of way at double the price other lands brought. Further, the United States, in the 1866 grant, required free transportation of its property and troops—a right estimated to have had a value of $2 million by 1916.

You will recall that the failure of the Oregon and California Railroad was caused by the violation of that part of the grant that required the sale of small lots to actual settlers. The abrogation of this part of the contract at a minimum hampered the development of western Oregon. Following extensive litigation, title to the lands was revested in the United States by Act of Congress in 1916. The opinion of the Supreme Court and the legislative history of the revestment Act have both been subject to interpretation and debate.

Suffice to say at this time that the Act, which carried a revenue sharing formula, has been claimed by many to have been designed to carry out the original purpose of the land grant by dedicating the lands to the further development of the State of Oregon. The inclusion of a revenue sharing provision indicates that in 1916 the Congress did not try to equate payments to the State and counties with tax losses.

The loss to the State in the failure of the railroad was discussed by Representative Sinnott of Oregon in debate on the revestment bill:

"Who can estimate the loss to my state? What monetary consideration can recompense us for the past michief and damage? The injury to my State by the loss of homes, of schools, and development is an injury that is incalculable. The loss and injury to Oregon is irreparable."

You are all familiar with the fact that the 1916 Act did not fulfill its purpose and of the history of the 1926 and 1937 Acts. I need not dwell on them; they are extensions of whatever the original purpose and revestment were.

The next move is yours. I submit to you that you cannot have, at your own choice, the best of whatever would you choose. The only way you can logically seek an exception from whatever the general rule is, is to demonstrate that there exists a unique situation. The road ahead may be rocky but it is not necessarily impassable.

CALLEY VERDICT

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. SYMINGTON. Mr. Speaker, at this writing, I have received over 200 letters on the Calley matter, three of which support the verdict. The others, deploring the charges, verdict, and sentence urge clemency or pardon. They fall into four general categories:

First, letters from parents asking if their teenage sons can look forward to a criminal penalty if they enter the armed services;

Second, letters from men, frequently veterans, pointing out that all war is hell, and that no man should be held accountable for his reaction to the abnormal stress of battle;

Third, letters suggesting that the Vietnamese are "not like us", have no regard themselves for life, and are dangerous, "even the babies", and

Fourth, letters that consider Calley merely a man obeying an order, the responsibility for which lies with one or more superiors. One such letter named as guilty the four Presidents who have served during our Vietnam involvement. Some writers assert the verdict hurts the country, and a few say they are ashamed to be Americans because of it.

Because of these letters, the anguish they represent, and the issues they raise, I feel obligated to respond to them all before this House.

First, if the evidence before the soldier jurors was accurate, does the verdict hurt the country? Is not it rather the act that provided the evidence that led to the verdict that has hurt the country? And should not a great people whose faith is founded on the Judeo-Christian ethic reserve their shame for the act itself, rather than its condemnation?

In my view, when the events at My Lai became a matter of public knowledge, by means of personal accounts and photographs, the American army itself, its citizen soldiers and the values they committed to battle, went on trial, both here and abroad.

This was true of North Vietnam's Army when the Hue murders were discovered. The difference is that the American Army felt obligated to examine the facts, to judge, and to sentence. Had it not done so, the honor of its own traditions, of the society it defends, and of the men who have died defending it, would have been diminished, and very much so. It was agony for the jurors to hear the evidence and find it led relentlessly to a conclusion of guilty as charged for the murder of defenseless men, women, and children. And it is agony for the Nation to hear that verdict. We recoil from this image of ourselves, and we should. To salve this wound is our desire because we shared in its making and its pain.

Significant to me, and strengthening, is that in this long, arduous conflict in Vietnam, the standard of conduct of our fighting men has been extraordinarily high. Had they been sent to kill helpless civilians the shameful job would have long since been completed. But they were not. By the tens of thousands, from the cities and farms of America, drafted or enlisted, they have, with very few exceptions, observed not only the so-called "laws of war," but the simple dictates of human conscience which they learned from their parents, their schools, and their heritage. Many died doing so. What would their sacrifice mean were it equated with the conduct this case involves?

It is suggested that bombing and artillery have also resulted in the death of noncombatants. The difference between a tactical or strategic bombardment that sheds innocent blood, and the systematic killing of defenseless civilians at gunpoint must be clear both in reason and in justice. The principal ingredient of any criminal charge is intent. In this respect the indiscriminate North Vietnam rocket attacks on populated areas may be contrasted with the precise instructions American pilots must observe in pinpointing military targets.

Now what is to be done? With no wish to prejudice appellate procedures or their results, it is certainly conceivable, should the conviction stand, that the ordeal of the trial, the sentence, the verdict, and appeals, together with the attendant publicity, and the indelible memory of the ditch at My Lai, will have served, if anything could serve, to fulfill the normal objectives of criminal jurisprudence regarding penalty: rehabilitation of the offender, and deterrence of similar offenses. As for the defendant, what more can be asked of him in this life? If conscience sleeps, what sounds disturb it? Should it awaken, what silences comfort it?

The trial itself, far from scandalizing our society, ennobles it. The greatness of America is enhanced by this tortured effort, absolutely unique and unprecedented, to cleave in war to the very values she cherishes in peace.

It is late to caution in the words of the Lord, "Judge not, that ye be not judged," because at Nuremberg we did judge. We saw the mote in our brother's eye. This trial proves we have the strength and the grace to cast the beam from out own.

Last week, in part with the implications of this case in mind, I voted first to shorten the draft, and failing that, to end it. I feel the time has come for the Congress to reclaim its power to determine the necessity of committing young Americans to war. I say the time has come; let us seize it before it goes. We have given 10 years of our best in treasure and blood to help an Asian government draw its people together behind a common purpose. We cannot provide the purpose itself, or cement that people to it. We have done what was in our power to do. And that power must now be brought to bear on problems that will not be solved anywhere but here in our America. Yet to the mothers whose sons have gone, or who may yet go, I offer my solemn conviction that history will confirm in them a new kind of heroism, one for which civilization itself can only be grateful, the power and the will to preserve, throughout the inhumanity of war, the humanity of man.

SOCIAL SECURITY PROGRAM NEEDS DRASTIC OVERHAULING

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. GAYDOS. Mr. Speaker, I know many of my colleagues share the opinion our national social security program needs a drastic overhauling. The cost of the program last year was $40.6 billion, far beyond original expectations, I am sure. Its recipients now number more than 26 million and, despite a 25-percent increase in benefits over the past 2 years, more must be done to provide them with a raft in today's inflationary flood. I support additional help for our senior citizens and intend to continue to introduce legislation giving them the benefits that they so desperately need.

However, in the desire to help these 26 million Americans, we in Congress must not become blind to the plight of those who ultimately pay the bill for legislated increases in the program. It is the productive American who picks up the tab and, with the tax bites now being taken from his paycheck, he himself is hard pressed to exist. Gross earnings are whittled away by deductions for social security, Federal income tax, State income tax, local wage taxes, county taxes, school taxes, per capita taxes and sales tax. The list is almost endless and unbearable.

I have proposed a bill which will help the productive worker of today and the retired worker tomorrow. It permits the worker today to deduct his social security contribution from his Federal income tax.

I believe the social security payment is a double tax on the worker. He has no choice in most cases whether he wants to contribute or not. It is a mandatory contribution. It is a tax. He pays not only the social security tax on a certain portion of his earnings, but he also pays Federal income tax on the same amount.

This is double taxation and unfair, if not unconstitutional, particularly in view of the fact that this once insignificant contribution has grown to a tax of the first magnitude. When the program was conceived more than 30 years ago, the cost was a mere 1 percent from employer and employee on the individual's first $3,000 in earnings. That amounted to $30 each for a total tax of $60.

By 1970, the base taxable salary had risen to $7,800 and the tax rate to 4.8 percent. This means the worker and his employer last year each paid $374.40 or a total of $748.80 into the fund. This year, the tax rate went up to 5.2 percent, raising payments of employer and employee to $450.50 each or a total tax of $911.20.

Just a few weeks ago, the taxable base salary was increased to $9,000, effective January 1, 1972, and based on the present 5.2 percent tax rate it means next year the employer and employee will "contribute" $468 each or a total of $936 to social security.

Furthermore, increases in the tax rate are already scheduled for the future. The rate is due to go to 5.6 percent for 1973–75; 5.85 percent for 1976–79; 5.95 percent for 1980–86 and 6.05 percent from 1987 on. I would like to emphasize these are legislated increases but already there are proposals to raise the tax rate as high as 7.6 percent. Obviously this is going to put an additional strain on the employer and employee and any future increase in the taxable base salary will only add to their problems. In view of this, I have grave fears the social security program designed to give the retired worker a source of income in his later years might collapse under the continuing pressure brought to bear on the productive worker who supports it financially. The program contains the threat of becoming a Frankenstein, turning on the very people it was created to help.

I hope my colleagues support my proposal to give those paying into social security a tax break, easing their load and still providing the social security recipient with a source of income.

WELL-DESERVED PRAISE FOR OMAHA'S VA HOSPITAL

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. McCOLLISTER. Mr. Speaker, I recently received a letter from one of my constituents in Omaha which I would like to call to the attention of my colleagues. It concerns Omaha's Veterans' Administration Hospital and was sent by George Randol:

> . . . I was admitted to the VA Hospital in June, 1970, after suffering what I thought was a sprain to my left leg. My leg was discolored, swollen and quite painful. I passed out in the admitting office. The doctors found I had ruptured an arterial aneurysm. An operation was performed on June 7.
>
> Then it became necessary to operate again because of a breakdown of the walls of the artery and profuse bleeding that could have been terminal. Then on June 12, it was determined that the circulation of the blood to the damaged member could not be re-established. The situation was explained to my wife, and it was decided that an amputation was necessary. During this period I was delirious and unaware of what was going on. I recognized no one, not even my wife, who was at my bedside each day.
>
> Then came several months of intensive care. Whirlpool baths every day. Physical therapists doing everything they could to prepare me for the day when I could walk using a prosthesis. This was a dreary outlook. I saw so many people in physical therapy much worse off than I get up and walk. I had a lot of care from many people: physical therapists, doctors, nurses, orderlies and attendants.
>
> There were so many who passed through the facility during my five month stay, requiring special and intensive care to live. But their needs were met with an unselfish dedication by staff people on duty and on call after hours.
>
> Being in the surgical ward several months, I saw the halls filled with equipment being pressed into service for someone needing vital care. Some after surgery and some before. I would say the Veterans Administration Hospital has a reputation in this part of the country for being the top facility in the area, and they live up to their reputation. That is why I'm alive.

The praise which the VA hospital gets in Mr. Randol's letter is well deserved. The Veterans hospital in Omaha has an excellent professional staff—one of the best in the VA hospital system. They maintain an extremely close relationship with the University of Nebraska and Creighton University Medical Schools in Omaha, and that relationship provides an outstanding opportunity for the training and development of physicians in Nebraska.

I thank Mr. Randol for bringing his example to our attention. I am glad to see an excellent institution getting the applause it should get.

PREDICTION OF GEN. CURTIS E. LeMAY

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. HAGAN. Mr. Speaker, as my constituent, Mrs. Carl W. Seiler, of Savannah, Ga., so well stated in her recent letter to me, the enclosed prediction of Gen. Curtis E. LeMay should be made available as food for thought to every citizen in our country. The General LeMay article follows:

> [From the Santa Ana (Ga.) Register, Feb. 24, 1971]
>
> LeMay Predicts Russian "Yield-or-Else" Ultimatum
>
> (By Len Davis)
>
> Retired Air Force Gen. Curtis E. LeMay Tuesday predicted that within 18 months Russia will serve a "capitulation-or-else" ultimatum on the United States, and that President Nixon will have no choice but to surrender and succumb to Soviet demands.
>
> He would not speculate on what the "demands" would be, other than complete withdrawal of American forces in Vietnam.
>
> Asked to define the words "or else," LeMay replied:
>
> "Nuclear weapons."
>
> Interviewed at the South Coast Gun Club, Santa Ana, the 64-year-old former Air Force chief of staff said "while the United States is wasting money on TNT for use in the jungles and rice paddies of Southeast Asia, Russia is spending money on what today is the finest strategic weapons system in the world.
>
> "We have become a second-rate power," he said, "and our whole military establishment is rapidly going downhill because our weaponry—both offensive and defensive—is outmoded and the general public lacks the proper spirit and respect for our nation's leaders."
>
> The former head of the Strategic Air Command (SAC), who built from the remnants of World War II an all-jet bomber force manned and supported by professional airmen dedicated to the preservation of peace, had this to say about the nation's defense capabilities:
>
> "We lack superiority which, to win," he said, "should be overwhelming—more than is actually needed.
>
> "It isn't just the money that is being misspent or not budgeted," he added, "It's the whole basic philosophy of our people, which needs a greater demonstration of patriotism and a stronger manifestation of confidence in the leadership of our country—at all levels."
>
> He attributed the "sorry state of our nation" to "the growing Communist menace" and said racial troubles and draft protests, for example, "are all Communist-inspired.
>
> "Like it or not," he said, "we are at war with the Communists—and we'd better do something about it, fast, before it's too late.
>
> "All they (the Communists) have to do is infiltrate our police and military organizations to the point where they are in control," said LeMay.
>
> "The rest will be easy, and they'll take over our country," he added.
>
> LeMay urged the American people to "stand up and shout down the radicals, learn their tactics so you can combat them, and support our men in uniform.
>
> "Quit tearing things down. Quit believing everything that's told us. Investigate. Read the history and development of Communist methods and see how they apply to what's happening across our land today. Then act accordingly," said LeMay.
>
> He said the American people "would be derelict in their duty to believe we have a strong national defense system.
>
> "That's what we're told," he said, "but it's not so—really.
>
> "And I know," added the four-star general under whose leadership at SAC for 10 years plans were laid for the development and integration of the nation's intercontinental ballistic missile (ICBM) capability.

URBAN MASS TRANSIT MONEY

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. PEYSER. Mr. Speaker, the need for mass transit moneys in our metropolitan areas has reached crisis proportions. This crisis takes on added significance when we consider that nearly 70 percent of our population lives in the urban areas of our Nation. It has been estimated that the capital needs in just 19 major metropolitan areas in the next decade will be nearly $18 billion, while operating costs for mass transit in these metropolitan areas will amount to an additional $10 billion.

It was precisely because of a congressional recognition of the mass transportation crisis that the Urban Mass Transportation Assistance Act of 1964 was amended and passed by a resounding margin during the second session of the 91st Congress. This act, which commits Congress to a $12 billion investment in mass transit over the next 10 years and provides $3.1 billion in grants for the next 5 years, is certainly inadequate in view of the known mass transportation requirements.

At the same time, the scarcity of funds in comparison to the serious needs in this area underscores the importance of allocating funds authorized by this act to those metropolitan areas which are strangling to death because of totally inadequate mass transit systems.

The Urban Mass Transportation Assistance Act as it passed last session contains a provision which limits the amounts of moneys that one State may receive to 12½ percent of the authorized funds. In the first year alone, the requests from several States have either exceeded or are about to exceed this arbitrary limitation. This limitation is especially unrealistic and counterproductive in view of the fact that the mass transit crisis most seriously affects States with large metropolitan areas.

While we will not be able to provide all of the needed moneys under present programs, I think it is imperative that we remove existing limitations under this legislation to permit the Department of Transportation to make grants where they are most needed. For this reason, I have introduced a bill today to eliminate this arbitrary limitation on the Secretary's granting authority, in the hope that this bill will now permit the Secretary of Transportation to make grants of Urban Mass Transit moneys to the areas in which they are needed regardless of any arbitrary formulas.

I am pleased to announce that I was joined on this bill by 25 of my colleagues:

Mr. HARRINGTON, Mr. HALPERN, Mr. ANDERSON of Illinois, Mr. MITCHELL, Mr. LENT, Mr. RAILSBACK, Mr. COUGHLIN, Mr. MCKINNEY, Mr. FORSYTHE, Mrs. HICKS of Massachusetts, Mr. ROSENTHAL, Mr. ROSTENKOWSKI, Mr. BIAGGI, Mrs. CHISHOLM, Mrs. ABZUG, Mr. WOLFF, Mr. ANDERSON of California, Mr. VANIK, Mr. FISH, Mr. KEMP, Mr. PODELL, Mr. CAREY, Mr. REID of New York, and Mr. BELL.

THE CONSCIENCE OF AMERICA

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. SPRINGER. Mr. Speaker, one of the best editorials I have read on the recent verdict finding Lieutenant Calley guilty in the slaying of 22 Vietnamese civilians has been written by Mr. Ed Jenison, editor of the Paris, Ill., Beacon-News.

Mr. Jenison has succinctly pointed out that this event which has so troubled the conscience of America should not allow us to abandon the goals of an honorable solution to the Vietnam war and to forsake the President in his attempt to achieve these goals.

Mr. Speaker, I take this opportunity to place Mr. Jenison's editorial in the RECORD:

THE CONSCIENCE OF AMERICA

Few events in modern day history have distressed the American public as much as the verdict finding United States Army Lieutenant William L. Calley, Jr., guilty in the slaying of 22 Vietnamese civilians at My Lai at the height of the war against the invading North Vietnamese. Easing the emotional crisis somewhat has been the prompt and welcome order of President Nixon to release Lt. Calley from the army stockade pending appeal of his sentence to life imprisonment.

No one condones the shocking nature of the facts in the case as they have been confirmed in documented testimony prior to and during the extended court martial proceedings at Fort Benning, Ga. At the same time, it is obvious that the overwhelming majority of Americans feel the tragic incident was a product of the conditions of warfare, and not the fault of an individual man in uniform.

Reaction has been immediate, widespread across the nation and typically reflected here. Those who have served their country and the cause of freedom on the fighting front have recognized what those who have never been there do not—in war there is no margin for mercy. Innocents many times have been victims. History is replete with examples. And in the present conflict, these incidents have been multiplied by enemy use of the indistinguishable civilians, including youngsters, as agents of destruction.

Right here at home there have been two significant manifestations of popular sentiment. Keith Tingley, editor of our neighboring and recently-established Chrisman Leader, editorialized this week with a powerful insight into the feelings of most of us.

"I am a peace-loving man," he observed, "but war is a different story, and there is no easy way to kill an enemy. I realize that I am just a small potato out here in the sticks running a country newspaper . . . but that still doesn't, in my mind, keep me from believing that Lt. Calley 'got a rotten deal.'"

And from another local source, David Long, a conscientious citizen and World War I veteran, has addressed a letter to the editor of the Beacon-News, published yesterday, in which he reflects concern based on the reactions of one who has known what it means to be under enemy fire.

Not since the 90 men of the intelligence ship USS Pueblo were captured by the North Koreans and subjected to months of imprisonment before their release has public sentiment been so aroused and so unanimous. The continuing struggle for the preservation of freedom half a world away has always suffered from some reservations from some people, and the unfortunate My Lai incident only served to intensify that unrest.

Even so, most Americans will not permit individual incidents, no matter how unfortunate or inopportune, to divert them from a clear understanding of the issues involved.

The fact remains that the sharp conflict between the Communists and the Free world inevitably drew the armed forces of the United States into combat with the enemy in Vietnam nearly a decade ago. In the ensuing years upwards of a half a million gallant young Americans found themselves on a distant battle front to stem the tide of a desperate and dedicated enemy force. Thousands of them gave their lives for their country and an ideal that has transformed this land from a band of colonies to a citadel of freedom.

Has that sacrifice been in vain? We trust not. Must it be continued? We hope not. The truth of the matter is that President Nixon has long recognized what many did not—that under the circumstances American involvement must steadily be reduced and ultimately removed. In the two years of his administration he has moved steadily toward this goal, with a courage not always matched by his colleagues in the Congress or his countrymen at large. New emphasis has been placed on the role of the South Vietnamese themselves in the defense of their homeland. And continued emphasis has been placed on a definite schedule for return of United States fighting men to their homes and their families. As a result, U.S. involvement is decreasing where in former years it was increasing. But the rate of withdrawal has been weighed carefully to preserve the gains won by gallant sacrifice, and to heighten the hopes for ultimate peace.

The public reaction to My Lai must not be allowed to become an excuse for abandonment of goals long held to be essential to the future security of those who would remain free. The inescapable tragedies of war must not panic an enlightened citizenship into surrender. In the language of free people, and those who would become free, there is no such word.

At the moment there is need for understanding, patience and perseverence. There is need, too, for patriotic support of a President in the White House who bears burdens perhaps unsurpassed since the time of Lincoln, when a nation was at war with itself.

President Nixon has on his hands a war he "inherited." It may have been popular at its inception. Now it is not. Yet it is not in the nature of the President to blame the past. He accepted the situation as he found it, and has since sought what all Americans want—a way out, with a hope for future peace.

Neither My Lai, nor the emotional explosion that has followed the trial of Lt. Calley, should be allowed to detour the American course toward a solution of the problem of our times—how to live in peace with a world in turmoil. We have the leadership, if we will follow it. We have the courage, if we will use it. And we must have the faith, or we will lose the greatest present opportunity for preserving freedom, as Americans have come to know it, for our neighbors around the world now and ourselves in the future.

Next week is Holy week, with Christians around the world turning to their religion for comfort and hope and salvation. Prayer is an integral part of the observance. It is timeless, but timely as well. Surely it would not be out of order to suggest that prayer might well be turned to the present.

Why not, then, a national expression of unanimity in prayer for the guidance and counsel of a President sorely beset in the White House with our problems and our welfare? Where next in Vietnam is our problem but his responsibility. It is awesome in terms of present results and future threats. His courageous course still points the way to the only apparent hope for return, in our time, to the enduring aspiration of Americans of all political complexions for peace with honor, security and tranquility in our time.

THE FAMILY STABILITY ACT OF 1971

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. FRASER. Mr. Speaker, I am today introducing the Family Stability Act of 1971, H.R. 7388.

In the 91st Congress the administration introduced the family assistance plan which passed the House but failed to pass the Senate. In the closing days of the second session it became evident that this measure, with a $1,600 basic grant level for a family of four, was unacceptable to welfare recipients, the public, and Members of the Senate. The administration's bill (H.R. 1) has been reintroduced in the 92d Congress and referred to the House Ways and Means Committee. That committee, according to newspaper reports, is considering a plan for family assistance with a basic grant of $2,400 for a family of four, with food stamps being cashed out.

Such a beginning level appears to be thoroughly inadequate for the needs of an American family today faced with rising prices in an inflated economy. A recent Gallup poll, January 10, 1971, indicated that Americans believe that it would take more than $6,500 a year to maintain any kind of minimum decent standard of living today realistically considering costs. When the poverty level today stands at $3,743 to provide mere subsistence for a family of four, it is inconceivable that a Nation with the economic resources of the United States would be willing to expect that poor families try to exist on $2,400.

In legislation I am introducing today, the grant level for a family of four would begin in 1972 at a rounded-off poverty level—$3,600 and move up in orderly steps until in 1976 it reached the lower level adequate standard of living as determined by the Bureau of Labor Statistics.

A zone cost-of-living factor would take care of the geographical differential thus equalizing payments made to recipients of various regions and to those of urban and rural settings.

The Family Stability Act of 1971 would be federally administered and in fiscal 1973 would cover all payments of 41 States. By 1976 Federal benefits would have surpassed present payment levels in the other nine States with the entire program federalized. In the intervening years those States making payments higher than $3,600 would make up the difference until the catch-up period is completed. The legislation I am proposing today would cover all poor people and include individuals under 65 and couples without children. Eligibility would be determined on the basis of a written application subject to verification by random scientific audit. The working but underemployed poor—that group most discontented in our society according to the Kerner commission report—would be included in coverage under this plan. Any recipient would be better off working since he would be able to keep 40 percent of his earnings. When total income reaches $6,000 a family would go off of welfare.

Under the proposed bill able-bodied heads of families would be expected to accept suitable employment or receive training for the same. Employment is not considered suitable if the position is vacant due to a labor dispute, the wages are below Federal or State minimum levels or prevailing wages, whichever are higher, or if suitable child-care arrangements cannot be made. Decisions as to the latter would be in the hands of welfare mothers and in no case would mothers of preschool and school-age children be forced to work against their will. Too often in the past we have criticized the poor of the inner city for inadequate family supervision, for letting their children run wild in the streets, but at the same time we have not made appropriate provision for child care or for mothers to remain in the home if they themselves prefer to rear and nurture their own children. This measure would permit the latter positive alternative.

Another important section of this bill protects the rights of recipients. Fair hearings will be provided if there is any disagreement with respect to eligibility, the number of persons in a family, or the amount of benefits. Appeals may be made to an appeals board and then to a Federal court. While appeals are in process, benefits would not be cut off.

The legislation I am introducing today is backed by a broad spectrum of national groups which have come together in support of a campaign for adequate welfare reform now. Their members include: the League of Women Voters, the National Council of Churches, the National Council of Negro Women, the National Association of Social Workers, the Friends Committee on National Legislation, the American Friends Service Committee, the Children's Foundation, the National Federation of Settlement Houses, the United Presbyterian Church in the USA, the Board of Christian Social Concerns for the United Methodist Church, the Board of Social Ministries of the Lutheran Church in America, the National Office of Black Catholics, the Board of Homeland Ministers of the United Church of Christ, the Churches Crusade Against Hunger, the National Federation of Social Work Students, and the Americans for Indian Opportunity Council.

This campaign has adopted certain goals and principles which form the basis for the bill here introduced. I request that they be printed at this point in the RECORD:

CAMPAIGN FOR ADEQUATE WELFARE REFORM NOW

The Campaign for Adequate Welfare Reform Now has one purpose: achievement this year of major welfare reform to create a new system of income maintenance assistance to meet the basic needs of all individuals and families in the United States who are unable to work, whose earnings are inadequate and for whom jobs are not available. Organizations and individuals in the campaign endorse the kind of welfare reform that satisfies most, or all, of the principles and goals set forth in this statement.

One. A new, unified and largely federally financed program of assistance, with strong and clear legal requirements and guidelines to assure equitable and efficient treatment and administration.

Two. Coverage for all poor people, based on need, regardless of reason for poverty, and including people employed at inadequate (substandard) wages, individuals under 65 and couples without children.

Three. Assistance grant levels starting close to official poverty levels, with provision for orderly steps to reach standards of adequacy for health and decency as determined by the Bureau of Labor Statistics, and with flexibility of grant levels to meet realistic variations in costs of living.

Four. Incentives and realistic aids to encourage those eligible for public assistance to move into job training and full employment—such as: jobs at no less than minimum federal wage or prevailing wage, whichever is higher; right to keep enough earned income to make working more attractive than relying solely on public assistance (with recognition that many people who have been trapped by the existing system may need as long as two years to make a full transition to self-support); day care services; and public service jobs where there is a shortage of private or other public sector jobs.

Five. Acceptance of declaration of need as sufficient to establish eligibility, with provision for periodic spot checks to determine accuracy of eligibility and payment (in the manner of Social Security and Income Tax programs); and guarantee of rights to fair hearing with representation.

Six. Protection against denial of assistance pending enrollment in a training program or acceptance of a job *and* against forced acceptance of training or a job, especially for any mother who considers *either* detrimental to the well-being of her children.

Seven. Top priority to availability of supportive service such as day care, counseling, family planning, health and legal services for the most needy—but with services for assisted people being of the same quality as for others who need such services but can pay for them according to ability.

Eight. Requirement for realistic participation by those benefiting directly from the program to influence the administration and general nature of programs.

Nine. Special protections to assure American Indians and migrants, citizens of Guam, Puerto Rico and the Virgin Islands full and equitable participation in all assistance programs.

Ten. Requirement that notification of benefits and qualifications of entitlement be publicized by federal administering agencies in regular public media, and be made available to organizations of poor people.

THE PROPERTY TAX RELIEF ACT OF 1971

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. GONZALEZ. Mr. Speaker, I am today joining my colleague from Wisconsin (Mr. REUSS) in cosponsoring a bill to provide property tax relief for the low-income elderly who suffer disproportionately from the effects of inflation and rising taxation.

The proposal is modeled after the successful Wisconsin Homestead Relief Act of 1964 which has been recommended for all States by the Advisory Commission on Intergovernmental Relations. Four additional States have followed Wisconsin's lead, but I agree with my colleague from Wisconsin that this proposal should provide this relief on a national level by using the Federal income tax system.

Time and time again I have received communications from my constituents relaying the difficulties they encounter with a fixed income, increases in living expenses and taxes. In some cases excessive taxes have taken as much as one-third of their incomes, with no relief in sight.

The Wisconsin act's positive results indicate a viable vehicle of relief for the low-income elderly. In fiscal 1970 it provided tax relief of $712 million to 74,000 low-income elderly at a cost less than 1 percent of total property tax collections in the State.

The legislative proposal I am cosponsoring today would normally provide for credits against the Federal tax except for persons whose incomes are so low that they owe less income tax than the amount of relief due to them. Elderly persons in this category would receive direct funds calculated on income and property tax liability.

The tax relief would go to those over 65 with a total yearly income of $3,700 or less, with a limit of $330 in property taxes that can be used in computing relief. The refund or credit is intended to offset only that portion of the property tax that is well in excess of what can be considered a fair burden.

We rarely have the opportunity to observe in advance the outcome of legislation we propose. I urge this Congress to take full advantage of the success of a similar program at a lower level of government, and act promptly to remove an unfair share of the tax burden from a segment of our population that can least afford to shoulder that burden.

CULEBRA FOR THE CULEBRANS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. MIKVA. Mr. Speaker, I was dismayed to learn last Thursday of the administration's half-hearted decision to limit naval operations on Culebra, a small island 20 miles to the east of Puerto Rico. Instead of arriving at a firm decision to ban all military activities in the interest of Culebra and its citizens, the Defense Department has issued a vague and noncommittal decree, designed to appease its critics while continuing its callous disregard for the safety and livelihood of the 1,200 Culebrans. For nearly a quarter of a century now, the Navy has used Culebra as a dartboard, shelling the island from both air and sea with disastrous consequences. I had hoped for an immediate end to this cruel and insensitive affront to these Spanish-speaking Americans.

On March 29, I wrote President Nixon to this effect, urging him to discontinue all naval operations on the island. On April 1, Secretary Laird provided this rather disappointing response: he promised to begin development of nonexplosive ammunition and to limit use of explosives by January, 1972, to initiate steps to alleviate the ecological damage caused by the Navy's target practices, and to study the 'option' of ending all military activities on Culebra by June, 1975. Certainly, these are improvements over the present situation. But why must we wait indefinitely for a complete end to the use of live ammunition? And why does the Navy insist on staying until at least 1975 and then only entertain the idea of leaving? The question of Culebra is a simple one—whether the Navy is willing to compromise the safety and sovereignty of 1,200 people—American citizens, no less—in order to keep a convenient firing range. I am sure many of my colleagues join me in urging the Navy and the Defense Department to modify this decision by adopting a firm policy imposing an immediate ban on the use of live ammunition and by agreeing to leave Culebra as soon as is physcially possible. I insert into the RECORD both my letter to President Nixon and the Defense Department press release outlining Secretary Laird's decision:

MARCH 29, 1971.

The PRESIDENT,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to express my concern about the upcoming decision regarding continued Navy activities on the island of Culebra. Regardless of the recommendation embodied in the Navy report scheduled to be released April 1, I urge you to rescind Executive Order 8684 of 1942 and order the complete cessation of naval activities on and around the island.

You are no doubt familiar with the plight of the 1200 natives of this island some twenty miles off the east coast of Puerto Rico who desire only to live their lives in peace, free from aerial and offshore bombardment.

The continued naval bombing of the island has had profound effects on the lives and property of the Culebrans. Since the Navy first started using the island in 1901, there have been one civilian death, three serious injuries, and countless near-misses. Only last May some six mortar rounds were accidentally fired into Flamingo Bay off Culebra where several children were swimming. In addition, the naval presence has affected the island's economy; fishermen are often prevented from going to sea by naval restrictions and the constant exploding of shells has severely damaged Culebra's cattle raising industry.

It is no wonder that the Culebrans, who are American citizens, vigorously oppose continued naval operations on their homeland. Judicial and legislative recourse have so far failed. Both Congress and the federal courts have been reluctant to intervene on behalf of the Culebrans. For these people, Mr. President, you are the last hope for a safe and tranquil future.

The Navy argues that Culebra is a vital cog in the Roosevelt Roads-South Atlantic training area. But the issue cuts much more deeply. The question is whether the Federal government is willing to compromise the safety and livelihood of its citizens for the convenience of military target practice. How do we protect our citizens by bombarding them?

To continue naval operations in Culebra when such activity is both dangerous and vigorously opposed by the inhabitants, would be unconscionable. I urge you to return Culebra to the Culebrans.

Sincerely,

ABNER J. MIKVA,
U.S. Congressman.

APRIL 1, 1971.

FOR CORRESPONDENTS: Secretary of Defense Melvin R. Laird today forwarded to the Congress and the President a report on the weapons training now being conducted in the Culebra complex of the Atlantic Fleet Weapons Range. The report is in response to section 611 of Public Law 91-544.

Secretary Laird announced that, after reviewing the report, he has directed the Navy to initiate immediately a number of actions which will enhance the safety and well being of the residents of Culebra and reduce the irritants to them resulting from Naval training in the area.

These actions include:

Cessation of explosive bombardment of the Northwest Peninsula of Culebra by January 1, 1972.

Development of non-explosive rounds for Naval gunnery practice.

Opening of all of the Flamingo Beach for public use at all times except during ship firing.

Construction of a road to Brava Beach and a bath house there so that the Culebrans will have unrestricted access to a bathing beach at all times.

Cessation of removal of sand from Culebra's beaches and initiation of legal steps necessary to halt the unauthorized exploitation of ecological resources under Navy stewardship.

Provision of unrestricted sea and air corridors between Culebra and St. Thomas, Vieques and mainland Puerto Rico.

Stationing of a Spanish-speaking, U.S. Naval officer in Dewey and another in Isabel Segunda on Vieques responsible for Range Safety.

Initiation of those land surveys, training maneuver analyses, and engineering studies required to provide the option of moving by June 1975 to a suitable alternative to the target areas on Culebra.

Improvement of community relations on Cuelebra and Vieques in particular and Puerto Rico in general.

Enhancement of the economic benefits to Culebra and Vieques in particular and Puerto Rico in general.

These actions are of course subject to Congressional approval of any necessary funding.

The Secretary also stated that he will reappraise the Culebra situation and the alternative option(s) from the point of view of National Security and the best interests of the people of Puerto Rico by the end of 1972 in order to make a final decision where to relocate the Naval training target areas now on Culebra and whether any additional actions should be taken.

ALBERT J. RUFFO SERVED STATE WELL

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. EDWARDS. Mr. Speaker, just recently, Albert J. Ruffo received recognition from one of the largest newspapers in the San Francisco Bay area, the San Jose Mercury.

Albert J. Ruffo's beginnings were humble; but his Italian immigrant parents instilled in Al the spirit of self-improvement coupled with a fierce belief in education and competition. Leaving behind him a versatile record of achievements, Al was appointed to fill an unexpired term as a member of the board of trustees of the California State college system, during which time he was twice chairman. Those years were probably the most difficult ever experienced by institutions of higher education in this country. It was fortunate that the largest educational complex in the country had a man like Al Ruffo to rely on.

The editors of the San Jose Mercury lauded Al Ruffo by writing:

ALBERT J. RUFFO SERVED STATE WELL

Albert J. Ruffo, San Jose attorney, former football coach and civic leader, has just completed nearly 10 years as a Trustee of the California State College System. He deserves a vote of thanks from citizens statewide.

Ruffo, whose term expired March 1, was one of three retiring trustees replaced last week by appointees of Gov. Ronald Reagan. During Ruffo's almost 10 years as a state college trustee, the system grew from 15 to 19 campuses with a corresponding rise in student enrollment.

It was during Ruffo's tenure, too, that the larger state colleges, such as San Jose State, were upgraded academically and expanded into new areas of graduate-level education. The net result is that today a number of state colleges, notably including San Jose State, are universities in everything but name.

Albert J. Ruffo, attorney, former San Jose councilman and mayor, served his home community well. When the call came to serve the people of California as a state college trustee, he served them with great dedication and distinction.

In honoring Al Ruffo, it goes without saying I also honor his remarkable wife, Marianne, and their five children.

In brief, the profile of this ideal trustee includes the devotion of husband and father, the skill of an athlete, engineer, lawyer, and the dedication of civic official and professional leader. In all these fields is Al Ruffo respected and admired.

Mr. Speaker, I take great pride in calling Albert J. Ruffo a friend and a constituent. On behalf of the people in my district and the State of California, I thank him for his service on the board of trustees of the California State college system.

CHARGE OF MEMBERS' WIRETAPPING NEEDS INVESTIGATION

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. SPRINGER. Mr. Speaker, I append herewith a letter which I have sent today to the chairman of our committee with reference to an investigation by the Subcommittee on Investigations of the full House Committee on Interstate and Foreign Commerce of the charges made that the FBI has tapped Members of Congress' telephones. I am hoping that our subcommittee can hear this matter as soon after the recess as is possible and that any party wishing to appear at that hearing may come and give such information as may be in the public interest. But since charges have been made that the FBI has tapped the telephones of Members of Congress—and this is a serious charge—it is in the public interest that we have a forum for a hearing so that we can determine the truth of these charges.

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 7, 1971.

Hon. HARLEY O. STAGGERS,
Chairman, House Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: On Monday of this week, the Gentleman from Louisiana, Mr. Boggs, made a very serious charge against Mr. J. Edgar Hoover and the Federal Bureau of Investigation. On the floor of the House, he used these words: "When the FBI taps the telephones of Members of this body and of Members of the Senate . . . it is way past time, Mr. Speaker—that the present Director thereof no longer be the Director."

These are, indeed, serious charges. You will recall that in the Bernard Goldfine case in 1958, we established the precedent that the Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce was the proper forum for investigation of electronic surveillance. The matters involved in the charges by the Gentleman from Louisiana are concerning electronic surveillance.

I am informed by the Attorney General today that it would be in the nature of a criminal offense to tap the telephones, under the 1968 Act, of Members of Congress.

According to last evening's Star, the Gentleman from Louisiana, Mr. Boggs, is alleged to have said that he has "positive proof" that the FBI has tapped the telephones of Members of Congress.

I urge that a hearing on this matter be set down at the earliest moment after the Easter recess and that the Gentleman from Louisiana have a full opportunity to present proof of these charges. This is a most serious charge which has been given not only nationwide but worldwide publicity. A full airing of these charges would be in the best interests not only of the FBI but of all of this country. Our Subcommittee would be rendering a public service in having these hearings and I would hope that they would be open to the public and to the press.

Sincerely,

WILLIAM L. SPRINGER.

PLUNDERING OF NATIONAL FORESTS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. DINGELL. Mr. Speaker, the forest lands of the Nation are being systematically destroyed by unsound forest practices that encourage indiscriminate timber harvesting to the detriment of environmental quality. Private and public forest lands of the Nation are plundered with little concern for the consequential damage to recreation, watershed, wildlife, range and forage, fisheries, esthetic and other values.

Recent newspaper articles and television news reports have graphically described the devastation that has rained down on some of our national forests through the practice of clear cutting of thousands of acres of steeply sloped lands.

It is time to call a halt to these unsound forestry practices. Such practices are detrimental to our environment and to the timber harvesting industry. We need to encourage timber harvesting but only where it is in furtherance of the principals of the Multiple Use and Sustained Yield Act and the National Environmental Policy Act.

Today, with Congressman SAYLOR of Pennsylvania, Congressman WILLIAM D. FORD of Michigan, Congressman HECHLER of West Virginia, Congressman KARTH of Minnesota, Congressman MCCLOSKEY of California, Congressman NEDZI of Michigan, and Congressman REUSS of Wisconsin, joining as cosponsors, I am introducing a bill which builds upon the 1960 Multiple Use and Sustained Yield Act (16 U.S.C. 528 et seq.). That important legislation has never been fully complied with by the National Forest Service. If there was compliance, I feel sure we would not have the problems today which we face in the national forests.

Some of the principal features of the bill are:

It declares that the public has a right to enjoy a healthy human environment and to expect that the Federal, State, and local governments will utilize all practicable means to protect that right and enhance the quality of our environment.

It provides for the establishment of criteria by the Secretary of Agriculture for the purpose of the States designating non-Federal commercial forest lands for timber harvesting and management.

It provides for the establishment by the States of standards for timber harvesting and land management of such designated lands and plans for the implementation, maintenance, and enforcement of such standards.

It provides for Federal enforcement of such standards and plans.

It provides for the licensing by the States of foresters pursuant to criteria established by the Secretary of Agriculture.

It directs that all timber harvesting on Federal forest lands, except those lands within the National Park System, the National Wildlife Refuge System and the Wilderness System, shall be conducted in accordance with the Multiple Use and Sustained Yield Act and that all timber harvesting operations shall not impair multiple use values. Timber harvesting, to the extent permitted on the excepted lands, is controlled by statutes applicable to those lands. None is permitted in wilderness areas.

It provides for the establishment of timber harvesting and land management plans for all such lands.

It provides limitations on clear cutting on Federal forest lands. Upon enactment, clear cutting will not be permitted except in accordance with promulgated timber harvesting and land management plans. Even then, the appropriate Secretary must find that clear cutting is a sound forest practice when applied to particular forest lands. Further, existing clear cutting contracts will be reviewed within 45 days after enactment where such work has not begun or is not substantially completed. Such work will be halted pending such review.

It provided that timber harvesting be by competitive bidding and that fair market value of timber products be obtained.

It provides export restrictions.

It establishes a Federal forest land trust fund for land acquisition and for environmental quality improvement.

These funds will be used equitably for enhancement and protection of recreation, water quality, fish and game management, esthetic and other multiple use values.

Mr. Speaker, this legislation also provides a mechanism which will enable the public to play a greater role in the carrying out of timber harvesting and land management operations on Federal forest lands, and on non-Federal commercial forest lands. This public participation will afford important safeguards against the unsound practices which have been so prevalent in the past and which continue to this day.

Mr. Speaker, I ask unanimous consent that the text of the proposed Forest Lands Restoration and Protection Act of 1971 appear at this point in the Congressional Record:

H.R. 7388

A bill to provide for comprehensive management of the nation's forest lands through the application of sound forest practices, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Forest Lands Restoration and Protection Act of 1971".

DEFINITIONS

Sec. 2. When used in this Act, the term

(1) "Secretary" means the Secretary of Agriculture;

(2) "timber harvesting and land management plan" means a comprehensive plan for the harvesting of timber and the managing of commercial forest land by using sound forest practices and taking into account the particular ecological conditions encountered (including soil, climate, vegetative cover, and topography);

(3) "fully mature tree" means a tree which has attained at least 95 per centum of its maximum potential height growth, has grown its maximum volume of high quality wood, and whose merchantable portion is capable of being manufactured into high grade lumber;

(4) "sound forest practice" includes, but is not limited to, protection of site quality, prevention of erosion particularly on steep slopes and in areas of unstable soil, selection for harvesting of fully mature trees wherever consistent with the biological requirements of the tree species, limitation of clearcuts to small openings to maintain as much contiguous forest cover as possible, growth of timber on long rotations, prompt reforesting after harvest or after fire or any other disaster, prevention of the degradation of any waters, and to follow even-flow principles;

(5) "even-flow" means perpetual yield of approximately equal annual amounts of timber of the same or improving quality in quantities which do not decline and which may increase;

(6) "small forest landowner" includes any person who owns, leases, operates, or otherwise controls no more than 5,000 acres of designated commercial forest land;

(7) The term "person" includes an individual, partnership, corporation, company, association, firm, society, joint stock company, Indian tribe, State, municipality, and political subdivision of a State;

(8) The term "cooperative management unit" means an association or group established under State law of small forest landowners who harvest timber and manage designated commercial forest lands under a single timber harvesting and land management plan;

(9) "commercial forest land" means any forest land capable of growing continuous crops of fully mature trees on an even-flow basis after application of sound forest practices consistent with the purposes of this Act;

(10) "forest products" means any renewable material including trees, shrubs, and flowers or other plant life which are sold from forest lands;

(11) "forest lands" when referred to in section 3 and Title II of this Act includes all federally owned or administered forest land as that term is defined in the Act of March 29, 1944 (16 U.S.C. 583f);

(12) "commerce" means trade, traffic, commerce, transportation or communication among the several States, or between a place in a State and any place outside thereof, or within the District of Columbia or a posession of the United States, or between points in the same State but through a point outside thereof, or which affects commerce; and

(13) "State" includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

FINDINGS AND PURPOSES

Sec. 3. (a) The Congress finds and declares that—

(1) the environmental quality and productivity of the Nation's forest lands are rapidly deteriorating to inadequate and unregulated timber harvesting and land management procedures and measures;

(2) the public has a right to enjoy a healthy human environment and to expect that the Federal Government, the States and local government will utilize all practicable means and measures to protect that right and enhance the quality of our environment;

(3) multiple-use values relating to recreation, watershed, wildlife, range and forage, fisheries, esthetic enjoyment, and preservation of wilderness are not being adequately taken into account with respect to the management of the Nation's forest lands;

(4) a maximum sustained yield of high quality timber products in an even flow from the Nation's forest lands is not occurring; and

(5) approximately four-fifths of the Nation's commercial forest lands are privately or otherwise nonfederally owned and that much of these lands are not being optimally managed through the application of sound forest practices.

(b) It is, therefore, the purpose of this Act to create and maintain an effective and comprehensive ssytem of regulation and use of all forest lands in the Nation through a program where timber harvesting and land management will be carried out only on forest lands already in, and suitable for, commercial production of timber products so as to assure that:

(1) the environmental quality and productivity of forest lands are restored, enhanced, and maintained;

(2) multiple-use values are effectively taken into account with respect to the management of such lands; and

(3) the goal of maximum sustained yield of high quality timber products is achieved consistent with such multiple-use values.

TITLE I—COMMERCIAL FOREST LANDS

CRITERIA FOR THE DESIGNATION OF COMMERCIAL FOREST LANDS

Sec. 101. (a) Within forty-five days after the enactment of this Act, the Secretary shall publish in the Federal Register proposed criteria for the designation by the States of commercial forest lands located therein. Such criteria shall be consistent with, and in furtherance of, the purposes of this Act.

(b) After a reasonable time for interested persons to submit written comments thereon (but not later than ninety days after the initial publication of such proposed criteria), the Secretary shall promulgate such criteria with such modifications as he deems appropriate. Such comments shall be available for public inspection.

(c) The Secretary shall from time to time review, and, as appropriate, revise such criteria in the same manner as the initial criteria was developed.

STATE DESIGNATION OF COMMERCIAL FOREST LANDS AND STANDARDS FOR TIMBER HARVESTING AND LAND MANAGEMENT

Sec. 102. (a)(1) Each State shall, after reasonable notice and public hearings, designate all lands located in such State (within six months after criteria are promulgated under section 101 of this title) which are already in, or suitable for, consistent with the criteria promulgated by the Secretary under section 101 of this title, as commercial forest lands, except that such designations shall not apply to any Federal forest land. In addition, each State shall, after reasonable notice and public hearings, adopt within nine months after the enactment of this Act, and submit to the Secretary (A) standards for timber harvesting and land management of designated commercial forest lands, and (B) a plan for the implementation, maintenance, and enforcement of such standards (hereinafter referred to as the "plan").

(2) The Secretary shall, within four months after the date required for submission of standards and a plan under paragraph (1) of this subsection, approve or disapprove such standards and plan or any portion thereof. He shall approve such standards or any portion thereof, if he determines that they were adopted after reasonable notice and hearing and are consistent with the purposes of this Act. He shall approve such plan or any portion thereof, if he determines that it was adopted after reasonable notice and hearing and that—

(A) it provides for the attainment of such standards as expeditiously as practicable;

(B) it provides necessary assurances that a designated State agency has or will have (within one year from the date of approval of such plan) adequate funding, authority, and trained personnel to carry out and enforce such standards and plan;

(C) it provides effective measures, including, but not limited to, land use controls, to insure maintenance of such standards after they are attained;

(D) it provides for periodic reports by persons subject to such plans on the timber and land management operations conducted by such persons, which reports shall be available to the public;

(E) it provides that each person who owns, leases, operates, or otherwise controls all or any portion of any designated commercial forest land and who conducts or plans to conduct timber harvesting thereon shall submit to the appropriate State agency (with four months after the approval of such standards) an effective timber harvesting and land management plan prepared by a licensed forester for all or portion of such person's land consistent with such approved State standards and plan, except that where more than one person owns, leases, operates, or otherwise controls such lands and conducts or plans to conduct timber harvesting thereon, each such plan shall be coordinated to insure that it is so consistent;

(F) it provides (i) for periodic review and, where appropriate, revision, after public hearings, of such standards or plan, or both, to achieve the purposes of this section, (ii) for revision of such standards or plan, or both, whenever the Secretary finds on the basis of information available to him that such standards or plans are substantially inadequate to achieve the purposes of this Act; and

(G) it provides such other information as the Secretary may require to carry out the purposes of this Act.

(3) The Secretary shall, in accordance with the procedures and requirements of this subsection, approve any revision of such standards or plan.

(4) The Secretary may, whenever he finds it necessary and publishes his finding, extend the period for submission of any plan or portion thereof not to exceed 6 months.

(b) The Secretary shall, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth such plan or portion thereof, if (1) a State fails to submit standards or a plan for implementation, maintenance, and enforcement of such standards within the time prescribed, or (2) the standards or plan, or portion thereof, or both submitted is determined by him not to be in accordance with the requirements of this section, or (3) the State fails, within 60 days after notice by him or such longer period as he may prescribe, to revise such standards or plan as required by this section. If such State held no public hearing associated with adoption of such standards or plan, he shall provide an opportunity for such hearing within such State on any proposed regulation for such State. He shall, within 6 months after the date required for submission of such standards or plan, promulgate any such regulation unless, prior to such promulgation, such State has adopted and submitted standards or plan which he determines to be in accordance with the requirements of this section. Such standards or plan promulgated by him for any State shall be the standards or plan, or both, applicable to such State in the same manner as if such standards or plan had been adopted by such State and approved pursuant to this section, and shall remain in effect until such State submits such standards or plan and it is approved under this section.

(c) (1) A petition for review of any action of the Secretary approving such standards or plan, or both, may be filed in the United States court of appeals for the circuit which includes the applicable State. Such petition shall be filed, within 30 days from the date of such approval by any interested person praying that it be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Secretary and thereupon he shall certify and file in such court the record upon which the approval complained of was issued, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction to affirm or set aside the determination complained of in whole or in part. The findings of the Secretary with respect to questions of fact shall be sustained if based upon a fair evaluation of the entire record at such hearing.

(2) Such approved standards or plans with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement under this Act.

TIMBER SUBJECT TO ACT

SEC. 103. (a) Beginning on and after the date established by section 102 of this title for designating commercial forest lands in each State, no person shall sell, offer for sale, deliver, or introduce any timber into commerce which was harvested from any land in such State other than from designated commercial forest lands.

(b) Beginning on and after the date established under section 102 of this title for the approval of standards and a plan for each State, no person shall sell, offer for sale, deliver, or introduce any timber into commerce which was harvested on a designated commercial forest lands in such State in violation of such standards or plan, or both.

(c) Any person who knowingly violates subsection (a) or (b) of this section shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than one year, or by both, except that if the conviction is for a violation committed after the first conviction of such person under this title, punishment shall be by a fine of not more than $25,000, or by imprisonment for not more than three years, or by both, one-third of said fine shall be paid to any person who gives information leading to a conviction and he may sue for the same.

FEDERAL ENFORCEMENT OF STANDARDS AND PLANS

SEC. 104. (a). Whenever, on the basis of information available to him, the Secretary finds that violations of an applicable standard or plan approved by him under section 102 of this title, he shall notify the person in violation and the appropriate State of such finding by certified mail. If such violation extends beyond the 15th day after receipt of such notice, he shall issue an order requiring such person to comply or he may bring a civil action in accordance with subsection (b) of this section. Any order issued under this subsection shall state with reasonable specificity the nature of the violation, specify a time for compliance which the Secretary, taking into account the seriousness of the violation and any good faith efforts to comply, determines is reasonable. A copy of any such order shall be sent to the appropriate State and all orders and notices and related data, information, documents, and material shall be available to the public for inspection.

(b) (1) The Secretary may commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever any person—

(A) violates or fails or refuses to comply with any order issued under this section; or

(B) violates any standard or plan for more than 15 days after receipt of notice thereof under this section.

(2) Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given to the appropriate State agency.

INSPECTIONS, MONITORING, AND ENTRY

SEC. 104. (a) For the purpose of (i) developing or approving or assisting in the development of any standards and any plan for the implementation, maintenance, and enforcement thereof or (ii) determining whether any person is in violation of any such standard or plan—

(1) the Secretary shall require the person who owns, leases, operates or otherwise controls any designated commercial forest lands to (A) establish and maintain such records, (B) make such reports, and (C) provide such other information as he may reasonably require; and

(2) the Secretary or his authorized representative, upon presentation of his credentials—

(A) shall have a right of entry to, upon, or through such lands or in any premises in which any records required to be maintained under paragraph (1) of this subsection are located, and

(B) may at reasonable times have access to and copy any records and inspect such lands and timber operations conducted thereon.

(b) Each State shall develop and submit to the Secretary a procedure for carrying out subsection (a) of this section in such State. Nothing in this subsection shall prohibit the Secretary from carrying out this subsection in a State.

(c) In carrying out the provisions of this title, the Secretary may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and other documents, he may administer oaths. Any records, reports, or information obtained under this title shall be available to the public, except that upon a showing satisfactory to the Secretary by any person that records, reports, or information, or particular part thereof to which the Secretary has access under this title if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Secretary shall consider such record, report, or information, or particular portion thereof confidential, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary, to appear and produce papers, books, and documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

LICENSING OF FORESTERS

SEC. 105. Each State shall establish requirements for the licensing by the State of all foresters working within the State in accordance with criteria to be established by the Secretary. The Secretary shall publish within four months after enactment of this Act criteria for the licensing of foresters and shall provide an opportunity for public written comment thereon. Such criteria shall be promulgated by him within three months after such publication. The Secretary shall from time to time review, and, where appropriate, revise such criteria in accordance with this section. Such comments shall be available to the public.

COOPERATIVE MANAGEMENT UNITS

SEC. 106. The Secretary shall cooperate with the States in providing technical assistance to small forest landowners whose commercial forest lands are within a cooperative management unit, in the development of timber harvesting and land management plans, and in otherwise assisting such landowners in carrying out the requirements of this Act.

TITLE II—TIMBER HARVESTING AND LAND MANAGEMENT ON FEDERAL FOREST LANDS

SEC. 201. Where timber harvesting on Federal forest lands is permitted, it shall be conducted in accordance with the principles and requirements of the Multiple Use and Sustained Yield Act (16 U.S.C. 528 et seq.) and this Act. All such timber harvesting operations shall, to the fullest extent possible, not impair the multiple-use values relating to water quality, recreation, range, and forage, watershed, wildlife, and plant life, including habitat for populations of rare, endangered, disjunct, narrow range, endemic, or unique associations of species, fish, esthetics, and preservation of wilderness. Whenever the Secretary or the Secretary of the Interior, in the case of Federal forest lands under his jurisdiction, finds that such values are or will be impaired on any such land, he shall not permit timber harvesting to begin or to continue until effective means and measures are developed to prevent such impairment and are reviewed by the public.

TIMBER HARVESTING ON FEDERAL LANDS

SEC. 202. (a) Beginning one year after the enactment of this Act, timber harvesting on Federal forest lands shall be conducted under timber harvesting and land management plans promulgated under this section.

(b) The Secretary or, in the case of Federal forest lands within the jurisdiction of the Department of the Interior, the Secretary of the Interior shall publish proposed plans for the harvesting of timber on Federal forest lands where such harvesting is permitted. Such plans shall be consistent with, and in furtherance of, the provisions of this Act and the Multiple Use and Sustained Yield Act. Such plans shall be published for all such lands within each State or region. Within forty-five days after such publication, the appropriate Secretary, whenever there is sufficient public interest in any such plan, shall hold a public hearing thereon. After considering any oral or written comment thereon, such Secretary shall promulgate each such plan with such modifications as may be appropriate within six months after such publication. Each such plan shall be reviewed at least every three years and, if appropriate, revised, after notice and public hearing.

(c) (1) The Secretary or, as appropriate, the Secretary of the Interior shall not enter into any contract or other arrangement for the clear cutting of any Federal forest land or portion thereof, until a timber harvesting and land management plan is promulgated for such land.

(2) After such plan is promulgated, the appropriate Secretary, before entering into any such contract, shall find, and publish his findings, whether clear cutting of any part of such forest lands is a sound forest practice. In making this finding he shall among other matters consider:

(i) the effect of clear cutting on all other resource values and the environment;

(ii) the compatibility of clear cutting with the maintenance and enhancement of long-term productivity of the forest lands and the integrity of the environment;

(iii) the practicability of reforestation and other work to restore forest lands which are clear-cut; and

(iv) all feasible and prudent alternatives to clear-cutting.

(3) The appropriate Secretary shall, within 45 days after enactment of this Act, review each contract or other arrangement to clear-cut timber on any Federal forest land where such work has not begun or is not substantially completed. Pending such review, such work shall be halted. If based on such review, he finds and publishes his finding that such work does not constitute a sound forest practice he shall terminate such contract. Such termination shall be subject to applicable provisions of law relating to the payment of damages, if any, for such termination.

(d) In entering into any contract or other arrangement for timber harvesting on Federal forest lands, the appropriate Secretary shall do so by competitive bidding and shall require that the fair market value of the timbers be received by the United States. He shall also provide that it is the responsibility of said contractor to comply fully with the applicable policies and requirements of this Act, including, but not limited to, those requiring that harvested lands be restored and wastes removed. The Secretary shall publish in the Federal Register within 6 months after enactment effective regulations to meet the requirements of this subsection and afford an opportunity for public comment thereon. Such regulations shall be promulgated, after consideration of such comment, 4 months after such publication.

FEDERAL ENFORCEMENT ON FEDERAL FOREST LANDS

SEC. 203. (a) Any person who knowingly harvests timber in violation of any applicable plan promulgated under this title shall, upon conviction, be punished by a fine of not more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after the first conviction of such person under this paragraph, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or by both. One-half of said fine shall be paid to any person giving information which shall lead to a conviction and he may sue for the same.

(b) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than six months, or by both.

(c) No Federal agency may enter into any contract with any person, who is convicted of any offense under section 103 of this Act or this section, to harvest timber on Federal forest lands. The prohibition in the preceding sentence shall continue until the Administrator certifies that the condition giving rise to such conviction has been corrected.

(d) Any person who conducts timber harvesting operations on any lands subject to such plans shall establish and maintain such records and make such reports as the appropriate Secretary shall require. Any records, reports, or information obtained under this section shall be available to the public, except that upon a showing satisfactory to the Secretary by any person that records, reports, or information, or particular part thereof, to which the Secretary has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Secretary shall consider such record, report or information or particular portion thereof confidential, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

NATIONAL FORESTS: PRIMITIVE AREAS

SEC. 204. (a) All areas within the national forests which fall within the definition of "wilderness" as defined by section 2(c) of the Wilderness Act (16 U.S.C. 1131) but are not, as of the date of enactment of this Act, classified as a "primitive area" or "wilderness" area by such Act because they fail to satisfy the acreage requirement of such Act, are hereby given "primitive area" status and shall be managed under the provisions of such Act as a "primitive area", if such area is at least three thousand contiguous acres, or at least one thousand two hundred and eighty contiguous acres if adjacent to a presently designated "wilderness area" or "primitive area".

(b) The Secretary shall, within ten years after the date of enactment of this Act, review, as to its suitability or nonsuitability for preservation as "wilderness", all areas whose classification is changed to "primitive area" as a result of subsection (a) of this section.

(c) Nothing in this section shall be construed to abrogate any contract in existence on or before December 31, 1970, to harvest timber in a national forest.

EXPORT RESTRICTIONS

SEC. 205. Notwithstanding any other provision of law, no logs or unfinished forest products from Federal forest lands or from designated commercial forest lands shall be exported from the United States during any calendar year, unless the Secretary shall find, after public hearings with adequate notice in the Federal Register of such hearings, that the Nation's projected timber supply needs for each of the five consecutive years thereafter can be satisfied entirely by domestice supplies.

FEDERAL FOREST LAND FUND

SEC. 206. (a) There is established in the Treasury of the United States a trust fund to be known as the "Federal Forest Land Fund" (hereinafter referred to as the "Trust Fund"). The Trust Fund shall consist of such amounts as may be appropriated or credited to the Trust Fund as provided in this section.

(b) (1) There is authorized to be appropriated to the Trust Fund amounts equal to the net proceeds accruing to the United States from the sale of forest products by the United States.

(2) The amounts appropriated by paragraph (1) shall be transferred at least monthly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts, referred to in paragraph (1), received in the Treasury. Proper adjustments shall be made in any amounts transferred to the extent that prior estimates were in excess of or less than the amounts required to be transferred.

(c) (1) It shall be the duty of the Secretary of the Treasury to hold the Trust Fund and to report to the Congress not later than the first day of March of each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its projected expected condition and operations. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(2) It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) Amounts in the Trust Fund shall be available in addition to all other appropriated and other funds, to the Secretary for making expenditures to complete the national forest system, to complete the acquisition of inholdings, including those affecting recreational programs which have been authorized by Congress, to enlarge tree-planting operations on Federal Forest lands, and to carry out other activities to improve the environment within Federal forest lands.

OTHER LAWS

SEC. 207. The provisions of this Act shall not apply to Federal forest lands within the National Wildlife Refuge System and the National Park System.

EMPLOYEE PROTECTION

SEC. 208. (a) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any employee of any timber harvesting operation or any authorized representative thereof by reason of the fact that such employee or representative (1) has notified the Administrator or his authorized representative of any alleged violation, (2) has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or (3) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any such employee or representative who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such violation occurs, apply to the Secretary of Labor for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein, requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein. Any order issued by the Secretary under this subsection shall be subject to judicial review in accordance with this Act. Violations by any person of subsection (a) of this section shall be subject to the provisions of section 203 of this Act.

(c) Whenever an order is issued under this section, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

REPORT

SEC. 209. The Secretary and the Secretary of the Interior shall on September 1 of each year submit to the Congress a report on the actions taken by each under this Act during the preceding fiscal year. Such report shall include a detailed description of all timber harvesting contracts or other such arrangements on Federal forest lands and a statement of any findings made by each concerning any clear cutting permitted under such contracts, and a statement of the actions, including legislative recommendations, which are necessary to more fully carry out the purposes and requirements of this Act. The report shall also set forth the sums accruing to the Fund established by this Act and the actions taken with such sums. The report shall also describe in detail the actions taken or not taken by each State to carry out the purposes and requirements of this Act.

A POLICEMAN'S PRAYER

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. WOLFF. Mr. Speaker, the many dedicated policemen and policewomen in this country face daily pressures and dangers which are frequently unappreciated by the American people. A policeman does not know, when he begins his workday, whether he will be called upon to investigate a robbery, help a lost child, calm a riot, or merely direct traffic. He must maintain a flexible mental attitude which most of us would find difficult to match.

To help him through his difficult days, sometimes fraught with unexpected dangers a policeman must be able to call upon great resources of inner strength. The New York State Parkway Police Benevolent Association recently distributed "A Policeman's Prayer" which expresses this need, and I would like to include this prayer and the names of the group's officers at this point in the RECORD:

A POLICEMAN'S PRAYER

Dear Lord, be with me on my post
    This day and every day.
Grant that each weary mile I patrol
    may ease a brother's way.
Let me be kindly to the old
    And to the young be strong,
But let me triumph over those
    whose acts are cruel or wrong.
And when my own last summons comes
    And I stand in Your Court,
Lord, may my rest with You be long,
    My punishment be short.

NEW YORK STATE PARKWAY POLICE BENEVOLENT ASSOCIATION

President, William F. Rupp; First Vice President, George J. Koch; Second Vice President, James P. Hallinan; Treasurer, Richard Borchers; Secretary, Edgar J. Lawrence. Chaplains, Father Arthur Kane, Reverend John W. Bardsley, Rabbi H. Judah Hurwitz. Trustees, Walter Henry, Anthony Guzowski, Albert Stocker, Grover Weickert. Counsel, Richard Hartman.

GSA POLLUTION REDUCTION EXPERIMENTS SUCCESSFUL

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. PICKLE. Mr. Speaker, one of the prime objectives of our Nation's technology is to devise a way to cut down and finally eliminate pollution from the internal combustion engine. Our scientists and technologists engaged in this important research have come up with various solutions to the problem. One approach has been to find a fuel capable of being burned clean in our internal combustion engines, with but slight and inexpensive engine modification. There have been several fuels advanced by their proponents as being the answer to our problem, but up until now we have had no large-scale testing in practical, everyday use in a large number of vehicles.

The General Services Administration has supplied this vital, missing factor. Following a successful experimental conversion of 24 vehicles—sedans, light and medium trucks—at the motor pool at the Veterans Administration Hospital in Los Angeles, it has converted a total of 344 vehicles to a dual-fuel power system. The experiment was so successful that the GSA now plans to convert more than 1,000 additional vehicles to run on clean-burning natural fuels, including liquefied natural gas and liquid petroleum gas, by August 1971.

Not only has the agency been in the forefront in the search for a viable alternative to the problem of pollution from exhaust emission of vehicles running on standard gasoline fuel by demonstrating reductions of as much as 87 percent of the three chief pollutants, but it has offered to share its natural gas refueling facilities and to provide private fleet operators with conversion and inspection manuals and driver training information.

An interesting report has been written under GSA sponsorship titled: "A Report on the General Services Administration's Dual-Fuel Vehicle Experiment—Pollution Reduction With Cost Savings." It reports the detailed results obtained in their first experimental fleet conversion to the dual system at the VA Hospital in Los Angeles, and I recommend it to anyone who is interested in a practical application of the progress we have made in vehicle pollution abatement.

Also, in an encouraging example of government interdepartmental cooperation, the new Environmental Protection Agency has enlisted the GSA for further help in the experimental use of clean-burning fuels, so we can look forward to additional breakthroughs, in the near future.

I commend the General Services Agency for its service to the search for a pollution-free fuel—one which offers a viable alternative to scrapping the internal combustion engine. Any and all forms of transportation should be available to our citizens, and they should be able to choose that form which best fits their needs without running the risk of further polluting our environment.

OHIO HIGH SCHOOL BASKETBALL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. STOKES. Mr. Speaker, little national attention focuses on high school basketball and less still on those teams which are not at least State champions. I would like to call attention to one of those teams which, nevertheless, deserves more than local recognition. I refer to the East Technical High School Scarabs of Cleveland who, led by coach John Chavers, have highlighted Ohio basketball over the years.

In 1958 and 1959 East Tech took two consecutive State championships but since has been unable to capture the title. This year, led by senior center Freddie Beamon, the captain of the Scarabs, East Tech faltered in the semifinals of the class "AAA" tournament after an heroic comeback effort that marked one of their finest exhibitions of skill and teamwork. Other starters for the Scarabs last season were junior forwards Robert Lukas and James Abrams and guards Lawrence Bolden and Sam Walker. Walker was the defensive standout of the team.

Since its championship in 1959, East Tech has participated in the State championship tournaments six times, reaching the semifinals and the finals three times each. The team has had strong support from the other students and the school's principal, Mr. Joseph Smith, whose leadership and loyalty was acknowledged when the team presented its trophy to him on their return to Cleveland.

Undaunted by his team's loss, Coach Chavers is already looking to next year's season. In an article by Dick Zunt which was published in the Cleveland Plain Dealer on March 29, 1971, he indicated that prospects are excellent for an even greater season in 1972. I am proud to have such a team in my district and will continue, as I have in the past, to give them my hearty support.

The article follows:

CHAVERS OPTIMISTIC OVER TECH'S '72 OUTLOOK

(By Dick Zunt)

"We have high hopes of coming back next year as seven of our players are juniors," said East Tech coach John Chavers Saturday, in Ohio State's University's St. John Arena.

Chavers had just received a plaque from the Ohio High School Athletic Association for his team's appearance in the semifinals of the 49th Ohio basketball championships.

He and his two junior forwards, James Abrams and Robert Lucas, had accepted the plaque on behalf of the team, the Tech fans and the school administration.

Chavers also thanked the Tech fans for their allegiance to the team. He spoke over the arena public address system.

Tech had lost its semifinal contest, 76–69, to Dayton Dunbar Friday night.

In addition to Abrams and Lucas, the third starter returning next season is sophomore guard Lawrence Bolden.

All-Ohio senior center Freddie Beamon put on a tremendous 29-point show in defeat. Guard Sam Walker, the other senior starter, held Dunbar's high-scoring Bill Higgins to eight points in the first half Friday, but Walker's defensive efforts cost him his fourth personal foul when the second half was only nine seconds old.

Walker then had to sit out most of the second half, while Higgins broke loose for 20 of his team-high 28 points to spark the Dunbar triumph.

Walker went back into the game with 6:40 left in the fourth quarter, but fouled out with 4:30 remaining. His absence left Higgins with room to roam. Walker, during the season, always had been assigned to the opponents' top scorer. His defensive maneuvers were hard to top.

Walker will be missed. Chavers will have to find another defensive whiz from among his returnees.

Kevin Chambers, up from the junior varsity is another Tech sophomore. He's 6–3.

Juniors back are 6–5 Michael St. Clair, 6–5 Nathaniel Washington, 6–4 Charles Morris, 6–1 Van Glenn Neal, and 5–8 Ralph Harrison. The remaining Tech tourney team member is senior Ronald Thomas.

Bolden played an outstanding game in the Dunbar defeat. He sizzled home 16 points and twirled a number of pin-point passes to waiting teammates, especially to Beamon, who wore his all-Ohio honors well.

Abrams started fast, scoring eight of his 12 points in the first quarter, but he was whistled for his third personal foul with 2:36 left in the second period, and wasn't very effective thereafter.

Lucas tallied only four points, and the foul-plagued Walker, two, both far below their season averages.

Many fans still are puzzled over Tech's tremendous start, which had Dunbar reeling, 21–10, in the opening minute of the second period.

With two of the Wolverines' starting "money" players, the Cash brothers (6–7 Cornelius and 6–5 Lorenzo) on the bench with three fouls apiece, Dunbar took the play and the lead away from Tech.

Higgins pumped home a field goal 17 seconds before halftime, and took a 32–30 lead to the dressing room.

Tech erased an eight-point third period deficit with a string of points to tie, 46–46, but then missed the possible go-ahead free throw.

Late in the fourth quarter, the Scarabs uncorked a four-basket barrage to slice a 73–61 disadvantage to 73–69 with 1:06 to play But, at this point Tech called time out and never did get its momentum back.

For the sixth straight time (1960–61–62–63–67 and this season) a Tech team has failed to win the big school championship. Three of these trips ended with semifinal defeats, three others with championship game defeats.

Saturday, Chavers thanks the Tech fans. "They're the best," he said. The team will try to be the best, next year.

OUR TEXTILE TRAGEDY

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. MANN. Mr. Speaker, I insert into the RECORD today the following interim report, from the Greenville, S.C., Piedmont of April 1, 1971, on the tragic condition of our American textile industry. For 3 months now, I have faithfully filed regress reports on this subject in these pages, but my efforts seem to have done little good. What the textile industry is offered is the phony panacea of unilateral voluntary trade restrictions, when what is really needed is legislation of an enforceable nature which will place the interests of American business first in the priorities of its Government's concerns. That is as it should be, as the government of Japan has very clearly realized, when it comes to protecting Japanese interests. Just why we in Congress should have such trouble in coming to a like realization is beyond me. Soon, however, if we are to believe the similar reports in these pages about the woes besetting other large industries due to unfair foreign competition, this Nation will become, not its own producer, but a landscape of warehouses and distributing points which sell only the goods of other nations. Present troubles are serious enough for predictions about the future to be this grave. It is time to act, here, in this House, on behalf of an exquisite American economic calamity that is already upon us:

OVER 27,000 SOUTHERN TEXTILE WORKERS JOBLESS BECAUSE OF MILL CLOSINGS

(By Charles S. Taylor)

ATLANTA (UPI).—Across the South, the lights behind the blue windows of the textile mills are going out, darkened by a slumping economy and a deluge of cheap Asian imports.

Since January of 1969, when the economic effects of foreign shipments, principally from Japan and Hong Kong, first were felt, 50 textile mills in the South have closed their doors. Others, while managing to stay open, drastically trimmed their payrolls.

The mill closings have sent more than 27,200 Southern workers home to collect unemployment pay, or to find other lower-paying jobs. Even some salaried workers and management personnel find themselves looking for employment.

The textile industry in this country, heavily concentrated in the Carolinas, Georgia and Alabama, is the South's leading employer, with more than 550,000 workers, not counting those in apparel production.

Plant closing also are occurring in the New England textile belt, which has about 30 per cent of the industry.

In North Carolina, the nation's leading textile producer, 30 plants have gone out of business. Thirteen plants closed in South Carolina, and seven in Georgia and Alabama.

In 1970 alone, this meant the loss of 10,700 jobs in North Carolina, 6,100 in South Carolina, 6,300 in Georgia and 1,200 in Alabama. Several thousand more were laid off in 1969 and the first few months of this year.

The major indices used to measure the U.S. textile industry provide a stark outline of what has happened. In 1970, production was down 3.5 per cent compared to 1969. Sales were off .5 per cent, profits down 31 per cent and employment 3.3 per cent.

While textile leaders describe foreign imports as the major reason for the downturn, they also cite a generally sluggish U.S. economy.

Large financial layouts for control of air and water pollution have been made by some mills, especially those with dye and finishing operations. Bibb Manufacturing Co. of Macon, Ga., which reported a loss of $7.2 million in 1970, had to spend more than $1 million cleaning up water pollution at six plants.

Imports, however, were the major culprit. Last year they hit a new record level of more than four billion square yards, according to the American Textile Manufacturers Institute (ATMI). Dollar value of the imports totaled $2.4 billion—an increase of more than 11 per cent over 1969, which had been the record year for imports.

In contrast, American-made textile exports in 1970 totalled only $768 million. This left a textile trade deficit of $1.6 billion.

Hourly earnings of textile workers last year averaged $2.47 and employes took home a pay check averaging $99.54 weekly. With the loss of 27,200 jobs in the southeastern textile industry, this has meant a $140,400,000 blow to the economy of the region, offset somewhat by unemployment compensation and the fact that some of the furloughed workers moved into other jobs.

In small communities the plant closings have been critical blows.

"They just closed up, the shades pulled and the lights out," said Mayor J. P. Phillips after the Handley Mill closed at Roanoke, Ala., last November, putting 844 people out of work in a city of 5,060 population.

"We just don't close the operation of a $90,000 weekly payroll without it hurting the community. The plant had been in continuous operation for more than 50 years."

Mrs. James Brown, a textile worker for 19 years, was one of 500 persons left jobless when Aragon Mills of Aragon, Ga., closed. She later got another job making $51, half her weekly textile pay.

"Thirty-five to 40 per cent of the people in the mill were ready to retire," said Mrs. Brown. "Most of them had a lot of seniority. Some lacked two months of being able to retire."

A millhand at Lyman, S.C., who was laid off five months ago, now works at a service station making two-thirds of his textile pay. His wife supplements his income by working as a telephone operator.

"I don't feel any bitterness toward the mill," he said. "It wasn't their fault that I got laid off really. It was those Japanese imports. They have got people over there who don't work for much pay at all and they can just send them over here real cheap."

Fifty workers were laid off at a large textile mill in the South Carolina Piedmont last month.

"I've worked for them for 13 years and I think I deserve better than this," one of them complained. "We were told the layoff will not be permanent, only temporary, but I've still got to make a mortgage payment and buy groceries. What do they expect me to do."

The textile industry insists it must have import quotas written into law. It has the support of the Nixon administration.

Chairman Wilbur Mills of the House Ways and Means Committee, who fears a trade war would result from legislated quotas, favors instead a voluntary agreement he personally worked out with Japan to limit the growth of its exports to the United States.

The U.S. industry insists the voluntary agreement would help little if any. Without Mills' support in Congress, however, the industry has little hope of seeing any kind of quota written into law.

One industry leader, privately expressing a view held by many of his colleagues, moaned the other day that "we're just going to have to live with the Japanese imports."

The industry's best bet for the future, many feel, is technological.

Donald F. McCullough, the Collins and Aikman chairman who recently stepped down as president of ATMI, said "considerable progress is being made with new products, better technology and modernization." There particularly have been encouraging developments, he said, in machinery and new products in the area of knits, textured yarn, weaving and fabric dying and finishing.

He predicted gradual improvement in the textile market in 1971. And looking beyond to the whole decade of the '70s, he predicted a market growth by more than 40 per cent by 1980 with sales reaching $30 billion.

The market will be there, said McCullough. "The question is, who is going to get it? Americans or foreigners?"

"We have always been the most modern industry in the world, but even with our technological superiority, we find it extremely difficult to compete with 10 cent-an-hour wages."

Frederick B. Dent, head of Mayfair Mills at Arcadia, S.C., and chairman of the International Trade Committee of ATMI, contends the American textile market "is the only free market in the world."

"Other nations protect their industry with various types of trade barriers," he said. "Japan, for example, currently has 80 specific import restrictions which are in violation of international trade agreements.

"While refusing to reach an agreement with the United States, the Japanese government has entered into bilateral textile agreements with 11 other nations."

The new president of the ATMI, John Reeves, predicted the situation will get worse without import restrictions.

"The cutbacks in the textile industry have made the impact of the overall economic recession particularly acute in the Southeast," he said.

"The current level of imports is the equivalent of 400,000 textile-apparel jobs. Just think what even one fourth of these jobs could do to stir the economy of the Southeast, the New England states and our apparel manufacturers."

Reeves said "it is quite clear that Japan has no intention" of restricting its textile shipments to this country, "unless Congress passes legislation which would establish the mechanism for reasonable, negotiated agreements.

"Without clear and decisive action by our government, we can only look for conditions to get worse."

GLOBAL POVERTY AND UNDERDEVELOPMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. FRASER. Mr. Speaker, on March 15, Dr. John E. Rielly, senior fellow at the Overseas Development Corp., delivered a fine statement on the response of the developed nations to global poverty and underdevelopment. Dr. Rielly, a former foreign policy assistant to Vice President Hubert H. Humphrey, gave the opening lecture in a month-long conference on international justice, development, and peace, which began March 15 at St. John's University, Collegeville, Minn.

Mr. Speaker, I am pleased to make available to my colleagues, John Rielly's excellent statement.

The statement follows:

GLOBAL POVERTY AND UNDERDEVELOPMENT: THE PRESENT SITUATION AND THE RESPONSE OF THE DEVELOPED NATIONS

(By John E. Rielly)

It is a great pleasure to return to the campus of St. John's University where I spent four of the most peaceful and satisfying years of my life. I am especially fortunate to be able to return to speak to you on a subject which has occupied much of my professional life for the past ten years, a subject which remains central to international affairs in the twentieth century. The specific topic which I have been asked to address at the opening of this Conference on International Justice, Development and Peace is "World Poverty and Underdevelopment: the Present Situation and the Response of the Developed Nations."

It is especially gratifying to see this group focusing on these issues. For today they represent central issues of international affairs which call for a judgment by the Christian and Jewish communities. The judgments you make—the message you carry can make a decisive difference in the actions taken by governments—here and abroad.

In this paper I will begin with a brief summary of the situation in the developing countries and will then devote the greater part of the discussion to the question of the relationship between the developed countries and developing countries, giving special attention to the relationship between the United States and the developing countries.

When I refer to the developing countries, I refer to South and Central America, the Middle East, Africa and Asia (excepting Communist China). You will note that I do not use the term "third world"—because I do not believe such a thing exists. Finally, I assume in this discussion that Latin America is a less developed part of the Western world, and despite the fact that it shares some of the problems of other developing continents, it has more in common with Europe and North America than with Africa and Asia.

The subject of developing countries has been covered by a number of reports during the past two years. We have had the Pearson Report, commissioned by the World Bank issued in October, 1969; the Tinbergen Report or the U.N. Commission for Development Plan issued in 1970; the Jackson Report on the U.N. development program issued in 1970; the Prebisch Report on Latin America; and the Peterson Report of March, 1970 which reviewed the U.S. development assistance effort. While the reports vary in emphasis and coverage, they all conclude that the situation in the developing countries is getting worse. And all agree that the developed countries have an obligation to do more to assist the developing countries.

Although some of the reports focus on the whole relationship between developed and developing countries, most of them focus on the aspect of governmental aid. According to their estimates, the real value of concessional aid was reduced by more than 50% between 1962 and 1968. International governmental aid has represented only .4% of the developed world's GNP. The United States' share has fallen even more precipitiously. The U.S. gave over 2% of its GNP to the Marshall Plan at a time when per capita income here was only 40% of its present level. Today we give slightly less than one fifth as much aid as a percentage of our GNP at a time when our income is 2.5 times higher than it was in 1948.

What are the facts about the developing countries themselves? According to the World Bank, per capita income levels per year in developing continents as of 1968 were as follows: Asia $110; Africa $130; Latin America $370; Middle East $330. This compares with the average per capita income in the United States of $4,000; Canada $2,500; Germany $1,900; United Kingdom $1,800.

The above figures disguise the fact that if the average income for Africa is $130 per year there are literally millions of people living on half of that. The same is true for other areas of the world. And there is fear that the actual standard of living of millions of people is lower in 1971 than it was in 1960.

Despite these depressingly low income figures for the developing continents, their gross national product grew at an unprecedented rate during the last decade, averaging 5% annually. A higher average growth rate in the 1970's of 6% is likely and should increase the total GNP for the developing countries from $300 billion in 1970 to approximately $600 billion in 1980.

However, given other trends which I will describe later, the doubling of GNP will still leave hundreds of millions of people in abject poverty. According to present population trends, the present figure of 3.5 billion people in the world will reach 7 billion in the year 2000, and 15 billion by the twenty-second century. Two-thirds of the world population now lives in the developing countries (including China); by the year 2000 it will be approximately four-fifths. By 2000 at present rates the per capita rate for the United States will be $8,000 to $10,000 per year. Yet a continuation of even today's exceptional growth rates in the developing countries indicates that at least one half of the developing world will still have a per capita income of only $200 a year by the year 2000.

A second major problem for the developing countries in the next three decades is the rapidly growing unemployment problem which is a by-product of the population explosion. With a constant or increasing birth rate and declining death rate, a country like India, for example, now has 100,000 net new entrants into its labor force each week, a figure which will rise to 140,000 net each week by 1980. In a significantly more developed country, like Columbia, 12 to 14% of the present urban working force is openly unemployed and an additional 10 to 12% is so underemployed that they can effectively be categorized as out of work. This unemployment problem is made worse by the increasing use of capital intensive technology and the increasing rate of rural migration to urban areas.

Of the 500 million people expected to be added in this decade to the population of developing countries, approximately 170 million will represent additional entrants to the labor force. Given present population trends, patterns of technological dissemination and urban migration to the cities, the problem is likely to get worse before it gets better.

Unemployment is particularly acute among young people, and among people in the incredibly fast-growing urban centers. During the First Development Decade, most poor nations saw a tremendous increase in unemployment despite a growth in GNP that was sometimes spectacular. Clearly, a further increase of GNP by itself is no answer to this explosive problem. In addition, unemployment presents an especially harsh threat to political stability in the 1970's. The President of the World Bank, Robert McNamara, has stated that matter boldly: "The marginal men," he says, "the wretched strugglers for survival on the fringes of farm and city, may already number more than half a billion. By 1980, they will surpass a billion, by 1990 two billion. Can we imagine any human order surviving with so gross a mass of misery piling up at its base? A byproduct of the population explosion, the unemployment explosion will require tremendous creativity and resourcefulness throughout the 1970's if Development Decade II is to have any meaning to human society."

This gives a brief sketch of the conditions of the developing countries, one that does not adequately convey the total picture of widespread hunger, deprivation, absence of educational opportunity, unequal distribution of wealth, the prevalence of disease, not to mention political repression and shocking social inequity in many countries.

What do developing countries need? It is clear that they need more food, more jobs, better distribution of income, new labor-intensive technologies, better access to health and education on the part of all. This means that developing countries need more resources. Even more important it means in many cases, they require a redistribution of resources within the society.

Just to meet the employment problem alone, most developing countries will have to grow at a rate of 6.5% to 8%, not a likely possibility for many of them. Unemployment might, of course, be ameliorated through a distribution of poverty through subsidized rural public works that are labor intensive. However, this would not result in an increase in income per head. Alternatively, a totalitarian system could possibly establish full employment and raise the standard of living but at a very high price in terms of political and social liberty. The best alternative is to achieve a high growth rate with a strong political and social system which can redistribute benefits at the same time the economy is growing. This will require a heroic effort for most countries. To achieve a growth rate of say 7% requires a gross investment of 25% of GNP. If external resources could finance 30% of this investment, 70% must still come from internal sources. This would require an increase in the savings rate by 40%. What this means is that if a country like India grew by 5.5% for the next three decades and the United States grew by 4%, the average income in the U.S. would be $10,000 as opposed to $200 in India. If India grew 7% a year for the next three decades, her per capita income could be $400 per head by the year 2000 which would reduce the rate of inequality from 1 to 50 to 1 to 25. And for India, the difference between $200 and $400 is the difference between poverty and a tolerable standard of living.

Thus it is clear that the developing countries need more resources. They must create part of these themselves, but part must be received from external sources. Although it is difficult to mobilize the level of resources internally that will be required, one should emphasize that the developing countries did better during the last decade than did the present industrialized countries in their comparable periods. If the developed countries respond appropriately, the developing countries could achieve better than a 6% growth rate in the 1970's.

What else must the developing countries do? First, they must acquire a capacity to feed themselves. Through the possibilities held out by the Green Revolution, there is a good chance that the amount of food needed can be grown. Whether the right distribution can be achieved is something else again.

One thing we have learned in the course of the First Development Decade is that the high growth rates prescribed by economists mean little unless there is some change in the benefit distribution system, some attempt made to increase the access to the benefits of economic growth.

I have briefly described here the situation in the developing countries today. The next question that arises for us in the United States is "Why should we be concerned"? This is the most basic—and most difficult question—why should we bother at all? Though the reasons may be obvious to this group here today—they are by no means obvious to many Americans.

There is a profound sense in which helping the developing countries is no longer a legitimate topic of political conversation in the United States. Favorable references to it in the Congress are limited to a select group of individuals who either have a long-standing commitment or nothing really to lose. In political campaigns, expousing development assistance may not lose many votes for a candidate in most parts of the country, but nowhere will it gain him any either. It is largely a non-issue in American politics.

Before the political work of carrying forward a U.S. role in development can get very far, development assistance has to become a live issue again, with a new rationale that can excite widespread attention. Otherwise, we can expect only "benign neglect"—or worse—and will continue to see development experts talking to one another, but rarely finding a wider audience.

It is clear to anyone who samples opinion either in Congress, in the Executive Branch, or in the country as a whole that the old rationale for overseas development assistance is not persuasive with many people. First, it is no longer possible to invoke the fears of Cold War, or the argument that the world will inevitably be divided between the United States and the Soviet Union. Not only did the practical applications of that narrow theory frequently fail—when countries like Egypt learned to use this argument to aid their own development but undermined the Cold War argument that "neutrality" was impossible—but also the waning of the Cold War itself reduced the importance, both at home and abroad, of wooing people in the poorer two-thirds of the world. Regrettably too many people who supported development for other reasons were content to lean on this Cold War rationale without building support on other foundations as well. They found it was convenient, politically attractive, and did the job—for a time. Inevitably, their efforts were left high and dry, both intellectually and politically, when the Cold War arguments lost their punch. Quite simply, Cold War rhetoric is dead as a means for extracting money from the American public to help poor foreigners.

Second, a new school of thought in the United States began to emerge during the trauma of the Vietnam War. There began a general turning away from interest and commitments in the world, and a call for "putting our own house in order first." Necessarily, development assistance was reduced in the concern for reordering priorities.

Third, some revisionist historians made a simplistic connection between U.S. economic involvement in the developing world. the growth in U.S. military responsibility for protecting particular regimes, and the prospect that we would have to fight other wars like Vietnam in the future.

Fourth, there has emerged a growing concern among some Americans—probably including some of you—about problems of "imperialism"; the impact of advanced societies on primitive ones; and the problems inherent in the export of Western values. There is no doubt that direct involvement in the development process raises real dilemmas for a responsible U.S. policy: a small example was provided by the kidnapping and murder of a U.S. AID official who was helping to train police in Uruguay. As innocent as his activities may appear, they essentially represent a political act of support for the government in power.

To our cost, we have found that direct bilateral assistance, whether for security or for development purposes, too often involved us directly in the fate of particular governments or regimes than is healthy either for those nations or for ourselves. Large aid missions in the field have led in many cases to an overpowering U.S. presence, thereby breeding resentment and hostility. Our motives have become suspect even when they are well-intentioned. We have often failed to resist what the French philosopher, Henry Dumery, called "the temptation to do good; the insistence that not only must virtue be achieved—but our particular version in our particular way."

The inadequacy of the old ideas suggests that a different rationale for development assistance must be created during the 1970s if the U.S. is to play a major role in the poor countries, and to overcome the backlog of discredit that has been built up during recent years.

What are some of the basic arguments for a U.S. role in development assistance?

1. *Violence and order*. An important argument for any foreign policy is always that it is somehow in our direct national interest. The Cold War no longer suffices; Vietnam has made us wary of unconsidered involvements. But there is a very real sense in which the United States is deeply and permanently involved in the world. We remain—whether we like it or not—the nation chiefly responsible for preserving some semblance of order in the world. This does not mean that we must intervene in every other country where we think our interests are threatened—or in every other country to preserve order. But it does mean that we, as the most powerful nation on earth, must take seriously threats both to ourselves and to the overall system of international relations. This is a role that we inherited by chance but have now continued largely by choice. Even if we choose to depreciate this role, it is one for which we will continue to be held responsible by others in the coming years.

It can be argued further that this general sense of international order is threatened by what is happening in poor countries; by threats of chaos, internal warfare, and conflict between neighboring states that ultimately could have profound effects on the rich countries of the world.

Directly, this disruption and violence in poor countries may not threaten the United States for some time. But it may. In the Middle East, the rise of uncontrolled violence has complicated a long-standing conflict there that we have not been able to ignore in our overall concern with international order. This new violence, like the old, is partly a product of a failure of economic, political and social development.

This failure is having corrosive effects. Our illusion of safety, like that in Europe before 1914, is being destroyed by acts of violence and intimidation that reach below small developing countries. These acts of violence, including aircraft hijackings and international kidnappings, are not confined to the developing world; but they increasingly dramatize its problems and the urgency of finding solutions.

Indeed, the rising tide of violence throughout the poor countries of the world threatens our ability to trade, to travel, and to invest. And unless we help stem this tide by helping these countries develop, our world may be far less congenial for the rich countries than it is today.

This last point does not necessarily imply that our helping poor countries to develop will lead them to take their place in international society without threatening it. In the short run development assistance can even contribute to disruption, as expectations rise to exceed what is possible. After all, revolution and disorder are classically problems of states and people on the rise. Nor is it clear that our long-run interest in a stable world implies opposition to all violence in developing countries particularly where it can lead to the evolution of societies that rest on a firmer basis of popular support.

It is here that we encounter a subject which has been a source of increasing concern in the Christian churches, both Protestant and Catholic. Put simply—How should Christians respond to a situation in which overthrowing the existing economic and social order—by means that include violent action—appears to be the only alternative to the perpetuation of injustice? Related to this question is the growing concern for indigenous cultures and traditions. Will they be crushed or replaced by the values implicit in the cultural standardization that has come to be associated with technological expansion and economic development? There is a widespread concern that "development" as it has been traditionally defined by advanced countries and the international agencies represents at best an inadequate solution to developing country problems and at worst a manifestation of Western economic imperialism.

Many of you here are familiar with reports published the last three years by SODE PAX—the Committee on Society, Development and Peace set up in 1968 by the World Council of Churches and the Vatican, acting through the Pontifical Commission for Justice and Peace. The titles of the reports published after several recent SODEPAX conferences suggest the trend of Christian concern: "The Challenge of Development" (Montreal: 1969) of "In Search of a Theology of Development" (Cartigny: 1969); "Peace—the Desperate Imperative" (Baden: 1970); "Liberation—Justice—Development" (Tokyo: 1970); "Partnership or Privilege" (Cartigny: 1970).

All of these reports reflect a single dominant view: that the recipe for the developing countries, as advanced by traditional development economists—is unsatisfactory. The SODEPAX reports reflect the view widely disseminated by the late Louis Lebret that development must be seen as a social process involving ethical values, a process implying ultimately a concept of what man is. Development must be seen within a humanist perspective, and development economics must become a "discipline covering the passage from a less human to a more human phase."

Working from the framework developed by Lebret, many Christian thinkers have come to reject "development" as an adequate concept and have begun to speak of "liberation," of "justice" and "revolution". A report of the National Council of Churches issued only this month speaks of "World Justice, Liberation and Development". One of the most influential younger Latin American Christian theologians, Gustavo Gutierrez, speaks of a "theology of liberation." Gutierrez accurately describes the views of a growing number of Christian thinkers—and not only in the developing countries—when he says:

"Development should attack the causes of our plight, and among the central ones is the economic, social, political, and cultural dependence of some peoples on others. The word 'liberation', therefore, is more accurate and conveys better the human side of the problem."

We do not have to adopt Gutierrez's term "liberation" to appreciate his concern for the human aspects of social and economic development. It is this concern that was expressed by Pope Paul VI in a passage in his encyclical, "The Development of Peoples". Here the Pope speaks of "building a world where every man, regardless of race, religion, or nationality, can live a fully human life, free of the servitude that comes from other men and from the incompletely mastered world about him."

Nor need we share all of Gutierrez's analysis concerning the manipulation and control of poor nations or poor people by international economic groups—groups pictured as "oppressors" and "exploiters". We can still accept another of his central points: The need for a fundamental redistribution of political, economic and social *power* within society, and a restructuring of the international economic system. At the present time, this economic system concentrates a disproportionate share of the world's wealth in a few countries.

I believe this is the central message of Christian thinkers today as they view the international scene—that justice requires a fundamental reordering of society; and that such a reordering can be accomplished by deliberate political action by an aroused and politically conscious people. This reordering of priorities, which is required to guarantee a minimal level of material goods and human rights to all people, must be accompanied in developed societies as well as in the poor countries of the world.

I am encouraged that at least one of the major reports on international development—that of the Committee for Development Planning of the UNDP (the Tinbergen Report) explicitly recognizes the need to be concerned about the *distribution* of wealth—not just its overall increase. This report states:

"The world community cannot sit idle when a part of its population lives in great comfort and even affluence while much the larger part suffers from abject poverty, and when this disparity is increasing instead of diminishing."

It went so far as to recognize that "there will be cases necessitating a sacrifice in the pace of growth in order to prevent social injustice."

Thus the international establishment is being prodded increasingly to modify its approach to the problems of world poverty, to go beyond the traditional goal of accelerated economic growth. The response of the international community so far—particularly the rich countries of the world—is less encouraging.

2. *Interdependence*. A second reason for our being concerned about the developing countries is the growing interdependence of the world. The question of Amreican self-interest in the process of development also has a wider economic and political dimension. There is an international system of trade to be protected and expanded; this can be a stable and expanding international system only if the developing nations are brought into it in ways that are mutually beneficial. It is quite obvious that the United States will play a central role in shaping this system, for good or ill. In fact, by not acting to extend preferential tariff treatment to developing country goods, or by raising new barriers to them, we will have a profoundly discouraging effect on the ability of developing countries to help themselves. And our concern to promote a stable and productive international economic system militates for our giving evidence of good faith to the poor countries of the world. They have little bargaining power: only we have the power to decide whether they will be able to play an active and positive role in the worldwide system.

It is also clear that some problems facing the world will have to be solved in common over the long run, or not solved at all. There is already an awakened consciousness in the United States about the problems of preserving the environment, and tentative attempts to do something about them. At some point the cooperation of the developing countries will have to be enlisted. In fact, it will one day become necessary to protect what is truly a global interest in preserving the environment as a way of protecting our own national self-interest.

3. *Morality*. For many of you the moral rationale for U.S. involvement in development will be most persuasive. One need not share the Christian and Jewish religious tradition to recognize the force of moral arguments. They even make some appeal to those "hard headed" statesmen who are concerned about self-interest. Many of them also accept that the structure of international relations rests upon a sense of common interest that demands some moral concern for mankind in general.

This point applies particularly to those young Americans who are most concerned about America's moral stance in the world; who wish our foreign policy to be based on more than simple power-politics; who see America's role in the developing countries to be "imperialistic"; and who have many of the same concerns as some of the Christian writers referred to above.

4. *Example*. Finally, it is worth citing the example set for us by others, particularly by the other 15 members of the Development Assistance Committee (Organization for Economic Cooperation and Development), which includes the U.S., Canada, most of Western Europe, Japan and Australia. In politics as in business, competition can be an effective spur for Americans, particularly if it is put in terms of our own self-interest. And in the realm of development assistance, we are clearly being out-distanced. We lag far behind other rich countries in terms of the percentage of GNP transferred to poor countries. Today we rank 11th out of 16 DAC countries in direct governmental aid, and 16th out of 16 in total net aid and private investment.

The example set for us by Europeans and Japan is also a challenge to exercise in the realm of development assistance the sense of leadership that has held such a significant place in American political goals since the War. This is particularly true of our sense of leadership in promoting the orderly growth of international society. Few Americans, directly confronted, wish their country to be second-rate, or to be seen abroad as defaulting on its responsibilities.

These four points represent only a partial list of arguments for an active U.S. role in development assistance. Although none are conclusive, they do point to the new direction in which efforts to stimulate attention, concern, and political support can profitably be directed.

I have described briefly the situation in the developing countries and have offered several reasons why we in the United States should be concerned. I would now like to address the final question: what should be the response of the developed countries—and more specially what should be the response of the United States. Indeed, what should we do?

First, we must recognize that international economic issues will henceforth increasingly rival diplomatic and security problems as the principle substance of American foreign policy. This shift in priorities reflects the existing accommodation between the super powers, the development of detente, the changing pattern of economic relations throughout the world and the new attention paid to economically-backward states as sources of anxiety and conflict. Until now there has been very little recognition of this trend in the U.S.

President Nixon has finally recognized that economic issues are an important part of foreign policy. And the establishment in February 1971 of a White House Council on International Economic Policy is a step in the right direction. Whether this Council will in fact result in a change in priorities will depend in large part on the ability of Mr. Peter Peterson (formerly President of Bell and Howell), the President's choice for the job, to prove a match for Messrs. Kissinger and Erlichman in White House bureaucratic competition.

But despite the creation of this new Council, the President and his advisors have still not balanced traditional security issues with economic considerations to the extent they need to do.

In the last year, this led to a near collision with Japan on trade questions and has fueled fears in Europe of a trade war between the U.S. and the EEC. And this Presidential neglect has been responsible for preventing the emergence of a clear policy vis-a-vis the developing world. Mr. Nixon has still failed to recognize that what we do today to help poor countries help themselves will reduce the chances that we will be required tomorrow to help defend them with guns and soldiers.

Secondly, we must recognize that the military instruments of American foreign policy have a more limited applicability today. In particular, we cannot much longer pretend that there can be military answers to economic and social problems. This awareness should be reflected in the resources devoted to the military budget. In presenting the Nixon Doctrine as a main outline of American foreign policy, the President has expressed his intention of reorienting America's role in the world by reducing our active role abroad and avoiding military intervention wherever possible in the future. Until now, most analysis has focused on the military aspects of this, particularly on the question, "how do we get Asian boys to fight Asian wars?" However, for the Nixon Doctrine to succeed, we cannot construe our task simply as one of helping others to fight their own wars. It is clear that we must also have to take seriously the means required by individual countries to cope with the conditions that breed threats to their security. These means largely center around the difficult and ill-defined processes of economic and social development. So far, therefore, the Nixon Doctrine has failed to meet its real test—the test of economic development that could make recourse to arms unnecessary.

Clearly, we need to change direction and stop defaulting on our own self-interest. How many of us realize, for example, that the war in Vietnam—a useless, tragic war—has cost us more than all the foreign aid we have provided for the entire world—including the Marshall Plan.

The prospects for change are not bright. According to present estimates, the federal budget will increase during the next fiscal year by $20 to $25 billion. In view of the urgent need to address domestic problems and widespread opposition to much of our involvement abroad, it is most unlikely that the Administration will increase the total resources devoted to overseas programs. Given the present political climate in the country, a substantial increase in American bilateral or multilateral assistance to the developing world would almost certainly have to come from reductions in other parts of the budget devoted to overseas programs—for example, in the continued high level of military expenditures.

Until now there has been no basis for believing the Nixon Administration plans to move in this direction. It is still placing top priority on the acquisition of improved nuclear weapon systems. For the next fiscal year, the Administration has proposed an increase in the military budget of about $2 billion. It comes at a time when the deescalation of the Vietnam War could make funds available for non-military expenditures overseas. By reallocating only a small fraction of potential defense savings—perhaps $1 billion—we could undertake a sizable expansion of our overseas development effort. So the second thing we must do is to deemphasize the military aspects of American foreign policy and reduce the military budget.

Third, we must also focus attention on the continuing problem of arms sales to developing countries. At present we continue to give and sell arms to developing countries beyond their requirements beyond any requirements of the Nixon Doctrine. Senator Proxmire in his recent hearings has documented the magnitude of military assistance—at some times exceeding by some billions of dollars our meager economic effort. Worldwide expenditures on defense now total approximately $200 billion per year. Thirty percent of this represents expenditures by the developing world. In this latter figure, about $5 billion represents hard currency payments by poor countries for arms. Arms purchases clearly divert resources that these countries could use to develop themselves economically. They can even contribute to conflicts in which the U.S. and other developed countries may become involved. So the third prescription is to curtail arms sales to developing countries.

Fourth, it is becoming increasingly clear that in determining our relations with many of the developing countries of the world, trade is more important than aid. Approximately 80 per cent of the total financial flows from rich nations to poor nations is accounted for by trade, not aid. The U.S. imports 10 billion of commodities and manufactures per year from poor countries. The European Common Market imports $12 billion. Total exports from poor countries amount to $50 billion in 1970.

For many countries trade is the real engine of development, and exports represent the chief means for earning the foreign exchange they need to finance their own economic development. The ability to increase exports to the developed world is seen as the best way to avoid the problems of foreign involvement and tutelage that go along with foreign aid programs.

Therefore, President Nixon's proposals on trade have a special importance for development policy. He has indicated in his recent foreign policy message that he will ask Congress to eliminate import duties on manufactured products exported from the developing countries. This would implement the general preference scheme which has already been approved by both the OECD and the United Nations' Conference on Trade and Development. At the same time, however, the President may be required to deal once again with import quota legislation on such products as textiles and shoes, which if implemented, could undercut many of the liberalizing provisions of the preferential tariff scheme. Protectionist policies came very close to becoming enacted in 1970 in part because of the Nixon Administration's unwillingness to take a strong stand against it. The failure by the White House to oppose these protectionist measures early and vigorously brought us very close to leading to a major crisis in American international affairs. I believe the President must recognize the importance of trade policy and will be prepared to spend the political capital required to preserve the access of developing country goods to American markets. The establishment of the White House Council on International Economic Policy is one indication of some progress by the President in recognizing the importance of trade.

Fifth, we must move to reinvigorate the U.S. multilateral and bilateral foreign assistance effort. We must be prepared to meet the goals stated by the Pearson and Tinbergen Commission Reports which call for a contribution from developed countries equal to one percent of GNP in development assistance. Until now there has been little indication that the Nixon Administration is prepared to make this commitment. President Nixon has, however, put forth some sensible proposals for reorganization of the U.S. development effort, proposals following closely the recommendations of the Presidential Task Force on "Foreign Assistance for the 70's" chaired by Mr. Rudolph Peterson. We should move to implement the President's recommendation that U.S. assistance designed for purposes of short-term security, such as assistance for Southeast Asia, should be separated from that designed primarily for humanitarian or development purposes.

As a way of avoiding excessive involvement by the United States government in the internal affairs of developing countries, we should also move to implement the President's recommendation that more of our development resources flow through multilateral institutions—such as the World Bank and regional banks.

Multilateral institutions will not have all the answers to the difficult problems of development. But they will be able to provide a framework within which the pursuit of short-term political goals at the expense of long range objectives is minimized.

Sixth, we should take a thoughtful look at the President's recommendation to invest our remaining bilateral development aid in three new institutions which would replace the existing Agency for International Development: (1) the International Development Corporation, which would be concerned primarily with transferring capital resources; (2) the International Development Institute, which would be concerned with the creation and transfer of technology and the application of new ideas in the developing world; and (3) the Overseas Private Investment Corporation which is now established which would assist in the channelling of private investments. Although these new institutions were proposed chiefly to win Congressional and public support for a new program, the negative response in Congress thus far suggests that changing the machinery for bilateral aid may produce very limited benefits.

More important, for development institutions to be effective there must be assurance of long-term funding. The test of the President's commitment to development will be his willingness to insist on multi-year appropriations, his willingness to expend the political capital required to push this through.

The question of the President's commitment to development remains the key uncertainty surrounding his recent recommendations about reforming the U.S. development structure. He alone is able to help Americans to understand both their political and moral responsibilities in the developing world. Only the President has the ability to commit the American people to a program of development assistance that will confirm our understanding of the facts of a changing world. Only he can lead us to continue playing a useful and necessary role beyond our borders.

So far, he has not done so. So far his statements fail to strike the note of urgency and commitment that is going to be required if the proposed administrative changes are to work. The President has so far given no clear lead, nor proposed any concrete objectives for the new institutions to reach. In this respect, it should be explicitly added, he is following the pattern set by President Johnson who also gave a low priority to development. These are some of the actions which we in the United States should take if we are to fulfill our responsibilities to the developing countries. In pursuing these objectives, we must always remember that because we are the world's wealthiest and most powerful nation, there is much that we can accomplish.

But after a decade of anguish and unending war in Indo-China we should better appreciate what Dennis Brogan has called "the myth of American omnipotence." We should perceive the folly of earlier efforts to "build the Great Society in Asia" and similar formulations of American cultural imperialism. President Kennedy, we remember, is revered throughout the world—and especially in the developing continents of the world—not so much for what material results he achieved as for the attitude he conveyed. What can be accomplished in a material sense in a short period of time will always fall short of expectations. What is more important is that leaders be prepared to give some evidence that progress is being made, that material betterment is on the way, that there is sound reason for believing that the unmet material problems of society will be solved in the future.

For American leaders cooperating with those in developing societies, it is essential to convey an understanding and respect for the traditions and culture of some nations, a willingness to help combined with a recognition that others may have answers—and not just problems.

In cooperating with leaders and peoples from developing countries, we would do well to approach them in the spirit of the counsel offered by a distinguished graduate of St. John's University, Eugene J. McCarthy.

Speaking of the task of the Christian in political life, he said the following: A man should "make his decisions in the hope that by these decisions an imperfect world may become somewhat more perfect: or that at least if he cannot make an imperfect world less imperfect, he can save it from becoming even less perfect, or finally, from becoming entirely evil and perverted. He can try to prevent degradation, prevent decline, and, if possible, to move things forward and upward toward right and justice."

HUD RELOCATION REVIEW DELAYED AGAIN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. PICKLE. Mr. Speaker, it is my painful duty once again to stand up and report to the Congress that the Department of Housing and Urban Development has failed to submit a review which they promised to give the Congress long ago. That review—which was a nationwide analysis of relocation problems in urban renewal programs—was due by the first part of this year. The very latest date in a whole series of promised delivery dates was March 31—a full week ago.

Although Congress has passed fair and reasonable laws regarding relocation—the kind of enabling laws which empower HUD to assure equitable, humane treatment of all parties directly involved in any urban renewal program—and HUD has issued comprehensive regulations pursuant to these laws, the breakdown, as so often happens, occurs in the administration of those laws and regulations. Many complaints have reached me of the attitude of indifference at HUD local and regional levels . . . an attitude which evidently extends up through the Department at the very highest levels.

I have received various excuses each time a promised deadline passed without any action from HUD. I was told that the local offices had not yet submitted their reports due to relocation problems—an ironic explanation, at best—and I was told that shifting jurisdictions at the Washington level had further delayed administrative review; and I was given other excuses—too many excuses.

I have been patient, we have been patient, and those who have suffered from brutal uprooting have had to content themselves with the dry bread of our patience. The time has come when we can no longer afford to be patient. I cannot condone nor defend any longer to my constituents the glaring oversight of this report. Too many have suffered from inaction. This matter has been dragging on while HUD has been begging off, and the time has come for the Congress to demand action. Congress needs this survey of the effectiveness of relocation throughout the United States so that we will have some direction for relief of the relocation problems.

I respectfully request the Department of Housing and Urban Development to comply with the request of Congress.

BRUCE SAGAN, OUTSTANDING WEEKLY PUBLISHER

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. MIKVA. Mr. Speaker, Bruce Sagan, president of Accredited Home Newspapers of America, was recognized in a recent issue of the Editor and Publisher, as one of this country's finest weekly newspaper publishers. Mr. Sagan's newspapers have made a significant contribution to the Chicago area; the neighborhood newspapers have created a king of decentralized forum for the communities which make up Chicagoland, due primarily to Mr. Sagan's willingness to let the public be heard. In a metropolitan area of over 6 million people, that is a great achievement. I am pleased to insert into the RECORD a copy of the article commending him on the fine job he has done.

BE FLEXIBLE

(By Craig Tomkinson)

When Bruce Sagan bought his first Chicago weekly 17 years ago, the paper's coverage ended at 59th Street. Sagan says the paper was so local in coverage that an A-bomb explosion on 60th Street wouldn't have been news—but the fallout on 59th would have been.

This anecdote, and others, were included in a two-hour talk Sagan gave before a New England Press Association session last week in Boston. His topic was, "How we meet the competition."

Sagan is one of the most successful weekly newspaper publishers in the country. His Economist Newspapers group has circa 300,000 free and paid circulation in Chicago and environs. Another three papers are owned in the Newport Beach area of California. Sagan is currently president of Accredited Home Newspapers of America.

If one counts flags, Economist has 28 newspapers—some free, some paid. Some of these are name replates, others are page replates and still others are totally different.

But it isn't total circulation or number of newspapers Sagan is concerned with. His Boston talk indicated his concern is still with local coverage and flexibility. In short, what works for one paper isn't necessarily a panacea for all his papers.

NEEDS THE ORGANIZATION

Sagan doesn't eschew the organization in favor of the independent. He said that individual newspapers in chains need the strength offered by the large organization but must maintain the individual viewpoint of a local publication.

He averred that using the organization structure enables weaker newspapers to survive in less profitable areas and it enables local papers to take unpopular positions without fear of economic retaliation.

To maintain separate coverage and separate identity for its Chicago papers, Economist has seven separate editorial offices.

Unlike publishers who give editors free reign in expressing editorial opinion, Sagan feels it's hypocritical to have two of his papers expressing opposite editorial views on the same topic. Where differences of opinion, occur, Sagan's takes priority. Editors can, he said, express opposite views in signed columns if they wish.

He told his audience that newspapers should not only mirror public sentiment but also lead. "Not to say something is taking a negative position."

Sagan demonstrated one aspect of flexibility when he noted that at one time his papers dealt only with non-controversial matters. "Now we deal with conflict and now we have unhappy readers. The key to success is not to make everyone mad at the same time."

Sagan is flexible in his definition of "competition" too. His definition, as he outlined it for his audience, goes beyond the traditional idea that a newspaper's competition is first, other newspapers, and secondly tv, radio, etc.

He said that newspapers "compete for time" with anything else that may distract a reader. All other forms of communication, from the print media down to gossip, all vie for time and are competitive. He cited too the obvious competition for the advertising dollar, "classifieds especially."

"The primary concern of the advertising department," he said, "is how to get more business," then went on to advocate flexibility in reaching customers.

"We have two sets of customers, the readers and the advertisers. Create the opportunity, he admonished, "for readers to use you. Promote!"

Economist Newspapers, he explained, is involved in many different forms of promotion, then humorously noted how it was a commentary on the times that this year the mother of an illegitimate child "had no compunctions" about claiming the "first baby of the year" prizes. His attorney advised letting her have them. "Some promotions," Sagan added, "are obviously fraught with danger."

On a more serious note, Sagan outlined Economist's rather extensive yearly recipe contest in which a major prize is given away—a trip for instance.

THOUSANDS OF RECIPES

Thousands of recipes are received and the top 125 are compiled into a book, complete with ads, with the grand winner on the front page. It's circulated with the papers. The contest also provides the papers with a good stock of recipes to run throughout the year.

Another major promotion of the Economist papers is an annual home show for advertisers and non-advertisers alike. Both buy booth space for the event, and are required to take a three quarter page ad in a special section for the show.

"The show," Sagan explained, "generates reader interest and has an impact on the community because thousands of people attend."

The show has another worth. Because it is held in a shopping center hall and draws large crowds, the Economist group picks up all printing and production of shopping center sections because of the good will created with the center.

It might be added that contract printing is big income for Economist. It prints daily the Mid-West edition of the *Christian Science Monitor* on its four-unit, with half deck, Goss Metro offset press.

Sagan got much attention when talking about classified sections, which he feels "sell more newspapers than anything else."

The audience heard him say that classified ads "are a rising proportion of newspaper income."

He sees as a main competitor for weekly newspaper classifieds, the telephone book's Yellow Pages. He pointed out too, that the Yellow Pages "are a good source of leads."

He advocated a good, strong classified section because of its security. "Once you have a classified section it's hard for anyone to take it away. It is self-breeding and becomes a market place." He pointed out that the classifieds are not vulnerable to the whims of large display advertisers.

He suggested, as just one way to create a classified market, the selling of automotive ads limited to two lines, for a fixed rate of $2 to run until the car is sold. He wasn't trying to convince anyone this is a money getter in itself, but it serves to build up the section and create reader interest in the classifieds which he sees as a vital medium of communication.

Further stressing the need to create a market place for classifieds. Sagan related how giving away free boat ads in a dying California weekly he picked up, was the first step towards rescuing the paper through reader interest and participation.

Flexibility is evident in the way the classifieds are handled in each of Sagan's papers. In papers with weaker sections the sections are opened to many different types of ads—across column rules, small, large, etc., but in papers with stronger sections, the advertisers must accept rules set down by the papers, such as only single column ads limited to certain sizes. The latter is cheaper to produce, he explained.

Makeupwise, Economist newspapers shy away from the use of boxes, bold face types, and the like. Sagan explained that use of these gimmicks "interferes with the reader's ability to read the classified section and the advertiser may not be getting his money's worth with them."

The audience was curious about the rate of defaults Economist runs into with classifieds. Sagan gave a figure of "less than 2 percent" on transient "deadbeats."

He said he handles deadbeats first with letters from what he called "our phony collection agency", in reality the letterhead of an attorney. If they still don't pay, the matter is handed over to a real collection agency or taken to court. He noted that the latter will take place for bills as low as $20.

Demonstrating the pulling power of Economist classifieds Sagan related a story (he claimed was true) about two burglars who, upon hearing a certain family was away on vacation, placed a classified ad on Friday, broke into the family's home, and sold everything by Sunday.

NEWSPAPERS PRAISED FOR RESPONSE ON CALLEY CONVICTION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, the news of the conviction and life sentence of Lt. William Calley came at a period when the American people were saddened and sickened by the picture of stark horror that had been unfolded during the trial.

It was predictable that the public would react emotionally to the verdict. From the political left and right came a near-hysterical outpouring of pleas for Calley's release, that he and America be exonerated from the horrendous crime which had occurred. Their reasoning and reasons were many and varied, but they all sprang from the wellspring of pent-up emotion—shock, anger, disbelief, frustration, confusion, and sorrow.

When emotion had dissipated, logic took over, led by the reasoned coolness of the Nation's journalists and editorial writers, long seasoned by repeated exposure to the depths of human evil.

Mr. Speaker, I am proud of America's news media, and their commonsense response to the hysteria which swept this country in the aftermath of the Calley verdict. I would like at this time to introduce editorials from three newspapers which have varying degrees of readership and influence in my district.

The first is the Dearborn Heights Leader, a widely read community weekly published in one of the largest cities in my district. The second is the Detroit News, the most widely read daily newspaper among my constituents, and the third is the New York Times, probably the best known nonlocal daily in Michigan.

The articles follow:

[From the Dearborn Heights Leader]

UNABRIDGED

(By Marg Webster)

If maturity is facing the consequences of one's actions . . . no matter how unpalatable . . . then this country of ours must be coming of age.

For six military, not civilian, jurors to find Lt. William Calley guilty of pre-meditated murder in the far-off village of My Lai is proof that we've turned a corner in our willingness to accept responsibility for horrors we create while decrying those of the enemy.

No country can be as lost as some might have feared these past, bleak war-embroiled months when it can create the system that gave birth to the Calley verdict.

We do not cheer the verdict. It is too serious a wound in our national honor for that. But we do take quiet satisfaction that not yet has this country gone down the path to self-deceptive actions parading under the guise of patriotism.

Calley has been found guilty . . . found guilty by a jury of his peers. Let no one forget that fact.

Still ahead is the trial of his superior officer. As are questions that thinking men and women everywhere must ask about our actions on that land turned battle-field halfway around the world. Questions we must ask of all our leaders, of the military establishment so entangled in all our affairs, questions we must ask ourselves.

Were we not the ones who, ashen-faced, asked a quarter of a century ago "how could those good burghers have turned their faces from Buchenwald . . . how could honest men dressed in military uniforms leave behind a leveled Lidice"? Now we must ask, not just what is the degree of Calley's guilt or Medina's or the generals in their paneled offices, or even our elected officials.

We must ask of ourselves our degree of guilt in not crying out against man's unbelievable cruelty to man.

We are ever haunted by the theory of columnist Stewart Alsop that since the turn of this 20th century our country has assumed the less agreeable features of whatever enemy it has met and conquered.

Carried to its ultimate conclusion, and he presents some interesting support for his thesis, we would become as unseeing, as uncaring, as wantonly cruel as the Nazi regime we battled so wholeheartedly.

And there would seem to have been growing proof to support his theory these last years darkened by our involvement in Viet Nam.

But the trial of Calley, a man caught up in the horrors of war through our national series of bungling events, proves one thing. We are able to look at ourselves and weigh our guilt. For Calley's guilt is yours and mine. And if we can say, and mean it, Mae Culpa . . . there is still hope for this great country built on principles drafted to withstand the venialty of men, the pressures of the military, the exigencies of the moment.

Calley carries our guilt, as we carry his . . . but the verdict also proves that we have not turned our faces from the mirror of the truth.

[From the Detroit News]

THE CALLEY VERDICT—ONLY HE IS GUILTY

The verdict that Lt. William Calley deliberately murdered 22 civilians at My Lai is not a verdict on the American conduct of the Vietnam war. It is the finding of a trial jury against one man for what he did in one Vietnam village on a given day.

Calley's attorney, George Latimer, declared: "Calley is the product of a system that takes a man out of his home and teaches him to kill. Parents will now be less willing than ever to send their boys to Vietnam."

The answer to that is on the record. For one Calley found guilty of a massacre there are many more than one million American non-Calleys who have been through the furnace of Vietnam and have observed the code of military conduct and honor. In a word, in what he is proven to have done Calley is unrepresentative of his country, his Army and the millions who have served in Vietnam.

Latimer linked to that plea the contention that Calley was a victim or scapegoat for a government that taught him to kill and then selected his judge, jury and prosecutor. That may trouble many of good conscience with no ax to grind. But that is the military system. To have arraigned Calley before a civilian court would not have provided a better alternative.

Five of the six officers were, as Calley was, enlisted men who had won commissions. All five, like Calley, had seen service in Vietnam. They knew the pressures and emotions of the battlefield. They knew the sort of confusing backdrop against which the war has been fought—something a civilian jury would have known only by hearsay. The sixth and oldest member was a World War II veteran. This was not a jury handpicked to whitewash its own Army, as protesters will say. No man on it was a West Pointer.

Calley himself declared at the trial, "I felt no remorse. I followed orders. The villagers were all enemy to be wasted." No Army manual instructed him on those lines. The Nuremberg verdicts established such principles cannot be. And acceptance of the Calley code—that prisoners can be slain out of hand—would bode ill for those American POW's Hanoi refuses to release.

Calley, the pigeon, the lowest officer on the totem pole, was Latimer's description. The answer to that is the Calley verdict does not wrap up the My Lai killings. Three other officers await trial. One is Capt. Ernest Medina, Calley's immediate superior, charged with responsibility in the massacre. In that sense, the jury is still out. The issue of whether Calley was or was not obeying orders remains unresolved until a verdict is in on Medina, who denies he instructed Calley to slay as he did.

To repeat, Calley stands convicted as one man who did a series of acts in one day in My Lai. We can see the point Calley tries to make when he says: "People who have never experienced it will say war is hell. It is more than hell for those tied to it." Let all the armchair judges take note and all Americans await the final verdicts on My Lai.

[From the New York Times]

THE PRESIDENT AND MYLAI

No development in the whole tragic history of the Vietnam war has produced a more spontaneous outcry than the conviction of First Lieut. William L. Calley Jr. The protests have brought into unaccustomed unity such divergent national figures as Gov. George C. Wallace of Alabama and Dr. Benjamin Spock to say nothing of millions of Americans not normally given to public expressions of outrage.

But the mass clamor in no way alters the correctness of the judgment reached by the court-martial after agonizing deliberation. Exoneration of Lieutenant Calley would have dishonored both the American military tradition and the solemn commitments this country has subscribed to under the Geneva and Hague Conventions on the rules of war.

On that basis, President Nixon's decision to intervene in the Calley case, first to order the officer's release from the stockade and yesterday to announce his intention to review the case and to make a final determination on the sentence, represents an unfortunate interference with the processes of military justice.

It would have been perfectly appropriate, if unusual, under established Army practices for the commanding general at Fort Benning to have ordered Lieutenant Calley released from the stockade and confined to quarters pending review of his conviction on charges of murdering Vietnamese civilians.

Similarly, it would have been quite proper for Mr. Nixon to have reviewed the case and its outcome at the end of all judicial proceedings. This could even have been considered his duty. But the precipitous manner in which Mr. Nixon publicly intervened over the heads of military authorities to make an exception that is not ordinarily granted to prisoners convicted of capital crimes and more especially his public announcement at this stage that he will himself make the final decision creates a prejudical atmosphere affecting all intermediate steps in the appeals process. He has now in his capacity as Commander in Chief identified himself with the intemperate public outcry against the initial court-martial.

With the White House admission that Mr. Nixon has acted in response to "widespread public interest" to provide a "different quality of review," it is all too clear that he bowed to intense public pressure, something he has repeatedly declared no responsible leader could ever do when it came to decisions involving the Vietnam conflict.

The President's moves at a time of high political fever undermine confidence in the impartiality of the outcome he will ultimately decree. This appearance of Executive partisanship has been reinforced by the ill-considered remarks of Vice President Agnew in an interview just hours before Lieutenant Calley's court-martial sentencing to life imprisonment was announced.

In an indirect but unmistakable reference to the Calley trial, Mr. Agnew said: "The point comes out to this: many of the people in America—particularly those of us who served in the service—understand that the rather abnormal fears and the conditions in a military operation are not subject to Monday-morning quarterback judgment by someone sitting comfortably in an office in Washington."

The men who passed judgment on Lieutenant Calley were not such Monday-morning quarterbacks. Six combat infantry officers, five of them veterans of Vietnam, unanimously found him guilty of murdering at least 22 unarmed civilians at Mylai. They acted after hearing months of testimony and deliberating for thirteen days. "To even consider that any American soldier would ever do such a thing is beyond my own comprehension," one of the jurors declared after the verdict. "I wanted to believe it didn't happen, that it was a hoax."

But Mylai did happen. A House Armed Services subcommittee long ago concluded that: "What obviously happened at Mylai was wrong. It was contrary to the Geneva Conventions, the Rules of Engagement, and the MACV directives."

The task of the President and other political leaders is not to sit as judge and jury in courts-martial but rather to address themselves forthrightly to the broader issues that the Calley trial have brought into agonizing public focus—the question of responsibility at higher levels for the acts committed at Mylai and elsewhere in Vietnam and the problem of ending a war that continues to inflict misery and death on the peoples of Indochina.

PASSOVER HAS SPECIAL SIGNIFICANCE FOR RUSSIAN JEWS

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mrs. DWYER. Mr. Speaker, this Friday evening marks the beginning of the Jewish holiday of Passover, commemorating the exodus of the Jewish people from Egypt where they had been slaves.

History has a habit of repeating itself, and as I review the Passover story, I cannot help but draw parallels to the current plight of Jews in the Soviet Union.

Just as in Egypt during Biblical times, the Jews in Russia today are denied basic human rights. They have been stripped of their cultural and religious identity by a nation that has repeatedly stated that it opposes organized religion.

Rather than continue to live in an atmosphere of such tyranny and oppression, many Russian Jews are desirous of emigrating to Israel. Lately, the Soviet Government has so consented, but only to a very small degree. The small number of Jews that has been allowed to leave Russia is but a minute fraction of those who have petitioned to emigrate.

The Passover season is a most fitting time for a reversal of this policy. An integral part of the Passover dinner, the Seder, intones "next year in Jerusalem." For Russian Jews this line takes on obviously added significance and is not simply an idle chant; it is an expression of their highest hope.

I sincerely hope that the Government of the U.S.S.R., in an exercise of humanitarianism, sees fit to relax its present policy on emigration. Next year, hopefully, the thousands of Russian Jews who have petitioned to leave Russia will be spending Passover in Jerusalem, as is their goal and their right.

THE PENTAGON'S PUBLIC RELATIONS

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. MORSE. Mr. Speaker, the public relations activities of the Pentagon are once again in the news and have stirred wide controversy. Few people are as well qualified to comment on this subject as is Mr. Richard P. Taffe, a retired lieutenant colonel in the Army, who served in the Office of the Assistant Secretary of Defense for Public Affairs for 5 years. He spent an additional 4 years in the Office of the Chief of Information of the Department of the Army. In a recent issue of the Lowell Sun, Mr. Taffe described the functions of the Office of Public Affairs, and in view of his special qualifications to provide insight into its operations, I commend his article to the attention of my colleagues:

WHAT THE PENTAGON IS "SELLING"

(By Richard P. Taffe)

One of the most favorite targets for public criticism within the federal government is the military public relations program.

Over the years it has been charged with muzzling the press, lying to the public, withholding major news (particularly of an adverse variety) and propagandizing the military establishment.

It has been subjected to a wide variety of Congressional, Bureau of the Budget, media and general public scrutiny. It has had its funds hacked, seen major programs dumped, caused international rumblings, seen many careers capsized and been charged with building itself into a monstrous paper mill epitomizing the entire federal establishment.

Yet, it survives. It must be doing something right. Undoubtedly, it is one of the best known and least understood segments of the entire Department of Defense.

One of its present problems has to do with a blast levelled at the national television media by Vice President Spiro Agnew. He charged the Columbia Broadcasting System with distortion over the CBS show "The Selling of the Pentagon." The CBS attack on the Pentagon press operation is not the first time the fight hit national proportions.

Way back in the 1950's a legislator called the Defense public affairs office a bunch of hucksters with crossed tin horns instead of the national seal on the hats and typewriter keyboards instead of gold braid on their visors. He cut the information budget in half. He is, today Cong. F. Edward Hébert, chairman of the House Armed Services Committee.

During the Kennedy Administration, the Assistant Secretary of Defense for Public Affairs, Arthur Sylvester, took the brunt of government criticism when the press accused the government of muzzling the press and being willing to lie to the public if necessary to save the country.

A look inside this organization shows an amazing number of directorates, divisions and sections, many of which grew out of specific demands of the public or the media itself, something often overlooked when the office is being criticized.

HENKIN IN TOP SPOT

The man currently holding the office—a presidential appointment—of Assistant Secretary of Defense (Public Affairs) is Daniel Z. Henkin. Henkin is one of a long line of working newspapermen who have been named to the job. He was, for years, the Pentagon reporter for the Journal of the Armed Forces. He succeeds Phil G. Goulding, who moved into the job from a reporter's desk in the Pentagon for the Cleveland Plain Dealer after Arthur Sylvester left the job during the Johnson Administration. Sylvester, named by President Kennedy, had been for 25 years the Washington Bureau chief for the Newark News.

There are a number of special assistants sitting near the top boss in the office. One handles Congressional queries, another the White House briefing book, a third the audio visual arrangements for Pentagon press briefing, a fourth the background files on the Vietnam war. A small group at that level work under the staff assistant for public correspondence. This group handles answers to every letter written to any official in Washington which requires a military answer. In one week, for instance, they can crank out answers to maybe 15,000 letters from prohibitionist groups as to why beer is sold to soldiers or an equal number demanding the reasons why the United States went into Vietnam in the first place.

The most visible directorate is Defense Information, the link between the government's press room and the room right across the hall manned by the Pentagon "regulars," some two dozen top representatives of the wire services, the news magazines, the networks and several major papers.

The Information directorate is divided into several groups. In a typical day the Armed Forces News Branch might answer 1700 queries from news media all over the country; the Defense News Branch might put out half a dozen press releases on government contracts, the casualty lists and the citations of the most recent Medal of Honor winners, while at the same time, eliciting from the Joint Chiefs of Staff, the other assistant secretaries of Defense and the State Department sufficient information to brief Henkin on top level government happenings so that he won't be too embarrassed with the questions levelled at him at the noontime daily news briefings.

In another division of this office, Audio Visual, film clips from Vietnam are being processed to delivery to the networks, the scripts of a motion picture or television show are being reviewed for accuracy or to determine the amount of logistical support the military can give to a producer and millions of still pictures (black and white and color) are being reviewed for release to the public.

The Magazine and Book branch spends most of its time researching facts for authors writing on military subjects who, otherwise, would have a great deal of difficulty in getting their historical, tactical or technical facts straight.

PROVIDES MEDIA TRAVEL

Another officer in this directorate is charged with providing news media travel—when approved. The military can provide travel to a newsman only on certain conditions. First of all, the mission must be declared to be primarily in the interest of the Department of Defense or in the national interest. Then it must be established that the newsman can't get to his destination to cover a military story via commercial air. This would include such places as Thule, Greenland, or Guantanamo Bay, Cuba. In addition, travel may be provided when it is imperative that a group of newsmen be kept together for purposes of covering the story.

Most "crisis" stories could not have been covered without the media getting airlift support from the military. For example, the pools of newsmen and photographers who flew in the Navy planes over the Russian ships removing the missiles from Cuba; the airlift of newsmen into the Dominican Republic; the flights to provide emergency support in the fighting in the Congo; or the airlift of newsmen into India when Red China invaded that country.

Most of the time it is the newsmen who wanted the ride, not the Department of Defense. As exceptions to this were such flights as those directed by the White House to move 52 selected newsmen into Vietnam during the early stages of that war; the hundreds of newsmen who were flown with the 2nd Armored Division from Texas to Germany during the famous "Big Lift" operation which demonstrated the ability of the United States to reinforce the NATO troops; or the annual flights to the South Pole which newsmen bid for each year during the "Deep Freeze" operations.

The second directorate in the office is aimed at community relations and seldom do newsmen become involved in its operations. It provides military exhibits, speakers, pamphlets or specialized news to every industrial veterans, civic, woman's and labor organization in the country.

The community relations directorate also run every aerial show, surface program (such as Armed Forces Day) and every program in the country in which a band, troop unit or protocol service are required. In its Projects Division, this directorate also runs a speakers bureau, writes speeches for high ranking government officials on military subjects and conducts a number of annual conferences and briefings.

CIVILIAN CONFERENCE

One of the events most criticized by CBS in the recent show was the Joint Civilian Orientation Conference. This is an event which has been conducted about 40 times since World War II. It entails inviting a broad cross section of the American public to witness the military might of the country in a week-long day-and-night gruelling show which covers as many as a dozen stops throughout the country. No more than two guests are invited from any one state or any one profession. They pay all their expenses except travel. Close coordination is effected by the JCOC sponsors and all the military services so as to take advantage of every good training event, firepower demonstration, fly-by or speaker scheduled to perform for other groups as part of their regular training.

The "graduates" of JCOC have formed into a private, non-profit organization called the Defense Orientation Conference Association and now numbers thousands of members throughout the country whose only annual "chore" is to attend a banquet or visit a military base to keep themselves posted on current military hardware.

The third directorate in the office is Plans and Programs which do just that. They may be working on plans for the news coverage in crisis areas in a dozen different areas of the world at the same time. This group works closely with the commanders-in-chief of the various unified commands so as to keep abreast of the military situation throughout the world and determine when and if special arrangements must be made for news coverage.

The last of the directorates are the so-called Pentagon censors. This is the Directorate for Security Review which is charged with the responsibility of clearing military utterances, press release, Congressional testimony, etc. to insure they do not violate national security.

TWO PROGRAMS SUSPENDED

Currently suspended because of the peculiar nature of the Vietnam war are two other programs which have been run by this office.

The first, unused since World War II, is field press censorship. With between 300 and 600 newsmen in Vietnam from as many as 44 countries, and with the country technically in a state of peace as far as even mail censorship is concerned, it would not be possible to effect any press censorship in Vietnam. Therefore, it has not been tried.

The other dormant program is also impossible to enforce in Vietnam and that is press accreditation. Written into the regulations during World War II it is set up to cover correspondents who would accompany U.S. military forces into combat and give them both the hospitality of the command and a semi-official military status in the event of their capture. More than 10,000 such accreditations were issued between World War II and about two years ago but the program is on a stand-by status at present inasmuch as any legitimate newsman can get to Vietnam with the price of a plane ticket and a visa from the Vietnam government.

The military services each have counterpart offices within their departments. The Chief of Information, Department of the Army, in addition to the public affairs functions such as those listed above, also handles the internal information for the Army. His office also runs the theater newspaper, such as the Stars and Stripes, and the Armed Forces radio and television stations located throughout the world. Charges of propagandizing keep cropping up in relation to the pamphlets issued by the Army. Several recent ones had titles like: "Eliminating Unnecessary Troop Irritant," "Frauds against Soldiers," and "Actions to End Discriminatory Practices in the Services."

THE HONORABLE CRISS COLE RECEIVED AMVETS SILVER HELMET REHABILITATION AWARD

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. TEAGUE of Texas. Mr. Speaker, on March 27, 1971, AMVETS honored a great Texas statesman—the Honorable Criss Cole—by awarding him their Silver Helmet Rehabilitation Award in recognition of his unsurpassed dedication, superb contributions, and personal examples in assisting the handicapped to become self-reliant and gainfully employed. Criss was blinded by a Japanese handgrenade in November 1943 while serving with the U.S. Marines on Tarawa. He was later hospitalized at the Philadelphia Naval Hospital where he met and later married a lovely lady, Joanne Spica, who also accompanied him to the AMVETS award dinner. It was a great personal pleasure to Mrs. Teague and me to attend this function in honor of Criss who has had a most distinguished career in the Texas Legislature which was climaxed by his service as president pro tem of the Texas Senate. Criss has devoted much of his life to assisting our Nation's young men and women and served as chairman of the Senate Youth Affairs Committee. On January 15, 1971, Senator Cole was appointed judge of the juvenile court of Harris County, Tex.

Mr. Speaker, it is a great honor for me to include the full text of AMVETS citation which accompanied the Silver Helmet Rehabilitation Award honoring this great American:

CITATION

The 26th Annual National Convention of AMVETS, assembled in New York City, New York, on August 26, 1970, did unanimously resolve that its Rehabilitation Award be presented to the Honorable Criss Cole, President Pro-tem of the Texas Senate, in recognition of his unsurpassed dedication, superb contributions and personal examples in assisting the handicapped, especially, the young, in again becoming self-reliant and gainfully employed, thereby re-establishing their most important need—human dignity.

Although a Japanese hand grenade on the Island of Tarawa left him in total darkness since Nov. 23, 1943, Criss Cole, war veteran, author, legislator and Judge has never ceased his relentless drive to offer encouragement, guidance and most of all personal example to the physically disabled of the nation.

While partial to legislation affecting the handicapped, Judge Cole from the start of his legislative career in 1954, has served on all the important standing committees of the Texas House and Senate. An honorary member of Kappa Delta Pi for his contributions in the field of education, he has also been honored for his legislative accomplishments by the Vocational Agricultural Teachers Association of Texas, the Blinded Veterans Association, the Texas Association of Physical and Mental Rehabilitation, and was chosen for "The Outstanding Alumni Award" of the University of Houston Law School and in 1965 he was afforded the singular honor of being named by Governor Connally as the "Texas Handicapped Person of the Year."

The problems and afflictions plaguing the youth of the Nation, whether they be handicapped or not has for a lifetime been close to the heart of this courageous man and this prompted Lt. Governor Barnes to appoint him in 1969 as Chairman of a New Standing Committee of Youth Affairs in the Texas Senate.

On Jan. 15, 1971 Senator Criss Cole, lifelong fighter for the handicapped, the oppressed and above all the youth, was honored by Governor Preston Smith by being named Judge of the Juvenile Court of Harris County, Texas.

Judge Cole, AMVETS salutes you tonight as the recipient of the coveted Silver Helmet Rehabilitation Award.

REGULATION OF CONFLICT OF INTEREST SITUATIONS IN INSURED SAVINGS AND LOAN ASSOCIATIONS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mrs. SULLIVAN. Mr. Speaker, following the Easter recess, the House Committee on Banking and Currency will be holding hearings on a broad range of issues involving conflict of interest situations in all types of federally insured financial institutions. In anticipation of those hearings, I am today reintroducing as a separate bill a measure which I sponsored last year as an amendment to the housing and urban development bill to clarify and expand the authority of the Federal Home Loan Bank Board to regulate conflict of interest situations in insured savings and loan institutions.

This same proposal was agreed to in the committee last year as an amendment of mine to H.R. 19436, the Housing and Urban Development Act of 1970, but was drastically changed on the House floor and was subsequently dropped in conference after the chairmen of the House and Senate Banking and Currency Committees expressed a willingness and intention to hold hearings in their respective committees in this session on the issues raised by my amendment as originally offered.

GREW OUT OF AD HOC SUBCOMMITTEE INVESTIGATION AND REPORT

My amendment last year on conflict of interest situations involving some savings and loans and their officials was one of a number of legislative proposals resulting from an investigation and report made by an ad hoc subcommittee on home financing practices and procedures created early in the last Congress by the Committee on Banking and Currency following disclosures of widespread victimization of low- and moderate-income families in the District of Columbia in the purchase of homes at terribly inflated prices from speculators, financed to a large degree by one insured savings and loan institution. Several of the legislative recommendations of the ad hoc subcommittee were enacted as part of the Housing and Urban Development Act of 1970, which was signed December 31, 1970, as Public Law 91-609, but the proposal on conflict of interest situations, as I said, was not included in the final version of the bill.

Approximately a month ago, Chairman WRIGHT PATMAN, of the Committee on Banking and Currency, introduced, with eight cosponsors, a bill, H.R. 5700, which would prohibit by law numerous practices engaged in by officials of not only savings and loans but also banks and related institutions which are described in the bill as conflicts of interest. Chairman PATMAN has scheduled hearings on the subject matter of that bill and any similar bills following the Easter recess of the House.

Therefore, in order to have my original proposal formally before the committee for those hearings, I am reintroducing it today as a separate bill. Instead of prohibiting by statute a wide range of conflict-of-interest situations which have arisen in savings and loan management activities, my bill clarifies and expands existing authority of the Federal Home Loan Bank Board to issue regulations covering these activities. This was the general approach taken by the ad hoc subcommittee in its report, which was printed in the CONGRESSIONAL RECORD, volume 116, part 20, pages 26880–26889.

DISPOSITION OF AD HOC SUBCOMMITTEE RECOMMENDATIONS

The ad hoc subcommittee in the 91st Congress, of which I was chairman, included the following additional Members; the gentlemen from New York, Representatives JAMES M. HANLEY and FRANK J. BRASCO, and the gentleman from Kansas, Representative CHESTER L. MIZE, and until his resignation from the Committee on Banking and Currency to accept election to the Committee on Armed Services, the gentleman from Maryland, J. GLENN BEALL, Jr. Senator BEALL participated in our hearings and investigation but not in the drafting of the final report. The report was signed by all of the other Members.

Among concrete legislative results of our study were the adoption by Congress of changes in the law to provide for regulation by the Fedreal Home Loan Bank Board of all insured savings and loans in the District of Columbia whether or not federally chartered, thus closing a serious loophole in the regulatory machinery; and extending to all insured savings and loans the protection of the criminal code provisions against false claims previously accorded only to federally chartered savings and loans.

A third ad hoc subcommittee proposal, calling for the establishment in the Department of Housing and Urban Development of an office of Special Assistant to the Secretary to advise and assist nonprofit organizations in sponsoring housing projects and programs, was also included in the Housing and Urban Development Act of 1970.

However, several of our recommendations were not agreed to in the full committee last year and have therefore not yet been enacted. One would prohibit, except under very limited circumstances, the use of straw parties in residential real estate transactions; others dealt with appraisals, settlement practices, and the disclosure on all deeds in federally related transactions of the actual consideration paid and the interest of the parties thereon. I intend to pursue these issues in connection with housing legislation coming before the committee in this Congress. I think they are essential reforms.

FEDERAL HOME LOAN BANK BOARD WOULD SET STANDARDS

The bill which I have introduced today, Mr. Speaker, is intended to give to the Federal Home Loan Bank Board the clear statutory authority to carry out, through issuance of appropriate regulations, the following recommendations of the report of the ad hoc Subcommittee on Home Financing Practices and Procedures.

First, expansion of the definition of "conflicts of interest" for directors, officers, and employees of savings and loan associations, regulating their own involvement in the business of real estate for their personal gain through the use of their own or other savings and loan associations;

Second, additional and more realistic limitations on "single borrower" loans. These regulations should set firm limits on the portion of an association's total assets and the number of loans that can be made to single borrowers.

Third, establishment of criteria for the qualification of appraisers and the assignment of responsibility for faulty appraisals.

Fourth, regulation of the interest of directors, officers, and employees of savings and loan associations in title companies, settlement houses, appraisal organizations, and similar institutions who do business with savings and loans.

Mr. Speaker, the language of my bill is technical and legalistic, and has been described as too hard to understand. If it needs improvement on that score, I would certainly have no objection to changes, but not at the expense of destroying the effectiveness of the bill. I asked the technical experts in the Home Loan Bank Board who deal in this field of regulatory law to draft the kind of language necessary to give the Federal Home Loan Bank Board authority it maintained it does not now fully possess to carry out the ad hoc subcommittee recommendations on conflicts of interest. The Board itself did not support this language last year; in fact, it took no position one way or another on this section of H.R. 19436 until after it was amended on the House floor and, in my opinion as well as the Board's opinion, made completely meaningless. While the housing bill was in conference, the Board then came forward with some different language which it said was needed and which it would support, but the conferees decided to postpone the matter until this year.

The Board's belated amendment seemed to me to be much weaker than my original section. Hence, in the forthcoming hearings, I hope the Board will be prepared to tell us in detail why it objects to any specific provisions of my bill which its own version would change. In that way, we can get to the bottom of just what the problems really are in achieving effective regulation to prevent conflict of interest situations which could victimize savers in the association, or those who borrow from it, or the Federal Savings and Loan Insurance Corporation, which is usually the ultimate victim of any serious management abuses in insured institutions.

TEXT OF BILL

Although its language will, I am sure, be virtually incomprehensible to most laymen, I include herewith, for the information of the Members who are interested, the text of the bill I have today introduced on savings and loan conflict-of-interest situations, as follows:

H.R. 7440

A bill to clarify and expand the authority of the Federal Home Loan Bank Board to regulate conflicts of interest in the operation of insured savings and loan associations, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17 of the Federal Home Loan Bank Act is amended by adding at the end thereof the following new subsection:

"(c) (1) The Federal Home Loan Bank Board (hereinafter referred to as the Board) is directed, to such extent as it may deem necessary or appropriate in the public interest or for the protection of members, investors, or borrowers, or the Federal Savings and Loan Insurance Corporation, to regulate relationships, including without limitation on the generality of the foregoing business, financial, or other transactions, between—

"(A) a member and another member;

"(B) a member or an affiliated person of such member or of another member and an investor in or borrower from any such member or another member;

"(C) a member and an affiliated person of such member or of another member;

"(D) a member or an affiliated person of a member, or an investor in or borrower from a member or an affiliated person, and a person from or through which services are or may be rendered (i) to such member or another member, (ii) to an affiliated person of such member or of another member, except where no member is involved and all affiliated persons involved are individuals, or (iii) to an investor in or borrower from a member or an affiliated person of a member; or

"(E) an affiliated person of a member and an affiliated person of such member or of another member, where the relationship involves or may involve any relationship described in subparagraphs (A) through (D) above.

"(2) The authority conferred by paragraph (1) of this subsection shall include authority to regulate with respect to the providing, under circumstances set forth in subparagraph (D) of such paragraph, of appraisal or valuation services or other services, including, without limitation by or on the foregoing, standards and requirements with respect to such services and with respect to qualifications for and conduct of persons providing or eligible to provide such services. In or in connection with the exercise of authority under this paragraph the Board is authorized to make provision for registers or rosters of eligible persons and for involuntary or other removal of persons therefrom.

"(3) In or in connection with the exercise of any function vested in or exercisable by the Board under this Act or otherwise, the Board (which term as used in this paragraph includes the Federal Savings and Loan Insurance Corporation) is authorized (A) to act through any corporate or other agency or instrumentality of the United States and utilize services, facilities, and personnel thereof, and any such agency or instrumentality is authorized to provide the same as requested by the Board, (B) to make payment therefor, and (C) to impose and collect fees and charges for the provision by the Board of services, facilities, or personnel to any person, and for purposes of this subsection the references in the last two sentences of subsection (b) of section 5B as now in effect to penalties shall be deemed to be references to such fees and charges. Any such payment or collection may be in advance or by reimbursement or otherwise.

"(4) As used in this subsection—

"(A) the term 'affiliated person' means—

"(i) a director, officer, employee, or controlling person of a member, or an attorney regularly serving, or a member or associate of a firm regularly serving, a member in the capacity of attorney-at-law;

"(ii) a member of the immediate family of any individual referred to in clause (i) above;

"(iii) a partnership in which any individual referred to in clause (i) or (ii) above is a general or limited partner;

"(iv) a corporation in which stock carrying 10 per centum or more of the voting rights is directly or indirectly owned or controlled by any one or more of the persons referred to in (i) through (iii) above, either alone or in concert; or

"(v) any person or class of persons with respect to which there is outstanding a determination by the Board by regulation or otherwise that it is necessary or appropriate in the public interest or for the protection of members, investors, or borrowers or the Federal Savings and Loan Insurance Corporation that such person or class be treated as an affiliated person, but the term 'affiliated person' as used in this subsection and the term 'controlling person' as so used shall not include any person or class of persons with respect to which there is outstanding a determination by the Board by regulation or otherwise that the exclusion of such person or class from the meaning of the term 'affiliated person' or the term 'controlling person' as so used is not inconsistent with the protection aforesaid and is necessary or appropriate in the public interest;

"(B) the term 'controlling person' means any person who, alone or in concert with another or others, directly or indirectly has the right to vote, whether by stock ownership or control, proxy holding, or otherwise, or any combination thereof, more than 25 per centum of the voting rights in a corporation;

"(C) the term 'firm' includes, without limitation on its generality, artificial persons and groups or organizations of persons;

"(D) the terms 'investor' and 'borrower' respectively include prospective investors and prospective borrowers;

"(E) the term 'member' includes any institution any of the deposits, shares, or accounts of which have any insurance by the Federal Savings and Loan Insurance Corporation and, to such extent and only to such extent as the Board may provide, includes the Federal Home Loan Mortgage Corporation;

"(F) the term 'person' includes, without limitation on its generality, individuals and artificial persons and groups or organizations of persons;

"(G) the term 'regulate' or any derivative thereof includes prohibition; and

"(H) the term 'services' includes, without limitation on its generality, appraisal or valuation services, legal services, title services, title insurance, hazard insurance, credit insurance, and other insurance, settlement service escrow services, and trustee services.

"(5) The provisions of subsection (f) of section 5A and of subsections (b) and (c) of section 5B, all as now in effect, are extended to include this subsection, and for purposes of this sentence the references in said subsections to those sections shall include this subsection, the references in said subsection (f) to provisions of the National Housing Act shall be deemed to be references to those provisions as now in effect, and the references in said subsection (b) and (c) to institutions and nonmember institutions shall include members and shall include affiliated persons. In implementing or carrying out provisions of this subsection the Board may make classifications on the basis of the nature, characteristics, or location of members or affiliated persons or of investors therein or borrowers therefrom or on such other basis or bases as the Board may deem desirable in the public interest."

TECHNICAL EXPLANATION OF H.R. 7440

The following technical data on the above bill was given to me, Mr. Speaker, by the experts who drafted this language:

Paragraph (1) provides general authority in the Board to regulate the situations in which conflicts of interest most frequently appear or are likely to appear. This regulatory authority clarifies any existing regulatory authority with respect to institutions insured by the Federal Savings and Loan Insurance Corporation and expands such regulatory authority to embrace Federal Home Loan Bank member institutions as well.

The regulatory authority under this paragraph is limited, however, in that it applies only to the relationships and transactions referred to in the paragraph. It does not extend, for example, to relationships or transactions between individuals (such as directors of the same association or a director of one and a director of another) where no member or insured institution is involved.

Under paragraph (5) of the new subsection, which extends to the new subsection certain existing provisions of the Act, the Board would have authority to impose and collect penalties of as much as $100 a day on any member or insured institution, or affiliated person, who violated any rule imposed under paragraph (1).

Subdivision (D) of paragraph (1) is designed to grant clear regulatory authority where services, such as appraisal services, title services, and settlement services, are rendered to member or insured institutions or affiliates thereof, or to investors therein or borrowers therefrom. Paragraph (2) implements this authority by expressly authorizing the Board to regulate the providing of appraisal and other services, including the providing of standards and requirements for such services and for the qualifications and conduct of persons rendering the services. In this connection the Board would be authorized to provide for registers or rosters of eligible persons and for removal of persons therefrom.

Paragraph (3) authorizes the Board to obtain assistance from other agencies or instrumentalities of the United States and to impose user fees or charges. Assistance from other agencies and instrumentalities may especially be needed to make available to the Board the benefit of the expertise of other agencies, such as the Federal Housing Administration and the Veterans Administration, which have had long experience in the field of appraisals and related activities.

Paragraph (4) supplies definitions. Paragraph (5) extends to the new statutory provisions implementing and enforcement provisions already existing in other sections of the Federal Home Loan Bank Act and contains other implementing provisions.

JEROLD C. HOFFBERGER—OUTSTANDING MAN OF INDUSTRY OF BALTIMORE

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BYRON. Mr. Speaker, Jerold C. Hoffberger will be presented the Baltimore Junior Association of Commerce award as Outstanding Man of Industry of Baltimore at a luncheon in Baltimore on April 13, 1971. I would like to add my congratulations to Jerry Hoffberger.

Jerry Hoffberger has been president and director of the National Brewing Co. since 1947. His many business interests cover the full spectrum of corporations in the Maryland area—from aerospace industry to the famous National Brewery. His ability to combine business with civic interests is unique, and his leadership has served many organizations in forming new and revitalizing existing civic institutions.

Jerry Hoffberger is a trustee of the Johns Hopkins Hospital and the Mercy Hospital as well as a director of Sinai Hospital. He is a member of the National Cabinet of the United Jewish Appeal and a Member of the Board of Associated Jewish Charities and Welfare Fund. Mr. Hoffberger also serves as a member of the National Committee of the American Israel Public Affairs Committee. He is a trustee of Goucher College, a member of the Executive Committee of the Greater Baltimore Committee, a director of the United Fund of Central Maryland, and a member of the Voluntary Council on Equal Opportunity.

These many activities indicate the intense interest Jerry Hoffberger has taken in his community, State, and Nation over the years. I congratulate him on receiving the Outstanding Man of Industry in Baltimore Award and know that his honor is more than deserved.

U.S. SANCTUARY TO SOUTH VIETNAMESE

HON. JOHN R. RARICK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. RARICK. Mr. Speaker, history records that every country that the free world has abandoned has, upon being taken over by the Communists, suffered a blood bath of its anti-Communist and nonconforming citizens; witness Red China and Cuba.

In each of these instances the vacuum created by withdrawal of U.S. influence followed by the genocide-like retaliation of the new Communist totalitarian state resulted in the execution and murder of millions of innocent men, women, and children, if for no other reason than they would not yield to the militant collectivist state.

In the matter of Cuba, American sympathy and guilt were felt mitigated by opening our immigration quotas to offer nearly a half million Cubans sanctuary and freedom in our great country. As to our friends, the Nationalist Chinese, our country sought to absolve our guilt by supporting a sanctuary on the Island of Taiwan to allow the free Chinese refuge from certain death by the Red takeover and aftermath.

Now Americans are being conditioned to accept the policy of our Government, and both national parties, that by withdrawal of our troops from South Vietnam peace will come to that war-torn land. Little or nothing is being said about the possible consequences to our non-Communist allies in that nation. It is possible that because of Vietnamization they may be able to stem the idea of the Bolsheviks from the north but it is also possible that because of infiltration, lack of national unity and inability to fully mobilize their people that that nation will be overrun by the Red hordes from the north. In case of defeat or overthrow, it must be obvious to all Americans that millions of South Vietnamese will be liquidated in the name of peace by the Communist conquerors.

The American people as well as our leaders owe a responsibility to the people of South Vietnam. It was the Americans who made the assurances that we would make South Vietnam safe from Communist aggression and control. It was the American leaders who have furnished the support and induced the people of South Vietnam to take a strong anti-Communist stand for individual freedom with the free countries of the West.

Certainly our responsibilities and our assurances have not been satisfied nor will they be fulfilled upon our withdrawal by merely continuing support in the form of military supplies.

In the words of King John the Good of France: "If good faith and the respect for the given word were to disappear from this world, they should at least remain on the lips and in the hearts of kings" and of Americans.

Few have the foresight to think ahead as to the possible consequences of a U.S. departure from Indochina. However, I think the vast majority of Americans do not want another blood bath at the hands of Communist barbarians anywhere on the face of this earth and especially directed against our friends and allies in South Vietnam.

To that end, and foreseeing the possible consequences of the failures of our leaders to follow through with our commitments I am today introducing a concurrent resolution expressing the sense of Congress that our country offer sanctuary to all anti-Communist South Vietnamese who desire freedom and sanctuary from the bestiality and tyranny of the Communists.

I include the text of my resolution following my remarks:

H. CON. RES. 262

Concurrent resolution expressing the sense of Congress that the United States offer sanctuary in the United States to anti-Communist South Vietnamese from the bestiality and tyranny of the North Vietnamese Communists

Whereas the United States is pursuing an announced policy of withdrawing its forces from South Vietnam leaving the South Vietnamese to defend themselves from their Communist enemy to the North; and

Whereas it is unlikely due to internal political pressure in the United States, that U.S. forces, once having been withdrawn, will again be committed in South Vietnam for the protection of the South Vietnamese people; and

Whereas it has been estimated that in the event of a Communist takeover of South Vietnam three million anti-Communist South Vietnamese would be liquidated; and

Whereas the United States because of previous assurances of protection to the people of South Vietnam from Communist totalitarianism, it is the moral responsibility of the United States, as the leader of the free world and as a firm believer in the rights of all men, expressed in the Bill of Rights of our Constitution and to protect the South Vietnamese people from genocide: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Attorney General exercise his authority under present law and provide admission to the United States to those anti-Communist South Vietnamese who desire life, freedom and sanctuary from the bestiality and tyranny of the Communists.

BETH ANN HERMAN'S PRAYER

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mrs. HECKLER. Mr. Speaker, recently I received a letter from Mr. Bernard H.

Herman, a constituent of mine from Fall River, Mass. Enclosed was a prayer written by his daughter, 14-year-old Beth Ann, who is a chaplain at her school. With her prayer, Beth Ann emphasizes the basic concept on which this Nation was founded—the belief that all men are one—and the realization that God sees us only as one. Her prayer seems to capture that vital optimism which is often needed today.

As I read this prayer, so simple and yet so full of meaning, I was deeply touched by her belief, and I felt that this prayer should be shared with others.

Prayer For The Senate

O God, we stand before you not as individuals, but as one.

Though our faiths may differ, our feeling for humanity does not.

Guide us. Love us. Hear our pleas and nourish our minds with wisdom.

Bless us, O God, and bless the President and Vice President of these United States, which we hold so dear.

See us through victory and help us through defeat.

Bestow upon us your wish for a better, more peaceful world.

Help us, O Lord, to be good, truthful, and loyal to our country, our brothers, and most important, to ourselves. Amen.

IS RESHUFFLE NECESSARY?

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. DULSKI. Mr. Speaker, one of the main recommendations of the administration for domestic legislation is a massive shakeup of the executive department.

I was interested in the views on this proposal by one of my hometown newspapers, the Buffalo, N.Y., Evening News, in a March 29 editorial:

Is This Reshuffle Necessary?

Of the "six great goals" on which President Nixon has focused his entire 1971 domestic legislative program, the one which has left us coldest from the outset is his conception of how to reorganize the federal executive establishment. Now he has submitted that plan in detail and it still strikes us as philosophically questionable, politically over-ambitious and needlessly provocative, and not likely to make much of a ripple in Congress anyway.

If there's a principle involved here, it could well be adapted from the Declaration of Independence's warning not to change long established institutions of government for "light and transient causes." That's what all this proposed tinkering seems to us to come down to—a revolutionary reshuffling of countless long-established agencies and interrelationships for reasons which, if not trivial, are far from being self-evident.

The President's purpose, as he said in his State of the Union message, is to organize the departments not by "narrow subjects" or by interest-group "constituencies" but around the "great purposes of government." Rather than scattering responsibility, he would "focus and concentrate" it so that "when we have a problem we will know where to go and the department will have the authority and the resources to do something about it."

But we're not so sure this is even good theory. Problem-solving in this sense is more the function of the White House and of Congress. The bureaucracy's primary function is not to innovate but to administer going programs, including such new ones as Congress may create. So organizing the bureaucracy around the "great purposes of government"—as the White House staff should certainly be organized—does not strike us as necessarily an improvement over organizing it by "constituencies."

In a complex society like ours, after all, there is something to be said for giving all the major interest-groups—farmers, veterans, labor, business, conservationists, teachers, etc.—a sense of access to that great impersonal machine in Washington, a sense that there is some agency down there that broadly represents "us." Is it really going to give us better government if we abolish the Labor, Commerce, Agriculture, Interior and other familiar old-line departments and regroup everything under such conceptions as "Human Resources," "Community Development," "Economic Affairs" and "Natural Resources"? We don't know any reason to assume so.

As for the biggest department of all those Mr. Nixon wants to create—"Human Resources"—we have already indicated our belief that he is moving here in exactly the wrong direction. Instead of adding yet additional agencies to the present unmanageable bureaucratic behemoth known as Health, Education, and Welfare, we think a far better case can be made for breaking this one down into its three separate components. Health, education and welfare are already the three fastest-growing domestic functions in the entire government, and each can easily justify departmental status in its own right.

Otherwise, while we have no great objections to the particular pattern of consolidations suggested, we do have doubts whether they are worth the controversy that is sure to attend each and every reshuffle of the familiar into a pattern which, to every bureaucrat and back-home constituency involved, will be at least mildly frightening because it is unfamiliar. President Nixon, in short, has given Congress a full enough plate of other legislative recommendations this year without adding this rather indigestible lump of agency reshuffling.

IMPLICATIONS OF LIEUTENANT CALLEY'S TRIAL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. JACOBS. Mr. Speaker, my friend and colleague the junior Senator from Indiana (BIRCH BAYH), has today issued a thoughtful statement reflecting not only his concern for the next election but also his concern for the next generation.

It has been said that politics is the art of the possible, but that statesmanship is the art of making things possible. Senator BAYH's statement should make possible a better than superficial understanding on the part of the public of the tragic case of Lieutenant Calley.

Since no one seems to dispute the facts in the Calley case, including his having thrown an individual baby into a ditch and shot it to death, it seems to me that the principal issue is whether the Lieutenant was following a lawful order in doing so. If he was, then it follows that such conduct reflects the official policy of the U.S. Government toward noncombatant prisoners immobilized and held in custody. If conceded that this is the official policy of the U.S. Government then it also would follow that the U.S. Government had repudiated its participation in the Geneva Convention on warfare.

I wonder, Mr. Speaker if, after careful reflection, the American people and their elected President really would wish to present such a policy and image to the world and, indeed, to history.

Do we really wish to concede to the Communist Chinese that this tragic court-martial represents nothing more than a scapegoat to official American policy?

People at times speak in haste. But is it not the President's role to act only upon careful deliberation?

President Nixon has written:

> My philosophy has always been: Don't lean with the wind. Don't do what is politically expedient. Do what your instinct tells you is right. Public opinion polls are useful if a politician uses them only to learn approximately what the people are thinking, so he can talk to them more intelligently. The politician who sways with the polls is not worth his pay And I believe the people eventually catch up with the man who merely tells them what he thinks they want to hear.

Mr. Speaker, the American public quite rightly has been outraged by the failure of Hanoi to comply with the Geneva Convention on treatment of prisoners. And it has been the position of this administration as well as all Members of Congress that world opinion is important in persuading Hanoi to comply with international law. Is it not a legitimate obligation of American political leadership to point out to the public the connection between treatment of civilians held prisoner by American forces, and Americans held prisoner by Hanoi?

And what of political interference with the judicial process? Should an executive, before whom petition for clemency might be expected, make official statements about litigation before that litigation is completed through legal appellate process? Or does this smack of a political or "people's" court?

President Nixon on March 11, 1971, said:

> We all know how the drama of a courtroom often lends itself to exploitation and, whether it is deliberate or inadvertent, such exploitation is something we all must be alert to prevent. All too often, the right of the accused to a fair trial is eroded by prejudicial publicity. We must never forget that a primary purpose underlying the defendant's right to a speedy and public trial is to prevent star-chamber proceedings and not to put on an exciting show or to satisfy public curiosity at the expense of the defendant.
>
> The only way justice can truly be done in any society is for each member of that society to subject himself to the rule of law—neither to set himself above the law in the name of justice nor to set himself outside the law in the name of justice.
>
> We shall beccome a genuinely just society only by playing the game according to the rules, and when the rules become outdated or are shown to be unfair, by lawfully and peaceably changing those rules.

Mr. Speaker, Webster defines the word, "tergiversation" as:

First, desertion of a cause, party, religious faith, and so forth; also a shifting; equivocation; second, a shift, subterfuge, or evasion; and third, a turning of the back, as in flight.

As a Hoosier who believes in law and order and justice I am proud that my junior Senator does not like the word "tergiversation."

STATEMENT BY SEN. BIRCH BAYH

Mr. President, during recent days I have been asked many times about my reaction to the court martial verdict concerning Lieutenant William Calley.

I am not sure my answers have been satisfactory. They have not been satisfactory even to me. The truth is that I have been shaken both by the decision of the Court, and by the testimony that was placed before the Court, as by few other events in my life.

I share the deepest compassion for Lieutenant Calley. It seems somehow unfair, in this kind of situation, to reach out to this one soldier and say: "Guilty."

On the other hand, we cannot—we must not—stray from the elementary fact that this country of ours is more than just a collection of mountains, plains, rivers, farms and cities. What makes this country different, what makes it worth defending and dying for, has nothing to do with its natural treasures and material comforts. What makes America worth defending and dying for is what this country stands for.

I have in my mind two pictures: one of a man being singled out to bear an enormous burden of guilt; the other of bodies of women and children in a ditch.

This is a time for America to search her conscience. This is a time when we look to our president to show us the way. This is a time when we look to the chief executive for moral leadership, on questions that affect our nation and each of us individually. Unfortunately, the president has failed to meet his responsibility to provide that leadership.

In recent years there have been more than 100,000 courts martial a year, with a conviction rate of 94%. In not one of these cases has President Nixon asserted his legal right of review. Now, in what may well be the most disturbing case in the history of our military justice system, the President has involved himself in the judicial process by adding what his own staff has described as an "extra legal ingredient."

In cases such as the Calley case, there is a statutory review procedure. That procedure involves certain well defined steps to see that an injustice is not perpetrated, that an innocent soldier is not convicted. It provides for at least two independent reviews by high Army officials and two reviews by independent military courts. The president has disrupted that procedure by saying that he personally will intervene at some point in this statutory process. Can there be an objective review when the Commander-in-Chief has made his interest so clearly known to career officers under his command? I believe not. By his premature actions, the President has made a truly impartial review impossible.

I have asked myself repeatedly why the president would take such action. Reluctantly, I have concluded that the president is determined to play politics with the Calley decision and the entire Mylai tragedy. I realize the gravity of such charges. I do not make them lightly, but only after the most serious consideration.

When our minds were filled with horror at the tragic picture of Mylai, President Nixon told the nation that the incident was "certainly a massacre and under no circumstances was it justified."

Now that the polls and the mail pouring across his desk and mine show that the great public outcry against the Calley verdict, the President seems to have changed his mind.

One hundred fifteen servicemen have been tried for premeditated murder of Vietnamese civilians. Fifty-nine were convicted of murder, and 21 of lesser included offenses. In none of these cases did the number of deaths even approximate the number allegedly resulting from Lieutenant Calley's action. Yet the President did not act to remove these men from confinement pending appeal. He has not made known his intention to involve himself in the appeal process for a single soldier, sailor or marine in confinement in any of these cases.

A navy seaman from Des Moines, Iowa, was convicted of murdering a Vietnamese civilian woman by striking her with a hammer, and sentenced to 10 years at hard labor. The Secretary of the Navy reduced this sentence to 8 years, and the President did not choose to intervene.

A lance corporal from Lebanon, Indiana, was convicted by court-martial of the murder of five Vietnamese civilians, and sentenced to life at hard labor. In the course of review, the sentence was reduced to 20 years, which he is still serving. The President has not chosen to intervene.

A private from Florence, Pennsylvania, was convicted by court-martial of the murder of 12 Vietnamese civilians. He was sentenced to life imprisonment, and the President did not choose to intervene.

And so the record goes. In case after case the President said nothing.

Even though the individuals concerned in these cases were enlisted personnel, who could not be expected to have the judgment under fire that one could expect of an officer, the President did not assert his right of review.

If the President is truly concerned about the hardship and suffering that has been endured by an American soldier why did he not express similar concern when these and other servicemen were tried and convicted for murder.

I for one do not intend to stand mute and permit the President or anyone else to play politics with lives of American GI's or the lives lost in a horrible event half a world away.

But there is a second implication to the President's action, an implication far more ominous for the future of American fighting men. In the course of our national debate over the incident at Mylai and the Calley verdict, we must not lose sight of a principle long established in international law. The killing of unarmed, captive civilians, or prisoners of war, is clearly unlawful. This is not a principle new to our nation. It is embodied in the Hague Convention of 1907, and restated in the Geneva Convention of 1949. We are signatories to both these conventions. And we have clearly enunciated this principle in the United States Army Field Manual 27-10, "The Law of Land Warfare."

The right of safety for civilians and prisoners of war dates to the 17th century. The United States enforced this right at least as early as the Mexican American War. One of the most celebrated trials of the 19th century involved the conviction and execution of the commander of the Andersonville prison following the war between the States for crimes against prisoners of war. And following World War II, the United States prosecuted numerous cases involving the murder of prisoners of war. German defendants who had massacred 86 American prisoners captured at Malmedy during the Battle of the Bulge, Japanese defendants who had summarily executed the Doolittle flyers after a pro forma trial, and dozens of other defendants were convicted, and many sentenced to death, for the murder of United States prisoners of war.

I was not present at the Calley court martial. I did not hear the testimony nor have the opportunity to judge the credibility of the witnesses. But neither did President Nixon. No one who was not present can truly assess what is justice in this case.

A jury of his peers who sat in judgment found Lieutenant Calley guilty of the mass murder of unarmed captive civilians—women, children, and aged. If this verdict is upheld on appeal, then Lieutenant Calley is guilty under the law of the United States and international law, and—as difficult as it is for each of us—he must be held accountable for his crimes. To do otherwise would be to ignore the rule of law and the moral judgment of civilized men everywhere.

I am deeply concerned that the President's involvement in the Calley case might have the most serious implications for American prisoners of war in North Vietnam, by serving as an excuse for the North Vietnamese to perpetrate further hardships—even death—on American servicemen languishing in their cells. If the President, by his arbitrary intervention or otherwise, were to establish the precedent that those who intentionally execute unarmed captive civilians or prisoners of war should be exonerated, what is to prevent American prisoners or civilians, now or at some future time, from suffering a similar fate? Such a precedent would serve to undermine the legal and moral foundations upon which we have based our claims as to the proper and humane treatment to be accorded American prisoners of war.

We pride ourselves on being a government of laws, not men. The Calley case has aroused the deepest emotions among the American people—and understandably so. But it is precisely at such a time that we must trust in the integrity of our principles and the institutions that embody them—and not to the passions of the moment.

Perhaps the integrity of a legal system doesn't make for a stirring slogan, but that is what American soldiers have defended in past wars. That is what freedom is all about. In other countries perhaps, but not ours, it was possible for judgment to be manipulated by fear or favor of powerful individuals. Now we see that system undermined, not from without, but by the very Chief Executive who has taken his oath to "preserve, protect and defend the Constitution of the United States."

Most of us today are concerned about the alarming increase in the rate of crime. We are concerned about law and order. Well, I happen to believe that law and order is taught by example as well as by exhortation. And I do not believe the President's action is designed to strengthen support for our system of law and order. It is far easier to talk about principles than it is to live up to them.

But there is a larger question involved.

Where do we go from here? Where does the road from Mylai lead?

One path is toward a national outpouring of sympathy for Lieutenant Calley, an unwillingness to face the facts as they may finally be resolved in the judicial process, a bickering about who should or should not have been tried, and how they should be sentenced. I hope we will resist the temptation to hasty judgments and emotional responses.

In 1957, the late President Eisenhower was under heavy political pressure to abandon the commitment of our Status of Forces Agreement with Japan, so that we could prevent the Japanese from trying an American serviceman for the murder of a Japanese woman. Writing to a close friend at the height of the pressure, he noted:

"Right at this moment lack of understanding of America's international position and obligations accounts for the fact that we seem to be trying to make a national hero out of a man who shot a woman—in the back at something like ten to fifteen yards distance." General Eisenhower resisted the pressure and adhered to the law—and history has proved his judgment correct. If the first impulse of the American public suggests that the murder of captive women, children and aged and prisoners of war by Americans should not be punished, I hope that we will reach a more throughtful conclusion in the course of careful reflection.

But if we are not to follow the easy path, what path should we follow? First, I urge the President to reconsider the importance of his action and to allow the normal statutory review procedure to determine the fate of Lieutenant Calley.

Second, I urge the military to examine carefully the record of Mylai and the events that followed. Let us be certain that Lt. Calley is not a scapegoat. Let us be certain that others who may have issued orders directly resulting in the Mylai tragedy are held accountable.

Third, and most important, Mylai is another painful chapter in a lesson we should have learned long ago. What happened at Mylai is another symbol of a brutalizing war and a bankrupt policy that continues the war. It is another symbol of the incalculable costs we are still paying, at home and abroad. We must bring an end to this war. We must turn our full and undivided attention to changing our policy and negotiating a settlement to the conflict, and an end to the killing.

While the appeals are still to be heard, the jury verdict is in on the case of Lieutenant Calley. The future will sit in judgment of how America resolves the legal and moral questions arising out of the Indochina War.

RED CROSS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. GONZALEZ. Mr. Speaker, recently I had occasion to address the annual Bexar County Red Cross Awards dinner.

The great and monumental achievement of thousands of volunteers so often goes unnoticed.

I insert in the RECORD the text of my remarks and a statement of the annual service report of the Bexar County Chapter of the American Red Cross, and related statements:

STATEMENT BY HENRY B. GONZALEZ

There is probably no symbol or sign in the world that has greater recognition than the sign of the Red Cross. The Red Cross is universally known, and the wonder of it is that everywhere, to all who know it—and that is practically everyone in the world—see in it the same meaning: Compassion, mercy and help.

The Red Cross has never stood for anything else.

No one has fought a war in the name of the Red Cross. And no one has used it to advance a cause of any kind other than the one great cause of humanity, decency and concern for suffering human beings. This concern has transcended all ideologies, all political boundaries, all differences in race, religion and country, because no matter who you are, or where you live, compassion has the same meaning and is born out of the same spirit.

That is why the Red Cross has universal recognition, and why it has a universal meaning, and why it enjoys universal appreciation. In any place where there is concern for human needs. The Red Cross is a welcome sign.

This universal recognition, this universal appreciation of the sign of the Red Cross has all come about in a little more than a hundred years. This is an achievement that has no equal in human history.

This achievement is evidence of the power and force of the fundamental idea behind Red Cross. It is evidence of the brotherhood of man.

The brotherhood of man binds all men together and the sign of the Red Cross is simply a symbol of the unity of the human race.

The founder of Red Cross believed that wounded soldiers of whatever army should have decent and adequate medical care, because they were human beings first and soldiers second.

The power of that idea was soon translated into an organization that happened to be called Red Cross, and in less than a hundred years, this sign of human compassion has come to symbolize help in virtually every country of the world.

This is a sign that people turn to for help because they cannot help themselves.

And because humanity is plagued by more than the accident of war, the Red Cross has come to help in all manner of disasters, and has established itself throughout the world as a continuing universal service for people in distress.

Most of us think of the Red Cross as something that is always there when disaster strikes. It is seen as an endless source of blankets, bandages, hot meals, tents, and helping hands that somehow always show up first at the flood, the earthquake or the fire.

This instant presense is no accident. For the truth is that Red Cross is always around, always helping, always present—we just need it more when times are hard, and it is the one organization that is capable of instant action anytime, any place.

The heart of the American Red Cross is in its million and a half volunteers. We have three thousand volunteers here in Bexar County alone.

Most of the work goes unrecognized—the counseling for servicemen, the giving of something as free as time, or as precious as blood.

The work can be as simple as writing a letter, or as hard as coping with a disaster.

Disaster can happen in wholesale lots, in which case we see the whole panoply of Red Cross instantly at work, or in single cases, where we might accidentally see one person helping another. But whether we see Red Cross in a dark and stormy night arranging refuge and food for whole communities, or just in the form of some lone volunteer in a forgotten hospital ward, we know that it always is doing the same thing—extending a helping hand, one person to another, one human being to another human being.

It is the most important work on the planet, because it has to do with the survival of humanity. Yet it is work that ultimately can only be done on one level—person to person—and work that can only be done by a free and willing heart. There is no way to buy Red Cross; it has nothing to sell. There is no argument about what it means, or what it does, because there is no ideology to advance or defend under the sign of the Red Cross. You cannot buy something that is freely given, and no political system can capture or encompass the spirit of human compassion.

The secret of all this success is simple enough—most human beings want to help other human beings who are in distress. Red Cross provides a way that people who want to help can do so effectively. And it also provides a place where people who need help can go. It is simply an organization that says, "If you want to help, we need you; if you need help, you need us."

Red Cross is a device that effectively enables people to put their humanitarian impulse to work.

There is no other organization that can put as many people in the field when disaster strikes; there is no other organization that can talk to virtually any government and be heard; there is no other organization that can cross as many political boundaries; and there is no other organization that has helped so many people in so many ways as this.

That has all happened because the organization has never allowed itself to be used for anything other than the relief of human suffering, and the alleviation of human need. Its leadership has been humanitarian—and also straightforward and hardheaded.

I do not think that many of the Red Cross jobs are glamorous. There is nothing especially dramatic or attractive about going into a lonely hospital ward, or standing in a sparse office in a place that is invariably too hot, too cold, too wet, or too dry for comfort. But though handing out a blanket or a hot meal, or writing a letter may not be dramatic, it is work that has to be done, and the important thing is that it works—it does the indispensible and even the seemingly impossible tasks.

The crucially important work is the work that goes on every day.

It is the work that few people ever see, or even know about.

This is the work in behalf of health reform. This is the work that provides nurses where they are needed, that translates energy into action for hospital recreation, for social work, any number of activities. The important work is the work that goes into helping a community see one of its pressing problems—and solving it.

It was the Red Cross that really started the public health nurse program in this country.

Red Cross first invented Christmas Seals, and sold them as a means of raising money to combat tuberculosis.

It was Red Cross that undertook programs for health education, for nutrition education—and helped start the school lunch program.

Even though Red Cross is helping relieve a different disaster almost every day of the year somewhere in the United States, it is this constant, everyday work in local communities that really makes the organization the indispensable creation that it is.

The fact that local chapters do things that urgently need doing makes them vital to their communities; it provides an impulse for progress, and the record achievement is impressive indeed.

Because Red Cross does this daily, hard work. It has a capacity to respond to disasters—it knows what it is doing, and it knows more than any other organization how to get the job done.

This built-in capacity, all founded on simple human compassion, is the thing that puts Red Cross on the scene first when the going really gets rough.

It is not that the volunteers are seeking any glory, or that the organization has any well known secret, it is just that Red Cross means only one thing: people caring for people.

This makes it a boundless source of help, able to operate at any level, with jobs as simple as handing out a little coffee, or as complex as saving a life.

The Red Cross covers every kind of activity, from providing things as free as time, or as precious as life—all freely given, all desperately needed, all impossible to beg, borrow or buy.

In a hundred years, this poor planet has learned at least one thing: that the sign of the Red Cross is the sign of human care, human concern and human help, no matter where, no matter when. If there is any real universal organization, this is it—may it prosper and increase.

Bexar County Chapter, American Red Cross

Service to Military Families Department serving military families, one of the largest departments in the U.S.—Military population and related personnel second only to San Diego. This department accomplishes so much—over 2,000 families given casework services each month—by a unique volunteer setup. In this department are 3 units of wonderful volunteers with tremendous skills, professional background give dedicated service. A veterans unit headed by Brigadier General Arthur Irons, who with three other retired military men, volunteer counsel veterans to help them adjust to civilian life; actively assist them in claiming benefits due as a result of their service to our country.

Another unique unit within Service to Military Families is Unit II whose volunteers give warm objective casework services to active duty servicemen and their families. These dedicated volunteers are invaluable in helping the wives of our men in Vietnam make the adjustment. Many wives, alone in the community, receive a warm, friendly, interested call from one of these volunteers weekly until the husbands' return. They are especially skilled since many are wives of retired military and have themselves faced the same problems.

Nursing Programs, Safety Programs and Youth Programs are reaching out into all areas of our city by virtue of dedicated volunteers used as teachers and instructors with many groups in all neighborhoods and schools. These services cannot be calculated as to value and constitute a medical self-help to better our community now and in the future.

Thousands of volunteers are trained yearly to work in our military hospitals, nursing homes, childrens shelter, as motor corps and to prepare the Christmas ditty or gift bags for our men and women in Vietnam and hospitalized patients at local military hospitals.

Bexar County Chapter Annual Service Report

SERVICE TO MILITARY FAMILIES

(Chairman, Mr. Jack Costello; director, Mrs. Eleanor Penley; and expenditures, $154,463.87)

Trained volunteers and staff working together in the Service to Military Families Department gave service to 23,217 active duty military personnel and their families, or veterans and their families in the past year. Counseling in personal and family problems has been the most frequently requested service, with reporting to and for families, military, Veterans' Administration and Job Corps being second. In sequence, according to requested assistance are emergency leave and extension requests, assistance with government benefits, and financial assistance. Casework services totaled 34,140 with an additional 8,625 brief services being given.

Without the fine and dedicated efforts of volunteers, it would have been impossible to play this great a helping role.

Volunteers working in three defined units, casework, Veterans assistance, and the Reaching Out Program gave 12,193 hours of service. Requests for assistance to the Volunteer Veterans Advisors increased almost 100% in this year.

The Reaching Out Program of Red Cross was implemented by assignment of workers for specified time periods to two community centers. Project Free, and Good Samaritan Center. Concerted efforts toward active involvement in community organizations and activities were demonstrated by membership in social work organizations both civilian and military.

DISASTER SERVICES

(Chairman, Mr. Jeff Coffey; director, Mrs. Rosemary Childers; and expenditures, $7,655.26)

Volunteers were activated numerous times during this year. Nationally recognized disasters affected Bexar County Chapter.

Lubbock Tornadoes—over 600 health and welfare messages were sent and replied to relieve anxiety of families with relatives in the disaster area. This was possible by many volunteers manning phones on a 24-hour basis and the San Antonio Amateur Radio Club placing themselves on duty to relay messages. A staff member was loaned for casework services in Lubbock.

San Marcos floods needed a casework supervisor which our chapter made available. Three trained volunteers accompanied her and handled at no cost to National all accounting and registrar work.

Hurricane Celia saw the chapter sheltering over 700 persons who fled from the storm and giving individual casework services and needed financial assistance to over 250 persons to return to their homes. The chapter served as a communications center for all health and welfare inquiries into the hurricane devastated area. Through the volunteer services of Civil Air Patrol these messages were shuttled back and forth daily from Corpus Christi by air. Two staff members were loaned to National Disaster Services to assist with casework.

When Puerto Rico was stricken with severe floods and winds, a bilingual staff member was loaned to National ARC for casework.

Over sixty fires in Bexar County during 1970 saw volunteers and staff giving assistance to over 240 persons with food, clothing, shelter and assisting with relocation costs as necessary.

NURSING PROGRAMS

(Chairman, Miss Maxine Cadena; director, Mrs. Suzanne Harvey; and expenditures, $9,014.90)

More Mother, Baby Care and Home Nursing Courses are being presented in the schools and inner city. A Mother, Baby Care Instructor Course for R.N.'s just completed—with workshops for L.V.N.'s and Homemaking teachers set up for spring and summer.

Monthly Mother, Baby Care community classes are being held in the Chapter for expectant Moms and Dads, with excellent participation.

Two schools of Nursing conducted disaster nursing classes and also courses in Programmed Home Nursing and Mother, Baby Care.

Disaster R.N.'s and student nurses participated in both Celia and Ella disasters. Also Nursing Programs was presented a certificate for its aid in diphtheria immunization clinics.

Mothers Aide and Modified Home Nursing are not only being taught to elementary and lower Junior High, but are also required by Cadet Girl Scouts. These courses are being requested by churches, whose youth take care of infants in church nurseries.

Nursing enrollment in Bexar County is over 600, also L.V.N. participation and enrollment is increasing.

RED CROSS YOUTH

(Chirman, Mrs. John C. Craig; director, Mrs. Albertine Gibson; and expenditures—$5,214.29)

We look to the youth for the volunteer strength needed to carry the Red Cross Mission into the future.

The Mission of the Red Cross Youth is to involve young people of school age in the humanitarian work of the Red Cross.

Schools enrolled for service:
Elementary, 75.
Secondary, 42.
Colleges, 2.
Students, around 50,000.

Production: Place mats, tray favors, holiday decorations and gifts sent to the hospitals and senior citizen homes.

Entertainment: Children's homes, hospitals, and senior citizen homes.

International: Filled 198 Friendship Boxes, 13 Vietnam Holiday Friendship Kits, and prepared 2 albums on Texas for distribution to other Red Cross Societies.

Disaster: Youth collected $1,469.80 for Lubbock and Celia Disasters.

Summer Volunteers: 170 worked in hospitals, children's homes, senior citizen homes and the Bexar County Chapter.

First Aid, Water Safety, Mother's Aide, Home Nursing and Mother and Baby Care taught in 41 schools.

SAFETY PROGRAMS

(Chairman, Mrs. Mildred A. Powars; director, Mr. Tom Spence; and expenditures, $13,315.79)

Teaching first aid skill, swimming, lifesaving and small craft safety have been principal programs of the Red Cross for more than half a century.

The Bexar County Red Cross Chapter, during the past year has issued 12,227 certificates to people completing free first aid, swimming, lifesaving and small craft courses.

There are 822 trained volunteer Red Cross First Aid, Small Craft and Water Safety Instructors to provide safety programs to this community.

First Aid training not only teaches what to do when accidents occur, but makes us aware of hazards and how to prevent accidents. As part of a nationwide network there are more than 31 Highway First Aid Stations in Bexar County and 99 Mobile First Aid Units.

Graded courses, from beginner through advanced swimmer, are taught in swimming and lifesaving classes in our community. Small Craft courses, taught in a growing number, include rowing, canoeing, sailing and outboard boating.

"There are only half as many drownings annually now as in 1914."

The Bexar County Red Cross offers a continuous program of safety education through public media and cooperates in such efforts as National Safe Boating Week, San Antonio Safety Council School Safety Program, National Aquatic Schools, etc. Especially adapted safety courses are taught the blind and handicapped.

OFFICE OF VOLUNTEERS

(Chairman, Dr. George Thompson; director, Mrs. Lucille B. Hegar; and expenditure, $9,612.43)

This office is most involved in:

1. Recruiting, training, and placing volunteers in jobs throughout the county.

2. Keeping records and holding recognition. This includes transfer of incoming and outgoing volunteers.

3. Supervision of volunteers in Motor Service, Production, Office Volunteers, and Special Projects.

4. Ordering, issuing, and accounting for uniforms and insignia.

5 Assisting nearby chapters in activities as they may request.

During 1970, over 500 new volunteers were trained at 9 Basic Orientation Classes held at the Chapter and in Laredo, Del Rio, and Kerrville. In addition, Introduction Courses were given for board members, nursing students and others.

Volunteer drivers provided transportation for the ill, the aged, and the needy to hospitals, food stamp center, and to the Chapter and Doctor's appointments.

The Production Volunteers sewed layettes and hospital gift bags, as well as children's pajamas for one hospital.

Special Projects included preparing 405

emergency comfort kits for Peru and 2050 Vietnam Gift Bags made and filled for service personnel in Southeast Asia, and gift items for hospitalized servicemen locally.

FINANCIAL STATEMENT

Bexar County Red Cross needs	$309, 286. 00
Fair share of National Red Cross needs	191, 152. 00
Total 1970 Red Cross needs	500, 438. 00
United Fund allocation to Red Cross	320, 000. 00
Bexar County Chapter share (61.80%)	197, 760. 00
National share (38.20%)	122, 240. 00
1970 local budget expense	256, 520. 34
Bexar County Red Cross share of United Fund allocation	197, 760. 00
National grant	43, 631. 88
Total	241, 391. 88
Deficit	15, 128. 46

CHAPTER BOARD OF DIRECTORS

Mr. Earl R. Behnsch, Mr. Hugo A. Bourdeau, Miss Maxine Cadena, Mr. Richard W. Calvert, Mr. Stanley L. Campbell, Mr. Bill C. Candler, Mr. Roy Clark, Mr. B. L. Cockrell, Jr., Chairman, Mr. T. Jeff Coffey, Jr., Mrs. R. W. Colglazier, Mr. John M. Costello, Mrs. John Craig, Mr. S. J. Davis, Mrs. Matt Garcia, B/ Gen Arthur Irons, Mr. Isaac L. Jones, Rev. Lavalle Lowe, Jr., and Mr. Reuben R. Lozano.

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PRISONS AND JAILS: WHY WE DO WHAT WE DO

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. MIKVA. Mr. Speaker, last week, along with some 40 of my colleagues, I introduced the Correctional Services Improvement Act—H.R. 7105. As I said at that time, it is hoped that the bill will spark a reevaluation of a number of practices followed in our criminal justice system which seem to go on without rhyme or reason. We go on building and operating prisons and jails around the country based on some model which has little basis other than custom and tradition. If we hope to prevent crime by rehabilitating criminals, we must introduce some rationality into penal practices.

A perfect example of the counterproductive effect of existing correctional practices is the system's failure to provide an opportunity for inmates to engage in meaningful work, to train themselves for gainful employment upon release, and at the same time to earn some kind of minimum wage which can be used to support their families and perhaps even to defray the costs of custody. By denying prisoners this chance, all we succeed in doing is enforcing years of idleness. We destroy any self-respect the prisoner might have by denying him any chance to help support his family—and perhaps keep them off the public welfare rolls. And equally foolishly, we increase the likelihood that upon release the prisoner will be unemployable, thereby increasing the likelihood that he will return to criminal activity.

We need fresh perspectives. We need to cast off old shibboleths which have interfered with effective penology. To that end, I commend to my colleagues the following article which appeared in the March edition of Judicature magazine, in which the author describes the operation of a very different kind of prison in Mexico. I especially call your attention to the practice by which outside employers are enabled to set up branch operations of their businesses within the prisons, employing prisoners and paying a normal wage. Why does not a prison like Jalisco exist anywhere in our country? Why do we spent 85 percent of our corrections funds on custody and only 15 percent on rehabilitation? Why do we do any of the things we do in penology? I submit that we have long ago forgotten why we do what we do. The article follows:

A MEXICAN PRISON

(By Richard M. Marsh)

Mexico consists of states, similar to the United States, and one of them is Jalisco, the capitol of which is Guadalajara. While on vacation in this city, a newly made acquaintance and I had a most unusual experience—an impromptu tour of Jalisco Prison.

Through my new friend's limited Spanish, and the local city bus system, we went from place to place seeking to visit a court. This process finally led us to the Jalisco Prison where we were told we would find the criminal courts. Once there, we abandoned our search for a court when presented with the opportunity to tour the prison. The prison was located in a generally residential section of Guadalajara, and the local bus dropped us off just a block from the front entrance. It was a walled enclosure covering approximately two to three square city blocks.

The buildings were of a Mexican style with adobe walls. We found rehabilitation methods and economic advantages considerably ahead of some of the things I observed in California prisons, even though my state is one of the most progressive in the nation.

The entrance led to an office and a very polite English speaking captain. We were turned over to two English speaking Mexican prisoners and one small, non-English speaking, 65 year old guard whose only weapon was a short crop.

Inside the prison we found a typical Mexican scene, structures around the walls, and in the center a patio or park-like area with grass, flowers, benches and trees. One of our prisoner-guides whom I shall call "Jose", spoke flawless English, and appeared to be about 22 years of age. He was due to be released in about 30 days, but we did not learn the crime that lead to his incarceration. The other prisoner, who I will call "Doc", spoke fair English, was about 37 years old, and was due for release in about four months. He had been a successful pediatrician in Guadalajara and was imprisoned for manslaughter. He said he had killed his wife in a drunken rage.

The tour started in the electrical fixture shop where we saw beautiful lamps being produced. The next stop was the silversmith, then the blacksmith, then the furniture shop, and on and on until we finally reached the rubber goods plant, the most impressive of all. Here I saw raw rubber for the first time, learned how it was processed, and saw the end results.

While what they were doing was impressive, the system as explained by "Jose" and "Doc" was even more so. After a prisoner is processed he is allowed to work in any shop he wishes where there is a job opening. He is paid a wage similar to such a job on the outside. The inexperienced start as apprentices and work up with corresponding pay increases. They work 40 to 44 hour weeks.

RUN AS A BUSINESS

The next surprise was that each shop is run by a businessman, not the government. This manager comes to work each day, handles the workers as any employees are handled, and sells the product outside in the open market. The businessman pays rent to the government for the facilities the same as if he were operating on the outside. You may wonder what the men do with their pay. They support their families.

Following the commission of the crime and the arrest of the defendant, the police have the witnesses talk to scribers. Scribers, who are in separate buildings and apparently independent from the police, take statements from the witnesses. The defendant is sent to the prison followed by the file of statements. The judges are right at the prison. A judge reads the file and determines guilt or innocence as well as sentence. The prisoner is interviewed, told the outcome, and offered a chance to appeal. "Doc" told me that all prisoners appeal, it costs nothing and the process is complete in two weeks. Speed is possible because the file already is typed up. The appellate court consists of a bank of three judges. They have the right to change the verdict and to raise or lower the sentence.

A PRIVATE ROOM

The defendant is in the prison during this process, which is completed quickly by our standards. Prisoners are first kept in dormitories (the violent ones are not sent to this prison) and if found to be cooperative are then assigned a room. "Doc" showed us his room, which was about the size of one of our cells, except that each man has a single room with no roommates. He can have anything he can afford including radio, television, or phonograph. He has and wears his own clothes. There were about 25 to 30 rooms in each building, and at the end of each of these buildings was a small kitchen with two inmate cooks. The meals are simple and each building has picnic-like benches outside the kitchen where the men take their food to eat. I was struck by the simplicity of the process.

While going through the grounds we passed a little dirt floor building with a metal corrugated roof and "Jose" and "Doc" invited my friend and I to have a cold soft drink of our choice. Naturally we did not let them pay but the price was very small. While sitting at the table having our drink, "Jose" and "Doc" explained some of the things to us.

The explanation of weekends came as quite a surprise. Each Saturday morning is children's day. The wives with the children, and the fathers can play with their children, take them to the Saturday morning movie, and buy them soda pop. (Remember, these men are working and can afford to do this.) At 1 p.m. on Saturday, the children leave, but the wives stay until Monday morning. Our guides confirmed that there is no homosexuality problem, and we now saw the wisdom of the seeming luxury of individual rooms.

"Doc" explained that the Mexican system was directed toward the ultimate release of the prisoner, so life there was directed toward that goal. The man lives, or is taught to live, a normal life except for going home at night. I jokingly asked if they had trouble with men not wanting to leave. He assured me absolutely not, the incentive to be free was a great motivation.

Two hours later my friend and I thanked

all concerned and walked out counting the simple but effective things being done in the Jalisco State Prison:

1. Punishment by imprisonment follows swiftly upon the heels of the crime;
2. The guilt or innocence phase was taken care of quickly, without fanfare—and every defendant had a genuine appeal, which regularly results in reversals;
3. Rehabilitation starts quickly, effectively and the motivation is right;
4. The men live as near normal as possible under the circumstances;
5. Prisoners who have not previously experienced normal, responsible lives, are exposed to such;
6. Prisoners earn livings, and their families are not on welfare;
7. Homosexuality ceases to be a problem;
8. Trades are taught;
9. A man keeps or gains his self-respect;
10. Prison-to-street transition is simplified;
11. The family unit is preserved and promoted; and
12. The system results in lower government cost and hence lower taxpayer cost.

BANK LENDS SUPPORT TO FIGHT DRUG ABUSE

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mrs. HECKLER. Mr. Speaker, drug abuse is today, for Americans, a national concern. The narcotics problem tragically involves many of our Nation's families—it is not restricted by race, income, or geography.

As pointed out by John B. Cummings, Jr., in a press release issued by the Fall River, Mass., National Bank in my 10th Congressional District, "Community-wide concern over the drug problem will not solve it. It will take action."

The Fall River National Bank has initiated a program designed to support community institutions in the attack on drug abuse. I think this innovative and civic minded effort will be of interest to my colleagues.

I include the article as follows:

During the past three months, the Fall River National Bank has successfully created a new image. The image is manifested by the word activator. The image is one of involvement and concern on the part of the bank and its staff with regard to local problems and projects.

The bank's advertising program has been centered around individual employees and their contributions to the community. The impact of the program has been termed very successful. The activator theme will continue but on a less concentrated basis.

The second phase of the program has already begun and will be emphasized in April. About one month ago, a poll was taken within the bank and everyone was asked to list what they felt was the area's number one priority. Almost unanimously, the top priority was drug abuse. This then became the key to the second phase of the bank's program.

The bank's theme is: "The Bank That Does More Than Just Talk", and now after ranking drug abuse number one, they decided to help fight it.

The objective of the bank and its staff is now to stimulate the involvement and money necessary to help fight drug abuse in the area. The first step was to obtain donations from within the bank. Directors, officers and staff have already made contributions. There will also be cake sales held with proceeds going to the same cause.

The second step was to develop a significant advertising campaign. In the past The National Bank offered china, glasses and stainless steel with new checking and savings accounts. No more. This year it was decided that with every new savings and checking account of $25 or more the bank would donate one dollar per account to local drug agencies to help local people.

The advertising program in the newspapers, radio and outdoor will be reinforced by a drug display and educational pamphlets within the bank.

The bank's total donation will be divided equally between St. Anne Drug Dependency Clinic and The Rubicon House.

Community wide concern over the drug problem will not solve it. It will take action. The Fall River National Bank hopes to be able to provide the necessary impetus to help curtail drug abuse.

Drug Abuse is a problem that touches each segment of society. It has no boundaries but is particularly prevalent among the young.

The Fall River National Bank is succeeding in breaking down the image of banks. "Banks and bankers have been given the stigma of being cold, indifferent and conservative", said **David McIlwaine, Marketing** Officer. "Perhaps this was justified at one time and in some cases even today, but we are very human, warm and concerned in our bank and we want people to know that beside receiving the professional advice they want, they will also find people who want to help, smile laugh and enjoy living like anyone else".

The bank and its staff are proud of the area and do all they can to make it better. The feeling is that Fall River has been good to them by providing them with education, employment and homes and they want to help now to make it better. "A bank has a grave moral obligation to the community in that it must give as much as it receives", said John B. Cummings, Jr., Marketing Officer. "If we as bankers do not meet this obligation then we have failed. We are trying to do more for the community all the time and this is only right. If our community is to grow and prosper, then we must take active leadership roles and put back as much as we have been given. We hope that our program to help fight drug abuse will contribute to the eventual elimination of the problem".

JOHN F. KENNEDY 50-MILE HIKE HELD APRIL 3, 1971, IN WESTERN MARYLAND

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BYRON. Mr. Speaker, since 1963, one of the most anticipated sports events in western Maryland has been the John F. Kennedy 50-mile hike. Inspired by President John F. Kennedy and his family's penchant for hiking, the event began on a small scale attended by only a few hardy hikers. With the organizational skills of Buzz Sawyer and Guy Whidden and the enthusiasm of the returning participants, the hike has recently been doubling the number of hikers each year.

In 1970, there were approximately 300 entrants. This year on April 3, there were 600 entrants with 150 of them finishing the 50-mile course. In honor of the stalwarts who finished I include the names and addresses of the first 50 to finish and the names of the next 100 to cross the finish line. The times next to the names are the finishing times. I would especially like to congratulate Mr. Elton Torst of Harrisonburg, Va., who broke the old record by over 1 hour.

The list follows:

THE 50-MILE HIKE

Entrant, residence, and hour, minute, second

1. Elton Horst, Harrisonburg, Va. 6:15:42.
2. Sam Holland, Elverson, Pa., 7:42:03.
3.t Les Mentzer, Hagerstown, Md., 7:56:14.
3.t Allen Smith, Oberlin, Ohio, 7:56:14.
5. Jim Harrison, Baltimore, Md., 8:39:01.
6. Bill Walls, Greencastle, Pa., 8:39:59.
7. Craig Caplan, Frederick, Md., 8:41:22.
8. Ronnie West, Hagerstown, Md., 8:46:55.
9. Doug McAbee Williamsport, Md., 8:50:50.
10. Arthur Carey, Narberth, Pa., 9:04:20.
11. Bob Maronic, Hagerstown, Md., 9:13:09.
12. James Draper, Smithsburg, Md., 9:15:51. 9:15:51.
13. Donnie Minnick, Hagerstown, Md., 9:17:43.
14. Dan Beisel, Frederick, Md., 9:25:59.
15.t John Devlin, Blue Ridge Summit, Pa., 9:27:13.
15.t James Martin, Hagerstown, Md., 9:27:13.
17. Donna Aycoth, Hagerstown, Md., 9:29:48.
18. Eric Kleinspehn, Frederick, Md., 9:36:51.
19. Dave Bergman, Hagerstown, Md., 9:40:46.
20. Leonard Reddick, Union Bridge, Md., 9:49:35.
21. Bruce Driggers, Hagerstown, Md., 9:51:28.
22. Steven Thomas, Frederick, Md., 9:59:18.
23. Dan Dawson, Hagerstown, Md., 10:03:24.
24. Steven Vaughn, Braddock Heights, Md., 10:05:08.
25.t Goodloe Byron, Frederick, Md.,10:13:10.
25.t Shane Hutton, Frederick, Md., 10:13:10.
27.t Harry Brundick, Chambersburg, Pa., 10:25:45.
27.t Carl Llewellyn, Hagerstown, Md., 10:25:45.
27.t Steve Blevins, Hagerstown, Md., 10:46:04.
30. Charles Brugh, Hagerstown, Md., 10:46:54.
31.t Kim Bryon, Frederick, Md., 10:51:08.
31.t John Dobbie, Hagerstown, Md., 10:51:08.
31.t Richard Masser, Taneyton, Md., 10:51:08.
34. Clayton Fuller, Hagerstown, Md., 10:51:35.
35. John Hunt, Walkersville, Md., 10:52:18.
36. Ronald Young, Frederick, Md., 10:54:01.
37. John Hyssong, Jr., Frederick, Md., 10:54:30.
38. Clater Smith, Frederick, Md., 11:03:58.
39. Calvin Mahaney, Fairplay, Md., 11:10:02.
40. Warren Neal, Jr., Walkersville, Md., 11:14:24.
41.t Martha Pryor, Thurmont, Md., 11:19:41.
41.t Karl Pryor, Thurmont, Md., 11:19:41.
41.t Galen Pryor, Thurmont, Md., 11:19:41.
41.t Richard Calimer, Lantz, Md., 11:19:41.
45. David Knode, Williamsport, Md., 11:20:15.
46. Richard Harne, Smithsburg, Md., 11:23:20.
47. Gale Whidden, Frederick, Md., 11:25:21.
48. Robert Kendle, Jr., Williamsport, Md., 11:28:18.
49. Francis Coble, Jr., Williamsport, Md., 11:28:19.
50.t Richard Busch, Washington, D.C., 11:31:32.
50.t Frank Pitzpatrick, Towson, Md., 11:31:32.

Entrant and hour, minute, second

52. Gary Naugle, 11:42:02.
53.t John Gray, 11:43:33.
53.t William Boteler, 11:48:33.
53.t Greg Snyder, 11:48:33
56. John Ulam, 11:49:28.
57. Andrew Friedel, 11:50:24.
58. M. A. Grossnickel, 11:50:40.
59. Daniel Snyder, 11:50:41.
60. Lloyd Snyder, 11:51:33.
61.t Duane Barnhart, 11:53:27.
61.t Jim Stine, 11:53:27.
61.t William Korrow, 11:53:27.
61.t Thomas Miles, 11:53:27.
65.t David Summerlin, 11:55:38.
65.t John Hinkle, Jr., 11:55:38.
67. Douglas Kefauver, 11:56:21.
68. Christopher Schweitzer 11:59:16.
69. Gilbert Martin, 12:05:38.
70.t Michael Elza, 12:08:52.
70.t Paul Bell, 12:08:52.
72.t Melanie Mikkelsen, 12:15:03.
72.t Eddie Glenn, 12:15:03.
74.t Mike Adams, 12:19:02.
74.t Joseph Palumbo, 12:19:02.
76. Justin Parker, 12:25:38.
77. Michael Appel, 12:27:14.
78. Michael Turner, 12:28:06.
79. Dan Webb, 12:32:10.
80. Mark Henry, 12:33:10.
81. Richard Heiks, 12:33:12.
82. John Routzahn, Jr., 12:33:50.
83. Joe Snyder, 12:35:48.
84. Kenny Renner, 12:46:57.
85. Steve Cardella, 12:48:18.
86.t James Ridge, 12:51:13.
86.t Jerry Ridge, 12:51:13.
86.t John Ridge, 12:51:13.
89. Howard Ridenour, 12:56:55.
90. James Patronik, 12:59:37.
91. Forden Jughes, 13:00:45.
92.t Richard Kurtz, 13:01:44.
92.t Roy Pfeiffer, 13:01:44.
94.t Jeffrey Toms, 13:02:33.
94.t James Criswell, 13:02:33.
96. David Frye, 13:06:13.
97.t John Mowen, 13:06:58.
97.t Donald Schwartz, 13:06:58.
99. Jack Griffin, Jr., 13:08:20.
100.t Lee Hargis, 13:08:22.
100.t Will Main, 13:08:22.
102. John Collmus, 13:09:52.
103. Hugh Williams, 13:10:45.
104.t Richard Goodrich, 13:13:31.
104.t Jack Spinnler, 13:13:31.
106.t James Stottlemyer, 13:17:17.
106.t Ling Louie, 13:17:17.
108.t Charles Robinson, 13:19:43.
108.t Michael Nelson, 13:19:43.
108.t Dwight Gaylor, 13:19:43.
108.t Gerard Zeller, 13:19:43.
112.t Steve Clever, 13:23:58.
112.t Bruce Burnside, 13:23:58.
114.t Richard Kendrick, 13:26:48.
114.t Bill Osburn, 13:26:48.
116.t Terry Draper, 13:29:15.
116.t Terry Baker, 13:29:15.
118. Lynn Keller, 13:33:52.
119. Gerald Doetzer, 13:36:12.
120.t Kenny Daniels, 13:52:40.
120.t Jan Waddell, 13:52:40.
122. Doug Himes, 13:58:16.
123. Brian O'Neill, 14:00:17.
124. Francis Dougherty, 14:06:00.
125. Bradley Vaughn, 14:10:51.
126. Raymond Rickett, Jr., 14:12:02.
127. T. E. Ressler III, 14:15:22.
128. Gary Myers, 14:16:04.
129. Mike Spinnler, 14:19:23.
130.t Dale Detrow, 14:20:43.
130.t Richard Marquis, 14:20:43.
132. Terry Socks, 14:20:56.
133. Ralph Fout, 14:25:05.
134. Timmy Broom, 14:26:32.
135.t Jeff Sprankle, 14:26:41.
135.t Nancy Link, 14:26:41.
137. George Fisher, 14:27:56.
138.t Robert Ackley, 14:29:32.
138.t John Lynch, 14:29:32.
140. Ralph A. Snyder, 14:30:25.
141. Donald Snyder, 14:30:26.
142.t Brock Jutton, 14:33:38.
142.t Howard Harne, 14:33:38.
144. Kenneth Huffer, 14:33:52.
145. Gary Edwards, 14:46:57.
146. Douglas Edwards, 14:47:38.
147. Paul Smith, 14:58:55.
148. Jiles Warner, 14:59:08.
149. John Snyder, Jr., 14:59:11.
150. Richard Snyder, Jr., 14:59:15.

HIGHER EDUCATION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BINGHAM. Mr. Speaker, my attention has just been drawn to a remarkable commentary on the American system of higher education. The Assembly on University Goals and Governance, founded by the American Academy of Arts and Sciences to stimulate educational reform, has presented a report setting forth nine broad themes and 85 "theses" calling for changes in virtually all areas of higher education. These documents deserve the most serious study by all who are interested in American higher education, its deficiencies, and its potential.

I insert the following from the Chronicle of Higher Education for January 18, 1971:

SCHOLARS CALL FOR "RETHINKING" ACADEMIC GOALS

CAMBRIDGE, MASS.—The academic community must "rethink its fundamental orientations" if colleges and universities are to be revitalized and their weaknesses eliminated, the Assembly on University Goals and Governance has asserted in its first report since it was established in 1969.

The assembly, founded by the American Academy of Arts and Sciences to stimulate educational reform, presented 85 "theses" for changes in virtually all areas of higher education. The text of the theses begins on Page 5.

The report was written primarily by the assembly's chairman, Martin Meyerson, president of the University of Pennsylvania, and its director of studies, Stephen R. Graubard, professor of history at Brown University and editor of *Daedalus*.

TO STIMULATE THINKING ABOUT CHANGE

Mr. Meyerson said that the theses were not intended to be specific recommendations for change, but rather "goads" to stimulate thinking about change.

The theses ranged from financial problems to issues of governance to problems of broadening the make-up of both student bodies and faculties. Among them:

Opportunities for disadvantaged students of all sorts should be vastly increased, and coupled with programs designed to make up for "earlier neglect."

Colleges and universities should admit greater numbers of women to graduate and professional schools, and make special provisions for their needs. They should demonstrate their willingness to hire women "at every teaching, research, administrative, and staff level."

Higher education should not be reserved for young adults between the ages of 17 and 24, but should be open to people of all ages.

New paths to employment and status should be developed so that the "involuntariness" of attendance will be ended. "New kinds of institutions should be established to appeal to those who are not very much taken with an academic environment."

"A deferred-payment program covering tuition and other fees and room and board should be made available for any student capable of doing college or university work." The program was termed "Educaid" by the authors of the report.

"National and institutional examinations should be further developed to enable students who lack a bachelor's degree to go directly into advanced graduate or professional study."

Colleges and universities should seek to attract men and women from fields other than academia to teaching positions.

Tenure should be maintained as "a guarantor of academic freedom against political and other pressures," but means should be developed to facilitate the "early departure" of faculty members making little contribution.

"General education which is in retreat needs reformulation. . . . Faculty members ought to define alternative forms of what [general education] ought to be and how students are to be encouraged to explore them."

Colleges and universities must develop far greater knowledge about higher education itself.

"Difficult as it is politically to favor some institutions rather than others, selective support, public and private, is essential and ought to be fought for."

KNOWLEDGE AS BASIS FOR REFORM

Nine broad themes were "laced through and assumed within the entire set of theses," the authors said.

Among the themes listed by Mr. Meyerson and Mr. Graubard were the placing of learning at the center of the university, and the development of knowledge about higher education itself as the basis for educational reform.

In addition, the themes included a commitment to the preservation of private higher education as the best way to guarantee educational diversity. Mr. Meyerson and Mr. Graubard also stressed the development of cooperation among institutions to use expensive facilities and dwindling resources more efficiently.

In an introduction to the report, the authors state: "If these [85 theses] serve to stimulate trustees, faculties, presidents, students, staff, alumni groups, and those public officials concerned with higher education to look at colleges and universities more critically, and if these deliberations help to bring about improvements, they will have served their purpose."

Mr. Meyerson said in an interview that the report would be used next spring on 15 or 20 campuses as a tool for implementing changes.

What comes of the efforts to use the report on those campuses is more important than the document itself, Mr. Meyerson said. "The assembly should be judged less by its paper and more by the processes it initiates."

In writing the "first report," Mr. Meyerson and Mr. Graubard attempted to synthesize more than 1,000 pages of reports, recommendations, and position papers from five councils that were established to conduct much of the assembly's work during its first year. There were councils on learning, teaching, and evaluation; research and service; access, scale, and quality; relations with other institutions; and models of governance.

Mr. Meyerson said that during the year there were sharp divisions within the councils over specific issues and that the "first report" was not intended to represent a consensus of opinion from the councils.

Neither, he said, was it intended to represent a consensus from the advisory panel named by the American Academy of Arts and Sciences to advise the assembly.

Nine Themes of Report on University Goals and Governance

LEARNING: THE CENTRAL MISSION

Like other complex institutions, colleges and universities have varied purposes. Foremost among them must be learning—learning that takes place between student and teacher, student and student, teacher and teacher, and between these and the staff, alumni, and citizens concerned with intellectual and professional pursuits. Research—important as it is—and public service are appropriate to colleges and universities when they contribute to learning and are consonant with those academic freedoms on which learning depends.

To say that the theses emphasize learning as the goal to which governance should be directed is not to be nostalgic or romantic about the past but to assert a purpose that has not been sufficiently central in the past or in the present.

KNOWLEDGE AS A BASIS FOR EDUCATIONAL REFORM

To improve and reform higher education—not to calm dissidents but to achieve the potentialities of colleges and universities—a kind of knowledge is required that does not now exist.

Many in institutions of higher learning are prepared to scrutinize almost everything—the natural environment, government and industry, all manner of other institutions foreign and domestic—but they are loathe to scrutinize themselves and the institutions they inhabit. If reform is not to be mindless, knowledge and data are needed on the character and effects of present educational and research programs.

It is essential to know more about how decisions are made and executed in colleges and universities, and how the successes and failures of innovations are communicated so that others may learn from the experiences of those who have experimented with new approaches.

Institutional self-study is desirable; it does not suffice for presidents and administrative staff to be interested in such matters.

The methods, content, and philosophy of education need to become a more vital interest of many professors, staff and students.

ADMISSIONS AND ATTENDANCE: EXTENDING CHOICE

College and universities ought to be open to those who are able and ready to benefit from association with them; this implies that those who attend choose to be there. Any arrangement that seems to enforce attendance, that causes some to claim that they are coerced into attending, violates the spirit that ought to prevail in these institutions.

Men and women of all ages—and not only late adolescents and young adults—need to think of the college or university as a place they can turn to if they can benefit from the kind of learning environment that it provides.

There are many matters that can be taught in modern society outside the university; there are some that can be taught only inside the university. An obligation of all institutions of higher education is to define more clearly what their particular educational strengths are, so that students will know which educational opportunities are available where. These institutions should help employers and others to see that there are other ways of certifying many employment capabilities than through college attendance alone.

Some young persons should be encouraged to defer higher education; some may prefer to avoid it altogether. Young persons should be confident that they will be welcome as mature adults.

The obligation in our society should be to encourage those of low income or of ethnic and racial groups previously denied higher educational opportunity to obtain admission if this serves their aspirations and talents; the education of women and adults generally should have higher priority.

When higher education ceases to be regarded as the unavoidable prescription for young persons and becomes instead the considered choice of men and women of all ages, voluntarism in relation to admission and attendance will grow.

EXPERIMENTATION, FLEXIBILITY IN UNDERGRADUATE AND GRADUATE EDUCATION

In the last few years undergraduate requirements have been reduced, but few major curricular innovations have been instituted. Grading has been tempered or, in a few instances, virtually abolished. Course loads have been reduced; independent study has often been substituted for traditional courses. Distribution requirements designed to achieve some breadth in undergraduates education have been seen as so naive at various institution as to risk abolition.

With the failure of nerve of many faculties, few alternatives for a liberal education have been conceptualized, let alone implemented.

Undergraduate programs continue to provide degrees on the basis of credit hours completed and compiled. Graduate and professional programs, under the banner of high standards, have too often maintained barriers that are simply formal; they are not of a kind conducive to learning.

Studies for the doctorate are frequently pedantic, emphasizing a narrowness of focus that has little importance for the individual's intellectual and personal development, presumably the goal of all higher education. Similar charges can be leveled at far too many graduate professional schools.

Faculties ought to devise new options to achieve a liberal education; they need to infuse work and apprenticeship experiences with intellectual content. Certain students should be enabled to enter directly into advanced academic and professional education. New alternative paths to intellectual and professional development are in order.

Colleges and universities ought to develop curricula that will reflect the aspirations of contemporary 20th-century society; they should create a climate in which men and women mature, and where a larger number will understand and accept the responsibilities of service to their fellow citizens.

DIVERSIFICATION AND DIFFERENTIATION

The United States is noted for its presumed pattern of diversified higher educational institutions. In recent years, this diversity has been eroding.

Women's colleges seek men, religiously based schools are turning non-sectarian, technical schools add humanities, liberal arts colleges aspire to become graduate universities, and public state systems find political protection in copying each other.

Residual differences have not vanished; the tendency, however, has been unmistakable: toward greater uniformity. The same models are held to be desirable by too many institutions; there is too little questioning of the appropriateness of those models. Yet the nation is peculiarly fortunate in having several competing value systems in higher education, and much should be done to increase that competition.

It is an advantage that America has both public and private institutions of higher learning; it is good that some states have educational programs substantially different from those of others; it is desirable that some institutions should be linked to religious bodies and that some should be completely secular; it is important that some be exclusively for women and some exclusively for blacks if certain students flourish best in this kind of self-segregation; it is valuable that some should concentrate on the teaching of the young and that others should make their appeal to a more diversified student body

It is necessary that the variety and diversity of American higher education be preserved and extended; only through a clearly perceived understanding and acceptance of institutional differences can students and faculties make significant educational choices.

There is no one optimum educational experience, just as there is no optimum campus size or scale; students who are diverse in aptitudes and aspirations need many different paths to reason and self-fulfillment.

PRESERVING THE PRIVATE AND PUBLIC SYSTEMS

Educational diversity and differentiation can only be preserved and extended if private institutions continue to compete with those that are public. Since the second World War, the nation has shifted from a primary dependence on private institutions to a growing dependence on public institutions.

Today, almost all private institutions are in serious financial difficulties. The argument for their preservation and strengthening ought not to be a strictly economic one; the fact that private institutions with relatively modest public support would be able to perform tasks that public institutions would be required to do if the private institution did not exist, at greater costs, is not the plea that ought to carry the greatest weight.

Rather, the argument ought to be one of educational quality. If private colleges and universities ceased to exist, major goads to innovation and differentiation would disappear.

Private institutions should survive and flourish according to their merits; both public and private are more likely to strive after differentiation, recognizing its utility, if students are in a position to maximize their choices by being more free to select certain institutions and programs while rejecting others.

If financial assistance, whether through deferred payment plans ("Educaid"), or scholarships is made available to students, and if they in turn choose the institution most suited to their needs and competencies, there will be a greater tendency than is now the case for public and private institutions to complement one another.

ENHANCING THE PROFESSORIATE

The more than 500,000 teachers in American colleges and universities are recruited from a wide segment of the population and are highly diverse in qualities and interests. They are not professional in the same way that lawyers or medical doctors are.

Teachers belong to a large cohort whose calling is education; each has also a special field or fields of expertise, participating in professional life with others who may not be academics at all; finally, each, as an officer of a particular institution, has specific interests concerning immediate institutional issues.

It is not surprising that much of the professoriate has found it difficult to integrate all these roles effectively and simultaneously.

It is time to upgrade the art of teaching, to create an environment in which learning is as important for teachers as for students, to develop collective and self-enforcing codes of responsibility. Only then will new educational energies be generated.

Entrance to and exit from the professoriate should be made simpler. There are still too few women professors. This is particularly unjust when one considers the high proportion of women undergraduate students.

Trained individuals from creative, professional, and intellectual endeavors of the most disparate kind ought to be welcomed to the colleges and universities on a part-time or other basis, to bring their unique experiences to the academic world.

THE PRESIDENCY: GOVERNANCE BY DELEGATION AND ACCOUNTABILITY

Since the second World War, faculty in American colleges and universities have participated more fully in policy-making. In the last few years, students at many institutions have also sought and achieved considerable participation in university affairs.

Many of the changes that have taken place—and these have been primarily in the area of rules and regulations, in grading and course requirements, in the introduction of such new fields as black studies or environmental studies—have generally been responsive to the demands and interests of students and faculty.

Other educational and organizational improvements that have bogged down in committees or been lost entirely, having failed to secure wide support in either student or faculty governing bodies, have sometimes been among the most far-reaching reform proposals.

Since a university is not a parliamentary body, and even less a place where total participation is possible, the existence of a strong executive authority is essential. Only where such authority exists is there any possibility that proposed innovations will be debated, tested, and, when appropriate, implemented.

If the executive function is to be strong, but also accountable, and not only to trustees but to faulty and students as well, there must be an organizational structure that encourage the flow of communications and provides opportunities for initiative and review. Some institutions may find senate, committee, and other existing structures adequate for consultation and participation; others may find new mechanisms more functional.

In calling for the restoration of the authority and responsibility of the president, it is with the clear intention that leadership be exercised in a manner that gives weight to the opinions and values of the whole university community.

SELF-HELP

The theses which follow, formulated in 1970, are presented at a time when many of the nation's colleges and universities are in serious financial difficulties. Some are in need of immediate federal financial assistance; certain medical schools, for example, are not likely to survive without it.

But what ought colleges and universities to do beyond petitioning the federal government for help?

What can they do, individually and collectively, to help themselves?

They can, of course, take their place in the long line of petitioners already formed, that includes many of the cities and states of the country, and not a few of its major social and cultural institutions, who see in federal aid the only solution to their economic problems.

While it would be wrong to assert that this road should be disdained by colleges and universities, they ought to be prepared for the possibility that the federal purse will be slow to open. They must not so reduce their activities that they fail to educate in ways they should.

They must make now appeals for funds from all private and public sources; they must learn to husband the resources they already have; they must share together what they have.

There is not a perfect correspondence of interest between and among institutions of higher learning. It would be foolhardy to claim that there is. But there is more common interest than is sometimes realized.

What is so desperately needed is the invention of new procedures and new institutional forms that will make cooperation and self-help more of a reality.

ASSEMBLY LISTS 85 THESES TO STIMULATE ACADEMIC REFORMS

1

Education of the poor

Higher education is currently available to over 8-million Americans, but not to the very poor. A disproportionate number of the very poor are black, though many, of course, are white, American Indians, and Spanish-speaking Americans.

Financial aids in the past went largely to upwardly mobile young people who soon became indistinguishable from the majority.

In an America plagued by racial disorder and driven by conscience, there has been in the last half dozen years a serious effort to admit black students into colleges and universities. Despite the advances that blacks have made, black students today make up less than 6 per cent of the college population whereas blacks comprise over twice that proportion of the national population.

As for low-income whites in urban and rural slums, very few efforts are being made to secure higher educational opportunity for them. The situation of the American Indian and Spanish-speaking American is even more discouraging.

Without claiming that all young persons should be in college, a matter dealt with later, the failure to educate students of low-income families, whatever their race or ethnic origin, ought not to be countenanced. Such students should be sought out by colleges and universities. Public monies should be available to those institutions that share in this national higher educational obligation.

2

Because low-income students, black and white, are often inadequately prepared for higher education—their schools, family situations and neighborhoods having generally hindered them—there is a need to make up for earlier neglect.

There is no simple solution to the problem. Improvements in income and employment policy, in elementary and secondary schooling, and in the urban environment generally are obviously desirable.

However, the issue is to overcome promptly the results of past neglect. To this end, colleges and universities ought to establish pre-college and pre-professional school programs, racially integrated, and preferably under the aegis of groups of institutions, to prepare students for established curricula.

To encourage higher educational institutions to involve themselves in this work, state and federal grants should be provided to them.

3

Women in higher education

Undergraduate admissions are readily available for women who can pay the fees. Graduate and professional school entry is often more difficult for them, in part because of the belief that many women will marry and not persevere towards their degrees, or will not pursue the career they intended. Such arguments are used to deny financial aids even to those women admitted to advanced degree programs.

The transformation in higher education that began in the last third of the 19th century needs to be completed. Not only should women in greater number be accepted in graduate and professional schools, but special provisions should be made for them, including the right to study on a part-time basis, particularly during the years when they are obliged to care for their young children.

4

Undergraduate degrees earned by women rarely lead to the same employment opportunity as those earned by men. To a lesser extent, the same is true for lesser degrees.

Universities and colleges in their own employment policies ought to become model employers, demonstrating their readiness to engage women at every teaching, research, administrative and staff level. They ought to work through their placement and other offices to educate employers to pursue the same policy, thereby securing for women many more positions at salaries equal to those of men.

If the above are done, and if women have the same job opportunities in all professions, including that of university teaching, the situation by the end of this decade will be dramatically different from what it is today.

5

Education of older students

Having said something about those who are currently denied access to certain kinds of higher educational experience, it is important to speak also of those who are privileged in these matters but who are not at all content with their situation.

For students from certain favored family backgrounds, going to college on graduation from high school is automatic; many, though not all, proceed then to a graduate or professional school. Some insist that their choice is not a free one; the employment (and social) situation compels them to be students from the time they are six until they are in their twenties.

This "involuntary servitude"—it is seen as such by some—is wasteful and ought to be eliminated. It ought to be possible for more students to interrupt their studies, work for a time and return, with this regarded as a natural educational sequence.

Some colleges might experiment with reserving substantial numbers of places for students entering as undergraduates whose ages are 21 and over and who have spent three or more years away from formal schooling.

In addition, all institutions ought to be more venturesome in admitting older students into their graduate and professional schools.

In a very short time, and without help from outside agencies, colleges and universities could alter themselves so that undergraduate schools were no longer exclusively the enclaves of late adolescents and graduate and professional schools no longer exclusively the enclaves of young adults.

Those who choose to go through without a significant break should, of course, be free to do so.

6

The decision to postpone higher education, whether taken by an adolescent or a young adult, ought not to be regarded as irrevocable. What a young person may not wish to do at 18 or 22, he or she may be very interested in pursuing at 30 or 40.

American colleges and universities have generally been somewhat more hospitable to such "second chances" than their European counterparts, but few have made it a central tenet of their admissions policies to seek out and make places available for interested adult students. Even where "continuing education" and evening programs exist, these are rarely at the center of a university's concern.

A great number of institutions—including many of the more distinguished—ought to concern themselves with providing higher educational opportunity for adults and not simply of the old "continuing education" variety.

With such a major commitment, new kinds of students may be expected.

Some will come largely for vocational or professional reasons; their motivation will be to keep abreast in subjects that are rapidly changing.

Finding a new career—switching one's occupation in mid-life—may be the most compelling reason that others will have.

Still others will come for the kind of general education that was unavailable to them when they were young, or that they chose not to pursue at that tme, having little sense of its value.

No group stands to gain more from programs of expanded adult access than women. Their responsibilities as wives and mothers in a critical period of their lives effectively bars far too many from further education except in the most casual kinds of programs.

College and universities ought to recognize what is lost as a consequence of present academic practices.

7

Education for employment

Some students, after one or more years of college, will conclude that their experience of higher educational institutions does not have much interest for them; some teachers will reach the same conclusions about these and other students. It is unreasonable to believe that all who start will finish even with a lapse of time.

Institutions of higher learning ought to take the lead in helping such students to bypass the social and economic pressures for mandatory attendance.

The colleges and universities ought collectively to address themselves to the task of working with employers and trade and professional associations to free many jobs from routine requirements that make college obligatory. Such attendance is often unnecessary for many of the positions for which it is presently required, and ought not to be imposed as a condition for gainful employ.

In this, as in so much else, the colleges and universities themselves through their own employment policies should set the pattern for others.

8

If access to employment opportunity was less exclusively through college or university education, the pressure to secure admission to such institutions would diminish. New kinds of institutions should be established to appeal to those who are not very much taken with an academic environment; for example, many new kinds of apprenticeship are needed.

Every innovation that reduces the pressure on colleges and universities to accommodate all, including those who are not interested or able—and that reinforces an element of choice on the part of the individual—is desirable.

9

Deferred payment of costs

It is unrealistic to expect that increased access for neglected groups as described above, even with the caveat that all should not attend colleges and universities, can be achieved without new sources of financial support.

Therefore, in addition to existing scholarships, work-study and other financial aids, a supplementary self-help program to be called "Educaid" should be developed. Educaid refers to a deferred-payment program covering tuition and other fees and room and board that should be made available for any student capable of doing college or university work.

The deferred payments should be guaranteed by the federal government in much the way mortgage guarantees are provided. Repayment should be in proportion to the long-term income of the recipient.

The person who by choice or fortune later in life has a high income would repay somewhat more than received; the person who does not attain such an income, whether because his or her choice of profession or occupation precludes it, or because personal adversity—illness and the like—prevents it, would repay less.

Such methods for increasing student financial aid have been receiving greater attention in recent years; they provide that some will pay a fairly high premium for the funds they receive, while others will, in effect, receive a subsidy.

10

The certification function

American colleges and universities, responding to public demand, have collaborated in a system of degree certification that makes a mockery of some of their educational objectives. At times it almost appears that the degree-granting function is higher education's principal reason for being.

The role of colleges and universities as gatekeeper, granting "passports to employ" in professions and callings, is onerous.

Arguments have been made that the certifying responsibility ought more appropriately to reside with other bodies—employers, professional associations, governmental organizations, and the like.

Academic institutions ought to make more deliberate studies of what would be gained and lost by such a transfer (even if only partial) of many of their certifying obligations.

11

Until there are such studies, the present practice of having an individual college or university grant specific degrees as indicators of professional and career certification should be maintained.

This, however, need not preclude the development of new systems of certification.

State, national and international bodies, both public and private, either constituted for this specific purpose or serving other purposes as well, might be given degree-granting authority.

They should be prepared to recognize various kinds of accomplishments, evaluating studies performed at several institutions or undertaken at home, judging work and other like experiences.

12

Deferring or interrupting studies

Alternatives of this kind would contribute to the modification of present conventions that require individuals, generally in late adolescence, to pursue studies for a fixed period for a particular degree at a single institution.

The tradition that a bachelor's degree is awarded at the end of four years of formal study would be challenged. Certain students might obtain their first degree in one, two or three years; others might obtain it in five, six or seven years. The incentives to intersperse long work periods with periods of full-time or part-time study would be increased.

Such flexibility ought to become common for all degrees. Students should be able to defer or interrupt college, graduate or professional school, precisely because there is no rhythm or pattern of intellectual curiosity or social maturity that is common to all.

13

Intermingling study and work

Students ought to be permitted to intermingle study and work in ways that are now uncommon. This is not simply a plea for an extension of what now passes for cooperative, work-and-study programs, where the student spends one or more terms away from a college campus. Rather, it is an assertion that significant employment opportunities for students may be provided in term-time if the university recognizes the value of such experience and is prepared to admit its educational importance.

New counseling and instructional techniques will be needed for such educational combinations. Without close supervision, programs of this kind could easily become peripheral—a kind of extracurricular "make-work."

14

Credit by examination

National and institutional examinations should be further developed to enable students who lack a bachelor's degree to go directly into advanced graduate or professional study.

Where ability is demonstrated, there is no excuse for a person being barred from more advanced study by the lack of conventional degree credentials. Many veterans after the second World War were given options of this kind; there is no evidence that they abused the privilege or in any way suffered as a consequence.

15

Shorter graduate programs

Many students opt for advanced graduate and professional study not out of great interest but almost in a spirit of resignation. The universities would be well-advised to adopt a more critical stance in respect to their advanced degrees, recognizing that they are not necessary to all professional employ. They ought more regularly to initiate shorter graduate programs, which may or may not lead to degrees.

They ought systematically to encourage employers and professional associations to accept such preparation.

16

Access to academic profession

That colleges and universities would be substantially allerted by new policies of access and certification, no one would seriously question. They would be no less dramatically altered by substantial changes in the character of their faculties.

Present modes of access to the academic profession are too restrictive; training for the profession is frequently too narrow. The possibilities for withdrawal before compulsory retirement age are far too limited.

All these practices should be reviewed and modified.

17

The Ph. D. degree is today the required license for teaching in most American colleges and universities in arts and sciences faculties and in certain professional schools. This degree's nearmonopoly ought to be challenged.

The two distinguished English universities, Cambridge and Oxford, take it for granted that in many fields a well-educated person with an honors bachelor's degree is suited to an academic teaching career.

American colleges and universities ought to experiment with the same practice.

18

While advertising for candidates for university teaching posts is not regarded as undignified in many English-speaking countries, it is in the United States. In America, cronyism may easily substitute for a critical assessment of a wide range of available candidates.

Advertising is no panacea; however, it and other means of locating candidates and soliciting their interest about posts that are open ought to be more widely used.

Any device that serves to make a greater number of people aware of, the existence of an academic vacancy and that disseminates information about it may help obtain better applicants.

19

Colleges and universities should adopt recruitment policies that will attract for part-time or full-time teaching positions men and women whose original career commitments were not in the academic world. Clearly, not all disciplines can be served by such persons; many, however, can be.

In general, these persons ought not to be of an age where they are near retirement in their own professions. Rather, the purpose ought to be to recruit for varied periods of time individuals at the height of their careers who would bring perspectives and concerns that are not common in the academy.

Some alumni would be attracted by such job opportunities.

The normal off-campus work place of such teachers might provide congenial learning sites for students, undergraduate and graduate.

20

Preparation of college teachers

Although every effort should be made to recruit from outside as well as inside the academic profession, the greatest number of professors will come from the ranks of those who have especially prepared themselves for a university post. Despite the possible changes noted previously, this will often mean persons holding the Ph.D. or an equivalent degree.

It behooves universities, and particularly the 50 that provide most of the arts and sciences and engineering doctorates in the country, to examine their graduate degree programs critically.

Many institutions offer a graduate education that is excessively specialized and unreasonably time-consuming. Every effort ought to be made to introduce greater flexibility into these graduate programs, with all unnecessary hurdles being eliminated.

The large universities of the country bear a heavy responsibility for the morale of doctoral candidates, and therefore for the morale of the academic profession. Too many academics presently enter the profession in a disgruntled state, angry over what they conceive to be the inadequacies of their graduate education.

21

Apprenticeship programs for college and university teachers, with guidance and supervision provided by experienced teachers, ought to be available for graduate students who intend to become professors. Those who are just starting in these careers would be particularly helped by such programs.

Young scholars and teachers are now being given such learning opportunities in several institutions; this practice needs to be widely copied.

22

If some of the aridity of primary-school education derives from the sex-typing of teachers who are overwhelmingly women, a comparable problem arises in university education where the professoriate is overwhelmingly male. Major efforts to recruit a greater number of women professors ought to be initiated. The academic profession would be substantially transformed by an infusion of such new talent.

23

Evaluating research

The most stimulating university teaching generally occurs where the individual is actively engaged in significant scholarly research or in other creative exploration. The college or university has an interest in encouraging individuals in these efforts and in rewarding them. Too few institutions are at all adept in doing so. Too many gauge scholarly performance by the crudest of measures; they count bibliographical citations.

Just as students need to be persuaded to work for something other than the accumulation of course credits, professors ought to be discouraged from that kind of writing designed to fill dossiers with lists of publication titles. The production ethic that emphasizes quantity is inimical to scholarship; the more prestigious universities generally recognize this.

Though many good scholars and teachers are prolific, creative endeavor is frequently sporadic and time-consuming, and not at all susceptible to gross production standards.

Reliable evaluation of quality is probably as often accomplished through external review by scholars who understand the nature of the scholarly contribution as by any other means.

24

Evaluating teaching

Teaching is still too little valued in too many colleges and universities. More systematic appraisal methods need to be introduced to identify and reward successful teachers.

Student opinion in these matters is crucial, even though decisions on appointment ought to continue to rest with faculty and administration. Those who secure the benefits of good teaching—the students—ought to be included among the principal guardians of the teaching function.

The hazard that such guardianship will encourage and favor showmanship and a quest for popularity can be overcome by policies that balance student preferences with the judgments of others, including colleagues. These judgments should include an estimate of the individual's capacity to attract able students, however few, and the importance of preserving specific fields whether or not they attract many students.

25

Appointment to permanent tenure is often regarded as the most important stage in an academic career. Colleges and universities are derelict when they make the most searching inquiry to determine whether an individual merits a permanent post and do nothing to encourage creativity once the person is installed in that post.

The intellectual growth of its faculty ought to be a prime responsibility of any institution concerned with the intellectual growth of its students. Colleagueship will have a determining influence in this matter. So, also, will the administrative decisions that grant time to individual faculty members, not as sabbaticals and not tied to specific projects financed from outside, but as an opportunity to explore new areas relevant to their teaching and research.

To make these decisions wisely, deans and presidents will need to inform themselves more thoroughly about the teaching and scholarly contributions of professors.

26

Tenure and self-regulation

In many institutions, an initial appointment carries the presumption of the right of re-appointment. Tenure is generally automatic in such instances on re-appointment after a number of years of service. The growth of unionization and collective bargaining reinforce this practice and also reinforce the practice of having uniform salary scales.

The principle of differential rewards for merit in teaching and scholarship, which exists for very good reasons, should not be tampered with where it still prevails.

27

There is little self-regulation by faculty in most institutions. Only the most flagrant evidence of gross misbehavior will involve an individual in disciplinary actions initiated by colleagues.

Desirably, the faculty member who, for example, interferes with the academic freedoms of colleagues or students ought to be subject to faculty-imposed sanctions under a self-generated code of faculty conduct and responsibility.

The alternative to such self-regulation may be a form of additional outside control that carries hazards for intellectual freedom in the colleges and universities of the country.

28

Despite the abuses common to permanent positions, professional tenure needs to be retained as a guarantor of academic freedom against political and other pressures. Yet, means ought to be developed to encourage and facilitate the early departure of those who are making small contributions to their institution and their students.

To this end, pensions should be reorganized so that professors may retire (and in some cases be encouraged to retire) at substantial partial pay after 20 years of tenured service at one or more universities. This arrangement is similar to others that prevail in the foreign service, the military and various civil service systems where indemnity offers a viable reconciliation between competence and security.

29

Curricular experiments

Alterations in the character of the academic profession, together with changes in respect to access and certification, cannot fail to have profound effects on the curriculum.

For great numbers of American undergraduates, instruction is still largely in readily marketable skills, principally business administration, elementary and high school teaching, engineering and the like. In the case of the two-year colleges, the occupational focus is even sharper.

It is in selected large universities, public and private, and at certain four-year colleges that substantial numbers of undergraduates devote themselves to what is traditionally defined as an arts and sciences curriculum.

Curricular experiments should be made in all these institutions; it is very desirable that these experiments be as varied as possible.

30

What is required is the development of new attitudes towards learning. General education which is in retreat needs reformulation. The difficulties of doing this ought not to be underestimated.

To point out that a curriculum should make place for the affective no less than for the cognitive and the objective is only to open the argument.

To recommend that facts be respected, but that general theory not be scanted, that a concern with Western culture be tempered by a concern with Eastern and other cultures as well, that contemporaneity be stressed, but that the past and the uncertain future also be studied, and that literacy be achieved not simply by studying one's own language but by knowing others, including that represented by the symbolic languages of the sciences, is to give a measure of the complexity of the problem.

The difficulties are so great that it is easy to fall back on one of two curricular options—to have all students study some one subject to the complete exclusion of others, or to have them take any combination of disparate courses so long as they add up to the total number of semester credits specified for a degree. Both these courses of action are evasions of curricular responsibility.

If faculty members believe in something in addition to specialized education, they ought to define alternative forms of what that, education should be and how students are to be encouraged to explore them.

31

The problems of instruction today are different from what they were a decade ago; they are likely to become even more different if the theses with respect to access and certification, suggested above, are realized. Thus, for example, the struggle to familiarize students with their past, to locate them in time and place, is not likely to be achieved by demonstrating a link with a European past, or even with an African or Asian past.

One of the many experimental approaches to undergraduate education might be to dwell on those elements common to modern societies, at the same time indicating what makes them distinct and separate.

Modernity may best be studied on two

levels: what unites the planet and what divides it. It must not be assumed that the latter are mere residues—political, religious, and philosophical ideas of an earlier time—destined soon to be placed on the ash-heap of history. These are integral to modernity, no less so than the technology too often seen as its only distinctive hallmark.

An approach that concentrated on man's 20th-century experience should not mean that only the 20th century is studied. The spiritual and material fantasies of our time cannot be disassociated from their roots.

The concern must be with interpreting and understanding modern man's political and social predicament, seeing these in a context that takes account of his psychic and spiritual needs.

32

Science for non-scientists

Colleges are not very successful in communicating the nature of scientific endeavor or inquiry to those—the great majority—who do not concentrate in the natural sciences.

As between the sciences and the humanities broadly defined, there are large methodological and epistemological differences. So long as the majority of American students situate themselves in non-scientific disciplines, there is an obligation to instruct them in the activity that dominates contemporary culture and yet remains so alien.

One problem is to determine what kinds of concrete scientific information various groups of educated men and women need to have. Another problem is to develop means for instructing undergraduates in certain of the methods and symbolic languages of the natural sciences.

Too many colleges and universities have accepted for too long the reality of their students' scientific illiteracy.

33

Study of languages

Today, another kind of illiteracy and cultural parochialism also threatens. The interest in foreign languages has declined sharply. Traditional language requirements were clearly insufficient for giving most students any meaningful proficiency in a foreign tongue.

This failing contributed to the demand to do away with the requirements altogether, a demand that was sometimes acceded to. Whether or not it was, new experiments are called for that will enable the student to use a foreign language in his or her other studies, particularly in the examination of other cultures.

34

Instruction of undergraduates

An undergraduate's decision to concentrate in a given field ought not to be taken to mean that a new recruit has been won for graduate study in that field; the undergraduate's major ought not to be viewed simply as a preparation for graduate study.

If members of departments will concern themselves as much with the logic of their discipline as they do with its content, new kinds of instruction will become available for the undergraduate.

This ought not to be interpreted as simply a plea for a study of methodology; it is an argument for a greater concern with instructing the undergraduate in the nature of evidence, the forms of proof, the basic premises and axiologies of a discipline.

The members of a department ought to define what a student may be expected to derive from a period of study in a particular discipline.

35

Early specialization

Certain large institutions might experiment with creating programs that permit early specialization. For some beginning undergraduates, a university option with immediate entry into advanced professional or academic study should be made available. This option would be most appropriate for those few who have acquired a superior general education in their secondary schools, have made an early and firm selection of career or field, and are ready, emotionally as well as intellectually, to forego many of the experiences of college life; also, it would be particularly appropriate for those who return to college after years of absence.

36

Revision of graduate study

Just as it would be wrong to prescribe a single curriculum for all undergraduates, so it would be wrong to do this for all graduate students, or even for those in arts and sciences faculties alone. Still, certain broad assertions can be made.

The graduate student who expects to be a college teacher ought to be treated as a prospective colleague by professors. This means that students will be encouraged to prepare courses and will be given teaching opportunities; also, that there will be a large involvement by senior professors in these instructional assignments.

Where students are intending to choose a professorial career, they ought to learn as much as they can about the profession that they intend to enter, and about universities generally. Too many who emerge with Ph.D.'s have little sense of either.

The dissertation requirement remains a confusing obligation in too many disciplines; every effort should be made to clarify what is required, and modesty ought to be the general rule.

Many disciplines would be well advised to consider what has become commonplace in the natural sciences where students frequently obtain their advanced degrees in a relatively short time, having demonstrated their capacity for independent research.

In too many fields, the use of stilted 19th-century scholarly formulae result in the production of huge pretentious documents that mock the presumed intentions of dissertation requirements. Neither student nor professor is enhanced by the rules of the dissertation game as it is too frequently played at present.

Many graduate students, of course, are enrolled in advanced degree programs that are directed to professional rather than to professorial careers. They, no less than future academics, would profit from a change in the ethos of graduate instruction.

Studies that are too impersonal and prolonged, with requirements that are obscure or unintentionally punitive, should be drastically revamped.

37

Professional education

With the American penchant for "professions," each decade sees more occupations so labeled. Professional schools in colleges and universities often work hand in hand with professional organizations to set up qualifications—and restrictions—for entry into their fields.

An early preoccupation with a narrow vocational competence is gradually giving way, at least in some universities (in certain professional schools more than others) to a greater concern with research and theory. This tendency carries desirable possibilities, particularly if it can be linked to the concern for "social relevance" that is so much a preoccupation in our time.

New kinds of education in medicine, law, management, architecture and other professions are now called for.

This is a propitious time for innovation in professional curricula. Among the reforms worth considering is the opening of professional courses, now reserved for post-baccalaureate students, to undergraduate students, to give them an early acquaintance with the profession so that they may judge whether they are suited to it. If they conclude they are, they ought to be encouraged to integrate their professional study with study in the arts and sciences.

Courses in the professional faculties should be regularly open to arts and sciences graduate students; the reverse privilege should also be generally available.

Faculty from professional schools ought to be encouraged to offer instruction in related arts and sciences disciplines and in professional schools other than those in which they hold their appointment. The same encouragement should be extended to professors in the arts and sciences.

The greatest flexibility should exist in all these matters. Too many universities continue to harbor too many academic and professional ghettoes, separating colleagues whose intellectual interests should be bringing them together.

38

Innovations in instruction

Colleges and universities are experimenting with variations on the instructional system that they have traditionally relied on. Clearly, independent study and small group tutorials offer large teaching possibilities. They are immensely demanding, and often—though not always—entail extra expense. Also, there has been over many years talk of the increased use of audio-visual and other technical devices, some of which reduce staff costs.

Certain of these procedures are now being tried, and professors and administrators should inform themselves on their utility. The sharing of technical devices ought to be considered by neighboring institutions.

Significant learning experience gained outside the college or university should be welcomed. Whether the instruction be formal or informal, in a ghetto or in a foreign university, evidence of accomplishment should be quickly recognized. The university has no interest in keeping back students who have had equivalent educational experience elsewhere and who can demonstrate this.

Where it is possible to involve students in the research efforts of professors, there is every reason to do so for the benefit of both.

39

Reform of academic calendar

Many faculties ought to reconsider existing college and university calendars. More flexible class schedules need to be devised, permitting many professors to concentrate their teaching over a shorter period in which they give the whole of their attention to teaching obligations, while reserving another part of the calendar year principally for research and similar creative activity.

A variety of calendar reforms would give students opportunities to work by themselves or to work off campus in ways that are not now possible.

The classroom need not be the only setting for teaching; residence halls, museums, hospitals, courthouses, factories, schoolhouses, and other public and private facilities offer appropriate sites for education. Where they can be useful, the college or university has an interest in gaining access to them.

40

Extra-curricular activities

Examination of prevailing extra-curricular activities suggests that many were created in the 19th century to assist adolescent boys to enjoy collegial living. Faculty and other adult supervision was provided as a way of showing the institution's concern for its charges.

Colleges and universities would be well-advised to reconsider their commitment to support such extra-curricular pursuits. If students, increasingly adult, are to be independent, they must choose those activities they wish to maintain and must consider how to support them. There may be a sound educational reason for the extra-curriculum being placed wholly in the hands of students at certain institutions, making possible experiments of a kind that cannot be expected to originate in the votes of faculties or governing boards.

At certain other institutions, where the extra-curriculum is seen as an integral part of the educational experience, almost indistinguishable from the curriculum, faculties may choose to exercise greater leadership.

41

The role of research

The argument has been frequently made that research interests divert professors from their teaching obligations, thereby leading to a neglect of students. This may indeed happen. It is particularly unfortunate when it happens for research or writing that is trivial, motivated largely by pressures for promotion. The challenge, clearly, is to remedy such abuses.

To adopt policies that will destroy the vital links between research exploration and imaginative teaching is no remedy. Any attempt to develop a teaching ethic in higher education that would banish research would risk making teaching sterile.

Those professors who are inclined to do research should be encouraged to do so.

This, however, need not mean that the university will welcome every kind of research effort.

42

Certain types of a large-scale sponsored research are more suited to outside research institutes than to universities, though some of these institutes may be loosely affiliated with universities.

Research that improves the learning process, is linked to teaching and the intellectual concerns of faculty members, is most appropriate for universities.

There is no reason for universities to serve as holding companies for large laboratories or research projects that are not linked to their educational programs. The attraction of large expansions of staff and facilities needs to be resisted.

43

Research in universities, whatever its source of support, ought not to be secret. The results of research under any kind of university sponsorship ought to be made freely available, except where conditions of privacy relating to individuals require confidentiality.

44

Decisions to accept or reject particular large-scale sponsored research programs have a major effect on the character of an institution. Faculty and administrators who decide on these matters ought to consider: the contribution such research will make to faculty members and to the educational programs of the institutions; the effects that there may be on the traditional academic freedoms of the university community; the positive and negative impacts on other institutional programs that can be foreseen; the future costs of maintaining such research activity and its probable social value.

45

Some of the current adverse criticisms about university policies with respect to research and service assume a far greater institutional involvement than is in fact the case. The amount of industry-sponsored research at colleges and universities is relatively small. Large-scale federal sponsorship of research projects is important at perhaps 50 universities and only for a minority of their professors.

Most research by college and university professors has no outside support, and might be best described as individual, publication-oriented inquiry without elaborate or expensive trappings. Such research can be immensely significant for the quality of teaching within a college or university and for the intellectual growth of the teachers. For these reasons, the institution ought to foster it from its own resources. Where these are insufficient, as they will generally be, strong efforts should be made to secure additional funds, and not only from the federal government.

46

Involvement in public service

Universities have never been extensively involved in directly providing public service except in agriculture and medicine and to some extent in primary and secondary schools, and, of course, in their role of providing education and training to their own students.

However, many thousands of professors, on an individual basis, working as consultants or volunteers, independently of their institutions, have served community, state, federal and private organizations.

Today, colleges and universities are urged to devote major resources to public service. The suggestion is made that they solve the difficult problems of modern society; poverty, racism, urban blight, and a deteriorating natural environment are a few of the matters that they are asked to deal with.

Higher educational institutions, in fact, have neither the resources nor the political capacity to engage in such activities except on a modest scale.

What they can do and should do, if invited, and if their professors and staff have the professional competencies and are in fact interested, is to contribute knowledge that may be relevant to these problems.

Their major contribution ought to be an intellectual one; individuals and groups are in a position to outline courses of action worth considering by those with the responsibility for solving public problems.

A larger direct institutional involvement is possible only in a limited number of circumstances.

47

Study of higher education

One would expect universities to have a complete agenda, with very many suggestions, on at least one subject—the study of higher education. This is rarely the case. Universities are too little involved in a subtle and complex analysis of education at any level; it is still uncommon for the talented members of a variety of disciplines to focus on the problems of education. This area of research and service ought to be developed.

It is unreasonable for the university to pride itself on its expertise in numerous other areas and be ready to accept its continued ignorance on many aspects of its own prime concern—education.

48

Modes of governance

A college or university—even when it is small—is an intricate organization. Trustees, administrators, students, professors, staff, alumni, and legislators and public officials are all assumed to have an interest in the institution. It is easy to underestimate (or exaggerate) the influence of any one of these.

Good governance depends on a reasonable allocation of responsibilities, that makes the structure of authority credible for all these groups.

It is impossible that all should decide everything or be consulted on every issue. No parliamentary or bureaucratic procedures can be developed that will guarantee such participation and consultation in most institutions.

University governance exists to make education possible. This objective is most likely to be achieved, and not in a superficial sense, where there is a division of responsibility, a sharing of information, and a readiness to subject authority to the requirements of a well-defined system of accountability.

Too few institutions have developed these characteristics in their mode of governance. Many more ought to do so.

49

A system of college or university governance should itself be educative for all who take part in it. A style of institutional arrangements appropriate to higher education should be borrowed from the academic ideal of reasoned scholarship, in which findings and proposals are submitted to critical review.

For too long, colleges and universities have borrowed their governance models from business and public administration. Neither is appropriate for most functions of academic institutions.

50

The governing board

The ultimate legal authority in most contemporary American colleges and universities resides in a lay governing board. The idea that higher education is too important to be left to educators and students alone, and that it requires surveillance by the larger society, is implied by this arrangement.

Because of the importance of trustees, they ought to be chosen on the basis of their capacity for deliberation, judgment, and vision. These attributes do not run counter to fund-raising ability and devotion to the institution.

51

The principal functions of the governing board ought to include: to join with the president in planning the long-range future of the institution (the faculty can rarely transcend itself in this matter, and students generally have too short a time-perspective); to select a president with the cooperation of those that have reason to be interested in the appointment; to preserve and improve the financial position of the institution; to link the institution with public and other outside agencies in such a way that will advance the interests of faculty and students.

52

Though governing boards should not be selected on a Noah's Ark principle, certain groups (blacks, for example) are rarely included; women are least represented, considering the proportion of women students. Both ought to be significantly represented; if represented, they would enhance the general influence of the board, bring new perspectives, and, in some instances, might possibly improve their fund-raising capacity.

At most institutions, board members ought to have renewable term rather than life appointments.

53

Faculty and students serving on the governing boards of their own institutions might lead boards into day-to-day academic decisions that ought in fact to be delegated. However, governing boards should often include professors and administrators from other institutions.

Recent alumni are often closer to the perceptions of students than others, and should be considered for board positions.

Faculty and students ought to have the opportunity to nominate outside trustees, though not necessarily to select them. The opportunity to nominate by a petition signed by a designated number of faculty or students—alumni frequently have such a privilege—ought to be experimented with.

Faculty senates, student governments, employee organizations ought all to have means available for communicating with the governing board.

54

Boards of trustees have often been effective buffers against political and other pressures directed at colleges and universities. Today, however, boards are sometimes the conduits of these pressures, serving only to exacerbate already difficult situations.

The buffer role ought to be reinforced, particularly in those state institutions where political pressures are especially strong.

55

The academic administrator

The college or university presidency is uniquely important in American higher education. The office needs to be strengthened so that it can more effectively fulfill its principal responsibilities. These are: to represent the general interest of the university as a whole; to be its spokesman; to be sensitive to the educational and intellectual needs and missions of the academic community to be both a member of the faculty and its leader; to initiate major academic study and reform; to allocate resources to achieve specific educational goals and priorities.

Together with the governing board, the president should plan for the development of the university (the planning process should involve all the constituencies to the fullest extent possible).

Through the appointments the president makes to the administrative staff and those he or she influences in the professoriate, standards are set for integrity, educational achievement, vision and humanity.

The president should perform his or her duties with as much grace, efficiency, and absence of bureaucratic control as possible.

56

Many large institutions should have two or possibly three or four leaders with such titles as president, chancellor, provost, executive vice-president; in addition, there may sometimes be a need for a full-time chairman or executive vice-chairman of the board of trustees.

The complexity of many academic institutions requires a greater division of labor than now exists. With every such division of labor, there is, of course, the hazard of divided responsibility. This needs to be guarded against. The best way to do so is to have all major executive task delegated to others by a single chief executive officer in whom authority is vested.

57

Part of the ambiguity about presidential and other academic authority arises because there are two major organizational systems: the associational system and the executive system. In the first (for example, in a faculty senate) all members are presumably equal so long as they accept the basic premises of the association and act collegially. In the second (for example, in an administrative hierarchy) a central set of incentives and sanctions is established by executives.

These conflicting organizational systems should be combined into a system of delegated, responsive governance, in which authority and responsibility are exercised by executives who themselves are accountable and thus can be checked by faculties and others when there is extreme dissatisfaction with their decisions or actions.

58

Academic administrators come principally from faculty careers, and desirably so. Normally, they ought not to serve for more than a dozen years. In the course of that period there ought to be at least one review, which should include an assessment by both faculty and students.

In large institutions, a corps of middle-level administrative staff ought to be developed to relieve the routine for academic department heads, deans, and other officials. Training and career-advancement programs for such staff ought to be offered by single institutions and groups of institutions.

59

In the American pattern of academic organization, either strong academic deans or strong department chairmen are required. If neither is strong the institution will suffer, if both are, conflict is likely. In most cases, it is desirable to strengthen the deans as against the department chairmen, lest excessive compartmentalization takes place.

60

Faculty/student representation

Arguments for representative faculty senates or for town-meeting faculty senates are legion. The small college can function well with the latter type. The larger institution should think seriously of having both—the representative body for most issues, the town-meeting senate when a sizable proportion of the faculty wishes an opportunity for further deliberation.

Small groups of faculty generally dominate faculty senates and similar organizations. At many colleges and universities, a large number of faculty either choose to avoid senate assignments or are not invited to take part in them. The same names appear repeatedly in the membership of key committees.

If faculty self-governance is in fact to flourish, many who are devoted to teaching and scholarship, who would often rather stay aloof from administrative responsibilities, need to become involved.

Membership in the executive bodies of large senates or in representative senates or major faculty committees ought to rotate.

61

Faculty or faculty-student committees have grown more important in the governance of colleges and universities. These are sometimes chosen by administrators, who have some sort of "representative" principle in mind. In other cases, they are chosen by senates, university councils, and similar groups. Departmental, divisional, school, and other committees have also proliferated.

Committees in such profusion create confusion. Their number ought to be reduced and a time limit should often be set for them.

To save the energies of both faculty and students, and to make committees more effective, the more important ones ought to have administrative staff members assigned to them. This, of course, raises the hazard of committees becoming the servants of the staff, but that problem can be guarded against, whereas the inefficiency that frequently develops when there is no staff cannot.

62

The tendency to create unicameral legislative or advisory bodies for colleges and universities raises the possibility that important issues specific to either faculty or students will be obfuscated. Where such councils or campus-wide senates are established, separate faculty, student and other deliberative bodies should also be maintained.

63

Use of faculty expertise

Many colleges and universities possess in their faculties great expertise in management, design, law, operations research, and other fields important to the running of a complex institution. These internal talents should be called on to help in the governance of the institution. Although difficulties may arise when recommendations from faculty are turned down, the benefits of using such talents generally exceed the costs.

64

Students in governance

Student government is a misnomer in almost all institutions. It rarely governs, though it often provides a forum where student views on the governing of colleges and universities are heard.

The centralization of student politics, a result of having a student government, may reduce the involvement of students in the decentralized schools and departments of the institution. When this happens it is unfortunate, because the greatest possibility of students influencing educational policy can occur on a decentralized basis. This is the kind of student involvement that should be fostered.

65

Many activities in addition to the extra-curricular ones now handled by students might desirably be delegated to them. For example, on some campuses the responsibility for residence halls and other living arrangements ought to rest with students, as is the case in several European countries.

These, and similar experiments, should be monitored; it is possible that some functions can be better performed by students than by others.

66

The "non-professoriate"

In the functioning of colleges and universities, particularly large ones, those who carry professorial titles are only part of the larger company of professionals who have responsibilities for teaching and research. These other professionals, at some compuses, may be at least as numerous as the professoriate. They are beginning to seek an influence from which they have been previously excluded.

There are no traditions for guiding faculties or administrations in dealing with these important colleagues. The concept "staff" is far too ambiguous and all-inclusive.

If any internal governance problem, not already high on college and university reform agendas, requires study, it is this one.

67

Use of the initiative

Though the *initiative* has not had large influence in public affairs, where it once seemed to hold such promise, it may have greater applicability in academic institutions. Various colleges and universities ought to experiment with the *initiative* so that when large numbers of faculty, staff or students seek a new policy or wish to abolish or revise an old one, the issue can be acted on with reasonable promptness by administrators, senates and others who have authority to do so.

68

The ombudsman

There is much experience at certain colleges and universities in the use of ombudsmen, which is intended to enable any member of the institution to seek redress of grievances. Not suprisingly, those ombudsmen function best who appear to have the respect and ear of all constituencies. Additional institutions ought to experiment with ombudsmen or boards of ombudsmen, informing themselves of, and evaluating the experiences of others.

69

Winning alumni support

Traditional methods for winning alumni support—athletic programs, class reunions, regional alumni gatherings—though successful with some, are clearly no longer adequate for others. Younger alumni seem indifferent to many of these approaches.

Just as the colleges and universities must recognize the diversity of their students, so they should acknowledge and benefit from the diversity of their alumni.

If higher educational institutions pursue the objective of making the education of diverse adults a more central concern, lifetime educational opportunities ought to be made available to alumni. This might include the right to return for special courses, summer programs, and other educational offerings still to be devised.

70

Since colleges and universities are dependent for their well-being on public confidence and support, they should inform their alumni regularly about those problems and issues that affect higher education.

To contribute to the creation of an informed public opinion on higher educational matters is an obligation about which colleges and universities should be outspoken.

71

Institutional publications

If the internal and external constituencies of a college or university are to be kept properly informed, effective, use of the written word is required.

The many publications issued by departments, faculties and schools, including college catalogues, faculty handbooks, student guides, financial aid bulletins, weekly calendars, alumni magazines, and fund-raising literature together represent a considerable financial investment. Their purpose—to expound the institution's activities and goals—is insufficiently achieved.

As a result, those who are not actually in the institution (and many who are) have only the most rudimentary notion of what in fact is happening.

All such publications should more deliberately seek to reflect the institution's character and specific programs.

72

Colleges and universities ought to have a "Hansard" or regular publication reporting on all specific actions, executive, adjudicative and legislative, taken by trustee, faculty, student, staff and administrative groups.

Similarly, such a publication should make available information about major contemplated policies or decisions on the part of any or all of the above groups.

When possible, there should be sufficient time for comments and criticisms to be prepared and included in this publication.

73

Future of private institutions

The American ideal of equality of opportunity through education has in the last quarter of a century been achieved largely through state universities and colleges, public junior colleges, and municipal institutions. Without public higher education, the present level of access would never have been secured.

Now, however, many private institutions are in great trouble. If private institutions fail financially, the public exchequer will be required to assume the burden they previously carried; the costs would be very high.

The more important argument for a dual system, private and public, however, is one of educational quality.

Private institutions ought to continue to exist as sources of experimentation. The major private institutions are important precisely because they guarantee that higher education is not pushed toward uniformity and political hypersensitivity.

Foundations, private firms, and other potential donors should recognize the fragility of these institutions and reflect on how they can help them.

74

Selective support of excellence

With the growing dependence of higher education on public funding, the risk of leveling increases. Examples of excellence, so important in setting the standards of aspiration for all institutions, become all the more necessary.

Difficult as it is politically to favor some institutions rather than others, selective support, public and private, is essential and ought to be fought for. No one ought to underestimate the resistances to this principle; uniform support for all institutions will have ardent defenders.

75

Minimizing size disadvantages

There is no optimum size for colleges and universities. For some students and teachers the small school will provide the most gratifying experiences. At larger colleges and universities, there are more choices. This is not to say that the increase in choice is at all commensurate with the increase in size.

Large institutions should create programs and facilities that provide the option of a more intimate scale; this can be accomplished at some places through creating a variety of small colleges within the larger campus, or through other, more modest ventures.

76

Producing greater differentiation

Higher educational institutions in America, to their detriment, are imitative. The "front-runners" are constantly aped by those with more limited resources. As a result, though there are over 2,500 institutions, they converge on a few models.

Policies designed to produce greater differentiation, though difficult to fashion, are essential.

Colleges and universities should become more discriminating in relating their resources to particular needs, less worried about their standing (often a mythical one) *vis-à-vis* other institutions, and more determined to develop experiments in every aspect of institutional life.

If these things were done, the claim of American higher education to being pluralistic would begin to approach reality.

77

Women's colleges

Women's colleges, despite their financial and other problems, ought not lightly to abandon their identity. This is particularly so when many coeducational institutions continue to be male-oriented. Few have managed to protect or further the position of women.

The present tendency, which is to eliminate women's colleges, may be unfortunate. Schemes for coeducation at women's and men's colleges are rapidly gaining favor; many of these proposals may be ill-conceived.

The concern on the part of some institutions to be in fashion risks the loss of a purpose that may not be easily recovered.

78

Predominantly Negro colleges

The predominantly Negro colleges are in desperate financial straits. They continue to enroll a very substantial proportion of black college students. Without these institutions, many thousands of black students in the South would be denied higher educational opportunity.

Public and private resources should be directed to these colleges, while programs to develop other options for black students are devised, tested, and made more widely available.

79

Long-range planning

Long-range planning is uncommon in many colleges and universities. Few can boast organizations and procedures adequate for the advanced planning of their needs and resources. Many self-studies scarcely mention long-range planning mechanisms.

The key to such planning is the development of institutional research which provides data and knowledge of a specificity and range not now available. Only then can a planning committee and staff function.

80

Budgeting

College and university budgeting should be directed to the reallocation of the total resources of the institution rather than to annual increments. Changes in colleges and universities will have to depend on a kind of budgetary review not now taking place.

In a period of financial stringency, substantial substitution of programs rather than addition to them must be the principle that guides those responsible for decision-making. It can no longer be assumed that new programs will be supported by extensive new funds.

Unpopular decisions will have to be made and explained.

81

Filling faculty vacancies

When a professor retires, resigns, or dies it is generally assumed that the vacancy in the field will be automatically filled. This is an unwise policy, since it prevents response to new priorities unless the institution grows in size.

Every vacancy ought to revert to a campus-wide pool where the requirements for a particular specialism can be weighed by administrators and faculty against requirements for other fields.

82

Non-educational services

Private industry or non-profit corporations ought to be encouraged to supply services now offered by colleges and univerities to their students. Considerable savings might be realized by such policies. Also, a more sensitive response to changing student needs might be registered.

Housing, dining facilities, career counseling, health and medical services might be supplied more reasonably by outside agencies.

Institutions ought to experiment with many different systems. At large institutions, what is suited to one faculty or school might not be appropriate for another.

83

Sharing resources

Resource-sharing for expensive or unique facilities will become a financial necessity for all colleges and universities. More important however, are the educational improvements that would be realized through imaginative cooperative efforts of a kind that are not now taking place.

Colleges and universities ought to share scarce human talents through joint appointments, permitting either students or gifted teachers to move among campuses.

The use of modern technology by several institutions involved in collaborative enterprises is also called for.

Most difficult, however, is cooperation based on the willingness of one institution to abandon an established field of study entirely, recognizing that opportunities for such study exist elsewhere in the region and can be made readily available to their own students.

84

Cooperation in experimentation

Educational experiments often take place on a single campus. They are rarely studied or evaluated by other colleges or universities that stand to profit from knowing about them.

Interinstitutional cooperation in educational experimentation ought to become more common. It is possible for a group of institutions to plan specific educational reforms jointly, to try out variants of these on individual campuses, to monitor these experiments, and to learn from them.

These experiments would then be the common concern of all the institutions involved. Each would have invested funds and manpower resources. Each would have an interest in incorporating into its own programs the results achieved.

85

Primary, secondary education

The primary and secondary schools of the country, responsible for the education of the young during what is incontestably the most formative periods of their lives, bear a heavy instructional and social burden. Many colleges and universities have been generally unimaginative in considering how they might cooperate with these schools, to the advantage both of students and institutions.

It is time that more universities accepted a responsibility in this matter, and did not locate it solely in their professional schools of education.

This is an important need which cannot be satisfied by traditional methods.

The colleges and universities stand to gain immensely from new kinds of cooperation with schools, and they ought to arrange for them. The task will be difficult, often frustrating. It will call for political, organizational, as well as intellectual skills.

Any tendency towards paternalism by institutions of higher education with regard to schools needs to be strenuously resisted.

RUSSIA NEARS DOMINATION OF MIDDLE EAST

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. HOGAN. Mr. Speaker, as I have repeatedly stressed, there is a need for the United States to maintain a balance of power in the Middle East. We may be the only nation that Israel can depend upon in her struggle to remain free.

In the November 1970, issue of Navy magazine there appeared an article by Dr. Alvin J. Cottrell, director of research for the Georgetown University Center of Strategic and International Studies. Dr. Cottrell affirms that the gradual deterioration of U.S. naval power is the prime reason for Russian domination in the Middle East.

Mr. Speaker, I insert this article for the perusal of my colleagues at this point:

RUSSIA NEARS DOMINATION OF MIDDLE EAST— FROM MOROCCO TO INDIAN SUBCONTINENT

(By Alvin Cottrell)

Although the Middle East has occupied the headlines in past months, indeed years, it is only recently that the broad picture of Russian aims there has become quite clear. The fact that these aims—and actions—sharply conflict with American policies, that the current U.S. world difficulties are directly tied to our deteriorating naval power—while Russia's power has grown vastly—is either misunderstood or ignored by many of our people and leaders.

Years of neglect in replacing the largely World War II-built U.S. Fleet and today's extensive mothballing of warships, coupled with long American emphasis on a land-based military strategy, have left us in a very serious situation. Russia is on the verge of true domination of the entire Mideast, possibly the whole Mediterranean and beyond that the entire vast and vital area East of Suez.

We should view this prospect with great alarm for several reasons. The immediate Mideast is the crossroads of three continents, Europe, Asia and Africa. Its center is the Suez Canal, of which much more later, and its oil riches, without which Western Europe would almost grind to a halt, are now being threatened by the Russian bear.

The Soviets still are denied their greatest objective, the opening of the Suez Canal, by the Israeli occupation of its east bank. It is the key to most of their immediate and long time objectives in the wider stretches of what is called the Mideast, plus the broad Indian Ocean and the countries washed by its waters.

While the broad spectrum of Soviet aims and action will be developed below, here are some recent, significant developments.

SOVIETS OCCUPY SOCOTRA

Russian Marines have taken possession of Socotra, key island and potential base near the southern end of the Red Sea, an event of major importance.

Turkey reportedly has been ignoring Soviet violations of the Montreux Treaty governing the use of its strategic straits.

Old Western allies, not only Turkey but also Iran and others, are now "hedging their bets" because the United States no longer seems to them an entirely creditable protector.

It all adds up to an impending shift in the world balance of power, and possible new confrontation of the two super-nations, in which the United States may hold the losing cards.

Soviet Naval activity in the Middle East and Indian Ocean is proceeding at a vigorous pace at a time when the Nixon Administration is seeking to lower its military silhouette abroad by reducing U.S. commitments. It may be that the Soviets are simply testing American resolve and that we are seeing the kind of policy that they believe can be safely implemented under the umbrella of strategic nuclear parity with the United States—or the superiority towards which they seem clearly to be aiming. However, testing aside, the Soviets do have very real—imperialistic is the only word—interests in the Middle East which they are striving constantly to achieve.

Practically everyone with any recollection of Russian history has heard of Russia's longing for warm water access to the world's open seas. Such ambitions long antedate Soviet Russia. In fact, Russia has always had access to the open seas, but did not have the military and naval power and hence the political leverage to gain control of the Turkish Straits and take advantage of it. This is now being altered by the Western retreat and Soviet pragmatism—as well as an active Russian shipbuilding program that has created a large, perhaps soon the world's largest, and certainly today the most modern navy.

IMPORTANCE OF SUEZ CANAL

To be fully understood, it is necessary to view the Mediterranean-Middle Eastern involvement of the Russians as only a part of a global policy which also includes the vast Indian Ocean. This is especially true in order to grasp why Russia has poured so much into Egypt. It is she who would control a reopened Suez Canal, a matter of vast importance.

Although the canal is of decreasing importance to the West just the converse is true for the Soviets. With the canal reopened the long voyage around the Cape of Good Hope or from Vladivostok would be eliminated. With this strategic short-cut it would be much easier to maintain, with their Black Sea—Mediterranean Fleet, a naval presence in support of their interest in the Indian subcontinent and to further their goals in the oil-rich Persian Gulf which is one of the two arms of the Indian Ocean; the Red Sea is the other. The Soviet's plan in the area is maintenance of a level of forces at least equal to those of the West from Morocco to the Indian Ocean—to eventually replace the West. At the same time they are moving against the West (for this is a double edged policy), they would prevent the Chinese Communists from effectively asserting their influence in the riparian states of Africa, the Arabian Peninsula and South Asia, as well as completing the encirclement of Communist China by linking the Soviet's Pacific and Atlantic naval forces.

It is not widely known but the term Middle East was invented by the distinguished American naval historian, Alfred Thayer Mahan. Mahan, writing in 1902 in a London journal, was endeavoring to define the area between the Arabian Peninsula and the sub-continent of India and as seen by a naval strategist such as Mahan the Persian Gulf was located at approximately the center. In order to differentiate this area from what had always been known as the Near East, i.e., the eastern Mediterranean area which included the corner of Turkey, the Levant, and the Egyptian-Red Sea area, he referred to this region as the Middle East. The term Middle East was adopted by The Times of London and it soon gained wide acceptance and passed into official usage by the British Government and much of the world.

WIDER MIDEAST

It is worth discussing this little historical event, because if one considers Soviet objectives in the area today, it must be borne in mind that Soviet objectives encompass much more than the boundaries of Mahan's original Middle East. The Middle East today, in its very widest context, can be said to extend from Morocco on the Atlantic Ocean to Pakistan on the Indian sub-continent and as far north as the Moslem areas of Russia and as far south into Africa as the Sudan.

In attempting to achieve its objectives in the Indian Ocean, Russia has adopted a policy much like that which is proving so successful in changing the balance in the Mediterranean-Middle East area. Namely, moving in at any point the Western nations seem disinclined to defend.

The USSR, long tied to a land power concept of military policy, now sees what Britain and other Western powers recognized long ago, but apparently no longer believe or feel they can maintain, that the most politically acceptable strategy at home and abroad is a maritime doctrine. Although little publicized, the Soviet military intervention (actually getting troops and technicians involved on land) in support of the Arab cause, like the U.S. effort in Viet Nam, is unpopular at home. Their large-scale military occupation in Eastern Europe has required two massive interventions which have produced political repercussions at home and abroad.

President Nixon has stressed both before and during his recent trip to Europe and the Mediterranean the fact that the United States is a sea power—and also that Russia is a land power. This statement, once true, can be changing as Russia outbuilds us on the seas. It is the United States which is bogged down militarily on land overseas and the Soviet Union which, despite its presence in Eastern Europe and Egypt, is rapidly moving toward being the leading maritime power in the world if we do not act swiftly.

More than words and the theoretical acceptance of such a strategy is necessary if the United States really desires to implement a dominant naval presence. For in the important areas of ships and hardware required to promote a naval-diplomatic strategy, the United States is rapidly falling behind. It is well and good to speak as the President did of reinforcing the Sixth Fleet, but increasingly this is becoming more and more difficult—if not impossible—and only temporarily so far. The reserve forces necessary for meeting sustained operations, as opposed to a marginal contingency, are rapidly declining. It is not only the Soviets, as often suggested, who in the future will necessarily prevent the United States from doing what was executed—even then with some strain—so beautifully in the Lebanon crisis in 1958. Rather it will be the reality of the inadequacy of the U.S. naval capabilities to meet the need.

Many observers have missed the point due largely to Russia's high profile military and political commitment in Egypt, and their own preoccupation with the Arab-Israeli conflict, that Soviet objectives obviously extend far beyond the eastern basin of the Mediterranean. Indeed, it can be said that to a very large extent the Soviets are in Egypt and are committed so heavily in the Suez Canal area largely *because* of their wider interests. Their *prime* interest, namely reopening the Suez Canal, can only be achieved through control of Egypt—hence the UAR venture.

It should be made clear that the greatest loss suffered by the Soviets when their Arab clients were defeated in 1967 was the closure of the Canal. Had it stayed open and with the former large British naval base at Aden at their disposal, the Soviet Navy could easily have established their supremacy in the Red Sea and exerted political pressure designed to bring about a reorientation or replacement of regimes on both sides. The British evacuated Aden in 1967. Russia then could have, just as Britain did before, exert influence on eastern Arabia and in the Persian Gulf area. This is much more difficult with the Canal closed. Soviet support for the U.S. initiated ceasefire along the Canal was undoubtedly largely due to their belief that they will be able to have it reopened as part of the negotiation. It is significant that the opening of the Suez Canal has always been a key point in all Soviet proposals for a Middle East settlement. Evidence that this was indeed a high priority objective is clear from the fact that the Soviets, while still endeavoring to get the Canal open, have already established an Indian Ocean presence largely around the island of Socotra—500 miles east of Aden.

SOVIETS IN INDIAN OCEAN

The Soviets have also acquired facilities, for the use of their trawlers, on the former British territory of Mauritius which received its independence in 1968. Its strategic value comes from its location astride the main shipping lanes around the Cape of Good Hope in the ocean 500 miles east of Madagascar. Soviet supply ships already call there frequently for fuel and supplies for their naval vessels in the Indian Ocean. They also have established anchorages near the British Seychelles Islands, where they stop for replenishment, just as they do in the Mediterranean of Malta and the Greek islands. The Seychelles are located about 400 miles off the coast of Kenya and also along the main shipping lanes coming around the Cape and on the route to South Asia.

Soviet marines have been landed on barren former British Crown Colony of Socotra which now belongs to Aden. They have taken over the island and the landing forces there is a departure from long standing policy—in contrast to the United States—of not "garrisoning" forces overseas.

The island is an excellent command post and base for the Soviets' increasing focus on the Indian Ocean. It is 70 miles long and 20 miles wide, and has three airstrips, each of which can be extended to accommodate the most modern jet aircraft. Although there is no natural harbor, the waters around the island are deep enough for the development of an artificial port. The island is also being used as a training base for acclimatizing Soviet forces for tropical areas such as the Persian Gulf. As the London Economist (Sept. 5) observes: "The Russian admirals, cautious, conservative men that they are, have been steadily testing the capacity of their ships and crews to operate for weeks and sometimes months in tropical conditions."

These ambitions in the Persian Gulf-Indian Ocean should come as no surprise to any informed reader of modern European history, since the Soviet interests in the area were established in secret protocols between Germany and Russia in 1940. One of the secret protocols which grew out of the Ribbentrop-Molotov discussion in November 1940 reads, "the Soviet Union declares that its territorial aspirations center south of the national territory of the Soviet Union in the direction of the Indian Ocean." Captured documents from the Nazi German Foreign Office state that following this agreement, Molotov informed the German Ambassador to Russia that "the area south of Batum and Baku in the general direction of the Persian Gulf is recognized as the center of aspirations of the Soviet Union."

Egypt was selected by the Soviets to play the principal role in broad Soviet strategy, Canal considerations aside, primarily because of its geographic location and also because it is the largest and, until Nasser's death, certainly the leading Arab state. Nasser's death will in no way diminish Egypt's importance to Russia in a geo-strategic sense.

In the Middle East, as in their past history, the Soviets have opted quantity over quality in allies. That is, Israel although the most technologically advanced country in the area was also one of the smallest, hence, not a desirable ally. In the Soviet eyes, all other questions aside, the many Arab states, despite their own intra-Arab conflicts still comprised the largest area, with the greatest population and thus were the best choice to back.

SOVIET'S HISTORIC DREAM

When their Arab clients, Egypt and Syria, were defeated in the June 1967 war it appeared that the Soviets' decision to support "the biggest battalions" i.e., the Arabs over the Israelis, had failed. However, if one assesses the situation today it is clear that depending on the outcome of their position in Egypt following Nasser's death they are just a short step—the opening of the Suez Canal—away from their historic dream of complete and uninhibited access to the open seas.

One other point often overlooked or underestimated is the Russian willingness to support countries or movements whose philosophy of government may differ from their own. The operative point is whether they can further Russian goals; not whether they are good Soviet-style Communists. This is even extended to cover regimes at odds with one another. While placing primary reliance on the more revolutionary regimes such as Egypt, Syria, Iraq and Algeria, they have also been quite willing to cooperate with Kings and Shaikhs, whenever it was expedient for policy reasons to do so; examples are the Shah of Iran, who has been the arch antagonist of their Egyptian client, and the Shaikh of Kuwait, whose territory is claimed by the Soviet's Iraqi ally.

Clearly, both Turkey and Iran are behaving with their erstwhile arch antagonist in a way which indicates their belief that the Soviets may eventually come to dominate the entire area. The Turks apparently have already been winking at the provisions in the Montreux Convention on the Turkish Straits, i.e., the Bosphorus, the Sea of Marmora and the Dardanelles.

The Montreux Convention requires that submarines transiting the Straits must surface and pass through in daylight. The Convention also states that submarines may only pass through the Straits if they have been built outside the Black Sea and return for purposes of repair if adequate notification is given the Turkish Government. It is implausible that the number of submarines passing through the Straits have required repairs at foreign ports. Reportedly they now are coming through at night.

If Soviet influence becomes dominant in the Mideast, Moscow can be expected to demand—and perhaps get—dual control of the Turkish Straits, as it demanded in 1946 but was thwarted by President Truman and his famed doctrine.

In the event of an acute crisis, it is quite possible the Soviets could overturn the military balance which now favors Iran over Iraq as they appear to be doing in the Israel-Egypt face-off. As in Egypt, supplying Iraq with a highly sophisticated air defense, including Soviet pilots, would, in part, neutralize the now superior Iranian Air Force. They could also cancel the effectiveness of the Iranian Navy with land-based air power from Iraq. In any case, it is certain that the Soviet commitment to Egypt has heightened Iran's fears in regard to Iraq.

The Iranians meanwhile have concluded commercial and military assistance deals with the Soviets as much for political as economic reasons. The Iranian-Soviet military assistance agreement includes over $100 million worth of less sophisticated Soviet military hardware such as small arms, trucks and half-tracks. No advisors are included in this or any agreement, as yet.

Both Turkey and Iran have, in effect, been taking out insurance against the possibility that their powerful historical enemy to the north, who now is in a position to put pressure on both nations from north *and* south, may do so.

Certainly the reorientation of the foreign policy of these two formerly solid Western Allies has been one of the primary aims of Soviet policy. Both nations have developed closer relations with the Soviet Union.

United States policy, due to conflicting treaty obligations, has had an opposite effect on Turkey and Iran. Just a few examples: in 1964, during the Cyprus crisis President Johnson intervened in a way favorable to Greece over Turkey. United States policy in the war between India and Pakistan over Kashmir, produced negative effects when the United States cut off aid to the Shah's friend and ally, Ayub Khan, then President of Pakistan, and at the same time prevented the Iranian government from using military equipment provided under the CENTO treaty to aid Pakistan.

PRESIDENT NIXON'S COMMENT

Feeding this mounting Soviet influence is the growing Soviet presence to the south of them; primarily in terms of naval power, but also in the form of a large military "advisory" presence in Iraq and Egypt. The Soviets now have as many "advisors" in Egypt alone as the United States had in Viet Nam when President Kennedy was assassinated, and the Iranians are watching with much concern the large and growing Soviet advisory group in Iraq. The rationale for Turkish and Iranian policy is simply that given the growing Soviet military strength in the area and no obvious intention on the part of the United States to firmly commit itself to a military policy in that part of the world, they cannot count on the United States in a showdown with either the USSR or their Arab allies.

Mr. Nixon's recent visit to the Mediterranean in which he reaffirmed U.S. interests in the area and made statements to the effect that the United States Sixth Fleet would be strengthened will not necessarily alter their attitudes. These countries are aware of the declining quality and quantity of the United States Navy—particularly in the form of such surface vessels as destroyers and cruisers—and it will require more than a Presidential pronouncement and visit to the Sixth Fleet, however useful, to convince them that the United States is determined to formulate and implement a policy for countering the Soviets in the area.

There have been unflattering remarks with regard to the inferiority of U.S. naval capabilities in the area from both Iran and Turkey. In this regard, the recent debate over the bases in Spain, particularly the Rota Naval Base, was not helpful. All nations in the area have been watching for any sign that the United States might evacuate Rota, which is, beyond its great importance as a base for Polaris submarines and surface ships, the symbol of U.S. naval power in the whole Mediterranean area even though the base is on the Atlantic side of Gibraltar. This could prove the final blow to American credibility in the area.

From this same psychological point-of-view the recent suggestion, by a subcommittee of the House Committee on Armed Services, that the military benefit of the U.S. Fleets making stops in Turkey is of questionable value, is disturbing. There are considerations greater than economy. Not to "show the flag" in these critical times in this "low profile" way would be a grave error.

As Hanson Baldwin correctly points out in his new book, Strategy for Tomorrow. "The Southern shores of the Mediterranean, which once protected NATO's southern flank, have bene largely neutralized or lost. And the Northern shores, from Turkey to Spain, are threatened.'"

SOVIET PORT VISITS

Soviet naval visits to Mediterranean parts, particularly in the eastern Mediterranean have increased while the ability of the United States to usefully visit these ports in the area has declined. The Soviets in the Mediterranean visit ports in Yugoslavia, Syria, Egypt, Algeria and Morocco. The United States can expect only relative enthusiasm for naval visits at Italian and Greek ports. The last visit of the Sixth Fleet to the Turkish port of Izmir was marred by a left-wing demonstration and plot which apparently had as one of its objectives the killing of at least one U.S. seaman. All ports of the area have been increasingly denied, or made more difficult, to the U.S. Navy.

This itself is an important indication of the changed political environment in the area. Any abandonment of the Rota base would increase the Soviet ability to use ports or even acquire bases if it so desired, i.e., their ability to visit ports or bases is likely to increase in direct proportion to the decline of our presence.

With the British decision to withdraw East of Suez by the end of 1971 the Soviets will have a golden opportunity to fill the vacuum from Aden to Singapore.

CALLEY TRIAL

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, with some reluctance, I would like to comment on the trial and conviction of Lt. William Calley for the murder of Vietnamese civilians at Mylai 3 years ago.

I comment with reluctance, for I do not believe that any public official has the right, legally or morally, to attempt to influence the outcome of a judicial matter that is still in progress. Lieutenant Calley has been found guilty, and his attorneys are utilizing the normal appellate rights to which every American is entitled. I have no right, and no desire, to interfere with these processes, nor to judge Lieutenant Calley's guilt or innocence.

I am speaking out, however, since the President of the United States, the highest elected official of our Nation, has seen fit to violate these very basic judicial precepts.

Commenting on the Mylai incident in December 1969, the President described it as "what appears to be a massacre" and declared that "under no circumstances was it justified." He also pledged that he would "do everything that I possibly can to see that all the facts in this incident are brought to light and that those who are charged, if they are found guilty, are punished."

These were noble words, and obviously in accord with the thinking of most Americans at the time, who had been shocked and horrified at the unfolding picture of the Mylai tragedy.

But then came the conviction of Lieutenant Calley and his sentence to life imprisonment. Predictably, the fickle wind of public opinion changed. All the built-up frustration and horror was poured into an overwhelming feeling of sorrow and pity for the Lieutenant. A flood of mail and telegrams to the White House and to Congressional offices defended Calley and called for his release.

The President apparently changed his position. He ordered Calley released from confinement, made him a prisoner at large, promised a personal review of the case, and there were even hints of an eventual pardon.

What changed his mind? Does he have access to evidence and facts that were withheld from the jury and from the public? Or was he merely "playing politics," and shifting with the wind of public opinion?

Mr. Speaker, I emphasize again that I do not intend to make any comment on Calley's guilt or innocence, or on what the ultimate disposition of his case may be. As an attorney, a former member of the Air Force Judge Advocate's Corps, and a Member of the U.S. Congress, I am perfectly willing to let the matter be handled through the usual processes of law.

Lieutenant Calley has been found guilty by a jury of his peers, six combat veterans who agonized for 13 days over a case that has brought shame upon their country and their Army. Theirs was not an easy task, and they deserve the praise of their fellow Americans for carrying it out with dignity and fairness. Their decision and the sentence will be reviewed, will be considered by the Military Court of Appeals, and could even come before the U.S. Supreme Court.

No elected official, and indeed no one in the world, has any right to intervene in this orderly progression through the due process of law.

Since the President, however, has chosen to interfere, where does he propose to draw the line? What about the more than 60 other American servicemen who have been convicted of murdering South Vietnamese civilians? Should they too be released from confinement and allowed to live in barracks while their cases are reviewed and appealed? What about those convicted and sentenced for lesser crimes of rape, robbery, or assault?

And what about the 1,600 or more Americans who are being held prisoner in Vietnam? What is their situation and their future if responsible Americans take the position that our soldiers should not be punished for murdering their prisoners—even women and children?

I certainly share with all Americans the feelings of confusion, of sorrow, and even of guilt that the tragedy of Mylai has created. With other Americans, I am even more convinced of this Nation's great error in becoming involved in the internal affairs of Vietnam, and of the need for ending our involvement there with all possible speed.

But we cannot rewrite history. What has been done has been done. Let us hope that we as Americans and as human beings can profit from the bitter lessons that have been thrust upon us.

Mr. Speaker, let us here in the Congress avoid the temptation to play politics with the tragic story of Mylai and Lieutenant Calley. Let us instead bend our energies to the task of bringing all our boys home, and making certain that there are no more Mylais and Lieutenant Calleys in our future.

A NEW APPROACH TO JUVENILE DELINQUENCY

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mrs. DWYER. Mr. Speaker, Americans should be appalled by the latest statistics on juvenile crime. The upward trend in delinquency rates which began in 1962 continues. Between 1968 and 1969 the number of juvenile cases handled by U.S. courts rose 10 percent. During the same period, the population of young people increased by only 2 percent.

Youths are also becoming increasingly involved in serious crimes, and they have a disproportionate share of all arrests. Even though individuals under the age of 18 comprise less than 20 percent of the population, they account for nearly 32 percent of criminal offenses solved. The sad fact is that juveniles account for one-third of the entire crime problem.

Such facts are particularly distressing because for most of these young people their criminal act represents only the beginning of a career of lawlessness—a life at odds with society. Within 5 years, over 72 precent will be arrested again.

Something is clearly wrong, and it is obvious that all of our present efforts have not reversed present trends.

The Joint Commission on Correctional Manpower and Training identified two major causes of the ineffectiveness of our attempts to deal with criminal activity.

First, the Commission found that correction today is characterized by an overlapping of jurisdictions, a diversity of philosophies, and a hodge-podge of organizational structures which have little contact with one another.

Second, lacking consistent guidelines and the means to test program effectiveness, legislators continue to pass laws, executives mandate policies, and both cause large sums of money to be spent on ineffective correctional methods.

In short, we are doing many of the wrong or ineffective things to combat juvenile crime at tremendous costs to the taxpayer.

President Nixon recently exhorted the States and local jurisdictions to undertake innovative programs to deal with those who have run afoul of the laws.

During the 91st Congress a number of Congressmen and Senators introduced legislation to establish an Institute for Continuing Studies of Juvenile Justice. Hearings were held by a subcommittee of the House Judiciary Committee, but final action was not completed before adjournment. Therefore, identical bills have again been introduced in both bodies of Congress, and I am hopeful the legislation will be enacted as quickly as possible.

Briefly stated, the bill I am today cosponsoring designates an Institute to serve as a coordinating center for all information about juvenile delinquency. Patterned after the FBI Academy, the institute also will train persons connected with the control and treatment of juvenile offenders.

The two-pronged approach embodied in the Institute for Continuing Studies of Juvenile Justice could make a difference, and I am proud to join in this effort. If such an effort is not soon made to reverse the skyrocketing rate of juvenile delinquency, we will accept for many of our children the immense burden of destructive and wasted lives.

ACCREDITATION GIVEN TO BETHEL COLLEGE IN INDIANA

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BRADEMAS. Mr. Speaker, on March 31, Bethel College, located in Mishawaka, Ind., was granted full membership in the North Central Association of Colleges and Secondary Schools. Thus Bethel joins nearly 600 fully accredited institutions of higher learning in the 19-State area covered by NCA.

I wish to offer my congratulations to the entire Bethel College community, and in particular to President Ray P. Pannabecker who has worked long and hard to bring the college where it is today. It is truly a fine institution.

Last Thursday, a convocation was held at Bethel to celebrate the college's new status. I include two news clippings, the first from the South Bend Tribune of April 3, 1971, and the second from the Goshen News of the same date, highlighting the events of last week.

STAMP OF APPROVAL

There is jubilation on the campus of Bethel College, and for very good reason, indeed.

The college has been granted full membership in the North Central Assn. of Colleges and Secondary Schools, which means that the school is now fully accredited as an institution of higher learning.

It has passed all tests with distinction.

Dr. Ray Pannabecker, president of the liberal arts college, summed up the importance of the accreditation succinctly:

"No longer will questions be raised about the value of credits for transfer. Certain job opportunities in high school teaching and social work will now be open without reservation."

Characteristically, Dr. Pannabecker pledged the college to a continuing effort to supply the "highest quality of education in a Christian atmosphere."

Bethel was founded in 1947 and has experienced steady growth. Current enrollment is about 500. It is operating in the black. The accreditation marks the attainment of another significant goal. It is, as Dr. Pannabecker said, the "stamp of approval" which has been actively sought since Bethel was granted candidate status in the association in 1966.

Congratulations are in order.

BETHEL COLLEGE CELEBRATES ACCREDITATION BY NORTH CENTRAL

A convocation was conducted Thursday at Bethel College to celebrate the Mishawaka school's accreditation by the North Central Association.

The NCA accreditation, announced Wednesday in Chicago, for the college now in its 24th year, came some five years after application had been made. The school was granted candidate status with the association in 1966, indicating that it was in a position to make serious efforts toward meeting the standards of the accrediting group.

President Ray P. Pannabecker and Dean Wayne J. Gerber met with NCA officials in Chicago a final time on Sunday prior to the Wednesday decision. They along with Ancel Whittle of Goshen, a member of the board of directors, and others participated in the Thursday convocation.

In noting that Bethel had now taken its place alongside other accredited colleges in the country, Pannabecker said, "no longer will questions be raised about the value of credits for transfer. Certain job opportunities in high school teaching and social work will now be open without reservation.

"Armed with this encouragement, Bethel College promises to continue its program of furnishing the highest quality of education in a Christian atmosphere," Pannabecker concluded.

SUPPORT BETHEL

Among the denominational churches that support Bethel College are the Bethel Missionary Church, Route 3, Goshen, pastored by the Rev. Ronald Phipps; the Brenneman Memorial Missionary Church, 423 East Jefferson Street, pastored by the Rev. G. G. Waun; and the Sunnyfield Missionary Church, 2004 Bashor Road, pastored by the Rev. Arnold Dietz; and the Ligonier Missionary Church, pastored by the Rev. Devon Stump.

Goshen residents attending the school include Beverly Blosser, daughter of Mr. and Mrs. Gerald Blosser, Route 5; Roland Bowen, son of Mr. and Mrs. Clyde Bowen, 505 North Sixth Street; Richard Gates, son of Mr. and Mrs. Donald Gates, Route 5; Arthur Heemer, son of Mr. and Mrs. Basel Heemer, 515 South Main Street; Daniel Hess, son of Mr. and Mrs. James Hess, 712 North Fifth Street; Elizabeth Hochstetler, daughter of Mr. and Mrs. Daniel Hochstetler, Route 4; James Hoogenboom, son of Mr. and Mrs. James Hoogenboom, 113 West Madison Street; Linda Hostetler, daughter of Mr. and Mrs. Dan Hostetler, 4101 South Main Street; Carolyn Maurer, daughter of Mr. and Mrs. Devon Maurer, 1500 Lincolnway East; Marlen Miller, Route 4.

Linda Nettrouer, daughter of Mr. and Mrs. Clarence Nettrouer, Route 1; Tim Riley, son of Mr. and Mrs. William Riley, Route 1; Karen Smith, daughter of Mr. and Mrs. Donald Smith, 902 North Fifth Street; Brenda Stump, Route 5; Donna Vannoster, 101 Greenway Drive; Alison Waun, 411 East Jefferson Street; and Gregory Widner, 201 North Indiana Avenue.

TWO TALES OF RED CHINA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. ASHBROOK. Mr. Speaker, the United Nations this fall will again consider the issue of admitting Red China to the halls of the largest international body. With the recognition of the Red Chinese by several nations recently, chances are now more favorable that the world's "peace" organization will accept one of the most brutal and blood-stained regimes in recorded history. Since 1949 when mainland China fell under the heel of the Chinese Reds, volumes of testimony from victims and eyewitnesses of Red Chinese brutality have amply recorded the unbelievable savagery visited upon the Chinese and Tibetan people, not to mention American POW's during the Korean war. In the 1950's missionaries of various religious faiths told their tales of abuse at the hands of their Red captors.

Today, unfortunately, although this same Red regime continues in power, far too little information is made public concerning this slave state in a so-called civilized world. Teenagers and young adults whose beginning awareness postdated the early 1950's, for the most part, cannot be faulted for viewing Red China in a more favorable light than would older, more knowledgeable sources.

The violent and revolutionary Black Panther Party, for instance, supports the present Red Chinese regime and has been guided by "Chairman Mao's Quotations." The March 16, 1969, issue of the Black Panther, the Panther publication, advertises the "Writings of Mao Tse-tung" and directs its readers to China books and periodicals in San Francisco where this item can be obtained. The March 16, 1968, issue of the Panther publication quotes Mao as saying:

> War is the highest form of struggle for resolving contradictions, when they have developed to a certain stage, between classes, nations, states, or political groups, and it has existed ever since the emergence of private property and of classes.

The case of the Black Panther Party is a timely and extremely important example of how American youth are propagandized with a view to recruitment by a revolutionary group using the brutal Red Chinese leaders as a model.

Another statement, this time by Black Panther leader Huey Newton, further illustrates the influence that Mao Tse-tung has had on the Panther philosophy. In the "Message from Huey" to the Panther benefit rally on February 16, 1969, the Panther leader made the following statement which he attributed to Mao:

> In the near future a colossal event will occur where the masses of the people will rise up like a mighty storm and a hurricane, sweeping all evil gentry and corrupt officials into their graves.

Regarding this statement, Newton commented:

> Brother Mao put that quite well. We will follow the pattern and follow the thoughts of Chairman Mao.

Another example of pro-Mao propaganda appeared in the New York Times of February 20, 1971, in the form of an article by Robert F. Williams. The Times identified Williams in this manner:

> Robert F. Williams, indicted in North Carolina on charges of insurrection, fled the country and spent some years in Peking. He is now at the Center for Chinese Studies, University of Michigan.

Here are pertinent facts on Williams which the New York Times neglected to bring out.

Williams became involved in a violent racial demonstration in his hometown of Monroe, N.C., in August 1961. He, along with others, seized a couple and held them as hostages. When the police attempted to free the hostages, as Williams called them, Williams and his family fled the country and later turned up in Cuba. He was charged with kidnaping and the FBI issued a "Wanted" poster reading:

> Williams allegedly has possessed a large quantity of firearms including a .45 caliber pistol which he carries in his car. He has previously been diagnosed as schizophrenic and has advocated and threatened violence. Williams should be considered armed and extremely dangerous.

From Cuba and later Red China Williams published a monthly newsletter, the Crusader, in which he advanced a completely new concept of guerrilla warfare. He applied traditional guerrilla warfare tactics to urban areas, particularly those which are densely populated. Here are excerpts from the February 1964, issue of the Crusader:

> The old method of guerrilla warfare, as carried out from the hills and countryside, would be ineffective in a powerful country like the USA. Any such force would be wiped out in an hour. The new concept is to huddle as close to the enemy as possible so as to neutralize his modern and fierce weapons . . . It sustains a state of confusion and destruction of property. It dislocates the organs of harmony and order and reduces central power to the level of a helpless, sprawling, octopus. During the hours of day sporadic rioting takes place and massive sniping. Night brings all out warfare, organized fighting and unlimited terror against the oppressor and his forces.

Williams is more specific in the May–June 1964, issue of the Crusader:

> The weapons of defense employed by Afro-american freedom fighters must consist of a poor man's arsenal. Gasoline fire bombs (Molotov cocktails, lye or acid bombs . . . can be used extensively. During the night hours such weapons, thrown from roof tops, will make the streets impossible (sic) for racist cops to patrol. Hand grenades, bazookas, lights (sic mortars, rocket launchers, machine guns and ammunition can be bought clandestinely from servicemen, anxious to make a fast dollar. Freedom fighters in military camps can be contacted to give instructions on usage.

Also in 1964 Williams openly admitted his role in the formation and continuation of the Revolutionary Action Movement—RAM. Two members of a RAM "front," the Black Liberation Front, were apprehended while plotting to blow up the Statue of Liberty and the Washington Monument.

Other cases in which RAM members figured prominently included a charge of conspiring to murder Roy Wilkins, the executive director of the NAACP and Whitney Young, the late executive director of the National Urban League.

In September 1967, Philadelphia law authorities charged certain members of RAM with solicitation to murder and to commit arson, conspiracy, carrying bombs and explosives, felonious possession of explosives, attempted murder, and conspiracy to commit riotous destruction of property.

It would belabor the point to further list groups or personalities in this country who actively work to recruit unsuspecting prospects to further their revolutionary ends while extolling Mao Tse-tung and Red China as a model to be emulated. Suffice it to say, that there exist in this Nation certain elements who are a real danger to our internal security and who paint Red China as the coming paradise. The article mentioned above by Robert Williams and carried by the New York Times on February 20, 1971, is a prime example of their work.

To counter such efforts to delude and defraud American citizens into working for a Communist paradise by means of insurrection and anarchy here at home the House Committee on Internal Security began hearings last year on the theory and practice of communism, which hearings are being continued this year.

Among those who have testified before the committee as defectors from various Communist countries was Prof. Ma Szu-Tsung—Sitson—who fled from China in 1967, where he held, among other officers, the directorship of the Central Conservatory of Music in Peking. His comments about various aspects of life in Red China give the lie to Robert Williams' attempt in his New York Times article to paint a rosy picture about life in Red China. The professor's account of unbelievable oppression in that unfortunate land should engender second thoughts in those who might look toward extremist groups in the United States to correct social ills, real or imagined. Conditions in Red China concerning basic rights enjoyed here in the United States in the areas of free speech, religion, education, labor, voting, and so forth, are such that the term "slave state" is a pitifully inadequate description.

I insert at this point the above-mentioned New York Times article of February 20, 1971, by Robert F. Williams, now fighting extradition to North Carolina on the charge of kidnapping, and the prepared statement of Prof. Ma Szu-Tsung, nationally known in Red China as a concert violinist and a native of that country, who testified before the House Committee on Internal Security on March 25 of this year:

On the Platform With Mao Tse-tung

(By Robert F. Williams)

Ann Arbor, Mich.—As an N.A.A.C.P. official forced to flee the South in 1961, I had not the slightest concept of the magnitude of the forces that would hew my destiny.

As a "fugitive" my travels included Cuba, China, Vietnam, Tanzania and a number of other countries. Of all these, the People's Republic of China left the greatest imprint upon my life. China impressed me as a variety of worlds with a variety of people bound by profound human qualities, some of which the Western world must cultivate if it is to survive. I think that the greatest human qualities being manifested in China today are those of morality and selflessness.

The collective Chinese spirit is a powerful productive force. It is incredible how it is transforming the face of China. In Inner Mongolia friendly herdsmen and their families assembled in the villages to welcome my wife and me. They gave us a camel ride, told us how their life had improved and asked about the people and traditions in America. In the Korean Autonomous Chou we visited the homes of peasants, dined with them and talked of the state of the world. Local performers staged a special production called "A Night With Robert Williams."

When we visited the mountainous commune of Da jai we saw what could be considered one of the great wonders of the world. It was a stunning example of the Chinese people's spirit in their war against nature and poverty. At Da jai, barren gray mountains had been turned into fertile land, green with bumper crops. Similar feats were being accomplished throughout the regions we visited. Self-sufficiency is the watchword of China.

People, even in the most remote areas, were keen on international affairs. They wanted to know about conditions and attitudes in the United States. They asked when the American people could be counted on to force U.S. leaders to adopt a more peaceful and sane foreign policy. Shortly before I departed from China I received a letter from a student in far-away Sining. It contained fifty yuan. These were the student's savings and he wanted me to use the money to buy literature about China to send to the U.S. so that people here would have a greater understanding of their socialist achievements and aspirations.

Chinese children are reluctant to have foreigners photograph them. After convincing three small boys to hold still for a photo, one asked why I wanted their picture. I said it was to show to children in America who want to know more about them. One replied: "Send us some of their pictures, we don't know what they look like either."

I was invited to speak to a National Day gathering of two and a half million, as a representative of the American people. No form of censorship was invoked though Mao Tse-tung was to stand at my side.

On May Day of 1969 Mao Tse-tung stopped to ask me where I had been because he had not seen me in quite a while. I explained that I had been in Africa. Though he had previously autographed, a copy of his little red book, I asked that now he and Lin Piao were together, both autograph a copy for me. He smiled, signed and turned to Lin Piao urging him to "sign Williams' book."

The night before our departure from China Premier Chou En-lai had a two and one half hour farewell session with us in the Great Hall of the People. Premier Chou wanted to know if I had enough trust in the U.S. to return home without fear of being killed, imprisoned or isolated from my people. I explained that it was not trust in the Government, but in the fact of changed conditions. I felt that logically the Government would be more interested in what I had to say than in killing or imprisoning me on a racist frame-up. It is now obvious that he had a better understanding of Washington's attitude than I did. He said, at any rate, at home I could work for better understanding between the Chinese and American peoples. He walked us to the car, we warmly embraced and we left him standing on the steps of the Great Hall waving as we disappeared.

I left China with a new life quality and style, believing in the necessity of a selfless man if humanity is to survive. China is not a fearful dragon of plunder requiring isolation and quarantine. She is a plodding dragon making her way toward the top of humanity and she warrants understanding and recognition.

STATEMENT OF PROF. MA SZU-TSUNG (SITSON)

I was born on March 21, 1912 (Chinese lunar calendar. Actually it is May 7) in Canton, China and presently reside in Philadelphia, Pa. I now use the surname Sitson, which is the anglicized version of my name. I held the following offices in communist China: Director of the Central Conservatory of Music in Peking; Vice Chairman of the All-China Union of Art and Literature; Vice Chairman of the All-China Union of Musical Workers; Member of the Sino-Soviet Friendship Association; Member of Chinese-Indonesian Friendship Association; Member of China-Latin American Friendship Association; Vice President of the Chinese-East Germany Friendship Association. I was also a Deputy at the National People's Congress. I graduated from the Music Conservatory in Paris, France, in 1930.

My wife, my son, my daughter and I escaped from Red China in January, 1967 and came to the United States. The main reason for leaving mainland Ch'na was to survive the so-called "Cultural Revolution", the aim of which is to destroy anything in opposition to the new slavery regime that the Mao-Lin clique is going to build up in modern China. During those months of the "Cultural Revolution" before our escape, the reign of terror was complete. But even before that, people under Mao's regime lived in a world of fear, especially during each "movement". There were so many "movements" during the 17 years I lived in mainland China. There were: The Land Reform, 1949; The Repression of Counter Revolutionaries, 1950; The Rectification of Thinking of the Intellectuals, 1951; The Three-Anti and the Five-Anti, 1952; The Liquidation of Hu Feng's Anti-Parti Bloc, 1955; The Hundred Flowers and the Anti-Rightist Struggle, 1957; The Leap Forward and the Three Red Banners, 1958; then after three years of famine (1960–1963) the 4 purges. These finally were culminated in 1966 by the "Cultural Revolution". People are kept busy with all these "movements". They took about ½ to ⅔ of their working time, even the evenings are filled with those endless "Cheu-Chee" (Learning) meetings, when criticizing, self-criticizing, struggling, confession and sentencing took place. These sessions would end very late at night. The 8 working hours become 10, 12, 14 or even more hours. You feel exhausted and have no more time to think about anything else but sleep. I think it's a good way to keep people quiet.

With each movement, one is more and more aware of the danger of speech, of behavior, and learns to be careful, extremely careful. Each person voluntarily isolates himself from the others for fear of articulating some "bad" thoughts. One lives like a bee in a honeycomb, confined to his own cell by the fear of being denounced by someone for something.

With the advent of the Red Guards all the intellectual groups in China came under sharp attack; actors, musicians; artists; dancers; all of the cultural groups for which China had been noted came under attack as non-productive elements of society. The treatment of all of these persons at the hands of the Red Guards, many of whom had been former students, was too horrible to think about. Actors were disfigured, dancers were crippled, musicians had their hands damaged.

China under Mao Tse-tung has had many programs which were difficult to understand. The "Great Leap Forward" which was a national disaster. "The Hundred Flower Movement" was a trick and ended with the anti-rightist movement which sent many innocent people to their death in labor camps, and the "Cultural Revolution" was the most devastating. The constant change and threat to any free expression of ideas was more than one could stand. Because of the many official positions which I occupied as a musician and well known composer in China I perhaps was spared much of the suffering that was visited upon the average Chinese citizen. Even so, the part that I experienced left me a physical wreck and only now, four years after I left China do I feel sufficiently recovered to recapture the quietness of mind which I have long lost. The hatred and suspicion which has become a way of life in China is a terrible thing. China today, is a cult of one person, Mao Tse-tung. He is supposed to be God to all Chinese. Every time you go out of doors you must wear a button with a picture of Chairman Mao on it. On your bicycle you have a small placard on which you must write a quotation of Chairman Mao or some form of praise for Chairman Mao. The only freedom that people have in China today is the freedom to praise Chairman Mao, (as it is emphatically put in the new Constitution). I have been to Russia six times. I was there in 1949, in 1951, 1955, 1957, 1958 and 1962 as delegate or as member of the jury to the music competition in the Soviet Union, Poland and Czechoslovakia. I can tell you this, conditions in Russia, Poland and Czechoslovakia are much, much better than they are today in Red China. I have traveled all over China. I gave concerts until my last one in 1962. I was privileged to be able to tour nearly all of the furthest provinces.

The factory worker, for example, could also travel if he had the money and the time, however, he has neither. The farmers on the other hand are tied to their commune. They are treated like cattle, and probably live and die without ever having left their commune, except for a party display or two during their lives. The Chinese have lived under so much cruelty and sorrow for so many years that they have become adaptable to much of this. Life in China has varied considerably since the end of World War II. However, until 1957 most of the people had enough to eat and a place to live. After 1958 it began to change. After Mao's "Great Leap Forward" it became very difficult. By the end of 1958 we had to line up a whole night to buy meat. From 1960 to 1963 there were three years of famine. During that period the state control over people relaxed a little and we had more freedom. I can say that we were even more happy with our empty stomach. In the communes thousands and thousands of people starved to death. Each village and each commune, was supposed to pledge a certain percentage of their production to the state. Many commune leaders became carried away with trying to outdo one another and pledged more food than they could provide. This left the people with nothing at all, and they died. From 1963 on, the control of the state became more and more severe. They used personnel from the Army as models. The slogan was: First we don't fear hardships. Secondly, we don't fear death!! Everyone was encouraged to follow their example. Those who died trying to work for the state were hailed as heroes. Because of my position at this time, I perhaps did not suffer as did most of the citizens. I recall one time in 1960, my family and I went out to a restaurant. The bill for our family came to $80.00 which for most people was more than one month's pay. Because of the shortage of food the black market grew up whereby farmers and others who had small plots of land would grow some items for sale. Eggs sold on the black market for $2.00 each. I recall I once bought a pound of peanuts for $6.00. If the eggs could have been bought in the store they would only have cost $.10 each. During this period of time cabbage was plentiful however, it cost about $2.00 to $3.00 for a hundred pounds. People dried it and stored it away for future use. Most of the food was locally produced in China. The only import that we saw during this time was wheat from Canada. Food continues to be in short supply in China.

The problem of education in China has been one of long duration. Today, children in China go to school through the first six grades. If you must work, however, because of your family situation, I think that you can be excused. A person who is free to attend school can complete up through high school or twelve grades and also go on to the University provided he has a good political background. By good political background I mean that you must be from the family of workers, military or poor farmers. The children from the family of a former land owner or one deemed to be an enemy of the state can never go to the University. The only charges for the children attending school are their food and clothing. All the rest of the expenses are paid by the state. In the Conservatory of Music where I was director, most of the students were the children of intellectuals. These students were hand-picked from all over China to attend the Conservatory to study music. We looked for those individuals with the most musical talent. At one time the Conservatory was criticized because they only had students from a bourgeois background and had shut the doors to children of soldiers, workers, and farmers. A musician in China today has no problem finding a job. There are not too many musicians in China and the Government will, of course, assign the job. When a student graduates from the Conservatory usually the school assigns him to work somewhere. The job may not be of his own choosing, however, he will have a place to work as a teacher or he may play in an orchestra somewhere, or he may even go into the Army and work in a band. Usually the Ministries of Education or Culture decide the future of a graduate student. A student can write down his choice of an assignment but he is sent where he is needed. This is true of any occupation. If you decide not to go to that assignment then you are in great trouble. You are jobless and become a "Society Youth". It means "society parasite". Those who show outstanding talent are frequently sent to the Soviet Union to compete in music competition. Frequently they went to Russia several years ahead of time in order to study with better teachers.

Communist China has a constitution, it stresses the rights of the citizens such as freedom of speech, freedom of religion, freedom to assemble, freedom to express your thoughts, and so forth. It's all a lie. I can say that the only right a person in China has is to work and to praise Mao Tse-tung. Of course you could say, "The weather is good", or "The sky is blue", but you could not say for example, "I would like to go to America". A statement such as this would cause you a great deal of difficulty. You would then be called in to examine the root of your thinking. Questions would arise about where your education broke down and allowed such a bad thought. Perhaps they may think the individual might be a spy or perhaps he has contact with spies. The individual should have been taught all of his life that America is the number one enemy of China, and of the people of China. The individual would be called upon to confess to what prompted him to make such a statement. This confession would lead to more confessions. You must confess for the good of your soul and the good of your thought. You must completely understand why you made these statements.

The more detailed your confession, the better you would understand why you were wrong. After you have confessed sufficiently you may be set free. It would be the best of luck, or you may be sent off to a labor camp for re-education. Most trials in China today do not take place in a courtroom. They are held in the schools, in the factories, or in any group to which you belong. You may be interested to know that China does not have capital punishment. People are not executed. They are sent to labor camps where they are worked to death. This way the state has the good reputation of being merciful and in the meantime derives some benefit from their work.

In China today, the most casual comment to a friend, to a relative, or even to members of your own family can often bring you before such a tribunal. Everyone lives in a state of fear. Fear is everywhere. Everyone is isolated from everyone else by this fear. Allegations made by anyone can bring you before a peoples tribunal and there is no defense. Any of these groups that I have mentioned can send you away to a labor camp. In America I have found that everyone has so many rights that it seems to me at times that one cannot be punished for anything. Here one cannot walk the streets after dark in safety. In China we do not seem to have this problem, but I cannot be sure of this, however, because one never looks around to see what is happening to others. In China you live your own life, you do not question what happens to anyone else and you evidence no interest in what they are doing. The newspapers in China are only a media for carrying the praises of Chairman Mao with his thoughts. A person in my position in China could have a radio. I, for example, was permitted to purchase a large radio and could listen to radio stations outside of China; BBC, Voice of America, Japanese radio, etc. To listen to these programs, of course, was illegal, but we still did it nevertheless.

Elections in China are another example of this system which has enslaved a very old and very honorable people. Elections are only a play. Every 4 years we have what are called local level elections. They put, for example, ten names on a ballot. Everybody must vote for these names. You may never have heard of these people before and probably never will again. There are ten positions, there are ten names, they are elected, and that is it. It is possible to put down another name—to write it in below the others—but this means nothing. The elections are decided long before the ballots are counted. For example, I was appointed to the Peoples Congress. I was a representative in the Cultural group. The representatives in the Peoples Congress represent all of the occupations of the population, Economics, the Army, etc. We numbered in the thousands and we elected the Chairman of the state and the Congressional positions. They only put down the number of names that there were positions open. One man for Chairman, Chairman Mao, and so on. Such balloting as you have in the United States is not even heard of in China today. What it amounts to is each individual must show up and approve what the state has done by approving the people it has selected. There is no alternative. You do not vote against anyone.

I should like to mention religion in China. There is none. According to the constitution freedom of religion is permitted but this is not true. A person who goes to church is always in trouble. All the churches must adapt to Maoism. It makes no difference which religion you are referring to, if you are a Buddhist you are accused of being supersititous. If you are Christian you have ties with imperialist countries. Members of the communist party cannot belong to any religion. Mao Tse-tung is God. His word, his teachings, are to the modern Chinese what the Bible is to a Westerner.

China has a number of political parties unlike many communist countries. However, these parties are all controlled by the communist party. Their sole purpose is to say yes to Chairman Mao and all of them must follow the wishes of Chairman Mao. I know for a fact that the communist party sends personnel into each of the other parties to control them. There is never any question about which is *the* party in China.

In China under Chairman Mao there are so many changes that a person who is in favor today may be in a labor camp tomorrow. Personnel who are friends of Mao today may be his enemies tomorrow. No one knows from day to day whether he will be doing what is considered right or whether he will be accused of doing something that is wrong. You must not think. You must not plan. You must do nothing but live from day to day only to do what is right each day in conformance with the thoughts of Chairman Mao.

I notice that in this country there are many people who are very proud of the fact that China now has the atomic bomb and is thus one of the major powers of the world. They apparently never think of the price that was paid by the Chinese people so that this was possible. I think that those in this country who are so proud of China should be sent to live there for a few years. They would then know the truth and in all probability would have a decided change of thought.

All my life I have lived for China and for my music. Because of my prominence in music I was appointed to many positions involving contacts with foreigners such as the Sino-Soviet Friendship Society, the Chinese-Indonesian Friendship Society and others. I was never a party member. My music was known all over China. One of my compositions "Longing For Home" prefaced each Radio Peking propaganda broadcast to Taiwan. I had concert tours all over mainland China up to 1963. While the "Great Leap Forward" program in China in 1958 was a national disaster and reduced the people of China to starvation, my family and I managed to keep our hope that some day things would work out and China would recover.

In the Fall of 1966 the full impact of the latest program "The Cultural Revolution" hit us. This was as close to anarchy as I ever wish to come. All intellectuals, artists, actors, dancers, musicians and members of any cultural group were singled out as useless members of the privileged class. I was among 500 who were rounded up and sent to a sort of concentration camp at the Socialist Institute to undergo thought reform. We were there 50 days while I was accused of following a capitalist line in my music. After this I was suddenly returned together with 18 others to the Central Academy of Music where I had been Chairman and immediately felt the wrath of the student nucleus of what later became the Red Guard.

They greeted me by pouring a bucket of paste over my head and stuck abusive slogans to the paste. I was called a devil, a demon and an authority on the reactionary capitalist class. I was confined to a small room where I was forced to write confessions to all sorts of crimes aganist the state. Crimes which I had never committed nor even thought of. Each morning I was forced to do hard labor with the result that my health began to fail. The tragic part of it all is that the Red Guards were mostly students who themselves had been somewhat of a privileged class but were now given free rein to do whatever they wished. The excesses they carried out against those who fell into their disfavor were difficult to imagine. I was beaten with belt buckles many times, other artists, musicians, and dancers were beaten so badly that their careers were finished.

By the time I left China my right arm had been so badly injured that I could not raise it. I remained at the Central Academy of Music for 103 days as a prisoner before my release. At this time in China no one could be sure that he would not be the next to be accused. Those who initiated many of the purges found that they themselves eventually became the victims. As time went on the excesses of violence and confusion among the groups began to tell upon the way we were treated.

By September 1966 I was permitted to spend my evenings at home. My home in the meantime had become a sleeping place for Red Guards. Sixty of them were sleeping in our former sitting room. My family was gone and all of my records, and books were smashed or confiscated. My daughter Celia returned one evening and we spoke of leaving China. At last one bitter cold night in November we boarded a train and left Peking for good. I cannot discuss the details of my reunion with my family and our escape from China for fear of endangering others who are still in China and who took great risks on our behalf. To these will go our eternal thanks.

It is interesting to note that the Chinese communists used to play my music in their propaganda broadcasts beamed at Taiwan. After my escape this stopped and now the Nationalists play my music in their programs beamed to the mainland. All China now knows of my decisions to leave and my escape from what has become the worst, most inhuman slave camp on earth.

CALLEY CASE

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. REID of New York. Mr. Speaker I am inserting into the Record a letter sent to the President by Capt. Aubrey Daniel, prosecutor in the court-martial of Lt. William Calley, and a New York Times editorial of April 4, 1971, entitled "The President and My Lai."

The incident at My Lai has deeply troubled all of us and has raised several great moral questions which this Nation must face. Yet regardless of our personal reaction to the incident we must not forget that Lieutenant Calley was found guilty by a jury of his peers. The law has always been the cornerstone of this Nation. We have stood by our laws throughout our history because we knew that without law there is no justice and without justice there is no nation worth defending.

The President's announcement that he will personally intervene in the review of the Calley case cannot help but prejudice the atmosphere of the appellate process. The case must still undergo several intermediate levels of appeal and review. It is highly doubtful that any appellate authority can act with detached objectivity knowing that the President is in effect looking over his shoulder. Additionally, there are at least three more courts-martial pending in connection with the My Lai incident. The juries and the review authorities in each of these will no doubt feel they are acting under Presidential scrutiny and may, consciously or unconsciously, tailor their decisions accordingly. The judicial process cannot serve its intended purpose when it must operate under such constraint. Independence of verdict and of appellate disposition are seriously affected when the Commander in Chief makes known in advance his overriding interest in the outcome of the case.

The type of society that we will have in America and the example we set for the rest of the world will be largely determined by the means we use to achieve our ends. If we allow ourselves to be corrupted by war or by a momentary outburst of public opinion we weaken that law and tradition which we seek to defend. No soldier has the rights to wage his own war and no President should intervene prematurely in the judicial process. It is not the President's legal rights that are in question, but his legal judgment.

Two further points need to be made:

Lieutenant Calley has not been singled out as a scapegoat, as many have suggested. Two Army enlisted men have been prosecuted for assault with intent to commit murder for alleged acts at My Lai. Both were acquitted by court-martial. At least three other officers are being prosecuted by court-martial for offenses arising from My Lai. Both the Army and the Marine Corps have prosecuted a number of men for murder of Vietnamese civilians in the past few years. Therefore, while Lieutenant Calley's trial has been the most prominent, it has by no means been the only prosecution for atrocities committed by American combat troops in Vietnam.

At the same time, fairness to Lieutenant Calley requires that all senior military officers who may be guilty of legal offenses in connection with the My Lai incident be tried by court-martial. Administrative punishment, such as has been recommended for Maj. Gen. Samuel Koster and Brig. Gen. George Young, Jr. is woefully inappropriate under the circumstances. If there is evidence of their guilt, they should be court-martialed as have been Lieutenant Calley and the other My Lai defendants; if there is insufficient evidence of their guilt, they ought not be punished administratively or otherwise.

In the hope that voices of reason will ultimately prevail in this entire episode, I commend the following two items to the attention of my colleagues:

TEXT OF CALLEY PROSECUTOR'S LETTER TO THE PRESIDENT

WASHINGTON, April 6—Following is the text of the letter sent to the President by Capt. Aubrey M. Daniels 3d, the prosecutor in the Calley case:

Sir:

It is very difficult for me to know where to begin this letter as I am not accustomed to writing letters of protest. My only hope is that I can find the words to convey to you my feelings as a United States citizen, and as an attorney, who believes that respect for law is one of the fundamental bases upon which this nation is founded.

On Nov. 26, 1969, you issued the following statement through your press secretary, Mr. Ronald Ziegler, in referring to the Mylai incident:

"An incident such as that alleged in this case is in direct violation not only of United States military policy, but is also abhorrent to the conscience of all the American people:

"The Secretary of the Army is continuing his investigation. Appropriate action is and will be taken to assure that illegal and immoral conduct as alleged be dealt with in accordance with the strict rules of military justice.

"This incident should not be allowed to reflect on the some million and a quarter young Americans who have now returned to the United States after having served in Vietnam with great courage and distinction."

At the time you issued this statement, a general court-martial had been directed for a resolution of the charges which have been brought against Lieut. William L. Calley Jr. for his involvement at Mylai.

'MY OWN BELIEF'

On Dec. 8, 1970, you were personally asked to comment on the Mylai incident at a press conference. At that time you made the following statement:

"What appears was certainly a masacre, and under no circumstances was it justified.

"One of the goals we are fighting for in Vietnam is to keep the people from South Vietnam from having imposed upon them a government which has atrocity against civilians as one of its policies.

"We cannot ever condone or use atrocities against civilians in order to accomplish that goal."

These expressions of what I believed to be your sentiment were truly reflective of my own feelings when I was given the assignment of prosecuting the charges which had been preferred against Lieutenant Calley. My feelings were generated not by emotionalism or self-indignation but by my knowledge of the evidence in the case, the laws of this nation in which I strongly believe, and my own conscience. I knew that I had been given a great responsibility and I only hoped that I would be able to discharge my duties and represent the United States in a manner which would be a credit to the legal profession and our system of justice.

IN THE FINEST TRADITION

I undertook the prosecution of the case without any ulterior motives for personal gain, either financial or political. My only desire was to fulfill my duty as a prosecutor and see that justice was done in accordance with the laws of this nation. I dedicated myself totally to this end from November of 1969 until the trial was concluded. Throughout the proceedings there was criticism of the prosecution but I lived with the abiding conviction that once the facts and the law had been presented there would be no doubt in the mind of any reasonable person about the necessity for the prosecution of this case and the ultimate verdict. I was mistaken.

The trial of Lieutenant Calley was conducted in the finest tradition of our legal system. It was in every respect a fair trial in which every legal right of Lieutenant Calley was fully protected. It clearly demonstrated that the military justice system which has previously been the subject of much criticism was a fair system. Throughout the trial, the entire system was under the constant scrutiny of the mass media and the public, and the trial of Lieutenant Calley was also in a very real sense the trial of the military judicial system. However there was never an attack lodged by any member of the media concerning the fairness of the trial. There could be no such allegation justifiably made.

I do not believe that there has ever been a trial in which the accused's rights were more fully protected, the conduct of the defense given greater latitude, and the prosecution held to stricter standards. The burden of proof which the Government had to meet in this case was not beyond a reasonable doubt, but beyond possibility. The very fact that Lieutenant Calley was an American officer being tried for the deaths of Vietnamese during a combat operation by fellow officers compels this conclusion.

JURY CAREFULLY CHOSEN

The jury selection in which customary procedure was altered by providing both the defense and the prosecution with three preemptory challenges instead of the usual one, was carefully conducted to insure the impartiality of those men who were selected. Six officers, all combat veterans, five having served in Vietnam, were selected. These six men who had served their country well, were called upon again to serve their nation as jurors and to sit in judgment of Lieutenant Calley as prescribed by law.

From the time they took their oaths until they rendered their decision, they performed their duties in the very finest tradition of the American legal system. If ever a jury followed the letter of the law in applying it to the evidence presented, they did. They are indeed a credit to our system of justice and to the officer corps of th United States Army.

'SHOCKED AND DISMAYED'

When the verdict was rendered, I was totally shocked and dismayed at the reaction of many people across the nation. Much of the adverse public reaction I can attribute to people who have acted emotionally and without being aware of the evidence that was presented and perhaps even the laws of this nation regulating the conduct of war.

These people have undoubtedly viewed Lieutenant Calley's conviction of an American officer for killing the enemy. Others, no doubt out of a sense of frustration, have seized upon the conviction as a means of protesting the war in Vietnam.

'I would prefer to believe that most of the public criticism has come from people who are not aware of the evidence, either because they have not followed the evidence as it was presented, or having followed it they have chosen not to believe it.

Certainly, no one wanted to believe what occurred at Mylai, including the officers who sat in judgment of Lieutenant Calley. To believe, however, that any large percentage of the population could believe the evidence which was presented an approve of the conduct of Lieutenant Calley would be as shocking to my conscience as the conduct itself, since I believe that we are still a civilized nation.

If such be the case, then the war in Vietnam has brutalized us more than I care to believe, and it must cease. How shocking it is if so many people across this nation have failed to see the moral issue which was involved in the trial of Lieutenant Calley—that it is unlawful for an American soldier to summarily execute unarmed and unresisting men, women, children and babies.

APPALLED BY LEADERS

But how much more appalling it is to see so many of the political leaders of the nation who have failed to see the moral issue or, having seen it, to compromise it for political motive in the face of apparent public displeasure with the verdict.

I would have hoped that all leaders of this nation, which is supposed to be the leader within the international community for the protection of the weak and the oppressed regardless of nationality, would have either accepted and supported the enforcement of the laws of this country as reflected by the verdict of the court or not make any statement concerning the verdict until they had had the same opportunity to evaluate the evidence that the members of the jury had.

In view of your previous statement concerning this matter, I have been particularly shocked and dismayed at your decision to intervene in these proceedings in the midst of the public clamor. Your decision can only have been prompted by the response of a vocal segment of our population, who while no doubt acting in good faith, cannot be aware of the evidence which resulted in Lieutenant Calley's conviction.

Your intervention has, in my opinion, damaged the military judicial system and lessened any respect it may have gained as a result of the proceedings.

You have subjected a judicial system of this country to the criticism that it is subject to political influence, when it is a fundamental precept of our judicial system that the legal processes of this country must be kept free from any outside influences. What will be the impact of your decision upon the future trials, particularly those within the military?

RESPECT WEAKENED

Not only has respect for the legal process been weakened and the critics of the military judicial system been given support for their claims of command influence, the image of Lieutenant Calley, a man convicted of the premeditated murder of at least 21 unarmed and unresisting people, as a national hero has been enhanced, while at the same time support has been given to those persons who have so unjustly criticized the six loyal and honorable officers who have done this country a great service by fulfilling their duties as jurors so admirably.

Have you considered those men in making your decisions? The men who since rendering their verdict have found themselves and their families the subject of vicious attacks upon their honor, integrity and loyalty to this nation.

It would seem to me to be more appropriate for you as the President to have said something in their behalf and to remind the nation of the purpose of our legal system and the respect it should command.

I would expect that the President of the United States, a man whom I believe should and would provide the moral leadership for this nation, would stand fully behind the law of this land on a moral issue which is so clear and about which there can be no compromise.

ABHORRENT TO CONSCIENCE

For this nation to condone the acts of Lieutenant Calley is to make us no better than our enemies and make any pleas by this nation for the humane treatment of our own prisoners meaningless.

I truly regret having to have written this letter and wish that no innocent person had died at Mylai on March 16, 1968. But innocent people were killed under circumstances that will always remain abhorrent to my conscience.

While in some respects what took place at Mylai has to be considered to be a tragic day in the history of our nation, how much more tragic would it have been for this country to have taken no action against those who were responsible.

That action was taken, but the greatest tragedy of all will be if political expediency dictates the compromise of such a fundamental moral principle as the inherent unlawfulness of the murder of innocent persons, making the action and the courage of six honorable men who served their country so well meaningless.

[From the New York Times, Apr. 4, 1971]

THE PRESIDENT AND MYLAI

No development in the whole tragic history of the Vietnam war has produced a more spontaneous outcry than the conviction of First Lieut. William L. Calley Jr. The protests have brought into unaccustomed unity such divergent national figures as Gov. George C. Wallace of Alabama and Dr. Benjamin Spock, to say nothing of millions of Americans not normally given to public expressions of outrage.

But the mass clamor in no way alters the correctness of the judgment reached by the court-martial after agonizing deliberation. Exoneration of Lieutenant Calley would have dishonored both the American military tradition and the solemn commitments this country has subscribed to under the Geneva and Hague Conventions on the rules of war.

On that basis, President Nixon's decision to intervene in the Calley case, first to order the officer's release from the stockade and yesterday to announce his intention to review the case and to make a final determination on the sentence, represents an unfortunate interference with the processes of military justice.

It would have been perfectly appropriate, if unusual, under established Army practices for the commanding general at Fort Benning to have ordered Lieutenant Calley released from the stockade and confined to quarters pending review of his conviction on charges of murdering Vietnamese civilians.

Similarly, it would have been quite proper for Mr. Nixon to have reviewed the case and its outcome at the end of all judicial proceedings. This could even have been considered his duty. But the precipitous manner in which Mr. Nixon publicly intervened over the heads of military authorities to make an exception that is not ordinarily granted to prisoners convicted of capital crimes and more especially his public announcement at this stage that he will himself make the final decision create a prejudicial atmosphere affecting all intermediate steps in the appeals process. He has now in his capacity as Commander in Chief identified himself with the intemperate public outcry against the initial court-martial.

With the White House admission that Mr. Nixon has acted in response to "widespread public interest" to provide a "different quality of review," it is all too clear that he bowed to intense public pressure, something he has repeatedly declared no responsible leader could ever do when it came to decisions involving the Vietnam conflict.

The President's moves at a time of high political fever undermine confidence in the impartiality of the outcome he will ultimately decree. This appearance of Executive partisanship has been reinforced by the ill-considered remarks of Vice President Agnew in an interview just hours before Lieutenant Calley's court-martial sentencing to life imprisonment was announced.

In an indirect but unmistakable reference to the Calley trial, Mr. Agnew said: "The point comes out to this: many of the people in America—particularly those of us who served in the service—understand that the rather abnormal fears and the conditions in a military operation are not subject to Monday-morning quarterback judgment by someone sitting comfortably in an office in Washington."

The men who passed judgment on Lieutenant Calley were not such Monday-morning quarterbacks. Six combat infantry officers, five of them veterans of Vietnam, unanimously found him guilty of murdering at least 22 unarmed civilians at Mylai. They acted after hearing months of testimony and deliberating for thirteen days. "To even consider that any American soldier would ever do such a thing is beyond my own comprehension," one of the jurors declared after the verdict. "I wanted to believe it didn't happen, that it was a hoax."

But Mylai did happen. A House Armed Services subcommittee long ago concluded that: "What obviously happened at Mylai was wrong. It was contrary to the Geneva Conventions, the Rules of Engagement, and the MACV directives."

The task of the President and other political leaders is not to sit as judge and jury in courts-martial but rather to address themselves forthrightly to the broader issues that the Calley trial has brought into agonizing public focus—the question of responsibility at higher levels for the acts committed at Mylai and elsewhere in Vietnam and the problem of ending a war that continues to inflict misery and death on the peoples of Indochina.

EULOGY OF THOMAS E. DEWEY

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. HALPERN. Mr. Speaker, it is with extreme sorrow that I mourn the recent passing of Thomas E. Dewey—a great man of unequaled abilities, a dynamic prosecutor of organized crime, a Governor with tremendous foresight and unexcelled administrative skills, a generous and loving family man, and a personal friend.

To my knowledge, I am the only incumbent Member of this body ever to have worked under the able direction and leadership of Tom Dewey during his several outstanding terms as the Governor of New York State. I was a member of the State Senate during that entire period, and I marveled at his tremendous talent for working with legislative matters. Never before or since has the Empire State seen such a pillar of strength with the unequalled ability to get his legislative programs sold to the people and their representatives.

And these abilities merely reflected the man, who understood the people because he was of them and for them. From his humble beginnings, Thomas E. Dewey rose like a meteor into the hearts of his countrymen. With Horatio Alger-like inevitability, he became a lawyer of consummate ability and dazzled the Nation as the brave and relentless prosecutor who took to task the most untouchable gangsters of the interbellum era. His star continued to rise until he reached the near-pinnacle of public office by being twice chosen as standard bearer for the Republican Party in bids for the Presidency in 1944 and 1948.

I well remember Tom Dewey as the crusading chief assistant to the U.S. attorney for the southern district of New York. His first case was the prosecution of Waxey Gordon, a notorious racketeer considered unconvictable by most who described the young prosecutor as a Don Quixote tilting at windmills. But Tom Dewey was no Quixote, and to everyone's amazement he successfully prosecuted Gordon.

As a result of this remarkable performance, he was appointed U.S. attorney, and 2 years later special prosecutor for the State of New York, to continue his investigation and prosecution of the rackets. In this latter capacity he was again proved his mettle, securing the conviction of the famed "Lucky" Luciano, and breaking up a vast array of illegal operations in the New York City area.

When he sought the position of district attorney in 1937, running as a Republican, he was opposed by the seemingly invincible Tammany Hall machine. No Republican had held the office of district attorney for New York County in two generations. Yet Tom Dewey's record swept him to victory with a majority of more than 100,000 votes.

Under Dewey's direction, the district attorney's office was responsible for the conviction and punishment of Louis "Lepke" Buchalter, a well-known Manhattan gangster, Fritz Kuehn, of the disloyal German-American Bund, and Richard Whitney, the defalcating head of the New York Stock Exchange. Others set upon by the vigorous policies of the "Fighting DA"—as he came to be known—were ambulance-chasing lawyers, landlords whose tenants burned to death in unsafe buildings, and a ring of subway employees responsible for the theft of a fortune in nickels. He also established without any fanfare the Volunteer Defenders, a panel of the best legal talent in the city which has handled a large number of indigents' cases each year without fee.

During the first year of his term as district attorney, Tom Dewey was nominated for Governor on the Republican ticket and did much better than most pundits predicted. A switch of 35,000 votes would have meant his election. Thoroughly impressed, New York supporters urged his nomination for President at the 1940 Republican National Convention. Unsuccessful in this attempt, Dewey returned to State politics and in 1942 was once again nominated for Governor. Although the Democrats had controlled the State House for 20 years without interruption, Dewey carried the election with a handsome majority. The era of the gangbusting prosecutor was over and thus began a new era: Tom Dewey, statesman.

During his first term as Governor he was responsible for a long-overdue reapportionment of congressional and legislative districts in New York State. He put the State on a pay-as-you-go policy for capital construction, increased State aid to education, and passed the first State laws aimed against religious and racial discrimination in matters of employment. He also was responsible for liberalizing the unemployment-insurance law, and he launched a concerted drive to wipe out tuberculosis in the State within a period of 20 years. Clearly, Tom Dewey was ahead of his time and he led New York State into a position of being the legislative trailblazer for the Nation.

Governor Dewey can properly be credited with increasing the wartime industrial contributions of New York State and with piling up surpluses in the State treasury to the tune of $435 million. These were earmarked, at the insistence of the Governor, for reconstruction and rehabilitation of State institutions and highways neglected during the war years. He also holds a record of sorts for presiding over the State during its longest period of astonishing calm between management and labor. This was in large part the result of his tremendous personal ability to negotiate with both sides and to set a compromise position acceptable to all.

With the full backing of the legislature, Governor Dewey reorganized many departments of the State government, revised the laws to an unprecedented extent, and reorganized the State Police Department from top to bottom. Public works, including new housing, hospital, and highway projects, were planned under his authority; the workman's compensation law was overhauled; the mental hospital administration was revised, and veterans' aid legislation was enacted. His record as Governor was unsurpassed by any in the Nation.

Nominated for President at the 1944 Republican National Convention, Governor Dewey was faced by insurmountable odds. Waged against the background of World War II, the presidential campaign seemed geared to a widely held belief that the victory of Dewey and the repudiation of the incumbent, Franklin D. Roosevelt, would be tantamount to rejecting the national war effort, of which Mr. Roosevelt had become symbolic, as Commander in Chief of American Armed Forces. The Governor was compelled to temper his criticism of the administration's conduct of the war in the interest of the Nation's morale. Against these obstacles the Republican campaign foundered and Dewey was defeated.

The people of New York recognized the value of the man and in 1946 he was reelected Governor by 687,000 votes—the largest majority ever obtained by a candidate for Governor in New York State.

Thus encouraged, he sought and secured the presidential nomination once again in 1948. The Republican 80th Congress was elected in 1946 and the presidential campaign of 1948 hinged largely upon the record of the 80th Congress. The 80th was the first Republican Congress in almost two decades, and its leadership was faced by gargantuan problems arising from the staggering betrayal of America by her wartime ally, the Soviet Union, and the unprecedented complexities of the postwar economic situation. Any Congress would have had great difficulties in coping with such crisis situations, and the 80th had its full share. The 1948 election boiled down to a vote on the record of a Congress with which Governor Dewey had had nothing whatever to do. Seizing on the situation, the opposition blazed away at Congress, and the Governor was caught in the effect of that attack.

On top of all this was the colossal misjudgment of the several national opinion polls, all of which predicted victory for the Governor and in so doing transformed his opponent to a colorful "underdog." Although opposing the incumbent President on many issues, the Governor regarded him as a decent leader who had done his best. With victory assured, according to the polls, the opposition was raking his own record with a withering verbal barrage. When it was all over, the Governor again was defeated in his bid for the Presidency—ths time by a hairbreadth.

That was Governor Dewey's last battle for national office, but not his last connection with politics as such. He took his defeats with great dignity and became the "Senior Statesman" of the Republican Party. In 1952, it was he who urged upon the Republican Party the nomination of Richard M. Nixon for Vice President. And when the opposition saw fit to bring slanderous charges against Mr. Nixon during the campaign, concerning the acceptance of certain campaign contributions, it was Governor Dewey who stood by Mr. Nixon all the way and urged him to tell the whole story in clear detail and let the public decide. Mr. Nixon followed the Governor's advice explained the matter on nationwide television, and the people gave him their endorsement.

A true leader, a solid citizen with broad outlook and unexcelled political, legal, and administrative skills, Thomas E. Dewey won the admiration of millions and the respect of all.

His death removes from the national political scene a man of extraordinary ability and high principle, and one of the finest men I have ever had the experience of knowing in life and mourning in death.

HELLENIC PHILATELIC SOCIETY PROTESTS TO POSTMASTER GENERAL BLOUNT

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BRADEMAS. Mr. Speaker, I take this moment to express my disappointment that the Citizens Stamp Advisory Committee failed to recommend that the United States issue a stamp commemorating the 150th anniversary of Greek independence.

My disappointment is shared by thousands of other Americans of Hellenic background as well as, I am sure, many other Members of Congress who are interested in Greece and its great contributions to democracy.

Mr. Speaker, the Hellenic Philatelic Society of America spearheaded efforts to win a commemorative stamp for this historic occasion for Greece. Their disappointment is evident in an open letter from Dr. H. N. Petrakos, president of the Chicago Chapter No. 1 of the Hellenic organization to Postmaster General Blount.

I insert the excerpts of the letter to be printed in the Record.

The text of the letter follows:

An Open Letter to Postmaster General Blount—A Protest

Dear Mr. Blount: It is with deep regret and disappointment that we received the news that the Citizens Stamp Advisory Committee did not see fit to recommend that the United States issue a stamp commemorating the 150th Anniversity of the Greek struggle for independence being celebrated starting March 25th of this year.

For a country that is deeply indebted to Greece for its many, many contributions to Western civilization and culture this seems incongruous! This country over the years has issued 52 commemorative stamps honoring other countries and almost as many foreigners. Finland, Poland, Sweden have been honored several times. Greece was included in the omnibus issue of 1943–44 honoring the 13 captive nations of World War II. How is it that we then remembered Greece and now we forget this heroic nation? Were Premier Venizelos' words and deeds of less importance than Mannerheim's, Reuter's, Paderewski's? Did not Greek soldiers fight along with our doughboys in World War I? Did not the Greek people resist the Axis powers to the utmost? Do we forget Metaxas' resounding 1940 "OXI" (NO!) when Mussolini asked to walk into Greece? Did not the Greeks spill their blood fighting side by side with the Allies? Did not the Greek regiments fight in North Africa, Sicily, Korea and elsewhere along with our boys? Did not Greece fight successfully for the very same reason our boys are dying in Southeast Asia?

Is it that Dante's poems are more inspiring than the works of Homer, Plato, Aristotle, Euripedes, Xenophon? Were Erickson's deeds of more importance than the contributions of Socrates, Archimedes, Pythagoras, Euclid, Phideas?

How does the Stamp Advisory Committee

explain its refusal to recommend a stamp to the hundreds of American philhellenes who supported the Greek struggle for independence 150 years ago with moral, financial and physical contributions including their very lives? What would George Jarvis and Dr. Samuel Gridley Howe have thought? What would be the reactions of James Monroe, John Quincy Adams, Henry Clay, Daniel Webster and many others? Their feelings for Greece are well documented before the eyes of the world.

What would the poet Byron write? What would Delacroix paint? How do you explain this refusal to Ypsilanti, Michigan? Perhaps we better should revoke our Olympic participation and tear down the graceful neoclassical Grecian architecture of our Capitol and drape the municipal buildings of all our Corinths, Athens, Atticas, Ithacas, Cretes, Marathons, Spartas and Smyrnas in black! Are we so ashamed?

How do you explain this failure to issue a stamp to Senator Percy of Ill., Reps. Pucinski, Brademas, Kyros, Galiflanakis, Yatron, Sarbanes who have all enthusiastically advocated such a stamp? To Reps. Carney of Ohio and Young of Florida who have made speeches before the House and have bills pending in support of the stamp?

How, Mr. Postmaster General, do you explain this failure to the thousands of Greek-Americans who help make up this country? To Dr. George Pappanicolaou, to D. Mitropoulos, to the Admirals Colvocoresis, to Archbishop Iakovos, to George Dilboy, to the AHEPA, to the Vice President's father and the rest of our fathers, to the "Greek" waiter behind the counter of the local snack shop?

For many years this country has seen fit to issue dozens of commemorative stamps for such groups as the chicken growers, children's toys, wool gatherers, etc. On several occasions we have issued not one stamp but groups of four and some of them monstrosities! And yet we do not see fit to issue one stamp honoring this brave little nation, a truly loyal ally, that has contributed and will continue to contribute so much to our civilization . . .

Adamantios Koraes, that grand old "teacher of the Greek race," said in writing to ex-President Jefferson asking for moral support from America in 1823 . . . "Help us, fortunate Americans; it is not charity we ask. Rather an opportunity to augment your happiness!"

And in closing we quote Daniel Webster's words in the House in January, 1824:

"With suffering Greece now is the crisis of her fate—her great, it may be her last struggle. Sir, while we sit here deliberating, her destiny may be decided. The Greeks contending with ruthless oppressors, turn their eyes to us, and invoke us by their ancestors, slaughtered water, by the hecoatombs of dead they have heaped up, as it were to heaven, they invoke, they implore us for some cheering sound, some look of sympathy, some token of compassionate regard. They look to us the great Republic of the earth—and they ask us by our common faith, whether we can forget that they are struggling, as we once struggled, for what we now so happily enjoy? I cannot say, sir, that they will succeed; that rests with heaven. But for myself, sir, if I should to-morrow hear that they have failed—that their last phalanx had sunk beneath the Turkish scimitar, that the flames of their last city had sunk in its ashes, and that nought remained but the wide melancholy waste where Greece once was, *I should still reflect, with the most heartfelt satisfaction, that I have asked you, in the name of seven millions of freemen, that you would give them at least the cheering of one friendly voice.*"

Sincerely,

H. N. PETRAKOS, M.D.,
Hellenic Philatelic Society of America
Chicago Chapter No. 1.

SENATE—*Wednesday, April 14, 1971*

The Senate met at 10 a.m. and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for this world resplendent in the resurrection of springtime. For buds and blossoms, for lush meadows and verdant hills, for bounding streams and gentle breezes, for bright sun and starlit skies, for the lyric notes of birds and the music of all nature, we give Thee thanks.

We thank Thee for the resurrection of the human spirit, for the gospel of redemption and new life, which speaks of men made new, arising above cold indifference and callous unconcern to a new life of kindness, warm friendship, and sacrificial service.

We pray for our Nation, mighty in power and deep in need, that there may come a resurrection of idealism, of patriotism, of selfless service, of peaceful purpose, and commitment to the keeping of Thy law and the doing of Thy will. Guide by Thy higher wisdom Thy servants here and in all positions of trust, that they with all the people of this land may become "one nation under God," for the good of all mankind.

In the name of Him who is the Resurrection and the Life. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
President pro tempore,
Washington, D.C., April 14, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of April 5, 1971, the Secretary of the Senate, on April 7, 1971, received messages in writing from the President of the United States.

REPORT ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT (H. DOC. NO. 92-85)

Under authority of the order of the Senate of April 5, 1971, the Secretary of the Senate, on April 7, 1971, received the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

Creation last year of the National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency (EPA) has given us the capacity to manage our Federal oceanic, atmospheric and environmental responsibilities with substantially greater effectiveness and efficiency.

The United States' marine science program was marked in 1970 by a number of sound accomplishments and new departures.

Internationally, we worked successfully with other nations to produce a seabed arms control treaty. We proposed development of a treaty governing the exploration and exploitation of seabed resources and submitted a working draft of such a treaty to the United Nations. And we are also joining forces with others in earnest efforts to preserve the quality of the marine environment.

A major step toward more rational use of the oceans was taken in December, 1970, when the nations of the North Atlantic Treaty Organization resolved to achieve by 1975, if possible, and by the end of the decade at the latest the elimination of intentional discharges of oil and oily wastes into the oceans. We are earnestly pursuing this worthy objective. It is my hope that the Senate, as part of this effort, will soon give its advice and consent to the international oil spills conventions and amendments which were transmitted last May.

I have also asked the Congress to enact the Ports and Waterways Safety Act, which would increase the Coast Guard's authority to protect against oil spills, and the Wholesome Fish and Fishery Products Act, which would provide for the inspection of fish and fishery products during their harvesting, processing and transport.

These accomplishments are reported in detail in the annual report of the National Council on Marine Resources and Engineering Development, "Marine Science Affairs," which I am today transmitting to the Congress. During 1970, the Council, which is chaired by the Vice President, has continued to assist me in the development of marine science policy, the coordination of Federal programs, and the effecting of an orderly transition during the reorganization of Federal agencies in the marine sciences. As the Council now completes its work, we can take pride in the new policies and programs that fulfill the objectives of the Marine Resources and Engineering Development Act. The Council deserves our gratitude for a job well done.

My budget request for fiscal year 1972 provides $609.1 million for marine science, technology and services—an increase of more than $70 million over my request of a year ago. These funds would permit NOAA to undertake priority programs of fundamental importance to the Nation's marine science interests; they will permit us to continue the accomplishments of the Sea Grant program; to further our participation in the International Decade of Ocean Exploration; to insure that necessary marine research and development is conducted for national security purposes; and to make certain that marine research and development, generally, continue to make productive contributions to our growing use of the sea.

We have embarked on a strong marine science program for the 1970s. In the year ahead the Federal Government will build on these accomplishments. And we will look to all sectors of the Nation's marine science community—State and local governments, industry and the universities—to contribute to the fullest to the United States' efforts to make better use of the oceans and to provide world leadership on the major ocean issues before the community of nations.

RICHARD NIXON.

THE WHITE HOUSE, *April 7, 1971*.

MESSAGE ON THE DISTRICT OF COLUMBIA—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT (H. DOC. NO. 92-84)

Under authority of the order of the Senate of April 5, 1971, the Secretary of the Senate, on April 7, 1971, received the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on the District of Columbia:

To the Congress of the United States:

Too often in the time since President Washington met with Pierre L'Enfant in Georgetown to review plans for the new District of Columbia—180 years ago last month—the Federal responsibility to the Federal District has not been honored as it should be. Too often Presidents and Congresses have overlooked the opportunity to validate their designs for the Nation by realizing them here in the District of Columbia. But in recent years we have begun to write a new record, one in which the Federal Government can take pride, one which is lifting the city of Washington from the status of a stepchild into the ranks of the first-born among America's great cities.

The single unifying motive behind all of the diverse proposals and initiatives I am putting forward in this message today is to give Washingtonians, as American citizens and Washington, as the Nation's Capital the very best in the performance of the responsibilities of government—as they deserve. Let the New American Revolution which we seek for all Americans begin here, in the Nation's Capital—and now, in 1971.

TOWARD SELF-GOVERNMENT AND FULL CITIZENSHIP

If we are to bring the new American Revolution to the people of Washington, we must start by securing for them the benefits of the original American Revolution, in which they still do not fully share. The fundamental rights for which George Washington's armies fought—men's rights to be represented in the legislature that taxes them and to hold consent over the government that rules them—can no longer be denied to the city that bears Washington's name.

Reorganization Plan No. 3 of 1967, which broke almost a century of stagnation in the progress of District government and set up a new system with a Mayor-Commissioner and a City Council, represented an important first step toward making Washingtonians full citizens of their own city. I am in full support of the letter and the spirit of that reorganization, and my administration will continue to work to strengthen the city government's hand in managing its own affairs more effectively.

One of my most pressing goals for this Nation is to place local functions under local control, and to equip local governments with the authority and the resources they need in order to serve their communities well. To this end I solicit the cooperation of the Congress in transferring many of the routine municipal functions it now must exercise itself, into the hands of the District government. Several such functions whose transfer is requested in the District's 1971 legislative program include the setting of liquor license fees, the execution of long term lease agreements, and the issuance of no-cost driver's permits for use by District police officers on duty. It is clearly time to stop tying the city's hands, and squandering the Congress' valuable time, by holding on Capitol Hill minor powers that belong in the District Building.

Further managerial reforms will be recommended by the Commission on the Organization of the Government of the District of Columbia (Nelsen Commission) created last year and charged (in legislation now pending) to report its findings to the Congress in March 1972. Such recommendations are needed—but there is another dimension of need as well. District government must become not only more efficient but also more democratic.

Therefore, we will shortly submit legislation adding six months to the life of the Nelsen Commission and authorizing it to prepare a second report stating its views on the subject of expanded self-government for the District of Columbia. This would be a logical use of the expertise assembled on the Commission, and a natural extension of its area of study. From the first report on improving government *for* the people, it would move to a second report on shaping government *by* the people.

Evolving hand in hand with the movement toward full popular participation in District government is the steady progress toward giving the people of Washington full participation in the Federal Government. They have now voted in two Presidential elections, and now they have elected their first Congressional delegate in a century. I was proud to personally congratulate the Reverend Walter Fauntroy immediately after his election to this important post two weeks ago. Establishment of the nonvoting House delegate position—by legislation which my administration introduced and advocated—gives Washington a voice in the Congress. But it is only an interim step, for the city should be entitled to a vote there as well. I reaffirm my strong support for a Constitutional amendment granting to the District at least one full voting representative in the House of Representatives, plus such additional representation in one or both houses as the Congress may approve.

There is a wide range of other fronts on which local government in the Nation's Capital could be strengthened and its responsiveness to the people increased. Electoral reform is one, and there are many others. This administration will continue to work receptively and cooperatively in this area with the Congress and with all interested groups in the District of Columbia.

TAKING THE LEAD IN CRIME REDUCTION

Forms of government are important—yet they can mean little in a city whose people are ruled by fear for their personal safety and the security of their property. One of my administration's first priorities in the District of Columbia has been to move the city from its place near the top of the list in the incidence and increase of crime, into a position of leadership in crime reduction. Only when this is done can we move toward healthy development for Washington and a fuller life for its people. And now, it is being done.

The District's crime rate declined 5.2 percent from 1969 to 1970, reversing the rapid increases of the late 1960s. Thus people who live in the District, people who work here, and our millions of visitors from around the world, are safer on the city's streets. Equally important, the decline in the District's crime rate, together with crime decreases in 21 other major cities last year, demonstrates that urban crime throughout the Nation can be successfully challenged through decisive action.

Action taken to combat crime in Washington has included:

—An increase in the Metropolitan Police Force from 4,100 to 5,100 officers, with a greater percentage of the force moved into the law enforcement front lines by using civilian personnel to perform many routine functions.

—Landmark legislation which modernized the D.C. court system and provided law enforcement officers with new criminal procedures.

—A substantial narcotics treatment and enforcement program, to rehabilitate narcotics victims and to reduce the criminal activity which supports drug addiction.

—A program of experimental, high-intensity street lighting in selected areas of the city.

—An increase in minority representation on the police force from 28 percent to 37 percent—the highest in the Nation—through a determined community recruiting program.

—A language training program to improve police service in Spanish-speaking neighborhoods.

—Creation of the Executive Protective Service to enhance protection of foreign embassies and free D.C. police for regular civil assignments.

In addition, an increasingly metropolitan perspective is developing among law enforcement agencies in and around Washington. The administration will help to reinforce this trend toward coordinated action, so that crime reductions within the District of Columbia are not rendered hollow by a growing crime problem in the suburbs. The first logical place to begin applying some of the lessons we have learned about combatting crime in the District is right in our neighboring communities.

Looking to the future, we will continue to press the combination of programs that has proved so successful over the past two years. In order to strengthen the D.C. Narcotics Treatment Administration—one of the keystones of the District's success in crime reduction, and a national leader in the fight against hard drug abuse—I have requested the Attorney General to provide the program with a total of $3 million in grant assistance during calendar year 1971 from the Law Enforcement Assistance Administration. This will enable the program to reach more of the city's addicts and to expand the job counseling and other services it offers them.

My 1972 budget requests, together with those of the District government, provide for:

—Full-year funding for Washington's 35 new U.S. Attorneys and 13 new U.S. District judgeships, which were approved by the Congress in a 1971 supplemental appropriation.

—Upgrading the efforts of the Executive Protective Service in protecting the foreign embassies in the District.

—Maintenance of police strength at 5,100 men with additional training to improve force effectiveness.

—Implementation of the new court reform legislation.

—Improved care and custody for the growing institutional population, and expansion of the community-based correctional program.

I urge the Congress to contribute to the momentum of our winning battle against crime in the Nation's Capital by approving these requests.

HELPING THE DISTRICT HELP ITSELF

Central to my proposals for revitalizing State and local government across this country in the years ahead is the recognition that all the political authority a community may possess is only paper power if it lacks the resources—the dollars—it needs to deliver services and amenities to its people. Our program for some $16 billion in general and special revenue sharing—the last portion of which I transmitted to the Congress yesterday—is essentially an effort to give the cities and States the tools they need to do their jobs.

"Revenue sharing" of a sort has been a way of life in the District of Columbia for many years, as it properly should be in view of the Federal presence in the District. My budget requests for fiscal year 1972 call for Federal payments of $153 million to the District government—an increase of more than 20 percent over the currently authorized level. And General Revenue Sharing, when enacted, would bring the city an additional $23 million share during the first year. Welfare reform, besides extending new dignity and tangible benefits to the District's welfare recipients, would lead to further large savings for the city government.

Beyond the fiscal relief which these national reform proposals would afford Washington, there are several areas where the Federal interest in the District warrants special financial support. These include the metropolitan rapid rail mass transit system (METRO); improved water quality facilities and other public works construction projects; and public higher education.

FEDERAL GUARANTEES FOR METRO REVENUE BONDS

Excavations for METRO's subway tunnels and stations already dot the District. When it goes into operation at the beginning of 1974 it will be the Nation's most modern mass transit system. It should do much to unify the metropolitan Washington community, to improve the quality of life by reducing congestion and pollution in the area, and to stimulate the metropolitan economy by the increased labor mobility it will provide. I am confident that disagreements over implementation of the 1968 and 1970 Highway Acts—now tying up needed METRO funds—can be resolved, and I have urged all of the parties involved to give priority to meeting these legislative obligations.

To remove another major obstacle now confronting METRO, I am today proposing that the Federal Government guarantee the revenue bonds of the Washington Metropolitan Area Transit Authority so as to expedite their sale. Severe inflation in the construction industry has combined with unexpected delays in the METRO development timetable to create a $450 million gap in the financial plan originally advanced by WMATA, and to impair the marketability of the METRO revenue bonds. By guaranteeing these securities, we can help WMATA sell all its originally planned bonds so that METRO construction can go forward at once. The bonds would become taxable as a condition of the guarantee, providing a revenue flowback to the Treasury from the interest paid on them. This flowback in turn would permit the Federal Government to cover 25 percent of the Authority's anticipated interest costs on the bonds, enabling the issuance of $300 million in additional bonds. Federal assistance would thus help WMATA close two-thirds of its $450 million revenue gap, in keeping with the two-thirds Federal and one-third local cost sharing arrangement that has prevailed for METRO funding in general.

BONDING FOR CLEAN WATER AND OTHER PUBLIC WORKS

Washington's efforts to improve its public services and to enhance the urban environment are doubly deserving of Federal support—not only for the sake of the city and the people themselves, but for the sake of the whole Nation as well. This applies to the city's hopes of showing the Nation the way in urban mass transit, and it applies equally to the ecological and esthetic imperatives of purifying our waters.

The Potomac, the great river that George Washington loved and that was the principal influence on his choice of a site for the Federal District, must be restored as an asset to the entire region. The Congress last year indicated its strong interest in this matter by ordering a thorough study of the water resources and waste treatment problems of the Washington metropolitan area. The Environmental Protection Agency has completed that study and it is now being reviewed within the administration.

A vital factor in whatever strategy we adopt will be the regional water pollution control plant at Blue Plains. Work is now underway to increase the capacity of this plant in response to population growth in the metropolitan area, and to upgrade its treatment level so it can meet required water quality standards. My 1971 environmental proposals and my fiscal year 1972 budget provide for continued support of this improvement project by the Environmental Protection Agency. I will shortly submit to the Congress a District fiscal year 1971 supplemental appropriation request to permit the District of Columbia to maintain its share of support for the work.

The money which the District government is required to spend to meet its share of the Blue Plains improvement costs is raised by direct borrowing from the United States Treasury—the standard means of financing all District public works and capital outlays. However the borrowing authority of the District government under present law is insufficient to meet the Blue Plains needs in FY 1972 and subsequent years. Rather than merely seeking an ad hoc extension of this borrowing authority, I am renewing my proposal that all capital financing for the District of Columbia be shifted from direct Treasury loans to municipal bonds. The 91st Congress did not enact this needed reform, and I have now placed it before the 92nd Congress. The features of this bonding proposal parallel those I have just described for METRO bonds: D.C. capital bonds would be Federally guaranteed and Federally taxable, with a Federal subsidy covering approximately 25 percent of interest costs. Under this arrangement the District of Columbia would gain most of the advantages of ordinary municipal bonds while retaining an extra degree of Federal support in keeping with the unique Federal interest in District affairs. Blue

Plains is only the most urgent of many public works projects which could progress more quickly and efficiently as a result.

Extending this type of bonding authority to the District government is exactly in line with a cardinal principle of the New American Revolution: that the way to help local government become more responsible is to entrust it with more responsibility.

ASSISTANCE FOR PUBLIC HIGHER EDUCATION

A city can have no obligation higher, and no investment more worthy, than the development of its human resources. The Nation can be proud of the way this priority is being recognized in the District of Columbia. The Washington Technical Institute and the Federal City College, both created in recent years, are helping thousands of young Washingtonians expand their opportunities by developing their potential beyond the high school level. The work that these institutions have done under a variety of handicaps and hardships is remarkable, and this administration is committed to helping the District eliminate their handicaps as quickly as possible. For this reason, my proposal for District of Columbia public works bonding makes a special provision to assist the construction of permanent campuses for the Institute and the College. It would shift the financing of these projects from Treasury loans to direct Federal grant support.

This approach would simplify and speed the effort to give Washington Technical Institute and Federal City College the kind of physical facilities they deserve to match the levels of dedication and performance they have shown from the first. It would also remove a substantial burden on the future public debt of the District government. Purely from a business standpoint, these grants can be regarded as a sound investment in upgrading the local work force—with the Federal Government, as Washington's major employer, certain to be one of the principal beneficiaries.

It has seemed particularly desirable that the Washington Technical Institute be relocated from its temporary quarters in the southern portion of the old National Bureau of Standards site in Northwest Washington. Since 1968 this land has been earmarked by the Congress for construction of an International Center which would house foreign chanceries and the headquarters of the Organization of American States. Many countries have been unable to find adequate quarters for their chanceries here in Washington, and the Congress by this action recognized the importance of providing suitable space for them. At the same time, it is important that the Washington Technical Institute be moved with minimum interruption of its outstanding educational programs.

After a thorough review of alternative sites for the Institute and the International Center, I have accepted the recommendations of the National Capital Planning Commission, other affected Federal agencies, and the Washington Technical Institute that the two activities share the old Bureau of Standards site. The International Center can occupy the south end—the present Institute grounds—while the northern portion of the site can become an excellent permanent campus for the Institute. Planning is proceeding accordingly. During construction of its new buildings, the Institute will be housed in suitably adapted existing buildings on the north side of the site.

I will shortly transmit budget requests for this move and for the relocation of Federal agency activities now on the site. In the coming years, both the Institute and the International Center will be important new landmarks on upper Connecticut Avenue, symbolizing side by side the Capital City's dedication to human development and to international understanding.

Planning for the permanent campus of Federal City College has not progressed as quickly as that for the Washington Technical Institute site, and so I will not discuss the various alternatives and possibilities at length here. I would stress, however, my firm commitment to assisting the College not only through construction grants but also through active interest in the process of translating those dollars into land, classrooms, and other facilities which can begin benefitting Federal City's students in the near future.

A DEVELOPMENT BANK FOR THE DISTRICT OF COLUMBIA

All of the areas in which I have proposed that the Federal Government give special attention to helping the District Government help itself—mass transit, clean water, and human resources development—bear directly on the support of a vigorous, expanding economy in the Nation's Capital. They would help to create a climate that favors economic growth. I now urge the Congress to assist business and industry in taking advantage of that climate by establishing a Development Bank for the District of Columbia, as proposed in legislation which the administration is submitting. Such a Development Bank, forging a new partnership among Federal officials, local officials, and representatives of the private sector, would serve as an action center in assembling the necessary combinations of capital and management skills so that economic development opportunities do not go begging as they have sometimes done in the past.

Washington has been called, not too kindly but with a measure of truth, a "company town." Inevitably the Federal Government will remain a dominant factor in the metropolitan economy, but one-industry communities all over the Nation are seeing the wisdom of diversifying, and often it is the major employer in the community which takes the lead in broadening the economic base to create new jobs and a wider prosperity. Certainly that should be the case in Washington, and can be if we move to establish the Development Bank.

PREPARING FOR THE BICENTENNIAL

The bicentennial of American independence, now only five years away, is a natural focal point for our hopes and plans of what the Nation and the Nation's Capital can become. Many cities will take part in this great observance as we celebrate our heritage and map our third century that lies ahead. Boston as the cradle of liberty, and Philadelphia as the scene of the bold political strokes leading to independence and union, will both play leading roles. But Washington, truly the child of the American Revolution, will have an especially exciting chance to show the world how that child has come to full maturity.

We must give urgent and continuing attention to enhancing the Nation's Capital as "the city of magnificent distances"—the gracious description a Portuguese diplomat gave it when it was little more than a village in the wilderness. To insure vigorous Federal participation in the work of readying Washington's public buildings, avenues, and open spaces for the bicentennial year, I have asked Robert Kunzig, the General Services Administrator, to serve as my Special Assistant for District Bicentennial Development Projects. I have also resubmitted to the Congress legislation to create a Federal City Bicentennial Development Corporation which would exercise leadership in public and private efforts to realize the development potential of the Pennsylvania Avenue area.

A number of construction projects included in my budget for fiscal year 1972 also point to an attractive new look for Federal Washington by 1976. These include the Smithsonian Institution's plans to build a new National Air and Space Museum on the Mall and a new display area for cultural and technological advances of the past two centuries in the National Museum of History and Technology; the National Sculpture Garden which the National Park Service will build on the Mall; new buildings for the Departments of Labor and Health, Education, and Welfare, and the United States Tax Court; and the James Madison Memorial Library addition to the Library of Congress. I ask the Congress to appropriate the necessary funds for these projects.

As we work to beautify the official face of the city, we will not neglect the task of healing its residential heart. The wounds of anguish inflicted on portions of Washington in the tragic aftermath of Martin Luther King's assassination three years ago this week are still far too evident, depressing the lives of residents and scarring their neighborhoods. The riot-torn areas, as well as those suffering from blight and decay, deserve accelerated urban renewal assistance—this the administration is cooperating with local officials to provide. One of my first Executive actions as President was to pledge "full support * * * and * * * the utmost Executive energy" for neighborhood redevelopment efforts in the District of Columbia. A start has been made, but through Federal and local determination we can do still better. We shall.

Georgetown, the District of Columbia's living link to the colonial and Revolutionary eras, also merits special attention in the course of our bicentennial preparations. We have come to the point where failure to act immediately on an overall development and preservation plan for the Georgetown waterfront area will mean the loss by default of its unique combination of historical, scenic, and natural values. While many imaginative ideas for such a plan have been advanced over the years, none has been adopted. Now roads and commercial development threaten to change the waterfront forever, piecemeal. I have asked the District government, the National Capital Planning Commission, and the Departments of HUD, Transportation, and Interior to join with private citizens and move ahead at once in developing an overall plan for the Georgetown waterfront. The purpose of the plan will be to insure the preservation of historic buildings, to increase park lands, to save the open vistas of the river and Roosevelt Island, and to provide for the harmonious development of public, commercial, and residential facilities.

INTENTIONS FOR THE LIVING CITY

Charles Dickens, visiting the United States in 1842, took issue with the Portuguese diplomat's characterization of Washington. It should be called, he said, the city of magnificient *intentions*. His novelist's eye missed no detail of the bustling human life of the Capital, and the whole scene suggested to him visions and dreams—social and political as well as architectural—unfulfilled, still striven for.

Dickens' insight remains pointed and valid today. For it is clear that Washington's role as we enter America's third century must be not only that of a political and ceremonial capital, but also that of a living city—a city alive in its own right with three-quarters of a million Americans, the life-center of all these United States. Our intentions for Washington still outreach our achievements, as they may for decades to come. But let us at least be very clear about what those intentions are; let us make them as magnificent as L'Enfant's physical plan for the District; and let us begin moving apace to realize them.

The reality may be long in coming, but the right intention is simple enough to state: Washington should embody the essence of what is best in America. The direction of Federal effort then is plain. Federal effort should contribute wherever possible to making this a city unexcelled in quality of life, urban grace and efficiency, and economic opportunity. Federal effort should follow the principle that since government is Washington's *raison d'etre*, we will do the city the greatest credit by making its local government a model and by making the Federal Government that is centered here as effective and democratic as we can.

Washington as a living city, and an exemplary one—Washington as the seat of a local and a Federal Government that are truly of the people, by the people, and for the people: I invite the people of the District of Columbia and the Congress of the United States to share in these exciting hopes for the years ahead.

RICHARD NIXON.

THE WHITE HOUSE, *April 7, 1971*.

MESSAGE ON EDUCATION—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT (H. DOC. NO. 92-83)

Under authority of the order of the Senate of April 5, 1971, the Secretary of the Senate, on April 7, 1971, received the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

A very substantial part of what American government does is directed to the future and to the creation of a suitable legacy for generations to come. In this sense, government reflects a central purpose of the basic family unit and seeks to serve that purpose: as we move to condition the future, we move also to prepare our children to take their place in that future. In this task, all levels of government recognize the Nation's responsibility for educating its youth.

Primary responsibility, of course, rests with State and local governments, as it should. The Federal Government can help provide resources to meet rising needs, but State and local education authorities must make the hard decisions about how to apply these resources in ways that best serve the educational needs of our children. To enable State and local authorities to do this more effectively, I am proposing today a new system of special revenue sharing as a means of providing Federal financial assistance for elementary and secondary education.

This message is the last of six special revenue sharing proposals which I have put forward over the past two months. Combined with the administration's $5-billion general revenue sharing plan and welfare reform proposals, special revenue sharing—as a new and more flexible approach to Federal aid—would fundamentally reform the fiscal roles and relationships of American federalism. The other five special revenue sharing proposals have been in the areas of urban community development, rural community development, transportation, manpower training and law enforcement assistance.

The plan I am putting forward today for Education Revenue Sharing brings together more than 30 Federal aid categories and deals with one of the Nation's most complex systems for providing public services. There are 46 million students presently enrolled in public schools in America, with more than five and a half million more in non-public schools. There are more than 117,000 schools and nearly 18,000 public school districts, each with its own unique conditions and each with its own problems.

Federal expenditures for elementary and secondary schooling over the past decade are projected to increase from $0.9 billion in fiscal year 1961 to $5.5 billion in fiscal year 1972. Yet there are serious problems with the way in which this aid is provided.

THE PRESENT SYSTEM

Under the present piecemeal system of Federal aid, education grants are available to local schools under 38 separate authorizations for "instruction," 37 separate authorizations for low-income students, and 22 separate authorizations for reading instruction. The confusion is so great that some school districts have had to hire separate staffs charged solely with cutting through the maze of applications, guidelines, regulations and reporting requirements which are an intrinsic part of the present grant system.

There are other problems:

—The time, energy and imagination needed to bring educational reform is frequently drained off into what is an essentially non-productive effort to qualify for Government grants. Yet, at the same time, rigid qualifications for grants frequently stifle creative initiative. In the end, a system which ought to promote innovation instead discourages it. And because Federal programs are resistant to change, we see money being spent on programs which may have outlived their usefulness, or that simply are ineffective, while funds for new ideas cannot be obtained.

—Educational planning is made difficult because of the fragmentation of grants. Under the present system, a community must make a series of separate applications to a series of Federal officials. There is no assurance that every proposal will be funded, or that any proposal will be funded. Consequently, the present fragmented procedures virtually eliminate any possibility of preparing a comprehensive, coordinated program.

—There is little accountability under the present system; if a program fails it is difficult to assess responsibility. Although it is the common response to blame Washington if something does not function according to design, such an exercise is usually futile given the cumbersome nature of the Federal bureaucracy.

—There is little flexibility in the present system. Individual grants are often too narrowly defined and designed to achieve the things Washington wants, while at the same time allowing little latitude to meet individual community needs.

—There has been little useful evaluation of how Federal aid programs under the present system help children learn more effectively, or of how they provide the children with equal educational opportunities. The diversity of the country and the large number and great variety of Federal aid programs have made it impossible for those at the Federal level to measure the success or failure of their efforts, and so we resort to judging effectiveness by how much we spend rather than by how much we accomplish.

My proposal for special revenue sharing for education is designed to overcome these problems by substituting a basic new approach to providing Federal assistance. To help formulate this proposal, the Office of Education held ten regional hearings to discuss the specifications for Education Revenue Sharing, and my proposal has benefitted from the views of educators and those interested in education all across the Nation.

EDUCATION REVENUE SHARING

Education Revenue Sharing would revitalize the relationship between the Federal Government and State and local governments. It would stimulate creativity and new initiatives at State and local levels. My proposal would establish a new instrument of Federal assistance which would bring together more than thirty major Office of Education programs representing approximately $2.8 billion in grants in the 1972 budget, and provide for an increase of $200 million in total funding in the first year.

These funds would provide support for educational activities in broad areas where there are strong national interests in strengthening school programs. The national priority areas included are compensatory education for the disadvantaged, education of children afflicted by handicapping conditions, vocational education, assistance to schools in areas affected by Federal activities, and the provision of supporting services.

This new Federal aid instrument would have the following important features:

AUTOMATIC DISTRIBUTION OF FUNDS

Funds would be distributed automatically on the basis of a statutory formula which takes account of the total school age population in each State, the number of students from low-income families, and the number of students whose parents work or live on Federal property. No State would receive less money under Education Revenue Sharing than it receives under the present grant system. In addition, authority for advance funding would be requested to facilitate careful planning free from the vagaries of the present practice of delayed appropriations.

NO FEDERAL APPROVAL OF STATE PLANS

States would no longer be required to submit exhaustive plans for extensive Federal review or Federal approval, but would simply develop and publish a plan in line with State and local needs so as to permit all concerned citizens to become involved with the allocation of these Federal resources. States would also appoint an advisory council broadly representative of the public and the education community, in order to further insure that all interests are heard. This new system would substitute genuine citizen participation for routine bureaucratic sign-off.

BROAD DEFINITION OF PURPOSES

The areas of Federal assistance would be broadly defined in keeping with national interests.

—The provision of equal educational opportunities to all of our children is a key national priority. As I pointed out a year ago, the most glaring shortcoming in American education today is the lag in essential learning skills among large numbers of children of poor families. The largest Federal program in education—Title I of the Elementary and Secondary Education Act—was designed to meet the special educational needs of these children. The Education Revenue Sharing Act would provide that over one-half of the $3 billion proposed for the first year be used for providing compensatory education for disadvantaged children. These funds would be passed through directly to local school districts which enroll large concentrations of these children.

—The specific needs of handicapped children are and would continue to be a matter of concern to the Federal Government. When time is so critical to the training and social development of the youngsters, any delay in the funding of their education can have irreparable consequences. Nevertheless, in the present circumstances, delay is common. I propose to change this. Funds would be allocated directly to the States and the procedures for obtaining these funds would be simplified.

—For many years, the Federal Government has provided assistance for training in industry, agriculture and the crafts in our Nation's schools. This training is vital to the Nation's economy. But the needs in these areas are constantly changing. Vocational education of tomorrow may bear little resemblance to today's form, but its task will be the same: to demonstrate to American youth the worth and dignity of work, and to help them to obtain the specific skills that other forms of education cannot supply. As with my proposal for Manpower Revenue Sharing, States and local educational authorities would be authorized to determine how best to use Federal funds for vocational education in order to meet the needs of particular communities and individual workers.

—An ongoing responsibility of local public schools is to provide education for Federally connected children. The Federal Government rightly provides aid to help meet the financial burden of children who live on Federal property—hence property which provides no taxes for education. To offset the loss of local school taxes, Education Revenue Sharing would provide a direct pass-through to local school districts enrolling such children. For those students whose parents only work on Federal property, and live on locally taxable land, funds would also be provided. In this case, however, the funds would be distributed to the States which would determine the degree of financial need created by those circumstances and allocate funds accordingly.

—The Federal Government currently offers an array of programs designed to purchase specific educational materials or services. These programs range from the provision of textbooks and other library resources to the support of guidance and counseling services. Education Revenue Sharing would continue this aid but would pull together programs from at least fourteen separate statutory provisions into one flexible allocation under which States can decide how best to meet local education needs.

GREATER FLEXIBILITY

Under this proposal for Education Revenue Sharing, States and local school districts would be given far greater flexibility than is presently the case in deciding how funds should be spent in serving the national priority areas. In addition to the broader definition of national purpose, States would have the authority to transfer up to thirty percent of funds—except those which are passed through directly to local schools—from one purpose to another. This would enhance flexibility in the application of funds for education, and permit the States to make substantial adjustment in their educational plans as their educational needs require.

OTHER FEATURES

As with my previous special revenue sharing proposals, Education Revenue Sharing would preserve all existing safeguards against infringements of civil rights by assuring that these funds would be subject to Title VI of the Civil Rights Act of 1964.

Non-public schools bear a significant share of the cost and effort of providing education for our children today. Federal aid to education should take this fully into account. This proposal would do that by considerably broadening the authority for extending aid to students in non-public schools. Non-public school students would be counted in the reckoning of population for purposes of allocation, and all forms of educational services would be available to them.

As an important precondition to the receipt of Federal funds for education of the disadvantaged, I propose a requirement for States to certify that services provided in all schools within a given school district from State and local funds must be fully comparable. This is a considerable improvement over the present law. It would assure that Federal funds for compensatory education programs would actually be spent on services beyond those provided for all children, and thus for the first time would truly guarantee that these funds would be used to help equalize learning opportunity for the disadvantaged.

THE FEDERAL ROLE IN EDUCATION

The proposal I am putting forward today reflects what this administration considers to be the appropriate Federal role in elementary and secondary education. This Federal role is threefold: (1) the allocation of financial resources on a broad and continuing basis to help States and local school districts meet their responsibilities, (2) the provision of national leadership to help reform and renew our schools to improve performance, and (3) the concentration of resources to meet urgent national problems during the period when they are most intense.

Education Revenue Sharing would strengthen the first by providing a new and expanded system of Federal aid to our schools. It should be noted in this connection that my proposals for general revenue sharing and welfare reform would also both provide and free additional fiscal resources which States and localities could devote to the rising costs of education. At the present time, State and local governments spend forty percent of their revenues for education. Under general revenue sharing, which would distribute a fixed portion of the Federal tax base to the States and localities to use as they determine, education would most certainly be a major beneficiary. These funds would total $5 billion in the first full year of operation. Similarly, the administration's proposals to reform the Nation's failing welfare system would free the States of a significant portion of fast-growing welfare costs at the same time that it would provide a better and more stable home environment for millions of children.

To strengthen the Federal leadership role in reforming and renewing our Nation's schools, I proposed a year ago the creation of a National Institute of Education to bring to education the intensity and quality of research and experimentation which the Federal Government has, for example, devoted to agricultural and medical research. The National Institute of Education would serve as a focal point for identifying educational problems, developing new ways to alleviate these problems, and helping school systems to put the results of educational research and experimentation into practice.

As an example of the concentration of Federal resources to meet urgent national problems during a period of intense need, I proposed in May 1970 an Emergency School Aid Act to provide $1.5 billion over a two-year period to help meet the special problems of desegregating our Nation's schools. Progress in school desegregation has been accelerating. The Emergency School Aid Act would help local communities expedite and adjust to this change, while maintaining and improving the quality of education in affected schools.

Taken together, the National Institute, the Emergency School Aid Act and Education Revenue Sharing represent a bold new approach to fulfilling the Federal role in education and to meeting the educational needs of the 1970s.

CONCLUSION

The education of our children transcends partisan politics. No one benefits from failures in our system of education, and no one can fail to benefit from improvements in the means by which education in America is given all the assistance proper at the Federal level. The effort to provide that proper assistance, the effort to encourage reform where reform is needed, and the effort to extend to all American children the advantage of equal educational opportunity have all been a concern of this administration as, indeed, they have been of other administrations. These efforts continue.

I believe we must recognize that the Federal Government cannot substitute its good intentions for the local understanding of local problems, for local energy in attacking these problems, and for local initiatives in improving the quality of education in America. We must also recognize that State and local authorities need Federal resources if they are to meet their obligations and if they are to use the peculiar advantages of State and local knowledge, responsibility, and authority to their fullest potential. Education Revenue Sharing accommodates the Federal role in national education to both these realities, and it lays the foundation for a new and more productive Federal-State relationship in this area of vital national concern, just as the previous revenue sharing proposals have afforded similar possibilities in their areas of specific concern.

I consider each of these proposals vitally important in and of itself. But in the aggregate, the importance of revenue sharing is greater than the sum of the parts which comprise this series of legislative proposals. For we are seeking nothing less than a new definition of the relationship between Federal Government and State and local governments—one which answers the needs of the present and anticipates the needs of the future.

RICHARD NIXON.

THE WHITE HOUSE, *April 6, 1971.*

REPORT ON MANPOWER REQUIREMENTS, RESOURCES, UTILIZATION, AND TRAINING—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT (H. DOC. NO. 92–86)

Under authority of the order of the Senate of April 5, 1971, the Secretary of the Senate, on April 7, 1971, received the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

In a recent special message to the Congress which forms the first part of this volume, I urged prompt consideration and enactment of a Manpower Revenue Sharing Act of 1971, a long overdue and fundamental reform of the country's manpower programs.

This second Manpower Report of my administration provides factual background for this recommendation. A major feature of the report recounts the strenuous efforts we have made over the past two years to coordinate and strengthen the present multiplicity of manpower programs. Nevertheless, they remain much too rigid and narrowly focused to meet differing and changing local needs. Transfer of responsibility for planning and administration to State and local governments is essential if the programs are to become adequately responsive to the problems of local areas and their people.

The report analyzes in depth the critical employment and manpower utilization problems of urban labor markets and of rural areas. Because these problems differ in nature and intensity from State to State and community to community, there is no single, simple national solution. While job opportunities have expanded more in the suburbs, the central cities generally have not lost jobs and most cities have had some employment increase. The problem is that the inner city residents are confronted simultaneously by a number of obstacles—poor education, lack of skill training, bias in hiring practices. Overcoming these multiple, self-reinforcing barriers to employment is the hard challenge to imaginative local leadership in best using shared manpower revenues.

The States face equally challenging human resources utilization problems in our rural areas. Continued decline in farm employment is borne on the wings of ever-increasing farm productivity. Development of employment opportunities in our rural communities is vital, both to improve the quality of life for rural residents and to stem the tide of migration to our already crowded cities.

Another aspect of the labor market developed analytically in this report is the effects on employment of government purchases of goods and services. The shifting "mix" of government buying has far-reaching implications for the pattern of employment offered in the job market. The expected rapid growth in State and local government services over the decade of the 1970s offers real opportunity for improving job prospects for our disadvantaged fellow citizens.

As I said in transmitting last year's Manpower Report, full opportunity for all citizens remains a central goal for this Nation. The present report is concerned with the progress we have already made toward this goal and the distance we still have to travel. The report provides important new information clarifying the obstacles in the way and pointing to the new legislation and other public and private action essential to overcome them.

RICHARD NIXON.

THE WHITE HOUSE, *April 7, 1971.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, received on April 7, 1971, under authority of the order of the Senate of April 5, 1971, which were referred to the appropriate committees.

(For nominations received on April 7, 1971, see the end of Senate proceedings of today.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of April 5, 1971, the Secretary of the Senate on April 6, 1971, received a message from the House of Representatives, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 4209. An act to amend the Revised Organic Act of the Virgin Islands; and

H.R. 5814. An act to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737.

The message also announced that the House had agreed to the amendments of the Senate to the resolution (H. Con. Res. 257) providing for an adjournment of the House from April 7, 1971, until April 19, 1971.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred to the Committee on the Judiciary:

H.R. 4209. An act to amend the Revised Organic Act of the Virgin Islands; and

H.R. 5814. An act to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 1891. An act for the relief of John W. Watson, a minor;

H.R. 2011. An act for the relief of Philip C. Riley and Donald F. Lane;

H.R. 2036. An act for the relief of Miss Linda Ortega;

H.R. 2047. An act for the relief of Marion Owen;

H.R. 2132. An act for the relief of Cmdr. Albert G. Berry, Jr.;

H.R. 2400. An act for the relief of David Z. Glassman;

H.R. 2835. An act for the relief of William E. Carroll;

H.R. 3094. An act for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired);

H.R. 3748. An act for the relief of Sgt. John E. Bourgeois;

H.R. 4327. An act for the relief of Robert L. Stevenson;

H.R. 5419. An act for the relief of Corbie F. Cochran, Jr.;

H.R. 5422. An act for the relief of the American Journal of Nursing;

H.R. 7016. An act making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes;

H.J. Res. 278. A joint resolution authorizing the President to declare the last Saturday in April of 1971 as "National Collegiate Press Day";

H.J. Res. 329. A joint resolution authorizing the President to proclaim the period February 6 through February 12, 1972, as "Active 20–30 Week"; and

H.J. Res. 372. A joint resolution authorizing the President to proclaim the period April 19 through April 24, 1971, as "School Bus Safety Week."

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 1891. An act for the relief of John W. Watson, a minor;

H.R. 2011. An act for the relief of Philip C. Riley and Donald F. Lane;

H.R. 2036. An act for the relief of Miss Linda Ortega;

H.R. 2047. An act for the relief of Marion Owen;

H.R. 2132. An act for the relief of Cmdr. Albert G. Berry, Jr.;

H.R. 2400. An act for the relief of David Z. Glassman;

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H.R. 3094. An act for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired);

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H.J. Res. 329. A joint resolution authorizing the President to proclaim the period February 6 through February 12, 1972 as "Active 20–30 Week";

H.J. Res. 372. A joint resolution authorizing the President to proclaim the period April 19 through April 24, 1971, as "School Bus Safety Week"; to the Committee on the Judiciary; and

H.R. 7016. An act making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes; to the Committee on Appropriations.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 5, 1971, and Wednesday, April 7, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business after the Senators who have been recognized to speak prior to that time have concluded their remarks, with a time limitation of 3 minutes therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF LABOR

The assistant legislative clerk read the nominations in the Department of Labor, as follows:

George C. Guenther, of Pennsylvania, to be an Assistant Secretary of Labor, effective in accordance with the provisions of law.

Horace E. Menasco, of Washington, to be Administrator of the Wage and Hour Division, Department of Labor.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

The assistant legislative clerk proceeded to read sundry nominations in the Occupational Safety and Health Review Commission.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

WHAT IS LIBERTY AND SPEECH ALL ABOUT?

Mr. MANSFIELD. Mr. President, last month there was a teach-in at Harvard University, sponsored by conservative groups. It was intended to counter other recent teach-ins against the Vietnam war. There were to be speakers at this conservative teach-in from South Vietnam, Thailand, and the White House staff.

It is my understanding that before the meeting, members of another group, on the opposite side of the question, passed out fliers urging people to "come and prevent these thugs from speaking."

Prof. Archibald Cox, formerly Solicitor General of the United States, made a most eloquent plea to the disruptors of this meeting which eloquently put into perspective the real meaning of liberty and the actions of these disruptors. I ask that this plea be inserted in the Record.

There being no objection, the plea was ordered to be printed in the Record, as follows:

[From the Boston Globe, Apr. 10, 1971]

Liberty Will Have Died a Little

(By Archibald Cox)

("Liberty will have died a little," said Harvard Law School Prof. Archibald Cox, in pleading from the stage of Sanders Theater, Mar. 26, that radical students and ex-students of Harvard permit a teach-in sponsored by Young Americans for Freedom to continue. The plea, which failed, follows:)

My name is Archibald Cox. I beseech you to let me say a few words in the name of the President and Fellows of this University on behalf of freedom of speech. For if this meeting is disrupted—hateful as some of us may find it—then liberty will have died a little and those guilty of the disruption will have done inestimable damage to the causes of humanity and peace.

Men and women whose views aroused strong emotions—loved by some and hated by others—have always been allowed to speak at Harvard—Fidel Castro, the late Malcolm X, George Wallace, William Kunstler, and others. Last year, in this very building, speeches were made for physical obstruction of University activities. Harvard gave a platform to all these speakers, even those calling for her destruction. No one in the community tried to silence them, despite moral indignation.

The reason is plain, and it applies here tonight. Freedom of speech is indivisible. You cannot deny it to one man and save it for others. Over and over again the test of our dedication to liberty is our willingness to allow the expression of ideas we hate. If those ideas are lies, the remedy is more speech and more debate, so that men will learn the truth—speech like the teach-in here a few weeks ago. To clap down or shout down a speaker on the ground that his ideas are dangerous or that he is telling a lie is to license all others to silence the speakers and suppress the publications with which they disagree.

Suppose that speech is suppressed here tonight. Have you confidence that all who follow the example will be as morally right as they suppose themselves to be? History is filled with examples of the cruelty inflicted by men who set out to suppress ideas in the conviction of their own moral righteousness. This time those who have talked of disruption have a moral purpose, and may indeed be right in their goals and objections. But will others be equally right when they resort to the same tactics? The price of liberty to speak the truth as each of us sees it is permitting others the same freedom.

Disruptive tactics seem to say, "We are scared to let others speak for fear that the listeners will believe them and not us." Disruptive tactics, even by noise alone, start us on the road to more and more disruption, and then to violence and more violence, because each group will come prepared the next time with greater numbers and ready to use a little more force until in the end, as in Hitler's Germany, all that counts is brute power.

And so I cling to the hope that those of you who started to prevent the speakers from being heard will desist. You have the power to disrupt the meeting I am quite sure. The disciplinary action that will surely follow is not likely to deter you. But I hope your good sense and courage in doing what's right will cause you to change your minds—to refrain from doing grievous and perhaps irretrievable harm to liberty.

Answer what is said here with more teach-ins and more truth, but let the speakers be heard.

Mr. MANSFIELD. My position, Mr. President, is well known and a matter of public record with respect to the country's tragic involvement in Southeast Asia. In all likelihood, very little opinion would have been expressed that evening about our involvement that I could have agreed with. But it is so tragic that these views were prevented by those who consider views inconsistent to their own as the views "of things."

Mr. President, I do not care what group an individual belongs to, but I think that, if we are going to have the first amendment to the Constitution put into effect and enforced in this country, it should apply just as equally to the right as it does to the left.

Those who raise the specter of opposition against people who oppose them show a decided lack of understanding of what the Constitution of the United States means, stands for, and is; and, in their own way, they are just as barbaric as a group which would be operating under the directions of a dictatorship.

Part of the great tragedy of Vietnam is how it has distorted and put out of focus the basic values of this society.

A very good article about this meeting which was held—speaking in a certain fashion—at Harvard University last month, was written by Anthony Lewis and published in the Billings, Mont., Gazette of March 31, 1971.

I ask unanimous consent that this well-reasoned analysis be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Shouting Away Freedom

(By Anthony Lewis)

Cambridge, Mass.—Archibald Cox is a Harvard law professor who served with great distinction as solicitor general of the United States. His well-known report on the troubles at Columbia University reflected a particular sympathy for students, and understanding of the reasons for their unrest. His person expresses a New England sense of moral conviction.

For all those reasons it was a moment of unusual drama and import when Archibald Cox faced a screaming, chanting audience at Sanders Theater, Harvard, last Friday night and tried to make these words heard:

"If this meeting is disrupted, then liberty will have died a little . . . Freedom of speech is indivisible. You cannot deny it to one man and save it for others . . . The price of liberty to speak the truth as each of us sees it is permitting others the same freedom."

One would have thought that at a university, of all places, that view of free speech would be unarguable—most of all at the university that gave us Holmes and Brandeis. But one returning here from abroad finds that respect for freedom of speech cannot at all be taken for granted.

Recently Edwin H. Land of the Polaroid Corporation was due to speak to the Civics Department at Harvard on color theory. There were threats to break up the meeting because Polaroid, rather than withdrawing all activity from South Africa in protest at racism, had undertaken to pay equal wages to persons of all races—a radical doctrine in South Africa. The sponsors of the lecture, in consultation with Land, decided to cancel it.

That episode left a very bad taste at Harvard. But the issue of free speech was really brought to a head by the uproar that Professor Cox tried to calm.

The meeting was a teach-in sponsored by conservative groups, one intended to counter other recent teach-ins against the Vietnam War. There were to be speakers from South Vietnam, Thailand and the White House staff.

Before the meeting, radicals passed out fliers urging people to "come and prevent these thugs from speaking." There could not have been a more candid expression of the Marcuse view that free speech is only for those who agree with the revolution.

Others, equally opposed to the war and themselves radical critics of American society, tried to channel protest against the teach-in into national methods. Richard Zorza, a senior, suggested that people go to the meeting, wear black armbands and stand with backs turned in silent protest. He tried to make his point at the meeting itself, but he was shouted down as noisily as Professor Cox.

And so the know-nothings prevailed. There were 300 to 500 of them in an audience of 1,000, chanting and clapping to prevent anyone from being heard. Eventually the meeting had to be called off.

One result of such a performance, wherever it may occur in this country, will naturally be to repel people of moderate instincts. It will be to divide the growing unanimity of belief among Americans that the Vietnam War is an abomination. As protest gathers this spring, supporters of the war will be hoping for just such excesses.

Of course, one can understand what may make people insensitive to the claim of free speech. The currency of speech has been debased over many years by the lies and distortions of American military and political leaders on Vietnam. They still talk about victory in a campaign such as that in Laos when the simplest citizen can see it for the bloody mistake it was.

But it cannot be a university's answer to match deceit with deceit, or attempts at suppression of the truth with other supressions. For a university to abandon belief in discourse—belief in the possibility of persuasion—is to abandon its function.

For that reason Harvard will not almost certainly proceed to take action against those who broke up that meeting, students and perhaps one faculty member. It will try earnestly to bring student opinion with it, but it will act despite any likely difficulties. For the university administration knows that it must begin teaching again, by example, the necessity of freedom—"not free thought for those who agree with us," as Holmes said, "but freedom for the thought that we hate."

RAILPAX PLAN IN MONTANA—NO. 3

Mr. MANSFIELD. Mr. President, on April 6, I appeared before the Senate Subcommittee on Department of Transportation Appropriations discussing the Railpax plan and the many misgivings that my colleague, Senator Lee Metcalf, many Montanans, and I have about its effect on the future of surface transportation in Montana. In an effort to keep the people of Montana informed, I ask unanimous consent to have my statement printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Mansfield

Thank you, Mr. Chairman, and Gentlemen of the Committee. I have just been delineating a map here which shows that under the Railpax Plan due to go into effect on May 1st of this year there will be one line along the northern rim of Dakota extending along the high line, the northern rim of Montana, and extending along the northern rim of Idaho, which is a very short area across at that point.

Idaho will have no other railroad, Montana will have no other railroad, North Dakota will have no other railroad, South Dakota will have no other railroad, Wyoming will have no railroads either.

So I think this is a remarkable decision on the part of the Railpax people to deny needed service to this part of the nation. Mr. Chairman, before beginning my statement I wish to state that my colleague, Senator Lee Metcalf, has read over this statement and has asked that he be associated with its contents and recommendations.

Senator Metcalf is participating in hearings on another matter of great importance to the Big Sky Country, the management of our national forests.

Mr. Chairman, who needs the railroads? You do, that is a very, very familiar refrain. This in a view towards also summarizes what we had hoped to accomplish by the Railpax Plan and other programs designed to assist the nation's railroads.

The events of the past two weeks seem to indicate the results are quite the opposite, quite conclusively it now appears that Railpax has given the national railroads the opportunity to embark on a mass passenger train discontinuance. As of May 1st we will have a totally inadequate system of rail passenger service still to be operated by the same railroad which has for years attempted to abandon their responsibility to the traveling public.

If Railpax is not interested in starting off on the right foot perhaps it would be best to withdraw all funds already appropriated which I understand have been impounded and amount to something on the order of $38 million out of the $40 million originally appropriated by the Congress, so that the National Railroad Passenger Corporation will not be able to operate after May 1st.

What we have done is to give the railroad a vehicle for massive discontinuation which avoids the traditional process of filing applications for discontinuance with the ICC, in itself an unsatisfactory process.

Then in this preliminary announcement on proposed routes under Railpax and under subsequent modifications in the final report the Secretary of Transportation encourages most areas of the nation to believe that while the service would be reduced it would be adequate. We were mislead. The system announced by the national railroad passenger corporation was a shock to many of us in Congress and to the people we represent.

Many states will have only token stops while South Dakota, and Wyoming, as I have indicated, and others as well, in the northeastern part of the nation, will have no passenger service at all.

In the case of my own state of Montana, the fourth largest state in the Union, there will be but one route across the northern tier. This is an area which deserves rail service and needs it. But the Railpax plan completely ignores the remaining two-thirds of Montana and approximately 80 percent of the population.

We had hoped as a minimum that Railpax would provide passenger service to serve communities on both the Great Northern and Northeastern Pacific Lines, on an alternate basis, providing reasonable service between Minneapolis and Spokane and one route which would be adequate to Seattle.

Also one of the obvious shortcomings of the Railpax plan is no north-south service for the northern half of the United States west of Chicago until you hit the coast.

The Montana congressional delegation believes that service between Butte, Montana, and Salt Lake City, Utah has great merit.

The alternate plan would give at least partial service to people in five major cities of Montana. Apparently the operating railroads felt such a plan would be more of an inconvenience and would require additional maintenance. The decision to limit Montana's service to the northern route is indicative of a lack of interest in the whole state.

Again I wish to re-state I have not and will not choose between service on either the old Great Northern or the Northern Pacific line. We need and deserve service on both. For many years Montana has supported 8 trains a day, 4 eastbound and 4 westbound, one half of what is known as the high line and the other for those in the heavily populated or central sections of Montana.

Many residents of Montana will be required to travel approximately 300 miles or more to get to a passenger stop on the northern route. The northern Pacific line which has served Yellowstone National Park for many generations will have been eliminated.

This will contribute greatly to increased auto traffic in that area. When we find one of our oldest and most favored national parks already congested and suffering from overuse and other environmental considerations such a development is deplorable.

Montana has 11 colleges and universities, only 1 of which will be served by Railpax. The 2 universities will have no Rail passenger service at all.

Montana's largest cities including the capital will be without service. What are the senior citizens of these areas to do? Traditionally these people make considerable use of the trains.

We have two veterans hospitals in Montana, one at each end of the state, but neither will have rail passenger service. How are patients to be transported from these centers for special treatment at other hospitals? As the Big Sky country is often faced with difficult weather conditions, travel by air or highway is hazardous or impossible, at times. An alternate means of travel is essential.

Rail has proven the most reliable. Now we will have alternate public transportation but reduced by 81 percent. Bus service is less frequent and service has been discontinued to a number of towns and cities. Airline service needs improvement and we have a monumental job of maintaining feeder airline service in the state.

Pretty soon it will be almost impossible to even get out of Montana from some points by public conveyance. This is ironic indeed in an age of supersonic travel.

Mr. Chairman, I would like to ask one direct question. Just what has the Railpax accomplished with its plan?

In Montana it appears to be an accomodation to the interests of the Burlington Northern Railroad which has been anxious to get out of the passenger train business for a number of years.

In September of last year newly merged Burlington Northern Railroad issued a special report called a new kind of American Railroad. Unfortunately this is the report of a railroad corporation more interested in diverse investments than in running a railroad to serve the interests of the public. At the time of publication the company openly boasted that it ran some of the best passenger trains in the country but that these would be discontinued because of the enormous deficit incurred to operate poorly patronized passenger trains.

A number of questions have been raised as to the accounting process used by the railroads in allocating losses. Many of these trains have been poorly patronized not because of a lack of interest but because the railroads have downgraded equipment and service, eliminated sleeping cars, offered poor schedules and shunted passenger trains on to sidings to let freights fly by while passengers wait.

This certainly is not a way to increase passenger train customers. I am not aware of any recent campaign on the part of these railroads to encourge use of passenger trains.

I understand that there are a limited few of our American railroads that operate good passenger trains then and these are operated often on a fiscally sound basis. Unfortunately, the land grants railroads of the west have no interest in this.

I am convinced that an aggressive campaign to return the travel public to the rails would succeed.

The Metroliner is an example, even though the Federal Government has had a difficult time convincing Penn-Central of this. In our rapidly growing society there is a need for a multi-faceted system of public transportation, for instance, buses and airplanes.

My able colleague Senator Metcalf, and I have, introduced legislation which would require the land grant railroads to return a portion of their granted lands for every abandonment of passenger or other service. This might seem unreasonable but on the other hand we gave the railroads the lands to support the rail enterprise across the continent.

I believe it was intended that this incentive would both construct the railroad service and keep it running for the people of the west. The nation's railroads in the mid 1800's did not have the resources to build across the continent.

The land grants provided the incentive. Now they wish to ignore the purpose for the grant, surface transportation to the midwest and the west. Corporate officials boast of having repaid the grants many times over.

This is misleading. The railroads were excused in 1958 from giving a special lower rate for carrying freight or passenger for the United States Government but they were not absolved of their responsibility to run the railroads.

Incidentally, speaking of freight rates, it is ironic to note that within the past 3 years the ICC had granted an increase by approximately fifty percent to the eastern and western railroads for the carrying of freight.

Mr. Chairman, we are here today to discuss the future of the Railpax. If Railpax is not going to succeed in serving the nation, and I mean the 48 contiguous states, then it should not begin. As proposed only the northeast corridor from Washington, D.C to Boston will receive more than skeletal scheduling of passenger trains.

If Railpax proceeds I would like to know how they are progressing in the hiring of professional management staff, personnel with competence and know how in transportation. As I have stated on a number of occasions this nation faces a transportation crisis of monumental proportions.

This subcommittee and its chairman are to be commended for meeting this situation head on. I sincerely hope that the committee on commerce will also be able to address itself to these problems in depth and in the near future.

Mr. Chairman, and gentlemen of the Committee, may I conclude once again by repeating a refrain you hear every day over the radio and the TV?

Who needs the railroads? You do. We all do. Truer words were never spoken but the way we are going the railroads are disappearing like the buffalo and the ox cart.

Mr. MANSFIELD. Mr. President, I also ask unanimous consent to have several articles printed in the Record which will give my colleagues here in the Senate a capsule opinion of how people in Montana feel and the observations of several national news columnists.

First, is an editorial from the Independent Record published in Helena, Mont., on March 30, entitled "Railpax Grumblings."

Two articles from the Billings Gazette of March 31, 1971, relative to the railroads efforts to seek Federal help.

"Railpax Key: Avoiding the ICC," a column appearing in the Wall Street Journal on March 25, 1971.

D. J. R. Bruckner's column on the transportation mess in the New York Post of Tuesday, March 30, 1971.

An article from the New York Times of April 4, 1971, relative to the increase of train service in the Northeast Corridor under Railpax.

In addition, I am inserting a copy of a letter from Richard Herminghaus of Billings, Mont., discussing the effect that this Railpax decision will have on students attending the State universities and colleges.

Concluding, Mr. President, I ask that the text of two letters I have sent today be printed with the other insertions—one is a letter to the Secretary of Transportation, John Volpe, continuing our discussions about the deficiencies in the Railpax plan, and the other is addressed to Senator Warren Magnuson, chairman of the Senate Committee on Commerce, suggesting early hearings on transportation problems.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Helena (Mont.) Independent Record, Mar. 30, 1971]

RAILPAX GRUMBLINGS

Some more thoughts on the ridiculous Railpax decision to route the only Chicago-Seattle passenger train across Montana's Hi-Line.

We don't think anyone in populated southern Montana wishes to penalize the Hi-Line. Those people need a good passenger train to compensate for the lack of first-rate air service and an inter-state highway.

But southern Montana needs a good passenger train, too. Not only does most of Montana's population live in cities along the southern route, but these factors should be considered also:

1. Colleges. College students rely heavily on rail transportation. These campuses are located in cities that would be served by a southern route: The University of Montana (Missoula), Carroll College (Helena), Montana Tech (Butte), Eastern Montana and Rocky Mountain College (Billings), Miles Community College (Miles City), Dawson Community College (Glendive). These campuses are on the Hi-Line route: Northern Montana (Havre), Flathead Community College (Kalispell), which is actually 15 miles from the rail stop at Whitefish.

2. Veterans Hospitals. Ailing and disabled veterans rely heavily on railroad transportation to get to and from VA hospitals. There are two VA hospitals in Montana—at Helena and Miles City, both on the southern route.

Although it is doubtful they influenced the Hi-Line decision, the decision certainly took Sens. Mike Mansfield and Lee Metcalf and Congressman Richard Shoup off the hook.

It spares the politically delicate clash between Helena and Butte over which one would get the train if it ran through southern Montana.

They can't complain about the Hi-Line route because they have constituents up there, too. All they can do is holler because southern Montana didn't get a train as well.

When Donald Deuster, the Department of Transportation's Railpax salesman spoke in Helena a couple of months ago, he said one of the great benefits of a successful rail passenger system would be the reduction of air pollution from automobiles as more people rode the rails instead of the highways.

There already are a lot more autos traveling between the population centers of southern Montana than the prairies of the north. And there will be even more when southern Montana has no rail transportation at all after May 1.

The Hi-Line Railpax route will serve Glacier National Park. Fine. Glacier needs rail service. But what about Yellowstone Park. It attracts more than twice the number of visitors as Glacier, but the closest they will be able to get to it by train is Havre, Denver or Salt Lake City.

Among the defenses for the exclusive Hi-Line route is that it will cut one hour off the trip between Chicago and Seattle (41 hours vs. 42).

Come off it. If a traveler were anxious to save an hour, he'd take a plane and save 36 or 37 hours.

[From the Billings (Mont.) Gazette, Mar. 31, 1971]

RAILS SEEKING FEDERAL HELP

Washington.—An industry spokesman urged Congress Tuesday to rescue the nation's ailing railroads with a $36-billion industry-government program of federal loan guarantees, grants, tax breaks and regulatory reform.

"Large segments of the railroad industry are in desperate trouble—trouble so serious that this country is faced with the very real danger of a far-reaching collapse of its rail system," said former Sen. George Smathers, an official of the Association of American Railroads.

Smathers, testifying before the Senate surface transportation subcommittee, said four railroads serving half the nation's population already are in reorganization and 18 more are in trouble.

Collapse of the railroads would be intolerable, he said, because "the economy of the nation cannot survive, much less advance, without an adequate rail system."

Without action by the government, he added, outright federal takeover of the railroads is inevitable although such action has not turned foreign railroads into profitable operations.

Smathers said the report envisions a total outlay for improvements to plant, equipment and service of $36 billion over 11 years.

The only round figure he used for outright government aid was $600 million a year.

Smathers testified on a report by America's Sound Transportation Review Organization (ASTRO), an industry study group for which he is general counsel. He formerly was a Democratic senator from Florida.

Stephen Ailes, president of the AAJR who appeared with Smathers, said the government's share would be less than one-fifth of the $36 billion.

Other specialists, however, have estimated that the total federal and local government contribution could run to $1.5 billion a year if various tax breaks sought by the industry were included.

[From the Billings (Mont.) Gazette, Mar. 31, 1971]

METCALF SAYS RAILROADS ASKING FEDERAL "RELIEF"

Washington.—Sen. Lee Metcalf, D-Mont., saying Congress "is now on a course which will make it a party to a worse boondoggle than the Penn Central fiasco," has attacked American railroads for embarking on an elaborate national lobbying effort to obtain congressional approval of a "$36 billion rail relief package."

He said the lobbying by ASTRO, America's Sound Transportation Review Organization, comes at a time when the Interstate Commerce Commission is considering the railroad rate base case, Docket 271.

ASTRO materials emphasize that their objective is political action, Metcalf said, including appropriations to overcome past deficiencies, tax credits, tax exemption, rapid tax write-offs, loan guarantees, low-interest loans, authority for astronomic rate increases and "even more freedom to abandon service."

He said a number of companies in the lobbying campaign are conglomerates in which transportation is secondary or "tertiary to real estate, lumber, mining or other lucrative business, none of which is described in ASTRO materials."

The ASTRO kit states it would cost up to $60 billion to buy out the railroads, an amount which Metcalf said is almost three times the $21 billion estimated by the National Association of Railroad Passengers.

"You can be sure that the ICC will be inundated by CASTRO data, while the paying public has no experts to present the counter arguments," Metcalf said, pledging he will soon offer some alternatives to the ASTRO 10-year plan for a $36 billion subsidy.

CASTRO, Metcalf's acronym for ASTRO, which he said, is a "massively deceptive lobbying campaign" that should be renamed—"Conglomerate America's Slick Transportation Rip-Off."

He said he hopes that Congress will abstain from action on ASTRO proposals until further investigation, adding that neither Congress nor the ICC has the "information and expert counsel needed to suit rail transportation to needs."

[From the Wall Street Journal, Mar. 25, 1971]

RAILPAX' KEY: AVOIDING THE ICC

(By William D. Grampp)

The Rail Passenger Service Act, which established Railpax, makes it clear that the government, in sustaining rail passenger service, intends to use the very methods that the railroads themselves have been denied by the Interstate Commerce Commission.

This week the National Railway Passenger Corp., as Railpax is officially known, announced the routes and schedules it will begin operating in May. The number of trains will be cut to 185 from the 366 currently operating. Railpax has decreed it will travel 21 routes serving 114 cities. It will announce its fares later. Neither fares nor service are subject to regulation by the ICC or any other agency. That is monopoly power, as any tyro in economies knows.

The railroads, of course, do not have this power. The ICC regulates their fares and has authority over the amount of service. If a railroad wishes to remove a train from its schedule, the ICC can delay discontinuance for up to a year. The state agencies also can delay it.

EXEMPT FROM RESTRAINT

Railpax is exempt from these restraints; the Secretary of Transportation was authorized to specify the routes and service. He was required to hear the views of the ICC, railway unions, state governments and other interested groups, but he was not required to comply with them. He did in fact add five routes to the sixteen he at first wanted. His decision is not subject to change by Congress or review by a court.

The 21 routes must be operated until 1973, after which any reduction is subject to delay by the ICC. Railpax on its own authority may add to the system and remove what it has added. This feature of the law probably has made the basic system smaller than it would have been had Railpax been given the power to reduce as well as to increase service.

The law suggests an obvious question: Why couldn't the railroads have been given the power Railpax was given? Why was a new corporation needed to do what the railroads themselves have wanted to do? Of course such power is inconsistent with the Interstate Commerce Act and the antitrust laws. But Congress has exempted Railpax from them and could have exempted the railroads.

The answer may seem to be that if the railroads had monopoly power they would use it to make a profit. Yet the law states that Railpax too "shall be a profit corporation." Moreover, it is not to be a shy, different enterprise that will preside over the gradual disappearance of passenger trains. On the contrary. "It lays the foundation for what in my opinion is destined to become the all-time comeback in the history of American transportation," Transportation Secretary Volpe has stated.

One could argue that the government will use monopoly power in the public interest while the railroads will not. Yet there is nothing in the law to indicate that the government will do this. It is directed "to provide fast and comfortable transportation," but that is hopelessly imprecise. It might have been directed to consider the possible external benefits of passenger trains, like a lessening of pollution and of congestion on highways and airports. But except for a few misty references, such external considerations were ignored.

There is a fanciful notion that the American people really want to travel by train even though they don't. The railroads, so the fancy runs, don't like passengers, do everything they can to discourage them, and leave them no way to travel except by airplane, bus and automobile. The fancy is heightened by recollections of the glorious age of railroading, evocations of Pacific 990, and how the breakfast was in the diner while the Zephyr was passing through the Feather River Canyon. These glories could be restored, and with profit, goes this argument, if only the passenger business were operated by an organization dedicated to passenger service. Congress has created one—Railpax.

But Railpax in fact is going to face the same problems the railroads have faced. To say they "want out" of passenger service for no good reason is quite erroneous. No company wants out of a source of profit. If the company happens to be managed by people who are incompetent, mulish and not fond of customers, they will be removed by the shareholders. The railroad shareholders are no different from those who hold stock in any other company. They all want a suitable rate of return.

The railroads have wanted to curtail passenger service because it is not as profitable as freight. That simply means that they can use labor and capital more efficiently to transport goods than people. That is just what they should do, except if clear reasons to the contrary can be shown. There are such reasons in welfare economics, and they conceivably could be relevant to passenger trains. But they have not been brought forward in the law, which, remember, directs Railpax to be profitable.

One reason that the railroads have not been profitable is the obvious decline in the demand for travel by rail. It discloses a preference for private over public means of transportation by people who can afford both, a number that increases as the economy grows. The preference goes far back into the history of transportation and will not be altered by the marketing programs of Railpax.

Before the age of railroads, people who could afford to do so traveled by private carriage rather than stage coach. The railroads displaced the carriage because they were faster than the automobile.

AUTOMOBILES AND AIRLINES

The automobile is also the principal cause of the public transportation system's troubles inside the cities. It also accounts for the decline in intercity bus travel.

It has affected the airlines also, mainly by reducing the traffic on short routes. These routes were subsidized for years by the profits on long routes. That was economic folly and now is nearly ended. The consequence is that traffic on short routes has declined, and the airlines have discontinued many short flights. The only kind of travel that the automobile has not challenged is travel over long distances. Here the airlines have an advantage. But that too is diminishing as the Interstate highway system nears completion. Distances that once were long are not as "long" as they were because travel time is less.

The passenger trains will have difficulty in finding a place for themselves between the automobile and the airlines. The place may be short and intermediate distances. The problem of locating it will not, however, be as difficult for Railpax as it was for the railroads. Their ICC restrictions on determining service and fares is the other reason that the rail passenger business has been unprofitable. As the demand declined, they were not able to reduce supply sufficiently. They then looked for other ways to reduce cost and found them in allowing the quality of the service to deteriorate. The results were the familiar aggravations of travel by rail—slow and dirty trains, rude employes, poor service, undependable schedules.

Railpax hopes to end all of this. It will be directed by a board of 15. The President appoints eight, one of whom must be the Secretary of Transportation and another a representative of consumers. Seven are elected by shareholders. The common stock will at first be held by the participating railroads. The preferred (6%, cumulative, convertible) will be first be held only by nonrailroads. No stock will be owned by the government, but the government will provide a $40 million subsidy and guarantee loans up to $300 million.

In its financial structure, Railpax resembles a merger, but with odd features. Its assets will be provided by the railroads, which are free to participate or not. If one does not, it must operate its present service until 1975 irrespective of the loss. If a railroad participates, it makes a payment to Railpax and receives common stock. The payment is represented as a consideration for the railroad's being released from the obligation to provide passenger service. The amount of payment may be computed in any of three ways, and all are a fraction of the 1969 losses from passenger service. Railpax determines whether the payment is to be in cash, equipment or provision of service for it.

The most unprofitable railroads will make the largest payments and become the largest common stockholders. They will not, however, have a proportionately large authority in Railpax. Its voting rules will minimize the influence of all railroads. They will elect three of the seven directors not chosen by the government (the other four will be elected by the holders of the preferred). None of the three may vote on any matter between Railpax and a railroad. The conditions seem to be onerous and to single out the railroads for a kind of public rebuke, just as the commercial banks were singled out when the Federal Reserve System was established and limited the membership of bankers on the boards of the Reserve Banks.

REMEMBERING MR. VANDERBILT

The railroads do not have a high place in public opinion, perhaps a punishment for their past. Everyone remembers Cornelius Vanderbilt, of the New York Central, whose opinion was that the public could be damned. What he seems to have meant was considerably different from what the opinion suggests, and it has a bearing on Railpax. He expressed himself to reporters in 1882, when they asked if the luxury cars on the Chicago-New York train were included solely to accommodate the public. Vanderbilt said the cars were on the New York Central train because they were on the trains of its competitors. "Accommodation of the public? Nonesense," is the way the Chicago Tribune quoted him. It was The Chicago Daily News that reported he said, "The public be damned." Whatever his language actually was, his meaning was simple. He meant to operate his passenger trains at a profit. So does Railpax.

[From the New York Post, Mar. 30, 1971]

TRANSPORTATION MESS

(By D. J. R. Bruckner)

WASHINGTON.—Sometimes there are traffic jams on the little underground railway that runs between the office buildings of Congress and the Capitol. People push, shove and jump over one another to grab seats.

You have to fight for reservations for a good seat on the Metroliner that goes between here and New York. That train averages 65 per cent occupancy. In good times the airlines average 50 per cent. But these are not good times. At Dulles Airport any day you can see 747s arriving with a few passengers and hundreds of empty seats.

Last week the National Railroad Passenger Corp. announced its national routes, to be effective May 1. There will be half as many passenger trains as there are now. Six states will have no trains. The only north-south line between Chicago and California will be the run from Newton, Kan., to Houston.

The Interstate Commerce Commission has just authorized another freight rate increase for the railroads, the fifth one in four years. This latest increase is a $380 million package, making the total annual rate increases allowed since 1967 a little more than $3 billion.

It was against that background that the White House, the aircraft industry and George Meany's wing of the labor movement tried to get Congress to add another $525 million to the more than $800 million in taxpayers' money already spent to develop a couple of supersonic airliners. It was pretty crude of the White House to bully Dick Cavett into giving solo star billing to a dull engineer who was trying to peddle this airplane to the public, but some of the pressures used by the lobbyists on Capitol Hill were not much gentler.

Sen. Mike Mansfield (D-Mont.) was saying the other day that the SST promoters argued that quicker flights could get businessmen to Tokyo and London sooner, so they would not have to suffer "jet lag." He noted that, when he takes a train home to Montana, he does not suffer any jet lag at all. But Railpax will take care of that, too. In its route map there is only one passenger train stop in Montana, way up at the northern border of the state, far from the six biggest cities in the state.

We can go anyplace we want to, in the world, quickly and in comfort, Mansfield pointed out. But we are losing the facilities to get out into our own countryside, and in the urban areas public transit from one part of town to another is deteriorating or nonexistent.

That, in an important sense, is what the SST fight was all about. Sen. Lowell Weicker (R-Conn.) gave the Senate some interesting figures: in fiscal 1971 about 6.5 million people will use international flights, while 286 million will use inter-city and commuter railroads and 5.8 billion will use urban mass transit. In the Transportation Dept. budget there is $29 million for railroads, $400 million for mass transit, and there would have been $290 million for the SST this year.

Now, if everybody taking international flights took an SST, those budgets would break down to $44.96 per passenger this year in federal spending on that aircraft. Federal spending for railroads would be a dime a passenger, and the government would be spending seven cents a passenger on mass transit.

If the SST lobbyists had been smart, instead of twisting arms, they would have sent a battalion of runners with sedan chairs to the Capitol on the days of the votes, to carry members of Congress from their offices to the Capitol so they would not have had the sight of the traffic jams of those little underground trains in mind when the time came to vote.

[From the New York Times, Apr. 4, 1971]

RAILPAX IS PLANNING ON A MAJOR INCREASE IN TRAIN SERVICE IN NORTHEAST CORRIDOR

(By Christopher Lydon)

WASHINGTON, April 3.—The National Railroad and Passenger Corporation, which will drop half of the nation's intercity trains when it begins operation next month, is also planning a major revival of service in the Boston-New York-Washington corridor that could largely supplant air shuttles before the middle of the decade.

The corporation will continue service in the Northeast region with only minor changes on May 1, but key officials talk of doubling the train schedule by fall and halving the conventional running times in the foreseeable future.

A major element in their plans is the calculation that the airlines now flying the congested corridor lanes have lost their battle to make the service profitable, even at sharply rising fares, and will support public investments in radical track improvement and happily retire from the competition.

Eastern Airlines' unsuccessful effort to drop its Newark-Washington shuttle last year and American Airlines' help in designing the rail corporation's food and reservation services are both cited as more than symbolic evidence of historic transition.

With less than a month to go before it will inherit the nation's troubled passenger trains, the new corporation has not yet announced what it wants to be called and is still looking for a chief executive to lead it.

Yet, there is seeming confidence at the headquarters here that, given its rather desperate assignment, the corporation has made a sound start—that it has struck a reasonable bargain with the railroads for the operation of its trains, and that its route map and schedule can be defended against political attack. The special importance assigned to the Northeast Corridor is a central element in the attacks, and in the defense.

Board members and staff at the corporation acknowledge that the Northeast Corridor is the heart of their system, though it is not simple favoritism, they say, and it works two ways.

The 7-state region between Washington and Boston will be the first area to see an expansion of train service in more than a generation; more than half of the 184 daily trains in the opening national network will run within that region.

At the same time, four longhaul routes to the West Coast that have no prospect of breaking even will be subsidized at least partially by revenues from the Northeast Corridor. Further, the prospects of expanded corridor service elsewhere—between Chicago and St. Louis, for example—will hang largely on the success of the northeast model.

The corporation's service proposal has clearly forestalled the earlier interest among Mayors and Governors of the Northeast in creating their own regional railroad agency.

Powerful spokesmen for a number of Central and Western States, on the other hand, are bitter about new service reductions, but they are not considered likely to force a change in the corporation's plans.

"I feel that I have been had," moaned Senator Mike Mansfield, the Democratic leader, when he discovered that the one surviving train through his home state of Montana would skirt the Canadian border, missing the state's six largest cities completely. At Mr. Mansfield's urging the Senate Appropriations Committee has summoned the corporation, unofficially known as "railpax," to public hearings on Tuesday to explain its choice of routes, but the corporation is prepared to stand its ground.

It will argue, for example, that the Northernmost route between Chicago and Seattle is a faster and shorter track than Mr. Mansfield's alternative. It will also remind critics that in writing the rail passenger law last year, Congress carefully excluded itself from route-selection decisions and offered a fairly simple remedy for areas that consider themselves underserved: communities and states in any combination can insist on additional trains if they are willing to pay two-thirds of the extra deficit incurred.

The corporation is prepared to make heavy demands on Congress for capital improvements to pay for the restoration of routes that have poor economic prospects over the long term.

The very lean financing with which Congress organized the rail corporation has strengthened the board's hand in contract negotiations with the railroads that will continue to provide track and crews for passenger trains.

In the original discussions, the railroads demanded reimbursement for their direct expenses and, in addition, a management fee and some return on their own capital investment.

The Corporation, pleading poverty, insisted that it could only pay the railroads for their direct costs, with a small addition to cover some shared expenses—like track maintenance—attributable to freight and passenger operations.

The railroads, fearful that a protracted dispute over terms would delay their deliverance from passenger deficits, acceded to the corporation. The formal signing of operating contracts awaits only a final resolution of the relative responsibilities for severance pay and job protection for men who lose their jobs as a result of train discontinuances.

The rail corporation will be heavily burdened at the outset with the expense of maintaining huge city terminals built for a busier era. It will cost $13.7-million a year just to run Washington's union station; $7.6-million for the station in St. Louis; $4.5-million for the station in Cincinnati.

Unneeded capacity in old-fashioned stations is expected to cost the corporation $50-million in its first year—or half of the projected $100-million first-year deficits. But the corporation proposes to move swiftly, as the railroads never did, to modify the stations to suit modern needs. "Tens of millions of dollars can be saved," one official remarked last week, "by actually knocking a lot of these stations down."

The corporation has chosen its colors, its official nickname and its advertising symbol, all still secret, though the preliminary name "Railpax" and all other variations on the "rail" base are known to have been rejected because of what are considered the unfavorable connotations associated with recent railroad history.

It is clear, also that he search for a chief executive is steering clear of railroad men, looking instead to the airline industry and men with marketing experience in particular.

Robert F. Six, the president of Continental Airlines, turned down a feeler two weeks ago. Arthur D. Lewis, a former president of Eastern Airlines, has been urged by fellow members of the rail corporation's board to consider the presidency but has rejected it. George Keck, who abruptly left the top executive post at United Airlines last year, has been widely mentioned for the railroad job but is now said to be out of the running.

For the right man who is willing, the corporation is understood to be offering an annual salary that includes $150,000 in direct and deferred benefits.

MARCH 31, 1971.

Hon. MIKE MANSFIELD,
U.S. Senator, State of Montana,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: There are quite a number of people in Billings who have students at the Montana State University at Bozeman and the University of Montana at Missoula as well as students at other colleges in the state of Montana. I think I speak for them when I express deep concern about the impending plans of Rail Pax.

Certainly many of the young people travel by automobile to their various schools, but a great number of the students are dependent upon dependable and economical transportation to their schools. Just yesterday I paid a bill to one of the travel services for a round trip ticket to Missoula with a reserve seat and the cost was $27.50. In comparison, a phone call of a moment ago, I find that the round trip coach airlines ticket as quoted by Northwest Airlines is $58.00 or as you can see it's $29.00 to Missoula and $29.00 back which is more than the round trip ticket by the Northcoast Limited.

It doesn't seem to make sense to most of us here in Montana and North Dakota, that the population centers such as Bismarck, Miles City and Billings, Bozeman, Butte, Missoula, etc. are all bypassed and have to rely on very expensive airline means of transportation which I understand will go up even more in the coming years because of the losses suffered by the airlines and by a bus service which normally does not have too many seats with a somewhat slower schedule than the Northcoast Limited. The cost, however, is very near the same as the round trip ticket is $24.85 as contrasted with a cost of $27.50 on a reserved coach basis on the railroad.

Please be assured that all of us here in Montana are behind you 100% in your fight. We have been reading with interest, the protest that you and your fellow Representatives and Senators have been making and we hope that you can and do continue in your fight to have the Government serve the people instead of the alternative.

Yours very truly,

R. HERMINGHAUS.

WASHINGTON, D.C.,
April 13, 1971.

Hon. JOHN VOLPE,
Secretary, Department of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: Since my appearance before the Senate Subcommittee on Department of Transportation Appropriations, April 6, I have had an opportunity to give the Railpax plan some additional thought and consideration. I appreciate your letter of April 5, but it would be most helpful if you could assist in obtaining a further clarification of this decision made by the National Railroad Passenger Corporation.

You indicate that, "the decision not to continue east-west service across southern Montana was made because ridership is less on this line than on the northern route through Havre." I find this somewhat difficult to believe, in view of the fact that the southern route serves Montana's larger cities—Missoula, Butte, Helena, Bozeman, Billings, Miles City and Glendive. The northern route serves an area which is in need but Havre and Kalispell, via Whitefish, are the only two cities served which are among the top ten cities of the State. I would appreciate having detailed statitsical information on passenger boardings and detraining on the southern route as compared to the northern route. I also would like to remind you that in recent years the Northern Pacific Railroad has made an effort to discourage passenger service on the southern route and this would have an effect on the statistics.

I am aware that the philosophy of the Railpax plan is to give adequate service to high density population areas but we cannot forget the long-haul service through the large, less-populated states. At a time when we should be concentrating on the shift to rural areas, there is this very great tendency to ignore states like Montana. The people of the Big Sky Country do not want to see the state merely a roadbed for the transcontinental freight lines. We deserve minimal service and this we do not have under the present Railpax plan. We had hoped to have, as a minimum, alternate day service on both Burlington-Northern lines. This does not seem to be unreasonable when the trackage on both lines must be maintained to handle freight service.

I recognize your desire to see support in the difficult task which lies ahead but, unfortunately, I cannot give you this kind of help when a large part of my own State is being ignored. I still have the distinct feeling that the Railpax is too closely identified with the specific interests and wishes of the railroad corporations. These are not directed to the needs of the travelling public and reversal of the deterioration of rail passenger service. I am firmly convinced that there is a need for a coordinated public transportation system in this nation and the railroads have a very important part to play.

I would appreciate receiving the information requested at an early date in view of the pending May 1 deadline.

With best personal wishes, I am,

Sincerely yours,

MIKE MANSFIELD.

WASHINGTON, D.C.,
April 13, 1971.

Hon. WARREN MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: The Railpax plan recently announced by the National Railroad Passenger Corporation disturbs me greatly and it has generated a great deal of opposition in the State of Montana. The plan does not give minimal service to the State; in fact, it ignores about 80 per cent of the population.

As you know, I am greatly concerned about what I consider to be a rapidly approaching crisis in public transportation. The Railpax plan does not offer any solutions and, in fact, will probably compound the crisis.

I am firmly convinced that we have all been too willing to give in to the pleadings of the railroad corporations. The railroads have not attempted to keep up with the competition in public transportation; in fact, they have retreated through unimaginative management, misleading accounting systems, and neglect of service responsibilities. The Interstate Commerce Commission has gone along with their requests for discontinuances, freight rate increases and has refrained too frequently from counseling the industry. I am slightly encouraged by their current activities, especially their willingness to recognize intra-industry refusal to cooperate on the boxcar shortage. Also, I think their recommendations to Railpax were quite sound. I think the Congress has been too lienient. I believe that the time has come when we must give a very thorough and serious look at the transportation industry.

It was for these reason that I introduced legislation, S. 649, to abolish the Interstate Commerce Commission, and S. 1380, requiring the return of certain Federal land grants by the railroads when they abandon transportation services. I ask that the Committee on Commerce give these transportation problems immediate attention and schedule public hearings on these legislative proposals and associated problems. As Chairman of the Committee, you are in the position to do a great service to the nation in helping to preserve an adequate surface transportation system.

With best personal wishes, I am,

Sincerely yours,

MIKE MANSFIELD.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Oregon (Mr. PACKWOOD) is now recognized for a period not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Oregon yield briefly?

Mr. PACKWOOD. I am happy to yield to the Senator from Montana.

THE CALENDAR

Mr. MANSFIELD. Mr. President, with the consent of the distinguished Senator from Oregon (Mr. PACKWOOD), and with none of his time to be taken away from him, I ask unanimous consent that the Senate proceed to the consideration of the measures on the calendar under general orders.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON AGRICULTURE AND FORESTRY

The resolution (S. Res. 76) authorizing supplemental expenditures by the Committee on Agriculture and Forestry for an inquiry and investigation pertaining to rural development was considered and agreed to as follows:

S. RES. 76

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Agriculture and Forestry, or any subcommittee thereof, is authorized from the date this resolution is agreed to, through February 29, 1972, for the purpose stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Agriculture and Forestry, or any subcommittee thereof, is authorized from such date through February 29, 1972, to expend not to exceed $217,500 to examine, investigate, and make a complete study of any and all matters pertaining to the development of rural areas of the United States, such committee having been unable to offer an annual authorization resolution within the period of time prescribed by section 133(g) of the Legislative Reorganization Act of 1946 because the committee had not been able to determine by the end of that period the scope of, and the total amount of expenditures required by, such study. Of such $217,500, not to exceed $114,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to the study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–54), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 76 would authorize the Committee on Agriculture and Forestry, or any subcommittee thereof, from the date of its approval through February 29, 1972, to expend not to exceed $217,500 to examine, investigate, and make a complete study of any and all matters pertaining to the development of rural areas of the United States. Of such $217,500, the committee could expend not to exceed $114,000 for the procurement of individual consultants or organizations thereof.

Pursuant to the requirement stipulated in section 133(g) of the Legislative Reorganization Act of 1946, Senate Resolution 76 contains the following statement of the reason why authorization for the expenditures described therein could not have been sought within the period provided (through February 28, 1971) for the submission by such committee of an annual authorization resolution for this year:

"The committee had not been able to determine by the end of that period the scope of, and the total amount of expenditures required by, such study."

AUTHORIZATION FOR THE PRINTING OF ADDITIONAL COPIES OF "CONGRESS AND THE NATION'S ENVIRONMENT"

The resolution (S. Res. 77) authorizing the printing for the use of the Committee on Interior and Insular Affairs of additional copies of its committee print entitled "Congress and the Nation's Environment," was considered and agreed to, as follows:

S. RES. 77

Resolved, That there be printed for the use of the Committee on Interior and Insular Affairs eight hundred additional copies of its committee print of the current session entitled "Congress and the Nation's Environment," a report prepared for the Committee on Interior and Insular Affairs by the Environmental Policy Division, Congressional Research Service, Library of Congress.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–55), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 77 would authorize the printing for the use of the Committee on Interior and Insular Affairs of 800 additional copies of its committee print of the current session entitled "Congress and the Nation's Environment," a report prepared for the committee by the Environmental Policy Division, Congressional Research Service, Library of Congress.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

800 additional copies	$1,200

AUTHORIZATION FOR THE PRINTING OF THE REPORT ENTITLED "NATIONAL PROGRAM FOR THE CONQUEST OF CANCER" AS A SENATE DOCUMENT

The resolution (S. Res. 83) authorizing the printing of the report entitled "National Program for the Conquest of Cancer" as a Senate document was considered and agreed to, as follows:

Resolved, That the report entitled "National Program for the Conquest of Cancer", prepared for the Committee on Labor and Public Welfare by the National Panel of Consultant on the Conquest of Cancer (appointed pursuant to Senate Resolution 376, agreed to April 27, 1970), be printed with illustrations as a Senate document.

SEC. 2. There shall be printed three thousand additional copies for the use of the Committee on Labor and Public Welfare.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–56), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 83 would provide (1) that the report entitled "National Program for the Conquest of Cancer", prepared for the Committee on Labor and Public Welfare by the National Panel of Consultants on the Conquest of Cancer (appointed pursuant to Senate Resolution 376, agreed to April 27, 1970), be printed, with illustration, as a Senate document; and (2) that there be printed 3,000 additional copies of such document for the use of the Committee on Labor and Public Welfare.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$5,026.11
3,000 additional copies, at $392.98 per thousand	1,178.94
Total estimated cost, S. Res. 83	6,205.05

AUTHORIZATION FOR THE PRINTING OF ADDITIONAL COPIES OF PART I OF HEARINGS ENTITLED "REFORM OF THE FEDERAL CRIMINAL LAWS, VOL. I"

The concurrent resolution (S. Con. Res. 15) pertaining to the printing of additional copies of part I of the hearings before the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary five thousand additional copies of part I of the hearings before the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary on February 10, 1971, entitled "Reform of the Federal Criminal Laws, Volume I, Report of the National Commission on Reform of Federal Criminal Laws."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–57), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Concurrent Resolution 15 would authorize the printing for the use of the Senate Committee on the Judiciary of 5,000 additional copies of part 1 of the hearings held by its Subcommittee on Criminal Laws and Procedures on February 10, 1971, entitled "Reform of the Federal Criminal Laws, Vol. 1, Report of the National Commission on Reform of Federal Criminal Laws."

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

5,000 additional copies at $912 per thousand	$4,560

AUTHORIZATION FOR THE PRINTING OF ADDITIONAL COPIES OF "A REVIEW OF ENERGY ISSUES AND THE 91ST CONGRESS"

The resolution (S. Res. 78) authorizing the printing for the use of the Committee on Interior and Insular Affairs of additional copies of its committee print entitled "A Review of Energy Issues and the 91st Congress," was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Interior and Insular Affairs five thousand additional copies of its committee print of the current session entitled "A Review of Energy Issues and the 91st Congres," a report prepared for the Committee on Interior and Insular Affairs by the Environmental Policy Division, Congressional Research Service, Library of Congress.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–58), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 78 would authorize the printing for the use of the Committee on Interior and Insular Affairs of 5,000 additional copies of its committee print of the current session entitled "A Review of Energy Issues and the 91st Congress," a report prepared for the committee by the Environmental Policy Division, Congressional Research Service, Library of Congress.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies	$391.27
4,000 additional copies, at $74.80 per thousand	299.20
Total estimated cost, S. Res. 78	690.47

AUTHORIZATION FOR THE PRINTING OF ADDITIONAL COPIES OF "LEGISLATIVE HISTORY OF THE FEDERAL CONSTRUCTION SAFETY ACT"

The resolution (S. Res. 80) authorizing the printing of additional copies of the committee print entitled "Legislative History of the Federal Construction Safety Act" was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Labor and Public Welfare three thousand three hundred additional copies of its committee print of the Ninety-first Congress, first session, entitled "Legislative History of the Federal Construction Safety Act".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–59), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 80 would authorize the printing for the use of the Committee on Labor and Public Welfare of 3,300 additional copies of its committee print of the Ninety-first Congress, first session, entitled "Legislative History of the Federal Construction Safety Act".

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies	$765.86
2,300 additional copies, at $183.32 per thousand	421.64
Total estimated cost, S. Res. 80	1,187.50

AUTHORIZATION FOR THE PRINTING OF ADDITIONAL COPIES OF SENATE REPORT 91–1548, ENTITLED "ECONOMICS OF AGING: TOWARD A FULL SHARE IN ABUNDANCE"

The concurrent resolution (S. Con. Res. 18) authorizing the printing of additional copies of Senate Report 91–1548, entitled "Economics of Aging: Toward a Full Share in Abundance" was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Special Committee on Aging six thousand additional copies of its report to the Senate of December 31, 1970, entitled "Economics of Aging: Toward a Full Share in Abundance" (Senate Report 91–1548).

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–60), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Concurrent Resolution 18 would authorize the printing for the use of the Senate Special Committee on Aging of 6,000 additional copies of its report to the Senate of December 31, 1970, entitled "Economics of Aging: Toward a Full Share in Abundance" (S. Rept. 91–1548).

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies	$1,646.98
5,000 additional copies, at $320.39 per thousand	1,601.95
Total estimated cost, S. Con. Res. 18	3,248.93

DESTRUCTION OF ONE OF THE GREAT NATURAL TREASURES OF THE WORLD

Mr. PACKWOOD. Mr. President, one of the great natural treasures of this world is on the verge of being destroyed. I refer to that area of the United States known as Hells Canyon. This gorge, the deepest in the world, is located in some of the most rugged country in the West. The bulk of it forms the border between Oregon and Idaho where the Snake River rushes through this canyon toward its eventual confluence with the Columbia River. This great gorge is now threatened with extinction because of the desire of some public and private utilities to build a dam or a series of dams along the Snake River which would forever stop the free flow of the Snake and instead turn it into a series of gigantic reservoirs.

The argument that is given for the necessity to build these dams is principally the growing power needs of the Pacific Northwest which must be fulfilled. Now Mr. President, I am not here prepared to quarrel with the power needs of the Northwest in the next decade. They are real and imminent. It is interesting to note, however, that if all of the dams proposed on the Snake River were built they would not make a significant dent in the alleged impending power shortage. They would merely postpone the inevitable day of reckoning. They would, in other words, wreck a great natural resource, to gain a few years respite against the eventual day when we must meet our power needs by other than hydroelectric methods.

The most authoritative projection of our power needs and their fulfillment in the Northwest has been done by Mr. Bernard Goldhammer, assistant administrator for administrative management, of the Bonneville Power Administration. Mr. Goldhammer has concluded that if we will continue with the nonhydro projects now planned for the Pacific Northwest and if we will install the generators already planned for existing dams on the Columbia River and its tributaries, no new dams will be needed. I ask unanimous consent that a copy of Mr. Goldhammer's memorandum be printed in the Record at this point.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Bonneville Power Administration,
Portland, Oreg., October 24, 1969.

To: Don Hodel.
From: B. Goldhammer.
Subject: Power needs of the Pacific Northwest in the 1970's

Oregon, Washington, and those parts of Idaho and Montana served by the Bonneville Power Administration will require nearly 14,500,000 kilowatts of additional power capacity during the 1970's. The 109 publicly-owned, investor-owned, and cooperative-owned utilities and the Bonneville Power Administration have developed a hydro-thermal program to meet these power needs.

Through the 1970's 7,500,000 kilowatts of steam generated power is planned. The first steam-generation plant, the 1,400,000 kilowatt coal-fired plant at Centralia, Washington, is already under construction. Equipment has been ordered for the second plant—the 1,100,000 kilowatt Trojan plant to be built by Portland General Electric Co. near Rainier, Oregon.

In addition to the 7,500,000 kilowatts of thermal generation, 7,000,000 kilowatts of hydro power capacity is needed to meet the projected loads. The hydro can be supplied by completing dams such as Libby, Little Goose, and Lower Granite already under construction and by adding generation at existing dams such as Grand Coulee, The Dalles, John Day, and the second powerhouse at Bonneville Dam. No new dams need to be constructed to meet the projected load growth in the 1970's.

Bernard Goldhammer.

Mr. PACKWOOD. Mr. President, in addition to the nonhydro and additional hydrogenerating capacity already existing in the Northwest, we have not yet started to tap the great potential for production of electricity by geothermal steam. With all of these other resources available, we do not need new dams at the expense of environmental values.

Mr. President, we are faced with an additional problem in the Pacific Northwest. We are right now in a critical state because of the excessive nitrogen content in the rivers of these regions. Because of this excessive nitrogen content it is expected that in April 1971 a tremendous number of fish will die.

The problem is so serious that at my request Governor McCall of Oregon called a special meeting in Portland which was attended by Governor Andrus of Idaho. Governor Evans of Washington sent a representative. It was also attended by representatives of all Federal and State agencies concerned, and many conservationists and fishermen. That meeting, held on March 23, 1971, resulted in a resolution directed to the President and to the Congress. Mr. President, I ask unanimous consent that at this point the resolution and a copy of an article in the Oregon Journal dated March 23, 1971, that reports on the meeting from which the resolution issued be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Joint Resolution of the Governors of Oregon, Idaho, and Washington

To be directed to President Nixon and the Congress of the United States

Whereas, runs of anadromous fish in the Columbia River system contribute millions of fish each year to sport and commercial fisheries in Washington, Oregon, and Idaho, and in the ocean from California to Alaska; and

Whereas, nature will bear much of the cost of maintaining up river runs if given the chance and not excessively interfered with by mans encroachment on the environment; and

Whereas, spilling of large amounts of water at many main stem Columbia and Snake River dams causes nitrogen supersaturation in the water resulting in extremely high mortality to young and adult salmon and steelhead and other species; and

Whereas, losses between only two dams, Little Goose and Lower Monumental, approached 70 percent in 1970 and there are many more dams in the system where losses occur; and

Whereas, such losses threaten the very survival of certain up river runs which have been using these waters for centuries; and

Whereas, steps can be taken to reduce significantly these catastrophic losses this year if appropriate efforts can be funded immediately, Now, therefore be it

Resolved, By Governor Tom McCall of Oregon, Governor Cecil Andrus of Idaho, with Governor Dan Evans of Washington concurring through his official representative, that President Richard Nixon and the Congress of the United States are hereby earnestly petitioned:

1. To provide immediate funding to the Army Corps of Engineers for eight additional critically necessary slotted bulkheads for installation into Little Goose, Lower Monumental, and Ice Harbor dams.
2. To accelerate funding for turbine installations in Columbia River system dams to reach the full potential of these structures as rapidly as possible. Completing turbine installations will permit maximum flow of water through the dams thereby erasing much of the fish-killing nitrogen supersaturation in the water and at the same time adding measurably to the generation of needed electrical energy.

Meeting in Portland, Oregon March 23, 1971.

Gov. Tom McCall,
Oregon.
Gov. Cecil Andrus,
Idaho.
Thor C. Tollefson,
For Gov. Dan Evans,
Washington.

Columbia Fishery In Danger, Oregon, Idaho Governors Told

A multiagency effort to save nitrogen-threatened fish runs in the Columbia River was detailed Tuesday at a Portland meeting headed by Oregon Gov. Tom McCall and Idaho Gov. Cecil Andrus.

The governors, flanked by representatives of the Oregon, Idaho and Washington fish commissions and the U.S. Corps of Engineers, heard a sobering report by scientists that up to 70 per cent of migrating juvenile salmonids have been wiped out in recent years by dam-caused nitrogen concentrations.

Unless the problem is promptly dealt with, the governors were informed, the entire Columbia River fishery could be lost.

Robert W. Schoening, director of the Oregon Fish Commission, said research has proved almost conclusively that nitrogen saturation is caused by the entrapment of air in water spilling over dams.

"Water passing through turbines doesn't do this," he added.

Schoening and other officials agreed that a combination of dam modifications and operational changes to reduce spillage would reduce the fish-killing nitrogen concentrations.

> Hugh A. Smith Jr., chief of the hydraulics section of the North Pacific Division, Corps of Engineers, announced at the meeting that the Corps has diverted $1 million from other projects to activate a "skeleton" powerhouse bay at Little Goose Dam to cut down on spillage.
>
> "The skeleton" bay modification, which involves installation of a specially-designed slotted bulkhead, will be adopted at other dams if the installation proves successful, Smith said.
>
> He added that contracts are expected to be awarded this week on the Little Goose project, with completion scheduled in April, 1971. Testing could be completed by May 1 of that year, he said.
>
> Meanwhile, the governors were told, Columbia River agencies are making a concentrated effort to reduce spillage and the resultant nitrogen concentrations at times of heavy fish migration.
>
> C. E. Hildebrand, chief of the Corps' Reservoir Control Center, said complete control is not possible at this time because the storage capacity of Columbia-Snake dams is only about one-fourth of the river's total flow.
>
> However, Hildebrand said upstream reservoirs are being evacuated earlier than usual this year to reduce spillage when hatcheries release young fish in April. But, Hildebrand admitted, a heavier-than-normal runoff expected this spring may reduce the effectiveness of this action.
>
> As of now, fisheries and hydroelectric officials are cooperating to shift turbine loadings to high nitrogen-producing dams such as John Day and McNary in order to run water through the dams instead of over them, as much as possible, Hildebrand added.
>
> Hildebrand said the British Columbia Hydro and Power Authority has even agreed to reduce electrical production at its own Peace River project to take excess energy generated on Columbia River Dams in the nitrogen-reduction effort.
>
> As a further measure, Hildebrand told the governors, a multiagency Nitrogen Task Force has been formed to coordinate fish management and dam operations on a day-to-day basis.
>
> The completion of three large water storage projects in the spring of 1973 will add 19 million acre-feet of capacity to the Columbia management system and thus reduce the spillage problem considerably, Hildebrand added.
>
> It was contemplated at the meeting that the gradual growth of electrical power demand would reduce the nitrogen problem by spurring added electrical generators in all the Columbia Dams which would, in time, spill very little water over the top.
>
> Schoening said the nitrogen problem, which exploded into a crisis with the completion of John Day Dam in 1968, not only kills fish by itself but weakens the survivors and makes them more susceptible to bacterial infection.
>
> Nitrogn saturations in the past two years have reached 145 per cent in many parts of the river, whereas 110 per cent is considered lethal, he said.

Mr. PACKWOOD. As a result of the nitrogen content problem caused by the existing dams, the Corps of Engineers has estimated it will take at least $8 million to modify existing dams to reduce the nitrogen content. If this money is not quickly provided, the very survival of certain fish runs will be threatened. In the light of the already existing nitrogen hazard and the possible extinction or substantial reduction of these fish runs, it is pointless and foolish to talk about putting more dams on the Snake River.

As I have already indicated there is no justification in terms of power needs of the Northwest in the next decade to build any dams on the Snake River. I have chronicled the problems of dead fish caused by the existing dams. If we are going to save the Snake River it is imperative that we pass Senate bill 717 or similar legislation creating the Hells Canyon-Snake National River. But if Congress refuses to do this immediately, then the very least which must be done is to designate the Snake River as a wild or scenic river.

Is there public support to save the Snake by prohibiting the building of any more dams on the Snake River? I believe the following excerpts from letters which I received from conservation and fishery organizations clearly answers that question and captures the mood of the public.

> We in the *Hells Canyon Preservation Council and the Idaho Environmental Council* are in agreement that it's time to fire-up on Hells Canyon. We've been in contact with the Sierra Club, the Wilderness Society, and Trout Unlimited, and they're all enthusiastic about giving us any support we need.

Federation of Fly Fishermen:

> The executive committee of the Federation of Fly Fishermen has voted unanimously to endorse Senate bill 717 to establish the Hells Canyon-Snake National River. The executive committee represents 4,000 individual members and 60 member clubs in 20 States.

The Wilderness Society:

> The Wilderness Society with its members in the Pacific Northwest, will wish to support all possible efforts to preserve scenic resources of the Snake River and Salmon River gorges. Our concerns will be expressed to EPA and the FPC. . . . Please keep us informed of further developments.

The Sierra Club:

> As you well know, the preservation of the Snake River is a matter of the highest priority to the Sierra Club. For years we have fought the licensing of any dam that would impair the wilderness quality of this magnificient river, and we are prepared to pursue any legal means in our continuing effort. We certainly appreciate the increasing realization within Congress that this priceless resource must be preserved, and we are grateful to those Senators and Congressmen who have introduced such legislation.

Let me turn now to the failure of the Federal Power Commission, at least to this date, to file an environmental statement as required by the Environmental Policy Act. I had feared that some decision in this matter might be made before an environmental impact statement had been filed in accordance with law. Therefore, I wrote to Russell Train, Chairman of the President's Council on Environmental Quality. On September 11, 1970, Chairman Train wrote me and I quote from his letter:

> Our staff has been advised by the FPC that *any decision* in this case will be accompanied by the environmental impact statement procedure called for. In the National Environmental Policy Act. *By copy of this letter I am requesting the FPC to forward you that environmental impact statement when it becomes available.*

I would now like to point out certain portions of the Council on Environmental Quality's statement on proposed Federal actions affecting the environment, published in the Federal Register, volume 36, No. 19, Thursday, January 27, 1971.

> 2. Policy. As early as possible and in all cases prior to agency decision concerning major action or a recommendation or a favorable report on legislation that significantly affects the environment, Federal agencies will in consultation with other appropriate Federal, State and local agencies assess in detail the potential environmental impact, in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long-and-short-range implications to man, his physical and social surroundings, and to nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

Further on:

> Proposed actions, the environmental impact of which are likely to be highly controversial should be covered in all cases.
>
> * * * * *
>
> (c) Section 101 (b) of the act indicated the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, observe short-term to the disadvantage of long-term environmental goals.

And I might say that this statement in and of itself is a stunning indictment of the whole proposal for any more dams on the Snake.

The Council on Environmental Quality's proposed guidelines speaks of "any irreversible and irretrievable commitments of resources which would be involved in the proposed action." I do not know how you could otherwise characterize destroying the deepest gorge on this earth, except as an "irreversible and irretrievable commitment of resources."

And further:

> It is important that draft environmental statements be prepared and circulated for comment and furnished to the council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved.

Now, despite Mr. Train's letter to me, a copy of which was sent to the FPC, dated September 11, 1970, I have not seen any environmental impact statement to date.

The Council on Environmental Quality's proposed guidelines comment upon the question of availability of such statements:

> In accord with the policy of the national environmental policy act and executive order 11514 *agencies have a responsibility to develop procedures to insure the fullest practicable provision of timely public information* and understanding of Federal plans and programs with environmental impact in order to obtain the views of interestd parties.
>
> * * * * *
>
> The agency which prepared the environmental statement is responsible for making such statement and the comments received

available to the public . . . without regard to the exclusion of interagency memoranda therefrom . . . the environmental statement and comments should be made available to the public at the same time they are furnished to the congress.

Mr. President, let me mention at this point the names of the dams with which we are concerned, so that my later remarks concerning these various dams might be understandable. Those dams are: Pleasant Valley, Appaloosa, Mountain Sheep, High Mountain Sheep, China Gardens, and Asotin.

Mr. President, the problems involved and created by these proposed dams are not new. We have been talking about this problem on the Snake River since 1954. I ask unanimous consent, Mr. President, that at this point in the RECORD there be printed a chronological history of the various steps involving this problem from 1954 to present.

There being no objection, the chronological history was ordered to be printed in the RECORD, as follows:

CHRONOLOGY OF HELLS CANYON CONTROVERSY

(This chronology pertains only to that portion of the Middle Snake River that remains free-flowing today. Three dams already choke the upper reaches of Hells Canyon: Brownlee, Oxbow, and Hells Canyon Dams.)

1954

April 13: Pacific Northwest Power Company (PNP) incorporates at Salem, Oregon.

November 9: PNP files application with Federal Power Commission (FPC) for preliminary permits to investigate Pleasant Valley-Low Mountain Sheep project on the Snake River above the mouth of the Imnaha River.

1955

January 5: Field investigation starts on proposed project.

April 8: FPC grants 3-year preliminary permit, effective through March 31, 1958.

September 7: PNP files with FPC for license to build proposed project.

***: Army Corps of Engineers (COE) begins study of hydroelectric potential. Conservationists and sportsmen begin speaking out against further dams. Published articles extolling the virtues of a free-flowing river become more evident.

1956

December 19: FPC holds hearings in Pendleton, Oregon; Lewiston, Idaho; and Washington, D.C.

1957

July 23: FPC Examiner recommends a license for the proposed project.

1958

January 20: FPC denies license for proposed project.

March 31: PNP files with FPC for Middle Snake River Project. Subsequent amendments fix location at High Mountain Sheep site on Snake River just above mouth of Salmon River and raise pool elevation to 1,510 ft. above mean sea level, conforming to recommendation of U.S. Army Corps of Engineers.

1960

March 15: Washington Public Power Supply System (WPPSS) files with FPC for license to build Nez Perce project on Snake River below mouth of Salmon River. FPC consolidates proceedings and orders hearing on July 18, 1960, WPPSS is granted requests for delay in May and August. Direct testimony of applicants filed September 2, 1960 and by FPC staff and intervenors October 17, 1960.

November 4 to March 28, 1961: Cross examination of witnesses in Washington, D.C., and Portland, Oregon. Rebuttal cases set to open April 24, 1961.

1961

March 15: Secretary of Interior Udall recommends against any dams on the Middle Snake because of conservation considerations.

July 24: Presiding examiner closes hearing record, and sets dates from November 15, 1961, to February 1, 1962, for filing briefs by all parties.

1962

January 15: PNP and WPPSS file initial legal briefs with FPC.

March 14: Secretary of Interior Udall recommends that any dams be deferred pending detailed study, and that any project be built by the Bureau of Reclamation.

March 20: WPPSS files suit in United States District Court for the District of Oregon asking declaratory judgment that it be authorized to construct either Nez Perce or High Mountain Sheep.

June 28: Secretary Udall asks FPC to recommend to the Congress that High Mountain Sheep should be built by the United States. PNP and WPPSS object.

October 8: FPC presiding examiner William C. Levy issues an opinion and order recommending that PNP be licensed to build High Mountain Sheep, stating that "the High Mountain Sheep plan emerges from this record as the comprehensive plan of development for the common reach which provides for prompt and optimum multipurpose development of the water resource under the standards of the Federal Power Act". He denies the rival application of WPPSS for Nez Perce as well as rejecting that organization's bid for High Mountain Sheep if the FPC decided it to be the best project. He refused the request of the Secretary of the Interior that FPC recommended Federal construction of High Mountain Sheep.

December 3: Secretary Udall intervenes in the Middle Snake River case in favor of Federal construction of High Mountain Sheep.

1963

***: Dispute between opposing parties carried through lower courts. (See pp. 162, 163 of U.S. Senate Hearing Record on Middle Snake River Moratorium Bill, S. 940, February 16, 1970).

1964

February 5: FPC issues 50-year license to PNP to construct and operate High Mountain Sheep, holding that the project was best adapted to a comprehensive plan of development.

A 670-ft-high dam at the High Mountain Sheep site (the world's second highest arch) would create a reservoir extending 58½ miles to Hells Canyon Dam.

March 6: WPPSS, the Department of the Interior and the Washington Department of Conservation file with FPC for reconsideration of its license order to PNP for High Mountain Sheep. WPPSS and the Secretary of the Interior also file motions for stay of the FPC order, the latter party also including a petition to have the record reopened.

April 3: FPC grants rehearing of its license order on High Mountain Sheep for the purpose of "further considering the issues raised", by the applications of WPPSS, the Department of Conservation of the State of Washington and the Secretary of the Interior.

April 30: FPC reaffirms High Mountain Sheep license to PNP.

June 26: WPPSS and the Department of Conservation, State of Washington, petition the United States Court of Appeals for the District of Columbia circuit to set aside the FPC license.

June 29: The United States of America on the relation of Stewart L. Udall, Secretary of the Interior, petitions U.S. Court of Appeals to set aside the FPC license.

August 25: PNP lets contract for exploration work at High Mountain Sheep dam site.

September 10: The U.S. Court of Appeals for the District of Columbia circuit grants motions for intervention in pending case to Idaho Wildlife Federation, Idaho Public Utilities Commission, Idaho Fish and Game Commission, Washington State Sportsmen's Council, Inc., the Oregon Wildlife Federation, the Fishermen's Cooperative Association, Inc., the Northwest Fisheries Association, the Alaska Fishermen's Union, the Pacific Fish Conservation League and the Makah Indian Tribe.

1965

* * *: Extensive court proceedings continue for 18 months.

1966

March 24: Court (above) in 3–0 decision affirms FPC license issued to PNP for the High Mountain Sheep project.

June 21: U.S. Supreme Court agrees to hear case.

1967

June 5: The Supreme Court of the United States rules 6–2 that the Federal Power Commission should reconsider its order licensing PNP to build and operate the High Mountain Sheep project. Justice William O. Douglas delivered the opinion of the court. "We express no opinion on the merits," the court said. "It is not our task to determine whether any dam at all should be built or whether if one is authorized it should be private or public." The court said: "The test is whether the project will be in the public interest. And that determination can be made only after an exploration of all issues relevant to the 'public interest' including future power demand and supply, alternate sources of power, the public interest in *preserving reaches of wild rivers and wilderness areas, the preservation of anadromous fish for commercial and recreational purposes, and the protection of wildlife.*"

1967

August: Hells Canyon Preservation Council (HCPC) incorporated at Idaho Falls, Idaho, for the express purpose of preserving Hells Canyon and the remaining free-flowing portions of the Middle Snake River in its natural state.

September 25: FPC grants previously-filed petitions for intervention by the State of Idaho on relation of the Idaho Water Resources Board (IWRB), the National Wildlife Federation, the Federation of Western Outdoor Clubs (FWOC), the Idaho Alpine Club (IAC), and the Sierra Club. After this date, the FWOC, IAC, and Sierra Club act on behalf of themselves and the HCPC.

1968

July 11: Idaho Water Resource files with FPC for preliminary permit on the Appaloosa and Mountain Sheep damsites on the Snake River above the tributary Imnaha River.

September 4–11: FPC hearing in Lewiston, Idaho. (32% of testimony opposes dam).

September 9–19: FPC hearing in Portland, Oregon. (77% of testimony opposes dam).

September 12: Senators Frank Church and Len Jordan of Idaho introduce a 10-year Middle Snake River Moratorium Bill.

November 8: Department of Interior, PNP, and WPPSS form a 3-way agreement to construct Appaloosa Dam, and unprecedented coalition of private, public, and federal dam-builders.

November 8: Secretary of Agriculture recommends to the FPC that no more dams be built on the Middle Snake.

1969

February 7: Senators Church and Jordan reintroduce the Moratorium Bill, S. 940.

August 12: Secretary of Interior Hickel pulls Interior out of the 3-way bid for a dam, recommends a 3 to 5-year moratorium on any development.

1970

January 6: FPC hearings resume in Washington.

January 19: Congressman John Saylor of Pennsylvania introduces Hells Canyon—Snake National River Bill in the House, H.R. 15455.

January 23: Senator Robert Packwood of Oregon introduces the identical bill in the Senate, S. 3329. This bill was authored by the HCPC.

February 16: U.S. Senate Interior Committee holds hearing in Washington on Moratorium Bill S. 940. (Of the 22 officials testifying, only three favor construction of the proposed dam; 77% speak in favor of preservation).

May 5: Senate passes an 8-year moratorium.

May 23–24: Upon invitation of Arthur Godfrey and the HCPC, Secretary Hickel and Burl Ives join Godfrey in a boat trip up Hells Canyon. This is Godfrey's second trip and through his efforts and published articles by HCPC members, the Hells Canyon controversy becomes a widely know National issue.

June 10: The HCPC receives a substantial grant from the American Heritage Society to continue its conservation work. The HCPC has now grown to 1,000 members in 45 states and a number of foreign nations. An active chapter has formed in Eastern Oregon and is gaining strength.

September: The Secretaries of Interior and Agriculture recommend that portions of the Middle Snake in Hells Canyon be studied for inclusion in the National Wild and Scenic Rivers System.

October: Final briefs are filed with the FPC by the FWOC, IAC, Sierra Club, Idaho Wildlife Federation, the Washington State Department of Fish, the Washington State Deparment of Game, and other groups opposing any further dams in Hells Canyon.

October 22: The FPC Staff Attorneys recommend against the licensing of any dams in Hells Canyon.

November 3: Governor Cecil Andrus elected in Idaho. The Governor had campaigned on a platform of a free-flowing Snake River and preservation of other environmental resources and had been strongly supported by the HCPC and other conservation groups.

1970

December 24: The HCPC charges that the Idaho Water Resource Board has acted illegally in coming to an agreement with PNP to share in the profits of a Hells Canyon dam.

1971

January 11: Senator Packwood supports the accusation of the HCPC against the IWRB and asks the Environmental Protection Agency (EPA) to intervene.

Governor Andrus of Idaho, in his first State of the State address, gives preservation of Hells Canyon top priority.

January 15: The Idaho State Department of Health announces high levels of mercury contamination in the Snake River. The three existing Hells Canyon dams have the highest levels and the Department states that certain species of fish are no longer safe for human consumption.

February 1: Senators Church and Jordan reintroduce a Moratorium Bill (S. 488) which died with the 91st Congress because of no action in the House. The Bill, now a 7-year moratorium, is also introduced by Congressman Orval Hansen of Idaho in the House.

February 10: Senator Packwood and Congressman Saylor reintroduce the Hells Canyon—Snake National River Bill (S. 717 and H.R. 4249).

February 23: FPC examiner William C. Levy, nearly repeating his action of October 8, 1962, recommends in favor of granting a license to construct a Pleasant Valley-Mountain Sheep combination of dams. He recommends initial construction begin in September 1975.

April 1: Senator Packwood meets with William Ruckelshaus, Administrator of the EPA, Russell Train, Scientific Assistant to President Nixon, and Secretary of the Interior Morton. He urges intervention in the FPC proceedings and protection for Hells Canyon under the Wild and Scenic Rivers System. The Senator announces favorable reaction and is optimistic.

Mr. PACKWOOD. It should be noted, Mr. President, that this Snake River question has run through four changes of administration, at least five agencies, in and out of congressional committees, and even up to the Supreme Court. The matter is now before the Federal Power Commission again. As is customary with matters before the Federal Power Commission the staff counsel of the Commission normally files an initial brief on the matter involved. The staff counsel did so in this case. On October 22, 1970, the Federal Power Commission staff counsel filed its initial and reply brief "In the matter of the Pacific Northwest Power Co. and Washington Public Power Supply System project Nos. 2243/2273." Now that sounds like a pretty dull subject—a run-of-the-mill Federal report. But what was written in some 400 pages of that report is most revealing.

Allow me to quote from that report, using the counsels' own words:

> In the course of fifteen years, three administrative hearings have been held concerning development or nondevelopment of the Middle Snake River.
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> * * * * *
>
> Neither Pleasant Valley or Appaloosa is economic, and both, according to staff duties, would cost the applicants more to produce power than producing power from an alternate source.
>
> The evidence in this record on the economics of the proposed developments shows high mountain sheep to be the only economic development, *but even that conclusion does not hold when the qualified values from the loss of the river are included.*

The potential recreation values of a dam should be understood. They are whatever recreational values can be obtained from a lake or reservoir formed behind a dam. It principally would be water skiing, sailing, and perhaps lake fishing. But in the process a great gorge would be destroyed by the dams and the great thrill of running a free-flowing river would be lost forever.

There is no doubt the staff counsel had delved into the history of this issue in great depth—that the real values at stake were understood. Again referring to the report:

> With hydroelectric development, the value of recreation to be provided promises to be small, especially in light of the large losses from the recreation lost by inundation of the river. Thus, recreational value, as an independent argument for construction of the Middle Snake Project, should be rejected.
>
> * * * * *
>
> In view of the doubtful economic showing of Pleasant Valley-Mountain Sheep and the even poorer economic showing of Appaloosa; and the fact that staff studies show that power from either project at the present interest rates would cost the applicants, and consequently the ratepayers, more than demonstrated great recreational values for this and future generations from preservation of the Middle Snake River as it now is, Commission staff counsel recommend that no license be issued at this time for either Pleasant Valley-Mountain Sheep or Appaloosa-Mountain Sheep.

Now Mr. President, let me review the situation to date. We have an application by public and private utilities to build dams on the Snake River. We already have evidence from the Bonneville Power Administration that the dams are not needed if the Federal Government will fulfill its commitment to install other generators on existing dams and if the nonhydrogeneration program continues ahead as planned. We have seen that existing dams are already threatening tremendous fish losses which will only be aggravated by the installation of new dams. The public is overwhelmingly opposed to the construction of these dams. There has been no environmental impact statement as yet filed by the Federal Power Commission; and lastly, we have the recommendation of the Federal Power Commission's staff counsel that no new dams should be licensed. One would think that at this juncture the Federal Power Commission and its examiner would move slowly and at least ask for an environmental impact statement before issuing a decision. And even if an examiner were to render a decision at the moment, one would think with all of the adverse evidence against the building of a dam that the examiner would recommend against such a dam even without the environmental statement being filed. One would hope that after these many long, weary years the Federal Power Commission would get in step with the environmental desires of the American people and recognize that the citizens of this country are no longer willing to hastily and irresponsibily trade for all time, one of the greatest treasures on this planet to supply a limited amount of power.

But such is not the case. William C. Levy, the presiding examiner of the Federal Power Commission, on February 23, 1971, announced his initial decision relating to the pending applications. He recommended that applicants be licensed to build the Pleasant Valley-Mountain Sheep Project. Mr. Levy's recommendation is now before the full Federal Power Commission. Rumor has it that his initial decision will be affirmed. Mr. Levy even went as far as to say:

> There is no good reason to delay a Commission decision now.

Mr. President, I think it is time the American people step in and demonstrate to the Federal Government that they are no longer satisfied to sit idly by while they see the Government itself ravage America's great resources. It is time that the Federal Government listens to what the people are saying. What the people are saying, Mr. President, is that they want the passage of my bill, Senate bill 717, which would create the Hells Canyon-Snake National River. I am delighted to report that joining with me to sponsor this bill are: Senators BAYH, JAVITS, MONDALE, KENNEDY, MCGOVERN, and CASE. If this bill cannot be passed immediately, then the people of this Nation want the Snake River declared a wild or scenic river. In short, Mr. President, the people of the United States want this river saved.

We are at that time in the long history of this issue where we can have a part in preserving this national shrine for future generations, or we can have a part in destroying it for all time. Hells Canyon is the deepest gorge on earth. In addition, through it runs one of the wildest rivers in America. The canyon contains great prehistroic and historic value. The area is an archeological treasure. Here are found unique combinations of plants and wildlife. Most of the vegetation zones in North America are compressed into this small area between the river and the mountain top. And yet with all of these irreplaceable values it has been in constant danger of being completely destroyed for year after year after year.

Mr. President, I call upon all Members of the Senate who are concerned with the constant erosion of our national resources and our scenic treasures to come to the aid of the Snake River. I call upon the Federal Power Commission to make available to the individual Senators and to the general public an environmental impact statement.

Mr. President, at some juncture this Nation must restrain itself from doing everything that it can technologically accomplish. At some stage we must realize that scenic and esthetic values can on many occasions have a paramount value. We must quit rampaging through this country damming up every rushing mountain stream in order to produce electricity for an ever-increasing population.

The waldens of this land are fast disappearing. Places where one can go and enjoy tranquillity are being destroyed in the guise of fakery and fraud and a misused word called progress. But if Congress is not to fall victim, then it must say with decisiveness and finality—"There will be no more dams on the Snake River." Our fellow man is beckoning and waiting and listening. He knows what is at stake. The question is, "Do we?"

ORDER OF BUSINESS

The **ACTING PRESIDENT** pro tempore. Under the previous order the Senator from Kansas (Mr. DOLE) is recognized for 15 minutes.

HANDICAPPED AMERICANS—1971

Mr. DOLE. Mr. President, 2 years ago today, I made my maiden speech in the Senate. The subject of that speech was the minority group of which I became a member 26 years ago today. I belong to this minority along with some 42 million others in our country. We are the handicapped.

In 1969 and again last year I expressed my concerns about the handicapped in America. I noted several fundamental propositions about them. First, they must be recognized as people—with the same needs, desires, motivations, and expectations as everyone else in our Nation. Second, they have the common needs of all people for adequate income, decent housing, health care, education, recreation and opportunities for developing personal relationships, vocational talents and employment skills but beyond the basic needs, these people have special requirements to enable them to maximize their potentials for self-development and for enjoying meaningful participation in family and community life.

Yes, the handicapped do have special problems, but they also have substantial and unique potentials for contributing to their own well being and to the betterment of the world around them. The great potential of this 42 million-member minority can only be guessed, but a rough idea can be gained by looking back at the achievements and contributions to our country by individuals who have had handicaps and have overcome them—people like Helen Keller, Franklin Roosevelt, Roy Campanella, Victor Riesel, and Jim Thorpe. The list could go on and on.

PROGRESS AND DISAPPOINTMENT

In my previous statements I have discussed some of the more pressing needs of the handicapped and some approaches which Government and concerned citizens might undertake to find solutions for these problems. Specifically, I proposed creation of Presidential Task Forces for the Mentally and Physically Handicapped, and I urged the establishment of a National Resource and Information Center for the Handicapped. Today, I wish to look at the record and assess where we are on the long road to achieving the goals we have set and meeting the challenges we have defined.

TASK FORCE REPORTS

I have been encouraged by the response to my ideas and proposals. Many individuals and groups joined me in asking President Nixon to establish task forces to examine and recommend solutions for the problems of the physically handicapped, those with mental illiness, and those affected by mental retardation. The task forces were appointed by the President, met, and issued extensive reports. The great outpouring of information, advice, and experience in response to the task forces' efforts was a massive indication of the concerns and the dedication of Americans in making headway against the handicaps afflicting their fellow citizens.

The reports of the task forces contained many valuable recommendations and directions for enunciating and implementing a national commitment to the physically and mentally handicapped in America. Some of these recommendations have been translated into executive action and legislative enactment; others have not evoked a meaningful response. Progress has been made, but much remains to be done.

JOINT COUNCIL ON DISABILITIES

The task force on the physically handicapped, as well as the companion task force on the mentally handicapped, called for the establishment of a joint council on disabilities to coordinate the advocacy and review the functions of national committees and groups presently working in the areas of physical and mental handicaps. It was pointed out that such a council could function well under the President's Domestic Affairs Council. Unfortunately, no effort has been made to put this reform into practice.

If the joint council on disabilities were now a reality, it could help to stimulate the broad approaches that are needed and orchestrate the various efforts that have developed for segments of the disabled population. In the absence of this council, one other approach was suggested by the National Rehabilitation Association in connection with improvements sought in the Vocational Rehabilitation Act. It was proposed that an ad hoc commission on transportation and housing be established to do for the area of vocational rehabilitation what was accomplished earlier by the National Commission on Architectural barriers to rehabilitation of the handicapped. In that effort an experienced small group of leaders in the fields of architecture and rehabilitation assessed the national activities underway, analyzed the existing problems, and recommended administrative and legislative remedies to relieve the problems. From that comparatively modest effort came the outlines of a national strategy which combined the community, State and Federal, and national voluntary efforts toward the common goal of eliminating architectural barriers to the handicapped. General lines of activity emerged, which could proceed independently of the Federal bureaucracy.

We might consider this approach in the area of vocational rehabilitation unless a more comprehensive one can be mounted under a joint council.

RESIDENTIAL NEEDS

Another recommendation of the task forces dealt with the residential and related service needs of the handicapped. Removing architectural barriers from the public buildings was a major concern. Stress was also placed on the dire need for single family homes and congregate residential spaces for those who otherwise would have to go into expensive or unsuitable hospitals or nursing homes. Unfortunately, few of these special housing arrangements have been built. We in Congress, public housing authorities, private developers, and voluntary groups must do more to sponsor, stimulate, and encourage such projects.

I am, however, pleased to report that the United Cerebral Palsy Associations, Inc., has established a National Committee of Architects, Planners, and Program Operators to facilitate the mobility of the disabled. The American Institute of Architects and other associations of designers and planners are working jointly within a committee of the President's Committee on Employment of the Handicapped. Similarly, as part of the White House Conference on the Aging, there are technical committees on transportation and housing with broad representation from business, public, and voluntary groups. These are examples of movement which have been stimulated by the task forces. But I am impatient for the action which will bring together and galvanize the enthusiasm, energy, and dedication of the public and private sectors which have the responsibility and the capacity to implement these recommendations.

EDUCATIONAL OPPORTUNITIES FOR HANDICAPPED CHILDREN

Turning to another issue in which we in the Congress have been concerned, we see the progress and lags in providing proper educational services for handicapped children. There are 6 million school aged handicapped children and 1 million preschool aged handicapped children in America today. Only 40 percent of these children are included in "special education" classes. Sixty percent of our handicapped children are not receiving the benefits of specialists who are trained and experienced in the management of difficult educational problems. All too frequently, handicapped children have been assigned exclusively to regular classroom teachers, who have neither the training nor the time to patiently work with the special problems of the handicapped. Because of ever-increasing classroom loads, these teachers cannot cope with the individual problems of every student in their classes, including those who have no physical or mental handicaps, so when handicapped children are included in their classes, these teachers cannot meet their needs, and the handicapped become consistent "losers" in the educational process.

It is time now to reestablish the priority of providing meaningful education for all children, including the handicapped. We must see that our handicapped children receive the benefits of close individualized attention which can only be provided through special education classes. Through the patient attention they receive in these small classes, they can develop their skills and grow into productive citizens. This is not to say that special education classes should be used to segregate the mentally and physically handicapped from the mainstream of the educational process. Rather, through the cooperation of their schools, they can receive this valuable specialized attention and can also be involved with activities and programs in the general curriculum.

Our handicapped children must be given the opportunity to profit from the educational opportunities which are offered to all children in our public schools. Yet only through the skills and readiness they acquire in special education classes, can they benefit from the general school program. A dual program, with specialists and all-school personnel working together, is necessary to provide the richest possible educational experience for handicapped children.

The Bureau of Education for the Handicapped in the Department of Health, Education, and Welfare is this year launching a national campaign to assist school administrators and personnel in their responsibilities for the appropriate education of all children. A commitment must be made and met to provide handicapped children with the best possible public education.

We must mount a national effort to make people more aware of the problems and needs of handicapped children; to repeal archaic and restrictive laws which prevent these children from receiving educations; to supply the monetary and physical resources to ensure these children the education to which they are entitled as citizens of this great Nation.

INVESTMENT, NOT CHARITY

The time has come to stop thinking of efforts on behalf of the handicapped as charity and to recognize that helping the handicapped is a social and economic necessity. It is a necessity not only in terms of the handicapped themselves, but in terms of society at large. It costs approximately $30,000 to provide a full 12-year education for a handicapped child. The same child, if placed in an institution, would cost society as much as $200,000 over his lifetime. The $30,000 investment in education can lead to a potential wage-earning for a handicapped individual of close to $300,000 during a lifetime of productive work. The tax from this income alone would repay the cost of the education. So we can see that the handicapped is a sound investment which pays guaranteed dividends in money and enriched human lives.

EMPLOYMENT OPPORTUNITIES

One of the major recommendations of President Nixon's Task Force on the Physically Handicapped dealt with assuring disabled people opportunities for employment at levels commensurate with their abilities. This has been the basic objective of the highly successful vocational rehabilitation program, a State-Federal partnership actively aided by voluntary and private agencies. Approximately 1 million disabled people were involved last year. More than a quarter of this number completed their rehabilitation and were placed in jobs. And a job means more than money, security, or material benefits; it means dignity, self respect, and a sense of contributing to one's family and to society. The task force felt that steps should be taken by Government, labor, and industry to expand and upgrade homebound employment and sheltered workshop programs for the severely handicapped. It recommended a comprehensive review of State home work laws, and the expansion of on-the-job training opportunities through Government incentives. I am pleased that the Social and Rehabilitation Service, the Rehabilitation Services Administration, and a hundred experts from around the country have just completed the first phase of a comprehensive look at this whole area of work opportunities for the homebound. They are formulating recommendations for both administrative and legislative action. Thousands of Americans who are tied to their homes are wasting their lives. This situation is a national tragedy, because these people could be making significant contributions to their own welfare and to society through productive home work. An enthusistic national effort for our homebound citizens should be one of our top priorities for the handicapped.

EXPANSION OF VOCATIONAL REHABILITATION

I have noted another recommendation to help demonstrate the national commitment to serve all the handicapped by broadening the vocational rehabilitation act. At present those who qualify for help through the vocational rehabilitation program must meet the test of having a disabling condition. This disability must be an employment handicap which could probably be overcome with help and thus enable the person to be placed in a suitable job. Of course those who can be helped should be helped to better care for themselves. But the Vocational Rehabilitation Act should be amended to extend rehabilitation services to all disabled persons. There should be no discrimination on the basis of the severity of impairment or potential for employment. We must remember that total success in overcoming a handicap is in many cases not possible. But there a great number of cases in which partial success is attainable and in which that partial success can be translated into real vocational achievement for the handicapped.

THE HANDICAPPED AND WELFARE

President Nixon's proposals for improving the welfare system include full utilization of the rehabilitation network throughout our country. It is hoped that those who are handicapped, yet responsible for their families, can be referred to the public rehabilitation program for assistance. Throughout our country welfare and rehabilitation teams have had great success in working together to rehabilitate and employ the handicapped who are on welfare.

NATIONAL INFORMATION AND RESOURCE CENTER

I have been especially pleased with the national response to my proposal for a National Information and Resource Center for the Handicapped. I proposed this project last year, and the reaction from Government, private citizens, and organizations in this field was overwhelmingly favorable. In the 91st Congress the Senate passed the bill to establish the center, but the House was unable to complete its action. I have reintroduced the proposal this year as Senate bill 41, and Congressman CHARLES BENNETT of Florida has introduced a companion bill in the House. I anticipate equally enthusiastic support in the 92d Congress and look for early passage in both the Senate and House.

Although such legislation may be overshadowed in the areas of massive social, health, and rehabilitation programs, it has overwhelming significance for disabled people, their families, and the organizations that work to serve them. In the framework of the presently available resources for our handicapped citizens, we must be on guard to see that our efforts and money are directed to the point of greatest need. It is the purpose of the information center to consolidate the knowledge and information regarding services for the handicapped. These resources must be made available to the handicapped in the form they can use and at the times they most need them. Presently, there is a crucial lack of coordination and centrally available information, for example on information about rehabilitation facilities and services. Much the same can be said for information on employment, health care, economic aid, and many other important areas. The National Information and Resource Center for the handicapped will provide a point of contact for individual citizens, families of the handicapped, the handicapped themselves, as well as private organizations, city, and State officials who desire information or direction.

We have the knowledge and the resources to restore many more of the mentally and physically disabled to productive lives. The tragedy lies in the fact that few Americans are aware of the capabilities and services of modern public and private programs for the handicapped. They are also unaware of the human and economic loss this ignorance imposes. The problem is particularly acute when handicapped persons and their families do not know where to turn when disability strikes.

AN EFFECTIVE RESPONSE TO A REAL NEED

This center will fill a great void. It is an answer to a specific and well-defined need, and it will meet this need at a reasonable cost. The center will not duplicate the functions of programs in either the Government or private sectors. Its function will be the coordination of information relating to all programs to benefit the handicapped. A small staff will be available to direct inquiries to specialized contacts. The 42 million Americans in the handicapped minority will be the direct beneficiaries of the center's services. America will be the ultimate beneficiary through increased contribution, well-being, and personal fulfillment of the handicapped.

CONCLUSION

Mr. President, the work of the task forces on the Mentally and Physically Handicapped; the ideas put forward by volunteer groups, specialized agencies and private citizens; and the resources of Federal, State, and local government need to be put to best and most effective use.

In the past 2 years we have seen a great amount of effort put into ideas, reports, and plans. Now, those mental efforts call for matching efforts to implement and realize them.

In this age of concern for the preservation and restoration of our physical resources, the handicapped are a great reservoir of human resources. We must not squander them or fail to utilize them.

ORDER OF BUSINESS

The **ACTING PRESIDENT** pro tempore. Under the previous order, the Senator from Mississippi (Mr. STENNIS) is recognized for a period not to exceed 15 minutes.

(Under a subsequent order, the remarks of Mr. STENNIS are printed later in the RECORD under "National Policy on Public Schools.")

RECISION OF ORDER FOR RECOGNITION OF SENATOR ERVIN—ORDER FOR RECOGNITION OF SENATOR MUSKIE

Mr. BYRD of West Virginia. Mr. President, under the previous order the able Senator from North Carolina (Mr. ERVIN) was to have been recognized at this time for not to exceed 15 minutes. I have received word from the office of the Senator from North Carolina requesting that that order be vacated.

I therefore ask unanimous consent that the Senator from Maine (Mr. MUSKIE) be substituted in place of the Senator from North Carolina (Mr. ERVIN) under the previous order.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

FBI SURVEILLANCE

Mr. MUSKIE. Mr. President, I rise today to discuss a matter of grave concern to our Nation. I believe the present scope of surveillance by Federal intelligence agencies of the legitimate political and personal activities of our citizens represents a dangerous threat to fundamental constitutional rights. There is ample evidence to justify this conclusion from the searching and responsible hearings held by my respected colleague, the Senator from North Carolina (Mr. ERVIN).

But this threat to our privacy and freedom has been shockingly and dramatically demonstrated to me in another way. I have recently read an FBI intelligence report written by an agent assigned to cover the Earth Day rally in Washington last year. Among those political actions were reported for the benefit of our criminal, military, and security intelligence agencies was myself. This FBI report mentions no hint of violence, no threat of insurrection, and no foreboding of illegal behavior.

I ask unanimous consent that the FBI report on Earth Day activities which took place in Washington on April 22, 1970, be printed in its entirety in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MUSKIE. Mr. President, this FBI report details the preparation, the planning and the occurrence of this environment rally. It briefly notes who spoke and what was said. It duly records that I, among others, spoke at this meeting.

Before I discuss the implications of this FBI report, I would like to establish a few simple facts about it.

First, this report was not taken from the Media, Pa., FBI files, and is in no way connected with that theft of FBI material.

Second, this report contains no classified designation. Therefore, I feel free to discuss it in detail and insert it in the RECORD.

Third, it should be understood that while this is obviously a report by an FBI agent, it was not intended solely for FBI internal use. This report, and evidently many others like it, have been circulated widely to the entire intelligence community, and perhaps even to local police. This report, and others like it, have been read by a wide range of policy and security personnel.

Finally, I understand that this is but one of about 40 to 60 FBI reports of Earth Day rallies on April 22, 1970. I know that at least one other Member of this body, and probably others, had some of their speeches and participation in Earth Day rallies subject to FBI surveillance. We must find out the scope of this surveillance over environmental groups and gatherings.

This document raises far-reaching questions over the present surveillance operations of the FBI.

If there was widespread surveillance over Earth Day last year, is there any political activity in the country which the FBI does not consider a legitimate subject for watching? If antipollution rallies are a subject of intelligence concern, is anything immune? Is there any citizen involved in politics who is not a potential subject for an FBI dossier?

How much of American political life is recorded, from the perspective of the FBI, and stored for quiet use by Federal and local agencies?

Mr. President, what possible legitimate use could this report serve? Why does the FBI need to know who attended and what was said at Earth Day rallies across the Nation?

No crime or threat of crime was involved nor was any violence threatened. Even if our intelligence agencies believed Earth Day might turn into a threat to our national security or a scene of violence requiring Federal troops, that would not justify a report about the rallies afterwards, when it was clear that no threat to our Government did occur. And why is the report of nonviolent and noncriminal events distributed to other agencies of our Federal Government?

These questions can only be fully answered after there is a complete and searching review of the intelligence communities' domestic surveillance operations. Until this is done, we will not know who or what is being watched and why. All of us will live with the uneasiness that our actions and words, plus unsubstantiated or inaccurate reports about our lives and characters, are filling a secret file in Washington.

That uneasiness is intolerable in a free society.

Although we cannot tell precisely the scope of domestic surveillance, this report on Earth Day, and the evidence already revealed by the Senate Subcommittee on Constitutional Rights, makes the implications of what we know clear enough.

First, surveillance is more than excessive zeal by the FBI. It is a threat to our freedom. Surveillance leads to fear.

Secret surveillance which produces secret files to be used by unknown persons; these are the ingredients for fear.

Every dictator knows that elementary rule.

Such fear is recognized in our constitutional law; it is called the chilling effect. When Government action creates such fear in citizens about participating in political activity or speaking out on controversial issues it "chills" their freedom of speech, then the Supreme Court has held that this violates their constitutional rights under the first amendment.

What is a more proper or protected activity for an American than a rally to bring to the attention of our Government a concern for a cleaner environment? Is this not free speech? Is this not a redress of grievance? How many Americans will now hesitate, will not attend meetings and will not raise their voices because they feel what they do will become part of an FBI dossier? One American so quieted would be too many.

But I am certain many are now afraid. As pointed out by others, a large percentage of Congressmen believe their phones are tapped. If this is what our congressional leaders think, how does an ordinary citizen feel when deciding whether to participate in a rally, to write a letter, or give a speech critical of the policy of the Government which also keeps notes on his activities?

Freedom of speech and freedom of political action are more than the mere absence of laws that forbid such activity, or of prosecutions that punish it. Freedom is a feeling about what can be done by a citizen without possible future harm, and without secret surveillance. Liberty is an attitude of trust toward our Government, and of openness in our society.

Freedom in America can be maintained in practice, as well as in theory only if we end the unnecessary surveillance over lawful activity in our Nation. Only if this concrete action will quiet the reasonable fears of so many Americans.

This spreading fear of surveillance is doubly tragic. It comes at a time when our policies and our institutions need so much change. And the best way to effective change is through political association. As De Tocqueville noted over a century ago, American democracy is given life through political associations. One man alone against a massive government is nothing. But groups of citizens, all joined for one political end, have influence. Surveillance of the kind demonstrated here threatens to scare those who want to join together to make their institutions more responsive to people. It will drive many of them into silence. It will keep them powerless through fear.

It may be argued that bringing this FBI document to light today will arouse such fears of surveillance. But silence would only be acquiescence in activities that threaten the freedom of our society. As a Senator, it is my responsibility to speak out and arouse others in order to protect our liberty and to calm our fears by eliminating those practices which determine our fundamental rights.

I suppose some would also question my prudence in publishing a document which contains my name and concludes with a dissertation on the Students for a Democratic Society and the Progressive Labor Party. This very coincidence underscores my concerns. Here is a report that identifies me as a speaker to an Earth Day audience; describes certain other speakers as having associations with those far-left organizations; and then wraps it all up—all the concern and indignation people felt that day about the spoiling of the American environment—with a brief outline of two radical political groups. This document is then distributed to various other intelligence organizations, and perhaps elsewhere. What is the inference? Unless one is accustomed to this kind of thing and therefore hardened to it, the inference is that Earth Day, Senator MUSKIE, and many thousands of Americans who gathered together to protest pollution were somehow related to SDS and the Progressive Labor Party. And that inference is hardly removed by the standard closing lines, "This document contains neither recommendations nor conclusions of the FBI."

Second, there is no justification for any part of the Federal intelligence community surreptitiously observing and reporting on legitimate political events which do not affect our national security or which do not involve a potential crime.

Our Federal Government is one of limited powers. Every power it exercises must flow from a constitutional grant of that power. There is no such grant of power for general political surveillance. Indeed, such a concept would be repugnant to the most basic notions of our Founding Fathers.

It is repugnant to me.

This limitation on Executive power is recognized by the Justice Department itself. In testimony delivered March 9 of this year, before the Senate Subcommittee on Constitutional Rights, Assistant Attorney General William Rehnquist stated that the Department of Justice's authority to use investigative techniques includes "combating organized crime, preventing acts of violence, controlling civil disorders where appropriate, and enforcing numerous Federal statutes."

Even this broad reading of Federal power, which covers much of the duty of local and State governments to maintain order and prevent violence, does not include general political surveillance. Mr. Rehnquist states that data stored by the Internal Security Division "relates to specific incidents in which there is evidence that a law has been or may be broken." Despite the fact that this statement seems to imply that the division investigates the violation of any law, State or Federal, whether or not any question of national security is involved, it again does not provide for general surveillance. Finally, if there are excesses of information gathering, the Assistant Attorney General tells us that "self-discipline on the part of the executive branch will provide an answer."

The existence of the FBI report on Earth Day and the Justice Department's position on surveillance of a year later can mean only one of two things. First, the FBI and Justice Department believed that reporting about the Earth Day rallies of 1970 was necessary to prevent threats to the national security, or possible violence needing intervention of Federal troops, or probable violation of Federal law. If that is the case, the Justice Department's self-imposed limitations upon surveillance are meaningless.

Or, the Department might not know about, or be unable to control, the Earth Day surveillance by the FBI. In this case, also, the Department's self-imposed limits are meaningless.

Self-discipline evidently means no discipline.

Finally, Mr. President, this FBI report reveals a monumental waste of the taxpayers' money and of the valuable time of trained FBI agents. Every Government agency must choose the most effective means of utilizing its limited resources and personnel. This and other evidence shows that the FBI does not seem to be able to make reasonable choices. Many agents were assigned to spy on Earth Day rallies, and the FBI apparatus was involved in the preparation and dissemination of the many reports on Earth Day. With the problems of organized crime, of international drug traffic, and of actual bombing of Government buildings, I think better use could be made of these highly trained and dedicated men.

I take no pleasure in this criticism of the FBI. The FBI has in the past, and I hope in the future, performed valuable services in preserving the security and safety of this country. Its agents' initiative and dedication are justly famous. Some young people may not remember a time when fast-moving criminals and murderers completely out-maneuvered local police. Using the mobility and power of a national organization, the FBI in a few brief years, brilliantly subdued those free-wheeling criminals of the 1930's. And again, during the Second World War, the FBI tracked down foreign agents who threatened our security in war. Today, the Bureau continues its role as an efficient Federal law enforcer as well as a major force in upgrading local police with its training programs and its example of professionalism. I acknowledge the FBI's past achievements, not to minimize the seriousness of what I believe I have said today, but to acknowledge the Nation's debt to this agency.

It is clear that internal self-restraint in the Federal intelligence community is not adequate to safeguard our rights, and to keep the Government's surveillance within legitimate bounds. That is not surprising. Any agency charged with the responsibility to investigate and provide intelligence will want to find out more and more. That is only doing the job better. And it is too much to expect that those who must gather facts about crime and subversion can weigh constantly the need to limit surveillance in order to protect our individual rights.

It does not appear that those in the executive branch who are responsible for the supervision of the FBI, the Attorney General and the President, will do anything to change this situation. The President, in the face of reports, of investigations that should outrage the Nation, remains silent. There is no indication that he intends to issue new directives to limit the scope of FBI surveillance or create the institutions to do this. The Attorney General, as represented by the Assistant Attorney General vigorously defends the present scope of surveillance and the system to limit it.

Further, the traditional checks upon executive power, congressional legislative and appropriate powers, have obviously not been enough to curb the scope of intelligence surveillance to reasonable bounds. Therefore, new institutions must be created to protect every American's liberty.

As a first step, I propose that Congress create a Domestic Intelligence Review Board, to supervise the activities of all agencies of Government in this field.

Such a board should be composed of the most distinguished members of the intelligence community, of Congress, of the Judiciary, of the practicing bar, and of our law schools. The board should review the claims of those who must gather intelligence to protect our community and of those who are most sensitive to protecting our liberties should be presented so the needs of information and the requirements of a free society are balanced.

The board should be appointed by and responsible to both the President and the Congress. It should report yearly to the public in general terms, about the scope and need of civilian and military domestic surveillance and its effect. It also should produce a much more extensive and detailed report on domestic intelligence activities, including budget details. This should be made available only to the President and the Members of Congress. This will allow these annual reports to be comprehensive enough but without prejudicing our intelligence gathering operations. The board's most important responsibility must be to recommend Executive orders and legislation required to curb the unnecessary use of surveillance in our society.

I am not convinced that creation of this Board, by itself, will be adequate. I believe that Congress will have to legislate precise limits over the scope of domestic surveillance and over the use of collected information. But such a board is a good beginning.

I believe our Government has reached a critical juncture in its intelligence activities.

We have clearly gone beyond the limits that a free society should impose on our Central Government's surveillance.

We have just become politically conscious of that fact. We can continue ahead, brushing aside the delicate and immense requirements of liberty. This choice will cost us much of our freedom. Or we can pause and examine our course to see that it will destroy much of what we value most.

If we do, and if we redefine our intelligence needs in light of the requirements of freedom, we will have to change many of our present surveillance operations. This will be painful and it will involve a certain amount of risk. But that always is the cost of freedom. And I believe we dare not sacrifice our freedom, no matter what the cost.

EXHIBIT 1

NATIONAL ENVIRONMENTAL ACTIONS, APRIL 22, 1970

On April 6, 1970, Mr. Robert Waldrop, local representative of the Sierra Club, 235 Massachusetts Avenue, N.E. Washington, D.C. (WDC), made application for the use of National Capitol Parks to "peacefully petition the government for immediate action to preserve the environment and to express citizen's concern for environmental problems." Waldrop stated the request was being made by the Washington Area Environmental Action Coalition for a National Environmental Teach-In Day, April 22, 1970. He requested the use of the Parklands Playing Fields at Constitution Avenue and 21st Street, N.W., from 1:30 p.m. until 2:30 p.m., and the Sylvan Theatre on the Washington Monument Grounds from 3:30 p.m. to 9:30 p.m.

Waldrop stated that the Washington Area Environmental Action Coalition includes residents of the metropolitan region, community groups, and students from local universities. "We are closely coordinated with the nation-wide Environmental Teach-In sponsored by Senator (Gaylord) Nelson and Representative (Paul N.) McCloskey, (Jr.)."

The Sierra Club is a western based conservation organization located at 1050 Mills Tower, San Francisco, California.

On April 14, 1970, "The Washington Post" a paper located in WDC, reported under the caption, "Area Students Mobilize for Earth Day", that the dangers to the earth's environment, including overpopulation, have been the concern of a student organization in the WDC area. Since February, 1970, a "movement" has gotten under way made up of a coalition of students and conservation organizations, with support coming largely from the white, middle class. April 22nd, "Earth Day" will climax with a march to the Interior Department in the afternoon by students and conservation organizations headed by representatives of the Sierra Club.

On April 14, 1970, the Washington Area Environmental Coalition held a press conference at the Dupont Plaza Hotel; WDC. Robert Waldrop spoke for the coalition and stated that "Earth Day" activities on April 22nd, were being organized by the coalition which consists of interested students from American University, Catholic University, Trinity College, George Washington University, and Prince Georges Community College, Maryland, working closely with the Emergency Committee on the Transportation Crisis (ECTC). Environmental Teach-Ins were planned for the respective campuses on April 22, 1970.

It was announced that the Coalition would picket the Washington Hilton Hotel, 1919 Connecticut Avenue, N.W., on April 21, 1970, where Secretary of Transportation John A. Volpe would be speaking before the highway users conference.

Waldrop announced plans for April 22nd, saying that the march past the Department of Interior would be "symbolic" since the Department of Interior "has become the symbol of the Government's environmental insanity. The Nixon administration has tried to make the environment its issue."

Others present at the press conference were: Timothy Paulis from Catholic University, Matthew Andrea representing Environment, Incorporated, 917—15th Street, N.W., Sammie Abbott, publicly director for ECTC, Gene Goldman from American University, Philip Michael, described as a recent returnee from the Peace Corps in Africa, and Professor "Bud" Ivan Hames from American University.

Sammie Abbott has been publicly identified in the past as a Communist Party leader. His activities on behalf of the ECTC have led to local publicity and several arrests.

The ECTC is a foe of inner-city freeways.

Among the coalition of local participating organizations for Earth Day are: Environmental Teach-In, Incorporated, 2000 P Street N.W., WDC, Environmental Action, headed by Steve Cotton, who according to a press release is on leave from Harvard Law School, Environment, Incorporated, supra, headed by George Washington University student James "Skip" Spensley, Zero Population Growth and Friends of the Earth, both located at 917 15th Street, N.W.

Environment, Incorporated, is self-described as a non-profit organization organized in the District of Columbia for the purpose of providing posters, buttons and information about speakers to schools and community organizations. It has announced plans to keep its downtown office and campaign going after April 22nd. The organization publishes a newsletter called "Environment".

"The Mound Builders Gazette" newsletter, published by the Environment News Cooperative, 7321 Takoma Avenue, Takoma Park, Maryland, made its debut a week or more prior to April 22, 1970, stated it will provide in-depth coverage of the polluters and the protectors of the environment. It will be published bi-weekly beginning in September, 1970. Its editor is Bill Hobbs.

William (Bill) Hobbs, above, according to another Government agency, was formerly associated with the Students for a Democratic Society (SDS) at George Washington University, with the Southern Christian Leadership Conference and was one of the prime movers in the Action Coordinating Committee to End Segregation in the Suburbs, better known as ACCESS.

The SDS is characterized in an appendix page attached hereto.

On April 21, 1970, representatives of the FBI observed the following activities at the Washington Hilton Hotel, from about noon until 1:20 p.m.

A group numbering about 60 persons picketed on the sidewalk in front of the hotel. Literature passed out stated the demonstration was called to coincide with the Tuesday luncheon of the Highway Users Federation for Safety and Mobility at which Secretary Volpe was scheduled to speak. Picket signs indicated the group represented the National Coalition on the Transportation Crisis, ECTC, Student Committee on the Transportation Crisis and Washington Area Environmental Coalition. Signs displayed accused the Federation of being a highway lobby, and "polluters and plunderers."

Sammie Abbott and Matt Andrea, previously mentioned, were observed directing the pickets.

There was no incidents or arrests.

On April 22, 1970, "The Washington Post" published on "Earth Day" schedule for the Washington area which related that a number of events were scheduled to be held at various high schools and colleges in the area between 9 a.m. and 9:15 p.m. The day's main events commenced with a rally at 21st Street and Constitution Avenue, N.W., followed at 2 p.m. by a march past the Interior Department to the Sylvan Theatre where a program featuring folk singers and speakers was scheduled.

On April 22, 1970, representatives of the FBI observed about 200 persons on the Playing Fields shortly after 1:30 p.m. They were joined a few minutes later by a contingent of George Washington University students who arrived chanting "Save Our Earth".

A brief speech followed by which an unidentified GWU Law School student spoke out against Secretary of the Interior Hickel and the administrations of both Presidents, Johnson and Nixon. He said it was time for some action regarding pollution.

About 2 p.m., the group, numbering about 750 persons, moved out in the direction of the Interior Department. Some of the signs carried were: "Save Our Earth—Concern, Inc." "Save Our Seas; We Demand A Moratorium On All Off Shore Drilling", and "End the Fascist Rape of America." Some persons wore paper surgical type masks and one had a gas mask.

Shortly after 2 p.m., the crowd then estimated to be eight to nine hundred persons, gathered on the Virginia Avenue side of the Department of Interior at 19th and C Streets, N.W. An unidentified male read a "Declaration of Independence" and the crowd chanted, "We want air, we want water, we want Hickel."

About 2:30 p.m., the group at the Interior Department left and joined another group gathered at the Sylvan Theatre. The two groups totaled an estimated 2,500 or more. A sign was noted which read, "God is Not Dead; He is Polluted On Earth." There were not speeches, but several musical groups entertained the crowd until after 8 p.m.

Shortly after 8 p.m., Senator Edmund Muskie, (D), Maine arrived and gave a short anti-pollution speech.

Senator Muskie was followed by WDC journalist I. F. Stone, who spoke for 20 minutes on the themes of anti-pollution, anti-military and anti-administration.

Dennis Hays, National Coordinator for Environmental Action, WDC, followed and gave a short anti-Vietnam war and anti-pollution talk.

Phil Ochs was the next speaker. He made a few anti-war, anti-administration remarks and then introduced Rennie Davis, one of the convicted defendants in the Chicago Conspiracy Trial. Davis spoke for approximately ten minutes.

Davis began by saying that the events he was involved in in Chicago were not a conspiracy, but there is one now, a capitalistic conspiracy and he called for tearing down the capitalistic structure. He said that people in "Agnew Country", meaning government officials in Washington, believe the ecology issue will divert the attention of people in the United States from the Vietnam war. He said the movement knows its history and this tactic will not work. He said The Conspiracy is joining forces with such groups as Women's Liberation, the Black Liberation Struggle and ecology forces to fight at every level of our society to end the war in Vietnam.

At this point, Davis was interrupted by heckling from someone in the audience. He made an obscene remark to the effects that any "pigs" in the audience should get out while they could. He then said he opposed all pollution except "light up a joint and get stoned". "One way to fight for ecology is to go to New Haven on May 1st to stop Bobby Seale's trial," referring to the trial there of the Black Panther Leader.

At about 10:15 p.m., Roger Priest, Navy enlisted journalist, then under court martial proceedings in WDC on charges of making disloyal and seditious statements in his anti-war publication "Off", spoke for several minutes. He said that "tomorrow" would be the last day of his trial and that the day after the verdict is given, the slogan will be "Sink the Navy".

At 12:25 a.m., April 23, 1970, Pete Seeger, the folk singer, made a few remarks about ecology and cleaning up society and the Potomac river. At this point, the power was shut off. Seeger and Reverend Frederick Kirkpatrick, a Negro folk singer, sang a few songs through a bullhorn, and the crowd began thinning rapidly. The program ended at 1 a.m., with approximately 50 persons remaining behind to clean up the area.

STUDENTS FOR A DEMOCRATIC SOCIETY

A source has advised that the Students for a Democratic Society (SDS), as presently regarded, came into being at a founding convention held June, 1962, at Port Huron, Michigan. From an initial posture of "participator democracy" the line of the national leadership has revealed a growing Marxist-Leninist adherence which currently calls for the building of a revolutionary youth movement. Concurrently, the program of SDS has evolved from civil rights struggles to an anti-Vietnam war stance to an advocacy of a militant anti-imperialist position. China. Vietnam and Cuba are regarded as the leaders of worldwide struggles against United States imperialism whereas the Soviet Union is held to be revisionist and also imperialist.

At the June, 1969, SDS National Convention, Progressive Labor Party (PLP) forces in the organization were expelled. As a result, the National Office (NO) group maintained its National Headquarters at 1608 West Madison Street, Chicago, and the PLP faction set up headquarters in Cambridge, Massachusetts. This headquarters subsequently moved to Boston. Each group elected its own national officers, which include three national secretaries and a National Interim Committee of eight. Both the NO forces and the PLP forces claim to be the true SDS. Both groups also print their versions of "New Left Notes" which sets forth the line and the program of the particular faction. The NO version of "New Left Notes" was recently printed under the title "The Fire Next Time" to achieve a broader mass appeal.

Two major factions have developed internally within the NO group, namely, the Weatherman or Revolutionary Youth Movement (RYM) I faction, and the RYM II faction. Weatherman is action-oriented upholding Castro's position that the duty of revolutionaries is to make revolution. Weatherman is regarded by RYM II as an adventuristic, elitist faction which denies the historical role of the working class as the base for revolution. RYM II maintains that revolution, although desired, is not possible under present conditions, hence emphasizes organizing and raising the political consciousness of the working class upon whom they feel successful revolution depends. Although disclaiming control and domination by the Communist Party, USA, leaders in these two factions have in the past proclaimed themselves to be communists and to follow the precepts of a Marxist-Leninist philosophy, along pro-Chinese communist lines.

A second source has advised that the PLP faction which is more commonly known as the Work Student Alliance is dominated and controlled by members of the PLP, who are required to identify themselves with the pro-Chinese Marxist-Leninist philosophy of the PLP. They advocate that an alliance between workers and students is vital to the bringing about of a revolution in the United States.

SDS regions and university and college chapters, although operating under the outlines of the SDS National Constitution, are autonomous in nature and free to carry out independent policy reflective of local conditions. Because of this autonomy internal struggles reflecting the major factional interest of SDS have occurred at the chapter level since the beginning of the 1969–70 school year.

The PLP is characterized separately in the Appendix.

PROGRESSIVE LABOR PARTY—PLP

"The New York Times" city edition, Tuesday, April 20, 1965, page 27, reported that a new party of "revolutionary socialism" was formally founded on April 18, 1965, under the name of the PLP which had been known as the Progressive Labor Movement.

According to the article, "The Progressive Labor Movement was founded in 1962, by Milton Rosen and Mortimer Scheer after they were expelled from the Communist Party of the United States for assertedly following the Chinese Communist line."

A source advised on June 3, 1968, that the PLP held its Second National Convention in New York City, May 31 to June 2, 1968, at which time the PLP reasserted its objective of the establishment of a militant working close movement based on Marxism-Leninism. This is to be accomplished through the Party's over-all revolutionary strategy of raising the consciousness of the people and helping to provide ideological leadership in the working class struggle for state power.

The source also advised that at the Second National Convention Milton Rosen was unanimously re-elected National Chairman of the PLP and Levi Laub, Fred Jerome, Jared Israel, William Epton, Jacob Rosen, Jeoffrey Gordon, and Walter Linder were elected as the National Committee to lead the PLP until the next convention.

The PLP publishes "Progressive Labor," a bimonthly magazine; "World Revolution," a quarterly periodical; and "Challenge-Desafio," a monthly newspaper.

The April, 1969, issue of "Challenge-Desafio" sets forth that "Challenge is dedicated to the peoples fight for a new way of life—where the working men and women control their own homes and factories; where they themselves make up the entire government on every level and control the schools, courts, police and all institutions which are now used to control them."

Source advised on May 8, 1969, that the PLP utilizes an address of General Post Office Box 808, Brooklyn, New York, and also utilizes an office in Room 617, 1 Union Square West, New York, New York.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and it is loaned to your agency; it and its contents are not to be distributed ouside your agency.

(The above is a stamp.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. BAYH). Pursuant to the previous order, there will now be a period of not to exceed 30 minutes for the transaction of routine morning business, with each presentation not to exceed 3 minutes.

INTELLIGENCE COLLECTING AGENCIES

Mr. BAYH. Mr. President, I was very impressed by the comments of our distinguished colleague from Maine (Mr. MUSKIE). I wholeheartedly agree that the overzealousness of some of our security and intelligence-collecting agencies give cause for alarm. I have been a member of the Senate Subcommittee on Constituitonal Rights since coming to the Senate more than 8 years ago. During that time I have followed with great interest the hearings conducted by the distinguished chairman of that subcommittee, the Senator from North Carolina (Mr. ERVIN). I want to join the Senator from Maine in praise of the Senator from North Carolina.

It is alarming to see the FBI's involvement in certain inappropriate intelligence-gathering endeavors. I was likewise distressed, over a month ago, by the disclosure of the Army's involvement in spying—and that is what it is—on peaceful civilians.

The Army has admitted maintaining dossiers on at least 7 million Americans. I fear these dossiers include substantial amounts of information which is not about the individual who is essential to national security. Too much of it is unreliable hearsay.

And the problem of overzealous collection is further exacerbated by the lack of safeguards against unwarranted and illegal distribution of the information once collected. Some agencies have been irresponsible—or promiscuous—in disseminating supposedly secret documents. One witness appeared before our committee and documented, chapter and verse, the number of documents from six separate Federal agencies—documents that plainly had "confidential" written across their faces—which had been made available to private persons who clearly had no right of access to such data.

In conclusion, I think we have two problems, collection and dissemination. Congress certainly should take positive action soon. But we all know that passing one law is not enough. Senator MUSKIE has just made one proposal; the Citizens Privacy Act, which I recently introduced charts a different course. Both deserve the full attention of this body. Whatever method is chosen, it is essential that the Congress and the executive branch take all the necessary steps to insure that our intelligence gathering agencies respect the right of privacy of each American citizen.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS) laid before the Senate the following letters, which were referred as indicated:

Proposed Rural Community Development Revenue Sharing Act of 1971

A letter from the Secretary of Agriculture, submitting a draft of proposed legislation to establish a revenue sharing program for rural development (with accompanying papers); to the Committee on Agriculture and Forestry.

Proposed Legislation to Authorize the Disposal of Molybdenum From the National Stockpile

A letter from the Deputy Assistant Administrator, General Services Administration, submitting a draft of proposed legislation to authorize the disposal of molybdenum from the national stockpile (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation to Authorize the Disposal of Nickel From the National Stockpile

A letter from the Deputy Assistant Administrator, General Services Administration, submitting a draft of proposed legislation to authorize the disposal of nickel from the national stockpile (with accompanying papers); to the Committee on Armed Services.

Proposed Community Development Act of 1971

A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities and to help States and localities to improve their decisionmaking and management capabilities (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

Report of Operations Under the Airport and Airway Development Act

A letter from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the first annual report of operations under the Airport and Airway Development Act, fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Commerce.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports of the General Accounting Office of the previous month (with accompanying papers); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the improvements being made in the controls over Government test equipment acquired by contractors for the Department of Defense (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on our examination of the financial statements of the Student Loan Insurance Fund, fiscal year 1969, Office of Education, Department of Health, Education, and Welfare (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the improved administration needed in New Jersey for the Federal program of aid to educationally deprived children, Office of Education, Department of Health, Education, and Welfare (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on opportunities for improvement in the development and evaluation of design alternatives for Federal water resources projects by the Corps of Engineers, Department of the Army and the Bureau of Reclamation, Department of the Interior (with an accompanying report); to the Committee on Government Operations.

Proposed Federal Employees Indian Tribal Organization Transfer Act

A letter from the Secretary of the Interior, submitting a draft of proposed legislation to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

Third Preference and Sixth Preference Classifications for Certain Aliens

A letter from the Commissioners, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation to Provide for the Assumption of the Control and Operation by Indian Tribes and Communities of Certain Programs and Services

A letter from the Secretary of the Interior, submitting a draft of proposed legislation to provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Alaska Native Claims Settlement Act of 1971

A letter from the Secretary of the Interior, submitting a draft of proposed legislation to provide for the settlement of certain land claims of Alaska natives, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

Admission Into the United States of Certain Defector Aliens

A letter from the Commissioner, Immigration and Naturaliaztion Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation To Amend the Joint Resolution Establishing the American Revolution Bicentennial Commission

A letter from the Chairman, American Revolution Bicentennial Commission, submitting a draft of proposed legislation to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended (with accompanying papers); to the Committee on the Judiciary.

Report of the President's National Advisory Council on Supplementary Centers and Services

A letter from the Chairman, President's National Advisory Council on Supplementary Centers and Services, transmitting, a report entitled "Educational Reform Through Innovation, The Third Annual Report of The President's National Advisory Council on Supplementary Centers and Services" (with an accompanying report); to the Committee on Labor and Public Welfare.

Report of the General Services Administration

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, the annual report covering status of public building projects authorized for construction and alteration pursuant to the Public Buildings Act of 1959, December 31, 1970 (with an accompanying report); to the Committee on Public Works.

Proposed Foley Square Courthouse Annex

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus proposing the construction of an annex to the Foley Square Courthouse in New York City (with accompanying papers); to the Committee on Public Works.

Report of the Administrator of Veterans' Affairs

A letter from the Administrator, Veterans' Administration, transmitting, pursuant to law, the 1970 annual report of the Administrator of Veterans' Affairs (with an accompanying report); to the Committee on Veterans Affairs.

Proposed Education Revenue Sharing Act of 1971

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to strengthen education by providing a share of the revenues of the United States to the States and to local educational agencies for the purposes of assisting them in carrying out educational programs reflecting areas of national concern (with accompanying papers); to the Committee on Labor and Public Welfare.

PETITIONS

A petition was laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HOLLINGS):

A joint memorial of the Oregon Legislative Assembly; to the Joint Committee on Atomic Energy:

"To His Excellency President of the United States, and to the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

"We, your memorialists, the Fifty-sixth Legislative Assembly of the State of Oregon, respectfully represent as follows:

"Whereas the Pacific Northwest and the nation will be drastically affected by the discontinued funding of the electricity producing facility of the Hanford Reactor; and

"Whereas the Reactor at the Hanford Facility is a product of a decade of local, state and national cooperation representing a capital investment of millions of dollars; and

"Whereas the continued electrical energy operation of the Hanford Reactor has provided the nation with highly trained and skilled technicians and with needed electrical power; and

"Whereas the Pacific Northwest is currently striving to introduce measures which will reduce the impact of the inevitable electrical power shortage in this region; and

"Whereas the closing down of the Hanford Reactor will only aggravate that problem; and

"Whereas the closure of the Hanford Reactor would necessarily result in the unemployment of several thousand individuals who would be forced to relocate to other already jobless urban areas; and

"Whereas the State of Oregon is vitally sensitive to these economic crises in the neighboring state of Washington and this region; and

"Whereas we support the original timetable for the orderly 1974 phaseout of the Hanford K and N Reactors; now, therefore, be it

"*Resolved* by the Legislative Assembly of the State of Oregon:

"(1) The President of the United States is memorialized to reverse that action which has caused the discontinuation of funding of the Hanford Reactor; and

"(2) The Congress of the United States is memorialized to review the effects of the Hanford closure on power needs of this nation and on the economic welfare of the Pacific Northwest region.

"(3) A copy of this memorial shall be sent to the President of the United States, to the presiding officers of each House of Congress and to each member of the Oregon Congressional Delegation."

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as indicated:

By Mr. BYRD of West Virginia:

S. 1514. A bill to amend title II of the Social Security Act so as to reduce to 50 the age at which a woman may begin to receive actuarially reduced widow's insurance benefits thereunder. Referred to the Committee on Finance.

S. 1515. A bill for the relief of Yeh Ming Chen. Referred to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 1516. A bill for the relief of Maria Celeste deAlmeida Albuquerque. Referred to the Committee on the Judiciary.

S. 1517. A bill to authorize insurance in connection with loans to finance the purchase of, and improvements to, lots on which to place mobile homes; and

S. 1518. A bill to extend and amend laws relating to housing and urban development and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. JORDAN of North Carolina:

S. 1519. A bill for the relief of Rudi Smit. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 1520. A bill to establish the Advisory Commission on Federal Tax Forms, and for other purposes. Referred to the Committee on Finance.

By Mr. PROXMIRE:

S. 1521. A bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 1522. A bill to provide for the striking of medals commemorating the 250th anniversary of the birth of John Hanson. Referred to the Committee on Banking, Housing, and Urban Affairs.

S. 1523. A bill to amend title 13 of the District of Columbia Code to permit actions to be brought against partnerships in their firm names; and

S. 1524. A bill to amend title 12, District of Columbia Code, to provide a limitation of actions for actions arising out of death or injury caused by a defective or unsafe improvement to real property. Referred to the Committee on the District of Columbia.

By Mr. MATHIAS (for himself, Mr. Beall, and Mr. Hatfield):

S. 1525. A bill to provide for the expansion of the Antietam National Battlefield in the State of Maryland, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS:

S. 1526. A bill for the relief of Rosalind B. Marimont. Referred to the Committee on Post Office and Civil Service.

By Mr. RIBICOFF:

S. 1527. A bill to amend the Internal Revenue Code of 1954 to provide for licensing of income tax return preparers. Referred to the Committee on Finance.

By Mr. HART:

S. 1528. A bill to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes. Referred to the Committee on Commerce.

S. 1529. A bill to amend the Fair Labor Standards Act of 1938 in order to require equal pay for equal work to individuals of both sexes in professional, executive, and administrative positions. Referred to the Committee on Labor and Public Welfare.

By Mr. MUSKIE (for himself and Mr. Bayh):

S. 1530. A bill relating to the useful life of property for purposes of computing the depreciation deduction under the Internal Revenue Code of 1954. Referred to the Committee on Finance.

By Mr. STENNIS (for himself and Mrs. Smith) (by request):

S. 1531. A bill to authorize certain construction at military installations and for other purposes. Referred to the Committee on Armed Services.

By Mr. BAYH (for himself, Mr. McGovern, and Mr. Muskie):

S. 1532. A bill relating to the allowance of a depreciation deduction. Referred to the Committee on Finance.

By Mr. BAYH:

S. 1533. A bill to amend the Public Health Service Act to provide that a part of any State's grant for comprehensive public health services shall be available only for the conduct of programs designed to determine, and meet, the need of the State for health care personnel. Referred to the Committee on Labor and Public Welfare.

By Mr. HUMPHREY (for himself, Mr. Bayh, Mr. Burdick, Mr. Hart, Mr. Metcalf, Mr. Stevens, and Mr. Thurmond):

S. 1534. A bill to amend title 10, United States Code, to prescribe additional health benefits for certain dependents. Referred to the Committee on Armed Services.

By Mr. McINTYRE:

S. 1535. A bill for the relief of Sayed Badr. Referred to the Committee on the Judiciary.

By Mr. GAMBRELL:

S. 1536. A bill for the relief of Ana Matilde Povea. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself and Mr. Mondale):

S. 1537. A bill providing for the conveyance of certain real property to the State of Minnesota for park and recreation purposes. Referred to the Committee on Government Operations.

By Mr. BROOKE (for himself, Mr. Pastore, and Mr. Cotton):

S. 1538. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

By Mr. DOLE (for Mr. Brock):

S. 1539. A bill to establish a Youth Council in the Executive Office of the President. Referred to the Committee on Labor and Public Welfare.

By Mr. THURMOND (for himself, Mr. Bennett, Mr. Dole, and Mr. Randolph):

S. 1540. A bill to require a health warning on the labels of bottles containing certain alcoholic beverages. Referred to the Committee on Commerce.

By Mr. THURMOND:

S. 1541. A bill to authorize the showing in the United States of documentary films depicting the careers of General of the Armies John J. Pershing, General of the Army H. H. Arnold, General of the Army Omar N. Bradley, General of the Army Dwight D. Eisenhower, General of the Army Douglas MacArthur, General of the Army George C. Marshall, Gen. Lyman L. Lemnitzer, Gen. George S. Patton, Jr., Gen. Joseph Stilwell, Gen. Mark W. Clark, and Gen. James A. Van Fleet. Referred to the Committee on Armed Services (by unanimous consent).

S. 1542. A bill for the relief of Sadanand B. Raut and his wife, Satyawati S. Raut. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 1543. A bill to provide a tax credit for contributions made to educational institutions. Referred to the Committee on Finance.

By Mr. PEARSON (for himself and Mr. Dole):

S. 1544. A bill to amend Public Law 815, 81st Congress, relating to financial assistance for the construction of school facilities in areas affected by Federal activities, with respect to the priorities for applications filed thereunder. Referred to the Committee on Labor and Public Welfare.

By Mr. BEALL:

S.J. Res. 85. A joint resolution authorizing the President to proclaim April 14 of each year as "John Hanson Day." Referred to the Committee on the Judiciary.

By Mr. BROOKE:

S.J. Res. 86. A joint resolution directing the Secretary of the Treasury to study, and report to the Congress, with respect to the necessity or desirability of Federal regulation of persons engaged in the business of preparing tax returns and methods by which such regulation can be accomplished. Referred to the Committee on Finance.

By Mr. CASE (for himself and Mr. WILLIAMS):

S.J. Res. 87. A joint resolution to establish "National Collegiate Press Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS:

S. 1517. A bill to authorize insurance in connection with loans to finance the purchase of, and improvements to, lots on which to place mobile homes; and

S. 1518. A bill to extend and amend laws relating to housing and urban development and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HOLLINGS. Mr. President, one of the most serious domestic problems facing our Nation is the inadequate supply of housing. With the harsh money market, housing production has declined sharply and is falling far below national goals. Cost of building, owning or renting adequate housing has risen sharply; even medium-priced conventionally built homes are without financial access to nearly one-half of all American families.

Today I am introducing two bills which are directed to assist low and medium income families to obtain adequate dwellings. This legislation is concerned with mobile homes. As President Nixon pointed out approximately 1 year ago in his second Annual Report on National Housing Goals:

> The current housing situation would be substantially worsened without these mobile homes.

Mr. President, for many moderate income families, the mobile home is the only type of house they can reasonably afford. In the 91st Congress, I introduced a bill which permitted the Federal Housing Administration to insure loans financing the purchase of mobile homes to be used by the purchaser as his principal residence. This bill, which became part of Public Law 91-152, has provided a low-cost avenue for thousands of citizens in obtaining adequate housing. During the last session of Congress, a bill was passed which would permit eligible veterans to receive guaranteed loans for mobile homes as well as individual mobile home lots—Public Law 91-506. The bills I introduce today round out the availability of Federal programs for mobile homes under all types of Government housing programs.

First, under the existing Federal Housing Administration program, mobile home parks and the individual mobile home are provided for, but the program does not include the combination of a mobile home and an individual lot. My legislation permits a purchaser to receive FHA assistance for both the home and the lot.

The second piece of legislation would amend title V of the Housing Act to permit the Farmers Home Administration to participate in the program. This bill was introduced by me in the last Congress and passed the Senate, but failed in the House and was deleted in the conference. I still believe this is a valuable piece of legislation that would be beneficial to the entire national housing effort. The constituency of the FHA includes the economic income bracket which would most benefit from low-cost housing. Seventy-five percent of the mobile homes delivered in 1969 were in States that contained 72 percent of the national rural population, and 84 percent of our farm population. Further, 34 percent of existing housing units in that same group of States are deteriorated, dilapidated, or lacking in adequate plumbing facilities. It would seem clear that this source of housing would be most beneficial in areas where the lack of housing is most severe.

Due to the impact of inflation, high interest rates, and tight money, American families with middle to low income are effectively barred from seeking new and improved housing. These families include returning veterans, young marrieds, and retirees. A survey done by the U.S. Department on Housing and Urban Development indicates that three-fourths of the households have children under 6 years of age; the husband is under 35 and has completed at least 3 years of high school education; and, his total income, primarily from wages, is about $6,700 per annum. It is clear that the mobile home offers him a source of housing not otherwise available to him. The availability of mobile homes contributes significantly to the housing supply outside the central city and the small community. By the assistance of this legislation, we can extend the advantage to many more people.

Mr. President, I sincerely feel that, although mobile homes are not the answer to fulfilling our housing commitments, they do provide an adequate measure in easing the housing crisis in our Nation.

By Mr. PROXMIRE:

S. 1521. A bill to amend the act providing an exemption from the antitrust laws with respect to agreement between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out. Referred to the Committee on the Judiciary.

END TV BLACKOUT FOR SOLD-OUT HOME GAMES

Mr. PROXMIRE. Mr. President, I introduce a bill banning the TV blackout of home professional football games when the game is "sold out."

Last year over 90 percent of the seats in the National Football League stadiums were sold out. On the average, over 50,000 fans paid to fill the seats in each regular pro league game. Tens of thousands of fans were turned away. Yet the NFL blacked out the coverage of all regular home games within a 75 mile radius of the stadium. Insult was added to injury when the Super Bowl game was blacked out in the Miami area although the Miami team was not even a contestant.

On regular weekends, if his team is at home, the most avid fan can only watch a game in which he has no personal interest. No Packer fan wants to watch the Eagles play the Redskins when the Packers are at home.

My bill amends section 1292 of title 15 of the United States Code by requiring that those who hold the TV rights to away games be required to televise the "sold out" home games. It does this by adding to the law exempting football from the antitrust laws the words "but this exception shall cease to apply with respect to any such game when tickets for admission to such game are no longer available to the general public."

There are a number of persuasive reasons why this amendment should pass.

In the first place, the airwaves belong to the public and not to the pro football leagues.

Second, in most cities the local stadium has been built with public funds or the public subsidizes the stadium in other ways. Yet, the local citizen-taxpayer can neither get a ticket to a home game nor see it on television.

Third, it would not be unfair to the regular ticketholder. Home game TV coverage would only occur if the game were sold out.

Finally, it could actually increase television revenues for the pro teams.

Times have changed since the blackout section was passed. Pro teams are no longer struggling to survive. It is time that the fan got a break as well as the owners of the clubs. My bill would give him that break while protecting the gate for home games.

If no action is taken, the average sports fan may not only be blacked out on home football games but blacked out of all sports attractions as well. Closed circuit television and pay TV may soon end sports on public television unless something is done and done now.

Technically the bill would also apply to other sports where sold out home games are blacked out while televised elsewhere.

I send the bill to the desk and ask that it be appropriately referred.

By Mr. MATHIAS:

S. 1523. A bill to amend title 13 of the District of Columbia Code to permit actions to be brought against partnerships in their firm names. Referred to the Committee on the District of Columbia.

Mr. MATHIAS. Mr. President, I introduce, for appropriate reference, a bill which will correct a longstanding inequity in the law of the District of Columbia.

At the present time a partnership with an office in the District of Columbia, whose partners are not residents of the District, is not amenable to service of process in the District. The practical effect of this prohibition requires a suitor to bring action against individual partners in the place of their residency even though the partnership may be carrying on an extensive business from its partnership office located in the District of Columbia. It is manifestly unfair, Mr. President, to the residents of the District that a business can maintain an active operation in the District and yet be wholly insulated from suit merely by withholding partnership status from its local representatives.

The residents of other jurisdictions in the metropolitan area are not under a like disability. In my own State of Maryland, Mr. President, any nonresident partnership who has not registered under a statute providing for the appointment of an agent for the service of process, shall be deemed to have appointed the Secretary of State to be its agent upon whom process may be made. The State of Virginia provides that service on a nonresident may be made upon any agent of such nonresident in the county or city in which he resides or upon the Secretary of the Commonwealth of Virginia who shall be deemed the statutory agent of the nonresident.

The bill I introduce today, Mr. President, would cure a legislative deficiency which has existed too long. It would allow service of process upon a partner, the manager or other person in charge of the regular place of business of the partnership in the District and such service would be deemed as service upon the partnership and each partner individually. The residents of the District would be provided with redress in local courts against persons who incur obligations to them. They are entitled to such legitimate protection.

By Mr. MATHIAS:

S. 1524. A bill to amend title 12, District of Columbia Code, to provide a limitation of actions for actions arising out of death or injury caused by a defective or unsafe improvement to real property. Referred to the Committee on the District of Columbia.

Mr. MATHIAS. Mr. President, I send to the desk for appropriate reference a bill to establish a limitation on the period of time during which an action may be brought in the District of Columbia to recover damages, contribution or indemnity against architects, designers, engineers, or contractors on the ground of a defective or unsafe condition of an improvement to real property.

At the present time in the District of Columbia there is no limitation as to the period of liability of architects, builders, and engineers for a defective or unsafe condition in an improvement to real property. The only limitation under District of Columbia law is that such actions must be brought within 3 years after the date the cause of action accrues. The liability of these professionals is eternal, continuing throughout their lifetimes and, in the case of causes of action that survive a tort feasor, even beyond a lifetime, to be charged against their estate.

Without a reasonable statute of limitations architects, designers, engineers, and contractors must preserve plans, correspondence files, personnel rosters, and job notes forever. They may find themselves defendants in suits 25 or 50 years after buildings, they designed or constructed were completed and occupied. To permit actions long years after their work has been completed, when records have been destroyed and witnesses deceased, imposes an impossibility upon the defendant of asserting a reasonable defense.

The injustice which the bill seeks to remedy has been recognized by some 37 States which have enacted legislation similar to the bill I introduce today.

The proposed bill would require that actions against architects, engineers, and contractors, based upon a defective or unsafe condition of an improvement to real property would be barred unless it is brought within 5 years from the date the improvement to the real property was substantially completed.

The passage of this bill will do much to correct a serious omission in the laws of the District of Columbia and will afford to the architects, engineers, and contractors practicing in the District the same protection that they would have in many States.

By Mr. MATHIAS (for himself, Mr. BEALL, and Mr. HATFIELD):

S. 1525. A bill to provide for the expansion of the Antietam National Battlefield in the State of Maryland, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. MATHIAS. Mr. President, I am today introducing, for myself, the junior Senator from Maryland (Mr. BEALL), and the senior Senator from Oregon (Mr. HATFIELD), a bill to provide for the expansion of the Antietam National Battlefield in Washington County, Md.

Identical legislation is being introduced in the other body by Congressman GOODLOE BYRON, of the Sixth District of Maryland.

Mr. President, rapid approval of this legislation is essential to save this historic area from the pressures of encroaching development.

There is no question about the importance of this site as a monument to the tragedy of war and as an enduring symbol of our respect for our national heritage. The Battle of Antietam, which exploded on September 17, 1862, around the quiet little town of Sharpsburg, Md., was the great confrontation between the Grand Army of the Potomac, commanded by Gen. George B. McClellan, and the Army of Northern Virginia, led by Gen. Robert E. Lee. It was the bloodiest single day in our Nation's history, with over 23,000 Union and Confederate casualties.

In the forword to "The Gleam of Bayonets," an excellent study of this tragic battle, James M. Murfin wrote:

> Few battles in which Americans died have left such a mark on history as did Antietam. Few battles have held in their final moments of victory and defeat the vast political, economic, and military implications that did this bloodiest single day of the Civil War. Antietam was the turning point in the history of the Confederacy; it was, diplomatically speaking, one of the decisive battles in the world; on it hinged the very existence of the United States . . .
>
> On September 4, 1862, General Robert E. Lee began crossing the Potomac River with the Army of Northern Virginia. His sojourn in Maryland lasted only 14 days, but they are 14 days we can ill-afford to forget. Lee brought with him the hopes and fears of a newborn nation; an undefeated nation on the verge of foreign recognition and independence. When he returned to Virginia on the night of September 18, he left on record one of the most gallant struggles in military history; a battle which brought neither victory nor defeat, but which opened the door for the ultimate downfall of his government.

As Prof. James I. Robertson, Jr., has summarized:

> Tactically, Antietam was a draw. Strategically, politically, diplomatically and morally, it was a Union victory of high magnitude. The Confederates were forced back to the battle-scarred fields of Virginia. Southern morale received a stiff blow. Even worse for the Confederates, the stalemate at Antietam cut short the prospects of foreign intervention at a time when it seemed most likely to materialize in behalf of the South. Lastly, and in many respects most importantly, Lincoln used the springboard of the Antietam "victory" to issue his preliminary Emancipation Proclamation, a document which crystallized liberal opinion around the world in support of the Northern cause.

The Battle of Antietam thus was a crucial mark in the evolution of the Civil War from a political and economic battle into a moral cause. This tragic day of slaughter was also the beginning of two humanitarian movements. The field hospital which Clara Barton maintained on the battlefield was a forerunner of the American Red Cross which she later founded. And the memorial services which began at Antietam National Cemetery near the end of the Civil War have been regarded by many authorities as the precursors of Memorial Day.

Much of the site of this tremendous struggle has been preserved as the Antietam National Battlefield, originally established by the then War Department in 1890 and maintained as a unit of the National Park Service by the act of April 22, 1960. Public holdings now total 1,087.7 acres, including the 11-acre national cemetery. The National Park Service has built a handsome visitor center and has provided excellent interpretive exhibits and signs, including a self-guiding tour. With highway access via I–70 and other routes improving, the area becomes more popular every year. Almost 400,000 people registered at the visitor center in 1968, and over half a million visited last year.

Since the beautiful Sharpsburg area is still largely agricultural, few visitors to Antietam realize that the national battlefield itself embraces only a portion of the actual battle scene. Many of the most important battlegrounds, in fact, are outside the present Federal holdings. These include the Cornfield, scene of tremendous slaughter; the West Woods behind the Dunkard Church; the probable site of Clara Barton's field hospital; the locations of much of the Union lines opposite the sunken road, now called Bloody Lane; and much of the fields south and east of Sharpsburg where A. P. Hill's forces rebuffed the afternoon advance of Union troops under General Burnside to end the battle.

Like so many other historically important sites in the Potomac Basin, these portions of the battlefield have been preserved in much the same status for over a century by private citizens, who appreciate their significance and have a real commitment to conservation and historic preservation. However, more intensive development is spreading in Washington County as elsewhere in this region, and we cannot rely on the best of private intentions indefinitely.

Accordingly, I am introducing legislation today to authorize the expansion of the Antietam National Battlefield to a maximum of 3,400 acres. This additional land would include 400 acres to be set aside for the expansion of the Antietam National Cemetery in an appropriate location. It would enable us to preserve virtually all of the important fields of the actual battle, and to insure that this historic and beautiful environment would remain as it is now essentially as it was when the two armies faced each other there 107 years ago.

Of the 3,400 acres included in this bill, 1,800 would encompass the site of the actual battle. The additional 1,600, including the cemetery expansion, would be maintained as an environmental protection zone to shield the battlefield itself and to provide protection for lower Antietam Creek to its junction with the Chesapeake & Ohio Canal National Historical Park nearby.

The bill provides that, in most cases, the present owners of residential and agricultural properties within the battlefield would be given the option of retaining rights of use and occupancy for purposes compatible with the park.

A seven-member advisory commission, including two representatives of Washington County and two representatives of the State of Maryland, would be established to advise and work with the Secretary of the Interior in shaping policies and programs for historic preservation and interpretation, environmental protection, and coordination with relevant Federal, State and local programs and projects.

In addition to authorizing the battlefield's expansion, the bill provides for archaeological investigations and research to determine the actual site of Clara Barton's field hospital. It also directs the Secretary of the Interior to work closely with State and local governments and interested groups.

The Battle of Antietam was so important in our Nation's history that its site should not be only half preserved. If we delay, development could wreak devastation more permanent than that of the battle itself. Prompt congressional action is essential. Toward this end, Senator BEALL and I will encourage the Committee on Interior and Insular Affairs to seek comments on the bill from executive agencies and to hold public hearings as soon as possible.

Mr. President, the Battle of Antietam was one of the most inhumane days in our Nation's history. Ironically, its result was to advance humanitarian interests, including the Red Cross and the cause of individual liberty. There was no victor on the bloody fields of Antietam, but the battlefield stands today as a monument to human courage and a reminder of the horror of war. Its true meaning may be summed up in the words of one Union survivor, who described his thoughts on the night of September 17:

> There was no tree over our heads to shut out the stars, and as I lay looking up at these orbs moving so calmly on their appointed way, I felt, as never so strongly before, how utterly absurd in the face of high Heaven is this whole game of war, relieved only from contempt and ridicule by its tragic accomplishments, and by the sublime illustrations of man's nobler qualities incidentally called forth in its service. Sent to occupy this little planet, one among ten thousand worlds revolving through infinite space, how worse than foolish these mighty efforts to make our tenancy unhappy or to drive each other out of it.

By Mr. RIBICOFF:

S. 1527. A bill to amend the Internal Revenue Code of 1954 to provide for licensing of income tax return preparers. Referred to the Committee on Finance.

TAXPAYERS PROTECTION ACT OF 1971

Mr. RIBICOFF. Mr. President, tomorrow is April 15, the last day for paying Federal income taxes. By now millions of Americans have mailed their tax forms with a check attached or with the hope for a refund. Many have personally prepared their own returns, checked them over, signed them, and dropped them in the mail. An increasing number, however, have had a tax preparation service do the work for them to insure that the return was correct and to avoid dealing with the complexity of our tax laws. Unfortunately, many of these independently prepared returns will be erroneous.

A recent article in the Wall Street Journal has dramatically illustrated the wide range of results a taxpayer can get from tax preparation firms. Given the same information, five firms in the Atlanta area came up with five different results. One firm informed the taxpayer he owed $652 on his Federal return, another said $487, a third $542, a fourth $483. The fifth company claimed that the client should receive a refund of $141. This is a spread of almost $800.

Surely something is wrong when this occurs. It is not that these taxpayers are victims of fraudulent practices, but rather that too many employees of these firms do not have a sufficient knowledge and understanding of the income tax laws. For example, Owen Edwards has written a revealing article in New York magazine about his visits to tax preparation offices in New York City. The following exchange took place at the tax office of one of America's largest banks:

> EXPERT (consulting form, pencil poised). Have you previously filled out a form 1099?
>
> TAXPAYER. I'm not sure. What is form 1099?
>
> EXPERT (smiling brightly). I really don't know.

If the "expert" from the bank does not know, how much does the man or woman in your neighborhood office know? The answer in an increasing number of cases is very little.

In the last few years the tax preparation service industry has grown at a dramatic rate. The House Government Operations Subcommittee on Legal and Monetary Affairs, chaired by Congressman JOHN MONAGAN, of Connecticut, has found that 60 percent of the income tax returns filed are now prepared by third parties for a fee. An estimated 200,000 persons and firms now prepare tax returns. Franchises are being sold across the country and chain department stores and banks are setting up tax booths in every branch. The service is always performed by "experts" and is usually "computer fast and accurate."

The industry has, however, been allowed to grow unregulated. There are no Federal laws, rules or regulations covering their practices or their employees. No standards must be met, no licensing of personnel exists and no review of results is made by authorities. Some of the older firms give their employees a short course in tax preparation, but they are the exception.

The result is that millions of American taxpayers who relied on the expertise of the tax preparer may have suffered unnecessary losses. The taxpayer may have paid too much because he did not declare deductions to which he was entitled. On the other hand, he may have claimed improper deductions and will have to make future payments plus a penalty.

If a person prepares his own return, he knows the risk of error and assumes it. A person who is paying to have his return prepared should expect to have it done accurately. At this time there is no guarantee that this will be the case.

Therefore, I am introducing today the Taxpayers Protection Act, which will authorize the Secretary of the Treasury to set standards for persons, other than lawyers and certified public accountants, who are in the business of preparing Federal tax forms for others. The Secretary would develop an examination to test the preparers' knowledge and understanding of the tax laws. Special emphasis would be placed on recent changes and the most commonly confused subjects, such as business and moving expenses, and retirement tax credits. Only a person who meets the standards set by the Secretary will be able to represent himself as a "licensed tax preparer," and any individual or firm that prepares more than 25 returns for a fee would have to be so licensed.

If properly developed, these regulations should not hamper the growth of the industry. The ultimate success of tax preparation firms depends on public confidence in their skills and judgment, and the Taxpayers Protection Act will help assure the public of reliable service.

Mr. President, I ask unanimous consent that at this point the following items be inserted in the RECORD: the text of the Taxpayers Protection Act; a detailed analysis of the act; an article by Tom Herman in the April 7, 1971, Wall Street Journal entitled "Tax Totalers"; and an article by Owen Edwards in New York magazine entitled "Many Happy Returns."

There being no objection, the bill, analysis, and articles were ordered to be printed in the RECORD, as follows:

S. 1527

A bill to amend the Internal Revenue Code of 1954 to provide for licensing of income tax return preparers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart D of part II of subchapter A of chapter 61 of the Internal Revenue Code of 1954 (relating to miscellaneous provisions relating to information and returns) is amended by renumbering section 6021 as 6022, and by inserting after section 6020 the following new section:

"SEC. 6021. U.S. LICENSED TAX RETURN PREPARER.

"(a) GENERALLY.—Any individual, engaged in the business of preparing returns (of the tax imposed by chapter 1) for others, who meets the standards set (pursuant to subsection (b)) by the Secretary or his delegate may hold himself out as a 'U.S. licensed tax return preparer'. An individual who prepares more than 25 returns (of the tax imposed by chapter 1) for others, in any calendar year, shall, prior to the expiration of the sixth month following the close of such calendar year, meet the standards set (pursuant to subsection (b)) by the Secretary or his delegate for designation as a 'U.S. licensed tax return preparer'.

"(b) AUTHORITY TO LICENSE.—The Secretary or his delegate is authorized to license individuals who are engaged in the business of preparing returns (of the tax imposed by chapter 1) for others as 'U.S. licensed tax return preparers'. Pursuant to this authority, the Secretary or his delegate may give regular and periodic examinations and set such other standards as he considers necessary to determine the competence and fitness of those who are to be designated as 'U.S. licensed tax return preparer' shall be for a period of 5 years and may be renewed upon reexamination and compliance with such other standards as the Secretary or his delegate considers necessary to determine the competence and fitness of those who are to be designated as 'U.S. licensed tax return preparers'.

"(c) WITHDRAWAL OF LICENSED STATUS.—The Secretary or his delegate may, after due notice and opportunity for hearing, withdraw from any individual the status as 'U.S. licensed tax return preparer', upon a showing that such individual is incompetent or unfit to be a 'U.S. licensed tax return preparer', or who, with intent to defraud in any manner, willfully and knowingly deceives or misleads any individual in any matter arising out of his business as a 'U.S. licensed tax return preparer'."

(b) The table of sections of subpart D of part II, subchapter B is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 6021. U.S. licensed tax return preparer.

"Sec. 6022. Listing by Secretary of taxable object owned by nonresidents of internal revenue districts."

SEC. 2. Subchapter A of chapter 75 is amended by adding at the end of part I thereof a new section 7216 to read as follows:

"SEC. 7216. OFFENSES INVOLVING U.S. LICENSED TAX RETURN PREPARER STATUS.

"(a) FALSE REPRESENTATION AS A 'U.S. LICENSED TAX RETURN PREPARER.'—Any individual who willfully holds himself out as a 'U.S. licensed tax return preparer' without having satisfactorily met the standards set by the Secretary or his delegate shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $10,000, or imprisoned not more than one year, or both.

"(b) FAILURE TO OBTAIN STATUS AS U.S. LICENSED TAX RETURN PREPARER.—Any individual who is, pursuant to section 6021(a), required to obtain designation as a 'U.S. licensed tax return preparer' and who continues to engage in the business of preparing returns (of the tax imposed by chapter 1) for others, without obtaining status as a 'U.S. licensed tax return preparer' shall, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than 6 months, or both."

SEC. 3. The amendments made by this Act shall take effect on the first day of the first calendar year beginning after the date of enactment.

TAXPAYERS' PROTECTION ACT—SECTION BY SECTION ANALYSIS

This bill adds a new section to the Code which provides for the status of "U.S. licensed tax return preparer." Pursuant to this provision (sec. 6021), any individual who is engaged in the business of preparing returns for others, and who meets the standards set by the Secretary of the Treasury or his delegate may hold himself out as a "U.S. licensed tax return preparer." An individual who prepares more than 25 returns for others, in any calendar year, must meet the standards set by the Secretary or his delegate for designation as a "U.S. licensed tax return preparer" if he is to continue in the business of preparing income tax returns for others. The standards must be met before the expiration of the 6th month after the end of the calendar year in which the individual prepared more than 25 tax returns for others.

The bill gives authority to the Secretary of the Treasury to license U.S. tax return preparers who are in the business of preparing returns for others. The Secretary may schedule periodic examinations and set any other standards as are necessary to determine the competence and fitness of those who seek designation as "U.S. licensed tax return preparers." Status as a "U.S. licensed tax return preparer" is to be for a period of 5 years but may be renewed upon reexamination.

The Secretary of the Treasury may withdraw from an individual the status as "U.S. licensed tax return preparer" upon a showing that the individual is incompetent or unfit to act in that capacity. Withdrawal of this status may also occur when an individual, with intent to defraud, willfully or knowingly deceives or misleads any individual in any matter connected with his business as a "U.S. licensed tax return preparer."

The bill also adds a penalty provision dealing with offenses involving "U.S. licensed tax return preparer" status. An individual who willfully holds himself out as a "U.S. licensed tax return preparer" without having satisfactorily met the standards set by the Secretary or his delegate is guilty of a misdemeanor and, upon conviction, will be fined not more than $10,000, or imprisoned not more than one year, or both. If an individual who is not a "U.S. licensed tax return preparer," engages in the business of preparing returns for more than 25 persons, he is, upon conviction, to be fined not more than $1,000, or imprisoned not more than 6 months, or both.

The bill provides that it is to take effect as of the first calendar year beginning after the date of enactment.

[From the Wall Street Journal Apr. 7, 1971]

TAX TOTALERS: DOES AN ATLANTA MAN OWE UNCLE SAM $141? OR DOES HE GET REFUND?—PROFESSIONAL SERVICES, USING IDENTICAL SETS OF FIGURES REACH DIFFERENT ANSWERS—MONEY BACK FOR EVERYBODY

(By Tom Herman)

ATLANTA.—John Sherman, his wife and two small children live in a comfortable $30,000 home in a suburb of this Southern city. Last year, John (not his real name) earned $13,962.69, including $3,643.89 paid him by employer, a large publisher, as reimbursement for moving expenses incurred during his transfer here last summer.

John is a fairly typical American taxpayer. He has the usual income tax deductions, including medical expenses, interest, state and local taxes and charities. He also has the typical taxpayer's sense of foreboding as the April 15 deadline for filing returns rapidly approaches.

John usually computes his own income taxes. Once, however, he used a professional tax-preparation service. And this year, because of such complexities as the separate form used for itemizing moving expenses, John, like several million other U.S. taxpayers, decided once again to seek professional tax advice.

Once his decision was made, John encountered a common problem: Which service should he use? This year's Atlanta Yellow Pages list 90 tax-preparation firms, up from 82 in last year's edition. John, like other taxpayers throughout the country, was at a loss as to which office would be the best choice. Or did it make any difference?

A $793 DIFFERENCE

It did indeed. At the suggestion of a reporter from this newspaper, John agreed to submit his figures to five different services. At one extreme he was told by a tax office he was entitled to a refund of $652.04 from the federal government; at the other extreme, another service figured he *owed* the government $141. The difference between these two figures was a hefty $793.04—despite the fact that John had given all the so-called experts the same set of figures.

The services also varied in other areas. On John's Georgia income tax return, the five offices all came up with different refunds, ranging from $55 to $181.04—a difference of $126.04. And, perhaps coincidentally, the expert who promised John the biggest refund also charged him the biggest fee ($31), while the office that told him he owed the government money charged him the lowest fee ($15).

Such variances between the professional services may surprise the average taxpayer, who often seems to assume that tax computation is an exact science. But federal tax officials say the differences aren't surprising at all, since there are absolutely no rules or regulations to govern who can set himself up in business as a tax expert.

It's been suggested that all would-be tax experts be required to pass a standardized test. But an Internal Revenue Service spokesman in Atlanta says the IRS "would be reluctant to jump into the game of judging which people are qualified to figure out other people's income taxes."

"MECHANIC ON DUTY'

For this reason, at least for the foreseeable future, taxpayers seeking help from professional services should be prepared to face the fact that no one expert has the last word on all tax matters. A close look at John's experiences with the experts helps to illustrate this point. (In his rounds, John was accompanied by this reporter, who claimed he was along "for moral support.")

The first discovery made by the comparison shopper is that tax services can be found in varied locales, ranging from downtown office buildings where clients are seen by appointment only to gasoline stations where the sign outside advertises: "Cigarettes 35 cents. Guaranteed Income Tax Returns, 20 Years Exp. $5 & Up. Mechanic On Duty."

The differences don't stop at the door, as John quickly found out. The five offices he visited were operated by C&M Tax Service; H&R Block (John used two branches—one in Atlanta and one in Decatur); Sears, Roebuck & Co. and Mr. Tax of America. Their computations and fees were as follows:

	Refund or (amount owed)		
	Federal	State	Fee
C. & M.	$652.04	$181.04	$31.00
Block-Atl.	487.00	167.00	25.00
Block-Dec.	542.00	55.00	22.50
Sears	(141.00)	111.00	15.00
Mr. Tax	483.00	82.00	26.00

Each tax service insisted its work was checked several times by highly qualified personnel. Each also assured John that it was positive its work was 100% correct and that it would gladly pay any penalty or interest caused by any error. (Each office also said, however, that it wouldn't pay any extra taxes, should they later be deemed due by the IRS.)

THE ULTIMATE EXPERT

John was perplexed. Should he put his trust in C&M Tax Service and claim a $652.04 refund? Or should he follow Sears, Roebuck's computations and pay $141 to the IRS? He finally decided to take his problem to the ultimate expert: the Internal Revenue Service itself.

Under most circumstances, the IRS won't figure out a taxpayer's return unless the individual is blind or disabled. It will, however, answer specific questions from any taxpayer and it will compute the tax of an individual using the standard deduction whose adjusted gross income is $20,000 or less and consists solely of wages or salaries and tips, dividends, interest, pensions and annuities. Although John's case didn't conform to all these requirements, the IRS agreed to compute his taxes since he was working with a reporter on a story.

But even the IRS wasn't infallible. After examining John's figures in detail, the government agency said he was entitled to a refund of $466.10. Later, however, when John questioned this figure, an agent said he had erred in the computation of moving expenses.

The correct refund, the IRS said, was $400.94. This figure, presumably the last word, was $251.10 less than the refund stipulated by C&M. It was also $541.94 better than the figure advised by Sears.

To solve the confusion on the state income tax, John took his form to the Georgia Revenue Department, which will fill out without charge the state form of any Georgia resident. The department informed John that he was entitled to a refund of $117.80. The figure was $63.34 less than that given John by C&M, but it was far better than those computed by three of the other offices.

A study of the forms prepared by the five commercial services shows that the biggest and costliest differences were connected with moving expenses and itemized deductions:

	Itemized deductions	
	Federal	State
C. & M	$3,724.16	$3,510.56
Block-Atl	2,835.00	1,710.00
Block-Dec	3,034.00	1,902.00
Sears	3,103.00	1,957.00
Mr. Tax	2,937.00	2,579.00
	Moving expenses	
	Federal	State
C. & M	$3,643.89	0
Block-Atl	3,682.00	$3,585.00
Block-Dec	3,772.00	0
Sears	204.00	204.00
Mr. Tax	3,561.00	0

A NUMBER OF ERRORS

Certainly, the treatment of moving expenses for tax purposes has recently become more complex. Federal tax changes in 1969 increased the number of deductible moving expenses, including a number of "indirect" items associated with moving. Former laws, for example, didn't allow currently legitimate deductions, such as expenses connected with househunting and other related costs not directly involved in the move.

But the services also had a large number of errors:

An employe at H&R Block's Decatur office filled in $3,054 in itemized deductions on one tax form but later put $3,034 on another form, costing John $20 in deductions.

Several of the services failed to deduct $214 in state taxes withheld by Georgia during the year, even though the figure was prominently displayed on John's W-2 forms.

Several offices failed to include as income $8.53 in interest earned by John even though he gave each office a set of figures including that item.

H&R Block's Atlanta office didn't include a $138 deduction for medicine and drugs.

One office wrongly listed his home address, and another listed his first name as his surname.

Two offices gave him deductions he didn't claim and to which he clearly wasn't entitled. C&M, for example, allowed him $25 for "tax preparation" by a professional last year, although John said he had prepared his own taxes. And Sears allowed him $30 for miscellaneous deductions, although John said he had no idea what this amount should be.

SOME WERE ALERT

On the other side of the coin, some of the service's employes seemed to be especially alert. For example, Mrs. Mildred Dorton of Mr. Tax of America discovered several legitimate deductions that went unnoticed by everyone else, and she cited specific tax court rulings to substantiate her claims. (Mrs. Dorton apparently made one error, however, when she informed John he couldn't deduct any of his moving expenses on his state forms. The Georgia Revenue Department later said he could deduct $1,555.89 of these expenses.)

Despite the faults of tax services, growing numbers of taxpayers are turning to them for professional help. Statistics aren't available for the total number of offices throughout the U.S., but their growth is reflected plainly in the performance of some of the industry leaders.

H&R Block, number one in size, has 5,267 offices this year, up from 4,349 in 1970. Sears, Roebuck has tax services this year in more than 600 stores, up from 109 last year. Montgomery Ward & Co., another giant retailer, currently has tax services in 250 retail stores, up from 135 last year.

S. Bonsal White Jr., a partner at Alex Brown & Sons, a Baltimore brokerage firm, says a major reason for the industry's growth is the growing complexity of tax laws and tax decisions. "Every time Congress or a state legislature passes a tax reform bill, and every time a tax court hands down a major decision, you can be sure that more people will flock to tax-return companies," Mr. White says.

MORE COMPLICATED TAXES

Observers say another reason for the industry's growth is the rise in individual incomes, leading to increasing diversification of investments and more complicated tax returns. Also, more cities and localities are requiring income taxes, meaning that more forms must be filed.

Tax services operate their offices in a variety of ways, including franchises. H&R Block owns outright most of its locations in major cities and operates these offices with its own personnel. Block also has a few franchised locations; and in smaller cities and towns, the service sets up so-called satellite offices.

Under the satellite method, H&R Block selects and trains a local individual, who is allowed to set up shop under the H&R Block emblem. The individual furnishes his own office, but Block does his advertising and provides him with some of his office supplies.

Tax services, of course, operate their offices on a seasonal basis—usually from early January through mid-April. During the remainder of the year, the larger offices run training sessions for the upcoming season's employes.

Richard Block, chairman of H&R Block, says about "75% or more" of each season's employes return to the service the following year. "Personnel is no longer a problem," he says. "It was at first when we were getting started, but not any longer."

"A PEOPLE BUSINESS"

Some services disagree. "Getting qualified personnel is by far our biggest worry," says R. L. Swan Sr., an official at Mr. Tax of America. "You see, this is a people business, and getting good people is the whole ball game."

Despite personnel problems, the industry sees more growth in the future. The IRS estimates that slightly more than half of the 77 million individual returns filed last year were prepared by "third parties," including professionals, semiprofessionals, friends and relatives. This means that about 50% of the taxpayers will prepare their own returns—about 40 million potential customers. Furthermore, analysts predict population growth will lead to a steady growth of new, young customers.

The industry also undoubtedly prospers from the fear and mistrust with which many taxpayers regard the government in general, and the IRS in particular. "Do you think the average taxpayer will actually ask the IRS to figure out the best angle for him?" asks one Atlanta tax practitioner. "Don't be silly. He believes the government's people are out to squeeze every penny they can from the public, and so he'll come to private firms."

Firms specializing in tax returns aren't the only beneficiaries. Banks and loan companies for example, have found that tax-return services draw new customers. "When you have a man's tax return in front of you, you're in a great position to know what he can afford and can't afford to do with his money," says one tax-service man.

OCCASIONAL FRAUD

Federal and state tax officials report that fraud is sometimes evident in the work of tax-return services. "There's this one outfit here in Atlanta that promises every client a refund, and you should see some of his work," says an agent at the Georgia Revenue Department. "We've never been able to get him in court because nobody will testify against him."

Earlier this year, however, the federal government managed to prosecute a case involving fraud by a tax professional. A federal district court in Jackson, Tenn., convicted Mrs. Fannie Mae Case Robertson, a tax practitioner, on 12 counts of fraud and sentenced her to a year in prison and a $600 fine. Mrs. Robertson is appealing the decision.

But the five firms visited by John were guilty of errors rather than fraud. "That was purely a mistake on my part," the Sears man later said concerning his moving-expenses computation. And Richard Bloch said, "I've got to place the blame squarely on the tax return service."

"It astounds me," Mr. Bloch said. "We do nine million returns, so we're bound to make some mistakes, but there's no excuse for getting the spread you got. I can't understand it. We have a minimum of two people checking every return done by our preparer."

At C&M, tax-preparer Thomas Perry conceded he forgot to include several items on John's forms, including $13 in dividends and interest on his state return. Mr. Perry stood by the deduction he gave John for tax-preparation services, claiming it was for his own work this year. (Mr. Perry noted, however, that the $25 he allowed John for tax preparation should have been $31—the fee charged by C&M.) According to the IRS, however, such deductions may be made only for tax-preparation fees paid during the year for which the return is being submitted.

Mr. Tax of America's Mrs. Dorton also stood by her ruling that John wasn't entitled to moving-expense deductions on his state forms. She said the matter of such deductions was "a very gray area," adding that her reasoning was based on prior experience. But the Georgia Revenue Service, which presumably has the last word, maintained John was indeed entitled to the deductions.

Beyond the problems of error or fraud, there lurks another worry: Some tax return firms may be selling information gleaned from supposedly confidential returns to outside concerns, such as department stores, credit bureaus and direct-mail companies. The Federal Trade Commission is now investigating this possibility, as well as possibly misleading advertising by some tax firms that promise big refunds to prospective clients.

Congress has also entered the picture. Sen. Charles Mathias (R., Md.) last month introduced a bill that would require the consent of a taxpayer before a tax-return preparer could use information from his client for any purpose other than figuring the return. "Many income tax preparation firms and services are beginning to move into other fields, such as the selling of mutual funds, insurance and other financial services, and are using for these marketing purposes the detailed knowledge of their customers gleaned in the course of preparing income-tax returns," Sen. Mathias says.

THE URBAN STRATEGIST: MANY HAPPY RETURNS

(By Owen Edwards)

The unthinkable is upon us once more. Taxman, first cousin to the Grim Reaper, is coming to town, list in hand, and there you are again, with your green eyeshade and plastic sleeve guards, licking your pencil point and sweating like a Cossack, friendless and vulnerable before that merciless armada of IRS computers.

And why? To save a little money? Would you remove your own appendix for budgetary reasons? After all, there is help out there to be had. If you believe the ads, all you have to do is sit down, spill your financial guts and wait for the refund. If you believe the ads.

The truth of the matter varies just a teensy bit from that sunny picture. Like other seasonal businesses (firecracker sales, for instance), public tax accounting has something of the ephemeral about it—offices that never seem to be open, phones that aren't answered, and tents that are silently folded on the morning of April 16. Unlike barbers, hot dog stands and CPAs, tax consultants need no license to work. In fact, the lady at the Department of Consumer Affairs seemed positively unsure what a tax consultant is in the first place. Anyone with the barest knowledge of mathematics and a passable bedside manner can jump into the nearest phone booth and emerge, seconds later, as a full-fledged finagler. But there is much that is reputable, too, and the services rendered, when rendered well, can save you money. The question is, how to choose?

To find out just how one tax juggler differed from another, I compiled a set of fictitious figures for income and expenses and made the rounds of well-known and not-so-well-known places, posing as a customer. The process carried with it a foretaste of purgatory.

The financial situation I drew up was a little more complicated than the average W-2 non-itemized return, so that I could discover how each place handled the extra work, and how much each would charge for it. In order to appear no more fraudulent than usual, I indicated that I was self-employed (necessitating a specific torture device known as Schedule C) and wished to file jointly with my wife. I also showed income derived about equally from writing and stock dividends (a bit of shameless wish-fulfillment). Each of the tax specialists I went to was given the same basic set of figures. Some dredged harder than others to come up with additional business expenses and, as a result, were able to lower my net income after deductions, but all started from the same point. The gross income on my fictional ledger was $11,372, and by the time it was all over I almost believed I had made that much.

My first stop, for no other reason than that I had just staggered from the poisonous chamber of an inbound commuter bus, was the All State Tax Service branch at the Ninth Avenue end of the Port Authority Bus Terminal. The place had more than its share of Old World charm, consisting, as it did, of a table loaded with tax forms at one end of a coin-and-stamp-trading shop.

My financial Boswell at All State was an earnest man with glasses like the windows of a diving bell. After I laid out my information there was a brief flutter of confusion while he ran back and forth behind a counter to get schedule after unnerving schedule. For most of the non-commuting denizens of the bus terminal, taxes may be a life-and-death matter, but they usually involve relatively straightforward forms and procedures. Then along comes Mr. Self-Employed-With-Dividends-Fancypants. But if the complications I presented at four in the afternoon daunted the All State man for a moment, he was quick to see me as a challenge. While the radio punished me with helping after helping of Herb Alpert, my new and trusted friend muttered about "straight line methods" and chewed the end of his pencil. By 4:45 the thunder of New Jersey-bound feet was welling up in the corridor outside and we were still trying to determine whether to itemize or not. No electronic wizardry here, not even an adding machine. Man against the economic elements. No matter that he was a little grudging about nuances, or that he said if my needs were a hair more elaborate he would pass me on to a CPA—the All State man threw himself into my taxes as if they were his own (which, he stated a little self-righteously, were very simple). At almost five, with millions grinding past on their trek home, that kind of involvement was touching. But the real touch was yet to come.

When the information was written in the appropriate slots. I asked how much the computation would cost me. My man started ticking it off: federal and state, $10; schedule B (interest and dividends), $5; $6 for an auto expense form; for a form that detailed a business-motivated move (I was starving), $5; and finally the cruncher, Schedule C, a multi-faceted triple-vivid account of my karma for which he wanted $40. (Since I live out of town, no city form was needed.) A grand total of $66.

Noticing my sudden pallor, my tarnished Robin Hood chewed his pencil again, vibrated slightly in sympathy with a subway far below, and set a limit for the job at $55. I was on my feet, stammering a feeble excuse about wanting to re-check my figures and telling him not, for God's sake, to do any more work. My head had been a bubble of $3-and-up TV promises and I hadn't been ready to have it burst so soon. As I swam into the commuter surf he shouted after me: "You won't find anyone to do it for less!" He was wrong, as it turned out, but not always.

The struggle so starkly apparent at the bus terminal also goes on at the First National City Bank branch at the corner of Park Avenue and 32nd Street, but it is served up in a bankerly aspic of dark plywood panels and expertly homogenized Muzak. The "Tax Service Center" is tucked into that railed-off archipelago of glass-top desks occupied in every bank by smiling silver-haired men with nothing to do. A discreet screen of plastic shrubbery hides the throes of the client from a passing public quick to seize on the suffering of its fellows.

The sign in the window had specified "computer fast," which I hear is fast indeed, but nothing was said about waiting. After half an hour I went out and consoled myself with a Sabrett hot dog. After another half-hour I returned in time to see the man in line ahead of me rise from the tax desk with the look of someone just finishing Thanksgiving dinner during a bull market. My own sense of well-being foundered slightly as I sat down and saw that National City's tax expert, behind his pilot's glasses, might have been on the sunny side of fifteen. But his manner was efficient.

All was not impeccable about this peach-cheeked banker, of course. He had to ask me for a clarification of the spelling of a well-known bond issue, for one thing, and the following bit of dialogue unnerved me not a little:

Expert (consulting form, pencil poised): "Have you previously filled out a form 1099?"

Taxpayer: "I'm not sure. What is form 1099?"

Expert (smiling brightly): "I really don't know."

But after that there was little stumbling. The right schedules were quickly produced and there was a man-to-man leveling, after which the ambitious but perilous notion of writing off car expenses was scrapped. The sound of the adding machine was so exuberantly confident that only an idiot could have worried. Ergo, I was not worried.

After fitting consultation it was suggested that my financial situation did not justify itemizing. I bristled a bit at the implied slur ("I work damn hard, fella, and you tell me I can't itemize!"), but under his adolescent exterior the lad was solid steel. I knuckled under.

The session took a crisp 30 minutes—tidy, germ-free, as impersonal as the computer itself. A total of five forms (1040, state, C and Social Security and moving expenses) cost $16. My hand stopped trembling. I will admit that I was naive enough to expect a large white machine to present me with my returns on the way out, child of the freeze-dry era that I am. But the computer, it turns out, is in some hermetically sealed squash court downtown, and the best National City could promise was a five-day wait (due, I was told, to an unexpected February crush).

Eight breathless days later the impeccably manicured form arrived. My federal tax was $1,432 and my state tax was $209, for a total hit of $1,641. As it turned out, no other tax specialist reached a figure that high, confirming my suspicion that bankers don't understand that people actually use money to buy things.

First National City tax centers go into moth balls after the fifteenth, but there is a telephone number that you can call if errors are discovered, or if you're going to be audited and just want to chat before killing yourself.

As I headed for H. & R. Block, the mere name conjured up the impressive image of a huge cube of titanium with me and my money safely locked inside while scores of weeping, gnashing IRS men blunted their blowtorches on its unmarred surface. As always, reality is a little more plain pipe rack than that. The second-story Block office as 663 Lexington Avenue has the weary gray air of benevolent bureaucracy that might be found in the headquarters of the English Mafia, if there were an English Mafia.

The pretty receptionist gave me an old-friend smile and took down a little information. To the question, "How did you hear about Block?" I replied "subliminally," and the girl wrote it under the square for TV, radio, and friends without looking up. The place was girded for the March onslaught, with four facing rows of metal chairs and one of those take-a-number-for-better-service devices. Several older ladies in low-heeled Corfam shoes were waiting, and while I was there most of the people who came in were women over fifty. There was a family feeling. One woman brought her sister in to meet the nice man who had done her taxes last year. The receptionist offered me one of her Hostess Twinkies and then rushed to the window and peered down the street, explaining as she came back that the manager's car had been towed away four times that week. I sat for an hour and a half, wondering if the manager could do better against IRS than he did against the New York Police Department, and absorbing the ambiance. A hidden radio offered movie themes in glutinous waves of strings. A sign on the receptionist's desk said, "Thank You for placing your confidence in H. & R. Block." Somehow it seemed presumptuous. While I languished, people came in and were processed with cheerful clicks of efficiency, like victims in a city emergency ward. And, as in an emergency ward, they then had a chance to sit for a while and think about dying.

A map on the wall located more than 5,000 Block offices in the U.S. and Canada. Next to it were two black plastic rectangles, one proclaiming in silver letter "H. & R. Block Silver Award" and the other in gold letters, "H. & R. Block Gold Award." I still can't figure out who gave them those awards. The manager strode from desk to desk in a six-button shiny gray suit of some suspicious space age fabric, a green-and-yellow-striped shirt, a wide paisley tie and the kind of oversize gold rim glasses usually seen on TV theater critics. The ladies doted on him and he took it in stride.

At last I was called. My intercessor was a man in his late thirties with hair like a molting Shetland sweater and the look of someone already weary of other people's struggles to stay afloat. I soon understood why. For the next hour and twenty-five minutes he became one with my taxes, to the point that I began to regret that they weren't my taxes. He gave advice ("Stick to precedents and keep it simple if you can"), meticulously tracked a mistake through the labyrinth until he found it, and, when the manager oozed past with the whispered word to start shortcutting because of the crowd, answered with upraised chin, "Not with a Schedule C I don't start shortcutting." My chest swelled. So much for the slickeries of the managerial class; this was my man and we were in this thing together.

At the end of nearly two hours he gave me tentative figures, something the man tied to an off-premises computer can't do. On a gross income of $11,372, the federal tax was $1,282. (Six days later the return arrived in the mail with a balance due of $1,466.) There was considerable pondering of my New York State return, because I had spent half the year in California, but after Herculean figuring and refiguring, an appealing but speculative $9 came forth. (On the final return this jumped mysteriously to $55.) The Block style is to have the figures checked by another auditor, entered formally and given to the client within five days. If you are audited as a result of their work you can ask that a man from Block be present to hold your hand during the inquisition (and indeed, while I was there, the manager left to attend an audit on a previous year's return). The one glaring error I detected was that no Social Security form was attached to my Schedule C, but this was corrected in the final return, adding $184 to my final bill, but presumably saving me from a life of crime. The fee for federal, state and Schedules C and B was $20, which seems a fair bargain considering the Twinkies and hard work.

During my session a crisis developed when the lady with the sister became enraged at a two-dollar increase in the cost of her calculations for this year. The manager was at her side faster than a speeding cruise director, making phone calls higher up and championing her cause until things were put straight. Somewhere in greater Kansas City, Henry and Richard Block would have smiled.

In the cautiously middle-class household of my youth, loan companies ranked only slightly higher than abortionists. Somehow it was nicer to be foreclosed by a bank that your friends knew and respected. So, despite countless periods of the direst financial drought, I have never brought myself to push open the reputedly well-oiled door of a Beneficial or a Household Finance. But Beneficial Finance has entered the profitable sideline of tax accounting, so I took a deep breath and entered their office at 137 East 57th Street. I had expected thick cigar smoke, grimy light and a brutal beating by dull-eyed henchmen but, in fact, the place was fluorescent-bright, button-down and painless looking, like a dental clinic that smoothly sails its sufferers in with a smile and out on a cloud of Novocain. I was ushered into Cubicle 3 by a mohair-breasted stewardess and was quickly confronted by a genial man puffing on a pipe full of what looked like assorted chocolates. I proffered my statements of income and expense. A shadow passed over his We-can-lend-you-a-bundle smile as he stared at the two pages for a long time. Then he stared at me for a long time. To break the ice I suggested that a Schedule C was indeed required as well as the 1040, but he began to redden and I knew at once that I had gone too far. It was explained to me with some humility that he and Beneficial had only been at this tax thing for a year and that he and they were, well, just not up to handling my specific needs. Had my situation been more typical I could have found happiness with them for between $7.75 and $12.75, I was told, but as it was . . . He spread his hands. With my ears ringing to the inevitable I-told-you-so's of my mother, who spends the winter in my subconscious, I scraped together my well-thumbed figures and left.

Down Lexington Avenue, just above the satin hotpants of Etcetera at No. 680, is an office of R & G Brenner. A sign on the door said "Out to lunch." It was almost four in the afternoon. For thirty minutes I chatted with a parking meter and considered with growing gloom the fix that Amendment 16 had gotten us all into. Then I tried Brenner again. Nothing. Well, until the fifteenth there was always tomorrow.

On the slippery verge of being daunted I slogged uptown. From a second-story window at 738 Lexington Avenue a confident yellow-and-blue sign announced Income Tax Preparation Company, which seemed an honest enough name. Upstairs I found a cozy little gaggle of desks, a table full of dog-eared *Playboys* and *Reader's Digests* and the genteel greed of a smalltown real estate office. Not a *caveat emptor* notice in sight. There was no waiting. A lady I'll call Shirley, constructed mainly of rhinestone glasses, orange frosted hair and brimming blue ski pants, sized up me and my statistics with a glance and was working before I had come to terms with the stern wooden chair next to her desk. The appropriate forms seemed to spring from the ends of her fingers. Over the roar of an air conditioner unexplainably functioning full blast, Shirley pumped me about my business expenses. Never, at any point, did she quite *invent* an expense for me, but when she asked about something not on the sheet, like cabs or tips, she would look across at me with motherly reproach until I came up with a figure that she considered worthy of me. Under her silent pressure I began to produce. Amazing numbers leapt straight from my imagination onto the form. Within ten minutes Shirley had me feeling as guilty as if we had known each other years, not because I was sliding deeping and deeper into fraud, but because I had been such a patsy for so long.

Like a magician she drew numbers out of me, adding them up, shaking her head and muttering that at least next year she'd be able to put together a better "financial picture." That there would be a next year for Shirley and me seemed already settled. When all the figures were down she gave me one more look to let me know that I was lovable but a shlemiel, and then she began questioning me in a more or less intimate way for what she called a "personal profile." Finally, she leaned back in her chair with a sigh and told me that she would do the final figuring over the weekend. Feeling that at last I had found a real finagler, I got up and took out my wallet. Shirley riffled through the pile of forms and then seemed to estimate the value of my visible wardrobe.

"It's going to be a lot of work," she said. "You really haven't given me the kind of picture I like to have. But I think I can do the whole thing for, say, $125."

The stabbing pain I had felt at the bus terminal came flooding back. I gripped the top of the chair and tried to smile, but I doubt if it reached as far as my face. Shirley gave me another mother-knows-best look.

"Don't worry, it's going to be a very professional job. And besides," she added, bestowing the ultimate blessing, "it's deductible next year. That's worth $35 alone."

I managed a twenty-dollar deposit and told Shirley that I would pay the rest when I got the finished form. Outside, the rustle of maxi coats cleared my head. Finagler or not, I knew I wasn't going to pay this extra $105. The next morning I called Shirley and broke the news. Contrary to my expectations, there was no bargaining, just what sounded like genuine disappointment that I had turned out to be small potatoes after all. Of course, there were questions left unanswered by my cowardice. After a weekend of plumbing her own imagination, Shirley's final results might have been the lowest of all. And the idea of having a "financial picture" developed from the murky negative of my career might have done a lot for my ego. Then, too, I might have been audited and gone to jail. ITP states in print that they are open all year and will be responsible for mistakes, but the figures I had concocted under the pressure of Shirley's merciless gaze were all my own.

My experience at Block was beginning to seem so pleasant, despite the waiting, that I decided to check another office for consistency. H & R Block at 261 West 23rd Street is a storefront operation of humbler dimensions than its uptown counterpart. There is only room for six simultaneous heart-to-hearts and a coffee machine (free) with paper cups. Like Marx and Lenin on the wall of a back-country Intourist bureau, the brothers Block stare benevolently down on the proceedings. The office was empty except for a pleasant lady with a Spanish accent laboring over a stack of returns. The weather had turned warm and the office temperature was about a thousand degrees, but the lady seemed perfectly comfortable in a heavy black dress. With heat waves rolling up off the desk top we went to work immediately. I was getting so good at the game by this time that I can't be absolutely sure she was as efficient as she seemed, but there is no doubt that she worked as hard as the Blockman on Lexington. And she didn't forget any forms, not even the moving expense sheet that not all the others had used or even known about. There was a lot of soul-searching about the extent of the camera expenses I wanted on my business costs, and she prevailed on me to lower the figure. Her main concern, like the man at the other Block office, seemed to be to keep me from attracting attention rather than to save a bit of money. Only once was there a glint of dark Latin despair. As she grudgingly accepted my patently dishonest figure for stationery, she shrugged and said, "Anyway, there is no way to escape."

One hour and twenty minutes later I walked out, sweat sloshing out of my shoes. The charge for six forms was $22.50, admirably in line since there was the additional Social Security schedule. The tax figure was less consistent. The federal bill, tentatively, came out to $1,387 (including the increase for Social Security) and the state bill (which the lady in black calculated from money earned in the state rather than time spent here) was $170. Thus the total tax at the Chelsea office was $266 higher than uptown, but it seems fair to say that I could have prevailed over the lady's caution if I had insisted. Whoever gave those little plastic awards, even if there was a touch of nepotism, was right.

Back to R & G Brenner, just one day later, and sure enough, lunch was over. The office had the thrown-together aura of a Christmas decoration store on the first of December. A sign on the electric-blue wall bragged of 50 Brenners in Manhattan and the five boroughs. At the single desk sat a sort of hairy Phil Silvers with Brillo sideburns and a lobster bib tie. It is pure chance that his name wasn't Norman, so let's call him that. I searched the premises in vain for a computer, or even a brochure alluding to one.

Forewarned by now, I presented my sheets smudged almost beyond reading, and asked for an estimate. He mused over them for maybe six seconds and said that he could handle it for $40. I was so reluctant to go through the calculation grind again that even that much money was an excuse to go home. As I got up, Norman's eyes widened a little.

"Look, if that's too much, give a figure you think is fair."

I didn't feel like helping. "If you say $40 I guess that's fair," I said, scuffing my feet. "But maybe I'll do them myself."

"The truth is, it's a little quiet right now," he said, pausing for a moment so I could hear how quiet it was. "A month from now this place will be loaded and I'd give you a figure and that would be it." He glared defensively for a second, then caved in. "How about $30?"

Outflanked, I sat down. Norman got going before I could change my mind. He was the sprinter of the lot, going through the forms with a pencil and stroking his adding machine at the same time. One of the reasons for his speed was that he didn't bother consulting me about business expenses. He was no lay analyst like Shirley. If I didn't know what I might have spent on things like cabs and meals during the year, he knew what I should have spent. I was no rare bird, after all.

"I get lots of creative types in here," Norman said. "Writers, actors, models. They're all around five thousand." He shook his head sadly over the artist's plight and kept scribbling in mysterious numbers.

The phone rang often and Norman answered it with a cellophane-smooth "Tax center." He was exacting about fine points, decided that I should be wary of trying to extract too much from my use of the car, and entered my cross-country moving expenses under "travel and entertainment," which, if inaccurate, at least saved a form. I felt more redundant than I had at the other places. There was neither radio nor Muzak, but Norman bounced and tapped his foot to far-off Puerto Rican rhythms. On a camera item that I considered a temptation of fate, he responded that even if I were audited, it wouldn't be for two or three years. I was actually comforted.

In a record 30 minutes the ballots were counted and Norman announced the results: to the Feds I owed $1,221, another record, and on the state tax, which had caused the usual consternation, the bill was $83. The slowest thing about Norman was the week he said it would take to mail my returns (he didn't make it). On his card was the standard promise to go to the gallows with me if things went wrong. As I left Norman he was picking up the phone and licking his lips.

Internal Revenue Service, at 120 Church Street, advises with a maddeningly cheerful voice that they will do just what the accountants do, for free. Considering the overall profit they make, why should we be grateful? Alas, I was turned away from that well-lit Heart of Darkness when it was discovered I needed a Schedule C. (The implication was that I should go to work like everybody else.) Looking at my statistics, the IRS man told me to go to an accountant. That advice landed heavily.

My mind-warping odyssey was over. At that point I felt that a long jail term could be no worse than filing my taxes with the help of an accounting firm next year. But it was probably the cumulative effect of seven sessions. Even seven beautiful call girls, I suppose, could grate on the sensibilities.

The range of charges had been so wide that I didn't know what to think. I called the Department of Consumer Affairs to see if they knew what to think. They didn't, but they did assure me that tax accountants can charge what they feel they can get. Looking at it that way, the price Shirley quoted was positively flattering. The only thing that Consumer Affairs can step in on is deceptive advertising, and the "& up" tagged onto most tax signs takes care of just about everything.

By Mr. HART:

S. 1528. A bill to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes. Referred to the Committee on Commerce.

FISH INSPECTION BILL

Mr. HART. Mr. President, the wholesomeness of our Nation's food supply is clearly a matter worthy of the utmost concern. Hardly a week goes by without the newspapers reporting cases of food contaminated with disease-causing bacteria, environmental pollutants, or harmful food additives. The two principal high protein foods—meat and poultry—have for several years been the subject of laws designed to protect their wholesomeness. Yet our third high protein food—fish—continues to be produced without adequate quality control. The result has been a product of widely varying quality, occasionally so low as to endanger human life and health.

Although for years fish inspection bills have been pursued in Congress without success, it is my hope that we soon will see a fish inspection program enacted into law. In the past, there has been a great deal of controversy over the level of inspection of fish processing facilities needed to insure a safe product. The bill I introduce today—as did last year's version—specifies "continuous inspection," or a man in every processing plant, as the inspection level required. It has not been demonstrated, in my view, that anything less than that will give the consumer the sort of protection to which he is entitled.

Today's proposal contains an addition to last year's bill which I hope will be significant in its impact. The new provision calls for an intensive screening system for the detection of dangerous materials in fish or fishery products. With the current mercury crisis, it seems difficult to dispute the need for some system of this sort.

In previous years, fish inspection bills have dealt broadly with quality control, with most of the emphasis on sanitation problems rather than on contamination by environmental pollutants. Under the new provision, however, the Secretary of Health, Education, and Welfare would be required to develop a list of dangerous polluting substances and to prescribe procedures necessary to eliminate the threat they pose to human health through the consumption of fish. It is provided that private citizens can challenge both the list and the procedures by petitioning the Secretary pursuant to section 701 of the Federal Food, Drug, and Cosmetic Act. Those who will be adversely affected by any decision of the Secretary are further entitled to public hearings and judicial review of his action under that section.

Had this system been in effect several years ago, the present mercury crisis might well have been less acute. It is worth noting that an article by Dr. John Wood published in the British magazine Nature on October 12, 1968, established conclusively that industrial discharges of metallic mercury presumed to be harmless could be converted into deadly methyl mercury. Had this information been called to the attention of FDA through the petition procedure proposed today, screening of fish for mercury could have started immediately thereafter. Instead considerable time passed during which, in the absence of any protective testing, polluted fish were freely consumed.

It is of course true that information such as this could be brought to the regulator's attention under existing law. Yet today's proposal—by arming the concerned and informed citizen with legal procedures to effect action—is designed to make that result more likely. It is my hope that we will thereby reduce the likelihood of future "mercuries" and thus reestablish public confidence in the fish and fishery products we consume.

I introduce the bill for appropriate reference and ask unanimous consent that it be printed in full in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1528

A bill to to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Wholesome Fish and Fishery Products Act of 1971."

CONGRESSIONAL FINDING

Sec. 2. Fish and fishery products are an important source of the Nation's total supply of food. These foods are consumed throughout the Nation and the major portion of the supply moves in interstate commerce, some from foreign sources. It is essential that the health and welfare of consumers be protected by assuring that fish and fishery products distributed to them are of good quality, wholesome, not adulterated, and are properly marked, labeled, and packaged. Fish or fishery products which do not meet these standards depress markets for wholesome, not adulterated, and properly labeled and packaged fish and fishery products. Those articles that are unwholesome, adulterated, of poor quality, mislabeled, or deceptively packaged compete unfairly with articles that are of good quality, wholesome, not adulterated, and properly labeled and packaged, to the detriment of commercial fishermen, processors, and consumers of fish and fishery products. It is hereby found that all fish and fishery products regulated under this Act are either in interstate or foreign commerce or substantially affect such commerce, and that Federal regulation and cooperation by the States and other jurisdictions as contemplated by this Act (including cooperation through federally approved State programs for control of shellfish growing areas and shellfish harvesting) are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of the consumer.

WHOLESOME FISH AND FISHERY PRODUCTS AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

DEFINITIONS

Sec. 101. Section 201, as amended, of the Federal Food, Drug, and Cosmetic Act is further amended by adding at the end of such section the following new paragraphs:

"(y) (1) The term 'fish' means any aquatic animal, including amphibians, or part thereof capable of use as human food.

"The term 'shellfish', as used in sections 402(f), 421, and 423, means any species of oyster, clam, or mussel, either shucked or in the shell, and either fresh, or frozen or otherwise processed, or any part thereof.

"(z) The term 'fishery products' means any product capable of use as human food which is made wholly or in part from any fish or portion thereof, except products which contain fish only in small proportions or historically have not been, in the judgment of the Secretary, considered by consumers as products of the commercial fishing industry, and which are exempted from definition as a fishery product by the Secretary under such conditions as he may prescribe to assure that the fish or portions thereof contained therein are not adulterated and that such products are not represented as fishery products.

"(aa) The term 'capable of use as human food' applies to any fish or part or product thereof, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or unless it is naturally inedible by humans.

"(bb) The terms 'process', 'processed', and 'processing', with respect to fish or fishery products, mean to harvest, handle, store, prepare, produce, manufacture, preserve, pack, transport, or hold such products.

"(cc) The term 'official mark' means the official inspection legend or any other symbol prescribed by regulations of the Secretary to identify the status of any fish or fishery product under this Act.

"(dd) The term 'official inspection legend' means any symbol prescribed by regulations of the Secretary showing that an article is in accordance with the provisions of this Act.

"(ee) The term 'official inspection certificate' means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

"(ff) The term 'official device' means any device prescribed or authorized by the Secretary for use in applying any official mark.

"(gg) The term 'vessel' means any watercraft of any description which is engaged in the processing of fish for landing and human consumption in any State.

"(hh) The term 'continuous inspection' means the application of inspection by a full-time inspector.

"(ii) The term 'inspector' means an individual appointed or commissioned as an officer or employee of the Department and authorized by the Secretary to inspect articles under the authority of this Act."

PROHIBITED ACTS

Sec. 102. Section 301, as amended, of the Federal Food, Drugs, and Cosmetic Act is further amended by adding at the end of such section the following new paragraph:

"(r) Without authorization from the Secretary or contrary to regulations prescribed by him, casting, printing, lithographing, or otherwise making, simulating, using, or failing to use, altering, defacing, detaching, or destroying any form of official mark, official inspection legend, official inspection certificate, or official device; possessing, without promptly notifying the Secretary thereof, any forged, counterfeited, simulated, or improperly altered form of official mark, official inspection legend, official inspection certificate or official device; forging, counterfeiting, simulating, improperly altering any form of official mark, official inspection legend, official inspection certificate, or official device; making any false statement in any shipper's or other certificate provided for in regulations; or falsely or misleadingly representing that any fish or fishery product has been inspected and passed or exempted from such inspection.

"(s) The processing of any fish or fishery products in any establishment or vessel preparing any such article in violation of the requirements of part B of chapter IV and regulations prescribed pursuant thereto.

"(t) The importation of fish and fishery products in violation of section 410(i).

"(u) The failure to maintain, or to afford access to, records as required by section 411 (b)."

ADULTERATION

Sec. 103. Section 402, as amended, of the Federal Food, Drug, and Cosmetic Act is further amended by adding at the end of such section the following new paragraph:

"(f) (1) If it is, or it bears or contains, any fish or fishery product, and it has been processed, stored, or handled in violation of section 410 or 411 or any regulations issued by the Secretary under such sections.

"(2) If it is, or is a product made or derived in whole or in part from, shellfish and such shellfish (a) was harvested in a State or foreign country that did not at the time of harvesting have in effect (i) an annual State plan for classification and control of shellfish growing areas and for regulation and control of shellfish harvesting practices, approved by the Secretary on the basis of standards promulgated by him by regulation, or (ii) in the case of a foreign country, a shellfish control program at least equal to such standards; or (b) was not harvested, or was not purified after harvesting, in conformity with such State plan or foreign program; or (c) was harvested in a growing area that has been declared closed for such purposes by regulation of the Secretary on the basis of a finding of necessity for the protection of the public health."

INSPECTION OF FISH AND FISHERY PRODUCTS, ESTABLISHMENTS, AND VESSELS

Sec. 104. Chapter IV of the Federal Food, Drug, and Cosmetic Act is further amended (1) by inserting "Part A—General" immediately below the chapter heading, and (2) by adding at the end of such chapter the following:

"Part B—Fish and Fishery Products

"Subpart 1—Inspection and Regulation of Products, Establishments, and Vessels

"Sec. 410. (a) Good Manufacturing Practices.—The Secretary shall, either directly or by contract, make, by experts in sanitation or other competent persons, such survey of as many establishments in the United States and vessels which process fish and fishery products for interstate commerce as he deems appropriate to inform himself concerning the operations and sanitary conditions thereof for the purpose of developing adequate standards of good manufacturing practices, including but not limited to sanitation and quality control, under which such establishments and vessels shall be maintained and operated. The Secretary shall thereafter by regulation prescribe standards of sanitation and quality control for the processing of fish and fishery products which shall be applicable to persons covered by this part, and he may from time to time amend such regulations. The initial regulations pursuant to this subsection shall be issued within one year after funds are first appropriated to carry out the provisions of this part. Regulations (including amendments to regulations) prescribed pursuant to this subsection shall become effective upon the date specified in the order prescribing them, but the initial regulations shall become effective one year after the date on which such regulations have been issued, unless the Secretary finds that additional time, not in excess of one year, is necessary to place all or any part of such regulations into effect. On and after the effective date of such regulations no person shall process for interstate commerce fish or fishery products in any establishment under his control without complying with such regulations.

"(b) Certification of Establishments and Vessels.—Sixty days after the effective date of such regulations, no person shall process for interstate commerce fish or fishery products in any establishment or vessel under his control unless there is in effect for such establishment or vessel a certificate of registration issued by the Secretary. The Secretary shall issue such a certificate upon application accompanied by such assurance as may be required by regulations that such establishment or vessel is and will be maintained in compliance with applicable standards. The Secretary may deny the certificate of registration if an adequate assurance of compliance is not presented, and the denial shall be subject to the opportunity for hearing and judicial review provided by section 412.

"(c) Suspension and Reinstatement of Certificates.—The certificate of registration of any establishment or vessel may be suspended, after opportunity for hearing, for failure to comply with the requirements of this subpart. The certificate may be immediately suspended by the Secretary (1) for failure to permit access for inspection, or (2) where an inspection or investigation discloses violation of any provision of this chapter or any regulation issued thereunder which the Secretary determines would involve an undue risk of imminent harm to consumers if processing were to continue prior to the correction of such violation: *Provided*, That the authority conferred by this sentence may not be delegated to a nonsupervisory officer or employee of the Department. The holder of such suspended certificate may at any time apply for reinstatement, and the Secretary shall immediately grant such reinstatement if he finds that adequate measures have been taken to comply with the provisions of this chapter and the regulations. Suspension of a certificate and the denial of reinstatement shall be subject to the procedures provided by section 412, but a summary suspension shall remain in effect during the pendency of the administrative proceeding under that section. In the event of any judicial proceeding relating to such summary suspension before the proceeding under section 412 the only issue to be judicially determined shall be whether the Secretary had reasonable cause under the circumstances of the case to take summary action.

"(d) INSPECTION.—For the purpose of preventing the use in interstate commerce of fish or fishery products which are adulterated or misbranded, the Secretary shall cause to be made, by inspectors appointed by him for that purpose, a continuous inspection of each establishment where fish or fishery products are processed for interstate commerce. For the same purposes, the Secretary, at his discretion, may require that adequate inspections be made, by inspectors appointed for that purpose, of vessels processing fish or fishery products for interstate commerce. Any inspector appointed for the purposes of this title shall at any time have access to any establishment or vessel where fish or fishery products are processed for interstate commerce. Denial of access to such inspector shall be ground for suspension of the certificate of registration. The Secretary, whenever processing operations are being conducted, may, at his discretion, provide for the sampling, detention, and reinspection of fish or fishery products at each such establishment or vessel. Any fish or fishery products found to be adulterated shall be immediately condemned and segregated and shall, if no appeal is taken from the inspectors' determination of condemnation or if upon completion of an appeal inspection such condemnation is sustained, be destroyed for human food purposes under the supervision of an inspector: *Provided,* That any fish or fishery products which may by reprocessing be made not adulterated shall not be so condemned and destroyed if reprocessed under the supervision of an inspector and thereafter found not to be adulterated. Failure to comply with the requirements of the preceding sentence shall be ground for suspension of the certificate of registration. An appeal under this subsection from the determination of condemnation shall be at the cost of the appellant if the Secretary determines that the appeal was frivolous. The cost of inspection (other than any cost of appeal determined to be payable by the appellant pursuant to the preceding sentence) shall be borne by the United States, except that the cost of overtime and holiday pay for inspection service performed, in an establishment subject to inspection, at the convenience of the establishment and not owing to conditions of harvesting or processing beyond the control of the establishment, shall, at such rates as the Secretary may determine in accordance with regulations, be borne by such establishment. Sums received by the Secretary in reimbursement for sums paid out by him for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

"(e) USE OF THE OFFICIAL MARK AND OFFICIAL INSPECTION LEGEND.—When fish or fishery products are processed for interstate commerce in an establishment holding an unsuspended certificate of registration and are placed or packed in any container or wrapper, the person processing such products shall, at the time they leave the establishment, cause a label to be attached thereon which shall bear or contain the official mark or official inspection legend except as may be otherwise authorized by regulation pursuant to clause (2) of section 405.

"(f) LABELING AND PACKAGING.—If the Secretary has reason to believe that any labeling or packaging in use or proposed for use with respect to any article subject to this subpart renders or would render such article misbranded, he may direct that such use be withheld, and the official mark or the official inspection legend not used, unless the labeling and packaging is modified in such manner as he may prescribe to comply fully with this Act. If the person using or proposing to use such labeling or packaging does not accept the determination of the Secretary, such person may request a hearing, but the use of such labeling or packaging shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be subject to the opportunity for hearing and judicial review provided by section 412.

"(g) TRADE NAMES AND ESTABLISHED PACKAGES.—Established trade names or other labeling and packaging which are not false or misleading in any particular and which are approved by the Secretary are permitted.

"(h) STORAGE OR HANDLING REGULATIONS.—The Secretary may by regulation prescribe conditions under which fish or fishery products capable of use as human food shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting, in or for interstate commerce, or importing such articles, whenever the Secretary deems such action necessary to assure that such articles will not be adulterated, misbranded, or otherwise in violation of this Act when delivered to the consumer. Violation of any such regulation is prohibited, and fish and fishery products stored or handled in violation of such regulation shall be deemed adulterated under section 402(f) of the Act. Such regulations shall not apply to the storage or handling of such articles at any retail store or other establishment in any State that would be subject to this section only because of purchases in interstate commerce, if the storage and handling of such articles at such establishment are regulated, under the laws of the State in which such establishment is located, in a manner which the Secretary, after consultation with the appropriate advisory committee provided for in section 421(a) of this Act, determines is adequate to effectuate the purposes of this subsection.

"(i) IMPORTATION OF FISH AND FISHERY PRODUCTS.—After the effective date of regulations issued under this subpart—

"(1) no fish or fishery products shall be imported into the United States if such articles are adulterated or misbranded or otherwise fail to comply with all the inspection, good manufacturing practice, and other provisions of this Act and regulations issued thereunder applicable to such articles in commerce within the United States: *Provided,* That whenever it shall be determined by the Secretary, in the case of any foreign country, that the system of plant and vessel inspection of fish and fishery products is at least equal to all the inspection, good manufacturing practice, and other provisions of this Act and regulations issued thereunder, and that reliance can be placed on certificates required by regulation of the Secretary as to compliance with the country's inspection, good manufacturing practice, and other requirements, the Secretary may accept such certificates as compliance with the comparable requirements of this subpart: *Provided further,* That any fish or fishery products covered by such certificates shall be marked and labeled as required by regulations for such imported articles: *And provided further,* That (A) nothing in this section shall apply to a person who purchases fish outside the United States for consumption by himself or members of his household except that the total amount of such fish shall not exceed fifty pounds; and (B) the Secretary may further, by or pursuant to regulation, exempt from all or any part of this section, on such terms and conditions as he may deem appropriate, fish that are caught by an individual in the bona fide pursuit of sport and not for commercial purposes in waters outside the United States and that are brought into the United States by such individual by himself or members of his household.

"(2) The Secretary may prescribe, under section 801 of this Act, the terms and conditions of the destruction of all such articles which are imported contrary to this section, unless (1) they are exported by the consignee within the time fixed therefore by the Secretary, or (2) in the case of articles which are not in compliance with this Act solely because of misbranding, such articles are brought into compliance with the Act under supervision of authorized representatives of the Secretary.

"(3) For the purpose of facilitating enforcement of this section and reducing the costs thereof, the importation of fish or fishery products into any port in the United States, except such as may be designated by the Secretary with the approval of the Secretary of the Treasury is prohibited.

"(j) SURVEILLANCE OF DANGEROUS MATERIALS.—(1) Order to protect consumers from the dangers of dangerous materials which may be found in fish and fishery products, the Secretary shall initiate and carry out an intensive screening system for the detection of such materials in fish and fishery products.

"(2) **DEFINITIONS.—As used in this subsection—**

"(A) The term 'dangerous material' means any material which can be expected to reach toxic levels in significant quantities of fish or fishery products.

"(B) The term 'intensive screening' means that level of surveillance required to discover and eliminate the threat to human health arising from the presence of dangerous materials in fish or fishery products.

"(3) Not more than 90 days after the date of enactment of this subsection, the Secretary shall propose regulations specifying all dangerous materials and indicating the intensive screening procedures that he will follow in carrying out this subsection.

"(4) Analyses performed under this subsection to determine the presence and amount of dangerous materials in fish or fishery products shall be performed using the best available technology.

"(5) The results of any analyses performed under this subsection shall be made available to any person upon request to the Secretary.

"(6) Nothing in this subsection shall limit the responsibility of any person to comply with quality control regulations established pursuant to section 410 of this Act or any other provision of law.

"(7) If the Secretary finds that there is a hazard to the public health that requires an immediate increase in the level of screening or research for any hazardous material in fish or fishery products, he may increase the level of such screening or research to such extent he determines necessary without regard to any requirement under this Act for previous notice or opportunity for a hearing: *Provided,* That the Secretary shall comply with such requirements as soon as practicable after initiating such increase in the level of screening for the hazardous material in question.

"ADMINISTRATIVE AND AUXILIARY PROVISIONS

"SEC. 411. (a) Withholding, Withdrawing, and Reinstating Certificates—The Secretary (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) may withhold a certificate of registration under section 410 or may suspend or withdraw such a certificate issued under that section, with respect to any establishment if he determines that the applicant or holder of such certificate is unfit to engage in any business requiring a certificate under that section because such person, or anyone responsibly connected with him, has been convicted in any Federal or State court, within the previous ten years of (1) any felony, or more than one misdemeanor, based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food; or (2) any felony involving fraud, bribery, extortion, or any other act or circumstance indicating a lack of the integrity needed for the conduct of operations affecting the public health. This section shall not affect in any way other provisions of this Act for suspension of a certificate under section 410. For the purpose of this section, a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock, or employee in a managerial or executive capacity. Withholding, withdrawal, and refusal to reinstate a certificate under this section shall be subject to the opportunity for hearing and judicial review provided by section 412.

"(b) Maintenance and Retention of Records.—For the purpose of enforcing the provisions of this Act, persons engaged in the business of processing fish or fishery products for human consumption in interstate commerce or holding such products after transportation in interstate commerce shall maintain accurate records showing to the extent that they are concerned therewith, the source waters of such fish or fishery products, the receipt, delivery, sale, movement or disposition of fish or fishery products and shall, upon the request of the Secretary, permit him at reasonable times to have access to and to copy all such records. Any record required to be maintained by this section shall be maintained for two years after the transaction which is the subject of such record has taken place.

"(c) Administrative Detention of Fish or Fishery Products.—Whenever any fish or fishery product is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in, interstate commerce or otherwise subject to this Act, and there is reason to believe that any such article is adulterated, or misbranded or otherwise in violation of the provisions of this Act or of any other Federal law, or that such article has been or is intended to be distributed in violation of any such provisions, such fish or fishery products, if not otherwise subject of condemnation under section 410(d), may be detained by such representative for a period not to exceed twenty days pending action under section 304 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article, and shall not be moved by any person from the place at which it is located when so detained until released by such representative. Such fish or fishery product shall be detained in a suitable manner to prevent decomposition and the costs thereof shall be borne by the owner thereof. All official marks may be required by such representative to be removed from such article before it is released unless it appears to the satisfaction of the Secretary that the article is eligible to retain such marks.

"(d) Inspection Exemptions.—(1) The provisions of this subject shall not apply to the processing by any person of fish of his own raising or harvesting, and the preparation by him and transportation in commerce of the fish or fishery products exclusively for use by him and members of his household and his nonpaying guests and employees, if such person does not engage in the business of buying or selling any fish or fishery products capable of use as human food.

"(2) The Secretary may, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this subpart retail dealers with respect to fishery products sold directly to consumers in individual retail stores, if the only processing operations performed by such retail dealers are conducted on the premises where such sales to consumers are made. The Secretary may suspend or terminate any such exemption at any time with respect to any person, upon a finding that the conditions of exemption, prescribed by regulations, are not being met.

"(3) The Secretary may by regulation, under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from the requirement of continuous inspection imposed by the first sentence of section 410(d) any establishment, known in the trade as a 'fish house', in which no processing of fish or fishery products is performed except (A) the unloading of fresh whole fish from vessels into appropriate bulk containers, (B) icing or other refrigeration of such fish, and (C) prompt shipment thereof either (i) to an establishment subject to continuous inspection or (ii) to a retail dealer described in paragraph (2) of this subsection.

"(e) Processors of Industrial Fishery Products and Related Industries.—Inspection shall not be provided under this subpart of any establishment or vessel processing fish and fishery products which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in interstate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person shall buy, sell, transport, or offer for sale or transportation or receive for transportation, in commerce, or import, any fish or fishery products which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary or are naturally inedible by humans.

"OPPORTUNITY FOR HEARING AND JUDICIAL REVIEW OF DENIAL, WITHHOLDING, SUSPENSION OR WITHDRAWAL OF CERTIFICATES AND WITHHOLDING OF APPROVAL OF LABELING OR PACKAGING; REGULATIONS

Sec. 412. (a) Opportunity for Hearing.—(1) Any person denied a certificate under section 410(b) or 411(a), or whose certificate has been suspended or who has been denied reinstatement under section 410(c), or who has been refused the official mark for proposed labeling or packaging under section 410 (f), or from whom it is proposed to withdraw a certificate under section 411(a), may file objections thereto with the Secretary, specifying with particularity reasonable grounds for his objection, and request a hearing upon such objection. The Secretary shall afford an opportunity for a hearing on such objections, and shall expedite such hearing upon request. As soon as possible after the hearing, the Secretary shall act upon the objections.

"(2) Such order shall be based upon a fair evaluation of the entire record at such hearing, and shall contain findings of fact and conclusions on which the Secretary's action was based.

"(3) The Secretary shall grant such interim relief from any order suspending or withdrawing a certificate as he finds justified upon considering the interests of the person holding the certificate and the necessity for protection of the public health and the interest of consumers.

"(b) Judicial Review.—(1) Any person adversely affected by the Secretary's action on his objections may obtain judicial review by filing in the United States Court of Appeals for the circuit in which he resides or has his principal place of business, within sixty days after the entry of the Secretary's order, a petition for judicial review.

"(2) A copy of the petition shall be transmitted by the clerk of the court to the Secretary, and the Secretary shall file in the court the record of the proceeding. The findings of the Secretary with respect to questions of fact shall be sustained is based upon a fair evaluation of the entire record.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any order under this section shall be final subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

"(c) Regulations.—Any regulation proposed or issued under this subpart and any amendment or modification of any such regulation shall be subject to the provisions of section 701 (e), (f), and (g) of this Act.

"Subpart 2—Federal and State Cooperation

Sec. 421. (a) It is policy of the Congress to protect the consuming public from fish and fishery products that are adulterated, misbranded or otherwise in violation of this Act, and to assist in efforts by State and other Government agencies to accomplish this objective. In furtherance of this policy:

"(1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, (A) to cooperate with the appropriate State agency in developing and administering a State fish and fishery products inspection program in any State which has enacted a State fish and fishery products inspection law that imposes mandatory inspection, reinspection, and sanitation requirements that are at least equal to those under subpart 1 of this part, and provisions of this Act related to such subpart, with respect to all or certain classes of persons engaged in the State in processing fish and fishery products for use as human food solely for distribution within such State; and (B) to cooperate with the appropriate State agency in the development of an effective State program (described in a State plan approved on an annual basis by the Secretary as meeting standards established by him) for the classification and control of shellfish growing areas and for regulation and control of shellfish harvesting practices, including shellfish intended for introduction into interstate commerce.

"(2) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (A) advisory assistance in planning and otherwise developing an adequate State program under the State law, and (B) technical and laboratory assistance and training, including necessary curricular and instructional materials and equipment, and financial and other aid for administration of such program. Grants to any State under this section from Federal funds for any fiscal year shall not exceed 50 per centum of the estimated total cost of the cooperative program in such State. Such cooperation and payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary, in consultation with the appropriate advisory committee appointed under paragraph (3), deems adequate to effectuate the purpose of this section.

"(3) The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies and representatives of consumers and industry as the Secretary and the State agencies may designate to consult with him concerning State and Federal programs with respect to fish inspection and other matters within the scope of this part, including evaluating State programs for purposes of this part, and obtaining better coordination and more uniformity among the State programs and between the Federal and State programs and adequate protection of consumers.

"(b) The appropriate State agency with which the Secretary may cooperate under this subpart shall be a single agency in the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act: *Provided,* That with respect to the shellfish control program referred to in clause (B) of paragraph (1) of subsection (a) such State agency may, in the case of a State in which different functions of its shellfish control program are vested in different State agencies, be an interdepartmental agency if found by the Secretary to be consistent with the purposes of this Act, including this part. When the State program includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

"SEC. 422. (a) (1) If the Secretary believes, by thirty days prior to the expiration of two years after the effective date of regulations promulgated under this Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction at which fish or fishery products are processed for use as human food for distribution solely within the State, inspection, reinspection, and sanitation requirements at least equal to those imposed under subpart 1 of this part and other provisions of this Act related to such subpart, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of such subpart 1 and related provisions of this Act shall apply to operations and transactions wholly within such State: *Provided*, That if the Secretary determines that there is reason to believe that the State will activate such requirements within one additional year, he may delay such designation for that period, and he shall in that event not designate the State if he further determines at the end of that period that the State then has such requirements in effective operation.

"(2) The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of subpart 1 and other provisions of this Act related thereto shall apply to operations and transactions and to persons engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for interstate commerce.

"(3) Notwithstanding any other provision of this subpart, if the Secretary determines, at any time prior to designation of a State under this section, that any establishment within a State is producing adulterated fish or fishery products for distribution within such State which would clearly endanger the public health, he shall, with a view to achievement of effective action under State or local law, notify the Governor of the State and the appropriate advisory committee provided under this subpart of such fact. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary in the light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of subpart 1 and related provisions of this Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in interstate commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under such provisions.

"(b) Whenever the Secretary determines that any State designated under this section has developed and will enforce State fish inspection requirements at least equal to those imposed under subpart 1 and related provisions of this Act with respect to the operations and transactions within such State which are regulated under this subsection, he shall terminate the designation of such State under this section, but this shall not preclude the subsequent redesignation of the State at any time upon thirty days' notice to the Governor and publication of such notice in the Federal Register, and any State may be designated upon such notice and publication at any time after the period specified in this subsection, whether or not the State has theretofore been designated upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under such subpart and related provisions.

"(c) The Secretary shall promptly upon enactment of this subpart 2, and periodically thereafter but at least annually, review the requirements, including the enforcement thereof, of the States not designated under this section, with respect to the processing of fish or fishery production and inspection of such operations.

"STATE JURISDICTION

"SEC. 423. Requirements within the scope of subpart 1 of part B of this chapter with respect to any establishment or vessel at which a certificate of registration is required under subpart 1 of this part, which are in addition to or different from those made under such subpart may not be imposed by any State, except that any such jurisdiction may impose recordkeeping and other requirements within the scope of section 411(b) with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements in addition to, or different from, those made under this Act may not be imposed by any State with respect to articles processed at any establishment or vessel in accordance with the requirements under such subpart, but any State may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over articles inspected under such subpart, for the purpose of preventing the distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. Nothing in this section shall be construed to preclude the establishment and operation and enforcement of a State shellfish program (meeting Federal standards and administered under an annual plan approved by the Secretary) for classification and control of growing areas and for regulation and control of harvesting practices for shellfish, including shellfish intended for introduction in interstate commerce. This Act shall not preclude any State from making requirements or taking other action, consistent with such subpart, with respect to any other matters not regulated thereunder.

"INTERDEPARTMENTAL COOPERATION

"SEC. 424. (a) There shall be consultation between the Secretary and the Secretary of the Commerce prior to the issuance of standards under this Act applicable to fish or fishery products. There shall also be consultation between the Secretary and an appropriate advisory committee provided for in this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

"(b) For the purpose of facilitating enforcement and reducing the costs thereof, the Secretary may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of other Federal agencies to carry out the provisions of this Act. The Secretary is also encouraged to enter into agreement or other arrangements, with or without reimbursement, with any State in carrying out the provisions of this Act, including enforcement."

OTHER LAWS

SEC. 105. (a) Notwithstanding any other provisions of law, the amendments made by this Act shall not derogate from any authority conferred upon any Federal officer, employee, or agency by the Federal Food, Drug, and Cosmetic Act prior to enactment of this Act, by the Fair Packaging and Labeling Act, by the Public Health Service Act, or by any other Act.

(b) Continuous inspection under, and compliance with the requirements prescribed by or pursuant to, the Federal Food, Drug, and Cosmetic Act (including the amendments made thereto by the Wholesome Fish and Fishery Products Act) with respect to fish and fishery products shall not exempt any person from any liability under common or State law.

By Mr. HART:

S. 1529. A bill to amend the Fair Labor Standards Act of 1938 in order to require equal pay for equal work to individuals of both sexes in professional, executive, and administrative positions. Referred to the Committee on Labor and Public Welfare.

EQUAL PAY BILL

Mr. HART. Mr. President, I am today reintroducing a bill which would amend section 13(a)(1) of the Fair Labor Standards Act of 1938 in order to make it possible to provide the protection of the Equal Pay Act—enacted in 1963 as an amendment to the Fair Labor Standards Act—to individuals of both sexes who are employed in bona fide executive, administrative, or professional positions, or in the capacity of outside salespersons.

Because the equal pay provisions were incorporated into the wage and hour law, equal pay protection is afforded under that law at present only to employees working in establishments where there are employees subject to the minimum wage provisions of the Fair Labor Standards Act, and who are not otherwise exempt.

My bill would not, of course, in any way remove or affect the existing exemption for these white collar workers from the minimum wage and overtime provisions of the Fair Labor Standards Act. It would simply help to eliminate a longstanding injustice by requiring that men and women in administrative, executive, or professional positions, or working in the capacity of outside salespeople, receive equal pay for equal work along with the other employees who are already protected. Examples of employees who would be reached by this bill are as follows:

Professors, teachers at all educational levels, academic administrative personnel, school principals, assistant principals, student counselors, personnel counselors, lawyers, physicians, engineers, pharmacists, chemists, accountants, office managers, department managers, assistant managers, buyers, executive assistants, administrative asistants, credit managers, loan officers, adjusters, actuaries, underwriters, personnel managers or directors, purchasing agents, outside sales people, programmers-systems analysts, technicians, technologists, therapists, registered nurses, account executive, traffic managers, editors, creative writers, TV and radio announcers, and so forth.

Although a number of Federal and State measures have been enacted over the years for the purpose of eliminating discrimination in employment on the basis of sex, by far the greatest activity to date has occurred under the Equal

Pay Act of 1963, which is enforced by the Wage and Hour Division in the U.S. Department of Labor.

Since the effective date of the Equal Pay Act in June 1964 through the end of February this year, nearly $28 million has been found owing in back wage underpayments to about 75,000 employees, almost all of them women. Although more than 95 percent of the equal pay cases are settled without recourse to litigation, legal action is sometimes necessary. To date, more than 200 court cases have been filed by the Labor Department in behalf of aggrieved employees. About 75 percent of these have been decided or settled. Others are still pending. In the landmark Equal Pay Act case involving the Wheaton Glass Co., of Millville, N.J.—which the Supreme Court declined to review on May 18, 1970—an amount of over $850,000, found owing in back wage underpayments to more than 2,000 women employees, has already been paid.

With a record such as this, it is not surprising that employees find it more to their advantage to seek relief from sex-based wage discrimination under the equal pay provisions of the Fair Labor Standards Act than any other remedy.

Among the reasons for the success in administration of the Equal Pay Act is the fact that as an amendment to the Fair Labor Standards Act it enjoys the great advantage of that act's strong enforcement remedies—all of which are applicable to the equal pay provisions.

The Wage and Hour Division is generally able to obtain compliance through educational methods and the voluntary correction of violations but, if there is a refusal to comply or deliberate violation of the law, penalties are provided in the statute. The Secretary of Labor may obtain a court injunction to restrain not only continued violation but withholding of back wages legally due. The Secretary of Labor may also bring suit for the back wages upon written request of an aggrieved employee, or the employee may bring suit through his or her own attorney for the back wages owed, plus an additional amount as liquidated damages as well as attorney's fees and court costs. Complaints under the Equal Pay Act are treated in strict confidence by the Division and, unless court action ultimately becomes necessary, the same of the complainant need not be revealed.

Mr. President, when the Equal Pay bill was first introduced in the Congress in 1961 and 1963, it contained no provision which would have resulted in its becoming a part of the Fair Labor Standards Act of 1938. There was nothing in the original proposal, therefore, which would have exempted executive, administrative, or professional employees, or outside salespersons, from equal pay protection.

Only after the hearings were completed was the action taken to incorporate the equal pay bill into the Fair Labor Standards Act, thus, on the one hand gaining the advantage of that act's strong enforcement procedures but, on the other, subjecting the equal pay provisions to all of the exemptions provided under the wage-hour law.

Last year before the General Subcommittee on Labor of the House Education and Labor Committee, during the course of its hearings on proposed amendments to the Fair Labor Standards Act, Mrs. Lucille H. Shriver, director of the National Federation of Business and Professional Women's Clubs, Inc., testified in part as follows:

> The history of the Equal Pay Act shows that attachment of this bill to the Fair Labor Standards Act was indeed the 'catalyst' that made victory possible, as Congressman Frelinghuysen of New Jersey pointed out during debate on the House floor. . . . But as a result equal pay is required for only about half of the jobs in America today, according to Mr. Robert Moran, Administrator, Wage and Hour Division of the U.S. Department of Labor. This is the situation that we deplore and that we would change.

Mr. President, it was not only the National Federation of Business and Professional Women's Clubs that presented testimony last year in support of extending the protection of the Equal Pay Act to executive, administrative and professional employees and outside sales personnel. Support was also included in the testimony of the AFL–CIO, the United Auto Workers International Union, the Women's Equity Action League, the National Organization for Women, Miss Virginia R. Allen of Michigan, who was chairman of President Nixon's Task Force on Women's Rights, and Responsibilities, and many, many others representing a wide spectrum of labor unions, women's organizations, and other civic groups.

Among the recommendations included in the Report of the President's Task Force on Women's Rights and Responsibilities, published in April 1970 under the title "A Matter of Simple Justice," is one which states that:

> **The Fair Labor Standards Act Should be Amended to Extend Coverage of its Equal Pay Provisions (i.e., the Equal Pay Act of 1963) to Executive, Administrative, and Professional Employees.**

Statistics show that there is a substantial gap between the earnings of men and women in executive, administrative, and professional occupations of every category. There is no valid reason why any of this Nation's workers should be subjected to wage discrimination on the basis of sex. It is my earnest hope that the Committee on Labor and Public Welfare will give early attention to the bill I am introducing, and that it will receive favorable consideration in this Congress.

Mr. President, I ask unanimous consent that the text of this bill be inserted in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1529

A bill to amend the Fair Labor Standards Act of 1938 in order to require equal pay for equal work to individuals of both sexes in professional, executive, and administrative positions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 (a) of the Fair Labor Standards Act of 1938 is amended by the insertion after the words "the provisions of section 6" of the following language "(except section 6(d) in the case of paragraph (1))."

By Mr. MUSKIE (for himself and Mr. BAYH):

S. 1530. A bill relating to the useful life of property for purposes of computing the depreciation deduction under the Internal Revenue Code of 1954. Referred to the Committee on Finance.

Mr. MUSKIE. Mr. President, on January 11, 1971, the administration announced a major fiscal policy decision which has not received the congressional attention or debate that it deserves. This decision, making substantial changes in depreciation rules, will result in a loss of Federal revenue of $3 billion in the first year and $36.8 billion on the first decade of its operation. It represents more than a 7-percent tax cut for big businesses and, if the Treasury proposals are allowed to stand unchallenged, they will constitute a mockery of the constitutional power of Congress to levy taxes. This is particularly true when one considers that Congress rejected a 2-percent tax cut less than 17 months ago.

It is no wonder, then, that the administration action has been subject to grave legal questions. To date, Boris Bittker, a leading tax authority and Sterling professor of law at Yale University; Oliver Oldman, professor of law and director of international tax programs at Harvard University; and Sheldon Cohen and Mortimer Caplin, two former Commissioners of the IRS, have all publicly stated that the proposals far exceed Treasury's authority and are illegal.

Other organizations have indicated their intentions to challenge the legality of the Treasury proposals in court. Clearly, regardless of the eventual outcome of such suits, they will hinder any incentive effect the proposals may have. I believe that major economic policies, involving substantial loss of Federal revenues, should not be undertaken without the participation of the people's duly elected representatives. Failure to follow the safeguard of the legislative process can only cause many segments of our society to feel that they have no voice in our Government and to a widespread discontent, not only with a particular policy, but with the institutions of our Government themselves. Certainly, one of the lessons of Vietnam is that failure to submit major decisions for legislative consideration only adds to the general distrust and bitterness.

It seems clear to me, then, that the wise and prudent course would be to submit the Treasury proposals to Congress. In this way, they would be subject to the corrective influence of the legislative process. For these reasons, I am introducing today a bill that will prohibit the proposed action by the Treasury for the coming fiscal year. The introduction of the bill in no way acknowledges the legality of their action but is an expression of my grave displeasure at Treasury's attempted end-run of Congress and their bold attempt at a form of backdoor tax cutting.

Mr. President, I ask unanimous consent that a copy of my bill, plus a letter that I have submitted to Internal Revenue Service Commissioner Randolph W. Thrower, placing my opposition to these proposals on public record, and a previous statement of mine opposing these proposals be inserted in the Congressional Record.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 1530

A bill relating to the useful life of property for purposes of computing the depreciation deduction under the Internal Revenue Code of 1954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the case of taxable years ending after the date of the enactment of this Act and beginning before June 1, 1972, the reasonable allowance for the exhaustion, wear and tear (including the reasonable allowance for obsolescence) of property allowable as a depreciation deduction under section 167(a) of the Internal Revenue Code of 1954 shall be computed, subject to the provisions of Revenue Procedure 62-21 (as in effect on January 1, 1971), on the basis of the expected useful life of property in the hands of the taxpayer.

Re proposed depreciation rules.
The Honorable Randolph W. Thrower,
Internal Revenue Service,
Washington, D.C.
(Attention: CC:LR:T)

Dear Mr. Commissioner: I am opposed to the proposed asset depreciation range system regulations that were published in the Federal Register for March 13, 1971. These proposals are illegal and economically unsound. They constitute an impermissible arrogation of Congressional constitutional authority over taxation by the Executive Branch. They waste precious revenues. They should be withdrawn.

BACKGROUND

Depreciation concepts have a long history, dating back to the middle of the 19th century. Under present law, depreciation accounting is recognized as a system which aims to distribute the cost of an asset, less its salvage value, over its estimated useful life in a systematic way. The asset depreciation range proposals do not conform to this basic method which is prescribed by law. Instead, the ADR proposal cuts the legal linkage between a taxpayer's depreciation practices and the actual useful life of the property.

THE PROPOSALS ARE ILLEGAL

Section 167 of the Internal Revenue Code permits taxpayers to claim as a deduction a "reasonable allowance" for depreciation. In *Massey Motors, Inc. v. United States,* 364, U.S. 92 (1960), the Supreme Court held that depreciation under this statutory rule "is to be calculated over the estimated useful life of the asset while actually employed by the taxpayer." Later in the same opinion, the Court went on to say:

"We therefore conclude that the Congress intended that the taxpayer should, under the allowance for depreciation, recover only the cost of the asset less the estimated salvage, resale or second-hand value. This requires that the uesful life of the asset be related to the period for which it may reasonably be expected to be employed in the taxpayer's business. 364, U.S. 92."

The law in this area is clear. Depreciation for tax purposes *must* relate the cost of an asset to its actual period of use. The asset depreciation range system proposed by the President disregards this clear rule of law by permitting taxpayers to increase or decrease their depreciation deductions by as much as 20% without regard to changes in the actual conditions of the assets. Furthermore, the proposals permit taxpayers to claim these deductions without regard to the separate circumstances of their own businesses.

The proposed ADR is a radical departure from the system of depreciation allowances mandated by Congress and clarified by the Courts. It seems to be a capital cost recovery system, which never has been authorized by Congress. The President's own Task Force on Business Taxation acknowledged that legislation was needed to change depreciation from a useful life to a cost recovery method. It reported that "since the shift from the depreciation to cost recovery unrelated to the useful life concept does require amendment of the present law, we urge that all the matters covered in the recommendations which are related to such a shift be incorporated in the statute."

It should be noted that the task force recommended a 40% shortening of the guideline lives rather than the 20% proposed by the Treasury. The difference between 40% and 20% is not important legally because both proposals set the system totally adrift from the legal anchor of useful life.

By no stretch of the imagination can we regard the depreciable lives that would be permitted by the asset depreciation range proposals as reasonable as required by law. The "guideline lives"—which the Treasury now proposes to shorten by 20 percent—were first established in 1962. Announcement of these new depreciable lives was accompanied by introduction of a reserve ratio test that was designed to assure the reasonableness of the depreciation deductions claimed by taxpayers. Under the 1962 guideline lives, depreciation allowances could be based upon the *most rapid* replacement practices in each industry. If a firm failed, however, to replace assets as fast as indicated by the guidelines, it would eventually fail the reserve ratio test and be required to cut down its depreciation deductions. This means that the depreciation changes of 1962 were tied to the useful life of * * *.

Today the Treasury proposes not only the radical ADR system, but also abolishes the reserve ratio test, completely destroying the legally required test of "reasonableness".

While the depreciation changes of 1962 were within the legal requirement of reasonableness, the proposed changes, by setting up a purely arbitrary depreciation system not related to the facts of the business or its replacement history, fail to meet the legal test of reasonableness.

Thus, the fundamental differences between the 1962 guidelines and the proposals of March 13, demonstrate clearly that what was done in 1962 can in no way justify what Treasury now proposes.

Another disturbing aspect of the Treasury's action is that it seeks to do by executive action what Congress has recently refused to do. In 1969, the Administration recommended that taxes on corporations be reduced by 2 percent. Congress considered and rejected this Treasury proposal to cut corporate taxes. But the presently proposed depreciation changes amount to a tax cut several times larger. If corporate taxes are to be cut, *that decision must be made by Congress.* This is obviously true for direct cuts; it should be equally true for "backdoor cuts" of the kind now proposed by Treasury.

Another clearly illegal aspect of the Treasury proposal concerns the plan to permit taxpayers to deduct currently their expenditures for the "repair, maintenance, rehabilitation, and improvement" of eligible property. This proposal has not yet gotten the attention it deserves. The "repairs" in question are those that current law requires to be capitalized and written off in future years, rather than deducted now.

In the past, Congress has jealously guarded the privilege of writing off capital expenditures currently. It took special legislation to authorize current deductions for such items as research and experimental expenditures and soil and water conservation expenditure. Now the Treasury proposes to allow the same thing in the case of rehabilitation and improvement expenditures. *This* is a decision that must be made by Congress, if it is to be made at all.

Treasury's power to alter depreciation allowances should be strictly confined because, as Professor Bittker states, the ADR proposals are a "first cousin to the powers to alter the tax rates themselves."

In the thicket of legal and economic arguments, it should not be forgotten that the Treasury has taken upon itself to grant a tax cut of roughly 7% to businesses. The authority to raise tax is constitutionally vested in Congress. Within the ambit of that authority, only Congress has the right, unless otherwise specifically delegated to determine substantial expenditures or losses of Federal revenue. The proposed ADR, therefore, represents an unauthorized usurpation of Congressional authority.

I share the views of Professor Bittker, Sterling Professor of Law at Yale University, Oliver Oldman, Professor of Law and the Director of the International Tax Program at Harvard University, Sheldon Cohen, and Mortimer Caplin, former Commissioners of the Internal Revenue Service, and these proposals far exceed Treasury's authority.

This executive modification of tax statutes cannot be permitted as precedent. The proposals represent a tax cut of more than 7% and could be a precedent for an Administrative tax cut of almost any size. There could be no clearer infringement of legislative authority.

NO EVIDENTIARY SUPPORT

It should also be noted that the Treasury in announcing its new rules has offered no substantial evidence that the useful life of the capital equipment used by American industry is significantly shorter in 1971 than it was in 1962. The Treasury Department has not revealed any economic or engineering study of industry practice which would justify the short lives. Considering the failure of Treasury to document the needs and reasons for such a major change, congressional hearings are essential to establish a foundation for this decision.

THE TREASURY PLAN WILL CAUSE SERIOUS INEQUITIES

One of the most troublesome aspects of the proposed ADR system is that it would seem to breed inequities. This fact was vividly expressed by a 1970 Treasury memorandum which stated that, "In view of the admittedly great diversity of replacement policies among firms in the same industry and the still great diversity of replacement policies among firms in the same industry and the still greater diversity between industries, an arbitrary system of capital allowances would necessarily result in inequalities in the tax treatment of private investment." It goes on to say that, "if the reserve ratio test were abandoned and replaced by a system of arbitrary capital allowances . . . by new regulations, the Congress and the Treasury Department would be thrust into the role of arbiter of industrial asset replacement policy."

These statements raise serious questions about the ADR system.

Just as the 1962 guidelines are not a legal justification for the proposed ADR system, economic policies of the early sixties offer no justification for the proposed ADR system because investment is not playing a parallel role in the economic situation. In 1962, investment spending was in the doldrums.

Business fixed investment amounted to 9.0% of the GNP in 1961 and 9.2% in 1962. Its share had sagged from a post war high of 10.5% in 1957. Today, investment share is again up to 10.0% even in the recession year of 1970. There is plenty wrong with our economy today, but it is not inadequate investment.

Since 1962, spurred by various legislative and administrative acts such as the investment tax credit and liberalized depreciation rules, American industry has gone on a capital investment binge. The following table indicates that while there was little increase in purchase of producer's durable equipment during the fifties, there was substantial increases in the sixties.

INVESTMENT IN PRODUCERS DURABLE EQUIPMENT

(*1958 prices——In billions of dollars*)

1950	24.8
1955	27.7
1958	25.0
1961	28.1
1965	44.0
1968	52.7
1970	56.2

Not surprisingly, a recent Tax foundation survey on depreciation allowance found that obsolete equipment was greatly reduced from 20% to 13% in the period of 1962 to 1968.

President Nixon recognized the different condition of investment when, in his tax reform message of April 21, 1969, he stated:

"In the early 60's, American productive capacity needed prompt modernization to enable it to compete with industry abroad. *Accordingly Government gave high priority to providing tax incentives for modernization.* Since that time, American business has invested close to $400 billion in new plant and equipment, bringing the American economy to new levels of productivity and efficiency."

In less than 2 years, the Administration "economic miracles" have apparently imperiled these "new levels of productivity and efficiency."

THE PLAN WILL NOT SIGNIFICANTLY STIMULATE THE ECONOMY

Not only is this tax reduction unnecessary because of already high investment in plant and equipment, but this loss of revenue will not produce the economic stimulation our economy badly needs. At a minimum, ordinary taxpayers should expect that the ADR Plan will significantly stimulate America's sadly depressed economy. Unfortunately, there is very little evidence that it will do so. The public sometimes gets the impression that the economists spend too much time arguing with one another. But on this issue there seems to be a surprising unanimity of economic opinion: the ADR Plan has been condemned by economist after economist as the wrong solution to the economic problems we now face.

In our present economic dilemma, the full impact of the depreciation liberalization will not be felt until there is economic stimulus from another sector of the economy, especially spending on consumption. Since investment decisions are based on sales expectations, firms are not anxious to expand or modernize during a period of slack demand. At present, firms are operating at 76.3% of potential. This is the greatest excess capacity the economy has seen in nine years.

The fact is that few people really believe that new depreciation rules will significantly increase business spending in the immediate future. According to *Business Week*, there is "scant evidence that liberalizing depreciation at this time will induce many companies to change investment plans."

As Dr. McCracken stated, the increased depreciation allowance will increase "the cash flow and the rate of return." But to justify these proposals because of increased cash flow is to admit that they will not immediately induce business to purchase plants and machinery because increased cash flow does not assure increased capital investment.

Businesses do not make investment only because they have cash on hand: they will use cash for investment only when they expect a demand for their product. *What business needs is customers not tax breaks for investment.*

PERMANENT REVENUE LOSSES ARE INVOLVED

Although the proposed ADR system was advertised by Treasury as merely delaying tax payments until a later time, *this argument is only valid if one expects that almost all businesses will suddenly stop buying machinery and equipment at some point in the future.* While many businesses have encountered difficulties during the past few years, it is unreasonable to believe that all businesses will suddenly collapse at some date unfixed in the future.

Since businesses will not collapse simultaneously, the taxes that are unpaid today, due to introduction of the ADR system, will go unpaid forever.

THE ADR PROPOSAL WILL CHANGE THE TAX LAW IRREVERSIBLY

The tax windfalls created by the ADR System will be realized over a period of time and that will make it extremely difficult to change the proposed system once it is adopted. Under a depreciation system such as the ADR plan, the taxpayer is put in the position of perpetually "borrowing" future depreciation deductions so that he can take them this year. And like a man who is in debt, taxpayers who have once "gotten hooked" on accelerated depreciation find themselves in serious financial difficulties if they are ever forced to pay up. Thus, once they are adopted, it is very difficult to eliminate accelerated depreciated rules.

The ADR system also commits us to a loss of federal revenue that might be economically hazardous. The ADR Plan really begins to pump large sums of money into the American economy—in the years 1975, 1976 and 1977. I hope the Administration hasn't concluded that we will still be trying to recover from a recession at that time. There is simply no reason to believe that we will want or need a stimulus to the economy in these years as long as economic policy is managed better than it was in 1969–70.

THE ADR REVENUE LOSSES WILL BE STAGGERING

Treasury tells us that the revenue losses due to the ADR system will come to $36.8 billion during the plan's first decade of operation. Thereafter, the best available estimate is that revenue losses will continue at a rate of about $2 billion per year into the indefinite future. That is a huge loss of revenue.

If the ADR System is adopted, ordinary American citizens, and especially wage earners, must be prepared either to pay the taxes that corporations will no longer have to pay or to forgo urgent public services. Either way, we would shift a tax burden onto the shoulders of the ordinary wage earner, without any evidence that he will receive anything in return.

THERE ARE ATTRACTIVE ALTERNATIVES TO THE ADR PROPOSAL

The American public deserves a set of economic proposals that will really help to stimulate the economy, that will get people back to work and get business out of the doldrums, and begin to chip away at hard core unemployment. The ADR System is not a kind of a proposal that will put unemployment men and machines back to work. It is a tax break for large corporations that reduces the money available for public expenditure without stimulating the economy.

Fortunately, there are a number of attractive alternatives to the ADR plan.

Congress will pass a public service job program that will put men to work and put purchasing power into the economy.

We should also increase the investment in our sadly-neglected public infrastructure, such as rapid transit facilities, housing, and anti-pollution projects. This is the kind of investment we need today, to meet today's needs. In contrast, after a 7-year boom in private capital spending, obsolete equipment in private industry has dropped to very low levels. It is therefore time to turn out attention to modernizing our sadly-neglected public investments.

We could immediately put into effect the tax cuts already enacted for 1972 and 1973. These provide relief, particularly in the lower brackets where people are likely to spend tax money promptly, thereby giving a needed immediate boost to business.

This approach would help the immediate victims of recession—the general public. It would infuse our anemic economy with a vigorous spurt of purchasing power. Also, unlike the ADR system, it would preserve the integrity of the tax system. While the ADR represents a rising commitment of federal revenue, acceleration of prior tax cuts has a self-limiting, self-terminating effect on long-term revenue, while it puts purchasing power into the economy and into the consumer pocketbook.

CONCLUSION

The proposed asset depreciation system should be withdrawn.

By Mr. STENNIS (for himself and Mrs. Smith) (by request):

S. 1531. A bill to authorize certain construction at military installations and for other purposes. Referred to the Committee on Armed Services.

Mr. STENNIS. Mr. President, for myself and the senior Senator from Maine (Mrs. Smith), I introduce, by request, a bill to authorize construction at military installations and for other purposes.

I ask unanimous consent that the letter of transmittal requesting introduction of the bill and the explanation of its purpose be printed in the Record immediately following the listing of the bill.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Secretary of Defense,
Washington, D.C., March 30, 1971.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is forwarded herewith a draft of legislation "To authorize certain construction at military installations and for other purposes."

This proposal is a part of the Department of Defense legislative program for FY 1972. The Office of Management and Budget on March 16, 1971, advised that its enactment would be in accordance with the program of the President.

This legislation would authorize military construction needed by the Department of Defense at this time, and would provide additional authority to cover deficiencies in essential construction previously authorized. Appropriations in support of this legislation are provided for in the Budget of the United States Government for the FY 1972.

Titles I, II, III, and IV of this proposal would authorize $1,252,323,000 in new construction for requirements of the Active Forces, of which $596,191,000 are for the Department of the Army; $352,412,000 for the Department of the Navy; $277,520,000 for the Department of the Air Force; and $26,200,000 for the Defense Agencies.

Title V contains legislative recommendations considered necessary to implement the Department of Defense family housing program and authorizes $919,220,000 for all costs of that program for FY 1972.

Title VI requests authorization for appropriation of $7,575,000 for homeowners' assistance involved in base realignments.

Title VII contains General Provisions generally applicable to the Military Construction Program.

Title VIII totaling $80,326,000 would authorize construction for the Reserve Components, of which $25,686,000 is for the Army National Guard; $30,300,000 for the Army Reserve; $10,090,000 for the Naval and Marine Corps Reserves; $9,000,000 for the Air National Guard; and $5,250,000 for the Air Force Reserve. These authorizations are in lump sum amounts in accordance with the amendments to chapter 133, title 10, United States Code, which were enacted in Public Law 87-554.

The projects which would be authorized by this proposal have been reviewed to determine if environmental impact statements are required in accordance with Public Law 91-190. Eleven projects have been identified which may require environmental impact statements. Draft statements have been prepared by the military departments for these projects and final statements will be submitted to the Congress when required procedures have been completed.

Sincerely,

Melvin R. Laird.

By Mr. BAYH (for himself, Mr. McGovern, and Mr. Muskie):

S. 1532. A bill relating to the allowance of a depreciation deduction. Referred to the Committee on Finance.

Mr. BAYH. Mr. President, today I rise to deal with one of the most basic, fundamental domestic problems which confront our society today.

President Nixon's $35 billion decision to liberalize depreciation allowances for business is not only an unwarranted raid on the public purse, it is unlawful. In attempting to implement the proposed ADR system by administrative action the Treasury Department has far exceeded its authority to "merely prescribe all needful rules and regulations." It has instituted, in effect, a new capital cost recovery system. Congress never intended to authorize such a grant of authority—nor could it. This is clearly a legislative function reserved under the Constitution to the Congress.

The basic changes in depreciation allowance proposed by the President, and spelled out in his January 11 announcement, include:

First. Asset depreciation range: The ADR system would permit a taxpayer to depreciate assets over a period arbitrarily selected by him and within a range from 20 percent above or below the present Treasury guidelines on useful lives.

Second. First year convention: Under existing law, an asset placed in service during any part of a year can be depreciated for half a year. The proposed change would permit a businessman to depreciate over one whole year an asset placed in service at any time during the first half of the year.

Third. Eliminate the reserve ratio test used to determine the limits on depreciation allowances: The 1962 Treasury guidelines established the rule that taxpayers should gear depreciation allowances to their actual experience in replacing facilities. The reserve ratio is the ratio of depreciation actually taken to the cost of the asset. Thus, businessmen who use assets for periods longer than those estimated in the guidelines are required to lengthen their service lives.

On its face, it appears obvious that the reason for the President's sleight-of-hand action is simply that many businessmen are finding their depreciable lives extended on audit because they are actually experiencing significantly longer useful lives than those outlined in the 1962 Guidelines. And, as a result of present law, they are not permitted to write off depreciation as quickly as they might prefer. The proposed ADR system, therefore, is nothing more than a shallow attempt to permit businessmen to avoid paying tax. And that can only mean more taxes for the rest of us.

Section 167 of the Internal Revenue Code provides that the deduction for depreciation be a "reasonable allowance" for the exhaustion, wear and tear, and obsolescence of property used in the taxpayer's business. For 40 years, beginning in 1931 with the Treasury Department's first set of published guidelines for determining useful lives, it has become clearly established that this deduction for depreciation must be based on the actual useful life of the asset. These guidelines, it is true, have been revised and modernized, first in 1942 and again in 1962—but they were not abandoned. The principle of useful life is too firmly embeded in our tax laws to be brushed aside at the whim of this or any administration.

The concept of an asset's useful life runs through every important provision in the Internal Revenue Code dealing with depreciation. It is found in Section 167 (b), (c), (d) and (f), the basic statutory provisions for defining the deduction allowable for depreciation. There have been occasions in the past when it was considered in the public interest to provide for exceptions to the useful life rule. On these occasions, it was not the Treasury Department who implemented the changes, but Congress. By specifically amending the Internal Revenue Code in the case of emergency defense facilities—section 168—grain storage facilities—former section 169—and for the installation of pollution control facilities—current section 169—Congress has established ample precedent—if any is needed—for the principle that any abandonment of the concept of useful life requires legislative action.

Even if there were no such precedent, the Treasury Department would be bound to the concept of useful life by the repeated decisions of the U.S. Supreme Court in interpreting the Internal Revenue Code. Mr. President, Mr. Justice Brandeis, writing as far back as 1927, pointed out that earlier revenue acts embodied the concept of useful life:

> The amount of the allowance for depreciation is the sum which should be set aside for the taxable year, in order that, at the end of the *useful life* of the plant in the business, the aggregate of the sums set aside will (with the salvage value) suffice to provide an amount equal to the original cost. *United States* v. *Ludey*, 274 U.S.S. 295 (1927) (Emphasis added)

More recently, in 1960, the Supreme Court held that depreciation "is to be calculated over the estimated useful life of the asset while actually employed by the taxpayer." The Court went on to say:

> We therefore conclude that the Congress intended that the taxpayer should, under the allowance for depreciation, recover only the cost of the asset less the estimated salvage, resale or second-hand value. *This requires that the useful life of the asset be related to the period for which it may reasonably be expected to be employed in the taxpayer's business. Massey Motors, Inc. v. United States,* 364 U.S. 92 (1960) (Emphasis added)

The concept of useful life is not new to the Treasury Department. Justice Brandeis' opinion in Ludey, for example, is paraphrased in the basic regulations, Regs. Sec. 1. 167 (a)-1(a) and is also found in bulletin F, the 1942 revision on useful lives. The most recent Treasury estimates of useful lives, the 1962 guidelines, actually incorporate specific language indicating that "the purpose of the allowance is to permit taxpayers to recover through annual deductions the cost (or other basis) of the property over its useful economic life." This concept was reaffirmed by former Secretary of the Treasury Kennedy as late as July 1970 in a memorandum to Senator Javits. In summarizing the statutory rules governing depreciation, the Secretary said:

> These rules, in general, specify that . . . [the] depreciable basis must be apportioned over the *estimated useful life* of the asset by a consistent method. (Emphasis added)

By authorizing the Internal Revenue Service to accept depreciation based on a life that is up to 20 percent longer or shorter than the 1962 guidelines and by permitting a businessman to claim a full year's depreciation for an asset placed in service at any time during the first half of the year and a half year's depreciation for an asset acquired at any point in the second half, what kind of an impact will the asset depreciation range system have? First, it will allow deductions for depreciation that has not yet taken place. Second, it will permit businessmen to spread these deductions over a period of years that bears little relationship to the asset's actual useful economic life. Third, it will distort the true tax picture of most businessmen.

Of course, the Secretary of the Treasury has the authority, under section 7805, to make "needful rules and regulations for the enforcement of the Internal Revenue Code." But the ADR system is more—much more—than a regulation for the implementation of statutory language. Of course, the Secretary of the Treasury has the authority to prescribe regulations governing certain depreciation methods and rates established by section 167(b). But the ADR system goes beyond—far beyond—the specific limitations imposed by 167(b). Of course the Secretary of the Treasury has the authority to prescribe certain accounting regulations designed to insure that a taxpayer's return will "clearly reflect income." But the ADR system will produce exactly the opposite.

Mr. President, the facts in this case are so clear, the evidence so compelling that the administration lacks the legal authority to implement these proposed changes that one must marvel at this arrogant attempt to usurp the Congress' power to tax. As in the recent case of the executive's impoundment of congressionally appropriated funds, the fundamental doctrine of separation of powers has been violated. But while we may marvel in amazement at such actions, Congress must not acquiesce in them.

Having touched on the questionable legal basis for the Treasury's proposed action, I now want to turn my attention to the equally questionable economic rationale for providing business with a multi-billion-dollar subsidy.

The main source of our present economic ills is not the fall off in spending for plant and equipment—as one might logically assume from the President's proposed remedy—but the reluctant consumer. There is a marked lack of confidence, a lack of confidence reflected in a personal savings rate that continues to remain high, sluggishness in orders for consumer durables and little demand for credit despite falling interest rates. Unfortunately, this lack of confidence seems to be justified by an unemployment rate that continues at or near an intolerable 6 percent. In the present situation, it should be obvious to even so recently a converted Keynesian as President Nixon that the most effective way to stimulate economic growth is to spur demand, to create markets for those goods and services that can be produced with existing facilities.

The most immediate and meaningful way for the Federal Government to create the necessary demand for what American industry is now capable of producing is to provide an additional 13 weeks of federally financed unemployment compensation benefits for the victims of President Nixon's economic game plan. Another meaningful solution is to create public service employment opportunities, a step the Senate took again on April 1, despite an earlier Presidential veto.

Both of these proposals would do more to stimulate economic activity than the proposed changes in depreciation allowances for business—and both have the added value of meeting basic human needs directly and not as the result of any trickling down effect.

According to the Treasury's own estimates of revenue loss, Mr. President, it is unlikely that the proposed changes in depreciation will have much of an impact now on aggregate demand—and it is now that we need the proper economic stimulus, not in 1976 when the ADR system's impact will be maximized. And while it is wrong to say that the economically appropriate amount of Federal spending is reduced by an ineffective and irrelevant tax cut, it is safe to assume that, politically, it becomes more difficult to enact the necessary spending measures. This, then, is the added burden of the President's plan.

One final point, Mr. President, on the absolute irrelevance of the proposed changes as an effective antidote to recessions. Unlike the Nelson bill providing for public service employment and my own bill to extend unemployment compensation benefits, both of which are triggered into operation as countercyclical measures by a formula responsive to economic conditions, the ADR system would remain in effect in good times and bad. During booms, when investment is likely to be high naturally, the tax loss will be great and the inflationary impact of liberalized depreciation will be magnified. Hardly the proper economic prescription. During recessions, when investment falls off naturally, the tax savings to business will be small and there will be no countercyclical impact.

I must admit that I am hard pressed to see why, with industry operating at about 75 percent of capacity, industrial production off, and consumer demand soft, the President chose now to attempt to stimulate investment by making it cheaper to install new equipment. As for modernization, it is important to keep in mind that we have just ended a 7-year investment boom.

It seems somewhat ironic, Mr. President, that the very same President who permitted the investment tax credit to expire would propose this poor substitute. If the administration believes that stimulating business investment is the best way to get our failing economy moving again—an assumption I am not prepared to accept—it ought to propose doing just that directly and not through these sleight-of-hand changes in the depreciation rules. By any standard, the investment tax credit will produce more bang for every tax buck lost.

This brings me to another point about the proposed ADR system. Contrary to the President's January 11 announcement and Secretary Kennedy's accompanying statement, liberalizing the depreciation allowances does not merely defer taxes—it reduces them and in so doing it creates a sizable, permanent revenue loss. According to estimates by Prof. Robert Eisner, the revenue loss over the coming decade is likely to be in excess of $33 billion. In the face of so many critical unmet social and human needs, should the Federal Government be spending $33 billion of our tax dollars—or, more appropriately, should Congress quietly acquiesce in this unilateral appropriation—to buy some modernization of American industry? Is that what the call for a reordering of our priorities is all about?

Mr. President, I am introducing today two measures designed to prevent this unwarranted—and unwise—attempt to usurp the authority of Congress. While I believe that neither measure is necessary—because only the legislative branch is empowered to make such a change in the depreciation schedules—I am making these proposals today to ensure that the Treasury's stated intentions will not be carried out.

The first measure I am introducing is a Senate resolution indicating that it is the sense of the Senate that, because the ADR system would create a "sizable, permanent annual revenue loss at a time of vast unmet social needs," and because the ADR system ignores the Internal Revenue Code's requirement "that a business asset be depreciated over its estimated actual useful life," it is the "sense of the Senate that the proposed ADR system should not be implemented without specific congressional authorization."

The second measure I am proposing today goes farther and would amend section 167(a) of the Internal Revenue Code. This bill would codify the Supreme Court precedents which hold that section 167's "reasonable" depreciation allowance must be based upon the estimated useful life of the property to the taxpayer, taking into account the salvage value to the taxpayer of such property.

Mr. President, I am hopeful that this body will give prompt attention to both measures and take action to head off this unauthorized and ill-conceived change in our economc policy.

Mr. President, I introduce and send to the desk for appropriate reference the texts of the resolution and the bill, and ask unanimous consent that they be printed in the RECORD.

There beng no objection, the resolution and the bill were ordered to be printed in the RECORD, as follows:

S. RES. —

Resolution declaring it to be the sense of the Senate that the Treasury Department should not implement the proposed Asset Depreciation Range system without specific Congressional authorization

Whereas the Treasury Department has proposed regulations that would replace the present system of depreciating business assets over their estimated actual useful lives by the so-called "Asset Depreciation Range" (ADR) system;

Whereas the proposed ADR system will create a subsidy to business resulting in a revenue loss of $3.0 billion in fiscal year 1972, increasing to $4.7 billion in fiscal 1976, thus leaving a sizable, permanent annual revenue loss at a time of vast unmet social needs and revenue requirements at the federal, state and local levels;

Whereas it is unnecessary to stimulate investment in new plant and equipment with 25 percent of America's industrial capacity now idled and a five-year investment boom just having ended.

Whereas an investment tax credit, not liberalized depreciation, is the most effective way to provide such a stimulus, if it were necessary;

Whereas Section 167 of the Internal Revenue Code required that a business asset be depreciated over its estimated actual useful life, a requirement ignored by the ADR system;

Whereas Congress has not authorized such departures from the basic requirements of the Internal Revenue Code by administrative action of the Treasury Department;

Whereas the Treasury Department already has indicated it will implement the proposed changes, regardless of the evidence developed at public hearings;

Resolved, that it is the sense of the Senate that the proposed ADR system should not be implemented without specific Congressional authorization.

S. 1532

A bill relating to the allowance of a depreciation deduction

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 167 of the Internal Revenue Code of 1954 (relating to depreciation) is revised to read as follows:

"(a) GENERAL RULE.—There shall be allowed as a depreciation deduction a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence)—

"(1) of property used in the trade or business, or

"(2) of property held for the production of income.

The depreciation deduction shall be based upon the estimated useful life to the taxpayer of property described in paragraphs (1) or (2) of this subsection, and shall take into account the estimated salvage value to the taxpayer of such property."

SEC. 2. The amendments made by Sec. 1 of this Act shall apply to all taxable years beginning after December 31, 1953, and ending after August 16, 1954.

By Mr. BAYH:

S. 1533. A bill to amend the Public Health Service Act to provide that a part of any State's grant for comprehensive public health services shall be available only for the conduct of programs designed to determine, and meet, the need of the State for health care personnel. Referred to the Committee on Labor and Public Welfare.

FUNDS TO ENCOURAGE DEVELOPMENT AND OPERATION OF HEALTH CAREER PROGRAMS

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill to amend the Public Health Service Act which would provide that a portion of the grants made to States for comprehensive public health services would be available only for financing programs designed to determine and meet the needs for health care personnel. Under terms of the bill at least 5 percent of a State's allotment for comprehensive public health services under section 314(d) would be dedicated for the conduct of programs which would ascertain health care personnel requirements and would undertake activities to assist in fulfilling those needs.

Setting aside funds for this purpose in my opinion would help accomplish a very worthwhile goal. In this critical period, when the need for improved and expanded health care services is so evident, it is imperative that the Nation do everything possible to attract capable and dedicated young men and women into the many and varied health fields and occupations. My bill contemplates assistance to professionally staffed organizations in each State which would conduct continuing, statewide programs devoted solely to helping serve health manpower needs.

While it is not possible to list in detail all of the activities in which such an organization would engage, leading health career groups in some States are now performing or plan to perform most of the following: Surveying personnel needs in hospitals, nursing homes, health centers, and major clinics; determining current enrollment and potential capacity of institutions with approved degree programs; estimating future health career requirements; coordinating health educational and training programs; establishing motivational programs designed to interest, attract and counsel prospective candidates for health occupations; maintaining information referral services; providing staff consultants for expert vocational counseling in schools on technical health career fields; offering special counseling in health occupations for disadvantaged minorities; referring students to appropriate education and training programs suitable for their intended careers; acting as a clearinghouse and referral service for those who require additional financial aid; and conducting conferences and workshops for guidance counselors and students in the various health occupations.

Let me emphasize that the 5 percent which would be allocated by the bill to health career personnel programs would not reduce the funds available to a State for other necessary public health activities. In order to prevent this from happening, the bill proposes to increase the total authorization for comprehensive public health services grants in section 314(d)(1) for the fiscal year ending June 30, 1972, from $145,000,000 to $152,600,000, and for the fiscal year ending June 30, 1973, from $165,000,000 to $173,600,000. These increases represent the approximate additional cost which would be incurred by committing 5 percent of the total to health careers, so that no other program would in any way suffer any loss.

Mr. President, throughout America junior high school, high school, and college students are searching for the type of career that will be both rewarding and will lead to a fulfillment of their ideals. This appears to be one of the most difficult periods in our history for youth to find the right type of job opportunity. While needs in many occupational fields have decreased, this is not true in the mental and physical health occupations where there is not only a need but also an opportunity to serve mankind.

There are health careers programs in existence today in a number of States. These programs are directly involved in recruitment, education, and utilization of health manpower. They also serve as clearinghouses and information centers. The primary purpose of these programs, of course, is to assist in making manpower available in the health field, but they also perform many other subsidiary yet essential functions.

Both in the United States and Canada there have been established State or province as well as some metropolitan health career programs. Regional organization of this kind permits better coordination and utilization of resources and thus provides increased benefits to the local community.

Formal health career programs have been devised according to criteria set forth by the American Hospital Association—National Health Council Joint Committee on Health Careers. These programs are structured, goal oriented, and have community-based sponsorship. While they have taken the first step in providing health care opportunities, the bill I am introducing today is designed to assist them in fulfilling their far-reaching goals.

Many State, metropolitan, and regional health careers programs have developed into very effective organizations. A survey completed in April 1970, describes the progress made by these programs. Of 57 American programs surveyed, 11 had 1970 budgets of $50,000 or more. Only four of this group projected budgets exceeding $100,000. Six programs had six or more full-time staff members. Thus in terms of budget and staff, the most advanced health career programs are already well established and having a significant impact. But there is a great need to provide a secure financial base for these and to make it possible for many other States to follow their lead. This would be accomplished by the improved methods of funding proposed in my bill.

However, the success of a program is not based only on size or wealth. Equally essential criteria, of course, are the amount and quality of services provided. A study completed recently by the National Health Council of 67 health careers programs noted that in 1 year health career staff members visited 3,774 high schools, 792 junior high schools, and 280 colleges. Within these schools, a total of 3,175 presentations were made at student assemblies and more than 1⅓ million student were in some way exposed to health career opportunities. There also were over 12,500 individual consultations with students. These statistics point to the fact that students can be reached and made aware of the many opportunities available in the health field.

One of the urgent problems confronting the Nation is that of providing medical services in those areas which contain heavy concentrations of minority groups. Poverty areas often have the least amount of available medical services. One of the best means of correcting this imbalance is to encourage younger qualified residents of these districts to seek specialized training and additional education necessary to enter the various health occupations.

In this connection it is interesting to note the comments in the March 15 issue of the American Medical News by Dr. Percy Russell of the University of California-San Diego School of Medicine, who emphasized the large degree of tokenism prevalent in present programs urging minority students to seek admission to the medical profesion. He pointed out that often minority students doubt that they have any real chance to attend medical school and consequenly do not prepare themselves for such education. Moreover, many such students are widely dispersed so that recruiting programs must be widespread rather than concentrated in one area. Richard Sanchez, a California medical student and member of the board of directors of the National Chicano Organization, also criticized in the same issue "token gestures" and called for a broader-based evaluation of minority students by schools providing medical and premedical training.

Dr. Howard Mann, dean of Howard University Medical School, was quoted as having said that "high school students have had inadequate counseling or were discouraged from entering premedical training. Black students often are told that they should take a trade . . . that chemistry is too difficult for them." In the same vein, the Inter-Association Committee report in 1970, which called for increasing minorities in M.D. degree programs from the current 2.8 percent to 12 percent by 1975–76, pointed out that a critical factor in the recruitment and retention of minority students in medical education programs "is the provision to students of accurate information and counseling on the medical profession. Counseling should be directed to those efforts which will help the student to fully realize his potential and to gain the confidence needed to pursue a career in medicine." This gap is what my bill proposes to fill.

A number of special projects have been devised within health career programs which are designed to help reach minority groups and to assist low income youth in gaining access to a medical career. For too long a time a tendency toward cultural bias has hindered full participation by members of minority groups in the health and medical professions. We are now realizing the unfortunate results of these attitudes. Let us not miss the chance to correct this situation by helping strengthen health careers programs attack this long-standing cultural bias.

A good example of an effective program can be seen in my home State where Indiana Health Careers, Inc., has given effective leadership in this field. With a 1970 budget of approximately $150,000 and a full-time staff of nine or more, this organization has made efforts to communicate with the minority community in order to create an interest in the medical and health professions. Special counseling is being offered to disadvantaged minorities and financial guidance and assistance sought in order to expand their opportunities.

However, most health career programs for the most part have not been this active. Their biggest problem has been lack of funds. Acquiring adequate finances from private and public sources is a complex and time-consuming process. One study showed that the average program director devoted anywhere from 10 percent to 60 percent of his or her working life writing grant proposals alone. While funding has come from a number of sources, very few programs now share in direct Federal assistance. The greatest single source of income has been from the annual dues of the member organizations of a particular program, but many government and private agencies are usually approached for contributions. While the soundest programs should not depend on any one source, there is great need for more efficiency and less cost in lost time. My bill is addressed to these needs by broadening the financial base and relieving staff of the unproductive chores involved in a constant search for private assistance.

In summary let me restate the urgent need for recruiting, counseling, and assisting health care manpower. The shortage of trained personnel in these many occupations is becoming critical. The Carnegie Commission on Higher Education pointed out in a special report that "the United States today faces only one serious manpower shortage, and that is in health care personnel." As population grows, as people live longer, as health insurance programs are increased, and as medical technology is advanced, this shortage can be expected to become even greater. A survey on the medical profession personnel crisis which appeared in the February 21, 1971, edition of Parade magazine disclosed appalling conditions. For instance, according to the report, a lack of lab technicians and a 50-percent shortage of nurses induced some of the latter to quit in protest because of overwork. This has resulted in threatened closing down of Boston City Hospital's operating room for emergencies. Likewise, in Chicago there have been reports that in 1970 approximately 1,000 residents died because of health care neglect. Other cities are facing these same or similar types of problems.

Mr. President, it seems to me that there is a definite need for assistance in the health career field. The intent of my bill is to make it easier for local and regional organizations to obtain needed funds to help them provide increased manpower for the health professions. In view of the critical shortages and of the advantages which can accrue from a properly funded and conducted health career program in each State, I urge that prompt attention be given to this measure. Mr. President, I also ask that the text of this brief bill be printed in full at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1533

A bill to amend the Public Health Service Act to provide that a part of any State's grant for comprehensive public health services shall be available only for the conduct of programs designed to determine, and meet, the need of the State for health care personnel

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 314(d)(7) of the Public Health Service Act is amended by inserting immediately before the period at the end thereof the following: "; and at least 5 per centum of a State's allotment under this subsection shall be available only for the conduct of programs designed to determine the need for health care personnel in the State and to assist in the meeting of such need by providing referral, counseling, and other services to health care institutions, educational institutions, health care personnel, students preparing for careers as health care personnel, and individuals having a potential as students in the health professions or in the allied health professions (including the conduct of demonstrations designed to encourage appropriate individuals to undertake training which would prepare them for careers as health care personnel)".

(b) Section 314(d)(1) of such Act is amended—

(1) by striking out "$145,000,000" and inserting in lieu thereof "$152,600,000"; and

(2) by striking out "$165,000,000" and inserting in lieu thereof "$173,600,000".

(c) The amendment made by subsection (a) shall be effective only with respect to allotments under section 314(d) of the Public Health Service Act for fiscal years beginning after June 30, 1971.

By Mr. HUMPHREY (for himself, Mr. Bayh, Mr. Burdick, Mr. Hart, Mr. Metcalf, Mr. Stevens, and Mr. Thurmond):

S. 1534. A bill to amend title 10, United States Code, to prescribe additional health benefits for certain dependents. Referred to the Committee on Armed Services.

Mr. HUMPHREY. Mr. President, on behalf of Senators Bayh, Burdick, Hart, Metcalf, Stevens, Thurmond, and myself, I introduce legislation today to provide maternity care for women who are pregnant when their husbands are discharged from the Armed Forces. The current lack of any such coverage causes hardships for thousands of young families every year.

About 18,000 of the 900,000 servicemen discharged every year would qualify for benefits under this bill. Present law says once a man leaves the service his wife is not eligible for any maternity benefits from the military. Veterans' benefits are of no assistance.

The problem has become so acute that many young men whose wives are pregnant will reenlist in the service in order to have medical coverage when their baby is born.

Private health insurance companies will not write a policy on a woman who is already pregnant unless it has an exclusionary clause for maternity coverage in effect for about the first 10 months of the policy. Several companies tried offering maternity benefits to servicemen with pregnant wives, but the risk involved was so great that they found it economically impossible to continue. The Department of Defense has negotiated with other companies to provide this coverage, but they report no success.

The discharged serviceman whose wife is pregnant can face a grim future. Unable to get the necessary insurance, he can expect to pay upwards of $600 to $1,000 in some cities for the birth of his child.

These young people are faced with mountainous hospital and doctor bills at a time when they can least afford it. The husband has just been discharged; he probably is out looking for a job or just starting a new one or he is trying to get into college.

If they have no savings, and so many do not, the burden falls on their families who try to help them. But for those who can get no other help, the only thing open is public welfare assistance, if they can qualify.

It would be tragic to send a young man, who has just served in the uniform of his country, from the military service to the welfare rolls just because he is about to become a father. We cannot be so callous as to permit such a thing to happen.

Under the bill I am proposing, the couple would pay only $25 for complete maternity care, including delivery in the hospital of their choice.

The cost to the Federal Government would be approximately $14 million a year to provide this coverage to some 18,000 or so families.

That is a tiny sum alongside the $260 million the Department of Defense spends annually for its civilian health and medical program, or the $1,009,370,000 annual cost for operating and maintaining its hospital and medical facilities.

The civilian health and medical program provides health care for civilian dependents of active duty military personnel, retired members and their dependents and survivors of deceased members of the Armed Forces.

Proper prenatal and maternity care have played a tremendous role in bringing down the infant mortality rate and maternal death rate in this country. In 1915, 100 of every 1,000 babies born died before the age of 1; today 20 newborns of every 1,000 die. Also, in 1915, 60 of every 100,000 mothers died following delivery; today that is down to 27 of every 100,000.

Yet, in spite of these strides we have made in reducing the infant mortality rate, the United States ranks behind 12 other nations in this category, and we are seventh in maternal mortality.

Every pregnancy is different, and without proper prenatal care a woman stands a 2 to 3 times greater risk of having something go wrong. One of the results of poor or no prenatal care is low birth weight—that is, babies born weighing less than 5½ pounds. Often these infants are more subject to mental retardation, neurological handicaps, and neuropsychiatric problems than babies born at normal weight.

All of this points out the need for us to take all steps possible to assure excellent maternity care is available to everyone and at prices all can afford.

By Mr. HUMPHREY (for himself and Mr. MONDALE):

S. 1537. A bill providing for the conveyance of certain real property to the State of Minnesota for park and recreation purposes. Referred to the Committee on Government Operations.

TRANSFER OF FORT SNELLING PARADE GROUND TO MINNESOTA

Mr. HUMPHREY. Mr. President, today I am introducing, for myself and my distinguished colleague from Minnesota (Mr. MONDALE), legislation that would transfer to the State of Minnesota approximately 141 acres in the Fort Snelling Hospital Reservation for use as a park and recreation area.

Fort Snelling, located on a bluff overlooking the junction of the Mississippi and Minnesota Rivers in the Minneapolis-St. Paul area, is the birthplace of the State of Minnesota. It was established in 1820 and was the first stone fort built west of the Mississippi. For over 80 years Fort Snelling succeeded in maintaining the peace in this area among Indians, fur traders, and early settlers.

Fort Snelling served as a foundation for the opening of the Great Northwest, playing a most influential role in the founding of Minnesota, the Dakotas, Montana, and Wyoming. It was unique as a frontier fort because it continued to serve as a military post long after the settling of the frontier.

Serving as the center for a vast region, Fort Snelling inducted and trained soldiers in four of this Nation's wars, from the Civil War to World War II. This military post contributed to the careers of many famous soldiers, including Gen. Mark Clark of World War II fame. Playing a leading role in the development of this Nation's Air Force Reserve capability during the 1920's and 1930's, Fort Snelling was the site of the organization of the first federally recognized Air National Guard unit, the first Naval Air Reserve squadron, and one of the first U.S. Marine Reserve units.

Fort Snelling was decommissioned as an Army post in 1946, at the conclusion of World War II, and was turned over to the Veterans' Administration. It was established as a national historical landmark in 1960, and in 1961 much of the fort site was declared surplus property by the Government. That same year, the Minnesota State Legislature established the entire area as the Fort Snelling State Historical Park. The State was given the surplus land by the Government, and purchased much of the remaining land with both public and private funds. The parade ground, however, is in the hands of the General Services Administration, and past efforts to transfer it to the State have proved futile. GSA has offered to sell the land to the State for one-half the market value, but this would cost Minnesota over $2 million, a sum which it cannot afford and should not have to pay.

Mr. President, it would be unfortunate if this land were to be used for purposes other than those for which it is so well suited. The area can and should be utilized for outdoor recreation, historic interpretation, and public communication programs designed to instill a deep sense of historic pride and appreciation of the heritage of the Great Northwest.

The parade ground played an important role in the life of Fort Snelling. It was used for military training, formal troops review ceremonies, treaty signings, and recreational events. For several hundred years, both Indians and soldiers used this land for field activities of all types.

If this land is transferred to the State of Minnesota, plans are to continue using this unique and spacious parade area for year-round sporting events and field activities, and to make opportunities available for the enjoyment of this area to all. The broad parade grounds will give a sense of spaciousness to allow the visitor to envision columns of infantry and cavalry parading in precise military formations, horse soldiers engaged in polo matches, or Indian braves in pursuit of wild game. From time to time historic episodes relating to the site will be reenacted. Certain buildings flanking the parade ground will be selected to serve the public needs in the enjoyment of this area. Many of the buildings are readily adaptable to museum, library, and public display purposes.

Mr. President, it is most important that this bill be enacted promptly in order to perpetuate one of the historic traditions of the Great Northwest. Failure to pass it most certainly will result in the green grass of the parade ground giving way to the cold concrete of a postal facility, or a parking lot, or whatever else the Government sees fit to do with it. In order to insure the preservation of this site, rich in its historic traditions and natural beauty—not only for the residents of the Twin Cities and Minnesota, but for all those who wish to enjoy Fort Snelling State Historical Park—it is essential that the parade ground be transferred, without monetary consideration, to the State of Minnesota.

By Mr. BROOKE (for himself, Mr. PASTORE, and Mr. COTTON):

S. 1538. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

Mr. BROOKE. Mr. President, on behalf of myself, Senators PASTORE and COTTON, I wish to offer an amendment to the basic legislation of the American Revolution Bicentennial Commission. It would increase the authorization for appropriations for fiscal year 1971 from $373,000 to $675,000.

The $302,000 increased authorization and appropriation are made necessary by a considered administration decision to accelerate implementation of the Commission's July 4, 1970, recommendations for a nationwide bicentennial program, as endorsed by the President on September 11, 1970, during the present fiscal year and to cover obligatory pay increases. This will enable the Commission to reach and assist in a limited fashion State and local communities, groups and associations such as professional associations, service organizations, patriotic groups and historical and heritage societies, in their initial planning of commemorative programs.

The increase in funding will be used primarily for staff and related costs to accomplish these objectives.

By Mr. DOLE (for Mr. BROCK):

S. 1539. A bill to establish a Youth Council in the Executive Office of the President. Referred to the Committee on Labor and Public Welfare.

YOUTH COUNCIL ACT OF 1971

Mr. DOLE. Mr. President, on behalf of the Senator from Tennessee (Mr. BROCK), I introduce a bill to establish a Youth Council in the Executive Office of the President.

I ask unanimous consent that a statement prepared by him be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BROCK

Mr. President, during my years as a public official I have become increasingly concerned with the inability of our system of government to cope with the problems of young Americans. This problem of communication has not been limited to the Federal Government but pervades all levels of our society. In view of this situation, it behooves us to make every effort to provide open avenues of articulation with our nation's youth along which may pass a free flow of ideas to and from our decision makers.

With the onset of campus disorders at Columbia University in 1968, my awareness of the dangerous potential caused by the failure of our system to be actively responsive to young people prompted 22 of my colleagues and myself to visit over 50 colleges and universities to listen and gain new insight into student outlooks. Subsequently, we submitted a report of our findings to the President. Later, the report was made public and since that time my office alone has received over 60,000 requests for this document.

Many of the Campus Task Force's report's ten major recommendations have been instituted since it was published. Unfortunately, the single point to which the task force has continued to address itself has not been acted upon. In it, we proposed:

"8. Coordinate Youth Programs. We think it would be helpful if an effort were made to coordinate all the present youth programs of the Federal Government through one central office. At the moment there is considerable proliferation among many agencies as well as duplication of effort. In order to more effectively use the present resources of the Federal Government we urge your consideration of a mechanism to coordinate and follow-through the work of our numerous programs and agencies."

Recently our Task Force compiled a list of over 500 federal programs which have a direct bearing on young people. It is self evident from this list that we continue to strive to involve American youth within this government. The previous administration's answer to bringing youth programs under one roof was the totally ineffective Youth Opportunity Council. It provided no authority whatsoever to resolve the basic conflicts that exist today between youth programs in various agencies of the government.

There is no device in the Federal Government today for evaluating the impact of youth programs on those human beings. When there are 500 different youth programs, which does a young person go to? Who listens? Where do they get a response? Who is doing something about the problems? Who is providing an oversight, in terms of new legislation, to see what impact each program is going to have on young people? We must bring all areas affecting youth within the oversight of the executive branch, to make those programs move together, to complement one another, and not to compete with each other as they often do today. These programs must work together to solve the problems that afflict the young people of our society and give them a voice in making change.

Today, there is a plethora of proposals to solve these problems and give youth greater impact within the system. The majority of these are characterized by their claims of a "new approach", bound to effect dramatic results. What these fail to grasp is that there are essentially no gimmicks to improving communication.

You do not present a vital youth program as you would sell a laundry detergent with "new approaches" and gimmickry. These will immediately be exposed by the young as a sop, or an establishment pat on the head.

You cannot divert the proven interest of our young people in involvement by shunting them off to the side and hoping that you can insulate yourself by packing layer upon layer of bureaucratic sophism. You must confront, listen, learn, and act accordingly.

The proposal I am introducing today does not try to overwhelm youth with cloudy claims of broad success. It is a simple uncomplicated approach to youth problems which sets up a mechanism to give youth the input they should have and is charged with the accountability for the effectiveness of federal programs which impact on youth.

Modeled after the environmental Quality Council, the bill establishes a Youth Council in the Office of the President. The Council will be comprised of five-time members appointed by the President who are well qualified in the area of youth affairs and who will serve to advise the President on the effectiveness of youth programs and recommend national policies to promote the participation of youth in government. The Council will serve as the oversight organization for youth affairs and help to provide the necessary coordination and evaluative thrust to concentrate Federal efforts on the problem area. With its broad mandate, I feel that it will be able to set the stage for a new and vital dialogue between our Nation's Youth and the Federal system.

By Mr. THURMOND (for himself, Mr. BENNETT, Mr. DOLE, and Mr. RANDOLPH):

S. 1540. A bill to require a health warning on the labels of bottles containing certain alcoholic beverages. Referred to the Committee on Commerce.

FEDERAL ALCOHOL ADMINISTRATION ACT

Mr. THURMOND. Mr. President, I am introducing a bill today to amend section 5(e) of the Federal Alcohol Administration Act.

The amendment I propose will make it mandatory for all bottles of alcoholic beverages, containing more than 24 percent of alcohol by volume, to bear a label, warning that consumption of alcoholic beverages may be hazardous to one's health and may be habit forming. Such statements should be located in a conspicuous place on each label, and they should appear in legible bold type, readily visible to a casual glance.

Mr. President, I am convinced that alcoholic beverages represent a killer of major proportions. No civilized society can allow such a national menace to go unchecked if it would retain its identity as "civilized" or as a "society."

It takes only a passing glance at national statistics to see that alcohol has directly or indirectly caused the deaths of many thousands of people. Figures obtained from the Department of Health, Education, and Welfare indicate that some 10 million Americans are dependent upon alcohol, and this figure does not include the millions who have experienced broken homes and economic ruin resulting from overuse of alcohol.

Since 1961, American battle deaths in Vietnam have risen to more than 45,000. All of us grieve over this high cost in young lives, yet more than 55,000 American lives are snuffed out each year on our highways, and more than half of that number is related to the overuse of alcohol.

It is clear that some step aimed at curbing or pointing out the dangers of this killer is in order.

Mr. President, I am greatly encouraged that a combination of growing public awareness, scientific research, and improved laws at the State and local levels are being applied to the control of the problem drinker, and headway is being made. The door is wide open for a full-scale attack on this No. 1 highway safety hazard.

I am convinced that a Federal law requiring a warning label such as I propose will reinforce the efforts of States which are passing meaningful legislation in this field. I am also convinced that such a label can have nothing but a good effect on the drinker and, especially, the potential drinker.

Mr. President, I introduce this bill for appropriate reference and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1540

A bill to require a health warning on the labels of bottles containing certain alcoholic beverages

Be it enacted by the Senate and House America in Congress assembled, That section 5(e) of the Federal Alcohol Administration Act (49 Stat. 982, as amended; 27 U.S.C. 205 (e)), is amended by inserting the following new paragraph immediately before the last full paragraph of such section:

"It shall be unlawful to sell or ship or deliver for sale or shipment, or otherwise introduce in interstate commerce or foreign commerce, or receive therein, or to remove from customs custody for consumption, any bottle containing a beverage having more than 24 per centum of alcohol by volume, unless the label of such bottle contains the following statement: 'Caution: Consumption of alcoholic beverages may be hazardous to your health and may be habit forming.' Such statement shall be located in a conspicuous place on each label, and shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the label."

By Mr. THURMOND:

S. 1541. A bill to authorize the showing in the United States of documentary films depicting the careers of General of the Armies John J. Pershing, General of the Army H. H. Arnold, General of the Army Omar N. Bradley, General of the Army Dwight D. Eisenhower, General of the Army Douglas MacArthur, General of the Army George C. Marshall, Gen. Lyman L. Lemnitzer, Gen. George S. Patton, Jr., Gen. Joseph Stilwell, Gen. Mark W. Clark, and Gen. James A. Van Fleet. Referred to the Committee on Armed Services (by unanimous consent).

AUTHORIZING THE ARMY TO MAKE DOCUMENTARY FILMS ON U.S. GENERALS AVAILABLE FOR PUBLIC SHOWING

Mr. THURMOND. Mr. President, in 1955, legislation was passed which has had an unfavorable result beyond that possibly intended by its authors. This legislation provided that certain films produced by the U.S. Information Agency for foreign audiences not be shown to the American people. This law resulted in the restrictions placed on the film about the late John F. Kennedy titled "Years of Lightning, Day of Drums." To meet this problem, special legislation was enacted which resulted in a public showing of the Kennedy film.

Also, this legislation was interpreted by the Army to preclude certain documentary films already in its inventory to include those about Gens. Dwight D. Eisenhower, Douglas MacArthur, and others. As a result, the memorials and schools at Abilene, Kans., and Norfolk, Va., where these two men are buried, cannot show these films. Further, their general use on television or for educational or civic institutions across the land is restricted. The House of Representatives, recognizing this problem, approved legislation in the last Congress to lift the restrictions on a small number of Army biographical documentary films. Unfortunately, the legislation died in the last Congress.

Today, I am introducing legislation which will lift this statutory restriction on nine specific films currently available in film libraries of the Armed Forces, particularly Army libraries. These documentary films present factual biographicals depicting the careers of General of the Armies John J. Pershing, General of the Army H. H. Arnold, General of the Army Omar N. Bradley, General of the Army Dwight D. Eisenhower, General of the Army Douglas MacArthur, General of the Army George C. Marshall, Gen. Lyman L. Lemnitzer, Gen. George S. Patton, Jr., Gen. Joseph Stilwell, Gen. Mark W. Clark, and Gen. James A. Van Fleet.

Mr. President, all but three of the films mentioned have already been shown many times prior to 1955 in the United States at public gatherings and on television as a part of the Army's "Big Picture" series entitled, "Famous Generals." I am convinced the statutory restriction was never intended to apply to these documentary films. Nevertheless, the law enacted permits them to be shown in public only outside the United States.

Mr. President, when some would have us shrug off much of the burden of freedom because that burden is heavy, these documentaries portray men who did not find that burden too heavy. They portray men who grasped responsibility and then embraced it.

These films are about men who grew up in a more simple civilization than that we know today. Theirs was civilization which included the frontier, family fields, main street, the village church, and the small city where the country boy could go and make good.

The heritage which they experienced and grew up with nurtured them throughout their public life. Much of this is now recorded for viewing by generations to come.

Mr. President, the road of life these men chose was not necessarily the most attractive one offered to them. Their choice did not hold the belief that man's primary need is material security, the comforting feeling of being snug and protected. The road of life chosen by these men was the old, tough, traditional one of individualism, of equality through opportunity, and the optimum freedom of action.

These are Americans who dedicated their lives and their careers to the service of their country, both in time of peace and in time of war.

Each of these Americans proved to be a man of strong character, forged in the hearth of adversity, and yet tempered by their heritage.

They had at their disposal enormous power which they did not hesitate to use for the good of our Nation and mankind. And, yet, they still remained humbled by the magnitude of power given them by their Nation.

These are Americans who lived and understood war firsthand, were victorious at it and yet had compassion for the vanquished.

Mr. President, these documentaries are true-to-life biographies of Americans who excelled in their chosen profession as peacemakers for this Nation. They show how these men became steeped in the knowledge and experience of dealing with their fellow man and how they put it to good use throughout their public life. They show how leaders develop and come to the fore in time of adversity.

Their works and their words recorded on film also serve as reminders of our past history and our struggles to maintain our freedom and the freedom of other nations.

The films offer a selection of outstanding personal examples which the youth of our Nation can emulate. They also serve a useful function through their showing at the public memorials dedicated in honor of these Americans.

Mr. President, inasmuch as these films were produced by the Army, I ask unanimous consent that this bill be referred to the Committee on Armed Services, and, that it be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1541

A bill to authorize the showing in the United States of documentary films depicting the careers of General of the Armies John J. Pershing, General of the Army H. H. Arnold, General of the Army Omar N. Bradley, General of the Army Dwight D. Eisenhower, General of the Army Douglas MacArthur, General of the Army George C. Marshall, General Lyman L. Lemnitzer, General George S. Patton, Jr., General Joseph Stilwell, General Mark W. Clark, and General James A. Van Fleet

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Defense may distribute and show to the public documentary motion picture films depicting the careers of General of the Armies John J. Pershing, General of the Army H. H. Arnold, General of the Army Omar N. Bradley, General of the Army Dwight D. Eisenhower, General of the Army Douglas MacArthur, General of the Army George C. Marshall, General Lyman L. Lemnitzer, General George S. Patton, Jr., General Joseph Stilwell, General Mark W. Clark, and General James A. Van Fleet.

By Mr. TOWER:

S. 1543. A bill to provide a tax credit for contributions made to educational institutions. Referred to the Committee on Finance.

CONTRIBUTIONS TO EDUCATIONAL INSTITUTIONS

Mr. TOWER. Mr. President, I am introducing today a bill to grant a tax credit to individuals and corporations for gifts and contributions made to educational institutions. As is widely known, our higher educational institutions are today suffering seriously from problems of rapidly rising costs which cannot be met by raising tuition alone, since to do so would exclude many students from advanced educational opportunities. As a result, many schools have had to use endowed funds to cover costs instead of relying upon income from those funds. Even our public school systems are suffering from the inability of the local property tax structure to keep up with rising costs.

The Carnegie Commission on Higher Education has reported that our "colleges and universities are in the midst of a financial crisis unmatched in its impact in any previous period of history." College enrollment has risen from 3.5 million in 1960 to 7 million in 1970, and it is projected that enrollment will reach 10.3 million in 1978. Total expenditures for higher education rose from $6.6 billion in 1960 to $20 billion in 1968 and will exceed $35 billion by 1978. Some smaller colleges are ceasing their operations. Tuition is climbing; salaries are being reduced, and curriculums are being curtailed.

Obviously, we cannot allow this decline in the quantity and quality of our educational system to continue. The prospects for solving urgent world and national problems, both social and technological, depend to a great extent upon the ability of the United States to continue to educate its youth and to share its knowledge and skills through these students with other nations. This is a massive financial problem, requiring a rapid and adaptive solution.

I propose that the tax credit concept, which I and others in Congress have frequently espoused as an aid to education over the last decade, be implemented so that the individual taxpayer and the many business corporations, particularly smaller firms, will have an opportunity to contribute their tax dollars directly to their local public or private school systems, their local community colleges, and State or private colleges and universities. In this way, the maximum effect is derived from these tax dollars, since the Federal bureaucracy is no longer directly involved as an expensive intermediary.

If the people of a community feel that their local school system vitally needs upgrading, but if their existing Federal, State, and local tax load is too heavy to permit further tax support, these citizens could turn some of their Federal income tax dollars directly over to their school system, should my bill be enacted. Passage of this measure should result in dramatic improvement in the financial status of all schools, and the quality and quantity of our youth's education should improve similarly.

Mr. President, I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1543

A bill to provide a tax credit for contributions made to educational institutions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. CONTRIBUTIONS TO EDUCATIONAL INSTITUTIONS.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount (subject to the limitations of subsection (b)) equal to the amount of contributions by the taxpayer, payment of which is made within the taxable year, to or for the use of one or more educational institutions.

"(b) LIMITATIONS.—

"(1) AMOUNT.—The credit under subsection (a) for any taxable year shall not exceed—

"(A) $100, in the case of an individual (other than a husband and wife filing a joint return);

"(B) $200, in the case of a married couple filing a joint return; or

"(C) $1,000, in the case of a corporation.

"(2) Application with other credits.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(c) Education Institution Defined.—For purposes of this section, the term 'educational institution' means a duly accredited institution offering instruction at the primary, secondary, or postsecondary level, contributions to or for the use of which constitute charitable contributions under section 170(c).

"(d) Nondeductibility of Contributions.—No deduction shall be allowed under section 170 for any contribution to or for the use of an educational institution to the extent that a credit is allowed (after the application of subsection (b)) for such contribution under subsection (a).

"(e) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Contributions to educational institutions.
"Sec. 41. Overpayments of tax."

Sec. 2. The amendments made by this Act shall apply to taxable years ending after the date of the enactment of this Act, but only with respect to contributions payment of which is made after such date.

By Mr. PEARSON (for himself and Mr. Dole):

S. 1544. A bill to amend Public Law 815, 81st Congress, relating to financial assistance for the construction of school facilities in areas affected by Federal activities, with respect to the priorities for applications filed thereunder. Referred to the Committee on Labor and Public Welfare.

SCHOOL CONSTRUCTION NEEDS

Mr. PEARSON. Mr. President, the bill I introduce today responds to a problem which grows each year and shows no sign of solving itself. I am referring to the need for new schoolbuildings at our military installations.

Because we are making some progress on the still-serious shortage of family housing on these bases, we are inadvertently creating a gap between the flow of school-age children on military reservations and the existing physical facilities for their education.

Fort Leavenworth, Kans., site of the U.S. Army Command and General Staff College, is an example of how this gap is widening. Since fiscal year 1966, 400 units of family housing have been constructed or are under construction at the fort, bringing some 868 children into Unified School District No. 207 there. This district covers a total of approximately 10 square miles, entirely comprised of Federal lands exempt from taxation. The tax base of the district is in fact so low it provides an annual income of only $9,000. The district has no source of funds for the construction of school facilities other than the Federal Government under the provisions of Public Law 81–815 for which, during the past 4 years, the Congress has appropriated only $15 million per year against an accumulated requirement of $264 million.

Contracts for 150 new housing units have been let in the past weeks, and contracts for an additional 150 units are being prepared. Both projects have received congressional appropriations. This new construction will bring into the school district an estimated 651 additional children next year. Yet even now classes are being held in cafeterias, on stages, and in World War II barracks buildings to which children are bused from hour to hour. No new school construction has taken place on the installation since 1965, and every new child brought into the schools there has since that time, unhappily, been a burden on the sheer physical space available.

The problem, Mr. President, is not one of neglect or lack of good intentions so much as it is simply one of imbalance. And the imbalance, this gap, is itself another reason why life in the military does not compare favorably with civilian life when young men and women are considering a choice of careers. If we want a voluntary army—and I do—then we will have to face the fact that salary incentives are only a beginning in the process of creating a decent quality of life for the families who make up the mobile, fluctuating population of our armed services.

The bill I am introducing would offer relief from this kind of problem where it is most intense, by amending Public Law 815 to provide that the highest priority under section 5 be given to those districts which suffer the highest increase, as measured by percentages, in the number of children brought by newly constructed military housing on the installation. In other words, the effect of the bill would be limited to so-called A category children—those whose parents both live and work on the base—but within that category the use of Public Law 815 construction funds would be related directly to the increase in new military housing. This would bring into balance the capability of these school districts to give a quality education to the children of the military families brought onto the installation. It would tend to equalize the quality of education in all its aspects as between military installations and other communities. And it would go some distance in carrying out the governmental responsibility here in a broader, more well-rounded manner than has been the case in the past. We are in danger of doing a good thing half way and I consider enactment of this bill part of the basic responsibility of Congress in meeting human needs not discovered, but rather created by the previous action of Government.

By Mr. BEALL:

S.J. Res. 85. A joint resolution authorizing the President to proclaim April 14 of each year as "John Hanson Day." Referred to the Committee on the Judiciary.

Mr. BEALL. Mr. President, today marks the 250th birthday of John Hanson, the first President of the United States, and I am introducing a resolution asking the President to proclaim April 14 of each year as John Hanson Day. I also ask unanimous consent to have printed in the Record certain remarks that I am making during a public ceremony in the Capitol this morning commemorating this anniversary.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

JOHN HANSON

There are those who would say that this ceremony, and the resolution I introduced into the Senate this morning are historically controversial. Some might say that we should not have acted on this matter because there are disputes as to the day and even the year of John Hanson's birth.

I would be the last to say that there are not bases for these disputes. But there is considerable evidence to substantiate April 14, 1721, as his birth date. A debate such as this often proves the old cliche, "you can't see the forest for the trees". The significance of John Hanson lies not in the date of his birth, but in the contributions he made to our nation during its early formative years.

Although other men had served as the presiding officer of the Continental Congress, John Hanson assumed office under rather unique circumstances:

1. He was "The First President elected under and according to our first Constitution"—The Articles of Confederation.

2. He became President just as America had won her struggle for independence.

3. He was charged with the responsibility of laying a foundation upon which a nation would be built. This nation would contain 13 semi-independent colony states with diverse interests and deep-seated rivalries.

4. He had to organize a civil government to conduct the affairs of our young republic.

5. He had to do all these things and he had to do them within the loose framework of the Articles of Confederation. The states, jealous of their own independence and still fearing the power of the King, granted very little authority to their national government.

Faced with what might appear to be insurmountable difficulties, the Continental Congress turned to this great son of Maryland to provide the leadership needed to build a nation. John Hanson was a man ideally suited, in terms of both intellect and temperament, for this task.

During his tenure as "President of the Congress of the Confederacy" Hanson laid the groundwork for our Cabinet, our Consular Service, and our postal system, and our National judiciary. Many of these accomplishments have been discussed by previous speakers. But, in addition to these achievements, John Hanson established many of the precedents from which our Presidency evolved. Remember that in 1781 only one European state had a Republican form of government (Switzerland).

President Hanson consciously and successfully sought to establish himself and his office as the Chief-of-State and head of the government of the U.S. His success is reflected in the following quotes:

1. George Washington in a letter dated November 30, 1781, said ". . . . I congratulate your excellency on your appointment to fill the most important seat in the United States."

2. In a document of the Continental Congress we read . . . "The President of the Congress being at the head of the Sovereignty of the United States takes precedence of all and every person in the United States";

Thus, our First Constitutionally elected Chief Executive was a strong man in a weak position. But his strength gave strength to the Confederation government and enabled it to guide us through the transitional period from revolutionary struggle to constitutional federalism. The achievements of the confederation era are seldom discussed and rarely taught in our schools and colleges.

The Articles of Confederation (1781–1789)

1. brought the States together in spite of their difficulties.

2. provided continuity of leadership from the revolution era to confederacy to our present constitutional government.

3. unified foreign relations and established the U.S. of America as a "Nation-State".

4. Enacted the ordinances of 1785 and 1787 (1785-established policy for the distribution of western lands—1787 established procedures for admitting new states—still in use).

5. Provided the necessary machinery for the transition from revolution struggle to the Constitution of 1789.

So, in closing, let me say that our interest should not be limited to recognizing John Hanson simply because he was our first President, or because he was a Marylander. Instead we should revive interest in John Hanson because he was a truly great American patriot and political leader who should be recognized as one of the founders of our great republic.

By Mr. BROOKE:

S.J. Res. 86. A joint resolution directing the Secretary of the Treasury to study, and report to the Congress, with respect to the necessity or desirability of Federal regulation of persons engaged in the business of preparing tax returns and methods by which such regulation can be accomplished. Referred to the Committee on Finance.

Mr. BROOKE. Mr. President, midnight tomorrow marks the arrival of the annual deadline for Americans to have completed and filed their 1970 income tax returns. This assignment is one of the most perplexing and arduous tasks that we face all year. For many, income tax time is something to be both dreaded and postponed as long as possible. Some people become irrational at even the thought of uncertain wrestling with reams of figures and personal records.

In fact, some individuals find themselves divulging information to the Internal Revenue Service that they may not have been aware of themselves. Perhaps at no other time during the year does one bring together so much information bearing on his annual income.

The Internal Revenue Service has gone to great lengths and expense to facilitate the income tax preparation process. Considerable experiment and study is underway constantly at the IRS to develop and refine reporting methods, forms, and explanations. Moreover, the IRS checks and reviews the results of each year's filings, as well as queries CPA's, the American Bar Association, and other groups directly involved with the income tax process. This is done with the dual objectives of making the reporting process more efficient and easing the burden of preparation for the individual taxpayer. The changes that result are often not insignificant to the taxpayer. For example, the 1969 1040 form was significantly changed because it was consolidated with the 1040A—or short—form. This consolidation resulted in a 1040 form that was significantly different in format from its predecessor used in 1968. While this change in format and reporting procedure was praised by many, it was criticized by others. It should be noted that such changes are not without their effect on the taxpayer who very often uses his previous year's form as a guide to making out his present return. Constant changes in format and reporting procedures generate uncertainty and frustration for him.

Many Americans decide not to become involved in what appears to be a perplexing plethora of paperwork. Some experts estimate that approximately 50 percent of the 77 million tax returns filed last year were prepared, at least in part, by someone other than the taxpayer himself. A portion of this work was done on the basis of one friend or relative for another, as in the case of a father for his son or daughter, or a husband preparing separate returns for his spouse. Such assistance involved no payment for the service rendered. However, an increasing number of Federal taxpayers are turning to professional tax preparation firms to prepare tax returns required by Federal, State, and local governments. As our income tax system grows more and more complicated, a burgeoning tax preparation industry is growing along with it. The 1969 Washington "Yellow Pages" listed 113 such firms. The same listing for 1970 contained approximately 135 firms. By the same token, Boston commercial listings showed 44 such firms in 1969, and 65 in 1971. These firms vary from single practitioners to large firms utilizing several branch offices. Moreover, many department stores have found tax preparation to be a lucrative supplement to their normal sales. The results offered by these firms are as varied as the firms themselves. On the same tax return, their computations and fees can vary so greatly that one might never suspect that they were working from the same income figures. While admittedly even the Internal Revenue Service makes mistakes, the wide variations in tax computations made by these firms are cause for alarm and for closer scrutiny.

Mr. President, the Senate joint resolution that I offer today is designed to provide complete information on all segments of this industry and lay the groundwork for possible regulatory legislation. Specifically, it directs the Secretary of the Treasury to study the multiplicity of problems involved with these tax preparation firms and report to the Congress within 1 year concerning the necessity or desirability of Federal regulations of persons or firms engaged in the business of preparing tax returns, as well as methods by which such regulations can be accomplished. I anticipate that particular attention will be focused on the licensing or establishment of minimum standards governing the conduct or competence of otherwise uncertified tax preparers. It is my understanding that the Federal Trade Commission is presently conducting a study of tax preparation that is limited only to advertising and marketing claims by such firms and does not deal directly with such important areas as fee structures, computation procedures, and other practices related directly to accurate completion of an individual's return. However, I hope that the Secretary would utilize the findings of that study in the preparation of his more comprehensive report to the Congress. Finally, the study I propose could also include the problems of the further sale and distribution of income information obtained by tax preparation services in the process of preparing returns, as well as possible methods of regulating or proscribing such practices.

Mr. President, preparation of someone's income tax return is a highly complicated and personal responsibility even when it is not done for consideration. When such a service is provided for a fee, standards relating to that service become even more important. One may never know if he has overpaid or underpaid his income tax unless it happens to be one of those very few routinely audited by the IRS. Because their knowledge of tax preparation is admittedly limited, many of the people who utilize the services of professional tax preparers know nothing about the quality of the service offered.

Even though the Internal Revenue Service is continuing in its efforts to make our tax code easier to utilize, as long as we have a complicated system of tax laws such efforts will have only limited results. It is ironical that many of the income tax reforms brought about the Tax Reform Act of 1969 have actually resulted in many of our tax laws becoming more complicated rather than simpler. The result can only be to drive more taxpayers to tax preparation services in order to meet their obligation to file tax returns by April 15. Both Congress and the Treasury have an obligation to protect the taxpayer against frauds or incompetence in this area.

Mr. President, I offer this joint resolution concerning tax preparation firms, asking for its appropriate reference and that it be printed in the Record at the conclusion of these remarks.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 86

Joint resolution directing the Secretary of the Treasury to study, and report to the Congress, with respect to the necessity or desirability of Federal regulation of persons engaged in the business of preparing tax returns and methods by which such regulation can be accomplished

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall make a thorough study of persons engaged, on a full-time or part-time basis, in the business of preparing Federal tax returns for the purpose of determining the necessity or desirability of Federal regulation or supervision of such business, and of the persons so engaged, in order to preserve and protect the Federal tax system. Such study shall include, but is not limited to, the necessity or desirability of Federal regulation or supervision—

(1) of specific categories of firms or individuals engaged in such business, and

(2) with respect to the preparation of specific categories of Federal tax returns.

Sec. 2. If the Secretary of the Treasury determines that Federal regulation or supervision of persons engaged in the business of preparing Federal tax returns (or of specific categories of such persons or of the preparation of specific categories of such returns) is necessary or desirable, he shall also determine the method or methods by which, in his judgment, such regulation or supervision can be most effectively accomplished.

SEC. 3. The Secretary of the Treasury shall, within one year after the date of the enactment of this joint resolution, report to the House of Representatives and the Senate the results of the study conducted pursuant to this joint resolution together with the determinations made by him and his recommendations, if any, for legislation.

ADDITIONAL COSPSONORS OF BILLS AND JOINT RESOLUTIONS

S. 41

At the request of Mr. DOLE the Senator from Oregon (Mr. HATFIELD), the Senator from Vermont (Mr. PROUTY), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of S. 41, a bill to establish a National Information and Resource Center for the Handicapped.

S. 869

At the request of Mr. RIBICOFF, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 869, a bill to extend to unmarried individuals the tax benefits of income splitting enjoyed by married individuals filing joint returns.

S. 1082

At the request of Mr. CASE, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 1082, a bill regulating the discharge of wastes in territorial and international waters.

S. 1111

At the request of Mr. RIBICOFF, the Senator from Colorado (Mr. DOMINICK) and the Senator from New Jersey (Mr. CASE) were added as cosponsors of S. 1111 to provide an income tax credit for certain higher education expenses.

S. 1116

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent that at the next printing of the bill, S. 1116, to require the protection, management, and control of wild free-roaming horses and burros on public lands, the names of the Senator from New Jersey (Mr. WILLIAMS), the Senator from Washington (Mr. MAGNUSON), the Senator from Nevada (Mr. BIBLE), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Mexico (Mr. ANDERSON), the Senator from California (Mr. CRANSTON), the Senator from Florida (Mr. CHILES), the Senator from Missouri (Mr. EAGLETON), the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. JAVITS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Maryland (Mr. MATHIAS), the Senator from North Carolina (Mr. JORDAN), the Senator from California (Mr. TUNNEY), and the Senator from Wyoming (Mr. McGEE), be added as cosponsors.

The PRESIDING OFFICER (Mr. GRIFFIN). Without objection, it is so ordered.

S. 1374

At the request of Mr. THURMOND, the Senator from Mississippi (Mr. EASTLAND) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1374, a bill to exempt from taxation certain property of the Daughters of the American Revolution in the District of Columbia.

S. 1382

At the request of Mr. MUSKIE, the Senator from Illinois (Mr. STEVENSON), the Senator from Alaska (Mr. GRAVEL), the Senator from South Dakota (Mr. McGOVERN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. BAYH), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 1382, a bill authorizing appropriations for non-SST transportation work.

S. 1383

Mr. TOWER. Mr. President, I am pleased to join today in cosponsoring S. 1383, which is designed to insure that those who kill policemen and firemen while these officers are acting in their official capacity will be swiftly brought to justice. S. 1383, in effect, authorizes the Federal Bureau of Investigation to enter these homicide cases when it appears that the guilty party may have crossed a State line in order to avoid prosecution.

Mr. President, the incidence of murdering our local law and fire protective officers is growing at an alarming rate. Scarcely a day goes by when there is not some report of a policeman or fireman being killed while performing his duty. There is even evidence that some fringe groups have a policy of exterminating those people who risk so much to protect us and our country. We owe it to these men to give them this added protection, so that those who might consider such a heinous crime would know that the full weight of the Federal Government would be brought to bear against them until they were brought to justice.

This problem has recently been brought home to Texans in an all too graphic way. On February 15, gunmen executed three deputy sheriffs in Dallas. This incident truly shocked the citizens of my State, and they have been demanding action to prevent the recurrence of any such tragedy. While nothing can guarantee to prevent murder, if we subject would-be assassins to pursuit by the FBI as well as local and State authorities, hopefully they will consider the odds against them too great to even attempt any action. It is about time that we began to put the odds again on the side of the law-abiding citizens and the men who protect them, rather than giving the criminal undue protection and leniency.

S. 1401

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent that at the next printing of the bill, S. 1401, to establish a national Indian education program by creating a National Board of Regents for Indian Education, and for other purposes, the names of the Senator from Nevada (Mr. BIBLE), the Senator from Arizona (Mr. FANNIN), the Senator from Idaho (Mr. JORDAN), and the Senator from Alaska (Mr. STEVENS) be added as cosponsors.

The PRESIDING OFFICER (Mr. GRIFFIN). Without objection, it is so ordered.

S. 1408

At the request of Mr. MUSKIE, the Senator from Montana (Mr. METCALF), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Illinois (Mr. STEVENSON), the Senator from Utah (Mr. MOSS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from California (Mr. TUNNEY), and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of S. 1408, a bill making the tax laws more equitable for public interest law firms and some other organizations.

S. 1475

At the request of Mr. STENNIS, the Senator from Mississippi (Mr. EASTLAND) was added as a cosponsor of S. 1475, the gunboat *Cairo* bill.

S. 1485

At the request of Mr. RIBICOFF, the Senator from Florida (Mr. CHILES), the Senator from Alaska (Mr. GRAVEL), the Senator from Montana (Mr. METCALF), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of S. 1485, a bill to establish a Department of Education.

S. 1488

At the request of Mr. MUSKIE, the Senator from South Dakota (Mr. McGOVERN) was added as a cosponsor of S. 1488, a bill to amend the Immigration and Nationality Act.

S. 1489

At the request of Mr. PACKWOOD, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1489, a bill for the relief of Park Jung Ok.

S. 1490

At the request of Mr. McINTYRE, the Senator from Rhode Island (Mr. PASTORE), the Senator from Nebraska (Mr. HRUSKA) and the Senator from Arizona (Mr. FANNIN) were added as cosponsors of S. 1490, a bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care for the 1970's by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance available to all Americans, and for other purposes.

S. 1510

At the request of Mr. TOWER, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 1510, to amend the Military Medicare Act.

SENATE CONCURRENT RESOLUTION 19—SUBMISSION OF A CONCURRENT RESOLUTION DESIGNATING "VOLUNTARY OVERSEAS AID WEEK"

Mr. PEARSON. Mr. President, since World War II and even before, overseas assistance by voluntary organizations in this country has helped carry forth the humanitarian concerns of the American people for their fellow men. This tradition of exporting, through private voluntary groups, the American penchant for meeting and solving problems has turned itself into a very professional and often extremely effective channel for down-to-earth aid to the hungry and the sick. As this practice has matured, it has turned more and more toward cooperation with community leaders who seek to solve such problems themselves, and in their own way.

This year the Advisory Committee on Voluntary Foreign Aid completes 25 years of service as an intermediary between these voluntary agencies and the U.S. Government. Other organizations dedicated to the business of voluntary relief, such as CARE, are also coming to the end of a quarter century of service. While we are in a period when domestic priorities demand the energies of Government—and I believe properly so—still there is no denying that the resources of this Nation, and its people, should be available to provide relief from want caused by the disruption of wars and the devastation of natural disasters. And they should be available to meet the worldwide demand for talent and trained leadership in the development of communities large and small.

I do not pretend, Mr. President, that these needs can be met by any form of overseas assistance, whether it be private or public. But there is a desire to try in a human and cooperative fashion which reaches across national borders and brings people together for common goals out of a sense of common responsibility. This desire deserves the encouragement of Government.

Therefore, I submit today a concurrent resolution calling on the President to designate the week of May 10, 1971, as "Voluntary Overseas Aid Week," and urge its early adoption by the Senate as a means of commending the dedicated men and women whose contributions have made voluntary foreign aid welcome among the peoples of the world.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 19), which reads as follows, was referred to the Committee on the Judiciary:

S. CON. RES. 19

Whereas on May 14 the Advisory Committee on Voluntary Foreign Aid will have completed twenty-five years of service as an intermediary between the United States Government and American voluntary agencies engaged in overseas relief and development assistance programs;

Whereas voluntary organizations have made significant contributions to social and economic development and to the relief of human suffering in nations throughout the world;

Whereas the people of the United States have, through their support of these voluntary agencies, demonstrated their deep feeling for the needs of peoples in foreign lands; and

Whereas both the Congress and the President have supported and encouraged the humanitarian work of the voluntary agencies: Now, therefore, be it

Resolved by the Senate (the House concurring), That it is the sense of the Congress that the American voluntary foreign aid agencies are to be commended for their humanitarian efforts to help relieve distress and create a better life for less fortunate people in nations abroad.

It is further the sense of Congress that in recognition of the contributions of these agencies to mankind that the President should designate the week of May 10, 1971, as "Voluntary Overseas Aid Week."

SENATE CONCURRENT RESOLUTION 20—SUBMISSION OF A CONCURRENT RESOLUTION TO AUTHORIZE THE LOAN OF THE FREEMAN THORPE PORTRAIT OF ABRAHAM LINCOLN TO THE CITY OF BRAINERD, MINN.

Mr. MONDALE. Mr. President, I would like to call to the attention of my colleagues the centennial celebration which has been scheduled by Brainerd, Minn., for August of this year.

In celebrating its 100th anniversary year, Brainerd is planning to demonstrate its many ties with Minnesota's and the Nation's past, as well as its promise of progress for the future.

One of its more interesting ties centers around a portrait of Abraham Lincoln which presently hangs in this Capitol Building. Its painter, Freeman Thorpe, was a Civil War soldier who lived in Washington for several years after the war. His interest turned to painting pictures of many statesmen, including the one of Lincoln.

Mr. Thorpe eventually moved to the Brainerd area, in which some members of his family still reside. In honor of the role which he and his family have played in its history, Brainerd is anxious to include them in their centennial celebration. To this end, they are having an exhibit of the art works of Sarah Heald and her father, Freeman Thorpe.

In order to complete the exhibit, the centennial committee has requested that it be allowed to borrow the Thorpe painting of Lincoln to be displayed in the Brainerd Junior College Fine Arts Building during the celebration.

I would therefore like to submit a concurrent resolution which would permit the Thorpe portrait to be loaned to Brainerd for its centennial celebration. I am hopeful that my colleagues will give every consideration to this request.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 20), which reads as follows, was referred to the Committee on Rules and Administration:

S. CON. RES. 20

Resolved by the Senate (the House of Representatives concurring), That, on behalf of the Congress, the Architect of the Capitol shall lend the Freeman Thorpe portrait of Abraham Lincoln, located in the Capitol, to the city of Brainerd, Minnesota, for display by that city in connection with its centennial celebration. Such loan shall be made (1) so that the portrait shall be available for display in that city not later than August 1, 1971, and (2) upon such terms and conditions as the Architect of the Capitol may prescribe to assure the proper transportation, handling, preservation, insurance, and display of such portrait, the return of such portrait to the Capitol as soon as practicable after August 15, 1971, and to assure that such city pays all costs related to such transportation, handling, preservation, insurance, display, and return.

SENATE RESOLUTION 97—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF REPORT ENTITLED "REPORT OF THE JOINT ECONOMIC COMMITTEE ON THE FEBRUARY 1971 ECONOMIC REPORT OF THE PRESIDENT, TOGETHER WITH STATEMENT OF COMMITTEE AGREEMENT, MINORITY AND OTHER VIEWS"

Mr. PROXMIRE submitted a resolution (S. Res. 97) authorizing the printing of additional copies of the "Report of the Joint Economic Committee," which reads as follows, and was referred to the Committee on Rules and Administration:

Resolved, That there be printed for the use of the Joint Economic Committee two thousand additional copies of its report to the Ninety-second Congress, first session (Senate Report No. 92-49), entitled "Report of the Joint Economic Committee on the February 1971 Economic Report of the President, Together With Statement of Committee Agreement, Minority and Other Views," pursuant to section 5(b)(3) of Public Law 304, Seventy-ninth Congress, as amended.

SENATE RESOLUTION 98—SUBMISSION OF A RESOLUTION RELATING TO PROPOSED ASSET DEPRECIATION RANGE SYSTEM

Mr. BAYH (for himself and Mr. MCGOVERN, and Mr. MUSKIE); submitted a resolution (S. Res. 98) declaring it to be the sense of the Senate that the Treasury Department should not implement the proposed Asset Depreciation Range system without specific congressional authorization, which was referred to the Committee on Finance.

(Mr. BAYH'S remarks and the text of the resolution, appear under the heading "Statements on Bills and Joint Resolutions.")

ADDITIONAL COSPONSORS OF RESOLUTIONS AND CONCURRENT RESOLUTIONS

S. RES. 73

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the name of the Senator from Kansas (Mr. DOLE) may be added as a cosponsor of Senate Resolution 73, a resolution amending rule XVI of the Standing Rules of the Senate.

The PRESIDING OFFICER (Mr. GRIFFIN). Without objection, it is so ordered.

S. RES. 87

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the following Senators be listed as cosponsors of Senate Resolution 87, Relating to Armaments Limitations: Senators HUGHES, MCGOVERN, MONDALE, and STEVENSON.

The PRESIDING OFFICER (Mr. GRIFFIN). Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, when I introduced this resolution I stressed the urgency of halting the arms race. I was not speaking poetically of a year or even 6 months from now. I meant today—immediately. Until I am satisfied that the United States is doing everything for its part to reach either tacit or formal agreements which would stop the arms spiral, I shall not hesitate to reiterate my proposals and dramatize the bleak alternative to agreement.

While the SALT talks should address themselves to several categories of offensive weapons, weapons of prime concern should be the antiballistic missile, the multiple independent targeted reentry vehicle and Soviet land-based missiles. I have proposed that the United States accept the Soviet Union's offer to negotiate an ABM agreement with the express condition that it lead to a future agreement on offensive weapons. In the interim I called for the two countries to enter into a mutual freeze on both offensive and defensive weapons, including ABM and MIRV, for the duration of the SALT negotiations.

My reasons for making these proposals should be perfectly clear. To emphasize what I have already said in this regard, I ask unanimous consent that the highly relevant articles of Herbert Scoville on "The Problem of MIRV: I and II," and of G. B. Kistiakowsky and G. W. Rathjens on "A Chance to Freeze ABM's" be inserted at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 8, 1971]

THE PROBLEM OF MIRV: I

(By Herbert Scoville)

WASHINGTON.—In developing national security policy it is always necessary to estimate the capabilities and intentions of potential hostile nations and then evaluate the risks to national security from alternate decisions on force levels.

This weighing of risks is too often neglected in arms limitation agreements. Frequently the risk from possible violation of the agreement is determined without consideration of the dangers if an unrestrained arms race went on.

A classic example of this situation exists regarding MIRVs or Multiple Independently Targetable Re-entry Vehicles. MIRVs present a very serious risk to national security because of their potential as counterforce weapons, particularly because of the incentive that they might provide for carrying out a first strike.

The major potential strategic threat posed by the Soviet Union is the deployment of MIRVs on its large SS-9 missile. Secretary Laird has said that such a threat would be unacceptable when the Soviets have 420 SS-9s each with three MIRVs (the number of multiple re-entry vehicles tested on the SS-9 so far), or a total of about 1,300 warheads. He has recently reported "some preliminary indications that the Soviet Union may have recently started slowing somewhat the level of activity associated with SS-9 missile construction." Therefore, since they now have less than 300 built, they may never deploy as many as 420. However, even a smaller number of SS-9s would provide an equivalent threat if each missile had more than three accurate MIRVs. There is no technological reason why the Soviet SS-9 MIRV system might not include 10 or more warheads.

Because of this larger payload capacity of the Soviet SS-9 missile, MIRVs present in the long run a greater security risk to the U.S. than they do to the Soviet Union. The U.S. is now ahead in MIRV technology. Only in November did Defense spokesmen announce that the Soviets may have tested for the first time a MIRV system for their SS-9. It will be more than a year or two before the Soviets could have a reliably tested accurate system which could, when deployed, threaten the Minuteman.

The MIRV problem is quite different for the Soviet Union. Instead of a long-term risk, the current U.S. MIRV deployment provides a more immediate threat to Soviet security. The U.S. has attempted to make clear that the present Poseidon and Minuteman III missiles do not have a first-strike counterforce potential and that the U.S. has unilaterally decided not to attempt to acquire such a capability. However, such statements as the Sept. 22 remarks by General Ryan, Air Force Chief of Staff, that the "Minuteman III with MIRVs will be our best means of destroying time urgent targets like the long range weapons of the enemy" are not likely to reassure the Soviets.

Therefore, the Russians should have a strong interest in an early halt to the deployment of Poseidon and Minuteman even though in the long term MIRVs might provide them with a military advantage.

U.S. verification of a ban on Soviet MIRV deployment by "national" means, i.e., those under U.S. control and not requiring agreed inspection within the Soviet Union, is not possible. External observation of the missile will not tell whether it contains one, three, ten or twenty warheads. Instead, it is reported that the Administration has proposed "onsite" inspections of the deployed missiles. Unfortunately, even this cannot be expected to provide more than illusory confidence that MIRVs are not deployed. The best "onsite" technique would involve a simple "screwdriver" to open the reentry vehicle to see whether more than one warhead were present. X-ray or other similar scientific methods might be substituted, but such inspection would involve the disclosure of what, at the present time, even the U.S. would consider sensitive security information. Admiral Rickover is not likely to look with favor on the Soviet inspection of U.S. nuclear submarines which he considers superior to the Russian ones.

However, even such intrusive inspection would not by itself provide proof that MIRVs were not being deployed. A few hours' advance notice of an inspection would be too long, for it would be a relatively simple matter to substitute, before the inspector's arrival, a single warhead for the MIRV stage of an appropriately designed missile. Even more difficult than for land-based ICBMs would be the verification for non-deployment of MIRVs on submarine missiles. No further analysis is needed to demonstrate that onsite inspection is not a practical or negotiable method of providing confidence that U.S. security is being protected under a MIRV deployment ban.

Does this means a MIRV limitation is not feasible? No, other means of controlling MIRVs are possible. This analysis of MIRVs will be continued in my second article tomorrow.

[From the New York Times, Feb. 9, 1971]

THE PROBLEM OF MIRV: II

(By Herbert Scoville)

WASHINGTON.—The control of MIRV's, which would provide such great security and economic benefits for both the United States and the Soviet Union, can be achieved by imposing a ban on MIRV testing and production as well as deployment.

Fortunately, adequate verification of a ban on MIRV testing is easier than one on deployment since it can be achieved by "national" means alone. Some tests leading toward development of MIRV—Multiple Independently Targetable Re-entry Vehicles—capability could be carried out by the Soviet Union under the guise of other weapons development or even a space program. However, any MIRV system that is not flight-tested at essentially full range could never be deployed with confidence that it had high reliability and accuracy.

The United States has been able to observe Soviet ICBM firings ever since the program was initiated in 1957 and it would undoubtedly be able to observe multiple warheads were these tested at full range. Test firings of the SS–9 with MIRV's in space without re-entry or with only a single warhead reentering the atmosphere would not provide the Russians with a system that they could deploy with confidence.

In the case of submarine missiles, the verification might be a little less certain. However, even in this case, the chance of detecting a multiple re-entry vehicle firing would be good.

A ban on production of MIRV's would be extremely difficult for the United States to verify since the MIRV stage of the missile could be manufactured in relatively small facilities. It would be necessary to have a right to carry out large numbers of onsite inspections. Such inspection would almost certainly be unacceptable to the Soviets; probably also to United States industry.

Thus, only in the testing phase would the United States be able to verify an agreement limiting MIRV's. Fortunately, the Soviets have only just begun MIRV testing and would require a year or more before a deployable system could be available. Therefore, the United States could protect its security under a comprehensive ban on MIRV production, testing and deployment through verification of the testing phase. It could be confident that as long as the Soviets had not extensively tested their MIRV's, they would not carry out any widespread production or deployment. The risks to United States security would be extremely low—certainly less than if the Soviets were allowed to develop freely an optimal MIRV system for their SS–9.

The risks to the security of either the United States or the Soviet Union would be much greater from an unrestrained MIRV race than from a ban on the production, testing and deployment of such weapons.

Why then do both countries appear so reluctant to negotiate seriously such a ban? Despite repeated urgings from the Congress, the Administration has refused to halt its MIRV testing and deployment programs even though a Soviet ABM that would require their existence could not be operational for many years and even though the halt were made contingent on similar Soviet restraint in the MIRV and ABM areas. In place of such a bilateral limitation, the Government has opted for a unilateral United States ban on MIRV accuracy improvements which is not likely to reassure any Soviet planner.

There seems to have been little or no serious discussion of MIRV's at the Strategic Arms Limitation Talks by either side, and the United States appears to be seeking onsite inspection to verify a deployment ban, a move probably considered by the Soviets as a signal of lack of serious United States interest.

Why has the Soviet Union not raised the issue of MIRV's earlier on at the strategic arms talks? While it is understandable that they do not wish to be frozen in a position of inferiority, it is quite likely that had serious negotiations been undertaken at an earlier stage, United States MIRV deployment might have been forestalled. An early MIRV ban would have been clearly in their interest. Unfortunately, the Russian leaders seem reluctant to make a proposal that would be controversial to some segments of their society without some assurance that it would be accepted by the United States.

New weapons development programs seem to possess momentum to outstrip the plodding pace of arms control negotiations, is this not the time for the United States to provide the necessary leadership to obtain limitations on MIRV's before it is really too late? If the Soviets are really slowing their SS–9 deployment and have already begun testing MIRV's, the United States should use his new situation as a trigger to re-examine its policies. The risks from an unlimited MIRV race far outweigh those from possible violations of a MIRV ban.

[From the New York Times]

A Chance To Freeze ABM's

(By G. B. Kistiakowsky and G. W. Rathjens)

The Nixon Administration has obviously been concerned about possible Soviet strategic arms development of two kinds: the growth of a capability to destroy a very large fraction of our ICBM's by pre-emptive attack; and the possibility that a sufficiently effective Soviet ABM system might be deployed so that neither we nor they would believe in the retaliatory capabilities of our strategic forces.

Understandably, the Administration, in its approach to the SALT talks has sought to spike both possibilities. Regrettably, there appear to be nearbly insurmountable obstacles to an early agreement achieving these objectives.

Nevertheless, if, as reported, the Soviet Union has an interest in an early agreement to limit the deployment of ABM systems, SALT could still accomplish something very important. Properly worded, an agreement on ABM alone could be advantageous to both sides.

To many Americans, and to Russians as well, it would seem strange indeed if the first serious initiative to control strategic arms applied only to the defensive systems. Yet, such a move may be the key to bringing the arms race to a halt. Much of the incentive for growth in offensive forces has its basis (at least ostensibly) in concern about adversary's defenses, and if the defenses are limited by agreement one can at least hope that the offensive forces will be limited to unilateral restraint.

If the right kind of an ABM agreement could be reached it would make any significant upgrading by the Soviet Union of its ABM defenses an easily observable breach of a treaty, hence a major international issue. With such a treaty it would be entirely reasonable for us to suspend our programs to deploy MIRV's (multiple independently targeted warheads) on our missiles since their primary rationale is for penetration of ABM defenses. Our confidence in the capability of our Polaris force alone to serve as an effective deterrent would be enhanced; thus there would be less reason to go ahead with such new program as the Navy's undersea long-range missile system or the Air Force's new bomber, the B–1. Such restraint would save tens of billions of dollars without loss of our security.

If an agreement did lead us to restrain our MIRV programs, there is at least the possibility that the Soviet Union might do likewise—perhaps a remote possibility but greater now than a year ago since the deployment of Soviet SS–9 missiles appears to be tapering off, according to Secretary Laird. Thus, an ABM agreement could lead not only to the achievement of the second of the aforementioned objectives of SALT but also indirectly of the first, that is to an alleviation of concerns about a possible "first strike" against us.

From an American point of view, the *sine qua non* of any ABM agreement would be assurance that the Soviet Union could not upgrade its ABM by clandestinely incorporating into it large numbers of new interceptor missiles, or, as some fear, its many thousands of presently deployed air defense missiles. Because large radars, which are essential to ABM systems, take longer to construct and are much more visible than the other components of the system, the key to such an agreement will be limitation on radars. Ideally, an agreement ought to require the dismantling of those now deployed, but failing that, an agreement that would freeze the very limited Soviet ABM system in its present form would be almost as good. We could have high confidence that such a system could be easily overwhelmed, and we would know about any dramatic improvements in sufficient time to take appropriate action.

The advantages of such an agreement would be great enough that we ought to be willing to accept severe limits on our own ABM—perhaps only phase I of the Safeguard defense of our missile sites, perhaps only a very limited defense of the Washington area, or even a total freeze on U.S. ABM deployment, which of course would leave us with no ABM at all.

Above all, we ought not to insist, as some have reported we have, on linking limitations on offensive systems to any ABM agreement. To do so could well mean missing the greatest opportunity in years for real progress in arms control.

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. Muskie, the Senator from Massachusetts (Mr. Kenendy) was added as a cosponsor of Senate Concurrent Resolution 11, a concurrent resolution commemorating the 450th anniversary of the founding of San Juan, Puerto Rico.

EXTENSION OF THE MILITARY SELECTIVE SERVICE ACT—AMENDMENT

AMENDMENT NO. 32

OPPOSING A 2-YEAR DRAFT EXTENSION

Mr. BAYH. Mr. President, I am opposed to the President's request for a 2-year extension of the draft. If our national security needs demand an extension of the President's authority to conscript men into the Armed Forces then, I respectfully submit, a 1-year extension is a more appropriate measure. I also urge that Congress be authorized to establish a ceiling on the number of draftees that could be inducted in the next fiscal year.

Congress has the constitutional authority to raise and maintain armies. Translated into legislative functions, this means it has the power both to establish the size of the Armed Forces and to determine the manner in which our young men are asked to serve. Congress should—indeed it must—exercise this vital constitutional prerogative annually.

The power to conscript men into the Armed Forces is an awesome responsibility. Congress should not lightly grant this authority to the President—nor for too long a period of time. When it does, moreover, it should continue to exercise its full constitutional powers to determine the number of draftees required to meet our national defense needs. That is a determination that should not be left to the President.

As a result of my amendment to the Military Procurement Act of 1970, Congress is specifically charged with the responsibility for annually authorizing the average active-duty force levels of the component services. By requiring annual authorizations, Congress struck at the visible structure of the military manpower issue. Since active duty strength is, in part, a function of annual induction levels, Congress should likewise have the power to determine the proper mix of draftees and volunteers.

For a Congress concerned about its proper role in the formulation of foreign and national security policy, to simply extend the President's authority to draft—without imposing any restraints—is an abdication of its proper role in our scheme of government. The size and nature of our military manpower, after all, is a major index of our national security posture and our treaty obligations. In terms of the total costs of the defense budget, moreover, manpower is the single most expensive item. Most importantly, manpower is our most precious resource.

Mr. President, in looking back over the post World War II years at previous congressional actions in extending the draft, I was shocked by the apparent willingness of Congress to grant the President long-term authority to conscript men. In 1951, 1954, 1958, 1963, and again in 1967 the President's authority to draft—an authority that established no limits on the number of such draftees—was extended with only little debate. It simply sufficed for the Department of Defense to say in its 1967 request for a 4-year extension, for example, that it was "in accordance with the procedures followed by the Congress in the previous extensions."

I submit, Mr. President, that such explanations are no longer adequate—if indeed they ever were.

We are now being told that as long as the war in Vietnam continues, there is need for the flexibility in force strength afforded by the present draft system—a system that imposes no limit on the number of young men to be drafted. In light of the current military situation in Southeast Asia, this could easily be interpreted to mean that the President would like to retain the power to increase draft calls in the event he escalated the American combat role in Indochina—without congressional interference. I, for one, am not prepared to grant him that kind of unfettered authority.

Mr. President, a decision to extend the Selective Service Act must necessarily involve a consideration of the desirability—and feasibility—of replacing the draft with an all-volunteer force. I welcome the national debate now underway on this question. Hopefully, it will focus attention not only on the many administrative shortcomings of the present draft but will force us to face up to the basic meaning of conscription. To draft young men to fight—and, for many, to die—is to impose a limitation on human freedom. Such a limitation should not be imposed for any but the most compelling reasons of national defense.

I strongly favor an announced American withdrawal from Vietnam within 1 year from the date of announcement. I had hoped that this goal could be reached by the end of 1971. But I believe that as long as young Americans are forced to fight in Southeast Asia, they should be chosen under the draft system rather than through a voluntary army. The draft should be retained, on the basic of an annual congressional authorization, but not for the generally accepted reason about manpower needs.

There is a much more fundamental reason, Mr. President. An elementary sense of justice, it seems to me, requires that the tragic burdens of wartime military service should be distributed as evenly as possible across all groups in American society.

I personally abhor the situation which now finds our young men fighting and dying in Southeast Asia. In my judgment, this is a bad war. It will not become a good war by merely changing the names and faces of those who fight it. If a certain foreign policy is bad we should change it—not just change the way it is implemented.

To move directly to a volunteer army today, Mr. President, would be a mistake. There are some still unresolved problems associated with raising an all-volunteer force that must be answered convincingly. I am not yet convinced, for example, that we could avoid the kind of discrimination based on race and income that would perpetuate—possibly increase—division and injustice in our society. More importantly, the process of controlling military adventurism is strengthened by the leavening influence of civilians spread throughout the military.

An all-volunteer army might well be comprised of young men from the lower end of the economic spectrum—those who cannot find similarly lucrative employment in the private economy. And at this time, it should be noted, we are experiencing a 6-percent unemployment rate and youth unemployment rates of double that. This is no way for a democratic government to implement its foreign policy or sustain its military during a war.

A number of proposals have been made concerning the first steps we should take this year in moving toward a volunteer army. A 1-year extension of the draft, it seems to me, would be perfectly consistent with these efforts. A 1-year extension would present Congress with another opportunity next year to review the impact of these proposed changes, particularly the pay increases voted by the House, and to evaluate the likelihood of their eventually producing an all-volunteer military.

Any extension of the draft, moreover, must include a major overhaul of the present administrative machinery to insure that those who must serve have been selected by as fair and just a process as we can devise.

At a time when the complexion of the war in Indochina and our strategic needs can change dramatically within a few months time, Congress should exercise an annual check on both the level of troop strength and the method of induction. The need to determine both of these questions, in line with changing strategic goals, is based on a constitutional grant of authority that Congress cannot now afford to neglect.

The essential precondition for abolishing the draft, Mr. President, is the ending of our tragic involvement in Vietnam.

I ask unanimous consent that the complete text of my amendment be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

On page 11, line 20, (1) strike out "July 1, 1973", and insert in lieu thereof "July 1, 1972", and (2) strike out the period at the end of such line and insert in lieu thereof a comma and the following: "and no person shall be inducted for training and service in the Armed Forces in any fiscal year, beginning with the fiscal year which begins July 1, 1971, unless the maximum number of persons that may be inducted for training and service in the Armed Forces in such fiscal year has been prescribed by law enacted after January 1, 1971."

The PRESIDING OFFICER (Mr. Gambrell). The amendment will be received and printed, and appropriately referred.

The amendment (No. 32) was referred to the Committee on Armed Services.

AMENDMENT NO. 34

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from New Jersey (Mr. Williams), I ask unanimous consent that I be permitted to submit a statement by him, together with an amendment to H.R. 6531, a bill to amend the Selective Service Act of 1967.

There being no objection, the statement was ordered to be printed in the Record, as follows:

An Amendment To Provide for a 1-Year Extension of the Induction Authority

Mr. Williams. Mr. President, today I am submitting an amendment to H.R. 6531 (a bill to amend the Selective Service Act of 1967), that would extend the induction authority of the President for 1 year, to June 1, 1972.

This amendment is similar to the bi-partisan measure introduced on the House side during floor action on H.R. 6531 by Representatives Whalen, Aspin and Hicks of Washington. It was defeated by the extremely narrow margin of two votes, 198 to 200.

By providing for a 1-year extension of the induction authority, rather than the 2 year extension sought by the Administration, my amendment would accomplish two things.

First, it would bring the bill closer to the recommendations of the Gates Commission, appointed by the President in March 1969. The Commission had estimated that an all-volunteer force could be established within 1 year, advised that the draft authority be allowed to expire on June 30, 1971, and suggested that pay increases be used to attract sufficient volunteers to maintain necessary manpower levels.

Many objections have been raised to such a rapid termination of the induction authority before there was sufficient time to determine whether or not enough volunteers could be attracted to fill the approximately 75,000 additional places which the Gates Commission estimated would be needed. My amendment would provide a period of at least 12 months for assessing whether the pay increases and other benefits provided by H.R. 6531 are sufficient to produce an all-volunteer force. If, during that time, the Administration found that projections of enlistment rates were unrealistic, alternative proposals could then be made.

Secondly, the 1-year extension, as opposed to the two-year extension, gives the Congress as well as the President, an opportunity to again assess the manpower needs of the armed forces in early 1972, when the extent of the U.S. disengagement from Southeast Asia will be more clearly evident than can be surmised at the present time. If, at that time, there is still a need to maintain sizable contingents of U.S. troops in Southeast Asia, then the administration and the Congress will share the joint responsibility for requesting another extension of the induction authority. This would, in effect, provide the Congress with an opportunity to exercise its constitutionally-guaranteed right to participate in the war-making function, and it would provide it next year, rather than in 1973, as the administration proposal would stipulate.

Mr. President, I can understand, although I may not entirely agree with, the reasoning of those who wish to extend the induction authority beyond June, 1971, in order to test the validity of the assumptions upon which the all-volunteer army is based. And for this reason, I offer this amendment as a compromise position between those who wish to inaugurate the all-volunteer system in June, 1971, and those who feel the need for a 2-year transition period. I do not believe, given the continued rate of troop withdrawals announced by the President, that the Congress would be reluctant to grant an additional 1-year extension of induction authority in 1972 if the administration clearly states that it is necessary for the purpose of completing the transition to the all-volunteer force.

However, if it becomes clear that the induction authority is valued not for this purpose, but for its utility in maintaining a sizable commitment of troops in Southeast Asia, then it is only proper that it should be reviewed very closely, and frequently, by the Congress.

The PRESIDING OFFICER (Mr. Gambrell). The amendment will be received and printed, and appropriately referred.

The amendment (No. 34) was referred to the Committee on Armed Services.

PEACETIME TRANSITION ACT—AMENDMENT

AMENDMENT NO. 33

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from New Jersey (Mr. Williams), I ask unanimous consent to submit a statement by him, together with an amendment with respect to the Peacetime Transition Act (S. 1191), introduced on March 11, 1971, by the Senator from South Dakota (Mr. McGovern) and the Senator from Maryland (Mr. Mathias).

There being no objection, the statement was ordered to be printed in the Record, as follows:

Amendment to the Peacetime Transition Act

Mr. President, I am submitting today an amendment to the Peacetime Transition Act S. 1191 introduced on March 11, 1971 by the Senator from South Dakota (Mr. McGovern) and the Senator from Maryland (Mr. Mathias).

I feel that the Peacetime Transition Act, which I joined in cosponsoring, is an excellent example of the type of commitment which private industry and the U.S. Government, working hand-in-hand, should make to the welfare of those workingmen and women who will be affected by the sweeping industrial and economic changes that are to be expected as large sections of our economy move from an orientation to military production to one geared to peacetime production, and from an emphasis on space exploration to one of concentration on research and development in ecology and consumer goods. However the workers in the industries involved, whether scientists and technicians or maintenance and clerical workers, are too frequently bearing the brunt of technologicial changes or policy decisions beyond their control.

In any situation where the U.S. Government itself has been primarily responsible for changes that jeopardize the jobs or livelihood of its employees or those in the private sector, it has traditionally extended a helping hand. Now that a sizable conversion of our economy is inevitably and swiftly approaching, it is only proper and entirely consistent with our national tradition of assistance to the working man, that we prepare for the eventuality.

I personally feel that S. 1181 represents a commendable approach to the problem, although I recognize that several proposals are before the Congress, and I stand ready to lend my support to any reasonable measures which would provide a measure of protection or relief to those who are suddenly deprived of an income. However, there is an amendment which I would like to propose today to the Peacetime Transition Act which would broaden the coverage slightly to include those workers who may be affected by the termination of the U.S. supersonic transport program.

At present S. 1191 would extend benefits to those workers who are unemployed as the result of cut-backs in the Government defense or space program, but does not include those who may soon be subject to layoffs in the SST program, since this is a program which does not fall, strictly speaking, into either category. However, this program was initiated by the U.S. Government, and the research and development which has already been done under its auspices has made a definite contribution to the existing technology of aviation, thus making an input to both our defense and aerospace industries.

I therefore feel that this amendment will add the short-term objective of easing the transition for the estimated 10,000 to 13,000 employees who may be affected by the termination of the SST to the long-term objective of easing this transition for the far larger numbers of employees involved in defense and space programs that may also be converted in the near future.

Both of these objectives are admirable because of their contribution to the individual welfare and dignity of those involved. They are also necessary to the continued economic health and vitality of our Nation's scientific and technical community.

The PRESIDING OFFICER (Mr. Gambrell). The amendment will be received and printed, and appropriately referred.

The amendment (No. 33) was referred to the Committee on Commerce.

NOTICE OF HEARINGS ON AMENDMENTS TO SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT

Mr. McINTYRE. Mr. President, I wish to announce that the Subcommittee on Small Business of the Committee on Banking, Housing and Urban Affairs will hold hearings on the bills S. 71, S. 1260, and S. 1355, to amend the Small Business Act, and the bill S. 1224, to amend the Small Business Act and the Small Business Investment Act.

The hearings will be held on Wednesday, April 21, 1971, and will begin at 10 a.m. in room 5302, New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Alan S. Novins, Senate Committee on Banking, Housing and Urban Affairs, room 5300, New Senate Office Building, Washington, D.C. 20510, telephone 225–7391.

NOTICE OF HEARINGS ON CLASS ACTION BILLS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Washington (Mr. Magnuson), I announce that the Subcommittee for Consumers of the Committee on Commerce has scheduled public hearings on consumer class action bills (S. 984, S. 1222, and S. 1378) on Tuesday, April 27, in room 1318, New Senate Office Building, and Thursday, April 29, in room 5110, New Senate Office Building. Hearings will commence at 9:30 a.m.

Persons interested in appearing at the hearing should notify John Cary, staff counsel, at 225–6627.

NOTICE OF HEARING ON CERTAIN WATER RESOURCE PROJECTS UNDER JURISDICTION OF THE CORPS OF ENGINEERS AND THE SOIL CONSERVATION SERVICE

Mr. JORDAN of North Carolina. Mr. President, I wish to announce that the Subcommittee on Flood Control-Rivers and Harbors of the Committee on Public Works, of which I am chairman, will hold public hearings relating to authorization of several pending water resource matters.

On Tuesday, April 27, 1971, the subcommittee will receive testimony from the Corps of Engineers on the following projects that have been recommended by that agency:

First. City of San Leandro Marina, Alameda County, Calif., House Document No. 91–428;

Second. University Wash and Spring Brook, Riverside, Calif., Senate Document No. 91–116;

Third. Dunkirk Harbor, N.Y., House Document No. 91–423.

On the same day, following the testimony of the Corps of Engineers, the subcommittee will hear the recommendations of representatives of the Soil Conservation Service on the following favorable projects:

First. Ecleto Creek, Tex., Senate Committee Print No. 92–5;

Second. Ni River, Va., Senate Committee Print No. 92–8;

Third. Pond Creek, Tex., Senate Committee Print No. 92–6;

Fourth. Sanderson Canyon, Tex., Senate Committee Print No. 92–7; and

Fifth. Tallaseehatchie Creek, Ala., Senate Committee Print No. 92–4.

The following day, Wednesday, April 28, 1971, the subcommittee will hear from all other witnesses who may have an interest in these proposed projects. In this connection, anyone who wishes to testify or file a statement for the record should contact Mr. Joseph F. Van Vladricken, professional staff member, Subcommittee on Flood Control—Rivers and Harbors, Committee on Public Works, room 4206, New Senate Office Building, Washington, D.C. Telephone: Area Code 202—225–6176. The subcommittee will meet on both days at 10 a.m. in room 4200, New Senate Office Building.

The subcommittee consists of the Senator from Indiana (Mr. Bayh), the Senator from Missouri (Mr. Eagleton), the Senator from California (Mr. Tunney), the Senator from Texas (Mr. Bentsen), the Senator from Kansas (Mr. Dole), the Senator from Kentucky (Mr. Cooper), the Senator from Maryland (Mr. Beall), the Senator from Connecticut (Mr. Weicker), and myself.

NOTICES OF HEARINGS ON NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to submit, on behalf of the distinguished senior Senator from Mississippi (Mr. Eastland), notices of a public hearing on nominations.

There being no objection, the notices were ordered to be printed in the Record, as follows:

Notice of Hearing

Mr. Eastland. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, April 21, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

James E. Barrett, of Wyoming, to be U.S. Circuit Judge, 10th Circuit, vice John J. Hickey, deceased.

Raymond J. Broderick, of Pennsylvania, to be U.S. District Judge, Eastern District of Pennsylvania, vice a new position created by Public Law 91–272, approved June 2, 1970.

Herbert Y. C. Choy, of Hawaii, to be U.S. Circuit Judge, 9th Circuit, vice Stanley N. Barnes, retired.

William E. Doyle, of Colorado, to be U.S. Circuit Judge, 10th Circuit, vice Alfred P. Murrah, retired.

Walter T. McGovern, of Washington, to be U.S. District Judge for the Western District of Washington, vice William J. Lindberg, retired.

Thomas R. McMillen, of Illinois, to be U.S. District Judge for the Northern District of Illinois, vice William J. Campbell, retired.

Robert A. Sprecher, of Illinois, to be U.S. Circiut Judge, 7th Circuit, vice Latham Castle, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. Eastland) as Chairman; the Senator from Arkansas (Mr. McClellan) and the Senator from Nebraska (Mr. Hruska).

Notice Concerning Nominations Before the Committee on the Judiciary

Mr. Eastland. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary.

G. Kent Edwards, of Alaska, to be U.S. Attorney for the District of Alaska for the term of 4 years, vice Douglas B. Baily.

Donald P. Mackay, of Illinois, to be U.S. Attorney for the Southern District of Illinois for the term of 4 years, vice Richard E. Eagleton, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, April 21, 1971, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the **Additional Protocol to the Latin America nuclear free zone treaty.**

There being no objection, the Senate **proceeded to consider executive business.**

ADDITIONAL PROTOCOL II TO THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA

Mr. MANSFIELD. Mr. President, this is not to be considered as a precedent for violating the rule of germaneness, but because of the situation that has developed today, I hope Senators will recognize the fact that this is being done only to place in the RECORD an explanation of the treaty and that a vote on the treaty, the Senate concurring, will take place at 1 o'clock on Monday next.

Mr. President, I ask unanimous consent that the Chair lay before the Senate executive H, 91st Congress, second session.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider executive H, 91st Congress, second session, the Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America, which was read the second time as follows:

TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA

Preamble

In the name of their peoples and faithfully interpreting their desires and aspirations, the Governments of the States which sign the Treaty for the Prohibition of Nuclear Weapons in Latin America,

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on the sovereign equality of States, mutual respect and good neighbourliness,

Recalling that the United Nations General Assembly, in its Resolution 808 (IX), adopted unanimously as one of the three points of a coordinated programme of disarmament "the total prohibition of the use and manufacture of nuclear weapons and weapons of mass destruction of every type",

Recalling that militarily denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage,

Recalling United Nations General Assembly Resolution 1911 (XVIII), which established that the measures that should be agreed upon for the denuclearization of Latin America should be taken "in the light of the principles of the Charter of the United Nations and of regional agreements",

Recalling United Nations General Assembly Resolution 2028 (XX), which established the principle of an acceptable balance of mutual responsibilities and duties for the nuclear and non-nuclear powers, and

Recalling that the Charter of the Organization of American States proclaims that it is an essential purpose of the Organization to strengthen the peace and security of the hemisphere,

Convinced:

That the incalculable destructive power of nuclear weapons has made it imperative that the legal prohibition of war should be strictly observed in practice if the survival of civilization and of mankind itself is to be assured,

That nuclear weapons, whose terrible effects are suffered, indiscriminately and inexorably, by military forces and civilian population alike, constitute, through the persistence of the radioactivity they release, an attack on the integrity of the human species and ultimately may even render the whole earth uninhabitable,

That general and complete disarmament under effective international control is a vital matter which all the peoples of the world equally demand,

That the proliferation of nuclear weapons, which seems inevitable unless States, in the exercise of their sovereign rights, impose restrictions on themselves in order to prevent it, would make any agreement or disarmament enormously difficult and would increase the danger of the outbreak of a nuclear conflagration,

That the establishment of military denuclearized zones is closely linked with the maintenance of peace and security in the respective regions,

That the military denuclearization of vast geographical zones, adopted by the sovereign decision of the States comprised therein, will exercise a beneficial influence on other regions where similar conditions exist,

That the privileged situation of the signatory States, whose territories are wholly free from nuclear weapons, imposes upon them the inescapable duty of preserving that situation both in their own interests and for the good of mankind,

That the existence of nuclear weapons in any country of Latin American would make it a target for possible nuclear attacks and would inevitably set off, throughout the region, a ruinous race in nuclear weapons which would involve the unjustifiable diversion, for warlike purposes, of the limited resources required for economic and social development,

That the foregoing reasons, together with the traditional peace-loving outlook of Latin America, give rise to an inescapable necessity that nuclear energy should be used in that region exclusively for peaceful purposes, and that the Latin American countries should use their right to the greatest and most equitable possible access to this new source of energy in order to expedite the economic and social development of their peoples.

Convinced finally:

That the military denuclearization of Latin America—being understood to mean the undertaking entered into internationally in this Treaty to keep their territories forever free from nuclear weapons—will constitute a measure which will spare their peoples from the squandering of their limited resources on nuclear armaments and will protect them against possible nuclear attacks on their territories, and will also constitute a significant contribution towards preventing the proliferation of nuclear weapons and a powerful factor for general and complete disarmament, and

That Latin America, faithful to its tradition of university, must not only endeavour to banish from its homelands the scourge of a nuclear war, but must also strive to promote the well-being and advancement of its peoples, at the same time co-operating in the fulfillment of the ideals of mankind, that is to say, in the consolidation of a permanent peace based on equal rights, economic fairness and social justice for all, in accordance with the principles and purposes set forth in the Charter of the United Nations and in the Charter of the Organization of American States,

Have agreed as follow:

Obligations

ARTICLE 1

1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:

(a) The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and

(b) The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.

2. The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon.

Definition of the Contracting Parties

ARTICLE 2

For the purposes of this Treaty the Contracting Parties are those for whom the Treaty is in force.

Definition of territory

ARTICLE 3

For the purposes of this Treaty, the term "territory" shall include the territorial sea, air space and any other space over which the State exercises sovereignty in accordance with its own legislation.

Zone of application

ARTICLE 4

1. The zone of application of this Treaty is the whole of the territories for which the Treaty is in force.

2. Upon fulfillment of the requirements of article 28, paragraph 1, the zone of application of this Treaty shall also be that which is situated in the western hemisphere within the following limits (except the continental part of the territory of the United States of America and its territorial waters): starting at a point located at 35° north latitude, 75° west longitude; from this point directly southward to a point at 30° north latitude, 75° west longitude; from there, directly eastward to a point at 30° north latitude, 50° west longitude; from there, along a loxodromic line to a point at 5° north latitude, 20° west longitude; from there, directly southward to a point at 60° south latitude, 20° west longitude; from there, directly westward to a point at 60° south latitude, 115° west longitude; from there, directly northward to a point at 0 latitude, 115° west longitude; from there, along a loxodromic line to a point at 35° north latitude, 150° west longitude; from there, directly eastward to a point at 35° north latitude, 75° west longitude.

Definition of nuclear weapons

ARTICLE 5

For the purposes of this Treaty, a nuclear weapon is any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes. An instrument that may be used for the transport or propulsion of the device is not included in this definition if it is separable from the device and not an indivisible part thereof.

Meeting of signatories

ARTICLE 6

At the request of any of the signatory States or if the Agency established by article

7 should so decide, a meeting of all the signatories may be convoked to consider in common questions which may affect the very essence of this instrument, including possible amendments to it. In either case, the meeting will be convoked by the General Secretary.

Organization

ARTICLE 7

1. In order to ensure compliance with the obligations of this Treaty, the Contracting Parties hereby establish an international organization to be known as the "Agency for the Prohibition of Nuclear Weapons in Latin America", hereinafter referred to as "the Agency". Only the Contracting Parties shall be affected by its decisions.

2. The Agency shall be responsible for the holding of periodic or extraordinary consultations among Member States on matters relating to the purposes, measures and procedures set forth in this Treaty and to the supervision of compliance with the obligations arising therefrom.

3. The Contracting Parties agree to extend to the Agency full and prompt co-operation in accordance with the provisions of this Treaty, of any agreements they may conclude with the Agency and of any agreements the Agency may conclude with any other international organization or body.

4. The headquarters of the Agency shall be in Mexico City.

Organs

ARTICLE 8

1. There are hereby established as principal organs of the Agency a General Conference, a Council and a Secretariat.

2. Such subsidiary organs as are considered necessary by the General Conference may be established within the purview of this Treaty.

The General Conference

ARTICLE 9

1. The General Conference, the supreme organ of the Agency, shall be composed of all the Contracting Parties; it shall hold regular sessions every two years, and may also hold special sessions whenever this Treaty so provides or, in the opinion of the Council, the circumstances so require.

2. The General Conference:

(a) May consider and decide on any matters or questions covered by this Treaty, within the limits thereof, including those referring to powers and functions of any organ provided for in this Treaty.

(b) Shall establish procedures for the control system to ensure observance of this Treaty in accordance with its provisions.

(c) Shall elect the Members of the Council and the General Secretary.

(d) May remove the General Secretary from office if the proper functioning of the Agency so requires.

(e) Shall receive and consider the biennial and special reports submitted by the Council and the General Secretary.

(f) Shall initiate and consider studies designed to facilitate the optimum fulfillment of the aims of this Treaty, without prejudice to the power of the General Secretary independently to carry out similar studies for submission to and consideration by the Conference.

(g) Shall be the organ competent to authorize the conclusion of agreements with Governments and other international organizations and bodies.

3. The General Conference shall adopt the Agency's budget and fix the scale of financial contributions to be paid by Member States, taking into account the systems and criteria used for the same purpose by the United Nations.

4. The General Conference shall elect its officers for each session and may establish such subsidiary organs as it deems necessary for the performance of its functions.

5. Each Member of the Agency shall have one vote. The decisions of the General Conference shall be taken by a two-thirds majority of the Members present and voting in the case of matters relating to the control system and measures referred to in article 20, the admission of new Members, the election or removal of the General Secretary, adoption of the budget and matters related thereto. Decisions on other matters, as well as procedural questions and also determination of which questions must be decided by a two-thirds majority, shall be taken by a simple majority of the Members present and voting.

6. The General Conference shall adopt its own rules of procedure.

The Council

ARTICLE 10

1. The Council shall be composed of five Members of the Agency elected by the General Conference from among the Contracting Parties, due account being taken of equitable geographic distribution.

2. The Members of the Council shall be elected for a term of four years. However, in the first election three will be elected for two years. Outgoing Members may not be re-elected for the following period unless the limited number of States for which the Treaty is in force so requires.

3. Each Member of the Council shall have one representative.

4. The Council shall be so organized as to be able to function continuously.

5. In addition to the functions conferred upon it by this Treaty and to those which may be assigned to it by the General Conference, the Council shall, through the General Secretary, ensure the proper operation of the control system in accordance with the provisions of this Treaty and with the decisions adopted by the General Conference.

6. The Council shall submit an annual report on its work to the General Conference as well as such special reports as it deems necessary or which the General Conference requests of it.

7. The Council shall elect its officers for each session.

8. The decisions of the Council shall be taken by a simple majority of its Members present and voting.

9. The Council shall adopt its own rules of procedure.

The Secretariat

ARTICLE 11

1. The Secretariat shall consist of a General Secretary, who shall be the chief administrative officer of the Agency, and of such staff as the Agency may require. The term of office of the General Secretary shall be four years and he may be re-elected for a single additional term. The General Secretary may not be a national of the country in which the Agency has its headquarters. In case the office of General Secretary becomes vacant, a new election shall be held to fill the office for the remainder of the term.

2. The staff of the Secretariat shall be appointed by the General Secretary, in accordance with rules laid down by the General Conference.

3. In addition to the functions conferred upon him by this Treaty and to those which may be assigned to him by the General Conference—the General Secretary shall ensure, as provided by article 10, paragraph 5, the proper operation of the control system established by this Treaty, in accordance with the provisions of the Treaty and the decisions taken by the General Conference.

4. The General Secretary shall act in that capacity in all meetings of the General Conference and of the Council and shall make an annual report to both bodies on the work of the Agency and any special reports requested by the General Conference or the Council or which the General Secretary may deem desirable.

5. The General Secretary shall establish the procedures for distributing to all Contracting Parties information received by the Agency from governmental sources and such information from nongovernmental sources as may be of interest to the Agency.

6. In the performance of their duties the General Secretary and the staff shall not seek or receive instructions from any Government or from any other authority external to the Agency and shall refrain from any action which might reflect on their position as international officials responsible only to the Agency; subject to their responsibility to the Agency, they shall not disclose any industrial secrets or other confidential information coming to their knowledge by reason of their official duties in the Agency.

7. Each of the Contracting Parties undertakes to respect the exclusively international character of the responsibilities of the General Secretary and the staff and not to seek to influence them in the discharge of their responsibilities.

Control system

ARTICLE 12

1. For the purpose of verifying compliance with the obligations entered into by the Contracting Parties in accordance with article 1, a control system shall be established which shall be put into effect in accordance with the provisions of articles 13–18 of this Treaty.

2. The control system shall be used in particular for the purpose of verifying:

(a) That devices, services and facilities intended for peaceful uses of nuclear energy are not used in the testing or manufacture of nuclear weapons.

(b) That none of the activities prohibited in article 1 of this Treaty are carried out in the territory of the Contracting Parties with nuclear materials or weapons introduced from abroad, and

(c) That explosions for peaceful purposes are compatible with article 18 of this Treaty.

IAEA safeguards

ARTICLE 13

Each Contracting Party shall negotiate multilateral or bilateral agreements with the International Atomic Energy Agency for the application of its safeguards to its nuclear activities. Each Contracting Party shall initiate negotiations within a period of 180 days after the date of the deposit of its instrument of ratification of this Treaty. These agreements shall enter into force, for each Party, not later than eighteen months after the date of the initiation of such negotiations except in case of unforeseen circumstances or *force majeure*.

Reports of the Parties

ARTICLE 14

1. The Contracting Parties shall submit to the Agency and to the International Atomic Energy Agency, for their information, semi-annual reports stating that no activity prohibited under this Treaty has occurred in their respective territories.

2. The Contracting Parties shall simultaneously transmit to the Agency a copy of any report they may submit to the International Atomic Energy Agency which relates to matters that are the subject of this Treaty and to the application of safeguards.

3. The Contracting Parties shall also transmit to the Organization of American States, for its information, any reports that may be of interest to it, in accordance with the obligations established by the Inter-American System.

Special reports requested by the General Secretary

ARTICLE 15

1. With the authorization of the Council, the General Secretary may request any of the Contracting Parties to provide the

Agency with complementary or supplementary information regarding any event or circumstance connected with compliance with this Treaty, explaining his reasons. The Contracting Parties undertake to co-operate promptly and fully with the General Secretary.

2. The General Secretary shall inform the Council and the Contracting Parties forthwith of such requests and of the respective replies.

Special inspections

ARTICLE 16

1. The International Atomic Energy Agency and the Council established by this Treaty have the power of carrying out special inspections in the following cases:

(a) In the case of the International Atomic Energy Agency, in accordance with the agreements referred to in article 13 of this Treaty;

(b) In the case of the Council:

(i) When so requested, the reasons for the request being stated, by any Party which suspects that some activity prohibited by this Treaty has been carried out or is about to be carried out, either in the territory of any other Party or in any other place on such latter Party's behalf, the Council shall immediately arrange for such an inspection in accordance with article 10, paragraph 5.

(ii) When requested by any Party which has been suspected of or charged with having violated this Treaty, the Council shall immediately arrange for the special inspection requested in accordance with article 10, paragraph 5.

The above requests will be made to the Council through the General Secretary.

2. The costs and expenses of any special inspection carried out under paragraph 1, subparagraph (b), sections (i) and (ii) of this article shall be borne by the requesting Party or Parties, except where the Council concludes on the basis of the report on the special inspection that in view of the circumstances existing in the case, such costs and expenses should be borne by the Agency.

3. The General Conference shall formulate the procedures for the organization and execution of the special inspections carried out in accordance with paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article.

4. The Contracting Parties undertake to grant the inspectors carrying out such special inspections full and free access to all places and all information which may be necessary for the performance of their duties and which are directly and intimately connected with the suspicion of violation of this Treaty. If so requested by the authorities of the Contracting Party in whose territory the inspection is carried out, the inspectors designated by the General Conference shall be accompanied by representatives of said authorities, provided that this does not in any way delay or hinder the work of the inspectors.

5. The Council shall immediately transmit to all the Parties, through the General Secretary, a copy of any report resulting from special inspections.

6. Similiarly, the Council shall send through the General Secretary to the Secretary-General of the United Nations, for transmission to the United Nations Security Council and General Assembly, and to the Council of the Organization of American States, for its information, a copy of any report resulting from any special inspection carried out in accordance with paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article.

7. The Council may decide, or any Contracting Party may request, the convening of a special session of the General Conference for the purpose of considering the reports resulting from any special inspection. In such a case, the General Secretary shall take immediate steps to convene the special session requested.

8. The General Conference, convened in special session under this article, may make recommendations to the Contracting Parties and submit reports to the Secretary-General of the United Nations to be transmitted to the United Nations Security Council and the General Assembly.

Use of nuclear energy for peaceful purposes

ARTICLE 17

Nothing in the provisions of this Treaty shall prejudice the rights of the Contracting Parties, in conformity with this Treaty, to use nuclear energy for peaceful purposes, in particular for their economic development and social progress.

Explosions for peaceful purposes

ARTICLE 18

1. The Contracting Parties may carry out explosions of nuclear devices for peaceful purposes—including explosions which involve devices similar to those used in nuclear weapons—or collaborate with third parties for the same purposes, provided that they do so in accordance with the provisions of this article and the other articles of the Treaty, particularly articles 1 and 5.

2. Contracting Parties intending to carry out, or to co-operate in carrying out, such an explosion shall notify the Agency and the International Atomic Energy Agency, as far in advance as the circumstances require, of the date of the explosion and shall at the same time provide the following information:

(a) The nature of the nuclear device and the source from which it was obtained,

(b) The place and purpose of the planned explosion,

(c) The procedures which will be followed in order to comply with paragraph 3 of this article,

(d) The expected force of the device, and

(e) The fullest possible information on any possible radioactive fall-out that may result from the explosion or explosions, and measures which will be taken to avoid danger to the population, flora, fauna and territories of any other Party or Parties.

3. The General Secretary and the technical personnel designated by the Council and the International Atomic Energy Agency may observe all the preparations, including the explosion of the device, and shall have unrestricted access to any area in the vicinity of the site of the explosion in order to ascertain whether the device and the procedures followed during the explosion are in conformity and the information supplied under paragraph 2 of this article and the other provisions of this Treaty.

4. The Contracting Parties may accept the collaboration of third parties for the purpose set forth in paragraph 1 of the present article, in accordance with paragraphs 2 and 3 thereof.

Relations with other international organizations

ARTICLE 19

1. The Agency may conclude such agreements with the International Atomic Energy Agency as are authorized by the General Conference and as it considers likely to facilitate the efficient operation of the control system established by this Treaty.

2. The Agency may also enter into relations with any international organization or body, especially any which may be established in the future to supervise disarmament or measures for the control of armaments in any part of the world.

3. The Contracting Parties may, if they see fit, request the advice of the Inter-American Nuclear Energy Commission on all technical matters connected with the application of this Treaty with which the Commission is competent to deal under its Statute.

Measures in the event of violation of the Treaty

ARTICLE 20

1. The General Conference shall take note of all cases in which, in its opinion, any Contracting Party is not complying fully with its obligations under this Treaty and shall draw the matter to the attention of the Party concerned, making such recommendations as it deems appropriate.

2. If, in its opinion, such non-compliance constitutes a violation of this Treaty which might endanger peace and security, the General Conference shall report thereon simultaneously to the United Nations Security Council and the General Assembly through the Secretary-General of the United Nations, and to the Council of the Organization of American States, The General Conference shall likewise report to the International Atomic Energy Agency for such purposes as are relevant in accordance with its Statute.

United Nations and Organization of American States

ARTICLE 21

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the Parties under the Charter of the United Nations or, in the case of States Members of the Organization of American States, under existing regional treaties.

Privileges and immunities

ARTICLE 22

1. The Agency shall enjoy in the territory of each of the Contracting Parties such legal capacity and such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its purposes.

2. Representatives of the Contracting Parties accredited to the Agency and officials of the Agency shall similarly enjoy such privileges and immunities as are necessary for the performance of their functions.

3. The Agency may conclude agreements with the Contracting Parties with a view to determining the details of the application of paragraphs 1 and 2 of this article.

Notification of other agreements

ARTICLE 23

Once this Treaty has entered into force, the Secretariat shall be notified immediately of any international agreement concluded by any of the Contracting Parties on matters with which this Treaty is concerned; the Secretariat shall register it and notify the other Contracting Parties.

Settlement of disputes

ARTICLE 24

Unless the Parties concerned agree on another mode of peaceful settlement, any question or dispute concerning the interpretation or application of this Treaty which is not settled shall be referred to the International Court of Justice with the prior consent of the Parties to the controversy.

Signature

ARTICLE 25

1. This Treaty shall be open indefinitely for signature by:

(a) All the Latin American Republics, and

(b) All other sovereign States situated in their entirety south of latitude 35° north in the western hemisphere; and, except as provided in paragraph 2 of this article, all such States which become sovereign, when they have been admitted by the General Conference.

2. The General Conference shall not take any decision regarding the admission of a political entity part or all of whose territory is the subject, prior to the date when this Treaty is opened for signatures of a disptue or claim between an extra-continental country and one or more Latin American States, so long as the dispute has not been settled by peaceful means.

Ratification and deposit

Article 26

1. This Treaty shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.

2. This Treaty and the instruments of ratification shall be deposited with the Government of the Mexican United States, which is hereby designated the Depositary Government.

3. The Depositary Government shall send certified copies of this Treaty to the Governments of signatory States and shall notify them of the deposit of each instrument of ratification.

Reservations

Article 27

This Treaty shall not be subject to reservations.

Entry into force

Article 28

1. Subject to the provisions of paragraph 2 of this article this Treaty shall enter into force among the States that have ratified it as soon as the following requirements have been met:

(a) Deposit of the instruments of ratification of this Treaty with the Depositary Government by the Governments of the States mentioned in article 25 which are in existence on the date when this Treaty is opened for signature and which are not affected by the provisions of article 25, paragraph 2;

(b) Signature and ratification of Additional Protocol I annexed to this Treaty by all extra-continental or continental States having *de jure* or *de facto* international responsibility for territories situated in the zone of application of the Treaty;

(c) Signature and ratification of the Additional Protocol II annexed to this Treaty by all powers possessing nuclear weapons;

(d) Conclusion of bilateral or multilateral agreements on the application of the Safeguards System of the International Atomic Energy Agency in accordance with article 13 of this Treaty.

2. All signatory States shall have the imprescriptible right to waive, wholly or in part, the requirements laid down in the preceding paragraph. They may do so by means of a declaration which shall be annexed to their respective instrument of ratification and which may be formulated at the time of deposit of the instrument or subsequently. For those States which exercise this right, this Treaty shall enter into force upon deposit of the declaration, or as soon as those requirements have been met which have not been expressly waived.

3. As soon as this Treaty has entered into force in accordance with the provisions of paragraph 2 for eleven States, the Depositary Government shall convene a preliminary meeting of those States in order that the Agency may be set up and commence its work.

4. After the entry into force of this Treaty for all the countries of the zone, the rise of a new power possessing nuclear weapons shall have the effect of suspending the execution of this Treaty for those countries which have ratified it without waiving requirements of paragraph 1, sub-paragraph (c) of this article, and which request such suspension: the Treaty shall remain suspended until the new power, on its own intiative or upon request by the General Conference, ratifies the annexed Additional Protocol II.

Amendments

Article 29

1. Any Contracting Party may propose amendments to this Treaty and shall submit its proposals to the Council through the General Secretary, who shall transmit them to all the other Contracting Parties and, in addition, to all other signatories in accordance with article 6. The Council, through the General Secretary, shall immediately following the meeting of signatories convene a special session of the General Conference to examine the proposals made, for the adoption of which a two-thirds majority of the Contracting parties present and voting shall be required.

2. Amendments adopted shall enter into force as soon as the requirements set forth in article 28 of this Treaty have been complied with.

Duration and denunciation

Article 30

1. This Treaty shall be of a permanent nature and shall remain in force indefinitely, but any Party may denounce it by notifying the General Secretary of the Agency if, in the opinion of the denouncing State, there have arisen or may arise circumstances connected with the content of this Treaty or of the annexed Additional Protocols I and II which affect its supreme interests or the peace and security of one or more Contracting Parties.

2. The denunciation shall take effect three months after the delivery to the General Secretary of the Agency of the notification by the Government of the signatory State concerned. The General Secretary shall immedinately communicate such notification to the other Contracting Parties and to the Secretary-General of the United Nations for the information of the United Nations Security Council and the General Assembly. He shall also communicate it to the Secretary-General of the Organization of American States.

Authentic texts and registration

Article 31

This Treaty, of which the Spanish, Chinese, English, French, Portugese and Russian texts are equally authentic, shall be registered by the Depositary Government in accordance with article 102 of the United Nations Charter. The Depositary Government shall notify the Secretary-General of the United Nations of the signatures, ratifications and amendments relating to this Treaty and shall communicate them to the Secretary-General of the Organization of American States for its information.

Transitional Article

Denunciation of the declaration referred to in article 28, paragraph 2, shall be subject to the same procedures as the denunciation of this Treaty, except that it will take effect on the date of delivery of the respective notification.

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Treaty on behalf of their respective Governments.

Done at Mexico, Distrito Federal, on the Fourteenth day of February, one thousand nine hundred and sixty-seven.

For the Argentine Republic:
For the Republic of Bolivia:
  Reinaldo del Carpio Jáuregui
For Brazil:
For the Republic of Colombia:
  Alvaro Herrán Medina
  Tulio Marulanda
For the Republic of Costa Rica:
  Rafael Angel Calderón Guardia
For the Republic of Chile:
  Armando Uribe Arce
For the Republic of Ecuador:
  Leopoldo Benites Vinueza
For the Republic of El Salvador:
  Rafael Eguizábal Tobías
For the Republic of Guatemala:
  Carlos Leónidas Acevedo
  Carlos Hall Lloreda
  Juan Carlos Delprée Crespo
For the Republic of Haiti:
  Julio Jean Pierre-Audain
For the Republic of Honduras:
  Armando Velázquez Cerrato
For Jamaica:
For the Mexican United States:
  Alfonso García Robles
  Jorge Castaneda
For the Republic of Nicaragua:
For the Republic of Panama:
  José B. Cárdenas
  Simón Quirós Guardia
  José B. Calvo
For the Republic of Paraguay:
For the Republic of Peru:
  Eduardo Valdez Pérez del Castillo
For the Dominican Republic:
For Trinidad and Tobago:
For the Eastern Republic of Uruguay:
  Manuel Sánchez Morales
For the Republic of Venezuela:
  Rollando Salcedo Delima

ADDITIONAL PROTOCOL I

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

Convinced that the Treaty for the Prohibition of Nuclear Weapons in Latin America, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

Article 1. To undertake to apply the statute of denuclearization in respect of warlike purposes as defined in articles 1, 3, 5 and 13 of the Treaty for the Prohibition of Nuclear Weapons in Latin America in territories for which, *de jure* or *de facto*, they are internationally responsible and which lie within the limits of the geographical zone established in that Treaty.

Article 2. The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this Protocol is an annex, and the provisions regarding ratification and denunciation contained in the Treaty shall be applicable to it.

Article 3. This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Protocol on behalf of their respective Governments.

Mr. MANSFIELD. Mr. President, the protocol and the treaty to which it pertains, the Treaty for the Prohibition of Nuclear Weapons in Latin America—described briefly in the last paragraph of this section, are the result of the work of the Preparatory Commission for the Denuclearization of Latin America which met in Mexico City between March 1965 and February 1967. The United States was not a member of the Commission but sent observers to all but one of its sessions. On February 14, 1967, the treaty and its two protocols were opened for signature. The United States signed Additional Protocol II with an accompanying statement on April 1, 1968, at Mexico City. The United States has not signed and does not presently plan to sign Protocol I. More than 2 years later, on August 13, 1970, it was submitted to the Senate for advice and consent to ratification.

According to the executive branch, the delay in signature and submission of the protocol to the Senate was occasioned by a desire to see whether the treaty would be "widely accepted by the parties" and by a desire to test the United States interpretation of the treaty and the protocol in actual practice with the parties over an extended period. An initial hearing on the protocol was held by the Committee on September 22, 1970, and a second, and final, hearing on February 23, 1971.

PURPOSE

Protocol II was designed expressly for signature by states possessing nuclear weapons and wishing to associate themselves with the objectives of the treaty. By adhering to this protocol the United States commits itself, subject to its clarifying interpretations, to respect the aims and provisions of the treaty, not to contribute to its violation, and not to use or threaten to use nuclear weapons against the Latin American states for which the treaty is in force.

The treaty itself, which only Latin American nations may sign, commits the contracting parties to use nuclear materials and facilities under their jurisdiction only for peaceful purposes. It prohibits contracting parties from producing, testing, or possessing nuclear weapons in their territories. In addition it forbids the receipt, deployment or installation of any nuclear weapons in the territories of the parties. Compliance with the treaty is to be assured through the International Atomic Energy Agency safeguards system and by special inspections conducted by the Agency for the Prohibition of Nuclear Weapons in Latin America, an international body established under the provisions of the treaty.

Mr. President, this treaty is the result of an initiative on the part of the Republic of Mexico. It was reported out of the committee, as I recall, unanimously. I ask unanimous consent that the main provisions of the protocol, understandings and declarations, and committee action and recommendations be printed in the Record.

There being no objection, the information requested—an excerpt from Executive Report No. 92–5—was ordered to be printed in the Record, as follows:

MAIN PROVISIONS OF PROTOCOL

Articles 1 and 2 of Additional Protocol II obligate the United States to respect the express aims and provisions of the treaty, and not to contribute in any way to the performance of acts involving a violation of the obligations of Article I of the treaty in the territories to which the treaty applies in accordance with Article 4 thereof.

Article 3 contains an undertaking "not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty." The treaty defines contracting parties as "those for whom the Treaty is in force" and thus the term does not include parties to either of the protocols.

Article 4 of the protocol incorporates a number of the provisions of the treaty by reference. It provides that the duration of the protocol shall be the same as that of the treaty, and that the provisions of Article 30 on denunciation shall be applicable to the protocol. Article 30 of the treaty provides that it may be denounced "if, in the opinion of the denouncing state, there have arisen or may arise circumstances connected with the content of this Treaty or of the annexed Additional Protocols I and II which affect its supreme interests or the peace and security of one or more Contracting Parties," and goes on to provide that denunciation shall take effect 3 months after notification. Article 4 of the protocol also provides that the definitions of "territory" and "nuclear weapons" as set forth in Articles 3 and 5 of the treaty shall be applicable to this protocol. In addition, Article 4 of the protocol states that the "provisions regarding ratification, reservations, * * * authentic texts and registration contained in * * * the treaty" should be applicable to the protocol.

Article 5 of Protocol II provides that the protocol shall enter into force for each adherent on the date it deposits its instrument of ratification.

UNDERSTANDINGS AND DECLARATIONS

In his letter of transmittal the President requested that the Senate give its advice and consent to ratification, subject to certain understanding set forth in a statement accompanying the report of the Secretary of State. This statement was similar to that which accompanied the United States signature of the protocol but contained revised language reflecting the entry in force of the Nuclear Non-Proliferation Treaty which occurred subsequent to U.S. signature of the protocol. In the course of the Committee's hearings executive branch witnesses proposed another modification of the statement to present a more explicit formulation of the U.S. understanding of the basis for territorial claims. The principal provisions of the revised statement, which is incorporated in the form of a declaration in the resolution of advice and consent, are as follows:

(1) U.S. ratification cannot be construed as an acceptance by the United States of the unilaterally asserted territorial boundary claims of the parties to the treaty (e.g., territorial seas).

(2) U.S. military transit and transport privileges will not be affected by ratification.

(3) The pledge not to use nuclear weapons against a contracting party would not prohibit a U.S. nuclear response in the event of an armed attack by a party with the assistance of a nuclear weapon state.

(4) Contracting parties are prohibited from acquiring nuclear explosives for peaceful purposes, but the United States could carry out nuclear explosions for peaceful purposes on their behalf and reaffirms its willingness to do so on the same terms as under the Nuclear Non-Proliferation Treaty.

(5) The United States will act with respect to Latin American territories of Protocol I adherents just as Protocol II would require us to act with regard to contracting parties.

COMMITTEE ACTION AND RECOMMENDATIONS

The Committee on Foreign Relations held public hearings on the protocol on September 22, 1970. At that time testimony was heard from Mr. Charles A. Meyer, Assistant Secretary of State for Inter-American Affairs, Mr. James F. Leonard, Assistant Director, U.S. Arms Control and Disarmament Agency, Mr. Charles Van Doren, Deputy General Counsel, U.S. Arms Control and Disarmament Agency, and Rear Admiral William E. Lemos, Director, Policy Plans, Office of the Assistant Secretary of Defense. Completion of the hearings was then delayed pending the appearance before the Committee of Admiral Thomas E. Moorer, Chairman of the Joint Chiefs of Staff. On February 23, 1971, Admiral Moorer testified in support of the protocol. The record of these two hearings has been published as a separate document for the information of the Senate. On March 30, 1971, the Committee, by a vote of 13–0, ordered the protocol reported favorably to the Senate subject to the understandings discussed above. Those members voting in the affirmative were Senators Fulbright, Sparkman, Church, Symington, Pell, McGee, Muskie, Spong, Aiken, Cooper, Javits, Scott and Pearson.

The Committee is not aware of any opposition to the protocol.

The PRESIDING OFFICER (Mr. Bayh). If there be no objection, executive H, 91st Congress, second session, will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will read for the information of the Senate.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America, signed at Mexico City on April 1, 1968 (Ex. H. 91–2), with the following understandings and declarations:

That the United States Government understands the reference in Article 3 of the treaty to "its own legislation" to relate only to such legislation as is compatible with the rules of international law and as involves an exercise of sovereignty consistent with those rules, and accordingly that ratification of Additional Protocol II by the United States Government could not be regarded as implying recognition, for the purposes of this treaty and its protocols or for any other purpose, of any legislation which did not in the view of the United States, comply with the relevant rules of international law.

That the United States Government takes note of the Preparatory Commission's interpretation of the treaty, as set forth in the Final Act that, governed by the principles and rules of international law, each of the contracting parties retains exclusive power and legal competence, unaffected by the terms of the treaty, to grant or deny non-contracting parties transist and transport privileges.

That as regards the undertaking in Article 3 of Protocol II not to use or threaten to use nuclear weapons against the Contracting Parties, the United States Government would have to consider that an armed attack by a Contracting Party, in which it was assisted by a nuclear-weapon state, would be incompatible with the Contracting Party's corresponding obligations under Article 1 of the treaty.

II

That the United States Government considers that the technology of making nuclear explosive devices for peaceful purposes is indistinguishable from the technology of making nuclear weapons, and that nuclear weapons and nuclear explosive devices for peaceful purposes are both capable of releasing nuclear energy in an uncontrolled manner and have a common group of characteristics of large amounts of energy generated instantaneously from a compact source. Therefore the United States Government understands the definition contained in Article 5 of the treaty as necessarily encompassing all nuclear explosive devices. It is also understood that Articles 1 and 5 restrict accordingly the activities of the contracting parties under paragraph 1 of Article 18.

That the United States Government understands that paragraph 4 of Article 18 of the treaty permits, and that United States adherence to Protocol II will not prevent, collaboration by the United States with contracting parties for the purpose of carrying out explosions of nuclear devices for peaceful purposes in a manner consistent with a policy of not contributing to the proliferation of nuclear weapons capabilities. In this connection, the United States Government notes that Article V of the Treaty on the Non-Proliferation of Nuclear Weapons, under which it joined in an undertaking to take appropriate measures to ensure that potential benefits of peaceful applications of nuclear explosions would be made available to non-nuclear-weapon states party to that treaty, and reaffirms its willingness to extend such undertaking, on the same basis, to states precluded by the present treaty from manufacturing or acquiring any nuclear explosive device.

III

That the United States Government also declares that, although not required by Protocol II, it will act with respect to such territories of Protocol I adherents as are within the geographical area defined in paragraph 2 of Article 4 of the treaty in the same manner as Protocol II requires it to act with respect to the territories of contracting parties.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending protocol occur at 1 p.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. For the information of the Senate, it will, of course, in accordance with the practice in the Senate be a yea-and-nay vote.

The unanimous consent agreement was subsequently reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT,
APRIL 14, 1971

Ordered, That the Senate proceed to vote on the resolution of ratification to Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America (Ex. H, 91st Cong., 2d sess.) at 1 p.m. on Monday, April 19, 1971.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 10 A.M. ON MONDAY, APRIL 19, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until the hour of 10 a.m. on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SYMINGTON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Missouri (Mr. SYMINGTON) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS CASE AND MATHIAS TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that tomorrow, at the conclusion of the remarks of the Senator from Missouri (Mr. SYMINGTON), the distinguished Senator from New Jersey (Mr. CASE) be recognized for not to exceed 15 minutes, and that immediately thereafter the distinguished Senator from Maryland (Mr. MATHIAS) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the recognition of Senators under orders previously granted tomorrow, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BAYH TODAY

Mr. BYRD of West Virginia. I ask unanimous consent that at the conclusion of morning business today—there being no business on the legislative calendar—the distinguished Senator from Indiana (Mr. BAYH) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JACKSON TODAY

Mr. BYRD of West Virginia. I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from Indiana (Mr. BAYH) today, the able Senator from Washington (Mr. JACKSON) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR FURTHER RECOGNITION OF SENATOR STENNIS TODAY

Mr. BYRD of West Virginia. I ask unanimous consent that at the conclusion of the remarks of the Senator from Washington (Mr. JACKSON) today, the distinguished Senator from Mississippi (Mr. STENNIS) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. I ask unanimous consent that at the conclusion of the remarks by the distinguished Senator from Mississippi (Mr. STENNIS) today, there again be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON THE NATIONAL CREDIT UNION ADMINISTRATION—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

In accordance with Title I, Section 3 (e) of the Federal Credit Union Act, as amended, I am pleased to transmit the Annual Report of the Administrator, National Credit Union Administration for calendar year 1970.

RICHARD NIXON.

THE WHITE HOUSE, *April 14, 1971.*

REPORT ON NATIONAL ENDOWMENT FOR THE ARTS AND NATIONAL COUNCIL ON THE ARTS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

In recent years, the arts have come to play an increasingly important role in American life—and not as the exclusive province of a few great art centers, but in the daily lives of thousands of communities, both large and small, throughout the country.

This heightened appreciation of the arts and of America's artists has been an immensely enriching experience for us all, both individually and as a Nation. For the arts are more than a form of entertainment, or a way of filling up leisure hours. They provide an indispensable means through which the imagination can be freed, and through which we can gain new perceptions and heightened understanding. They contribute beauty and grace to our lives. They inspire us to see things in new ways. They help us to a fuller appreciation of the infinite wonder of man and his world.

The extent to which America's artistic heritage is being enriched and extended should be a source of great pride to this Nation and its people. And the extent to which its enjoyment is becoming more broadly available should be a source of great satisfaction.

Throughout the United States, poets, painters and sculptors are now at work in our schools; symphony orchestras are reaching new and larger audiences; touring companies are bringing theatre, opera and dance to communities which, until now, have not experienced these art forms at first hand. All this is being accomplished through programs funded by the Congress, and carried out by the National Endowment for the Arts and the fifty-five councils that are now at work in every State and Territorial Jurisdiction.

I therefore take particular pleasure in transmitting to the Congress the Fifth Annual Report of the National Endowment for the Arts.

RICHARD NIXON.
THE WHITE HOUSE, *April 14, 1971.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

ADDITIONAL STATEMENTS

REMINDER OF REPORTS REQUIRED BY SENATE RULES OF CONDUCT

Mr. STENNIS. Mr. President, several Senators have requested that I make an announcement along these lines to remind Members and staff members of the requirements for filing certain financial disclosure and other reports under the Senate rules of conduct. Rule 44 requires each Senator, candidate for Senator, and certain senior employees who are paid by the Senate to file both public and confidential personal financial disclosures before May 15. In addition, employees who provide any personal service for compensation in connection with outside business or professional activity or employment must report the nature of this activity on May 15 in accordance with rule 41.

The Select Committee on Standards and Conduct has prepared its annual printed instruction explaining who must file these reports, what must be reported, where the reports can be filed, and other information on disclosure and outside employment reports. I sent each Senator, each chairman, and other officials of the Senate a copy of this instruction in January, but if anyone needs any additional help in making these reports, the staff of our committee is available.

For those persons who desire to utilize a form in making these reports, the staff will be pleased to furnish copies of the forms upon receipt of a telephoned request.

ADDRESSES BY SENATOR FULBRIGHT AT YALE UNIVERSITY

Mr. MANSFIELD. Mr. President, the Chairman of the Foreign Relations Committee (Mr. FULBRIGHT) delivered two very significant addresses at Yale University last weekend.

On April 3, Senator FULBRIGHT made a speech entitled "The Decline—and Possible Fall—of Constitutional Democracy in America," before the Yale Law Journal's annual banquet, commemorating the 80th year of publication of the journal.

The following evening, April 4, Senator FULBRIGHT spoke to the Yale Political Union on the "New Internationalism," outlining his concept of a new foreign policy based on reliance on the United Nations rather than on power politics.

On that occasion, the Yale Political Union presented Senator FULBRIGHT the A. Whitney Griswold Award for statesmanship and public service.

Mr. President, these two speeches by Senator FULBRIGHT merit widespread and serious attention. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

THE DECLINE—AND POSSIBLE FALL—OF CONSTITUTIONAL DEMOCRACY IN AMERICA

(By Senator J. W. FULBRIGHT)

There is no better measure of a country's belief in its own professed values than the ease or difficulty with which it betrays them. America is having an exceedingly difficult time in repudiating the ideals of Jefferson, Lincoln and Wilson in favor of the new militarism which our leaders say is our destiny and responsibility. This shows the authenticity of our attachment to democracy, but it does not guarantee democracy's survival. The outcome of the present crisis in our affairs—whether we are to remain a constitutional democracy or degenerate into an imperial dictatorship—is beyond our present range of vision. All that we know for certain is that, if we do give up on democracy, if we do turn our backs on the humane, rationalist values of our tradition, we will not have done it easily, or gladly—or, most ironically, with any real knowledge of what we were doing.

I. THE JURISPRUDENCE OF CRISIS

Perspective is easily lost in time of crisis: you do what you think you have to do to meet a threat or seize an opportunity—with little regard for procedure or precedent. Ends give way to means, law is subordinated to policy, in an atmosphere of urgency, real or contrived. In 1940 President Roosevelt usurped the treaty power of the Senate by his "destroyer deal" with Great Britain, and then, in 1941, he circumvented the war power of the Congress—by engaging in an undeclared naval war on the Atlantic—not because he wished to set himself up as a dictator but because he judged the nation to be endangered by Germany and Japan—as indeed it was—and he needed to act in a hurry. In 1950 President Truman committed the country, for its first time in history, to a full scale war without the benefit of Congresssional authorization; he did not do that because he wished to usurp the authority of Congress but because he perceived a clear and present danger in Korea and he needed to act in a hurry. In 1964 President Johnson subverted the Congress by persuading it, on the basis of erroneous information, to adopt the Gulf of Tonkin Resolution, which he invoked later to justify his massive intervention in Vietnam. President Johnson too was in a hurry; he said that he needed an immediate and overwhelming expression of Congressional support and, to our own subsequent regret, we gave it to him.

These occurrences—and others I could cite—have one common attribute: the subordination of constitutional process to political expediency in an atmosphere of urgency and seeming danger, resulting in each case in an expansion of Presidential power at the expense of Congress. The fact that Roosevelt and Truman were substantially right in their assessment of the national interest in no way diminishes the banefulness of the precedents they set. FDR's deviousness in a good cause made it much easier for LBJ to practice the same kind of deviousness in a bad cause.

The favored euphemisms for executive usurpation is "flexibility." Mr. Katzenbach, as Under Secretary of State, argued for an "essentially political approach to the conduct of our foreign affairs," leaving controversies over the division of authority between the executive and legislative branches of government to be resolved by "the instinct of the nation and its leaders for political responsibility."[1] If the rule of law must depend on a President's "instinct for political responsibility"—especially when he goes into his vainglorious role as Commander-in-Chief—then we are all about as secure as gazelles in a tiger cage; our only hope is that the tiger may not be hungry at the moment. Secretary of State Acheson pretty well summed up the "jurisprudence" of crisis when he told the Senate in 1951 that it ought not to quibble over "who has the power to do this, that, or the other thing," in this "very critical hour."

" 'Not only has the president the authority to use the Armed Forces in carrying out the Broad foreign policy of the United States and implementing treaties,' [Acheson contended], but it is equally clear that this authority may not be interfered with by the Congress in the exercise of powers which it has under the Congress in the exercise of powers which it has under the Constitution."[2]

Twenty years—and many a critical hour—have passed since President Truman sent the troops to Europe, and arguments about "who has the power to do this, that or the other thing" still arouse intense distaste in the executive branch of our government. It is best—so we are still told—to leave matters of decision making in foreign policy to be resolved according to the requirements of the moment, and who can doubt what the requirements of any given moment are going to be: the President is to be left unencumbered to make war or commitments abroad essentially as he sees fit, drawing Congress into the decision making insofar as he finds it useful and convenient. Besides, in this time of crisis—permanent, institutionalized crisis as it has developed—appeasing Congress would surely be interpreted as a dangerous sign of Presidential "weakness," which could only lead to further demands for power and participation. Is this after all not the lesson of Munich? Burdened as he is with weighty responsibilities in a dangerous world, a President simply cannot afford to appear as a "pitiful, helpless giant"—no more to the Senate than to the North Vietnamese themselves.

Footnotes at end of article.

Only if one subscribes to the cult of the "strong" presidency which mesmerized American political science in the fifties and early sixties can one look with complacency on the growth of presidential dictatorship in foreign affairs. In those days, when the magic glow of FDR still flickered in our memories, when Eisenhower reigned with paternal benignancy, and the Kennedys appeared on white chargers with promises of Camelot, it was possible to forget the wisdom of the Founding Fathers who had taught us to mistrust power, to check it and balance it, and never to yield up the means of thwarting it. Now, after bitter experience, we are having to learn all over again that no single man or institution can ever be counted upon as a reliable or predictable repository of wisdom and benevolence; that the possession of great power can impair a man's judgment and cloud his perception of reality; and that our only protection against the misuse of power is the institutionalized interaction of a diversity of independent opinions. In this Constitutional frame of reference, a good Executive is not one who strengthens his own office by exercising his powers to the legal utmost and beyond, but one who, by respecting the limits of his own authority, contributes to the vitality of the constitutional system as a whole.

When, as in recent years, the conduct of foreign policy is thought to necessitate the steady attrition of established constitutional processes, that foreign policy has become subversive of the very ends it is meant to serve. Why after all do we engage in foreign relations if not for the purpose of securing certain values, including the preservation of our constitutional democracy? The values of democracy are in large part the *processes* of democracy—the *way* in which we pass laws, the *way* in which we administer justice, the *way* in which government deals with individuals. When the exigencies of foreign policy are thought to necessitate the suspension of these processes, repeatedly and over a long period of time, such a foreign policy is not only inefficient but utterly irrational and self-defeating. I am willing to predict with reasonable confidence that, if democracy is destroyed in America in the lifetime of the present university generation, it will not be the work of the Russians, or of the Chinese, and certainly not of the Vietnamese Communists; the totalitarianism toward which we are heading will be a home grown product. Like the American major in Vienam who found it necessary to "destroy Ben Tre in order to save it," we may find some day, without quite knowing when or how or why it happened, that we have destroyed our own constitutional domocracy—in order to save it.

I used to puzzle over the question of how American democracy could be adapted to the kind of role we have come to play in the world. I think I now know the answer: it cannot be done. Congress can adopt palliative measures such as the Cooper-Church amendment or any of a number of possible bills designed to regulate the President's use of the armed forces, and these are all to the good. But they will not of themselves either stop the war, restore the Constitutional authority of Congress, or arrest the long term trend toward authoritarian government. That trend, I am now convinced, is irreversible as long as we continue to play the kind of role we are now playing in the world, as long as our course remains one of great power militarism. The real question is not whether we can adapt democracy to the kind of role we are now playing in the world—I am sure that we cannot—but whether we can devise a new foreign policy which will be compatible with our traditional values, a foreign policy which will give us security in our foreign relations without subverting democracy at home.

Tomorrow evening, in my talk to the Political Union, I will attempt to suggest some broad outlines for a new American foreign policy. In the remainder of my remarks tonight I would like to comment further on the decline of Congressional authority and the trend toward executive dictatorship in our foreign relations.

II. THE DECLINE OF CONGRESS

The distinguishing virtue of legislative bodies is neither wisdom nor virtue nor prescience. Individual members may sometimes possess these qualities, but no legislative body as such has ever been endowed with evangelical or inspirational qualities; no Congress has ever been thought to possess "charisma." The American Congress is indeed a slow-moving and sometimes inefficient body, widely criticized for procedures which are said to be antiquated and undemocratic. There is no doubt in the world that our Congress is less efficient than the legislatures of certain parliamentary democracies, and far less efficient than the sham legislatures of totalitarian states.

If efficiency were the sole criterion of a good legislature, there would be everything to be said for dismantling the Congress, or at least for revamping its procedures and introducing a system of strict party discipline. That is what many reformers say they want to do, in the apparent belief that decision is always better than delay and action better than inaction—a dubious assumption indeed, rooted in a utopian view of human nature. To those of us who have developed an appreciation of the capacity of people in high places for doing stupid things, there is much to be said for institutional processes which compel people to think things over before plunging into action. The SST is a case in point; the decision of both houses of Congress last week to lay that costly white elephant to rest would not have been possible if Senator Proxmire had not led a group of us in a salutary filibuster last December. But for that extended debate, the SST would now be a going concern.

I for one am not much distressed by the charge that Congress is not an up-to-date institution. In this age of the SST, the ABM, the MIRV, and the Indochina war, being "behind the times" may indeed be a mark of wisdom. And "efficiency," as that term is applied to legislatures, sounds very much to my ear like a euphemism for obedience to an Executive. I cannot emphasize too strongly my belief, that a legislative body's accomplishments consist as much in what it prevents as in what it enacts. As Justice Brandeis pointed out: "The doctrine of the separation of powers was adopted by the convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy." [3]

Executive incursions upon Congress's foreign policy powers have had three main results: First, the authority to initiate war, which the Constitution vested solely in Congress, has passed into the hands of the Executive. Second, the treaty power, which was meant to give the Senate final authority over significant foreign commitments, has been reduced to a near nullity, sometimes by resort to executive agreements and simple declarations, sometimes by the simple device of reinterpreting treaties in such a way as to impute to them meanings which were wholly unintended, if not explicitly disavowed, at the time they were contracted. Third, the "advise and consent" function has been so diminished that little or no cognizance is now taken of the Senate's counsel, while "consultation" is commonly used to refer to ceremonial briefings which are provided from time to time in order to acquaint Senators with decisions which have already been made. In the words of one distinguished historian, with refernce both to public and Congressional opinion, "Presidents Johnson and Nixon have made almost a virtue of unresponsiveness." [4]

The gradual takeover by the Executive of the war and treaty powers of Congress is part of a broader process of expanding Presidential authority which is by no means confined to foreign relations. Indeed, the trend toward militarized, authoritarian government has already penetrated broad areas of our domestic life. The Justice Department and the Army itself have engaged in spying and surveillance to anyone and everyone, including Senators, who, according to the peculiar lights of these agencies, may be considered "subversive." Our economy has been distorted by the development of a permeating military-industrial-labor union-academic complex, built around the fact that violence has become our country's leading industry. I particularly regret the unhealthy relationship which has grown up between many academic institutions and the Department of Defense and other government agencies.

Even when these arrangements are entirely without strings or prior conditions—as I am inclined to believe they are for the most part—they are intellectually disruptive and their thrust is anti-democratic. Lacking a use for poetry and philosophy, the Department of Defense and the CIA offer no funds for these disciplines; the Government is a patron only of the more lethal arts.

The only reliable cure for these evils is a basic change in our national outlook, including the adoption of a new foreign policy which will be compatible with rather than antithetical to our traditional democratic values. Until that change can be accomplished—if it can—our best defense against creeping authoritarianism is an assertive, independent legislature, supported as it must be by a responsible educated electorate. The virtues of Congress are inseparable from its faults; slow and unwieldy as it may be in accomplishing desirable reforms, Congress is equally unsuited to the task of depriving people of their liberties. If war and crisis should someday give rise to an aggressive, anti-libertarian Congressional majority, that majority would likely find itself hobbled by the Senate filibuster and the tortuous workings of the committee system.

The greatest single virtue of a strong legislature is not what it can do but what it can prevent. Incapable by reason of its size and diversity of imposing an authoritarianism of its own, the American Congress, with all its irrationalities, remains the strongest institutional barrier to Presidential dictatorship. But it can perform this vital service only as long as it is willing to exercise its legislative authority in foreign as well as domestic affairs, and only if it is willing to accept the responsibility for thwarting the Commander-in-Chief when it seems necessary, bearing in mind the words of Justice Holmes, that "We do not lose our right to condemn either measures or men because the country is at war." [5]

III. THE CULT OF THE PRESIDENT

As long as the President's capacity to dominate foreign policy remained an unrealized potentiality, as was the case until the twentieth century, and as long as that power, once it did begin to take form, was exercised in a way that won the approval of progressive-minded scholars and politicians, criticism of the Presidential office was confined to a handful of conservative Senators and academics who were dismissed as reactionary mossbacks. Hardly anyone, for example, took serious notice in 1950 when Senator Watkins of Utah questioned the authority of President Truman to commit the country to war in Korea without consulting Congress, and said that, if he were President,

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Footnotes at end of table.

he ". . . would have sent a message to the Congress of the United States setting forth the situation and asking for authority to go ahead and do whatever was necessary to protect the situation."[6] In retrospect, the so-called mossbacks seem like prescient constitutionalists.

With all due respect for the failures of judgment of recent Presidents, some rather fundamental defects seem to be inherent in the office itself, and in the electoral process as it has evolved in recent decades. Building on Madison's premise that "all men having power ought to be mistrusted," we are probably justified in extending our mistrust—or at least a certain wariness—toward any man who desires power so much as to be willing to do all the arduous things a man has to do to become President of the United States.

The qualities of a good candidate are not identical with those of a good leader. Indeed, an individual of perspective and sensitivity who might make an excellent President is hardly likely to have the taste for political rough and tumble that a successful candidate requires. The packaging, the image-making, the fraud, the huckstering, the extravagant, thorough-going irrationality of modern political campaigns, cannot fail to be distasteful to individuals of judgment and sensitivity. At the outset of our history as an independent republic, with a population of hardly more than five million, we were governed by men of distinction. Surely among a population of 200 million there must be individuals of the caliber of Washington, Adams, Jefferson and Madison. Wherever else they are, few indeeed seem to have chosen politics as their profession.

Among the shortcomings of the Presidential office, the most important appears to be the unique capacity of the office to isolate and deceive its occupant. So, at least, writes George Reedy, who served as President Johnson's press secretary and special assistant, in one of the most thoughtful and disturbing books on the Presidency of recent years. Encased from the day he takes office in an atmosphere of privilege and deference that amounts to royalty, the President is steadily divested of a politician's primary requirement, the maintenance of contact with reality, so much so, in fact, that, in Reedy's view, ". . . the White House is an institution which dulls the sensitivity of political men and ultimately reduces them to bungling amateurs in their basic craft—the art of politics."[7]

The essential cause of the difficulty is the isolation of the President at the apex of power. No one speaks to him unless spoken to; no one, as Reedy points out, ever invites him to "go soak his head;" no one in his presence ever addresses himself to anyone except the President, and always in terms of reverential respect. No one is his peer, certainly not his White House assistants, nor the Cabinet members who are his political servants, nor even Senators and Congressmen when they meet the President on his home ground. Even the most independent-minded Senator, says Reedy, ". . . enters cautiously, dressed in his Sunday best and with a respectful, almost pious, look on his face," because "The aura of reverence that surrounds the President when he is in the Mansion is so universal that the slightest hint of criticism automatically labels a man as a colossal lout."[8]

Perhaps the single most important difference between an American President and a British Prime Minister is that the latter is compelled to meet his critics face to face, giving him a lever on reality that the American President is denied. "Under the American system" as one political scientist, Professor Alexander Groth, points out, "the Executive is virtually prevented from engaging in public debate on policy by the institutional setting of his office; under the British system he is expected and, in fact, *compelled* to engage continually in it."[9] Every Thursday afternoon the Prime Minister is obliged to descend into the arena of the House of Commons where he has to answer questions, respond to criticisms, and endure whatever barbs and insults the Opposition chooses to throw at him. His appearance in the House is not a state occasion like the President's infrequent visits to the Congress, which are steeped in pomp and ceremony but usually quite lacking in political substance. The Prime Minister cannot barricade himself behind a phalanx of assistants and advisers; he is obliged to think and speak for himself. As Professor Groth points out, it is not the power to vote no confidence and compel the Prime Minister's resignation which gives the House of Commons its decisive influence, but rather its ability to compel the Prime Minister and his Cabinet colleagues continually to explain and justify their policies to an informed and critical body of colleagues. It is not "confidence" in its technical sense that a British Prime Minister must retain but confidence in its ordinary sense—confidence in his judgment, competence and responsibility.

The President, by contrast, is more nearly in the position of the British Monarch, except for the crucial fact that he has power and she does not. When the President speaks, it is always from a pedestal. His annual State of the Union message is seldom a serious analysis of the nation's problems and prospects; more commonly, it is a self-serving catalogue of the Administration's alleged triumphs, interlarded with a lot of vacuous eloquence about "driving dreams," or a "second American revolution" which turns out to be a plan for some bureaucratic reshuffling. On other occasions—notably when his standing in the polls sinks alarmingly low—the President is likely to use his near-monopoly of the television to speak "directly" to the American people; on these occasions, it is usually not a new policy that the President wishes to convey but a new "image"—an image of honesty or strength or sincerity, or even an image of indifference to "images." The total effect of all this indirect and inauthentic sham "communication" is to defraud the people of one of their most basic rights and the President of one of his most basic needs: the knowledge of each other's thinking.

Many promising correctives have been proposed of late; they range from a number of excellent bills designed to regulate the President's use of the armed forces to my own proposal for restrictions on secrecy in the name of "executive privilege." But in the long run, even the most energetic and ingenious means of reasserting Congressional prerogative will of themselves prove insufficient for the preservation of constitutional government. As Tocqueville pointed out, war breeds dictatorship. I for one am fairly well convinced that neither constitutional government nor democratic freedoms can survive indefinitely in a country chronically at war as America has been for the last three decades. Sooner or later, war will lead to dictatorship. Important though it is for Congress to assert its prerogatives and to devise new means of enforcing them, the issue ultimately will turn on questions outside of the legislative process, on questions of the allocation of resources between domestic needs and foreign involvements, questions of our willingness, whenever possible, to rely on the United Nations rather than our own military power, questions having to do with the kind of country we want America to be and the kind of role we wish it to play in the world.

The worst single consequence for our society of this long era of crisis and war has been the steady undermining of the rule of law. From the White House to the university campuses legal inhibitions have been giving way to faith and fervor, to that terrible irrational certainty of one's own rightness which leads men to break through the barriers of civilized restraint. Outraged as they have had every right to be by dishonesty, deviousness, and lack of restraint on the part of people in high office, many of our young people have seen fit, most regrettably, to imitate rather than repudiate the example. Supposing that they, in their purity of motive and intent, could right the injustices wrought by unworthy leaders, they seem unwilling to recognize that it has not been conscious malice or greed or hunger for power that has led the leaders of this country to make the terrible mistakes that have been made in these unhappy times, but that very same quality of mind which many young people themselves exhibit—a supreme, arrogant confidence in the rightness of their own opinions.

That has been the worst of it: the breakdown of law—really not of law itself but the state of mind in which people value and respect law. We seem to be moving into an era of uninhibited conscience, casting aside the insights of Freud, and of the framers of the American Constitution: that nothing can more surely deceive a man than his own uninhibited conscience; that the human mind is limited and imperfect in its perceptions of morality; that law is the closest approximation of institutionalized morality of which a human community is capable.

The founders of our country understood these things, and that is why they mistrusted power. "Confidence," said Jefferson, "is everywhere the parent of despotism—free government is founded in jealousy; . . . it is jealousy and not confidence which prescribes limited constitutions, to bind down those we are obliged to trust with power. . . . In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. . . ."[10]

To arrest and reverse the decline of democratic government in America, we are going to have to recover our mistrust of power—in the Presidency and wherever else it is found.

FOOTNOTES

[1] "United States Commitments to Foreign Powers," *Hearings Before the Committee on Foreign Relations*, U.S. Senate, 90th Cong., 1st sess., on S. Res. 151 (Washington: U.S. Government Printing Office, 1967), pp. 72–73.

[2] "Assignment of Ground Forces of the United States to Duty in the European Area," Hearing by *Committees on Foreign Relations and Armed Services*, U.S. Senate, 82d Cong., 1st sess., on S. Con. Res. 8, February 1–28, 1951 (Washington: U.S. Government Printing Office, 1951), pp. 92–93.

[3] *Myers* v. *United States*, 1926, 272 U.S. 293, Mr. Justice Brandeis dissenting.

[4] Professor Alpheus T. Mason in a statement before the Senate Foreign Relations Committee, March 25, 1971, "Constitutional Crisis in 1971: The Uncertain Continuance of Reason."

[5] *Frohwerk* v. *U.S.*, 249 U.S. 204, 208 (1919).

[6] *Congressional Record*, 81st Cong., 2nd Sess., vol. 96, pt. 7, Senate, June 27, 1950, pp. 9229–9233.

[7] George E. Reedy, *The Twilight of the Presidency*, p. 14.

[8] *Ibid.*, p. 80.

[9] Alexander J. Groth, "Britain and America: Some Requisites of Executive Leadership Compared," *Political Science* Quarterly, June 1970, p. 218.

[10] Quoted in A. T. Mason, *Free Government in the Making* (1965), p. 371.

A New Internationalism

(By Senator J. W. Fulbright)

In one of his many recent interviews President Nixon said that he doubted we would ever have another war, that Vietnam "is probably the very last one." Unless the President meant that he expected the present war to finish us off once and for all—which I doubt was his meaning—I see little basis indeed for his hopeful prediction. My pessimism arises from the absence of convincing evidence that we, or any other major nation, are willing to do the things we would have to do to make lasting peace a real possibility.

We would need, for a start, to reconsider our most basic assumptions about international relations. In the same interview the President showed that he himself has not the slightest inclination to engage in such an exercise, that, indeed, he perceives no alternative to the foreign policy of power politics which has always led to war in the past. Mr. Nixon said, for instance, that "for the next twenty-five years the United States is destined to play this superpower role as both an economic and a nuclear giant. We just have to do this. We cannot dodge our responsibilities."[1]

This outlook is illustrative of what Professor Marcuse described as the "totalitarian dictatorship of the established fact." Lost to view is the real possibility that things may be as they are not because they *have* to be but because they *happen* to be.[2] We *"have to"* play this superpower role, says the President—as if the matter were patently beyond the range of human choice, as if some heavenly force had decreed it. With minds locked into this kind of certitude, we cannot even grasp the notion of other possibilities. We are compelled to do things in the disastrous, self-defeating way we have done them in the past because we have locked all other possibilities out of our minds. "Realism" is reduced to the blind repetition of behavior patterns that have been *proven* to be disastrous. Anything else is "unreal"—not because it has to be but because our minds are in thrall to a bleak and fragmented conception of "reality."

I. INTERNATIONALISM, OLD AND NEW

Drawn as it is from long experience, the conception of international politics as an endless, mindless, purposeless struggle for power is by no means a false or fanciful one. It is after all a fairly accurate description of the normal behavior of nations, especially big nations. The very fact that, in international relations, nations refer to themselves as "powers"—not as countries or communities—is itself indicative of the nature of international politics. Behind the grandiose euphemisms about somebody's "place in the sun," or the more current "responsibilities of power," is the simple assumption that nations engage in international relations in order to acquire power, and the more you get of it, the more it is your duty or destiny to use it. It can never be permitted to go unused; if you *can* be a bully, then you must be—on pain of being thought a "pitiful, helpless giant."

This conception is false not in the sense of misrepresenting human experience but in the more important sense of its dangerous obsoleteness, and its utter irrelevance to valid human needs. Even the most dazzling success in the game of power politics does nothing to make life more meaningful or gratifying for anybody except the tiny handful of strategists and empire builders who have the exhilarating experience of manipulating whole societies like pawns on a chessboard. It is rather less fun for ordinary citizens, whose sons are sent to useless wars, and whose earnings are diverted from their real needs, like schools and homes and community services. And, if you happen to be an American GI, or a Vietnamese peasant, the "responsibilities of power" do very little indeed to make life interesting or gratifying—even if you succeed in staying alive.

In his book *Six Crisis* President Nixon refers to his hesitation as a young man to enter the *"warfare of politics."*[3] The conception of politics as warfare seems to have shaped the outlook not only of Mr. Nixon's Administration but, as far as international relations is concerned, of every Administration since World War II. It is assumed, *a priori*, that the natural and inevitable condition of the world is one of basic antagonism. Generalizing from the monstrously atypical experience of Hitler and Nazi Germany, we have assumed that China is determined to conquer and communize Asia, that the Russians have an unshakeable ambition to overrun Western Europe and destroy the United States, and that the only thing that stops the Communist countries from executing their evil designs is the intimidating effect of American military power. I do not contend that this assessment of Russian and Chinese ambitions is untrue, but only that it is not *necessarily* true, that, as Mark Twain would have said, we may have derived from the experience of World War II more wisdom than was in it. My own belief is that Russian and Chinese behavior is as much influenced by suspicion of our intentions as ours is by suspicion of theirs. This would mean that we have great influence on their behavior, that, by treating them as hostile, we assure their hostility. If indeed politics is warfare, it is not because the Lord decreed it but because nations, including our own, have made it so.

In the same interview which I quoted earlier President Nixon expressed dismay at what he perceives as the conversion of "former internationalists" into "neo-isolationists." This raises the question of what an authentic internationalist is. It is true that many of us who supported the United Nations Charter, the Marshall Plan and the NATO treaty have become critical of our worldwide military involvements and of bilateral foreign aid. Nonetheless, I still consider myself as an internationalist. I believe that we should honor all of our duly contracted treaties, both in their requirements of military support as in the case of NATO, and in their requirements of non-intervention as in the case of the Charter of the Organization of American States. I further believe that, even at this late date, we should be doing everything in our power—and that there is a great deal we can do—toward building the United Nations into a genuine world security organization.

There has been in this century one great new idea in the field of international relations, one great break in the "totalitarian dictatorship of the established fact:" the idea of an international organization with permanent processes for the peaceful settlement of international disputes, the idea of an international legal instrument through which someday we might hope to replace the "warfare of politics" with something more civilized and humane.

That is the conception of internationalism which was held by Presidents Wilson and Franklin Roosevelt and the entire generation who led the United States out of its nineteenth century isolation. It arose not only out of the obsoleteness of isolationism but, far more importantly, out of an active repudiation of the power politics which had culminated in two world wars. Both might go under the name of "internationalism," but they are radically different conceptions: the one represents the outlook of Wilson and Roosevelt; the other reverts to Bismarck and Metternich. Having participated in the hopeful initiation of the United Nations Charter and then in the bitter disillusion of hot and cold wars, the people who are now being called "neo-isolationists" are by and large those who make a distinction between the new internationalism and the old, who regret the reversion to the old power politics, and who retain some faith in the validity and viability of the United Nations idea.

II. INDOCHINA: THE OLD POLITICS AND WORSE

Like a virulent organism in an otherwise healthy body, the war in Vietnam has drained our society of confidence and hope. This war cannot adequately be characterized as a reversion to the old power politics; Metternich and Bismarck were at least rational in their amorality; it is hard to conceive of them persisting in anything so stupid and self-defeating. I do not really feel adequate to the task of gauging the meaning of Vietnam in the context of American history and world politics, but if I had to try to sum it up, I would judge that it represents a grotesquely miscarried effort to apply traditional American values of self-determination and collective security. Americans will be debating for many years how and why the involvement in Southeast Asia became so great a disaster. The obvious factors include the simple fact of our inexperience in world affairs; our obsessive fear of communism and the obscure causes of that fear; the bitterness of our disillusion with the United Nations and the supposition that we could substitute ourselves for it; the infatuation with science which caused us to suppose that we could make foreign policy—and wars—with computers; and, perhaps most important, that self righteous certitude of a nation at the peak of its power which I have called the arrogance of power.

Although different tactics have been employed, the objective of the Nixon Administration in Indochina is by all available evidence the same as that of the Johnson Administration: to win the war in the sense of establishing viable anti-Communist regimes in South Vietnam, Cambodia and probably Laos. A compromise political settlement, which could only mean a sharing of power between Communists and noncommunists, or an arrangement leaving all the indigenous forces some opportunity for power, has been effectively ruled out. That is why the Paris negotiations have failed—because there has been nothing to negotiate from the standpoint of the North Vietnamese and the Vietcong, except the terms of their surrender.

It insults the intelligence of the American people to tell them that we had to invade Cambodia and Laos simply in order to cover our withdrawal; I do not think the North Vietnamese and the Vietcong would be so stupid as to try to interfere with an authentic, total American withdrawal. Indeed, it is only in a political atmosphere dense with obfuscation and mendacity that it becomes necessary to deal with this argument at all. The real meaning of "Vietnamization," and of the expansion of the war into Cambodia and Laos, is that, for President Nixon as for President Johnson, the objective is military victory.

Once again, with the military disaster in Laos, the mirage of victory has receded from our grasp. When the "incursion" began, President Nixon suggested that decisive battles might be at hand, and he predicted that the North Vietnamese will "have to fight here or give up the struggle to conquer South Vietnam. . . ."[4] Now that the operation has ended in a "mobile maneuver"—which is Pentagonese for "headlong retreat"—it appears that the North Vietnamese will *not* have to give up the struggle, that indeed it will go on for as long as the South Vietnamese Army can continue—in Mr. Nixon's felicitous term—to "hack it," for as long, perhaps, as the tortured peoples of Indochina have blood to shed.

The American troop withdrawals will no doubt continue—they are, at the very least a political necessity here at home. It is also true, no doubt, that, to one degree or another, the invasion of Laos delayed and disrupted the flow of North Vietnamese supplies along the Ho Chi Minh Trail. Time, however, is on the enemy's side. As American strength is

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Footnotes at end of article.

reduced toward whatever residual force the President contemplates, an improved but still shaky South Vietnamese Army—all the more so since the defeat in Laos—will face an undefeated North Vietnamese Army in firm control of its supply lines. At best, from the standpoint of Presidents Nixon and Thieu, the prospect is for a war of indefinite duration, with Asians doing the fighting on the ground while Americans provide air power, supplies and money. At worst, if the South Vietnamese Army falters, they and the residual American force will be confronted with military disaster—the very specter of "humiliation and defeat" that has so preoccupied the President for the last two years.

What would we then do—hastily pull out our remaining forces or raise the stakes by launching an all-out attack on North Vietnam? The President has repudiated any intention of using nuclear weapons—and for that we must be grateful—but it must also be remembered that people are least likely to behave rationally when their backs are to the wall, and President Nixon himself has not always responded prudently in conditions of adversity.

Never to be forgotten either—for people who wish to preserve the United States as a humane democratic society—is that the morals of this war are as twisted as its strategy. Our leaders point with pride, when they can, to reduced American casualties, but they have little to say about the million or more South Vietnamese civilian casualties since the war began, of whom at least 300,000 have died; these in the cruel military phrase, are the "wasted" people—some killed by Vietcong terror, many times more by American fragmentation bombs, gunships, and napalm. Indochinese peasants never actually see a B-52 because it flies so high, but they know well what it can do. "We hear nothing, nothing at all," a South Vietnamese farmer told an American reporter recently. "Then a thunder louder than the loudest rainstorm strikes, the earth shakes . . . and we wait to see who dies."[5]

Nor have we heard very much from the White House or the Pentagon about enormous South Vietnamese losses in Laos, where casualties ran to at least 25 percent and perhaps 50 percent, where large numbers of wounded were left behind, begging their friends to shoot them or to leave them hand grenades so that they could commit suicide before they were blown to bits by B-52 bombs.[6]

Having done damage beyond calculation to ourselves and to the people of Indochina, we compound the self-deception by talking about this war as if its objectives were to be compared with those for which we fought in two world wars. For all the reasons I have offered and many others, this war is not a war for self-determination, or for the prevention of future wars, much less of *all* future wars as President Nixon has suggested. This war is a tragic mistake—that is all it is or ever was—and the only rational objective for our policy is to stop the war and begin to repair the damage, at home and abroad.

III. THE MIDDLE EAST: A CHANCE FOR THE NEW POLITICS

In the Middle East there is a chance—though probably only a small one—that Americans, Russians and others may actually come together to facilitate a settlement through the procedures of the United Nations. It need not be an "imposed" settlement—although I myself am not as shocked by that term as are some of my Senate colleagues, inasmuch as the United Nations Charter, to which we are a party by act of the Senate in 1945, provides quite explicitly for certain kinds of "imposed" settlements. Be that as it may, Secretary Rogers, it seems to me, is pursuing an intelligent policy of encouraging a voluntary agreement between Arabs and Israelis, which he would then have enforced by a United Nations peace force in which both Russians and Americans before the North Vietnamese got to them or might participate.

For reasons which may warrant our sympathy, but not our support, Israel pursues a policy of antiquated—and to a great degree delusional—self-reliance. As Foreign Minister Eban expressed it, "a nation must be capable of tenacious solitude."[7] In fact, neither Israel nor any other nation is capable of so profound an isolationism in our time. Israel is heavily dependent on the United States for both arms and economic assistance. Only last December Congress appropriated a half billion dollars for military assistance to Israel. Since 1948 the United States Government has provided $1.4 billion in direct economic assistance to Israel; this does not include military aid. Since 1948 private American citizens have provided another $3 billion in tax-deductible contributions and regularly purchase between $3 and $400 million a year in Israeli bonds. Included in the massive American military aid, which has increased greatly since the 1967 war, have been aircraft, missiles and electronic systems more advanced than those provided to the countries with whom we are allied in NATO or SEATO. I do not see how this can be reconciled with a policy on Israel's part of "tenacious solitude."

Even more important than Israel's dependency upon us is the fact that we ourselves have a crucial stake in the Middle East—the avoidance of conflict with the Soviet Union. It takes no great feat of imagination to conjure up some new Arab-Israeli crisis in which the two sides managed to draw their respective patrons into a head-on conflict. Premier Meir says that we ought not to press for Israeli withdrawal from the conquered Arab territories because, as she puts it, "This is not the border of the USA. . . ."[8] If indeed that were the whole of the matter, if Israel, as the Premier says, really were prepared to "stand up for itself" without involving others, it might make sense to let the Arabs and Israelis work out their differences, or fight them out, and come to their own solution. We all know, however, that that is not the case, that American interests of the most crucial nature are involved, that another war in the Middle East might well set us against the Russians, and that, therefore, we have not only the right, but a positive responsibility, to bring an influence to bear.

Israel has a different conception of American interests in the Middle East, an essentially cold war conception. Picturing herself as the bastion of democracy in the Middle East, Israel professes to be defending *American* interests by holding the line against a surging tide of Communist imperialism. Indeed, I recall a television interview last fall in which Foreign Minister Eban professed to believe that the Russians were not interested in destroying Israel but were motivated by a desire to expel American power and influence from the Middle East.

Recent visitors to the Middle East assure me that the Israelis are quite sincere in their fear of being "thrown into the sea" and in their conception of the Soviet Union as an insatiable imperialist power, bent, presumably, upon the conquest and communization of the Middle East. Nonetheless, I perceive in this some of the same old Communist-baiting humbuggery that certain other small countries have used to manipulate the United States for their own purposes. When it comes to anti-communism, as we have noted in Vietnam and elsewhere, the United States is highly susceptible, rather like a drug addict, and the world is full of ideological "pushers." It is a fine thing to respect a small country's independence and to abstain from interference in its internal affairs. It is quite another matter when, in the name of these worthy principles—but really because of our continuing obsession with communism—we permit client states like Israel and South Vietnam to manipulate American policy toward purposes contrary to our interests, and probably to theirs as well.

This is not to suggest that the Russians are lacking in ambitions in the Middle East. There is no doubt that they desire to maximize their "influence" in the Arab world and that they derive gratification from sailing their warships around the Mediterranean. This, however, is normal behavior for a great power; it is quite similar to our own. We too keep a fleet in the Mediterranean, which is a good deal farther from our shores than it is from the Soviet Union; and our main objection to Soviet "influence" in the Arab countries is that it detracts from our own. Were it not for the fact that they are Communists—and therefore "bad" people—while we are Americans—and therefore "good" people—our policies would be nearly indistinguishable.

Despite the inflexibility of the Israelis and the great power rivalry of the Russians and Americans, it appears to me that the situation in the Middle East provides as promising an opportunity as ever we have had to resolve a major international controversy through the procedures of the United Nations and, in so doing, to create a valuable precedent for the future.

The primary, essential factor is the apparent recognition by both the Soviet Union and the United States that they have a surpassing interest in the avoidance of a major confrontation with each other. The Russians, for their part, have consistently counselled their Arab associates against reckless action; they are reported, for instance, to have warned the Egyptians that they would not support a military operation across the Suez Canal. Nor have the Russians ever indicated any expectation of, or desire for, the destruction of Israel; they were indeed among the first to recognize the state of Israel when it came into existence in 1948. The Soviet position now is that Israel should return to the borders of 1967; that is substantially our position as well, and it is consistent with the Security Council Resolution of November 1967, which calls among other things for the "termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every state in the area."

Another promising factor has been the remarkable evolution of Arab attitudes. The Jordanians have long been known to be willing to come to terms with Israel—to end the state of war and recognize Israel's existence as a state in return for the restoration of occupied territory. The United Arab Republic, in its reply of February 16, 1971, to questions put by Ambassador Jarring, stated unequivocally that, if Israel would withdraw from occupied Egyptian territory, Egypt would be prepared to end the state of belligerency, ensure freedom of navigation through the Suez Canal and the Strait of Tiran, establish demilitarized zones, agree to the establishment of a United Nations peace-keeping force, and "enter into a peace agreement with Israel. . . ."

The Egyptian reply concedes to Israel all that she once desired, all that she claimed to be struggling for in three wars. Nonetheless, in its own reply to Ambassador Jarring of February 26, 1971, the Israeli Government stated bluntly that "Israel will not withdraw to the pre-June 5, 1967 lines." Israel, Mrs. Meir subsequently explained, insists upon the retention with her own forces of Sharm el Sheikh; the Gaza Strip; the Golan Heights—because, as the Premier explained.

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"We paid for it"—; Jerusalem of course; and certain undefined parts of the west bank. In addition, said the Premier, Sinai must be demilitarized, and the demilitarization must be guaranteed by a mixed force including Israelis. The Egyptians too might participate in this force on their own territory. All this, Mrs. Meir conceded, would be painful for President Sadat of Egypt, but people must pay for their deeds.[9]

A different view is taken by Israel's wise elder statesman and first Prime Minister, David Ben-Gurion. "Peace," he said recently, "real peace, is now the great necessity for us. It is worth almost any sacrifice. To get it, we must return to the borders before 1967." "As for security," Mr. Ben-Gurion continued, "militarily defensible borders, while desirable, cannot by themselves guarantee our future. Real peace with our Arab neighbors—mutual trust and friendship—that is the only true security."[10]

Mr. Ben-Gurion's outlook is substantially that of Secretary Rogers, whose basic position, reiterated many times since, was expressed in a speech in December 1969 in which he stated, as to the Arab-Israeli borders in the wake of the 1967 war, that ". . . any changes in the preexisting lines should not reflect the weight of conquest and should be confined to insubstantial alterations required for mutual security."[11] Secretary Rogers has also been a consistent supporter of the Security Council Resolution of November 1967, which emphasizes "the inadmissibility of the acquisition of territory by war. . . ." In recent weeks the Secretary has spelled out a position calling as well for American participation in a United Nations peacekeeping force, which could not be removed by anybody's unilateral decision.

The principles—and opportunities—involved in this Middle East situation go beyond the fears and ambitions of Israel and the Arab states and their great power mentors. I perceive here an opportunity to breathe life and force into the United Nations by putting it to effective use for the purposes for which it was founded. We have an opportunity to take a single substantive step in the direction of a new kind of politics in the world, toward the purposes spelled out in the Charter itself, "to save succeeding generations from the scourge of war. . . ."

To accomplish this purpose, I would not shrink from applying certain sanctions as a last resort for the preservation of peace. The United Nations Charter, to which every nation involved in the Middle East has voluntarily subscribed, spells out a graduated series of sanctions, from economic to military, for the enforcement of peace. It makes no sense at all for us to shrink in horror at the very notion of an "imposed" solution, not only because we are legally bound by the Charter to accept certain kinds of "imposed" solutions, but because the absolute sovereignty of nations is an outmoded principle; it is indeed a principle of international anarchy. No community can function without some capacity for coercion; as President Wilson said of the Covenant of the League of Nations, "Armed force is in the background . . . if the moral force of the world will not suffice, the physical force of the world shall."[12] The crucial distinction is not between coercion and voluntarism, but between duly constituted force, applied through law and as a last resort, and the arbitrary coercion of the weak by the strong.

The Middle East may provide us with the best opportunity since World War II to make use of the peacekeeping procedures of the United Nations in approximately the manner envisioned by the framers and, in so doing, to create a valuable precedent for the future. I regret that no such prospect is in sight for Indochina, but I would not pass up the opportunity in the Middle East for the sake of a baneful consistency. **Perhaps, if** the war in Indochina ever does end, as presumably it will, we will have the wisdom in any future "Vietnams" to make it clear at the outset that we will readily act in cooperation with other nations to implement decisions of the United Nations, but that we will not again attempt to substitute ourselves for it. Through positive acts of *abstention* we shall have to make it clear that we are no longer interested in the imperial dream of a *Pax Americana*, that indeed we are neither isolationists nor imperialists, but *internationalists* in the *only* sense in which that term makes either moral or political sense.

FOOTNOTES

[1] C. L. Sulzberger, "Nixon, in Interview, Says This Is Probably Last War," *New York Times*, March 10, 1971, pp. 1, 14.

[2] Herbert Marcuse, "The Problem of Social Change in the Technological Society," in *Le Developpement Social*, UNESCO Symposium (Paris: Mouton and Co. 1965), p. 158.

[3] Richard Nixon, *Six Crisis*, (New York: 1968), p. 317.

[4] Press Conference of February 17, 1971.

[5] Quoted by Tom Fox in *New York Times*, March 21, 1971, p. 2E.

[6] Gloria Emerson, "Spirit of Saigon's Army Shaken in Laos," *New York Times*, March 28, 1971, pp. 1, 14.

[7] Quoted by Peter Grose in "Israel and U.S. in a Game of 'Diplomatic Chicken,'" *New York Times*, March 21, 1971, p. 4E.

[8] *Ibid.*

[9] Interview with a correspondent of the *London Times*, in "Mrs. Meir Cites Border Changes Sought by Israel," *New York Times*, March 13, 1971, pp. 1, 6.

[10] Interview with John McCook Roots, quoted in "Ben-Gurion Quoted in Article as Favoring Major Pullback," the *Evening Star*, Washington, D.C., p. A-3.

[11] "A Lasting Peace in the Middle East: An American View," December 1969.

[12] Quoted in Seth Tillman, *Anglo-American Relations at the Paris Peace Conference of 1919* (Princeton University Press, 1961, p. 132).

THE CALLEY CASE

Mr. MATHIAS. Mr. President, My Lai is one of those rare instances in American history for which there seems to be no satisfactory answer and no happy ending. Every American shares both concern and sadness for that truly tragic episode and for its sequel in the court martial of Lt. William Calley.

President Nixon spoke for the Nation when, a year ago, he said My Lai was "certainly a massacre. Under no circumstances would it be justified." Vice President AGNEW at the same time called it "contrary to American values." These judgments have been confirmed by the finding of facts by a jury of Lieutenant Calley's peers, including Vietnam combat veterans, which determined that the killing of 22 unarmed men, women, and children occurred at a time when no battle or enemy action was in progress and no resistance was being offered.

American concern is heightened by the fact that 1,500 Americans are now prisoners of war or missing in action. The standard of treatment accorded prisoners is critical, therefore, because it reflects not only the way we treat those in our custody, but the way we want to see Americans treated in Communist prisoner of war camps. We do not wish to condone a My Lai for Vietnamese which might suggest another for Americans.

The national problem is how to set these facts in the context of the war, the personal limitations of a young, unseasoned officer, and the violence that always accompanies armed conflict.

The President and the American people are all aware that an event like My Lai imperils our basic effort to help establish a government of law and a respect for human life and individual liberty. The sacrifice of 50,000 American lives for these goals would be meaningless if we ignore such a tragedy.

These are all matters of high policy and intense personal concern. They touch the most sensitive national issues and they rouse deep compassion. As strongly as we may feel, we must not lose sight of the fact that they are not central to the Calley case, and, while they may be closely related or even directly consequential, they must not be allowed to obscure Lieutenant Calley's right to a judgment on his case alone determined on the facts of that case.

The central issue presented by the Calley case is, therefore, whether justice has been done to Lieutenant Calley. It is for this problem that Congress has provided a system of military justice with several appeals culminating in Presidential review. I believe that we must let this system of justice have an opportunity to work without interference and that its end product will be justice for Lieutenant Calley.

When we have done justice to Lieutenant Calley we shall have also done justice for the two and a half million Americans who have served honorably in Vietnam and for the 50,000 who died there expressly so that such respect for life and law might exist in that troubled nation.

SALUTE TO THE FUTURE BUSINESS LEADERS OF AMERICA

Mr. TALMADGE. Mr. President, it is always a pleasure for me to recognize our educational system as we know it today—the academic training as well as the vocational training. The Future Business Leaders of America is a national organization for the youth of our country, dedicated to developing leaders for the business world of tomorrow.

Georgia is the FBLA State in that it has more active chapters with a larger membership than any other State in the Union. Georgia also proudly displays its first National FBLA President, Mr. Jones Hooks of Metter, Ga. Jones, an 18-year-old senior at Metter High School, is also the Georgia State President of FBLA.

In addition to being the home chapter for the State and National President, the Metter, Ga., chapter of FBLA has conducted many service projects for its city and community, among which, a county-wide campaign for support for American-held prisoners of war, a county-wide Environmental Clean-up Campaign, various fund-raising drives for the March of Dimes and the Heart Fund, and many projects for the businessmen of the community.

I feel that the Metter Chapter of the Future Business Leaders of America organization, Chapter 2552, should be commended for its outstanding leadership and community service. Mr. President, I salute the Future Business Leaders of America and its National President, Jones Hooks.

EAST PAKISTAN

Mr. MUSKIE. Mr. President, I have been reading with growing concern and apprehension the daily press reports on the tragic events now taking place in East Pakistan. This is the second major loss of life in recent months in that unhappy region. While the picture is not absolutely clear, I believe that there is enough information on the dimensions of the tragedy to make it clear that concerned Americans should speak out.

The relation between our economic aid and the recent political and military developments in Pakistan is a matter of concern to me. Last week, in this connection, I joined the Senator from Minnesota (Mr. MONDALE), the Senator from Massachusetts (Mr. BROOKE), and the Senator from Oregon (Mr. HATFIELD) in sending a letter to the Secretary of State. In that letter we requested a clarification of the extent of American involvement, direct and indirect, in the civil strife and bloodshed in Pakistan. We are now awaiting a reply.

I also support the resolution regarding U.S. military assistance to Pakistan proposed by the distinguished senior Senator from New Jersey (Mr. CASE).

The U.S. Government has been the principal supplier of arms to Pakistan since the middle of the 1950's. There are reports that American-supplied planes, tanks, weapons, and other materials are being used by the central government forces in both the cities and the countryside of East Pakistan.

Mr. President, the time has arrived for America unequivocally and immediately to cancel any plan which would supply weapons of destruction to the Government of Pakistan under these circumstances—weapons which can only further exacerbate the tensions and bloodshed. There should be an immediate suspension of all military assistance to the Pakistani Government. The "one-time exception" to our 1965 embargo on the sale of lethal end items to India and Pakistan, agreed to in October 1970, proposed the supply of armored personnel carriers, Starfire jets, and B–57 bombers. These deliveries should not be carried out.

We have a responsibility to do all we can to reduce tensions and conflict in the world. As we seek to disengage ourselves from the conflicts of Indochina, can we allow our military support to be used to magnify tensions in South Asia?

I say we should not. I urge support of the Case resolution and I am proud to join in cosponsoring it.

TROUBLED AEROSPACE

Mr. MATHIAS. Mr. President, since World War II, the aerospace industry of America has been the subject of a phenomenal, if spasmodic, success story of high economic growth and large financial profits. Sectors of that industry, however, are at present experiencing a difficult period of recession which may result in a fundamental reevaluation of past corporate philosophies and governmental procurement practices. The challenges of such a readjustment and transition are not easy, especially as they are set against a backdrop of already changing national priorities and Federal spending policies.

On Tuesday, April 6, the Washington Post completed a three-part analysis of the aerospace industry and the problems confronting it today. The study is comprehensive and timely. I ask unanimous consent that the three articles, written by Robert J. Samuelson, Leroy F. Aarons, and Philip D. Carter, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AILING AEROSPACE—ONCE-FAT INDUSTRY STRUGGLES TO PULL OUT OF DEPRESSION

(By Robert J. Samuelson)

(NOTE.—"At that time (1965), it was pretty obvious that we were going to land on the moon . . . I had postulated a Mars landing in 1985. We were looking at a NASA budget that would grow to $10 billion by 1975.")

The NASA budget is not going to be $10 billion by 1975. It's expected to be less than $5 billion. A 1985 manned landing on Mars is no longer in the cards. An American will be lucky to get to Mars in the 1990's.

Today the nation's aerospace industry, which lived on such visions, is struggling to master the severest depression in its short but phenomenal history.

If the industry accurately foresaw the moon landing, it failed to anticipate the simultaneous cooling of its three hottest customers: the Pentagon, the National Aeronautics and Space Administration, and the commercial airlines. Together, the three accounted for nearly 90 percent of the industry's 1968 record sales of $29 billion.

"We went through a period of fast growth, and we got a little bit fat and complacent," says one top aerospace executive.

Viewed from 1966, the reversal is even more astonishing.

Five years ago, every omen seemed to favor the industry's future. Military spending was climbing at a spectacular rate—$20 billion between 1965 and 1967. The Apollo program was progressing smoothly, and NASA expenditures, a trifling $700 million in 1961, were approaching $6 billion.

The economy seemed tiptop; unemployment declined to 3.8 percent, and a confident public was doing everything slightly in excess, including flying. To accommodate the long lines of passengers, the airlines embarked on an unprecedented buying spree for new jet aircraft.

The industry relaxed in the benign political atmosphere of a Congress and public that venerated technology. Military spending was rarely seriously challenged.

As former Defense Secretary Robert S. McNamara acidly remarked after he had left the Pentagon:

"The Congress, you see, has bought defense the way women buy perfume. If it costs more, they conclude it must be better."

Since then, Congress has soured on aerospace. Nothing symbolized the shift in mood so well as the recent rejection of funding for the Supersonic Transport (SST), after years of regular and overwhelming approval.

The cumulative loss of public favor and business has had a staggering impact on aerospace firms. For example:

Since 1968, when the industry's size reached its zenith with more than 1.4 million workers, employment has dropped by almost 400,000.

Engineers and scientists, perpetually in demand for nearly 10 years, have been thrown out of work by the hundreds. At last count, the Labor Department reported that there were 50,000 to 60,000 jobless among these highly-educated workers (including technicians), and, though the unemployment rate for all engineers was still only 2.5 per cent (against less than 1 per cent in Nov. 1969), it was more than 10 per cent for aerospace engineers.

The nation's largest defense contractor, Lockheed Aircraft Corp., which received more than $1.8 billion in prime contracts last year and produces the Poseidon missile and C–5A transport, is living dangerously close to bankruptcy.

Population patterns within the United States have probably been affected. One study, for example, showed the net migration to California—the state with the highest concentration of aerospace firms—slowed to a trickle of about 27,000 last year against an annual average of more than 200,000 during the rest of the decade. (California's unemployment rate is now almost 8 per cent, and other areas dependent on aerospace work also show the high joblessness—Long Island's unemployment rate is 6.9 per cent, Seattle's is 12.7 per cent, and Wichita, Kansas' is 10.3 per cent.)

OUTLOOK BRIGHTER

Despite these setbacks, the industry is not pointed toward its imminent demise. Lockheed's present precariousness aside, the outlook for most aerospace firms may soon improve. The 1972 budget plans a halt in the decline of space and defense spending, with the Administration requesting $76 billion defense budget, the first increase in three years.

More revealing is the military budget's composition. Aerospace firms are now straddling the gap between the awesome procurement of Vietnam—which primarily benefited manufacturers of existing hardware—and the funds generated by large new weapons programs. A number of such programs, including three new fighters and an Air Force bomber, have already reached the development stage. When and if the Congress authorizes production, millions in development funds will grow to billions.

Whatever happens, the last two years have been a chastening experience for aerospace men and companies. The Labor Department holds out little hope that most displaced scientists and engineers will soon be reemployed in technical jobs. Although Labor forecasts a need for 1.5 million engineers by 1980 (against the current 1 million), it also reports that many of the industry's unemployed are now holding down jobs that range from "store clerks . . . (to) science and math instructors . . . (to) gardeners and gas station attendants."

Like their workers, aerospace companies are attempting to accommodate the national mood for "reordering priorities." Just as oil firms have sought to shed the stigma of being polluters, many aerospace firms want to dispel the notion that they're only good for making sophisticated weapons.

One of the industry's biggest manufacturers, LTV, recently placed a magazine ad showing Uncle Sam making the peace sign, proclaiming that LTV is "looking ahead to peace" and expanding its operations into prefabricated housing and mass transit.

But these other lines of business are not likely to replace lost defense and space sales, at least in the near future. Government spending on technically-oriented domestic programs such as pollution and mass transit is still tiny compared to the military budget.

In Fiscal 1972, for example, the water pollution control budget is less than $2 billion, and proposed outlays for mass transit are less than $500 million. Moreover, aerospace firm—accustomed to years of work on titanic federal projects and insulated from the regular business world—have so far encountered serious problems in diversifying.

As the nation's largest customer for goods and services, the government is only beginning to rediscover the harmful impact that these erratic swings can have on localities that grow quickly on an outpouring of federal spending, then suddenly find themselves deprived of the government backstop.

Not all the industry's troubles, however, can be blamed on or cured by the government. Less appreciated is the airlines role in the current decline. From about $2 billion in 1960, commercial jet sales rose sharply to more than $5 billion by 1968. One major firm, Boeing, derives 80 per cent of its business from commercial planes.

A no less extraordinary fact explains this expansion: world-wide air travel during the last decade nearly quadrupled. The airlines' buying splurge for new planes began in 1965 when aircraft manufacturers (primarily Boeing and McDonnell Douglas) delivered 233 new commercial jets and reached its peak in 1968 when the total reached 702.

That cornucopia has now vanished. In 1969, domestic air travel, already affected by incipient signs of an economic downturn, grew only 10 per cent, and, in 1970, there was no growth at all. Seven of the 12 major U.S. airlines reported losses last year, and most of them also lost their passion to purchase more planes.

Unfortunately, the twin pressures of declining government and airline spending don't adequately explain the sickness of the industry's most prominent invalid: Lockheed. Despite the economic downturn, many of the large aerospace firms have managed to remain profitable. Last year, Boeing made $22.1 million, Grumman made $20.2 million, and McDonnell Douglas recorded a $92.5 million profit.

COST OVERRUNS

The dwindling volume of government business simply isn't the real germ that infected Lockheed; though the company's total defense awards dropped 9.4 per cent in fiscal 1970, the industry-wide decline was 15 per cent.

More accurately, the company's ill-health reflects the after-effects of large cost overruns on many defense projects; on the C–5A alone, the government will now pay an estimated $4.5 billion for 81 planes against an original estimate of $3.4 billion for 115. The $480 million in total losses that the Pentagon forced Lockheed to absorb effectively drained the company of reserves to withstand unforeseen troubles on other projects.

And encounter troubles it did. When Britain's Rolls Royce declared bankruptcy in February, Lockheed temporarily lost the engine supplier for the company's new L–1011 jumbo jet.

Lockheed may yet survive the Rolls debacle; a tentative agreement with the British government may provide for continued production of the Rolls engine. Whatever happens, the company's flirtation with bankruptcy illustrates the fragility of even the industry's largest firms; in the mid-60's—when aerospace was enjoying the lushiest period of propriety—several major companies (including Douglas aircraft, which had to be merged into McDonnell) threatened to collapse.

This susceptibility to insolvency, which affects no other major manufacturing sector so strongly, reflects aerospace industry's unusual and unique place in the American economy—irrevocably tied to the government, yet not part of it.

The federal treasury buys two-thirds of aerospace's output and finances 80 per cent of its annual research and development ($5 to $6 billion); firms can rise or fall on the award of several multi-billion-dollar contracts. And the winner of a major contract is usually glued to the sponsoring government agency in an intimate collaboration for years: the Apollo project has lasted since 1963, and the B–52 stretched 16 years from early development to final production.

"Once you get locked into a program like Apollo, you've got 10 or so solid years of work. . . . You don't have to be lean and mean," says the president of one medium-sized aerospace firm. "A project like the C–5A has got to be inefficient."

LORD AND VASSAL

Despite the preponderance of federal money, the relationship between government buyer and private seller rarely approaches what might be expected from such a lopsided arrangement: lord and vassal. Depending on which set of experts you prefer to believe, there may or may not be genuine competition in the initial selection of prime contractors for major projects, but once the government chooses a supplier, it becomes commited to that producer—as much dependent on it as the firm is on the government. By itself, that fact helps explain many of the well-publicized overruns.

Until recently, this close relationship was viewed not only as proper, but also as necessary and desirable, solidly anchored in the need to maintain the world's most modern armed forces. That required, according to prevailing view, ongoing research and development far too costly and risky for private industry alone.

After the hasty mobilization of the Korean war (military spending doubled in the first year of the war against only 16 per cent in 1966 for the war in Vietnam), many officials vowed to maintain an adequate "mobilization base" for the future.

Promoting the industry's strength was also viewed as a way to stimulate a fast-growing economy and maintain international technological preemience; the industry today shelters nearly one-quarter of the 380,000 scientists and engineers in industry engaged in research and development. Backstopped by military experience and projects, America's plane manufacturers dominate the world civil aircraft market; in 1968 nearly three-quarters of the 4000 planes flown by the world's airlines were made in the United States.

Abroad, industry and government officials bemoaned their own technological backwardness and envied the informal U.S. industry-government partnership. "In the western hemisphere," says one British aerospace executive, "the U.S. is god of technology."

Despite the overseas admirers, the notion of an informal government-industry alliance to maintain the nation's technological superiority now inspires increasing cynicism here. Skeptics see industry and government agencies (primarily the Pentagon) instinctively working hand-in-hand to devise new projects of dubious worth whose only real purpose is to occupy each other.

In late 1968 and early 1969, disenchantment began to crystallize around two major military projects: the Air Force's C–5A transport and the anti-ballistic missile. The erratic and unpredicated course of the war in Vietnam had already undermined the Cold War reputation of civilian and military defense planners. The prolonged Senate investigation of the TFX swing-wing fighter-bomber had the same effect by publicizing and dramaticizing what experts had long known: not all big defense projects performed according to specifications, cost what they were supposed to and arrived on time.

The C–5A added more embarrassment. Sen. William Proxmire (D-Wis.) not only disclosed the cost overruns but also the Air Force-Lockheed repricing agreement, dubbed the "golden handshake." Under this part of the contract, the government's price for a second run of aircraft (planes 59 to 115) rose in relation to Lockheed's extra costs on the first 58 jets.

SIMPLE LESSON

The C–5A hearings attempted to demonstrate a simple lesson: the military indulged its contractors and, consciously or not, fostered inefficiency and cost overruns. Those overruns did not originate with the C–5A.

A recent study of 61 major weapons systems by the General Accounting Office found that expected costs had exceeded original estimates by $33 billion, with initial underestimates representing about a third of the difference and the rest attributable to engineering changes or quantity changes ordered by the government.

Not surprisingly, the industry also regarded the C–5A episode as something of a landmark. Most of Proxmire's charges were well-publicized.

"I see the C–5A as a case in which many people—including reporters on your newspaper—were highly motivated to get 'priorities shifted' and inflict a damaging blow on the industry," says one Washington aerospace executive. Lockheed officials argued that the C–5A had been unfairly singled out when many other less publicized military items had achieved higher overruns and lower performance.

Aerospace firms say they are increasingly misunderstood and attribute cost overruns and delivery delays to "inherent technical uncertainties in the development of major weapons systems of high technical content."

The most mystifying and unpredictable elements, says the Aerospace Industries Association, are uncertainties known to insiders as "unk-unks" or "unknown-unknow" which "cannot be anticipated and therefore cannot be taken into account in preparing a bid on a system."

With or without unk-unks, other characteristics distinguish government procurement from the normal business work—and, according to the critics, encourage companies to deemphasize cost controls and hoard valuable engineering teams. The government provides most of the cash for its ongoing projects.

On the C–5A, for example, Lockheed originally invested only $100 million of its own money, with the rest coming in a continuing flow of "progress payments" from the Department of Defense. By contrast, on the L–1011 commercial jet, the company has had to commit an estimated minimum of $400 to $500 million of its own funds—money only to be recovered when, and if, the planes are sold. Moreover, the government actually provides a substantial amount of the plant and equipment used for defense work, estimated in 1968 at $13.3 bilion.

The unusual characteristics of government procurement may help explain why the industry has not diversified into civilian markets.

"Their (aerospace firms') lack of knowledge of non-defense industries is pervasive," says Murray Weidenbaum, assistant Secretary of the Treasury and an economist who has studied the industry in depth.

"It often includes ignorance of products, production methods, advertising and distribution, financial arrangements, funding of research and development, contracting forms and the very nature of the civil customer's needs."

For the last five years, the industry's sales of non-aerospace products have remained virtually stable between $2.6-$2.7 billion annually, about 10 per cent of the total.

There are, to be sure, firms that have successfully broadened their bases. The Rohr Corp., a medium-sized California company that was (and is) a preeminent producer of jet engine pods, now manufactures subway cars for San Francisco's Bay Area Rapid Transit (BART). United Aircraft, which owns Pratt & Whitney Engine (engines for Boeing jets, including the 747) and Sikorsky helicopters, also has nurtured a growing gas turbine division and hopes to capitalize on its Turbo train.

But industry analysts like to point out establishing even a $100 million non-aerospace subsidiary—producing housing, consumer goods, anti-pollution devices, or almost anything—won't do much immediately to sustain either the employment or volume of companies the size of Boeing (1970 sales: $2.8 billion), or General Dynamics ($2.2 billion) or Lockheed. Boeing predicts it will take at least a decade to diversify 33 per cent of its volume into nonaerospace lines.

The impermanence of previous declines, say the critics, underlines the main reason that the industry didn't embark years ago on a long-range diversification program: lack of motivation—it was easier to continue feeding from the federal trough.

That brings the story back to Washington. The list of potentially-large new space and military programs is a long one. It includes at least three new jet fighters (the F–14 for the Navy, the F–15 for the Air Force, and the AX, a close combat support jet), one long-range bomber (the B–1), a fleet of airborne radar detection planes (called AWACS), a high-speed helicopter for the Army (Cheyenne), a new underwater missile for the Navy, and a "space shuttle" for NASA that is supposed to reduce the cost of individual orbital flights, making space stations and continued exploration of the heavens an economic possibility. On the B–1 bomber alone, total program costs are estimated to reach $11 billion.

HILL'S DISENCHANTMENT

It is not the size of these projects that is in doubt, but the depth of Congress' disenchantment with military and space spending. Three years ago, says Richard Kaufman, aide to Sen. Proxmire who did staff work on C–5A hearings, most Congressmen still abided by longstanding assumption "that it was virtual political suicide to question military establishment in any sustained way."

Those days are now gone. Although Congress voted in 1969 to continue ABM, a 50–50 vote in the Senate that had to be broken by Vice President Agnew. On the 1971 budget, Congress cut $2 billion from defense appropriation over protests of the Pentagon.

This rising congressional animosity undoubtedly influenced administration decisions to drop the Air Force's Manned Orbiting Laboratory in 1969, cut back production of the C–5A, and suspending production of the Cheyenne helicopter. The recent deaths of Sen. Richard Russell (D–Ga.) and Rep. L. Mendel Rivers (D–S.C.), chairmen of the armed service committees in both houses, deprived defense programs of their most powerful congressional spokesmen.

Even so, many industry men sense that their moment of greatest danger is past. "I think the anti-military (critics) had their heyday last year and the year before that," says Burtom E. English of the Aerospace Industries Association. "Too many people are getting worried that we have not done very much to modernize our forces for the last six years or so."

The aerospace industry will, of course, survive. The industry's immediate future lies with military and space programs. Recovery from its present slump depends on how many new weapons systems are adopted. That, in turn, depends on the mood of Congress and the American public, and neither is entirely predictable. Most analysts believe that the industry's direction from now on is upward, but how far up and how quickly is anybody's guess.

LOCKHEED: THROES OF AN AEROSPACE DINOSAUR

(By Leroy F. Aarons)

BURBANK, CALIF.—Of all the troubled aerospace giants, none has lumbered to its knees so hard and fast as the Lockheed Aircraft Corp.

Just five years ago, shortly after it won the $5 billion Air Force contract for the mammoth C–5A military transport, everything was rosy. Lockheed was enjoying the best year in its history, with net earnings of $58.9 million. Its stock was at a record high of 72. It was the nation's top defense contractor, with rising employment that would reach a peak of nearly 100,000 by 1969.

Today, Lockheed is teetering on the edge of bankruptcy. It lost $42.9 million in 1969. Its stock has slumped to 10. Employment has fallen off by 22,000 in about 18 months. It owes $550 million to the banks, and just took a loss of $480 million in a negotiated settlement over four disputed government contracts—including the C–5.

Its big entry into the commercial aviation field—the L–1011 TriStar jet—was dealt a staggering blow when the engine maker—Rolls Royce—went bankrupt last February.

The decline of Lockheed is part of the mosaic of a changing era, an unpredictable economy and a fickle political climate. It has also been alleged that it is the product of mismanagement, miscalculation and downright deceit—all of which its critics say is standard operating procedure in the military industrial complex. The difference, they say, is that Lockheed got caught.

Whichever version one believes, there is one explanation that permits the government to share the blame. The mammoth C–5 contract between Lockheed and the Department of Defense was the first major contract to be let under a new plan—total procurement plan—that was supposed to save the government money and produce more predictable results, but which turned out to do the opposite and has since been abandoned.

Lockheed's relationship with the government matured in World War II when it geared up to enormous proportions to provide much of the firepower of that conflict—typified by the heralded Lockheed P–38 fighter plane. Over the years, Lockheed developed a reputation for aggressive, risk-taking policies, ever since it was reformed after depression-wrought bankruptcy in 1932.

There was a postwar slump, but soon the cold war made for a bullish market for defense contractors. Lockheed won lucrative contracts to build B–29s and B–47s at the government-owned plant in Marietta, Ga., which later became the construction site of Lockheed's big air cargo planes—the C–130 and the C–141.

By the 1960s, Lockheed's military and space programs accounted for more than 50 per cent of its business. Its one major plunge into commercial airplane building prior to the L–1011 was the ill-fated Electra turbo-prop around 1960. Poorly timed to compete with Boeing's more attractive full-jet airplane, and involved in several crashes, the Electra cost Lockheed $60 million in losses. (The debugged military version is now being used successfully as an anti-submarine plane.)

It was with this background that Lockheed bid in 1965 for the giant C–5A contract, along with Douglas and Boeing.

The history of the C–5A—the key to Lockheed's decline—is fraught with charges and countercharges, of cover-ups, and buy-ins, suppression of facts and sheer incompetence. How much of the blame lies with Lockheed, how much with the government and how much unavoidable circumstance is still the subject of debate.

The C–5 was to be the world's largest cargo plane, able to airlift gigantic amounts of equipment for fast deployment to any trouble spot in the world. Lockheed's winning bid was $2.2 billion, around $400 million lower than Boeing and $100 million below Douglas. The charge has since been made that Lockheed deliberately underbid to grab the contract—known in the trade as "buying in."

The Securities and Exchange Commission, which launched an investigation after the C–5 controversy blew open, found that top management had ordered a 10 per cent cut in its staff's cost proposal "in order to give Lockheed a better chance of getting the contract."

"Lockheed has a well-established reputation in the industry of buying in," said a source at a rival firm. "They became notorious for it. They've done it on every airplane. They come in with an obviously lower bid and then subsequently by artful contract manipulation scale the price way up."

Lockheed has always denied "buying in." Its bid, it says, "was based on the company's past experience in building turbine-powered transports for the Air Force, and it represented the best judgment of our ability to perform over the life of the anticipated program."

As early as November 1966, two months after the contract was let, the Air Force began to become concerned over increased costs, according to the SEC and sent a letter to Lockheed saying so. The history of the next two years was one of mushrooming costs, optimistic forecasts by Lockheed and increasing concern by the Air Force—almost all of the drama being played out without knowledge of Lockheed's stockholders, or the taxpayers.

By late 1967, it was becoming obvious internally that Lockheed was heading for a disastrous overrun.

"We did not predict the runaway inflation that followed the Vietnam war starting in 1965," management now explains. "We did not predict the explosive increase in defense and commerical aircraft contracting. . . . We did not anticipate the huge change in lead times to obtain parts . . . We also estimated our costs upon normal cost-to-size projections and based upon our experience in building the C–130 Hercules and C–141 StarLifter transports, and these predictions proved faulty. We did not expect under the contract to be foreclosed in our recommendations for increasing the thrust of the engine to accommodate additional weight, and we did not anticipate the huge impact this restriction would have on our costs."

Put together, it was clear that for whatever reasons, Lockheed had made a massive miscalculation. Certain critics add to that charges of gross inefficiency at the Marietta plant where C–5 was being built, as well as elsewhere. A New Republic article of August 1970 quotes a Jack W. Tooley, a former civilian adviser to Lockheed, as saying, "I would walk through the main plant, observing what was going on. The number of workers loafing on the job was absolutely unbelievable."

The crucial factor in the C–5 issue, and the subject of greatest debate, was the nature of the contract. The Pentagon, reeling under the huge cost overruns of the F–111 (TFX) episode, decided under the goading of then-Defense Secretary Robert S. McNamara to do away with the old cost-plus system of reimbursement (which permitted virtually open-end costs, yet assured contractors a profit).

In its place, they devised the "total procurement package" a system by which one firm would bid for the entire life of the product, from design to production, on the basis of a fixed price and fixed profit. Theoretically, the contractor, not the government, would be penalized for all costs over the contract ceiling.

The C–5 was the first major contract to be let under the total procurement plan. Lockheed board chairman Daniel J. Haughton and several other executives have assailed the TPP system—since abandoned by the Pentagon—as the crux of its difficulties. There is much truth to what they say.

The TPP concept did not reform the contract system, it merely shifted the enormous risk involving highly technical defense items from the government—which traditionally had absorbed overruns—to the contractor. By combining both development and construction in one package, it also forced bidders to project costs over an extremely long period, sometimes as much as 10 years.

But there was an "escape clause" in the C–5 contract that complicated matters. The now-famous "recycling formula," or "golden handshake," as it came to be called, would have enabled Lockheed to recover losses from the first "run" of 58 planes by increasing the prices on the second run of 57 planes. Thus, the higher the costs on the first batch, the higher the price on the second. But the golden handshake was more of a crunch than a clasp. For it to become operative two things had to happen: (1) The overrun on the first lot had to be at least 30 per cent more than the target price and (2) the Air Force had to exercise its option on the second run.

It was a risky business at best. A company that was showing heavy overruns in the first run of such a contract would have to realize that to recover its money later, the costs must go even higher. Secondly, such a company would want to keep things as quiet as possible so the Air Force would not renege on the second run, leaving it with mammoth losses.

Ordinarily, in the tradition of the close relationship between defense contractor and government client, the whole thing would have been quietly resolved. The public would know nothing about it. Lockheed's stockholders would know only that the Air Force had demanded some important changes in the C–5 contract, with which the company was complying.

(Asked why Lockheed remained so silent about skyrocketing costs, the company has said it believed it was protected from loss by the repricing formula. "We had every reason to believe that the option would be exercised, and we therefore in good faith could not have reported a potential loss—to have done so would have been misleading.")

But, the times were changing. The Vietnam war had disenchanted many in the Congress and the public with open-end defense spending. Horror stories of waste and inefficiency—with overruns of 600 and 700 per cent—began to leak out. In that context, Sen. William Proxmire (D-Wis.) held his Joint Economic subcommittee hearings in November 1968 and January 1969.

There, an Air Force cost expert, A. E. Fitzgerald, revealed for the first time the extent of Lockheed's fumble, which Fitzgerald put at $2 billion. Fitzgerald was at first silenced. Ultimately he was fired by the Air Force for his troubles. But the story became known of the Air Force's attempts to squelch news of the overrun because of "adverse publicity and stock market implications." Other testimony revealed that McNamara himself had known of the overruns since 1967, yet had told the Congress early in 1968 that everything was going well.

The affair tainted both Lockheed and the Air Force, which decided to exercise its option for only 23 additional C–5s beyond the original 58. At the same time, Lockheed was running into severe contract and overrun troubles on three other defense projects: the Cheyenne helicopter, the Short Range Attack Missile (SRAM) and various shipbuilding contracts. (The SRAM deal was another example of eager beaver bidding. Lockheed agreed to a last-minute contract change imposed by the Air Force on the assumption that the additional technology would be rather simple. As it turned out, the change cost an additional $50 million, beyond longer any doubt that Lockheed was in danger. In a letter to Deputy Secretary of Defense David Packard, Haughton for the first time acknowledged publicly that Lockheed could go broke. ". . . the cumulative impact of the disagreements on four programs creates a critical financial problem which cannot be supported out of our current and projected assets and income," Haughton said.

Haughton asked for $640 million in bailout money from Congress, a request which Rep. William S. Moorhead (D-Pa.) characterized as being like "an 80-ton dinosaur who come to your door and says, 'If you don't feed me I will die and what are you going to do with 80 tons of dead, stinking dinosaur in your yard?' "

Congress, in a recession climate, did not respond favorably. Finally, a limping Lockheed agreed to settle with the government, accepting losses totalling $480 million ($200 million on C–5; $120 million on Cheyenne; $130 million on ship contracts, and $30 million on SRAM).

That was on Feb. 1, 1971 (actually the SRAM agreement had been reached earlier). Three days later, on Feb. 4, Rolls Royce, Ltd., announced that it had gone into receivership.

The blow, which apparently (and oddly) took Lockheed totally by surprise, threatened to destroy the major commercial project on which the firm had pinned its hopes for the 1970s—the L–1011 TriStar jetliner.

Just two years earlier, in April 1968, rebounding from its 1966 loss of the SST contract to Boeing, Lockheed had announced the first orders for its L–1011. The announced sales, announced long before its competitor McDonnell-Douglas landed its first orders, was a sensation. It looked as if Lockheed was going to capture the market. Its stock jumped some 20 points. A consortium of 24 banks agreed to lend Lockheed $320 million to finance the project.

But, again, changing times were to foil Lockheed's hopes. The market for air travel dropped drastically in the last three years. McDonnell-Douglas, with a long history of commercial jet marketing behind it, began to pull ahead in orders (240 to Lockheed's 178). Moreover, publication of the C–5 scandal and its subsequent consequences damaged Lockheed's sales position in the commercial field.

The failure of Rolls Royce was the crowning blow. (It has come out that Rolls Royce was forced under because it could not meet the growing costs on a fixed-price contract on the Tri-Star engine for which it bid low and then encountered unanticipated technical problems—an ironic echo of Lockheed's own problem with the C–5).

Some say, with the benefit of hindsight that Lockheed should have stayed out of the airbus field altogether. "It was the biggest mistake they ever made," said an aviation analyst for a large stockbroker firm. "Boeing and Douglas were traditional producers, Lockheed was an outsider. Even if Rolls had delivered on schedule, it was still questionable whether the program would ever make money."

Whatever the miscalculations might have been, the present fact is that Lockheed's management has presided over an almost unprecedented series of disasters. The firm's net worth, after adjustment for the defense losses, stands at around $240 million. Should the L–1011 program be abandoned, the estimated write-off of $250 million after taxes would put Lockheed in a "negative net worth position." Translated: that means busted.

It hardly seemed likely that the banks or the government would be willing to let the Lockheed dinosaur expire in their yards. Lockheed owes the banks $350 million. The government still has billions in on-going vital projects going with Lockheed (the C–5 Poseidon, Agena, to mention only a few).

A Lockheed failure would also have widespread fallout. Its L–1011 customers (TWA, Eastern, Pacific Southwest Airlines and Delta) have invested $206 million in advance payments, although Delta has placed orders for five DC–10 planes as a precaution. A vast array of L–1011 subcontracts would also be badly hurt, such as Menasco Manufacturing Co., which has three-fifths of its backlog involved with nose and landing gears for the TriStar.

The possibility of a negotiated settlement among Lockheed, Rolls Royce in receivership and the British government was strengthened recently. But even should a settlement come, and the engine construction be resumed, whether Lockheed could recover its competitive position is still in doubt, as is the entire course of Lockheed's future.

Through it all, Lockheed's tenacious management has hung on. Haughton, 59, a farm boy from Alabama who started as an accountant and rose to Lockheed's chairmanship in 1967, recently told a British reporter: "If heads must roll, maybe mine ought to be first." The reporter said he said it with a smile.

AIRCRAFT EMPLOYEES: ENGINEERING TO METER READING . . .

(By Philip D. Carter)

MARIETTA, GA.—A recent "Help Wanted" notice for a $2.60-an-hour water meter reader and repairman attracted 70 applicants to this Atlanta suburb's city hall. Most of the job-seekers were highly skilled aircraft workers laid off by the Lockheed-Georgia Company—machinists, lay-out planners and engineers accustomed to earning $5 an hour and up.

They were not the only Lockheed employees looking for jobs. In the past year and a half, Lockheed's sprawling Marietta plant, 20 miles north of Atlanta, has laid off more than 12,000 workers, down from a peak of 33,000 in August, 1969.

By the end of this year, plant officials say, only 17,000 workers will remain, and—assuming the troubled plant stays open—the figure could go as low as 10,000 by 1973.

DIVERSIFIED ECONOMY

In other aerospace communities around the country, statistics like that spell gloom, doom and recession. But thanks to the diversity of the regional economy, the Atlanta area and even Marietta itself are enjoying something of a boom.

The shock of sudden large-scale layoffs in the aerospace industry are real. There are engineers in Seattle and Los Angeles who are working at lunch counters and selling used cars. Families of unemployed aerospace workers are on relief.

Is this the inevitable consequence of shrinking defense budgets and the shifting of national priorities? The Marietta phenomenon demonstrates one answer: there will always be personal shocks, but if the national economy, and the one surrounding the closed plant, are on the upswing, the unemployed can be absorbed.

One of the bitter consequences of the present decline in aerospace activity is that it comes at the same time as a national decline in the whole economy. Precisely when defense workers are losing jobs, a lot of other people are too. At the same time that the aerospace economy goes into recession, the national economy does too.

If the national economy can be strengthened, perhaps the change in aerospace could be managed in some other cities the way it has been in Marietta.

BANK DEPOSITS HIGH

In Marietta, for example, despite the massive Lockheed layoffs, bank deposits are at an all-time high. Demand for residential contruction money is at a three-year peak. The town's automobile dealers, always a sensitive indicator of local prosperity, say that their trade is thriving.

And throughout the five-county metropolitan Atlanta area, in which the bulk of the laid-off Lockheed workers live, the figures are equally rosy. With unemployment rates running over 11 per cent in aerospace centers like Seattle and Wichita, unemployment in

Atlanta last year averaged little over 3 per cent.

The difference, as an Atlanta Chamber of Commerce spokesman puts it, is that "ours is a balanced, diversified economy" which owes relatively little to federal defense spending for its strength.

"Whatever happens to Lockheed," says the Chamber spokesman, "we can absorb the blow."

D.C. Hester, executive vice president of Marietta's First National Bank, declares, "We'd hate like the devil for anything drastic to happen to Lockheed, and we don't think it will. But even if the company went bankrupt, it wouldn't be the catastrophe that it would have been a few years ago."

Marietta—a community of about 30,000—knows from harsh experience that federal defense spending can be a sometime thing. Just 30 years ago, this was a peaceful county seat of 8,000, largely dependent on the annual Cobb County cotton crop.

1ST BOMBER PLANT

Then World War II erupted, the Air Force built a bomber plant just outside Marietta's city limits, and by 1945 nearly 30,000 men and women from all over north Georgia were at work at Air Force Plant Number Six, building B–25s for Bell Aircraft.

The town's transformation was profound. Just building the main assembly building—a structure which still lays claim to the title of "World's Largest Enclosed Space"—required removal of a small mountain.

New housing tracts, drug stores, restaurants and theaters were built in a matter of months, and local merchants were soon making more money than they ever had before.

But the day after V-J day, the plant was ordered closed, and Marietta's first defense boom came to an end.

PLANT REOPENED

Six years later, in 1951, the Air Force asked Lockheed to reopen the plant to modify B–29s for use in the Korean War—and, soon thereafter, to construct the new B–47 jet bomber. Marietta came back to life.

Behind the B–47 came the C–130 Hercules cargo plane, then the JetStar business jet, and then the C–141 Starlifter. The burgeoning plant attracted highly skilled workers from all over the country. Even so, there were periods of sharp reductions in work force.

In 1960, for instance, Lockheed was caught between contracts: It's B–47 work was over, and the company had not yet won the contract for the C–141. Employment fell to 10,000—down from a high, in 1956, of over 19,000.

Then in September of 1965, Lockheed was picked to build the C–5A jet cargo plane, the world's largest airplane. Lockheed's prosperity—and Marietta's—seemed assured.

Although Lockheed officials insist the corporation won the C–5 contract strictly on the merits of the company's design and bid, local community leaders have been quick to credit former Sen. Richard B. Russell (D-Ga.), who died this year, with helping snare the bonanza.

"The people in the South have had the good sense to perpetuate their people in office so they can be effective," Marietta's Mayor Dick Hunter, observes. "If it hadn't been for people like Sen. George (former Georgia Sen. Walter George) and Congressman Carl Vinson (retired chairman of the House Armed Forces Committee) we wouldn't have anything in the South."

AWESOME COMPLEX

What Marietta had, by the late 1960s, was one of the most awesome defense complexes in the United States, most of it owned by the Air Force and operated, under a lease agreement, by Lockheed.

The economic mass of the C–5 project was staggering. Lockheed's 1969 version of the total contract price—$3.195 billion—was three times Georgia's annual state budget. Employees came from 85 Georgia counties, and at the end of each week they took home paychecks totalling $6 million.

But most impressive of all was the C–5 itself. Nearly as long as a football field, standing nearly six stories high, it had a fuselage cavernous enough to hold 14 jet fighters or 50 automobiles, and its engines developed as much horsepower as 800 cars. It is assembled in a building that covers 75 acres.

Although outside the city limits of Marietta, and thus exempt from city taxes, the plant pays more than $1 million in property taxes to Cobb County annually. Like Mayor Hunter, who is on leave from Lockheed's planning department, two members of the present city council are "Lockheedians," as are two members of the state legislature.

Lockheed officials have held office in an imposing array of civic organizations, booster clubs and fund-raising drives.

MODEL EMPLOYER

And after weathering sharp allegations of discriminatory hiring practices in the early '60's, Lockheed-Georgia has become by Southern standards, a model equal opportunities employer, the first of the nation's major corporations to agree to the Kennedy administration's guidelines for the hiring and upgrading of black employees.

When employment was at its peak level of 33,000, for example, 10 per cent of the company's work force was black and 2.5 per cent of its salaried managers were black. Today after the layoffs, the management figure has slipped to 1.8 per cent, while total black employment is 8.8 per cent. Even with the slippage, the figures are considered high for the region and the aerospace industry as a whole.

With that kind of record to point to, Lockheed officials today sound almost petulant as they review the corporation's recent bad press.

"The C-5 has the lowest overrun of any major program since World War II" declared a plant official, who asked not to be quoted by name. "Under a different climate nobody would have ever had a thing to say about the C-5. Lockheed is the only company that's meeting its specifications, and it's the one that's taking the penalty.

"Look at the F-111 fighters. They're not meeting specifications, but that contract is not being forced to take a loss. Ever since Sputnik, the country has encouraged people to get into engineering, and now we're turning them off. This thing," he concludes, "just came along when everybody was tired of the military."

But, the project's multi-million dollar overruns aside, there have been numerous embarrassment.

The first C-5 delivered to the Air Force lost a landing wheel while touching down in Charleston, S.C., in full view of Defense officials, military brass and press.

Discovery of a cracked wing on one of the giant craft led congressional critics to cast doubt on the C-5's airworthiness: Lockheed denied that the problem was major, but ordered reinforcement of all the aircrafts' wings.

One of the planes caught fire and was completely destroyed while being drained of fuel at Marietta's Dobbins Air Force Base, and a Lockheed worker died in the mishap.

The plane's innovative radar has been plagued wtih troubles. And on and on.

But all these difficulties, plant officials assert, are evidence of no more than the usual problems attending the development of any vast new technological project. What has changed, they feel, is the mood of Congress and the public.

Today, with company employment off and falling, with the weekly payroll down to $4 million from its earlier $6 million high, Lockheed officials at times sound as though they fear they may be running out of friends even in Georgia. And maybe they are.

Such gestures as the Georgia legislature's recent passage of a resolution commending Lockheed are offset by the fact that political supporters of Lockheed like Democratic Rep. John W. Davis, whose district encompasses Marietta, and Democratic Sen. David Gambrell, Russell's successor, are growing demonstrably disenchanted with the nation's aerospace industry. Last month Davis and Gambrell broke ranks with their Georgia colleagues and voted against further appropriations for the Boeing SST.

"After 10 years (in Congress)," Davis declared, "I decided to try to see what I could do with my job rather than just cling to the honor of having it." Of the 20 letters Davis said he received from constituents, only one—from a Lockheed employee—was critical, he said.

Like Davis, Sen. Gambrell explained his vote in terms of relative national priorities. The Nixon administration, he pointed out, has cut back nearly $10 billion which Congress had appropriated for "urgent programs."

'"This is money in hand," he said "earmarked for . . . water and sewage, housing, highways, rapid transit and pollution control, and much of it in the state of Georgia."

Although neither man is likely to turn against Lockheed itself, that kind of logic is catching, even in Marietta.

"Don't quote me on this," says a local business executive dependent on Lockheed employees for much of his income, "but I've often wondered whether that plant over the long haul has really done Marietta all the good we say it has.

"Five years ago I wouldn't have even whispered such a thing. But today," he said, "today, I just don't know."

In Marietta, as elsewhere in the county, the word "defense" had lost its automatic magic.

MANAGEMENT PRACTICES ON THE PUBLIC LANDS

Mr. TALMADGE. Mr. President, this week the Senate Subcommittee on Public Lands has opened hearings on management practices on the public lands. In part, these hearings stem from allegations on mismanagement of the national forests, particularly from the practice of "clearcutting." The 187 million acres of national forest system lands throughout the country are managed by the Forest Service of the U.S. Department of Agriculture.

Many of the people who might accept unchallenged these allegations of mismanagement are in reality unaware of the actual management policy of the Forest Service or of the problems faced in managing the national forests. Moreover, many are unaware that forest management as practiced by the Forest Service is not a static policy. It is, rather, capable of changing to meet new challenges while constantly meeting its obligations to the forests and people of the Nation.

It has recently come to my attention that the Journal of Soil and Water Conservation, in its January–February 1971 issue, published an article by M. M. Nelson, Deputy Chief of the Forest Service, which responds to criticism of national forest management and lays out the policy direction such management will follow in the decade ahead. Although this management direction will undoubtedly be spotlighted in the hearings this week, I believe it is appropriate for me at this time to ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Forest Service in the Seventies

(By M. M. Nelson)

The current decade offers heretofore unheard of challenges and opportunities to the managers of America's forests, both public and private. For this reason, the Forest Service, U.S. Department of Agriculture, is now extensively reorienting its programs to take advantage of these challenges and opportunities. How the agency meets these challenges and opportunities will be the key to achieving a maximum contribution to the social and economic well-being of the American people.

The Forest Service has long assured the public that "these are your national forests." Small wonder, then, that an ever-increasing number of people are concerned about how the nearly 187 million acres of national forest land are being managed!

The reasons for this concern are obvious. The National forests contain some of the world's finest forest and range properties, spectacular scenery, and places to recreate. The public's "discovery" of these assets has burgeoned demands for all uses. Although 187 million acres sounds like a large amount of land—and it is—this great expanse of land has become a finite commodity in the light of today's mounting needs and demands.

Consider the mounting requirements for water: for power generation, agriculture, wild and scenic rivers, recreation, domestic use. National forests yield more than half the water used in the 11 western states. In the East, national forests are located to influence water quality.

Consider the demands for solitude being sought by more people. Even some wilderness areas now are heavily used.

Consider the demands for outdoor recreation facilities: roads, trails, camping locations, picnic areas, etc.

Consider the demands for food. Per capita consumption of meat has increased slowly and steadily for several years. Beef production on national forest rangelands is practically insignificant relative to total production, but it contributes to the need for creating and maintaining stable production and living opportunities in the rural environment.

Consider also the demands for hunting opportunities, places to fish, and the production of lumber and other wood products.

These examples are drawn only from those demands made on national forest lands. In the case of "many uses," particularly timber supply, all public and private forest lands must play a role in meeting the resource needs of this decade and beyond. The other major implication of these demands, of course, is that increasing and more intensive use, both on public and private forest lands, will create environmental impacts.

FOCUS OF GOALS

Management of the national forests in the public interest as well as leadership in promoting sound forestry practices on private forested lands, has been the dedicated concern of the Forest Service for more than half a century. I will not review this record, because we are looking forward to a new decade, with new needs, new challenges, and a new orientation.

The Multiple Use and Sustained Yield Act of 1960 represented a restatement of Forest Service goals. Now, this basic legislation is further augmented by new and firmer direction.

The Forest Service has summed up its future objectives and policy direction in a pamphlet titled "Framework for the Future." This is the first major stride toward keeping the Forest Service in step with the changing world. The direction outlined is designed to guide a forward-looking program with flexibility to meet national needs.

"Framework for the Future" focuses all three major programs of the Forest Service—research, state and private forestry, and national forest system management—directly on meeting the social and economic needs of the American people during the coming decade. Maintenance of the environment is strongly emphasized both on national forests and private forest lands as well as in urban areas and areas outside the national forests which are affected by Forest Service programs.

The Forest Service's immediate job is to translate these "Framework" goals into a dynamic program on the ground. The goals must be fashioned into a program that is responsive continuously to people's needs.

A Forest Service environmental program for the future is now in preparation. Specifically, it will offer the American people balanced management of their forests.

Environmental quality legislation of the late sixties, climaxed by the National Environmental Policy Act of 1969 (Public Law 91–190), provided new direction for this program. This legislation pointedly emphasized the public's interest in environmental quality. This interest is being built into the Forest Service program.

Actually, the Forest Service has been deeply involved in environmental questions throughout its 64 years of service. Today, two-thirds of the agency's research effort relates directly to the environment.

Nevertheless, the Forest Service is expanding its efforts in an extensive program to implement environmental legislation both nationally and regionally. This intensification of effort encompasses every facet of the Forest Service program, from a restatement of some basic principles to a review of standards for maintaining the quality of air, water, scenery, appearance of land-disturbing operations, debris disposal, road location, and use of pesticides. Research needs, scientific capability, organizational arrangements, and program balance as they relate to environmental quality are also being examined.

I sense that Forest Service professionals have rediscovered the relevance of ecological principles to the complex environmental management problems posed by increasing demands for all kinds of goods and services from the national forests and private forest lands as well. Of course, ecology and ecologic thinking are not new to forestry or any other aspect of resource management. The Forest Service has some excellent ecologists in both research and management, but a refocus of principles by the entire professional organization is now appropriate.

The agency currently has plans underway in this direction. For example, regional foresters and most Washington office division directors recently took a concentrated, week-long refresher course in basic ecology. This short course was aimed at reinforcing the kind of ecologic thinking that will be expected of land managers and researchers in the future.

AESTHETICS AS A MULTIPLE USE

Another key consideration in the Forest Service's reorientation involves aesthetics. Some people have suggested aesthetics be added as a legitimate multiple use. Whether or not this is done formally is not important. Consideration of the natural landscape as a visual resource has become standard practice in planning Forest Service operations on the land.

Actually, the Forest Service employs more landscape architects (almost 160) than any other agency. Their full influence is still developing, but already they are making important contributions.

An important corollary to the consideration of aesthetics in planning management programs is debris cleanup. High standards for this cleanup from any kind of forest or range operation are the order of the day. A number of the nine Forest Service regions in the United States have reset stricter standards for roadside and logging debris cleanup.

"Framework for the Future" emphasizes quality in Forest Service programs. In all of the agency's operations on the land, environmental quality considerations have first priority. This applies in planning, design, and the execution of operations on the land. Ecological principles, aesthetics, appearance of the finished product, and adherence to quality standards are all basic considerations.

A LOOK AT MULTIPLE-USE PLANNING

How are these basic considerations applied? Planning represents a logical place to start.

The Forest Service currently is restudying its multiple-use planning process to assure that this type of planning meets today's needs. For those not familiar with multiple-use planning, it is customarily designed to set broad land management direction. Thus such plans are not action plans.

A Forest Service task force has just finished a review of the multiple-use planning process.

Forest Service planning procedures have evolved over the past few years into what might be called a second generation of multiple-use planning. As an aid to planning, a number of Forest Service regions recently have set up multifunctional, interdisciplinary teams to analyze areas where management prescriptions for the land are in the developmental stage. Some Forest Service regions have organized teams of different specialists to aid in planning for well-defined management areas. The Pacific Northwest Region (Oregon and Washington) has attacked transportation-logging planning for parts of ranger districts in this way. Teams of engineers, foresters, soil and water scientists, and landscape architects—working together—have developed alternative plans and proposals on which to base decisions. This same region has trained similar planning teams for several of its forests and for other regions. The California Region is also moving to set up teams.

The implications of this type of planning are so favorable that the agency is incorporating it in pilot organizational studies on two national forests in each of four regions. The first study, now approved, is in California's Eldorado National Forest. Incorporated into this study is an organizational arrangement that may stimulate the continued evolution of this second generation multiple-use planning.

In a typical national forest the supervisor's principal staff conducts the functional activities: timber, range, recreation, fire, etc. Specialists, such as wildlife biologists, soil scientists, silviculturists, range ecologists, and others, may each report to separate functional staff officers.

In contrast, the pilot study reorganization in the Eldorado National Forest is set up this way: The supervisor's principal staff consists of four individuals heading up (1) administrative management, (2) engineering, (3) resource management, and (4) planning. In this arrangement, all planning specialists, including engineers, are grouped into a planning section.

This exemplifies Forest Service efforts to design new forest organizations that will improve efficiency in attacking modern resource management problems. Meshing with such new approaches to management is the changing profile of staffing which has been taking place gradually in the agency over the years.

Specific scientific skills in the physical sciences have been acquired as the complexity of the agency's resource management mission has increased. People in all major disciplines have been added the last few years, particularly in the biological sciences (other than foresters). This trend is expected to continue and is indicative of other expected changes as the Forest Service balances skills within the organization.

APPLICATION OF TECHNOLOGY

In addition to scientific skills, a planning team needs other tools to meet the highly complex demands of environmental planning. The Forest Service, therefore, plans to use computer technology to the fullest degree practicable. The agency now has more than 50 computer-based simulation and linear programs in process. Some are partly operational, some are being pilot-tested.

One system that should be operational in 1971 is the Resource Capability System (RCS). This system enables a decision maker to consider, by simulation and linear programs, the effects on soil and water brought about by different intensities of management programs for timber, range, recreation, and wildlife habitat.

Another system, Resource Allocation Model (RAM), presently is used to display to a decision maker the implications of a wide variety of timber-harvesting activities. A great number of computerized engineering road location and design aids are also being perfected.

THE DATA GAP

Given the scientific skills and technological tools available to it, the Forest Service must strengthen one other extremely important component of planning and decision making. That is data acquisition.

There exists a "data gap" in some in-place physical resource information. For instance, information on timber-stand conditions, ecology, soils, and geology is not uniformly available. In addition, demand factors applicable to forest or district resource analysis problems are needed. Closing this data gap will receive priority early in the decade.

An overall Forest Service data bank, christened INFORM, is being pilot-tested in California. It is able to use data from most of the earlier systems developed by research or management.

THE LAND MANAGER A KEY

The key role in managing the national forests is played by the land manager (forest supervisor and ranger). Planning can only provide alternatives which, in the final analysis, the land manager must weigh.

It is his responsibility to decide to lengthen a road because the landscape is better served. He is required to make the judgment to require a more costly logging system, logging layout, or silvicultural system to protect soil or emphasize landscape aesthetics. He must bring into the planning process the social and economic inputs that are requisite to a balanced solution.

Perhaps most important of all, he must bring the public into the planning process.

"Framework for the Future" calls for the solicitation of public opinion in Forest Service activities at the planning or policy formulation stage. This solicitation is faclitated to a considerable degree by the availability of a plan for a given geographic area or an ecosystem to be used as a basis for meaningful public participation. Such public review as a regular part of the planning process is in the developmental stage and building rapidly.

At present, the foregoing planning processes are not fully operative, but many of them should be early in this decade. Planning, however, is just the first job.

Maintenance of environmental quality must continue on through the "action" part of a project or undertaking. To provide assurances of this, the Forest Service has given priority to surveillance systems, such as those for water quality. Some 50 intermittent monitoring stations are currently operating. Sampling at irregular intervals is done at more than 400 locations. However, surveillance is needed on about 4,000 watersheds.

REORIENTATION OF RESEARCH

Tied to these environmental planning steps and approaches to future management of the national forests is the Forest Service's research effort. It too is being reoriented. A considerable problem today is the consolidation of present knowledge so it can be brought to bear on new problems and so new research can be initiated to fill the gaps.

Forest Service research in the future will focus more fully on understanding the total forest-related environment. In the last two years, 43 percent of the agency's research has been redirected toward new problem areas. This involves multifunctional research on whole ecosystems rather than on individual parts. It requires the interaction of teams of scientists as they study all physical, biological, and human-related factors.

The new Pinchot Institute of Environmental Forestry Research is an example of this approach. The institute, administered by the Northeastern Forest Experiment Station, will consist of coordinated and integrated research by the Forest Service and at least a dozen cooperating northeastern universities.

Many people are concerned about some phase of environment. Various public and private agencies are studying bits and pieces of the complex ecology of man's environment. However, there is still need for a central point of focus where significant portions of the problem can be put together in an integrated whole. Initial emphasis will be given to four problems:

1. Improving the well-being of urban people through forest recreation and aesthetics.
2. Increasing the amenities derived from trees and forested land in an urban environment.
3. Improving the management of municipal forested watersheds for water and other uses.
4. Improving wildlife habitat in forested urban areas with emphasis on nongame species.

Research will surely encompass urban and suburban problems. It will be needed to improve the planting and culture of trees to resist smog, abate noise, and enhance the social and physical well-being of people locked in urban settings.

STATE AND PRIVATE FORESTRY

Private citizens and industry own about 70 percent of the nation's forest lands—ownerships representing more than 80 percent of the productive forest potential. The location of these private forests at lower altitudes than many public forests, in more favorable climatic zones, and closer to urban areas make them of prime concern in meeting future product and social demands of people.

With these lands in mind, the Forest Service's state and private action program for the seventies, operating through the U.S. Department of Agriculture and state cooperators, will aim to enhance the American environment and to help meet the country's natural resource needs as forecast for the year 2000 and beyond. Another program will be to reverse the decline in rural employment in forestry and forest-based industries.

State and private forestry also relates to the open space needs of urban areas. Several forward-looking state forestry organizations already are working actively in the field of urban forestry, but more efforts are needed nationwide.

The Forest Service has been given no legislative directive to create an urban forestry program. Until such direction is given, the state and private arm of the Forest Service will continue to look for ways to help with research and technical assistance.

It will take these and efforts by many other groups and organizations to transform the urban environment. But when the interest of the public is sufficiently stimulated, tremendous forces of individual involvement and concern can develop.

I must emphasize again that the Forest Service has been working with the environment throughout its history. Consequently, our research and management efforts have borne directly on the protection and enhancement of environmental quality.

The Forest Service's aim now is to achieve an even more systematic, interdisciplinary, research-based approach to the development of a dynamic multiple-use program for all of America's forests. It is in the public interest to seek a reasoned balance among the conflicting and competing uses of our forests.

Some of the innovations and realignments the Forest Service has launched will contribute significantly to the goal to which the Forest Service is committed—the highest order of forest land management and environmental protection.

RACINE, WIS., DECLARES AMERICA'S PRISONER OF WAR DAY

Mr. PROXMIRE. Mr. President, one of the greatest tragedies of the current conflict in Southeast Asia is that of the American prisoners of war in North Vietnam, and their families here at home. On March 26, 1964, Capt. Floyd J. Thompson became the first American to be captured in South Vietnam. Today, after more than 7 years, Captain Thompson is still being held and has been joined by more than 1,500 other Americans who are prisoners of war or missing in action. These men must not and will not be forgotten. Earlier in this session Congress passed and the President signed an act designating the week of March 21–27, 1971, as "National Week of Concern for Prisoners of War/Missing in Action." In view of the continuing need to keep the plight of these men before the eyes of the Nation and the world, I was very pleased to learn that Mayor Kenneth L. Huck of Racine, Wis., has proclaimed April 28, 1971, as "America's Prisoner of War Day" in his city.

Mr. President, I ask unanimous consent that the proclamation be printed in the Record.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

Official Proclamation: Office of the Mayor, City of Racine, Wis.

Whereas: Recent events have given us reason to believe that a concerted world-wide expression of concern over impending indiscreet action on the part of another nation will serve as a deterrent to such proposed action; and

Whereas, the plight of American Prisoners of War in the hands of the North Vietnamese has become another inhumane event that is deserving of recognition and reaction by all mankind;

Now, therefore, I, Kenneth L. Huck, Mayor of the City of Racine, do hereby proclaim April 28, 1971, as "America's Prisoner of War Day" and I urgently request that all Citizens of Racine join with all Americans and nations of the world in petitioning North Vietnam to recognize the terms of the Geneva Convention, or to consider the out-and-out release of American Prisoners of War.

In witness whereof, I have hereunto set my hand and caused the Seal of the City of Racine to be affixed.

VIABILITY OF THE U.S. TEXTILE INDUSTRY

Mr. HOLLINGS. Mr. President, on March 17, 1971, a concurrent resolution was passed by the General Assembly of South Carolina "Memorializing the President and the Congress To Take Steps Necessary To Restore Order to International Trade in Textiles and Commending the President for Rejecting the Unsatisfactory Japanese Unilateral Textile Export Restraint Offer."

As the Senate knows, I have, along with many other Senators, worked to establish some comprehensive program to insure the viability of our textile industry, which is not only important to the economic structure of my State, but to the economic stability of many areas of our Nation. I shall continue to work on this matter and pledge my efforts to accomplish a satisfactory solution to this problem. I believe that it can be solved, more important, it must be solved.

I ask unanimous consent that the concurrent resolution be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO TAKE STEPS NECESSARY TO RESTORE ORDER TO INTERNATIONAL TRADE IN TEXTILES AND COMMENDING THE PRESIDENT FOR REJECTING THE UNSATISFACTORY JAPANESE UNILATERAL TEXTILE EXPORT RESTRAINT OFFER

Whereas, the importation of textiles and apparel from foreign nations has seriously undermined the entire economic structure of the State of South Carolina; and

Whereas, thousands of South Carolinians have lost their jobs or are on short time that causes them to earn below average wages; and

Whereas, the revenues of the State Government, County Governments and Municipal Governments of South Carolina are down by millions of dollars causing mandatory cutbacks in all agencies of State Government thereby affecting every citizen of this State; and

Whereas, the foreign competitors who flood our market and force thousands of our citizens completely out of work or onto short time manufacture and market their textiles and apparel under conditions that are illegal in the State of South Carolina and in the United States; and

Whereas, the government of Japan has offered a most unsatisfactory proposal to restrain, unilaterally, its textile-apparel exports to the United States; and

Whereas, the Japanese proposal has been rejected by the President of the United States, by the Governor of South Carolina, by many members of the Congress, including the Senators and Representatives from South Carolina, by the American Textile Manufacturers Institute, by the South Carolina Textile Manufacturers Association, by numerous newspaper editorials and by many others; and

Whereas, the textile markets of the United States are virtually wide open to foreign imports while many of the major exporters to this country tightly protect their own markets against our textile exports; and

Whereas, our government has imposed upon tht American industry numerous regulations and cost factors that are not required of our foreign competitors; and

Whereas, the recent Japanese offer is based upon imports at the highest level in history; and

Whereas, the percentage growth rate under the Japanese proposal would be nearly double the percentage growth rate of the American textile industry since World War II; and

Whereas, it would undercut the long-term arrangement on cotton textiles that has been in effect for ten years; and

Whereas, the Japanese plan destroys the vitally important concept of categories and government to government agreements; and

Whereas, the textile industry of South Carolina and the entire nation has invested billions of dollars in recent years in new plants and equipment, making it the most efficient in the world; and

Whereas, the American textile industry pays its employees approximately two dollars an hour more than the industry of Japan, with the gap being even wider between this country and some other Asian Nations; and

Whereas, the Legislature and the people of South Carolina are not willing to see these terribly unfair conditions continue to weaken their most important industry which together with its supply and related industries over the years have been good, responsible corporate citizens; and

Whereas, these unfair conditions largely have been created by a combination of policies of our Federal Government. Now, therefore,

Be it resolved by the Senate, the House of Representative concurring:

That the General Assembly of South Carolina respectfully memorializes the President of the United States and the Congress of the United States to do all in their power through legislative and administrative action, to see that order is restored to the chaotic international textile-apparel trade situation.

Be it further resolved that the General Assembly of South Carolina expresses to the President of the United States its appreciation for his forthright statement in which he rejected the recent Japanese proposal and gave his strong support to texile quota legislation (H.R. 20) now pending before the Congress; and also expresses to the members of the South Carolina Congressional Delegation and to other members of the Congress, who continue to work for a solution to this problem, deep appreciation for their dedication to this vital effort.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, to each United States Senator and each member of the House of Representatives of Congress from South Carolina, the Clerk of the United States Senate, the Clerk of the House of Representatives of the United States, the Secretary of Commerce and the Secretary of State of the United States.

THE PRESIDENT'S MESSAGE ON THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, I was pleased that the President, in his message to Congress on the District of Columbia, last week, reaffirmed his commitment to the betterment of conditions in the District and for greater self-government for its citizens. To use his words:

> My administration will continue to work to strengthen the city government's hand in managing its own affairs more effectively . . . and will continue to work receptively and cooperatively in this area with the Congress and with all interested groups in the District of Columbia.

The President's overall tone and concern that the District's problems be viewed in terms of the total metropolitan area is reassuring. His support of federally guaranteed bonds for the Metro, coordinated efforts in metropolitan crime reduction, and proposals for federally guaranteed bonds for the Blue Plains project reflect the realization that the District's problems necessarily have a direct effect on surrounding communities in Maryland and Virginia.

I have always believed that the problems of the District, whether they be in crime, drug abuse, pollution, education, or urban transportation, must not be and cannot be, viewed in a vacuum. They must be seen as they are—problems which directly effect the well-being of citizens of the entire metropolitan area.

Too often in the past, the District's problems have been considered to be just that—the District's problems. However, we must now realize that if drug addiction, penal reform, substandard housing, struggling schools, and mass transit, and similar problems, are not solved in the District, then it is only a matter of time before the surrounding jurisdictions will face the same or similar situations. In fact, it is already beginning to happen. If we cannot stop drug addiction and cannot improve the educational system in the District today, then we will surely have to face the same problem in Prince Georges or Montgomery Counties and other surrounding jurisdictions tomorrow. If we do not develop a smoothly run and operated mass transit system for the District today, then we will feel the congestion and log jammed transportation crisis throughout the entire metropolitan area tomorrow.

Finally, it is my intention, to work closely with the White House, my colleagues in the Senate, the District government, and with the newly elected District of Columbia Delegate, Walter Fauntroy, toward the end that the National Capital area will become a good place to live as well as a showplace for the Nation. The future of the entire metropolitan area will depend in great measure on what happens in the Nation's Capital. It is a microcosm of the urban-metropolitan crisis which exists in the Nation and could become a fine example of what a city and surrounding suburbs and jurisdictions can accomplish by working together for the mutual benefit of all of their citizens.

PENTAGON PUBLIC RELATIONS BUDGET SHOULD BE CUT

Mr. PROXMIRE. Mr. President, the Wall Street Journal for April 13 published a lead editorial entitled "Pentagon Publicity." It pointed out that in the hullabaloo over the CBS show, "The Selling of the Pentagon," the main point was lost. As the Journal said:

> The show's target, excessive spending on publicity by the Department of Defense, is a wholly appropriate subject for public discussion, however badly or unfairly CBS might have handled it.

I do not believe that CBS handled the subject badly. In fact, the figure which

CBS is charged with exaggerating is much too low. In 1969, the editorial points out, the Pentagon provided Senator Fulbright with figures showing that its information force cost $27.9 billion—10 times the amount spent only a decade before.

But $27.9 billion is far too low. In the same year the Pentagon information officer sent me a letter detailing information spending by the Pentagon of $47.3 billion. And that figure, for example, did not include such expenditures as the vast sums spent to transport leading citizens from their hometowns to inspect military bases and for millions spent for more indirect public relations costs. The free flights to leading citizens are not calculated by the Pentagon as a part of public relations costs on grounds that they are "training flights" which would be flown anyway.

The editorial rightly warns that the danger of any department building its own propaganda machine is that it could develop its own political constituency to the point that neither the President nor the Congress could control its budget.

It is true now that the Pentagon budget is too large and that for practical purposes it remains out of control. At a time when the Vietnam war is being wound down, the President proposes that military spending go up.

As the editorial concludes:

> The taxpayer would be better served if he could find some way to sell government on spending less.

With that statement, Mr. President, we can all agree. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Apr. 13, 1971]

PENTAGON PUBLICITY

In all the hullabaloo about the CBS show, "The Selling of the Pentagon," one matter seemingly has gotten lost.

The show's target, excessive spending on publicity by the Department of Defense, is a wholly appropriate subject for public discussion, however badly or unfairly CBS might have handled it.

CBS has been accused of using an exaggerated figure on how much the Pentagon spends for its various press, publicity and public-relations activities. In fact, it is difficult to know just how much the department and its branches spend for this purpose.

Adam Yarmolinsky, a onetime Pentagon "whiz kid" under Robert McNamara, says in his thorough book "The Military Establishment," that a high Army officer once estimated it would cost $85,000 just to determine what the Army spends for public relations. But in response to an inquiry by Senator Fulbright in 1969, the Pentagon admitted that it had an information force of 2,800, with direct salary and operating costs of $27.9 million. That was a tenfold increase from 1959.

The figure, which certainly is substantial, does not include other costly activities, such as Armed Forces Day shows, which can partly come under the heading of training but must also be included under public-relations activities.

Aside from all the questions of war and peace, press freedom, journalistic fairness and the like that the CBS show has stirred up, the simple and provable fact is that there are large-scale Pentagon publicity outlays at a time when the nation is under extreme pressure to bring government costs under control.

The Pentagon is not the only offender, to be sure. Public-relations and advertising techniques are in fairly common use throughout government. The Pentagon, however, with an overall budget that looms so large beside anything else, most likely is the biggest spender.

Taxpayers need information about government but they don't need heavy salesmanship and it is doubtful that any useful purpose is really served by it. Most Americans have been convinced for a long time that they need a substantial military establishment capable of insuring the nation's security and meeting its foreign-policy commitments. Professional testimony to Congress and advice to the President plus a free flow of information to the press should be largely sufficient for public-policy decisions on the specific needs of the Defense Department.

The real danger in any government department's attempting to build a large propaganda establishment is that it might prove capable of developing its own political constituency, outside the normal traditions of this nation's government. It could thus become difficult or even impossible for either the President or Congress to adequately control the department's budget and natural tendencies toward growth. Fiscal priorities can get badly distorted that way.

The Pentagon's budget has grown so large—partly as a result of the public's security fears and the over-extensive foreign-policy goals of past governments—that its spending affects the livelihoods of large numbers of people. We do not raise the specter of a possible military takeover here, as some critics of the Pentagon might, since we feel that the nation's traditions of democratic civilian government are strong ones and are honored inside as well as outside the Pentagon. Yet the tendency of large institutions to generate their own life and momentum, and thus become difficult to reshape to changing needs, is an important problem in itself. Self-salesmanship can contribute to this tendency.

CBS was attempting to deal with a subject that does deserve serious consideration—more serious than TV networks, with their show-business propensities and personality cults, ever seem capable of giving. The Pentagon publicity budget should be cut and so should publicity budgets of other government departments that are inclined to go beyond minimum informational roles.

There is, after all, a basic anomaly in super-salesmanship campaigns by government departments. They are, in effect, spending the taxpayer's money to sell the taxpayer on letting them spend still more of his money. The taxpayer would be better served if he could find some way to sell government on spending less.

WELFARE MYTHS AND REALITY: MORE FACTS

Mr. RIBICOFF. Mr. President, is hard work alone the answer to our welfare problem? Do welfare recipients lead the good life, buy Cadillacs, own color televisions, have numerous illegitimate children, and constantly cheat to obtain welfare? Are most of the welfare recipients in America black, able-bodied people, who came north to get bigger welfare checks?

It would not be surprising to find that many Americans would answer "yes" to these questions which fit the stereotyped welfare recipient.

But these answers are as false as the myths on which they are based. If we do not discard these fictions now, as we debate welfare reform, we may embody them in the law, allowing them to haunt future generations.

It is time to look at the facts available to all of us which have been compiled in a brochure recently by the National Welfare Rights Organization:

Myth No. 1: Hard work is the answer to the welfare problem.

Fact: Most welfare recipients cannot work. According to a recent HEW survey, 24% of the welfare recipients are old-age recipients, 8% are permanently and totally disabled, 1% are blind, 2.9% are incapacitated parents in the home, 50.3% are children, and 13% are mothers.

Of the mothers, one-fifth are in job training or so underemployed as to remain eligible for assistance. The possibilities of many others are limited by the unavailability of day-care facilities. While some 5 million children needed day care in 1969, only 640,000 spaces were available. This situation continues today.

Myth No. 2: Most welfare recipients are blacks who have moved to northern cities just to get on welfare.

Fact: The majority of welfare recipients are white—about 55%. 39% are black and 6% are American Indian and others.

Of the 20 million people who moved to urban areas since World War II, only one-third were nonwhite. In the 1950–60 period when black migration to the north was greatest, welfare rolls increased by only 17%. Significant increases in welfare rolls (108% from 1960 to 1968) did not occur until after the peak period of black migration had passed.

Most blacks moved north to find better jobs, better education, and less oppressive discrimination, not to sign up for welfare.

Myth No. 3: Welfare mothers have large numbers of illegitimate children.

Fact: The average welfare family has only three children.

While 30% of AFDC children are "illegitimately" born, HEW data shows that one-third of all first-born children in this country born between 1964 and 1966 were conceived out of wedlock.

Myth No. 4: Welfare is the good life of color TV's and Cadillacs.

Fact: According to the Bureau of Labor Statistics a family of four needs a monthly income of $458 to live at a minimally adequate level of health and nutrition. New Jersey, the most liberal provider of welfare benefits, fails to reach that level by $117.

Only a few states even provide benefits that would bring families of four up to the poverty level, the absolute minimum at which life can be sustained. This is hardly the "good life."

Myth No. 5: Most welfare recipients are welfare cheaters.

Fact: A 1969 HEW investigation revealed that only four-tenths of one percent—or 4 out of every 1,000—of all welfare cases were fraudulent.

By comparison, the following estimates of unreported income by certain groups is interesting:

[In billions of dollars]

	Reported income	*Unreported*
Farmers, small businessmen and professionals	$12	28%
Wage and salary earners	6.5	3%
Receivers of interest	2.8	34%
Receivers of dividends	.9	8%
Receivers of pensions and annuities	.6	29%
Receivers of rents, royalties and capital gains	1.2	11%

Stronger enforcement of our laws is needed, but welfare would not appear to be the place to begin.

Myth No. 6: Welfare takes most of our taxes.

Fact: According to Budget figures for fiscal 1971, public welfare payments (including AFDC, OAA, AB, APTD) amount to $4.2 billion out of a $201 billion budget or 1.9%. Military programs account for 36.7%, space programs for 1.7% and farm subsidies for 2.7%.

Perhaps we could keep things in better perspective if we took Herbert Gans' suggestion and relabeled all of our subsidies and tax loopholes with more appropriate names—"Oil Producers Public Assistance Program," "Tobacco Growers Dole," "Aid to Sick and Dependent Airlines," and "Tax Relief for Purchasers of Tax-Exempt Bonds."

There is great concern in this country about our welfare system. If we are going to object to it, as we should, let us fight the present system because it breaks up families, destroys human dignity, and provides a totally inadequate standard of life for those who cannot help themselves.

ADDRESS BY SENATOR GOLDWATER BEFORE NATIONAL RIFLE ASSOCIATION

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Arizona (Mr. GOLDWATER), I ask unanimous consent that the text of an address which he delivered recently be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR BARRY M. GOLDWATER

There are just no words to explain to you tonight how proud and honored I am to be here and to take part in the Centennial celebration of this outstanding American organization.

You can imagine how a life-long member of the NRA who is known in the fraternity as a "muzzle loader" feels appearing here tonight before such a distinguished and—you'll pardon the expression—such a high-powered group of gun enthusiasts.

Now I realize my appearance leaves something to be desired. So let me explain that this is a result of a recent surgical operation I underwent for a piece of calcium in my shoulder. I finally got a suit to wear but you wouldn't believe the fuss that was made at home about how I should be attired. All kinds of special accoutrements were suggested—the Civil War cape, the West Point cloak and even the CIA trenchcoat.

All joking aside, I would have canceled my appearance here tonight for obvious reasons of convenience had I not felt that I had an important message to get across. My subject tonight concerns the crucial question of American preparedness in a time of growing peril. And the more I think about that subject the less I care about how I look.

But to begin with I should like to formally express my congratulations to the NRA for 100 years of distinguished and exemplary service to the United States of America.

I especially want to congratulate the NRA for its dignified and responsible performance in the present era of hysteria and criticism relative to civilian possession of firearms.

Forgotten in this period of easy answers is the Constitutional guarantee that Americans, free Americans, shall have the right to bear arms. Forgotten also is the important part played by firearms in the development of this country. Our forefathers—those proud and God-fearing pioneers who tamed this nation—were almost never without the protection of their firearms. They understood, just as the members of NRA do today, that the handling of a gun or a rifle is a procedure that needs proper supervision, understanding and training. Those people—and I am especially mindful of those who in more recent years settled the great American West—handled their guns in a law-abiding fashion. They taught their children as well as their wives how to handle firearms in the pursuit of pleasure and protection as well as food upon which to subsist.

They used their guns during the Revolutionary War in the interest of fair play. And to them moderation in the pursuit of justice was no virtue.

Now I should like to draw a parallel between the situation faced today by law-abiding gun owners with the position faced by men who do not believe the world is full of sweetness and light and who feel that this nation has a dire need for adequate defense equipment as well as an adequate military capability.

I am not puzzled at all to discover that some of the people who shout the loudest for restrictions on the possession of guns by law-abiding Americans are the same people who argue most strenuously for unilateral disarmament of the United States. It seems that some people who would disarm law-abiding Americans in the face of a growing and aggressive criminal element in our society would also disarm the nation in the face of a growing and aggressive enemy abroad.

The arguments in both cases bear marked similarity. On the domestic front some people who worry about the crime wave blame the gun for its existence. On the international scene, many attempt to blame war and the rumors of war on this country's possession of strategic weapons.

For years now we have been told by the disarmament clique in this country that there was in America a so-called "arrogance of power" which frightened our adversaries in the Soviet Union and in Communist China. This provocative and dangerous argument held that if we in this country moved unilaterally to cut down our superiority in nuclear strategic weapons that a mellowing Kremlin would breathe easier, join us in multiple-moves to reduce world tension and joyfully join us in a condition of nuclear and military parity. Some of these non-thinking and misled idealists felt that, at the very least, we could, by slowing down or even junking some of our strategic weapons, shame the Soviet Union into following suit. It was argued that something called "world opinion" would force the Soviet Union to forgo its goal of global domination and match us move for move in steps to end the arms race and eventually to dismantle our strategic arsenals.

More recently the argument against strategic weapons and defense expenditures has been promoted against the backdrop of the unpopular War in Indochina.

The campaign against our defense system and the military-industrial complex has been building steadily for the past three years. And believe me, ladies and gentlemen, these critics do exist. They are not the figment of my imagination. They are not the figment of other people's imagination. They are not nightmares conjured up by devoted militarists in this country. Far from it. These critics are people who literally make a business of downgrading and criticizing all facets of America's military establishment and its preparedness program. They are well-organized. They are well-trained. They are well-financed. And they work through the halls of Congress and the Committees of Congress to create a climate favorable to moves for unilateral disarmament in this country. At the present time their pitch is aimed at getting people to believe that the way to end wars is to impair this nation's ability to conduct war. They overlook the fact that this approach also impairs our nation's ability to defend itself and its 204,000,000 citizens.

As a part of this phony campaign, former Defense Secretary Robert McNamara actually pushed for a position of nuclear "parity" with the Soviet Union. It was his accepted belief that if we held down our production of ICBM's and related implements of our strategy that the Russians could catch up and we could go forward into the millennium holding hands and never again reaching for super power superiority.

How in the world McNamara or anybody else could have bought that bunch of hogwash remains one of the great mysteries of international affairs. We are today seeing how stupid that conclusion was. We are stagnating in a period of slowdown while the Soviets are moving ahead on the momentum built up during the period of McNamara's illusion. Of course, they show no signs of halting their drive at the position known as "parity."

This is a result of McNamara's folly. It is what we get for putting up with a Secretary of Defense so inept and so naive that he attempted to view a world in the most serious condition through the eyes of "intellectuals" and other Defense Department neophytes who couldn't even remember the lessons this nation was taught during World War II. It is the heritage that comes down to us from unbelievable periods of Pentagon rule during which time the experience of veteran military leaders counted for almost nothing in the strategic decisions affecting our defense.

And now we find that the Russians are moving ahead in every area of military preparation. They are building the greatest Navy Russia has ever possessed. They are challenging us for Naval supremacy in the Mediterranean and the Caribbean, in the Indian Ocean and the Suez Canal, and on every other strategic waterway throughout the world, including the important straits of Malacca. And of course when the Soviets gain control of these straits they will utterly deny us use of the Indian Ocean.

Earlier this year the chief of the Communist Warsaw Pact forces boasted that the Soviet Union now has anti-aircraft defenses which could "hit virtually all air targets of the enemy" and a Navy capable of action in any ocean in the world. Among other things, the Russian General said that Soviet rockets are capable of delivering nuclear warheads to any spot on the globe.

Of course, there is nothing new about extravagant boasts being made by members of the Soviet Army General Staff. But I can assure you that we will be making a grave mistake in this country if we disregard the kind of boast I have referred to here. There is something different in the picture now. And that something different is a Soviet Union which is militarily and strategically strong enough to make almost any kind of boast it wants to with complete credibility. This is certainly no time to underestimate our Soviet adversary. And it is no time to indulge in comfortable and unrealistic predictions of what the Soviet Union will do in the future.

In this connection I should like to remind this audience that General Andrew J. Goodpasture, supreme NATO Commander has warned us that the Warsaw Pact Nations in Communist East Europe have amassed, as he put it, "a concentration of military power that exceeds anything the world has ever seen."

Other American military men and defense leaders have warned repeatedly about the growing buildup of Soviet strategic power.

But I do believe that it has reached a point where the gravity of this situation must be brought home to the American people as strongly as possible.

And to this end, I hereby urge President Richard M. Nixon at his earliest opportunity to go on nationwide television and explain to the American people exactly how we stand strategically in relation to the Soviet Union and Communist China. Unless this is done, I am very fearful that the critics of the Pentagon will manage to cut our forces far below a level adequate to the defense of this nation. I say to you, as I have repeatedly told the Senate, the security of 204,000,000 Americans is not negotiable, nor is it a matter for debate. It is an abject necessity regardless of what problems happen to plague us on the domestic front.

I realize, Ladies and Gentlemen, that we are literally up to our neck in military "experts" at this point in our history. Everyone who serves in Congress, regardless of whether he belongs to a committee which works in the military field, now seems to qualify as an "expert" not only on military strategy but on political and diplomatic affairs involving Southeast Asia as well. In addition, our colleges and universities are literally crawling with loud but unqualified critics of American military operations and strategic interests. Throughout the Government, we are plagued with a new breed of "expert" who are referred to variously as "whiz kids" or "defense intellectuals."

It was this latter group which gained such a headlock on our defense establishment during the ill-fated time of Defense Secretary McNamara. The "defense intellectuals" invented all kinds of new phrases to describe old problems. They spoke importantly of things like "cost effectiveness" and "spasm wars" or "destabilizing factors" or "countervalue targeting" and so forth and so forth. Almost over night, the hard factual judgment of experienced military men was replaced with a gobbledygook jargon wielded by young men with impressive academic credentials but no experience.

During the McNamara period civilians in control of the Pentagon absolutely ignored the fact that military men are trained to plan defenses and to win wars; they are not trained to be computer experts or cost accountants. Their training was specific and it was valuable but during the 10 years of McNamara's reign it was not used.

We are now paying the price for an extended period of mistaken concepts, wrong assumptions and faulty strategies. We are confronted with a Soviet adversary which has acquired a nuclear strategic superiority not only in megatonnage yield but also in ICBM's. In addition, the Russians have deployed an anti-ballistic missile defense and are improving it and extending it all the time.

If there is any one field where the U.S. remains superior to the Soviet Union, it would be in the field of heavy bombing. But even in this area there is reason for doubt because of the rapidly deteriorating efficiency of our B–52 fleets which are aging rapidly and the fact that the Soviets are building a new sweptwing type of bomber not unlike our B–111.

In view of this, I believe we are facing a prolonged period of very dangerous and intensive Soviet "brinkmanship." It is important—in fact it is downright vital—for the people of this country to understand correctly what this might lead to. It would be a great mistake if we were to expect the Soviet Union to handle a status of strategic superiority in the same fashion that the United States handled it over the past two decades. Deterrence was our one total defense philosophy during our era of superiority. But we have no right to believe that the Soviets have any interest at all in deterrence. Indeed, we must assume and expect that the Russians will take greater and greater international risks at our expense during the remainder of the 1970's. I believe they might even reverse the concept of *massive retaliation*.

What I am attempting to do is to explain to you the consequence of a national policy which allowed the Soviet Union to gain the edge on us in a question of weaponry. For the first time we find serious students of Soviet relationships beginning to speculate on the probable Russian course if that country's strategic nuclear and conventional superiority become unchallengeable.

It stands to reason that the undisputed possession of the power to retaliate on land, sea, in the air and worse—in space itself more massively than any other nation on earth will embolden Soviet aggressive tendencies.

We might as well face it the Soviet Union is well on its way to gaining a powerful and undisputed superiority over the United States in every area of weaponry—both conventional and strategic. This means that they are now almost in a position where they could order us to leave any place on this earth, and thus confront us with a decision that would either mean all-out war or abject retreat with our tails between our legs. It would mean the end of American-domination any place in the world. And, it would mean the end of America.

Ladies and Gentlemen, I am sorry to have to tell you many responsible members of the United States Senate do not seem to understand this simple arithmetic of power. At a time when we are weaker vis-a-vis the Soviet Union than at any other time in our history we are rapidly throwing away our leadership, rejecting our responsibility and adopting weakness as a national policy. Thanks to the anti-military, economy clique in Congress, the United States is turning isolationist with a vengeance. It is withdrawing from the arena. It is refusing to face the reality of world power. It is busily engaged in taking on the mantle of a second or third or who knows what rate power.

The latest step in this direction of course was the refusal of the Senate and the House to approve funds for the continuation of the SST Program. This was not a victory for environmentalists. It was a victory for the economy. It was not a victory for our areospace industry. It was not a victory for the working men and women of this nation. Despite all phony and dishonest arguments to the contrary the defeat of the SST was a surrender—it was a surrender of our long-held predominance in the field of air transport production. It was a surrender of the nearly $1,000,000,000 which we had already expended on the SST. And it was a surrender of the world market for the newest family of commercial airplanes.

The SST represented an important advance in technology which of course is the lifeblood of the military-industrial complex. Therefore, those who would destroy all defensive weapons had to shoot down and kill the SST as part of their overall strategy of disarmament. And it would have been the same had the proposal before Congress called for prototypes of a supersonic lawnmower or a supersonic pants presser.

It has been suggested that the American people are losing their national pride. It has been suggested by some liberals that the American people no longer care whether their country suffers a military defeat in Indochina, or the loss of the respect of the rest of the world, or the loss of the leadership in the air transport industry. It has been suggested that American pride has shrunk to the point where the question of strategic superiority over the Soviet Union no longer interests the people of the United States.

Ladies and Gentlemen, from what I hear in my travels and read in my mail I do not agree with this assessment. If there has been a serious loss of pride in America, I believe it is confined to those leftwing and liberal groups that always regarded national pride and patriotism as a species of nonsophistication and ignorance. I believe the pride of our people in our nation is running stronger than ever and I believe that anyone who assumes that the majority of Americans no longer take pride in their country is making a serious miscalculation. It would be tragic if the Soviet Union began to take seriously this talk of Americans losing interest in America. It could lead them to make the mistake that would lead us into World War III.

For Americans, especially the young people of our country, have not lost their interest in America. It's time that many young people think that our generation has pretty will botched us the future through stupid mistakes such as I have outlined here tonight. And I believe it is high time we pay attention to the idea that free Americans want the ability to express themselves unhampered by government edict and law and they want their country to maintain its place in the world without kowtowing, through either cowardice or neglect, to any other nation or combination of nations in this world.

And why shouldn't they feel this way. This is a country we can be proud of but which is rapidly losing the status of being the most powerful nation on earth. I, for one, am proud of my country and I am ashamed of those people and organizations which are not. I am ashamed to read of some of this country's newspapers. I am ashamed to watch some of the offerings on our television. I am ashamed of people who apologize for America. This is a country to which millions of foreigners still want to come and which only a pitiful handful, including the timid and frightened want to leave.

I am mindful that the National Rifle Association in its 100 years of activity has lived through much of the stress and strain which have been borne by our nation. And its members maintain tonight, as they have for the past century, a standard which includes the protection of the freedom of our country and the freedom of the individual. And it is to these values that you and I and all of us in this organization must repledge our energy and our intentions this evening.

PRISONER OF WAR DAY IN NEW JERSEY

Mr. CASE. Mr. President, the Governor of New Jersey, the Honorable William Cahill, has issued a proclamation declaring April 28 as POW Day in New Jersey. I feel that this is fitting tribute to our men languishing in confinement throughout Indochina.

I ask unanimous consent that Governor Cahill's proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, nearly 1,600 members of the Armed Forces of the United States are officially listed either as missing in action or as prisoners-of-war in Southeast Asia; and

Whereas, these men have suffered and continue to suffer pain, imprisonment, deprivation of their rights, prolonged separation from their loved ones, and the peculiar mental and physical anguish which is the unique lot of the prisoner-of-war; and

Whereas, their wives, children, parents and other relatives in the United States suffer with them the agony of separation and the loneliness; and

Whereas, these men have carried out, and continue to carry out their duties to their country in accordance with their principles and pursuant to directions of the American people whom they are defending; and

Whereas, it is entirely just and in accord with humanitarian instincts that we, the American people, remember these men, cherish their contributions to our security, and pray for their safety and their speedy return to their homes and families;

Now, therefore I, William T. Cahill, Governor of the State of New Jersey, do hereby proclaim

April 9, 1971 at 3:15 p.m. as a Minute of Silence and April 28, 1971 as Prisoner of War Day in New Jersey, and I urge all citizens to show concern for these servicemen and to join me in praying for their release.

Given, under my hand and the Great Seal of the State of New Jersey, this 25th day of March, in the year of Our Lord one thousand nine hundred and seventy-one, and in the Independence of the United States the one hundred and ninety-fifth.

WILLIAM CAHILL,
Governor.

NATIONAL ENDOWMENT FOR THE ARTS AND HUMANITIES

Mr. PERCY. Mr. President, on March 18, the Subcommittee on Department of the Interior Appropriations, on which I am honored to serve as ranking minority member, considered the budget request of the National Foundation on the Arts and Humanities. For fiscal year 1972, the National Foundation has requested a total budget of $63,431,000, compared with $31,310,000 for 1971. The Endowment for the Arts and the Endowment for the Humanities will each receive approximately half of the total figure. At our hearing Miss Nancy Hanks, chairman of the National Endowment for the Arts, presented excellent testimony on the accomplishments and future goals of the endowment. I hope that each Member of the Senate will take the time to review this hearing record and to become acquainted with the significance of the National Endowment for the Arts.

The National Endowment for the Arts was created in 1965 as a vehicle for encouraging the development of the arts by State arts councils, groups, and single individuals in the arts fields. This development in turn provides the community with valuable opportunities to learn about and experience various facets of the arts. The endowment and the entire arts field, however, face serious financial difficulties. In her testimony, Miss Hanks pointed out that "citizen involvement in the arts and ensuing financial difficulty are growing at such a rapid pace that without greatly increased private, corporate, foundation, local and Federal Government support, the needs will not be met." This year, the funding request of $30 million will represent about 15 cents per person in this country; however, the Partnership for the Arts considers this an important part of its campaign to obtain $200 million in Federal support for the arts in the years ahead. Meanwhile, the arts, like every other segment of our society, suffer under the burden of rapid inflation, resulting in cost increases of more than 10 percent annually. As Miss Hanks' testimony further pointed out, increased demands do not mean profits—or even financial security. In spite of this, however, the Endowment is reaching more people and attempting to expand its services to the arts. New concepts and programs are being formulated that will reach more Americans.

For the coming fiscal year, the Endowment has three major goals: availability of the arts, cultural resources development, and advancement of our cultural legacy. All of this will mean a broadening of the Endowment's influence and the ability of various art institutions to provide vital community services. It will provide encouragement for individual artists and groups who in turn advance our understanding of America's cultural heritage. But it can only accomplish its goals if sufficient funding can be obtained.

Mr. President, I am particularly acquainted with three organizations in Chicago which depend heavily on the National Endowment for support. They are the Lyric Opera, the Chicago Symphony, and the Art Institute.

The National Endowment has given the Chicago Symphony a hundred thousand dollar grant, and while the deficits get larger every year, the financial struggle for survival is at least being carried on with the support of the National Endowment. Other symphony orchestras benefit similarly by grants from the Endowment and are thereby able to be of public service.

As a member of the board of the J. F. Kennedy Center for the Performing Arts I know how difficult it is to attract individual contributions and obtain adequate financial support. However, I firmly believe that the growth of the arts is of the highest priority. I am proud that the Congress has been such an invaluable part of the effort which is to bring Washington a cultural center devoted solely to the performing arts and commend this administration for its leadership in this field.

The National Endowment for the Arts is a program that is vital to the cultural groundwork of our society and influences our ability to offer an improved quality of American living to our children and grandchildren. The Endowment should not be forced to limp along from year to year with only token support from the Congress. Many European nations such as West Germany have a tradition of strong federal government support for the arts and these countries have strong cultural ties and great pride in their past history of artistic excellence.

I sincerely hope that the full funding request of the President can be met, and I earnestly solicit support for the National Endowment for the Arts and Humanities from every Senator.

NORRIS COTTON SCORES ANOTHER SUCCESS

Mr. McINTYRE. Mr. President, there are few more effective Members of the Senate than my distinguished senior colleague from New Hampshire (Mr. COTTON).

Once again he has hit the nail on the head. Singlehandedly he led the fight on the floor of the Senate to see that we took early action to continue the regional commissions and, most important to my distinguished colleague and myself, that we continue the New England Regional Commission.

He pointed to the facts about the need for assistance in New England where unemployment is rising, health facilities are in short supply, new classrooms are vital, and public facilities such as airports are, in too many instances, a decade or two behind the times.

He was right, and he resoundingly won his point. I salute his victory.

Mr. President, I ask unanimous consent that an excellent editorial published in the March 24, Hampton, N.H., Union, be printed in the RECORD because the editorial tells how so many in New Hampshire feel about this accomplishment.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EFFECTIVE WORK BY COTTON

Unfortunately, there are many examples of outstanding service rendered to New Hampshire and the region by Norris Cotton in the United States Senate which do not come to light as they should.

Cotton rendered most effective and long range service to all of New England—and especially New Hampshire—in the Senate on March 11. It took his lengthy participation in the afternoon's debate to carry the day, but he did carry it and in unmistakable terms.

Under debate was the legislation to authorize the continuation of the Appalachian Regional Development Act of 1965. This Act brought into being the federal financial aid program which has given new economic life to the 13 states commonly known as the Appalachian area.

Other regional commissions were established, including the New England Regional Development Commission.

Whereas the Appalachian states have benefited from federal assistance to the tune of hundreds of millions of dollars, the New England states have received a relative pittance. In Appalachia the following things, among others, have been developed with federal money since 1965: 233 health facilities, 260 vocational and technical schools, 157 higher education facilities, 85 libraries, 49 airports, 37 purchases of school equipment, and 71 other public improvements.

In addition, the federal government is paying for 2,571 miles of special highway construction.

Substantial basic costs in connection with the construction of thousands of new homes are met by the federal government.

A new program is being undertaken to upgrade airport safety facilities. The death of a football squad when a landing plane crashed in West Virginia prompted this project.

The five year extension of the Appalachian Act passed by the Senate on March 11 calls for the expenditure of nearly a billion and a half dollars more.

Only three Senators voted against the extension. In the debate, Cotton expressed his sympathy for Appalachia and he voted for the extension.

But Cotton voted for the extension only after he had forced the amendment of the Act to provide for the extension of the New England Regional Commission and its program for our area. The sponsors of the extension for Appalachia wanted the New Hampshire Senator to withhold his amendment for consideration at another time later in the session but Cotton bluntly told the Senate he would have none of that. There is no doubt that Cotton's high status as a member of the Appropriations Committee to which the authorizing legislation must be referred for the actual money helped him carry his important point for New Hampshire and New England.

In successfully pleading for his own state and region Cotton used these significant words of truth: "New England . . . has long suffered from good intentions . . . I have been kicking around the Senate long enough to know not to defer legitimate claims of the people I represent on somebody's sincere promise that they will be attended to later . . . Northern New England is just as needful of this kind of assistance as Appalachia . . . A great problem is absolute lack of any air transportation or air service."

Senator Cotton spoke caustically with regard to the attitude of the Nixon administration and prior Democrat administrations towards New England when he said: "I am saying it very frankly, and I hope they read it down town, that they can talk about a Southern strategy, but I know what their New England strategy is. It is not worth a damn."

New Hampshire's senior Senator pointed to the fact that sections of our own state are as economically pinched as Appalachia in the matter of employment and public facilities. He pointed out that the federal government has spent only 22 million dollars in New England in the last 5 years to help with the same problems hundreds of millions have been spent on in Appalachia. He told the Senate of the airplane crash at the Lebanon Airport which snuffed out lives and perhaps could have been avoided had the airport been properly equipped for bad weather landings.

Anyway, he carried the day. He fought a persistent battle and persuaded his colleagues to go along.

REPORT ON NURSING HOME HEARINGS

Mr. PERCY. Mr. President, on April 2 and 3 the Subcommittee on Long-Term Care of the Senate Special Committee on Aging held hearings in Chicago on nursing homes. The sessions were very productive and I wish to express my gratitude to the distinguished Senator from Utah, Mr. Moss, the chairman of the subcommittee, for agreeing to come to Chicago to chair the hearings and to Senator Adlai Stevenson for his very active and helpful participation.

Our hearings were prompted by disclosures about conditions in several Chicago-area nursing homes which were made by a team of investigators from the Better Government Association and the Chicago Tribune. We confirmed several important facts about nursing homes and the nursing home industry which I believe will be of interest to Senators:

Many residents of nursing homes are not receiving high quality care despite massive infusions of State and Federal funds.

Residents of nursing homes are often immobilized through the use of heavy sedation, rather than rehabilitated.

Residents of nursing homes are often physically abused or otherwise mistreated by unqualified, poorly trained, and underpaid personnel who handle and dispense medication about which they know nothing.

All levels of government, local, State, and Federal, share a responsibility for their failure to enforce existing laws vigorously and for implementing questionable policies without careful study.

Substandard nursing homes have been licensed and relicensed—or even closed, but quickly permitted to reopen—despite repeated and flagrant violations of health, safety, and housing standards.

Some nursing home operators are more interested in quick profits than in care of the elderly. They often go to great lengths—such as setting up dual corporations, one to own and the other to operate the facility—to maximize the return on investment.

The subcommittee's findings do not apply to all long-term care facilities for the elderly. Many nursing homes—both proprietary and nonprofit—provide the highest level of care for older Americans, and many nursing home operators and other personnel in the field are sincerely dedicated to promoting the welfare of the elderly and the infirm.

Yet the entire nursing home industry, not only in Illinois, but throughout the country, has been put on warning because of our Chicago hearings. This is particularly true of the 90 percent of the long-term care facilities that are organized for profit. They must convince the public that to make a profit on the care of the elderly does not mean to abuse, neglect, or literally starve the persons they are supposedly dedicated to helping.

Mr. President, we received promises from the State of Illinois and the city of Chicago during the hearings that both of these governments will actively enforce all standards, rules, and regulations pertaining to nursing homes. We can expect more license revocation proceedings to be initiated in the next few months than have taken place in the last several years.

I think it is clear from the reaction we have received to the Chicago hearings that the American public will no longer tolerate the abuse and exploitation of its senior citizens, a most woefully neglected minority group. Society will not allow its aged and infirm citizens to be shunted off to warehouses for the dying.

This growing commitment to the elderly is reflected in the Aging Committee's plans to follow up on the Chicago hearings with a more intensive investigation of the nursing home industry in Illinois and in its full support of more rigorous enforcement of existing Federal laws dealing with long-term care. I particularly welcome the committee's decision to make a more intensive study of the ways in which patterns of nursing home ownership and management for profit may affect the level of patient care.

I urge the Senate Special Committee on Aging and the Subcommittee on Long-Term Care to move as rapidly as possible in undertaking this investigation and in organizing another round of hearings in Illinois if it is felt that new insights can be provided by so doing. I also welcome the suggestion by the staff of the committee that an Illinois Advisory Committee on Long-Term Care be organized to work for improvements in Federal, State, and local laws governing nursing homes and related facilities. I hope this proposal can be quickly implemented.

In my opinion, our Chicago hearings accomplished a great deal in helping us to understand the scope of the problems in the field of long-term care for the elderly. Much of the credit must go to officials at all levels of government who appeared as witnesses in Chicago and were most cooperative.

As a new member of the Committee on Aging, I wish to take particular note of the excellent staff work provided by William Oriol, Val Halamandaris, John Guy Miller, and their associates. I am also grateful for the assistance provided me by Mrs. Mary Adelaide Mendelsohn, an informed and dedicated worker for the improvement of long-term care facilities.

I also wish to thank the junior Senator from Illinois (Mr. STEVENSON) for his contribution to the 2 days of hearings. I know that we will continue to work together for the welfare of senior citizens in Illinois.

I ask unanimous consent that the newspaper reports of the Chicago hearings on nursing homes be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

REST HOME TOO BAD FOR HOTEL

(By William Jones and Philip Caputo)

An owner of a large North Side nursing home told a United States Senate subcommittee yesterday that he turned his building into a nursing home in 1961 because it was too run down to operate as a hotel.

Daniel A. Slader, an owner and operator of the Melbourne Nursing Center, 4621 N. Racine Av., made the disclosure during the final day of Senate hearings here into nursing home abuses exposed by TRIBUNE Task Force reporters working in cooperation with the Better Government Association. State records show the home received more than $400,000 in welfare funds in 1970 for caring for elderly and mentally disturbed patients. In another disclosure during yesterday's hearings, Dr. Jack Weinberg, director of the Illinois State Psychiatric Agency, told the Subcommittee On Long Term Care for the Aging that he was offered "$100-a-head" by a nursing home operator two years ago for every state mental patient sent to the nursing home. Weinberg did not identify the owner but agreed to name him after the hearing to subcommittee investigators.

REFUSED, HE SAYS

Weinberg said he refused the offer. He also described the release of former mental patients into private nursing homes as an "ill advised, rapid, indiscriminate program." Weinberg said that of the 7,000 former state patients sent to nursing homes in recent years "I am not convinced that all 7,000 are not mentally ill."

Yesterday's hearing at the University of Illinois Circle Campus was conducted by Sen. Percy [R., Ill.] and Sen. Stevenson [D., Ill.]. Slader's disclosure of how he got into the nursing home business emerged under persistent questioning by Percy.

After explaining that he bought the Racine Avenue building in 1959 along with Dr. Arthur Wolsky, a dentist, Slader said the two men originally planned to operate the facility as a residential hotel. Slader said they decided against it after learning that rehabilitation costs would be too high.

PERCY WANTS TO KNOW

"Why did you get into the nursing home business?" Percy asked.

"Well, we had this investment," Slader replied. "We could resell the property and recoup some of our investment or we could use it for another purpose.

"We determined that a nursing home was the best answer, but I don't remember just what got us into that. We talked it over with a number of people."

Under questioning by Stevenson, Slader said that in addition to being a 50 per cent owner of the home, Dr. Wolsky also is the nursing home dentist and is paid for his services by the state. Slader also serves as treasurer of the Chicago Metropolitan Nursing Home Association, a group of nursing home owners who have said that disclosures of nursing home abuse are exaggerated.

ASKED ABOUT VIOLATIONS

Percy also pressed Slader for an explanation of why the Melbourne Nursing Center repeatedly is found to have health code violations and read a list of 50 violations found during a six-month period last year.

"Why did you fail to correct these violations?" Percy asked.

"To the best of my knowledge each and every violation was reinspected until corrected," said Slader, who currently faces city charges of health code violations. "As to the violations not corrected, this matter is followed down by reinspection and court action is taken if they're not corrected."

STATE BLAMED FOR NURSING HOME CRISIS

(By Jay McMullen)

The state's policy of releasing mental patients into the care of Chicago nursing homes has been blamed by the city's health commissioner for deterioration of care in such homes.

Dr. Murray C. Brown assailed the state's policy in testimony Friday before a U.S. Senate subcommittee on long-term care meeting at the Chicago Circle Campus.

Dr. Brown testified that under the state policy adopted in 1968 and 1969, a goal was set for unconditional discharge of 7,000 mental patients from state hospitals.

"We believe that far in excess of 50 per cent of this number were sent to nursing and residential care homes in this city," Dr. Brown declared.

"We have further learned that such former patients were discharged not only into licensed facilities, but into rooming houses and converted low-class hotels, some of which the Chicago Board of Health never has been able to identify or locate.

"We have also not been advised of the identity of patients, even though we have repeatedly requested this information during the past year of the state director of mental health.

"These actions resulted in the overcrowding of licensed facilities, the disruption of their activities by large numbers of mentally disturbed patients and strained the capacities of the staffs of these facilities by giving them patients requiring care that they had not been trained to give and swamping them with the care of the incontinent aged."

He estimated that 3,000 to 3,500 such discharged mental patients are now drawing public aid and will cost the taxpayers $30 million a year.

"We believe that the deterioration of facilities and care in Chicago nursing homes is directly related to the policy changes made in 1969 by the Illinois Legislature, the governor and the Illinois Department of Mental Health," said Dr. Brown.

U.S. SENATORS LISTEN: HEAR NURSE HOME ABUSE STORY

Cook County authorities are powerless to close nursing homes even if they find the homes are mistreating patients, a United States Senate subcommittee was told here.

Dr. Collette Rasmussen, chief of preventive medicine for the county public health department, said yesterday she would welcome enforcement power for county authorities.

The power to enforce state standards in private nursing homes for which the aged now pay substantial charges will be transferred from the state to the county under the new Constitution effective July 1.

Dr. Franklin Yoder, director of the Illinois Department of Public Health, testified here before the subcommittee of the Special Committee on Aging.

Yoder defended his agency against charges of laxity in enforcing existing standards.

Asked if it was true that half the homes in Illinois do not now meet existing state standards. Yoder said the number would be "somewhere in that vicinity."

Sen. Frank Moss [D., Utah], subcommittee chairman, and Sen. Percy [R., Ill.] questioned nursing home proprietors. Altho not a member of the subcommittee, Sen. Stevenson [D., Ill.] joined the questioning.

Yoder told the senators the state's inspection staff will be expanded from 18 to 29 and that six medical review teams will be added so the state can improve the "quality and frequency" of inspections of such homes.

Closing the worst homes will put no patients on the street, Yoder testified. "We know where the vacant beds are."

The owner of Kenmore House Nursing Home, 5517 N. Kenmore Av., Rabbi Benjamin Cohen, was accompanied by two lawyers as he testified:

"The best isn't too good for the aged. We want to give the elderly a Florida, wherever they are."

William Rechtenwald, an investigator for the Better Government Association, testified that he had been hired by Cohen without references as a nurses aide, and put to work dispensing medicine altho he had no qualification.

Rechtenwald described the filth, the inhumane conditions and the stench he found in Kenmore.

Cohen bought the place in 1967 with $40,000 down and its net profit in fiscal 1970 was more than $50,000, the subcommittee learned. Both Cohen and his wife are on the payroll at Kenmore.

CALL HALF OF NURSING HOMES SUBSTANDARD

(By Judy Nicol)

As many as 50 per cent of nursing homes in suburban Cook County and Chicago fall below licensing standards, two witnesses told the U.S. Senate special subcommittee on aging Friday.

Other witnesses told of improper care of relatives confined to Chicago area nursing homes.

Appealing at the two-day subcommittee hearing in Chicago on "trends in long-term care" were the head of the Better Government Assn. and the chief of preventive medicine of the Cook County Department of Public Health. They estimated that if nursing home laws were strictly enforced as many as half of Cook County's nursing homes might have to be closed, at least temporarily, because they fall below licensing standards.

BGA acting Executive Director George Bliss detailed to Sen. Adlai E. Stevenson III (D-Ill.), Sen. Charles H. Percy (R-Ill.) and Sen. Frank E. Moss (D-Utah) conditions found in homes in which its investigators worked.

COUNTY LACKS POWER

Dr. Collette Rasmussen, Cook County preventive health chief, said that even though her department knew of the conditions the BGA found, the county had no enforcement power. The licensing procedure was the responsibility of the state, she explained.

Bliss told the hearings at the University of Illinois Chicago Circle campus that the BGA had found some nursing homes hired untrained people, served poor and inadequate food, mistreated patients, had no recreation programs and ignored medical needs.

Dr. Franklin D. Yoder, director of the Illinois Department of Public Health, affirmed that about half of the state's 600 nursing homes were below standard. "But the conditions change so much each day," he said.

Asked why he didn't close the institutions, he said that 215 nursing homes have closed or changed to a different category of care since 1964.

These closings, he said, were voluntary.

Asked why he hadn't closed homes that county health inspectors had recommended be shut down, Dr. Yoder said that "There was probably not much more wrong with those nursing homes than other homes in the state that we weren't doing anything about."

He said that laws must be uniformly administered throughout the state.

EXPLAINS CITY'S PROBLEMS

Chicago's health commissioner, Dr. Murray C. Brown, whose department has closed five nursing homes since Jan. 1, said he thought the major problem in the city was the transfer to homes of former mental patients.

Brown said that in 1969, before mental patients were placed by the state in nursing homes in Chicago, there were only four cases involving noncompliance. In 1970, after the transfer program started, there were 29 court cases.

Dr. Brown also called for an ordinance providing for the training of nursing home employes, and endorsed Mayor Daley's program of encouraging volunteers to visit homes as our "assurance against abuse."

A number of witnesses testified about conditions in homes where their relatives were placed.

Mrs. Dorothy Shelton testified that her 84-year-old mother entered a Chicago nursing home after a heart attack.

She was not fed hot meals, was left in an unheated room and after four days in the home developed double pneumonia. She died after being transferred to a hospital, Mrs. Shelton testified.

TELLS OF AMPUTATION

Mrs. Mary Johannon testified that her 43-year-old sister who had the mental ability of a 3-year-old, was raped while in a nursing home or a mental hospital to which the home transferred her. Mrs. Johannon said the woman had no soap or towels while in the home, had contracted an infection so severe that she couldn't walk, and that her clothing disappeared.

Mrs. Glenda Carlson told the subcommittee her 84-year-old mother was confined to a suburban nursing center after a stroke.

While there, Mrs. Carlson said, her mother developed a sore on one foot. When it spread, Mrs. Carlson called a doctor who made one visit and told her that she was "overly concerned."

The sore spread. When the mother was transferred to Oak Forest Hospital, Mrs. Carlson said, she had to sign papers to allow the leg to be amputated above the right knee because gangrene had developed.

NURSING HOME ABUSES CORROBORATED

Senators Percy and Stevenson of Illinois and Moss of Utah took testimony, here over the week-end on abuses in Chicago nursing homes exposed by TRIBUNE Task Force reporters in cooperation with the Better Government Association. The senators, members of the Subcommittee on Long Term Care, produced evidence obtained in an independent investigation by their staff. The record not only corroborated shocking findings of THE TRIBUNE-BGA inquiry but produced additional instances of greed, and horrifying mistreatment.

Among the facts adduced by the subcommittee was that, on a $10,000 cash investment in a building converted from an apartment hotel into a nursing home, the operator netted a profit in 1969 of $185,000. Last year the home obtained $400,000 in state welfare funds for care of indigent patients.

The same home spent 52 cents a day on food for patients, whereas Chicago area jails average 63 cents and patient food costs thruout the nation average $1.50 to $2 a day.

The operator remarked, "Investors in nursing homes expect a return of 15 to 20 per cent a year."

Sen. Percy rejoined, "It is certainly more profitable than any business I have seen and it's coming out of the hides of old people. It is coming out of their food plates, out of their enjoyment of life. This is the heart of what we are looking into."

Stories of individual experience were revolting. One woman testified that her middle-aged sister, with a mind of a 3-year-old, was shanghaied into a state mental hospital from a nursing home after apparently being raped. Another woman said her mother died of exposure five days after admission to a home after sleeping in an unheated room with an open window beside her bed. A third said her aged mother's leg had to be amputated because of neglect by a home of an infection.

The Senate subcommittee deserves credit for its contributions to exposure of the nursing home racket. Its members have done constructive work and we hope they will follow thru.

REVENUE SHARING PLUS GOVERNMENTAL REFORM

Mr. HUMPHREY. Mr. President, Representative Henry Reuss and I have introduced a revenue-sharing proposal (S. 241) which not only provides emergency funds to States and localities, but calls on these governments to reform and update themselves and their tax systems.

We believe that for State and local governments to spend any additional funding effectively, it is essential that they make their systems more responsive to the needs of the people they serve.

I believe in the ability and wisdom of our local and State governing bodies and executives. However, increased service needs, budget deficits and high citizen moblity require that these governments streamline and update even more.

Mr. President, the Washington Post of March 2, 1971, contained a very interesting editorial which mentions the recently released evaluation of the 50 State legislatures by the Citizens Conference on State Legislatures. I make no value judgment here on placing a State here or there on the list of effectiveness. However, some obvious areas in need of reform that the Post mentions, indicates that all State legislatures, and governments, must see if they have the governmental structures and processes that will enable them to spend additional Federal revenue efficiently and well.

Mr. President, I ask unanimous consent that the Post editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Passing Power and Money to the States

With all the current talk about revenue-sharing and about shifting power away from Washington and back to state and local governments, the need for a critical look at the capacity of those governments to act effectively and wisely ought to be obvious. You don't get good government by shifting either power or money downward unless the units receiving it are capable of handling the tasks thrust upon them. Thus, a recent evaluation of the 50 state legislatures by the Citizens Conference on State Legislatures is particularly timely even though its conclusions have been greeted somewhat less than warmly in many state capitols. From reading the summary report (the full report will be available in book form this spring), you can only conclude that a great many changes are going to have to occur if these bodies are to do the job that President Nixon and others would have them undertake.

For example, at the time the study was prepared, a member of the legislature in Indiana, Colorado, North Dakota and Virginia had no staff to assist him; a member in Iowa, Ohio, Utah and Indiana had no office space of any kind. It's hard to believe that a legislator can operate effectively and wisely under such conditions. Nor is it easy to believe that a legislature can govern well when one house has 400 members who are paid only $200 per session, as does New Hampshire, or when a legislature has 100 different committees, as does Mississippi. Nor can a legislature function with much efficiency when it is required to sit in session as every word of every bill is read aloud, as in Kansas, Arizona and Nebraska, or when amendments to proposed legislation are not even printed, as in Nebraska, South Dakota and Utah.

We pull those examples out of the report not to suggest that these legislatures are among the worst in the country. Indeed, the Citizens Conference rates two of those mentioned above as among the 10 best equipped legislatures and only three of them as among the 10 most ill-equipped. But the fact that these kinds of situations are commonplace suggests the basic nature of some of the reforms that must be made if state government is to be revitalized.

The Citizens Conference outlines a series of criteria by which a state legislature can be judged, grouped into categories as to whether it is functional, accountable, informed, independent and representative. It suggests that the public has accepted a low standard of performance in every category because citizens of one state—indeed, even members of its legislature—know very little about how legislatures elsewhere perform and because few people are fully aware of the crucial role in the quality of life that a state legislature can play. Perhaps the conference's most telling point is its comment that state government is a "gray area" to most Americans. "Citizens generally know more about their federal and local governments than they know about their state governments," the report says.

While we do not put too much credence in the relative ranking of legislatures—Maryland was ranked 20th and Virginia 34th, with California and New York leading the list, and Wyoming and Alabama bringing up the tail—the shortcomings the report points out mark the places where reform ought to begin. There has been a substantial proliferation in recent years of organizations of state officials who ought to be able to use this report (and other similar ones) to get reforms under way. If they can't, Washington ought to think and hard about the wisdom of passing down power and money to legislative bodies which lack the tools and, in some instances, the ability to handle either.

TRIUMPH AND TRAGEDY

Mr. BROOKE. Mr. President, one of the wisest men I have ever known is the Reverend Theodore Parker Ferris, rector of Trinity Church, in Boston, Mass., I have attended Dr. Ferris' church for nearly a generation; my children have been raised on his rare and compelling view of life; his church is my spiritual home. And as often as I have heard him speak, I have never failed to learn and to grow through his insight and perception.

Yet Ted Ferris' Palm Sunday sermon was exceptional—even for him. He spoke to the triumph and tragedy of our age, to the inescapable paradox of the human condition: That joy and sorrow, triumph and tragedy, victory and defeat are the inseparable warp and woof of the fabric of life. The text is as relevant today as it was in biblical times:

> If only you had known the way that leads to peace! But now it is hid from thine eyes.

Mr. President, only rarely do I introduce the words of a spiritual leader into the political journal of this body. But this sermon is so profound and so perceptive that I ask unanimous consent to have it printed in full in the Record, and call it to the particular attention of Senators.

There being no objection, the sermon was ordered to be printed in the Record, as follows:

The Tears of Tragedy

In the story of Palm Sunday as St. Luke tells it, "when Jesus saw the city he wept." (St. Luke 9:41) A man is not supposed to cry, not if he's a strong man; and if and when he does, he's usually embarrassed. Jesus ordinarily didn't cry. He 'sweat blood' in Gethsemane, but he didn't cry. He cried out on the cross with a loud shout, but he shed no tears. Why, then, did he cry when he saw the city? And at this particular time?

He was just beginning the descent from the Mount of Olives. Some of you have seen the city from that particular spot, which one man called "the most impressive scene in the world." He was being given a royal welcome to the city. He was riding on a donkey, a beast of burden. People were shouting and singing, *Hail to the chief!* or, in their words, Hosanna! Praise God! Hail to the King! Triumph was in the air; he was riding high. Why then did he cry when he saw the city?

He cried, not because he was afraid of it; and not because of anything the city might do to him; he was prepared for that. He cried because he loved it. It was so beautiful; it was his city; and in a way that is not true of any other city in the world, it gathered up the life of a whole people. It was the Holy City, the City of God. He loved it, and he knew that it was doomed; that is why he cried.

He knew that its moment had come and gone, as moments come and go in the lives of people like us; opportunities come and occasions arise when we might see and do and be something great. They come and they pass, either unnoticed or rejected; and when they go, they are gone forever. There is a finality about some failures that has the look of judgment about it. The city Jesus saw wore that look.

This detail of the Triumphal Entry into Jerusalem on Palm Sunday was picked up only by St. Luke. When four people tell the story of an event, especially a momentous one, the outline is usually the same but the details are likely to vary. And so they do in this story. St. Luke caught this particular detail and circled it with light. Jesus wept when he saw the city, and said to the city, "If only you had known the way that leads to peace! It's too late now; your chance came, you didn't see it, you've missed it; you will be destroyed." One commentator writes, "The tears of Jesus are the tears of tragedy: his love for Jerusalem is in tension with his acceptance of its judgment."

We shall not stop now to probe the particular situation that existed then (and I must say that it is a great temptation, particularly to me, to probe the ins and outs of the situation which he was facing and what it was that he thought the city had failed to do). But it all happened a long time ago; it isn't easy to disentangle the threads of history, and we won't stop to do it. We shall move on quickly to the thought that comes immediately to our minds: the strange affinity of triumph and tragedy.

Ordinarily, the two don't go together, do they? They are mutually exclusive. Triumph means victory. If you're triumphant, you've won! Tragedy means defeat, noble defeat perhaps, but you've lost. And you can't win and lose at the same time. You can't be triumphant and tragic at the same time.

When Charles Lindbergh went to Paris on the twenty-first of May, 1927, alone, by air, and landed safely, and then came back by ship to New York and rode up Broadway, that was Triumph, pure and simple. It was the triumph of one young man who had both the skill and the courage to do something that had never been done before. There were no tears on that day. Likewise, when John Kennedy was killed in 1963, that was tragedy, pure and simple. Regardless of political agreements and disagreements, the President of the United States had been murdered. There were no shouts of triumph on that day. And so we think of triumph and tragedy as mutually exclusive.

And yet, the fact that we meet them here on Palm Sunday so closely intermingled makes us mindful of the fact that the two are not so far apart as they first seem to be. I am bold to make the statement to which I know some will take exception. In spite of the exceptions that might be brought forward, it is generally true that there is in every triumph a potential tragedy. Take a relatively trivial instance of triumph. A man wins a tennis match. He's triumphant; he's the victor. His victory goes to his head. He becomes more and more overbearing toward his fellow-players, even arrogant; and eventually he becomes so sure of himself, his style, and his skill that he becomes careless. He cuts down on his practicing, and the next match he loses.

A country wins a war. People go wild with excitement. They are triumphant; they are the victors. But then there is always the possibility that they will go mad with power, and plunge themselves into another war, to maintain that position, and before the war is over, they lose it. So, in triumph there are the seeds of tragedy.

Likewise, in every tragedy there is a potential triumph. How is it that the blind can read? It is because one boy, at the age of three, had an accident and lost his sight. He was a French boy; he was sent to school and gradually, working on a system begun by someone else, he simplified a system of raised dots (sixty-three in all) by which a blind person can read with his fingers. He was Louis Braille. Out of tragedy, pure and simple it must have seemed to his parents—a boy three years old struck blind—out of that tragedy comes the triumph of the blind able to read not with their eyes but with their hands.

How is it that the rules of safety in the North Atlantic waters are so strict? Because on the night of April fifteenth in 1912 the *Titanic* hit an iceberg and lost fifteen hundred and seventeen lives. Tragic it was, pure and simple. Yet because of that tragedy all the safety rules were made more strict. The Iceberg patrol was increased. (Now, of course, radar has taken its place.) But whatever it is that makes for safety at sea in the North Atlantic is partly the result of that one terrible tragedy. So, out of tragedy, triumph is sometimes won.

Interesting as it is to speculate about this strange marriage of unlikely opposites, this is not our primary concern now. This is not why these "tears of tragedy" touch us today. They touch us because in a sense *we* are that city, and those words speak to us. "If only you had known, if only you had known, the way that leads to peace." And we say as we listen to them, Why didn't we know? We had the facts; we had the knowledge; we had the counsel of wise men, both in the state and in the military, plus all the lessons of history. Why didn't we know? The fact is, we did know. We did know!

But we also had what I dare to call here the "itch" to be big; and it's a very disturbing itch—that desire to be big, one not easily put out of mind. "Big brother" we called it, but the accent was on *big*; the biggest ships, the biggest tankers, the biggest planes, the biggest armies, the biggest military system, the biggest bombs, the biggest missiles, the biggest banks and the tallest buildings, the biggest of everything in the world. That's what we wanted.

We also had the "yen", here at home, to break loose, to be free, to shake off the shackles of tradition and authority, inhibitions, and above all, hypocrisy. So we're doing it; we're doing it with a vengeance. And much of it is for the good, because some of the hypocrisy should be shaken, some of the inhibitions should be left behind, and some of the traditions have served their time and are worn out. We are doing it. We've been on a world-wide spree for the last twenty years; or you might say a whirlwind tour of freedom without discipline.

And we do not learn from experience, you know; not always. That's one of the things that is hard for us to take as we grow older. Human beings aren't like animals in that respect. Animals inherit certain instinctive knowledge from their predecessors that we don't. We have to learn to swim; they don't. We have to learn what depressions mean. We have to learn, each generation, what violence can do to a nation, what wars can do. We don't inherit that knowledge automatically, and we don't learn as easily as you might think from past experience which has spelled out the lessons in letters too large to be missed. These are some of the reasons why we missed the moment, let it pass.

We are beginning to see that we have missed something; that it isn't quite so simple as we thought it was, not quite so simple; and that we are in trouble. We are beginning to see, if we didn't see it before, that it's easier to get into something than it is to get out of it. Remember how in the old days they used to put a man in a crate, bind him hand and foot, then wire the crate, and seal it in every conceivable way, and drop it into the depths of the sea? It took a Houdini to get out of it! No one else could have done it.

It's not easy to get out of something when you once get into it. It's easier to get into a completely polluted atmosphere than it is to get out of it and purify it. It's much easier to get into a flabby and indulgent materialistic way of life than it is to get out of it. You get very accustomed to it; you enjoy it; you like the comfort of it. I do. It's ten times easier to get into it than to get out of it. It's infinitely easier to get into a misunderstanding than it is to get out of it, without any broken bones. And it's infinitely easier to get into a war than it is to get out of it.

We are beginning, I think, as a people to see more clearly than we once did what T. W. Manson, the great New Testament scholar of my generation, wrote about Jerusalem at this particular time. He wrote, "What the verse (19:43) says is that the city will be sacked and destroyed with its inhabitants in it. The prime cause of the material disaster is a moral failure; and the moral failure is essentially a failure of religious insight." Personally, I can take that to myself; perhaps we can all take it. If there is any material disaster in our time, the cause of it is a moral failure; and the moral failure is essentially a failure of religious insight. By religious insight I do not mean any particular form of piety, but an insight into the nature of things, the mystery of necessity, the naturalness of law, the law of the universe, of the way of the cosmos which you cannot buck and win. That is what I mean by a lack of religious insight; insight into the reality of God, whose ways are not always plain, but nevertheless can neither be dodged nor ignored. We are beginning to see that once again.

Some are even beginning to cry, to shed the 'tears of tragedy', and in these 'tears of tragedy' is the possibility of triumph. People who weep and wail at the drop of a hat never do much for anybody; neither do the people who never shed a tear, like stone; they don't do much for anybody. It is those who weep, not for themselves, not over their own losses, not even over the losses of their country, but over the things that they have missed, the things that they should have seen and didn't; over the things they should have done and didn't do, over the things they should have known—did know—but didn't see. It is those people in whom lie the seeds of triumph, the people whose tears open their eyes and point the way to peace. In them is the hope of triumph for the future.

Last week everyone's attention was focused on one young man, Lieutenant William L. Calley. When he was convicted of the premeditated murder of twenty-two men, women and children, he made one brief statement, "I hope that My Lai isn't a tragedy but an eye-opener, even for people who say war is hell." You have to respect a man who can say anything at a time like that; but it is the fact that it is a tragedy that makes it an eye-opener. Not only what this one man did, or what happened at that one place, but what the whole country is doing, what the whole world is involved in. It is the very fact that it is a tragedy that makes it an eye-opener, for tragedy has the power to open eyes that otherwise remain forever shut.

Jesus, surrounded by the temporary triumph that those well-meaning, lovable people gave him—you can feel the excitement that they felt, they were sure that something was going to happen, and that it was going to be what they wanted to happen, something good and great for their people—surrounded by the triumph of those well-meaning, lovable people, he saw through his tears the fate of a people who missed their chance.

Notice this, he didn't blame them, he didn't scold them. He said, according to the text, "It is hidden from your eyes." Notice the passive voice. He didn't say, You shut your eyes and deliberately refused to see it. He said, "It is hidden from your eyes," somehow relieving them of some of the inevitable guilt. I personally am grateful for that, because some of the things that I, as one of the people of this country, have missed have not been things that I have deliberately turned away from; they have been hidden from my eyes. I haven't seen them, not because I am blind, or because I refuse to look at them, but because I couldn't see them, didn't see them. Jesus said, "It is hidden from your eyes."

He didn't shake his fist at them. He didn't condemn them. He didn't in his majesterial authority stand before them and say. 'J'accuse!' He just cried. He wept over them; those tears so rarely shed have opened many another eye, have melted many a heart, and turned many a step towards peace. In those tears of tragedy lay the hope of triumph then. It lies in the same place now, in the tears of tragedy.

Lord, as we think about ourselves and our world, in the light of the things that happened in other days when thou wept over the city in that one brief hour of triumph, help us to see clearly how closely triumph and tragedy are related, and to find in the tears of tragedy the hope of triumph in the future. Teach us to cry, Lord; and through our tears let us see things more nearly as they are. Amen.

THE NEED IS FOR FARM PAYMENT LIMITATIONS

Mr. McINTYRE. Mr. President, on January 28, I introduced S. 423, which would provide a $10,000 limitation on farm payments on wheat, feed grain, and cotton production.

I introduced this legislation because I believe that the farm payment program has gotten out of hand. I feel we must help the small farmer who is contributing to keeping our agriculture production in line with our agriculture needs by limiting his production. He may suffer economically by participating in this national program to protect us from a glut on the market of unneeded food and the instability this might mean in our food supply.

I do not feel that we must continue to provide these benefits to the large corporate farm factories which seem to get larger and larger and get more and more payments for holding back their production.

The Department of Agriculture has just released its report of farm payments for 1970. I am shocked by the facts this report continues to reveal about farm payments:

First. The Federal taxpayers contributed nearly $4 billion to farm payments last year.

Second. Payments of nearly $40 million went to just 23 farmers.

Third. More than $1½ billion in payments—nearly 50 percent—went to barely 5 percent of the farmers.

Fourth. One farm factory got more than $4 million in payments while more than 50 percent of the 2½ million farmers in the Nation got less than $5,000 each.

Fifth. Payments continued to go to many unusual farm factories including heavy payments to a farm in which the Queen of England and her family are major investors.

The bill passed last year limiting payments to $55,000 per crop per farm will help some. It goes into effect this year.

But, the real need is to help the small farmer and the taxpayer. Even the $55,000 limitation will not mean much to them. The small farmer does not get that much in payment and the taxpayer will continue to pour out more than $3 billion under the $55,000 limitation. We can save the taxpayers several hundred million dollars by reducing the payments to $10,000 and still not hurt the small farmer who receives less than that amount.

My bill, S. 423 has been referred to the Senate Committee on Agriculture and Forestry. I hope that hearings may be held soon and that the administration will lend its support to this much needed legislation.

Mr. President, the millions we save can be used to preserve our environment, build new schools, help poor elderly citizens, and meet many of the priority needs of our Nation.

ADDRESS BY HON. ABBA EBAN, FOREIGN MINISTER OF ISRAEL

Mr. ALLOTT. Mr. President, several weeks ago a television news broadcast carried a brief but very moving excerpt from an address by the Honorable Abba Eban, Foreign Minister of Israel. The address was delivered on March 18 to the 1971 inaugural dinner of the United Jewish Appeal of Greater New York. When I asked the Israeli consulate in New York for a copy of Mr. Eban's text, I learned that he had been speaking without a prepared text. However, the consulate has produced a transcript from tapes of the address and today I would like to share this transcript with the Senate.

Mr. President, when we are privileged to have Mr. Eban as a guest in our Nation we are simultaneously reminded that the English language is the language of freedom and that Israel's struggle for peace and survival is among the most moving chapters in the history of freedom.

As Mr. Eban averred, the central issue for Israel can be put in one word—"survival." And he said:

> What an ominous word that is. To be talking of survival twenty-two years after the establishment of Israel, three decades after the greatest orgy of violence and bloodshed to which our people or any people has ever been subjected. The struggle for a people to survive across all the storms and the vicissitudes of history.
>
> There is nothing in human records similar to this. Throughout all the centuries it has been pathetically difficult for men to be Jewish and physically survive. Or in such circumstances as enabled them to insure their physical survival how difficult it has been to insure survival in their own free and autonomous identity.

For those who doubt that survival is the issue, Mr. Eban brought vividly to mind the events of 1967. He explained why "the summer of 1967 is still the point of reference for everything that Israel says and does":

> Soon we shall be entering the fifth year of Israel's steadfast maintenance of the positions and the attitudes that she took in the light of that deeply moving and traumatic experience. But we should betray those memories, we should be false to those sacrifices, if we were to let those days perish from our hearts.
>
> We cannot forget them. We cannot forget the cold wind of vulnerability that blew across our lives. We cannot forget the thousand tanks in Sinai. We cannot forget the death and destruction that poured upon us from the Golan Heights. We cannot forget how we were then squeezed up against the narrow, densely populated coastal plain. We cannot forget how in a single night we were cut off from maritime contact with two-thirds of the world. We cannot forget that the vital fuel by which our security and our economy are sustained were illicitly choked off by an illegitimate blockade. We cannot forget that in the summer days of May and early June, 1967, the prospect of Israel's physical destruction was being seriously discussed across the world, in Arab capitals in wild exaltation of spirit, in other lands with genuine anguish but in total impotence of intervention.
>
> We brood upon those memories day and night. They have added a new dimension to the national consciousness and the exploration of it will take many years. And out of those memories and out of those experiences we have developed the general lines of Israel's policy just as it stands before us today. We are firmly and irrevocably resolved not to restore the conditions of peril and danger and vulnerability from which we so narrowly escaped.

Mr. President, Mr. Eban made some especially penetrating remarks concerning the virtues and solid achievements of Israel's tenacity during the last year. While it is true that much needs to be done, and while it is true that there is a surface appearance of immobility on the politics between nations in the Middle East, in fact there has been significant movement—the sort of movement which promises still more accommodation.

Last summer there was a large-scale shooting war raging along the Suez Canal. Today the guns are silent.

Last summer the dangerous Soviet intervention in the Middle East was proceeding apace. The spread—and surreptitious movement—of SA-2 and SA-3 missiles was especially ominous. Today the Soviet presence remains and continues to enlarge. This is the single most dangerous ingredient in the volatile Middle East, but its most aggressive tendencies seem to be in abeyance for the moment.

Last summer the kingdom of Jordan was thought to be en route to extinction. It now appears to have achieved a measure of stability.

Mr. Eban is correct in saying that—

> Everything is now better than it was six months ago.

He is also correct in adding:

> But things are yet not ripe for that final act of harmony out of which peace can be secured.

In addition, Mr. President, Mr. Eban is correct in crediting Israel's tenacity with the achievement of much of this movement toward stability in the Middle East. As he says:

> It is because we refused to settle for fragile, easy, convenient solutions that we have driven our neighbors to the understanding that they cannot unfreeze the present situation except in the context of a peace agreement.

Mr. President, there is some reason to hope that, behind the fog of alternating rhetoric—the rhetoric of war and the rhetoric of peace—which emanates from some of the Arab States, a new realism may be born. But we might see a reversal of every encouraging trend if the Israelis abandon the steadfastness which has been so fruitful. Thus Mr. Eban gives this warning:

> Today we are told that all the possibilities of moderation have been exhausted by the announcement in Cairo of a readiness of a peace agreement. Never will they go further and reach agreement with Israel on the vital issues of security, or territorial provisions. They will never agree to a real boundary negotiation.
>
> But those who tell us that they will never agree to a real boundary negotiation told us a year ago that they would never agree to a peace accord. That they would never agree to things with which they have now come to reconcile themselves. We regard ourselves therefore, as at the intermediate stage of a

fundamentally improving situation. But the plea that we make to ourselves and to others, is do not pluck this fruit yet! It is promising to the eye. It is not yet ripe. Let it mature. Help it to grow to a significant state of digestion. If you pluck it now then an historic opportunity may well have been squandered.

Mr. President, as Mr. Eban generously acknowledges the recent progress in the Middle East has been made possible by the skillful, patient, delicate, restrained policies of the U.S. Government. The Nixon administration has avoided precipitous action; it has abjured heavy-handed intervention. The Nixon administration understands that a peace that does not result from direct negotiations between the parties directly concerned will be a chimeric peace.

In fact, Mr. President, the Middle East is the real proving ground—the most significant single test—of the Nixon doctrine. Under this doctrine the United States pledges to honor its commitments by helping those who are determined and able to help themselves.

Israel—a brave, disciplined and self-reliant Nation—is a perfect partner for us under the Nixon doctrine. Israel has not asked for and does not want or require the help of American manpower. She asks nothing more from us than help in maintaining the balance of power in the Middle East—and an even-handed refusal to dictate settlement terms to any side.

This is how Mr. Eban explains the Israeli opposition to the idea of a dictated boundary:

Israel's desire to have a negotiated boundary and not a dictated boundary is legitimate. It is in conformity with every consideration of international law, tradition, precedent and security.

After every war a new structure of security is built. Men do not restore the conditions out of which the explosion arose. They do not especially allow the old neuralgic points at which the war erupted to be reconstructed. They do not say let us now bring the explosive material back again into precisely the same combination and juxtaposition out of which the explosion arose. Therefore, if you look around Europe and look around Asia, you find that in the postwar structure there are differences. There are changes which reflect the experience of war and which augur the possibility of peace. Therefore, when Israel says that the peace map must have certain differences in comparison with the war map, we are saying what every nation ever afflicted by aggression has said on the morrow of its emergence from peril to deliverance.

It is juridically valid because the old armistice lines were never accepted or recognized as permanent boundaries. It was the Egyptian government which insisted on the inclusion in our 1949 agreement on the passage which said . . . the armistice lines may not be construed as political or territorial boundaries and may not prejudice the rights and claims of either party in the transition to peace. And we insist on a negotiated boundary also in the name of good faith.

As Mr. Eban made clear, the Israeli position rests on two convictions.

The first conviction is that the "peace" talk from Cairo is as yet unconvincing. The UAR wants negotiations—but it wants Israel to make advance commitments on the crucial matters of substance which should be the subject of meaningful negotiations. In this regard, Mr. President, I want to call the Senate's attention to a recent column by Mr. John Roche. Mr. Roche has some very cogent observations on the familiar tactic of stipulating "nonnegotiable preconditions for negotiations." This is the ploy the Russians and their Arab clients are currently using to bring pressure on the Israelis. The United States has had ample experience with this ploy, and will not be distracted by it. Mr. President, I ask unanimous consent for Mr. Roche's column to be printed in the Record at the conclusion of my remarks.

Mr. President, the second conviction which underlies the Israeli approach to a peace settlement concerns the Russians. The Israelis believe—accurately, in my judgment—that the presence of Russians in the Middle East is the major source of unresolvable tension. The Israeli position is that any lasting peace settlement will provide for the removal of the Russian presence. And certainly no sensible solution will attempt to legitimize the Russian presence. In this regard, Mr. Eban discussed the idea of a Russian involvement in some sort of international peacekeeping force:

Some of the proposals that are being made to us have never had any parallel elsewhere. There are other cases in the world where in the morrow of the war, agreements are made which enable a nation to defend its vital interests if they are vital and if they are crucial in the way that we wish this to be done in our case. All we ask is that there should not be applied to Israel any criterion or standard which has not been applied to other nations.

One of the most eccentric of all proposals is that we should supersede our presence by a four-power presence. Now the four powers are not anonymous. I'll talk about one of them. The proposal is that Israel's vital interests in the Sharm El Sheik area shall be subordinated to the extent of 50% or 25% to the Soviet Union. A Soviet general in Sharm El Sheik will insure Israel's supply routes and Israel's connections with two-thirds of the world. Is there any realism in this? Israel's policy is plain.

We look with distress upon the existing Soviet presence in the Middle East. No Israeli hand will be lifted to acquiesce in the extension of that presence anywhere else.

The Soviet presence is the source of tension. It is no use saying, as some say to us that since the Soviet Union is in the Middle East anyway what does it matter if they are somewhere else? Does anybody say that because they are in E. Germany, it doesn't matter—if they would also be in Italy and in France and in Belgium and in Holland? For us, therefore to give our hand to the introduction and legitimization of a Soviet presence at a crucial point of Israel's interest would be a betrayal of all our conviction about what Soviet policy is.

Mr. President, I am pleased that there now seems to be a general understanding of one way to avoid continued Soviet presence in the Middle East. Everyone concerned must agree that in the event that some sort of international peacekeeping force should be desirable, the composition of that force must be agreed upon by the parties directly involved.

Finally, Mr. President, in his address, Mr. Eban made clear that this policy is in accord with the explicit understanding Israel had when accepting the U.N. resolution and the Jarring Mission:

Israel's adherence to the Security Council resolution and its acceptance of the Jarring Mission were secured on the clear and explicit understanding and assurance that the evacuation of all the territories was neither implied nor stated and that there would be room for a territorial negotiation. It was when these assurances and these understandings were committed and transmitted to us that our support for this venture was obtained.

Mr. President, the essence of Israel's policy, as outlined in Mr. Eban's majestic address, is to avoid sacrificing long-term interests for short-term image. I am confident that the United States will do nothing to impede this prudent policy.

Mr. President, so that all Senators can enjoy its eloquence and profit from its wisdom, I ask unanimous consent that Mr. Eban's important and moving address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address of Hon. Abba Eban

Hon. Abba Eban. Thank you Mr. Steinberg.

His Excellency, the Governor, made a special effort to come out and tell me what I had missed by not coming earlier. It appears from your contented expressions that I missed an immortal gastronomic experience . . .

(Laughter.)

And here and there a strong eruption of eloquence. To my regret I missed the Governor's remarks, having . . .

(Applause.)

But I missed him very seldom on the television in late October and early November of last year.

(Laughter.)

He was then asking you for another four years of trouble and he has got what he wanted.

(Laughter.)

But in the midst of those ordeals, he found time to tell me of the deep affection and concern of the people of New York for the State of Israel in its struggle for peace and security.

(Applause.)

The only element in which Israel is bigger than New York is in the number and complexity of its problems. If the card calling had gone on a little longer I should have had to miss my own speech . . .

(Laughter.)

Or alternatively to have missed the flight for Washington. I understood that I was supposed to come here in order to stir you to effort and sacrifice but I find that all this has been effectively done. And now the best result that my speech can hope to achieve is that nobody should ask for his money back.

(Laughter.)

I have some confidence of achieving that unambitious result because the theme that inspires me this evening is inscribed in very bright letters behind me. The Issue Is Survival:

What an ominous word that is. To be talking of survival twenty-two years after the establishment of Israel, three decades after the greatest orgy of violence and bloodshed to which our people or any people has ever been subjected. The struggle for a people to survive across all the storms and the vicissitudes of history.

There is nothing in human records similar to this. Throughout all the centuries it has been pathetically difficult for men to be Jewish and physically to survive. Or in such circumstances as enabled them to insure their physical survival how difficult it has been to insure survival in their own free and autonomous identity.

Today the hope of Jews to survive in their own identity in the full expression of their authentic personality is bound up with Israel's struggle for security and for peace. In the past four years this struggle has been developing within a special context, going back to the immortal and unforgettable summer of 1967. I evoke them here because the summer of 1967 is still the point of reference for everything that Israel says and does.

Soon we shall be entering the fifth year of Israel's steadfast maintenance of the positions and the attitudes that she took in the light of that deeply moving and traumatic experience. But, we should betray those memories, we should be false to those sacrifices, if we were to let those days perish from our hearts.

We cannot forget them. We cannot forget the cold wind of vulnerability that blew across our lives. We cannot forget the thousand tanks in Sinai. We cannot forget the death and destruction that poured upon us from the Golan Heights. We cannot forget how we were then squeezed up against the narrow, densely populated coastal plain. We cannot forget how in a single night we were cut off from maritime contact with two thirds of the world. We cannot forget that the vital fuel by which our security and our economy are sustained were illicitly choked off by an illegitimate blockade. We cannot forget that in the summer days of May and early June, 1967, the prospect of Israel's physical destruction was being seriously discussed across the world, in Arab capitals in wild exaltation of spirit, in other lands with genuine anguish but in total impotence of intervention.

We brood upon those memories day and night. They have added a new dimension to the national consciousness and the exploration of it will take many years. And out of those memories and out of those experiences we have developed the general lines of Israel's policy just as it stands before us today. We are finally and irrevocably resolved not to restore the conditions of peril and danger and vulnerability from which we so narrowly escaped.

(Applause.)

Not to restore or recreate all the elements which threatened our lives with extinction. This time to be satisfied with nothing less than a stable negotiated peace . . . this time to ensure a territorial and security structure within which the frail hope of peace can survive. Within the past six months a new atmosphere has begun to prevail in this struggle for peace and for security. There are many who speak about the dangers that we, in Israel, that the Middle East and that the world confront.

But, let us not be blind to the positive effects of the tenacity and the moderation which we brought together in fruitful harmony during this recent period. Since last August there has been a new framework within which our struggle has unfolded. Everything is now better than it was six months ago. But things are yet not ripe for that final act of harmony out of which peace can be secured. We are convinced that if the momentum developed over the past six months can be maintained in a proper balance of urgency and of patience, then the year 1971 could yet see the opening of a new horizon.

What is it that has improved since the summer days of last year? Then the battles were raging across the Suez Canal, battles which in any other age would have been regarded as a major war. When we think of the thousands of tons of high explosives which were daily, weekly, monthly being poured against us from Egyptian artillery, the thousands of tons of high explosive which in response were falling from Israeli aircraft on the western side of the Suez Canal Cease Fire Line, we would not exaggerate if we say, welfare of unparalleled destructiveness in the Middle East was going forward in a perilous momentum.

There was another danger. The Middle Eastern conflict was losing its regional character. It was no longer the concern of Israel and Egypt alone. More and more were the great powers being drawn from their marginal detached position into a situation approaching that of perilous confrontation. When in 1969, the cease-fire was repudiated by the former President Nasser, when in his concern to succeed in this renewed war he turned to Moscow for aid, when he received the aid which he had sought, then a new and deadly element had entered into the Middle Eastern context. It began with missiles SA-2 and SA-3 and five, then ten, then twelve, then fifteen thousand Soviet military personnel. Then dozens of Soviet pilots engaged in operative combat. So that on the two sides of the cease-fire lines, we found arrayed sophisticated and destructive weaponry, scarcely ever used in the post-war era.

With Soviet intervention calling under scrutiny the examination of the United States commitment to Israel's security and to the international equilibrium, more and more were people talking of the Middle Eastern conflict as the possible link in a far wider and deadlier peril to all mankind. There was no dialogue. All political initiative was paralyzed and men everywhere were speaking of a new movement of radical extremism in the Arab world, symbolized and expressed by the terrorist organizations.

We were told that in a few months the Kingdom of Jordan would inevitabley fall under these violent and military influences. That very soon no government in the Arab world, not even that of Egypt, would be able even if it desired to envisage a future of peace with Israel.

Now in the past few months, all these negative trends have been driven back. Instead of daily war there is a cease-fire . . . now entering into its eighth month. The cease-fire is by far the greatest achievement of international statesmanship in the year 1970. It not only embodies deeply cherished human values in lives that are saved and in human energies that are stored up for constructive tasks, it also has the other effect of removing from daily apprehension the grim specter of a great power global confrontation. And thus, there is more peace for Israel to the north and east and south and everywhere than at any time during the twenty-two years of its existence.

And because the guns and bombs no longer speak, therefore there is not the daily fear of the mighty powers edging closer towards each other in attitudes of competition and of military conflict. There is a dialogue, an eccentric and unusual dialogue . . . more eccentric and more unusual than any diplomatic process in the post-war age. There is no human contact whatever between the governments who are concerned with the peace-making effort. There is no reticence. There is no discretion for their exchange.

They send documents to each other which are the next morning paraded to the international press. Everything that we say and do is the immediate subject of a sort of Greek chorus of comments by other governments and by the whole of world opinion. I think Greek chorus is an accurate description because the Greek chorus in ancient tragedy used to comment volubly on the events that it had no power to affect. All of this in the open gaze . . .

(Applause.)

It's as though we were trying to negotiate an agreement in Madison Square Garden under all the klieg lights with all the television cameras of the world switched in upon us, all of the moves immediately made available to the international and domestic constituencies of the parties in negotiation It's as though our governments were induced every day to seek a referendum on every executive or tactical action that they might perform.

Nevertheless, it is a dialogue of sorts. If in 1969, there was a situation of military activism and of political quiescence, now at least there is military quiescence and there is intense political activity. Let it at least be said that we are exchanging documents instead of exchanging bombs and shells.

(Applause.)

Above all, the result of this tenacity is that the movement towards radicalism has not materialized. Extremist violent councils have been driven back in Jordan. The Palestine terrorist organizations have lost their physical and therefore their political resonance. Arab governments are freer than before to express the inner compulsions which drive them to an understanding of the sterility of war and both in our eastern and in our southern neighbors we hear a new rhetoric. We hear a new language. We hear the early stirrings of a new and promising realism.

Now these are not insignificant achievements. There is no monopoly of credit for them. To one extent they are the result of Israel's tenacity. It is because we stood firm. It is because we refused to settle for fragile, easy, convenient solutions that we have driven our neighbors to the understanding that they cannot unfreeze the present situation except in the context of a peace agreement.

There were those who said to us a year ago, the Arab states will never agree to a peace agreement. They will never consent to apply to Israel in specific terms, the elementary principle of recognition of independence and sovereignty. They will never dream of considering the termination in the specific context of Israel of all terms, of all the conditions and claims of belligerency. They will never do this. Therefore, settle for something short, for something fragile. Do not be perfectionists.

We refused to sacrifice deep, long-term, justified interests for the allurements of short-term harmony.

(Applause.)

I bring you this experience because experience exists in order that men may learn from it. Today we are told that all the possibilities of moderation have been exhausted by the announcement in Cairo of a readiness of a peace agreement. Never will they go further and reach agreement with Israel on the vital issues of security, or territorial provisions. They will never agree to a real boundary negotiation.

But those who tell us that they will never agree to a real boundary negotiation told us a year ago that they would never agree to a peace accord, that they would never agree to things with which they have now come to reconcile themselves. We regard ourselves therefore as at the intermediate stage of a fundamentally improving situation. But the plea that we make to ourselves and to others is, do not pluck this fruit yet! It is promising to the eye. It is not yet ripe. Let it mature. Help it to grow to a significant state of digestion. If you pluck it now then an historic opportunity may well have been squandered.

It was Israel's tenacity alone that arrested the deadly course of events to which we were witnesses last summer. There are others who can claim their share of credit. The cease-fire agreement was the consequence of American diplomacy. Above everything else, if here and there within the Arab world and even within the Soviet Union there is the glimmering of any moderation, this is because the balance of Israel's strength was maintained with constancy, with abundance and with consistency during the past year.

(Applause.)

The balance of power is still the unique and indispensable formula for the maintenance of peace in areas of tension. And we believe that 1970 is historic in the Middle East because for the first time in Israel's career a great power espoused the doctrine of a balance of strength and moved to fulfill that doctrine across all the tempests and conflicts and vicissitudes of the times.

Let there be no mistake, if the United States had not acted to preserve and to develop Israel's balance of strength in 1970, there would not have been a cease-fire in August. Nor would it have been renewed in November. Nor again would it have been continued in February. Nor would it be still in existence in March. It was only by confronting our neighbors with the certainty that they would never find Israel in the position of weakness and of vulnerability . . . it was only thus that they were brought to understand the necessities of a peaceful process and that the military options had been steadily reduced.

The question now is whether we will draw the valid deductions from the work that the United States and Israel have done together, from the work that Israel has done on its own account in order to construct the bulwarks of its security. There is certainly no doubt about what our policy is. It is to build something stable and enduring and not something fragile and unresolved. A peace even if it is achieved will for a long time have to carry the burden and the memory of twenty-two years of hostility.

The mere signature of a document will not bring that heritage to an end. The business of building peace must be done with precision, with realism, with lucidity, with patience and with care. The question, therefore, is whether everything is solved by the announcement in Cairo of a contingent readiness to reach a peace agreement with Israel. We do not give any . . . we do not underestimate the importance of that development. There are some who say that this is a mere change of words. But a change of words is important, especially in our Middle Eastern cultures in which dreams and ideas and rhetoric have a special importance. To say that it matters nothing that Egypt says today what it has refused to say for twenty-two years would not be a serious posture.

Therefore, we give full weight to this development. But it does not settle anything. It is only the half of wisdom and we must still seek to construct the other half because there is still a fatal defect even in the new attitude expressed by the United Arab Republic. What they say to us is this. We will have a peace agreement with you provided that we can write all the terms and conditions of that agreement. We will have an agreement with you provided that we can write the text and provided only that you contribute your signature on the dotted line.

In other words the concept of agreement has not been carried to its logical conclusion. If they want a peace agreement with us then they must make individual agreements on all the issues out of which the conflict is composed. We must reach an agreement on the question of boundaries. We must reach an agreement on the problems of security. We must reach an agreement on our respective contributions to the solution of the refugee problem. We must reach agreements on navigation. We must reach agreements on the liquidation of the hideous legacy and apparatus of hostility and blockade and boycott. It is only out of these separate and specific agreements that the total structure of peace can emerge.

(Applause.)

Our position then is that peace must be written together by Israeli and Arab hands. It can neither be imposed by external forces nor can it be dictated by one party to the other.

(Applause.)

This is the contradiction and the attitude of our neighbors who say that they will have peace if we do everything that they want. In those conditions there is no such thing as a non-peace-loving country. On the basis of their present attitudes, our neighbors are saying that they do not want war and I believe them. They do not even want victory. They want the fruits of victory without victory and without war. Our attitude is that we should rise above all considerations of victory and defeat in order to meet each other on the level of a common need and a common passion for a peaceful future.

Our duty is, above all, to make our position clear. I heard on our own Israeli radio this morning, after a very vivid portrayal of a parliamentary occasion of more turbulence perhaps than tranquility, which I'm sorry that I missed. Life in the Knesset is not always as exciting as that. I was told that my mission here is difficult. Perhaps if I knew what my mission was I'd be able to say how difficult it is or isn't. But it really isn't difficult because the mission now is to make Israel's position clear, to communicate both the possibilities and the limits of that position.

Yes, we do and shall seek peace. Yes, we understand that peace involves withdrawal, but to secure agreed and recognized boundaries. Yes, we shall try to build together a new structure of regional cooperation. Yes, we shall do all these things. But what we shall not do is to restore the vulnerabilities and the perils of the summer of 1970.

(Applause.)

Because we remember those perils we are commanded by our history and destiny to avoid them. Because we remember them then we cannot in a peace agreement, even in a peace agreement, envisage a situation in which Irsaeli soldiers come down from the heights that overlook our valleys in the upper Jordan and the Galilee. Because we want peace we cannot suffer the monstrous sacrilege of a divided city and because we want peace . . .

(Applause.)

Because we want peace, we cannot accept a solution in which some of Israel's most vital and crucial interests lie outside its own control. Why do we make the issue of a negotiated boundary settlement so important?

Israel's desire to have a negotiated boundary and not a dictated boundary is legitimate. It is in conformity with every consideration of international law, tradition, precedent and security.

After every war a new structure of security is built. Men do not restore the conditions out of which the explosion arose. They do not especially allow the old neuralgic points at which the war erupted to be reconstructed. They do not say let us now bring the explosive material back again into precisely the same combination and juxtaposition out of which the explosion arose. Therefore, if you look around Europe and look around Asia, you find that in the post-war structure there are differences. There are changes which reflect the experience of war and which augur the possibility of peace. Therefore, when Israel says that the peace map must have certain differences in comparison with the war map, we are saying what every nation ever afflicted by aggression has said on the morrow of its emergence from peril to deliverance.

It is juridically valid because the old armistice lines were never accepted or recognized as permanent boundaries. It was the Egyptian government which insisted on the inclusion in our 1949 agreement on the passage which said . . . the armistice lines may not be construed as political or territorial boundaries and may not prejudice the rights and claims of either party in the transition to peace. And we insist on a negotiated boundary also in the name of good faith.

Israel's adherence to the Security Council resolution and its acceptance of the Jarring Mission were secured on the clear and explicit understanding and assurance that the evacuation of all the territories was neither implied nor stated and that there would be room for a territorial negotiation. It was when these assurances and these understandings were committed and transmitted to us that our support for this venture was obtained.

Therefore, international good faith demands that those assumptions and those conditions be honored. We have sometimes heard that all would be well if Israel would go back to the previous vulnerable armistice lines. We are told, go back and trust your friends. But here again, the inconvenient Jewish memory comes up to plague us. We heard this before, in 1957, we went back. In 1957 we trusted our friends. In 1967 the structure that had been built collapsed about our hands and but for the thin shield of our armed defenses, physical slaughter would have menaced every man, woman and child in our country.

I am asked then why it is that Israel has an obsession about international guarantees. We do not have an obsession. We have a memory. And it is a concrete memory, the pragnatic experience of the past which bids us this time not to put our faith in fragile and unproven expediences.

Let me illustrate this.

(Applause.)

Let me give you this evening only one illustration of this need for innovation. I take this only as one instance. I do not seek to draw any maps or to make an exhaustive illustration of the problems at issue. Those of you who follow our turbulent domestic politics can see what happens to those who make illustrations. Not that we regret for a single moment the light that has been shed upon the selective and pragnatic character of Israel's approach to the boundary problem.

I will take only one instance because this was the cause and the source of the 1967 war and it is one of the central issues that we confront today. The place is one that you may have seen. A little desert spot called Sharm El Sheik. Now what is it that is involved for Israel there. I look around the map of the world and I cannot find another similar place in which so many vital interests of a nation happen to converge upon a small point outside its main mass. Sharm El Sheik means for us the question whether the Negev has any meaning or not. Two thirds of our nation . . . all of which shall be condemned to be a permanent wilderness unless there is an absolute certainty of uninterrupted maritime access from Rilat. Sharm El Sheik means the totality of our import of vital fuel.

Sharm El Sheik means whether Israel is connected or separated from two thirds of the world and especially from the developing countries of East Africa and Southeast Asia with whom we have established such a moving and particular relationship. And Sharm El Sheik means peace or war because if Israel is not there then the question whether we should be driven to war or shall enjoy peace will be decided every day not by us—without us—and perhaps against us. All this then is involved, peace, war, the Negev, Israel's supply route and Israel's connections with two thirds of the world.

Is there a stronger case anywhere for the concept of a nation trying to secure within a peace agreement such conditions as would allow it to maintain its physical tenure and its effective control.

Some of the proposals that are being made to us have never had any parallel elsewhere. There are other cases in the world where in the morrow of the war, agreements are made which enable a nation to defend its vital interests if they are vital and if they are crucial in the way that we wish this to be done in our case. All we ask is that there should not be applied to Israel any criterion or standard which has not been applied to other nations.

(Applause.)

One of the most eccentric of all proposals is that we should supersede our presence by a four-power presence. Now the four powers are not anonymous. I'll talk about one of them. The proposal is that Israel's vital interests in the Sharm El Sheik area shall be subordinated to the extent of 50% or 25% to the Soviet Union. A Soviet general in Sharm El Sheik will insure Israel's supply routes and Israel's connections with two thirds of the world. Is there any realism in this? Israel's policy is plain.

We look with distress upon the existing Soviet presence in the Middle East. No Israeli hand will be lifted to acquiesce in the extension of that presence anywhere else.

(Applause.)

The Soviet presence is the source of tension. It is no use saying as some say to us that since the Soviet Union is in the Middle East anyway what does it matter if they are somewhere else. Does anybody say that because they are in East Germany it doesn't matter if they would also be in Italy and in France and in Belgium and in Holland? For us, therefore, to give our hand to the introduction and legitimization of a Soviet presence at a crucial point of Israel's interest would be a betrayal of all our conviction about what Soviet policy is.

The Middle East, apart from being a territory is also an idea that flows across the course of human history. The Middle East is a spiritual concept. The Middle East is the cradle of all the world's religious civilizations. The Middle East is the source of the human ideal of individual freedom.

In short, the Middle East stands for ideals and values which the Soviet Union is committed to overthrow in the Middle East, in the Mediterranean and in the world. This is only one . . .

(Applause.)

This is only one of the weaknesses of proposals that are sometimes heard. I will not analyze them further. I would only ask you to understand that Israel in this discussion will differentiate between things which are desirable and things which are not only desirable but indispensable and we take our stand upon those things which are crucial and vital. On other matters there will be the spirit of moderation which any peace-making effort demands.

It may be that in the defense of these interests we shall be called upon to maintain a tenacious attitude. I do not believe this to be inevitable. I think that our case is sufficiently strong to enlist the understanding and comprehension of our friends. But if necessary, a nation that has a solitary responsibility must sometimes manifest a solitary tenacity. We have known this experience as well.

(Applause.)

Sometimes you have to take a position in solitude in the hope that thereafter it will win understanding and respect. This has happened to us many times in the past. In 1948 we changed the course of our people's history by establishing an independent state against the concerted advice of all our friends. Once we made this step upon our responsibility, we later and in very short time, secured for our action retrospectively the understanding, the respect and even the enthusiasm of most of the nations of the civilized world.

(Applause.)

The course that we have chosen therefore is not to sacrifice long-term interests for short-term image. We are told that if we move out of everywhere we shall have excellent editorials written in the world press. Of course, we will . . . but a week later, we shall have surrendered the vital security assets and the editorials of last week will be in the scrap books of history. There is nothing more out of date than a newspaper editorial of a week ago. Therefore we must differentiate between things which are concrete and solid and enduring and those things which are fleeting and impressionistic.

(Applause.)

And for you and us it means . . . for you and us it means that we must prepare together for a further period of holding fast and holding fast has three aspects. There is the military aspect. Well we shall hold fast. Our arms are now necessary not happily for the waging of daily war but they are necessary for preserving peace. And preserving peace is a higher purpose for arms, even than for waging successful war.

(Applause.)

We in the political arena . . . we will gather around us to the extent that we can . . . the sympathy and understanding of our friends in every continent, giving a central place to that partnership which is the most moving of all Israel's international links, this partnership in many conditions with the United States, one of the most unusual relationships of history. I believe that this relationship is capable of absorbing and in the final result of transcending incidental differences of opinion.

Our purpose therefore is to isolate and not to generalize the points of friction, to isolate them and to bring them, if possible, to early resolution. And beyond our military and political consolidation there is the task which brings you together in this room. It is the task of maintaining the momentum of Israel's development.

Our adversaries would have won a great victory if without winning a single military or political battle they had managed so to obsess and to monopolize Israel's effort that Israel was doing nothing except defending itself. An Israel that does nothing except to defend itself is not Israel in the deeper historic sense of the word.

The authentic Israeli enterprise demands something more than survival. It demands growth. It demands construction. It demands an original expression of social vitality. It demands a constant preoccupation with cultural and scientific advance. It demands the carrying out of our central vocation . . . of providing homes for tens of thousands of our kinsmen. An Israel that is not building, growing, planting, cultivating, harvesting . . . that was not building its roads, its schools, its buildings, its new forms of social organization, that was not opening its gates to newcomers . . . such an Israel would have lost the central elements of its personality.

It would have become a kind of Sparta. Now Sparta in ancient history exclusively developed a military capacity and because it developed a military capacity alone it ultimately fell even in the field of battle. Because even military efficiency requires a sustaining vision of a society that must be built, expanded and constructed. The greatest of our achievements in the past four years is that we have had to be a fighting nation but have not become a warrior state and that the central rhythm of our democracy, of our human vocation, of our society building, all this has gone forward uninterrupted.

It is about the only time in which a people in war have built hundreds of thousands of homes in which it has increased its demographic assets. We are nearly a quarter of a million Jews more in Israel than in the early summer of 1967. The Gross National Product has expanded. Exports now reach one billion and a half dollars. So far from being cut off from the world, 1970 was the peak year of Israeli tourism. This perhaps illustrates the paradox of our lives. 1970 was the peak year. This proves that hijacking, a cholera plague and frontier conflicts are tourist inducements. [Laughter.]

Or else—or else perhaps that there is nothing—absolutely nothing which will separate Israel from the fascinated solidarity of its friends across the world. [Applause.]

What we ask of you therefore is to persevere within this crucial and perhaps decisive year. Our burdens are enormous. I come to tell you frankly that we cannot bear them alone. The crushing burden of defense. The consequent burden of taxation. The immense burden of our political complexities, the vast burdens imposed by the necessity to maintain social dynamism amidst the crushing burdens of security—these burdens could well crush us if we could not rely upon the sustaining solidarity of all across the world who share with us the priceless dignity of descent from the Hebrew faith and tradition.

This then is our message to you. Do not abandon us halfway. Do not lose the horizon from sight. Do not leave us alone. Stand with us unflinching, constant, indomitable until the dangers are surmounted and the task is done. [Applause.]

Variation on a Peace Gambit

(By John P. Roche)

The other night one of our local radio stations, which specializes in good music, was off doing its duty to the Public Interest by sponsoring "controversy." Assuming it would return to Bach in a few minutes, I left the station on but mentally tuned out. The problem, however, was that the speaker's voice was somehow familiar. He was in a rage about our refusal to engage in genuine negotiations, about our refusal to bargain in good faith, about our absurd faith in a military solution. I had just observed, slightly profanely, that the peace crowd ought to get a new tape, when I discovered it has. Familiar Voice was not talking about the United States and the Vietnamese Communists; he was referring to Israel and the Arabs!

For those who have never watched the Communists employ negotiations as a weapons-system, the current Israeli and American predicaments are instructive. The basic gambit is the non-negotiable precondition for negotiations. We have been told for at least six years, for example, that productive negotiations with the Hanoi regime could start in half an hour once we have (a) agreed to pull out all our troops, and (b) busted the Saigon government. Of course, this would leave nothing for the "genuine negotiators" to negotiate about except, as one sardonic North Vietnamese put it, what music the Americans would like played for their departure.

The U.S. government has to stonewall in the face of this bogus generosity, though in the process it gets a reputation for inflexibility, stubbornness, if not sheer international malevolence. The ubiquitous U Thant, along with various spokesmen for the "Third World," the worldwide Communist agitprop apparatus, and a number of innocent men and women of good-will all agree that we are willfully refusing to compromise and thus continuing the war.

Now the Israelis are in the same boat. They have been handed a bogus proposition, and roughly the same cast of characters is out jumping up and down, accusing Jerusalem of aggressive, militaristic, imperialistic greed. In essence, Gunnar Jarring (with apparent United States support) has told Israel that as an indication of its sincere desire to negotiate a permanent peace it must withdraw from the territory occupied after the 1967 war. This bears repeating: Jarring has not moved to bring the Israelis and Arabs together to negotiate an Israeli withdrawal, to work out a map. He has handed Israeli this requirement as a precondition for genuine negotiations. This is just one more variation on a classic gambit.

If Israel were not a democratic state sincerely interested in peace, the Israelis could treat the whole affair as an exercise in political warfare. The appropriate response, for instance, would be to gather together a group of disaffected Egyptians and set them up as the "legitimate government of Egypt." This "Gaza government" would call upon the Egyptian people to rise against the Soviets and their puppet Anwar Sadat, would demand admission to the United Nations, ask for recognition by other nations, and—most important—negotiate a peace treaty with the Israelis. (This is a rerun of the Polish ploy that Joseph Stalin devised to destroy the non-Communist Polish government-in-exile during World War II.)

The trouble is that democratic societies are incapable of playing games of this sort. Madame Binh claims to represent a Viet Cong government at the Paris negotiations, a "government" that has all the clout in South Vietnam that the "Gaza government" I just set up has in Egypt. But there she is, making speeches. In contrast, it would take the press about an hour to demolish the "Gaza government" as an Israeli invention. Totalitarian states really have the jump on us when it comes to political warfare.

Our Israeli friends should relax. It's very depressing to be on the receiving end of one of these negotiating campaigns, but the alternative is to give away the ball game before it even starts.

YOUNG OFFENDERS—ERIC SEVAREID EDITORIAL

Mr. BAYH. Mr. President, last week, the Subcommittee on Juvenile Delinquency, of which I am chairman, held 2 days of hearings to examine the effectiveness of the Federal Government in dealing with the problems of juvenile delinquency. At the close of those hearings, Mr. Eric Sevareid of CBS delivered an editorial concerning the dramatic increase in juvenile crime in this country. Since Mr. Sevareid's remarks coincide with my own feelings about juvenile delinquency, I ask unanimous consent that the text of his editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CBS EVENING NEWS WITH WALTER CRONKITE
(EXCERPT)

SEVAREID. It may be hard to precisely define a war crime, committed by a Calley or anybody else, but we know what a crime is at home, and crimes in the streets of America are even harder to prevent than war crimes in Vietnam. In war, both the crimes and the acts of self-sacrifice are committed chiefly by the young. And inside America, the street crimes are also committed overwhelmingly by the young, roughly from the ages of 14 to 24. The worst single age group is the 15-year-olds, for crimes from auto theft up. One half the truly serious crimes like murder and rape are done by those under 18. The crime problem is the youth problem, more precisely the youth of the slums.

The Justice Department is planning to spend about $65 million next year to help the states and cities deal with juvenile delinquency. And one department official told a Senate subcommittee this week that crime by youth is increasing four times as fast as the youth population.

Everybody has his own pet explanation of why it isn't stopped. Liberal courts are causing this, say a good many; harsh prisons turn the young into hardened criminals, say others. The more one gets into this matter the less satisfying these explanations are. The causes reach deep and include the massing of totally alienated people into the ghettos, and the loosening of family, church and school ties and values, and then the whole business tends to be dumped on the already overburdened courts. In most places the courts are helpless to do anything but turn the boy loose or throw him in prison. Neither one really works.

Some cities are experimenting with diagnosis before sentencing, with halfway houses, supervised residential centers, probation monitored by private citizens, and so on. And here and there, signs of progress do appear. But most of the progress has been in finding out what does not work. It seems quite clear that rehabilitation of a human personality, even with counseling and therapy, is virtually impossible inside a prison, but inside or out, it is next to impossible to give anyone past a certain age a set of values he doesn't already have.

It also seems clear that a big factor, perhaps the biggest, in the repetition of criminal acts by young offenders is their cold knowledge that the odds are all on their side. The Presidential Crime Commission estimated that some nine million serious crimes are committed each year, of which only one half are even reported. Of the nine million, then, only twelve percent result in arrest, six percent in convictions, one and one half percent in actual imprisonment. Crime not only pays; it's an infinitely safer risk than a roulette wheel or the stock market.

PROPOSALS BY SENATOR BROOKE FOR ECONOMIC RECOVERY LEGISLATION

Mr. BROOKE. Mr. President, the state of the economy is the most pressing domestic issue we face. Unemployment, recession, and inflation plague every section of the country, but my State of Massachusetts is in the forefront of troubled areas. Our March unadjusted unemployment rate exceeded 7 percent. We now have over 184,000 unemployed workers in Massachusetts. Regrettably, the litany of labor surplus areas, extending from Newburyport to North Adams, grows longer and more familiar with each month.

Last December in a speech to the Boston Rotary Club, I tried to outline the magnitude of the efforts needed to provide meaningful employment for engineers, scientists, and other unemployeds. I also called for a statewide meeting to analyse the problem and to suggest initiatives which could be undertaken by each segment of our society. That meeting was convened in Boston on February 8 and was attended by over 70 individuals, including Gov. Francis Sargent and members of his administration, the regional directors of nine Federal agencies, representatives of unemployed groups of engineers and scientists, presidents and deans of Massachusett college and universities, representatives of labor and officers of over 20 different Massachusetts manufacturing companies. Many sound ideas were presented that day and many more have been submitted since. I have carefully studied those ideas—and all of the supplementary material which I have been able to obtain. Today I want to share with you some conclusions and describe the legislative package that I will introduce.

In an economic analysis, it is important to remember that we are not faced with a single unemployment problem for which there is one grand solution; there are many types of unemployment in the United States today with different causes, requiring different solutions. First, there is, of course, the general economic slowdown of the past 2 years, resulting from consumers' unwillingness to part with their savings, their uneasiness about the future, and a general air of uncertainty.

Second, an increasing inability on the part of many American industries to compete in world markets has contributed to the unemployment level. Massachusetts residents need not be told of the plight of the textile industry or the shoe industry; one has but to drive through Brockton, Lowell, or New Bedford to see it. While I have always considered myself a free trader, and though I would prefer voluntary quotas, I nevertheless supported the Mills bill in the last session of Congress, and am prepared to support legislation in this Congress which would impose import quotas on shoe and textile imports. I also fear for the competitive future of the electrical equipment and electronics industries. The foreign dumping of heavy electrical transmission equipment in the United States and the refusal of foreign countries to permit American manufacturers to compete abroad has been harmful to these vital industries. I deplore the fact that TVA, a governmental unit, has purchased 90 percent of its generating equipment from foreign manufacturers in the last 5 years.

Third, we have had a drastic reduction in defense and space spending, which is forcing a reallocation of our resources and conversion in some of our major industries. Aerospace and defense companies have been in their present business since the beginning of the Second World War. Now they must find new products, new markets, and new methods of doing business with new customers. It is a difficult assignment, and one which has not yet been fully addressed.

Now all of these factors—the general economic slowdown, the increase in imports, and the reduction of defense and space spending—have had a deliterious effect on employment in Massachusetts and in the Nation.

Within the defense and space industries, there is a difference in the nature of unemployment. The plight of the unemployed professionals in Seattle and in southern California is different from that of the unemployed professional along Route 128 in Massachusetts. The giant airframe producers on the west coast have an infinitely more difficult adjustment to a set of new priorities that the small and much more mobile high-technology companies on Route 128. I can envision a Massachusetts company, no longer the recipient of Government contracts for the production of missile guidance systems, engaging in research that will result in the development of new civilian traffic control systems, thus bringing the company into a new market and new employment possibilities. But I find it difficult to envision Lockheed or Boeing making that same transition. These facts lead to the conclusion that there can be no recovery of the economy of any one State or area in a vacuum; rather there must be a national economic recovery.

Creative solutions are required. When times are prosperous and the demand for labor high, private enterprise has never shirked from perfecting the skills of its own employees. It is, therefore, less important to talk about retraining scientists and engineers than it is to improve the demand for engineers and scientists in the labor market. The formation of new businesses which will help alleviate the problems of pollution, housing, and urban mass transit, as well as other pressing domestic needs, must be encouraged. In short, the market must be restructured.

I commend the President's $42-million program to retrain unemployed engineers and technicians, but I think a more productive approach is one taken by a much smaller joint HUD-Labor Department pilot project that guarantees jobs in local, State, and county government to the participating engineers at the completion of a brief training period.

With this in mind, I plan to introduce four bills. The first calls for the establishment of statewide conversion assistance corporations.

The bill approaches the unemployment and conversion problem on a regional basis. It envisions statewide corporations being instituted in those States in which the unemployment rate for the previous year has exceeded the national average. The Economic Development Administration of the Department of Commerce would be authorized to fund the conversion assistance corporation, once the EDA is satisfied that a corporation's charter adheres to the very broad Federal guidelines established by the legislation. The Department of Commerce would make a one-time grant to the conversion assistance corporation, which would then act at its own discretion within its charter provisions. The basic objective of the corporations would be to provide economic assistance to areas suffering high unemployment caused by cutbacks in Federal spending or by loss of industry due to relocation or changing economic conditions. They would achieve this goal by participating with existing lending institutions through loan guarantees in making capital available to businesses when banks are reluctant to take the risks but the prospects for the ventures are good. Together with the loan guarantee program, market assistance would be mandatory to help businesses investigate and operate in new areas. The maximum life of each conversion assistance corporation would be 10 years.

This program is not simply another form of Federal subsidy, for the conversion assistance corporation would be authorized to charge an additional half-percent interest for that portion of the loan it guarantees and, at its discretion, to charge for its managment assistance services. At the end of its lifetime, all funds remaining in the conversion assistance corporation's capital fund would be returned to the Federal Government.

It is generally recognized that a guarantee of the type described will have a multiplier effect on the creation of new venture capital. This legislation calls for an authorization of $250 million. If a Massachusetts conversion assistance corporation were formed with a grant of $10 million, it is fair to assume that $100 million of new venture capital would be generated in that State.

Because the conversion assistance corporation will be authorized to guarantee any portion of a loan from 10 to 100 percent, each case will be judged by members of the local corporation, based on their assessment of the strength and the resources of the particular area where the business is located, and on the prospects for success.

It must be emphasized that the basic purpose of a conversion assistance corporation is to provide guarantees for venture capital for new or existing firms to enter new fields and thus provide new employment opportunities.

The second bill that I will introduce is the Peacetime Conversion Assistance Act. This bill is designed to provide relocation and training assistance and mortgage interest supplements to adversely affected workers separated from their employment because of the termination of a defense or space contract. It would allow the Secretary of Defense to offer such assistance to the workers laid off by a firm that performed a substantial amount of its work for the last 3 years under any space or defense agency contract. The bill is intended not only to cover workers in the conventional aerospace firms, but also to assist workers from academic or other nonprofit organizations who have been left jobless as a result of cutbacks in the defense- and space-related efforts at those institutions.

This bill draws heavily upon the concept that direct and comprehensive assistance should be made available to workers dislocated by a change in Government funding priorities. The adjustment assistance provisions of the Trade Expansion Act of 1962 and the Automotive Products Act of 1965 both offered several forms of direct financial help for workers laid off or left jobless as a result of a change in our international trade policies. The framers of both bills recognized that when Government increases imports, unemployment results in many marginal firms, and it is the responsibility of Government to assist those injured by the change in trade policy. This bill seeks to extend the same protection to an industry whose workers have also been injured as a result of a change in Government policy. The largest customer of aerospace firms is the Federal Government. The Government's decision to reduce drastically defense and space expenditures has put large numbers of highly skilled men and women out of work. The Government should be ready, willing, and able to assist these people in finding new employment. Too little attention has been spent on the specific programs that can insure this.

One of the greatest problems for many unemployed is the monthly mortgage payment. Under the provisions of this legislation, mortgage interest assistance payments will be available to help defray the mortgage payments at a time when an individual is least able to pay them.

A recent report by the research firm of Arthur D. Little, Inc., commissioned by the Massachusetts Department of Commerce and Development, stressed the great need to develop such nonspace and nondefense-related industries as pollution control machinery, health care delivery equipment, and computer peripheral manufacturing as a means of utilizing the talents left unemployed by the aerospace industry. However, we must recognize that even the most talented among the unemployed face an adjustment and cannot be expected to produce immediately. While the principles of fluid mechanics or solid state fuel systems may hold great promise in their application to the problems of air and water pollution, they cannot be fully applied overnight by their former practitioners in the defense and aerospace industries. A significant period of orientation must be allowed.

This bill, then, seeks to help the unemployed pursue new careers in fields of their choosing. Many would return to school for retraining if they could afford it. When one has a greatly reduced income or no income at all, it is nearly impossible to consider seriously reequipping oneself with the skills one needs to enter a new field. In fact, the payment of tuition is impossible. This legislation would allow the Secretary of Labor to pay training assistance allowances to the unemployed. These payments would permit an individual to return to college or graduate school for a full year of study.

The third bill I will introduce is one which I first proposed last year. It passed the Senate as an amendment to the military authorization bill only to be deleted in the House-Senate conference. The provision is entitled "The Domestic Applications of Defense Research." It provided for a panel composed of members of domestic agencies, whose task is to monitor the type of research being supported by the Department of Defense. New concepts will be made available to appropriate domestic departments to assist in developing new approaches to our pressing urban needs.

The fourth bill will be in the nature of an amendment designed to expand the functions and the role of the General Accounting Office. In my opinion, there is a need for additional technical support for congressional offices when there are questions concerning Government contracts. Frequently, manufacturers raise problems involving procurement policy and the technological requirements of a contract. But the General Accounting Office lacks the expertise to fully answer these questions.

Accordingly, I am preparing a proposal for the National Science Foundation to fund a curriculum developed for highly qualified engineers to undergo a full academic year's preparation in governmental functions and contracts. This will lead to the establishment of a corps of hightly trained scientific personnel responsible, through the General Accounting Office, to the Congress. Their task will be to respond to and initiate inquiries regarding Federal procurement policies. This would apply to defense and domestic agencies. This tool will permit much closer, in-depth, and continuing evaluation of major Federal procurement projects. I am convinced that such a capability will reduce the type of cost overruns associated with the C–5A procurement. Additionally, it will bring into meaningful Federal service the skills and critical analytic abilities of a large number of scientific and engineering personnel.

These then, are four bills I will introduce. Hopefully, they will provide: one, a method of increasing jobs by an infusion of risk capital in areas of high unemployment; two, a series of employee benefits for displaced aerospace workers until the demand for their services increases; three, a method of monitoring military research to ascertain opportunities for civilian application; and four, an expansion of the personnel and functions of the General Accounting Office.

These bills, of course, will have to be supplemented by national fiscal and monetary policy aimed in the same direction. But I believe that they can contribute substantially to economic recovery and a reduction in the unemployment rate.

The difficulties we face in restoring the economic health of the country are not simple. But I believe we can once again create an economy which is both mature and productive. I am convinced that through careful analysis, constructive actions, and a national willingness to turn to new courses, we can generate a surge of productivity and new directions which will fully utilize our unequaled human and natural resources.

SUMMER YOUTH PROGRAMS

Mr. BAYH. Mr. President, as chairman of the Subcommittee on Juvenile Delinquency, I have been especially concerned about youth opportunities. Today I plead again that this administration recognize the importance of youth—our finest natural resource.

On February 23, along with a bipartisan group of 13 Senators, I directed a letter to the Vice President asking for a commitment to assure adequate summer jobs and manpower programs for our Nation's disadvantaged youth.

Unfortunately, we received no answer to that letter. On April 2, we did see a minor memo in the Wall Street Journal stating:

> The President's Council of Youth Opportunity quietly went out of business on March 31; it coordinated employment, education, recreation, health services for youth.

As the Senate well knows, there was considerable criticism of this decision. Five days later, President Nixon announced that he would seek $64.3 million in a supplementary appropriation for employing disadvantaged youths next summer.

These additional funds are a welcome relief. However, they do fall far short of the $144 million which 50 mayors submitted as a minimum estimate of their needs for the summer program. I urge the President to reexamine the depth of his budgetary commitment to fight unemployment.

In addition, I feel there is a continuing need to provide funds not only for those enrolled in such programs but also to provide for the direction of these programs by professional leaders. As the National Recreation and Park Association has pointed out in a recent statement, experienced leadership is a crucial ingredient in effective recreation programs.

In order to share the long-range goals of the National Recreation and Park Association with the Senate, I ask unanimous consent that the text of its recent letter to the President and a statement of its proposals be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NATIONAL RECREATION &
PARK ASSOCIATION,
Washington, D.C., February 9, 1971.

The Honorable RICHARD M. NIXON,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: For the past two days, representatives from park and recreation departments from 50 cities in 32 states and the District of Columbia have met in our offices to discuss federal planning and programming for urban park and recreation funding. We have been privileged to have with us officials from your Administration responsible for the evaluation and funding of these programs. We deeply appreciate their taking time from busy schedules to meet with us.

By coincidence, our first meeting coincided with your submission to Congress of a major environmental message. Copies of the message were made available to our participants. We commend and support your requests for an appropriation of $200 million for the acquisition of new urban park and recreation areas, and for the full funding of $380 million for the Land and Water Conservation Fund with a new emphasis on the use of these funds for the development of park and recreation areas in and around our urban areas.

Our focus, after weeks of written communication and two days of intensive discussion, has been on the people who will use these new parks. The "legacy of parks" you proposed must consist not only of physical facilities but of people: people inspired to become career professionals in the park and recreation field, people whose needs for community participation and individual achievement can be fulfilled, people who can find new pride in their neighborhoods.

We hope that your detailed presentation to the Congress asking for legislation to implement these proposals will include authority for appropriate federal agencies to expand the number of urban areas included and to fund programming, leadership development, and maintenance functions of new urban parks. In formulating these proposals we believe that the professional experience and expertise of local park and recreation officials, such as those who have assembled here in the past two days, must play a major role in the decision-making process.

We also hope that the attached recommendations for summer 1971 and for long-range urban park and recreation programming will be of constructive assistance to you. Your goal of "parks to the people" is shared by our more than 30,000 professional and lay members of the National Recreation and Park Association.

Respectfully,

WILLARD W. BROWN,
Chairman of the Board and Acting President.

NATIONAL RECREATION AND PARK ASSOCIATION—PUBLIC PARK AND RECREATION PROGRAMS FOR THE DISADVANTAGED

GENERAL POLICY

1. Legislation should be enacted as soon as possible providing funds directly to agencies of political subdivisions directly responsible for park and recreation functions to expand their existing programs, implement new programs, and provide services and career opportunities for disadvantaged residents. We recognize that the most immediate need for park and recreation programs is among the disadvantaged urban residents, but we emphasize that the need exists for all citizens.

2. A single federal agency should be responsible for: the coordination and selection of local political subdivisions and the determination of their levels of funding; the negotiation of contracts with those subdivisions; the approval of grants/plans; the allocation of resources; the provision of funds, technical assistance, research, evaluation and education; the drafting of appropriate legislation, with input from local park and recreation authorities; for continued program support; the dissemination of research products; the provision of available surplus federal lands, supplies and equipment; and fiscal management.

3. Park and recreation authorities will submit a program indicating their present level of service and proposed levels, indicating how their resources and those of the federal government can be combined to achieve general program goals—expansion of existing and implementing new programs, services, career opportunities for the disadvantaged, and opportunities for community involvement.

4. Proposed programs shall include:

a. Project description.

b. Number of disadvantaged to be served.

c. Timetable for implementation.

d. Number of job slots and titles.

e.* Budget summaries indicating the utilization of local and federal funds.

f. Additional equipment needed to carry out the project.

5. Program planning will reflect local goals and priorities—and the needs and preferences of the local residents.

6. National, and where appropriate, regional, state and local advisory committees composed of park and recreation professionals and lay citizens shall be established to provide the resources and expertise to the federal administrative agencies to upgrade the quality of park and recreation programs and services, leadership, facilities, research, evaluation, and comprehensive planning.

These committees shall:

a. Support and encourage multiple-resource use in providing programs and services.

b. Encourage the inclusion of park and recreation planning as a part of the planning process at all levels of government.

c. Identify methods of integrating existing park and recreation services into human service programs; i.e., manpower, housing, health, education, social services, transportation and law enforcement.

7. To accomplish these goals, some suggested guidelines are presented for Executive consideration:

a. A funding formula based on the number of disadvantaged residents in an urban area.

b. Prompt indication to local political subdivisions of the level of funding they can expect so that programs can reflect the proper utilization of resources.

c. Local proposals must be submitted by the prescribed date.

d. Fifty (50%) per cent of the political subdivision's allocation should accompany approval of the local program and completion of contract agreements.

e. The balance of the contract should be reimbursable on submission of monthly vouchers.

8. Federal funds will only be used to expand existing or to implement new programs,

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*Local park and recreation authorities will receive cash credit for in-kind services; i.e., operating costs (personnel services, supplies equipment, maintenance), local resource contributions.

services, and jobs. Local political subdivisions must maintain their level of effort.

9. Grant appropriations will be based on the number of residents whose income falls within the current federal poverty guidelines.

10. Should a change in projected federal funding levels occur, local political subdivisions will be given prompt advance notification.

11. Federal audit procedures should coordinate as closely as possible with existing practices of local political subdivisions.

KEY FEATURES OF THE NATIONAL HEALTH CARE ACT OF 1971, S. 1490

Mr. McINTYRE. Mr. President, I ask unanimous consent to have printed in the Record the key features of the National Health Care Act of 1971, S. 1490, which I introduced on April 5.

There being no objection, the key features were ordered to be printed in the Record, as follows:

Introduction

The goal of the National Health Care Act of 1971 is to meet the personal health needs of every citizen. It seeks to achieve this goal by containing health care costs, improving the organization and delivery of health services, and making comprehensive health insurance available to all.

The objectives of the National Health Care Act are to:

1. Increase the supply and improve the productivity and distribution of health manpower.

2. Develop ambulatory health care services to promote health maintenance and reduce costly hospital use.

3. Improve health care planning to distribute current and future health resources more equitably and effectively.

4. More directly contain the escalation in health care costs and upgrade quality of health care.

5. Establish national goals and priorities to improve health care.

6. Improve the financing of health care for everyone.

1. *Increase the supply and improve the productivity and distribution of health manpower.*

Shortages and maldistribution of health manpower constitute the greatest obstacle to an improved health delivery system.

To correct these deficiencies, my bill calls for the following steps to be taken:

A. Appraisal by the Federal government of the adequacy of present grant, loan or other Federal aid programs for health manpower training and development, and the need for expansion. The study's objective would be to recommend procedures for program consolidation, coordination, and increased efficiency, as well as to develop proposals for promotion of health careers.

B. Improve student loan programs with built-in financial incentives to physicians, optometrists, dentist, nurses and allied health personnel to encourage service in inner-city and rural areas.

C. Provide Federal grants to schools to spur the training of additional physicians and allied health personnel, particularly in provision of family ambulatory care or administration of ambulatory care centers.

D. Meet immediate needs through a temporary Federal grant program to physicians, nurses, and allied health personnel agreeing to serve during the next five years in areas most critically short of services.

2. *Develop ambulatory health care services to promote health maintenance and reduce costly hospital use.*

Greater access to effective and less costly health care for all will be achieved through expansion in every community of ambulatory health care services.

These services would include preventive care, diagnosis, treatment and rehabilitation. They would be provided in facilities that might range from reorganized hospital outpatient departments or expanded group medical practices to prepaid group practice plans or other health maintenance organizations.

To this end, my bill calls for the following action:

A. Extend present Federal programs of hospital construction grants and hospital and outpatient facility loan guarantees, to encourage private and public financing of comprehensive ambulatory health care centers, particularly in areas of special need.

B. Make such grants and loan guarantees available to subsidize ambulatory health care center costs for the first three years of operation.

C. Include ambulatory and preventive care benefits in all health insurance plans (see page 4).

3. *Improve health care planning to distribute current and future health resources more equitably and effectively.*

Improved planning for health care systems is essential to the development of rational approaches to effective and economical delivery of community health services.

My bill therefore calls for reinforcing the key role and authority of state and areawide comprehensive health planning agencies through the following action:

A. Increase substantially financial support for comprehensive health planning at community and state levels.

B. Enlarge specific responsibilities of planning agencies to include:

a. Setting priorities on community needs, with emphasis on coordinated health care programs, and health education of the public.

b. Reviewing and certifying as to need all applications for a Federal grant, loan, loan guarantee, or other Federal aid exceeding $100,000 for the purpose of proposed new or modernized health care services, facilities or equipment.

4. *More directly contain the escalation in health care costs and upgrade the quality of health care.*

A more rational health delivery system must have built into it controls to assure quality of care and containment of rising costs. My bill proposes that the following safeguards be implemented:

A. Tie all Federal loans, grants or contracts for a health facility or service to the certification of need by a comprehensive health planning agency.

B. Planning agencies would assist facilities to submit capital expenditure proposals consistent with the State health plan, and to develop efficiency and cost saving incentive programs for optimum use of manpower, services, and equipment.

C. Tie payment for health care under Federally-supported programs to prevailing fees and to peer review of those professional services that fall outside of professionally established guidelines, assuring appropriateness of treatment, quality of care, and reasonableness of physician fees. Review and approval would come from an appropriate health services review organization or, in its absence, by the organizations administering Federal programs.

D. Payment to hospital or other health care institutions under Federal programs would be subject to approval by a State Health Care Institutions Cost Commission appointed by the Governor. All such institutions would be required to:

a. Have an active review committee to check appropriateness and quality of services.

b. Utilize a standard system of accounts and cost finding.

c. Use "prospectively approved charges" for all patients. Such a system would involve review and approval in advance by the State Commission of the proposed charges, assuring charges reasonably related to the cost of effectively providing necessary services.

5. *Establish national goals and priorities to improve health care.*

Only national leadership can bring about unified health policies, goals and guidelines which are properly balanced against other priorities of society.

My bill therefore proposes the following steps be taken:

A. The President deliver to Congress annually a Health Report on the state of the nation's health at Federal, state, and local levels, with legislative proposals as appropriate to improve the organization, delivery, and financing of health care.

B. Congress create a Council of Health Policy Advisors in the Executive Office of the President, analogous to the Council of Economic Advisors. Composed of three members appointed by the President, with Senate consent, the Council would:

a. Help prepare the President's annual Health Report.

b. Recommend procedures for coordinating, consolidating or eliminating health related programs of the various Federal agencies and departments.

c. Conduct health care research.

d. Provide guidelines for health care funding allocations.

e. Develop recommendations for national policy to improve the organization, financing delivery and quality of health care.

C. Congress direct every Federal agency to include in all legislative recommendations or other major Federal actions a statement on the impact of the proposal on the health care system, including adverse effects, alternatives, relative priority, and any irreversible commitments of resources involved.

6. *Improve the financing of health care for everyone.*

Financial barriers to dignified access to health care for all citizens must be removed. This objective can best be achieved by broad action on two fronts:

One, Federal stimulus to the development of health insurance coverage which would promote ambulatory and preventive care and the availability of new forms of health delivery. This would serve to shift the focus from costly hospital inpatient care to a more economical setting.

Two, ensure the availability of comprehensive coverages to all which build on the broad base of existing voluntary health insurance plans within a unified Federal-state program. Costs for most people should continue to be met by individuals and employers, with public funds used for those needing total or partial support in financing their health care.

To this end, my bill calls for adoption of these innovative measures:

Federal standards for minimum ambulatory, preventive, and institutional care benefits.

Phasing-in of benefits on a time-table basis.

Use of existing private health insurers (including insurance companies, Blue Cross-Blue Shield, and prepaid group practice plans) to provide benefits.

Federal income tax incentives to help assure that comprehensive benefit levels are maintained.

Establishment of state pools of private health insurers to provide standard benefits for the poor, near-poor and those previously uninsurable for health reasons, with those benefits for the poor and near-poor being subsidized by Federal and state funds.

FEDERAL STANDARDS FOR HEALTH CARE BENEFITS

These standards, to be known as Minimum Standard Health Care Benefits, would be set by the government in consultation with providers, consumers and health insurers. Emphasis would be placed on benefits for ambulatory and preventive care to shift the focus from high-cost in-hospital treatment to lower-cost and more accessible out-of-hospital care.

Benefits for catastrophic expense could exceed $50,000. By 1970, I foresee no maximum limits on ambulatory care and only realistic limits on institutional care.

PHASED-IN BENEFITS

Under the Health Care Act, the following Minimum Standard Health Care Benefits schedule is illustrative of the type of national standard which could be put into effect as the manpower and facilities became available.

The Minimum Health Care Benefits for private group and individual plans, which would initially be effective in 1973, would cover charges for:

All diagnostic X-ray and laboratory examinations on an ambulatory basis.

All surgery and radiation therapy in ambulatory health care centers.

Three visits per year per family member to a physician in his office or ambulatory health care center for other types of medical treatment.

Well baby care including immunizations, up to six visits during first six months after birth.

Charges for physicians' services while institutionalized.

First 30 days of semi-private general or psychiatric hospital care per illness.

First 60 days of convalescence in a skilled nursing home per illness.

First 90 days in an approved home health care program per illness.

Benefits for state pool plans for the poor, near-poor and those previously uninsurable for health reasons would begin initially effective July 1, 1972, and would cover charges for:

All diagnostic X-ray and laboratory examinations on an ambulatory basis.

All surgery and radiation therapy in ambulatory health care centers.

Six visits per year per family member to a physician in his office or ambulatory health care center for other types of medical treatment.

Well baby care including immunizations up to 12 visits during the first two years.

Charges for physicians' services while institutionalized.

Dental care for children under 19, including annual examination, fillings, extractions, and dentures.

Prescription drugs for all persons.

Rehabilitation services, including prosthetic appliances and physical therapy.

Maternity care.

Family planning services and supplies.

First 120 days of semi-private general or psychiatric hospital care per illness.

First 120 days of convalescence in a skilled nursing home per illness.

First 180 days in an approved home health care program per illness.

In 1976, the Minimum Standard Health Care Benefits for private group and individual plans would be raised to the level initially required for the state pool plans. The standards for state plans would be increased so that essentially all ambulatory care and dental care—including such added benefits as vision care and speech therapy—would be covered without limit for children and adults, and institutional care would be covered within the following realistic limits:

300 days of semi-private general or psychiatric hospital care per illness.

180 days of convalescence in a skilled nursing home per illness.

270 days in an approved home health care program per illness.

In 1979, the Minimum Standard Health Care Benefits for private group and individual plans would be brought up to the 1976 standards for the state pool plans.

Those medical care expenses which experience shows lead to over-utilization will be subject to a modest amount of co-payment to keep program costs down. In order to prevent co-payments from becoming an undue burden on the family, there will be an aggregate limit charged in any one year that is reasonably related to family income.

FEDERAL TAX INCENTIVES

Under Federal tax incentives, beginning in 1973, the amount of tax deductibility allowed an employer for health care expenditures would be reduced from 100 per cent to 50 per cent, unless the employer's group plan contained the Minimum Standard Health Care Benefits established by the government.

For persons not belonging to groups, tax incentives would also be offered to obtain individual policies meeting all of the requirements. These would be known as Qualified Individual Health Care Plans.

STATE POOL PLANS FOR POOR AND NEAR POOR

Minimum Standard Health Care Benefits would be available to persons on public assistance through Qualified State Health Care Plans which would be participated in by private health insurers and supported by state and Federal subsidies.

These state programs would reduce the need for Medicaid and eventually replace it as a means of financing care for the medically indigent.

Persons on public assistance would not pay any portion of the premium for their coverage. The near poor would make a contribution scaled to their income.

Non-poor individuals who cannot obtain adequate protection because of serious disabilities also would be eligible for benefits subject to their paying the premiums.

Each Qualified State Health Care Plan would be a pooled arrangement underwritten by all participating private health insurers in each state. One carrier or group of carriers in each state would be designated by the state to administer the plan.

HEALTH CARE PROGRAM COST

I estimate that, in terms of today's prices, the additional taxes required to pay for the Health Care Program during the first full year of operation would be $3.2 billion.

THE TIMES ARE WILD

Mr. HUMPHREY. Mr. President, I was privileged to address the Anti-Defamation League of B'nai B'rith on January 23 of this year.

I took the occasion to comment on what America's problems and promise are right now. I spoke of the sense of confidence America must always possess. Our times have been and, indeed, do remain "wild." However the trials we face have only proved our basic strength. This testing of America has demonstrated the staying power of each thread in the fabric of our national life.

I discussed war and peace, our present economic difficulties and needs, and other items on our list of national priorities.

Mr. President, these remarks represent my thinking and evaluation of the present condition of the Nation. I ask unanimous consent that the news release and my remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR HUBERT H. HUMPHREY IN HIS FIRST MAJOR ADDRESS AFTER OFFICIALLY TAKING HIS PLACE IN THE SENATE

What America needs now is faith in itself, a sense of confidence and pride, without arrogance. We must trust and have confidence in each other.

These trials of purpose and these threats to our National unity have only served to prove our strength as a people—to refine our shared and ever-renewed ideals—and to demonstrate the basic rightness of our National goals.

What we need today is to reaffirm our belief in these ideals. We must now make them new—renew them with recommitments. The goals of Americans—the ideals of Americans haven't changed since the founding of the Republic, nearly 200 years ago.

We do possess this inner strength—this inner resolve to continue, to persevere, to achieve. We must recognize within ourselves that dormant confidence. We must reawaken it—we must stir it up and hoist its flag and let it whip in the gale.

The decade of the 70's demands that we have leadership embodying idealism and hope; and programs of progress—a leadership to determine and declare our national priorities and goals. We must know that comes first and how to accomplish it.

First, we must end the war in Vietnam—by a systematic withdrawal of our forces on an agreed upon timetable. This does not mean that we abandon our role of cooperation and responsibility in world affairs. We are a world power. We do have responsibilities and commitments which are in our own national interest.

Next, we must restore our economy to a stable growth rate without injurious inflation. We must end this recession, this unemployment, this inflation. America's economy is now a crippled giant. Its lethargy and limp prevent us from undertaking those programs we know we must in order to meet America's social and economic needs in the 70's. The economy must be returned to full productivity. The country must start moving again. We must put people to work and generate the private income and public revenues that can help build a better America. And, above all—through a renewed dedication and respect for human rights, we must heal our social wounds.

(Humphrey discussed the Nation's specific problem areas and outlined approaches for meeting our needs in establishing a national health care program, reorganizing the welfare system, strengthening our system of law and justice, reforming and revitalizing our educational structure, encouraging renewal of our urban-renewal environment and helping local governments modernize their structures and meet growing service demands with Federal grants.)

We criticize the Soviet Union for anti-Semitism and yet there is bigotry and intolerance in our midst. Being rich doesn't guarantee love of our fellow man. Being strong doesn't automatically help us understand the weaknesses of others. Any standard of national excellence that doesn't include tolerance and understanding and brotherhood is no standard for America now and in the decades ahead.

THE TIMES ARE WILD

(By Senator HUBERT H. HUMPHREY)

Northumberland, in Henry IV, says: "The times are wild: contention like a horse full of high feeding, madly hath broke loose and bears down all before him."

While Shakespeare's words are somewhat extreme, the times have been wild. It's the best of times—the worst of times. The times are fraught with danger, but the future filled with opportunity.

The fabric of American society and American civilization is not a gorgeous tapestry hung on a wall for all to admire as it frays and fades into history. America is a living and perpetually renewed seamless cloak of many colors—not the Great Society but the vital, changing society.

But the fabric of America is strong and sturdy. Look at its life story. It has withstood civil war. It has received into its folds the millions of immigrants who have added their richness of cultural diversity to this nation's life. It has weathered economic depression and vast natural disasters. While the strain has left scars and creases on the unfolding fabric of our national history—while the threads of our civilization and national unity and the strings of the hope and faith of Americans were stretched taut—they held and are stronger for their testing.

The air has been filled with charge and counter-charge as opposing groups and factions have raised their voices and elevated each other's blood pressure.

The young continue the perennial running battle with the previous generation.

The older generation declares they cannot understand the latest jargon of "now generation." "Cool, groovy, outa-sight, right on"—these are the superlatives of the young.

We have seen the nation severely divided by a long, costly, and tragic war in Vietnam.

Our cities have burned while our citizens manned barricades against each other, and against the law.

But these trials and threats to our national unity have tested our strength as a people. They compel us to redefine and reassert our national goals. Tension, like exercise, if not overdone builds strength.

Above all else, we must persist and not give in to the shrillness of the Cassandras—preaching inevitable doom. We must not permit honest diversity of approach in solving our national problems overshadow our overwhelming agreement on the goals we all wish to see achieved.

What I am saying is that we do possess this inner strength—this inner resolve to continue—to persevere—to achieve. We must remember the long way we have come and take strength from the record of achievement. You do not inspire a people to great deeds by a recitation of their failures! What America needs now is faith in itself; a sense of confidence and pride but without arrogance. We must believe and learn that the cement that binds our edifice of democracy is that intangible called trust and mutual respect.

We must never allow, even for one minute, the awareness of our problems and national needs to paralyze our wills or blur our commitment. On the contrary, this awareness must be the challenge that summons us to the battle. We only realize the distance to the stars when we have set our foot to that path.

When viewed from the perspective of our forebearers, we are now striving to span light years of achievement in meeting man's social and economic needs.

It is not possible for us to castigate ourselves, and permit ourselves the luxury of suffering the guilts. There is yet not time enough. There is too much for us to do. We cannot take the easy way out by surrendering to confusion. We must not elude the strivings that beckon us relentlessly.

We must put our problems and ourselves in some perspective and proceed to consider these needs and their priority in some detail.

The time for action is long overdue. We must be about our business. We must not and cannot say, "Stop the world, I want to get off and study it."

In 1968, the pundits of all persuasions and dogmatic bent, peering over the nation from their doric, ionic and corinthian perches, declared with one voice: "The nation needs a rest." We were told that the republic was out of breath, suffering from hypertension and a bad liver, and should take the cure. Well, I'm afraid the cure has turned out to be more painful than the disease.

The Republican Administration has been trying to tiptoe around the nation—trying not to wake the sleeping giant—trying to prolong the nation's slumber—speaking of the silent majority, chastising the dissidents and vociferous, trying to hide the fact that they haven't done a blessed thing except to admonish, procrastinate, and to give new explanations for old problems.

We have put up long enough with a leadership vacuum. The nation needs direction, and motivation, and leadership. It needs uplift—inspiration—a call to the best in us.

Where is the real, tangible leadership and commitment to anti-pollution; to education; to housing; to anti-poverty programs; to feeding the hungry; to stabilizing the economy; to finding jobs for the unemployed; to providing health care to all Americans as a matter of right; to easing the financial burden of the elderly? These are the reforms that are needed.

This nation needs more than a survival kit for the 70's, we need a blueprint for growth, progress and success—a decade of decency and development.

DOMESTIC NEEDS AND PRIORITIES

In this decade we must devote our greatest energies to securing a decisive shift of resources—human and natural—from pursuits which cripple or destroy man's capacity for life, liberty and happiness to those which enhance these qualities.

This means a federalism that will make government on all levels responsive to the needs of the people—a federalism streamlined, effective and to the point—a federalism of service to the people. That's what the taxpayer is paying for. I think it's about time he received full and fair value for the tax dollar spent.

The first steps that can be taken immediately are: Devote the Vietnam billions to help resolve priority needs to be established and continually updated by a newly created Joint Congressional Committee on National Priorities. Long Senate debates were not indulged in for their own sake. They represented serious disagreement with the Administration on national priorities and how Federal revenues should be allocated. Congress, in just two years, cut total defense spending approximately $8 billion below what the Administration asked. These funds were then added to legislation designed to help solve our human-need problems at home.

While I may understand a President being attracted to foreign affairs and matters of global geopolitical fascination, and devoting two-thirds of his time to various military and diplomatic games. I wish he would not try to devote an equal proportion of the Federal budget to financing these fascinations.

The Congress disagreed with the President on spending priorities and lived up to its spending responsibilities by substantially revising the Administration's shopping list.

PEACE

The first of our priorities is peace. We must end the war in Vietnam—by an accelerated systematic withdrawal of our forces on an agreed upon timetable. And this does not mean expansion of the struggle to all of Indo-China.

The loss of life, diversion of resources from critical domestic needs, and the disunity of our country must be ended.

But withdrawal in Vietnam does not mean that we abandon our role of cooperation and responsibility in world affairs. We are a world power. We do have responsibilities and commitments which are in our own national interest.

The United States must reaffirm its commitment to Israel—to make sure that Israel remains free, strong, and defensible. The measure of our commitment to Israel is also the measure of chances for peace in the Arab world. The Soviet Union has used the Arab nations for their own imperialistic penetration of the Middle East. Our continued, unequivocal support of Israel will convince both the Soviets and the Arab nations that peace is in the best interest of Israeli and Arab alike.

We must also stand by our commitments under NATO. This is particularly important during this period of rapid growth of Soviet presence in the Middle East, the Mediterranean and the waters bordering India and East Africa.

We are involved in a series of negotiations aimed at limiting offensive and defensive nuclear weapons. The Administration must make clear during the SALT talks its firm commitment to a policy of arms limitation—must be flexible without being weak—and must be able to consider various limited bans on weaponry, if it does not appear we will achieve a comprehensive limit or ban at this time.

Our foreign policy must be one that portrays to the world that the United States is strong but not overbearing, firm without being belligerent, resolute without being inflexible.

THE ECONOMY

The second major priority we have in America today is to restore our economy to its full potential. We must restore a stable growth rate without injurious inflation. We must end this recession, this unemployment, this inflation. America's economy is now a crippled giant. Its lethargy and limp prevent us from undertaking those programs so desperately needed to meet America's social and economic goals in the 70's.

The country must start moving again. We must put people to work and generate the private income and public revenues that can help build a better America. And above all—through renewed dedication and respect for human rights, coupled with renewed economic health—we must heal our social wounds.

MEDICAL CARE

Sharply rising medical costs and the lack of adequate health care for millions of Americans demand far better use of existing medical facilities and their expansion to meet the growing needs of the 70's.

Until very recently, the Administration has been largely silent on health care. However, leaders in the Congress have demonstrated their concern and awareness of the crisis in health care the nation faces and have taken the initiative of introducing a comprehensive national health insurance plan.

I support such legislation. I see this as one of the most important issues that the Congress and the nation will deal with in the year ahead.

The quality of health care in the nation during the 70's could well depend on success in passage of progressive health care legislation that contains these features:

A significant increase in funds for expanding the supply of medical manpower, including persons from minority groups;

Training new types of medical aides such as assistant physicians, family planning aides and community health workers;

Financial aid for starting hundreds of additional group practice plans;

Increasing the number of neighborhood health centers, ambulatory clinics, maternity and well-baby clinics;

And financial incentives for insuring the cooperation of all involved so that our national health care and insurance plan will be a success.

The wealthiest, most scientifically advanced nation in the history of the world should also be the healthiest nation on earth. And it can be!

Our scientists find answers that save lives around the globe—now it's time for our practitioners and administrators to deliver the benefits of these breakthroughs to all Americans. And it can be.

INCOME SUPPORT AND SUPPLEMENT PROGRAMS

The Administration's welfare reform bill did pass the House of Representatives, but was killed in Senate Committee by Republican Senators.

We need an effective reform of welfare. I am confident the Congress will develop a program that restores dignity to the qualified recipient and peace of mind to the taxpayer.

Social Security benefits must be increased by at least 15% and should contain an automatic cost of living escalator to help older Americans at least stay even, as inflation erodes their purchasing power.

It is inexcusable that any American should go hungry or be the victim of malnutrition.

LAW AND JUSTICE

A basic need of every citizen is to feel secure in his person and property. However, that is not the case in America today. We have seen it amply demonstrated that crime is related to poverty, poor education, inadequate housing, poor health care and unequal opportunity. However, much more can be done directly to reform our law enforcement system and to improve the rehabilitative process, or lack thereof.

Today, as a single, unified, goal-directed system, our law enforcement system is a failure—unable to preserve sufficient order, keep our citizens safe on the streets and in their homes, and return the offender to society—respecting himself and the rights of his fellow citizens. We must swiftly and substantially increase the resouces devoted to law enforcement and the administration of justice—to build a system that is just and humane—a system that is as concerned with rehabilitation as it is with capture.

Much remains to be done—prevention of juvenile delinquency and rehabilitation of young offenders before they become hardened criminals—in rehabilitation of drug addicts—in reforming our court system to eliminate delays—and in reforming our correctional institutions to include greater stress on community-based rehabilitation.

EDUCATION

Improving education and making it freely available to all our people is the surest way to break the cycles of poverty, crime, welfare and blighted opportunity. This one factor—lack of a proper education—can prevent us from reaching our full potential—our destined excellence—as individuals and as a nation.

But the Administration continually leaves our education programs underfunded.

The Federal investment of the total educational dollar for the school year of 1970–71 is 6.9%. This is a drop from the 8% share in 1967–68. The Federal investment in public education doubled between 1960 and 1968—from 4% to 8%. Over the next few years that Federal expenditure should rise to 16%—double what we were doing in 1968. And we need an education trust fund to assure regular funding of the Federal education investment.

There has never been a society that has become insolvent because of its investment in books, learning and education.

We in America have always said we want the best for our chidlren. That "best" is most accurately reflected and represented by the education we provide. And that education reflects the most essential values of our total society. Reform of education requires us to reform the society our education reflects.

URBAN-RURAL ENVIRONMENT

Housing, transportation, urban renewal—these are three tangible factors directly affecting the moral, social and economic health of our urban-rural complex. Much has been done to foster increased construction of housing, provide balanced transportation systems and upgrade the physical assets of a community and the services it must provide. But these beginnings fall far short of the need.

Within the next 30 years the population of the United States will increase by 50%. That means we will be a nation of about 300 million.

The list of legislation passed by recent Congresses is long and impressive—urban renewal, model cities, increased housing and financing for that housing, extended highway construction balanced with a massive infusion of talent and funds for transit systems, manpower training and utilization, and anti-pollution measures.

But all too often the Administration has either underfunded, vetoed, or tried to abolish these programs. Again, the plea was that such spending is inflationary.

But it will be far cheaper to renew and continue our efforts now than to reconstruct urban and rural areas that have disintegrated beyond recall.

We must initiate and follow through on long-term programs for our urban-rural environment: programs for housing, for public services, for manpower development, and economic development. The public facilities and services must keep pace with the private development. These are not competitive; they are complimentary.

This program for the 70's will require committed and articulate political leadership. And this leadership must call upon our nation to make the sacrifices that are essential if we are to insure the survival and development of urban-rural America.

REVENUE-SHARING

We have catalogued the needs of our localities and discussed how they must be met. But state and local governments need help in achieving these goals. The local tax base is eroded and stretched to the breaking point. What is needed is additional grants of Federal funds, in addition to all presently ongoing programs and funding.

This coming Monday I will introduce my first bill. It is a revenue-sharing measure that will provide substantial funds to localities but will also provide the incentive for state and local governments to upgrade and streamline their structures and relationships.

Gradual increases in Federal grants under this legislation, plus revitalization of our local governments, should make the renewal of our urban-rural environment the first outstanding product of the new, creative Federalism.

AGRICULTURE

It has become painfully obvious that the American farmer and his problems are of little concern to the Nixon Administration—the first Administration since Herbert Hoover's that has not sent up a farm message.

The Administration has evidenced not only apathy but actual contempt. Now in the works at the Department of Agriculture is a plan to utilize 1967 as a base for computing parity ratios. This would provide a false and misleading ratio of 90% parity. Actually, using the traditional base period, parity is at 67%—the lowest since the days of Herbert Hoover—37 years ago!

I deplore this deception. But it will take firm leadership and positive farm programs to convince the farmer that things are better than during the depths of the Depression—a fast shuffle of statistics will not fool them one bit.

These are some of the priorities for the 70's. We have the means of generating the resources. We have the manpower and the genius. We have the opportunity and the time. Now, we must marshal these forces and opportunities and turn them to our will and our design.

And in closing, I wish to commend the Anti-Defamation League for its stand on violence in America—not just for condemning the violence of a stranger, but condemning and deploring the violence of a brother.

The pain and range of the JDL is understandable.

I trust, however, that the voice of the Jewish community, through such organizations as B'nai B'rith and ADL, will convince them that they may well be making it more difficult for their Russian brothers.

The Soviet Union selectively listens to and feels the pressures of world opinion. I trust it will realize that its semi-official anti-Semitism is a luxury it cannot afford. Our responsibility is to constantly, perseveringly demand an end to this bigotry and intolerance.

When I visited with Kosygin in the summer of 1969, I reminded him of his agreement with President Johnson at Glassboro—that the Soviet Union would permit Jews to migrate for purposes of family reunion and to build a new life in Israel. This agreement has not been sustained. We must insist as a nation and government that the Soviet leaders keep their word. Likewise, in recent weeks, I sent a personal communication to Chairman Kosygin protesting the rise of anti-Semitism and condemning the Leningrad trials.

But, as we criticize the Soviet Union for anti-Semitism, we must confess that there is bigotry and intolerance in our midst. We know that being rich doesn't guarantee love of our fellow man. And being strong doesn't assure understanding of the weaknesses of others. Any standard of national excellence that doesn't include tolerance and understanding and brotherhood is no standard for America now or in the decades ahead.

Economic growth and development are not the only purposes of our society. They are but a means to a better life. The challenge to this nation is not to be found in an economic recession, but in the racism, discrimination, bigotry and intolerance. And all of these are found in greater or lesser degree, even as our economy grows, as we search for full employment and prosperity.

What America needs is an expansive economy without racism—full employment without discrimination, prosperity without bigotry, social services without intolerance. It is the quality of life and the spirit that moves a nation—that determines its destiny. Our greatness is not in our machines or our material wealth. It is in our sense of compassion, justice, opportunity for human dignity. These are the intangibles that add meaning to life, liberty and the pursuit of happiness.

ADDRESS BY DR. BILL L. McCULLOUGH TO THE WEST TEXAS PRESS ASSOCIATION

Mr. TOWER. Mr. President, I have just read the text of a speech delivered to the West Texas Press Association by Dr. Bill L. McCullough on February 20, 1971.

Dr. McCullough is a physician in Seagraves, Tex., and is one of three doctors in Gaines County serving about 13,000 people. Therefore, Dr. McCullough is well aware of the problems facing a physician practicing in a rural area.

I believe that the doctor's remarks are extremely perceptive. I agree with his judgment that the implementation of a compulsory program of national health insurance will result in disastrous consequences for the Nation. Furthermore, I agree that many of the regulations promulgated by the Social Security Administration to operate the medicare program have greatly retarded the delivery of basic health care services to Americans residing in rural areas.

Dr. McCullough also makes reference to the physician shortage in rural areas. I should like to remind Senators that I have introduced S. 576, a bill to provide tax incentives to encourage physicians to practice in medical manpower shortage areas. I am pleased that 12 Senators have seen fit to join me in introducing the bill. I am again urging consideration of this proposed legislation.

In order that the Senate might be apprised of the views expressed by Dr. McCullough, I ask unanimous consent that the text of his speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY DR. BILL L. MCCOLLOUGH

The proposed title of my talk today was "Medicare and the Small Hospital". However, after due consideration I would like to change the title to read "What Hospitals".

It is my sincere belief that soon there will be no "small hospitals" as we know them today. For many of you people here today the future will present you with a serious problem: Shall you remain in a small town, a town of your choice, to raise your children and pursue your business where there is no medical care available? I believe, and many in my profession believe that within 3-5 years there will be no more one-doctor hospitals such as mine in Seagraves. Towns of 1,500 to 4,000 population simply will not have any medical care available.

Within 5 to 10 years there will be no hospitals with 3 to 4 general practitioners and no others. There will be no hospitals where there are no organized medical groups with hospital oriented specialists. This means towns of 4,000, 5,000 even 10,000 population will have no local medical support other than a "screening facility".

I am not the first to predict this terrible tragedy however I may be the last to "predict" it because it is just around the corner. It will be only the first step in the destruction of the small towns of our country, at least in our vast West Texas area where there are no large towns close enough to support us with their own medical facilities.

Many of you are from small towns and will ask why this thing is going to happen? It is not simple, however it is logical. Unreasonable, unnecessary, unfair yes, but logical. I would like to explain why.

First, the continued expansion of governmental regulation of all phases of medical training, medical services and medical financing nurtures the implementation of the government's primary goal of centralization of medicine. Former President Johnson stated in a message to Congress "We must centralize our medical services". It was the herald sign of the doom of rural medicine and set the great bureaucratic monster in Washington loose to do as it pleased with our medical system. As a result we now have medicare and soon will have "cradle to the grave" National Health Insurance. We will have it within 2 years, certainly no longer than 5 years. This means more governmental control and further centralization by regulatory elimination of the so-called unnecessary small town hospital.

Second, the specialistic orientation of our medical schools has stifled the production of family physicians. Of course there has been much lip service given to the need for general practitioners however no one with the purse strings seems to know what they would do with them when they were produced so all efforts seem to be going toward the graduation of more and more doctors with limited talents, the specialists. According to the resident recruiters at many medical centers general practitioners make good resident physicians and specialists, but I can assure you that primary specialists make poor rural physicians.

Third, the bureaucratic and specialistic trend in the American Medical Association with more and more importance being placed on board eligibility has reduced the family physician to a level below contempt. This drives many trainees away from general practice, again reducing the supply and consequently adding to the frustrating situation in the small town.

There are other factors of course. George Meany stated this week his union's primary goals in this session of Congress are No. 1. National Health Insurance. He stated: "This medical business is badly disorganized and we think it should be lumped together so a man will know what his medical costs are going to be".

I would like to ask a question. Is it more important to know exactly what the medical costs are going to be regardless of total cost and total efficiency?

Is it not important that a man have a choice of insurance, a choice of the kind and type of medical care he might desire or shall our "Great Society" planners decide the kind, the cost, the place, the quality, etc.?

My idea of the etiology of such reasoning follows: Under President Johnson a "Great Society" plan was evolved for all phases of the future of American life. It included all administrative departments. The Department of Interior, The Department of Health, Education, and Welfare, etc.

In the field of medicine a panel of distinguished persons headed by Dr. Michael DeBakey of Houston was formed and their recommendations sought.

The one segment of the plan developed by this panel that has led this nation down the primrose path to destruction of private medicine as we have known it was the plan calling for total centralization of medicine. They suggested originally that 20 great regional medical centers be formed in the continental United States and all other areas have "screening centers" where cases would be classified and all but very minor cases be shuttled to one of the regional centers. The plan of course has been modified I am sure but if one has followed the course of governmental regulation of the hospitals it should be clear that a plan of advanced centralization has not been abandoned. It is said the planners of the great bureaucratic complex in Washington have settled on approximately 100 regional medical centers for the 48 continental states. They are generous with Texas. One in Houston of course, one in Dallas, San Antonio, El Paso and one in Lubbock. Don't break your leg or have a coronary in Fort Davis.

I do not doubt these planners' motives. They want the very finest medical care to be available to all Americans.

I do doubt their methods and some of their premises. One is obvious: The great planners, being specialist oriented, simply cannot believe the efficiency and worth of family practice. The arbitrary methods of implementation of government regulations in the small hospital constitute harassment and are forcing small hospitals to close with not even a rudimentary plan for alleviating the medical needs of the people who have been depending on these small hospitals for decades, even generations.

Any of you who have been in the army will know what happens when you impose the "government way" on a medical system that is frail enough already. The system needs help, yes. What we are receiving isn't helping, it is destroying rural medicine not just in its present form but in its entirety.

We, the people of the United States, are going to see in the very near future a form of socialized medicine not unlike that in England. A system that has seen the degradation of the family practitioner to a level of a mid-wife. A system that has constructed only 3 new hospitals since the inception of socialized medicine there in 1948. A system in which the patient is an object that is juggled and scheduled on a priority basis that to me is unbelievable. Yet Dr. Edward L. McNeil of Yonkers, New York describes the system in the January Issue of *Private Practice* very clearly. He studied under the system and practiced both as a general practitioner and a specialist under the system then chose private practice in the United States for the past 13 years. It is interesting and frightening reading.

I do not have the answers to the problems of medicine in America today but I can not believe that destroying rural medicine and virtually eliminating the effectiveness of the general practitioner is the answer. It does not make sense that socialism and bureaucracy is the answer. Their inefficiency is legendary, and efficiency is necessary when there simply are not enough doctors to go around.

The average doctor in the United States cares for approximately 700 people, yet the rural physician cares for several times that number. The average physician in my rural area cares for several thousand. Does it seem reasonable to force these men to specialize, centralize or retire?

The majority of rural physicians fear what I say might be true but at this time do not sincerely believe it.

In many discussions with various specialists in my area however I find the majority agree with my feelings about the future of rural medicine, although most of them are not in favor of the trend. They are patently aware of the importance of the family physician in West Texas. It is regretable these men are not consulted instead of the Ivory-Tower super-specialists who are obviously out of touch with the rural medicine scene and are totally unaware of the possible consequences of their errant postulations. I am a rural family physician and they for all intents and purposes have irreversibly altered the course of my life. It is not my choosing and not compatible with my desire. They, the Ivory-Tower socialists have usurped my rights, they have raped the future of my children and have compelled me to accept an involuntary course. I must specialize or be stricken from the ranks. I must submit to conglomeration or cease to exist at all. No longer will I be a person to whom one can say "He is my doctor". I will be a limited technician, an automaton.

The petty, immediate problems of inadequate numbers of registered nurses, percentages of autopsies, sprinkler systems and narrow hallways cower in the shadow of the problems presented by contemporary socialist changes in our society.

I speak of the demise of rural medicine.

I apologize for my inadequacy in proffering a solution.

RURAL HEALTH CARE

Mr. BAYH. Mr. President, we are all gravely concerned about the shortage of adequate health care in both the cities and rural areas of this country. Numerous health care bills have already been introduced in the 92d Congress.

As a representative of the people of Indiana, I particularly want to be sure that Congress examines the need to attract young health personnel to understaffed and underpopulated areas of our 50 States. Therefore, I should like to share with Senators an article from the March issue of the Rural Electrification magazine. The article outlines the problems of rural medical care and indicates some of the conclusions reached at a recent Indianapolis seminar under the auspices of the Indiana Public Health Foundation and Southern Indiana, Inc.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Liberty Looks for an M.D.

(By Rex Redifer)

The day of the the old country doctor, for all practical purposes, is past. Today, young doctors are going where the action is—to the modern, well-equipped clinics and hospitals in the city.

Proper health care for rural people is a problem of growing concern across the state and nation.

A changing social climate, a trend toward specialization, a desperate lack of qualified personnel and adequate facilities all combine to make rural America a blight area in health care.

Take the little town of Liberty, Ind., for example. Years ago, this small community near the Ohio line flourished in medical attention. Four physicians practiced in and around the town.

Through the years, however, the community has lost its doctors and the only one still living is W. B. McWilliams, M.D. At 74 years of age, Dr. McWilliams is the only practicing physician in this town of nearly 2,000 people.

Because of his advanced years, Dr. McWilliams carries on a restricted practice, and many of the townspeople must travel to other communities for medical care.

Fortunately for the people of Liberty, there are adequate medical facilities and personnel nearby, with hospitals at Richmond, Connersville and Oxford. But still . . . one wonders why Liberty cannot get another doctor of its own?

Liberty has tried. For the last four years a committee has worked to attract a young doctor to the town. A sign was even placed on the court house announcing, "This town needs a doctor."

Liberty is a pleasant town. It is clean, it is prosperous, it is scenic, and it is friendly—yet, it cannot attract a young doctor to practice there.

Dr. McWilliams, who has practiced in Liberty for 40 years, cannot understand it.

"I wouldn't want to be any other place," he said. "These are not only my patients, they are my friends."

"It is a nice place to live," he added. "We don't have traffic jams and we don't have air pollution. . . ."

Then he shrugged, "But the young fellas nowadays like the big cities—or maybe it's the wife who won't live in a small town. A lot of young fellas don't want to work that hard. Then there's this thing about specialization. . . . I do everything here. And more than once," he smiled, "I've settled for a bag of potatoes or a chicken for my efforts. . . ."

Well, Dr. McWilliams is one in that vanishing breed of old, small town country doctors, and their loss to the "Liberty, Indianas" across the nation has become a major medical problem.

Recently, medical men from across the state gathered at Indianapolis for a seminar on rural health care under the auspices of the Indiana Public Health Foundation and Southern Indiana, Inc.

The purposes of the program were to seek solutions and discuss alternatives to health care problems in rural areas of the state.

The problems are many and complex, but the simple fact of the matter is that rural America is losing its doctors and cannot replace them.

Not only are rural areas lagging in the competition for young doctors, there are legal, economic and impersonal elements within the medical profession which work collectively against the rural community in satisfying its medical needs.

Phillip Willkie of Rushville, the president of Southern Indiana, Inc., presided over the discussion that focused on a wide range of rural problems.

Typical of the problem area was a report presented by the Rev. Camillus Ellsperman of St. Patrick's Church, Indianapolis. He outlined the difficulties of administering a rural health program—as experienced in Lincoln Hills.

Lincoln Hills is a rural planning agency which loosely combines four southern Indiana counties.

Rev. Ellsperman described vividly the problems of administering a health program under the auspices of OEO (Office of Economic Opportunity).

The program, as Rev. Ellsperman described it, is an ambitious and noble undertaking. But the problems in practical application are formidable.

He pointed out a lack of proper pre-planning, a lack of adequate facilities, a lack of qualified personnel, limited access to physicians, a mounting administrative problem and lack of adequate funding to effectively apply the program over a widespread rural area.

As well meaning and necessary as the program is to the area, it lacks "sophistication." Because of the inadequacies, it has been referred to as little more than a "band aid" health care program.

The basic difficulty in implementing such a program, Rev. Ellsperman explained, is the inability to provide the comprehensive administrative needs to satisfy the blueprint as outlined by OEO.

There is simply a rift between theory and practicability.

Within the limitations of the program, there is a constant question of quantity or quality care.

As an example, Rev. Ellsperman pointed out that only $18,000 was funded for emergency care the past year, and that amount was expended in 2½ months.

Compounding the problem is a lack of personnel to adequately document history, treatment and care of patients.

Because of these deficiencies, there is doubt of future funding, causing tension and doubt within the organization.

With the inability to provide quality and comprehensive care, there is a likely possibility that the future will provide no care at all for Lincoln Hills.

The Rev. Ellsperman summed up his frustration in pointing out that his organization has neither the status, the muscle, nor the leverage to have its voice reckoned with. The existing health care situation in Lincoln Hills can only go from bad to worse.

There was a note of optimism, however. There was discussion of pre-planning for residence training in rural areas for medical students and for formulation of a satellite medical health program which would utilize ancillary medical people—technicians, nurses, and other trained personnel. This would relieve some of the burden from a declining and already insufficient field of physicians.

Such a plan is possibly on the horizon; but there remains a lack of facilities, personnel, proper supervision and access before it can become reality.

Rounding out the seminar was a presentation by Robert Cates, senior medical student at the Indiana University School of Medicine.

Cates reflected the "now" attitude of tomorrow's physicians, and his remarks were not optimistic.

"This is the age of specialization," Cates began, "and that is true of the medical profession as well."

He pointed out the national shortage of doctors.

The need, he said, allows students a broad choice, and the rural regions of Indiana, as well as across the nation, are not in an advantageous position on the medical market.

He listed, among the attractions, group practice, clinical work, specialization, better working conditions, cultural and social advantages—all of which are to be found in the metropolitan rather than the rural areas of America.

It was unanimously agreed that better health care is imperative to the development of rural America, but that it will take a concerted effort by the profession, the public and the government to resolve this conflict within the social structure of the nation.

In summary, one could safely say that as far as adequate health care is concerned—now, and in the immediate future—rural America is "hurting."

HOME ACCIDENT PREVENTION

Mr. DOLE. Mr. President, every 19 minutes someone, somewhere in this country, dies from an accident suffered in the supposed safety and security of the home. Every 8 seconds, another Amercan is injured by a home accident. More than 27,000 of these accidents prove fatal each year. This total includes over 5,000 children under age 5. In terms of the human resources lost, the cost to our Nation of these home accidents is incalculable. In terms of lost wages, medical expenses, and insurance administrative costs, the total price tag of home accidents I conservatively estimated to be $1,700,000,000. With so much money needed to bring about positive changes in the health-care resources available to our people, this is indeed a staggering price to pay, especially when one stops to realize that most of these accidents need not happen.

Home accidents involve a variety of mishaps. They include accidental ingestion of medicines and household chemicals by adults and children, fires, burns, falls, suffocation, electric shock, and drowning, among others. In each case, personal carelessness or ignorance plays a part. The most common types of home accidents are falls, fires, and burns, and accidental poisonings. The majority of those injured by falls are people over the age of 65. Fires appear to have an equally severe impact on people of all ages. But nearly 80 percent of the victims of accidental poisonings are innocent children under 5 years of age. In my home State of Kansas, 354 accidental poisoning cases suffered by children under age 5 were reported to poison control centers during the months of July, August, and September of last year alone. The head of the U.S. Public Health Service's Office of Poison Control estimates that six or seven times as many poisonings probably occur but are never reported to a poison control center.

CONGRESSIONAL ACTION

Congress has enacted legislation in a number of important areas of safety to provide consumers with maximum protection. Notably, the 1970 Poison Prevention Packaging Act, which passed the

91st Congress and was signed by President Nixon on December 30, 1970, is an important step toward the elimination of the accidental poisoning problem. This measure authorizes the Secretary of Health, Education, and Welfare to require the manufacture of certain potentially toxic substances in special containers with child-resistant closures. Such closures may prevent substantial numbers of youngsters who come in contact with household products from gaining access to these substances, thereby preventing possible injury or death.

EDUCATION THE REAL KEY

However, no amount of safeguards, whether mandated by the legislature or adopted by voluntary action, can overcome simple carelessness or lack of concern for safety in the home. Education of the public by government and by private industry is where the real hope lies in the battle to reduce accidents.

THE INDUSTRY'S INITIATIVE

For the past 5 years, one sector of private industry, recognizing the importance of education in reducing the accident toll, has actively conducted an educational program aimed directly at the American public. The industry group, consisting of the leading manufacturers of medicines, sponsors the Council on Family Health, a nonprofit, public service organization, to promote safety in the use of medicines and to publicize other important aspects of home safety.

The council is the only public service organization in the country the prime purpose of which is to encourage the proper use and storage of medicines. Since it was founded, the council has worked closely with such other organizations as the National Safety Council, the National Coordinating Council on Drug Abuse Education and Information, and the Office of Poison Control, especially in connection with the annual observance of Poison Prevention Week. This year, the council is participating in the activities leading up to the 1971 White House Conference on Aging, which President Nixon will convene in November. As a part of the Conference's Health Task Force, the council, in conjunction with the National Safety Council, is proposing that recommendations to protect the safety of the aging population be given high priority on the Conference's agenda.

In the broad range of its activities, the council reaches families by the millions through public service materials designed for use by newspapers and magazines, radio and television, community organizations, and consumers themselves.

For example, the council last year began its own public service advertising campaign to emphasize the importance of keeping medicines out of the sight and reach of children. Similar to campaigns coordinated by the advertising industry's advertising council, the council's full-page advertisement has appeared in such magazines as Life, Time, Reader's Digest, Good Housekeeping, Ladies' Home Journal, Redbook, Parents', and Family Health, and has been seen by over 50,000,000 women.

To reach people through television, the council produced a series of three, 30-second, color TV spot films on "Safety With Medicines," "Safety With Garden Sprays" and "Safety With Household Chemicals." Distributed to over 2,000 television stations over the past 3 years, these films were endorsed by the Public Health Service, U.S. Department of Health, Education, and Welfare and received an award of merit from the National Committee on Films for Safety.

In cooperation with the American Academy of Pediatrics, the American Medical Association and the American Association of Poison Control Centers, the council developed a first aid in the home chart for people to post in their medicine cabinets for handy reference in case of emergencies. Thus far, approximately 100,000 copies have been distributed to the public.

PROGRESS BEING ACHIEVED

Programs such as those being implemented by the council appear to be having a definite positive effect, over the past 10 years, the statistics on accidental poisonings have remained fairly stable while the size of the population has grown and the number of products manufactured for use in the home have proliferated. The statistics for accidental poisonings involving aspirin products, the most commonly ingested substance because of its common home use, have declined steadily since 1966, at least in part because of educational efforts.

I understand that the council has also become increasingly involved in efforts to combat the drug-abuse problem in the country today. Through its participation in the National Coordinating Council on Drug Abuse Education and Information, the council made possible the publication of "A Community Guide to Drug Abuse Action," which many experts believe is the single most effective guide to community drug-abuse programs yet developed. In addition, the council regularly points out in its materials the importance of knowing the facts about drug abuse and seeking competent professional help when confronted by the problem.

I shall continue to support public service efforts such as those of the council and hope that other industries follow the example of the drug industry in recognizing opportunities to contribute meaningfully to improving conditions in our society.

COL. GEORGE W. GILLETTE, CORPS OF ENGINEERS, RETIRED

Mr. JORDAN of North Carolina. Mr. President, during a recent meeting of the National Rivers and Harbors Congress in Washington, a signal and richly deserved tribute was paid to a distinguished North Carolinian, Col. George W. Gillette, a retired officer of the Army's Corps of Engineers.

It was in recognition of his public services over a period of more than half a century in which he has made unmatched contributions to the advancement of engineering and water resource development not only in North Carolina but in a number of overseas areas as well.

I was not privileged to see this honor bestowed because illness at the time prevented my attending the meetings.

For that reason I want to share with Senators in this way the account given, at the time, of the life and accomplishments of a man I am proud to know as a long-time friend and who, I think, can without reservation be called a truly great American. I ask unanimous consent that the tribute be printed in the Record.

There being no objection, the tribute was ordered to be printed in the Record, as follows:

Col. George William Gillette, Corps of Engineers, U.S. Army, Retired

Colonel Gillette's military and engineering career has spanned more than six decades and includes work on four Continents.

Internationally renowned as an engineer and economic consultant for ports, harbors, and waterways, Colonel Gillette has actively participated in the nation's history since the Mexican Border Campaign of 1916, when he organized and commanded Company A Combat Engineers, 30th ("Old Hickory") Division and for which he won the Silver Star for extraordinary heroism in combat at the Battle of LaSelle River, France, in October 1918, the last stand of the Germans after the Hindenburg Line was broken.

Highlights of Colonel Gillette's 30-year military career include a study prior to World War II which alerted the military to the lack of South Atlantic coastal defenses and resulted in the establishment of the U.S. Marine Corps' Camp Lejeune Military Reservation; supervision of the "first and last of the big guns" for national coastal defense from Boston Harbor to San Francisco's Golden Gate via Panama; the distinction of being the first military man to study and recommend the establishment of Fort Bragg, North Carolina, now the world's largest military post; and while District Engineer at Wilmington, N.C., a study of the site of World War II Camp Davis at Holly Ridge, N.C.

On November 26, 1950, in an interview for "Tar Heel of the Week," The Raleigh News and Observer reported: "With war clouds heavy in 1940, he prepared a map of what he called 'The Unguarded Front Line of National Defense.' It emphasized the vulnerability of the Carolina coastline at a time when the military was casting about for new bases and more complete defense. Camp Davis and Camp Lejeune were established near his native home, and after Nazi U-boats became a national menace off Cape Hatteras, his plans for deeper channels in North Carolina harbors were executed."

Tied in with this study was a plan, later approved by the Congress, to deepen Silver Lake on Ocracoke Island to accomodate an anti submarine base. Deepening of Silver Lake to 12 feet and the location of a squadron of anti submarines was actually carried to completion after the destruction of approximately 50 oil tankers off Cape Hatteras and Cape Lookout.

Consoling disappointed Fayetteville, North Carolina, citizens in 1917 when Charlotte was chosen as a camp site in preference to Fayetteville, Gillette told them that few if any areas in the world equaled the Fayetteville site for military training purposes and that he believed eventually it would be used for that purpose. Six months later Washington announced the establishment of a permanent artillery camp for one brigade. Thus Fort Bragg came into being. At the peak of World War II, some 600,000 men and officers were stationed there. (From Wilmington, N.C. STAR-NEWS, 11-2-69.)

At Cape Henry, Virginia, in 1919-20 as Assistant District Engineer at Norfolk, Va., he was in charge of construction of emplacements, magazines, connecting railways and mounting of the first major caliber artillery battery in the Continental United States, a four-gun battery of 16-inch howitzers with a range covering the entrance to Hampton Roads and Chesapeake Bay. In 1937 he was in charge of planning for a companion battery of two 16-inch guns on Cape Charles. He also supervised the design and planning for 16-inch guns on either side of the Golden Gate Bridge, San Francisco Harbor. At Boston, Massachusetts, in 1942, he supervised design of the last seacoast artillery defense, a casemate type 2-gun 16-inch battery. Diminished in power by the growing effectiveness of aircraft, the Boston Harbor guns were never mounted.

His original military command, Company A, after training at Camp Glenn, Morehead City, North Carolina, was on active duty for six months on the Mexican Border before going to Europe.

After World War I, Colonel Gillette remained in the regular Army and retired in January 1948, after serving the Corps of Engineers in various posts including Division Engineer of the New England and South Atlantic Divisions; Chief Executive to the Director of Public Buildings and Parks of the National Capital; he assisted in the organization of the first Engineering Training Center in the nation during World War II at Fort Belvoir, Virginia; Commander of the Engineering Training Center, Fort Lewis, Washington; Assistant to the Chief of Engineers in charge of military construction, 1936–38; and as Wilmington District Engineer for two periods.

While Assistant Wilmington District Engineer, Colonel Gillette participated in the development of the Intracoastal Waterway through the Carolinas; conducted siltation studies of the Inland Waterway and Cape Fear River; studies in flood control and hydroelectric development of the Cape Fear River; design and construction of the W. O. Huske Lock and Dam No. Three; and numerous other studies and projects.

Between 1931–34, he made a special study of the engineering and economic potentials of the Cape Fear River. He wrote a thesis on the subject for which he was awarded the professional degree of Electrical Engineer by North Carolina State University.

Early in World War II while serving as New England Division Engineer, he directed the completion of war-time military construction of cantonements, airfields, embarkation docks and facilities, and supervised planning for flood control of the Connecticut River. Subsequently, as South Atlantic Division Engineer for the area from Virginia to the Caribbean and Panama, he supervised planning and construction of vast programs of development and flood control for the far-flung area. He held a public hearing in Fayetteville in August 1946 on the proposed flood control of the Cape Fear River which is now being started with the New Hope Dam.

Colonel Gillette retired in 1948 to return to his native North Carolina to become Executive Director of the North Carolina State Ports Authority. He visited citizens in each of the States 100 counties to promote the $7.5 million bond issue for construction of Port facilities at Wilmington and Morehead City. He planned and supervised design and construction, then organized and operated the two facilities until 1954.

Although the culmination of efforts and hopes of many North Carolinians, citizens State-wide emphasize that without the dedicated and enduring efforts of Colonel Gillette, the two busy Ports would not now be at their current advanced status. Many consider the two Port facilities to be the greatest economic asset ever developed from natural resources of the State.

While serving as SPA Director, he was a member of the State Board of Conservation and Development and Chairman of its Water Resources Committee during the administration of Governor Gregg Cherry. During the ensuing Kerr Scott administration, he was a member of the Governor's Special Water Resources Committee and advisor to Governor Scott on waterway and harbor development. Based on many years of study, he developed the "Gillette Plan" for improvement of Coastal Inlets from Virginia to South Carolina, which was adopted by the Department of Conservation and Development and continues in use today.

He worked very closely with his life-long friend, Congressman Lindsay C. Warren, of the 1st District, in developing the vast small ports and the waterways in Eastern North Carolina, and in promoting the Outer Banks as a National Park, and the development of Oregon Inlet.

Retiring in 1954 as SPA Director, Colonel Gillette entered the consulting field and has since visited most of the major ports and waterways of the world. He made a seven-month study and engineering and economic survey in Honduras for the United States and Honduras governments. As Port Consultant for the World Bank, he made similar studies in Nicaragua, Burma, whose Port of Rangoon was the most completely devastated anywhere during World War II; and the 16 ports of Chile, extending over 3,500 miles of coastline.

As an Associate of Transportation Consultants, Inc., Washington, D.C., he made a complete study of the port and waterway facilities and potentials of Thailand to include a proposed canal across the Malay Peninsula; and a study of the ports and waterways of Pakistan.

In 1960, he was sent by the United Nations to the Belgian Congo immediately after the revolution to study and assist in the restoration of the country's 90%-waterborne transportation.

He made a comprehensive study of the port of Muskegon, Michigan, in 1963 for the Midwest Research Institute, Kansas City, Missouri, and a study of the deepening of Oregon Inlet, North Carolina, in 1967–68.

A member of numerous learned and professional organizations in which he has held various offices, Colonel Gillette continues as Port Consultant for the U.S. Government, AID, World Bank, and the United Nations; as associate of Transportation Consultants, Washington, D.C., and a member of its Review Board; and Consultant for Wilmington and New Hanover County on ports and waterways.

He also serves as Chairman of the Wilmington, N.C. Port and Waterway Development Commission, continuing to promote his long-range plans for development and improvement of the Cape Fear River; a member of the Governor's Committee to the National Rivers and Harbors Congress; and a member of the National Congress' Projects Committee.

Colonel Gillette's honors include an honorary degree, Doctor of Engineering, from his alma mater, North Carolina State University. As a member of the famous class of 1911 and senior class president, he was a leader in abolishing hazing and establishing the honor system on campus. The 1911 Dormitory was named in recognition of the achievements of his class. He served as President of the General Alumni Association of NCSU in 1939. He received the Eastern Regional Award in 1965 for Water Conservation from the National Wildlife Federation and Sears Roebuck Foundation.

In addition to the Silver Star, his military decorations include the Legion of Merit, Victory Medal with three battle clasps, Mexican Medal of 1916, Army Commendation Medal, Eastern and Western Defense Sector Medals, and National Defense Medal. He was honored in a county-wide George Gillette Day in 1965 by proclamation of New Hanover County. In 1970 he received national commendation for distinguished service and enduring contributions to the development and conservation of water resources of the nation from the National Rivers and Harbors Congress.

A Registered Professional Engineer, he is a Life Member of the American Society of Civil Engineers; Charter and Honorary member of North Carolina Society of Engineers; Charter Member of Professional Engineers of North Carolina; Member of American Society of Military Engineers; Associate Member of American Institute of Electrical Engineers; and a member of International Congress of Waterway Development and Atlantic Deeper Waterways Association.

Senior Member of the Board of three who founded Wilmington Post, American Legion, now Post 10, he is an Honorary Member of Cape Fear Club; a member of Cape Fear Country Club; a Charter Member of Wilmington Kiwanis Club; Honary Member of Wilmington Engineers Club; a member of Surf Club and L'Ariosa German Club—all of the Wilmington area. He is a member of the Army and Navy Club, Washington, D.C.; Life Member and Past President of the Engineer Officers Club, Fort Belvoir, Virginia; Honorary Member of Fort Bragg Officers Club; and a non-resident member of Harvard Club, Boston.

The son of William Issac and Rena Winbury Gillette, he was born November 4, 1888, at Courthouse Bay, New River, Onslow County, North Carolina, an area subsequently incorporated into the 200-square-mile Marine Corps Camp Lejeune Reservation in 1941.

In 1947, he married the former Mrs. Marguretie Bellamy MacRae. He has one living son, George, Jr., Laurinburg; and a daughter, Mrs. J. A. Miller, Falmouth, Massachusetts. Another son, Douglas Wiley Gillette, a Naval officer, was killed in the Battle of the Coral Sea aboard the aircraft carrier Hornet in 1942. He has two grandchildren, Susan Cole Gillette and Douglas Wiley Gillette, Laurinburg; a half-brother, Frank A. Smith, Jacksonville; and a half-sister, Mrs. Mary Smith Marine.

He is a member of St. James Episcopal Church, Wilmington.

When he left Onslow County as a youth in his early teens, he came to Wilmington and worked intermittently for Consolidated Railways Light and Power Company, which later became Tidewater Power Comany, and subsequently Carolina Power and Light Company before entering North Carolina State University, and again for a brief interlude as a civilian between World War I and II.

A man who practices what he preaches, his life has been dedicated to teaching, promoting, planning, designing, and developing roads, bridges, harbors, channels, dams, military fortifications, waterways, flood control and drainage projects, and construction for the improvement of his country and native State.

His life has been an example of the precept he gave the men of his command when they were mustered out of service in 1919; "Be as good citizens in the future as you have been soldiers in the past!"

So interwoven are his careers as soldier, citizen, and family man, they are indistinguishable. Those who know him best, know that devotion to his own high ideals and standards of duty are the hallmark of his life.

SHERMAN FAIRCHILD

Mr. MATHIAS. Mr. President, with the death of Sherman Fairchild, not only the company which he founded, but all of us, as well, have lost one of the most innovative individuals ever to enter American business.

Although illness early in his life hindered his formal education, Mr. Fairchild nevertheless displayed at a young age the creativity which became his trademark. His invention of the world's first between-the-lens shutter for aerial cameras led Mr. Fairchild to found the Fairchild Aerial Camera Corp., when he was 24 years of age.

Mr. Fairchild's efforts to improve photographic equipment continued, and his interest in airplane design likewise thrived. Although the company name changed to the Fairchild Hiller Corp., the quality of the concerns with which Mr. Fairchild was associated remained impeccably constant.

But what also made Mr. Fairchild stand out was the perspective he retained on life in general. His artistic pursuits and leadership were combined with his sense of compassion made Mr. Fairchild a most unusual human being. He will be missed.

Mr. President, I ask unanimous consent that the eulogy given by Edward G. Uhl, president and chief executive officer of the Fairchild Hiller Corp., and the obituaries presented by the Fairchild Hiller Corp., the Washington Post, and the Washington Evening Star, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

EUOLOGY GIVEN BY EDWARD G. UHL, PRESIDENT AND CHIEF EXECUTIVE OFFICER, FAIRCHILD HILLER CORPORATION, AT FUNERAL SERVICES OF SHERMAN MILLS FAIRCHILD, TUESDAY, MARCH 30, 1971

Sherman Fairchild is most widely known for his great wealth—most of which derived from his uncanny ability to see the worth of an idea, or a concept and his courage to support what he saw. He applied this ability as:

An inventor, a designer, a businessman, an entrepreneur, an artist, a builder.

Many times I've been asked by the curious, "Why does a man who has it made continue to work and stay active in business?"

Those of us who were fortunate enough to know him well, know the answer:

He had an unending boyish curiosity—an intense interest in the world and his environment—a sincere interest in the people around him—

This is what kept Sherman going—This is what kept him working and inquiring. These are the characteristics, coupled with his vision that made him an outstanding—

Inventor, designer, businessman, entrepreneur, artist, builder.

But Sherman was not perfect—he had his human faults—the most pronounced of which was his softness—

He found it difficult to say no—

He found it impossible to be a demanding task master.

Without this fault, he probably would have been an even more successful businessman—but I doubt that he would have been happier.

I say we should excuse this fault—because how could he have been so compassionate and not be soft.

Our country, yes, the world, has lost an outstanding citizen and an outstanding:

Inventor, designer, businessman, entrepreneur, artist, builder.

But all of us here—you and I—have also lost a true friend.

Sherman Mills Fairchild, photography and aviation pioneer who founded and was chairman of the board of directors of the Fairchild Hiller Corporation and the Fairchild Camera and Instrument Corporation, died Sunday, March 28, 1971, at Roosevelt Hospital in New York City. He was 74.

Private funeral services will be held Tuesday in New York.

Mr. Fairchild, a bachelor, combined an inventor's consuming curiosity with practical business acumen to become one of the Nation's leading industrialists and richest men during an active entreprenurial career spanning more than 50 years.

His primary interests were in photography, aviation, audio systems and electronics. Although not formally trained as an engineer or scientist, he won distinction in each field.

He became interested in cameras and aerial photography as a young man. Mr. Fairchild devised the world's first between-the-lens shutter for aerial cameras and a technique to eliminate distortion in the pictures. This made accurate aerial mapping possible. On February 9, 1920, at the age of 24, he established the Fairchild Aerial Camera Corporation, his first company, to manufacture his cameras.

It was the start of a business that eventually mapped all of the United States and South America and millions of square miles of other continents. Fairchild aerial cameras became the standard of the world and Fairchild was credited with having done more to chart the surface of the earth accurately than all mankind before him.

Mr. Fairchild's aerial photography ventures led him into the design and manufacture of aircraft to carry his cameras. In 1925 he started a company to build airplanes. The result was the first commercially successful high wing monoplane with folding wings, flaps for slow landings and an enclosed cabin. In the years since, the company, now the Fairchild Hiller Corporation, has produced nearly 40,000 aircraft of all types for civilian and military users throughout the world.

Mr. Fairchild was born April 7, 1896 in Oneonta, a small upstate New York town. His father, George W. Fairchild, was for 12 years a member of Congress as well as a successful manufacturer and one of the founders, first president and first chairman of the board of International Business Machines Corporation. Mr. Fairchild was elected an IBM director following the death of his father. He continued as a board member for 44 years and was a member of the IBM executive committee for 13 years prior to his resignation in 1969.

For many years, Mr. Fairchild was a member of the board of Pan American World Airways. At the time of his death he was a director of the Conrac Corporation, an industrial and aircraft equipment manufacturing company he helped to start. He also was owner of the Fairchild Sound Equipment Corporation, widely recognized as the builder of some of the world's finest sound recording instruments; owner of the Cinemagnetics Corporation which manufactures film processing equipment, and a partner of the Front Projection Company which produces projection equipment for motion picture and still photography.

He was for many years a member of the advisory board of the Salvation Army in New York City and was a regent of the Art Center College of Design in Los Angeles, one of the country's most fertile sources of technical artists and industrial designers.

As a boy, Mr. Fairchild had the run of a factory full of time clocks, adding machines and other machinery. He started tinkering early and his interest in technical and mechanical pioneering continued throughout his life. He held more than 30 patents.

He took up photography during his teens when he was in school in Arizona. He subsequently attended Harvard for a year but a threat of tuberculosis caused him to transfer to the University of Arizona. Later he spent a summer and fall session at Columbia but by that time he was busy trying to start his camera business and he never completed the work for a degree.

His many interests extended beyond things mechanical, however. As a young man he attended the Cordon Bleu cooking school in Paris, developing a gourmet's taste for food and fine wines. He was a member of the Food and Wine Society of the United States and throughout his life he collected recipes which caught his fancy.

He learned to play the piano and for a short time was in the music-publishing business with Gene Austin. Among the successful songs the firm issued was "A Garden in the Rain." Through the music-publishing venture he became widely acquainted with entertainment personalities.

In his pursuit of innovative ideas, Mr. Fairchild read some 150 technical and trade journals each month. When he found gaps in his technical knowledge, he privately took special courses from experts in the field.

His professional society memberships reflected the wide diversity of his interests. He was a Fellow of the Society of Motion Picture and Television Engineers, a Fellow of the American Institute of Aeronautics and Astronautics, a Fellow of the Royal Aeronautical Society, a Member of the Society of Tool and Manufacturing Engineers, Institute of Aerospace Sciences, Institute of Electrical and Electronics Engineers, Photographic Society of American, Society of Photo-Optical Instrumentation, Society of Photo Scientists and Engineers, Illuminating Engineers Society and the Audio Engineering Society.

SHERMAN M. FAIRCHILD DEAD AT 74

(By Martin Weil)

Sherman M. Fairchild, 74, the prolific inventor and aviation and aerial photography pioneer who founded the Germantown, Md.-based Fairchild-Hiller Corp., died yesterday at New York's Roosevelt Hospital.

The bachelor industrialist, who invented the first practical aerial camera at 23, had entered the hospital two weeks ago for cancer surgery.

Fairchild-Hiller, of which he was board chairman, was rated last year as the D.C. area's largest aerospace firm. With plants in Hagerstown, Md., and in Farmingdale, N.Y., it had been a major subcontractor in the supersonic transport program for which Congress recently cut off funds.

Mr. Fairchild also served as board chairman of the Long Island-based Fairchild Camera & Instrument Corp., which developed from the aerial camera company he organized in the early 1920s.

Known for innovative products ranging from silicon semiconductors to a sound camera for home movies, Fairchild Camera was one of Wall Street's major growth and glamor stocks of the 1960s.

Much of the credit for its phenomenal success was attributed to Mr. Fairchild's own energy, versatility and imagination, qualities that characterized his way of life.

Stocked with electronic gadgetry, a three-story, six-level townhouse on Manhattan's elegant East 65th Street served him as a combination home, office and workshop for tinkering with new cameras, components and equipment.

A subscriber to about 200 journals, he dictated letters into tape recorders throughout the house for later typing by shifts of secretaries stationed at desks in the basement.

With interests ranging from jazz (with recording sessions in his living room) to gourmet cooking to tennis (on an enclosed court at his Huntington, L.I., second home) he held more than 30 patents.

Born in Oneonta, N.Y., to George W. Fairchild, a founder of IBM and himself an inventor, Sherman Mills Fairchild attended Harvard and Columbia universities and the University of Arizona.

Never staying long enough at any school to receive a degree, Mr. Fairchild devised his distortion-free aerial camera at 23, then set up Fairchild Aerial Camera to make it and Fairchild Aerial Surveys to use it.

In 1925, seeking a closed-cabin aircraft for the convenience of aerial photography, he turned to manufacturing airplanes himself, using part of the reported $10 million left him by his father.

As Mr. Fairchild branched into new areas, he formed Fairchild Aviation to include the several companies that grew from his original Fairchild Aerial Camera.

Fairchild-Hiller stemmed from Fairchild Engine & Airplane Corp., which Mr. Fairchild formed in 1936 as a spinoff from Fairchild Aviation.

Fairchild Aviation eventually became today's Fairchild Camera & Instrument.

Developer of an "in-line" engine, and a constant source of new ideas, Mr. Fairchild saw sales of his engine and airplane company rise during World War II from $3.3 million to $102 million.

Part of the growth of Fairchild Camera in the late 1950s is attributed to Mr. Fairchild's backing of a group of scientists with ideas for an advanced transistor.

In 1961, his fortune was put at $80 million. But he said his aim was "not to make money but to do something that is a substantial improvement over what has been done before . . .

"If you do that you will make money in the long run."

Mr. Fairchild was for many years a major stockholder and director of IBM. He also owned Fairchild Sound Equipment Corp. and Cinemagnetics Corp. and was a partner in a motion picture projection equipment company.

"SHERMAN FAIRCHILD DIES; FAIRCHILD HILLER FOUNDER"

Sherman Mills Fairchild, a restless inventor with the imagination and personal wealth to develop major industries from his ideas, died yesterday in Roosevelt Hospital after a long illness. He was 74 years old and lived at Lloyd Neck, Long Island, N.Y.

Mr. Fairchild remained active as chairman of Fairchild Camera and Equipment Company, mainly manufacturers of semiconductors, recorders, sound cameras, and a variety of applications, and of Fairchild Hiller Corp.

Mr. Fairchild was board chairman of Fairchild Hiller, a company which he founded in 1936, based in Germantown, Md. Fairchild Hiller stemmed from Fairchild Engine & Airplane Corp., which he spun off from Fairchild Aviation.

His first company, Fairchild Camera & Instrument Corp. was founded Feb. 9, 1920.

Last October the Smithsonian Institution honored him for 50 years in the aviation industry. Mr. Fairchild gave the Smithsonian a full set of scale models of his aircraft.

IBM HEIR

Mr. Fairchild was a director of International Business Machines Corporation, of which he was reputed to be the biggest single shareholder. His father, George W. Fairchild, a founder and first president of the company, left him stock worth $2 million after taxes.

But young Fairchild, born in the family's upstate home town of Oneonta, N.Y., inherited more than money. From the start, his father encouraged his experiments and countered his discouragement when a good idea did not pay its way at once.

His formal education was interrupted by a tuberculosis threat that took him out of Harvard College in his sophomore year—but not before he had invented his own primitive flash camera to take pictures for the Harvard Illustrated, of which he was managing editor.

He studied engineering at Columbia but never took a degree. He had been studying the problems of aerial photography, which were of great interest to the War Department in World War I.

DEVELOPED AERIAL CAMERA

Officials in 1918 offered him $7,000 to build a camera to their specifications; he met them at a cost of $40,000, with his father making up the difference.

Mr. Fairchild was convinced that his aerial camera had a future. He established his own company in 1920, with his father's backing, rather than starting a career with I.B.M. He began applying it to mapmaking and established his own aerial survey company in 1924. It, too, lost money for years before becoming a highly profitable undertaking. It was through the survey work that he branched out into aircraft manufacturing to make planes well suited to his mapmaking and charting.

Mr. Fairchild was a good amateur cook with Cordon Bleu training and a tennis player. He was a good dancer with an eye for pretty girls, and enjoyed entertaining the most stunning models at his estate duly chaperoned by his aunt, May.

He made it clear to all his guests that they came second to his interest in exchanging ideas about inventions and technology with fellow fanatics, and he never married.

Mr. Fairchild was a Fellow of the Institute of Aeronautical Sciences and the Royal Aeronautical Society.

Funeral services are to be held tomorrow in New York City, followed by burial in Oneonta.

THE CALLEY CASE

Mr. BAYH. Mr. President, on April 7, when the Senate was not in session, I expressed my thoughts on the Calley case. I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BAYH

During recent days I have been asked many times about my reaction to the court martial verdict concerning Lieutenant William Calley.

I am not sure my answers have been satisfactory. They have not been satisfactory even to myself. The truth is that I have been shaken both by the decision of the Court, and by the testimony that was placed before the Court, as by few other events in my life.

I share the deepest compassion for Lieutenant Calley. It seems somehow unfair, in this kind of situation, to reach out to this one soldier and say: "Guilty."

On the other hand, we cannot—we must not—stray from the elementary fact that this country of ours is more than just a collection of mountains, plains, rivers, farms and cities. What makes this country different, what makes it worth defending and dying for, has nothing to do with its natural treasures and material comforts. What makes America worth defending and dying for is what this country stands for.

I have in my mind two pictures: one of a man being singled out to bear an enormous burden of guilt; the other of bodies of women and children in a ditch.

This is a time for America to search her conscience. This is a time when we look to our president to show us the way. This is a time when we look to the chief executive for moral leadership, on questions that affect our nation and each of us individually. Unfortunately, the president has failed to meet his responsibility to provide that leadership.

In recent years there have been more than 100,000 courts martial a year, with a conviction rate of 94%. In not one of these cases has President Nixon asserted his legal right of review. Now, in what may well be the most disturbing case in the history of our military justice system, the President has involved himself in the judicial process by adding what his own staff has described as an "extra legal ingredient."

In cases such as the Calley case, there is a statutory review procedure. That procedure involves certain well defined steps to see that an injustice is not perpetrated, that an innocent soldier is not convicted.

It provides for at least two independent reviews by high Army officials and two reviews by independent military courts. The president has disrupted that procedure by saying that he personally will intervene at some point in this statutory process. Can there be an objective review when the Commander-in-Chief has made his interest so clearly known to career officers under his command? I believe not. By his premature actions, the President has made a truly impartial review impossible.

I have asked myself repeatedly why the president would take such action. Reluctantly, I have concluded that the president is determined to play politics with the Calley decision and the entire Mylai tragedy. I realize the gravity of such charges. I do not make them lightly, but only after the most serious consideration.

When our minds were filled with horror at the tragic picture of Mylai, President Nixon told the nation that the incident was "certainly a massacre and under no circumstances was it justified."

Now that the polls and the mail pouring across his desk and mine show the great public outcry against the Calley verdict, the President seems to have changed his mind.

One hundred fifteen servicemen have been tried for premeditated murder of Vietnamese civilians. Fifty-nine were convicted of murder, and 21 of lesser included offenses. In none of these cases did the number of deaths even approximate the number allegedly resulting from Lieutenant Calley's action. Yet the President did not act to remove these men from confinement pending appeal. He has not made known his intention to involve himself in the appeal process for a single soldier, sailor or marine in confinement in any of these cases.

A navy seaman from Des Moines, Iowa, was convicted of murdering a Vietnamese civilian woman by striking her with a hammer, and sentenced to 10 years at hard labor. The Secretary of the Navy reduced this sentence to 8 years, and the President did not choose to intervene.

A lance corporal from Lebanon, Indiana, was convicted by court-martial of the murder of five Vietnamese civilians, and sentenced to life at hard labor. In the course of review, the sentence was reduced to 20 years, which he is still serving. The President has not chosen to intervene.

A private from Florence, Pennsylvania, was convicted by court-martial of the murder of 12 Vietnamese civilians. He was sentenced to life imprisonment, and the President did not choose to intervene.

And so the record goes. In case after case the President said nothing.

Even though the individuals concerned in these cases were enlisted personnel, who could not be expected to have the judgment under fire that one could expect of an officer, the President did not assert his right of review.

If the President is truly concerned about the hardship and suffering that has been endured by an American soldier why did he not express similar concern when these and other servicemen were tried and convicted for murder.

I for one do not intend to stand mute and permit the President or anyone else to play politics with lives of American GI's or the lives lost in a horrible event half a world away.

But there is a second implication to the President's action, an implication far more ominous for the future of American fighting men. In the course of our national debate over the incident at Mylai and the Calley verdict, we must not lose sight of a principle long established in international law. The killing of unarmed, captive civilians, or prisoners of war, is clearly unlawful. This is not a principle new to our nation. It is embodied in the Hague Convention of 1907, and restated in the Geneva Convention of 1949. We are signatories to both these conventions. And we have clearly enunciated this principle in the United States Army Field Manual 27–10, "The Law of Land Warfare."

The right of safety for civilians and prisoners of war dates to the 17th century. The United States enforced this right at least as early as the Mexican American War. One of the most celebrated trials of the 19th century involved the conviction and execution of the commander of the Andersonville prison following the war between the States for crimes against prisoners of war. And following World War II, the United States prosecuted numerous cases involving the murder of prisoners of war. German defendants who had massacred 86 American prisoners captured at Malmedy during the Battle of the Bulge, Japanese defendants who had summarily executed the Doolittle flyers after a pro forma trial, and dozens of other defendants were convicted, and many sentenced to death, for the murder of United States prisoners of war.

I was not present at the Calley court martial. I did not hear the testimony nor have the opportunity to judge the credibility of the witnesses. But neither did President Nixon. No one who was not present can truly assess what is justice in this case.

A jury of his peers who sat in judgment found Lieutenant Calley guilty of the mass murder of unarmed captive civilians—women, children, and aged.

If this verdict is upheld on appeal, then Lieutenant Calley is guilty under the law of the United States and international law, and—as difficult as it is for each of us—he must be held accountable for his crimes. To do otherwise would be to ignore the rule of law and the moral judgment of civilized men everywhere.

I am deeply concerned that the President's involvement in the Calley case might have the most serious implications for American prisoners of war in North Vietnam, by serving as an excuse for the North Vietnamese to perpetrate further hardships—even death—on American servicemen languishing in their cells. If the President, by his arbitrary intervention or otherwise, were to establish the precedent that those who intentionally execute unarmed captive civilians or prisoners of war should be exonerated, what is to prevent American prisoners or civilians, now or at some future time, from suffering a similar fate? Such a precedent would serve to undermine the legal and moral foundations upon which we have based our claims as to the proper and humane treatment to be accorded American prisoners of war.

We pride ourselves on being a government of laws, not men. The Calley case has aroused the deepest emotions among the American people—and understandably so. But it is precisely at such a time that we must trust in the integrity of our principles and the institutions that embody them—and not to the passions of the moment.

Perhaps the integrity of a legal system doesn't make for a stirring slogan, but that is what American soldiers have defended in past wars. That is what freedom is all about. In other countries perhaps, but not ours, it was possible for judgment to be manipulated by fear or favor of powerful individuals. Now, we see that system undermined, not from without, but by the very Chief Executive who has taken his oath to "preserve, protect and defend the Constitution of the United States."

Most of us today are concerned about the alarming increase in the rate of crime. We are concerned about law and order. Well, I happen to believe that law and order is taught by example as well as by exhortation. And I do not believe the President's action is designed to strengthen support for our system of law and order. It is far easier to talk about principles than it is to live up to them.

But there is a larger question involved. Where do we go from here? Where does the road from Mylai lead?

One path is toward a national outpouring of sympathy for Lieutenant Calley, an unwillingness to face the facts as they may finally be resolved in the judicial process, a bickering about who should or should not have been tried, and how they should be sentenced. I hope we will resist the temptation to hasty judgments and emotional responses.

In 1957, the late President Eisenhower was under heavy political pressure to abandon the commitment of our Status of Forces Agreement with Japan, so that we could prevent the Japanese from trying an American serviceman for the murder of a Japanese woman. Writing to a close friend at the height of the pressure, he noted:

". . . right at this moment lack of understanding of America's international position and obligations accounts for the fact that we seem to be trying to make a national hero out of a man who shot a woman—in the back at something like ten to fifteen yards distance."

General Eisenhower resisted the pressure and adhered to the law—and history has proved his judgment correct. If the first impulse of the American public suggests that the murder of captive women, children and aged and prisoners of war by Americans should not be punished, I hope that we will reach a more thoughtful conclusion in the course of careful reflection.

But if we are not to follow the easy path, what path should we follow? First, I urge the President to reconsider the importance of his action and to allow the normal statutory review procedure to determine the fate of Lieutenant Calley.

Second, I urge the military to examine carefully the record of Mylai and the events that followed. Let us be certain that Lt. Calley is not a scapegoat. Let us be certain that others who may have issued orders directly resulting in the Mylai tragedy are held accountable.

Third, and most important, Mylai is another painful chapter in a lesson we should have learned long ago. What happened at Mylai is another symbol of a brutalizing war and a bankrupt policy that continues the war. It is another symbol of that incalculable cost we are still paying, at home and abroad. We must bring an end to this war. We must turn our full and undivided attention to changing our policy and negotiating a settlement to the conflict, and an end to the killing.

While the appeals are still to be heard, the jury verdict is in on the case of Lieutenant Calley. The future will sit in judgment of how America resolves the legal and moral questions arising out of the Indochina War.

CREATIVE FEDERALISM—STILL THE BEST

Mr. HUMPHREY. Mr. President, I was privileged to address the Annual Legislative Conference of the National Association of Counties on April 5. These county officials, from every State in the Union, have some very important decisions to make in their evaluations of the administration's special revenue-sharing and reorganization packages now before the Congress.

I warned them to be very cautious in their evaluations and endorsements. I suggested that they take a look at the administration's record on impounding funds appropriated by the Congress for the general welfare. As of February 23 of this year, the administration had impounded $11,145,000,000. The Department of Housing and Urban Development is presently holding back $1.3 billion for this fiscal year alone.

The Nation's economy needs stimulation right now. The administration is playing politics with these funds. It is robbing fiscal 1971 to pay fiscal 1972. The reasons are obvious and they are obviously political. However, I believe the American people realize what is happening and certainly these distinguished county leaders realize what is happening.

Mr. President, I also discussed with these county officials the need for general revenue sharing as an emergency financial transfusion for States and localities. I pointed out that public service employment, federalization of welfare, and State and local government reform must remain high on the list of legislative concerns of the National Association of Counties and the American people they represent.

Mr. President, I would like to share my remarks with Senators and ask unanimous consent that the release and the text of my address before the Annual Legislative Conference of the National Association of Counties be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

REMARKS AT ANNUAL LEGISLATIVE CONFERENCE

(By Senator Hubert H. Humphrey)

Arlington.—Senator Hubert H. Humphrey today cautioned county government leaders to take a close and careful look at the Administration's new form of federalism.

"I don't want to see everything that you and I have worked for over the years swept away in the name of 'special revenue sharing' or 'reorganization,' " he said.

Humphrey was speaking at a morning session of the annual legislative conference of the National Association of Counties.

Pointing out that Presidents Kennedy and Johnson had declared 'creative federalism" to be one of the first priorities of their administrations, the Senator said that these Democratic years brought the beginnings of a host of cooperative programs.

"Despite financial malnutrition prescribed by this Administration," Humphrey stated, "these programs demonstrate the effectiveness of concerted efforts—shared efforts of Federal, state, county and municipal governments."

Humphrey urged county officials to scrutinize the Administration's present record of impounding funds actually appropriated by the Congress.

"As of February 23 of this year, the Executive Branch had impounded $11,145,000,000," Humphrey said.

"This is money that the Congress had declared should be expended during Fiscal 1971.

"Specifically, the Administration has withheld $200 million for urban renewal; $200 million for water and sewer grants; $192.5

million for low rent public housing; $732.1 million for model cities programs.

"This is unconscionable. The department charged with overseeing that our national housing needs are met—the department that should be helping our cities during the time of financial crisis is sitting on over $1.3 billion dollars—and that is just for one fiscal year.

"That's the record on H.U.D. Now add billions withheld from school milk programs, community education, regional medical programs, rural development, transportation systems, conservation and reclamation—and the list goes on and on and on."

Senator Humphrey indicated to the NACO officials that he supports the concept of general revenue sharing and would work with anyone to see that states and localities receive critically needed Federal funds—funds to help them stay alive.

And he said that he has proposed serious consideration be given to a legislative package that combines revenue sharing with a phased—but complete—federalization of welfare funding across the nation.

Senator Humphrey told the county leaders that the Emergency Employment Act, plus the tentative Congressional welfare plan, would create substantial vitally needed employment opportunities.

"A total of 350,000 unemployed Americans can then contribute to our national economic and social growth in such areas as health, education, transportation, maintenance of public facilities and services and community and rural development," he explained.

Humphrey made some specific recommendations for government reform on the county level.

These included: county service consolidation and consideration of jurisdictional mergers; better apportionment of representation on county boards; internal reform and reorganization and establishment of a professional county executive position; and relaxation of the present state restrictions on counties in their ability to tax and spend and reorganize.

"Clearly," he said, "we have much to do in continuing a viable federalism—a federalism both creative and cooperative. This is our challenge—to make this venture work."

"CREATIVE FEDERALISM"—STILL THE BEST

(By The Honorable HUBERT H. HUMPHREY)

Presidents Kennedy and Johnson declared "Creative Federalism" to be one of the first priorities of their administrations. And they worked to make this declaration a reality. The Decade of the 60s saw the beginnings of a host of cooperative programs—programs that today, despite financial malnutrition prescribed by the Administration, demonstrate the effectiveness of concerted efforts—yes, shared efforts of Federal, state, county and municipal governments.

There is now another form of Federalism—called *special* revenue sharing, and I don't like the proposed new form of Federalism-special revenue sharing.

First of all, it's not new. It's in the same pattern of the 1950's. Second, it's a planned dismantlement of everything that Democratic Presidents and Congress battled to achieve over the last 30 years.

Don't get me wrong, I support the concept of general revenue-sharing funds over and above all present grants. As you know, Congressman Reuss and I have our own bill on revenue sharing. But I don't want to see everything you and I have worked for over the years swept away in the name of "special revenue sharing," or "reorganization."

County administrators and leaders have studied those special revenue sharing packages.

You know these plans dissolve lines delineating various Federal-local cooperative programs. And when you look at total funding before consolidation and then look at it after, you see clearly the real meaning of "special revenue sharing." It means taking money you already have away from you and then giving less of it back to you, stripped of carefully worked out priorities and funding allocations.

Don't be tempted by the promise of more to spend.

Take a look at the Administration's present record of impounding funds actually appropriated by the Congress and make your own judgment.

As of February 23, 1971, the Executive branch had impounded $11,145,000,000. This is money that the Congress has declared should be expended during fiscal 1971. The Administration has not done so. I won't go into the Constitutional questions of impoundment here.

But in this time of pressing needs and scarce resources, when Congress appropriates funds for various programs, the Administration should realize those appropriations are pretty close to bare-bones and should expend all the funds.

In specifics, the Administration has withheld:

$200 million for urban renewal;

$200 million for water and sewer grants;

$192.5 million for low rent public housing;

$732.1 million for Model Cities programs.

That is a total of $1,324,600,000 being withheld just by the Department of Housing and Urban Development. This is unconscionable!

We are falling continually behind our goal of 2.6 million housing units per year. And yet the Department charged with overseeing that our national housing needs are met—the Department that should be helping our cities and counties during this time of financial crisis—is sitting on over $1.3 billion—and that is just for one fiscal year.

That's the record on H.U.D. Now add billions withheld from school milk programs, community education, regional medical programs, rural development, transportation systems, conservation and reclamation and the list goes on and on and on.

I worry about those proponents of special revenue sharing—they are the same people who fought tooth and nail to prevent these same programs from seeing the light of day. I don't want my legislative children handed over, in adolescence, to those that tried to prevent their birth.

As I demonstrated earlier, their record speaks for itself.

In testimony before the Joint Economic Committee of the Congress, I discussed some of my thinking about general revenue sharing.

I stated that I supported the concept of revenue sharing and would work with anyone to see that states and localities receive critically needed Federal funds—funds to help them stay alive.

Our cities are dying and our state and county governments are in constant fiscal crisis. They—you—need money and need it now. I shall do everything I can to see that you get these general revenue-sharing funds.

They can call it the Nixon-Humphrey Bill if they so desire.

One of the suggestions I made was that serious consideration should be given to a legislative package that combines revenue-sharing with a phased but complete Federalization of welfare funding across the Nation.

This would be fair to both types of jurisdictions. Counties and some large cities carry an extremely heavy welfare burden and would be helped substantially by Federalization.

Other jurisdictions would be helped through the revenue sharing part of the package. Both need help and both would receive the special fiscal aid they require.

Chairman Wilbur Mills, and members of the Ways and Means Committee have put together a tentative welfare package. It includes guaranteed annual income of $2400 for a family of four; food stamps would be phased out in favor of cash payments; minimum payments for individuals would scale up to $150, and a couple would receive $200 by 1974; the working poor would be covered and their total income could reach $4,320 before the $720 work-supplement would be erased by actual work income; day care centers would be provided for the children of those working; and up to 200,000 public-service jobs would be created. This Congressional program would save the states and localities approximately $2.2 billion.

I support this approach generally though I would like to see a gradual increase in total payments to meet the poverty level defined by the government.

Total Federalization of all welfare, both ADC and adult programs, is our goal for the early 70's, but we must establish goals within welfare administration itself.

We must devise improvements to provide cash benefits to those who are eligible but cannot secure public housing—bring total cash payments to the poverty level and upgrade this when necessary—remove present crudities from welfare and make it possible, for those who have no reasonable chance for another type of life, to live in basic human dignity. We must not fantasize. Welfare will always be with us in one form or another. Let us work together to make it grant basic dignity to the recipient and peace of mind to the taxpayer, through simplicity, equity, adequacy, and dignity.

Public service employment is part of the tentative Congressional welfare package. The bill would provide 200,000 jobs. Also the Senate has just passed S. 31, the Emergency Employment Act. I was an original cosponsor of this legislation and the National Association of Counties was one of its original endorsers. Should this pass the House, which I believe it will, and the President resists the urge to veto it, we will add another 150,000 jobs.

A total of 350,000 unemployed Americans can then contribute to our national economic and social growth in such areas as health, education, transportation, maintenance of public facilities and services, and community and rural development.

It is wrong to categorize these as "make work jobs." We are not manufacturing these needs. They are glaring in their reality. What we are doing by this type of legislation is to match these pressing needs with presently unused manpower. We will be permitting these men and women to contribute to society and the economy and restore their sense of pride in a job well done—in a job that is critically needed.

We have talked of welfare and revenue sharing and public service employment. I should make an aside here about the termination of the President's Council on Youth Opportunity. We find in March that unemployment nationally has climbed again to 6%. Unemployment among our youth is 28%. Forty-two per cent of our young blacks are out of work. The summer is approaching and the Administration terminates a program that when I was Vice President accounted for $680 million in expenditures and provided employment for more than 871,000 poor youth. These young people are yours. They live in your counties. You know how hard and successfully government and business and labor worked to find jobs for these young Americans. What are they going to do this summer—a summer when their fathers and mothers are also out of work—have lost jobs that dissolved during this manufactured and heartless recession? I hope you have some answers—the Administration seems to have nothing but terminations on its mind.

Part of the Humphrey-Reuss Bill on revenue sharing deals with governmental reform on the state and local level. The bill calls for submission of a master plan and a schedule for its implementatiton. I hope that

NACO will not only come right out and endorse the bill but will look carefully and positively at somt of the suggtsted structural and policy changes recommended.

I specifically would like to make the following suggestions for county governments. Counties vary greatly as we all know. Los Angeles County is vastly different from Westchester. Cook County, Illinois, differs from Newport County, Rhode Island. However, there are four basic needs that all counties have in common.

1. More counties must join together in providing services. Many counties today maintain a structure of government that was designed for the day when the county seat was a day's drive from the boundaries of the county.

That is obviously no longer the case, and you must change to reflect the realities of the 1970's and the needs of the people you serve.

2. County boards must be apportioned. The courts have applied the one-man-one-vote principle. Fair representation on county boards is just as essential as in other legislative and governing bodies.

3. Counties need internal reform and reorganization. New problems and the complexities of their alternative solutions require strong, professional administration. County boards must improve their relations with local elected officials and both, working together, should establish an executive position for professional management of the county—and select an individual skilled in county administration though still accountable to the board and other officials.

4. Lastly, counties must be freed from the restraints now placed on their ability to conduct their own affairs efficiently and with necessary independence. Restrictions on your authority to act, on your ability to raise revenues and provide services and on your ability to organize ourselves—these are areas where the bonds of state legislation must be eased, if counties are to meet the challenges of the 70's and 80's. Federalism is not just for Washington.

Before closing, I would like to mention that I am chairman of the Rural Development Subcommittee of the Senate Agriculture Committee. We need to develop a new way of thinking about the problems of rural America. We must achieve a national understanding and commitment to restore the economy and the living environment of our non-metropolitan areas.

We must apply desperately needed preventive medicine to what could become terminal illness for our cities.

Life should be attractive enough in rural America to offer a truly reasonable alternative to living in city or suburb.

I will be holding hearings throughout the Nation this year. I intend to find ways to revitalize rural America. The continued acceleration of metropolitan sprawl and congestion, coupled with rural population decline and rise in poverty will have a devastating impact upon our health and welfare, our environment, our economy, our government, and our social order.

Clearly, we have much to do in continuing a viable Federalism—a Federalism both creative and cooperative. This is our challenge—to make this venture work. Our goal and motto must continue to be: "The best politics is the politics of service."

Ladies and gentleman—that is our politics.

PROPOSED TVA DEVELOPMENT IN WESTERN NORTH CAROLINA

Mr. JORDAN of North Carolina. Mr. President, throughout my years in the Senate I have stressed the overriding importance of public works projects for the conservation and development of water and land resources in North Carolina.

We have accomplished a great deal along those lines during that period and for that I am grateful.

Much still needs to be done, however, if the full potential of my State is to be realized.

And one of the major goals yet to be achieved is the implementation of a long-range plan by the Tennessee Valley Authority for flood control and water resource development in the Upper French Broad River area.

Only one of the 14 parts of this comprehensive plan has so far been funded by Congress and the money appropriated in 2 successive years to start that phase has been impounded by the Office of Management and Budget up to this point.

A clear and detailed explanation of the master plan is provided in an address by TVA Chairman A. J. Wagner in a recent address to the National Rivers and Harbors Congress here in Washington.

I think it will contribute much to the understanding of the scope and importance of this development. I ask unanimous consent that the text of his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF A. J. WAGNER, CHAIRMAN, TENNESSEE VALLEY AUTHORITY

Water has been a controlling factor in the patterns of man's living since he first set foot on this earth. It has both blessed him with abundance and cursed him with disaster. It has brought him great pleasure and it has caused him untold misery. But always, it remains vital to his existence. As he has learned to control it—at least in small measure—and to extend its usefulness, he has prospered and civilization has advanced.

In today's concern for the quality of our environment—and certainly this is a legitimate concern—there are some who advocate that we must stop the development and use of our natural resources, including our water resource. I am sure that we can all agree that there are some water courses where the best use that can be "developed" is to leave them in their natural state.

But there are other areas where alteration in the natural state of our water resource is essential if we are to meet the legitimate needs of a growing population and to provide the economic base that produces useful jobs and adds quality to all life. This may involve the construction of dams and reservoirs, the erection of levels, the enlargement of stream channels, the provision of irrigation systems or other kinds of treatment.

This broad perspective, this kind of flexible thinking, is the single most important factor in achieving reasonable, balanced and lasting solutions to the myriad economic and social problems facing this Nation today.

Here, we are rejecting the polarized premise that we must settle for *either* environmental quality *or* economic growth. We are recognizing instead that we can and must have *both;* that economic prosperity and a quality environment are not only compatible but vital, interrelated parts of this Nation's hopes for future progress and even survival.

For nearly four decades, TVA has followed what we call a unified or comprehensive approach to resource development. Simply stated, it means that all resources—air, land, water, as well as the human resources of region—are irrevocably interrelated, and therefore must be developed in planned interaction if they are to be developed successfully. I emphasize this point now, early in our discussion, because this unified concept of development is basic to understanding TVA's activities and programs. Moreover, the application of this unified concept is the one sure avenue I know of through which an area can achieve lasting economic gains while at the same time it preserves and enhances the quality of its natural environment. Indeed, it is the bedrock upon which today's ecological message stands. And more efficient use of our resources is at the root of virtually all of the economic advance achieved in the Tennessee Valley since the Great Depression.

The Valley lagged far behind the Nation in making the transition from an agricultural to an industrial economy. It has caught up. Private industry has invested some $2 billion along the shores of the Tennessee waterway alone, and 500,000 jobs have been added to factory payrolls across the region. Per capita income, only 45 percent of the national average a generation ago, is now 75 percent. Yet the Tennessee Valley—with its rolling hills, its now green pastures transformed from once erosion-scarred landscapes, its unparalleled mountain vistas—is still an area of rare environmental beauty. It is significant to note that, despite the rapid urban and industrial growth along its banks, the Tennessee River waters are cleaner and useful for more purposes today than they were a generation ago.

Here, too, it should be emphasized that any development program needs a unifying thread that can tie the whole package of resource efforts together—a key element offering both a place to begin and a continuing base upon which to build. The key element in the Tennessee Valley is water. The entire story of the Valley's progress centers on water—preserving its quality, controlling it and extending its supply over as many uses as possible. The gains we have just discussed indicate that in most instances we have managed well. But the job is far from finished.

There are areas across the region that still lag behind, facing frustrating, unsolved problems. Many of these areas lie along tributary streams where the water resource potential remains to be unlocked, where true and full quality in life is being denied for lack of a comprehensive, all-out attack on the obstacles to economic and social progress.

The Upper French Broad in western North Carolina is such an area. For nearly 200 years, the history of this fertile region has been one of frequent, devastating floods. Rising near the North Carolina-South Carolina border in Transylvania County, the French Broad River headwaters lie in an area receiving about 75 inches of rain in an average year. Seventy-five inches is a lot of water—enough, when controlled, to serve abundantly man's best purposes. But uncontrolled, it becomes a destroyer of homes, highways, bridges, plant sites, and farm land.

As far back as the late 1930's, TVA began working with the people of the area and their state agencies to find a solution. Early planning was devoted strictly to flood control. But as time went on new needs developed. And, with these new needs came new conflicts.

Fertile bottom lands continued to flood, especially when hurricane-type storms blew too far inland and spilled their slashing rains beyond the South Carolina foothills into the watershed of the Upper French Broad. The dollar damage became greater each year as growing population settled the bottom lands and brought more intensive agriculture. And as the floodwaters rushed on to Asheville the damage to low-lying industrial areas increased, too, as the city's growth thrust more and more industries and warehouses into the level reaches along the riverfront.

Population growth also brought increased business to water-using industries, raising their demands for water and adding to the volume of wastes they discharged into the river. More industries were needed to provide jobs for young people growing up on the farms, but the water supply was becoming either inadequate or too polluted to fill their needs.

Added to these problems, the lack of controlled streamflows limited the potential for recreation of the area which otherwise had superior attractions in scenery, mountain streams, forests, and climate. The water resource had, in many ways, became a seriously limiting factor.

In 1961, at the request of the North Carolina Department of Water and Air Resources, TVA began to develop a plan for a comprehensive water control system for the area—one which would deal not only with the problems of the past but also would meet these needs of the present and the future.

The plan that evolved is truly a product of local participation. It is a classic example of the workings of democracy at the grass roots. I need not detail for men of your experience that man has never been able to develop a plan for anything, at any time, anywhere, that was not opposed by someone. And often for good and understandable reason. The only solution is to understand and weigh the conflicting demands, reconciling whenever possible and giving greatest weight to those factors which promise the greatest long-term benefits for the largest number.

This was the difficult but vitally important approach TVA took in working with the people of the Upper French Broad. The plan was coordinated with state and Federal agencies, with individual community leaders, with city councils and chambers of commerce and civic clubs. It was developed with the participation of private businessmen, wildlife organizations, and similar groups throughout the area. Together, we believe we have come up with an overall plan that will accomplish the maximum possible benefits with the smallest possible amount of dislocation.

After studying many combinations of over 50 different dam and reservoir sites, the basic components of the plan emerged. It will include 14 small dams on the tributaries and headwaters of the French Broad, some 74 miles of channel improvements and a levee to be built along the low-lying portion of the Asheville waterfront. Project cost is estimated at $115 million with a construction period of eight and one-half years.

In the proposal's cooperative planning and in the benefits it offers, the advantage of a comprehensive approach to resource development—and the flexibility inherent in such an approach—comes clearly into focus. The result is a multiple-purpose project for controlling floods, increasing water supply and enhancing water quality, boosting recreation potential and fish and wildlife habitat while at the same time offering greatly increased shoreline development potential.

Let's take a brief look at these individual benefits and what they will mean to the area.

Flood control remains a primary function, to be sure. Twin objectives of the plan's flood control design are to protect urban centers and to reduce farmland flooding sufficiently to enable the creation of new and expanded commercial farm enterprises in the area. This latter goal is urgently needed to increase farm income in the area. The system will control nearly 600 square miles of drainage area and provide a high level of protection to 13,000 acres of farmland as well as the major communities throughout the region. An appealing aspect of the flood control design is that no extreme reservoir drawdowns will be required—the kind that expose extensive bare areas along the reservoir shorelines.

Adequate water supplies is another crucial need. Growth of communities and the creation of new jobs in industries both now and in the future will depend on meeting this need and meeting it promptly. I understand that a bill now before North Carolina's General Assembly recognizes this fact, and is designed to promote regional water systems—systems, it says, which are needed now by 50 counties in the State. The Upper French Broad plan will provide a stored water supply to fill current and projected needs throughout the area. Recognizing this contribution, the State has assured repayment of the project costs allocated to providing the water supply storage.

The Upper French Broad not only needs *water* in abundant supply, it needs *clean* water in abundant supply. The water control system will improve present water quality in the area's streams by substantially increasing low flow volumes during dry seasons. Coupled with corrective action being planned and carried out by municipalities and existing industries in the area and an effective pollution control program applied to future growth, the plan can help restore the river's usefulness for generations to come. The achievement of this goal cannot be overemphasized. It is a measure of how far the collective efforts of the people of this area have carried them. Not many months ago some reaches of the French Broad were so polluted that they were fit for use as little more than an open sewer. Today, responsible and responsive public and private action is attacking the problem with vigor. Certain nutrient concentrations which defy practical methods of treatment remain a problem. But the proposed water control plan can reduce these concentrations and make a major contribution to the restoration and preservation of the river's ecology.

The lakes will provide an added benefit in the form of new and valuable recreation centers in an area already blessed with great scenic beauty. Boating, swimming, and lake fishing will be added to present attractions such as mountain hiking, trout fishing, and camping. The State has been quick to recognize this opportunity. Plans are underway for state construction and operation of recreational and fish and wildlife facilities around the proposed lakes at an estimated initial investment of $6.7 million.

And now a word about the status of this program—so important to the future of western North Carolina.

The planning is complete. The project has been studied and endorsed by such organizations as the Western North Carolina Regional Planning Commission, the North Carolina Department of Water and Air Resources, the North Carolina State Planning Commission, the State Wildlife Federation, and the State Wildlife Resources Commission. The plan also has the endorsement of Governors Scott and Moore, of the present and former county commissioners from each of the five counties in the area, of the city councils from every major community, and a host of other public and private groups within the region.

The Congress has appropriated some $2.3 million to start construction. Expenditure of these funds has been deferred by the Office of Management and Budget because, in the competition among the many needs for Federal funds, they believe that other needs carry higher priority at this time. TVA believes the Upper French Broad project is an excellent and badly needed development program, and we are ready to begin construction the moment the money can be released.

Inherent in my remarks today has been the underlying theme that our water resource—precious as it is—does not stand alone, as a separate entity upon which those of us interested in its wise development can concentrate with singular, narrow purpose. Planning for water use must, in this modern world, concern itself with planning for land use as well. One of the most useful values created when a reservoir is impounded is the new shoreland—those acres lying along that strategic line where land and water meet. These lands, properly utilized, hold almost unbelievable potential for economic growth.

One measure of this potential is illustrated by a 1967 North Carolina State Planning Report which projects a $200 million investment directly resulting from the Upper French Broad project within 10 years following its construction.

Viewed in the light of this kind of potential, the development plan for this region takes on sweeping new dimensions. The project is seen clearly not as an end in itself but simply as a new tool to be used by the people of the area to build greater quality into their lives. Success will hinge on the degree of cooperative planning that goes into this effort. And here it also becomes clear that the engineering expertise provided by TVA in this area was perhaps the least of our contributions. Of far greater import is the spirit of cooperation, the sense of working together achieved by the whole spectrum of local organizations and individuals who have been intimately involved in this project's development from the beginning. The local Upper French Broad Development Commission, with whom we worked most closely, is a case in point. This group has been composed of seemingly tireless men from throughout the region who fostered a spirit of cooperative attack on the area's problems that should be its greatest asset for the future, long after the water control structures are completed.

Here, then, is a project designed *for* and *by* the people of a region undergoing the stresses and frustrations of rapid change. Beset with the common economic and environmental problems facing most of Appalachia today, it is lagging behind. But its leaders know the value of resource development and they are ready to match positive development programs against the region's problems. They have an excellent project ready to move full-speed ahead the moment national priorities make it possible to do so. They have TVA's pledge of full support and assistance. They need your continued support as well in this never-ending quest to which all of us as public servants are dedicated—the quest to help bring quality to men's lives.

THE NEED FOR LEGISLATION TO CONTROL PESTICIDE USE

Mr. MONDALE. Mr. President, the Subcommittee on Agricultural Research and General Legislation recently conducted 4 days of hearings on pesticide-control legislation pending in the Senate.

The Senator from Wisconsin (Mr. NELSON) and the Senator from Minnesota (Mr. HUMPHREY) have introduced S. 660, the National Pesticide Control and Protection Act, to provide a comprehensive overhaul of the country's pesticide control laws.

Senator NELSON testified before the committee on the legislation, and his testimony is an outstanding statement on the issues involved in drafting improved pesticide controls. Of particular interest to me is his description of steps to encourage nonchemical means of pest control, including legislation that would establish pilot programs throughout the country to demonstrate that integrated biological and cultural practices will enable our farmers to grow better crops at less cost without chemicals.

Mr. President, I ask unanimous consent that Senator NELSON's testimony be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GAYLORD NELSON

I wish to commend the committee for conducting these comprehensive hearings on the important issue of the use and effects of pesticides. It is quite obvious to students of the pesticides problem that there is an urgent necessity for rational policies to protect human health and the environment while assuring an adequate food supply.

The basic problem with the use of pesticides today is that there is rigid reliance on a single approach without regard for the adverse side effects to nature's eco-systems and to human health. There is a massive accumulation of evidence that in many areas of the globe there is serious disruption of the earth's life systems due to excessive use of pesticides. Predator insects have been eliminated along with the pests and the environment has been permeated with wide varieties of chemicals. Resistance has built up in pests, resulting in millions of dollars being spent to develop more compounds to replace those that once were advertised as cure-alls. There is convincing evidence that damage from the present practices of massive, indiscriminate introduction of pesticides in the environment have already have exceeded whatever temporary benefits we have received.

The dangers wrought by our recklessness with pesticides have been well documented. But little attention has been paid to the unfortunate situation where chemical companies have reaped billions from unwary farmers who have paid for a program of pest control which is self-defeating in the long run.

In the legislation introduced by Senator Humphrey and myself, those who administer our pest control programs would have the responsibility for seeking alternate solutions to the massive, indiscriminate dosages of vast quantities of chemicals. The legislation lays the foundation for reliance by administrators on the scientific knowledge that we have to protect crops and enhance yields by means that rely primarily on biological controls and various crop-management procedures.

The whole field of pesticides, from development right through to the use, is controlled almost exclusively by the chemical industry. The objective of this industry is to promote and sell chemicals to a wide variety of buyers who are given little choice between using and not using chemicals. This has resulted in a gross misuse of chemical-technology to the extent that one expert in the field, Dr. Robert van den Bosch of the University of California, has said borders on chaos.

We have an opportunity for change. And we have arrived at the point in time where it is imperative that the Congress provides the leadership to promote that change.

Along with the National Pesticide Control and Protection Act (S. 660) introduced by Senator Humphrey and myself and the bill (S. 745) introduced by Senator Packwood at request of the Administration, I believe we have the necessary ingredients for comprehensive solutions to our massive pesticide problem. At least, we have the beginnings of a total effort.

All of us are aware that when DDT emerged as one of World War II's most celebrated heroes, some entomologists gleefully suggested that the war against pests may very well be over. In favor of man, of course. In 1945 the earth was dusted with 33 million pounds of DDT. By 1951 this figure had more than tripled, to 106 million pounds. Resistence by insects to DDT and other chemicals soon became a substantial factor, and demand was created for development of more and more compounds. We didn't recognize the failure of chemical-technology to control pests. Today, more than *one billion pounds* of pesticides—including insecticides, herbicides, fungicides, rodenticides and fumigants—are produced annually in the United States. This already is five pounds for every American man, woman and child. But projections are that by 1985 this figure of one billion pounds will be increased six-fold.

Because of inadequate registration and records of use, we are not certain how many pounds of pesticides are utilized in this country and abroad. Clearly, however, the worldwide use is massive and the affect certainly will be catastrophic for the planet if our disastrous experiences thus far in this country are an indicator.

We now know that pesticides have been carried far beyond the area of application by wind and water and living organisms to the extent that residues have been found in the Adelie penguin in isolated regions of Antarctica and in dust high above the Indian Ocean. Biological magnification has caused high concentrations in the bodies or organisms high in the food chain. It has been shown, for example, that Americans carry in their bodies an average of 12 parts per million of pesticide residues, nearly twice the level allowed for most foods in interstate commerce.

A report by the Health, Education and Welfare Secretary's Commission on Pesticides and Their Relationship to Environmental Health (the Mrak Commission) concluded that, "Pesticides are now affecting individuals, populations and communities of natural organisms. Some, especially the persistent insecticide chemicals such as DDT, have reduced the reproduction and survival of non-target species."

The National Cancer Institute found that of 123 pesticide compounds tested, 11 induced a significantly increased incidence of tumors in laboratory animals. (The 11 included the insecticide Mirex.)

The Mrak Commission later added five chemicals to the list, and these are carcinogenic chemicals, aldrin, aramite, dieldrin, heptachlor and amitrole.

Dr. Van den Bosch, who is scheduled to testify at this hearing, has pointed out the ironic situation in which man is exposing himself and his environment to well-documented dangers of pesticides and at the same time actually creating more pests than are eliminated. Target pest resurgences, secondary pest outbreaks and pest resistence that follow the dissemination of broad spectrum poisons, are creating more pests that are physically better able to withstand massive pesticide dosages.

The United States Department of Agriculture has said (Misc. Publication No. 1065, in March, 1969) that insecticides have had harmful effects on agriculture in a number of instances. The department said the application of insecticides to protect cotton led to drift that destroyed the beneficial insect-complex in citrus groves, necessitating the use of insecticides to control certain pests of citrus that ordinarily were controlled by beneficial insects. The use of malathion to control and eradicate certain cereal, forage and forest insect pests has destroyed honey bees and other insects necessary for crop pollination.

The Department of Agriculture states further that the application of persistent insecticides on potato lands has led to residues in sugar beets grown in the same soil the following year. The department reports that Congress has authorized appropriation of $10 million to reimburse cranberry growers following confiscation of certain lots of cranberries found to contain illegal residues of a herbicide, which had been applied at the wrong time of the growing season.

Hundreds of thousands of dollars have been paid over the years to dairymen throughout the country as compensation for milk removed from the market due to the pesticide residues. Fish in farm ponds have been killed because of the drainage of insecticide wastes from nearby lands into these ponds following heavy rains. And the application of persistent insecticides, such as dieldrin for the eradication of the Japanese beetle, led to low-level but significant residues in livestock grazing in the eradication area.

The Mrak Commission concluded:

> There is a serious lack of information available on pesticide-use patterns.
>
> Much contamination and damage results from the indiscriminate, uncontrolled, unmonitored and excessive use of pesticides.
>
> Pesticides are now affecting individuals, populations and communities of natural organisms. Some, especially the persistent insecticide chemicals such as DDT, have reduced the reproduction and survival of non-target species.
>
> Within the organochlorine group of pesticides, there is a wide range of potential for acute toxicity for man.
>
> The organophosphate pesticides, particularly parathion, phosdrin and TEPP, are health hazards because of their high toxicity and ease of absorption by ingestion and the dermal or respiratory routes.

The Mrak Commission also recommended that the usage of certain persistent pesticides—including DDT, aldrin, dieldrin, endrin, heptachlor, chlordane, benzene hexachloride, lindane and compounds containing arsenic, lead or mercury—be restricted to specific essential uses which create no known hazard to human health or to the quality of the environment.

The recommendation, of course, was not new. Back in 1963, the President's Advisory Committee, or the Wiesner Committee, recommended that: "The accretion of residues in the environment (should) be controlled by orderly reduction in the use of persistent pesticides. As a first step the various agencies of the federal government might restrict wide-scale use of persistent insecticides, except for necessary control of disease vectors. . . . Elimination of the use of persistent toxic insecticides should be the goal."

Volumes of scientific materials have been published on the misuse of pesticides, and the tragic result of the carelessness. The case is well documented. Commenting on the knowledge of one of man's most toxic pesticides, DDT, Dr. Charles Wurster of the State University of New York at Stony Brook, one of the country's leading experts on pesticides, has said: "Our understanding of the relationship between DDT and avian reproduction is now quite conclusive. It's unusual to have such solid evidence where there is such a subtle question of environmental pollution and where the cause of the problem is so remote from the effect."

I need go no further in discussing the myriad examples of needless damage that has been caused by pesticides. Later this week, several distinguished scientists, who are experts on pesticides, will provide this committee with scientific data and reports to back up findings on the large-scale problems with pesticides. In addition to the two I already have mentioned, Drs. Van den Bosch and Wurster, this committee will hear Dr. Joseph Hickey and Prof. Orie Louks of the University of Wisconsin, Dr. Robert Risbrough of the University of California at Berkely, Dr. Charles Black of the Michigan Department of Natural Resources, Roland Clement of the Audubon Society in New York, Dr. David D. Peakall of Cornell University, Dr. Lucille Stickel of the Patuxent Wildlife Research Center, Dr. George Woodwell of the Brookhaven National Laboratory in New York and Dr. Umberto Saffiotti of the National Institutes of Health.

Later in my statement I will outline the need for a comprehensive overhaul of the present Federal Insecticide, Fungicide and Rodenticide Act.

Right now I would like to discuss what I believe to be a rational approach to the pesticide problem, one that will help restore a proper ecological balance and stop the senseless assault on the environment, but one that has demonstrated it can greatly enhance the economic position of the farm producer and assure an adequate supply of food and fiber.

Mr. Everett Dietrick of Rialto, California, has been in the business of integrated pest management for 11 years, in the Coachella Valley. Several distinguished scientists, who have conducted vast amounts of research in the field of integrated control, have called Mr. Dietrick's work to my attention. He has traveled to Washington at his own expense to be here today to relate his experiences in managing insects in the field to maintain the populations of certain species below pest status.

Mr. Dietrick is an entomologist who was on the faculty of the University of California for 15 years prior to starting his own insect management business at Rialto. His professional staff contracts with several farmers in the Valley to balance the insect population biologically and by various crop management schemes. The important part of the total program is that chemicals are used only when essential, and then they are used sparingly and selectively so existing insect populations are not destroyed. The result is a program that does not harm the environment but which still enables the producer to grow quality crops that are free of chemical residues.

In fact, Mr. Dietrick says one of the greatest problems with the integrated insect management program comes from nearby farms where chemicals still are used. These chemicals sometimes drift into the fields where the integrated program is underway, kill segments of the insect population and disrupt the entire program.

My staff has advised me that the committee would hear Mr. Dietrick, who is scheduled to return to California this evening.

In the last session of Congress, I offered an amendment to provide additional funds for research into nonchemical means of pest control. The Congress approved $1 million for that effort.

Of course, the United States Department of Agriculture is conducting some research in the area of integrated control. But it is abundantly clear that a high priority, accelerated program is needed.

I have begun to draft legislation, for this committee's consideration, that would provide funds for pilot projects in integrated insect management throughout the country. These pilot projects will be large enough and diverse enough so that the integrated control program can be adapted to the widely-varying crop situations.

Those who have conducted research and field work in the integrated control program point out there is a possibility for slight production decline during the period of transition from chemical use to the integrated program. One researcher described it as the "withdrawal period—something like getting a person off dope." The production decline, if it occurs at all, lasts no longer than a few months.

In the legislation that I am preparing, any farmer who would suffer any loss would be compensated for that loss, just as many are when their crops are removed from this market due to presence of pesticide residues.

I am confident that the integrated approach will work. Specialists in this program within the research division of the United States Department of Agriculture are similarly confident. In the case of Mr. Dietrick's work in California, it is known to work.

The legislation before this committee is a beginning to a rational pesticides control policy. Certainly, our present laws need revision to upgrade the controls we have over chemical pesticides. This need becomes more acute when we consider the manner in which our present laws, inadequate as they are, have been enforced.

In September, 1968, the U.S. General Accounting Office (GAO), in a report to Congress, cited the failure of the Agriculture Department to adequately enforce provisions of the Federal Insecticide, Fungicide and Rodenticide Act. GAO said the department was only seizing unsafe or ineffective pesticides from the initial site they were discovered without any further action to remove the same product from other locations.

In 1969, the House Government Operations Committee issued a discomforting report on the "Deficiencies in Administration of Federal investigations by its Intergovernmental Relations Subcommitte, under the chairmanship of Congressman L. H. Fountain.

The 71-page report represented a thorough indictment of the Agriculture Department's continuing failure to administer its responsibilities under the law in accordance with the intent of Congress.

Some of the findings:

1. Until mid-1967, the Agriculture Department's Pesticides Regulation Division failed almost completely to carry out its responsibility to enforce provisions of the Federal Insecticide, Fungicide and Rodenticide Act, intended to protect the public from hazardous and ineffective pesticide products being marketed in violation of the Act.

2. Numerous pesticide products have been approved for registration over objections of the Department of Health, Education and Welfare as to their safety without compliance with required procedures for resolving such safety questions.

3. The Pesticides Regulation Division has approved pesticide products for uses which it knew, or should have known, were almost certain to result in illegal adulteration of food.

4. The Pesticides Regulations Division has failed to take adequate precautions to insure that pesticide product labels approved for registration clearly warn users against possible hazards associated with such products.

5. Information available to Federal Agencies concerning pesticide poisonings is inadequate and incomplete. The Pesticide Regulation Division has failed to make effective use of even the limited data available.

6. The Pesticides Regulation Division did not take prompt or effective cancellation action in cases where it has reason to believe a registered product might be ineffective or potentially hazardous.

7. The Pesticides Regulation Division has consistently failed to take action to remove potentially hazardous products from marketing channels after cancellation of a pesticide registration or through suspension of a registration.

8. The Pesticide Regulation Division has no procedures for warning purchasers of potentially hazardous pesticide products.

9. The Agriculture Research Service failed to take appropriate precautions against appointment of consultants to positions in which their duties might conflict with the financial interests of their private employer. Facts disclosed by the subcommittee investigation raised a number of serious conflict of interest questions.

Mr. Chairman, this is essentially the background for the legislation that Senator Humphrey and I have introduced. The legislation, S. 660, amends the Federal Insecticide, Fungicide and Rodenticide Act of 1947, and changes its title to the National Pesticide Control and Protection Act.

There is little dispute over the inadequacies of the present laws. The National Pesticide Control and Protection Act would provide a rigid testing program for pesticides in use and those being developed, it would establish a registration system so that all uses are better controlled and recorded and it makes administrators of pesticide programs more responsive by enabling private citizens to gain easy access to information and to initiate court action to insure compliance.

In more detail, S. 660 would do these things:

It would transfer authority for pesticide regulation from the Department of Agriculture to the new Environmental Protection Agency—as is provided in the President's Reorganization Plan—with close coordination by the Department of Health, Education and Welfare. (Section 2)

It would revise the existing programs for testing (Section 8), registering (Section a, b, c) cancelling (Section 5-d), and suspending (Section 5-e, f) pesticides and pest control devices, and provide adequate emphasis on environmental and public health safeguards.

It would authorize the Administrator of the Environmental Protection Agency to require that potential users of certain hazardous pesticides obtain—prior to purchase—a certificate (Section 9) justifying the use. And some pesticides could be applied by qualified and approved pest control operators only.

It would require that all pesticides and pest control devices be thoroughly tested (Section 8) prior to sale by the Environmental Protection Agency and the Department of Health, Education and Welfare to disqualify potentially hazardous (Section 13) products before they are placed on the market.

It would establish a National Pesticide Research and Control Trust Fund, a fund which would be financed by assessments on pesticide sales, and which would be used to cover the expense of the regulation program, as well as the extensive research program (Section 18). The funding program proposed here is not altogether adequate. It is presented mainly for discussion purposes. Because of the obvious public interest in the testing and regulatory programs, substantial allocations from the general fund for these programs perhaps would be appropriate.

It would allow individual citizens to bring court suits against persons, companies or governmental agencies for violations of the Act or failure to enforce its provisions (Section 15).

It would enable interested parties to obtain access to government-held information on pesticide regulation and research except for data on formulas and formulations (Section 10).

It would establish control over all pesticides and pest control devices produced in the United States, regardless of whether they are shipped in intrastate, interstate or foreign commerce (Section 5). It should be emphasized that pesticides and devices that are exported must (Section 4) meet all requirements of registration in the United States before shipment for use in any other part of the world.

It would place emphasis on the review of biological and non-chemical means of pest control alternatives to the use of chemical pesticides (Section 2–9).

It would require the Administrator of the Environmental Protection Agency and the Secretary of Health, Education and Welfare to determine that benefits from the use of any pesticide would be substantially greater than potential detriments to the public health, safety and welfare and the environment before a pesticide registration would be approved (Section 5). In making that determination, the two officials would be compelled to consider the following criteria:

A. the specificity of the pesticide and the nature and extent of harm done to non-target organisms;

B. the persistence and mobility of the pesticide or its by-products and their incorporation into non-target organisms;

C. the toxic, carcinogenic, mutagenic, teratogenic and other health effects of the pesticide or its by-products;

D. the adequacy of the knowledge of its effects on the public health, safety and welfare or the environment; and

E. the availability of safe and effective biological and nonchemical alternative means of pest control to control the pests specified in the registration or registration application.

Instead of relying on the present procedure of reviewing research data supplied by industry, the Administrator of the Environmental Protection Agency and the Secretary of Health, Education and Welfare would be authorized to conduct or contract for independent research on those pesticides desired to be registered.

The bill would streamline the present cancellation procedure by greatly reducing the period of time for administrative hearings and review of a proposed cancellation from upwards of 400 days under existing law down to 150 days under the new measure.

The suspension system itself is in need of revision. Under existing law, the Department has to determine that there exists an "imminent hazard to the public" before suspension can be ordered. This condition has been an obstacle to the immediate suspension of a number of questionable pesticides. Under the proposed legislation, suspension would be allowed when the Administrator of EPA or the Secretary of HEW determines that the use of a pesticide presents a serious actual hazard to man or the environment, or that it presents a serious potential hazard which may become a serious actual hazard before cancellation proceedings can be carried out.

The bill also provides a new authority for pesticide control—preliminary suspension. Under it, the Administrator of EPA or the Secretary of HEW could suspend use of a pesticide for up to 90 days if there is reason to believe that the pesticide may constitute a serious actual or serious potential hazard. The suspension period would allow time for obtaining information to support a firm determination.

If either the Administrator of EPA or the Secretary of HEW determine that use of a particular pesticide would endanger the environment or public health, safety, and welfare, the purchase and use of that pesticide can be restricted to persons who have obtained a certificate for such purchase and use from an authorized agent of the Administrator. In as many instances as possible, this agent will be the local county agent or his representative. The certificate will indicate the specific pesticide authorized for purchase, the maximum amount that may be purchased and the manner in which the pesticide is to be used.

In addition, the use of any pesticide can be limited to approved pest control operators if either the Administrator of EPA or the Secretary of HEW determine that use otherwise would constitute a serious actual or serious potential hazard to man or the environment.

In order to finance the expanded regulatory functions of the proposed legislation along with the new research responsibilities, a National Pesticide Research and Control Trust Fund is established. Assessments will be made on the sale of domestic pesticides and the importation of foreign products to provide revenue for the trust fund.

Under the present statute, it is not clear what the rights of individuals are for involvement in court actions with violators of the law or agencies not carrying out the law.

This bill would enable a person or group of persons who alleges injury or alleges substantial harm to the environment, or who alleges irreparable injury or harm will occur as a result of a violation of the Act to file a civil suit for damages or for injunctive relief in the district court of the United States.

In addition, an individual or group may file for injunctive relief against the Administrator or the Secretary of HEW if either official takes action inconsistent with the Act or fails to take action required by the Act.

The Agriculture Department has interpreted the existing act as forbidding the public release of virtually all information obtained by the agency in its regulatory function. For example, there is no present way for an individual citizen or an interested scientist to review the safety data submitted by a manufacturer to the Department either before or after a pesticide is approved for marketing.

The Administrator of EPA is required by this legislation to make available upon request by any interested party all records maintained in the administration of the Act except the formulas and formulations of pesticides that he determines to be a trade secret and not protected by a patent or other safeguard.

Present law does not provide regulation for pesticides manufactured, sold and used within a single state and specifically excludes pesticides produced in the U.S. for foreign export from the provisions of the Act.

This bill covers every pesticide and pest control device which is distributed, sold or offered for sale in any State, or which is shipped in any State, or which is received from or sent to any foreign country.

While it is essential that the present pesticide regulatory system be substantially improved, the main goal should be a greatly decreased level of use of chemical pesticides in the United States.

This legislation requires that before the Administrator can register a pesticide he must consider the availability of safe and effective alternative biological and nonchemical alternative means of pest control to deal with the pests to be eliminated by the pesticide. It also requires the authorized agent issuing the certificate for purchase and use of certain pesticides to review the possibility of areawide control of pests by biological and non-chemical means of pest control before issuing the certificate.

Reform of our pesticide law is justified now. The need for reform is now. In my judgment, this legislation can provide the foundation for reform.

RURAL REVENUE SHARING

Mr. DOLE. Mr. President, rural revenue sharing is being examined by all segments of our Nation, rural and urban.

The rural plan is similar to the other plans in its intent to delegate the Federal regulating powers to the State and local governments. These government bodies are closer to the people who receive the benefits from the Federal programs, and therefore can be more responsive to the local need for these funds.

George L. Smith, a capable agricultural writer and editor of the Kansas Farmer magazine, discussed the potential of rural revenue sharing in the State of Kansas in a recent editorial in that publication. I ask unanimous consent that Mr. Smith's editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Nixon Would Recharge Rural America

[Recently] President Nixon invited members of the farm press in the midwest to Des Moines for a briefing about agriculture and rural America. He brought with him four members of his Cabinet: Secretaries Hardin, Morton, Romney and Stans. The obvious purpose of the meeting was to explain the President's Special Revenue Sharing proposal to the farm writers knowing that we, in turn, would pass the word along to you.

A couple of my brother farm writers commented that the meeting was just a political exercise. Perhaps. . . . Politics or not revenue sharing for rural America appears to have some advantages for Kansans. Mr. Nixon is quite aware of our problems. He mentioned low farm income, inadequate housing, credit needs, poor health facilities, and more. He also pointed out the U.S. exceeds the rest of the world in agricultural production by a wider margin than we lead in any other area or industry. Recognizing the contributions agriculture makes . . . in terms of our high standard of living, and agriculture's importance to the balance of payments, he said, "For the first time agriculture and rural America will be given due priority, which it has not had in the past."

The President explained that it is essential for rural America to get fair and equal treatment; essential to develop a sound economy for the family farm, adequately financed. He said we must develop opportunities for education and employment or we will have the continuing problem of rural erosion (migration) which adds to the problems of the cities.

Mr. Nixon admitted all this is a big order and there is no simple answer. Progress can be made, he said, through Rural Development and Revenue Sharing. He called this a process, not a program. It calls for additional funds totaling $1.1 billion (an increase of 25 percent) to be spent in rural America for education, health, transportation, environmental improvements, housing, or for whatever local authorities may choose. Money would be shared with the states based on need. Need would be determined by such things as loss of rural population and rural per capita income. This, and other information, would be applied to a formula and the states would get the funds automatically. A state with high out-migration and low rural per capita income would receive more funds than a state with less out-migration and higher per capita income. Kansas would get about $20 million.

State and local governing bodies would determine how the money would be spent. The only Federal stipulation is that Special Revenue Sharing funds be used to benefit rural residents. We are not at the bottom in rural per capita income but we are near the bottom among the states in population growth which indicates a heavy out-migration from rural areas.

Revenue sharing is in keeping with the President's philosophy of returning government back to the people. He believes we Kansans know more about the needs of our state and its communities than do bureaucrats in Washington. I subscribe to that.

If some Kansas money should return home through revenue sharing, at least the State Legislature and other governing bodies will be bound to use it to benefit rural residents. That's one part of the President's proposal I like. We were told that emphasis will remain on trying to improve net farm income since that is the key to a better life for all rural citizens. I agree.—George L. Smith in the Kansas Farmer

THE WORK OF THE SENATE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY, 1971

Mr. BAYH. Mr. President, as the new chairman of the Juvenile Delinquency Subcommittee, I should like to comment on the work that this judiciary subcommittee has done in the past 10 years under the chairmanship of Senator Dodd.

I will submit for the record some of the achievements the Senate has made toward the prevention of youth crime and delinquency through the work of this subcommittee, and I urge Senators to take a few minutes to read it and see for themselves what must be considered a decade of fine achievements.

The subcommittee has been an important tool of this body in the war against crime, and for the young people of this Nation.

On a personal level it has been important to Senator Dodd because it represented a sizable portion of his life's work and his service to America.

In one way or another since February of 1961 when he became chairman of the subcommittee he has been involved in every major piece of delinquency control legislation that has come out of Congress.

It was this subcommittee that made the early proposals leading to the passage of the first Federal juvenile delinquency law, the Juvenile Delinquency and Youth Offenses Control Act of 1961. That act became the first major Federal program to fight delinquency and, in fact, a blueprint for the national war on poverty and on crime sponsored by the Johnson administration.

As Senators know the Subcommittee on Juvenile Delinquency first proposed gun control laws in 1963 to protect our people from the mail-order traffickers in firearms. In 1968, 5 years later and after 25 days of debate on the floor of the Senate, Senator Dodd finally obtained passage of two of the most far-reaching firearms laws in the history of this country.

During the first 18 months that these laws were on the books, there was an increase of 313 percent in arrests for gun law violations and the bulk of these arrests was made up of persons with previous criminal records.

After the 1968 act became law the subcommittee continued to survey the traffic in firearms throughout the Nation, particularly the law to control the criminal use of firearms. Thus the subcommittee considered a law to control the sale of certain cheap and inferior domestic handguns and S. 849, a bill introduced by the distinguished majority leader, proposing more severe penalties for the use of guns in the commission of crimes. S. 849 was reported out by the subcommittee and was passed by the Senate on November 19, 1969.

During the time when Senator Dodd was chairman the subcommittee conducted 40 days of public hearings on narcotics, dangerous drugs, marihuana, peyote, and LSD. It took testimony from 167 witnesses, ranging from addicts and convicts, through doctors, lawyers, attorneys, generals, and Governors. Experts were heard at every step of the way.

As a direct result of that effort on July 8, 1965, Congress adopted the Drug Abuse Control Amendments of 1965, which established the Bureau of Drug Abuse Control under the Department of Health, Education, and Welfare. It was charged with protecting our young people from the unregulated traffic in literally billions of doses of dangerous drugs, such as the amphetamines, the barbiturates, LSD and other natural and synthetic substances. As has always been the case, this legislation was preceeded by years of subcommittee investigation and hearings.

The Bureau of Drug Abuse Control was merged with the Federal Bureau of Narcotics of the Treasury Department and by an Executive order of President Johnson was moved to the Justice Department as the Bureau of Narcotics and Dangerous Drugs. One-half of the Federal law enforcement personnel in existance today are the result of that 1965 bill.

The subcommittee recently requested an evaluation of the effectiveness of the Drug Abuse Control Amendments of 1965 from John E. Ingersoll, the Bureau Director.

I request unanimous consent that Mr. Ingersoll's reply be made a part of the RECORD at the conclusion of my remarks.

If arrest figures and convictions are any measure of an act's effectiveness, and I believe this to be so, then the 1965 amendments have been successful.

For example, in fiscal year 1968, arrests nearly doubled over the previous year, and convictions show a threefold increase for the same period.

The number of illicit dosage units of these drugs seized by Federal agents provides further evidence of the effectiveness of the 1965 act. The total number of units seized varied from some 9 million in 1967 to some 16 million in 1970, with 2 peak years in between during which some 33 million were seized in 1968 and some 29 million in 1969.

The Senate can take great pride in the fact that the 1965 act has proven to be most effective with regard to curbing diversions from the upper echelons of the chain of distribution down to the youthful drug abuser on the streets of America.

After extensive hearings in 1962, and with broad bipartisan support, Senator Dodd introduced Senate Journal Resolution 65, calling for the establishment of a joint Mexican-American Commission to get at one of the prime sources of illicit narcotics on the American market.

After extensive public hearings on the same subject in 1965, and again in 1966, he introduced a similar resolution. In April of 1966, at the request of the administration, the subcommittee convened a meeting of Federal, State, and local officials in San Diego, Calif., to assess drug smuggling along the Mexican border.

In addition, Senator Dodd conducted personal discussions on the problem with high-ranking Mexican public officials and civic leaders.

All of these efforts bore fruit with recent moves by the Mexican and U.S. Government to establish and expand marihuana and opium poppy field eradication programs.

The subcommittee played a major role in the White House Conference on Narcotics in 1961. One of the recommendations to come out of that conference was the establishment of a Joint Mexican-American Commission on Narcotics; the other was that Congress enact the Drug Abuse Control Amendments which Senator Dodd originally introduced in early 1961.

He introduced the Narcotic Addict Rehabilitation Act of 1966. The Juvenile Delinquency Subcommittee held extensive hearings and helped pass into law this legislation which for the first time enabled Federally convicted heroin addicts to get back on their feet rather than make them rot in prison.

Senator Dodd's Subcommittee helped write the congressional guidelines for the Drug Penalty Amendments of 1968 which raised penalties for the rampaging traffic in LSD.

In 1968, the subcommittee began investigating the current drug problem in addition to the reevaluation of the Federal narcotics laws. Hearings were held in March of 1968 and resulted in the introduction by Senator Dodd of the "Omnibus Narcotic and Dangerous Drug Control and Addict Rehabilitation Act of 1969." The bill was a recodification of all existing Federal drug laws including the outdated 1956 Narcotic Act and the 1965 Drug Amendments. As such, it was the most comprehensive Federal law ever proposed and covered every phase of the drug traffic and abuse problem.

After 18 months of hearings and debate in the Senate and House, the bill was signed into law by the President on October 27, 1970 and is now known as the "Comprehensive Drug Abuse Prevention and Control Act of 1970."

Senator Dodd also introduced the latest Federal delinquency bill—Public Law 90–445—the Juvenile Delinquency Prevention and Control Act of 1968 which is an extension of the original 1961 act, and again, the Juvenile Delinquency Subcommittee devoted a great deal of time in perfecting and amending this law.

All of these bills represented new, sometimes novel approaches to the control of crime and delinquency. As one might expect, some of these measures were opposed by special interests.

Thus, title IV, the firearms section of the omnibus crime bill and the Gun Control Act of 1968 were passed only after years of constant confrontations with the firearms industry, the National Rifle Association and other special interest groups.

The early drug bills proposed by Senator Dodd and incorporated into the Comprehensive Drug Abuse Prevention and Control Act, were fought as bitterly by the drug industry as was the recent act.

Yet these measures were found necessary after painstaking investigation and research by the staff and the members of the subcommittee. They were enacted to help save lives and to preserve the health of our young people.

Between 1961 and 1964 the subcommittee investigated the television industry with the goal of protecting children from the excessive violence that existed in many shows. These hearings had a profound effect on the television industry's penchant for mayhem and while there is still violence on TV today, recent staff surveys show that the levels of crime, violence, and brutality are significantly lower than in the early 1960's.

In 1967 the subcommittee studied the staggering auto theft problem which faced the Nation. It found that auto theft was usually the first step on the road to crime for thousands of young Americans while there were ways to make cars much more theft-proof. Many of the new antitheft devices on today's automobiles were the result of that investigation. In addition, the exposé of the criminal traffic in automobile master keys resulted in legislation prescribing criminal penalties for the illegal manufacture and interstate distribution of such keys.

In 1967 the subcommittee was responsible for the passage of a law to control the growing flood of obscene and pornographic materials which by way of the U.S. mails were reaching into American homes, unwanted by both children and adults. As a result of the subcommittee hearings, the law now gives the postal patron legal recourse against the mail-order smut merchants who operated through the anonymity of a sealed envelope. The effectiveness of this law is demonstrated by the fact that 262,676 persons requested, and got stop orders issued to mailers of pornography in 1969.

In late 1968 the subcommittee launched an extensive investigation of the conditions in correctional and other confinement institutions for juvenile and criminal offenders.

We held 23 days of hearings and heard 51 witnesses. To help correct the serious defects that exist in institutions in every part of the country, the subcommittee developed a comprehensive legislative measure, S. 2905, to aid States and localities in prison reform, in the development of rehabilitatiaon programs and in the construction of more adequate facilities.

The depth and intensity of the subcommittee's investigation in this field has led to a major breakthrough in the public recognition of the critical need for improvement of the conditions under which this society confines offenders.

In 1970 the subcommittee brought to national attention an investigation with respect to drug abuse in the military that had begun in 1966. These hearings made the Congress and the American people painfully aware of the frightening consequences of the drug problem we face. When the subcommittee unveiled the fact that thousands of drugged soldiers, seamen, and airmen posed a threat to our very security the Pentagon finally took drastic steps to come to grips with the problem.

As a result of this investigation Senator Dodd introduced legislation that would establish a far-reaching humane program for the improvement of the handling of military drug abusers. I am certain this bill will get the attention it deserves in this Congress.

Mr. President, the handling of criminal and juvenile offenders and of drug abusers is one of the most important tasks facing this Nation. It is these individuals who contribute to the serious problem of human pollution in our society.

We must take greater pains in the correction of offenders and the treatment and rehabilitation of those dependent on drugs, rather than allow them to contaminate and afflict others with crime and drug abuse.

But, today's prisons and training schools provide graduate education in criminality; and our ineptness in the management of drug abusers causes the victims to multiply in near epidemic proportions.

The majority of them are young people.

Under the 10-year leadership of Senator Dodd, the Juvenile Delinquency Subcommittee has displayed the talent and the experience of its members and its staff to provide effective solutions in these areas for the future just as it has in the past.

Mr. President, I ask unanimous consent that a more complete list of the subcommittee's legislative accomplishments during the Chairmanship of Senator Dodd be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SUBCOMMITTEE LEGISLATION PASSED INTO LAW SINCE 1961

1961

S. 802—*The Juvenile Delinquency and Youth Offenses Control Act of 1961.* Introduced by Senator Dodd. Co-sponsored by Senators Kefauver, Carroll and Hart. Three days of hearings were held by the Juvenile Delinquency Subcommittee on this bill. Representatives of all of the major groups in the United States concerned with juvenile delinquency were heard. Referred to the Committee on Labor and Public Welfare. Reported to Senate as S. 279 on April 6, 1967, Senate Report 144. Passed Senate April 12, 1961, and referred to House Committee on Education and Labor. Passed House, amended, on August 30, 1961. Senate agreed to House amendments on September 11, 1961. Approved September 22, 1961. (Public Law 87-274)

S. 1953—A bill to amend Section 5021 of Title 18, United States Code, setting aside conviction of youth offenders released from probation. Introduced by Senator Dodd. (Subcommittee processed bill, wrote report and reported bill to Full Committee and Senate.) Passed into law, October 3, 1961. (Public Law 87-336)

1962

S. 1691—A bill to provide that any juvenile who has been determined delinquent by a District Court of the United States may be committed by the court to the custody of the Attorney General for observation and study. Introduced by Senator Hruska. Bill processed by the Juvenile Delinquency Subcommittee (hearings, legislative report) and reported to the Full Committee and to the Senate. Passed into law, March 31, 1962. (Public Law 87-428)

1963

S. 1319—A bill to amend chapter 35 of Title 18, United States Code, with respect to the escape or attempted escape of juvenile delinquents. Introduced by Senator Dodd. (Subcommittee processed bill, wrote report and reported bill to the Full Committee and to the Senate.) Passed into law December 30, 1963. (Public Law 88-251)

1965

S. 438—*The Drug Abuse Control Amendments of 1965.* Introduced by Senator Dodd. Co-sponsored by Senators Burdick, Fong, Hart, Hartke, Robert Kennedy, Montoya, Ribicoff and Yarborough. This law was developed by the Subcommittee after several years of investigation into the uncontrolled and indiscriminate manufacture, sale and distribution of dangerous drugs. Seven days of hearings were held by the Subcommittee in three cities (Los Angeles, California; New York City; Washington, D.C.). It was reported to the Labor and Public Welfare Committee which held three days of hearings at which Senator Dodd was the major witness. Labor and Public Welfare reported the bill to the Senate on June 21, 1965 and President Johnson signed it into law on July 15, 1965. On that date President Johnson in his published remarks on the signing said: "Certainly, very special mention is due for the courageous public leadership offered to this cause (the control of dangerous drugs) by Senator Tom Dodd, of Connecticut. He was the author of the forerunner of the present Act, which passed the Senate last year." (Public Law 89-74)

1966

S. 2152—*The Narcotic Rehabilitation Act of 1966.* Introduced by Senator Dodd. Co-sponsored by Senators Bayh, Burdick, Ervin, Fong, Gruening, Hartke, Javits, Lausche, Robert Kennedy, Ribicoff, Scott, Tydings and Yarborough. During 1966 the Subcommittee held 12 days of legislative hearings on S. 2152, "The Narcotic Rehabilitation Act of 1966," introduced by Senator Dodd on behalf of the Administration. This measure was signed into law on November 8, 1966. (Public Law 89-793).

1967

S. 1425—*A bill to amend Title 18 of the United States Code by prohibiting pandering advertisements in the mails.* Introduced by Senator Dodd. Co-sponsored by Senators Bayh, Fong and Thurmond. Referred to the Judiciary Committee. Three days of hearings were conducted by the Juvenile Delinquency Subcommittee. A similar bill (based on the hearings of the Subcommittee) was passed as part of the Postal Revenue and Federal Salary Act of 1967. (Public Law 90-206)

1968

Amendments No. 90 to S. 1—The State Firearms Control Assistance Act. Introduced by Senator Dodd. Co-sponsored by Senators Clark, Fong, Edward Kennedy, Robert Kennedy, Smathers and Tydings. Referred to the Juvenile Delinquency Subcommittee. Twenty-one days of investigative hearings followed by eight days of legislative hearings were held by the Subcommittee on this legislation. The bill was ordered reported to the Judiciary Committee September 20, 1967. The legislation was passed as Title IV of the Omnibus Crime Control and Safe Streets Act of 1968. (Public Law 90-351, June 19, 1968.)

S. 3633—*The Gun Control Act of 1968.* Introduced by Senator Dodd. Co-sponsored by Senators Brewster, Brooke, Case, Clark, Fong, Griffin, Hartke, Inouye, Javits, Lausche, McIntyre, Magnuson, Mondale, Monroney, Muskie, Nelson, Pastore, Pell, Percy, Proxmire, Randolph, Ribicoff, Scott, Smathers, Spong, Tydings and Williams of New Jersey. Referred to the Juvenile Delinquency Subcommittee. Six days of legislative hearings were held by the Subcommittee and the bill was reported to the Judiciary Committee on June 12, 1968. The "Gun Control Act of 1968" was passed into law on October 22, 1968. (Public Law 90-618)

S. 2950—*Auto Master Key Bill.* A bill to amend Title 18 of the United States Code by prescribing criminal penalties for the illegal manufacture and interstate distribution of automobile master keys. Introduced by Senator Dodd. Five days of hearings were held by the Juvenile Delinquency Subcommittee. A similar House bill (based on the hearings of the Subcommittee) was passed regulating the mailing of master keys. (Public Law 90-560, October 12, 1968)

S. 1248—*The Juvenile Delinquency Prevention Act of 1968,* to provide for the training and recruitment of personnel in the juvenile correctional field to develop a model juvenile correctional system, to provide Federal assistance for juvenile courts, probation departments and correctional institutions and to incorporate new methods of delinquency prevention in the public school system. *Introduced by Senator Dodd.* Hearings were conducted by the Subcommittee on Employment, Manpower and Poverty at which Senator Dodd gave the Juvenile Delinquency Subcommittee's position on this bill as the lead-off witness. (Public Law 90-445, July 31, 1968)

Amendments to S. 1248—to incorporate new methods of delinquency prevention in the public school systems of the United States. Introduced by Senator Dodd. The amendment was adopted by the Senate on July 8, 1968.

1970

S. 1895—*The Omnibus Narcotic and Dangerous Drug Control and Addict Rehabilitation Act of 1969*. Introduced by Senator Dodd. To reorganize and coordinate control of the narcotic and drug abuse laws under the Bureau of Narcotics and Dangerous Drugs, Department of Justice. Hearings held before the Juvenile Delinquency Subcommittee September 15, 17, 18, 24, 25, 26, and 29, and October 20, 1969. Reintroduced by Senator Dodd along with Senator Hruska as S. 3246, *The Comprehensive Drug Abuse Prevention and Control Act of 1970*. Reported from the Juvenile Delinquency Subcommittee December 16, 1969 and signed into law on October 27, 1970. (Public Law 91-513)

U.S. Department of Justice,
Bureau of Narcotics and Dangerous Drugs,
Washington, D.C., August 19, 1970.
Hon. Thomas J. Dodd,
U.S. Senate,
Washington, D.C.

Dear Senator Dodd: In reply to your letter of July 20, 1970, requesting information on which to base the effectiveness of the Drug Abuse Control Amendments of 1965, we offer the following:

Fiscal year	Federal DACA arrests [1]	Federal DACA convictions
1967	374	106
1968	666	349
1969	647	[2] 1,270
1970	490	[2] 1,145

[1] Not all arrests are prosecuted in same fiscal year.

[2] Combined narcotic and dangerous drug convictions. Separate breakdowns are not available. Total BNDD Federal convictions.

CLANDESTINE LABS SEIZED

Fiscal year	Hallucinogens	Depressant	Stimulant
1967	13		
1968	49		19
1969	24		28
1970	27		22

PURCHASES AND SEIZURES OF DACA DRUGS BY BDAC AND BNDDC, FISCAL YEARS 1967 THROUGH 1970

[In dosage units]

	1967	1968	1969	1970
Hallucinogens	1,750,086	1,559,780	24,579,436	7,127,742
Depressant	4,739,440	11,326,540	748,850	2,339,590
Stimulant	3,293,583	19,563,607	4,831,458	7,185,926

With regard to the availability of dangerous drugs since the passage of the Drug Abuse Control Amendments, there are three facets of this problem—diversion, illicit manufacturing, and smuggling.

The source for illicit depressant and stimulant drugs is generally diversion from legitimate commerce. Up until 1965–1966, the extent of diversion of these drugs was spread throughout all levels of distribution—manufacturers, wholesalers, pharmacies, and practitioners. The DACA provided certain recordkeeping provisions which, for the first time, held these people accountable for the drugs they handled. Because of manpower limitations, BDAC (and later BNDD) concentrated its regulatory effort on the major handlers—the manufacturers and wholesalers, while regulating the retail level on a complaint basis only. The effect of this policy has been a marked reduction in diversion from the upper levels of distribution. Today, diversion is most prevalent at the retail level. While we still do not have the resources to fully regulate this retail level, we have embarked on a cooperative program with the various state authorities to assist them in regulating these handlers. This program consists of training and other support activities. To date, we have entered into formal agreements with 41 states.

Thus the DACA have had the effect of eliminating many big diversions, leaving for the most part a large number of small diversions, for which we are eliciting the support of state and local authorities in eliminating.

The major source for the hallucinogenic drugs is illicit manufacturing. In 1965–1966, hallucinogenics were relatively non-existent in the illicit traffic. The first of these, LSD, was just beginning to gain momentum. Hallucinogenic drugs are a far bigger problem today than they were in the early days of the DACA.

In combating the spread of these illicit laboratories, we have found the most effective tool to be liaison with chemical supply houses. The illicit laboratories rely on these firms as a source for essential precursor chemicals. We have established liaison with these firms to report suspicious orders for certain key chemicals.

This liaison approach, however, has not been totally effective in all cases. As you may know, these precursors are not subject to control under the DACA. We therefore must rely on these firms' voluntary cooperation. The proposed Controlled Dangerous Substances Act has provisions to alleviate this situation.

The smuggling of DACA drugs takes place largely across the Mexican border. This situation has three aspects:

First, we have domestically manufactured drugs exported to Mexican consignees. These drugs are then illegally purchased by persons who smuggle them back into the United States. These drugs are primarily diverted from the retail level. Quantities vary from a few dosage units to several thousand dosage units.

Secondly, we have drugs manufactured and distributed in Mexico by Mexican firms. These drugs are then illegally purchased in Mexico by persons who then smuggle them into the United States.

Third, we have the situation where drugs are ordered by fictitious Mexican consignees, delivered to export brokers in the United States, picked up at the export brokers and diverted before entry into Mexico.

The extent of the first two situations can be illustrated by the approximately 180 Customs seizures in 1969 of stimulant and depressant drugs at the Mexican border. Although it is suspected that most of these drugs were of legitimate manufacture, only 20 were positively identified by our ballistics laboratory as to specific manufacturer. Of the 20, four were identified as being manufactured in the U.S. and 16 were identified as being manufactured by legitimate Mexican firms. The remainder of the 180 seizures are unidentified as to source because our ballistics library lacks a complete collection of Mexican reference samples (we are in the process of obtaining these samples).

The third situation is illustrated by a case involving Bates Laboratories, Chicago, Illinois. In October, 1969, approximately 1.2 million amphetamines were consigned to a non-existent firm in Mexico. These drugs were seized in San Ysidro and San Diego, California. The shipments were the latest in a total of 3 million dosage units shipped from Bates Laboratories to Distribuidora Farmaceutica, Tijuana, Mexico. Distribuidora was a fictitious firm the address of which was the 11th hole of a Tijuana golf course. Drugs were ordered from the American manufacturer and were to be picked up at the export broker by the Mexican consignee. A similar case occurred in December, 1969 when Mexican Federal Judicial Police seized 50 kilograms of methamphetamine powder and eight drums of empty No. 5 gelatin capsules in Mexico City. Several persons were arrested by Mexican police, including an unemployed veterinarian. The shipment was brought to BNDD's attention by a drug firm in New York after it had received the order for 50 kilograms. Cooperation between the supplier, BNDD and the Mexican police brought the investigation to a successful conclusion.

Our efforts to cope with smuggling across the Mexican border have centered around talks with the Mexican Government. Through these talks we are attempting to obtain authentic samples of stimulant and depressant drugs from Mexican manufacturers and initiate a joint enforcement-regulatory program. This procedure will aid us in more clearly identifying persons involved in diversion. We have also published a regulation requiring that transport of stimulant and depressant drugs intended for export be limited to bonded carriers; and that a copy of the invoice covering the export accurately identifying the items in the shipment be left with U.S. Customs at the border crossing.

In response to your request for some significant case summaries over this period, we offer the following:

7/15/66—Two individuals were arrested in Atlanta, Georgia, operating a counterfeiting operation. A tabletting machine and 110,000 counterfeit amphetamines were seized.

9/24/66—An individual in Los Angeles, California, was arrested in possession of 300,000 dosage units of LSD.

10/1/66—Thirteen individuals were arrested in Dallas, Texas. Seized at the time of the arrests were 23,700 amphetamines. One of the individuals was a pharmacist.

1/3/67—Two individuals in Boston, Massachusetts, were arrested after delivering 4600 dosage units of LSD to an undercover agent.

1/25/67—A clue found in a truckstop in New Jersey was developed into a case against five individuals in North Carolina and a seizure of 96,000 amphetamines. This was then developed into a seizure of 3¼ million amphetamines hidden behind a false wall in a house in Virginia.

2/28/67—Five organized crime figures were arrested in Chicago, Illinois, and five million dosage units of drugs were seized from a wholesaler.

12/11/67—An individual in Chicago, Illinois, was arrested after delivering six pounds of barbiturate powder and four pounds of methamphetamine powder to undercover agents.

12/20/67—An individual in New York, New York, was arrested in his laboratory. Seized were 1½ pounds of methamphetamine, 14 pounds of mescaline, two pounds of mephobarbital, and ¼ ounce of ibogaine.

12/21/67—Six individuals (one of them was known as the "Acid King" of the country) were arrested in Orinda, California, in a clandestine laboratory. Seized were 570 grams of LSD and 180 grams of STP.

1/27/68—An individual in Lincoln Park, Michigan, was arrested in his laboratory. Seized were nine pounds of DET, two pounds of marihuana, small quantities of LSD, amphetamines, and barbiturates.

2/1/68—A general store owner in Donalsonville, Georgia, was arrested in possession of 130,000 amphetamines and barbiturates.

4/68—Three individuals sold 105,000 amphetamines and barbiturates to undercover agents from February through April. The three were arrested after delivering 29,000 amphetamines to our agents. One of them advised our agents that he had sold 1,000 hand grenades and other explosives and automatic weapons to various militant groups in Chicago.

5/2/68—Three individuals in Johnstown, Pennsylvania, were arrested for sales of dangerous drugs. One of them, the source, was a chiropractor. Another, a bail bondsmen, served with the local parole board, and once ran for Mayor of the city as well as the U.S. Senate.

9/26/68—A "minister" of the Church of Mystic Elation and eight others were arrested in their "church" in Greenwich Village, New York. Seized were 4500 LSD tablets, 10 pounds of marihuana, 10 pounds of hashish, 1500 STP tablets, and small quantities of other drugs.

10/6/68—Two individuals in Hopewell Township, New Jersey, were arrested in their laboratory. Seized were quantities of amphetamine base and powder, marihuana, and a revolver.

11/1/68—Three individuals were arrested in Kalamazoo and Lansing, Michigan. Their laboratory in Kalamazoo was seized along with 13 pounds of MDA.

12/12/68 — A vocational rehabilitation counselor at a state prison in Wichita, Kansas was arrested as he was smuggling one pound of DMT to inmates.

1/21/69—Two individuals were arrested in Chamblee, Georgia, while operating a methamphetamine laboratory.

2/22/69—Six individuals were arrested in Deer Park, New York, while operating a methamphetamine laboratory. Seized was ½ pound of methamphetamine.

3/17/69—Seven individuals were arrested in San Francisco, California, while in possession of two tableting machines, eight pounds of diluted LSD powder, 2000 LSD tablets, and two pounds of marihuana.

4/18/69—Three defendants were arrested upon landing a small plane in Cisco, Texas, with 200,000 amphetamine tablets aboard.

5/15/69—A pharmacist and two other individuals were arrested in Newark, New Jersey, following a joint investigation by BNDD and the Justice Department Strike Force. Seized at the time of arrest were 5000 LSD tablets, 225,000 amphetamine tablets, small quantities of other drugs, an automatic pistol, and counterfeit money.

6/5/69—Five defendants were arrested in Boulder, Colorado, for operating a methamphetamine laboratory. Seized was 3½ pounds of methamphetamine.

6/18/69—Two defendants were arrested in Los Angeles, California. Seized were 1,721,100 amphetamines and 361,000 barbiturates. One of these defendants was free on bond pending appeal of a previous BNDD case.

7/17/69—Six individuals were arrested in Denver, Colorado, for the sale of 4000 LSD tablets to an undercover agent.

8/4/69—Two individuals were arrested in an LSD laboratory in Weston, Massachusetts. Seized were large quantities of precursors and equipment.

9/16/69—A physician in South Bend, Indiana, was prosecuted for recordkeeping violations. BNDD audited the doctor's records at the request of state authorities, who were unable to prosecute their case.

10/1/69—Following the arrest of an individual for sale of STP, a search of his home revealed a methamphetamine laboratory. Information was developed that the STP was clandestinely manufactured by a commercial drug laboratory.

11/2/69—Two individuals were arrested in Evergreen, Colorado, in an isolated mountain cabin. Inside the cabin was a complete methamphetamine laboratory and 16 pounds of methamphetamine.

12/2/69—1,273,355 amphetamines were seized from a physician in San Francisco, California, based on recordkeeping discrepancies. The physician was the source for a known drug trafficker.

1/7/70—A physician in San Francisco, California, was arrested after making sales of dangerous drugs and narcotics to an undercover agent. Seized at the time of arrest were 18,000 amphetamines along with quantities of narcotic drugs, seven automatic weapons, and a vehicle.

2/11/70—A high official of a commercial drug firm in Cordele, Georgia, was arrested following sales to undercover agents. A civil seizure was made of 67,039 dosage units of dangerous drugs.

3/6/70—Three Bowdoin college students were arrested in Portland, Maine, as they delivered 12,000 LSD tablets to an undercover agent. An additional 12,000 LSD tablets were seized after the arrest.

4/23/70—Two individuals were arrested in Cleveland, Ohio, after a joint investigation by BNDD and the Department of Justice Strike Force. Seized were 40,000 amphetamines and barbiturates, ¾ pound of marihuana, 40 stolen office machines, eight hand guns, one silencer, and one semiautomatic weapon.

5/13/70—A physician in Jacksboro, Texas, was arrested after making sales of amphetamines to an undercover agent. Seized at the time of arrest were 9,000 amphetamines.

6/4/70—Two individuals were arrested in Los Angeles, California, after making sales, totaling 200,000 amphetamines, to an undercover agent. Information developed at the time of arrest resulted in the subsequent apprehension of three additional individuals and the seizure of 25,000 amphetamines and 1,000 barbiturates.

I hope the above information will serve your needs.

Sincerely,

JOHN E. INGERSOLL,
Director.

ESTABLISHMENT OF A WAGE AND PRICE REVIEW BOARD

Mr. CASE. Mr. President, for many months the Nation has faced the dual problem of how to control inflation without, at the same time, increasing an already high level of unemployment. Despite efforts by the Government to restore economic stability through fiscal and monetary policy, both inflation and unemployment continue to remain abnormally high.

The most recent Department of Labor statistics, for example, show that there are 712 labor markets in the United States that have been classified as areas of substantial or persistent unemployment. In New Jersey, these areas include Atlantic City, Flemington, Long Branch, Newark, Jersey City, New Brunswick-Perth Amboy, Paterson-Clifton-Passaic, Ocean City-Wildwood-Cape May, and Vineland.

Inflation continues to be a serious problem and, according to testimony by the President's Council of Economic Advisors a few weeks ago, will again this year run significantly above the postwar average.

This combination of persistent inflation and high unemployment has resulted in severe economic dislocation in many communities, personal and family hardship from loss of income, lack of job opportunities, and increased poverty. Clearly the time has come for more direct governmental action.

Though I have long felt that full-scale controls on wages and prices would be extremely difficult to enforce successfully over an extended period, I never have believed that the alternative is a "hands-off" policy by the Government. In this connection, the administration in recent weeks has moved toward wage and price constraints in the construction industry.

There seems to me, however, to be a need to develop wage-price strategy on a more comprehensive and systematic basis, as suggested earlier this year by the Chairman of the President's Council of Economic Advisors, and to consider the question of constraints in a broader context.

A proposal that I believe fits in with these objectives is the establishment of a high level wage-price board with powers to make recommendations in disputes and pricing situations that have national significance. The board would not have authority to impose mandatory controls, but, instead, would seek voluntary acceptance of its recommendations by labor and industry alike through governmental policies affecting wages, prices and employment, as well as through the mobilization of public opinion.

The establishment of such a board is supported by many economists, including President Nixon's former economic adviser and current Federal Reserve Board Chairman Arthur Burns and the Joint Economic Committee of the Congress.

I believe this proposal deserves serious consideration by the Congress and I urge that hearings on the whole question of wage and price controls be held as early as possible.

A wage-price board standing alone, of course, cannot solve the inflation-unemployment problem. Any long-term solution will require other actions by the Government, including creation of public sector jobs, extended unemployment compensation benefits and the use of Federal procurement policy in stabilizing prices.

Congress has already acted in several of these areas. Legislation extending benefits to unemployed workers, which I supported, was enacted by Congress last year, as was a bill, later vetoed, to provide several hundred thousand public service jobs. A similar public employment bill, which I am cosponsoring, has just been approved again by the Senate.

Congress has also granted the President an extension of the authority it gave him last year to impose direct wage and price controls for a limited period. This authority could provide, I believe, a useful stopgap pending the establishment of a wage-price board along the lines I have suggested.

The task of restoring economic stability, unfortunately, does not lend itself to accomplishment by any single segment of the economy. It is a problem for the Nation as a whole and its successful resolution will require the mutual cooperation of business, labor, industry, and Government.

Nevertheless, the Government, by virtue of its authority, its resources and its involvement in all sectors of the economy, has a special responsibility to insure the orderly operation of our economic system.

The next step should be the establishment of a wage-price review board.

NEW GOVERNMENT PRINTING OFFICE MICROFILM PROPOSAL

Mr. JORDAN of North Carolina. Mr. President, I am sure that every Member of the Senate is aware of the staggering volume of work which the Government Printing Office is called upon to perform and that the load is constantly increasing.

Some Senators may be less familiar, however, with details of the GPO's proposal for streamlining its procedures by utilizing a high-speed microfilming system.

A recent issue of the Government Executive magazine features an article explaining the proposed plan, and since Congress will be called upon to appropriate funds for the system I commend the article to the attention of Members and ask unanimous consent that the text be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REVOLUTION IN PRINTING: GPO GOES TO MICROFILM

(By Leon Shloss)

HIGHLIGHTS

1. The success of any enterprise depends in large part on satisfactory delivery of its printing needs. Without manuals, records, blueprints, etc., what would happen?

2. The U.S. Government Printing Office (GPO) has been swamped with printing requirements since the Civil War but it has managed to keep abreast.

3. Now, with quantum development of the microfilm, relief is in sight.

4. Not only will mounting costs be reduced and the specter of insufficient storage space eliminated, but the American public will have access to more information as, traditionally, has been the intent of Congress.

The snowstorm of paper generated by the printing needs of the U.S. Government may diminish into a shower.

This is the prognosis to be found at the Government Printing Office (GPO), the largest, most complete printing facility in the world.

The problem of massive Government printing requirements that had its genesis in the Civil War may be solved by the use of microfilm.

The program will be underway shortly, as soon as the Public Printer receives expected Congressional authorization.

The authorization will come from the Joint Congressional Committee on Printing—the "Board of Directors" of GPO. It will come to the new Public Printer, Adolphus Nichols "Nick" Spence, a career Federal employee.

Spence, who says he "was quite honored that the President would select a Government employee instead of going to industry or a political appointment," interprets the new program this way:

"The intent of Congress has always been that the people of this country should be provided all possible information at as near to cost as the information can be made available.

"Up until now, this has been difficult, with labor and material expense ever rising. But with the microfilm technology we now have we can put our average GPO document of 200 pages on one sheet of microfiche and sell it for 10 cents. The hard copy has been selling for two dollars."

The microfiche copies would be provided, at no charge, to 1,200 depository libraries which would have only to procure a satisfactory number of lap or table "readers" which would project the pages for the reader's benefit.

"Some inexpensive universal type reader is a must," Spence disclosed in an interview with *Government Executive*. "One such reader is nearing the market."

The microfiche documents would, of course, have distribution far wider than the libraries.

"Some potential customers," Spence continued, "are now doing their own microfilming, particularly in industry. They would achieve savings if the work can be done centrally. Another great potential saving could result from the reduced load on the Post Office Department. Right now, here at GPO, we have an underground conveyor belt which carries our daily mail load to the central Washington Post Office. We have to keep this belt working 24 hours a day. That should give you some idea of how mail delivery efficiency would be improved with microfilm."

Under the new system, all GPO-printed publications would be done in microfilm. Any of the 27,000 titles now on GPO shelves would be available on microfilm, on request. And, all forthcoming publications would also be available in the traditional "hard copy" form, on request.

Spence will hold meetings with public and private organizations which generate large amounts of printed material. The purpose of the meetings will be acquisition of a consensus on the reduction ratio to be employed.

Among these organizations are the Library of Congress, the Council of Library Resources, the Librarians Association, the Council on Scientific Technical Information (COSATI, a White House entity), the Department of Defense, the Department of Commerce, the Atomic Energy Commission and the National Aeronautics and Space Administration.

Spence personally leans toward a 48 to 50X reduction ratio, which in general would get the average book on one sheet of microfiche and would also allow utilization of existing "readers" with only a change in lens. No change in the machinery design would be required.

Spence points out that libraries cannot possibly accommodate all the literature being generated, but that they could handle everything if printed in microfilm. An example is the bulky, daily *Congressional Record*. The *Record* would continue to be printed in the traditional form for the Members of Congress, but other users could get it in microform. In this fashion users—including Congress—could establish a long-term file of the *Record*, something currently difficult if not impossible due to the bulk of the publication. Few organizations today can maintain an active file of the *Record* for more than one year.

"Microfilm use," Spence said, "is reasonably widespread in Government today, mainly as a space-saving storage medium for inactive files. In 1947, the use of microfilm as an active reference medium was pioneered by the Social Security Administration. Today SSA is believed to be the largest microfilm user in the world. Each year 30 million documents are received, microfilmed and the paper copy destroyed. SSA's microfilm library of 168 million accounts is in constant use for random search. This is in addition to 45,000 daily requests that are computer-searched on mag tapes."

Other large users of microfilm include the Library of Congress, the National Archives, National Library of Medicine, Internal Revenue Service, the Census Bureau, the Patent Office and the Navy, where Spence, after World War II duty, took over as Director of the Navy Publications and Printing Service in 1946. In 1949 he put on a second hat by becoming the first and only Director of Defense Printing Service.

"As for the use of microfiche," Spence said, "this was given a shot in the arm in 1964, when the Government decided to issue technical reports to the defense agencies in this form. The program has proved highly successful.

"But still only five Federal agencies are today involved in the production and dissemination of microfiche out of scores that could participate. The Clearinghouse for Federal, Scientific and Technical Information sold 671,000 microfiche in 1967, and 1.3 million paper copies. In 1970, however, nearly two million microfiche and 800,000 paper copies were sold.

"This would indicate that, if you will forgive the pun, the 'fiche market' is getting significantly stronger. So while the Government's interest, overall, is far from moribund, in my view it is lagging behind private interests which are now setting the pace. Within the complex infrastructure of Government, we still find a full spectrum of reaction to the microform concept—from enthusiastic support, through grudging acceptance, to active hostility. But progress is being made."

Spence recalled that GPO's Public Documents Division sold more than $21 million worth of Government publications in 1969—about 75 million documents.

"We also," he continued, "distributed about 12 million documents to the more than 1,000 Federal Depository Libraries in 1970. This business is still growing. As Government gets into more programs, the printing and publications which support and advance these programs add to the snowstorm of paper. It is only reasonable to suppose that the use and storage of this material would dictate the full employment of existing microform technology.

"Few enterprises, for example, issue an annual publication containing 25,000 pages. I marvel at how such a massive and unwieldy accumulation of paper can possibly be stored and used in printed form. Yet the Government does it, not in isolated instances but repeatedly."

Spence says that, in his view, two basic roadblocks impede the progress of micropublishing in Government: education and standardization. "We must educate the users inside Government to the advantages of micropublishing. Once they are exposed to the simplicity and the inherent economies of microforms, I would expect to see most everything printed by the Government made available in film or fiche."

"As for standardization," Spence said, "some common agreement must be reached universally as to the reduction ratios for fiche, superfiche, or ultrafiche. Some inexpensive universal type reader capable of employing all these ratios is a must. One such reader is nearing the market."

GPO, said Spence, will purchase fiche service commercially, will not attempt to establish an in-house capability.

"Many firms," he said, "are in this service-center business and I plan to set up an annual contract for providing our needs."

THE FICHE MARKET

Various estimates have placed the present microfilm market at $300 million to $1 billion and the 1975 market at $2–3 billion.

The well-known research firm of A. D. Little estimated the total 1968 market at $350 million and said "we believe the market will grow at an average rate of about 11 percent a year to a level of $595 million by 1973."

A study made by David R. Caplan of Glore Forgan Staats says "we expect the market will grow about 22 percent annually to a level of $1.4 billion by 1975. The greatest growth potential lies in Business Records Management and Micropublishing which we estimated will grow at 47 percent and 37 percent per year respectively."

The Caplan study lists 36 major industry suppliers. The "giants" are Eastman Kodak and National Cash Register. Also in the upper bracket are 3M and Bell and Howell. The leading companies not only sell equipment and supplies but also service equipment and process microfilm.

THE FICHE STORY

The word can be found only in the newer dictionaries. One defines it thus:

"Fiche—a flat piece of microfilm that contains several images, as of printed matter."

In one mode, 3,600 pages of an average-size book can be placed on a four-inch by six-inch card. This card, when placed in a microfilm lap or table "reader," presents each of the 3,600 pages as clearly as the original pages from which they were reduced.

Since the early 1800s the photographic technique of reducing documents to microscopic size has been technically possible.

When microfilm was introduced in World War II, it was the first significant innovation in recorded communication since Johann Gutenberg published his *Sibyllenbuch* five centuries earlier. The new tool found many uses but the revolutionary role it was expected to play never came to pass, for a variety of reasons. Most significant, the quality of the recovered image was substantially degraded from the original.

Microphotographic production has been commercially marketed in the United States since 1928 under various nomenclatures—microfilm, microfiche, microcard, microform—according to the production method employed.

The nomenclatures reflect the reduction ratios, as:

Microfiche—up to 49:1 reduction ratio.

Superfiche—50:1 to 99:1 reduction ratio.

Ultra microfiche—100:1 and up reduction ratio.

In 1964 the National Cash Register Co. completed experiments with a light-sensitive dye to produce ultramicrofiche. The process does not replace conventional microfilm, but offers a new dimension to the art—a way of microfilming microfilm.

NCR ultramicrofiche was introduced to the industrial market in 1966, about 18 months after "The Smallest Bible in the World" had been exhibited at the New York World's Fair. The Bible replica is a two-inch by two-inch ultramicrofiche containing the complete text—1,245 pages—of the King James version of the Old and New testaments.

The advantages of fiche are manifold. Primary, probably, are reduced production costs and reduced storage space requirements. A 400-page book which now sells for $2 can be sold in fiche for 10 cents. The Ford Motor Co. can get its entire 7,600-page service catalog on three four-inch by six-inch ultrafiche.

High school guidance counselors will have available for their students over 51,000 pages of guidance material on 18 4" x 6" ultrafiche, updated annually.

From both the space and cost angles, a striking example is the current project being undertaken by the Encyclopedia Britannica's new subsidiary, Library Resources, Inc. The first collection to be marketed by LR is "The Library of American Civilization, Beginnings to 1914." It will be a 20,000-volume collection amounting to six million book pages and will sell for $19,500—less than a dollar per volume. Images Enterprises, Inc., of Los Angeles, was awarded the contract to produce the library for an amount in excess of $4 million—marking the first time a major publisher has realized microfilm's potential with a large financial commitment. Storage space required will be 1/400th of that of the books they replace.

One hundred fiche, containing up to 6,000 standard pages, can be filed in a linear inch of drawer space, a saving of 97 percent in storage space over paper copies.

Other advantages of microfiche:

Individual units of information are always accessible, not grouped with hundreds of others on roll film.

As pages on a fiche become obsolete, the entire fiche can be replaced for less than the cost of conventional updating.

Microfiche can be filmed directly from original material, without the costly, time-consuming preparation involved in printing.

Fiche are compatible with the most simple and the most sophisticated information retrieval systems.

Duplicate microfiche or hard copy prints can be reproduced on demand at any time, rapidly and inexpensively, it is unnecessary to maintain a large stock or attempt to estimate demand in advance.

How to fiche? Four steps. First, the original material is reduced to standard microfilm size on special film. Second, in the laboratory, the microfilm is reduced once again and the images—or pictures—are then arranged in rows and columns on a glass plate. Third, from this glass master the copies to be used are printed by contact photography. Then, these prints are laminated on both sides with a thin layer of plastic, which not only protects them from scratches, fingerprints and dust, but also makes them stiff enough to use without additional mounting, as well as nearly completely wearproof.

SHOE IMPORTS CONTINUE THEIR PRECIPITOUS RISE AND AMERICAN SHOE WORKERS CONTINUE TO SUFFER

Mr. McINTYRE. Mr. President, the figures are now available on shoe imports for the months of January and February of this year.

These figures reveal that imports this year are up nearly 30 percent for the same period last year.

Not only are the numbers of shoes imported on the rise but the value of the shoes imported is also rising. The facts available indicate that the rise in value exceeds 30 percent over January and February of 1970.

What does all of this mean? It means that the American shoe industry has once again suffered a blow from imports. It means that more jobs will be lost by our shoe workers. They are the ones who suffer most from the imports.

I welcome the action last week by the President who authorized special assistance to some 3,000 shoe workers who have lost jobs because of the onslaught of shoe imports.

But I was disappointed that the President did not recommend a restriction of imports which I believe was within his power to do at the time.

The President's action to assist some of those who have lost jobs will help in 11 shoe plants, including four in New Hampshire: Jodi Shoes, of Derry; Evangeline Shoes, of Manchester; Foot Flairs, Inc., of Manchester; and Stage Door, of Raymond, N.H.

This kind of help is better than no help at all. But, the biggest help the shoe industry could get would be for the President to approve a modest shoe import quota bill.

The problem with retraining and relocation, which the President has offered, is not with the concept, but with its application.

When we talk about retraining a New Hampshire shoeworker, or the shoeworker from any State, for a strange new job, we must remember we are often talking about retraining and relocating someone who is in their fifties. In many instances we are talking about relocating a person who has a family, a home, friends, and close ties to a community. We would uproot them in middle age and force them to start a whole new life, in a new job, very often in a new community. We would force them to sell a home in one place—a home they may own—and force them into trying to find a new home at the presently inflated home costs.

The help given under the President's program is not above and beyond what the worker is entitled to under regular unemployment benefits. For example, if a shoeworker has been earning $100 a week, under the new program he would be allowed 65 percent of this weekly wage, or $65. However, under regular unemployment compensation he is entitled to $40 a week. This $40 is deducted from the $65 so that he would really only receive $25 in additional payments—a total of $65. He would lose $35 a week under this program. Few persons in the country could stand a 35-percent cut in their income and not feel severe restrictions.

I have introduced S. 37, which would bring some balance into shoe and textile imports. There are other proposals which would accomplish similar restrictions on the flood of foreign imports. I believe the Congress owes it to the workers in shoes and textiles—and the textile workers are being hard hit by imports—to act to give them some future in the jobs in which they have spent their lives.

Mr. President, so that the figures on recent shoe imports are available to all, I ask unanimous consent to have printed in the RECORD the latest report of the American and New England Footwear Manufacturers Association on shoe imports.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

IMPORTS: FEBRUARY 1971, FIRST 2 MONTHS 28.7 PERCENT ABOVE LAST YEAR

Leather and vinyl imports of 26,419,700 pairs for the the month of February has brought the two months' total for 1971 to 56,013,300 pairs—a 28.7% increase over the same period last year. The value of this footwear amounted to $112,157,000 or an average value of $2.00 per pair, reflecting a 32.6% increase over the two months' period in 1970.

All major types of imports showed tremendous increases:

LEATHER AND VINYL IMPORTS (PAIRS)

	2 months		Percent change, 2 months,
	1971	1970	1971–70
Men's, youths', boys' leather	7,127,000	5,032,500	+41.6
Men's, youths', boys' vinyl	4,264,600	2,384,600	+78.5
Women's and misses' leather	18,545,800	14,172,900	+30.9
Women's and misses' vinyl	19,776,100	16,674,100	+18.6
Children's and infants' leather	1,961,000	1,302,600	+50.6
Children's and infants' vinyl	1,973,900	1,759,000	+12.2

With only the first two months' data in, it is quite obvious that imports are continuing to stabilize their growing entrenchment in the American Market, and it looks like our estimated total for 1971 of 282,000,000 pairs will be realized and possibly exceeded.

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR (000 PAIRS; 000 DOLLARS)

Type of footwear	February 1971, pairs	Percent change 1971/1970	2 months, 1971			Percent change 2 months 1971/1970	
			Pairs	Dollar value	Average dollar value per pair	Pairs	Dollar value
Leather and vinyl, total	26,419.7	+27.7	54,514.3	110,657.0	2.03	+29.5	+33.5
Leather excluding slippers	13,998.7	+27.8	28,201.9	86,803.4	3.08	+34.1	+30.3
Men's, youths', boys'	3,606.7	+36.6	7,127.9	28,842.1	4.05	+41.6	+40.5
Women's, misses'	9,050.0	+22.2	18,545.8	53,498.3	2.88	+30.9	+25.4
Children's, infants'	1,045.3	+55.3	1,961.4	2,664.5	1.36	+50.6	+49.6
Moccasins	55.5	+57.7	86.9	108.7	1.25	+16.6	+29.4
Other leather (including work and athletic)	241.2	+18.9	479.9	1,689.8	3.52	+7.0	+8.7
Slippers	16.3	+25.4	23.0	65.9	2.87	+11.7	+24.1
Vinyl supported uppers	12,404.7	+27.7	26,289.4	23,787.7	.90	+24.8	+46.2
Men's and boys'	2,187.5	+93.4	4,264.6	4,744.0	1.11	+78.8	+78.5
Women's and misses'	9,205.9	+20.9	19,776.1	17,355.3	.88	+18.6	+41.6
Children's and infants'	862.9	+2.2	1,973.9	1,473.9	.75	+12.2	+23.2
Soft soles	148.4	+19.2	274.8	214.5	.78	+14.6	+39.6
Other non-rubber types, total	668.5	+27.6	1,499.0	1,500.0	1.00	+5.5	−11.1
Wood	176.9	−9.7	256.3	669.5	2.61	−42.9	−37.9
Fabric uppers	387.4	+39.7	908.5	583.1	.64	+3.9	+16.4
Other, n.e.s	104.2	+105.1	334.2	247.4	.74	+240.0	+126.8
Non-rubber footwear, total	27,088.2	+27.7	56,013.3	112,175.0	2.00	+28.7	+32.6
Rubber Soled Fabric Uppers	4,902.4	+47.1	9,498.4	9,462.3	1.00	+25.8	+67.8
Grand total, all types	31,990.6	+30.4	65,511.7	121,619.3	1.86	+28.2	+34.8

Note: Details may not add up due to rounding. Figures do not include imports of waterproof rubber footwear, zories and slipper socks. Rubber soled fabric upper footwear includes non-American selling price types.

Source: American Footwear Manufacturers Association estimates from Census raw data. For further detailed information, address your inquiries to the association, Room 302, 342 Madison Avenue, New York, N.Y. 10017.

SIX MYTHS ABOUT WELFARE

Mr. BAYH. Mr. President, during the last several months there has been an increasing amount of controversy over what has been referred to as the "welfare crisis" in America. At present, the House Ways and Means Committee is considering its 1971 version of a welfare reform measure. President Nixon has also proposed revisions in his family assistance plan. Taxpayers are screaming that the welfare tax load is too heavy. Welfare mothers, on the other hand, continue to demand that they be treated as human beings and not as people living off a dole.

In light of this increasing controversy, there have arisen a number of myths concerning the welfare issue. The existence of these myths has perpetuated an ugly bias among many Americans. In order to clarify these erroneous beliefs, the National Welfare Rights Organization in cooperation with the United Church Board for Homeland Ministries has produced a pamphlet entitled "Six Myths About Welfare." I am firmly convinced that the best way of ending welfare in this country is to begin by understanding the facts. I recommend that this pamphlet be read. I ask unanimous consent that the text of this short booklet be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

SIX MYTHS ABOUT WELFARE

Welfare.

To the average working man, it's a handout, something for nothing.

To the professional social worker, it's an archaic, frustrating bureaucracy.

To the ordinary taxpayer, it's a seemingly endless drain on his weekly paycheck.

To the political opportunist, it's the obvious scapegoat for governmental failure—for massive urban decay, maybe even inflation.

To the welfare recipient it's much simpler. It's poverty. Guaranteed annual poverty.

Welfare.

Welfare Cadillac. Welfare fraud. The welfare mess.

Welfare.

We hear the words, read the words, even sing the words, every day. And believe the words—the words, the slogans, the myths, the lies that prevent us from ever really hearing or seeing or, most of all, understanding the reality of welfare: the reality of poverty.

For a moment, at least, let's tune out the rhetoric and take a look at that reality.

1. HARD WORK IS THE ANSWER TO THE WELFARE PROBLEM—IT'S A MYTH

Work might be a solution to the welfare crisis—if welfare recipients really were lazy men, dodging jobs. But the U.S. Department of Health, Education and Welfare (HEW) reports that less than 1% of the nation's welfare recipients are able-bodied men,[1] and these men have to be seeking jobs through their state employment agencies to be getting any welfare at all.

Considering that the unemployment rate in December 1970 was 6% of the labor force [2]—and the unemployment rate among blue collar workers even higher [3]—the number of able-bodied men receiving welfare is remarkably small.

Who really is on welfare?

According to a recent survey by HEW: [4] 24% are old-aged recipients (OAA), 8% are permanently and totally, disabled (APTD), 1% are blind (AB), 50.3% are children (AFDC), 2.9% are incapacitated parents in the home (AFDC-UP or AFDC).

The remaining 13% are mothers. One-fifth of these welfare (AFDC) mothers are in job training or are already employed but are making so little money that they still qualify for welfare.

Are welfare mothers employable?

Most welfare mothers are needed full-time by their own families. However, a small number, about 2.3% of all welfare recipients, could work—if certain conditions permitted.[5]

First, day-care services for children:

A crucial need when you consider that some 70% of all AFDC children are under twelve years of age.[6] But, right now, day-care is very scarce and very expensive—at least $1,915 per year for a pre-school child and $634 for after-school and summer care for older children.[7] A mother with one pre-school child and another one in school would have to spend over $2,500 a year for child care, which would probably be well more than half of her income. If she could find any day-care at all. Many women can't: as of last year, HEW estimated there were some 5 million children who desperately needed day-care; but there were only 640,000 spaces available in licensed facilities.[8] In other words, the need for day-care is already seven times greater than the supply. And the need is growing rapidly.

Secondly, improved education and training:

Another crucial long-term need; but right now, not a very immediate solution to the poverty problem. The fact is that only 18% of all AFDC mothers have ever completed high school. Nearly 34% have never gotten beyond the eighth grade.[9] Considering what it takes to find a steady job today, most unemployed AFDC mothers would have both to finish high school and to complete a training program before even trying to enter the job market.

Are decent jobs available for employable welfare mothers?

Even if a welfare mother could find child care, complete her education, and obtain a skill, she still would be hard put to find any work at all. The jobs simply are not there. For instance, last year in Cleveland, Ohio, there were some 16,175 jobs available to women. But there were 22,596 women looking for jobs (including 621 employable welfare mothers).[10]

Footnotes at end of article.

In Cleveland, as almost everywhere else in this country, there just aren't enough jobs to go around.

And the few jobs that are available rarely provide enough income to support a family. Although women in general are better educated than men, unemployment has been consistently more severe among women over the last decade. In 1967, for example, the unemployment rate for for women was 5.2% as compared to 3.1% for men.[11]

Not only are women discriminated against in hiring, they are also grossly underpaid for doing the same kinds of jobs that men do.[12]

INCOME OF YEAR-ROUND, FULL-TIME WORKERS IN 1968

Occupation	Women	Men
Clerical workers	$4,002	$7,034
Operatives	3,506	6,209
Nonfarm laborers	2,984	4,165
Sales	2,248	7,369
Service	2,226	4,820
Private household	806	

The problem is income, not jobs.

Having a job is no guarantee against poverty; among all women who worked 35 hours or more per week for 50 to 52 weeks in 1966, 26% had incomes from all sources (including alimony) of less than $3,000.[13]

Obviously, the problem is getting an adequate income, not just getting a job.

Although the number of able-bodied adults on welfare is infinitesimal and unemployment rates increasingly higher, the welfare system clings to the 19th Century notion that "putting them to work" is the answer. Under the relatively new Work Incentive Program (WIN), the welfare department can order a mother to take training or a job arranged by the state or local employment office, with the threat of cutting her off welfare if she does not accept it—force her to take any job, even if it's not covered by minimum wage laws. In the South especially, where cheap "domestics" are in greatest demand, the WIN program can be tantamount to involuntary servitude.

Should any mother be forced to leave her home and children for an outside job?

Whether or not one accepts the notion that child-raising should be "woman's work," the fact is that in most American families child-raising is woman's work—and hard work at that. If a woman's husband dies or leaves home, does child-raising suddenly cease to be "work"? In effect, that's what the welfare department is saying when it defines "work" solely as a job outside the home. The reality, of course, is that a woman who becomes the head of a household is doing more work, being both the father and the mother to her children. It's at least paradoxical, perhaps cruel, that a society which traditionally extols the virtues of motherhood is simultaneously forcing some mothers to leave their homes and children for low-wage, dead-end, outside jobs.

2. MOST WELFARE RECIPIENTS ARE BLACKS WHO HAVE MOVED TO NORTHERN CITIES JUST TO GET ON WELFARE—IT'S A MYTH

The majority of welfare recipients are White—about 55%, according to HEW. Thirty-nine per cent are Black, and 6% are American Indian and others.[14]

More importantly, the most recent studies refute the notion that black people who moved to northern cities did so to get higher welfare payments.

During the two decades following World War II, some 20 million Americans moved from rural to urban areas. About one-third of these migrants were non-white, and most of them (about 90%) did settle in the great northern industrial cities. But to get jobs, not to get welfare: during the peak migration period, 1950 to 1960, when large numbers of black people were moving to the North, the nation's welfare rolls rose only 17%—this despite the fact that male, non-white unemployment rates during the decade after the Korean War were particularly severe (9% to 15%).[15]

Significant increases in the welfare rolls (108% from 1960 to 1968) didn't begin to occur until long after the peak period of migration had passed.[16]

Black people may have moved north for a variety of reasons—in hope of better jobs, better education, less oppressive discrimination, or simply to be near friends and relatives who had already moved. But there is no evidence at all that black people—or rural poor people in general—have migrated to the North in order to get on welfare.

ALL WELFARE MOTHERS DO IS HAVE ILLEGITIMATE CHILDREN—IT'S A MYTH

And a particularly vicious myth, both because it grossly distorts reality and because it generates the widespread feeling that welfare recipients are the "undeserving poor" who should, apparently, be allowed to starve.

First, we tend to believe that welfare recipients have more children than the rest of us, lots more. The stereotypical welfare family of twelve. But actually, the average welfare family has only about three children.[17]

Secondly, we tend to assume that all welfare children are "illegitimate." The facts indicate that about 30% of the AFDC children are "illegitimately" born—which demonstrates, to begin with, that the myth is a vast exaggeration, but doesn't really respond to the suspicion that welfare recipients are more promiscuous than other Americans. To put this suspicion in perspective, we have to remember that an "illegitimate" birth is just one indicator of extra-marital intercourse. A lot of babies are conceived out of wedlock but are not born out of wedlock: timely marriages. In fact, a recent report for HEW showed that one-third of all first-born American children, born between 1964 and 1966, were conceived out of wedlock; yet, by the time these children were born, nearly 66% of the mothers had married, making their children "legitimate" in society's eyes.[18]

There is further evidence of "illegitimate" behavior (extra-marital intercourse) which was not recorded in illegitimate births: it's been estimated that nearly one million abortions were performed in this country in 1969.[19]

We cannot even measure the illegitimate behavior that is "covered-up" by the use of contraceptives.

The point is, illegitimate births are recorded—illegitimate behavior is not. The illegitimate behavior of affluent people is more easily concealed through quick marriages, privileged abortions, and contraceptives (which are sometimes illegal, too).

Welfare recipients may or may not be more promiscuous than affluent people. We don't know. All we do know is that poor peoples' illegitimate babies are more likely to be recorded for public condemnation.

WELFARE IS THE GOOD LIFE—COLOR TV'S AND CADILLACS—IT'S A MYTH

An absurd myth really, though a particularly popular one, apparently even with President Nixon, who once requested the song "Welfare Cadilac" (sic) at a formal White House function.

The mystery—a mystery that neither the songwriters nor the President have yet explained—is how a Mississippi welfare mother manages to pay her rent, buy food and clothing for herself and three children and still purchase that new Cadillac on $59 per month.

Whereas the Mississippi welfare payment is patently absurd, New Jersey, the most "liberal" welfare state in the nation, pays a benignly inadequate $341 a month (July 1970).

Compared to Mississippi welfare payments, $341 may seem like a lot; but computations based on a U.S. Bureau of Labor Statistics (BLS) survey show that a family of four needs at least $458 a month ($5,500 a year—1969 prices) to live in minimal health and nutrition. That makes the New Jersey figure $117 a month short—$117 short of what it takes simply to survive.

The White House Conference on Food, Nutrition and Health endorsed the $5,500 figure as the ultimate solution to the hunger problem. Yet, even this is no bargain. A Gallup Poll reported in February 1970 that the American public, when questioned about the minimal cost of living, felt that a family of four could not get by on less than $520 a month.[20]

Whatever definition of adequacy you choose, the level of welfare payments in every state in the union is nothing but guaranted annual poverty.

What do these facts and figures mean to a real welfare family?

They mean that the family will probably live in crowded, substandard housing, infested with rats and roaches. That they will send malnourished, ill-clothed children off to inferior schools. That they will eat starchy, unbalanced meals: try it yourself—on 18½ cents a meal. That they will probably be obese and eventually become ill. That day in day out, they will lead frustrating, frustrated lives; day in day out, living with the shame of poverty—feeling it their shame, not ours; day in day out, on the lowest rung of the ladder: on welfare.

Welfare is the "good life" only for those who have never experienced it.

MOST WELFARE RECIPIENTS ARE CHEATERS—IT'S A MYTH

Any taxpayer who wants to believe the other "good life" myths about welfare must also assume that recipients make fraudulent claims. ("How else could they buy those Cadillacs on their allowances?") But, again, the U.S. government's own facts refute the charge. In 1969, a government investigation of fraud established that only four-tenths of one per cent—or 4 out of every 1000—of all welfare cases were fraudulent.[21] Compare that figure to these statistics on national tax fraud and evasion: [22]

	Reported income (billions)	Unreported (percent)
Farmers, small businessmen, and professionals	$12.0	28
Wage and salary earners	6.5	3
Receivers of interest	2.8	34
Receivers of dividends	.9	8
Receivers of pensions and annuities	.6	29
Receivers of rents, royalties, and capital gains	1.2	11

Cheating a little on your income tax is one form of casual, almost institutionalized fraud. There are many others, equally casual, "acceptable." From padding expense accounts to short-changing highway toll machines.

But that's beside the point.

The point is, that for America's 12 million recipients, the welfare system itself is a fraud; poverty, the only reality.

Given the temptation, given that a few dollars more or less welfare money may be a matter of survival, the prevailing honesty of welfare recipients—their fidelity to the rules of the very system which keeps them poor—is, to say the least, remarkable.

WELFARE TAKES MOST OF YOUR TAXES—IT'S A MYTH

The American Paradox—poverty amidst plenty. "Well, we'd like to do more, but most of our tax money is already going for welfare."

Is it?

Footnotes at end of article.

Take a close look at the federal budget. Here's where your taxes really go:

FISCAL 1971, FEDERAL BUDGET, $201,000,000,000

[Dollar amounts in billions]

	Percent	Amount
Military programs	36.7	$73.6
Foreign affairs	1.8	3.6
Space programs	1.7	3.4
Farm subsidies	2.7	5.4
Interest on debt	8.9	17.8
Public welfare, payments (includes AFDC, OAA, AB, and APTD)	1.9	4.2
Other programs	46.2	92.9

Source: U.S. Bureau of the Budget, February 1970.

Thus, in fiscal 1971, the federal government is subsidizing a sub-poverty existence for nearly 12 million Americans on less than 2% of the federal budget.

Nor is the cost of this 2%, nor any other percentage of the federal budget, distributed equally among all Americans, as the ostensible tax structures would seem to claim.

The fact that the more a person earns, the more able he is to avoid paying his fair share of the cost of the nations governing. For instance, in 1967 tax loopholes allowed 155 Americans with incomes of over $200,000 each to avoid paying any federal income tax at all. In this group of "big welfare recipients," twenty-five had incomes of over $1 million per year.[23]

When someone else pays less, the rest of us pay more: 88% of all taxpayers earn less than $10,000 a year; yet this 88%—mostly wage earners and salaried professionals—bears the brunt of federal and state taxation.[24]

Nor is the phrase "big welfare recipients" mere rhetoric: because of discriminatory and inequitable tax concessions, a man making over $5 million a year may actually pay about the same percentage of his income in federal taxes as a man making only $20,000 a year.[25]

On the average, Americans—rich and poor alike—actually pay about 20% of their incomes in federal taxes.[26]

Such tax concessions to the few rich annually cost the U.S. Treasury $40 billion—or twenty times the amount we pay to support, in misery, the many American poor.[27]

There are direct subsidies to the wealthy, too. For instance, last year 415 farm owners received over $100,000 each in subsidies from the Department of Agriculture. These were not small, poor farmers; they included major corporations, banks, and large landowners. Senator James Eastland, alone, received over $146,000 for not growing cotton on his plantation in Mississippi.[28]

Our oil subsidy program (via depletion allowances) doesn't even appear in the federal budget as a subsidy; but it still costs the average taxpayer—costs all of us—at least $1.5 billion a year.[29]

On the state and local level, it's harder to generalize about the relative cost of welfare. But a couple of things are clear.

First, while no state in the union provides truly adequate welfare payments, some states are vastly more inadequate than others: $59 a month for a family of four in Mississippi; $341 a month for a family of four in New Jersey. The lack of a uniform, adequate federal welfare system means that some Americans are bearing a wholly disproportionate share of our common social responsibility.

Secondly, the same preferential concessions that make for inequity in federal taxation are often perpetuated on the state level. In addition, other state tax structures—the purely regressive sales tax, for instance—promote further injustice. The sales tax, for one, literally takes bread from the table of poor families, yet hardly affects the life style of the affluent at all.

While corporations and wealthy individuals are getting tax breaks, the welfare recipient who works is being taxed at a rate of 66⅔%,[30] a rate far greater than that actually paid by multimillionaires.[31]

For the welfare recipient, for the working poor, and for an increasing number of middle-class taxpayers, it's becoming clear that the biggest myth of all is the myth of "America, the Just Society"—the promise of a fair share for each of us in the country's general prosperity. The promise has not panned out: the top one-fifth of our society receives 43.8% of the nation's aggregate income; the bottom one-fifth receives only 3.7%.[32]

As some Americans move expectantly toward the promises of the 21st century, other Americans are left behind, mired in the miseries of the nineteenth. True welfare, the good life, is still really only for the wealthy. The poor are another story.

Welfare.

Welfare Cadillac. Welfare fraud. The welfare mess.

Welfare.

Welfare recipients have been listening to the words for a long time. The derisive songs. The rhetoric. The charges. The myths. Listening for a long time, in silence.

But in 1966 the silence ended. All across the country, welfare recipients began to talk back, to organize.

Blacks, Whites, Chicanos, Puerto Ricans, Indians—now 125,000 poor people in 714 local groups in 50 states. Poor people speaking up for themselves, for their right as Americans to a fair share in the good things of our national life. Decent jobs with adequate pay for those who can work; adequate income for those who cannot.

This is the National Welfare Rights Organization. Poor people speaking up for themselves out of the pressing reality of their own lives.

Whether or not their voices are heard depends a lot on the rest of us. There's very little chance for change so long as welfare recipients remain invisible Americans, cut off from us by myths and prejudices we may not even be aware we hold.

It's only when we begin to question what we've been taught to believe about welfare, and begin to perceive things as they really are, that we together can begin to make things better.

To that beginning—to the process of separating the myths about welfare from the reality—this pamphlet has been dedicated.

If you want to help, contact: National Welfare Rights Organization, 1419 H Street, N.W., Washington, D.C. 20005. Telephone (202) 347-7727.

FOOTNOTES

[1] U.S. Department of Health, Education and Welfare (HEW), "Estimated Employability of Recipients of Public Assistance Money Payments," July 1968.

[2] U.S. Department of Labor figure, as reported in *The Boston Globe*, January 9, 1971.

[3] U.S. Department of Labor, "The Unemployment Situation: July 1970," August 17, 1970. The unemployment rate for blue-collar workers in July was 6.5%.

[4] HEW, "Estimated Employability . . .," *op. cit.*

[5] HEW, "Estimated Employability . . .," *op. cit.*

[6] U.S. Department of Health, Education and Welfare (HEW), Social and Rehabilitation Service, National Center for Social Statistics, "Findings of the 1967 AFDC Study: Data By State And Census Division," July 1970, p. 4.

[7] Day-Care and Child Development Council of America, *Components and Annual Operating Costs Per Child for the Three Kinds of Day-Care Facilities*, 1970.

[8] Data as of March 1969, collected by the National Center for Social Statistics, HEW.

[9] HEW, National Center for Social Statistics, "Findings of the 1967 AFDC Study . . .," *op. cit.*, Table 40.

[10] Manpower Planning and Development Commission of the Welfare Federation of Cleveland, "Employment Opportunities for and Employment Characteristics and Attitudes of AFDC Mothers in Cuyahoga County," July 1970, pp. ii and iv.

[11] Wage and Labor Standards Administration, U.S. Department of Labor, "Women in Poverty—Jobs and the Need for Jobs," April 1968, pp. 2–3. One should remember that unemployment rates don't include people who are "sub-employed"—people who have been so frustrated they've given up looking for work or who work only marginally. In central city slum areas, sub-employment rates are staggering: 36.5% in 1966 when the general U.S. unemployment rate was only 3.7%. (U.S. Department of Labor, *Sub-Employment in the Slums*, 1966.)

[12] U.S. Department of Commerce, Bureau of the Census, *Income Growth Rates*, P–60, No. 69, April 6, 1970, Table A–3.

[13] Wage and Labor Standards Administration, "Women in Poverty . . .," *op. cit.*

[14] Unpublished statistics obtained from HEW, Assistance Payments Administration Public Information Office, 1970.

[15] Piven, Frances Fox and Richard A. Cloward, *Regulating the Poor: the Functions of Public Relief*, to be published by Pantheon in May of 1971.

[16] Piven and Cloward, *op. cit.*

[17] HEW, National Center for Social Statistics, *op. cit.*, Table 5.

[18] HEW study reported in *The Boston Globe*, April 18, 1970.

[19] *The New York Times*, November 30, 1969.

[20] *The Boston Sunday Globe*, July 21, 1970, p. 47.

[21] HEW, Social and Rehabilitation Service, "Selected Data About Public Welfare," September 1969.

[22] Stern, Philip M., *The Great Treasury Raid*, Random House (New York: 1965).

[23] *The Boston Globe*, September 28, 1969.

[24] Stern, *The Great Treasury Raid, op. cit.*, p. 180.

[25] Stern, *The Great Treasury Raid, op. cit.*, p. 6.

[26] Stern, *The Great Treasury Raid, op. cit.*, p. 5.

[27] Stern, *The Great Treasury Raid, op. cit.*, p. 10.

[28] Senator John J. Williams, statement, *Congressional Record*, March 24, 1970.

[29] Stern, *The Great Treasury Raid, op. cit.*, p. 10.

[30] Under the current AFDC program, working people may retain only one-third of their earnings: an amount equal to 66⅔% of their earnings is subtracted from their welfare payment.

[31] Stern, *The Great Treasury Raid, op. cit.*, p. 23.

[32] The President's Commission on Income Maintenance Programs, "Poverty Amid Plenty: The American Paradox," November 1969, p. 38.

CONFIDENTIALITY OF INCOME TAX INFORMATION

Mr. MATHIAS. Mr. President, on March 29 I introduced S. 1387, a bill to protect the confidentiality of individual income tax information by prohibiting the use or sale of such information for other purposes by a tax preparation service without the consent of the taxpayer.

During the past week great interest in this bill has been expressed by a number of individuals and firms engaged in income tax preparation services and activities. I am hopeful that, after reviewing S. 1387 in detail, they will be able to support this proposed legislation.

Today I should like to invite the attention of the Senate to information which I have received since March 29 regarding the activities and policy of H. & R. Block, Inc., the Nation's largest tax preparation service.

First, I ask unanimous consent to have printed in the RECORD the report of H. & R. Block, Inc., for the quarter ending January 31, 1971, and an article from the Wall Street Journal of March 17, 1971. As noted in both of these statements, H. & R. Block, Inc., has discontinued a test program with Pennsylvania Life Co., of Los Angeles, for the marketing of life insurance and mutual funds.

Second, on April 1, Mr. Henry W. Bloch, president of the firm, released a statement endorsing the principle of the confidentiality of income tax information and supporting the enactment of protective legislation. I ask unanimous consent that the text of the statement also be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MARCH 15, 1971.

To our shareholders:

We are happy to announce our 36th consecutive quarterly cash dividend, paid at the rate of $.09 per share to holders of record on February 15, 1971.

Revenues for the nine month period ended January 31, 1971 were $10,869,000, a 34% increase over revenues of $8,090,000 for the same period a year ago. This income was derived from increased January tax preparation volume, franchise and satellite royalties, Home Study Course revenues, interest income from short-term investments, and also reflects the continuing success of our Tuition Tax Schools, which have enrolled over 50,000 students during the current fiscal year.

Our net loss for the nine month period was $2,388,000, compared to a loss of $1,958,000 in the same period ended January 31, 1970. The Company's loss through January 31, 1971 increased by only 22% compared to the same period in 1970. Last year, our loss through January 31, 1970 increased by 76% compared to the same period in 1969. The increase in total revenues noted above and a lower effective tax rate this year largely account for the decrease in our rate of loss.

The bulk of our revenues and profits are produced during the 3½ months of tax season, and the Company historically operates at a loss during the balance of the year. Also, off-season expenses have tended to increase every year due primarily to expansion and normal growth.

This year H & R Block has 5,267 tax offices (unofficial), a substantial increase over last year's total of 4,349. The Company operates in all 50 states, Canada, Guam, New Zealand and Puerto Rico.

Our fledgling foreign expansion program got off to a modest start in 1971 with the opening of one office in Panama, and another in Nuremburg, West Germany. Management does not believe these new foreign markets will make any significant contributions to volume or profits in the forseeable future.

During the third quarter, the Company purchased its 7 office franchise operation in Rochester, New York. Also, our test program with the Pennsylvania Life Company to market life insurance and mutual funds was discontinued.

On February 24, 1971, the Company announced that an anti-trust action had been filed against it by its Birmingham, Alabama based franchisee. The suit was filed in California, where another franchisee action against the Company is pending, and contains substantially the same allegations as the pending suit. Management does not believe that the Company has violated the anti-trust laws, and the Company intends to contest the suit vigorously.

Although many firms have entered the tax preparation field in recent years, the Company believes it may well benefit from the broadened base such competition helps to create. H & R Block originated the concept of commercial tax preparation service, and continues to enjoy a very high repeat customer loyalty ratio.

From this firmly established base, we look forward to continued growth this year, and management is confident once again of higher revenues and earnings.

RICHARD A. BLOCH,
Chairman of the Board.
HENRY W. BLOCH,
President.

STATEMENT OF INCOME AND RETAINED EARNINGS

	9 months ended Jan. 31 (unaudited)		
	1971	1970	1969
Revenues	$10,869,000	$8,090,000	$4,830,000
Pretax net income (loss)	(4,760,000)	(3,235,000)	(1,743,000)
Net income (loss)	(2,388,000)	(1,958,000)	(1,111,500)
Per share income (loss) [1]	(.43)	(.36)	(.20)
Shares outstanding	5,559,707	5,511,266	5,490,127

	12 months ended Apr. 30 (audited)		
	1971	1970	1969
Revenues		$54,918,000	$37,278,000
Pretax net income		13,260,000	8,224,000
Net income		6,494,000	3,590,000
Per share income [1]		1.18	.65
Shares outstanding		5,514,690	5,490,127

[1] Net earnings (loss) per common share based on weighted average number of shares outstanding during each period and includes shares issued in pooling of the Georgia and South Carolina acquisition.

H&R BLOCK TERMINATES TEST PLAN TO SELL MUTUAL FUNDS, LIFE INSURANCE

KANSAS CITY, MO.—H & R Block Inc. said it discontinued a test program with Pennsylvania Life Co., Los Angeles, to market life insurance and mutual funds. A spokesman for the tax preparation company said the package, which combined mutual funds and life insurance, was "too sophisticated" for the company's market at this time.

Also in the nine-month interim report to shareholders, the company said it purchased during the third quarter a seven-office franchise operation in Rochester, N.Y., for an undisclosed amount of cash. H & R Block said it has 5,267 tax offices this year, compared with 4,349 last year.

As previously reported, the company has a loss of $2.4 million on revenue of $10.9 million for the nine months ended Jan. 31, compared with a loss of nearly $2 million on revenue of $8.1 million a year earlier.

The bulk of the company's revenue and profit is produced during the 3½ months of the tax season, and the company historically operates at a loss the rest of the year. For all of 1970, the company earned $6.4 million, or $1.17 a share, on revenue of $53.6 million.

STATEMENT BY HENRY W. BLOCH, PRESIDENT, H & R BLOCK CO., INC., APRIL 1, 1971

H & R Block, Inc., America's largest income tax service, favors legislation to protect the confidentiality of the financial data contained on individual income tax returns.

On Monday, March 29, Senator Charles McC. Mathias, Jr. (R-Md.), introduced a bill in the Senate designed to protect the taxpayer from the information compiled on his tax forms being utilized or sold by a private firm.

Henry W. Bloch, President of H & R Block, Inc., said today that while he has not seen the bill introduced by Senator Mathias, he heartily endorses the concept of confidentiality of tax information.

"The financial data contained on a tax return should be utilized only by the IRS and no one else," said Block. "The enactment of such a law will not affect the Block operation, but unquestionably will cause other firms to change their current policy," he added.

"I believe that the reputable firms are not utilizing tax information supplied by their customers but the few who do give the entire industry a bad name," he concluded.

REVENUE SHARING

Mr. GRIFFIN. Mr. President, through a series of statements the White House recently made available some important additional information on revenue sharing in six specific areas. Included were State-by-State breakdowns of funds to be allocated under revenue sharing.

I ask unanimous consent that the several statements together with materials attached be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EDUCATIONAL REVENUE SHARING

HOLD HARMLESS BASE LINE

Definition

Each State's "Hold Harmless" base line was calculated by adding together the obligations expected to be allocated to the States in 1971 for the programs converted to Education Revenue Sharing.

Sources of data

U.S. Department of Agriculture

U.S. Department of Health, Education, and Welfare

EDUCATION REVENUE SHARING ALLOCATION

Formula used

Of the amounts appropriated for any fiscal year a minimum of ninety percent shall be apportioned by the Secretary of Health, Education, and Welfare.

For each State the number of children qualifying for Federal Impact Aid Type "A" (those who live on Federal property) is multiplied by sixty percent of the national average per pupil expenditure. Each local educational agency within the State is entitled to its relative share so calculated. The total for all States as calculated is removed from the amount to be apportioned.

Each State shall be entitled to a portion of the remainder of the amount to be apportioned determined as follows:

For each State a sum will be calculated representing:

(a) 1.0 times the number of disadvantaged children.

(b) 0.6 times the number of Federal Impacted "B" type children.

(c) 0.1 times the number of children of school age.

The entitlement for each State shall bear the same ratio to the amount to be appropriated as its sum calculated above bears to the sum of all States so calculated.

The State entitlement so calculated is to be distributed into the five national areas as follows:

For the disadvantaged the amount shall bear the same ratio to the State entitlement as part a. above bears to the sum of a., b., and c.

For the Federal Impact "B" type (those whose parents work on Federal property) the amount shall bear the same ratio to the State entitlement as part b. above bears to the sum of a., b., and c.

An amount bearing the same ratio to the State entitlement as part c. above bears to the sum of a., b., and c. shall be calculated:

One-sixth this amount shall be for handicapped.

One-third this amount shall be for vocational education.

One-half this amount shall be for support services.

Discretionary amounts

Each State may transfer up to thirty percent of the entitlement in each area with the exception of those funds passed through to local education agencies, to other areas.

An amount up to ten percent of the fund may be allocated at the discretion of the Secretary of Health, Education, and Welfare.

NOTES

The States are required to pass through to local education agencies the funds resulting from Type "A" Federal Impact and disadvantaged children.

All computations and determinations by the Secretary of Health, Education, and Welfare are final and conclusive.

EDUCATION REVENUE SHARING

[Dollars in thousands]

State	Hold harmless base line	E.R.S allocation
Alabama	$72,232	$72,232
Alaska	23,181	23,181
Arizona	31,615	31,615
Arkansas	41,433	41,433
California	261,451	263,136
Colorado	33,679	33,679
Connecticut	29,100	29,100
Delaware	6,689	6,689
District of Columbia	16,456	16,456
Florida	84,290	84,290
Georgia	83,210	83,210
Hawaii	18,642	18,642
Idaho	11,468	11,468
Illinois	113,941	113,941
Indiana	46,162	46,162
Iowa	33,033	33,033
Kansas	31,625	31,625
Kentucky	61,561	61,561
Louisiana	65,794	65,794
Maine	15,632	15,632
Maryland	62,174	62,174
Massachusetts	63,486	63,486
Michigan	90,983	90,983
Minnesota	45,954	45,954
Mississippi	63,291	63,291
Missouri	58,741	58,741
Montana	13,722	13,722
Nebraska	21,410	21,410
Nevada	7,300	7,300
New Hampshire	8,305	8,305
New Jersey	83,802	83,802
New Mexico	30,762	30,762
New York	289,302	289,302
North Carolina	99,014	99,014
North Dakota	13,728	13,728
Ohio	100,794	101,819
Oklahoma	45,895	45,395
Oregon	24,193	24,193
Pennsylvania	124,839	124,839
Rhode Island	13,424	13,424
South Carolina	61,908	61,908
South Dakota	15,715	15,715
Tennessee	67,992	67,992
Texas	171,026	171,026
Utah	18,438	18,438
Vermont	5,536	5,536
Virginia	94,897	94,897
Washington	43,914	43,914
West Virginia	32,928	32,928
Wisconsin	$40,761	$40,761
Wyoming	6,662	6,662
Guam	2,217	2,217
Puerto Rico	63,921	63,921
Virgin Islands	1,254	1,254
Total allocated	2,968,982	2,971,811
Unallocated discretionary amounts		28,189
Total	2,968,982	3,000,000

Note: Totals may not be exact due to rounding.

LAW ENFORCEMENT REVENUE SHARING

HOLD HARMLESS BASE LINE

Definition

The FY 1971 allocation of funds for grants to States under Part C of the Omnibus Crime Control and Safe Street Act of 1968 is the base. This was used because of the rapid growth this item has experienced, as indicated below:

Year:	Total in millions
Fiscal year 1969	$29.0
Fiscal year 1970	184.5
Fiscal year 1971	410.0
Fiscal year 1972	486.7

Source of Data

Published LEAA allocation data. The allocations are based on current population data published by the Bureau of the Census.

LAW ENFORCEMENT REVENUE SHARING ALLOCATION

Formula used

Identical to that used to determine allocations under present law. The amount each State receives depends upon the size of its population, relative to total U.S. population. States are required to make a portion of the total funds received available to units of general local government. Until June 30, 1972, the amount of funds made available is 75 percent of the total sum received. Thereafter, the amount shall be that percent which total local expenditures for law enforcement constitute, relative to total State *and* local law enforcement expenditures.

Discretionary allocations

The methods for determining the allocation of discretionary funds among the States under L.E.R.S. has not been determined.

LAW ENFORCEMENT REVENUE SHARING

[Dollars in thousands]

State	Hold harmless base line	M.R.S. allocation
Alabama	$5,645	$7,104
Alaska	493	623
Arizona	2,933	3,656
Arkansas	3,157	3,967
California	32,999	41,155
Colorado	3,646	4,553
Connecticut	5,001	6,254
Delaware	909	1,131
District of Columbia	1,249	1,560
Florida	11,166	14,004
Georgia	7,518	9,466
Hawaii	1,253	1,588
Idaho	1,169	1,471
Illinois	18,368	22,924
Indiana	8,609	10,713
Iowa	4,670	5,827
Kansas	3,712	4,639
Kentucky	5,290	6,640
Louisiana	5,966	7,514
Maine	1,636	2,049
Maryland	6,485	8,090
Massachusetts	9,424	11,734
Michigan	14,692	18,306
Minnesota	6,307	7,848
Mississippi	3,614	4,573
Missouri	7,760	9,648
Montana	1,162	1,432
Nebraska	2,457	3,060
Nevada	807	1,008
New Hampshire	1,210	1,522
New Jersey	$11,870	$14,784
New Mexico	1,671	2,096
New York	30,093	37,520
North Carolina	8,305	10,482
North Dakota	1,022	1,274
Ohio	17,645	21,971
Oklahoma	4,182	5,279
Oregon	3,442	4,314
Pennsylvania	19,532	24,325
Rhode Island	1,544	1,959
South Carolina	4,223	5,343
South Dakota	1,107	1,374
Tennessee	6,425	8,094
Texas	18,393	23,094
Utah	1,775	2,185
Vermont	733	917
Virginia	7,604	9,588
Washington	5,612	7,032
West Virginia	2,849	3,598
Wisconsin	7,309	9,112
Wyoming	556	686
American Samoa	47	57
Guam	146	179
Puerto Rico	4,502	5,548
Virgin Islands	106	130
Total allocated	340,000	425,000
Unallocated discretionary amounts	70,000	75,000
Total	410,000	500,000

Note: Totals may not be exact due to rounding.

MANPOWER REVENUE SHARING

HOLD HARMLESS BASE LINE

Definition

A three-year average (1969, 1970, 1971—estimated) of previous levels of manpower funding is the base line.

The table shows hold harmless base line representing preliminary averages which are for the States only. The preparation of the hold harmless base line, as well as the MRSA allocation, for local governments and balance of the States is now in process and will be made available as soon as possible.

Sources of Data

Financial records of Office of Financial and Management Systems, Manpower Administration, U.S. Department of Labor.

MANPOWER REVENUE SHARING ALLOCATION

Formula used

Revenues shared among State and eligible units of local general government shall be amounts calculated in accordance with the proportions, equally weighted, which the number of persons in the labor force, the number of unemployed persons, and the number of low income individuals 16 years of age or older residing in each such jurisdiction bears to such total number, respectively, in the United States; provided, that the funds to be distributed to manpower consortia which constitute a defined labor market area shall be an amount 10 per centum greater than that to which such jurisdiction would be entitled under the formula provided in this subsection.

The allocation will be based upon 1970 Census of Population data which are not yet available for labor force, unemployment or low-income persons—the three factors to be used in allocation. The table presents State allocations calculated on the basis of available data on the labor force and unemployment collected by State employment security agencies of the U.S. Department of Labor and poverty data collected by the U.S. Office of Economic Opportunity.

Discretionary allocations

The Secretary of Labor shall have fifteen percent of the total appropriation under this act to assist State and local governments to develop capacity for carrying out the purposes of the act, to carry out a comprehensive program of manpower research and experimental, demonstration and pilot programs, to develop a comprehensive system of labor market information, and for other purposes as specified in the bill.

NOTE

The differences indicated in the table, by State, between the hold harmless base line and MRSA allocation are not indicative of the differences which will eventually be disclosed for individual local governments and balance of the States when data for these latter areas become available.

MANPOWER REVENUE SHARING

[Dollars in thousands]

State	Hold harmless base line	M.R.S. allocation
Alabama	$20,799	$36,142
Alaska	4,120	4,120
Arizona	13,517	13,517
Arkansas	13,673	18,285
California	114,728	168,632
Colorado	8,137	17,643
Connecticut	14,513	23,182
Delaware	1,738	4,826
District of Columbia	34,119	34,119
Florida	22,889	59,263
Georgia	21,889	42,518
Hawaii	3,449	5,091
Idaho	2,646	5,315
Illinois	52,860	81,177
Indiana	18,112	40,999
Iowa	10,530	19,228
Kansas	8,522	15,508
Kentucky	26,500	26,500
Louisiana	19,688	37,006
Maine	4,558	8,798
Maryland	16,051	30,988
Massachusetts	28,747	43,188
Michigan	41,850	76,104
Minnesota	17,884	27,471
Mississippi	17,911	29,094
Missouri	24,335	40,195
Montana	3,710	6,283
Nebraska	6,901	9,979
Nevada	2,363	4,220
New Hampshire	2,577	4,847
New Jersey	37,589	53,506
New Mexico	8,272	9,158
New York	105,597	141,056
North Carolina	25,461	44,458
North Dakota	3,159	4,918
Ohio	43,373	77,796
Oklahoma	15,103	21,208
Oregon	8,779	17,802
Pennsylvania	45,852	87,794
Rhode Island	4,240	7,259
South Carolina	14,965	24,650
South Dakota	3,719	5,153
Tennessee	22,382	37,272
Texas	55,502	92,958
Utah	4,329	7,543
Vermont	2,347	3,567
Virginia	17,187	37,076
Washington	14,734	30,839
West Virginia	9,697	15,541
Wisconsin	18,163	31,409
Wyoming	1,443	2,741
Guam	285	300
Puerto Rico	52,893	52,893
Virgin Islands	721	1,000
Total allocated	1,095,109	1,742,135
Unallocated discretionary amounts	325,772	257,865
Total	1,420,881	2,000,000

Note: Totals may not be exact due to rounding.

RURAL COMMUNITY DEVELOPMENT REVENUE SHARING

HOLD HARMLESS BASE LINE

Definition

Each State's historical average share was calculated by adding together the obligations of the programs converted to Rural Community Development Special Revenue Sharing for that State during the period 1967–70 inclusive and dividing by the sum of obligations for these programs of the States during the same period.

Each State's "Hold Harmless" base line was calculated by multiplying the State's historical average times the obligations expected to be allocated to all of the States in 1971—$908,311,000. This procedure was used because in some programs the obligations to States are for specific projects rather than for support of services and therefore, in some years certain States received large amounts of funds and in other years their funding is small. To pick any one year as a base line would penalize some States and give other States undue advantage. The averaging effect of the four-year period ameliorates any inequities.

Sources of data

U.S. Department of Agriculture, Division of Budget and Finance.

U.S. Department of Commerce, Division of Budget and Finance.

Appalachian Regional Commission, Division of Budget and Finance.

RURAL COMMUNITY REVENUE SHARING ALLOCATION

Formula used

Of the amounts appropriated for any fiscal year a minimum of eighty percent shall be apportioned by the Secretary of Agriculture among the States.

One percent of the amount to be apportioned shall be divided among the States in equal proportion.

Each State shall be entitled to a portion of the remainder of the amount required to be apportioned, and that portion shall be determined as follows:

Each State shall receive an amount equal to fifty percent of the remainder multiplied by a fraction the numerator of which is the rural population of the State at the most recent point in time for which appropriate statistics are available and the denominator of which is the sum of the rural populations of all States at the same point in time;

Each State shall receive an amount equal to twenty-five percent of the remainder multiplied by a fraction the numerator of which is the average of per capita incomes of all the States at the most recent point in time for which appropriate statistics are available less the rural per capita income of the State at the same point in time, such difference to be multiplied by the rural population of the State at the same point in time, and the denominator of which is the sum of the positive differences for each State multiplied by that State's rural population: *Provided, however*, that if the rural per capita income of a State is greater than the average of per capita incomes of all the States, the differences stated above shall be considered zero; and

Each State shall receive an amount equal to twenty-five percent of the remainder multiplied by a fraction the numerator of which is the percentage change in population of all the States less the percentage change in rural population of the State, such difference to be multiplied by the rural population of the State during the most recent and appropriate time period for which statistics are available, and the denominator of which is the sum of the positive dfferences for each State multiplied by that State's rural population: *Provided, however*, that if the percentage rate of change of rural population of a State during such period is greater than the percentage rate of change of the populations of all States during the same period, the differences stated above shall be considered zero.

Discretionary allocations

An amount up to 20 percent of the fund may be allocated at the discretion of the Secretary of Agriculture.

NOTES

All computations and determinations by the Secretary of Agriculture are final and conclusive.

RURAL COMMUNITY DEVELOPMENT REVENUE SHARING

[Dollars in thousands]

State	Hold harmless base line	R.C.D.R.S. allocation
Alabama	$30,717	$31,622
Alaska	6,005	6,005
Arizona	4,643	8,051
Arkansas	20,033	23,654
California	27,846	28,582
Colorado	10,157	10,157
Connecticut	3,007	3,633
Delaware	936	1,425
Florida	9,103	21,625
Georgia	37,549	37,549
Hawaii	927	1,876
Idaho	4,688	8,091
Illinois	22,786	29,853
Indiana	11,366	21,834
Iowa	14,554	28,626
Kansas	12,401	20,204
Kentucky	65,577	65,577
Louisiana	12,419	22,720
Maine	6,987	10,682
Maryland	12,701	12,701
Massachusetts	6,278	6,278
Michigan	16,808	21,082
Minnesota	16,153	29,529
Mississippi	33,624	34,608
Missouri	18,788	28,560
Montana	8,767	8,985
Nebraska	10,557	13,300
Nevada	1,590	3,306
New Hampshire	2,389	4,574
New Jersey	8,340	13,424
New Mexico	7,404	11,275
New York	43,364	43,364
North Carolina	36,450	47,309
North Dakota	9,667	10,289
Ohio	35,659	35,659
Oklahoma	22,141	22,675
Oregon	8,395	9,981
Pennsylvania	46,643	46,643
Rhode Island	1,726	1,726
South Carolina	21,314	26,286
South Dakota	7,550	9,947
Tennessee	42,555	42,555
Texas	45,499	51,113
Utah	5,351	5,351
Vermont	3,044	3,700
Virginia	24,730	26,976
Washington	11,756	11,756
West Virginia	65,177	65,177
Wisconsin	13,455	22,637
Wyoming	3,670	5,699
Guam	9	1,314
Puerto Rico	15,000	25,872
Virgin Islands	55	1,051
Total allocated	908,311	1,086,467
Unallocated discretionary amounts		13,533
Total	908,311	1,100,000

Note: Totals may not be exact due to rounding.

TRANSPORTATION REVENUE SHARING

HOLD HARMLESS BASE LINE

Definition

General Transportation Element—This base line represents the funds that any state could have reasonably expected to receive in FY 1972 in the absence of revenue sharing. Existing apportionment formulas were applied to FY 1972 estimated obligational levels for those programs which have been incorporated in the general element: Federal-aid primary and secondary highway programs, grants-in-aid for airports, and highway safety and beautification grants. Where statutory apportionment formulas provide a large degree of flexibility or did not exist, the funds were allocated to the states in the same relative share as in the programs where statutory apportionment formulas did not allow any flexibility.

Urban Mass Transit Capital Element—This base line represents the actual average annual funding level in each state for FY 1967 through FY 1970 for the three programs included in the element, i.e., capital grants, technical study grants, and university research and training grants. An average was used rather than a single year's program level because the mass transit capital grant program has exhibited significant variations on a state-by-state basis from year to year, due to approval of funds on a project-by-project basis rather than by formula distribution.

Sources of data

General Transportation Element—The source of data regarding the overall level of funds was the President's 1972 budget. The Bureau of the Census was the source of area and population data, while the Post Office Department provided data on star and rural route mileage.

Urban Mass Transit Capital Element—Urban Mass Transportation Administration records were the source of specific information on actual program levels on a state-by-state basis for 1967 through 1970.

TRANSPORTATION REVENUE SHARING ALLOCATION

Formulas used

General Transportation Element—The apportionment of the funds to be distributed among the 50 states, plus the District of Columbia and Puerto Rico, will be determined by the following formula:

25 percent of the funds will be distributed according to the ratio of each state's total population to the total population of the United States; *35 percent* will go to states according to the ratio of their population in urban places (over 2,500 in population) to the Nation's total population in urban places; *20 percent* will be given out according to the ratio of the geographic area of each state to the total area of the United States; and the remaining *20 percent* will be allocated according to the ratio of each state's star and rural post route mileage to the total of that mileage in the country.

Furthermore, no state will receive less than one-half of one percent of the total funds in this element. The territories of Guam and the Virgin Islands shall receive the level of funds provided for in the Federal-Aid Highway Act of 1970.

Urban Mass Transit Capital Element—This element will be allocated according to the following formula:

80 percent of the funds will be distributed according to each state's share of the Nation's population that lives in metropolitan areas (SMSA's) of over one million persons. The remaining *20 percent* will be allocated to each state's share of the Nation's population that lives in metropolitan areas (SMSA's) of less than one million persons. Every state would be guaranteed a minimum allocation of $250,000 annually.

Discretionary amounts

Ten percent of the funds included in the General Transportation Element are reserved for the Secretary of Transportation to disburse at his discretion. Among the uses of this fund is the capability to provide the amounts to hold each state harmless within total Transportation Revenue Sharing Fund. This fund will also be used to encourage planning, to fund research development and demonstration projects, to assist in the establishment of consortia of governments, and to finance other activities related to the development and implementation of national transportation objectives.

NOTES

The allocation makes use of preliminary 1970 census data rounded to the nearest thousand. As final data becomes available, minor adjustments can be expected in the allocations.

TRANSPORTATION REVENUE SHARING

[Dollars in thousands]

	Hold harmless base line		T.R.S. allocation	
State	General transportation element	Urban mass transit capital element	General transportation element	Urban mass transit capital element
Alabama	$31, 276	$7	$31, 306	$3, 114
Alaska	65, 139	0	65, 139	250
Arizona	22, 559	16	23, 111	2, 284
Arkansas	21, 014	0	21, 173	1, 028
California	130, 388	26, 889	145, 221	84, 649
Colorado	27, 090	122	28, 011	7, 010
Connecticut	19. 448	3, 563	20, 230	4, 333
Delaware	6, 477	427	9, 184	668
District of Columbia	8, 800	91	9, 184	3, 944
Florida	42, 996	938	49, 802	15, 996
Georgia	37, 945	658	39, 815	8, 787
Hawaii	7, 676	305	9, 184	1, 088
Idaho	14, 629	0	14, 629	250
Illinois	82, 064	25, 578	85, 030	41, 503
Indiana	39, 230	448	40, 233	9, 519
Iowa	31. 789	260	32, 609	1, 735
Kansas	30, 991	502	31, 750	3, 036
Kentucky	26, 245	13	26, 245	3, 090
Louisiana	28, 590	166	28, 794	7, 093
Maine	10, 724	8	10, 724	370
Maryland	23, 737	2, 567	25, 545	17, 060
Massachusetts	36, 325	21, 980	40, 386	17, 919
Michigan	65, 526	906	65, 609	26, 389
Minnesota	39, 892	2, 513	41, 064	10, 060
Mississippi	22, 550	2	22, 550	682
Missouri	44, 552	1, 240	45, 844	14, 565
Montana	23, 264	1	23, 264	292
Nebraska	23, 798	30	24, 130	1, 097
Nevada	14, 877	0	14, 877	682
New Hampshire	6, 904	0	9, 184	346
New Jersey	$43, 555	$10, 566	$45, 912	$24, 014
New Mexico	21, 187	0	21, 187	547
New York	123, 672	19, 098	123, 672	72, 022
North Carolina	37, 754	256	38, 105	3, 279
North Dakota	16, 037	5	16, 037	250
Ohio	74, 229	3, 989	75, 164	25, 378
Oklahoma	29, 616	169	30, 640	2, 215
Oregon	24, 375	1, 122	24, 375	5, 287
Pennsylvania	82, 425	8, 697	82, 425	38, 029
Rhode Island	9, 020	262	9, 184	1, 388
South Carolina	20, 407	69	20, 407	1, 758
South Dakota	16, 933	3	16, 933	250
Tennessee	32, 929	546	33, 854	3, 319
Texas	105, 947	689	111, 705	26, 572
Utah	16, 143	229	16, 143	1, 422
Vermont	5, 775	0	9, 184	250
Virginia	34, 637	79	36, 217	8, 112
Washington	28, 998	1, 278	29, 986	9, 401
West Virginia	15, 160	10	15, 160	832
Wisconsin	39, 101	84	40, 095	9, 282
Wyoming	14, 153	0	14, 153	250
Guam	2, 000	0	2, 000	0
Puerto Rico	10, 846	1, 343	11, 606	2, 062
Virgin Islands	2, 000	0	2, 000	0
Total allocation	1, 793, 394	137, 724	1, 859, 971	525, 000
Unallocated discretionary amounts			185, 029	
Total	1, 793, 394	137, 724	2, 045, 000	525, 000

Note: Totals may not be exact due to rounding.

URBAN COMMUNITY DEVELOPMENT REVENUE SHARING

HOLD HARMLESS BASE LINE

Definition

The hold harmless level will be established as the sum of the following:

(a) The annual average over five years (1966–1970) of urban renewal reservations;

(b) The latest action year program commitment under Model Cities;

(c) The annual average over five years of water and sewer grant reservations; and,

(d) The annual average over five years of rehabilitation loan reservations.

Sources of data

HUD program data.

URBAN COMMUNITY DEVELOPMENT REVENUE SHARING ALLOCATION

Formula used

(a) Population, as a proportion of total U.S. population in metropolitan areas;

(b) Population below the poverty line, as a proportion of total in metropolitan areas;

(c) The number of overcrowded housing units, as a proportion of total U.S. overcrowded housing units in metropolitan areas and,

(d) The number of housing units lacking some or all plumbing facilities, as a proportion of total U.S. housing units lacking some or all plumbing facilities in metropolitan areas.

These four factors are used to establish (1) an allocation to each SMSA and (2) a formula distribution to each central city metropolitan city (cities of over 50,000 population).

Discretionary allocations

There are three types of discretionary allocations:

(a) $100 million of the total is earmarked for cities below 50,000 population. This will be distributed by the Secretary giving particular consideration to those localities with a record of continuous past participation in the antecedent programs.

(b) 20 percent of the remainder is available for general discretionary allocation by the Secretary. First priority will be given to meeting "hold harmless" requirements.

(c) the portion of an SMSA allocation which is not distributed by the formula to metropolitan cities is available for discretionary allocation by the Secretary within the particular SMSA. First priority will be given to meeting "hold harmless" requirements. The balance will be distributed giving consideration to the same factors used in the basic formula.

NOTE

Strict hold harmless will be applied to cities over 50,000 population. Smaller cities will receive special treatment through the earmarked $100 million and the discretionary funds, particularly if the locality has a record of continuous participation in the antecedent programs.

URBAN COMMUNITY DEVELOPMENT REVENUE SHARING

[Dollars in thousands]

State	Hold harmless base line	U.C.D.R.S. allocation [1]
Alabama	$15,947	$33,607
Alaska		
Arizona	6,070	15,809
Arkansas	8,562	11,040
California	108,794	186,016
Colorado	13,926	18,887
Connecticut	38,761	42,764
Delaware	5,189	5,189
District of Columbia	20,192	20,192
Florida	20,729	63,436
Georgia	24,817	31,128
Hawaii	13,384	13,384
Idaho	4,367	4,367
Illinois	62,006	88,503
Indiana	20,106	36,022
Iowa	9,735	12,634
Kansas	15,993	16,284
Kentucky	10,292	12,753
Louisiana	11,899	31,738
Maine	7,153	7,153
Maryland	28,566	28,566
Massachusetts	66,221	70,306
Michigan	58,809	70,390
Minnesota	31,608	33,048
Mississippi	2,469	7,423
Missouri	29,165	31,939
Montana	205	2,026
Nebraska	800	5,327
Nevada	682	3,591
New Hampshire	3,021	3,562
New Jersey	45,733	59,786
New Mexico	8,223	8,223
New York	154,343	182,594
North Carolina	29,758	36,697
North Dakota	1,174	1,174
Ohio	67,736	89,432
Oklahoma	23,263	23,691
Oregon	13,118	13,118
Pennsylvania	105,385	129,267
Rhode Island	9,949	10,398
South Carolina	1,251	16,768
South Dakota	1,827	1,827
Tennessee	23,475	32,370
Texas	58,793	124,868
Utah	3,579	7,515
Vermont		
Virginia	29,995	37,725
Washington	9,139	18,768
West Virginia	5,247	6,972
Wisconsin	15,249	25,958
Wyoming		
Puerto Rico	9,533	51,458
Total	1,256,769	1,785,693
Multi-State S. M. S. A. 's balance which cannot be allocated to States		43,405
Total allocated to S. M. S. A.'s		1,829,098
Unallocated discretionary amounts		270,902
Total	1,256,769	2,100,000

[1] Discretionary amounts to satisfy hold harmless requirements included.

Note: Totals may not be exact due to rounding.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Pursuant to the previous order, the distinguished Senator from Indiana (Mr. BAYH) is recognized for not to exceed 15 minutes.

(The remarks of Mr. BAYH when he introduced S. 1532 and submitted Senate Resolution 98 are printed in the RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. GAMBRELL). Under the previous order the distinguished Senator from Washington (Mr. JACKSON) is now recognized for not to exceed 20 minutes.

NATION'S UNEMPLOYMENT AND ECONOMIC PROBLEMS REQUIRE A CREDIBLE RESPONSE FROM THE ADMINISTRATION

Mr. JACKSON. Mr. President, in recent weeks the country has been subjected to a blizzard of paper pronouncements out of the White House designed to obscure the fact that the administration has no real program to put America back to work and to get the national economy moving again.

The President announced a summer jobs program for youth, but the figures were juggled to make it look far bigger than previous years' programs even though it was less.

The President announced a $42 million program for retraining and job referral for unemployed workers in the aircraft and space industries, but no action was taken to create any jobs.

The President has expressed concern about unemployment among returning Vietnam veterans and personally announced a $1 million grant to hire ex-GI's who are attending school under the GI bill to recruit other ex-GI's to take training under the GI bill.

The President has even met with movie moguls to hold their hands about unemployment in the movie industry.

Mr. President, these are flimsy tinkertoy programs put forward at a time when substantial action is required. Millions of able-bodied American working men and women are out of work—not by accident or by some freak chance of fate, but because this administration planned it that way. They are the victims of a manmade disaster directed by the White House that has had a more devastating economic impact on the country than any natural disaster we have endured.

Millions of Americans have been forced to exist on the charity of their fellow Americans. They have been given a substitute for selfrespecting work by this administration—standing in the unemployment lines, the food stamp lines, the welfare lines. These are essential emergency relief programs. But unemployment compensation is no substitute for a job for the head of a family. Welfare assistance is no substitute for a job for an able-bodied man or woman. Food stamps are no substitute for a decent job for the family bread-winner.

These victims of the administration's manmade disaster do not want charity; they do not want relief; they do not want sympathy. They want to work.

Mr. President, the deplorable state of the economy and the intolerable unemployment levels we are experiencing are the logical, inevitable, and intended outcome of the policies this administration has consciously pursued since January of 1969.

The record is very clear to anyone who wishes to read it. The high interest rates of the past 2 years, the veto of the Public Service Employment Act last fall, the failure to institute wage and price guidelines, the freezing of funds appropriated to meet critical social needs, the virtual no new starts public works policy, and a whole range of other actions by this administration make it clear that today's unemployment and economic problems have been created by a series of conscious choices on the part of the President and his chief of staff for throttling the economy, Prof. George Schultz.

Many of the administration's actions have been taken in the name of "fighting inflation." Inflation is a matter of great concern, but the policies adopted to date and the cures which have been proposed are threatening to kill the patient. This administration has dealt with inflation by the simple-minded expedient of creating the highest levels of unemployment in 9 years to choke off consumer demand.

Instead of substantial purposeful action on the part of the administration, the public is offered patchwork policies and head-in-the-sand solution:

When a firm wage and price policy is needed, the administration launches a weak-kneed periodic "inflation alert" announcement;

When 50 major metropolitan areas are experiencing critical unemployment levels of up to 13.1 percent and when there are in excess of 5,000,000 people unemployed, the administration proposes a paltry $42 million program of job counseling;

When honest, hard working, skilled men and women are forced on welfare because unemployment compensation benefits have expired, the President vetoes legislation to create public service employment;

When the construction industry and supporting services lie idle in many regions of the country, and when unemployment in this industry stands at 11 percent, this administration refuses to spend $12 billion authorized and appropriated by the Congress to proceed with airports, Federal buildings, water resource projects, highways and other needed public facilities.

Mr. President, the working men and women in this country and the American public in general have had all they want of this band-aid, cosmetic approach to the employment problem.

The cynicism of this administration and its callous attitude toward the American workingman is nowhere better demonstrated than in the flat rejection and total repudiation of the national policy and the Congressional commitment set forth in the Full Employment Act of 1946. It is one thing for an administration honestly to seek to attain the goal expressed in this act and fail. But it is quite another for an administration to consciously reject a fundamental national goal of 25 years standing.

The tragic results of the administration's failure to take positive action are obvious. Look at the statistics for March of this year:

Unemployment again reached 6 percent, leaving over 5,000,000 people out of work. This is double the number of persons unemployed in February 1969.

Five major labor areas were added to the substantial unemployment list, bringing the total number in that category to 50, the highest level since 1962.

Sixteen of the 150 major labor areas have unemployment rates of 9 percent or more.

Five major labor areas have unemployment rates exceeding 11 percent.

The unemployment rate alone does not give full indication of the actual number of persons affected. For example, the unemployment rate in Los Angeles is 7.8 percent, affecting a total of over 259,000 people. This is an increase of over 100,000 people from the previous year. Certain sectors of the labor market are more severely affected than others:

Unemployment rates were up to 11 percent for construction workers, 9.6 percent for blacks, and 6.8 percent for factory workers.

In little over 1 year, aerospace and related employment levels have declined 15 percent from about 2.7 million in 1969 to 2.3 million in early 1971, affecting an estimated 450,000 workers. Projections for 1972 indicate that an additional 400,000 will become unemployed if the present trends continue.

But the statistics do not tell the full story. The full story is not quantitative and is not found in the Labor Department's monthly releases. The full story is qualitative. It involves the tragic loss of self respect and human dignity of skilled workingmen who are forced to try to support their families on welfare or on unemployment compensation. It is a story of bankruptcies, mortgage foreclosures on homes and retail installment credit firms repossessing automobiles, boats, furniture, and appliances. It is a story of the sons and daughters of working people who planned to spend this year in college, but who are now looking for work and hustling to make some small contribution to keep their families in food and shelter. In short, Mr. President, what these statistics tell us, and what they represent in human terms, is that this Nation, because of the policies adopted by this administration, is taking a long step backward toward the deplorable social, economic, and employment conditions which generally existed in the great depression of the 1930's.

The quality of family life in this country is consciously being eroded as a matter of administration policy. An irreplaceable national resource in the form of trained engineers, scientists, and skilled blue collar workers lies idle and forgotten while the Nation's cities, transportation systems, and natural environment continue to decline and degrade.

Mr. President, the highest duty of the Federal Government is to promote the general welfare, the security, and the well-being of our citizens. This duty is now being neglected. Instead of a national commitment to full employment, high productivity and a rising standard of living, we have a Presidential commitment to policies which have created an employment and an economic disaster.

Last year the Congress adopted a Comprehensive Disaster Relief Act to provide a comprehensive and coordinated Federal response and assistance program to areas stricken by natural disasters such as hurricanes, earthquakes, and flood. This act provides that when a natural catastrophe strikes which, "in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government", the President may make a wide variety of programs of Federal assistance available to the people of that area.

The United States Government recently invested over half a billion dollars through various disaster relief programs to help alleviate the effects of the earthquake in California. It was a very laudable and justifiable investment. But just try to get White House approval for a half-billion dollar program to create jobs for the victims of their planned recession disaster. It can't make it through the Office of Management and Budget. The second most powerful man in the country today is the Director of the White House Office of Management and Budget. George Schultz—Nixon's Dr. No—right now sits on $12 billion worth of work the Congress approved and appropriated money for last year.

Mr. President, I believe the country would be benefited if a high rate of unemployment were to occur in the Office of Management and Budget. The economic policies of the last 2 years have proved a notable and tragic failure and President Nixon should undertake a thorough Spring cleaning at the White House. The most immediate stimulus for Americas' sagging economy would be the replacement of the architects of this man-made economic disaster by a new battery of Presidential advisers. In particular, the President would be better advised if he had a "Dr. Yes We Can" rather than a "Dr. No. We Can't."

Mr. President, the employment and economic disaster brought into being by this administration is surely deserving of at least the same kind of response we extend in times of natural disasters. I will be introducing a "Regional Economic Disaster Area Relief Act" later ths week to provide a program of Federal assistance to stimulate regional economies and relieve unemployment.

One of the hardest hit areas in the country is in the State of Washington. Today the Economic Development Subcommittee of the Senate Public Works Committee is holding hearings in Seattle on the tragic economic and employment conditions the Seattle region is experiencing.

Part of the economic pinch in Seattle could have been averted if a State-county-city proposal for assistance had not been pigeon-holed by the Office of Management and Budget. It was very apparent early in the new administration that their monetary policies would cause heavy damage to the Northwest's lumber, commercial aircraft and farming economy. The local governments, with full cooperation from the Federal regional offices, responded with a specific, detailed program which still hasn't been implemented.

I particularly welcomed Speaker ALBERT's statement of April 8 that Congress can no longer "afford to be mere sideline critics, nor can we wait longer for the President to take the lead. The Speaker said that—

> We do not believe that inflation alerts, selective controls on single industries, and the massive impounding of appropriated funds are the correct actions at this time, and we accept the responsibility of providing the national leadership so urgently needed to end our prolonged economic slump.

There are a number of very specific steps which the administration can and should immediately take to relieve the present situation. These include:

First, release by May 1, 1971, at least one-half of the $12 billion in funds appropriated by the Congress for fiscal year 1971, but frozen by the administration. Priority attention should be given to areas having the greatest need for new and improved public services—sewage treatment, public housing, urban renewal—and to geographical areas experiencing substantial unemployment;

Second, establishment of direct Federal action teams drawn from the Departments of Labor, Commerce, HEW, HUD and Defense to visit areas of high unemployment and low economic activity to work with State and local governments to develop and coordinate a Federal effort which is responsive to local problems.

Third, implement wage and price controls previously authorized by the Congress and apply them in a comprehensive manner rather than the piece-meal effort now underway which is directed at only one industry.

Fourth, review the Department of the Treasury's proposal to allow accelerated depreciation write-offs for industry and hold up implementation of the proposed regulation until explicit criteria have been prepared which will prevent large private windfalls and insure that tax relief will only be granted on a selective basis in cases where it will provide new employment and boost the economy.

Congress, unfortunately, is not well suited to the development of a comprehensive and coordinated economic policy. Managing the economy for the good of all of the people is a function which the Presidency is best equipped to perform. But when the President fails to act or, having acted, only exacerbates the problem, Congress must take the initiative.

Congressional action on the following measures should be completed as soon as possible and funds to implement the programs authorized should be appropriated in this session of Congress:

First, amendments of the Public Works Acceleration Act to provide additional and accelerated funding for certain public works projects in areas suffering from high levels of unemployment and economic stagnation.

Second, adoption of the "Emergency Employment Act of 1971" to provide public service employment with State and local governments for some of the Nation's 5 million unemployed.

Third, extension of legislation authorizing the Appalachian and other regional commissions for area economic development.

Fourth, enactment of legislation to increase the Federal minimum wage to $2.20 per hour.

Fifth, adoption of legislation to provide for direct Federal assumption of welfare costs now borne by financially pressed units of State and local governments.

If implemented by the Congress and the President, I believe that the actions listed above will go far toward getting the Nation through the present economic and employment crisis. But a great deal more must be done if we are to avoid returning to the cyclical boom or bust economic pattern of the late 19th and early 20th century.

In the next few days I will be introducing legislation designed to deal with one important aspect of the national employment problem. This measure, the Federal Conservation Employment Act of 1971, will provide direct Federal employment for unemployed workers, on a temporary basis, in the country's national parks, forests, recreation areas, and public lands. It will build upon the proven and tried concepts found in the Civilian Conservation Corps of the 1930's. Priority will be given to those areas of the Nation which have high levels of unemployment and a need for more intensive timber, recreation, and resource management on Federal lands.

Where there is a high level of unemployment but no direct work opportunity in a particular geographical area, the act will provide relocation assistance to bring people to jobs on both a temporary and a permanent basis.

The Environmental Service Corps established by the act will not solve all of the Nation's unemployment problems. It will help, however, by directly creating jobs to deal with the high-priority national need to replant our forests, to eliminate disease, to prevent erosion, to abate pollution, to guard against fire, to protect our parks, to add new facilities—trails, bridges, camping areas—in our recreation areas, to enhance watershed management, and to make the beauty and grandeur of our public lands accessible to the American people. There is a tremendous backlog of important work which can be undertaken while we await congressional enactment and implementation of measures which will restore in the private sector of the economy the national pledge of full employment which this country made in 1946.

Many of the Federal public lands in the West are located close to major metropolitan centers such as Seattle, Portland, Los Angeles, Salt Lake, Phoenix, and Denver. In such instances, employees could live at home and commute daily. In the more remote areas, work camps would be necessary.

One of the most important features of this proposal is that it does not require a great deal of start-up time. The work is there. Federal foresters, park rangers and land managers in regional offices all across the country have on their desks long lists of specific work assignments which need to be done. Most of this work is planned and programed. It does not require expensive machinery. It requires only people to do the job and the money to pay them.

Natural resource management and environment improvement program needs now stand at an all time high. Consider for a moment these statistics on the immediate needs of our conservation and environmental protection agencies.

The U.S. Forest Service currently has over 5 million acres of highly productive forest land awaiting replanting. Another nearly 12 million acres are not producing adequately for lack of proper forest management. Another 3 million acres are essentially unproductive and will remain so until erosion is curbed. A conservative estimate by Forest Service officials reveals that to reduce their backlog of essential conservation work would require 240,000 man years of labor.

The manpower needs of the Bureau of Land Management, the National Park Service, the Bureau of Sports Fisheries, the Bureau of Indian Affairs and the Environmental Protection Agency to perform essential work on public lands and facilities are also very great.

The work is not glamorous. But it is good clean, hard outdoor work. The Environmental Service Corps means that the Federal Government can give a man a choice between welfare dole and self respect; between hopeless days of frustration and the opportunity to do meaningful work that a man can take pride in.

The difference in the public cost of creating these jobs and the public cost of the welfare and unemployment compensation that will be incurred if jobs are not created is de minimus. But the difference in terms of national benefit and in terms of human dignity is immense.

Mr. President, this measure is a logical and necessary complement to the "Public Service Employment Act of 1971" which the Senate recently adopted. I invite the cosponsorship of other Members of the Senate.

Unfortunately, the negative reception in the White House to previous initiatives from the Congress makes the prospects for implementation of the Environmental Services Corps and other new legislative efforts discouraging. This is one of the major reasons why we need a change of attitude and a change of advisers in the White House. It is also a major reason why Congress must now take the initiative to put people back to work and to get the nation's economy moving again.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, am I recognized under the previous order?

The PRESIDING OFFICER. Under the previous order the Senator from Mississippi is recognized for not to exceed 60 minutes.

Mr.. STENNIS. Mr. President, I ask unanimous consent, without losing the floor, the time to be charged to my 1 hour, that I may suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I shall speak on what is a very important subject today, and my speech that I have prepared will extend beyond 15 minutes. I ask unanimous consent that when I do get the floor beyond this 15 minutes today, my remarks may all appear in the RECORD consecutively, and that any colloquy appear at the end of my more formal remarks.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for an inquiry?

Mr. STENNIS. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I am going to ask the Senator not to yield, because I do not wish to start a series of requests for unanimous-consent requests which deal with morning business. I do not want the Senator to yield. He has only a few minutes.

Mr. STENNIS. I thank the Senator. I have only 15 minutes.

NATIONAL POLICY ON PUBLIC SCHOOLS

Mr. STENNIS. Mr. President, I shall speak today concerning a national policy for our public schools.

We are a nation that has lost its way with regard to a national school policy. We have lost our way because instead of seeking one school policy for the Nation, we have followed such false signposts as "de facto" and "de jure"; such guideposts as "official segregation" in the South, and "racial isolation" in the North—which, intentionally erected or not, have led us astray and to different, but equally disastrous school policies in different parts of the country. Our public schools in many parts of the country are in chaos as the result.

Within a very short time now, we will again have before us proposals in various forms to authorize and appropriate a $1.5 emergency fund, as proposed by the President last year, to assist in school desegregation and related matters. This body had the wisdom to reject consideration of such proposals that were hurriedly presented, with little background, in the hectic final hours of the last Congress.

But this time, when this matter comes before us, the critical issues involved must be met head on with the courage to find ways to equitably resolve them—for this matter of racism and the divisive manner in which racial segregation and desegregation are being handled in our public schools is a central cancer threatening to bring the whole educational system down around our heads. Money will not solve it, or make it disappear—nor will it improve education while the situation exists as now.

The hour is too late—and the situation too grave—for evasion, equivocation, pretense, hypocrisy, or circumvention.

The administration, the Congress—and, yes, the Federal courts—can no longer afford to put off dealing forthrightly with matters which so deeply concern the lives and future of our children—which is also to say, the future of our country.

Historically, as is well known, our system of public education—of which we once had reason to be proud—was developed, in the main, by professional educators on a State-by-State basis, but governed—very considerably—through our democratic process, by elected school boards which reflected the concern of the parents and the local communities for the welfare of children.

Even today, with the population explosion and big government, the strength of this concept is revealed in many of our metropolitan areas of the North, where the parents of children in the inner cities and ghettos are demanding and obtaining a greater degree of local community control from the far off city hall and the State capital—in almost disregard of the policies and programs on the Federal Government.

The United States has been called the great melting pot. But it was common knowledge, long before Professor Coleman's study for the HEW, that as new waves of immigrants of differing nationalities and races reached our shores, generally those who dispersed thinly throughout already established communities—although frequently confronted, at first, with considerable bigotry and prejudice—fared much better and, with their children, made the transition to full-fledged Americans long before compatriots who flocked to impacted areas, or ghettos. And it was also common knowledge that benefits from their coming generally enriched the communities into which they settled.

The Supreme Court, in the 1896 Plessy case, decreed that the "separate but equal" doctrine and legally segregated public schools were constitutional. Whatever may be said about the 1896 decision in retrospect, it was the law of the land until 1954.

As with other minorities, those Negroes who sparsely dispersed throughout predominantly white communities of the country, fared the best and made greater progress. In the South and everywhere else in the country, wherever the Negro race was present in substantial numbers, special problems not encountered by other minorities have existed.

When the Supreme Court, in 1954, handed down the Brown decision declaring segregated public schools unconstitutional and holding "that in the field of public education the doctrine of 'separate but equal' has no place"—it must be remembered that it was dealing with cases arising in Kansas, Delaware, Virginia, and South Carolina, and not just with the South, because such conditions existed throughout the Nation. The Supreme Court clearly recognized that racial segregation in the public schools was a nationwide problem and not merely one of sectional concern; and that racial segregation in the public schools was inherently unequal, wherever it existed, although its impact was greater when required or permitted by law.

My purpose today is not to reargue the Brown decision. What I want to examine, among other things, today is what has happened since the 1954 Brown decision to frustrate its effect and to develop the chaotic and disruptive situation in which we presently find ourselves.

I would like to examine why racial segregation in the schools of the South is so unconstitutional—but all right in other sections of the country—why, if racial integration is so good for the minority children and for schools of the South, it is not good for the minority children and the schools of the North and West—why the Federal Government has thrown so much of its resources and sustained effort into racial integration of the schools of the South, and has done practically nothing about racial segregation and racial discrimination prevailing in the schools of the North and West. The 1954 Supreme Court Brown case does not suggest that these differences should exist, or that there should be a double standard. Quite the contrary.

I wish to make very clear indeed that I am not attacking the case of Brown against Board of Education, nor the principle of prohibiting racial discrimination by law. I am attacking the integration of public schools as a principle. These principles are here to stay in some form.

I do attack the subterfuges that are being used by the Federal Government to force the total and massive integration of public schools in the South, regardless of consequences to the children and the quality of the education, while at the same time virtually ignoring the same and worse conditions outside the South. Further, I state that in the South we will live with any pattern, and try to make it work, that is applied to other areas of the country beyond the South. I am frank to say, further, that I do not believe that the parents in areas beyond the South will submit to the total, massive, forced desegregation of their schools of the type that is being forced on us in the South by the Federal Government. The parents beyond the South have not agreed to this pattern, and there has been no real effort to require them to submit. They have sufficient political power and strength to keep it from being done—and no administration, present or future, will dare undertake to apply the same massive pattern to desegregation beyond the South that is now applied in the South.

At the time of the 1954 Brown decision, most—if not all—of the Southern and border States had laws on their books—which laws were legal until then—providing for, or permitting, separate schools and racial segregation; but, the record also shows that the great majority of Northern and Western States, particularly where there was any appreciable percentage of Negroes, also had had laws providing for segregation by race in the schools—either on a statewide or local option basis. And, many of these Northern and Western States, until just shortly before the 1954 Supreme Court Brown decision, had laws that were identical in effect to those in the South in this regard.

The principal concern of the Federal Government since the 1954 Brown decision appears to have been the elimination of the so-called vestiges of legal official racial segregation and racial discrimination in all public schools in the South. However, the record shows that the Northern and Western State school districts were just as implicated as the schools in the southern and border States, because the so-called vestiges of legalized racial segregation, in one form or another, remained in the North and West quite as much as in the Southern and border States. Of course, segregation in the North was not as overt as in the rural South, where there was integrated housing but separate schools and buses. In the North and West—where there never has been any real integrated housing on a racial basis—more diverse, discreet, and surreptitious methods prevailed to maintain the segregated quality of the Negro schools—methods which were quite as official as in the South and which have proven to be highly effective in preventing racial desegregation, to say nothing about racial integration.

In the Northern States, there prevailed a laissez-faire policy which permitted arriving Negroes to continue to pack into already overcrowded slums and ghettos, but took the most elaborate precautions—through official means and otherwise—to see that they did not desegregate from there into white majority neighborhoods, or attend white schools in any numbers.

Also, in Northern and Western States—at least, some of them—it appears that all that was necessary to escape the sanctions of illegal racial segregation in their public schools was to make a high blown proclamation, or pass a law, that there was going to be no more racial segregation in their schools—and then keep right on maintaining the same official practices and policies which assured the continuation of segregation.

For example: In Boston, racial segregation was "abolished" in 1855, although, according to the Supreme Court decision in the Plessy case, the principle of "separate but equal" schools for Negro students was first legally established by a Massachusetts State Supreme Court decision of 1850 involving a Boston case. However, in 1965, apparently due to the degree of racial segregation in the public schools, Massachusetts enacted a strong racial balance law, reputedly the toughest in the Nation. Yet, HEW statistics on the Boston school district for the fall of 1968, compared with the fall of 1969, reflect that segregation of Negro students in the Boston schools was going from bad to worse. Although Negroes make up only about 25 percent of the total enrollment in Boston, 76.7 percent of them were in predominantly minority schools in 1968, as compared to 78.5 percent in 1969; and 43.1 percent of the Negro students were in 90 to 100 percent segregated schools in 1968, as compared to 45.5 percent in 1969. And, I suspect that if I ever receive the HEW fall 1970 IBM statistics on the Boston schools—which I requested several months ago—it will be found that the situation there is becoming still worse—or at least no better.

Mr. President, another example: New Jersey issued a proclamation in 1881 that racial segregation was being abolished, but, according to the Civil Rights Commission, New Jersey cities and counties persisted in maintaining separate schools for black students well into the 1950's. What the Civil Rights Commission seems to have overlooked is the fact that they still do. There are still scores of public schools in the State of New Jersey which are, for all practical purposes, completely segregated.

So—in spite of the 1881 proclamation—on November 5, 1969, the Commissioner of Education of the State of New Jersey again issued a resolution—based upon the 1947 State constitutional mandate, the 1954 Brown decision, and a 1965 New Jersey Supreme Court decision—that the maintenance of "racially imbalanced" schools was a violation of the law and against public policy of the State of New Jersey.

That proclamation was issued within a week or 10 days after the State of New Jersey's record on this subject was placed in the CONGRESSIONAL RECORD in the speech that the Senator from Mississippi made.

Now back to the State of New Jersey—when in the fall of 1970, an attempt was made to implement this policy of the New Jersey State Board of Education—to which I have referred—in just three schools in the State capital of Trenton—a majority black school district—by the transfer of merely 100 black children and 55 white children—there occurred violent disruption, by both blacks and whites; boycotts; the imposition of a curfew; the calling in of State police; and the temporary closing of the Trenton schools. Following a court injunction, and pursuant to court order, the Commissioner of Education for New Jersey, after hearings on January 14, 1971, held that—

> Meaningful school integration cannot be achieved by involuntary busing of children in urban areas where the majority of public school youngsters consist of the children of the nation's minority groups.

In effect, the decision said to forget about desegregation, or the racial balancing of school districts in New Jersey which have a majority of black students, unless means can be found to cross district lines to include adjacent counties and school districts with majority white enrollments.

Such a decision cannot occur in the South. It is unconstitutional there.

Mr. President, I want the best schools possible for all, but I am old fashioned enough to believe that what is good for Charlotte, N.C., is good for Trenton, N.J., and what is good for Jackson, Miss., where they have massive busing, would be good for Trenton, N.J.

Mr. President, I do not cite these two examples because they are either unique or outstanding, but because they typify what has been going on in the school districts of any number of Northern and Western States.

I think it is fair to say that wherever substantial percentages of Negro students were found in public school districts—whether in the North, South, East, or West—there has been racial segregation—comparable segregation. The difference has been one of degree, depending upon conditions peculiar to the particular areas and circumstances.

Beginning in 1955, the first legislative response to the Brown decision was the enactment of pupil placement laws by most of the Southern States, and there was litigation over the years and strong resistance to a policy of one-sided, sectional, racial desegregation.

In the 1955 Briggs against Elliott case—which was one of the cases involved in the original Brown decision, Judge Parker, in explaining what the Brown case had decided, stated that:

> Nothing in the Constitution, or in the decision of the Supreme Court, takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs from voluntary actions. It merely forbids the use of governmental power to enforce segregation.

On the basis of this decision, most of the southern school districts turned to freedom-of-choice plans. However, even though a host of lawyers and scholars still feel this is sound law, the Briggs decision apparently was overruled in 1968 by the Supreme Court's decision in the Green case, which held that a freedom-of-choice plan which did not result in effective desegregation was unconstitutional.

Mr. President, following is some history: When the Civil Rights Act of 1964 was enacted, it prohibited discrimination in the schools—all schools—on the ground of race, color, or national origin—title VI. It defined "desegregation" as meaning "assignment of students to public schools, and within such schools, without regard to their race, color, religion, or national origin," but stated that desegregation shall not mean "the assignment of students to public schools in order to overcome racial imbalance."—Title IV—It also prohibited any official or court of the United States from using any order seeking to achieve racial balance in any school by requiring the transportation of students.

In spite of the clear language of the 1964 Civil Rights Act, the HEW, for all practical purposes, completely ignored racial segregation in the northern and western State school districts where all sorts of racial discrimination existed and where subtle forms of official racial segregation were known to exist, as well as those so-called vestiges resulting from previous laws which had provided for, or permitted, separation of the races. As a prerequisite to receiving Federal funds, these northern and western State school districts were required only to sign, on good faith, a simple assurance form stating that they would not engage in racial discrimination.

In contrast, the HEW reviewed every school district in the Southern and border States and wherever concentrations of Negro children were found to exist; it required such school districts not only to sign an assurance that they would not engage in racial discrimination, but, as a further prerequisite to receiving Federal funds, to submit a racial desegregation plan.

Ironically, these required plans were called—and still are called—"voluntary" plans. Ironic also is the fact that one of the types of plans permitted by the HEW was a "freedom of choice" plan. However, as previously indicated, based upon the 1968 Green decision, "freedom of choice plans"—at least in the South—were not acceptable to the Court.

Under the Civil Rights Act of 1964, the Department of Justice also had an important role in stamping out racial discrimination in the schools—and it, too, for all practical purposes, completely ignored racial discrimination, official racial segregation, and those "vestiges" of former legal separation by race, in the schools of the North and West. It ignored them, but concentrated on the South. As in the case of the HEW, it appears to have been politically expedient to do this.

And beginning in 1970 the coup de grace was delivered to the Southern and border States school districts. With all of the great resources of the Federal Government, it has just about succeeded in its mission—but, in so doing, it has gone a long way toward destroying public education in many areas of the South. To do this it has taken colossal hypocrisy on the part of HEW and the Department of Justice from a sectional or area standpoint in dealing with the desegregation of the public schools. There has been the most tortuous Federal court reasoning in the Nation's history to distinguish between so-called de jure segregation in the South as contrasted with so-called de facto segregation in the North.

There have also been startling failures on the part of the Federal courts—even the Supreme Court—to decide on, or review, cases involving serious situations of racial discrimination and/or racial segregation in the schools of the North and West. In a speech on the 5th day of May, 1970, beginning on page S6586 of the CONGRESSIONAL RECORD, I pointed out and discussed four major school cases from outside the South involving the legal status of so-called de facto segregation, which cases the U.S. Supreme Court declined to accept for consideration and decision. Nor has the Court yet passed on the question.

Those four cases to which I have referred were disposed of by the court with the terse words "Petition for writ of certiorari denied." This means, of course, that the court refused to consider the case on the merits.

But again, of greatest significance is the absence of action by the Federal Government and the courts against rampant racial discrimination and segregation existing in many Northern and Western State school districts.

The Federal Government has virtually taken over the public schools of the South Over 80 percent of the school children of the 11 Southern States are in districts that are either under court order or so-called "voluntary" plans required by the HEW. Over two-thirds of the children in the 17 Southern and border States are either under court order or in voluntary plan districts. There are no "voluntary" plans or court order districts in the school districts of the North and West.

The Federal Government has taken the authority away from the local school boards and local communities of the South, and in the name of racial desegregation—racial integration and the balancing of children by race—has greatly affected the public schools of the South. By forced integration, it has fanned hatred, fear, misunderstanding, strife, flight, and disruption.

The rapidity and the massive demand for complete integration now, regardless of reason, and the zeal of many of those representing the HEW and some of those representing the Department of Justice has been the very opposite approach of an approach in the interest of education.

It is like trying to win a ball game, but they use different rules for that ball game in the South. In fact, they did not use any rules at all in the North except in a very token way, which I shall outline and describe later.

The Federal Government has done an excellent job in forging a double standard, two-policy system for the public schools of the Nation, and, of course, Congress gave a big assist to all of this by rejection of my amendment of a year ago providing for a single national policy. For the South, it seems that the Federal Government has acted with an unrelenting vengeance in a monumental exercise with its only goal being higher standards of integration—with ever-lessening concern for the facts of educational policy or local sentiment. Freedom of choice has not been enough. Neighborhood schools which were integrated as far as practical were not enough. When the demands became so great, and some schools became intolerable to students and their parents, they simply abandoned the public schools for private schools, and in many school districts there has resulted greater racial segregation than during the interval when freedom of choice was permitted.

I say that deliberately, based upon facts that I know of myself with reference to school officials, teachers of long standing, principals, superintendents, classroom teachers, and children of both races. There has been an entire abandonment by these Federal officials at times of the whole concept of education, the quality of the education, the welfare of the children, and the better training of the children.

As I say, it is like playing a ball game and trying to make a showing for some other part of the country by changing the rules before election day.

I invite the attention of all Senators to the records to which I am referring. I wish all Senators would examine them for themselves. These are astounding facts concerning what has been happening in the name of education in one area of the country when virtually nothing is being done along that line in other areas of the country.

This dual policy and failure to develop a national school policy has also done irreparable damage to the public schools of the North and West. It has encouraged—you might say, subsidized—northern and western school districts to hide behind the nonsensical excuse of "de facto" segregation, and has permitted these areas to exercise unlimited powers to increase racial segregation in the public schools through residential zoning, school district zoning, overloading black schools, strategic locations for new school construction, and a myriad of other official and quasi-official devices to deprive the Negro and other minority children of their rights to attend schools of their choice. The result has been not only a sharp increase in racial segregation and discrimination in the schools of the North and West, but, by the enforcement of one set of laws in the South, and, in effect, encouraging opposite practices in the North and West, such duplicity has contributed materially to disrespect for the law and to the encouragement of disruption in both the North and the South.

The almost unbelievable situation that has resulted from the double standard employed by the Federal Government with respect to racial discrimination and segregation in the public schools can only be realized by citing some examples. For instance:

First. Racial segregation in the schools of the South is, per se, illegal—unconstitutional.

In the North and West, where identical conditions exist in public schools, it is called "racial isolation" and is permitted as legal.

Second. In the schools of the North and West, regardless of the degree of racial segregation, or its cause, racial discrimination must be proved to make a case and the Federal Government is making no effort to prove it, or very, very little effort.

In the South, racial discrimination is presumed, and the Federal Government, through HEW, the Justice Department, and the Federal Courts—has used this contrived presumption to force massive integration to the ultimate.

Third. In the South, although it has been 17 years since the Brown Supreme Court decision, and in spite of all that most of the Southern school districts have done to comply with Court decisions and HEW directives, racial segregation is still labeled as "de jure" segregation and too commonly is referred to as "official" segregation, or "deliberate" segregation.

In the North, racial segregation in the schools—regardless of "vestiges" remaining from previous laws and various methods employed to perpetuate segregated schools—is officially labeled "de facto" segregation and variously called "accidental," "fortuitous," or "segregation due purely to housing patterns."

Voluntary racial concentration in the South is not recognized. It is treated as illegal and unconstitutional racial segregation.

In the North, one would be made to believe that all racial segregation is "adventitious."

Fourth. In the North, freedom of choice to go to the school of one's choice within the school district of residence is not only permitted by the Federal Government, but is fortified in a number of States by recently passed State statutes in New York and other States.

In the South, such freedom of choice, unless it results in "effective racial integration of the school district," is prohibited as illegal and unconstitutional by Supreme Court decision. And, in the South, when some States attempted to pass laws identical to those of Northern States, such laws were immediately declared illegal by action of the Department of Justice and the Federal Courts.

Fifth. In the North, the busing of school children to achieve racial desegregation is considered "racial balancing" and is prohibited.

In the South, forced busing of Negro students away from the neighborhood schools to majority white schools—even against their will—and similar busing of white students to majority Negro schools, is common and is required by HEW and express court orders as a part of the desegregation process allegedly required by the Constitution.

Sixth. In the North, parents who wish to avoid sending their children to racially integrated public schools freely move to suburbs where such conditions do not exist, or send their children to private schools.

In the South, the Federal Government devised procedures for filing school desegregation suits in clusters which took in a group of counties or school districts in order to prevent or discourage flight from school districts where there were heavy concentrations of Negro students.

In the North, where, according to HEW statistics, between 20 and 25 percent of the children of elementary and secondary school age are educated in private schools—most of them so-called lily white—no question has been raised as to why there are not more Negro or other minority children in such private schools, nor has any remedial action been taken.

In the past, the South had few private schools—attended by only about 5 percent of the children. In recent years, however, when private schools were established and attended by many of the white children because of the extreme measures used and the excessive degree of integrations required in the public schools, especially on such quick demand, there was an immediate hue and cry to have any tax benefits taken away from such private schools—which were labeled "desegregation academies"—on allegations that they were established to circumvent integration and these tax benefits were taken away from many of the private schools in the South. None have ever been questioned in the North.

Seventh. As I pointed out earlier, upon the passage of the Civil Rights Act of 1964, school districts of the North and West had only to sign a simple assurance that they would comply with the act in order to qualify for Federal funds—this, regardless of existing conditions of racial discrimination and segregation, or the past history of legal or other official discrimination in such school districts. The districts of the North have never been disturbed except in only a very few instances that I will refer to later.

In the Southern and border States, every school district was checked, and wherever minority racial concentration existed, a special assurance form was required as a precondition to receiving Federal funds—which assurance called not only for compliance with the Civil Rights Act and regulations but the filing of an acceptable plan to bring about racial desegregation.

Eighth. In the South, over 90 percent of the minority students are either in so-called "voluntary plan" districts or "court order" districts, where the Federal court had taken over authority from the local school boards in matters of school desegregation.

No voluntary plan or court order was required for any school district in the Northern and Western States, regardless of their previous background or present conditions of racial segregation and discrimination.

The results which have accrued from the difference in application of policies and laws in the South, as contrasted with the North, have reached ridiculous proportions and would be comical if they were not so tragic.

While the Federal Government has been concentrating its resources on integrating the schools of the Southern and border States, it has been making pronouncements as to what it was doing and going to do to remedy racial discrimination and segregation in the schools of the North and West.

In the March 1, 1969, report of the Secretary of HEW entitled "Establishing a Nationwide School Desegregation Program Under Title VI of the Civil Rights Act of 1964," submitted pursuant to section 410 of Public Law 90–82 (the Labor-HEW Appropriation Act of 1969), it was stated, in part:

> Additional staff has been assigned to the elementary and secondary school compliance program outside the 17 Southern and Border States. Totals as of March 1, 1969: North and West, 53 persons; South, 51. These figures compare with 32 persons assigned to the North and West and 67 to the South in October 1968. . . . (p. 1)
>
> Nondiscrimination provisions in the Elementary and Secondary School Compliance Policies issued by HEW in March 1968 apply to all schools in all States, including those which never had formal dual school systems as well as those which formerly were racially segregated by law. Uniform enforcement procedures are based on information received by HEW from nationwide school enrollment surveys. There have been reviews of 40 school districts in 13 Northern and Western States. Officials in six school districts in six of these States were notified of apparent Title VI violations and two other districts were referred to the Department of Justice for possible court action. (p. 1)

The HEW made it clear that it intended to administer and enforce title VI of the Civil Rights Act of 1964 with equal emphasis and by like methods in all States of the Union.

On July 3, 1969, HEW Secretary Finch and Attorney General Mitchell made a joint statement, excerpts from which follow:

> The implication of the *Brown* decision are national in scope. The problem of racially separate schools is a national problem and we intend to approach enforcement by coordinating administrative action and Court litigation. (pp. 3 and 4)
>
> Racial discrimination is prevalent in our industrial metropolitan areas. In terms of national impact, the educational situation in the North, Mid-West, and West require immediate and massive attention. (p. 5)

In the HEW's "Civil Rights Progress Report" of September 14, 1969, which principally concerned itself with the progress of desegregation in the South, it was stated, however, at page 8:

> In terms of activity, we initiated 13 preliminary reviews of Northern school systems under the new Administration, the same number as in the comparable year-earlier period. But we conducted six full field reviews in the first 7½ months this year, compared with only three last year, and we negotiated to try to encourage desegregation plans in five more districts, compared with two a year earlier. A full field review normally involves a minimum of six professionals a minimum of two weeks in a given district gathering information, compared with as little as one man spending one day in a preliminary review. Thus, the involvement in more full reviews this year, as well as following up on reviews conducted last year, has more than doubled our activity in the North.

That is a significant statement. They say they had three full field reviews of northern school systems for the previous year, I believe it was, and they had instituted six full field reviews in the North in 1969. Then they say they had more than doubled their activities. But there are literally thousands of districts in the North—the area they are talking about here—and six is a mere pittance. But the reports and the press releases say that they had more than doubled their activities. That is something that sounds big, but it is a phony when it comes to the total substance of what has been done and what is sought to be done.

I continue to read from the report:

> *So far, we have taken one district* into administrative proceedings in the North, Ferndale, Michigan. That case is now pending before the Hearing Examiner, extensive hearings having been held. Because it is necessary to prove discrimination in the North (not difficult in states where a dual school system once existed, since the Supreme Court in 1954 said the dual school system was inherently discriminatory), reviews and subsequent action take much longer per school district than Southern compliance steps ever took.
>
> Ferndale shows very well why the extra effort on the North does not produce a comparable result in desegregation plans or citings for administrative proceedings. While Ferndale has only 8,100 students in 12 schools, 9.5% of the students are members of minority groups, and only one school which is a compliance problem, the reviews, investigation, correspondence, negotiation and hearing took 35 man weeks of professionals' time, not counting the considerable time which attorneys in the Office of General Counsel of HEW spent on the case. This compares with four man weeks for the average Southern school district.
>
> Thus it is not surprising that we have expanded our effort greatly in 1969, while we have not significantly expanded our geographical spread or the number of districts with which we are involved. We have dealt with 50 Northern systems since we dropped the complaint-response procedure in early 1968 and began initiating reviews to achieve compliance in an orderly fashion. Thirty-four of our reviews began in 1968, and so many of them have kept our expanded manpower force busy, that we were able to initiate only 16 more in 1969. (pp. 8 and 9)

On May 15, 1970, the Secretary of Health, Education, and Welfare, in response to my letter of April 27, 1970, requesting information on the administration's national school desegregation policy and related matters, stated, on page 3:

> In a joint statement issued on July 3, 1969, by the Attorney General and myself, the Administration took note of the fact that racial separation in the schools was and remains a national problem. The Administration is committed to the fair and firm nationwide enforcement of the Title VI school desegregation requirements.

Now, let us look at what the Federal Government has accomplished pursuant to this "fair and firm nationwide enforcement" of the Civil Rights Act and the Brown decision with respect to racial discrimination and segregated schools, and what was the extent of the "massive attention" that was to be given to the schools of the North, Midwest, and West.

On December 22, 1970, I addressed letters to both the Department of Justice and the HEW requesting information on the progress of the school desegregation program, North and South, and I am using the information sent me by these Departments on January 5, 1971, as the basis for my analysis.

The Department of Justice reported that it had entered a total of 235 school desegregation suits since fiscal year 1965, 200 of which are still pending, and that six of these suits—all of which are pending—were against school districts outside the Southern and border States. Just think that is six suits in the North and West compared with 229 in the Southern and border States.

The HEW reported that there had been 4,349 school districts in the Southern and border States which had filed, and were implementing, desegregation plans under either title VI or pursuant to court order; that of these, 492 were under court order; and that 73 of the districts were not operating under either a voluntary plan or a court order. They advised that outside the Southern and border States, the HEW had required nine school districts to file desegregation plans. Again, only nine school districts in the North and West were required to file desegregation plans, as compared with 4,349 districts in the Southern and border States.

That covers several years, but after all the claims and promises as to the same kind of activity outside the South, after all this time and all the claims they have made, we learn that only nine school districts outside the South have been required to file plans for desegregation, as compared with 4,349 districts in the Southern and border States.

The Department of Justice and HEW were also requested to furnish the names of the school districts outside the Southern and border States where Federal suits had been filed and where the HEW had required desegregation plans, respectively, together with the status of these cases.

As far as the background of this matter is concerned, I placed statistics in the RECORD in late 1969 and early 1970 showing the monstrous amounts of segregation in the schools of the Northern and Eastern States—and I speak with great respect of them—but they come forward with six desegregation cases outside the South.

The Department of Justice information on the six school desegregation suits brought in Northern and Western States is as follows:

First. Pasadena, Calif. Filed November 28, 1969. Tried and decided by the district court. Desegregation plan being implemented.

Second. Waterbury, Conn. Filed October 13, 1969. Not yet tried.

Third. South Holland, Ill.—District 151, Cook County. Filed April 25, 1968. Suit tried and decided in district court. Desegregation order affirmed by court of appeals. School district has filed petition for review with the Supreme Court.

Fourth. District No. 12, Madison County, Ill. Filed July 7, 1969. Related to faculty desegregation only. Final order entered by district court.

Fifth. East St. Louis, Ill.—District 189, Suit filed September 6, 1968. Related only to faculty desegregation.

Sixth. Indianapolis, Ind. Suit filed May 31, 1968. Not yet tried, but interlocutory order regarding faculty desegregation entered.

I think it is quite significant that the Department of Justice saw fit to enter only six lawsuits relating to school desegregation in all of the 32 Northern and Western States. The total school enrollment in these six districts was only approximately 184,000 students, including about 66,000 Negro students. The other minority students in these six districts aggregated less than 5,000. Of these six school districts, the action taken on three related only to faculty desegregation; two of the larger cases have not been brought to trial; and in only one of the two cases tried—Pasadena, Calif.—has a desegregated system actually been implemented, without appeal.

In schools that are 95 to 100 percent minority segregated there are 1.3 million, or about 44.8 percent of all Negro students in the Northern and Western States, according to HEW's preliminary fall 1970 school survey figures. And there are nearly a million, or 30.6 percent, that are in 99 to 100 percent segregated schools. Yet, the Department of Justice has concerned itself with only six districts which include only about 71,000 minority students. There are also, of course, numerous school suits by private individuals which have been brought in Federal courts in the Northern and Western States testing the validity of State laws prohibiting busing, involving racial discrimination, and the issue of freedom of choice, but the Department of Justice apparently has not seen fit to enter into any of these.

By contrast, in the Southern and border States, there were 5.3 million students, including 1.9 million Negro students, in some 492 school districts that were under court order, according to HEW's fall 1969 school survey.

The record of accomplishment of the HEW with respect to compliance and enforcement relating to racial discrimination and racial segregation in the schools of the North and West, if possible, is even worse than that of the Department of Justice.

The Secretary of Health, Education, and Welfare, in his reply of January 5, 1971, to my letter of December 22, 1970, reported that the nine Northern and Western State school districts allegedly required to file desegregation plans were: Union Township, N.J.; Penn Hills, Pa.; Wichita, Kans.; Ferndale, Mich.; Bakersfield, Calif.; Sequoia High School, Redwood City, Calif.; Middletown, Ohio, Dayton, Ohio; and Kankakee, Ill. It is recalled that HEW reported, in its March 1, 1969, report, that it had taken action on six of these nine cases.

Of the nine school districts in the North and West allegedly required to file desegregation plans, two related to faculty assignments only; in two, administrative proceedings were begun, but in these two cases no final decision has been reached. In one school district, HEW was still negotiating for an acceptable plan. The total enrollment of these nine school districts, according to HEW's 1968 survey figures, approximated 208,000, including 42,000 Negro students and approximately 8,000 other minorities; but, if you exclude the two cases where final decision has not been reached in HEW administrative proceedings, the two cases involving faculty assignments only, and the one case where negotiations are still going on—then, only four districts in all of the 32 Northern and Western States, with a total enrollment of 42,703 students, including 4,605 Negro and 777 other minority students, as of HEW's report to me on January 5, 1971, have actually desegregated pursuant to HEW Office of Civil Rights requirements.

If you take the figure of 4,605 Negroes enrolled in the four school districts in which HEW has effected desegregation, you find it represents less than four-tenths of 1 percent of the 1.3 million Negro children attending 95 to 100 percent segregated schools in the North and West, and only five-tenths of 1 percent of those Negro children attending 99 to 100 percent racially segregated schools in the North and West.

Think of those figures, Mr. President. Here are 1,300,000 minority Negro children attending schools in those States that are 95 to 100 percent segregated, and suits have been filed there, or action has been taken by HEW, concerning only four-tenths of 1 percent of those 1,300,000 students; and still they say "We are going to have a uniform national policy, and we are pursuing it and working to that end."

Moreover, only one-half of 1 percent, in that area outside of the South, of the children who are attending those 95 to 100 percent racially segregated schools—only one-half of 1 percent—have even been touched.

This hardly supports the administration's claim of massive attention to the schools of the North, East, and West—or its claim that it was administering title VI of the Civil Rights Act of 1964 with equal emphasis and by like methods, North and South. The facts show conclusively that only slight attention is being given to this area.

Whatever excuses may be given, it is just not a fact that anything more than slight attention is being given to the schools of the North and West.

The facts I have cited—which I would welcome anyone to refute—amply document that the HEW and the Department of Justice have done practically nothing about racial segregation and racial discrimination in the public schools of the North and West. Just how much manpower do you think it has taken to accomplish what the Department of Justice and the Department of Health, Education, and Welfare have done in bringing the six lawsuits and the two HEW administrative proceedings—and in negotiating changes in seven relatively small school districts in the 32 Northern and Western States?

Whatever the estimate, compare it with the legions of Department of Justice civil rights attorneys, assistant U.S. attorneys, FBI agents, U.S. marshals, HEW Office of Civil Rights title VI compliance officers, HEW Office of Education title IV professional advisers and desegregation plan drafters, Federal judges, and great numbers from private civil rights organizations who have participated in racially desegregating and racially integrating the 4,349 school districts of the Southern and border States.

Does this comparison suggest that the Federal Government has administered and enforced title VI of the Civil Rights Act of 1964 "with equal emphasis and by like methods in all States of the Union?"

Does not the statement regarding "monumental hypocrisy" which the senior Senator from Connecticut made in his courageous speech a year ago in support of my amendment for a single national policy on public school desegregation take on even greater meaning?

Further, does not the fact that the Federal Government has not really done anything about racial discrimination and racial segregation in the schools of the North and West to date demonstrate—or at least strongly indicate—that they do not intend to do much of anything?

Mr. President, when I use the term "Federal Government" all the way through this speech, I am not talking about just the present administration. The same thing has been true of previous administrations. There has been talk, and there has been smoke, but there has been very, very little fire. I have worked on this for years. I have talked with many HEW Secretaries and many of their staffs. I have come in contact with them in many ways. Over these years, this claimed activity outside the South has been clearly demonstrated by these facts to be a monstrous sham.

The March 1, 1969, HEW report stated that 40 Northern and Western State school district reviews had been made. A later HEW progress report, of September 14, 1969, stated that 34 of these reviews were made in 1968 and the number had been increased by only 16 in 1969; that, in all, HEW had dealt with only 50 school districts in the Northern and Western States since it had "dropped its complaint-response procedure to achieve compliance in an orderly fashion."

The number of school districts which the HEW's Office of Civil Rights has dealt with in this so-called orderly fashion after dropping its "complaint-response procedure" in the North and West has not increased by very many since the progress report of September 14, 1969. This was not because the HEW field review teams did not turn up serious civil rights violations, such as gerrymandering and other acts of racial discrimination in a high percentage of those northern and western school districts which received competent reviews. It was because of the almost complete bottleneck in the HEW general counsel's headquarters office which was required to authorize any action taken by the regional offices against violations by school districts of the North and West. When I called this to the attention of the Secretary of Health, Education, and Welfare by letter of April 27, 1970, I was advised, in reply, that they "have been aware for some time that the Office of the General Counsel should have increased ability to provide legal services to support the shift in Office of Civil Rights emphasis to the northern, eastern, and western areas."

The Secretary further indicated that, effective February 1, 1970, legal services were reorganized to provide two equal education units—one for the South and one for the northern areas. Whatever they may have done, I have failed to note any improvement, and the letter from HEW dated January 5, 1971, previously referred to, corroborates this.

As in the case of the administration's trumpeting about the "massive attention" it was going to give the schools of the North and West, and the equal treatment in the administration of title VI, much has been said about additional assignments made to the compliance staff of the northern regions of the HEW Office of Civil Rights, and that, in numbers, they now exceed the compliance personnel assigned to elementary and secondary education in the Southern and border States. But, again, where are the results? What type of personnel was assigned? Have they been experienced investigators, or were they sociologists? Perhaps this is something which should be examined. If the administration were to really dig into the violations in the school districts of the North and West, they would find out how bad conditions really are there, and they would have to do something about it—perhaps. But if they make a lot of noise and spin their wheels, accomplishing nothing, then, they can go on integrating the South and largely giving "lip service" only to the North. Actually, there are more HEW personnel working on school desegregation compliance in the South today than there are in the 32 States of the North and West.

Mr. President, I noted with interest some weeks ago two illustrations of the practical side of what I have been talking about. The first was an item published in the Washington Post of March 7, 1971, datelined Atlanta, Ga., written by a Washington Post staff writer. It reads as follows:

South's School Integration Progress Lauded

ATLANTA.—Seven Cabinet-level officials flew here today to review what one member of the group described as "a record of remarkable progress" in Southern school desegregation.

Elliot L. Richardson, Secretary of Health, Education and Welfare, offered that glowing appraisal in the course of a closed meeting between members of the White House Cabinet Committee on Education and leaders of seven state advisory committees set up by President Nixon last year to help smooth school integration in the South.

Speaking to reporters gathered outside the meeting place, Richardson added, "Desegregation has been carried out on an entirely unprecedented scale." He added, "As far as the actual achievement of desegregated school systems . . . the South now has proportionately more black people attending desegregated schools than the North has."

The only demurrals—and they were slight—came from some of the black co-chairmen of the state committees.

"I would concur with him," said Dr. Horace Tate, of Georgia. But he pointed out several remaining "problems." Among them, he said, are the dismissals and demotions of black teachers and principals in newly integrated school systems and the "white flight" of white students to private, white academies.

Dr. Gilbert Mason, vice chairman of Mississippi's advisory committee, said the departure of whites had been particularly pronounced in his state, but he added that whites had returned to the public schools in many of Mississippi's districts at the beginning of the present semester.

The state's private schools he said, "can't sustain themselves from one (fund-raising) barbecue to another."

Budget Director George Shultz, who is chairman of the Cabinet committee said at a news conference after the meeting that "white flight" could be cured by "improving the quality of education" in public schools.

Southern school integration, Shultz said, has been accomplished with "a very minimum of violence, much less than anyone had anticipated."

Besides Shultz and Richardson, other cabinet-level officials at the meeting were George Romney, Secretary of Housing and Urban Development, presidential counselors Donald Rumsfeld and Robert Finch, Attorney General John Mitchell and Postmaster General Winton Blount.

The administration now has sent Cabinet, and sub-Cabinet officials to Atlanta to celebrate a "victory" for integration that the administration has achieved in the Atlanta schools, and they greatly compliment the people of Atlanta as well as other southerners. But, Mr. President, you have not read where the administration has sent Cabinet-level officials to Pittsburgh or to Cleveland or to St. Louis, or to New York City, or to Chicago to celebrate a "victory" for integration in the schools of those cities, and the bestowing of compliments for the officials of those cities or their States.

The hard facts are, there have been no accomplishments there. Neither have you read where Cabinet-ranking officials have been to those cities, or to any other cities outside the South.

Without being personal at all, I point out that I have not read in the press where any Cabinet-level officials have been to Boston to point with pride to the great progress being made in desegregating of the schools in that city, in spite of the fact that two members in the present Cabinet are from Massachusetts and, in fact, are former Governors of that great State. One of these Cabinet officials is the present Secretary of Health, Education, and Welfare, whose Department is charged with the responsibility of administering the Federal drive to desegregate the public schools—including those in the North and West—under the Civil Rights Act of 1964, which a former Secretary of Health, Education, and Welfare, the Honorable Robert Finch, and the present Attorney General, the Honorable John Mitchell, both honorable men, have said requires "immediate and massive attention." The full facts are that virtually nothing has been done in Boston, or anywhere outside the South.

I say I have the greatest respect for these men. I have the greatest respect for these cities, too, and I do not want to see any school in trouble anywhere or any time. But I shall read again, if I may, from the Washington Post, this time from an article published on April 4, 1971, and another on April 11, 1971. The first is an article written by Mr. Peter Milius, a Washington Post staff writer, datelined Boston. The other is written by Mr. Robert C. Maynard, also a Washington Post staff writer, and also datelined Boston. The first article relates to testimony before a special education committee, when the Senator from Arkansas (Mr. MCCLELLAN) inquired of Attorney General Mitchell about a uniform policy, and what was being carried on outside the South.

Reading from the article of April 4:

Apartheid in Urban Schools—Boston Typifies Battle Over Integration

If Boston, Mass., were Little Rock, Ark., Sen. John L. McClellan (D-Ark.) gruffly told the witness at a hearing in Washington last August, "you would be down there tomorrow."

The witness was Attorney General John N. Mitchell. He had just testified that, in his opinion, Boston's "open enrollment policy," a shaky exercise in the simultaneous appeasement of both whites and blacks on school integration, was unconstitutional.

The policy is a system under which black children are allowed to transfer out of black schools into white ones; it is a citywide invitation to integration. Yet it is also, as the senator had pointed out, a system under which white children, too, are allowed to escape into white schools if they are somehow assigned to black ones; it can and often does also lead toward segregation.

The South, as everyone in the room knew, had also had an "open enrollment policy." Its kind had been known as "freedom-of-choice," and it, too, had allowed black and white children to attend integrated schools, but only as they chose to.

Freedom-of-choice had been attacked by the Justice Department and struck down by the federal courts. What was Mitchell going to do now about open enrollment, McClellan asked.

There was nothing he could do, Mitchell said, because no Boston parent had complained.

The 75-year-old Arkansas senator exploded. "Now that," he said, "is a double standard in America today."

The Department of Health, Education and Welfare has, since McClellan's outburst, quietly dispatched a small team of civil rights investigators to this Northern city. It says today that Boston is one—the largest—of about 50 Northern school districts in which it has looked or is looking intensively for violations of the federal civil rights laws.

It is one of the ironies of today's politics that a senior Southern senator should have helped spur on these investigations. Yet the whole episode—McClellan's scathing remarks, the government's halting response—is a telling summary of some powerful new truths about school integration in this country.

The first of these truths, and the most basic, is that the integration background has shifted. Today it is in the big cities. More than 50 per cent of the nation's 6.7 million black school children now attend its 50 largest school districts according to federal figures. Technically at least, and though problems still abound, the rural and small-town school districts of the South, the scenes of the big battles of the 1960s, have desegregated. The South's classic dual school system is no more.

And in some cities, the issue is rapidly becoming moot in any case. Washington, D.C. is an example. Its school system is 95 per cent black, and there is no way to integrate.

The second truth is that, however they got that way, the cities of the North and South are today the same. Little Rock is where President Eisenhower had to send armed troops in 1957 to safeguard the right of black school children to attend formerly white schools. Boston, as McClellan wryly noted at that hearing in August, "is the city often represented as the cradle of American liberty."

Yet in both today, there is something approaching educational apartheid. Blacks go primarily to black schools in black neighborhoods, white the reverse. The only apparent, immediate way to break up the pattern is to bus. But in both today, Boston and Little Rock, North and South, whites and increasingly, blacks as well, are resisting busing. For many blacks, integration is no longer the pathway to better education. Black control is.

The third truth is that integration thus is at a crossroads. Lawyers, judges, and the government used to make a distinction between "de jure" segregation—the deliberate, official kind, which is illegal—and "de facto" segregation—the kind that reflects residential patterns, and which is not illegal. The South was de jure, the North, for the most part, de facto. Yet today, in the cities at least, there is no difference between them. There is a widely recognized need for a new set of standards, one that would be both urban and national.

I read from the article written by Mr. Robert C. Maynard, published in the Washington Post of April 11, 1971, regarding the Boston schools:

Boston School Crisis Deepens

Nearly a decade ago, a storm was touched off in the schools here when a white teacher was discharged for teaching his black students a Langston Hughes poem that advocated rent strikes.

Jonathan Kozol, the teacher, was later to write a book, "Death at an Early Age," charging that the schools of Boston were crippling children for life by the persistent inadequacies of the system.

Now, five student strikes later, the Boston public schools are in their deepest crisis in the decade since the Kozol incident. Monday marks the beginning of the 11th week in which more than 1,000 black students—half of them high school seniors—have been out of school, "absent without leave," as some school officials put it.

"What goes on in those schools," said Gloria Joyner, a mother of two children in the Boston school system, "is not education. It's police state—with policemen patroling the halls—and a nightmare. I'd just as soon have my kids home."

She is co-chairman of CHANGE, the coordinating committee for the current boycott.

Marc Bell, a high school student, said that it is easier to be a dope addict in some Boston high schools than a student.

"You go into the lavatories and you see the guys shooting up or smoking reefers. I would say that half of the school kids are involved with some kind of dope. You just can't get an education, you just can't."

And if black students try to get an education at some schools, said Linda Brown of Girls High School, they are frustrated by the lack of a curriculum that they feel will be of any use to them.

"We want to learn things we can use," Miss Brown said. "We want to learn subjects that will help us get to college and we want to learn something about our own history and culture."

That demand, one of five being made here in Boston, is growing in black communities across the country, as it did among black college students four and five years ago. It is one of several forces that is contributing to high school unrest in big cities of the North and in small cities of the South that have recently desegregated their high schools.

Ahmed Narradine, a 15-year-old New York City public school student, is typical of the youngsters demanding more about blacks in the curriculum.

"The only time we ever hear about our black heroes," Narradine told a visitor to Harlem's James Fenimore Cooper Junior High School, "is when they are either in jail or dead."

Narradine was one of several students who confessed that he had participated in a choral tribute to Whitney M. Young, Jr. on the day of his funeral in New York, without having any idea who Young was.

One of his companions in the choral tribute said that her history class was then studying the Russian revolution and she had learned "more about the power struggle between Josef Stalin and Leon Trotsky than I know about the struggle of black people here in America."

The lack of black studies is not the only major complaint of black high school and junior high school students.

Linda Brown complains that in all of the 18 high schools in Boston, seven of them with substantial black populations, there are few black teachers, no black guidance counselor.

"The white counselors steer us away from the college preparatory courses," Miss Brown says. "They tell us there is no point in taking this or that course because we aren't going to college anyway."

Of all of the complaints about the schools of Boston, many blacks believe that the problem of the guidance counselors is one of the most serious.

Jack Robinson, the new president of the Boston branch of the NAACP, is a businessman and was a Boston school teacher for nine years.

"I remember when I was a high school student, I told my guidance counselor that I wanted to prepare for college," Robinson recalled recently. "I was told my talents would be better served in the print shop. So that's where I spent three years of my high school."

In part because of his own experience as student and teacher in the Boston system, Robinson has placed the student strike here at the top of his list of NAACP projects.

The branch, more activist under Robinson than most NAACP branches are—here or anywhere—is supplying legal assistance and other forms of support to the strike, one of the factors that has helped to keep it going.

Robinson, who took office in January, is attempting to bridge the gap between the NAACP and youth in his community, and he has tried to run the branch the way he runs his nine corporations—as a business.

He has hired salesmen on a commission basis to go door-to-door soliciting memberships, and he has introduced the first civil rights-on-credit plan known to exist in the country. He can sign up new members with their choice of Master Charge or Bank Americard. "Yes, sir," he said, "You can do anything else on credit, so why not civil rights?"

To have the "muscle" to win the school battle or any other, Robinson argued, "you have to have the troops, members, and we intend to get them by every means that any modern organization would use to attract them."

But blacks here believe, muscle or not, that they are facing a long struggle to redeem their schools. They see no easy or quick solution.

"As one parent," said Walter Thomas, a man with a deeply lined face and graying hair, "the only solution I can see is to have an all-black school board to run the schools of the black community. We just don't think we can depend on the white school board for a fair shake."

Perhaps the most famous of Boston's school committee veterans is Democratic Rep. Louise Day Hicks.

It was Mrs. Hicks who became known as the staunch opponent to busing here when that was one of the demands of a previous school strike by black parents and students.

"You know where I stand" was a regular refrain of hers when she spoke in white community meetings on the topic of busing. She lost her bid for mayor to Kevin H. White, but the school busing issue nontheless made her name a household word in Boston and elsewhere.

Jack Robinson is among many blacks who ruefully confess that "the NAACP helped to make Louise Day Hicks. Everyday there was a charge and countercharge, a running word duel between Mrs. Hicks and the NAACP."

Drumming his fingers on his desk for emphasis, Robinson declared, "You better believe we aren't going to make that mistake again."

The blacks see a special irony in the fact that school busing became the focus of the controversy over education here.

"Boston Technical High School," Mrs. Joyner said, "is right here in the center of the black community. Right in the middle of it. There are 1,600 students at Technical and 157 of them are black. Could you imagine a white community in Boston having a school in the middle of it that was 95 per cent black? Just go look at those buses. They bring white kids into our community by the busload every day. But they oppose the busing of blacks to schools in the white community."

But busing is out as a demand now and community control is in. And although it is the national policy of the NAACP to favor school desegregation, Boston's chapter is backing the demand for community control.

"Call us a renegade branch if you want to," Robinson said, "but we see community control as the only answer to the problems of the Boston schools at this time."

The alienation here among the striking students, their parents and other supporters and the white school system is total.

Several parents said they don't care whether their children gain diplomas this year because, as one mother put it, "the diploma isn't worth the paper it's written on. My child hasn't learned anything and I know it. Who's a diploma gonna fool?"

So the strike against the Boston schools is likely to go on. The first of the demands is a meeting in the black community with the full school committee, so far not granted.

Now, the striking students and their parents are talking of escalating their protest, with a motorcade downtown. The strike could easily go on for another month, to the end of the school year.

"If they wait us out until the end of the year," said the NAACP's Robinson, "they'll just have to deal with us in September."

Mr. President, these points have been made here many times by those of us representing the Southern States—that this matter of massive integration is something that the colored people are not overwhelmingly in favor of, that they do not look upon it as the path to better education. A great deal of this is not wanted by them, it is being resisted by them. I think that resistance will be more and more.

I am impersonal about this. But we had these statements, press releases, pictures, and visits to these southern cities, praising them for integrating, complimenting the people, sending it out in such a way implying that there is no segregation anywhere except in the South; and, as a matter of fact, in their own backyard—the backyard of these two cabinet officials—according to press reports coming from that great city, Boston has the worst condition to be found anywhere in the country. It was only after they were publicly chided for no activity there that this so-called team was sent there.

We recall, also, that several years ago somebody at HEW thought they meant everything they said. He sent a notice to the Chicago city schools that they would have to integrate the faculty. Approximately 2 days later, a telegram or telephone call came to the White House, during the previous administration, from Mayor Daley. He might have come, himself. Anyway, that is all it took to stop them, and it was taken under advisement. Nothing was done. It was revised later, about 2 years ago, but, as I understand, nothing has been done yet.

Those are the hard facts of life, and that is why I say it is a shambles so far as really trying to do something about it is concerned.

Mr. President (Mr. ALLEN), I move on to other matters about statistics. I am trying to implement with statistics everything I have said here about these glaring examples of the actual records, and to other matters about statistics. I am told they are not easy to obtain. But I have found that the records of HEW, when they finally send them in, stand up, and they are quite revealing.

I do find that since we got the first records for the year 1968, they have changed the system of setting up those records.

The administration's handling of HEW's school survey statistics on racial and ethnic segregation also seems consistent with the administration's double standard of integrating the schools of the South while really doing nothing about segregation in the schools of the North and West.

I am quite reluctant to say this, but the manner and timing of the presentation of HEW's school survey statistics reflecting racial segregation suggests the possibility that "sleight of hand" may be being practiced. This is a whole story in itself, but it is necessary to say this about it.

The HEW's fall 1968 school survey statistics on racial segregation were published in full, with various summary breakdowns—by race and ethnic groups, by degree of segregation, by State, by geographical region, and by the 100 largest cities. The problem is that the HEW has been using and relying on these 1968 statistics—particularly when it suited their purpose—ever since, although these statistics are now over 2½ years old and two HEW surveys—fall 1969 and fall 1970—have been made since then.

For example, it was the HEW's 1968 statistics which were used this last December when the $1.5 billion emergency school aid bill was up for consideration in the House and Senate.

The fall 1969 HEW survey was limited to predominantly segregated minority school districts, but it nevertheless included the great percentage of all Negro and other minority students. To my knowledge, the 1969 survey was not publicly released, but was available—at least partially—upon specific official request. The 1969 statistics were primarily classified by so-called "court order districts," "voluntary plan districts," "441 districts," and the 100 largest cities, and this setup was sufficiently different from the 1968 survey to make comparisons with the 1968 survey difficult. The term "441 districts"—as used here—is almost synonymous with northern and western school districts. However, if you obtained the 1969 figures, it was apparent, even by a cursory comparison of the 1968 and 1969 statistics, that there had been a sharp decrease in racial segregation in the Southern and border State school districts, and an appreciable increase in racial segregation in schools of the North and West.

The fall 1970 HEW school survey was a complete survey which should have been easy to compare with the 1968 survey. Returns on this survey were due October 15, 1970. However, the HEW press release of January 14, 1971, with schedules reflecting preliminary statistics on the fall 1970 survey, did not break down the statistics in the same manner as in the 1968 survey and did not give the same information on the degree of racial segregation. What is more, the figures released on the number of children and degree of racial segregation in the Southern and border States were based 90 percent upon actual fall 1970 enrollment, while the figures for the Northern and Western States were based only 52 percent on the actual fall 1970 enrollment, with 1969 and 1968 figures being substituted for the remaining 48 percent of the children in this region. It was reported that the reason there were not more actual 1970 figures on northern and western school districts was that figures from the larger cities were not in as of November 20, 1970, the cutoff date for preparing the January 14, 1971, press release. Further, HEW reported that it does not intend to release the actual figures of the fall 1970 survey until some time this summer—the summer of 1971. Of course, the great majority of the districts where the actual 1970 figures were not included, were those districts where racial segregation was on the increase and those districts which were the most highly segregated districts in the North and West—indeed, in the whole country.

Think of that. Changing the rules of the game, choosing a method with respect to the statistics so that it is almost impossible to compare accurately the figures for 1968 and 1969 with those of 1970 in the northern and western schools. But it develops that in many of these areas segregation was increasing in these nonsouthern schools.

Although HEW and the administration are asking Congress to vote billions of dollars in authorizations and appropriations for education and school desegregation, with the expectation that such legislation will receive timely attention, the fall 1970 survey figures have not been released in time for them to be used, unless they have been released in the last day or two. I hope the sponsors of that legislation have been able to get these figures. Such legislation should not be passed prior to having the benefit of these latest figures—because these statistics, which reflect the degree and trend in racial segregation in the schools, go to the very heart of the problem. The statistics should be made available for use in consideration of such legislation, for if HEW could obtain the figures it did for the January 14, 1971, press release, it should have been able to produce all of the figures by now.

We are still talking about the 1970 school year survey.

Why can we not have the 1970 survey figures broken down by racial and ethnic groups and the various degrees of segregation, by geographical region, by the 100 largest cities, and so forth, in the same form as was supplied in 1968, so that valid comparisons may be made? The basic information on all school districts was, or should have been, available by October 15, 1970. Why are these figures being withheld? If they were favorable to the administration, I believe they would be available now. They would already have been available.

Mr. President, this is no idle thing. This is another illustration of this dual system, double policy—one thing for one region and another for another region—the issuing of voluminous press releases, claiming credit here, taking credit there. But when it comes to a simple thing such as making vital statistics available to the legislative branch of the Government that is being asked to supply more billions of dollars for schools, we cannot even get the facts. I hope they will come in, but there will be little time to analyze them, because I understand that this bill perhaps will be made the pending business later in the week, for next Monday. I will not object to that. I will not object to that, but the statistics certainly should be brought to the attention of the Senate and the country. I might say, based on the mail I have received from people all over the Nation, that they were stunned—I repeat, stunned—in December of 1969 and January of 1970 when I placed in the RECORD the actual tabulations as to the extent of the segregated schools in all the States beyond the South. It was unbelievable to them, but the facts have not been contradicted. They have not been denied. I cited figures from some of the cities and States showing that since 1968, the increase in percentages of segregation are steadily going up in great States like New York, which claims to be cooperating with the case of Brown against Board of Education and with HEW and the Attorney General—yet, is passing laws to defeat the purpose of Brown against Board of Education.

We have heard here in debate what the great State of New York did and I cited what the great State of New Jersey has done since the figures were exposed, which show that they really have not made any headway even though 2 years have passed.

Mr. President, in order to permit more realistic analyses and comparisons than are possible from the HEW's January 14, 1971, release on the fall 1970 survey, HEW was requested to furnish Negro-white student racial breakdowns in the 95- to 100-percent and 99- to 100-percent categories on the same basis that other categories had been set forth in the HEW release. HEW had this information available and furnished it.

This additional information, together with the information originally supplied by HEW on table I, "Negro Pupils in All Districts, Fall 1968, Fall 1970," reflects the following:

There are 44.8 million students in U.S. public schools, of which 6.7 million, or 15 percent, are Negro students.

In the 32 northern and western States, there is a total enrollment of 29.2 million, of which 2.9 million, or 9.8 percent, are Negro students and, of these, 27.7 percent attended majority white schools and 72.3 percent attended predominantly minority schools; 57.4 percent of the Negro students are in 80- to 100-percent segregated schools; 50.7 percent are in 90- to 100-percent minority schools; 44.8 percent in 95- to 100-percent minority schools; and 30.6 percent in 99- to 100-percent minority schools.

In the 11 Southern States, there is a total enrollment of 11.7 million students, of which 3.2 million, or 27.2 percent, are Negro students, as compared with 9.8 percent in the North and West. However, 38.1 percent of the Negro students in the 11 Southern States go to majority white schools, compared to 27.7 percent in the schools of the North and West. It follows that 61.9 percent of the Negro students in the 11 Southern States attend predominantly minority schools, compared with 82.3 percent in the North and West; 41.7 percent of the Negro students are in 80- to 100-percent minority schools, as compared with 57.4 percent in the North and West; 1,042,803, or 32.7 percent, of the Negro students in the 11 Southern States attended 90- to 100-percent segregated schools, as compared with 1,283,370, or 44.8 percent, in the North and West; and 26.6 percent of the Negro students in the southern schools are in 99- to 100-percent minority schools, as compared with 30.6 percent in the Northern and Western States. It is only in the 100-percent minority segregated school that the numbers and percentages are higher in the South than in the North and West—341,354, or 11.9 percent, in the North and West, compared with 587,172, or 18 percent, in the South.

Of course, it should be remembered that many Northern and Western State school districts make a practice of token desegregation in order to get away from 100-percent black schools. Washington, D.C., which, although classified with the southern and border State schools, is an excellent example of such tokenism. With a Negro student enrollment of 94 percent, it reported that only 27.8 percent of its Negro students are in 100-minority schools.

The figures for the six border States, plus the District of Columbia, appearing on HEW's table I, are not deemed appropriate for comparison, as the figures are completely distorted by the inclusion of Washington, D.C., with its 94-percent Negro student enrollment.

Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks, for those who wish to make a further analysis of the inconsistencies in HEW's statistics: First, the 1968 statistical tables released by HEW; second, the fall 1970 statistics released by HEW on January 14, 1971; third the schedule I have had prepared which reflects information in addition to that supplied in HEW's table I; and fourth, a comparison of HEW 1968 and 1969 school survey figures on 36 northern and western school districts out of the 100 largest school districts in the United States.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered. (See exhibit 1.)

Mr. STENNIS. Mr. President, some 14 months ago, the Senate by a vote of 56 to 36 adopted an amendment that I had offered that carried the simple statement that integration would be enforced in the public schools in the South and areas beyond the South in the same fashion or policy, regardless of whether the segregation arose from the so-called de facto or the so-called de jure background of facts.

Both the President and the conference committee, and I speak with great deference to all of them, adopted, though, and brought forward a plan that had been conceived theretofore by someone whom I do not know, but the substance of the idea was to enforce the integration in the South and leave the North alone. It was a pure fiction, and the words used to carry out the fiction were the terms "de jure segregation," as heretofore had been required in the South by law, and "de facto segregation" as they claimed existed in the North, but not required by law. As a matter of fact, in many of these States beyond the South there were laws that did require the separation of the races in the schools, at some time or another, and these laws continued in many of them for many years as well as in the State of Indiana until 1949. If there is any basis for this, which I do not believe there is, the courts are party to the same sham. The U.S. Supreme Court will not hear the cases, and I mentioned four of them in particular earlier from outside the South that raise the question as to the validity, in law, of the de facto segregation. A dual system, by whatever name called, that applies one policy to the South and a different one to that area outside the South, is a sham and a pretense when it is called a uniform policy.

Last year, in a series of floor speeches, I gave a great mass of data in State after State after State, which showed the massive segregation of the schools in States beyond the South, and showed by the uncontradicted facts that virtually nothing was being done about it. Now, in this extended statement I further outline what the practices and the conditions are in those States, and I believe that no defense of these existing situations will be given by any Senator, nor will the facts be denied.

I recall that the Senator from Pennsylvania (Mr. SCOTT) said in opposition to the amendment I offered last year that if my amendment was adopted in areas outside the South, it would require an army to enforce such a policy.

Others opposed my amendment, giving various excuses, but no one has denied the fairness of the principle of my amendment nor the truth of the facts I presented in support thereof. No one has given a defense on the merits. With all deference, I believe that they are against my amendment because their people do not want it and will not stand for it.

Lest anyone attempt to explain away the significance of these startling racial segregation figures in the schools of the North and West by saying that in the North and West segregation is de facto, and so forth, and that in the South it is de jure—in addition to what I have already said on this subject, I cite the testimony of Stephen J. Pollak, former first assistant in the Civil Rights Division of the Department of Justice, in a statement to the Senate Select Committee on Equal Educational Opportunity, on August 11, 1970:

> The Department of Justice has much learning about the anatomy of segregation in Northern communities. It has initiated six suits—in South Holland, Madison, and East St. Louis, Illinois; Indianapolis, Indiana; Pasadena; and Waterbury, Connecticut. In every case, the Department found school board action to segregate teachers and students. We learned that the distinction between de jure and de facto segregation has little meaning. Once the facts were pursued, the Department found that what had been justified as de facto segregation was in reality caused by governmental action."
>
> The present Administration has spoken much about northern school desegregation, but its two court actions indicate that few resources have been committed to this need. Indeed, these two suits were substantially prepared when I resigned from the Department.
>
> The point I would make is this: there exists in many northern communities school segregation which is the result of conscious school board actions based upon race. This segregation is unlawful. It is contributing to educational deprivations of blacks and whites there, just as it did in the South. The United States has a responsibility to move against it with the same vigor that it has moved elsewhere.

But to get back to the administration's timidity, and hemming and hawing about doing anything substantial about racial segregation and racial discrimination in the schools of the North and West, while integrating "root and branch" the schools of the South, I think it may be appropriate to touch upon a few of the things that were happening in many of the Northern and Western States during this period which lend weight to the proposition that little or nothing is done because the people in the area are opposed to anything being done.

New York State, in 1968, repealed a law which empowered the commissioner of education to require a certain amount of busing in the interests of racial desegregation and passed a law prohibiting anyone except an elected school board from ordering the busing of children for such purposes against the will of their parents. While this New York statute was ruled unconstitutional last October 1, 1970, by a three-judge Federal Court, this decision was appealed by the State of New York on February 16, 1971, to the U.S. Supreme Court where the case is still pending.

I say there is active legislation that expressly prohibits the thing that the Department of Justice and HEW are imposing in the South. I just believe, still, that if busing is legal in Charlotte, N.C., or required by law, it should be legal and required by law in New York City.

In 1969, the New York State Legislature passed an act which dismissed the existing New York City School Board, appointed an interim board, charged it with the function of rezoning and decentralizing the New York City schools into numerous subdistricts, thus giving greater autonomy to the local district areas. This has now taken place and, as a result, it is reported that there will be even less racial integration, or desegregation, of the city schools.

In Philadelphia, Pa., in 1969, under mandate of the Pennsylvania Human Rights Commission, the school board drew up what it considered to be a modest desegregation plan which called for some interchange of black and white students. There were violent protests and disruptions throughout the city until the plan was withdrawn. A recall election followed and the school board members who had voted for the plan were recalled and thus put out of office. Reportedly, the Philadelphia desegregation plan is presently being largely ignored.

I did not get to check whether any Federal money was involved but my guess is that no money was withdrawn, or anything else, from those schools, in spite of this action.

In Chicago, Ill., you will recall that several years ago, about 1967, when the Secretary of Health, Education, and Welfare notified the Chicago School Board to show cause as to why Federal school funds should not be cut off because of numerous violations of the Civil Rights Act of 1964—as I said a moment ago—it reportedly took only a telegram or telephone call from the mayor to the then President to have the matter called off. To date, in spite of the excessive degree of racial segregation in the Chicago schools, practically nothing has been done about the situation either by HEW or the Department of Justice, except a stalled attempt to bring about some teacher reassignments. This demand was promptly rejected, and so far as I am able to find out, the situation rests about there now.

Under sanction of State law, Detroit, Mich., in 1970, undertook to carry out a moderate school desegregation plan. The school board presented various alternatives to the people, but when it appeared that the board was about to adopt one of the plans, there were violent protests by both black and white parents, disruptions in the schools, and a movement to recall those members of the school board who had voted for desegregation. Later, in a special election, those members of the board who had voted for the plan were recalled. Also, the Michigan State Legislature forthwith repealed existing State law and passed a law calling for the reorganization and rezoning of the Detroit schools, which law had the effect of killing the desegregation plan. A private suit was brought in Federal Court to question the constitutionality of the Michigan law, but the Department of Justice did not become a party as was the practice in similar situations in the Southern and border States.

Mr. President, again, I emphasize that I do not like to bring up these matters where any area is having trouble of any kind, particularly in schools. I am strong for schools and always have been. However, these are conditions that constitute reality and reflect the attitude of the people, both the white and the black.

It is downright ridiculous to try to force people into a pattern regarding their schools that is not in keeping with their general living conditions, their needs, their desires, and their particular case. And I am referring to both the black and the white or any minority group. We cannot legislate from the Department of Health, Education, and Welfare, the Justice Department, or from this floor and control and regulate every school district in this country, particularly in a matter like this, and expect to have quality education. We pay great tribute to our schools but we are working in the other direction.

In Denver, Colo., much the same thing occurred in 1969. The school board proposed an integration plan; there was an election which recalled the board members who had voted for it. In that case, however, through a private suit in Federal Court, the plan was reinstated—but the case is presently on appeal. Again, the Department of Justice took no official part.

Los Angeles, Calif., the second largest school district in the Nation, has had a State desegregation suit pending against it since 1963. In 1970, there was a decision by the trial court ordering complete desegregation of the school district—which would require massive busing. This suit was appealed and this stayed the implementation of the plan. The California Legislature, in the interim, passed a law prohibiting the busing of school children against the will of their parents. Numerous private suits, including Federal Court suits, have been brought to test the constitutionality of the California law, but, to my knowledge, the Department of Justice has taken no part in these cases.

I have already mentioned the experience which the State of New Jersey and the school district of Trenton had in the 1970 attempt to partially desegregate the Trenton, N.J. schools.

From all the facts, it is quite apparent, by any standard, that the people of the North and West—and, for the most part, black as well as white—just will not accept forced desegregation or legally forced integration in school districts with substantial percentages of Negro or other minority students, when it is not worked out democratically within the school district and particularly when it is attempted by outside forces, including the Federal Government. Perhaps it is because common sense dictates to those in the North and West that forced integration is just as unconstitutional as forced racial segregation; and they have the political influence to back up their convictions and to back up their stands. We are talking about these people in the large States with the massive electoral votes that cannot be ignored in the elections for President, Vice President, and Members of the Congress.

Yet, this neither solves the problems of the schools of the North and West—with their ever-mounting percentages of racial segregation of the minority groups and ever-increasing strife and disruption—nor the problems of Southern and border State schools which have had racial integration forced upon them with increased intensity and degree.

Neither does it appear that we can expect any real solution from the President in solving the growing racial problems and mounting tensions in our public schools. I speak with the greatest deference of the President, both the person and the office. But facts are facts and have to be stated pointedly.

On March 24, 1970, the very date on which the Senate began debating the conference-adopted, double standard, de jure-de facto desegregation policy for the schools of our Nation, in lieu of the so-called Stennis amendment, which had called for one policy and had passed the Senate by a vote of 56 to 36—the President, in a long and comprehensive statement on elementary and secondary education, took the almost identical position of the congressional proponents of the de jure-de facto double standard. In many respects it was a remarkable statement. At the outset the President recognized that—

> Few public issues are so emotionally charged as that of school desegregation, few so wrapped in confusion and clouded with misunderstanding. None is more important to our national unity and progress.

The President devoted a considerable part of his statement to a review of "What the Supreme Court Has Said," "What the Lower Courts Have Said," and "What Most of the Courts Agree On." This summary reflects the amazing amount of inconsistencies, contradictions, and confusion in the Federal Court holdings. It appears that the President attempted to reach for the consensus view, but in attempting to make distinctions, employed the fallacious terms of de jure and de facto segregation. On page 7 of the statement, in summing up his impression of what the courts had said, and the area of agreement, he said:

> To summarize: There is a Constitutional mandate that dual school systems and other forms of *de jure* segregation be eliminated totally. But within the framework of that requirement an area of flexibility—a "rule of reason"—exists, in which school boards, acting in good faith, can formulate plans of desegregation which best suit the needs of their own localities.
>
> *De facto* segregation, which exists in many areas both North and South, is undesirable but is not generally held to violate the Constitution. Thus, residential housing patterns may result in the continued existence of some all-Negro schools even in a system which fully meets Constitutional standards. But in any event, local school officials *may*, if they so choose, take steps beyond the Constitutional minimums to diminish racial separation.

He further stated:

> Racial imbalance in a school system may be partly *de jure* in origin, and partly *de facto*. In such a case, it is appropriate to insist on remedy for the *de jure* portion, which is unlawful, without insisting on a remedy for the lawful *de facto* portion.
>
> *De facto* racial separation, resulting generally from housing patterns, exists in the South as well as the North; in neither area should this condition by itself be cause for Federal enforcement actions. *De jure* segregation brought about by deliberate school-board gerrymandering exists in the North as in the South; in both areas this must be remedied. In all respects, the law should be applied equally, North and South, East and West. (P. 14.)

But, of course, the law is not being applied equally in the North and the South, and it never has been.

The Civil Rights Commission is certainly not a southern organization—in a statement of April 12, 1970, commenting on the President's statement, called attention to the President's drawing such a sharp distinction between de jure and de facto school segregation, particularly his statement that "School authorities are not constitutionally required to take any positive steps to correct imbalance." The Commission stated:

> This statement represents a strict interpretation of existing Supreme Court decisions.
>
> It can be argued, however, that the Supreme Court's decision in *Brown* warrants a broader interpretation. For one thing, while the holding of the Supreme Court in the *Brown* case was limited to legally compelled or sanctioned segregation, the Court's concern extended as well to segregation resulting from factors other than legal compulsion. The Supreme Court quoted with approval a lower Court finding that "segregation of white and colored children in public schools has a detrimental effect upon the colored children. *The impact is greater* when it has the sanction of law.—" (Emphasis added.) and concluded, "Separate educational facilities are inherently unequal."
>
> Thus the Court expressly recognized the inherent inequality of all segregation, noting only that the sanction of law gave it greater impact. In a sense, therefore, the President's sharp distinction between *de jure* and *de facto* segregation tends to blunt what many think is a crucial thrust of *Brown*. (Pages 3 and 4).

As the President's statement offers no fundamental solution to the sick condition of our Nation's schools, do we then turn to, and wait upon, the Federal courts for the solution to the host of problems involving our schools, including the double standard school desegregation policy and the mounting tension, turmoil, and trouble surrounding racial segregation and desegregation in our public schools? There are many who hope for some solution from this direction. However, are not we asking too much of the Federal courts to write a national education policy for the schools of this country by decisions on a case-by-case and school district-by-district basis—particularly when most of the cases which have been tried and reviewed by the courts are based upon situations arising in only one section of the country—the South?

Actually, the summary contained in the President's March 24, 1970, statement—(pages 2 to 7)—as to what the Supreme Court and other Federal courts have said in various cases on the subject of school desegregation, with their attendant contradictions and confusion, is rather conclusive evidence that it may be too much to expect the Federal Judiciary to attempt to write a national policy for the Nation's public schools—or a national policy for desegregating those schools—or a national policy for racial integration of public schools. Is it not because of the weaknesses in drawing an across-the-board rule of law from the facts of one case, as, for example, those of a rural county in the 1968 Green case, that we find ourselves in our present dilemma?

Mr. President, the more I have gone into this matter, the more decisions I have read, the more I have learned about how the judges have wrestled with many of these cases, the more convinced I am that we will never work out an effective, comprehensive system along this line that tries to put everyone, everywhere, in a straightjacket at the community level concerning this tender and sensitive subject of schoolchildren, small children, going to school together.

This country has reached the stage where, in the refinement of the rights of the individual through case law, the rights of the criminal offender are spelled out to the last letter, and the activities of the pornographer are zealously guarded in order not to interfere with his constitutional rights—but, paradoxically, black children and white children and children of other ethnic groups in one section of the country only must—against their will and against the will of their parents—be moved to and mixed in schools they would not normally attend because, in the name of the Constitution, a Federal court or Federal administrative official orders it to satisfy some racial or sociological formula.

It seems to me that the Federal courts have done a miserable job in attempting to establish a national policy on racial desegregation of the Nation's public schools and have compounded confusion in the process. For example:

The 1963 case of Bell against The School City of Gary, Indiana, is generally cited as the leading case on so-called de facto or "nonracially motivated segregation in a school system based on a single neighborhood school for all children."

The United States, and others against Jefferson County Board of Education, and others, a 1966 Fifth Circuit, three-judge panel case, is cited as a leading case in differentiating between so-called de jure segregation of Southern and border States where the school districts, under the Constitution, must racially integrate their school systems—and so-called de facto segregation of the North and West, where racial segregation is called "racial isolation" and there apparently is no responsibility upon the school board to correct the condition. What is more, the Jefferson case relied heavily upon the Bell case in making this distinction and in attempting to hold that the language of the Civil Rights Act of 1964 defining the meaning of "desegregation," referred only to de jure segregation.

I want, first, to review the facts in the Bell case—for they are critically important in exposing the fiction in this whole distinction between so-called de facto and de jure segregation.

The State of Indiana, until 1949, provided by law for separation but equal schools for blacks and whites. The city of Gary even had two large schools on one campus—one for blacks and one for whites. In 1949, when Indiana repealed the "separate but equal" law and, by law, prohibited segregated schools on the basis of race, color, or creed—the Gary City School Board, pursuant to such mandate, according to the trial court's findings in Bell, integrated the two schools on the same campus. The Court then stated:

> Prior to this time, however, the races were mixed in some of the other schools in the Gary system.

But let us look at the racial segregation situation in the Gary schools in 1951, shortly after the so-called desegregation by the Gary School Board took place.

In 1951, according to statistics set forth in the text of the Bell case, there was a total school enrollment of 22,770 in 20 schools, of which 8,406, or 36.5 percent were Negro students. Fifteen of the twenty schools were either 100 percent or nearly all white—10 were 100 percent white and five had a token enrollment of Negro students—four schools were 100 percent or nearly all black. Only one school was truly integrated—Froebel, total enrollment, 2,600—1,266, or 56 percent, Negro students. Only 360, or 4 percent of the Negro students in Gary in 1951 attended majority white schools, with 6,959, or 82.7 percent, of the Negro students attending schools that were 98.5 to 100 percent black.

In 1961, 10 years later, and just prior to the institution of the Bell case, which was a private suit brought by 100 minor Negro children—enrollment in the Gary schools had increased to 43,090, of which 23,055, or 53.5 percent were Negro students. But only 811, or 3.5 percent of the Negro students attended majority white schools, and 18,848, or 81.7 percent of the Negro students attended segregated schools that were 95 to 100 percent black.

For whatever significance it may have, according to HEW's fall 1968 school survey statistics, Gary had 916 Negro students, or 3.1 percent attending majority white schools, with 96.9 percent attending majority black schools; 80.8 percent were attending schools that were 95 to 100 percent segregated, and 78 percent were in schools that were 99 to 100 percent black. According to the fall 1969 HEW school survey, the percentages of segregation were still higher.

I ask unanimous consent that there be inserted in the RECORD a schedule reflecting the city of Gary, Ind., school enrollment, percentage of Negro students, and racial segregation percentages for the years 1951–52, and 1961–62, which have been taken from page 821 of the Bell case (213 F. Supp. 819), and the fall 1968 and fall 1969 figures taken from HEW statistics.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. STENNIS. Mr. President, the plaintiffs in the Bell case charged gerrymandering of school zones, assignment of Negro students to certain schools, controlled transfers of such students from school to school, and controlled assignments from elementary to secondary schools, and the building of new schools and enlarging of others—all to maintain the Gary schools as a racially segregated school system in violation of the plaintiffs' constitutional rights. They charged that Negro students were provided inferior facilities in all respects, including but not limited to overcrowding, larger classes, and unequal recreational and extracurricular facilities.

The district court in Bell found for the defendants, pointing out that it could not see that the board of education had deliberately or purposely segregated the Gary schools according to race; that the plaintiffs had failed to sustain their burden of showing that the school board had drawn boundary lines so as to contain the Negros in certain districts and whites in others; that there had been integration of the teaching staff; that the board of trustees was bipartisan, appointed by the mayor; that a Negro was now board president; that, as a matter of fact, the school board and its staff insist that they are color blind so far as the races are concerned in the administration of the Gary school system; that Gary schools have had a serious problem in the past decade of maintaining facilities and have not always been able to keep their students adequately and properly housed; that they have a very high tax rate; that they have used public buildings, such as armories, park buildings, and so forth, and have added schoolbuildings and rented churches and storerooms.

In short, the court believed the school board witnesses and dismissed the case. The plaintiffs appealed (209 F. 2d 213, 1963).

In the opinion of the appellate court, which affirmed the lower court's decision, it was stated that the district court had written "an excellent opinion," and that it was using a number of the lower court's concise statements of fact—which it did—but it did not mention the fact that until 1949 Gary, by State law, had been operating separate but equal schools, and that the segregation of blacks from whites had not changed materially from that date on.

In affirming the district court, at page 212, the opinion cites the 1949 Indiana law providing that all students in public schools are to be admitted without regard to race, creed, or color, class or national origin, but made no mention of the fact that just prior to that the Gary school district had operated under a law providing for separate but equal facilities for the Negro students. It stated that the situation in Brown is a far cry from the situation existing in Gary, Ind.; that the school district boundaries in Gary were determined without any consideration of race or color. It stated:

> We agree with the argument of the defendants stated as "There is no affirmative U.S. constitutional duty to change *innocently* (italic supplied) arrived at school attendance districts by the mere fact that shifts in population either increase or decrease the percentage of either Negro or white pupils." And it should be noted that the Court, in *Bell*, cited *Briggs* vs. *Elliott*, which I have previously referred to, in support of its position that "The Constitution, in other words, does not require integration, it merely forbids discrimination."

The Court discussed the way the railroad tracks and the highways divide the city, and the safety of the children—particularly in the lower grades—and indicated that the areas had been reasonably arrived at and that the school zone lines had not been drawn for the purpose of including or excluding children of certain races. The Supreme Court denied certiorari in the Bell case in 1964. This case might or might not be decided by the Federal district court and circuit court of appeals in the same seemingly sanctimonious manner now, after the passage of the Civil Rights Act of 1964, but at that time the Federal courts were requiring Southern and border States to disestablish the so-called vestiges of the separate but equal school system.

What really hurts is to have the Bell case and Gary, Ind., held up as a model for de facto racial segregation. In the 1966 Jefferson case, a three-judge fifth circuit court panel, in a 65-page opinion, with one judge dissenting, reviewed and reversed a number of lower court decisions involving school desegregation plans in a number of Southern States. Jefferson was the first case to spell out every facet of what a so-called de jure school system had to do to meet its constitutional responsibilities. Some of its holdings were that—

The law imposes absolute duty to desegregate; that is, disestablish segregation, and absolute duty to integrate;

The only school desegregation plan that meets constitutional standards is one that works;

It is national policy that formerly de jure segregated public school systems based on dual attendance zones must shift to unitary, nonracial systems;

Adequate redress of school desegregation calls for much more than allowing a few Negro children to attend formerly white schools;

Only adequate redress for previously overt systemwide policy of segregation directed against Negroes as collective entity is a systemwide policy of integration;

The appropriate remedy for segregation should undo the results of past discrimination, as well as prevent inequality of treatment; and

As used in the Civil Rights Act of 1964, the word "desegregation" refers only to disestablishment of segregation in de jure segregated schools.

One might think that such holdings could apply as well to the factual situation and history of racial segregation of the Gary, Ind., schools as set forth in Bell, yet at page 873 of the Jefferson case opinion, it was stated:

> The factual situation dealt with in *Bell vs. School City of Gary*—is not the situation the Supreme Court had before it in *Brown* or that we deal with in this circuit. *Brown* dealt with State-imposed segregation based on dual attendance zones. *Bell* involved *non-racially motivated de facto segregation in a school system based on the neighborhood single zone system.* (Underscoring supplied.) In *Bell*, the plaintiffs alleged that the Gary school board had deliberately gerrymandered school attendance zones to achieve a segregated school system in violation of its "duty to provide and maintain a racially integrated school system."
>
> On the showing that the students were assigned and boundary lines drawn upon reasonable non-racial criteria, the Court held that the school board did not deliberately segregate the races; the racial balance was attributable to geographic and housing patterns. The Court analyzed the problem in terms of State action rather than in terms of the Negroes' right to equal educational opportunities. Finding no State action, the Court concluded that *Brown* did not apply. In effect, the Court held that the de facto segregated neighborhood schools must be accepted. At any rate, the Court said: "States do not have an affirmative constitutional duty to provide an integrated education." The 7th Circuit affirmed.
>
> We must assume that Congress was well aware of the fact that *Bell* was concerned with de facto segregated neighborhood schools only. Notwithstanding the broad language of the opinion relating to the lack of duty to integrate, langauge later frequently quoted by Senator Humphrey and others in the debate on the Civil Rights Act of 1964, Congress went only as far as to prohibit cross-district busing and cross-district assignment of students.

If past and present racial segregation in the school district of Gary, Ind., is the fabric of which de facto segregation is woven—and if the Federal courts must rely upon facts such as those in the Bell case to distinguish so-called de facto, or constitutional, segregation from so-called de jure, or unconstitutional, segregation—then the whole structure of the distinction between de facto and de jure is built upon quicksand. To make it plainer: it is just a fiction. Further, if the facts in the Bell case can be used not only to make a distinction between de jure and de facto segregation, but to place an entirely different construction on the clear language of the Civil Rights Act of 1964, then there is little hope for us or the future of our public school system.

It would seem that this reaching and twisting to draw distinctions where they really do not exist, not only breeds disrespect for the law, but could bring the Federal judiciary into disrepute.

The opinion in Jefferson, while spending pages on castigating the Briggs decision, made no mention of the fact that in the Bell case the Briggs case had been cited as the basis for its conclusion that integration of the Gary schools was not necessary. Nor, in discussing the Bell case, did the Jefferson case refer to the patently obvious facts that until 1949 Gary was by law, operating a "separate but equal" school system, and since that time it has been as racially segregated as any school district in the country. What about the so-called vestiges in Gary, Ind.?

In a strong dissenting opinion to the majority opinion in Jefferson, the dissenting judge stated, in referring to the Brown cases:

> Nothing was said in those cases, or has been said by the Supreme Court, to justify or support the extremely harsh plan of forced integration devised by the majority decision. * * * No court, up to this time, has been heard to say that this court now has the power and the authority to force integration of both races upon these public schools without regard to any equitable considerations, or the will or wish of either race. (P. 907.)

Nevertheless, the majority view of the three-judge circuit court panel in Jefferson (372 F. 2d 836, 5th Cir., 1966) was affirmed en banc by the full Fifth Circuit Court of Appeals, with three judges dissenting (380 F. 2d 385, 5th Cir., 1967), and certiorari was denied by the Supreme Court (385 U.S. 840).

It is clearly the responsibility of the Congress to write a sound legislative policy for the Nation's public schools. Where better a place to start than by the reintroduction of my single policy amendment, which last year passed the Senate by a vote of 56 to 36, but was later emasculated in the conference with the House, where a dual policy—one for the South and one for the North and West—was substituted, which substitute was finally adopted.

For those who believe in the double standard, I would like to hear more as to why Northern school districts should be left untouched because their methods of maintaining racial segregation in their schools are more clever than in the school districts of the Southern and border States. Why is it all right to keep Negro and other minority children penned up in ghetto schools of the North and West, while those of the Southern and border States have been integrated—and white children brought into inner city schools to carry out this design? If this is a right that is due the Negro and other minority races, why do not these children of the North have the same right to an integrated education as those of the South?

I certainly think they are entitled to the same treatment throughout the Nation. I think that the doctrine in Brown against the Board of Education has the utlimate effect of punishing the South for the historical reason of having had State laws with reference to desegregation, laws that were fully upheld by the Supreme Court. Many of them had been patterned after laws in other States decades before, and patterns of living partly based on the laws of those days. It is unthinkable that we would go on year after year and, I think, decade after decade without something being done to arouse the people all over the country to get some political muscle into this question. As long as we have a sectional policy, Mr. President, it is not going to be possible to raise this matter as a national issue.

People of the North and West do not want to change; some do, but as a whole they do not. They want the continuation of nonapplication in those areas, and that is the way it will continue unless some way is found to make this a national issue. I am trying to make a little contribution in that regard today. We must find some reasonable, practical, and educationally sound plan that will apply uniformly across the board across the Nation for the benefit of all of our children. However, as long as this matter is going to be kept on the basis of punishment for the South because of historical laws there and immunity for all areas outside the South because they did not have those laws—and I am speaking about the period down to 1954—the solution will never be found, the benefits for the minority group will not be received beyond the South, and we will have a distorted and divided nation, one area against the other.

I repeat what I said in the beginning. We in the South will cooperate with any system that the majority adopts that applies the same outside the South as it does in the South. I hope we get some political muscle in this matter. I do not believe any President, present or future, will dare go into these populous States I have been talking about—California, New York, or New Jersey—and say to those people in election years, "If you elect me I will do to you what has been done to the South." They never will face it.

I hope that through some channels—perhaps it will take nonpolitical channels—we can get something started to work toward that end.

Why should there be little or no desegregation in the North, and a continuation of harassment in the South, until every white child is integrated with a Negro child and vice versa—or until white children move away or go to private schools?

Accordingly, I am again introducing my amendment of last year calling for one policy for the Nation on school desegregation.

This amendment, as it was passed by the Senate last year, 56 to 36, reads as follows:

> It is the policy of the United States that the guidelines and criteria established pursuant to Title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State, without regard to the origin or cause of such segregation.

In the light of what has transpired during the past year to increase tensions and turmoil in both the North and the South, it is inevitable that this matter be voted upon as a prerequisite to continued authorization and appropriation of additional billions of dollars for education—while the situation continues to grow worse.

I believe that little amendment would be a step forward and that it would be a foundation stone upon which we could find and build a uniform policy. I know it is worth trying.

Schools in large areas of our part of the country are being downgraded tremendously and they are not going to come back. People are moving out of those areas. One does not have to go down there to see what has happened. One need only look at what has happened in the city of Washington. People are going out of certain areas hoping to find better conditions somewhere else. Those who are moving are not all white people, although a majority of them are. Those areas are going to be left far more segregated than they were before.

I am not opposing the decision in Brown against the Board of Education. I am not trying to get that law changed. What we are talking about now is a nonpolitical policy that has education as its main watchword, its main goal, and its main foundation.

There may even be some converts to a single national policy for public education, including racial desegregation. The Senator from Minnesota (Mr. MONDALE) who has been one of the leading opponents of my amendment, stated on November 30, 1970, while complimenting the senior Senator from Connecticut on the introduction of his bill to expand racial desegregation ot the North and West—these excerpts are from the CONGRESSIONAL RECORD, volume 116, part 29, pages 39118 and 39119.

> The distinction between so-called de facto and de jure is becoming increasingly confused and meaningless;—we desperately need to work to heal and reunite America, to have one society rather than two;
>
> We must end residential segregation as well as educational segregation to accomplish this goal;
>
> As the Senator from Connecticut has said in his remarks today:
>
> "If we are to end the racial turmoil tearing this Nation apart, we must be willing to attack segregation in the North with a will equal to what we demand of the South."

I agree completely with that statement. We do not have a uniform national policy on school integration today. The Constitution must be equally enforced in the North and

West as well as the South. The Congress must take the lead.

Be that as it may, it is essential for the Congress to enact such a single policy for our Nation's schools to even get back on the right track. Frankly, once we have such a policy, it will still depend upon what the administration and the courts do by way of carrying out such a policy. Even more important, I believe, is what the Congress is willing to do by way of new or clarifying legislation to get back on a sane and sound course from this abominable situation in our schools which has been permitted to grow and grow.

Certainly, if it is necessary to compel integration of the schools of the Southern and border States "root and branch," then it is necessary to integrate the schools of the North and West, where racial segregation and discrimination are infinitely worse—in the same manner.

As I understand, the Senate Committee on Labor and Public Welfare has ordered reported an emergency school assistance bill which will authorize vast sums of money to assist in desegregating the public schools along with other claim benefits.

I have not had access to a copy of the bill which the committee has approved, nor the committee report and, therefore, am not advised as yet all the details of what this legislation contains. The bill was not available immediately prior to the adjournment of the Senate last week and I am not certain it is yet available at this time.

I would hope, however, that whatever program the committee has recommended to the Senate to provide emergency school assistance that the program will include, at the very minimum, my amendment which the Senate adopted last year by a vote of 56 to 36 establishing one national policy to be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto without regard to the origin or cause of such segregation.

The hour is too late for further hypocrisy or evasion by approving expensive pie-in-the-sky programs amounting to nothing but spending large sums of money while our school problems grow steadily worse.

The problems facing our public schools cannot be fully solved until we have one nationwide desegregation policy applied uniformly throughout the United States. The Congress must face up to the issue and adopt such a policy.

EXHIBIT 1

HEW NEWS RELEASE, JANUARY 4, 1970

Secretary of Health, Education, and Welfare Robert Finch said an analysis of 1968 national school survey statistics and 1969 field audits indicate that school districts implementing voluntary desegregation plans are making significant and effective progress in providing an equal educational opportunity.

In contrast with these findings, the 1968 survey displayed a shockingly low desegregation ratio on a national basis, with only 23.4 percent of the Negro students in the Nation's public elementary and secondary schools attending schools of predominantly white (nonminority) enrollment, and with 61 percent of the Negro students isolated in 95 through 100 percent minority schools, Secretary Finch said. (Table 1–A)

The survey of ethnic data in schools, the first of its kind taken on a national basis, was conducted in the Fall of 1968. It covered all school systems with enrollments of more than 3,000 and a sampling of smaller districts in every state except Hawaii, and represented a total of 43,353,567 students. HEW's Office for Civil Rights collected the data, and completed the basic compilation last week, on a state, regional and selected urban district basis.

In releasing the information, Secretary Finch stated:

"While it should be recognized that a number of factors must be evaluated in determining the overall quality of education going to racially isolated children, these figures are indicative of the progress that has been made in providing equal educational opportunity for thousands of children. But this survey also points up the extensiveness of the problem on a nationwide basis and the need to provide effectively for the educational rights and needs of the disadvantaged no matter where they may be.

"This Department is committed to equal and quality education for all children in this Nation. It is our hope other Federal agencies along with this Department will make use of this data, not only to determine where further review and action under civil rights laws may be required nationally, but also as an indication of where further assistance can be provided in the effort to improve educational opportunity."

In 1968, there were 55 school districts which submitted acceptable plans under Title VI, which called for desegregation in the 1968–69 school year. Of the 35,815 Negro students in these districts, 31,089, or 86.8 percent, attended schools of predominantly white enrollment. This compared with the 23.4 percent desegregation figure nationally, the 18.4 percent figure for 11 Southern states, and the 10.5 percent figure for the 5 Southern states of Alabama, Georgia, Louisiana, Mississippi and South Carolina, and indicates the value of the Title VI program.

In 1969, the indicated volume of desegregation in formerly dual school system states accelerated significantly, with more than 200 Title VI plans calling for complete desegregation in the 1969–70 school year accepted, and over 100 calling for substantial desegregation steps in the same year. The average student population in these districts was considerably higher than in 1968. Although precise desegregation ratios for 1969 have not yet been collected or compiled for all districts, some early results of audits in certain states show that among 20 districts in Florida which submitted plans for 1969, the desegregation rate climbed from 45.1 percent in 1968 to 63.5 percent this year; among 31 districts in Georgia with acceptable plans this year, the rate climbed from 26.6 percent to 59.7 percent, and among 14 districts in Mississippi, the rate climbed from 31.7 to 69.1 percent.

HEW administers Title VI of the 1964 Civil Rights Act where it applies to schools, prohibiting Federal financial assistance to any district which discriminates on grounds of race, color or national origin. Districts found to be discriminating have been able to retain their Federal funding by submitting acceptable desegregation plans.

Leon E. Panetta, Director of the Office for Civil Rights, said, "Although desegregation ratios have improved in certain former dual system states during the current 1969 school year, these 1968 figures do present what can be considered the basic nationwide picture today."

Data was compiled in such a way as to measure the extent to which American Indian, Negro, Oriental and Spanish-surnamed minorities attended school with students of their own minority plus other minorities, and compared this rate with their enrollment in schools of 50 percent or more white, nonminority makeup.

Mr. Panetta said:

"With the aid of thousands of cooperating state and local school officials who submitted raw data, we can see a stark portrayal of ethnic isolation in schools. Whether a child is isolated with his own or other minorities, he is still likely to suffer educationally as a result of this segregation, according to numerous education studies.

"It would be our hope that this information, which will eventually be published on a district-by-district basis, would also be of assistance to state and local agencies and organizations engaged in breaking down barriers of racial isolation in education."

Of the Spanish-surnamed students in public schools, 45.3 percent attended a school of predominantly non-minority enrollment, while 16.6 percent were in 95 through 100 percent minority schools. (Table 1–B)

American Indians surveyed attended school at a rate of 61.7 percent in schools of predominantly white, non-minority enrollment, while 16.7 percent were in 95 through 100 percent minority schools. These 177,464 American Indian students did not include some 52,400 American Indian students who attended schools administered by the Interior Department's Bureau of Indian Affairs. (Table 1–C)

Orientals attended predominantly non-minority schools at a rate of 72.2 percent, and attended 90 through 100 percent minority schools at a rate of 8.7 percent. (Table 1–D)

When the white, non-minority enrollment patterns are compared with minorities, data shows that 2.1 percent of the non-minority students are in 50 percent or more minority schools, while 16.5 percent are in 100 percent white schools. 65.6 percent are in 95 through 100 percent white schools, however. (Table 1–E)

Other findings were made on a region-by-region and state-by-state basis. Also, data on Negroes from the 100 largest school systems were singled out for special study and released at this time, as were data on Spanish-surnamed students from certain appropriate districts of the 100 largest. (Tables 2–A, B & C; 3 A & B; 4 A & B)

In a regional study of Negro segregation, for example, the study showed that there is a great variation in the number of Negroes attending 100 percent minority schools, from six heavily industrial Northern states, where 15.4 percent of the Negroes attended 100 percent minority schools, to six Border states and the District of Columbia, where 25.2 percent of the Negroes attended 100 percent minority schools, to five deep Southern states, where 81.9 percent of the Negroes attended 100 percent minority schools. (This last figure is based on 431 districts in five states out of 4,477 districts in 17 Southern and Border states.) (Table 2–A)

The Office for Civil Rights is preparing all of the data gathered from school districts in the 1968 survey for publication, and expects to prepare additional tables lending themselves to additional analysis of minority school enrollment patterns. In the current school year, a selective survey will be made, tailored to fit the needs of civil rights compliance agencies of the Government. In 1970–71, however, another nationwide survey is intended, which will permit comparison with the 1968 survey.

TABLE 1-A.—NEGROES BY STATE

[Number [1] and percentage attending school at increasing levels of isolation, fall, 1968 elementary and secondary school survey]

State	Total number of students	Total Number of Negro students	Percent of total students	0 to 49.9 percent minority schools		50 to 100 percent minority schools		95 to 100 percent minority schools		99 to 100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43,353,567	6,282,173	14.5	1,467,291	23.4	4,814,881	76.6	3,832,843	61.0	3,331,404	53.0	2,493,398	39.7
Alabama	770,523	269,248	34.9	22,308	8.3	246,940	91.7	244,693	90.9	243,269	90.4	230,448	85.6
Alaska	71,797	2,119	3.0	2,119	100.0	0	0	0	0	0	0	0	0
Arizona	366,459	15,783	4.3	5,272	33.4	10,511	66.6	4,349	27.6	3,344	21.2	790	5.0
Arkansas	415,613	106,533	25.6	24,091	22.6	82,442	77.4	78,901	74.1	77,703	72.9	75,797	71.1
California	4,477,381	387,978	8.7	87,255	22.5	300,723	77.5	185,562	47.8	115,890	29.9	27,986	7.2
Colorado	519,092	17,797	3.4	5,432	30.5	12,365	69.5	8,017	45.0	2,862	16.1	0	0
Connecticut	632,361	52,550	8.3	22,768	43.3	29,782	56.7	9,601	18.3	2,254	4.3	328	
Delaware	123,863	24,016	19.4	13,025	54.2	10,991	45.8	5,177	21.6	953	4.0	0	0
District of Columbia	148,725	139,006	93.5	1,253	.9	137,753	99.1	123,939	89.2	95,608	68.8	38,701	27.8
Florida	1,340,665	311,491	23.2	72,333	23.2	239,158	76.8	224,729	72.1	215,824	69.3	184,074	59.1
Georgia	1,001,245	314,918	31.5	44,201	14.0	270,717	86.0	262,689	83.4	259,891	82.5	240,532	76.4
Idaho	174,472	415	.2	415	100.0	0	0	0	0	0	0	0	0
Illinois	2,252,321	406,351	18.0	55,367	13.6	350,984	86.4	294,066	72.4	252,225	62.1	156,869	38.6
Indiana	1,210,539	106,178	8.8	31,833	30.0	74,345	70.0	46,208	43.5	37,664	35.5	13,597	12.8
Iowa	651,705	9,567	1.5	6,994	73.1	2,573	26.9	340	3.6	340	3.6	0	0
Kansas	518,733	30,834	5.9	16,479	53.4	14,355	46.6	9,820	31.8	6,264	20.3	2,327	7.5
Kentucky	695,611	63,996	9.2	34,389	53.7	29,606	46.3	17,025	26.6	9,021	14.1	3,342	5.2
Louisiana	817,000	317,268	38.8	28,177	8.9	289,091	91.1	279,614	88.1	278,260	87.8	259,897	81.9
Maine	220,336	1,429	.6	389	27.2	1,040	72.8	0	0	0	0	0	0
Maryland	859,440	201,435	23.4	62,670	31.1	138,765	68.9	105,886	52.6	92,030	45.7	62,898	31.2
Massachusetts	1,097,221	46,675	4.3	23,916	51.2	22,759	48.8	8,558	18.3	4,936	10.6	79	.2
Michigan	2,073,369	275,878	13.3	56,840	20.6	219,038	79.4	128,116	46.4	78,319	28.4	24,720	9.0
Minnesota	856,506	9,010	1.1	7,116	79.0	1,894	21.0	361	4.0	0	0	0	0
Mississippi	456,532	223,784	49.0	15,000	6.7	208,784	93.3	207,515	92.7	206,736	92.4	197,447	88.2
Missouri	954,596	138,412	14.5	33,996	24.6	104,416	75.4	91,355	66.0	77,676	56.1	46,285	33.4
Montana	127,059	102	.1	102	100.0	0	0	0	0	0	0	0	0
Nebraska	266,342	12,340	4.6	3,364	27.3	8,976	72.7	4,321	35.0	674	5.5	0	0
Nevada	119,180	9,189	7.7	4,883	53.1	4,306	46.9	3,626	39.5	699	7.6	0	0
New Hampshire	132,212	537	.4	537	100.0	0	0	0	0	0	0	0	0
New Jersey	1,401,925	208,481	14.9	70,628	33.9	137,853	66.1	68,434	32.8	37,827	18.1	15,245	7.3
New Mexico	271,040	5,658	2.1	2,712	47.9	2,946	52.1	901	15.9	574	10.1	394	7.0
New York	3,364,090	473,253	14.1	152,868	32.3	320,385	67.7	169,401	35.8	100,899	21.3	35,637	7.5
North Carolina	1,199,481	352,151	29.4	99,679	28.3	252,472	71.7	229,393	65.1	227,057	64.5	207,742	59.0
North Dakota	115,995	458	.4	458	100.0	0	0	0	0	0	0	0	0
Ohio	2,400,296	287,440	12.0	79,762	27.7	207,678	72.3	123,127	42.8,	93,775	32.6	37,861	13.2
Oklahoma	543,501	48,861	9.0	18,472	37.8	30,389	62.2	23,610	48.3	18,715	38.3	8,437	17.3
Oregon	455,141	7,413	1.6	4,689	63.3	2,724	36.7	0	0	0	0	0	0
Pennsylvania	2,296,011	268,514	11.7	73,901	27.5	194,614	72.5	118,449	44.1	87,064	32.4	11,756	4.4
Rhode Island	172,264	8,047	4.7	7,196	89.4	851	10.6	0	0	0	0	0	0
South Carolina	603,542	238,036	39.4	33,811	14.2	204,225	85.8	200,188	84.1	199,752	83.9	188,666	79.3
South Dakota	146,407	384	.3	360	93.7	24	6.3	12	3.1	0	0	0	0
Tennessee	887,469	184,692	20.8	39,240	21.2	145,453	78.8	132,208	71.6	123,468	66.9	108,425	58.7
Texas	2,510,358	379,813	15.1	95,931	25.3	283,882	74.7	239,540	63.1	208,021	54.8	165,249	43.5
Utah	303,152	1,486	.5	1,098	73.9	388	26.1	0	0	0	0	0	0
Vermont	73,570	90	.1	90	100.0	0	0	0	0	0	0	0	0
Virginia	1,041,057	245,026	23.5	65,922	26.9	179,104	73.1	167,172	68.2	161,321	65.8	142,209	58.0
Washington	791,260	19,145	2.4	12,299	64.2	6,846	35.8	0	0	0	0	0	0
West Virginia	404,582	20,431	5.0	16,763	82.0	3,668	18.0	1,157	5.7	841	4.1	841	4.1
Wisconsin	942,441	37,289	4.0	8,406	22.5	28,883	77.5	14,783	39.6	9,288	24.9	4,819	12.9
Wyoming	79,091	665	.8	482	72.5	183	27.5	0	0	0	0	0	0

[1] Minute differences between sum of numbers and totals are due to computer rounding.

TABLE 1-B.—SPANISH SURNAMED AMERICANS BY STATE

[Number [1] and percentage attending school at increasing levels of isolation fall, 1968 elementary and secondary school survey]

State	Total number of students	Total number of Spanish American students	Percent of total students	0 to 49.9 percent minority schools		50 to 100 percent minority schools		80 to 100 percent minority schools		95 to 100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43,353,567	2,002,776	4.6	906,919	45.3	1,095,857	54.7	634,891	31.7	331,781	16.6	38,077	1.9
Alabama	770,523	24	0	24	100.0	0	0	0	0	0	0	0	0
Alaska	71,797	479	0.7	474	99.0	5	1.0	0	0	0	0	0	0
Arizona	366,459	71,748	19.6	34,402	47.9	37,346	52.1	15,012	20.9	7,376	10.3	762	1.1
Arkansas	415,613	539	.1	527	97.8	12	2.2	9	1.7	9	1.7	9	1.7
California	4,477,381	646,282	14.4	393,997	61.0	252,285	39.0	118,433	18.3	55,419	8.6	1,529	.2
Colorado	519,092	71,348	13.7	45,174	63.3	26,174	36.7	9,971	14.0	2,070	2.9	0	0
Connecticut	632,361	15,670	2.5	7,627	48.7	8,043	51.3	4,134	26.4	2,582	16.5	12	.1
Delaware	123,863	245	.2	154	62.9	91	37.1	2	.8	2	.8	0	0
District of Columbia	148,725	662	.4	256	38.7	406	61.3	289	43.7	227	34.3	10	1.5
Florida	1,340,665	52,628	3.9	26,287	49.9	26,341	50.1	9,479	18.0	3,275	6.2	240	.5
Georgia	1,001,245	1,370	.1	786	57.4	584	42.6	578	42.2	578	42.2	578	42.2
Idaho	174,472	3,338	1.9	3,322	99.5	16	0.5	16	.5	0	0	0	0
Illinois	2,252,321	68,917	3.1	36,361	52.8	32,556	47.2	16,282	23.6	3,314	4.8	249	.4
Indiana	1,210,539	13,622	1.1	7,093	52.1	6,529	47.9	2,944	21.6	242	1.8	34	.2
Iowa	651,705	2,283	.4	2,271	99.5	12	.5	1	0	0	0	0	0
Kansas	518,733	8,219	1.6	7,601	92.5	618	7.5	56	.7	16	.2	0	0
Kentucky	695,611	136	0	135	99.3	1	.7	0	0	0	0	0	0
Louisiana	817,000	2,111	.3	1,671	79.2	440	20.8	75	3.6	23	1.1	23	1.1
Maine	220,336	478	.2	85	17.8	393	82.2	367	76.7	0	0	0	0
Maryland	859,440	2,078	.2	2,073	99.8	5	.2	0	0	0	0	0	0
Massachusetts	1,097,221	8,733	.8	6,557	75.1	2,176	24.9	640	7.4	97	1.1	0	0
Michigan	2,073,369	24,819	1.2	21,169	85.3	3,650	14.7	1,667	6.7	766	3.1	113	.5
Minnesota	856,506	3,418	.4	3,397	99.4	21	.6	1	0	1	0	0	0
Mississippi	456,532	327	.1	321	98.2	6	1.8	0	0	0	0	0	0
Missouri	954,596	1,393	.1	1,368	98.2	25	1.8	8	.6	4	.3	2	.1
Montana	127,059	910	.7	906	99.6	4	.4	1	.1	0	0	0	0
Nebraska	266,342	3,722	1.4	3,439	92.4	283	7.6	8	.2	5	.1	0	0
Nevada	119,180	3,633	3.0	3,613	99.4	20	.6	9	.2	8	.2	0	0
New Hampshire	132,212	147	.1	147	110.0	0	0	0	0	0	0	0	0
New Jersey	1,401,925	46,063	3.3	20,291	44.1	25,771	55.9	12,550	27.2	5,261	11.4	430	.9
New Mexico	271,040	102,994	38.0	27,494	26.7	75,500	73.3	34,136	33.1	10,336	10.0	2,704	2.6
New York	3,364,090	263,799	7.8	46,307	17.6	217,492	82.4	164,622	62.4	97,628	37.0	5,087	1.9
North Carolina	1,199,481	482	0	465	96.5	17	3.5	3	.6	2	.4	2	.4

Footnote at end of table.

[Number [1] and percentage attending school at increasing levels of isolation fall, 1968 elementary and secondary school survey]

State	Total number of students	Total number of Spanish American students	Percent of total students	0 to 49.9 percent minority schools		50 to 100 percent minority schools		80 to 100 percent minority schools		95 to 100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
North Dakota	115,995	230	0.2	230	100.0	0	0	0	0	0	0	0	0
Ohio	2,400,296	16,031	.7	13,836	86.3	2,195	13.7	1,116	7.0	96	.6	15	.1
Oklahoma	543,501	3,647	.7	3,540	97.1	107	2.9	22	.6	16	.4	0	0
Oregon	455,141	4,502	1.0	4,474	99.4	28	.6	12	.3	0	0	0	0
Pennsylvania	2,296,011	11,849	.5	6,008	50.7	5,842	49.3	4,297	36.3	1,767	14.9	12	.1
Rhode Island	172,264	490	.3	313	63.9	177	36.1	0	0	0	0	0	0
South Carolina	603,542	208	0	206	99.0	2	1.0	0	0	0	0	0	0
South Dakota	146,407	273	.2	261	95.6	12	4.4	12	4.4	12	4.4	4	1.5
Tennessee	887,469	411	0	398	96.8	13	3.2	7	1.7	2	.5	1	.2
Texas	2,510,358	505,214	20.1	139,877	27.7	365,337	72.3	237,136	46.9	140,486	27.8	26,164	5.2
Utah	303,152	9,839	3.2	8,665	88.1	1,174	11.9	325	3.3	0	0	0	0
Vermont	73,570	34	0	34	100.0	0	0	0	0	0	0	0	0
Virginia	1,041,057	2,222	.2	2,189	98.5	33	1.5	3	.1	3	.1	0	0
Washington	791,260	12,692	1.6	11,150	87.9	1,542	12.1	35	.3	0	0	0	0
West Virginia	404,582	251	.1	249	99.2	2	.8	2	.8	0	0	0	0
Wisconsin	942,441	7,760	.8	6,171	79.5	1,589	20.5	620	8.0	157	2.0	97	1.3
Wyoming	79,091	4,504	5.7	3,524	78.2	980	21.8	0	0	0	0	0	0

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[1] Minute differences between sum of numbers and totals are due to computer rounding.

TABLE 1–C.—AMERICAN INDIANS BY STATE

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

State	Total number of students	Total number of American Indian students	Percent of total students	0 to 49.9 percent minority schools		50 to 100 percent minority schools		80 to 100 percent minority schools		95 to 100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43,353,567	177,464	0.4	109,540	61.7	67,924	38.3	53,528	30.2	29,654	16.7	11,177	6.3
Alabama	770,523	39	0	6	15.4	33	84.6	33	84.6	0	0	0	0
Alaska	71,797	6,808	9.5	4,866	71.5	1,942	28.5	1,768	26.0	1,192	17.5	607	8.9
Arizona	366,459	14,431	3.9	5,827	40.4	8,604	59.6	6,781	47.0	388	2.7	7	0
Arkansas	415,613	414	.1	414	100.0	0	0	0	0	0	0	0	0
California	4,477,381	13,986	.3	12,284	87.8	1,702	12.2	599	4.3	182	1.3	7	0.1
Colorado	519,092	1,366	.3	1,211	88.6	155	11.4	66	4.8	11	.8	0	
Connecticut	632,361	204	0	194	95.1	10	4.9	4	2.0	0	0	0	0
Delaware	123,863	10	0	10	100.0	0	0	0	0	0	0	0	0
District of Columbia	148,725	31	0	6	19.4	25	80.6	23	74.2	10	32.3	0	0
Florida	1,340,665	1,455	.1	1,389	95.5	66	4.5	20	1.4	8	.5	2	.1
Georgia	1,001,245	323	0	189	58.6	134	41.4	134	41.4	134	41.4	134	41.4
Idaho	174,472	1,699	1.0	1,564	92.1	135	7.9	0	0	0	0	0	0
Illinois	2,252,321	1,804	.1	1,602	88.8	203	11.2	60	3.3	28	1.6	5	.3
Indiana	1,210,539	544	0	464	85.3	80	14.7	14	2.6	8	1.5	5	.9
Iowa	651,705	418	.1	415	99.3	3	.7	0	0	0	0	0	0
Kansas	518,733	1,392	.3	1,374	98.7	18	1.3	2	.1	1	.1	0	0
Kentucky	695,611	47	0	46	97.9	1	2.1	0	0	0	0	0	0
Louisiana	817,000	213	0	202	94.8	11	5.2	0	0	0	0	0	0
Maine	220,336	1,132	.5	332	29.3	800	70.7	467	41.2	67	5.9	67	5.9
Maryland	859,440	169	0	169	100.0	0	0	0	0	0	0	0	0
Massachusetts	1,097,221	430	0	407	94.7	23	5.3	11	2.6	5	1.2	0	0
Michigan	2,073,369	4,404	.2	4,267	96.9	137	3.1	75	1.7	44	1.0	4	.1
Minnesota	856,506	5,748	.7	5,702	99.2	46	.8	0	0	0	0	0	0
Mississippi	456,532	112	0	104	92.9	8	7.1	3	2.7	3	2.7	3	2.7
Missouri	954,596	278	0	264	95.0	14	5.0	8	2.9	6	2.2	4	1.4
Montana	127,059	5,015	3.9	2,472	49.3	2,543	50.7	2,275	45.4	325	6.5	81	1.6
Nebraska	266,342	824	.3	743	90.2	81	9.8	32	3.9	13	1.6	0	0
Nevada	119,180	2,454	2.1	1,870	76.2	584	23.8	235	9.6	64	2.6	64	2.6
New Hampshire	132,212	29	0	29	100.0	0	0	0	0	0	0	0	0
New Jersey	1,401,925	311	0	258	82.9	53	17.1	10	3.2	4	1.3	1	.3
New Mexico	271,040	19,742	7.3	3,048	15.4	16,694	84.6	12,241	62.0	3,420	17.3	1,638	8.3
New York	3,364,090	5,710	.2	3,795	66.5	1,915	33.5	1,791	31.4	1,738	30.4	557	9.8
North Carolina	1,199,481	14,021	1.2	2,916	20.8	11,105	79.2	10,587	75.5	10,585	75.5	4,272	30.5
North Dakota	115,995	1,523	1.3	1,165	76.5	358	23.5	0	0	0	0	0	0
Ohio	2,400,296	736	0	684	92.9	52	7.1	31	4.2	9	1.2	4	.5
Oklahoma	543,501	24,003	4.4	23,630	98.4	373	1.6	70	.3	18	.1	6	0
Oregon	455,141	3,601	.8	3,108	86.3	492	13.7	487	13.5	0	0	0	0
Pennsylvania	2,296,011	411	0	409	99.5	2	.5	1	.2	0	0	0	0
Rhode Island	172,264	143	.1	143	100.0	0	0	0	0	0	0	0	0
South Carolina	603,542	404	.1	341	84.4	63	15.6	62	15.3	62	15.3	62	15.3
South Dakota	146,407	16,533	11.3	3,619	21.9	12,915	78.1	11,233	67.9	8,704	52.6	1,700	10.3
Tennessee	887,469	254	0	252	99.2	2	.8	0	0	0	0	0	0
Texas	2,510,358	3,813	.2	1,493	39.2	2,319	60.8	2,175	57.0	2,070	54.3	1,939	50.9
Utah	303,152	3,848	1.3	3,334	86.6	514	13.4	174	4.5	0	0	0	0
Vermont	73,570	2	0	2	100.0	0	0	0	0	0	0	0	0
Virginia	1,041,057	755	.1	624	82.7	131	17.3	121	16.0	115	15.2	0	0
Washington	791,260	8,736	1.1	7,404	84.8	1,332	15.2	83	1.0	0	0	0	0
West Virginia	404,582	86	0	86	100.0	0	0	0	0	0	0	0	0
Wisconsin	942,441	4,977	.5	3,977	79.9	1,000	20.1	613	12.3	440	8.8	8	.2
Wyoming	79,091	2,073	2.6	826	39.8	1,247	60.2	1,240	59.8	0	0	0	0

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[1] Minute differences between sum of numbers and totals are due to computer rounding.

TABLE 1-D.—ORIENTALS BY STATE

[Number[1] and percentage attending school at increasing levels of isolation, fall, 1968 elementary and secondary school survey]

State	Total number of students	Total number of oriental students	Percent of total students	0 to 49.9 percent minority schools		50 to 100 percent minority schools		80 to 100 percent minority schools		90 to 100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43,353,567	194,022	0.4	140,069	72.2	53,953	27.8	24,898	12.8	16,821	8.7	153	0.1
Alabama	770,523	46	0	46	100.0	0	0	0	0	0	0	0	0
Alaska	71,797	424	.6	422	99.4	3	.6	0	0	0	0	0	0
Arizona	366,459	1,971	.5	1,651	83.7	321	16.3	81	4.1	47	2.4	0	0
Arkansas	415,613	268	.1	267	99.6	1	.4	1	.4	1	.4	1	.4
California	4,477,381	105,656	2.4	68,578	64.9	37,078	35.1	15,287	14.5	9,554	9.0	37	0
Colorado	519,092	2,832	.5	2,567	90.6	265	9.4	135	4.8	113	4.0	0	0
Connecticut	632,361	1,146	.2	1,057	92.2	89	7.8	45	3.9	24	2.1	0	0
Delaware	123,863	85	.1	85	100.0	0	0	0	0	0	0	0	0
District of Columbia	148,725	746	.5	298	39.9	448	60.1	288	38.6	266	35.7	24	3.2
Florida	1,340,665	1,439	.1	1,279	88.9	160	11.1	43	3.0	22	1.5	5	.3
Georgia	1,001,245	750	.1	735	98.0	15	2.0	6	.8	5	.7	0	0
Idaho	174,472	873	.5	873	100.0	0	0	0	0	0	0	0	0
Illinois	2,252,321	6,893	.3	5,888	85.4	1,006	14.6	427	6.2	358	5.2	17	.2
Indiana	1,210,539	884	.1	836	94.6	48	5.4	18	2.0	4	.5	4	.5
Iowa	651,705	463	.1	443	95.7	20	4.3	0	0	0	0	0	0
Kansas	518,733	1,094	.2	1,048	95.8	46	4.2	2	.2	1	.1	1	.1
Kentucky	695,611	295	0	293	99.3	2	.7	1	.3	1	.3	0	0
Louisiana	817,000	379	0	358	94.5	21	5.5	2	.5	2	.5	1	.3
Maine	220,336	518	.2	125	24.1	393	75.9	333	64.3	0	0	0	0
Maryland	859,440	1,687	.2	1,684	99.8	3	.2	0	0	0	0	0	0
Massachusetts	1,097,221	4,036	.4	3,057	75.7	979	24.3	326	8.1	184	4.6	0	0
Michigan	2,073,369	3,837	.2	3.430	89.4	407	10.6	210	5.5	164	4.3	19	.5
Minnesota	856,506	1,479	.2	1,476	99.8	3	.2	0	0	0	0	0	0
Mississippi	456,532	384	.1	384	100.0	0	0	0	0	0	0	0	0
Missouri	954,596	1,027	.1	1,005	97.9	22	2.1	6	.6	5	.5	2	.2
Montana	127,059	301	.2	300	99.6	1	.4	0	0	0	0	0	0
Nebraska	266,342	420	.2	406	96.7	14	3.3	4	1.0	0	0	0	0
Nevada	119,180	672	.6	651	96.9	21	3.1	0	0	0	0	0	0
New Hampshire	132,212	157	.1	157	100.0	0	0	0	0	0	0	0	0
New Jersey	1,401,925	3,254	.2	2,915	89.6	339	10.4	122	3.7	106	3.3	1	0
New Mexico	271,040	553	.2	418	75.6	135	24.4	33	6.0	20	3.6	0	0
New York	3,364,090	19,620	.6	10,038	51.2	9,582	48.8	6,765	34.5	5,657	28.8	21	.1
North Carolina	1,199,481	442	0	434	98.2	8	1.8	6	1.4	6	1.4	4	.9
North Dakota	115,995	134	.1	134	100.0	0	0	0	0	0	0	0	0
Ohio	2,400,296	2,768	.1	2,586	93.4	182	6.6	73	2.6	49	1.8	7	.3
Oklahoma	543,501	1,032	.2	1,024	99.2	8	.8	2	.2	1	.1	0	0
Oregon	455,141	3,080	.7	3,063	99.4	17	.6	1	0	0	0	0	0
Pennsylvania	2,296,011	2,073	.1	1,992	96.1	81	3.9	25	1.2	12	.6	0	0
Rhode Island	172,254	417	.2	408	97.8	9	2.2	2	.5	2	.5	0	0
South Carolina	603,542	195	0	181	92.8	14	7.2	0	0	0	0	0	0
South Dakota	146,407	130	.1	126	96.9	4	3.1	0	0	0	0	0	0
Tennessee	887,469	567	.1	553	97.5	14	2.5	5	.9	3	.5	3	.5
Texas	2,510,358	3,679	.1	3,136	85.2	543	14.8	205	5.6	103	2.8	0	0
Utah	303,152	1,582	.5	1,560	98.6	22	1.4	4	.3	0	0	0	0
Vermont	73,570	27	0	27	100.0	0	0	0	0	0	0	0	0
Virginia	1,041,057	2,179	.2	2,125	97.5	54	2.5	20	.9	13	.6	4	.2
Washington	791,260	10,012	1.3	8,503	84.9	1,509	15.1	400	4.0	93	.9	0	0
West Virginia	404,582	224	.1	222	99.1	2	.9	2	.9	0	0	0	0
Wisconsin	942,441	1,044	.1	989	94.7	55	5.3	17	1.6	4	.4	2	.2
Wyoming	79,091	244	.3	235	96.3	9	3.7	0	0	0	0	0	0

Minute differences between sum of numbers and totals are due to computer rounding.

TABLE 1-E.—NONMINORITIES BY STATE

[Number[1] and percentage attending school at increasing levels of isolation fall 1968 elementary and secondary school survey]

State	Total number of students	Total number of nonminority students	Percent of total students	0 to 49.9 percent nonminority schools		50 to 100 percent nonminority schools		95 to 100 percent nonminority schools		99 to 100 percent nonminority schools		100 percent nonminority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43,353,568	34,697,133	80.0	716,980	2.1	33,980,153	97.9	22,778,975	65.6	13,020,419	37.5	5,723,597	16.5
Alabama	770,523	501,166	65.0	548	.1	500,618	99.0	362,578	72.4	221,841	44.3	143,179	28.6
Alaska	71,797	61,967	86.3	171	.2	61,796	99.7	24,213	39.1	6,712	10.9	2,901	4.7
Arizona	366,459	262,526	71.6	17,403	6.6	245,124	93.4	69,370	26.5	10,561	4.1	180	.1
Arkansas	415,613	307,859	74.1	1,694	.5	306,165	99.4	173,813	56.4	112,556	36.5	80,713	26.2
California	4,477,381	3,323,478	74.2	150,581	4.5	3,172,896	95.5	833,852	25.1	42,612	1.3	5,697	.2
Colorado	519,092	425,749	82.0	12,668	3.0	413,081	97.0	190,548	44.8	35,754	8.4	6,925	1.6
Connecticut	632,361	562,791	89.0	9,833	1.7	552,958	98.3	427,543	76.0	210,603	37.5	38,559	6.9
Delaware	123,863	99,507	80.3	2,960	3.0	96,547	97.0	50,884	51.1	29,848	30.0	1,620	1.6
District of Columbia	148,725	8,280	5.6	3,636	44.0	4,644	56.1	0	0	0	0	0	0
Florida	1,340,665	973,652	72.6	17,243	1.7	956,409	98.2	456,994	47.0	205,256	21.1	94,543	9.7
Georgia	1,001,245	683,884	68.3	3,981	.6	679,903	99.4	418,925	61.3	212,901	31.2	110,478	16.2
Idaho	174,472	168,147	96.4	42	0	168,105	100.0	129,742	77.2	68,910	41.0	29,591	17.6
Illinois	2,252,321	1,768,355	78.5	37,801	2.1	1,730,554	97.9	1,316,576	74.5	800,451	45.3	374,814	21.2
Indiana	1,210,539	1,089,311	90.0	12,674	1.1	1,076,637	98.8	914,675	84.0	638,813	58.7	340,616	31.3
Iowa	651,705	638,973	98.0	1,273	.2	637,700	99.8	599.415	93.8	484,633	75.8	317,163	49.6
Kansas	518,733	477,194	92.0	2,426	.5	474,768	99.5	355,883	74.5	199,156	41.7	94,613	19.8
Kentucky	695,611	631,136	90.7	4,663	.6	626,474	99.3	450,063	71.3	316,831	50.2	216,345	34.3
Louisiana	817,000	497,029	60.8	4,090	.8	492,939	99.2	344,235	69.2	197,091	39.6	106,051	21.3
Maine	220,336	216,778	98.4	779	.3	215,999	99.6	215,267	99.3	187,085	86.3	135,625	62.6
Maryland	859,440	654,071	76.1	15,711	2.2	638,360	97.6	360,728	55.2	160,199	24.5	58,850	9.0
Massachusetts	1,097,221	1,037,347	94.5	6,243	.7	1,031,104	99.4	895,751	86.4	536,238	51.7	176,128	17.0
Michigan	2,073,369	1,764,431	85.1	32,131	1.8	1,732,300	98.2	1,401,544	79.5	779,516	44.2	177,832	10.1
Minnesota	856,506	836,851	97.7	1,119	.1	835,732	99.9	773,873	92.5	573,062	68.5	171,709	20.5
Mississippi	456,532	231,924	50.8	921	.5	231,003	99.6	142,096	61.3	59,850	25.8	28,042	12.1
Missouri	954,596	813,486	85.2	5,555	.6	807,931	99.3	657,022	80.8	463.951	57.1	253,429	31.2
Montana	127,059	120,731	95.0	320	.3	120,411	99.7	106,587	88.3	54,962	45.5	23,278	19.3
Nebraska	266,342	249,036	93.5	1,876	.7	247,160	99.2	208,412	83.7	137,304	55.1	71,845	28.8
Nevada	119,180	103,233	86.6	393	.3	102,839	99.6	41,154	39.8	8,085	7.8	2,066	2.0
New Hamsphire	132,212	131,342	99.3	0	0	131,342	100.0	128,097	97.5	115,583	88.0	52,686	40.1
New Jersey	1,401,925	1,143,816	81.6	34,641	3.1	1,109,175	97.0	751,629	65.7	399,265	34.9	113,204	9.9
New Mexico	271,040	142,092	52.4	30,932	21.7	111,163	78.2	7,542	5.3	115	.1	115	.1
New York	3,364,090	2,601,708	77.3	94,803	3.5	2,506,905	96.4	1,703,424	65.5	1,023,966	39.4	322,509	12.4
North Carolina	1,199,481	832,394	69.4	11,427	1.3	820,957	98.6	312,697	37.6	146,254	17.6	74,751	9.0
North Dakota	115,995	113,650	98.0	334	.3	113,316	99.7	105,402	92.7	75,734	66.6	44,890	39.5

Footnote at end of table.

[Number[1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

State	Total number of students	Total number of nonminority students	Percent of total students	0 to 49.9 percent nonminority schools		50 to 100 percent nonminority schools		95 to 100 percent nonminority schools		99 to 100 percent nonminority schools		100 percent nonminority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Ohio	2,400,296	2,093,321	87.2	32,264	1.5	2,061,057	98.5	1,669,103	79.8	1,135,032	54.3	444,999	21.3
Oklahoma	543,501	465,958	85.7	3,215	.6	462,742	99.3	216,910	46.6	100,948	21.7	41,899	9.0
Oregon	455,141	436,546	95.9	1,068	.2	435,477	99.8	372,845	85.4	139,223	39.9	29,582	6.8
Pennsylvania	2,296,011	2,013,163	87.7	29,976	1.5	1,983,186	98.5	1,653,112	82.1	1,151,592	57.2	556,899	27.7
Rhode Island	172,264	163,166	94.7	760	.4	162,406	99.5	130,635	80.0	90,980	55.7	30,577	18.7
South Carolina	603,542	364,699	60.4	1,888	.4	362,811	99.5	176,916	48.5	59,808	16.4	28,557	7.8
South Dakota	146,407	129,086	88.2	1,155	1.0	127,932	99.1	109,910	85.2	66,312	51.4	29,831	23.1
Tennessee	887,469	701,545	79.1	4,345	.5	697,200	99.4	468,365	66.8	267,844	38.2	175,182	25.0
Texas	2,510,358	1,617,840	64.4	102,128	6.3	1,515,713	93.7	650,276	40.3	190,959	11.9	38,043	2.4
Utah	303,152	286,396	94.5	1,019	.3	285,377	99.6	200,880	70.1	47,895	16.7	3,100	1.1
Vermont	73,570	73,416	99.8	0	0	73,416	100.0	73,416	100.0	70,500	96.0	47,592	64.8
Virginia	1,041,057	790,874	76.0	5,875	.7	785,017	99.3	427,117	54.0	176,972	22.4	85,438	10.8
Washington	791,260	740,675	93.6	5,309	.7	735,366	99.3	563,487	76.1	148,147	20.0	20,850	2.8
West Virginia	404,582	383,590	94.8	1,427	.3	382,163	99.6	294,775	76.8	225,860	58.8	166,265	43.3
Wisconsin	942,441	891,371	94.6	4,906	.6	886,465	99.4	796,030	89.3	617,506	69.3	346,310	38.9
Wyoming	79,091	71,605	90.5	796	1.1	70,809	98.9	44,672	62.4	15,134	21.1	7,518	10.5

[1] Minute differences between sum of numbers and totals are due to computer roundings.

TABLE 2-A.—NEGROES BY GEOGRAPHIC AREA

[Number[1] and percentage attending school at increasing levels of isolation, fall 1963 elementary and secondary school survey]

Geographic area	Total number of students	Total number of Negro students	Percent of total students	0 to 49.9 percent minority schools		50 to 100 percent minority schools		95 to 100 percent minority schools		99 to 100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43,353,567	6,282,173	14.5	1,467,291	23.4	4,814,881	76.6	3,832,843	61.0	3,331,404	53.0	2,493,398	39.7
32 northern and western [2]	28,579,766	2,703,056	9.5	746,030	27.6	1,957,025	72.4	1,198,052	44.3	834,898	30.9	332,408	12.3
6 northern and western [3]	13,596,625	1,817,615	13.4	450,571	24.8	1,367,044	75.2	879,367	48.4	649,946	35.8	280,440	15.4
6 border and District of Columbia [4]	3,730,317	636,157	17.1	180,569	28.4	455,588	71.6	368,149	57.9	294,844	46.3	160,504	25.2
11 southern [5]	11,043,485	2,942,960	26.6	540,692	18.4	2,402,268	81.6	2,266,642	77.0	2,201,662	74.8	2,000,486	68.0
5 southern [6]	3,648,842	1,363,254	37.4	143,497	10.5	1,219,757	89.5	1,194,699	87.6	1,188,268	87.2	1,116,990	81.9

[1] Minute differences between sum of numbers and totals are due to computer roundings.

[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, Hew Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin and Wyoming.

[3] Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania.

[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

[5] Alabama, Arkansas, Florida, Georgia, Louisianna, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

[6] Alabama, Georgia, Louisiana, Mississippi, South Carolina.

TABLE 2-B.—SPANISH SURNAMED AMERICANS BY AREA OF SIGNIFICANT POPULATION

[Number[1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

Area	Total number of students	Total number of Spanish surnamed American students	Percent of total students	0 to 49.9 percent minority schools		50 to 100 percent minority schools		80 to 100 percent minority schools		95 to 100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43,353,567	2,002,776	4.6	906,919	45.3	1,095,857	54.7	634,891	31.7	331,781	16.6	38,077	1.9
5 Arizona, California Colorado, New Mexico, Texas	8,144,330	1,397,586	17.2	640,943	45.9	756,643	54.1	414,689	29.7	215,688	15.4	31,159	2.2
4 Connecticut, Illinois New Jersey, New York	7.650.697	394,449	5.2	110,587	28.0	283,862	72.0	197,589	50.1	108,785	27.6	5,778	1.5
1 Florida	1,340,665	52,628	3.9	26,287	49.9	26,341	50.1	9,479	18.0	3,275	6.2	240	.5
39 other States and District of Columbia	26.217,875	158,113	0.6	129,102	81.7	29,011	18.3	13,135	8.3	4,033	2.6	900	.6

[1] Minute differences between sum of numbers and totals are due to computer roundings.

TABLE 2-C.—NONMINORITIES BY GEOGRAPHIC AREA

[Number[1] and percentage attending school at increasing levels of isolation tall, 1968 elementary and secondary school survey]

Geographic area	Total number of students	Total number of non-minority students	Percent of total students	0 to 49.9 percent nonminority schools		50 to 100 percent nonminority schools		95 to 100 percent nonminority schools		99 to 100 percent nonminority schools		100 percent nonminority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43,353,568	34,697,133	80.0	716,980	2.1	33,980,153	97.9	22,778,975	65.7	13,020,419	37.5	5,723,597	16.5
32 northern and western [2]	28,579,765	24,138,249	84.5	525,691	2.2	23,612,557	97.8	16,814,581	69.7	9,871,450	40.9	4,020,212	16.7
6 northern and western [3]	13,596,626	11,330,289	83.3	239,649	2.1	11,090,639	97.9	8,658,434	76.4	5,529,380	48.8	2,217,669	19.6
6 border and District of Columbia [4]	3,730,318	3,056,028	81.9	37,167	1.2	3,018,861	98.8	2,030,382	66.4	1,297,637	42.5	738,408	24.2
11 southern [5]	11,043,485	7,502,856	67.9	154,122	2.1	7,348,735	97.9	3,934,012	52.4	1,851,332	24.7	964,977	12.9
5 southern [6]	3,648,842	2,278,702	62.5	11,428	.5	2,267,274	99.5	1,444,750	63.4	751,491	33.0	416,307	18.3

[1] Minute differences between sum of numbers and totals are due to computer rounding.

[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania.

[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

[5] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississipoi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

[6] Alabama, Georgia, Louisiana, Mississippi, South Carolina.

TABLE 3-A.—NEGROES IN 100 LARGEST SCHOOL DISTRICTS, RANKED BY SIZE

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

Districts	Total number of students	Total number of Negro students	Percent of total students	0 to 49.9 percent minority schools		50 to 100 percent minority schools		95 to 100 percent minority schools		99 to 100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	10,417,750	3,250,319	31.2	418,633	12.9	2,831,686	87.1	2,201,589	67.7	1,798,445	55.3	1,091,978	33.6
New York, N.Y	1,063,787	334,841	31.5	65,824	19.7	269,017	80.3	146,945	43.9	88,233	26.4	34,033	10.2
Los Angeles, Calif	653,549	147,738	22.6	7,012	4.7	140,726	95.3	116,017	78.5	77,026	52.1	18,118	12.3
Chicago, Ill	582,274	308,266	52.9	9,742	3.2	298,524	96.8	263,159	85.4	234,045	75.9	146,152	47.4
Detroit, Mich	296,097	175,316	59.2	15,781	9.0	159,534	91.0	103,590	59.1	66,069	37.7	18,510	10.6
Philadelphia, Pa	282,617	166,083	58.8	15,880	9.6	150,203	90.4	99,277	59.8	72,174	43.5	7,201	4.3
Houston, Tex	246,098	81,966	33.3	4,318	5.3	77,648	94.7	70,816	86.4	64,907	79.2	52,854	64.5
Dade County, Fla. (Miami)	232,465	56,518	24.3	7,032	12.4	49,486	87.6	43,664	77.3	41,115	72.7	27,482	48.6
Baltimore City, Md	192,171	125,174	65.1	9,646	7.7	115,528	92.3	94,825	75.8	82,629	66.0	54,505	43.5
Dallas, Tex	159,924	49,235	30.8	1,045	2.1	48,190	97.9	40,431	82.1	26,131	53.1	15,807	32.1
Cleveland, Ohio	156,054	87,241	55.9	4,156	4.8	83,085	95.2	69,728	79.9	59,174	67.8	21,516	24.7
Washington, D.C	148,725	139,006	93.5	1,253	.9	137,753	99.1	123,939	89.2	95,608	68.8	38,701	27.8
Prince Georges County, Md. (District of Columbia area)	146,976	22,313	15.2	12,525	56.1	9,788	43.9	4,618	20.7	3,688	16.5	3,112	13.9
Milwaukee, Wis	130,445	31,130	23.9	3,849	12.4	27,281	87.6	14,783	47.5	9,288	29.8	4,819	15.5
San Diego, Calif	128,914	15,004	11.6	3,767	25.1	11,237	74.9	5,732	38.2	448	3.0	0	0
Memphis, Tenn	125,813	67,395	53.6	1,765	2.6	65,630	97.4	62,132	92.2	56,181	83.4	49,381	73.3
Baltimore County, Md	123,717	4,299	3.5	4,299	100.0	0	0	0	0	0	0	0	0
Duval County, Fla. (Jacksonville)	122,637	34,638	28.2	4,362	12.6	30,276	87.4	30,276	87.4	29,446	85.0	26,556	76.7
Fairfax County, Va. (District of Columbia area)	122,107	3,322	2.7	3,322	100.0	0	0	0	0	0	0	0	0
Montgomery County, Md. (District of Columbia area)	121,458	4,872	4.0	4,872	100.0	0	0	0	0	0	0	0	0
St. Louis, Mo	115,582	73,408	63.5	5,244	7.1	68,164	92.9	63,255	86.2	55,632	75.8	36,651	49.9
Atlanta, Ga	111,227	68,662	61.7	3,728	5.4	64,934	94.6	61,796	90.0	61,297	89.3	53,644	78.1
Orleans Parish, La. (New Orleans)	110,783	74,378	67.1	6,569	8.8	67,809	91.2	60,407	81.2	59,700	80.3	46,320	62.3
Columbus, Ohio	110,699	28,729	26.0	8,263	28.8	20,466	71.2	7,222	25.1	2,873	10.0	890	3.1
Indianapolis, Ind	108,587	36,577	33.7	8,205	22.4	28,372	77.6	19,347	52.9	13,728	37.5	3,945	10.8
Broward County, Fla. (Fort Lauderdale)	103,003	24,516	23.8	3,556	14.5	20,960	85.5	19,545	79.7	19,075	77.8	16,882	68.9
Hillsborough County, Fla. (Tampa)	100,985	19,225	19.0	3,513	18.3	15,712	81.7	13,604	70.8	13,604	70.8	12,371	64.3
Denver, Colo	96,577	13,639	14.1	2,732	20.0	10,907	80.0	7,539	55.3	2,862	21.0	0	0
Boston, Mass	94,174	25,482	27.1	5,943	23.3	19,539	76.7	8,558	33.6	4,936	19.4	79	.3
San Francisco, Calif	94,154	25,923	27.5	4,024	15.5	21,899	84.5	5,275	20.3	1,317	5.1	110	.4
Seattle, Wash	94,025	10,376	11.0	4,647	44.8	5,729	55.2	0	0	0	0	0	0
Nashville-Davidson County, Tenn	93,720	22,561	24.1	3,794	16.8	18,767	83.2	12,746	56.5	12,256	54.3	11,696	51.8
Cincinnatti Ohio	86,807	37,275	42.9	8,171	21.9	29,104	78.1	12,652	33.9	10.903	29.3	6,291	16.9
Fort Worth, Tex	86,528	21,398	24.7	2,065	9.7	19,333	90.3	18,283	85.4	16,389	76.6	12,991	60.7
Jefferson County, Ky. (Louisville area)	85,846	3,213	3.7	2,365	73.6	848	26.4	848	26.4	848	26.4	0	0
Charlotte-Mecklenburg, N.C	83,111	24,241	29.2	6,704	27.7	17,537	72.3	14,274	58.9	13,863	57.2	9,459	39.0
Tulsa, Okla	79,990	9,728	12.2	1,518	15.6	8,210	84.4	5,900	60.6	5,900	60.6	4,447	45.7
Albuquerque, N. Mex	79,669	1,897	2.4	523	27.6	1,374	72.4	174	9.2	169	8.9	0	0
San Antonio, Tex	79,353	11,637	14.7	1,234	10.6	10,403	89.4	9,519	81.8	6,522	56.0	6,137	52.7
Pinellas County, Fla. (Clearwater)	78,466	12,715	16.2	2,762	21.7	9,953	78.3	9,169	72.1	8,147	64.1	3,298	25.9
Portland, Oreg	78,413	6,388	8.1	3,644	57.4	2,724	42.6	0	0	0	0	0	0
De Kalb County, Ga. (Decatur)	77,967	4,124	5.3	1,841	44.6	2,283	55.4	1,939	47.0	1,939	47.0	421	10.2
Pittsburgh, Pa	76,268	29,898	39.2	6,373	21.3	23,525	78.7	12,779	42.7	11,588	38.8	2,925	9.8
Orange County, Fla. (Orlando)	76,089	13,055	17.2	2,627	20.1	10,428	79.9	10,064	77.1	10,064	77.1	10,064	77.1
Newark, N.J	75,960	55,057	72.5	1,174	2.1	53,883	97.9	41,746	75.8	29,738	54.0	10,607	19.3
Mobile County, Ala	75,464	31,441	41.7	3,442	10.9	27,999	89.1	26,831	85.3	26,831	85.3	18,832	59.9
Oklahoma City, Okla	74,727	16,255	21.8	2,037	12.5	14,218	87.5	12,963	79.7	9,749	60.0	924	5.7
Kansas City, Mo	74,202	34,692	46.8	4,865	14.0	29,827	86.0	23,331	67.3	17,460	50.3	5,050	14.6
Buffalo, N.Y	72,115	26,381	36.6	7,113	27.0	19,268	73.0	16,122	61.1	11,562	43.8	1,474	5.6
Long Beach, Calif	72,065	5,489	7.6	2,011	36.6	3,478	63.4	0	0	0	0	0	0
Minneapolis, Minn	70,006	5,255	7.5	3,722	70.8	1,533	29.2	0	0	0	0	0	0
Wichita, Kans	68,391	8,913	13.0	4,058	45.5	4,855	54.5	4,222	47.4	1,386	15.6	0	0
Clark County, Nev. (Las Vegas)	67,526	8,233	12.2	3,961	48.1	4,272	51.9	3,626	44.0	699	8.5	0	0
Birmingham, Ala	66,434	34,156	51.4	2,472	7.2	31,684	92.8	30,810	90.2	30,810	90.2	28,906	84.6
Anne Arundel County, Md. (Annapolis)	65,745	8,923	13.6	71,161	80.3	1,762	19.7	0	0	0	0	0	0
Jefferson County, Ala. (Birmingham area)	65,328	18,186	27.8	538	3.0	17,648	97.0	17,579	96.7	17,579	96.7	17,579	96.7
Oakland, Calif	64,102	35,386	55.2	1,958	5.5	33,428	94.5	16,604	46.9	8,062	22.8	1,661	4.7
East Baton Rouge Parish, La	63,725	23,751	37.3	1,333	5.6	22,418	94.4	21,617	91.0	21,330	89.8	19,007	80.0
Brevard County, Fla. (Titusville)	62,563	6,327	10.1	4,416	69.8	1,911	30.2	1,911	30.2	1,911	30.2	1,911	30.2
Omaha, Nebr	62,431	11,284	18.1	2,309	20.5	8,975	79.5	4,321	38.3	674	6.0	0	0
Granite, Utah (Salt Lake City)	62,236	59	0.1	59	100.0	0	0	0	0	0	0	0	0
El Paso, Tex	62,105	1,804	2.9	1,114	61.8	690	38.2	379	21.0	194	10.8	78	4.7
Palm Beach County, Fla	61,715	17,158	27.8	3,191	18.6	13,967	81.4	13,074	76.2	12,409	72.3	12.409	72.3
Toledo, Ohio	61,684	16,473	36.7	3,725	22.6	12,748	77.4	6,752	41.0	2,164	13.1	1,617	9.8
Caddo Parish, La. (Shreveport)	60,483	26,429	43.7	649	2.5	25,780	97.5	25,734	97.4	25,734	97.4	24,844	94.0
Jefferson County, Colo. (Lakewood)	60,367	60	0.1	60	100.0	0	0	0	0	0	0	0	0
Dayton, Ohio	59,527	22,790	38.3	2,488	10.9	20,302	89.1	17,574	77.1	14,158	62.3	5,061	22.2
Jefferson Parish, La. (Gretna)	59,485	12,812	21.5	2,632	20.5	10,180	79.5	10,180	79.5	10,180	79.5	10,180	79.5
Akron, Ohio	58,589	15,137	25.8	5,705	37.7	9,432	62.3	3,133	20.7	1,264	8.4	588	3.9
Fresno, Calif	58,234	5,251	9.0	831	15.8	4,420	84.2	3,808	72.5	2,575	49.0	593	11.3
Greenville County, S.C	56,306	12,453	22.1	1,839	14.8	10,614	85.2	10,378	83.3	10,378	83.3	9,258	74.3
Kanawha County, W. Va. (Charleston)	56,118	3,548	6.3	2,905	81.9	643	18.1	0	0	0	0	0	0
Norfolk, Va	56,029	23,499	41.9	2,701	11.5	20,798	88.5	18,322	78.0	17,236	73.3	11,648	49.6
Louisville, Ky	55,212	25,470	46.1	3,432	13.5	22,038	86.5	13,418	52.7	6,827	26.8	1,996	7.8
Tucson, Ariz	53,667	2,767	5.2	524	18.9	2,243	81.1	380	13.7	148	5.3	0	0
San Juan, Calif. (Carmichael)	53,174	134	0.3	134	100.0	0	0	0	0	0	0	0	0
Garden Grove, Calif	52,908	83	0.2	83	100.0	0	0	0	0		0	0	0
Sacramento, Calif	52,545	7,324	13.9	5,150	70.3	2,174	29.7	0	0	0	0	0	0
Polk County, Fla (Bartow)	52,255	11,652	22.3	3,815	32.7	7,837	67.3	7,769	66.7	7,769	66.7	7,769	66.7
Austin, Tex	51,760	7,783	15.0	1,022	13.1	6,761	86.9	5,063	65.1	4.485	57.6	1,728	22.2
St. Paul Minn	50,338	2,917	5.8	2,556	87.6	361	12.4	361	12.4	0	0	0	0
Winston Salem/Forsyth Counties, N.C	49,831	13,798	27.7	2,111	15.3	11,687	84.7	11,643	84.4	10.952	79.4	9,778	70.9
Gary, Ind	48,431	29,826	61.6	915	3.1	28,910	96.9	24,110	80.8	23 265	78.0	9.652	32.4
Mt. Diablo, Calif. (Concord)	48,351	369	0.8	369	100.0	0	0	0	0	0	0	0	0
Rochester, N.Y	47,372	13,697	28.9	6,232	45.6	7,447	54.4	1,652	12.1	0	0	0	0
Charleston County, S.C	47,178	16,730	35.5	2,140	12.8	14,590	87.2	14,091	84.2	14.091	84.2	14,091	84.2
Escambia County, Fla. (Pensacola)	46,875	12,924	27.6	2,904	22.5	10,020	77.5	9,046	70.0	9,046	70.0	9,046	70.0
Des Moines, Iowa	46,532	3,611	7.8	2,057	57.0	1,554	43.0	0	0	0	0	0	0
Flint, Mich	46,495	17,212	37.0	4,165	24.2	13,047	75.8	6,425	37.3	1,193	6.9	0	0

Footnotes at end of table.

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

Districts	Total number of students	Total number of Negro students	Percent of total students	0 to 49.9 percent minority schools		50 to 100 percent minority schools		95 to 100 percent minority schools		99 to 100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Corpus Christi, Tex	46,110	2,496	5.4	43	1.7	2,453	98.3	1,912	76.6	810	32.5	640	25.6
Shelby County, Tenn. (Memphis area)	44,133	14,281	32.4	950	6.7	13,331	93.3	13,331	93.3	13,331	93.3	12,667	88.7
Richmond, Calif	43,123	10,424	24.2	4,006	38.4	6,418	61.6	2,819	27.0	1,143	11.0	534	5.1
Richmond, Va	43,115	29,441	68.3	1,890	6.4	27,551	93.6	24,900	84.6	24,360	82.9	22,971	78.0
Chatham County, Ga. (Savannah)	42,416	17,449	41.1	1,620	9.3	15,820	90.7	15,102	86.5	15,102	86.5	13,460	77.1
Muscogee County, Ga. (Columbus)	42,373	12,517	29.5	884	7.1	11,633	92.9	10,757	85.9	10,757	85.9	8,768	70.0
Ft. Wayne, Ind	41,595	5,760	13.8	1,552	26.9	4,208	73.1	1,328	23.1	0	0	0	0
Virginia Beach, Va	41,272	4,372	10.6	2,719	62.2	1,653	37.8	1,653	37.8	1,278	29.2	1,278	29.2
Cobb County, Ga. (Marietta)	40,918	1,336	3.3	1,246	93.3	90	6.7	90	6.7	90	6.7	90	6.7
Columbia, S.C	40,122	18,735	46.7	3,236	17.3	15,499	82.7	15,163	80.9	15,163	80.9	13,183	70.4
Montgomery County, Ala	39,093	16,691	42.7	945	5.7	15,746	94.3	15,746	94.3	15,746	94.3	15,746	94.3
Calcasieu Parish, La. (Lake Charles)	39,043	9,934	25.4	948	9.5	8,986	90.5	8,986	90.5	8,986	90.5	8,986	90.5

[1] Minute diefferences between sum of numbers and totals are due to computer rounding.

TABLE 3-B.—SPANISH SURNAMED AMERICANS IN SELECTED LARGE SCHOOL DISTRICTS, RANKED BY SIZE

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary schoo survey]

District	Total number of students	Total number of Spanish-American students	Percent of total students	0 to 49.9 percent minority schools		50 to 100 percent minority schools		80 to 100 percent minority schools		95 to 100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	4,579,950	767,900	16.8	211,787	27.6	556,113	72.4	383,447	49.9	213,830	27.8	11,121	1.4
New York, N.Y	1,063,787	244,302	23.0	26,783	11.8	215,519	88.2	164,202	67.1	97,373	39.9	5,072	2.1
Los Angeles, Calif	653,549	130,450	20.0	42,684	32.7	87,766	67.3	69,088	53.0	42,340	32.5	647	.5
Chicago, Ill	582,274	49,886	8.6	19,148	38.4	30,738	61.6	15,792	31.7	3,022	6.1	183	.4
Houston, Tex	246,098	31,780	12.9	11,301	35.6	20,479	64.4	12,840	40.4	3,803	12.0	178	.6
Dade County, Fla., (Miami)	232,465	39,487	17.0	15,364	38.9	24,123	61.1	8,566	21.7	2,993	7.6	32	.1
Dallas, Tex	159,924	12,196	7.6	5,447	44.7	6,749	55.3	4,057	33.3	1,192	9.8	73	.6
San Diego, Calif	128,914	12,981	10.1	8,485	65.4	4,496	34.6	3,418	26.3	1,127	8.7	0	0
Hillsborough County, Fla. (Tampa)	100,985	6,766	6.7	5,275	78.0	1,491	22.0	534	7.9	70	1.0	68	1.0
Denver, Colo	96,577	18,611	19.3	8,884	47.7	9,727	52.3	4,981	26.8	1,527	8.2	0	0
San Francisco, Calif	94,154	12,217	13.0	4,098	33.5	8,119	66.5	1,164	9.5	112	.9	0	0
Fort Worth, Tex	86,528	6,937	8.0	4,058	58.5	2,879	41.5	452	6.5	452	6.5	29	.4
Albuquerque, N. Mex	79,669	28,151	35.3	7,913	28.1	20,238	71.9	7,846	27.9	947	3.4	0	0
San Antonio, Tex	79,353	46,188	58.2	5,731	12.4	40,457	87.6	33,265	72.0	23,633	51.2	1,357	2.9
Newark, N.J	75,960	7,046	9.3	516	7.3	6,530	92.7	3,869	54.9	2,109	29.9	355	5.0
Buffalo, N.Y	72,115	1,278	1.8	866	67.8	412	32.2	142	11.1	137	10.7	0	0
Long Beach, Calif	72,065	3,840	5.3	3,100	80.7	740	19.3	37	1.0	0	0	0	0
Oakland, Calif	64,102	5,241	8.2	792	15.1	4,449	84.9	2,570	49.0	586	11.2	26	.5
El Paso, Tex	62,105	33,629	54.2	5,800	17.2	27,839	82.8	22,439	66.7	15,929	47.4	2,139	6.4
Palm Beach County, Fla	61,715	1,553	2.5	1,252	80.6	301	19.4	189	12.2	22	1.4	18	1.2
Jefferson County, Colo. (Lakewood).	60,367	1,118	1.9	1,118	100.0	0	0	0	0	0	0	0	0
Fresno, Calif	58,234	11,148	19.1	6,286	56.4	4,862	43.6	1,261	11.3	1,077	9.7	5	0
Tucson, Ariz	53,667	13,798	25.7	3,061	22.2	10,737	77.8	5,591	40.5	2,527	18.3	0	0
San Juan, Calif. (Carmichael)	53,174	1,126	2.1	1,126	100.0	0	0	0	0	0	0	0	0
Garden Grove, Calif	52,908	4,862	9.2	4,862	100.0	0	0	0	0	0	0	0	0
Sacramento, Calif	52,545	6,184	11.8	4,441	71.8	1,743	28.2	278	4.5	0	0	0	0
Austin, Tex	51,760	9,956	19.2	3,020	30.3	6,936	69.7	6,432	64.6	2,180	21.9	0	0
Mount Diablo, Calif. (Concord)	48,351	1,863	3.9	1,863	100.0	0	0	0	0	0	0	0	0
Rochester, N.Y	47,372	1,553	3.3	999	64.3	554	35.7	234	15.1	41	2.6	0	0
Corpus Christi, Tex	46,110	21,490	46.6	3,707	17.2	17,783	82.8	14,178	66.0	10,508	48.9	921	4.3
Richmond, Calif	43,123	2,253	5.2	1,807	80.2	446	19.8	204	9.1	123	5.5	18	.8

[1] Minute differences between sum of numbers and totals are due to computer rounding.

TABLE 4-A.—NEGROES IN 100 LARGEST SCHOOL DISTRICTS BY GEOGRAPHIC AREA

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

Geographic area	Total number of students	Total number of Negro students	Percent of total students	0 to 49.9 percent minority schools		50 to 100 percent minority schools		95 to 100 percent minority schools		99 to 100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	10,417,750	3,250,319	31.2	418,633	12.9	2,831,686	87.1	2,201,589	67.7	1,798,445	55.3	1,091,978	33.6
32 northern and western [2]	5,710,874	1,791,677	31.4	245,474	13.7	1,546,203	86.3	1,047,760	58.5	752,904	42.0	296,376	16.5
6 northern and western [3]	3,198,998	1,351,484	42.2	174,291	12.9	1,177,193	87.1	811,795	60.1	612,433	45.3	259,855	19.2
6 border and District of Columbia [4]	1,340,459	470,901	35.1	62,122	13.2	408,779	86.8	343,097	72.9	278,341	59.1	145,386	30.9
11 southern [5]	3,366,407	987,741	29.3	111,037	11.2	876,704	88.8	810,732	82.1	767,200	77.7	650,216	65.8
5 southern [6]	1,038,345	399,784	38.5	36,062	9.0	363,722	91.0	347,206	86.8	345,713	86.5	303,315	75.9

[1] Minute differences between sum of numbers and totals are due to computer roundings.

[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania.

[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

[5] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

[6] Alabama, Georgia, Louisiana, Mississippi, South Carolina.

TABLE 4-B.—SPANISH SURNAMED AMERICANS IN 100 LARGEST SCHOOL DISTRICTS BY AREA OF SIGNIFICANT POPULATION

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

Area	Total number of students	Total number of Spanish surnamed American students	Percent of total students	0 to 49.9 percent minority schools		50 to 100 percent minority schools		80 to 100 percent minority schools		95 to 100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	10,417,750	811,167	7.8	239,355	29.5	571,812	70.5	391,887	48.3	216,683	26.7	11,373	1.4
5 Arizona, California, Colorado, New Mexico, Texas	2,343,277	416,029	17.8	139,584	33.6	276,445	66.4	190,101	45.7	108,063	26.0	5,393	1.3
4 Connecticut, Illinois, New Jersey, New York	1,841,508	304,065	16.5	50,312	16.5	253,753	83.5	184,057	60.5	102,682	33.8	5,610	1.8
1 Florida	937,053	49,431	5.3	23,447	47.4	25,984	52.6	9,350	18.9	3,146	6.4	160	.3
39 other States and the District of Columbia	5,295,912	41,642	.8	26,012	62.5	15,630	37.5	8,379	20.1	2,792	6.7	210	.5

[1] Minute differences between sum of numbers and totals are due to computer rounding.

HEW NEWS RELEASE, JANUARY 14, 1971

The number of Negro pupils attending majority white public schools doubled in the 11 Southern States from the Fall of 1968 to the Fall of 1970, Secretary of Health, Education, and Welfare Elliot Richardson said today.

The Secretary based his report on preliminary analysis of racial and ethnic data collected in the Fall of 1970 in the second comprehensive, nationwide school survey conducted by HEW's Office for Civil Rights. The only previous national survey was conducted in 1968.

"Dramatic and unprecedented progress has been accomplished in school desegregation," Secretary Richardson said.

The increase reflected in data from the 11-State South means that the number of Negro pupils in majority white schools rose from 540,692 in 1968 to 1,215,089 in 1970. Of the 11,738,916 total pupils included in the survey in the South, 3,187,684 are Negro. (*Table I*)

In terms of percentages, Negro pupils in majority white schools in the South rose from 18.4 percent in 1968 to 38.1 percent in 1970. The percentages are based on the method of measurement followed by HEW in previous years, counting Negro pupils in majority white schools.

Little change took place outside the 11-State South. The 1968 survey showed 28.4 percent of the Negro pupils in six Border States and the District of Columbia in majority white schools, compared to 29.6 percent in 1970. Excluding the District of Columbia's approximately 94 percent black enrollment from the totals, the six Border States had 36.1 percent Negro pupils in majority white schools in 1968 and 37.2 percent in 1970. In the 32 Northern and Western states, 27.6 percent of Negro pupils were in majority white schools in 1968 compared to 27.7 percent in 1970.

Nationwide, the statistics show a rise in percentage of Negro pupils in majority white schools, up from 23.4 percent in 1968 to 32.8 percent in 1970.

Secretary Richardson said:

"The improved picture nationwide is largely attributable to strides made in the South in the past two years, where desegregation is now more extensive than in other regions. For the most part, these gains came in school districts where desegregation once seemed a remote possibility.

"But the objective is more than a numbers game. The goal is to assure equal educational opportunity and we are committed to a uniform effort throughout the country to achieve it."

J. Stanley Pottinger, Director of the Office for Civil Rights, emphasized that traditional methods of measuring change must be kept in perspective, since 39.4 percent of the Negro pupils in the 11 Southern States and 47.5 percent in the Nation are in school districts in which minorities outnumber whites. At least 20 of the Nation's 100 largest school systems have predominantly minority enrollment. In such districts, it is mathematically impossible for many majority students to attend schools that are majority white.

Analysis of data from only those districts with majority white enrollments showed that 54.4 percent of the Negroes in the Continental United States, or 1,921,567 out of a total 3,531,029, are in majority white schools. Figures for all the 11-State South showed 56.2 percent of the Negroes, or 1,085,993 out of 1,932,445, approximately double the percentage for 1968. (*Table 2*)

"The desegregation process has usually been most noticeable in terms of Negro pupils attending predominantly white schools, but the latest figures show marked change in terms of whites attending predominantly minority schools," Pottinger said.

Nationwide in 1970, a total of 30.3 percent or 710,932 of the 2,349,983 white pupils in predominantly minority districts were in schools where the minority enrollment exceeded 50 percent, about triple the percentage for 1968. In the 11 Southern States, 38.3 percent of the white pupils in minority districts were in predominantly minority schools, an estimated quadrupling of the percentage for 1968. (*Table 3*)

A sharp decrease is shown in the number of Negro pupils who are totally isolated with Negro or other minorities. In the Nation, the percentage of Negroes in 100 percent minority schools declined from 39.7 percent (2,493,398) in 1968 to 16 percent (1,076,033) in 1970. For the 11-State South, Negro pupils attending 100-percent minority schools decreased from 68 percent (2,000,486) in 1968 to 18.4 percent (587,172) in 1970. The 32 Northern and Western States show a minimal change from 12.3 percent in 1968 to 11.9 percent in 1970. (*Table I*)

A decline is also shown in the percentage of Negro pupils in all schools in the Nation that range from 80 to 100 percent minority in total enrollment. The number of Negro pupils in 80 to 100 percent minority schools nationwide declined from 68 percent (4,274,461) in 1968 to 50.2 percent (3,378,231) in 1970. In the South, Negroes in 80 to 100 percent minority schools declined from 78.8 percent (2,317,850) to 41.7 percent (1,328,137). (*Table I*)

The survey covered all school districts with enrollments of 3,000 or more, all districts desegregating under voluntary plan or court order, and a representative sampling of smaller districts, except that Hawaii was not included in the 1968 or 1970 survey. Only a limited survey was conducted in 1969. The preliminary analysis of survey results is based on unedited returns of Fall 1970 data from about 65 percent of the total enrollment included in the survey. Where Fall 1970 data was unavailable, latest available data was used. These compilations based on partial returns are subject to variation when final results are completed and made available to the public later in 1971.

The situation for all minorities—Negro, Spanish-surnamed, American Indian, and Oriental—is similar to that for Negroes only. (*Table 4*)

For all minority pupils in majority white schools (the traditional method of measurement), the statistics show:

30.3 percent in 1968, rising to 37.1 percent nationwide in 1970.

20.6 percent in 1968, rising to 36.9 percent in the 11 Southern States in 1970.

32.2 percent in the six Border states and District of Columbia in 1968, rising to 34.1 percent in 1970.

37.7 percent in 32 Northern and Western States in 1968, and 37.8 percent in 1970.

TABLE 1.—NEGRO PUPILS IN ALL DISTRICTS, [1] FALL 1968, FALL 1970, NUMBER AND PERCENT OF NEGRO PUPILS ATTENDING PUBLIC ELEMENTARY AND SECONDARY SCHOOLS

Geographical area	Total pupils	Negro pupils	Negro pupils attending—					
			0–49.9 percent minority schools		80–100 percent minority schools		100 percent minority schools	
			Number	Percent	Number	Percent	Number	Percent
Continental United States:								
1968	43,353,568	6,282,173	1,467,291	23.4	4,274,461	68.0	2,493,398	39.7
1970 (estimate)	44,774,679	6,723,950	2,206,521	32.8	3,378,231	50.2	1,076,033	16.0
32 North and West [2]:								
1968	28,579,766	2,703,056	746,030	27.6	1,550,440	57.4	332,408	12.3
1970 (estimate)	29,162,896	2,865,059	792,442	27.7	1,645,508	57.4	341,354	11.9

Footnotes on following page.

Geographical area	Total pupils	Negro pupils	Negro pupils attending—					
			0–49.9 percent minority schools		80–100 percent minority schools		100 percent minority schools	
			Number	Percent	Number	Percent	Number	Percent
11 south [3]								
1968	11, 043, 485	2, 942, 960	540, 692	18. 4	2, 317, 850	78. 8	2, 000, 486	68. 0
1970 (estimate)	11, 738, 916	3, 187, 684	1, 215, 089	38. 1	1, 328, 137	41. 7	587, 172	18. 4
6 border plus District of Columbia [4]								
1968	3, 730, 317	636, 157	180, 569	28. 4	406, 171	63. 8	160, 504	25. 2
1970 (estimate)	3, 872, 867	671, 207	198, 990	29. 6	404, 586	60. 3	147, 507	22. 0

[1] Districts with fewer than 300 pupils are not included in the survey. 1970 figures are estimates based on latest available data and are subject to variation upon final compilation.

[2] Alaska, Arizona, California Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New, Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

TABLE 2.—NEGRO PUPILS IN PREDOMINANTLY WHITE-ANGLO DISTRICTS,[1] FALL, 1970

[Number and percent of Negro pupils attending public elementary and secondary schools in districts where total enrollment is more than 50 percent white-Anglo]

Geographical area	Total pupils	Negro pupils	Negro pupils attending—					
			0–49.9 percent minority schools		80–100 percent minority schools		100 percent minority schools	
			Number	Percent	Number	Percent	Number	Percent
Continental United States, 1970 estimata	37, 999, 383	3, 531, 029	1, 921, 567	54. 4	1, 164, 175	33. 0	343, 994	9. 7
32 North and West, [2] 1970 estimate	25, 498, 224	1, 291, 925	652, 877	50. 5	456, 232	35. 3	47, 498	3. 7
11 South,[3] 1970 estimate	9, 129, 554	1, 932, 445	1, 085, 993	56. 2	620, 128	32. 1	284, 146	14. 7
6 border plus District of Columbia,[4] 1970 estimate	3, 371, 605	306, 659	182, 697	59. 6	87, 815	28. 6	12, 350	4. 0

[1] District with fewer than 300 pupils are not included in the survey. These figures are estimates based on latest available data and are subject to variation upon final compilation.

[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachussetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

TABLE 3.—WHITE-ANGLO PUPILS IN PREDOMINANTLY MINORITY GROUP DISTRICTS*—FALL 1970

[Number and percent of White-Anglo pupils attending public elementary and secondary schools in districts where total enrollment is more than 50 percent minority group (American Indian, Negro, Oriental, Spanish surnamed American)]

Geographical area	Total pupils	White-Anglo pupils	White-Anglo pupils attending—					
			0 to 49.9 percent, White-Anglo schools		80 to 100 percent, White-Anglo schools		100 percent, White-Anglo schools	
			Number	Percent	Number	Percent	Number	Percent
Continental United States: 1970 estimate	6, 775, 570	2, 349, 983	710, 932	30. 3	967, 440	41. 2	52, 224	2. 2
(1) 32 North and West: 1970 estimate	3, 664, 821	1, 313, 279	340, 940	26. 0	583, 830	44. 5	17, 283	1. 3
(2) 11 South: 1970 estimate	2, 609, 482	915, 124	350, 449	38. 3	307, 232	33. 6	25, 570	2. 8
(3) 6 border plus District of Columbia: 1970 estimate	501, 267	121, 580	19, 543	16. 1	76, 378	62. 8	9, 371	7. 7

(1) Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

(2) Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

(3) Delaware, District of Columbia, Kentucky, Maryland, Oklahoma, West Virginia.

*Districts with fewer than 300 pupils are not included in the survey. These figures are estimates based on latest available data and are subject to variation upon final compilation.

TABLE 4.—MINORITY PUPILS IN ALL DISTRICTS*—FALL 1968, FALL 1970

[Number and percent of minority group (American Indian, Negro, Oriental, Spanish surnamed American) pupils attending public elementary and secondary schools]

Geographical area	Total pupils	Minority pupils	Minority pupils attending—					
			0 to 49.9 percent, Minority schools		80 to 100 percent, Minority schools		100 percent, Minority schools	
			Number	Percent	Number	Percent	Number	Percent
Continental U.S.:								
1968	43, 353, 568	8, 656, 434	2, 623, 819	30. 3	4, 987, 778	57. 6	2, 542, 805	29. 4
1970 estimate	44, 774, 679	9, 390, 768	3, 485, 580	37. 1	4, 187, 911	44. 6	1, 120, 220	11. 9
(1) 32 North and West:								
1968	28, 579, 766	4, 441, 516	1, 675, 779	37. 7	2, 002, 321	45. 1	348, 320	7. 8
1970 estimate	29, 162, 896	4, 785, 120	1, 808, 155	37. 8	2, 140, 732	44. 7	358, 376	7. 5
(2) 11 South:								
1968	11, 043, 485	3, 540, 629	730, 874	20. 6	2, 578, 563	72. 8	2, 033, 933	57. 4
1970 estimate	11, 738, 916	3, 881, 218	1, 430, 433	36. 9	1, 641, 220	42. 3	613, 662	15. 8
(3) 6 Border plus D.C.:								
1968	3, 730, 317	674, 289	217, 166	32. 2	406, 894	60. 3	160, 552	23. 8
1970 estimate	3, 872, 867	724, 430	246, 992	34. 1	405, 959	56. 0	148, 182	20. 5

(1) Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

(2) Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

(3) Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

*Districts with fewer than 300 pupils are not included in the survey. 1970 figures are estimates based on latest available data and are subiect to variation upon final compilation.

TABLE 1.—NEGRO PUPILS IN ALL DISTRICTS:[1] FALL 1968, FALL 1970. NUMBER AND PERCENT OF NEGRO PUPILS ATTENDING PUBLIC ELEMENTARY AND SECONDARY SCHOOLS

Area	Total pupils	Negro pupils	Negro percent	Negro pupils attending—									
				0–49.9 percent minority schools		80–100 percent minority schools		90–100 percent minority schools		95–100 percent minority schools		99–100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
United States:													
1968	43, 353, 568	6, 282, 173	14.5	1, 467, 291	23.4	4, 274, 461	68.0			3, 832, 843	61.0	3, 331, 404	53.0
1970 (estimate)	44, 774, 679	6, 723, 950	15.0	2, 206, 521	32.6	3, 378, 231	50.2	2, 992, 258	44.5	2, 680, 836	39.9	2, 013, 522	29.9
32 North and West:[2]													
1968	28, 579, 766	2, 703, 056	9.5	746, 030	27.6	1, 550, 440	57.4			1, 198, 052	44.3	834, 898	30.9
1970 (estimate)	29, 162, 896	2, 865, 059	9.8	792, 442	27.7	1, 645, 508	57.4	1, 453, 355	50.7	1, 283, 370	44.8	875, 865	30.6
11 South:[3]													
1968	11, 043, 485	2, 942, 960	26.6	540, 692	18.4	2, 317, 850	78.8			2, 266, 642	77.0	2, 201, 662	74.8
1970 (estimate)	11, 738, 916	3, 187, 684	27.2	1, 215, 089	38.1	1, 328, 137	41.7	1, 156, 498	36.3	1, 042, 803	32.7	848, 448	26.6
6 Border[4] and District of Columbia:													
1968	3, 730, 317	636, 157	17.1	180, 569	28.4	406, 171	63.8			368, 149	57.9	294, 844	46.3
1970 (estimate)	3, 872, 867	671, 207	17.3	198, 990	29.6	404, 586	60.3	382, 405	57.0	354, 663	52.8	289, 211	43.1

[1] Districts with fewer than 300 pupils are not included in the survey. 1970 figures are estimates sed on latest available data and are subject to variation upon final compilation.

[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, ine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New rsey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South kota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

36 OF THE (1968) 100 LARGEST DISTRICTS, 1969—1969 ELEMENTARY AND SECONDARY SCHOOL SURVEY

COMPARISON OF HEW 1968 AND 1969 SCHOOL SURVEY FIGURES ON 36 NORTHERN AND WESTERN SCHOOL DISTRICTS OUT OF THE 100 LARGEST SCHOOL DISTRICTS IN THE UNITED STATES

District	Total number of students	Total number of Negro students	Percent of total students	Negroes attending													
				0–49.9 percent minority schools		50–100 percent minority schools		80–100 percent minority schools		90–100 percent minority schools		95–100 percent minority schools		99–100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
New York City public schools, (Brooklyn, N.Y.):																	
1969	1, 115, 870	375, 997	33.7	66, 300	17.6	309, 697	82.4	237, 845	63.3	204, 005	54.3	169, 396	45.1	100, 594	26.8	25, 402	6.8
1968	1, 063, 787	334, 841	31.5	65, 824	19.7	269, 017	80.3	202, 517	60.5	174, 846	52.2	146, 945	43.9	88, 233	26.4	34, 033	10.2
Los Angeles Unified School District (Los Angeles, Calif.):																	
1969	654, 854	153, 541	23.5	7, 339	4.8	146, 202	95.2	134, 624	87.7	129, 756	84.5	123, 300	80.3	81, 008	52.8	12, 441	8.1
1968	653, 549	147, 738	22.6	7, 012	4.7	140, 726	95.3	130, 272	88.2	122, 678	83.0	116, 017	78.5	77, 026	52.1	18, 118	12.3
Chicago public schools Chicago, Ill.):																	
1969	582, 071	314, 232	54.0	10, 565	3.4	303, 667	96.6	286, 305	91.1	273, 693	87.1	267, 390	85.1	234, 724	74.7	159, 491	50.8
1968	582, 274	308, 266	52.9	9, 742	3.2	298, 524	96.8	278, 219	90.3	266, 928	86.6	263, 159	85.4	234, 045	75.9	146, 152	47.4
Detroit City School District (Detroit, Mich.):																	
1969	288, 383	177, 942	61.7	11, 420	6.4	166, 522	93.6	140, 641	79.0	123, 106	69.2	103, 955	58.4	63, 456	35.7	12, 754	7.2
1968	296, 097	175, 316	59.2	15, 781	9.0	159, 535	91.0	138, 623	79.1	120, 993	69.0	103, 590	59.1	66, 069	37.7	18, 510	10.6
School District of Philadelphia (Philadelphia, Pa.):																	
1969	283, 209	169, 509	59.9	13, 929	8.2	155, 580	91.8	131, 148	77.4	117, 965	69.6	102, 192	60.3	80, 676	47.8	12, 418	7.3
1968	282, 617	166, 083	58.1	15, 880	9.6	150, 203	90.4	127, 641	76.9	111, 477	67.1	99, 277	59.8	72, 174	43.5	7, 201	4.3
Subtotals:																	
1969	2, 924, 387	1, 191, 221	40.7	109, 553	9.2	1, 081, 668	90.8					766, 233	64.3				
1968	2, 878, 324	1, 132, 244	39.3	114, 239	10.0	1, 018, 005	90.0					728, 988	94.4				
Cleveland (Cleveland, Ohio):																	
1969	150, 718	85, 552	56.8	3, 404	4.0	82, 148	96.0	76, 812	89.8	75, 297	88.0	69, 579	81.3	57, 098	66.7	28, 867	33.7
1968	156, 054	87, 241	55.9	4, 156	4.8	83, 085	95.2	79.221	90.8	75, 048	86.0	69, 728	79.9	59, 174	67.8	21, 516	24.7
District of Columbia Public Schools (Washington, D.C.):																	
1969	148, 931	140, 251	94.2	1, 556	1.1	138, 695	98.9	134, 622	96.0	133, 077	94.9	125, 945	89.8	95, 536	68.1	41, 700	29.7
1968	148, 725	139, 006	93.5	1, 253	.9	137, 953	99.1	134, 166	96.5	130, 958	94.2	123, 939	89.2	95, 608	68.8	38, 701	27.8
Milwaukee (Milwaukee, Wis.):																	
1969	132, 462	34, 235	25.8	3, 898	11.4	30, 337	88.6	27, 327	79.8	24, 399	71.3	19, 264	56.3	7, 779	22.7	787	2.3
1968	130, 445	31, 130	23.9	3, 849	12.4	27, 281	87.6	23, 620	75.9	19, 666	63.2	14, 783	47.5	9, 288	29.8	4, 819	15.5
San Diego Unified School District (San Diego, Calif.):																	
1969	129, 531	15, 872	12.3	4, 351	27.4	11, 521	72.6	9, 591	60.4	8, 166	51.4	4, 230	26.7	0	0	0	0
1968	128, 914	15, 004	11.6	3, 767	25.1	11, 237	74.9	9, 643	64.3	8, 203	54.7	5, 732	38.2	448	3.0	0	0
St. Louis City School District (St. Louis, Mo.):																	
1969	113, 374	73, 128	64.5	5, 082	6.9	68, 046	93.1	63, 545	86.9	62, 077	84.9	61, 702	84.4	55, 028	75.2	36, 697	50.2
1968	115, 582	73, 408	63.5	5, 244	7.1	68, 164	92.9	65, 321	89.0	64, 282	87.6	63, 255	86.2	55, 632	75.8	36, 651	49.9
Columbus (Columbus, Ohio):																	
1969	110, 193	29, 234	26.5	7, 427	25.4	21, 807	74.6	16, 040	54.9	13, 136	44.9	8, 873	30.4	1, 918	6.6	1, 008	3.4
1968	110, 699	28, 729	26.0	8, 263	28.8	20, 466	71.2	16, 341	56.9	11, 691	40.7	7, 222	25.1	2, 873	10.0	890	3.1
Indianapolis Public Schools (Indianapolis, Ind.):																	
1969	108, 192	37, 656	34.8	6, 678	17.7	30, 978	82.3	23, 504	62.4	19, 654	52.2	19, 274	51.2	14, 864	39.5	4, 589	12.2
1968	108, 587	36, 577	33.7	8, 205	22.4	28, 372	77.6	22, 872	62.5	21, 064	57.6	19, 347	52.9	13, 728	37.5	3, 945	10.8
School District No. 1 City and County of Denver (Denver, Colo.):																	
1969	96, 634	13, 932	14.4	5, 711	41.0	8, 221	59.0	6, 979	50.1	6, 570	47.2	5, 451	39.1	874	6.3	0	0
1968	96, 577	13, 639	14.1	2, 732	20.0	10, 907	80.0	8, 993	65.9	7, 647	56.1	7, 539	55.3	2, 862	21.0	0	0

COMPARISON OF HEW 1968 AND 1969 SCHOOL SURVEY FIGURES ON 36 NORTHERN AND WESTERN SCHOOL DISTRICTS OUT OF THE 100 LARGEST SCHOOL DISTRICTS IN THE UNITED STATES—Continued

District	Total number of students	Total number of Negro students	Percent of total students	Negroes attending													
				0–49.9 percent minority schools		50–100 percent minority schools		80–100 percent minority schools		90–100 percent minority schools		95–100 percent minority schools		99–100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Boston School Department (Boston, Mass.):																	
1969	94,887	27,276	28.7	5,863	21.5	21,413	78.5	16,324	59.8	12,421	45.5	10,051	36.8	5,537	20.3	1,476	5.4
1968	94,174	25,482	27.1	5,943	23.3	19,539	76.7	13,878	54.5	10,983	43.1	8,558	33.6	4,936	19.4	79	.3
San Francisco Unified School District (San Francisco, Calif.):																	
1969	93,139	26,037	28.0	2,893	11.1	23,144	88.9	13,891	53.4	9,267	35.6	7,845	30.1	688	7.6	175	0.7
1968	94,154	25,923	27.5	4,024	15.5	21,899	84.5	12,079	46.6	8,904	34.3	5,275	20.3	1,310	5.4	110	0.4
Seattle, (Seattle, Wash.):																	
1969	89,183	10,343	11.6	4,570	44.2	5,773	55.6	3,151	30.5	1,154	11.2	0	0	0	0	0	0
1968	94,025	10,376	11.0	4,647	44.8	5,729	55.2	2,531	24.4	845	8.1	0	0	0	0	0	0
Cincinnati, (Cincinnati, Ohio):																	
1969	85,286	37,456	43.9	9,255	24.7	28,201	75.3	20,598	55.0	15,459	41.3	13,192	35.2	10,377	27.7	4,778	12.8
1968	86,807	37,275	42.9	8,171	21.9	29,104	78.1	18,957	50.9	16,347	43.9	12,652	33.9	10,903	29.3	6,291	16.9
Portland public schools, (Portland Oreg.):																	
1969	77,806	6,685	8.6	3,909	58.5	2,776	41.5	1,590	23.8	1,300	19.4	0	0	0	0	0	0
1968	78,413	6,388	8.1	3,664	57.4	2,724	42.6	1,589	24.9	1,307	20.5	0	0	0	0	0	0
Pittsburgh City School District (Pittsburgh, Pa.):																	
1969	73,500	29,342	39.9	6,284	21.4	23,058	78.6	17,698	60.3	14,683	50.0	12,842	43.8	10,053	34.3	4,139	14.1
1968	76,268	29,898	39.2	6,373	21.3	23,525	78.7	17,936	60.0	15,699	52.5	12,779	42.7	11,588	38.8	2,925	9.8
Newark public schools (Newark, N.J.):																	
1969	77,227	55,995	72.5	1,327	2.4	54,668	97.6	49,068	87.6	47,777	85.3	46,753	83.5	31,268	55.8	7,555	13.5
1968	75,960	55,057	72.5	1,174	2.1	53,883	97.9	48,686	88.4	47,131	85.6	41,746	75.8	29,738	54.0	10,607	19.3
Kansas City School District (Kansas City, Mo.):																	
1969	72,638	35,326	48.6	3,153	8.9	32,173	91.1	27,813	78.7	25,982	73.5	24,120	68.3	16,939	48.0	4,808	13.6
1968	74,202	34,692	46.8	4,86[illegible]	14.0	29,82[illegible]	86.0	27,083	78.1	24,231	69.8	23,331	67.3	17,460	50.3	5,050	14.6
Buffalo (Buffalo, N.Y.):																	
1969	71,441	26,940	37.7	7,154	26.6	19,786	73.4	16,887	62.7	15,847	58.8	15,563	57.8	14,326	53.2	2,220	8.2
1968	72,115	26,381	36.6	7,113	27.0	19,268	73.3	17,161	65.1	16,503	62.6	16,122	61.1	11,565	43.8	1,474	5.6
Unified School District No. 259 (Wichita, Kans.):																	
1969	67,025	9,278	13.8	5,211	56.2	4,065	43.8	3,952	42.6	3,952	42.6	3,489	37.6	1,049	11.3	0	0
1968	68,391	8,913	13.0	4,058	45.5	4,855	54.5	4,757	53.4	4,222	47.4	4,222	47.4	1,386	15.6	0	0
Clark County School District (Las Vegas, Nev.):																	
1969	70,909	8,928	12.6	5,159	57.8	3,769	42.2	3,020	33.8	3,020	33.8	3,020	33.8	2,088	23.4	0	0
1968	67,526	8,233	12.2	3,961	48.1	4,272	51.9	4,272	51.9	4,272	51.9	3,726	44.0	699	8.5	0	0
Oakland Unified School District (Oakland, Calif.):																	
1969	61,679	35,248	57.1	1,841	5.2	33,407	94.8	27,416	77.8	21,823	61.9	18,336	52.0	7,420	21.1	194	.6
1968	64,102	35,386	55.2	1,958	5.5	33,428	94.5	27,292	77.1	22,452	63.4	16,604	46.9	8,062	22.8	1,661	4.7
Omaha public schools, District No. 1, Omaha, Nebr.:																	
1969	62,481	11,547	18.5	2,730	23.6	8,817	76.4	7,840	67.9	4,429	38.4	3,345	29.0	247	2.1	0	0
1968	62,431	11,284	18.1	2,309	20.5	8,975	79.5	6,210	55.0	4,408	39.1	4,321	38.3	674	6.0	0	0
Toledo, Toledo, Ohio:																	
1969	62,985	17,043	27.1	4,637	27.2	12,406	72.8	10,903	64.0	8,646	50.7	6,679	39.2	2,615	15.3	774	4.5
1968	61,684	16,473	26.7	3,725	22.6	12,748	77.4	10,553	64.1	8,626	52.4	6,752	41.0	2,164	13.1	1,617	9.8
Dayton, Dayton, Ohio:																	
1969	58,287	22,932	39.3	2,447	10.7	20,485	89.3	18,456	80.5	17,783	77.5	17,783	77.5	14,206	61.9	4,122	18.0
1968	59,527	22,790	38.3	2,488	10.9	20,305	89.1	18,837	82.7	18,837	82.7	17,574	77.1	14,198	62.3	5,061	22.2
Akron, Akron, Ohio:																	
1969	56,838	15,071	26.5	5,944	39.4	9,217	60.6	5,345	35.5	3,909	25.9	3,000	19.9	1,158	7.7	522	3.5
1968	58,589	15,137	25.8	5,705	37.7	9,432	62.3	5,958	39.4	3,594	32.7	3,133	20.7	1,264	8.4	588	3.9
Fresno City Unified School District, Fresno, Calif.:																	
1969	57,029	4,876	8.6	872	17.9	4,004	82.1	3,321	68.1	3,321	68.1	3,021	68.1	2,158	44.3	0	0
1968	58,234	5,251	9.0	831	15.8	4,420	84.2	4,023	76.6	4,023	76.6	3,808	72.5	2,579	49.0	593	11.3
Sacramento City Unified School District, Sacramento, Calif.:																	
1969	53,327	7,776	14.6	5,123	65.9	2,653	34.1	327	4.2	258	3.3	258	3.3	0	0	0	0
1968	52,545	7,324	13.9	5,150	70.3	2,174	29.7	387	5.3	259	3.5	0	0	0	0	0	0
Gary Community School Corp., Gary, Ind.:																	
1969	48,436	30,623	63.2	893	2.9	29,730	97.1	27,542	89.9	26,533	86.6	26,466	86.4	20,583	67.2	14,581	47.6
1968	48,431	29,826	61.6	916	3.1	28,910	96.9	27,057	90.7	25,347	85.0	24,110	80.8	23,265	78.0	9,652	32.4
Rochester, Rochester, N.Y.:																	
1969	46,843	14,588	31.1	5,999	41.1	8,587	58.9	5,329	36.5	3,761	25.8	2,948	20.2	647	4.4	0	0
1968	47,372	13,697	28.9	6,232	45.6	7,447	54.4	4,708	34.4	3,792	27.7	1,652	12.1	0	0	0	0
Flint City School District, Flint, Mich.:																	
1969	46,377	17,998	38.8	4,943	27.5	13,055	72.5	7,427	41.3	5,381	29.9	5,381	29.9	1,139	6.3	0	0
1968	46,495	17,212	37.0	4,165	24.2	13,047	75.8	7,297	42.4	6,425	37.3	6,425	37.3	1,193	6.9	0	0
Richmond Unified, Richmond, Calif.:																	
1969	42,215	11,126	26.4	5,031	45.2	6,095	54.8	4,768	42.9	3,689	33.2	3,256	29.3	416	3.7	416	
1968	43,123	10,424	24.2	4,006	38.4	6,418	61.6	4,522	43.4	3,627	34.8	2,819	27.0	1,143	11.0	534	5.1
Fort Wayne Community Schools, Fort Wayne, Ind.:																	
1969	43,016	5,932	13.8	1,664	28.1	4,268	71.9	2,542	42.9	1,668	28.1	0	0	0	0	0	
1968	41,595	5,760	13.8	1,552	26.9	4,208	73.1	3,291	57.1	1,856	32.2	1,328	23.1	0	0	0	
Totals:																	
1969	5,428,756	2,089,451	38.5	244,562	11.7	1,844,881	88.3					1,308,199	62.6				
1968	5,400,070	2,016,160	37.3	244,738	12.1	1,771,607	87.9					1,263,329	62.7				

BELL V. SCHOOL CITY OF GARY, IND.

Cite as 213 F. Supp. 819 (1963)

TABLE SHOWING COMPARISON OF NEGRO AND WHITE YOUTH ENROLLED[1] IN GARY PUBLIC SCHOOLS, YEAR 1951 AND YEAR 1961

Schools	1951–52 Total enrollment	1951–52 Number of Negroes	1951–52 Percent	1961–62 Total enrollment	1961–62 Number of Negroes	1961–62 Percent
Aetna				1,095		
Ambridge	190			350		
Banneker				877	876	99
Bethune				1,011	1,001	99.01
Beveridge	465	69	14.8	470	392	83.4
Brunswick				1,039		
Carver	893	893	100	1,196	1,196	100
Chase				467	171	36.8
Douglass				1,051	1,050	99.9
Drew				978	974	99.59
Dunbar				1,343	1,342	99.92
Edison	1,339			1,358	27	1.9
Emerson	1,896	179	9.44	2,184	276	12.64
Franklin	482			756		
Froebel	2,260	1,266	56	2,109	2,004	95
Garnett				1,272	1,272	100
Glen Park	474			293		
Ivanhoe	108			678	89	13.12
Jefferson	701	8	1.14	773	35	4.9
Kuny				375		
Lincoln	754	744	98.67	1,418	1,413	99.64
Locke				1,094	1,093	99.9
Mann	2,115			1,602	1	.99
Marquette				707		
Melton				701		
Miller	212			196		
Nobel				626		
Norton				1,660	1,466	88.31
Pittman Square				507		
Pulaski	1,671	1,646	98.52	1,719	1,714	99.7
Pyle				868	836	96.3
Riley	313			725		
Roosevelt	3,676	3,676	100	3,202	3,200	99.00
Tolleston	1,698	74	4.3	1,898	1,455	76.65
Vohr				801	11	1.37
Wallace	2,384			2,726		
Washington	344	30	8.72	676	162	23.96
Webster				547		
Williams				881	881	100
Wirt	795			1,034	2	1.9
Special schools:						
Duneland				74	35	47.29
Lutheran Church				62	45	72.58
Norton Park				45	34	77.3
Teenettes				9	2	2.2
Total	22,770	8,406	36.5	43,090	23,055	53.5

[1] Some years estimated because no records made.

EXHIBIT 2

RACIAL SEGREGATION IN GARY, IND., SCHOOLS

	Total number of students	Total number of Negro students	Percent of total students	Negro attending—													
				0 to 49.9 percent minority schools		50 to 100 percent minority schools		80 to 100 percent minority schools		90 to 100 percent minority schools		95 to 100 percent minority schools		99 to 100 percent minority schools		100 percent minority schools	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1951–52[1]	22,770	8,406	36.6	360	4.0							6,780	80.6				
1961–62[1]	43,090	23,055	53.5	811	3.5							18,852	81.6				
Gary Community School Corp., Gary, Ind.:																	
1969	48,436	30,623	63.2	893	2.9	29,730	97.1	27,542	89.9	26,533	86.6	26,466	86.4	20,583	67.7	14,581	47.6
1968	48,431	29,826	61.6	916	3.1	28,910	96.9	27,057	90.7	25,347	85.0	24,110	80.8	23,265	78.0	9,652	32.4

[1] Based on figures cited in Bell case, p. 821, 213 F. supp. 819. HEW school survey figures.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. TALMADGE. The statistics which the Senator has recited with reference to Boston are indeed shocking. The Senator stated that we had more minority students in segregated schools in 1969 in Boston than we had in 1968, and the figure now is 78½ percent.

Mr. STENNIS. Yes; the Senator is correct. That is in spite of all the Supreme Court decisions and in spite of the fact that the State of Massachusetts has passed a particular law on this subject.

Mr. TALMADGE. That is far worse than it is in the State of Georgia, and I have heard of no administrators of HEW going up to Boston and harassing the Boston school officials.

Can the Senator shed any light as to why they spend all their time in the South—which has achieved a much better average of integration than has Boston—and completely ignore the problem in Boston?

Mr. STENNIS. I have a news item here, and I have that point covered in another part of my speech. I am glad the Senator has brought it up.

Recently, several Cabinet officers of the present administration went to Atlanta—seven Cabinet-level officials flew to Atlanta—to review what one member of the group described as a record of remarkable progress in southern school desegregation.

Yes, they complimented Atlanta about what it had done and complimented the administration for what it had done about school desegregation. But, as the Senator has said, I do not see that they went to Boston either to compliment Boston or to try to enforce the law. They have not been to Detroit, to St. Louis, or to Chicago.

Mr. TALMADGE. Washington would be a good starting point. What is the degree of desegregation in the Washington schools?

Mr. STENNIS. It is now composed of 94 percent colored students.

Mr. TALMADGE. I suppose that is the highest percentage of any area in the United States. Is that not correct?

Mr. STENNIS. I think that is correct. Applying the statistics that HEW has given us, they put Washington in the southern area of the Nation.

Mr. TALMADGE. I recall that at the time of the Brown decision, President Eisenhower called upon the school officials in the District of Columbia to make Washington a model for the rest of the Nation. They have not succeeded very well in their efforts, have they?

Mr. STENNIS. No. It is the very opposite. There has been a steady migration. I think that when the Brown decision was decided, there were approximately 40 percent minority students in the District, and now it is 94 percent.

There has been a migration from the public schools—and certainly it is no sin for a parent to decide that. There has been a migration away from the District on account of the schools.

These are not happy facts. I am not happy because of these facts. There has been a lack of input of families with school children moving to the Washington area. Very few of them move into the District itself. They stop in the suburbs, where they do not have the same situation in the schools.

Mr. TALMADGE. I thank the Senator for bringing these statistics to the public view. It seems that public officials let other sections of the country suffer from benign neglect in this respect and spend all their time harassing the poor students, teachers, and education officials in the South. It seems to me that other sections of the country should receive some attention in that regard.

Mr. STENNIS. I thank the Senator for his sentiments. That is exactly what I am pleading for here.

I do not want to discredit any race or any school or any area of the country. We want a policy with which we can live. This is destroying our schools in certain areas of the South—this total, massive, immediate integration under flat of law, of court orders. It is isolating certain areas of our country. People are moving away, just as they move away from Washington. Human nature is much the same. I want every child, minority group or any others, to have the best possible chance for an education, but in getting that chance I do not want to destroy the opportunity for all the children to have a real chance.

Mr. TALMADGE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. TALMADGE. If a southern educator had made the statement the Senator quoted by the education official in Trenton, N.J., is it not a fact that HEW would move in, instantly, and cut off the money?

Mr. STENNIS. That certainly is the pattern. That sword of Damocles would fall. That is the record. That is the pattern of operation in the South.

Mr. TALMADGE. That is unequal protection of the law, is it not?

Mr. STENNIS. That is correct. There is no better illustration now of unequal action at the school level.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. Allen). At this time, in accordance with the previous order, the Senate will proceed to the consideration of routine morning business for a period of not to exceed 15 minutes, with speeches by Senators therein limited to 3 minutes each.

Is there morning business to be transacted at this time?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS ON FRIDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Friday, during the adjournment, all committees may have until 5 o'clock p.m. to submit reports on bills and resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR NELSON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Maryland (Mr. Mathias) on tomorrow, the distinguished Senator from Wisconsin (Mr. Nelson) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRANSTON, R.I., REGISTERS THAT CITY'S CONCERN FOR THE AMERICAN PRISONERS OF WAR IN THE HANDS OF HANOI

Mr. PASTORE. Mr. President, in the month of March, America marked a special Week of Concern for its sons held prisoner by a North Vietnam which scorns the established conventions of civilized nations.

In this Senate we held a special Day of Dedication and Determination that these 1,600 men shall not be forgotten in our decisions for war or peace.

But our concern is not limited to a week of 7 days—it has endured for the 7 years since the first imprisonment and will not cease until the last American is secure in his American home.

Cities and towns and villages and neighborhoods keep alive this purpose in their prayers and in their public efforts.

My own city of Cranston, R.I., has set aside the day of April 28 as its part in the national day of support for the men in the hands of Hanoi—calling for humane treatment to the hour of release and asking that that hour of freedom shall not long be delayed.

The proclamation of the Honorable James L. Taft, Jr., mayor of Cranston, R.I., speaks for itself—and I am proud and privileged to ask unanimous consent for its insertion in the Congressional Record as part of my remarks.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

PROCLAMATION

Whereas, the Silent Majority Mobilization has designated April 28, 1971 as a national day of support for our American Prisoners of War in the hands of the North Vietnamese, and

Whereas, we are calling for humane treatment of these prisoners of war if not for their out and out release, and

Whereas, we must show more concern for the plight of American prisoners of war.

Now, therefore, I, James L. Taft, Jr., Mayor of the City of Cranston do hereby proclaim April 28, 1971, as "POW Day" in Cranston, and urge our citizens to reaffirm our support of these valiant men.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended an additional 15 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CANNIKIN A-BLAST PLAN SHOULD BE ABANDONED

Mr. HUMPHREY. Mr. President, I rise today to call for a reversal of the Atomic Energy Commission's pending plan to schedule a massive underground nuclear test in October at Alaska's Amchitka Island. I am dismayed at the news of this decision, based on the serious geological, ecological and political consequences of this test, code named "Cannikin."

Because of its large magnitude, "Cannikin" could conceivably induce an earthquake and bring about secondary radiation effects which could be far more damaging and disadvantageous than any questionable short-term strategic gain.

I am noting the protests of the Canadian and Japanese governments as well as leaders throughout the United States. I urge the American government to reconsider implementing the Cannikin plan out of respect for their legitimate concerns.

If reports are accurate, "Cannikin" will be a test of an enlarged warhead for the Spartan anti-ballistic missile. What is certain is that this test will be for a weapons-related system.

I am stunned by this proposal which occurs at a time when we are negotiating in the Strategic Arms Limitation Talks—SALT—for a halt to such missile system.

At this point I should like to recall my own proposal for accepting the Soviet offer to negotiate an agreement banning or limiting to a very low level the ABM. It is my judgment that this initiative would lead to further agreements on offensive weapons.

I was pleased at the latest reports that the administration may be less reluctant to accept an ABM agreement, but now I am puzzled by this news which shows an obvious discrepancy.

"Cannikin" is a demonstration of how bureaucratic decisions are made in a vacuum with little consideration of their overall repercussions. I am fearful that the Amchitka test will be a setback to the SALT talks now being held in Vienna.

Besides SALT negotiations, there has been a growing acceptance of a comprehensive test ban treaty which "Cannikin" completely ignores.

A comprehensive or low threshold test ban would be a logical extension of the Limited Test Ban Treaty and feasible if the technological progress in detection, as set out in the Woods Hole report, is valid.

If the United States carries out the Cannikin plan, a chance to halt the arms race might once again be out of our reach.

ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, I ask unanimous consent to proceed for 2 additional minutes. I have spoken to the majority whip.

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I shall be glad to yield my 3 minutes to the able Senator from Minnesota.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. HUMPHREY. I appreciate the courtesy of the distinguished majority whip.

ADDITIONAL PROTOCOL II TO THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA

Mr. HUMPHREY. Mr. President, it is my understanding that on Monday the Senate will take up the Executive Calendar item relating to the protocol to the treaty for the prohibition of nuclear weapons in Latin America. I shall not be able to be present on that occasion, so I should like to make my statement now.

Mr. President, I call the attention of the Senate to protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America, which is usually referred to as the Treaty of Tlatelolco. This treaty is the culmination of a regional effort to keep Latin America free of nuclear weapons. As early as 1958, Costa Rican Ambassador Gonzolo Facio, now Minister of Foreign Affairs, presented to the Organization of American States a proposal for arms limitation in Latin America, including a pledge not to manufacture or acquire nuclear weapons. No concrete progress was made on this proposal at that time. In the midst of the Cuban missile crisis in 1962, Brazil, Bolivia, Chile, and Ecuador cosponsored a resolution in the United Nations General Assembly providing for a denuclearized zone in Latin America. A vote on this resolution was postponed.

On December 20, 1962, in a speech before an International Arms Control Symposium at Ann Arbor, Mich., I called for the establishment of a denuclearized Latin America:

> The United States in concert with its sister republics in the Western Hemisphere, has a solemn obligation and a great opportunity to encourage a multilateral agreement banning the manufacture, the storage, the testing, and the combat use of nuclear arms and delivery systems in Latin America.

In fact, Mr. President, I went further suggesting that—

> A denuclearized zone in Latin America should, if possible, lead to the creation of a zone emptied of conventional weapons as well. Any curbing of the amount of arms going to Latin American nations under effective and balanced safeguards would have a healthy impact on the economies of that area.

Shortly thereafter, on April 29, 1963, the Presidents of five Latin American countries—Bolivia, Chile, Ecuador, Mexico, and Brazil—issued a declaration announcing that their governments were prepared to sign a multilateral agreement by which Latin American Governments would undertake not to manufacture, receive, store or test nuclear weapons or nuclear launching devices, and inviting the cooperation of other countries so that Latin America might be recognized as a denuclearized zone. Several years of negotiation followed until on February 14, 1967, the treaty was opened for signature.

On April 1, 1968, I signed protocol II to the Treaty of Tlatelolco on behalf of the United States. The protocol prohibits its adherents from deploying or testing nuclear weapons in the territories of the nonnuclear weapon states in the treaty area under any circumstances. In addition, parties to protocol II agree not to use or threaten to use nuclear weapons against the contracting parties to the treaty. Just as it was my special privilege as vice president to sign the protocol, it is my special privilege as Member of the U.S. Senate to urge full Senate support for this important document. Without adherence by the United States and by the other nuclear-weapon powers to this protocol the creation of a Latin American nuclear free zone will be incomplete. Yet, Mr. President, we cannot allow our Latin American neighbors to stop here. As I remarked when signing this protocol:

> We hope this treaty will also give new impetus to the efforts of Latin American governments to reach agreement on other limitations on the acquisition of military equipment.

The PRESIDING OFFICER. Is there further morning business?

RESOLUTION OF THE GENERAL ASSEMBLY OF SOUTH CAROLINA MEMORIALIZING CONGRESS TO REQUIRE CREDIT CARDS TO CONTAIN THE ADDRESSES OF THE PERSONS TO WHOM ISSUED

Mr. THURMOND. Mr. President, the General Assembly of South Carolina has passed a concurrent resolution memorializing Congress to require credit cards to contain the addresses of persons to whom issued.

The purpose of this resolution is to inform the Congress that because of the extensive use and expanding numbers of credit cards, it is necessary for Congress to take such action as would help alleviate the complications faced by those establishments honoring this type credit.

Mr. President, on behalf of myself and Senator HOLLINGS I ask unanimous consent that the resolution introduced by Messrs. Bennett and Irick of the State Legislature of South Carolina be printed in the RECORD at the conclusion of my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

A concurrent resolution memorializing the Congress of the United States to take such action as is necessary to require credit cards to contain the addresses of persons to whom issued

Whereas, credit cards are being used more and more in interstate commerce; and

Whereas, the number of company and organization credit cards has become voluminous; and

Whereas, this saturation is causing many problems and hardships on persons honoring the various cards in that they are mistakenly impressed on the charge slips of the wrong company or organization; and

Whereas, this problem is compounded as most, if not all, credit cards do not have the addresses of the persons named on the cards; and

Whereas, when the error is ultimately detected the person honoring the credit card is often without recourse as the whereabouts of the card holder are unknown; and

Whereas, if those issuing credit cards were to be required to include the address of the holder this problem would be alleviated; and

Whereas, the Congress is the proper body to make such requirement as the problem transgresses state lines; and

Whereas, the General Assembly of this State, in the interest of fairness, would like to memorialize the Congress to take such action as necessary to require all credit cards to include the address of the holder.

***Now, therefore, be it resolved* by the House of Representatives, the Senate concurring:**

That the Congress of the United States is hereby requested to take such action as is necessary to require that all credit cards contain the addresses of the persons to whom they are issued.

Be it further resolved that a copy of this resolution be forwarded to the President of the Senate, the Speaker of the House of Representatives and to each member of the Congressional Delegation representing South Carolina.

CONCLUSION OF ADDITIONAL MORNING BUSINESS

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. BYRD of West Virginia. Mr. President, how much time remains under the previous request for morning business?

The PRESIDING OFFICER. Three additional minutes.

Mr. BYRD of West Virginia. I ask unanimous consent that the period for the transaction of routine morning business be extended for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, does the Senator need additional time?

Mr. THURMOND. I should like to have some additional time.

Mr. BYRD of West Virginia. If the Chair will recognize me, I will be glad to yield my 3 minutes to the able Senator from South Carolina.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. I need approximately 9 or 10 minutes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business again be closed at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS THURMOND AND BROOKE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the distinguished Senator from South Carolina may be recognized for not to exceed 15 minutes and that he be followed by the able Senator from Massachusetts (Mr. BROOKE), for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADDITIONAL MORNING BUSINESS

Mr. BYRD of West Virginia. I ask unanimous consent that, at the conclusion of the remarks of the able Senator from Massachusetts, a period for the transaction of routine morning business again be instituted, for not to exceed 10 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

THE SOVIET STRATEGIC MISSILE TROOPS AND THEIR SPECIALIZED TRAINING ACADEMY

Mr. THURMOND. Mr. President, with the strategic arms limitation talks—SALT—now underway in Vienna, great attention is being focused upon the strategic weapons and military hardware of the two superpowers. Yet, I think that we should all be aware that much more than military hardware is involved. We must become aware of the military structure of the Soviet Union, the training of their professional officer corps, and the strategic concepts which support the growth of the Soviet military apparatus.

It is a mistake to think of Soviet capacity solely in terms of weaponry and systems development. The Soviets have devoted great attention and a sizable budget to the development of human resources to support their military plans. They have systematically set about to provide themselves with the necessary supply of technicians, advanced experts, and strategic thinkers appropriate to advanced weapon technology.

The United States has four topnotch military academies, which down through the years have provided us with some great officers. I do not in any sense want to downgrade the job they are doing. Yet, I want to point out that the Soviets have 98 military colleges, each graduating about 60 to 80 officers annually, and 19 academies providing advanced military education. Today I want to focus attention on just one of these academies, the Dzerzhinskiy Military Engineering Academy in Moscow. One of the oldest schools of its type in the world, the evidence indicates that it has been dedicated for the past decade almost exclusively to providing advanced studies for the officer corps of the strategic missile troops of the Soviet Armed Forces.

The significance of this development goes back to the reorganization of the Soviet Armed Forces in January 1960 into five independent services, as compared to the traditional three of the United States. One of these coequal services is devoted exclusively to the strategic missile troops; that is, troops trained in the use of intercontinental ballistic missiles and other strategic weapons. The other Soviet service is devoted to air defense. This reorganization was in line with Soviet strategic thinking which recognizes strategic missiles as a unique development in the history of warfare, requiring a whole new approach to the military art. While the growth of the U.S. forces has occurred largely along the lines of the historical development of military systems, the Soviet organization is purely on a functional basis.

This reorganization forced the Soviets to take a new look at the preparation of their troops, and to concentrate on the new job to be done. In the early sixties, five military colleges were apparently assigned to train the commanding officers and engineering experts for this service. These schools are located in Perm, Rostov, Serpukhov, Kharkov, and Riga. They graduate second lieutenant-engineers, who are entitled to engineering positions if out of military service. The Soviet strategic missile troops have no parallel in the free world. From the start, it was an elite corps. By now, about 75 percent of the commanding officers have an engineering degree of some type or other.

Such an elite corps requires even further preparation, however. There are many indications that the Soviets took one of their most prestigious institutions, the 150-year-old Dzerzhinskiy Academy, and used its facilities largely for the advanced training of the officers of the strategic missile troops. In the first place this is evident in studies of the personnel who graduated from the academy and subsequently were placed in high positions in the strategic missile corps.

Second, we know that the activity of the academy is subordinated to the central organs of the U.S.S.R. Ministry of Defense, and in particular to the commander in chief of the strategic missile troops, Marshal No. I. Krylovo. The commander in chief of the strategic missile troops is always the speaker at the graduation ceremonies of the academy, and the academy participates in the military festival days of the strategic missile troops.

Finally, we can see that the curriculum of the academy has been reoriented to the changed technology. In the decade 1960–70, the academy granted 56 doctoral degrees in military science, a degree which has no parallel in the Western academic world.

The curriculum changes must be reviewed against the pattern of its long history, during which the academy has been renowned for the quality of its scientific training and the research projects undertaken. Its roster includes some of the greatest names in Soviet artillery, engineering and missiles, such as that of academician and Lt. Gen. A. A. Blagonravov, N. R. Drozdov and others. During the war, the academy contributed much to the military engineering effort of the U.S.S.R. and since then has been a major center for the research effort and training of artillery and later missile experts for military services. The academy has adapted itself to changing conditions and requirements. Its postwar activities may be said to comprise three periods of growing intensification of development and research, periods which coincide with the stages of development of Soviet artillery and rocketry and later missiles.

The first period, extending from 1946 to 1953, was one of reassessment and reevaluation of the wartime efforts and experiences projecting them toward the future trends in military affairs and objectives. The curriculum of the academy prior to World War II was handled within six departments, 29 chairs, and eight divisions and services, covering the following general topics: Command, military instruments, artillery weapons, artillery materials, combat supplies, gunpowders, explosives, and so forth. Starting with the 1946–47 academic year, the curriculum of the Command Department was extended to 4 years and 2 months, and of the Engineering Department to 5 years and 2 months.

The second period, extending from 1953 to 1959, coincided with the beginning of the revolutionary changes in military affairs, which affected directly the organizational structure, training and research programs of the academy. The number of specialties in the academy was increased and new scientific projects were undertaken.

During this period when nuclear means of warfare were being introduced, the academy began to train not only specialists in ground and aircraft artillery, but also engineers for tank artillery and automatic control system. The number of specialties related to artillery and military instrumentation was broadened and expanded again.

The third period, which extends from 1960 to the present, is the most important and coincides with the creation and development of the Strategic Missile Troops. Their creation was immediately reflected in a new unprecedented overhaul, streamlining and expansion of the academy.

There took place a radical reconstruction of the entire organizational structure of the academy, of its training process, scientific research work, and material and technical base. All the chairs and laboratories were reorganized. Many laboratories were created anew. In the departments, chairs, divisions, studies sections and in the courses, the planned curricula and study programs were modified to adapt to new weapons requirements. In order to broaden the training program in new weapons and reach the distant localities of the country, a correspondence department was created in 1961. The political administration training and supervision were also streamlined and adjusted to the new requirements.

The expansion of the facilities and curriculum of the academy continued all throughout the sixties. This was a decade of continuous growth. A new laboratory building, a new training building, a new suburban training center equipped with the latest technological equipment were erected to take care of rapid development in the new weapon system technology. The academy started to work on important new complex projects and the number of scientific research works published rose from 20–30 in 1960 to 100 in 1970.

Between 1962 and 1970, the academy carried out 11 scientific research projects and published 20 methodological handbooks. It may be indicative of the scale and importance of the projects that a methodology of operation and control and technological testing of one of the new installations, built under the guidance of Prof. L. I. Karpov, resulted in a yearly saving of 10 to 20 million rubles.

These examples show the magnitude of operations of this academy, which performs the scientific support mission to the strongest land-based strategic missile system in the world. The present chief of the academy is Lt. Gen. F. P. Tonkikh, who recently replaced the brilliant Soviet artillery specialist, Marshal G. Odintsov.

Because of the highly secret mission of the Soviet academy's work, its work is not publicized in detail in the Soviet press. Yet it is evident from the prestige given to the graduates and to its public functions that the Soviets assign its special role a high priority. These priorities will not be changed lightly. Let us be aware, then, of the difficulties which the U.S. negotiators face at the SALT talks. The work of the academy is just one example of the elaborate military structure which the Soviets have built up in support of their grand plan.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized for 15 minutes.

THE UNENDING WAR IN SOUTHEAST ASIA

Mr. BROOKE. Mr. President, it has been 10 years since the first American ground advisers were sent to Vietnam. In that time the total cost of our war effort in Southeast Asia has exceeded $125 billion. Nearly 50,000 American lives have been lost in combat and hundreds of thousands of Americans have been wounded. Asian casualties, civilian and military, can only be estimated. However, these estimates have reached a million.

Mr. President, whatever objectives we had in mind at the outset of this conflict, there is no national or international security consideration worth the price we have paid. We have begun a withdrawal from Vietnam. Already 253,000 American troops have returned home. Another 100,000 are scheduled to be brought home before the end of this year. And this is to President Richard Nixon's credit. However, that still leaves nearly 200,000 American troops in Southeast Asia to conduct the conflict, the destruction, and the death which has come in such large measure to the Asian and the American people fighting in South Vietnam.

What is more, as long as our forces remain in Vietnam, our prisoners of war—whose names and numbers are yet unknown and who have borne the pains of separation and deprivation for so many years—will remain there, too.

The North Vietnamese have said that they will negotiate the return of our prisoners of war as soon as a deadline is established for withdrawal. President Nixon has said that we plan to withdraw, and I believe we will withdraw. However, the question is when.

It seems to me that the time of our withdrawal is a fact that we can afford to announce to the world so that negotiations may proceed. These negotiations could result in an immediate exchange of prisoners of war. They could also result in an agreement covering the safe withdrawal of our forces from Southeast Asia. Further, there could be a cease-fire which would stop the killing.

If the North Vietnamese do not live up to their commitment to negotiate an exchange of prisoners and a cease-fire our agreement will not be irrevocable.

As we look at what is happening in the Soviet Union, Communist China, and around the world, I believe that this is the right time for us to assume this risk.

I urge our President in the name of humanity and for the sake of those who have borne the burden of so much of the conflict, to take this last logical step toward ending the Vietnam war.

Mr. President, last year I voted for the McGovern-Hatfield amendment. At that time 39 Members of the Senate were in concurrence that such a deadline for withdrawal was required. Today I have joined as a cosponsor of that amendment. I urge my colleagues to do likewise.

Our goal must be at least 51 Members of the Senate of the United States who are ready to assume the risk, who are ready to say to the world—and particularly to the North Vietnamese—we believe that there is a time certain and we have acted on a time certain, for the withdrawal of all American forces from Southeast Asia.

Our President has said—and I believe him—that he has in his mind a timetable for the withdrawal of our troops from Southeast Asia. However, I believe that the time is now for him to state that timetable.

If he does not agree that December 31, 1971, is the time, then let him set his own time certain. Perhaps he believes it should be June 1, 1972. But whatever he says, at least let him say it now. Let him set that time certain. Let us get on with negotiations for the exchange of our prisoners of war. Let us get on with the negotiations for a cease-fire to stop the killing in Southeast Asia.

Mr. President, I believe, as I have said, that the time is right, that we can assume the risk, that there is no danger to the U.S. forces in South Vietnam in the establishment of a time certain by the President of the United States.

Mr. President, I have always believed that the responsibility for the conduct of the war in Southeast Asia and the extrication of American forces from Southeast Asia are matters to be jointly considered and decided upon by the Congress of the United States and the Chief Executive Officer. I think that we should share the responsibility with the President.

In these days it would appear that we are opening up the doors to better communication with the Communist Chinese. To be sure, it is only a ping pong team now, but hopefully it will be much more later. We have recognized that we cannot ignore the existence of 800 million people on earth, that we cannot live in peace as long as there is a nation such as Communist China which is unknown to the American people and to others across the world.

The time is now when through a normalization of relations with all of Asia, we can begin to open up the doors for the generation of peace that our President has so eloquently spoken of in his address.

Mr. President, we intend to talk and talk and talk on the floor of this Senate until the number of 39 Senators, who last year voted for a time certain, will grow to at least 51 Senators voting for a time certain for the withdrawal of all American forces from South Vietnam. Let us bring an end once and for all to this disastrous, this devastating, this unconscionable war which rages in Southeast Asia.

Mr. President, I speak with full recognition of all that President Nixon has attempted to do. I have often said, and I repeat, that when he took office in 1969 there were 549,000 American forces in Vietnam. Now, we have below 300,000 American forces there and he is continuously decreasing that number. But the fighting still rages on. The level of violence is still high. The deaths that are rained upon Americans and Vietnamese alike, military and civilian, still go on.

No one can deny that between now and 1972 there will still be thousands more people dying as a result of that war which we, unfortunately, have not been able to bring to an end.

So, Mr. President, I think the time has come—in fact, I should say the time has long passed—when this Nation should have the full participation and cooperation of its elected leaders, who have shared the responsibility in law but not in fact for bringing an end to the war in Southeast Asia.

In closing I again urge the President to establish his date; and I urge him to accept the 31st of December of this year for the extrication of all American forces from South Vietnam.

Mr. CASE. Mr. President, will the Senator yield?

Mr. BROOKE. I am pleased to yield to the Senator from New Jersey.

Mr. CASE. Mr. President, I express my appreciation in the highest terms for what the Senator from Massachusetts just said, and the contribution he has made.

I associate myself with him specifically on 2 points: One, that a time certain must be fixed and announced; and two, that the time certain be for the removal of all American forces from the Southeast Asia area.

I think his suggestion that we discuss this intensively is most in order. I expect tomorrow to address myself to this precise question. I think it is especially timely because the Secretary of Defense has made it rather clear that so far as he is concerned there is to be no time limit on the removal of our air and supply assistance. That is not my view, as it is not the view of the Senator from Massachusetts.

I think this is a subject in which Congress, and particularly the Senate, has a responsibility which no longer can be avoided or evaded.

I commend the Senator from Massachusetts for his contribution.

Mr. BROOKE. I thank the distinguished senior Senator from New Jersey for his comments. I know that he feels deeply and passionately about this matter. His eloquent and effective voice in the Senate, will be heard not only tomorrow but also from now on as we try to convince more and more of our colleagues to join in the establishment and the announcement of a date certain for the withdrawal of all American forces from Southeast Asia.

It is not easy for the distinguished senior Senator from New Jersey and I to take this position. Both of us are members of the President's party. We support the President, we believe in him, we understand the tremendous tasks which he faces, and appreciate what he has been able to accomplish since he has been in office. But I think we both agree that if the North Vietnamese will live up to their frequent assertion that they will negotiate for the return of all the prisoners and possibly a cease fire upon the announcement of a date certain, then certainly this is a risk that our Government can afford to take.

I believe that if we fail to do this at this time, we are defeating ourselves in the eyes of the world. I would like to see us put the burden now on the North Vietnamese and the Vietcong. For if they do not intend to negotiate merely upon the announcement that we have a time certain for withdrawal, if they fail to negotiate for an exchange of prisoners, or if they fail to negotiate for a cease fire, then they will suffer greatly in the eyes of the world.

So, Mr. President, I serve notice that from this day forward this Senator, and I am sure there will be many more, will continue to speak out both in this forum and elsewhere, urging both our colleagues and our President to assume this risk.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order the Senate will proceed to the consideration of additional routine morning business for a period of not to exceed 10 minutes, with statements therein limited to 3 minutes.

EXTENSION OF TIME TO REPORT EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare may have until midnight Friday to report the Emergency School Aid and Quality Integrated Education Act of 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAR PRINT OF SENATE RESOLUTION 73

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a star print of Senate Resolution 73, to amend rule XVI and that the paragraph which is numbered 8 in Senate Resolution 73 be renumbered 9 in the star print.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSING FOR PERSONS OF LOW AND MODERATE INCOME—REREFERRAL OF PROPOSED BILL AND COMMUNICATIONS TO THE COMMITTEE ON COMMERCE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a communication which was entered on March 16, 1971, from the Secretary of Housing and Urban Development, addressed to the Honorable SPIRO T. AGNEW, President of the Senate, together with a proposed bill "to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income," and a memorandum on the proposed amendment to the Public Utility Holding Company Act of 1935 to authorize participation in low and moderate income housing programs, be rereferred from the Committee on Banking, Housing and Urban Affairs to the Committee on Commerce.

The PRESIDING OFFICER (Mr. GRIFFIN). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971 TO BE MADE THE PENDING BUSINESS UPON BEING REPORTED FRIDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at such time on Friday as the Emergency School Aid and Quality Integrated Education Act of 1971 is reported from the Committee on Labor and Public Welfare, it be made the pending legislative business, even though the Senate will not be in session on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, the Emergency School Aid and Quality Integrated Education Act of 1971 will then become the unfinished business on Monday next.

LEGISLATIVE PROGRAM

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate today, I shall proceed to outline the program for tomorrow.

Mr. President, on tomorrow the Senate will convene at 11 o'clock a.m. Immediately following the recognition of the majority and minority leaders under the standing order, the distinguished Senator from Missouri (Mr. SYMINGTON) will be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from New Jersey (Mr. CASE) for not to exceed 15 minutes, to be followed by the distinguished Senator from Maryland (Mr. MATHIAS) for not to exceed 15 minutes, to be followed by the distinguished Senator from Wisconsin (Mr. NELSON) for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

I call attention to the fact that the legislative calendar is as clear as crystal and as clean as a hound's tooth. Hence, there will be no rollcall votes tomorrow. The leadership on both sides of the aisle would, of course, urge and hope that committees will continue to work diligently and to report bills and resolutions to the Senate for floor action.

The majority leader has indicated that there will be no business on Friday, and, of course, the Senate will, when it completes its business tomorrow, go over until Monday next at 10 o'clock a.m.

The majority leader has also indicated that there will be a rollcall vote and, by unanimous consent, that vote has been set for 1 o'clock p.m. on Monday next on Calendar No. 4 of the Executive Calendar, Executive H, 91st Congress, second session, Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America. Senators are again reminded that there will be a rollcall vote, therefore, at 1 o'clock p.m. on Monday next.

The unfinished business for Monday next will be the Emergency School Aid and Quality Integrated Education Act of 1971.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 2 o'clock and 36 minutes p.m.) the Senate adjourned until tomorrow, Thursday, April 15, 1971, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate April 7, 1971, under authority of the order of the Senate of April 5, 1971:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Douglas W. Toms, of Washington, to be Administrator of the National Highway Traffic Safety Administration; new position.

U.S. CIRCUIT COURTS

Donald Stuart Russell, of South Carolina, to be a U.S. circuit judge, fourth circuit, vice Simon E. Sobeloff, retired.

Herbert Y. C. Choy, of Hawaii, to be a U.S. circuit judge, ninth circuit, vice Stanley N. Barnes, retired.

U.S. Army

The following-named officer under the provisions of title X, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Robert Clinton Taber, [redacted] Army of the United States (brigadier general, U.S. Army).

U.S. Navy

Vice Adm. Turner F. Caldwell, Jr., U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title X, United States Code, section 5233.

In the Army

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

Army Promotion List

To be colonel

Nye, Roger H., [redacted].

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

Army Promotion List

To be lieutenant colonel

Aarestad, James H., [redacted].
Abood, Edmond P., [redacted].
Adams, Lawrence E., [redacted].
Aines, Donald S., [redacted].
Akers, Albert B., [redacted].
Albert, Benjamin B. [redacted].
Albree, John A., [redacted].
Alter, Charles P. [redacted].
Alverson, Willard G., [redacted].
Anderson, Dee R., [redacted].
Anderson, Julian A. [redacted].
Anderson, Skinner E. [redacted].
Andrews, Donald A., [redacted].
Andrews, George N., [redacted].
Arculis, Sherwin [redacted].
Armstrong, Charles [redacted].
Arnet, Robert A., [redacted].
Arter, Robert, [redacted].
Ashley, Floy L., [redacted].
Atkeson, Edward B., [redacted].
Atkinson, Larry R. [redacted].
Aude, Peter N., Jr., [redacted].
Austin, Garratt A. [redacted].
Bachinski, Stephen [redacted].
Badger, Joseph E., [redacted].
Baez-Murphy. Julio [redacted].
Bailey, Bruce B., [redacted].
Bailey, Robert A., Jr. [redacted].
Baker, Arthur R. [redacted].
Baker, Harold L., [redacted].
Baker, Theodore A., [redacted].
Barber, Ransom E. [redacted].
Barnes, Wilman D. [redacted].
Barringer. Fred A. [redacted].
Barringer, John D [redacted].
Barron, James T. [redacted].
Barry, Thomas M., Jr. [redacted].
Basanez, Edward S. [redacted].
Bashore, Frank M. [redacted].
Bates, James D. [redacted].
Bauers, Robert E. [redacted].
Baxter, Daryle K. [redacted].
Bayless, Robert M., [redacted].
Beaty, Raymond H. [redacted].
Beavers, Joseph E. [redacted].
Beczkiewicz, Peter [redacted].
Bednar, Richard J. [redacted].
Beers, Edwin D., [redacted].
Bell, John E. [redacted].
Benefiel, Daniel J. [redacted].
Bergstrom, Richard [redacted].
Bernier, Jacques W. [redacted].
Berry, Thomas S. [redacted].
Best, Frederic W., Jr. [redacted].
Bicher, George A., [redacted].
Biggs, Odie E., [redacted].
Bilon, John J. [redacted].
Birch, Harold B., [redacted].
Birdseye, Elmer H., [redacted].
Bishop, James M., [redacted].
Bittick, Emmett K. [redacted].
Black, John R., [redacted].
Black, Roscoe, [redacted].
Blanchard, Howard B. [redacted].
Blazina, Joseph J. [redacted].
Bludworth, Donald G. [redacted].
Boatner, James G. [redacted].
Boggs, Lewis A., IV, [redacted].
Bonham, Mark M., Jr. [redacted].
Bowden, James C., Jr. [redacted].
Bowers, Emmett W., [redacted].
Bowman, Elmo L., [redacted].
Bradford, Duke C., Jr. [redacted].
Bradley, James T., [redacted].
Bradley, Philip H., [redacted].
Bradley, William J. [redacted].
Bradshaw, John N. [redacted].
Brady, Morris J., [redacted].
Braim, Paul F. [redacted].
Branch, Raymond L. [redacted].
Brandenburg, John F. [redacted].
Brandenburg, John N. [redacted].
Breen, Thomas A., [redacted].
Britton, Thomas N. [redacted].
Broady, James P. [redacted].
Brooks, Harry W., Jr., [redacted].
Brosky, Vincent I., [redacted].
Brosnan, John F. [redacted].
Brown, Dewey E., [redacted].
Brown, Harry W., [redacted].
Brown, Jack W., [redacted].
Brown, Norman, [redacted].
Brubaker, Russell E., [redacted].
Bryson, Baird P., [redacted].
Buchan, Earl K. [redacted].
Buck, Bruce F., [redacted].
Burke, John P. [redacted].
Burke, Robert B., Jr. [redacted].
Burkholder, Lowell, [redacted].
Burton, Kenneth J. [redacted].
Burton, Thomas M. [redacted].
Butler, Jack R. [redacted].
Butler, Lawrence E. [redacted].
Byers, John R., [redacted].
Callaway, Jack G., [redacted].
Calvert, Charles L., [redacted].
Campbell, Clarence [redacted].
Canham, Charles D. W. [redacted].
Cannon, James W. [redacted].
Capers, Norris R., [redacted].
Caras, James [redacted].
Carlson, Gerald J. [redacted].
Carmichael, Donald [redacted].
Carpenter, Archie E. [redacted].
Carpinteri, Paul S. [redacted].
Carrigan, Marion R. [redacted].
Carroll, David A., [redacted].
Carter, David G., [redacted].
Carter, Edd M., [redacted].
Carter, William G., [redacted].
Casbon, Lewis M., [redacted].
Case, Onore E., [redacted].
Casey, Joe P., [redacted].
Casner, Earl L., Jr., [redacted].
Castro, Joseph F. [redacted].
Cathrall, Eugene H. [redacted].
Cavazos, Richard E. [redacted].
Champion, Alfred N., [redacted].
Champlin, Allen R. [redacted].
Chancey, Clarence W. [redacted].
Chapman, James N. [redacted].
Chappell, James H. [redacted].
Charles, Carlyle H., [redacted].
Charney, Theodore J. [redacted].
Chastain, John D. [redacted].
Check, James A., [redacted].
Chesak, Kenneth L. [redacted].
Chrisco, Robert H., [redacted].
Christiansen, Thomas [redacted].
Cipolla, Francis R. [redacted].
Clark, Donald T., [redacted].
Clark, Steven T., [redacted].
Clarke, Robert B., [redacted].
Clause, James D., [redacted].
Clay, Jack H., [redacted].
Clemons, Joseph G., Jr., [redacted].
Cobb, John E., [redacted].
Cochran, Arthur F. [redacted].
Coe, George B., [redacted].
Cole, Billie J., [redacted].
Coleman, Walter E. [redacted].
Coleman, William E. [redacted].
Coley, James P., [redacted].
Collier, Harry H., [redacted].
Collins, Roland H., [redacted].
Compton, Thomas J. [redacted].
Conn, Jack L., [redacted].
Cook, Harold E., [redacted].
Cook, James H., [redacted].
Cook, Morris G., [redacted].
Cooper, John P., [redacted].
Cooper, William E., Jr., [redacted].
Cooper, William W., [redacted].
Corbett, Charles D. [redacted].
Corkill, Harry L., Jr., [redacted].
Corliss, James J., [redacted].
Cortner, Sanders A. [redacted].
Costanzo, Albert C., [redacted].
Coughlin, Paul A., [redacted].
Couris, John G. [redacted].
Cousins, John H. [redacted].
Cox, Carlisle B., Jr., [redacted].
Craig, Francis W., [redacted].
Craig, Max A., [redacted].
Craig, Verne P., [redacted].
Cramer, Raymond A., Jr. [redacted].
Craun, Noel E., Jr., [redacted].
Criswell, Daniel L., [redacted].
Crochet, Elby J., [redacted].
Cromley, David J., [redacted].
Cromwell, Raymond B., [redacted].
Cronin, Walter J., Jr. [redacted].
Crouch, William E., Jr. [redacted].
Crow, Eldward E., [redacted].
Crowe, Charles A., [redacted].
Crowe, J. Godfrey, [redacted].
Crowley, Ellsworth, [redacted].
Culp, James F., [redacted].
Cummings, Clyde E., [redacted].
Cunningham, Gene S. [redacted].
Cuny, Philip A., [redacted].
Curran, George W., [redacted].
Daigh, John D., [redacted].
Daigneau, Louis A., [redacted].
Dall, Burt, [redacted].
Daly, Earl E., Jr., [redacted].
Daniels, John L., [redacted].
Darrington, Kenneth [redacted].
Dashiell, John C. [redacted].
Davis, Clarence A., Jr., [redacted].
Davis, Ernest J., [redacted].
Davis, Francis J., [redacted].
Davis, Michael M., [redacted].
Davis, William E., [redacted].
Davison, Evan R., [redacted].
De Loach, William W., [redacted].
De Ramus, Thomas B., [redacted].
Decker, Oscar C., Jr., [redacted].
Deichmeister, Frank, [redacted].
Denny, Lawrence E., [redacted].
Depew, William L., [redacted].
Derrick, John T. [redacted].
Deskis, Anthony J., [redacted].
Dews, Robert W., [redacted].
Dickson, John F., Jr. [redacted].
Dicus, Forest J., [redacted].
Dietrich, Daniel H., [redacted].
Dillard, Douglas C., [redacted].
Dittamo, Roy J., [redacted].
Dixon, Willie F., [redacted].
Dobson, Robert R., [redacted].
Doerflinger, Otto C. [redacted].
Donaldson, John E. [redacted].
Donnan, Joseph A., [redacted].
Donovan, Timothy H. [redacted].
Doss, Jesse B., [redacted].
Dotur, Stephen P. [redacted].
Dover, Ralph S., [redacted].
Downing, Earl D., [redacted].
Drake, Charles F. [redacted].
Drenkhahn, Andrew O. [redacted].
Driscoll, Vender B., [redacted].
Driver, Owen J., Jr., [redacted].
Dubia, Christian F. [redacted].
Dudney, Charles L., [redacted].
Dufour, Elmore G. [redacted].

Duke, Lee E., [redacted].
Dukes, David D., [redacted].
Dunham, John R. Jr. [redacted].
Dupont, Albert A. [redacted].
Duskin, Edgar W., [redacted].
Dyer, Robert, A. J., Jr., [redacted].
Eastman, Robert W. [redacted].
Eaton, Loren D., [redacted].
Eberhardt, Ernest M. [redacted].
Ebersberger, Robert, [redacted].
Eicher, William E., [redacted].
Eichinger, Louis S., [redacted].
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Emig, Harvey E. [redacted].
Erdrich, Robert H. [redacted].
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Esser, Alan C., [redacted].
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Evans, Arthur B. [redacted].
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Fant, Joseph L., III [redacted].
Faulkner, Donald H. [redacted].
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Fessenden, Jack C. [redacted].
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Flanagan, Robert W. [redacted].
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Ford, Clarence E., [redacted].
Forman, Robert H. [redacted].
Forrester, Redmond [redacted].
Foss, Peter J., [redacted].
Foster, Thomas G., II [redacted].
Fountain, Foster F. [redacted].
Fox, Douglas E., [redacted].
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Fraser, Danny P., [redacted].
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Fred, Walter A., [redacted].
French, Daniel W. [redacted].
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Friend, Edgar V., Jr., [redacted].
Fucci, Michael A., [redacted].
Fulmore, Charles E. [redacted].
Fulton, James F., Jr. [redacted].
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Galligan, Hugh S. [redacted].
Gardes, George H., [redacted].
Garner, Frank R., III [redacted].
Garrison, Frank L. [redacted].
Gately, Matthew, J. [redacted].
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Gecoma, Richard M., [redacted].
Gendron, Alvin J. [redacted].
Gentry, Edwin B. [redacted].
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German, Robert L. [redacted].
Getz, Wilbur D., [redacted].
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La Brode, Richard E. [redacted].
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Lakes, Cecil T., [redacted].
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Michael, Louis G., Jr., [redacted]
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Middlemas, William, [redacted]
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Myers, James M., [redacted]
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Nash, Razeal, [redacted]
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Park, John W., Jr., [redacted]
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Place, John E., [redacted]
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Prehn, Robert A., [redacted]
Preuss, Richard J., [redacted]
Price, George B., [redacted]
Prince, Wendell L., [redacted]
Pruett, Jack G., [redacted]
Pullano, Anthony L., [redacted]
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Rainer, Hewlett E., [redacted]
Ramsey, James E., [redacted]
Ray, Herbert H., [redacted]
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Ready, Robert E., [redacted]
Reames, Aaron G., [redacted]
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Rogers, Ronald J., [redacted].
Root, Ronald G., [redacted].
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Roseman, Frederick [redacted].
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Tarbell, Frank S. [redacted].
Tatum, John M., Jr. [redacted].
Tausch, Roland D. [redacted].
Taylor, George O., Jr. [redacted].
Taylor, Porcher L., Jr. [redacted].
Taylor, Robert R., Jr. [redacted].
Taylor, William W., Jr. [redacted].
Teague, Jerry L., [redacted].
Teehan, Paul A., [redacted].
Teigland, Virgil R., [redacted].
Terrell, Ernest P., Jr. [redacted].
Tharp, Charles B. [redacted].
Thomas, Constantine [redacted].
Thomas, David C. [redacted].
Thomas, Francis G., Jr. [redacted].
Thomas, John E., Jr. [redacted].
Thomas, Monroe G., [redacted].
Thomas, Robert F. [redacted].
Thomas, William N. [redacted].
Thompson, Jack H. [redacted].
Thompson, Nathaniel [redacted].
Thompson, Richard H. [redacted].
Thompson, Thomas E. [redacted].
Thorsen, Peter L. [redacted].
Tominac, John J. [redacted].
Toole, Raymond L., [redacted].
Treat, Charles J. [redacted].
Tucker, George G., Jr. [redacted].
Tuggey, Howard J., [redacted].
Tumlin, Grady H., Sr. [redacted].
Uttinger, Joe W. [redacted].
Valella, Dominic, [redacted].
Van Matre, Donald A. [redacted].
Vandenberg, William [redacted].
Vassey, Lyman W., [redacted].
Vaughn, Edward R., Jr. [redacted].
Vaughn, George L. [redacted].
Vellella, Frank P. [redacted].
Vetort, Herman J. [redacted].
Villaret, Gustave I. [redacted].
Vincent, Robert D. [redacted].
Von Schlemmer, Robert [redacted].
Wade, David E., [redacted].
Walby, William G., [redacted].
Waldman, Francis J. [redacted].
Walker, Billy G., [redacted].
Walker, Charles J. [redacted].
Walker, John R., Jr. [redacted].
Walker, Samuel S., [redacted].
Walpole, Philip P., [redacted].
Wang, Jesse, [redacted].
Wardrop, Daniel H. [redacted].
Warren, James R. [redacted].
Waters, William W., [redacted].
Watkins, John B., Jr. [redacted].
Watson, Robert G. [redacted].
Weaver, Jonathan M. [redacted].
Weidner, Earl R., Jr. [redacted].
Welch, Paul B., Jr., [redacted].
Wells, Obel H., [redacted].
Wells, Richard M. [redacted].
Wenneson, Richard M. [redacted].
West, Charles F., [redacted].
Westrich, Ralph L., [redacted].
Weyand, Alexander M., [redacted].
Whipple, Ward J., [redacted].
White, Kenneth H., Jr. [redacted].
White, Marion E., [redacted].
Whitmire, Nelson L., [redacted].
Whitted, Jack G., [redacted].
Wholey, Paul R., [redacted].
Wiard, Seth, Jr., [redacted].
Wiethuechter, Donald [redacted].
Wilhelmi, Sylvester [redacted].
Wilkinson, Don A., [redacted].
Williams, Aylwyn D., [redacted].
Williams, Davant T., [redacted].
Williams, Lawrence [redacted].
Williams, Paul S., Jr. [redacted].
Williford, Oliver J., [redacted].
Willis, Edward M., [redacted].
Wilmot, Francis G., Jr. [redacted].
Wilson, Franklin L. [redacted].
Wilson, James R., [redacted].
Winfield, Francis E. [redacted].
Winn, Arthur C. [redacted].
Winter, Kenneth L. [redacted].
Wirth, Herman L. [redacted].
Wolf, William S., [redacted].
Wong, Frank, [redacted].
Wood, Donald M., [redacted].
Woodley, Thomas R. [redacted].
Woodrow, Ralph T., [redacted].
Woods, Chester A. [redacted].
Woodward, Arthur Q. [redacted].
Wright, Corey J. [redacted].
Wright, Dean E., Jr. [redacted].
Wright, Louie E. [redacted].
Wroth, James M. [redacted].
Yamashita, Kanshi S. [redacted].
Yerks, Robert G. [redacted].
Yoder, Donald A. [redacted].
Yoder, Harry A., Jr. [redacted].
Yost, William L. [redacted].
Young, Fletcher R. [redacted].
Youngblood, James O. [redacted].
Yurko, Joseph J. [redacted].
Zalonis, John A., Jr. [redacted].
Zamparelli, Alfred, [redacted].
Zastrow, Richard E. [redacted].
Zeigler, William A., [redacted].
Zeller, Norman C., [redacted].
Zeller, Richard G., [redacted].

CHAPLAIN CORPS

To be lieutenant colonel

Ammerman, Elmer H., [redacted].
Anderson, Robert T. [redacted].
Brown, Norman R., [redacted].
Carothers, Merlin R., [redacted].
Covington, Donald M., [redacted].
Keys, Clifford E., Jr., [redacted].
Lightcap, Thomas K. [redacted].
McMaster, Stanley, [redacted].
Sather, Donald R., [redacted].
Schweitzer, Gordon, [redacted].
Siege, John C., [redacted].
Treuer, Warren L., [redacted].
Young, George R., [redacted].

WOMEN'S ARMY CORPS

To be lieutenant colonel

Bouldin, Patricia L. [redacted].
Clarke, Mary E., [redacted].
Dohnal, June P., [redacted].
Garrett, Pola L. [redacted].
George Delma G., [redacted].
MacMichael, Kitt M., [redacted].
McWilliams, Bonnie, [redacted].
Sherba, Dorothy, [redacted].
Wardell, Barbara J. [redacted].

MEDICAL CORPS

To be lieutenant colonel

Alexander, Joseph L. [redacted].
Augerson, William S., [redacted].
Boyce, Henry W., Jr., [redacted].
Brugger, Archie M., [redacted].
Cohn, Gerald H., [redacted].
Conklin, Harvey B., [redacted].
Corbet, Paul A., Jr., [redacted].
Coultrip, Raymond L. [redacted].
Cutting, Robert T. [redacted].

Dalbey, Charles G., [redacted].
Davis, Charles J., Jr., [redacted].
Davis W. Rex, [redacted].
De Castro, Carlos M., [redacted].
Deubler, Keith F., [redacted].
Devaris, Dionisios, [redacted].
Dirks, Kenneth R., [redacted].
Freeman, Mahlon, V. R., [redacted].
Gauld, John R., [redacted].
Hammon, William M., [redacted].
Harris, Stanley C., [redacted].
Hartvigsen, Robert, [redacted].
Hefner, James D., [redacted].
Hudson, Thomas L., [redacted].
Ionno, Joseph A., [redacted].
Kamin, Edward J., III [redacted].
Kelly. Thomas W., [redacted].
Kernan, Philip M., Jr., [redacted].
Kiel, Frank W., [redacted].
Kmiecik, Joseph E., [redacted].
Krekorian, Edmund A., [redacted].
Lau, Bennett M. K., [redacted].
Lindahl, James B., [redacted].
MacGregor Robert, [redacted].
McClure, Jack B., [redacted].
Miller, Robert E., [redacted].
Mitchell, George L., [redacted].
Mosebar, Robert H., [redacted].
Nelson, Harold S., [redacted].
North, Robert L., [redacted].
Pegg, John R. P., [redacted].
Plunkett, Guy D., [redacted].
Roper, Maxcy D., [redacted].
Sample, Donald W., [redacted].
Schane, William P., [redacted].
Scherz, Robert G., [redacted].
Skipworth, George B., [redacted].
Smith, Joseph J., [redacted].
Stanek, Robert G., [redacted].
Stromberg, Lawayne, [redacted].
Terry, Nathaniel V., [redacted].
Tilson, Donald H., Jr., [redacted].
Vaughn, Daniel L., [redacted].
Vazquez, Angel M., [redacted].
Waugh, David E., [redacted].
Willi, Franz J. P., [redacted].

DENTAL CORPS

To be lieutenant colonel

Adams, John C., [redacted].
Baker, Frank L., [redacted].
Board, Hal J., [redacted].
Boegel, Paul N., [redacted].
Bond, William R., Jr., [redacted].
Brown, Allen, W., Jr., [redacted].
Clifford, Arthur G., [redacted].
Clinton, Everett E., [redacted].
Conley, Patrick J., [redacted].
Cote, Robert R., [redacted].
Crase, Silas M., [redacted].
Duval, Charles H., [redacted].
Gardner, Robert J., [redacted].
Gardner, Thomas V., Jr., [redacted].
Gasior, Edwin J., [redacted].
Hargis, Harold W., [redacted].
Hettinger, Dale A., [redacted].
Hunsuck, Ervin E., [redacted].
Jacobson, Sheldon E., [redacted].
Jacoway, John R., [redacted].
Keagle, James G., [redacted].
Kobrinsky, Samuel, [redacted].
Lilly, Gilbert E., [redacted].
Lord, Raymond Y., Jr., [redacted].
Maddox, Belman C., [redacted].
Milligan, Vernon L., [redacted].
Nichols, Wharton A., [redacted].
Obermeier, Bernard, [redacted].
Osbon, Donald B., [redacted].
Peppe, Isadore O., [redacted].
Radentz, William H., [redacted].
Shepard, Walter L., [redacted].
Stewart, Hugh A., Jr., [redacted].
Suddarth, Jerome A., [redacted].
Valkavich, Eugene S., [redacted].
Vinall, William H., [redacted].
Wagner, Allyn G., [redacted].
Wormley, John H., [redacted].
Zimmerman, Joseph S., [redacted].

To be lieutenant colonel

Baker, Roger W., [redacted].
Eckermann, Edgar H., [redacted].
Galbreaith, John D., [redacted].
Johnson, Edward L., [redacted].
Shay, Warren J., [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Anderson, James E., [redacted].
Angel, Charles R., [redacted].
Benson, Albert G., [redacted].
Bethea, Thomas M., [redacted].
Bradley, John J., [redacted].
Caras, George, [redacted].
Carmick, Edward J., [redacted].
Carmody, Francis J., [redacted].
Cavanaugh, Dan C., [redacted].
Christopherson, William, [redacted].
Church, Roy S., [redacted].
Cooksley, Boyd E., [redacted].
Doyle, Thomas M., [redacted].
Foley, Paul M., [redacted].
Foulk, William J., [redacted].
Funk, John C., [redacted].
Garis, Kenneth D., [redacted].
Godfrey, William H., [redacted].
Haas, Robert F., [redacted].
Hamm, Charles R., [redacted].
Hammett, John W., [redacted].
Hardwick, Willard E., [redacted].
Holland, Willis D., [redacted].
Holman, Edward F., [redacted].
Knowles, William R., [redacted].
Maclennan, Robert, [redacted].
Madrano, Joseph P., [redacted].
Marshall, John D., Jr., [redacted].
McCaffrey, Joseph, [redacted].
McCandless, Earl R., [redacted].
McFarland, Cowan J., [redacted].
Miner, Lewis C., [redacted].
Nichols, Robert S., [redacted].
Parker, Albert E., [redacted].
Peterson, Merrill C., [redacted].
Ports, Kenneth N., [redacted].
Rogers, John E., Jr., [redacted].
See, Herbert G., [redacted].
Shaw, Robert M., Jr., [redacted].
Short, Robert D., [redacted].
Smith, Jack C., [redacted].
Spencer, Lloyd E., [redacted].
Trahan, Robert G., [redacted].
Veltri, Benjamin J., [redacted].
Wagner, John R., [redacted].
Walsh, Ralph J., [redacted].
Walton, Bryce C., [redacted].
Welton, George C., [redacted].
Wilkinson, Clarence, [redacted].
Wold, Vernon H., [redacted].

ARMY NURSE CORPS

To be lieutenant colonel

Anderson, Alma B., [redacted].
Arnold, Vivian M., [redacted].
Ascher, Julia T., [redacted].
Black, Mary L., [redacted].
Blackwell, Mildred, [redacted].
Blomer, Elizabeth A., [redacted].
Brantly, Ruth S., [redacted].
Carroll, Helene D., [redacted].
Casey, Marguerite C., [redacted].
Cavagnaro, Mary M., [redacted].
Cox, Juana J., [redacted].
Decker, Julia E., [redacted].
Everett, Anna E., [redacted].
Flagg, Alice N., [redacted].
Grech, Anna Alma, [redacted].
Hill, Nellie M., [redacted].
Holtz, Betty L., [redacted].
Liberty, Frances M., [redacted].
Lofton, Juliet P., [redacted].
Lundy, Sara N., [redacted].
McLean, Mary F., [redacted].
Mobley, Ruth Z., [redacted].
Morgan, Betty F., [redacted].
Moseley, Leanora M., [redacted].
Nuttall, Edith M., [redacted].
Olson, Ruth E., [redacted].
Parks, Madelyn N., [redacted].
Quinn, Mary C., [redacted].
Ransone, Muriel J., [redacted].
Rothrock, Lois R., [redacted].
Ryan, Patricia A., [redacted].
Setter, Marian J., [redacted].
Sharpe, Lorraine K., [redacted].
Starkey, Elizabeth, [redacted].
Steinhilber, Marion, [redacted].
Straley, Rose V., [redacted].
Suess, Helen V., [redacted].
Travers, Veronica R., [redacted].
Vandive, Frances O., [redacted].
Watson, Elinor M., [redacted].
Wright, Cecille D., [redacted].

ARMY MEDICAL SPECIAL CORPS

To be lieutenant Colonel

Anderson, Marilyn J., [redacted].
Fecenko, Helen, [redacted].
Hammill, Janet A., [redacted].
Keegan, Nanette G., [redacted].
Lambertson, Elizabeth, [redacted].
Louis, Winfred M., [redacted].
Noble, Beulah C., [redacted].
O'Brien, Eileen F., [redacted].
Stafford, Helen R., [redacted].
Wakefield, Patricia, [redacted].
Weshoven, Mary F., [redacted].

ARMY PROMOTION LIST

To be major

Blubaugh, Thomas C., [redacted].
Ferguson, William W., [redacted].
Iller, Alfred J., Jr., [redacted].
Pertain, George H., Jr., [redacted].
Prados, Alfred B., [redacted].
White, Stanley Z., [redacted].

CHAPLAIN CORPS

To be major

Ellison, Joe M., [redacted].
Phillips, Major H., Jr., [redacted].

ARMY PROMOTION LIST

To be captain

Alien, Robert A., [redacted].
Baker, Ralph K., Jr., [redacted].
Brown, John E., [redacted].
Carusi, Joseph J., Jr., [redacted].
Dabney, James F., [redacted].
Drolet, Robert A., [redacted].
Edwards, Gilbert R., [redacted].
Elrod, Thomas W., [redacted].
Ericksen, Harold J., [redacted].
Evans, Thomas C., [redacted].
Everett, Harry Jr., [redacted].
Ferland, Paul E., [redacted].
Finegan, Ray D., [redacted].
Frazier, Robert E., [redacted].
Green, Herbert J., [redacted].
Greenwell, Bernard J., [redacted].
Henderson, Donald R., [redacted].
Hershey, Michael T., [redacted].
Higginbotham, Norman D., [redacted].
Johns, Sidney M., [redacted].
Joiner, James C., [redacted].
LaCroix, Francis A., [redacted].
Lake, Roy G., [redacted].
Landers, Curtis H., [redacted].
Lloyd, Herbert J., [redacted].
McBride, Reid A., [redacted].
Morton, Philip W., [redacted].
Moser, Mark V., [redacted].
Niel, George M., Jr., [redacted].
Pierce, Kenneth R., Jr., [redacted].
Poole, Walter A., Jr., [redacted].
Popp, Ronald S., [redacted].
Smith, Grady A., [redacted].
Taylor, Morris M., Jr., [redacted].
Tracy, David S., [redacted].
Trent, Alexander B., [redacted].
Unlaub, Carl G., [redacted].
Yates, Walter H., Jr., [redacted].

CHAPLAIN

To be captain

Gantt, Stephen Y., [redacted].
Kuhlman, Kenneth D., [redacted].
Luedee, Rene, [redacted].
Richardson, Eugene, [redacted].
Sharp, Billy R., [redacted].
Snider, John E., [redacted].
Wasserman, Harold, [redacted].

MEDICAL CORPS

To be captain

Bullard, Ponce D., Jr., [redacted].

DENTAL CORPS

To be captain

Mitchell, Wayne H., [redacted].

VETERINARY CORPS

To be captain

Stephen, Edward L., [redacted].

MEDICAL SERVICE CORPS

To be captain

Morton, Phillip W., [redacted].

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

To be first lieutenant

Ciscoe, Alton B., [redacted].
Mannix, Robert W., [redacted].
Smith, John C. B., Jr., [redacted].
Torbert, Ronald D., [redacted].
Worthing, Robert W., [redacted].

MEDICAL SERVICE CORPS

To be first lieutenant

Nakayame, Harvey K., [redacted].

IN THE ARMY

The following-named officer for appointment as professor of history, U.S. Military Academy, under the provisions of title 10, United States Code, sections 3075, 3205, and 4333:

Nye, Roger H., [redacted].

The following-named person for reappointment in the active list of the Regular Army of the United States, from temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be colonel

Hill, Garrett L., [redacted].

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be captain

Fishburne, Francis J., Jr. [redacted].
Weiss, James W., [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be lieutenant colonel

Strum, Major, [redacted].

To be major

Bobay, Carl J., [redacted].
Degeneffe, Delano E., [redacted].
Distefano, Joseph, [redacted].
Fountain, Ernest H., Jr. [redacted].
Hoffman, Howard J., [redacted].
Leone, John N., [redacted].
McCoy, Arthur L., [redacted].
Simmons, Ruth L., [redacted].

To be captain

Alm, Philip F., [redacted].
Bailey, William E., [redacted].
Barrick, Earl F., [redacted].
Bensinger, Thomas A., [redacted].
Billy, Ronald J., [redacted].
Bird, Richard B., [redacted].
Bopp, James E., [redacted].
Brown, Robert E., [redacted].
Burris, William K., Jr., [redacted].
Buyle, Kenneth R., [redacted].
Chesher, Phillip B., [redacted].
Christian, Zack, [redacted].
Clement, Robert D., [redacted].
Collins, George J., Jr., [redacted].
Cornell, Allen C., [redacted].
Costanten, Leon M., [redacted].
Cox, Dallas L., [redacted].
Cristini, John A., [redacted].
Crowle, James L., [redacted].
Curl, William W., III, [redacted].
David, James R., [redacted].
Daknis, William R., [redacted].
Davis, Marion L., [redacted].
Deeds, Richard T., [redacted].
Dillon, Terance, [redacted].
Diodene, Alonzo N., Jr., [redacted].
Doerr, Marvin L., [redacted].
Edes, Richard H., [redacted].
Esher, John D., [redacted].
Faggett, Walter L., II, [redacted].
Farmer, Danny C., [redacted].
Fishburn, Ronald M., [redacted].
Freeman, Eugene A., [redacted].
Gagon, Terry E., [redacted].
Gilbertson, Larry H., [redacted].
Grabhorn, Larry L., [redacted].
Gunnels, Julian R., [redacted].
Hastings, James E., [redacted].
Heffren, Monica A., [redacted].
Hendricks, Bernard D., [redacted].
Holzheuser, Henry R., [redacted].
Hopkins, Robert G., Jr., [redacted].
Hopp, Duane F., [redacted].
Iannone, Liberto A., [redacted].
Ireland, John R., III, [redacted].
Jones, Grady F., [redacted].
Kalandros, Konstantine E., [redacted].
Kaminiski, Mitchell V., Jr., [redacted].
Kehn, Brent D., [redacted].
Knippa, Leroy E., [redacted].
Kosonen, Richard H., [redacted].
Kubus, Louis J., [redacted].
Ladue, Wade W., [redacted].
Lawson, Michael A., [redacted].
Lee, Wilbur L., [redacted].
Lefevre, Robert S., Jr., [redacted].
Lepine, Eugene M., [redacted].
Levine, Stanley B., [redacted].
Low, James C., [redacted].
Lupton, Harold W., [redacted].
MacIntyre, John A., [redacted].
Marcolesco, Robert E., [redacted].
Merrill, Jerry E., [redacted].
Mills, James J., [redacted].
Mitchell, Kenneth M., [redacted].
Prichard, John P., [redacted].
Ramsey, Yancy S., [redacted].
Rhodes, Remus C., III, [redacted].
Ringle, Elmer C., [redacted].
Quinones, Ruben D., [redacted].
Roberts, Lawrence W., [redacted].
Sacco, Donald N., [redacted].
Saunders, Otis H., [redacted].
Schulz, Anson W., [redacted].
Sears, Daniel G., [redacted].
Shohan, Robert W., [redacted].
Siegfried, Richard S., [redacted].
Smith, John E., [redacted].
Soder, Marion F., [redacted].
Tasket, Ronald W., [redacted].
Thacker, James H., [redacted].
Tolley, Elmer W., [redacted].
Voegele, Henry D., [redacted].
Wacloff, Robert L., [redacted].
Wallace, Bobby S., [redacted].
Walls, Merritt P., [redacted].
Weber, Glenn R., [redacted].
Werner, Steven M., [redacted].
Williams, Walter G., [redacted].
Wilson, Charles V., [redacted].
Woronchuk, Ivan, [redacted].
Zirkle, Lewis G., Jr., [redacted].

To be first lieutenant

Alden, Charles E. F., [redacted].
Allred, Kenneth L., 418-56-1577.
Arndt, Georgene E., [redacted].
Avant, Jack B., [redacted].
Barnes, Sidney L., [redacted].
Bartlett, Charles D., Jr., [redacted].
Battcher, John A., [redacted].
Bell, William J., III, [redacted].
Bernard, Bradford J., [redacted].
Borland, William E., [redacted].
Bovais, Don A., [redacted].
Bowen, Frank W., Jr., [redacted].
Brown, Milton E., [redacted].
Brown, Robert C., [redacted].
Bruni, Salvatore M., [redacted].
Buchan, James C., [redacted].
Bockman, Frank W., [redacted].
Cabanillas, Claude E., [redacted].
Caggins, Myles B., Jr., [redacted].
Campbell, Donald J., [redacted].
Cascioli, Robert J., [redacted].
Casey, Bernard M., [redacted].
Casey, Bobby E., [redacted].
Cassady, George E., [redacted].
Chinn, David W., [redacted].
Chiverton, Frederick W., [redacted].
Cirone, Salvatore M., [redacted].
Clark, James J., [redacted].
Coffman, Dale R., [redacted].
Conroy, Thomas F., [redacted].
Cooper, Clarence C., [redacted].
Coventry, John A., [redacted].
Craig, William R., [redacted].
Critchfield, Carl F., [redacted].
Cross, Ned G., [redacted].
Darnell, Louis J., [redacted].
Deen, Wallace A., [redacted].
Degyurky, Szabolcs, [redacted].
Dennis, Earl W., Jr., [redacted].
Dismdale, Roger, [redacted].
Dixon, James H., [redacted].
Donley, James M., [redacted].
Doody, Harry A., [redacted].
Drayton, Marion G., [redacted].
Duncan, John D., [redacted].
Dunn, Jack L., [redacted].
Eicke, George D., [redacted].
Elliott, Ronald E., [redacted].
Emerick, Robert G., [redacted].
Evankovich, Genevieve, I., [redacted].
Faxon, Don R., [redacted].
Fields, Thomas J., Jr. [redacted].
Gallinaro, Alfred S., [redacted].
Geistwhite, Donald S., Jr., [redacted].
Goldman, Allan L., [redacted].
Gotthold, William E., [redacted].
Gould, James D., [redacted].
Gray, John T., [redacted].
Griffin, Albert D., [redacted].
Grinton, Philip C., [redacted].
Guin, Jerry R., [redacted].
Guyden, Thomas E., [redacted].
Haas, Charles W., II, [redacted].
Halburnt, Johnny S., [redacted].
Hall, James R., [redacted].
Hall, David T., [redacted].
Hamilton, Bate R., [redacted].
Hanna, Lawrence J., [redacted].
Hartley, Laurence W., [redacted].
Hayes, Gregory W., [redacted].
Heck, Larry D., [redacted].
Hemphill, John R., [redacted].
Hendrix, John W., [redacted].
Heneveld, George A., III, [redacted].
Herman, Melvin H., Jr., [redacted].
Hewes, Ricky D., [redacted].
Hiatt, Gerald A., [redacted].
Horridge, David J., [redacted].
House, Jerry L., [redacted].
Houser, Bruce J., [redacted].
Howell, Frederick L., [redacted].
Hughes, William D., [redacted].
Inazu, William M., [redacted].
Jones, Jane A., [redacted].
Johnston, Thomas M., Jr., [redacted].
Jones, Frank T., Jr., [redacted].
Keating, Kenneth C., [redacted].
Kelly, John L., III, [redacted].
Kemp, Jerry C., [redacted].
King, Boyd E., [redacted].
Kirts, Bobby J., [redacted].
Klatt, Gordon R., [redacted].
Klaus, Edward G., [redacted].
Knight, David B., [redacted].
Kolaja, Gerald J., [redacted].
Krupa, Lawrence T., [redacted].
Kucharski, Francis M., [redacted].
Kuehl, Richard D., [redacted].
Laine, Rudolph L., [redacted].
Lang, Frank J., [redacted].
Lartigue, Louis J., [redacted].
Laur, Margaret H., [redacted].
Leavell, Ronald E., [redacted].
Legg, Michael K. A., [redacted].
Lifsey, Bryan T., [redacted].
Linebarger, James L., [redacted].

Manza, Peter F., [redacted].
Martin, Robert J., [redacted].
Martin, James D., [redacted].
Mays, Joseph R., Jr., [redacted].
McFarland, Henry J., Jr., [redacted].
McGrath, Thomas R., [redacted].
McKenna, John M., [redacted].
McMullen, Craig T., [redacted].
Mennerich, Dennis N., [redacted].
Metzger, Robert M., [redacted].
Moody, David L., [redacted].
Moore, William G., [redacted].
Morgan, Emmett K. II., [redacted].
Murphy, Patrick T., [redacted].
Murray, Howard A., [redacted].
Mutzig, Andy L., [redacted].
Nichols, Jackie R., [redacted].
Norgard, Michael J., [redacted].
Norris, Michael R., [redacted].
Northrup, Jerry L., [redacted].
Oakley, Catherine M., [redacted].
Ogle, Paul A., Jr., [redacted].
O'Neal, Kenneth D., [redacted].
Paquin, Donald I., [redacted].
Patterson, Robert G., [redacted].
Peck, Carl C., [redacted].
Pender, Robert W., [redacted].
Petersen, Michael A., [redacted].
Pickering, Thomas J., [redacted].
Piper, Paul A., [redacted].
Polk, Anthony J., [redacted].
Pope, Robert J., [redacted].
Poth, Roy K., [redacted].
Powell, James R., [redacted].
Pozniak, Edward J., [redacted].
Pozniak, Thomas B., [redacted].
Putlack, Michael, [redacted].
Reeder, William S., Jr., [redacted].
Reid, Willis A., Jr., [redacted].
Replogle, William S., [redacted].
Riley, Harry G., [redacted].
Roberts, Jerry G., [redacted].
Robinson, James R., [redacted].
Rockelman, Michael J., [redacted].
Roth, Charles J., Jr., [redacted].
Roush, John W., [redacted].
Rudnicki, Paul E., [redacted].
Ryan, Michael E., [redacted].
Savage, Jerry L., [redacted].
Scheidemantel, Andrew F., [redacted].
Schmidt, Victor H., [redacted].
Schrock, Philip, [redacted].
Schroff, William F., [redacted].
Schweinfurth, William F., [redacted].
Seeman, David A., [redacted].
Sengel, Edward W., III, [redacted].
Sette, Domenic R., [redacted].
Shaw, John C., Jr., [redacted].
Shelor, Frederick, [redacted].
Sherner, John H., [redacted].
Siraco, Joseph A., Jr., [redacted].
Slover, Harold L., [redacted].
Smith, David R., [redacted].
Spanos, William, [redacted].
Spence, Michael R., [redacted].
Stacy, Cassin Y., [redacted].
Starr, William J., [redacted].
Stierlen, Richard G., [redacted].
Stock, Donald H., [redacted].
Stripling, Marla J., [redacted].
Suits, Charles R., [redacted].
Taveau, Horatio S., [redacted].
Taylor, Richard D., [redacted].
Thompson, Charles R., [redacted].
Thompson, Needham J., [redacted].
Thornton, Charles R., [redacted].
Tijerina, Arthur, [redacted].
Todd, Jerry L., [redacted].
Townsan, Gerald R., [redacted].
Turgeon, Roy W., Jr., [redacted].
Van Geffen, Jack J., [redacted].
Wald, Ralph L., [redacted].
Walker, Mark A., [redacted].
Wallhausen, Ernest W., [redacted].
Walsh, Robert J., [redacted].
Ward, Larry G., [redacted].
Warren, Howard L., [redacted].
Weathers, Brandon C., [redacted].
Weir, Garry K., [redacted].
Wells, Robert L., [redacted].
Wendt, James B., [redacted].
Williams, Clinton L., [redacted].
Williamson, Bobby M., [redacted].
Wilson, Gale D., Jr., [redacted].
Wilson, William F., [redacted].
Wright, William A., [redacted].
Yalicki, Edward J., Jr., [redacted].
Yudesis, Benjamin M., [redacted].
Zdimal, Michael A., [redacted].

To be second lieutenant

Arbuckle, Joseph W., [redacted].
Bauman, Stephen A., [redacted].
Bell, Thomas A., [redacted].
Berg, Allan W., [redacted].
Brethorst, William H., [redacted].
Cole, George P., [redacted].
Cottell, Philip G., Jr., [redacted].
Coughlin, Robert J., [redacted].
Dudley, Robert M., [redacted].
Edens, James E., [redacted].
Eichler, Clifford L., [redacted].
Evirs, Robert G., [redacted].
Flagg, Albert C., Jr., [redacted].
Flauto, Frank J., [redacted].
Florine, James E., [redacted].
Ford, Lewis G., [redacted].
Greenlee, Beverly A., [redacted].
Hearn, Charles C., [redacted].
Hertzog, Larry B., [redacted].
Hoschouer, Jack D., [redacted].
Hugenberg, William C., [redacted].
Johnston, Allan G., Jr., [redacted].
Kietzman, Howard W., [redacted].
Krafinski, Peter, Jr., [redacted].
Kresge, Louis A., [redacted].
Kuhn, David L., [redacted].
Lankford, John M., [redacted].
Liebel, Lambert L., Jr., [redacted].
Lill, James G., [redacted].
Makela, Glenn R., [redacted].
Martin, Robert N., [redacted].
McConnell, Albert L., [redacted].
Moberg, Harley, [redacted].
Montgomery, Fred L., III, [redacted].
Moore, William T., [redacted].
Morse, Carl E., [redacted].
O'Malley, Edward L., [redacted].
Patrie, James R., [redacted].
Phillips, Eugene B., [redacted].
Piedmont, Thomas M., [redacted].
Plzak, Raymond A., [redacted].
Rowley, Stephen H., [redacted].
Seitz, Ernest R., Jr., [redacted].
Simmons, William T., [redacted].
Sinnott, Richard R., [redacted].
Skelton, John D., [redacted].
Stempel, Conrad F., [redacted].
Sweat, George W., Jr., [redacted].
Thiele, Alan R., [redacted].
Walsh, Robert J., [redacted].
Wegleitner, Thomas C., [redacted].
Zupan, Terry M., [redacted].

The following-named cadets, graduating class of 1971, United States Military Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3284 through 4353:

Aaron, Alvin D., [redacted].
Abaya, Narciso L., [redacted].
Abrahamson, Dale M., [redacted].
Ackerman, Bartley C., [redacted].
Adelman, Joseph A., [redacted].
Albano, Joseph F., [redacted].
Albo, James P., [redacted].
Albright, David S., [redacted].
Alexander, Gary J., [redacted].
Allaire, Robert B., [redacted].
Allemeier, Daniel R., [redacted].
Amos, David E., [redacted].
Andersen, Peter A., [redacted].
Anderson, David P., [redacted].
Anderson, John K., [redacted].
Anderson, Robert J., [redacted].
Anderson, Ross F., [redacted].
Anderson, William F., [redacted].
Andreini, John M., [redacted].
Andrew, Paul M., Jr., [redacted].
Annis, John G., [redacted].
Arietti, James T., [redacted].
Armbruster, Robert E., Jr., [redacted].
Armogida, Charles J., [redacted].
Arney, David C., [redacted].
Arnold, Archibald V., III, [redacted].
Ashworth, Robert L., Jr., [redacted].
Atchison, Earl T., [redacted].
Babayan, Gerald C., [redacted].
Baber, Stephen L., [redacted].
Babic, William W., [redacted].
Baker, Arthur H., III, [redacted].
Baker, Gene L., [redacted].
Baldwin, Frederick A., [redacted].
Baldwin, William R., III, [redacted].
Bantsolas, John N., [redacted].
Bapple, James W., III, [redacted].
Barbuto, Richard V., [redacted].
Barefoot, Glenn P., [redacted].
Barkovic, William J., [redacted].
Barnabei, Ronald A., [redacted].
Barneby, Stephen A., [redacted].
Bates, Norman W., [redacted].
Bauer, Benjamin, [redacted].
Baumann, Frank A., III, [redacted].
Bayar, Charles H., [redacted].
Bazzle, Ervin W., [redacted].
Bearchell, David L., [redacted].
Beard, John T., [redacted].
Beard, Michael W., [redacted].
Bearden, William A., Jr., [redacted].
Becker, Douglas S., [redacted].
Beliveau, Philip R., [redacted].
Bell, David R., [redacted].
Bendas, Michael A., [redacted].
Benedict, Calvert P., Jr., [redacted].
Benedict, William E., [redacted].
Benham, Christopher B., [redacted].
Bennett, Stephen D., [redacted].
Beno, Joseph H., Jr., [redacted].
Bergantz, Joseph L., [redacted].
Bernard, William D., [redacted].
Berry, Guy A., Jr., [redacted].
Berry, Thomas P., [redacted].
Bifulco, Frank P., Jr., [redacted].
Bishop, Robert C., [redacted].
Blaine, Paul E., [redacted].
Blaine, Raymond W., [redacted].
Boesch, Gene W., [redacted].
Boice, Lawrence R., [redacted].
Bolz, Henry H., III, [redacted].
Bond, David M., [redacted].
Bond, James B., [redacted].
Borcheller, Otis D., [redacted].
Bracey, Hugh M., [redacted].
Bracey, Stephen W., [redacted].
Breithaupt, Michael P., [redacted].
Bremer, August W., Jr., [redacted].
Brennan, Kevin F., Jr., [redacted].
Breznovits, Robert G., [redacted].
Bridges, Richard M., [redacted].
Brodeur, Donald E., [redacted].
Brooks, Johnny W., [redacted].
Brown, David D., [redacted].
Brown, John S., [redacted].
Brown, William R., [redacted].
Bryce, Charles H., Jr., [redacted].
Buck, James G., Jr., [redacted].
Buckowsky, John P., [redacted].
Burrell, Thomas F., III, [redacted].
Cafaro, Thomas R., [redacted].
Camp, Robert B., [redacted].
Capka, Joseph R., [redacted].
Cardine, Christopher V., [redacted].
Carpenter, Ronald W., Jr., [redacted].
Carper, Roy D., [redacted].
Carper, William B., [redacted].
Carr, William J., [redacted].
Carraway, William D., [redacted].
Carroll, Stephen K., [redacted].
Carter, Jerome N., [redacted].
Carver, Michael G., [redacted].
Cascini, Michael R., [redacted].
Cates, Robert B., [redacted].
Catti, Louis A., III, [redacted].
Cavalieri, John M., [redacted].
Cerami, Joseph R., [redacted].
Chabot, Joseph L., [redacted].
Chappel, Oscar A., [redacted].
Chavara, Joseph S., [redacted].

Chiacchia, Leonard A., Jr., [redacted].
Chiles, John H., [redacted].
Church, Guy M., [redacted].
Ciferri, Michael F., [redacted].
Clarke, James C., [redacted].
Clary, Ronald E., [redacted].
Clevenger, Douglas E., [redacted].
Clifton, Herbert C., [redacted].
Cogan, Kevin J., [redacted].
Cole, Peter C., [redacted].
Coleman, Donald J., [redacted].
Collins, Raymond C., [redacted].
Collins, Richard F., [redacted].
Conrad, James A., [redacted].
Cooch, Stephen L., [redacted].
Corn, Donald R., [redacted].
Costner, Ray S., [redacted].
Cottington, Kirk J., [redacted].
Coughlin, David S., [redacted].
Cox, James H., Jr., [redacted].
Crandall, Scott A., [redacted].
Cristler, John M., Jr., [redacted].
Cron, Patrick M., [redacted].
Crossman, Thomas E., [redacted].
Crowe, James A., [redacted].
Cullen, George F., Jr., [redacted].
Cullina, William J., [redacted].
Cummins, Gerald E., Jr., [redacted].
Current, John D., [redacted].
Currie, William M., [redacted].
Curry, David K., [redacted].
Curry, Joseph P., III, [redacted].
Dailey, Dell L., [redacted].
Daniels, Philip K., III, [redacted].
Danielson, Dean L., [redacted].
David, Bert A., Jr., [redacted].
Davis, Lawrence M., [redacted].
Davis, Leon D., II, [redacted].
Dawson, James R., [redacted].
Dawson, Mark A., [redacted].
Demoya, Richard G., [redacted].
De Parle, David V., [redacted].
Dempsey, Paul T., [redacted].
Denadel, Phillip L., [redacted].
Diehl, William F., Jr., [redacted].
Dierkes, John B., Jr., [redacted].
Dietrich, Gordon S., [redacted].
Dille, Vaughn G., [redacted].
Dodge, Roy R., [redacted].
Doepke, Gregory W., [redacted].
Dole, John A., III, [redacted].
Donahue, Thomas A., [redacted].
Donald, Patrick R., [redacted].
Doyle, John P., [redacted].
Doyne, William G., [redacted].
Dragstedt, Carl A., III, [redacted].
Drake, Paul, [redacted].
Droegemueller, Ford C., [redacted].
Drummond, Raymond R., [redacted].
Duckworth, Roger L., [redacted].
Dudley, Richard A., [redacted].
Duke, David A., [redacted].
Durgala, John T., [redacted].
Durrum, Frank D., Jr., [redacted].
Dyne, Thomas F., [redacted].
Dzieciolowski, John M., [redacted].
Ebbesen, James M., [redacted].
Eberle, James C., [redacted].
Eccleston, Douglas J., [redacted].
Edelen, Jerry B., [redacted].
Edwards, James B., [redacted].
Edwards, Jerry J., [redacted].
Elder, Donald N., [redacted].
Elliott, Robert V., [redacted].
Enners, Richard W., [redacted].
Enwright, Charles E., [redacted].
Erb, Rodney K., [redacted].
Erickson, Michael E., [redacted].
Erlandson, Marcus R., [redacted].
Erwin, Neil S., [redacted].
Estrella, Alfred J., Jr., [redacted].
Ewing, William H., [redacted].
Fasi, Paul F., Jr., [redacted].
Fate, Richard E., [redacted].
Fay, Keith L., [redacted].
Fenske, Edward C., [redacted].
Ferguson, Comadora M., Jr., [redacted].
Ferguson, Thomas K., [redacted].
Fergusson, Edward M. A., [redacted].
Ferris, Daniel J., [redacted].
Fewel, Randall L., [redacted].
Field, William F., [redacted].
Finberg, Paul I., [redacted].
Finnegan, Patrick, [redacted].
Fischer, Milan J., [redacted].
Fitton, Robert A, Jr., [redacted].
Fitz, Harris Leo J., III, [redacted].
Fitzgerald, Robert F., [redacted].
Flanagan, Kevin, [redacted].
Fligg, Warren P., [redacted].
Flood, John F., Jr., [redacted].
Floyd, James G., Jr., [redacted].
Fogarty, John M., [redacted].
Fogarty, John P., [redacted].
Ford, James D., [redacted].
Forest, Jonathan N., [redacted].
Forsyth, Frederick A., [redacted].
Fothergill, William C., II, [redacted].
Fowler, Donald E., II, [redacted].
Fox, Alan A., [redacted].
Fox, Joseph M., [redacted].
Fraaza, Gary V., [redacted].
Frankenfield, Thomas R., [redacted].
Franzino, Michael, [redacted].
Freeman, Robert E., [redacted].
Friel, John J., [redacted].
Frink, Jack C., [redacted].
Fullerton, Terrence D., [redacted].
Gabbert, Craig V., Jr., [redacted].
Gaffney, Glenn R., [redacted].
Gallagher, Herbert J., [redacted].
Garrett, Gary A., [redacted].
George, Benjamin J., [redacted].
Gerlach, David P., [redacted].
Gilmore, George H., Jr., [redacted].
Gitt, Kenneth D., [redacted].
Gladney, Ronald C., [redacted].
Glass, Alexander, II, [redacted].
Glatt, Ronald C., [redacted].
Godwin, James B., Jr., [redacted].
Gogel, Roy E., [redacted].
Gooden, Stephen M., [redacted].
Goodwin, Richard C., [redacted].
Gorczynski, James H., [redacted].
Gordon, Kenneth E., [redacted].
Gorski, David B., [redacted].
Graf, Richard E., [redacted].
Grant, Patrick F., [redacted].
Grant, Philip S., Jr., [redacted].
Grant, Wayne E., [redacted].
Grazioplene, James J., [redacted].
Greer, Warren A., [redacted].
Grigg, John W., [redacted].
Grissett, John M., [redacted].
Grussmeyer, Jimmy R., [redacted].
Guerland, David A., [redacted].
Gustin, Maurice J., [redacted].
Hackman, Benjamin C., [redacted].
Hagenbeck, Franklin L., [redacted].
Hahn, David B., [redacted].
Hale, George E., [redacted].
Halloran, Joseph A., [redacted].
Halvatgis, Raymond E., [redacted].
Hamer, John R., [redacted].
Hancock, William I., [redacted].
Hardin, David E., [redacted].
Hardman, Edwin D., Jr., [redacted].
Harmless, Michael M., [redacted].
Harris, Darrell W., [redacted].
Harrison, Charles E., III., [redacted].
Harrison, Steven D., [redacted].
Hartlein, Kenneth R., [redacted].
Hartley, James S., [redacted].
Hartline, Richard Y., [redacted].
Harvey, Robert C., [redacted].
Harvey, Thomas N., [redacted].
Hassin, Donald J., Jr., [redacted].
Hays, Arthur E., III, [redacted].
Hazeltine, Jock B., [redacted].
Hedtke, Roy R., [redacted].
Heffron, Robert M., [redacted].
Heinz, Walter E., [redacted].
Heller, Michael A., [redacted].
Hess, Michael E., [redacted].
Hess, Michael E., [redacted].
Hester, Lewis C., Jr., [redacted].
Heuser, Gary E., [redacted].
Hickok, James N., II, [redacted].
Higley, William R., [redacted].
Hindes, Clyde J., [redacted].
Hitchcock, Frederick G., [redacted].
Hitchcock, Wilbur A., [redacted].
Hoelscher, William B., Jr., [redacted].
Hoffman, Theodore W., Jr., [redacted].
Holcombe, Joseph L., [redacted].
Holcombe, Robert K., [redacted].
Hoover, James M., [redacted].
Hopkins, Michael P., [redacted].
Horton, James J., [redacted].
Hosack, Charles R., [redacted].
Hoskins, Clyde B., [redacted].
Hotze, William R., [redacted].
Houseward, Timothy J., [redacted].
Howard, Dan R., [redacted].
Howard, John B., [redacted].
Howell, Russell B., [redacted].
Hubsch, Jeffrey L., [redacted].
Hughes, Charles T., [redacted].
Hughes, Craig B., [redacted].
Hughes, John P. M., Jr., [redacted].
Humphrey, David R., [redacted].
Hunter, Michael B., [redacted].
Hutchison, David S., [redacted].
Iacchei, Joseph A., [redacted].
Ingram, Jeffrey F., [redacted].
Ireland, Robert B., Jr., [redacted].
Ives, Arthur D., Jr., [redacted].
Jacobs, Paul P., Jr., [redacted].
Jacobson, Robert M., [redacted].
James, Gerald P., [redacted].
James, Kevin T., [redacted].
Jenckes, Joseph D., [redacted].
Jensen, Arden R., [redacted].
Jensen, Eric J., [redacted].
Jensen, Neal R., [redacted].
Johnson, Donald B., [redacted].
Johnson, Robert E., [redacted].
Jones, Gene A., Jr., [redacted].
Jones, Jeffrey B., [redacted].
Jones, Richard D., [redacted].
Jones, William A., [redacted].
Jorrey, Douglas R., [redacted].
Jowell, Myrl B., [redacted].
Kaden, Lawrence A., [redacted].
Kaler, Sperry G., [redacted].
Kardonsky, Louis M., [redacted].
Karhuse, Kenneth B., [redacted].
Keene, Richard T., [redacted].
Keith, Geoffrey L. F., [redacted].
Keith, Jerome A., [redacted].
Kelley, Michael A., [redacted].
Kelley, Richard D., [redacted].
Kelly, Logan R., [redacted].
Kelly, Michael J., [redacted].
Kelly, Richard A., [redacted].
Kempfe, Robert E., [redacted].
Kendall, Frank, III, [redacted].
Kendall, John M., [redacted].
Kesler, James M., [redacted].
Killpack, Ronald D., [redacted].
Kinder, Larry E., [redacted].
King, Ward D., Jr., [redacted].
Kirchberger, Gary D., [redacted].
Kitt, Timothy T., [redacted].
Klevecz, John A., [redacted].
Kloeber, Leonard P., Jr., [redacted].
Knight, Richard F., Jr., [redacted].
Knight, Ronald F. [redacted].
Knowles, John T., Jr., [redacted].
Kobes, Kenneth J., [redacted].
Kolding, James C., [redacted].
Koontz, John J., [redacted].
Kopp, David L., [redacted].
Kotzebue, David L., [redacted].
Kramer, Robert C., [redacted].
Kruthers, Clifford P., [redacted].
Kruthers, Thomas V., [redacted].
Kulbick, Robert R., [redacted].
Kulik, Joseph S., [redacted].
La Casse, Terry P., [redacted].
Lainis, Thomas, Jr., [redacted].
Laliberte, Paul Q., [redacted].
Lambert, Robert V., Jr., [redacted].
Lamborne, William R., [redacted].
Landgraff, James A., III, [redacted].
Landis, Kenneth K., Jr., [redacted].
Lautermilch, Charles H., [redacted].
Leclaire, Richard C., [redacted].
Leininger, Carl J., [redacted].
Leja, Stanley C., [redacted].
Lennon, Bert L., [redacted].
Lennox, William J., Jr., [redacted].
Lentini, Anthony R., Jr., [redacted].

Levine Jay E., [redacted].
Lewis, David R., [redacted].
Lewis, Stephen R., [redacted].
Libby, Kevin G., [redacted].
Libershal, Charles E., [redacted].
Liberty, Michael A., [redacted].
Lilley, John F., [redacted].
Lincoln, Jeffrey A., [redacted].
Lindeman, James L., [redacted].
Lindsay, Stuart C., [redacted].
Lindstrom, Clifford O., Jr., [redacted].
Liss, Ronald A., [redacted].
Litchfield, Robert L., Jr., [redacted].
Litwin, Bruce D., [redacted].
Lohr, Stony R., [redacted].
Lord, William G., [redacted].
Lorenz, Terry R., [redacted].
Lovell, James C., [redacted].
Lower, Philip E., [redacted].
Ludrick, Robert N., [redacted].
Lujan, Thomas R., [redacted].
Lundy, Robert A., [redacted].
Mabry, Garry A., [redacted].
Macaaron, Kenneth A., II, [redacted].
Maclaren, Donald R., Jr., [redacted].
Macdonald, Glen M., [redacted].
Macdonald Hugh C., Jr., [redacted].
Maday, Roy E., [redacted].
Malleris, Leonidas C., [redacted].
Mankowski, Joseph E., Jr., [redacted].
Mann, William R., [redacted].
Mannle, Thomas E., Jr., [redacted].
Mansager, Bard K., [redacted].
Maples, Michael D., [redacted].
Marriott, Carl B., [redacted].
Marsala, John A., [redacted].
Marsh, Stephen J., [redacted].
Marshman, Stephen J., [redacted].
Martin, Thomas G., [redacted].
Masciello, Michael A., [redacted].
Mase, Randolph L., [redacted].
Mason, Glenn M., [redacted].
Mason, Timothy P., [redacted].
Mattfeld, William H., [redacted].
Matthews, Edward H., Jr., [redacted].
Matwiczak, Kenneth M., [redacted].
McClelland, George R., [redacted].
McConaghy, John M., Jr., [redacted].
McDonald, Patrick D., [redacted].
McGrath, Craig J., [redacted].
McGuire, Terrence J., [redacted].
McHenry, John R., [redacted].
McIntyre, David H., [redacted].
McKenney, Richard F., [redacted].
McKeon, Thomas C., [redacted].
McKinney, Raymond H., Jr., [redacted].
McLaughlin, John T., Jr., [redacted].
McMonagle, Daniel S., Jr., [redacted].
McNally, Jeffrey A., [redacted].
McNulty, Michael L., [redacted].
McQuistion, Brian E., [redacted].
McRee, Michael J., [redacted].
Meier, Douglas A., [redacted].
Melesky, James B., [redacted].
Merkl, Lawrence C., [redacted].
Metcalf, Douglas H., [redacted].
Methered, James R., [redacted].
Metz, Thomas F., [redacted].
Miller, Daniel A., [redacted].
Miller, Max E., Jr., [redacted].
Miller, Monty L., [redacted].
Miller, Robert W., Jr., [redacted].
Miller, Rodney D., [redacted].
Mirakian, Stephen G., [redacted].
Mitchell, John W., [redacted].
Moffett, Terrill K., [redacted].
Mohn, Robert A., [redacted].
Monastra, John R., [redacted].
Montrone, Thomas L., [redacted].
Moore, Charles D., [redacted].
Moore, John W. M., [redacted].
Morash, Peter L., [redacted].
Morehead, Hubert L., [redacted].
Morgeson, James D., [redacted].
Morrison, John D., [redacted].
Morrison, John T., [redacted].
Morrison, William E., [redacted].
Moses, Steven L., [redacted].
Moss, Terry R., [redacted].
Munden, Ronald L., [redacted].
Munoz, Leonel X., [redacted].
Mura, Steven J., [redacted].
Mussa, Maurice A., [redacted].
Musser, Ronald M., [redacted].
Nastasi, Michael, [redacted].
Navin, Lawrence P., [redacted].
Nead, Bruce E., [redacted].
Neenan, John R., Jr., [redacted].
Nelsen, Don A., Jr., [redacted].
Nelson, David E., [redacted].
Nelson, Lyle B., [redacted].
Nelson, Paul H., [redacted].
Nelson, Palmer, Michael K., [redacted].
Newell, Michael H., [redacted].
Neyland, Michael A., [redacted].
Nichols, Gary V., [redacted].
Nichols, Joe R., [redacted].
Nichols, William S., Jr., [redacted].
Nickel, Gary W., [redacted].
Nido, Luis M., [redacted].
Nolde, John F., [redacted].
O'Brien, George T., III, [redacted].
O'Brien, James M., [redacted].
O'Neil, Patrick J., [redacted].
O'Neill, Patrick J., [redacted].
Oakley, Paul D., [redacted].
Oaks, Steven A., [redacted].
Odom, Danny L., [redacted].
Ogilvy, Thomas W., [redacted].
Ogren, John W., [redacted].
Oliver, Randall G., [redacted].
Parrot, William G., [redacted].
Passanante, Joseph F., Jr., [redacted].
Patterson, Albert L., III, [redacted].
Patterson, Daniel K., [redacted].
Pawlicki, Raymond, [redacted].
Payne, Allan D., [redacted].
Payne, Robert T., [redacted].
Pazak, Thomas P., [redacted].
Pegg, John D., [redacted].
Penhallegon, William M., [redacted].
Perry, Doyle P., [redacted].
Petersen, Gerald S., [redacted].
Petersen, Kent E., [redacted].
Peterson, James W., [redacted].
Peterson, Thomas W. [redacted].
Pfenning, Ronald H., [redacted].
Phernambucq Stanley G., [redacted].
Phillips, Gary N., [redacted].
Pierce, Raymond E., [redacted].
Pillasch, Daniel W., [redacted].
Pingel, John J., [redacted].
Piper, Dennis C., [redacted].
Pirkle, Dale F., [redacted].
Pitts, John W., Jr., [redacted].
Pjesky, Steven D., [redacted].
Plugge, Patrick W., [redacted].
Plummer, William W., III, [redacted].
Pogue, Edward W., [redacted].
Pohl, Cordell A., [redacted].
Post, Nelson J., Jr., [redacted].
Postell, Edward D., [redacted].
Powell, Clifford N., [redacted].
Pride, Samuel G., [redacted].
Procopio, Russell F., [redacted].
Publow, Christopher S., [redacted].
Pyrz, Thomas A., [redacted].
Quinlan, William C., [redacted].
Rasmussen, Raymond E., II, [redacted].
Rau, Steven J., [redacted].
Raymo, Michael L., [redacted].
Raymond, William D., Jr., [redacted].
Reed, John F., [redacted].
Reese, Martin P., [redacted].
Register, Richard O., [redacted].
Reiley, William J., Jr., [redacted].
Reischl, Timothy J., [redacted].
Reitnour, Raymond J., Jr., [redacted].
Renaud, William E. M., [redacted].
Rentz, Richard E., [redacted].
Reynolds, Paul E., [redacted].
Rhyne, David W., [redacted].
Rhyne, Joseph C., [redacted].
Rice, Stephen C., [redacted].
Richards, Harry E., III, [redacted].
Richardson, David A., [redacted].
Richardson, Michael E., [redacted].
Ridder, William J., [redacted].
Rini, Thomas J., [redacted].
Ritchie, Michael G., [redacted].
Rivette, Patrick D., [redacted].
Roark, Michael J., [redacted].
Roberts, Brian W., [redacted].
Robinson, John R., [redacted].
Rock, Alan J., [redacted].
Roden, William C., [redacted].
Root, Peter B., [redacted].
Rose, John B., III, [redacted].
Rosenberg, Stephen H., [redacted].
Rowe, Richard L., [redacted].
Rowland, Donald M., [redacted].
Rucker, Steve C., [redacted].
Rudzinskyj, Bohdan J., [redacted].
Ryan, Michael C., [redacted].
Ryan, Michael K., [redacted].
Ryder, Richard E., [redacted].
Sabata, William T., [redacted].
Sakas, Edward L., [redacted].
Sanders, Robert M., [redacted].
Sansone, James A., [redacted].
Sapp, Bernard B., II, [redacted].
Satchell, Robert M., [redacted].
Scales, Richard S., [redacted].
Schlener, David P., [redacted].
Schlesinger, James S., [redacted].
Schmieder, Jay R., [redacted].
Schnabel, Andrew G., [redacted].
Schrader, Henry C., Jr., [redacted].
Schrantz, John M., [redacted].
Schroeder, Larry C., [redacted].
Schrubbe, Gregory D., [redacted].
Schwartzstein, Henry A., [redacted].
Schwei, James P., [redacted].
Scioletti, Daniel C., Jr., [redacted].
Scott, John F., III, [redacted].
Seaman, Richard N., [redacted].
Seitz, Joe H., [redacted].
Seletsky, Joseph P., [redacted].
Sellick, Kim L., [redacted].
Shadell, Michael J., [redacted].
Sherfey, Lloyd W., [redacted].
Shively, Robert G., [redacted].
Shoemaker, Christopher C., [redacted].
Shoemaker, John O., Jr. [redacted].
Shoji, Dennis C., [redacted].
Shuff, William T., Jr., [redacted].
Singer, Harry J., [redacted].
Sitler, David K., [redacted].
Sivess, George P., [redacted].
Smith, Ben M., [redacted].
Smith, Bruce L., [redacted].
Smith, Charles O., [redacted].
Smith, David M., [redacted].
Smith, Donald K., [redacted].
Smith, Donald W., [redacted].
Smith, Palmer F., [redacted].
Smith, Randall K., [redacted].
Smith, Thomas E., [redacted].
Smoak, Andrew W., [redacted].
Smyth, David T., [redacted].
Snyder, Robert J., [redacted].
Socea, Larry S., [redacted].
Spears, John A., Jr., [redacted].
Speight, Thomas C., [redacted].
Spiezia, John J., III, [redacted].
Spivey, Hugh M., [redacted].
Spohn, Edward A., III, [redacted].
St. Germain, Robert P., [redacted].
Steele, Danton G., II, [redacted].
Stevenson, John G., [redacted].
Stith, Michael R., [redacted].
Stock, Gerald G., [redacted].
Stockstill, Byron J., [redacted].
Stone, William T., [redacted].
Streeter, Douglas L., [redacted].
Suermann, Thomas C., [redacted].
Sundin, Eric M., [redacted].
Sutter, Samuel J., Jr., [redacted].
Swannack, Charles H., Jr., [redacted].
Szczepanski, John C., [redacted].
Taylor, Charles R., [redacted].
Teesdale, Thomas J., [redacted].
Tetu, William J., [redacted].
Theaux, Thomas N., [redacted].
Thomas, Joseph E., Jr., [redacted].
Thomas, Stephen R., [redacted].
Thomason, Terry E., [redacted].
Thompson, Jerald L., [redacted].
Thompson, Jerry W., [redacted].
Threatt, Alan H., [redacted].
Tighe, Terry M., [redacted].
Timmers, Christopher B., [redacted].
Tokarsky, Michael E., [redacted].
Tomasulo, Robert M., [redacted].
Tornehl, Walter T., [redacted].
Trabue, William C., [redacted].

Trowbridge, Ronald S., [redacted].
Tryon, William J., [redacted].
Turk, John W., Jr., [redacted].
Turner, Daniel L., [redacted].
Turner, Thomas W., [redacted].
Tyndall, Robert D., Jr., [redacted].
Vagt, Lee H., [redacted].
Van Buskirk, Ray M., [redacted].
Van Winkle, Hans A., [redacted].
Vandal, Steven O., [redacted].
Varnas, Lawrence J., [redacted].
Vaughan, Russell P., [redacted].
Vaughn, Stephen D., [redacted].
Villecco, John A., [redacted].
Visinski, Joseph R., [redacted].
Vlk, Ronald G., [redacted].
Vonseggern, Keith V., [redacted].
Waddington, Paul A., [redacted].
Wade, Robert R. G., [redacted].
Wagner, Douglas C., [redacted].
Wake, Carl K., [redacted].
Waldhaus, Joseph J., [redacted].
Walker, Walton H., II, [redacted].
Wall, Hubert B., Jr., [redacted].
Walter, James A., [redacted].
Walters, James R., [redacted].
Wamsted, Michael L., [redacted].
Watkins, Howard E., [redacted].
Watkins, Paul B., [redacted].
Watson, Thomas R., Jr., [redacted].
Watts, Wayland M., III, [redacted].
Weddle, Peter D., [redacted].
Weidner, Glenn R., [redacted].
Weiman, Mark M., [redacted].
Weinstock, Jeffrey B., [redacted].
Weiss, Robert D., [redacted].
Weldon, Claude M., [redacted].
Wenick, Louis M., [redacted].
Wenker, Dennis A., [redacted].
Wenzloff, Gregory R., [redacted].
Werner, Robert J., [redacted].
Werthmuller, Roy W. F., Jr., [redacted].
West, James L., [redacted].
West, William F., [redacted].
Wharton, Phillip L., [redacted].
White, Stephen J., [redacted].
Wielkoszewski, Arthur R. P., [redacted].
Wier, William H., [redacted].
Wiesler, Richard P., [redacted].
Wilcox, Stephen F., [redacted].
Williams, Charles H., Jr., [redacted].
Williams, Charles M., [redacted].
Williams, Richard A., [redacted].
Wilson, Charles B., [redacted].
Wing, John K., [redacted].
Witschonke, Ross P., [redacted].
Wood, Steven F., [redacted].
Worthington, Glen D., [redacted].
Worthington, Robert G., [redacted].
Wray, Timothy A., [redacted].
Wright, Gary A., [redacted].
Wright, Steven J., [redacted].
Wright, Walter J., [redacted].
Wyman, Francis L., [redacted].
Wynn, Donald T., [redacted].
Wyrick, Kenneth L., [redacted].
Yakovac, Joseph L., Jr., [redacted].
Young, Odos G., [redacted].
Yrazabal, Mark A., [redacted].
Zimmerman, Richard E., [redacted].

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Ackerman, Kenneth W., [redacted].
Allan, Edward G., [redacted].
Amy, William T., [redacted].
Anderson, William E., Jr., [redacted].
Andrew, James D., [redacted].
Antosh, Raymond H., [redacted].
Armitage, Robert J., [redacted].
Arnold, Mark W., [redacted].
Arnold, Norman E., II, [redacted].
Bailey Paul T., [redacted].
Baker, Richard A., [redacted].
Beeson, Terry D., [redacted].
Berke, Ralph L., Jr., [redacted].
Boulware, Frederick D., II, [redacted].
Bounds, Paul S., [redacted].
Bowe, Thomas G., [redacted].
Bradsher, John R., [redacted].
Brooks, Elmer T., [redacted].
Buck, Wayne M., [redacted].
Burton, Daniel B., [redacted].
Carder, Stephen F., [redacted].
Carter, William J., [redacted].
Chamberlain, Jason A., [redacted].
Chamberlain, Royal L., [redacted].
Charkowick, Frank, Jr., [redacted].
Christensen, Michael, [redacted].
Ciriello, Richard J., [redacted].
Colburn, Duel O., [redacted].
Conley, Stafford G., [redacted].
Conner, Larry J., [redacted].
Coroso, Louis F., Jr., [redacted].
Cosnahan, Robert F., Jr., [redacted].
Crow, Douglas L., [redacted].
Dale, Michael C., [redacted].
Danekas, Steven D., [redacted].
Davis, Thomas W., [redacted].
De Angelo, Walter A., [redacted].
Dean, Richard L., [redacted].
Deas, Alfred, Jr., [redacted].
Decamp, James A., [redacted].
Dibbert, Bernard W., Jr., [redacted].
Driggers, Donald P., [redacted].
Duhon, Howard R., [redacted].
Dupre, Marcy M., IV, [redacted].
Egan, Edward P., III, [redacted].
Eiserman, Frederick A., [redacted].
Elliott, Donald M., [redacted].
Ellis, Steven M., [redacted].
Epstein, William H., [redacted].
Ettinger, Dean D., [redacted].
Everett, Michael W., [redacted].
Faint, Donald R., [redacted].
Farke, Gregg A., [redacted].
Firster, John G., [redacted].
Fischetti, John R., [redacted].
Flowers, Walter E., [redacted].
Frutchey, William C., [redacted].
Gerdes, Karl F., [redacted].
Gibbons, Richard S., [redacted].
Gieseman, Gary L., [redacted].
Gonzalez, Jose M., [redacted].
Grasser, William J., [redacted].
Gulliams, Dennis P., [redacted].
Haralson, Michael A., [redacted].
Hardaker, Paul R., [redacted].
Hately, Robert R., [redacted].
Helton, Howard L., [redacted].
Herald, David A., [redacted].
Hobson, Dana E., Jr., [redacted].
Hogan, George W., Jr., [redacted].
Holland, Ronald M., [redacted].
Hoover, David R., [redacted].
Howard, Thomas D., Jr., [redacted].
Huckabee, Robert G., [redacted].
Hurley, James P., [redacted].
Johnson, Alan J., Jr., [redacted].
Johnson, James N., [redacted].
Jones, Porter, [redacted].
Joyner, Spencer A., Jr., [redacted].
Keckeisen, George L., Jr., [redacted].
Kimball, Steven L., [redacted].
Kreizenbeck, Randy J., [redacted].
Lamb, Lafayette J., [redacted].
Landergren, Donald K., [redacted].
Little, Thomas W., [redacted].
Loria, Bruce R., [redacted].
Loving, Harry G., Jr., [redacted].
Lyon, David M., [redacted].
Maag, Edward T., [redacted].
Maddox, Coburn S., [redacted].
Manatt, James C., Jr., [redacted].
Mandeville, John A., [redacted].
Matthews, James A., [redacted].
Mayeux, David F., [redacted].
McDaniel, Joseph W., Jr., [redacted].
McGuire, Michael L., [redacted].
McNamara, George T., [redacted].
McSwain, Michael R., [redacted].
Measley, Wilbur T., III, [redacted].
Melton, Terry L., [redacted].
Mettala, Erik G., [redacted].
Milligan, Ted G., [redacted].
Minarik, Peter, [redacted].
Mishko, John B., [redacted].
Mlynarski, John T., [redacted].
Moody, Gary W., [redacted].
Mosby, Charles L., Jr., [redacted].
Moser, Stephen H., [redacted].
Mouldin, Richard B., [redacted].
Moulton, Robert B., Jr., [redacted].
Murray, Alan L., [redacted].
Nagy, Robert S., [redacted].
Nizolek, Raymond R., [redacted].
Norman, Jack E., Jr., [redacted].
Oliva, Pablo S., [redacted].
Ortelli, Wayne E., [redacted].
Overton, Davis C., [redacted].
Paeth, Gale A., [redacted].
Palmer, Jacob A., III, [redacted].
Pearson, Ronald G., [redacted].
Pengitore, Francis C., [redacted].
Pickler, Harold T., [redacted].
Powe, Stephen F., [redacted].
Powell, Denny W., [redacted].
Price, Stephen C., [redacted].
Purdy, David W., [redacted].
Putnam, James A., [redacted].
Pylant, David B., [redacted].
Race, John C., Jr., [redacted].
Ramos, Jose E., [redacted].
Reynard, Dana F., [redacted].
Roberts, Arthur J., [redacted].
Ruyak, Robert F., Jr., [redacted].
Schaeper, Dwight D., [redacted].
Schnieders, Daniel J., [redacted].
Scott, Paul R., [redacted].
Shewmaker, Stephen M., [redacted].
Smith, Alan W., [redacted].
Somers, Bruce W., [redacted].
Sommese, Dennis A., [redacted].
Stamy, Spencer A., [redacted].
Stehm, Thomas W., [redacted].
Stein, Robert D., [redacted].
Studnicka, Donald F., [redacted].
Thompson, Charles B., [redacted].
Thurber, Richard J., [redacted].
Tierney, Thomas F., [redacted].
Tipton, James M., [redacted].
Toone, Steven B., [redacted].
Touchet, Neil H., [redacted].
Trice, Lafayette, Jr., [redacted].
Vaughan, David H., [redacted].
Wallace, Thomas R., [redacted].
Wells, Burnie D., [redacted].
Williams, Hilary M., III, [redacted].
Williamson, Herbert A., [redacted].
Woolfolk Clyde R., Jr., [redacted].
Wright, Jerome T., [redacted].
Wuenker, Richard A., [redacted].
Zorn, Howard H., [redacted].

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Acuff, Ronald D., [redacted].
Ada, Thomas C., [redacted].
Adamo, Jeffrey W., [redacted].
Anderson, John A., [redacted].
Anthony, Patrick J., [redacted].
Arlinghaus, Bruce E., [redacted].
Arntz, Stephen J., [redacted].
Ashley, Richard W., [redacted].
Auflick, George R., [redacted].
Ayers, Charles M., [redacted].
Bacher, James W., [redacted].
Baker, Edwin Wesley, [redacted].
Barb, Paul F., Jr., [redacted].
Barron, Michael J., [redacted].
Bell, Leo, Jr., [redacted].
Bennett, Ronald L., [redacted].
Bernardo, Jack M., [redacted].
Bickel, Carl W., [redacted].
Blaschke, Joseph D., [redacted].
Bort, Roger E., [redacted].
Bover, William J., [redacted].
Box, Alan G., [redacted].
Brooks, James, [redacted].
Brownell, Alan C. D., [redacted].
Buckles, Tony J., [redacted].
Burns, Johnny L., [redacted].
Butler, James L., [redacted].
Butler, John P., [redacted].
Caldwell, Joe R., Jr., [redacted].
Campbell, Clark P., [redacted].
Cirillo, Roger, [redacted].
Clark, Michael D., [redacted].
Corbin, Robert P., [redacted].
Corr, Brian A., [redacted].
Craig, Joseph M., [redacted].

Creel, Buckner M., IV, [redacted].
Cunningham, Harry V., [redacted].
D'Agostino, Michael F., [redacted].
Dandrea, Thomas J., [redacted].
Dellaganna, George A., [redacted].
Dennett, Michael R., [redacted].
Dickey, Horace W., [redacted].
Dickson, John R., Jr., [redacted].
Didio, John S., [redacted].
Diggs, Isaacs W., [redacted].
Dikeman, Lawrence B., [redacted].
Dreher, Lawrence J., [redacted].
Dressel, Walter R., Jr., [redacted].
Dube, Timothy J., [redacted].
Duncan, Charles A., [redacted].
Dunn, Royce N., [redacted].
Dutton, Frederick L., [redacted].
Elliott, Clifford, [redacted].
Eng, David G. F., [redacted].
Fawcett, John S., [redacted].
Featherstone, Thomas M., [redacted].
Fields, John R., [redacted].
Fischer, Walter D., [redacted].
Florsheim, Charles, [redacted].
Frothingham, Edward, II, [redacted].
Galligan, John P., [redacted].
Gardner, Mack B., [redacted].
Gentille, John R., [redacted].
Glen, Peter B., [redacted].
Gomes, Shannon L., [redacted].
Graf, Joseph G., [redacted].
Grant, Artis C., Jr., [redacted].
Grider, David R., [redacted].
Haas, Royce A., [redacted].
Hahn, Alan K., [redacted].
Hamilton, Ross N., [redacted].
Hanes, Richard A., [redacted].
Harms, Robert A., [redacted].
Hawthorne, John D., Jr., [redacted].
Henderson, Stephen P., [redacted].
Hidek, Douglas G., [redacted].
Hoge, Stephen E., [redacted].
Huffman, Laurence M., [redacted].
Humphries, George L., [redacted].
Hoysradt, William E., [redacted].
Hunter, William C., Jr., [redacted].
Ionescu, Costel Anton, [redacted].
Jackson, Bruce B., [redacted].
Jackson, James T., [redacted].
James, Clinton B., [redacted].
Jenke, Ralph K., [redacted].
Jespersen, Henry L., [redacted].
Johnson, Edwin J., Jr., [redacted].
Johnson, Roger H., [redacted].
Johnson, William D., [redacted].
Jones, Brian B., [redacted].
Jones, Gordon L., [redacted].
Jones, Paul R., [redacted].
Jurkowski, Thomas M., [redacted].
Kaminskis, Richard W., [redacted].
Keefe, Patrick A., [redacted].
King, James M., [redacted].
Kingseed, Cole C., [redacted].
Kinkead, Albert E., [redacted].
Kirsch, Richard J., [redacted].
Knofczynski, Joseph J., [redacted].
Konsin, Lawrence S., [redacted].
Krug, Geoffrey A., [redacted].
Kuchenrither, Richard D., [redacted].
Lach, Thomas H., [redacted].
Levandovsky, Richard G., [redacted].
Leyes, Gregory A., [redacted].
Lind, Craig R., [redacted].
Lorenz, Anthony L., [redacted].
Lowe, William T., [redacted].
Lusk, Michael J., [redacted].
Lutz, Stephen M., [redacted].
Lynch, Patrick J., [redacted].
Lynch, Robert J., [redacted].
Masengale, Roy L., [redacted].
Massey, Richard A., [redacted].
McCoy, Michael W., [redacted].
McCarter, Bobby C., [redacted].
McClellan, Mark R., [redacted].
Miller, Geoffrey D., [redacted].
Moose, Charles M., [redacted].
Morrow, Johnny W., [redacted].
Muratsuchi, James T., [redacted].
Myron, John W., [redacted].
Nadler, Bruce R., [redacted].
Nagle, Andrew W., [redacted].
Nelsen, John T., II, [redacted].
Newkirk, William G., Jr., [redacted].
O'Donnell, Michael A., [redacted].
Ohlstein, Allen, [redacted].
O'Keefe, Robert M., [redacted].
Olson, William H., [redacted].
Olszewski, Raymond C., Jr., [redacted].
Opio, Roger M., [redacted].
Pace, James M., [redacted].
Palmer, David G., [redacted].
Parker, Frederick A., Jr., [redacted].
Parker, Randall A., [redacted].
Peck, Michael P., [redacted].
Poling, Glen M., [redacted].
Prince, Robert H., [redacted].
Quasny, Jerry E., [redacted].
Ramos, Felix J., [redacted].
Randol, Doyle E., [redacted].
Recasner, James, [redacted].
Rein, Rickard E., [redacted].
Renner, Frederic L., [redacted].
Revie, Andrew I., [redacted].
Rials, Lee A., [redacted].
Riseborough, John C., [redacted].
Roberts, William O., [redacted].
Rockwell, Christopher A., [redacted].
Roger, Norman J., [redacted].
Runals, Stephen E., [redacted].
Rush, David E., [redacted].
Ryder, Edward B., [redacted].
Sanders, Russell L., [redacted].
Sanner, William R., III, [redacted].
Schwarz, Paul W., [redacted].
Scatamacchia, Vincent, [redacted].
Scheffner, Douglas W., [redacted].
Searcy, Jon W., [redacted].
Sector, Peter W., [redacted].
Shaw, Gregory S., [redacted].
Shenefiel, Stephen E., [redacted].
Shields, Robert G., [redacted].
Siegert, Stephen R., [redacted].
Simmons, Randall O., [redacted].
Simms, Jon C., [redacted].
Skolnicki, John J., [redacted].
Smith, Gregory G., [redacted].
Smith, Gregory S., [redacted].
Smith, Lee T., [redacted].
Spitler, Mark G., [redacted].
Steinweg, Kenneth K., [redacted].
Stephans, Edward H., [redacted].
Stewart, Donald S., [redacted].
Stolting, Robert A., [redacted].
Strasser, Herbert D., [redacted].
Taylor, Jeremiah A., Jr., [redacted].
Tessier, Lawrence A., [redacted].
Tozzi Gerald F., [redacted].
Urban Mark S., [redacted].
Vancour Robert Erwin, [redacted].
Veronee, Bernard F., Jr., [redacted].
Viemeister Kenneth D., [redacted].
Vincent Gordan S., [redacted].
Vogel Donald A., [redacted].
Vogelpohl Edward L., [redacted].
Voss James S., [redacted].
Waak Roger W., [redacted].
Walker Kenneth M., [redacted].
Walsh Matthew W., Jr., [redacted].
Walsh Michael E., [redacted].
Watson Tadashi M., [redacted].
Whited Thomas R., Jr., [redacted].
Whitten Earstin E., [redacted].
Wilcox Timothy J., [redacted].
Wilson Larry D., [redacted].
Wingate Thomas P., [redacted].
Wingfield William C., [redacted].
Woffard William D., [redacted].
Woodman Ronald C., [redacted].
Wyand Michael W., [redacted].
Younger Norman M., [redacted].
Yuen Raymond K., [redacted].

Executive nominations received by the Senate April 14, 1971:

U.S. DISTRICT COURTS

Charles R. Richey, of Maryland, to be a U.S. district judge for the District of Columbia, vice Edward M. Curran, retired.

Jack M. Gordon, of Louisiana, to be a U.S. district judge for the eastern district of Louisiana, vice a new position created by Public Law 91–272, approved June 2, 1970.

R. Blake West, of Louisiana, to be a U.S. district judge for the eastern district of Louisiana, vice a new position created by Public Law 91–272, approved June 2, 1970.

Murray I. Gurfein, of New York, to be a U.S. district judge for the southern district of New York, vice Thomas F. Murphy, retired.

DEPARTMENT OF THE INTERIOR

Nathaniel Pryor Reed, of Florida, to be Assistant Secretary for Fish and Wildlife, Department of the Interior, vice Leslie Lloyd Glasgow; resigned.

DEPARTMENT OF COMMERCE

William N. Letson, of Ohio, to be General Counsel of the Department of Commerce, vice James T. Lynn.

DEPARTMENT OF TRANSPORTATION

John W. Ingram of Illinois, to be Administrator of the Federal Railroad Administration, vice Reginald Norman Whitman; resigned.

INTERSTATE COMMERCE COMMISSION

Virginia Mae Brown, of West Virginia, to be an Interstate Commerce Commissioner for the terms of 7 years expiring December 31, 1977; reappointment.

Dale Wayne Hardin, of Virginia, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1977, vice Laurence Walrath; term expired.

Laurence Walrath, of Florida, to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1972, vice Dale Wayne Hardin.

U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Richard Thomas Cassidy, [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Robert Edmonston Coffin, [redacted] Army of the United States (brigadier general, U.S. Army).

U.S. NAVY

Vice Adm. Isaac C. Kidd, Jr., U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title X, United States Code, section 5231, for appointment to the grade of admiral while so serving.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 14, 1971:

DEPARTMENT OF LABOR

George C. Guenther, of Pennsylvania, to be an Assistant Secretary of Labor, effective in accordance with the provisions of law.

Horace E. Menasco, of Washington, to be Administrator of the Wage and Hour Division, Department of Labor.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

The following-named persons to be members of the Occupational Safety and Health Review Commission for the terms indicated, effective in accordance with the provisions of law:

For a term of 2 years: Alan F. Burch, of Maryland.

For a term of 4 years: James F. Van Namee, of Pennsylvania.

For a term of 6 years: Robert D. Moran, of Massachusetts.

EXTENSIONS OF REMARKS

SOUTH CAROLINA WILDLIFE FEDERATION NAMES WATER CONSERVATIONIST OF THE YEAR

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 14, 1971

Mr. THURMOND. Mr. President, according to an article published in a recent copy of the Water Spectrum magazine, the South Carolina Wildlife Federation has cited Col. Burke W. Lee as water conservationist of the year for his attempts to "combine needed development and progress with a high regard for our national resources." Colonel Lee is the Charleston district engineer for the U.S. Army Corps of Engineers.

I feel that this award is not only well-deserved recognition of a conscientious conservationist, but also recognition of State and Federal teamwork in the area of conservation. Colonel Lee has worked closely with the South Carolina Wildlife Resources Commission as well as other State agencies to develop the planning and management needed to bring about sensible, healthy development of the water resources of South Carolina.

Mr. President, I ask unanimous consent that the excerpt from the Charleston Evening Post, which was reprinted in the spring issue of the magazine Water Spectrum, be printed in the Extensions of Remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SOUTH CAROLINA WILDLIFE FEDERATION NAMES WATER CONSERVATIONIST OF THE YEAR

When the South Carolina Wildlife Federation this month named Col. Burke W. Lee its water conservationist of the year it was the first time conservationists in this State had smiled with favor on the Army Engineers.

It marked recognition of the Corps of Engineers' protective policy towards the Nation's waters during the last few years.

Lee is Charleston District Engineer. The agency of the Federal government has not been exactly the darling of the "hard line" protectionists among wildlife and nature buffs. What brought about the award was a change in emphasis in Washington, D.C., a change that began in earnest with passage of the 1969 National Environmental Policy Act.

Basically, that act is a matter of interpretation of what may and may not be done by the government in its efforts to control, reduce and—perhaps—stop the increase in pollution of land, air and water.

As Lee put it: "The action and events resulting in the award have been the result of the policy of the Corps of Engineers in its growing response to the need to protect the quality of our environment. The Corps has always tried to reflect the public will. Ten or 20 years ago, the public was not as concerned over environmental protection as it is today."

Lee said that the award was "really an award to this district, not to me. It came as a result of the hard work and dedication of our entire staff of military and civilian personnel."

Even so, the Wildlife Federation's presentation to Lee marks one of the few times in the Nation that an Army Engineer District head has so been honored.

When President Nixon directed a hard-nosed approach to environmental care two years ago, the Corps of Engineers was rather definitely in bad odor with the wildlife and outdoors people. Under the new policies, these same people today are looking to the Corps for leadership in many facets of the quality environmental thrust.

Among the items listed in the Wildlife Federation's citation on Lee were his handling of a major oil spill in Charleston Harbor, the halting of unauthorized landfill operations and development of sophisticated diking systems for impounding dredge spoil.

The citation also commended Lee's attempts to "combine needed development and progress with a high regard for our natural resources."

Since becoming district engineer, Lee has accomplished a memorandum of understanding between the engineers and the South Carolina Wildlife Resources Commission providing for multiple use of selected disposal areas. This program is designed to permit development of the areas for fish and wildlife as well as for disposal of dredged spoil.

Under the terms of the Rivers and Harbors Act, the State must supply all disposal areas. The South Carolina State Ports Authority acts for the State insofar as waterways are concerned. Thus, the engineers' dredges may not dump dredge spoil anywhere unless the area has been selected, approved and provided by the State.

One of Lee's projects has been a long range spoil disposal study. It takes into consideration 10 different plans for disposal of dredge silt, each with its own analysis of its effect on wildlife. Another project has been on beach erosion, an area in which Lee has arranged meetings between Federal and State leaders where studies were made of how other States met the problem and legislative suggestions made.

During the year, Lee appeared more than 30 times before civic clubs, college groups and State and Federal agencies. One of his tenets is that "sensible, healthy development of the water resources of South Carolina cannot take place without good planning and management."

The Wildlife Federation judges took into consideration that bit of reasoning and the fact that Lee has been wholeheartedly behind such efforts.

As one observer of the environmental and ecological revolution put it: "The idealists have fought the engineers for many years. Now, with the two groups pulling in the same direction for once, there simply isn't any limit to what can be accomplished."

Whatever happens, Col. Burke W. Lee, U.S. Army Corps of Engineers, and the district he commands, can head on into the continuing battle for clean waters with the satisfaction of a job well done last year.

TAX FREE FOUNDATIONS LOBBY ILLEGALLY FOR SOCIALISM, SUBVERSION, AND COMMUNISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. RARICK. Mr. Speaker, in an interesting and illuminating article entitled "The Invisible Empire," columnist Kevin P. Phillips spotlights an inequitable situation which cries for reform. I am referring to the preferred status which certain tax exempt foundations continue to enjoy even though they continue to violate section 501(c)(3) of the Internal Revenue Code which states the qualifications for tax exemption of an organization as follows:

> (3) Corporations, and any community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

The code further provides that an organization will be regarded as trying to influence legislation if it:

> (a) Contacts, or urges the public to contact, members of the legislative body for the purpose of proposing, supporting or opposing legislation; or
>
> (b) Advocates the adoption or rejecting of legislation.

It logically follows that an organization engaged in political activity will not be granted a tax exempt status and that an organization already enjoying such a status should forfeit it if the organization should engage in political activities. The fact is as pointed out by Mr. Phillips, that many tax exempt organizations have been for a long time violating the law without suffering any penalty or loss of their tax exemption.

Two special congressional committees—the Cox Committee in 1952 and the Reece Committee in the 83d Congress—exposed the misuse of resources by tax exempt foundations for un-American and subversive activities. Apparently no action has been taken by the Commissioner of the Internal Revenue Service nor by the Congress to correct this situation.

While tax free foundations perform appropriate functions as prescribed by law, many of them have abused their privilege by engaging in such matters as paying honorariums to leftist speakers on campuses, awarding a $640,000 grant to the Marxist oriented National Student Association, awarding a grant of $350,000 to the licentious SIECUS organization which condones and promotes immorality, granting $630,000 to the Southwest Council of La Raza Unida headed by a man cited as a Communist Party member by the Subversive Activity Control Board, and so forth.

It is unjust that small businessmen, factory workers, farmers, and other hardworking taxpayers—who produce in the free market economy to build America—must pay taxes while some tax exempt foundation, which accumulated its wealth through the free enterprise system, should escape paying even its fair share of taxes while promoting socialism and communism—the antithesis of free enterprise.

I insert Mr. Phillips' article, along with other pertinent articles:

[From the Washington (D.C.) Post, Apr. 3, 1971]

The Invisible Empire

(By Kevin P. Phillips)

New economic information suggests that an invisible empire of wealth and privilege is quietly taking shape across America: the increasingly rich and politically active network of U.S. "charitable" and other tax-exempt organizations.

Research into the assets and activities of organizations gathered behind the shield of federal tax exemption yields a startling portrait of little-recognized financial and political power. Among this survey's findings:

Between 1950 and 1971, the number of U.S. foundations increased from 1,000 to 25,000, while total assets climbed from $2.5 billion to approximately $20 billion.

U.S. churches are using their multi-billion dollar shareholdings in American business to seek to compel changes in corporate policies ranging from investment in South Africa to environmental practices.

Contrary to the spirit—and sometimes the letter—of U.S. tax laws, the churches, foundations and universities have been attempting to influence legislation.

Charitable foundations. Since 1950, foundations have multiplied and prospered, climbing from $2.5 billion in assets to a massive $20 billion. Of all tax-exempt organizations, these are probably the most controversial. (Unlike the others, they pay a token 4 percent excise tax on income.) All together, U.S. foundations spend some $1.5 billion a year in pursuit of their varying objectives.

The Ford Foundation, with $3 billion in assets, is the biggest and most venturesome. Housed in a $20 million crystal palace in midtown Manhattan with lush private camelia and azalea gardens, Ford functionaries dispense some $200–$300 million a year.

They have financed such political causes as traveling grants for the staff of the late U.S. Senator Robert Kennedy, voter registration drives in black (but not white) sections of Cleveland, and the sustenance of the chicano socio-political movement, La Raza.

In recent years, U.S. charitable foundations have devoted about $300 million a year to poverty-group and minority programming. Comparatively little money is spent on behalf of rural or small town America, blue-collar workers or white * * *.

Federal legislation passed in 1969 bars the use of foundation money to "attempt to influence any legislation through an attempt to affect the opinion of the general public or any segment thereof." So far, this prohibition has not been seriously enforced, and many foundations are trying to shape the direction of governmental policies and priorities.

UNIVERSITIES

The nation's colleges and universities are another repository of growing tax-exempt financial power. Their collective endowments total about $10 billion. Harvard and other rich universities hold large chunks of corporate stock, which campus activists would like to see used to influence the management decisions of American business.

At Harvard, a committee on university relations with corporate enterprise has just filed a report which says that Harvard's investments should aim at income production rather than social goals.

But other large universities are still considering joining in tax-exempt organization campaigns to police the conduct of business corporations.

Like foundations, colleges have begun to delve into politics. Section 501 (c) (3) of the federal tax code states that tax-exempt institutions must not "participate in, or otherwise intervene in . . . any political campaign on behalf of any candidate for public office."

CHURCHES

Detailed information is not available regarding the tax-exempt wealth of U.S. religious denominations, though it is large and growing.

U.S. churches now own more than $6 billion worth of stock in U.S. corporations. Seven major Protestant denominations, recently banded together for social application of their corporate power, account for $4 billion of this.

Frank P. White, director of Resource Studies for the National Council of Churches, has announced a policy whereby churches will use their shareholdings to influence corporate policies in the fields of minority hiring, pollution, consumerism, military production and foreign investment.

In a more overtly political vein, a group of U.S. religious organizations has joined together to push for Congressional adoption of legislation to withdraw American troops from Indochina by Dec. 31, 1971.

[Newsletter]

Count Down—Faith, Facts and Freedom

TAX-FREE DOLLARS FOR DESTRUCTION

Part I.—Tax-Exemption Code

Section 501(c) (3) of the Internal Revenue Code states the qualifications for tax-exemption of an organization as follows:

"(3) Corporations, and any community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), and political campaign on behalf of any candidate for public office."

The code also states that an organization will be regarded as attempting to influence legislation if it:

"(a) Contacts, or urges the public to contact, members of the legislative body for the purpose of proposing, supporting or opposing legislation; or

"(b) Advocates the adoption or rejecting of legislation."

In other words, any group engaged in political activity will not be allowed tax-exemption and one already granted tax-exemption cannot engage in or subsidize political action without forfeiting its tax-free status. But this code is being violated by tax-exempt organizations without suffering any penalty or cancellation of its tax-exemption.

Our nation is beset by anti-American activities of both violence and subtle subversion for the destruction of our Republic. Such action is political and, therefore, financial support of these destructive activities is also political.

Both destructive and constructive programs or forces require funds. The destructive forces in our nation receive money from: private funds (uninformed, misled individuals and corporations); government giveaways (such as agencies of the OEO); college subsidies (honorariums paid Old Left and New Left speakers on campuses, and salaries paid socialist and/or pro-communist teachers); church funds (donations of church members, especially of churches in the National Council of Churches), and tax-exempt organizations and foundations.

Funds from tax-free foundations have been destructive in two main areas: 1) the foundations have been nesting places of Keynesism, the State-Socialist economic theory of deficit spending which permeates our college curricula and our government, and 2) foundations grants to radical, anti-American groups and individuals whose stated goal is overthrow of our American fundamentals.

Power of foundations

Foundation funds are essentially tax dollars because the dollars which sustain foundations would otherwise go directly to the Federal in the form of taxes. Our inheritance tax laws are largely responsible for setting up the conditions creating a need for tax-free foundations. Foundations enable the wealthy to keep their fortunes intact and avoid the taxes they would otherwise have to pay. Some families have more than one Foundation, e.g.: the Ford family has seven foundations; the Carnegies five; the Mellons six; the Rockefellers fourteen, and the exact number of the Kennedy family is not known. LBJ's foundation, the Johnson City Foundation, was set up by Lyndon and Lady Bird in 1956. There is even a Playboy Foundation which affords Hugh Heffner tax-free dollars.

The power of foundations is enormous and their number increases each year. The UPI, July 19, 1969, reported the income of the largest 596 foundations is more than twice the net earnings of the nation's fifty largest commercial banks. The total listed assets of only those foundations filed with the federal government exceed $18 billion, with most of them in New York.

Foundations can buy, sell or hold real estate and securities, and can make loans at low interest rates to the donor and his relatives to run the foundation, providing them both salaries and fringe benefits.

While millions of taxpayers wrestle with their income tax returns, the thousands of tax-exempt foundations are apparently under no official pressure to submit their reports, even though the statute under which they operate requires an accounting. The penalties for disregarding income reports are the same for foundations as for individuals—fines up to $10,000 and jail terms. The big difference, however, is that the Internal Revenue Service has every taxpayer numbered, tabulated and computerized but there is no such tabulation on foundations. At times these foundations have been under-fire by concerned Congressmen but no comprehensive investigation has been possible because the IRS has no knowledge of their number, identity or financial maneuverings—the Secretary of the Treasury has admitted this. And the Treasury Department has not held the foundations accountable for their operations even though their illegal financing of political activities has become public knowledge.

An investigation

From Nov. 1, 1953 to April 30, 1964, a special U.S. House Committee, headed by Cong. Carroll Reece (R-Tenn.), conducted an investigation of tax-exempt foundations. A report of this probe is known as *The Dodd Report*, submitted by Norman Dodd, Director of Research for the committee. At that time it was estimated there were over 6,000 foundations with capital resources amounting to $7,500,000,000 and disbursements in the form of grants which amounted to over $300,000,000 annually for the years from 1903 to 1953.

According to the committee, foundations identified their grants as "education", "charitable", "welfare", "religious", "scientific", "for the good of humanity" and "for the benefit of mankind"—given to advance "peace", "international accord" and "international understanding".

Faced with a probe of such magnitude, the Reece Committee tried to find a factor common to all. The single factor was found to be "public interest", advanced not only through their grants to educational institutions but througn cooperation with the policies our Federal Government had followed since 1903.

The Committee found that foundation grants were directly related to federal policies of: an international viewpoint, a decrease of safeguards for American traditions, changing school and college curricula away from the concepts of Americanism and pressing education into service of a political nature. As a result, the committee turned its investigation toward those receiving grants and found that they all "encouraged humanist studies regarded as social sciences"; "had monopolistic aims"; "spread socialism by peaceful means"; "held radical ideas"; "fostered some form of collectivism" and "an increase in the authority of the State", and were "a stimulus to empirical thinking".

The Reece Committee's general conclusions were: 1) a close cooperation exists between privately owned foundations, agencies through which they operate and the educational institutions benefiting from the grants, resulting in "an undesirable degree of concentrated power"; 2) the operation of "social engineering" is a policy common to all Foundations and our Federal Government; 3) far too many foundation grants are made "to finance ideas and practices incompatible with the fundamental concepts of our Constitution", and 4) further investigation of the Ford Foundation seems necessary because, without precedent as to size, this Foundation is dedicated to "problem solving on a world scale".

The foundations contacted by the Reece Committee—especially the Ford Foundation—not only gave little cooperation but even hampered the investigation. The late Rowan Gaither, head of the Ford Foundation at that time, made the following statement to the Committee's Director of Research, which seems to reveal the real purpose for foundation grants:

"We who are working for the Foundations formerly worked for the State Department, the Marshall Plan or the United Nations Relief and Rehabilitation Administration. In those days, we were working under instructions from the White House to bring about such sociological, economic and political changes as would make union with Russia easy and comfortable for the American people. Now, in the Foundations, we are working toward that same goal." (Count Down says: What could be plainer?)

Ford Foundation grants

The Ford Foundation was started by Henry Ford, Sr. with grant of his own Ford Motor Co. stock worth $500 million. This original sum has now grown to almost $4 billion. The foundation still owns 30 million shares of Ford Motor Co. stock. The annual income of the Ford Foundation exceeds that of the world's biggest banking institution.

The Great Tax Fraud, by Dr. Martin Larson, states that by creating the Ford Foundation at least $1.6 billion in estate taxes have been avoided during the last 20 years. Dr. Larson writes: "The creation of the Ford Foundation has already cost the federal Treasury something like $8 or $10 billion."

The following is but a sample of grants made by the Ford Foundation to anti-American and/or Socialist forces engaged in political activism:

$15 million to the Center for the Study of Democratic Institutions at Santa Barbara, California, which serves as a "psychological warfare center" for distribution of New Left and Socialist materials, whose staff members have included known Communists.

$640,000 to the Marxist-oriented National Students Association (NSA) whose president admitted NSA "is in a massive drive to unite militants on the campuses."

$50,000, indirectly, to playwright LeRoi Jones of the Black Repertory Theatre in Harlem which produces pornographic, hate-whitey plays. Jones was arrested for leading riots in Newark, N.J. in 1967 and the N.Y. police discovered an arsenal of weapons which had been concealed in Jones' theatre.

$350,000 to Sex Information and Education Council of the United States (SIECUS) whose "sex education courses" condone immorality, and whose staff of officers have included persons associated with communist-fronts and publication of pornography.

$131,000 for travel and study grants to eight former aides of the late Senator Robert Kennedy.

$6 million to National Education Television, regarded by many to be socialist and/or leftist slanted.

$1.25 million to the Citizens Crusade Aganst Poverty, part of the political activist "Coalition" formed in 1965, whose chairman was Walter Reuther, and vice-chairmen were Dr. Eugene Carson Blake and Martin Luther King, formed to lobby and demonstrate for recognition of Red China, federal aid to education, civil rights and war-on-poverty laws.

$100 million to Public Broadcasting, largely under left-of-liberal control.

$1 million to the London School of Economics, a Socialist-Marxist oriented college established many years ago in England by the Fabian Socialists.

$250,000 to the National Committee on United States-China, which promotes the recognition of Red China.

$60,000 to the Anti-Defamation League (ADL) of B'nai B'rith for printing of "civil rights" pamphlets.

$4.5 million to the Council on Foreign Relations (CFR), sometimes called the "Invisible Government" or "Secret Government" of the U.S., whose members control much of our nation's policies, federal appointees and national political candidates and fosters One World Government at sacrifice of our country's sovereignty.

$1,630,000 to the Rand Corp., a cybernetic left-of-liberal "Think Tank" which does research for the government, business and the foundations themselves.

$77,000 to a demonstration at the Ocean Hill-Brownsville District which became so violent that the schools in the district were forced to close.

$150,000 to the Pacifica Foundation for funding its four far-out-left radio stations whose regular guests are radical revolutionaries.

$100,000 to the League of Women Voters for its Voter Education Fund.

$430,000 to the Urban League whose chief, Whitney M. Young, came out in favor of "Black Power" and in opposition to nonviolence.

$400,000 to the National Association for the Advancement of Colored People (NAACP), to be used at its own discretion.

$149,000 to the Citizens Research Foundation for "research in campaign financing" which ended up being used for Negro Voting Registration in Cleveland.

$45,000, and later $76,000 more, to the A. Philip Randolph Institute to train Negroes as apprentices in breaking down craft union discrimination.

$175,000 and later $300,000 more to the Congress of Racial Equality (CORE), a militant group who used much of the fund for election of Negro Carl Stokes as Mayor of Cleveland.

$130,000 to the Greater Washington Educational Television Association, owner of radio-TV station WETA, whose programs specialize in smear of patriotic persons and groups. Its chairman, Max Kampelman, chief fund-raiser for Hubert Humphrey's presidential campaign, was investigated by the General Accounting Office.

$230,000 to Martin Luther King's Southern Christian Leadership Conference to be used for leadership training of 10 black ministers in 15 cities—teaching them how to get federal and state funds for use in "ghetto projects".

$5 million to the Urban Affairs Foundation which, as reported by the American Conservative Union to the House Ways and Means Committeee, was to be used for the increase of the number of Negro members of the U.S. Congress from 9 to 30. (The American Conservative Union, of course, does not enjoy tax-exempt status.)

$163,000 to the American Community Programs Foundation; $575,300 to the National Catholic Conference for Interracial Justice; $300,000 to the Inner City Cultural Center, and $50,000 to the Constitutional Rights Foundation—all revolutionary groups whose grants were reported in April 1970 to the Senate Internal Security Subcommittee by Sgt. Robert J. Thoms of the Los Angeles Police Department.

$125,000 to pay the expenses of any U.S. scholars Castro might choose to come to Cuba to do "research" for promoting knowledge about "contemporary Cuba".

$630,000 to the Southwest Council of La Raza Unida, headed by Maclovio R. Barraza who was cited as a Communist Party member by our Subversive Activities Control Board, and later an additional $545,717 to La Raza, which Rep. Henry Gonzalez describes as an organization for fomenting "simple, blind, stupid hatred".

$13,130 to finance writing and publishing of Huey P. Newton's autobiography—given to J. Herman Blake, a Negro sociology teacher at the Univ. of California at Santa Cruz who is collaborating on the book. Newton was convicted of manslaughter in 1968 for killing a policeman and is out on $50,000 bail posted by the Black Panther Party and its lawyer, Charles Garry.

$200,000 to UNESCO, the power arm of the United Nations for dealing with educational, scientific and cultural affairs slanted toward One World Government.

$234,083,307 to Foreign Aid, which includes grants to pro-communist nations.

$44 million to programs of the Behavioral Sciences, the brainwashing programs known as "Sensitivity Training".

$275,000 to the Committee of Economic Development (CED), which created the Commission on Money and Credit in 1957 and is a propaganda arm of the Council on Foreign Relations for socializing the American economy.

$1 million to the American Friends Service Committee which works openly with the Vietcong, sponsored the communist-front "World Youth Conference" and sent delegates to youth conferences behind the Iron Curtain.

$75,000 to the Humanistic and Educational Needs of the Academic Community (HENAC), and experimental course set up at UCLA by the Community for American and Social Education (CASE). HENAC holds seminars on racism, "repression by the police," economic boycotts and working-class issues; prints and circulates revolutionary tracts; supports the ideas of Mao, Lenin, Marx, Engels, Castro, Trotsky, Malcolm X, W. E. B. DuBois, Eldridge Cleaver, Abbie Hoffman and Jerry Rubin. HENAC furnished the planning, personnel and money for the Feb. 19, 1970 riots in Los Angeles when the Bank of America was bombed, and the HENAC office doubles for the Black Panther Information Center.

$225,000 given to Cesar Chavez recently. Chavez is the radical labor leader sent to jail for defying a court order. This grant goes to the National Farmworkers Service Centers established by Chavez in California, Arizona and Texas as "shock troops" for his grape boycott and lettuce strike.

In his testimony, April 1970, to the Senate Internal Security Subcommittee, Sgt. Robert J. Thoms said revolutionary groups in California were financed by: various churches, the federal government and the Ford Foundation. Funds are usually given to "umbrella" organizations which distribute the money. Churches have contributed a total of $202,500, the Ford Foundation $1,088,300 and $4,818,170 from federal programs. The Episcopal Church gave $43,000 to the Afro-Mexican Proposal and $40,000 to Alianza; First Unitarian Church $2,000 to the Black Panther Party; and the Los Angeles Brotherhood Crusade received $2,500 from the United Church of Christ; $105,000 from the United Methodist Church, and $10,000 from the Inter-religious Foundation for Community Organization (IFCO) which, by the 1970 report of the Senate Internal Security Subcommittee, also furnishes money to the Black Panthers, Socialists and Communists.

The Fund for the Republic, an off-shoot of the Ford Foundation, was created in 1952. It is noted for its vicious attacks on the internal security programs of our nation and its opposition to the FBI and all governmental committees which investigate Communism. W. H. Ferry, a vice-president of the Fund for the Republic, in a speech in Seattle, August 6, 1962, called the FBI's fight against Communism "ineffective spy swatting".

Ford Foundation and genocide

Through its "Population Council", the Ford Foundation has spent *$100 million* since 1952 on research in control of population. It has spent more than our Federal Government on population control programs and brags about its influence in interesting our government in this.

Ford Foundation employees have produced more than 700 scientific papers on control over fertility and established research centers at universities across our country which are known as: "Health and Family Planning", "Population Research and Training Center", "Community and Family Study Center", "Planned Parenthood", "Population Planning", "World Population Organization" and "Economic Planning Unit". In the first eight months of the Foundation's "Center for Population Planning" at the University of Michigan, 20,000 young women began taking the anti-fertility pill.

The Foundation's Population Council has developed all kinds of devices, pills and injections for sterilization of both males and females. Its population planning has been extended to 26 other countries and its stated goal is to reduce India's birth rate from 40 per thousand to 25 per thousand "as expeditiously as possible".

Many of these population control programs include sensitivity training and sex education courses, both of which have contributed to today's problem of sexual promiscuity. It would seem, therefore, that the Ford Foundation not only tries to solve problems but creates the problems to solve and, in addition, promotes the government's spending of tax dollars on both the creation of problems and solution of them.

The Genocide Treaty, Article II, Section (d) defines "measures to prevent births within a group" as an act of genocide. Through its Population Council and research centers for the prevention of births, isn't the Ford Foundation guilty of genocide? If our government ratifies this insidious Genocide Convention, couldn't the Ford Foundation be charged (as the treaty states) with "complicity" and a "direct and public incitement" of genocide?

Family planning should be *only* the responsibility of individual families, *not* the responsibility of Government or tax-exempt Foundations!

F.O.R.D.

Of the many demands for a thorough investigation of foundations, particularly the Ford Foundation, none has been so vociferous as an organization called Families Opposing Revolutionary Donations (F.O.R.D.), headed by Hurst B. Amyx. (For information about this organization, contact: F.O.R.D., Taft Bldg., Hollywood & Vine, Hollywood, California 90028)

F.O.R.D. is circulating petitions to get 10 million signatures of Americans who will not buy Ford products until Ford dollars cease the support of anti-Americanism. Ford dealers and salesmen are becoming increasingly alarmed about the $300 million granted annually by the Ford Foundation to pro-Communist activities in our nation.

F.O.R.D. has been so successful in exposing the Foundation's financing of anti-American political activity that Mr. Allen Merrill, Ford Foundation executive, made a special trip to California in April 1970 to interview Mr. Amyx. Mr. Merrill admitted the Foundation was the largest single stockholder of Ford Motor Co. stock and thus benefited enormously from the sale of Ford, Mercury and Lincoln cars. In his concern over the successful efforts of F.O.R.D., Mr. Merrill proposed appointment of knowledgeable pro-Americans to administer the funds of the present Foundation—or a new Foundation—who would channel grants only to patriotic groups and individuals. To date, however, there has been no indication of this change in policy of the Ford Foundation.

Political activity by tax-exempt organizations violates the very law which grants them tax-free status, thus their tax-exemption should forthwith be denied.

Monetary grants to radical anti-American forces means increasing attacks on the lives and property of loyal Americans, weakening our national economy, destroying our educational institutions and, in general, advancing Socialism in the U.S. The financing of these destructive forces makes them prosper—it is treason. But why aren't the revolutionaries and their supporters identified and punished for this treason? Sir John Harrison answered this question over 300 years ago, when he said:

"For if it (treason) prosper, none dare call it treason."

[From the Houston (Tex.) Tribune, Nov. 28, 1968]

FORD FOUNDATION, POLITICS

(By Alice Widener)

NEW YORK CITY.—Charges and countercharges are profuse in the New York City teachers' strike that kept a million public school children out of classrooms all fall. Basically, Ford Foundation money is at the root of the entire affairs, for "FF" dreamed up the original idea for decentralization of the N.Y. City public school system which has resulted in an ugly hassle over community control.

McGeorge Bundy, president of the Ford Foundation, bitterly denies charges against it by Albert Shanker, president of the striking teachers' union. "If private foundations cannot assist experiments" says Mr. Bundy, "their unique role will be impaired, to the detriment of American society."

SPLIT PERSONALITY

That is a most sweeping statement. Many foundations have done marvelous work in financing experiments of value to our society; others have financed experiments that have been detrimental to it. The Ford Foundation always has had a kind of split personality, ever since it began operations in a big way during the early 1950's. Some of its activities have been admirable; others not so praiseworthy.

Albert Shanker says that the Ford Foundation "is investing heavily in every major organization that has influence over the educational policies of the city. That fact should cause concern for all of us. Why are they doing it? They are doing it to influence the educational policies of the city."

Mr. Shanker has a strong point which the FF seeks to blunt. For if it were to admit openly its efforts to mold city policy, that effort could be called "political" and therefore not permissible for a tax-exempt foundation. His question "why are they doing it?" ought to be asked of the Ford Foundation about several of its operations, some of them of such a nature that many concerned citizens believe there ought to be a New York State or federal investigation of the Ford Foundation.

NOT VERY CREDIBLE

Its disavowal of political activity is understandable but not very credible when one reads the Ford Foundation press release of Friday, November 8, 1968, which announces contribution of "travel and study grants totaling $131,069 for eight members of the staff of the late Sen. Robert F. Kennedy . . . Jerry Bruno, Joseph Dolan, Peter Edelman, Dall Forsythe, Earl Graves, Thomas Johnston, Frank Mankiewicz and Adam Walinsky." Simple arithmetic shows that each of the late Sen. Kennedy's staffmen will receive about $16,350 and it is very hard to believe such an across-the-board deal is non-political. Rather, it smacks blatantly of "Okay, boys, we'll take care of you." No matter how truly sorry one feels for a group of people whose employer was murdered, one is forced to say that their subsidy by a tax-exempt foundation is a very questionable affair.

The blatancy of the Ford Foundation's evident political action in the case of the eight Robert Kennedy staffmen lends substance to the speculation that Albert Shanker may not be so wrong and there may be other equally blatant political aspects of the Ford Foundation. Some official group representing taxpayers' interests ought to look into it, despite all its glib alibis.

[From the Wanderer, Nov. 14, 1968]

CONTROVERSIAL ACTIVITIES SUPPORTED BY TAX-EXEMPT FOUNDATIONS—CORPORATION FRONTS

(By Edith Kermit Roosevelt)

WASHINGTON.—The American taxpayer is paying untold millions of dollars to finance the efforts of tax-exempt lobby groups to obtain special favors on U.S. Government contracts.

A case in point is the National Council of Technical Service Industries, Inc., of Washington, D.C. This supposedly "nonprofit, educational association" is bankrolled to the tune of more than $500,000 annually by private profit-making corporations with a direct, vested interest in obtaining Government contracts. Through its links with prominent Government figures and the efforts of its lobby law firm, Arnold & Porter, the National Council of Technical Service Industries is seeking to perpetuate its favored position in competing for the $8.5 billion which the Government lets out for labor costs each year.

Obviously, it is in a favorable position to gain its ends, even if they are detrimental to the interests of the American taxpayer. Sheldon S. Cohen, now Commissioner of Internal Revenue, was formerly a partner in Arnold & Porter. This law firm has substantial business before the Bureau of Internal Revenue. Mrs. Abe Fortas, wife of Associate Supreme Court Justice Abe Fortas, now heads a team of fifty lawyers in the firm, specializing in tax law.

The main activity of the National Council of Technical Service Industries is to preserve its advantage in obtaining contracts with Government agencies without the interplay of competition and other economic factors in the private market. This is made plain by its testimony before Congressional committees and by a letter of September 27th, 1968, from E. R. Wagner, executive director of the National Council of Technical Service Industries, to Democratic Representative Porter Hardy Jr. from Virginia, chairman of a Government Operations subcommittee. Wagner's letter to Representative Hardy protested the subcommittee's recommendation to revise Circular A–76 produced by the Bureau of the Budget. This recommendation, endorsed by the full House Government Operations Committee, would require the Government to make cost comparisons before letting out contracts for clerical, labor and professional services.

Wagner wrote Hardy: "These recommendations would vitiate the present policies of Circular A-76 by forcing industry to compete with the Government on the basis of comparative costs on every support service contract."

Representative Hardy indignantly replied to Wagner's letter, saying: You seek a position of advantage where the Government would not even experience the stabilizing effect normally provided by the interplay of competition and other economic factors in the private market."

By their lobbying activities the National Council of Technical Service Industries seeks to avoid this competition on a free market. Its membership lists include subsidiaries of gigantic corporations who use the tax-exempt "think factory" technique as the means for getting the public to pick up the tab for their lobbying activities.

The membership of the National Council of Technical Service Industries is composed of the following seventeen firms: Avco Field Engineering (a department of Avco Electronics which is a division of Avco Corporation); Bendix Field Engineering Corporation (a subsidiary of the Bendix Corporation); Computer Sciences Corporation; Computing & Software, Inc.; Federal Electric Corporation (a subsidiary of International Telephone & Telegraph); Kay & Associates, Inc., Field Services Division—LITCOM (a division of Litton Industries, Inc.); Lockheed Electronics Company (a division of Lockheed Aircraft Corporation); Manpower, Inc.; Northrop Support Operations Development (Nortronics, a division of Northrop Corporation); Philco-Ford Corporation; Pollak & Skan, Inc. (a subsidiary of Harris-Intertype Corporation); RCA Service Company (a division of Radio Corporation of America); Service Technology Corporation (a subsidiary of LTV Aerospace Corporation); Field Services Division of Unitec Industries, Inc.

John F. Griner, president of the American Federation of Government Employees (AFL-CIO), has written a letter to Internal Revenue Service Director Sheldon S. Cohen asking the IRS to investigate the National Council of Technical Service Industries "to ascertain whether it properly qualifies as a 'non-profit educational association' under the IRS regulations." Griner quoted from the September issue of the tax-exempt group's newsletter which said that articles in *Forbes* magazine and *Nation's Business* had been arranged by Thomas F. Stone, director of public relations for the National Council of Technical Service Industries.

Griner said: "The facts which we have received and cited to you suggest strongly that there is a presumption that the National Council of Technical Service Industries is not a *bona fide* 'non-profit educational association,' but is, instead, primarily an advertising, propagandizing and lobbying organization designed to bring commercial advantage and enhanced profits to its clients who are represented directly on its board of directors."

The problem involved here is the difficulty of the taxpayer in getting a break, when persons linked to the lobby law firms and their corporation fronts occupy high Government posts.

[By the Wanderer, Nov. 28, 1968]

GOVERNMENT WITHIN A GOVERNMENT

(By Edith Kermit Roosevelt)

WASHINGTON.—The Ford Foundation's controversial role in restructuring New York City's public-school system has once more brought into question the power and influence of America's gigantic, tax-exempt foundations which operate entirely outside democratic processes.

The tax-exempt philanthropic corporations, such as the Ford Foundation, the Rockefeller Foundation and the Carnegie Foundation can best be understood by comparing them to the secularized monastic and teaching orders in the Middle Ages which acquired vast tax-exempt properties. Like these self-perpetuating feudal entities, the foundations are able to operate as virtual governments, but immune from any type of public or legal accountability.

The operations in New York City of the Ford Foundation typically illustrates the ruthless tactics used by the foundation's self-described "elite" in their drive for political power. One of the Ford Foundation's goals has been to fundamentally change the direction and control of New York City's public-school system. City educational institutions provide the Ford Foundation with a vehicle in their drive to control minority and ethnic groups in urban areas through dollars distributed to key personnel who will be beholden to them.

The problem here is that without normal checks and balances or any sort of genuine accountability, the door is left open for the school system to fall into the hands of unqualified persons and extremists of various sorts. An instance is the case of Herman Ferguson, principal of IS 55 in the Ocean Hill-Brownsville Demonstration School District in Brooklyn, New York, which was set up under a Ford Foundation grant. Ferguson was arrested and recently convicted of conspiracy in Queens, according to *New York Magazine* of November 18th. He was alleged to be a member of the Black Revolutionary Action Movement (RAM) and was found guilty of conspiring to kill NAACP Executive Director Roy Wilkins and Urban League Director Whitney Young.

This situation was made possible when the New York Board of Education permitted the local board to make its own appointments not only of the Unit Administrator but of principals, even when these principals were not on the city's examination lists.

Teachers who objected or would not fall into line with this breakdown in regularized procedures and the integrity of the schools were simply ordered transferred. A report by Dr. John H. Niemeyer, president of the Bank Street College of Education, disclosed that last Spring the Board of Education told the local government board that teachers considered unacceptable could be transferred out of the district so long as no great publicity was attached to such transfers. Obviously, the one thing which the Ford Foundation and the people it works with do not want is publicity or public debate concerning their operations and the issues involved.

Albert Shanker, president of the United Federation of Teachers, has voiced objections of teachers asking for "the right of due process." He has charged that "a very substantial number" of members of the Board of Education "are in such great debt to the Ford Foundation that they cannot act independently."

Among the three board members which he identified as receiving Ford Foundation assistance is Rev. Milton Galamison who heads an organization called School and Community Organized for Partnership in Education which has received $160,000 from the Ford Foundation. Galamison has been arrested nine times for demonstrations against city school policies. He organized last May a one-day boycott in support of demands for greater community control of schools by Negroes in Brooklyn.

The political motivation of the Ford Foundations' activities are plainly seen in the sort of persons receiving its grants. This led Shanker to say that the Ford Foundation ought to be treated as a "political lobby" and should lose its tax-exempt status and be "required to fully disclose the extent" of its "activities in this field."

From the point of view of the foundations themselves, this might be a wise move. The properties of the monastic orders were finally confiscated when they became involved in secular, partisan political activities. This Nation's giant tax-exempt foundations are preparing for themselves the same sort of fate.

[From the Wanderer, Dec. 12, 1968]

A MANIPULATED FOREIGN SERVICE

(By Edith Kermit Roosevelt)

WASHINGTON.—When President Nixon sets out to put into effect his promised revolution in the management of the State Department, he will have to cope with the Department's built-in and highly effective techniques for lobbying the Congress and resisting change.

Clearly, the door is left open to outside manipulation of the Foreign Service when Government officials accept ties with tax-exempt foundations and private companies. They do this to entrench themselves in power or to put across policies which they favor.

A case in point is the simultaneous revelations that the Donner Foundation gave $33,000 to the American Foreign Service Association and that fourteen State Department employees and a New York real-estate magnate with State Department connections gave generous campaign contributions to Democratic Representative ——— from New York. ———, of the House Appropriations Committee, exercises control over spending by the State Department and related overseas activities.

The Donner grant was received by the American Foreign Service Association under a new policy installed this year by a so-called "young Turk" group of activist Foreign Service officers aggressively determined to free the Foreign Service from the last vestiges of control by the Congress. As part of this program in 1968 the American Foreign Service Association has received more than $100,000, including gifts from John D. Rockefeller III, William Averell Harriman, Mrs. William Rivkin, the widow, of a well-known lobby lawyer, and Mrs. Christian Herter, widow of the former Secretary of State who was on the World Peace Foundation. Significantly, William Bray III, a "young Turk" member of the board of the American Foreign Service Association, was granted six-months' leave of absence from the State Department without pay to carry out this aggressive policy, but his entire salary is being paid by John D. Rockefeller III during this period.

The influence of the Donner Foundation is seen by the fact that it picked up the tab for a conference held in Washington, D.C., November 14th and 15th, by the American Foreign Service Association. This was announced by the conference chairman. The underlying theme of the conference was the retention of power by "the Eastern Establishment" through personnel selection. A string of Government consultants attended, such as Arthur Larson, former head of the U.S. Information Agency, and Adam Yarmolinsky, who helped staff key policy posts in the Kennedy Administration.

The two-day conference was chaired by Joseph Esrey Johnson, president of the tax-exempt Carnegie Endowment for International Peace, who is referred to by insiders as "the permanent unofficial Secretary of State." Johnson was formerly with the State Department's policy-planning staff and one of the architects while there with Alger Hiss of the United Nations. A member of the American Foreign Service Association who attended the conference told this writer that it was Johnson who suggested foundation funding for the Association.

The implications are plain: The Carnegie Endowment for International Peace, the Donner Foundation and other New York foundations are using the American Foreign Service Association as a lobbying front for major legislative changes to be proposed in 1969 affecting the structure and role of the American Foreign Service. Significantly, the American Foreign Service Association has proposed that power over personnel selections, promotions and firings should be vested solely in a board of the Foreign Service, which would be a semi-independent agency. Not unexpectedly, the Association proposed that Johnson be the board chairman.

Outside influences are at work, too, in the case of the contributions made by State Department officials to Representative ———'s re-election. Of significance in this affair is the role of Norman K. Winston, the New York realtor who owns several companies and has been given honorific jobs by the State Department. Winston was the largest donor to Representative Rooney's campaign committee, while the wife of Idar Rimestad, Deputy Under Secretary of State for Administration, is listed as giving $500. Rimestad, who is formally charged with all of the State Department's budgeting, financing and contracts, is the Department official who works closest with Rooney.

In 1966 Winston reimbursed Rimestad's predecessor in the job, William J. Crockett, for out-of-pocket expenses for a cocktail party and fund-raising dinner for Democratic legislators. In order to cover up traces of this subsidy, Winston resorted to the device of transferring to Crockett stock at a price lower than the market value which Crockett in turn was able to sell at a price high enough to pay for his expenses. This has come out in the press here. Thus, in effect Crockett and Winston had an arrangement whereby Crockett was acting as a lobbyist for Winston while concealing this relationship.

The moral is that if there is to be any real change in the present system, new men must be brought in who will resist outside interests and pressures. Freedom from conflicting outside financial relationships are a prerequisite for disinterested public service.

[From the Wanderer, Dec. 19, 1968]

MAGIC AND POLITICS

(By Edith Kermit Roosevelt)

WASHINGTON.—Any serious student of politics sooner or later stumbles upon the existence of a goofy network. These are the the secular cults which attract bored socialites and cash-register types in search of a common humanity. As semi-secretive networks, they serve in addition as convenient covers for activities by international cartels and worldwide intelligence services.

During the days of the New Deal, a congerie of political and financial figures, including Vice President Henry Wallace, became mixed up with a Russian "guru" called Nicholas Roerich who presided over a Tibetan lamasary on Riverside Drive in New York City. Wallace sent his guru to Asia to examine grass seed under a grant from the Department of Agriculture. In his book entitled *The Coming of The New Deal,* Arthur M. Schlesinger Jr. wrote that Wallace even induced Treasury Secretary Henry M. Morgenthau to place the symbol of the cult on the U.S. dollar bill. This is the "all-seeing eye" above a truncated pyramid.

We see the same symbolism today in the architectural plan for the Temple of Understanding, the "Spiritual United Nations," that is being constructed on the banks of the Potomac River in Washington, D.C. The $5-million edifice will feature the symbolism of black magic practiced by the high priests of ancient Egypt. The building will contain a giant eye—a circular pool of water which reflects light beamed onto it by a dome faceted to resemble a many-colored diamond.

The Temple movement, which has offices in the Nation's Capital, embraces esoteric activities in India, Great Britain, Holland, Belgium, Israel, the United Arab Republic, Poland, Union of South Africa, Ghana, and other countries. Cooperating groups include Lucis Trust, a tax-exempt, non-profit corporation which operates the Arcane School, World Goodwill and Triangles, with offices in the United States at 866 UN Plaza, New York City. These groups regularly hold "Full Moon Meditation Meetings" to promote the "New World Religion" at the Carnegie Endowment for International Peace. Here, groups of "New World Servers" are instructed to form "triangles"—groups of three—consisting of "a network of Light and Goodwill covering the entire planet."

The arcane or hidden mysteries of the Temple also include planned political mysteries. Recently, the Donner Foundation gave the non-profit Temple of Understanding a $15,000 grant. At the same time, the Donner Foundation gave the American Foreign Service Association $33,000 at the suggestion of Joseph E. Johnson, president of the Carnegie Endowment, who is known as the "Emcee of the Eastern Establishment." Johnson is using the American Foreign Service Association and the Donner Foundation as fronts during the interval between the Presidential election and the inauguration to manipulate State Department staffing.

The Temple of Understanding has impressive political support. The Temple was endorsed by President Johnson. A Temple brochure lists endorsements by eight ambassadors and a number of important Government officials, including Robert Strange McNamara while Defense Secretary. The brochure also lists an endorsement by Dr. Reuben S. Nathan when he was policy director of Radio Free Europe (which has CIA links) before he went to Vietnam for psychological-warfare operations.

The president of the Donner Foundation, which helped to subsidize the Temple of Understanding and the American Foreign Service Association, is Franklyn Johnson, formerly a desk officer at CIA and later a CIA consultant.

The executive director of the Temple of Understanding is Finley Peter Dunne Jr., whose father was the creator of "Mr. Dooley," the comical and loveable Irish barkeeper who was a well-known fictional character in stories at the turn of the century. The latest news bulletin produced by Middlesex, a private preparatory school for boys in Concord, Mass., which was Dunne's *alma mater,* proudly describes his activities as general chairman of the "Spiritual Summit Conference" in Darjeeling last October. The conference, sponsored by the Temple of Understanding, brought together Christians, Buddhists, Moslems, Confucionists, Hindus and Jews. "The first time it's really been tried," the school bulletin quoted Dunne as saying.

[From the Wanderer, Dec. 26, 1968]

THE FOUNDATION MACHINE

(By Edith Kermit Roosevelt)

WASHINGTON.—The appointment of Alan Pifer, president of the Carnegie Corporation of New York, to head a special education group for President-elect Nixon raises anew the problem of Congressional over-sight over policy-setting, tax-exempt foundations.

Pifer is seeking to set educational priority and to win Presidential blessing for a strong policy center for higher education "close to the summit of the Federal Government." This would provide a channel for a tight, interlocking directorate of giant foundations, corporations and New York-Washington political law firms to exert an increasing monopoly over American cultural life.

But the road ahead is not as smooth as the "philanthropoids" might wish. They must cope with increasing resentment over their attempt to dominate the educational scene—some of it by professional educators as in New York City. There is no question, too, that the public has become aware that behind lofty claims of disinterested public service, there exists a politically motivated foundation machine—an Eastern Establishment mafia determined to brook no interference in its affairs.

In an attempt to dampen and control this mounting criticism, Pifer suggested in the Carnegie Corporation's annual report that foundations set up an independent commission to recommend forms of public accountability. This commission would serve as a lightning rod to deflect criticism to the point where it becomes manageable by the foundations themselves. It would ensure that no outside body that is free of ties to the big foundations could properly exercise objective oversight over their activities. From such a haughty citadel, foundation publicists could brand as "anti-intellectual" and "crackpot" any objective, honest attempt to delve into their supposedly philanthropic operations.

Even now the Carnegie Corporation is facing protests from parents whose children are exposed to the textbooks financed by the foundation under its "Project Read." This project provides programmed textbooks for schools, particularly in "culturally deprived areas." An estimated five million school children throughout the Nation are using the material in the programmed textbooks produced by the Behavorial Research Laboratories, Palo Alto, Calif.

This writer has gone over these textbooks in the "Reading" series financed by the Carnegie Corporation and authored by M. W. Sullivan, a linguist. These foundation-funded books reveal a fire pattern that amounts to an incitement to the sort of arson and guerrilla warfare that took place in Watts, Washington, D.C., and elsewhere. On one page in the series we find a torch next to a white porch. The caption reads invitingly, "a torch, a porch." Further along, there is a picture of a man smiling while he holds a torch aloft. The caption beneath it reads: "This man has a t—rch in his hand." The children are required as an exercise to insert the missing letter to fill in the word torch. The next picture shows the burning torch touching the porch, with a caption, "a torch on a porch." Thus, the children are led in stages to the final act that suggests itself quite naturally. The picture of a burning house is shown with a caption that predicts: "This shack will burn up." The next picture in the series shows a hand moving the hands of a clock to twenty-five minutes past one, while this same shack is being devoured by flames. The message is plain: an example of a man who deliberately commits the criminal act of setting a home on fire.

Tragically, these young children are being indoctrinated with a pattern of anti-social ideas that will completely and violently alienate them from the mainstream of American middle-class values. Other pictures in the Carnegie-funded, supposedly educational texts include a comparison of a flag with a rag, the ransoming of an American soldier in a Chinese prison, a picture that shows people kneeling in a church to say their prayers beside a picture of a horse being taught to kneel in the same way, a reference to a candidate elected to public office as a "ruler," a picture of a boy stealing a girl's purse, and another boy throwing pointed darts at a companion whom he uses as target practice.

Understandably, the Carnegie-financed books are causing concern to local law-enforcement officials, many of whom have to cope with riot or near-riot conditions. Ellen Morphonios, prosecutor for Florida in its attorney's office, and a chief of its Criminal Court Division, said recently: "It's a slap in the face and an insult to every member of the Negro community, saying that the only way to communicate with Negro children is to show a robber or violence. It's like subliminal advertising. If this isn't subversive and deliberately done as part of a master plan . . . Only a sick mind could have produced it."

Repeated instances of this type of antisocial activity obviously constitute a strong argument for removing the tax-exempt status of these educational foundations, and for curbing their activities by Federal regulations and Congressional oversight.

[From the Houston Tribune, Dec. 17, 1968]

Negro Office Seekers Aided by Foundation

WASHINGTON.—A little-noticed venture into politics by the Ford Foundation is being watched closely here by political leaders of both parties.

The left-leaning, non-profit organization, whose funds for experimental school decentralization helped ignite New York City's longest teachers' strike, has begun making grants to assist Negroes to run for state and national offices.

Under the first of several projects planned by the foundation, the Urban Affairs Foundation of Los Angeles has received a half million dollars to train Negro graduate students for careers in politics.

"BREAKTHROUGH"

Under present plans, each political trainee will be farmed out to a minority elected politician who will help him learn the political ropes and make the necessary party contacts.

As vividly put by California State Sen. Mervyn Dymally, a Negro, who will be in charge of getting the program off the ground:

"Reapportionment after 1970 is going to be the real breakthrough for black men in politics. We hope to see minority representation tripled after reapportionment, both nationally and in California."

There are now nine Negro members of Congress including one woman. The goal set by McGeorge Bundy, president of Ford Foundation, is to increase this number to at least 30 by 1973.

VAST CHANGES

Under plans worked out by Bundy, the new political training program is an integral part of a grand design to bring vast social, economic, and political changes to the U.S. in the '70s.

This revolutionary new Ford Foundation program will be tied closely to the establishment in the nation's capital later this month of a Center for Community Change (CCC).

This highly controversial project, scheduled to receive $5 million from the Ford Foundation, is the brain child of Walter F. Reuther, president of the United Automobile Workers (UAW).

The CCC will be headed by Jack T. Conway, former director of AFL–CIO's Industrial Union Department, and one of Reuther's most trusted aides.

MANY GROUPS

Conway's first assignment will be to mobilize broad support for radical social projects in the field of housing, education, and antipoverty work.

The new social action front will include such groups as the Citizens Crusade Against Poverty, The Social Development Corporation, black militant groups, and the more militant unions associated with Reuther's UAW.

Reuther will be on the CCC's board of directors along with Cesar Chaves, director of AFL–CIO's farm workers union, and migrant-labor organizing program, and Paul Schrade, West Coast director of UAW.

Schrade is co-chairman of the "New Democratic Coalition" formed after the November election to try to take control of the Democratic party. The group is made up dominantly of Democrats who favored the presidential candidacies of Sen. Eugene McCarthy and the late Sen. Robert Kennedy.

SEEK TO BUILD COALITION

One of the long-range projects of the Center for Community Changes will be to create issues behind which a broad-based coalition of black militants, the poor, students, labor, and farm groups can unite for political action.

Past efforts of Reuther to put together such a coalition with the help of the late Dr. Martin Luther King and Sen. Robert Kennedy fell apart with their violent deaths.

In working closely with the multi-billion dollar Ford Foundation, Reuther hopes to enlist the new breed of militant politicians to help hammer together the political coalition.

[From the Lynchburg (Va.) News, Oct. 15, 1967]

Double Standard by Internal Revenue Service—How L. B. J. Suppresses Anticommunism

There no longer can be any doubt that the Johnson Administration has embarked on a deliberate campaign to suppress pro-American, anti-Communist organizations. It is attacking them through the Federal Communications Commission and the Internal Revenue Service.

No attempt has been made, of course, to apply FCC restrictions or to remove the tax exemptions of Communist-front and leftist organizations—some of which are receiving Federal tax money.

In recent months, the IRS has canceled the tax exemptions of the Christian Crusade and the church operated by Dr. Billy James Hargis, and of the Committee of Christian Laymen, Inc., of Woodland Hills, California. The IRS has now embarked on an examination of the American Farm Bureau Federation—the largest farmers' organization in the country.

The FCC has instituted suit to cancel the license of radio station WXUR owned by Faith Theological Seminary, a Conservative, anti-Communist seminary. On August 14, the FCC issued an order to radio stations providing a fine of $500 a day up to a maximum of $10,000 for the broadcast of any programs which attack persons or organizations, regardless of whether the facts presented are true. Under such an order, programs could not attack Gus Hall, head of the Communist Party, without the radio station notifying Hall and offering him free time to reply! The order will dry up criticism of Communists and Communism over the air waves.

In revoking the tax exemption of the Committee of Christian Laymen, the IRS stated: "Your publications are concerned primarily in documenting the actions of the National Council of Churches and its affiliated denominations. Several of your publications also are concerned with the activities of Mr. Walter Reuther. . . . Your publications are concerned with showing that certain persons and the National Council of Churches are promoting the objectives of the Communist Party. This does not instruct or train an individual or the public for the purpose of improving or developing their capabilities on a subject useful to the individual and beneficial to the community."

Exposing Communist objectives and infiltration, in the IRS's opinion, is not useful or beneficial.

On August 31, the IRS notified the World Youth Crusade for Freedom, Inc., that its application for tax-exemption as a non-profit organization, had been denied. The IRS denied the WYCF's application on the same grounds that it revoked the tax exemption of the Committee of Christian Laymen.

The purposes of the WYCF, according to the IRS letter:

". . . are to stimulate concerned activity of freedom-loving students and youth groups throughout the world; to prepare, coordinate and finance programs for the exchange of students and other representatives between the United States and other countries to further international understanding; to communicate information from these activities to the public at large, particularly the educational community."

The IRS noted that the youth group's activities, as summarized in the application for tax exemption, consisted of:

". . . sending representatives to Asian countries to foster the establishment of local units to activate youth throughout the world in opposition to Communism; the publishing of a newsletter and memoranda concerning activities of the organization; and holding a seminar at Yale University in connection with the creation of the Freedom Corps, and you have organized the Student Committee for a Free China (SCFC)."

Despite acknowledging these purposes and activities of the organization, the IRS denied the application for tax-exemption on the grounds that "you are not organized and operated for educational purposes within the meaning of the Code and regulations."

The Code (Section 501(c)(3)) provides for exemption of these organizations:

"(3) Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of and candidate for public office."

The Code defines the term "educational" as:

"(a) The instructing of the public on subjects useful to the individual for the purpose of improving or developing his capabilities; or (b) The instruction of the public on subjects useful to the individual and beneficial to the community."

The WYCF, in the opinion of the IRS, did not meet these qualifications or definitions!

The IRS has never questioned, however, the tax exempt status of the National Student Association—which has been aided with millions of tax dollars in grants from the Central Intelligence Agency. The NSA follows the Communist line on many domestic and foreign issues, and is extreme Leftwing on all others.

Nor has the IRS questioned the tax-exempt status of the Center for Democratic Institutions, which has financed and promoted Leftwing causes for years. The Center's most recent pro-Communist activity consisted of helping fund and promote the National Conference of New Politics held in September in Chicago, where "delegates" called for the overthrow of the American system of government and the establishment of a Socialist state.

This, according to the IRS, comes within the Code's interpretation of "educational."

Slowly but surely the Johnsoncrats are choking the Conservatives, anti-Communist organizations to death while permitting—and helping finance with tax money—organizations promoting the leftist anti-American, anti-Christian line.

[From the Christian Crusade]

Internal Rakeoff Service

New York.—26 Tax Agents Arrested. Internal Revenue inspection agents arrested 26 top-grade federal tax agents and an accountant today for allegedly paying $10,000 in bribes to an investigation inspector. Authorities said the inspector had been investigating corruption in the Internal Revenue Service and the bribes were paid by the agents to obtain confidential information about themselves or quash investigations of bribe attempts of which they were suspect.

[From the Augusta (Ga.) Courier, Feb. 12, 1968]

Tax-Free Foundations Finance Revolution

(By George Schuyler)

Government money, tax-free foundation money, and money furnished by the Communists, is gradually destroying this country.

Money is pouring into the "black revolution" from all three sources named and no one knows the total amount being spent or what proportion is coming from each of these sources.

Today big funds and foundations, local and national, have taken over the financial obligation of backing the "revolution" with substantial long green. The Ford Foundation recently announced a $200,000 grant to the Reverend King's Southern Christian Leadership Conference to aid non-violent protest (which always seems to end up violently). Previously King's clansmen were trained at the Highlander Research and Education Center in Knoxville, Tenn., and the Dorchester Center in Liberty County, Ga., whence they scattered over the Deep South infecting the populace.

In a generous mood, the Ford Foundation has also given $522,200 to leftist National Catholic Conference for Interracial Justice for its interdenominational program, project equality, which seeks to overcome racial discrimination in employment. It already operates in 12 metropolitan areas, pressuring religious institutions and suppliers to review their hiring practices "and to act to improve them if necessary," a seemingly ominous note.

Not long ago the Ford Foundation handed over $150,000 to the Cleveland CORE, which came just in the nick of time. The landlord was about to oust the group from its headquarters and the telephone had been cut off. It looked as if the agitators who had worked so valiantly to incite the Hough race riot in the Ohio metropolis would have to get jobs.

Ford saved the day and the sighs of relief could be heard in Hanoi.

The hotbeds of radical agitation in the "ghetto" are well stocked with assorted Negro "intellectuals"—actors, writers and singers—who have recently switched from integration back to segregation. Not surprisingly, the Ford Foundation came up with the money needed to accelerate the avant-guarde trend. In 1967 it made a $434,000 grant for a three-year period to the Negro Ensemble Company (NEC). The first play it produced off Broadway was an alien import devoted to the "horrors" of the Portuguese Africa. That's show business, these days.

A separate Negro theater has been established in an old theater building in Harlem where, without white subsidy, a group of Negro actors produced Shakespeare and current Broadway hits as far back as 1912 and periodically until the Depression. To the new Jim Crow enterprise Ford gave $18,000. Rockefeller gave $17,500. The New York State Arts Council forked over $5,000, and two anonymous members of the Rockefeller family gave $2,500 each. All tax-exempt of course.

The Rockefeller foundation gave a grant of $62,500 over three years to the Free Southern Theatre (FST), an integrated group of actors which has roamed the rural South since 1963 where propaganda plays have been taken to communities without theaters. Its repertoire has been less concerned with Shakespeare than with Marx.

The Mellon millions, siphoned through the late Stephen Currier's taconic foundation, helped to sustain the "Revolution" in Mississippi and elsewhere. The National Council of Churches helped bankroll the Delta Ministry and aided the "Revolution" in the Mississippi boondocks, even to the takeover of federal property. Along with funds from UAW's treasury and coin shifted from antipoverty funds, the Mississippi Freedom Democratic Party was long sustained and will rise again.

[From the Houston (Tex.) Tribune, Jan. 25, 1968]

Taxpayers Subsidize Revolt

(By Alice Widener)

New York City.—Each dollar of income received by a tax-exempt foundation is a dollar that did not furnish revenue to the U.S. Government. All money received by foundations is granted exemption from taxation by the U.S. Treasury, meaning by grace of all Americans. Is it to our national interest, I should like to ask, for the Treasury to grant tax-exemption to the Fund of the Republic?

The Fund subsidizes a think-tank, The Center for the Study of Democratic Institutions, at Santa Barbara, California. Currently, it is distributing widely to schools a document "Students and Society" which is a report on a student conference held at the Center last summer. In the report is a paper presented to the conference by student Stephen Saltonstall of Yale University, who entitled ihs work "Toward a Strategy of Disruption." What Saltonstall wishes to disrupt is our society and he calls for small, disciplined groups of student "shock troops" to achieve his aims. In print, at U.S. taxpayers' sufferance, the Fund for the Republic's Center permits Stephen Saltonstall to call for the "intimidation and humiliation" of public figures.

LAWLESS ACTIVITIES URGED

What has "intimidation" to do with democratic procedures and institutions? Intimidation is the weapon of autocracy or tyranny. Mr. Saltonstall calls on students to harry university professors and researchers "at their homes." Is invasion of privacy a part of "democratic" procedure? Stephen Saltonstall also suggests—in Funded black-on-white, believe it or not—"The introduction of a small quantity of LSD in only five or six government department coffee-urns might be a highly effective tactic."

It could be a lethal one, State and federal narcotics control officials have informed me that a dose of LSD administered in coffee to a person suffering from an undetected phyiscal ailment, such as a heart condition or diabetes, could be extremely harmful physically and perhaps fatal. From state and federal legal authorities, I learned that tampering with government property—such as a coffee urn or drinking fountain—is illegal.

"CASTRATE AMERICA"

A foreword to "Students and Society" by W. H. Ferry, vice president of the Fund's Center, states, "This is an edited record of the conference proceedings." Therefore Saltonstall's suggestions were printed with malice aforethought. Ferry also states, "The conference on Students and Society was made possible by a generous contribution from S. Herbert Meller of New York City." Meller is an investment banker with Meller & Co., One Chase Manhattan Plaza.

Ferry says "the mood" of Students and Society is "hammering discontent, combined with impatience for action." The Fund for the Republic and Meller are subsidizing that mood. It bodes ill for all of us.

[From the Dan Smoot Report, Jan. 1, 1968]

Why Should the NCC Be Tax Exempt?

"Old-fashioned atheism traveled at its own expense. The new atheism wraps itself in the sheep's clothing of Christendom and draws its sustenance from Christianity which it seeks to destroy. The foremost organization in this destructive operation is the National Council of Churches of Christ in the U.S.A. (NCC)."

The NCC is exempt from federal taxation because of its official commitment that it "shall not engage in influencing legislation or engage in lobbying."

What should be done about the National Council of Churches? Without question the Internal Revenue Service should enforce the law and cancel the NCC's exemption from federal taxation. But the NCC is a sacred cow that will not be touched by the IRS. Here then is something that individual Christians can do—they can starve the sacred cow to death by refraining from contributing to their churches as long as their churches are affiliated with the NCC.

DEATH OF DR. ROBERT P. WALTON

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 14, 1971

Mr. THURMOND. Mr. President, a respected and admired South Carolinian, Robert Petrie Walton, doctor of medicine and doctor of philosophy, died at the age of 66 last week in Charleston. He was a man of insight and invention. In 1938, Dr. Walton wrote the book entitled "Marihuana: America's New Drug Problem," and a device invented by him to measure certain heart functions is being used around the world. For 29 years, Dr. Walton served our State as professor of medicine at the South Carolina Medical University and has been instrumental in expanding the university.

Dr. Walton has served with honor and dignity in both public and private life, and we in South Carolina will miss him and his contributions to our State.

Mr. President, I ask unanimous consent that the editorial entitled "Dr. Robert P. Walton," published in the March 30 edition of The News and Courier, and the articled entitled "Dr. Walton Dies at 66 in Charleston Hospital," published in the March 29 edition of the State newspaper, be printed in the Extensions of Remarks.

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

[From the Columbia (S.C.) State, Mar. 29, 1971]

Dr. Walton Dies at 66 in Charleston Hospital

Charleston.—Dr. Robert Petrie Walton, professor and chairman of the department of pharmacology at the Medical University of South Carolina, died Saturday in a local hospital after a brief illness. He was 66.

For the past 10 years Dr. Walton has been coordinator of research for the Medical University. He was chairman of the department of Pharmacology at the University of Mississippi School of Medicine before coming to the S.C. Medical University in 1942.

Among his inventions was the strain gage arch, a device for measuring the contractile force of the heart muscle. This device is in use in the United States and a number of foreign countries.

Dr. Walton was the author and editor of a number of books and magazines. He wrote "Marijuana: America's New Drug Problem" in 1938. He was listed in Who's Who in America in 1940.

Dr. Walton was a former vice president of the South Carolina Heart Association. Twice he was presented the Medical University's top teaching award by the medical students.

Funeral services will be today at 4 p.m. in Bethel United Methodist Church. Burial will be in the family cemetery in Baton Rouge, La., Tuesday.

Surviving are his widow and two children.

The family suggests that those who wish may make memorials to the Medical University of South Carolina Library Fund.

[From the Charleston (S.C.) News and Courier, Mar. 30, 1971]

DR. ROBERT P. WALTON

As chairman of the Dept. of Pharmacology since 1942 and one of the key figures in expanding the Medical College of South Carolina to university status, Dr. Robert P. Walton made important contributions to his adopted State of South Carolina. A native of Kentucky, he held degrees both as doctor of philosophy and doctor of medicine.

Dr. Walton was studying and writing about the coming dope culture long before it was a subject of general concern. His book, "Marijuana, America's New Drug Problem," appeared in 1938, one of his four books and more than 100 technical papers. He was chairman of the faculty committee on construction for the teaching hospital, and coordinator of research. Dr. Walton was nationally recognized in professional circles. His death at 66 has ended a notable career, and removed from our community a respected and admired citizen.

CALLEY COURT VERDICT UNPOPULAR

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. OBEY. Mr. Speaker, to an overwhelming degree—if my mail is an accurate reflection—the Calley court verdict has been immensely unpopular. The outpouring of sentiment that has reached my desk since the announcement of the Calley verdict has been as disturbing as it has been dramatic.

Mr. Speaker, I can understand the sentiment expressed by some, that the sentence of life imprisonment was too severe. A good case can, I think, be made that a lesser charge than premediated murder could be justified—one that did not carry with it the burden of a life sentence.

I can also understand the sentiment that it is simply not fair to single out one man to bear the burden of national guilt for any American misconduct in this war. There is, after all, something decent and healthy about the concern of the American people that one individual far down the chain of command not be made a convenient scapegoat by his superiors in that same command chain.

But Mr. Speaker, there are other sentiments which I can neither understand nor accept.

I cannot understand the furious attack made by some upon the decency and judgment of the six men who made up that jury. Lieutenant Calley, after all, was not judged by a bunch of stiff-necked brass hats with no understanding of the pressures of war. That jury was composed of six distinguished and honorable veterans of combat. Five of the six faced tough combat in Vietnam and one was awarded four Purple Hearts and two Silver Stars in Vietnam and Korea.

I cannot understand those who say,

> We ought to pin a medal on him, not punish him.

If we "pin a medal on him", what do we do with Jim Dursi, the rifleman in Calley's platoon who refused an order by Calley to open fire on some 15 civilians cowering in a ditch? What then, do we do with Lt. Hugh Thompson, a helicopter pilot who intervened to help rescue other civilians at Mylai?

I cannot agree with those who say,

> He only did what he was sent there to do.

Mr. Speaker, this is supposed to be a religious nation, with a deeply held reverence for life. No religious nation will "pin a medal" on a man who picks up a baby, throws him in a ditch and shoots him. And no nation with our heritage teaches its officers to butt-stroke a captive old man in the face and then blow his head off at pointblank range before moving on to "waste" the lives of at least 21 other captive defenseless civilians.

We are the Nation who said at Nuremberg that even in war, there are certain limits to man's inhumanity to other men. Our reaction to the Calley case and to the others that must surely follow will determine whether we have the moral stamina to apply to ourselves the same requirements for humane and decent conduct that we required of the Germans and the Japanese some 25 years ago.

Mr. Speaker, I wonder how many of those who blandly accept the mass killing of unarmed and helpless civilians at Mylai because "even the children of Hanoi's indoctrinated mothers must be feared by our servicemen" remember the North Vietnamese massacres at Hue and our sense of outrage at that senseless and brutal act of barbarism.

If we accept what happened at Mylai as "inevitable in the hell of war" have we not also condoned the unconscionable massacre at Hue? Are we really willing to adopt that wretched standard of humane conduct—even in war—as our own?

Mr. Speaker, Lieutenant Calley still has several avenues of appeal open to him in military and civilian court. None of us knows what the final outcome of his case will be, and no sober citizen or public official should attempt to prejudge that final outcome before it arrives. The individual guilt or innocence of Lieutenant Calley must be determined on the basis of the facts of the case—on the basis of whether or not it can be proven that he did those things he is charged with doing.

But Mr. Speaker, there is another question which goes far beyond the Calley case. It is a question which cannot just be answered in the courtroom. It must be answered by America as a people. And it is terribly important to our national soul that it be answered in the right way. That question is simply what standards of conduct, what degree of compassion and humanity we are going to stand for.

As William Greider said in the Washington Post:

> If America adopts as a customary standard—barbaric as it is—the rule that it's permissible to shoot prisoners, then America should be prepared to accept the results of that standard. The link between the My Lai victims and the American POW's held in Hanoi is real and important—they are protected by the same rules. It is a great national hypocrisy to rally outrage on the POW issue, then pat Calley on the back for what he did to the prisoners at My Lai.

Mr. Speaker, it is not only hypocrisy, it is downright dangerous.

For the sake of every man who is ever required to make war for his country, and even more for the sake of our vision of ourselves, America must stand for the principle set down in our first military code drawn up in the Civil War that says "men who take up arms against one another in public war do not cease on this account to be moral beings responsible to one another and to God."

VISIT TO ISRAEL: A REPORT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BINGHAM. Mr. Speaker, I recently returned from a privately financed visit to Israel—my third trip to that brave nation since 1952. My wife and I traveled about the country, visiting particularly some of the former Arab lands now under Israeli jurisdiction as an outcome of the 1967 war. I have written a report to my constituents in the 23d District of New York on this trip, which appeared recently in the Riverdale, N.Y., Press. Some of the observations contained in that report will be of interest to the many Members of Congress who are concerned over developments in the Middle East. The full text of my report follows:

ISRAEL TODAY

(By Jonathan B. Bingham)

Like other recent visitors to Israel, June and I were astonished at the open borders that exist, not only in Jerusalem, but between Israel proper and the "West Bank" areas. In Jericho, Bethlehem and Ramallah we saw only occasional Arab policemen, no Israeli troops. The Arab policemen wore the only guns we saw.

We talked with distinguished Palestinians who want to see an independent Palestine or a Palestine-Jordan federation, but who are confident that such an Arab state could not only live in peace with Israel, but could benefit from Israel's thriving and labor-scarce economy.

Most astonishing of all is the situation in the Gaza Strip itself. This area of 350,000 inhabitants, of which 200,000 are in refugee camps, was totally stagnant under the Egyptians, a breeding ground for bitterness and hatred.

Today there is no unemployment. Anyone who wants to work can get a job. In spite of the efforts of the terrorists to stop them by occasional grenade attacks, 16,000 Arabs from Gaza are today working in Israel, commuting daily of weekly.

Thousands more are employed in orange-packing plants and other local industries, financed by the Israelis and utilizing a new power line.

The increasing fluidity of the situation—and the consequent growing of mutual confidence and understanding—is illustrated by the fact that Arabs from Gaza can readily get permits to enter Israel and can travel across Israel to the West Bank area without any permits whatever. On the highway down to Jericho, we passed perhaps 50 trucks loaded with oranges from Gaza on their way to Jordan to be sold there!

In recent months more and more Arabs from outside have travelled to Israel, especially to visit the holy Muslim places in Jerusalem. In my judgment, all of this activity may in time be more important to the future stability of the area than the documents that the statesmen may eventually sign.

Here are a few additional items, in a different vein:

I used to complain that the Israelis don't understand about good Jewish cooking, but I'll have to stop saying that. The General in command of the northern Sinai gave us a luncheon with his staff at his headquarters in Gaza. The food was excellent and might have come from a Riverdale delicatessen.

The Israelis do things so well that it's almost a relief when you see some one act like a schlemiel. In Gaza our car was escorted by Israeli jeeps fore and aft, out of an abundance of caution. At one point on the road the Colonel in command, who was riding with us, suddenly told our driver to stop, because he thought he saw an Israeli soldier picking an orange from a roadside tree.

This turned out not to be the case, but while we were stopped, the forward jeep sped ahead. About a mile down the road, one of the soldiers looked around—and back they came, somewhat sheepish.

The Church of the Holy Sepulchre has been restored by the various church organization responsible, and is far brighter and less cluttered than it used to be. The magnificent Muslim shrine known as the Dome of the Rock is in the care of Muslims Access to these holy places is of course free to all. This is in sharp contrast to the period from 1948 to 1967 when the Jordanian government barred Israeli Jews from the revered Western Wall.

These various activities are being undertaken by the Israelis, not because they want to hold on to Gaza or most of the West Bank, but because they want to show what open borders and Arab-Jewish cooperation can do for all concerned. And of course word of what is happening gets out to the rest of the Arab world and has its impact.

BINGHAMS ARE OPTIMISTIC ON MIDEAST PEACE PACT

(By Jonathan B. Bingham)

On a recent six-day visit to Israel, my wife June, and I were once again heartened by the remarkable achievement of this remarkable country.

When we were first there, in 1952, we were impressed that Israel was surviving at all, faced as she was with seemingly impossible economic problems. We wondered how the Israeli leaders could sleep, not knowing how they were going to pay for the next ship-load of grain coming into Haifa harbor.

In 1964, we were struck by the amazing economic and industrial growth that had occurred in such a small and vulnerable land. We saw the new aqueduct built to carry water from the upper Jordan to the Negev, and the new cities created to accommodate tens of thousands of immigrants from many parts of the world.

In February 1971, what impressed us most was the calm and courageous way in which the Israelis are moving toward a new era of peace and stability, hopefully, for the Middle East. They know that such an era is not likely to come tomorrow or the next day, but it is, they are confident, on the way. The trends are in the right direction.

The Israelis, quite properly, take a long view. With the perspective of thousands of years of history, they are not going to be rushed into accepting arrangements for a peace settlement that might collapse in five, ten or 20 years and leave them once again exposed.

At the same time, I believe our State Department is wrong in giving the impression that the Israelis are being rigid and inflexible in the face of a new spirit of compromise on the part of Egypt. The Israelis are, indeed, impressed with the drastic change in Egypt's attitude since the death of Nasser, but they are not for that reason going to be pressured into agreements that would be unwise for the future.

In particular, they do not want to be in a position of having to rely on assurances made by powers such as the Soviet Union and France; they have had sad experience with the unreliability of some international "guarantees" in the past.

Another trend that is highly favorable is the declining importance of the Palestinian terrorists. King Hussein has been able to reassert control in his own country. President Sadat of Egypt has told the Palestinian groups in no uncertain terms that they will not be allowed to prevent a peace settlement.

Another factor which is weakening the terrorists is the extraordinary job the Israelis are doing in the West Jordan areas and in the Gaza strip. Tens of thousands of Arabs from the "West Bank" and from the Gaza strip are working in Israel at far higher wages than they have ever had and learning that they can live in peace and prosperity side by side with the Jews they were brought up to hate and fear.

SOCIAL SECURITY INCREASE TOO LITTLE AND TOO LATE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, less than 24 hours after a House-Senate conference committee submitted to this body the 10-percent across-the-board increase in social security benefits, it was passed by the House of Representatives. While I was certainly happy to see this body move so quickly in enacting this measure into law this year, I would like to point out that it is extremely unfortunate that this increase amounts to simply far too little, far too late.

Furthermore, because of the tardiness in the passage of this bill, social security beneficiaries will be subject to delays and inconveniences which would have been unnecessary had we acted sooner and passed this legislation during the 91st Congress.

While the 10-percent increase provided by this bill will be retroactive to January 1971, it is my understanding that it will take the Social Security Administration nearly 3 months to change its records so that these new higher amounts can be paid. This means that social security beneficiaries will probably not begin to receive their increased benefits until June 3 1971 the regular date for the receipt of their May checks. It is expected that an additional check for the increased amounts for the months of January, February, March, and April will be mailed as a separate check at about this same time.

This bill differs from what many of us have been urging. It increases the monthly minimum benefit by only $6.40, from $64 to $70.40. I had been urging an increase in monthly minimum benefits from $64 to $100.

Further, as I have pointed out, it provides for only a 10-percent increase in benefits as opposed to the 15-percent increase which many of us in Congress had been urging. However, it is nearly 70 percent more than the increase which the Nixon administration had proposed, and Mr. Nixon could not refrain from calling this measure inflationary when he signed it into law.

Another disappointment in this bill is that the final version did not contain the language which I had urged and which the Senate-passed version had contained, with respect to increases in the earnings limitation. As originally passed by the Senate, this bill would have increased the amount that a beneficiary could earn while retaining his eligibility to receive his benefits from the present $1,680 a year to $2,400.

Further, the Senate version contained a provision which would have reduced benefits by $1 for each $2 of all earnings above the exempt amount. This provision would have been a departure from present law which provides a $1 for $2 reduction only for the first $1,200 above the exempt amount and a $1 for $1 reduction for all additional earnings.

Although this change in the earnings test was not included in the legislation which we enacted, I was happy to note that the conference report did indicate that when the social security legislation—H.R. 1—now pending before the House Committee on Ways and Means is reported, it will provide for some increase in the earnings limitation.

A significant feature of this bill is that it provides for a 5-percent increase in special benefits for certain people 72 years of age and over who did not work long enough in employment covered by social security to qualify for regular benefits. This would increase these benefits from $46 to $48.30 for a single person and from $69 to $72.50 for a couple. This increase, like the regular increase, is retroactive to January 1, 1971, but again, the increased amounts, according to the most recent information, will not be received until June.

The cost of these new benefits will be financed by an increase in the tax base from $7,800 a year to $9,000 per year, and an increase of 0.3 percent in the combined employer-employee tax rates beginning in 1976.

Mr. Speaker, we cannot stop here, and we cannot stop with the next passage of social security benefit increases. According to a report of the Senate Select Committee on Aging, the number of aged poor rose by approximately 200,000 between 1968 and 1969, and continues to rise.

Today, one out of every four Americans 65 and over must live on a poverty-level income. As inflation continues to rise, even the program which I have been urging will not begin to abolish poverty among American senior citizens, but it will at least ease the financial burdens facing millions of elder Americans—especially those at the bottom of the benefit scale.

SCOUTS AND BIRDHOUSES

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. GAYDOS. Mr. Speaker, one of the major concerns of the American public today is the protection and preservation of the Nation's natural wildlife, and I am proud to call to the attention of my colleagues to the work done in this vital area by a group of Boy Scouts from my 20th Congressional District in Pennsylvania.

"Operation Bluebird" was a project launched by members of Boy Scout Troop 78. It consisted of the building and distribution of 230 birdhouses for bluebirds, wrens, and robins which inhabit a beautiful public park and model farm operated by the Allegheny County commissioners. This is not the first time these young men have accomplished such an undertaking. They did it last year and to date they have constructed and placed a total of 365 birdhouses throughout the park.

In addition, Troop 78 also has built and donated 85 birdhouses to other district camp sites and has planted several thousand seedlings at the location of a former strip mine. Because of these projects and others, it comes as no surprise to learn the troop is in contention for the national Scouting conservation award.

"Operation Bluebird" was conducted under the direction of the troop's scoutmaster, Mr. Evan Leggitt; the committee chairman, Mr. Andrew Mihalek; the assistant committee chairman, Mr. Jack Keefer; and Mr. Henry Foster. Members of Troop 78 were assisted in the distribution of the birdhouses by volunteers from a Cub Scout pack and two Girl Scout troops. Mr. Speaker, I commend these young men and women for their unselfish efforts, and I am proud to place their names in the RECORD where others might see them and follow their example.

Troop 78: Charles Andrews, Paul Andrews, Regis Andrews, Joseph Burgan, Daniel Christoff, Kenneth Dugan, Edward Fisher, Daniel C. Gioia, Vincent Gioia, Gary Greenawalt, James L. Harchelroad, Mark Hill, Louis A. Hopkin, Wendell Hopkin, Kevin Marchetti, Andrew Mihalic, Kevin Paffrath, Lawrence Ross, Terry L. Thompson, David Weeks, James Wilson, Jeff Greenawalt, Timothy W. Burgan, Leonard Nizinski, James Dugan, Patrick E. Buono, Martin Craighead, and Gregory Hunt.

Pack 78: Merrill Newmeyer, James Stewart, Allen Tognarine, Edward Foster, James Baxter, Joseph Gassner, James Werner, Allen Crisswell, Daniel Chomas, Joseph Chomas, Robert Koch, Michael Sabol, Edward Spaulding, Eric McNeil, Daniel Stonebreaker, Richard Bollas, Robert Chomas, Ronald Chomas, John Guffey, Robert Guffey, Lee Martin, Eric Newmeyer, Maxwell Wall, and Jay Keefer.

Girl Scouts: Karen Bollas, Jenifer Caird, Theresa Chomas, Cynthia Chomas, Nancy Baxter, Cathy Baxter, Joyce Criswell, Apryle Criswell, Ferne Criswell, and Tena Koch.

PLIGHT OF RURAL AMERICA

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. DE LA GARZA. Mr. Speaker, I join with many of my colleagues in a continuing effort to focus attention to the plight of rural America.

By no means do we seek—nor is it our intention—to detract in any way from the problems of our city brethren. The fact is that in my estimation the problem is more acute in the rural areas, since it is the problem of the rural areas that has compounded the city problem.

As our brothers leave the farms and journey to the city with the hope of a better life—or at least more of an opportunity than they had in the rural areas for such—they overcrowd the cities, they overburden the governmental services and all the facilities.

Too many times people tend to apply a remedy to the local problem, not realizing that the actual cause of the problem is far away. And so we keep hearing pleas for increased expenditures for the cities, while the flow of people continues into the cities.

We must, emphatically we must attack the problem at its source.

Mr. Speaker, I know that many people have many ideas as to what causes the problem and there are, I am sure, as many answers. So what I say today is my personal opinion and my humble recommendations are again my personal views. I speak for no group nor for any person but myself.

Let us look for a while at our city brothers and compare their plight to that of rural America. Regardless of any other problem our city brothers have, they have available at least the basic facilities and, in most instances, laws on zoning or housing to assure the minimum services of water, lights, sewer, and gas or at least supplies of coal or fuel oil.

Such is not the case in rural America. We have a terrible problem even for these basic necessities. There are many settlements—some are called colonias in my area—that have no facilities at all for sewage disposal—and no reasonable expectation to secure any under the existing programs which are, in the major part, limited to cities and towns or at least incorporated areas.

The several Federal agencies dealing with this problem must meet. I urge strongly that they begin at least to look at the possibility of adding this area of concern to the existing programs or recommending appropriate legislation for that purpose.

Again our city brothers have, for the greatest part, domestic water available for home consumption and laws making certain requirements for water purity, also Federal programs for grants and loans to provide these facilities. We of the rural areas have a very limited area of Federal participation and never enough money to even take care of those areas that want to participate.

It is a shame to have to tell you that we still have many of our citizens in my area who must drink water from irrigation ditches and canals. Many must carry water in tanks or barrels for miles to have any water in their homes.

This should not be so in this day and age. I again urge the respective agencies to at least take a look at this terrible problem, and I again strongly recommend the appropriate legislation be recommended to make available grants for this type service. I say this because the greater majority of these people are below the poverty level, and as much as they would like to help themselves, they are unable to do so.

They are not doing this by choice, they have no alternative. We cannot, we must not, allow this to continue. As we speak of priorities, the plight of these people should be uppermost in our plans.

Continuing these efforts, we now go to power and lights. There is no problem, I am sure, in any municipality. We do have the REA, providing a very excellent service to rural America, but we still have the problem that they do not have sufficient funds to provide the service everywhere that it is needed. As fine a service as the REA and the several public utility companies provide, we still have plenty of room for improvement.

And so the list continues, Mr. Speaker, reciting the problems of rural America and the areas in which they are deficient. Such areas are farther away from a doctor or a hospital, more often than not they do not have the necessary resources for either medical attention or medicine. Their children are farther away from the schools or other educational facilities. The same applies even to the few Federal programs available to them.

It becomes a problem of accessibility because of the concentrated location of these facilities in the cities.

Finally, Mr. Speaker, I would like to mention a most serious problem in the rural area—and this is employment.

I know that the Government cannot solve this problem, but it should help wherever possible. These, our rural brothers, in the much greater majority are decent, hard-working citizens. The much greater majority are devout Christian families. Their children are not, by and large, those who are frequently in trouble.

Rural America is the grassroots of our country and it is very unfortunate that this vast segment really is suffering a plight not of their own making. I know of no one who is poor by choice.

Now, my colleagues, I do not want you to get the impression that we have not been trying to correct these deficiencies, nor would I want you to get the idea that these people have not tried to help themselves. Let me assure you neither is the case. The reason for this talk is to ask your help, to strongly recommend that the several agencies revise their programs, and if necessary, recommend corrective legislation.

This is to respectfully ask you my colleagues, to look to the plight of rural America and to let us join the problems of our city brothers in order that we might work together to make truly a better life for all Americans.

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the first of two reports on rural development in the United States:

REPORT ON RURAL DEVELOPMENT IN THE UNITED STATES

Rural America is a region so large that if it were a separate country, it would rank in area as the world's ninth largest. At the same time, however, it is a region so low in income, it would rank as the world's sixth underdeveloped nation.

While the Nation's attention has been riveted to the problems of the cities, the economic stagnation of rural America has become more and more visible. It is seen in empty stores, trash-filled lots, weathered and unrepaired schools, collapsed barns, boarded houses, unkept farms and eroded fields.

Because of years of neglect, there is now an urgency for action in rural America. If we do not act, the rural poor will continue to flood the central cities of America, coming without training and skills, without housing, but wanting employment. The end will be frustration and despair.

Most Americans simply don't understand, or realize, the depth and complexity of the problems of rural America. The list of reasons for these problems would seem almost endless, but among the major ones are:

POPULATION IMBALANCE

The Census Bureau reports that the proportion of the Nation's rural population fell to 26 percent in 1970, down 30 percent from 1960. In 1920, the Nation was divided roughly between rural and urban residents. But today, there are 150 million residents in urban America, and just over 50 million in rural areas. If the present trend continues, by the year 2000 we will have added another 100 million Americans and some 240 million will be crowded into urban areas occupying only 4 percent of our total land area.

DEPENDENCY RATIO

The exodus from rural America has been largely working-age people, who represent the area's best hope, and carry with them a considerable investment in education and training. The people left behind include a higher-than-average ratio of those under 18 and over 65 years of age. This non-working ratio often is 20 percent higher for rural counties than for urban counties.

The out-migration of productive, taxpaying residents erodes the tax base of rural communities and leaves behind a high proportion of residents who require a higher level of tax-supported assistance, such as education and old age care.

POLITICAL POWER

Rural depopulation is emerging as an important political concern at all levels of government. It has played a major role in political redistricting, and if the trend continues, it will pose a challenge to the county system of government.

In the Congress, the era of the farm bloc is gone—probably forever. As the Congress has become increasingly urbanized, Members from rural areas have an increasingly difficult time in gaining support for rural programs. Of the 435 Members of the House, only 31 havs districts in which at least one-fourth of the constituency is involved directly in farming. Indiana, considered a farm state, does not have a single Congressman representing a district in which one-fourth of the residents are directly involved in farming.

LACK OF ATTENTION

The rural people have few spokesmen to bring the Nation's attention to their problems. Frequently, I am visited by the Urban Coalition, the Urban Institute or the Urban League, but there are no rural institutes, or rural league delegates to press for help for the small town residents.

COMPLEXITY

It is obvious that the problems of rural America cannot be solved with a single approach or a single program. Some argue for the growth center, believing that concentration of investment in rural areas will spread. Others say a single plant in a single town may be the most productive way to promote economic growth. And still others say the best solution is to improve community service, especially education and training, to provide the skills rural people need to migrate out successfully.

These approaches illustrate the complexity of the theory of rural development, let alone the practice.

SENATE—*Thursday, April 15, 1971*

The Senate met at 11 a.m. and was called to order by Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, send forth Thy light and truth upon this body that we may pursue the right in things both great and small. May our might be the might of the spirit, our strength be in Thy law, our power be in the way of love. May only truth be uttered and may the quest for justice be the motivation of all Thy servants. Deliver us from all guile hypocrisy, resentment, and fear, that all who serve in the Government of this Nation may do those things which bring Thy peaceable kingdom on earth. May goodness and mercy be in us and follow us all our days that we may be worthy to dwell with Thee eternally.

We pray in the name of our Servant Lord. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 15, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. GAMBRELL thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, April 14, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ALLEN ON MONDAY, APRIL 19, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Alabama (Mr. ALLEN) be recognized for 15 minutes on Monday next, April 19, 1971, after disposition of the Journal and the recognition of the joint leaders.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REOPENING OF TRADE WITH THE CHINESE PEOPLE'S REPUBLIC

Mr. MANSFIELD. Mr. President, the President of the United States has taken a commendable initiative in seeking to reopen trade with China in nonstrategic goods. It is the latest in a series of thoughtful steps by which the President has sought a progressive restoration of a degree of civility between the two countries.

The lifting of the embargo, properly interpreted, will permit companies to trade in nonstrategic goods without interference by the Federal Government. At the same time the United States will expedite visas for Chinese who wish to come to the United States for official, commercial, or cultural purposes. Currency controls will be relaxed. U.S. fuel sales will be permitted to ships and planes headed to or from China. Commercial carriers—ships or planes—will be allowed to transport Chinese cargo between non-Chinese ports.

The change is long overdue. For 20 years, this Government has persisted in the treatment of the China trade as though the importation of silk, rattan, chopsticks, or whatever from the mainland of China would somehow undermine the strength of the Nation or contaminate its inhabitants.

In the meantime, this U.N.-recommended embargo—that is what it was originally—has been long since abandoned by the rest of the world and, for years, Western European and Japanese traders have been working vigorously to extend their trading relationships with the Chinese People's Republic.

So, again, I want to commend President Nixon for his initiative. I would hope that the followthrough in the executive departments will be vigorous, purposeful, and devoid of petty bickering. There ought to be a minimum of delay in carrying into effect this new trade approach which has been set by the President.

Too much ought not to be expected in the way of diplomatic consequences either from the President's latest initiative or from the cordial reception of the ping-pong players in Peking. These developments, indeed, have opened a new page as the Chinese Premier put it. As desirable as are the reciprocal acts in themselves, however, there is still a long way to go. We would do well to avoid an excessive beating of gongs and crashing of cymbals. Rather, in this Government, and in the Senate, we ought to submit to thorough and sober examination of the grave obstacles lodged either in antiquated policies or current expediency which might still stand in the way of a stable relationship between the two countries and a stable peace in the Western Pacific.

What the President has done is to put the Chinese People's Republic on something of the same footing as the Soviet Union and certain other countries in Eastern Europe.

Some years ago, I sought to examine these questions in a lecture at the University of Montana. I ask unanimous consent that the text of this lecture be printed in the Record. It covers the range of Chinese-United States problems, including the trade embargo which has just been lifted by the President's order. I also ask unanimous consent that the text of the President's announcement be printed in the Record.

There being no objection, the lecture and announcement were ordered to be printed in the Record, as follows:

China: Retrospect and Prospect

(Lecture by Senator Mike Mansfield sponsored by the Maureen and Mike Mansfield Endowment (The University of Montana Foundation) at the University of Montana, Missoula, Mont., Friday, March 29, 1968, 10:30 a.m., MST)

Viet Nam is heavy on the heart of the nation. The Vietnamese war is a tragedy. It is a tragedy in the American lives which it claims. It is a tragedy in the death and devastation which, in the name of salvation, it has spread throughout Viet Nam.

My views on United States policy respecting Viet Nam are no secret. I have stated them, restated them, and elaborated them many times. I have cautioned against an ever-deepening military involvement in that conflict. I am opposed to any increase in it today. I believe that the way out of a barbarous situation is not to go further into it.

The first step towards peace, in my judgment, is to concentrate and consolidate the U.S. military effort and to escalate the peace-effort, looking towards the negotiation of an honorable end of the conflict.

That, in brief, is the way I feel about Viet Nam. That is the way I have felt about it for a long time. The President knows it. The Senate knows it. Montana knows it.

What I have to say to you, today, touches only indirectly on Viet Nam. My remarks are intended to go beyond Viet Nam to what may well be the roots of the war. In this first lecture of the series on international affairs, I wish to address your attention to what is the great void in the foreign relations of this nation—to the question of China.

As a nation, we have lived through a generation in only hearsay association with a third of the entire human race. At the inception of this void, we were engaged in a costly and indecisive conflict in Korea—on China's northeast frontier. Two decades later, we are engaged once again in a costly and indecisive conflict, this time on China's southeast frontier. These two great military involvements on the Chinese periphery are not unrelated to the absence of relevant contact between China and the United States.

Sooner or later a tenuous truce may be achieved in Viet Nam even as a truce was achieved in Korea. In my judgment, however, there will be no durable peace in Korea, Viet Nam, or anywhere else in Asia unless there is a candid confrontation with the problems of the Sino-U.S. relationship.

China needs peace if the potentials of its culture are to be realized. This nation needs peace for the same reason. In this day and age, the world needs peace for civilized survival. You young people have the greatest stake in peace. For that reason, I ask you to look beyond Viet Nam, behind Korea, to what may well be the core of the failure of peace in Asia—to the U.S.-Chinese estrangement of two decades.

In 1784, Robert Morris, a signer of the Declaration of Independence, sent the first American clipper ship to trade with China. The year that President George Washington took the oath of office, 1789, fourteen American ships were riding at anchor in the Pearl River off Canton in South China.

There are no American ships in Chinese ports today. There have not been for almost twenty years. In twenty years, hardly an American doctor, scientist, businessman, journalist, student, or even a tourist has set foot in China.

Across the Pacific Ocean, we and the Chinese glare at one another, uncomprehendingly, apprehensively, and suspiciously. In the United States, there is fear of the sudden march of Chinese armies into Southeast Asia. In China, there is fear of a tighter American encirclement and American nuclear attack.

We see millions of Chinese soldiers poised on China's frontiers. We see leaders who threaten in a most violent way. We see an internal Chinese turmoil to confirm our fears of irrationality and recklessness. Finally, we see a growing nuclear power, with the looming spectre of a full-fledged Chinese intercontinental ballistic missile force.

On the other hand, the Chinese see themselves surrounded by massive American military power. They see U.S. naval, ground, and air bases scattered through Japan, Korea, Taiwan, Okinawa, Guam, the Philippines, and Thailand. They see over half a million American troops in neighboring Viet Nam and hundreds of thousands more nearby. They see tremendous nuclear capability with missiles zeroed in on Chinese cities. They see the United States as "occupying" the Chinese island of Taiwan and supporting a Chinese government whose declared aim is the recapture of the mainland. And they see, too, what they describe as a growing collusion between the United States and the Soviet Union, a country which they believe infringes China's borders, threatens to corrupt the Chinese revolution and exercises an unwelcome influence throughout Asia.

We and the Chinese have not always looked at one another with such baleful mistrust. The American images of China have fluctuated and shifted in an almost cyclical way. There has been the image of the China of wisdom, intelligence, industry, piety, stoicism, and strength. This is the China of Marco Polo, Pearl Buck, Charlie Chan, and heroic resistance to the Japanese during World War II.

On the other hand, there has been the image of the China of cruelty, barbarism, violence, and faceless hordes. This is the China of drum-head trials, summary executions, Fu Manchu, and the Boxer Rebellion—the China that is summed up in the phrase "yellow peril."

Throughout our history, these two images have alternated, with first one predominant and then the other. In the eighteenth century, we looked up to China as an ancient civilization—superior in many aspects of technology, culture, and social order and surrounded by an air of splendid mystery. Respect turned to contempt, however, with China's quick defeat by the British in the Opium War of 1840. There followed acts of humiliation of China such as participation in extra-territorial treaty rights and the Chinese Exclusion Act of 1882.

Attitudes shifted again in the early twentieth century to one of benevolence largely in consequence of the influence of missionaries. There were more missionaries in China from the United States than from any other country. More American missionaries served in China than anywhere else in the world. The Chinese became, for this nation, a guided, guarded, and adored people.

Chinese resistance to the Japanese invasion in 1937 produced another shift from benevolence to admiration. At the end of the Second World War, admiration was displaced by disappointment and frustration, as the wartime truce between Nationalist and Communist forces collapsed in cataclysmic internal strife. This nation became profoundly disenchanted with China, a disenchantment which was replaced abruptly in 1949 by hostility.

The hostility was largely a reaction, of course, to the coming to power of a Communist regime on the Chinese mainland. We did not interpret this event as a consequence of the massive difficulties and the vast inner weaknesses of a war-torn China. Rather, we saw it almost as an affront to this nation. We saw it as a treacherous extension of the Soviet steam-roller policies which had reduced Eastern and Central Europe to subservience at the end of World War II.

Then, in 1948, came a Communist coup in Czechoslovakia and the Soviet attempt to blockade Berlin. The triumph of a Communist government in China followed immediately after these events in Europe. The nation was shaken to its fingertips.

Still, the press of events continued relentlessly. In June 1950, the North Koreans launched a sudden attack on South Korea. The Chinese forces intervened in the war in November of that year. The United States was brought into a major military confrontation in which, for the first time, the Chinese were enemies and not allies.

After these events, the assumptions of American policy towards China were revised. An effort was made to meet both the concern and outrage respecting China which existed in this nation and the revolutionary militancy of the new Chinese regime in Asia. Policy was cast anew on the premise that the government on the Chinese mainland was an aggressor which, subject to directions from Moscow, would use force to impose international Communism on Asia. Conversely, it was assumed that if the endorsement of the free nations were withheld, this regime which was said to be "alien" to the Chinese people—some sort of overgrown puppet of Moscow—would wither and eventually collapse.

On this basis, recognition was not extended to Peking. The official view was that the National Government, which had retreated to the island of Taiwan, continued to speak for all of China. We cut off all trade with the mainland and did what could be done to encourage other countries to follow suit. In a similar fashion, we led a diplomatic campaign year after year against the seating of the Chinese People's Republic in the United Nations. We drew an arc of military alliances on the seaward side of China and undergirded them with the deployment of massive American military power in bases throughout the Western Pacific.

Much has happened to call into question the assumptions in which these policies towards China have been rooted. In the first place, the People's Republic has shown itself to be neither a part of a Communist monolith nor a carbon copy of Soviet Russia. The fact is that, of the numerous divisions which have arisen within the Communist world, the differences between Moscow and Peking have been the most significant. They so remain today although the more rasping edges of the conflict appear somewhat tempered by the war in Viet Nam.

At the same time, the government on the mainland has not only survived, it has provided China with a functioning leadership. Under its direction, Chinese society has achieved a degree of economic and scientific progress, apparently sufficient for survival of an enormous and growing population and sophisticated enough to produce thermo-nuclear explosions.

In the last two years, the so-called Cultural Revolution in China has rekindled what has been a periodic expectation that the Peking government is on the verge of collapse and the way is open for a military return to the mainland of the National Government on Taiwan. There seems to be little doubt that the turmoil in China has caused serious disruptions. What appears in conflict in the cultural revolution, however, is not the Peking structure as such but the adequacy of its ideological content That would be a far cry from the kind of popular revulsion which might be expected to open the doors to a new regime.

In any event, the worse of the upheavals within China appear to have ended months ago, without any irreparable break in the continuity of the government or the operations of the economy. It is the height of folly to envision, in the present situation, an occasion for the overthrow of the Peking government by external military pressures. Indeed, what would be better calculated to end, overnight, the remaining ferment on the mainland than a plausible threat to the security of China or an actual attack on Chinese territory?

If the People's Republic, then, is here to stay, what of the other assumption on which this nation's policy respecting China has long been based? What of the assumption that the Chinese government is an expanding and aggressive force? That it is restrained from sweeping through Asia because we have elected to meet its challenge along the 17th Parallel which divides the Northern and Southern parts of Viet Nam?

In recent years, the present Chinese government has not shown any great eagerness to use force to spread its ideology elsewhere in Asia although Chinese armies have been employed in assertion of the traditional borders of China. To be sure, China has given enthusiastic encouragement and has promised to support wars of national liberation. However, China has not participated directly in these wars and support, when it has been forthcoming, has been limited and circumspect.

In Viet Nam, for example, there is certainly Chinese encouragement and aid for the North Vietnamese and the Viet Cong. Chinese involvement, however, has been far more peripheral than our own. The enemy soldiers with whom we are compelled to grapple are all Vietnamese and, in fact, mostly South Vietnamese. At every stage of the war, the assistance we have provided to South Viet Nam has far exceeded the aid from China and from all outside sources to the Viet Cong and North Viet Nam—both in terms of men and materiel. There is Chinese equipment in South Viet Nam but there are no Chinese battalions. Even in North Viet Nam, Chinese manpower is reported to amount, at most, to one-tenth of our forces in Viet Nam, and the great bulk of these Chinese are labor troops, some involved in air-defense but most of them engaged in repairing bomb damage to roads, railroads, bridges, and the like.

Chinese actions in Tibet, and along the Himalayan frontier of India, are often cited as evidence of militant Chinese Communist aggression. The fact is, however, that Tibet has been regarded, for many decades, as falling within China's over-all boundaries. Not only the Peking government but also the Chinese National Government on Taiwan insists that Tibet belongs to China. India also acknowledges such to be the case. Indeed, American policy has never recognized Tibet as other than Chinese territory.

In the case of the border war with India in 1962, the Chinese Communists occupied territories which, again, not only they, but also the Chinese Nationalists, consider to be Chinese. It is not precisely characteristic of a militant expansionism, moreover, for a government to withdraw its military forces from a territory which they have invested. Yet, the Peking government did so from parts of India which were occupied in 1962 as well as from North Korea.

As for indirect aggression through economic means, China has been able to exert only a limited influence, either through aid or trade. In Africa and, indeed, in Southeast Asia, where attempts have been made to use trade and aid for political ends, the results have not been conspicuously successful. The fact is that most of China's trade today rests on a commercial-economic base. It is carried on largely with the non-Communist countries, including, may I add, many of our closest allies.

In short, to speak of China, today, as aggressively expansionist is to respond to Chinese words rather than Chinese actions. That is not to say that China will not pose all manner of threats tomorrow. If there are not enough nightmares already, consider the prospects when China's nuclear capabilities will have been extensively developed, alohg with a full-fledged intercontinental ballistic missile force.

Of course, there is an immense potential danger in China; but there is also an immense potential danger in every other powerful nation in a world which has not yet learned how to maintain civilized survival in a nuclear age except on the razor's edge. Insofar as China is concerned, the fundamental question for us is not whether it is a danger, real or potential. The fundamental question is whether our present policies act to alleviate or to exacerbate the danger. Do we forestall the danger by jousting with the shadows and suspicions of the past? Do we help by a continuance in policies which do little if anything to lift the heavy curtain of mutual ignorance and hostility?

Like it or not, the present Chinese government is here to stay. Like it or not, China is a major power in Asia and is on the way to becoming a nuclear power. Is it, therefore, in this nation's interest and in the interest of world peace to put aside, once and for all, what have been the persistent but futile attempts to isolate China? Is it, therefore, in this nation's interest and in the interest of world peace to try conscientiously and consistently to do whatever we can do—and, admittedly, it is not much—to reshape the relationship with the Chinese along more constructive and stable lines? In short, is it propitious for this nation to try to do what, in fact, the policies of most of the other Western democracies have already long since done regarding their Chinese relationships?

I must say that the deepening of the conflict in Viet Nam makes more difficult adjustments in policies respecting China. Indeed, the present course of events in Viet Nam almost insures that there shall be no changes. It is not easy to contemplate an alleviation with any nation which cheers on those who are engaged in inflicting casualties on Americans. Yet, it may well be that this alleviation is an essential aspect of ending the war and, hence, American casualties. That consideration, alone, it seems to me, makes desirable initiatives towards China at this time.

There are several obvious areas in which these initiatives would have relevance. Discriminatory restriction on travel to China, for example, is certainly one of these areas. The Chinese may or may not admit Americans to their country, as they choose. But it is difficult to understand why our own government should in any way, shape, or form, seek to stand in the way of the attempts of American citizens to breech the great wall of estrangement between the two nations. It is, indeed, ironic that during the past three years there have been more visits of Americans to North Viet Nam, a nation with which we are at war, than to China in the past thirteen years.

On the question of travel, it should be recalled that the Chinese were the first to suggest in 1956 that American journalists visit China. The suggestion was summarily rejected by the then Secretary of State. When, later, it was decided to accept the suggestion, the Chinese had changed their minds. Since that time, this nation has been more inclined to ease the travel barriers, on the basis of official agreement for exchanges of persons, but the Chinese have shown no disposition to enter into agreements or, for that matter, to admit Americans on any basis.

In any event, it seems to me that it is in the positive interest of this nation to encourage Americans, if they can gain entry, to travel to China. May I add, I refer not merely to the travel of selected journalists, doctors, and other specialists, as is now the policy, but to the travel of any responsible American. In the same fashion, it seems to me most appropriate to admit Chinese travelers to the United States under the same conditions that pertain to visitors from other Communist countries.

Trade is another area in which longstanding policies respecting China are open to serious question. Technically, this country still maintains an embargo on all trade with China. The basis for this policy is compliance with a voluntary resolution of the United Nations which was adopted at our behest at the time of the Korean conflict. It is doubtful that the resolution ever carried much weight among the trading nations of the world. In any case, it has long since been forgotten. Today, the principal nations in the China trade in rough order of importance are the United Kingdom, Japan, the Soviet Union, West Germany, Australia, Canada, Italy, and France. Of all the great maritime nations, the United States alone clings to a total trade embargo with China. Moreover, we are also the only nation in the world which makes an effort to enforce what can best be described as a kind of secondary boycott of re-exported Chinese products.

These policies have had little visible economic impact, but they have had the most serious political repercussions. It is conceivable that, to the Chinese, the policies are something of an irritant. To friendly nations, however, they have been a source of constant friction. Most serious, their continuance over the years has injected unnecessary venom into the atmosphere of U.S.-Chinese relations.

Nor can it be said that the situation in Viet Nam has compelled the pursuit of the embargo and boycott. The fact is that these restrictions were in place before most Americans ever heard of Viet Nam, and, certainly, long before Americans became involved in the war. If the Vietnamese conflict is now seen as justification for leaving these policies undisturbed, what is to be said of the existing attitude toward trade with other Communist countries?

The fact is that the European Communists are providing North Viet Nam and the Viet Cong with sophisticated military equipment which, from all reports, exceeds in value the assistance which comes from China. On what basis, then, is it meaningful to permit and even to encourage non-strategic trade with the European Communist countries while holding to a closed-door policy on trade with China? What constructive purpose is served by the distinction? Any rationalization of relations with China, it seems to me, will require an adjustment of this dual approach. We need to move in the direction of equal treatment of all Communist nations in trade matters, whatever that treatment may be.

In any event, problems of travel and trade are secondary obstacles in the development of a more stable relationship between China and the United States. There are other far more significant difficulties. I refer, principally, to the question of Taiwan and to the war in Viet Nam.

There is no doubt that the Chinese government seeks in Viet Nam a government which is friendly, if not subservient. Peking has not concealed, moreover, its desire for the withdrawal of American military power from Southeast Asia. It does not follow, however, that the price of peace in Southeast Asia is either Chinese domination or U.S. military intervention. That is a black and white oversimplification of a gray situation. The fact is that neither Burma on China's border nor Cambodia have been "enslaved" by China, despite an association of many years, despite periodic difficulties with the great state to the north and despite an absence of U.S. support, aid, or protection.

These two nations have managed to survive in a state of detachment from the power rivalries of the region. Furthermore, China is a signatory to the settlements which emerged from the Geneva Conferences of 1954 and 1962 and which contain at least a hope for a middle way to peace in Indo-China. So far as I am aware, the Chinese have not been found in direct or unilateral violation of these agreements. It is not impossible that a similar settlement, with Chinese participation, might be reached on Viet Nam.

Indeed, it is to be devoutly hoped that there can be a solution along these lines. Unless it is found, there is a very real danger—as the Korean experience shows—that the prolongation of war on China's frontiers may well bring about another U.S.-Chinese armed confrontation.

Perhaps the most important element in the rebuilding of stable relations with China is to be found in a solution of the problem of Taiwan. It may help to come to grips with this issue, if it is understood at the outset that the island of Taiwan is Chinese. That is the position of the National Government of the Republic of China. That is the position of the People's Republic of China. For a quarter of a century, this common Chinese position has been reinforced by the policies and actions of the United States government.

Since that is the case, I do not believe that a solution to the Taiwan question is facilitated by its statement in terms of a two-China policy, as has been suggested in some quarters in recent years. The fact is that there is one China which happens to have been divided into two parts by events which occurred a long time ago. Key factors in the maintenance of peace between the separate segments have been the interposition of U.S. military power in the Taiwan straits, and the strengthening of the National Government of China by massive injections of economic and military aid.

This course was followed by the United States for many reasons, not the least of which was that it made possible a refuge for dedicated allies and associates in the war against Japan. Most of all, however, it was followed because to have permitted the closing of the breech by a military clash of the two opposing Chinese forces would have meant a massive bloodbath and, in the end, the rekindling of another great war in Asia.

However, the situation has changed in the Western Pacific. Taiwan is no longer abjectly dependent for its survival on the United States. Some of the passions of the deep Chinese political division have cooled with the passing of time. Another generation has appeared and new Chinese socieities, in effect, have grown up on both sides of the Taiwan straits.

Is there not, then, some better way to confront this problem than threat-and-counter-threat between island Chinese and mainland Chinese? Is there not some better way to live with this situation than by the armed truce which depends, in the last analysis, on the continued presence of the U.S. 7th Fleet in the Taiwan Straits?

The questions cannot be answered until all involved are prepared to take a fresh look at the situation. It seems to me that it might be helpful if there could be, among the Chinese themselves, an examination of the possibility of improving the climate. As I have already indicated, the proper framework for any such consideration would be an acceptance of the contention of both Chinese groups—that there is only one China and Taiwan is a part of it. In that context, the questions at issue have to do with the dichotomous situation as between mainland and island governments and the possibility of bringing about constructive changes therein by peaceful means.

There is no cause to be sanguine about the prospects of an approach of this kind. One can only hope that time may have helped to ripen the circumstances for settlement. It is apparent, for example, that the concept which held the Chinese government on Taiwan to be the sole hope of China's redemption has grown less relevant with the years. For Taiwan, therefore, to remain isolated from the mainland is to court the risk that the island will be left once again, as it has been on other occasions, in the backwash of Chinese history.

The removal of the wedge of separation, moreover, would also seem to accord with the interests of the mainland Chinese government. It does have a legitimate concern in the reassertion of the historic connection of Taiwan and China. It does have a concern in ending the hostile division which has been costly and disruptive both within China and in China's international relationships.

From the point of view of the United States, too, there is an interest in seeking a less tenuous situation. Progress in settling the Taiwan question could contribute to a general relaxation of tensions in the Western Pacific and, conceivably, even to resolution of the conflict in Viet Nam. Certainly, it would make possible a reduction in the enormous and costly overall defense burdens which were assumed in Asian waters after World War II and which, two decades later, still rest on the shoulders of this nation.

To sum up, then, it seems to me that the basic adjustment which is needed in policies respecting China is to make crystal clear that this government does not anticipate, much less does it seek, the overthrow of the government of the Chinese mainland. In addition, there is a need to end the discrimination which consigns China to an inferior status as among the Communist countries in this nation's policies respecting travel and trade. Finally, it ought to be made unequivocal that we are prepared at all times to meet with Chinese representatives—formally or informally—in order to consider differences between China and the United States over Viet Nam or any other question of common concern.

Adjustments of this kind in the policies of the nation, it seems to me, require above all else a fresh perspective. We need to see the situation in Asia as it is today, not as it appeared twenty years ago in the Himalayan upheaval of the Chinese revolution. We need to see the situation not through the fog of an old and stagnant hostility but in the light of the enduring interests of the United States in the Western Pacific.

In this context we will better be able to find appropriate responses at appropriate times to the specific problems of the Sino-U.S. relationship, whether they have to do with U.N. representation or diplomatic recognition or the offshore islands or whatever. Without prior adjustment in perspective, however, to seek to deal definitively with these questions would be, to say the least, an exercise in futility.

I should emphasize before concluding that it is unlikely that there will be any eager Chinese responses to initiatives on our part. Nevertheless, I see nothing to be lost for this nation in trying to move along the lines which have been suggested. Chinese intransigence is no license for American intransigence. Our stake in the situation in the Western Pacific is too large for that sort of infantile indulgence.

I see great relevance in thinking deeply of the issues which divide China and the United States to see if they can be recast in new and uncluttered molds. There is every reason, especially for young people, to examine most closely the premises of policy regarding China which were enshrined almost two decades ago. The fact is that the breakdown in Chinese-U.S. relations was one of the great failures of my generation and it is highly doubtful that its full repair shall be seen in my lifetime. The problem, therefore, will fall largely to you. It is not a particularly happy inheritance, but there is reason to hope that it may fare better in your hands.

Unlike my generation, you know more about Asia. You have a greater awareness of its importance to this nation and to the world. In 1942, four months *after* Pearl Harbor, for example, an opinion poll found that sixty percent of a national sample of Americans still could not locate either China or India on an outline map of the world. Certainly that would not be the case today. Furthermore, you have not had the experience of national trauma in moving abruptly from an era marked by an almost fawning benevolence toward China to one of thorough disenchantment. You were spared the fierce hostilities which rent this nation internally, as a sense of warmth, sympathy, and security regarding China gave way to feelings of revulsion, hatred, and insecurity.

Your Chinese counterparts, the young people of today's China—they are called the "Heirs of the Revolution"—have a similar gap to bridge as they look across the Pacific. Your generation in China, too, has been contained and isolated, and its view of the United States has been colored with the hates of another time. It has had no contact with you or, indeed, with much of the world outside China.

On the other hand, those young people have grown up under easier conditions than the older generation of Chinese who lived their youth in years of continuous war and revolution. It may be that they can face you and the rest of the world with greater equanamity and assurance than has been the case at any time in modern Chinese history.

I urge you to think for yourselves about China. I urge you to approach, with a new objectivity, that vast nation, with its great population of industrious and intelligent people. Bear in mind that the peace of Asia and the world will depend on China as much as it does on this nation, the Soviet Union, or any other, not because China is Communist but because China is China—among the largest countries in the world and the most populous.

Mao Tse-Tung remarked in an interview several years ago that "future events would be decided by future generations." Insofar as his words involve the relationship of this nation and China, whether they prove to be a prophecy of doom or a forecast of a happier future will depend not so much on us, the "Old China Hands" of yesterday, but on you, the "New American Hands" of tomorrow.

TEXT OF ANNOUNCEMENT BY PRESIDENT NIXON

Washington, April 14.—Following is the text of President Nixon's statement today on trade with and travel to Communist China.

In my second annual foreign policy report to the Congress on Feb. 25, 1971, I wrote: "In the coming year, I will carefully examine what further steps we might take to create broader opportunities for contacts between the Chinese and American peoples, and how we might remove needless obstacles to the realization of these opportunities."

I asked the Under Secretaries of a committee of the National Security Council to make appropriate recommendations to bring this about.

After reviewing the resulting study and recommendations, I decided on the following actions, none of which requires new legislation or negotiations with the People's Republic of China:

The United States is prepared to expedite visas for visitors or groups of visitors from the People's Republic of China to the United States.

U.S. currency controls are to be relaxed to permit the use of dollars by the People's Republic of China.

Restrictions are to be ended on American oil companies providing fuel to ships or aircraft proceeding to and from China except on Chinese-owned or Chinese-chartered carriers bound to or from North Vietnam, North Korea or Cuba.

U.S. vessels or aircraft may now carry Chinese cargoes between non-Chinese ports and U.S.-owned foreign-flag carriers may call at Chinese ports.

I have asked for a list of items of a nonstrategic nature which can be placed under general license for direct export to the People's Republic of China. Following my review and my approval of specific items on this list, direct imports of designated items from China will then also be authorized.

After due consideration of the results of these changes in our trade and travel restrictions, I will consider what additional steps might be taken.

Implementing regulations will be announced by the Department of State and other interested agencies.

Mr. GRIFFIN. Mr. President, I wish to commend the distinguished majority leader for his statement concerning the new developments with regard to our widening and opening relations with mainland China.

In his usual, statesmanlike way, the distinguished majority leader has commended the President of the United States for what he has done and for what this latest move means.

I share his view that we do not want to ring the gongs too loudly and we do not want to crash the cymbals too much.

I think it is not too much to say that the ping-pong game which recently took place will undoubtedly go down in history as one of the most important ping-pong games that has ever taken place.

The distinguished majority leader is a serious student of Chinese-United States problems, and I am very glad that he is including in the RECORD the thoughtful speech which he has previously delivered on this subject.

Once again, I commend the distinguished majority leader.

Mr. MANSFIELD. I thank the distinguished acting minority leader for his comments.

Mr. SYMINGTON. Mr. President, I should like to associate myself with the remarks just made by the distinguished majority leader in respect to the more recent developments incident to the relationship of this country with the People's Republic of China.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Missouri (Mr. SYMINGTON) is now recognized for not to exceed 15 minutes.

THE GOVERNMENT AND THE NEWS MEDIA

Mr. SYMINGTON. Mr. President, several weeks ago, before the Senate Armed Services, Appropriations, and Foreign Relations Committees, an able and articulate lieutenant general described why Laos was invaded. He told of the goals it was intended for that invasion to achieve.

We also heard the same officer give the same briefing at a meeting in the White House.

Some days later, another representative of the executive branch presented to the Foreign Relations Committee the results of this Laotian effort; and this later briefing made it clear that the military operations had not gone in accordance with the goals which were laid down in the four previous briefings.

This would have come as no surprise to any American citizen who had read, looked at, or listened to reports by a variety of news correspondents.

Nevertheless various people, including some of our colleagues here in the Senate, have disapproved the reports of U.S. cameramen and correspondents, and have charged bias and distortion in the reporting of this war.

One observation was to the effect that network coverage was being distorted "to project a particular point of view or a particular philosophy."

Such charges by Federal officials against the only federally licensed medium of journalism could prejudice the very function the press is supposed to have in our society. It could reflect a "calculated effort" to pressure the broadcast media into presenting only those views of events with which the Government agreed, rather than the information and background to which the public is entitled; for the public has the right to participate in any "broad discussion" that is pertinent to what priorities should be allocated our increasingly limited resources.

With that premise, it is our considered opinion that the freedom of the broadcast press is emerging as one of the most critical issues in the country at the moment.

In its way, that freedom is as important as the war in Vietnam, the state of the economy, the cities, crime, the Middle East, and so forth, because it involves a "fundamental underpinning" of a democratic society.

Without the free exercise of journalistic enterprise and judgment, all information can become suspect; rumors can achieve the currency of facts and propaganda can be pawned as truth.

Broadcast journalism is the immediate issue, because it is currently under attack from Members of the House and Senate as well as members of the executive branch.

It is the issue because television is pervasive, popular, and, according to some surveys, the most credible of all the media.

If the credibility of any news media can be shaken, however, a major obstacle to acceptance by the public of all that a government wishes to be believed is removed.

To be sure, the press has its responsibilities as well as its rights. We do not minimize its obligations to be fair and accurate, but we do place great stress on the importance of news organizations maintaining their independence.

In a democracy, the press serves as a balance against unlimited government, an independent "audit on power." As Justice Sutherland once wrote, it serves, "as one of the greatest interpreters between men and government and the people." Its function is to hold up government policies for public examination and discussion.

No one has ever said that the press was perfect in its reporting, at all times, on all issues. No one claims that an editorial opinion, or an interpretative news report, is one that should claim universal support or approval. What the Constitution does say, however, is that the press must be free to speak.

But with broadcasting there can be special restraints. Broadcasting is the only medium of journalism that is licensed by the Government it is supposed to examine. Broadcasting licenses come up every 3 years for review and renewal, that renewal depending on the judgment of the Federal agency as to how each broadcaster has performed in "the public interest."

Through its authority to grant or withhold a license to broadcast, the Government has the power, if not the authority, to judge a news medium. Inherently, the existence of that power can have an impact on what is broadcast.

Most broadcasters will "stand fast" against such pressures. But some may compromise; and if this occurs, the long-term consequences to the country could be dangerous in deed.

Government officials including Members of Congress, therefore, should exercise both care and prudence in criticizing broadcasting for its reporting on government, lest they impair a function that is basic to our democratic system.

This does not mean that the press—including broadcasting—is immune from criticism. Far from it. The press is as fallible as any institution run by human beings, including government itself. But the power of the Government—including the power of punishment—is so great that broadside efforts to discredit the press carries alarming overtones.

When Government officials criticize any segment of the press, they should be specific, and should support their charges by particulars. If facts are misrepresented, or issues misstated, the errors should be called to public attention.

If an official disagrees with the point of view presented in an editorial or a documentary, he can challenge the substance of the opinion expressed.

When an attack is general, and partisan and defensive of a particular course of action, however, the suspicion grows that this is an exercise in effort to transfer a credibility gap from the makers of Government policy to those who report and analyze it; and neither the press nor the Government is strengthened by such a maneuver.

What makes this concerted attack even more questionable is the fact that, in its reporting, broadcasting has not presented a single fact, or stated a single issue that has not been covered at least as extensively by newspapers and news magazines.

That observation refers particularly to Laos, one of the causes of the present uproar. Television was not responsible for the abandonment of a single South Vietnamese position or the shooting down of a single American helicopter. But positions were abandoned and helicopters were shot down.

Would any responsible person suggest that this should not have been reported to the American people; or that it should have been reported as a victory?

The function of the press is to bear witness to all the acts of government—its accomplishments as well as its shortcomings, its failures as well as its successes. And, by and large broadcasting and other media have done so—honestly, fairly, and professionally.

The Vietnam war is the first war ever to be covered by television. It is a new kind of actuality reporting, presenting to the entire public the immediate realities of battle, the reactions of troops in the field, the unofficial as well as the official versions of strategies, tactics, and their effects; the version of events given by military and Government officials compared with actual results.

The novelty of this type of presentation, that is, placing the unfiltered view of events on a level with the official picture, may be unsettling to policymakers who have never confronted this problem before. But it meets a basic principle of our system; namely, that the right of the public to independent information about Government action is superior to the desire of Government officials to protect their policies.

This issue will not be resolved by criticizing the media. In due course the facts invariably turn up to speak for themselves, and such criticism will not make the public more willing to believe the Government. The Government will be believed only when it demonstrates that it is willing to be exposed to the light of honest, independent journalism—to accept the criticism as well as to seek the praise.

Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New Jersey (Mr. Case) is recognized for not to exceed 15 minutes.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. CASE. I yield.

Mr. GRIFFIN. Mr. President, the distinguished Senator from Missouri has used only 8 minutes of the 15 minutes allotted to him. I ask unanimous consent that I have 2 minutes and that my remarks appear in the Record following the remarks of the Senator from Missouri. I want to make my remarks while the Senator from Missouri is still on the floor.

Mr. CASE. Mr. President, I have no objection.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Missouri be restored the remainder of the time he did not use under the previous order and that it be without prejudice to the able Senator from New Jersey.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I was glad to note that the distinguished Senator from Missouri said that the broadcasting media should not be immune from criticism. It should not be overlooked that some of the criticism, particularly of network presentations, has come not only from those in government and politics, but also from within the profession of journalism itself. I believe the Senator from Missouri would agree that such criticism from within the profession is healthy.

Mr. President, I ask unanimous consent to have printed in the Record several items which appeared recently in the Washington Post, an article written by Claude Witze which appeared in the Air Force magazine, and several other articles.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 26, 1971]

Mr. Agnew Versus CBS Versus the DOD

The serialized dispute between CBS News, the Pentagon, Congressman Hébert and Vice President Agnew now shows every sign of enjoying the longest airwave run since "One Man's Family." In the beginning, there was only the CBS filmed documentary, "The Selling of the Pentagon," which dealt with the public relations apparatus of the Department of Defense and some highly questionable uses to which it has been put. Since then there have been reruns, rebuttals and rebuttals of rebuttals, and no one can think the dispute is ended yet.

Since threading one's way through the charges is difficult business at best, one point—and a large one—seems worth making at the outset. It is that the documentary film itself constituted a highly valuable and informative exposition of a subject about which the American people should know more—not less.

That some of the criticism of the documentary in terms of production techniques and occasional inaccuracies—is valid, seems evident to us. It also seems evident that Vice President Agnew, as is his custom, has once again managed to obfuscate and all but wreck that part of the case against CBS that was (and is) based on serious and legitimate questions. In a Boston address last week, the Vice President made his case to rest chiefly on the fact that the writer of one previous CBS documentary and the executive producer of another had each been involved in the same capacity in the production of this one. And each of those two documentaries, Mr. Agnew argued at some length, had had more than an innocent share of subterfuges, falsehoods and/or intentional deceptions behind it. However, even where he was able to raise valid objections to aspects of each production, he so overstated and slanted his case as to render it pointless.

As an example of Mr. Agnew's own production techniques, we will offer you some of his comments in relation to one of the offending documentaries, "Hunger in America." It was the subject of an investigation by the Federal Communications Commission, and Mr. Agnew, quoting from the FCC's report, made much of evidence that had been submitted to the FCC such as that "the CBS crew 'requested that the doors of the commodity distribution office be closed to allow a line of people to form.'" However, Mr. Agnew gave his Boston audience not the merest hint that this and other evidence of wrongdoing had been dismissed by the FCC in the same document. Thus, the FCC on the hooked-up commodity line:

"In view of the statements of the Welfare Department, the fact that CBS shot no film of, and the program gave no indication of, an effort to show a long line of welfare recipients, and the description of the floor plan and modus operandi of the welfare center (room for four persons in a line from the entrance to the food counter), we find no warrant for concluding that CBS sought to slant its news depiction, as charged in this respect."

In our judgment, all this establishes the Vice President as something of an expert on questionable editing; but it does little for his credentials as a critic of the practice. And it is on the subject of editing that we believe CBS may be most vulnerable. That the line between reporting and staging events in this kind of television program is a fine one and also one that is all too easily crossed is a proposition with which we tend to agree. And we think this line in fact is crossed when taped interviews are edited in such a way as to alter the actual response of those of whom questions are asked. Such was the case, for example, in the responses—as they were given and as they appeared—of Assistant Secretary of Defense Daniel Z. Henkin.

Now there are several things to be said about this practice. One is that it is apparently common and customary television procedure to foreshorten and rearrange interviews, to reduce a prolonged interview to a few minutes TV time, and to take considerable liberties with such an interview in terms of both completeness and sequence. And among those who have a hand in these televised documentaries, the procedure is explained as both a necessity of production and a boon to the subject who—it is alleged—generally benefits from the editing in terms of the clarity and relevance of his response.

In our estimation, none of this—the commonness of the practice, the exigencies of production, the effort to "improve upon" a given response—will do to make the practice acceptable or one that anybody should be comfortable with. People who work in the nonelectronic news business know how readily they themselves may distort an event or a remark merely by focusing cameras on the one or failing to provide sufficient context for the other. These dangers are of course multiplied in the production of a televised documentary. The massive presence and the mechanical requirements of TV filming and taping equipment necessarily introduce an element of distortion, and the need to boil down material to make it suitable in terms of time and format introduce the constant danger of another kind of distortion.

Given these built-in problems, the TV producers, it seems to us, should go out of their way to preserve intact and in sequence the response of those they interview, or, at the very least, indicate that something in the sequence has been dropped and/or give the subject of the interview an opportunity to see and approve his revised or altered remarks. To do otherwise does in fact result in a material distortion of the record, especially when the viewer is under the impression that what he is watching is what actually and exactly occurred. It seems a great pity and a waste to let a documentary on such an important subject as that with which "The Selling of the Pentagon" dealt be undermined in terms of credibility and public confidence by these editing techniques—innocent or not.

[From the Washington Post, Mar. 30, 1971]

MR. SALANT'S LETTER

In our letters space today we print a response by Richard Salant of CBS News to our recent editorial concerning the dispute between CBS News, the Pentagon, Vice President Agnew, Congressman Hébert, and now—as it seems—The Washington Post. In time the U.N. may have to be called in, but for now we would like, in a unilateral action, to respond to Mr. Salant's complaint. We think it is off the point. And we think this is so because Mr. Salant invests the term "editing" with functions and freedoms well beyond anything we regard as common or acceptable practice. Mr. Salant taxes us with unfairly recommending two sets of standards in these matters, one for the printed press and another for the electronic. But he reads us wrong. We were and are objecting to the fact that *specifically, in relation to question-and-answer sequences,* two sets of standards *already* exist—and that what he and others in television appear to regard as simple "editing" seems to us to take an excess of unacknowledged liberties with the direct quotations of the principals involved.

Before we go into these, a word might be of use about the editorial practices (and malpractices) common to us both. When a public official or anyone else issues a statement or responds to a series of questions in an interview, the printed media of course exercise an editorial judgment in deciding which part and how much of that material to quote or paraphrase or ignore. The analogy with TV's time limitations, for us, is the limit on space; deciding which of the half million words of news coming into this paper each day shall be among the 80,000 we have room to print. Thus, "Vice President Agnew said last night . . . Mr. Agnew also said . . ." and so on; it is a formulation basic to both the daily paper and the televised newscast.

That band and misleading judgments can be made by this newspaper in both our presentation and selection of such news goes without saying—or at least it did until we started doing some public soul-searching about it in this newspaper a good while back. There is, for example, a distorting effect in failing to report that certain statements were not unsolicited assertions but responses to a reporter's question. But that we do not confuse the effort to remedy these defects with a waiving of our First Amendment rights or a yielding up of editorial prerogatives should also be obvious to readers of this newspaper—perhaps tediously so by now. What we have in mind, however, when we talk of the license taken by the electronic media in the name of "editing" is something quite different, something this newspaper does not approve and would not leap to defend if it were caught doing. It is the practice of printing highly rearranged material in a Q-and-A sequence as if it were verbatim text, without indicating to the reader that changes had been made and/or without giving the subject an opportunity to approve revisions in the original exchange.

It is, for instance, presenting as a direct six sentence quotation from a colonel, a "statement" composed of a first sentence from page 55 of his prepared text, followed by a second sentence from page 36, followed by a third and fourth from page 48, and a fifth from page 73, and a sixth from page 88. That occurred in "The Selling of the Pentagon," and we do not see why Mr. Salant should find it difficult to grant that this type of procedure is 1) not "editing" in any conventional sense and 2) likely to undermine both the broadcast credibility and public confidence in that credibility.

The point here is that "The Selling of the Pentagon" presented this statement as if it were one that had actually been made—verbatim—by the Colonel: TV can and does simulate an impression of actuality in the way it conveys such rearranged material. Consider, again from the same documentary, a sequence with Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs. This is how viewers were *shown* Mr. Henkin answering a question:

Roger MUDD. What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?

Mr. HENKIN. Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what are we doing about such problems as drugs—and we do have a drug problem in the armed forces; what are we doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions.

This, on the other hand, is how Mr. Henkin *actually* answered the question.

Mr. HENKIN. Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces.

The answer Mr. Henkin was *shown* to be giving had been transposed from his answer to another question a couple of pages along in the transcribed interview, and one that came out of a sequence dealing not just with military displays but also with the availability of military speakers. At that point in the interview, Roger Mudd asked Mr. Henkin whether the sort of thing he was now talking about—drug problems and racial problems—was "the sort of information that gets passed at state fairs by sergeants who are standing next to rockets." To which Mr. Henkin replied:

Mr. HENKIN. No, I didn't—wouldn't limit that to sergeants standing next to any kind of exhibits. I knew—I thought we were discussing speeches and all.

This is how the sequence was *shown* to have occurred, following on Mr. Henkin's transposed reply to the original question:

Mr. MUDD. Well, is that the sort of information about the drug problem you have and the racial problem you have and the budget problems you have—is that the sort of information that gets passed out at state fairs by sergeants who are standing next to rockets.

Mr. HENKIN. No, I wouldn't limit that to sergeants standing next to any kind of exhibit. Now, there are those who contend that this is propaganda. I do not agree with this.

The part about discussing "speeches and all" had been omitted; the part about propaganda comes from a few lines above Mr. Henkin's actual answer and was in fact a reference to charges that the Pentagon was using talk of the "increasing Soviet threat" as propaganda to influence the size of the military budget.

Surely, something different from and less cosmic than a challenge to CBS's First Amendment rights is involved in the question of whether or not the subject of such a rearranged interview should not be given a chance to see and approve what he will be demonstrated to have said. And surely this "editing" practice must be conceded—with reason—to have damaging effect on public confidence in what is being shown to have happened—shown to have been said. We agree with Mr. Salant's premise that we are all in the same dinghy. That is why we are so concerned that neither end should sink.

[From the Washington Post, Mar. 30, 1971]

CBS REPLIES TO EDITORIAL ON PENTAGON DOCUMENTARY

This letter is in response to your editorial of March 26, in which you start by calling the CBS News documentary, "The Selling of the Pentagon," a "highly valuable and informative exposition of a subject about which the American people should know more," and then proceed to examine in some detail the specific editing of that film and general practices of television news editing technique.

The editorial was obviously written by one who has long labored on the editorial page—and not on the news pages.

You conclude that in some measure (not specified) public confidence and credibility are undermined by our editing techniques "innocent or not."

The question of how a news or documentary broadcast is edited is at least as important as you obviously consider it. It is precisely as important as, and possibly no more complicated than, questions pertaining to editing in the print medium (newspapers and news magazines)—the process by which any journalist rejects or accepts, selects and omits, and almost always compresses material available to him. You do not question the right, indeed the professional obligation of your reporters to do this, nor of your editors to continue the process once the reporter has done his job, nor indeed, of your senior editors to impose their professional judgment upon this same piece of work when or if it comes to them.

But you question not only our right to do the same thing, but also the methods by which we edit, and even our motives ("innocent or not"). You do not, in other words, grant us the right to do precisely what you do—and must do if you are journalists as distinguished from transmission belts.

Why?

The key to why you feel this way is spelled out in your editorial: "People who work in the nonelectronic news business know how readily they themselves may distort an event or a remark . . . these dangers are of course multiplied in the production of a televised documentary."

You are saying that good reporting—fair reporting—is a difficult business with many pitfalls along the way, that television reporting is a more difficult business with more pitfalls. Fair enough.

Then you go on to suggest, indeed recommend, that our rules should be different than your rules, that sound journalistic ethics and the First Amendment are somehow divisible between rights granted to journalists whose work comes out in ink and somewhat lesser rights for journalists whose work comes out electronically. You say we should go out of our way to "preserve intact and in sequence" the response of those we interview. We both "go out of our way" to be fair and accurate, but we both have limitations of space, and we both seek clarity. Except in verbatim transcripts, neither medium preserves intact or in sequence everything it presents. You say at the very least we should indicate that something in the interview has been dropped. If we asked you to do this, you would properly respond that readers know, without a blizzard of asterisks, that material in your paper is edited, that these are not the complete remarks. Our viewers know it, too. And so do those whom we cover.

But most astonishing of all, you propose that we should give the subject of the interview an opportunity to see and approve his revised remarks. Is that now the policy at The Washington Post? Of course not. You know and I know that this strikes at the very core of independent and free journalism. To grant a subject such a right of review is to remove the basic journalistic function of editing from the hands of the journalist and place it—in the case of the documentary in question—in the hands of the Pentagon. I almost wrote—"tell you what, we'll do it if you'll do it." Then I had a second thought: No, we won't do it even if you should do it.

We are all after the same thing: to be fair, to inform the public fairly and honestly. We do not suggest that we—or any journalistic organization—are free from errors, but nothing in the First Amendment suggests that we must be perfect, or that we are not human. And nothing suggests that if our responsibility is larger, our job tougher or our coverage broader there should be some new set of rules for our kind of journalism, as if to say the First Amendment is fine so long as it doesn't count for much. You don't seem to mind if our end of the dinghy sinks, so long as yours stays afloat.

Fairness is at the root of all this, and fairness can be and always will be debated.

But I submit that we are as careful about editing, as concerned with what is fair and proper and in balance, as rigorous in our internal screening and editorial control processes as any journalistic organization.

The job of ensuring that fairness, that balance and that sense of responsibility is difficult. It is the subject of our constant review and concern. It is not a question that can be solved by a single statement of policy or staff memorandum. It must be, and it is, the daily concern of our working reporters, editors and management.

We believe, as I have said publicly before, that "The Selling of the Pentagon" was edited fairly and honestly. Long after the useful and valuable debate on this broadcast has subsided and perhaps been forgotten we shall be editing other news broadcasts and other documentaries as fairly and as honestly as we know how, and in accordance with established journalistic practice—just as you shall be so editing.

Richard S. Salant,
President, CBS News.

New York.

[From Air Force magazine, April 1971]

The Wayward Press (Tube Div.)

(By Claude Witze, senior editor, Air Force magazine)

Washington, D.C., March 15, 1971.—The winter issue of the *Columbia Journalism Review*, a quarterly published at the Columbia University Graduate School of Journalism, is devoted almost entirely to a study of how the press has performed in covering the war in Vietnam. The only possible conclusion a reader of these eight essays can reach is that the press has done a deplorable job. No matter what epithets you might want to hurl at the political administrations in Washington and Saigon, at the military hierarchy, at the military-industrial complex, and at the doves or the hawks, even more heated epithets could justifiably be thrown at the purveyors of ink and electronic signals.

There is one examination of television's performance written by Fred W. Friendly, a former president of CBS News, who indulges in a bit of self-flagellation, confessing that the "news media, and particularly broadcast journalism" must share the responsibility for public misunderstanding of the situation in Indochina. Speaking of the years when he Friendly, was the man in charge at CBS, he says, "The mistakes we made in 1964 and 1965 almost outran those of the statesmen."

One thing missing from Mr. Friendly's recitation is any suggestion that the television medium lends itself in a peculiar way to distortion of fact. This reporter has nearly forty years of experience on newspapers and magazines, including more than a decade operating from the copy desk of a metropolitan daily. Television news was born and brought up within that same forty-year period. I have watched it closely and confess that I never was impressed by its impact until Lee Harvey Oswald was murdered on camera. No newspaper or magazine ever will duplicate that 1963 performance in Dallas. Yet, if I saw it today, I would demand confirmation that the event took place at all and that what we saw on the tube was not a clever compilation of film clips, snipped from a wide variety of source material and glued together to make a visual product that could be marketed to some huckster of toothpaste or gasoline, and then turn out to be a winner of the Peabody Award.

In support of this professional skepticism, we have the performance of Mr. Friendly's own CBS on February 23. The program was billed as a "News Special" and was called "The Selling of the Pentagon." It ran for one hour, with commercials, and featured a recitation of the script by CBS's charismatic Roger Mudd. Mr. Mudd did not write the script; he was burdened with it. The show's producer works in New York. He is reported to be thirty-four-year-old Peter Davis, who says he and his staff spent ten months working on this "documentary." Mr. Davis does not appear to make any claim to objectivity in his work. He is making a charge: that the Department of Defense spends a vast amount of money on propaganda designed to win public approval of its programs. Armed with cameras, scissors, and cement, he proceeded to make his case.

This magazine has neither the space nor the desire to do a detailed critique of "The Selling of the Pentagon," but we have examined enough of it to demonstrate that it leaves CBS with a credibility gap wider than the canyons at Rockefeller Center. Here is an example:

At one point, early in the script, Mr. Mudd, the narrator, transitions to a new sequence in Mr. Davis' portrayal with a paragraph of four sentences. We will examine the sentences one at a time:

Mudd. "The Pentagon has a team of colonels touring the country to lecture on foreign policy."

The team of which he refers comes from the Industrial College of the Armed Forces (ICAF), with headquarters here in Washington. There are four colonels on the team—two from the Army and one each from the Air Force and the Marine Corps. There is also a Navy captain, and totally ignored by CBS, a foreign-service officer from the State Department. They are not "touring the country." They have a briefing on national-security policy that is given seven times a year, no more and no less. ICAF is not mentioned in the CBS script. and there is no reference to the mission of the college. A TV cameraman who visited the school could easily take a picture in the lobby of a wall inscription that says:

"Our liberties rest with our people, upon the scope and depth of their understanding of the nation's spiritual, political, military, and economic realities. It is the high mission of the Industrial College of the Armed Forces to develop such understanding among our people and their military and civilian leaders."

The quote is attributed to Dwight D. Eisenhower, who spoke those words at the dedication of the college in 1960. He understood the requirement, perhaps more clearly than any other man in our history.

The ICAF national-security policy briefing is designed for the education of Reserve officers from all branches of the armed forces, not primarily for the general public. The reason the team, including the State Department officer, gives it in seven locations each year is to reduce travel expenses by eliminating the necessity for Reserve officers to visit the college. None of this was explained by CBS.

Mudd. "We found them [the ICAF team] in Peoria, Ill., where they were invited to speak to a mixed audience of civilians and military Reservists."

Here we have a use for the word "found" that would not be permitted by a competent newspaper copy editor. CBS was told that Peoria was on the schedule, and the CBS camera crew spent three days at the seminar in that city with the concurrence and cooperation of the Defense Department, the ICAF, and the Peoria Association of Commerce. Before departing CBS was given full information on the curriculum, the scheduling, the military and civilian participation the costs, and the funding. The Association of Commerce was the sponsor, in this case, and was permitted to establish the rules under which civilians were admitted. Their seminar billed in Peoria as the "World Affairs Forum"—a label not mentioned by CBS—covered all aspects of national-security affairs That includes economics, resources, technology, social problems, and military affairs, as well as foreign policy.

Mudd. "The invitation [to Peoria] was arranged by Peoria's Caterpillar Tractor Co., which did $39 million of business last year with the Defense Department."

The Peoria seminar was not arranged by the Caterpillar Tractor Co. It was arranged by the city's Association of Commerce, which provided the auditorium and other facilities. The Association has no defense contracts. A spokesman for the Association, contacted by this reporter, said his group shared the sponsorship with the 9th Naval District. There were two chairmen for the meeting. The civilian chairman was Charles B. Leber, who in his business life is an officer of the Caterpillar Tractor Co. The military chairman was Capt. Paul Haberkorn, USNR. He is the owner and operator of Peoria's Ace Hardware Store. The hardware store also has no defense contracts, which probably explains why it failed to get a mention on the CBS show.

MUDD. "The Army has a regulation stating: 'Personnel should not speak on the foreign-policy implications of the US involvement in Vietnam.' "

The ICAF team, consisting of five military officers and a State Department officer, does not speak on the foreign-policy implications of our involvement in Vietnam, which would be in violation of Army regulations. The regulations governing ICAF say the material used must be cleared for accuracy, propriety, and consistency with official policy. Both the State Department and the Defense Department have a hand in this routine clearance of all ICAF presentations.

In the CBS show, the camera moves from Mr. Mudd, following his recitation of the above inaccuracies, to one of the lecturers at Peoria. CBS does not identify the speaker in this paste-together of film clips, but he is Col. John A. MacNeil of the US Marines, a veteran of World War II and Vietnam. If the TV audience sensed that the next five sentences, out of the mouth of Colonel MacNeil, sounded somewhat disjointed, there was good reason for it. They came from four different spots in the camera record, and the sequence was rearranged to suit the somewhat warped taste of producer Davis. Sentence by sentence the quotes go like this.

MACNEIL. "Well, now we're coming to the heart of the problem, Vietnam."

This appears on page fifty-five of the prepared, and approved, text of the briefing. Next sentence:

MACNEIL. "Now, the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam."

That one was cut out of what the Colonel was saying back when he was on page thirty-six and discussing an entirely different aspect of the presentation. Then:

MACNEIL. "If South Vietnam becomes Communist, it will be difficult for Laos to exist. The same goes for Cambodia and the other countries of Southeast Asia."

This is found on page forty-eight of the script. What is most important is that the statement was not original wih Colonel MacNeil or the drafters of the briefing. It is a quotation. The CBS scissors-and-paste wizard deleted the attribution. Colonel MacNeil made it clear, in the words immediately preceding the above sentences, that he was quoting Souvanna Phouma, the Prime Minister of Laos. In other words, Souvanna Phouma said it; CBS distorted the film to make its viewers think Colonel MacNeil said it. It is the kind of journalistic dishonesty that a reputable newspaper would not tolerate. Many reporters have been fired for lesser indiscretions.

MACNEIL. "So, I think if the Communists were to win in South Vietnam, the record in the North, what happened in Tet of '68 makes it clear that there would be a bloodbath in store for a lot of the population of the South."

To get this one, the CBS film clipper searched deeper into his filmed record. In the prepared script of the ICAF team, it appears on page seventy-three.

It is easy to see how this technique can be used to make a man say almost anything you want him to say. Once the right words are on tape, they can be rearranged, and were by CBS in this instance, to make a presentation sound inept, stupid, wrong, vicious, or to reach any conclusion that the film clipper wants to get across to his audience. What the speaker actually put onto the sound track cannot be recognized.

Another example of this in "The Selling of the Pentagon" comes out of Roger Mudd's interview with Daniel Z. Henkin, the Assistant Secretary of Defense for Public Affairs. Two minutes and four seconds of the interview were used out of forty-two minutes of filmed conversation. Here is one breakdown:

MUDD. "What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?"

Now, this is not easy to explain, but there are two answers to that question from Mr. Henkin. One is his real answer and the other is the answer concocted by the CBS cutting room from the available tape. TV viewers only know the answer CBS put together. We will give you both.

Here is the answer from the transcript of the Mudd broadcast:

HENKIN. "Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions, and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what we are doing about such problems as drugs—and we do have a drug problem in the armed forces; what we are doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions."

If the TV viewers thought that was a bit disjointed for a reply, and, more important, that it did not answer the question about displays at fairs and shopping centers, it was not Mr. Henkin's fault, because—except for the first sentence—that was not his answer to the question. In the transcript of the interview, the real answer appears, most of which ended up on the CBS cutting-room floor:

HENKIN. "Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

This reply, the real one, of course, makes sense and is responsive to the question. The producer of "The Selling of the Pentagon," however, was less interested in responsive answers that made sense than he was in portraying Mr. Henkin as a bureaucratic buffoon. The Secretary, incidentally, is himself an experienced and sophisticated reporter of military affairs but can be portrayed otherwise with the television technique of clipping what amounts to a phony reply from his answer to another question. And the other question, TV viewers did not know, also ended up on the cutting-room floor.

It is not necessary to labor the point, although there are several other instances. Mr. Henkin, in a letter to F. Edward Hébert, Chairman of the House Armed Services Committee, said that after spending his life in the news profession he "could not be pleased by the fact that the program's producer [Mr. Davis] chose to rearrange my words. . . ."

Congressman Hébert himself stars in "The Selling of the Pentagon." He also is a former newspaperman and stands completely shaken by this experience with television, although he had been quoted earlier as considering network TV "the most vicious instrument in America today."

That opinion appears to have been reinforced. Lou G. Burnett, who is Mr. Hébert's press aide, testifies that he was contacted early in the CBS effort by one James Branon of the network's New York office. Mr. Branon said CBS was planning to do a documentary on the prisoner-of-war situation. He said the show would explore the plight of the POW and his family. He was seeking film clips that might contribute to this exercise. Mr. Burnett responded with alacrity because he knows his boss is deeply interested in the problem and eager to help the POW families. In New Orleans, he knew, station WWL-TV had a film clip from an old "Congressional Report" program, in which the Congressman had interviewed Maj. James Rowe, a former POW. The interview was in the form of a report to Mr. Hébert's constituents. Mr. Burnett, Mr. Hébert's press aide, had the film shipped from New Orleans to New York and helped CBS's Mr. Branon round up other films dealing with the POW problem. The Hébert clip wound up in "The Selling of the Pentagon" and was offered as an example of how "sympathetic congressmen" are used by the Pentagon "to counter what it regards as the antimilitary tilt of network reporting."

Mr. Hébert's ire, it should be suggested, was aroused more by his depiction as a patsy for the Defense Department than it was by the misrepresentations used to obtain the film. The chairman is, of course, proud of his reputation as a stern critic of military transgressions wherever they occur. In many years as an inquisitor for the House Armed Services Committee, he has never been accused of being unfair, but often accused of being tough. From the time of his famous "Chamber of Horrors," which depicted military procurement waste and had officers squirming at their desks, to the most recent congressional inquiry into the My Lai incident, he has been one of the Pentagon's most uncomfortable hair shirts.

Mr. Henkin's office estimates that it expended 640 man-hours of labor assisting CBS in the production of "The Selling of the Pentagon." No reasonable request for help was denied. CBS reimbursed the government for the cost of one guard and one electrician employed during photography one day in the Pentagon.

Out of the day's effort came a short clip of a news briefing that was deemed suitable by CBS for inclusion in "The Selling of the Pentagon." The CBS crew filmed an entire DoD press briefing, at which Jerry W. Friedheim, a deputy to Mr. Henkin, responded to routine queries from the Pentagon's regular press corps. During the session, the reporters asked thirty-four questions. Thirty-one of them brought replies from Mr. Friedheim. In three cases, he was unable to be responsive. As the film was edited for broadcast, CBS used six of the thirty-four questions, including, of course, all three of the ones that could not be answered. Why couldn't they be answered? In one example, used by CBS, Mr. Friedheim was asked about the size of some warheads. He said he had nothing to give out on that. If he did have something, and gave it out, he could go to jail.

There are a number of small factual errors in the CBS script that represent nothing more than sloppy reporting. For example, narrator Mudd has a line referring to "30,000 Pentagon offices." There are only a few more than 26,000 persons employed in the Pentagon, all but the top executives sharing an office with many other people. An educated guess is that there may be 5,000 offices in the building.

One interesting fact, denied to viewers of "The Selling of the Pentagon" by CBS editors, is the origin of a clip introduced by Mr. Mudd as "an excerpt from a film called 'Road to the Wall' [in which] the Pentagon has James Cagney tell of a Communist plan that encompasses even more than the world." The excerpt was shown. What CBS did not disclose is that "The Road to the Wall" was produced by CBS itself in 1962 and that James Cagney was the CBS choice as star of the picture. Also, that CBS was paid about $100,000 of the taxpayers' money to turn out the picture. At the time, CBS Films said in a press release from its offices—on Madison Avenue, of all places—that the picture would be "an historical treatment of the Communist Party in operation throughout the world—its doctrine, its pronouncements." In 1962 CBS was far from derisive about the project and was proud that "it will be distributed for showing at all military bases inside and outside the USA and will be backed with pamphlets, posters, and other informational material on communism."

Once all the facts about "The Selling of the Pentagon" are on the record, and someone has examined the clips on the cutting-room floor, it will be interesting to find out what Fred Friendly will write about it in the *Columbia Journalism Review*. From where we sit, watching the tube, the broadcast industry continues to carry its share of responsibility for public misunderstanding. The incredible thing is that the camera is not to blame. It's scissors, paste, and a collection of calloused consciences.

[From the Flint Journal, Apr. 12, 1971]

Advocacy Journalism Is Showing at CBS

The Flint Journal has criticized some of the critics of the news media from time to time for attempting to diminish free exchange of opinions and inhibit criticism of government and aspects of society of which they approve.

We have always stoutly defended freedom of speech and of the press as being essential ingredients for democracy.

Which does not mean that The Journal believes the press, television or radio news presentation itself is above criticism. On the contrary, bad journalism is as detrimental to a free press as unfounded criticism and should be revealed and reproved.

That is why The Journal joins those who have expressed concern over certain aspects of the controversial television "special" by Columbia Broadcasting System entitled "The Selling of the Pentagon."

The Pentagon is as open to criticism as any single agency of government, and since it spends so great a share of tax money, should be subject to an especially close scrutiny.

Furthermore, it is our opinion the Pentagon was particularly vulnerable to well aimed barbs in the field in which this broadcast delved, the spending of money to create a favorable image. (All departments of government are entitled to put their best face to the people, but in question was the manner and the extent of this "selling" by the military.)

Unfortunately, it is now all too evident that the creators of this special broadcast became so caught up in this "mission" to uncover what they believed to be wrongdoing by the Pentagon that they forgot some basic rules of fair news presentation.

Beyond some questionable "slanting" of some aspects of the materials was the offense which can only be considered unethical doctoring of a tape of one of the interviews broadcast. In this instance, a Pentagon spokesman was on the screen in what appeared to be a continuous interview. Yet, without any indications, portions of a previous statement from an earlier interview were worked into the broadcast and appeared to be answers to questions posed during the interview. It presented a different response than the speaker gave or intended.

Accused of this, CBS attempted to defend the presentation as being legitimate "editing." The case is too weak to hold up. What is needed is not a defense of this misguided act but a flat apology and a promise to avoid further such actions.

It is not the first time CBS has been found guilty of going too far in trying to make a point. Certainly some of the network's activities in the abortive "Haiti invasion" project are open to censure and any honest appraisal must now concede that the widely acclaimed documentary "Hunger in America" is guilty of distortion at least.

It is possible some of this "policy" is traceable to the fact that television is part information, part entertainment and part drama and it is all too easy to confuse the ingredients. If this is so, it is time the industry learns to separate them and create preventive guidelines before government attempts the job with all the possibilities for evil that presents.

It is not merely for peculiar qualities of the medium of television that creates such confusion, however. We are convinced that a good share of it is the poison of what is euphemistically known as "advocacy" journalism.

This is the theory that it is up to the news media to determine what is right and what is wrong and then support the right and attack the wrong without regard to objectivity in presenting the news.

This is not a new theory. For many years it was almost the only kind of journalism and advocacy has always been the basis for the journalism of the far left and the far right. Today it is the prime factor in the Communist press and the press of all dictatorial governments.

The theorists argue it is impossible to achieve objectivity and therefore best to slant the news the "right way." The catch is that it is "advocacy" journalism if it advocates what you want and it is on the other side of the fence.

It is our conviction that an aspiration for objectivity and a dedication toward achieving it—no matter how unattainable perfection may be—still provides the only good hope for democracy.

[From the San Diego Union, Mar. 26, 1971]

The Selling of Integrity: CBS Broadcast Distorts Facts

President Nixon last November directed the Defense Department, as well as other branches of the federal government, to cut down on public relations programs that are "wasteful," "self-serving" or "inappropriate." In producing what might have been a worthwhile television documentary to show what the President had in mind, the Columbia Broadcasting System has left itself open to charges that it distorted and manipulated facts to make a case against the Pentagon's public information activities.

The controversy over "The Selling of the Pentagon" leads us to the conclusion that the Defense Department can well afford to re-examine some of its informational programs—and CBS can well afford to re-examine its own credibility.

There is a legitimate need for military public relations programs, both as part of the recruiting effort and because taxpayers have a right to know what their defense dollars are buying. It is an abuse of these programs, however, when they seek to influence public opinion on controversial issues.

Since public relations efforts are, by definition, carried on in public, it should be easy enough to survey what the Pentagon is doing in this field and to conclude whether there are any abuses. It appears that producers of the CBS documentary were not content with this approach. As Vice President Agnew and others have pointed out, they employed a sleight-of-hand with film and sound to lend weight to their charges that the armed forces have improperly tried to influence public policy.

By chopping and splicing, for instance, it was made to appear that a U.S. officer quoting some remarks of a foreign statesman was actually expressing those views as his own. The chairman of the House Armed Services Committee was in effect misrepresented by having an old interview quoted out of context. An assistant secretary of defense, himself a former newsman, was interviewed by CBS for the documentary and had the meaning of his remarks distorted by the scrambled "editing" of questions and answers.

Because of these departures from good journalism, what CBS intended to be an indictment of armed forces public relations emerges more as an indictment of its own standards.

The Pentagon should be called to account in cases where its informational programs become exercises in opinion-making, and when information with no significance to national security is given a "secret" label simply to ward off inquiries by the press. This can be accomplished by vigilant reporting, by newsmen and commentators asking probing questions and demanding candid answers.

It is not accomplished by launching broadside attacks based on doctored evidence. The questionable inferences made in "The Selling of the Pentagon" can create only doubt and confusion. This is a grave disservice to the public.

[From the Washington Evening Star, Mar. 30, 1971]

CBS Missed the Pentagon Mark

(By Orr Kelly)

Almost all the television critics, columnists and others who saw and commented on the CBS program, "The Selling of the Pentagon," covered it with praise, hailing it as a courageous revelation of the military's multimillion-dollar effort to propagandize the American people.

Most of the reporters who cover the Pentagon regularly, on the other hand, were shocked by what appeared to them to be the shallowness of the program.

The natural reaction of those who like the program would be to say that those who cover the Pentagon regularly are tainted by their association with the beast, and that their views should be discounted.

It is not as simple as that, however.

One of the few articles criticizing the program appeared in Aerospace Daily, a journal serving a part of the military-industrial complex. It was written by Hugh Lucas, one of the regular Pentagon reporters and one of the more irritating bristles in the hair shirt worn by the Pentagon.

"TV had a chance to give the taxpayer a glimpse of how little he is actually told by the military and how suspect the 'facts' are when released by the Pentagon," he wrote. "It failed miserably. And TV may have compounded the problem if the program has, as (Defense Secretary Melvin R.) Laird suggests, 'increased our support in the Congress many times. . . .'

"The general feeling among the dozen or so newspapermen who cover the Pentagon daily is one of amazement. How, they wonder, could CBS have missed such a large target?

"The salient point about Pentagon public relations is that the Defense Department lies and spies and sometimes it even lies when spying. CBS never once touched on this," Lucas added.

How can we explain this discrepancy between the views of those who are familiar with the operations of the Pentagon from daily personal experience and the views of those who know it somewhat more remotely?

Part of the answer, certainly, is that old problem faced by every news gathering and reporting agency: The same event, seen through different eyes, looks different.

In this case, there is something more to explain this difference in views.

Clearly, those critics who praised the program did so because it reinforced their view of reality. It appeared to them to be telling it like it is. To those more familiar with the Pentagon public affairs apparatus, the program seemed not so much to distort reality as simply to miss it almost altogether.

Perhaps the basic reason the program seemed to miss the mark is that it set out to prove something, rather than simply to gather the facts and see what they showed. The producers either missed or carefully ignored the evidence which would indicate that the Pentagon does not run a gigantic propaganda machine.

Instead of at least examining such contrary evidence, the producers pulled together film of colonels traveling the country to support the nation's military policy—the colonels, undoubtedly, who are responsible for the great ground swell of public opinion that has made this the most popular war in U.S. history.

They also got some film of children imitating the soldiers they had seen demonstrating hand-to-hand combat—part of the Pentagon's skillful effort to instill a military spirit in the young and which has forced the Army to propose a $3,000 bounty to get young men to join the infantry.

They found, somewhere in the files, some decade-old Cold War film, but little film designed to glorify the Vietnam war. In the process, they missed a beautiful piece put together a couple of years ago by the Air Force, in which the bombs rain endlessly on the tropic greenery of Vietnam.

Strangest, of all, the producers of "Selling of the Pentagon" failed to find out how much this effort costs—whether it is $30 million a year or $190 million—a lapse unworthy of a cub reporter.

Television has no responsibility to the Pentagon or to anyone else in government to "be fair," but it does have the responsibility to its viewers to come just as close as humanly possible to reflecting reality as it is. Unfortunately, CBS didn't come very close.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Missouri yield back the remainder of his time?

Mr. SYMINGTON. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from New Jersey is recognized for not to exceed 15 minutes.

THE VIETNAM DISENGAGEMENT ACT

Mr. CASE. Mr. President, I have long advocated putting a deadline on our participation in the war in Vietnam. Today, I announce my support for the Vietnam Disengagement Act. I do this with the understanding that the date set for withdrawal is subject to adjustment before the act comes to a vote. I am advised that the bipartisan sponsors of the act visualize that the final withdrawal date should be about a year after Congress takes final action. I believe that the middle of next year would be an appropriate time to fix the end to our involvement, and by this I mean a complete end to our involvement.

The important thing is to let the American people, the South Vietnamese, and indeed the world know that there is a deadline to our participation in Vietnam. This is the principle that I support and have supported for sometime, and this is why I join, on the basis I have stated, as a cosponsor of the Vietnam Disengagement Act. I voted last year with the bipartisan forces supporting the Hatfield-McGovern measure, and the reasons that prompted me to do so, if anything, hold more true today.

I wholeheartedly support the President's stated intention of winding down the war and reducing American troop levels. We have made progress in this direction but we have not gone far enough.

An announced timetable will require the Saigon government to decide whether it can achieve military success on its own or whether it can work out a peaceful solution. The problem in Vietnam is essentially a Vietnamese one, and any final settlement will have to be found in terms of the relative strengths of the various indigenous forces involved there.

As long as American forces remain in Vietnam the incentive for Saigon to shape up or negotiate is very slight, since its leaders realize all too well that American power keeps them secure. Only when they understand that the Americans will depart on a definite date, with no ifs, ands, or buts about it, with no residual forces left, will the South Vietnamese face up to the job they alone can do.

I feel very strongly that by mid-1972 the United States will have done everything that can be done in direct military support of our Saigon allies. In fact I think it is quite clear that in many ways we have already done too much and by our overhelpfulness we have prevented the South Vietnamese from developing their own capacities. Nevertheless we have given South Vietnam a fighting chance for life. But, only when Saigon faces a final deadline on U.S. military support, will it take those actions which are necessary for its survival.

Here I wish to emphasize again that, as my colleagues know, I have never been one who felt that the Vietnam effort on the part of the United States was ab initio inherently evil, that our motives were not good motives, or that we were impelled by some unworthy imperialistic desire to rule the world.

As everyone who is aware of my views knows, I have not felt we were doing anything but our best to try to maintain stability in that part of the world and, although we found it enormously difficult, we nevertheless pressed on in the attempt. It was only 2 or 3 years ago, somewhere around 1967, that I came to realize that the effort we were making had become counterproductive, that we were doing more harm than good, and that no more could be done; but rather harm would be done if we continued. So I came to the conclusion, and it is a matter of public record that we must disengage. I have not ever thought we should leave precipitately so as to pull the rug out from under the people who have come to rely upon our aid. I would have been grossly unfair and unwise to do so.

Since the time I reached the conclusion we should disengage, I have advocated that a definite deadline be fixed and publicly announced.

A matter that deeply concerns me and all Americans is the fate of our prisoners in Indochina. I have roundly condemned the lack of humanity in Hanoi's treatment of these men and Hanoi's failure to live up to the clearly defined rules of the Geneva Convention. Yet, for the United States to declare that it will remain in Vietnam until the prisoners are released gives Hanoi the ability to keep us there indefinitely. To concede this veto power to Hanoi is intolerable in terms of our own national interests.

If we withdraw and Hanoi does not return the prisoners, then we will do whatever we must do to get them back. This purpose will not be advanced, however, by our keeping indefinitely a residual force of some 50,000 men or any other amount in Indochina.

The distinguished senior Senator from New York (Mr. JAVITS) cannot be here this morning but he has previously made quite clear his views on the Vietnam question. He is firmly committed to the idea of a deadline being set on American involvement in Vietnam, and he has already gone on record as a cosponsor of the Vietnam Disengagement Act.

Accordingly, at his request, I ask unanimous consent that the excellent remarks of the Senator from New York (Mr. JAVITS) made at the time of his announcement in favor of the Hatfield-McGovern measure be entered in the RECORD at the conclusion of these remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AN AMENDMENT TO END THE WAR

(Statement by Senator JAVITS)

Mr. JAVITS. Mr. President, I have come to my decision on the so-called McGovern-Hatfield amendment very slowly, after much thought, and only based on its complete redrafting. To me it is a very basic decision and I think the individual terms are designed only in order to demonstrate the impact of that decision.

The basic decision between ourselves and the President is: Shall we fix a date for withdrawal from Vietnam or shall we leave it open? By leaving it open we would leave it to the President, giving him the benefit of all good faith, feeling, in terms of withdrawal, that we would do it "as soon as it possibly could be done." That, to my mind, is the issue.

Mr. President, in coming out for the McGovern-Hatfield amendment, I have come down on the side which says "fix a date." That is the real issue here.

Mr. President, during this legislative session the Senate has had its mettle challenged on numerous grueling occasions. There have been debates and decisive votes on many of the key issues of domestic policy. In the international sphere, classic struggles have been waged concerning policy in Cambodia, over the ABM and the nuclear arms race. Now, the Senate is being called upon to face up to its most important duty. That duty, simply, is to fulfill its constitutional responsibilities with respect to the war in Vietnam.

In my judgment, however, there is a great deal potentially to be concerned about if the Senate does not act positively by adopting this amendment. In a policy sense, the defeat of this amendment leaves up in the air possible further U.S. involvement in Indochina.

The Vice President already has asserted that:

"We are going to do everything we can to help the Lon Nol Government."

He is further quoted as warning that—

"It would be impossible for United States combat troops to pull out of South Vietnam if the Communists overthrew the Government of Lon Nol and took over Cambodia."

Mr. President, I am greatly concerned that this school of thought will be greatly strengthened in the councils of the Nixon administration if a date is not fixed for getting out of Vietnam.

Also, there is, in my judgment, a constitutional danger which might threaten the very foundations of our system of government and liberties; and that is the implication that the President is beyond the control of Congress in the exercise of the Nation's war powers and the conduct of its foreign policy.

Within the course of this very year, it has been asserted that it is desirable that the President be deemed to have the power to acquire foreign bases without reference to Congress, to deploy the Armed Forces abroad without reference to Congress, and to take whatever action he feels necessary to protect these forces wherever he has deployed them—all without reference to Congress. It has been asserted, too, that the President may take these actions without the advice of the Senate and that he may withhold pertinent information concerning those negotiations from the Senate on security grounds, although details may be freely communicated to foreign governments who are not a party to the negotiations.

Recent remarks of the Vice President even have hinted that the President is not bound by congressional action and appropriation in the expenditure of public funds. In commenting on the possibility of the Cooper-Church amendment becoming law, the Vice President is quoted as stating:

"There are many ways to bring about financial assistance to a friendly nation."

Mr. President, there has been considerable public comment about recent efforts within the Congress to reassert the war powers reserved to the Congress in the Constitution. I am a participant in this on-going effort and I believe that my oath of office requires me to do this.

What has been noticed, Mr. President, is that the reassertion of congressional authority has led to a countervailing hardening and intensification of assertions of unilateral and unfettered Presidential prerogative. Our action has produced a reaction. The situation is now a dynamic one, in which it is impossible for us to stand still. If we back off now, we may not be able to preserve even the position we now hold, because of the counter pressure of claims for the Presidency.

A further expansion of the powers of the Presidency, in present circumstances, could leave the nation dependent solely upon the good judgment and benign intent of the incumbent. And, though we have a high standard for eminence in the Presidency in our history, the centuries of the struggle for freedom teach us that our liberties require firmer institutional safeguards if they are to survive. This is the basis of our constitutional system of checks and balances.

To some of my colleagues who are most illustrious captains of earlier battles I would like to borrow a most apt exhortation from Shakespeare: "Once more into the breach, dear friends, once more."

The question before the Senate is amendment 862, principally sponsored by Senators McGOVERN and HATFIELD, along with Senators GOODELL, HUGHES, and CRANSTON and a considerable number of other Senators. As everyone knows, the language to be voted on today differs very significantly from the language of the original "end-the-war" amendment language first introduced on April 30. I commend the sponsors for the sincerity they manifested in their willingness to go that extra mile—by again revising their amendment—so as to make it conform to the approach of a broader group in the Senate.

And, I am gratified to have been able to join in bringing about the final revisions which are embodied in the amendment now to be voted upon. In my judgment we now have a formula which meets the basic criteria in a situation such as this. In a most responsible and carefully considered way, it says something significant while preserving flexibility and taking due account of the President's responsibility and prerogatives. I did not support the original version of the McGovern-Hatfield amendment because I did not think it met those criteria. I have cosponsored the present amendment because I am confident that it does.

The amendment is no longer structured in a way which suggests that the Senate has only the alternatives of declaring war or bringing about an abrupt end of military operations through a denial of further appropriations at the end of 1970. In my judgment, the differences between the present amendment and the original "end-the-war" amendment are well expressed in the editorial of the Washington Post on August 28.

To me the most significant difference between the original and the present amendments is in the difference in the views they articulate of the responsibility of the Senate with respect to the Vietnam war and the exercise of the Nation's war powers. Amendment 862 is a positive amendment. It is an affirmative assertion of the will and the authority of the Senate in conjunction with the President's exercise of his authority. It is not a dissenting amendment. It is not an "opposition" amendment telling the President that we are going to cut off money because we do not like what is happening.

This amendment presents the Senate with a unique opportunity with respect to the war in Vietnam. In adopting this amendment, the Senate will have asserted a national policy for ending the war through the establishment of a terminal target date for the disengagement of U.S. military forces.

This would be an exercise of the Senate's constitutional role of advise and consent in its highest sense.

The Senate has voted twice to repeal the Gulf of Tonkin resolution, by which it gave the President the broad authority to wage war in Southeast Asia without any time limitation. The Senate must now give its advice and consent to a policy of terminating the war in Vietnam. In doing this we are not opposing the President, we are sharing with him, through a positive action in our own right, the responsibility for bringing an end to the Vietnam war.

In its most important provision this amendment established by statute the national objective of: "the orderly termination of military operations there and the safe and systematic withdrawal of remaining Armed Forces by December 31, 1971."

These are objectives—omitting the date—which the President himself has proclaimed publicly to the Congress and to the American people. The President is given great flexibility in achieving these objectives. In the final "proviso" clause there is a built-in mechanism which enables the President to extend the terminal date for military disengagement by 60 days, if this should be warranted by circumstances for a new termination date altogether.

In saying that this amendment does not oppose the President, I was not trying to gloss over the difference of approach which undoubtedly exists between the administration and the supporters of this amendment concerning the Vietnam war. The virtue of this amendment is that it enables the Senate to express effective opposition to the war, without placing itself in a position of confrontation with the President. This is how our constitutional system is designed to work. The exercise of the Senate's constitutional responsibilities to declare war through this amendment in no way impedes the President's exercise of his constitutional responsibilities as Commander in Chief. The President may not be happy with the national policy of fixing a withdrawal date contained in this amendment, but he has no grounds for feeling that the Presidential power is invaded.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. McGOVERN. Is it not a fact that the President's function is Commander in Chief so long as there is one single American soldier in Indochina, up until December 31, 1971, or if it is extended, up until the end of that extension. The President is in total command, is he not, of any American forces that remain in the theater of operations?

Mr. JAVITS. That was my motive in selecting the language which I did. I must pay tribute here to my colleagues who are sponsoring the amendment for their willingness to amend their language, once convinced, and without being rigid adherents to their own draftsmanship.

I would like to make clear that the President remains Commander in Chief, but the power of Commander in Chief, and this is a constitutional question, does not include the power to declare war or to make war of a kind which can only result from a declaration of war. That is what we have here.

Mr. McGOVERN. Or to provide money for the war.

Mr. JAVITS. That is exactly right.

Mr. McGOVERN. If the Senator will yield further, I just want to take a moment to express the appreciation that I know every cosponsor of the amendment feels. The senior Senator from New York was a principal draftsman in improving the language of the amendment. He has worked very closely, patiently, and helpfully with the cosponsors of the amendment from the very beginning, and has given us generously of his legal and constitutional knowledge and his experience as a member of the Committee on Foreign Relations. I know I speak for many Members of the Senate in expressing the appreciation we feel for the leadership he has provided.

Mr. JAVITS. I am grateful to my colleague for his very kind remarks.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. May I have 5 minutes?

Mr. McGOVERN. I yield 5 minutes to the Senator from New York.

Mr. JAVITS. We know that no general has ever had enough troops. No general ever had enough transport. No general ever had enough time to deal with a military operation, whether it was for an attack or defense. Never in the history of warfare has any general conceded that he was completely ready.

The same thing is true for Vietnamization, which is finally under the control of the government of Saigon. Therefore, until they say they are ready, there is no completion of Vietnamization. If that is going to be our timetable, then it is without end. It has no date at all.

I do not think the President feels that way. I think the President has a date in mind. I am sure of that. He is intelligent and sensitive, a human being of high distinction. But unless that date is shared with the American people and the Congress, unless Saigon knows that is the end of the road, it is not going to pay attention. One can always talk with the President, which is a private matter. There is no desire to have an operation in Vietnam that is discreditable. If I were Mr. Thieu or Mr. Ky I would advise the President that, as between a published date and an unpublished date, the published date is worse for them—but better for us.

The veto in the hands of Hanoi is similar. Hanoi has taken the position that this is a civil war and as long as there are American troops in Vietnam, there is a foreign military power at work and the civil war cannot be settled between the parties.

In view of the fact that the President has announced withdrawal anyway, we might just as well give notice in the most effective way possible that we are ready to see a political settlement, this time between North Vietnam and South Vietnam, and just as South

Vietnam could not exercise the veto on Vietnamization because there was a fixed date, so there would be an enormous inducement, both to Hanoi and Saigon, to negotiate a political settlement precisely because there was a fixed date.

Mr. McGOVERN. Mr. President, will the Senator yield at that point?

Mr. JAVITS. I yield.

Mr. McGOVERN. The Senator has made reference to the fact that there are really two vetoes over our policy in Vietnam now, one of those votes being held by Hanoi and the other by Saigon.

If what the Vice President told us a week or so ago is correct, that the whole thing is off if the Lon Nol government falls, that both Vietnamization and assured American withdrawal are ended if Lon Nol——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McGOVERN. I yield myself 5 minutes.

If all of that is true, that Vietnamization and the withdrawal timetable that we are presently on depend on the capacity of the Lon Nol government to survive, have we not now added a third veto that hampers the control of our policy?

Mr. JAVITS. We may very well have done so, except that, frankly, I can hardly believe that American policymakers, aside from general remarks to buck up the Lon Nol government, are really engaged in such a commitment which, as the Senator properly says, if made would build yet a third veto into the situation, and keep us there perhaps even longer than the first two.

Mr. McGOVERN. I think the Senator has underscored, in his remarks today, a problem that has for years bedeviled us in Vietnam, and that is that there is a difference between our interests and the interests of our ally in South Vietnam.

The President has said, if I read him correctly, that we would be willing to consider a coalition government—I think he referred to it as a government representative of the major political interests in the South—but General Thieu says he will never consider that, he will never share his power with his challengers in the South.

I think the Senator is correct in saying that President Nixon is looking toward withdrawal at some time, but Mr. Thieu says it is ridiculous to talk about that now. When the President expressed the hope to the American people that the South Vietnamese forces would come out of Cambodia when we did, Mr. Thieu said, "That is silly talk from silly people."

I think all of this—and the thrust of the Senator's remarks makes this very clear—shows that we are involved in a situation where, until we do take control of our own policy, we are going to be tied to the government in Saigon, which has interests far different from our own.

Mr. JAVITS. Mr. President, I think that is of extreme importance. But it seems to me that we need not discredit the government in Saigon to make that acknowledgement. I have no desire to tear them down. When we leave. I hope they make it. As I say, I have no desire to tear them down; there is no need for it.

But let us face the issue that if they are ever going to have any political relationship with their own people who are fighting them—and there are plenty of those in addition to the North Vietnamese—we must provide a timetable within which they will have to do it.

Mr. McGOVERN. Is it not true that there is an army of some 1 million men under the command of General Thieu?

Mr. JAVITS. There is a million-man army, and they are beginning to develop an air force. They are showing considerable signs of self dependence in Cambodia, where some of their forces are now, and certainly in Vietnam.

It seems to me that every nation which goes in to do what we wanted to do, which was to help a small people achieve the right to determine its own future, must have some terminal point for its efforts. Really, on moral grounds, we had the same reason for going into Czechoslovakia under the United Nations Charter, or Hungary. Obviously, those would have been insane commitments. We took this one, which in my judgment was very improvident.

But, Mr. President, there must be some terminal point, some conditions, some outside parameter to that effort and Congress has a role in defining what it is.

That leads me to this question, which I think is basic here: the question of defeat as far as the United States is concerned. It reminds me, in the reverse, of what Senator AIKEN said one day, "Let us just say we won, and get out." We may as well say we lost and get out. The point is, we never went in to win or lose; we went in to give a small nation an opportunity to seek its own solution, its own way out. Our commitment was always limited, in many ways. We could wipe out North Vietnam in two afternoons; everyone knows that. But no one would want us to do that, in the beginning or now.

Besides that, we are not there to win and we are not there to lose; we are there to do a particular thing in terms of assisting the right of a small people to find its own place in the world. The President himself has now decided that issue. He himself says he is going to withdraw. So all we are talking about is what shall be the timetable, and shall it be in his mind or shall it be written into the laws?

In my judgment, that is the central issue. There is no other issue involved. He himself says he is getting out as soon as he possibly can. The central issue is, shall we set a date? On that issue, I believe the weight of the evidence is now on the side of the proponents of the amendment, and that is why I have joined in supporting it.

Mr. McGOVERN. As far as simply saying we have won and getting out is concerned, it is my view that we have applied that doctrine in Cambodia, and I hope we can sustain it there.

Mr. HATFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McGOVERN. I yield myself 5 additional minutes to yield to the Senator from Oregon.

Mr. HATFIELD. Will the Senator from New York yield at this time?

Mr. JAVITS. Oh, yes.

Mr. HATFIELD. Will the Senator comment a little further on the question about our commitments in Vietnam, as to the legal aspect of them, under President Eisenhower? Are we under an irrevocable and clearly defined legal responsibility, upon which we would be reneging to withdraw at this time?

Mr. JAVITS. No, I have never thought that. I do not think President Eisenhower thought that. He rejected that proposition himself, in refusing to send troops in to bail the French out of Dienbienphu.

I doubt that we ever subscribed to any proposition which took us beyond our national interest or our constitutional processes, both of which are basically built into the American freedom of action in respect of this situation.

The implication of the commitment was contained in a protocol to the Southeast Asia Treaty. Indochina was not even a party to that treaty in any affirmative sense of being a contracting party. It was a kind of third party beneficiary, to use a legal term, and always on the basis of the volition of the United States, plus obedience to American constitutional processes.

On both grounds, the interests of our country and the right of our country to determine when it would or would not act in a given situation, and the assertion now of the congressional authority, seeking that it be joined with the Presidential authority, I see no legal basis which could lock us into Vietnam as against an exercise of the authority by the President and Congress which would be represented by this enactment.

Mr. HATFIELD. Mr. President, will the Senator yield further?

Mr. JAVITS. I yield.

Mr. HATFIELD. The Senator is a member of the Committee on Foreign Relations, where he has been serving with great distinction. In view of that service and his long involvement in concerns throughout the world of problems that lead to peace and war, would the Senators not agree that those who say that this is a neoisolationist move or a neoisolationist trend in this country are completely in error, because among other sponsors and supporters of this amendment are men who are well known for their concern about international commitments and international involvement? Would the Senator not agree that this kind of tiedown to an interminable period in Southeast Asia actually creates a possibility of less likelihood for the United States to assume its rightful role in other parts of the world, where there is a greater threat to the peace existing even today?

Mr. JAVITS. I agree with that, and I would like to make just one brief observation on that point. There is a lot of speculation in the world that the American people have somehow relinquished their interest in the world and are no longer concerned with playing an activist role in peacekeeping in the world. That does not mean we have withdrawn, but just that we will carry only our share.

I think the events in Vietnam and the terrible division in this country which they have engendered have intended to magnify that. I do not believe that the fundamental feeling of responsibility of the American people has changed, but I think it has been inhibited by the way in which events in Vietnam have gone. I believe that we would tremendously free America to take its role in the world in terms of building peace elsewhere, if we would end this particular involvement.

Mr. HATFIELD. I thank the Senator.

It seems to me, both from the standpoint of the statement made today on the floor of the Senate and the very outstanding contribution made by him on a national television program last Saturday night, the Senator from New York speaks not only as an authority with much background from the Committee on Foreign Relations and other involvements, but also as one of the outstanding constitutional lawyers in the Senate. Therefore, I think his testimony and his comments should weigh heavily in the minds of those who are uncommitted. I do not think anyone could charge the Senator from New York with being other than intimately and deeply concerned about all our involvements in the world, our leadership in the world, for the cause of peace and the upholding of our legal commitments and our legal responsibilities.

I thank the Senator from New York for his contribution in helping to revise the language of the amendment and the leadership he has given on the floor of the Senate and elsewhere on behalf of this amendment at this time.

Mr. JAVITS. I thank both my colleagues.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. CASE. Yes; I am happy to yield to my colleague from Maryland.

Mr. MATHIAS. I am wondering whether the Senator would define for the Senate his concept of withdrawal. He refers to his support for the fixing of a withdrawal date, but I think it is very important that we understand exactly what we mean by withdrawal. There was withdrawal in Korea, but in spite of that withdrawal we have substantial military forces and we have constant casualties there, and this has gone on for a period of almost 20 years. Could the Senator define "withdrawal"?

Mr. CASE. Withdrawal, as I understand it, means complete withdrawal of American troops; and cessation of further activity, whether in the air, on the sea, or on the ground; removal of American advisers; and the discontinuation of logistics assistance. That is what I mean by withdrawal. I mean complete disengagement. I mean that I am not in favor of attempting in South Vietnam what has been called a Korean solution.

I do not think Korea and Vietnam are in any way comparable. I feel that for us to attempt to do what was done in Korea in South Vietnam would be merely to continue an endless war, rather than to end it. So I mean complete withdrawal.

Mr. MATHIAS. I thank the Senator for that answer. I thank him for making very clear what he feels, and I thank him because I agree so totally that this is not the kind of situation that calls for a Korean solution; that when we talk about withdrawal, we have to talk about the pullback of all American military power and our understanding that we are not going to attempt to force military solutions in that area by any form of military power.

I know the Senator from New Jersey, in his entire record in this whole area, has been as concerned as I think most Members of the Senate have been that we work out these solutions in a coordinated way with the executive branch of Government, with the President.

I am interested that the Senator has defined "withdrawal" as he has, and as I would define it.

I am interested also that in the President's radio and television address of April 7, he spoke of "total withdrawal." He spoke of the goal of the American people as a total withdrawal of all our forces, and I am quoting the President's words.

I hope that indicates that in this area there is some meeting of minds between the Members of the Senate and the President. When we talk about withdrawal, whether we do it by the method that the Senator from New Jersey and I agree on, on a fixed deadline policy, or some other policy, I hope that at least we can agree that withdrawal means total withdrawal.

Mr. CASE. I appreciate what the Senator from Maryland has said, and I am grateful for his intervention here, because I think one of the important matters to be served by congressional consideration of this measure is, as the Senator suggests, the resolution of the confusion that has existed—confusion that I think is most unfortunate.

The Senator correctly points out what the President said, and I am all for it, but I remind the Senator—and he does not need to be reminded—that the Secretary of Defense said something quite different more recently in regard to the continuation of American air and other support for an indefinite period. The Senator is aware of those remarks; is he not?

Mr. MATHIAS. I am aware of them, and that is the reason why I think it is important to surface the fact that there is confusion. If there is confusion in this country and in Washington as to what we mean by "withdrawal," there must be confusion in the minds of other parties with whom we hope to negotiate an end of the war. How can there be a meeting of the minds when there is not any agreement on the meaning of the term we are using here?

Mr. CASE. The Senator is making a very good point.

May I call attention to another recent incident that has not served to clarify the situation in this regard. Several of our congressional leaders were in the White House, I understand, and heard the President and other high officials in the administration talk. They came back with a quite different view of what actually was said in the matter of whether we are going to withdraw or not, and in the matter of whether the President had in mind, though he was not going to announce it publicly, a definite date for full withdrawal. That has never been clarified as far as the Senator from New Jersey is concerned; but, rather, the confusion has been deepened by that additional incident. Does the Senator agree?

Mr. MATHIAS. I do agree completely. I think it would be so important if those questions could be resolved. I know the Senator from New Jersey has always, in his dealings with the executive branch, shown the utmost respect for the President and the President's judgment. I think all Senators do. I think he shares with me a feeling that it would be much better if we could agree with the President on a deadline rather than have the Congress simply finally resort to the ultimate use of the legislative power of the purse to impose a deadline. I think it would be much better for the country——

The ACTING PRESIDENT pro tempore. The time allotted to the Senator from New Jersey has expired.

The Chair will now recognize the Senator from Maryland (Mr. MATHIAS) for not to exceed 15 minutes.

Mr. CASE. Mr. President, would the Chair permit me to yield to the Senator on his time?

Mr. MATHIAS. Mr. President, if I may just complete my thought, I think it would be so much better for the country, for the climate of opinion in the country, if the coordinate branches of government could agree on a deadline. I would think that would promote chances of our negotiating an end of the war and a political settlement, without which there cannot but be continued, further tragedy.

Mr. CASE. I thank the Senator. I am not quite sure who controls the floor at this time——

Mr. MATHIAS. I am delighted to yield to the Senator.

Mr. CASE. I join with him fully in this thought. All along, those of us who have been endeavoring to discover the right course and then to put our shoulder to the wheel behind the effort to pursue that course have wanted to do it in cooperation with the executive branch. This was true during the Johnson administration. This was true during the Nixon administration. It is true today.

If this is to be done really satisfactorily, it has to be done in cooperation with the executive branch and with the President. With all my heart, I second what the Senator from Maryland has said when he expressed the hope that the President and Congress could come together on this issue. This is the way to present a united front in clarification of American purpose both at home and abroad. It is the only way in which solutions are ever really found in a democracy.

During discussion of the Hatfield-McGovern amendment last year, I remember saying that we were working with the President, that we had to work with him, and that if the date we proposed to fix at that time proved too close, or if the other provisions of the act proved unwise in their operation, the President could always come to Congress and, in cooperation with Congress, make such changes in time or otherwise as might seem necessary.

This principle would still obtain here. What we would like to see happen, however, is for the American people and their Government in all its branches to unite upon a clear course of action. That is the purpose which we hope to accomplish in a spirit of cooperation and harmony. That is my hope and purpose in adhering to this measure. I thank the Senator from Maryland for permitting me to conclude my remarks on his time.

Mr. MATHIAS. Mr. President, I acknowledge with a great deal of thanks the leadership the Senator from New Jersey has shown in this matter. I do not think there is any Member of the Senate who has given more searching attention to the problem, or has approached it with more conscience and more anguish, than the Senator from New Jersey. I think what he has done here today will help to clarify this difficult issue. He has added his weight to the voice of the Senate on this question of the wisdom of setting a deadline. I think that by clarifying the issue here, he is helping to bring this country closer to some sense of national unity, national agreement, and national determination, and I think he is also helping in our negotiating with the other side in this conflict, because if there is this much confusion about what we are talking about here in Washington, it is pretty hard to see how there really could be any progress in negotiations in Paris or anywhere else.

I think the Senator from New Jersey, as always, in his thoughtful and careful way, has shed further light on a very murky subject. In support of what the Senator from New Jersey has done, I should like to call the attention of the Senate to a rather remarkable and unusual statement made over the past weekend by Charles Yost, the recently retired Ambassador of the United States to the United Nations—a man who served President Nixon and the whole American people in one of our most sensitive and important diplomatic posts; a man who has had a long and distinguished diplomatic career in Asia, and a man who, because he is in every sense of the word a professional diplomat, is highly attuned to all the issues involved in the war in Indochina.

He has offered to the American people a rather remarkable personal summary of the situation as he sees it, which supports exactly the proposition that the Senator from New Jersey has offered to the Senate today. I ask unanimous consent that Ambassador Yost's article, entitled "A Way to Disengage From Vietnam," be printed in full in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. What I should like to say about that, very briefly, is that he has outlined a precise plan of action which the United States can undertake now to get out of Southeast Asia with the best possible advantage. It encompasses the following basic points: First, fix a date for total withdrawal of all U.S. Forces—subject only to North Vietnamese agreement to begin releasing our prisoners; second, propose a general cease-fire but not make it a condition of our withdrawal; third, before announcing a fixed date for withdrawal, urge the South Vietnamese Government to negotiate a political settlement; fourth, propose a renewal of the Geneva accords of 1954 and 1962 to all participants; and fifth, reiterate our past offer to contribute substantially to a program of economic rehabilitation for both parts of Vietnam and for Cambodia and Laos.

I hardly need say, Mr. President, that this brief summation does very little credit to the strength and the eloquence of Ambassador Yost's proposal; but I do wish to call the attention of the Senate to this rather remarkable document, coming from one of our most respected professional diplomats and one who I think is totally disinterested. He is, I hope not at the end, but at the climax of a remarkable career. Only his love of his country and his desire that this country should prosper and succeed could have motivated this statement. I think it comes from his heart and his conscience, and it is one to which we should all give close attention. I believe it is entirely complementary to the proposals and the thoughts that have been expressed today by the Senator from New Jersey.

EXHIBIT 1

[From the Washington Post]

A WAY TO DISENGAGE FROM VIETNAM

(By Charles W. Yost)

(EDITOR'S NOTE.—Yost was charge d'affaires at Bangkok in 1945–6, ambassador to Laos in 1954–6 and capped his Foreign Service career with two years as ambassador to the United Nations. Since February, he has been associated with the Columbia University School of International Affairs.)

In 1968 I prepared for the Carnegie Endowment on International Peace and the Council on Foreign Relations a paper in which I urged that the recently commenced negotiations in Paris be used to seek a political settlement which, I pointed out, would require "substantial and painful concession" by both sides.

It was perfectly clear that Hanoi would *not* accept a settlement which left the Thieu-Ky government in power indefinitely or which provided for elections to be carried out by that government, even with some international supervision. There is a strong tendency among Asian voters, even in relatively free elections, to accept "the mandate of heaven"—that is, to vote for the party in power. To Hanoi, elections managed by the present Saigon government would mean loss of all it had fought for so long and so hard.

My paper suggested, therefore, that we explore seriously and urgently in Paris whether the North Vietnamese would accept a neutral interim government to carry out elections, a government from which *both* the Thieu partisans and the National Liberation Front would be excluded or, alternatively, one in which both would be included but in a minor role. If this were possible, I thought an immediate cease-fire could be brought about and the war rapidly wound down. If Hanoi insisted on an interim government which the NLF would clearly control, that would be unacceptable to our side and the negotiations would fail.

This paper was just about to be circulated to the members of the two organizations which sponsored it when I was offered by the incoming Nixon administration the post of U.S. ambassador to the United Nations. The first request which was made to me after I accepted the post was that this paper *not* be circulated. It was clearly inconsistent with the policy which the administration intended to follow.

During my two years service with the administration, I was not involved in any way in the formulation or execution of its policy toward Southeast Asia. My advice was never asked on any substantive aspect of the problem nor was I involved in any National Security Council deliberations on it. I therefore watched from the sidelines with growing apprehension and heartache the prolongation of our military effort in Vietnam far beyond what seemed to me a rational or justifiable point.

In October, 1969, I was moved to submit a memorandum to the administration in which I made this argument as strongly as I could. I urged that we either "bring about a drastic change in the character of the Saigon government as a basis for political settlement" or, if that was considered to be unacceptable, that we "substantially accelerate troop withdrawals without a political settlement."

I never received any response to this memorandum. On the contrary, the Paris negotiations were allowed to degenerate into a charade and troop withdrawals continued at the same deliberate pace which in April, 1971, still leaves 300,000 American troops in Vietnam. Even last Wednesday's announcement by the President of slightly accelerated withdrawals would leave about 180,000 Americans there at the beginning of 1972, nearly seven years after our major involvement in the war began.

It was and still is quite clear that, despite the Nixon Doctrine and the commitment to "Vietnamization," the President and his national security adviser, Dr. Henry Kissinger, continue to believe that "victory," in the sense of the maintenance of power of the Thieu-Ky government, can still be achieved, and that continued substantial U.S. participation in the war for this purpose is not only acceptable but necessary.

They contend that all their military actions, both defensive and offensive into Cambodia and Laos, are designed to reduce American casualties, to protect American forces as they withdraw and to secure the release of American prisoners of war. Actually, there seems little doubt that, if the administration were prepared either to accept a political settlement involving a change in the Saigon government or to fix a proximate date for the *total* withdrawal of U.S. forces, the North Vietnamese would be only too willing substantially to reduce hostilities, as well as to release all U.S. prisoners by the time U.S. withdrawal was completed.

AN EMOTIONAL BASIS

It appears more likely that the real reasons why the President and Kissinger are preoccupied with at least the appearance of victory in Southeast Asia are: (1) the simplistic conception, stamped on their minds in their politically formative years and never relinquished, of an apocalyptic bipolar global struggle between communism and the "Free World" in which any setback to either side anywhere threatens critically the delicate balance of power everywhere; (2) their fear that the loss of South Vietnam, after the expenditure of so much American blood and treasure in its defense, would produce a domestic political upheaval in the U.S. which would discredit their administration and throw the Republican Party into the arms of its right wing, and (3) the panic which seems to overcome any American President at the thought of being the first "to lose a war."

These deeply felt emotions are, I suspect, much more decisive with the President and Kissinger than are the more prudent considerations which led them to proclaim the Nixon Doctrine. They cannot yet bring themselves to renounce military "options" involving U.S. forces which they still hope will preserve the status quo in South Vietnam and which the American public could still be persuaded to tolerate. The President has, partly by the exercise of his own rhetoric, persuaded himself, as President Johnson did earlier, that the "loss" of South Vietnam, however it came about, would be an intolerable "humiliation," would cause the U.S. to be considered by both foes and friends, "a pitiful, helpless giant" and would fatally blot the reputation in history of the President who presided over it.

Actually, of course, the more leaders use this sort of language in public, the more they create the atmosphere which could make it self-fulfilling. It is at least as reasonable to contend that the U.S. has, after six years of massive engagement itself and a vast buildup of the ARVN, far more than fully met any obligation it might have had to self-determination in Vietnam. If the government of South Vietnam cannot in 1972 maintain itself without U.S. military involvement, it is unlikely to be able to do so in 1973 or at any time thereafter.

Moreover, it would now seem to be demonstrated that no practicable expansion of the war is likely to be profitable or even tolerable. The Cambodian "incursion" last year and the Laotian "incursion" this year, while they produced marginal tactical advantages, have had two much more prejudicial strategic consequences: (1) they have seriously overextended the South Vietnamese forces which we have been trying to prepare to defend their own country and, in the Laotian case, have badly damaged their morale; (2) they have so aggravated U.S. public dissatisfaction with the whole Southeast Asian enterprise that, as the polls indicate, a majority of Americans now wish to withdraw almost immediately. Under these circumstances no further expansion of the war, concerning which the President still seems determined to keep his "options" open, lies within the realm of political reality.

In this connection, neither the administration nor the public has faced up to the role, present and future, of U.S. airpower in Southeast Asia. The impression is, however, emerging that the massive way in which it has been used in South Vietnam since 1965, and in Laos and Cambodia more recently, is not only indecisive and often counterproductive in a war of this character, but is so undiscriminating between combatant and noncombatant, so devastating to the lives and livelihood of friends more than of foes, so cruel and inhuman in its scale and consequences, that it is unjustifiable under either the laws of war or the laws of humanity.

AN ABSOLUTE DEADLINE

In summary, in light of all this tragic history and these inexorably accumulating facts of life, what should the United States do *now* about getting out of Southeast Asia? I would propose the following five steps.

1. We should promptly and publicly fix a date for the total withdrawal of *all* U.S. military forces from South Vietnam—subject only to North Vietnamese agreement to commence releasing U.S. prisoners as soon as the date is fixed and to complete the release of *all* prisoners *before* withdrawal is completed. This date should preferably be Dec. 31, 1971, but, if this should turn out not to be logistically feasible or if agreement on the release of prisoners could not be obtained soon enough, it might be March 31 or even June 30, 1972, but certainly no later.

2. At the same time that we fix a date for withdrawal, we should propose a general cease-fire, to take effect at once or at any time prior to completion of withdrawal. We should *not*, however, make withdrawal conditional on a cease-fire. Acceptance of a general cease-fire would mean that the status quo throughout South Vietnam, and perhaps Laos and Cambodia as well, would be frozen while the Americans were withdrawing. It seems unlikely that such a freezing for a period of many months would be acceptable to either the North or South Vietnamese. On the other hand, after a date had been fixed for U.S. withdrawal, local cease-fires to facilitate withdrawal might be quite feasible.

3. Before announcing a fixed date for U.S. withdrawal, we should offer the South Vietnamese government a last opportunity to negotiate a political settlement on the only basis on which it might conceivably be negotiated—that is, an interim government acceptable to both sides to carry out elections. Obviously, if Saigon were willing to try to negotiate such a settlement, it would have a better chance of doing so successfully while the Americans were still militarily present in Vietnam and participating in the Paris negotiations. Since, however, I very much doubt that the Thieu-Ky government would agree to negotiate a settlement of this kind, even faced with the prospect of early U.S. withdrawal, I should not suggest delaying for this purpose for more than one month the announcement of a terminal date for U.S. withdrawal.

4. We should, simultaneously with this announcement, propose to all participants in the Geneva Accords of 1954 and 1962 return to the full application of those accords, with such modifications as changed circumstances require or as seem desirable to all concerned, but specifically including withdrawal of *all* foreign forces (including North and South Vietnamese) from Laos and Cambodia and reaffirmation of the neutralization of these two countries. One modification of the accords which would be most desirable, if it could be obtained, would be the creation of more effective supervisory machinery than the old International Control Commission. If a new Geneva Conference were necessary to accomplish these ends, as it very likely would be such a conference, with the same or larger participation, should be convened as soon as possible. The conference could also concern itself with Vietnam, if the governments of both North and South so desired, but it would not necessarily do so.

5. We should at the same time reiterate the offer we have made in the past to contribute substantially to a program of economic rehabilitation, reconstruction and development in North and South Vietnam, Laos and Cambodia, to be carried out preferably under United Nations auspices.

Achievement of the objectives proposed under these five points seems to me realistic and practicable. Achievement of the objectives apparently still being pursued by the administration seems to me an empty fantasy, the continued pursuit of which under present circumstances would be disastrous to the security, welfare and moral character of the American people.

EIGHT ERRORS CAUSED OVERINVOLVEMENT

The direct and massive U.S. military involvement in Southeast Asia beginning in 1965 was grossly disproportionate to any national interest the United States had in the area, and soon proved to be prodigiously damaging to the welfare of the Vietnamese and Laotian people. There are many reasons why this highly motivated but disastrous miscalculation by U.S. leadership occurred. In my view, eight major errors of judgment caused us to get in so deeply:

1. The first was the belief that Communist China had in the 1950s and 1960s both the intention and the capability to extend its dominion beyond its borders, especially southward either through invasion or, more probably, through "wars of national liberation" which it would inspire and support. In the cooler light of hindsight we can now note that, with the exception of the war in Korea, which was certainly felt to be defensive, and the war in Vietnam, which derives almost wholly from Vietnamese rather than Chinese inspiration, Communists China has shown little intention or capability of involving itself directly or indirectly in military adventures outside its borders.

2. The second mistake in judgment, the "domino theory," was the belief that Southeast Asia outside Vietnam was acutely vulnerable to wars of national liberation or to subversion and takeover; that if South Vietnam fell, others were almost certain to follow. This error arose from an undiscriminating extrapolation of the situation in South Vietnam, which for 10 years prior to 1954 had been deeply infested at the grassroots with Communist cadres, to the rest of Southeast Asia, which had not been penetrated to anywhere nearly such a degree. Of course the extension and conduct of the war in recent years have made Laos and Cambodia much more vulnerable to takeover than they were in the 1950s.

3. A third error in judgment was the belief that North Vietnam, if partially or wholly victorious in the South, would serve thereafter as a compliant instrument of Communist China. Actually, as the history of the past 25 years has amply demonstrated, only the Yugoslav Communists have rivaled the North Vietnamese in stiff-necked recalcitrance and independence.

4. The fourth error was in imagining that NATO could be duplicated in Southeast Asia and in setting up there a purported military coalition which was in fact only a facade for unilateral U.S. support of several weak countries. Nevertheless, SEATO had the effect of committing the United States to a deeper and more formal involvement in Southeast Asia than was wise, without in fact significantly increasing its capabilities there.

5. Perhaps the most decisive mistake made in Vietnam and, for a time, in Laos was, on the one hand, U.S. insistence that regimes it supported be 100 per cent anticommunist and antineutralist and, on the other, its failure effectively to insist that the support it so unstintingly provided these regimes be used to carry out reforms which might have given them an expanding popular base.

6. The sixth mistake arose from the extravagant faith in "counterinsurgency" which swept Washington in the early 1960s. Based on the correct assessment that Communist aggression was henceforth more likely to take the form of insurgency than of massive attacks across frontiers, it nevertheless enormously overestimated the capability of *U.S. forces*, no matter how thoroughly trained for this purpose, to conduct this highly sophisticated and acutely political type of warfare in environments where langage, customs and physical conditions were so wholly alien to them.

7. The seventh error was also a military one: U.S. insistence on organizing and training most of the Vietnamese forces, from 1954 on, to fight a European or Korean-type war rather than to counter insurgency. Serious efforts have been made in recent years to correct this error but even now the ARVN is still trained to fight with massive air and artillery support, which obviously will be far less effectively available when the Americans depart.

8. The final error of judgment occurred repeatedly *after* our massive involvement, when we so often neglected or fatally compromised potential opportunities for negotiation, either for ephemeral military advantage or for fear of causing trouble with and for the Saigon government.

Mr. CASE. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. CASE. I agree fully about the significance and importance and the rightness of Mr. Yost's statement, and I am very happy to have it included as a part of the colloquy we have been engaged in here.

I am happy also to see that our colleague from Massachusetts (Mr. BROOKE) is now in the Chamber. Yesterday he made a splendid contribution on this same subject, and it is a pleasure to be associated with him on this matter.

Mr. BROOKE. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I am happy to yield to the Senator from Massachusetts, after associating myself with the Senator from New Jersey in expressing our appreciation for the stand taken by the Senator.

Mr. BROOKE. Mr. President, may I inquire how much time is left to the Senator from Maryland?

The ACTING PRESIDENT pro tempore. The Senator has 4 minutes remaining.

Mr. BROOKE. Mr. President, I am sorry that I was unable to hear the entire colloquy of the distinguished Senators from New Jersey and Maryland. I was somewhat surprised, as perhaps my distinguished colleagues were, when I read last week in the newspaper that our distinguished minority leader (Mr. SCOTT), our assistant minority leader (Mr. GRIFFIN), and our assistant majority leader (Mr. BYRD) had all said that the President had a timetable for withdrawal. The suggestion was even made that perhaps it was election day of 1972.

I bring this point up at this time that I might inquire further as to the flexibility that my distinguished colleagues see insofar as the establishment of a time certain is concerned. I know that both Senators MCGOVERN and HATFIELD have at all times spoken of flexibility with regard to a withdrawal date. As we know, they have talked most recently about December 31, 1971. But do the Senators who are engaged in this colloquy think that if the President were to set June 1, 1972, this might be acceptable as a date certain for withdrawal of American forces from Southeast Asia?

I raise this question for a specific reason. Some time ago I introduced resolution calling for joint hearings—for which we have precedent—by the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations, so that we could look into the requirements and the consequences of an orderly withdrawal from Southeast Asia.

This procedure would enable us to share the responsibility with the Chief Executive for the extrication of American forces from Southeast Asia. It could also bring about the accommodation between the Congress and the Chief Executive to which my distinguished colleagues have referred.

I have heard very little since the statements by our distinguished leaders and I ask either of my colleagues whether they have heard any more as to the possibility that the President may be considering a date certain for the withdrawal of all American forces, which he may be willing to announce to the world.

Mr. MATHIAS. In response to the Senator from Massachusetts, I have to say very frankly that I have not heard one word along this line. I wish that we would hear something.

As we said earlier today, it would be very desirable if the President could join Congress in setting a date, so that we understand what we are talking about, and so that the people with whom we have to deal on the other side know what we are talking about. It would be helpful for us to come to this agreement in a coordinated and a friendly way. I think it would enhance the chance of achieving a negotiated end of the war.

Mr. CASE. If the Senator will yield, I, too, have not heard anything that gives me the right to say that I believe up to now that this is likely.

As indicated by our previous discussion, I believe it is most desirable, and I hope that this initiative may be of importance in bringing it about.

Mr. BROOKE. It seems obvious to me that what we have been attempting to do is to reach an accommodation with the President. We are not privy to all the information on which the Chief Executive is basing his decisions. We do not know all the intelligence which comes from Southeast Asia. I think it is also fair to say that we are not informed as to what private—as opposed to public—proposals are being made either by Washington or by Hanoi.

But it seems to me, in all fairness, that we want to assure the President that we are not trying to dictate a date certain. I, for one, would like to see the 31st of December 1971, as a practical date by which we could achieve this result. But, perhaps the President may have reasons why it could not be December 31, 1971, but could be some later date. If that is true, it seems to me that Congress could be informed of that date and the reasons why it should be some other date, which would enable us to work together with the President for the extrication of American forces.

Mr. MATHIAS. Mr. President, the Senator from Massachusetts has expressed exactly what I feel, and what the Senator from New Jersey has said as to the importance and desirability of coordinate action by both the President and the Congress in fixing a realistic and final schedule for withdrawal from Indochina. It would contribute so much to the unity and cohesion of the American people. It would contribute equally to a general understanding around the world of American intentions and could not fail to help clear the air in Paris.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the Senator from Wisconsin (Mr. NELSON) for not to exceed 15 minutes.

(The remarks of Mr. NELSON when he introduced S. 1550 are printed later in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). Under the previous order, the Senate will proceed now to the transaction of routine morning business for a period of not to exceed 30 minutes with the statements therein limited to 3 minutes.

FBI SURVEILLANCE

Mr. GRIFFIN. Mr. President, I have listened with interest and attention to the remarks of the distinguished Senator from Wisconsin (Mr. NELSON). He referred to a statement made on yesterday by our distinguished friend, the Senator from Maine (Mr. MUSKIE), in which the Senator from Maine complained that FBI agents apparently had under surveillance a particular Earth Day program last year in which the Senator from Maine participated.

I have no doubt that the FBI was there. However, Mr. President, it should be obvious to anyone who reads the FBI memorandum which was attached to a statement by the Senator from Maine released to the press that the FBI was present at that particular Earth Day program, not because of the attendance of the Senator from Maine (Mr. MUSKIE), but because of the presence on the same platform of such persons as Rennie Davis, one of the convicted defendants in the Chicago 7 trial.

Mr. President, at 11:36 a.m., today, the UPI wire carried an interesting item.

It reads in part as follows:

> DURHAM, N.H.—Antiwar Leader Rennie Davis says thousands of demonstrators planning to march on Washington May 1 will occupy the Halls of Congress and stay in the nation's Capital "until the war is ended."
>
> "If the Government of the United States does not stop the war in Vietnam, we will stop the Government of the United States," Davis told students at the University of New Hampshire yesterday.

Mr. President, the FBI has a duty and a responsibility to keep track of those who have the avowed purpose of destroying our system of government. I for one am glad to know, based on the information put in the RECORD on yesterday by the Senator from Maine, that the FBI is doing its job.

In recent weeks, a number of charges have been made against the FBI. Certain charges, coming from the other side of the Capitol, have been backed up by no evidence whatsoever that the FBI has either refused or neglected its responsibilities. Indeed, all of the evidence so far, indicates that the FBI is performing its function and responsibility, as expected of it.

There have been calls recently for investigations of the FBI. Frankly, I would be for an investigation if there were evidence that the FBI was not doing its job. However, as one citizen and as one representative of the people, I am very glad to learn that the FBI has been, and is, doing its job in every respect.

ELECTION OF DR. THOMAS N. BONNER AS PRESIDENT OF THE UNIVERSITY OF NEW HAMPSHIRE

Mr. COTTON. Mr. President, during my quarter of a century in the House and Senate of the United States, I have devoted my best efforts to my duties and responsibilities here and have scrupulously refrained from suggesting, commenting, or, in any other way, involving myself in decisions that are purely in the jurisdiction of the elected and appointed officials of the State of New Hampshire. Furthermore, I have at all times and under every State administration, regardless of party, sought and welcomed the advice and counsel of the Governor, the heads of departments, and others on any and all Federal legislation affecting the State I represent.

On the other hand, I never expected that the time would arise when a State administration would take action that would be nothing less than a stab in the back for me and many of my associates who are fighting for principles in which we believe and in which, I am confident, the majority of the people of New Hampshire believe.

However, this has now happened, and I am not going to mince words in expressing my amazement and dismay when I learned through the public press that Dr. Thomas N. Bonner has been elected the 15th president of the University of New Hampshire.

Dr. Bonner is a former aide and a longtime, close associate of Senator MCGOVERN, who is an avowed candidate for President and will soon be campaigning in New Hampshire. Senator MCGOVERN is one of a group of Senators who have constantly addressed, encouraged, and incited Washington demonstrators whether they were invading the Pentagon, marching on the Capitol, or burning draft cards at the Washington Monument. Undoubtedly, when the demonstrators again move on Washington starting April 24 and running through May Day, MCGOVERN or his associates will be on the steps of the Capitol to welcome and encourage them. Almost invariably, these demonstrations end up in some form of violence.

It is not for me to question the patriotism and sincerity of Mr. McGovern and his associates, but whatever may be their motives, they are, in my opinion, and in the opinion of many of my associates in the Senate, promoting disrespect for the Congress of which they are Members, impeding the President in his efforts to end the war, and encouraging our enemies to refuse to negotiate for peace.

To me, it is incredible that the Governor and the trustees of the University of New Hampshire should, at this of all times, take action capable of such far-reaching interpretations. I regard it as a blow to the President of the United States and to every one of us here who is striving desperately to promote peace and a decent respect for authority.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Gambrell) laid before the Senate the following letters, which were referred as indicated:

Report on Conclusion of Judicial Proceedings Regarding American Indian Tribal Claim

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a final report on the final conclusion of judicial proceedings regarding docket No. 13-N, James Strong, Elmer B. Simonds, William Robert Warren, Margaret Arvold, Julia Potter, Betty Ann Norwall, Stanley A. Nordwall, Edwin Carl Lerke, Jr., and others, as the Representatives and on behalf of all Members by Blood of the Chippewa Tribe of Indians, Plaintiffs, against the United States of America (with an accompanying report); to the Committee on Appropriations.

Proposed Legislation To Amend the Federal Crop Insurance Act

A letter from the Under Secretary, Department of Agriculture, submitting a draft of proposed legislation to amend the Federal Crop Insurance Act, as amended (with accompanying papers); to the Committee on Agriculture and Forestry.

Proposed Fiscal Year 1972 Military Pay Increase

A letter from the Assistant Secretary of Defense (Manpower and Reserve Affairs), reporting, pursuant to law, the calculation of proposed fiscal year 1972 military pay increase (with accompanying papers); to the Committee on Armed Services.

Report of Property Acquisitions of Emergency Supplies and Equipment by Office of Civil Defense

A letter from the Director of Civil Defense, Office of the Secretary of the Army, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment for the quarter ending March 31, 1971, and items acquired pursuant to the authority transferred to the Secretary of Defense by Executive Order 10952, effective August 1, 1961 (with accompanying papers); to the Committee on Armed Services.

Report of the Federal National Mortgage Association

A letter from the president, Federal National Mortgage Association, transmitting, pursuant to law, the 1970 annual report of the Federal National Mortgage Association (with an accompanying report); to the Committee on Banking, Housing, and Urban Affairs.

Report on DOD Military Procurement Actions for Experimental, Developmental Test or Research Work

A letter from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a report on military procurement actions for experimental, developmental, test or research work negotiated under the provisions of 10 U.S.C. 2304(a) (11), July through December 1970 (with an accompanying report); to the Committee on Armed Services.

Report of the Federal Trade Commission

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the 1970 annual report of the Federal Trade Commission (with an accompanying report); to the Committee on Commerce.

Proposed Legislation To Regulate Employment of Minors Within the District of Columbia

A letter from the Assistant to the Commissioner, the District of Columbia, submitting a draft of proposed legislation to amend the act entitled "An Act to regulate the employment of minors within the District of Columbia," (with accompanying papers); to the Committee on the District of Columbia.

Proposed District of Columbia Education Act

A letter from the Assistant to the Commissioner, the District of Columbia, submitting a draft of proposed legislation relating to education in the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

Laws Enacted by the Legislature of the Virgin Islands in 1970

A letter from the Secretary of the Interior transmitting, pursuant to law, a list of laws enacted by the Legislature of the Virgin Islands during 1970 (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Legislation Relating to Indians

A letter from the Secretary of the Interior, submitting a draft of proposed legislation to amend certain laws relating to Indians (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Legislation to Establish an Additional Position of Assistant Secretary of the Interior

A letter from the Secretary of the Interior, submitting a draft of proposed legislation to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Extension of Two Concession Contracts

A letter from the Secretary of the Interior, transmitting, pursuant to law, a proposed extension of two concession contracts under which the Utah Parks Co., will be authorized to continue to provide accommodations, facilities, and services for the public in Grand Canyon (North Rim) National Park, Arizona, Byrce Canyon, and Zion National Parks, Utah, and Cedar Breaks National Monument, Utah, for a 1-year term from January 1, 1971, through December 31, 1971, when executed by the Director of the National Park Service (with accompanying papers); to the Committee on Interior and Insular Affairs.

Soil Survey and Land Classification, Jensen Unit, Central Utah Project

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on certification as to adequacy of soil survey and land classification as required by the 1954 Appropriation Act, Jensen Unit, Initial Division, Central Utah project, Utah (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of the Boys' Clubs of America

A letter from the National Director, Boys' Clubs of America, transmitting, pursuant to law, the Boys' Clubs of America Report on Examination, year ended September 30, 1970 (with an accompanying report); to the Committee on the Judiciary.

Proposed Legislation To Authorize Waiver of Claims Arising Out of Certain Erroneous Payments

A letter from the Assistant Secretary of the Air Force, submitting a draft of proposed legislation to amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

Report of the Civil Air Patrol

A letter from the National Commander, Civil Air Patrol, transmitting, pursuant to law, the Civil Air Patrol Report to Congress for the year 1970 (with an accompanying report); to the Committee on the Judiciary.

Report of the Railroad Retirement Board

A letter from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the 1970 annual report of the Railroad Retirement Board, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Gambrell):

A concurrent resolution of the Legislature of the State of Mississippi; to the Committee on Armed Services:

"Senate Concurrent Resolution No. 563

"A concurrent resolution expressing sympathy to Lieutenant William L. Calley, Jr., and requesting that the President of the United States intervene to grant redress to Lieutenant Calley

"Whereas, the freedom enjoyed by every citizen of the United States of America was purchased by fighting men who cherished liberty enough to risk and give their lives if need be; and

"Whereas, this freedom has been preserved throughout the several wars by men willing to fight and die to insure that no citizen of the United States of America would have to live in bondage; and

"Whereas, all men who have worn the uniform of this country in battle have individually and collectively made enormous sacrifices to insure the preservation of the union of the states and the sovereignty of this nation; and

"Whereas, the hundreds of thousands of Americans who have been engaged in the present war in Vietnam have given no less than their predecessors in uniform for the preservation of life, liberty and the pursuit of happiness; and

"Whereas, Lieutenant William L. Calley, Jr. was called upon by the President and Congress to lay his life upon the altar of freedom and under orders was placed in situations very similar to those situations experienced by many officers and men in previous wars wherein America's youth were required to follow the American flag; and

"Whereas, the said Lieutenant Calley performed his duties as ordered by his superiors and as the situation of war dictated during close combat with a known and insidious enemy of freedom; and

"Whereas, the State of Mississippi and the citizens of this state believe that freedom can only continue to exist so long as men like Lieutenant Calley are willing to give their lives and follow the orders and dictates of their superior military leaders:

"Now, therefore, be it restored by the Mississippi State Senate, the House of Representatives concurring herein, That we do hereby offer our deepest sympathies to Lieutenant William L. Calley, Jr. personally; that we regret the action of the United States Army in ordering the court-martial trial of this young American officer and other members of the Armed Forces for conduct arising from their efforts to defend this nation against its enemies and we do hereby solicit the assistance of all citizens of this state and nation, of the public officers of the State of Mississippi and of the United States to solicit the intervention of the President of the United States in bringing about a reversal of the conviction of Lieutenant Calley.

"Be it further resolved, That copies of this resolution be sent to Lieutenant William L. Calley, Jr., President Richard M. Nixon, Vice-President Spiro T. Agnew, U.S. Senator James O. Eastland, U.S. Senator John C. Stennis, the Judge Advocate General of the United States, and to the Press."

A concurrent resolution of the General Assembly of the State of Arkansas; to the Committee on Commerce:

"HOUSE CONCURRENT RESOLUTION 49

"House concurrent resolution urging the U.S. Congress and the various agencies of government concerned with the disposal and utilization of organic wastes to provide funds for expanded research in the area of organic waste disposal and utilization

"Whereas, many billions of tons of organic wastes, ranging from barnyard drainage to phosphate detergents enter our natural water annually causing enrichment and degradation of the water to such an extent that the natural ecosystems are drastically altered; and

"Whereas, in many cases the organic wastes results in the oxygen in the water being reduced below acceptable levels causing our streams to become open sewers, or results in excessive growth, death and decay of plant life thereby reducing the value of our waters for recreation and other useful purposes; and

"Whereas, Arkansas alone produces annually more than one billion pounds of such wastes in the form of chicken litter, rice hulls and other organic wastes in addition to the million of pounds of other organic wastes from homes and industry; and

"Whereas, biological evidence indicates that there exists many species of fish and shell fish which are economically valuable and which can directly or indirectly utilize such organic waste or plant life resulting from such wastes, thus recycling them into products useful to mankind, and the harvest of these fishes for human or animal foods serves to reduce the amount of nutrients in the water thereby affecting the cleansing of our waters; and

"Whereas, it is natural law that environmental change is followed by biological change, biological change is followed by environmental change and that it is forever impossible to move back the process of evolution to affect biological and environmental changes that would restore our natural waters to the condition existing on this continent prior to its habitation by man; that it is necessary to consider methods which would utilize the nutrients in advance of releasing them in natural waters including techniques of stocking and rearing valuable fish and shell fish that are capable of utilizing such nutrients; and

"Whereas, it is essential to any such program that considerable and extensive research be performed to determine what fish or shell fish or other methods can best solve the problem of excessive organic wastes in our waters and the natural results thereof; and

"Whereas, the Arkansas Game and Fish Commission and the U.S. Fish Farming Experimental Stations of the Bureau of Sport Fisheries and Wildlife at Stuttgart, Arkansas, have already begun research in this area and plan to expand its research as funds become available therefor; and

"Whereas, such research has included studies of various fishes including the Tipapia, the Israeli carp, the buffalo fishes, the white Amur, and other valuable plant eating fish which thrive on aquatic vegetation; and

"Whereas, the Commission and the experimental station at Stuttgart plan to expand their research greatly in coming years, to includes studies of silver and spotted Amur, as well as other fish and aquatic organisms, including fresh water shrimp, clams and crayfish and other fishes, to effect biological control of organic enrichment of our waters; and

"Whereas, both the Arkansas Game and Fish Commission and the Bureau of Sport Fisheries and Wildlife have competent personnel to supervise the research and have the necessary laboratory facilities for proper evaluation of research findings, and are located in the center of farmer owned controlled reservoirs and ponds in excess of 100,000 acres in area which can be utilized for such research; and

"Whereas, the United States is presently importing one billion dollars worth of fish protein and this research could produce valuable information on utilization of wastes for production of high grade animal protein and thereby fill the protein deficiency gap which exists in our country today; and

"Whereas, billions of dollars will be spent in the next few years in attempts to destroy or neutralize the enormous amounts of organic wastes which will be continuing environmental problem; and

"Whereas, continued and increased research in this area could produce valuable information in the field of pond fish culture that would lead to better utilization of our land and water resources, to increased farm income and to the development of aquacultural methods for species of fishes better suited to our changing environment and to making more fish available for recreational use in both private and public waters; and

"Whereas, considerable funds are needed by the Arkansas Game and Fish Commission and the Bureau of Sport Fisheries and Wildlife to conduct and expand extensive research and to provide facilities for the same, now therefore, be it

"Resolved by the House of Representatives of the sixty-eighth General Assembly of the State of Arkansas, the Senate concurring therein:

"Section 1. The Arkansas General Assembly hereby respectfully urges and request the Congress of the United States and all agencies of government concerned with disposal and utilization of organic wastes to make available additional funds for continued and expanded research in the area of disposal or useful utilization of organic wastes in the waters of this State and other states.

"Section 2. Upon adoption of this Resolution the Chief Clerk of the House shall transmit an appropriate copy hereof to each member of the Arkansas Congressional Delegation and to the presiding officer of each House of the United States Congress."

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on Commerce:

"CONCURRENT RESOLUTION

"A concurrent resolution memorializing the Congress of the United States to take such action as is necessary to require credit cards to contain the addresses of persons to whom issued

"Whereas, credit cards are being used more and more in interstate commerce; and

"Whereas, the number of company and organization credit cards has become voluminous; and

"Whereas, this saturation is causing many problems and hardships on persons honoring the various cards in that they are mistakenly impressed on the charge slips of the wrong company or organization; and

"Whereas, this problem is compounded as most, if not all, credit cards do not have the addresses of the persons named on the cards; and

"Whereas, when the error is ultimately detected the person honoring the credit card is often without recourse as the whereabouts of the card holder are unknown; and

"Whereas, if those issuing credit cards were to be required to include the address of the holder this problem would be alleviated; and

"Whereas, the Congress is the proper body to make such requirement as the problem transgresses state lines; and

"Whereas, the General Assembly of this State, in the interest of fairness, would like to memorialize the Congress to take such action as necessary to require all credit cards to include the address of the holder. Now, therefore, be it

"Resolved by the House of Representatives, the Senate concurring, That the Congress of the United States is hereby requested to take such action as is necessary to require that all credit cards contain the addresses of the persons to whom they are issued.

"Be it further resolved, That a copy of this resolution be forwarded to the President of the Senate, the Speaker of the House of Representatives and to each member of the Congressional Delegation representing South Carolina."

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on Finance:

"CONCURRENT RESOLUTION

"A concurrent resolution to memorialize the Congress of the United States to share its revenue derived from the operation of the Clark Hill electric generating facility with McCormick County in an amount equal to the county's tax loss resulting from the creation of the project

"Whereas, the Clark Hill hydroelectric facility on the Savannah River in McCormick County generates an enormous amount of electricity which is sold to both private and public power companies; and

"Whereas, the creation of this worthwhile project has required the acquisition and use on a tax-free basis of thousands of acres of land in McCormick County; and

"Whereas, removal of this acreage from the McCormick County tax rolls has seriously diminished the revenue of that county and required increased millage to be levied against the taxpayers who are residents therein. Now, therefore, be it

"Resolved by the House of Representatives, the Senate concurring: That the Congress of the United States be and hereby is memorialized to consider legislation which will permit McCormick County, South Carolina, to share in the revenue derived from the sale of electric power generated at the Clark Hill hydroelectric facility in an amount equal to the revenue that the county would realize if the acreage in such project were subject to county real property taxes, and further provide for the county an amount equal to such sharing, retroactively for the past ten years.

"Be it further resolved that copies of this resolution be forwarded to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate, the Secretary of the Interior and each member of the South Carolina Congressional Delegation."

A resolution of the House of Representatives of the State of Arkansas; to the Committee on Foreign Relations:

"RESOLUTION

"Requesting the United States Congress to withdraw the United States' military forces from Viet Nam

"Whereas, the Viet Nam War has resulted in the unjustifiable and unnecessary expenditure of billions of dollars each year by the United States on war materials and equipment; and

"Whereas, thousands of loyal courageous American soldiers have lost their lives as a result of this futile War; and

"Whereas, the exorbitant cost of maintaining the status quo in Viet Nam has resulted in the drastic curtailment of many essential and worthwhile domestic projects and programs for the American people; and

"Whereas, under the circumstances United States military activity in Viet Nam has been unduly and unnecessarily prolonged; and

"Whereas, continued United States participation in this War has sharply divided the American people and threatens to bring chaos to our Nation, it has caused the disaffection of a large number of the youth of our Nation; and

"Whereas, the loss of troops and the expenditures of billions of dollars should be curtailed by the United States by the withdrawal of American troops from Viet Nam by January 1, 1972.

"Whereas we understand that Senators Church and Cooper plan to introduce legislation which would cause the withdrawal of United States troops from Viet Nam by January 1, 1972, and

"Whereas we understand that in the House Democratic Party Caucus on Wednesday a similar motion is to be introduced; and

"Whereas we feel that any such legislation, motion, resolution, etc., is desirable;

"We, the undersigned members of the Arkansas House of Representatives, therefore, do encourage and support you in your decision to vote in favor of any such legislation, resolution, motion, etc., which would cause withdrawal of United States troops from Viet Nam by January 1, 1972."

(Signed by 47 members of the
Arkansas House of Representatives.)

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on Government Operations:

"CONCURRENT RESOLUTION

"A concurrent resolution to memorialize the Congress of the United States to consider legislation to make available the unused property acqured to establish Clark Hill Reservoir for development as a recreational area

"Whereas, in the acquisition, by the United States of America, of real property to create the Clark Hill project on the Savannah River in South Carolina and Georgia, extensive areas of land in McCormick County, constituting a substantial portion of the total of land area of the county, were acquired by purchase and condemnation; and

"Whereas, the project has been completed for many years and is in full operation with maximum water levels definitely determined; and

"Whereas, there are large land areas in McCormick County in South Carolina which were acquired for the Clark Hill project which are not being used and are obviously not needed for its operation, now or in the future; and

"Whereas, vast areas of similarly acquired land in Georgia on the Clark Hill Reservoir were declared surplus to the needs of this project by the Corps of Engineers several years ago and were subsequently sold at public auction, thereby resulting in substantial revenue to the United States Government, the return of such land to the tax rolls of the several Georgia counties affected and the opportunity for private development and use of such released areas; and

"Whereas, the declaration of such surplusage was not declared with respect to the actual surplus lands in McCormick County except with regard to the very minuscule acreage; and

"Whereas, the land-taking policy with respect to the subsequent development of the Hartwell project also on the Savannah River was restricted to land acually needed for the creation of the reservoir, generating facilities and administrative facilities, thereby allowing free development of recreational, housing and commercial ventures, all of which have prospered and benefited the counties affected and the citizens thereof; and

"Whereas, the excessive taking and retention of lands in McCormick County for the Clark Hill project have contributed to the out-migration of its people and a diminution of population and has further created a barrier to the full development and use of the Clark Hill Reservoir and deprived the county of the use of such area for farming, commerce and industry. Now, therefore, be it

"Resolved by the House of Representatives, the Senate concurring: That the Congress of the United States be and hereby is memorialized to consider appropriate legislation to release and make available for use by the public the excess real property in McCormick County in South Carolina acquired for the Clark Hill power project and thereby aid in the economic development and the development of recreational facilities in the areas which such unused and unneeded lands are located and to restore to the tax rolls of McCormick County such acreage thereby providing desperately needed tax revenue.

"Be it further resolved, That the Corps of Engineers be requested to designate immediately additional areas for the development and sale of residential cottage sites.

"Be it further resolved, That copies of this resolution be forwarded to the Clark Hill Authority, the Corps of Engineers of the United States Army, the Speaker of the United States House of Representatives, the President of the United States Senate and all members of the South Carolina Congressional Delegation."

A resolution of the Legislature of the State of Nebraska; to the Committee on the Judiciary:

"LEGISLATIVE RESOLUTION 31

"Whereas, the 92nd Congress of the United States of America at its first Session, in both Houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

" 'JOINT RESOLUTION

" 'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" ' "ARTICLE

" ' "SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" ' "SEC. 2. The Congress shall have the power to enforce this article by appropriate legislation." '

"Now, therefore, be it resolved by the members of the eighty-second legislature of Nebraska, first session, 1971:

"1. That such proposed amendment to the Constitution of the United States be and the same hereby is ratified.

"2. That copies of this resolution duly certified by the Secretary of State with the Great Seal of Nebraska attached thereto be forwarded by the Secretary of State to the Administrator of General Services, Washington, D.C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States."

A joint resolution of the Legislative Assembly of the State of Montana; to the Committee on the Judiciary:

"JOINT RESOLUTION

"A joint resolution of the Senate and House of Representatives ratifying the proposed amendment to the Constitution of the United States relating to the right to vote at 18 years of age.

"Whereas, the ninety-second congress of the United States of America at its first session, in both houses, by a constitutional majority of two-thirds (⅔) thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words:

" 'JOINT RESOLUTION

" 'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" ' "ARTICLE

" ' "SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" ' "SEC. 2. The Congress shall have the power to enforce this article by appropriate legislation." '

"Now, therefore, be it resolved by the Senate and House of Representatives of the State of Montana: That the proposed amendment to the Constitution of the United States of America be and the same is hereby ratified;

"Be it further resolved, that certified copies of this Resolution be forwarded by the secretary of state to the administrator of general services, Washington, D.C., and the president of the senate and the speaker of the house of representatives of the congress of the United States."

A joint resolution of the Legislature of the State of Nevada; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION No. 14

"Senate joint resolution memorializing the Congress of the United States to enact legislation to halt certain abuses in bankruptcies

"Whereas, The incidence of bankruptcies has become more marked in recent years; and

"Whereas, The Federal Government has exclusive jurisdiction of proceedings in bankruptcy; and

"Whereas, Creditors of and investors in business ventures have sustained severe losses; and

"Whereas, Certain business projects essentially sound have failed and the community in which the business was located has been economically adversely affected; and

"Whereas, Promoters of and prime movers in such business ventures, by use of corporate structures or other devices limiting personal liability have emerged in apparently affluent circumstances; and

"Whereas, State legislatures and courts are powerless to act to protect the people of the state; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That this legislature on behalf of the people of the State of Nevada respectfully memorializes the Congress of the United States to enact legislation in bankruptcy proceedings designed to curb the practices described and to prevent the few from profiting from a business venture in which creditors and other investors sustain losses; and be it further

"Resolved, That this legislature requests each member of the Nevada congressional delegation to work for the enactment of such legislation; and be it further

"Resolved, That copies of this resolution be forwarded by the legislative counsel to the President of the Senate and the Speaker of the House of Representatives of the United States and to each member of the Nevada congressional delegation."

A resolution of the Legislature of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"Resolutions Memoralizing the Congress of the United States To Allow Greater Immigration to the People of Ireland

"Whereas, Unfortunately, there seems to be a part of the new United States immigration policy which is neither just nor equitable toward the Irish, and, as a practical matter, the average Irish person who desires to come and settle here in the United States will no longer be allowed to do so; and

"Whereas, If the present immigration law had been in effect one hundred and fifty years ago, at least ninety per cent of the Irish in America would not have been allowed to enter the United States; and

"Whereas, It is recognized that the old immigration law was unjust and unfair to some other nationalities but that the 1965 Immigration Act substituted a law which, now, is as unfair to Ireland as the old law was to these other nationalities; and

"Whereas, Irish nuns and brothers have, for many years, staffed schools, hospitals, orphanages and rest homes for the aged in our nation and these religious groups, who desire to come here to continue this work, must now wait their turns because of this new Immigration Act; and

"Whereas, In nineteen hundred and sixty-five, the Irish ranked fifth among the nationals immigrating to the United States and, since then, they no longer rank fifth or even tenth. Irish immigration is at an all time low. In nineteen hundred and sixty-seven, two thousand six hundred and sixty-five were admitted. Since the enactment of the new law in July of nineteen hundred and sixty-eight, a total of one thousand and seventy-six persons applied for visas and through November the thirtieth, nineteen hundred and sixty-eight, only seventy-two were issued; now, therefore, be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact such legislation as may be necessary to allow greater immigration to the people of Ireland; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth."

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. PELL from the Committee on Labor and Public Welfare:

S. 1557. An original bill to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes (with individual views) [Rept. No. 92-61].

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TALMADGE (by request):

S. 1545. A bill to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain. Referred to the Committee on Agriculture and Forestry.

By Mr. STEVENSON:

S. 1546. A bill for the relief of John Bongiorno. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 1547. A bill relating to compensation in the case of disability or death of marine petroleum workers. Referred to the Committee on Labor and Public Welfare.

By Mr. BEALL:

S. 1548. A bill for the relief of Victoria J. Bushman; and

S. 1549. A bill for the relief of Teresa deJesus Acevedo. Referred to the Committee on the Judiciary.

By Mr. NELSON:

S. 1550. A bill to provide for more adequate protection of the constitutional rights and civil liberties of individuals through the establishment of a commission to investigate the domestic surveillance and intelligence-gathering activities being carried out by the Government and to make recommendations to the Congress for measures to insure that such activities do not infringe upon or threaten the rights of individuals guaranteed by the Constitution. Referred to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 1551. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage. Referred to the Committee on Finance.

S. 1552. A bill to amend the act of July 18, 1958, to provide for the expansion of Cowpens National Battleground Site. Referred to the Committee on Interior and Insular Affairs.

S. 1553. A bill to amend section 455 of title 28, United States Code. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. Burdick, Mr. Inouye, Mr. Mondale, Mr. Pastore, Mr. McGovern, and Mr. Harris):

S. 1554. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation to handicapped persons and persons who are 70 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are 70 years of age or older. Referred to the Committee on Commerce.

By Mr. HUMPHREY (for himself and Mr. Nelson):

S. 1555. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns. Referred to the Committee on Finance.

By Mr. ALLEN:

S. 1556. A bill to amend the Voting Rights Act of 1965 to exempt certain annexations, mergers, and consolidations of political subdivisions of a State from the validation provisions of section 5 thereof. Referred to the Committee on the Judiciary.

By Mr. PELL:

S. 1557. An original bill to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes. Ordered place on calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TOWER:

S. 1547. A bill relating to compensation in the case of disability or death of marine petroleum workers. Referred to the Committee on Labor and Public Welfare.

DEATH OR DISABILITY COMPENSATION FOR MARINE PETROLEUM WORKERS

Mr. TOWER. Mr. President, I am reintroducing a bill relating to compensation in case of disability or death of marine petroleum workers and ask that it be appropriately referred. This bill extends and makes exclusive the provisions of the Longshoremen's and Harbor Workers' Compensation Act for injuries or death of an employee which occur while working in a marine extractive operation.

This bill is intended to implement a recommendation included in the "Panel Reports of the Commission on Marine Science, Engineering and Resources"—volume 2, pages V-17 and V-18, February 1969. As reported by the panel, the cost of personal injuries in the offshore areas is extremely high and for some small companies prohibitive. The major reason is that considerable unpredictability exists respecting the legal remedy, which an offshore worker may choose, when seeking recovery for injury. At the present time, the choice of remedy ranges from a number of types of litigation, such as the doctrine of unseaworthiness, the Jones Act, Death on the High Seas Act, and State Wrongful Death Statutes to compensation procedures, both Federal and State.

Litigation awards range from some that are extremely high to substantially reduced recoveries or perhaps nothing at all, if the employee is proved negligent. This type of adversary proceeding is expensive and protracted both for the employee and employer. It has resulted in an abnormally large amount of funds being devoted to claim investigation, court costs, legal and expert witness fees. In addition, this litigation constitutes a heavy workload for our Federal court system.

Recovery under the compensation systems is, of course, not as great as some of the higher litigation awards, but it is awarded irrespective of fault or negligence.

Under the present state of affairs, employees seek whichever remedy they feel will produce the greatest recovery. Employers have not, as yet, exercised their option to force these claims into whichever remedy will produce the smallest recovery in a particular case.

The affected industries are compensation oriented and have voluntarily maintained compensation as a floor for benefits. However, a continuation of the high costs and numerous available remedies will undoubtedly produce a different attitude if corrective legislation is not enacted.

The previously stated variety of available remedies and wide range of benefits, together with the high investigation and litigation expense of faultfinding procedures, have resulted in an unstable insurance market and rate structure for the affected industries. As a result, domestic insurers have allowed many of these risks to be insured wholly or in large part by foreign underwriters. Such practices have caused a substantial outflow of cash to the foreign market which could be stemmed by a more stable system.

The bill, as stated, extends the benefits of the Longshoremen's and Harbor Workers' Compensation Act to employees working offshore in a marine extractive operation for work-connected injuries or death. It expressly makes such act the sole and exclusive remedy for such injuries. Other remedies, such as the Jones Act, Death on the High Seas Act, and the doctrine of unseaworthiness for work-connected injuries in this field of endeavor are barred.

The bill specifically defines a marine extractive operation. This is an undertaking for the purpose of exploring for, drilling, developing, producing, or transporting by pipeline the natural resources of the subsoil when conducted upon, over, or under the navigable waters of the United States, its territorial waters or the high seas. It includes the transporting, erecting, constructing, operating, servicing, maintaining, repairing or dismantling of structures utilized in such operations, as well as the furnishing of food and lodging in connection with such an undertaking and the transportation of personnel and raw or refined minerals to, from or between such locations.

The bill defines the terms "employee" and "employer" for the purposes of this act only. The nonapplicability of the Longshoremen's and Harbor Workers' Compensation Act to the master or member of a crew of a vessel is expressly eliminated respecting employees under this bill unless they are solely and exclusively so engaged under manning requirements set forth by the U.S. Coast Guard.

This bill will also provide a remedy for a number of American nationals presently employed in over water locations, far removed from our shores, who now have no certain method of recovery.

Mr. President, in addition to meeting the recommendations as contained in the previously mentioned panel reports, it will, in my opinion, clarify and confirm the intent of the Congress to extend the jurisdiction of the Longshoremen's and Harbor Workers' Compensation Act to cover these operations, as endeavored in the Outer Continental Shelf Lands Act. This congressional intent has been greatly clouded, if not destroyed, by the judicial decisions rendered since the passing of that act.

I believe this is necessary, basic legislation to establish or restore a workmen's compensation system of benefits and procedures for occupational disabilities, without regard to fault, in this area of industry. It would restore the basic objectives of such a system for both employees and employers in the marine extractive industries as it exists for the vast majority of all other industries.

Mr. President, I urge the members of the Senate Labor and Public Welfare Committee to give this bill every possible consideration when the Committee holds hearings on bills previously introduced to amend the Longshoremen's and Harbor Workers' Compensation Act. Two major bills have previously been introduced in the Senate to make basic changes in the compensation benefit system for permanent or temporary disability coverage under this act, and as the committee studies these proposals, I hope it will see fit to include this particular measure in the final version of the bill.

I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1547

A bill relating to compensation in the case of disability or death of marine petroleum workers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Marine Petroleum Workers' Compensation Act of 1971".

APPLICATION OF LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

SEC. 2. (a) EXTENSION OF ACT.—Except as otherwise provided in this Act, the provisions of the Longshoremen's and Harbor Workers' Compensation Act, including all amendments which may hereafter be made to such Act, shall apply in respect of the injury or death of an employee which results from an injury (as defined in paragraph (2) of section 2 of such Act) which occurs while working or performing duties in the furtherance of a marine extractive operation.

(b) MARINE EXTRACTIVE OPERATION DEFINED.—For purposes of this Act, the term "marine extractive operation"—

(1) means any undertaking conducted for the purpose of exploring for, drilling, developing, producing, or transporting by pipeline the natural resources of the subsoil when such undertaking is conducted upon, over, or under the navigable waters of the United States, its territorial waters, or the high seas, or from an artificial island or structure erected on or resting on any of such waters or seas;

(2) includes transporting, erecting, constructing, operating, servicing, maintaining, repairing, or dismantling any fixed, movable, floating, or floatable structure or artificial island used in such an undertaking while at such a location or while being transported to, from, or between such locations; and

(3) includes the furnishing of food and lodging in connection with any such undertaking and the transportation of personnel, and raw or refined minerals, to, from, or between such locations.

(c) OTHER DEFINITIONS.—When applying the Longshoremen's and Harbor Workers' Compensation Act for the purposes of this Act—

(1) The term "employee" means any individual in the service of any person under a contract of hire, express or implied, oral or written, who is engaged in any work or in the performance of any duties in the furtherance of a marine extractive operation.

(2) The term "employer" means any person who makes a contract of hire, express or implied, oral or written, with any individual to work, or perform any duties, in the furtherance of a marine extractive operation.

(d) EXCEPTION.—In applying the second sentence of section 3(a) of the Longshoremen's and Harbor Workers' Compensation Act, paragraph (1) of such second sentence shall not apply, but no compensation shall be payable under this Act in respect of the disability or death of any individual solely and exclusively engaged in full-time duty as the master or member of a crew of a vessel provided for in the manning requirements as set forth by the United States Coast Guard.

SOLE AND EXCLUSIVE REMEDY

SEC. 3. (a) PURPOSE OF ACT.—It is the purpose of this Act to restrict the remedy of an employee, his legal representative, husband or wife, parents, dependents, next of kin, and anyone otherwise entitled to recover damages on account of the injury or death which results from an injury (as defined in paragraph (2) of section 2 of the Longshoremen's and Harbor Workers' Compensation Act) while working or performing duties in the furtherance of a marine extractive operation to the compensation provided by such Act pursuant to this Act.

(b) OTHER REMEDIES BARRED.—Such remedy shall be in lieu of, and an absolute bar to, all other claims of the employee, and those claiming through or by virtue of him—

(1) against the employer in respect of injury or death under section 20 of the Act of March 4, 1915, as amended (Jones Act; 46 U.S.C., sec. 688), or the Act of March 30, 1920 (Death on the High Seas Act; 46 U.S.C., sec. 761 et seq.), or arising from the unseaworthiness of any platform, artificial island, barge, rig, vessel, or other floating equipment in use by such employer at the time of such injury or death in connection with a marine extractive operation (whether or not such platform, artificial island, barge, rig, vessel, or other floating equipment is owned by the employer); and

(2) against the platform, artificial island, barge, rig, vessel, or other floating equipment in use by such employer in respect of injury or death arising from unseaworthiness when the platform, artificial island, barge, rig, vessel, or other floating equipment is owned by the employer at the time of the accident.

By Mr. NELSON:

S. 1550. A bill to provide for more adequate protection of the constitutional rights and civil liberties of individuals through the establishment of a commission to investigate the domestic surveillance and intelligence-gathering activities being carried out by the Government and to make recommendations to the Congress for measures to insure that such activities do not infringe upon or threaten the rights of individuals guaranteed by the Constitution. Referred to the Committee on the Judiciary.

THE CONSTITUTIONAL RIGHTS AND CIVIL LIBERTIES PROTECTION ACT OF 1971

Mr. NELSON. Mr. President, I introduce a bill to establish a commission, entitled "The Constitutional Rights and

Civil Liberties Protection Act of 1971," and I ask that it be appropriately referred.

I think there is cause to be deeply disturbed by a number of developments recently which seem to indicate an alarming trend in this country toward the use of police-state tactics. Just over 4 years ago on February 23, 1967, I spoke on this issue on the Senate floor specifically directing attention to the disclosures of CIA subsidization of domestic organizations; the widespread use of wiretapping: the Government funding of propaganda books for the U.S. Information Agency; and the growing abuses of private and corporate spying.

Since that time, such activities have quite obviously expanded and proliferated within the Federal bureaucracy as evidenced by such recent disclosures as the widespread Army spying and FBI surveillance of Earth Day events last year.

This type of activity, carried out under a cloak of secrecy, is contrary to the public interest. Clandestine intelligence operations constitute a continuing threat to our existence as a free and open society and this threat is amplified so long as Congress—as the representative of the public—has no suitable mechanism or capability to continually and accurately monitor the activities of governmental intelligence agencies. Congress must be in a position to assure the public that the interests of national security are balanced by constitutional guarantees of political freedom and individual civil liberties.

The necessity for this type of overview capability, particularly for the Congress of the United States, has been accentuated and made abundantly clear. Revelations have been made during the past year of an extensive, apparently uncontrolled network of Government military and domestic gumshoes who have been feverishly and indiscriminately collecting and storing a mountain of data on the private and public thoughts, utterances, and activities of individual U.S. citizens and organizations within this country.

This domestic surveillance and intelligence operation has grown secretly. It has spread its eyes and ears into the far corners of American life without the knowledge, much less the assent, of Congress. This type of mass governmental snooping into the private affairs of her citizens impinges upon some of the most vital constitutional guarantees of this country—the right of free and open political expression. Yet, Senators and Representatives have had no more information about the authority and extent of this domestic spying operation than their constituents. The Congress and the public have shared the same shocked reaction when the bits and pieces of this creeping domestic spy network have been exposed in the journals, through Senator ERVIN's persevering questioning in his Constitutional Rights Subcommittee hearings and now in the disclosures of FBI surveillance of last year's Earth Day activities which involved tens of millions of citizens and thousands of communities all over the United States.

In order that Congress may prosecute its legislative duties on an informed basis and responsibly act to protect the public's guaranteed rights of full political thought, expression, and activity, and to guard against unilateral and unwarranted governmental invasions of privacy, I am introducing legislation to create a Congressional Commission on Domestic Surveillance and the Constitutional Rights and Civil Liberties of Individuals. This commission will be comprised of 24 members, six members to be selected from the House of Representatives and six members to be selected from the Senate on an equal bipartisan basis by the Speaker of the House and the President pro tempore of the Senate respectively. These congressional members will in turn select 12 members from the public who are representative of the broad interests to be served by this commission. The chairman shall be selected from the public members by the entire commission.

This Congressional Commission on Domestic Surveillance Activities will be mandated to investigate the entire range of domestic surveillance and intelligence activities in this country and the impact upon constitutional rights to determine:

First, the agencies, offices, and departments of Government which are conducting surveillance and intelligence activities domestically;

Second, the legal authority upon which these activities are based;

Third, the methods by which domestic surveillance is conducted;

Fourth, the range of people and organizations who are subject to any aspect of surveillance;

Fifth, the type of intelligence information which is being collected;

Sixth, the use that is made of collected and stored data;

Seventh, the extent that Government agencies and departments cooperate in surveillance activities and share collected data;

Eighth, the impact of such activities upon the constitutional rights and civil liberties of individuals; and

Ninth, the administrative, executive, and legislative controls which are exercised, or should be exercised, to insure that domestic surveillance activities do not infringe upon the constitutional rights of individual citizens or legitimate organizations.

The Commission will be staffed and funded at a level of $5 million, will have the power to subpena persons and records, and will be authorized to receive information and the assistance of all departments and agencies upon the request of the chairman.

The Commission will be directed to report back to Congress within 1 year with its findings and recommendations for actions and legislation that will enable the Congress to bring these activities under appropriate control and supervision on a continuing basis so as to protect the public interest and rights and liberties guaranteed to individuals by the Constitution.

The American public has a valid right to expect its elected representatives to be in the forefront of all efforts to halt excesses of governmental intervention into the lives of its citizens. Passive acceptance of police-state tactics by the Federal legislature will not only see a continual erosion of individual rights and free expression, it will see the further abdication of the congressional role in constitutional democratic government. In a system dependent upon the checks and balances between branches of Government to assure an open society, this abdication by Congress contributes to the growing lack of confidence in our Government which is spreading across the country.

Albert Camus, the famous writer philosopher and leader in the French underground during World War II, commented upon the Resistance's passionate struggle for liberty in a 1943 letter to a German friend. In his letter Camus said:

> This is what separated us from you; we made demands. You were satisfied to serve the power of your nation and we dreamed of giving ours her truth.

It is time that the U.S. Congress started to acknowledge some of the truths and historical principles which have nurtured and sustained this country since its birth. It is imperative that Congress begin to act to preserve these visions that were incorporated into our Constitution and Bill of Rights. Democratic self-government demands that vigilance be exercised before special, secret powers that infringe upon freedom are handed out and become firmly entrenched. The preservation of constitutional form will never be served by the erosion of vital constitutional substance.

Congressmen and the country alike first learned of the operation Conus Intel, or Continental U.S. Intelligence, through a magazine article by Christopher H. Pyle in the January 1970, issue of Washington Monthly. When finally unveiled, Conus Intel turned out to be a 2-year operation from the summer of 1967 through the fall of 1969 that was conducted by the U.S. Army and employed some 1,000 Army agents to conduct domestic intelligence activities and collect personal and political data on citizens ranging from prominent politicians to pacifists, on organizations that spanned the gamut from the Daughters of the American Revolution to environmental groups.

Although it sometimes appeared to resemble a script for a Peter Sellers' English comedy, the activities of Army agents posing as newsmen, infiltrating groups under surveillance, acting as innocent bystanders, and assuming a variety of covers, enabled the omnipresent Conus Intel to turn out 1,200 spot reports a month during 1969 on various incidents throughout the Nation. As reported in the New York Times, Conus Intel also fed the names of about 18,000 Americans into its files during the 2-year period of its existence.

Much of the justification for the current expansion of the Government's power to gather information about its citizens and tuck it away in computers without full public knowledge or congressional authorization is based upon the Justice Department's interpretation of a 1940 Presidential order authorizing the use of wiretaps against "persons suspected of subversive activities." Claiming the inherent power of the executive to "authorize the use of electronic surveillance where the use of such surveillance is reasonably required in the interests of national security," the Justice Department has apparently expanded this power from an authority to stop foreign subversion to an unlimited right to use all forms of domestic surveillance, without seeking the permission of Congress or the courts, against any U.S. citizen or organization which the executive, by its own determination, considers a threat to the national security.

To my mind the Justice Department's reading of President Roosevelt's 1940 memorandum to his Attorney General is fallacious. There is no justification for extensive Government snooping into domestic political activities based on this 1940 order. In the first paragraph of his order, President Roosevelt recognized the danger of widespread Government spying when he agreed with the Supreme Court that it was—

> Also right in its opinion that under ordinary and normal circumstances wire-tapping by government agents should not be carried on for the excellent reason that it is almost bound to lead to abuse of civil rights.

President Roosevelt went on to limit wiretapping in the national security interest to "grave matters involving the defense of the Nation," to "persons suspected of subversive activities against the Government of the United States, including suspected spies," and specifically requested his Attorney General to "limit these investigations so conducted to a minimum and to limit them insofar as possible to aliens." The exigencies of subversion, treason, espionage, and sabotage during World War II conducted by agents of foreign powers are a far cry from the political protests and expressions of political freedom and dissent during the late 1960's and 1970's by U.S. citizens who hold views contrary to those of established "powers" in Washington.

The Justice Department not only assumes the power to drastically expand the definition of "national security," but claims that Congress should not be concerned about possible abuses of this intelligence activity because such excesses of authority will be controlled by "self-discipline on the part of the executive branch." As Tom Wicker noted on March 10:

> They are asking us to set a goat to guard the cabbage patch.

The initial fallacy of the Justice Department's apologia is their failure to note the important distinctions between the Government's rights of action in domestic and foreign affairs. As the courts have repeatedly explained, the Government is limited in the actions it can take in the area of domestic politics. Unlike the area of foreign affairs, the Government can act only to prevent or punish unlawful acts in the domestic arena, not unpopular acts or iconoclastic thoughts.

To permit Government surveillance of lawful activity would have a chilling effect upon the willingness of individual citizens and organizations to exercise their constitutional freedoms of speech, expression, and association and their right to petition their Government for the redress of grievances.

As U.S. District Judge Warren J. Ferguson pointed out in a recently decided case in this field which is currently being appealed:

> The government seems to approach these dissident domestic organizations in the same fashion as it deals with unfriendly foreign powers. The government cannot act in this manner when only domestic political organizations are involved, even if those organizations espouse views which are inconsistent with our present form of government. To do so is to ride roughshod over numerous political freedoms which have long received constitutional protection.

There is no doubt that national security must be protected and is a vital and necessary function of this Government. The Constitution was written, however, with a purposeful balance drawn between the protection of national security and the protection of political freedom for U.S. citizens. As Judge Ferguson concluded:

> To guarantee political freedom, our forefathers agreed to take certain risks which are inherent in a free democracy. It is unthinkable that we should not be required to sacrifice those freedoms in order to defend them.

It is equally fallacious for the Justice Department to conclude that the balance between national security interests and political freedom set up in the Constitution will be guaranteed by executive self-discipline. Strengthening and preserving this balance is everyone's business and specifically it is the business of the elected representatives of the people of this Nation.

Yesterday Senator MUSKIE produced documentary evidence that the FBI conducted surveillance activities over the peaceful, constructive antipollution events of Earth Day last April 22. As the one who initiated and planned the organization of Earth Day last year and Earth Week this year, I am astonished that the FBI could conceivably dream up any legitimate excuse for conducting surveillance over these activities. If the FBI asserts this kind of political activity to be within their jurisdiction then no political activity in the Nation is beyond their reach including the annual meetings of the chamber of commerce and the manufacturers association.

Certainly the framers of our Constitution did not contemplate that the normal political activities of this free Nation would be routinely and secretly monitored by an arm of the Federal Government. Just as certainly, this Congress cannot condone such surveillance and still claim to represent the interests and welfare of the people of this country.

Earth Day was a dramatic and massive event through which the people expressed their concern over the status of our environment in a peaceful, democratic, uniquely American way. It involved millions of people from all walks of life and all age groups from school children to elder citizens. Thousands of grade schools, high schools and colleges participated. At least 150 Members of Congress, numerous Governors, and 100 representatives of the Nixon administration gave speeches at these events. By what constitutional or statutory authority do these events come within the jurisdiction of the Federal Government for surveillance?

All of these questions are difficult if not impossible to answer because neither the Congress nor the public knows the extent or the dimension of these activities. It is time we found out. However well intentioned these surveillance activities may be, if left uncontrolled and the jurisdiction undefined, they will eventually deprive us of more liberty than they will give us.

Congress is as much at fault as the Federal agencies involved, if not more so, because we have defaulted in our own fundamental responsibility to debate, examine, test, and evaluate these activities. We cannot plead ignorance because we all know that it is the very nature of every bureaucracy to expand its jurisdiction and power as far as it is permitted to do so by the authority that has the power to control their activities. The Congress is that authority and it is time for us to act.

This proposal for a commission of citizens and Members of Congress to study, evaluate, and make recommendations to Congress may or may not be the best approach. In my office we have been working on a proposal for the past 3 months. We finally concluded that insufficient information was available to draft a bill to deal specifically with the numerous difficult problems raised by this issue. We concluded, therefore, that the commission approach was the most logical.

Some thoughtful people have suggested that this whole problem be handled by Executive order. The President after all, does have authority over executive agencies and can set guidelines for their activities. In my judgment, to leave this matter exclusively in the hands of the executive branch would be a grave mistake. The Congress has its own responsibility and is not entitled to default in the exercise of it. We have done that for years in respect to foreign policy and military budgets. It certainly is not necessary here to discuss the catastrophic consequences of our default in those areas.

Two further points are pertinent. The surveillance activities we are now concerned about have all grown up under a system which left their control exclusively within the executive branch. In fairness, I might add, most of these activities started and expanded under previous administrations. If left exclusively to the executive branch, what is to prevent some future administration from dramatically expanding these activities far beyond current practices? And finally, how would Congress find out about it since we cannot secure the necessary information in the face of an assertion of executive privilege?

I want to take a moment, finally, to say to the Senate that the Congress' most distinguished constitutional lawyer, Senator SAM ERVIN, has been doing a magnificent job in his Constitutional Rights Subcommittee. The distinguished Senator from North Carolina has been diligent in revealing this maze of domestic governmental spy operations. The Senate and the country is indebted to him for the important and constructive work he is doing in this field. He deserves the support and cooperation of every Member of the Congress and the executive branch.

Mr. President, I ask unanimous consent that a copy of the Constitutional Rights and Civil Liberties Protection Act of 1971 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1550

A bill to provide for more adequate protection of the constitutional rights and civil liberties of individuals through the establishment of a commission to investigate the domestic surveillance and intelligence-gathering activities being carried out by the Government and to make recommendations to the Congress for measures to insure that such activities do not infringe upon or threaten the rights of individuals guaranteed by the Constitution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Constitutional Rights and Civil Liberties Protection Act of 1971."

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) There is established in the legislative branch of the Government a commission (hereinafter referred to as the "Commission") to investigate domestic surveillance and intelligence-gathering activities being carried out by the Government and the impact of such activities on the constitutional rights and civil liberties of individuals. The Commission shall be composed of 24 members as follows:

(1) 6 Senators, to be appointed by the President pro tempore of the Senate—

(A) 3 of whom shall be from among individuals recommended by the Majority Leader of the Senate; and

(B) 3 of whom shall be from among individuals recommended by the Minority Leader of the Senate;

(2) 6 Representatives, to be appointed by the Speaker of the House of Representatives—

(A) 3 of whom shall be from among individuals recommended by the Majority Leader of the House; and

(B) three of whom shall be from among individuals recommended by the minority leader of the House; and

(3) twelve members not otherwise employed by the Federal Government to be selected by the Senators and Representatives appointed to the Commission from among persons who, as determined by such Senators and Representatives, are qualified to serve on the Commission and who are representative of the broad public interest to be served by the Commission.

(b) For the purpose of selecting members of the Commission under paragraph 3 of subsection (a), six members of the Commission shall constitute a quorum. For any other purpose, twelve members of the Commission shall constitute a quorum.

(c) The Commission shall elect from among its members not otherwise employed by the Federal Government a Chairman and a Vice Chairman, who shall serve as Chairman in the absence of the Chairman.

(d) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission.

(e) (1) Members of the Commission who are otherwise employed by the Federal Government shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

(2) Members of the Commission not otherwise employed by the Federal Government shall receive compensation at a rate which is the daily equivalent of the highest rate payable under section 5332 of title 5, United State Code, for each day (including traveltime) they are engaged in the performance of their duties as members of the Commission, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

DUTIES OF THE COMMISSION

SEC. 3. The Commission shall investigate the domestic surveillance and intelligence-gathering activities of the Government and the impact of such activities on the constitutional rights and civil liberties of individuals in order to determine—

(1) which Government agencies are conducting domestic surveillance and intelligence-gathering activities;

(2) under what authority of law such activities are being carried out;

(3) the manner in which, and methods by which, such activities are being carried out;

(4) the activities and persons who are the subjects of domestic surveillance and intelligence-gathering activities;

(5) the type of information which is being gathered and compiled through such activities;

(6) the manner in which information gathered through such activities is stored, the uses made of such information, and the persons to whom such information is made available;

(7) the extent of cooperative domestic surveillance and intelligence-gathering activities carried out by the agencies of the Government;

(8) the impact of such activities upon the constitutional rights and civil liberties of individuals; and

(9) what measures are undertaken, or should be taken, in connection with such activities to insure that such activities do not infringe upon or threaten the rights of individuals guaranteed by the Constitution.

POWERS OF THE COMMISSION

SEC. 4. (a) The Commission is authorized—

(1) to hold such hearings, take such testimony, and sit and act at such times and places as it deems advisable in order to carry out its duties;

(2) to employ and fix the compensation of such employees, and purchase or otherwise acquire such furniture, office equipment, books, stationery, and other supplies as may be necessary for the proper performance of its duties;

(3) to obtain the services of experts and consultants in acocrdance with the provisions of section 3109 of title 5, United States Code;

(4) to obtain the services of any organization (contracts entered into under the authority of this paragraph shall not be subject to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) or any provision of law requiring advertising), and

(5) to use the United States mails in the same manner and upon the same conditions as departments and agencies of the United States.

(b) Each department, agency, and instrumentality of the Government is authorized to furnish to the Commission, upon request of the Chairman, such information as the Commission considers necessary to obtain in order to carry out its duties.

(c) (1) The Commission shall have power to require by subpena, signed by the Chairman, the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under investigation. Members of the Commission and employees of the Commission designated by the Chairman may administer oaths and affirmations, examine witnesses, and receive evidence.

(2) Subpenas issued by the Commission under this subsection may be enforced, depositions taken, and witness fees paid in the manner provided in section 9 of the Federal Trade Commission Act (15 U.S.C. 49) and the provisions of section 10 of such Act (15 U.S.C. 50) are made applicable to the jurisdiction, powers, and duties of the Commission, except that the attendance of a witness may not be required outside of the State where he is found, resides, or transacts business, and the production of evidence may not be required outside the State in which such evidence is kept.

(d) With the consent of the head of the department or agency concerned, the Commission may use, on a reimbursable basis, the services of personnel, information, and facilities of any department or agency of the Government.

REPORTS

SEC. 5. Within 1 year after the date of enactment of this Act, the Commission shall report to the Congress its findings, conclusions, and recommendations, including any recommendations for legislation it may have. The Commission is authorized to make such interim reports and recommendations as it deems appropriate. All reports of the Commission shall be made public. The Commission shall terminate 30 days after the date on which it submits its final report to the Congress.

PAYMENT OF EXPENSES

SEC. 6. All expenses and salaries of the Commission shall be paid by the Secretary of the Senate, from funds appropriated for the Commission, upon vouchers signed by the Chairman.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are authorized to be appropriated to the Commission $5,000,000.

Mr. NELSON. Mr. President, I ask unanimous consent that the text of my speech delivered on February 23, 1967, entitled, "The Alarming Trend Toward Police-State Tactics" be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE ALARMING TREND TOWARD POLICE-STATE TACTICS

Mr. NELSON. Mr. President, I think there is cause to be deeply disturbed by a number of developments recently which seem to indicate an alarming trend in this country toward the use of police-state tactics.

I refer to the following developments:

First. The lavish subsidization of the National Student Association and other private domestic organizations by the Central Intelligence Agency.

Second. The widespread use of wiretapping and eavesdropping by Government agencies.

Third. The subsidization of supposedly legitimate books by the U.S. Information Agency, primarily for propaganda purposes.

Fourth. The use of private detective agencies by large corporations such as General Motors to harass a private citizen such as Ralph Nader.

Fifth. The widespread practice of industrial spying to discover competitor's corporate secrets.

Sixth. The use of a private detective agency by the State of Florida, allegedly to conduct a widespread investigation into crime and corruption.

All of these developments have provoked considerable publicity, and most of them have been criticized in one way or another. When we view all of these developments and others like them as a developing trend or pattern in our society, I think we have reason to be gravely concerned as to whether the United States of America, perhaps unwillingly and unwittingly, is veering away from its traditional role as a free society and drifting toward a passive acceptance of the repulsive practices of a police state.

All of these disturbing developments have certain things in common.

In the first place, all have been carried out under a cloak of secrecy. That alone raises grave questions of public policy. Although there might be a few selected instances where secrecy can be justified by Government agencies or by giant corporations dealing with public questions, as a general rule secrecy is inevitably contrary to the public interest and a step toward corruption and tyranny.

Even more important than their common cloak of secrecy, all of these six activities have involved an element of dishonesty.

When our world-famed intelligence service took over the largest student organization in America, it was not merely an act of secrecy. It was an act of out and out dishonesty. Time after time our Government has denied Communist charges that American students abroad were being used as spies. Now it appears possible or even probable that these statements issued by our Government by students themselves and even their parents were lies. Note that the CIA urged the NSA to deny it was subsidized—in other words, to state that Ramparts magazine, rather than the NSA or the CIA, was lying about this secret arrangement. This was a clearly dishonest arrangement.

When Federal agencies tap telephones and bug hotel rooms, they are not merely acting in secret—they are acting dishonestly. For the law, Government regulations, and the comments of high Government officials have all reassured us that these things were not being done. These assurances, it now appears, were lies.

The subsidizing of books by the U.S. Government is more than an act of secrecy. It is an act of dishonesty, for anyone buying such a book without knowing that it is paid, Government propaganda, is being cruelly deceived.

In the Ralph Nader case, neither General Motors nor the private detective which it hired, Vincent Gillen, seemed to understand that one of the most loathsome aspects of this case was its dishonesty—not just its secrecy.

Detective Gillen lied repeatedly in conducting his investigation; he lied about his name, he lied about his purpose, and he lied about his sponsors. Gillen now tells us that General Motors also lied in saying that the purpose was to find out if Nader was behind lawsuits involving Corvair automobiles. Documentary evidence plus Gillen's own testimony now indicate that dishonesty prevailed throughout this sordid case.

Now the same secret, reprehensible tactics are being employed on a grand scale in the State of Florida. The newly elected Governor has engaged a close personal friend, George R. Wackenhut, and directed him to unleash his detective agency throughout Florida in search of "corrupt officials."

The Wackenhut Corp. has 5,000 employees in 28 offices stretching from Puerto Rico to Hawaii, with subsidiaries in several Latin American countries. Mr. Wackenhut, himself, is deeply involved in politics, both National and at the State level. His firm reportedly does $23 million a year in business. In 1955 he was cited for contempt of court in Dade County circuit court and fined $100 for intimidating a witness. In this case, Wackenhut reportedly lied in telling the witness that Wackenhut had secretly recorded a conversation with the witness through use of a concealed dictaphone. Wackenhut's board of directors include members of the John Birch Society and a number of persons active in national political organizations.

According to the Washington Post, Wackenhut's firm is paid $3 million a year by the Atomic Energy Commission.

Now this gigantic organization, with its tentacles involved in politics and other affairs over much of the globe, has gone to work for a high public official. Presumably it will have access to all manner of official documents, police files, FBI files and other material generally available only to responsible public officials.

I have said that all of these deplorable developments have in common the elements of secrecy and dishonesty. Yet they have in common something even worse.

Mr. President, the worst thing about all of these practices is that the main victims are our own citizens and in many cases these victims are citizens completely innocent of any wrongdoing. Furthermore, these innocent American citizens in many cases will find themselves completely unable to make a satisfactory defense against these secret, police-state tactics.

That is what makes these practices so un-American, and that is why they should not be tolerated by the American people.

The most important answer which applies to all of these practices is this:

"We cannot conquer communism or crime by adopting Communist or criminal tactics."

Also, it must be remembered, in every one of these cases, as I have said, the probable victims are not Communists and criminals, but innocent citizens. The whole purpose of the U.S. Constitution and its world-famed Bill of Rights is to protect innocent citizens from arbitrary tactics by the agencies of government. If a citizen does commit a crime, specific constitutional procedures are spelled out under which the charges must be documented and filed against him and he must have an opportunity to confront his witnesses and defend himself in a court of law. The Constitution specifically forbids that any citizen be deprived of his constitutional rights without due process of law.

Wiretaps and microphones hidden behind family portraits or in a martini olive are not a part of what the Constitution means when it talks of "due process of law." In fact, these are tactics which are used to get around due process.

Since the Constitution says you cannot make a man testify against himself, government and private detective agencies try to secretly record his conversations with his wife, his children, his neighbors, and his business associates to get information which they can use against him and which they cannot obtain in a constitutional manner.

Wiretaps and bugs have not yet been invented which will record only the conversations of the guilty. They record far more conversations of the innocent. Yet even the most innocent conversation, placed in the hands of government agencies or private detectives, can be used to destroy the reputation and the economic standing of almost any citizen in this Nation.

When the Central Intelligence Agency moved in on the National Student Association with its bulging suitcase filled with taxpayers' dollars, it was not damaging international communism—it was damaging an important American institution—a free association of college students. Without the knowledge of most of the students themselves, the CIA transformed this free student association into a Government-operated spy nest and destroyed the value of almost everything these idealistic students strove to accomplish over a 15-year period.

The only basis for holding our young people up as examples to the world is the fact that they are free. They are not the paid stooges of the Government as many Communist students are. By infiltrating the National Student Association with CIA agents and taxpayers' dollars, we have undermined the most important thing that our students stood for. The next time our students cite their all-important American freedom, they will receive smirks from the other side of the aisle.

You cannot adequately judge the evil of any of these practices I have cited if you think of how they affect only Communists and criminals. One must consider first of all how they affect innocent American citizens, how they tarnish the American ideal, how they corrode the free society of our ancestors so valiantly fought to create.

Secret slush funds such as the CIA used, wiretapping devices such as Government agencies use, secretly subsidized American books and cloak-and-dagger private detective agencies are not subject to the checks and balances so cherished by free American citizens.

If you should be one of those who think it all right for the CIA to finance the NSA, then what conceivable check would you provide on such activity? Would you allow an individual agent to pass out $400,000 a year to such an association in any way he saw fit? Could he bestow such funds on his friends within the organization? Could he use them conceivably for immoral purposes? Since we did not know that this was being done in the first place, how would we know that the amount of money poured into this sordid scheme was a wise investment? In other words, what kind of budget review could a free society carry out on this secret operation? We have already read how CIA money was used to finance a ludicrous book-selling operation run by a group of high living, naive young businessmen.

Police officers are subjected to strict rules and regulations. Many of them serve heroically for a lifetime at low pay, even in the face of great danger. They live in a goldfish bowl because society holds them too high standards of conduct. What standards do we apply to private detectives and secret agents who are now padding about the country, financed by taxpayers' dollars, subjected to none of the rules and regulations applied to policemen, with virtually no budget review as to how they spend the taxpayers' money, free to operate in almost any way it suits their purpose and the purposes of their far-flung clients?

I think it is worthwhile considering for a moment what happened in Germany.

After World War I, Germany was a defeated nation suffering from severe economic problems and political disunity which bordered on anarchy. The problems of the nation were so great and the morale of its people was so low that they put themselves into the hands of a dictator who promised to correct the greatest problems. By crusading against what he described as corrupt and sinister minority forces—primarily communism and members of the Jewish faith—he managed to unite much of the nation. By constructing a mighty war machine he managed to put the German factory and workers back to work again. So the great concerns of the German public appeared to have been met. Yet he did this at a terrible cost. He instituted police-state terrorism. He abolished the constitutional guarantees such as we have in our Constitution and Bill of Rights. He developed propaganda into an art form. In his case too, the intelligence service, the wiretapping, the propaganda publications and the cloak and dagger investigations were aimed at Communists and criminals—at least as he defined them.

The United States of 1967 is by no means the Germany of 1933; I do not mean to exaggerate. But if the people of America tolerate the intrusions of the CIA into free domestic institutions such as the National Student Association, if they tolerate indiscriminate wiretapping and electronic eavesdropping by Government agencies, if they allow their taxes to be spent to corrupt authors and subsidize what appear to be legitimate books, if they allow private detectives to silence those who would criticize our society, we will have gone a long way toward embracing the police-state psychology which gripped Germany following World War I and sowed the seeds of disaster.

It is not enough to say that "it could not happen here." These recent developments have shown that it can—without our knowing it. It may be that the last several Presidents and a few selected congressional leaders were aware that the National Student Association was a front for our international, secret intelligence operation. But most Congressmen and Senators were unaware of it; certainly the press was not aware of it nor was the public and, therefore, this secret intelligence service was in a position where it could have done grave harm to American democracy without our even knowing it.

It may be that the last few Presidents and a few key Government officials are aware that Federal agencies are tapping telephones, bugging offices and homes, but Secretary of the Treasury Dillon assured Senator Long of Missouri on July 13, 1965, that wiretapping was absolutely banned by the Internal Revenue Service. To his embarrassment, the Secretary's own counsel informed him that the IRS was tapping public telephones in the IRS building in Washington. It was revealed later that the Internal Revenue Service and the Treasury Department had been conducting a course for agents in the art of electronic snooping.

The president of General Motors has assured us that he did not know that his firm had hired Vincent Gillen to probe into every aspect of the personal life of Ralph Nader in an obvious attempt to silence him. I am sure we will soon hear of something done by the Wackenhut Corp. of which the Governor of Florida was blissfully unaware.

What this shows is that democratic institutions cannot control police-state tactics once they are set in motion. If secret agents are given millions of dollars to dispense in secret, if investigators are allowed to break into homes and install eavesdropping devices, then the people given these special, secret powers become a kind of new government all their own. That is why the secret police in Germany and Russia become so powerful, once they were allowed to do things which were outside the law and forbidden to other agencies. Once they acquired these powers and gathered their secret information, they became a law unto themselves.

Once we embark upon the use of police-state tactics, even if we piously protest that we are using these tactics only on Communists and criminals, we take a long step away from democratic self-government.

I think the time has come to call a halt. I think that the President of the United States, the Congress, the Federal agencies, State and local government and large corporations, which carry heavy public responsibility should all pledge themselves to abstain from such practices in the future.

I do think the Congress should inquire into this whole sordid business and find out just how widespread and just how vicious it has become. I think that kind of catharsis would be helpful. But I am primarily concerned about the future. Even if we cannot purge ourselves of all that has happened before, we should make a clear, firm promise that these things will not be done again. If government and the public does not insist upon such a promise, I fear for the future of democracy in these United States.

Wiretapping by Government should certainly be limited to cases involving national security.

All private bugging should be outlawed with stiff penalties.

The CIA's jurisdiction and method of supervision should be overhauled.

The employes of the CIA are certainly dedicated American citizens. The organization has a critical intelligence gathering function. The national security must be protected by the effective performance of that function. However, recent events would seem to clearly indicate that the limits of its role must be more clearly delineated and its activities more carefully supervised.

Wiretapping and electronic eavesdropping should be used only in the interest of national security. This should apply to subversion and organized crime, under court authorization with annual review by Congress.

By Mr. HOLLINGS:

S. 1551. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefits amounts to which a woman is entitled if she has 120 quarters of coverage. Referred to the Committee on Finance.

Mr. HOLLINGS. Mr. President, I am today introducing legislation which will allow women with 30 years of social security coverage to retire, with full benefits, at age 62. This bill is timely in two ways. First, it recognizes the special contributions of the American woman to the growth of our trillion dollar economy, and in so doing it helps to right some long-standing wrongs. There are over 30 million women employed outside the home in the United States—they comprise over 38 percent of the total work force. Yet over the years, there have undeniably been salary and job discriminations against women. Pay has been lower, promotions have been more difficult to come by, opportunities for meaningful employment have been more scarce. It is long since time to give some encouragement to the working woman, instead of a constant diet of discouragement and discrimination.

My second reason for bringing this measure to the attention of the Senate at this time concerns practical economics. Six percent of the Nation's work force is today unemployed. By allowing older women to retire earlier with full benefits, this bill will open up thousands of jobs for workers who are at this very moment out of work. It would be a needed shot in the arm for the ailing American economy. My bill also has a longer range significance. With a rising population and the increasing productivity of each individual worker, earlier retirement patterns will no doubt be the wave of the future. Government statistics estimate that by 1990, just 10 percent of our population will be capable of producing 100 percent of our goods. If this be true, then our work and leisure patterns will have to undergo significant change. Passage of the bill I am introducing will help us take an important first step in the transition to the new day ahead.

Mr. President, this bill is as economically sound as it is socially desirable. It is not in any shape, manner or form a giveaway. It would apply only to those women who have been in the work force for 120 quarters—30 full years. Such workers have contributed far more to the social security trust fund than they will ever receive from it. They have been working since before the Second World War to make ours the most powerful Nation on earth. They are due some consideration for those long years of service, and we can acknowledge our debt by passage of this legislation. It is time to remove the financial penalty for retiring before age 65. Under the system I seek to change, a woman retiring at age 62 is entitled to only 80 percent of normal benefits. This new legislation would provide her with full, 100 percent, benefits. The social security trust fund can finance this change with no jeopardy to itself, and the economy will benefit greatly from the change. Therefore, I urge my colleagues to give this measure their most serious and prompt consideration.

By Mr. HOLLINGS:

S. 1553. A bill to amend section 455 of title 28, United States Code. Referred to the Committee on the Judiciary.

Mr. HOLLINGS. Mr. President, today I am introducing a bill which would clarify and establish into law a principle concerning the Federal judiciary which heretofore has been disastrously ambiguous. The absence of clarity on when a member of the Federal judiciary should disqualify himself from a case contributed largely to the rejection of Judge Clement F. Haynsworth, Jr., to become a member of the Supreme Court of the United States. Since the vote on the Haynsworth nomination in November of 1969, the issue has been raised several times within the Federal judiciary. I believe the time has come to correct this problem, in fairness to the members of the Federal judiciary.

There are basically two sources of law regarding the issue of disqualification. First is the common law and the second is the statutory law. In common law, a judge was bound to disqualify himself only for interest in the litigation. Today by decision and statute we have three grounds for disqualification—bias, interest, and a direct relationship. We have two Federal statutes that directly involve this point:

> Interest of justice or judge. Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein—28 USC Sec. 455.
>
> Bias or prejudice of judge. Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding—28 USC Sec. 144.

Major in the consideration of the Haynsworth nomination was the point that the judge has a duty to disqualify when he should, but has an equal duty to sit when he should.

In all of these cases, the investigation was thorough. The finding under existing law was that the judge had a duty to sit rather than disqualify himself because the financial interest was so small. The American Bar Association, which promulgated the Canons of Judicial Ethics, absolved Judge Haynsworth of any suspicion. However the cloud of doubt created by his opponents became so dark that it hid all of his distinguished qualifications and he was defeated.

In my judgment, Judge Haynsworth never violated the statutes or the Canons of Judicial Ethics, but the fact that this issue caused weeks of debate on the Senate floor clearly underscores the problem. During this debate, I introduced a bill which would amend title 28, section 455 of the United States Code to make clear when a judge should disqualify himself.

The decision when a judge should disqualify himself has been left to his discretion. In the Haynsworth case, however, the judge was assailed for exercising discretion, which his opponents disliked. The amendment I introduce today is an improved version of my previous bill. I have consulted with members of the Federal judiciary, the legal profession—both in practice and in education—and officials of the Justice Department. This bill combines their joint thinking on this subject.

As the Supreme Court of the United States is presently constituted, there is no doubt that further nominations will take place in the not-too distant future. I believe it is extremely important that we correct the obvious deficiency caused by Congress and make certain that there is no question regarding the exercising of discretion of a member of the judiciary on this point. I ask unanimous consent that a copy of this bill be printed in the RECORD in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1553

A bill to amend section 455 of title 28, United States Code

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 455 of title 28, United States Code, is amended by striking the entire section and adding in lieu thereof:

"SEC. 455. INTEREST OF JUSTICE OR JUDGE.—Any justice of the United States shall disqualify himself in any proceeding where—

"(1) He has a fixed belief concerning the merits of the matter in controversy or personal knowledge of material facts concerning it.

"(2) He has previously served as counsel in the matter in controversy, or has been a material witness concerning it.

"(3) He is within the fourth degree of relationship by blood or marriage to a person who—

"(a) Is a party to the proceeding or an officer or director of a party;

"(b) Is acting as counsel in the proceeding;

"(c) To the judge's knowledge has a substantial interest in the matter in controversy or the affairs of a party to the proceeding;

"(d) Will likely be a material witness in the proceeding.

"(4) He knows that he, individually or as a fiduciary, has a financial interest in the subject matter in controversy, or in a party to the proceeding. A judge should make reasonable effort to inform himself about his personal and fiducial financial interests and those of the members of his family residing in his household. For the purposes of this subsection:

"(a) 'Fiduciary' means executor, administrator, trustee, guardian, and the like.

"(b) 'Member of his family residing in his household' means any relative by blood or marriage, or a person treated in fact as a relative, who resides permanently in the judge's household.

"(c) 'Financial interest' includes any legal or equitable economic interest, however small, and any relationship as director, advisor, or other active participant, except that—

"(i) ownership in a mutual or common investment fund that holds securities is not a 'financial interest' in such securities;

"(ii) ownership of government bonds is not a 'financial interest' unless the proceeding involves the validity of the bonds or could substantially affect their value.

"(5) A judge disqualified by the terms of subdivisions (3) or (4) of this subsection may, if he chooses to do so, disclose to an appropriate court officer, fully and in writing, the basis of his disqualification. The court officer shall transmit the statement to all parties. If all parties and counsel thereupon agree in writing to remit the judge's disqualification, the judge may participate in the proceeding. The judge's statement and the consents of the parties and counsel shall be incorporated in the record of the proceedings."

By Mr. HUMPHREY (for himself Mr. BURDICK, Mr. INOUYE, Mr. MONDALE, Mr. PASTORE, Mr. MCGOVERN, and Mr. HARRIS):

S. 1554. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation to handicapped persons and persons who are 70 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are 70 years of age of older. Referred to the Committee on Commerce.

TRAVEL FOR ELDERLY AND HANDICAPPED

Mr. HUMPHREY. Mr. President, on behalf of Senators BURDICK, INOUYE, MONDALE, PASTORE, MCGOVERN, HARRIS and myself, I introduce legislation to permit the Nation's commercial air, rail, and buslines to offer free or reduced travel rates to the elderly and the handicapped.

This will help both the industry, with its growing numbers of empty seats, and the elderly and handicapped, with their critical mobility problems.

Specifically, this legislation will:

Permit elderly persons to travel at free or reduced fares on airlines, railroads, and buslines, and

Offer the same discounts to the blind, the physically and mentally handicapped, and persons traveling in their attendance on airlines. Existing law already applies to the railroads and buslines.

This legislation would be permissive, allowing the carrier to decide for itself how much, if any, discount to offer.

I would recommend, however, that the discount for such passengers be at least 33 to 50 percent, the amount the airlines now give to certain young passengers. The purpose of that program is to encourage young people to fly now and develop the aviation habit so that they will continue to be airline passengers as adults.

The Nation's railroads and buslines have offered reduced fares for more than three decades to the blind and their sighted guides as well as to handicapped persons and their attendants.

I would hope they would expand this policy by extending similar fare concessions to the elderly and that the airlines would do likewise.

The legislation I propose today would be of benefit to the carriers as well as the elderly and the handicapped.

A great many of these are persons on fixed incomes. Every fare hike—and we have seen quite a few lately—strikes them more severely than anyone else.

Meaningful fare concessions could well encourage such persons to travel more often. This would relieve some of the misery and boredom of advanced age and infirmity, permitting them to visit friends, family and relatives more easily and more economically.

As for the carriers, there is not a single one that could not use the business. Some airlines are flying half empty; buses have their share of unsold seats and the railroads are practically deserted.

In response to the decline in passengers, airlines are increasing their fares, despite the old economic axiom that when demand goes down you lower the price, not raise it, to attract more customers.

Airline industry studies reveal that only 47 percent of the adult population of this country has ever flown, including 28 percent in the 12 months prior to June 1970.

In the 21-to-34 age bracket, only 54 percent had ever flown. That figure dropped to 50 percent for the 35-to-49 group and 40 percent of the 50-and-over set. If they had continued to age 65 to 70 and above, the researchers would have learned that far fewer had ever bought an airline ticket.

But that does not mean that they did not want to. Fewer and fewer persons are afraid to fly any more, but one big reason they do not is lack of opportunity and proper encouragement.

The airlines of this country have a whole repertoire of promotional fares, but none specifically for the elderly.

If a person is between the ages of 12 and 22, he can fly at a 33 percent discount in a reserved seat or at half-price on standby basis. The airlines like this because, and rightly so, they feel that these are their future customers and they want to condition the Pepsi generation to get into the flying habit.

Unfortunately, they apparently do not feel there is much future in trying to attract the older generation.

Yet, as I said, multi-million-dollar jetliners are flying half empty, and there are thousands of grandparents and other elderly persons who would like to fly to visit family and friends. But, all too often the cost of air transportation is too high for their meager income.

The airlines offer their youth discounts, as I said.

Servicemen get a similar deal, and they, too, deserve the break. And many adults can get large discounts of 30 to 50 percent on some routes at certain times.

Canadian airlines offer discount fares for their elderly passengers—everyone over 65 and over can fly at half-fare on a space-available basis. The only airline in the United States offering such a discount, according to the Air Transport Association, is in Hawaii.

But many elderly persons will not wish to travel by air, and they should have the same reduced-fare opportunities on whatever mode they prefer.

The purpose of this bill is to provide that opportunity and to help the elderly and the handicapped get more pleasure out of life.

By Mr. HUMPHREY (for himself and Mr. NELSON):

S. 1555. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns. Referred to the Committee on Finance.

TAX EQUITY FOR THE SINGLE TAXPAYER

Mr. HUMPHREY. Mr. President, the social, economic, and family structures of America continue to change. Government also must change in its efforts to provide services to the American people and raise revenues fairly for these services.

One of the most glaring present inequities in our tax structure is taxation of single persons at a different rate and by different tax schedules than married couples.

The split income taxation of married couples became law when the Federal Government permitted joint returns on family income. This was done to provide national uniformity, since some States had enacted laws which, in effect, said that the husband's income was to be considered as having been earned equally by both husband and wife.

This was an understandable move to provide uniformity in the taxation of couples from State to State. However, in lowering the effective rate for them, the Government penalized the single taxpayer.

Certainly, there should be some means of providing tax relief for families. Raising a family these days, particularly when the wife does not work, is extremely difficult. Prices continue to rise. However, the proper way to work this factor into the tax equation is through personal exemptions that are realistic. The Tax Reform Act increases the personal exemption to $750 by 1973. This is clearly insufficient. The $600 deduction is decades old. It was meant initially to reflect the cost of raising a child for 1 year. We must increase the personal exemption substantially this Congress. This will provide both a spending stimulus to the economy and a means of recognizing, in a realistic manner, the increased costs of raising a family.

I introduce legislation today to give relief to unmarried taxpayers. The Tax Reform Act narrowed the equity gap so that the unmarried now pay only 20 percent more than what married persons pay. The Congress must act soon to remove the remainder of this gap.

Mr. President, there is much to do in achieving a truly progressive and equitable tax structure. However, right now we can begin by erasing this obvious inequity. I shall, in the near future, introduce the other side of this legislative coin—increasing the personal exemption to a figure that reflects the cost of living in the 1970's rather than the 1930's.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Wisconsin.

Mr. NELSON. Mr. President, I had the privilege of cosponsoring similar legislation on a previous occasion some years ago. I commend the Senator for introducing it again at this time. I think it would correct a serious inequity in the law.

I ask the Senator if he will add my name as a cosponsor of the legislation.

Mr. HUMPHREY. I am happy to do so.

Mr. President, this bill has been introduced in other Congresses, as the Senator has recalled, by the former Senator from Minnesota, Mr. McCarthy. I introduce this bill today on behalf of the Senator from Wisconsin and myself. I do so because one of the most glaring inequities in our present tax structure is taxation of single persons at a different rate and by different tax schedules than married couples.

Today is the final date for final tax returns. Inasmuch as it is April 15, I can think of no better date to introduce a bill to bring equity to the tax structures. This bill should meet with warm and generous reception in light of what most people are going through today.

By Mr. ALLEN:

S. 1556. A bill to amend the Voting Rights Act of 1965 to exempt certain annexations, mergers, and consolidations of political subdivisions of a State from the validation provisions of section 5 thereof. Referred to the Committee on the Judiciary.

Mr. ALLEN. Mr. President, I introduce for appropriate reference a bill in the nature of a one-sentence amendment to section 5 of the Voting Rights Act of 1965. For the purpose of brief discussion, I request unanimous consent that the text of the bill be printed in this place in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1556

A bill to amend the Voting Rights Act of 1965 to exempt certain annexations, mergers, and consolidations of political subdivisions of a State from the validation provisions of section 5 thereof

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new sentence: "The provisions of this section shall not apply with respect to any annexation, merger or consolidation of political subdivisions or incorporation of new political subdivisions in any State if any such annexation, merger, consolidation or incorporation is accomplished pursuant to State law enacted prior to November 1, 1964."

Mr. ALLEN. Mr. President, this amendment is necessary because the issue of the legality of annexations, mergers or consolidations, which may be accomplished by political subdivisions in in every State in the United States may now be contested in appropriate State or Federal courts by reason of recent U.S. Supreme Court decisions.

It is a paradoxical irony that the decisions were handed down in cases which required the U.S. Supreme Court to determine congressional intent in the enactment of the Voting Rights Act of 1965—originally intended to apply only to certain States primarily in the South.

The Supreme Court, motivated by what I believe a misguided zeal to give the act the broadest possible scope, found it necessary to close its eyes to the 15th amendment predicate stated in the preamble to the act. In any event, the Court determined, the preamble notwithstanding, that Congress really intended to exercise 14th amendment powers. In this connection, the Court said in Perkins against Matthews, decided January 14, 1971:

> Congress intended to adopt the concept of voting articulated in *Reynolds* v. *Sims*, 377 U.S. 533 (1964) and protect Negroes against a dilution of their voting power.

Proceeding from the 14th amendment rationale, the Supreme Court equated annexations, mergers, and consolidations with legislative redistricting and invoked 14th amendment principles established in the reapportionment decisions. For example, the Court said in *Allen* v. *State Board of Election*, 393 U.S. 544, 569:

> The right to vote can be affected by a dilution of voting power as well as by an absolute prohibition on casting a ballot. Citing *Reynolds* v. *Sims*.

In Perkins against Matthews, decided January 14, 1971, the Court said:

> In term of dilution of voting power, there is no difference between a change from district to at large elections and an annexation which changes both the boundaries and the ward lines of a city to include more votes.

One result of equating annexation, mergers, and consolidations with legislative redistricting and applying principles enunciated in the reapportionment cases is to subject annexations, mergers, and consolidations in any place in the Nation to racial criteria with particular reference to dilution of voting power. This result is in sharp contrast to the regional application which Congress intended by enactment of the Voting Rights Act of 1965. In this connection, Justice Harlan said in Allen:

> The statute, as the Court now construes it, deals with a problem that is national in scope. I find it especially difficult to believe that Congress would single out a handful of States as requiring stricter federal supervision concerning their treatment of a problem that may well be just as serious in parts of the North as it is in the South.
>
> Indeed, I would have very substantial constitutional difficulties with the statute if I were to accept such a construction.

Indeed, if Congress intended to adopt the concept of voting articulated in the reapportionment decisions, then it must follow that an annexation which results in dilution of the weight of votes of a racial minority in any multiracial political subdivision in the Nation is open to attack on the same constitutional grounds and in the same manner as reapportionment and redistricting legislation was attacked in every State.

Mr. President, some Members of Congress may be under the mistaken impression that annexations, mergers, and consolidations accomplished by political subdivisions in their respective States are immune from attack because such States were not originally covered by provisions of the Voting Rights Act of 1965. Private citizens have a standing to invoke 14th amendment protections in all States.

Under authority of 28 U.S.C. 1343:

> District courts . . . have original jurisdiction of any civil action authorized by law to be commenced by any person: . . . (4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights *including the right to vote.* (Emphasis added).

Let me repeat that the Supreme Court has held that a dilution of voting power is the equivalent to an absolute prohibition on casting a ballot.

I suggest that the right to cast a ballot is protected in every jurisdiction of the United States. The problems presented are national—not regional. If an annexation, merger, or consolidation is accomplished by any political subdivision in the Nation, the question of its effect on dilution of voting power is necessarily raised.

Mr. President, let us consider for a moment whether or not Congress intended to open this can of worms in enacting the Voting Rights Act of 1965. Members of Congress know that the principal reasons for extending municipal boundaries by annexations, consolidations, and mergers are: to extend police jurisdiction and thus the power to tax; the addition of new or the extension of existing municipal services; to effect economies in the operation of Government by avoiding overlapping and duplication of services; or to increase the number of inhabitants in order to more fully participate in per capita distribution of State and Federal funds and services. Members of Congress also know the compelling need today to annex territories or to merge and consolidate political subdivisions. Such knowledge suggests that Congress did not intend to enact legislation to impede annexations, mergers, and so forth. Yet, who can doubt that the Supreme Court has invited lawsuits in every multiracial community of the Nation by raising questions relating to the effect of such annexations, mergers, consolidations from the standpoint of diluting the weight of votes? And who can doubt that the possibility of costly litigation on these actions will impede, discourage, and otherwise have an adverse effect on attempts to annex, merge, or consolidate?

This problem can become extremely acute in many multiracial municipalities throughout the Nation most of which desperately need to annex territory, merge or consolidate. Given the number of "poverty lawyers" at work and the large number of "Community Law Firms" actively seeking issues, it seems reasonable to expect lawsuits and costly and time-consuming delays from increased litigation on these subjects unless something is done to discourage it.

Mr. President, the proposed amendment which I have introduced will do much to discourage such litigation by clarifying the intention of Congress in enacting the Voting Rights Act of 1965. Congressional intent is determinant in resolving this nationwide problem. To illustrate this point, the Supreme Court said in Allen (ante 570):

> In these cases, as in so many others that come before us, we are called upon to determine the applicability of a statute where *the language of the statute does not make crystal-clear its intended scope.* (Emphasis added).

It will be remembered that the Supreme Court found an intent on the part of Congress to adopt the 14th amendment rationale articulated in Reynolds against Sims ante; hence, Congress intended to protect citizens from a dilution in the weight of their votes such as might result when a multiracial community accomplishes an annexation, merger or consolidation.

Mr. President, I think that Congress has a duty and a responsibility to clarify this point and in this connection several things can be said with certainty. It must be assumed that law follows the dictate of reason; it is not concerned with trifles and it does not require impossibilities.

Reason dictates that Congress would not and did not intend to throw a roadblock in the path of municipalities which are continuously seeking to annex, merge, or consolidate.

Reason dictates that Congress did not intend to inundate Federal courts with literally thousands upon thousands of cases involving trifling but necessary changes in voting procedures which are incident to annexations, mergers or consolidations.

Reason dictates that Congress did not intend to compel political subdivisions of a State to go through the time-consuming and costly procedures such as surveying by metes and bounds territory to be annexed; preparing plats and maps; advertising notices of proposed annexations; announcing the date of referendums and undertaking the expense of conducting elections only to leave the result in doubt until the U.S. Supreme Court finally decides whether or not a particular annexation dilutes the weight of votes of a racial minority or majority in a community.

Mr. President, there are several additional important problems created by the Supreme Court determination of congressional intent in this subject area. These problems need careful examination which can be provided only by conducted hearings, which I trust will be scheduled at an early date, to provide State and national leagues of municipalities an opportunity to testify concerning the potential for chaos inherent in the present situation.

For one thing, the Court sharply departed from common law and precedent in giving retrospective application to the act beyond the date of November 1, 1964, as specifically fixed by the statute. Untold potential for mischief lies in this departure.

The validity of ad valorem tax levies are in doubt and restitution of taxes, fines, and other funds is a possibility if an annexation, merger or consolidation is judicially declared invalid by reason of a dilution of the weight of votes and thus violative of the 14th amendment.

Civil and criminal jurisdiction may be challenged by individuals residing in territory previously annexed or merged.

A shadow of doubt is cast upon ad valorem levies on annexed properties the proceeds of which may have been appropriated to retire bonds to finance capital improvements.

Prudent investors in municipal bonds are not likely to invest a penny until challenges have been previously determined by the highest court of appeals, the Supreme Court itself.

Such questions will be raised throughout the United States if an annexation, consolidation or merger has even an incidental effect of diluting the weight of the vote of Negroes whether they be in a majority or in a minority in a multiracial community.

Mr. President, these few remarks do not begin to exhaust the potential for harmful consequences which can reasonably be anticipated by the Supreme Court determinations of congressional intent. Neither is it possible to adequately describe within the limitations of these remarks the near limitless number of laws, ordinances, and rules which are involved in accomplishing annexations, mergers, and consolidations by municipalities and other political subdivisions of a State.

A slight indication of the magnitude of the problems confronting municipalities and other political subdivisions of a State can be gained from a glance at an index of procedures required by Alabama laws which laws are applicable to a single category of municipalities classified by population.

Mr. President, for purposes of illustration, I ask unanimous consent that a copy of the index of subjects contained in the Code of Alabama—recompiled 1958—title 37, article 2, be printed in the RECORD.

There being no objection, the index was ordered to be printed in the RECORD, as follows:

CODE OF ALABAMA, RECOMPILED 1958

ARTICLE 2. EXTENSION OF LIMITS OF CITIES OF 25,000 INHABITANTS OR MORE; RIGHTS, POWERS, AND DUTIES OF CITIES SO EXTENDED

Sec.
138. Power to extend corporate limits.
139. Resolution to extend corporate limits.
140. Copy of resolution and map or plat of proposed territory certified to probate judge.
141. Probate judge orders election.
142. Notice and publication of such election.
143. Probate judge designates places for holding elections and territory of voters.
144. Probate judge appoints managers and officers of elections.
145. Qualification of voters.
146. Election conducted under general election law; exceptions.
147. Ballot; character and preparation of.
148. Result ascertained and certified.
149. Canvassing returns; orders and decrees relating to.
150. Contest of election.
151. Costs of election.
152. Plat or map of annexed territory.
153. Property of annexed territory exempt from taxation.
154. Property of annexed territory subject to taxation after five years.
155. Mining, manufacturing, or industrial plants exempt from taxation.
156. Resolution declaring property subject to taxation.
157. Notice to owners of property to show cause why property should not be taxed.
158. Joint or several notices or resolutions.
159. Contest of right to tax property.

160. Decree of court adjudging property subject or not subject to tax; contents of.
161. Hearing and proceedings on contest of right to tax.
162. Appeal by property owner to circuit court provided for.
163. Notice of appeal.
164. Papers transmitted and certified on appeal.
165. Judgment or decree on appeal.
166. Clerk of circuit court certifies back to probate judge.
167. When property becomes subject to taxation.
168. Annexed territory subject to municipal laws.
169. Wards created; aldermen and councilmen provided for.
170. Wards divided into voting precincts.
171. Wards changed and rearranged.
172. Persons exempt from taxes not entitled to benefits, except as to police and fire protection.
173. Sanitary sewers and local improvements provided.
174. Sidewalks; curbing; assessments against abutting owners for.
175. Street and road tax.
176. License or permits for dance halls, poolrooms, etc.
177. Local improvements and betterments in exempt territory.
178. License or privilege tax for doing business; limitations upon.
179. Privilege or license tax of quasi public or utility corporation; limitations upon.
180. License or privilege tax to exempt territory.
181. Schools; funds and management of within extended territory.
182. Cities of exempt territory may apply to be attached and taxed as other territory.
183. Fees or compensation of probate judge under this article.
184. Provisions of this article held to be contract between city and property owners.
185. Two or more extensions allowed.
186. Records of proceedings must affirmatively show that extension was had under this article.
187. Subsequent election not held within twelve months of preceding.

Mr. ALLEN. Mr. President, in conclusion, let me ask Senators this question. Is it reasonable to assume that Congress intended that every multi-racial community in the United States should go through elaborate, costly, and time-consuming procedures listed in the subject index or similar procedures in all States, only to leave the result in doubt until cleared by the Supreme Court of the United States?

Mr. President, I repeat—the problems are not regional—they are national. The proposed amendment is urgently needed.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1148

At the request of Mr. Mathias, the Senator from Tennessee (Mr. Baker) was added as a cosponsor of S. 1148, a bill to provide for the continued operation of the Public Health Service general hospitals.

S. 1435

At the request of Mr. Stevenson, the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 1435, to amend the Communications Act of 1934 to ban sports from closed-circuit television.

SENATE JOINT RESOLUTION 5

At the request of Mr. Brooke, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of Senate Joint Resolution 5, designating January 15 of each year as "Martin Luther King Day."

SENATE JOINT RESOLUTION 62

At the request of Mr. Griffin, the Senator from Michigan (Mr. Hart) was added as a cosponsor of Senate Joint Resolution 62, a joint resolution to authorize display of the flags of each of the 50 States at the base of the Washington Monument.

SENATE JOINT RESOLUTION 77

At the request of Mr. Mansfield, the name of the Senator from Virginia (Mr. Spong) was added as a cosponsor of Senate Joint Resolution 77, proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States.

SENATE CONCURRENT RESOLUTION 21—SUBMISSION OF A CONCURRENT RESOLUTION CALLING FOR SUSPENSION OF MILITARY ASSISTANCE TO PAKISTAN

Mr. CASE. Mr. President, Senator Mondale and I are today introducing a concurrent resolution that calls for the suspension of military sales and military aid to Pakistan until the conflict in East Pakistan is resolved. Joining us as cosponsors are Senators Bayh, McGovern, Muskie, and Saxbe.

We strongly regret the tragedy of the present conflict in East Pakistan, and we support the stated policy of the administration not to interfere in the political or military aspects of the quarrel. But we feel that the United States must be neutral in deed as well as word.

We are deeply disturbed by the prospect of American arms or other military materiel being used in the strife, and we feel this is inconsistent with our policy of noninvolvement. There is obviously little the United States can do to prevent American weapons already in the hands of the Pakistanis from being used, but we can make perfectly clear that no more military supplies will be forthcoming.

The United States is currently selling Pakistan replacement parts for lethal and nonlethal military equipment. This includes ammunition. Moreover, in October 1970 the administration announced a "one shot" sale of military equipment to the Pakistani Government which involved armored personnel carriers, modified patrol aircraft, fighter planes—F-104's—and bombers—B-57's. None of this equipment has yet been delivered, but our offer to sell it has not been rescinded although we reportedly are not presently talking to the Pakistanis about delivery.

The only military assistance currently being granted to Pakistan is a training program for Pakistani officers in the United States.

Senator Mondale is unable to be here today, so I ask unanimous consent, Mr. President, that his recent statement on the Pakistan question be printed in the Record. I also ask unanimous consent, Mr. President, that an April 14, 1970, article in the New York Times by Benjamin Welles about the sale of military equipment to Pakistan be printed in the Record.

The ACTING PRESIDENT pro tempore (Mr. Gambrell). The concurrent resolution will be received and appropriately referred; and, without objection, the article and statement will be printed in the Record.

The concurrent resolution (S. Con. Res. 21), which reads as follows, was referred to the Committee on Foreign Relations:

S. Con. Res. 21

Whereas the Congress of the United States deeply regrets the conflict that has occurred in East Pakistan; and

Whereas the Congress of the United States opposes the use of American military materiel to increase the level of violence in East Pakistan,

Be it resolved by the Senate (the House of Representatives concurring), That—

(1) All American military assistance to Pakistan should be suspended until the conflict in East Pakistan is resolved;

(2) All licenses for military sales to Pakistan should be suspended until the conflict in East Pakistan is resolved.

The article furnished by Mr. Case follows:

U.S. ACKNOWLEDGES SALES OF AMMUNITION TO PAKISTAN

(By Benjamin Welles)

Washington, April 13.—The State Department conceded today that the United States had been selling approximately $2.5-million worth of ammunition yearly to Pakistan since 1967 as "nonlethal" equipment.

Until now, the Administration has insisted that only minimal amounts of "nonlethal" military supplies have been furnished to Pakistan. It has described such supplies as military personnel carriers and communications equipment.

Robert J. McCloskey, the State Department spokesman, disclosed in response to questions that sales of military items to Pakistan—both on commercial and on credit terms—had in fact been running at "just under" $10-million a year.

About 25 per cent of this—or about $2.5-million—has been in the form of ammunition, he said.

Mr. McCloskey explained that United States supplies of both lethal and nonlethal equipment had been embargoed when the India-Pakistani fighting erupted in 1965.

"In 1966 and 1967 the embargo was lifted to permit sales of what we have described as nonlethal equipment," Mr. McCloskey said, "although I acknowledge that to some extent it included ammunition."

PROTESTS IN U.S.

Since March 25 when the Pakistani Government used troops to suppress a movement for political autonomy sponsored by the Awami League, the predominantly Bengali political party of East Pakistan, there have been protests in the United States Congress, the press and among the public that the Pakistani forces were using United States-supplied arms.

Despite Pakistan's expulsion of American and other foreign newsmen and her tight censorship, there have been widespread reports of killing and damage in East Pakistan.

Mr. McCloskey said that the State Department was unable to ascertain when the last United States arms deliveries were made to Pakistan, what was now en route or what was being prepared for shipment.

Defense Department sources said that intensive efforts began last weekend to assemble from Army, Navy, Air Force and commercial records a composite picture of what the United States military items had been sold to Pakistan in the last four years. However, they warned, it will require "more computer runs" and possibly two more days before the full facts are known.

At the same time Mr. McCloskey was able to furnish figures from the Agency for International Development showing that there were 700,000 tons of American wheat—or a four months' supply—now available in East Pakistan for civilian needs.

There are an additional 200,000 tons abroad ships awaiting unloading in East Pakistani ports, he said, and 300,000 tons more have been authorized for shipment as soon as delivery bottlenecks can be eliminated.

Mr. McCloskey said that the United States had stressed to the Pakistani Government that the current problem was not one of supply but of distribution. Ports, roads and railways have been disrupted, he said, and port labor in East Pakistan is unavailable—presumably because of widespread fighting.

Mr. McCloskey acknowledged that President Agha Mohammad Yahya Khan had still not responded to proposals by the United Nations and the United States for an international relief effort in East Pakistan. He reiterated the willingness of the United States to assist in such an effort.

Meanwhile, the State Department disclosed that the United States was selling to Ceylon—via Britain—six Bell OH–133–H, or "bubble" type, helicopters to help suppress the left-wing guerrilla uprising in that country.

In 1969, it was said, Ceylon bought—on military-credit terms—three Bell helicopters, each valued at $125,000 new. The actual sales price was not disclosed although the State Department said that spare parts for the craft were flown to Colombo, yesterday in an Air Force jet transport.

The six smaller Bell craft—a type widely used in this country for police surveillance—are being sold at "nominal" costs, sources said. They pointed out that Ceylon had asked for helicopters from both the United States and Britain although Britain had none available.

Because Britain was the traditional arms supplier to Commonwealth countries, they said, the sale of the helicopters was a "sensible triangular arrangement."

The statement by Senator Mondale follows:

Like so many civil wars, the conflict in East Pakistan is a complex tragedy.

If we are not to repeat costly mistakes of the past, the United States must refrain from any judgments or intervention with regard to the two sides in this strife. For that reason, I strongly support the stated policy of the Administration that the United States will not interfere in the political or military aspects of the quarrel.

But non-interference must be more than diplomatic rhetoric. There is something very wrong when guns, tanks, and planes supplied by the United States are used against the very people they are supposed to protect. There is something very wrong with a military aid policy which lends itself to this travesty in so many countries around the world.

It is one thing for the State Department to declare our neutrality. But if you are a Bengali, a Greek or a Brazilian being fired at by an American weapon or strafed by an American jet, the United States has already very much intervened in your life.

We should ask why this happened in Pakistan. But frankly, there is little our government can do now to prevent American weapons from being used as they now are being used in that country.

We can take steps, however, to prevent the future use of American-supplied weapons in such situations.

We should look again at the whole range of our military aid programs. We should ask whether they are really serving the interests of U.S. security—or are they instead merely being used by one faction or another in internal disputes which do not affect our security.

We may well discover that most of our military aid is not only a waste of the taxpayer's money, but does more harm than good. The events in East Pakistan are one more compelling reason why the Congress must re-examine our *entire* military aid program.

Finally, it is inexcusable that the United States has been so long in expressing its concern to the Government of Pakistan over the hideous loss of civilian life in the East.

A nation founded on the basis of decent humanitarian principles should express such concern as a matter of course. But when weapons supplied by that nation are being used to kill and maim—by *either side* in an internal conflict—then that nation has an inescapable responsibility to speak out.

When bureaucratic inertia or political equivocation silence basic humantarian concern, we lose what could be best and most honest about America's foreign policy.

ADDITIONAL COSPONSORS OF RESOLUTIONS AND CONCURRENT RESOLUTIONS

SENATE RESOLUTION 73

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Florida (Mr. Chiles) and the Senator from Utah (Mr. Bennett) be added as cosponsors of Senate Resolution 73 to amend rule XVI of the Standing Rules of the Senate.

The PRESIDING OFFICER (Mr. Allen). Without objection, it is so ordered.

SENATE RESOLUTION 87

Mr. HUMPHREY. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Rhode Island (Mr. Pell) and the Senator from New Jersey (Mr. Williams) be added as cosponsors of Senate Resolution 87 relating to armament limitations.

The PRESIDING OFFICER. Without objection it is so ordered.

SENATE CONCURRENT RESOLUTION 4

At the request of Mr. Chiles, the Senator from Maine (Mr. Muskie) was added as a cosponsor of Senate Concurrent Resolution 4, expressing the consent of Congress on the expanded use of the model cities program.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. Brooke, the Senator from Indiana (Mr. Bayh), the Senator from North Carolina (Mr. Jordan), and the Senator from South Carolina (Mr. Thurmond) were added as cosponsors of Senate Concurrent Resolution 5, to establish a joint committee to investigate the treatment of prisoners of war in Vietnam.

SENATE CONCURRENT RESOLUTION 17

At the request of Mr. Stevenson, the Senator from Minnesota (Mr. Mondale) and the Senator from Utah (Mr. Moss) were added as cosponsors of Senate Concurrent Resolution 17, relating to the 1971 South Vietnamese elections.

STATE AND LOCAL GOVERNMENT MODERNIZATION ACT OF 1971—AMENDMENT

AMENDMENT NO. 35

Mr. HUMPHREY. Mr. President, I send to the desk an amendment in the nature of a substitute for S. 241 the bill which I originally introduced on January 26, relating to revenue sharing.

Mr. President, the amendment will take the place of the bill I introduced earlier in the session. A similar measure is being presented in the House of Representatives by Representative Reuss of Wisconsin.

Our revenue sharing has distinct advantages, we feel, over the administration's proposal and yet accomplishes the objective of providing general revenue sharing.

The PRESIDING OFFICER (Mr. Allen). The amendment will be received and printed, and appropriately referred.

The amendment (No. 35) was referred to the Committee on Government Operations.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that an editorial relating to the bill, published in the New York Times on March 7, 1971, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Education's Revenue Share

The compelling argument for revenue sharing is that the states and localities are plainly unable to keep up with the most basic demands for essential services. Except for catastrophically spiraling welfare costs, the crisis of state and local financing is nowhere more apparent than in the schools—not only in New York, but certainly including New York. Caught in the squeeze between inflation and taxpayers' revolt, education is in retreat the very moment when it is neither morally nor politically feasible to shelve again the long-delayed promise of true equality of opportunity.

The national commitment is unmistakable; and when commitments are nationwide, the obligation becomes national. It is simply no longer possible for the towns, suburbs, cities and states to provide on their own what the school children of this country need.

But while the schools would be greatly strengthened by revenues shared for the purpose of general aid to education, academic quality and social equality would be threatened by a weakening of "categorical" Federal subsidies.

Virtually every major recent school reform has relied on such categorical grants. The quality of teaching, particularly in science and mathematics, improved immeasurably as a result of the National Defense Education Act. The twin concepts of a head-start for the disadvantaged and of special funding for schools containing many disadvantaged children gave to the Elementary and Secondary Education Act its cutting edge.

State and local school administrations are often bound by professional traditions and imprisoned by predominantly conservative vested interests. State education officials and legislatures, often in tandem, rarely comprehend the larger canvas of national needs and the potential of progressive reforms. It is no accident that Federal intervention was required to remind the schools of the wrongs of racial discrimination.

An alternative plan, introduced by Senator Hubert H. Humphrey and Representative Henry S. Reuss, appears more responsive to the gap between the state's and cities' needs and the dubious past performance of government on those levels. It may thus provide a better framework for the continued effectiveness of categorical education aid. But whatever the plan, its impact on education will remain unpredictable until there are firm assurances that there will be a real increase in new Federal funds.

Under the President's proposal, education's slice of shared revenues would come from two budget items: the $11 billion of slightly augmented existing categorical aids and the $5 billion in new, unrestricted funds.

The public school's current share of the $11 billion "categorical" funds is just below $3 billion. That sum is inadequate to its tasks, except for the pork-barrel grants that go to the so-called Federal-impact areas, a program that ought to be discontinued. By contrast, most of the rest of the Federal aid programs not only deserve to be continued but need increased subsidy.

The school aid that would come out of the unrestricted funds in the President's proposal would almost certainly be substantially less than half the $5-billion total. That is far short of what is necessary to make "general aid" effectively felt.

To give revenue sharing the power to revitalize the troubled public schools, the need is for a rapid and steady build-up of the general subsidy, together with a continuing refinement of those categorical aid programs which strengthen the schools and sharpen the social conscience of American education.

Mr. HUMPHREY. Mr. President, I also ask unanimous consent that the text of the amendment may be printed in the Record at this point.

There being no objection, this amendment was ordered to be printed in the Record, as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

Section 1. This Act may be cited as the "State and Local Government Modernization Act of 1971".

FEDERAL BLOCK GRANTS

Sec. 2. (a) Authorization of Appropriations—there is herewith authorized to be appropriated for the fiscal year beginning July 1, 1971, $3,000,000,000; for the fiscal year beginning July 1, 1972, $5,000,000,000; for the fiscal year beginning July 1, 1973, $7,000,000,000; for the fiscal year beginning July 1, 1974, $9,000,000,000; to be paid by the President to all States (and localities, within such States) which qualify for Federal block grants.

(b) Determination of Overall State-Local Share.—Subject to the provisions of subsection (d)(2) of this section, the President shall quarterly make a payment to each State (and to eligible local governments in the State pursuant to subsection (c) or (d) of this section) which is qualified under section 3 of this Act for a Federal block grant of an amount to be known as the overall State-local share, which shall bear the same ratio to the amount appropriated for that year under subsection (a) of this section as the product of—

(1) the population of the State, and

(2) the State's revenue-effort ratio (as determined below), bears to the sum of the corresponding products for all the States which are qualified for a revenue-sharing payment in that year. The revenue-effort ratio for a State shall be the ratio between the sum of all revenues collected in the State by the State and its political subdivisions, and the total personal income for the State. After July 1, 1974, double weight shall be given to income tax revenue. Population, revenue, and income data shall be based on the most recent data available from the Department of Commerce. The term "State" shall include the District of Columbia, which shall receive both the 60 per centum and the 40 per centum share.

(c) Apportionment of Overall State-Local Share, General Rule.—(1) Apportionment Between States and Local Governments.—The overall State-local share shall be apportioned between the State government (State share) and all eligible general purpose local governments in that State ("local government share") in the same ratio as the revenues of the State government bear to the revenues of all units of local government in the State, including school districts and special districts.

(2) Apportionment Among Local Governments.—The local government shall be apportioned among such units of general purpose local government, and according to such a distribution formula, as the State shall by law provide. Such inclusion or exclusion of localities, and such distribution formula, shall be fair and equitable and shall depart from a per capita or a revenue basis in order to favor the most needy localities, such as those that are relatively more populous, contain relatively more low-income families, or have high local tax burdens in relation to individual income. The chief executive of each State shall keep the President currently informed of the amounts payable to local governments under such State law.

(d) Apportionment of Overall State-Local Share, Bonus For Negotiation.—(1) Any State may obtain a 10 percent bonus in its overall State-local share if it enacts an apportionment between the State and its localities, and among its localities agreed to (A) by a majority decision of all county governments, representing at least half of all counties by population; and (B) by a majority decision of all governments of municipalities with two thousand five hundred or more population, representing at least half of all such municipalities by population.

(2) In each fiscal year for which funds for Federal block grants are appropriated pursuant to this Act, the President shall reserve for a specified period prior to the first quarterly payment to qualifying States an amount sufficient to provide a 10 per centum bonus for all States. At the expiration of this period, the unclaimed portion of the amount reserved shall become available for distribution to all qualifying States pursuant to subsection (b) of this section and, either subsection (c) of this section or paragraph (1) of this subsection.

(3) The President shall issue regulations to insure equity to States, which by reason of their local governmental structure, are not able to meet the requirements of paragraph (1) of this subsection.

Sec. 3. Qualifications for Block Grants.—In order to qualify for block grants in the first, and subsequent fiscal years, each State shall, within a specified period prior to the first quarterly payment each year, file with the President a declaration of all State and local programs and activities on which the block grant will be expended, together with a certification that such programs and activities will be conducted in full compliance with the nondiscrimination provisions of section 5(a); and shall do either of the following: (a) enact and file with the President a local government distribution law (which may from time to time be amended) pursuant to section 2(c)(2) of this Act; or (b) enact and file with the President a State-local apportionment agreement (which may from time to time be amended) pursuant to section 2(d)(1) of this Act. In order to qualify in the second, and subsequent fiscal years, a State's chief executive officer shall prepare and file with the President (and may from time to time amend) a master plan and timetable for modernizing and revitalizing State and local governments, by methods (where appropriate) such as those on the following illustrative checklist—

(1) Interstate.—Proposed arrangements by interstate compact or otherwise, for dealing with interstate regional problems, including those of metropolitan areas which overlap State lines, and for regional cooperation in such areas as health, education, welfare, conservation, resource development, transportation, recreation, housing.

(2) State Direct Action.—Proposed strengthening and modernizing of State governments (by constitutional, statutory, and administrative changes), including recommendations concerning the short ballot; longer terms for Constitutional officers; annual legislative sessions; adequately paid officers and legislators; modernized State borrowing powers; improved tax systems (including an income tax of at least moderate progressiveness); rationalized boards and commissions; increased assistance to local governments; revising the terms of State aids and shared taxes so as to encourage modern local governments and to compensate for differences in total local fiscal capacity; State assumption of direct fiscal responsibility for basic functions; and modern personnel systems.

(3) State Action Affecting Localities.—Proposed strengthening and modernizing by the State of local, rural, urban, and metropolitan governments (by constitutional, statutory, and administrative changes), including—

(A) changes designed to make local government more efficient and economical, as by—

(i) reducing the number of, or eliminating, local governments too small to provide efficient administration, or possessing inadequate fiscal resources, and special districts not subject to democratic controls;

(ii) restricting local popular elections to policymakers (the short ballot);

(iii) concentrating on a single responsible executive for each local unit;

(iv) reform of personnel practices;

(v) granting adequate home rule powers to local governments of sufficient size and scope;

(vi) improving local property tax administration;

(vii) authorizing local governments to utilize nonproperty taxes, coordinated at the State or regional level;

(viii) easing restrictions on the borrowing and taxing powers of local governments;

(ix) encouraging the formation of multi-county and regional bodies.

B. changes designed to strengthen local government in metropolitan areas, as by—

(i) liberalizing municipal annexation of unincorporated areas;

(ii) discouraging new incorporations not meeting minimum standards of total population and population density;

(iii) authorizing city-county consolidation or transfers of specified functions between municipalities and counties;

(iv) authorizing intergovernmental contracts for the provision of services;

(v) authorizing the municipalities to exercise extraterritorial planning, zoning, and subdivision control over unincorporated areas not subject to effective county regulation;

(vi) restricting zoning authority in metropolitan areas to metropolitan units, to larger municipalities, to counties, or to the State, in order to prevent zoning by smaller municipalities which excludes housing for lower income families;

(vii) authorizing the formation of metropolitan councils of government and other regional governing bodies;

(viii) authorizing the establishment by the State, by local governmental bodies, or by the voters of the area directly, of metropolitan area study commissions to develop proposals to improve and coordinate local governmental structure and services, to permit side-by-side area-wide and local governments, or to permit consolidation of municipalities; and to present to the voters of the area such proposals;

(ix) authorizing the formation of metropolitan planning agencies to make recommendations to local governments concerning such matters as land use, zoning, building regulations, and capital improvements; and

(x) furnishing State financial and technical assistance to metropolitan areas for such matters as planning, building codes, urban renewal, consolidation, and local government and finance.

(C) changes designed to make local government more responsive and democratic by decentralizing power and functions back to the neighborhood wherever possible.

Sec. 4. Reports and Recommendations.—The President shall report to the Congress at the end of each fiscal year in which Federal block grants are paid on the progress made by each participating State in carrying out its modern governments program, and, prior to the end of the fourth fiscal year, shall make recommendations to the Congress concerning the future of the Federal block grant program.

Sec. 5. Nondiscrimination (a) No person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with Federal block grants provided under this Act.

(b) (1) Whenever the President determines that any State has failed to comply with subsection (a) or an applicable regulation, he shall attempt to secure compliance by voluntary means. If the President determines that compliance cannot be secured by voluntary means, he shall have the authority to (i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted: (ii) exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 200d); or (iii) take such other action as may be provided by law.

(2) Whenever the President determines that a local government has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State in which the local government is located of the noncompliance and shall request the Governor to secure compliance. If within a reasonable period of time the State fails or refuses to secure compliance, the President shall have the authority to (i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (ii) exercise the powers and functions provided by Title VI of the Civil Rights of Act of 1964 (42 U.S.C. § 200d); or (iii) take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State or local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

INTERNS FOR POLITICAL LEADERSHIP

Mr. HUMPHREY. Mr. President, I recently introduced S. 1410, the "Interns for Political Leadership Act of 1971," a bill designed to bring young people into government by providing them with the opportunity to work with elected public officials in a meaningful capacity.

I want to emphasize that interns selected under this program should be chosen without regard to political affiliation. That is the intent of this bill and that is why it is drafted to read as it does. Selection of interns is put in the hands of a private, nonprofit agency, which, under our tax laws, cannot have any political affiliation. This was done purposely to remove intern selection from politics.

It has been brought to my attention that this bill, S. 1410, does not specifically include the Virgin Islands, Guam, and American Samoa.

I have long been an advocate of raising the level of governmental autonomy in these territories, and I certainly have not changed my thinking nor my determination to see that their emerging political institutions are properly nurtured and encouraged.

I have, therefore, written to the chairman of the Subcommittee on Education of the Committee on Labor and Public Welfare, Senator Pell, telling him of my desire to amend S. 1410 to include the Virgin Islands, Guam, and American Samoa.

I ask unanimous consent that my letter, along with letters from the Honorable Ron deLugo, Virgin Islands Representative to Washington, D.C., and the Honorable A. B. Won Pat, Guam's Representative in Washington, pointing up the need for this change, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., April 13, 1971.

Hon. Claiborne Pell,
Subcommittee on Education of the Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Dear Claiborne: I am writing in reference to S. 1410, the "Interns for Political Leadership Act of 1971," which has been referred to your Subcommittee on Education. I wish to bring to your attention my desire to amend this legislation in the nature of a technical correction.

Specifically, under Section 936, I wish to delete the first sentence, starting on line 9 and reading "Notwithstanding section 1201 (a) or section 921 (a), the term 'State' as used in this part means the fifty States, Puerto Rico, and the District of Columbia."

In that same section, in the next sentence, starting on line 16, I wish to add the following language after the word "and"—"Guam, American Samoa, and the Virgin Island shall be treated in the same manner as Puerto Rico and the District of Columbia." On line 16, the present word "interns" should then be the first word of a new and complete final sentence in that section.

Interns selected under this bill, I wish to emphasize, should be chosen without regard to political affiliation. That is the intent of this legislation and that is why it is drawn as it is. The selecting agency is purposely removed from politics for that reason.

Sincerely,

Hubert H. Humphrey.

Office of the Virgin Islands Representative to Washington, D.C.,
April 1, 1971.

Hon. Hubert H. Humphrey,
U.S. Senate,
Washington, D.C.

Dear Senator Humphrey: I would like to take this opportunity on behalf of the people of the Virgin Islands to congratulate you on the introduction of S. 1410, a bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials in government.

S. 1410 would certainly go a long way in familiarizing young people with the structure and function of government. However, the bill as presently drawn does not include college students of the American Virgin Islands.

The Virginia Islands have been included in every major piece of legislation on education passed by the U.S. Congress since 1965, including the Higher Education Act of 1965. Therefore, I am sure that our exclusion from S. 1410 was an oversight. This is especially true since you have shown a particular concern and strong determination over the years to insure that the people of the Virgin Islands attain a high level of political autonomy. I can think of no better way of aiding this objective than by allowing the Virgin Islands' youth a chance to learn at first hand the American political process.

In 1970, the unincorporated territory of the Virgin Islands was granted the right to elect its own Governor as a result of legislation passed by the Congress. In the 92nd Congress, there is legislation introduced in the House and the Senate to grant the territory the right to elect a non-voting delegate to the House of Representatives. This legislation, which will be considered by the House Interior and Insular Affairs Subcommittee on Territories on April 22, 1971, has strong bi-partisan support. The prognosis for this legislation is extremely good and hopefully it will be enacted this year with the delegate being seated in the Congress in 1973. Since at that time the Virgin Islands will have a status similar to the District of Columbia and the Commonwealth of Puerto Rico in the Congress, some provision should be made for our inclusion in S. 1410.

However, the interim period between now and the commencement of the 1973 Congress should not be overlooked. Until the Virgin Islands have a delegate in Congress, the Representative of the Virgin Islands to Washington will continue to be elected by the people of the Virgin Islands pursuant to local law. My present duties are similar to those of a Congressman in many ways. I must handle constituent complaints, review legislation, undertake special projects, attend meetings on matters affecting the Virgin Islands, and lobby for legislation. In addition, because of the remoteness of the territory to the States, my Office has established liaison activities with the federal agencies administering federal assistance programs affecting the Islands. In point of fact, a student working in my Office would be doubly benefitted, since he would be working on legislative matters in Congress and with the federal agencies in Washington administering the federal assistance programs pertaining to the Islands.

One of the strongest arguments for the inclusion of the Islands in S. 1410 is our lack of prior participation to any significant degree in the local government in comparison with the level of participation enjoyed by any of the fifty states. Until the election of our Governor last year, most significant decisions affecting the Islands were made by the Department of Interior and an appointed Governor. Now with an elected Governor and the Virgin Islands Legislature being granted more and more powers by the Congress since the enactment of the Revised Organic Act of 1954, there is a need to encourage more citizen responsibility in the affairs of government. S. 1410 would be one way of meeting this need.

In addition, the members of the Legislature of the Virgin Islands do not have their own individual staffs similar to their counterparts in the fifty states. Neither do the important standing committees established to do the bulk of the legislative work, i.e. studies, investigations, reports, etc. One of the primary reasons for this shortage of important personnel is lack of funds. I believe that if the young people of the Virgin Islands are allowed the opportunity to participate in the benefits of S. 1410, this critical shortage of personnel in our Legislature would be greatly alleviated. The effect would be the enhancement of the services rendered by our Legislators to the people.

For the above reasons, I respectfully request that you include our fellow-American citizens of the Virgin Islands in this beneficial legislation.

Sincerely,

RON DELUGO,
Virgin Islands Representative to Washington, D.C.

OFFICE OF GUAM'S REPRESENTATIVE, IN WASHINGTON,
Washington, D.C., April 13, 1971.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: On behalf of the people of Guam, I would like to take this opportunity to offer you my sincere congratulations for sponsoring S. 1410, a bill to amend the Higher Education Act of 1965 to establish a student internship program offering students the opportunity for practical involvement with elected officials in government.

In a single legislative stroke you have provided Congress with the means to answer the demands of so many of our disenchanted youths who are urgently seeking a way to become realistically involved in the affairs of their government. And, in doing so, you have continued your long-standing support of legislation that would solve this country's needs, not alleviate them.

Unfortunately, S. 1410 does not include within its provisions the college students of the Territory of Guam. As I can think of no better way to cultivate the American tradition of citizen participation in the affairs of government than to encourage college students to work side by side with their legislators, I urge you to correct this obvious oversight and include the Territory of Guam within the scope of your amendment.

The areas in which student interns on Guam could serve are unlimited. As you know, the first session of the Guam legislature was elected to office in 1950. Next, the people of Guam sent an elected representative to Washington in 1965. In 1970 Guamanians elected their first governor. Today legislation is before the Congress to permit the Territories to elect a nonvoting delegate to the House of Representatives.

Until such legislation granting Guam the right to seat a delegate in the Congress becomes law, the office of Guam's Representative to Washington will continue to serve in much the same capacity as that of a member of Congress. With my duties remarkably similar to those fulfilled by many Congressmen, i.e., assisting constituents, lobbying for legislation beneficial to my district, a constant series of meetings concerning Federal affairs on Guam, and keeping open the lines of communication between those Federal Agencies charged with administering Federal assistance programs affecting Guam and the Territory itself, the potential ability for a student intern in this office to learn the governmental processes is limited only by the interests of the student himself.

Add to this fact the shortage of funds which currently denies the members of the Guam Legislature the benefits of a personal staff, the possibilities for educating our youth through the time-honored principle of "learning through doing" is indeed great. In addition, the assistance of public service oriented young men and women in our midst can only serve to improve the overall quality of government service to its people.

As a former teacher, I appreciate your interest in the affairs of this nation's young people, and I hope that the above information will persuade you to include our fellow American citizens on Guam within the framework of S. 1410.

Sincerely yours,

A. B. WON PAT.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the following Senators be listed as cosponsors to S. 1410, the Interns for Political Leadership Act: Senators STEVENSON, MOSS, MILLER, BAKER, CANNON, EAGLETON, WILLIAMS, BAYH, and JAVITS.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I wish to bring to the attention of my colleagues two articles dealing with the subject of this legislation.

William T. Murphy, Jr., of Princeton University has written a very informative assessment of student power in the 1970 elections. S. 1410 is designed to give young people a more active and more significant role in government today, starting at the grassroots. The article reveals interesting public attitudes toward students, shunning the "dropouts" and approving those who act involved.

The other article discusses the need on the part of local councilmen for some expert assistance. While I do not agree with the author's characterizations of some public officials, I do feel the points made about the need for professional staff are valid.

The Interns for Political Leadership Act is designed to give college juniors and seniors meaningful experience working with local, state and federal elected public officials—and to provide those officials with a source of bright, energetic talented assistance.

Mr. President, I ask unanimous consent that the articles to which I have referred be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

STUDENT POWER IN THE 1970 ELECTIONS: A PRELIMINARY ASSESSMENT

(By William T. Murphy, Jr., Princeton University)

The Cambodian invasion and the tragedies at Jackson and Kent State this spring led to explosions on college campuses all across the country. There was a great deal of talk of massive student intervention in the fall congressional elections and universities adopted various measures in response to the crisis. Some abandoned institutional neutrality by taking positions condemning the President's actions, other scheduled fall courses on elections and "practical politics", while others opted for some variant of the two week "Princeton Plan" pre-election recess.

Most observers assumed that student political interest would remain high and that the student impact would be significant. By early summer university-based groups had been set up to lobby congressmen to support "end the war amendments", to raise money for anti-war candidates, and to supply student volunteers to work actively for such candidates.[1]

The largest of these organizations, the Movement for a New Congress, which attempted to harness student energies on behalf of anti-war candidates, had chapters on 417 campuses by June. Heavy nationwide press coverage was given to the student role in early primaries—especially the attempts to unseat entrenched hawks Edward Patten (N.J. 15) and John Rooney (N.Y. 14). The primary season ended with twenty-five of the thirty candidates who received substantial student aid victorious. These were not easy victories. Five of these doves beat incumbents with from twenty to twenty-eight years seniority.

Yet on November 4th newsmen were saying that the student input had been minimal and many academics were regretting their support of much of the strike-induced legislation. In an attempt to find out what the students real effect had been we decided to examine the attitudes of the voters in areas where students were involved, the campaign staffs with whom they worked, and the students who participated.[2] We surveyed over 4000 voters in eight congressional districts[3] to ascertain their opinions of student workers and how, if at all, student involvement affected their voting decision. We are interviewing twenty campaign managers to find out what the "professional" thought of the students who worked with and for them. Finally, we are in the process of polling a nationwide random sample of 2000 students who actively took part in last fall's elections to find out who they were in both socio-economic status and attitudinal terms; why they participated; what they thought of the experience; and what their plans are for future political involvement.

Much of these data are still being accumulated or processed. Nevertheless, because of the timeliness of the subject we will venture some observations on the role of students in the 1970 congressional elections. These are, of course, only tentative being based on the data presently available and impressions from participant observation.[4]

YOUTHLASH

Public opinion polls in recent years consistently have shown a high level of distaste for "students" by the general public. When these attitudes are probed more deeply, however, it becomes apparent that the public has transferred its antipathy towards campus violence and drug abuse to the group it most closely associates with these problems. Our interviews with voters have shown that this generalized negative reaction towards "students" is not carried over to young people working door-to-door in political campaigns.

An overwhelming proportion of voters favors such involvement on the part of young people. Seventy-eight percent of the respondents in our voter sample thought it was a good idea for college students to work in a campaign, with the rest split fairly evenly between "not sure" and "not a good idea." The most frequent reasons given for approving student involvement were: "everyone has the right", "it keeps them within the system," "it lets them learn how politics really works". While most people do object to demonstrations and riots, they do not resent young people engaging in activities that the general society considers legitimate.

For "youthlash" to occur voters who originally favored the candidate associated with students would have to have switched their vote to his opponent after contact with student workers. Of those who reported that they had been contacted only 2% said that student support had influenced them to vote against the student supported candidate while about 18% reported that the student contact "had some effect in making me want to vote for their man".

Most people, however, said that the student workers had had little effect on their voting decision. Our surveys were conducted

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Footnotes at end of article.

in precincts we knew to have been canvassed exclusively by students. However, most respondents (64%) did not perceive the young volunteer who came to their door as a student.[5] Rather they usually identified him as a regular party worker. Among those who had been contacted the proportion voting for the students' candidate was much higher than among those who reported that they were not contacted (See Table 1). Among those with a low issue orientation this difference between the percentage of contacted and non-contacted voters favoring the peace candidates was even more pronounced.

TABLE 1.—EFFECT OF CONTACT BY STUDENT CANVASSERS ON VOTERS' PREFERENCES

Voted for	Contacted (percent)	Not contacted[1] (percent)
Thompson[2]	67	58
Costigan	14	25
Sarbanes[2]	72	59
Fentress	12	24
Aspin[2]	66	56
Schadeberg	18	29

[1] Column figures do not add to 100 percent because "don't remembers" and "won't says" are not included.

[2] Student-supported candidate.

This, of course, is not overly surprising in light of what we know about how the introduction of some information about the candidate radically changes the probabilities of voting for him.[7] It is, nevertheless, important in explaining to young, strongly issue-oriented volunteers why it is best simply to get information about the candidate before the voter and then run an identification canvass and election day "pulling" operation to get most of his voters to the polls.

VOTER TURNOUT AND PREFERENCE

In areas where the students worked they made a tremendous difference. They were most effective when they were used on an organized, precinct basis. In most cases they were able to increase significantly both the turnout and their candidate's percentage of the vote.

In the September Maryland primary Paul Sarbanes unseated 26 year veteran George Fallon of Baltimore. About 40% of Sarbanes' precincts were managed entirely by students. In these precincts they raised the turnout 30% over the 1968 primary. Sarbanes' percentage of the vote was 12% better than that of another insurgent, J. Joseph Curran whom Fallon had narrowly defeated two years earlier. With heavy student support again, Sarbanes went on to win the general election easily. In Les Aspin's general election victory in the 1st congressional district of Wisconsin the same marked rise both in turnout and preference in the student worked areas can be observed. Students worked twenty-four wards in seven small towns for Aspin who was running against 8 year incumbent Henry Schadeberg. In these wards the Democratic turnout was raised an average of 50% (up in 24 of 24 wards) compared to 1966 and 26% (up in 19 of 24) compared to 1968. In the rest of the district the Democratic vote was up 11% over 1966 and 10% over 1968.[8]

We realize that these examples can be criticized as procrustean. We have used them because, though we do not have complete voting statistics for all eight districts as yet, the scattered returns we do have bear out this trend. In almost every student worked precinct the percentage voting Democratic[9] was higher than both 1966 and 1968 while turnout was higher in almost every case than 1966 and in a majority of precincts greater than the presidential election year.

It would seem then that student volunteers can make a significant difference through their efforts. However this optimism must be tempered by the cold reality that only a tiny fraction of the nation's college students actually worked in a meaningful way this fall.

APATHY

Thousands of students worked in the 1970 congressional elections. Millions of students, and more generally, young people, did not work. Because so many did not work, the media and many candidates talked about student apathy, both before and during the elections.

During the spring, forecasts of student involvement ran up to 500,000. With a week remaining *Congressional Quarterly* estimated that 70,000 were working the last week of the campaign. There is no way of telling exactly how many students worked, though certainly no more than half the CQ estimate probably worked on a steady basis (i.e., more than the last week of the campaign). Although many groups had long rosters a check of their records showed that many of their "members" worked only once or twice then declined further assignments. In many areas of the country, most notably most of the South, where there were neither peace candidates nor close races, no more than a handful of students were involved in congressional elections.

Moreover, estimating how many students actually worked is very misleading. A more politically meaningful unit of analysis is "man-hours worked". In a survey undertaken by the Princeton administration to assess the effect of the two-week recess, 24% or those polled claimed to have engaged in some campaign activities. Yet only 4% said they had worked more than a week and even in this "most active" group the average total "man-hours worked" was only slightly over 12 hours. The results from our nationwide student survey should tell us if this was typical of most workers. From what we personally observed, it probably was.

The whole apathy question is exacerbated by the high visibility of students in our present society. This visibility of students as a group and the attention they have received since the major campus disruption of the mid-1960's have led people to be extremely sensitive to their political impact.

The gap between rhetoric and action is much greater on the campus than in the larger society. On the campus, the level of political awareness in terms of candidate knowledge and issue discussion is very high, while the level of actual participation[10] is relatively low. For most other people the level of political awareness and the level of political participation are both low.

In general, a high proportion of the people who regularly discuss politics and hold strong political opinions become engaged in political activities. This is not true of students. There is simply no denying the fact that most students who became politically visible after the invasion of Cambodia were doing what students usually do: they attended meetings; passed resolutions; talked to each other. For the most part, this activity was rather easily accomplished. Because the circumstances were dramatic, because there are so many students, because there are excellent communications on campuses and between them, and because youth is an "issue," there was a great public awareness of what was occurring. These factors led many to believe mistakenly that vast numbers of students would somehow depart from their normal pattern of low participation and poorly sustained interest in electoral politics.

It would be a great mistake to focus only on the gap between the events of May and the actualities of November. Vast numbers of volunteers are not needed to be effective. As shown above, the contributions of those who did turn out to work in campaigns were significant. Their contributions were significant not because students have some mystical political ability but rather because a well-organized volunteer effort can have a tremendous effect on almost any political contest below the presidential and senatorial levels[11]

The venerable door-to-door canvass is still one of the most effective electoral techniques ever devised. But the personnel to carry out such a canvass has to come from somewhere. Except for Chicago and a few other places the local political organizations are moribund and unable to turn out campaign workers. At present, the only three groups which are both identifiable and accessible for campaign work are union workers,[12] housewives, and students. In addition, with campaigns becoming increasingly expensive a volunteer effort that can save candidates thousands of dollars becomes doubly important.

Students, then, constitute most of the pool of potential workers. If volunteers are so important, and can be so effective, we should examine some of the factors that inhibit wider student participation.

WHY DIDN'T MORE STUDENTS WORK?

Students are people. Despite everything voter surveys have told us of people's participation in politics many continue to adduce normative propositions of democratic theory calling for wide participation as though they reflected empirical reality. They manifestly do not. Young people do not participate in greater proportion than unyoung people. In moments of perceived non-crisis to their lives they can be expected to continue that way. The major issues of the campaign—inflation/unemployment versus "law and order" or the "social issues"—were only marginally interesting to the young. Accordingly, the rates of youth participation reflected the rates for the society as a whole.

Two other general factors which affected how well the volunteer effort would be in a particular area came up repeatedly. If a college was primarily residential the recruiting task was eased considerably. People were geographically proximate, getting in touch with them was easy, and there was a greater awareness of campus activities. At the city schools and commuter colleges people were on campus at different times, often lived far from school, and took little interest in non-scholastic matters.

The second, and probably more important, factor was the ability of the local leadership of the volunteer effort. Because the MNC was a decentralized organization local chapter heads were essentially self-selected. They were often simply those students who got there first. Unfortunately, getting there first and being politically effective were not highly correlated. Equally bad, getting there first and being able to stay there were. Around the country the range of political expertise ran from some who were better than most professional politicians to some who were utterly inept. Most produced at least some volunteers for the local candidates. Many took over the major role in their candidates' campaigns, both supplying and directing the volunteers. Some, however, did nothing more than crank out endless newsletters foretelling all the wondrous things they were going to do.

Several other factors were also important. Tensions existed between what was most helpful in terms of recruitment and what was best for the candidate and his campaign. In their fear of "youthlash" many candidates and/or their staffs, like the Duffey campaign organization in Connecticut, publicly downplayed the role of students while privately asking for all the students they could get. This, of course, dampened the enthusiasm of many students. In some instances liberal candidates thought students would be a strong constituency, that the candidates could move to the center, downplay the role of the students, and still retain large-scale student support. This did not prove to be the case. Students, in fact, are a rather fragile constituency precisely because they

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Footnotes at end of article.

are motivated often by idealism rather than material interest. The hard-core of the electoral activists did continue to work. But many of those with lesser commitments fell by the wayside as candidates failed to embrace them openly and sullied their purity on the issues by moving to the center.

There can also be little doubt that the decline in the saliency of the Vietnam War as an electoral issue contributed to the fall-out in student interest. While there were clear cut differences in their positions on the war between many candidates there was no Cambodian invasion to arouse the less committed and send them flocking to the standards of anti-war candidates.

Finally, for a large segment of the student population electoral politics is an irrelevant exercise—the politics of Tweedledee and Tweedledum. For them it made no difference in 1968 who was elected President, who was appointed Attorney General, who was appointed Chief Justice of the Supreme Court. For the most part this group was not susceptible to recruitment in 1970.

FUTURE PROSPECTS

In order to make any judgments about the future direction and activities of young people in electoral politics, we must have more information about those already participating than is presently available.

Very little work has been done by political scientists on volunteer efforts in politics. The literature on the effects of canvassing on voter preference, for instance, consists of a handful of articles.[13] It is difficult to generalize from them since they deal with different locales, levels of party activity, and types of elections. Our surveys of the voters and campaign staffs in the eight districts listed above should give us good indexes of the degree of voter contact and level of party activity in these areas.

This information will be combined with voting data to assess the effect of the students, by means of multiple regression analysis, on voter turnout and preference.

The data derived from our survey of this year's activists will not only tell us what their personal and political backgrounds were, but also how they compare with other similar groups[14] on a series of standard political attitudinal indexes.[15] Further, their opinions on items such as why they participated, how worthwhile they considered the activity, their willingness to participate in the future, what Presidential candidate they favor, should give some indication of what we can expect, in terms of student participation, in future elections.

In the foregoing we have tried to cover, albeit briefly and incompletely, a few of the more salient questions connected with last fall's student effort. We believe that our project and the more refined research which will come out of it will not only tell us a great deal about what happened last fall but also about the future course of youth involvement in politics.

FOOTNOTES

[1] Lobbying groups included the Continuing Presence in Washington and the Academic and Professional Alliance; most of the fund-raising was done by the Universities Anti-War Fund, the Movement for a New Congress supplied campaign volunteers.

[2] I would like to thank The Twentieth Century Fund for its valuable financial assistance.

[3] We surveyed voters in Maryland's 4th (Paul Sarbanes) and 7th (Parren Mitchell) congressional districts; New Jersey's 4th (Frank Thompson) and 9th (Henry Helstoski); New York's 27th (John Dow); Massachusetts' 3rd (Robert Drinan); Wisconsin's 1st (Les Aspin); and Michigan's 6th (Charles Chamberlain). Doves were victorious in the first seven districts. In the Michigan district dove challenger John Cihon lost to Chamberlain.

[4] In my case, as National Co-Director of the Movement for a New Congress.

[5] A study done for Senator Phillip Hart of Michigan gave evidence that the physical appearance of the canvassers was unimportant. Two groups of young canvassers, one clean-cut in coat and tie, the others in "hippie" regalia, were put into two sets of similar precincts. A before and after survey was taken which showed that the percentage favoring Senator Hart had risen about 15% in both sets of precincts.

[6] In each area the students canvassed only Democratic and Independent voters. For that reason the percentage of the vote totals are inflated in comparison with the totals for all voters.

[7] See for instance, Donald Stokes and Warren Miller, "Party Government and the Saliency of Congress," in Angus Campbell, *et al., Elections and the Political Order* (New York: John Wiley, 1967), p. 205.

[8] These incomplete statistics are used merely for illustration. The complete voting and survey data will be subjected to more sophisticated quantitative analysis including scaling and multiple regression.

[9] Although, of course, not all the peace candidates were Democrats, those in the eight districts we surveyed were Peace Republicans Daniel Button, Ogden Reid, Don Riegle, Tom Railsback, and Paul McCloskey had substantial student support. In addition, James Buckley claimed to have over 4,000 students working for him. Whether most did more than clean-cuttedly pose for pictures in "Buckley for Senate" hats is doubtful.

[10] We use participation here to mean electoral activities such as canvassing, literature distribution, poll watching, and not merely voting which, of course, was also very low.

[11] Although volunteer efforts are also important in these races media plays a much greater part. In congressional races manpower is relatively much more important.

[12] The only unions that turned out workers in any amount were the United Auto Workers and, in some areas, the Steelworkers.

[13] Peter H. Rossi and Phillips Cutright, "The Impact of Party Organization in an Industrial Setting," in Morris Janowitz, Editor, *Community Political Systems* (New York: Free Press, 1961), pp. 81–116; Daniel Katz and Samuel J. Eldersveld, "The Impact of Local Party Activity upon the Electorate," *Public Opinion Quarterly*, Vol. 25, 1961, pp. 1–24; Phillips Cutright, "Measuring the Impact of Local Party Activity on the General Election Vote," *Public Opinion Quarterly*, Vol. 27, 1963, pp. 372–386; Raymond Wolfinger, "The Influence of Precinct Work on Voting Behavior," *Public Opinion Quarterly*, Vol. 27, 1963, pp. 387–398; Gerald Kramer, "The Effects of Precinct-Level Canvassing on Voting Behavior," unpublished manuscript, Yale University, July 15, 1969; Edward Schneier and William T. Murphy, Jr., *Vote Power* (Englewood Cliffs, N.J.: Prentice-Hall, 1970), Chapter II.

[14] Both non-student activities reported on in previous research and student non-participants who were surveyed as a control group.

[15] These include indexes of Political Awareness, Political Efficacy, Citizen Duty, System Support, and University Support.

[From the Plain Dealer magazine, June 14, 1970]

ON MAKING COUNCILMEN MORE EFFICIENT

(By Douglas Bloomfield)

City councilmen need help. Expert help. These part-time legislators frequently spend more than 40 hours a week in a variety of jobs ranging from complaint receiver to sewer authority to attorney to political scientist.

Committee meetings alone may consume a dozen hours a week, caucuses and formal council sessions another three or four, miscellaneous city hall meetings perhaps six hours and 20 more handling constituents' problems, and, for the conscientious, doing homework.

But how well equipped are they to deal intelligently with such problems as sewage disposal, building inspection, urban renewal, the environment, personnel management, taxes and assessments, utility rates and public finance?

As the probelms encountered by legislators, like society itself, become increasingly complex, the need for expertise similarly increases. It is folly to expect legislators, whether they are city councilmen or United States senators, to be experts on every one of the multitude of matters facing them. Neither can they be expected to have the time necessary to familiarize themselves sufficiently.

There seems to be a practice among legislative finance committees that Prof. Parkinson would like to write another law about. He would probably say, "The time devoted to deliberation is in inverse proportion to the money involved."

Too much time is wasted while the legislators ask elementary questions of fleeting importance. And these little classes for quizzical councilmen are conducted by highly paid officials while still more are standing in the wings.

Many expensive man-hours are wasted while division chiefs, department heads and even the mayor are called away from their jobs and kept waiting until the prima donnas elected by the people are ready for them.

This means thousands of taxpayers' dollars are wasted every week because councilmen will settle for no one less than the top man.

It must be pointed out that legislative delay is no vice. Super efficiency is a trademark of totalitarianism. It is the antithesis of democracy. But this does not mean all delay is good. It is not, especially the time spent by senior officials cooling their heels until councilmen are ready for them.

Moreover, when a councilman needs some information or even a law drafted, he must often rely on the executive branch to do this work. Often the legislative and executive are of different parties or factions. And the situation is not unusual in which a legislator requests a bill be drawn up by members of an administration which is on record as opposing the measure.

What city councils throughout the state (and nation) need is a trained professional staff. Ohio's large cities budget millions annually for a variety of services and officials. Yet the legislative branch is all but neglected. In addition to the councilmen, the legislative branch usually has only a clerk, deputy clerk and a few stenographers. Cleveland City Council also has a budget analyst. These people rarely are intellectually or professionally qualified to do much more than they now are doing.

Additional professional staff is needed by a council, especially to help the more overburdened yet powerful committees. Because of the limited funds available to council, these staffers could be law or graduate students from a nearby university, preferably studying law, economics or government.

A stipend or annual salary of less than $5,000 each would be sufficient to retain capable persons.

Under the nominal authority of either the council president, or certain committee chairmen, they would do the necessary preliminary study of legislation, consult with those requesting the legislation, prepare bills and be able to answer the questions of councilmen.

They would have the authority of the council behind them in their dealings with officials in and out of government. In addition, they should have at their disposal services of the council clerk's staff and a budget necessary to do an adequate job.

Council could, in this manner, lighten the burden on itself with trained professionals capable of giving matters the time they require and deserve as well as being able to contribute the necessary expertise to make councils work better.

On the Ohio state level, a similar function is performed by the Legislative Service Commission. The commission itself is composed of members of both houses and both parties. It is usually chaired by the speaker of the House or the Senate majority leader. A professional staff of anywhere from 10 to 20 is employed. Included are lawyers, economists, public administrators and political scientists. The commission (legislators) authorizes certain long range studies (welfare, hospitalization, oil and gas laws, public salaries, domestic law) and appoints committees made up of members of both houses.

Broad policy decisions are made by the committees, but the actual work, the so-called investigation, is done by the professional staff. Findings are reported by the staff member to the committee and seldom are top officials called to appear before a committee. And when they are, every effort is taken to make efficient use of their time.

On the national level, congressional committees employ investigators whose duty it is to research pending legislation, keep the legislators informed and answer their questions. Members of Congress also employ on their personal office staffs professional researchers. The need for professional staff assistance has been recognized by the state and federal legislative bodies to put themselves on more of a par with their administrative branches.

Now it must be recognized in the cities of Ohio. After all, Ohio has five cities which are larger than some states. Cleveland itself has more people than a dozen or so states. And, too often, in the absence of professional advisers, legislators have only lobbyists on whose advice to rely.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON THE WORLD WEATHER PROGRAM—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. GAMBRELL) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Commerce:

To the Congress of the United States:

Through the World Weather Program, the nations of the world are combining their efforts to gain new knowledge of the global atmosphere, provide better weather forecasts and warnings to all countries, and assess the damage man has inflicted upon the earth's atmosphere.

I am pleased to report that the program is making significant progress which will enhance the comfort, health, safety and economic well-being of men everywhere:

—Satellite technology is being used with increasing effectiveness to gather global information for earlier, more accurate predictions and warnings of hazardous weather.

—New stations are being established for long-term measurement of atmospheric change.

—Computers have been programmed to determine the effect of pollution upon the atmosphere.

—A major international experiment in the Atlantic Ocean is being prepared under the Global Atmospheric Research Program. During the past year many nations, including the United States, have indicated their support of this tropical experiment and have made tentative commitments to provide ships, aircraft, satellites, and other observing facilities. Linked with an increased computer capability to assess and integrate results, this experiment should be an important step toward attaining a true understanding of the global atmosphere.

The scientific understanding which will be developed by the World Weather Program is critical to the solution of environmental problems which are of immense concern to all nations.

Senate Concurrent Resolution 67 of the 90th Congress recognizes the importance of vigorous U.S. participation in the World Weather Program. In accordance with that resolution, I am transmitting this annual report, describing the most significant activities of the program and the planned participation of Federal agencies in the program for the coming fiscal year.

RICHARD NIXON.

THE WHITE HOUSE, *April 15, 1971.*

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILL

The message also announced that on April 14, 1971, the President had approved and signed S. 789, an act to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

UNITED STATES-CHINA POLICY

Mr. BYRD of West Virginia. Mr. President, the five-point proposal offered by President Nixon yesterday—along with the statements of Premier Chou En Lai in Peking—could mark a new era in relations between the United States and the People's Republic of China. I hope very much that they do.

To be sure, Communist China today remains a nation hostile to the United States—and I am not suggesting that we immediately welcome it to the international community of nations with open arms. However, the government in Peking has made a number of significant overtures to the rest of the world in recent years, and now appears ready to knock down some of the barriers that exist between our two countries.

Since October 1970 Red China has established new diplomatic relations with six nations—Canada, Equatorial Guinea, Italy, Ethiopia, Chile, and Nigeria. It is noteworthy, I believe, that two of these nations are members of NATO. Ambassadors have been dispatched to 28 of the 51 countries with which Communist China has diplomatic relations, following the withdrawal of all but one of its ambassadors during the cultural revolution.

Between 1964 and 1969, Mr. President, free world exports to Red China have increased by 35 percent; and Communist Chinese exports to the free world have increased by 34 percent. Incomplete statistics show that a further increase in trade between Red China and the free world will be recorded in 1970.

These actions on the part of Communist China have not gone unnoticed, and their effect was evident in the United Nations General Assembly vote on November 20, 1970. The vote on the resolution to seat the People's Republic of China and expel Nationalist China was 51 in favor, 49 against, and 25 abstentions. Although an affirmative two-thirds vote was necessary, the balloting was significant because it was the first time that a simple majority supported Communist China.

One cannot deny that Red China is moving away from the protective isolation which it coveted during its cultural revolution; and I believe that our policy toward Red China must reflect the fact that this Asian giant has emerged from isolation. The five-point proposal offered by the administration yesterday seems to recognize that fact.

A number of steps have already been taken, beginning in December 1965, when the United States lifted the travel ban for doctors and medical scientists "for purposes directly related to their professional responsibilities." A year later, scholars and writers—as well as Americans engaged in cultural, athletic, commercial, educational, and public affairs activities—were given permission by the United States to travel to Communist China.

On July 21, 1969, the United States announced automatic validation of passports for American citizens to travel to China. Nearly 1,000 passports have been thus far validated, including 270 last year. However, until the table tennis invitation, only three holders of such passports were permitted to enter Red China.

Although these were basically unilateral steps, they showed the willingness of the United States to open new channels of communication with Communist China. We must not cease in our efforts to open those channels, because the actions we have taken thus far obviously formed the basis for the recent reciprocal move by Communist China.

There have been efforts, too, in the field of trade.

The ban on trade with Communist China, which became effective on December 17, 1950, after President Truman's proclamation of a national emergency, has been lifted gradually in the 1960's and in 1970. On April 20, 1967, American drug manufacturers were alerted that the Government would look favorably on applications to sell to Communist China drugs used in fighting epidemics. Nine days later, the Chinese rejected this proposal. On July 21, 1969, the United States announced that American tourists and residents abroad could purchase up to $100 worth of goods originating in China. In December the $100 limit was removed.

At the same time, on December 19, 1969, the United States relaxed trade restrictions to allow foreign subsidiaries of American-owned firms to engage in trade with Communist China in nonstrategic items. The requirement that U.S. firms or banks engaged in third-country trade obtain certificates of origin where goods were presumed to be of Chinese origin, was also eliminated. On July 28, 1970, in pursuance of the December, 1969, trade relaxation, the United States approved a sale by Italy to China of 80 dump trucks with General Motors engines. In August, 1970, the United States lifted the restrictions barring American oil companies abroad from refueling free world ships bearing nonstrategic cargoes to Chinese ports.

The trade initiatives were, of course, expanded and updated in the President's proposal of yesterday—and they signal a move on the part of the United States away from its basic policy toward the People's Republic of China. It is, in my opinion, a welcome move, since too much of that policy was based on a Department of State memorandum of August 11, 1958.

The memorandum identified Communist China as part of the Communist monolith, whose goal was to bring about the global domination of communism. The Chinese Communist regime had made no secret of its fundamental hostility to the United States and to the rest of the free world. Asia was viewed by the State Department as particularly vulnerable to the Communist offensive, both because of its geographic position and because of the inexperience of the newly independent nations in this area. The goal of U.S. policy in Asia was to promote the domestic welfare and to strengthen the independence of free nations.

In so doing, the United States believed it must deter Chinese Communist aggression in the area by military assistance and by a system of mutual defense arrangements. The United States felt it must also block Communist subversion and political infiltration in the area. The United States, at that time, considered the withholding of diplomatic recognition an important factor in combating Communist subversion and infiltration.

In 1958, Mr. President, the United States did not accept the fact that the Communists ruled all of mainland China. We must accept that fact today.

In 1958, the United States felt that too much attention shown to Red China would seriously cripple, if not destroy altogether, the Government of Nationalist China. The Government of Nationalist China is now sound; and it must realize, as must the entire world, that the United States is not going to turn its back on an ally.

The 1958 memo—as well as the current policy, to which it is closely related—fails to recognize that Communist China has become as flexible in its policies as most other nations.

In fact, the entire history of Communist China is marked with change in its foreign policy. For example, Mao Tse-tung promised in 1952 to reveal what he called the nonsense of nonalinement. But, when Red China saw the growing number of emerging nations in 1954, it quickly developed the ability to accept—and, at times, encourage—nonalinement.

Red China has learned to roll with the punches, so to speak. It learned to accept the good years for communism—such as 1962, when it physically knocked nonalined India out of Southeast Asian politics; and 1963, when Sukarno moved Indonesia swiftly toward communism. Almost as easily, Red China learned to accept the bad years for communism—such as 1965, when the PKI was overthrown in Indonesia, Ben Bella fell in Algiers, and when the cultural revolution at home threw China into a state of turmoil; and 1966, when Nkhrumah fell, and when a number of non-Communist military coups in Africa showed China the importance of influencing the military elite.

The Government of the People's Republic of China is relatively young, and we should be mindful of its flounderings in the field of foreign policy. Until Red China changes its formal policy of total hostility toward the United States, we will never be able to establish formal diplomatic ties; but our policy toward the government in Peking must be just as flexible as our policies toward other nations.

ADDITIONAL STATEMENTS

ESSAY ON CHRISTIANITY BY MALCOLM MUGGERIDGE

Mr. HUGHES. Mr. President, I had the privilege this morning of both meeting and breakfasting with Mr. Malcolm Muggeridge, the noted British journalist. Mr. Muggeridge, who is here to address the American Society of Newspaper Editors, came quite early this morning to Fellowship House to share with a group of us his observations concerning Christianity. He read for us his statement of faith, which when broadcast over the facilities of the BBC created a very great stir in England. Mr. President, I find Mr. Muggeridge's essay on Christianity one of the most compelling that I have ever read and I think that we would all benefit by its appearance in the RECORD. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

CHRISTIANITY

(By Malcolm Muggeridge)

I believe that for me, a Western European living in the second half of the twentieth century, the truth about life is most clearly and beautifully expressed in the Christian faith. As it has come down to us through the centuries. As it is set forth in the New Testament. Above all, as it was expressed in the person, in the teaching, in the life and death of its founder, whose light shines as brightly today, if one cares to look, as when he lived, taught and was publicly executed in a remote province of the Roman Empire some two thousand years ago.

My awareness of this Christian faith has been greatly intensified and enriched by the saints and mystics—more particularly St. Augustine and St. Francis, Pascal and Bunyan and Blake, Tolstoy and Dostoevsky, and in our own time Simone Weil and Dietrich Bonhoeffer. They all say the same thing, perfectly clearly and comprehensibly, whose validity is in no way affected by the changes that have taken place in human society from one generation to another.

One of the most shallow and fatuous fantasies of this credulous age is that what was valid in the days of Nero won't do in the days of Marshall MacLuhan.

That the Jesus of the Gospels, the Jesus of the Middle Ages, the Jesus of the Renaissance, must now be re-fashioned to fit into the colour supplements, the discotheques and the television schedules. One might as well argue that, because Shakespeare wrote Othello before the invention of the birth pill, its picture of a marital relationship and sexual jealousy needs to be scrapped in favour of a version by D. H. Lawrence or Ken Russell!

What, then, is this Christian faith that so many inspired minds, eloquent tongues and dedicated lives have passed on to us? It tells us that we are errant children of eternity rather than natives of time. That we must die in our animal or earthly nature in order to be reborn as new, spiritual men. That, belonging, as we do, to one family whose Father is in Heaven, we must love one another in perfect freedom and equality. That, imprisoned in the dark, tiny dungeon of the ego, with heavy chains upon us of greed and vanity and cupidity, we are in Hell. Whereas, throwing off these chains, breaking out of this dungeon into what St. Paul called the glorious liberty of the children of God, we may know what Heaven is like.

Christianity, that is to say, offers the only true and lasting liberation. All the others—social, economic, political, etc., etc.—soon prove fraudulent. Jesus is the one true Liberator, whose ideology of dissent remains applicable at all times and in all circumstances. To individual despots, to oligarchies, to party and trade union bosses, to millionaires and demagogues and Communist *apparatchiks* and Honourable and Right Honourable Members, always that thunderous No! from the Man on the Cross, the derided *soi-disant* King of the Jews, Incarnate God.

No view of life, as I am well aware, could possibly be more alien to the contemporary spirit. The enormously powerful apparatus of persuasion that exists today—what we call the media—not to mention most teachers, clergymen, legislators and other miscellaneous pundits, are insistent that what matters is our mortal condition rather than our immortal longings. That happiness lies in producing more and consuming more, and fulfillment in indulging, rather than in curbing or denying, our bodily desires.

That Man has now become master of his fate, and will be able, with the fabulous resources which science and technology have put at his disposal, to create for himself a happy, prosperous, secure life here on earth, holding even death at bay for longer and longer. In the end, maybe, abolishing even death.

On the contrary, I myself believe that, without a God, and the humility that goes therewith, Man is in process of destroying himself, and perhaps his world as well. That, having no sense of a moral order, he will increasingly find it impossible to create any order whatsoever. That, separated from God, he must either fall into the sin of pride, imagining himself to be godlike, and like Icarus flying disasterously into the sun; or relapse into animality, seeking ever more frenziedly and hopelessly to find satisfaction through his appetites, especially sex. In either case, despair must set in, from which the young particularly will seek a refuge in narcotic or erotic stupefaction.

I watch this process, as I consider inexorably working itself out, confident that the light will shine again in the darkness as it has before, and that I—even I—may hope to keep a tiny flame burning, signifying my confidence in that Light of the World which first shone twenty centuries ago, and cannot be extinguished.

POW DAY IN SALT LAKE CITY

Mr. BENNETT. Mr. President, there is an unprecedented diversity in America regarding the U.S. role in Southeast

Asia. This permeates every aspect of American life, including Congress. There is, however, one topic which I think welds us all together, and that is a sincere and deep hope that American POW's in Communist North Vietnam might some day return to their families and homes.

The mayor of Salt Lake City, J. Bracken Lee, has proclaimed April 28 as POW Day in Salt Lake City. I ask unanimous consent that the proclamation be printed in the RECORD. In so doing, I endorse the proclamation as an expression by the people of Salt Lake City and Utah in support of our brave men who are imprisoned and the hope that they may soon again be freemen.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, the Silent Majority Mobilization has designated April 28, 1971, as a national day of support for our American Prisoners of War in the hands of the North Vietnamese; and

Whereas, we are calling for humane treatment of these prisoners of war if not for their out and out release; and

Whereas, we must show more concern for the plight of American prisoners of war;

Now, therefore, I, J. Bracken Lee, Mayor of Salt Lake City, Utah, do hereby proclaim April 28, 1971, as "POW Day" in Salt Lake City, Utah, and urge our citizens to reaffirm our support of these valiant men.

In witness whereof, I have hereunto set my hand and caused the seal of Salt Lake City, Utah, to be affixed this 3rd day of February, nineteen hundred and seventy-one.

J. BRACKEN LEE,
Mayor.

THE CONQUEST OF CANCER

Mr. HUMPHREY. Mr. President, the American Cancer Society has endorsed the Conquest of Cancer Act as the most effective approach to conquering this dread disease.

I understand this is the first legislative enterprise in which the cancer society has been really active. The society's action is reported in the April 3, 1971, New York Times. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CANCER SOCIETY FOR KENNEDY BILL: BACKS INDEPENDENT AGENCY FOR FIGHTING THE DISEASE

(By James E. Brody)

CAREFREE, ARIZ., April 2—The president of the American Cancer Society, speaking here today, put the full weight of the nation's largest voluntary health organization behind a Congressional proposal to establish an independent national cancer agency charged with conquering cancer.

Dr. H. Marvin Pollard said that present scientific knowledge about cancer "is sufficient to support a full-scale research attack to produce practical methods" for controlling cancer, which currently takes 330,000 American lives a year, half of them before the age of 65.

He added that "to produce new and effective methods of cancer control will require the same kind of effort that went into the development of the atom bomb or the space program that placed a man on the moon."

Dr. Pollard made his remarks at the opening session of the Cancer Society's annual seminar for science writers, being held through next Wednesday at the Carefree Inn here.

The creation of a cancer authority, on the order of the National Aeronautics and Space Administration, has divided scientific opinion since its initial proposal last year by former Senator Ralph Yarborough, Democrat of Texas.

YARBOROUGH PROPOSAL

The proposal was supported by a Senate-appointed national panel of consultants who recommended last month that the present National Cancer Institute be financially separated from the National Institutes of Health and made the nucleus of a new independent cancer authority responsible directly to the President and Congress.

Proponents of the bill, introduced in the current legislative session by Senator Edward M. Kennedy, Democrat of Massachusetts, maintain that administrative delays in decisionmaking, overlapping of functions and competition for funds that currently characterize the national cancer effort are delaying the conquest of this disease.

Some scientists and doctors who have opposed the idea of a separate agency fear, however, that isolating the cancer effort from other research in medicine and biology would weaken rather than strengthen it.

They point out that unlike the relatively straightforward goal of landing a man on the moon, there is no one way to attack cancer and no agreement even on which avenues are likely to be most productive. The Nixon Administration supports this view.

Dr. Pollard pointed out that any answers a cancer agency might come up with would have to be supplemented with extensive education programs to see that the public benefits from them.

There is in fact little precedent on which to base the belief that elucidating the causes of cancer or finding ways of curing it or detecting it at curable stages will have any immediate, substantial impact on the number of lives lost to cancer each year.

As Dr. Pollard noted, medicine already has the means to prevent two major cancer killers—lung cancer, which as the largest cancer killer among American men takes 45,000 lives a year, and cancer of the cervix, killer of 13,000 American women a year.

Yet, nearly two decades after scientists showed that 9 out of 10 lung cancer deaths could be avoided if Americans gave up cigarette smoking, there are still 45 million Americans smoking and the Government still supports advertising of American cigarettes abroad.

THE REGULATION OF 18-YEAR-OLD DRIVERS IN INTERSTATE COMMERCE

Mr. TOWER. Mr. President, for many years, farmers and those in related fields have transported their produce in interstate commerce under the provisions of the Motor Carrier Safety Regulations of the Federal Highway Administration. However, 18-year-old drivers of lightweight farm vehicles were exempted from certain conditions of the regulations thereby allowing them to drive in the farm-to-market activities.

Effective January 1, 1970, the regulations were revised, deleting the exemptions given the 18-year-old farm drivers. However, due to the great protest which arose from this action, that section of the new ruling was suspended until July 1, 1971, to allow the Bureau of Motor Carrier Safety to reassess the policy.

As Senators may be aware, following a meeting on April 1 between Dr. Robert Kaye, Director of the Bureau, and representatives of the American Farm Bureau Federation, the National Council of Farmer Cooperatives, and other individuals and groups representing farmers, it was announced that drivers of vehicles under 10,000 pounds would be exempted from the prohibition against operation of trucks by drivers under 21 years of age.

While this is a welcome step in the right direction, it is not sufficient to remedy the problem.

A great many farmers and ranchers in my State are dependent—and I mean very dependent—on the services of youngsters between 16 and 21 years of age to drive their farm vehicles. If the proposed restrictions are put into effect, they would work a very great hardship on farmers and ranchers who must haul their products to market points. I cannot stress too strongly the importance of allowing a broad exemption for local hauling by farm trucks.

Evidence has been presented to the Bureau that the relatively poor driving record of young drivers does not extend to the young drivers of farm vehicles. This is indicated by the fact that companies writing casualty insurance coverage do not make the distinction in rates between young and adult drivers of farm trucks that they do between young and adult drivers of automobiles.

American farmers and others in agriculture do not have an easy time of it. In addition to the chronic economic problems which have beset agriculture in recent decades, farmers of my State are now facing an allout disaster in the form of drought. Dust storms are ripping off the topsoil in west Texas, New Mexico, and Oklahoma in a manner reminiscent of the worst of the 1930's. I see no reason to add yet another burden to their problems.

I have written to Dr. Kaye asking him to consider the serious effects of some of the provisions of the rules governing drivers of trucks. I ask unanimous consent that the text of my letter be printed in the RECORD.

I hope and trust the Bureau will further revise its regulations.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., April 15, 1971.

Dr. ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Department of Transportation, Washington, D.C.

DEAR DR. KAYE: I have just completed a review of the revised version of the Bureau's proposed rules and regulations governing the qualifications for drivers of trucks. On behalf of the farmers and ranchers of my state I appreciate the Bureau's willingness to revise its proposal to the extent of exempting operations of vehicles under 10,000 pounds.

However, I do not believe the exemption is sufficient to meet the problem. You are aware, I am sure, of how dependent farm and ranch operators are on the assistance of young people to haul agricultural products to market points. The need for this assistance is crucial at harvest times. Evidence has been presented that indicates the driving records of young people operating farm trucks are favorable in comparison with those of similar age operating automobiles.

I am in agreement with the position taken by the American Farm Bureau Federation in its letter to you of April 8, 1971. I support its recommendations and ask that its arguments be thoroughly considered and that the best interests of American farmers not be jeopardized by excessively stringent regulations.

Sincerely yours,

John Tower.

MISSOURI A LEADER ON INTERSTATE SYSTEM

Mr. SYMINGTON. Mr. President, we in Missouri are proud of the record made in our State on the interstate highway program. The first project in the United States on which actual construction was started under provisions of the Federal Aid Highway Act of 1956 is a part of Interstate 70 near St. Charles, Mo. Fifteen years and more than 700 interstate miles later, our State has the longest continual stretch of the system under construction in the Nation, south from St. Louis on Interstate Route 55.

I ask unanimous consent that a report from the Missouri State Highway Department, telling of this $70 million, 68-mile project, be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Missouri Now Building Longest Continuous Stretch of Interstate in Nation

Missouri, the first state in the country to begin an Interstate highway project, now has the longest, continuous stretch of interstate under construction in the nation.

It is 68.607 miles of Interstate Route 55, along the state's eastern border, running south from the Festus-Crystal City area in Jefferson County to Fruitland in Cape Girardeau County.

Hopefully, with good weather and no unforeseen complications, most of the 68 miles will be completed late this year, although the actual projected completion date is August, 1972. About four miles of the project are now almost completed and ready for opening.

Total cost of the 68 miles, excluding preliminary planning, engineering and right-of-way, will be $70,141,601.11.

Interstate Route 55 in Missouri, when completed, will total 209.2 miles, running from the I–70 junction at the Poplar Street Bridge in St. Louis, south to the Arkansas stateline.

The first two contracts on the route were awarded on April 21, 1961. Total construction contracts on the route, through February, 1971, now total $184,846,885. This also excludes engineering and right-of-way costs.

With the completion of the 68 miles now in progress, only 12.7 miles of the entire I–55 route remain to be put under contract. This last stretch of the route, in Pemiscot County near the Arkansas line, is scheduled for contract in the Missouri State Highway Department's 1972 fiscal year.

Missouri began the nation's first interstate highway project in August, 1956. Of its planned 1,147-mile Interstate System, 763 miles are up to or near interstate standards and in operation; 52 miles under contract and expected to be up to full interstate standards and in operation by December 31, 1971; 88 miles under contract, but not expected to be in operation by December 31; 77 miles are classified as a dual facility in use, but not up to full standards; and 167 miles have been approved as to location, but not put under contract.

NIXON SPEECH ON TARGET

Mr. BENNETT. Mr. President, I believe we can predict with some certainty the following: On April 24 there will be a noisy antiwar demonstration in Washington. During the coming weeks and months the political proponents of "cut and run" in Vietnam will continue their game of oneupmanship. The more zealous among the President's critics will increasingly gnash their teeth and herald any setbacks to the allied operations in Vietnam.

What will these actions—or reactions—have to do with the stepped-up withdrawal plans for U.S. troops, recently announced by President Nixon? Absolutely nothing.

It has become clear that no rate of American withdrawal from Southeast Asia will be precipitate enough for those who advocate a total wiping clean of the Vietnam slate on which a tremendous amount of American blood and treasure has been spent. However, to those of us who maintain the difficulty of the war has not erased the justice of the cause, the President's latest message was a welcome reaffirmation.

Mr. President, the Washington Evening Star in an editorial following President Nixon's address stated that the projected withdrawal rate will fulfill "both America's domestic political imperatives and her international responsibilities." I wholeheartedly second that appraisal, and ask unanimous consent that the entire editorial, published April 8, be printed in the Record following these remarks. In addition, two thoughtful appraisals of the situation in Vietnam were published in Utah's two largest daily newspapers following the President's speech. The editorials, entitled "Big Step From the Bog" and "Mr. Nixon Deserves the Nation's Help as Crucial Vietnam War Point Nears," appeared, respectively, in the Deseret News of April 8 and the Salt Lake Tribune of April 9. I ask unanimous consent that these articles also be printed following my remarks.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

Chairman of the Bored

Fortunately, Mr. Nixon has—or, more accurately, does not need—a sponsor. For it is clear that, as illustrated by his performance last night, his failure to come up with dramatic, crowd-pleasing announcements is going to cost him television viewers. It is equally clear that, as we have been saying for some time, that is exactly as it should be. What is wanted in Southeast Asia is a policy of gradual disengagement which is cautious, just and logical. And that is precisely what Mr. Nixon has been (and is) giving the country.

The President's most ardent foes, of course, are not particularly interested in the facts. They have a tendency to overlook the point, which he made last night, that there were 540,000 American troops in Vietnam when he assumed office and that, by the middle of next month he will have brought home 100,000 more troops between May 1 and December 1, an increase in the monthly rate of withdrawal from 12,500 to 14,300.

They are as unimpressed now as they were October 7 (when he first suggested it) with last night's reiteration of his offer to Hanoi of "an immediate ceasefire throughout Indochina; the immediate release of all prisoners of war in the Indochina area; an all Indochina peace conference; the complete withdrawal of all outside forces, and a political settlement."

What, in fact, *do* the President's harshest critics want? Put in its simplest terms, they seem to want a scuttle, an immediate withdrawal of all U.S. troops from Southeast Asia, a ban on air and logistical support to the Thieu-Ky government and a coalition government in Saigon, which would result inevitably in a Communist takeover. This Mr. Nixon (or *any* President of the United States) will not, cannot and should not give them.

In his address last night, Mr. Nixon wisely shied away from adding any additional emotional fuel to the Calley issue. Both the style and the substance of his previous intervention left much to be desired, and the President did well to confine his remarks to the safer and more correct ground of praise for "the two and one-half million fine, young Americans who have served in Vietnam." That should have been his original stance.

But the Calley issue is peripheral to a judgment of last night's speech. The main point is: Does a withdrawal rate which, if projected into 1972, would leave only about 55,000 American troops in Vietnam by September 1 of next year fulfill both America's domestic political imperatives and her international responsibilities? The answer to both questions is yes.

[From The Salt Lake Tribune, April 9, 1971]

Mr. Nixon Deserves the Nation's Help As Crucial Vietnam War Point Nears

There was disappointment in President Nixon's Wednesday night announcement concerning U.S. troop withdrawals from Southeast Asia. But to also indulge deep despondency would be a great mistake. The President is displaying a measure of fortitude that deserves the public support he has, in fact, openly requested.

It is true his latest report on the Vietnam war did not, except for a modest 1,700-man increase in the monthly U.S. combat force pullout, carry any dramatic new development indicating an early end to America's Indochinese involvement. Mr. Nixon, as much as anyone, would have preferred such an announcement. It simply, based on essential considerations, was not possible.

The President's report, for its challenging frankness, was important. He talked, not so much to the world, as is often his purpose when dealing with Vietnam policy, but more directly to the American people. And he said that his overriding concern continues to be for a world at peace, reiterating that how the U.S. fulfills its responsibility in Southeast Asia will determine whether that goal is achievable.

On this crucial point he said: " . . . it is important how we end this war. By our decision we will demonstrate the kind of people we are, and the kind of country we will become." His chosen course, he stressed, is "to end this war—but to end it in a way that will strengthen trust for America around the world, not undermine it; in a way that will redeem the sacrifices that have been made, not insult them; in a way that will heal this nation, not tear it apart."

The President asked for the understanding that he cannot, as leader of a country on which other nations depend for mutual protection against future aggression, suddenly deprive South Vietnam of the military help previously pledged and provided. And he clearly intimated that "running out" now would cause a domestic upheaval every bit as disturbing as international repercussions.

The fact remains that Mr. Nixon's Administration has reversed the U.S. role in Vietnam. Total American troop strengthen has been cut by 265,000 men, casualty rates have dropped and the South Vietnamese are continually taking on the burden of their own defense.

In a way that was characteristic of the entire report, Mr. Nixon acknowledged public doubt, admitting that repeated assurances from Washington, on the prolonged war's imminent settlement have proven false. And he asked to be judged on the record, to be held politically accountable if he does not conclude the U.S. involvement in the war honorably and timely.

President Nixon is avid in his search for peace. He is also well aware there is seldom a quick and easy way through major international conflict. The process usually requires a combination of resiliant toughness and conciliatory attitude poised on a foundation of enduring patience.

He has asked the nation to be resolute and patient a litle longer, to show the world once more that the United States is an ally that can be trusted in adversity, but more than that, a country dedicated to ways of peace, not war. He should have that help.

BIG STEP FROM THE BOG

The question is no longer how soon America should complete its withdrawal of U.S. troops from Vietnam.

Rather, the question now becomes one of whether or not a residual U.S. force should be left behind in Vietnam as planned and, if so, how large it should be.

This is so because of the stepped-up schedule of withdrawals announced Wednesday evening by President Nixon.

While Mr. Nixon resisted strong pressure to set a specific and early deadline for an end to massive U.S. troop involvement in Indochina, the schedule he announced brings that end much more clearly in sight.

The new schedule of withdrawals—14,300 men a month starting May 1, up from the previous rate of 12,500 a month—will leave 184,000 U.S. troops in Vietnam next December 1. If the new rate is continued, the U.S. contingent in Vietnam could conceivably be down to around 13,000 by the end of 1972.

But that's only theoretical because talk about the residual force is that it will be on the order of somewhat under 50,000 men.

The continued U.S. withdrawals mean that American military support on the scale of the Laos campaign likely will not be possible next year. But, assuming there is no cease-fire or negotiated settlement, a smaller U.S. presence in Vietnam also could mean the few U.S. troops remaining there might become more vulnerable.

Although President Nixon said the South Vietnamese operation in Laos made the stepped-up withdrawal possible, that operation still looks like less than a full success. There's still room for wondering if the withdrawal rate wouldn't have been greater had the Laos operation turned out better.

As for Mr. Nixon's assertion that "Vietnamization has succeeded," the acid test of that program won't come until the South Vietnamese are more completely on their own. It's hard to be certain that Hanoi isn't pulling its punches until more Americans have left.

Moreover, despite the President's reiterated hope for serious peace negotiations, some observers insist that negotiated settlements run against the grain of Vietnamese tradition.

Despite such reservations, President Nixon merits high marks. He is doing precisely what he said he would in seeking to get America out of a treacherous bog with its honor as much intact as seems possible under the circumstances.

PRIORITY PROBLEMS IN ALABAMA

Mr. ALLEN. Mr. President, the Alabama Legislature was called into extraordinary session by Gov. George C. Wallace on March 31, 1971, for the purpose of considering programs of immediate priority in Alabama.

In his address, Governor Wallace outlined eight goals for special consideration:

First, completion of Alabama's interstate highway and continuation of other road and bridge building programs;

Second, providing for an expansion of Alabama's medical education and health services on an accelerated basis;

Third, increased funding and completion of a program more adequately to meet the needs of the mentally ill and retarded;

Fourth, revitalization and completion of the State's park and recreational programs;

Fifth, increasing the amount of interest paid by banks on State funds held in time deposits;

Sixth, an increase in unemployment benefits;

Seventh, a review and revision of State laws and regulations with respect to establishing utility rates; and

Eighth, enactment of an escheat law.

In addition, Governor Wallace extemporaneously commented on the conviction of Lieutenant Calley.

Mr. President, I believe that the priority problems in the State of Alabama are instructive with respect to the need for a realistic program of revenue sharing with the States. Other States may well have different priorities. In any event, a question is presented as to whether or not priorities in all States could better be served by a realistic plan for general revenue sharing and from block grants as distinguished from present restrictive categorical grants to the States.

Mr. President, we believe that Governor Wallace's address and his comments on the conviction of Lieutenant Calley will be of interest to Senators and the public in general. I ask unanimous consent that the text of the address and extemporaneous remarks concerning Lieutenant Calley be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ADDRESS BY GOV. GEORGE C. WALLACE AT A SPECIAL SESSION OF THE ALABAMA LEGISLATURE, MARCH 31, 1971

Governor Beasley, Speaker Lyons, Members of the Alabama Legislature, Distinguished Guests, Ladies and Gentlemen:

We meet here this evening in response to my request that our Legislature convene in Extraordinary Session for the purpose of considering matters of immediate and vital importance to the people of Alabama.

On such an occasion it seems needful and proper that all members of the legislative body, as well as the people of our state, fully understand and appreciate the urgency of the situation and the basis for my action in calling the Legislature into session at this time.

The decision to convene the State Legislature in Extraordinary Session is not a decision easily made nor an action lightly taken. In arriving at a final determination a Governor should give full and earnest consideration to all of the facts and circumstances surrounding the immediate need for such a session and utilize to the fullest all of the advice, counsel and expertise available to him. This is what I have done on this occasion.

Perhaps no Governor in the history of our state has had the advantage of the advice and counsel of a more dedicated and conscientious group of legislators that I have in seeking solution to the problems confronting all of us.

This concern and dedication evidenced itself in the January session when the Legislature organized the appropriate interim committees to give immediate attention to problems of State Government of pressing importance. These committees were charged to proceed forthwith to review and examine the matters within their respective areas of concern and to advise the Legislature and your Governor as to their findings and recommendations. This they have done in an extremely able manner in an unbelievably short period of time. Only through tireless and dedicated effort and sacrifice on their part has this been possible. I would be less than honest if I did not report to you that the advice, counsel and recommendations of these committees, and that of other individual legislators who have conferred with me, has been the most persuasive factor in bringing us here this evening. On behalf of myself and the people whom they serve, I wish to express my thanks to all the members of this Legislature, individually and collectively, who have worked so unselfishly with us since our January inauguration.

Matters which have occupied the attention of your Legislature and your Governor during the days and weeks leading up to this evening include the absolute necessity for the continuation to substantial completion of our federal interstate system, as well as our other road and bridge building programs in this state. The safety of our traveling public, the general welfare of the area and communities served and the overall economy of the State demand that we not abandon our program of development and construction of our roads and bridges.

Safety of travel alone makes this need imperative. Under modern conditions of travel and transportation a less than adequate highway system presents an unacceptable hazard to the lives and safety of our citizens. The death rate on our highways, both rural and urban, is far too high. We have no choice but to do all within our power to reduce this peril to our people. Statistics irrefutably show that the condition of the roadways traveled makes a major contribution to traffic injuries and deaths—the second major contributing factor being the enforcement of our traffic laws.

I am dedicating myself to improvement in both areas, and ask this Legislature to join with me in this effort. I am proposing, what I feel to be, a reasonable and adequate program for the improvement and development of our highway system. At the same time I pledge a vigorous enforcement of the laws of this state regarding travel and use of these highways. I am convinced that together this will do much to reduce the present death and destruction we are experiencing on our highways.

While this alone is enough to warrant our action in regard to highway construction, it is inevitable that we consider the effect an adequate, or inadequate, highway system has on the economy of the State, or on an area of the State. Modern-day industry and commerce tends to follow and develop along the major arteries of highway transportation. A means of uninterrupted land transport must be available to any major industry situated in our state. The return on our investment is assured from increased business and commerce flowing into the State. An increasing benefit to our tourist industry is realized as we make our outstanding attractions more available to travelers through an adequate inter-state and in-state road system.

Being convinced of the need for continuation of our highway program, and having such belief confirmed and approved by the legislative committees inquiring into this matter, we have directed our attention to the funding and implementation of the program. In the legislative measures introduced here this evening, you will find that a significant portion of the burden of funding the $185,000,000 in bonds felt necessary for this purpose has been placed on the major users of these roads and highways. All with whom I have conferred see fairness in this approach.

There is certainly no intent on my part, or that of anyone, to deal with any segment of our economy unfairly. However, the feelings expressed to me have been uniform to the effect that those using the highways for profit should bear a significant portion of the burden of their construction and maintenance. In implementing this determination, our trucking industry, along with others, is being asked to shoulder a proportionate share of the load in the further development of our highway system. This approach will have application to both commercial and private carriers as each uses our roadways alike in furtherance of the needs of their particular business or industry.

I would like to note that the program we are presenting is not restricted to any area or section of our state or to any particular type of road or highway. The roads and bridges of our smaller rural counties and the streets of the villages and towns of our state are as equally important as are the expressways and thoroughfares traversing our large urban areas of population. All will be treated alike and the needs and requirements of each will be considered. My Highway Director and other members of my staff have been instructed to proceed in this manner in formulating the highway program for the next four years. I assure you this program will be a total program, aiding and assisting all people and areas of the State.

A second matter which all agree must be dealt with on an immediate and highly accelerated basis is that of medical education and the delivery of medical services to the people of Alabama. The hour has struck for us to put an end to a state of affairs in which Alabamians have to wait days and weeks to get an appointment to see a doctor—in which mothers watch sick children with the hopeless feeling which always accompanies inability to get proper medical attention—in which overworked doctors and nurses are unable to meet the increasing demands upon their time and energy caused by the growing number of patients.

Throughout the campaign of last spring, I repeatedly called attention to the critical need in this state for more doctors and allied medical personnel and for a more effective delivery of medical service to all of our people, whether they live in rural or urban areas of our state. At that time I stated my intention to propose a program providing means for the education of more doctors and other medical personnel in Alabama. In my judgment, such a program will have the overwhelming endorsement and support of the people of the State.

For more than nine months this matter has been the subject of exhaustive study by the medical profession, the academic and administrative staffs of several of our major state universities, by members of the Legislature and by myself and my staff. I am indebted to all of these persons, institutions and agencies for the untiring and unselfish efforts they have made toward solution of this critical and complex problem. And I might add, that while there may be minor points of disagreement as to the exact course to follow, all are in accord that action must be taken, and taken immediately to alleviate the critical shortage of doctors in Alabama and make adequate medical services available to all of our people.

The program we propose provides for the expansion of the medical college at the University of Alabama, Birmingham; the establishment of a four-year medical college at the University of South Alabama in Mobile, the creation of two-year schools of medical education at the University of Alabama in Tuscaloosa and the University of Alabama in Huntsville, together with the enlargement and possible relocation of the school of pharmacy of Auburn University. In a recent meeting with the presidents of these institutions, we discussed in detail, and found ourselves in accord on, a program which provides for the enrollment within the near future of 325 students annually compared with the present figure of little more than 100. I found among this group the spirit and dedication and cooperation so vital to the success of this program and a willingness to place the welfare of the State above personal institutional considerations. I am confident that this same attitude will prevail in the Legislature.

Funding requirements for the $35,000,000 in bonds for capital outlay for this program have been proposed which impose no undue burden on anyone, and I ask your full and earnest consideration of this program which I feel to be so badly needed by our people.

Still in the area of health care, I call your attention to the plight of the less fortunate, the mentally ill and mentally retarded. I would think that most Alabamians are aware of the concern and compassion that my late wife, Governor Lurleen Wallace, held for this group and of her efforts in their behalf. Under her sponsorship and direction a program was enacted by our Legislature in 1967 designed to provide facilities throughout the State for the care, treatment and teaching of this group. Fifteen million dollars was provided for the construction of these facilities. By reason of circumstances beyond the control of any party here tonight, the establishment of these facilities has been long delayed, and we are now advised that the program envisioned by Governor Lurleen will only be realized in small part.

In consultation with the Legislature and the agency charged with responsibility for the administration of this program, I have been advised that additional funds are needed if any progress is to be made in providing the necessary care for our mentally ill and retarded. I have long stated that I am dedicated to the ultimate completion and realization of the program begun in 1967, and I have pledged my efforts to that end. I am proposing to you tonight that an additional $15,000,000 be made available to the Mental Health Board for the completion of the planned facilities and that this program be given the support, guidance and supervision of all of us in seeing it to successful completion. I do not feel that we can do less for those unfortunate persons so vitally affected by our efforts.

As a bonus effect, the establishment of these new facilities will serve to reduce the severe overload now existing in all of our other mental health facilities, thus providing more adequate and complete care for all of those so in need of this attention. Funding for this program is from the same source and in the same manner as that for our other medical facilities and imposes no undue hardship on any person or segment of our population.

In 1967, during the administration of my late wife, the Legislature authorized and the people approved the development of a park and recreational program in this state. Many of our people had long sought such a program as a means for the development of the many and varied recreational areas and tourist attractions of Alabama, ranging from the mountains of the north counties to the beaches of the Gulf. This program was well advanced in the planning state at the time of Governor Lurleen's death.

With no intent of criticizing former administrators, we now find this program to be in a state of total confusion, bordering on chaos. This has been occasioned, in large part, by rising costs and to over commitment in certain areas and under commitment in others. Whatever the reason may be, we find few, if any, parks completed, with the planned facilities lying dormant in varying stages of construction. Some park and recreational areas included within the program have received little or no attention or money; others are partially completed while some few others have reached a stage of substantial completion. Money is not available to complete the program.

All of this leaves the officials charged with the administration of this program with an agonizing decision as to what course to pursue, confronted with the question of whether to place all parks in a partial state of completion or to abandon some in favor of others. Neither seems to be a wise or economically feasible solution.

A committee of the Legislature has reported that $21,000,000 in capital outlay will complete the program in a satisfactory manner. This committee reasons that all of our people would then be better served from a recreational standpoint and that our resources in the area of recreation and tourist attractions would be adequately developed, which would mean much economically to the State. The committee recommends that steps be taken to secure funds for this purpose.

I am in agreement with the recommendation of the committee and have included in this call a proposal that you authorize $21,000,000 in capital outlay funds to be used in completing the park and recreational program, thus enhancing the recreational and tourist potential of our state. I pledge to you, if you adopt this proposal and provide such funds, that this program will be given minute attention, careful planning and close supervision. Funding of the bond measure will be from a source imposing no hardship on individual citizens or on the business community. I ask your favorable consideration of this proposal.

Other matters that I would request that you consider include legislation increasing the amount paid to the State by banking institutions on state money held in time deposits. As you may recall, legislation offered by the Wallace Administration was enacted in 1967 requiring for the first time payment of interest to the State for the deposit of state money in banking institutions. Since that time more than $12,000,000 has been paid in earned interest. The presently offered legislation would increase the rate of interest to be paid by the banks and would provide procedures to assure timely deposit of available funds. Through adoption of this legislation, the State will be assured of the deposit of more funds at a higher rate of interest. There is no question but that this is in the public interest and in keeping with the wishes of the vast majority of our people. It assures a fair, honest and equitable return on the people's money and is deserving of your support.

There will also be presented to you legislation designed to upgrade the unemployment compensation statutes to provide increased benefits to the unemployed, whose ranks are now increasing to a critical level. The legislation offered will extend present benefits for an additional thirteen weeks.

Between seven and eight thousand Alabama workers who have exhausted their regular UC benefits and have been unable to find employment would be entitled to additional benefits under this program. They would be paid approximately $2,000,000 over the next thirteen weeks. The Federal Government would pay half this amount with only $1,000,000 coming out of the Alabama UC Trust Fund.

This change is badly needed at this time as unemployment continues on the rise. In the event of extended unemployment this additional thirteen weeks' benefit becomes critical. On behalf of the fine, dedicated men and women making up the labor force of Alabama, I ask that you give favorable consideration to this legislation at the earliest possible moment.

Both a special interim committee of the Legislature and the Public Service Commission are presently considering the matter of proper rates for the public utilities of the State. This is a matter of increasing concern to all of the citizens of Alabama, who in one or more ways are affected by the rate charges of the utility companies. I found this to be a matter of genuine concern throughout the State during the recent campaign and, indeed, it is fast becoming a matter of high concern throughout the nation. I have offered personal testimony before the legislative committee looking into this matter, and I am appearing through counsel in the proceedings before the Public Service Commission. I feel that such is my duty and obligation if I am to properly preserve the rights of the people in this vital area.

My proposals to you in this instance are in line with my desire to afford a full and fair hearing for all parties concerned in all matters affecting the fixing of utility rates. To this end I am proposing that legislation be enacted extending the time for which the Public Service Commission, the State regulatory agency, may suspend rate schedules filed by the public utilities before they become effective. This will afford the consumer, and those representing consumer interests, time in which to review, consider and evaluate the requests made and file appropriate answers. Otherwise, the hearing becomes an ex parte proceeding to a large degree.

Secondly, I propose that you adopt legislation standardizing the basis upon which the property of public utilities is valued in fixing a "rate base" for rate making purposes. This procedure is not now uniform and in many instances highly confusing. Passage of the proposed legislation will eliminate much of this doubt, confusion and mistrust and provide a reasonable and equitable basis for rate making.

As a result of lengthy inquiry by both the Legislature and the fiscal officials of the State, it has been found that certain State agencies and institutions, due to accelerated expenditures during the first two quarters of the present fiscal year, do not have sufficient funds available to continue operation for the remainder of the year ending September 30. The Fiscal Study Committee and other interim committees have reviewed these situations in detail and have recommended in each instance that sufficient supplemental appropriations be made to enable the State agencies concerned to continue to function.

A bill is being offered providing modest but adequate appropriations for these agencies, including the Department of Pensions and Security, the Board of Corrections, the Department of Public Safety and the Medicaid program administered by the Medical Services Division of the State Board of Health. All of these requests have been examined by both the Executive Department and the appointed committees of the Legislature and found to be necessary and required if the agencies named are to continue to operate throughout the current fiscal year.

The General Fund, from which the greater portion of the departments and agencies of the executive branch of government are funded, is in a precarious financial position. The existing surplus, not nearly so large as earlier reported, is being utilized to sustain operations for the remainder of the fiscal year. This places the General Fund in the impossible position of entering a new fiscal year with little or no balance. Something needs to be done now to remedy this situation.

I have recommended the passage of the so-called "bank interest" bill to provide some increase to the general Fund. I am also offering legislation to provide for the uniform disposition of unclaimed and abandoned tangible and intangible personal property known as the "Escheat Law". Adoption of this legislation will provide an undetermined amount of new revenue to the General Fund, which is sorely needed. Perhaps other legislation to bolster the General Fund will be offered—if so, I request your close and serious examination and approval if found to be valid.

In closing let me say that the matters included in this call for an Extraordinary Session are those which have had my close, careful and studied consideration. I sincerely believe that the proposed programs are in the interest of the people of this state. They are in keeping wtih the commitments and covenants of my campaign. I know that many of you made similar commitments and have similar attitudes as to the programs presented. I ask only a fair, impartial and unbiased consideration of the legislation offered, with approval if found sufficient or amendment and correction if improvement can be made.

All of us, I am sure, share the same desire that our efforts in this session will produce good for the citizens of our state—providing relief where relief is needed, and help and assistance where the need exists. I feel that our programs in the area of health services, highways, parks and other proposed legislation are in the best interest of all Alabamians.

Although this does not pertain directly to the business of this session, I think it appropriate to call to your attention the fact that we have recently commenced a study on efficiency in govrenmental operations. Through use of professional consultants and the advice and counsel of leaders of the business and professional community, we hope to develop and implement a plan which will provide substantial savings and far greater efficiency in the operation of our state government. The firm we have engaged has conducted similar studies and developed plans in twelve or more states with outstanding results. We are optimistic as to success in Alabama.

I wish to express again my gratitude to this Legislature for the help and assistance that it has afforded in guiding my decision with respect to the call of this session and the measures to be considered. No Governor has ever been afforded greater support and cooperation, and I am firm in my belief that together we can meet and solve the problems confronting our state.

May God bless and guide you in your labors.

Remarks of Gov. George C. Wallace

The conviction of Lieutenant Calley, raises some interesting questions. Those of us who have been shot at in combat know that war is hell. The Axis powers in World War II killed millions of civilians in bombings and other military action—the Allied powers dropped bombs on Axis power capitals and other cities in these countries—killing hundreds of thousands of civilians. The Communists are noted for the killing of civilians including their own.

During World War II when we were on the same side with the Communist—fighting the Germans and Japanese—not one bit of criticism was leveled at the killing of hundreds of thousands of civilians in the German and Japanese capitals. The Communists should be tried instead of Lieutenant Calley. They are the cause of any civilian being killed in military action today. During the time that Americans and Allied servicemen are fighting in Vietnam, including Lieutenant Calley, many in this country were marching in support of the Communist and Vietcong, flying the Communist Vietcong flag and parading pictures of Communist leaders.

They are the ones who call for the destruction of this country and victory over the American and allied servicemen by the Communists and the Viet Cong. This action on the part of these traitors has prolonged the war in Indo China causing the killing of Americans, Vietnamese civilians on both sides and also North Vietnamese servicemen. The Government of the United States has failed to prosecute a single one who has committed these acts of treason—and to try Lt. Calley in face of all these facts is simply unbelievable. This country's refusal to accept surrender of the Germans and Japanese except under the condition of unconditional surrender brought about the dropping of the atomic bombs on Japan. Has anyone ever been tried for this?

This decision has a demoralizing effect upon every serviceman today in our armed services. I hope that all Alabamians will write President Nixon and ask for a full pardon for Lt. Calley.

I am also asking the selective service director of this State to investigate the possibility of whether or not we can, under the law, suspend the draft in this State until Lt. Calley is pardoned by the President of the United States.

If I were President, I would pardon Lieutenant Calley.

FAA AIRPORT FORECASTS

Mr. SPONG. Mr. President, a few weeks ago, the Federal Aviation Administration issued its annual 10-year forecast of passenger traffic at the three major Washington area airports—Washington National, Dulles International, and Baltimore Friendship.

The accompanying press release notes with satisfaction that both Dulles and Friendship will register healthy gains during the period. But what the FAA has not told the public either in its report or in its press handouts is that these figures are significantly changed from what was forecast only a year earlier and that the change is all in the direction of a greater share of the market for National.

Thus, last year, it was forecast that National would have a 35.7-percent share by 1981. This year, the figure has been raised to 40.4 percent, an increase of almost 5 percent or some 2 million passengers. Corresponding downward revisions have been made in the percentages forecast for Dulles and Friendship. Where Friendship last year was expected to have 35.7 percent of the market, this year the forecost has dropped to 31.4 percent. Dulles' share declines from 28.6 to 28.2 percent.

Mr. President, these figures represent percentage shares of the passenger market and not absolute numbers. As such, they are not affected by general economic slowdowns and slumps in airline business, but by conscious decisions on the part of the FAA on how to make use of the region's airport resources.

Even so, a look at the actual numbers of passengers expected to use the three facilities confirms that National will be playing a larger role and Dulles and Friendship a smaller role than was forecast a year ago. Notwithstanding a downward revision in the total number of passengers involved from 44.8 to 41 million, National Airport's expected share increases from 16 to 16.6 million. The other two airports, it seems, not only will bear the full brunt of the overall slowdown but also lose established business to National. Thus, the number of passengers at Dulles declines from the 12.8 million forecast last year to 11.6 million in this year's report. Friendship suffers an even greater loss from 16 million to 12.8 million. All of this, again, while National is recording an increase of 600,000.

Mr. President, this substantial but unannounced revision in FAA forecasts can only be explained by the presence of some new factor in the region's airport picture which was not there a year ago. And the only significant new factor of which I have knowledge is the FAA's decision to permit stretch jets to use National Airport.

That decision was made despite warnings from the FAA's own airport managers that the larger stretch jets would "change the entire pattern of growth of aeronautical activity in the Washington metropolitan area" and "substantially alter the prospects for growth of Dulles and Friendship." The revisions in the FAA forecasts which I have cited indicate that that is exactly what is happening.

Mr. President, this is not the first time the FAA has adjusted its forecasts of market allocation for the airports to take account of decisions it has made in favor of greater use of National. In 1959, for instance, the FAA concluded that by 1975 Dulles should have 45.8 percent of the region's passenger traffic, National 33.9 percent and Friendship 20.3 percent. It was on that basis and with the expectation that Dulles would become the major jet port of the region relieving congestion at National, that Congress appropriated the money to build the new facility. Over the years, however, the FAA has adjusted its forecasts to compensate for such changes as its 1966 decision to allow jets to use National. The result is that today the predicted distribution of traffic for the same year is Dulles 20.5 percent—less than half the original forecast—National 53.5 percent and Friendship 26 percent.

All of this tampering with the forecasts has permitted the FAA to maintain the clumsy fiction that "Dulles' development is right on schedule." I fully expect that a year from now the FAA will trot out the same argument in answer to those who opposed the stretch jet decision as harmful to Dulles. Dulles will be shown to be right in line with forecasts. What will not be mentioned is that those forecasts themselves have been altered to fit the situation the FAA has created.

Mr. President, despite all the denials by the FAA that the use of stretch jets at National would in any way affect Dulles and Friendship, the fact remains that the FAA itself has quietly and without explanation changed its forecasts to reflect a significant change in "the pattern of growth of aeronautical activity in the Washington metropolitan area."

SOLID WASTE DISPOSAL

Mr. BEALL. Mr. President, one of the most critical pollution problems confronting the country is that of solid waste disposal. There is an interesting experiment taking place in urban Prince Georges County. Here the refuse, rather than being the usual "mountainous liability," is recycled and disposed of at a profit.

I ask unanimous consent that an article, describing this experiment, published in the Washington Sunday Star, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAN WE USE MAX SPENDLOVE'S TRASH MACHINE?

(By John Morton)

Our refuse need not be a mountainous liability. It can be disposed of profitably, says the director of an experimental recycling plant in Maryland.

A quart jar of pickles brings together in one convenient package 16 pickles, a cup of brine, an ounce of metal in the cap, a bit of paper label and 12 ounces of glass. All of these facts do not fill the housewife's mind as she cruises the supermarket aisles. It's the pickles she wants, and that's what her family gets. The rest is thrown away.

A lot of everything else she buys is thrown away, too, after the edible contents are unwrapped from paper, squirted from aerosols, squeezed from tubes and poured from thousands of cans and nonreturnable glass bottles. Truly it is a disposable feast.

Americans throw away 150 million tons of household refuse annually, and the total goes up each year. The cost to collect and dispose of it is staggering—close to $4 billion annually. Some of the junk is burned, some is buried, some is dumped at sea, and a lot of it just blows across the land.

The harvest of refuse is a major headache for cities, which everywhere are plagued by a lack of new dumping sites and the high cost of building and running refuse incinerators. Yet this effluent of our hard-sell, super-packaged marketing system itself offers the answer to the problem of its existence. For if properly treated, all of this junk is worth money.

A federal research project quietly underway in Edmonston, Md., in Prince Georges County, has developed a recycling plant that takes refuse at one end and produces commercially valuable products at the other end—at a profit. The reason a profit can be made is simple: Household refuse is rich in all the materials that were thrown into it—aluminum, iron, copper, brass, tin, glass, paper and plastic. Indeed, for some of these materials, household refuse is a resource richer than ore that is profitably mined and processed in a mill.

A visit to the Edmonston recycling plant is a surprising experience for anyone accustomed to the dirt and obnoxious smell usually found in ordinary refuse-disposal plants. There is plenty of noise—the huge machines used in the recycling process chop, tumble, crush and shake the junk fed into them with an awesome racket. But the refuse is carefully contained along the chain of connected machinery, and water sprays used in the machines to wash out fine particles keep down the dust. The floor is spotless.

The man in charge is Max Spendlove, research director at the U.S. Bureau of Mines' Metallurgy Research Center at the University of Maryland. Spendlove, a serious-faced, orderly man in his 50s who looks as if he might be a high school physics teacher, has a matter-of-fact way of speaking that often harbors wit. Giving directions to his office on the University of Maryland campus, he advised: "Follow Campus Drive until you pass the Student Union Building—that's the one with all the trash out in front—and I'm in the next building on your left."

Spendlove's career as a government metallurgist devoted to getting something valuable out of what appears to be worthless goes back to 1940, long before the disposable explosion in American merchandising began overwhelming municipal trash systems.

His first job with the Bureau of Mines was to figure out a way to extract the valuable metal in the smoke and gases belched out by copper smelters near Salt Lake City, Utah. After World War II he was in College Park, developing techniques for reclaiming aluminum from thousands of scrapped military planes. When Congress enacted the Solid Waste Disposal Act of 1965 with the idea of combating pollution and reclaiming lost resources, Spendlove was appointed to direct the bureau's research under the act. This led to the development of the Edmonston recycling plant, which first started processing refuse on an experimental basis in May, 1969.

So Spendlove is used to looking at the worthless, the discarded objects of America, in a different light. Thus he speaks of household trash with admiration, even a bit of affection, and with an absolutely straight face. To Spendlove, it's not trash, but "urban ore," and he likes to talk about how coat hangers and tin cans are "high" in iron, that broken toys and alarm clocks produce a lot of brass and aluminum, and that all of those throw-away bottles give off a nice quality of marketable glass, if handled right.

He even sounds a little protective of the qualities of his urban ore at the mention of banning throw-away bottles by municipal ordinance, a step recently taken by Bowie, Md.

"What good does it do to ban throw-away pop and beer bottles and not ban them for pickles, vegetables, ketchup, olives and everything else that comes in a throw-away container?" he asks. "What about the shoe box and all the other containers we throw away? Besides, the consuming public will always resist this. They'll just go buy them somewhere else."

Let the people buy and throw away, says Spendlove. Human nature is not easily changed, but recycling plants that make money can be easily built, and the profits can be spent on doing a better job of collecting refuse.

Trash disposal in the United States, for the most part, relies on the same basic processes used centuries ago—burn and bury. Nothing better was ever developed because, until fairly recently, land was cheap enough and plentiful enough to make burn-and-bury a sensible disposal system.

But suburban sprawl, the population explosion and the boom in throw-away packaging have combined to overwhelm existing municipal dumps and make sites for new ones hard to find. Fairfax County in Virginia, for example, is nervously seeking a new dumping site; in about a year, the county's landfill operation west of Fairfax City will have taken about all it can hold.

Similarly in Maryland, Montgomery County should have closed its overstuffed landfill near Rockville a year ago, county officials acknowledge. But land close in is expensive, and few communities farther out are eager to become somebody else's dumping grounds. Alternatives being considered by some local governments include baling trash and shipping it elsewhere by rail. The District of Columbia may send its trash on barges 20 miles down the Potomac to Cherry Hill, Va., when its dumping site at Oxon Cove, Md., is filled up.

One method of reducing the sheer volume of refuse is to burn it in an incinerator, which removes the paper, plastic, wood, food, and anything else that will burn. There are now about 400 incinerators in use in the United States, and scores more will be built in coming years. The District has had at least one incinerator since the 1930s, and is planning to build its fifth soon. And there are several others in metropolitan Washington. But incinerators still leave an unburnable residue of metal and glass that must be buried in a landfill somewhere.

The Edmonston recycling plant developed under Spendlove's direction was designed to process this incinerator residue—extract the valuable materials in pure enough form to make them commercially valuable. Using residue collected from incinerators in suburban Maryland, Virginia, the District of Columbia, Baltimore, Atlanta and New Orleans, Spendlove and his fellow researchers experimented with machines that chopped, chewed and separated incinerator residue. By November, 1969, six months after they started, they had perfected the process.

Perfecting the process achieved these financial results: The cost in labor, equipment and building to process incinerator residue is $3.52 a ton. The end products—commercial grade metals and glass—are worth $12 a ton. This means that cities with incinerators are burning and burying $77 million worth of resources a year—the recycled value of the 22 million tons of refuse fed to incinerators each year in the United States.

Attracted by reports in technical journals, representatives from the iron, aluminum and glass industries have visited the Edmonston project to see for themselves that the recycling plant can produce valuable material. Other visitors have included officials from several major cities in the United States and abroad.

If money can be made from household trash, and the Bureau of Mines has a plant that proves it, why aren't mayors and city councils all over the country plunging into engineering reports and making feverish plans to build their own recycling plants? Part of the answer is that the Bureau of Mines experiment was so recently completed that word of its successes has not spread out to municipal public works departments. Even in metropolitan Washington, which would seem to have the edge on the rest of the country because of proximity, checks with public works departments failed to turn up any officials who had actually visited the Edmonston project, although there were varying degrees of awareness of it.

Moreover, the public works officials tended to view the whole concept of recycling as something too experimental and far off to be of much use to them in their day-to-day struggles with collection, burning and burying. Says Norman Jackson, director of the District's Department of Sanitary Engineering: "Recycling is a very fundamental principle that we must observe in the future, but I think a lot of work remains to be done on it."

Others apparently were not acquainted with Spendlove's recycling techniques. Both Nicholas Stoliaroff, urban engineer with Prince Georges County, and Frederick Doe, Arlington County's utilities director, asserted that household trash is such a complex mixture of materials that sorting it out never would be profitable. "You can't tell from looking at a can whether it's aluminum or tin," says Doe. The Edmonston plant, however, does not rely on visual identification; it shreds all incoming materials and separates them with mechanical, magnetic and chemical methods.

Doe also refused to accept that tin cans and glass bottles could produce raw materials that would bring a profit, regardless of the cost-profit studies done by the Bureau of Mines. "For example, tin cans have fallen in value considerably because the tin coating on the iron contaminates the new types of steel furnaces being used," he says.

Spendlove acknowledges that the tin contamination problem remains to be solved, along with problems caused by solder from the seams of cans and copper that somehow attaches itself to tin cans during incineration. But the profit figures he cites for his recycling process are based on receiving the low prices that tin-contaminated iron brings on the market. "When we solve the contamination problem, the iron will be good enough to make steel, and then we can make more than $12 a ton profit on incinerator residue," he says.

Spendlove believes there will be two major barriers to overcome before very many communities will be able to put to work the recycling processes developed in Edmonston. "In many cities, just getting out from under the refuse-disposal problems that they have right now will put them off," he says. "And I am assuming that, whenever a recycling plant is built, it will be a combined effort—a combination of city and state or federal governments, and perhaps even some private interest. None of these relationships has been determined, and it will take time. But I'll be surprised if some serious proposals don't start coming in."

As for the recycling process itself, Spendlove emphasizes that no esoteric machinery or unusual new processes are involved. "All the machinery we use is conventional," he says. "We just use the basic minerals-processing techniques, but we've brought all the techniques together to work on urban ore."

There are three basic operations: 1. Shredding and grinding the incinerator residue into small particles. 2. Separating out different materials with magnets and screens of different sizes. 3. Washing to remove dust particles.

The first machine in the recycling chain is a trommel—a large, rotating cylinder full of 1¼-inch holes that normally is used to sort out gravel. The incinerator residue brought in at the unloading dock is dumped onto a conveyor, which carries it to the trommel; small particles drop through the trommel's holes as it rotates and feeds larger pieces to a shredding machine. In later stages, magnets pull out magnetic metals, and grinding mills crush glass into tiny particles and flatten pieces of nonmagnetic metals so they can be screened out of the glass.

Traditional refining techniques, such as acid leaches and filtration, further separate metals into aluminum, copper, zinc and brass. The glass particles can be used as is to make building bricks and glass wool, but more money can be made from glass that is separated by color, which is done both by magnetic means (color in glass is created by iron and chromium) and with an optical sorter.

The cost and profit figures cited above are based on a recycling plant serving a city of 250,000. A larger plant, say for a city of a million, would use the machinery more efficiently, reducing processing costs to $1.83 a ton. How much to build a plant for a city of a million? About $2.2 million, certainly not unmanageable, especially in view of the profit potential.

"Now that we know how to process incinerator residue and make money at it," says Spendlove, "we're setting up another plant to take refuse straight from the garbage can—no incinerator—because the paper and plastic refuse is valuable, too, and we hate to see it burned up." He expects to spend about a year perfecting the process for raw refuse. "We already know how we hope to do it, but there are always unexpected kinks to work out."

OFFICIALS TEND TO VIEW THE CONCEPT OF RECYCLING AS TOO EXPERIMENTAL

Processing raw refuse both eliminates and raises some problems. It would eliminate the need for an incinerator, which costs about $23 million to build for a city of a million. But it poses expensive difficulties in reclaiming paper and plastics and fabrics. To be separated from other trash, these lightweight articles must be put through what is called air classification.

Essentially, air classification is a stream of air into which the refuses is dribbled. The air blast blows out the paper, cardboard, plastic and other light materials, and an additional air stream can further separate the lightweight materials into distinct grades.

Adding air classification to a recycling plant (the heavier materials would continue to be processed just like incinerator residue) would raise the cost of a plant for a city of a million to about $7.2 million.

This more sophisticated, raw-refuse process is yet to be perfected, however. But Max Spendlove says it's just a question of time. Working on the mechanical problems involved is simple, compared to the obstacles in other phases of waste management—for example, taking almost invisible pollutants out of air and water. "Solid waste is easy to work on," says Spendlove. "You can put your hands on it. You can do almost anything you want with it."

BIG MILITARY SPENDING CAN ENDANGER OUR SECURITY—ADDRESS BY SENATOR PROXMIRE

Mr. STEVENSON. Mr. President, on April 12, 1971, the distinguished Senator from Wisconsin (Mr. PROXMIRE) discussed military spending and national security policy in a comprehensive address to the Coalition on National Priorities and Military Policy. The Senator's carefully documented statement is only the latest manifestation of his grasp of the massive defense budget and of his valuable insights about the wasteful and unnecessary items in that budget.

As the Senator points out, waste does not buy national security; rather, it diminishes our security and our well-being by diverting scarce Federal resources from productive uses—at a time when the demands on those resources are greater than ever before.

Because the Senator's excellent address will be of interest to all who seek more effective government and more rational priorities. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

BIG MILITARY SPENDING CAN ENDANGER OUR SECURITY

(Remarks by Senator WILLIAM PROXMIRE)

Unless we cut the military budget, we may actually weaken the security of the country.

Until we cut spending for unneeded or duplicate weapons, for excessive gold-plating, for redundant bases, and for extravagant logistic and supply purposes, the military safety of this nation will decline.

Unless we reform our procurement practices, the funds we spend for military purposes will continue to be wasted, will promote inflation, and weaken our defenses.

If we persist in buying weapons which are so sophisticated they do not work; if we continue to follow practices through which the price of weapons routinely exceed their projected costs by 50 to 100 percent; if we persevere in a system whereby weapons and supplies are regularly delivered late; and if we continue to cut our combat forces while adding to the logistic tail so that the ratio between those who fight and those who have desk jobs grows even more disproportionate, the security of this country will suffer.

We are now wasting billions in military spending. Through more prudent policies and through military reform, we can provide a more than adequate defense for the United States for far less money. In fact, if we continue to squander our treaure for obsolete or unworkable weapons as we have done in the past, we will weaken ourselves militarily and economically.

Waste makes us weaker, not stronger. Profligate spending, whether for the military or for other purposes, does not strengthen the United States.

There are those who charge that those who attempt to subject military spending to a critical analysis are "neo-isolationists," believe in "unilateral disarmament" or, as one columnist put it, are "deathlessly dedicated to a policy of national weakness."

Those who hurl such epithets refuse to examine the fact that our strategic weapons could blow up the world several times over, that our Navy—measured by firepower—is not only stronger than any other Navy in the world but probably stronger than all of them combined, and that our Air Force is bigger and stronger than the combined air strength of the air forces of the rest of the world.

Yet every time an attempt is made to reform our procurement practices, subject duplicate weapons to a critical analysis, or question the strategic concepts under which the military operates, cries of "neo-isolationists" or "unilateral disarmers" are raised. It is my purpose to show just how wrong-headed those critics are.

MILITARY BUDGET NOW GOING UP

In the first place, far from having cut significant amounts from military spending, the Pentagon has suffered only the most minute or marginal cut. Now the President is asking that it go up again. No case can be made that we have cut the bone and muscle from our military forces.

While Congress has cut the military appropriations by about $13.5 billions in the last three years, the actual spending by the Pentagon has dropped by only $2.5 to $3.0 billion.

In fiscal year 1968 the Pentagon spent $77.4 billion. In fiscal year 1969, it spent $77.9 billion. In fiscal year 1970. the Pentagon spent $77.1 billion. This spending took place in spite of the fact that the Congress cut their appropriations in those years by $2.0 billion, $5.5 billion, and $5.7 billion respectively.

In fiscal year 1971 the President proposed in his budget that we spend $71.2 billion. But during the first six months of this fiscal year, the Pentagon spent at the rate of $74.6 billion, or an increase of $3.4 billion over the original estimates.

Now the President has proposed that the Pentagon spend $75 billion next year and that new budget authority, which determines what is spent in the future, rise to $77.7 billion for the Pentagon and to $80.2 billion for what is termed "national defense" in the budget:

DEPARTMENT OF DEFENSE—MILITARY

[In billions]

Fiscal year (1)	Request (2)	Appropriation (3)	Increase or decrease (4)	Outlays¹ Actual (5)	Outlays¹ Estimates (6)
1968	$76.211	$74.152	—$2.059	$77.4	$73.7
1969	79.945	74.402	—5.543	77.877	76.7
1970	78.389	72.667	—5.722	77.150	76.505
1971	68.746	66.596	—2.150	[2] 74.6	71.191
1972	[3] 75.267				74.975

[1] Includes funds for military construction, family housing, and civil defense not included in the DOD regular bill requests (col. 2) or appropriations (col. 3).

[2] Fiscal year 1971 outlays are for the 1st 6 months.

[3] Includes allowance for pay increases ($2.56) and all-volunteer force ($1.2) in recommended budget authority for fiscal year 1972.

ASSURED DESTRUCTION CAPABILITY

A second fundamental reason why those who charge "neo-isolationism" or "unilateral disarmament" are dead wrong is the power of our strategic weapons.

According to Secretary Laird's posture statement of March 9, 1971, (p. 165), the United States will have 4,600 "total offensive force loadings" or nuclear weapons by mid-1971. The comparable figure given for the Russians in the Secretary's official estimates is only 2,000.

We therefore have over twice the strategic nuclear weapons that the Russians have.

Is this enough to deter the Russians from launching a war on us, or a preemptive first strike? Do we have sufficient "assured destructive capability" to deter them from that act?

In the posture statement of January 1968, then Secretary of Defense Robert McNamara submitted a damage table giving the estimate of the proportion of Soviet population and industry which could be destroyed by various numbers of one megaton equivalent of delivered warheads.

The key figure indicates that 400 delivered one-megaton warheads would destroy 30 percent of the Russian population and 76 percent of her industrial capacity:

SECRETARY McNAMARA'S DAMAGE TABLE—ESTIMATE OF SOVIET POPULATION AND INDUSTRY DESTRUCTION

[Assumed 1972 total population of 247,000,000, urban population of 116,000,000]

1 mt. equivalent delivered warheads	Total population fatalities (millions)	Percent	Industrial capacity destroyed (percent)
100	37	15	59
200	52	21	72
400	74	30	76
800	96	39	77
1,200	109	44	77
1,600	116	47	77

But by mid-1971, the United States will have in its strategic arsenal 4,600 force loadings or eleven and one-half times the number of warheads sufficient to destroy 30 percent of the Russian population and 76 percent of her industry.

Not only that, but the 4,600 figure does not include some 3,000 to 4,000 tactical nuclear warheads which could be delivered from tactical land and sea planes stationed on the periphery of the Soviet Union. We therefore have in our arsenal now, from 7,600 to 8,600 strategic and tactical nuclear weapons, or from 19 to 21.5 times the number needed to destroy 30 percent of the Soviet population and 76 percent of her industrial capacity.

But this is not all. The 4,600 strategic nuclear weapons we now have in our arsenal are expanding and they are expanding at a very fast rate. In fact, by the 1974–75 period, the military planners expect to have some 9,600 strategic force loadings or weapons instead of the 4,600 now estimated.

According to unclassified sources the 9,600 strategic warheads will be composed of the following estimated forces:

Launchers:	*Warheads*
500 Minutemen II	500
500 Minutemen III	1,500
160 Polaris A–3's	480
496 Poseidon launchers	4,960
569 Heavy bombers [1]	[1] 2,160
Total	9,600

[1] Approximate estimate.

In addition to these strategic weapons, we will continue to have the 3,000 to 4,000 tactical nuclear weapons which can also be counted as a part of our "assured destructive capability."

Thus we will more than double our official strategic nuclear force loadings. We are doing this even though we now have more than 10 times the number of nuclear warheads to destroy the capability of the Soviet Union to fight and to insure our "assured destruction capability."

We not only have an advantage over the Russians which is now more than two to one, but we are moving to more than double the weapons we now have.

There is an apt saying, often attributed to George Santayana, which fits this situation: "Fanaticism means redoubling one's efforts after having lost sight of one's aims."

All of this is costing us about $18 billion a year for strategic weapons. There are many who believe we should spend a smaller amount. We could cut back from $18 billion to $14 billion a year and still provide by the 1974–5 period some 7,600 strategic nuclear weapons or force loadings, or an increase to 19 times (from the present 11.5 times) the number needed to inflict an unacceptable level of damage on the Soviet Union or to destroy 30 percent of her population and 76 percent of her industry.

Isn't that enough?

To call that "neo-isolationism" or "unilateral disarmament" is not only a misuse of the language but also stretches the credulity of intelligent men.

STRATEGIC ARMS LIMITATION TREATY

One alternative to procuring new weapons is reaching a sound arms control agreement with the Soviets. Senator Humphrey has only recently drawn our attention to this problem again. He did a service to the cause of peace by asking whether the SALT talks may not have been used as an excuse to increase our weaponry on the grounds that an increase in weapons added to our bargaining chips in the negotiations.

He was also correct to question why we failed to follow up the decision of the Russians not to deploy the SS–9 with some self-restraint on our own part.

THE RUSSIAN AND CHINESE THREAT

Before detailing where cuts in the fat and waste in the military budget can take place, let us examine one more general issue bearing upon our military needs. That is the question of the nature of the threat which the Russians and Chinese pose.

One does not have to believe that the Russians and Chinese have changed their spots or that they are ready to unilaterally beat their swords into ploughshares to question the size of our military budget. What is the threat they pose?

We all know that the Russians pose a threat to the West. Those in power believe in their system and they are intent on expanding it by whatever means they can—propaganda, revolution, subversion, or military power, as long as it does not involve them in a nuclear war. Make no mistake about it. Eastern Europe is now in the Communist orbit because of the power of the Red Army. Berlin, much of Western Europe, and a number of other areas might also be under their suzerainty if it were not for the willingness of the United States and our Allies to defend them from Soviet aggression. We should not underestimate either Soviet or Chinese intentions. But neither should we exaggerate either the Russian or Chinese ability to conquer the world.

The ability of either nation to fight a war is based not only on its resolve and its military might but also on its economic capability. For short periods, either nation might pour a disproportionate amount of its resources into defense. But over a longer period, if it spends an undue amount of its wealth on defense, it will weaken itself both economically and militarily.

In 1969 the Joint Economic Committee held hearings on the Russian economy. We invited the best experts in the United States, experts from a variety of points of view, to give us their best judgment as to the nature and size of the Soviet economy. We did this because the military capability of the Soviet

Union is directly related to its economic capacity. The results of those hearings were clear.

The Soviet Union is not ten feet tall. If the United States is figuratively six feet tall, the Soviet Union is only three feet tall. Their economy is about half as productive as our economy. This is so even though they have perhaps 15 percent more people than the United States.

One of the key factors, also, is that Russia uses seven times as large a proportion of her population in agriculture as does the United States. Yet she produces about 20 percent less food.

Soviet agriculture chews up so much of Soviet manpower that it greatly retards the Soviet economic effort elsewhere.

If the Soviet Union chooses to expand greatly her military might, she must do so at the expense of her economy and at the expense of her food production. If she invests heavily in military hardware, she will be unable to invest in new technology for industry, agriculture, housing and other needs. If she does this for any considerable period of time, she will weaken herself economically which will also weaken her militarily in the long run.

With respect to the Chinese, if we are six feet tall and the Russians three feet tall, the Chinese are only six inches tall. Their economy is only one-twelfth the size of our economy.

While they would fight valiantly to defend themselves against attack, and while they can put into the field a very effective military organization to fight a land war on their borders, they are limited to that ability. Their Navy is so small that they are unable to take Quemoy and Matsu. They have no intercontinental Air Force. They have only a rudimentary nuclear capability and no deployed ICBMs.

Outside of a land war on her borders on the Continent of Asia, she poses no major military threat, and certainly no major threat to the United States.

It is in this perspective of the Russian and Chinese capabilities that our military needs must be measured.

MILITARY SPENDING REFORMS

When one examines the amount of fat and waste in specific military programs, the absurdity of charging that those who want to reform military spending are "neo-isolationists" can be seen. Let me be specific.

First of all let us examine military procurement. Here are some of the facts.

PROCUREMENT IS A MESS

There is scarcely a major weapons system developed over the last two decades which was delivered on time, performed according to its specifications, and which cost what it was originally estimated to cost.

Mr. Richard Stubbing, who in 1966 received the Budget Bureau Director's Professional Achievement Award, studied a number of major weapons systems in the 1950's and 1960's. Here is what he found.

Of 13 major aircraft and missile programs, with sophisticated electronic systems, built for the Air Force and Navy at a cost of $40 billion since 1955, only four reached a performance level of 75 percent or above of their specifications.

Of 12 electronic systems produced in the 1950's, only five performed up to their specifications. Of the others, only one performed at a 75 percent level, four were at a 50 percent level, and two met only a 25 percent performance level.

Of 11 major systems begun in the 1960's, only two performed up to standard and met their original specifications for performance. One more was at 75 percent. Two were at 50 percent. But six performed at only 25 percent of the standards specified in the contracts.

Those are the facts and they have not been disputed.

To argue that those who want to reform that system are "neo-isolationists" or "unilateral disarmers" is ridiculous. In fact, those who support the present procurement system more nearly deserve that description because the weapons they advocate do not work.

What about the costs? We all know that the cost of the C–5A escalated by $2 billion over the original estimates. That is now well known. But is that unique or unusual?

The Comptroller General now routinely reports on the costs of the major weapons systems. Last July he reported on 38 selected major weapons systems and their costs as of March 31, 1970. He found that the costs of these 38 systems were $23.8 billion above the planning estimates for the programs. He found that in the nine-month period between June 30, 1969 and March 31, 1970, these costs had grown by $3.6 billion. And he found that in only one of the four big systems where the major cost increases were located could the cost overrun be attributed to any extent to an increase in the number of units purchased.

Recently another report was issued by the General Accounting Office on cost overruns. This schedule of program cost data as of June 30, 1970 covered 61 systems and indicated that the costs exceeded the estimates on these systems by $33.4 billion.

As one pundit said recently, "While weapons programs performance is poor and deliveries are late, costs are overrunning right on schedule."

In view of these facts, one would think that the charge of neo-isolationist would be leveled, if leveled at all, at those who waste our resources through procurement scandals rather than at those attempted to reform the waste, save money for the taxpayers, and give us better weapons at less cost.

SECRETARY PACKARD'S CHARGE

But it is not the Congressional critics alone who have condemned Pentagon procurement waste. No less a figure than Deputy Secretary of Defense David Packard has had the harshest things to say about procurement. In a speech last August, Mr. Packard bluntly said this:

"We have a real mess on our hands.

"We don't need more supervision and more people in the act. We need fewer people.

"When we are not in a hurry to get things done right, we over-organize, over-man, overspend, and under-accomplish.

"Let's face it—the fact is that there has been bad management of many Defense programs in the past. We spend billions of the taxpayer's dollars: sometimes we spend it badly. . . . However, most of it has been due to bad management, both in the Department of Defense and in the Defense Industry."

And Mr. Gilbert Fitzhugh, the Chairman of the Blue Ribbon Defense Panel established by the Department of Defense, had this to say upon the release of his report:

"Defense Department's policies have contributed to serious cost overruns, schedule slippage, and performance deficiencies."

Is it a policy of national weakness to demand reform in procurement when the Deputy Secretary of Defense has charged that procurement is a "mess" and that in procurement we "over-organize, over-man, overspend, and under-accomplish"?

RESERVE FORCES

There are other questionable areas as well. We have a National Guard and Reserve units of the individual services whose job it is to be ready, in the case of a future emergency, to augment the regular forces. This year we are spending $2.4 billion to provide for some 960,000 men and women in the Army and Air National Guard, and for the Army, Naval, Marine Corps and Air Force Reserves.

But these forces, whose purpose is to be ready during an emergency, were essentially not used in the recent emergency. Listen to what the Senate Appropriations Committee had to say on this matter last year in the Department of Defense Appropriations Bill Report.

"The limited use of National Guard and Reserve Forces to meet the manpower requirements of the conflict in Southeast Asia is a matter of great concern to the Committee. During fiscal years 1966 through 1968, the strength of our Active Forces was increased from 2,535,000 to 3,547,000, an addition of over a million. However, during this period only 36,972 National Guard and Reserve Forces personnel were called to active duty involuntarily."

We could save $2.4 billion by doing either one of two things. If the National Guard and Reserve are *not* ready for an emergency, they should be disbanded. They certainly are not needed for ceremonial purposes, at least not at a cost of $2.4 billion a year.

If they *are* ready for an emergency, then the $2.4 billion could properly be saved from our regular forces. The money we now spend for the Reserve and Guard would add to our strength and we could safely cut in other areas. In either case, we could save this money either by making certain these forces are ready to fight or by disbanding them if they are to continue on the basis that they are not to be used in an emergency.

In any case, is it "neo-isolationist" to ask why we spent $2.4 billion a year for almost a million National Guard and Reservists for use in an emergency when only 3 percent of them were called to duty involuntarily for the Vietnam emergency?

OTHER WEAPONS QUESTIONABLE

There are a series of weapons which should be challenged and which are highly vulnerable to criticism.

B–1 bomber

The B–1 bomber is now in the R. and D. stage. But the basic question is why do we need a new manned bomber, not to be available until the late 1970's, in an age of sophisticated missiles? What possible reason is there for us to be building a new fleet of bombers at a minimum cost of $10.5 billion. The B–1 cannot be justified by its mission. Many highly qualified experts believe that the B–52 bomber with standoff weapons can adequately perform the same mission. In addition, we should remember that the Soviets have a modern air defense system. To spend billions or a new manned bomber designed to penetrate enemy air space is wasteful by definition.

AWACS

This is an airborne warning and control system designed to give early warning against a Russian intercontinental bomber attack. There are several reasons to question spending untold billions on the system.

In the first place, the Russians do not pose an intercontinental bomber threat. The 1972 Posture Statement indicates that the Russians have from 175 to 195 outmoded heavy bombers which, at best, could reach the United States. They are building no new long-range bombers. And 50 of the 175 to 195 are *Bisons* which are configured for tankers.

In addition, we have spent billions already on the SAGE, Dew Line, and Nike Hercules systems which in the past have been touted as 100 percent effective against a bomber attack.

Thus the Air Force is proposing to spend billions for an early warning bomber system when neither the Russians nor the Chinese pose a long-range bomber threat. In fact, the Chinese do not even have outdated long-range bombers. At best, they have a medium range 1600 mile plane which poses no threat to us.

Unable to justify AWACS on the ground that it is needed as a bomber defense, the military is now trying to justify it on grounds that it may have some tactical usefulness.

This system has every appearance of being a major boondoggle.

Is it unilateral disarmament to question why we should spend billions on a new manned bomber or billions more for a bomber defense system against a nonexistent Russian intercontinental bomber threat?

Carriers

Modern attack carriers not only cost a very great deal of money—one estimate is $1.8 billion for the carrier, its lanes, and the fleet to supply and defend it—but they are sitting ducks for modern missiles, especially in confined areas such as the Mediterranean. One Senator has said it is as easy to knock them out as it is to hit a bull on the butt with a bass fiddle.

Furthermore, while we have 15 attack carriers, they appear to be very inefficiently used. Many believe 15 is the number determined on the basis that the U.S. has had 15 capital ships since the Naval Conference of 1921 which provided a major command for its most senior officers, and that the carrier provides this function now that the battleship has met its demise.

The regular routine is that 5 carriers are on station while 5 are in port and 5 more are being overhauled. While this ratio has changed somewhat in emergencies, it is nevertheless the general plan.

There is therefore not only a question about the usefulness of carriers but a question about how efficiently the existing carriers are being used. Yet, as we all know, the Navy continues to press for additional attack carriers while most experts question the justification for adding new ones to the fleet.

Close support aircraft

There is now a major controversy among the three services over close support aircraft. The Army is pressing for the Cheyenne helicopter which, due to serious technical troubles, had its production contract canceled about 18 months ago. But like Old Man River, the Cheyenne keeps rolling along and has now been revived by the Army.

Meanwhile the Air Force is developing the A–X close support plane. It is also building several prototypes.

In addition, the Marine Corps has ordered the Harrier, a British-built plane, for use as a close support aircraft.

Here is duplication at its worst. Here is the kind of inter-service rivalry supposedly done away with when the Defense Department was formed. But in the close support program we have at least 5 and perhaps as many as 7 different planes or prototypes competing against each other.

On behalf of the defense of the United States, it is time the Pentagon made a decision.

Antisubmarine warfare

The same problem of waste and duplication is presented by the Anti-Submarine Warfare issue. There is no question that an ASW program is needed. But the military is unable to decide which system is most effective and which system to use. Instead it is pursuing a series of contradictory actions which are excessively costly. Here are the components of the present overlapping program and the present estimated costs.

Weapon:	*Cost*[1]
DLGN–38 (guided missile frigate)	$5.49 b.
P–3C (land-based ASW and patrol plane)	2.61 b.
S–3A (carrier-based ASW plane)	2.95 b.
Mark 48 Torpedo (anti-sub and shipping torpedo)	3.78 b.
SSN–688 (hunter-killer sub)	4.28 b.
DD–963 (destroyer)	4.18 b.
Total	23.29 b.

[1] Based on Mar. 18, 1971 GAO Report.

The ASW program is out of control. The military is merely building everything it can think of as an anti-sub weapon. While there is no question that an anti-submarine warfare program is needed, there is also no reason to build both frigates and destroyers, to build land-based and carrier-based planes, to build hunter-killer subs as well, and to sink vast sums into the Mark 48 torpedo which is now running four years late and is very expensive.

Someone has to bang some heads together and bring order out of chaos in this field.

Are we "deathlessly dedicated to a policy of national weakness" to question why we need more attack carriers when we have 15 and the Russians have none, to query why each service should be building or buying a different close support aircraft, or why the military is proceeding with no less than 6 major anti-submarine warfare weapons systems at an estimated cost of $23.29 billion?

F–14 and F–15

Here is another example of questionable procurement practices. The Navy wants a new F–14 at a cost of $8.57 billion for the buy. The Air Force is proceeding with the F–15. The cost to complete it is estimated at $8.12 billion.

A number of questions have been raised about them. Some think they are too complex and sophisticated. Others have questioned the F–14's function as a bomber interceptor to protect the carrier it sits on. If the Russians are crazy enough to launch an intercontinental bomber attack on the United States, with their out of date and outmoded old-fashioned bombers, they certainly are not going to start World War III by launching them against our carriers.

Technical problems and a bad contractual arrangement have forced prices up on the F–14. This has happened at a time when there is serious doubt in both Congress and in the Executive branch about the future role of the aircraft carrier itself—the prime justification for developing the F–14.

There is also a marked similarity between the F–14 and the F–15. A recent review of these two programs was undertaken by the House Appropriations Committee. Acquiring both planes will be so expensive that we will not be able to replace our current aircraft on a one-for-one basis. It may be possible to settle on one less sophisticated plane for both missions that would have better air superiority characteristics.

The problem of two planes and inter-service rivalry was solved by letting each service have what it wanted. But the American taxpayer pays the freight and American security suffers because the extra funds spent for duplicate planes could be used either to make us militarily stronger or to strengthen us economically.

Cuts in this area would strengthen us. The big military spenders are the ones who are endangering our security by this "something for everybody" policy.

MBT 70

The Main Battle Tank 70 is another example of meeting a need with the wrong weapon. We need a new tank. But we don't need this one. Even the Germans, who were our partners in this endeavor, have now gotten out.

Again the military has squandered our economic strength by failing to make a decision, by spending funds on the wrong weapon, and by refusing to acknowledge a mistake.

NEEDED MILITARY WEAPONS

If the military were not squandering such vast sums on the B–1 bomber, an unneeded AWACS program, duplicate close air support weapons, overlapping fighter plane programs—as well as the vast duplication in the ASW program—this country could easily support those new weapons it needs. It could also save billions for the taxpayer. We must soon end the "All This and Heaven Too" military weapons policy in order that we can produce those weapons we need most and which may be vital to our security.

For our future security, the following systems in my view should be funded in the R. and D. stage so that they can go into production if the need for them develops.

We need to continue with the ULMS or underwater long-range missile system. Laser research should continue. We should move forward with the Poseidon program even as we put a stop to the B–1 bomber.

We need to continue with an advance strategic warning and detection system, not AWACS, but infra-red research and satellite detection techniques. We need a major improvement in our communications system, not so much in the mere technical relay of information as in the ability to act upon information when it is received. The Pueblo incident, where 24 hours passed before the military could even decide what to do—only to find that it was then too late—is typical of the present defense system in which highly sophisticated and technical systems are too complex for use.

Now all of these things could be funded from a much reduced military budget if we were not wasting our resources on a series of overlapping programs, on cost overruns and faulty procurement, and on unneeded weapons such as the B–1 bomber and the MBT 70 tank.

OTHER ISSUES

There are other issues as well. Why do we need over 400 major and some 3,000 minor bases scattered in some 31 countries around the world? The need for these bases, many of them redundant but held since World War II, should be reviewed.

Why, a quarter of a century after World War II, should the United States be providing over 300,000 troops and $14 billion a year to the NATO alliance? Our European allies have a larger population than we do. They are now as wealthy as we are. They are shouldering none of the costs of the Asian war. Yet we continue with this tremendous outlay of military expenditures for the defense of Europe.

We should cut our forces in NATO in half. We should continue to provide the nuclear umbrella for the defense of Europe. But the Europeans should provide most of the manpower. It is time to Europeanize NATO as it is time to Vietnamize the Asian War. If the Europeans are unwilling to defend themselves against a Russian attack in the center of Europe, then there is no reason why we should bear the major share of that burden.

How does it weaken us to review our bases and to question why NATO should not be Europeanized when their economic strength is as great as ours?

CONCLUSION

By reforming procurement, by reviewing our commitments, by taking a realistic view of the Russian and Chinese threat, by doing away with unneeded and overlapping weapons, and by limiting the expansion of our nuclear strategic terror, we could make great savings in the defense budget without endangering our security.

And as real security is based on a balance between military and domestic needs, and between the strength of our weapons and the strength of our economy, in my view we would in fact enhance our overall security.

If we persist in the present military excesses we will weaken this country rather than strengthen it.

We should reduce our military expenditures rather than to increase them as our military needs in Asia decrease.

The charge of "neo-isolationism" hurled at those who advocate reform is badly misplaced. In fact, if the military fails to reform, it may so endanger its own credibility as to bring about the very neo-isolationism it claims to oppose.

Instead of hurling epithets at those who would reform the system, those who really want us to remain strong and free should urge the Pentagon to provide this country with a leaner, stronger, and far less costly, more efficient military force.

DRUG TRAFFIC IN SOUTHEAST ASIA

Mr. McGOVERN. Mr. President, I am increasingly concerned about reports that members of U.S. Armed Forces serving in Indochina are being afflicted with hard drug addiction on an alarming scale, and that Southeast Asian growers and smugglers not only supply those drugs but a lion's share of the illicit world supply as well.

In light of the grave implications for our own society, I have written to Secretary of State William Rogers and Central Intelligence Agency Director Richard Helms, asking for a thorough investigation of this matter. In addition, I have asked for a report on diplomatic initiatives which have been undertaken to end the vast production of opium in the Fertile Triangle region encompassing parts of Burma, northern Thailand, and Laos.

I ask unanimous consent that the letter to which I have referred, a recent report by Gloria Emerson in the New York Times on the availability of heroin in Vietnam, and a report in the current issue of Ramparts magazine on the Southeast Asian opium market be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

U.S. Senate, Committee on
Agriculture and Forestry,
Washington, D.C., April 13, 1971.

Hon. William Rogers,
Secretary of State,
U.S. Department of State,
Washington, D.C.

Dear Mr. Secretary: The traffic in hard narcotics, the opium derivatives, is among the most insidious and deadly threats to our domestic safety and well-being.

These drugs destroy hundreds of thousands of lives each year, and the number is growing rapidly. Beyond that, hard drug addiction authors a vast proportion of all other crime—as much as 90 percent in New York City, for example—which is committed by users seeking funds to sustain their habits. A recent study in the District of Columbia found that 45 percent of a sampling of the D.C. jail population was addicted to heroin.

This general grave concern is now coupled with the more recent problem of hard drug addiction acquired by United States servicemen returning from Indochina. The Commissioner of New York's Addiction Services Agency has written to me that,

"Most recent reports on drug addiction and drug abuse do indicate that there is an increase in these phenomena among American servicemen and there is very little doubt that a significantly greater part of New York servicemen returning to civilian life have been or are addicted, or have developed a propensity to addiction."

Dr. Robert DuPont, director of Washington, D.C.'s Narcotics Treatment Administration, reports that his agency has undertaken a systematic study of the relationship between military service and heroin use. He told me recently that,

"Our earlier investigations showed that about 25 percent of the heroin addict patients in treatment with the Narcotics Treatment Administration, and about 25 percent of the heroin addicts admitted to the D.C. jail, are veterans."

Last year the Veterans Administration established the treatment of drug dependence as a special medical program, including plans for 30 specialized units for the rehabilitation of drug dependent veterans. V.A. Administrator Donald Johnson has advised me that his agency is not in a position to assess the true magnitude of this problem.

In his State of the World Message, President Nixon quite properly singled out plans to deal with the international sources of supply of heroin as an essential, central element in any serious effort to control this vicious drug. He indicated that the Administration has worked closely with a number of governments, particularly Turkey, France, and Mexico, to seek an end to illicit production and smuggling of narcotics.

On the basis of this background, I am deeply disturbed by reports, including those contained in the current issue of *Ramparts Magazine*, that the vast majority of all heroin production comes not from Turkey, not from France or Mexico, but from Southeast Asia, and that U.S. policy and personnel, instead of discouraging this traffic, have actually assisted its growth.

I would very much appreciate your comments on the following points raised in the enclosed article:

(1) The report that, according to the United Nations Commission on Drugs and Narcotics, at least 80 percent of the world's 1200 tons of illicit opium comes from Southeast Asia. According to an Iranian report to a United Nations seminar on the subject, some 83 percent of the world's illegal supply originates in the Fertile Triangle region which includes parts of Burma, northern Thailand and Laos.

(2) The report that Nationalist Chinese or Kuomingtang forces operating in that region control and profit from the opium trade, that these forces supplement their income by performing missions for the United States, and that the Burmese government has protested this activity both to the United States and the United Nations.

(3) The report that opium is the basic source of income for Meo tribesmen in Laos, and that General Vang Pao, commander of Lao counterinsurgency forces made up of Meo tribesmen and supported by the United States, uses aircraft supplied by this country to transport opium from the surrounding area to the base of Long Cheng.

(4) The report that General Ouane Rathikoune of the Royal Laotian Army exercises broad control over the opium traffic in Laos, including ownership of several "cookers" for refining it, and that he and other interested parties transport raw opium in equipment supplied by the United States military assistance program.

(5) The implication that opium production and collection in Laos is conducted with the knowledge of Central Intelligence Agency officials, particularly in the area surrounding Long Cheng, and that CIA operations there actually serve to protect these supplies and facilitate their movement.

(6) The report that high Vietnamese officials, including Vice President Ky, have been and may currently be involved in the transport of opium from the Fertile Triangle region to Saigon and in its distribution there.

Certainly these reports, along with others in the article, warrant a thorough investigation. Indeed, considering our determination to end the menace of heroin addiction in this country, I will be surprised if such an investigation has not already been completed and if we are not currently involved in vigorous diplomatic efforts to close off this source. Considering the number of independent sources which have reported knowledge of vast opium production in the Fertile Triangle region, it seems to me that it would be impossible for it to escape the attention of U.S. agencies operating there.

Along with your comments on the points listed above I would, therefore, very much appreciate a report on initiatives the United States has undertaken to cut off this major source of opium supply, including any restrictions on military assistance aimed at preventing the use of American equipment in collecting and transporting this treacherous commodity.

Sincerely,

George McGovern.

[From the New York Times, Feb. 25, 1971]

GI's in Vietnam Get Heroin Easily

(By Gloria Emerson)

Saigon, South Vietnam, February 24.—It is so easy to buy heroin from peddlers in Vietnam wherever there are American troops or convoys that a tiny plastic vial can be purchased for $3 outside the headquarters of an American general.

On the 15-mile Bienhoa highway, which runs from Saigon north to Longbinh, heroin can be purchased—and was, by this correspondent—in a dozen conspicuous places within a few minutes.

At Longbinh, the largest United States military installation in Vietnam, a stand where Vietnamese children sell the narcotic nearly every day of the week can be found directly across the highway from the entrance to the headquarters of Lieut. Gen. Michael S. Davison, who commands the II Field Force.

STALLS BY THE HIGHWAY

The stands in the Longbinh area, usually set up by boys, are United States Army ponchos held on poles to provide shade. No other goods—none of the fruits or soft drinks seen in other stalls—are on display.

The vials containing the heroin are about the size of the salt shakers served with meals by airlines in the United States.

In a drive from Saigon to Longbinh, more than a dozen stalls and three individual vendors of heroin were seen.

The tiny vial of heroin can sometimes be purchased for a carton of American cigarettes, which costs G.I.'s $1.75 at the post exchange. The Vietnamese sell the cigarettes on the black market for three times that, if not more.

The cost of a vial ranges up to $6, depending on where the sale is made. G.I.'s can pay in military payment certificates, the Army currency equal to the dollar, or in Vietnamese piasters.

The drug is being used more frequently by enlisted men. The military command in Saigon, which will not comment on the increase, lumps the heroin situation with the rest of the drug problem, which, in Vietnam, appears to involve marijuana for the most part.

Last month, a 64-page directive from Gen. Creighton W. Abrams, commander of United States forces in Vietnam, ordered officers to help combat the widespread use of marijuana.

"But you don't hear the generals sweating over marijuana," a soldier at Longbinh said today. "It's scag they worry about," he added, referring to heroin.

In a brigade headquarters at Longbinh there are unconfirmed reports that the use of heroin in the unit has risen to 20 per cent from 5 per cent. Most of the officers really do not know how many of their men are using the drug.

"You can salute an officer with your right hand and take a hit with your left hand," an enlisted man from New York said.

Some G.I.'s prefer to smoke the heroin, which they mix with cigarette tobacco, because, unlike marijuana, it has no distinctive aroma. It is said that few inject it into the veins. If they do not smoke it, they "snort" it; used like snuff, it is pushed into the nostrils and inhaled.

On the narrow road leading off to the 90th Replacement Battalion, where soldiers arrive in Vietnam and where they are processed to leave after one year, a small girl looking not much older than 7 sits under a poncho with a monkey on a leash and a bird in a bamboo cage. Not to be seen are the vials of heroin she cheerfully sells.

"That kid is really a landmark around here," a soldier said.

There were no national policemen, whose responsibility it is to stop sales to G.I.'s, near the stands. American military policemen are entitled to detain those soldiers caught in the act of buying or with narcotics in their possession.

WATERMELONS AND HEROIN

"If the kids don't sell, the mama-san in the hootches will, or the South Vietnamese troops," a soldier said. The mama-sans are the Vietnamese maids at Army posts.

At the tiny railroad station at Longbinh, where there is a commuter train to Saigon for Vietnamese employes at the base, a middle-aged Vietnamese woman in a green blouse and black pants sells watermelons. She also sells heroin, which the Vietnamese call white opium. A boy at her side nods when he sees a soldier use a forefinger and a thumb to indicate that he wants a tiny vial.

"Three bucks," the boy says.

An officer at Longbinh speaks of others who have climbed an observation tower to watch a sale, with soldiers tossing cigarettes over the high fence to Vietnamese men.

"If I can see that," the officer said, "I wonder why the M.P.'s don't know it."

American convoy drivers are also good customers. It is believed that many of them buy for resale.

DAUGHTER, 17, HELPS OUT

Large communities of Vietnamese who live near the Longbinh base or near highways where American convoys pass have made small fortunes selling marijuana and heroin.

In the little town of Tamhiep, about 20 miles from Saigon on Route 1, which curves by the Longbinh base, the sellers are adolescent girls. An older woman explained why.

"It is harder for boys to approach military convoys because they might be thought of as Vietcong," she said in Vietnamese.

She has a 17-year-old daughter, still in school, who often sells on Route 13.

"More white Americans buy heroin from us than the black ones do," the schoolgirl said. "If you see an American sniffing the white opium, you will certainly die laughing. His hands shake violently when he handed it. Immediately he begins to sniff it. Then he closes his eyes as if he is going to faint."

The girl gave a chuckle and added: "Some minutes later he wakes up and looks more intelligent."

It is believed that most of the heroin—derived from morphine, one of the alkaloids in opium—comes from Laos, but the girl and her mother do not know its source. Both said, however, that the local supply probably came from Chinese merchants in Cholon, the huge suburb of Saigon and once its Chinese twin city.

Not all the drugs are pure. The schoolgirl said that dried grass or tea leaves were often added to marijuana and that sugar was added to heroin.

One of the reasons American soldiers give for using heroin is that, compared with prices in America, it is cheap.

"There aren't many bargains here, either," one soldier said glumly.

The New Opium War

(By Frank Browning and Banning Garrett)

Mr. President, the specter of heroin addiction is haunting nearly every community in the nation." With these urgent words, Senator Vance Hartke spoke up on March 2 in support of a resolution on drug control being considered in the U.S. Senate. Estimating that there are 500,000 heroin addicts in the U.S., he pointed out that nearly 20 percent of them are teenagers. The concern of Hartke and others is not misplaced. Heroin has become the major killer of young people between 18 and 35, outpacing death from accidents, suicides or cancer. It has also become a major cause of crime: to sustain their habits, addicts in the U.S. spend more than $15 million a day, half of it coming from the 55 percent of crime in the cities which they commit and the annual $2.5 billion worth of goods they steal.

Once safely isolated as part of the destructive funkiness of the black ghetto, heroin has suddenly spread out into Middle America, becoming as much a part of suburbia as the Saturday barbecue. This has gained it the attention it otherwise never would have had. President Nixon himself says it is spreading with "pandemic virulence." People are becoming aware that teenagers are shooting up at lunchtime in schools and returning to classrooms to nod the day away. But what they don't know—and what no one is telling them—is that neither the volcanic eruption of addiction in this country nor the crimes it causes would be possible without the age-old international trade in opium (from which heroin is derived), or that heroin addiction—like inflation, unemployment, and most of the other chaotic forces in American society today—is directly related to the U.S. war in Indochina.

The connection between war and opium in Asia is as old as the empire itself. But the relationship has never been so symbiotic, so intricate in its networks and so vast in its implications. Never before has the trail of tragedy been so clearly marked as in the present phase of U.S. involvement in Southeast Asia. For the international traffic in opium has expanded in lockstep with the expanding U.S. military presence there, just as heroin has stalked the same young people in U.S. high schools who will also be called on to fight that war. The ironies that have accompanied the war in Vietnam since its onset are more poignant than before. At the very moment that public officials are wringing their hands over the heroin problem, Washington's own Cold War crusade, replete with clandestine activities that would seem far-fetched even in a spy novel, continues to play a major role in a process that has already rerouted the opium traffic from the Middle East to Southeast Asia and is every day opening new channels for its shipment to the U.S. At the same time the government starts crash programs to rehabilitate drug users among its young people. The young soldiers it is sending to Vietnam are getting hooked and dying of overdoses at the rate of one a day. While the President is declaring war on narcotics and on crime in the streets, he is widening the war in Laos, whose principal product is opium and which has now become the funnel for nearly half the world's supply of the narcotic, for which the U.S. is the chief consumer.

There would have been a bloodthirsty logic behind the expansion of the war into Laos if the thrust had been to seize supply centers of opium the communists were hoarding up to spread like a deadly virus into the free world. But the communists did not control the opium there: processing and distribution were already in the hands of the free world. Who are the principals of this new opium war? The ubiquitous CIA, whose role in getting the U.S. into Vietnam is well known but whose pivotal position in the opium trade is not; and a rogue's gallery of organizations and people—from an opium army subsidized by the Nationalist Chinese to such familiar names as Madame Nhu and Vice President Nguyen Cao Ky—who are the creations of U.S. policy in that part of the world.

The story of opium in Southeast Asia is a strange one at every turn. But the conclusion is known in advance: this war has come home again—in a silky grey powder that goes from a syringe into America's mainline.

Most of the opium in Southeast Asia is grown in a region known as the "Fertile Triangle," an area covering northwestern Burma, northern Thailand, and Laos. It is a mountainous jungle inhabited by tigers, elephants, and some of the most poisonous snakes in the world. The source of the opium that shares the area with these exotic animals is the poppy, and the main growers are the Meo hill tribespeople who inhabit the region. The Meo men chop back the forests in the wet season so that the crop can be planted in August and September. Poppies produce red, white or purple blossoms between January and March, and when the blossom withers, an egg-sized pod is left. The women harvest the crop and make a small incision in the pod with a three-bladed knife. The pod exudes a white latex-like substance which is left to accumulate and thicken for a day or two. Then it is carefully gathered, boiled to remove gross impurities, and the sticky substance is rolled into balls weighing several pounds. A fraction of the opium remains to be smoked by the villagers, but most is sold in nearby rendezvous with the local smugglers. It is the Meo's only cash crop. The hill tribe growers can collect as much as $50 per kilo, paid in gold, silver, various commodities, or local currency. The same kilo will bring $200 in Saigon and $2000 in San Francisco.

There are hundreds of routes, and certainly as many methods of transport by which the smugglers ship opium—some of it already refined into heroin—through and out of Southeast Asia. But there are three major networks. Some of the opium from Burma and northern Thailand moves into Bangkok, then to Singapore and Hong Kong, then via military aircraft, either directly or through Taiwan, to the United States. The second, and probably major, route is from Burma or Laos to Saigon or to ocean drops in the Gulf of Siam; then it goes either through the Middle East and Marseille to the U.S. or through Hong Kong and Singapore to the West Coast. A final route runs directly from outposts held by Nationalist Chinese troops in Thailand to Taiwan and then to the U.S. by a variety of means.

One of the most successful of the opium entrepreneurs who travel these routes, a Time reporter wrote in 1967, is Chan Chi-foo, a half-Chinese, half-Shan (Burmese) modern-day warlord who might have stepped out of a Joseph Conrad adventure yarn. Chan is a soft-spoken, mild-mannered man in his late thirties who, it is said, is totally ruthless. He has tremendous knowledge of the geography and people of northwestern Burma and is said to move easily among them, conversing in several dialects. Yet he is also able to deal comfortably with the bankers and other businessmen who finance his operations from such centers as Bangkok and Vientiane. Under Chan Chi-foo's command are from 1000–2000 well-armed men, with the feudal hierarchy spreading down to encompass another 3000 hill tribesmen, porters, hunters and opium growers who pay him fealty and whom he regards about the same as the more than 500 small mules he uses for transport.

Moving the opium from Burma to Thailand or Laos is a big and dangerous operation. One of Chan's caravans, says one awestruck observer, may stretch in single file for well over a mile, and may include 200 mules, 200 porters, 200 cooks and camp attendants, and about 400 armed guards. Such a caravan can easily carry 15 to 20 tons of opium, worth nearly a million dollars when delivered to syndicate men in Laos or Thailand.

To get his caravans to market, however, Chan must pay a price, for the crucial part of his route is heavily patrolled not by Thais or Laotians but by nomadic Nationalist Chinese or Kuomingtang (KMT) troops. Still supported by the ruling KMT on Taiwan, Generalissimo Chiang Kai-shek's 93rd Division controls a major part of the opium flowing out of Burma and Thailand. Roving bands of mercenary bandits, they fled to northern Burma in 1949 as Chiang's armies were being routed on the Chinese mainland, and have maintained themselves since by buying opium from the nearby Meo tribesmen which they then resell or by exacting tribute payments from entrepreneurs like Chan Chi-foo. As travelers to the area attest, these troops also supplement their income by running Intelligence operations into China and Burma for the U.S.

The Burmese Government regularly complained about all this activity to the United Nations, the Taiwan government and the United States, charging the Americans and Taiwanese with actively supplying and supporting the KMT, which in turn has organized anti-government guerrillas. In 1959 Burmese ground troops seized three opium processing plants set up by the KMT guerrillas at Wanton; the troops also took an airstrip the Chinese had used to fly in reinforcements. By February 1961 the Burmese had pushed the KMT troops southeast into the Thai-Burmese and Thai-Laotian border areas, where they now hold at least eight village bases. Just last year a reporter who was at Chieng Mai, Thailand, saw Thai troops and American advisors as well as military supplies provided by the Taiwan government. The Taiwan government, he noted, maintains an information office there and regularly accompanies the KMT troops on their forays into China to proselytize among the peasants of Yunnan province. These sorties are coordinated by the CIA (which is feverishly active if not wholly successful in this area), and the United States even provides its own backwater R&R for the weary KMT, flying its helicopters from hilltop to hilltop to pick up the Chinese (and the Establishment reporter who supplied this information) for organized basketball tournaments.

Although the KMT troops are often referred to as "remnants," they are not just debris left behind by history. They are in fact an important link in American and Taiwan policy toward Communist China. Not only does Chiang Kai-shek maintain direct contact with his old 93rd, but fresh recruits are frequently sent to maintain a troop level of from 5000 to 7000 men, according to a top-ranking foreign aid official in the U.S. government. And, as the New York Times has noted, Chiang Kai-shek's son, Chiang Ching-Kuo, is widely believed to be in charge of the KMT operations from his position as chief of the Taiwan secret police.

Burmese guerilla armies for the CIA; and they offer a payoff to the Border Patrol Police (BPP), and through them to the second most powerful man in Thailand, Minister of the Interior Gen. Prapasx Charusathira. The BPP were trained in the '50s by the CIA and now are financed and advised by AID and are flown from border village to border village by Air America. The BPP act as middlemen in the opium trade between the KMT in the remote regions of Thailand and the Chinese merchants of Bangkok. These relationships, of course, are flexible and changing, with each group wanting to maximize profits and minimize antagonisms and dangers. But the established routes vary, and sometimes doublecrosses are intentional.

In the summer of 1967 Chan Chi-foo set out from Burma through the KMT's territory with 300 men and 200 packhorses carrying nine tons of opium, with no intention of paying the usual fee of $80,000 protection money. But troops cut off the group near the Laotian village of Ban Houei Sai in an ambush that turned into a pitched battle. Neither group, however, had counted on the involvement of the kingpin of the area's opium trade: the CIA-backed Royal Lao Government Army and Air Force, under the command of General Ouane Rathikoune. Hearing of the skirmish, the general pulled his armed forces out of the Plain of Jars in northeastern Laos where they were supposed to be fighting the Pathet Lao guerillas, and engaged two companies and his entire air force in a battle of extermination against both sides. The result was nearly 30 KMT and Burmese dead and a half-ton windfall of opium for the Royal Lao Government.

In a moment of revealing frankness shortly after the battle, General Rathikoune, far from denying the role that opium had played, told several reporters that the opium trade was "not bad for Laos." The trade provides cash income for the Meo hill tribes, he argued, who would otherwise be penniless and therefore a threat to Lao's political stability. He also argued that the trade gives the Lao elite (which includes government officials) a chance to accumulate capital to ultimately invest in legitimate enterprises, thus building up Lao's economy. But if these rationalizations seemed weak, far less convincing was the general's assertion that, since he is in total control of the trade now, when the time comes to put an end to it he will simply put an end to it.

It is unlikely that Rathikoune, one of the chief warlords of the opium dynasty, will decide to end the trade soon. Right outside the village of Ban Houei Sai, hidden in the jungle, are several of his refineries—called "cookers"—which manufacture crude morphine (which is refined into heroin at a later transport point) under the supervision of professional pharmacists imported from Bangkok. Rathikoune also has "cookers" in the nearby villages of Ban Khwan, Phan Phung and Ban Kheung (the latter for opium grown by the Yao tribe). Most of the opium he procures comes from Burma in caravans such as Chan Chi-foo's; the rest comes from Thailand or from the hill tribespeople (Meo and Yao) in the area near Ban Houei Sai. Rathikoune flies the dope from the Ban Houei Sai area to Luang Prabang, the Royalist capital, in helicopters given by the United States military aid program.

Others in the Lao elite and government own refineries. There are cookers for heroin in Vientiane, two blocks from the King's residence; near Luang Prabang; on Khong Island in the Mekong River on the Lao-Cambodian border; and one recently built by Kouprasith Abhay (head of the military region around Vientiane, but also from the powerful Abhay family of Khong Island) at Phou Khao Khouai, just north of Vientiane. Other Lords of the Trade are Prince Boun Oum of Southern Laos, and the Sananikone family, called the "Rockefellers of Laos." Phoui Sananikone, the clan patriarch, headed a U.S.-backed coup in 1959 and is presently President of the National Assembly. Two other Sananikones are deputies in the Assembly, two are generals (one is Chief of Staff for Rathikoune), one is Minister of Public Works, and a host of others are to be found at lower levels of the political, military and civil service structure. And the Sananikones' airline, Veha Akhat, leases planes and pilots from Taiwan for paramilitary operations which lend themselves easily to commerce with opium-growing tribespeople. But the opium trade is popular with the rest of the elite, who rent RLG aircraft or create fly-by-night airlines (such as Laos Air Charter or Lao United Airlines) to do their own direct dealing.

Control of the opium trade has not always been in the hands of the Lao elite, although the U.S. has been at least peripherally involved in who the beneficiaries were since John Foster Dulles' famous 1954 commitment to maintain an anti-communist Laos. The major source of the opium in Laos has always been the Meo growers, who were selected by the CIA as its counterinsurgency bulwark against the Pathet Lao guerillas. The Meos' mountain bastion is Long Cheng, a secret base 80 miles northeast of Vientiane, built by the CIA during the 1962 Geneva Accords period. By 1964 Long Cheng's population was nearly 50,000, comprised largely of refugees who had come to escape the war and who were kept busy growing poppies in the hills surrounding the base.

The secrecy surrounding Long Cheng has hidden the trade from reporters. But security has not been complete: Carl Strock reported in the January 30 Far Eastern Economic Review, "Over the years eight journalists, including myself, have slipped into Long Cheng and have seen American crews loading T–28 bombers while armed CIA agents chatted with uniformed Thai soldiers and piles of raw opium stood for sale in the market (a kilo for $52). It's old hat by now, but Long Cheng is still so secret that in the past year both the U.S. embassy press attaché and the director of USAID's training center were denied clearance to visit the mountain redoubt." The CIA not only protects the opium in Long Cheng and various other pick-up points, but also gives clearance and protection to opium-laden aircraft flying out.

For some time, the primary middle-men in the opium traffic had been elements of the Corsican Mafia, identified in a 1966 United Nations report as a pivotal organization in the flow of narcotics. In a part of the world where transportation is a major problem and where air transport is a solution, the Corsicans were able to parlay their vintage World War II airplanes (called "the butterfly fleet" or, according to "Pop" Buell, U.S. citizen-at-large in the area, "Air Opium") into a position of control. But as the Laotian civil war intensified in the period following 1963, it became increasingly difficult for the Corsicans to operate, and the Meos started to have trouble getting their crop out of the hills in safety.

The vacuum that was created was quickly filled by the Royal Lao Air Force, which began to use helicopters and planes donated by the U.S. not only for fighting the Pathet Loa but also for flying opium out from airstrips pockmarking the Laotian hills. This arrangement was politically more advantageous than prior ones, for it consolidated the interests of all the anti-communist parties. The enfranchisement of the Lao elite gave it more of an incentive to carry on the war Dulles had committed the U.S. to back; the safe transport of the Meo's opium by an ideologically sanctioned network increased the incentive of these CIA-equipped and -trained tribesmen to fight the Pathet Lao. The U.S. got parties that would cooperate with its foreign policy not only for political reasons, but on more solid economic grounds. Opium was the economic cement binding all the parties together much more closely than anti-communism could.

As this relationship has matured, Long Cheng has become a major collection point for opium grown in Laos. CIA protege General Vang Pao, former officer for the French colonial army and now head of the Meo counterinsurgents, uses his U.S.-supplied helicopters and STOL (short-take-off-and-landing) aircraft to collect the opium from the surrounding area. It is unloaded and stored in hutches in Long Cheng. Some of it is sold there and flown out in Royal Laotian Government C–47s to Saigon or the Gulf of Siam or the South China Sea, where it is dropped to waiting fishing boats. Some of the opium is flown to Vietnam, where it is sold to Chinese merchants who then fly it to Saigon or to the ocean drops. One of Vang Pao's main sources of transport, since the RLG Air Force is not under his control, is the CIA-created Xieng Khouang Airline, which is still supervised by an American, though it is scheduled soon to be turned over completely to Vang Pao's men. The airline's two C–47s (which can carry a maximum of 4000 pounds) are used only for transport to Vientiane.

Prior to Nixon's blitzkrieg in Laos, the opium trade was booming. Production had grown rapidly since the early '50s to a level of 175–200 tons a year, with 400 of the 600 tons produced in Burma, and 50–100 tons of that grown in Thailand, passing through Laotian territory. But if the opium has been an El Dorado for the Corsicans, the Lao elite the CIA and others, it has been a nemesis for the Meo tribesmen. For in becoming a pawn in the larger strategy of the U.S., the Meos have seen the army virtually wiped out, with the average age of recruits now 15 years, and their population reduced from 400,000 to 200,000. The Meos' reward for CIA service, in other words, has been their destruction as a people. (See Hard Times, section, page 14)

Both the complexity and the finality of the opium web which connects Burma, Thailand, Laos and South Vietnam stretch the imagination. So bizarre is the opium network and so pervasive the traffic that were it to appear in an Ian Fleming plot we would pass it off as torturing the credibility of thriller fiction. But the trade is real and the net has entangled governments beyond the steaming jungle of Indochina. In 1962, for instance, an opium-smuggling scandal stunned the entire Canadian Parliament. It was in March of that year that Prime Minister Diefenbaker confirmed rumors that nine Canadian members of the immaculate United Nations International Control Commission had been caught carrying opium from Vientiane to the International markets in Saigon on UN planes.

The route from Laos to Saigon has long been one of the well-established trails of the heroin-opium trade. In August 1967, a C–47 transport plane carrying two-and-a-half tons of opium and some gold was forced down near Da Lat, South Vietnam, by American gunners when the pilot failed to identify himself. The plane and its precious cargo, reportedly owned by General Rathikoune's wife, were destined for a Chinese opium merchant and piloted by a former KMT pilot, L. G. Chao. Whatever their ownership, the dope-running planes usually land at Tan Son Nhut airbase, where they are met in a remote part of the airport with the protection of the airport police.

A considerable part of the opium and heroin remains in Saigon, where it is sold directly to U.S. troops or distributed to U.S. bases throughout the Vietnamese countryside. One G.I. who returned to the states an addict was August Schultz. He's off the needle now, but how he got on is most revealing. Explaining that he was "completely straight, even a right-winger" before he went into the Army, August told RAMPARTS how he fell into the heroin trap: "It was a regular day last April [1970] and I just walked into this bunker and there were these two guys shooting up. I said to them, 'What you guys doing?' Believe it or not I really didn't know. They explained it to me and asked me if I wanted to try it. I said sure."

Probably a fifth of the men in his unit have at least tried junk, August says. But the big thing, as his buddy Ronnie McSheffrey adds, was that most of the officers in his company—including the MPs—knew about it. McSheffrey saw MPs in his own division (6th Battalion, 31st Infantry, 9th Division) at Tan An shoot up, just as he says they saw him. He and his buddies even watched the unit's sergeant-major receive payoffs at a nearby whorehouse where every kind of drug imaginable was available.

An article by Kansas City newspaperwoman Gloria Emerson inserted into the Congressional Record by Senator Stuart Symington on March 10 said: "In a brigade headquarters at Long Binh, there were reports that heroin use in the unit had risen to 20 percent . . . 'You can salute an officer with your right hand and take a "hit" (of heroin) in your left,' an enlisted man from New York told me. . . . Along the 15-mile Bien Hoa highway running north to Saigon from Long Binh, heroin can be purchased at any of a dozen conspicuous places within a few minutes, and was by this reporter, for three dollars a vial."

Adding glamour to the labyrinthine intrigue of Vietnam's opium trade throughout the late 1950s and early '60s was the famous Madame Nhu, the Dragon Lady of Saigon. Madame Nhu was in a position to be very likely coordinator for the entire domestic opium traffic in Vietnam; yet so great is the power she still wields from her palatial exile in Paris that she has intimidated one American publisher and kept him from publishing the story. In his book *Mr. Pop*, Don Schanche, former editor of Horizon and former managing editor of the Saturday Evening Post, recounts the following interchange on the Plain of Jars during August 1960 between Edgar "Pop" Buell—the Indiana farmer who left his home to work with the Meo tribespeople—and a local restaurateur:

Buell drove with Albert [Fouré] to Phong Savan and watched from the side of the airstrip as a modern twin-engined plane took on a huge load of opium. Beneath the wing, talking heatedly with the plane's Corsican pilot, was a slender woman dressed in long white silk pants an *ao d'ai*, the side-slit, high-necked gown of Vietnam. Her body was exquisitely formed, and her darkly beautiful face wore a clear expression of authority. Even Buell could see that she was Vietnamese, not Lao.

"Zat," said Fouré, "is ze grande madame of opium from Saigon." Edgar never learned her name, but he recognized the unforgettable face and figure when the picture of an important South Vietnamese politician appeared months later in an American news magazine.

Though Schanche's publisher, David McKay Co., refused to publish her name for fear of reprisals, the unforgettable face was that of Madame Nhu.

But Saigon's opium trade is not new. Its history stretches back to 1949, when the French appointed former Vietnamese Emperor Bao Dai as chief of state. Boa Dai brought with him as chief of police Bay Vien, the undisputed leader of Saigon's criminal underground, which controlled not only the gambling and narcotics trade in Saigon but also the important Chinese suburb of Cholon. Bao Dai and Bay Vien held power until they were displayed after the 1954 Geneva Accords by Ngo Dinh Nhu, Diem's brother. Nhu had gained prominence in Vietnam as an organizer of a Catholic trade union movement modeled after the French Force Ouvrière, which the CIA had helped supply in the 1940s to break France's communist dockworkers' union, the CGT.

At first Nhu feigned support for Bay Vien and Bao Dai, but by the end of 1955 he had taken control of the Saigon secret police and—thereby—the city's opium and heroin trade as well. Just as the Nhus were consolidating their own power, a little-known figure entered the Diem military apparatus—a man who through the years would carefully extend his control over the air force and end up eventually heir not only to the South Vietnamese government but to the opium and heroin trade as well. That man was Nguyen Cao Ky, who had just returned from Algeria to take charge of the South Vietnamese air transports C–47 cargo planes.

At what particular point in time Ky became involved with the Nhus in the opium trade is not known, but by the end of the '50s he was cutting quite a figure in Saigon's elite circles. In an interview with RAMPARTS, retired Marine Corps Colonel (and author of the book *The Betrayal*) William Corson described Ky's life in the late 1950s in the following fashion: "Ky of course was a colonel in the Air Force back then and he used to have these glittering cocktail parties at the top of the Caravelle [Hotel] in Saigon. He laid out a fantastic spread—which was all very interesting because the amount of money he made as a soldier was maybe $25 to $30 a month and he didn't have any other outside income."

The first real light shed on the possible sources of Ky's extracurricular income came only in the spring of 1968, when Senator Ernest Gruening revealed that four years earlier Ky had been in the employ of the CIA's "Operation Haylift," a program which flew South Vietnamese agents "into North Vietnam for the purpose of sabotage, such as blowing up railroads, bridges, etc." More important. Ky was fired, Gruening's sources claimed, for having been caught smuggling opium from Laos back into Saigon. Significantly, Ky and his flight crews were replaced by Nationalist Chinese Air Force pilots.

Neither the CIA, the Pentagon, nor the State Department ever denied Ky worked on Operation Haylift. Nor did they deny that he had smuggled opium back into Saigon. However, a U.S. embassy spokesman categorically denied Ky was ever fired from "any position by any element of the U.S. Government for opium smuggling or for any other reason." When Ky came to power in February 1965, most observers supposed he had relinquished participation in the opium traffic (although it was "common knowledge" that Madame Ky had replaced Madame Nhu as Saigon's Dragon Lady and dealt in opium directly with Prince Boun Oum in Southern Laos). However, a high Saigon military official to whom Ky at one time offered a place in the opium traffic says Ky continued to carry loads ranging from 2000 to 3000 kilos of opium from Pleiku to Saigon in the spring of 1965 after he had assumed power and after Operation Haylift had been discontinued. Those runs included regular pickups near Dak To, Kon Tum and Pleiku. Since then there has been no indication that Ky has in any way altered the transport. Corson, who returned to Vietnam in 1965, observed that Ky's involvement in the trade had become so routine that it had lost almost all its adventure and intrigue.

With gross returns from the Indochinese traffic running anywhere from $250 to $500 million per year, opium is one of the kingpins of Southeast Asian commerce. Indochina has not always had such an enviable position. Historically most of the world's supply of opium and heroin came through well-established routes from Turkey, Iran and China. Then it was refined in chemical kitchens and warehouse factories in Marseille. The Mediterranean trade was controlled by the Corsican Mafia (which itself has long been related to such American crime lords as Lucky Luciano, who funneled a certain amount of dope into the black ghettoes). But high officials in the narcotics control division of the Canadian government, and in Interpol, the International Police Agency, confirm that since World War II—and paralleling the U.S. expansion in the Pacific—there has been a major redirection in the sources and routing of the worldwide opium traffic.

According to the United Nations Commission on Drugs and Narcotics, since at least 1966 80 percent of the world's 1200 tons of illicit opium has come from Southeast Asia—directly contradicting most official U.S. claims that the primary sources are Middle Eastern. In 1966 Interpol's former Secretary General Jean Nepote told investigators from Arthur D. Little Research Institute (then under contract to the U.S. Government Crime Commission) that the Fertile Triangle was a principal production center of opium. And last year an Iranian government official told a United Nations seminar on narcotics control that 83 percent of the world's illegal supply originated in the Fertile Triangle—the area where opium is controlled by the U.S.-supplied troops of Laos and Nationalist China.

It is odd that the U.S. government, with the most massive Intelligence apparatus in history, could miss this innovation. But though it may seem to be an amazing oversight, what has happened is that Richard Nixon and the makers of America's Asian policy have completely blanked Indochina out of the world narcotics trade. Not even Joe Stalin's removal of Trotsky from the Russian history books parallels this historical reconstruction. In his recent State of the World address, Richard Nixon dealt directly with the international narcotics traffic. "Narcotics addiction has been spreading with pandemic virulence," he said, adding that "this affliction is spreading rapidly and without the slightest respect for national boundaries." What is needed is "an integrated attack on the demand for [narcotics], the supply of them, and their movement across international borders. . . . We have," he says, "worked closely with a large number of governments, particularly Turkey, France, and Mexico, to try to stop the illicit production and smuggling of narcotics." (authors' emphasis)

It is no accident that Nixon has ignored the real sources of narcotics trade abroad and by so doing has effectively precluded any possibility of being able to deal with heroin at home. It is he more than anyone else who has underwritten that trade through the policies he has formulated, the alliances he has forged, and most recently the political appointments he has made. For Richard Nixon's rise to power has been intricately interwoven with the rise of proponents of America's aggressive strategy in Asia, a group of people loosely called the "China Lobby" who have been in or near political power off and on since 1950.

Among the most notable members of the "China Lobby" are Madame Anna Chennault, whose husband, General Claire Chennault, founded Air America; columnist Joe Alsop; FBI Director J. Edgar Hoover; former California Senator William Knowland; and Ray Cline, currently Chief of Intelligence for the State Department. They and such compatriots as the late Time magazine publisher Henry Luce and his widow, Congresswoman Claire Boothe Luce, have been some of the country's strongest proponents of the Nationalist Chinese cause.

In 1954 Chiang Kai-shek formed the Asian People's Anti-Communist League (APACL), which was to become one of the vital links between the China Lobby and the Taiwan government. (It was also in that year Nixon urged that U.S. troops be sent into Indochina following the French defeat in Dien Bien Phu—a proposal which failed because of the lack of public support for such policy following the Korean war.) As soon as the APACL was formed, Chiang announced that it had established "close contact" with three American politicans—the most important of whom was Vice President Richard Nixon.

Over the years the China lobby has continued to spring to Nixon's support. It was Madame Chennault, co-chairman in 1968 of Women for Nixon-Agnew Advisory Committee, who helped raise a quarter of a million dollars for the campaign; it was she who just before the election entered into an elaborate set of arrangements to sabotage a White House peace plan. Within 30 hours of the announced plan, South Vietnam President Thieu rejected the new negotiations it proposed—a rejection Madame Chennault had helped arrange as a last-minute blow at Hubert Humphrey and the Democrats.

It is not only his debts, associations and sympathies to the China Lobby which have linked Nixon with Kuomingtang machinations in Indochina and helped plunge the U.S. deeper into the morass there. One of his most important foreign policy appointments since taking office has been the reassignment of Ray Cline as State Department Director of Intelligence and Research. Cline, the controversial CIA station chief in Taiwan who helped organize KMT forays into Communist China, in 1962 promoted Nixon's old project of a Bay of Pigs invasion of China. Within a month of Cline's recent appointment, the resumption of pilotless Intelligence flights over mainland China was approved.

The entire cast of the China Lobby has relied on one magic corporation, the same corporation established just after World War II by General Claire Chennault as Civil Air Transport and renamed in the 1950s Air America. Carrier not only of men and personnel for all of Southeast Asia, but also of the policies that have turned Indochina into the third bloodiest battlefield in American history, Air America's chief contract is with the American Central Intelligence Agency.

Air America brings Brahmin Bostonians and wealthy Wall Streeters who are the China Lobby together with some of the most powerful men in Nationalist China's financial history. One of its principal services has been to fly in support for the "remnant" 93rd Division of the KMT, the "opium army" in Burma; another has been as a major carrier of opium itself. Air America flies through all of the Laotian and Vietnamese opium pick-up points, for aside from the private "butterfly fleet" and various military transports, Air America is the "official" Indochina airline. A 25-year-old black man recently returned from Indochina told Ramparts of going to Vietnam in late 1968 as an adventurer, hoping to get in on the dope business. But he found that the business was all controlled by a "group like the Mafia. It was tight and there wasn't room for me." The only way he could make it in the dope trade, he says, was to go to work for Air America as a mechanic. He found there "was plenty of dope in Laos—lots of crystals [heroin] all over the place." Air America was the only way to get in on it.

What has taken place in Indochina is more than a flurry of corruption among select dramatis personae in America's great Asian Drama. The fact that Meo tribesmen have been nearly wiped out, that the Corsican Mafia's Air Opium has been supplanted by the CIA's Air America, that Nationalist Chinese soldiers operate as narcotics bandits, that such architects of U.S. democracy for the East as the Nhus and Vice President Ky have been dope runners—these are only the bizzare cameo roles in a larger tragedy that involves nothing less than the uprooting of what had been *the* opium trade for decades—through the traditional lotus-land of the Middle East into Western Europe—and the substitution of another network, whose shape is parallel to that of the U.S. presence in Southeast Asia. The ecology of narcotics has been disrupted and remade to coincide with the structure of America's Asia strategy—the stealthy conquest of a continent to serve the interests of the likes of the China Lobby.

The shift in the international opium traffic is also a metaphor for what has happened in Southeast Asia itself. As the U.S. has settled in there, its presence radiating a nimbus of genocide and corruption, armadas of airplanes have come to smash the land and lives of a helpless people; mercenary armies have been trained by the U.S.; and boundaries reflecting the U.S. desires have been established, along with houses of commerce and petty criminality created in the American image. One of the upshots has been that the opium trade has been systematized, given U.S. technological expertise and a shipping and transportation network as pervasive as the U.S. presence itself. The piratical Corsican transporters have been replaced by pragmatic technocrats carrying out their jobs with deadly accuracy. Unimpeded by boundaries, scruples or customs agents, and nurtured by the free flow of military personnel through the capitals of the Orient, the United States has—as a reflex of its warfare Indochina—built up a support system for the trade in narcotics that is unparalleled in modern history.

The U.S. went on a holy war to stamp out communism and to protect its Asian markets, and it brought home heroin. It is a fitting trade-off, one that characterizes the moral quality of the U.S. involvement. This ugly war keeps coming home, each manifestation more terrifying than the last; home to the streets of the teeming urban ghettos and the lonely suburban isthmus where in the last year the number of teenage heroin addicts has taken a quantum leap forward. Heroin has now become the newest affliction of affluent America—of mothers in Westport, Connecticut, who only wanted to die when they traced track-marks on their daughters' elegant arms; or of fathers in Cicero, Illinois, speechless in outrage when their conscripted sons came back from the war bringing home a blood-stained needle as their only lasting souvenir.

MRS. MARJORIE MELTON, FRIEND OF THE LESS FORTUNATE

Mr. SYMINGTON. Mr. President, senior citizens in Missouri and the Midwest were saddened by the recent death of Mrs. Marjorie Melton of Kansas City. A co-worker with President Truman during his years of service on the County Court of Jackson County, Mo., Mrs. Melton was active in politics, church work, and in helping to ease the problems of the less fortunate.

When she died last week at the age of 83, she was on a mission to help older low-income people in Arkansas. She had raised a family and cared for her invalid husband for many years before his death. Always her heart and hands went out to others in need.

During the depression years of the thirties, Mrs. Melton helped to feed thousands in the downtown Kansas City neighborhoods where she lived. She entered public service as a compassionate representative of the Jackson County Court working with the mentally ill and others needing institutionalization.

An active Democrat since 1916, this beloved lady became an adviser in Kansas City whose advice was valued by all who knew her. A Sunday school teacher for many years, working with youth, the past 20 years she had worked with senior citizens organizing one of the very early city golden age center programs, including camping. She also helped to form many other senior citizen groups including the Missouri Council of Senior Citizens.

As an organizer for the National Council of Senior Citizens and for the Senior Member Council of the Farmers Union, Mrs. Melton set up the CASA program in Arkansas which pioneered the way for the national consultant. In the latter capacity, she had visited projects in 10 States during the past 10 months alone.

An active, vital woman until the very end, she will long be remembered by those with whom she worked, as well as by the older men and women whom she inspired throughout the country.

EXPANSION OF ANTIETAM NATIONAL BATTLEFIELD IN MARYLAND

Mr. BEALL. Mr. President, yesterday I cosponsored with the Senator from

Maryland (Mr. Mathias) and the Senator from Oregon (Mr. Hatfield), S. 1525, a bill to provide for the expansion of the Antietam National Battlefield in the State of Maryland.

In today's Washington Post, Mr. Tom Huth has written an article which points out the urgency for Congress to move, and move quickly, on this proposed legislation if we are to preserve the Antietam National Battlefield. As the article points out, unless Congress acts, it is likely that private developers will move in; and as Mr. Robert Bell, the management assistant of the Antietam National Battlefield, observed:

> You'll have to look through the clotheslines to see history.

I urge all Senators to read the article and then to join us in passing S. 1525.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Developers Wage a War At Antietam

(By Tom Huth)

Steering his white automobile slowly through the soft fallow fields where Union and Confederate armies fought their bloodiest day of battle, realtor Bill Phillips gestures into the distance and exclaims, "Look at that a 400-degree view. Wouldn't this make a beautiful home site?"

Phillips, rotund and agreeable, can hardly contain his infectious guffaws when he talks about the land deals that he and a few others are executing on the Antietam battlefield at Sharpsburg in western Maryland.

Housing developments and motels are being mapped out for at least four historic sites on the Civil War battleground in Washington County 12 miles south of Hagerstown.

Phillips wheels his car down the high rounded hill on which he and two friends plan to market three-acre lots, and he comes out on a National Park Service road where stand three tall statues commemorating Union brigades that charged up that hill in 1862.

The stone soldiers stare across the road at his property. Bill Phillips looks up at them, chuckles and says, "See, even the dummies are checking this land out."

Robert Bell, the management assistant of Antietam National Battlefield, has another view of the development: "You'll have to look through the clotheslines to see history."

But not if Maryland Republican Sens. Charles McC. Mathias and J. Glenn Beall Jr. and Rep. Goodloe Byron, a Democrat from western Maryland, can help it. Yesterday they introduced legislation to preserve the entire battlefield.

Just after first light on a gray and misty morning, 10 Union brigades of fighting Joe Hooker's I Corps swept out of the North Woods and struck the Confederate left flank. Stonewall Jackson's Confederate veterans formed a battle line and fought from in front of the white-washed Dunkard church.

Other Confederates, hiding amid the tall September stalks of the Miller cornfield 300 yards in front of the church, were waiting when Brig. Gen. Abner Doubleday's Federals came through. The men in gray stood up, and the ensuing change of fire cut down the men and the corn alike and left them lying in rows on the ground.

After attack and counterattack, Maj. Gen. John Sedgwick's Union division marched 5,000 strong with battle flags flying past the church and into the West Woods. A full 10,000 of Jackson's men leaped out, and in 30 minutes, 2,000 of the Federals lay dead and wounded.

Brig. Gen. William French's division had split off from Sedgwick's. It marched toward a narrow lane called the Sunken Road. After three hours of battle, a Union soldier wrote, a man could walk upon the bodies without touching the road. It became known as Bloody Lane.

Maj. Gen. Ambrose Burnside's federals, after dallying for three hours, broke across a stone bridge arching over Antietam Creek in the southern end of the battlefield. They surged up and around a high, rounded hill and would have cut off the escape route for all of the Confederates were it not for the notable Light Division of Maj. Gen. A. P. Hill.

Hill's Confederates, sweating after a hard day's march from Harper's Ferry, charged with Rebel yell up the hill, hit the Union flank, drove the attackers back and ended the battle of Antietam in a stalemate.

In one day, Sept. 17, 1862, more than 22,000 men were killed, wounded, captured or missing. The caution and procrastination of the Union commander, Maj. Gen. George B. McClellan, had prevented him from dealing a crushing defeat to Robert E. Lee's Army of Northern Virginia.

But Lee's first thrust into Union territory had been turned back, ending his hopes for European recognition and diplomatic intervention. Five days later, seizing the opportunity, Lincoln announced the Emancipation Proclamation that declared the Southern slaves free and turned the North's struggle into a moral crusade.

The National Park Service owns patches of the battlefield. These 795 acres are filled with monuments, markers, a guided auto route—and 400,000 visitors a year. But most of the historic sites are outside the park and open to development, particularly since the county has no zoning law.

The Park Service would like to acquire 2,600 more acres to preserve the battleground and create a buffer zone, and the legislation introduced in both houses of Congress would accomplish this.

Developers insist that they have been willing to trade their historic land for other government property.

W. Dean McLanahan, the Antietam park superintendent, agrees that the federal government would share the blame if the battlefield were violated by bulldozers. Like McClellan and Burnside in battle, the government has procrastinated. "It has been a little slow in protecting the land," McLanahan says.

No one worried much about the old family farms on the battlefield until Interstate Rtes. 70 and 81 came through only 10 miles away. Then land prices started rising. Now the area houses commuters from the Washington suburbs 60 miles away.

No one realizes all this better than the affable real estate agent, Bill Phillips.

With friend and contractor Dick Lohman in the back seat, Phillips drives along the route of battle and stops at points of interest—of interest, that is, to the only real estate agent in the little town of Sharpsburg.

A MOTEL SITE

Just north of town along U.S. Rte. 65 is "the best commercial site on the battlefield," Phillips declares. Lohman is buying it, with Phillips as the agent. He wants to build a motel on the 20-acre site, from where Joe Hooker's men launched their mighty attack on Jackson's line.

Less than a mile south along Rte. 65 are 11 acres that are for sale as another motel site. To the great amusement of Phillips and Lohman, the land is being offered by Richard K. Hershey, a member of the historical advisory committee to the Washington County Commissioners.

Tax records show that he bought it in December, 1968, for $18,000. ("The seller was 93 years old and he had to give it up at a low price," Hershey explains.) The sale price now is $85,000.

Hershey, a bit sheepish about the subject, says he is "more interested in preserving the land for governmental services than for anything else. I'm very interested in history."

But, he says, "if someone offered the price, I'd have to sell." He says a motel on that land "would have to be compatible. It would have to be done very well. I would want approval by Dean McLanahan." McLanahan says, "I question whether the buyer would accept any covenants like that."

Hershey's 11 acres lie directly behind the historic Dunkard church and within sight of the park visitors' center. On his land stood the West Woods, where Sedgwick's 2,000 were cut down in 20 minutes.

A few hundred yards northwest is a farm owned by Paul M. Culler. This is the Miller cornfield, where so many fell in 1862. Phillips says that he has "checked the land out," but that Culler "wouldn't even sell a damned lot."

To the south of Sharpsburg is the high, rounded hill where Burnside was turned back by the Light Division. This is the hill, the highest point of the battlefield, that Phillips arranged for Lohman and Air Force Col. Gale H. Lyon to buy for three-acre homesites. Twenty-one lots have been platted, and it will be called Burnside Manor.

Tax records show that the 69 acres were bought, from Lohman's third cousin, for $35,000 in November, 1969. The 21 lots, priced from $6,950 to about $20,000 will be sold as soon as the final plat is approved by the county. Phillips again will be the agent. Contracts are pending on two lots, he says.

Atop the hill and smack in the middle of the 69 acres is a tall obelisk built in memory of the 9th New York Volunteers. It is surrounded by a patch of Park Service land, which would be encircled by lots 8, 9 and 10 in Burnside Manor. A narrow, fenced federal footpath runs through the future back yards a third of a mile to a highway.

About 100 feet from the obelisk and in the middle of lot 8 is a small stone monument marking the farthest advance of the 8th Connecticut Volunteer Infantry. Grackles settle down to feed on the fallow timothy hay around the monument. When the land is sold the marker "will be in somebody's back yard," Lohman says.

MILITARY-MINDED

Phillips, with a chuckle, adds, "We get a lot of action from military-minded people."

"They eat that up," says Lohman.

Driving down the hill to the Park Service road and past the adjoining tract, Phillips leans over and says with another laugh, "I've got an exclusive contract on this one, too."

He had offered it to Hershey of the historical advisory committee, but Hershey turned it down. "Bill said he thought I was foolish about it," Hershey says, "but I didn't want to get involved any further."

Phillips eventually sold it to three other contacts—David H. Harris, Wallace McCall and Chester Soule Jr.—last December. According to tax records, the price for the 46 acres, plus 54 adjoining acres that are not considered historic land, was $52,500.

The 46-acre site, where A. P. Hill's Light Division drove up to meet Burnside, is planned for more three-acre sites and smaller lots, Phillips says. Lohman says that he is trying to arrange to build homes on the large sites there.

Phillips says that he has contacted most of the other land owners on the battlefield, and he knows men who would be interested in buying. "I have a habit of getting people together," he says with a grin and a nudge to the knee.

In fact, he says, he already has "other listings" on the battlefield that the Park Service doesn't know about.

Another farm near the edge of the battlefield is up for sale by another agent. It is the Pry farm, where McClellan had his headquarters.

All of these properties, as well as land still in the hands of farmers, would become federal land under the legislation proposed by Mathias, Beall, Byron.

Similar legislation was introduced in 1969 but it didn't get a committee hearing.

An aide to Mathias estimates that $3 million would be needed to buy the historic land. Bell of the Park Service says that the land could be condemned but that his agency prefers to negotiate. The bills state that construction started after Jan. 1, 1970, would be removed. In some cases, property owners could stay on their land if their purposes were compatible with the park.

One man who is caught in the middle nowadays is W. D. Jones, the English-educated planning director for Washington County. When asked about the Burnside Manor venture on the 69-acre hill overlooking Sharpsburg, he sputters: "This is monstrosity. Talk about murder, it's terrible."

Jones lives in frustration—a man with an English diploma in town and country planning who is trying to regulate rapid growth in a county that has no zoning ordinance.

So as soon as the investors supply some technical information and the health department certifies the septic tanks, he will be obliged to recommend that the planning commission approve Burnside Manor.

PARK SERVICE WORRIES

This is the project that worries the Park Service most because it is imminent. Lohman, the contractor and investor, says that he and Col. Lyon chose the site because every house would have a high elevation and a panoramic view.

The fact that it was a historic site "didn't bother us," he says. "In fact, it kind of helped us."

However, he and Phillips maintain that the plan all along was to trade the 69 acres to the government for an unused U.S. Army property north of Sharpsburg called Site B. Then, during the negotiations, the Army decided to build a satellite tracking station on Site B.

The station is no longer planned, but the Army says it has no authorization to trade the land. The authorization would be granted by the planned Congressional legislation.

With no trade in sight, "we had to make as much money as we could," Phillips says.

"We got in it to make money," Lohman explains, "but if the same deal was offered again we'd take it." But he adds, "the more I get on this development the more I like it."

Phillips adds, "If the government wants the land, let them do something with it. We've given them enough time. I don't want to see it developed, either, but I've got an obligation to my investors. My job as a realtor is to see that they get as much money as they can out of it."

About three weeks ago, according to Phillips, the National Park Service made an offer of about $45,000 for the Burnside Manor land. Lohman and Lyons turned it down as too low. "We've got a lot of expenses into it," Lohman says.

The investors will meet again in Washington this week with the Park Service's chief of land procurement. The agency would not discuss the matter except to say that money for such acquisitions come from donations.

THREAT ISN'T NEW

The threat to Antietam is not new to the Park Service. Other Civil War battlefields have been and are being encroached upon.

Robert Utley, chief of the service's history division, says, "This problem has been extremely serious for us at Gettysburg, and to some extent we have that problem at Fredericksburg and around the Richmond-Petersburg area also."

The encroachment at Gettysburg has been mostly commercial rather than residential. The latest in many crises for historians in that area stems from an entrepreneur's plan to build a 320-foot observation tower on private land overlooking this site of Pickett's charge. Again, there is no county zoning law.

Maryland's only Civil War battlefield besides Antietam is Monocacy, just south of Frederick. All the land is privately owned. Interstate Rte. 70S divides the battleground in half, and a proposed beltway around Frederick would cut it into quarters.

For Antietam, this is the second recent controversy. Three years ago, the opposition of local historians and of the Interior Department blocked plans by the Potomac Edison Co. to run a high-voltage power line just south of the battlefield.

Now progress is creeping up by land rather than by air. The amount of investing in the county from Washington and Baltimore interests is "colossal—like bees around a honey pot," says W. D. Jones.

The opening of Rte. 70, allowing residents to commute to the northern Washington suburbs, "will make this area similar to what Connecticut is to New York," Bill Phillips predicts with satisfaction.

PORTUGAL'S POLICY IN AFRICA

Mr. BYRD of Virginia. Mr. President, last November, Dr. Rui Patricio, the minister of foreign affairs of Portugal, appeared as a guest on the campus of the University of Connecticut to deliver an address on Portugal policy in Africa.

The disruptive behavior of a minority of persons present at the scheduled lecture prevented Dr. Patricio from delivering his address.

I realize that the policies of Portugal in Africa are controversial, but I feel that the American traditions of free speech and fair play were violated in the incident at the University of Connecticut, for which president Homer D. Barridge, Jr., apologized.

Accordingly, in the interest of fairness, I ask unanimous consent that the text of the address prepared by Dr. Patricio be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PORTUGAL POLICY IN AFRICA

OUTLINE

I: Bases of the Portuguese policy in Africa
1. Historical background
(a) historical process of the growth of the Portuguese nation
(b) the unit characteristics of the Portuguese nation in its pluricontinental and multiracial aspects
2. Political and legal bases
(a) the Overseas Provinces within the Portuguese Constitution
(b) the basic elements of the Portuguese nation in the Portuguese juridical structure
(c) the will of the populations
3. Sociological bases
(a) the intermingling of races
(b) the intermingling of cultures
II: The key elements of the Portuguese policy
1. National unity
2. Administrative, economic and financial autonomy of the Overseas Provinces
3. Economic development and social progress
III: The present international situation in the historical context
1. The emergence of new independent African States and the erroneous analogy with the Portuguese case
2. The anti-colonial campaign in the United Nations and Portugal
3. The subversive movements launched against the Portuguese Overseas Provinces
4. The Soviet and China offensive for the penetration of Africa
IV: Perspectives for the future
Relations between Portugal and its neighbouring countries.

I

When a nation has behind it many centuries of history and when moreover that nation has made a significant contribution to the progress of mankind, it is impossible to understand its present without looking at its past. The Portuguese Nation, as it exists today, is the product of a history that began eight centuries ago in the extreme southwest corner of Europe and eventually covered almost the whole world. In the XV and XVI centuries Portuguese navigators sailed across the oceans discovering new lands and making contacts with unknown peoples.

As it happened, many of the lands discovered by the Portuguese were uninhabited, (e.g. the Islands of Madeira, Azores, S. Tomé, Cape Verde); others were thinly populated and had practically no administration worth the name (e.g. the greater parts of Angola, Mozambique and Brazil). Only in a few cases the Portuguese came across social organizations (e.g. in the Kingdom of the Congo and of course in Asia). The Portuguese policy in such cases was to respect the rights of the local rulers and deal with them fraternally. In fact, the King of Portugal addressed the King of the Congo as his brother and there could hardly be a more inspiring document of human relations inspired by Christian ideals than the letter which King Manuel I of Portugal wrote to the Zamorin of Calicut.

Considering that conquest was recognized in those days as a legitimate source of right and considering that the right of conquest was explicitly attributed to the Portuguese by the Popes, who were then the supreme arbiters of international law and relations for all Christian peoples, it is remarkable that the Portuguese did not make significant use of their privilege. But, being pioneers, they came into possession, more by accident than by design, of territories in Africa, Asia and America. And since they treated these territories as equal to their own homeland in Europe and the local populations as equal to themselves, Portugal grew into a pluricontinental and multiracial nation, though it could have grown into an imperial power trailing a colonial empire.

But the idea of a colonial empire was entirely alien to Portuguese mentality. Their overseas enterprise was conceived as a service to the cause of Christianity. And the Popes, while blessing their enterprise, had expressly charged the Portuguese with the mission of expanding the Christian religion. Whatever the shortcomings of individual Portuguese, the official policy was adapted to the fulfillment of this mission. Expansion of Christianity was incompatible with imperialistic attitudes or with ideas of racial superiority. The Portuguese were sincere Christians and certaintly had no racial complexes. This mentality therefore prevailed and it explains the political and juridical order in which the Portguese developed their relations with peoples of other races in other continents. The fundamental principle of this relationship was the principle of equality of all human beings, whatever their race, colour or place of origin. In keeping with this principle, Portugal recognized from the earliest times that the overseas territories were integral parts of one and the same Portuguese realm and that the overseas populations were as much Portuguese as those born in Lisbon. This means that Portugal developed historically as a unitary State, although comprising geographically separate parts inhabited by peoples of different races. I should like to stress that Portugal is not the only State existing in these conditions. It could have been different: it could have been a colonial empire or a federation of a confederacy. But it developed down the centuries as a unitary State. And, whether we like it or not, we have to accept this fact of history. This fact, which I repeat, is over four centuries old has been consecrated in all our juridical and constitutional texts. Whatever the nomenclature adopted, there is no doubt that the overseas provinces have been regarded at all times as politically and juridically integral parts of the Portuguese State and Nation with all the rights and privileges as well as obligations inherent to their status as integral parts of an independent State.

I have spoken so far from the historical angle and I hope I have shown, that there is an organic link between Portgeuse mentality and ideals and the composition and structure of the Portuguese State and Nation. Human relations forged and consolidated in over four centuries of life together cannot be easily brushed aside. In the course of this long historical period, there has been interpenetration of blood and of cultures. There has been a meeting of minds in the pursuit of common ideals. That is why we are able to count on the loyalty of the overwhelming majority of our overseas populations. It is not by force that we are holding out against terrorism in the frontier regions of Angola, Mozambique and Portuguese Guinea. We are not so foolish as to think that we can hold out by force alone. Our enemies, puzzled by our unshaken capacity to resist the terrorism launched against us from neighbouring countries, have invented the fable that we receive military aid from our NATO allies. This is completely false. The real source of our strength and the true explanation of our capacity to resist comes from the fact that our populations repudiate the foreign made terrorism and co-operate with the authorities.

For the last several years terrorism injected from outside into some parts of Angola, Mozambique and Portuguese Guinea has brought senseless destruction of life and property, but it has also shown that the pluricontinental and multiracial Portuguese Nation is not a rope of sand. It is solidly based on the will of the populations who call themselves Portuguese.

II

1. The national unity of all geographically separated territories which constitute the Portuguese State results from history. It corresponds to the living sentiments of all the populations inhabiting these territories. It is reflected in the existence of a single Political Constitution, and common organs of sovereignty. It is mirrored in the participation of all the territories in the procedures used to designate those organs; in the definition of a single policy in all basic sectors; and above all in the existence of legally recognized bonds of solidarity among all the territories.

Even so, without in any manner contradicting this unity, there is an ample administrative, economic and financial decentralization.

2. While unity is assured by the existence of a common Constitution and fundamental laws and of common organs of sovereignty, the particularities of each overseas province are recognized in the respective statutes. It has been the traditional Portuguese policy to respect local customs and usages which do not clash with general norms of civilized conduct. As far back as the 16th Century laws were enacted guaranteeing the local traditions of religion, culture, social life and juridical organization. Even today, although all are equally citizens enjoying full citizenship rights, those living under a tribal dispensation in Angola and other provinces in Africa are permitted to choose freely between common law and their own tribal law. This is done, because not all are yet in a position to understand the principles and provisions of common law and consequently would be at a disadvantage in relation to more evolved members of society. It is a measure of protection to the less evolved. They can, if they wish, live under the dispensation of common law; but, I repeat, the choice is entirely theirs and it is a free choice.

It is not generally realized abroad that our overseas provinces enjoy a very large measure of autonomy and decentralization, right from the level of village administration to that of provincial government. The villages have their elected councils with legal competence to conduct local affairs and even to administer justice in minor cases. The towns have their municipal councils, likewise elected. The district governors have their councils. At the provincial level, there is a legislative council with an elected majority. The legislative council has full deliberative powers on all provincial matters, including the exclusive power to organize and approve the budget. The decisions of the legislative council are mandatory and the provincial governor cannot withhold his signature except in case he thinks that a particular decision is contrary to the Constitution or to some fundamental law. In this case, he has to refer the matter to the Overseas Council in Lisbon. But, barring this case, the provincial executive is bound by the decisions of the legislative council.

Side by side with the administrative decentralization of the overseas provinces, result of the traditional policies of Portugal, it is pertinent to underline the financial autonomy which they also enjoy.

Each overseas province has its own budget, prepared by the local services and approved by the respective provincial institutions. All the public revenues obtained in its territory are applied to expenditures made in that province. In the context of financial realities, the link that exists between the budgets of the overseas provinces and the budget of European Portugal consists in the contribution which the latter makes to meet a part of the extraordinary expenditures for development incurred in the provinces. That is to say European Portugal contributes in an important measure to the execution of the provincial development plans through financial aid destined for development.

3. Since long, Portugal finds itself earnestly engaged in a systematic policy of development in its overseas territories.

During recent years, however, this policy has translated itself into new and varied forms, led to the perfectioning of techniques employed, and implied the utilization of ever greater financial resources.

During the last decades, without neglecting the social sectors—a circumstance which, for instance, in the field of health services, always placed the Portuguese overseas provinces in the forefront of African territories, as recognized by W. H. O. itself—the public investments of Portugal in the overseas provinces have been predominantly concentrated on the provision of certain basic infrastructures—transports, communications and the provision of energy. The general characteristics of the African continent which called for the setting up of a vast network of penetration into the interior, by railway and by road, as a prior condition for any economic progress, as well as a traditional policy of good neighbourliness and cooperation towards all contiguous territories explained this orientation.

Without the magnificent ports, and without the vast railway lines built by Portugal in the past, in Angola and Mozambique, the economic development of Zambia, for example, would have been impossible today.

In recent years, public investment in the Portuguese overseas provinces has become diversified; and today it is distributed in a balanced fashion among the most varied sectors, passing from basic scientific research through hydro-electric projects, assistance to industry and marketing networks, to the social sectors of habitation, education and health. These last sectors absorb, at present, a very significant proportion of the public expenditures incurred on development. Thus, education absorbs 23%, health absorbs 11% and habitation 9%.

In the meantime, with the progress achieved in economics, it became possible to bring to perfection the development techniques applied in the overseas provinces, and to establish an organic scheme for economic development presently in active use.

This organic scheme is predicted on the existence of local organs of development, responsible for the preparation and supervision of provincial plans of economic development, which lay down the guidelines to be followed by the provincial services endowed with ample autonomy, and responsible for the implementation of the plan in the various sectors embraced by it—research and development, mines, fisheries, agriculture, industries, commercialization, problems of habitation, health and education.

It would be impossible to describe here, even cursorily, every aspect of the policy of economic development in the Portuguese overseas provinces. For this reason, I shall limit myself to stressing a few of the aspects which, in my opinion, are more significant than the rest.

(i) *Determined assistance to industrialization*

Predominance of the primary sector of economy and concentration on production are undoubtedly characteristics which the Portuguese overseas provinces still share with other African regions. However, this proves to be true less and less as time passes. Beyond the assistance given to diversification of agricultural and mineral production, incentives to industrialization have been the most salient feature of our production policy in recent years. In fact, it is one of the true mainsprings of the spectacular economic development witnessed by all observers today, for example, in Angola.

(ii) *Opening the door to outside investment*

Portugal has been following a very liberal policy as regards the investment of private capital from abroad in its overseas provinces. No discrimination exists today between Portuguese capital and foreign capital in its application to the vast sectors of the economy in the provinces. And this, without neglecting the need to directing the investment to the sectors that are more useful from the point of view of social productivity.

(iii) *Diversification of the financial institutions of assistance to economic development*

The policies followed during recent years led to a completed alteration of the pattern existing in this field. Today it includes all kinds of bodies, starting from institutions specialized in agricultural credit, credit institutions of the State directed to investment in industry (the Institutes of Credit of Angola and Mozambique are examples of this) to a very diversified network of commercial banks; not to mention the institutions of economic development which work throughout Portugal's national territory—the National Development Bank and the Portuguese Financial Society—which apply a very important portion of their resources to development in the Portuguese overseas provinces.

(iv) *Incentive to the application of local savings by way of investment in those very territories*

In this field, it is interesting to underline, among other methods of action, the creation of provincial public debts bonds, issued by the provincial governments and guaranteed by the Portuguese State. Their capital is applied exclusively in investments in the respective provinces.

The social advancement of all populations is today the predominant characteristic of our policy of development in Portuguese Africa.

Leaving aside the vast projects presently being implemented in the domain of rural reorganization, of community development, of habitation and health, I shall say a few words about education.

The expenditures of education in Angola, augmented, between the years 1965 and 1969, by about 120%. In coming years even a greater acceleration of this rhythm of increase is foreseen. The number of students in all grades of education—primary, secondary, intermediate medium, and higher grade—is in the neighborhood of 500,000. The ratio of school going population is already about 45 per cent. When we compare these numbers with what is customarily asserted in certain circles, and even with the situation to be found in many of the African countries, what a difference is verified in our favour!

III

1. Decolonization has been presented as one of the great tasks of the 20th century. Tens of young nations, African and Asiatic, actively participating in the affairs of the international community, bear witness to the success of this task. The role discharged by the old colonial powers and their relations of cooperation with their one time colonies, now converted into independent States, underline their adherence to the policy of decolonization.

This being so, how can Portugal oppose this tendency, pursue a policy that is different and opposed to that of the great and responsible European nations? How can the Portuguese refuse to take into account the judgment of the international community?

These questions, so often formulated, and the attacks and condemnation in which they have resulted, are rooted in a tremendous lack of understanding, and in a total ignorance of our realities.

There can be no conflicting policies when it is the realities to which they are applied that are totally different and opposed to each other.

Without wishing to pass a judgment on the actions of others, in the past, often lightly and unjustly appreciated, and which only the calm judgment of the future generations will be able to place in their precise historical context, it is pertinent to stress that the guidelines of Portuguese action in Africa have already been different, in their moral, historical, juridical and political basic elements, from those of all other nations considered colonialists.

Long centuries of history, profound differences of temperament, and, above all, wholly distinct objectives set apart the presence of Portugal in Africa from that of the so-called colonial powers.

The Portuguese always kept before them the objective of building in Africa, just as they built in Brazil, and in parts of Asia, multiracial societies, based on principles of absolute equality of rights and opportunities. Portuguese pioneers, setting out from native Europe, integrated themselves with the indigenous peoples, seeking consciously to mingle and fuse with them. For this reason, the Portuguese overseas terrritories cannot be considered as colonies, or distinct units destined to serve as objects of a traditional economic exploitation; rather, they are integral parts of the same Nation, subject to the same sovereignty and having a common destiny to achieve.

Contrary to what many assert, Portugal is not opposed to decolonization. We view with sympathy the efforts made by the leaders of the young independent African States in the task which they have still in hand of building true nations—task which has to encompass in it the struggle against underdevelopment against foreign economic domination, and against the eruption of tribal rivalries, while ensuring the true political and economic integration of the great mass of their populations, having in view the objectives and the patterns of life envisaged by the restricted "élites" which presently provide the orientation for those States.

Likewise the Portuguese also are engaged in many similar tasks. We can devote ourselves to them more easily thanks to our older and greater experience, with our vaster geographical horizons, and with our more varied human elements that are ethnically as well as culturally richer. In the face of the results of the movement for decolonization, Portugal can indeed consider itself richer in possibilities as well as in perspectives.

The objectives and the realities of Portuguese policies in Africa compel us to reject as unfounded the criticism and attacks which are directed at us, especially in the United Nations. But the campaign that is moved against Portugal in the various organs of that Organization deserves a special and more studied reference.

2. The United Nations has completed 25 years of existence. It has been an existence without honour and without glory. The hopes placed in the world organization at its foundation have been woefully belied. And the reason is not far to seek. No institution can function effectively without a law that is applied without discrimination. The law exists; it is laid down in the Charter. But it is negated in practice. The so-called dynamic interpretation of the Charter is only a euphemism for a double-standard suited to the ambitious and needs of a powerful majority.

I am sure I am not saying anything that you have not heard before. As far back as 1965 the Secretary General, in his official report to the General Assembly, spoke about a crisis of confidence in regard to the United Nations. He could have made that statement five or more years earlier. But in those days public opinion in many countries was not prepared to abandon the myth of peace and harmony through the United Nations. Today that myth is exploded. The United Nations has not solved a single major political problem and no one in his senses believes that it is capable of solving any.

It would take me long to analyse the record of the United Nations. Nor is it the subject of my discourse. The few remarks I have just made were meant only as a background to what I wish to tell you about our own attitude towards the Organization.

Today we hear a lot of talk about the vocation of the United Nations to universalism. But Portugal, along with several other countries, was deliberately kept out of the United Nations for ten long years owing to the opposition of the Soviet Union. When finally Portugal was admitted in the package deal of 1955, we had no illusions as to why the Soviet Union had withdrawn its option. In fact, no sooner had our delegation taken its seat than the question of our overseas provinces was raised in the 4th Committee.

The demand made on us was apparently simple. We were asked no more than to supply information under Chapter XI of the Charter. And there were not wanting those who came forward to assure us that the information was meant only for the archives of the Secretariat. But it had to be information under Chapter XI and therein lay the crux of the problem.

Chapter XI, as you are aware, deals with non-self-governing territories. Consequently, if we supplied information on any of our territories under Chapter XI, it would amount to admitting that those territories are non-self-governing. This we could not do, because such an admission would be a denial of our history, of our political and juridical tradition, of our Constitution; indeed it would be a denial of all relevant facts and realities.

On the other hand, Portugal was admitted into the United Nations as a State comprising all its national territory in terms of its Constitution. The United Nations has no competence to question the territorial composition or constitutional structure of any State as existing at the time of its admission as a member of the Organization. In other words, the United Nations has no competence to declare any territory of a Member-State as non-self-governing territory. Such competence belongs exclusively to the Member State concerned. This is clear from the Charter and this is how the Charter was understood and interpreted from the beginning of the Organization by the vast majority of its membership. When Portugal joined the Organization, we accepted the prevailing interpretation. We did not have to produce any private interpretation of our own in order to defend our position. The majority of the members accepted the validity of our position and in three successive years attacks leveled against the position were defeated. I should like to emphasize that this result was obtained not because the majority was favourable to Portugal but because the Portuguese interpretation of the Charter coincided with the interpretation which the majority had been holding.

But in 1960 the majority turned into a minority, as new members were added to the Organization. This development was not unexpected. Nor was it unexpected that a new interpretation of the Charter would be forthcoming. It came in the shape of resolution 1514 (XV). Inspired by Mr. Khrushchev and introduced by Mr. Sekou Touré, that resolution has since been held up as something sacrosanct, more fundamental than the Charter itself which it contradicts in many respects.

Time forbids my going into details of all the illegalities which have been practised under cover of resolution 1514 (XV), of all the injustices that have been condoned, of all the violence which has been sown and maintained, of the double-standard which has been erected into a norm of action. Although the process of decolonization had started long before, although it was the new membership of the United Nations, resulting precisely from decolonization, that made it possible for the General Assembly to adopt resolution 1514 (XV), this resolution has been hailed and proclaimed as the Magna Charta of colonial countries and peoples, as if the process of decolonization has been initiated as a consequence of that resolution. This is one of the conventional modes of speech which in plain language would be called lies. But this mystification of public opinion has been maintained for certain political reasons; I should rather say, for reasons of global strategy. But this is a field in which we cannot enter now, I leave here a suggestion for your research, if you care to go into the question of decolonization and the balance of power.

But I am sure you will want me to say a few words on the subject of self-determination, which is said to be the crucial issue in all this Portuguese question in the United Nations. In fact, the whole question is said to have arisen because Portugal refuses to recognize the right of self-determination of its overseas populations.

I wonder if you are aware of the fact that the earliest allegation of this sort was made against Portugal with reference to Goa. And, in fact, Goa was listed in resolution 1542 (XV) as one of the eight Portuguese territories due for self-determination. The principal sponsor and mover of this resolution was the Indian Union. But barely a year later—one may say, even before the ink on the resolution was dry—that same Indian Union invaded and occupied Goa and declared its annexation without the slightest consultation with the Goans. And this unilateral act of the Indian Union has been patronised up by the communist and the

Afro-Asian groups constituting the majority in the United Nations. So here we have one example of what self-determination means for the majority in the United Nations. If you go through the records of the United Nations you will find some other curious examples of the various manners in which the question of self-determination has been dealt with. I will not quote those examples, lest I hurt feelings. But I cannot refrain from commenting that, as far as the United Nations is concerned in self-determination, circumstances alter cases. It all depends on the degree of favour which the party involved finds with certain voting groups in the Organization.

Contrary to what has been widely propagated, Portugal does not reject the principle of self-determination. To reject the principle of self-determination it would be necessary to deny the essential dignity of the human person. And Portugal has always shown the highest respect for the human person. As far back as 1963, in talks we had with representatives of African countries under the chairmanship of the Secretary-General of the United Nations, we explained quite clearly what we understood by self-determination. And the Secretary-General, in his report on the talks to the Security Council (document S/5448, dated 31 October 1963) stated that Portugal does not deny the principle of self-determination. The Secretary-General transcribed in the report the text of the Portuguese declaration on the subject. The African delegations, however, did not wish to discuss the matter further and decided unilaterally to break off the talks. The conclusions to be drawn from this incident and from the manner in which the anti-Portuguese campaign has been conducted in the United Nations and outside, is that what is sought is not to secure self-determination for the populations of the Portuguese provinces in Africa (this would be quite unnecessary) but to impose upon Portugal, under the pretext of self-determination, a policy which amounts to determination of the issue by outsiders. It would not be our populations making a free choice. It would be forcing our populations or at least creating conditions in which our populations would have no alternative but to make a choice dictated to them by outsiders. If there was any doubt on this point, that doubt has been dispelled by the Manifesto of Lusaka which states quite clearly that Portugal must quit Africa in any case. This demand is similar to the one made by the Indian Prime Minister Nehru on 6 September 1955, when he stated in the Upper House of the Indian Parliament that "the Portuguese must quit Goa, even if the Goans want them there." And this is also self-determination in the eyes of certain members of the United Nations.

Portugal makes no apology for refusing to accept such brash hypocrisy. Let us call things by their names. In the United Nations, the principle of self-determination is not a principle of political ethics, but an instrument of political expediency. That is why it is applied by the United Nations with arbitrary waywardness. It is invoked in regard to Angola, Mozambique and Portuguese Guinea, but when the Indian Union seizes Goa, the principle of self-determination goes to the wall, although Goa is mentioned in resolution 1542 (XV) along with the other Portuguese overseas provinces.

The principle of self-determination is invoked against Portugal, but it is shelved when the Soviet Union is found in Occupation of states which were independent until the end of the war or when Soviet forces occupy Hungary or Czechoslovakia. Apparently, armed occupation even of independent countries is compatible with self-determination, provided the occupying forces display a red flag with a hammer and sickle.

As far as Portugal is concerned, the right of self-determination is a natural prerogative of the human person, in any latitude, under any regime, irrespective of any other consideration. But it is a right to be exercised without any outside interference not excluding the interference of the United Nations. Portugal ensures the exercise of this right by all its populations without any discrimination. Portugal cannot subscribe to the theory that only people of the coloured race living in Africa are entitled to self-determination. I have not abdicated my own right to self-determination and my fellow-citizen, whether he be black, brown or white, in Angola or Mozambique or any other Portuguese province exercises it in exactly the same way as I do. Among us race carries with it no stigma. I have already told you how all Portuguese citizens, irrespective of colour, race or place of origin, exercise their right of self-determination on terms of absolute equality through the institutions provided by our Constitution for the purpose.

And, if anyone, being a citizen of an independent country, should object that that is not self-determination, then I should ask that person how else he himself exercises his right of self-determination if not through his constitutional institutions. Or would he say that he does not exercise that right?

3. In addition to having to face a diplomatic offensive in the international forums of information, Portugal has been during the last few years a target for armed attacks directed against its African provinces from outside their frontiers. Here, too, attempts have been made to present to the world at large a distorted and totally false picture of the true situation. It is said that Portugal is confronted by an uprising of its African populations, in revolt against the continuation of Portuguese sovereignty. According to this view it would seem that there is a struggle of blacks against the whites, in effect a revolution moved by the black majority against the white minority oppressing them. The Portuguese armed forces are allegedly engaged in a repressive action of extermination.

The reality, however, is far different. The state of armed conflict that is to be found in the Portuguese provinces of Africa is the result of violent attacks launched by armed groups coming across their borders from foreign territories. These groups are organized outside the Portuguese territories, commanded by officials from abroad, and heavily armed by communist powers (who make no secret of this). They have no support of the Portuguese African populations against whom, on the other hand, they direct a great part of their nefarious terrorist acts. From the beginning of this terrorist activity till today, every single one of the incidents and operations that has taken place occurred in territory near the frontiers with neighbouring States. In all the remaining areas that constitute by far the greater portion of the Portuguese provinces in Africa, peace and tranquillity have continued to exist undisturbed. This being the case, how can one speak of an uprising of the populations?

Portugal has kept open access to its overseas provinces to all foreign journalists and other persons desirous of visiting them. Those that visit them in order to observe things for themselves can traverse unhindered the cities and the countryside, contact populations and bear witness to the manner in which life moves to an even normal rhythm in the generality of the territories, in the economic and social fields, to the peaceful and friendly relations to be verified in their daily life between the white and non-white populations. Such a state of affairs would be incompatible with any uprising on the part of the non-white populations.

In the Portuguese Provinces of Africa, there is no struggle of its whites against its blacks. The most convincing proof of this is to be found in the circumstances that the Portuguese defense forces—that is, regular military forces, para-military forces and the militia—defending the Portuguese territories and populations against the terrorist attacks coming from the exterior, are made up, to the extent of about fifty percent, of coloured individuals hailing from those very provinces. Anyone going through the Portuguese villages of northern Mozambique, along the frontier with Tanzania, will see the African populations of these villages armed for self-defense. They maintain an unceasing vigilance against the treacherous terrorist attacks organized and launched from the opposite banks of the river Rovuma. The same is the case in Angola and in Portuguese Guinea. Portugal would not have any real possibility of maintaining its sovereignty in Africa, if it had found against it the will of the local populations, if it could not count upon the loyalty of the great majority of their inhabitants.

Even so, however, the defence against terrorism in the Portuguese territories necessarily implies an enormous effort in men and materials. Terrorist activity unfortunately constitutes, today, a cardinal element of communist world strategy which must cause grave preoccupations and bring serious losses to legitimately established States and to the interests of their populations. Active minorities, under profound influence of communist indoctrination, armed and commanded from abroad, can imperil the internal peace and security of any State. In this respect, the situation in Portuguese territories does not differ from that which is either already found or is beginning to be found in various other-regions of the globe. Only, in the Portuguese case, the means utilized are vast and the offense corresponds to a methodically organized plan and a perfectly coordinated strategy of action.

PAIGC, MPLA, FRELIMO—are the three movements organized for attack respectively on the Portuguese provinces of Guinea, Angola and Mozambique. Cadres organized and indoctrinated in communist countries; bases located in neighbouring countries subject to communist influence, like the Republic of Guinea (Conacry), the Popular Republic of the Congo (Brazzaville), Zambia and Tanzania; the most up-to-date armament supplied by the communist powers; well mounted and efficient machinery of propaganda and support—these are the elements of the offensive. To the support given by the Soviets to the already mentioned three movements, may be added the support of communist China, made available through movements like the UNITA in Angola, or dissident factions of other movements.

In the struggle to master this machine of terror and destruction, the Portuguese rely entirely on their own resources without receiving any outside aid. It is not possible to explain the unexpected success of the Portuguese in containing terrorist activity in the frontier regions, except on the grounds of the loyal support given to them by the African population in the fight against these foreign bases and foreign led movements. Unwilling to face this fact, our adversaries have invented the myth of the aid given to Portugal by NATO and the armed assistance received from South Africa. But everyone knows that the NATO alliance does not cover, as it might justifiably have covered, any region in the southern hemisphere. On the other hand, it is true that there are many South Africans who travel to the cities of Angola and Mozambique on business or as tourists. Once in Portuguese territory they come into profitable contact with our multiracial society, devoid of any sort of discrimination. But none of them could or can cross the Portuguese frontiers with arms. The Portuguese are very jealous of their sovereignty, whether in a struggle with an enemy of in the course of collaboration with friends.

These are the facts. But in order to achieve a fuller understanding of these facts, we should ask: What is the reason why the Communist countries combat so strenuously the Portuguese presence in Africa?

4. Much has been said, in recent times, regarding the Soviet naval penetration into the Mediterranean, just as one hears everyone speaking about Russian expansionism in the Atlantic and the Indian Ocean. This penetration is a fact. It represents the fulfillment of an old aspiration of the Soviet Union to rule the seas, competing in a sphere in which the United States have long achieved a position of supremacy.

Since World War Two, the Soviet Union has engaged itself in strenuous efforts to restructure its navy, equipping it with modern units which scour the seas in all directions. Soviet investments in naval armament and ancillary activities have increased in considerable proportions in recent years.

The Soviet submarine fleet has already surpassed, in the view of responsible persons, the North American Navy in that sector. Many of these units are equipped with ballistic missiles and are nuclear powered.

The Soviet fishing fleet is one of the most important, if not the most modern fleets. It is designed to discharge the functions of transporting and landing troops, as also of maintaining a watch and carrying out reconnaissance work in coastal regions.

Simultaneously, the Soviet merchant fleet, has been developed in an increasing tempo. Many of its vessels are fitted with electronic material, a circumstance that will enable them to serve in support of military operations, in any given eventuality.

In the scientific field, Soviet ships have dedicated themselves to the task of exploring far and wide the continental shelf in search of strategic materials.

The space discoveries in which the Soviets are engaged have furnished them, likewise, with a fine opportunity for infiltrating oceanic regions never before reached by them.

The Soviet naval forces, whatever the type of their units, operate in obedience to a carefully studied plan of global strategy. The naval activities of the USSR at one time completely restricted to the territorial waters in which the Soviet ships assured the land operations of the red army, have come to be utilized as the means for the propagation and support of communism. For communism, no longer believing in the possibility of fresh successes in Europe, need to find expansion into other continents, where the positions of the West could be more easily overwhelmed.

On the other hand, and certainly no less important, is the psychological challenge which the presence of the Soviet navy in the seas presents to the Western world in its own strength and in its worn capabilities, has been one of the grand objectives of Soviet strategists; to provoke splits in Western solidarity has been one of the permanent basic elements of action in the policies of the Soviet Union.

The events of the Middle East opened to the Soviet Union the gates of the Mediterranean. With the presence in those waters of Russian naval units, which have been incessantly increasing both in number and in diversity, the Soviet Union aims at maintaining a force ready to be used in the event of a generalized conflict. The U.S. 6th fleet no longer operates freely in the Mediterranean. The evolution of the Arab-Israeli question has effectively demonstrated how the presence of the Soviet naval forces in that sea constitutes an important factor of cold war, which Moscow never ceases to exploit to its advantage. The efforts to entice the countries of North Africa, through offers of aid and through other forms of cooperation, show clearly the importance which the Soviet Union assigns to the river regions of NATO's southern flank. Why? Because on one side, if the Soviet Union is able to assert her naval supremacy in the Mediterranean and win political influence in the coastal areas of North Africa, the line of separation between East and West will be greatly extended, prolonging itself southwards. The threat to the territories of the North Atlantic Alliance becomes thus ever more persistent because of the possibility of utilization of new platforms of offensive.

On the other hand, the Soviet Union, while winning positions in the North of Africa will find communist infiltration into the black continent facilitated. This penetration has been achieved through persistent efforts, in obedience to a calculated strategy; the sending of African students to the universities of communist countries, the granting of economic assistance, the financing of projects, the support of opposition groups, the moral and material aid to subversive movements fighting against European presence in the Continent, etc. A great deal has been contributed to this pattern of manoeuvers by the precarious political, economic and social conditions of the majority of the young African countries. Some of their governments make no secret of their sympathies for the Communist ideology; others go even further and aid the penetration of this doctrine. The case of Tanzania is an instance in point, for in that country the Chinese communists have since many years established their main base for the penetration of the African continent, now strengthened by the plan to build the railway destined to link it with Zambia. In response to an appeal from the government leaders of this country, Continental China has hastened to furnish men and money for the construction of the railway line, because this permitted it to reconquer positions lost in Africa. As a result, today, several thousands Chinese are to be found in Zambia and Tanzania. Under cover of being technicians they dedicate themselves to the laborious task of indoctrinating the local populations. Although the governments of Lusaka and Dar-es-Salaam have proclaimed their independence in their relations with Peking, the consequences of the Chinese presence in those countries and in the neighbouring regions are inmistakeable. That presence makes possible for a front of infiltration that extends from Zambia to the frontiers of Angola.

The circumstance of many European countries having abandoned their political and strategic positions, south of the Tropic of Cancer, and east of Suez, has contributed to facilitate the Soviet and Chinese infiltration of Africa.

It is in this context that must be placed the interest of the Soviet Union in the areas of the South Atlantic and the Indian Ocean. The presence of the Soviet fleet in the Mediterranean facilitated its access to the Atlantic. The southern half of this ocean is today freely scoured by Soviet ships which use the ports of West Africa, in particular in the Gulf of Guinea, as regular calling stations for refueling and provisioning. The presence of Soviet scientific vessels in this area has long been underlined and on more than one occasion Portugal has called attention to that fact.

In like fashion, the Red Sea and the Indian Ocean, above all since the British withdrawal from East Africa and the closing of the Suez Canal, have become targets of Soviet ambitions. Russia has thus diverted to that region several units of its navy.

Thus, we see clearly drawn the Soviet plan—which is to encircle the Continent of Africa by a cordon of its fleet, so as to make easy not only the policies of allurement of those African countries that are more readily accessible to Communist penetration, but also to cut off, in case of war, the sources of raw materials of the Western world. For this reason, the Soviet Union needs to establish bases in that Continent.

The route via the Cape acquired a fundamental importance following the closure of the Suez Canal, and for this reason the defence of that route is of the utmost importance to the free world. In effect, it is necessary not to lose sight of the fact that a great percentage of the commerce to Europe utilizes that route. The route ensures, likewise, the transportation of oil from the countries of the Middle East, needed to supply the needs of the old Continent as well of the United States. On the other hand, the Cape route is a strategic route of access to Asia, Australia and New Zealand.

The Portuguese provinces, situated at strategic positions on the African continent, constitute elements of the greatest importance in any system for the defence of the Cape route. The Cape Verde Islands and the neighbouring territory of Portuguese Guinea, situated at a distance of a few hundred miles on the west coast of Africa, are key positions to ensure the free navigation of the Central Atlantic.

It thus becomes clear why the Soviet Union covets these positions. Their possession would give it the control of all traffic from North Atlantic to the Republic of South Africa and the Indian Ocean, and from West and Southern Africa to the Americas. It is long since Portugal has been calling attention of responsible international circles to the support given by Communist countries to the subversion in Portuguese Guinea, which is solely possible because of the war material furnished to the PAIGC by the Soviet Union and because of the training facilities given by communists to terrorist elements.

The islands of São Tomé and Principe, also constitute positions of control, by no means to be despised, of the navigation in a large sector of Southern Atlantic where Soviet ships have already appeared.

Angola and Mozambique, with their immense resources, and with their ports which are the most modern and the best equipped in the whole of Africa, present the best conditions as call stations and shelters for the navigation of Western countries, as well as bases for logistic support in case of need. In these provinces too, communist support has not been wanting to the subversive movements that operate there.

From all that has been stated, the conclusion is inescapable that the loss of these Portuguese provinces would have very grave consequences for the Western presence in Africa as well as for the defence of the great lines of navigation around the tip of the black continent.

IV

Faithful to the principle underlying the force intermingling of races which has from the days of discoveries inspired the Portuguese administration in its Overseas Provinces, Portugal never ceased pursuing in Africa a policy of cooperation and good neighbourly relations with the contiguous territories.

We are in Africa since five centuries, and we know the pecularities of the Continent. We realize that the needs of the peoples of Africa are immense, but are also convinced that these needs can be overcome solely through an immense effort at cooperation between States. A State never achieves the fullness of its autonomy if it does not project its existence beyond its own frontiers. For the truth is that a State is not sufficient unto itself. It needs to find in the neighbouring countries what its geographical location and the conditions of its soil denied it.

Soon after the emergence of independent sovereignties in Africa, many of the young States convinced themselves that they would be able to live within an isolated pattern of nationalism. This was a reaction to the remnants of European administration. In refusing the collaboration of the old administering powers, these countries desired nothing more than to affirm their independence, without weighing the consequences of such an attitude.

The evolution of events in Africa since

then came to demonstrate the want of realism on the part of the Governments in these countries. The precarious economic conditions in which these countries found themselves determined a revision of positions, and thus one witnessed, in a number of cases, attempts at approximation with the old European powers.

On more than one occasion, Portugal called attention to the unthinking policies of some of these governments, which not only worked to the detriment of their own populations but attempted to damage the interests of the whole of Africa itself. Conscious of the difficulties of the continent, Portugal has offered and continues to offer to the African countries, whether contiguous or not with its territories, its most loyal cooperation in all fields, with the object of finding solution to problems of common interest. We have proposed conversations with African leaders. We have shown the greatest interest in that they should visit the Portuguese territories, so as to form for themselves an independent judgement of conditions prevailing there. We have gone even so far as to suggest pacts of non-aggression—a circumstance that goes to demonstrate the peaceful intensions of Portugal towards the African continent. Despite the hostility moved against Portugal by some of our African neighbours, we have never stopped making available to them access to the sea, when they found it necessary, nor did we prevent them from utilizing our railway lines to export abroad their produce of their countries. And if we continue along this line, it is not out of a desire to gain support, but in obedience to the principle of international cooperation, convinced as we are that the landlocked countries of the hinterland have a right of access to the sea. Closure of the Portuguese ports and transport facilities to traffic from and to these countries would bring grace consequences to their economies and to the economy of an important region of Africa. Notwithstanding this fact, some of them continue to permit that their territories be used as bases for attacks against Portugal, or for passage of terrorists elements, intent on such attacks.

Portugal is very happy to place on record that a movement towards cooperation, and with special reference to Southern Africa, is being presently discussed in Africa. Certain countries, having experienced difficulties, began to take conscious of certain important realities in the domain of good neighbourly relations. The cooperation of Malawi and Portugal is an example of this new trend. Notwithstanding the existence of differences in points of view on political issues, both the countries are earnestly engaged in an effort at joint collaboration, within the respect called for by the respective sovereignties. This collaboration has been advantageous, for it has permitted the solution of many problems posed by geographical continuity. It is to be hoped that other countries will follow the example of Malawi, and give up political preconceptions, in order to give themselves exclusively to the benefits of a collaboration with Portugal.

STRATEGIC ARMS LIMITATION

Mr. McGOVERN. Mr. President, Dr. Sidney Drell, professor and deputy director at the Stanford linear accelerator, delivered an extremely important paper, "SALT and the Nuclear Arms Race," at the American Physical Society meeting at Stanford last December.

Professor Drell's comments have a direct bearing on the United States-Soviet negotiations which have just been resumed, and they come from one of the country's most eminent authorities on the subject of nuclear arms. His experience includes more than 10 years as an adviser to the White House Office of Science and Technology, including the President's Science Advisory Committee from 1966 to 1970, the Arms Control and Disarmament Agency, and the Department of Defense.

Professor Drell argues most persuasively that U.S. interests would be best served by a comprehensive strategic arms limitation agreement, including not only a freeze on nuclear weapons at their present levels but also a ban on testing new weapons, including ABM's and MIRV's. He argues further that the most vital and urgent step toward such an agreement would be the limitation of rival ABM systems, in line with what the Soviet Union proposed in the last round of talks.

His discussion of the "curse of weapons systems with ambiguous missions" deserves special attention as we move toward congressional consideration of DOD budget requests for fiscal 1972. While we may regard deployments of MIRV'ed Minuteman III and Poseidon missiles as a means of safeguarding our deterrent and of possibly saving some lives in the event of nuclear exchange, for example, the Soviet Union may with equal logic see them as attempts to develop a first strike capability, particularly when they are combined with continued deployments of an anti-ballistic-missile system.

This confusion of purpose is inherent in the nature of weapons which are capable of performing counterforce missions, whether or not they are planned for that purpose. And the confusion is multiplied by the statements of U.S. officials. Defense Secretary Laird told the Foreign Relations Committee last spring, for example, that our MIRV technology is not designed to attack hard targets or Soviet deterrent forces, but will instead "enhance our ability to penetrate Soviet ABM defenses and to cover soft retaliatory targets with fewer surviving U.S. missiles."

But, as Professor Drell points out, Air Force Chief of Staff Gen. John Ryan told the Air Force Association just a few months later that Minuteman III "will be the best means of destroying time urgent targets like the long-range weapons of the enemy."

General Ryan also said that we need MIRV's for attacking "the remaining strategic weapons which the enemy would no doubt hold in reserve."

Secretary Laird says our MIRV's are not counterforce weapons. General Ryan says they are. We need not determine which is right to comprehend the difficulty Soviet planners must have in determining their nature when we do not know ourselves.

In any case, as Professor Drell points out, MIRV's are the children of ABM's. Our own progress on this technology has been inspired by our discovery in the early 1960's that the Soviets had begun deployment of an ABM ring around Moscow. The threat envisioned then did not develop, but we are deploying MIRV's nonetheless. Professor Drell notes that—

> With no ABM's there would be no requirement for MIRV's in order to assure penetration of growing or perceived defenses. Also with no missile defense providing protection for our cities there would be little sense to deploying MIRV's for damage limiting missions. And with no ABM or MIRV's there would be no systems with ambiguous missions, no narrowing of the gulf between deterrence and first strike. In fact we could finally and completely break the cycle of action-reaction that has been driving the arms race.

Mr. President, Professor Drell's analysis deserves the careful attention of each Member of Congress, as well as of the executive branch architects of our SALT negotiating posture. I therefore ask unanimous consent that his paper, entitled "SALT and the Nuclear Arms Race," be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

SALT AND THE NUCLEAR ARMS RACE

(By Sidney D. Drell)

President Eisenhower, in his farewell address to the Nation from the White House on the eve of his retirement in 1961, not only warned about the dangers of the military industrial complex but spoke also of the "continuing imperative" of disarmament and expressed his personal sadness at the lack of accomplishments in this field. Shortly after taking office, President Kennedy expressed his "earnest desire for serious conversation with the other side on disarmament" as well as his determination "to take every step . . . to secure arms limitation."

Soviet Premier Khrushchev and other Soviet leaders at the same time paid equally impressive and persuasive homage to the importance of disarmament.

That was a decade—10 long years—ago. How well have we matched our deeds to these principles? In a word we have failed.

It comes as news to no one that the world is now engaged in a runaway arms race, the costs of which have been literally soaring through the decade of the 1960's since Eisenhower spoke of the "imperative" to control it.

The world's annual military bill is $180 billion. To give you an idea of what this figure means, military spending for arms is swallowing close to 8%, or 1/12th of the total income of the world—and these are just the direct costs. Moreover, this figure at present has grown to more than twice as large a share of the world income as spent during the early years of this century prior to World War II.

In human terms the dimensions of this plundering of the earth's resources for military arms presents an even more macabre picture: James Reston pointed out in the New York Times several months ago that for every dollar that is spent on military arms each year, mostly by the U.S. and Soviet Union, less than four pennies are devoted in total by all of the world's industrial nations to aid to the rest of the peoples and nations of the world where over half of the human family suffers hunger, disease, and ignorance.

Nor are the so-called developing countries free of their burden of guilt in this worldwide tragedy. In fact arms spending in the developing countries has been rising at a rate in excess of the world average.

And so we find ourselves entering a new decade spending 40% more on arms than on public education as reported by UNESCO; and, also as reported by UNESCO, spending as much on the military each year as the total annual income of the one billion people living in Latin America, Southern Asia, and the Middle East. Moreover, the rate of outlay is indeed soaring in this arms race which Herbert York has called so vividly the "Race to Oblivion."

There is another dimension in which to

describe the folly, the futility, and indeed the mortal danger to man—to all men—of the arms race and that is the size of the arsenals of destruction. Consider just one aspect, one separable and especially terrifying part of the race: the strategic nuclear arms race between the U.S. and the Soviet Union. This is the race between the two superpowers in strategic nuclear weapons deliverable at long ranges by missiles and bombers. It has already escalated to the point that there are now in the arsenals of these two powers some 10 or more tons of TNT equivalent for every single human being on earth. The level of destructiveness of the U.S. nuclear forces has risen to the almost incredible level that if we were to deliver no more than 1/10th of these weapons, we could destroy some ¾ths of the entire Soviet industrial base and kill 30% of their population—or more than 60 million people. Comparably horrifying figures apply to the Soviet force. And I am speaking here only of the prompt casualties. We know almost nothing about the long range devastation and destructive ecological impact of such a massive nuclear blow with its monstrous release of radioactive poisons. To fix a scale for the potential disaster, note the following: If the nuclear stockpiles of the U.S. and Soviet Union were delivered in a massive exchange they could result in lethal fallout over an area measured upward of 10 million square miles. This is an area exceeding the total land area of the U.S. and the Soviet Union and as pointed out by Dr. York in his book shows how close we are to approaching the grim scenario Nevil Shute painted in his novel "On the Beach."

We have here indeed a grim picture—evermore plundering of the planet's resources for military arms, a million-fold increase in the destructive power of weapons in the generation since World War II, and a very poor track record toward halting the arms race.

Against this grim background are there any grounds for optimism as we look ahead into the decade of the 1970's? Has anything changed to improve the possibilities for us to stop or temper the arms race?

I think the answer to both of these questions is "yes" if we focus our attention on the strategic nuclear arms race which is that part of the arms race of potentially the most disastrous consequences. Since the nuclear race is primarily a bilateral problem involving only the U.S. and the Soviet Union as the two nuclear superpowers, it is politically the least complicated. I believe there are grounds for optimism as we look ahead. This optimism is based on three primary assumptions—assumptions as to the intentions as well as the capabilities of both the U.S. and the Soviet Union. On the basis of these assumptions, I believe that present conditions are ripe for making progress toward controlling the nuclear arms race.

My first assumption concerns intentions. In recent years the U.S. and the Soviet Union have developed mutually compatible political rationales and goals for their strategic forces. They have both announced that the mission of these forces is to deter a massive first strike. Neither force is intended to threaten to destroy the other nation's ability to retaliate after a massive first strike, and both nations have renounced a first strike policy. This is a major development. The United States has announced deterrence as its policy goal for some years, but until recently the Soviet Union had stressed defense. Defense and deterrence are what I term mutually incompatible goals for strategic forces since an effective defense by one country threatens the deterrent capability of the other country. For example, a growing Soviet missile defense would require a correspondingly growing offensive force by the U.S. in order to maintain its deterrent capability; and just this situation would fuel the arms race and render hopeless attempts at arms control.

My second assumption concerns the structure of the nuclear forces. The development and deployments of the strategic forces by the Soviet Union and the U.S. have progressed at this time to the point that neither nation threatens the other's ability to follow its declared policy of deterrence. These forces at present are strong enough and well enough protected so that even after absorbing an all-out first strike, either nation could return a massive blow to cause immense damage to its attacker. However, neither the U.S. nor the Soviet force is capable of wiping out the total opposing force, and both sides are well aware of this. We are in fact each others' hostage.

My third principal assumption is that both nations have had ample time to appreciate the futility of continuing an arms race. In fact, their extravagant levels of potential nuclear overkill have by no means or measure whatever led to improved security. Both nations certainly appreciate that limitations on strategic arms expenditures would release badly needed resources for other and more constructive purposes.

Based on these three principal assumptions, I believe that we are currently at a moment of improved prospects for limiting the nuclear strategic arms race between the U.S. and the Soviet Union. Logically then we would also take hope for progress toward arms limitation in the bilateral talks that were initiated more than a year ago—the SALT talks whose third phase at Helsinki recently adjourned.

In the past the U.S. and the Soviet Union have shown their willingness and ability to enter into arms control agreements when they have seen steps to take that are in their common interests. These have been limited steps such as the Atmospheric Test Ban Treaty of 1963, the Ban on Weapons in Space of 1967 and in the Seabeds of 1970, and the Nuclear Non-Proliferation Treaty of 1968. They were significant as the halting first steps on the long journey toward nuclear sense that President Kennedy spoke of. In no way, however, did they stop the arms race to weapons of greater destructiveness in greater numbers.

Now as we enter a new decade the leaders of both the great nuclear powers have again agreed that it is in our mutual and vital interests to really get down to the business of taking control of the nuclear arms race and stopping it. In fact during the last year the U.S. and the Soviet Union entered into the bilateral SALT negotiations with the public commitment to do precisely just that. President Nixon said to the American delegation upon the opening of the first round of SALT at Helsinki last year: "You are embarking upon one of the most momentous negotiations ever entrusted to an American delegation." He added his belief that the U.S. and Soviet Union both can ". . . carry out our respective responsibilities under a mutually acceptable limitation and eventual reduction of our strategic arsenals" and he concluded with a statement of his conviction ". . . that the limitation of strategic arms is in the mutual interests of our country and the Soviet Union." His words have been echoed by top Soviet leaders.

Harold Brown, former Director of Defense Research and Engineering and Secretary of the Air Force, and currently one of the principal U.S. negotiators at SALT, has written in Foreign Affairs (1969) that "At the present time the United States has an excellent capability to deter," and he added that "In military and technical terms, we can envisage agreements to limit strategic arms which would be sufficiently verifiable to be enforceable and which would enhance both the security of the United States and the security of the Soviet Union." Furthermore just last month the present Director of Defense Research and Engineering, John Foster, remarked in a U.S. News & World Report interview that "The fastest and cheapest way to provide for a future security would be to have an equitable agreement emerge from our discussions with the Soviets."

What then are the probelms? Why have we seen so little progress at SALT? After the first optimism of spring at the outset of SALT why do we still see the growing stockpiles of new nuclear weaponry—ABM's, MIRV's, SS–9's, missile submarines?

What are the issues that have to be resolved before SALT can make progress toward the general goals endorsed by both nations, or before SALT can hope even just to keep up with the expanding arms race? I believe there are two major issues at SALT, two obstacles to be cleared.

First of all there are widely differing views among top political and military leaders as to what specific kind of treaty we want to end up with from SALT, and I am sure this remark applies both within and between the U.S. and the Soviet Union. The term "deterrence" can be given a large variety of interpretations, and what one means by deterrence has to be spelled out in some detail before it defines a specific and clear strategy.

The second major hurdle to progress at SALT is the requirement that the treaty negotiated at SALT can be "adequately verified." National security policy and treaties are based on nations' capabilities, not just on their intentions. Any agreement reached at SALT must allow both the Soviet Union and the U.S. to verify that their own strategic situation could not possibly erode as a result of undetected violations of the treaty provisions to the extent of disturbing the strategic balance. The verification problem is not only crucially important, it is a difficult one because the job of actually monitoring the treaty provisions brings us to grips with the greatest asymmetry between the two nuclear superpowers: The U.S. is an open society while the Soviet Union is a closed, secretive one.

Before discussing these two issues which are the crux of the problem, I would like to state my own views with respect to them: What I interpret "deterrence" to mean as a policy is fully—indeed extravagantly—satisfied by the forces presently deployed; and completion of those additional forces already under construction perturbs the balance of U.S. and Soviet forces only in minor ways. However, I believe that massive deployments of the latest weapons systems that technology has spawned will in the future make it more difficult rather than less difficult to re-establish the stability of balanced deterrents. Therefore, I endorse precisely what Lyndon Johnson first proposed back in 1964 in his Presidential Message to the 18-Nation Committee on Disarmament in Geneva: ". . . a verified freeze of the number and characteristics of strategic nuclear offensive and defensive vehicles." He went on to say: ". . . we are convinced that the security of all nations can be safeguarded within the scope of such an agreement and that this initial measure preventing the further expansion of the deadly and costly arms race will open the path to reductions in all types of forces from present levels."

I also believe that our national reconnaissance and surveillance devices are fully adequate to verify compliance with such a freeze if we are willing to forbid the flight testing, as well as the deployment, of new systems. I am not talking here about restraints on research and development work but about prohibitions on flight testing of new systems. For this we have no need to require visits to each other's test areas or military bases—i.e. there is no need for on-site inspection which to be of value would have to be very intrusive and which in any case is undoubtedly politically unacceptable.

Let me elaborate on these two issues that are the crux of problems at SALT: the meaning of deterrence and the requirements of verification.

Political and military leaders of both nations can justly claim that at this time we both have strategic nuclear weapons with the necessary characteristics and in sufficient numbers so that simply and bluntly we are one another's hostages. Even after absorbing any possible strike delivered against us, we are confident that enough of our forces will survive and can be launched, and furthermore enough of these forces will penetrate to their targets that we can destroy an opponent's society if we choose to. He knows it as well as we do. Our confidence that no country will decide to attack us is based on the fact that our retaliatory capacity both exists and is recognized.

I call this a minimal deterrent strategy. What more then do we aspire to? Do we need to be able to fight a small or medium nuclear war and prevail? Do we also insist on limiting the damage we suffer on our own society should deterrence fail? It is of course a basic human instinct to try to defend oneself directly against attack. Moreover, official policy pronouncements often spell out the requirement that U.S. strategy should also permit us to defend ourselves against the major damage which could be caused by small attacks or accidental launches. In fact, Secretary of Defense Laird used precisely these words before the Senate Foreign Relations Committee this past summer in defining the U.S. interpretation of a "sufficient" strategic force.

What we want to ask here is how does this interpretation of sufficiency affect SALT and the nuclear arms race?

If deterrence means simply the threat of retaliation against an opponent's society, existing forces are more than adequate, and a treaty at SALT could take the form of a freeze or a stand-still agreement, forbidding any new systems. In contrast, if deterrence is interpreted to include the ability to limit the damage suffered in a nuclear exchange, or to defend oneself against major damage from a small attack, a treaty negotiated at SALT will have to allow for improvements in the existing missile forces. If we think it possible and desirable to engage in limited nuclear fights we will want more warheads and greater accuracy in order to be able to target not only an opponent's society as our hostages but also those unlaunched missiles he is holding in reserve after a limited nuclear exchange. Also, some provision for at least a limited ABM deployment at cities would be required in order to reduce casualties.

But as these damage limiting forces are increased by one country, the other—necessarily judging weapons he sees, not presumed or stated intentions—would feel his own deterrent force threatened. For example, if the U.S. sees the Soviet Union deploying ABM systems or building more missiles and warheads, especially high accuracy MIRV's, how can we tell what their mission is? The additional Soviet warheads in growing numbers would pose a potential threat to our missiles and bombers before they are launched, and a Soviet ABM would threaten them after they are launched but before they arrive on target. Therefore we will be driven to increase or improve our forces and a technological arms race will continue toward qualitative improvements, even if numbers are constrained.

It is clear, then, that the precise meaning of deterrence has a direct and major effect on what are judged to be the desirable or even acceptable forms of treaties to negotiate at SALT—anywhere from a freeze to a legitimate, although constrained, arms race.

We also require that the U.S. and the Soviet Union can verify with confidence that the treaty provisions negotiated at SALT are being enforced.

I will discuss verification only in the context of what can be accomplished unilaterally by national means alone. On political grounds it is probably futile at this time to require on-site inspection. What is more, I believe that we do not need on-site inspection, since what it can tell us that we cannot learn by our technical intelligence gathering systems is very limited, short of requiring a very intrusive form of inspection that would be unacceptable to all concerned. In this context let me quote once more from the 1969 article in Foreign Affairs by Harold Brown: "On-site inspection is no longer the immovable roadblock that it has been in the past. Unilateral means of verification, available to both sides, provide forms of inspection as effective for some purposes as on-the-ground surveys."

The important question for SALT is: What does it take for us to be confident that the Soviets, in a super-secret clandestine effort behind their self-imposed veil of secrecy, cannot be developing, testing and deploying a major nationwide system that will all of a sudden bloom before our eyes, significantly alter the strategic balance under a treaty, and rob us of our confidence in our ability to deter them from attack?

Even when one has at his disposal all the information about U.S. reconnaissance and surveillance systems this is not an easy question to judge. To some, this spectre of a suddenly disappearing deterrence seems very much more real than to others. Expressions of such fears have intensified since the rapid Soviet air defense build-up at the Suez Canal. There is however very little relation between the two situations. Whereas the balance at Suez could be changed in a matter of days, the strategic balance between the U.S. and the Soviet Union can be disturbed only on a time scale of many years which is long enough to allow either nation to respond to treaty violations. There is no such thing as a suddenly disappearing strategic deterrence capability. But as the events at the Suez Canal have made very clear, treaties and their enforcement must be based on the actual conditions, and not primarily on intent or promises.

Since the techniques available to the U.S. for verification and surveillance cannot be discussed in public there is not too much that I can say on this problem to help you arrive at your own conclusions as to how well we can enforce different provisions in a SALT treaty. I can, however, state two general observations—you might even call them principles—concerning verification of treaty provisions on which to base comparative if not absolute judgments.

The first of these concerns testing. Although Soviet research and development work is carried on in secrecy and we may know little if anything about such work, there is of necessity a long testing, evaluation and troop training cycle that precedes introduction of new systems into one's strategic forces. We can monitor such a testing, evaluation and training cycle for major new strategic systems; therefore, it is much easier for us to verify compliance with a treaty that includes both a testing *and* a deployment ban of new weapons systems than it is to verify compliance with detailed treaty provisions which restrict numbers of specific new and old weapons.

A second general observation is that the verification requirements are more severe the more finely tuned and delicately balanced the terms of the treaty. The more comprehensive the treaty or the more stringent the restrictions, the less sensitive the strategic balance is to cheating, evasion, or sudden abrogation by one party to the agreement.

According to these observations or principles about the nature and demands of the verification problem, I conclude it is easier to verify SALT treaties that permit no changes in existing systems than it is to verify those which legislate and codify specific changes in kinds or numbers. Big steps towards limiting arms are actually less sensitive to cheating than are small steps.

It follows then that a SALT treaty that bans the testing as well as the deployment of new weapons systems, and freezes forces at or near their present levels, is the easiest to verify.

In fact a freeze coupled with test restraints achieves all the most desirable goals we can hope for from Stage I of SALT:

Confidence that our present deterrent capabilities will be maintained.

A halt to the arms race in both its quantitative and qualitative aspects.

A simple treaty that can be readily verified. Its provisions require a minimum of collateral constraints or indicators.

There is no need to define precisely how much of what a nation can do where and when.

The keys to this proposal are that we are satisfied with deterrence as it now exists and that we renounce damage limiting or war fighting strategies; and furthermore that we are willing to put a damper on the technological as well as the quantitative arms race between the U.S. and the Soviet Union by restricting testing.

Is anything wrong with this solution? We ask naturally what risks and dangers would we be exposed to if such a treaty were negotiated at SALT? It is important to recognize that there is some risk associated with any arms control negotiations and treaty. However there is also very great risk with continuing an arms race. The challenge is to balance the risks associated with the various possible strategic policies and to judge what is politically acceptable in the context of this balance. I view this problem as follows: There are two alleged risks in a policy of minimal deterrence coupled with a freeze on the testing and deploying of new weapons.

The first is that we would be unable to limit damage to ourselves in the event that deterrence fails, or in the face of a small attack or accident originating from the Soviet Union or from a newly emerging nuclear power. The second alleged risk is that because of the restraints against testing new systems we will be vulnerable to technological surprises that in time could erode our deterrent.

A strong R&D—research and development—program will provide the necessary safeguards against this second risk. There is a major difference between developing new technologies with R&D in the laboratories and deploying weapons systems that incorporate these new advances. There would be no constraint on R&D. An R&D constraint would to my mind be both unverifiable and undesirable since it would leave one more exposed to technological surprises. There is no virtue in that. By prohibiting full scale testing of advanced new systems we would however effectively prevent their deployment. Without a realistic test and evaluation program a nation's military and strategic planners will be unable to develop the confidence in a new weapons' system that they must have if their entire strategic policy and national survival depends on its successful operation. Neither the U.S. nor the Soviet Union should gain a decisive advantage from such a test prohibition. Without the cost of major test and evaluation programs and of new weapons deployments very much more money would be available to devote to an effective, and I think improved, R&D program in order to maintain the desired hedge against the future. The brake on the arms race would be supplied directly and effectively by constraints and outright prohibitions of the testing and evaluation work—and that is precisely where I think the control on arms technology and spending should be applied.

Although testing of new systems would be prohibited we would allow limited testing of existing systems in order to retain the necessary operational confidence in our present forces. Such a test restraint could be monitored and enforced with little difficulty and we could verify that no new threat to our deterrent forces was developing.

How can we judge the first alleged risk that I mentioned earlier of having no way at all to limit damage to ourselves should deterrence fail? Almost everyone who has studied the problem agrees that there is no such thing as an effective defense against all-out attack in this modern missile era when just one warhead or one ICBM carries more destructive power than rained from the skies in all of World War II, and when that warhead can be delivered so accurately from across the oceans that if targeted for San Francisco there will no longer be a San Francisco. However, human instinct drives us to defend ourselves against the possible, if not the impossible. Should we give up on defense entirely by settling for no more than minimal deterrence and negotiating a freeze in weapons? To answer this we must ask how this risk balances against the risks associated with other courses that we may follow with our strategic policy.

Consider the implications if the U.S. and the Soviet Union negotiate a treaty at SALT that permits us to defend our cities against the major damage which could be caused by small attacks or accidents. We will require then a nationwide deployment of some ABM defense at our cities. If, in addition, we wish to limit damage to our people and cities by destroying that part of the Soviet missile force that had not yet been launched against them during the initial exchanges of a limited war we will require large numbers of accurate MIRV's.

In fact there can be no doubt of this. As recently as September 22 of this year General John D. Ryan, the Chief of Staff of the U.S. Air Force, speaking before the Air Force Association, said of the Minuteman III, the MIRV's replacement for the original Minuteman missiles that we are now beginning to deploy: "This missile, with a multiple, independently targetable re-entry vehicle will be our best means of destroying time urgent targets like the long range weapons of the enemy." Earlier in the same speech he had said we needed MIRV's for accomplishing the damage limiting mission against ". . . the remaining strategic weapons which the enemy would no doubt hold in reserve."

When accurate MIRV' are extensively deployed so that numbers of warheads can no longer be counted just by adding up numbers of launchers, and when large ABM radars dot the landscape we shall have considerably greater uncertainty about how dangerous a threat we pose to each other. This is the curse of weapons' systems with ambiguous missions. They begin to bridge the gulf between a deterrent and a first strike policy. We cannot count the numbers of an opponent's warheads when his missiles are extensively MIRV'd and we must base our assessment of their threat to destroy our hardened missile silos on technological assumptions that give his offense all reasonable benefits of doubt. If we see large ABM radars being constructed that provide broad coverage and have the potential to protect large portions of the population, we will have similar uncertainties as to how much of a threat his ABM will be to penetration by our potentially ragged retaliatory force after we absorb a massive first strike. Therefore, these developments will erode our confidence in our deterrent capability and will provide additional incentives for deploying new weapons. The same situation applies to both nations.

This very issue that I have posed in the SALT context has been at the heart of much of the recent public discussion on the Safeguard ABM system and on the U.S. MIRV deployments. Since deterrence is a state of mind, these systems must be viewed with great discomfort.

Indeed I have no reluctance in principle to attempt to defend myself with ABM's against limited attacks—whether launched from the Soviet Union, France, China, or anywhere else. In practice, however, implementing such a policy will inevitably result in higher force levels of both offensive and defensive forces for the reasons I have illustrated. Will this path lead to improved security? I think not. I view the proliferation of weapons with ambiguous missions—such as MIRV's and ABM defenses with broad coverage—as producing a more fragile stability of deterrence.

In particular a nationwide ABM defense of cities poses a potential threat to the entire deterrent force—land and sea based—of an opponent. Moreover such an ABM system would have its greatest effectiveness in support of a first strike, following which an opponent's surviving retaliatory missiles could be more effectively engaged by the ABM since, in addition to being smaller in number, they might not achieve their planned coordination for saturating and penetrating the defense. Therefore more than any other weapons system, ABM will govern the level of forces that can be negotiated at SALT as meeting the requirements of deterrence. As Harold Brown wrote last year in Foreign Affairs, "Perhaps the most destabilizing threat to mutual deterrence would be the deployment of a large Soviet ABM system." The same, of course, is also true with regard to the deployment of a large U.S. ABM system.

The danger of even a small U.S. ABM system engineered to defined cities is that with its ambiguous missions it starts us down a very dangerous road as the history of the 1960's reminds us. It was the observation in the early 1960's that the Russians were deploying an ABM ring around Moscow—a very limited one as we now know—that led to the extensive U.S. MIRV program. U.S. MIRV's were developed for assured penetration by our deterrent missiles against the potentially growing ABM threat of the Russians. That threat has not developed but in fact because of those ambiguous indicators we are now deploying MIRV's. Since, as we have already described, the MIRV mission can be given ambiguous interpretations it surely will fuel the arms race further if we continue the present deployment plans. The expressed intent of MIRV's may indeed be damage limiting as described by General Ryan. But what does this mean to a Russian military planner? Making conservative assumptions especially about their guidance accuracy he will ascribe to them capabilities to destroy his missiles. Their growing deployment pattern will certainly drive him to strengthen and diversify his offense, especially by a greatly enlarged submarine launched missile force, in order to preserve his deterrent.

In the very same vein we are reacting to the menacingly growing SS-9 force of the Soviets which if accurately and extensively MIRV'd would certainly threaten the survival of the Minuteman component of our deterrent. No statement by Secretary Laird to the effect that we will not develop a first strike force—nor for that matter by Marshal Grechko—alters the unhappy impact of the MIRV on the arms race—its ambiguous mission fuels that race; and we will soon be at a point of no return with respect to MIRV deployments. Once the Soviets complete a test program providing them with operational confidence in their MIRV force there will be no way to enforce a MIRV ban that can be monitored unilaterally by national means alone.

This illustration of the unending action-reaction cycle of the arms race illustrates why in my mind the banning of large ABM systems is the single most important goal at SALT. With no ABM's there would be no requirement for MIRV's in order to assure penetration of growing or perceived defenses. Also with no missile defense providing protection to our cities there would be little sense to deploying MIRV's for damage limiting missions. And with no ABM or MIRV's there would be no systems with ambiguous missions, no narrowing of the gulf between deterrence and first strike. In fact we could finally and completely break the cycle of action-reaction that has been driving the arms race.

It is on the basis of arguments such as these that I conclude that we will not be more secure if we negotiate to incorporate some damage limiting capabilities at SALT but will end up with more warheads, more missiles, and a more fragile stability of deterrence. A freeze based on acceptance of minimal deterrence as a strategy goal and on a prohibition on flight tests of new systems would combine all of the most desirable goals that we can hope for from Stage I of SALT. This is why I strongly advocate such a position.

If such a comprehensive freeze is not or cannot be negotiated, then I believe that the most important single step to be taken at SALT would be a limit on large ABM systems that provide extensive coverage to as low a level as can be negotiated—preferably zero. I would strongly prefer to establish a principle of comprehensive limitations on offensive as well as defensive weapons systems even if such limitations were to fall short of the freeze that I have advocated. However I believe it is of primary importance to limit ABM. No difficulties at the negotiating table should be allowed to seriously impede progress toward a limit or a total ban on large ABM systems.

If ABM's are banned, there can be no conceivable reason for major increases of the offensive missile forces. However, if the U.S. and the Soviet Union move down the path toward extensive ABM capabilities, then we will have lost our best hope for controlling the arms race at this time. We will truly become its driven slave. As I have argued, it is both unnecessary and unfortunate that we now find ourselves moving down the path to MIRV's and with time running out before it will be too late to turn around. The ABM path is much worse however because it threatens potentially the entire deterrent force of an opponent—not just the fixed land based missiles as do the MIRV's. With MIRV's alone, in the absence of ABM defenses, we both remain each other's hostage and a balance of deterrence can be maintained.

To conclude I have argued that a treaty negotiated at SALT to freeze strategic nuclear weapons at their present levels along with a ban on the testing as well as the deployment of new weapons—including ABM's and MIRV's—will stop the arms race; will allow us to maintain confidence in our present deterrent force; and can be readily verified. I therefore endorse it as combining all of the most desirable goals we can hope for from Stage I of SALT. Short of accomplishing a freeze, I think the most important first step at SALT is to prohibit, or severely limit, ABM defenses with large radars and the potential to protect people and cities. I endorse this not as an end in itself but in the context of the vital first step in a series of many towards accomplishing the "imperative" of arms reductions.

Although I have provided a technical basis for the views expressed here, it is quite clear that in my assessment of dangers and risks I have gone beyond purely objective criteria and entered into important and determining political ones. They are also the much more difficult criteria. "Politics is harder than physics," Einstein once said.

Recognizing this, I think it is also clear that we must look to our political leaders to lead the way with the vision and dedicated commitment of true statesmen to a real halt in the arms race. Patience and hard technical work are necessary for assessing and balancing the dangers and risks. But much more than technicians and technical analysis are needed here—and above all statesmanship, visionary political leadership, and the determination that has carried pioneers through deserts and over oceans and mountains to seemingly impossible goals. Otherwise arms control may never get a chance to help us survive.

MANIFESTO OF ELECTED POLITICS

Mr. CHILES. Mr. President, in my State of Florida, which is now ninth in population among the 50 States, we have at Rollins College a Center for Practical Politics, organized in 1958 under a grant by the Maurice and Laura Falk Foundation. For 12 years, under the direction of Chancellor Hugh F. McKean and Paul Douglass, this institution has played an active and educational role in both Florida and national politics. Especially it has encouraged citizen participation through political parties. By more than 300 research manuscripts and the leadership of four generations of Rollins graduates spread across the Nation in elected office, the Center for Practical Politics has become an influential institution.

This spring Chancellor McKean and Dr. Douglass, with their staff and students—who always participate in every project and study—have issued a "Manifesto of Elected Politics." As a Senator who walked the State in campaigning, this manifesto has a genuine meaning to me.

Mr. President, because I feel this "Manifesto of Elected Politics" has special interest to all of us, I ask unanimous consent that the document be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

MANIFESTO OF ELECTED POLITICS

We call upon young men of integrity to give their lives to the elected offices of local, state, and national government. We summon them to the practice of politics—a calling which is highest, the most necessary, and most strenuous duty in our society.

The process of politics is the unavoidable task in our society. By information, discussion, criticism and controversy, it explores problems to discover alternative courses of action. Politics persistently asks two questions. (1) What is it best for the community to do? (2) What person is best qualified to do the job?

Because our body politic is large and complex, the United States of America as a representative republic operates through elected officials chosen to be public officers by private citizens. Those elected leaders from the city hall and the courthouse to the White House become the policy-makers and program supervisors of the nation. By their leadership they create the social and economic climate which encourages the development of responsible persons and human well-being.

By bridging differences of opinion which separates people, elected representatives chosen at the polls explore and define the terms on which citizens can cooperate. Thus teamwork is established by negotiation to agreement and comprehensive decision-making is made possible.

Politics mobilizes and allocates resources to achieve the purposes of society. It provides the technology by which private citizens choose public officers and determine public issues.

The most important of all political officer forever remains the private citizen who votes to elect qualified fellow citizens to staff the Republic. The private citizen as voter has the last word. In a democracy he wields the ultimate power. He is the well-spring of all other authority. He is the agent against tyranny and the assurance that private citizens (non-leaders) by elections control public offices (leaders).

Politics, like medicine, engineering, law, and architecture, is a career. Education for elected public service as a career therefore needs to be both rigorous and precise. To the studies which prepare men's minds for politics must be added those experiences which equip men with moral stamina and emotional durability. Such education must make men ready rather than reluctant to present themselves as candidates for public office. Candidates must be stalwart enough to survive public scrutiny, patient enough to endure malicious criticism, and brave enough to bear up under personal harassment. They must campaign to educate the voters on the real issues. They must know that defeat in the pursuit of a cause is sometimes personal cost of public achievement.

The need for noble young men to engage in the practice of politics is urgent. The times call for men to present themselves to the judgment of their fellow citizens for election to office. These are the times for young men to select for themselves careers to serve in the elected offices of the nation and to engage in the vigorous training which such life mission demands.

PROPOSAL FOR CREATION OF A DOMESTIC INTELLIGENCE REVIEW BOARD

Mr. MATHIAS. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Delaware (Mr. ROTH) relating to the creation of a Domestic Intelligence Review Board.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ROTH

I was interested to note that suggestions were made on the Senate floor yesterday that Congress should create a Domestic Intelligence Review Board to supervise various surveillance activities of agencies of the Federal Government, and I think such suggestions are good, except that they come a little late.

Actually, such a review board is already established by law as a result of an amendment which I offered last year in the House of Representatives to the Organized Crime Control Act of 1970.

Title XII of that Act (P.L. 91–452, approved October 15, 1970), creates a fifteen-member National Commission on Individual Rights. The law specifies that four of the members be Senators appointed by the President of the Senate; four of the members be Representatives appointed by the Speaker of the House of Representatives; and the remaining seven members be appointed by the President of the United States from all segments of life in the United States.

In introducing the proposed amendment to S. 30 last year, I said, on September 16, 1970, that the principal purpose of the commission would be to review the effect of laws recently enacted as a means of combating crime as well as practices of the executive branch in the collection, storage and use of information on individuals and their resulting impact on the constitutional rights of the people of the United States.

I stated at that time that I believed that the Congress and not the Executive branch should establish basic policies on these matters. The Commission, as established by the law, will be of enormous help in developing guidelines for the Congress in considering new legislation in the field of executive data collection in order to protect individual rights.

It is my hope that we can learn through this Commission when it begins to function on January 1, 1972 if our basic rights are being abridged by an agency of the executive branch so that we in the Congress can do something about it.

The National Commission on Individual Rights would be strictly an advisory commission which would provide both the Congress and the President with advice as to whether there have been any undue infringements on individual liberties. The Commission will make reports at least every two years after it begins in office next January.

I welcome the support of other Members of the Congress for this Commission, the creation of which I consider a vital step in the preservation of the individual rights and liberties of our citizens.

THOMAS M. REARDON—MEMBER OF FEDERAL RESERVE ADVISORY COUNCIL

Mr. McGOVERN. Mr. President, it is a pleasure to salute one of South Dakota's outstanding citizens, Thomas M. Reardon, of Sioux Falls, on his appointment to the Federal Reserve Advisory Council. Mr. Reardon's entire life demonstrates a concern for individuals as individuals and a capacity for change to meet change. He brings to the Advisory Council not only an astute knowledge of finance and banking, but a sensitivity to the human and environmental needs of the upper Midwest. His service on the Council will strengthen the Federal Reserve System, and we are fortunate to have men of his commitment and ability serving the Nation.

I ask unanimous consent that an article published in Commercial West for April 3 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THOMAS M. REARDON: SOUTH DAKOTA BANKER IS MEMBER OF FEDERAL RESERVE ADVISORY COUNCIL

How to go from farm equipment salesman to successful banker to member of the Federal Reserve Advisory Council in 11 short years? There has never been a book written on it, but it could be the story of Thomas M. Reardon, newest appointee to the FAC.

A life-long resident of Sioux Falls, S.D., Reardon represents the Ninth Federal Reserve District on the Advisory Council, offering advice and reaction to national monetary policy.

There must have been days during the "dirty 30's" in South Dakota, when Tom Reardon and his brother, Scott, wondered why they ever got into the farm equipment business. But, with hard work, a selling philosophy based on helping people, extended credit terms for farmers and innovative new products, the Reardon brothers built the business into one of the largest farm equipment distributorships in the Midwest.

In 1959, Tom decided to try his hand at banking by chartering a small bank, Western State Bank, in the western part of Sioux Falls, population 75,000. The bank grew from less than $1-million in deposits to $21-million in 11 years at a 40 percent compounded growth rate.

"We have tried to build a financial institution of personalization in an age which has tended toward impersonalization," says

Reardon, who learned how to sell kicking the tires of worn tractors.

"People want to be treated like people," he adds, "and unless that philosophy is practiced in business, I fear the result could be a lack of understanding and, hence, a lack of confidence in American free enterprise."

Personalization at Western Bank means practicing the slogan: "The bank that likes to know you by name." To this day, officers fine each other when one forgets to call a customer by name.

The new bank also led the area by establishing a reputation for scoring local banking "firsts," including computing daily interest paid quarterly on savings accounts, establishing an independent audit by C.P.A.s of the bank, paying five percent on certificates of deposit, building a four-lane, straight-through drive-in facility, establishing advanced security camera equipment and purchasing career suits for all female employees.

Personalization has also meant door-to-door contacts for new accounts, an extensive direct-mail campaign and a host of other promotional efforts to attract increased banking business, including a business policy of knowing customer attitudes.

The story of a small successful bank might be enough to write about, but Tom Reardon has turned his sights on even bigger targets. Based on a strong sense of public commitment and social conscience, Reardon has sought other ways to advance his ideas for improving his community, state, region and nation.

He sees banking as a public service and bankers as public servants who, similarly to elected officials and government, have high obligations to work for the public good.

Locally, Reardon helped found the Sioux Falls Industrial and Development Foundation some 11 years ago to generate increased economic growth. Serving as vice president, last year, he helped bag the Earth Resources Observation Satellite (EROS) data reception center for the Sioux Falls area, which holds the possibility of becoming one of the major centers of America's second-generation space program which will use advanced remote sensing techniques from space.

"While we have concentrated in the past on discovering outer space," Reardon noted, "the EROS program holds our opportunity to reap some of the returns of our space expenditures by rediscovery of earth."

Not content to let the federal government shoulder the entire burden of the project, Reardon co-chaired a local fund drive which raised more than a half-million dollars in three weeks to buy land for the project as a gift to the federal government, along with having ample funds to help with some future construction costs.

A host of smaller new industries have also settled in the Sioux Falls area based on the development group's efforts.

However, Reardon does not see progress just in terms of hardware or providing more jobs.

"It appears to me people have shifted from looking so hard for the good things of life and now search for the good life," he notes. "The Federal Reserve Board, a bank, a businessman, all of us have certain obligations to become attuned to changing social attitudes."

The father of five children, Reardon stresses particular concern about the restlessness of youth.

"This restlessness has generated great unrest in the business community, the family, government, the churches; all of our basic institutions," says Reardon. "The problems of five and ten years ago are not the problems of today."

"It appears to me one of the great underlying criticisms by some of our youth with present society is the tendency for many of our basic institutions to be inflexible toward change," he adds. "One of the things I appreciate about the Federal Reserve System is that it is a flexible institution by design; born in time of crisis and flexible enough to meet change."

"The Federal Reserve System is a vehicle which can be responsive to the public interest without political pressure," Reardon notes. "This should generate confidence among our youth who fear the rigidity of some institutions and also serve as an inspiration to government, schools, churches, and even the family, on premise that to command respect, institutions must be continually relevant to change within society."

He credits the late President of the Ninth Federal Reserve Bank, Hugh Galusha, for inspiring many of the banks in the Upper Midwest to become more responsive to change.

"Hugh was able to recognize the uniqueness of our District—the natural independence of our people, the semi-agrarian economic base—and with a flexibility that earned widespread admiration, he stressed on for new approaches by institutions and individuals for a better society. He had solid support from businessmen and bankers throughout the area. It was a strong bond, the results of which have benefitted every citizen."

Two of Reardon's primary concerns are the sometimes lack of public understanding of various national decisions, particularly among youth, and the pockets of clinging desire by some to bring back "the good old days."

"I think one of our great problems today, which transcends all the challenges we face, is the lack of proper communications," he says. "Our growing society of over 200 million people has complicated the problem of communicating with each other and ourselves.

"Businesses, banks, government and people can all create communication barriers which are a waste of our resources, a stifling of talents and a source of eminent frustration," says Reardon. "If there is any way I might be helpful in lowering communication barriers, I feel my time well spent."

Personal involvement is the key, he says. "I feel as we increase involvement we can generate trust, confidence and understanding of the particular area in which we work," he notes. "If none of our youth are really involved in banking or understand it, or in any other area of business, how can we expect them to share with their peers confidence in one of our basic institutions?"

He feels a pilot college student advisory program of "in field service", similar to the Congressional intern program, could well be explored by District bankers. Practicing bankers would become involved with college professors and interested students in an advisory program unique to banking.

"When I have had the opportunity to lecture on a college campus or experience a give-and-take discussion with a college professor, I am always amazed at the rejuvenation in thought and stimulation I personally experience from such sessions," he says.

It is a similar kind of involvement which has helped the continued growth of Western Bank as the Reardon personal philosophy of "involvement" bounces new ideas and questions off his board of directors, staff, family and customers as fast as the tennis balls he serves during a favorite pasttime.

"Secondly, I think we must recognize the so-called 'good old days' are never coming back and the 'good new days' might not be quite as good unless we are properly prepared," Reardon says.

He feels the saga of the "good old days" is founded more of the necessity to expand on legends to assure they remain a memory than on reality.

"I doubt anyone really wants to turn the clock back," notes Reardon, "and I am not sure we have time to look back any longer than to learn some lessons from our past mistakes and then look forward to see how we can help make better days down the road."

Reardon also assesses what he feels might become an important change in consumer attitude influencing the direction of American business.

"In the past, the market place looked only to dollars and cents," he said. "Today, consumer concerns face new dimensions in the market place that business must recognize and respond to. Social weights, cultural values and new priorities must now become part of the business world."

"Today, consumer concerns force new dimensions in the market place that business must recognize and respond to. Social weights, cultural values and new priorities need now become part of the businses world.

"The ecological-conscious consumer is beginning to exercise his social concern in economic terms," Reardon adds. "This places a vast new dimension on the market place.

"Similarly, new factors, other than salary, are influencing the labor market which has created economic nuances of new magnitude," he says. "Employees rank other employment conditions ahead of salary in selecting positions.

"I think one of the important things we must realize, as we work to make our institutions responsive to change, is that capital limitations and technological restraints, included in the added dimensions of today's market, means simply we cannot have everything now," he notes. "I suppose one of the complicating factors is the illusion we can have all things right now caused by great technological achievements such as the landing of man on the moon.

"We might be able to have instant potatoes, instant coffee and instant communications; but instant wealth, instant happiness all the time, is an impossible illusion.

"We must set priorities, and as we set priorities, learn to trade some of the least desirable priorities, in terms of the public good, for the most necessary needs of society," he adds.

Reardon shuns any hint of trying to become a reformer in banking, on the advisory Council, or in business.

"I find it exciting to have the opportunity to express personal views and try out personal theories," notes Reardon. "This is one of the real thrills I have found in business. I think many of today's young people will find this is true as they get involved themselves."

"It is a wonderful form of self-expression," he adds, "and opportunities, such as my selection to the Federal Reserve Advisory Council, afford an opportunity not only to help as best I can the people and businesses of the Ninth Federal Reserve District, but also to express what I hope are useful points of view."

At a time when economic news is front-page news in America and many suggest we face everything from a crisis in the economy to a crisis in human thought, men like T. M. Reardon help provide direction to the preservation of prudent progress.

"When I hear comments of various types on the crisis our nation faces, I must agree we have some tremendous challenges and responsibilities in reshaping our society," he notes, "but I am always reminded that the Chinese idiom for crisis is a two-part word; the first meaning danger, but the second meaning opportunity.

"If we can concentrate on the opportunity during any time of crisis, it is my firm belief America has many happy years and better days ahead," Reardon says, "and an important part of opportunity is being responsive to changing priorities and keeping confidence in the decision makers."

DEFENSE INDUSTRY PROFIT

Mr. HOLLINGS. Mr. President, in the recent past, allegations have appeared in the press relating to the Comptroller General of the United States and a report issued on defense industry profit. The study was requested by the U.S. Congress in the Armed Forces Appropriations Act for 1970. Columnists had made an allegations implying that the GAO had altered the preliminary draft of the report as a result of certain pressure applied by the executive branch of the Government.

As chairman of the Subcommittee on Legislative Affairs of the Senate Committee on Appropriations, I requested a response to these allegations from the Comptroller General of the United States Elmer B. Staats. The GAO has been an effective and responsible arm of the U.S. Congress, and provides an invaluable service to this branch of Government. The allegations made by members of the press obviously required an answer, but as is too often the case, no response was requested of the GAO. I ask unanimous consent that the reply made by Mr. Staats be printed in the RECORD. I believe that when this is reviewed, it will erase all doubt and question concerning these implications.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., April 5, 1971.

Hon. ERNEST F. HOLLINGS,
Chairman, Subcommittee on the Legislative Branch, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: Reference is made to inquiry with respect to the allegations which have appeared recently in the press relating to a report issued on March 17 on defense industry profits. This study had been requested by the Congress in the Armed Forces Appropriation Authorization Act for 1970. The allegation carried by two columnists were based on a comparison of a preliminary "leaked" draft with a subsequent revision of the draft. While the preliminary draft was available to other members of the press, they did not carry such allegations.

The allegations of the two columnists in several widely circulated news stories implied that the GAO had followed an unusual and improper procedure in obtaining comments from contractor associations and defense agencies, and had altered the facts and conclusions as a result of "pressure" from these agencies and associations. You asked that I supply a statement of these allegations and our response to them.

1. ALLEGATION

GAO followed an unusual and improper procedure in obtaining comments from defense agencies and contractor associations in asking them to review and comment on a preliminary draft of the report.

Response

It has been the policy of the GAO for many years to refer draft reports of this Office to agencies, organizations, and others specifically affected to obtain their views. With respect to contractors, the written policy establishing this procedure goes back to 1955; and the practice had been followed in many cases earlier than that. This procedure is designed to enable the GAO to have available any disagreements as to factual accuracy or completeness of the report as well as differences with respect to our findings and conclusions. We believe it important not only that we consider these comments prior to completing our report to provide reasonable assurance that our reports are accurate, fair, complete and objective, but that we also reflect in our reports to Congress such differences as may exist. The procedure followed in this instance is identical to that followed in previous reports.

2. ALLEGATION

GAO was subjected to "pressure" to alter its conclusions and recommendations.

Response

There was no pressure of any type. Neither I nor any member of our staff received any follow-up communications, oral or written, from the associations or agencies beyond the formal responses to our request of January 5, 1971, for their views. The last response was made available to this Office on February 12.

3. ALLEGATION

The analysis in the report of 146 individual contracts was more "representative" of defense profits than the 4-year review of total contractor profits (1966 to 1969); however the GAO subordinated the first analysis by shifting its location in the report from chapter 2 (first draft) to chapter 5 (final draft).

Response

The report contained two sets of data to serve two different purposes: (a) the 4-year analysis, reporting on more than 60 percent of all defense procurement for the period, was designed to meet the statutory directive to this Office; (b) the analysis of 146 individual contracts was designed to examine initial profit objectives with profits actually realized, and to determine if it was practical to develop profit data by contract in order to ascertain if there was a wide range of profits as a percent of invested capital. Interest in this type of analysis had been expressed during the hearings which lead to the statutory directive.

We believe it only logical that the final draft have the 4-year analysis placed first and the second analysis clearly identified and differentiated from the first. Since the entire report was only 55 pages and contained a 4½ page summary, we did not agree that there was any "alteration" or "burying" of the data.

The apparent reason for the press interest in the 146 contract analysis was the higher profits reflected. The final draft makes it clear that the 146 contracts was not a valid statistical sample and that this analysis served an entirely different purpose from the 4-year analysis. Had the analysis of individual contracts shown a lower profit rate, it is interesting to speculate whether the two columnists would have found the matter of such great interest.

4. ALLEGATION

The final report was "drastically altered" and "softened" to be less critical and key data was subordinated.

Response

Aside from the reordering of the chapters mentioned above, the revised draft contains numerous editorial changes of the type which take place in virtually every report issued by this Office. The two columnists neglected to indicate, however, that not a single figure in the report had been altered at any stage in the drafting of the report, and none was added or deleted as result of agency or contractor views. Nor do they mention that the conclusions in the report, which is critical of the way in which profit objectives have been established on defense contracts in the past, remain unchanged.

Our report is critical of the present practice of negotiating contracts whereby profit objectives are based primarily on cost of sales. We believe the policy should be revised to place more emphasis on the total amount of contractor capital required. The report states that "by relating profits to costs, contractors have little incentive to make investments in equipment which increase efficiency and reduce cost." The report also notes that the Department of Defense has been considering this matter since 1962 "and GAO believes that it is time to move ahead."

It was primarily to obtain the views of agencies and contractors on this issue that we requested comments on our draft report. We are pleased to note that many contractors agree with our position and that the Department of Defense officials have been quoted in the press as agreeing generally with our recommendations.

I appreciate this opportunity to set the record straight. This Office plays an important role as an arm of the Congress in assuring that Government programs are managed effectively and economically. It is important that we carry out this responsibility in an effective and impartial manner; it is also important that Members of Congress have the confidence that we have made, and will continue to make, every effort to carry out our responsibilities in this manner.

Sincerely,

ELMER B. STAATS.

PRISONERS OF WAR

Mr. McGOVERN. Mr. President, the American Bar Association Journal for January 1971, contains a most helpful article on the application in Vietnam of the third Geneva Convention relative to the treatment of prisoners of war.

The author, Charles W. Havens III, has supplied a careful description of the relevant provisions of the 1949 Geneva Convention. He argues forcefully for its application to the Indochina conflict, notwithstanding North Vietnamese contentions that captured American pilots are not entitled to protection because they are "war criminals" within its reservation to the agreement. He argues further that while the convention's text does not, except in the case of sick or wounded prisoners, explicitly provide for repatriation during continued hostilities, such an obligation should be implied from the basic humanitarian principles which are implicit in the agreement.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RELEASE AND REPATRIATION OF VIETNAM PRISONERS

(By Charles W. Havens III)

(NOTE.—A number of questions involving international law have arisen as a result of the Vietnam conflict. In spite of growing public interest in the release and repatriation of prisoners of war, there has been little, if any, legal analysis of the obligations of the combatants to release and repatriate the other side's soldiers captured during the conflict and held as prisoners.)

Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War[1] sets forth the standards for classifying captives as prisoners of war. This article provides in part that prisoners of war are persons who are members of the armed forces of a party to the conflict. All captured American servicemen, including the pilots and aircrewmen detained by North Vietnam, were uniformed members of the armed forces of a party to the conflict and are prisoners of war clearly within the provisions of this article.

The United States and the government of Vietnam have accorded prisoner of war status on North Vietnamese and Viet Cong forces

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Footnotes at end of article.

even beyond that required by the convention. The right of these captives on both sides to be accorded prisoner of war status should be above question.

There are now more than 1,500 American servicemen who are legally considered "missing" in Southeast Asia and who may be in the hands of North Vietnam or its Pathet Lao and Viet Cong allies. Approximately 460 of these Americans are listed by the Department of Defense as "captured", but since the other side has not provided a list acknowledging all the men who are captured, the total number of men who may be prisoners of war is at this date still not known. Previously, the other side has stated that the total number of prisoners is a military secret which would not be revealed. From time to time we have learned from various sources that men previously known only to be missing were captured. This fact, when coupled with the large number who are known only to be missing, has led many to conclude that the actual number of men captured is significantly higher than the number now listed as "captured". Unfortunately, too, some of the men who believed on the basis of the best available evidence to have been captured probably did not survive. It is hoped the number of families which will receive this crushing news will be small.

Also, there are members of the Free World Military Assistance Forces and the Armed Forces of the Republic of Vietnam who are in a missing status and may be in the hands of the enemy. Here, however, the basic information is not as readily available.

On the other side of the fence, there are now more than 33,000 Viet Cong and North Vietnamese soldiers held in six prisoner of war camps operated by the Army of the Republic of Vietnam. Each of these has been classified as a prisoner of war. Approximately 7,000 of these prisoners of war are North Vietnamese, and the remaining number are either Viet Cong from South Vietnam or regrouped south Vietnamese who elected in 1954 to go north, later returned to the South and took up arms with the Viet Cong.

The first American pilot known to have been captured by North Vietnam is Lt. Everett Alvarez. He was shot down and captured on August 5, 1964. The best available evidence today suggests that he is still a prisoner. Last August, Lt. Alvarez had been a prisoner of war in North Vietnam for six years, an unprecedented duration for any American serviceman. The fact that Lt. Alvarez's fate is shared to almost as great an extent by hundreds of other men, many of whom are known to be sick or injured, without any prospect of release in sight, dramatizes the need to effect the repatriation of all captured servicemen in Southeast Asia.

The fate of the more than 33,000 servicemen of the other side who are prisoners of war in South Vietnam is important to them, their families and a resolution of the conflict in Vietnam. Although these latter prisoners are receiving food and treatment generally in accordance with the requirements of the Geneva Convention, years of captivity with attendant separation from family and banishment from society are not productive humanitarian goals. Rather, their imprisonment serves only to delay an ultimate settlement and their assimilation into society.

All parties to the conflict have an easily identifiable interest in the prompt release and repatriation of the prisoners of war. All persons interested in seeing the realization of the humanitarian aims of the Geneva Convention should have an equally strong interest in the realization of this same goal. How do we get there from here?

RECENT CONFLICTS GIVE HISTORICAL LESSONS

At best, the lessons of the more recent international conflicts can serve only as guide posts or danger signs to us in seeking to resolve questions of release and repatriation in the Vietnam conflict. Vietnam is not the 1967 Arab-Israeli War, nor is Vietnam the Korean War of 1950–1953. Vietnam today is not even the French-Indochina war which supposedly was resolved by the 1954 Geneva agreement. Still, each of these historical conflicts has something of value for our examination.

The Arab-Israeli War shows us a relatively good lesson of prompt wholesale repatriation of prisoners of war soon after the formal cessation of continuous hostilities. The fact that Israel promptly repatriated far greater numbers of Arab prisoners than the Arab's side is a good expression of the proper humanitarian intent which should motivate any repatriation. Repatriation is not a "trade", or "barter", or "exchange" in the language of the tradesmen. It is a plain and simple requirement that all parties to a conflict permit all their prisoners of war to return home.

The 1954 Agreement at the conclusion of the French-Indochina War shows us that even a sound agreement requires good faith performance before the results are satisfactory. Article 21 provided:

"(a) All prisoners of war and civilian internees of Vietnam, French, and other nationalities captured since the beginning of hostilities in Vietnam during military operations or in any other circumstances of war and in any part of the territory of Vietnam shall be liberated within a period of thirty (30) days after the date when the cease-fire becomes effective in each theater.

"(b) The term 'civilian internees' is understood to mean all persons who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities.

"(c) All prisoners of war and civilian internees held by either party shall be surrendered to the appropriate authorities of the other party, who shall give them all possible assistance in proceeding to their country of origin, place of habitual residence, or the zone of their choice."

Since this agreement called for the surrendering of prisoners in the first instance to "the other party", presumably it made no provision for instances wherein a prisoner did not want to return to the control of his own forces. In practice, significant numbers of prisoners of war were released by both sides within the prescribed thirty-day period or shortly after. Nevertheless, there were charges and countercharges that thousands of prisoners of war had not been released. The International Control Commission was ineffective in obtaining additional releases from North Vietnam. Thus, the agreement for release was sound, but its execution left something to be desired because of the significant number of prisoners who did not return and for whom there was no satisfactory accounting.

The 1962 Protocol to the Declaration on the Neutrality of Laos dealt with the release of captured personnel in a clear, uncomplicated manner. It simply provided in Article 7 that:

"All foreign military persons and civilians captured or interned during the course of hostilities in Laos shall be released within thirty days after the entry into force of this Protocol and handed over by the Royal Government of Laos to the representatives of the Governments of the countries of which they are nationals in order that they may proceed to the destination of their choice."

Again, execution was less than completely satisfactory.

In Korea, the release and repatriation of prisoners of war was the single most controversial aspect of the negotiations and certainly the agenda item which required the longest time to resolve. Some might say that it was never resolved in view of the large number of Americans who were not satisfactorily accounted for and who were much later classified as "died while captured" or "died while missing". In July, 1951, the Korean armistice negotiations began, and although the fighting continued, there was no major ground offensive. By the end of May, 1952, substantial agreement had been reached on all but one major point of negotiation—repatriation of prisoners of war. In this regard, the difficulty lay in resolving the question of "voluntary" repatriation. In short, would there be forced repatriation of unwilling prisoners? After many months of stalemate, the issue was finally resolved. There was no forced repatriation of prisoners. But in the meantime, all prisoners on both sides suffered the pains of captivity for many more months, and, indeed, many died during this period of internment.

North Vietnam adhered to the Geneva Convention on June 28, 1957. The United States ratified it on August 2, 1955, and it came into force six months later. The government of Vietnam acceded in 1953. The International Committee of the Red Cross (I.C.R.C.) in 1965 declared that the Geneva Conventions are fully in force in the Vietnam conflict and that all parties are bound to adhere to their terms. North Vietnam has stated that it does not consider the convention applicable to Americans because the pilots and aircrew held by it are criminals, or "air pirates", subject to the laws of North Vietnam and not prisoners of war. The relevant article of the convention dealing with classification of captives is Article 4. As previously mentioned, American servicemen held by North Vietnam clearly qualify as prisoners of war under this article and are entitled to treatment in accordance with the precepts of the convention. North Vietnam's contention that the convention is not applicable because there has been no declaration of war is not recognized by the I.C.R.C. or, to my knowledge, by any other non-Communist bloc nation. As a legal argument, it is simply not taken seriously. Article 2 of the convention states that it is applicable "to all cases of declared war or of any other armed conflict which may arise between two or more of the parties to the Convention, even if the state of war is not recognized by one of them". As the I.C.R.C. has declared, the Vietnam war is clearly an armed conflict of an international character in which the full convention is applicable. The existence of this international conflict has been recognized by the United States and the XXIst Conference of the International Red Cross. Although it claims that the convention does not apply to its captives, North Vietnam has maintained consistently, even in the force of overwhelming evidence to the contrary, that it treats the captured servicemen humanely.

DUE PROCESS GUARANTEES NOT OBSERVED

Any contention by North Vietnam that its reservation to Article 85 of the convention permits it to deny prisoner of war status to captured American servicemen is also without merit. Article 85 provides that "prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention". Initially, the clause presupposes prisoner of war status, which North Vietnam has denied. Secondly, there have been no convictions that, in any event, require certain due process guarantees which North Vietnam would never observe.[2] And thirdly, there are no known grounds for any such convictions. The bombing policy for North Vietnam observed to an unprecedented degree the laws of war. The targets were military supporting facilities, and the operating instructions were strictly drawn to minimize collateral damage and injury to the civilian populace. In fact, in pursuing such a restricted air war, the

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Footnotes at end of article.

pilots were incurring greater risks to their own safety. In short, there has been no verification of North Vietnam's charges that the Americans are war criminals.

The Viet Cong does not claim that the soldiers captured by its forces are other than prisoners of war, but it maintains that it is not a party to the convention. The I.C.R.C. considers the Viet Cong bound by the adherence of both North and South Vietnam.

The United States, the Republic of Vietnam, the Republic of Korea, Australia, Thailand, Philippines and New Zealand have acknowledged the applicability of the convention and assured the I.C.R.C. of their intention to honor it.[3]

In South Vietnam, prisoners of war, whether Viet Cong or North Vietnamese, are turned over to the Army of the Republic of Vietnam for internment in six prisoners of war camps. This procedure is sanctioned by Article 12 of the convention because South Vietnam is a party to the convention and is willing and able to apply the convention. South Vietnam also permits the I.C.R.C. to inspect regularly the camps where these prisoners are held.

UNITED STATES BEARS SPECIAL CONCERN

As mentioned previously, both North Vietnam and the Viet Cong hold prisoners. Therefore, the critical parties concerned with the actual release or repatriation of prisoners are South Vietnam, North Vietnam, and the Viet Cong.[4] Of course, in terms of humanitarian interest as well as governmental and public preoccupation, the United States bears a special concern.

If we look to the convention as the principal authority, Article 118 states simply that "Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities." It provides that this should be done with or in the absence of any agreement. Article 118 also deals with the costs of repatriation.

Article 119 and Articles 46–48, which it references, deal primarily with the obligations of a party to see that repatriation is effected in a manner that is in the best interests of the prisoners of war, *e.g.*, the captor must provide sufficient food and water to maintain their health, provide proper care of sick and wounded and return designated personal items. The last three paragraphs of Article 119, however, provide for the retention of prisoners of war against whom criminal proceedings for indictable offenses are pending or whose punishment for these offenses has not been completed.

The preceding articles dealt with repatriation at the close of hostilities. Articles 109 through 117 cover direct repatriation and accommodation in neutral countries even when the hostilities may very well be continuing at an active pace between the belligerents. These articles could apply to the Vietnam conflict now, and to what many believe will be the prevailing situation for the foreseeable future.

Article 109 requires a party to return to their own country all willing "seriously wounded and seriously sick prisoners of war after having cared for them until they are fit to travel." The succeeding article provides further definition of these categories of sick and wounded who are entitled to direct repatriation: "(1) Incurably wounded and sick, whose mental or physical fitness seems to have been gravely diminished. (2) Wounded and sick who, according to medical opinion, are not likely to recover within one year, whose condition requires treatment and whose mental or physical fitness seems to have been gravely diminished. (3) Wounded and sick who have recovered, but whose mental or physical fitness seems to have been gravely and permanently diminished."

Article 110 also provides that the following may be accommodated in a neutral country: "(1) Wounded and sick whose recovery may be expected within one year of the date of the wound or the beginning of the illness, if treatment in a neutral country might increase the prospects of a more certain and speedy recovery. (2) Prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whose accommodation in a neutral country might remove such a threat."

If the parties do not agree on a method for determining which prisoners qualify for direct repatriation or accommodation in a neutral country, Article 110 provides that the principles enunciated in the Convention's Model Agreement and Regulations Concerning Mixed Medical Commissions shall be applied.

The provisions of the convention relating to direct repatriation at the close of hostilities and those covering repatriation or internment in a neutral country of certain sick or wounded prisoners of war are straightforward and clear. If the war is over, prisoners of war should be given the opportunity to return to their home country. During the war, the seriously sick or wounded who are willing should be repatriated directly or interned in a neutral country for the duration of the hostilities.

The convention does not establish equally detailed principles and procedures for the general release or repatriation of healthy prisoners of war while the hostilities continue. Article 109 does state that the parties to a conflict may conclude by agreements for direct repatriation or internment in a neutral country "of able bodied prisoners of war who have undergone a long period of captivity". This provision does not seem necessary because the parties could repatriate all prisoners at any time with or without an agreement to that effect. The result in any event clearly would be in keeping with the humanitarian purposes which the convention was designed to effect. Apparently, however, it was beyond the realm of the realistic to include within the coverage of the convention requirements whereunder the combatants were expected to release able-bodied soldiers during the course of hostilities. Yet we have Article 117, which declares flatly that "no repatriated person may be employed on active military service". The scholars have suggested that this applies only to prisoners of war repatriated because they are sick, wounded or long-time prisoners of war who might return to battle their former captors. The United States, however, as a matter of policy does not return former prisoners of war who have been released to combat against their previous captors.

OBLIGATION TO RELEASE PRISONERS AFTER 18 MONTHS

Assuming that the present state of hostilities in Vietnam continues indefinitely, what obligation does the convention place on the parties to release or repatriate prisoners of war? Literally read, the convention might lead to the conclusion that the only obligations would be for those who qualify as sick or wounded. Yet the convention's anticipation that the duration of some hostilities might warrant the repatriation or internment in a neutral country of "long-time" prisoners of war, permits me to conclude that the very basic humanitarian principles which underlie the entire convention require that prisoners of war not be kept interned indefinitely.

When there is no end of hostilities in sight, all prisoners of war who have remained in captivity longer than eighteen months should be repatriated by the captor so long as the other party agrees to honor the requirement of Article 117. There are now thousands of North Vietnamese and Viet Cong and hundreds of American prisoners of war who have been interned for more than two years, and there is no end of their captivity in sight.

To achieve fully its purpose, the Geneva Convention should provide a solution for this situation. It is reasonable to conclude that eighteen months of captivity with no likelihood of release in sight is sufficient to require accommodation in a neutral country under Article 110 and the model agreement. Indeed, the evidence that we have concerning the Americans held in North Vietnam and those held by the Viet Cong in South Vietnam would support a finding that many of them are seriously sick or wounded and entitled to direct repatriation under Article 110. The fact that the other side does not permit impartial inspection of its prisoner of war camps, when added to the information we have, *e.g.*, significant weight losses, intestinal and skin diseases, use of crutches years after capture and confinement in isolation, provides a sufficient basis for a presumption that the American prisoners of war should be repatriated or at least interned in a neutral country immediately. To conclude otherwise, would constitute a gross step backward in the evolution of basic principles of humanitarian law.

FOOTNOTES

[1] Unless otherwise noted, all references to the Geneva Convention are to the Third Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949.

[2] See Articles 85 and 105.

[3] See Joint Manila Communique, October 24, 1966.

[4] Prisoners held in Laos by the Pathet Lao forces may be subject to control by the more than 40,000 North Vietnamese forces there. To the extent that they are not, the Pathet Lao forces might be held bound by the Geneva Convention by Laos' adherence to the Convention in 1956. In any event, those North Vietnamese forces held as prisoners by the Royal Lao Army are now acknowledged as falling within the convention's protection.

ECONOMIC CONCENTRATION AND INFLATION—UNEMPLOYMENT DILEMMA

Mr. HART. Mr. President, a recent article in the Washington Monthly analyzes the relationship between economic concentration and the inflation-unemployment dilemma which has been plaguing our economy. All too often the remedies proposed for an economy obviously out of whack are predicated upon a free market assumption, yet fail to call for reestablishing a free market by vigorous antitrust enforcement.

Mr. Charles E. Mueller, in his article, "Monopoly," has summed up the problem. Unless this issue is faced, remedies predicated upon a free market assumption will continue to be bandaids for a gaping wound. If we face the issue and reject strong antitrust enforcement, I, for one, do not wish to contemplate the alternatives. Perhaps the fact that the consequences of failing to enforce the antitrust laws have led us to our current state of affairs, may finally bring about a revival of vigorous antitrust enforcement as a keystone of our economic policy. Mr. Mueller's article makes clear the pressing case for doing so and I commend his article to all who have a concern for getting our economy back on track. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MONOPOLY

(By Charles E. Mueller)

The sad state of the American economy has become a partisan matter again—even for the economists, whose reputation as neutral and effective technologists has suffered somewhat in the conflicting and often erroneous pronouncements they have offered to explain our simultaneous burdens of high unemployment, stagnation, and inflation. Few people, strangely, have pointed to the one economic phenomenon that is acknowledged to increase both prices and unemployment: monopoly, which produces higher-than-competitive costs and prices, reduced output, more unemployment, reduced rates of technological progress, and high levels of advertising to differentiate (in some psychological sense) the physically identical products of rival manufacturers.

The mere *presence* of monopoly, with its centralized control and the violence it does to the reality of a free market, is supposed to raise the blood pressure of the true conservative. Yet there is little agitation in conservative circles for a full-scale antitrust campaign, although it can be shown that monopolist tendencies characterize about one-fourth of all U.S. industries numerically and a far greater portion of all corporate assets. This concentration exists not only in the well-known industrial giants like steel and automobiles but also in an enormous variety of more obscure markets: typewriters, chewing gum, razor blades, and biscuits, to name a few. The *effects* of monopoly—on the consumer, especially the poor, and the society as a whole—are supposed to be particularly offensive to liberals. Here again, however, there has been little agitation, even though monopoly is estimated to cost the country between a $16-billion rock-bottom figure and a $230-billion annual price tag espoused by a Senate subcommittee—with no offsetting economic benefits whatever.

So the economy, in all its confusion and pain, looks by its symptoms as if it suffers from monopoly. It also *is*, by the available evidence, burdened with excess concentration. Monopoly has no friends in theory nor advocates in public politics. It is not only a drain on the nation economically but a threat to individual freedom because of the monopolist organization's power over its customers and control over the security of its employees; and monopoly, given sufficient political will on the part of the nation, is relatively easy to eliminate by requiring the guilty corporations to spin off smaller competitors. Despite all this, there is no major mobilization against economic concentration, and the merger trend continues. Assistant Attorney General Richard McLaren, head of the Justice Department's Antitrust Division, has initiated a modest antitrust campaign. But even that effort is small in comparison with the task, and it is considered quite separate from the woes that beset Professors McCracken, Shultz, and Burns, the President's top economic advisers. Antitrust questions, in short, are nearly irrelevant to economic policy at a time when they should be at the forefront of the debate.

Perhaps the second most important concept in economics today—second only to the Keynesian proposition on the relationship between aggregate national expenditures and full employment—is the concept of a relationship between the structure of a product market and its social performance. In brief, it has been established beyond the point of really serious dispute that, without any necessary collusion or conspiracy, an industry becomes effectively monopolized *when the four largest firms control 50 per cent of the market or more.*

More than 25 major statistical studies in the last decade have all identified the four-firm/50 per cent level as the point at which market monopolistic effects set in regarding prices, profits, and costs. This is a very conservative dividing line. In other words, many American industries with less concentration—say, with five firms having 50 per cent of the market or four firms with 40 per cent—also show signs of monopoly; but the evidence is so pronounced at the four-firm/50 per cent level that the significant monopolistic effects can safely be attributed to any industry which meets that test.

The Supreme Court has actually recognized a far stricter standard in one area of antitrust law—mergers. In a 1966 case, *United States* v. *Von's Grocery Company,* the Court disallowed a proposed merger between two California grocers who each controlled only about 4.5 per cent of the market—on the grounds that their combined market share of nine per cent would tend to restrict competition. Since then, prevailing judicial decisions have prohibited direct mergers that give two companies more than about eight or nine per cent of the market. But the Supreme Court has not handed down antitrust decisions against the multitude of existing companies that are already much more monopolistic than Von's Grocery. Nor has the Court barred the acquisition of monopoly power by means other than direct merger, such as advertising or market growth made possible by subsidies from a parent conglomerate.

If the Supreme Court's merger test were applied to existing American industries, the vast majority of major corporations would be held in violation of antitrust law. Far fewer industries qualify under the four-firm/50 per cent test, but the many industries that do qualify are far more concentrated than California grocers. In any case, the four-firm/50 per cent measure has been confirmed as a reliable indicator of substantial monopoly power by a host of detailed studies both in and out of the government. It is considered, in the words of Richard McLaren's economic assistant, a kind of "collusion index."

This identification of a boundary line between relatively competitive industries, on the one hand, and monopolized industries, on the other—and of the vast differences in social performance that they spawn—is of enormous practical significance. Knowing a point at which competition ceases to function in its socially desirable forms, we have for the first time some workably exact policy guidelines for a realistic industrial reform program. Thus there is no need to atomize the country's automobile industry back to the situation that existed in the second decade of the century—in the early years when there were more than 100 separate firms making automobiles. Separating General Motors into, say, five companies (Chevrolet, Pontiac, etc.) and Ford into, say, three, would produce a quite competitive automobile industry—one in which no firm would have more than about 10 per cent of total industry sales, and therefore no four would have more than roughly 40 per cent. We can say with considerable confidence that this modest change in the auto industry's structure would result in a rather prompt decline in auto prices, an increase in output (more employment), safer and more pollutant-free cars (technological advancement), reduced advertising expenditures on autos, greater opportunities for smaller entrepreneurs both to manufacture and distribute automobiles and related products, and other such socially beneficial changes.

How many industries would we have to push back over the 50 per cent (four-firm) concentration line? In crude terms, the answer is about 100 industries (out of a Census Bureau total of 430) if one wants to be fairly thorough about it, or at least a dozen if one is satisfied to get the core of the job done now and leave the mopping up to the next generation. What would it get us in terms of dollars saved? Ralph Nader has estimated that monopoly in all of its various forms costs the consumer over 20 per cent of every dollar spent, or more than $100 billion per year. Senator Hart has put the figure at 35–40 per cent ($170–230 billion per year). Part of this estimate represents a loss to the entire public—a lowering of the national standard of living—and part of it represents a shifting or displacement of income: from workers to monopolists, from labor to capital, from small competitve businesses to industries of monopoly like advertising. Senator Hart's figure may turn out to be on the low side for the combined total if a program of serious reform is ever undertaken and the real extent of overpricing in these industries exposed to the light of day.

Economists working in this area offer more refined estimates of the actual public losses traceable to the absence of competition in these oligopoly industries. For example, two leading economists in the industrial organization field, William G. Shepherd and Frederic M. Scherer of the University of Michigan, have recently made separate estimates of the country's overall monopoly losses. The most conservative of these two sets of estimates, those of Shepherd, are that: a) price tend, on the average, to be 10–30 per cent above the competitive level in the intermediate and tight-oligopoly industries; b) "market power appears to double or triple the margin of extra profitability over bedrock minimum competitive profit levels of six to eight per cent"; and c) costs tend to be increased by, on the average, some five per cent where concentration is very high." For the economy as a whole, the unnecessary costs borne by the nation as a result of its monopolies—cost being measured in the technical terms of "welfare loss" or lost output—are estimated by Shepherd at about three per cent of national income (approximately $16 billion in 1966). Scherer, applying somewhat broader criteria, puts the national welfare loss here at something on the order of 6.2 per cent of GNP, or, at current levels, roughly $60 billion per year.

The few litigated cases in which good business and statistical data have been made available indicate that the cost-effects of monopoly are almost invariably a great deal higher than those suggested here. In one case, for example, involving a price-fixing conspiracy in the sale of bleachers (folding seats used by schools and other institutions), prices rose 32 per cent during the period in which the conspirators were agreeing on them. The *profits* of the firms involved reflected only nine percentage points of that increase, however, the other 23 points having been wasted by the conspiring firms on inflated conspiracy-related *costs*. When the conspiracy was broken up by an antitrust lawsuit, prices fell by the whole amount, 32 per cent—not by just nine per cent, the amount of the residual monopoly profits.

Other cases have revealed similarly large gaps between the non-competitive and the competitive prices of goods and services. The recent breakup of a price-fixing conspiracy among a group of bakeries in the state of Washington resulted in a drop of nearly 20 per cent in the price of bread in the area. Consumers in Seattle alone, for example, realized a savings of some $3.5 million per year from that price decline, or total savings of approximately $17.5 million over the five-year period since that conspiracy was broken up in the latter part of 1964. A still more important example of this phenomenon is provided by a recent price-fixing case involving the well-known antibiotic drug, tetracycline. Its price fell by approximately 75 per cent after the conspiracy was broken up, for total savings to its purchasers of some $60 million per year. The price-fixers had charged 51 cents per capsule for a product that cost them 1.6 to make.

Whether one chooses the stringently conservative "welfare loss" figures suggested by Shepherd as the appropriate measure of monopoly's annual cost or the more robust $100–230 billion figure suggested by Nader and Hart, it is clear enough that the losses associated with the country's monopolized industrial sector are fairly staggering. Even that smallest of the technical estimates, $16 billion per year, is hardly insignificant alongside the cost figures associated with some of the more monumental of the country's other major problems:

the country's total crime bill was $32 billion last year.

the Vietnam war cost us $27 billion last year.

removing the major sources of pollution would cost an estimated $15 billion per year.

eliminating poverty ($3,000 minimum for all families) would cost an estimated $11 billion per year.

FROM RAZORS TO EXPLOSIVES

How much of the American economy has already been monopolized? "All in all," Shepherd estimates, "at least 35 to 45 per cent of market activity in the United States appears to take place under conditions of substantial market power." In the manufacturing sector, for example, out of a 1966 total of 420 manufacturing industries, there were 199 industries in which the four largest firms held 50 per cent or more of their respective industry's total sales. Nearly 50 per cent of all manufacturing activity in the country took place in industries in which the four-firm share was 70 per cent or more in that year. Shepherd concludes that the average American manufacturing industry is one in which the four largest sellers account for 60 per cent of the industry's total sales.

The table below lists a sampling of the American manufacturing industries that, in Shepherd's opinion, are currently non-competitive in character—together with the share of their total sales held by the four largest firms and their estimated "value added" in 1966.

[Dollars in millions]

Industry	4-firm share (percent)	Value added (1966)
Razor blades and razors	98	$145
Locomotives and parts	98	318
Flat glass	96	431
Aircraft propellors and parts	96	133
Primary aluminum	95	725
Aircraft engines and parts	95	2, 725
Electron tubes, receiving	95	244
Sewing machines	95	97
Safes and vaults	95	64
Motor vehicles and parts	94	15, 450
Telephones and telegraph apparatus	94	1, 432
Electric lamps	93	495
Soaps and other detergents	90	1, 297
Pharmaceutical preprations	90	3, 447
Metal cans	90	1, 043
Computing and related machines	90	2, 828
Steam engines and turbines	90	505
Aircraft	90	4, 675
Hard surface floor coverings	89	135
Cathode ray picture tubes	89	472
Chewing gum	88	177
Primary batteries	88	167
Carbon and graphite products	88	175
Cereal preparations	87	443
Chocolate and cocoa products	85	180
Sanitary paper products	85	476
Pressed and blown glass	85	709
Engine electrical equipment	85	$753
Glass containers	80	763
Cement	80	839
Brick and structural tile	80	275
Gypsum products	80	222
Blast furnaces and steel mills	80	9, 644
Primary copper	80	363
Aluminum rolling and drawing	80	862
Photographic equipment	80	2, 282
Household laundry equipment	79	416
Typewriters	79	2, 828
Household vacuum cleaners	78	156
Flour, blended and prepared	75	206
Pulp mills	75	365
Internal combustion engines	75	1, 075
Household refrigerators	72	752
Industrial gases	72	363
Explosives	72	255

But what about "scale economies"? Aren't huge corporations and therefore concentrated industries required for efficiency? The answer is no. As Shepherd sums it up, "in the great majority of industries, efficient scale in plant production is reached at small, even miniscule, shares of the industry." Thus one industrial scholar, Thomas Saving, found that in over 70 per cent of his industries by number (86 per cent by share of employment), 'minimum optimum' plant size is less than one per cent of industry size. In automobiles, for example, estimates made in the late 1950's were that all economies were realized in plants producing at most 7.5 per cent of total industry sales (300,000 to 600,000 cars then). The larger plants are no more efficient in production.

What about the effect of such a reform program on the country's research and development effort? Aren't our big monopolies and oligopolies the ones that, via their gleaming laboratories, turn out the inventions and innovations that make us the world's leader in technological progress? Again, the answer is no. The big firms in oligopoly industries devote a great deal of effort to *suppressing* new innovations that would require them to write off as losses their heavy investments in plants rendered obsolete by the invention and innovations of the medium- and smaller-sized firms in their industries. Summarizing Scherer's earlier findings on the conventional wisdom that the larger firms in our oligopoly industries account for the bulk of our technological progress, Shepherd notes that innovation does tend to "increase with concentration at relatively low levels of concentration," but that this phenomenon is short-lived. "When the four-firm concentration exceeds 50 or 55 per cent, additional market power is probably not conducive to more vigorous efforts and may be downright stultifying." For the leaders in a highly concentrated industry, the most profitable course is to let the smaller firms carry the risks of innovation and buy them out later if imitation fails.

IBM and General Motors are prime examples of this incentive to imitate rather than innovate. "Contrary to popular impressions carefully cultivated, IBM is not regarded professionally as a leading inventor or innovator," writes Shepherd. A series of major improvements, including both the larger 360-line computers and the time-sharing systems, "have originated with other sources, with IBM often following developments." The auto industry has succeeded in suppressing innovation in the development of automobile safety features, anti-smog technology, the small car (abandoning it, until recently, to foreign producers), and more efficient, lower-cost retailing (the industry's "exclusive dealing" arrangements with its dealers prevent the development of "chain" retailing of automobiles or discount-store operations, those handling all makes rather than just one). The principal technological contribution of the auto industry is the annual style change—which is estimated to increase the price of the average automobile by about 25 per cent, or approximately $7 billion per year.

THE TARGET PRICE

But what about the advertising role of the giant firms in oligopoly industries? Isn't it the more than $20 billion spent on advertising in the United States each year, the bulk of it by these major oligopolies, that keeps consumer demand high and thus prevents unemployment? On the contrary, advertising, at least in the excessive form associated with our major oligopoly industries, can actually be a cause of unemployment in some industries. High-intensity advertising creates high concentration, and concentration in turn produces higher prices and reduced levels of output—thus fewer employed people.

The rather spectacular conceit of Madison Avenue in suggesting that its labors have something to do with keeping the American economy in motion is on an intellectual par with the rooster's conviction that it is his crowing that causes the sun to rise in the morning. No reputable economist believes that America's real standard of living would waver in the slightest if the entire advertising industry closed up shop tomorrow. The fact of the matter is that Americans spend, year after year, approximately 93 per cent of their aggregate disposable income. They have done so for more than 50 years, despite the fact that advertising did not become a giant among American industries until the 1950's. The advent of television brought not only huge growth in advertising but also a qualitative change, as the emphasis shifted away from the transmission of product information toward the creation of a pleasant psychological atmosphere around the product. Television was indispensable for this shift. The function of advertising is to transfer the consumer's quite stable propensity to spend from one "brand" to another, or from one product to another. Advertising can induce the consumer to shift his money from Fords to Chevrolets, but it has always been quite powerless to induce him to raise his total spending from 93 per cent of his disposable income to 94 per cent.

Excessive and misleading advertising occurs in its most socially significant forms in relatively concentrated industries. In some industries—cosmetics, for example—these advertising expenditures run to as much as 40 per cent of the product's total sales volume, with price increases required to recover those costs and make a profit on the capital invested in the advertising itself. Highly-advertised products tend to be roughly 20 per cent more expensive than the identical products sold by the industry's oligopolists to their largest customers (for example, the chain food stores) under the latter's own "private" brand names. In the summer of 1970, for example, consumers generally paid 89 cents for a 14-ounce bottle of Listerine. while the same mouthwash in the same size bottle cost only 59 cents under the A&P private label, a price difference of 33.7 per cent. An 11-ounce can of Rapid Shave cost 95 cents, while the same product cost only 49 cents with an A&P label. The usual practice is for the supermarket chains (which are themselves not exactly small entrepreneurs) to purchase products from the brand producers under a contract which allows the private label. Sometimes the price differences can be enormous. A recent investigation by staff of the Federal Trade Commission showed, for example, that Washington, D.C., consumers pay 580 per cent of the price for Peoples Drug Store aspirin to get the same relief with a Bayer label.

America's great monopolies, as the critics quite accurately point out, select the level of monopoly profits they think they can get away with and then price accordingly (e.g., General Motors' "target pricing" to yield a 20 per cent after-tax return on its stockholders' equity). Styling, advertising, and the like are then "planned" to yield the level of consumer demand required to produce that pre-planned level of profits. Gosplan, the Soviet economic planning agency in Moscow, operates an automobile monopoly in the Soviet Union in precisely the same way—and with even worse results.

MONOPOLY'S HELPERS

There are two general techniques for controlling the prices of monopoly firms: the imposition of some form of regulation, such as wage and price controls, upon existing companies, and the reduction of concentration in the offending industries. Wage and price controls are neither popular nor efficient for keeping prices at a competitive level over the long haul. And price-setting by a governmental agency has been a thoroughgoing disaster by virtually all standards. The "big seven" regulatory agencies—the Interstate Commerce Commission, Civil Aeronautics Board, Federal Communications Commission, etc.—are consistently captured by the industry they purport to be regulating—and they end up presiding over an output-restricting price-increasing, cartel arrangement that tends to be worse, if possible, than the situation in unregulated oligopoly industries. One study shows, for example, that the airline fares fixed by the CAB are at least 30 per cent higher than the prices prevailing in the unregulated, intrastate California airline market. The unregulated Pacific Southwest Airlines charges a coach fare of $16.20 for a Los Angeles-San Francisco flight, while the CAB sets much higher fares for flights of equivalent distance on the major airlines: $33 Chicago to Minneapolis, $34 Cleveland to Philadelphia, $33 Los Angeles to Phoenix, and so on. This price inflation implies a consumer loss from the CAB's ministrations of as much as $1 billion a year. The ICC's annual cost to the consumer is estimated to be several times that figure.

Regulation is ineffective precisely because it does not remove the market power of the oligopolies which now pervade the American economy. This market power not only wears down the zeal of the most ardent regulatory crusaders but also provides the muscle for corporate acquisitions that further concentrate American industry. Monopoly power tends to snowball, spending most of its energy in the pursuit of more control and more security, which in turn makes it more difficult to turn business energy from lobbying and mergers to the competitive customer service which is supposed to make free enterprise socially useful in the first place.

Breaking up the stifling, glutinous masses which characterize many American industries is obviously the superior solution. Antitrust judgments are relatively simple to execute, and they remove the harmful effects of market control by going to the source of the problem. The hulking obstacles to this logical solution are of course the monopolies themselves, which is ample evidence of how far the snowball has rolled. General Motors, Ford, Standard Oil, U.S. Steel, and the country's other major oligopolists would hardly be enthusiastic about having their price-raising monopoly power taken away from them, and it is reasonable to suppose that they could devise a substantial amount of political unpleasantness for any administration that actually directed its antitrust agencies, the Antitrust Division of the Justice Department and the Federal Trade Commission, to make antitrust enforcement a principal tool of economic policy by breaking up the oligopolies which make our current antitrust laws almost ludicrous in a law and order era.

Part of the enforcement problem stems from the lack of economic sophistication among the attorneys and jurists charged with interpreting antitrust laws. The courts tend to view the issue as one of predatory business practices and collusion. They see market control only when there is evidence of a price-fixing scheme or other monopolistic agreements among competing corporations. Market consideration *per se* is not considered conclusive evidence of monopoly, although all the harmful economic effects of monopoly are demonstrably in operation. The courts are reluctant to stand on economic evidence, and they tend to look prudently for documents or testimony to show that an anticompetitive "deal" has been made. This judicial hesitancy could be overcome by new legislation, a law making a four-firm share of more than 50 per cent of any product market *prima facie* evidence of monopoly.

THE HIGH PRICES OF UNEMPLOYMENT

Such explosive legislation, like antitrust enforcement itself, would clearly run into a political hailstorm—virtually all major politicians depend on contributions from the representatives of American oligopolies. To a large extent, these contributions come from monopoly profits and carry, of course, an implicit understanding that the receiving candidate will not take the legal steps necessary to erase the larger pool of such profits from which he has taken his tithe. In less respectable circles, this is known as a kickback—the beauty of which is that both parties to the transaction have their needs taken care of to the unmitigated loss of the public.

Despite the long odds and the formidable opposition, these economically sophisticated legal battles must be undertaken and the necessary political coalitions must be built to remove monopoly power from the United States. For now, the issues are primarily those of economic injustice caused by the violation of every market principle on which the corporation rhetorically stands. The current unemployment only dramatizes this violence, as anti-inflationary policies that ignore monopoly have put 1.8 million people out of work in the last 18 months. In a sense, these people have taken the rap for the continuation of monopoly power among the biggest businesses. Beyond the economic issues, market power presents questions of basic freedom. Even now, it is not too difficult to imagine one's having qualms about filing an antitrust suit against an American oligopoly, for fear of losing the insurance policy, credit rating, or job that might lie within the control of the oligopoly, or in the control of its friends in high places.

ADMINISTRATION DELAY DESTROYS SMALL BUSINESS

Mr. McGOVERN. Mr. President, few of us are unaware of the special problems confronted by small businesses faced with an obligation to comply with the consumer and environmental laws of the 1960's.

Congress has repeatedly attempted to assist such firms. Yet the Nixon administration has been equally determined to block the help which Congress has authorized for thousands of small and independent businesses throughout the country and particularly in agricultural States. We have seen constant footdragging by the White House and the Small Business Administration, and substantial numbers of businesses have already been closed as a direct consequence.

In May of 1968 the present chairman of the Small Business Committee (Mr. BIBLE) introduced S. 290, asking the SBA to study the capital needs of 7,000 small meatpackers required to conform with the standards of the Wholesome Meat Act of 1968. In April 1969, a bill proposing emergency loans for compliance, at interest rates equal to the cost of money to the Government plus ¼ percent, was introduced. It was subsequently enacted as part of three statutes: the Coal Mine Safety Act of 1969, the Occupational Health and Safety Act of 1970, and the Egg Product Inspection Act of 1970. It would have assisted small businesses impacted by wholesome meat and wholesome poultry laws and by the egg product requirements.

Meanwhile consider the dismal record of the Nixon administration:

In June 1969, the new Small Business Administrator testified against the loan assistance bill saying the problem was not urgent.

In July 1970, the Small Business Administrator repeated his opposition before the Senate Banking Committee.

Although it has been more than 3 months since the most recent of these measures was enacted, the administration has refused to ask for a single dollar for their implementation.

The Small Business Administration refuses even to accept applications for loans under the 1970 legislation.

Next month will be 3 years since SBA began researching the capital needs of businesses facing compliance with these Federal laws. Such a study would have been invaluable in considering the relief bills before the 91st Congress. It would have been most helpful in planning requests for implementing funds by the executive branch and the consideration of these needs by the congressional Appropriations Committees. Yet the study has never been released.

This is not an academic matter. Businesses are having their doors forced shut by Government inspectors across this country. More than 100 are now closed in Iowa, another 100 in Texas, and unnumbered dozens and perhaps hundreds in other States.

The record should be clear on why these businesses are closing.

Congress has asked that the problem be studied in time for a constructive solution. Congress has passed laws providing for financial assistance. Congress has asked on several occasions that the law be rapidly implemented. Congress has created a lifering and put it in the hands of the executive branch of the Government to save thousands of small businesses from going under.

But the Nixon administration continues to look the other way.

THE REALITY OF WELFARE

Mr. HART. Mr. President, it is difficult if not impossible to understand the reality of welfare if one is not, and never has been, on welfare.

The reality of poverty can be understood fully only by the poor.

However, there are objective facts about poverty and welfare that all of us can understand.

Unhappily, because such facts often run counter to comfortable assumptions about welfare, we too often accept myths about welfare as the truth and ignore the facts.

But if we are to respond intelligently to poverty and the welfare mess, we must deal in facts, not myths; and a lack of experience in being poor is no excuse for a lack of understanding of statistical facts about welfare.

The National Welfare Rights Organization, in cooperation with the United Church Board of Homeland Ministries, has outlined these facts graphically in a recent publication.

The booklet is entitled "Six Myths About Welfare."

I wish the graphs and illustrations and the easily read layout all could be incorporated in the CONGRESSIONAL RECORD.

Yet even in the antiseptic style of the RECORD, the text continues to make facts clear. Also, the sources of the statistics and statements are identified.

In the belief that until we replace myths with facts about welfare, we cannot legislate or administer welfare programs wisely, I ask unanimous consent that the text of "Six Myths About Welfare" be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

SIX MYTHS ABOUT WELFARE

Welfare.

To the average working man, it's a handout, something for nothing.

To the professional social worker, it's an archaic, frustrating bureaucracy.

To the ordinary taxpayer, it's a seemingly endless drain on his weekly paycheck.

To the political opportunist, it's the obvious scapegoat for governmental failure—for massive urban decay, maybe even inflation.

To the welfare recipient it's much simpler. It's poverty. Guaranteed annual poverty.

Welfare.

Welfare Cadillac. Welfare fraud. The welfare mess.

Welfare.

We hear the words, read the words, even sing the words, every day. And believe the words—the words, the slogans, the myths, the lies that prevent us from ever really hearing or seeing or, most of all, understanding the reality of welfare: the reality of poverty.

For a moment, at least, let's tune out the rhetoric and take a look at that reality.

1. HARD WORK IS THE ANSWER TO THE WELFARE PROBLEM—IT'S A MYTH

Work might be a solution to the welfare crisis—if welfare recipients really were lazy men, dodging jobs. But the U.S. Department of Health, Education and Welfare (HEW) reports that less than 1% of the nation's welfare recipients are able-bodied men,[1] and these men have to be seeking jobs through their state employment agencies to be getting any welfare at all.

Considering that the unemployment rate in December 1970 was 6% of the labor force[2]—and the unemployment rate among blue collar workers even higher[3]—the number of able-bodied men receiving welfare is remarkably small.

Who really is on welfare?

According to a recent survey by HEW:[4] 24% are old-age recipients (OAA), 8% are permanently and totally disabled (APTD), 1% are blind (AB), 50.3% are children (AFDC), 2.9% are incapacitated parents in the home (AFDC–UP or AFDC).

The remaining 13% are mothers. One-fifth of these welfare (AFDC) mothers are in job training or are already employed but are making so little money that they still qualify for welfare.

Are welfare mothers employable?

Most welfare mothers are needed full-time by their own families. However, a small number, about 2.3% of all welfare recipients, could work—if certain conditions permitted.[5]

First, day-care services for children:

A crucial need when you consider that some 70% of all AFDC children are under twelve years of age.[6] But, right now, day-care is very scarce and very expensive—at least $1,915 per year for a pre-school child and $634 for after-school and summer care for older children.[7] A mother with one pre-school child and anther one in school would have to spend over $2,500 a year for child care, which would probably be well more than half of her income. If she could find any day-care at all. Many women can't: as of last year, HEW estimated there were some 5 million children who desperately needed day-care; but there were only 640,000 spaces available in licensed facilities.[8] In other words, the need for day-care is already seven times greater than the supply. And the need is growing rapidly.

Secondly, improved education and training:

Another crucial long-term need; but right now, not a very immediate solution to the poverty problem. The fact is that only 18% of all AFDC mothers have ever completed high school. Nearly 34% have never gotten beyond the eighth grade.[9] Considering what it takes to find a steady job today, most unemployed AFDC mothers would have both to finish high school and to complete a training program before even trying to enter the job market.

Are decent jobs available for employable welfare mothers?

Even if a welfare mother could find child care, complete her education, and obtain a skill, she still would be hard put to find any work at all. The jobs simply are not there. For instance, last year in Cleveland, Ohio, there were some 16,175 jobs available to women. But there were 22,596 women looking for jobs (including 621 employable welfare mothers).[10]

In Cleveland, as almost everywhere else in this country, there just aren't enough jobs to go around.

And the few jobs that are available rarely provide enough income to support a family. Although women in general are better educated than men, unemployment has been consistently more severe among women over the last decade. In 1967, for example, the unemployment rate for women was 5.2% as compared to 3.1% for men.[11]

Not only are women discriminated against in hiring, they are also grossly underpaid for doing the same kinds of jobs that men do.[12]

INCOME OF YEAR-ROUND, FULL-TIME WORKERS IN 1968

Occupation	Women	Men
Clerical workers	$4,002	$7,034
Operatives	3,506	6,209
Nonfarm laborers	2,984	4,165
Sales	2,248	7,369
Service	2,226	4,820
Private household	806	------------

The problem is income, not jobs.

Having a job is no guarantee against poverty; among all women who worked 35 hours or more per week for 50 to 52 weeks in 1966, 26% had incomes from all sources (including alimony) of less than $3,000.[13]

Obviously, the problem is getting an adequate income, not just getting a job.

Although the number of able-bodied adults on welfare is infinitesimal and unemployment rates increasingly higher, the welfare system clings to the 19th Century notion that "putting them to work" is the answer. Under the relatively new Work Incentive Program (WIN), the welfare department can order a mother to take training or a job arranged by the state or local employment office, with the threat of cutting her off welfare if she does not accept it—force her to take any job, even if it's not covered by minimum wage laws. In the South especially, where cheap "domestics" are in greatest demand, the WIN program can be tantamount to involuntary servitude.

Should any mother be forced to leave her home and children for an outside job?

Whether or not one accepts the notion that child-raising should be "woman's work," the fact is that in most American families child-raising is woman's work—and hard work at that. If a woman's husband dies or leaves home, does child-raising suddenly cease to be "work"? In effect, that's what the welfare department is saying when it defines "work" solely as a job outside the home. The reality, of course, is that a woman who becomes the head of a household is doing more work, being both the father and the mother to her children. It's at least paradoxical, perhaps cruel, that a society which traditionally extols the virtues of motherhood is simultaneously forcing some mothers to leave their homes and children for low-wage, dead-end, outside jobs.

2. MOST WELFARE RECIPIENTS ARE BLACKS WHO HAVE MOVED TO NORTHERN CITIES JUST TO GET ON WELFARE—IT'S A MYTH

The majority of welfare recipients are White—about 55%, according to HEW. Thirty-nine per cent are Black, and 6% are American Indian and others.[14]

More importantly, the most recent studies refute the notion that black people who moved to northern cities did so to get higher welfare payments.

During the two decades following World War II, some 20 million Americans moved from rural to urban areas. About one-third of these migrants were non-white, and most of them (about 90%) did settle in the great northern industrial cities. But to get jobs, not to get welfare: during the peak migration period, 1950 to 1960, when large numbers of black people were moving to the North, the nation's welfare rolls rose only 17%—this despite the fact that male, non-white unemployment rates during the decade after the Korean War were particularly severe (9% to 15%).[15]

Significant increases in the welfare rolls (108% from 1960 to 1968) didn't begin to occur until long after the peak period of migration had passed.[16]

Black people may have moved north for a variety of reasons—in hope of better jobs, better education, less oppressive discrimination, or simply to be near friends and relatives who had already moved. But there is no evidence at all that black people—or rural poor people in general—have migrated to the North in order to get on welfare.

ALL WELFARE MOTHERS DO IS HAVE ILLEGITIMATE CHILDREN—IT'S A MYTH

And a particularly vicious myth, both because it grossly distorts reality and because it generates the widespread feeling that welfare recipients are the "undeserving poor" who should, apparently, be allowed to starve.

First, we tend to believe that welfare recipients have more children than the rest of us, lots more. The stereotypical welfare family of twelve. But actually, the average welfare family has only about three children.[17]

Secondly, we tend to assume that all welfare children are "illegitimate." The facts indicate that about 30% of the AFDC children are "illegitimately" born—which demonstrates, to begin with, that the myth is a vast exaggeration, but doesn't really respond to the suspicion that welfare recipients are more promiscuous than other Americans. To put this suspicion in perspective we have to remember that an "illegitimate" birth is just one indicator of extra-marital intercourse. A lot of babies are conceived out of wedlock but are not born out of wedlock: timely marriages. In fact, a recent report for HEW showed that one-third of all first-born American children, born between 1964 and 1966, were conceived out of wedlock; yet, by the time these children were born; nearly 66% of the mothers had married, making their children "legitimate" in society's eyes.[18]

There is further evidence of "illegitimate" behavior (extra-marital intercourse) which was not recorded in illegitimate births: it's been estimated that nearly one million abortions were performed in this country in 1969.[19]

We cannot even measure the illegitimate behavior that is "covered-up" by the use of contraceptives.

The point is, illegitimate births are recorded—illegitimate behavior is not. The illegitimate behavior of affluent people is more easily concealed through quick marriages, privileged abortions, and contraceptives (which are sometimes illegal, too).

Welfare recipients may or may not be more promiscuous than affluent people. We don't know. All we do know is that poor peoples' illegitimate babies are more likely to be recorded for public condemnation.

Footnotes at end of article.

WELFARE IS THE GOOD LIFE—COLOR TV'S AND CADILLACS—IT'S A MYTH

An absurd myth really, though a particularly popular one, apparently even with President Nixon, who once requested the song "Welfare Cadillac" (sic) at a formal White House function.

The mystery—a mystery that neither the songwriters nor the President have yet explained—is how a Mississippi welfare mother manages to pay her rent, buy food and clothing for herself and three children and still purchase the new Cadillac on $59 per month.

Whereas the Mississippi welfare payment is patently absurd, New Jersey, the most "liberal" welfare state in the nation, pays a benignly inadequate $341 a month (July 1970).

Compared to Mississippi welfare payments, $341 may seem like a lot; but computations based on a U.S. Bureau of Labor Statistics (BLS) survey show that a family of four needs at least $458 a month ($5,500 a year—1969 prices) to live in minimal health and nutrition. That makes the New Jersey figure $117 a month short—$117 short of what it takes simply to survive.

The White House Conference on Food, Nutrition and Health endorsed the $5,500 figure as the ultimate solution to the hunger problem. Yet, even this is no bargain. A Gallup Poll reported in February 1970 that the American public, when questioned about the minimal cost of living, felt that a family of four could not get by on less than $520 a month.[20]

Whatever definition of adequacy you choose, the level of welfare payments in every state in the union is nothing but guaranteed annual poverty.

What do these facts and figures mean to a real welfare family?

They mean that the family will probably live in crowded, substandard housing, infested with rats and roaches. That they will send malnourished, ill-clothed children off to inferior schools. That they will eat starchy, unbalanced meals: try it yourself—on 18½ cents a meal. That they will probably be obese and eventually become ill. That day in day out, they will lead frustrating, frustrated lives; day in day out, living with the shame of poverty—feeling it their shame, not ours; day in day out, on the lowest rung of the ladder: on welfare

Welfare is the "good life" only for those who have never experienced it.

MOST WELFARE RECIPIENTS ARE CHEATERS—IT'S A MYTH

Any taxpayer who wants to believe the other "good life" myths about welfare must also assume that recipients make fraudulent claims. ("How else could they buy those Cadillacs on their allowances?") But, again, the U.S. government's own facts refute the charge. In 1969, a government investigation of fraud established that only four-tenths of one percent—or 4 out of every 1000—of all welfare cases were fraudulent.[21] Compare that figure to these statistics on national tax fraud and evasion:[22]

	Reported income (billions)	Unreported (percent)
Farmers, small businessmen, and professionals	$12.0	28
Wage and salary earners	6.5	3
Receivers of interest	2.8	34
Receivers of dividends	.9	8
Receivers of pensions and annuities	.6	29
Receivers of rents, royalties, and capital gains	1.2	11

Cheating a little on your income tax is one form of casual, almost institutionalized fraud. There are many others, equally casual, "acceptable." From padding expense accounts to short-changing highway toll machines.

But that's beside the point.

The point is, that for America's 12 million recipients, the welfare system itself is a fraud; poverty, the only reality.

Given the temptation, given that a few dollars more or less welfare money may be a matter of survival, the prevailing honesty of welfare recipients—their fidelity to the rules of the very system which keeps them poor—is, to say the least, remarkable.

WELFARE TAKES MOST OF YOUR TAXES—IT'S A MYTH

The American Paradox—poverty amidst plenty. "Well, we'd like to do more, but most of our tax money is already going for welfare."

Is it?

Take a close look at the federal budget. Here's where your taxes really go:

FISCAL 1971, FEDERAL BUDGET, $201,000,000,000

[Dollar amounts in billions]

	Percent	Amount
Military programs	36.7	$73.6
Foreign affairs	1.8	3.6
Space programs	1.7	3.4
Farm subsidies	2.7	5.4
Interest on debt	8.9	17.8
Public welfare, payments (includes AFDC, OAA, AB, and APTD)	1.9	4.2
Other programs	46.2	92.9

Source: U.S. Bureau of the Budget, February 1970.

Thus, in fiscal 1971, the federal government is subsidizing a sub-poverty existence for nearly 12 million Americans on less than 2% of the federal budget.

Nor is the cost of this 2%, nor any other percentage of the federal budget, distributed equally among all Americans, as the ostensible tax structures would seem to claim.

The fact that the more a person earns, the more able he is to avoid paying his fair share of the cost of the nations governing. For instance, in 1967 tax loopholes allowed 155 Americans with incomes of over $200,000 each to avoid paying any federal income tax at all. In this group of "big welfare recipients," twenty-five had incomes of over $1 million per year.[23]

When someone else pays less, the rest of us pay more: 88% of all taxpayers earn less than $10,000 a year; yet this 88%—mostly wage earners and salaried professionals—bears the brunt of federal and state taxation.[24]

Nor is the phrase "big welfare recipients" mere rhetoric: because of discriminatory and inequitable tax concessions, a man making over $5 million a year may actually pay about the same percentage of his income in federal taxes as a man making only $20,000 a year.[25]

On the average, Americans—rich and poor alike—actually pay about 20% of their incomes in federal taxes.[26]

Such tax concessions to the few rich annually cost the U.S. Treasury $40 billion—or twenty times the amount we pay to support, in misery, the many American poor.[27]

There are direct subsidies to the wealthy, too. For instance, last year 415 farm owners received over $100,000 each in subsidies from the Department of Agriculture. These were not small, poor farmers; they included major corporations, banks, and large landowners. Senator James Eastland, alone, received over $146,000 for not growing cotton on his plantation in Mississippi.[28]

Our oil subsidy program (via depletion allowances) doesn't even appear in the federal budget as a subsidy; but it still costs the average taxpayer—costs all of us—at least $1.5 billion a year.[29]

On the state and local level, it's harder to generalize about the relative cost of welfare. But a couple of things are clear.

First, while no state in the union provides truly adequate welfare payments, some states are vastly more inadequate than others: $59 a month for a family of four in Mississippi; $341 a month for a family of four in New Jersey. The lack of a uniform, adequate federal welfare system means that some Americans are bearing a wholly disproportionate share of our common social responsibility.

Secondly, the same preferential concessions that make for inequity in federal taxation are often perpetuated on the state level. In addition, other state tax structures—the purely regressive sales tax, for instance—promote further injustice. The sales tax, for one, literally takes bread from the table of poor families, yet hardly affects the life style of the affluent at all.

While corporations and wealthy individuals are getting tax breaks, the welfare recipient who works is being taxed at a rate of 66⅔%,[30] a rate far greater than that actually paid my multimillionaries.[31]

For the welfare recipient, for the working poor, and for an increasing number of middle-class taxpayers, it's becoming clear that the biggest myth of all is the myth of "America, the Just Society"—the promise of a fair share for each of us in the country's general prosperity. The promise has not panned out: the top one-fifth of our society receives 43.8% of the nation's aggregate income; the bottom one-fifth receives only 3.7%.[32]

As some Americans move expectantly toward the promises of the 21st century, other Americans are left behind, mired in the miseries of the nineteenth. True welfare, the good life, is still really only for the wealthy. The poor are another story.

Welfare.

Welfare Cadillac. Welfare fraud. The welfare mess.

Welfare.

Welfare recipients have been listening to the words for a long time. The derisive songs. The rhetoric. The charges. The myths. Listening for a long time, in silence.

But in 1966 the silence ended. All across the country, welfare recipients began to talk back, to organize.

Blacks, Whites, Chicanos, Puerto Ricans, Indians—now 125,000 poor people in 714 local groups in 50 states. Poor people speaking up for themselves, for their right as Americans to a fair share in the good things of our national life. Decent jobs with adequate pay for those who can work; adequate income for those who cannot.

This is the National Welfare Rights Organization. Poor people speaking up for themselves out of the pressing reality of their own lives.

Whether or not their voices are heard depends a lot on the rest of us. There's very little chance for change so long as welfare recipients remain invisible Americans, cut off from us by myths and prejudices we may not even be aware we hold.

It's only when we begin to question what we've been taught to believe about welfare, and begin to perceive things as they really are, that we together can begin to make things better.

To that beginning—to the process of separating the myths about welfare from the reality—this pamphlet has been dedicated.

If you want to help, contact: National Welfare Rights Organization, 1419 H Street, N.W., Washington, D.C. 20005. Telephone (202) 347-7727.

FOOTNOTES

[1] U.S. Department of Health, Education and Welfare (HEW), "Estimated Employability of Recipients of Public Assistance Money Payments," July 1968.

[2] U.S. Department of Labor figure, as reported in *The Boston Globe,* January 9, 1971.

[3] U.S. Department of Labor, "The Unemployment Situation: July 1970," August 17, 1970. The unemployment rate for blue-collar workers in July was 6.5%.

[4] HEW, "Estimated Employability . . .," *op. cit.*

[5] HEW, "Estimated Employability . . .," *op. cit.*

[6] U.S. Department of Health, Education and Welfare (HEW), Social and Rehabilitation Service, National Center for Social Statistics, "Findings of the 1967 AFDC Study: Data By State And Census Division," July 1970, p. 4.

[7] Day-Care and Child Development Council of America, *Components and Annual Operating Costs Per Child for the Three Kinds of Day-Care Facilities*, 1970.

[8] Data as of March 1969, collected by the National Center for Social Statistics, HEW.

[9] HEW, National Center for Social Statistics, "Findings of the 1967 AFDC Study . . .," *op. cit.*, Table 40.

[10] Manpower Planning and Development Commission of the Welfare Federation of Cleveland, "Employment Opportunities for and Employment Characteristics and Attitudes of AFDC Mothers in Cuyahoga County," July 1970, pp. ii and iv.

[11] Wage and Labor Standards Administration, U.S. Department of Labor, "Women in Poverty—Jobs and the Need for Jobs," April 1968, pp. 2–3. One should remember that unemployment rates don't include people, who are "sub-employed"—people who have been so frustrated they've given up looking for work or who work only marginally. In central city slum areas, sub-employment rates are staggering: 36.5% in 1966 when the general U.S. unemployment rate was only 3.7%. (U.S. Department of Labor, *Sub-Employment in the Slums*, 1966.)

[12] U.S. Department of Commerce, Bureau of the Census, *Income Growth Rates*, P–60, No. 69, April 6, 1970, Table A–3.

[13] Wage and Labor Standards Administration, "Women in Poverty . . .," *op. cit.*

[14] Unpublished statistics obtained from HEW, Assistance Payments Administration Public Information Office, 1970.

[15] Piven, Frances Fox and Richard A. Cloward, *Regulating the Poor: the Functions of Public Relief*, to be published by Pantheon in May of 1971.

[16] Piven and Cloward, *op. cit.*

[17] HEW, National Center for Social Statistics, *op. cit.*, Table 5.

[18] HEW study reported in *The Boston Globe*, April 18, 1970

[19] *The New York Times*, November 30, 1969.

[20] *The Boston Sunday Globe*, July 21, 1970, p. 47.

[21] HEW, Social and Rehabilitation Service, "Selected Data About Public Welfare," September 1969.

[22] Stern, Philip M., *The Great Treasury Raid*, Random House (New York: 1965).

[23] *The Boston Globe*, September 28, 1969.

[24] Stern. *The Great Treasury Raid, op. cit.*, p. 180.

[25] Stern, *The Great Treasury Raid, op. cit.*, p. 6.

[26] Stern, *The Great Treasury Raid, op. cit.*, p. 5.

[27] Stern, *The Great Treasury Raid, op. cit.*, p. 10.

[28] Senator John J. Williams, statement, *Congressional Record*, March 24, 1970.

[29] Stern, *The Great Treasury Raid, op. cit.*, p. 10.

[30] Under the current AFDC program, working people may retain only one-third of their earnings: an amount equal to 66⅔% of their earnings is subtracted from their welfare payment.

[31] Stern, *The Great Treasury Raid, op. cit.*, p. 23.

[32] The President's Commission on Income Maintenance Programs, "Poverty Amid Plenty: The American Paradox," November 1969, p. 38.

VISITOR PRESSURES ON NATIONAL PARKS

Mr. BEALL. Mr. President, our State and national parks represent a valuable national asset. As our Nation becomes more and more populated, the importance of our park system and the need to create more such areas loom even larger as growing numbers of citizens attempt to escape the pressure and noises of modern living in search for the peace and recreational relaxation that is possible in our parks.

Although I agree that "parks are for people," we must realize, however, that too many people or improper use may jeojardize the resources for future generations. Overuse that results in the abuse of our parks by today's Americans is shortsighted and represents both poor policy and poor planning.

The growing use of parks can be illustrated by the increase in visitor days in State parks of Maryland. It is my understanding that in these parks visitor days for fiscal 1971 reached 8.5 million. Projections indicate that by 1976, visitor days will reach 15 million; and by the year 2000, 30 million. These statistics for my State clearly indicate the need for planning to make certain that the proper balance between recreation needs and the conservation of our valuable natural resources is achieved.

I have met with Maryland groups concerned with the visitor pressure on State and national parks and the possible harm that might result therefrom. As a result of these meetings, I requested the Library of Congress to undertake a study on "Visitor Pressures on National Parks." Mr. George H. Siehl, analyst in environmental policy, Environmental Policy Division, Library of Congress, recently completed this study. Because of its importance to the country and because of congressional interest in the subject, I ask unanimous consent that the study be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

VISITOR PRESSURES ON NATIONAL PARKS

(Report by George H. Siehl)

INTRODUCTION

The popularity of our national parks is posing a threat to their continued ecological well being.

The establishment of the system of National Parks in the United States stands as one of the most foresighted policy determinations in the field of environmental conservation. It is a continuing tribute to that foresight that other nations around the globe continued to follow our example by establishing parks and park systems of their own.

Policies, however sound and innovative, do not guarantee success. There is a need for continuing review and evaluation of the programs established under those policies. So it is with the National Park System today.

This report is intended to present some statistics and commentary which give dimension and perspective to the problems of visitor pressures on the National Park System, the policy issues of use versus preservation, and the implications of allowing different types of use.

The report also outlines, briefly, some of the proposals which have been advanced to provide outdoor recreational opportunities and at the same time protect the national parks from permanent damage.

VISITOR STATISTICS

As the American public has gained in disposable income, leisure time, and perception of environmental amenities, they have increasingly sought outdoor recreational opportunities.

The units of the National Park System have borne a large portion of the growing recreational use. Some idea of the magnitude of the increased use of Federal parks may be obtained from table 1.

TABLE 1.—ANNUAL VISITS RECORDED AND PROJECTED FOR SELECTED UNITS OF THE NATIONAL PARK SYSTEM

	1950	1955	1960	1965	1970	Forecast 1975	Forecast 1980
Assateague				[1] 1,064,700	1,648,000	3,107,000	4,566,000
Yellowstone	1,110,524	1,386,500	1,443,300	2,062,500	2,297,000	2,574,000	2,841,000
Yosemite	820,953	984,200	1,150,400	1,635,400	2,277,000	3,039,000	3,673,000
Cape Cod				2,306,100	3,987,000	5,702,000	7,578,000
Everglades	123,405	247,100	579,200	977,600	1,274,000	1,766,000	2,198,000
All units NPS except National Capital parks	33,252,589	50,007,800	72,287,800	121,312,000	160,000,000	208,914,000	256,426,000
National Capital parks		6,565,000	6,941,200	9,171,300	9,000,000		

[1] 1968 data.

Table 2 presents statistics on the increasing visitor use of National Park Service units in Maryland, a populous state which has only one large federal park, Assateague Island National Seashore, which is listed in Table 1.

MANAGEMENT AND ORGANIC PARK ACTS

The increased visitor load has not been shared evenly among the various categories of units in the park system. Use of recreational areas "increased 17 percent of 1968, double the growth rate for the entire system" according to information released by Park Service Director George B. Hartzog.

The recreation areas are those designated Federally owned lands adjacent to major reservoirs such as Lake Mead. The areas are managed for intensive use, as contrasted with the natural area management concept applied to National Parks and National Monuments.

The National Seashores represent somewhat of a hybrid of the two above approaches, in that management is directed toward high levels of recreational use and toward preservation of portions of the natural conditions.

The conflicts which result from these often mutually exclusive goals stem in part from the language of the Act establishing the National Park Service in 1916, which states that the fundamental purpose of the parks: "is to *conserve* the scenery and the natural and historic objects and the wild life therein and to provide for the *enjoyment* of the same in such manner and by such means as will leave them *unimpaired* for the enjoyment of future generations." (emphasis added)

TABLE 2.—ANNUAL VISITS RECORDED AND PROJECTED FOR SELECTED UNITS OF THE NATIONAL PARK SYSTEM IN MARYLAND

	1950	1955	1960	1965	1970	1975	1980
Antietam NBS	39,229	114,700	140,900	140,400	255,800	297,200	297,200
Catoctin Mt. Park		9,800	194,500	336,900	600,500	768,000	958,000
Ft. McHenry	502,762	650,900	511,500	628,800	569,100	651,000	719,000
Harpers Ferry NHP		[1] 115,700	585,800	789,800	1,120,900	1,405,000	1,696,000

[1] 1956.

The Act establishing Yellowstone National Park in 1872 spoke of the lands involved being "dedicated and set apart as a public park or pleasuring-ground for the benefit and enjoyment of the people."

The problems which confront America's National Parks have their roots deep in law.

THE PRICE OF POPULARITY

Although the physical size of the park system has increased in recent years as a result of Congressional action establishing new units such as the Redwoods National Park, and the Point Reyes, Cape Lookout, and Assateague Island National Seashores from privately owned lands, the system has still shown signs of fraying from the wear of heavier use.

Two elements are primarily responsible for the deterioration of the parks' natural qualities—construction and development of facilities to accommodate visitors, and the impact of the visitors on the environment.

Darling and Eichhorn comment on these elements in their study, *Man and Nature in the National Parks,* stating:

"The National Park Service tells us, we think much too frequently, that "Parks are for People." Our earlier dismissal of the phrase as inappropriate huckstering does not mean that we are unaware that the parks are indeed for people. In fact, "people", "park visitors", whatever they are called, are responsible for most of the change and development which takes place in and around the national parks. In a sense, even the wilderness portions of the parks are developed since there are trails even in the most remote places. In speaking of development, however, we are referring primarily to those constructions which prepare the park for the ordinary, nearly car-bound, tourist." [1]

A more recent survey was conducted in 1968 by *Christian Science Monitor* writer Robert Cahn—now a member of the Council on Environmental Quality. Cahn's findings were contained in a series of 16 articles which appeared in the *Monitor* and were later reprinted under the title "Will success spoil the National Parks?"

Facilities development in the parks

Cahn questioned the development of in-park facilities, stating:

"On a systemwide basis, a number of decisions basic to many national parks also are demanding attention.

"How many more public campgrounds or lodges should be built within the parks? Are there other soultions to the vast "housing" needs?

"Should there be a limit on size or number of vehicles in the parks? Should visitors be required to leave autos or trailers at the gates and travel inside on public transportation?

"How much of each park should be set aside as wilderness? How much, if any, should be given over to roads, restaurants, stores, lodging, and other services for the public?"

Darling and Eichhorn showed concern over existing development stating:

"We learn that 5% of the Yellowstone National Park is taken up by development, a proportion which seems to us inordinately high, for the traumatic influence of this 5% will be over a much larger area."

Road construction represents a particularly important type of development in that it not only modifies the natural conditions of the park immediately, but serves also as the means to bring permanent additional visitor pressure to bear on the park.

The National Park Service issued a new policy statement on roads in parks early in 1968. Among the policy positions advocated are these, as cited by Cahn in his series:

"The National Park Service must not be obligated to construct roads, or to manage traffic, in order that new kinds of mobile camping vehicles be accommodated. The development of parking areas for trailers at park entrances, and the exclusion of vehicles from park roads not capable of handling them are appropriate solutions.

"Faced with a choice of creating a severe road scar in order to bring visitors close to a point of interest, or requiring visitors to walk a considerable distance, or considering an alternate transportation system, the decision should be against the road.

"Research be conducted and high priority given to pilot programs seeking other transportation systems more appropriate than roads—tramways, monorails, rail conveyor systems, helicopters, and hydrofoils."

People problems

Cahn's observations of the adverse developments stemming from increased people pressure include these:

"In 20,000 miles of travel through many parts of the national park system, I discovered that every park has problems in varying degrees of seriousness.

"Overcrowding does exist in the developed areas of such older national parks as Yosemite, Yellowstone, Grand Canyon, Everglades, Mesa Verde, and Mt. Rainier—but only during the peak periods of use.

"Crime, while still insignificant in total amount, is growing in the national parks at double the rate of crime in American cities. Several parks are undergoing water shortages either from man's interference with the source or from too many people using the normal supply.

"Park rangers are so busy with management, safety, maintenance, and traffic during peak periods that they have too little time for helping the public understand the parks.

"Many visitors add to the difficulties by trying to do too much, too fast; seeking and demanding the creature comforts of home in pristine areas of nature; failing to respect the land and the wildlife or refusing to see it on its own terms."

Based on his observations, he had these assessments:

"Despite all this and more, it is only fair to say that, on the basis of my observations, the national park system appears to be in relatively good physical condition. No disaster situation is evident.

"But looking ahead 10, 20, or 30 years, the story could be different indeed. The mounting pressures of use, and staggering predictions for future use, point to a crisis of decisionmaking.

"If the right decisions are not made, or are made too late, the national parks could be spoiled for both present and future generations of visitors."

Yosemite National Park in California has received particular attention from the press in reporting the problems of park overuse. Visits in 1970 neared the 2.3 million mark, of which most visits were confined to the approximately seven square miles of the Yosemite Valley. Back areas of the park, which total over 1,300 square miles, are, in contrast, lightly used. The explanation for the wide discrepancy in use lies in the fact that the Valley is accessible to motor vehicles; the back country only to the hiker.

A newspaper account of the 1969 Labor Day weekend in Yosemite is both informative and discouraging:

"The constant roar in the background was not a waterfall, but traffic. Transistor radios blared forth the latest rock tunes. Parking was at a premium. Dozens of children clambered over the rocks at the base of Yosemite Falls.

"Campsites, pounded into dust by incessant use, were more crowded than a ghetto. Even in remote areas, campers were seldom out of sight of each other. The whole experience was something like visiting Disneyland on a Sunday".[2]

Crime in the parks

Time spent amidst the wonders of nature apparently does little to dispense with the lower aspects of human nature. Cahn reported that in 1967 "serious crimes in national parks rose 67 percent compared with a 16 percent crime rate increase in U.S. cities."

Among the instances Cahn cited:

"Safe-cracking jobs in the Grand Canyon, Glacier Park in Montana, and Aztec Ruins National Monument in New Mexico, and an armed robbery at Glacier Park Lodge. A high-ranking lieutenant of La Cosa Nostra was arrested in Hot Springs National Park in Arkansas and charged with attempted bribery. Thefts from cars increased 330 percent at Kentucky's Mammoth Caves National Park, and such thefts have become a big problem at many parks.

"Vandalism was reported throughout the system. Trees, rocks, and cliffs were defaced. Signs were damaged or stolen, public facilities damaged. At Petrified Forest National Park in Arizona, 361 people were caught trying to leave the park with a total of 2,177 pounds of stolen artifacts. In 93 of the cases, formal charges were made and convictions obtained.

"At California's Sequoia National Park, after 37 years of unlocked doors, the concession operator had to order locks for cabins.

"Use of narcotics caused trouble among student employees and visitors at Yosemite, Glacier, Grand Canyon, and the Grand Tetons in Yyoming.

"Poaching of wildlife was reported at many parks and was especially serious at Wind Cave (South Dakota) and Everglades (Florida)."

It is ironic that in 1970, the year of Earth Day and widespread expressions of student concern for the environment, a headline, read "500 youths battle rangers, loot Yosemite campsites." The story stated:

"Yosemite National Park, Calif. July 5 (UPI)—About 500 young people stirred by the attempted arrest of one of their number, threw rocks and bottles at rangers, looted campsites at this Sierra Mountain retreat and overturned automobiles.

"Park officials said yesterday about 70 persons had been arrested.

"At least three officers sustained minor injuries, and one youth was hospitalized for an overdose of drugs.

"More than 80 law enforcement officers

Footnotes at end of article.

from the nearby San Joaquin Valley were dispatched to help about 50 park rangers quell the disturbance. Violence was ended by midnight.

"Witnesses said the disturbance began when rangers on horseback rode into Camp 15 at Stillman Meadow in the northeast section of the Yosemite Valley to make the arrest. Youths began throwing bottles and rocks, driving rangers from the scene." [3]

A later story disclosed that 19 Washington, D.C. park policemen had been assigned to Yosemite for the remainder of the summer as a result of the student disruptions. The article reported:

"There was a similar incident Memorial Day that resulted in about 35 young persons being arrested on charges ranging from possession of drugs to assault.

"An Interior Department official said yesterday that, 'There has been a big problem at Yosemite with groups having pot parties, drinking wine, and generally being rowdy.'

"He said the park police assigned to the Washington area are professionally trained in crowd control and have had experience in handling the type of disturbance that has been cropping up at Yosemite.

* * * * *

"While in Yosemite, the police will train the rangers in riot-control techniques." [4]

The major culprit—the motor vehicle

A more pressing and widespread problem than riots in the national parks is the private motor vehicle. Automobiles, motorcycles, pickup campers, and house trailers combine to make severe demands on the park units.

One ranking Park Service official voiced the belief that if private vehicles could be excluded from the parks, 10 times as many visitors could be accommodated without further damage to the parks, and possibly with less damage than now occurs.

Former Yosemite Superintendent Lawrence Hadley instituted in recent years a number of changes in Park management which were designed to lessen the visitor-vehicle burden. Several sections of the park were closed to private vehicular traffic—namely the Mariposa Grove of giant sequoias and the east end of Yosemite Valley. Visitors now may reach these areas on foot, or ride an open-sided sightseeing bus operated by a concessionaire.

A system of one-way roads has been initiated in Yosemite as well as in Grand Canyon and Yellowstone National Parks.

Recently the snowmobile has been mushrooming in popularity, so that there are now an estimated 1,000,000 of the vehicles in use. A study just issued by the Conservation Foundations adds that of that total, "half were sold in the winter of 1969–70." [5]

The study cites widespread reports of damage to soil, vegetation and wildlife stemming from the use (or misuse) of snowmobiles. High noise level is another problem associated with the vehicles.

The Park Service has indicated that steps are being taken to prevent the snowmobile from becoming a major problem in the national parks. In Yellowstone, use of the machines is limited to roads which have not been cleared of snow. Cross country use is said not to be permitted.

Other vehicles, such as dune buggies and trail bikes, pose a serious threat to coastal areas when misused. Driving over dunes destroys the dunes and vegetation. Then, rapid erosion of the landward section of the beach is possible.

The Park Service administrative policy for use of recreation vehicles in national seashores—which fall within the recreational area category—is as follows:

"Off-road use of motor-propelled vehicles, also, may be permitted at specified times in specified locations or on designated routes where this use is compatible with other recreational uses." [6]

A problem posed by the off-road vehicles is that they introduce a significant number of visitors in places where, and at times when, park personnel are absent, or present in seasonally reduced numbers. The safety of visitors and of the park itself is thus appreciably diminished.

PROPOSALS FOR PROTECTION

A major systemwide program for construction and development in the parks—Mission 66—came to a close in 1966. The program had been instituted 10 years earlier as a means of providing facilities to accommodate the increasing flow of visitors, to replace structures, and make up for maintenance which had been ignored during World War II and the Korean conflict.

Even before the construction schedule was completed, the policy behind it was being challenged by conservationists who recognized the impossibility of providing all needed facilities within park boundaries. The Darling and Eichhorn study commented:

"Mission 66, instead of being a far-sighted planning operation to conserve these choice areas, seems to have been conceived to allow more complete infiltration and uncritical use." [7]

The Wilderness Act which was passed in 1964 required the designation as wilderness areas of Federally owned lands suitable for preservation under the terms of the Act.

Those who opposed further development of park lands found an excellent forum for their criticism when they were provided the opportunity to comment on Park Service proposals for wilderness in several parks and monuments.

Generally, conservationists were critical of the Park Service for excluding too much of the park area from classification as wilderness.

Regional planning

One private conservation organization, the National Parks Association, offered "comprehensive regional planning as a means to the achievement of the double goal of protection and enjoyment" of the National Parks. Association President, Anthony Wayne Smith, added:

"For Yellowstone, as for the other parks, achievement of the double goal may not have been arduous in the days before the automobile, with its blacktop roads and parking lots, and before the technological and population expolsion; but now the terms of solution have been altered completely.

"And yet, seemingly difficult if attempted within the narrow confines of a single park, solutions readily appear if sought in the great open spaces which surround almost all of the parks; in the surrounding publicly and privately owned forests and the public domain." [8]

The essence of the regional planning approach is to zone all currently undisturbed areas within the parks as wilderness and provide visitor accommodations and all but essential park facilities *outside* the parks.

Among the elements of such protective planning which the Association [9] discussed in connection with Yellowstone National Park are:

The notion of using public transportation within the park.

A limit on the number of cars entering the park on a given day.

Expansion of an advance reservation system for overnight stays.

Limitation of visitation during seasons of intensive use.

Information and checking stations at the outer boundaries of national forests to provide information on alternative accommodations outside the national park.

Replacement of old hotels inside the park with modest lodges having lower occupational density.

It is indicative of the rapid rate of change that these proposals, considered "radical" or "visionary" in the mid-sixties, have, to a large degree, come into operation or active consideration by the start of the seventies.

Visitor reaction

Based on his experience in Yosemite National Park, now deputy assistant director for park management, Lawrence Hadley feels the visitor is willing to accept changes which are personally restrictive but in the best interests of preserving the parks. Hadley cites as examples the almost complete absence of complaints over elimination of the firefall over Yosemite falls and the ban on private vehicle use on some park roads.

Hadley stated that a reservation system for campsites was scheduled to go into effect in Yosemite in the summer of 1971. Funding considerations, which are now being discussed, may delay the program for a year.

Wilderness designation

The chief remaining hurdle to implementation of the regional planning concept supported by the conservationists is the lack of completed wilderness zoning proposals for individual parks.

The National Park Service has been harshly criticized by citizen groups and by Members of Congress for failing to meet the statutory schedule for national park wilderness proposals.

The Wilderness Act established a 10-year timetable for the review of Federal lands and the submission of reports and recommendations for wilderness designation. The first third of the reports were to be sent to the President by September, 1967; the second third by September, 1971; and the final group by September, 1974.

Performance differs from the schedule, however. As one conservationist, Ernest Dickerman, wrote:

"Not a single acre of the national parks has been placed in the National Wilderness Preservation System, more than five and one-half years after the signing of the Wilderness Act on September 3, 1964. No wonder the National Park Service is accused of foot-dragging." [10]

Proposals had been sent to the Congress, however. Since the writing of the article, wilderness designations have been enacted for two Park Service units—Craters of the Moon National Monument, and Petrified Forest National Park. Wilderness proposals for Lassen Volcanic National Park and for the Lava Beds and Pinnacles National Monuments were submitted to the Congress.

Dickerman offered one possible reason for delay:

"It is true that designation of wilderness areas under the Wilderness Act would restrict the freedom which the Park Service has traditionally exercised to introduce man-made changes anywhere in any national park. This was the intention of the Act and would represent a considerable limitation of Park Service policy and practice—a limitation that bureaucracies generally tend to avoid." [11]

As indications of the Park Service's apparent preference for construction instead of conserving, Dickerman wrote:

"Of the 17 parks reviewed to date, the Park Service wilderness recommendations for five of them omit important areas of natural wilderness because the Park Service wants to build roads therein. [note: the Park Service puts the figure at two] [12] Preventing such road construction was exactly the purpose in passing the Wilderness Act. . . .

"There is little point in having a national policy of wilderness preservation as declared by the Congress in the Wilderness Law if, before the law can be applied, the responsible government agencies are first going to be allowed to sabotage the wilderness." [13]

Footnotes at end of article.

A point criticized by many has been the linking of wilderness zoning to the separate, more detailed process of developing master plans for each unit of the Park System.

Congresswoman Mink of Hawaii criticized the pace of wilderness reviews on the House floor stating:

"Mr. Speaker, something is wrong in the Department of the Interior. It is apparently something common to the present administration and the one proceeding. Both administrations have professed strong interest in and commitment to the purposes of this wilderness preservation program. Yet, the National Park Service is years behind schedule. The practical results are to frustrate the will of Congress, to leave many areas properly requiring wilderness protection by statute unprotected from further development, and to place the President technically in violation of the law."[14]

Congressman John Saylor, ranking minority member of the House Interior Committee, was similarly critical of the "deliberate speed" of the Park Service.[15]

Public hearings on Park Service proposals were resumed in 1970, with 7 such hearings being held. A supplemental appropriation late in 1970 allowed a bolstering of planning staffs throughout the system. As a result, officials feel that hearings on about 11 more units may be completed by the end of June, 1972. That would bring to about 36, the number of public hearings on wilderness proposals.

In light of this "marked acceleration" of the planning and review process, the Park Service feels confident that it will meet the 1974 time limit imposed by the Wilderness Act.

Classification as wilderness represents the best defense available for protecting the national parks from development. The benefits of nondevelopment—including the preservation of natural conditions and the reduction of uses not appropriate to the national park philosophy—are important enough to justify an accelerated Park Service wilderness classification program.

The President's 1971 proposals

In his 1971 environmental message to the Congress,[16] President Nixon outlined his proposals for the expansion of the Nation's recreation lands. Such an increase in lands available for recreation would relieve, in part, the growing pressures on the National Park System.

A key element of the President's proposals was to establish parks in proximity to population centers. As he stated:

"Merely acquiring land for open space and recreation is not enough. We must bring parks to where the people are so that everyone has access to nearby recreational areas. In my budget for 1972, I have proposed a new "Legacy of Parks" program which will help States and local governments provide parks and recreation areas. . . ."

The President also recommended an increase in the appropriation for the Land and Water Conservation Fund to $380 million. However:

". . . The allocation formula should be changed to ensure that more parks will be developed in and near our urban areas."

These proposals, while useful in an overall sense, could be expected to contribute only slightly to any easing of pressures on major National Park units. The President did address himself to both wilderness protection and expansion of the National Park System.

Of wilderness, he said:

"I will soon be recommending to the Congress a number of specific proposals for a major enlargement of our wilderness preservation system by the addition of a wide spectrum of natural areas spread across the entire continent."

And, with regard to establishing new National Parks:

"The job of filling out the National Park System is not complete. Other unique areas must still be preserved. Despite all our wealth and scientific knowledge, we cannot recreate these unspoiled areas once they are lost to the onrush of development. I am directing the Secretary of the Interior to review the outstanding opportunities for setting aside nationally significant natural and historic areas, and to develop priorities for their possible addition to the National Park System."

CARRYING CAPACITY

There is an ecological concept known as the "carrying capacity" which is defined as "the maximum number of a wildlife species which a certain territory will support through the most critical period of the year."[17]

The concept may be usefully applied to the number of visitors who may visit a national park without causing destruction of the "territory." Obviously, however, the concept cannot be applied as rigorously in a manmade situation as in a natural situation, because judgments are made about the degree of damage that is to be accepted.

The Darling and Eichhorn review of park policy stated:

"It is necessary to examine certain democratic convictions critically in relation to national parks: because they are out of doors, is the visiting capacity to be limitless? If we have a finite building in which an orchestra is to give a concert, the seats are reserved and unreserved and there is a limited amount of standing room, but when the building is full it is full, and if there are any doubts, fire regulations are posted at the doors, proclaiming the numbers of persons it is lawful to accept into the building.

"A national park has linear boundaries and a vast amount of empty air (even a concert hall has that) but its capacity is a matter of subtle and expert assessment. If the stage of "standing room only" is reached, the natural pageant which the people have come to see is largely obscured and the occupants of either reserved or unreserved seats will receive either a poor or even negative return for their trouble in having travelled to a national park. The fact must be faced up to that in our era of growing population, more leisure and increased mobility, a national park has need to post a "house full' sign at the gates long before "standing room only" is reached, for it is not merely reduction of enjoyment of the concert which concerns us, but damage to the national park which may be more fragile than a concert hall.[18]

In discussing the question of maximum levels of park visitation it is well to recall the previously quoted estimate of the Park Service official who felt that, without vehicles, up to 10 times the current visitation levels could be accepted without harm to the parks.

Another important consideration in arriving at any maximum visitation figure is whether the visitor is staying overnight within the park, or merely using the park during the day. Far more day use than overnight stays by visitors can be accommodated without harm to the park environment.

Thus, one cannot set arbitrary figures for the carrying capacity of a given park. There must first be a policy determination as to where the emphasis will be placed—on "park" or "pleasuring ground."

FOOTNOTES

[1] F. Fraser Darling, N. D. Eichhorn, Man and Nature in the National Parks (Washington: The Conservation Foundation, 1967). p. 33.

[2] Steven V. Roberts, "Visitors are swamping National Parks," *New York Times*, Sept. 1, 1969.

[3] Washington *Post*. July 6, 1970, p. A3.

[4] Washington *Post*. July 11, 1970. p. A20.

[5] Baldwin, Malcolm. The off-road vehicle and environmental quality. Conservation Foundation, Wash. D.C. 1970. 52 p.

[6] Administrative policies for recreation areas of the National Park system. U.S. Dept. of Interior. National Park Service. Rev. Aug. 1968. p. 44.

[7] *ibid*. p. 73.

[8] A. W. Smith. Large purposes, large plans. *National Parks Magazine*, Jan. 1965. p. 2.

[9] A Yellowstone regional plan. *National Parks Magazine*, Jan. 1965. p. 4.

[10] Ernest M. Dickerman, "The National Park Wilderness Reviews," *Living Wilderness*, Spring, 1970, p. 40.

[11] *ibid*. p. 41.

[12] Author's notation.

[13] *Op. cit. Living Wilderness*, p. 42.

[14] Hon. Patsy Mink, Remarks in *Congressional Record* at H7214, 91st Cong., 2nd Sess., July 27, 1970. daily ed.

[15] Hon. John Saylor, Remarks in *Congressional Record* vol. 115, pt. 24, pp. 32499–32501.

[16] First Annual Report on the State of the Nation's Environment—Message from the President of the United States. House Document No. 92–46. Feb. 1971.

[17] Herbert C. Hanson, *Dictionary of Ecology*. (New York: Philosophical Library, 1962), p. 68.

[18] *Op. cit*. Man and Nature in the National Parks. p. 27.

ORDER FOR RECOGNITION OF SENATOR BROOKE AND FOR FURTHER PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of morning business, the distinguished Senator from Massachusetts (Mr. BROOKE) be recognized for not to exceed 20 minutes, and that upon the completion of his remarks there again be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, APRIL 19, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next immediately following the remarks by the able Senator from Alabama (Mr. ALLEN) under the previous order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971—TO BE LAID BEFORE THE SENATE ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of morning business on Monday next the unfinished business, the Emergency School Aid and Quality Integrated Education Act of 1971, be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR EXECUTIVE SESSION ON MONDAY NEXT TO CONSIDER TREATY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next at 12:45 p.m. the Senate go into executive session for the consideration of Executive H, 91st Congress, second session, additional protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR EXTENSION OF PASTORE RULE ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next the Pastore rule be extended for a period of 5 hours rather than the normal 3 hours under paragraph 3 of rule VIII of the Standing Rules of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, at this time, the Chair recognizes the distinguished Senator from Massachusetts (Mr. BROOKE) for not to exceed 20 minutes.

PRESIDENT NIXON'S CHINA INITIATIVES APPLAUDED

Mr. BROOKE. Mr. President, U.S. relations with the Peoples Republic of China are entering a new and encouraging stage.

In his report to the Congress and the American people on "United States Foreign Policy for the 1970's," President Nixon made clear that 22 years of hostility between ourselves and the Government of Mainland China imperils not only our relations with 800-million Chinese people, but the securtiy and well-being of the entire Pacific areas as well.

This region of the world, which is bordered by the most powerful and the most populous nations on earth—the United States, and the Soviet Union, China, and Japan—deserves our serious and creative participation in its affairs. A focal point of that participation must be normal and fruitful relations with all the nations of the Pacific littoral.

The dogmas and disappointments which have directed our policy over the last two decades are unsuited to present realities. China is no longer an isolated and aloof renegated power. In the wake of grave internal turmoil, China has reordered its own priorities and is reaching out to a world increasingly ready to welcome its advances. From only one ambassador serving abroad a year ago, China now has 30 ambassadors in foreign posts, and more nations are establishing diplomatic relations every month. From only 11 nations supporting China's admission to the United Nations in 1951, the number has now risen to 52, and it seems certain that within the next year or two China's admission to the world body will be secured.

The policies of the Nixon administration have contributed heavily to the expanding role of China as a recognized world power.

Beginning in December of 1969, less than a year after taking office, President Nixon approved a number of significant changes affecting trade with Mainland China:

Foreign subsidiaries of American firms were permitted to trade directly with China in non-strategic goods, governed only by the requirements of the country in which they were located;

Resale of Chinese goods to foreign markets by American businesses was permitted for the first time since 1949;

Scholars, art collectors, museums, and private citizens were permitted to bring Chinese goods into the United States for private use, without regard to value.

At the same time, talks with Mainland Chinese delegates were resumed in Warsaw. These talks were scheduled, and held, in January and February of 1970, and were only terminated after the Cambodian incursion.

Since that time the President has undertaken significant new initiatives:

In April of 1970, selected licensing of nonstrategic goods for direct export from the United States to China was approved;

In August, permission was granted for foreign ships en route to and from Mainland China to use American bunkering and fueling facilities;

And the restriction on travel to Mainland China by Americans was not renewed, with the result that 270 American passports were validated for travel to the Peoples Republic of China in 1970.

The response of the Chinese people to these initiatives has been dramatic and heartwarming. The recent invitation to the American table tennis team, and the consistently friendly and appreciative quality of their reception, speaks louder and clearer than a hundred diplomatic pronouncements to the desire of the Mainland Chinese for more normal relations with the West. Table tennis is to the Chinese what football and baseball combined are to Americans. The fact that this team and accompanying members of the press have received an official invitation, that they have been permitted to see cities and universities, cultural and historic sites, and even to have a meeting with Premier Chou En-lai, is an event of historic significance. I submit this is ping pong power at its very best.

Though we may well have to look forward to future pronouncements regarding relations with the American people rather than its government, the fact remains that the log-jam of a generation has been broken.

President Nixon has now responded in kind, and I applaud his strong initiative. Yesterday, the President announced that we will expedite visas for individuals and groups who might wish to travel to the United States from Mainland China. U.S. currency controls will also be relaxed so that Chinese citizens can use American currency in the course of commerce. U.S. vessels and aircraft will be permitted to carry Chinese cargoes between non-Chinese ports. And U.S.-owned foreign flag carriers will be able to call at Chinese ports.

Finally, and most important, President Nixon has taken a major step toward placing China in the same category as other Communist states in terms of trade in nonstrategic goods. A list of American products suitable for export to China is being prepared. After that list has been approved by the President, items for direct import from China into the United States will also be approved. Once the program has been initiated, American businesses will be far more competitive with the manufacturers of foreign nations for the vast and relatively untapped markets of Mainland China.

We and the Chinese alike have taken halting first steps toward removing the fears and prejudices which for so long have clouded and distorted our vision of each other. We cannot expect that because the mists have parted for a moment the way will always be smooth and free from danger. But at last the governments and peoples of two great and hostile powers seek a reasonable accommodation with each other. And I am pleased and proud that our President has responded in a manner that is fully consonant with our goal of a peaceful world.

Mr. CASE. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. CASE. It is not unusual that I find myself in agreement with the Senator from Massachusetts on this matter. I am very happy he has spoken as he has. I join with him in warm support of the initiative taken by the President toward more direct contact with the Government in Peking. I am happy that the Senator from Massachusetts finds it possible, as I do, on this occasion not only to agree with the President but to express that agreement. I join with him in that sentiment.

I wonder if I may ask unanimous consent, with the Senator's indulgence, to have printed at the conclusion of this colloquy and any further remarks, a speech I made on the subject a week ago last Saturday in Cincinnati.

Mr. BROOKE. I am pleased to have the Senator do so.

Mr. CASE. Mr. President, I ask unanimous consent to have that statement inserted in the RECORD at the end of this colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROOKE. I am certainly pleased both to have the distinguished senior Senator from New Jersey comment on my remarks and to include his very enlightened speech, which he made some time ago, at the conclusion of this colloquy.

The Senator, I, and others have long believed that we cannot ignore the existence of 800 million people on earth, and that at some time we would have to start to bring down the barrier. I think he and I both agree, as he has so eloquently stated, that President Nixon has taken a courageous step. It is a step for which this Nation and the world should be grateful, and for which we in the Senate and elsewhere across the country should commend him.

Mr. CASE. Mr. President, will the Senator yield for one further question?

Mr. BROOKE. I yield.

Mr. CASE. I thank the Senator. I join with him in his hope that this is only a step, and it is so regarded by the administration. We still have to consider the matter of representation in the United Nations. For myself, I want to say that the resolution of that problem is something that is a very difficult matter, in which the administration will have my full cooperation.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. BEALL. I also would like to associate myself with the remarks of the Senator from Massachusetts in his commendation of the President for the initiative the President has taken in the last few days with regard to the people of China. President Nixon announced that one of the goals of this administration was to build a foundation for a generation of peace for our people and all the people of the world. If we are going to have a generation of peace, it is necessary that we build good lines of communication as well as understanding with all the peoples of the world. I think this is the kind of action that will help build a foundation for a generation of peace.

I should like to point out also that I have a very vivid recollection of meeting, some months ago, with Bishop James Walsh, who was imprisoned in Red China for some 12 years, and who happens to have been a resident of the State of Maryland—and still is, as a matter of fact. I was interested to hear Bishop Walsh express his high regard for the people of China. The warmth he had for them was surprising to me, because in spite of the fact that he had been imprisoned in that country for such a long period of time, he had a great feeling for its people, and felt that there was and is hope for the United States and the Peoples Republic of China to have a cooperative relationship in the family of nations of the world.

I think the President is to be congratulated for the steps he is taking in helping build this kind of relationship, and I am happy to join the Senator from Massachusetts in commending him also.

Mr. BROOKE. Mr. President, I am happy to have the comments of the distinguished junior Senator from Maryland, and I welcome the contribution he has made to this colloquy.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. SAXBE. Mr. President, I am happy to join in commending the remarks of the distinguished junior Senator from Massachusetts.

It happens that I was in Hong Kong when the ping pong team was invited into Red China this week; and on Wednesday I was in Tokyo when the announcement of the President's message was made there.

I think it is a very realistic approach to the situation with Red China—a nation of 800 million people, with a cultural background and a background of contributions over the centuries that cannot be ignored.

I do not think we should be misled, nor do I think we will be, as to the aims and ambitions of the present Government in China. But regardless of that, I think that the pragmatic approach that the President has taken, the realism that has been displayed in his message, the fact that trade is going to be built up, the fact that we recognize that great strides have been made in their agricultural development, in their cultural development, and in the firmness of control which now appears to exist over the entire country, all indicate that we must take our position with other nations in recognizing that contact and trade must be established and maintained.

NIXON FOREIGN POLICY BEARS FRUIT

Mr. President, there have been in the past week several major and far-reaching developments in U.S. foreign policy. These developments, while not guaranteeing world peace, certainly remove some of the major roadblocks in that direction.

The sudden and dramatic decisions involving Communist China and a freer movement of citizens and goods between China and the United States are most significant. The continued negotiations between the United States and the Soviet Union are also of great significance.

Hopefully, both of these developments indicate a reduction of tensions between the United States and the other two great world powers, Communist China and the Soviet Union.

I was interested last evening in listening to commentators discussing these developments to find that absolutely no credit was given to Richard Nixon nor even to Secretary of State William Rogers for these developments. The commentators seemed to tell the American public that it was somehow a one-sided move on the part of both Russia and China to ease these tensions and that apparently the United States, and by this I mean the Nixon administration, had absolutely nothing to do with it.

The fact is, Mr. President, that for 20 years people have been saying would it not be great if we could open doors to Red China? The Nixon administration has nudged a door slightly ajar. But the President and his Secretary of State get no credit.

For 25 years people have said how wonderful it would be if we could ever sit down and discuss seriously with the Soviet Union some means to control the nuclear arms race. We are so discussing with the Soviet Union at the present time; the first SALT talks began in Helsinki, Finland, on November 17, 1969. But again neither Richard Nixon nor Secretary Rogers have been given any credit for these developments.

Historians may well note that the spring of 1971 saw the first great thaw in the cold war. Credit will be given by historians to the men who are due this credit, namely President Nixon and his foreign policy chief, Secretary Rogers. I want to emphasize here and now that the American people today should be as aware of this great development and the men who brought it about as future historians will be.

Mr. BROOKE. Mr. President, I am pleased to have the remarks of the distinguished Senator from Ohio as a part of this colloquy, particularly since he was in Hong Kong, as he has stated, at the time when the ping-pong team was invited to come into Communist China.

As the Senator well knows, for two decades China has stood remote from the community of nations. We have had suspicions and fears of them, and they have had suspicions and fears of us. A continuation of these circumstances would mean that our children, our grandchildren, our great-grandchildren and generations to come might be living in fear and ignorance of Communist China. They are a nuclear power, as we all very well know, and they cannot be kept away from communications and intercourse with other nations throughout the world.

I was very pleased when President Nixon stated earlier during his administration that he was going to do all within his power to begin to break up this iceberg. I think that the invitation to the ping-pong team resulted largely from the overtures which have been made by President Nixon, and I quite agree with the distinguished Senator from Ohio that while perhaps this is not the time to be overjoyful that all is well—obviously there are still some dangers to be met, and the course may not be as smooth as we may like it—we have made a very important and significant beginning.

I think that with the exchange of scholars and others who will go into China and come into the United States and, more importantly, of course, the opening up of trade with the Communist Chinese, we are well on our way to really having a Nation working together with others for the generation of peace, and hopefully more, that the President has so often alluded to.

So again I thank the distinguished Senator from Ohio for his comments on my remarks, and I yield the floor.

EXHIBIT 1

U.S.-CHINA POLICY

(Text of Remarks by Senator
CLIFFORD P. CASE)

Our first President gave us a great deal of good advice in his farewell address, perhaps none of it wiser or more appropriate to the subject of our relations with China than these words:

"The nation which indulges toward another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest."

For twenty-two years we have been a slave to animosity in our relations with China. That was not the case earlier, for attitudes of Americans towards China have varied widely since the founding of the Republic. One American scholar has divided these periods into various ages, beginning with the age of respect and proceeding through the age of contempt, the age of benevolence, the age of admiration and the age of disenchantment to the age of hostility, beginning in 1949 and continuing to the present.[1]

In the 18th century, and the first third of the 19th century, Americans respected China, regarding this far away land, then visited only by clipper ships and a few missionaries, with "a blend of romance, excitement, obscurity, beauty, distance, oddity, quaintness and danger. . . ."[2] In the mid-19th century, attitudes shifted. The age of contempt began, due in part to the wave of immigration from China composed principally of Chinese laborers coming to the United States to work on railroads in the west. Between 1854 and 1882, when the Chinese Exclusion Act was passed, some 300,000 Chinese entered this country. At the same time, foreign powers began imposing their will on China. As a result of the Opium Wars of 1839–42 and 1856–60, the Chinese were forced, by what came to be known as the unequal treaties, to open certain ports to foreigners, to permit foreigners to try their own citizens under their own laws and before their own courts, to let foreigners travel anywhere in China and to allow foreigners to continue trading in opium. Barbara Tuchman reminds us, in her latest book, that the United States profited from these developments. "Throughout the process of the opening of China," she observes, "the United States followed through portals cut by the British, avoiding the aggression and inheriting the advantages."[3]

In the early 20th century, American attitudes changed again. The age of benevolence began as missionary activity reached its height with some 12,000 American missionaries in China. Again, I turn to Barbara Tuchman for a description:

"China's vastness excited the missionary impulse; it appeared as the land of the future whose masses, when converted, offered promise of Christian and even English-speaking dominion of the world. Disregarding the social and ethical structure which the Chinese found suitable, the missionaries wanted them to change to one in which the individual was sacred and the democratic principle dominant, whether or not these concepts were relevant to China's way of life. Inevitably the missionary, witnessing China's agonies in the 19th century, took these as evidence that China could not rule herself and that her problems could only be solved by foreign help."[4]

In 1937, with the incident at the Marco Polo Bridge, the Japanese began their war against China. In the United States, public opinion rallied to the side of China, and the age of admiration began. It was, however, short-lived. Toward the end of the war we became disenchanted with the corruption, ineptitude and impotence of the nationalist government as well as with its inability to rally popular support. The age of disenchantment lasted until the victory of the communists and the flight to Formosa of Chiang Kai-shek and the Kuomintang. Since 1949, when those events occurred, our relations with the government on the mainland, and their relations with us as well, have been of almost unremitting hostility.

Our hostility was due to the coming of power of a communist regime on the mainland. We saw this event as part of the relentless march of monolithic communism following the steps which the Soviet Union had taken in the Baltic states during the war, immediately thereafter in Germany, Poland, Yugoslavia, Hungary, Rumania, Bulgaria, Albania, and North Korea and subsequently in Czechoslovakia and Berlin. And if these events, and the installation of a communist government in China, were not sufficient, there soon followed the North Korean attack on South Korea in June 1950 and the intervention of Chinese forces in October of that year. A distinguished American foreign correspondent described the effect of the Korean war on American attitudes in the following way:

"Peking's intervention in the Korean war did more to 'set' American attitudes against the Chinese Communists than anything that had happened up to that time. It now dawned on us that the Chinese were capable of challenging us militarily as well as politically. . . . Now Chinese Communists were killing Americans. . . . The blow to our pride, the humiliation, could hardly have been more complete. Overnight, our view of the Chinese Communists was changed from patronizing superiority to one of deep anger and apprehension. In all our history we had never felt quite like this about the Chinese. . . . It was the rebirth of the 'Yellow Peril' specter, . . ."[5]

That specter still haunts our relations with the world's most populous country, although it no longer inspires the same degree of fear. Americans seem prepared, if not anxious, to look at China as we look at other countries, in a more pragmatic, and less ideological and emotional, way. We seem ready, in short, to see the age of hostility end and an age of adjustment begin.

There are, of course, serious obstacles to overcome before this transition can take place. But some of the political underbrush has already been cleared away.

First of all, we and the Chinese have started talking to one another, privately and discreetly but still officially, at the Warsaw Talks. These talks are not, of course, isolated from world events. The Chinese cancelled the last meeting scheduled in May 1970 because of the allied incursions into Cambodia. They have, however, indicated that they regard the cancellation as a postponement and not a final rupture of the talks. Thus, the framework remains available and can be used again.

Second, we have, for our part, removed certain obstacles to travel and trade, the necessary minimal intercourse between nations. To its credit, the present Administration has permitted American travelers to buy goods from the mainland for personal use, has allowed American subsidiaries abroad to trade with China, has authorized the licensing of some goods for exports, has removed some of the restrictions on American oil companies operating abroad so that most foreign ships will be able to use American-owned bunkering facilities on voyages to and from Chinese ports and has, most recently, dropped the requirement, in effect for the past twenty years, that American passports be specially validated for travel to China.

Third, we have begun to move from the rhetoric of hostility to more neutral language in the way we talk about China. In his latest report on foreign policy to the Congress, for example, President Nixon called the Peoples' Republic of China and Peking by their rightful names, instead of referring only to Communist China and Peiping as was the previous custom. At the same time, at the United Nations the United States has begun to place greater emphasis on retaining a seat for the Republic of China on Taiwan than on excluding the People's Republic of China.[6]

All of these developments reflect the passing of time and the fact that the questions of relations with China has been desensitized as a domestic political issue to such an extent that the New York Times could report last year that "organized pressure on behalf of Nationalist China, which once exerted a powerful influence on Americal politics in the direction of United States policy, appears moribund, a victim of old age and lack of interest."[7]

There is more that can be done in the field of trade. We should, in my view, treat trade with mainland China exactly as we treat trade with the Soviet Union, permitting American companies to trade in all non-strategic items with China as they do with the Soviet Union.

Trade is, of course, a relatively simple matter. Far more difficult is the thorny question of representation in the United Nations. As you undoubtedly know, the subject is current because of the trend of voting in the United Nations which makes it possible this year, if not probable next year, that the People's Republic will be seated and the Republic of China expelled from that organization.

This question is often presented to the American people—even by the Gallup poll, I might note—as whether to *admit* Communist China into the United Nations. But China has been a member of the United Nations since that organization was founded. The question is not one of *admission* but one of *representation*.

The question of Chinese representation first arose in the fall of 1949. The Prime Minister of the People's Republic sent a telegram to the UN Secretary General demanding that the UN transfer the Chinese seat to his government, but there was little feeling in the General Assembly that immediate action was called for there. Soon thereafter, in December 1949, the Soviet government raised the question in the Security Council. It did not press for immediate action, but on January 8, 1950, the Chinese Prime Minister sent a further telegram protesting the Council's failure to expel the representatives of Nationalist China. Shortly afterward, the Soviet government formally proposed that the credentials of the Nationalist representative be rejected. When this proposal was voted down, the Soviet delegate walked out of the Council and did not return until after the Korea war had begun.

From 1951 until 1960 the General Assembly regularly considered a Soviet proposal for including the matter of Chinese representation on the Assembly's agenda. This proposal was always rejected and instead a resolution, usually proposed by the United States, was adopted by the Assembly providing that the question of Chinese representation should not be considered. In 1961, in light of the increasingly close vote in the General Assembly, a different procedure was adopted by the United States. The Soviet proposal, calling for a change in Chinese representation, was included on the agenda for discussion but at the same time the United States introduced a procedural resolution to the effect that the issue was an "important question" and that therefore under Article Eighteen of the Charter a two-thirds majority was required. This procedure has continued to the present, although since 1963, when the breach between China and the Soviet Union made it impossible for the Soviet government to continue to act as the principal advocate for China, the proposal calling for a change in representation has been contained in a resolution co-sponsored by a number of countries but generally called the Albanian resolution. At last year's session of the General Assembly, for the first time, a plurality of the members of the United Nations—that is, a majority of those voting—voted for the Albanian resolution. It is possible this year, and likely next year, that the procedural resolution will not pass and that therefore only a simple majority vote on the Albanian resolution would be necessary to effect a change in representation. At least that seems to be the prospect if the members of the General Assembly are not given another choice.

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[1] *Scratches on Our Mind*, Harold R. Isaacs, John Day Company, (1958), p. 71.

[2] *Ibid*, p. 67.

[3] *Stillwell and the American Experience in China, 1911–1945*, Barbara Tuchman, McMillan, p. 29.

[4] *Ibid*, p. 31.

[5] *The American People in China*, A. T. Steele, McGraw-Hill, p. 37.

[6] Statement by Ambassador Christopher H. Phillips to the General Assembly, November 12, 1970.

[7] "China Lobby Once Powerful Factor in U.S. Politics, Appears Victim of Lack of Interest," *New York Times*, April 26, 1970.

I believe, however, that they should be given another choice, and that is to see the People's Republic of China represented and the Republic of China not expelled.

Let me say quite clearly that I do not believe that the United States should continue to oppose the seating of the People's Republic in the United Nations General Assembly and Security Council. The advantages to having the People's Republic in the organization seem to me to outweigh the disadvantages.

Let me say, too, that I would like to see the United States recognize the People's Republic as the legitimate government of the mainland and that I would also like to see full diplomatic relations established with the People's Republic.

But I am not in favor of seeing the People's Republic represented in the General Assembly and on the Security Council on condition that the Republic of China on Taiwan is expelled from the General Assembly. The general lines of the position which I favor are expressed, I should note, in Senate Resolution 37, introduced on February 2 by Senator Javits, which I have co-sponsored. That resolution is now pending before the Foreign Relations Committee. It will, I hope, lead to serious Senate consideration of our relations with the People's Republic.

I realize that the position I have just described is bound to be criticized by the People's Republic and the Republic of China, and by some China experts and UN experts, on the ground that it amounts to a "two-China" policy. But I neither advocate nor oppose a "two-China" policy. I firmly believe that the United States should not declare itself for or against either the eventual reunification of Taiwan with the mainland or the eventual evolution of two separate states. We should, it seems to me, be prepared to accept whatever results in the long run from the natural play of political forces, provided that the wishes of the people of Taiwan are respected. It seems to me that this points the way to the only practical direction we can take in the period which lies immediately ahead.

And this position is not without its supporters among the experts. Professor Edwin O. Reischauer of Harvard supports it. He points out, and I quote:

"Taiwan and continental China have not been a single country and have not been so for more than half a century. A good bit longer than that, in fact.

"... I don't think we should be trying to force Taiwan out of existence, when it does exist and is the result in large part today of the will of the people who live there."

What will result in the long run? I do not believe that anyone can say. A. Doak Barnett, a widely respected authority on U.S. policy toward China, has recently written:

"Any real solution of the Taiwan problem will obviously require the passage of time—a considerable period of time—and it is difficult to predict what effect future events will have on the forces affecting it. The deaths of Chiang Kai-shek and Mao, generational as well as social, economic and political changes in both mainland China and Taiwan, pressures by Taiwanese for greater self-rule, growing links between Japan and Taiwan and other factors will have complicated and in some respects conflicting effects, the results of which are impossible now to foresee."[8]

We can thus only speculate about the future. But we can talk common sense about the situation that exists today. As a matter of fact, there are now two governments calling themselves the government of China. One is the People's Republic of China on the mainland. The other is the Republic of China on Taiwan. We have had a defense treaty with the government on Taiwan since 1954, committing us, in case of armed attack on Taiwan or the Pescadores Islands, to act to meet the common danger in accordance with our constitutional processes. I do not think that we can turn our back on that commitment.

The island of Taiwan has a population of 14 million. Twelve million are native Taiwanese. Two million are transplanted mainlanders who fled to the island as refugees when the communists came to power. These two million run the national government, continuing to pretend that they represent the mainland, through a central government of five branches elected on the mainland in 1947. Although most important provincial and local government posts are held by Taiwanese, these appointments must be approved by the central government. Since 1945, all governors of Taiwan have been mainlanders. Thus, the 12 million Taiwanese are ruled, in most respects, by the two million mainland refugees.

I believe that the time has come for us to stop pretending that the Government of the Republic of China on Taiwan represents the 650 million Chinese on the mainland. It does not and it will not. I also believe that the time has come for the Government of the Republic of China to stop pretending that it represents all of the 14 million of Taiwan. It does not, but it should.

I have already referred to the fact that both the People's Republic and the Republic of China have expressed their unwillingness to accept a dual representation solution. Both claim to be the government of China. Both say there is only one China and that Taiwan is part of that China. As I have said, however, as a matter of fact there is one government on the mainland of China and another government on the island of Taiwan. I see no reason why this fact should not provide the basis for our policy. After all, international politics, like domestic politics, is often a matter of compromise. I believe that it is important that the People's Republic be represented in the United Nations but I do not believe that this means that the international community must simply accept the terms set down by that government. After all, the Republic of China was one of the founding members of the UN and surely the 14 million people on Taiwan should continue to be represented there. If the United Nations were to adopt some kind of dual representation formula, over time the government of the People's Republic might reconsider its position and perhaps ultimately abandon its present adamant opposition to the idea.

I have no illusions about the difficulty of devising a formula, acceptable to a majority of the members of the United Nations, that will assure UN representation both to China and to Taiwan and also will resolve the question of the Security Council seat. I am sure, too, Peking will create many difficulties and contentions in the United Nations when she takes her place there.

But, with American leaders from John Foster Dulles to, and including, President Nixon (in his recent State of the World message), I believe that world peace will be better served by having China inside rather than outside the family of nations.

And, difficult as it will be to attain the necessary support in the United Nations for this position, I cannot believe that it is beyond the scope of American leadership and ingenuity. The President will need all the help we can give him, however, and I urge that, as a practical evidence of our support of a position which I have been urging, the Javits resolution be considered and overwhelmingly approved by the Senate of the United States without delay.

ADDITIONAL ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. Allen). At this time, in accordance with the previous order, the Senate will proceed to the consideration of routine morning business for a period of not to exceed 15 minutes, with statements therein limited to 3 minutes.

OFFSHORE OIL LEASES IN SOUTHEAST ASIA

Mr. AIKEN. Mr. President, on March 11, I inserted in the Record correspondence between the Committee on Foreign Relations and the Department of State concerning offshore oil leases in Southeast Asia.

On April 9, the committee received some additional information from the Department concerning this issue, and I ask unanimous consent to have it printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of State,
Washington, D.C., April 7, 1971.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: As Mr. Prentice indicated by telephone to Messrs. Jones and Dockery of the Committee's staff on April 1, we have discovered some additional information that indicates the United States Government did provide some indirect assistance, through a United Nations body, to scientific research on underseas mineral resources on the East Asian continental shelf including the area off the shores of Viet-Nam. This information was not known to us at the time of my letters to you of February 10 and 27 and has come to our attention only as a result of our continuing inquiries into the matter.

The Agency for International Development, at the request of the United Nations' Economic Commission for Asia and the Far East (ECAFE), has provided since November 1966 the occasional services of Dr. K. O. Emery from the Woods Hole Oceanographic Institute to serve on a six-member international Technical Advisory Group to ECAFE's Committee for Co-Ordination of Joint Prospecting for Mineral Resources in Asian offshore areas (CCOP). A memorandum describing the work of the CCOP is attached. (Enclosure 1)

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[8] *Our China Policy, The Need for Change,* A. Doak Barnett, Headline Series No. 204, Foreign Policy Association, February 1971, p. 54.

Dr. Emery, in his capacity as a member of the Technical Advisory Group, arranged for the U.S. Navy to permit a team of scientists to board Navy aircraft already engaged in magnetic anomaly research (Project Magnet) and a contract civilian research vessel (the R/V HUNT) engaged in hydrographis research. The Navy craft were not searching for underseas mineral deposits, but the visiting scientists were permitted to do so as long as their research did not interfere with the research missions of the craft involved. These missions were conducted widely in East Asian waters, including the continental shelf off Viet-Nam. A memorandum describing the Navy's role in this research is attached. (Enclosure 2)

The results of the CCOP research have either already been published or are soon to be published by ECAFE for public use.

If I can be of any further assistance to you in this matter please call on me.

Sincerely,

David M. Abshire,
Assistant Secretary for Congressional Relations.

Summary of CCOP Project

In 1966 the United Nations Economic Commission for Asia and the Far East (ECAFE) set up a committee for Coordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas (CCOP). The initial members of the committee were Japan, Korea, Taiwan, and the Philippines. (Cambodia, Indonesia, Malaysia, Thailand and Viet-Nam have subsequently joined.) One of the first acts of the committee was to invite the participation of representatives of Germany, France, U.K. and the United States as members of a technical advisory group. As a U.S. contribution information obtained through geomagnetic surveys made by the Naval Oceanographic Office's Project MAGNET was made available to CCOP on a continuing basis. (Under Project MAGNET two planes were employed by the Navy to collect data for use in air navigation and anti-submarine warfare based upon changes in isomagnetic lines. The same information also has some preliminary applicability in oil exploration in that data collected can be used to make some judgment on the advisibility of moving on to the further step of seismic exploration.) Under Project MAGNET information was collected on the East China and Yellow Seas, as well as the South China Sea and the Mekong Delta. These data were turned over to West Germany, which had agreed to make geological interpretations of the information as its contribution to CCOP.

After review of these geomagnetic surveys and previous studies carried out by independent geologists in earlier years the CCOP decided that seismic operations were needed to provide more definitive data. After exploring various possibilities, it was decided that the best means was acceptance of an offer for joint participation of CCOP personnel in a study planned by the Pacific Support Group of the U.S. Naval Oceanographic Office to collect data on ocean sea bottoms using shipboard reflection seismic and geomagnetic methods. The ship was the *F. V. HUNT*, operated by the Marine Acoustical Services Co. of Miami, Florida, under contract to the Navy's Military Sea Transportation Service and directed by the U.S. Naval Oceanographic Office. As in Project MAGNET, operations by the *HUNT* were carried out in the East China and Yellow Seas, as well as in the South China Sea and the Gulf of Siam. At all times scientists of CCOP countries were aboard the *HUNT*. Information collected has been published in technical bulletins of CCOP and has been made available to reference libraries in academic and governmental organizations throughout the world. Copies have also been provided, on request, to private industry.

In addition to the projects mentioned above, seismic refraction and sparker surveys were made in the southwestern offshore areas of Viet-Nam in November-December 1968. Equipment and technical personnel for this CCOP project were provided by the UK. Counterpart personnel, ships, and equipment were provided by the Government of Viet-Nam.

The Navy's Role

The civilian oceanographic research vessel R/V HUNT is owned by a private company and chartered to the Navy Oceanographic Office. It has a civilian crew and embarks civilian scientific personnel for the conduct of a variety of oceanographic research projects routinely pursued by the Navy. Aircraft surveys using specially equipped Navy "PROJECT MAGNET" aircraft are frequently used to conduct a preliminary survey in advance of the work on board ship. When there is scientific space available on board during a scheduled research voyage, the Navy in the past has permitted international scientists to board the HUNT and collect data for their projects on a "not-to-interfere" basis with the HUNT's scheduled Navy work. Unclassified portions of the aircraft survey work deemed compatible with the projects of these international scientists have been made available to them.

In mid-1969 the Navy honored such a request from a team of international scientists working under the United Nations Economic Commission for Asia and the Far East (ECAFE). Four scientists from ECAFE's Committee for Coordination of Joint Prospecting for Mineral Resources in Asian Off-Shore Areas (CCOP—established in 1966) were permitted to ride the HUNT during a research voyage in the off-shore areas of the Republic of Viet-Nam, Thailand, Malaysia, the Philippines and the Borneo coast. Aerial survey work for this particular voyage was deemed noncompatible with CCOP projects, and no aerial data was furnished.

During the voyage, the international scientists collected a variety of data, part of which may be used in oil exploration. This data is unclassified and is expected to be published by CCOP in May of 1971 for open international use. A copy of the data was furnished to the U.S. Navy Oceanographic Office which passed it to the Department of Commerce. It has been available at the National Oceanographic Data Center, an agency of the National Oceanographic and Atmospheric Administration, for use by interested parties.

The Navy conducts scientific voyages, such as that of R/V HUNT, to collect data for support of research and development of Navy equipment and does not make this information available for public release. The Navy does not conduct underwater surveys with the objective of oil exploration. During the 1969 voyage, the Navy provided only facilities for the CCOP scientists and exercised no influence over the type of analysis they conducted after their data had been collected. Whatever information is gathered by CCOP scientists embarked on the HUNT concerning mineral and petroleum resources is purely a "spin-off" from the principal effort of that ship's voyage and is collected on a "not-to-interfere" basis.

Mr. AIKEN. Mr. President, this information pertains to the committee's earlier questions about whether or not the United States either directly or indirectly had assisted South Vietnam in determining the existence of any offshore oil potential.

In response to this line of questioning, the Department of State in its letter of February 27 told the committee:

> Neither the U.S. Geological Survey nor the U.S. Navy has done any oceanic research work in the offshore areas of South Vietnam that would be useful in exploring for oil.

In its most recent letter, however, the Department now states that the U.S. Navy was involved in assisting a U.N. advisory group engaged in "scientific research on underseas mineral resources on the East Asian continental shelf including the area off the shores of Vietnam" and that through this advisory group the information collected has been made available to reference libraries, governmental organizations, and "on request, to private industry."

Mr. President, the State Department's letter and enclosures of April 7 make for interesting but tedious reading—interesting because it uncovers new information about a controversial subject and tedious because of the difficulty encountered in trying to sort out the relationships among various public and private groups.

It is a perfect example of complexity in Government—up to the point where the State Department itself was unable to keep track of who was doing what to whom and for what purpose.

However, I do commend the State Department for coming forward and correcting the information which it had previously supplied to the committee.

I hope that all the facts surrounding this matter can be brought to light so that the charges and allegations that have been raised can be judged accordingly.

Mr. President, I want it understood that I sincerely hope there is oil off the coast of Southeast Asia, and that if there is, it will be properly and adequately developed for the use of the people, particularly, of that part of the world, who now have to go long, long distances in order to get their supply. I am not opposed in any way to locating and developing oil supplies off the coast of Asia, but I do think the record should be kept straight, and this later letter from the State Department does show that we were officially engaged in assisting the people who were making a search for mineral resources on the East Asian Continental Shelf.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive A, 92d Congress, first session, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on December 16, 1970, transmitted to the Senate today by the President of the United States, and that the convention, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a copy of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on December 16, 1970. I transmit also for the information of the Senate the report of the Secretary of State with respect to the Convention.

The problem of aircraft hijacking has become a serious global threat to international aviation. No country or area is immune from this threat.

The Diplomatic Conference which met at The Hague December 1–16, 1970 had before it the urgent task of preparing a Convention to ensure that all hijackers, wherever found, would be subject to severe punishment for an act which endangers the safety and lives of passengers and crew aboard. I believe that the Conference achieved this objective and that it will be fully realized when States have ratified or acceded to the Convention and it has become widely accepted.

Because of the worldwide threat of hijacking, the Convention provides that all States may become parties. I hope that it will be applied universally. I made my views clear on September 11, 1970 when I stated that:

"It is imperative that all countries accept the multilateral convention providing for the extradition or punishment of hijacking which will be considered at the international conference which will be held under the auspices of the International Civil Aviation Organization. I affirm the support of the United States both for this convention and for the Tokyo convention, which provides for the prompt return of hijacked aircraft, passengers and crew. I call upon other governments to become parties to these conventions."

I believe that the Convention will be an important step in the development of international law and practice with respect to deterring hijacking. I urgently recommend, therefore, that the Senate give early and favorable consideration to the Convention.

RICHARD NIXON.

THE WHITE HOUSE, *April 15, 1971.*

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE OF REFERENCE OF BILL

Mr. MATHIAS. Mr. President, I ask unanimous consent that S. 1148, a bill to provide for the continued operation of the Public Health Service general hospitals, which was originally referred in error to the Committee on Labor and Public Affairs, be re-referred to the Committee on Appropriations. It is a bill which deals with the appropriation funds and should originally have gone to the Committee on Appropriations. Therefore, I ask unanimous consent that it be rereferred to the Committee on Appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 11 A.M. ON MONDAY, APRIL 19, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER GRANTING LEAVE OF ABSENCE TO SENATOR CHILES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the able Senator from Florida (Mr. CHILES) be granted a leave of absence during the dates of April 20 through April 23, 1971. He will represent the Committee on Agriculture and Forestry of the U.S. Senate at the Department of Agriculture's Conference on Latin-American Attachés and will be out of the country during that period.

In accordance with rule V of the Standing Rules of the Senate, I ask unanimous consent that he be granted this leave of absence while he is away from the Senate on official business during the period stated.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR MONDAY, APRIL 19, 1971

Mr. BYRD of West Virginia. Mr. President, the program for Monday next is as follows:

The Senate will convene at 11 a.m., following an adjournment. Immediately following recognition of the majority and minority leaders under the standing order, the distinguished Senator from Alabama (Mr. ALLEN) will be recognized for not to exceed 15 minutes; following which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with a limitation of 3 minutes on speeches therein.

At the close of morning business on Monday next, the pending business will be laid before the Senate. The pending business will be the Emergency School Aid and Quality Integrated Education Act of 1971.

At 12:45 p.m. on Monday next, the Senate will go into executive session. A vote will occur—and it will be a rollcall vote—at 1 p.m., on Executive H, 91st Congress, second session, the Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America.

Following the vote, the Senate will resume consideration of the pending legislative business.

Mr. President, under the order entered earlier today, the Pastore rule, which normally runs for a period of 3 hours in accordance with paragraph 3 of rule VIII of the Standing Rules of the Senate, will be extended to cover a 5-hour period on Monday.

There will be at least one rollcall vote on Monday, and there could possibly be additional rollcall votes. It is not now anticipated that the Senate will complete action on the emergency school aid bill on Monday.

ADJOURNMENT TO 11 A.M. ON MONDAY, APRIL 19, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 11 o'clock on Monday next.

The motion was agreed to; and (at 1 o'clock and 10 minutes p.m.) the Senate adjourned until Monday, April 19, 1971, at 11 a.m.

EXTENSIONS OF REMARKS

SENATOR MANSFIELD'S LEADERSHIP REVIEWED BY NATIONAL JOURNAL

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 15, 1971

Mr. RANDOLPH. Mr. President, one of the most respected and admired Members of the Senate today is the distinguished majority leader, Senator Mike Mansfield.

In his own quiet and effective way, the Montanan has made the force of his personality felt, not just in the Congress but throughout the United States and other countries. His colleagues and the public value his opinions because they know they are born of conviction.

Mr. President, on March 6, the National Journal published an extensive review of Senator Mansfield's tenure as majority leader. The article, by Andrew J. Glass, examined in depth the man and his career.

I ask unanimous consent that the material, in part, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Majority Leader Mike Mansfield: "There Is No Meanness in Him"

In January 1966, Senate Majority Leader Mike Mansfield, D-Mont., was summoned to the White House for one of the bipartisan advice-seeking sessions favored by former President Lyndon B. Johnson on the eve of major policy decisions.

When it came Mansfield's turn to speak, he unfolded a three-page typewritten statement drafted in the dry style of a college professor—which he once was. He argued in the statement that air raids over North Vietnam, which had been suspended for a month-long "peace offensive," should not be resumed.

Some days after the White House meetings, Mansfield watched on television in his Capitol office, S-210, as Mr. Johnson announced that the bombing halt was over. "I feel so sorry for him," Mansfield said. "I can imagine what he's going through."

CHARACTER

The remark reflected a compassionate side of Mansfield's complex character. Sen. Hubert H. Humphrey, D-Minn., once alluded to this quality when he observed that "there is no meanness in him."

"Keep in mind," Humphrey added in an interview, "the things he says, no matter how critical, do not spring from personal ambition, but rather as a reflection of his own mind and conscience."

Mansfield now says of the Johnson period: "It's not easy to say 'no' to the President in that oval office, where he is surrounded by all of his advisers and chiefs of staff. I guess I had to do that half a dozen times."

Mansfield's forgiving approach to politics remains one of the chief reasons why a Senate in which personal ambition is no stranger manages to function with a minimum of rancor.

While the Mansfield and Johnson political styles are poles apart, Mansfield shares with Johnson, who was his predecessor as Majority Leader, a somewhat mystical sense of the Senate's dignity and integrity. In spite of his forgiving nature, Mansfield cannot abide behavior that tends to throw the Senate into disrepute.

Senator Minority Leader Hugh Scott, R-Pa., describes Mansfield as "the most decent man I've ever met in public life. He's fair. And his word rates in fineness above the gold at Fort Knox."

There is a certain bleakness to the Mansfield landscape: his smile, while warm, is not quick in coming. Mansfield's public life is increasingly governed by the credo once espoused by the 17th-century English poet John Dryden when he wrote:

"For all the happiness
Man can gain
Is not in pleasure,
But in rest from pain."

At 67, Mansfield is six feet tall and weighs 170 pounds. He speaks in short declarative sentences in a flat style that has been compared to that of a sheriff of the Old West. The Majority Leader has long been one of the most casual dressers in the Senate. Lately, the contrast with his colleagues has sharpened; he often appears in the Senate wearing a sport jacket and yellow socks.

CAREER

Michael J. Mansfield was born March 16, 1903 in Manhattan's Greenwich Village. He was reared in Great Falls, Mont., the first son of Irish immigrant parents, who ran a grocery store below their apartment.

As a youth, Mansfield ran away from home three times, ending up twice in the Great Falls city jail, the second time overnight, before his third and successful attempt.

He entered the Navy on Feb. 23, 1918, at age 14, for the duration of World War I. In 1919, he enlisted in the Army for one year, and then enlisted in the Marine Corps for two years, serving mainly in China.

In 1922, he returned to Montana to work in the Butte copper mines, 3,000 feet below the surface, for the next eight years.

While working as a miner, he met Maureen Hayes, a Butte school teacher. Miss Hayes encouraged him to resume his studies (he had never finished grade school) while Mansfield encouraged her to marry him, which she did.

He attended the University of Montana at Missoula from 1930 to 1934, where he received his bachelor's and master's degrees. Mansfield then embarked upon a new career as an associate professor of Latin American and Far Eastern history at the university, where he taught for 10 years. He still retains permanent tenure there as a professor of history.

Mansfield ran for Congress in 1942 and served five terms in the House (1943–53). He was elected to the Senate in 1952 and reelected in 1958, 1964 and 1970. Johnson engineered his election as Majority Whip in 1957. When Johnson became Vice President in 1961, John F. Kennedy persuaded a reluctant Mansfield to serve as Majority Leader. He has held that position longer than any other Senator.

MONTANA

Mansfield wields the full power inherent in his position only to protect the interests of his 682,000 Montana constituents.

Mansfield has been known to keep Cabinet officers waiting in his outer office while he chatted amiably with a touring Montana family.

Over the years, copper mining legislation and other measures of direct interest to his state have been safely guided through the Senate.

Should Mansfield come to feel that Montana has been shortchanged in its slice of federal funds, he is apt to summon the agency chief to his office for a head-to-head talk. This is a fearsome and parochial side of Mansfield which outsiders rarely see.

In non-election years, he returns to Montana only a few times a year, mainly to speak on college campuses.

Mansfield's campaign style is to come into a hotel lobby an hour or so before the scheduled start of a political dinner and to stand quietly in a corner with his wife, smoking a pipe. As soon as he is recognized, a reception line forms and everyone comes up to shake his hand.

Last year, in an Oct. 28 Great Falls campaign speech, Mansfield said: "Every candidate who runs for public office has the duty and obligation to lay his whole life before the people he seeks to represent."

In 1970, Mansfield ran against Harold E. (Bud) Wallace, a Missoula sporting-goods salesman. Wallace accused Mansfield during the campaign of "being soft on communism." The issue failed to take root when President Nixon sent an Air Force plane to Glasgow Air Force Base in Glasgow, Mont., to fly Mansfield to New York, where he accompanied the President on an Oct. 23 visit to the United Nations.

Mansfield ignored his opponent, never mentioned him in the campaign, and won 150,060 to 97,809.

SCHEDULE

While in Washington, Mansfield usually arrives at the Capitol before 7 a.m. in a car chauffeured by Lorenzo M. Lee.

He has breakfast with his closest friend in the Senate, George D. Aiken, R-Vt., and Aiken's wife, Lola, who is her husband's administrative assistant. By 8:15, he is in his Capitol office, dictating letters, drafting speeches and conferring with his senior staff.

Mansfield leaves the office 10 minutes before the start of a Senate session for his daily press conference behind the Majority Leader's desk on the Senate floor. Normally, he skips lunch; when he does eat, it is alone in his office.

Depending on the nature of the business before the Senate, Mansfield will remain on the floor or ask his deputy, Sen. Robert C. Byrd, D-W. Va., to monitor the debate.

He will see visitors throughout the afternoon, coming off the Senate floor or from the cloakroom retreat to meet with them in his office.

In late afternoon, Mansfield usually returns to his "Montana office," a six-room suite in the old Senate Office Building, where he dictates and signs mail until he leaves for home.

The Mansfield's social schedule is comparatively light. He prefers to be home by 10 p.m. The Mansfield's only child, Anne, is an economics writer in London.

SENATE LIFE

Humphrey once observed that Mansfield "is a political leader who refuses to be pressured. He resents outside contacts. He calls that 'lobbying.'"

Mansfield also abhors the idea of acquiring or exercising power for his own account. When he became majority leader, he halted the practice of conducting the kind of painstaking pre-ballot senatorial headcounts that Robert G. (Bobby) Bake once handled for Lyndon Johnson in their years together. The White House filled the void until 1969; since then, the policy committee staff has quietly resumed headcounts—without the vote-by-vote fine tuning that marked the Johnson years.

Mansfield is unwilling to say whether the Johnson high-pressure power-broker system or his own far more gentle approach ("Senators will have to live up to their responsibilities; all Senators are equal") works best in the long run.

"We're different personalities, and we have faced different problems," Mansfield said in an interview. "It's just not a fair comparison. But Johnson was the greatest Majority Leader the Senate ever had."

In 1970, most rank-and-file Senators quite predictably favor the Mansfield technique. As former Sen. John J. Williams, R-Del. 1947–71) once observed:

"When Lyndon was the leader, he liked to play tricks on you. The game was always trying to outfox Lyndon. But I would never try to pull anything like that on Mike. Why he'd just turn around and say, 'The Senator, of course, is perfectly within his rights. . . .'"

UNIT PRICING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. ROSENTHAL. Mr. Speaker, in this period of spiraling prices, it is the responsibility of the business community and Government to develop ways in which consumers can maximize the value of their shrinking dollars. It is also their responsibility to assure the efficiency and equity of our free-enterprise system.

The decision of Safeway Stores, Inc., some 18 months ago, to begin a permanent program of unit pricing of packaged food products in many of their stores, was a statesmanlike act that went a long way toward fulfilling these responsibilities. More importantly, Safeway's unit-pricing program, soon to be extended to stores in other parts of the country, prompted dozens of other food chains to initiate similar unit-cost labeling programs.

It is for these reason that I was extremely pleased to have played a part in Safeway's initial decision to undertake a unit-pricing program. I am also pleased that Safeway commissioned an objective outside study of the feasibility and acceptability of its unit-pricing program.

That 6-month study, prepared by Dr. Monroe Friedman, of Eastern Michigan University, shows excellent consumer acceptance of unit pricing. It is a landmark study in the field of consumer information, and is particularly important during a period of serious inflation.

Dr. Friedman's report dispels two myths often advanced by special interest forces as an argument against the consumers' need to know and right to be informed. The first myth is that the American shopper is a walking computer capable of ferreting out and defeating any marketplace fraud or deception; and, in particular, that she is able to determine the most economical buy among varying package sizes and prices in the supermarket.

That myth is punctured by the Friedman study, which shows that under present supermarket conditions (and 4 years after fair packaging and labeling), consumers are almost totally incapable of determining the most economical buy from among two package sizes.

The second myth deflated by the Friedman report is that consumers are not interested in more information. His study shows that 38 percent of the suburban shoppers and 25 percent of the inner-city shoppers found the unit-pricing labels helpful and used them regularly.

As one who is interested in marketing techniques, I can assure you that these figures are impressive and speak well for the consumer's desire to be informed and to get the most for his money.

The Safeway decision to initiate a unit-pricing program is also highly significant in that it too dispels some tired myths about the future of unit pricing and the relationship between the consumer and business communities.

First, Safeway's initial decision to experiment with unit pricing and its decision to commission a detailed report on the results of its experiment dispel the notion—popular in some quarters—that voluntary cooperation between business and the consuming public can never solve pressing consumer problems.

Second, Safeway's preliminary conclusion that unit pricing pays for itself explodes the myth that consumers must necessarily foot an astronomical bill for implementation of such a program. Cost factors will be better demonstrated after Safeway's program is operating on a much larger scale and after experiments by other food stores are completed. But we are encouraged.

It is our hope that Safeway's spirit of cooperation will continue and that its unit-pricing program will set off a competitive scramble, among supermarkets across the country, to implement similar programs. Such a nationwide program, I believe, could result in savings to consumers of millions of dollars.

The complete text of the Friedman study follows:

DUAL-PRICE LABELS: USAGE PATTERNS AND POTENTIAL BENEFITS FOR SHOPPERS IN INNER-CITY AND SUBURBAN SUPERMARKETS

(By Monroe Peter Friedman, director of the Center for the Study of Contemporary Issues and professor of psychology, Eastern Michigan University, Ypsilanti, Mich.)

ACKNOWLEDGMENTS

This research was supported by funds provided by Safeway Stores, Inc. and the National Association of Food Chains. The author gratefully acknowledges this support as well as the assistance provided by Gordon Bivens of the University of Missouri, Robert Herrmann of Pennsylvania State University, and Ezra Kohn of President Nixon's Committee on Consumer Interests. These consumer researchers reviewed the study design and made many valuable suggestions.

Additional thanks are due to Ken Cook of Century Research Corporation, who supervised the collection of the data, and to the several computer programmers who assisted with the data analysis (Edmond Goings and Peter Diehr of Eastern Michigan University's Instructional Computer Center and Jeanne Kuo of the programming staff of the University of Michigan's Institute for Social Research).

ABSTRACT

Two studies were conducted relating to dual-price labels. The first was concerned with consumer reaction to an experimental dual-pricing program introduced in an inner-city and a suburban supermarket, each of which was located in the Washington, D.C. area. The results revealed that 25% of the inner-city-store sample of 798, and 38% of the suburban-store sample of 878, reported having used the labels. Almost all of these respondent-users claimed that the labels were helpful and it would appear that a similarly large number had continued to use them several months beyond the time they were introduced in the stores.

Respondent use of labels for individual products was examined and the results indicated that many product purchasers reported having used the labels for comparing the costs of different brands as well as sizes in both stores. However, when a control response adjustment was applied to these responses, a substantial downward correction in usage figures resulted for the suburban-store sample, but not for the inner-city-store sample.

Multivariate analyses of the relationship between demographic variables and label usage found that education and age were significantly related to label usage in both samples. Sample-specific effects were uncovered for other demographic variables.

The second study, which was also conducted in an inner-city and a suburban supermarket in the Washington area, was concerned with how effectively shoppers are able to compare prices without the aid of dual-price labels. Six sets of price-comparison problems were developed to conform to a two-dimensional model of difficulty in consumer price comparisons. One dimension of the model dealt with packaging practices, and the other considered pricing practices. Each set of problems was administered to about 80–90 shoppers in each store and a record made of the accuracy of their responses.

The results offered strong support for the validity of the model in that both packaging and pricing factors were found to have significant effects upon response correctness. The findings suggest that shopper usage of dual-price labels would result in substantial reductions in response errors for many price-comparison problems.

Policy implications of the two studies are drawn for past as well as present legislative efforts to assist the consumer.

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In late September of 1969, Safeway Stores, Inc. initiated an experimental pricing program in a Washington, D.C. inner-city supermarket. Two months later, the program was enlarged to include a second Safeway store in the Virginia suburbs of Washington. The two experiments were conducted at the suggestion of U.S. Congressman Benjamin S. Rosenthal of New York to ascertain consumer reaction to a new informational display which specified, for each of several thousand supermarket packages, the price-per-measure (pound or pint) for the package as well as the price of the package itself. A second objective of the experiments was the determination of the economic feasibility of establishing this dual-pricing program in supermarket settings.

In April of 1970, a survey of consumer reaction to the pricing programs in the two stores was conducted under the joint sponsorship of Safeway Stores, Inc. and the National Association of Food Chains. What follows is a report of this survey together with a second report of a related background study which examined the influences of certain pricing and packaging practices on the consumer's ability to make effective price comparisons.

Before examining the particulars of these two reports and their implications for public policy, let us briefly review the concept of dual pricing as well as the chronology of events which led to the initiation of the dual-pricing experiments.

Dual pricing: The concept and its development

A number of terms (unit pricing, price-per-measure, dual pricing, and "truth-in-pricing") have recently been employed to describe the practice of providing price information to consumers by such standard measures as the ounce, pound, pint and quart. The practice has been used by supermarkets for many years to display price information for such store-packaged, variable-size products as meat and cheeses. Advocates of dual pricing would like to see the practice extended to the thousands of pre-packaged grocery products which are not customarily priced in this manner.

Recently, a number of legislative measures have been introduced at local, state, and national levels in an effort to effect this change in retail pricing practices. Among the most publicized are the proposed "Truth-in-Pricing" regulation of the Department of Consumer Affairs of New York City and the unit-pricing bills (H.R. 11549 and S. 1424) introduced by Congressman Rosenthal and by Senator Gaylord Nelson of Wisconsin in the 91st Congress. These bills would amend the Federal Fair Packaging and Labeling Act of 1966 to require disclosure by retailers of per-measure-prices for packaged consumer commodities. Although the 1966 Federal Act contains provisions for facilitating price comparisons by consumers (e.g., a requirement that package labels display net quantity of contents, as well as a provision for adopting voluntary size standards by industry in instances of excessive proliferation of sizes), it stops short of requiring the posting of price-per-measure information.

Advocates of these various legislative measures point to a host of packaging practices (packaging-to-price, cents-off labels, slack fill, fractional quantity units) which they feel impair the ability of the consumer to compare prices effectively. They further contend that the tremendous increase in items carried by supermarkets (from about 1,000 in 1930 to 8,000 in 1970) has exacerbated the price-comparison problems of the consumer to an unacceptable level. These advocates believe that the dual-pricing remedy they propose would alleviate these problems by shifting the major share of the burden of price comparisons from the consumer to the packager and/or retailer.

Dual pricing: A review of related scientific research

What evidence exists to support these various contentions of the dual-pricing advocates? A likely source to examine are the reactions of shoppers who have been exposed to the practice in their neighborhood supermarkets. However, two problems arise with this source, namely limited shopper experience with dual pricing and an absence of published scientific reports describing this experience. Over the last few years, three cooperative supermarkets have voluntarily employed dual pricing. And even more recently (within the last year), a number of large supermarket chains have adopted the practice. However, no scientific tests of consumer reaction have been reported by these various markets.

Given the virtual absence of experiential data relating to dual pricing, let us look next to the research literature of the behavioral sciences for its possible relevance. Two questions are of concern here. The first considers evidence relating to the ability of consumers to make price comparisons under current marketplace conditions. The second examines the consumer priority assigned to price as a criterion in purchase decisions. Both questions are central to the determination of a need for dual pricing. If the research evidence should indicate that marketplace conditions do not permit consumers to compare prices effectively, one can argue that some corrective measure such as dual pricing is called for. Furthermore, if it can be demonstrated that price considerations constitute a major criterion for the shopping decisions of many consumers, then the case for corrective action becomes all the stronger.

A search of the research literature uncovered only one study bearing upon the first of these two questions. Friedman (1966) instructed 33 college-educated housewives to select the most economical package (largest quantity for the price) for each of 20 products on sale at their local supermarket. The women erred in almost half (43%) of their selections. In addition, statistically significant differences for the set of 20 products were found for the three performance measures employed in the study, and these differences reflected, at least in part, differences in packaging practices for these products.

Although these findings are suggestive of consumer difficulties in comparing prices, the limited samples of consumers (33) and stores (1) place severe limits on their generalizability to other customer populations and supermarkets. And perhaps even more critical is the questionable relevance of these findings to today's supermarket products. The data were collected in late 1964, prior to the passage of the Federal Fair Packaging and Labeling Act of 1966, thus the subsequent implementation of the mandatory and voluntary provisions of the Act may have significantly reduced the consumer confusion revealed in the study.

Turning next to an examination of behavioral science research relating to the question of the priority assigned by consumers to price considerations in their purchase decisions, we find several indications that price contributes significantly to these decisions. A factor analytic study by Becknell and Maher (1962) revealed that pricing is one of five principal factors in determining the customer image of a food retailer. A second study, using the same statistical technique, found that cost of food was the most important of seven identified factors underlying the food-buying decisions of housewives (Trier, Smith, and Shaffer, 1960). Stone (1954), in an earlier sociological study of a sample of Chicago women, identified four types of shoppers based on their orientation toward retail stores. It is of interest to note that not only did the "economic shopper" constitute one of Stone's four categories, but it also accounted for more respondents (33%) than any of the other three.

The strong consumer interest expressed in price considerations in the three studies suggests that consumers are knowledgeable about the prices of commonly purchased grocery products. However, the *Progressive Grocer Colonial Study* (1964) of Colonial Store shoppers found that less than 40% of the respondents could make accurate estimates (within 5%) of the prices of highly advertised grocery products. This finding, together with that of Stone's, suggests that most consumers are not primarily concerned with price in making purchase decisions.

While this brief review of the research literature has not answered our two earlier-posed questions, it has provided an essential starting point for further research. Taken together, these several studies suggest that price plays a significant role in the purchase decisions of many (if not most) consumers, and for a substantial minority (perhaps a third), it plays a primary role. Whether or not these consumers are able to make effective use of price information under current marketplace conditions remains an open question.

The present series of studies attempts to shed additional light on our two questions by examining consumer reaction to an experimental dual-pricing system, and by determining the effects of certain pricing and packaging practices on the consumer's ability to make accurate price comparisons.

Study 1: Consumer Reaction to Dual Pricing

The two supermarkets selected by Safeway for the pilot pricing program were large modern stores. The inner-city store had a floor space area of 14,000 square feet. Its suburban counterpart extended over a 15,000 square-foot area. The inner-city store had no supermarket competition in the neighboring area, while the suburban store was located near two large supermarket competitors.

Dual-price labels were introduced in each of these stores for almost half of its 7,000 items. Four lines of computer-printed information appeared on each label. Each line was printed with 3/16-inch-high, upper-case characters. The first line presented, for each package, the associated quantity, brand, and product type (e.g. 20 OZ. HEINZ KETCHUP). The second line consisted of the words "EACH PRICE", which were followed by the posted price of a single package of the product. The third line contained the words, "PRICE PER POUND OR PINT", followed by the appropriate figure (rounded to the nearest whole cent) for the package. Finally, the fourth line, which was separated from the others by a dotted line, listed information for use by store personnel. The left side contained the words "UNIT PACK", followed by a two-digit number, and the right side, the words "ITEM CODE" followed by a five-digit number. A typical format appears below:

13-OZ. PLANTERS COCKTAIL PEANUTS:
EACH PRICE_______________________ 0.69
PRICE PER POUND OR PINT______ .85
. . . .
Unit pack, 12. Item code, 10129.

In most instances, the price label was attached to the rim of the supermarket shelf, immediately below the associated package type. For some products however, different presentation modes were employed. For example, frozen food labels were placed immediately above the frozen food bins, and packaged bread labels were posted on a single chart which was placed near the store location for this product.

The dual-price labels were placed in the inner-city store in late September of 1969, and in the suburban store in early December of the same year. Hostesses were employed by

Safeway to orient each store's customers to the concept of dual-pricing and the potential benefits to be realized by its use. The hostesses, who were trained by a Safeway home economist, used a number of comparative pricing demonstrations which illustrated the savings to be realized by purchasing large packages. The hostess orientation program was in operation for twelve weeks in the inner-city store and for three weeks in the suburban store.

Study Design

After the dual-pricing program had been in effect for 29 weeks in the inner-city store, and 21 weeks in the suburban store, a survey of consumer response was undertaken. In an effort to secure a representative sample of customers, in-store interviews were conducted in each store throughout the 72-hour week (9 a.m. to 9 p.m., Monday through Saturday) during which the store was open. The number of interviews conducted during each of the 72 hour periods was based upon an estimate of the traffic flow through the store during the period. The estimate was derived from an hourly traffic count made in each store (by noting cash-register transaction numbers at the end of each hour) during a typical shopping week.

With this information in hand, each twelve-hour store day was partitioned into six two-hour periods and a decision made as to whether the traffic count for each of these periods was light, moderate, or high. Moderate traffic periods had counts which were, on the average, twice as high as light traffic periods, and high traffic periods averaged three times higher than light ones. Two interviewers were scheduled for each light two-hour period, four interviewers for each moderate two-hour period, and six interviewers for each high two-hour period. By using this procedure, the total assigned interviewer hours for each store approximated 200 hours, and minor adjustments in each store schedule were made to obtain an exact figure of 200 in each case.

This procedure worked reasonably well in reflecting the traffic patterns for the two stores. Indeed, when frequency distributions (in percentage form) were constructed for the traffic counts and assigned interviewer hours, both by day of week and time of day (the two-hour time periods), it was found that the corresponding entries were in close agreement, usually differing by less than 1%. For example, 15.7% of the customers in the suburban store shopped on Monday (according to the traffic count data), and 16.0% of the 200 interview hours for that store were assigned to Monday.

The survey design called for five interviews per hour (one every twelve minutes) for each of the 200 interviewer hours, or a total of 1,000 interviews for each of the two stores. Three weeks were devoted to data collection in each store.

The Interview Schedule

After pre-testing several preliminary interview schedules in the test stores, a three-page form (presented in Appendix A) was adopted and employed to secure customer reaction to the dual-pricing program. To facilitate the later processing of the collected data, the interview questions were printed on Digitek sheets (type DS 2966), provided by the Optical Scanning Corporation of Newton, Pennsylvania. These sheets contain rows and columns of blue rectangular boxes in which the interviewers recorded answers to the closed-end questions in the interview schedule. Answers to open-end questions were recorded verbatim on spaces provided on the Digitek sheets, and these responses were later coded by the investigator and entered in special spaces provided on the Digitek sheet. After all Digitek sheet entries had been made and checked, the sheets were run through an OPSCAN Optical Reader and Card Punch, which automatically punched one IBM card for each sheet.

The three pages of the interview schedule are described below.

Page 1. The first page of the interview schedule asked whether the respondent had noticed the dual-price labels, and, if so, whether she had understood them. For those who had noticed the labels, this page further inquired into whether they had used them in the last month. Finally, users were asked if the labels had been helpful to them and in what ways.

Page 2. The second page of the interview schedule contained questions relating to label use in shopping for specific products. These questions were asked only of label users and dealt with 16 *test products* (products which the store had dual priced) and two *control products* (products which the store had not dual priced). Questions relating to the two control products were asked of all label-user respondents. The sixteen test products were split into two groups of eight, and half of the label-users were asked about each group. To accomplish this, two forms of the second page were constructed (Forms A and B), each of which asked about customer usage of the dual-price labels, in shopping, for one set of eight test products and both control products. Depending on the form of its second page, each interview schedule was designated "A" or "B". A and B schedules were then arranged in alternating order (on an odd-even basis) and administered to respondents in this sequence.

The same questions were asked for all test and control products. In each instance, respondents were first asked if they buy the product at the test store. If they responded in the affirmative, they were further asked if they had used the dual-price labels to compare the costs of different brands and sizes of the product. If they reported having used the labels to compare different package sizes, they were asked if, as a result of using label information, they had switched to a larger or smaller size of the product. If they reported having used the labels to compare different product brands, they were asked if, as a result of using label information, they had switched brands, and if so, to name the old and new brands purchased. The brands named were subsequently coded into store and non-store categories.

The set of 16 test products employed in the study consisted of canned peaches, canned peas, catsup, corn flakes, family flour, frozen orange juice, granulated sugar, instant coffee, liquid bleach, liquid detergent, mayonnaise, peanut butter, powdered detergent, soft drinks (cola), solid shortening and tomato juice. These products had the following characteristics in common:

1. The various packages of the product are sold in weight or volume measures.

2. Two or more package sizes of the product were sold at the test supermarkets.

3. At least one store brand and one non-store brand of the product were sold at the test supermarkets.

4. These brands appeared to be comparable with regard to the nature of their contents. Thus the many varieties of dry cereals were not included in the study due to the wide differences among them; however, one variety of dry cereals, namely corn flakes, was included since the various brands of this product appeared comparable.

5. The product appeared to be widely used by American consumers.

6. The product was a significant contributor to total supermarket sales, both in inner-city and suburban areas. (See the *Progressive Grocer Colonial Study* (1964) and Linden (1965) for a listing of the contributions of the test products to total sales for a southeastern regional chain and for central-city and urban-fringe areas of the United States.)

Finally, a characteristic not of any one product, but of the whole set of test products, was that they appeared to constitute a balanced representation of the packaged products which are sold in American supermarkets in weight or volume measures. (There was one major exception to this statement: drug and cosmetic products, such as mouthwash, shampoo, and toothpaste, were not dual priced in the two Safeway stores, and thus not included in the set of test products.)

The two control products included in the study (potato chips and toothpaste), although excluded from the dual-pricing programs of the two stores, shared all of the six above-listed characteristics in common with the 16 test products.

The ten Form A products were potato chips, liquid detergent, canned peaches, corn flakes, peanut butter, toothpaste, granulated sugar, tomato juice, instant coffee, and liquid bleach. The ten Form B products were potato chips, powdered detergent, canned peas, solid shortening, frozen orange juice, toothpaste, family flour, catsup, soft drinks (cola), and mayonnaise. To control for possible order effects (e.g. sensitization or fatigue) in the presentation of the questions for the two lists of products, each list was arranged in ten different orders and each order was administered to about 10% of each sample of respondents. The ten product orders constituted a simple Latin-Square experimental design (Federer, 1955) in which each product was presented in each ordinal position an equal number of times.

Page 3. The third page of the interview schedule was concerned primarily with such demographic information as sex, age, race, income, and education. In addition, other questions were also included which related more specifically to the supermarket setting for the study (e.g. frequency of shopping).

Interviewing Procedure

The interviewing phase of the study was conducted under the supervision of Dr. Ken Cook of Century Research Corporation. For each of the five interviews planned for an interviewing hour (at twelve-minute intervals, starting on the hour), the interviewer was instructed to position herself at the inside entrance of the test store and, after waiting ten seconds, approach the first shopping party entering the store containing at least one adult (18 or over as estimated by the interviewer). Next, she identified herself as an employee of Century Research Corporation (she wore a name tag with her name and the corporate name to confirm this), and informed the prospective respondent that Century Research Corporation was conducting a survey to learn about the grocery shopping habits of people in the area. The prospective respondent was further told that the survey results would be used to help improve our understanding of the needs of shoppers like herself.

After this brief introduction, the interviewer simply stated, "I would like to ask you a few questions," and then paused for a brief moment to see if the prospective respondent objected to being interviewed. If no objections were raised, two screening questions were asked of the prospective respondent:

1. Who does most of the grocery shopping for your household?

2. Since last year at this time, have you been doing most of your grocery shopping at this store?

If the prospective respondent identified herself as the principal grocery shopper for her household, and further claimed that over the last year she had been doing the bulk of her grocery shopping at the test store, then the interviewer turned immediately to the first question on the interview schedule. If, on the other hand, the prospective respondent either refused to be interviewed or provided disqualifying answers to the two screening questions, the interviewer discontinued her questioning and thanked the prospective respondent. After the prospective respondent had departed, the interviewer noted, on a form provided for this purpose, the particulars of the non-interview, including the reason for its occurrence (if known) and the characteristics of the prospective respondent (sex, race, and estimated age). Once having made these notations, the interviewer, in an effort to locate a replacement for the missed interview, returned to the store entrance and awaited the next prospective respondent. Since the interview usually lasted two-to-seven minutes (depending primarily on whether or not the respondent had used the dual-price labels), there was usually ample time to secure a replacement interview before the next scheduled interview was to begin.

If an interview was begun but not completed (usually because the respondent could not spare the time to answer all the interview questions), the interviewer followed the same procedure as for non-interviews; i.e., she noted the particulars of the incompleted interview on a special form and returned to the store entrance in an effort to locate a replacement for the incompleted interview.

Interviewer Selection, Training, and Supervision

Since it was readily apparent from Safeway market research data (and from causal observation as well), that the customer population of the inner-city store was almost exclusively Negro and that that of the suburban store was almost exclusively white, it was decided to employ Negro interviewers in the inner-city store and white interviewers in the suburban store, in the expectation that better interviewer-respondent rapport would be the result. Six female Negro interviewers were recruited from Washington-area colleges for employment in the inner-city store, and a like number of female white interviewers, from a Century Research Corporation interviewer pool, were assigned to the suburban store. The interviewers were given three half-days of training which included an orientation to interviewing, familiarization with the study objectives and interview schedule, and in-store practice interviews. Telephone checks were made on the information recorded by the interviewers in an attempt to verify data authenticity and, with one exception, the checks revealed no inconsistencies.

Results

This section considers the character and representativeness of the obtained samples, the respondents' answers to the dual-price-label interview questions, and certain multivariate analyses of the relationships between demographic variables and respondent utilization of the dual-price labels.

Sample Character and Representativeness

Due to a number of factors (refusals, nonqualifying interviewees, missed interviewer assignments, and incompleted interviews) the 1,000 respondent quota for each test store was not realized. Instead, 803 interviews were secured in the inner-city store and 879, in the suburban store. Several of these were eliminated from the analysis due to missing data on the dual-price-label usage questions, leaving totals of 798 and 878, respectively for the inner-city and suburban stores.

How representative were these samples of the customer populations of the two supermarkets? Looking first at Tables 1 and 2, which present, for the expected sample (traffic counts) and the obtained sample (completed interviews), the frequency distributions (in percentage form) over days of the week and intra-day time periods, we find that in most instances the two distributions are in fairly close agreement. However, as a check on the possible effects of the percentage differences between the expected and obtained sample distributions on respondent utilization of the dual-price labels (the critical dependent variable for the study), two additional analysis were made. First, the percentage of label users was calculated for each day of the week and the resulting figures were applied to the daily traffic-count data to obtain an expected percentage of users for each test store. The expected percentages of users for the inner-city and suburban stores (24.7% and 37.6%, respectively) were in close agreement with the obtained percentages of users for these stores (24.8% and 37.6%). When a second set of expected percentages was calculated, based this time on usage over the four intra-day time periods listed in Table 2, a similar result obtained. (The expected value for the inner-city store (24.8%) is the same as the obtained value for this store, while the suburban store expected value (37.5%) is just .1% below its obtained value.) Thus it would seem that the departures of our sample distributions over inter-day and intra-day periods from the expected distributions over these time periods did not result in a biased picture of respondent reaction to the dual-price labels.

TABLE 1.—PERCENTAGE DISTRIBUTIONS OF TRAFFIC COUNTS AND COMPLETED INTERVIEWS BY DAY OF WEEK FOR THE INNER-CITY AND SUBURBAN STORES

	Inner-city store		Suburban store	
	Traffic count	Completed interviews	Traffic count	Completed interviews
Day of week:				
Monday	12.3	13.2	15.7	15.5
Tuesday	13.6	10.4	13.7	13.7
Wednesday	13.3	14.3	13.8	14.8
Thursday	14.8	14.4	14.7	15.0
Friday	18.7	17.2	19.3	17.1
Saturday	27.4	30.6	22.8	23.9
Total	100.0	100.0	100.0	100.0

Note: Entries may not add to totals due to rounding.

TABLE 2.—PERCENTAGE DISTRIBUTIONS OF TRAFFIC COUNTS AND COMPLETED INTERVIEWS BY 3-HOUR DAILY PERIODS FOR THE INNER-CITY AND SUBURBAN STORES

	Inner-city store		Suburban store	
	Traffic count	Completed interviews	Traffic count	Completed interviews
Time period:				
9 to 11:59 a.m	17.5	23.9	19.2	18.6
12 to 2:59 p.m	23.1	20.3	24.5	22.9
3 to 5:59 p.m	33.1	29.3	33.2	33.0
6 to 8:59 p.m	26.3	26.4	23.0	25.5
Total	100.0	100.0	100.0	100.0

Note: Entries may not add to totals due to rounding.

Three other possible sources of sample bias were examined using the non-interview and incompleted interview sheets filled out by the interviewers. In the inner-city store, 432 interviews were not conducted due to the no-eligibility of the prospective respondents with regard to the two screening criteria (principal shopper for household and test-store shopping over the past year). An additional 301 prospective respondents in the inner-city store either refused to be interviewed or refused to complete the interview once it had begun. (Some of these in the former group may have been eliminated anyway, had the screening questions been asked of them.)

Data for the 301 non-respondents were pooled with the data for the 798 inner-city store respondents and an expected percentage of label users was computed for the three variables (age, sex, and race) for which information was collected on the non-interview and incompleted interview sheets. For each variable, the expected percentage was calculated using the actual percentages of usage obtained for respondents at the various levels of each variable. The question of concern in these analyses is whether the percentage of label users is likely to have been different had the non-respondents been included in the sample. The expected percentages for age, sex, and race (24.5%, 24.9% and 24.5%, respectively) differed only fractionally from our obtained value of 24.8%. When a similar analysis was performed on the pooled sample for the suburban store (269 non-respondents and 878 respondents), the resulting figures for age, sex, and race (37.8%, 37.5%, and 37.8%) also differed little from the obtained value of 37.6%.

As a result of these comparisions, it would appear that, although each of the two samples differed from its target population on the five variables for which information was available (the two temporal variables and the three demographic variables), these differences did not seriously affect respondent utilization of the dual-price labels. Thus, in the analyses which follow, the data are not weighted on any of these variables.

Demographic Composition of the Two Samples

As indicated in Table 3, the two respondent samples differed considerably on almost all of the listed demographic variables, and most markedly on racial composition. As compared to their inner-city-store counterparts, the suburban-store sample contained a larger proportion of the following groups: whites, females, the married, the middle-aged, and the college-educated. And the households they represent were more often medium in size (two to four occupants), high in income, and with a respondent's spouse as the chief wage earner.

TABLE 3.—DEMOGRAPHIC CHARACTERISTICS OF THE TEST STORE SAMPLES

[Percent]

Variable	Inner city (N equals 798)	Suburban (N equals 878)
Sex:		
Male	42.9	16.2
Female	56.8	83.7
No response	.4	.1
Total	100.0	100.0
Age:		
Under 30	29.7	20.5
30 to 39	18.5	18.6
40 to 49	19.2	24.5
50 to 59	12.7	19.6
60 to 69	11.5	11.2
70 or above	7.6	5.1
No response	.8	.6
Total	100.0	100.0
Race:		
Negro	96.1	5.0
White	1.3	94.1
Other	2.4	.8
No response	.3	.1
Total	100.0	100.0
Marital status:		
Married	48.9	77.9
Single	29.1	9.8
Separated	7.6	.9
Divorced	4.8	3.9
Widowed	9.6	7.5
No response	.1	0
Total	100.0	100.0
Education (highest level):		
0 to 8 years	18.8	3.5
9 to 11 years	21.6	6.0
High school graduate	28.1	32.5
Some college	18.4	26.7
College graduate	12.5	30.5
No response	.6	.8
Total	100.0	100.0

See footnotes at end of table.

TABLE 3.—DEMOGRAPHIC CHARACTERISTICS OF THE TEST STORE SAMPLES—Continued

[Percent]

Variable	Inner city (N equals 798)	Suburban (N equals 878)
Household size:		
1	22.3	11.5
2	23.3	32.0
3	14.5	19.9
4	12.3	20.3
5	9.8	9.1
6 or more	17.2	6.8
No response	.6	.3
Total	100.0	100.0
Household income:		
Under $1,000	4.5	.3
$1,000 to $1,999	5.5	.8
$2,000 to $2,999	6.0	.9
$3,000 to $3,999	6.3	1.8
$4,000 to $4,999	6.5	1.1
$5,000 to $5,999	8.8	2.8
$6,000 to $7,499	10.0	4.6
$7,500 to $9,999	14.8	12.9
$10,000 to $14,999	12.2	24.1
$15,000 to $24,999	6.0	23.6
$25,000 or more	1.6	11.5
No response	17.8	15.5
Total	100.0	100.0
Chief wage earner for household:		
Respondent	63.2	37.1
Spouse	23.9	59.7
Other	12.0	2.4
No response	.9	.8
Total	100.0	100.0
Employment status of chief wage earner:		
Employed	68.8	86.3
Out of work	14.0	1.6
Retired	13.9	9.8
No response	3.3	2.3
Total	100.0	100.0

Note: Entries may not add to totals due to rounding.

In addition to these substantial variable-by-variable differences in the two samples, an overall impression of greater homogeneity in demographic composition clearly emerges for the suburban-store group. For example, the large majority of the suburban-store respondents were female (83.7%), while the inner-city-store respondents were composed of roughly half males (42.9%) and half females (56.8%). Similarly, almost all of the chief wage earners for the suburban-store households were employed (86.3%), while a lesser majority (68.8%) enjoyed this status in the inner-city-store sample. Greater demographic homogeneity for the suburban-store sample is also evident for the variables of marital status, education, household size, and household income. Taken together, these findings suggest that many members of the suburban-store sample were married women whose households conform well with the popular notion of the affluent suburban family (i.e., a well-educated, young-to-middle-age wife, an employed husband in a high-paying position, and one or more children). These families would appear to differ from American suburban families at large by having higher levels of income and education. (About a third of the married respondents (31.8%) indicated that they were college graduates, and of the subsample of married respondents who reported household income figures, almost half (49.1%) specified a value at or above $15,000.) In light of the fact that the Washington area employs an unusually large number of professional and technical personnel, many (if not most) of whom live in the neighboring Maryland and Virginia suburbs, these high levels of education and income are not surprising.

As we look next at the composition of the inner-city-store sample, we note that its greater demographic heterogeneity is not unexpected. This sample contains large numbers of low-income households (of those who reported household income information, 35.0% are under $5,000), and demographic heterogeneity has been a common finding for such households (Richards, 1969). Nevertheless, the fact that almost half of our respondents were male (all of whom had indicated that they were the principal shoppers for their households), does seem surprising. As a group, the inner-city-store males were younger (35.1% under 30), better educated (38.1% had attended college), and more often single (42.3%) than the inner-city-store females (for whom the corresponding values are 26.2%, 25.6%, and 19.7%, respectively). The proximity of the inner-city store to Howard University suggests that many of these men may have been single students or instructors either living in the local area, or living elsewhere but shopping at this store because of its convenient location.

Turning now to a consideration of the income levels for the inner-city store sample, we find that even though many respondents reported extremely low household incomes, the sample as a whole did not. Indeed, the incomes reported were substantially above the poverty levels one usually associates with inner-city ghetto populations. Of those respondents who reported household income, 42.1% indicated figures at or above $7,500. Likewise, the fact that 30.9% of the respondents reported having attended college hardly suggests a low-income, inner-city population.

It would appear then that the two stores selected by Safeway as the test vehicles for the dual-pricing experiments were frequented by customer populations which were considerably above the average for their geographical-area types (inner-city and suburbs) on the two variables of education and income.

TABLE 4.—RESPONDENT REACTION TO DUAL-PRICE LABELS IN THE TEST STORES

[Percent]

Dual-price-label questions	Inner-city store	Suburban store
In the past few months have you noticed price labels like these (sample labels) on the shelves of this store? [1]		
Yes	51.6	59.7
No	48.2	39.2
Uncertain	.1	1.1
Total	100.0	100.0
Have you ever used the price-per-pound-or-pint information on the new price labels while shopping? [2]		
Yes	48.1	63.0
No	51.9	36.8
Uncertain	0	.1
Total	100.0	100.0
Have you used the price-per-pound-or-pint information while shopping here in the last month? [3]		
Yes	91.9	91.2
No	7.1	7.0
Uncertain	1.0	1.8
Total	100.0	100.0
Has the price-per-pound-or-pint information been helpful to you while shopping? [3]		
Yes	83.8	91.2
No	12.1	1.8
Uncertain	3.5	7.0
No response	.5	0
Total	100.0	100.0

[1] N equals 798 for the inner-city store and 878 for the suburban store.

[2] N equal subset of respondents who reported they had noticed the dual-price labels (412 for the inner-city store and 524 for the suburban store).

[3] N equals subset of respondents who reported they had used the dual-price labels (198 for the inner-city store and 330 for the suburban store).

Note: Entries may not add to totals due to rounding.

Respondent Reaction to the Dual-Price Labels

Table 4 presents the respondents' answers to four interview questions dealing with the dual-price labels. In posing the first listed question, which asked if the respondent had noticed the labels, the interviewer presented the respondent with a card with five sample labels. (An earlier form of this question, which simply specified "new price labels", and did not utilize the sample-label card to illustrate what was meant, proved to be ambiguous to many respondents in the pretesting phase of the study; thus it was decided to rephrase the question and employ sample labels in an effort to assure that the "new price labels" referred to were indeed the dual-price labels.) As shown in Table 4, about 50% of the inner-city-store respondents and 60% of the suburban-store respondents reported having noticed the labels.[1] These respondents were asked an additional question about the labels (Could you tell me about the new price labels—what they are and how they are to be used?), in an effort to determine whether they understood their contents and function. 60.8% of the inner-city-store subsample which reported having noticed the labels, and 79.7% of their suburban-store counterparts were able to articulate an answer to this question which accurately described the contents and/or function of the dual-price labels. The remainder of these subsamples either responded with inadequate descriptions (17.2% in the inner-city store and 6.0% in the suburban store) or simply reported that they did not know the answer (22.0% in the inner-city store and 14.2% in the suburban store). As a further, practical test of their understanding of the dual-price labels, these subsamples of respondents were asked the item price and price-per-pound for a sample label. Almost all of the respondents to whom these questions were posed answered correctly. (The percentages for the item-price question in the inner-city and suburban store were 93.7 and 93.6, respectively; for the price-per-pound question, the corresponding figures were 91.9 and 92.4.) Thus it would seem that most of the respondents who reported having noticed the dual-price labels had some understanding of their contents and/or intended use, and that in addition, they knew how to use (at least minimally) the label information.

Turning now to the second question in Table 4, which examines label usage by the two samples, we find that 48.1% of the inner-city-store subsample which reported having noticed the labels and 63.0% of the equivalent suburban-store subsample reported that they had used the dual-price labels. For the total store samples, the reported usage figures which result are 24.8% for the inner-city store and 37.6% for the suburban store.

As a check on the validity of the responses to the label-usage question, an analysis was lent suburban-store subsample reported users and non-users to the three questions relating to the understanding of label contents and function. If their reports are valid, one would expect respondents who claimed to have used the labels to have had a better understanding of these factors than respondents who claimed they had not. This expectation is supported by the data. A substantially higher proportion of reported users than non-users in the inner-city-store sample (78.5% versus 45.5%) and in the suburban-store sample (92.7% versus 61.5%) provided accurate descriptions of the contents and/or function of the dual-price labels. And similar findings obtained for the item-price question and the price-per-pound question. (99.0% of the reported label users in the suburban-store sample answered the item-price question correctly, and 98.5% of their number responded accurately to the price-per-pound question; the corresponding figures for reported non-users were 86.1% and 81.0%, respectively. For the reported label users in the inner-city-store sample, the equivalent figures are 97.0% and 97.0%, and for reported non-users, 86.5 and 81.8%.)

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[1] The percentage values reported are subject to sampling error, the magnitude of which depends jointly on the value of the reported percentage and the number of cases in the sample. As a guide to the reader, it is of interest to note that a number of economic surveys have found that if the estimated value is between 35% and 65%, the sampling error (two standard errors) is about four percentage points when 1,000 cases are employed, and about six percentage points when 500 cases are employed; if the estimated value is 10% or 90%, the sampling error is about three percentage points and four percentage points for 1,000 and 500 cases, respectively. In each instance, the chances are 95 in 100 that the estimated value lies within an interval equal to the reported percentage plus or minus the associated number of percentage points.

The question naturally arises as to why respondents who had noticed the labels had declined to use them. When this question was posed to the non-user subsamples for the two stores, a variety of reasons were offered. Of the substantive responses provided (i.e. other than "don't know" or no response), the most commonly mentioned in the inner-city store (23.0%) was that the respondent knew what brands and sizes she wanted and thus had no need to use the labels. The suburban-store, non-user respondents also mentioned this reason with high frequency (36.5%), and a smaller number (11.3%) indicated that label usage was too time-consuming.

Since it was believed possible that the dual-price labels, like many newly implemented devices, might have a novelty attraction for many shoppers which would not be sustained over the long-term, a question was included in the interview schedule that looked at label usage over the just-completed one-month period. If one makes the seemingly reasonable assumption that most of the reported label-users had first used the labels prior to the last of the several months (seven in the inner-city store and five in the suburban store) during which the labels were in the stores, then reported usage in the last month would indicate that the labels had more than short-term novelty appeal. The findings for the third question in Table 4 suggest that this is indeed the case; over 90% of the label-users in each of the two stores reported that they had used the price labels during the previous month. Interestingly, several of the relatively few respondents who had not used the labels during this period reported that they had been out-of-town and thus unable to make use of them.

The last question in Table 4 asks if the price-per-measure information on the dual-price labels had been helpful to its users. A substantial majority of each store's users answered in the affirmative, with a more uniformly positive reaction being expressed by the suburban-store respondents (91.2%, as compared to 83.8% for the inner-city-store label users). When those respondents who answered in the affirmative were asked how they had been aided by the label information, they most frequently cited the savings they had realized through its use (42.9% for the inner-city store and 37.6% for the suburban store). Also mentioned frequently was the greater ease of comparing prices (36.5% in the inner-city store and 21.5% in the suburban store). Finally, a factor reported by many suburban-store label users (21.8%) but by few inner-city store users (2.9%) was the time savings realized by having the price-per-measure prices computed by the store rather than in one's head. Respondent Utilization of the Dual-Price Labels in Shopping for Individual Products.

Tables 5 through 10 present the respondents' answers to the questions on the second page of the interview schedule, which deal with label usage for the 16 test products and two control products. We look first at respondent utilization of the dual-price labels for comparing the costs of packages of different sizes in the two test stores. Next we examine the use made of the labels in comparing the costs of different brands. In both analyses, the reported figures for the test products are adjusted for possible response biases by subtracting the corresponding figures for the two control products.

TABLE 5.—INNER-CITY-STORE RESPONDENT USE OF LABELS FOR COMPARING COSTS OF DIFFERENT PACKAGE SIZES OF VARIOUS PRODUCTS

Product type	Number[1]	Percent		
		Respondents who reported having used labels to compare costs of different sizes	Respondents who reported having changed to a larger or smaller size as a result of using the labels	
			Larger	Smaller
Test product:				
Canned peaches	43	58.1	23.3	2.3
Canned peas	42	59.5	19.0	4.8
Catsup	69	58.0	23.2	7.2
Corn flakes	49	40.8	10.2	4.1
Family flour	67	43.3	19.4	4.5
Frozen orange juice	25	68.0	36.0	0
Granulated sugar	71	32.4	8.5	0
Instant coffee	53	66.0	32.1	5.7
Liquid bleach	56	33.9	10.7	0
Liquid detergent	69	40.6	31.9	2.9
Mayonnaise	58	41.4	13.8	3.4
Peanut butter	39	41.0	10.3	17.9
Test product;—Continued				
Powdered detergent	82	59.8	35.4	0
Soft drinks (cola)	61	29.5	6.6	0
Solid shortening	43	30.2	2.3	9.3
Tomato juice	23	47.8	26.1	8.7
Control product:				
Potato chips	91	16.5	7.7	1.1
Toothpaste	108	14.8	3.7	.9
Weighted mean for test products		46.1	19.3	3.9
Weighted mean for control products		15.6	5.5	1.0
Difference		+30.5	+13.8	+2.9

[1] The number of label users who reported that they buy the product at the test store.

TABLE 6.—SUBURBAN-STORE RESPONDENT USE OF LABELS FOR COMPARING COSTS OF DIFFERENT PACKAGE SIZES OF VARIOUS PRODUCTS

Product type	Number[1]	Percent		
		Respondents who reported having used labels to compare costs of different sizes	Respondents who reported having changed to a larger or smaller size as a result of using the labels	
			Larger	Smaller
Test product:				
Canned peaches	89	49.4	19.1	1.1
Canned peas	73	37.0	9.6	1.4
Catsup	139	52.5	26.6	1.4
Corn flakes	51	37.3	15.7	3.9
Family flour	113	43.4	16.8	3.5
Frozen orange juice	104	54.8	24.0	1.0
Granulated sugar	133	39.8	12.8	0
Instant coffee	89	52.8	28.1	0
Liquid bleach	89	37.1	24.7	1.1
Liquid detergent	122	54.1	30.3	.8
Mayonnaise	133	48.9	27.8	0
Peanut butter	103	51.5	35.0	0
Test product;—Continued				
Powdered detergent	129	55.8	30.2	3.1
Soft drinks (cola)	108	30.6	14.8	.9
Solid shortening	78	51.3	20.5	3.8
Tomato juice	61	50.8	27.9	0
Control product:				
Potato chips	141	34.8	19.1	1.4
Toothpaste	123	48.8	25.2	1.6
Weighted mean for test products		47.2	23.2	1.3
Weighted mean for control products		41.3	22.0	1.5
Difference		+5.9	+1.2	−.2

[1] The number of label users who reported that they buy the product at the test store.

Inspection of Tables 5 and 6 reveals that, on the average (weighted by the number of respondents for each product), almost half of the respondent-users who purchased a test product in the test stores reported having used the dual-price labels for comparing costs of different size packages of the product (46.1% in the inner-city store and 47.2% in the suburban store). When these figures were corrected for control production responses, a substantial reduction resulted for the suburban store, but not for the inner-city store (new values of 5.9% and 30.5% respectively). For the inner-city-store sample, all 16 test products yielded higher usage values than the average of the two control products (15.6%), while for the suburban-store sample, only 11 of the 16 exceeded the control product average (41.3%).[2] Products with high scores on reported label usage for size comparisons in the two stores included catsup, frozen orange juice, instant coffee, and powdered detergent; products scoring low in both stores included granulated sugar, liquid bleach and soft drinks.

TABLE 7.—INNER-CITY-STORE RESPONDENT USE OF LABELS FOR COMPARING COSTS OF DIFFERENT BRANDS OF VARIOUS PRODUCTS

Product type	Number[1]	Respondents who reported having used labels to compare costs of different brands (percent)	Respondents who reported having changed to a new brand as a result of using labels (percent)
Test product:			
Canned peaches	43	34.9	11.6
Canned peas	42	26.2	14.3
Catsup	69	34.8	21.7
Corn flakes	49	8.2	2.0
Family flour	67	13.4	3.0
Frozen orange Juice	25	40.0	20.0
Granulated sugar	71	9.9	5.6
Instant coffee	53	28.3	17.0
Liquid bleach	56	12.5	12.5
Liquid detergent	69	10.1	5.8
Mayonnaise	58	19.0	10.3
Peanut butter	39	17.9	5.1
Powdered detergent	82	23.2	9.8
Soft drinks (cola)	61	19.7	13.1
Solid shortening	43	14.0	7.0
Tomato Juice	23	26.1	21.7
Control product:			
Potato chips	91	6.6	1.1
Toothpaste	108	0	0
Weighted mean for test products		20.0	10.6
Weighted mean for control products		3.0	.5
Difference		+17.0	+10.1

[1] The number of label users who reported that they buy the product at the test store.

TABLE 8.—SUBURBAN-STORE RESPONDENT USE OF LABELS FOR COMPARING COSTS OF DIFFERENT BRANDS OF VARIOUS PRODUCTS

Product type	Number[1]	Respondents who reported having used labels to compare costs of different brands (percent)	Respondents who reported having changed to a new brand as a result of using labels (percent)
Test product:			
Canned peaches	89	40.4	19.1
Canned peas	73	41.1	19.1
Catsup	139	47.5	20.9
Corn flakes	51	21.6	5.9
Family flour	113	40.7	11.5
Frozen orange juice	104	47.1	24.0
Granulated sugar	133	36.8	18.0
Instant coffee	89	38.2	20.2
Liquid bleach	89	30.2	11.2
Liquid detergent	122	37.7	17.2
Mayonnaise	133	37.6	10.5
Peanut butter	103	37.9	16.5
Powdered detergent	129	42.6	17.1
Soft drinks (cola)	108	16.7	8.3
Solid shortening	78	39.7	12.8
Tomato juice	61	44.3	16.4
Control product:			
Potato chips	141	23.4	7.1
Toothpaste	123	30.1	7.3
Weighted mean for test products		38.0	15.9
Weighted mean for control products		26.5	7.2
Difference		+11.5	+8.7

[1] The number of label users who reported that they buy the product at the test store.

Looking next at the actual switches in package size reported by respondents as a result of label usage, we find that, on the average, about a fifth of the respondent-users who purchased a test product (19.3% in the inner-city store and 23.2% in the suburban store) reported having changed to a larger size, while a far lesser proportion (less than 5% in each store) indicated they had switched to a smaller size. Once again we find that the control-product correction more markedly affected the suburban-store figures, yielding for the small-to-large switches, a percentage value of 1.2, which is substantially below the corresponding figure of 13.8 for the inner-city store. For the inner-city store sample, 15 of the 16 test products yielded a higher proportion of small-to-large switches than the average of the control products (5.5%); for the suburban-store sample, only 9 of the 16 exceeded the control product average (22.0%). Products for which small-to-large switches were reported frequently by both samples included liquid detergent, powdered detergent, and instant coffee; products with few such reports in the two stores included corn flakes, granulated sugar, and soft drinks.

As we turn to an examination of respondent utilization of the dual-price labels for comparing the costs of different brands, we find a sizable difference in the reports of the two samples (Tables 7 and 8). On the average, a fifth of the respondent-users who purchased a test product in the inner-city store reported having used the labels for brand comparisons, while the corresponding figure for the suburban store (38%) was almost twice as high. However, as was true for the size comparisons, the control product correction was considerably greater for the suburban-store sample, and thus the adjustment for this sample yielded a far smaller value (11.5%), which is several points below the inner-city-store adjusted value of 17.0%. Nevertheless, for the suburban-store sample, almost all of the test products (14 of 16) yielded higher usage values than the control product average; for the inner-city-store sample, all 16 test product values were above their control product average. Products which scored high on reported label usage for brand comparisons by the two samples included canned peaches, catsup, and frozen orange juice; one product, corn flakes, scored low in both samples.

The last column in Tables 7 and 8 lists the percentage of purchasers of each product who reported that they had changed brands as a result of using the dual-price labels. The adjusted values reported by the two samples were around 10% (10.1 for the inner-city store and 8.7 for the suburban store) and with one exception (corn flakes in the suburban store), all of the test products yielded higher percentage values than their store's control product average. Once again, catsup and frozen orange juice scored high in both samples, and corn flakes scored low.

Those respondents who reported brand changes resulting from label usage were asked to identify both the new and the old brand in each instance. These responses were coded into store and non-store categories and frequency counts made for the four possible sequences of brand change. The results of this analysis are presented in Tables 9 and 10. They reveal that few brand changes were reported by either sample, but of those reported, the non-store-to-store category was most frequently marked (an adjusted value of approximately 5% for each of the two stores). Products exhibiting a high frequency of response for this category included catsup, liquid bleach, and tomato juice; once again, corn flakes was well below the test product average for each sample.

TABLE 9.—BRAND CHANGES REPORTED BY INNER-CITY-STORE RESPONDENTS

Product type	Number[1]	Nature of brand change (percent)			
		Store to store	Store to nonstore	Nonstore to store	Nonstore to nonstore
Test product:					
Canned peaches	43	2.3	2.3	0	0
Canned peas	42	0	4.8	4.8	4.8
Catsup	69	0	2.9	13.0	4.3
Corn flakes	49	0	0	0	0
Family flour	67	0	0	0	1.5
Frozen orange juice	25	8.0	4.0	4.0	0
Granulated sugar	71	0	0	5.6	0
Instant coffee	53	1.9	0	7.5	7.5
Liquid bleach	56	0	0	12.5	0
Liquid detergent	69	0	0	0	1.4
Mayonnaise	58	0	3.4	1.7	3.4
Peanut butter	39	0	0	0	2.6
Powdered detergent	82	0	2.4	4.9	2.4
Soft drinks (cola)	61	0	3.3	8.2	1.6
Solid shortening	43	0	0	2.3	2.3
Tomato juice	23	0	4.3	8.7	8.7
Control product:					
Potato chips	91	0	0	0	1.1
Toothpaste	108	0	0	0	0
Weighted mean for test products		.5	1.5	4.7	2.4
Weighted mean for control products		0	0	0	.5
Difference		+.5	+1.5	+4.7	+1.9

[1] The number of label users who reported that they buy the product at the test store.

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[2] Statistical tests of significance were not conducted for any of the response differences between test and control products. Since the groups which purchased each product overlapped in membership, their responses did not conform to either of the two standard statistical models for such comparisons (i.e., one for completely independent samples and one for completely related samples).

TABLE 10.—BRAND CHANGES REPORTED BY SUBURBAN-STORE RESPONDENTS

		Nature of brand change (percent)			
Product type	Number [1]	Store to store	Store to nonstore	Nonstore to store	Nonstore to nonstore
Test product:					
Canned peaches	89	0	0	11.2	0
Canned peas	73	0	1.4	9.6	4.1
Catsup	139	.7	0	10.8	3.6
Corn flakes	51	0	0	2.0	0
Family flour	113	0	0	3.5	.9
Frozen orange juice	104	2.9	1.0	8.7	0
Granulated sugar	133	0	.8	15.8	0
Instant coffee	89	2.2	0	3.4	6.7
Liquid bleach	89	1.1	0	9.0	0
Liquid detergent	122	0	0	5.7	5.7
Mayonnaise	133	0	.8	6.0	0
Peanut butter	103	1.0	1.0	8.7	1.9
Powdered detergent	129	0.8	0	5.4	7.8
Soft drinks (cola)	108	0	0	5.6	0
Solid shortening	78	0	0	5.1	3.8
Tomato juice	61	0	0	11.5	1.6
Control product:					
Potato chips	141	0	0	2.1	2.8
Toothpaste	123	0	0	2.4	4.1
Weighted mean for test products		.6	.3	7.8	2.4
Weighted mean for control products		0	0	2.3	3.4
Difference		+.6	+.3	+5.5	−1.0

[1] The number of label . sers who reported that they buy the product at the test store.

Summing up the results of these several analyses, we find that a substantial number of dual-price-label users reported having used the labels to compare the costs of different-sized packages for the test products which they purchased, with the average reported value for a test product being just below 50%. Of the size changes reported, small-to-large dominated large-to-small in both stores. When these findings were adjusted by the obtained values for the two control products, a sizable reduction in the proportion of users and switchers was the result for the two stores, with a much larger decrement being manifested for the suburban-store sample. Nonetheless, on all comparisons made, most of the test products for a store scored higher than the store's control product average.

Label usage to compare the costs of product brands was different for the two stores with the suburban store reporting almost twice as much usage (38%) as the inner-city store (20%). However, when these findings were adjusted, the larger correction for the suburban-store sample reversed their order, yielding values between 10% and 20% for each sample. When respondents were asked if actual changes in brand had resulted from label usage, their responses (adjusted) suggest that such changes were made by about 10% of the purchasers of a test product, and finally, that about half of these switches were made from a non-store brand to a store brand.

The Relationships Between Demographic Variables and Respondent Utilization of the Dual-Price-Labels

Two analytical tools were employed in determining how the demographic variables related to label usage. The first, Multiple Classification Analysis (MCA), is a multivariate statistical technique developed by Andrews, Morgan, and Sonquist (1967) for identifying the relationships between several predictor variables and a dependent variable. MCA provides the researcher with information concerning how each predictor variable relates to the dependent variable before and after adjusting for the effects of other predictors. In addition, it indicates the magnitude of the relationship between the total set of predictors and the dependent variable.

The second technique, Automatic Interaction Detector (AID), was developed by Sonquist and Morgan (1964) to determine how a set of predictor variables interact to account for variability on a dependent variable. The technique divides a sample, through a series of binary splits, into a mutually exclusive and exhaustive set of groups. At each step in the procedure, a group is split on one of the predictor variables. The predictor to be split, as well as the actual split itself, is chosen to maximize reduction in the variability (total sum of squares) for the dependent variable. What results from this procedure is a tree-diagram which depicts the series of splits made with respect to the various classes of the predictor variables.

For our data, the eight demographic variables listed in Tables 11 and 12 were used as the predictor variables and label usage served as the dependent variable in both the MCA and AID analyses. Several adjustments to our data were required, however, before applying these techniques. AID calls for a small number of classes for certain kinds of predictor variables, and as indicated in Tables 11 and 12, we have combined adjoining classes in several instances (age, education, and marital status) to meet this requirement. An additional adjustment concerns the "no responses", which were treated differently for each demographic variable, depending on their number. If many respondents did not provide information for a variable, they were grouped into a common class (no response) which was included in the AID and MCA analyses. If only a few failed to provide information, they were not included in either analysis. Also not included were two respondents in the suburban-store sample who reported that they were uncertain as to whether or not they had used the dual-price labels. As a result of these various adjustments, 23 cases were dropped from the inner-city-store sample and 20 from the suburban-store sample.

Predictor variables with a natural rank ordering were constrained to that ordering in the binary splitting process, except for household income and household size. In the case of income, the addition of the large class of non-responders undid the rank ordering for this predictor; for household size, the presence of an inverted U-shaped relationship between this variable and label usage (especially evident for the inner-city-store sample) prompted up to leave this variable unconstrained.

The MCA Analyses. Although the AID analyses for the two samples were conducted prior to the MCA analyses (to check on the appropriateness of the MCA model for our data), we present the results of the latter first to give the reader a summary picture of the contribution of the demographic variables (individually and jointly) in accounting for respondent usage of the dual-price labels (Tables 11 and 12). Next we examine the series of splits which constitute the AID analyses for the inner-city and suburban-store samples (Charts 1 and 2), and finally we present tabular summaries of the results of these two AID analyses (Tables 13 and 14).

As the results of the MCA analysis for the inner-city-store sample indicate (Table 11), the variables of age, education, and household income played leading roles in accounting for label usage by these respondents. The eta-square values, which indicate the proportion of the total sum of squares explainable by each demographic variable, are .04 or larger for these three predictors and all three values are statistically significant. Their effect is evidenced by the label-user percentage values listed in the second column of Table 11 which reveal a greater spread across the classes of these three variables than the other five.

TABLE 11.—RELATIONSHIPS BETWEEN DEMOGRAPHIC VARIABLES AND LABEL USAGE FOR INNER-CITY-STORE RESPONDENTS

Variable	Number	Label users (percent)	Label users adjusted (percent)	Eta square	Beta square
Sex				0.004	[1]0.006
Male	333	21.6	20.8		
Female	442	27.1	27.7		
Age				[1].041	[2].019
Under 30	233	35.6	32.5		
30 to 39	147	25.8	23.6		
40 to 49	150	23.3	23.9		
50 to 59	97	20.6	23.3		
60 to 69	92	13.0	17.0		
70 or above	56	7.1	13.0		
Marital status				[2]0.023	0.004
Married	381	27.6	24.7		
Single	228	28.9	27.8		
Widowed	73	8.2	18.5		
Other [3]	93	16.1	22.6		
Education				[2].059	[2].021
0 to 8 years	148	8.1	15.6		
9 to 11 years	166	21.7	22.5		
High school graduate	221	24.4	23.7		
Some college	142	34.5	31.4		
College graduate	98	41.8	35.1		

See footnotes at end of table.

Variable	Number	Label users (percent)	Label users adjusted (percent)	Eta square	Beta square
Household size				0.013	0.012
1	170	22.9	23.8		
2	183	30.0	30.5		
3	116	22.4	22.1		
4	96	26.0	21.4		
5	78	32.0	31.7		
6 or more	132	16.7	18.6		
Household income				[2] .049	[2] .024
Under $3,000	125	12.8	16.2		
$3,000 to $4,999	101	18.8	21.8		
$5,000 to $7,999	147	32.0	31.9		
$7,500 to $14,999	211	27.0	25.0		
$15,000 or more	59	49.1	40.3		
No response	132	18.2	20.0		
Chief wage earner				[2] 0.021	[1] 0.009
Respondent	494	20.6	22.4		
Spouse	186	35.5	32.1		
Other	95	25.3	22.5		
Employment status of chief wage earner				.010	.001
Employed	538	27.3	23.4		
Out of work	107	19.6	24.3		
Retired	106	16.0	31.7		
No response	24	29.2	27.9		

[1] $p<.05$.
[2] $p<.01$.
[3] Separated or divorced.

The predictive ability of a variable is usually reduced after a statistical adjustment is made for the effects of all other predictors; these adjusted values (beta squares) are presented in the last column of Table 11. They reveal lesser, but nonetheless considerable contributions for the age, education, and household income variables, with each value being equal to or greater than .019 (each $p<.01$). They also reveal a greater relative contribution for the household size variable (.012), but one which is still not statistically significant ($p>.05$). Finally, it should be noted that the value of the squared multiple correlation coefficient, which specifies the proportion of variance in the dependent variable explained by the total set of eight predictor variables (after adjusting for degrees of freedom), was quite low (for the inner-city-store sample ($R^2=.10$; $p<.01$). This result is not surprising, nor are the generally low eta- and beta-square values, since our choice of predictor variables was constrained to the subset for which information would be readily available in a brief in-store interview. Better candidates (variables with greater predictive effectiveness) undoubtedly exist outside this subset; they should be identified and explored in future investigations of dual-price-label usage.

As we continue now with an examination of the results of the MCA analysis for the suburban-store sample (Table 12), we note that, as was the case with the inner-city-store sample, the variables of age and education play relatively important roles in accounting for respondent utilization of the dual-price labels (eta-square values of .034 and .035, respectively; each $p<.01$). Other variables which help to explain label utilization are the size of the respondent's household, as well as the employment status of its chief wage earner (eta-square values of .025 and .028, respectively; each $p<.01$).

TABLE 12.—RELATIONSHIPS BETWEEN DEMOGRAPHIC VARIABLES AND LABEL USAGE FOR SUBURBAN-STORE RESPONDENTS

Variable	Number	Label users (percent)	Label users adjusted (percent)	Eta square	Beta square
Sex				0.000	0.002
Male	137	37.2	32.5		
Female	721	38.0	38.9		
Age				[1] .034	.010
Under 30	176	44.9	56.6		
30 to 39	162	48.1	57.1		
40 to 49	212	36.3	67.7		
50 to 59	168	36.3	61.7		
60 to 69	95	25.3	66.0		
70 or above	45	13.3	69.1		
Marital status				.004	.004
Married	670	39.5	38.2		
Single	85	32.9	33.8		
Widowed	63	30.2	45.0		
Other [2]	40	32.5	29.5		
Education				[1] .035	[1] .030
0 to 8 years	30	13.3	21.9		
9 to 11 years	51	13.7	14.2		
High school graduate	281	34.2	33.4		
Some college	231	43.3	42.7		
College graduate	265	44.5	44.8		
Household size				[1] .025	[1] .023
1	99	25.2	26.1		
2	276	32.6	33.5		
3	170	37.6	36.3		
4	176	43.7	42.7		
5	78	51.3	51.3		
6 or more	59	49.1	50.7		
Household income				[3] 0.017	0.003
Under $7,500	103	26.2	37.7		
$7,500 to $9,999	112	39.3	36.7		
$10,000 to $14,999	209	43.5	41.9		
$15,000 to $24,999	206	40.8	37.7		
$25,000 or more	100	42.0	37.8		
No response	128	28.9	32.8		
Chief wage earner				.001	[3] .007
Respondent	312	36.8	43.0		
Spouse	516.	38.9	35.1		
Other	21	28.6	28.3		
Employment status of chief wage earner				[1] .028	[3] .011
Employed	744	40.5	39.2		
Out of work	14	50.0	52.1		
Retired	83	13.2	23.5		
No response	17	64.7	63.5		

[1] $p<0.01$.
[2] Separated or divorced.
[3] $p<0.05$.

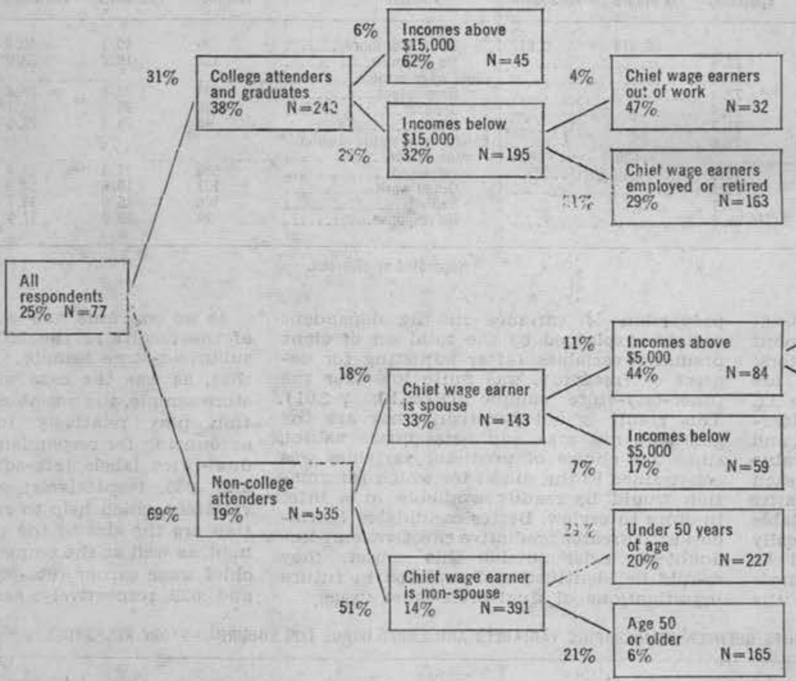
When statistical adjustments are made for the effects of other variables, household size and education continue to figure prominently (beta-square values of .023 and .030, respectively; each $p<.01$), with the remaining six variables assuming considerably lesser roles. For the set of predictors as a whole, we find an R^2 value of .06 ($p<.01$) indicating that they account for 6% of the variance on the label-usage variable.

Taken together, the two MCA analyses point to the relative importance of education (both in unadjusted and adjusted forms) in accounting for label usage by the two samples. It would appear that an understanding of the label concept and function was more readily communicated to (and perhaps appreciated by) the more highly educated members of the two samples. For the suburban-store sample, the variable of household size also assumed a significant role in accounting for respondent utilization of the dual-price labels, perhaps indicating that the greater savings potential for large households was more evident to the suburban shopper than to her less-educated inner-city counterpart. Finally, the variables of age and household income, for reasons that are not altogether clear, were important explanatory variables for the inner-city-store sample, but not for the suburban-store sample. For the latter variable, a possible explanation is that for the many elementary and high-school dropouts found in the inner-city-store sample, household income may substitute for (or supplement) formal education as a measure of their ability to understand the dual-price labels.

The AID Analyses. The results of the AID analysis for the inner-city-store sample are depicted in Chart 1. As inspection of the chart reveals, the first split of the total sample was on education, with the 240 college attenders and graduates constituting one group and the remaining 535 non-college attenders constituting the other. The powerful effect of education as a predictor is evidenced by the finding that the percentage of reported label users for the former group is twice that of the latter (38% versus 19%).

CHART 1

AID Analysis of Label Usage by Inner-City-Store Respondents



Somewhat surprisingly (from the standpoint of financial need), the next binary split of the college-educated group revealed that a larger proportion of respondents from higher-income households (above $15,000) reported having used the labels than was the case for those from lower-income households (62% versus 32%). However, this may be accounted for in part by the composition of the higher-income group. Compared to their counterparts in the low-income, college-educated group, they contained more college graduates (71% versus 34%) and more respondents from large households (24% reported five or more household occupants for the higher-income group as compared to 11% for the lower-income group). Thus it would seem that the higher-income group was more capable of understanding the dual-price labels and was in a position to benefit more from their use. The next split for the college-educated, lower-income group was made with respect to the employment status of the chief wage earner. As indicated in Chart 1, the group of respondents from households for which the chief wage earner was out of work, reported a substantially higher proportion of users than their counterparts with employed or retired chief wage earners (47% versus 29%) perhaps reflecting the severe financial strains resulting from a temporary loss of what can be presumed to be a relatively high income for this college-educated group.

Turning next to the group of non-college attenders, we find that they split on the variable of chief wage earner. A third of the respondents who reported a spouse as the chief wage earner also reported having used the dual-price labels, while a far smaller proportion of those who identified themselves or some other (non-spouse) household member as the chief wage earner, reported using the labels (14%). Why a spouse as chief wage earner should make for greater label usage for this lesser-educated group is not immediately clear although some hints at an answer may be provided by a closer look at their composition. This group of respondents is almost exclusively female (92%) while their companion group in the split (non-college attenders from households without a spouse as the chief wage earner), is half male and half female. It would seem then that the spouse-as-chief-wage-earner group conforms well to the middle-class family concept (husband employed and wife at home carrying out domestic duties which would include grocery shopping for the family). The fact that these respondents are family shoppers may account for their above-average use of the dual-price labels.

The next two splits involving this group indicate that more than half (53%) of the higher-income respondents (above $5,000) from small and middle-sized households reported that they had used the labels. Although it is not altogether clear why this group should contain so many label users, it may be that their relatively high educational level is at least partially responsible. In particular, 53% of this group were high school graduates, which is considerably above the 34% figure for the group with incomes under $5,000.

The final split of interest in Chart 1 is for the non-college attender group from households with a non-spouse as chief wage earner. This split, which was made on the age variable, revealed that relatively few respondents at or above 50 used the labels (6%). This low response seems attributable (at least in part) to the extreme position of these older respondents on the variables of education and household size, i.e., most of them had not completed eight grades of school, and an even larger majority lived alone or with one other person.

A summary of the group characteristics resulting from the AID analysis of the inner-city-store sample is presented in Table 13. This table lists the groups in descending order of label usage.

TABLE 13.—SUMMARY OF FINAL GROUP CHARACTERISTICS FOR AID ANALYSIS OF LABEL USAGE BY INNER-CITY-STORE RESPONDENTS

Group characteristics	Group	Number	Label users (percent)
College attenders and graduates from households with incomes over $15,000	1	45	62
Noncollege attenders from households with either 1, 2, 3, or 5 occupants, a respondent's spouse as chief wage earner, and an income above $5,000	2	51	53
College attenders and graduates from households with incomes below $15,000 and a chief wage earner who is out of work	3	32	47
Noncollege attenders from households with either 4, or 6 or more occupants, a respondent's spouse as chief wage earner and an income above $5,000	4	33	30
College attenders and graduates from households with incomes below $15,000 and a chief wage earner who is employed or retired	5	163	29
Noncollege attenders under age 50 from households in which the respondent is not married or, if married, the respondent's spouse is not the chief wage earner	6	227	20
Noncollege attenders from households with incomes below $5,000 and a respondent's spouse as chief wage earner	7	59	17
Noncollege attenders, age 50 or older, from households in which the respondent is not married or, if married, the respondent's spouse is not the chief wage earner	8	165	6

Turning now to an examination of the AID analyses for the suburban-store sample, we find in Chart 2 that the first split separated the respondents from households with a retired chief wage earner from all the others. Only a small minority of these 83 respondents reported having used the labels, perhaps reflecting their advanced age, lower education, and the small households which they represent. For the remaining 90% of the sample, the next split was on education, a variable which played a similarly influential role in the inner-city-store AID analysis. In particular, we find that relatively few of the 65 respondents who had not completed high school reported that they had used the dual-price labels (17%). This group was subsequently split on household size, but in a way which appears to reflect the chance fluctuations which often characterize small subsamples. Specifically, for some inexplicable reason, not one of the respondents from households with one, three, or five members reported having used the labels, and as a result, the AID procedure isolated these non-user respondents from the other respondents (from households with two, four, or six or more members). Had the several levels of household size been constrained to a rank ordering, this split would not have occurred.

Having explored the two "twigs" of the AID tree (the 83 respondents from households with retired chief wage earners, and the 65 elementary and high-school dropouts), let us look next at the "trunk" which is left (the 710 remaining respondents). Household size, the AID-selected variable in the next split for this group, separated them into a large-household subgroup, about half of whom were users, and a small-household subgroup about a third of whom were users. The final split for the small-household respondents is on the age variable with fewer respondents 40 or older having reported using the labels than those under 40 (30% versus 45%). The under-40 group besides being younger, contained fewer non-college-educated respondents than the 40-or-older group (26% versus 35%).

The final split for the larger-household respondents was on the variable of education. Here we find slightly more than half (53%) of the college attenders and graduates reporting they had used the labels, and less than half (38%) of the non-college attenders indicating that they had done so.

To sum up the results of the two AID analyses, they both reveal influential roles for age, education, household size, and employment status in accounting for label utilization by the respondents. Also disclosed are the effects of household income and chief wage earner for the inner-city-store sample.

DISCUSSION

In examining the results of any behavioral research study, it is well to ask about possible sources of invalidity. Often, in doing so, a distinction is made between internal and external validity. The first is concerned with whether a study result can be explained away as an artifact of measurement.

CHART 2

AID Analysis of Label Usage by Suburban-Store Respondents

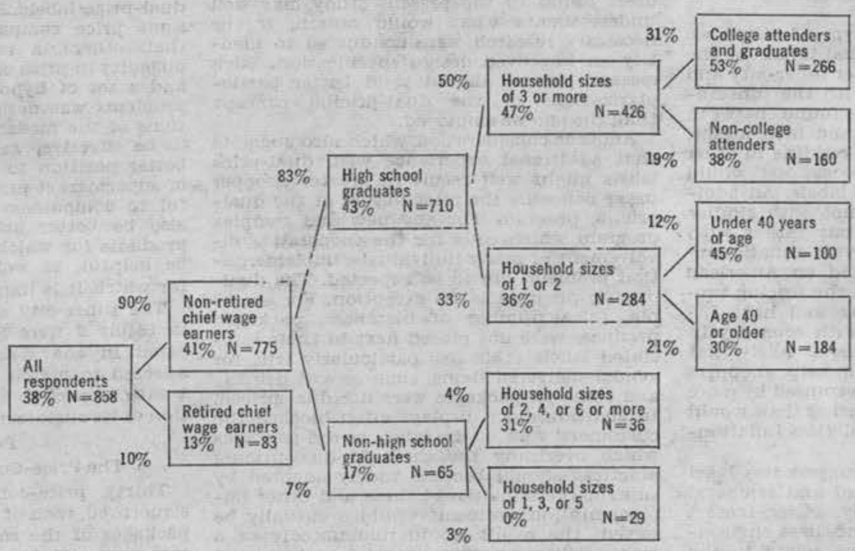

All respondents 38% N=858
90%
Non-retired chief wage earners 41% N=775
10%
Retired chief wage earners 13% N=83
83%
High school graduates 43% N=710
7%
Non-high school graduates 17% N=65
50%
Household sizes of 3 or more 47% N=426
33%
Household sizes of 1 or 2 36% N=284
4%
Household sizes of 2, 4, or 6 or more 31% N=36
3%
Household sizes of 1, 3, or 5 0% N=29
31%
College attenders and graduates 53% N=266
19%
Non-college attenders 38% N=160
12%
Under 40 years of age 45% N=100
21%
Age 40 or older 30% N=184

TABLE 14.—SUMMARY OF FINAL GROUP CHARACTERISTICS FOR AID ANALYSIS OF LABEL USAGE BY SUBURBAN-STORE RESPONDENTS

Group characteristics	Group	Number	Label users (percent)
College attenders and graduates from households with 3 or more occupants and a nonretired chief wage earner	1	266	53
High school graduates, college attenders, and college graduates, under 40, from households with 1 or 2 occupants and a nonretired chief wage earner	2	100	45
High school graduates from households with 3 or more occupants and a nonretired chief wage earner	3	160	38
Nonhigh school graduates from households with 2, 4, or 6, or more occupants and a nonretired chief wage earner	4	36	31
High school graduates, college attenders, and college graduates, age 40 or older, from households with 1 or 2 occupants and a nonretired chief wage earner	5	184	30
Respondents from households with a retired chief wage earner	6	83	13
Nonhigh school graduates from households with 1, 3, or 5 occupants and a nonretired chief wage earner	7	29	0

The second is concerned with the question of generalization of the findings of the study beyond the study setting. Let us examine our findings with respect to each of these criteria.

The Internal Validity of the Findings

Field studies are often plagued with problems of control and this one is no exception. However, above and beyond these customary control problems, the present study was affected by certain others which resulted from the fact that the study was designed after the dual-pricing program was initiated in the two test stores. As a result of this design delay, no opportunity was presented to select test stores to represent their geographical areas or to conduct before and after sales audits for the various sizes and brands of the test product packages. The store movement data available for these items (which provided a historical record of the quantity ordered for each store), was a poor substitute, since it did not indicate when these packages were sold or at what price. Furthermore, the quantity ordered reflects other factors besides customer purchases, such as individual differences in judgment for the supermarket clerks who place the orders. (What one may consider a sufficient inventory or an adequately stocked shelf, another may not.) An additional problem arose with the occurrence of a trucker's strike in the summer of 1969—a strike which seriously depleted store inventories at the time and prompted an unusual upsurge of orders the following fall.

Even had sales audit data been available, we would still not know whether an observed change in purchase patterns necessarily resulted from dual-pricing influences. As the *Progressive Grocer Colonial Study* (1964), has demonstrated, a number of store-controlled factors may well affect product sales. Included here are the use of product spotter signs and manager's specials; as well as the shelf space allocated to a product, and the fullness with which its packages are stocked.

In an attempt to deal with the potential uncertainties in our data resulting from these and other threats to internal validity, a number of control questions were included in the interview schedule. For example, questions were asked to determine if respondents who reported that they had used the dual-price labels were better informed about their contents and functions than were respondents who reported that they had not. In addition, questions relating to two control products were incorporated in the interview schedule to provide a base from which to compare the results for the test product questions.

By and large, the responses to these control questions served to support the responses to their associated test questions (e.g., reported users of the labels were more knowledgeable about them than reported non-users). The one exception concerns the label usage reported for individual products by the suburban-store respondents. For reasons which are not apparent, many of these respondents reported having used the labels in shopping for the control products as well as the test products. It may be that many of these respondents used the labels in shopping for such a wide variety of products that when a control product question was asked, they answered in the affirmative, thinking that they had probably used the labels for this product as well. Or it may be that, for many respondents, actual usage was minimal, but rather than disclose this to an interviewer, they exaggerated their reports in order to impress her with their economical shopping habits. Interestingly, one explanation assumes high label usage, and the other, low usage.

All this is not to say that the control product corrections employed in the suburban-store data analysis resulted in a downward adjustment of the test product responses to a level of zero. Indeed, it will be recalled that most of the test product scores were above the control product average for each of the suburban-store data comparisons we examined. Nevertheless, the fact remains that the obtained difference between test and control product averages for the suburban-store sample was markedly lower than that found for the inner-city-store sample. As a result, the internal validity of these test product results is open to question.

The External Validity of the Findings

What can we say about the external validity of the results? Is it likely that they generalize to other supermarkets, to other customer populations, and to future time periods? Consideration of some of the relevant factors present in the study may cast some light on these questions. Some of these factors suggest more label usage by the respondents than could reasonably be expected of shoppers in other (non-test store) settings, while other factors suggest just the opposite conclusion.

As we examine the first type of factor, we find that the high educational levels for the two samples (relative to other inner-city and suburban areas) together with the substantial statistical associations found between the variables of education and label usage, suggest that fewer shoppers residing in other inner-city and suburban locations would make use of the dual-price labels. An additional factor is concerned not with similar urban or suburban areas, but rather with other time periods. The severe inflationary pressures which were exerted on American households during the time the pricing program was in operation may well have increased consumer concern with economy in grocery shopping. Thus, it seems likely that a device which purports to help shoppers save money may well have been used by more shoppers during this time period than would be the case in a more typical (less inflationary) period in the future.

While these two factors suggest less label usage outside of the physical and temporal environments for the study, other factors suggest more usage outside of these environments. Most of these factors relate to the particulars of the pricing program itself. Before discussing them individually, let us first provide a perspective from which to examine them. According to one view, the present study of consumer reaction to dual-price labels constitutes a test of the dual-pricing concept. According to this view, if the labels are used by many respondents, then dual pricing is beneficial; if they are not, then it is of little value.

While appealing in its simplicity, this view ignores the fact that what is being studied is a reaction not to the concept of dual pricing as such, but rather to one particularization of that concept. In other words, we tested *one* type of label, with *one* format, and *one* unit of measure (actually two: pounds and pints), and in most instances the label appeared in *one* location relative to the package it described. While the choice in each instance appeared to be a reasonable one (on à priori grounds), we have no reason to believe that it was optimal. The choices of label format and print size, for example, were made primarily to conform to the output restrictions of a high-speed computer printer, rather than to present the dual-price information in its most communicable form. As a result, some respondents reported they had thought that since the labels lacked the color and large print size usually associated with promotional materials, they must have been posted for use by store clerks rather than by customers.

Similarly, a different positioning of the labels might have yielded different results. The labels could have been placed on the packages or on individual product-by-product charts, each of which would have listed dual prices for the various product packages. Again, we have no way of knowing whether our choice of position optimally communicated the dual-price information to the shoppers in the two test stores. In addition, the small print size, particularly on labels placed on the lowest shelf, posed a problem for many shoppers. A new design might encourage more shoppers to use the labels. Finally, there is reason to believe that the choices of pounds and pints for our units of measure may have been poor ones for communication purposes. As an extensive analysis of this question suggests (see Appendix B), had units been individually selected for each product, better consumer understanding and greater ease of use might well have been the result.

As a result of these considerations, it would appear that the proportions of label users found in the present study may well underestimate what would obtain, if the necessary research were conducted to identify an improved design specification. Such research efforts should yield better particularizations of the dual-pricing concept than the one we employed.

Another consideration which also suggests that additional experience with dual-price labels might well result in greater shopper usage concerns the pilot nature of the dual-pricing program. For any new and complex program which calls for the cooperative involvement of many individuals, implementation problems are to be expected. The dual-pricing program is no exception. For example, in a number of instances, packaged products were not placed next to their associated labels (this was particularly true for vendor-delivered items, such as soft drinks) and cents-off packages were not dual-priced. In addition, floor displays often blocked the customers' view of the labels as did packages which overhung the shelf. If dual-pricing practices should become widely adopted by supermarkets, no doubt these and other implementation problems would eventually be solved; the result would undoubtedly be a more facilitative environment for label usage than was found for the present study.

So far we have examined two aspects of the present study (choice of design parameters and the inevitable problems of implementing these parameters) which suggest that future supermarket experiences with dual-pricing labels might find more shoppers using them. An additional factor which suggests this possibility concerns the changing educational backgrounds of the American population. If, as generally expected, the rapid growth in college enrollments should continue in the years ahead, the resulting large numbers of educated shoppers should be prime candidates for label usage. (This assumes that the statistical association found in the study between education and label usage would also hold for this more highly educated population.) The result could well be a shopper population which uses the labels in higher proportions than were found for the two samples.

In summary, although control questions were introduced to deal with threats to the internal validity of the results, they may have been only partly successful in handling sources of unvalidity relating to the test product questions. The external validity of the findings are somewhat open to question. There are reasons for believing that label usage would be higher outside of the study setting, as well as reasons for believing that such usage would be lower.

STUDY 2: THE EFFECTS OF PACKAGING AND PRICING PRACTICES ON CONSUMER PRICE-COMPARISONS

While Study 1 revealed that a sizable minority of the inner-city and suburban-store shoppers made use of the dual-price labels, it had little to say about the importance assigned to this aid for consumer price-comparisons. It may be that the respondents who reported having used the labels for this purpose could have compared prices almost as effectively without them. Should the evidence show this to be the case, dual-price labels would constitute little more than a minor convenience, and the case for their adoption would be seriously weakened. On the other hand, if the facts should indicate that many shoppers find that comparing prices is far more difficult without the aid of the labels, arguments for their adoption would be substantially strengthened.

Study 2 was designed to examine this question. The study looked at how effectively price-comparison problems could be solved by shoppers in an inner-city store and a suburban store, neither of which posted dual-price labels. Since it was believed that some price comparisons are more difficult than others, a two-dimensional model of difficulty in price comparisons was developed, and a set of hypothetical price-comparison problems was designed to fit the specifications of the model. Should the model prove to be effective, we would not only be in a better position to know if the dual pricing of supermarket products is likely to be helpful to comparison shoppers, but we would also be better able to identify individual products for which dual pricing is likely to be helpful, as well as individual products for which it is likely to be of little value.

The inner-city and suburban stores used in Study 2 were Safeway supermarkets located in the Washington area. Each was selected to match its counterpart in Study 1 with respect to the demographic composition of its customer population.

Procedure

The Price-Comparison Problems

Thirty price-comparison problems were structured, each of which asked which of two packages of the same product cost less per measure, and how much less the selected package cost per measure than the non-selected package. The problems were selected to conform to the two-dimensional model of difficulty in consumer price-comparisons. One dimension considered the nature of the size differences between the two packages in each problem set, while the other related to the manner in which these packages were priced. Three levels were established on the size variable and two on the price variable. At the first level on the size dimension appeared problems for which both packages were of the same size. At the second and third levels were problems for which the two packages differed in size. For problems at the second level, the quantity value for the larger package as a multiple of (evenly divisible by) the corresponding value for the smaller. For problems at the third level, the larger value was a non-multiple of the smaller. For example, a problem pair composed of a one- and a two-quart bottle of bleach would be classified at the second level, since two is a multiple of one. On the other hand, a problem pair consisting of a two- and a five-pound bag of sugar would be classified at the third level, since five is not a multiple of two.

The two levels on the price variable differed with respect to the manner in which the problem packages were priced. At the first level appeared problems whose packages were priced as single items (e.g. 17¢). For each problem at the second level, one or both of the packages were priced as multiple items e.g., 2/33¢).

TABLE 15.—CHARACTERISTICS OF THE 6 SETS OF PRICE-COMPARISON PROBLEMS

Problem set [1]	Problem	Product	Package 1, amount and price	Package 2, amount and price
S_1P_1	1	Frozen orange juice	12 oz., 47¢	12 oz., 53¢.
	2	Canned peas	8½ oz., 19¢	8½ oz., 17¢.
	3	Instant coffee	2 oz., 55¢	2 oz., 45¢.
	4	Liquid bleach	1 gal., 49¢	1 gal., 57¢.
	5	Canned peaches	16 oz., 35¢	16 oz., 31¢.
S_1P_2	1	Frozen orange juice	12 oz., 2 for 93¢	12 oz., 53¢.
	2	Canned peas	8½ oz., 2 for 37¢	8½ oz., 2 for 33¢.
	3	Instant coffee	2 oz., 55¢	2 oz., 2 for 89¢.
	4	Liquid bleach	1 gal., 2 for 97¢	1 gal., 57¢.
	5	Canned peaches	16 oz., 2 for 69¢	16 oz., 2 for 61¢.
S_2P_1	1	Elbow macaroni	48 oz., 69¢	16 oz., 29¢.
	2	Liquid bleach	16 oz., 14¢	32 oz., 23¢,
	3	Solid shortening	16 oz., 41¢	48 oz., 90¢.
	4	Mayonnaise	32 oz., 69¢	16 oz., 43¢.
	5	Pancake flour	16 oz., 29¢	32 oz., 49¢.
S_2P_2	1	Elbow macaroni	48 oz., 69¢	16 oz., 2 for 57¢.
	2	Liquid bleach	16 oz., 2 for 27¢	32 oz., 2 for 45¢.
	3	Solid shortening	16 oz., 2 for 81¢	48 oz., 90¢.
	4	Mayonnaise	32 oz., 69¢	16 oz., 2 for 85¢.
	5	Pancake flour	16 oz., 2 for 57¢	32 oz., 2 for 97¢.
S_3P_1	1	Granulated sugar	5 lbs., 59¢	2 lbs., 35¢.
	2	Powdered detergent	20 oz., 39¢	49 oz., 89¢.
	3	Catsup	12 oz., 29¢	14 oz., 24¢.
	4	Liquid detergent	22 oz., 39¢	12 oz., 27¢.
	5	Peanut butter	12 oz., 49¢	18 oz., 69¢.
S_3P_2	1	Granulated sugar	5 lbs., 59¢	2 lbs., 2 for 69¢.
	2	Powdered detergent	20 oz., 2 for 77¢	49 oz., 89¢.
	3	Catsup	12 oz., 2 for 57¢	14 oz., 2 for 47¢.
	4	Liquid detergent	22 oz., 2 for 77¢	12 oz., 2 for 53¢.
	5	Peanut butter	12 oz., 2 for 97¢	18 oz., 69¢.

[1] S_1, S_2, and S_3 refer to the size relationships between the 2 packages, namely: same size (S_1); different size, with the larger size value being a multiple of the smaller (S_2); different size, with the larger size value being a nonmultiple of the smaller (S_3). P_1 and P_2 refer to the manner in which the 2 packages are priced. Each of the 2 packages in a P_1 pair are priced on a single package basis, while 1 or both of the packages in a P_2 pair are priced on a multiple-package basis.

Taken together, the several levels on the two variables form a two-by-three factorial design, with each of the resulting six cells containing a single set of five price-comparison problems. The price-comparison problems in each set are delineated in Table 15. As indicated therein, the three sets of problems for the second price level are identical to those for the first price level, except that some of the single-item package prices at the second level have been changed to two-for equivalents of their counterparts at the first level. This was done for all packages except those for which the two-for price would exceed one dollar.

Actual store prices for the various packages were used in constructing the price-comparison problems. An effort was made to select commonly purchased products and to locate two packages for each problem which did not differ greatly in size. Each problem was presented to the respondents as a two-stage multiple-choice test. At the first stage each respondent was asked to choose which of the two packages cost less per measure. At the second stage, each was asked to estimate how much less per measure the selected package cost. The estimates were selected by the respondents from a set of five alternatives (2¢, 4¢, 6¢, 8¢, and 10¢). Respondents were allowed one minute to make the two decisions and were told to guess if they did not know the answer.

For problems at the first level of the size variable, respondents were instructed to answer by using the size of the problem package as the unit of measure. For example, they were asked to indicate which one of two 2-ounce jars of instant coffee cost less, and how much less (per 2-ounce jar) it cost. For problems at the second and third levels of the size variable, respondents were instructed to answer using either a pound or a pint as the unit of measure depending on whether the product was dry or liquid). For example, they were asked to indicate which one of two bags of granulated sugar, one containing 2 lbs. and one containing 5 lbs., cost less per pound and how much less per pound it cost. Needless to say, the first type of problem, which simply called for the respondent to subtract one package price from another, was much easier than the second type, which required more extensive calculations.

Since the data analysis was concerned with comparisons of response correctness for the various problem sets, a measure was introduced to control for the effects of response bias (i.e., selecting the first package with greater frequency than the second, or one of the five cost-values more often than the others). In particular, the problem sets were structured such that the correct answer was the same for all problems in the same ordinal position in each set. Thus, the first problem in all six sets had as its answer: package 1, 6¢; the second problem in all six sets had as its answer: package 2, 2¢; etc.

The problem sets were presented to respondents on 3x5 index cards. Except for the two-for price changes, the price and quantity information for each package was identical to that which appeared in the supermarket. Thus, though not indicated in Table 15, quantity information was expressed in two units (e.g. pounds and ounces), if it was also presented in this form on the package.

Interview Procedure

With few exceptions, the procedures of Study 1 (selection, training, and scheduling of interviews; selection of respondents; and in-store interview procedures) were followed in Study 2. One exception was that in Study 2, respondents were scheduled for interviews every 20 minutes (three per hour), rather than every 12 minutes (five per hour). Thus, with 200 interview hours scheduled in each store, a maximum of 600 interviews was expected for each of the two samples. Another exception concerned the assignment of problem sets to respondents. The sets were numbered from 1 to 6, and in each test store, the first set was assigned to the first-appearing respondent, the second to the second-appearing respondent, etc. After the sixth respondent had been tested with the sixth problem set, the cycle began again, with the first set being assigned to the seventh-appearing respondent, the second to the eighth-appearing respondent, etc. The cycles of six continued for all tested respondents in each store. This procedure, which approximated a random allocation of experimental groups to conditions, yielded 499 completed interviews in the inner-city test store and 526 completed interviews in the suburban test store. Missed and incompleted interviews totaled 101 for the inner-city store and 74 for the suburban store.

Response Measures

Two response measures were examined in the data analysis. The first is straightforward, consisting simply of the number of correct responses for each problem set. The second, which considers the magnitude of the response errors, is more complex, and thus requires a more detailed explanation. For any of the price-comparison problems, a respondent's answers to the two multiple-choice questions can be mapped into a single dimension, whose possible values are as follows: −10, −8, −6, −4, −2, +2, +4, +6, +8, and +10. The sign associated with each number indicates whether the first package (minus) or the second package (plus) was reported as lower in cost. The magnitude of the number itself indicates how much less it was reported to have cost. By using this mapping procedure, it becomes possible to represent, for any problem, the respondent's answer and the correct answer on a one-dimensional scale. Once so represented, deviations (in absolute value form) can be computed and summed over the problem set administered to each respondent. This sum constitutes the second response measure.

Results

Demographic information was collected for all respondents; the results are presented in Table 16. As comparison with Table 3 reveals, the composition of the suburban-store sample was similar to that of its Study 1 counterpart. However, considerable differences are evident for the two inner-city store samples, particularly with respect to sex, education, and household income. The lower educational and income levels for the Study 2 sample conform well to previous findings for inner-city ghetto populations (Sturdivant, 1969).

TABLE 16.—DEMOGRAPHIC CHARACTERISTICS OF THE TEST STORE SAMPLES

Variable	Inner-city (N=499) (percent)	Surburban (N=526) (percent)
Sex:		
Male	23.0	17.7
Female	76.8	82.3
No response	.2	0
Total	100.0	100.0
Age:		
Under 30	27.5	29.8
30–39	16.6	21.5
40–49	19.4	24.3
50–59	18.4	17.5
60–69	13.0	4.8
70 or above	4.6	1.9
No response	.4	.2
Total	100.0	100.0
Race:		
Negro	95.8	1.9
White	3.4	97.7
Other	.4	.2
No response	.4	.2
Total	100.0	100.0
Marital status:		
Married	46.7	85.2
Single	22.2	8.6
Separated	12.2	1.1
Divorced	4.2	1.5
Widowed	14.4	3.2
No repsonse	.2	.4
Total	100.0	100.0
Education (highest level):		
0–8 years	26.1	2.9
9–11 years	28.9	5.5
High school graduate	34.1	32.7
Some college	8.0	29.5
College graduate	2.4	29.3
No response	.6	.2
Total	100.0	100.0
Household size:		
1	16.8	7.8
2	19.0	23.6
3	15.2	21.9
4	14.6	25.1
5	12.6	11.8
6 or more	20.2	9.7
No response	1.4	.2
Total	100.0	100.0

See footnotes at end of table.

Variable	Inner-city (N=499) (percent)	Surburban (N=526) (percent)
Household income:		
Under $1,000	4.2	0
$1,000 to $1,999	5.8	.4
$2,000 to $2,999	6.8	.4
$3,000 to $3,999	9.0	.4
$4,000 to $4,999	11.0	1.1
$5,000 to $5,999	10.8	3.0
$6,000 to $7,499	10.6	5.3
$7,500 to $9,999	13.8	10.6
$10,000 to $14,999	8.6	22.4
$15,000 to $24,999	2.8	34.2
$25,000 or more	.6	13.3
No response	15.8	8.7
Total	100.0	100.0
Chief wage earner for household:		
Respondent	60.5	30.2
Spouse	32.1	68.3
Other	6.6	1.3
No response	.8	.2
Total	100.0	100.0
Employment status of chief wage earner:		
Employed	71.3	91.6
Out of work	13.8	1.9
Retired	12.2	4.8
No response	2.6	1.7
Total	100.0	100.0

Note: Entries may not add to totals due to rounding.

TABLE 17.—DESCRIPTIVE STATISTICS RELATING TO NUMBER OF CORRECT RESPONSES FOR THE 6 PROBLEM SETS

	Inner-city store						Suburban store					
	P_1			P_2			P_1			P_2		
	N	M	SD	N	M	SD	N	M	SD	N	M	SD
S_1	85	2.8	1.7	83	1.0	1.0	91	4.3	1.1	90	2.1	1.4
S_2	84	.8	.7	80	.7	.8	89	1.9	1.2	90	1.6	1.2
S_3	82	.5	.6	85	.8	.7	80	.7	.7	86	.6	.7

TABLE 18.—SUMMARY OF F AND ETA-SQUARE VALUES RESULTING FROM 2-WAY ANALYSES OF VARIANCE

Correct response	F	Eta-square
Inner-city store:		
Size	81.4	0.20
Price	39.4	.05
Interaction	54.2	.13
Suburban store:		
Size	242.3	.41
Price	81.8	.07
Interaction	48.3	.08
Absolute deviations inner-city store:		
Size	38.6	.12
Price	13.6	.02
Interaction	9.6	.03
Suburban store:		
Size	21.4	.31
Price	17.8	.02
Interaction	[1] 1.6	.01

[1] $p=0.21$; for all other F-values, $p<0.001$.

Results for the first response measure are presented in Table 17. They offer strong support for the hypothesized two-dimensional model of difficulty in consumer price-comparisons. For the suburban-store sample, the effects of the size and price variables, as well as their interaction, are readily apparent in the trends exhibited by the means for the six problem sets. To a somewhat lesser extent, the same trend is evident for the means of the inner-city store sample. As shown in Table 18, a two-way analysis of variance on the data of each store found the effects of the size and price variables, and their interaction as well, to be highly significant ($p<.001$). The eta-square values indicate that the size variable played the major role in accounting for the variance on the first response measure.

Also of interest are the actual performance levels achieved by the respondents in the two samples. When one considers that the chance response expectation for a problem set is a score of .5 (since the corresponding value for any problem is .1, and there are five problems in each set), it is apparent that neither sample did much better than chance on the problems at the third level of the size variable. The inner-city sample performed almost as poorly on the problems at the second level of this variable.

As we look next at the results for the second response measure (Table 19), we find a pattern which is highly consistent with that found for the first response measure. Here, as before, we find a distribution of means over the six cells for the two samples which is highly supportive of our two-dimensional model. And once again, we find the stronger trend being manifested for the suburban-store sample. Not surprisingly, the two-way analysis of variances computed on these data (Table 18), yielded highly significant effects for the two independent variables and their interactions, the one exception being the lack of significance for the interaction variable for the suburban-store sample. Further agreement between the two response measures is exhibited by the eta-square values. Once again, we find that the size variable figured most prominently in accounting for variability on the response measure.

TABLE 19.—DESCRIPTIVE STATISTICS RELATING TO THE ABSOLUTE VALUES OF THE DEVIATIONS FROM THE CORRECT RESPONSES FOR THE 6 PROBLEM SETS

	Inner-city store						Suburban store					
	P_1			P_2			P_1			P_2		
	N	M	SD	N	M	SD	N	M	SD	N	M	SD
S_1	85	12.7	15.1	83	25.8	16.4	91	6.2	10.3	90	11.7	8.5
S_2	84	30.7	18.3	80	33.4	15.6	89	16.0	10.3	90	20.6	10.4
S_3	82	31.9	12.5	85	31.0	10.6	80	25.8	10.1	86	27.5	10.4

In order to interpret the performance levels on the second response measure, it is necessary to compute a chance response expectation for each problem set. To do this, we note first that five different numerical values (2, 4, 6, 8, and 10) were used (each with a plus or minus sign) as correct answers in each problem set, with each value being used for one problem; thus, if we ignore signs, a value of 6 would constitute the mean for each set of correct answers. Next, it should be noted that a chance response to any problem would yield a uniform (rectangular) frequency distribution, the mean for which would be 0. For any single problem then, the chance response expectation (the numerical difference between these numbers) is equal to 6. For a total set of five problems, the chance response expectation would be five times this number, or 30.

Using this figure as a basis for comparison, we find that the inner-city sample performed at or below chance on four of the six problem sets. Indeed, only on the easiest problem set (S_1P_1 : same size packages priced as single items), did they score substantially above the chance expectation of 30. The suburban-store sample, on the other hand, performed considerably above the chance expectation on all problem sets, except those at the third level of the size variable.

Since only a few problems were included in each problem set, it is of interest to examine the internal consistency of each set. This "item analysis" was accomplished by computing separate two-way analyses of variance on the second response measure for problems at each of the five ordinal positions in each set. The results of these ten computations (five for each sample) revealed statistically significant effects ($p<.01$) for the size variable on all ten analyses; a similar, although less marked, effect obtained for the price variable, in that nine of the ten analyses yielded p-values less than .05. Together these two results indicate that the two-dimensional model of difficulty in price comparisons received empirical support not only from the findings for the total problem set, but from the findings for the individual problems as well.

A final data analysis dealt with the question of respondent motivation in performing the problem-solving tasks. Earlier we found that performance deteriorated on the more difficult problems to a near-chance response level for the suburban-store sample, and to chance or below for the inner-city-store sample. A possible explanation for this finding is that these respondents did not take the difficult problems seriously, and simply responded in each instance by offering the first answer which occurred to them. This line of reasoning suggests that the time taken by respondents on the problem sets at the higher levels of the size and price variables should be about the same as (or possibly less than) that taken for the problem sets at the lower levels of the two variables. An analysis of the total times for problem sets yielded no support for this explanation. While marked differences were found between the two samples, within-sample findings showed a trend toward more respondent time allocated to the problem sets at the higher levels of the two variables. Looking first at the first level of the price variable, we find that the problem-set means (in seconds) for the inner-city store sample on the first, second, and third levels were 56.7, 72.3, and 71.8, respectively; the corresponding values for the suburban-store sample were 69.6, 147.9, and 178.5. Looking next at the second level of the price variable, we find that the problem-set means at the first, second, and third levels of the size variable were 64.7, 87.5, and 89.2, respectively for the inner-city-store sample, and 97.7, 187.4, and 208.3, respectively for the suburban-store sample. Two-way analyses of variance for these results yielded statistically significant effects ($p <.01$), for the size and price variables for each of the two samples.

In summary, the results for the two response measures provided strong support for the two dimensional model of difficulty in price-comparisons. They also revealed that the size variable had a greater effect on performance than the price variable. Particularly noteworthy were the high internal consistency (for individual problems) and external consistency (for the two samples) of these findings.

Discussion

In interpreting the findings of Study 2, one may gain the impression that the respondents' performance would have been error-free had they had dual-price information available to assist them. However, this would not appear to be the case. One of the problem sets (S_1P_1: same size packages, single-item price) called for the same computational operations as would a dual-priced problem set (simply subtracting one single-item figure from another), and this problem set was not responded to correctly by all respondents. Since the two problem sets make the same operational demands on respondents, the means for the S_1P_1 problem set (2.8 for the inner-city-store sample and 4.3 for the suburban-store sample) would appear to be reasonable estimates of how well the respondents would have performed on the various problem sets with the aid of dual-price labels.

If we adopt these figures as our estimates of performance under dual-pricing conditions, we find that the respondents would have benefited most from dual-pricing labels for the problems at the third level of the size variable. Indeed, when compared to the means obtained at this level, our estimated means under dual-pricing conditions are about 4 times as high for the inner-city-store sample and about 7 times as high for the suburban-store sample. At the second level of the size variable, the inner-city-store ratio of means remains approximately the same, while the suburban-store ratio drops to a value of about 2.5. Thus it would seem, if our estimate of performance with the aid of dual-price labels is a tenable one, that the addition of the labels would have substantially reduced errors on the more difficult problems in both test stores.

Is it likely that these results generalize outside the experimental settings? An affirmative answer is suggested by the unusually high consistency exhibited across problems, response measures, and samples. However, before such a positive response can be reported with confidence, we must examine several potential threats to the external validity of the findings which are posed by several artificial elements present in the test store settings. First among them is the manner in which the problems were presented to the respondents. The problems were presented on cards; had actual packages on supermarket shelves been employed instead, it may well be that somewhat different mean values would have obtained on the two response measures for the six problem sets. However, it is less clear that the ratios between the estimated dual-pricing means and the obtained means for these measures would have been markedly affected. In other words, while a different mode of presentation for the problem sets may have yielded an overall increase or decrease in their difficulty level, it seems less likely that the positions of the problem-set means relative to the estimated dual-pricing means would have been radically altered.

A second artificiality concerns the fact that task motivation was induced by the instructions rather than by an expressed desire of the respondents to compare prices. Had the motivation been of a less artificial character, once again, we might have found an overall increase or decrease in performance on the various problem sets, but here, as before, there is no reason to believe that the ratios between the estimated dual-pricing means and the obtained means would have been seriously affected by such a change in motivational state.

A third artificial element was the multiple-choice nature of the price-comparison problems. It seems clear that a free response mode would have resulted in even poorer performance than that which was found, and especially on the more difficult problems. Indeed, when such a response mode was tried in a pre-test of the interview schedule, many respondents refused to solve the problems at the higher levels of the size variable, claiming that they were too difficult.

Finally, a fourth artificiality concerns the choices of multiple-item prices for the price-comparison problems. Our selections were limited to two-for prices even though higher multiples are often employed by supermarkets. Had such higher multiples been used, it seems safe to assume that the two price levels would have differed by a larger margin on the two response measures. It is even possible that the eta-square values for the price variable would have approximated those for the size variable.

To sum up, while several artificial elements were present in the two test settings, it does not appear that they served to inflate markedly the ratios of the estimated dual-pricing means to the means of the problem sets. Indeed, in two instances, there is reason to believe that these ratios might actually be higher in other, non-test settings.

What significance can be assigned to the study findings? Perhaps of greatest practical value is the data-derived inference that dual-price-label usage is likely to result in a reduction in difficulty level for all but the very easiest of price-comparison problems (those with same-size packages and single-item prices). Also noteworthy, both theoretically and methodologically, is the operational model provided for categorizing products with respect to the difficulty they pose to price-comparison shoppers. Once having identified the sizes and prices for the various packages in a product class, one can determine the difficulty levels which are likely to be associated with price comparisons of competing package pairs. Such pairs would no doubt include different brands in packages of approximately the same size, as well as different-sized packages of the same brand.

Policy implications of the two studies

In addition to the question of economic feasibility (which was not considered in the two studies), two questions appear to be central to policy discussions of dual pricing programs. These questions, which were posed in slightly different form earlier in this report, are as follows:

1. What proportions of shoppers would use the dual-price labels?

2. How effectively would these shoppers make shopping decisions without this aid?

Answers to these questions would undoubtedly prove helpful to those parties responsible for determining whether dual-price labels should be adopted by American supermarkets. For example, assuming that costs are modest, should we find that many consumers use the labels, arguments for their adoption would gain support. And indeed, further support would result if the evidence should reveal that shoppers are not able to compare prices effectively without the aid of dual-price labels.

What do the study results have to say about these questions? With regard to the first one, the results of Study 1 indicate that a substantial minority of the suburban-store sample and a somewhat smaller minority of the inner-city-store sample reported that they had used the dual-price labels while shopping in the test stores. And it would appear that most of these respondent-users had continued to use the labels beyond the early period of the dual-pricing program. Finally, most of the users in both test stores reported that the labels were helpful, primarily as a device for realizing savings in their supermarket expenditures.

Interesting as these findings may be, it is by no means certain that they would generalize to other populations and to future time periods. Hopefully, future research with other customer populations and other design parameters will provide answers to these questions. While we await the results of these studies, our findings should be viewed with caution; they represent a first approximation of an answer to the question of what proportion of the shopping public would use dual-price labels.

The second of our two questions is concerned with how effectively shoppers are able to make price comparisons without the dual-price-label aid. The results for Study 2 suggest that, except for the simplest comparisons (two packages of the same size, priced as single items), shoppers are not able to compare the prices of supermarket packages effectively without the aid of dual-price labels. They further suggest that for comparisons involving different-sized packages, dual-price-label usage is likely to result in a substantial reduction in difficulty level; indeed, our figures indicate that label usage may increase the number of correctly made cost comparisons involving such packages by factors ranging from 2.5 to 7. Our findings also reveal that pricing practices significantly affect the difficulty of consumer price-comparisons. In particular, packages which are multiple priced were found to be more difficult to compare than packages which were priced as single items.

Not only do the Study 2 findings relate importantly to the second of our two questions, but they also shed light on the value of past legislative efforts in the packaging field. As indicated earlier, the Federal Packaging and Labeling Act of 1966 contains a provision for adopting voluntary size standards by industry for products with an excessive proliferation of package sizes. Since the passage of this law, a reduction in package sizes has resulted for some 30 product categories (Jensen, 1969).

Examination of the new package standards for these products in relation to the Study 2 model of difficulty in price-comparisons, suggests that these efforts to reduce proliferation may offer little assistance to comparison shoppers, and for two reasons. First, these industry efforts have not dealt with pricing practices. As a result, the potential benefits of a reduction in the number of package sizes may be negated by a supermarket operator who chooses to price the new packages as multiple items. Second, even though the number of packages in a product class is greatly reduced, comparison-shoppers are still faced with the problem of comparing the costs of different package sizes within the product class. As indicated earlier, our results revealed that comparisons of different package sizes were very difficult for the respondents in our two samples. And most difficult of all were comparisons of package pairs for which the larger quantity value was a non-multiple of the smaller. Unfortunately, many of the new package size standards adopted by industry are of this non-multiple force. For example, the values for toothpaste (in ounces) are 1.75, 3.25, 5.00, 6.75, and 8.75; the values for powdered detergents (also, in ounces) are 20, 22, 49, 54, 84, and 92.

All this is not to say that industry efforts toward eliminating the proliferation of package sizes have yielded no benefits to comparison-shoppers. The benefits, however, appear to be limited to price comparisons of different product brands. With fewer package sizes in a product category, it is more likely that competing brands will be sold in packages of the same size; thus cross-brand comparisons should be facilitated. However, once again, we note that this benefit may be lost, in part or whole, if these packages are multiply priced by supermarkets.

We conclude by noting that the findings of the two studies have not spoken directly to the question of what policy position should be adopted on dual-price labels. This, however, is not an appropriate role for research on matters of policy. As Millikan has suggested: "The purpose of social science research should be to deepen, broaden, and extend the policy-maker's capacity for judgment—not to provide him with answers (1959, p. 167)." By documenting consumer reaction to dual-price labels in two supermarkets, as well as consumer performance on a series of price-comparison problems, it is our hope that the two studies have served this purpose.

REFERENCES

Andrews, F., Morgan, J., & Sonquist, J. *Multiple Classification Analysis.* (3rd ed.) Ann Arbor: University of Michigan, 1969.

Becknell, J. C., & Maher, H. Utilization of factor analysis for image clarification and analysis. *Public Opinion Quarterly,* 1962, 26, 658–63.

Federer, W. T. *Experimental Design.* (2nd ed.) New York: Macmillan, 1955.

Friedman, M. P. Consumer confusion in the selection of supermarket products. *Journal of Applied Psychology,* 1966, 50, 529–34.

Jensen, M. W. Testimony presented in *Packaging and labeling matters, 1969: Hear-*

ings before a subcommittee of the Committee on Government Operations, House of Representatives, 91st Congress. Washington: Government Printing Office, 1969

Linden, F. (Ed.), *Expenditure Patterns of the American Family.* New York: National Industrial Conference Board (845 Third Ave.), 1965.

Millikan, M. F. "Inquiry and Policy: the Relation of Knowledge to Action," Cited by D. Lerner, *The Human Meaning of the Social Sciences.* Cleveland: The World Publishing Company, 1965. Pp. 158–180.

Progressive Grocer Colonial Study. New York: Progressive Grocer Publications, 1964.

Richards, L. "Consumer Practices of the Poor," 1966, 1–24. Cited by F. D. Sturdivant, *The Ghetto Marketplace.* New York: The Free Press, 1969. Pp. 42–60.

Sonquist, J., & Morgan, J. *The Detection of Interaction Effects.* (6th ed.) Ann Arbor, Mich.: Cushing-Malloy, 1964.

Stone, G. P. "City Shoppers and Urban Identification: Observations on the Social Psychology of City Life," *American Journal of Sociology,* 60, 1954, 36–45.

Sturdivant, F. D. (Ed.) *The Ghetto Marketplace.* New York: The Free Press, 1969.

Trier, H., Smith, H. C., & Shaffer, J. Differences in food buying attitudes of housewives. *Journal of Marketing,* 1960, 25(1), 66–69.

APPENDIX A

Interview Schedules for the Two Studies

The three-page interviews schedule employed in Study 1 appears on page 88, 89, and 90. Only one form (B) of the second page is presented. Form A is identical to it except that it lists a different set of products. (see page 11).

A two-page interview schedule was employed in Study 2. Two forms of the first page were used, one relating to problems at the first level of the size variable, and the other relating to problems at the second and third levels of this variable. These appear on pages 91 and 92. The second page of the two-page interview schedule was identical to the third page of the Study 1 schedule, which appears on page 90.

APPENDIX B

An Analysis of Four Choices of Unit for Dual-Pricing Programs

What follows is a discussion of the strengths and weaknesses of various choices of unit for dual-pricing programs.

1. The Ounce: A Universal Measure

The one general-purpose measurement unit for both dry and liquid products is, of course, the ounce. The chief attraction of this choice of unit, both conceptually and practically, is its simplicity. Only one unit need be employed by supermarket personnel in generating and displaying per-measure prices and by the economy-minded consumers who would make use of this information.

The disadvantages, however, are several. Interestingly, they are all manifestations of a common underlying problem—the inappropriateness of this unit for the many supermarket products which are usually quantified in larger units (e.g. granulated sugar, family flour, and liquid bleach). A first source of concern is that per-ounce pricing for these products may tend to create a false impression of negligible price differences across package sizes and brands. For example, a difference of a quarter of a cent per ounce for two competing brands of family flour may appear to be insignificant to a comparison shopper. As a result, she may not take the trouble to multiply this figure by the 80 ounces in the 5 lb. bag she is considering buying, and thus not discover that a substantial savings (20¢) would be realized for every five pounds purchased.

A second problem, touched upon in this example, relates to the need for fractional cents or third-place decimals in the presentation of per-ounce prices. The problem here is not one of generating this additional information but rather one of comprehending it. Consumers are accustomed to using price-per-pound information in buying meat and produce, but in these instances the price presented is a concrete whole-cents or dollar-and-cents figure; a fractional-cent figure, however, is an abstraction whose meaning may be missed by many consumers, and particularly by those who lack the educational background to understand this information.

A third problem is that even with a full understanding of per-ounce prices, comparison shoppers will often have to perform highly complex multiplications and conversions in order to translate the per-ounce price difference between packages being compared to the quantity being purchased. To take a case in point, a consumer interested in knowing the savings to be realized by buying a large as compared to a small box of a particular brand of powdered detergent, would first have to find the difference in price per ounce for two containers, next convert the pounds-and-ounces units of the large box to ounces and finally multiply the per-ounce difference by the obtained number of ounces. Should the per-ounce-price difference be a three-digit figure, and the number of ounces in the large box, a two-digit figure, the shopper in this example would be faced with the nearly impossible task of multiplying a two-digit number by a three-digit number in her head. And it should be noted that while conversion from the larger unit to ounces is usually facilitated by the presence of quantity information on packages in both units (in the case of powdered detergents, pounds and ounces as well as ounces alone), this dual mode of presentation is often not employed for large package sizes.

To sum up, it appears that per-ounce pricing, while appealing on the grounds of parsimony and universality, suffers from a variety of deficiencies which would tend to minimize substantial price differences for many products, and perhaps more critically, to pose real problems of mental arithmetic (multiplication and conversion) for price-conscious consumers. In addition, the necessity of dealing with fractional cents or third-place decimals, a seemingly essential ingredient in any per-ounce-pricing system, would appear to introduce additional strains on the cognitive processes of many consumers.

2. The Pound and Pint: Measures Based on Product Contents

A step in the direction of remedying some of the aforementioned deficiencies may be realized by introducing one measure for dry products and another for liquids. Since packages for most dry products are quantified in units of a pound, this would appear to be the natural choice for these products. For similar reasons, the pint, or perhaps the quart, would seem to be the logical choice for liquid products.

While the three problems identified for per-ounce pricing do not disappear with this dual measure system, they are likely to be substantially reduced in magnitude. Since many products are quantified in the larger pound-or-pint units, one can expect less consumer under-reaction to per-pound-or-pint price differences, less need for fractional-cent information, and fewer and less complex multiplication and conversion operations. (Ironically, it is entirely possibly that the pound-pint system would cause purchasers of certain products to over-react to stated unit-price differences. For products customarily quantified in ounce units, such as toothpaste, frozen fruit juices, and instant coffee, the dual-pricing system may well mislead many unwary shoppers into believing that price differences between packages are unusually large.)

3. Individual Product-Based Measures: The Ultimate in Flexibility

A further step toward alleviating the problems of the per-ounce-pricing system would be accomplished with the introduction of a truly flexible system in which the choice of unit would be individually made for each supermarket product based upon the customary quantification practices for packages of the product. Such a system might well employ ounces for instant coffee, pounds for ground coffee, pints for liquid detergents, and quarts for whole milk.

The expected gains in consumer understanding of unit-price differences and ease of use of this information would be accomplished at a higher initial cost in establishing such a variable-unit system. Individual choices of appropriate measures would have to be made for hundreds of supermarket products and while many of these choices would be straightforward, many others would not. A critical consideration here is whether or not one unit or several are customarily used to present quantity information for the various package sizes in a product category. For example, all instant coffee jars, regardless of size, are quantified by the ounce, but bottles of liquid bleach typically use three different units, namely the pint, quart, and gallon. Thus the ounce would appear to be the appropriate unit for instant coffee, but it is not clear which of the three liquid bleach units should be selected for this product.

In summary then, there is reason to believe that the choice of units to present per-measure prices may seriously affect consumer comprehension and utilization of this information. Per-measure-pricing systems which use a single unit, the ounce, for all products, would seem to be the least helpful to cost-conscious consumers and systems which employ a variety of units, each individually selected on the basis of the quantification practices for the various products packages, would appear to be the most helpful. Somewhere in between these two extremes we would find the dual-pricing system employing the pound as the unit for dry products and the pint or quart as the unit for liquid products.

It is of interest to note that this discussion of pricing systems is not entirely academic, in that all three systems have been used by supermarkets to present dual-price information. If tests of consumer reaction to these various systems are conducted, an opportunity may be afforded for testing the validity of the hypotheses set forth here.

Before concluding this discussion of per-measure-pricing systems, let us look briefly at a qualitatively different kind of system, one which would offer consumption-weighted unit prices to supermarket shoppers. With such a system, the number of units of a supermarket product consumed over a fixed time, say a year, by a "typical family unit", would be estimated and this figure would be multiplied by each of the per-measure prices for the various packages in the product category. The results of these multiplications would then be displayed on supermarket price labels. Thus, for example, if we were to find that a "typical family" used 50 pounds of granulated sugar a year, a 5 lb bag selling at 10¢ a pound would be assigned a value of $5.00, and a 10 lb bag selling at 9¢ a pound would be assigned a value of $4.50.

The primary advantage of such a system is that is calls the shopper's attention to what may well be a more meaningful basis for price comparisons for many supermarket products. Instead of asking how much would be saved by buying *one* package of Brand X as compared to *one* package of Brand Y, a shopper using consumption-weighted unit prices would ask how much annual savings would be realized through the continued purchase of one brand instead of the other. Without consumption-weighted unit prices, a shopper might react similarly to identical price differences between two brands of granulated sugar and two brands of table salt; with consumption-weighted unit prices, a larger numerical difference would be presented for granulated sugar than for table salt (since more sugar is consumed by American families), and as a result, our hypothetical shopper may decide that only in the case of granulated sugar would substantial savings be realized by buying the less expensive brand.

What are the weaknesses of a consumption-weighted pricing system? Perhaps most critical is the problem of identifying a typical family unit with which shoppers from the total spectrum of the American population could identify. How is an elderly widow with limited funds to interpret the 50 cents difference between the 5 and 10 lb. bags of sugar cited in our example, when this difference obviously relates to a family unit which uses far more of this product than she does. Similarly, how is a shopper for a large family to apply the 50 cents figure to her household, knowing that it severely underestimates the annual savings she would realize by buying the 10 lb. bag rather than the 5 lb. bag. And even families of the same size and composition as our "typical family unit" would vary considerably in their annual consumption of various supermarket products. Ethnic and regional considerations as well as individual differences in personal and family style factors all contribute to the possibility that our "typical family unit" would represent nothing more than a statistical abstraction.

In light of these considerations, it is perhaps not surprising that no supermarket has experimented with a consumption-weighted per-measure-pricing system. In addition to the problem of selecting a "typical family unit," is the further problem of securing consumption data for the hundreds of supermarket products used by this family unit. Nevertheless, the system does offer certain unique advantages to cost-conscious consumers, and it would seem that an empirical test of consumer reaction to a pilot pricing program of this kind would be a most worthwhile undertaking.

ONE DAY IN THE LIFE OF GUY VANDER JAGT

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Thursday, April 15, 1971

Mr. GRIFFIN. Mr. President, in 1966, when I left my seat in the House of Representatives to run for the U.S. Senate, the people of Michigan's Ninth Congressional District wisely chose a very able, young State senator as my successor. He is Representative GUY VANDER JAGT.

Having followed the brilliant career of GUY VANDER JAGT from his high school days, and having played a personal role in encouraging him to enter politics in the first place, I am not the least bit surprised that in 5 short years Congressman VANDER JAGT has established himself in the House of Representatives as an outstanding legislator, highly respected by his colleagues on both sides of the political aisle.

Mr. President, a very informative article about Congressman VANDER JAGT appears in the current April issue of Harpers Magazine. I ask unanimous consent that the article, written by John Corry, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONE DAY IN THE LIFE OF GUY VANDER JAGT (R.-MICH.)

(By John Corry)

The Congressman is ready to tie his shoelaces, having waited, as he does every morning, until he has stepped on the escalator that rises out of the bowels of the Longworth House Office Building, where he has parked his car, and is ascending to the basement, where he can take an elevator to his office on the second floor. The Congressman ties his shoelaces with a certain grace and style, the idea being that before he gets on the escalator going up, he will glance at the escalator coming down, and see if there is anyone on it he knows. The Congressman is an affable man, which is one reason he is a successful politician, and he knows a good many people in and about the House of Representatives, which is one reason he is a sound Congressman, and if he bends too quickly to tie his shoelaces while he is on the up escalator, he might pass without seeing someone on the down escalator to whom he might want to nod. There is a lot of civility in the House of Representatives; and while this can be one man's ———, it is another man's good manners, and without it the Congressmen might fly at one another's throats and never get around to doing any business at all. On this particular morning the Congressman, an intensely disorganized man who can get on the escalator with a pair of socks or Jockey shorts in one hand because he has forgotten to pack them in the overnight bag he is carrying in the other hand, is completely unencumbered, and so with both hands free, and after saying hello to a Congressman who was on the down escalator, he bends, ties his shoelaces, and straightens himself up at that precise moment he reaches the top. "There," he says, "I used six seconds that I might have wasted."

Now, this is whimsy, a ritual observed by the Congressman only because he enjoys observing it, and on this particular morning there is hardly any need to save time at all. It is a day in December, the election is past, and a new House, with fifty-six new members, will convene in less than a month. In fact, the Congress, having been sluggish in its duties in the past year, is meeting now mostly so that it can pass appropriations bills that will keep the great creaking machinery of government from going flat broke, and there is not much of a sense of urgency about even that. The Congressman, whose name is Guy Vander Jagt, and who is a thirty-nine-year-old Republican from the Ninth District in Michigan, will spend his day not being caught by the great questions of war and peace, but by things that few people outside his office have even heard of, which, as any Congressman will tell you, are the things that usually engage Congressman anyway. A Congressman, you understand, is seldom allowed to be apocalyptic, which is a privilege ordinarily extended only to writers, ideologists, and a few show-business personalities; and although the messianic complex is rampant in the House of Representatives, it is considered bad form to show it, and a good Congressman does not. Consequently, on this quiet day in the House, when, among other things, seven bills and two resolutions will be introduced, when thirteen bills will be reported, a dozen committees will meet, and an uncounted number of Congressmen will either fall flat on their faces or run up some small and modest triumphs, Congressman Vander Jagt, recognizing it all as a slow day, will not hurry to his office, but will tarry, saying hello to as many people as he chooses, and move through the Longworth House Office Building with the sure tread of a man who is absolutely delighted to be precisely where he is.

Vander Jagt was made to hold office, being an old farm boy from Cadillac, Michigan who was graduated from Yale Divinity School, then left a pulpit to become a television news commentator, and then left that to go through law school and become a trial lawyer. In 1965 he ran for the State Senate, first telling the voters that if he won he would hold no other job than elected office, and be only a servant of the people. He did win, and subsequently the members of the press gallery chose him as the outstanding freshman in the State Senate. When Senator Patrick McNamara died in 1966, Congressman Robert P. Griffin was selected to fill the vacancy, leaving open his own seat in the Ninth District, and Vander Jagt chose to run for that. The district, made up of eleven counties on the western shore of Michigan, begins about a third of the way up the coast of the lower part of the state and stretches into the Straits of Mackinac, which is close to the wonderfully desolate Upper Peninsula of Michigan.

The nice thing about Michigan is that while politically it is thought of as being mostly Detroit and a few outlying communities, it includes virtually every class and condition of America, and Vander Jagt's own district, which is mostly rural and Republican, includes a county that is mostly urban and Democratic. Despite that county, which he carries anyway, the only truly difficult election contests that Vander Jagt has been in have been Republican primaries, the first when he ran for the State Senate, and the second when he ran for Griffin's seat. In that second primary, his opponent's people distributed a particularly scurrilous broadside which charged, among other things, that Vander Jagt had been in and out of mental institutions and that his wife had had some unknown number of husbands before she met him. In fact, Vander Jagt had never suffered an emotional ailment and his wife had never been married before, and other than introducing Vander Jagt to the particular ugliness that gets entwined in the political process, the broadside induced a good many Republicans to vote for him. The Michigan Ninth has a large number of what are sometimes called burghers, who do not much care for dirty pool, and the things that get to them the most are the things that can either be dismissed as home-and-motherhood stuff or be recognized as the serious concerns of serious people, which as often as not is what they are. Possibly, these concerns are most apparent in Ottawa County, the southernmost county in Vander Jagt's district, where a man must search long and hard to find a fifth of Scotch, and where most of the people, like Vander Jagt, are of Dutch descent.

Vander Jagt, in fact, won his first campaign in Ottawa County, getting elected president of the student body at Hope College in the town of Holland, when a particularly astute campaign manager used the slogan "Fly High With Guy," and insisted that the candidate appear before him each morning fully and suitably clothed, Vander Jagt even then having an unusual tendency to look as if he had stood in the middle of a room and his clothes had dropped on him at random. At Hope, Vander Jagt also won nearly every speech contest that was open to a college student, which was interpreted as a sign that he would later make it in any of the entertainment arts, all of which he more or less did, while finding only politics sustaining enough to stay with. Vander Jagt stayed at Yale Divinity School largely because Richard Niebuhr was there, and he regarded Richard as a more interesting man than his brother Reinhold.

Later, he left the pulpit of his Congregational church in Cadillac because he could find nothing suitable to preach about death. He left television because that was just another branch of show business, and he went through the University of Michigan Law School mostly out of perversity. A dean had called him in on his arrival and said that Michigan was the finest and toughest law school about and that it was impossible to get through without the utmost devotion to law books and classes. The hell, Vander Jagt had said, and subsequently made it a point not to open too many books, and not to be particularly diligent about classes either. (Philip A. Hart, the senior Senator from Michigan, is supposed to have gone through Michigan Law School without opening *any* books. He was graduated No. 1 in his class; Vander Jagt, however, only made it into the top quarter.)

When Vander Jagt left law school, he went with Warner, Norcross & Judd, the biggest and most prosperous law firm in Western Michigan, and he was doing just fine, until one night, answering his own secret urgings, he summoned his wife Carol and announced that he wanted to go into politics. He did, running that first race for the State Senate, and being fortunate enough to have as his Democratic opponent a civilized doctor with money, who said to him, I have means, and you have none; I shall not try to outspend you, but we will debate together, and try the campaign on the issues. This they did, arriving separately with their wives at the schools, Legion halls, and churches of Western Michigan, there to talk about issues and call each other skunks and blackguards, and then to steal away separately and unite for a drink in some place where they would not be recognized. The doctor is still the most formidable opponent Vander Jagt has faced in a general election, and the Democratic party in the Michigan Ninth is a frail vessel indeed. Once Vander Jagt ran against a former minister, possessed of an enormous voice, an old Phi Beta Kappa key that he jangled a lot, and firm conviction that the only thing worth talking about was the peril of extending aid to parochial schools. Another time he faced an apple farmer, who began his speeches by saying, "Hip, hip, hooray for America," and never got much beyond that; and in this last election he was up against a union official, who hardly said anything at all.

Nonetheless, Vander Jagt has remained an assiduous campaigner. In 1970, he returned to his district forty-nine times, speaking whenever he could get even two or three to gather in his name, and faithfully listening, noddling, and trying to accede to each request from a constituent, no matter how loony. In the spring of the year, Carol Vander Jagt organized a "Fry for Guy," which was a bratwurst roast in the sand dunes alongside Lake Michigan, charged admission at $100 a couple, and raised $14,000 for the campaign. There was to be no other money, although the Democratic organization in the Ninth, which is really labor and its Committee on Political Education (COPE), had more, and it was able to use unions, their members and halls, and their mineograph machines too. This made the Ninth one of the few districts in the country where the Democrats spent more than the Republicans, although any Congressman from the Ninth would still cherish an endorsement from the conservative Americans for Constitutional Action infinitely more than he would one from the AFL-CIO. Vander Jagt, in fact, had even asked Americans for Constitutional Action for an endorsement, and throughout the campaign he carried a copy of their telegram in his back pocket, ready to whip it out at first sight of an outraged conservative. Vander Jagt had voted for the rat-control bill, and he had voted against the supersonic transport. He had voted for the House version of the Cooper-Church resolution, which would have required the withdrawal of American troops from Cambodia, and in his finest and most independent hour he had been the only Republican to vote against a military appropriations bill. Still, a defeat was inconceivable, and he knew it, and the Democrats knew it, and so did everyone else. COPE's campaign had not been particularly good, and there were defections in its ranks. One night Vander Jagt debated a union leader who stood up and said, "Well, I want you to know that Vander Jagt is my friend and I like him. In fact, I can't think of much bad to say about him. In fact, I can't think of anything bad to say at all." Then he sat down. Still, politicians' hopes are the most fragile of things, and politicians plunge easily into despair. On election night, the first return was from a Democratic precinct in the Democratic city of Muskegon; "214 for Rogers, 115 for Vander Jagt," a voice on the phone said. "Don't tell Guy. It will only worry him," Mrs. Vander Jagt said, looking stricken herself. Then she told him anyway, and he looked stricken too. When it was all over, however, he had won with 67 per cent of the vote, and he had even carried Muskegon easily. The next morning Vander Jagt was outside the gates of a factory, awaiting the men as they came to work, and then thanking them for their support.

So, on this slow day in the House, Vander Jagt enters the office on the second floor into which he and his staff lately have moved from an office on the first floor. The new office is next to the one occupied by John Buchanan of Alabama, and Buchanan is supposed to have the best-looking secretaries on the Hill, one of whom had reached an ephemeral kind of fame by being dropped from the staff of Senator Joseph Tydings after she had worked as a bunny in a Playboy club. Now, *machismo* is important to Congressmen, being one of the things they use to unite themselves when politics divides them, and a Congressman is only paying another Congressman a compliment when he suggests that he, too, is full of *machismo*. For days after he had moved in next to Buchanan, Vander Jagt was visited by Congressmen who would say, "Guy, you old rascal, how did you ever manage to get this office?" All of this upset Vander Jagt's own girls, who are good-looking themselves, and Vander Jagt, trying to do the right thing, told them that they probably were more efficient than Buchanan's girls, which did no good at all. A Congressman's staff is enormously important to him, handling his requests from constituents and other supplicants, and more or less seeing to it that the Congressman does not disappear under a welter of trivia. Among his other allowances, a Congressman is permitted to hire up to thirteen people, and to pay them a total of $135,000. Vander Jagt has four secretaries and an administrative assistant working for him in Washington, and one full-time man and three part-time people in his district. Every so often, he gets in other people for specific tasks (addressing Christmas cards, for example), and he is planning to hire a former professor of political science, who will be something of an idea man. The Congressional bureaucracy measures and operates itself under rules that no one man can ever know, or for that matter ever want to know. A Congressman, for example, is allowed to get a new steamer trunk at the start of each session of Congress and one plant a month from the Botanical Gardens. He is allowed to spend up to $3,500 a year for stationery, but if he takes the money and puts it in his pocket, it is to be considered income. The long distance calls from his office are measured by units, with one minute on the phone being four units, and the office may use up to 150,000 units every two years.

However, if the calls are made after 5:00 p.m. or before 9:00 a.m. on something called the Federal Telecommunications System, they are free. Salaries for staff people are figured on a base pay, and although the base pay of, say, an administrative assistant may be only $7,500, his actual salary may be $27,000. A Congressman is allowed one free trip home every month, while members of his staff are allowed two a year. When Vander Jagt first reached the House, he had to supply his own curtains and wastebaskets. Subsequently, the bureaucracy shuddered into action, and now gnomes from somewhere bring them in for free.

"Guy, these are the calls so far," Peg Martin says to Vander Jagt. Mrs. Martin is the doyenne of the staff, a pretty woman with gray hair who reached the Hill in 1939, became enchanted by it, and never left. She is a discreet woman, married to a lobbyist for the oil industry, and one way or another she may know everyone in government. When her husband gave a party for her on her thirtieth anniversary in Congress, even Wilbur Mills, chairman of the Ways and Means Committee, came to celebrate, and Mills is a man with such small use for parties that he would grumble when President Kennedy would invite him to dinner at the White House. Now Mrs. Martin gives Vander Jagt his messages, arranging them so that the first he sees is one from Russell Train, the President's adviser on environmental problems. Vander Jagt calls Train, listens, and says, "Russell, that's just wonderful. I'm absolutely delighted, and thank you, thank you, for calling." Vander Jagt, you see, is the ranking Republican on the Conservation and Natural Resources Subcommittee, and about six months ago, the subcommittee went to the White House environmental people and discussed with them an old law that forbade industry from befouling interstate waters. The law, in fact, had been passed in 1899, but, like so many things in government, had lain moldering until good men would put their hands to it. Henry Reuss, a Democrat, who is the chairman of the subcommittee, brought the law up in hearings, wrote letters about it, and then went around and made speeches about it. Vander Jagt, being a Republican, and therefore closer to the White House, kept talking to the people there, and two weeks ago he got to Train at a cocktail party and insisted to him that the 1899 law should indeed be resurrected. Now Train had called to tell him that the Administration would soon issue an Executive Order, declaring that the old law was official policy and that enforcement machinery for it would be set up. There is nothing simple about government, and in the end the 1899 law will involve three or four agencies (all of which will have their own lobbyists), the Army Corps of Engineers, a couple of Congressional committees, and the delicate considerations of partisan politics. Jobs will be created, reputations will collapse, and some staff people will weep with frustration. Government is like that, and it is easier to be apocalyptic than to try to understand it.

So, feeling well pleased by Train's call, and after having disposed of some matters of no consequence, Vander Jagt leaves his office for the House gym. The gym, deep in the recesses of the Rayburn Building, is unmarked, and it is open only to Congressmen, who, in fact, do a good deal of business there. It is where they can be good fellows together and where even the least of the Congressmen can approach a committee chairman, naked and alone in the steam room, and ask for a favorable ruling on his bill. Some Congressmen spend more time in the gym than do others and the Republican minority on the Public Works Committee, for example, meets there in a more or less permanent caucus. Vander Jagt himself is the president of the gym, which he became when the other Congressmen voted him the Bullshot of the Year Award. This is an engraved cup that ostensibly is given to the Congressman who cheats the most at a game called paddle ball, and argues more over questionable line calls; actually, it is given as a mark of esteem, and Vander Jagt treasures it. The only duty of the president is to preside each year over the gym's annual dinner, which has been held in eighteen different places in twenty years, few establishments being willing to have the Congressmen as guests more than once. At some point in the dinners, Congressmen begin to soak their napkins in their water glasses, and then hurl them at other Congressmen. The hilarity increases after that, and otherwise dignified men get themselves sodden and bespotted, although the Great Republic itself always survives.

Nonetheless, there is a majesty about the House, even if it is not always apparent in its members. It must always be remembered that the curious ways of politics in the House, unlike the Senate, do not allow for much majesty, which is why Congressmen are infinitely more interesting and proportionately more productive than Senators, who must strike postures a lot. In the House, it is sweatier, so to speak, and more intimate, and there is more room for caprice. Vander Jagt's chief and abiding interest, for example, has been the environment, and his most notable project has been the establishment of the Sleeping Bear Dunes National Park, a tract of 61,000 acres on the shore of Lake Michigan. For years, Phil Hart had been introducing a Sleeping Bear bill in the Senate, and for years the Senate had been passing it. In the House, however, the bill never got beyond the Interior and Insular Affairs Committee, whose chairman, Wayne Aspinall of Colorado, always declined to report it unless the full Michigan delegation, Republicans and Democrats, would support it.

This the delegation always declined to do, and Sleeping Bear would always die. Shortly after the '68 elections, however, Vander Jagt began to negotiate with the Secretary of the Interior and with the Park Service over a new Sleeping Bear bill, one that might please everyone, and after ten months of negotiation he produced it, staying all the time in touch with Hart, who was still laboring for Sleeping Bear in the Senate. This annoyed James O'Hara, a Democrat, who was Hart's closest colleague in the Michigan Congressional delegation, and he said that Hart should be dealing with him and not with Vander Jagt, who was, after all, a Republican. Consequently, O'Hara said, he would have nothing to do with Vander Jagt's bill, which meant, of course, that Aspinall would then reject it because the Michigan delegation would be divided. Subsequently, a lobbyist for the Wilderness Society got to O'Hara and suggested that he introduce his own bill, which the Michigan Democrats could sign, while the Michigan Republicans could go with Vander Jagt. O'Hara did, confusing nearly everyone, and inducing John Dingell, another Democrat, to say the hell with it and sign both bills. Meanwhile, the Interior Department, which had been working with Vander Jagt on his bill, suddenly and inexplicably said that it liked O'Hara's better. This enraged Vander Jagt, who, on demanding an explanation, was told that the man in the Interior Department who knew all about Sleeping Bear was on vacation and that someone had made a mistake. The department then reversed itself, and the O'Hara bill was so amended that it really became the Vander Jagt bill, even though O'Hara's name was still on it. Chairman Aspinall, however, said that a bill amended that much was a mess, and he demanded that the Michigan delegation produce a clean bill. Of course, he said, it would still have to be supported by the full delegation. During all these peregrinations, Martha Griffiths of Detroit, a Democrat, had been lobbying for her own bill on women's rights, which was stuck off in another committee. Mrs. Griffiths wanted everyone to sign a discharge petition to force the committee to release the bill, but O'Hara, very sensibly saying that it was a bad bill, would not sign. This so angered Mrs. Griffiths that she said she would not support the Sleeping Bear bill. But, Martha, Vander Jagt said, that's *my* bill. I know, Mrs. Griffiths said, but that man's name is on it. But, Martha, Vander Jagt said. No, Mrs. Griffiths said. Nonetheless, Mrs. Griffiths said that she would visit Aspinall, and she did, telling him that she really did like the bill, but that she simply would not sign anything that said O'Hara on top. Aspinall, who is seventy-four, rather liked the idea of Mrs. Griffiths coming to him that way, and so he said that his committee would report the bill out, even without her signature.

Faithfully, the committee did report the bill, sending it to the Rules Committee, which was to decide when it would be sent to the House floor, where its passage would be assured. There was, of course, no reason to think the Rules Committee would delay the bill, which had been the fruit of so much labor and passion, but in the mysterious ways of Congress, it did, and once again Sleeping Bear was languishing. Baffled, Vander Jagt approached various members of the Rules Committee, asking them why, and was told that "Charlotte didn't like the bill," although no one knew quite why. Now, Charlotte is Congresswoman Charlotte Reid of Illinois, and she is not a member of the Rules Committee, but she is a sunny woman, much admired and liked, who was once the vocalist on Don McNeill's old *Breakfast Club* radio program. The members of the Rules Committee could not possibly know much about Sleeping Bear, but they did know Mrs. Reid, who has a summer cottage in the Sleeping Bear area, and they wanted to please her. Therefore, they were holding the bill back, and they kept holding it back until Mrs. Reid and Vander Jagt appeared formally to argue their cases. Then the committee locked its doors and voted in secret. When the doors were opened, it was announced that Sleeping Bear, finally, had triumphed.

It is noontime, and Vander Jagt is just sitting down in the House restaurant, and on the floor of the House the chaplain is praying over those few members who have gathered to open the day's session. Three staff people from the White House happen by, and one of them glumly tells Vander Jagt that "even cannons couldn't get the Buchanan bill out of the Rules Committee." Congressman Buchanan has sponsored a bill that would put a new consumer-protection agency more or less under the control of the White House, while a competing bill by a Democrat would make the agency more autonomous, which the staff people plainly don't want. A buzzer sounds in the restaurant, and Vander Jagt frowns. The buzzer means that a quorum call has been put forth on the floor and that a clerk is about to read the roll.

The Constitution says that Congress cannot be in session unless a majority of its members are present, and so any Congressman, at any time and for the most frivolous of reasons, can ask the Speaker to check and make sure there is a majority. There are quorum calls because a Congressman simply is feeling irritable, or because he wants to delay the day's business, or because he has a friend who is making a speech and he wants to roust the other Congressmen out to hear it. There are quorum calls because a Congressman is lonely and wants to see his peers milling about him, and there are quorum calls because someone wants to empty the paddle-ball courts in the gym and then dash down and get the center court. (For his own reasons, H. R. Gross of Iowa asks for more quorum calls than anyone else, and the other Republicans, accepting H. R., sometimes call him the "conscience of the House." Mostly, however, H. R. is just being cranky.) Consequently, Congressmen spend a good part of their days walking rapidly along the underground corridors that lead from their office buildings to the Capitol, where they run out on the House floor, shout "Present," and then leave. It is usually a great exercise in futility, and the Congresmen resent it, but no one has been able to think of a way to stop it. Quorum calls are part of a man's record, and they are just not very well understood outside of Congress. A Congressman does not want his opponent in an election to be able to ask where he was when the roll was called that day, and so he goes on making the quorum calls. "In politics," Vander Jagt says, "if you even have to *answer* a charge, then you've already lost."

Vander Jagt waits until the buzzer rings a second time, which means that the clerk reading the roll is up to the letter Q. Vander Jagt has nicely calculated from all parts of the Hill exactly how much time it will take him to reach the floor after that second buzzer rings; from the restaurant, allowing for all vagaries, he knows that he can wait about two minutes, walk to an elevator, and get there just as the clerk is ready to intone "Vander Jagt." Today this gives him time to swallow his soup, unnecessarily tell the waiter he will be back, and start for the House floor in a dignified way.

Allard K. Lowenstein, the liberal New Yorker who has just been defeated for reelection after one term, wants to make the quorum call too, and he is running. "Guy," he says, "can you think of anything more foolish than a lame-duck Congressman in a lame-duck session trying to answer a quorum call?" Everyone knows Lowenstein, and for days now, conservatives who might be expected to want to crucify a man of his proclivities have been coming up and saying how much they will miss him. Congress is a tough house to play to, but Lowenstein, who as much as any man had been responsible for Lyndon Johnson's decision not to run again, was something of a celebrity when he arrived, and Congressmen like to have celebrities about. Moreover, in terms of Congressional politics, Lowenstein was an authentic radical, and conservatives always are pleased when they meet someone they suppose to be a radical—and then find he is a decent, pleasant man. For one thing, it makes a conservative feel good, convincing him that he can get along with any man; for another, it makes him feel daring. Every two years, the Congressmen measures up all the new boys, and if a new boy is supposed to have a special dimension about him, he is measured up all the more quickly. Ideologists do not come out well, but Lowenstein showed he was a genuine reformer, and certainly not just another liberal politician, and the old boys respected him for it. On Lowenstein's first day in the House, the late L. Mendel Rivers accosted him and almost immediately began waving three fingers in his face. Ho, ho, the reporters in the gallery said, Rivers is telling Lowenstein not to try any fancy New York-Jewish-liberal stuff here. Actually, Rivers was very courteously telling Lowenstein there were three synagogues in his district in South Carolina.

It is the 190th quorum call that Vander Jagt has answered this year, and he shouts "Present" and starts to move off the floor. Congressman Garry Brown stops him and says he needs his vote on an amendment he will offer in the afternoon. "I'll be there, Garry," Vander Jagt says. Congressman Don Clancy moves in hurriedly and says, "Guy, don't go away. I've been designated to seek your support for Sam Devine for chairman of the House Republican Conference." Now, this is a move by the more conservative Republicans to put one of their own in a job held by John Anderson, who is a moderate. It is largely a ceremonial job, but most Congressmen are moderates, and both the right and left wings of Congress place great stress on ceremonial victories. "I'm sorry, Don,' Vander Jagt says, "but John Anderson is a friend of mine. I've been in his home, and he's been in mine." "Okay, Guy, I understand," Clancy says, and almost certainly he does, friendship and personal loyalty being recognized in the House as things beyond ideology, and sufficient to justify nearly any position. So Clancy does not try to persuade, and Vander Jagt returns to lunch. He has made the round trip in four minutes. There is nothing but routine in front of him, and he is a little bored, even though he is a man who loves the House.

"Sometimes," he says, "I feel as if I should be paying for the *privilege* of being here." Congressman Pete McCloskey stops by, exchanges pleasantries, and mentions something about the Government Operations Committee. A few days before, in an interview with a reporter for the *Los Angeles Times*, McCloskey had said that it would be a good thing for everyone if Nixon were challenged in some Presidential primaries in 1972. Now, McCloskey has lean, tough good looks, and the residue of a national reputation left over from the time he beat Shirley Temple Black in a primary. Moreover, he is a liberal Republican, and he was endorsed by the *New York Times* in the last election, which he then won with 78 per cent of the vote. In the interview he had not said that *he* would enter a primary against Nixon, and in fact he had said that he wouldn't be right for it at all. Still, to be young, and to be a politician, is to have a sense of the possibility of all things, and it is also to think of all the other politicians who could get in your way. So, what is McCloskey *really* thinking? Another reporter wanders up to him and Vander Jagt. "Congressman McCloskey," he says, "have you had any trouble from the White House on that statement about Nixon?" "I said it because I *wanted* to make some trouble," McCloskey says, moving away, and looking leaner and tougher than ever. "It was a good answer to a bad question," the reporter says to Vander Jagt, "except that it didn't mean anything." Vander Jagt, who is young, and a politician, and gets mentioned himself when the Michigan Republicans count their candidates, looks speculative and says nothing at all.

It is early afternoon, and Vander Jagt is alone in his inner office with Bud Nagelvoort, his administrative assistant. Nagelvoort, who was a market research assistant for a baby food manufacturer in Michigan before he joined Vander Jagt in Washington, speaks very softly and very cautiously. He is superb at details and mustering all the small pieces of information that go into legislation, and like many politicians, Vander Jagt is not. Nagelvoort and Mrs. Martin are the only ones in the office who will call Vander Jagt by his first name, the secretaries always saying "Congressman," which is what Nagelvoort and Mrs. Martin do, too, when strangers are about. There is a deference shown to Congressmen, and one of the truly sad things in Washington is a Congressman who has just lost an election and must now forgo that deference forever. It is one reason so many of them never return to their districts, but linger on in Washington, wraiths around their old privileges.

The police stop traffic on Independence Avenue so a Congressman can cross and walk to the Capitol, even if it is only for one of H. R.'s quorum calls, and they will give him a number his secretary can call to fix his traffic tickets. The clerks at Washington National Airport will delay a flight for him, and the telephone company will put "The Honorable" after his name in the phone book. A Congressman can find someone to do something for him nearly any time, and while this may not corrupt him, it can easily confuse him. Politicians, like trial lawyers, want to be loved for themselves, but a politician can never be entirely sure that this is why he is loved, and so he has a harder time than most of us. Like all great institutions, official Washington sorts out men by their positions, and the positions determine the esteem one man shows for another. There is nothing wrong with this, and the Sacred College of Cardinals does it too. In Washington, however, there are more positions to go around than there are in the College, and while the cardinals only get together once in a while, the Washington people keep seeing one another all the time. Since only the strongest among them do not judge themselves mostly by the way the others treat them, they are all greatly dependent on one another. Unhappily for a politician, however, he cannot be sure whether he is treated the way he is because of himself or because of his position, and so he carries a burden that most of us do not. In his soul, it vexes him.

Bud Nagelvoort, meanwhile, is shuffling pieces of paper: "Guy," he says, "we have this." It is a confrontation they have each day, Nagelvoort carrying in to Vander Jagt the most recent memos, proposals, requests, and stray pieces of information he thinks he should know about, and Vander Jagt, after considering each one, saying either yes, no, let me see it, or put it aside. This day there is a memo on the United States and Soviet space programs. Vander Jagt wants to see it. There is more information on the Administration plan to help the railroads. He hesitates, and Nagelvoort suggests that perhaps he has read enough about it in the newspapers. It is put aside. Someone will propose a bill to increase the number of family doctors. Vander Jagt is interested. There is a statement by another Michigan Congressman. He is not interested.

The Government Operations Committee will vote on something while he will be out of town. He will send a proxy. The committee is sponsoring a trip to Puerto Rico. He is interested. The offer expired last Sunday. Oh. There are clippings on the Hope College choir, new Republican officials in Michigan, and pollution in the Great Lakes, and there is a report on the Muskegon County sewage system. He is interested in all of them. There is a cable from a friend, a black artist, who is on a trip to Africa. He has just been invited for a showing in the Soviet Union. Should he go. Certainly. There are twenty-three pieces of paper, each one of considerable moment to someone or other, and if Vander Jagt stops to be thoughtful over each one he will do nothing else for the rest of the day. His talent, however, is to extrapolate, and then to decide quickly, which a good politician ought to be able to do. On larger matters, of course, it is more difficult.

When Vander Jagt voted against the supersonic transport, the White House was for it; Gerry Ford, being the House minority leader, was for it too, although like any sensible leader he had said no more than, "Guy, we'd like your support on this one." Furthermore, a factory in Muskegon fabricated metal parts for the SST, and the Republican county chairman even worked there. What if the chairman were to lose a stock option, or even his job, if the SST were canceled? It was the kind of question that can get to a Congressman and gnaw at him. Vander Jagt brooded, wavered, and still voted against the SST. Shortly afterward, he learned that the men who ran the factory had never cared for him anyway, and indeed had supported his opponent. This made his vote more tolerable to him, although he wished he had known about it before.

Now, of all things that can sway a Republican Congressman, a Republican White House is probably the greatest. The White House, however, is not one man; it is a warren, a separate culture, of assistants, special assistants, counselors, and all their deputies. Their rules are unclear, and their authority never exactly defined, but they can be the ultimate source of factors and dispensations.

A Congressman, for example, is supposed to be something of a public-relations man for his district, and Vander Jagt once worked White House sources for five months to be allowed to present a pair of wooden shoes to President Nixon as a gift from the people of Holland, Michigan, who every year hold a Tulip Festival. (Vander Jagt also decided to give the President a recording made by an orchestra at Interlochen, a summer music camp in his district. When he walked into Nixon's office, the wooden shoes in one hand, the recording in the other, he said, "Mr. President, I'd like to present you with this wooden record.") In 1969, on a trip home, Vander Jagt met with some ecologists, urban planners, and Muskegon County officials who were trying to establish a new kind of sewage system to take the sewage that was wasting Lake Michigan and divert it to fertilize barren land. It was a stunning plan, with implications for every city in the country, and it was being delayed by opposition in the state capital.

When Vander Jagt returned to Washington, he met with the federal people involved, and then finally, and most importantly, with John Ehrlichman, Nixon's assistant on domestic affairs. Ehrlichman is one of the better people in the White House; his soul is not always torn by fear that his President might not be reelected, and he can consider an issue on its merits. Moreover, the Ehrlichmans are friends and neighbors of the Vander Jagts, and Ehrlichman's daughter is their babysitter, and from more slender circumstances than these the fate of nations, much less that of a sewage system, has been decided. Vander Jagt and Nagelvoort talked to Ehrlichman for two hours about the Muskegon proposal, and shortly thereafter the whole federal bureaucracy became more interested in it.

Nonetheless, the state government in Michigan still was not ready to accept it until Vander Jagt carried a letter from Nixon to Governor William Milliken at his summer home in Traverse City. The President told the Governor that he was personally interested in the sewage system, and although this was unlikely—the sewage system being a highly complicated project, and Presidents generally not having the time to study such things—it was *Realpolitik*. Subsequently, Milliken visited Muskegon, the state decided it supported the sewage system, and the federal government announced a $2 billion grant to get it started. Vander Jagt came out ahead too, when the League of Conservation Voters, which is interested in how *effective* a politician is, named him as one of only seven Congressmen it was endorsing for reelection.

A buzzer has sounded, signifying that a vote is forthcoming on the House floor, and Vander Jagt leaves his office, falling into step, as he does, with his neighbor, Congressman John Buchanan. "John," Vander Jagt says, "I talked to my man at the White House, and his reading is that they couldn't get your bill out of the Rules Committee with cannons." "That's just not true," Buchanan says, "and I got an even more optimistic report only an hour ago." Vander Jagt speculates. This Administration has not distinguished itself when it has counted votes beforehand, and maybe it is wrong again. "Well, I hope you're right, John," Vander Jagt says. "I certainly hope so." Vander Jagt crosses Independence Avenue (the policeman stops traffic for him, of course) and he sees coming toward him a Congressman he does not like, and who, for that matter, does not like him. They ignore each other as long as they can, and then at precisely the same moment, and almost imperceptibly, they both nod. Vander Jagt keeps walking until he is in the shadow of the Capitol. "I'll never be able to get along with that guy," he says moodily. Vander Jagt quickens his pace, afraid he will miss the vote, and when he gets to the floor he enters on the Democratic, and not the Republican, side. The clerk reading the roll is up to Udall, and across the floor Vander Jagt sees the Republican doorkeeper, William Bonsell, grinning, and then very gravely taking his index finger and poking himself in the eye with it. Vander Jagt stops and ponders. He is there to vote for a resolution that will limit the debate on a housing bill that afternoon to two hours. It is the 176th time this year he has appeared for a record vote, and he understands the resolution and knows how he will vote.

Sometimes, however, dashing in from a committee meeting, or getting up from lunch, or running in from the paddle-ball court, he has not known what the hell he was supposed to be voting on, and even if he has known, he has not known how he wanted to vote. Bills tumble over one another in the House, and some of them are so complicated that only the staff, and perhaps a few Congressmen, ever know what is in them. There is no way that even the most conscientious Congressmen can sort them all out, but they are supposed to try, and so the Republicans, at least, will turn to Bonsell. "How are we going?" Vander Jagt will say as he runs past him. "Well," Bonsell will say, "Les and Gerry voted yes"—Les being Leslie Arends, the Republican whip—or "Everyone's voting no," Bonsell will say, sounding a little cavalier about it. So, there is Bonsell, still sticking his finger in one eye and looking at Vander Jagt with the other one, only now he is grinning. *His eye.* Vander Jagt understands. "Mr. Vander Jagt," the clerk calls. "*Aye,*" Vander Jagt says.

The afternoon is waning, and Vander Jagt is back in his office. A brigadier general from the Corps of Engineers, paying a courtesy call, was awaiting him when he returned from the House, and they exchanged pleasantries, the general saying that the Corps only took directions and did not set policy, and Vander Jagt agreeing, saying that of late the Corps had been doing a marvelous job against pollution. Then the two Democratic counsels to the Conservation and Natural Resources Subcommittee came by to talk about the 1899 law that Russell Train had called about in the morning. The two counsels are capable men who work well with Vander Jagt and Nagelvoort, but after they left, neither Vander Jagt nor Nagelvoort were exactly sure why they had come. The two counsels, after all, are Democrats, and they had been concerned about who would administer the 1899 law, and at bottom this is a political question. Vander Jagt and Nagelvoort did not quite see it as a political question, and they did not talk about it after the two Democrats had left, but that was because of the convention that allows party politics to be present in all things in Washington, while at the same time never acknowledged. It is a sensible convention, and it allows men to work together when they might otherwise be inclined to argue.

Now Vander Jagt is returning telephone calls. One is to a manufacturer in his district, who wants to object to an Administration plan for the Federal Aviation Agency. The second is to a Republican county chairman in Michigan, who wants his support on a candidate for the bench, and who finishes by saying, "Vander Jagt for Senator in '76." The third is from a friend, who wants a favor for *his* friend. The friend's friend is a Democratic county chairman in Vander Jagt's district, who has just discovered that he cannot get a loan from the Federal Housing Administration for a home on a private road. The Democrat thinks this is unfair, but he would feel foolish calling a Republican Congressman about it, and so has asked someone else to do it. Vander Jagt, who knows that perhaps a third of the homes in the county are on private roads, agrees with the caller and says that he will check into it. Now, it happens that Vander Jagt plays paddle ball regularly with the chairman of the FHA, and after a game sometime he will talk to him about it. The chairman may or may not think that the law should be changed, but either way the Democratic county chairman will have his day in court. Vander Jagt says it is a perfect example of the way things get done in Washington.

The Members of Congress are scattered about the floor of the House. They are meeting in what is called the Committee of the Whole House, and they are about to consider the Housing and Urban Development Act of 1970. In appearance, Congressmen are disparate, although they like to have their suits well pressed, and there is an uncommon number of cufflinks among them. There are Congressmen who look like aging juvenile delinquents, and there are Congressmen who look like wheezing, belching rustics (and who, in fact, turn out to be experts in the arcanum of the tax structure, say, or the tariff). Here there is a Congressman with a spiky Kaiser Wilhelm moustache, who quotes Shakespeare, and over there is a Congressman who won two Olympic gold medals, and a little further on is a Congressman who steals money. There are Congressmen who can imagine themselves in no other place than the House, and there are Congressmen, a smaller number of them, who say the House makes their souls wither within them. Here is one, a younger man, exorcising his devils: "There are three kinds of Congressmen. First, there are the talented and gifted who will get out because they can't stand the system. Then there are the men with no talent, but they have a good job and so they stay. And then there are the men who are bright and they stay, but for the wrong reasons. The Rayburn dictum still works—if you want to get along, go along—but the more docile you are the more resentful you become, and it becomes corrosive."

There are Congressmen known by every man and woman in the House, and there are Congressmen so obscure they are known by hardly anyone. Their single devotions to the commonweal vary widely, and there are some easily indictable on the grounds of moral turpitude, but there is almost none who will break his word to another Congressman. That is considered the greatest of all sins, and the second greatest is to sell another Congressman on an absolutely lousy idea. Therefore, not everything produced by the House will have a great deal of merit, but very little will have no merit at all. It is a system that makes the House handle smaller issues better than it does larger ones; and a dedicated, conscientious man can work his will on small things, while he can wreck himself fighting for large things.

Here is a Congressman, complaining of his impotence: "When I first got here I was shocked at the rudeness that committee members would show to Administration witnesses, and then gradually I became that way myself. Look, I checked, and there are only three computers in the House, and there are 3,700 in the Executive branch. You wait two hours so you can get a shot in at the Secretary of Defense, and then it lasts only five minutes. The only thing you know is that you're getting ——— from him, and there's nothing you can do about it. My committee's staff is loyal to the chairman, and the chairman will go along with the Secretary. It gets down to where you ask yourself, Should you even bother going to a meeting when you know you won't get anything from it?"

So, on this day, assembled to consider the housing act, are people of many temperaments and persuasions, most of them seriously involved in their own separate projects and few of them with deep knowledge of a housing act, but none of them capable of much surprise at what their colleagues will bring forth. It is a big and complex bill they are dealing with, and it has been drawn up by the Housing Subcommittee of the Banking and Currency Committee. That is, the original bill was drawn up by the subcommittee, but at the moment Congressman Robert Stephens is rising to offer what is called an amendment in the nature of a substitute, which is 132 pages long and which would replace the subcommittee's bill, and he is doing it with the subcommittee's approval. Now Congressman Charles Jonas stands, and asks if he can offer three amendments to the Stephens amendment, and he is told he can, but that he must wait. Congressman Frank Brasco, however, is on his feet, offering an amendment to the Stephens amendment, and it is accepted. Now Congressman Garry Brown is up, having waited so far for tactical purposes, and he proposes a substitute amendment for the Stephens amendment, which, remember, was a substitute for the subcommittee's bill.

Congressman Benjamin Blackburn, in turn, rises to offer an amendment to the Brown amendment, and then Stephens is up again to say that he thinks Congressman Blackburn is attaching his amendment to the wrong other amendment. Then Congressman Olin Teague is recognized so that he can propose his amendment to the Stephens amendment, and Congressman Blackburn is making a parliamentary inquiry: whatever happened to his amendment? Congressman Robert Sikes then offers an amendment to the Brown amendment; if that amendment loses, he says, he will propose it for the Stephens amendment.

At this point there can be no more than a few members who clearly know what is happening, and things are not helped greatly when it is announced that "the question is on the substitute amendment, as amended, offered by the gentleman from Michigan for the amendment in the nature of a substitute offered by the gentleman from Georgia." It is a time for visceral instincts, and Vander Jagt knows only that, respecting Garry Brown as he does, he will vote for whatever it is he is proposing. Brown, meanwhile, has demanded a teller vote, and he and Congressman William Barrett, who opposes his amendment, are appointed as tellers.

They withdraw up an aisle, and the members who support Brown, the aye votes, start to pass by in single file. Brown taps himself on the chest, saying "One," and then taps each Congressman on the back as he passes by: "two, three, four." Barrett, as is the custom, is keeping his own count, and so they are standing there in the aisle, antagonists in a kind of numbers game, with the other Congressmen running by as markers. "Ninety-four," Brown says finally, and then Barrett starts counting his no votes. He is up to ninety-six, and waiting, when five more Congressmen, found and summoned from God knows where, come running up the aisle, their arms outstretched, and point first to Barrett, and then to Brown, and then back to Barrett again. "One hundred one," Barrett says. In fact, he is confused, and so is Brown, and so are two of the five Congressmen, who had wanted to be on Brown's side. It does not matter, of course, because Brown would still have lost; but he is a professional, and so his pride is a little touched.

However considerable his talents, Vander Jagt is among the most forgetful of men, seldom wearing an overcoat, for example, because he knows he will leave it somewhere behind him, and often leaving home in the morning without his wallet, keys, or anything else that might persuade a policeman he is not a simple vagrant. Moreover, no matter how readily he may grasp a complicated piece of legislation, he is baffled by nearly any inanimate object, and by timetables and maps as well. On Election Day he was minutes getting into and out of the voting booth because he was defeated by a lever, and when he was new in Washington he once had to call the police to guide him back to his home because he had more or less forgotten the way. Recognizing these things, his staff compensates for them, and now Vander Jagt is sitting at his desk while a secretary reads from a list. "Keys?" she says, and Vander Jagt pats his pocket. "Tickets?" she says, and he picks up the envelope in front of him. Vander Jagt is leaving town later in the evening so he can speak in Chicago the next day, and the secretary is leaving nothing to chance. A call is put through from his outer office, and Vander Jagt gets on the phone to talk to a friend at the White House. The Rules Committee has tied, 7 to 7, on Buchanan's bill for the new consumer-protection agency, and while this means the White House won't be able to get it now, it also means that it won't have to accept Democrat Rosenthal's bill, and for this it is grateful.

Vander Jagt is not scheduled to leave Washington until 8:00 p.m., and there are now more than two hours stretching in front of him, which means that he has time to go to a party. If Vander Jagt chose to, he could go to a party, or a reception, every night, a Congressman always being in demand for something, but he has long since learned that there is no profit in this, and so he exercises discretion. Tonight the National Space Club is holding a reception in the Caucus Room of the Cannon Office Building so that it can present trophies to Wernher von Braun and the widow of Dr. Robert H. Goddard, and as a member of the House Committee on Science and Astronautics, Vander Jagt has been asked to attend.

The president of the Space Club is a man from Texas Instruments, and the first vice president is from Boeing, and the host for the evening is Congressman George P. Miller, chairman of the Committee on Science and Astronautics. It is a lobbying effort, and like most lobbying in Washington it is terribly *en famille*. (Washington, in fact, is terribly *en famille*.) When Vander Jagt enters, the first person he sees is Von Braun. "Wernher," he says, "the last time I saw you, you were leading a conga line in New Orleans." Von Braun smiles, acknowledges the memory, and then he is talking to someone about the stars, a fine flicker of fanaticism lighting his face, and Vander Jagt is plainly impressed. "Damn it," he says, "I know it's emotional, but I want to be exposed to the emotional part of it." A lobbyist wanders by, and tells Vander Jagt that the word is that George Bush of Texas will be the next head of NASA. (Two days later, Bush is appointed Ambassador to the United Nations.) Bill Anders, who flew an Apollo spacecraft around the moon, falls into conversation, and he says that when he speaks to college students he emphasizes the *spiritual* part of his journey. "Guys," he says, "when I looked back at the earth, then, boy, I knew I wasn't the center of things." In the corner of the room, Von Braun is introducing his young son to Neil Armstrong, and Mrs. Goddard is talking about her late husband, and a Texas Congressman is hustling a secretary from NASA. Vander Jagt is feeling warm and sustained, and as he leaves to go to the airport he begins to talk about his vision of a federal medical academy. He has at the moment a great sense of the possibility of all things.

RETURN TO ISRAEL: A REPORT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BINGHAM. Mr. Speaker, my wife and I recently returned from a privately financed factfinding visit to Israel—our third trip to that inspiring country since 1952. I have written a report to the constituents of the 23d Congressional District of New York, which I represent, on some of our experiences and observations, particularly with regard to conditions in areas now under Israeli control due to the outcome of the 1967 war. These reports were recently published in two installments in the Riverdale, (N.Y.) Press. I believe that some of the observations may be of interest to the many Members of Congress and readers of the RECORD who share my concern over developments in the Middle East. My report, therefore, follows:

BINGHAMS ARE OPTIMISTIC ON MID-EAST PEACE PACT

(By Jonathan B. Bingham)

On a recent six-day visit to Israel, my wife June, and I were once again heartened by the remarkable achievements of this remarkable country.

When we were first there, in 1962, we were impressed that Israel was surviving at all, faced as she was with seemingly impossible economic problems. We wondered how the Israeli leaders could sleep, not knowing how they were going to pay for the next shipload of grain coming into Haifa harbor.

In 1964, we were struck by the amazing economic and industrial growth that had occurred in such a small and vulnerable land. We saw the new aqueduct built to carry water from the upper Jordan to the Negev, and the new cities created to accommodate tens of thousands of immigrants from many parts of the world.

In February 1971, what impressed us most was the calm and courageous way in which the Israelis are moving toward a new era of peace and stability, hopefully, for the Middle East. They know that such an era is not likely to come tomorrow or the next day, but it is, they are confident, on the way. The trends are in the right direction.

The Israelis, quite properly, take a long view. With the perspective of thousands of years of history, they are not going to be rushed into accepting arrangements for a peace settlement that might collapse in five, ten or 20 years and leave them once again exposed.

All the same time, I believe our State Department is wrong in giving the impression that the Israelis are being rigid and inflexible in the face of a new spirit of compromise on the part of Egypt. The Israelis are, indeed, impressed with the drastic change in Egypt's attitude since the death of Nasser, but they are not for that reason going to be pressured into agreements that would be unwise for the future.

In particular, they do not want to be in a position of having to rely on assurances made by powers such as the Soviet Union and France; they have had sad experience with the unreliability of some international "guarantees" in the past.

Another trend that is highly favorable is the declining importance of the Palestinian terrorists. King Hussein has been able to reassert control in his own country. President Sadat of Egypt has told the Palestinian groups in no uncertain terms that they will not be allowed to prevent a peace settlement.

Another factor which is weakening the terrorists is the extraordinary job the Israelis are doing in the West Jordan areas and in the Gaza strip. Tens of thousands of Arabs from the "West Bank" and from the Gaza strip are working in Israeli at far higher wages than they have ever had and learning that they can live in peace and prosperity side by side with the Jews they were brought up to hate and fear.

ISRAEL TODAY

(By Jonathan B. Bingham)

Like other recent visitors to Israel, June and I were astonished at the open borders that exist, not only in Jerusalem, but between Israel proper and the "West Bank" areas. In Jericho, Bethlehem and Ramallah we saw only occasional Arab policemen, no Israeli troops. The Arab policemen wore the only guns we saw.

We talked with distinguished Palestinians who want to see an independent Palestine or a Palestine-Jordan federation, but who are confident that such an Arab state could not only live in peace with Israel, but could benefit from Israel's thriving and labor-scarce economy.

Most astonishing of all is the situation in the Gaza Strip itself. This area of 350,000 inhabitants, of which 200,000 are in refugee camps, was totally stagnant under the Egyptians, a breeding ground for bitterness and hatred.

Today there is no unemployment. Anyone who wants to work can get a job. In spite of the efforts of the terrorists to stop them by occasional grenade attacks, 16,000 Arabs from Gaza are today working in Israel, commuting daily or weekly.

Thousands more are employed in orange-packing plants and other local industries, financed by the Israelis and utilizing a new power line.

The increasing fluidity of the situation—and the consequent growing of mutual confidence and understanding—is illustrated by the fact that Arabs from Gaza can readily get permits to enter Israel and can travel across Israel to the West Bank area without any permits whatever. On the highway down to Jericho, we passed perhaps 50 trucks loaded with oranges from Gaza on their way to Jordan to be sold there!

In recent months more and more Arabs from outside have travelled to Israel, especially to visit the holy Muslim places in Jersusalem. In my judgment, all of this activity may in time be more important to the future stability of the area than the documents that the statesmen may eventually sign.

Here are a few additional items, in a different vein:

I used to complain that the Israelis don't understand about good Jewish cooking, but I'll have to stop saying that. The General in command of the northern Sinai gave us a luncheon with his staff at his headquarters in Gaza. The food was excellent and might have come from a Riverdale delicatessen.

The Israelis do things so well that it's almost a relief when you see some one act like a schlemiel. In Gaza our car was escorted by Israeli jeeps fore and aft, out of an abundance of caution. At one point on the road the Colonel in command, who was riding with us, suddenly told our driver to stop, because he thought he saw an Israeli soldier picking an orange from a roadside tree.

This turned out not to be the case, but while we were stopped, the forward jeep sped ahead. About a mile down the road, one of the soldiers looked around—and back they came, somewhat sheepish.

The Church of the Holy Sepulchre has been restored by the various church organizations responsible, and is far brighter and less cluttered than it used to be. The magnificient Muslim shrine known as the Dome of the Rock is in the care of Muslims. Access to these holy places is of course free to all. This is in sharp contrast to the period from 1948 to 1967, when the Jordanian government barred Israeli Jews from the revered Western Wall.

These various activities are being undertaken by the Israelis, not because they want to hold on to Gaza or most of the West Bank, but because they want to show what open borders and Arab-Jewish cooperation can do for all concerned. And of course word of what is happening gets out to the rest of the Arab world and has its impact.

NATIONAL HOUSING CONFERENCE RESOLUTIONS

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Thursday, April 15, 1971

Mr. HUMPHREY. Mr. President, the National Housing Conference is recognized as a major force on behalf of the public interest in the promotion of decent housing for all our people and in the revitalization of our cities. For many years I maintained a close association with the conference, including service on its board of directors. I found this experience highly informative and thoroughly rewarding, and I greatly appreciated the opportunity to address the 40th annual meeting of the conference, held recently in Washington, D.C. Senator SPARKMAN graciously included the text of my remarks in the RECORD of March 11, 1971.

On March 7, 1971, the membership of the National Housing Conference adopted a series of important resolutions on poliices and programs in housing and urban development. This extensive and in-depth study of Federal programs and legislation merits close attention by all Members of Congress.

I ask unanimous consent that the complete resolutions be printed in the

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

THE 1971 NATIONAL HOUSING CONFERENCE: RESOLUTIONS ADOPTED BY THE MEMBERSHIP OF THE NATIONAL HOUSING CONFERENCE AT ITS ANNUAL MEETING, MARCH 7, 1971, WASHINGTON, D.C.

SUMMARY OF MAJOR POLICIES AND PROGRAMS RECOMMENDED IN RESOLUTIONS OF NATIONAL HOUSING CONFERENCE

We present the following summary of some of the major policies and programs which are recommended in the resolutions adopted by the membership of the National Housing Conference at its annual meeting on March 7, 1971 in Washington, D.C. These are covered in greater detail in this report as recommendations under the appropriate chapter headings listed in the index.

Full funding and use of all authorizations

1. The Administration's appropriation requests for housing and related urban development programs for the Federal fiscal year 1972 beginning July 1, 1971, are grossly inadequate in relation to demonstrated needs and backlog requirements of communities and private enterprise, as shown by the following cuts:

a. The utilization of contract authority for low-rent public housing would be reduced from $394 million authorized for fiscal year 1971 to $201; and to $207 million for fiscal 1972 from $417 million authorized for fiscal 1972 (which includes the $193 million carryover from fiscal 1971).

b. With respect to housing for lower income families, the Administration requests contract authority for interest subsidies under the Section 235 and Section 236 programs of only $175 million each as against Congressional authorization of $25 million additional for fiscal 1971 and $200 million for fiscal 1972 for each program.

c. With respect to urban renewal, the budget confirms that the $200 million additional capital grant funds *appropriated* for fiscal 1971 have been frozen as to commitment in fiscal 1971. The budget proposes that this $200 million be made available in fiscal 1972, together with a new appropriation request for $600 million.

d. With respect to the model cities program, the budget requests no new appropriation for fiscal 1972. Since the budget was published, the Administration has announced the release of $148 million of impounded model cities *appropriated* funds in fiscal 1971 and $288 million of such funds in fiscal 1972. Even at this rate, a total of $296 million of model cities *appropriated* funds would be withheld by June 30, 1972.

e. With respect to water and sewer grants, the budget confirms that the $200 million in additional funds *appropriated* for fiscal 1971 have been frozen as to commitment in fiscal 1971. The budget proposes that one-half of these frozen funds be released or commitment in the first six months of fiscal 1972. No request is made for additional appropriations.

f. The budget message proposes new legislation consolidating urban renewal, model cities, rehabilitation loans, and water and sewer grants in a new Community Development Program, effective January 1, 1972, upon which date the four categorical grant programs would be phased out as to new commitments. The budget requests a supplemental appropriation of $1 billion for the new Community Development Program.

If enacted, the new Community Development Program presumably would also terminate large outstanding *unappropriated* Congressional authorizations, namely: $1,927 million in urban renewal grants; $817.5 million in model cities supplementary grants; and $1 billion in water and sewer grants, in addition to $100 million in unexpended water and sewer appropriations.

2. The Budget actions taken in freezing or cutting HUD funds for various programs demonstrate the need to grant a higher priority in the allocation of national resources to the solution of the problem of housing and community development. In view of the current critical housing needs and the financial crises in the cities, NHC urges action by the Congress and the Administration to assure that the full amount of funds authorized by legislation or appropriations will be released and spent for housing and community development programs.

Housing program to meet all needs and achieve economic integration

3. NHC reaffirms its support for a single, consolidated housing assistance program to serve all families who cannot afford the cost of housing on the private market. NHC believes that such a consolidated program for assisted housing is necessary: to eliminate the gaps in coverage created by the separate income limits, construction and design standards, income definitions, and rent requirements; to reduce the administrative workload and encourage wide participation of housing sponsors and developers; and to promote a policy of economic integration in assisted housing which will eliminate the segregation of low income families in housing for the poor.

4. The housing assistance program should be based on a variable single subsidy which would cover the total deficits representing the difference between (i) full operating costs and debt service, and (ii) the ability-to-pay of each family living in the housing up to the maximum established charge.

5. There should be a uniform definition of income with deductions of the types previously allowable, along with a reasonable ratio between income and required housing payments.

6. As a matter of principle, NHC recommends that there be no income limits for admission to assisted housing. NHC believes that the most desirable and workable criteria for the determination of income eligibility for such federal housing assistance is the ability of a family in a local area to pay the total cost of well-designed—but not luxurious—housing developed in that area, under an appropriate income definition and a reasonable ratio between income and required housing payments. A family should receive housing assistance to the extent that it cannot afford the full cost of such housing.

7. If the Congress decides that it is necessary to include an income limit on legislative authorizations and funding for subsidies to assist housing, we recommend the following program relating to income limits (instead of the one described in the preceding paragraph). The following program also includes a subsidy formula which is necessary to achieve economic integration and fill present gaps and areas of unmet need.

a. The income limits for 80% of the dwelling units should be the median income in the area, with authority in the Secretary to exceed the median by the amount required in order to meet the housing needs of the locality based on its income and cost factors. There would be no income limit for 20% of the units in order to achieve economic integration and enable housing developments to serve a cross-section of income groups.

b. There would be a flexible subsidy formula which would eliminate gaps in our housing program and assure that there is sufficient subsidy available to meet the housing needs of people at different income levels. In terms of the ratio of income to housing payment, we recommend that all families be required to pay 20 percent of their income for housing. The amount of subsidy to a family would be the amount required to meet the housing expenses remaining after the occupant paid 20% of his income for the housing. The amount of subsidy allocated for an assisted housing development should be based upon making dwelling units available to a cross-section of income groups, as follows:

(i) Up to 20% for occupancy by families or persons whose incomes are much below the maximum income limits and who require subsidies at or above the amounts which have been available for rent supplements and public housing. Based on their payment of 20% of their income for housing, this group would be eligible for a subsidy in the amount required to meet the remaining amount of housing expenses. To the extent needed, this would cover the principal and interest payments on the mortgages and a part of the operating expenses.

(ii) Up to 20% for occupancy by families or persons who would not be subject to an income limit. We propose to provide a subsidy incentive for such families to live in an assisted housing development with families of lower incomes. For this group, there would be a subsidy of 2%. At today's market interest rate, these people would pay an effective interest rate of 5% plus the ½ of 1% FHA premium. People in this group would pay 20% of their income for housing expenses up to a "maximum established charge" which would reflect the 2% subsidy.

(iii) The remainder for occupancy by families or persons who are at or below the median or higher income limit established by the Secretary and who require subsidies in the form of interest assistance. Based on their payment of 20% of their income for housing, this group would be eligible for a subsidy in the amount required to meet the remaining amount of housing expenses. To the extent needed, this could cover all of their interest and the FHA insurance premium. According to their varying needs, these people would pay a monthly charge ranging from 0% interest (with no FHA insurance premium) up to the maximum established charge which would reflect a 2% subsidy.

8. There would be a periodic reexamination of income only for occupants who are paying less than the maximum established charge. If

their income increased, they would pay 20% of the larger income, but not more than the maximum established charge. With such a charge which reflects a 2% subsidy and an effective current interest rate of 5%, there would be an incentive for residents to remain in the housing community even though their incomes increase. As a matter of public policy, this is vitally important in order to achieve greater stability in housing communities and to maintain their economic integration. If people feel that they are permanent residents of a housing development, they will take better care of it.

9. By serving a broader segment of the market through economic integration, a housing development will be better able to achieve racial integration.

10. The past practice of committing maximum subsidies has resulted in unused contract authority because the commitment was based upon the maximum amount needed for everyone. The Senate Committee recognized the undesirability of pursuing this practice. Under our proposed program, the commitment of contract authority would be based on the estimated need based on serving a cross section of income groups. There should be a national reserve of a reasonable amount of contract authority for commitment to meet over-runs in subsidies above the estimates. This reserve would be only a fraction of the amount of unused authority under the present system where all commitments anticipate a maximum subsidy for everyone.

11. Eligible sponsors should be broadened to include local housing authorities, regional or state agencies, in addition to those now eligible; also local housing authorities should be permitted to act as mortgagees, as is now done by an increasing member of state agencies.

12. NHC supports the principles and objectives of the Administration's proposals for simplification of the many federal housing programs, but only if the legislation includes the recommendations for a new flexible formula for subsidies, better income-to-rent ratios, achievement of economic integration, and all of the other amendments described in these resolutions.

13. If there is new legislation for the consolidation of housing programs and new formulas as to income limits, subsidies, cost limits and other matters, we emphasize the urgent need to continue operations and housing production under the existing laws. During the tooling-up period under the new legislation, and until the new programs become fully effective and operational, all existing programs should continue so that there will be no interruption in HUD operations in view of the need for a higher level of production during the coming years.

14. The program recommended in these resolutions would make housing available to families of all incomes. There would be no gaps or areas of unmet needs in our housing programs. Each family whose income is too low to obtain decent housing would receive the amount of assistance it needs to get such housing. We must reach the unserved income group below the level now eligible for public housing or rent supplements. Likewise, we must avoid a gap or area of unmet need above the level now eligible for moderate income private housing assisted with federal interest subsidies or below-market interest rates. To achieve these objectives we urge the adoption of this program.

Equal housing opportunity and freedom of choice

15. We should provide an opportunity for freedom of choice in our housing programs. The choice of individual or cooperative homeownership or rental housing and the choice of city, suburban, new town or country living must not be limited by race, color, religion or national origin. With housing in each development available for a cross-section of income groups and a broader market, we can provide freedom of choice to people of all incomes to select where they want to live.

16. Community discrimination against subsidized housing should be removed as it is a most serious constraint on the availability of building sites for low and moderate income housing. We recommend legislation which would prohibit States and local public bodies from discriminating against housing subsidized by the Federal Government, whether through legislative or administrative action. The legislation should authorize suits by interested parties, as well as the Attorney General, to enjoin such discriminating action. The legislation should be strengthened by providing for federal pre-emption of local zoning upon an appropriate finding by the Secretary of HUD, so as to require opponents rather than proponents to initiate legislation.

17. We disagree with the President's statement that government encouragement of racial integration in the suburbs is not in the national interest. We believe such encouragement *is* in the national interest. We urge the Administration to take affirmative action to assure the availability of decent housing for all Americans, regardless of race, color, religion or national origin.

18. The Federal Government should be authorized to undertake housing developments as a last resort where no other agency or developer is meeting the need in an area for low and moderate income housing.

Community development program under urban renewal

19. NHC supports a total community development program under the urban renewal program which would be a comprehensive program prepared by the local community, including all physical developments, rebuilding and rehabilitation activity, and eligible for federal funding. The plan, if approved, would receive federal funding on a yearly increment basis, similar to that in the Neighborhood Development Program.

20. In the Community Development Program, the locality's application to HUD would contain a three year forecast of financial assistance needed, including a one year budget and program, and a request for a second-year reservation of funds. In approving the locality's application, HUD would provide for a three-year Federal authorization, with one year contract, a second year advance reservation, and a third year forecast. They would be updated annually.

21. The activities proposed for inclusion in a Community Development Plan extend greatly beyond those now eligible under traditional urban renewal or the Neighborhood Development Program.

Urban growth and new communities

22. NHC urges the full utilization of the Urban Growth and New Communities Development Act (Title VII of the Housing and Urban Development Act of 1970) to help take care of the increased urban population, relieve city congestion and provide building sites at reasonable prices. There is an urgent need for new communities which are carefully planned with housing, schools, jobs, hospitals, recreational facilities and open spaces.

23. NHC encourages programs of home ownership. This includes cooperative ownership of multifamily housing which produces better communities, since the control and responsibility rests with people who have a stake and pride in their own housing development.

24. Federal grants should be made to municipalities and public agencies to cover impact costs of providing educational, health and other services which result from the location of housing developments in an area. The Federal grant should cover the additional costs involved which cannot be met from collections of full taxes or their equivalents on the project. We recommend payment of full taxes or their equivalents on public and other assisted housing.

General Revenue Sharing

25. NHC recommends against any use of the new General Revenue Sharing Plan to reduce Federal grant funds which are urgently needed—and should be increased—for existing programs including: urban renewal; model-cities; mass transportation; water and sewer facilities; new communities; neighborhood facilities; open space, urban parks, and urban beautification; health; education; training; or other vital needs. In short, the General Revenue Sharing Plan should represent additional funds and there should be necessary increases and full funding for all existing Federal grant programs to meet housing and urban needs.

26. NHC favors the President's proposal for a $5 billion initial appropriation for the General Revenue Sharing Plan in order to meet the urgent needs of States and cities, many of which are facing financial crises. As to increases above $5 billion in later years for General Revenue Sharing, NHC recommends a formula in distributing these additional funds which would encourage and reward local governments that meet the national objective of providing housing for the low and moderate income groups.

Special Revenue Sharing

27. In his Special Message to the Congress on March 5, the President recommended his Special Revenue Sharing proposal for Urban Community Development:

"The size of this fund in the first full year of operation would be $2 billion. Cities would be able to spend their money as they see fit, provided only that they used it for community development purposes.

"The four elements which would be combined to form this new fund would be the current programs for urban renewal, Model Cities, water and sewer grants, and loans for the rehabilitation of existing structures."

28. As to the amount of the appropriation requests for fiscal 1972 compared with the actual appropriations for fiscal 1971, the figures are as follows: the total authorizations available for fiscal 1972 for these four programs is $3.75 billion, but the Administration's total appropriation request for fiscal 1972 for these four programs plus the new Community Development Program is only $1.64 billion.

29. NHC believes that Federal grants should provide incentives to promote national programs and objectives relating to housing and community development. The adoption of the model cities program by almost 150 cities was largely attributable to the Federal program of planning grants and supplemental grants for model cities. Likewise, the participation of over 1200 cities in the urban renewal program is largely attributable to the Federal program of planning grants and program grants for urban renewal.

30. With respect to the proposed special revenue sharing program, we are deeply concerned that many of these programs—with their emphasis on serving the underprivileged and racial minorities—would be prejudiced by the proposed consolidation of the categorical programs into a single community development grant program under which each local government would determine which activity it elects to pursue. To provide incentives which assure the achievement of national goals and programs, we favor the continuance of categorical grants for each of the four special purposes: urban renewal; model cities; sewer and water; and rehabilitation.

31. However, we are in full agreement with the President's principle that Federal grants should be made available for use by states and local governments *without Federal ac-*

countability or program supervision, except for (1) compliance with non-discrimination obligations and (2) the use of the funds for the specific purposes of the grants with the continuance of the four categorical grants which we recommend. We urge that this princple be applied to these categorical grant programs so that they would not be subject to Federal program supervision. In short, there would be block grants for each of the four categorical programs, with the use of the funds limited only to the particular purpose of each grant and without Federal program supervision.

32. In the proposed Special Revenue Sharing program the President recommends that there be no matching grants. We oppose Special Revenue Sharing for Urban Community Development. However, if there were adequate funding for the categorical grant programs, the principle of no matching local grants would be meaningful as applied to categorical grants. In that event, we would recommend that no matching grants be applied in the continuance of the four categorical grant programs.

CHAPTER A. GENERAL STATEMENT OF PROBLEMS AND OBJECTIVES

1. Since Congress enacted the Housing and Urban Development Act of 1968, the Federal Government has assumed increasing responsibility for housing production. Nevertheless, from 1968 to now the nation has suffered a precipitous decline in its housing production. Therefore, while careful studies underlying the goal in the 1968 housing act indicated that at least 2.6 million homes are needed annually over the next ten years to meet our housing shortage, our record of housing production since then has been disastrous. For example, in 1968, we produced about 1.6 million homes; in both 1969 and again this past year, we only produced about 1.4 million homes or little more than half our housing need and goal. The percent of these homes financed in some manner by the Federal Government has steadily increased while conventionally financed housing decreased. Recently some experts have predicted that housing starts will rise to over 1,750,000 in 1971. We can achieve housing starts of 2,000,000 in 1971 and accelerate production thereafter to achieve our annual housing goals if prompt action is taken to carry out the recommendations in this report, including prompt enactment of additional legislation and full funding for *all* programs under past and future Congressional authorizations.

2. We are faced with an anomalous situation. There has been an increase in the Federal Government's contribution to housing and an increase in assisted housing's proportion of housing production, but at the same time there has been a decline in total housing production. These Resolutions are addressed to identifying once again our continuing housing crisis, reviewing our efforts to ameliorate that crisis, and suggesting improvements of existing programs. This Report recommends programs designed especially to:

(a) Provide good homes for people of all incomes in wholesome living environments which are in keeping with our Nation's standards and aspirations;

(b) Take action to revitalize our cities and save them from blight and obsolescence; and

(c) Expand social programs, services and job opportunities to improve the quality of American life.

3. America's cities are in a crisis resulting from the decay of decades and from failure to take action which will improve the quality of American life. Many people are ill-housed and live in despair and disillusionment. The need for decent housing is at the heart of our urban crisis. We must take vigorous and immediate action toward achieving our goal of providing good homes and good neighborhoods for all who are ill-housed. It is not enough to build new housing or rehabilitate existing housing. At the same time there must be an expansion of social programs and services for the people.

4. As a result of past fiscal restraints and past tight money policies, housing has suffered more than any other segment of the economy. During the 1966 period of tight money, the Council of Economic Advisers—in its 1967 Report—said that the housing industry bore 90% of the burden of credit restraints. We call for an end to restrictive economic policies that impose burdens on housing to control our economy. It is not equitable either to deprive people of housing or to make them commit to long term mortgages bearing unfair and unreasonable interest rates.

5. Past increases in interest rates and housing costs have excluded people from the housing market who need homes but can no longer afford them. The situation was further aggravated by the increase in interest rates to 8½% on loans under the FHA and VA programs. During the first 10 months of 1970, the Consumer Price Index shows that the home ownership component had climbed 9.1% as compared with a 4.6% increase for the total Index. The rate of cost increases in housing has been double the rate of increase in the total Consumer Price Index. As a result of this increase in costs, housing is beyond the reach of more families. Thus, 80% of all new housing units produced under $15,000 are mobile homes. In addition, five years ago three out of every five Americans could afford to own their own home. With high interest rates, only two out of every five Americans could afford to own their own home.

6. There have been recent improvements in the money market and reductions in interest rates as evidenced by the cut in the Federal Reserve discount rate to 4¾% and the cut in the prime rate of major banking institutions to 5¾%. NHC applauds the recent actions by the Administration in three reductions of the FHA-VA interest rate to a maximum of 7%. We urge that the Administration continue to act from time to time to make further reductions in this maximum interest rate as promptly as possible. With the measures recommended in this report to help achieve further reductions in interest rates, particularly in housing for those of middle and lower incomes, we hopefully look forward to the time when we can return to a maximum rate on FHA-VA mortgages of from 6% to 5% which we had for many years. As interest rates are reduced, it is necessary to take measures to minimize or eliminate discounts as recommended elsewhere in this report.

7. While the law approves an average national goal of 2,600,000 units annually during the next ten years, NHC urges that the average national goal should be 3,000,000 units a year. NHC agrees an average of 2,000,000 units should be built annually for those above the low and moderate income groups who do not need federal assistance. However, instead of an average of 600,000 units annually for low and moderate income housing, NHC recommends a goal of at least 1,000,000 units annually for these income groups—of which half would be for the low income group. Due to the present high housing costs, many families need some form of housing assistance even though they could afford housing without such assistance under normal conditions. Accordingly, this report recommends several special measures which are required at this time to enable such families to obtain adequate housing at monthly charges which they can afford.

8. In 1949, Congress established the national goal to provide a decent home and good environment for every American family. Now, 22 years later, we are no closer to achieving that goal. Instead of that goal becoming a reality, it is a promise which appears further from fulfillment now, due to the greater housing shortage and rising housing costs. There is a growing gap between the monthly cost of housing and the ability-to-pay of families. This is requiring them to pay higher and higher percentages of their income for housing. There is a special burden on very low income families who often spend more than one-third of their earnings to get housing which is overcrowded or substandard. Every American family has a right to obtain decent housing within its means and in a neighborhood of its choice. We need to give the highest priority to fulfill our commitment to this goal. In these resolutions we describe in detail all of the programs and actions required to achieve this goal.

9. In these times when there are so many competing demands for the use of federal funds and national resources, it is most significant that Congress in the 1968 Act declared that these programs should have the highest priority. This Congressional determination is so important that we quote it in full as a necessary introduction to these recommendations:

"The Congress declares that in the administration of those housing programs authorized by this Act which are designed to assist families with incomes so low that they could not otherwise decently house themselves, and of other Government programs designed to assist in the provision of housing for such families, *the highest priority and emphasis should be given to meeting the housing needs of those families for which the national goal has not become a reality;* and in the carrying out of such programs there should be the fullest practicable utilization of the resources and capabilities of private enterprise and of individual self-help techniques." (Emphasis added.)

For those families for whom the national housing goal has not become a reality, their housing needs should be met by providing them the opportunity to live in housing developments where economic integration is being achieved under the program recommended elsewhere in this report.

10. This declaration by the Congress recognizes the need for a drastic realignment of past priorities in our federal budget and expenditures, since these housing programs were given a lower priority than other less urgent programs. Now the Congress had declared that these programs should be given the highest priority and there is a federal commitment to take all action necessary to achieve the goal of providing decent housing for families with incomes so low that they could not otherwise decently house themselves. To translate this highest priority into reality takes firm and courageous action—both by Congress and the President. NHC urges that action be taken to carry out this mandate.

Outline and explanation of succeeding chapters of report

11. In succeeding chapters of this report: first, we summarize the existing legislation under each program and the authorizations in legislation and appropriation acts; second, we present our recommendations for legislative amendments and additional authorizations in legislation and appropriations; and third, we present our recommendations for administrative actions.

Sometimes the same subject matter is covered twice under different headings. Thus, even though some subject matter is covered in Chapter D relating to the Administration's Housing Bill and our proposed amendments thereto, we felt it necessary to cover the same subjects separately with respect to each of the existing legislative programs, such as: public housing; interest assistance under Section 235 and 236; rent supplements and urban renewal.

We cannot forecast whether Cogress will

accept the Administration's recommendation to consolidate a number of programs as proposed in the Administration's bill. Therefore, in order to make this report meaningful and helpful in the legislative process, it is necessary for us to separately identify our recommendations:

(a) As we have done in Chapter D if the Congress accepts the Administration's proposal to consolidate programs; and

(b) As we have done in the succeeding Chapters E to DD if the Congress does not accept the Administration's proposal to consolidate programs.

CHAPTER B. ACTIONS NECESSARY TO ACHIEVE OUR GOALS

1. *Second Annual Presidential Report.* The Housing and Urban Development Act of 1968 required an annual Presidential Report to Congress on progress toward meeting housing goals. NHC is in full accord with the emphasis placed by the Second Annual Report[1] filed by President Nixon (President Johnson filed the First Annual Report) on the necessity of full funding for all programs in order to meet the housing goals established by law. However, NHC believes that the report failed to propose other necessary solutions for some of the basic problems which must be resolved if these national goals are to be achieved.

First, the assurance of adequate financing, at reasonable cost for the necessary expansion of total housing production, particularly for the production of low and moderate income housing;

Second, the provision of adequate sites at reasonable prices to accommodate this unprecedented production growth of housing on a well-planned and economic basis; and

Third, the adoption of the additional measures recommended in this report.

NHC deplores President Nixon's decision to include *all* mobile homes in production which is counted toward meeting our housing goals. As stated in Chapter BB on Mobile Homes, NHC believes that the only mobile homes that should be counted toward our housing goals are those determined by FHA to meet all design, construction and durability standards so that they become eligible for long-term mortagage financing of 30 years on homes and 40 years on multifamily housing.

2. *Full Funding and Increases for All Programs.* The first imperative for meeting our housing goals is full funding and full use of all authorizations contained in the housing laws. We regret that President Nixon did not request full funding and advance authority for the interest assistance programs under Sections 235 and 236 and Rent Supplement Program for fiscal year 1972. In addition NHC recommends that Congress act quickly on HUD appropriation requests so that the Department can operate programs in fiscal year 1972 at 1972 levels. Because of the veto of the 1970 Appropriation Act HUD operated some six months into the 1971 Fiscal Year without appropriations and was forced to operate programs on 1970's levels under continuing resolutions. In these unprecedented times of housing shortages, NHC strongly urges supplemental appropriations of all monies authorized for all programs but not yet appropriated. However, full funding of existing authorizations will not result in producing the intended volume of housing because of increases in housing costs. We recommend that the assistance authorization for all housing programs be increased to offset the advances in housing costs. We recommend further increases in authorizations for all programs to achieve NHC's higher goals and to make up for deficiencies in past production, as set forth in the chapters below.

3. *Programs to Assure Adequate Financing for Major Increases in Housing Production.* The record of the past two decades makes it clear that the flow of funds for residential mortgage financing has been and continues to be determined by federal monetary and fiscal policies. The principal sources of funds for residential financing are derived from net consumer savings which are deposited in the institutions which make long-term mortgage investments at a fixed rate of return. This flow of savings under existing institutional arrangements is subject to sharp fluctuations based on competitive rates of return on other investment outlets. Thus, in 1966 and 1967 the primary sources of residential mortgage financing had great difficulty in financing the mortgage requirements of approximately $20 billion for the year on a total private housing production at an average annual rate of 1,250,000 units. By contrast, the total annual mortgage financing requirements involved in meeting the housing production goals by 1978 will be approximately $53 billion at current price levels, but this understates the actual prospective requirements. Even on the assumption of continued growth in gross national product and in consumer savings, this indicated expansion of more than 2½ times the previous housing finance requirements indicates that a broadened base for residential financing investment must be developed. The studies of this problem made by the National Housing Conference have led to the following recommendations in order to step up housing production to a rate necessary to meet our needs and goals including the housing required for those of low and moderate incomes:

(a) *Full Use of Emergency Home Finance Act of 1970.* We urge the full use of all authorizations in the Emergency Home Finance Act of 1970. This includes the $250 million authorization for an appropriation of subsidies to reduce interest rates on advances made by the Federal Home Loan Banks to their members. It includes, for each of the fiscal years 1971 and 1972, a $105 million authorization of contracts for subsidies under the new section 243 program which is intended to reduce interest rates for home ownership by moderate income families; however, the law should be amended to provide for a subsidy which would reduce the interest rate by 2% under the market rate. It also includes a $1.5 billion increase in the funds available for special assistance programs of the Government National Mortgage Association (GNMA). Finally, it authorizes the establishment of conventional secondary mortgage markets both by the Federal National Mortgage Association (FNMA) and the Federal Home Loan Mortgage Corporation.

(b) *Reduction in FHA-VA Interest Rate.* As stated above, we approve the recent actions by the Administration reducing the maximum FHA-VA interest rate from 8½% to 7%. We urge the Administration to take the lead in making further cuts in this interest rate as promptly as possible. We further urge the use and liberalization of the authorizations in the Emergency Home Finance Act of 1970, in order to achieve the *lower* interest rates which are necessary to serve those who cannot afford a 7% rate.

(c) *Par Purchase of Mortgages on Moderate Income Housing.* We also urge actions by FNMA, GNMA and the Federal Home Loan Bank to assure that sponsors will obtain financing without paying discounts for projects to serve those of moderate or lower incomes. NHC recognizes that there may be times when it will be impossible to sell FHA insured mortgages at par in the private market after reductions in the interest rates. Therefore, if sponsors of projects are unable to obtain financing at par in the private market without paying discounts not covered by mortgage proceeds, the nonprofit and cooperative mortgagors would have no way to continue their initiation of low and moderate income housing. Likewise, many limited distribution sponsors are unwilling to undertake projects involving such discounts because of the limited return which they obtain on the projects. To meet this need, Congress has authorized—and FNMA and GNMA are effectively using—the Tandem Program under which GNMA purchases at par Section 236 mortgages and market-rate rent supplement mortgages under Section 221(d)(3) for nonprofit and cooperative mortgagors. This program should be extended as authorized in the 1969 Housing Act, so that GNMA will purchase mortgages—on any projects eligible for special assistance under Section 305—at a price equal to par.

(d) *Construction Financing.* FNMA and GNMA should continue and extend their participation in construction financing on moderate income housing. NHC applauds the action of FNMA in taking a 95% participation in the construction financing, with another mortgage institution taking the remaining 5% participation and handling the processing involved in construction loans; such FNMA participations are available in cases where either FNMA or GNMA issues a take-out commitment. This program for FNMA participation in construction assistance should be extended to cover all projects eligible by law for special assistance, instead of being limited to projects involving mortgages under Section 236 and Section 221(d)(3) rent supplements.

NHC also applauds the actions of the Federal Home Loan Bank Board in making special advances available to member savings and loan associations for both construction and permanent financing to produce housing for low and moderate income families.

(e) *Assurance of Continued FNMA Participation in Low and Moderate Income Housing.* We urge that FNMA be provided with whatever additional authorizations are needed to continue its indispensable programs in providing a market for Federally-insured or guaranteed mortgages. FNMA has done an outstanding job in providing the financing for mortgages under Section 236 and rent supplements.

In accordance with its Charter, FNMA has established a special yield-related price for multifamily mortgages under Federally-assisted programs of Section 236 or rent supplements. Until recently, the special price was 4 points above the market. However, FNMA has reduced this differential to 2¾ points, so when a mortgage is selling below 97¼, FNMA will no longer buy these mortgages at par. We recommend the restoration of the 4 point differential.

If the Administration takes the lead in making future reductions in interest rates as we recommend, the price may temporarily fall below par as it did after recent decreases in interest rates. Fortunately, we have the Tandem Program to assure par purchases of these mortgages on non-profit and cooperative projects by GNMA when FNMA does not take them at par, as described above.

(f) *Full Implementation of the Housing Assistance and Interest Control Act.* NHC applauds the passage of the Housing Assistance and Interest Control Act of 1969. This Act increases from $1 billion to $4 billion the authority of the Federal Home Loan Bank System to borrow from the Treasury. The Act requires the Secretary of the Treasury to use the authority, when alternative means cannot effectively be employed, to permit members of the Home Loan Bank System to continue to supply reasonable amounts of funds to the mortgage market whenever the ability to supply such funds is substantially impaired during periods of monetary stringency and rapidly rising interest rates. The Act contains the following provisions:

(1) Regulation Q authority is given to the Federal Reserve Board and the Federal Home Loan Bank Board to establish flexible inter-

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[1] The Third Report is expected to be filed shortly.

est rate ceilings until March 22, 1971. We recommend the full use of this authority and a 2-year extension of the authorization.

(2) The President is given authority to establish credit controls both on a voluntary and mandatory basis. We endorse the full use of this authority as a means of channeling additional funds into housing production.

(g) *Investment of Governmental Trust Funds in Mortgages for Low and Moderate Income Housing.* We suggest legislation requiring governmental trust funds to invest a portion of their loanable funds to finance housing, particularly for low and moderate income families. These investments would include mortgages insured by FHA or VA or bonds guaranteed by GNMA or HUD under the 1968 Housing Act. The GNMA guaranteed bonds would relieve the investors of the burdens or costs of servicing the pooled-insured mortgages securing the bonds and would assure a full recovery of the funds invested. Among the public trust funds to be so invested would be social security Trust Funds and Veterans Administration Funds which are available for investment. NHC supports legislation authorizing the use of VA funds for investment in VA-guaranteed mortgages.

(h) *Investment of Private Financial Institutions in Mortgages for Low and Moderate Income Housing.* Private financial institutions should also be induced to invest a portion of their loanable funds in mortgages insured by FHA or VA or bonds guaranteed by GNMA or HUD to finance housing or new communities, with emphasis on projects which serve moderate and lower income persons and families. This would include private pension funds, insurance company funds and funds of financial institutions which benefit from federal support or assistance. These institutions should be induced to make such investments. In the case of institutions which obtain federal support or assistance, it would be appropriate to enact legislation imposing as a condition to such federal support and assistance, the requirement that the institutions invest a certain proportion of their funds in new housing. This requirement can be imposed in a manner which would not work a hardship on the foregoing funds because the housing securities would yield an attractive return and assure a full recovery. Therefore, NHC again endorses Chairman Patman's effort to establish a Development Bank funded by pension fund contributions to make mortgage loans available for housing at reasonable interest rates.

(i) *Investments by Universities to Up-Grade and Improve the General Area of Their Location.* Major institutions such as universities should be induced to invest portions of their endowment or other funds to improve the general area in which they are located. These institutions should recognize their responsibility to assist in upgrading the housing and environment of such areas in order to develop sound and attractive local communities.

(j) *Mandatory Purchase by the Federal Reserve System of Securities Guaranteed by FHLBB, FNMA and GNMA.* We endorse any legislative attempt to require the Federal Reserve System to purchase securities guaranteed by the Federal Home Loan Bank Board, FNMA or GNMA and utilized for new residential mortgage financing. This would be an addition to the Federal Reserve's present authority to make purchases on the open market. Since Federal Reserve's purchase of obligations would be directly from FNMA, GNMA and the Federal Home Loan Bank Board, this would assure that the funds would be channeled directly into the mortgage market when needed during periods when we have monetary stringency and rising interest rates. These obligations would include securities issued against the pool of mortgages, debentures or other obligations.

(k) *Continued support for a National Development Bank.* NHC applauds the introduction of identical bills by Chairman John Sparkman and Chairman Wright Patman (S. 580 and H.R. 3550) to establish a $20 billion "National Development Bank" to finance public works and to provide loans for businesses and industries and for low and moderate income housing projects. Interest charges on the Development Bank's loans would be tied to the Federal Reserve System's discount rate. The Bank would be capitalized by an appropriation of $1 billion and could borrow up to twenty times the amount of capital, or $20 billion.

(l) *Continued Support for Home Owners Mortgage Loan Corporation.* We continue to support H.R. 4176, introduced by Chairman Barrett and Congresswoman Sullivan. This bill would create a Home Owners Mortgage Loan Corporation (HOMLC) which would administer a revolving fund capitalized at $10 billion through appropriations of $2 billion a year for 5 years. It would make 30-year direct loans with a maximum of $24,000 bearing interest at not more than 6½%. We recommend a reduction in that interest rate to 5%. Those eligible for loans would be:

(1) "Credit worthy" moderate income families unable to obtain mortgages at reasonable rates of interest; and

(2) Families with incomes not exceeding $12,000, except that HOMLC would have power to vary the income limit.

Existing FHA insuring offices would process loan applications and existing lending institutions would service the mortgages for no more than ½ of 1%. This bill—and other housing legislation with income limits—should be amended to provide for appropriate deductions in determining family incomes.

(m) *Mortgage-Backed Securities—GNMA.* NHC applauds the fact that more than $1.5 billion of mortgage-backed securities have been sold during the first year's operation of this GNMA program to attract new sources of investment capital into housing by GNMA guaranteeing privately-issued securities on home mortgage pools. $1.3 billion of the bond-type securities have been issued through underwriters while $240 million of the pass-through securities have been sold through private placement. Another $500 million in applications for GNMA guarantees for pass-through securities have been processed or are under review. NHC urges that guidelines be developed to permit the pooling of multi-family mortgages as backing for the securities. Only single-family FHA and VA mortgages have been accepted for pooling so far in this program.

(n) *Immediate Action to Utilize All Existing Legislation.* We urge immediate administrative action and implementation to utilize *all* existing legislation—as described above—in order to assure an adequate flow of funds into residential mortgage financing and to reduce interest rates and eliminate discounts on such financing. The Administration should take such measures as are necessary to shelter housing from the impact of restraints or economic forces which preclude an adequate flow of funds into residential financing at reasonable interest rates. These actions are required to implement the national housing policy and goals authorized by law.

(o) *Site Availability in Metropolitan and Other Areas.* We agree with the analysis in the President's Second Annual Report on National Housing Goals that community discrimination against subsidized housing is one of the most serious constraints on the availability of building sites for low- and moderate-income housing. We support the Report's recommendation of legislation which would prohibit States and local public bodies from discriminating against housing subsidized by the Federal Government, whether through legislative or administrative action. We regret that the Administration did not vigorously implement this recommendation. We urge that the Administration propose and the Congress enact legislation which would achieve this objective. Sponsors of subsidized housing need the assurance that the Federal Government's resources and power will clear away the constraints which are imposed on their proposed projects simply because they are intended for low- and moderate-income families. They are usually unable to pay for protracted litigation which is now the only way to overcome this problem. NHC stongly endorses the recommendation of the National Committee Against Discrimination in Housing adopted December 8, 1970.

After the submission of the Administration's proposed bill. Secretary Romney recommended a further provision which would have prohibited discrimination against subsidized housing through local land use and development controls in areas that lie in the path of urban development. The legislation would have authorized suits by interested parties, as well as the Attorney General, to enjoin such exclusion where such local action was inconsistent with local plans. We believe this proposal should be strengthened and enacted. It should be strengthened by providing for federal preemption of local zoning upon an appropriate finding by the Secretary so as to require opponents rather than proponents to initiate litigation. It should be applied to all local areas that do not take affirmative action to resolve their housing problems. Moreover, it should not be dependent on local plans—which may be silent with respect to local housing needs—in order for the legislation to be effective.

CHAPTER C. EMERGENCY HOME FINANCE ACT OF 1970

1. *Purpose.* Because of the severe housing shortage and sharp drop in housing starts in 1969 and the continued low level during 1970, Congress passed the Emergency Home Finance Act of 1970 as an immediate response to the crisis. The Act was primarily aimed at relieving the middle income home and cooperative buyer.

2. *Authorizations in the Emergency Home Finance Act of 1970.*

(a) *Subsidies to reduce interest rates.* A $250 million appropriation of subsidies is authorized to reduce interest rates on advances by Federal Home Loan Banks to members for their use in purchasing housing mortgages, primarily on new housing but also on existing housing. The Board will allocate funds and regulate their use.

(b) *Federal Home Loan Mortgage Corporation.* The Federal Home Loan Mortgage Corporation ("FHIMC") is created and has power to purchase and make commitments to purchase residential mortgages from any Federal Home Loan Bank, the Federal Savings and Loan Insurance Corporation, any member of a Federal Home Loan Bank, or any other financial institution whose deposits or accounts are insured by an agency of the United States. The Corporation can purchase eligible conventional mortgages and single-family and multi-family mortgages insured by FHA. The Corporation is authorized to issue notes, debentures, bonds, or other obligations and mortgage-backed securities guaranteed by GNMA.

(c) *Home Ownership for Middle Income Families—Section 243.* The Act establishes a new Section 243 to provide interest reduction payments on behalf of middle-income purchasers of homes or memberships in Section 213 cooperatives. Interest subsidy payments will be on mortgages on which the mortgagor makes monthly payments towards principal and interest equal to an amount which would be required if the mortgage bore an effective interest rate of 7 per centum which the mortgagor could pay by applying at least 20 per centum of his income towards homeownership expenses. Monthly homeownership expenses include the monthly payment for principal, interest, mortgage insurance premium, insurance, and taxes due under the mortgage.

The aggregate amount of contracts to make payments cannot exceed amounts approved in appropriation Acts and contracts for such payments are authorized for $105,000,000 during the period prior to July 1, 1971, which amount is increased by an additional $105,000,000 for additional contracts prior to July 1, 1972.

(d) *FNMA Conventional Mortgage Market.* FNMA is authorized to establish a conventional secondary mortgage market. Mortgages are limited to a 75% loan to value ratio, unless (1) seller keeps a 10% participation, or (2) the excess is privately insured, or (3) seller agrees to rebuy or replace the mortgage on default, as FNMA may require. A House provision barring financing when this might inhibit HUD special assistance was replaced by language to the same effect in the conference committee report.

(e) *FHLMC Conventional Mortgage Market.* The Federal Home Loan Mortgage Corporation is established to handle an FHA-VA and conventional secondary market. The same provisions apply to its mortgage purchases as FNMA's. The Corporation is subject to GAO audit.

(f) *Increased Special Assistance.* Special Assistance Funds are increased from $2 billion to $2.75 billion, plus $750 million of additional authority which is transferred from Program 14 which involved mortgages on new homes. This total increase of $1.5 billion is available for *any* tandem plan use.

(g) *Program 14 for New Homes.* The par purchase requirement was removed for the funds left in Program 14, thus opening that program for wider use in the purchase of mortgages on single-family homes. The program's mortgage ceiling is increased to Section 235 levels.

(h) *GNMA Purchase of 236 Mortgages.* GNMA may buy Section 236 multifamily mortgages above its $22,000 unit limit where projects have the benefit of a local tax abatement program.

3. *Authorization in Appropriation Act.* Of the $250 million authorized under Title I to reduce interest charges for members of the Federal Home Loan Bank System, $85 million has been included in the appropriation act authorization for fiscal year 1971.

Of the $105 million of contracts authorized for the first year under the new Section 243 program, there has been no request as yet to embody this authorization in any appropriation acts.

4. *Recommendations.*

(a) *Legislative Amendments.* NHC recommends an amendment to Section 243 which would provide for the use of the subsidy in order to achieve an effective interest rate of 5% instead of 7% for those people who need this larger subsidy to meet their remaining housing expenses after spending 20% of their income for home ownership expenses, utilities and maintenance. To provide an incentive which would help achieve economic integration, the amendment should provide a preference for people who will buy in a subdivision or housing development serving moderate and lower income families who receive the benefit of larger interest assistance or other subsidies. This program is needed for FHA-insured mortgages since the $250 million FHL Bank program reduces interest rates only on conventional loans made through saving and loan associations.

(b) *Additional Authorizations in Appropriation Acts.* After adoption of our proposed amendment to provide 243 subsidies to reduce the effective interest rate from the current 7% to 5%, NHC urges the passage of a supplemental appropriation act which would include the $105 million contract authorization for Section 243 for fiscal year 1971 and an authorization of $105 million of additional contracts for fiscal year 1972. NHC also urges the appropriation of the $165 million balance of the subsidy authorization to reduce interest rates on advances by the FHL Bank to its members for use in purchasing housing mortgages.

(c) *Administrative Actions.*

(i) NHC urges HUD to establish rules and regulations pursuant to Section 243. NHC urges that the Secretary set no income limit for eligibility for assistance under Section 243.

(ii) NHC urges that the Federal Home Loan Bank Board modify its rules so its members can purchase a larger percentage of mortgages on multifamily housing. Such housing has become increasingly important in meeting the needs of the middle-income group.

(iii) Regulations should be issued promptly to implement the FHL Bank program of subsidies to reduce housing costs by $20 monthly.

(iv) These regulations should make it clear that cooperatives are eligible for assistance. The income limits should be at least 150% above the median income in the area.

CHAPTER D. ADMINISTRATION'S PROPOSED HOUSING AND URBAN DEVELOPMENT BILL

I. Introductory statement

In the succeeding chapters we will discuss existing housing programs as authorized by different sections of the National Housing Act. The multiplicity of statutory section numbers evidences the variety of programs which were enacted in past years. It is evident from the history of the federal housing programs that no comprehensive plan or design was employed in the development of these programs and that each legislative program was enacted to meet a particular need that appeared urgent at a particular time. Consequently, there are gaps and areas of unmet housing needs due to the deficiencies in our housing legislation.

Last year the Administration proposed legislation to consolidate and simplify existing programs. In this year's Budget Message, the President made the following statement concerning the Administration's proposed housing bill:

"The housing industry has already begun to lead our economic expansion. Fiscal and monetary actions taken in the past year have resulted in a significant easing of mortgage interest rates. Federal policy must help this industry meet the pent-up demand for housing.

"The effectiveness of our housing programs will not be improved by merely continuing to increase Federal subsidies. The programs must be simplified and fitted into a rational framework. Inconsistencies must be removed, along with the obsolete rigidities in statutes that at times prevent programs from operating at all.

"The Administration will again propose legislation to carry out these badly needed reforms, which I urge the Congress to enact."

In this chapter we briefly summarize the provisions of the Administration's bill in the form which we believe is now contemplated for introduction this year. It should be recognized that this summary may not accurately reflect the final bill as introduced in view of changes that may be made before the Administration sends the bill to the Hill.

In this chapter we are recommending new and amendatory legislation—some of which may be finally embodied in the Administration's bill—to eliminate gaps due to deficiencies in existing legislation and to assure the availability of housing to meet the needs of people at all income levels.

II. Purpose and summary

1. *Purpose and Goals:* According to Secretary Romney, the Administration's proposed bill is "an effort to deal with the overall housing picture" and seeks to achieve the following goals:

(a) To consolidate existing HUD programs for low, moderate, and middle income families.

(b) To eliminate unnecessary bureaucratic requirements and establish uniform criteria for subsidized housing programs.

(c) To base eligibility limits and construction requirements on income and cost factors prevalent in the community.

2. *Consolidation and Simplification:* The Administration states that its housing proposals would (a) consolidate authorities throughout existing law into a number of broad programs, (b) eliminate duplicate authorities, and (c) improve existing operations and subsidy programs. The number of existing FHA programs is reduced from approximately 50 to 8. Replacing some 40 existing authorities dealing with home cooperative and rental housing are one new program to cover all unassisted home mortgages and one new program covering all subsidized home mortgages; and one program each for the unsubsidized and subsidized rental and cooperative projects.

3. *Major Substantive Changes:*

(a) Financing Off-Site Components: The Secretary would be authorized to insure advances of mortgage funds during construction or rehabilitation to cover the cost of materials and components which are assembled or stored away from the construction site. This extension of insurance authority is expected to facilitate the financing of Operation Breakthrough type projects which require substantial off-site assembly of component units.

(b) *Flexible Maximum Mortgage Amounts:* The various statutory dollar limitations on maximum mortgage amounts would be replaced by a uniform formula applicable to all home and multifamily mortgages. The Secretary would determine the development cost of a prototype unit of modest design in each housing market area. The maximum insurable mortgage amount for an assisted dwelling unit could not exceed 110 per cent of the development cost in each housing market area. For unassisted housing the maximum insurable mortgage could not exceed 200 per cent of the development cost of the prototype unit. For a multifamily project the maximum insurable mortgage amount would be equal to the maximum insurable mortgage amount of each individual unit multipled by the number of units in the project.

(c) *Interest Rates:* The Secretary would be given permanent authority to establish maximum interest rates on FHA insured mortgages and loans which are consistent with market conditions. The Secretary would also be authorized to permit, on an experimental basis, parties to a mortgage transaction to determine the applicable interest rate provided that no discounts are charged. The Secretary would be required to furnish prospective mortgagors information on the two alternative financing methods available. FHA insured and VA guaranteed mortgages and loans would be exempted from State and local usury laws.

(d) *Settlement Costs:* The Secretary would be authorized to limit the amount of settlement costs.

(e) *Minimum Down Payment:* The minimum down payment for unassisted home mortgages would be in an amount equal to closing costs. The minimum down payment for all assisted mortgages would be $200.

(f) *Builders Warranty:* Builders of homes approved prior to construction would continue to be required to warrant homes against substantial deviations from approved plans. In addition, builders of homes which are not approved prior to construction would be re-

quired to give homeowners a one year warranty against all structural defects.

(g) *Cost Certification:* The existing requirements for cost certification would be substantially simplified. The Secretary would be given authority to exempt residential multifamily projects designed for occupancy by less than 12 families or insured for less than $250,000 from the cost certification process.

(h) *Uniform Treatment of Major Components of Subsidized Housing Programs:*

(i) *Eligibility Limits*—The income limits would be standardized. Eligible families would be required to have incomes which do not exceed the median incomes for the area as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary could establish income ceilings higher or lower than the median in any area where a variation was necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors.

(ii) *Construction Cost Limits*—Specific statutory dollar limitations on the amount of the maximum insurable mortgage amount would be removed. The development cost of a prototype unit priced out in each housing market area would be the new basic criteria for maximum mortgage amount for both single-family homes and multi-family units. Development cost would be equal to construction costs plus an amount attributable to land costs.

(iii) *Definition of Income*—For purposes of eligibility and the determination of the subsidy amount income would be defined to include income from all sources of all family members except that the Secretary would have authority to exclude income earned by minors and nonrecurring income. For the purpose of determining the amount of the subsidy $300 per minor could be excluded from income for each minor plus 5% of gross income as now allowed.

(iv) *The Rent to Income Ratio*—All participants in the subsidized programs would be required to contribute 20 percent of their income to mortgage payments under the home ownership program and 25 per cent of income for rental and occupancy charges on multifamily housing for rental or cooperative operations. There would be a "basic rental" for each unit in an assisted rental or cooperative project determined on the basis of operating the project with the benefit of the assistance payments. The occupant would pay the basic rental or charge for his unit or such greater amount, not exceeding the fair market charge for such unit (the rental or charge without subsidy), as represents 25 per centum of his income.

(i) *The Subsidized Homeownership Program:* The assistance payment on behalf of any homeowner could not exceed the lesser of (i) the balance of the monthly payment for principal, interest, taxes, insurance, and mortgage insurance premium due under the mortgage remaining unpaid after applying 20 per centum of the mortgagor's income, or (ii) the difference between the monthly payment for principal, interest, and mortgage insurance premium due under the mortgage and the monthly payment for principal and interest due under a 1% mortgage. However, the amount of this difference could be increased by up to one-fourth in cases (not exceeding 20 percent of the total amount of contract funds authorized by appropriation Acts) where the Secretary determined an increase was necessary to further the purposes of the section.

(j) *The Subsidized Rental Program:* The assistance payment on behalf of a project owner could not exceed the difference between the monthly payment for principal, interest and mortgage insurance premium (or other comparable charges approved by the Secretary) on a market rate mortgage and the monthly payment for principal and interest that would be due on a mortgage at 1%.

With respect to up to 20 percent of the dwelling units in any project, the Secretary could contract to make assistance payments to a project owner on behalf of tenants or cooperative members whose incomes are too low to afford the basic rentals. These payments, with respect to any unit, could not exceed the lesser of (i) the amount required to reduce the basic rental or occupancy charge to an amount equal to 25 percent of the family's income or (ii) the maximum payment which would be made with respect to the dwelling unit under the rent supplement program.

(k) *Public Housing Rental Programs:*

(i) *Flexible Development Costs*—The 1970 Housing Act provided a flexible development cost formula to determine maximum costs of public housing, so the consolidation bill does not cover this subject.

(ii) *Federal Annual Contributions*—There would be a separation between the authorization to provide annual contributions for debt service requirements and the authorization to provide operating subsidy. The maximum annual contributions for debt service requirements would be the annual amount of principal and interest payable on obligations issued by a public housing agency to finance the development or acquisition of the project involved. The present maximum limit on the rate of annual contributions for both debt service and operating subsidy requirements—the going Federal rate plus two percent times the capital cost of the project involved—would be eliminated. Also eliminated would be the authorization to pay an additional annual subsidy of up to $120 per dwelling unit occupied by an elderly or handicapped family, a displaced family, a very large family, or a family of unusually low income. The Administration states that these special category subsidies are no longer required in view of the new operating subsidy provisions.

There would be a separate authorization for the Secretary to make annual contributions to public housing agencies for the operation of low-income housing projects (including low income housing in private accommodations which would include an operating subsidy). The contribution payable annually under this section could not exceed amounts which the Secretary determines are required (a) to assure the low income character of the projects involved and (b) to achieve adequate operating services. The Secretary would be authorized to embody the provisions for annual contributions for operating subsidy in a contract guaranteeing their payment.

(iii) *Tenant Contributions*—The bill would establish rental requirements for families occupying dwelling units in a low income housing project assisted with operating subsidies. Subject to the existing law requirement that a family's rental charge could not exceed one-fourth of income, the family would be required to pay a rental of not less than one-fifth of the family's income, but not to exceed a fair market rental charge determined on the basis of operating the project with payments of principal and interest which the public housing agency is obligated to pay on the capital cost of the project. In the case of low-income housing in private accommodations, the fair market rental charge would be the rental which the owner receives for the dwelling unit plus the cost of utilities and necessary services not included in such rental. As to other tenants in public housing, they would not be required to pay more than 25% of their income under the Brooke Amendment.

(l) *The Public Housing Homeownership Program:* Individual families or an association formed by them for their benefit would be permitted to purchase newly developed housing as well as existing projects. A conveyance of the property to the prospective homeowner would be made as soon as a mortgage with the public housing agency had been arranged. The maximum subsidy would be the same as the debt service subsidy that is provided for public housing rental projects which are not aided by an operating subsidy—the amount of principal and interest paid by the public housing agencies on the mortgaged property. The purchaser's contribution toward homeownership would be based on the same income formula as rental housing and would have to be sufficient to cover utilities, taxes and insurance.

III. Recommendations

NHC supports the principles and objectives of the Administration's proposals for simplification of the many federal housing programs, but only if the legislation includes the recommendations of a new flexible formula for subsidies, better income-to-rent ratios, achievement of economic integration, and all of the other amendments described in these resolutions. However, last year's bill would have produced inequities and presented serious roadblocks to the effective functioning of these programs. We hope and expect that these objectionable features will be eliminated from this year's bill. Since we are not certain as to the final form of the Administration's bill, we are listing below some of the major objectionable features that were in last year's bill and which we hope will be removed from this year's bill. We are also listing amendments to the proposed Administration bill and other new legislation which are necessary: (a) to eliminate gaps and deficiencies in our existing legislation; (b) to assure the availability of housing to meet the needs of people at all income levels with monthly charges that they can afford; and (c) to achieve economic integration of assisted housing with a freedom of choice for people of all incomes to select where they want to live.

(1) *Rent Increases for Existing Tenants:* The most controversial part of last year's bill was the effort to impose new requirements on existing projects resulting in substantial increases in rents or tenants contributions for present occupants under several programs.

We hope and believe that this objectionable proposal will be eliminated from this year's bill. However, it appears that there will be a proposal for rent increases of families now living in those public housing projects which will be assisted with annual contributions for operating subsidies. Evidently the Administration proposes to require a minimum rental payment of 20% of income (with a maximum of 25%) from families living in such projects. Many such families have been paying less pursuant to the income-to-rent ratios established by local housing authorities under previous legislation. The Administration proposes to make such rent increases effective in two increments—one-half after the first year's review of family income and the other one-half after the second year's review of family income.

People living in public housing projects already built should not be required to pay higher rents than those established under earlier laws and regulations; otherwise, there will be serious hardships for them. Such rent increases for these people will adversely affect their cost of living and reduce the amount they have for necessary food, clothing, and other living requirements. Therefore, NHC opposes any attempt to increase rents of *existing* tenants in public housing projects—or of existing occupants in other assisted projects if the new bill so provides—as a result of HUD's requiring the application of new income-to-rent ratios or other new legislation.

(2) *Determination of Income and Eligible Deductions:* The Administration's proposed new bill would retain the allowable deductions for assisted private housing, namely, $300 for each minor child plus a 5% allowance for social security and pension payments. In the 1970 Housing Act, Congress reaffirmed and codified for public housing the type of deductions that had been typically available in such housing, namely: (a) an amount equal to $300 for each dependent and $300 for each secondary wage earner; (b) 5% of gross income; (c) nonrecurring income and income of full-time students; (d) medical expenses of the family which are extraordinary; (e) such further deductions as the Secretary allows in recognition of unusual circumstances.

We recommend that these same criteria be adopted for assisted private housing programs so that there are uniform criteria for both private and public housing receiving subsidy assistance. It is necessary to have fair standards of this character for determining deductions in computing family income in order to avoid an unreasonable and unfair burden when requiring the occupant to pay 20% of income for housing. Such a burden will result unless there are exclusions from income which result in a realistic determination of the amount of income actually available to the family for its housing and other living expenses.

(3) *Percentage of Income Required Under Assisted Housing Programs:* The proposed legislation would retain the provision requiring 20% be spent for housing under the homeownership program (Section 235, which would become Section 402). In the case of the homeownership program, the housing expenses should be broadened to include utility costs, repairs and maintenance. This would establish a uniform criterion as to all housing which is assisted by interests subsidies. Likewise, in the case of the assisted multi-family program we recommend that 20% of income be spent for *total* housing expenses. The occupant will have sufficient money left to pay for food, clothing and other living expenses.

As to this payment of 20% of income for housing, this should be *both* the minimum (up to the maximum established charge) and the maximum percentage of family income to be spent for housing. The establishment of a maximum would apply the criterion to assisted private housing that has been adopted in the Housing and Urban Development Act of 1970 for public housing. However, that limitation—known as the Brooke Amendment—provides that tenants in public housing are not to pay more than 25% of their income for housing and that adequate subsidies are to be provided to achieve this objective. We recommend that this be reduced to 20% for assisted public housing and that a like percentage be established as a maximum in privately assisted housing. This is a sound principle which should be uniformly applied to all housing receiving subsidy assistance. It avoids the undue hardship that has resulted under existing programs where some families are paying too high a proportion of income for housing expense.

(4) *Realistic Income Limits:* As a matter of principle we would recommend that there be no income limits for admission to assisted housing but that each family or person be required to pay 20% of income for total housing expense. If as a pragmatic matter it is necessary to include an income limit in order to obtain legislative authorizations and funding for subsidies to assist housing, we recommend a formula for income limits which will eliminate gaps in our present housing programs. The present maximum limits leave areas of unmet needs for the income limits are unrealistic. They fail to reach many who cannot afford adequate housing without the aid of some subsidy. We recommend the following program relating to realistic income limits and the achievement of economic integration.

(a) There would be an income for 80% of the dwelling units which would be both realistic and simple. It would be the median income in the area, with authority in the Secretary to exceed the median by the amount required in order to meet the housing needs of the locality based on its income and cost factors.

(b) There would be no income limit for 20% of the units in order to achieve economic integration and enable the housing developments to serve a cross-section of income groups.

(c) Instead of the present subsidy formulae which result in gaps and areas of unmet need and which preclude achieving economic integration, we recommend the subsidy formula described in the next paragraph.

(5) *Adequate and Flexible Subsidy Formula to Meet All Needs and Achieve Economic Integration:* There would be a flexible subsidy formula which would eliminate gaps in our housing program and assure that there is sufficient subsidy available to meet the housing needs of people at different income levels. Also, it would achieve economic integration. The amount of subsidy would be the amount required to meet the housing expenses remaining after the occupant pays 20% of his income for the housing. The amount of subsidy allocated for an assisted housing development should be based upon making dwelling units available to a cross-section of income groups, as follows:

(a) Up to 20% for occupancy by families or persons whose incomes are much below the maximum income limits and who require subsidies at or above the amounts which have been available for rent supplements and public housing. Based on their payment of 20% of their income for housing, this group would be eligible for a subsidy in the amount required to meet the remaining amount of housing expenses. To the extent needed, this would cover the principal and interest payments on the mortgage and a part of the operating expenses.

(b) Up to 20% for occupancy by families or persons who would not be subject to an income limit. We propose to provide a subsidy incentive for such families to live in an assisted housing development with families of lower incomes. For this group, there would be a subsidy of 2%. At today's market interest rate, these people would pay an effective interest rate of 5%, plus the ½ of 1% FHA premium. People in this group would pay 20% of their income for housing expenses up to a "maximum established charge" which would reflect the subsidy of 2%.

(c) The remainder for occupancy by families or persons who are at or below the median or higher income limit established by the Secretary and who require subsidies in the form of interest assistance. Based on their payments of 20% of their income for housing, this group would be eligible for a subsidy in the amount required to meet the remaining amount of housing expenses. To the extent needed, this would cover all of their interest and the FHA insurance premium. According to their varying needs, these people would pay a monthly charge ranging from 0% interest (with no FHA insurance premium) up to the maximum established charge which would reflect a 2% subsidy.

There would be a periodic re-examination of income only for occupants who are paying less than the maximum established charge If their income increased, they would pay 20% of the larger income, but not more than the maximum established charge. With such a charge which reflects a 2% subsidy and an effective current interest rate of 5%, there would be an incentive for residents to remain in the housing community even though their incomes increased. As a matter of public policy, this is vitally important in order to achieve greater stability in housing communities and to maintain their economic integration. If people feel that they are permanent residents of a housing development, they will take better care of it.

The foregoing program would achieve economic integration and more wholesome housing communities. In each housing development or subdivision there would be a cross-section of families at different income levels. This would avoid the past undesirable condition where families were segregated within a narrow income segment. In such cases there was a predominance of lower income and excessively depressed people living in a housing development which was stigmatized and isolated from the community. Through the achievement of a balanced population in a community—including middle income people with those of moderate and low incomes—we can achieve more wholesome and stable communities. By serving a broader segment of the market through economic integration, a housing development will be better able to achieve racial integration. Middle and moderate income families will help to provide leadership and status for the community. With housing in each development available for a cross-section of income groups and a broader market, we can offer freedom of choice to people of all incomes to select where they want to live.

(6) *Contract Commitments and Reserves for Subsidy.* The federal government would make an overall dollar commitment of contract authority for subsidy which would take into acocunt the anticipated need based on a project with a cross section of income groups ranging from the low to those who pay the maximum established charge. By serving a broader segment of the market, housing developments should be programmed with subsidies to serve the anticipated income distribution within a housing development. In most cases, the actual dollar amount of subsidies to be committed to a particular project may be less than the amounts committed under present programs. The past practice of committing maximum subsidies has resulted in unused contract authority because the commitment was based upon the maximum amount needed for everyone. The Senate Committee recognized the undesirability of pursuing this practice. Under the proposed program, the commitment of contract authority would be based on the estimated need based on serving a cross section of income groups. There should be a national reserve of a reasonable amount of contract authority for commitment to meet over-runs in subsidies above the estimates. This reserve would be only a fraction of the amount of unused authority under the present system where all commitments anticipate a maximum subsidy for everyone.

(7) *Realistic Mortgage and Construction Limits.* We recommend the elimination of dollar limits on mortgages and construction costs, by establishing a flexible formula for the Secretary to determine such limits based on cost factors prevalent in the community. The 1970 Housing Act made this amendment in the public housing program. It provided that prototype costs should be determined by the Secretary on the basis of his estimate of construction and equipment costs of new dwelling units in the area. The law provided that the prototype costs should take into account the extra durability required for economical maintenance of housing and the provision of amenities designed to guarantee safe and healthy family life and neighborhood environment. Further, it provided that in developing such prototypes, emphasis should be given to encouraging good design as an essential component of such housing and to provide housing which will be of such

quality as to reflect the architectural standards of the neighborhood and community. We recommend a similar program for private housing, with necessary adjustments to take account of the differences between assisted and unassisted private housing. Thus, the mortgage amount for assisted housing should not exceed 125% of construction costs—or 200% of construction costs for unassisted housing—plus non-construction items and the full market price for sites which are zoned and suitable for such housing.

(8) *Orderly Transition To New Programs.* With the consolidation of housing programs and new formulas as to income limits, subsidies, cost limits and other matters, we emphasize the urgent need to continue operations and housing production under the existing laws. During the tooling up period under the new legislation, and until the new programs become fully effective and operational, all existing programs should continue so that there will be no interruption in HUD operations in view of the need for a higher level of production during the coming years.

(9) *Disposition of Low Rent Public Housing to its Residents.* We support the proposed legislation authorizing the disposition of low-rent public housing for ownership by the residents and other low-income families. We recommend a clarifying amendment to continue the annual contributions and the outstanding local authority bonds—which generally bear very low interest rates—upon disposition of public housing to permit the achievement of monthly charges which the low income residents can afford.

A further amendment is necessary to provide for necessary repairs and improvements in public housing before its disposition. Low income families should not take over housing which needs such repairs and improvements to make it suitable for their ownership. Supplemental loans should be available to provide for this additional work, together with the costs involved in achieving homeownership by low income families and other closing costs and prepaid expenses; also, supplemental annual contributions should be authorized to cover the debt service on such supplemental loans from the Secretary or others. Without the recommended changes, the proposed provisions in the Act would not achieve the contemplated objective of cooperative and other homeownership by residents of public housing and other low income families.

The proposed legislation should be amended to provide that the interest rate on the purchase money mortage should be the rate on the public housing agency's bonds on the project which will continue to be outstanding with a continued pledge of the Federal annual contributions. With low income families and fixed annual contributions, it is not feasible for these purchasers of public housing to pay the higher interest rate which would be applicable under the formula in the pending bill.

In sales to nonprofit cooperatives, the mortgage should be in a principal sum equal to the unpaid balance on the public housing agency's principal debt on the project, together with the amount of the supplemental loan for necessary repairs and improvements, closing costs, and perpaid expenses.

(10) *Necessary Continuance of Existing Laws and Equal Treatment for Cooperatives:* There are several amendments required to retain provisions in existing laws which were found necessary as a result of past experience. There are real distinctions between programs which result from their essential differences and needs. Where existing laws recognize the need for special provisions adapted to the special requirements of a program, these provisions should be continued. The following examples are cited in the field of cooperatives:

(a) The proposed legislation should retain the present language which restricts *permanent* occupancy of dwelling units to members of cooperatives, since there may be temporary occupancy by non-members under subleases by members who find it necessary to be away for limited periods. Also, it should clarify the two types of cooperatives which have always existed under the cooperative program: namely, one which is a management-type project where permanent occupancy is restricted to members of the cooperative; and the second which is a sales-type cooperative where the individual units are to be sold to purchasers eligible for mortgage insurance and assistance. However, in the latter case, certain special safeguards should be provided, including the requirement for consumer-oriented sponsorship of the cooperative and for community facilities which the cooperative would continue to provide for the owners of the individual dwelling units.

(b) Likewise, in the proposed legislation, it is necessary to assure that there is at least equal treatment for cooperative homeownership as compared with individual ownership. Thus, in the case of single family homes there can be 100% mortgages when the amount does not exceed $20,000.00 per unit. The same privilege should be accorded to cooperatives when the average housing cost does not exceed $20,000.00 per unit. As to the replacement cost in excess of $20,000.00, the mortgage amount would be limited to 97 per centum of such excess. This amendment would continue to meet the recognized need for these percentages on cooperative mortgages and would retain similar long-standing provisions of existing law.

(c) For more than 10 years—and again in the 1969 Act—Congress has recognized that while the normal formula of appraised value is appropriate on existing properties operated as profit-making rental projects, it is entirely inappropriate and unworkable for existing projects which are to be owned and operated on a non-profit basis. In the case of a profit-making rental project, it is feasible to have an appraisal formula which includes a capitalization of net income. However, there is no net income on a nonprofit or cooperative ownership project where the charges reflect the nonprofit objective. Congress recognized this and other differences in the factors involved in nonprofit projects and cooperatives, so it prescribed a workable appraisal formula for existing projects being acquired for cooperative and other nonprofit ownership. This formula has been tried and tested, and it should be retained.

(d) The 1968 Housing and Urban Development Act included cooperatives under *both* Sections 236 for rental and cooperative housing *and* Section 235 for homeownership for lower income families; also, Section 213 covers both management-type and sales-type cooperatives. However, in last year's Administration bill, cooperatives were limited to the management-type. It is important for cooperatives to continue to have statutory authorizations which cover both types of cooperative programs. In the case of condominiums, a project would obtain mortgage insurance under Section 501, with purchasers of the housing obtaining mortgage insurance and assistance under Sections 401 and 402. We recommend the same program for sales-type cooperatives where the individual dwellings sold to purchasers would get mortgage insurance under Section 401 when unassisted and under 402 when assisted.

(e) Last year's bill contemplated eliminating the Cooperative Management Housing Insurance Fund for future cooperative mortgages insured under Section 501. NHC is opposed to abolishing this fund. When questioned about the proposed elimination of the Cooperative Management Housing Insurance Fund during House hearings, Secretary Romney is reported as replying "I think it was an inadvertent omission," and stating that it should be continued. This Cooperative Insurance Fund costs the Federal Government nothing. The Fund receives payments from mortgage insurance premiums and from fees when a mortgage is insured; also, it receives interest on its accumulated reserves. Dividend distributions are based on the record achieved by cooperative projects. In addition to having the Cooperative Fund for future projects, the Cooperative Management Housing Insurance Fund previously created by law should continue with respect to all mortgages or loans previously insured under Section 213.

(11) *Necessity of Retaining Profit and Risk Allowances:* The proposed bill should be amended to continue a profit and risk allowance of 10% of estimated project costs—except the value of land or property prior to construction or rehabilitation—on multifamily housing construction where the mortgage amount does not exceed 90 per centum of replacement cost. Since 1956, the housing laws have directed that FHA include such an allowance in its estimate of replacement cost on certain multifamily projects. This policy is necessary to attract developers of multifamily housing and to achieve the objectives of the National Housing Partnerships.

There is a proviso in existing legislation that FHA could adopt a regulation prescribing a lesser percentage if it determined and certified that this 10% allowance was unreasonable. However, no such determination has been made during the past 14 years. Moreover, Congress has five times re-enacted and extended the 1956 provisions to cover other multifamily housing programs where the mortgage amounts are based on replacement cost. Thus, there has been a continuing Congressional recognition of the need for such a uniform allowance in these multifamily housing programs. This profit and risk allowance should be retained.

In projects involving cooperatives and other nonprofit mortgagors, we recommend that the Secretary be authorized to include in replacement cost an amount for the developer's profit and risk which will be fair and uniform as compared with the amount allowed in projects involving profit mortgagors. This is necessary to avoid discouraging or discriminating against the construction of cooperative and other nonprofit projects. In the case of consumer cooperatives where there is no identity of interest with the developers, the proposed profit and risk allowance in the replacement cost becomes a part of the lump-sum construction price and covers risks imposed on the developer to protect the purchasing-cooperative members against any increase that occurs in development costs after the member has purchased his unit.

(12) *Cost Certification and Industrialized Housing:* An amendment is necessary in the cost certification provisions to cover cases where prefabricated houses or major housing components are furnished by a subcontractor or supplier having an identity of interest with the mortgagor or builder. In such cases, it is not feasible to have a certification covering the costs involved in the factory production of such houses or housing components. Accordingly, the cost certification should provide for an allowance representing the Secretary's estimate—at the time of the issuance of the commitment—of the value of such prefabricated housing or major housing components. We recommend such an amendment which will help achieve the objectives of Operation Breakthrough.

We also recommend amendments to retain provisions of existing law regarding cost certification. There have been successful experience and effective administration under these provisions for many years. It is necessary to continue these provisions and avoid uncertainties regarding the manner in which cost certification is handled. We are opposed to repealing well-established statutory rules and granting broad administrative discretion which will create doubts and uncertainties that could adversely affect housing production.

(13) *Regulation of Settlement Costs:* We commend the provisions of the proposed legislation authorizing the Secretary to regulate settlement costs; also, the provision of Section 402 which would continue the present provisions applicable to Section 235 limiting the downpayments on the assisted homeownership program to $200 for settlement costs. On homes involving 100% mortgages where the amount does not exceed $20,000, we recommend an amendment to Section 401 relating to unassisted housing which would require that the downpayments be not less than $200 or the closing costs, whichever is greater.

(14) *Continuity of Program Under State and Federal Laws:* Many state laws provide for higher ratio loans by banks and financial institutions when a mortgage is insured by FHA under the National Housing Act. We recommend an amendment which would assure that loans insured under the proposed Act would be regarded as loans insured by FHA under the National Housing Act so they will continue to be eligible for the higher ratio loan under state law.

The Tax Reform Act of 1969 provides certain tax incentives relating to the construction and sale of limited-distribution projects under Sections 221(d)(3) and 236. We recommend an amendment which would assure that comparable projects under the proposed Act would be eligible for these tax incentives.

We recommend another amendment which would make other changes in federal statutory references which identify FHA programs by numbers which will not longer be a part of the proposed Act.

(15) *Full utilization of the Brooke Amendment:* The Brooke Amendment in the Housing and Urban Development Act of 1969 provides that the rent in public housing projects may not exceed 25% (we recommended above that this be reduced to 20%) of the family's income; also, it authorizes additional assistance payments through annual contributions in order to achieve this objective and serve persons of very low income. To fully implement and extend the purposes of this legislation, the 1970 Housing Act (a) clarifies the use of annual contributions to pay the excess of operating and maintenance expenses over rental income and (b) increases the contract authority for annual contributions to enable the Brooke Amendment to be fully effectuated. We urge the release and use of this contract authority for the purposes intended.

(16) *Program Levels:* Instead of open authorizations for all housing, urban renewal and model city programs, we recommend an additional authorization for each program for a 5-year period at the following levels:

(a) *Public Housing Program for New Units to be Developed:*

On July 1, 1971 (for fiscal 1972) an additional authorization of $300 million.

On July 1, 1972 (for fiscal 1973) an additional authorization of $350 million.

On July 1, 1973 (for fiscal 1974) an additional authorization of $400 million.

On July 1, 1974 (for fiscal 1975) an additional authorization of $450 million.

On July 1, 1975 (for fiscal 1976) an additional authorization of $500 million.

(b) *Urban Renewal:*

On July 1, 1971 (for fiscal 1972) an additional authorization of $3.0 billion.

On July 1, 1972 (for fiscal 1973) an additional authorization of $3.25 billion.

On July 1, 1973 (for fiscal 1974) an additional authorization of $3.5 billion.

On July 1, 1974 (for fiscal 1975) an additional authorization of $4.0 billion.

On July 1, 1975 (for fiscal 1976) an additional authorization of $4.5 billion.

(c) *Model Cities:*

On July 1, 1971 (for fiscal 1972) an additional authorization of $1.2 billion.

On July 1, 1972 (for fiscal 1973) an additional authorization of $1.5 billion.

On July 1, 1973 (for fiscal 1974) an additional authorization of $1.5 billion.

On July 1, 1974 (for fiscal 1975) an additional authorization of $1.5 billion.

On July 1, 1975 (for fiscal 1976) an additional authorization of $1.7 billion.

(d) *Home Ownership Program Under Section 402:*

On July 1, 1971 (for fiscal 1972) an additional authorization of $250 million.

On July 1, 1972 (for fiscal 1973) an additional authorization of $250 million.

On July 1, 1973 (for fiscal 1974) an additional authorization of $300 million.

On July 1, 1974 (for fiscal 1975) an additional authorization of $325 million.

On July 1, 1975 (for fiscal 1976) an additional authorization of $350 million.

(e) *Rental and Cooperative Housing Program Under Section 502:*

On July 1, 1971 (for fiscal 1972) an additional authorization of $330 million.

On July 1, 1972 (for fiscal 1973) an additional authorization of $350 million.

On July 1, 1973 (for fiscal 1974) an additional authorization of $400 million.

On July 1, 1974 (for fiscal 1975) an additional authorization of $450 million.

On July 1, 1975 (for fiscal 1976) an additional authorization of $500 million.

(f) In addition to the foregoing authorizations in (d) and (e), NHC recommends a separate and additional authorization of $50 million for each of the five fiscal years beginning with 1972 to provide interest assistance for projects financed or assisted by state agencies.

(17) *Program Objectives:* The program recommended in these resolutions would make housing available to families of all incomes and achieve economic integration. There would be no gaps or areas of unmet needs in our housing programs. Each family whose income is too low to obtain decent housing would receive the amount of assistance it needs to get such housing. We must reach the unserved income group below the level now eligible for public housing or rent supplements. Likewise, we must avoid a gap or area of unmet need above the level not eligible for moderate income private housing assisted with federal interest subsidies or below-market interest rates. To achieve these objectives we urge the adoption of our program.

CHAPTER E. ADMINISTRATION'S PROPOSED REVENUE SHARING PROGRAMS AND PROPOSED DEPARTMENT OF COMMUNITY DEVELOPMENT

New Department of Community Development

1. In his State of the Union Message, the President proposed "a sweeping reorganization of the Executive Branch" which included a proposed Department of Community Development: "a department concerned with the community—rural communities and urban—and with all that it takes to make a community function as a community."

In the past, we have always supported the consolidation within one department of all the functions that relate to housing, urban development, model cities, new communities, planning, and other programs relating to communities. Since at this time we do not know what functions would be assigned to the new department, we are not in a position to make a recommendation on the proposed new department.

General revenue sharing

2. NHC recommends against any use of the new General Revenue Sharing Plan to reduce Federal grant funds which are urgently needed—and should be increased—for existing programs including: urban renewal; model cities; mass transportation; water and sewer facilities; new communities; neighborhood facilities; open space, urban parks, and urban beautification; health; education; training; or other vital needs. In short, the General Revenue Sharing Plan should represent *additional* funds and there should be necessary increases and full funding for all existing Federal grant programs to meet housing and urban needs.

As stated by the President in the State of the Union Message, his proposals included "a plan of revenue sharing historic in scope and bold in concept." Under this proposal the Congress would: "make a $16 billion investment in renewing state and local government. $5 billion of this will be in new and unrestricted funds, to be used as the state and localities see fit."

NHC favors the President's proposal for a $5 billion initial appropriation for the General Revenue Sharing Plan in order to meet the urgent needs of States and cities, many of which are facing financial crises. As to the Federal Government's assuming additional burdens and costs of the welfare system, we believe that this is a matter that should be separately considered on its own merits.

Under the proposed General Revenue Sharing, there will be increases in later years in the annual appropriation for the Program. With respect to annual increments above $5 billion for General Revenue Sharing, NHC recommends a formula in distributing these additional funds which would encourage and reward local governments that meet the national objectives of providing housing for the low and moderate income groups. Thus, if the local government issued certificates of occupancy for such housing funded by any federal, state or local subsidy program, that government should be entitled to an additional distribution under the General Revenue Sharing Plan as to the annual appropriation in excess of $5 billion. This will in no way restrict the use of the funds by the States and localities, but will merely affect the amount they will receive under the distribution formula.

Special Revenue Sharing

3. (a) In the State of the Union Message, the President proposed that Congress make a $5 billion annual investment in general revenue sharing (as described above) as part of a total $16 billion investment in renewing state and local government. He then stated:

"The other $11 billion will be provided by allocating $1 billion of new funds and converting one-third of the money going to the present narrow-purpose aid programs into federal revenue sharing funds for six broad purposes—urban development, rural development, education, transportation, job training and law enforcement—but with the states and localities making their own local decisions on how it should be spent within each category. . . The revenue sharing proposals will include the safeguards against discrimination that accompany all other federal funds allocated to the States."

In his Special Message to the Congress on March 5, the President recommended his Special Revenue Sharing proposal for Urban Community Development. We quote from his message some of the main features of the program:

"How the New Program Would Operate

"The $5 billion program for General Revenue Sharing which I proposed to the Congress on February 4th was designed to give greater resources to hard-pressed States and localities. But a lack of resources is only one of the deficiencies from which State and local governments now suffer. They also lack the opportunity to exercise sufficient responsibility in meeting social needs. As a further step in revitalizing State and local governments, I am therefore recommending a series of six Special Revenue Sharing programs under which the National Government would set certain general goals while programmatic decisions would be made at the State and local level . . ."

"I recommend that four categorical grant programs now administered by the Department of Housing and Urban Development be consolidated into a single fund. The size of this fund in the first full year of operation would be $2 billion. Cities would be able to spend their money as they see fit, provided only that they used it for community development purposes.

"The four elements which would be combined to form this new fund would be the current programs for urban renewal, Model Cities, water and sewer grants, and loans for the rehabilitation of existing structures. The urban renewal program now contains several sub-categories the funds of which will become part of the new fund, including so-called "conventional" urban renewal, the Neighborhood Development Program, assistance for concentrated local code enforcement, interim assistance for blighted neighborhoods, demolition grants and rehabilitation grants. I am proposing that this new program begin on January 1, 1972. In its second year of operation, I would add to this fund by including the money which the Office of Economic Opportunity now spends on some of the elements of its Community Action Programs.

"Distributing the Funds

"How would the money be distributed? Because these funds are designed to achieve the specific purpose of urban development, most of this money would be sent to the metropolitan areas of our nation where the vast majority of Americans live and work. Eighty percent of the Special Revenue Sharing fund would be assigned for use in Standard Metropolitan Statistical Areas. The Office of Management and Budget defines a Standard Metropolitan Statistical Area as an area which contains a central city or cities with an aggregate population of 50,000 or more and those surrounding counties which have a metropolitan character and are socially and economically integrated with the central city. There are 247 such areas in the United States at the present time.

"The money assigned to Standard Metropolitan Statistical Areas—eighty percent of the total fund—would be allocated among the SMSA's according to a strict formula which would be written into the law so that each SMSA would be assured in advance of its fair share. The central cities and other cities in each SMSA with a population of more than 50,000 would, in turn, automatically receive a stable annual share of the SMSA's funds—again, according to the same objective formula.

"In each Standard Metropolitan Statistical Area, some balance would remain after the major communities had received their formula share. In the initial years, this balance would be used by the Department of Housing and Urban Development to compensate any major city in that metropolitan area which received less from the formula allocation than it received annually from the old categorical grant programs over the past few years. Thus, all of these cities would be 'held harmless' against reductions in the total urban development support they receive from Washington. None would be hurt—and many would receive more assistance than they do at present.

"This administration also recognizes the needs of the growing and changing suburban and smaller communities—with populations under 50,000—within metropolitan areas. After the formula allocation and 'hold harmless' commitments have been honored within each Standard Metropolitan Statistical Area, the remaining balance would be available to assist such smaller units, as well as counties, and to encourage area-wide developmental cooperation.

"The formula according to which the funds would be distributed among the Standard Metropolitan Statistical Areas and among the cities within them would be 'problem oriented'—so that the money would be channeled into the cities which need it most. The formula would take into account the number of people who live in an area or a city, the degree of overcrowding there, the condition of its housing units, and the proportion of its families whose income is below the poverty level.

"The remaining twenty percent of the Special Revenue Sharing fund for Urban Community Development—the part that did not go by formula to the Standard Metropolitan Statistical Areas—would be available to the Secretary of Housing and Urban Development to distribute. Much of this money would be used during the transitional period to help hold communities harmless against reductions in the overall level of their urban development support. These funds would also be used to encourage state involvement in urban community development, to perform research, to demonstrate new techniques and to aid localities with special needs and with special opportunities to implement national growth policy.

"Spending the Funds

"How would cities use this money? For community development purposes—which could include investments in both physical and human resources. All of the activities which are eligible for support under the present urban development categorical grants would be eligible for support from the new Special Revenue Sharing fund which would take their place. Cities could thus use their allocations to acquire, clear and renew blighted areas, to construct public works such as water and sewer facilities, to build streets and malls, to enforce housing codes in deteriorating areas, to rehabilitate residential properties, to fund demolition projects, and to help relocate those who have been displaced from their homes or businesses by any activities which drew on their urban community development special revenue sharing funds. They could also fund a range of human resource activities including those now funded by Model Cities and Community Action programs.

"Just which of these activities would be supported and what proportion of available funds would be channeled into each activity are decisions that would be made locally. No Federal approval would be required. Cities would simply be asked to indicate how they plan to use their funds and to report periodically on how the money was expended. This requirement is included merely to insure that funds would be used for eligible activities.

"As is the case with all other revenue sharing programs, there could be no discrimination in the use of these funds. The rights of all persons to equitable treatment would be protected. Any monies expended under this program would be considered as Federal financial assistance within the meaning of Title VI of the Civil Rights Act of 1964.

"The Transition Process

* * * * *

"I would emphasize that there will be no lessening of Federal support for urban development activities between now and January 1, 1972, the proposed starting date for the new program. Our problems will not take "time out" and neither can our efforts to deal with them. Where long-range commitments have been made to fund urban renewal projects, those commitments will be honored. Amendatories—supplementary pledges which cover cost increases in urban renewal projects—will also continue to be funded. We will, however, discourage applications for new conventional urban renewal projects—since they would tie up future funds today which would mean cash through Special Revenue Sharing in future years. Instead, we will prepare for Special Revenue Sharing by placing greater emphasis in all programs on annual incremental funding—of the sort that is now used in Neighborhood Development Programs.

"Similarly, all other affected programs will continue to be funded until the new program comes into effect. This includes our Model Cities and Community Action commitments. As soon as the starting date for Special Revenue Sharing is established by the Congress, this administration will work out transition arrangements, so that there will be neither a funding gap nor a period of double funding."

* * * * *

"One point that should be very clearly understood is that *no* program currently funded by categorical grants need be discontinued under the new arrangement. Every community would have the capacity to maintain—and many would have the capacity to expand—any of these current programs. The suggestion that Model Cities programs, for example, would be terminated is extremely misleading. That would happen only if a locality made a deliberate decision that it wanted to terminate the program, something it is free to do right now. . . ."

From the Fact Sheet accompanying the President's Message, we quote the following further explanation of the Special Revenue Sharing Proposal for Urban Community Development:

"All of the activities are eligible for support under the present urban development categorical grants would be eligible for support from the new Special Revenue Sharing fund which would take their place. Cities could thus use the money to acquire, clear and renew blighted areas, to construct public works such as water and sewer facilities, to build streets and malls, to enforce building codes in deteriorating areas, to rehabilitate residential properties, to support the types of activities for which Model Cities supplemental grants have been authorized, to fund demolition projects, and to make relocation payments and assistance for those displaced by program activities.

"Decisions on which of these activities will be undertaken in each community and what proportion of available funds would be channeled into each activity will be made locally. *No Federal approval would be required for any activity. Neither applications nor matching local shares will be necessary.* Cities would merely have to report in advance how they plan to use their funds, and to report at the end of the year on how the money was expended. This requirement is included merely to insure that funds would be used for eligible activities. Racial discrimination in the use of these funds would be prohibited, and the rights of all persons to equitable treatment would be protected. (Emphasis added.)

"No program currently funded by categorical grants need be discontinued under Special Revenue Sharing. Every community would have the capacity to maintain—and even to expand—any of these current programs, if they wished to do so. For example, termination or continuation of model cities programs would depend completely on local decisions."

NHC's recommendation on special revenue sharing plan

NHC believes that Federal grants should provide incentives to promote national programs and objectives relating to housing and community development. The adoption of the model cities program by almost 150 cities was largely attributable to the Federal program of planning grants and supplemental grants for model cities. Likewise the participation of over 1200 cities in the urban renewal program is largely attributable to the Federal program of planning grants and program grants for urban renewal. With respect to the proposed special revenue sharing program, we are deeply concerned that many of these programs—with their emphasis on serving the underprivileged and racial minorities—would be prejudiced by the proposed consolidation of the categorical programs into a single community development grant program under which each local government would determine which activity it elects to pursue. To provide incentives which assure the achievement of national goals and programs, we favor the continuance of categorical grants for each of the four special purposes: urban renewal, model cities, sewer and water, and rehabilitation. As an alternative program available under urban renewal, NHC recommends a total Community Development Program which would include activities that extend greatly beyond those now eligible under urban renewal and which would receive Federal funding on a yearly increment basis. (See Chapter G, Paragraph 4 of Part II.)

No legislation is yet available to implement the Special Revenue Sharing Plan for Urban Community Development. Consequently, we are not certain how this program would be implemented in detail. However, on the basis of the special message it would appear that a city could use all of the funds for a sewer and water program and none of the funds for urban renewal, model cities or rehabilitation of existing structures. Likewise, it would appear that a city may be permitted to use all of the community development grant for a model cities program and none of the grant for the other three programs; since the model cities supplemental grants have been unlimited as to uses, it may be possible for a city to use the community development grant merely to supplement its city budget for general municipal purposes—this would in no way accomplish the national programs and objectives contemplated under existing legislation.

However, we are in full agreement with the President's principle that Federal grants should be made available for use by states and local governments *without Federal accountability or program supervision,* except for (1) compliance with nondiscrimination obligations and (2) the use of the funds for the specific purposes of each of these four categorical grants. We urge that this principle be applied to these categorical grant programs, so that they would not be subject to Federal program supervision. In short, there would be block grants for each of the four categorical programs, with the use of the funds limited only as to the particular purpose of each grant and without Federal program supervision.

In the proposed Special Revenue Sharing program the President recommends that there be no matching grants. We oppose Special Revenue Sharing for Urban Community Development. However, if there were adequate funding for the categorical grant programs, the principle of no matching local grants would be meaningful as applied to categorical grants. In that event, we would recommend that no matching grants be applied in the continuance of the four categorical grant programs.

If the Special Revenue Sharing Plan is adopted for Urban Community Development, NHC recommends a broadening of the formula for distributing funds. Instead of taking into account only the population and needs of the area, and the condition of its housing units, the formula should also cover the affirmative action which the locality has taken in meeting those needs.

Reductions in Appropriations and Lapses in Authorizations for Many Programs

4. NHC does not believe that the *outlay total* is the appropriate yardstick to measure the Federal Government's assistance to housing and community development. Such outlays record the amounts paid on commitments made during the past and current fiscal years. Moreover, there have been cutbacks in the program for fiscal 1971 below the amounts appropriated for that year, as described below, so that outlays in that year are below the level which should be used as a test in determining whether program levels for fiscal 1972 are higher than those in fiscal 1971.

5. (a) A more appropriate yardstick consists of the following two figures:

(1) The total Congressional authorizations for these programs as compared with the amount the Administration proposes to fund through appropriation requests.

(2) The total appropriation requests for fiscal 1972 in comparison with the actual appropriations for fiscal 1971.

(b) As to the first test of appropriation requests for fiscal 1972 in comparison with the total amounts appropriated for 1971, the figures are as follows:

(1) Of the $1.2 billion appropriated by Congress for the urban renewal program for fiscal 1971, the Administration intends to obligate only $1 billion this year and to carry the remaining $200 million over to next year. This contrasts with a backlog at HUD of urban renewal applications from local governments totaling $3 billion.

(2) Of the $350 million appropriated for the water and sewer grant program for fiscal 1971, the Administration intends to obligate only $150 million and to carry the balance of $200 million over to fiscal 1972.

(3) Of the $575 million appropriated for fiscal 1971 for the model cities program the Administration intends to obligate only $375 million. Of the unspent funds, $157 million will lapse on June 30, 1971. During fiscal 1972, the Administration proposes to phase out model cities and allow an additional $505 million to lapse on June 30, 1972.

(4) Thus $1.1 billion currently available in community development funds will not be obligated during fiscal 1971, namely: $200 million for urban renewal; and $200 million for water and sewer programs; and $732 million for model cities.

(5) The Administration's proposed appropriation request for fiscal 1972 for the four existing programs during the first six months plus the proposed new community development grant program for the second six months, is $500 million *less* than the total monies actually *appropriated* by Congress for fiscal 1971 for the four existing programs alone.

(c) As to the second test of the amount of the appropriation requests for fiscal 1972 compared with the actual appropriations for fiscal 1971, the figures are as follows: the total authorizations available for fiscal 1972 for these four programs is $3.75 billion, but the Administration's total appropriation request for fiscal 1972 for these four programs plus the new Community Development Program is $1.64 billion.

6. The National Housing Conference is of the opinion that the Administration's appropriation requests for housing and related urban development programs for the Federal fiscal year 1972 beginning July 1, 1971 are grossly inadequate in relation to demonstrated needs and backlog requirements from communities and private enterprise, as shown by the following cuts:

(a) The utilization of contract authority for low-rent public housing would be reduced from $394 million authorized for fiscal year 1971 to $201; and to $207 million for fiscal 1972 from $417 million authorized for fiscal 1972 (which includes the $192 million carryover from fiscal 1971).

(b) With respect to housing for lower income families, the Administration requests contract authority for interest subsidies under the Section 235 and Section 236 programs of only $175 million each as against Congressional authorization of $25 million additional for fiscal 1971 and $200 million for fiscal 1972 for each program.

(c) With respect to urban renewal, the budget confirms that the $200 million additional capital grant funds *appropriated* for fiscal 1971 have been frozen as to commitment in fiscal 1971. The budget proposes that this $200 million be made available in fiscal 1972, together with a new appropriation request for $600 million.

(d) With respect to the model cities program, the budget requests no new appropriation for fiscal 1972. Since the budget was published, the Administration has announced the release of $148 million of impounded model cities *appropriated* funds in fiscal 1971 and $288 million of such funds in fiscal 1972. Even at this rate, a total of $296 million of model cities *appropriated* funds would be withheld by June 30, 1972.

(e) With respect to water and sewer grants, the budget confirms that the $200 million in additional funds *appropriated* for fiscal 1971 have been frozen as to commitment in fiscal 1971. The budget proposes that one-half of these frozen funds be released for commitment in the first six months of fiscal 1972. No request is made for additional appropriations.

(f) The budget message proposes new legislation consolidating urban renewal, model cities, rehabilitation loans, and water and sewer grants in a new Community Development Program, effective January 1, 1972, upon which date the four categorical grant programs would be phased out as to new commitments. The budget requests a supplemental appropriation of $1 billion for the new Community Development Program.

If enacted, the new Community Development Program presumably would also terminate large outstanding *unappropriated* Congressional authorizations, namely: $1,927 million in urban renewal grants; $837.5 million in model cities supplementary grants; and $1 billion in water and sewer grants, in addition to $100 million in unexpended water and sewer appropriations. In the event that the new Community Development Program is adopted, NHC recommends necessary amendments to assure that all of these authorizations will continue to be available for the purposes contemplated as part of the new Community Development Program.

7. As indicated above and in the chapters concerning public housing, urban renewal, model cities, and sewer and water, the Budget has impounded large amounts of the funds appropriated or authorized for HUD programs for fiscal year 1971. In a hearing called by Senator Sparkman before the Senate Committee on Housing and Urban Affairs on March 4, 1971, it is reported that:

(a) Budget officials confirmed the freezing of nearly $1 billion in HUD funds this year and they gave as their reasons the curbing of inflationary construction costs and the overall spending limit imposed by Congress under a complicated formula which works out at present to $214.5 billion. Budget officials asserted that the individual program authorizations aggregated a sum substantially in excess of this over-all spending limit.

(b) The total amount of the Budget freeze for all Federal agencies was said to be about $8 billion of funds authorized and *appropriated* by Federal law.

(c) Senator Proxmire said that certain federal outlays are projected as rising in fiscal 1971, but that urban programs had taken an inordinately heavy share of the cuts—$1 billion out of a total HUD budget of $3.4 billion. The Senator urged restoration of these funds.

The Budget actions taken in freezing or cutting HUD funds for various programs demonstrate the need to grant a higher priority in the allocation of national resources to the solution of the problem of housing and community development. In view of the current critical housing needs and the financial crises in the cities, NHC urges action by the Congress and the Administration—including the relaxation of the over-all federal spending limit if this is necessary despite the separate Federal laws appropriating an aggregate larger amount—to assure that the full amount of funds authorized by legislation or appropriations will be released and spent for housing and community development programs.

CHAPTER F. LOW RENT PUBLIC HOUSING

I. Summary of existing legislation

1. *Need.* There is a tremendous unmet need for additional housing to serve the low-income group who cannot be decently housed without the aid of Federal subsidies. Many of the ill-housed in this income group are living in the slum and ghetto areas of our cities. Their unmet need for adequate housing has contributed to the crisis in our cities. Cities throughout the country have recognized the urgency of building additional public housing. Applications for additional public housing units are now being submitted to HUD at an annual rate of about 140,000 units.

2. *Authorizations in 1968 and 1969 Housing Act.*

(a) *Authorizations for Annual Contribution Contracts.* The 1968 Act provided an increase in the contract authorization for annual contributions of $100 million upon its passage and an additional $150 million on July 1, 1969, and July 1, 1970. The 1969 Housing Act increased the authorization for annual contribution contracts by $75 million as of July 1, 1969, and by $20 million on July 1, 1970. It was hoped that these increased authorizations would provide about 375,000 low-rent dwelling units over the 3-year period for the public housing program.

(b) *Tenant Services.* The 1968 Act authorized HUD to make grants to local housing authorities to assist in financing tenant services for tenants of public housing. $15 million in appropriations for grants were authorized for fiscal year 1969 and $30 million for fiscal 1970. The 1969 Act extended these authorizations through fiscal year 1971. The tenant services include: counseling on household management, housekeeping, budgeting, money management, child care, and similar matters; advice as to resources for job training and placement, education, welfare, health, and other community service; services which are directly related to meeting tenant needs and providing a wholesome living environment; and referral to appropriate agencies when necessary for the provision of such services.

(c) *Limit on High-rise Projects.* High-rise public housing projects for families with children are prohibited except where HUD determines that there is no practical alternative.

(d) *Leasing Program.* HUD was prohibited from prescribing limitations on the types or categories of structures or dwelling units (other than those provided in the law) which can be leased under the public housing Section 23 leasing program.

(e) *Additional Subsidy for Certain Families.* An additional annual subsidy of $120 is authorized for public housing units occupied by large families or families with very low incomes. In the past a like subsidy has been limited to the elderly and displaced families.

(f) *Loans for Public Housing Projects.* The 1969 Act increased from 90 to 100 percent the maximum amount of Federal loans or loan commitments authorized for financing the acquisition or development of a low rent housing project with respect to which annual contributions are to be made. Section 9 is used primarily to enable local housing authorities to obtain temporary financing for the acquisition or construction of a project by the sale of short-term notes backed by a Federal loan commitment. With a loan commitment of 100 percent of a project's acquisition or development cost, a local housing authority would be able to schedule the issuance of long-term bonds for permanent financing when most advantageous to itself and the Federal Government rather than just prior to acquisition or when development costs reach the 90-percent level.

(g) *Public Housing Annual Contributions.* Section 10(b) of the USH Act was amended to clarify existing authority to fix the amount of the annual contributions to public housing projects at an amount in excess of the debt service requirements of the projects so long as the fixed contribution does not exceed the maximum annual contribution authorized in that section.

(h) *Notifications to Applicants for Admission to Public Housing Projects.* The 1969 Act amended Section 10(g) of the USH Act by adding a new paragraph requiring every contract for annual contributions for a low-rent housing project to provide that the public housing agency shall notify promptly any applicant determined to be ineligible for admission to a project of the reason for such determination and provide the applicant, within a reasonable time after the determination is made, with an opportunity for a hearing on the determination. Applicants who are determined to be eligible for admission to a project must be notified promptly of the approximate date of occupancy insofar as this can be reasonably determined.

(i) *Elimination of Workable Program Requirement With Respect to Low-Rent Projects.* The 1969 Act amended Section 101(c) of the Housing Act of 1949 and Sections 10(e) and 23(f) of the USH Act to eliminate the workable program requirement for low-rent public housing and Section 221(d)(3) projects.

(j) *Reduced Rentals for Very Low Income Tenants of Public Housing Projects—Brooke Amendment.*—The 1969 Act amended Section 2(1) of the USH Act to provide that rent in public housing projects may not exceed one-fourth of the family's income, defined by the Secretary of HUD. To make it possible to serve very low income persons in public housing, additional assistance payments were authorized within the existing annual contributions framework. To provide necessary funds for this purpose, $75 million was added to the authorization for annual contributions contracts under Section 10(e) of the USH Act.

The requirement that rents fixed by public housing agencies may not exceed one-fourth of the low-rent housing tenant's income does not apply in any case in which the Secretary determines that by limiting the rent of a tenant there will result a reduction in the amount of welfare assistance which would otherwise be provided to the tenant by a public agency.

(k) *Applicable Going Federal Rate.*—The 1969 Act amended Section 14 of the USH Act to provide that any contract for annual contributions, loans, or both, may be amended or superseded for the purpose of insuring the low-rent character of the project involved so that the going federal rate on the basis of which such annual contributions or interest rate on the loans, or both, are fixed shall mean the going federal rate of the amending or superseding contract.

3. *Amendments in the Housing and Urban Development Act of 1970.*

(a) *Public Housing Annual Contributions.*—The 1970 Act amends section 10(e) of the United States Housing Act of 1937 to increase the contract authority by $150 million, and by $225 million on July 1, 1971, for the public housing program.

(b) *Public Housing Rent Requirements.* The 1970 Act amends section 2(1) of the Housing Act of 1937 to provide more specific guidelines with respect to the maximum rental permitted to be charged tenants in public housing projects by providing statutory definition of income for purposes of establishing maximum rentals at one-fourth the tenant's income. Family income includes income from all sources of each member of the family residing in the household who is at least eighteen years of age, (1) nonrecurring income, as determined by the Secretary, but excluded are (2) an amount equal to the sum of (A) $300 for each person in the household under eighteen years of age, and (B) 5 per centum of the family's gross income (10 per centum in the case of elderly families), (3) $300 for each secondary wage earner, (4) medical expenses of the family properly considered extraordinary; finally, (5) the Secretary may allow further deductions in recognition of unusual circumstances.

(c) *Public Housing Cost Limits.* The 1970 Act substitutes a new formula for establishing limits on the constructions costs applicable to public housing projects which would be based on cost factors prevailing in each area rather than on national standards. Under the proposed formula, the Secretary of HUD would periodically "cost out" prototypes of various types of projects in each area suitable for occupancy by public housing tenants. These various types could include high-rise elevator structures, walk-up projects, detached or row houses, projects designed for the elderly and handicapped, and congregate and dormitory-type housing, and others as necessary. Prototype cost would be determined on the basis of complete plans and specifications for the particular type of project. These plans and specifications could vary from one part of the country to another to reflect differences in climate, design standards and specifications.

(d) *Amendment of Contracts to Assure Low-Rent Character of Projects.* The 1970 Act clarifies the use of annual contributions to pay the excess of operating and maintenance expenses over rental income incurred by public housing agencies.

(e) *Low-Rent Housing in Private Accommodations.* The 1970 Act amends section 10(e) of the United States Housing Act of 1937 to require that at least 30 percent of the dwelling units for which contracts for annual contributions are entered into pursuant to the new authority granted under section 202 of the Housing and Urban Development Act of 1970 or under any law subsequently enacted shall be units in private accommodations provided pursuant to section 23 of the United States Housing Act of 1937.

(f) *Funding of Tenant Services.* The 1970 Act repeals the grant program for tenant services in public housing projects and authorizes such services to be financed out of project income and annual contribution payments.

(g) *Congregate Housing for the Elderly, Displaced and Handicapped.* The 1970 Act amends section 15 of the United States Housing Act of 1937 by adding a new paragraph (12) which would direct the Secretary to encourage local public housing agencies to develop congregate housing for the displaced, elderly and handicapped. Congregate housing is defined to mean projects with central dining facilities where some or all of the units do not have kitchen facilities. The dining facility would be required to be operated on a self-supporting basis; however, any expenditures, other than for food or services, could be considered a cost of the administration of the project. The section also provides that not more than 10 percent of the total amount of contracts for annual contributions entered into in any fiscal year pursuant to the new authority granted under the Housing and Urban Development Act of 1970 or under any law subsequently enacted shall be entered into with respect to units in congregate housing.

(h) *Policy Statement.* Section 211 of the 1970 Act amends section 1 of the United States Housing Act of 1937 to state, as the policy of Congress, that public housing tenants should not be barred from serving on the board of directors or other governing body of a local public housing agency.

II. Recommendations

1. *Urgent Need To Make Authorizations Available for Commitment.* The Budget contains severe cut-backs in the public housing program. Of a total of $394 million in contract authority available for fiscal 1971, the Administration plans to obligate only $201 million, leaving a carry-over of $193 million in contract authority. Of the total of $417 million in available contract authority for fiscal 1972 (which includes the $193 million carry-over), only $207 million will be obligated, leaving a $210 million carry-over authorization for fiscal 1973. Thus, the Administration intends to permit the use of only about two thirds of the total contract authority available each year. This will create serious difficulties for the public housing program. The new starts for fiscal 1971 will remain at 90,000 units which is less than one-half of the annual number of public housing units we need to meet our goals. Moreover, many public housing authorities are facing large operating deficits which are rising due to inflation; also the additional funds are needed to implement the Brooke Amendment so that low-income tenants do not pay an excessive proportion of their income for rent. NHC urges that all available authorizations be released immediately to meet this critical condition as contemplated by the 1970 Housing Act.

2. *Necessary Appropriation.* NHC recommends the following schedule of authorizations for the Public Housing Program for new units to be developed:

On July 1, 1971 (for fiscal 1972) an additional authorization of $300 million.

On July 1, 1972 (for fiscal 1973) an additional authorization of $350 million.

On July 1, 1973 (for fiscal 1974) an additional authorization of $400 million.

On July 1, 1974 (for fiscal 1975) an additional authorization of $450 million.

On July 1, 1975 (for fiscal 1976) an additional authorization of $500 million.

3. *Increases in Legislative Authorizations.* There is a need to increase the authorizations as outlined in paragraph 1, above, for public housing to an average annual rate of 200,000 units for a 5-year period. Initially, the annual rate should be 150,000 units, but it should be accelerated each year until it reaches 250,000 units in the fourth and fifth years. This should include public housing of the conventional type, along with turnkey housing and leasing programs.

4. *Immediate Release of All Available Funds.* NHC deplores the announcement by the Bureau of Budget and Management that the $150 million of supplemental authorizations for fiscal year 1971 have been frozen. This money is desperately needed to implement the Brooke Amendment and to alleviate the tremendous backlog of applications for new construction.

5. *Continuation of Established Appropriation Procedures.* During the floor debate on the 1970 Housing Act, Congressman Davis offered an amendment to subject authorizations for annual contributions to approval in appropriation acts. NHC deplores and strongly opposes the intent of this amendment. There is no justification to change the long-established and satisfactory practice covering authorizations for annual contribution contracts. It has been in successful operation 34 years since the 1937 law was enacted. NHC urges that the Housing Subcommittee reject the proposal in question.

6. *Other Legislative Amendments.* We should perfect the existing public housing programs in light of our experience. In the conventional public housing programs, this requires the following new federal aids to meet conditions that have been too long neglected:

(a) NHC approves the objective in the 1969 Housing Act, as reaffirmed in the 1970 Act, to establish a maximum percentage of a tenant's income which is required to be paid as rent by public housing tenants However, NHC recommends that 20% instead of 25% of a tenant's income should be the maximum rent. The 25%-of-income requirement is too high for low income families to pay for housing in view of their need of income for other essential living expenses.

(b) We recommend an amendment which would make subsidies available without reference to maximum income limits. The subsidies would be the amount needed after the occupant pays the required percentage of his income.

(c) Neither the program to lease privately-owned housing for public housing purposes, nor the rent-supplement program for those of public-housing incomes requires a local financial contribution in the form of exemption from local real estate taxes. Conventional public housing projects are therefore at a disadvantage in gaining acceptance by local governments, since these projects require tax exemption and 10% of shelter rents in lieu of taxes. To eliminate this disadvantage, NHC recommends that local housing authorities be permitted to make payments in lieu of taxes equal to full taxes. Federal annual contributions should be increased to cover the payment of a full tax equivalent.

(d) Special federal grants should be authorized to offset the impact of locating low and moderate income housing in suburban and other areas where costs must be incurred for education, health or other services to the extent they cannot be met from collections of full taxes on the property. Such federal grants would provide an incentive and inducement to suburban and other communities to accept low and moderate income housing since it would not impose an additional financial burden on the community.

(e) Until such time as a full tax equivalent is paid on public housing as recommended above, there should be a federal payment to cover costs of sending public housing children to local schools; accordingly, NHC deplores the fact that the language of the Elementary and Secondary Education Bill which provided for such payments was deleted.

(f) There should be a HUD authorization to make federal capital grants to cover the full amount of land and site development costs in excess of the reuse value of the improved land for new low-rent public housing projects which are not located in urban renewal areas; also HUD authority to make such federal grants for a write-down on buildings acquired for rehabilitation.

(g) The present law provides for disposition of public housing to residents when the housing is sufficiently separable for ownership by the residents. We recommend an amendment to authorize sale of an entire project—including turnkey housing—to a cooperative with a membership limited to those who will reside in the project and whose income meets the limits prescribed in Section 221(d)(3). The sale should be made subject to the continuance of the outstanding bonds of the local housing authority and the pledge of federal annual contributions as security therefor. In broadening the authorization for disposition of public housing, the amendment should require a finding that such disposition would not adversely affect the low-rent program of the public housing agency involved. The proposed NHC amendment would make it possible for residents of public housing to achieve cooperative home ownership and to produce better and more stable communities.

Further, instead of requiring over-income families to move out, they should be allowed to acquire cooperative home ownership by paying a higher monthly charge which they can afford, based upon a percentage of their increased earnings. This amendment will give public housing tenants an incentive to better themselves. As to public housing tenants whose incomes have not increased, they can either be (i) relocated in other public housing projects, with their moving expenses paid; or (ii) permitted to remain in the project—preferably as members of the cooperative—receiving the benefit of annual contributions so long as they qualify as low income families. When vacancies occur, they will be filled with over-income tenants from other public housing projects who desire to become cooperative owners. In determining the price and mortgage on the sale of a public housing project for cooperative ownership, the same definition of appraised value should be used as is involved under FHA cooperative programs, namely, "value of the project for continued use as a cooperative."

(h) Repeal the provision in the U.S. Housing Act of 1937, as amended, which requires a 20% gap between the lowest private and the upper public housing income limits for admission.

(i) Permit low-income individuals—in addition to low-income families—to be eligible for occupancy in low rent public housing. NHC recommends the removal of the 10% limit on the number of units in a project which may be occupied by low income individuals as distinguished from low income families.

(j) Make the necessary changes to permit construction in a municipality of low-rent public housing for those of low income who will later migrate to the municipality for employment in industries located there or in service activities. This would include new towns or municipalities outside of central cities. It would facilitate dispersal of population and reduction of the concentration of low-income families in central cities.

(k) In new and existing low-rent public housing projects, there is a great opportunity to provide social impetus and vitality not only to those living in the development, but also the neighborhood. The need is both for physical community facilities on a large scale and for skilled and dedicated personnel to operate them imaginatively. A program was authorized by the 1965 Act for two-thirds federal grants to assist communities, in developing neighborhood facilities of all types, with preference to those in neighborhoods involving the anti-poverty program. While this affords a new opportunity to obtain needed physical facilities, the law should be amended to provide for necessary social and counseling services in such neighborhood facilities. Where funds or services cannot otherwise be obtained, local authorities should be permitted to use project funds for this purpose. Adequate funds for social and counseling services should be included in the project budget. We believe the 1970 Housing Act permits this under the amendment allowing project income and annual contributions to be used for tenant services. If any clarification is required to cover all of the foregoing services and facilities, we recommend a further amendment which would accomplish this.

(l) There should be an amendment authorizing the leasing of available private housing outside central cities for low-rent housing purposes. Such leasing should not require approval by the governing body of the municipality involved. Parenthetically, state laws should likewise be amended to enable local authorities to lease such housing outside central cities.

(m) The Section 23 leasing program should be amended to permit longer term leases as this will encourage more private owners to participate in the program. The leasing program should be available for use in connection with any FHA-insured housing so as to help achieve economic integration. It should also be available for use in connection with FHA-insured nursing homes.

(n) The 1965 Act repealed as to future projects the requirement of Section 10(c) of the United States Housing Act of 1937 that annual contributions to a public housing agency be reduced by any amounts by which the receipts of the agency exceed its expenditures. As a matter of fairness and to meet the needs of public housing agencies, NHC recommends that this repeal should also apply to public housing projects existing at the time of the 1965 Act, as well as future projects.

(o) There should be no limits for continued occupancy in public housing. Instead, people should be permitted to stay in public housing if they wish upon paying the prescribed percentage of their income—where permitted under state law—but not in excess of the economic rent.

7. *Administrative Actions.* NHC recommends and approves the following administrative actions by HUD:

(a) As permitted by the 1970 Housing Act, additional annual contributions should be made to meet all costs except those which low income families can afford in rentals. This should include not only the debt service, but also adequate maintenance, security, conservation and operation of public housing, and additional services. It should also cover the cost of work required to comply with anti-pollution legislation. The present needs and costs are higher than those which prevailed when the original annual contribution contracts were signed. If the annual contributions are not raised, local housing authorities will be forced to increase rents and income limits. This would jeopardize the continued achievement of the purpose of this program to serve low income families. Also, it will cause the deferment of necessary maintenance and repairs, thereby jeopardizing the physical condition and long-term life of the property. The present annual contributions were computed to assure their adequacy to meet debt service, but without provision for the increased later costs of maintenance and operation, or the need for additional services. There has been criticism of conventional public housing because of its failure to provide necessary services and because of its failure to carry out adequate renovation. Correction of these conditions should remove the cause of this criticism and produce a better living environment in public housing.

(b) The annual subsidy formula should be revised to permit the payment of the maximum annual contributions authorized by law with residual receipts being used either for project rehabilitation or improvement. At any time after completion of a public housing project, provision should be made for reopening development cost, if necessary, to make additional loans for needed rehabilitation, improvements, or other purposes, with annual contributions correspondingly increased.

(c) While we believe the proposal for private management of turnkey housing is of dubious merit, we favor testing this new approach to determine whether it will produce benefits or improve techniques in the management of public housing and the achievement of the program's social objectives. The proposal should be recognized as a pilot and experimental program to be determined by local housing authorities. Meanwhile, NHC reaffirms the wisdom of continuing the present tested management operations through local authorities. They have long experience in handling the operations and problems and social aspects of public housing management. Moreover, they are clearly motivated by the public interest in managing public housing to serve low-income families. Local housing authorities should be allowed the same budgets for their operations and management services on turnkey housing as are proposed for private management. NHC also recommends approval of experimental programs of local housing authorities for management of public housing by nonprofit organizations, since they likewise have motivations of public interest and social welfare.

(d) We again commend HUD for its flexibility in using existing legislative tools to develop a program which will enable low-income families to live in the same projects as families of moderate incomes instead of isolating families of each income group. Under this program, the low-income family can continue in occupancy when its income increases, but will no longer receive public housing subsidies; instead, it will get the benefit of a below-market interest rate. When the family becomes self-supporting, it will pay the full market rate of interest.

(e) The special subsidy for housing elderly and displaced persons is now available only in the event of a deficit operation. NHC recommends that this subsidy be made available generally in an amount equal to the difference between the rent paid per month and the average cost of operation.

(f) The 1968 Housing Act emphasizes the importance of good public housing design to the low-income family and to the local community. The Nation is concerned not only with the quantity of new public housing, but also with its quality. We urge HUD to take all actions necessary to achieve higher design standards for public housing developments.

(g) NHC recommends necessary adjustments in public housing income limits in those localities which have failed to keep pace with the increases in costs and incomes; also, there should be a recognition of the larger income which larger families require. Thus, there is no justification for a public housing limit for a larger family which would make a welfare recipient ineligible for occupancy.

(h) NHC recommends a revision in the letters of intent used by the Housing & Urban Development Dept. in its turnkey housing program, in order to make it mandatory for housing authorities to purchase the land and plans from the developer if—for any reason—the local housing authority and the developer fail to execute a contract to purchase.

(i) NHC suggests that local housing authorities draw down the purchase price of the completed improvements at the time of signing the turnkey contract of sale. This sum would then be deposited to the credit of the local housing authority with a banking institution in the community in which the project is being built and a Certificate of Deposit would be issued to the local housing authority bearing interest at the highest going rate. In consideration of the deposit, the banking institution would agree to make the construction loan to the turnkey developer at an interest rate not more than 2 percentage points higher than the interest paid by the banking institution to the local housing authority on the Certificate of Deposit, plus normal operation and service charges and fees.

(j) NHC understands that HUD has established a ceiling of 9,000 units for the Section 23 leasing program even though there are pending requests for about 45,000 units. NHC deplores any administrative action that prevents the full utilization of authorizations for this successful and imaginative program.

(k) The Section 23 leasing program should be administered in a manner which will permit longer term leases as this will expand the program including the encouragement of more new construction and rehabilitation.

(l) NHC recommends that the documentation required to qualify initially for the leasing program eliminate the unnecessary requirement for development of detailed hypothetical data as to the extent of the potential supply of units.

(m) We urge HUD to restore the availability of consolidated annual contribution contracts and operating budgets for use by local housing authorities. This mechanism has been essential to enable most local programs involving more than one project to serve adequately a cross section of needs in the low income group. Also, this procedure has been necessary for the proper operation of projects with substantially different sizes, ages, neighborhoods, and design characteristics. Insistence by HUD on a separate annual contributions contract for each new project will exclude many development opportunities and impair sound and flexible management operations.

(n) When the local housing authority renews leases under the leasing program, there should be a price adjustment in the lease that takes into account price level changes.

CHAPTER G. URBAN RENEWAL PROGRAM

I. Summary of existing legislation

1. *Objectives.* Urban renewal is a major instrument of reform which deals primarily with the physical side of removing blight. Its objective is to eliminate slum, blighted or deteriorating areas and provide for the use and disposition of land in accordance with comprehensive urban renewal plans that meet community needs. Over 1,000 cities are reclaiming such blighted areas for redevelopment or rehabilitation under urban renewal programs. The backlog of urban-renewal-grant applications was in excess of \$3 billion at the beginning of the fiscal year and new applications averaged over \$200 million per month, despite HUD actions to discourage applications by the imposition of more stringent requirements concerning program objectives and priority criteria. Each year about 60 additional communities are joining in the participation of the urban renewal program, after adopting workable programs for community improvement. There is a tremendous need for increased urban renewal authorizations to meet the requests of cities who are seeking to stop the insidious blight which is overwhelming their older neighborhoods.

2. *Authorizations and Limitations in the 1968 and 1969 Housing Acts.*

(a) *Increased Authorizations in 1968 Act.* An additional \$1.4 billion of urban renewal grants was authorized by the Act for fiscal year 1970. In addition, there was an authorization of \$350 million for urban renewal grants for projects in model city areas, which supplements the previous authorization of \$250 million for this purpose.

(b) *Neighborhood Development Program (NDP).* The 1968 Act provides for a new approach to urban renewal which is intented to facilitate more rapid rehabilitation and redevelopment of blighted areas on an effective scale. Financial assistance would be provided for a neighborhood development program which consists of urban renewal undertakings and activities in one or more areas that are planned and carried out on the basis of annual increments. Financing is based on the amount of funds needed to carry out the activities planned during a 12-month period in each of the urban renewal areas in the community's program. As to subsequent annual increments of the program, the community would receive financial assistance to the extent that funds are then available and the community's program is acceptable to HUD. This will permit the undertaking of urban-renewal-execution activities, land acquisitions and public improvements simultaneously with planning.

(c) *Low and Moderate Income Housing.* The 1968 Act requires that a majority of the total number of housing units in a community's residential urban renewal project which receives Federal recognition after August 1, 1968, must be for low and moderate income families or individuals. As to housing units in urban renewal areas, at least 20% of the total must house low-income families or individuals, but HUD may waive this 20% requirement to the extent that these units are not needed in the community.

(d) *Increased Authorizations in 1969 Act.* The 1969 Act amends the first sentence of Section 103(b) of the 1949 Act to increase the aggregate amount of capital grants which may be made under the urban renewal program by $1.7 billion on July 1, 1970, and reserves 35 percent of available funds for fiscal year 1970 and fiscal year 1971 for neighborhood development programs.

(e) *Extension of Urban Renewal Assistance to Trust Territories.* The 1969 Act makes the Trust Territory of the Pacific Islands and the Indian tribes, bands, groups, and nations (including Alaska Indians, Aleuts, and Eskimos) of the United States eligible for:

(1) urban renewal loans and grants for rehabilitation;

(2) demolition grants;

(3) code enforcement grants; and

(4) interim assistance grants.

(f) *Extensions of Period of Eligibility of Local Grants-in-Aid.* The 1969 Act amends Section 110(d) of the 1949 Act to permit, in the case of any urban renewal program for which an application is filed but not approved on or before the date of enactment of the 1969 Act, credit for local grants-in-aid if construction of the public improvement or facility was commenced not more than 4 years prior to authorization by the Secretary of a contract for a loan or capital grant for the project. The period of eligibility otherwise applicable is 3 years. There are also other extensions of the period of eligibility of local grants-in-aid for certain projects.

(g) *Inclusion of Enclosed Pedestrian Malls as Eligible.* The 1969 Act amends Section 110(c) of the 1949 Act to include covered pedestrian malls and walkways (with related facilities) among the types of undertakings eligible for inclusion in urban renewal project costs.

(h) *Rehabilitation Grants.* The 1969 Act amends Section 115 of the 1949 Act to increase the maximum rehabilitation grant authorized under that section from $3,000 to $3,500.

(i) *Local Grant-in-Aid Credit for Certain University Facilities.* The 1969 Act amends Section 110(d) of the 1949 Act to make clear that medical facilities otherwise eligible for non-cash grant-in-aid credit may receive such credit if built on behalf (as well as if built by) a public university.

(j) *Replacement of Housing Units Where Project Involved Removal of Residential Structures.* The 1969 Act amends Section 105 of the 1949 Act to provide that if any urban renewal project which receives Federal recognition after the date of enactment of this Act includes the demolition or removal of any residential structures, there must be provided in the area within which the local public agency has jurisdiction by construction or rehabilitation standard housing units for occupancy by low and moderate income families at least equal in number to the number of units demolished or removed that were occupied by such families prior to demolition or removal. Replacement housing may be provided under Federal or State-assisted housing programs and may include units for low-rent housing in private accommodations assisted under Section 23 of the United States Housing Act of 1937. Where the Secretary of Housing and Urban Development deems it appropriate, he may take into account suitable housing outside the area within the jurisdiction of the local public agency for purposes of meeting this requirement. If the Secretary finds that the percentage of vacancies for all existing housing units in the area within which the local public agency has jurisdiction is 5 percentum or greater, he may waive this requirement to the extent that he determines that there are existing standard housing units available for occupancy by displaced low and moderate income families.

3. *Amendments in Housing and Urban Development Act of 1970.*

(a) *Urban Renewal Grant Authority.* The 1970 Act amends Section 103(b) of the Housing Act of 1949 to increase the aggregate amount of capital grants which may be made under the urban renewal program by $1.5 billion on July 1, 1971, and requires that not less than 35 percent of available funds during the fiscal years of 1970 through 1974 be made available for neighborhood development programs.

(b) *Relocation Payments.* The 1970 Act amends Section 114(b)(1) of the Housing Act of 1949 to provide that the Secretary of Housing and Urban Development may authorize the payment to displaced business concerns of fixed amounts in lieu of their total certified actual moving expenses where he determines that it is impractical for a displaced business concern to calculate the amount of such expenses.

(c) *Expenses in Connection with the Sale of Surplus Federal Lands to Local Urban Renewal Agencies.* The 1970 Act amends Section 108 of the Housing Act of 1949 to permit the Secretary to charge against the gross proceeds realized any property management or other expenses he incurs when Federal surplus real property is transferred to him for sale to a local urban renewal agency. Under existing law all the proceeds from such a transfer and sale must be deposited into the Treasury.

(d) *Early Closeout of Urban Renewal Projects.* The 1970 Act amends Section 106(i) of the Housing Act of 1949 to authorize the Secretary, in cases where the local public agency does not expect to be able in the reasonably near future, due to circumstances beyond its control, to dispose of remaining urban renewal project land, and the Secretary determines an early close-out of the project would be in the financial interest of the Government, to compute the net project cost and close out the project at no additional cost to the locality. The locality would receive an additional grant equal to one-third (or one-fourth) of the estimated disposition proceeds from the undisposed land. When such land was subsequently disposed of in accordance with the urban renewal plan the net proceeds realized would be paid to the Secretary. Under existing law early project closeout is only permitted where 5 percent or less of project land remains unsold.

4. *Authorizations in Appropriation Acts.* For fiscal 1969, $750 million was authorized and appropriated for urban renewal grants. In addition, an advance appropriation was made of $750 million of the $1.4 billion authorized for fiscal 1970 in order to give communities more lead time for planning their urban renewal program. For urban renewal projects in model city areas, $312.5 million was appropriated for fiscal 1969, as compared with the $350 million authorized. Of the $250 million authorized for grants on urban renewal projects in model city areas for the preceding fiscal year, $150 million was appropriated. For fiscal year 1970, $750 million previously appropriated was available plus $250 million of new appropriations. $1.35 billion was included in the appropriation act for fiscal year 1971 which was vetoed by President Nixon. Then, Congress passed another appropriation act for fiscal year 1971 with a reduced total of $1.2 billion for urban renewal which was signed by the President.

II. Recommendations

1. *Urgent Need to Continue Program.* President Nixon's 1972 Budget Message requests only $600 million for urban renewal funds for the first half of fiscal year 1972, plus a $200 million carry-over from this year. In addition, the Budget Message contemplates phasing out the rehabilitation grant program and consolidating it with three other categorical grant programs into a new community development grant program. For the reasons set forth in Chapter E, NHC opposes this plan to phase out the rehabilitation grant and other categorical grant programs. However, we are in agreement with the principle that these federal grants should be made available for use by local governments without federal accountability or program supervision, except for (1) compliance with non-discrimination obligations and (2) the use of funds for the specific purpose of the grant.

NHC also opposes the wiping out by the special revenue sharing program of authorizations not yet appropriated for urban renewal of $1.96 billion. Finally, NHC deplores the recent announcement by the Bureau of Budget and Management that $200 million of the $1.2 billion appropriated for fiscal year 1971 will be frozen. In view of the tremendous backlog, this money should be made available immediately.

When there are additional legislative authorizations as recommended below, there should be additional appropriations for each fiscal year and an advance appropriation for the succeeding fiscal year. This will give communities more lead time for planning their urban renewal programs.

2. *Increase in Legislative Authorizations.* NHC recommends an increase in the authorizations for appropriations for a 5-year period at the following levels:

On July 1, 1971 (for fiscal year 1972) an additional authorization of $3.0 billion.

On July 1, 1972 (for fiscal year 1973) an additional authorization of $3.25 billion.

On July 1, 1973 (for fiscal year 1974) an additional authorization of $3.5 billion.

On July 1, 1974 (for fiscal year 1975) an additional authorization of $4.0 billion.

On July 1, 1975 (for fiscal year 1976) an additional authorization of $4.5 billion.

As public agencies elect to utilize the alternative Community Development Program under our proposed amendment to Part C of Title I, the foregoing appropriations would be utilized to provide funds to carry out the new Community Development Program which would gradually replace the other program.

3. *Legislative Amendments Relating to Parts A and B of Title I of the Urban Renewal Act.* NHC recommends the following amendments to urban renewal laws:

(a) On capital grants for urban renewal, code enforcement and other comparable programs, there should be an increase in the federal grant to ¾ from the present ⅔ which is paid to larger cities. For smaller cities, the ¾ grants should be increased to ⅚. Further, where the community elects to finance survey and planning costs at its own expense, the project capital grants for larger cities should be increased to ⅚ from ¾. Pooling all of such grants should be permitted for all urban renewal projects in the city. Where the urban renewal is located in a distressed area, the present subsidy of ¾ should be increased to ⅚.

(b) NHC recommends that action be taken to simplify both the legislative and administrative provisions relating to local non-cash grants-in-aid; also to embrace all types of such aids as being eligible for credits against the local contribution. The objective should be to eliminate most of the complexities of the rules, reviews and approvals of local non-cash credits and to extend benefits of this means of financing the local share of urban renewal project costs.

(c) A new program of loan and grant contracts should be authorized for the purpose of assisting the acquisition and rehabilitation of scattered properties in residential neighborhoods designated for conservation, rehabilitation, or intensive code enforcement by an approved community renewal program. The cost of any new public improvements serving the rehabilitation properties should be recognized for appropriate grant-in-aid credits.

(d) Local public agencies should be authorized to make sales of industrial and commercial land for later development by nonprofit industrial development corporations or properly constituted public bodies on the same basis as is now authorized under economic development laws.

(e) There should be a broadening of the existing statutory provisions for recognition of real property tax losses—on the land as improved before the demolition occurred—by the locality in an urban renewal area as a local grant-in-aid credit. Such losses should be computed from the date of acquisition of the property to the date of transfer of title.

(f) Where a project is in execution, tax abatement should count as a non-cash local grant-in-aid to the project when such tax abatement is granted to federally-assisted housing for the purpose of achieving lower rents and facilitating relocation unless there is a federal grant to reimburse the state and local taxing authorties for their tax losses.

(g) NHC supports special urban renewal provisions for central business districts which would clearly recognize that commercial and business obsolescence comes within the definition of blight whose removal is eligible under Title I. NHC supports special urban renewal provisions for central business districts, which would permit the renewal provisions for central business districts which would permit the renewal of such districts and recognize that employment, commercial, industrial, and cultural functions of central business districts are of vital importance to community growth and revitalization.

(h) There should be an amendment to the urban renewal law allowing any public facility to be eligible for non-cash grant-in-aid credit covering the full cost of the facility if its development was occasioned by the urban renewal program as certified by the urban renewal agency.

(i) Section 314 should be amended to provide that the Federal Government in special cases could pay up to 100% of the cost of the demonstraton program.

(j) Non-cash grant-in-aid credits should be extended to cover air rights involved in the development costs for 221(d)(3) or 236 projects for low and moderate income families.

(k) Title I funds should be available for the reclamation of otherwise unbuildable land in urban areas on the same financial formulas now controlling other activities.

(l) Where state or local law requires abutting property owners to pay a portion of the cost of street repairs, federal urban renewal grants should be made to cover the owner's share when there is a showing of need.

(m) Under the Neighborhood Development Program, non-cash grants-in-aid—otherwise meeting time requirements—should become eligible as soon as HUD accepts an application for review.

(n) Costs of development of the initial application should be an allowable project cost.

(o) NHC urges legislation that would allow the owner of property in blighted areas which is either underdeveloped or contains a structure which is fully depreciated to be given the same tax allowances permitted under an involuntary conversion as though eminent domain, if he were to dispose of his property to a private developer and to include in the conveyance the appropriate restrictions and requirements of the urban renewal plan. Such a procedure would result in the achievement of the public purpose without the necessity of having the land pass through public ownership. Appropriate certification by the local public agency could afford necessary safeguards. This could result in a considerable savings in public funds and savings in time which would otherwise be lost in the process of acquisition and subsequent disposition by the local public agency.

4. *Legislative Amendments Relating to Community Development Program.* NHC endorses and recommends an alternative Part C program under Title I which would provide for a total Community Development Program—a comprehensive community-wide program, prepared by the local community, including all physical development, rebuilding and rehabilitation activity, and eligible for federal funding on an annual basis. The key element in the program is the preparation by the locality of a Community Development Plan. In drafting it, the locality would have to take stock of its physical inventory, set priorities, and relate each component in the plan to the specific public need it seeks to meet. The plan, if approved, would receive federal funding on a yearly increment basis, similar to that in the NDP program. The locality's application to HUD would contain a three-year forecast of financial assistance needed, including a one-year budget and program, and a request for a second-year reservation of funds. The proposal calls for a three-year Federal authorization, with one year contract, a second year advance reservation, and a third year forecast. They would be updated annually. The activities proposed for inclusion in a Community Development Plan extend greatly beyond those now eligible under traditional urban renewal or NDP. Specifically, the CDP would include:

(a) The Program would involve modifications in existing legislation relating to renewal, codes, rehabilitation, and other aspects as described in the proposed new Part C of Title I. In addition to these items which would be funded out of CDP monies, the estimated cost of the following additional activities would be identified in the Program and there should be set aside the necessary Federal funds (which would not be CDP funds, except for rehabilitation grants) to assure their timely completion: (i) proposed housing and rehabilitation; (ii) water and sewer; (iii) neighborhood facilities; (iv) open space, urban parks, and urban beautification.

(b) The Title I program would continue, but the new program CDP is designed gradually to replace it.

(c) The Program would cover the entire community in both public and private developments. The Federal funding proposed for public improvements and facilities under the CDP would be available on a city-wide basis but only in locations designated in the CDP's budget.

(d) When a Community Development Program is approved for a city, there would be a reservation of funds for all of the following activities relating to it: (i) proposed housing and rehabilitation; (ii) water and sewer; (iii) neighborhood facilities; (iv) open space, urban parks, and urban beautification.

The estimated cost of these additional activities would be identified but would not be funded out of the CDP monies (except rehabilitation grants), but there would be set-asides of necessary Federal funds for each of these programs.

(e) Rehabilitation grants would be funded out of the CDP monies. Temporary loans could also be made from CDP funds for rehabilitation activities.

(f) Any activity contained in the operating budget of a Community Development Program would be eligible as a local contribution under the formula for a ⅔ Federal grant for larger cities and a ¾ grant for smaller cities. The budget would also include funds for the design and construction of facilities to the extent that such funds are not otherwise available. This proposal for CDP design and construction financing for supporting facilities when permanent financing is contemplated from other sources is to take the city's place when the city is slow in budgeting for the services or supporting facilities.

(g) While the CDP grant could not normally provide financing for the "supporting facilities" (schools, hospitals, etc.) it could provide, in addition to interim financing for design and construction, a five percent override incentive grant to certain Federal grants-in-aid; and, where necessary, definitive loans for permanent financing secured by a lease agreement.

(h) There would be a 20% supplementary grant for unrestricted purposes relating to programmed activities.

(i) The standards that would be applied for property acquisitions such as conditions, location and present use would be the same as currently set forth in Title I, as amended and in Title VII of the 1970 Housing Act.

(j) A local development corporation would be an eligible agency to undertake federally-assisted community development program activities, and could be so utilized by a locality. To be eligible to contract for such activity under a local CDP, a local development corporation should be able to: accept grants, gifts, and donations; make loans; issue stock; borrow funds; donate and dedicate land and improvements for public purposes; acquire property for development, redevelopment, rehabilitation, preservation, and conservation in accordance with a publicly-adopted plan; construct, repair or improve public facilities and improvements; construct or improve for industrial, commercial or residential puposes and hold or sell same for public or private use.

(k) The provision of supplementary services and functions necessary to successful operation of the CDP, such as health, education and training activities and day care centers for which there are no Federal programs available.

(l) Direct loans and grants for the conservation, preservation, and rehabilitation of other properties, as in the present 312 and 115 program.

5. *Administrative Action*:

(a) NHC recommends the following administrative actions in the Neighborhood Development Program:

(1) It should be flexibly administered, particularly as regards the requirements for actions on plans for areas larger than those proposed for the action year.

(2) Every effort should be made to develop administrative guidelines which will permit the program to function smoothly under existing state renewal enabling legislation.

(3) The localities should have the option (without such action being prejudicial to their present or future programs) to employ the Neighborhood Development Program as the means of carrying out Title I activities, including the conversion of conventional Title I projects to the Neighborhood Development Program.

(b) NHC recommends, in those cases of condemnation of real property and when a deterioration has taken place through no fault of the owner, that an effort be made to predicate the compensation of the property on the fair market value before the deterioration. If legislation is needed to insure that equitable compensation is made in such cases, NHC recommends that appropriate legislative measures be taken.

(c) Cities whose population dropped below 50,000 in the 1970 census should be eligible for federal grants of ¾, rather than being limited to the ⅔ grant which was previously applicable to them based on the 1960 census. We believe this can be done through administrative action, but NHC recommends legislation if it is necessary.

CHAPTER H. MODEL CITIES

I. Summary of existing legislation

1. *Objectives.* NHC reaffirms its endorsement of the model cities program to launch local programs for the upgrading of entire neighborhoods. This is done through the concentrated and coordinated use of all available Federal aids and local private and governmental resources, including the supplementary Federal grants for such model cities. We urge acceleration in the disbursement and release of funds under the present program.

2. *Authorizations in the 1968 and 1969 Housing Acts.*

(a) The Housing Act of 1968 provided for (1) an increased authorization of $1 billion for the fiscal year 1970 for supplemental grants and (2) $12 million for fiscal year 1969 for grants to plan model cities programs. Any amounts authorized, but not appropriated, could be used for any succeeding fiscal year commencing prior to July 1, 1971.

(b) The 1969 Act amended Section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 (with a conforming amendment in Section 111(c)) to authorize an additional $600 million in grant authority for model cities for the fiscal year 1971.

(c) The 1969 Act amended Section 111(b) of the 1966 Act to require that (for the fiscal year 1970 and thereafter) 10 percent of any appropriations for Model Cities supplemental grants be used in cities of less than 100,000 population and to permit such use without regard to the statutory formula fixing the maximum Federal amount payable to any city at 80% of the aggregate required non-Federal contributions in connection with all Federal grant-in-aid programs which are carried out as part of the Model Cities program.

(d) The 1969 Act amended Section 111(c) of the 1966 Act to provide that amounts authorized but not appropriated for any fiscal year could be appropriated for any succeeding fiscal year commencing prior to July 1, 1971.

3. *Authorizations in Appropriation Acts.*

(a) Of the $400 million authorized for supplemental grants to model cities for fiscal year 1968, $200 million was appropriated. For fiscal year 1969, there was an authorization of $500 million for supplemental grants but the amount appropriated was $312.5 million. For fiscal year 1970, $575 million has been appropriated instead of the $1 billion authorized by the 1968 Act. Of the $600 million authorized by the 1969 Act for fiscal 1971, the President requested $575 million, which was included in the appropriation act for fiscal 1971.

(b) Of the $12 million authorized for fiscal year 1967 for grants to plan model cities programs, there was an appropriation of $11 million. For fiscal year 1968 there was an appropriation of the $12 million which was authorized for such planning grants. No appropriation has been made of the $12 million of planning grants authorized for fiscal year 1969 or 1970.

4. *Amendments in Housing and Urban Development Act of 1970.*

(a) *Authorization for Model Cities Programs.* The 1970 Act amends Section 111 of the Demonstration Cities and Metropolitan Development Act of 1966 to authorize new appropriations of $200 million during fiscal year 1972 for the Model Cities Program; extends the availability period for unexpended funds to July 1, 1972; and eliminates administrative expenses from the appropriations authorized under Section 111 of the Act.

II. Recommendations

1. *Urgent Need To Continue Program.* The Budget Message contemplates phasing out the model cities program and consolidating it with three other categorical grant programs into a new community development grant program. For the reasons set forth in Chapter E, NHC opposes this plan to phase out the model cities and other categorical grant programs. However, we are in agreement with the principle that all Federal grants in aid of the model cities program should be made available for use by local governments without Federal accountability or program supervision, except for (1) compliance with nondiscrimination obligations and (2) the use of funds for the specific purpose of the grant.

Originally the Administration's budget contemplated the obligation of only $375 million of the $575 million appropriated for fiscal 1971. Under this budget, $157 million of the unspent funds would have lapsed on June 30, 1971. However, since the budget was published, the Administration has announced the release of $148 million of impounded model cities funds in fiscal 1971 and $288 million in fiscal 1972. Even at this rate, a total of $296 million of model cities funds would be withheld by June 30, 1972.

NHC strongly opposes action to phase out the model cities program and allow these authorizations to lapse. All of these funds are urgently needed. Almost 150 cities are participating in this program and other cities have applications pending. The model cities program meets a critical need. It permits the creation of a comprehensive plan by a locality for the total social, economic and physical development of a specified section of the community. The comprehensive planning component of the model cities program should not be separated from program implementation.

2. *Increase in Legislative Authorizations.* NHC recommends a legislative increase in the appropriations for the model cities program for a 5-year period as follows: (a) additional supplemental grants at the rate of $1.5 billion a year; and (b) additional model cities planning funds at the rate of $50 million a year. We further recommend that there be advance appropriations for each fiscal year, besides the current one, to give cities more lead time for their planning and development of model city programs. While we are pleased to note the significant increase in cities now participating in the model cities program we urge that the foregoing recommendation be adopted to enable participation by all qualified cities and counties which apply; also, to enable participating cities and counties to obtain the additional funds which they require.

3. *Other Legislative Amendments.* The model cities program cannot achieve its goals and provide necessary housing unless there are increased authorizations and programs—as recommended elsewhere in this report—as follows:

(a) To expand urban renewal activities.

(b) To increase the supply of adequate low- and moderate-income housing in the model cities. Such housing should not be limited to what will be developed in the model neighborhood area or the city itself. New housing and related community facilities should be developed extensively on vacant land or other sites not involving substantial residential displacement.

(c) To increase Federal grant funds for water, sewer, and neighborhood facilities, and for open-space and urban beautification.

(d) To increase Federal grant funds for all other programs involved in model city areas, including those dealing with health, education, welfare, mass transportation, training and other purposes relating to urban affairs; also, to specifically designate such categorical funds for these purposes to be available for model cities.

4. *Other recommendations.* To achieve the objectives of this program, full coordination is required between HUD—and all of its participating constituents—and all of the other Departments of the Federal Government who participate in the model cities program; also between the Federal Government and local governments. Each must effectively use all of its powers and available funds in doing its share of the total job. NHC recommends Presidential action and direction to assure that all participating Departments of the Federal Government fulfill their responsibilities under the programs for model cities and urban affairs, including (a) effective coordination and cooperation between them and (b) the priority handling of applications for assistance filed with the various Federal Departments by model cities.

CHAPTER I. HOMEOWNERSHIP PROGRAM UNDER SECTION 235

I. Summary of existing legislation

1. *Objectives.* Section 235 provides financial assistance to enable lower income families to acquire individual or cooperative homeownership. This law responds to the urgent desire for homeownership among lower income families who want the pride of owning their own home and the greater sense of security and dignity which it affords. Individual and cooperative ownership provides benefits not only to the owner, but to the community as well. Such owners take responsibility for maintaining and improving their homes. They acquire a stake in the community and participate in its affairs. The result is a more stable and wholesome living environment in which to rear children.

2. *Authorizations in the Housing Acts of 1968 and 1969.*

(a) HUD is authorized to enter into contracts to make periodic payments to lenders who make FHA-insured home mortgage loans to lower income families. The payments will be in an amount necessary to make up the difference between 20 percent of the family's monthly income and the required monthly payment under the mortgage for principal, interest, taxes, insurance, and mortgage insurance premium. In no case, however, can payment under the mortgage exceed the difference between (i) the required payment under the mortgage for principal, interest, and mortgage insurance premium and (ii) the payment that would be required for principal and interest if the mortgage bore an interest rate of 1 percent. The amount of the payment on each mortgage will vary according to the income of the homeowner. The family's income is required to be recertified at least every 2 years and appropriate adjustments made in the assistance payment to reflect any changes.

(b) The assistance payment is available for a purchaser having an income at the time of his initial occupancy, not in excess of 135% of the maximum income limits that can be established in the area for initial occupancy in public housing. However, up to 20 percent of the funds authorized in appropriation acts for the program can be used to assist families with incomes above these limits but which are not in excess of 90 percent of the income limits for occupancy in a section 221(d)(3) below-market interest rate housing project.

(c) In calculating the income of the homeowner for the purpose of determining eligibility as well as the amount on which the 20 percent computation will be made, there will be deducted $300 for each minor child who is a member of the homeowner's immediate family and living with him. Also, income of minors will not be included in the homeowner's income for this computation. By administrative action pursuant to recommendations in the Senate Committee Report, there is a deduction of 5% of gross income to cover payroll deductions for social security taxes and compulsory pension funds.

(d) The amount of a home mortgage cannot exceed $18,000 ($21,000 in high cost areas). These limits are increased to $21,000 (except that it may be $24,000 in high cost areas) for families with five or more members. The same limits apply as an average to the blanket mortgage of a cooperative.[2]

(e) On individual ownership of single family homes, the maximum downpayment is $200 for families with incomes up to 135 percent of the maximum income limits that can be established in the area for initial occupancy in public housing and 3 percent of appraisal value in other cases.

(f) HUD is authorized to provide budget, debt management, and related counseling services to homeowners who purchase homes under the program.

(g) The housing, with a few limited exceptions, must be new or substantially rehabilitated housing, except that up to 30 percent of the amount of contracts authorized to be made before July 1, 1971 can apply to existing housing.[3] [4]

(h) The aggregate amount of contracts to make payments cannot exceed amounts approved in appropriation acts. The payments pursuant to the contracts cannot exceed $75 million per annum prior to July 1, 1969. This amount was increased by $125 million on July 1, 1969,[3] by $125 million on July 1, 1970, and by $170 million on July 1, 1971.[3] [5]

(i) The 221(h) program—with a new limit of $50 million—is changed to allow the Secretary to reduce the interest rate on a home purchaser's mortgage under the program to as low as 1 percent where the purchaser's income justifies, with periodic adjustments between 1 and 3 percent to reflect changes in the homeowner's income. Under this program nonprofit mortgagors purchase and rehabilitate housing with financing under FHA insured mortgages and resell it to low-income families.

(j) Section 235(c) of the National Housing Act now authorizes homeownership assistance payments for home purchasers who assume mortgages and who are otherwise eligible.[3] Section 235(b)(2) of the act now allows subsequent eligible purchasers of cooperative units to get the benefit of homeownership assistance payments which were previously limited to the initial two purchasers of a cooperative unit.[3]

3. *Authorization in Appropriation Acts.* Of the $75 million authorized under Section 235 for interest-assistance contracts prior to July 1, 1969, $70 million of the contract authority has been embodied in appropriation acts. Of the $100 million authorized in the 1968 Act—this authorization was increased to $125 million in the 1969 Housing Act—for fiscal 1970, $90 million was appropriated. The supplemental appropriation Act of 1970 contained $35 million of contract authority. The appropriation act for fiscal year 1971 contains $130 million of contract authority.

4. *Amendments in Housing and Urban Development Bill of 1970.*

(a) *Extension of Programs.* The 1970 Housing Act extends 235 program authority until October 1, 1972.

(b) The 1970 Housing Act authorizes the Secretary to compensate the lower income purchasers of existing homes under Section 235 for serious structural or latent defects in the homes which the FHA appraiser should have recognized if properly performing his duties. The defects must be reported within one year of the sale.

(c) *Interest Subsidy Authorization.* The 1970 Act amends section 235(h)(1) of the National Housing Act to increase, from $125 million to $150 million as of July 1, 1970 and from $170 million to $200 million on July 1, 1971, the aggregate amount of the contracts which may be entered into by the Secretary to make periodic homeownership assistance payments. It also clarifies the authority of the Secretary of Housing and Urban Development to enter into contracts for assistance payments in an outstanding amount at any one time not in excess of the amout approved in appropriation Acts.

(d) *Assistance Payments with Respect to Existing Dwellings under Section 235.* The 1970 Act amends section 235(h) of the National Housing Act to provide that up to 30 percent of the total amount of contracts of homeownership assistance payments authorized to be made by appropriation Acts through fiscal year 1972 may be made with respect to nonrehabilitated existing dwellings or dwelling units in existing projects. It also provides that at least ten percent of the total amount of contracts for assistance payments authorized to be made by appropriation Acts after June 30, 1971 shall be available for use only with respect to rehabilitated dwellings.

(e) The Senate and House Committee reports contain language which supports a change in the administration of contract authority under Section 235. NHC agrees with the Committees that the manner in which HUD determines the amount to be charged against the contract authority when a contract is made has resulted in an overutilization of this contract authority and, therefore, a decrease in the number of families that can be assisted. This is caused by charging against the authorizations for each assisted home owner an amount equal to the full statutory subsidy necessary for the mortgage, even though the assisted family at the time it purchases the home will not receive the full subsidy. This has the effect of decreasing significantly the number of units for lower income families that can be financed under the program.

(f) *Assistance under Section 235 Program for Cooperative Projects Financed Under Certain State or Local Programs.* The 1970 Act amends section 235(b) of the National Housing Act to permit homeownership assistance payments to be made on behalf of lower income members of cooperative housing projects financed with aid under a State or local program which are approved by the Secretary prior to the completion of construction or substantial rehabilitation; this authority is comparable to similar authority contained in section 236 with respect to rental projects financed under State or local programs.

II. Recommendations relating to present 235 program

1. *Additional Authorizations in Appropriation Acts.* President Nixon's budget message for fiscal year 1972 did not request full funding for the Section 235 program, in spite of the tremendous backlog of applications. The budget requested $175 million of contract authority for fiscal year 1972 against Congressional authorizations of $200 million. In addition there was no request for $25 million of supplemental authorization for fiscal year 1971. NHC strongly recommends that a request be made immediately for $25 million of supplemental funding and that the full authorization for fiscal year 1972 be requested and appropriated.

We further recommend advance authorizations in appropriation acts to cover each succeeding fiscal year, besides the current one, to allow more lead time for the planning and initiation of homeownership programs for lower income families.

2. *Increase in Legislative Authorizations.* Currently there are no authorizations beyond fiscal year 1972 for Section 235. Therefore NHC recommends increasing the legislative authorizations for interest assistance contracts under Section 235 to the following:

On July 1, 1971 (for fiscal 1972) an additional authorization of $250 million;

On July 1, 1972 (for fiscal 1973) an additional authorization of $250 million;

On July 1, 1973 (for fiscal 1974) an additional authorization of $300 million;

On July 1, 1974 (for fiscal 1975) an additional authorization of $325 million;

On July 1, 1975 (for fiscal 1976) an additional authorization of $350 million.

In addition to the foregoing authorizations, NHC recommends a separate and additional authorization of $50 million for each of the five fiscal years beginning with 1972 to provide interest assistance for projects financed or assisted by state agencies.

3. *Other Legislaticve Amendments.* NHC makes the following recommendations for other legislative amendments:

(a) Under Chapter D, we recommend a number of amendments to the proposed new Section 402 which would replace Section 235 if the Administration's Housing Bill is enacted. If that bill is not enacted and Section 235 continues, we recommend the following amendments to Section 235 which appear in Chapter D:

(1) Substitute the new proposed formula in paragraph 2 of Chap. D III with respect to eligible deductions in computing family income, so that the criteria under Section 235 would be the same as those established for public housing under the 1970 Housing Act.

(2) Substitute the new proposed formula in paragraph 3 of Chap. D III so that the homeowner would be required to spend 20% of his income for housing expenses including mortgages payments, utilities, maintenance and repairs.

(3) Substitute the new proposed formula in paragraph 4 of Chap. D III with respect to income limits.

(4) Substitute the new proposed formula in paragraph 5 of Chap. D III which would provide varying amounts of subsidies for different income groups and which would achieve economic integration in a subdivison containing housing assisted under Section 235.

(b) The widely recognized increases in the costs of housing make it increasingly difficult—and in some areas impossible—to provide housing for the lower income group intended to be served under Section 235. To enable the program to reach this lower income group, NHC recommends that interest assistance be increased for those families who need it by reducing the payment of such families to the amount that covers only the principal payments on the mortgage without any interest. For those who can afford to pay interest, they would pay at a rate which they could afford ranging from 0% to the market rate.

(c) As a result of increases in housing construction and operating costs, there are more people who are now unable to obtain decent housing without Federal assistance. To enable the 235 program to reach these families and to achieve economic integration, it is necessary to eliminate income limits and thus avoid creating gaps and areas of unmet need in the housing program. Housing assistance subsidies should be based on the amount needed after the occupant pays the required percentage of his income. If Congress decides that income limits are necessary to continue this program and obtain funding for it, we recommend the revised income limit formula described in paragraph III 3(a)(3) of this chapter.

(d) NHC recommends an amendment which would increase the maximum mortgage limits under Section 235 up to 45 percent in high cost areas. The 20% increase in maximum mortgage limits in the 1969 Act is not adequate to allow construction of Section 235 housing in high cost urban areas.

(e) NHC recommends an amendment to provide supplemental funds for projects financed under 235 so that they can pay full taxes or tax equivalents, rather than being dependent in some cases upon tax abatements which the cities cannot afford. Moreover, special federal grants should be authorized to offset the impact of locating low and moderate income housing in suburban and other areas where costs must be incurred for education, health or other services to the extent they cannot be met from collections of full taxes on the property. Such federal grants would provide an incentive and inducement to suburban and other communities to accept low and moderate income housing since it would not impose an additional financial burden on the community.

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[2] Amended in 1969 Housing Act.

[3] Amended in 1969 Housing Act.

[4] Amended in 1970 Housing Act as described in paragraph 4(d) below.

[5] Amended in 1970 Housing Act as described in paragraph 4(c) below.

(f) NHC recommends a separate and additional authorization for state agencies administering housing programs using Section 235 funds in the amount of $50 million for each of the next five fiscal years. This authorization should be in addition to the authorizations recommended below. To meet the accumulated backlog of applications for such 235 assistance filed in the HUD offices, the full amount of regular authorizations of 235 funds should be promptly allocated to HUD offices and there should be no withholdings in Washington for programs of State agencies. These should be covered by the special additional authorization of 235 funds which we recommend for use on projects financed or assisted through state and other public agencies.

CHAPTER J. RENTAL AND COOPERATIVE PROGRAM UNDER SECTION 236

I. Summary of existing legislation

1. *Objectives.* Section 236 provides financial assistance to enable lower income families to get rental housing or cooperative homeownership. This program is providing housing for families with incomes too high to qualify for public housing but too low to afford decent housing that could be produced in the private market. A tremendous unmet need exists for housing to serve moderate income families who cannot afford standard private housing without federal assistance. There is a long accumulated backlog of unfilled requests to serve this income group and applications for additional projects total over $300 million. Unlike Section 221(d)(3), the capital financing under Section 236—as well as Section 235—is shifted to the private market where the mortgage loans must be obtained at market interest rates. Federal assistance payments make up the difference between the market rate of interest and 1% depending upon income.

One of the most successful efforts made by this country to provide housing for low and moderate income families was the Section 221(d)(3) program providing financing at a 3% below-market interest rate (BMIR) for rental and cooperative housing. Since starting in 1961, this program became widely known and accepted as an effective way to produce low and moderate income housing. However, just as the Section 221(d)(3) BMIR program was reaching its greatest efficacy in 1968, HUD abruptly cut off funds and asked private sponsors to switch to the Section 236 interest assistance program. The 221(d)(3) program served many moderate income people who will not be eligible for interest assistance under 236, so there is a continuing need for it.

2. *Authorizations in the Housing Acts of 1963 and 1969.*

(a) Section 236 assistance is in the form of periodic payments to the mortgagee financing the housing to reduce the mortgagor's interest costs on a market rate FHA-insured project mortgage.

(b) The interest assistance payments reduce payments on the project mortgage from that required for principal, interest, and mortgage insurance premium on a market rate mortgage to that required for principal and interest on a mortgage bearing an interest rate of 1 percent.

(c) The interest assistance payments reduce rental or occupancy charges to a basic charge. A tenant or cooperative member will either pay (1) the basic charge or (2) such greater amount as represents 25 percent of income for total housing expense, but not in excess of the charges which would be necessary without any interest assistance payments. Incomes of tenants or cooperative members will be reexamined at least every 2 years for the purpose of adjusting charges. Rental or occupancy charges collected in excess of the basic charges are to be returned to HUD for deposit in a revolving fund for the purpose of making other interest assistance payments.

(d) Tenants or cooperative members of these projects who pay less than the fair market rental charge for their units will generally have incomes, at the time of their initial occupancy, not in excess of 135 percent of the maximum income limits that can be established in the area for initial occupancy in public housing dwellings. However, up to 20 percent of the contract funds authorized in appropriation acts may be made available for projects in which some or all of the units will be occupied, at the time of the initial occupancy, by tenants or cooperative members whose incomes exceed the above limit but do not exceed 90 percent of the income limits for occupancy of Section 221(d)(3) below-market-interest-rate housing.

(e) In determining income for the purpose of eligibility as well as the amount of rent or occupancy charges to be paid, a $300 deduction is permitted for each minor person in the family and any income of such minor is not counted. By administrative action pursuant to recommendations in the Senate Committee Report, there is a deduction of 5% of gross income to cover payroll deductions for social security taxes and compulsory pension funds.

(f) To qualify for mortgage insurance under the new program, a mortgagor must be a nonprofit organization, a cooperative, or a limited dividend entity of the types permitted under the section 221(d)(3) housing program. The mortgage limitations with respect to maximum mortgage amount are the same as for mortgages insured under the 221(d)(3) program. Interest assistance payments can also be made with respect to State-aided housing projects approved for receiving the benefits of the program prior to completion of construction or rehabilitation of the projects.

(g) Contracts for assistance payments are authorized, subject to approval in appropriation acts, in the amount of $75 million annually prior to July 1, 1969. This amount is increased by $125 million on July 1, 1969,[6] by $125 million on July 1, 1970, and by $170 million on July 1, 1971.[6] [7]

(h) A project financed under the new program can include such nondwelling facilities as HUD deems adequate and appropriate to serve the occupants of the project and the surrounding neighborhood, as long as the project is predominantly residential and any nondwelling facilities contribute to the economic feasibility of the project. Where a project is designed primarily for occupancy for their use, such as dining, work, recreation, and health facilities.

(i) A cooperative or private nonprofit corporation or association can purchase a project from a limited dividend mortgagor and finance the purchase with a mortgage insured under the program.

(j) Rent Supplement payments may be provided for tenants in projects financed under Section 236, but no more than 20 percent of the units in any one project can receive rent supplement assistance.[8]

(k) Section 236(b) of the National Housing Act now authorizes interest reduction payments with respect to part of a mortgage on a rental or cooperative housing project financed under a State or local program.[6]

(l) The dollar limits for mortgages on multifamily housing insured under Section 236 and 221(d)(3) have been increased by 15 percent.[6]

3. *Authorization in Appropriation Acts.*

Of the $75 million authorized under Section 236 for interest-assistance contracts prior to July 1, 1969, $70 million of the contract authority has been embodied in appropriation acts. Of the $100 million authorized in the 1968 Act—this authorization was increased to $125 million in the 1969 Housing Act—for fiscal year 1970, $85 million was appropriated. The supplemental appropriation Act of 1970 contained $35 million of contract authority. The appropriation act for fiscal year 1971 contained $135 million of contract authority.

4. *Amendments in the Housing and Urban Development Act of 1970.*

(a) *Extension of program.* The 1970 Act extends 236 program authority until October 1, 1972.

(b) *Interest Subsidy Authorization.* The 1970 Act amends Section 236(i) of the National Housing Act to increase, from $125 million to $150 million as of July 1, 1970 and from $170 million to $200 million on July 1, 1971, the aggregate amount of the contracts which may be entered into by the Secretary to make periodic interest reduction payments on behalf of owners of rental housing projects designed for occupancy by lower income families. It also clarifies the authority of the Secretary of Housing and Urban Development to enter into contracts for assistance payments in an outstanding amount at any one time not in excess of the amount approved in appropriation Acts.

(c) *Inclusion of Certain Costs in Section 236 Projects.* The 1970 Act amends section 236(b) of the National Housing Act of authorize the Secretary, in computing the amount of rental assistance payments, to treat fees and charges imposed on mortgagors participating in State or locally financed mortgage lending programs in the same manner as FHA charged mortgage insurance premiums.

(d) *Use of Certain Housing Facilities Under Section 221 and Section 236 for Classroom Purposes.* The 1970 Act amends sections 221 and 236 of the National Housing Act to authorize the use of available facilities in existing section 221 and 236 rental or cooperative housing projects for classroom purposes where public schools are overcrowded due in part to the project.

(e) *Congregate Housing for the Displaced, Elderly and Handicapped.* The 1970 Act amends section 221 of the National Housing Act to authorize the Secretary to insure mortgages covering rental projects to be occupied by displaced, elderly, or handicapped persons, which may contain community kitchens, common dining areas, and other shared facilities.

The Act also amends section 236 of the National Housing Act to authorize the insurance of mortgages under that section covering rental projects to be occupied by displaced, elderly or handicapped persons which need not, with the approval of the Secretary, contain kitchen facilities. Up to 10 percent of the total amount of interest reduction payments contracted to be made pursuant to appropriation acts after the date of the enactment of the Housing and Urban Development Act of 1970 may be made with respect to such projects.

II. Recommendations

1. *Additional Authorizations in Appropriations Acts.* President Nixon's budget message for fiscal year 1972 did not request full funding for the Section 236 program, in spite of the tremendous backlog of applications. The budget requested $175 million

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[6] Amended in the 1969 Act.

[7] Amended in the 1970 Act as described in paragraph 4(b) below.

[8] Amended in the 1969 Act to allow up to 40 percent in cases where the Secretary determines that there is a need for additional rent supplement units.

of contract authority for fiscal year 1972 against congressional authorizations of $200 million. In addition there was no request for $25 million of supplemental authorizations for fiscal year 1971. NHC strongly recommends that a request be made immediately for $25 million of supplemental funding and that the full authorizations for fiscal year 1972 be requested and appropriated.

We further recommend advance authorizations in appropriation acts to cover each succeeding fiscal year, besides the current one, to allow more lead time for the planning and initiation of homeownership programs for lower income families. Currently there are no authorizations beyond fiscal year 1972 for Section 236. Therefore NHC recommends the additional legislation authorization below.

2. *Increase in Legislative Authorizations.* NHC recommends increasing the legislative authorizations for interest assistance contracts under Section 236 to the following:

On July 1, 1971 (for fiscal 1972) an additional authorization of $250 million;

On July 1, 1972 (for fiscal 1973) an additional authorization of $275 million;

On July 1, 1973 (for fiscal 1974) an additional authorization of $300 million;

On July 1, 1974 (for fiscal 1975) an additional authorization of $350 million;

On July 1, 1975 (for fiscal 1976) an additional authorization of $400 million.

In addition to the foregoing authorizations, NHC recommends a separate and additional authorization of $50 million for each of the five fiscal years beginning with 1972 to provide interest assistance for projects financed or assisted by state agencies.

3. *Other Legislative Amendments.* NHC makes the following recommendations for other legislative amendments:

(a) Under Chapter D, we recommend a number of amendments to the proposed new Section 502 which would replace Section 236 if the Administration's Housing Bill is enacted. If that bill is not enacted and Section 236 continues, we recommend the following amendments to Section 236 which appear in Chapter D:

(1) Substitute the new proposed formula in paragraph 2 of Chapter D III with respect to eligible deductions in computing family income, so that the criteria under Section 236 would be the same as those established for public housing under the 1970 Housing Act.

(2) Substitute the new proposed formula in paragraph 3 of Chapter D III so that the occupant in multifamily housing under Section 236 would be required to spend 20% of his income for total housing expenses.

(3) Substitute the new proposed formula in paragraph 4 of Chapter D III with respect to income limits.

(4) Substitute the new proposed formula in paragraph 5 of Chapter D III which would provide varying amounts of subsidies for different income groups and which would achieve economic integration in a housing development so assisted under Section 236.

(b) NHC recommends that Section 236 and Section 221(d)(3) should be amended to remove the 10% limit on the number of units in a project which may be occupied by moderate-income individuals as distinguished from families. All moderate-income individuals would then be treated in the same manner as those who are elderly or handicapped.

(c) Conditions on Grants to State Housing Agencies. Currently there are fourteen states that have legislative authority to operate agencies to finance low and moderate income housing through the sales of short-term notes and long-term bonds. Twelve more states have such bills in some stage of development. These agencies have been encouraged by HUD because they can provide lower cost mortgage money which is obtained because the interest is tax-exempt. Therefore, if the mortgage is placed with a state agency, the Section 236 interest subsidy money will generate more units because less interest subsidy is necessary. However, NHC believes that the operation of these state agencies should adhere to uniform standards and forms of the type prescribed by FHA if we are to encourage national builders in the subsidized programs. For builders currently doing business in several states, the proliferation of diffrent housing rules and regulations will be an impediment to production of low and moderate income housing. Therefore, NHC suggests an amendment which would require state agencies in the administration of Section 236 funds to continue using FHA forms and standards which now include protections for the consumer.

(d) NHC recommends a separate and additional authorization for state agencies administering housing programs using Section 236 funds in the amount of $50 million for each of the next five fiscal years. This authorization should be in addition to the authorizations recommended below. To meet the accumulated backlog of applications for such 236 assistance filed in the HUD offices, *the full amount of regular authorizations of 236 funds should be promptly allocated to HUD offices and there should be no withholdings in Washington for programs of State agencies.* These should be covered by the special additional authorization of 236 funds which we recommend for use on projects financed or assisted through state and other public agencies.

4. *Administrative Actions.* NHC makes the following recommendations for administrative actions:

(a) FHA should establish cost limits which will be realistic and workable in high cost areas, including both high and low rise buildings. This is necessary to assure that housing under 236 can be constructed within the cities in closer proximity to places with employment and public transportation.

(b) As to the cost of periodic income recertifications of occupants, FHA should pay these costs from the surcharges collected from over-income families. At present, these costs are treated as a project expense which results in an additional charge to occupants.

(c) From the beginning, Congress contemplated that 20% of the Section 236 funds would be available for "exception income limit" families. The Committee reports express the desire that HUD administer the 236 program in a manner which will achieve the Congressional mandate of economic integration. However, some of the HUD offices have declined to allow exception limit families to be accepted because they are erroneously assuming that all exception limit authority must be reserved for high-cost areas. This denies the opportunity to achieve economic integration in other parts of the country which do not require higher rates of subsidy and higher project costs. This defeats the intention of the law. The Administration should allow families to be accepted at exception limits in all geographic areas to facilitate the general achievement of economic integration in projects.

(d) While the Senate and House Committee Reports contained language directing HUD to more fully utilize contract authority *only* in Section 235 cases, NHC believes that HUD should take similar steps in the administration of Section 236 funds. There should be a periodic reevaluation of the policy of charging an amount equal to the full subsidy against the authorizations for each project. If it is found that certain projects have not fully utilized this subsidy and that payments are being made to HUD, some of this money should be reallocated to generate new construction.

CHAPTER K. SPECIAL MORTGAGE INSURANCE ASSISTANCE UNDER SECTION 237

I. Summary of Existing Legislation

1. *Objectives.* Section 237 can provide help to assure adequate housing for families of low and moderate income who—because of poor credit records, irregular income or seasonal employment—are unable to meet the credit requirements for purchasing single-family homes financed by a mortgage insured under Sections 203, 220, 221, 234, or 235(j)(4). This help is to be extended to those who appear able to achieve homeownership through counseling assistance.

2. *Authorizations in the Housing Acts of 1968 and 1969.*

(a) HUD is authorized to insure mortgages under the above-mentioned programs in an amount not to exceed $15,000 with increases not to exceed $17,500 in high-cost areas.

(b) Monthly payments, in combination with local real estate taxes on the property, must total 25% of the applicant's monthly income during the year prior to his application or the average monthly income during the three years prior to his application, whichever is higher.

(c) The Secretary is authorized to provide or contract with public or private organizations to provide budget, debt management and related counseling services to those obtaining housing under Section 237.

(d) The aggregate principal balance of all mortgages insured under Section 237 and outstanding at one time may not exceed $200 million.

(e) Authorizations are made in such sums as necessary to carry out the provisions of Section 237.

(f) The 1969 Housing Act amends Section 237(d) to include families who are applying for section 235 homeownership assistance among the applicants under Section 237 who are to be given a preference for mortgage insurance and counseling services. Prior to this amendment, preference for Section 237 mortgage insurance—which is available to applicants who do not meet normal FHA credit standards—was limited to families living in public housing units (especially over-income families required to vacate public housing) and families eligible for public housing who have been displaced from federally assisted urban renewal areas.

II. Recommendations

NHC recommends necessary appropriation of funds to enable FHA to provide budget, debt management, and related counseling services to those obtaining housing under Section 237. Thus far no such funds have been appropriated for this specific purpose, but FHA is performing Section 237 services with existing operating funds. In addition to assistance under Section 237, NHC urges that FHA make payments available under Section 235(e) to mortgagees to reimburse the mortgagee for its expenses in handling the mortgage. This should include assistance to mortgagors in their budgeting to assure ability to meet mortgage payments.

CHAPTER L. THE RENT SUPPLEMENT PROGRAM

I. Summary of existing legislation

1. *Objectives.* The Rent Supplement Program is an innovative approach to low income housing. It utilizes the free enterprise system and has been strongly endorsed by the home-building, real estate, and insurance industries. It provides incentives for people to escape from poverty, and for the building of modest but decent housing for those who need it most.

2. *Authorizations in the Housing Acts of 1968 and 1969.* The 1968 Housing Act made all previous authorizations for rent supplement contracts aggregating $150 million available for contract prior to July 1, 1969, but only to the extent that these contract authorizations were contained in appropriation acts. The Act provided for an additional $40 million in contract authority for rent supplements in fiscal year 1970 and an additional $100 million in contract authority for fiscal year 1971. The 1968 Housing Act provided that state aided projects are eligible for rent supplements if the projects are ap-

proved for such assistance prior to completion of construction or rehabilitation. The 1969 Housing Act authorized the Secretary of HUD to increase, where he deems desirable, the maximum percentage of rent supplement units in 236 projects from 20% to 40%.

3. *Authorization in Appropriation Acts.* Of the $150 million authorized for rent-supplement contracts prior to July 1, 1969 only $72 million of the contract authority has been embodied in appropriation acts. Of the $100 million authorized for rent-supplement contracts for fiscal 1970, the appropriation act for fiscal year 1970 provided for only $50 million in rent-supplement contract authority. The appropriation act for fiscal year 1971 contained $55 million.

4. *Housing and Urban Development Act of 1970.*

Rent Supplement Payments. The 1970 Act amends section 101(a) of the Housing and Urban Development Act of 1965 to increase, by $40 million on July 1, 1971, the aggregate amount of contracts that the Secretary of Housing and Urban Development may enter into to make rent supplement payments.

II. Recommendations

1. *Additional Authorization in Appropriations Acts.* NHC recommends that appropriation acts include the additional rent supplement contract authorization in the 1968, 1969 and 1970 Acts but which have not been included in appropriation acts. In making these recommendations, we again urge the need for advance authorizations in appropriation acts for each succeeding fiscal year, besides the current one, to allow more lead time for the planning and initiation of rent supplement programs. NHC regrets that President Nixon's request of $60 million for inclusion in the 1972 Appropriation Act did not include a request for an advance appropriation.

2. *Increase in Legislative Authorizations.* NHC recommends increasing the legislative authorizations for rent-supplement contracts as follows:

On July 1, 1971 (for fiscal 1972) an additional authorization of $80 million;

Only July 1, 1972 (for fiscal 1973) an additional authorization of $90 million;

On July 1, 1973 (for fiscal 1974) an additional authorization for $100 million;

On July 1, 1974 (for fiscal 1975) an additional authorization for $100 million;

On July 1, 1975 (for fiscal 1976) an additional authorization for $100 million.

3. *Other Legislative Amendments.* NHC makes the following recommendations for other legislative amendments:

(a) The rent supplement legislation imposes too great a burden on low income families by requiring them to pay rents equal to 25% of their annual income since rent supplements will pay only the difference between such a rental payment and the fair market rental. To eliminate this hardship, NHC recommends that this rent paying requirement be reduced to 20% of family income. A similar recommendation has been made elsewhere in these recommendations relating to the present requirement that too high a percentage of family income be spent for housing under the interest assistance programs of Sections 235 and 236, and (in Chapter D) under the new proposed consolidation of these programs.

(b) There should be an increase in the statutory ceiling on the amount which can be paid as rent supplements on a project in order to reach families of very low incomes whose needs cannot be met now. There should be no areas of unmet need in our housing program.

(c) Counseling and social services should be made available to residents of housing aided by rent supplements. Such services should be allowable housing costs in computing rent supplement payments.

(d) The present law limits rent supplements to lower income families who are living in substandard housing. NHC recommends that the law be amended to include overcrowded conditions—properly defined as to appropriate occupancy limits—as a substandard housing condition; also to permit any low income family to be eligible for housing aided by rent supplements so long as the family qualifies as to low income, even though the family does not live in physically substandard housing. This would meet the needs of newly-formed families and those who are spending too much of their low income for housing.

(e) There should be a repeal of the requirement in appropriation acts for a workable program or local government approval before rent supplements can be used in a locality.

(g) NHC urges the establishment of an additional rent supplement program for nonprofit or limited-profit mortgagors who own buildings which are not financed under Section 221(d)(3) or 236. When the buildings meet code standards—or are rehabilitated to meet such standards—rent supplements should be made available so that the housing can serve low-income families. Present rent supplement requirements for rehabilitation are often unworkable because they cost too much. Rehabilitation to meet code requirements should be acceptable. This will stimulate rehabilitation and provide standard housing quickly and reasonably for many low and moderate income families.

4. *Administration Actions.*

(a) Construction cost limitations were initially established in the rent supplement program which were unworkable in many high-cost cities that faced the greatest need for this program. HUD has approved some increases in these cost limits. However, these increases are insufficient due to cost increases, so NHC strongly recommends further increases in the cost limitations to keep pace with the increases in construction costs. Only through adequate construction cost allowances can the rent supplement program fulfill its purpose of serving low income families in these cities near the places of employment and public transportation.

(b) FHA has established lower limits as to the amount of rent supplements available for families in a project than the amount permitted by the statute. NHC recommends the repeal of these lower administrative limits which limit the subsidy to 70% of economic rent. HUD should be prepared in appropriate cases to contract to pay the full amount of rent supplements on a project up to the statutory ceiling. Only in this way can the needs of many low income families be met, particularly in high cost areas.

(c) The standards under the rent supplement program should be upgraded to produce better-designed housing which will more adequately meet the needs of families, with attention to their comfort and convenience. Thus, the limit of one bathroom per dwelling unit should be removed, as this denies adequate sanitary facilities for larger families.

CHAPTER M. HOUSING FOR FAMILIES RECEIVING PUBLIC ASSISTANCE; EXPERIMENTAL HOUSING ALLOWANCE PROGRAM; ALSO CODE ENFORCEMENT

1. Four million American families are receiving all or part of their income from public assistance programs. Many of these families are ill-housed, primarily because welfare grants in most cities are inadequate to pay the cost of standard housing. NHC urges the enactment of legislation which would establish and enforce minimum standards for housing occupied by recipients of public assistance. In addition, such legislation should provide that the Federal Government bear the entire cost for decent housing above the present inadequate public assistance allowances for shelter. Thus, families on public assistance would receive a federal housing allowance to supplement the local public assistance shelter allowance in order to cover the full charge for decent housing. Such federal housing allowances should be made in a manner (i) which will encourage rather than discourage ownership and (ii) which will provide security for the recipient against being subjected to the liens that are sometimes involved in local public assistance programs.

2. Even if programs are undertaken at the scale proposed elsewhere in these Resolutions, it will be years before many of the low income families will be able to obtain decent housing within their means. Therefore, NHC believes it is important to initiate an experimental program of federal housing allowances for low income families. Besides the initial program for federal housing allowances—described in the preceding paragraph—to supplement local allowances for welfare families, we propose such an experimental program which would involve explorations and demonstrations concerning the following:

(a) The type of families which should be eligible for a federal housing allowance, including criteria that they live in substandard housing and pay a disproportionate amount of their income for housing; or that they are being displaced from adequate housing and are unable to obtain other suitable housing at charges they can afford.

(b) The amount to be paid as a federal housing allowance; we recommend the difference between (i) 20% of the family's income and (ii) the monthly cost of adequate housing available in the community.

(c) Adequate consumer protections to assure that federal housing allowances will not inflate housing charges, by limiting the use of existing structures—which meet the foregoing standards—to cases where there are sufficient vacancies to avoid such increases in housing charges.

(d) Adequate measures to assure that housing allowances will be used solely to pay for housing costs, rather than being diverted for other purposes.

(e) Safeguards to assure that the federal housing allowance will result in adding to the supply of decent housing in the community through new construction or rehabilitation, except to the extent that decent vacant housing is available in a suitable neighborhood.

3. The 1970 Act authorizes the Secretary to conduct research programs to demonstrate the feasibility of providing low income families (those families eligible for occupancy in public housing projects in an area) with housing allowances to assist them in obtaining existing standard rental housing of their choice. The housing allowance may not exceed the difference between 25 percent of the family's income and the fair market rental of similar sized units or projects receiving rent supplement benefits. The Act also authorizes the Secretary to contract with public or private organizations to help select eligible families. The Secretary is authorized to contract to make annual housing allowance payments of $10 million for each of fiscal years 1972 and 1973. The program would be terminated as of June 30, 1973.

4. NHC recommends Federal grants to housing authorities or other public agencies—as described elsewhere in these recommendations—to bring housing up to minimum code standards and to make it available for families of low income, including those who are receiving public assistance.

5. NHC urges an acceleration of concentrated code enforcement in deteriorating areas, together with necessary public improvements to halt their decline. The costs of code enforcement programs—both for determining Federal grants and local grant-

in-aid credits—should include all costs incurred for repair or installation of streets, sidewalks, streetlighting, trees, parks, open areas, recreational facilities, and other necessary improvements.

6. The 1969 Housing Act contains some provisions to meet these recommendations by enabling very low income people to live in public housing.

We urge that HUD fully utilize and implement this legislation to meet the needs of this very low income group which was formerly below the reach of public housing. Also, the full amount of the authorization should be released by the Bureau of the Budget, instead of reducing from $75 million to $33 million the contract authority now available for annual contributions.

CHAPTER N. REHABILITATION OF HOUSING

I. Summary of existing legislation

1. *Need.* NHC again reaffirms the importance of saving existing neighborhoods through rehabilitation and other conservation measures. It is sound policy to improve our present housing supply and conserve neighborhoods rather than allow them to deteriorate until they require greater costs in demolition and reconstruction.

2. *Authorizations in 1968 and 1969 Housing Acts*

(a) *Dwellings Eligible for Rehabilitation Grants and Loans.* The 1968 Act broadened the program of rehabilitation loans under Section 312 for repairs and improvements of dwellings. Instead of limiting the program to dwellings located in urban renewal and code enforcement areas, owners and tenants of dwellings are eligible for loans if the dwelling is located in an area certified by the public governing body as containing a substantial number of structures in need of rehabilitation, and

(1) If the locality has a workable program; and

(2) If the area is definitely planned for rehabilitation or code enforcement within a reasonable time, and the repairs to be assisted are consistent with the plan for rehabilitation or code enforcement.

The 1968 Act authorizes rehabilitation grants under Section 115 to low income homeowners whose properties are located in an area of the character described above, instead of limiting such grants to dwellings in urban renewal and code enforcement areas. The Act also authorizes the Secretary of HUD to make rehabilitation grants and loans to low income homeowners whose property has been determined to be uninsurable because of physical hazards. Such grants or loans may be made only to rehabilitate the property to the extent necessary to make it insurable under a statewide plan.

(b) *Increase in Rehabilitation Loan Authorizations.* The 1968 Act increases the amount authorized to be appropriated for rehabilitation loans. The increase for each fiscal year is from $100 million to $150 million; also, the program is extended to June 30, 1973. The 1968 Act limited eligibility for residential rehabilitation loans to persons whose annual income meets the locally applicable income limits for the section 221(d)(3) below-market-interest-rate program. The 1969 Act amended Section 312(a) of the Housing Act of 1964 to remove the requirement limiting eligibility for residential rehabilitation loans to persons whose annual income is within locally applicable income limits for the Section 221(d)(3) below-market-interest-rate program. However, priority will be given to applicants whose incomes are within those limits.

(c) *Increase in Rehabilitation Grants.* The Housing Act of 1968 increased the limit on the amount of a rehabilitation grant to a low income homeowner from $1,500 to $3,000. The 1968 Act increased this limit to $3,500.

(d) *Repeal of Urban Renewal Limit on Acquisition and Rehabilitation.* The Act removes the previous limits on the acquisition and rehabilitation of residential properties by local renewal agencies. Under prior law, such agencies could acquire and rehabilitate for demonstration purposes no more than 100 units or 5% of the total residential units suitable for rehabilitation in an urban renewal area, whichever was the lesser. This limit has been repealed.

3. *Authorization in Appropriation Acts.* Nothing was appropriated in Fiscal Year 1969, $45 million was appropriated for Fiscal Year 1970, and $35 million has been appropriated for Fiscal Year 1971.

4. *Amendments in the Tax Reform Act of 1969 Relevant to Rehabilitation.* A special 5-year amortization deduction is now allowed for expenditures made on or after July 25, 1969, and before December 31, 1974, for the rehabilitation of buildings for low-cost rental housing. This rapid amortization is available only where the property is held for occupancy by families and individuals of low or moderate income determined in a manner consistent with the policies of the 1968 Housing Act. The aggregate rehabilitation may not exceed $15,000 per dwelling unit and the sum of the rehabilitation expenditures (over a 2-year period) must exceed $3,000 per dwelling unit.

5. *Amendments in Housing and Urban Development Act of 1970.*

FHA Rehabilitation Standards for Housing in Urban Renewal Areas. The 1970 Act adds a new section 524 to the National Housing Act which requires the Secretary of HUD, with respect to properties approved for mortgage insurance prior to rehabilitation, to apply uniform property standards as between properties located within urban renewal areas and those located outside such areas.

6. *Project Rehabilitation.*

This new program will attempt to help cities undertake large-scale, low-cost rebuilding of rundown low-cost housing. Estimates are that a major rehabilitation effort will involve nearly 22,000 housing units in ten cities. The rehabilitation units are primarily in absentee-owned slum buildings.

The first cities getting HUD approval of plans, technical assistance and program funds are Cincinnati, Detroit, El Paso, Hartford, Indianapolis, Memphis, New York, Philadelphia, Pittsburgh, and Seattle. HUD fund assistance includes financing under the public housing program, rent supplements, and mortgage assistance interest subsidies for both rental projects, cooperatives, and homes bought by lower income families. Project Rehabilitation is directed by a team of officials from such HUD areas as FHA, Reneval and Housing Management, Model Cities, Equal Opportunity, and Research and Technology. Six criteria determine selection of cities by project teams which visit localities seeking HUD assistance. These are suitable rental properties, skilled contractors, capable sponsors, job and enterprise opportunities for neighborhood residents, neighborhood acceptance, and assistance for displaced families.

II. Recommendations

1. To provide additional tools that are needed to achieve substantial progress through rehabilitation, NHC recommends the following:

(a) Section 312 should be amended to increase to $500 million the annual appropriations in each fiscal year to carry out the program. Section 312 should broaden the category of eligible borrower's to include public bodies, cooperatives, nonprofit corporations and limited dividend companies in addition to owners or tenants who are now eligible.

(b) While the 1969 Housing Act increases to $3,500 the federal rehabilitation grants to eligible occupants who own their own homes in the rehabilitation neighborhood, NHC recommends an increase to $5,000.

(c) Where state or local governments allow tax abatement to encourage rehabilitation, there should be an annual Federal grant to reimburse them for the tax losses.

(d) Relocation assistance and payments should be available to anyone displaced as a result of a rehabilitation program.

(e) More realistic financing should be made available under FHA programs, particularly to serve those people of low and moderate incomes. This requires more practical and workable financing terms and allowances as follows:

(1) The formulas for determining mortgage amounts must recognize the actual cost of acquiring and rehabilitating properties that are structurally sound.

(2) There should be a contingency allowance built into the mortgage financing, which has been recently done by FHA. In rehabilitation, the contractor is often not aware of potential problems until he opens the walls and ascertains actual conditions.

(3) The FHA requirements for rehabilitation should not require a specified percentage of mortgage proceeds to be used for rehabilitation, so long as property is brought up to code standards.

(4) In projects where the property is owned or controlled by the proposed mortgagor, cost savings may be achieved by stripping down the building and tearing out the interior walls before making estimates or getting bids for the rehabilitation work. In such cases, FHA should recognize the cost of gutting the building since this increases the value of the property for rehabilitation because conditions are known and unforeseen contingencies are minimized.

(5) To reduce the monthly charges to the level which moderate-income families can afford, it is necessary to eliminate present requirments for short amortization periods on rehabilitation projects. Where the rehabilitation property is in a central city, there is likely to be an increment in land value from which to repay the loan, even though demolition occurs well in advance of the remaining estimated life of the improvements. Thus, the property may later become part of a model city neighborhood or urban redevelopment area. At present, the statute limits the mortgages to a maturity not exceeding three-quarters of the remaining economic life of the building improvements. This limitation should be repealed. FHA should be authorized to permit up to 40-year maturities where appropriate.

2. There should be Federal grants to a local agency designated by the city government for a total coordinated plan for rehabilitation of the neighborhood and for carrying out the rehabilitation program contemplated by the plan. The local agency should enlist the participation of cooperative and nonprofit organizations and local housing authorities. The local agency would also act on behalf of eligible homeowners and tenants in the area in obtaining:

(a) Rehabilitation grants, interest assistance or rent supplements for them;

(b) Below-market-interest-rate loans or market-interest-rate loans for their rehabilitation work; and

(c) Contracts to perform the rehabilitation work, subject to supervision by the local agency.

3. HUD should fully utilize the authorizations in the 1968 Housing Act providing for the acquisition of property for rehabilitation and its disposition, with appropriate write-downs which reflect the proposed use of the property. A similar program is necessary outside of urban renewal areas.

4. The authorizations in Sections 236 and 221(h) should be fully funded and utilized to facilitate and accelerate the rehabilitation program.

CHAPTER O. HOUSING FOR THE ELDERLY

I. Summary of existing legislation

1. *Authorization in 1968 and 1969 Housing Acts.* The 1968 Housing Act did not provide for any increase in the authorization in the 202 program of direct loans at 3% interest to provide housing for the elderly. Instead, the new 236 program of interest assistance was intended to make FHA-insured financing available for this program. Under 236 there is interest assistance to reduce monthly housing payments to the level achievable with an interest rate of 1% and without any FHA mortgage insurance premium. Under 236, projects can now be undertaken which will provide housing exclusively for the elderly. Such projects may include related facilities, such as dining, work, recreation and health facilities. The Act authorized refinancing of certain 202 projects in order to achieve the lower monthly charges resulting from refinancing with interest assistance. The 1969 Act contained a clear mandate from Congress that the 202 program should be continued instead of being eliminated. The 1969 Act increased the total amount authorized to be appropriated for the 202 program of direct loans for housing for the elderly or handicapped by $150 million as of July 1, 1969.

2. *Amendments in Housing and Urban Development Act of 1970.* The 1970 Act amends section 15 of the United States Housing Act of 1937 by adding a new paragraph (12) which would direct the Secretary to encourage local public housing agencies to develop congregate housing for the displaced, elderly and handicapped. Congregate housing would be defined to mean projects with central dining facilities where some or all of the units do not have kitchen facilities. The dining facility would be required to be operated on a self-supporting basis; however, any expenditures, other than for food or services, could be considered a cost of the administration of the project. The section also provides that not more than 10 percent of the total amount of contracts for annual contributions entered into in any fiscal year pursuant to the new authority granted under the Housing and Urban Development Act of 1970 or under any law subsequently enacted shall be entered into with respect to units in congregate housing.

3. *Authorizations in Appropriation Acts.* The contract authority in appropriation acts for 236 will now be utilized to finance housing for the elderly. For a description of the 236 authorizations in appropriation acts, see Chapter J which covers that program. While the Administration requested no more funds under 202, the appropriation act for Fiscal Year 1971 contains $10 million.

II. Recommendations

1. *Additional Legislative Authorizations.*

(a) NHC urges that an average of 30,000 housing units for the elderly be provided each year for the next five years. This includes both the 202 and 236 programs.

(b) NHC recommends against phasing out the 202 program, because it has not been demonstrated that the 236 program will fully and adequately meet the housing needs of the elderly. We anticipate a continuing need for the 202 program to avoid creating another gap and area of unmet need due to the lower income limits in the 236 program and its other restrictions. The 1969 Act accepted this recommendation by making an additional authorization for direct loans under the 202 program, and Congress appropriated $10 million for Fiscal Year 1971. We urge the Administration to spend this appropriation.

(c) NHC recommends that the authorizations under 202 and 236 should be available to acquire existing housing for the elderly, including projects developed with FHA insurance under Section 231.

2. *Other Legislative Amendments.* There is a need for special programs to provide federal grants for the following purposes in housing for the elderly:

(a) to assist in training professional personnel to manage programs for the elderly; and

(b) to provide working capital and seed capital to states and localities and to nonprofit organizations such as church groups, labor unions, fraternal and cooperative-servicing organizations.

(c) NHC recommends adoption in the next Housing Act of a provision, that was passed by the House but not adopted by the Conference on the 1969 Housing Act, which requires (1) that projects for the elderly or handicapped be administered, to the maximum extent possible, under the same terms as the Section 202 program (2) that the requirement for computations of rents based on income will not apply to handicapped families, (3) that income verification for tenants in such projects shall be every five years and (4) that "Exception Income Limits" for the elderly or handicapped shall be $5,500 for individuals and $6,600 for couples, in lieu of 90% of 221(d)(3) BMIR limit otherwise applicable.

3. *Administrative Action.*

(a) The 202 and 236 cost limits should permit housing to be built within the cities where they are needed to serve the elderly. In view of high land costs, this should include high-rise buildings. The program should include rehabilitation as well as new construction. Tax abatement should not be required since it is often unavailable because of restrictions in state and local laws. Moreover, many cities are facing problems of inadequate tax revenues and are reluctant to grant tax abatements. Section 202 and 236 housing for the elderly should be permitted to pay full taxes, as is permitted in leasing privately-owned housing for public housing purposes and in the rent supplement program. Nursing facilities should be eligible for financing in housing for the elderly.

(b) In accordance with the statutory authority for loans equal to the total development costs, HUD should not require in the 202 or 236 programs that an approved sponsor make an investment to cover the cost of preliminary expenses, facilities, furnishings, equipment, and working capital. Such costs should be included in the loan. It should not be necessary for a nonprofit sponsor to make a monetary contribution. Its contribution consists of its devotion of time, ingenuity, and energy in initiating and developing projects—all without compensation and motivated by public service.

CHAPTER P. FINANCING NURSING HOMES, FACILITIES FOR GROUP MEDICAL PRACTICE AND NONPROFIT HOSPITALS

I. Summary of Existing Legislation

1. *Objectives.* NHC again recognizes that a continuing desperate need exists for hundreds of thousands of nursing home beds, especially among the low-income elderly. This need has increased by demands generated through Medicare. Since local housing authorities have long experience in building low-rent housing for the elderly, they are well qualified to develop nursing homes for low-income persons. They should be authorized to coordinate programs of housing and nursing home facilities for the low-income group. This can be done effectively by amending the USH Act of 1937, to authorize annual contribution contracts with local housing authorities for nursing home facilities. In addition to these needs, many communities are facing serious shortages in full hospital facilities. Existing hospitals are unable to undertake needed expansion because of their inability to finance such costly additions.

2. *Authorizations in 1968 and 1969 Housing Acts.* The 1968 Housing Act amended Section 232 of the National Housing Act to permit the cost of major items of equipment used in operating nursing homes to be included in the FHA-insured mortgage; also, to permit supplementary loans for the installation of such equipment in nursing homes previously constructed.

The 1968 Housing Act added Section 242 to the National Housing Act which establishes a FHA program under which the Secretary of HUD will insure mortgages covering new or rehabilitated hospitals (including initial equipment). To be eligible for such insurance, the mortgage cannot exceed $25 million or 90 percent of replacement cost, and the hospital must be owned and operated by one or more nonprofit organizations. A certification is required from the State health agency that the hospital is needed and that State or local laws providing for minimum standards will be applied and enforced.[9]

The 1969 Act amended Section 232 of the National Housing Act to authorize insurance under that section of mortgages financing new or rehabilitated intermediate care facilities or combined nursing homes and intermediate care facilities. The purpose of this program is to assist in the provision of facilities for persons who, because of incapacitating infirmities, require minimum and continuous care of the type provided by licensed or trained personnel but who do not need full nursing home care.

Under the 1969 Act an intermediate care facilities project or a combined nursing home and intermediate care facilities project can be financed under the same terms and conditions as provided for a nursing home under the present authority. The mortgage is limited to a principal obligation not exceeding $12,500,000 or 90% of the estimated value of the property or project including equipment. The Secretary must require certification by the State agency designated by the Public Health Service Act as to the need for such facilities and appropriate standards for their operation. The Secretary must also consult with the Department of Health, Education and Welfare as to the health and medical aspects of such facilities and as to the need and availability of such facilities in the area.

3. *Amendments in the Housing and Urban Development Act of 1970.*

(a) *Maximum Amount of FHA-Insured Hospital Mortgage.* The 1970 Act amends Section 242 of the National Housing Act to increase from $25 million to $50 million the maximum insurable mortgage amount covering a hospital.

(b) *Mortgage Insurance for Proprietary Hospitals.* The 1970 Act makes profit-making entities eligible to finance hospital construction or rehabilitation with FHA-insured mortgages. Under existing law, only nonprofit organizations are eligible to develop FHA-financed hospitals.

II. Recommendations

1. NHC recommends that Section 202 and Section 236 be amended to permit the inclusion of nursing facilities in housing projects for the elderly. In this way, elderly persons who need nursing facilities would not have to leave the community in which they are living. In public housing for the elderly, nursing facilities should likewise be included.

2. NHC further recommends that financing be available to nonprofit sponsors under Sections 202 and 236 which will cover the full cost of construction of nursing homes; also, that such projects should get the benefit of below-market-interest rates or subsidies which would reduce the interest rate to 1%. As stated above, we recommend a statutory increase in subsidy to permit a reduction in this interest rate to 0% for those who need it.

3. The 1966 Act included a program of FHA

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[9] Amended in 1970 Housing Act as described in Paragraphs 3(a) and (b) below.

insurance for facilities used for group medical practice. NHC reaffirms its support of this program and urges its use to encourage the development of nonprofit cooperatives whose members will obtain the benefits of bonafide group medical practice at a reasonable cost. The program should operate in both urban and rural areas. NHC continues to recommend that mortgage amortization be permitted to commerce after completion of construction of group practice facilities rather than at the time the mortgage is executed.

4. NHC continues to support the basic concept of the prior Patman Bill, H.R. 10188, which would remove obstacles that impede the broader development of group health plans and which would make financing available for group health programs providing hospitalization, out-patient and preventive care.

CHAPTER Q. COLLEGE HOUSING

I. Summary of existing legislation

1. *Objective and Need.* Our Nation has increasingly recognized its dependence upon higher education for its security, welfare, and continued prosperity. To meet the demands made by the expanding number of students and by required increases in faculties, additional housing must be provided for students and faculty. Congress recognized the appropriateness of meeting these needs for college housing twenty years ago. In the Housing Act of 1950, it initiated low-interest loans for housing and educational facilities for students and faculties. Since 1961 there have been authorizations for loan increases at the rate of $300 million each year. Such increases are wholly inadequate to meet current needs. The study conducted under the auspices of the American Council on Education has indicated that approximately $1.5 billion per year of college housing will be needed for the next ten years. Recognizing that a portion of this amount may be derived from non-federal sources, the Council recommended that Congress authorize assistance which will provide a minimum of $1 billion of college housing a year for the next ten years.

2. *Authorizations in the 1968 and 1969 Housing Acts.* Instead of expanding the direct loan program for college housing, the 1968 Act contemplated financing in the private market, but it authorizes financial assistance to colleges by means of annual debt service grants. This grant program is to be used to reduce the borrowers' annual debt service payments on private market loans to the average annual debt service that would have been required if the loan were based on the rate charged on loans under the direct loan program. Annual grants can be made over a fixed period up to 40 years. The total amount of annual grant contracts is subject to approval in appropriation acts. The total amount cannot exceed $10 million, with this limit increased by $10 million on July 1, 1969. The new grant program is made available for loans involving the purchase of existing properties which are in need of little or no rehabilitation.

The 1969 Act amends Section 401(f)(2) of the Housing Act of 1950 to increase, by $4,200,000 on July 1, 1970, the aggregate amount of contracts which may be entered into to make annual debt service grants to help finance college housing facilities.

3. *Authorizations in Appropriation Acts.* There was an authorization of $5.5 million of annual grant contracts for college housing instead of the $10 million authorized in the 1968 Housing Act. For fiscal year 1970, $6.5 million was appropriated. For fiscal year 1971, $9.3 million of annual grant contracts was appropriated. This appropriation required an increase of $2.6 million in the legislative authorization.

4. *Amendments in the Housing and Urban Development Act of 1970.*

Authorization for College Housing Debt Service Grants. The 1970 Act amends Section 401(f)(2) of the Housing Act of 1950 to increase by $12 million on July 1, 1971, the aggregate amount of contracts which may be entered into to make annual debt service grants to help finance college housing facilities.

II. Recommendations

Increase in Legislative Authorizations. NHC recommends a 5-year authorization of contracts for annual debt service grants which would be sufficient for $1 billion of private financing annually for college housing.

CHAPTER R. COOPERATIVE HOUSING

1. In urban areas where multifamily housing predominates, cooperatives provide an important means of achieving homeownership. This produces better communities where the control and responsibility rests with the people who have a stake and pride in their own housing development.

2. NHC approves the use for cooperatives of the 221(d)(3) below-market-interest-rate (BMIR), 221(d)(3) market rate program, 235 and 236 interest assistance, the new Section 243 program providing interest assistance for middle-income families, and rent supplement programs. They will make it possible to reach lower income groups because of the economic savings and advantages of cooperatives. These are illustrated by the following savings:

(a) Lower closing costs with one closing—including one mortgage, one title policy, one insurance policy and one title transfer—on an entire project of many dwellings, rather than one for each dwelling.

(b) Lower transfer costs since it is unnecessary on a cooperative sale to incur the costs of title examinations and transfers, brokers' fees, refinancing and other charges.

(c) Lower construction costs which cooperatives have achieved through the economies of large-scale building when many housing units are presold before construction starts.

The cooperative program has been successful for low- and moderate-income families assisted under programs with below-market interest rates. NHC concurs in the Congressional mandates to encourage such cooperative ownership and in the pronouncements by HUD and FHA encouraging cooperative housing under Sections 213, 221(d)(3) and 236, such as the notice to FHA Insuring Office Directors and Assistant Regional Administrators which stated:

"In discussions with builders and lenders, the insuring office should encourage their participation in the above cooperative programs, not only because of the excellent experience which has been achieved from the FHA fiscal standpoint, but also because of the benefits both financial and sociological which flow to the users of this type of housing."

3. The need and demand for cooperative housing under Section 236 greatly exceeds the amount of funds available. In many HUD offices, cooperative housing represents a substantial part of the accumulated backlog of projects awaiting funds under the 236 program. This backlog of need should be met by the release of funds already available and increased authorizations recommended for the 236 program.

4. We recommend that FHA recognize the presently uncompensated costs to cooperative projects resulting from the requirement of recertifying incomes. The cooperative should be reimbursed by retaining the costs of recertifications from "over-income" surcharges that are ultimately returned to HUD. In addition, FHA should allow portions of the "over-income" surcharges to be used by the cooperative for improvements that FHA may consider advisable and justifiable during the life of the project.

5. Twelve years ago Congress established a revolving fund of $225 million—which is now administered by GNMA—for the purchase, at par, of cooperative mortgages insured by FHA under Section 213. While there have been extensive mortgage purchases from the cooperative revolving fund, much of the money has been returned, so it now has an uncommitted balance of about $100 million. In 1968 the Administration impounded the fund and no further GNMA commitments can now be issued. NHC recommends that the balance in the cooperative revolving fund be made immediately available for the purchase of mortgages on cooperative projects. The 213 program fills an unmet need among those middle-income families and individuals who can only afford the lower monthly charges achievable through cooperative economies and financing. To lessen the budget impact and induce the Administration to utilize these GNMA funds for the purchase of Section 213 mortgages, we recommend that these funds be used under the Tandem Program. In this manner, the budget will reflect only the difference between GNMA's par purchase of the mortgage and the market price at which GNMA later sells the mortgage.

6. NHC applauds the HUD decision to release millions of dollars for dividends payments to over 400 Section 213 management-type housing cooperatives who are covered by a mutual insurance fund. NHC agrees with HUD's statement that the dividend distribution was "persuasive evidence of the success of these housing cooperatives during the years that the Section 213 program has been in effect."

7. (a) As recommended elsewhere in this report, NHC urges the disposition of public housing and Federally-owned housing to cooperatives whose members will reside in such housing and enjoy the benefits of mutual ownership.

(b) In the disposition of property by urban renewal agencies, there should be a recognition in the disposition plan that it is important to achieve cooperative ownership of multifamily housing in urban renewal areas. Accordingly, part of these areas should be considered for the development of housing to be so owned by the people. In making a disposition for this purpose, there should be a disposition condition that those who acquire the property agree to develop it for housing that will involve cooperative ownership.

(c) The FHA insurance program for supplemental loans should be revised, implemented and administered in a realistic manner which would achieve its objectives. Many cooperative and rental projects are faced by the necessity of making large expenditures to meet requirements of new laws enacted as part of anti-pollution and other health programs; moreover, many projects require rehabilitation and upgrading. Supplemental loans are also authorized to provide funds for necessary refinancing of membership resales which involve increases in equity. To facilitate administration of such supplementary loans to finance resales of cooperative memberships, such supplemental loans should be available not only to individual cooperatives but to a group or association of cooperatives or a nonprofit financing institution to serve cooperatives. Supplemental loans should be made for a period and at an interest rate to permit their amortization without an undue burden on the projects. GNMA should be authorized to use special assistance funds for the purchase of such supplemental loans at par. The supplemental loan provisions in 213(j) should be extended to include housing projects covered by mortgages insured under Sections 221(d)(3) or 236. NHC recommends amendatory legislation to implement the recommendations in this paragraph to the extent that they cannot be effectuated through administrative action.

(d) The Special Assistant for Cooperative Housing at FHA should be provided with adequate staff and funds to undertake a broad program for the encouragement and development of cooperative housing, including necessary training of cooperative leaders and managers. The Special Assistant and his staff should have responsibility for both the assisted and unassisted cooperative housing in carrying out the functions prescribed in the laws establishing this position, which should be amended to cover cooperatives under all programs.

8. The Tax Reform Act of 1969 contains the following provisions of special interest to the operation of a cooperative housing project:

(a) Section 216(b) of the Code is amended to provide that, in determining whether a corporation is a cooperative housing corporation, no account is to be taken of stock owned and apartments leased by governmental entities empowered to acquire shares in a cooperative housing corporation for the purpose of providing housing facilities. The effect of the amendment is to allow individual tenant-stockholders to deduct their proportionate share of interest and taxes even though more than 20 percent of the cooperative's income is derived from a governmental entity. This amendment applies to taxable years beginning after December 31, 1969.

(b) Section 1039 is added to the Code to provide for deferral of gain upon the sale of a limited distribution project financed under Sections 221(d)(3) and 236 to a cooperative or other nonprofit corporation. This important incentive is more fully described in paragraph 4 of Chapter CC.

9. NHC recommends that the Rent Supplement Program be extended to cover the Section 213 Program. In central city apartments which are converted to cooperative ownership, this would enable them to serve inner city residents who need Rent Supplements to afford the monthly charges.

10. Since there is substantial interest on college campuses in the use of cooperative housing programs to serve college students, NHC recommends amendments in appropriate housing programs to enable the use of cooperatives for the housing of college students.

11. NHC applauds the U.N. General Assembly vote to encourage a program of social housing that includes cooperatives.

12. The law provides for conversion of existing rental projects financed under Section 221(d)(3) and 236 to cooperative ownership under those same sections. However, there have been no conversions because HUD is reserving subsidy money exclusively for new construction. NHC urges that HUD reexamine this position and make monies available for this conversion program. As explained in Chapter CC, there is a tax program allowing for deferral of gain on rental projects converted to cooperatives if that gain is invested in the development of a new Section 221(d)(3) or 236 project. This program has yet to become operational because of the failure to release authorized funds.

CHAPTER S. NONPROFIT HOUSING SPONSORS

1. Besides the cooperative non-profit projects discussed in the preceding chapter, the non-profit sponsors described in this chapter are expected to have an increasing role in meeting the housing needs of low and moderate income groups with the assistance recommended below.

2. NHC believes that there is an urgent need for nonprofit housing sponsors for low and moderate income housing assistance programs. Nonprofit housing sponsors may be either: (a) broadly-based housing development corporations which aid a number of housing projects in the community; or (b) individual project sponsors, such as churches, charitable foundations, settlement houses, labor unions, fraternal organizations and other civic-minded groups.

3. NHC approves the use of Sections 221(d)(3), 235(j), and rent supplement programs in nonprofit sponsored projects. This sponsorship makes it possible to reach lower income groups because of the absence of profit in the operation of such projects.

4. NHC is pleased that its recommendation was accepted for the use of the Tandem Plan for nonprofit sponsored housing. Without the Tandem Plan, it would be virtually impossible for nonprofit sponsored projects to go forward when mortgages are not selling at par. In addition, NHC supports the special yield-related price FNMA makes available for nonprofit sponsored projects. FNMA has recently reduced its preferential price from 4 points to 2¾. NHC urges the restoration of the 4 point preferential price for nonprofit sponsors.

5. NHC fully concurs in the report of the Senate Housing Subcommittee that nonprofit housing sponsors have contributed greatly to our housing production. The Committee Report stated:

"Among these institutions, the not-for-profit organizations involved in housing development have made substantial progress in the construction of low and moderate income housing in a relatively brief period of time. Today they account for a large portion of the housing development activity carried out under the several assistance programs authorized by the Congress. This is fulfilling the intention of the Congress and we are desirous to see not-for-profit sponsors and developers play an increasing role in meeting the nation's critical housing shortage especially for low and moderate income families and individuals."

6. NHC recommends that HUD provide the following financial and technical assistance to nonprofit sponsors and organizations.

(a) Seed money loans to cover initial costs, such as preliminary architectural fees, engineering fees, site options, tenant surveys, market analyses, and legal and organizational expenses during the project development stage. These would be recoverable from the proceeds of the FHA-insured mortgage.

(b) Grants for administrative costs, social services and other necessary expenses which are important to the success of projects for low and moderate income families and persons.

(c) Technical assistance for expert aid needed to train personnel, develop projects, secure project approval and oversee construction.

(d) Assistance to nonprofit housing sponsors in the conduct of self-help and mutual self-help programs.

7. The 1970 Act authorizes $5 million without fiscal year limitations for use by the Secretary in providing a more adequate level of technical assistance. NHC recommends the funding of this section to help provide technical assistance needed by non-profit organizations.

8. The 1970 Housing Act provides for a Special Assistant to the Secretary who will be responsible for providing information and advice to nonprofit organizations desiring to sponsor housing projects assisted under programs administered by HUD. NHC urges that the new Special Assistant be named and given adequate staff and funds to undertake a broad program for the encouragement and development of nonprofit sponsored housing.

CHAPTER T. NATIONAL HOMEOWNERSHIP FOUNDATION; NATIONAL ADVISORY COMMISSION ON LOW-INCOME HOUSING; NATIONAL HOUSING PARTNERSHIPS; AND ASSISTANCE TO NONPROFIT SPONSORS IN LOW AND MODERATE INCOME HOUSING

I. *Summary of Existing Legislation:* 1. *Objectives.* The 1968 Housing Act created the National Homeownership Foundation to carry out a continuing program of encouraging private and public organizations to provide increased homeownership and housing opportunities in urban and rural areas for lower income families.

2. *Authorizations in 1968 Housing Act.* The Act authorized the Foundation to make grants and loans (not otherwise available from Federal sources) to such organizations to help defray organizational and administrative expenses, necessary preconstruction costs, and the cost of counseling or similar services to lower income families for whom housing is being provided. The Foundation can also provide technical assistance to the organizations. The Foundation can also provide technical assistance to the organizations. The Foundation is to be administered by an 18-member Board of Directors. Fifteen members are to be appointed by the President. The Secretary of HUD, the Secretary of Agriculture and the Director of OEO are the other three members. The board will appoint an executive director as its executive officer.

3. *Authorizations in Appropriation Acts.* Appropriations up to $10 million are authorized. The Foundation can also use donated funds. Nothing has been appropriated for fiscal year 1970. The Administration requested $250,000 for fiscal year 1971 but nothing was included in the appropriation act.

II. *Recommendations.* NHC urges that the Foundation be fully funded so that the Foundation can begin its vital assignment.

National Advisory Commission on Low-Income Housing

1. *Objectives.* The 1968 Housing Act established a National Advisory Commission on Low-Income Housing to undertake a comprehensive study and investigate the resources and capabilities in the public and private sectors of the economy which may be used to fulfill more completely the objectives of the national goal of "a decent home and a suitable living environment for every American family".

2. *Assignment.* The Act directs the Commission to submit to the President and the Congress an interim report with respect to its findings and recommendations not later than July 1, 1969, and a final report not later than July 1, 1970. Neither report has been filed.

National Housing Partnerships

I. *Summary of Existing Legislation:* 1. *Objectives.* The 1968 Housing Act created a national housing partnership for the purpose of securing the participation of private investors in programs and projects to provide housing for low and moderate income families. The Act provides for a federally chartered, privately funded corporation under the District of Columbia Business Corporation Act; also, for a National Partnership organized by the corporation under the D.C. Uniform Limited Partnership Act. The Corporation will serve as the general partner and managing agent of the National Partnership and each of its stockholders can be a limited partner. It will provide the staff and expertise for the Partnership in organizing and planning project undertakings in which the Partnership has an interest, and receive a fee for such services.

2. *Authority.* Both the Corporation and the National Partnership are authorized to engage in a broad range of activities appropriate to the provision of housing and related facilities primarily for low or moderate income families, with or without the use of Federal programs, and may enter into and participate in all forms of partnerships and associations. The National Partnership will form partnership ventures with local investors for the purpose of building low and moderate income housing projects throughout the nation. Normally, it will be a limited partner in such undertakings, with an interest of not more than 25% of the aggregate initial equity investment for the project. The President has appointed the in-

corporators of the Corporation. The incorporators serve as the initial board of directors and have arranged for the initial offering of shares of stock in the Corporation and interests in the National Partnership. The President is authorized to create additional partnerships when he determines it to be in the national interest. National banks are authorized to invest in a corporation and other entities formed under this title. The NHP was successful in the sale of its stock and began full operation in 1970.

II. *Recommendations:* NHC recommends that the following actions be taken:

1. To encourage widespread participation and private investment in the National Housing Partnerships, tax incentives must be provided for undertaking housing developments to serve low and moderate income persons. In Chapter CC, we describe the favorable action taken in the Tax Reform Act of 1969 to provide such incentives.

2. To enable the sale of projects undertaken by the National Housing Partnership to cooperatives or other nonprofit corporations, there should be an implementation of the provisions of Section 236(j)(3) of the National Housing Act as described under the separate 236 heading. An important tax incentive providing for deferral of gain upon a 236(j)(3) sale to a cooperative or other nonprofit corporation was added by the Tax Reform Act of 1969. It is more fully discussed in Chapter CC.

Assistance to nonprofit sponsors of low and moderate income housing

I. *Summary of Existing Legislation:* 1. *Objectives.* The 1968 Housing Act has provisions to assist nonprofit sponsors of low and moderate income housing.

2. *Authorization in the 1968 and 1969 Housing Acts:*

(a) The Secretary of HUD is authorized to provide technical assistance, with respect to the construction, rehabilitation, and operation of low and moderate income housing, to nonprofit organizations.

(b) The Secretary can also make 80-percent, interest-free loans to nonprofit sponsors of such housing to cover certain preconstruction costs under Federally-assisted programs.

(c) The Low and Moderate Income Sponsor Fund is established for the purpose of making the loans with an authorization of appropriations of $7.5 million for fiscal year 1969 and $10 million for fiscal year 1970. The Fund will be a revolving fund and repayments of loans will be deposited in the Fund.

3. *Authorization in Appropriation Acts.* $500,000 was appropriated in the Supplemental Appropriations for fiscal 1969, $2 million was appropriated for fiscal 1970, and $3 million is included in the appropriation act for fiscal 1971.

4. *Amendments in the Housing and Urban Development Act of 1970:*

(a) *Advice and Assistance with Respect to Housing for Low and Moderate Income Families:* The 1970 Act amends Section 106(a) of the Housing and Urban Development Act of 1968 to authorize technical assistance and advice with respect to individual tenants and homeowners assisted under HUD programs in addition to nonprofit sponsors of multifamily housing. The section also repeals the grant program for tenant services in public housing projects and authorizes such services to be financed out of project income and annual contribution payments.

(b) *Information and Advice to Nonprofit Project Sponsors:* The 1970 Act creates in the Department of Housing and Urban Development a new position of Assistant to the Secretary, responsible for assisting nonprofit organizations in complying with HUD requirements in applying for sponsorship of housing projects under the subsidized multifamily programs administered by the Department.

NHC urges that the full authorizations be appropriated and utilized for this program as more fully discussed in Chapter S.

CHAPTER U. RURAL HOUSING, RENEWAL, AND PLANNING FOR MULTICOUNTY AREAS

I. *Summary of Existing Legislation:* 1. *Objectives.* There is increasing national concern to make rural America more attractive and livable for all. To achieve this goal, programs must be initiated to encourage the young and better educated to continue living in rural America. Programs which provide the same kinds of financial assistance as are provided for urban housing and renewal should be available to rural areas for rural housing and renewal. We endorse those provisions of the 1968 Housing Act which make certain housing assistance equally available to rural areas, but other legislation is required as described below.

2. *Authorizations in the 1968 and 1969 Housing Acts:*

(a) Under Sections 235 and 236, the Secretary was authorized to transfer to the Secretary of Agriculture a reasonable portion of the total authority to contract to make periodic interest reduction payments for use in rural areas and small towns. By agreement, the Secretary of Agriculture was delegated $2 million in contract authority under Section 235(k). However, projects under Section 236 will be processed by FHA.

(b) The 1969 Act extends for a 4-year period ending October 1, 1973, the various rural housing authorizations which were scheduled to expire on October 1, 1969.

(c) The 1969 Act amended Section 517(c) of the Housing Act of 1949 as follows:

(1) To remove the present $100 million limitation on the amount of new loan paper which may be held in the Rural Housing Insurance Fund at any one time;

(2) To authorize the Secretary of Agriculture to sell insured housing loans out of the Rural Housing Insurance Fund in blocks and to treat such transactions as a sale of assets for budgetary purposes; and

(3) To make clear that the Secretary of Agriculture may make commitments to make or insure rural housing loans on one or more properties upon application by the lender, builder, or seller and upon compliance with such requirements as he may specify.

(d) The 1969 Act amended Section 517 of the 1949 Act (with conforming amendments to Sections 518 and 519 of that Act) to abolish the existing Rural Housing Direct Loan Account and transfer all of its assets, liabilities, and authorizations to the Rural Housing Insurance Fund. It is the purpose of these amendments simply to consolidate the direct loan programs of the Farmers Home Administration in a single Fund, without changing the nature or coverage of those programs; all of the funds, claims, notes, mortgages, contracts, property, collections, proceeds, and unexpended balances which were held in or applicable to the Account will as a result of the transfer be held in or applicable to the Fund, and any authorizations for the appropriation of funds, the availability of funds for direct loans and related advances, or the issuance of notes which were applicable to the Account will become applicable to the Fund.

(e) The 1969 Act adds a new Section 524 to the 1949 Act to authorize financial assistance to nonprofit organizations to provide sites for rural housing for low and moderate income families.

3. *Amendments in the Housing and Urban Development Act of 1970:*

(a) Sections 514 and 516 of the Housing Act of 1949 were amended to broaden the farm labor housing program by:

(1) Authorizing financial assistance to nonprofit organizations of farmworkers for the construction of farm labor housing;

(2) Authorizing financial assistance to broad based public or nonprofit organizations for the construction of farm labor housing any place within the State where the need exists.

(3) Lowering the interest rate on farm labor housing loans from 5 to 1 percent.

(4) Authorizing the financing of household furnishings in farm labor housing units.

(5) Raising the maximum grant from two-thirds to 90 percent of the development cost of a project.

(6) Requiring the construction of farm labor housing suitable for year-round use except where the Secretary finds that year-round housing is not needed.

(b) Sections 502 and 504 of the Housing Act of 1949 were amended to permit loans to people who lease a home site.

(c) Section 504 was amended by raising the ceiling on loans and grants from home repair from $1,500 to $2,500 and to $3,500 if necessary to provide water and sanitation facilities.

(d) The Secretary of Agriculture was given discretionary authority in the use of Farmers Home Administration county committees in the determination of the eligibility of loan applicants.

(e) Section 515(b)(1) was amended to raise the ceiling on loans for the construction of rental housing projects from $300,000 to $750,000.

(f) Section 520 of the Housing Act of 1949 was amended to raise the size of communities Farmers Home Administration can serve from 5,500 to 10,000.

(g) Both the Senate and House Committee Reports strongly recommended that 1968 report language be rescinded thus making it clear that both urban and rural residents should be eligible for Title V housing regardless of whether they work in a rural area.

4. *Authorizations in Appropriation Acts.* Elsewhere we have described the authorizations of interest assistance contracts under Sections 235 and 236 which are now available for housing in rural areas. In addition, the rural housing program of the Department of Agriculture was authorized to maintain a $5 million program of 3%, 50-year loans.

II. *Recommendations:* 1. *Additional Authorizations in Appropriation Acts:*

(a) NHC recommends that the housing repair grant provisions of Section 504(a) be funded at a level of $25 million for fiscal 1972. Since 1964 there have been no grant funds available for housing repair.

(b) NHC recommends that the housing loan provisions of Section 504(a) be funded at a level of $25 million for fiscal 1972.

(c) NHC recommends that the farm labor housing grant provisions of Section 516(b) be funded at a level of $25 million for fiscal 1972.

(d) NHC recommends that the self-help housing technical assistance grants authorized by Section 523(b)(1)(A) be funded at the full limit of $5 million for fiscal 1972.

(e) NHC recommends that the self-help loan funds authorized by Section 523(b)(1)(B) be funded at the full limit of $1 million for fiscal 1972.

(f) NHC recommends that $115 million, the full amount authorized by law, be appropriated for development and planning grants, for rural water and sewer systems for fiscal 1972.

(g) NHC recommends that $150 million be appropriated for FMHA administrative expenses in fiscal 1972 to enable the agency to handle the vastly increased workload particularly in housing and in community affairs.

2. *Legislative Amendments Relating to Rural Housing.* NHC recommends the following legislation relating to rural housing programs:

(a) The 3%, 50 year loan program to supplement the new authority granted under the 1968 Housing Act should not only be continued but increased. The Secretary of Agriculture should be authorized to contract to maintain the interest rate throughout the duration of the loan. Also the Secretary should be granted the power to reduce the interest rate to as low as 1% under this program.

(b) Enact legislation creating the position of Special Assistant for Cooperative Housing in the Farmers Home Administration (FmHA) of the Department of Agriculture (a similar position to that created in the Housing Amendments of 1955 for urban cooperative housing) with similar powers, duties and adequate staff and budget; and the additional responsibility of mobilizing the support of rural area cooperatives of all types for the creation and continued successful operation of rural cooperative housing projects.

(c) Give the Secretary of HUD authority to waive rules and regulations of HUD programs so small cities and towns can get an equitable share of HUD programs.

(d) NHC recommends that the population ceiling on FmHA loans be raised from towns of 10,000 to maximum 25,000 population, with commensurate adjustments in administrative funds.

(e) NHC recommends that the Rent Supplement Program be extended to programs which are financed directly by FmHA. Section 235 and 236 programs are now eligible under FmHA and the Rent Supplement program should also be available to FmHA.

(f) The authority given to the Secretary of Agriculture to use county committees as a means of determining the eligibility of applicants for FmHA housing loans should be completely rescinded.

(g) The authorization for annual appropriations for development and planning grants for rural water and sewer systems should be raised from $115 million to $230 million.

(h) A legislative goal of at least 500,000 housing units per year for FmHA financing should be established. This is the level which will be needed to achieve the rural part of NHC's national housing goal which calls for 10,000,000 federally assisted housing units to be constructed or rehabilitated in ten years. More than half of the need is in rural areas.

(i) FmHA should be provided with funds for research geared to solve problems which often hamper or restrict housing developments in rural areas. An example is lack of waste disposal facilities. Research needs to be undertaken to develop a waste disposal system which could serve an individual home or a number of homes at a modest initial investment and low maintenance.

(j) Congress should establish a $6 billion level for FmHA insured housing loans in fiscal 1972. This would permit FmHA to finance at a level of about 500,000 housing units a year. Because these funds are raised through the sale of notes on the private market, the funding does not require appropriations from the Treasury. Therefore there is little impact on the Federal budget.

(k) NHC recommends that the FmHA staff be expanded to enable the agency to actively promote rental housing to aid in meeting rural needs.

(l) NHC recommends the amendment of the FmHA Act to enable the agency to promote and finance nonprofit housing development corporations as housing delivery systems to small towns and rural people.

(m) NHC recommends that legislation be enacted to assure that the American Indian—on and off reservations—is given the opportunity and choice to participate in all Federal housing programs.

(n) NHC recommends the establishment of a Rural Development Bank as provided in H.R. 15402 introduced by Congressman Patman.

(o) NHC recommends that the FmHA legislation be amended to authorize loans requiring principal and interest payments on as little as 50 percent of the principal, with the remainder covered by a second trust which would not bear interest or fall due for repayment until the first mortgage was paid off or the property changed hands.

(p) NHC recommends the creation of a Department of Rural Affairs, which would include those housing and community development functions currently administered by the Department of Agriculture, and which would receive its appropriations through new subcommittees of the House and Senate Appropriations Committees. In the absence of such an executive reorganization, NHC recommends that all appropriations for housing and community facilities programs be made through the same Appropriations subcommittees, whether the programs are administered by HUD or USDA.

(q) NHC recommends enactment of any necessary legislation to authorize and direct FmHA to establish escrow accounts on behalf of its housing borrowers for the payment of taxes and insurance.

(r) NHC recommends enactment of any necessary legislation to replace the present bonding requirements of FmHA County Offices with a fidelity bonding arrangement which would protect the government against fraud without making County Office staffs financially liable for non-fraudulent administrative errors.

(s) NHC recommends legislation authorizing FmHA to take all actions necessary to permit the use and compensation of housing consultants and specialists in preparing processing or otherwise assisting in the undertaking of housing financed or aided by FmHA.

3. *Recommendations for Administrative Actions:*

(a) Besides Congressional actions, there is a need for more effective executive actions and better coordination of Agriculture and HUD, and for consultation with industry and public interest groups. Such actions should be taken to assure that federal housing, community facility and planning aids for rural areas are equivalent to those available in cities and metropolitan areas.

(b) NHC recommends and urges the Secretary of Agriculture to stimulate and encourage programs under new and existing cooperative housing provisions to alleviate the housing ills in rural areas.

(c) NHC urges the Federal Housing Administration and the Farmers Home Administration (FmHA) to work out a plan for making housing credit available in small towns that are too large for FmHA to service (over 10,000), but not practical for FHA to service because of remoteness or other reasons. A serious credit shortage exists in many of these areas.

(d) NHC urges standardization of FmHA regulations and procedures which presently often vary from county to county and from state to state, making it difficult and sometimes impossible for outside groups to work effectively with FmHA. In this respect, the staff of the National FmHA should be expanded. Also, in many areas where the demand for housing is substantial, FmHA should assign housing specialists. Presently, county supervisors are responsible not only for housing but for many other FmHA programs as well. If FmHA is to achieve the potential which its housing program possesses, it must develop new administrative techniques to handle the greatly increased volume of housing applications.

(e) FmHA should reorganize its staff and further streamline its activities to speed up the making and servicing of loans.

(f) FmHA should increase its administrative limit of $100,000 for rural housing site loans to $500,000. The present limit, in view of escalating land costs and costs of developing rural land, is too low. As a result, the tremendous potential of this valuable new authority which FmHA received in the 1969 housing legislation is severely restricted.

(g) FmHA should strengthen its advance commitments to builders so as to encourage larger scale builders to operate in rural areas. This is essential to producing the volume of housing required to solve the critical shortage in rural communities. FmHA's administrative regulations prevent advance commitments from having the impact which Congress intended.

CHAPTER V. INTERIM ASSISTANCE AND INTERIM REHABILITATION PROGRAMS IN SLUM AND BLIGHTED AREAS

I. *Summary of Existing Legislation:* 1. *Interim Assistance for Blighted Areas as Provided for in the 1968 Housing Act.* The 1968 Housing Act authorizes the Secretary of HUD to contract to make grants aggregating up to $15 million in any fiscal year to cities or counties to assist them in taking interim steps to alleviate harmful conditions in slum or blighted areas or communities. To qualify, these areas must be planned for substantial clearance, rehabilitation, or federally-assisted code enforcement in the near future, and must need some immediate public action until permanent action can be taken. Grants may not exceed two-thirds of the cost of planning and carrying out an interim assistance program, except that three-fourths grants can be made to any community with a population of 50,000 or less. A community has to have an approved workable program to qualify for assistance.

2. *Need for Interim Rehabilitation Program.* In slum and blighted areas, there should be a program of rapid interim rehabilitation to correct those housing conditions which directly affect health and safety. The people now living in substandard housing should not be expected to wait until permanent neighborhood improvement programs are developed. We need a program which will provide grants and loans which can be rapidly disbursed to eliminate health and safety hazards, without regard to the useful life of the buildings. The objective is to provide whatever assistance is needed to achieve monthly charges, after interim rehabilitation, which will be within the financial reach of the low income and moderate income residents. The emergency upgrading of structures should not involve increases in rents beyond the reach of the present tenants.

3. *Funds for Interim Assistance.* There have been no appropriation authorizations to implement the 1968 Act providing interim assistance to alleviate harmful conditions in slum or blighted areas. However, $15 million of urban renewal funds have been allocated for this purpose.

II. *Recommendations:* 1. *Authorizations in Appropriation Acts.* NHC recommends expansion of the program through appropriate authorizations and additional urban renewal allocations for the interim assistance program in slum areas. This should include an advance appropriation and allocation for the next additional fiscal year to give cities and counties more lead time in planning interim steps to alleviate harmful conditions in slum or blighted areas. NHC further recommends that the amount of the appropriations—and legislative authorizations therefor—should be increased in response to the increasing needs evidenced by the appropriation requests which will be filed for interim assistance.

2. *Legislative Amendments on Interim Assistance.* All cities should be eligible for a three-quarters grant for the cost of planning and carrying out the interim program. Instead of limiting the larger grants to the smaller cities, the large cities should get such a grant and not be limited to a two-thirds grant.

3. *Legislation for Interim Rehabilitation Program.* NHC recommends legislation to provide for the above described program of interim rehabilitation to correct housing conditions which directly affect health and safety, without regard to the useful life of the buildings. The legislation should include the following:

(a) Amendments to broaden the interim assistance law to include such interim rehabilitation of housing as is necessary to protect the health and safety of residents. This would make grants available to cities and counties which are undertaking such a program.

(b) With respect to interim rehabilitation to correct conditions which directly affect health and safety in homes located in slum and blighted areas, the following financial assistance should be extended to owners of homes who have low and moderate incomes: (i) rehabilitation grants under Section 115 in an amount not to exceed $3,500; and (ii) rehabilitation loans under Section 312.

(c) Federal code enforcement grants for interim rehabilitation of housing.

(d) Federal grants to urban renewal agencies to acquire slum buildings which are in violation of housing codes, and for interim rehabilitation to eliminate hazards. Public acquisition of properties for interim rehabilitation may be an early acquisition of part of the property that would later be involved in a permanent renewal program for the neighborhood.

(e) Section 312 should be further amended to provide loans to public bodies or agencies which take possession or control of any property—through receivership or otherwise—which violates code requirements or local laws concerning health or safety. This would cover property where the owner has failed to correct such violations within a period prescribed by local law. The loan should be made on the condition that it will be repaid from the income derived from the rehabilitated property, with appropriate liens or other rights that will be enforceable against the property.

Pursuant to the foregoing legislation, the assistance should be sufficient to achieve monthly charges, after interim rehabilitation, which will be within the financial reach of the present occupants or of others of low or moderate incomes.

CHAPTER W. NEW TOWNS AND NEW COMMUNITIES

I. Summary of Existing Legislation: 1. *Need.* Since 40,000,000 additional people will be living in cities during the next decade, we need new towns and new communities to help take care of this increased urban population, to provide for an orderly dispersal of population and relieve further city congestion. These new towns would be carefully planned as balanced communities. They would be largely self-contained with homes, apartments, schools, jobs, hospitals, recreational facilities and open spaces. They should be planned to minimize transportation needs by assuring employment for residents within or near the community. They should provide housing for all income groups, including those of low and moderate incomes. These new communities can provide a new kind of urban living which can offer an alternative to the sprawling growth that threatens to overwhelm our metropolitan regions with costly and inefficient development.

There is an urgent need for Federal guaranties to overcome major obstacles which have prevented greater efforts in this field, namely: (1) the large capital investments to acquire large land areas and install the basic facilities needed to prepare the land for development; and (2) the extended period for the planning and installation of site improvements, during which large expenditures must be made for debt service, taxes and overhead.

2. *Authorizations in 1968 and 1969 Housing Acts.* The 1968 Act authorized HUD to guarantee obligations issued by new community developers to help finance approved new community developments. These guaranties were intended to overcome the major obstacles which have prevented greater accomplishments in this field. With the security of Federal guaranties, investors have been willing to provide financing geared to the realities of internal cash flow in new community development projects. To encourage localities to use Federal aid programs in support of new communities, the Act includes a program of incentive grants. When Federally-assisted facilities are being constructed to serve a new community, the public agency will be eligible—in addition to the basic Federal grants—for a supplementary grant covering an additional 20% of construction costs. However, the total federal contribution to the cost of community facilities cannot exceed 80% of the cost of the facility. This would include facilities such as water, sewer and the open-space land. Appropriations for supplemental grants were authorized in the amount of $5 million for fiscal year 1969 and $25 million for fiscal year 1970.

The 1969 Act amended Section 412(d) of the 1968 Act to authorize appropriations for new community assistance grants through the fiscal year 1971.

3. *Authorizations in Appropriation Acts.* For fiscal year 1970, $2,500,000 has been appropriated for supplemental grants to public agencies which install federally-assisted facilities to serve new communities. $5 million is included in the appropriation act for fiscal year 1971.

4. *Amendments in Housing and Urban Development Act of 1970.*

Title VII of the 1970 Housing Act—called the Urban Growth and New Community Development Act of 1970—created broad new urban growth concepts and programs. A review of the legislation follows:

New Community Development (Title VII) —Provides a package of Federal financial aids to new community developers, both private and public, to assist in the provision of newly built communities and major additions to existing communities, including:

(a) Guarantees of the bonds or other obligations of new community developers issued to finance land acquisition, land development, and construction of public and utility facilities; the outstanding amount that can be guaranteed with respect to all new community developments cannot exceed $500 million and with respect to each development, $50 million; the amount guaranteed cannot exceed the sum of 80 percent of the value of the property before development and 90 percent of the actual cost of the development, except that for public developers the guaranteed amount could be 100 percent of the above cost items.

(b) Loans to pay interest on bonds of new community developers, repayable on deferred basis as long as 15 years; loans to bear interest at similar rate to outstanding U.S. obligations of comparable maturities; the outstanding amount of loans cannot exceed $240 million for all developments and $20 million for one development.

(c) Special planning assistance grants to new community developers to pay up to two-thirds the cost of various planning for new community development; $10 million authorized over two years.

(d) Supplementary grants to states or localities for facilities to increase the Federal share under numerous public facility grant programs by up to 20 percent of the cost of such facilities, provided the total Federal share does not exceed 80 percent; $168 million authorized over 3 years.

(e) Public service grants to help defray the initial costs of essential public services (including schools) with respect to new communities; open-end authorization.

(f) Comprehensive planning grants to public bodies or organizations or public officials to finance planning for urban growth and the provision of new communities.

(g) Open space grants, up to 75 percent, to public bodies to finance acquisition of undeveloped land which can be used in connection with the growth of new communities including the expansion or revitalization of existing communities.

Other parts of this title would authorize new community demonstration projects by the Federal government on Federal land; require urban growth reports from the President through an identified unit of the Domestic Council every two years; and authorize urban renewal grants to finance the acquisition of vacant or inappropriately used land or space which could be developed for housing and related uses, the development of new communities in town, or other undertakings related to inner city needs.

New community land development

The 1970 Act amends title IV of the Housing and Urban Development Act of 1968 to authorize an increase in the Guarantee Fund for New Communities Land Development from $250 million to $500 million; extend the availability period of unexpended funds to July 1, 1974; and clarifies the conditions under which guaranty payments are to be made to bond holders.

II. *Recommendations:* 1. *Appropriations:*

(a) We recommend the full appropriation of $36,000,000 authorized for supplemental grants for fiscal year 1971 under the Urban Growth and New Community Development Act of 1970; also, an advance appropriation for fiscal year 1972 of $66,000,000 for supplemental grants in order to give more lead time for initiating and planning new communities.

(b) We further recommend the full appropriation of $5,000,000 authorized for financial assistance to private new community developers and state and local public land development agencies for their planning of new community development programs; also, an advance appropriation of the additional $5,000,000 authorized for this purpose on July 1, 1971.

2. *Increase in Legislation Authorizations.* We recommend that the aggregate limit on outstanding guaranties be increased by $1 billion above the present limit of $500 million. We further recommend an additional authorization of appropriations for supplemental grants of $100 million a year for 2 additional years so there will be authorizations for a 5-year period. There should be additional authorizations which are earmarked for new communities to assure the availability to public agencies serving such communities of adequate grants for all of the following: sewers; water, water conservation and water pollution control; public health services; education, community facilities; open-space land program; mass transit; airports; public works and economic development; or other types of new community assisted projects authorized by law.

3. *Other legislative Amendments.* The Bureau of Public Roads should be authorized to purchase excess land beyond the amount needed for the roads themselves. This would include land suitable for residential development which the Bureau should make available to rehouse displaced families. At large road interchanges, the Bureau should be authorized to acquire additional land for the development of new communities which can meet the needs of our growing population, including displaced families. Such land can generally be acquired by the Bureau at low cost at the time that land is being acquired for new road systems.

4. *Recommendations for Administrative Action:*

(a) In view of the critical need for this program to help take care of population increases, relieve city congestion and provide building sites, NHC urges HUD (i) to utilize and effectuate fully the Urban Growth and New Community Development Act of 1970 and (ii) to act promptly on guaranties required by developers to enable them to get financing for these new communities which are urgently needed.

(b) A priority should be established for sewer, water, mass transit, public health, education and other grants to public agencies for all new community assisted projects authorized by law.

CHAPTER X. ADEQUATE SITES FOR EXPANDED HOUSING PROGRAM

1. *Summary of Existing Legislation:* 1. *Objectives.* One of the most serious impediments to achieving our housing goals is the lack of adequate building sites at reasonable prices. It will be impossible to provide the necessary additional supply of housing unless suitable improved sites are available, which include all of the public services and facilities necessary for a suitable living environment. There is a special and critical problem relating to the availability of improved land for low and moderate income housing; such housing is least able to compete for land because it cannot pay as high a price. In addition, restrictive zoning and other practices have precluded many suitable building sites from being utilized to house these income groups. To meet these problems and facilitate achievement of the necessary expansion of total housing production on a well-planned basis, the National Housing Conference recommends the legislative and administrative measures described below.

2. *Authorizations in Existing Legislation.*

The following is a summary of some of the major provisions in existing legislation which can effectively be utilized to make improved land available for expanded housing production, particularly for those of low and moderate incomes:

(a) The urban renewal legislation authorizes the acquisition of land and its disposition, with appropriate write-downs based on the planned use of the land. The legislation recognizes the special needs for rehousing families who are displaced and those of low and moderate incomes. The urban renewal laws are important tools which can be used to help provide an adequate supply of improved building sites at reasonable prices for housing, with emphasis on meeting the needs of persons of low and moderate incomes. (See paragraph 4(g) of Chapter S for an explanation of the provision in the 1969 Housing Act requiring a "one for one" replacement of housing demolished within the jurisdiction of the Urban Renewal Agency.)

(b) The 1968 and 1970 Housing Acts authorize programs for new communities and urban growth—as described in the preceding chapter—which should produce improved building sites for homes and apartments in carefully planned communities, including all necessary public and community facilities. The law requires that low and moderate income housing be included in these new towns as a prerequisite for supplemental grants to public agencies in providing water, sewer and other public facilities and services.

(c) Under existing law, federal grants are available to public agencies for water and sewer facilities, neighborhood facilities, open space and programs for advance acquisitions of land as described below. When adequately funded—as recommended elsewhere in this report—this legislation should enable public agencies to provide the water, sewer and other public facilities required for the improvement of land, so that it will become suitable and available for residential construction.

3. *Amendments in Housing and Urban Development Act of 1969.* Sale of Land for Housing.

It permits real property which is surplus within the meaning of the Federal Property and Administrative Services Act to be transferred to the Secretary of Housing and Urban Development at his request for sale or lease by him at its fair value for use in the provision of rental or cooperative housing to be occupied by families or individuals of low or moderate income. Surplus real property can be sold on such terms by the Secretary if it is sold to (1) a public body which will use the property in connection with the development of a low-rent housing project assisted under the United States Housing Act of 1937, or under a state or local program found by the Secretary to have the same general purposes as the federal program under such act, or (2) a purchaser who will use the property in connection with the development of (i) rent supplement units, (ii) below-market-interest-rate moderate income housing or (iii) rental housing on behalf of which interest reduction payments are made under Section 236 of the National Housing Act. Prior to any sale or lease to a purchaser other than a public body the Secretary must notify the governing body of the locality where the property is located and no sale or lease may be made if, within 90 days, the local governing body formally notifies the Secretary that it objects to the proposed sale or lease.

As a condition to any sale or lease of surplus real property, the Secretary of Housing and Urban Development is required to obtain such undertakings as he may consider appropriate to assure that the property will be used in the provision of rental or cooperative housing to be occupied by families or individuals of low or moderate income for a period of not less than 40 years. If during such period the property is used for any purpose other than the purpose for which it was sold or leased, it will revert to the United States (or, in the case of leased property, the lease will terminate) unless the Secretary, after the expiration of the first twenty years of such period, has approved the use of the property for such other purpose. The Secretary must notify the Senate and House Committees on Banking and Currency whenever any surplus real property is sold or leased pursuant to this section.

4. *Disposition of Surplus Land for Low and Moderate Income Housing and Related Facilities.* The 1970 Act amends Section 414 of the Housing and Urban Development Act of 1969 to authorize the Administrator of General Services to dispose of Federal surplus land to the Secretary of HUD for the construction of low and moderate income sales housing and related public commercial and industrial facilities. Existing law authorizes such disposal only for low and moderate income rental or cooperative housing.

II. *Recommendations:* 1. NHC recommends full funding and full use of all of the authorizations in existing legislation for the purpose of assuring that there will be an adequate supply of improved building sites available at reasonable prices to meet our housing goals, with special emphasis on the needs for such land at prices which would permit its use for housing persons of low and moderate incomes. The amount of the appropriations and authorizations for these programs (including urban renewal) should be increased commensurate with the tremendous need to increase the supply of improved building sites to enable the contemplated expansion of housing production.

2. NHC recommends necessary increases in the authorizations and appropriations for all the programs which provide Federal assistance for public services and facilities in the new areas where improved land is to be made available for housing including: water and sewer systems; neighborhood facilities; open space; the new towns and new communities program; mass transportation; health, education and welfare.

3. The additional improved building sites should be made available both within the cities and outside of the cities. We must make available for housing development extensive areas of vacant land or other sites which do not involve substantial residential displacement; such land must be provided with necessary public and community facilities and services. Existing legislation should be amended to the extent necessary to enable the write-down of improved sites in such new areas of vacant land so the improved land will be at a price which enables its use for housing, particularly for those of low and moderate incomes.

4. To help provide the measures necessary to accomplish the foregoing objectives. NHC supports and urges the passage of S. 609, the "Urban Planning and Housing Assistance Act of 1971," introduced by Senator Javits. This bill contains the following provisions to encourage improved land utilization and expanded housing programs:

(a) It would deny assistance under programs of the Department of Housing and Urban Development to cities which employ restrictive land use practices to exclude publicly-assisted housing for low and moderate income families.

(b) It would provide 50 percent grants to pay for local services, such as transportation or water and sewers, which would be affected by more intensive land utilization and expanded housing.

5. To help provide sites for low and moderate income housing, NHC believes that nonprofit and profit-motivated sponsors need assistance from the Federal Government to overcome local restrictive zoning and other discriminatory practices which exclude Federally assisted housing. We strongly recommend the legislation described in paragraph 3(o) of Chapter B.

6. Federal grants should be made to municipalities and public agencies to cover impact costs of providing educational, health and other services which result from the location of housing developments in an area. The Federal grant should cover the additional costs involved which cannot be met from collections of full taxes or their equivalents on the project. We recommend payment of full taxes or their equivalents on public and other assisted housing.

CHAPTER Y. PUBLIC AND COMMUNITY FACILITIES INCLUDING WATER, SEWER, NEIGHBORHOOD FACILITIES AND OPEN-SPACE LAND PROGRAMS

I. *Summary of Existing Legislation:* 1. *Need.* There is a great and continuing need for Federal public facilities grants to assist in overcoming serious backlogs in replacing substandard or obsolete facilities—especially in the central cities—and eliminating water pollution and meeting the unprecedented demands for additional facilities and services generated by population expansion. These needs cut across whole metropolitan areas and involve central cities, new suburbs and the new communities still to come. This essential expansion in Federal aid could be a potent influence in resolving the present chaotic conditions created by the multiplicity of local governmental jurisdictions in most metropolitan areas. This multiplicity has led to suburban sprawl, land misuse, land speculation, and frequent failure of metropolitan area and regional planning as an effective tool for the control of new developments. Such a program could provide important leverage to establish coordinated local governmental approaches to control programs of area and region-wide significance. At the same time, it could foster decentralization of local governmental functions of strictly local application.

2. *Authorizations in 1968 and 1969 Housing Acts.* (a) The 1968 Act only authorized funds to be appropriated for water and sewer facilities and the open-space land program. For water and sewer facilities an additional $150 million was authorized for fiscal year 1969

and $115 million for fiscal 1970. For the open-space land program, the 1968 Act authorized to be appropriated for the purpose of making grants an additional $150 million (for a total ceiling of $460 million) prior to July 1, 1970. The limit on the amount of funds the Secretary of HUD is authorized to use for grants for technical assistance on open space was raised by $75,000. The Act provided that any appropriations made for water and sewer facilities, neighborhood facilities, and advance acquisitions of land programs not already appropriated may be appropriated for fiscal 1970. The Act extends the interim planning requirements under the basic water and sewer facilities grant program to October 1, 1969.

(b) The 1969 Act authorized for Open Space, Urban Beautification, and Historic Preservation Grants: Section 702(b) of the Housing Act of 1961 is amended to extend the availability of approximately $84 million in unused authorization for open space, urban beautification, and historic preservation programs through the fiscal year 1971. Prior to this amendment the authorization would have expired at the end of the fiscal year 1970.

(c) The 1969 Act authorized for Community Facilities Grants: Section 702(c) of the Housing and Urban Development Act of 1965 is amended for one year (until October 1, 1970) the time within which a community may qualify for a basic water and sewer facilities grant even though its program for an area-wide system (though under preparation) has not been completed.

(d) The 1969 Act amends Section 708(b) of the 1965 Act to authorize appropriations for grants for basic water and sewer facilities, neighborhood facilities, and advance acquisition of land through the fiscal year 1971. Prior to this amendment, these appropriations were authorized to be made only through fiscal year 1970.

(e) The 1969 Act amends Section 708(a) of the 1965 Act to authorize the appropriations of an additional $100 million for basic water and sewer grants for fiscal year 1971.

3. *Authorizations in Appropriation Acts.* For fiscal year 1969 there was an appropriation of $165 million for water and sewer grants, an appropriation of $75 million for open-space land grants, and an appropriation of $35 million for neighborhood facilities grants. For fiscal year 1970, there was an appropriation of $135 million for water and sewer—plus $15 million carryover—$75 million for open space and $40 million for neighborhood facilities. The vetoed appropriation act for fiscal year 1971 contained $500 million for water and sewer facilities grants, $75 million for open space land programs and $40 million for neighborhood facilities grants. As finally passed, the appropriation act included $350 million for water and sewer facilities grants and $75 million for open space land programs and $40 million for neighborhood facilities grants.

4. *Amendments in the Housing and Urban Development Act of 1970: Consolidation of Open-Space Land Programs*—The 1970 Law amends title VII of the Housing Act of 1961 (grants for open-space land, urban beautification and historic preservation) to authorize a single program of grants for (1) acquisition of title to, or other interests in, open-space land in urban areas, and (2) the development of open-space or other land in urban areas for open-space uses (including historic preservation).

5. *Other Legislation—1970.* In addition to the regular water and sewer appropriation, Congress passed a $1 billion authorization for basic water and sewer facilities. When President Nixon signed this bill, he commented that he would not spend the money if it were appropriated. To this date there has been no appropriation.

II. *Recommendations:* 1. *Urgent Need To Continue Water and Sewer Grant Program.* The Budget Message contemplates phasing out the water and sewer program and consolidating it with three other categorical grant programs into a new community development grant program. For the reasons set forth in Chapter E, NHC opposes this plan to phase out water and sewer grants and other categorical grant programs. However, we are in agreement with the principle that these Federal grants should be made available for use by local governments without Federal accountability or program supervision, except for (1) compliance with nondiscrimination obligations and (2) the use of funds for the specific purpose of the grant.

The water and sewer grant program is facing a serious threat. Of the $350 million appropriated for fiscal 1971, the Administration intends to obligate only $150 million and to carry the balance of $200 million over to next year. Evidently, it is planned to use only $100 million of this money during the first six months at which time the Community Development Program would become operative if legislation were enacted to implement it. We urge the retention of the water and sewer grant program. The full amount authorized for fiscal 1971 should be spent. In addition, there should be an additional appropriation for fiscal 1972 at least equal to the $350 million appropriated last year for water and sewer facilities grants.

There should also be advance appropriations for each succeeding fiscal year, besides the current one, to give public agencies more lead time for their planning and development of these programs. When the additional legislative authorization recommended below is made, we recommend an increase in the rate of appropriations to $2 billion annually for water and sewer grants, and for other public and community facilities as described below.

2. *Increase in Legislative Authorization.* NHC recommends a 5-year authorization of $2 billion annually for grants to local governments for basic water and sewer facilities and other types of public improvements and community facilities. Of the $2 billion, $250 million should be made available annually for the open space land program. The public improvements and community facilities should include those authorized by the 1965 Act such as neighborhood and public facilities, particularly in slum and ghetto areas. It should also include the acquisition of land to provide parks and recreational facilities in urban areas, so that they are closely accessible to the people who need them most.

3. *Other Legislative Amendments:*

(a) As recommended in these recommendations on other comparable programs, Federal grants to larger cities for public and community facilities should be increased to ¾ from the present ⅔, since their need is as grave as that of small cities. For neighborhood centers, parks and recreational facilities in slum and ghetto areas, the Federal grant should be 100%. Moreover, there should be annual Federal grants to provide for the staff and operating expenses of such facilities. The neighborhood facilities centers in such areas should be permitted to include swimming pools—either indoor or outdoor—and gymnasiums.

(b) We believe that the foregoing grants should be generally restricted to communities that are simultaneously providing adequate housing for low and moderate income families, where the need for such housing exists.

CHAPTER Z. FEDERAL PROGRAM FOR PLANNING AND MANAGEMENT ASSISTANCE TO STATES, TO AREA-WIDE AGENCIES AND TO LOCALITIES

I. *Summary of Existing Legislation:* 1. *Need.* The increased concentration of population in and around metropolitan areas has been an urgent need for a coordinated development of resources and services for urban and rural areas and a need to facilitate comprehensive planning for these areas. Because of the problem of multiplicity of political jurisdictions and agencies involved with this planning, and because of the inadequacy of the operational and administrative arrangements available for cooperation among them, NHC believes that Federal programs are badly needed to achieve the additional participation and cooperation from the states and localities. The 1968 Housing Act contains the following provisions to meet this need:

(a) The Section 701 planning assistance grant program is extensively revised. The Secretary of HUD is now authorized to make comprehensive planning grants to State planning agencies for assistance to "district" planning agencies for any other nonmetropolitan areas. Consultation with the Secretary of Agriculture is required prior to approval of any district planning grants. The Secretary of Agriculture and, when appropriate, the Secretary of Commerce, may provide technical assistance in connection with the establishment of districts and the carrying out of planning by them.

(b) Other new provisions authorize direct planning grants to Indian tribal planning councils or other bodies for planning on Indian reservations; to regional and district councils or government as well as those organized on a metropolitan basis; to regional commissions and economic development districts established under the Public Works and Economic Development Act of 1965; to cities, without regard to population, within metropolitan areas for planning which is part of metropolitan planning; and to official Government planning agencies for area where rapid urbanization is expected as a result of a new community development assisted under Title IV of the Act. The Secretary is required to consult with the Secretary of Commerce before making any planning grant which includes any part of an economic development district.

(c) The definition of comprehensive planning is broadened to include planning for the provision of governmental services and for the development and utilization of human and natural resources. The inclusion of a housing element is required as part of the preparation of comprehensive land use plans. The use of private consultants, where their professional services are deemed appropriate by the assisted governments, is added to the stated purposes of the program.

2. *Authorizations in the 1968 and 1969 Housing Acts:*

(a) *Comprehensive Planning.* The Act increased the amounts authorized to be appropriated for the purposes of comprehensive planning by $35 million making a total not to exceed $265 million prior to July 1, 1969 and authorized to be appropriated an additional $125 million for a total not to exceed $390 million prior to July 1, 1970. Of the amount available prior to July 1, 1969, $20 million may be used only for district planning grants and that amount shall be increased by $10 million on July 1, 1969. All amounts appropriated must remain available until expended except that any funds so appropriated, not to exceed an aggregate of $10 million plus 5 percentum of the funds so appropriated, may be used by the Secretary for studies and research in comprehensive planning.

(b) *Planned Area-Wide Development.* Supplementary grants (designed to encourage areawide planning) are authorized for Federally-assisted projects in all multijurisdictional areas (not just metropolitan areas as previously provided) such as the rural planning districts proposed to be assisted with comprehensive planning grants under the comprehensive planning provisions of the law. Unused authorizations for appropriations for supplementary grants for fiscal year 1967 and 1968 are made available through fiscal year 1970.

(c) The 1969 Housing Act amends Sec. 701 (a) of the 1954 Housing Act to extend availability of approximately $100 million in unused authorization for comprehensive planning grants through the fiscal year 1971. Under existing law this authorization will expire at the end of the fiscal year 1970.

3. *Amendments in Housing and Urban Development Act of 1970*. The 1970 Act amends Section 701(b) of the Housing Act of 1954 to extend for 1 year (through fiscal year 1972) authority to appropriate unused authorizations for comprehensive planning grants. The Act also authorizes an additional $30 million for comprehensive planning grants to be appropriated prior to July 1, 1972.

4. *Authorizations in Appropriation Acts*. For fiscal year 1969, $43,338,000 was appropriated for urban planning grants. Out of $10 million requested for areawide development grants for fiscal year 1969, none was appropriated for fiscal year 1970. $50 million has been appropriated for urban planning grants for fiscal year 1970 and 1971. Again, nothing was appropriated for areawide development grants. President Nixon's budget request for fiscal year 1972 requested $30 million for Comprehensive Planning Grants.

II. *Recommendations: Additional Authorization in Appropriation Acts*. NHC urges that full amounts be appropriated for supplemental grants for the orderly growth of our urban areas. These are needed to achieve more effective coordinated metropolitan area planning and program development. In addition, NHC urges that the $10 million authorized for a program of areawide incentive grants be appropriated.

President's New Planning and Management Program. In his Message on March 5, 1971, dealing with special revenue sharing on urban community development, the President recommended federal grants for a new Planning and Management Program. We quote from his Message:

"To strengthen State and local capacities even further, I am presenting a second proposal today, one that would do a great deal to help *all* of our revenue sharing proposals work even better. I am asking the Congress to authorize a new program of Planning and Management Assistance to States, to areawide agencies and to localities. Under this program, $100 million would be available for these purposes.

"The new program would involve more money, and would provide recipient governments with broader and more flexible support for building up their capacity to govern effectively. . . . It will place new emphasis on the creation of a comprehensive management process, one that ties together planning and action, not just in the community development field, but in fields such as transportation, education, law enforcement and all other fields of local and areawide governmental endeavor. . . ."

Until we know more about the proposed operation and specifics of this new program, NHC is not able to take a position on it. However, we are favorably disposed to it: (i) if it will result in an increase in the total amount of aid available to States, area-wide agencies and localities for the important purposes contemplated by the program; (ii) if the new program will not adversely affect any present programs; and (iii) if there is no interruption or withholding of funds for present programs during the transitional period until the new program is enacted and becomes fully operational.

CHAPTER AA. URBAN MASS TRANSPORTATION

I. *Summary of Existing Legislation:*

1. *Objective*. There is an urgent need to modernize, expand and reorganize the urban transportation systems. Adequate Federal grants are necessary to achieve this objective.

2. *Authorizations in the 1968 and 1969 Housing Acts:*

(a) The 1968 Act increased authorized appropriations for grants and other assistance to urban mass transportation by $190 million for fiscal year 1970. The amount of funds which can be used for research, development, and demonstration projects was increased by $6 million, commencing July 1, 1968; also the statutory limit on the funds available for this purpose is removed, commencing July 1, 1969. The definition of "mass transportation" was broadened to allow greater flexibility and opportunity for application of new concepts and systems.

(b) The 1969 Act amended Section 4(b) of the Urban Mass Transportation Act of 1964 to authorize appropriation of $300 million for fiscal year 1971 for grants under that Act.

3. *Authorizations in Appropriation Acts*. For the fiscal years 1969 and 1970 there were appropriations of $175 million each year. Of the total amount in legislative authorizations for mass transit grants, $70 million has not been appropriated. Section 5 of the 1964 Act is amended to extend until July 1, 1971, the interim program there authorized of 50 percent grants for mass transportation facilities and equipment in urban areas not yet able to meet full areawide comprehensive planning and programming requirements. These emergency grants are in place of the two-thirds federal grants available when all comprehensive planning requirements are met.

II. *Recommendations:* 1. *Additional Authorizations in Appropriation Acts*. NHC recommends an appropriation of the $70 million authorized by law for mass transit grants, but not yet appropriated. When the additional legislative authorization recommended below is made, we urge an increase in the rate of appropriations of $750 million annually for mass transportation grants. No funds were requested by HUD for fiscal year 1971 because under an agreement between HUD and the Department of Transportation (DOT), the administration of HUD's residual functions in mass transportation will be transferred to DOT, as will unobligated balances.

2. *Increase in Legislative Amendments*. NHC recommends that the authorization of appropriations for mass transit grants be increased to $750 million per year for the next five years. The expansion of the program is necessary to achieve the housing and urban development goals recommended in this report. We also urge an advance appropriation for each succeeding fiscal year, besides the current one, in order to give cities more lead time for planning their mass transit programs.

CHAPTER BB. RESEARCH, TECHNOLOGY, TRAINING, AND TECHNICAL ASSISTANCE

I. *Summary of Existing Legislation:* 1. *Need for Basic Research and Training:*

(a) The housing industry has neither the organization nor the resources to support substantial research in the area of housing technology and research. Existing research is almost exclusively in the hands of material and large equipment suppliers and reflects the particular interests of these groups. It is necessary that federal financial support be given toward the development of new systems and overall construction techniques. The technological advances necessary to reduce housing costs must be accompanied by more uniform building codes in all areas of the nation. This will make it more feasible for developers and manufacturers to produce housing and materials for a national market.

(b) There is a shortage of trained professional and sub-professional personnel in the broad field of community development. This presents a serious problem in achieving effective action programs.

2. *Authorizations in 1968 and 1969 Housing Acts*. The 1968 Act recognizes the need for urban technical assistance, research, and training and provides assistance in the following areas:

(a) *Advances in Technology in Housing and Urban Development*. The Act authorizes such sums as may be necessary to be appropriated, commencing with fiscal year 1969, for studies of new and improved techniques and methods of applying advances in technology to housing construction and rehabilitation, and to urban development. Four-year contracts are authorized for such studies rather than two-year contracts as heretofore authorized.

(b) *Housing for Lower Income Families Through New Technologies*. The Act directs the Secretary of HUD to institute a program under which qualified public and private organizations will submit plans for the development of housing for lower income families, using new and advanced technologies, on Federal land which has been made available for that purpose or on other suitable land. The Secretary is to approve five plans, each of which shall have a technology and organization with a potential to produce at least 1,000 dwelling units a year. The Secretary is to seek the construction of that number of dwelling units a year over a five-year period for each of the various types of technologies proposed in approved plans. Mortgages financing the projects are authorized to be insured under the FHA experimental housing program.

(c) *Authorization for Urban Information and Technical Assistance Service Program*. The Act increases the authorization for grants to states to assist in the provision of urban information and technical assistance by $5 million for fiscal year 1969, and by $15 million for fiscal year 1970. Amounts authorized for these grants, but not appropriated, are authorized to be appropriated for any succeeding fiscal year commencing prior to July 1, 1970. In the Administration's budget requests for fiscal year 1971, the Urban Information and Technical Assistance program are combined with the Comprehensive Planning Assistance (701) program described in Chapter X.

(d) *Federal-State Training Programs*. The Act broadens the Federal-State training program to permit grants to states for training of subprofessional—in addition to professional—persons who will be employed in the field of housing or community development. The trainees may be trained for employment by private nonprofit organizations or public organizations which have responsibility for housing and community development programs.

(e) *1969 Act Amended Training and Fellowship Programs as follows*: Title VIII of the Housing Act of 1964 was revised to consolidate, under one authorization, that title's program of fellowships for city planning and urban studies and the community development training program. Specifically, the title:

(1) Consolidates the title by striking the headings which divide it into two separate parts;

(2) Amends Section 801(b) by including, as a purpose of the consolidated title, the provision of "fellowships for the graduate training of professional city planning and urban and housing technicians and specialists";

(3) Amends Section 810 by striking the first sentence (which authorizes appropriations for urban fellowships) and substituting a general authority for the Secretary to provide such fellowships;

(4) Substitutes for Section 802(d), which authorizes without fiscal year limitations $30 million in appropriations for community development training programs, a new section numbered 806 authorizing appropriations,

without fiscal year limitation, of up to $30 million for the consolidated Title VIII program; and

(5) Amends appropriate sections of the title to strike inapplicable references to its several "parts" and substitute appropriate reference to the "title" or to the various "sections" thereof.

(f) *Extension of Urban Information and Technical Assistance Services Authorization:* The 1969 Act amended Section 906 of the Demonstration Cities and Metropolitan Development Act of 1966 to authorize appropriations for grants to help finance programs of urban information and technical assistance services through fiscal year 1971. Prior to this amendment, appropriations were authorized to be made only through fiscal year 1970.

3. *Authorizations for Urban Research and Technology in Appropriation Acts.* There was an appropriation of $11 million for fiscal year 1969 for urban research and technology and an appropriation of $12 million for the low income demonstrations program for fiscal year 1969. There was an appropriation of $500,000 for urban fellowships. There was no appropriation for the urban information and technical assistance service programs. For fiscal year 1970, $25 million was appropriated for urban fellowships. For fiscal year 1971, $30 mililon was appropriated for urban research and technology; $35 million was appropriated for community development training and urban fellowships.

4. *Additional Authorizations for Training and Fellowships in Appropriation Acts.* NHC recommends necessary appropriation authorizations to carry out all of the authorizations in the 1968 and 1969 Acts for training and fellowship programs. In addition, NHC recommends that $1 million a year be appropriated for training under a 5-year program; and that the fellowships be increased to $2 million a year under a 5-year program.

5. *Amendments in Housing and Urban Development Act of 1970:*

(a) *Research and Demonstrations*—The 1970 Act authorizes and directs the Secretary of Housing and Urban Development to undertake such programs of research, studies, testing, and demonstration relating to the mission and programs of the Department as he determines to be necessary and appropriate. To carry out activities under this section there would be authorized to be appropriated such sums as may be necessary. All funds so appropriated would remain available until expended unless specifically limited.

(b) *General Provisions*—The 1970 Act brings together under one heading a series of administrative and other provisions which are applicable to activities under section 501 as follows:

(i) A new section, which is based on section 1010 of the Demonstration Cities and Metropolitan Development Act of 1966 and section 417 of the Housing and Urban Development Act of 1969, directs the Secretary, to the greatest extent feasible, to require the use of advanced technology under housing programs administered by him, and to encourage and promote the acceptance and application of such advanced technology by all segments of the housing industry, communities, and the general public.

(ii) A new section is based on section 108 of the Housing and Urban Development Act of 1968. It provides that in order to encourage large-scale experimentation in the use of new technology with a view toward the ultimate mass production of housing and related facilities, the Secretary shall, wherever feasible, conduct programs under section 601 in which qualified organizations, public and private, will submit plans for development and production of housing and related facilities using such new advances on Federal land where local building regulations or variances from them permit such experimental construction.

(iii) A new section is based on provisions in section 1010 of the Demonstration Cities and Metropolitan Development Act of 1966 and section 108 of the Housing and Urban Development Act of 1968. The Secretary would be authorized, in connection with projects under this title, to acquire and dispose of land and other property required for the project as he deems necessary.

(iv) A new section which is based on section 314 of the Housing Act of 1954, section 301 of the Housing Act of 1943, section 602 of the Housing Act of 1956, and section 1011 of the Demonstration Cities and Metropolitan Development Act of 1966, authorizes the Secretary to pay for the cost of writing and publishing reports on activities financed under section 501, and similar activities, not so financed which are of significant value in furthering the purposes of that section.

(v) A new section is based on provisions in section 301 of the Housing Act of 1948, section 314 of the Housing Act of 1954, section 207 of the Housing Act of 1961, and sections 1010 and 1011 of the Demonstration Cities and Metropolitan Development Act of 1966. It authorizes the Secretary to carry out his functions under section 601 either directly, or by contract or grant.

(vi) A new section is based on title III of the Housing Act of 1948, section 602 of the Housing Act of 1956 and section 601 of the Economy Act of 1932 (31 U.S.C. 686). It requires the Secretary to utilize facilities of other Federal departments and agencies, and to consult with and make recommendations to such agencies; and authorizes him to enter into working agreements with them.

(vii) A new section is based on provisions in section 602 of the Housing Act of 1956 and provides that the Secretary is authorized to obtain information from private and public sources.

(c) *Repeal of Existing Research Authorities*—The 1970 Law repeals, effective July 1, 1971 (except for contracts, commitments, reservations, or other obligations entered into prior to that date) title III of the Housing Act of 1948, section 314 of the Housing Act of 1954, section 602 of the Housing Act of 1956, section 207 of the Housing Act of 1961, section 301 of the Housing and Urban Development Act of 1965, sections 1010 and 1011 of the Demonstration Cities and Metropolitan Development Act of 1966, and subsection 1714(b) of the Housing and Urban Development Act of 1968.

6. *Recommendations on Research and Technological Development:*

(a) NHC supports an increase of $75 million in the appropriation for research and development over the $45 million contained in the HUD budget proposed for the fiscal year beginning July 1, 1971 (fiscal 1972).

(b) NHC supports legislation authorizing FHA insurance of the cost of plant production facilities for approved industrialized housing systems. This can be done through an amendment of the experimental housing provisions under Section 233 of the National Housing Act.

(c) NHC recommends administrative action or legislation, if necessary, to permit—in the case of FHA-insured rental or cooperative projects involving use of factory-produced components—the making of progress payments by the developer to the housing manufacturers based upon certified invoices of receipts and expenditures for materials and labor by the manufacturer, such progress payments to be covered by the FHA insurance of construction advances to the developer.

CHAPTER CC. OPERATION BREAKTHROUGH

I. *Summary of Existing Legislation:* 1. Last summer Secretary Romney initiated the Operation Breakthrough program. It is designed to achieve advances in design and planning of housing and to use modern techniques of production, marketing and management. Its purpose is to increase greatly the supply of quality housing, particularly for those of low and moderate incomes.

2. To initiate Operation Breakthrough, HUD solicited requests for proposals for several types of contracts: Type A for design, testing and evaluation, and prototype construction of complete housing systems which can lead to volume production. The program is planned in three phases: Phase I, Design and Planning; Phase II, Prototype Construction, and Phase III, Volume Production. HUD has made awards to 22 bidders for Type A contracts.

3. Type B contracts were solicited for research, development and design of innovative concepts for any individual or group of primary elements of building systems, materials and techniques, land use concepts and business considerations—including legal, financing, processing and management techniques. HUD is now studying proposed awards for Type B contracts.

4. HUD sought and has awarded contracts for eight prototype sites (from 5 to 30 acres each) to be brought under Government control and used to erect and display the prototypes which HUD selects. HUD intends that the sites will be an effective marketing device to spur demand for projects using the prototype dwellings.

5. Volume production is to be achieved with the aid of one or more of the HUD programs, including Sections 235 and 236. HUD intends to give priority in allocation of funds—under Sections 235, 236 and other programs—to projects using the prototype dwellings.

6. The 1969 Housing Act amended Section 1010(a) of the Demonstration Cities and Metropolitan Development Act to direct the Secretary of Housing and Urban Development to assure—to the extent feasible, in connection with the construction, major rehabilitation, or maintenance of any housing assisted under that section—that there is no restraint by contract, building codes, zoning ordinances or practice against the employment of new or improved technologies, techniques, materials, and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance. The purpose is to stimulate expanded production of housing under such programs, except where the foregoing restraints are necessary to insure safe and healthful working and living conditions.

II. *Recommendations:* 1. NHC favors Operation Breakthrough and the programs of technological development in housing with their objectives to add to the production resources necessary for the achievement of our housing goals; also, to help offset the inflationary rise in housing costs. Inflationary increases in housing and financing costs have adversely affected the consumer and made it impossible for many people who need homes to get them at prices or rents which they can afford.

2. NHC has always urged the prompt and full use of all funds authorized by the Congress for housing production rather than withholding funds or uses that will not materialize during the ensuing year. Accordingly, NHC urges that HUD take no action at this time which would withhold funds from use except where the Operation Breakthrough housing is already under production using a system which has been approved by HUD.

CHAPTER DD. LOAN INSURANCE FOR MOBILE HOMES

I. *Summary of Existing Legislation:* 1. *Need.* During the last 2 years, there has been a great increase of interest in mobile homes as a source of lower cost housing. Sales of mobile homes have increased substantially, from about 235,000 in 1967, to about 300,000 in 1968, and may total nearly 400,000 in 1969.

A recent survey conducted by the Bureau

of the Census for HUD revealed that mobile homes contribute significantly to housing supply. However, while the production and sale of mobile homes have expanded greatly in recent years, so that an estimated 5½ million people live in about 1,800,000 mobile homes in the United States, the number and quality of mobile home parks have not kept pace. There is a great deficiency of suitable mobile home park spaces, and generally the ones that exist are improperly designed and provide inadequate community facilities.

2. *Amendments in the Housing and Urban Development Act of 1969.* Section 207 of the National Housing Act is amended to increase the maximum amount of a mortgage which may be insured for a mobile home court from $1,800 to $2,500 per space and from $500,000 to $1,000,000 per project mortgage. The section also redesignates, for greater accuracy, the mortgage insurance program for "trailer courts or parks" as a program for "mobile home courts or parks."

Title I of the National Housing Act is amended to authorize the establishment of a new FHA program financing the purchase of a mobile home to be used by the owner as his principal place of residence. Under this program, a purchaser can obtain an FHA-insured loan in an amount not exceeding $10,000 which must be repaid over a maximum term of 12 years. The financing charge to the purchaser is to be prescribed by the Secretary of Housing and Urban Development and may vary depending on the amount and term of the loan. In addition, the Secretary is required (1) to prescribe minimum property standards to assure the livability and durability of the mobile home and the suitability of the site on which the mobile home is to be located, and (2) to obtain assurances from the borrower that the mobile home will be placed on a site which complies with the standards prescribed by the Secretary and with local zoning and other applicable local requirements.

3. *Amendments in the Housing and Urban Development Act of 1970 Mobile Home Loans Under Title I.* The 1970 Act amends section 2(b) of the National Housing Act (home improvement and mobile home loan insurance) to provide that when a mobile unit is composed of two or more modules, the maximum insurable mobile home loan shall be $15,000 (instead of $10,000) and the maximum term shall be 15 years 32 days (instead of 12 years 32 days).

II. *Recommendations:* 1. NHC recognizes the contribution which mobile homes can make toward meeting our national housing goals, particularly among lower income families. The rapid improvements in the quality and living space of mobile homes—and the use of modular and other modern production techniques—have enhanced the usefulness of such homes, particularly since the cost of other housing has increased beyond the financial reach of families of modest means.

2. NHC recommends that necessary safeguards be established for mobile home parks which will assure that the mobile homes are located in an area that has adequate sanitary and community facilities; also, to assure that the mobile home parks are planned in a manner which is not inconsistent with sound urban development of metropolitan areas. In many cases, mobile home courts are built just outside the cities and just beyond the reach of present zoning and building code authorities. Yet, population growth will result in the expansion of metropolitan areas to embrace the areas covered by the mobile home parks. Accordingly, it is necessary that the mobile home parks conform to the long-range plans of metropolitan areas. Likewise, it is necessary to assure that the mobile homes meet appropriate quality and space standards.

NHC recognizes wider and larger mobile homes can be built with substantially the same quality as other homes which qualify for FHA insurance. NHC recommends that such mobile home units be eligible for 40-year mortgage financing under Sections 213, 207, and 221(d)(3) if such projects (a) meet FHA design, construction and durability standards and (b) conform to site planning and engineering criteria that make such projects comparable to other developments which qualify under Sections 213, 207 and 221(d)(3).

CHAPTER EE. EFFECT OF TAX REFORM ACT ON HOUSING

On December 30, 1969, President Nixon signed the Tax Reform Act of 1969 into law. There are several provisions in the Act that drastically altered current tax consequences associated with housing and real estate development; also, the Act adds an important incentive for the production of low and moderate income housing and its sale to the occupants. A summary of these provisions follows:

1. Accelerated depreciation—i.e., 200 percent of the straight line rate—will only be permitted for new residential rental housing. However, there are recapture provisions which offset the tax benefits upon a sale to the extent described below.

2. Any excess of accelerated depreciation over straight line depreciation will be subject to recapture for approximately 16 years 8 months instead of the present 10 years. These new recapture rules do not apply, however, to the Section 221(d)(3) and 236 limited distribution programs to serve low and moderate income groups. For these programs, the recapture rules of existing law are retained without change—namely there is no recapture if the project is held for ten years. Thus, the new tax law retains the existing tax incentives for such housing constructed to serve those of low and moderate incomes.

3. Subsequent owners of new residential rental property are divided into two categories: those who acquired used residential property with a useful life of less than 20 years and those who acquired used residential property with a useful life of 20 years or more. Those in the first category are limited to straight line depreciation while those in the second category may depreciate the property at a rate not to exceed 125 percent of the straight-line rate.

4. The new tax law provides for deferral of gain upon certain prescribed sales of Section 221(d)(3) and 236 limited distribution projects. On these federally-assisted projects serving those of lower incomes where the investor is limited to a return on his investment, the Government will now encourage the sale of these housing projects to the lower income occupants, a cooperative or other organization which will operate the property for their benefit. To qualify for the deferral of a taxable gain upon such a sale of a housing project, the owner is required to reinvest the proceeds in another lower income housing project. The taxpayer's basis from the old property, to the extent of the reinvestment, becomes part of his basis for the new property. This provision provides a necessary tax incentive for the production of low and moderate income housing and for its sale to or for the benefit of the lower income occupants.

CHAPTER FF. CREATION OF HEALTHY ENVIRONMENTAL CONDITIONS

Housing must be in a suitable environment. We now suffer from the tragic and dangerous effects of air and water pollution and unsafe and inadequate waste disposal. Likewise, recent studies reveal that the high noise level of our cities may prove as deleterious as other forms of pollution. Yet, little has been done to alleviate these pollution conditions which are growing worse.

I. *Summary of Existing Legislation:* Before the overt public concern with our environment, Congress passed several significant pieces of legislation aimed at controlling the environment. A summary of the more important laws follows:

1. *Clean Air Act of 1963.* This Act provided for an expanded and strengthened program. It authorized legal actions to stop air pollution. It also authorized matching grants to state, local and interstate agencies for programs of air pollution prevention and control.

2. *Motor Vehicle Air Pollution Control Act—1963.* This Act directed the Secretary of HEW to establish standards on the emission of substances from new motor vehicles or engines which contribute to air pollution. The Act prohibited the sale, manufacture for domestic sale, or importation of any vehicle or engine not in conformity with the regulations and provided fines of up to $1,000 for each new vehicle or engine manufactured or sold in violation of the regulations.

3. *Water Quality Act of 1965.* This Act requires the states to establish and enforce water quality standards for all interstate waters within their boundaries. If a state fails to take necessary action by June 30, 1967, HEW can act and set federal standards. The establishment of water quality standards is designed to prevent pollution before it occurs, since it is now possible to determine whether discharges of wastes and sewage cause unacceptable pollution in an interstate body of water.

4. *Clean Waters Restoration Act of 1966.* This Act provides that a Federal grant could pay from 30 to 50 percent of the construction costs of a sewage treatment plant. The higher grants are conditional on state participation in the financing of treatment plants and the establishment by the state of quality standards for non-interstate bodies of water within its boundaries.

5. *Air Quality Act of 1967.* This Act enlarged the existing federal responsibility for air pollution control. In most cases the Federal Government will not step in unless the states fail to act. The HEW Secretary is authorized in time of "imminent and substantial" danger to public health from air pollution, to seek a court injunction to halt further emissions into the atmosphere.

HEW is also authorized to designate air quality control regions throughout the nation. It can provide full federal financing for regional control commissions to be established by state governors. HEW can enforce air quality standards in the control regions, if the regional commissions fail to enforce an air pollution plan that complies with guidelines for air purity prescribed by HEW.

The Act further requires the registration of all fuel additives with HEW. Fuel manufacturers are required to notify HEW of the type, concentration and purpose of all additives used in their fuels.

The Act provides that automobile exhaust standards can be issued only by the Federal Government, except for California, which is permitted to enforce its own more stringent standards.

II. *Recent Legislation: Clean Air Bill of 1970:*

(a) The Act contains the following deadlines for a 90% reduction of specified automobile emissions:

(1) a 1975 deadline for carbon monoxide and hydrocarbons,

(2) a 1976 deadline for nitrogen oxides.

(b) The Act allows the Administrator of the Environmental Protection Agency (EPA) to control or prohibit fuels or fuel additives which he deems harmful to public health or welfare or which impair a device or system to control emissions.

(c) The Act allows the Federal Government to set "primary" quality standards with the states having control over "secondary" air standards.

(d) *Authorizations.* The Act includes authorizations of $1.1 billion over three fiscal years. This includes $350 million for research on fuels and low-emission engines; $15 million for long-term research grants; $650 million for state grants and other programs; $55 million for a Federal low-pollution car program; and $30 million for a new noise pollution program.

III. *Recommendations:*

1. NHC concurs with the past pronouncements of President Nixon that: "It is literally now or never . . . A major goal for the next ten years must be to restore the cleanliness of the air, the water, the broader problem of population congestion, transportation and the like."

2. NHC believes that we should have a ten-year goal to end air, water and other pollution and create healthy environmental living conditions. However, it is imperative that we should not let our concern for environment replace our priority concern to fulfill our housing goals. We must avoid the tendency to replace priorities instead of fulfilling them. We must not be diverted from our commitment to meet the need to provide decent housing for all Americans.

3. NHC suggests that HUD and DOT jointly study the impact of airports on housing in close proximity thereto or within flight patterns including:

(a) noise, air or other pollution;

(b) the distance required or other measures needed to assure healthy environmental conditions for such housing; and

(c) the actions required to resettle people displaced from airport impact areas suffering from unhealthy environmental conditions and the utilization of land in such airport impact areas for appropriate purposes other than housing.

CHAPTER GG. PROGRAMS AND POLICIES FOR GENERAL APPLICATION TO HOUSING

1. *Equal Opportunity for Housing:*

(a) Throughout its entire life NHC has been committed to equal opportunity for all American families to secure good housing in good neighborhoods. It again reaffirms this position. Equal opportunity in housing is now the law of the land—both by statute and by court decree. Yet this opportunity in housing is still denied to millions of American families throughout every section of the land because of their race, color, creed or national origin, or because of the myth which exists as to their desire, or ability to pay for and maintain good homes. To overcome this denial of opportunity and to dissipate these myths, an urgent task is facing the nation.

(b) NHC has long supported the principle of a competitive housing market open to free bargaining by all American families without regard to racial or ethnic background. Many localities have been limited in achieving this objective, however, because of inadequate supplies of low and moderate cost living accommodations and by the congestion of many minority group families in limited sections of the community. To provide an adequate supply of housing, it is necessary to raise production to a minimum of 3,000,000 dwelling units per year.

(c) We urge the President and the Congress of the U.S. to take all steps toward providing an equal opportunity for housing. This includes full and adequate appropriations for the administration of the fair housing program under Title VIII of the Civil Rights Act of 1968. Of the $8 million requested by the President for fiscal year 1969, Congress only appropriated $2 million for such expenses of administration. $6 million has been appropriated for Fair Housing and Equal Opportunity for fiscal years 1970 and 1971. We strongly urge the larger appropriations required for achieving equal opportunity for all American families to secure good housing in good neighborhoods. We urge the Administration to take all necessary additional actions to achieve this equal opportunity objective. Strong affirmative measures should be taken to enforce the fair housing rights contained in Title VIII.

(d) We should provide an opportunity for freedom of choice in our housing programs. The choice of individual or cooperative homeownership or rental housing and the choice of city, suburban, new town or country living must not be limited by race, color, or religion.

2. *Relocation:*

(a) When homeowners or tenants are being displaced for urban renewal or other government action, there should be a Federal grant to provide adequate payments as equitable compensation not only to pay their moving expenses, but also to help them obtain decent homes elsewhere. In the case of a displaced home owner the amount of the payment should be sufficient to enable him to obtain adequate housing, without limiting such payment to $5,000 as is now provided in the Housing Act of 1968.

(b) When a small business is being displaced through urban renewal or other governmental action, affirmative action should be taken to assist its relocation either within the urban renewal area or elsewhere. If it is to be relocated within the urban renewal area, there should be a policy to establish a rental for the small business which it can afford. In order to achieve this, an appropriate write-down should be made in the disposition of property under the urban renewal program. While it is recognized that there are allowances under the present legislation to cover the cost of relocation by a business which is displaced through urban renewal, we recommend this additional action to better assure the continuance of a small business that is being displaced. NHC also recommends the full implementation and use of the 1965 amendments to the Small Business Act for businesses which are being displaced by urban renewal or other governmental actions.

(c) NHC supports the Uniform Relocation Assistance and Land Acquisition Act, H.R. 14898, which provides for uniform requirements and Federal assistance to displaced families and individuals and business establishments. However, NHC suggests that the bill be amended, with respect to family and individual displacement and relocation, to incorporate comparable provisions contained in Section 210 of the Housing and Urban Development Act of 1969, namely, that within the jurisdiction of the renewal agency there shall be an equal replacement of housing units for those demolished or removed. Pending the passage of the new Uniform Relocation Assistance and Land Acquisition Act, administrative action should be taken to eliminate conflicting procedures and requirements that now exist—and establish uniform and equitable requirements—in the urban renewal program, model cities program and highway program.

(d) NHC applauds Secretary of Transportation Volpe's declaration that no Federal aid will be approved for construction of highway, airport or mass transit projects until adequate replacement housing is provided for all families to be dislocated. The new Replacement Housing Policy contains the following provisions:

(1) Specific written assurance that adequate replacement housing will be available (built, if necessary) before the initial approval or endorsement of any project.

(2) Construction will be authorized only upon verification that replacement housing is in place and has been made available to all affected persons.

(3) All replacement housing must be fair housing—open to all persons regardless of race, color, religion, sex or national origin. In addition, all replacement housing must be offered all affected persons regardless of their race, color, religion, sex or national origin.

NHC also commends the General Services Administration for its announcement of a similar policy requiring assurances of the availability of adequate housing before new Federal buildings are located in any area.

(e) NHC deplores the recent HUD discrimination against relocation payments to displaced persons who seek new homes in cooperatives. Neither Section 516 of the Housing Act of 1968 nor the regulations promulgated preclude replacement housing payments to those seeking replacement housing in cooperatives. However, in a circular, HUD states that such payments may not be made to a displaced person moving into a cooperative. This discriminatory action should be stopped. NHC recommends that HUD should make replacement housing payments to displaced homeowners who seek to purchase a home in a cooperative.

(f) NHC applauds the passage of Section 510 of the Highway Act of 1970 which allows the Secretary of DOT to include in the cost of a highway project expenses for providing new housing or used or rehabilitated housing for those persons displaced by that highway project. We urge that DOT carry out this mandate and allow adequate amounts for such housing as part of the costs and expenses of all future highway projects. Such housing should conform to sound standards and should have prices and monthly charges within the reach of the displaced persons.

3. *Uniform System for Computation of Income by HUD:*

(a) HUD should have a uniform system for computing incomes which could be used by all constituent agencies administering housing programs which involve income limits. To be equitable, income limits should allow appropriate deductions and exemptions like those long recognized and utilized in the public housing program. The Senate Committee on Banking and Currency recognized the appropriateness of such uniformity in its Report on the 1968 Housing Act:

"Although the statute is silent on defining income, the committee is aware of the necessity for the Secretary to establish procedures to assure that fair standards and rules are followed within HUD for determining income (after allowable deductions) for eligibility of low or moderate income families or mortgagors under HUD's various programs. These procedures would apply to those who receive the benefit of subsidies or below-market interest rates to enable them to obtain occupancy, homeownership, or cooperative housing membership."

(b) At the present time, the methods of computing income differ in HUD, although the constituent agencies are administering comparable housing programs involving income limits. For years, public housing has allowed appropriate deductions or exemptions in computing the family income, such as:

(1) Deduction of $600 from the income of a secondary wage earner thereby recognizing that there is at least this amount of additional expenses in earning such wages, so the earnings do not represent a full increment to family income;

(2) Deductions for expenses for the care of children or sick or incapacitated family members when these expenses are necessary to permit the wage earner to be employed;

(3) Deductions for social taxes and compulsory pension funds; and

(4) Deductions for minors or dependent adults.

(c) Although these deductions or exemptions are allowed in the public housing program, they are not recognized uniformly in the FHA program involving rent supplements or below-market interest rates under Section 21(d)(3) or interest assistance payments under Sections 235 and 236. In the interest assistance programs the 1968 Housing Act provides for the deduction from family income of $300 for each minor child and the elimination of the earnings of all minor children. Pursuant to the Congressional intent as evidenced by the foregoing quotation from the Senate Committee Report, FHA has allowed a further deduction of 5% of gross income to cover payroll deductions for social security and compulsory pension funds. However, FHA has not allowed other deductions of the type which have been long recognized in public housing. FHA should allow such deductions, particularly since the income limits in the interest assistance programs are now computed as a percentage of the local public housing limits.

4. *Rehabilitation in Slum Areas Not Intended as Containment Program.* Rehabilitation programs for slum areas are not intended to be containment programs which would restrict present residents so that they must continue to live there. They should have an opportunity to move into other areas. The NHC goals contemplate development of new and rehabilitated housing in other areas which would be available for the low and moderate income families now living in slum and ghetto areas. To help assure achievement of this objective, we recommend enactment of legislation providing that no program of subsidy, aid, or assistance by any agency of HUD—including sewer and water facility grants, open space grants, community facilities grants, urban renewal programs, model cities programs, mass transit grants, and FHA insurance—may be carried on within any jurisdiction if a reasonable share of housing will not be available for low and moderate income families. Such legislation would help assure the development of balanced programs of housing in new areas into which the residents of slum and ghetto areas could move.

5. *Adequacy of Housing and Neighborhood for Low and Moderate Income Families.* Federally-assisted housing should provide adequate space and facilities and meet proper standards for comfortable living. The housing should be in a suitable neighborhood. In this way, we can improve the quality of life in Federally-assisted housing as prescribed in the 1968 Housing Act. The following are among the measures necessary to achieve these objectives:

(a) Better design standards in housing developments.

(b) Dwelling units which provide adequate space and amenities rather than minimum space and facilities.

(c) More housing units of larger size, with more bedrooms and bathrooms, in order to meet the needs of larger families.

(d) Adequate recreational and community facilities with swimming pools, day-care and pre-school centers, all designed to create good neighborhoods.

(e) Air conditioning whenever appropriate, which will encourage families and their children to remain in their dwellings and off the streets during hot summers.

Housing communities should be pleasant places to live. They should respond to the needs of the residents, with attention to their comfort, convenience, and recreation. By providing children and adults with good homes and with opportunities to engage in wholesome and constructive activities, we can create better communities and reduce juvenile delinquency and crime. With Federally-assisted housing that conforms to the foregoing criteria, we can achieve economic integration, both through initial occupancy and through the upward mobility and continued occupancy of families whose incomes increase.

6. *Uniform System of Tax Exemption and Tax Abatement:*

(a) In some HUD programs there is no requirement for real estate tax exemption or tax abatement. This is true in the new leasing program for the use of privately-owned housing for public housing purposes. It is also true in the rent supplement program for those of public housing incomes. Yet, conventional public housing projects are required to have tax exemptions and they pay only 10% of shelter rent in lieu of taxes. We previously recommended that conventional public housing projects conform with those other publicly-assisted programs which serve low-income families. This would be accomplished by permitting their payment in lieu of taxes to be equivalent to full taxes.

(b) There should be a more practical and consistent policy concerning the requirement for tax abatement on privately-owned projects which are Federally-assisted either with (i) below-market-interest rates, (ii) interest assistance, (iii) rent supplements, or (iv) leasing programs under public housing. Tax abatement should not be required on these projects, even as a means of offsetting the higher costs that prevail in some cities. Such tax abatement is often unavailable because of restrictions in state and local laws; moreover, the cities often face serious problems of inadequate tax revenues and are unwilling to grant tax abatement. Cost limits should be made realistic so that these private housing programs can function in high cost areas without requiring tax abatement.

(c) Where state and local governments grant tax abatements on housing projects which are Federally-assisted in the manner described above, there should be an annual Federal grant to reimburse them for their tax losses.

7. *Disposition of Federally-Owned Housing Projects:*

(a) FHA has acquired ownership of rental housing projects upon which defaults have occurred. When requested, FHA should either lease these projects to local housing authorities for public housing or make negotiated sales of these projects for cooperative ownership by low income or moderate income families. Also, sales may be made to public agencies or nonprofit or other property motivated organizations which will use them to provide housing for low or moderate income groups. The housing should be sold at a price and with a mortgage term and interest rate—on the purchase money mortgage accepted by FHA—which would enable the property to serve these income groups at monthly charges which they can afford. When necessary, financing should be made available to rehabilitate these properties. Such properties should be eligible for rent supplements and interest assistance payments. These recommendations also apply to other federally-owned housing.

(b) FHA has also acquired ownership of single-family homes on which defaults have occurred. In the disposition of this housing, FHA should meet the needs of those of low and moderate incomes. The housing should be sold to them at a price and with a mortgage term and interest rate—on the purchase-money mortgage accepted by FHA—which would be within the financial reach of the low and moderate income purchasers. Priorities should be established for sales which would accomplish this purpose, rather than granting priority to cash sales or sales involving conventional loans, as these generally involve purchasers with incomes above those at the low and moderate level. Legislation should be enacted if it is necessary to establish disposition policies in accordance with the foregoing principles.

8. *Block Grants for Categorical Grant Programs.* With respect to the President's proposed special revenue sharing program, NHC believes that Federal grants should provide incentives to promote national programs and objectives relating to housing and community development. We are deeply concerned that many of these programs would be prejudiced by the proposed consolidation of four categorical grant programs—urban renewal, model cities, sewer and water, and rehabilitation—into one community development grant program. Therefore, we favor continuance of these categorical grant programs; however, we are in full agreement with the President's principle that Federal grants should be made available for use by states and local governments *without Federal accountability or program supervision,* except for (1) compliance with non-discrimination obligations and (2) the use of the funds for the specific purposes of each of these four categorical grants. In short, there should be block grants for these and other categorical grant programs which are limited only to the particular purpose of each grant and fulfillment of civil rights obligations.

9. *Acceptance and Accumulation of Applications for Programs.* HUD has discouraged the submission of new applications in programs where a backlog of unsatisfied applications exists. NHC is strongly opposed to this discouragement of applications for HUD assistance. Even when there is an unsatisfied backlog of applications, HUD should continue to accept applications. There is no better way by which HUD can learn the needs and demands for programs which it administers, so that it can document and support requests for necessary Congressional authorizations and appropriations.

10. *Construction Work and Employment in Ghetto Areas.* Increased construction volume will require substantial increases in the work force. The large pool of untrained unemployed within the ghetto is a large source of additional manpower. There should, therefore, be an effective program to accelerate the training of unskilled groups and to broaden their opportunities for employment in the construction industry. NHC recommends an adequate expansion of the training program of the Manpower and Training Administration of the Department of Labor, together with the full amounts needed as appropriations. We commend the Outreach Program of the building and construction trade unions which has enlisted thousands of disadvantaged and minority workers in skill training in their trades in 53 cities. We urge further extension of these training opportunities for such workers to advance toward skilled employment.

NHC endorses the provisions in the 1968 Housing Act which direct the Secretary of HUD to require:

(a) That opportunities for training and employment arising in connection with the planning, construction, rehabilitation, and operation of housing be given to lower income persons residing in the area of the housing; and

(b) That to the greatest feasible extent contracts for work pursuant to the housing programs shall, where appropriate, be awarded to business concerns located in or owned in substantial part by persons residing in the area of the housing. If bonding is not available to such contractors or subcontractors, HUD should take necessary actions to enable them to obtain adequate bonds. HUD should initiate a program which would assure the availability of bonds to such contractors, with necessary underwritings or re-insurance as is now authorized to enable persons to get other types of insurance in high-risk areas where such insurance would otherwise be unavailable.

In the foregoing programs, we recommend that bids be invited from local contractors which have the participation of minority groups either in an ownership, executive management or direction capacity. In housing construction where the contractor or sponsor incurs additional costs because of utilization of untrained workers from ghetto areas, the additional cost should be recognized as a public cost, with reimbursement therefor by the Manpower and Training Administration.

In the 1969 Housing Act, there is an extension of these requirements to cover all HUD programs providing financial assistance in aid of housing, urban planning, development, redevelopment, public or community facilities and new community development. Section 3 of the Housing and Urban Development Act of 1968 is amended to require the Secretary of Housing and Urban Development, in the administration of programs providing direct financial assistance in aid of housing, urban planning, development, redevelopment, public or community facilities, and new community development to require (1) that to the greatest feasible extent opportunities for training and employment arising in connection with the planning and carrying out of projects assisted under such programs be given to lower income persons residing in the project area, and (2) that to the extent feasible, contracts for work to be performed in connection with any such projects be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the project. Prior to this amendment, these employment and work opportunity requirements were only applicable to the administration of the Section 235 homeownership program, the Section 236 rental assistance program, the Section 221(d)(3) below-market-interest-rate program, public housing, and the rent supplement program. NHC recommends administrative or legislative action to define the "project area" as the metropolitan area in which the project is located.

11. *Surety Bond Guarantees.* The Housing and Urban Development Act of 1970 amends Title IV of the Small Business Investment Act of 1958 by increasing the revolving fund of Title IV from $5 million to $10 million and adds a new provision establishing a program whereby SBA and HUD can guarantee any surety up to 90% of its loss as a result of the breach of the terms of a bid bond, payment bond, or performance bond on account of a contract up to $500,000. NHC urges that the Secretary of HUD and the Administrator of SBA carry out the full intent of this provision and take all steps necessary to provide technical assistance to any contractor or subcontractor for whom a bond is guaranteed under this provision. However, NHC recommends that the law be amended to remove the $500,000 limit on bonds and to allow a bond to be in such amount as HUD requires on the project involved.

12. *Support for International Programs for Housing:*

(a) NHC is aware of the critical housing problems elsewhere in the world, particularly in the developing countries. We urge continuation and expansion of our Government's foreign aid programs for housing in the developing countries, particularly cooperative housing to provide ownership by moderate income families as contemplated by the Foreign Assistance Act.

(b) Further, we urge our Government to support efforts: (i) to elevate the importance of housing in the economic development process by supporting efforts to establish, within the framework of the United Nations, a specialized international agency dedicated to solving the housing problems of the developing countries; (ii) to increase U.S. financial support to U.S. universities and other institutions for research and training programs to help solve these housing problems and supply the trained personnel so badly needed.

(c) NHC recommends enlargement of the investment guaranty program for housing by increasing the available guaranty authority and by extending the 100% guaranties to other appropriate areas besides Latin America. We recommend legislation providing for the encouragement of cooperative and other homeownership by low and moderate income families in the cooperating countries and for the utilization of financing assistance of the types which have been proven effective in our domestic programs, particularly the establishment of national savings and credit systems specializing in housing and related fields.

(d) NHC supports the proposal for the creation of an International Housing Finance Corporation, which would be associated with the World Bank or the United Nations Development Program, to facilitate the mobilization of capital and the development of housing programs, particularly in the newly developing countries.

13. *Appropriation Authorizations:*

(a) NHC strongly recommends Congressional appropriations of adequate amounts for the administration of all HUD programs, including the additional funds which are required for additional staff to administer the many new programs contained in the 1968 and 1969 Housing Acts. These funds are urgently needed to meet the critical problems of our urban areas and the shortage of adequate housing for persons of low and moderate incomes. We further recommend all of the additional appropriations described elsewhere in this report.

(b) Advance appropriations provide lead time for initiating and planning programs in all authorizations in appropriation bills providing contract authority or funds. The authorizations should cover the succeeding fiscal year in addition to the fiscal year involved in the appropriation act. Appropriation acts have previously adopted this practice for the urban renewal and mass transit programs. It is equally necessary that this be done in all other programs involving private enterprise as well as public agencies, and we are pleased that President Nixon has made such a recommendation for advance authorizations on the Sections 235, 236 and rent supplement programs. The same practice should be followed in all other housing and urban development programs. This will give more lead time for the planning and initiation of programs. Such a practice in the housing program will help avoid the past difficulties experienced as a result of uncertainties and delays in providing funds and commitments. Through advance authorizations for two fiscal years, there will be an uninterrupted flow of funds and commitments at an early enough time to permit advance planning and work in the initiation of housing programs. We deplore the action taken by the President in discontinuing requests for advance appropriations for the succeeding fiscal year on programs where this practice was previously established such as urban renewal.

14. *Workable Program.* In order to remove impediments to construction of low and moderate income housing, NHC recommends repeal of the requirement for a workable program or local government approval of projects receiving Federal assistance. However, in localities without a workable program, the Secretary of HUD must first be satisfied that: (i) there is a need for the project; and (ii) its location will provide a satisfactory residential environment. The 1969 Act accepts this recommendation on several programs.

15. *Preparation for Post-Viet Nam Period.* In preparation for the termination of hostilities in Viet Nam, NHC recommends that we be ready to provide for the necessary expansion of peacetime development in order to assure steady employment for those formerly in jobs supporting our forces in Viet Nam. This should include the long-delayed construction of housing and urban development, together with the production of all materials and equipment required therein. It should also include plans for the use of abandoned defense housing or other installations. In the post Viet Nam period, we should fulfill the housing needs of those families for which the national goal has not become a reality. This would implement the highest priority and emphasis established for this program in the Housing Act of 1968.

16. *Recommended Change in Budget Concepts Concerning Mortgage Purchases:* (a) NHC does not believe in the new concept of the Federal Budget which initially reflects expenditures for mortgage purchase in the same way as it reflects expenditures for grants, even though collections on mortgages are later credited as offsetting income. If several billion dollars of mortgages are purchased and retained by a government agency, all of this initially appears as an expenditure in the Budget during the fiscal year when the mortgages are purchased. This has an adverse effect on many public interest and social programs which are dependent upon the steady flow of mortgage financing at reasonable interest rates. The Budget should reflect only the actual cost to the Government of purchasing and holding these mortgages—this would be the differential in interest between the rate of the mortgages held by the Government and the rate on Government borrowings.

(b) *If* the present Budget concepts are retained which initially treat mortgage purchases as an expenditure in its entirety, NHC believes that there should be active encouragement of the sale to private investors of participations in mortgages held by GNMA or other Government agencies. Upon such sales, the funds realized can and should be offset against the expenditures for the purchase of the mortgages.

17. *Availability of Land and Support of S. 609.* NHC recommends such measures as are necessary to help assure the availability of enough land, at reasonable cost, to achieve our housing goals. These should include the establishment of appropriate reserves of land for future use to provide the housing, public facilities and recreational areas required to meet these goals. To this end, NHC urges passage of S. 609, the Urban Planning and Housing Assistance Act of 1971, introduced by Senator Javits.

18. *Increases in Housing Costs.* We deplore the inflationary rise in housing costs, particularly the spiralling increases in interest rates and prices of building materials such as lumber. It is urgent that action be taken to achieve a reasonable and stable level of interest rates and housing costs. When interest rates and housing costs increase, many people who need homes can no longer afford them—even though they could have afforded them previously when the interest rates and housing costs were at more reasonable levels. NHC strongly recommends that necessary measures be taken to stop these inflationary increases in interest rates and housing costs which adversely affect the consumer and jeopardize achievement of the housing goals established by Congress and the higher goals recommended in this report.

19. *Insurance for Ghetto Areas.* NHC recommends that when a home is purchased in a ghetto area and the mortgage is FHA-insured, necessary federal action should be taken to assure that the home owner obtains all hazard insurance required for his protection. Likewise, on cooperative housing in ghetto or central city areas, federal action is needed to assure the availability of hazard insurance at reasonable costs which reflect the lower losses and risks on such cooperative housing.

20. *Private Investment in Lower Income Housing.* NHC urges the participation of private investors in programs to provide housing for low and moderate income families. NHC recognizes that the tax savings which result from current rules of accelerated depreciation on improved real property are essential to insure the continued flow of such equity funds into investment in low and moderate income housing. NHC opposes any change in such rules which would reduce the already too-low return from investments in housing for families of low and moderate income.

21. *Reduction of Monthly Mortgage Payments.* With past increases in interest rates, people have been excluded from the housing market who needed dwellings but could no

longer afford them at the higher interest rates. Elsewhere in this report, NHC recommends measures to increase the flow of funds into the housing mortgage market and to make mortgage financing available at more reasonable interest rates. We are pleased that HUD has taken action to reduce the interest rates; also to reduce the monthly debt service on mortgages by providing for level amortization payments instead of the higher initial curtailments of principal which were applicable to certain mortgage insurance programs—e.g., those under Sections 220, 221(d)(4) and 207. By reducing the debt service payments, the level amortization plan will reduce the monthly charges to the consumer and help offset the current high interest rates.

22. *Housing for Indians:*

(a) Low and moderate income Indian families living on Reservations have long been denied the benefits of FHA-insured homeownership. Such Indian families have not been able to obtain FHA-insured financing on individual homes. Also, it is difficult for them to obtain FHA-insured multifamily housing, such as nonprofit rental housing and cooperative housing under Section 221 (d)(3) or Section 236.

(b) There is a great need and market for FHA-insured homes on the Reservations. Many Reservations are now undergoing economic improvement, through increased mineral development and the location there of factories and other sources of employment. Special efforts are needed to bring to the Indians the benefits of programs intended to serve people of low and moderate incomes.

(c) NHC supports legislation to extend housing assistance available through the Farmers Home Administration to Indians who lease rural non-farm land from their tribe for use only as a homesite. Similar authority now exists where farm land is leased.

(d) NHC recommends that the rehabilitation grant program under Section 115 be extended to include Indian Reservations; and that grant procedures be revised to make the program available to low income rural families of Indians so they can renovate and repair existing housing.

23. *Payment of Prevailing Wages.* In programs involving FHA mortgage insurance on multifamily housing where payment of prevailing wages is now required by law, such prevailing wages shall be established and paid based upon the requirements of the Davis-Bacon Act relating to such housing construction in the area.

24. *Study of New Type of Mortgage Security to Attract Investments:*

(a) Some financial experts have proposed the creation of a new type of mortgage or investment security which would better attract money for fixed long-term investments in housing. They point out that many lenders have withdrawn from the residential mortgage market because:

(1) They anticipate that the dollars repaid on the loan will have a substantially lower value and purchasing power than the dollars loaned initially; and

(2) The amount of return is not attractive as compared with other rates of return available in the current market.

(b) We propose that a study be made of this problem so that recommendations can be made at a later date concerning the advisability of including provisions in mortgages or other housing securities which would meet this problem and attract necessary funds for investments in housing production. Among the measures to be explored are the following:

(1) A clause in the mortgage providing for adjustments yearly only on the amount of principal which is to be repaid, so that it reflects reductions in the value and purchasing power of the dollar as shown by the Department of Labor price index; or

(2) A clause in the mortgage providing for adjustments yearly in the amount of the monthly payments for both principal and interest based upon changes in the price index; or

(3) A clause in the mortgage provding for adjustments yearly only in the rate of interest which is to be paid on the unpaid balance of principal, so that it reflects changes in the prevailing interest rates or price levels from year to year.

Any adjustment clauses must take into account the ability to pay for the occupants of the housing. While most people will enjoy an increase in their income to reflect increases in the price indexes so that they can afford to pay adjusted amounts on their mortgages, there will be people who have fixed incomes. In their cases, special provisions must be developed to assure that they can afford to make the adjusted payments, such as through an extension of the mortgage term.

(c) In Latin American countries, some systems have been devised for adjustments in mortgage payments which have worked satisfactorily. However, inflationary conditions have been so great in those countries that mortgage adjustments were essential to obtain long-term loans to finance housing production. The proposed study should ascertain whether we need a system of adjustments in mortgage payments in this country taking into account present and future anticipated changes in the value of the dollar and its purchasing power.

CHAPTER HH. NEED FOR EFFECTIVE INSTITUTIONS, ADMINISTRATION AND FEDERAL-LOCAL RELATIONS

In itself, the enactment of adequate legislation will not achieve the goals set forth in these recommendations; nor will it meet the needs of the American people or the crises in our cities. Laws are *not* self-executing. It is necessary to assure the establishment of effective institutions, administration, and federal-local relations. NHC recommends that HUD take the following actions to assure the effective execution of laws relating to the programs under HUD's jurisdiction:

1. HUD should redefine its role to concentrate on major policies and on constructive leadership in executing federal laws and to grant greater local autonomy to local governments and agencies in undertaking and operating projects involving HUD aid. NHC believes this HUD role would constitute creative federalism. The expenditure of federal monies should be subject to broad federal guidelines. Through the years, there has been a continuing increase in the burden and detail of HUD controls over local operations in the conduct of HUD-aided programs. All HUD controls should be eliminated which are not required by federal law. We will never achieve the volume and expedition required in programs authorized by the Congress unless there is a decentralization of responsibility to the local agencies involved. The local agencies can properly be held to account for their responsibilities under programs. There is no reason to assume that there is any less integrity and competence in local officials than in federal officials.

2. As to matters involving public agencies or others which now require prior HUD administrative approval, HUD should expedite programs by waiving such prior approval in cases where the public agencies or others will certify and proclaim that they have complied with all of the enumerated administrative requirements of HUD. Upon such certification covering all applicable administrative requirements, the public agencies or others should be allowed to proceed with their program, subject to post audit by HUD that the public agencies or others have conformed with their certifications.

3. HUD should accelerate processing, production and decision-making by federal and local officials and by participants in *all* HUD programs, including the establishment of time schedules for all actions required. There should be a time limit for submission of applications. However, qualified applications should not be rejected because of technical or insubstantial reasons, lack of money or lack of a priority status according to a schedule established by HUD; likewise, applications should not be rejected in order to remove them from the pending work load.

4. After applications have been approved and allocations made, there shall be a time limit for contracting and execution. With respect to requirements for HUD approval after a contract or commitment is issued, there should be a recognition that HUD has a certain period within which to act; and, failing such action on matters requiring HUD's approval, the proposal to HUD shall thereby be accepted and considered approved.

5. HUD should act promptly in making allocations and commitments of all authorizations and funds made available by Congress. Such allocations and commitments should be based upon:

(a) The requests that are received within a designated time which meet the applicable statutory requirements; and

(b) The respective needs for the communities involved. There should be no impounding or hold back of funds. The money should be allocated and committed as quickly as possible. All monies should be made available based upon the qualified requests that are received within a prescribed time limit. The guideline should be the need for the program in the community involved.

6. HUD should simplify its regulations and conditions attached to HUD aid and eliminate the detailed controls over project development and operations. Such controls are overly burdensome, costly, and time-consuming. They discourage initiative and innovation. They are inconsistent with the achievement of the goals established by law and the larger goals recommended in this report.

7. HUD should eliminate conflicting policies and requirements among its different units, as applied to comparable programs. For example, the methods of determining incomes under the public housing program are different from those under the rent supplement, interest assistance and below-market-interest-rate programs.

8. Civic organizations and citizens' councils have an appropriate role in furnishing advice and recommendations. Where a municipal government has been established whose officials are elected by the voters, the elected officials, should give full consideration to the advice and recommendations of such citizens organizations; however, the final responsibility for decisions should properly reside in the elected officials on such programs as urban renewal, model cities, and neighborhood rehabilitation. Otherwise, there will be a division of responsibility which will seriously impede the progress of these programs that are vitally important to the community.

9. To help achieve the housing goals and enlist all available resources, HUD should encourage full participation in its programs by cooperatives and other non-profit organizations and local public agencies, in addition to limited-dividend sponsors and builders.

10. HUD should consult with representative groups of local public agencies and private participants in each of its programs to identify problems which impede their progress and to develop workable solutions. For this purpose HUD should establish:

(a) A federal-local committee on public housing and urban renewal; such a committee functioned effectively for years until it was discontinued.

(b) A federal-city committee on the model cities program.

(c) Like committees of representatives

from the participants in each program; thus, there should be a restoration of the committee of representatives of cooperatives participating in FHA programs.

Each such committee would meet periodically to give HUD first-hand experience concerning the operations of the HUD-aided program involved. Such consultation should result in quick and realistic action in eliminating obstacles and solving problems. Otherwise, such obstacles and problems are long neglected, often because they are not known or because HUD does not get proposals for solutions from those directly engaged in the program.

11. (a) Many of our recommendations in these Resolutions cover areas of administration on which HUD is required to report to the Committees, pursuant to the following provisions in the 1968 Housing Act:

"Each such report shall include, but not be limited to, the following areas of program administration and management: uniformity and standardization in program requirements, simplification of program procedures, ways and means of expediting consideration of proposed projects and applications for assistance, the provision of more useful and specific assistance to communities, organizations, and individuals seeking to utilize the Department's programs, and ways and means of combining or otherwise adapting the Department's programs to increase their usefulness in meeting the individual needs of applicants."

(b) We urge HUD to take the actions recommended in these Resolutions relating to areas of program administration and management which require improvement and to report thereon to the Banking and Currency Committees.

12. Many of our recommendations in this Chapter would be accomplished by the adoption of the new principle urged by the President that Federal grants should be made available for use by states and local governments *without federal accountability or program supervision,* except for (1) compliance with nondiscrimination obligations and (2) the use of the funds for the specific purposes of each of these four categorical grants. We endorse this recommendation of the President that such Federal assistance to public agencies should be block grants limited only to assuring expenditures for the particular purpose of each grant and compliance with civil rights requirements, but *excluding* Federal program supervision. In his special message on March 5, 1971, the President reaffirmed this recommendation in the following statement which we fully support: ". . . we must avoid . . . confusing national interest with Federal control. We have too easily assumed that because the Federal Government has a stake in meeting a certain problem and because it wants to play a role in attacking that problem, it therefore must direct all the details of the attack. The genius of the Federal system is that it offers a way of combining local energy and local adaptability with national resources and national goals. We should take full advantage of that capacity as we address the urban challenge."

TRIBUTE

The following was adopted by the membership of the National Housing Conference at its 40th Annual Meeting on March 7, 1971:

"IN TRIBUTE TO REPRESENTATIVE WILLIAM B. WIDNALL

"The National Housing Conference honors Congressman Widnall for 21 years of devoted and statesmanlike service in the House of Representatives and for his major contributions to effective housing and community development legislation.

"Early in his Congressional career, Congressman Widnall took the initiative in the eventual establishment of the Housing Subcommittee. As the ranking minority member of that subcommittee and of the full Banking and Currency Committee, he has participated in all the major housing legislation emanating from those committees for many years. In particular, the significant housing leasing program, rehabilitation loans, and mass transit bear his personal imprint. Most recently, he played a major role in the enactment of the national urban growth program in the Housing and Urban Development Act of 1970. As a constructive critic, his wise counsel has brought improvements in ongoing programs in the public interest.

"In honoring Congressman Widnall for his distinguished career, we look forward to his continuing leadership in the years ahead."

OBITUARIES—1971

Assembled for their 40th annual meeting on March 7, 1971, members of the National Housing Conference adopted the statements that follow, honoring four members whose careers in housing, urban renewal and related fields were ended by death during the year just passed. Their lives were dedicated to the achievement of social and economic justice for all people, everywhere. They helped draft blueprints for national action which, if fully implemented, would have helped avert the urban crisis that is threatening our democratic structures today. Their leadership is sorely missed, but their plans for action shall live on so long as the battle for equal opportunity, justice and human dignity continues.

HARRY W. LAIDLER, PH. D.

Fifty years ago, in 1921, Dr. Harry Laidler, a young, brilliant economic scholar, teamed with Norman Thomas and other post World War I activists, in forming the League for Industrial Democracy, which he served as Executive Director for thirty-six years. In 1957 he retired to become Executive Director Emeritus. In 1931, with Mary Simkhovitch, Eleanor Roosevelt, Charles Abrams, Helen Alfred, Herbert Lehman and others, Harry Laidler was a founder of the National Housing Conference, formed for the purpose of carrying on a war against slum conditions and for the provision of low-rent housing for the poor. It was to be a lobby in the public interest. He was a working member of its Board of Directors until his death.

Harry Laidler received his PhD in Economics from Columbia University, and lectured on economics at New York University, the City College of New York and Brooklyn College, and on college campuses throughout the entire country. As author of many books dealing with America's economic injustices of the 1920s and of their social consequences in the 1930s, Harry Laidler helped arouse the conscience of the American people. In 1940 and 1941 he served as a member of the New York City Council, as an ally of the late great reform Mayor Fiorello LaGuardia.

Members of the National Housing Conference note the passing of Dr. Laidler, by resolving unanimously to continue the organization he helped to found, in the same spirit of dedication and public service that caused him and his associates to create the National Housing Conference forty years ago.

WALTER P. REUTHER

At its June, 1970 meeting in Denver, Colorado the Board of Directors of the National Housing Conference adopted a resolution in memory of Walter P. Reuther, a Board member and Vice President for a quarter of a century, whose tragic death, with that of Mrs. Reuther, stunned and saddened both the nation and the world. The entire membership of the Conference re-expresses a deep sense of loss at its annual meeting on March 7, 1971, in the following words:

"Be it resolved that the membership of the National Housing Conference join all people everywhere, who care about human dignity, self respect, and progress, in expressing a sense of personal loss on the tragic death of their fellow member, Walter P. Reuther.

"Every American is morally, spiritually and economically richer today, because Walter Reuther devoted his life to the achievement of social, economic and legal justice. He fought injustice wherever and whenever it occurred. Those whose needs he championed are legion. They trusted him absolutely, and loved him as a person.

"The National Housing Conference has been a positive force in helping to create good housing in sound neighborhoods throughout America, because Walter Reuther and others with similar convictions have willed it so. In 1946 the effectiveness of the National Housing Conference was threatened by some who attempted to divert its efforts to their own purposes. Walter Reuther's leadership helped save the integrity of the Conference then, as it has on numerous occasions since. Our debt to him can be repaid only as we continue in the tradition of his fighting leadership to achieve good housing in sound neighborhoods for all Americans."

HERBERT EMMERICH

Herbert Emmerich, commissioner of the Federal Public Housing Authority during the critical years of World War II, died on September 7 in Charlottesville, Virginia, where he had been serving on the political science faculty of the University of Virginia since 1963. He was a member of the National Housing Conference for 30 years, and was instrumental in the founding of the National Association of Housing and Redevelopment Officials.

Herbert Emmerich was a genuine housing pioneer, serving as Executive Vice-President of the City Housing Corporation, where under his direction, beginning in 1924, the corporation planned, built and administered two "garden cities" in the New York area: Sunnyside Gardens and Radburn, New Jersey. The site planning and building designs tested in these "cities" have become classic examples for multi-unit housing developments, that unfortunately have seldom been duplicated.

Herbert Emmerich contributed much toward making public administration a profession. For many years he was associate director of the Public Administration Clearing House, in Chicago, serving under and learning from the unparalleled Louis Brownlow. In the early 40s he was drafted to Washington to help unravel war production problems, and from there was assigned by the President to consolidate all war housing programs under the Federal Public Housing Authority. The result of that effort, through enlisting the capabilities of local housing authorities throughout the nation, was characterized as one of the most daring and successful programs ever undertaken by the United States. In 1944 he returned to the Public Administration Clearing House as its director, from which he retired in 1956 to the quieter life at the University of Virginia.

Herbert Emmerich left a lasting mark on America's housing program, and members of the National Housing Conference will be forever grateful for his participation in our councils.

MORRIS P. MILLER

When Chief Judge Morris P. Miller of the Juvenile Court of the District of Columbia died suddenly last May, the Capitol City, the nation, and particularly the country's young people who needed a friend at court, mourned the loss of a great jurist and an understanding human being.

Relatively few people recalled that with the death of "Chick" Miller, low rent public housing lost one of its earliest pioneers, one of its legal architects with David L. Krooth and Leon Keyserling, and the lawyer who made it legally possible to reorganize the National Housing Conference from a New York State oriented organization, to a national group with Washington headquarters in 1944

In the early 1930s Judge Miller came to Washington from his native St. Louis, as a member of the legal staff of the newly created Public Works Administration under Secretary of Interior Harold Ickes. He was assigned to the original housing division, participated in writing the United States Housing Act of 1937, creating the low-rent public housing program, and was Assistant General Counsel after the formation of the United States Housing Authority in 1938. He served in that capacity until 1942, when he entered the private practice of law. This was interrupted by service as an officer of the Coast Guard during World War II. Following discharge he returned to the practice of law and was a partner of the late Scott Lucas, former United States Senator and Senate Majority leader from Illinois. He left a lucrative law practice to accept appointment as Chief Judge of the Juvenile Court, where he carved out a third distinguished career.

Judge Miller often said that his heart never really left his "housing days". His influence in the creation of original housing policy through legislation, and his legal interpretations that made it possible for programs to function, were a contribution that cannot be destroyed. Chick Miller always asked: "What do you want to accomplish, so that I can help make it legal". He is sorely missed.

FEDERAL SPENDING

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. GAYDOS. Mr. Speaker, the Federal Government often is accused of being penny wise and pound foolish, and the accusation is not without merit. Its actions in fiscal matters often baffle the American public, to say the least. On many occasions, Uncle Sam has issued solemn declarations of war against wasteful spending and outlined detailed battle plans to combat it. He has warned the taxpayers to prepare to face hardships deprivations until victory is assured.

Then what does he do? Ignoring his own warnings, disregarding his own battle plans, Uncle Sam continues to skip merrily down the dollar-green road of fiscal irresponsibility. I doubt he will find Emerald City at the end of the road, if there is one, but, if there is, I certainly hope there is a financial wizard in residence. I no longer believe in a pot of gold at the end of any rainbow. I do believe at the end of ours there is a pit, a bottomless one—the national debt.

Mr. Speaker, if there is any question about why the American taxpayer scratches his head in puzzlement and reaches to protect his pocketbook every time the Federal Government talks about spending, I suggest the answer might be found in the April issue of the Reader's Digest in an article entitled "Watch on the Potomac." I submit the article for publication in the RECORD and call the attention of my colleagues to it, particularly the esteemed gentleman from Iowa, Representative H. R. GROSS, whose words of wisdom are quoted:

WATCH ON THE POTOMAC

(By Kenneth Y. Tomlinson and George Denison)

Time and again the Nixon Administration, like its predecessors, has declared war on wasteful government spending. But despite the usual claims by federal officials that nonessential items have been cut from the new $229 billion budget for fiscal 1972, it is evident that fat can *always* be found.

Here is a small, documented sampling.

1. Tighten up programs for the poor. The federal government foots half the bill to house some 1100 welfare families in rundown, unsafe New York City hotels, often at luxury prices. For monthly rents averaging $600 per family, they are frequently packed into filthy rooms featuring rats and raw sewage.

Last Year the Department of Labor poured $71,000 into a job-training program in Gary, Ind., without consulting the local unions and contractors. Result: only one trainee was placed in a paying job!

2. Control government watchdogs. The federal government spends about $185 million a year to inspect food. These inspections are necessary, but some dairy products are inspected, admittedly for different reasons, by four differing government units: military veterinarians, the Food and Drug Administration, the Department of Agriculture and the state department of health.

3. Check leaks in the foreign-aid spigot. U.S. taxpayers have supported the Inter-American Development Bank to the tune of $3 billion in the last ten years. In one dealing, the Bank loaned $273 million to irrigate land in Mexico where no crops could possibly grow, even with ample water.

The United States gave Honduras $149 million in aid between 1961 and 1970. Result: U.S. auditors found "no evident acceleration of its over-all social or political development." Indeed, there was ample evidence that the money had been pumped into the country faster than it could be absorbed and spent.

Foreign-aid officials, wanting to build 40 barges for the South Vietnamese, exported twice the amount of steel needed for the project. But only 16 barges were constructed The remainder of the steel was left to rust in mud near Saigon's main harbor. Congressional probers estimated the waste to the American taxpayer at $1 million.

4. Stop subsidizing pollution. Over the past eight years, the Economic Development Administration has sunk $12.3 million into a sugar-processing plant in Maine. The plant is still losing money, and has caused so much pollution in the Prestile Stream that a $196,000 grant had to be obtained from the Federal Water Pollution Control Agency to clean it up.

5. Look twice before spending. The General Accounting Office found that the Veterans Administration paid 60-percent more for drugs bought outright from suppliers than it would have through competitive bidding or negotiated purchases.

A civilian subcontractor for the U.S. Air Force purchased $9.5 million worth of heavy equipment to construct an airfield in Vietnam. But $7.4 million worth of duplicate equipment purchased by a U.S. Navy contractor for the *same job* had already been sent to Vietnam. The Air Force had paid premium prices because of the "rush" nature of the project!

The federal government squanders millions by leasing U.S. post offices rather than building them. A 30-year lease for the Detroit post office will cost taxpayers $54 million for buildings and land that actually cost less than $22 million. The Harrisburg, Pa., post office will cost $15,340,800 for property its owner purchased for $8.4 million.

Declares longtime watchdog of the federal treasury, Rep. H. R. Gross (R., Iowa), "We need cost-cutting at every level of the gigantic federal establishment." Now!

WELFARE REFORM

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 15, 1971

Mr. BYRD of Virginia. Mr. President, two Virginia newspapers have recently published interesting and informative editorials on the subject of welfare reform.

In its April 7 edition, the Richmond Times-Dispatch carried an editorial entitled "Needed: A Better Plan." And in its April 9 edition, the Northern Virginia Daily published an editorial entitled "Senator BYRD on Welfare."

The Richmond Times-Dispatch makes the point that innovations in welfare should be tested before a major change is made in the welfare system.

The Northern Virginia Daily makes the same point, and notes the complexity of the problem of welfare reform. It rightly observes that:

> Welfare has a propensity for growing. It never shrinks in its scope.

The editor of the editorial page of the Richmond Times-Dispatch is J. E. Grimsley. The editorial of the Northern Virginia Daily is James J. Crawford.

I ask unanimous consent that the editorials from the Richmond Times-Dispatch and the Northern Virginia Daily be printed in the Extensions of Remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

NEEDED: A BETTER PLAN

Virginia's U.S. Senator Harry F. Byrd, Jr. doesn't think much of the Nixon administration's guaranteed annual income proposal. But since an improved welfare system must be found, the senator is willing to see the Nixon plan tried out in several sections of the country to see how it works.

In a speech to the Senate Thursday, Byrd said what most other knowledgeable people on the subject are saying: The nation's present welfare system simply is not doing the job that ought to be done in providing aid to the needy.

He quoted New York Governor Nelson Rockefeller's recent somber warning that "the present welfare system, if continued as it is, will ultimately overload and break down our society."

It's hard for Byrd, and it's hard for us, to accept the guaranteed annual income provision of the Nixon proposal. Not only is the administration's plan questionable as a matter of public policy, it also—to use Byrd's figures—would increase the number of people on the welfare rolls from 10 million to 24 million. It is estimated the nation's total welfare bill would be tripled under the administration's proposal.

Byrd has introduced in Congress a resolution to establish a national, blue ribbon commission to study the welfare problem and to make recommendations.

Such a commission might be useful if it could have the benefit of welfare experiments of various kinds. These would include the Nixon plan, welfare innovations now being proposed for adoption in California and New York, and perhaps other new ideas tried out in other places.

In the meantime, most of the states will have to continue using the present welfare system and though every reasonable effort should be exerted to see that it operates at maximum efficiency, that the legitimate needs of the poor are met, and that chiselers and deadbeats are kept off the roll.

Sen. Byrd on Welfare

One of the most sensitive issues before the Congress today is what should be done in reforming the nation's welfare program. Our present welfare system is archaic, inequitable and costly, but perhaps its worst feature is that in many ways the present program encourages greater dependence on welfare.

In an effort to inaugurate a long-overdue reform of the welfare program, President Nixon is pushing his Family Assistance Plan, a proposal which is far more ambitious than the present system in that it will make eligible many Americans who do not now qualify.

Many congressmen oppose the Family Assistance Plan for various reasons but, in sum, these reasons appear to add up to a general conviction that the Family Assistance Plan is a change but is not reform.

In a speech on the Senate floor last Thursday, Sen. Harry F. Byrd Jr., a long-time supporter of the need for reform in the welfare laws gave the following four basic reasons why he opposes the President's plan:

"First, I am concerned about establishing the principle of a guaranteed annual income.

"Second, I am concerned about a proposal that would more than double the number of persons on welfare—from 10 million to 24 million.

"Third, I am concerned about a proposal that would nearly triple the cost of welfare in two years.

"Fourth, I am concerned that the Administration's plan lacks adequate work incentives."

Instead of the sweeping, costly and untried innovations offered by the Family Assistance Plan, Sen. Byrd recommends a program of selected trials. To begin with, the senator has introduced a bill which would establish a national blue ribbon commission to study the problems and make recommendations.

In addition, the senator suggests that the most feasible way to approach the Family Assistance Plan, or any major welfare reform program, is to try it out on a selected, sectional basis to see if it is practical in application.

The whole problem of welfare reform is a very complex one, and whatever changes are made promise to be difficult and costly to implement. Welfare has a propensity for growing. It never shrinks in its scope.

We believe Sen. Byrd's recommendation for a study commission is wise. Sectional trials of new programs are also wise. Where the spending of increased billions of dollars is indicated, cautious pre-evaluation is certainly a sensible route to follow.

LIEUTENANT CALLEY

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Thursday, April 15, 1971

Mr. BOGGS. Mr. President, the 126th General Assembly of the State of Delaware has adopted a House concurrent resolution relative to the case of Lt. William L. Calley, Jr.

The resolution, proposed by Representative Thomas L. Little, calls upon the President of the United States to grant executive clemency to Lieutenant Calley and to restore him to active duty.

I ask unanimous consent that the text of the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

House Concurrent Resolution No. 15: Requesting President Richard M. Nixon To Grant Clemency to Lt. William L. Calley, Jr., Convicted of Mylai Murder Charge

Whereas, Lt. William L. Calley, Jr. of the United States Army, fought courageously and well for America on numerous battlefields, other than My Lai; and

Whereas, thousands of America's finest have given their lives in the defense of freedom for the people of South Vietnam; and

Whereas, the conventional rules of warfare have been generally disregarded throughout this tragic struggle to maintain South Vietnam's independence and our beleaguered troops have been justly provoked by civilian partisans, female and juvenile, who have repeatedly abandoned the traditional noncombatant role to treacherously assassinate their would be benefactors; and

Whereas, no request was ever made by the Government of South Vietnam that Lt. Calley be tried for the My Lai incident, the impetus for such extraordinary proceeding having been created in substantial part by divisive forces in America who seek to discredit the Army and weaken the national resolve; and

Whereas, the unusual length of time required for the jury's deliberation is deemed indicative of substantial doubt of the legal guilt of the accused; and

Whereas, the inevitable effect of any punishment normally commensurate with conviction for the same offense by a civilian for which the defendant in this case was charged would be to disspirit the United States Armed Forces, encourage our national enemies and tend to destroy our national unity.

Now therefore be it resolved by the House of Representatives of the 126th General Assembly of the State of Delaware, the Senate concurring therein, that we do hereby urgently request President Richard M. Nixon, as commander-in-chief of the Armed Forces, to grant forthwith executive clemency to Lt. William L. Calley, Jr., expunging of record all criminal convictions heretofore entered against said soldier and restoring him to active duty as a member of the United States Army.

Be it further resolved that copies of this Resolution be forwarded to President Richard M. Nixon and the United States Senators J. Caleb Boggs and William V. Roth, Jr., respectively and United States Representative Pierre S. duPont, IV.

U.S. CITRUS INDUSTRY AFFECTED BY UNFAIR TRADE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. GAYDOS. Mr. Speaker, I was interested to see in the Record of Friday, March 19, where two Members of the other body inserted articles protesting unfair treatment given American exporters of citrus fruits by nations belonging to the European Economic Community.

According to the articles, it appears the EEC has granted a sizable tariff preferential rate to four major competitors of the U.S. citrus growers but has not extended the same treatment to American shippers. Consequently, Tunisia and Morocco pay a tariff of only 16 cents per carton on shipments; Spain and Israel pay 48 cents per carton; and good old Uncle Sam shells out 80 cents per carton. The American citrus growers rightly point out such action on the part of the EEC is in violation of the General Agreement on Tariffs and Trade, which is supposed to guarantee that when a preference is given one member of GATT, it automatically is extended to others.

This disregard of the GATT provisions by the EEC has cost the citrus industry in Arizona and California a loss of $3 million in less than 2 years. The ultimate loss would be about $30 million of the American trade balance and severe damage to an industry which employs approximately 40,000 U.S. citizens. So, it seems another American industry is feeling the same pains of unfair foreign competition that have been felt by our electronic industry, our steel industry, our shoe industry, our textile industry, and our heavy electrical equipment industry.

Nonetheless, there still are those economists and philosophers of free trade who point the finger of guilt at the United States, and declare it is we who will be responsible for an international trade war if we move to protect our industries and our workers. Somehow they do not see free trade and fair trade in the same light as I do.

Mr. Speaker, I am hopeful that someday these people will see the light and place the blame for unfair world trade where it rightfully belongs. When that day comes, I assure you, I will not gloat and say, "I told you so," but I will move to place mandated quotas on their "sour grapes."

MAÑANA IS TODAY

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Thursday, April 15, 1971

Mr. GRIFFIN. Mr. President, a recent issue of The Manager, published by the U.S. Department of Commerce, contains an article by Carlos Conde entitled "Mañana Is Today." In the article, Mr. Conde discusses with perception and insight some of the problems faced by Spanish Americans as well as real efforts being made by the cabinet committee on opportunity for the Spanish speaking to deal with those problems.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Manager, January–March 1971]

Manana Is Today

(By Carlos Conde, Director of Public Affairs Cabinet Committee on Opportunities for Spanish Speaking People)

When the Cabinet Committee on Opportunities for Spanish Speaking People is mentioned, a common reaction is "What is it and who needs it?" The question poses the attitude and gives the answer and the reason for creating the Cabinet Committee. The Spanish speaking people have been left behind in the social reform movement because of indifference, apathy and ignorance toward their needs and issues. Much of this, unfortunately, can be found in the Federal bureaucracy where a tunnel view of minorities seems to exist. One wag suggested with more truth than levity that the Spanish speaking people are in the "silent minority" in the community and the "snap minority" in the Federal Government. "When the bureaucrats get together to talk policy and programs for minorities," he said, "someone invariably snaps his fingers at the end of the meeting and says 'Dang it, we forgot the Spanish speaking people again'." The Cabinet Committee exists, therefore, to make the Spanish speaking people and their needs a household word in the Federal community. It is young and still teething but it has the unabashed spirit and energy of youth required for the job. The Cabinet Committee is an independent office in the executive branch of the Federal Government and is responsible to Congress through the President. It is essentially an advisory body involved in assisting other Federal agencies to develop and initiate programs for Spanish speaking people. The "committee" is made up of Cabinet-level members whose departments and agencies provide resource assistance to staff activities and programs. The Cabinet Committee is the successor to the Inter-Agency Committee on Mexican American Affairs created in 1967 by Presidential Memorandum. It received statutory status and a new name in December of 1969.

Why is such an agency necessary? The statistics tell most of the story. The median education for the adult Spanish population 35 years and older is 8.5 years although for the younger segment, it is approaching the 11-year level. The family income hovers around $5,600. The unemployment rate for Spanish origin persons is considerably higher than for the total labor force. Spanish origin workers are less apt to hold white-collar jobs than the other segments of the work force. Spanish speaking persons own less than one percent of the nation's businesses. A Spanish surnamed person is seven times more likely to live in substandard housing than his Anglo counterpart. The mortality rate at birth or during the first year is twice that of the Anglo. The average lifespan of a Spanish speaking child born to a migrant family is 38 years. Among the Spanish speaking migrants, 41 percent of all deaths occurs by five years of age. For many Spanish speaking people, poor education, poor jobs, poor housing, disparagement, disenfranchisement and death at an early age are common.

Another aspect has been the failure or the inability of people and institutions to understand the particular lifestyles of the Spanish speaking people and therefore to adequately develop a social progress plan for them. Many times, if a certain project fails in San Antonio when it worked beautifully in Atlanta, Georgia, the program operators dismiss it as a lack of response from the people rather than the ineffectiveness of the program. It is necessary to look deeper into the background and character of the Spanish speaking people to plan viable programs, which is one reason the Cabinet Committee was brought into being.

The Spanish speaking people have lived in isolation for many years and existed largely on the mores and traditions of their culture. They also have had a particular history to contend with. The Southwest, where three-fifths of the Spanish speaking population live, was once their homeland and the Anglo culture was the invader. The turn of events highlighted by war, land seizures, and ostracism made them feel as interlopers in the land they pioneered and, held apart from the community, they preferred to remain within the security of their Spanish culture. Their descendants have grown up with a bewilderment that has not yet been fully resolved. Take the Mexican American, for example, who comprise more than half of the United States' Spanish speaking population. Most of them grow up in the Southwest—as Americans by birthright but Mexicans in lifestyle—proud of their heritage but at times burdened by it.

The price of success and social advancement for many of them has been the rejection of their culture and traditions and the acceptance of Anglo-imposed traits. Many Spanish speaking people recognize the value of assimilation but have also found out that their destiny has too often been compromised by incompatiable social action programs. Take the language problem. Is it wrong or unworthy to be bi-lingual as well as bi-cultural? Is this not an asset rather than a burden? Why, they ask, is it repressed? Spanish is currently spoken in the homes of one-half of the Spanish origin population. With the exception of English, Spanish is spoken by more persons than any other language in the United States. That is strength, not weakness. It should not have to be sacrificed for social and economic advancement. Nor should the culture, for that matter, which has made many significant contributions to the nation. The genius of a meaningful program, therefore, is to bring all these factors into play and stimulate rather than inhibit ambitions and opportunities. The issue in training programs or self-help projects is not a trade off between two languages and cultures, but rather the blending of both. No one is denying that a person should know functional English if he lives in a society where the language is dominant, but he should be brought into it, not tossed into it.

The cabinet Committee's responsibilities are to make this and other characteristics of the Spanish speaking people known to social planners, particularly in government. Its job also is to articulate their needs and problems and to make their existence and presence known in every nook and cranny of the bureaucracy. Its creation was necessary because history shows that the Spanish speaking people's problems have been overlooked or denied the attention they merit. Awareness of the Spanish speaking people by the bureaucracy is a slow-melting iceberg. Many times it is reaction, rather than action, that prods government men. One interesting theory is the proximity of government decision makers. Some people suggest that an Easterner's mentality prevails in government, that too many are too far removed from the drama and too few have the insight or the interest in the Spanish speaking people.

Despite the wit of a Mexican American who said when you are sleeping on the floor you can't fall out of bed, things are looking up in the Federal Government for the Spanish speaking minority. Perhaps the most important breakthrough is President Nixon's 16-point Equal Employment Opportunity program for Spanish speaking people which was announced in November. Aimed at giving members of this ethnic minority an equitable share of federal jobs, President Nixon instructed the Civil Service Commission to begin implementation immediately. The plan was developed by the Cabinet Committee under the guidance of former chairman Martin G. Castillo and Executive Director John Bareno. The action was prompted by statistics that showed Spanish speaking people holding 2.8 percent of the 2.6 million Federal jobs. Most of them were in the lower grades. The program is an intensified drive to recruit Spanish speaking persons into government jobs and to make EEO officers in government agencies aware of their existence. It called for the appointment of a full-time Spanish surnamed EEO official in the Civil Service Commission to serve as an ombudsman and advisor to Civil Service Commission Chairman Robert E. Hampton. Chairman Hampton appointed Fernando E. De Baca of Albuquerque, New Mexico to this position and the program is now underway. Hopefully, an increased number of Spanish speaking people in government, particularly in the higher echelons, will remove the broker system of progress and provide Spanish speaking expertise on programs and policies directly affecting them.

In every facet of society, a new era is beginning for the Spanish speaking people. They have discovered themselves and their potential and are rapidly gaining the tools with which to do the work. The Federal Government is showing greater willingness to become a partner in their social progress. Everyone looks forward to the day when an agency such as the Cabinet Committee is no longer needed for it will mean we will have reached the thoroughfare to progress. The Spanish speaking people certainly are ready, willing and able. As the sign read at a Mexican American rally, "Manana is Today."

HIGHWAY SAFETY

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. CLARK. Mr. Speaker, in 1970 the terrible death and injury toll on our highways from accidents was reversed for the first time—a major accomplishment due in considerable part to the vast design improvements on the new Interstate Highway Systems. However, approximately 55,000 people lost their lives, almost 5 million were injured and the economic loss from auto accidents was more than $16 billion—these astronomic figures can and must be reduced.

Highway accidents are caused by the failure of either the driver, the car, or, the highway. Current attention, however, seems to be largely centered on: the drunken driver, the aging driver, the accident prone driver and what can be done about him, improvement in car design to better protect drivers and passengers, better bumpers, and the possibility of engine deflection. All of these are among improvements being studied. Compulsory seat belts and shoulder harnesses and passive safety devices like the air bags are under development. Unfortunately, most of the final answers to these problems seem to be in either the talking or the development stage and target dates are still years away.

The highways, however, are being made safer every day. One of the possibilities for the further reduction of the needlessly lost lives and the wasted millions in property damage lies in a new passive on-highway safety device called the Fitch Inertial Barrier. A device that is saving lives today on our highways.

The Fitch system is a simple, inexpensive, yet extremely effective device used to protect out-of-control cars from impacts with hazardous fixed objects such as bridge abutments, overpass piers, parapet wall ends at exit ramps, and similar roadside dangers which accounted for thousands of last year's accidents. It consists of a series of free-standing plastic drums filled with graduated amounts of sand, front to back, held at the average car's center of gravity. The drums are placed in front of the hazard, much like bowling pins. When struck by a speeding car, the modules shatter and the car's energy is transferred to the sand, resulting in a controlled, safe stop that minimizes the chance of injury and reduces car damage to a remarkable degree.

There are currently 110 of these devices installed on our highways. They have been struck by out-of-control cars 75 times over the past year and in only one instance did the injury sustained require medical care. In 74 of the accidents there were no injuries reported, even though the speeds of the cars involved were as high as 65 miles per hour—in about 80 percent of the cases the cars were backed out and driven away, indicating a very minimum of damage. Qualified highway experts estimate some 20 to 25 lives have been saved by this safety barrier as of this date.

Just imagine the potential savings in life and property damage possible if these barriers were present on our highways in the thousands, rather than the hundreds.

I urge responsible officials in all States to check into this new lifesaver. This device—and other impact attenuators—has recently been approved by the Federal Highway Administration for use as standard "highway hardware." It requires little or no site preparation and can be erected by a highway maintenance crew in approximately 3 hours. The cost averages about $1,800 per barrier.

In 1970 the first step was made to reverse the staggering highway accident figures. Here is a means of lowering them still more. Let us do something today while we wait for the safety devices that are promised for tomorrow. The Fitch barrier is here today. Available now. Let us act now to cut down the needless slaughter on our highways.

AMERICAN PARTICIPATION IN THE UNITED NATIONS BOYCOTT AGAINST RHODESIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 15, 1971

Mr. BYRD of Virginia. Mr. President, the Northern Virginia Daily of April 2, 1971, includes an excellent editorial on the subject of American participation in the United Nations boycott against Rhodesia.

I have introduced (S. 1404) a bill which would have the effect of ending our participation in the U.N. embargo, so far as shipment of chrome ore from Rhodesia to the United States is concerned.

The editorial makes the point that there are strong moral arguments and strong economic arguments in favor of the United States ending its participation in the embargo.

I ask unanimous consent that the editorial, entitled "A Twofold Bill," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A TWOFOLD BILL

On Thursday Sen. Harry F. Byrd, Jr., introduced legislation in the Senate which would accomplish two important purposes. The Byrd bill will, at one fell swoop, set straight an economic anomaly, and will also correct a moral inequity of an international nature which has existed for over four years.

Back in 1966, when Great Britain led a United Nations' action to impose an economic embargo against Rhodesia, the United States supported the move. Since then the UN has twice tried to draw tighter the sanction noose against Rhodesia, each time strongly supported by the U.S.

Today, Sen. Byrd reminds us, it is a criminal offense to trade with Rhodesia. One of the results of this total embargo is that the U.S., which formerly purchased most of its chrome from Rhodesia, is now forced to rely on Soviet Russia for 60 percent of its total consumption.

This situation is not only morally and ethically insupportable, and an aggressive attempt to strangle a small and struggling nation which has in no way harmed the U.S., but is also an extremely dangerous position for the U.S. to be in.

Not only are we dependent on the whims of Soviet Russia for a very strategic metal, but we are also caught in the vise of a monopoly squeeze which has seen the price of Soviet chrome more than doubled.

Sen. Byrd's bill would end our dependency on Russian chrome through the expedient of limitations under which "the President could not ban imports of strategic material from a free-world country if the importation of the same material is permitted from a Communist-dominated country."

This would mean that the U.S. would have to end its embargo against Rhodesian chrome as long as chrome is being purchased in any Communist country. Perhaps the adoption of this legislation might lead in time to the removal of all sanctions against Rhodesia.

The Byrd bill makes sense, which is more than can be said for the long-standing embargo against this unfortunate little African nation. All the factors, economic and moral, argue for its quick passage.

THE SELLING OF THE PENTAGON

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BINGHAM. Mr. Speaker, an excellent editorial appeared on April 13, 1971, in the Wall Street Journal and I would like to include the full text of the editorial in the RECORD at this point.

[From the Wall Street Journal, Apr. 13, 1971]

PENTAGON PUBLICITY

In all the hullabaloo about the CBS show, "The Selling of the Pentagon," one matter seemingly has gotten lost.

The show's target, excessive spending on publicity by the Department of Defense, is a wholly appropriate subject for public discussion, however badly or unfairly CBS might have handled it.

CBS has been accused of using an exaggerated figure on how much the Pentagon spends for its various press, publicity and public-relations activities. In fact, it is difficult to know just how much the department and its branches spend for this purpose.

Adam Yarmolinsky, a onetime Pentagon "whiz kid" under Robert McNamara, says in his thorough book "The Military Establishment," that a high Army officer once estimated it would cost $85,000 just to determine what the Army spends for public relations. But in response to an inquiry by Senator Fulbright in 1969, the Pentagon admitted that it had an information force of 2,800, with direct salary and operating costs of $27.9 million. That was a tenfold increase from 1959.

The figure, which certainly is substantial, does not include other costly activities, such as Armed Forces Day shows, which can partly come under the heading of training but must also be included under public-relations activities.

Aside from all the questions of war and peace, press freedom, journalistic fairness and the like that the CBS show has stirred up, the simple and provable fact is that there are large-scale Pentagon publicity outlays at a time when the nation is under extreme pressure to bring government costs under control.

The Pentagon is not the only offender, to be sure. Public-relations and advertising techniques are in fairly common use throughout government. The Pentagon, however, with an overall budget that looms so large beside anything else, most likely is the biggest spender.

Taxpayers need information about government but they don't need heavy salesmanship and it is doubtful that any useful purpose is really served by it. Most Americans have been convinced for a long time that they need a substantial military establishment capable of insuring the nation's security and meeting its foreign-policy commitments. Professional testimony to Congress and advice to the President plus a free flow of information to the press should be largely sufficient for public-policy decisions on the specific needs of the Defense Department.

The real danger in any government department's attempting to build a large propaganda establishment is that it might prove capable of developing its own political constituency, outside the normal traditions of this nation's government. It could thus become difficult or even impossible for either the President or Congress to adequately control the department's budget and natural tendencies toward growth. Fiscal priorities can get badly distorted that way.

The Pentagon's budget has grown so large—partly as a result of the public's security fears and the over-extensive foreign-policy goals of past governments—that its spending affects the livelihoods of large numbers of people. We do not raise the specter of a possible military takeover here, as some critics of the Pentagon might, since we feel that the nation's traditions of democratic civilian government are strong ones and are honored inside as well as outside the Pentagon. Yet the tendency of large institutions to generate their own life and momentum, and thus become difficult to reshape to changing needs, is an important problem in itself. Self-salesmanship can contribute to this tendency.

CBS was attempting to deal with a subject that does deserve serious consideration—more serious than TV networks, with their show-business propensities and personality cults, ever seem capable of giving. The Pentagon publicity budget should be cut and so should publicity budgets of other government departments that are inclined to go beyond minimum informational roles.

There is, after all, a basic anomaly in super-salesmanship campaigns by government departments. They are, in effect, spending the taxpayers' money to sell the taxpayer on letting them spend still more of his money. The taxpayer would be better served if he could find some way to sell government on spending less.

ALBERT N. JACKSON

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. TEAGUE of Texas. Mr. Speaker, on Thursday, April 1, 1971, the Fourth

Estate of this country lost a noble soul. Mr. Albert N. Jackson, who rose from a cub reporter to vice chairman of The Times Herald Printing Co., publishers of the Dallas Times Herald, over a span of 50 years passed away in a Washington hotel. I was proud of the fact that Mr. Jackson counted me as one of his friends and under leave to extend my remarks in the Record, I wish to include a news article which contains the many fine tributes paid to him by his many friends; as well as the editorial which appeared in his paper. However, all of the written words or those expressed can adequately convey my feelings for this fine gentleman and American citizen who has departed our midst.

[From the Dallas Times Herald, Apr. 4, 1971]

LEADERS OVER NATION PAUSE TO PAY TRIBUTE TO JACKSON

Political and professional leaders across the nation paused this weekend to pay tribute to the late Albert N. Jackson, vice chairman of the board of The Times Herald Printing Co., who died in Washington, D.C., Thursday.

"Please extend my sincere condolences to the family of Albert N. Jackson," said U.S. Sen. John Tower in a telegram to James F. Chambers Jr., publisher of The Dallas Times Herald.

"The passing of one who contributed so much is a great loss to the newspaper industry."

U.S. Sen. Lloyd M. Bentsen Jr. described himself as "deeply saddened" by the passing of Mr. Jackson, who rose from cub reporter to become one of the most prominent figures in American journalism during his 44-year newspaper career.

"Texas has lost a creative, contributing citizen of great stature," Sen. Bentsen said. "The journalistic profession has lost a dedicated servant. And I have lost a true and valued friend of many years.

"Albert Jackson's civic contributions to his beloved city, his state and the nation, his leadership and lasting accomplishments in his chosen profession, and the stamp of his personality on the progress of an entire state will be lasting testimony to his life. He will be sorely missed."

U.S. Rep. Earle Cabell, who was to have dined with Mr. Jackson in Washington on the evening of his death, said:

"I regret the passing of my longtime friend. Not only was he a man held in high esteem in the journalism profession, but a man who took an interest in people and public affairs and was always in the forefront in leadership of those interested in improving our government and our government's functions."

Messages of sympathy and condolence came to Mr. Jackson's family from a wide range of people all over the nation, including President Nixon, former President Johnson and other national leaders to whom Mr. Jackson was a familiar and respected figure.

"Mrs. Smith and I were grieved to learn of the death of Albert Jackson," said Texas Gov. Preston Smith. "Mr. Jackson was a longtime friend.

"His loss will be felt keenly by the newspaper, his friends and the many thousands of Texans who knew and respected him. Texas journalism has lost a valuable champion with his passing, and Mrs. Smith joins me in expressing sympathy to his widow and their daughter."

U.S. Rep. Ray Roberts, whose district includes Mr. Jackson's hometown of McKinney, recalled his aid and advice on many occasions in the past.

"Texas has lost one of its great citizens," said Rep. Roberts. "Albert Jackson came from my hometown of McKinney and has been my close personal friend for almost all of my life.

"He was always available when I needed his counsel. He gave freely of himself and asked nothing in return. If the world had more people with the professional understanding and courage of Albert Jackson, it would be a better place in which to live."

Dallas Mayor Erik Jonsson led the outpouring of sympathetic tributes from leaders.

"Above all," said Mayor Jonsson, "I will miss Albert Jackson because he was my friend. Knowledgeable in many ways; quiet but warm and outgoing; wise and steady, he could not be stampeded, nor would he waver in the slightest degree when the going got rough.

"Dallas truly has lost one of its most informed, dedicated and concerned leaders.

"Mrs. Jonsson joins me in expressing our deepest sympathy to Mrs. Jackson and their family, on our behalf and that of the community."

Added Dr. Luther Holcomb, vice chairman of the Equal Employment Opportunities Commission and former director of the Dallas Council of Churches:

"He was an outstanding man of our times, a man of exceptional insight and achievement, a foremost American, and above all a man of great goodwill. We shall mourn the loss of a friend and colleague who for so long personified the best in journalism."

Maurice Hunnicutt, secretary of the Allied Printing Trades of Dallas, recalled the great intergrity with which Mr. Jackson, a widely acknowledged labor expert, dealt with labor unions as a newspaper executive.

"He was a great man and a great citizen," said Hunnicutt. "He was fair and just in all his dealings with all printing trades unions. We will certainly miss him."

Other tributes came from Mr. Jackson's fellow journalists around the country.

"All of us here are deeply sorry to learn of the passing of Albert Jackson," wired Richard Lloyd Jones, editor of the Tulsa Tribune. "His knowledge of the newspaper business was respected nationwide."

Mason Walsh, former managing editor of The Times Herald, sent condolences from Phoenix where he is now editor of the Arizona Republic.

"Albert's guidance, counsel and friendship meant much to me during our years of association at The Times Herald," said Walsh. "Our prayers are with you."

S. B. Whittenburg, president of the Amarillo Globe News, said "Albert has been a great contribution to the newspaper profession. We will all miss him."

[From the Dallas Times Herald, Apr. 2, 1971]

ALBERT N. JACKSON

There are many ways and of varying degree in which a man can serve his fellow man. We believe one of the best is in the capacity of an able, conscientious, dedicated professional journalist.

It was in that capacity that Albert N. Jackson chose to serve his fellowmen. And Albert Jackson served them thus in the highest degree.

At the time of his death Thursday, Mr. Jackson held the position of vice chairman of the board of The Times Herald Printing Company. But he had reached that position through nearly half a century of service with The Times Herald as a reporter, as an editor and then as a company executive.

But we who knew him best remember him best for his work as a reporter and political writer. And of all his positions, he was proudest of having been a good reporter. The fact is that he was more than just a good reporter. As the publisher of this newspaper, James F. Chambers Jr., a long-time personal friend, said, "Albert was the most professional journalist I've ever known. He was a meticulous reporter—the smallest details were all there in his stories."

Mr. Jackson spent some 15 years of his career as a journalist reporting Dallas municipal affairs. And it was there that he made probably his greatest contribution to the people of this city.

Mr. Jackson came into this field of journalism at the time the City of Dallas was beginning its transition from a comparatively small city to a great metropolis. And through his scrupulously honest reporting and more, through his campaigning for good government, through his advice and consultation with civic leaders of the city, Albert Jackson had a major hand in helping fashion and encourage the excellent city government Dallas has enjoyed for so many years.

But Albert Jackson's influence for good in government went far beyond the city limits of Dallas. Over the years he became the friend of governors and other state officials, of congressional leaders and of presidents. All of them sought his advice and counsel, not only on political matters but in the broader matters of state, at all levels of government, from the lowest to the highest.

For they recognized in Albert Jackson, as did all of his legion of friends, a man not only of consummate political acumen but of fundamental wisdom as well, a wisdom which grew out of a deep understanding of, and a deep sympathy for, people.

These characteristics were manifest in the great host of persons who knew him as a friend. Indeed, hundreds upon hundreds of persons, from the lowest rank to the highest, will mourn his passing.

This city, this state, the nation, and most of all, this newspaper, will miss him. All of these and all of the multitude of people who were his friends are better for his having lived among us.

LIEUTENANT CALLEY

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. BROOMFIELD. Mr. Speaker, the conviction and sentence of Lieutenant Calley has become as controversial an issue as the entire question of our involvement in Vietnam. The wide variety of responses from the American people reflect the profound dissension that has torn our country: One group argues that Calley cannot be held responsible for actions he took in pursuing his orders; another claims that he is only a scapegoat for the military and civilian leadership; and still a final segment of the public points out that, regardless of his orders and regardless of American military policy, Calley has committed a crime that cannot be excused under any circumstances.

From this general disagreement we may draw one conclusion with certainty: That it is difficult, indeed, to apply the rule of law to a wartime situation, that we expect, perhaps, too much when we ask a soldier, stung by the deaths of his friends in the past and doubtful of his own survival in the future, to distinguish between the legal and the illegal actions of war.

The basis of the Army's policy toward nonbelligerents is contained in a manual, the "Rules of Land Warfare," which runs well over 100 pages and covers subjects unknown to most lawyers, let alone most soldiers. I doubt that many servicemen actually know the types of protection offered to civilians under the different circumstances of war; I doubt, moreover, that many officers realize that a certain status of civilian is not protected by law and may, in fact, be subject to reprisal. These are critical aspects of our policy toward nonbelligerents, yet they are practically unknown to the majority of our soldiers.

When we apply the rule of law to a wartime situation, we are asking that all these considerations be carefully weighed by the individual soldier before he takes action—a difficult task under normal circumstances, and an almost impossible job in the heat of battle.

The military has recognized this problem and simplified the decisionmaking process down to the following question: would the action taken be understood as legal by a right-thinking, rational man? This, I would agree, is a substantially more realistic criterion. But, even here, a certain difficulty persists, for, while law is based on reason, soldiers act, for the most part, on instinct—the instinct of survival. We are asking men to be rational when, in fact, they depend almost exclusively upon their natural will to live.

As long as there are wars, of course, we can still do everything within our power to see that they are fought with some regard for the innocent. The laws of war have undoubtedly saved lives, and for that reason alone must be continued and improved. What I have tried to indicate in the foregoing discussion is the simple fact that, worth while as these laws surely are, they cannot be applied as evenhandedly as we would like; that they create enormous problems for the man in uniform and that they ask of him somewhat more than we can or should expect.

Consequently, the prosecution of those accused of violating the laws of war must take into account the trying circumstances under which the alleged violation took place. The accused should be granted every benefit of the doubt and every legal right that is consistent with the American system of jurisprudence. Unfortunately, under the Uniform Code of Military Justice, this is not the case.

Under the Code, military courts are required to function within the same framework as our Federal and State courts. Yet, in the case of Lieutenant Calley, we found that he could have been convicted by less than a unanimous decision of the six-member jury, a possibility which runs directly counter to a key principle of the American judicial system; that which requires the unanimous concurrence of the jurors in any conviction. In other words, under the Uniform Code a soldier is treated less equitable than he would be in the regular, civilian courts.

As I have already taken the pains to demonstrate, the soldier has enough trouble just obeying the laws of war. We do him a severe injustice when we further deny him his constitutional right to a fair trial.

I have joined Congressman Latta in introducing legislation that would amend the Uniform Code of Military Justice to require unanimous concurrence of the jury before a conviction can be handed down. Until the day when we have no more wars and we need no more laws to govern them, we must make every effort to see that our present rules meet the basic standards of American jurisprudence. Our servicemen deserve no less.

IS LIEUTENANT CALLEY TO BE OUR CONSCIENCE?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1971

Mr. TEAGUE of Texas. Mr. Speaker, there has been much written both pro and con relating to the Calley trial. Mr. Felix McKnight, editor of the Dallas Times Herald, however, has written by far the best insight to this problem. I cannot elaborate on what he has written and, therefore, under leave to extend my remarks, I insert Mr. McKnight's editorial in the Record at this point.

[From the Dallas Times Herald, Apr. 4, 1971]

CASE OF LT. CALLEY: IS HE TO BE OUR CONSCIENCE?

(By Felix R. McKnight)

Why, in the name of God, make the 27-year-old William Calleys pay at hard labor through life so that the artisans of war can crawl from the mudholes of history to the wash basin?

Is this ramrod Floridian, whose tears were even disciplined as he stood before his jury, supposed to be our conscience?

Is he, by life in a stockade, supposed to be the total atonement for the million tragedies that are the footnotes to war manuals?

Must Lt. William Calley, in one sweep of righteousness, be the cleansing agent for massive World War II bombings that obliterated cities and brought other men the Congressional Medal of Honor?

Are we, in currently recounting the miseries of man's wars, to go back and prosecute Commander-in-Chief Harry S. Truman for the premeditated extinction of hundreds of thousands of civilians in the atomic erasure of Hiroshima and Nagasaki?

Do we call back for trial Gen. Killer Kane, wearer of the Medal of Honor, for leading his cluster of lethal B–24 bombers on a raid that leveled the military target of Schweinfurt? Or the bomber swarms that buried Dusseldorf, Bremen, Cologne?

The Allies arose from the ashes of Britain's Coventry after mass burials of their civilians to retaliate in savagery against enemy cities.

Remember Audie Murphy, the freckled kid from Commerce, of the same slight, Calleyish build? Audie wears the blue-ribboned Medal of Honor for single-handedly dispatching 240-odd Nazis and shattering enemy machine-gun nests that had been killing and maiming his fellow soldiers.

Audie's act was premeditated; committed in the wrath that comes from seeing a buddy's blood.

William Calley stood unshakable before his jury the other day—except for tears that wet his cheeks—and told them he shot at My Lai for the same reason:

"If I have committed a crime, the only crime I have committed is in judgment of my values . . . Apparently I valued my troops' lives more than I did the enemy . . . That was my enemy out there and I had to value the lives of my troops . . . That is the only crime I have committeed."

Calley sobbed his final plea:

"You stripped me of all my honor. Please, by your actions, don't strip future soldiers of their honor—I beg of you . . ."

It is unthinkable that William Calley, a nice young guy dislodged from civilian life and given a gun to fight 8,000 miles away in some cause we are now departing, would walk the streets of his hometown Miami at high noon and gun down women and children and old men in monk's cloth.

William Calley, the records show, committed his first sin at My Lai. His trial, orderly and conducted within the strict structure of military law, found him guilty. Jurors publicly said they combed back through the thousands of pages of testimony to grasp words that would prove him innocent. They did not find them—beyond reasonable doubt.

The harsh judgment rendered is to be questioned. The severity of sentence appalled America. It undoubtedly will be reduced as Lt. Calley lives in reflection and remorse through appeal procedures.

President Nixon, vested with final commutative authority, will decide the case of William Calley. It will take Solomon's wisdom to decide the moral issues that go with it; issues that have crystallized in the futility of the Vietnam conflict.

No—this should not be the lot of William Calley. But perhaps the system that got him there should be called into the witness box.

It is late in the game to start indicting the military. So we ask again, as generations before, what price war? Do we finally use every resource reborn by the Calley affair to end the scourage that—left with more My Lais, rapes of Poland, etc.—will end us all?

War, at its sorry best, is a concoction of anguish, distrust, misery and impetuous acts of dishonor. It is the sordid game that ends in no decision; only the pause before the next shooting, the next My Lai.

The poison of war; the discipline that says clean out a resistance pocket or get cleaned out yourself, has made Lt. Calley reflect on many things. It caused him to say, even before his jury found him guilty of premeditated murder—whatever that is in war:

"My Lai was a small tragedy in a small place. But, for once, man was about to see all the hells of war. I can't say that I am proud of being in My Lai or participating in war. But I would be extremely proud if My Lai shows the world what war really is . . ."

WHAT THE AMERICAN FLAG MEANS TO ME

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1971

Mr. DULSKI. Mr. Speaker, more than 9,000 students in the public, private, and parochial schools of Buffalo and Erie County, N.Y., engaged in an essay contest conducted recently by the Buffalo Evening News and the Erie County American Legion and Auxiliary.

This was the 42d annual contest, and 12 winners were chosen from among the entrants in the sixth through the 12th grades of some 300 schools in the county.

The prize—as in the past—was a long weekend trip by air to our Nation's Capital over the Easter holiday weekend.

In the Capital the winners received VIP treatment arranged by the sponsors, including a private bus which took them to historic sights on a carefully prearranged and all-inclusive schedule.

In explaining the topic for the 1971 Americanism essay contest, "What the American Flag Means to ME," the sponsors said:

What do *you* see when you look at the American Flag? We hope that what you see is more than some red, white and blue cloth.

The American Flag is the emblem of our Thought, Purpose, Unity and Power as a Nation, and it has no other character than what we give it from generation to generation.

We do not seek a collection of patriotic cliches in the essays on "What the American Flag Means to Me." We would like the young men and women eligible to participate in this competition to think about our Flag and then frankly express what it means to them.

The essays were given preliminary examinations by Russell F. Tripi, past commander of Coast Guard Post 1529 and chairman of the 1971 Americanism Essay Contest Committee of the Erie County American Legion, and Mrs. Betty Buttery, junior past president and Americanism chairman of the Legion Auxiliary.

The final judging to pick the six boys and six girls as winners was conducted by Dr. Joseph Manch, superintendent of Buffalo public schools, the Very Reverend Monsignor Leo E. Hammerl, superintendent of schools for the Catholic Diocese of Buffalo, and Elwood M. Wardlow, managing editor of the Buffalo Evening News.

The essays this year are of exceptional quality, and the winners are fine young citizens. Following are the texts of the winning essays:

WHAT THE AMERICAN FLAG MEANS TO ME

(By Mary A. Elniski)

(Miss Elniski, 16, of 6 South Lane, Buffalo, was winner of the Girls Division of the Buffalo Public High School classification. Her teacher is Lillian Palermo.)

A red, white, and blue banner—the symbol of our nation—or is it? In today's world, most people's thoughts end at those colors. For me, however, that is where they begin. Bravery, valor, and bloodshed went into the making of America, all summed up in the flag we display in our classrooms, public buildings, parks, and courthouses.

It would be difficult for me to teach someone else to love the American flag and all it represents. Only someone who has lived through the crises and triumphs our country has faced could experience the love and respect which our flag deserves.

To each of us, the American flag holds a different meaning. In me, it instills a feeling of pride and loyalty. We Americans have lived through many trying times. War, bloodshed, inflation, unrest, depression—all of these have played their part in America's struggle to become great. Some people feel we will never reach this goal, but, in my opinion, we have not only reached it—we have passed it.

Often it is hard to admit defeat and still keep trying. Yet, I think our nation has been a unique example of perseverance and patience. I would be the first to uphold our country's honor, for I feel I owe America much more than I could ever repay in one lifetime.

Freedom and liberty are only two of the many things I have been endowed with as a citizen of the United States. They may not seem like much to the average American, but I'm sure a citizen of Russia or perhaps Yugoslavia would be more than happy to trade places with me, if only they knew what it is like to be able to live the way they want to in a free land.

All these things are represented in the American flag. That is why our symbol of a free and independent nation means so much to me. When the "Star Spangled Banner" plays, I will be one proud American who will stand and salute the red, white, and blue.

(By James Lee, Jr.)

(Mr. Lee, 17, 521 East Utica Street, Buffalo, a senior at Seneca Vocational High School, was winner of the Boys Division of the Buffalo Public High School classification. His teacher is Gertrude R. McGee.)

The American flag is a symbol of a nation. It represents the people of the United States. Undoubtedly it means more to some individuals than others, for today many people deliberately desecrate it and denounce what it represents by their vicious statements and actions.

I heard it remarked that the United States had no business in Southeast Asia and so any attempts to bring about a peaceful settlement militarily is an unjustifiable act. Instead it was claimed we have so many problems at home that one should cease trying to be "policeman" of the world and patrol our own back yards.

As a black American, I am a firm believer in the United States government. Possibly we could have avoided intervention in the Southeast Asian conflict at its outbreak. We are, however, undoubtedly past that point at present; therefore, we should deal with the present situation. It is easy for us uninvolved individuals to sit back and read today's newspaper and say what should have been done at the time of American intervention, but we find ourselves baffled when it comes to offering suggestions as to how to further Vietnamize the war. It is easier to criticize what has been done, to vent our frustration on the flag, than to offer constructive suggestions for the elimination of the problem.

There are many agencies instituted by the government for solving domestic problems, financial and otherwise, especially those of black people. Our country has made the finest attempt in history to unite various races of people and with commendable success. The brave men who have been killed defending our flag of the United States were of no one race, color or creed.

The flag then, for me, represents people of different ethnic and social backgrounds, all Americans, all working together to reach the ultimate achievement—peace. I feel that this attempt in itself demands great respect as it represents in microcosm what the whole world must eventually do. This, then, is what the flag symbolizes for me, the pacesetter for the world. I pledge my allegiance to it therefore with pride and sincerity.

(By Sarah F. Epps)

(Miss Epps, 14, 186 Box Avenue, Buffalo, is an eighth grade pupil at Genesee Humboldt Junior High School and was winner of the Girls Division of the Buffalo Public Elementary School classification. Her teacher is Mary Carson.)

The American flag to me symbolizes my country—its past and present, and the future it holds in store for us.

As a young Afro-American I see in the flag the inglorious past of my ancestors who were so ruthlessly enslaved centuries ago. It's almost impossible for me to conceive how they managed to survive the backbreaking labors and merciless treatment which so often accompanied their bondage. Yet, in spite of hardships and privations, many of them were able to accomplish much in promoting the greatness of this country. I am proud of my heritage from such black ancestry as Phillis Wheatley, poetess; Harriet Tubman, a great humanitarian; Booker T. Washington, educator; George Washington Carver, a renowned scientist; Frederick Douglas, orator and politician; and countless other distinguished Afro-Americans.

On the other hand, reviewing the results of such great Americans as Abraham Lincoln, William Lloyd Garrison, John Fairfield and other abolitionists, it is obvious to me that our Star Spangled Banner symbolizes both the virtues and the imperfections in our country.

Slavery was like a festering sore which healed but left behind prejudice, segregation, and racial unrest as grim scars upon the faces on this country so the present is rather chaotic. Rapid changes are occurring, some resulting in harmony, some in friction.

However, the flag also holds the promise of shining days ahead for all of us in which the famed dream of Dr. Martin Luther King will become a reality and every American, regardless of race or creed, will join hands as brethren under our flag, the symbol of our great nation.

(By Thomas Kunz)

(Mr. Kunz, 13, 437 Seventh Street, Buffalo, is an eighth grade pupil at School No. 1 and was winner of the Boys Division of the Buffalo Public Elementary School classification. His teacher is Leila Piel.)

A nation's flag is a stirring sight as it flies in the wind: Its bright colors and striking design stand for the country's land, its people, its government, and its ideals. A country's flag can stir people to joy, to courage, and to sacrifice. Many men and women have died to protect their national flags from dishonor and disgrace. Every citizen should know how to honor his nation's flag.

The American flag, with stars and stripes, symbolizes unity of its fifty states. The color red represents courage—courage of our soldiers who saved the honor of our flag; white, for purity and innocence; blue, for vigilance, perseverance and justice.

Being a citizen of this great and noble country is an honor and privilege that I shall always treasure. Among the many qualities represented by the flag, the greatest to me are freedom and justice. An American citizen is free to maintain physical, educational, social, and religious freedom. This fact makes our country very unique. In many countries of the world today people are suffering, due to the freedom that has been taken away from them.

I feel fortunate to live in a country that places a high value on justice for all. For example, each person is treated the same, regardless of race, color or creed. I hope that I, too, will always be able to practice this virtue in regard to my fellow-man.

The American flag, to me, will always be worthy of great respect, since it has proven its strength and ability by outliving many times of peace and war.

(By Linda C. Fischer)

(Miss Fischer, 15, Vermont Hill Road, Holland, is a ninth grade pupil at Holland Central Junior High School, and was winner of the Erie County Public Junior High School classification. Her teacher is Kathryn Dumansky.)

When pledging allegiance to the American flag, I think of what the flag means to me. It represents sacrifice, struggle, courage freedom, loyalty, faith, and equality. To me the flag symbolizes, not only the achievements reached in the past, but the opportunities that we have in the future. It makes me realize that the goals of justice, equal rights, and peace have always brought forth problems to be solved. When I think of these goals, I believe the flag really stands for challenge. It is the challenge of improving our country and achieving peace. I know this means that I must try to do what I can to help. Thus, the flag means loyalty and responsibility to me.

Every time, I look at our flag and see its fifty stars, I feel proud of the American pioneers and immigrants who settled and developed our country. From the time the first men had the courage to leave their homes in foreign lands and search for freedoms they wanted, there has been a continual stream of people moving to our land. They used their small savings to provide schools and to build churches. When they were able, they invested in enterprises and factories that made our modern standard of living possible. They developed democracy from the time of the New England town meetings to the state and federal governments today. All this achievement means success. Therefore, the flag means that we have succeeded in the past and that we can hope to succeed in the future. It brings faith and hope to me.

As our flag represents the story of our democracy, it illustrates for me the achievements of the past and points toward success in the future. It reminds me that the qualities of faith, courage, sacrifice and ambition will be needed to preserve our democratic country.

(By Robert R. Clark)

(Mr. Clark, 16, Rockwood Road, Boston, is a junior at Eden Central High School and was winner of the Boys Division of the Erie County Public High School classification. His teacher is James G. Duffy.)

Each morning I stand in homeroom and pledge my allegiance to the flag hanging in the corner and to the "republic for which it stands." But, isn't that flag up there more than just something to say a few words to every morning? It stands for my country that I love, and to me the words in that pledge are real and meaningful.

There are many things wrong with my country. There is pollution in her water and her air, there is violence in her streets and hate in her cities, there is war away from home and war against that war at home. But, still I love my country and flag that stands for it.

Sometimes, when I look at the flag, I see only the red which reminds me of the blood men have shed to keep that flag in front of my room. That same red reminds me that some day my blood may be spilled in defense of that flag and the country it stands for.

The stars on the field of blue remind me of night. They remind me of nights men have spent in damp holes in the ground to protect my flag and my country. They remind me of nights men have died and of nights men have wept because of the loss of a friend or just at the folly and inhumanity of war.

But, when I look at the white, I think of the good my flag represents. I think of a great and beautiful country I can call mine, and I'm thankful. I realize that there are many things wrong with her: Pollution, dissent, racial prejudice, ghettos, withering ecology, and far too much hate. But, these things must not be blamed on America herself, but on her people. Someday her people will wake up and make right the injustices they've committed against her. Someday her people will stop hating and start loving one another. Best of all, someday everyone, not just the majority, but everyone will be proud, as I am, to be an American.

(By Frank J. Rusinski, Jr.)

(Mr. Rusinski, 11, 72 Hedley Street, Sloan, is a sixth grade pupil at Grover Cleveland Elementary School, Sloan, and was winner of the Boys Division of the Erie County Junior High School classification. His teacher is Gloria Spavento.)

There is a considerable controversy today about our American flag. Some people believe that it has lost its true meaning. Some people feel that the flag is nothing more than a piece of material. They have even used it for clothes and rags saying that is all it is worth. This makes me very angry because the flag is a symbol of America's past and it also serves to remind others of our great country.

Our country is not perfect but our flag is. Our flag should not be worshiped, but we should pay honor to what it stands for. We do not destroy churches simply because all people do not believe in Christianity; so we should not destroy our flag because all people do not believe in America.

When I see our flag I do not think of all the mistakes our country has made, I remember all the good things my country has done. I think of the very wise men who wrote our Declaration of Independence and our Constitution. I think of the very brave men who have died in wars for our country's safety. I remember George Washington, Abraham Lincoln, and John and Robert Kennedy.

Symbolism is important even to the people who destroy our flag. They wear peace symbols. They grow their hair long to symbolize their independence from society. They dress in a way to show you they are different. I would never destroy any of their symbols or tell them that they are unimportant just because I don't believe as they do. I ask that they stop destroying my flag. They have their symbols and I have mine. This freedom of choice is what my flag represents.

(By Barbara J. Paradowski)

(Miss Paradowski, 16, 11357 Sisson Highway, North Collins, is a junior at North Collins Central High School and was winner of the Girls Division of the Erie County Public High School classification. Her teacher is Paul DeSantis.)

In the light of the season, America reflects her God given light with growing uncertainty. She is questioning, gradually diverging from the secure past she once enjoyed. As a citizen and part of America, I too am experiencing the profound uneasiness of my country as she battles living social specters and other products of her past. It is with this concept that I view the American flag.

Study halls afford time for contemplation, and it was during one of these study halls that I detected "Old Glory" rippling in the breeze. I stood witness as mother nature breathed life into the colorful soil and sent its groping edges into the unexpired depth of the sky. Almost immediately, visions of Lexington and Concord were brought to mind. I also imagined Francis Scott Key fervently scribbling words to the Star Spangled Banner and man implanting his first footsteps on the lunar surface. There, lumped in one piece of cloth lived America's glorious and unmatched past, a past where present and future seemed worlds apart. Discrimination, poverty, war, drugs . . . could these things also be represented by the courageous super symbol which boldly snapped at the air? Why did it seem so proud and yet so lonely?

Our flag is the bearer of our pride along with our sorrow. If this country is worth loving, then we must share the burden which the flag has carried for so long. Only we as citizens can restore to our flag the glory which it once knew.

I do not plan on deserting my flag or the country it symbolizes. I have no intentions of criticizing it until its colors fade from despair and its starched cloth withers beneath my criticism. Love is much stronger than hate, and only through the efforts of love will pride of past and present be restored to the American flag.

(By Raymond Kazmierczak)

(Mr. Kazmierczak, 13, 94 Fay Street, Buffalo, is an eighth grade pupil at St. Luke School, Buffalo, and was winner of the Boys Division of the Private and Parochial Elementary School classification. His teacher is Sister M. Edwardine.)

The American flag to me is a symbol of our country; a symbol of how our country starting with thirteen original colonies developed into one of the strongest nations in the world. To me the flag is a barrier protecting our free world against the world of communism. It is being united as one nation to uphold the flag. The flag stands for freedom for all people no matter if they are black, white, red, or yellow.

To me the flag represents the peace and tranquility of our nation. It is walking down the street and speaking freely; it is walking into any church without the fear of being thrown out or arrested. It means freedom of choice—being able to pick out anyone we want for our President. It is criticizing something we don't like or speaking up against someone we don't agree with in office.

To me, it is fighting anyone who tries to break up our country and it is not being oppressed by harsh laws but being governed by reasonable laws.

I think our flag means we should try to work for our freedom, for our peace, and for our happiness. It is working together and not against each other. Our flag stands for our country so it may be always united as states.

(By James S. Boczarski)

(Mr. Boczarski, 16, 115 Gualbert Avenue, Cheektowaga, is a junior at Bishop Turner High School and was winner of the Boys Division of the Private and Parochial High School classification. His teacher is Reverend Francis Braun.)

The thirteen stripes and fifty stars that fly over this land mean much more to me than just a design on a piece of cloth. For that design, which is displayed on automobile windows by middle class suburbanites, irreverently worn by dissatisfied college students, and pompously praised by insincere politicians is the same symbol that represents those suburbanites, students, and politicians. It is the same symbol that represents all Americans and their ideals.

When I see the Star Spangled Banner flying proudly over America, I think of the rich, bountiful soil that my country has given me, and my duty to keep it that way. I see the towering trees and sparkling rivers, the majestic mountains and crystal lakes, and my duty to preserve them. I see opportunity for me to advance in knowledge and position, and my duty to protect this opportunity for others. I see fair and just laws, and my duty to be fair and just myself. I see all the Americans, the pioneers and the patriots, the farmers and the industrialists, the workers and the statesmen, who have built my America; and I see the citizens of tomorrow, whose America I shall build.

With hope in my heart and strength in my arms, I will see to it that those who follow will be able to enjoy the America that I do, respect the flag that I do, and have a feeling of service as I do; because unless every resident of this country devotes his efforts to the preservation of his beliefs, there will be less of a flag for his descendants to fly.

Let us, then, dedicate ourselves to our home, and our emblem of red, white, and blue.

(By Margaret N. Harrigan)

(Miss Harrigan, 13, 217 Highgate Avenue, Buffalo, is an eighth grade pupil at St. Joseph School and was winner of the Girls Division of the Private and Parochial Elementary School classification. Her teacher is Sister Richard Marie.)

To me, the American flag means my homeland, the United Sates of America, a country rich in resources, vast expanses of land, and people, good, bad, black, red and white, but all Americans.

The stars on the flag represent fifty states joined together in one republic, sharing problems and good fortune. Though once divided, they were brought together again after a war, to be rebuilt into an even stronger nation. The thirteen stripes symbolize the first states which were the origin of our great country.

The American flag means everything our country and our citizens have done. I think of the great Americans who have lived through the years—poets, writers, presidents, scientists and political leaders.

The flag reminds me of the wise words of Thomas Jefferson, the Declaration of Independence, Lincoln's Gettysburg Address and the Constitution.

The American flag represents to me one of the strongest nations on earth. It shows me a country exploring the universe and landing men on the moon.

I see in it the freedom men fought for, and are now fighting for, in many places. The flag means to me the bloodshed in Vietnam, the lives lost in Korea and the two world wars.

Our flag stands for many different people, each unique, of many backgrounds, in a country where the people are the government.

When I see the flag, I think of July Fourth, 1776, when we became the United States of America, free from England.

The flag tells me I am an American, and feel proud! Our country isn't perfect, we have many problems. I see pollution, riots, drugs, poverty, racial discrimination and war when I look at the flag, but I can see, too, a country that I am glad to be a part of—the United States of America!

(By Jane Marie Daniels)

(Miss Daniels, 16, 310 South Third Street, Olean, was a junior at Villa Maria Academy, Cheektowaga, at the time of the contest and was winner of the Girls Division of the Private and Parochial High School classification. Her teacher is Sister Anne Marie.)

We were taught to honor it; times have made some hate it. It's considered a trademark of freedom, for it symbolizes justice, honor, and equality—long sought and fought for. But what does the American flag mean to me?

It means a heavy debt. I owe it much. Its inspiration to our country's leaders has given me the Constitution, the Bill of Rights, the 13th, 14th, and 15th Amendments. It also means my passport to a decent life, my self-respect, my dignity, my pride. It has given me the freedom to accept it or reject it. I have accepted it and it has treated me well. It is my freedom to laugh, to play, to work, to cry, to be myself.

Although troubled times may cast doubts on my acceptance of the flag, I realize that I myself have often been responsible for those doubts. What have I done to promote justice, lessen discrimination, support my fellow Americans, diminish poverty, or solve environmental problems? When our country fails, who do I blame—the government, the police, the politicians, my parents? I can only say "we."

"We the people of the United States" are to blame. I know we've made many mistakes in the past and there will be more in the future. But, the flag is also a hope—a hope that we have the patience and understanding the perseverance and courage to never give up searching for the truth.

The meaning the flag has for me will, I expect, continue to emerge, develop, and expand as I become more directly involved with the world and the people around me. I hope, however, that my present attitudes, my acceptance of the flag will influence my future behavior, so that the flag will always remain an important symbol of freedom to me.

DEAF STATE BASKETBALL CHAMPIONSHIP WON BY HUDSON CAGERS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, I am tremendously proud of the group of men in Hudson County who have won a remarkable victory in the New Jersey Athletic Association of the Deaf State Basketball Championship.

The team won its championship after a 14 to 0 winning season by sweeping the tournament in two games. This was the first time New Jersey had representation in the Eastern Tournament in 17 years.

Members of the team are: Tom Cooney, coach; Barri Snyder, captain; Mike Slomkowski; Desmond Hitchman; Peter Rozynski; Ray Sturm; Conrad Fleetwood; Mike Drury; Ralph Newberry, and Simon Bacino, manager.

I am inserting in the RECORD a newspaper story from the Jersey Journal of Feb. 15, 1971, which details their accomplishment. The insert follows:

HUDSON DEAF CAGERS CAPTURE STATE TITLE; EYE EAST CROWN

Hudson County will carry the banner of the New Jersey Athletic Association of the Deaf into the Eastern A. A. Championship Tournament later this season in Brooklyn. Tom Cooney's resourceful Hudson-Cagers won the New Jersey diadem and the coveted Jersey Journal Trophy Saturday with a brilliant triumph over the Delaware Valley quintet.

The score was 98–59 and the issue never was in at the Martin Luther King School, Jersey City, as coach Cooney's champions jumped off to a quick 14–4 lead.

Mike Slomkowski checked in with 26 rebounds and 20 points as he gunned the Hudson hoopsters' attack. Barri Snyder rolled up 17 rebounds as he aided Slomkowski in keeping the ball away from the agile Delaware squad.

Ray Sturm and Mike Drury bobbed up with a dozen assists apiece for Hudson. Others excelling for Hudson were Conrad Fleetwood, Desmond Hitchman, Pete Rozynski and Ralph Newberry. Hitchman had 20 points and Rozynski 14 while excelling on defense.

Singularly enough, the most valuable player award went to John White of Delaware Valley. He pumped in 23 points and was a bearcat on offense and defense all the way.

The tournament All-Star quintet comprised Slomkowski, Hitchman, White, Dom Garzarelli and Bill Kahley of Delaware Valley.

Pretty, pert Debbie Detzel of Jersey City was crowned Miss N.J.A.A.D. at a victory party held in the winner's clubrooms in Kearny.

Hudson County crashed into the finals by thrashing Garden State, 79–45, in the semi-finals, while Delaware Valley ousted Philadelphia, 55–53. The Quaker City boys were heavy favorites but went reeling to defeat when Harry Warner converted two free throws with 16 seconds left.

Starring for Philadelphia were Robert Sheak, Frank Chesney and Bill Huttinger. White registered 18 points to cop scoring laurels.

Outstanding performers for Garden State were Ronnie Pastor and Pete Karamitas.

The scores:

Del. Valley	G	P	Hudson County	G	P
Warner	4	10	Snyder	11	23
Coar	0	1	Fleetwood	4	8
Tomasello	0	0	Rozynski	0	7
White	10	23	Slomkowski	9	20
Ricci	0	0	Newberry	1	3
Kahley	4	12	Hitchman	10	20
Garzarelli	6	13	Sturm	4	8
			Drury	1	2
Total	24	59	Total	47	98

Delaware Valley	13	12	15	19–59
Hudson County	19	28	27	24–98

Del. Valley	G	P	Philadelphia	G	P
Warner	4	12	Chesney	5	10
Goodwin	1	4	Sheak	6	14
White	7	18	Arble	4	8
Kahley	4	8	Stradling	1	2
Garzarelli	4	11	Tapley	1	4
Coar	1	2	Kinsey	1	3
Wright	0	0	Caluruso	1	2
Aselle	0	0	Huttinger	4	10
Total	21	55	Total	23	53

Del. Valley	13	15	10	18–55
Philadelphia SAC	15	15	13	10–53

Garden State	G	P	Hudson County	G	P
Gervaslo	0	0	Snyder	6	13
Karamitas	5	12	Hitchman	8	19
Salch	3	10	Newberry	1	2
Lewis	4	8	Fleetwood	0	1
Munn	0	0	Slomkowski	5	13
Pastor	5	15	Sturm	4	8
			Rozynski	7	14
			Drury	3	9
Total	17	45	Total	34	79

Garden State	10	8	10	17–45
Hudson County	11	18	27	23–79

DEBORAH STEVENSON WRITES ON THE DECLARATION OF INDEPENDENCE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1971

Mr. TEAGUE of Texas. Mr. Speaker, the young daughter of an acquaintance of mine has written a short paper on the Declaration of Independence which I would like to share with the Members of the House. Under leave to extend my remarks, I insert herewith "The Declaration of Independence—Its Origin, History, and Result," written by Miss Deborah Stevenson of Corpus Christi, Tex., at this point in the RECORD.

THE DECLARATION OF INDEPENDENCE—ITS ORIGIN, HISTORY, AND RESULT

(By Miss Deborah Stevenson)

Every man knows that one must have a firm foundation on which to build any structure. But even more important than the foundation is the ground on which one intends to build. This is exemplified in a parable. One man built his house on the sand. Another man built his house on a rock. When the winds came and the water rose, the man's house that was built on the sand was blown and washed away. But the man's house that was built on the rock stood firm. The Constitution of the United States of America is the foundation from which our America rises. But the Declaration of Independence is the ground on which the foundation of the Constitution was laid.

On the Fourth of July people ring bells and pop firecrackers to celebrate the birthday of a great nation—the United States of America. For this was the day that the members from twelve of the existing thirteen colonies voted to accept the Declaration But it was not until July 8, four days later, that the common people learned the actual words. To these people, however, these words came as no surprise. The war against England had already begun. Lexington, Concord, and Breed's Hill were already dates in history. The spirit of independence had spread throughout the land. Many men were asking, "Is not America already independent? Why not declare the fact?"

But why were these men writing declarations of independence? Why were these men willing to fight a war with the recognized ruling power of the world? The answer can be found in the Declaration itself. The document begins with the statement that when it becomes necessary to sever bonds with a country that men have formerly cherished as their fatherland, the severers have a moral responsibility to list specifically all the reasons for the severance. And that is what the Declaration of Independence actually is. After his eloquent introduction, the famous document lists grievances against George III, King of England. Included is every wrong that he has committed against the colonies. Our forefathers close with a list of all the ways they have warned the English and a final resolution declaring the United States of America to be free.

But what does this mean for us today? Did our forefathers provide us with a better example of defending freedom than defying kings? Many years ago Shakespeare's *Macbeth* set an example for all who disliked their king. He simply killed his king and he himself took his king's place. But, alas, Macbeth realized the danger of his example: if someone tired of him, the malcontent could simply rid the country of Macbeth by killing him, too. The founding fathers provided through their example, enforced by the declaration, a superior way of defending freedoms.

When their freedoms were suppressed, they talked among themselves, felt public opinion, and finding opinion in their favor, rebelled. Now, with their example and observing all legal bounds, the spirit of freedom established in 1776 still lives. Women's liberation, ecology, the population explosion are the substance for drastic action. Brave men of purpose can make their wishes known in the same land where their ancestors provided the examples.

Certainly without the rock of the Declaration of Independence, the foundation of the Constitution and the house of America would crumble, as the man's house built on the sand did, and America would long ago have blown and washed away.

CONTINUING THE FOOD STAMP PROGRAM: WE CANNOT LET THE BEST BE THE ENEMY OF THE GOOD

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1971

Mr. FOLEY. Mr. Speaker, it is becoming apparent that the administration's war on hunger is really a retreat from the President's May 1969 pledge "to end hunger in America itself for all time."

In the 22 months since that pledge, the progress made is being overshadowed by the administration's steps backward: The elimination of the emergency food and medical services program of the Office of Economic Opportunity; its opposition to efforts to increase the food-stamp appropriations for fiscal year 1971, even though the proposed appropriation level was insufficient; and its support for the restrictive House Agriculture Committee food-stamp bill over the widely bipartisan and more generous substitute when the food stamp program came up for extension last December.

Now it appears that the administration is about to take another long step backward. If food stamps are eliminated in the family assistance plan in favor of a $2,400 minimum income, a proposition which the administration supports, the ability of a poor family to purchase even the "economy diet"—estimated to be $1,272 for a family of four—is greatly reduced. In order to consume this basic diet once food stamps are eliminated, a family of four would have to spend $106 of its allotted $200 monthly income on food. We should all be aware of the fact that food is the most expendable item in the family budget; it is purchased with the money which remains after the rent, utility bills, and medical expenses are paid. As long as the proposed minimum level of assistance is less than adequate, the food stamp will be necessary to insure that a family has the ability to purchase a basic diet. If we fail to insure this, we will not only perpetuate poverty, but hunger and malnutrition as well.

The editorial I place into the RECORD at this time, "Whatever Became of the Hunger War?" by Nick Kotz, raises some fundamental questions about the adequacy of the family assistance plan's proposed minimum income. I hope that we will all carefully consider these questions as time nears for Congress to act on the family assistance plan.

The editorial follows:

WHATEVER BECAME OF THE HUNGER WAR?

(By Nick Kotz)

When he pledged in 1969 "to put an end to hunger in America itself for all time," President Nixon stressed "I not only accept the responsibility—I claim the responsibility." Twenty-two months later, questions arise whether the President remains fully committed to his pledge and whether he has abdicated the responsibility to the House Ways and Means Committee.

The President and Congress can share credit for responsible reforms in the food stamp and school lunch programs, which are easing the plight of at least some of the 25 million Americans who simply do not have enough income to purchase a minimally adequate diet.

But at the moment when a major breakthrough seems possible in eliminating the shame, pain and devastation of American hunger, the Nixon administration and key members of Congress have suddenly marched off in a new direction.

The administration and Rep. Wilbur Mills (D-Ark.), chairman of the House Ways and Means Committee, have agreed on a tentative welfare plan that would both eliminate food stamps and endanger even the present inadequate welfare benefits to the poor in 45 states. The relief recently granted the hungry poor could be swept right back off their plates.

The foundation of President Nixon's May, 1969 commitment to end hunger was a generous food stamp program. In his message to Congress, the President stressed that the poorest should get free food stamps and that no poor family should spend more than 30 per cent of its income for food stamp aid. These were important, if little understoood principles.

These presidential food aid principles recognized that food is the item most often slighted in a poor man's tenuous budget.

Take a family of four living on $200 monthly ($2,400 annual) income. The Agriculture Department says a four-person family must spend $106 monthly ($1,272 annually) to purchase an "economy diet" and $134 monthly ($1,608 annually) to buy a "low-cost diet." The monthly demands of the landlord alone means that such a family cannot regularly, if ever, make the financial commitment to adequate nutrition. Millions with less income have far greater food problems.

That's where the food stamp program came in. The family spent $60 monthly out of its $200 total income to receive $106 in stamps, used at groceries to buy food. The $552 in food stamp bonuses raised the family's total income from $2,400 to $2,952.

This is a complicated "second money" system. It demeans the poor. It requires them to allocate a fixed percentage of their income for food. It does not help the poor meet their many other needs for which they don't have money. Adequate cash income obviously is preferable. But it does get food on the plate and 10 million people have flooded into the program. The number will soon rise to 15 million.

The original Nixon administration Family Assistance Plan called for families to retain their food stamp benefits.

And significantly, the President told Congress, "In no case would anyone's present level of benefits be lowered." States were required to maintain welfare benefits that were above the President's $1,600 federal payment for a family of four.

But for the moment at least, officials of the administration and members of the Ways and Means Committee have renounced both food stamp aid and the principle that no one would lose benefits.

Take the family of four with $2,400 welfare income. This family would still get a minimum of $2,400 with the federal government now paying the entire amount. It would lose its $552 in food stamp bonuses. The family's effective income would decrease unless the state voluntarily maintained its former contribution to welfare and made up for the food stamp loss. States have never paid for any part of the food stamp program and are not likely to start doing so now. States would not be required to spend a dime. Many state officials would be pressed to use all their welfare savings for state tax relief.

The poor in only five Southern states would be guaranteed an increase in benefits. The hungry poor could be right back where they started. To avoid this possibility, the President pledged originally that food stamps would be retained until a cash income program was truly adequate.

Hopefully, the administration will remember its own food program history lessons better than Vice President Agnew did last week in criticizing CBS's 1968 documentary "Hunger in America." This is the same program President Nixon praised on Feb. 3, 1969, for arousing the nation's conscience to the horrors of hunger in our affluent midst.

Following the Vice President's revisionist view of history, the Office of Economic Opportunity no longer lends the CBS film on grounds that it is "one sided." It showed the side of emaciated, hungry children. What is the other side?

Congress and the President may tell us as they decide what constitutes "welfare reform."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—*Monday, April 19, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The honest man comes to the light so that it may be clearly seen that God is in all he does.—John 3: 21 (NEB).

O God, our Father, we lift our hearts unto Thee in this hallowed moment and bow our heads at the altar of prayer, thanking Thee for the days of renewal which have been ours and praying for wisdom and strength as we face the trying tasks of this troubled time. Empower us with Thy spirit that we may rise above pettiness and prejudice and learn to work together with a glad good will for the welfare of our country and the well-being of mankind.

Guide with Thy truth and support with Thy love those who lead our Nation in this forum of freedom—our Speaker, our Representatives, he who assumes office representing the District of Columbia, and all who labor with them under the glowing dome of this glorious Capitol, that Thy kingdom of justice and freedom and good will may go forward until the earth becomes a planet where men live together in true brotherhood and enduring peace: To the glory of Thy holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. Con. Res. 15. Concurrent resolution pertaining to the printing of additional copies of part I of the hearings before the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary; and

S. Con. Res. 18. Concurrent resolution authorizing the printing of additional copies of Senate Report 91–1548, entitled "Economics of Aging: Toward a Full Share in Abundance."

HON. WALTER E. FAUNTROY

The SPEAKER. The Chair is ready to administer the oath of office to the Delegate from the District of Columbia.

Mr. FAUNTROY appeared at the bar of the House and took the oath of office.

MAKING IN ORDER CONSIDERATION OF SUPPLEMENTARY APPROPRIATIONS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on Thursday of this week to consider a joint resolution making certain urgent supplementary appropriations for the current fiscal year.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the distinguished chairman of the Committee on Appropriations tell the House what subjects are proposed to be dealt with in this expedition of certain supplemental appropriation funds?

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. MAHON. Mr. Speaker, the gentleman makes a very appropriate inquiry.

The President has sent to Congress requests for numerous supplementary appropriations for the current fiscal year 1971 which ends on June 30 next. The Committee on Appropriations has over a period of some weeks been holding hearings on them. We hope to report a general supplemental bill early next month, but we cannot be certain just how quickly Congress will take final action on it. In the meantime, there are a handful of pressing items which must be accommodated in the very near future.

There are requests before us for $16.3 million for the Occupational Safety and Health Act which goes into effect on the 28th of this month as a result of legislation passed by Congress late last year. It is the desire of the administration to get this program underway. There is also considerable interest in the Congress to move ahead. The request has been before us for some time and we feel it should be acted upon soon. That is one of the items.

A second item is the result of various laws enacted by the last Congress and unanticipated caseloads. There are two requests for a total of $736 million for Veterans' Administration mandatory-type benefits—$434 million for compensation and pensions and $302 million for readjustment benefits.

May I add that the first request would provide $4,140,000 for increased subsistence allowances for vocational rehabilitation trainees, as provided by Public Law 91–219; $3,612,000 for increased dependency and indemnity compensation rates, as provided by Public Law 91–262; $222,212,000 for increased compensation rates, as provided by Public Law 91–376; $115,000,000 for increased pension rates, as provided by Public Law 91–588; and $88,815,000 is for unanticipated increases in the number of disabled veterans applying for benefits and in the average amount of payment. The second veterans request, for $302 million, breaks down as follows: $10,500,000 for liberalized educational assistance to servicemen, veterans, and certain dependents, as provided by Public Law 91–584; $8,700,000 for increased automobile allowances for disabled veterans, as provided by Public Law 91–666; and $283,000,000 for unanticipated increases in the rate and unit costs of participation in training programs by veterans' dependents.

We understand that balances in the existing appropriations could be exhausted before action on the general supplemental bill is finalized.

Then, as a result of the fairly recent earthquake in California and storms and disasters in the Middle West and Gulf States, there is a request before us for $290 million for disaster relief and loan programs. There is urgency attached to them since they relate to assistance as a result of natural disasters.

It is therefore proposed, I would say to my friend from Iowa, that we lift these three items out of the regular supplemental and give them early attention. Of course, the special resolution to be presented will be subject to amendment, but we have been urged over a period of quite some time to act as quickly as possible, and we felt that we should yield to these urgent requests ahead of the regular supplemental bill.

Mr. GROSS. Is the gentleman saying that there are three items or there may be more than three, perhaps six or seven items?

Mr. MAHON. There are seven appropriations, but there are three areas of appropriation involved, and I have mentioned those three.

Mr. GROSS. And they are all of an emergency nature?

Mr. MAHON. They are.

Mr. GROSS. Is the gentleman saying further that the material in respect to these bills will be available before Thursday?

Mr. MAHON. The material is available today. The hearings are now available and, of course, the budget requests from the President have been available for some time. The joint resolution and report will be available just as soon as the committee acts, which will be on Thursday.

I would like to say further that the gentleman from Ohio (Mr. Bow) the ranking minority member of the Committee on Appropriations, fully concurs in this request.

Mr. GROSS. It is anticipated that this legislation may be called up on Thursday or prior to that date?

Mr. MAHON. This is the request which is being made, for Thursday.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, further reserving the right to object, in view of the announced program for the House of Representatives for this week, including the Accelerated Public Works Act, Pan American Day, the supplemental maritime authorization, and all of the six bills that are scheduled for Thursday and the balance of the week, I presume that the gentleman, the distinguished chairman of the Committee on Appropriations, is by this unanimous-consent request serving notice that on Thursday or thereafter we will take up this supplemental appropriation.

I would like to ask if he or the leadership knows whether or not it is planned to continue the program as announced or whether we are planning to work through Friday and Saturday in order to accomplish this added new program.

Mr. MAHON. I would say that it is the hope that this urgent supplemental matter can be handled rather expeditiously in the House. I would say further that the matter of making a request today in order to expedite it this week comes at a time when it was not possible fully to clear the matter with all elements of the leadership on this side. But I would think there is no problem involved.

Mr. BOGGS. Mr. Speaker, will the gentleman yield to me?

Mr. HALL. I yield to the House majority leader.

Mr. BOGGS. We see no problem about scheduling the emergency legislation from the Committee on Appropriations. We do not expect it to take but a very short period of time. We think it is proper that it be considered.

Mr. HALL. Mr. Speaker, further reserving the right to object, no one has said that it is not important that it be considered. In fact, to the contrary, I think the distinguished chairman of the Committee on Appropriations has made a good case for the consideration of the resolution.

My question is simply what we plan to do with respect to the 5-day week this week. Do we plan to go into the 5-day week and do we plan to complete this business on Thursday, or are we going to work on Friday and Saturday, as so often recommended?

Mr. BOGGS. Mr. Speaker, if the gentleman will yield further, it is the intention to keep the schedule as set forth on the Whip Notice for this week. I do not anticipate that we will require either a Friday or a Saturday session. It is the intention of the leadership, beginning in June, to have sessions on Friday and possibly on Saturday.

Mr. HALL. Mr. Speaker, I appreciate that forthright answer.

Mr. MAHON. Mr. Speaker, if the gentleman will yield further, the other body has manifested an interest in the urgent supplemental and that is one of the reasons we want to move on it in order to permit the other body to also take timely action on this matter.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REFERRAL OF EXECUTIVE COMMUNICATION NO. 528

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that Executive communication No. 528, which was referred to the Committee on Interior and Insular Affairs on April 5, 1971, be rereferred to the Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

SWEARING IN OF THE HONORABLE WALTER FAUNTROY, REPRESENTATIVE FROM THE DISTRICT OF COLUMBIA

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, the swearing in today of Congressman WALTER FAUNTROY is a historic occasion for the House of Representatives and the District of Columbia.

For the first time in almost 100 years the District of Columbia has an elected Representative in Congress. This is a major step toward removing the blot of disenfranchisement which afflicts more than 700,000 citizens of the Nation's Capital.

Congressman FAUNTROY will have a vote in the committees to which he is assigned, and it is expected that he will have a very crucial vote on the Committee on the District of Columbia, but let us hope the time will come soon when he and other Representatives of the District will be able to cast votes on legislation that is before the House as well as the Senate. Only then will the citizens of the District have full enfranchisement as far as Congress is concerned.

We are particularly fortunate in having as our new colleague a person with a lifelong commitment to social and economic justice and full equality for all our citizens. He exemplifies the committed, dedicated, informed legislator which the Congress and the District of Columbia need.

I know that Congressman FAUNTROY will serve ably and well, giving voice to to aspirations of the people of the District of Columbia and of all Americans. We are indeed fortunate to be able to welcome Congressman WALTER FAUNTROY, to the House of Representatives.

CONGRATULATIONS TO THE NEW REPRESENTATIVE FROM THE DISTRICT OF COLUMBIA

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIKVA. Mr. Speaker, today is an important landmark in restoring democracy to the 800,000 inhabitants who reside in the Capital of our democracy. The addition of WALTER FAUNTROY as a Delegate to the Congress will give the residents of Washington, D.C., a voice in the place where their destiny is determined. These residents and all of us who express concern about our democracy are fortunate that the voice of WALTER FAUNTROY is loud, clear, and deeply committed to making our Union more perfect and our democracy more representative. As one who serves on the District of Columbia Committee, I can only add that his colleagues on that committee await his participation eagerly. We need the credentials of a Member who has passed muster with the people whose lives we affect so specifically and parochially with the decisions we make.

CONGRATULATIONS TO THE NEW REPRESENTATIVE FROM THE DISTRICT OF COLUMBIA

(Mr. LINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINK. Mr. Speaker, I join my colleagues in the House and on the District of Columbia Committee in welcoming to the House our newest Member, the Reverend WALTER E. FAUNTROY.

The gentleman from the District of Columbia comes to the Congress with an impressive background that qualifies him well for discharging the duties of the office he assumes today.

The election of a delegate by and from the District of Columbia is a further important step toward the goal of home rule for the District of Columbia.

NO ONE IS FOR WAR

(Mr. ABERNETHY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ABERNETHY. Mr. Speaker, I do not know of anyone in this country, even the bravest of our citizens, who favors war. I hear some Senators and Congressmen say, "I am against the war." Well, we are all against war. But these Members, many of whom have become candidates for the Presidency—armchair generals, who sit in this and the other body—have about as much capacity in my judgment to run the war and the country as some of those who constantly criticize everything that is done in this Nation.

This is not a bad country. This country is made up primarily of good people. While I respect the service rendered this Nation in the Vietnam war by those who are now demonstrating in front of the Capitol, I do not respect the manner in which they are registering their complaint against the war. They are not impressing anyone but themselves. And they are not helping anyone but the enemy.

This kind of conduct is not going to get us out of the war, neither is the conduct of the current armchair generals and candidates for President. Hanoi hears with glee every criticism they make of the President's direction of the war. Neither I nor the Nation is impressed with these "instant" candidates for the Presidency. This is the earliest a presidential campaign has ever been inaugurated. Those who think they are running for President are dividing this Nation over the war when we all should be pulling together. I think by the time the conventions meet next year those who are now running for President will be long forgotten.

The plan of our President to get us out of Vietnam is working. In spite of the armchair generals and obstructionists here in the Congress, we will soon be out, with honor. We could be out much sooner if these obstructionists who think they are running for President would invoke a moratorium on their mouthing criticisms.

Let us all try pulling together behind the President for a while. Just let us try.

A TRIBUTE TO THE LATE BOB CHIPERFIELD

(Mr. MORGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORGAN. Mr. Speaker, all of us who were here in the years following World War II, which were the years of the Greek-Turkish aid program, the Truman doctrine, the Marshall plan, the beginning of the military assistance program were saddened to hear of the passing of Bob Chiperfield on April 9, during the Easter recess.

Bob Chiperfield served on the Committee on Foreign Affairs from 1939 until he retired from Congress in 1962, and was chairman of the committee during the 83d Congress, 1953–54. He was the last Republican chairman of the committee.

Those of us who were privileged to serve with Bob Chiperfield on the Committee on Foreign Affairs recognized his qualities as a patriot and a statesman. During the critical years after World War II, he recognized the dangers that our country faced and gave his wholehearted support to our Presidents, both Democrat and Republican, in their efforts to meet this danger.

I can remember his saying one day during a meeting of the committee that it was easier to oppose foreign aid than to support it and that his position as chairman of the Foreign Affairs Committee did not win him any votes.

He recognized, however, that he was in a better position to know the facts and to understand the issues than others were, and that he had an obligation to do what was in the best interest of our country.

Bob Chiperfield came from a distinguished family. His father served as a Member of the House of Representatives before him and had served with distinction during the First World War and as a member of the bar of the State of Illinois.

Those of us who knew Bob Chiperfield thought of him primarily as a kind and gentle person. He was always considerate of the rights and the feelings of others. He was not one who struggled for headlines. He never tried to advance his own interests at the expense of others.

In addition to his service as chairman, he was the ranking minority member of the Committee on Foreign Affairs during most of the decade of the 1950's and my relations with him both officially and personally were most satisfactory. I always had the feeling that he wanted to do what was right and that his word was his bond.

I was sorry when he decided not to run for reelection in 1962. The committee, the Congress and the country suffered a loss when he left public service.

All of us who knew him regret his passing and extend our sympathy to his wife and his son and daughter. They can take comfort in the fact that he rendered distinguished service to his country and that he occupied a place in the hearts of all of us who knew him.

RIO GRANDE CITY, TEX., HIGH SCHOOL STUDENT COUNCIL

(Mr. de la GARZA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. de la GARZA. Mr. Speaker, I would very much appreciate your indulgence and that of my colleagues in sharing for a few moments with you a recent experience of a group of youngsters from my district.

I speak of the Student Council of Rio Grande City High School, Starr County, Tex. This great group of typically American youngsters made a short visit to Washington this past weekend. Now I know there is very little unusual about this. Many school groups come to Washington during the course of a year. Let me, therefore, respectfully give you a few of the reasons why this was an unusual trip. This is not a very prosperous area; few of the youngsters are from families which are well-to-do; but this is part of the unusual aspect of the trip. All of the youngsters worked to secure all of the funds for the trip, and let me tell you, they did not leave a stone unturned in getting the money.

These boys and girls worked in the stores and shops in the area after school and over the weekends; they cleaned yards; they washed cars; they cleaned houses, washed and ironed clothes; they even made and sold tamales. It was private initiative and free enterprise at its best.

I am very proud of the fact that the youngsters had the wholehearted support of their families, the school officials and teachers, the civic leaders and merchants of the community.

Here they had, I am sure, a great time. Everyone was most kind and generous to them and I personally offer my appreciation to all who helped make this a memorable trip for them, from a very kind bus driver to the President of the United States.

Everyone was impressed with their demeanor, their politeness, the typically south Texas respect for their elders, for law and order, and the very special love for their country. They in turn caught their enthusiasm.

I would very respectfully offer my most sincere appreciation to the President of the United States for granting these youngsters a very generous part of his so busy schedule.

In addition to visiting the President in the rose garden with these youngsters and taking the very special tour of the White House, I was privileged to have them visit my office and to tour the Capitol with them. They also toured the FBI, visited some of the more famous monuments of the city, were interviewed on television, took the boat ride to Mount Vernon and went to the circus. On Sunday each attended his own choice of a place of worship, and Sunday afternoon I saw them off at Dulles Airport for their trek back to south Texas.

Mr. Speaker and my colleagues, we were all very happy with the visit of these great young Americans. I know their families and all who participated in this endeavor are proud of them. Let me assure you that I personally was very proud of them; indeed, all of Texas is proud to have this type of ambassadors.

THE AMERICAN RED CROSS—AN OUTSTANDING JOB IN MISSISSIPPI

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, I rise to commend the American Red Cross for the excellent job they did following the killer tornados that struck the Mississippi Delta on February 21. We are all familiar with the fact that the Red Cross provides food and clothing for disaster victims. But in the case of the tornado victims in my congressional district and the State of Mississippi, the Red Cross really went beyond the call of duty.

Mr. Speaker, the Red Cross provided money for many of the tornado victims even to replacing their eyeglasses and false teeth. In those cases where the victims did not have the necesary funds to pay for the utility connections for their temporary housing, this was also provided.

I for one am proud of the American Red Cross and thank them for the outstanding job they did in my home State.

PROOF ASKED FOR FBI TAPPING TELEPHONES

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. WILLIAMS. Mr. Speaker, 2 weeks ago, on April 5, the distinguished majority leader, the gentleman from Louisiana (Mr. Boggs), made the announcement on the floor of this Chamber that the telephones of the Members of the Congress have been tapped by the FBI. In talking with reporters after this announcement, the gentleman from Louisiana (Mr. Boggs) indicated that he would furnish proof positive that his own office telephone had been tapped. As of today, to the best of my knowledge, the gentleman has failed to point out this proof positive that he referred to.

Because of the seriousness of the majority leader's statement, I believe that it is both imperative and pressing that the gentleman furnish this proof positive for the edification of all Members.

I respectfully request that the gentleman furnish this proof here in this Chamber as permanent record, now or as soon as possible hereafter.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. Boggs) laid before the House the following communication from the Clerk of the House of Representatives:

April 14, 1971.

The Honorable the Speaker,
U.S. House of Representatives.

Dear Mr. Speaker: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 11:45 a.m. on Wednesday, April 14, 1971, said to contain a message from the President transmitting the annual report for fiscal year 1970 of the National Endowment for the Arts and the National Council on the Arts.

With kind regards, I am,
Sincerely,
W. Pat Jennings, *Clerk,*
U.S. House of Representatives.
By W. Raymond Colley.

ANNUAL REPORT FOR FISCAL YEAR 1970 OF THE NATIONAL ENDOWMENT FOR THE ARTS AND THE NATIONAL COUNCIL ON THE ARTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

To the Congress of the United States:

In recent years, the arts have come to play an increasingly important role in American life—and not as the exclusive province of a few great art centers, but in the daily lives of thousands of communities, both large and small, throughout the country.

This heightened appreciation of the arts and of America's artists has been an immensely enriching experience for us all, both individually and as a Nation. For the arts are more than a form of entertainment, or a way of filling up leisure hours. They provide an indispensable means through which the imagination can be freed, and through which we can gain new perceptions and heightened understanding. They contribute beauty and grace to our lives. They inspire us to see things in new ways. They help us to a fuller appreciation of the infinite wonder of man and his world.

The extent to which America's artistic heritage is being enriched and extended should be a source of great pride to this Nation and its people. And the extent to which its enjoyment is becoming more broadly available should be a source of great satisfaction.

Throughout the United States, poets, painters and sculptors are now at work in our schools; symphony orchestras are reaching new and larger audiences; touring companies are bringing theatre, opera, and dance to communities which, until now, have not experienced these art forms at first hand. All this is being accomplished through programs funded by the Congress, and carried out by the National Endowment for the Arts and the fifty-five councils that are now at work in every State and Territorial Jurisdiction.

I therefore take particular pleasure in transmitting to the Congress the Fifth Annual Report of the National Endowment for the Arts.

Richard Nixon.

The White House, *April 14, 1971.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

April 14, 1971.

The Honorable the Speaker,
U.S. House of Representatives.

Dear Mr. Speaker: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 11:45 a.m. on Wednesday, April 14, 1971 said to contain a message from the President transmitting the Annual Report of the Administrator of the National Credit Union Administration for calendar year 1970.

With kind regards, I am,
Sincerely,
W. Pat Jennings, *Clerk,*
U.S. House of Representatives.
By W. Raymond Colley.

ANNUAL REPORT OF THE ADMINISTRATOR, NATIONAL CREDIT UNION ADMINISTRATION FOR CALENDAR YEAR 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee in Banking and Currency:

To the Congress of the United States:

In accordance with Title I, Section 3(e) of the Federal Credit Union Act, as amended, I am pleased to transmit the Annual Report of the Administrator, National Credit Union Administration for calendar year 1970.

Richard Nixon.

The White House, *April 14, 1971.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

April 15, 1971.

The Honorable the Speaker,
U.S. House of Representatives.

Dear Mr. Speaker: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:30 p.m. on Thursday, April 15, 1971, said to contain a message from the President transmitting the Annual Report of the World Weather Program.

With kind regards, I am,
Sincerely,
W. Pat Jennings, *Clerk,*
U.S. House of Representatives.
By W. Raymond Colley.

ANNUAL REPORT OF THE WORLD WEATHER PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

Through the World Weather Program, the nations of the world are combining their efforts to gain new knowledge of the global atmosphere, provide better weather forecasts and warnings to all countries, and assess the damage man has inflicted upon the earth's atmosphere.

I am pleased to report that the program is making significant progress which will enhance the comfort, health, safety and economic well-being of men everywhere:

- —Satellite technology is being used with increasing effectiveness to gather global information for earlier, more accurate predictions and warnings of hazardous weather.
- —New stations are being established for long-term measurement of atmospheric change.
- —Computers have been programmed to determine the effect of pollution upon the atmosphere.
- —A major international experiment in the Atlantic Ocean is being prepared under the Global Atmospheric Research Program. During the past year many nations, including the United States, have indicated their support of this tropical experiment and have made tentative commitments to provide ships, aircraft, satellites, and other observing facilities. Linked with an increased computer capability to assess and integrate results, this experiment should be an important step toward attaining a true understanding of the global atmosphere.

The scientific understanding which will be developed by the World Weather Program is critical to the solution of environmental problems which are of immense concern to all nations.

Senate Concurrent Resolution 67 of the 90th Congress recognizes the importance of vigorous U.S. participation in the World Weather Program. In accordance with that resolution, I am transmitting this annual report, describing the most significant activities of the program and the planned participation of Federal agencies in the program for the coming fiscal year.

Richard Nixon.

The White House, *April 15, 1971.*

BUDGET FOR THE DISTRICT OF COLUMBIA FOR FISCAL YEAR BEGINNING JULY 1, 1971—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-15, PART II)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

I am transmitting to the Congress the budget for the District of Columbia for the fiscal year beginning July 1, 1971.

This budget presents the District government's plans and programs to meet the highest priority needs of the city. Consistent with the objectives of the Reorganization Plan #3 of 1967, this budget is the product of full, intensive deliberations by both the Mayor and the City Council.

My review of the proposed fiscal year 1972 District budget approved by the District of Columbia Council indicates that its appropriation requests do not provide for the full year costs of programs which have been approved by the Council for partial year funding in fiscal year 1971. These costs were included in the Mayor's budget proposals submitted to the City Council, but were eliminated during Council review.

Under the District budget approved by the Council, such important programs as implementation of the new court reform legislation and expansion of the Washington Technical Institute and Federal City College are not funded after June 30, 1971. Furthermore, the budget requests do not provide for the fiscal year 1972 costs of the pay raises granted during fiscal year 1971 and which are currently in effect.

In view of these omissions, the District budget approved by the City Council does not present to the Congress a complete statement of the budget requirements of the District for fiscal year 1972. I have therefore modified the fiscal year 1972 District budget request to include the full year costs—totalling approximately $31 million—of programs and pay raises which have been or will be initiated in fiscal year 1971 by supplemental appropriation requests. I feel this is clearly the only fiscally responsible course of action and is in accord with the budgetary practices and standards which have been established for Federal agencies.

The proposed fiscal year 1972 District expenditure requests I am transmitting today will require over $90 million from revenue sources which are not now authorized. To help balance these D.C. budget requests, I have requested a $27 million increase in the Federal contribution to the city, and the Mayor has proposed over $53 million in new local taxes which require Congressional approval. If these revenue proposals prove to be unacceptable to the Congress, I do not believe that the District's budget should be balanced solely by a slash in expenditure requests. I am sure that a more suitable resolution of issues can be arrived at through minor expenditure adjustments and consideration of other revenue sources.

Last year the Congress completed appropriation action on the District's annual budget request prior to enactment of supporting D.C. revenue legislation. Because of the need to balance expenditure requests with available revenues, the result of this Congressional timing was that the D.C. appropriation requests were substantially reduced because of the lack of needed revenues. This is neither an effective nor an efficient way to review the city's fiscal requirements, and I urge that the Congress act promptly on the D.C. revenue proposals prior to the final appropriation action on the fiscal year 1972 D.C. budget requests.

RICHARD NIXON.

APRIL 19, 1971.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day.

The Clerk will call the bill on the Consent Calendar.

GIVING THE CONSENT OF CONGRESS TO THE ADDITION OF LAND TO THE STATE OF TEXAS, AND CEDING JURISDICTION TO THE STATE OF TEXAS OVER A CERTAIN PARCEL OR TRACT OF LAND HERETOFORE ACQUIRED BY THE UNITED STATES OF AMERICA FROM THE UNITED MEXICAN STATES

The Clerk called the bill (H.R. 1729) giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Texas, who I am sure is interested in this bill, if this will close out the Chamizal business, or will we be confronted with more legislation in this connection?

Mr. WHITE. Mr. Speaker, if the gentleman will yield, this will close out the jurisdiction on this matter. This follows the precedents used in previous years when land was ceded from Mexico to the United States. This will close out the jurisdictional matter with respect to the Chamizal.

Mr. GROSS. We are not likely to be confronted with more legislation on this subject of the Chamizal, are we?

Mr. WHITE. I do not anticipate any. There is a continuing project there, but otherwise there is no major new legislation I know of.

Mr. GROSS. And the road or the superhighway has been built and everything is fine now as between the Mexican Government and the U.S. Government?

Mr. WHITE. The road has not been fully constructed; no. That will be constructed in the future, but as far as I know there will be no new major legislation.

Mr. GROSS. But the road will be built, this superhighway that is expected to expedite traffic to the racetrack and a few other things. Is that correct?

Mr. WHITE. Eventually that road will be built for the convenience of the entire community.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill.

There being no objection, the Clerk read the bill as follows:

H.R. 1729

A bill giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the parcel or tract of land lying adjacent to the territory of the State of Texas, which was acquired by the United States of America by virtue of the Convention Between the United States of America and the United Mexican States for the Solution of the Problem of the Chamizal, signed August 29, 1963, is declared to have become a geographical part of the State of Texas and shall be under the civil and criminal jurisdiction of said State, without affecting the ownership of said land.

SEC. 2. The addition of land and the ceding of jurisdiction to the State of Texas shall take effect upon acceptance by the State of Texas.

Mr. WHITE. Mr. Speaker, I respectfully ask the unanimous consent of the House for the approval of H.R. 1729, a measure which is highly important to complete the orderly transfer of a small parcel of land—193 acres—from the United Mexican States to the United States of America. A similar bill was approved by the House in the 91st Congress, but failed to reach the Senate committee in time for action prior to the end of Congress.

In 1963, the United States concluded with Mexico the historic Chamizal Treaty, which settled a century-old dispute over the international boundary, which had been affected by changes in the channel of the Rio Grande. The settlement of that dispute involved transfers of land both to and from the United States. The 193 acres received from the United Mexican States is surrounded entirely by the city of El Paso, except along the new boundary where it borders Mexico. However, attorneys for the city of El Paso and for the International Boundary Commission, United States and Mexico, requested that I introduce this legislation to remove any doubts as to the civil and criminal jurisdiction of the State of Texas over the newly acquired territory. The precedent for such necessity was found in the act of February 6, 1940 (54 Stat. 21), which was enacted in connection with lands acquired by the United States from Mexico under the convention of February 1, 1933. My bill is patterned after the 1940 act. The letter from the Attorney General quoted in the report two other precedents for this type of legislation.

The State of Texas, also recognizing the necessity of clarifying legislation as to the criminal and civil jurisdiction over the area, has passed its own legislation accepting the area as a geographical part of the State of Texas and under the civil and criminal jurisdiction of that State. The State Legislature of Texas approved senate bill 571 of the 61st legislature, and it was signed into law June 12, 1969.

Mr. Speaker, State and Federal officials feel that this legislation is necessary to complete the orderly development of our border area at El Paso. Our Government has developed extensive border crossing facilities in the area, the El Paso Independent School District has laid plans for developing a large high school and vocational school in the area, and this Congress approved, in 1966, the establishment of the Chamizal National Memorial on 55 acres of the land, under legislation which I introduced.

It is highly important that none of these projects be delayed through any legal doubts of the sovereignty over the area involved. This legislation will assure that, without affecting ownership of any of the land involved, it will be legally a geographical part of the city of El Paso, the county of El Paso, and the State of Texas.

I will greatly appreciate the unanimous consent of this body to the approval of H.R. 1729.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

AMENDING SECTIONS 320 AND 321 OF THE IMMIGRATION AND NATIONALITY ACT

Mr. EILBERG. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1534) to amend sections 320 and 321 of the Immigration and Nationality Act.

The Clerk read as follows:

H.R. 1534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraphs (1) and (2) of section 320(a) of the Immigration and Nationality Act are amended to delete the word "sixteen" and substitute in lieu thereof the word "eighteen".

SEC. 2. Paragraphs (4) and (5) of section 321(a) of the Immigration and Nationality Act are amended to delete the word "sixteen" and substitute in lieu thereof the word "eighteen".

The SPEAKER. Is a second demanded?

Mr. DENNIS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. EILBERG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, under existing law, the age for automatic acquisition of U.S. citizenship by children, by operation of law through the naturalization of a parent or parents, is 16 years. Children, between the ages of 16 and 18, can acquire that status through judicial naturalization proceedings commenced by the parent or parents on behalf of the children.

This bill would change the critical age of the acquisition of citizenship by children from age 16 to 18. The present law which requires a petition for naturalization through judicial proceedings on behalf of children between the ages of 16 and 18 is burdensome, time consuming, and without any apparent useful purpose.

Mr. DENNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Pennsylvania has correctly stated the purpose of this bill which, I may add, restores the law to the status which it formerly occupied. At one time derivative citizenship could be acquired through parents up until the age of 18. Then for some reason it was reduced to 16. This bill changes it back to 18, whereas today between the ages of 16 and 18 a judicial proceeding is required.

The Departments are in favor of this bill, and the minority has no opposition.

I might point out some question has been raised by some people that this may not be altogether consistent with the proposal to reduce the voting age to 18 years, because if one is now old enough to vote at 18 the question may arise why he should be entitled to derivative citizenship from his parents at age 18. It is perhaps not entirely consistent, but there seems no serious objection raised by anybody to this measure which, as I say, restores the law to where it formerly was.

I support the measure, along with the gentleman from Pennsylvania.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the House suspend the rules and pass the bill, H.R. 1534.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EILBERG. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks and include extraneous matter on the bill, H.R. 1534.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDING SECTION 312 OF THE IMMIGRATION AND NATIONALITY ACT

Mr. EILBERG. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1535) to amend section 312 of the Immigration and Nationality Act.

The Clerk read as follows:

H.R. 1535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first proviso contained in paragraph (1) of section 312 of the Immigration and Nationality Act (8 U.S.C. 1423) is amended by striking out "or to any person who, on the effective date of this Act, is over fifty years of age and has been living in the United States for periods totaling at least twenty years" and by inserting in lieu thereof the following: "or to any person who, on the date of the filing of his petition for naturalization as provided in section 334 of this Act, is over fifty years of age and has been living in the United States for periods totaling at least twenty years".

The SPEAKER. Is a second demanded?

Mr. DENNIS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. EILBERG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 1535 is to exempt any alien over 50 years of age, and who has been living in the United States for 20 or more years at the time an application for naturalization was filed, from the requirement of an understanding of the English language.

Section 312 of existing law precludes the naturalization of a person who cannot demonstrate an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language. An exception to this prohibition is made in favor of those who are physically unable to meet the literacy requirements.

An additional exception is applied to those who, on December 24, 1952, were over 50 years of age and had been living in the United States for at least 20 years. Such persons qualify for naturalization, notwithstanding an inability to understand, read, write, or speak simple English.

The only individuals who can now qualify for the exception on the basis of age and length of residence must be at least 68 years of age and must have been living in the United States for at least 38 years. Other elderly, longtime residents who had not yet reached age 50 years or had not had the required 20 years of residence in 1952 do not qualify for the exemption and will not qualify for it on a future date under existing law. These worthy residents may be fully qualified for citizenship in every other respect but are ineligible because of their illiteracy. Many have made significant contributions to the welfare of the country, are the parents of native-born children many of whom have been sacrificed for their country in military service, and would be an asset to the citizenry of the United States. Nevertheless, although literate in their native tongue and, through foreign language media, fully aware of political, foreign, and domestic matters affecting the United States, are not privileged to achieve the status of citizenship solely by reason of their illiteracy in the English language.

The persons involved are, for the most part, not those who deliberately chose to remain ignorant of our language. Rather, they represent persons who gravitated to communities in which their native language was spoken almost exclusively, and who, in raising families and earning livelihoods, had little or no opportunity to attend school or otherwise learn English. They have now reached the age where school attendance is practically impossible or, where possible the ability to learn no longer exists. Nevertheless, that handicap offers no valid reason for denying them the opportunity, if otherwise qualified, to become American citizens.

It must be remembered that from the beginning of the Republic until 1906 no law of the United States required a candidate for citizenship to understand the English language. From 1906 to 1940, the only literacy requirement was the ability to speak simple English. Not until 1940 did the naturalization statutes demand an ability to read and write, in addition to speaking the language. There is no basis upon which it can be properly assumed that those who were granted citizenship, although lacking the ability to read and write English, have made poorer citizens or contributed less to this country than those naturalized at a time when such abilities had to be shown. Nor is there room for questioning the quality of the citizenship of those completely illiterate in the English language who nevertheless have qualified for naturalization under the 50/20-year exemption. Sound consideration and equity, and the welfare of the country, demand that the long-time resident who, since December 24, 1952, has reached age 50 years and has been living here for 20 years or more should be recognized as deserving of citizenship as much as his neighbor who met the identical prerequisites as far back as December 24, 1952.

Such a step would be consistent with the liberal and enlightened legislation enacted by the Congress in recent years providing under certain conditions for the suspension of literacy tests as a prerequisite to registration and voting, and making inapplicable a State literacy test requirement to anyone who has completed the sixth grade in a school in which the classroom language is other than English.

The primary intent of this last provision was to enable Spanish-speaking Puerto Ricans to register and vote although they could not pass an English literacy test. While different considerations entered into the enactment of such legislation, the provisions nevertheless represent the policy of this Government to recognize that a non-English-speaking citizen is as fully qualified and capable of exercising the franchise, and otherwise exercising rights of citizenship, as is a citizen literate in English.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield to me?

Mr. EILBERG. I am happy to yield to the gentleman.

Mr. DE LA GARZA. Mr. Speaker, it is my privilege today to address these remarks to my colleagues in the House of Representatives in support of the bill under consideration. This proposal is identical to legislation I have introduced in this and in the 89th, the 90th, and 91st Congress. Twice this bill has been approved by the House of Representatives, only to fail of passage in the Senate. The need of enactment has, if anything, increased.

If enacted into law, H.R. 1535 would amend the first proviso contained in paragraph (1) of section 312 fo the Immigration and Nationality Act—8 U.S.C. 1423; 66 Stat. 239. That provision of existing law grants an exemption to applicants for naturalization from the requirement of understanding the English language, including the ability to read, write, and speak it, in order to qualify for naturalization, if they were over 50 years of age and had been living in the United States for periods totaling at least 20 years on December 24, 1952, the effective date of that act. The bill we are considering today would amend the foregoing by extending the exemption to applicants for naturalization who have attained that age and have completed such a period of residence in the United States as of the date of filing the petition for naturalization. Hence, the bill would have the effect of eliminating the "cut-off" date.

Mr. Speaker, it was the spirit and intent of the Congress in enacting the original law that those aliens who had been in the United States for extended periods and had matured beyond middle age should be exempted from the obligation of learning to read, write, and speak the English language. Precisely because the previous reason is a sound one, it is even more proper today that this provision of the Immigration and Nationality Act should be modernized by bringing it up to date. If this bill becomes law, it would be particularly of benefit to those persons who, because of family obligations, the need and urgency of making a living, and also perhaps the unavailability of schools and teaching facilities, have been unable to acquire the ability to speak, read, and write English. This is particularly true in the outlying or rural areas .

No possible harm could come to the United States from the enactment of this measure. It would permit the blessings of citizenship to be bestowed upon elderly, long-time residents who would, in every way, be otherwise required to comply with all the safety, security, and protective requirements of our naturalization law.

In most cases these residents' children are U.S. citizens, and have served in the Armed Forces. These children have fought and many have died for their country. My bill would give their parents a pride in this country and permit them to share with their friends and relatives the noble status of U.S. citizenship. Accordingly, I strongly urge that this bill be promptly enacted as being in the best interests of the country and its citizenry. I urge, Mr. Speaker, that my colleagues support this bill.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. EILBERG. I am happy to yield to the gentleman.

Mr. HALL. Mr. Speaker, do I understand the intent of this legislation is to exempt any alien from the requirement of literacy, if he is 50 years of age or older and has resided in the United States for 20 years?

Mr. EILBERG. That is correct.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, in his original statement, which I respect and appreciate, he referred to the liberal and, I believe, forward-looking recent legislation in the form of amendments to the Immigration and Nationality Act. Is it not true that as a result of the most recent amendments to that Immigration and Nationality Act which have occurred since I have been a Member of this body, that we now have a longer waiting list and more difficulties with certain countries' waiting lists in providing vacancies for admission to the United States for the purpose of naturalization than at any time in the past?

Mr. EILBERG. Mr. Speaker, there are waiting lists with regard to some of the countries, but this has no connection, in my opinion, with the bill before us.

Mr. EILBERG. We are dealing with people who have been in this country for a period of 20 years but who are illiterate in the English language. This merely calls for an extension of the previous law.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I think the gentleman is exactly right, except it elucidates a point about "liberal and forward looking immigration and nationality legislation." My point is that we are doing this here on the floor of the House under suspension of the rules, with very few people present. However, it would allow additional people the privilege of naturalization and the franchise who cannot read the ballot, is that not correct?

Mr. EILBERG. That is correct. As I said in my opening statement, the idea of people not being able to understand and speak and write English is not a recent situation in American history. This has been the case with reference to many people since the beginning days of our country.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, the gentleman from Missouri being of Scotch and Irish extraction can speak a bit of Gaelic and well remembers that we are the melting pot of the world. But this, again, as the gentleman pointed out to me before when I was trying to make a point, is not the point involved.

The ballots were not printed in other languages at that time under the liberalized Immigration and Nationality Act.

There is some question of logic about whether people—whether they are in a given community or isolated, whether they are disabled—and I understand they are excepted, or people who live in certain communities and actually cannot or do not make the effort to escape therefrom or to simply learn, just do not learn to read and write the English language after 20 years at the age of 50 to speak or comprehend or understand or to sufficiently read the ballot on which they are voting. There is a real question in my mind about whether we should liberalize the Immigration and Nationality Act and especially to do it under a suspension of the rules.

Mr. EILBERG. I might add to the observation of the gentleman from Missouri, as I am sure he well knows, I suppose all of the States, certainly in my State of Pennsylvania, there are people who cannot read and write, and in that case he may obtain an affidavit when he registers to vote to the effect that he requires assistance and that assistance will be made available to him.

It seems to me that answers the gentleman's question.

Mr. HALL. I thank the gentleman from Pennsylvania for his answer, but to me that opens up the door of political potpourri in Pandora's box, and in view of the "liberalization" and the "crows that have come home to roost," based upon the last amendments to the Immigration and Nationality Act, I, for one, am opposed to this legislation being considered, especially under a suspension of the rules.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from Iowa.

Mr. GROSS. What in the world have these people been doing in this country for 20 years? Have they been living in cells? Have they been incarcerated where they could not find anyone with whom to converse in order to learn the English language?

Mr. EILBERG. Certainly in my district there are communities where people cannot speak English or write in English but where they live together. Frequently, they come to this country and they are very busy working earning a living and they never do get the opportunity to go to school or to learn to read and write. Yet, they are very fine people. I have people like this in my own district.

Mr. GROSS. I respect the statement of the gentleman from Pennsylvania, but it is hard for me to believe that a person who has lived in this country and is seeking citizenship would not make for himself or herself the opportunity to learn enough of the English language to speak and read and write.

I just cannot conceive that this is possible or that this legislation is necessary. I am opposed to this bill.

Mr. EILBERG. I will state in response to the gentleman from Iowa that this was the law until 1962, and all we are asking here is for an extension of that law.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from New York.

Mr. RYAN. Mr. Speaker, I would like to make two points in response to the gentleman from Missouri.

No. 1, there is no literacy test required for voting in the United States today by virtue of the action of the Congress. In 1970 in extending the Voting Rights Act of 1965, we enacted a nationwide ban on literacy tests for voting.

No. 2, this bill merely proposes to extend the present law. Under the present law, if an alien was 50 years of age and had lived in the United States for 20 years as of December 24, 1952, he would have been eligible for naturalization without passing a literacy test. This bill advances that date to exempt an alien over 50 years of age who has lived in the United States for 20 years at the time of filing an application for naturalization.

In other words, if an alien is 50 years old and has lived for 20 years in the United States, at the time of filing his petition for naturalization, he shall not be required to pass an English language literacy test.

Mr. Speaker, there is a very humanitarian purpose behind this legislation, and that is to permit those aliens who wish to be citizens, yet are barred by the literacy requirement, to do so after they have lived in the United States for 20 years and are 50 years old. There are many people in this country who have come from foreign lands seeking freedom and opportunity. They have made major contributions to our national life; but for one reason or another, and usually it is a psychological matter, they find it very difficult to take and pass a literacy test. This legislation is consistent with the purpose that we had in mind when we abolished the literacy test for voting, and we should do no less for the small number of deserving people involved under this bill.

Mr. DENNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the immigration and naturalization law provides that in order to qualify for naturalization as an American citizen the applicant must have an understanding of the English language, including the ability to read and write, and speak words in ordinary usage in the English language.

What we are talking about here strictly, I must say, is not literacy. You have to be literate in some language to be admitted to this country, as I understand it, but to qualify for citizenship you have to have a comprehension of the English language such as I have just read from the statute.

This bill poses the question whether or not it is good policy to waive that requirement, which this bill does, in the case of an individual who is at least 50 years of age, and who has lived in this country at least 20 years, but who does not have the ability to read and understand English.

Reference has been made to the fact that this is already permitted under the present law if you were 50 years of age, and had been living here for 20 years on December 24, 1952. But this Congress is not responsible for that. It is perfectly plain that unless we pass this bill here, which is open ended and which says that from now on this requirement shall be waived for all applicants who attain the age of 50 years and who stay here 20 years, that quite soon there will be no one left whom this exception applies to; they will phase themselves out in the passage of time.

So you really have the question here whether you think that they ought to have some understanding of the English language in order to qualify for American citizenship. That is really the question before the House.

I would like to point out that the requirements are not very strict. The understanding of the English language required by the statute is further defined as follows:

> That the requirements of this section relating to ability to read and write shall be met if the applicant can read or write simple words and phrases to the end that a reasonable test of his literacy shall be made and that no extraordinary or unreasonable conditions shall be imposed upon the applicant; . . .

And that is all he has to do; and the law further provides, and this is not waived in the bill, that he must have "a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States."

It is a little difficult for me to see—if he has not acquired the rudimentary knowledge of English which this statute requires—how he can possibly have the knowledge necessary to qualify as having a knowledge and understanding of the fundamentals of American history and government.

Really, the only question here is whether you think it is a reasonable requirement that anybody who wants to be a citizen should have a rudimentary knowledge of English or whether you think he ought to be excused because of the fact that he has attained the age of 50 years and has been living around here for 20 years, and has not learned. It seems to me that in the past there was much more of an excuse for this type of measure than there is today. Many immigrants might have had a tough time, perhaps, but today I think you can learn English in 20 years, if you have a desire and any reasonable mental ability. I do not think that it is an unreasonable requirement that you should have that.

We are considering now a bill which lays down the terms to apply in the future, and, for the reasons stated, I just do not think the bill is a good bill and I am opposed to it.

Mr. ANNUNZIO. Mr. Speaker, we have under consideration today two bills which would make minor amendments in the naturalization provisions of the Immigration and Nationality Act. The provisions of these bills have been endorsed by both the Departments of State and Justice during this and the past two Congresses, and were passed by the House during the 91st Congress. The fact that no action was taken by the Senate can be explained only by the press of business with which the last Congress concluded. These are not controversial provisions. Their effect, which could only be favorable, would extend to a very limited number of persons. They involve no money.

The first of these bills, H.R. 1534, would change from 16 to 18 years the cutoff age for automatic acquisition of U.S. citizenship by children through the naturalization of their parents. Section 320 of the Immigration and Nationality Act now provides that a child born outside the United States of a citizen parent and an alien parent may derive naturalization from the alien parent only if that parent is naturalized before the child is 16, and the child himself establishes permanent residence in this country prior to his 16th birthday. Section 321 contains similar provisions for children born outside the country of two alien parents: derivative naturalization is automatic only for children who are now under 16 when their parents are naturalized.

The bill currently under consideration would, as I have said, raise the cutoff age for automatic derivative naturalization from 16 to 18. This was the law under the Nationality Act of 1940, prior to its amendment by the Immigration and Nationality Act of 1952, and there would seem to be no logical reasons for its change. In the words of the House Judiciary Committee report:

> It is believed that the present law is burdensome, time consuming, and without any apparent useful purpose.

We have passed draft and voting laws recognizing 18 as the beginning of maturity; there is no reason why our naturalization laws should not reflect the same principle. Further, the illogicality of the law as it now stands is underlined by section 322, which provides that a child between 16 and 18 may acquire citizenship through the naturalization of a parent through judicial naturalization proceedings instigated by that parent. The net effect of H.R. 1534 would simply be to make 18, rather than 16, the oldest age at which such derivative naturalization would be automatic.

The second bill under consideration, H.R. 1535, would exempt any alien who is over 50 years of age and has been living here for a minimum of 20 years at the time of his filing for naturalization from the English literacy requirement as a prerequisite for naturalization. I sponsored H.R. 5929, which is identical to H.R. 1535, and this legislation represents no change in current policy, but merely the extension of a deadline which has become obsolete with the passage of time. Section 312 of the Immigration and Nationality Act contains an identical waiver for any person who was over 50 and had lived here for 20 years or more as of December 24, 1952. However, 18 years have passed since then and, as a representative of the Department of Justice's Immigration and Nationality Service testified before the House Judiciary Committee:

> Those who could claim the exemptions today would have to be at least 68 years of age and have lived in this country for as much as 38 years. Those who reached age 50 or who completed the 20 years of residence after 1952 remain ineligible for the exemptions, even though they may now be over age 60 and have lived here for as much as 30 years. We know of no reason why the policy expressed in the 1952 legislation should not apply to the latter group. We believe that failure to afford similar treatment to them deprives them, without apparent reason, of an opportunity for citizenship. Accordingly, we favor the relief which the proposed legislation would afford.

I am in complete agreement with this statement—there is no apparent reason why this policy should be linked with the date of the enactment of that legislation. H.R. 1535 would make the waiver under question open ended by requiring that a person meet the age residency requirements at the time of his petition for naturalization.

Mr. Speaker, I also want to take this opportunity to commend the distinguished chairman of the House Subcommittee on Immigration and Nationality, Hon. Peter W. Rodino, Jr., of New Jersey, who authorized H.R. 1534 and H.R. 1535, for his wisdom and foresight in expediting action on this much-needed legislation. I urge the passage of these two bills today by the House, and action as promptly as possible by the Senate.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 1535, a bill to amend section 312 of the Immigration and Naturalization Act. This bill is similar to a measure I sponsored which passed the House on December 4, 1967, but did not become law because of the failure of the Senate to act. This change is still greatly needed to obtain equity for many deserving persons, and I am happy the House is acting on it early in the 92d Congress.

Section 312 which was amended by Public Law 82–414 provided that aliens who were 50 years old and who resided in this country for 20 years, as of the effective date of this act, could become naturalized citizens without meeting the requirement of being able to read, write, and speak the English language.

It happened that the effective date of that act was December 24, 1952. Thus any alien born before December 24, 1902, and who lived in this country for at least 20 years could have the benefit of this waiver.

This arbitrary date has created a great inequity in law. Many long-time resident aliens who have lived here for 30 or more years, but who were not 50 years old as of December 24, 1952, are arbitrarily denied the waiver. I think it is only fair that these long-term residents of our country who wish to take a full part in the affairs of their adopted homeland be given the same opportunity for citizenship as those who arrived here before them and who took advantage of this waiver because of the prior act of Congress dated December 24, 1952, which since that date has become an arbitrary cutoff. Today's 20-year alien resident must be 68 years old to qualify for this waiver. If in 1952, 50 years of age was appropriate, then I think it is still appropriate today. The present cutoff date merely perpetuates an inequity that has no logical basis for being.

In view of these factors, I strongly urge that the House act favorably on this legislation which I originated in 1966.

Mr. EILBERG. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania that the House suspend the rules and pass the bill (H.R. 1535).

The question was taken.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 192, nays 84, not voting 156, as follows:

[Roll No. 55]

YEAS—192

Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N. Dak.
Aspinall
Barrett
Begich
Bell
Bergland
Biester
Bingham
Blatnik
Boggs
Boland
Brasco
Brooks
Broomfield
Brotzman
Brown, Ohio
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Chisholm
Cleveland
Collier
Collins, Ill.
Conable
Conte
Conyers
Culver
Daniels, N.J.
Danielson
de la Garza
Dellenback
Dent
Derwinski
Dingell
Donohue
Dow
Dulski
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fisher
Flood
Flowers
Foley
Ford, William D.
Forsythe
Frenzel
Frey
Fulton, Pa.
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Gubser
Gude
Hamilton
Hanley
Hansen, Idaho
Harsha
Hathaway
Hawkins
Hechler, W. Va.
Helstoski
Hicks, Wash.
Hogan
Holifield
Horton
Hosmer
Hungate
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Keating
Kee
King
Kluczynski
Kyros
Leggett
Link
Long, Md.
Lujan
McClory
McCloskey
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
Madden
Mahon
Matsunaga
Mazzoli
Melcher
Metcalfe
Mikva
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Mosher
Moss
Myers
Nedzi
Nelsen
Nix
O'Konski
O'Neill
Patten
Pelly
Pepper
Perkins
Pickle
Pike
Pirnie
Poage
Price, Ill.
Pucinski
Quillen
Rees
Reid, N.Y.
Reuss
Robison, N.Y.
Roe
Roncalio
Rooney, N.Y.
Rostenkowski
Roush
Roybal
Ruppe
Ryan
Sarbanes
Saylor
Scheuer
Schneebeli
Seiberling
Shipley
Shoup
Skubitz
Slack
Staggers
Stanton, J. William
Steed
Steiger, Ariz.
Stokes
Stratton
Taylor
Terry
Thompson, N.J.
Tiernan
Ullman
Van Deerlin
Veysey
Vigorito
Waldie
Whalen
White
Whitehurst
Wiggins
Williams
Wilson, Charles H.
Winn
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NAYS—84

Abbitt
Abernethy
Archer
Baker
Belcher
Bennett
Bevill
Bow
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Caffery
Camp
Carter
Cederberg
Chamberlain
Chappell
Colmer
Crane
Daniel, Va.
Davis, Wis.
Dennis
Devine
Dorn
Downing
Duncan
Fountain
Fuqua
Galifianakis
Gettys
Griffin
Gross
Hagan
Haley
Hall
Hammerschmidt
Henderson
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Kuykendall
Landgrebe
Landrum
Latta
McClure
McMillan
Martin
Mathis, Ga.
Miller, Ohio
Mills
Mizell
Montgomery
Natcher
Nichols
Passman
Patman
Poff
Powell
Randall
Roberts
Rogers
Rousselot
Ruth
Satterfield
Scherle
Schmitz
Scott
Sikes
Smith, N.Y.
Springer
Stephens
Stuckey
Sullivan
Thompson, Ga.
Thomson, Wis.
Waggonner
Wampler
Watts
Zion

NOT VOTING—156

Abourezk
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Ashbrook
Ashley
Aspin
Badillo
Baring
Betts
Biaggi
Blackburn
Blanton
Bolling
Brademas
Bray
Brinkley
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Byron
Cabell
Casey, Tex.
Celler
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Collins, Tex.
Corbett
Corman
Cotter
Coughlin
Davis, Ga.
Delaney
Dellums
Denholm
Dickinson
Diggs
Dowdy
Drinan
duPont
Dwyer
Eckhardt
Edmondson
Edwards, La.
Evins, Tenn.
Fascell
Findley
Fish
Flynt
Ford, Gerald R.
Fraser
Frelinghuysen
Fulton, Tenn.
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Halpern
Hanna
Hansen, Wash.
Harrington
Harvey
Hastings
Hays
Hébert
Heckler, Mass.
Hicks, Mass.
Hillis
Howard

Jones, Ala.
Jones, Tenn.
Kazen
Keith
Kemp
Koch
Kyl
Lennon
Lent
Lloyd
Long, La.
McCollister
McCulloch
Macdonald, Mass.
Mailliard
Mann
Mathias, Calif.
Mayne
Meeds
Michel
Miller, Calif.
Morse
Murphy, Ill.
Murphy, N.Y.
Obey
O'Hara
Pettis
Peyser
Podell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Railsback
Rangel
Rarick
Reid, Ill.
Rhodes
Riegle
Robinson, Va.
Rodino
Rooney, Pa.
Rosenthal
Roy
Runnels
St Germain
Sandman
Schwengel
Sebelius
Shriver
Sisk
Smith, Calif.
Smith, Iowa
Snyder
Spence
Stafford
Stanton, James V.
Steele
Steiger, Wis.
Stubblefield
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thone
Udall
Vander Jagt
Vanik
Ware
Whalley
Whitten
Widnall
Wilson, Bob
Wolff
Wydler
Young, Fla.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs.

Mr. Abourezk with Mr. Mailliard.

Mr. Annunzio with Mr. Anderson of Illinois.

Mr. Biaggi with Mr. Hastings.

Mr. Byron with Mr. Keith.

Mr. Celler with Mr. Gerald R. Ford.

Mr. Delaney with Mr. Grover.

Mr. Edmondson with Mr. Bob Wilson.

Mr. Fascell with Mr. Price of Texas.

Mr. Evins of Tennessee with Mr. Betts.

Mr. Rooney of Pennsylvania with Mr. Rhodes.

Mr. Rodino with Mr. Frelinghuysen.

Mr. Podell with Mr. Schwengel.

Mr. Murphy of New York with Mr.Wydler.

Mr. Miller of California with Mrs. Reid of Illinois.

Mr. Macdonald of Massachusetts with Mr. Morse.

Mr. Wolff with Mr. Steele.

Mr. Teague of Texas with Mr. Broyhill of Virginia.

Mr. Sisk with Mr. Del Clawson.

Mr. Hanna with Mr. Don Clausen.

Mr. Hays with Mr. Railsback.

Mr. Howard with Mr. Widnall.

Mr. Lennon with Mr. Floyd.

Mr. Anderson of Tennessee with Mr. Teague of California.

Mr. Alexander with Mr. Collins of Texas.

Mr. Hébert with Mr. Arends.

Mr. Whitten with Mr. Blackburn.

Mr. Mann with Mr. Clancy.

Mr. O'Hara with Mr. Harvey.

Mr. Rosenthal with Mr. Halpern.

Mr. Roy with Mr. Findley.

Mr. Green of Pennsylvania, with Mr. Corbett.

Mr. Fulton of Tennessee with Mr. Talcott.

Mrs. Grasso with Mrs. Dwyer.

Mr. Gray with Mr. Stafford.

Mr. Clark with Mr. Shriver.

Mr. Casey of Texas with Mr. Dickinson.

Mrs. Hicks of Massachusetts with Mrs. Heckler of Massachusetts.

Mr. Smith of Iowa with Mr. Michel.

Mr. Jones of Tennessee with Mr. Kyl.

Mr. Jones of Alabama with Mr. Ashbrook.

Mr. Brademas with Mr. Bray.

Mr. Corman with Mr. Clay.

Mr. Drinan with Mr. Diggs.

Mr. Murphy of Illinois with Mr. Coughlin.

Mr. Long of Louisiana with Mr. Mayne.

Mr. Koch with Mr. McCulloch.

Mr. Baring with Mr. Snyder.

Mr. Andrews of Alabama with Mr. Broyhill of North Carolina.

Mr. Ashley with Mr. Brown of Michigan.

Mr. Aspin with Mr. Vander Jagt.

Mr. Pryor of Arkansas with Mr. Quie.

Mr. Rarick with Mr. Young of Florida.

Mr. Fraser with Mr. Rangell.

Mrs. Green of Oregon with Mr. Pettis.

Mrs. Runnels with Mr. duPont.

Mr. St Germain with Mr. Smith of California.

Mr. Stubblefield with Mr. Whalley.

Mr. Blanton with Mr. Peyser.

Mr. Cabell with Mr. McCollister.

Mr. Cotter with Mr. Kemp.

Mr. Meeds with Mr. Thone.

Mr. Brinkley with Mr. Fish.

Mr. Kazen with Mr. Goldwater.

Mr. Vanik with Mr. Spence.

Mr. Purcell with Mr. Stanton.

Mrs. Griffiths with Mr. Sandman.

Mr. Symington with Mr. Dellums.

Mr. Udall with Mr. Badillo.

Mr. Preyer of North Carolina with Mr. Lent

Mr. Dowdy with Mr. Hillis.

Mr. Denholm with Mr. Riegle.

Mr. Edwards of Louisiana with Mr. Goodling.

Mr. Flynt with Mr. Ware.

Mr. Eckhardt with Mr. Sebelius.

Mr. Harrington with Mr. Mathias of California.

Mr. Steiger of Wisconsin with Mr. Robinson of Virginia.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EILBERG. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks and include extraneous material on the bill just passed, H.R. 1535.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SELF-CONTROL URGED UPON THOSE COMING TO THE NATION'S CAPITAL TO VOICE DISSENT

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, as the war drags on in Southeast Asia, taking the lives of our men, draining our resources. and demoralizing the spirit of the Nation, sentiment against the war continues to grow. More and more Americans are expressing their opposition to the war in a responsible and reasonable way. Americans from every walk of life are beginning to utilize the channels of dissent to which they have a unique access. I believe that this kind of public opinion, rendered by citizens who feel genuinely and sincerely disturbed about the events in Southeast Asia should be encouraged to continue that expression of their views.

However, to descend on Washington in the hope of changing people's mind about the war is largely a wasted effort. The majority of people who come to Washington are from the Northeast section of the country and they direct their efforts toward Congressmen from the Northeast section of the country. Furthermore, they concentrate on Congressmen who are for the most part antiwar and need not be swayed by large numbers of people visiting them. Clergymen, business, and students interested in ending the war should contact their friends, family and colleagues in other parts of the country and urge them to express their opposition to the war to their Congressmen.

But for those who do not heed my words, I urge that their actions be governed by self-control. Implicit in the right of expression is the assumption that it will be carried out in a prudent and orderly manner. If we are to maintain the great range of freedom of expression that we have enjoyed during our history as a Nation, we must exercise judgment and care in presenting our position. Furthermore, if our stated purpose is to gather support for our cause and demonstrate the necessity for our withdrawal from Indochina, then we must also conduct ourselves in a way which will elicit the kind of support we need to end this unjustifiable war.

In effect, each one of us must be emissaries of peace and reason, not violence. If we are to enlist the people of this Nation in our effort to end the war, then we must exhibit the self-control which the people of this Nation demand from any group which calls for a change in policy. The burden of proof for the legitimacy of our position rests with the people of the antiwar movement. Consequently, we must carry out the activities of the week in a way which will reflect credit on the position we hold so emphatically.

This week there will be many people flocking to the Capital to express their opposition to the war. We have already accomplished much in mustering support for a withdrawal of U.S. troops from Indochina. Our actions this week should be governed by one principle: Actions speak louder than words, and the actions of the week should be such that they will not detract from what has already been accomplished.

I am calling on all those who plan to participate in the week's activities to express themselves, but to express themselves peacefully, not violently. Any incidents which occur that violate the responsibility we have to demonstrate within the law and within the limits of good judgment can only delay the ultimate goal of an end to the war.

TRIBUTE TO IGOR STRAVINSKY

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include relevant extraneous matter.)

Mr. HUNGATE. Mr. Speaker, I would like to call to the attention of the House a tribute to the great composer, Igor Stravinsky.

STRAVINSKY'S WAY WITH WORDS

(By Adele Z. Silver)

Igor Stravinsky, who died day before yesterday at the age of 88, relished words almost as much as he relished music, though he stubbornly denied he had any gift for them.

We was wrong, and uncharacteristically modest, about his writing. A dozen or so years ago, Stravinsky and a young American conductor, Robert Craft, embarked on a writing venture that has charmed and instructed untold readers, and has recorded for musical historians the way Stravinsky's extraordinary mind worked.

Six of their books are in print, and there is probably a seventh volume in the making now, for the two friends talked and made music together even during Stravinsky's long last illness. What these books have that recommends them to musicians and nonmusicians alike is an uncommon vividness, a force of personality and freshness of language, a candor and wit, that are the direct results of the intelligence, vigor, and warmth that Stravinsky and Craft shared.

Stravinsky's life, career, and ideas about music and his world are the subjects of all six books. They are: "Conversations with Igor Stravinsky" (1959), "Memories and Commentaries" (1960), "Expositions and Developments" (1962), "Dialogues and a Diary" (1963), "Themes and Episodes" (1966) and "Retrospectives and Conclusions" (1969).

Like so many other men who have made an impact on modern culture, Stravinsky was a Russian of the upper classes, well-educated and remarkably free of sentimentality. He lost his Russian property in the war and the revolution and became one of those gifted wanderers who peopled Europe after the first World War; he knew and worked with Diaghilev, Nijinsky, Picasso, Debussy.

When he came to the United States in 1939, his career included Chaplin and Disney and W. H. Auden. It was a long-bursting energetic life, and he apparently was able, under Craft's sympathetic questioning, to remember a good bit of it.

Of his first piano teacher: "She was an excellent pianist and a blockhead—a not unusual combination. Her aesthetics and her bad taste were impregnable." On his older cousins 70 years ago in St. Petersburg: "I still resent the way they despised me because of their superior age, and I am even now a little triumphant that I have outlived them all."

On other composers: "The nature of Beethoven's talent and work are more 'human' and more comprehensible to me than are, say, the talents and works of more 'perfect' composers like Bach and Mozart; I think I know how Beethoven composed, though I do not understand how a man of such powers could lapse so frequently into such banality."

On conductors: "The conductor who impressed me most was Gustav Mahler. I attribute this in part to the fact that he was also a composer. The most interesting conductors are composers for they are the only ones who can have a really new insight into music itself." On his favorite piece of music from a younger composer: " 'Le Marteau sans Maitre' by Pierre Boulez." On theory in musical composition: "Hindsight. It doesn't exist."

On age: "Eighty-seven years can feel like, as of course they are, an incurable disease. My perimeter of pleasure has shrunk, my memories taunt me. At least I do not dwell on the future."

TEXTILE IMPORTS

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, the question of textile imports continues to be a major problem for textile plants throughout the Nation. In the South alone, over 50 plants have closed in the past 2 years. During 1970, 30,000 persons lost their jobs.

Alabama has been particularly hard hit. This year three Alabama plants, two in the small town of Roanoke, have been forced to close because Japanese imports continue to flood our country. The unemployment in Roanoke is now estimated at over 25 percent. I am sure the story is much the same in other cities throughout our country.

The Alabama State Senate, in its wisdom, has passed a resolution asking the Congress of the United States and the President to take firm action which will strengthen the textile industry in the face of increasing imports from Japan. I would like to submit this resolution, introduced by Senators E. C. Foshee, Joe Fine, Robert Wilder, and Gene McLain, for study by my esteemed colleagues.

SENATE OF ALABAMA—RESOLUTION 16

Whereas, Within the last several years the situation in the American textile industry has become increasingly acute and particularly so in the Southern states where the production of cotton and the manufacturing of cotton products constitute the very life blood of this area; and

Whereas, Hundreds of Alabamians have lost their jobs or are onto short time manufacture and the foreign competitors who flood our market and force thousands of our citizens completely out of work and market their textiles and apparel under conditions that are illegal in the State of Alabama and in the United States; and

Whereas, The government of Japan has offered a most unsatisfactory proposal to restrain, unilaterally, its textile and apparel exports to the United States; and

Whereas, The Japanese proposal has been rejected by the President of the United States, by the Governor of Alabama, by many members of the Congress, including the Senators and Representatives from Alabama, by the American Textile Manufacturers Institute, by the Alabama Textile Manufacturers Association, by numerous newspaper editorials and by many others; and

Whereas, The textile markets of the United States are virtually wide open to foreign imports while many of the major exporters to this country tightly protect their own markets against our textile exports; and

Whereas, The American textile industry pays its employees approximately two dollars an hour more than the industry of Japan, with the gap being even wider between this country and some other Asian Nations; and

Whereas, The Alabama Legislature and the people of Alabama are not willing to see these terribly unfair conditions continue to weaken one of their most important industries which together with its supply and related industries over the years have been good, responsible corporate citizens; and

Whereas, These unfair conditions largely have been created by a combination of policies of our Federal Government. Now, therefore;

Be it resolved by the Legislature of Alabama, both houses thereof concurring, That the Legislature of Alabama respectfully requests the President of the United States and the Congress of the United States to do all in their power through legislative and administrative action to see that order is restored to the chaotic international textile and apparel situation.

Be it further resolved, That the Legislature of Alabama expresses to the Alabama Congressional Delegation and to other members of the Congress, who continue to work for a solution to this problem, deep appreciation for their dedication to this vital effort.

Be it further resolved, That Copies of this resolution be sent to the President of the United States, to each member of Alabama's delegation in the Senate and in the House of Representatives of the United States Congress, to the Secretary of Commerce, to the Secretary of State and to the Clerks of the respective Houses of the United States Congress.

I hereby certify that the above is a true, correct and accurate copy of Senate Joint Resolution No. 16 by Messrs. Foshee, Fine, Wilder and McLain, adopted by the Legislature of Alabama on April 8, 1971.

McDOWELL LEE,
Secretary of Senate.

SIEGE ON WASHINGTON BY ANTIWAR DISSIDENTS

(Mr. HUNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, the siege on Washington by various groups of antiwar dissidents begins today and, despite the aim of the Government to keep all public lands open and accessible to all persons, it seems that the leaders of these groups will urge their followers to set up encampments.

Mr. Speaker, it was because of the blight on the landscape left by Resurrection City in 1968 adjacent to the Lincoln Memorial that H.R. 1035 was initiated in the 91st Congress. In its report on the legislation, the House Public Works Committee stated:

> Clearly, access to these buildings and grounds cannot be limited, for any extended period, to any individual citizen or group of citizens, great or small, however lofty their aims may be or however idealistic their purpose.

According to the RECORD of June 11, 1969, H.R. 1035 went on to be approved by the overwhelming vote of 327 for and 51 against.

Because of the very urgent need for this legislation, the Honorable WILLIAM J. SCHERLE, of Iowa, introduced on April 7 a bill identical to the measure passed by the House in the 91st Congress. Today, the gentleman from Ohio, the Honorable CHALMERS P. WYLIE, and I are introducing another identical bill for the purpose of emphasizing this urgency and to urge that the House Public Works Committee give all deliberate speed to reporting the bill again so that this House will be on record as to its position on the use of publicly owned land in the District of Columbia for unauthorized and unlawful encampments. Inasmuch as it is reported that Justice Department officials are giving a fresh look at a possible Rock Creek Park encampment, I would strongly urge the administration to stand firmly behind the Interior Department which has already denied a permit for this purpose.

Mr. Speaker, the antiwar groups that will be in this city for the next few weeks exercising their rights of speech and assembly must not be permitted to do so in a manner that will deny the rights of others who do not feel the same way. Should the law be violated, those responsible must be dealt with promptly and without bias. That is the only way the rights of all will be preserved.

LAW OFFICERS PAY TRIBUTE TO A GREAT AMERICAN

(Mr. MYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, Mr. J. Edgar Hoover, the Director of the Federal Bureau of Investigation, has been subjected lately to a great deal of unwarranted criticism. Much of this has been motivated by purely political reasons and none of it has come from anyone who has actually worked in the law enforcement profession. The National Sheriffs' Association is the official voice of America's 3,067 sheriffs and their many thousands of deputy sheriffs. In addition, the NSA numbers among its members many other American law enforcement administrators and practitioners at every level of jurisdiction. America's sheriffs have shown their support of Mr. Hoover in the form of a resolution that has been sent to the President of the United States and to the Attorney General. The resolution follows:

> At the direction of the entire Executive Board of the National Sheriffs' Association, we are writing to express not only our Association's confidence in Director J. Edgar Hoover, but also our unqualified endorsement and support of the FBI and its Director.
>
> The nearly 23,000 members of the National Sheriffs' Association are both shocked and sickened by the recent barrage of distorted criticisms and unsubstantiated charges that have been hurled at the FBI and at Mr. Hoover.
>
> It has been our honor to work shoulder to shoulder with the dedicated men and women of the FBI in the arena of action against crime. We know the high standards of honesty, efficiency, and fair play which they represent; we recognize the outstanding caliber of leadership under Mr. Hoover since 1924, and we admire the richly deserved reputation of excellence which they have earned in service to the American people.
>
> Individually and as members of one of America's foremost law enforcement organizations, we are proud to stand with Mr. Hoover and his associates against those individuals who unjustifiably subject him to attack.

This statement was signed by Michael N. Canlis, president, and by Ferris E. Lucas, executive director, on behalf of the entire executive board of the National Sheriffs' Association.

THE CASE OF LT. WILLIAM CALLEY

(Mr. ERLENBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ERLENBORN. Mr. Speaker, the conviction by the Army court-martial of Lt. William Calley has generated a great amount of protest. Each protest seems to be based on one or the other of the two following propositions:

First, Lieutenant Calley was an Army officer, taught to fight and kill, who was given orders and obeyed them as any good soldier should; or

Alternatively, Lieutenant Calley should not be punished because the war is immoral; and, if Calley is guilty, so are the Army and political leaders of this Nation.

Let me state as simply as possible my reaction to these two propositions.

Those who hold to the first proposition have failed to read or to understand or believe the testimony. After a proper trial, it was found that first, no such order to kill civilians was given; second, no hostile enemy action was encountered that day; and third, Lieutenant Calley admitted lining up and shooting unarmed civilian men, women, children, and babies.

If this country, on the basis of that evidence, were to hold to the view that this was only what any soldier should do, we would be no better than barbarians. The Army has never taught, nor tolerated, the murder of helpless civilians.

As to the second proposition, the morality or immorality of this war needs a much larger basis for discussion. Many who raise the question, I suspect, would have done so with equal vehemence had the verdict turned in favor of Lieutenant Calley; and they blind themselves to a distinction which is clear to most of us—that there is a difference between war and murder, between shooting armed enemies and shooting unarmed civilians.

That our Government still knows war from murder is proved by the fact that Lieutenant Calley is not the first soldier, but more nearly the 40th, to be convicted of killing civilians in Vietnam.

Calley's actions were not typical of Army policy, much less so exemplary as to qualify him for a medal, as one of my congressional colleagues contends.

The morality of individual acts of war have been in controversy for years. There has never been any argument, however, about the morality or legality of killing defenseless and unresisting civilians. The day we as a nation condone this will be the day we forfeit any claim to moral leadership. Those who protest the Calley verdict should bear this in mind.

HEARING SET ON JUVENILE JUSTICE INSTITUTE

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, as chairman of Subcommittee No. 3 of the Committee on the Judiciary, I wish to announce that a public hearing will be held on April 28, at 10 a.m., in room 2226 Rayburn House Office Building, on H.R. 45, by Mr. RAILSBACK; H.R. 46, by Mr. MIKVA; H.R. 47, by Mr. BIESTER; and identical bills, to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice. This hearing will supplement the hearings held in the 91st Congress on H.R. 14950 and a number of identical measures.

The subcommittee will hear testimony from a number of juvenile judges and from a representative of the American Parents Committee, Inc.

DEFENSE OF J. EDGAR HOOVER AND THE FBI

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 15 minutes.

Mr. HOGAN. Mr. Speaker, in recent weeks J. Edgar Hoover and the FBI have come under attack on various fronts.

As an FBI employee myself for 10 years I find these attacks both irresponsible and reprehensible. The charges which have been made against Mr. Hoover are of such a serious nature that most people would hesitate to publicize them without absolute assurance of their accuracy.

Apparently, this fact has not swayed some Members of this body and the other body in releasing their charges to the press. Despite the fact that these charges are, at best, based on hearsay evidence and have been categorically denied by the FBI, the Department of Justice, and the White House, the attacks continue.

I was pleased that President Nixon dealt with this matter so forcefully in his interview before the American Society of Newspaper Editors convention. His vote of confidence in Mr. Hoover was greeted with thunderous applause.

Mr. Speaker, I include an excerpt of his remarks in the RECORD at this point:

> EXCERPT OF REMARKS BY PRESIDENT NIXON
>
> Question: J. Edgar Hoover very recently seems to have become one of the favorite whipping boys of many of the prominent Americans.
>
> The PRESIDENT. I am glad to have somebody else there for a change.
>
> Question: Is there any chance that the criticism might hasten his retirement?
>
> The PRESIDENT. No. I think the criticisms, particularly when they are unfair, as many of them have been, and malicious, as many of them have been—and I haven't discussed Mr. Hoover's retirement with him; he has not brought it up with me. But if I know Mr. Hoover, such unfair and malicious criticism would tend to have exactly the opposite effect: not to hasten his retirement but to have him dig in.
>
> I can only say this, that with regard to Mr. Hoover, I would ask the editors of the nation's papers to be fair about the situation. He, like any man who is a strong man, an able man, who has led this Bureau for so many years, has made many enemies. But we can also be thankful that in the F.B.I. he has developed an organization which is recognized throughout the world as the best law enforcement agency in the world.
>
> He has been non-political. He has been non-partisan. And despite all of the talk about surveillance and bugging and the rest, let me say I have been in police states and the idea that this is a police state is just pure nonsense. And every editorial paper in the country ought to say that.
>
> Question: Earlier this week, I think speaking in Detroit, the Vice President said that he felt the Director should remain on the job as long as he is physically and mentally sound.
>
> Is that more or less your attitude?
>
> The PRESIDENT. Well, Mr. Cormier, I am not going to discuss the situation with regard to Mr. Hoover's tenure in office when the matter has not been raised with me, either by me or by him.
>
> I will only say at this time that I believe it would be most unfortunate to allow a man who has given over 50 years of dedicated service to this country to go out under a cloud, maligned unfairly by many criticisms.
>
> Now, I don't mean that some criticism of him, of me, of anybody, is not justified. But he is taking a bad rap on a lot of things and he doesn't deserve it.
>
> Question: I would like to get back to Mr. Hoover and the FBI. Is there any credence to the complaints by some Congressmen, as far as you know, that they are under surveillance by the FBI?
>
> The PRESIDENT. Well, Mr. Risher, let me answer that question in terms of what I know, because I checked this personally. I was in the House, I was in the Senate, and I am very jealous of the right of Senators and Congressmen and every citizen, actually, not

to have surveillance when he is engaged in public activities. Particularly, I can assure you, that there is no question in my mind that Mr. Hoover's statement that no telephone in the Capitol has ever been tapped by the FBI is correct. That is correct.

The case you referred to, the Dowdy case, did not involve the tapping of a Congressman's telephone.

The second point I should make is this: Let's get the whole business of surveillance and the rest into some perspective. First, when we talk about police states, there are 205 million people in this country.

Did you know even the Nation's editors, sophisticated as you are, that over the past two years there were only 300 taps by the FBI through court orders?

Do you know what was accomplished from those taps? There were 900 arrests and 100 convictions, and particularly convictions in the important area of narcotics where millions and millions of dollars worth of narcotics that otherwise would have gone to the young people of America were picked up? That was why those taps were carried on.

Now let's talk about the other area where I think Mr. Risher is more concerned about. They say what about the taps not made by court orders but are made by the national security? I checked that, too. The high, insofar as those taps are concerned, were in the years 1961, 1962 and 1963. In those years, the number of taps was between 90 and 100. Now, in the two years that we have been in office—and get this number—the total number of taps for national security purposes by the FBI, and I know because I look not at the information but at the decisions that are made—the total number of taps is less, has been less, than 50 a year, a cut of 50 percent from what it was in 1961, '62 and '63. As far as Army surveillance is concerned, once we saw what happened to the Democratic National Convention, that had even been carried to the surveillance of Adlai Stevenson, who later became a Senator, we stopped them.

I simply want to put that all in perspective by saying this: I believe the Nation's Press has a responsibility to watch Government, to see that big brother isn't watching.

I don't want to see a police state. I argued the right of Privacy Case in the Supreme Court and I feel strongly about the right of privacy. But let's also remember that the President of the United States has a responsibility for the security of this country and a responsibility to protect the innocents from those who might engage in crime or who would be dangerous to the people of this country.

In carrying out that responsibility, I defend the F.B.I. in this very limited exercise of tapping.

One final point: You talk about police state. Let me tell you what happens when you go to what is really a police state.

You can't talk in your bedroom. You can't talk in your sitting room. You don't talk on the telephone. You don't talk in the bathroom. As a matter of fact, you hear about going out and talking in the garden? Yes, I have walked many times through gardens in various places where I had to talk about something confidential, and you can't even talk in front of a shrub. That is the way it works.

What I am simply saying is this: There are police states. We don't want that to happen to America. But America is not a police state, and as long as I am in this Office, we are going to be sure that not the FBI or any other organization engages in any activity except where the national interest or the protection of innocent people requires it, and then it will be as limited as it possibly can be. That is what we are going to do.

IPU RESOLVES INTERNATIONAL COOPERATION IN ILLEGAL DRUGS CONTROL

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I want to report a dramatic international advance in the control of the illegal production and traffic of dangerous drugs. I have just returned from the Inter-Parliamentary Union meeting at Caracas, Venezuela, where representatives of parliaments of 53 participating nations unanimously accepted a resolution which I sponsored calling for international cooperation in the control of traffic in illegal drugs. Significantly enough, the delegations of France, Thailand, and Turkey joined me in sponsoring this resolution and it was adopted unanimously.

In pressing for adoption of this resolution I called upon my fellow IPU delegates to recognize that we can no longer tolerate the illegal production and international traffic of dangerous drugs and if we want to solve the drug problem we have all got to quit dawdling and and start working together. Their unanimous endorsement of the resolution was a highly gratifying development of significant importance in the war against illegal drug abuses. So important did the Council consider this problem, that it was voted to keep it on the agenda for the fall meeting and to circularize the members with a questionnaire to provide suggestions for action in this field.

I include here the text of my statement to the Council which was followed by unanimous acceptance of my resolution by the Inter-Parliamentary Union:

INTERNATIONAL CONTROL OF ILLEGAL NARCOTICS

(Statement of U.S. Representative JOHN S. MONAGAN, Democrat of Connecticut, at the Inter-Parliamentary Union Meeting at Caracas, Venezuela, April 17, 1971)

Control of illegal production and illegal export of dangerous narcotic drugs is a problem of international dimensions that we parliamentarians ignore at our peril. Although these drugs are usually grown or produced in rural areas of the world, they are quickly transported to the heavily populated cities where they are sold for high prices and wreak their destructive havoc on human lives. Countries, both large and small, know of the debilitating effects of narcotics, and yet are not taking effective action to prevent their traffic and use. International cooperation is urgently needed to achieve effective control over this pervasive problem. As representatives of Parliaments of the international community, we must make it clear that we can no longer tolerate the illegal production and traffic which allow substances originally intended to alleviate pain and suffering themselves to become causes of human misery and social decay.

Although there are several kinds of narcotic drugs in illicit use today, opium and the psychotropics are largely responsible for the present crisis. The psychotropic substances include chemically produced stimulants, depressants, and hallucinogens; amphetamines, barbiturates, and LSD, among others. They can bring about hallucinations and even addiction, and because they are relatively inexpensive and easy to acquire they are in high demand.

At the U.N. sponsored Convention on Psychotropic Substances recently held in Vienna, an international treaty for control of the production and importation of psychotropics was signed by representatives of twenty of the seventy-one countries present. The treaty now awaits ratification by forty governments before its provisions can be enforced. Unfortunately, however, ratification may take some time. In spite of this, the signing of the treaty represents a significant international effort to deal with the increasing problems of involving psychotropics.

The narcotic which undoubtedly creates the most serious state of dependence and is most frequently misused is opium, in any of its various forms. Opium, which is derived from the opium poppy, is grown primarily within a zone extending from the Turkish Anatolian Plain to the Yunnan Province in China. For commercial purposes, the raw opium is converted into a morphine base, and is later synthesized into its most intense and dangerous form, heroin. Although legal production and export of raw opium and its by-products is entirely controlled in theory and to some extent in fact by the Single Convention on Narcotic Drugs of 1961, adopted under United Nations auspices, in actuality, the diversion of opium into the illegal market continues to be a major problem which has not been effectively reached by this convention.

Actually, the opium problem consists of three parts: the demand, illicit supply and illegal traffic. Demand for illegal narcotics, although a problem familiar to many countries, cannot really be handled on an international level. Instead, each country must try to educate and treat its citizens who are tempted to use and abuse narcotic drugs. The problems of supply and traffic are both of tremendous international concern, and it is upon these problems that we, as representatives of the Parliamentary governments of the world, must focus our attention.

There are approximately two million drug users and addicts in the world, and the United States has the largest single number of heroin addicts—The National Institutes of Health estimates 250,000. Every year that number increases. The numbers are also increasing steadily in Western Europe, Iran, the Far East, and South East Asia. South America, although it grows cocaine on its western coast and has recently begun to cultivate opium poppies, is not yet disturbed by a serious domestic narcotics problem. Any country, however, even a South American state, may be next, and may soon find itself with a high percentage of its population incapacitated by drugs. Since no country is immune, it is imperative that we forge a strong instrument of international cooperation and work collectively to conquer this overwhelming problem.

Controlling the supply of narcotics is difficult. The opium poppies are grown in underdeveloped areas of the world where labor and land are cheap. Harvesting is tedious. After the poppy pods fall to the ground, each one must be individually lanced by hand, and after the "gum" has dried, it must be collected by hand. Approximately five and one-half hours of labor are needed to produce one ounce of raw opium. That labor, however, is highly rewarding. The farmer, for instance, often receives a price for his illegal opium, almost twice as much as he would receive on the legal market. After it is collected, the opium is converted into a morphine base, ten pounds of raw opium yielding one pound of morphine base. From the farm nearly all of the morphine base travels, by land or sea, to Marseilles, where it is turned into heroin. In Europe, the wholesale price for heroin is $142.00 an ounce, but by the time the heroin reaches New York, it is worth, on the retail market, $6,232.00 an ounce in its pure form. In the illegal market, the price of the raw opium equivalent will have increased nearly 10,000 times between the farm and New York City. The farmer who grew the original poppies makes proportionately little from his illegal transaction. It is the traffickers, experienced in the art of smuggling, who make the greatest profits.

A number of alternatives to opium cultivation have been suggested to the producing nations, of which the most usual is substitution of other crops. But crop substitution alone will not solve the problem, for the farmer who gives up the production of opium poppies will not be satisfied by the profit he can make on another more prosaic crop. Many substitute crops would earn more income than opium for the amount of labor required, but no other crop brings as large a profit for the amount of land it uses. In order to make crop substitution appealing to a farmer in an underdeveloped area, the government would have to pay him crop subsidies, and few governments are in a position to make such a financial commitment to their backward areas. Certainly the more rapidly the areas concerned are developed economically, the less incentive there will be for the cultivation of opium.

Another way to control the supply of opium is for the local governments simply to forbid its cultivation, except in certain restricted areas and under close control. However, such a limitation of production is often impossible to enforce. The poppies are frequently grown and harvested by primitive, even tribal peoples, in underdeveloped areas of the world. In some countries, the national governments are not strong enough to control the activities of the local farmers.

Turkey is one country which has been cooperative in the control effort. Three years ago, poppies were grown in 27 provinces; for the planting season of 1971–1972, the government has limited poppy-growing to four provinces. The government has also been buying up the crop within each of the regulated provinces; still, the farmers have been turning in less than their whole crop, and peddling the rest for double or triple the legal price. It is expected and hoped that the new coalition government will continue the plan for the reduction of the opium crop, and will continue to cooperate with the United Nations and the International community in the control of opium cultivation. In addition, the United States has advanced $1 million of a $3 million loan to Turkey to be spent partly on a crop substitution program, partly on police cars, weapons, helicopters and the training of specialized police.

Mexico and the United States have agreed to participate in "Operation Cooperation", an effort designed to control drug trafficking across their 1,900 mile frontier. In addition, the United States has contributed $1 million in technical assistance to Mexico, to help eliminate harvesting of and trafficking in drugs.

In order to decrease the amounts of dangerous drugs entering the United States, the United States Customs Bureau has expanded its activities. The number of customs officers has been increased; and the searches for drugs have been made more comprehensive and more effective. Drug seizures, for instance, increased 88 percent between 1969 and 1970. The Customs Service, which records having stopped 9,389 narcotic smuggling attempts during 1970, confiscated 346.87 pounds of heroin in that year, an increase of 66.18 percent over 1969. Despite the efforts of our Customs Service, the amount of illicit drugs entering the country is increasing.

The United States is spending substantial sums on the drug problem. In the fiscal year 1971, our country allotted $135.6 million for the control of drug abuse. Of this amount, $46.6 million is for law enforcement; $53.4 million for treatment and rehabilitation of drug abusers; $12.4 million is for educational and training purposes; and $23.2 million for research.

In addition to caring for its own problem, however, the United States has sought to assist other countries in controlling this problem as well. At the present time, we have agreements with Turkey, Mexico, and most recently with France, a country which has become greatly concerned about its own drug abuse problem. On February 27, 1971, a French-American agreement was signed which formalized the cooperation between the two countries in the war on drug traffic.

Throughout the world, existing laws which regulate trafficking have been enforced, particularly against non-citizen transients. Iran, for instance, has executed over forty people since 1969 for trafficking. Over 500 American citizens are serving time in foreign jails for possession of or trafficking in narcotics. The small-time smugglers, in many cases, students, are not the key to the problem, however. The problem lies with the wholesalers. Identification and confiscation of wholesale shipments of illegal drugs require the greatest amount of international cooperation. The large quantities of morphine base which travel from the Far and Middle East to European heroin producing factories, and from there to European countries or west to the United States, where prices for illegal heroin are the highest in the world, must be intercepted and confiscated so that the people of our various nations will not suffer addiction and even death from this dangerous substance.

International cooperation offers the only hope for solving the supra-regional problems of drug abuse. A country which, at the moment, happily considers itself free from the destruction caused by dangerous narcotic drugs, may unfortunately not be free for long. Once this disease strikes, it spreads rapidly, ravaging the minds and bodies of its victims, and affecting the lives of innocent family members and friends.

I believe it vital that the representatives of so many of the Parliaments of the world, exert influence on their respective governments in an effort to recognize and control the cultivation and production and manufacture of, and traffic in narcotics and dangerous drugs and to support the plans now being considered by the United Nations for a plentipotentiary conference, to be convened early in 1972. At this conference, amendments designed to strengthen the Single Convention on Narcotic Drugs of 1961, proposed by the United States and other governments, would be considered and should be accepted. I also urge members of the Inter-Parliamentary Union to encourage their respective governments to contribute to the recently established United Nations fund for drug abuse control. The United States has already contributed $1 million of a $2 million pledge. If the international control of narcotic drugs is to be possible, however, more countries must assert their interest and support by contributing to this universally beneficial project. Surely, with the committed cooperation of our respective governments, in all these particulars, this social disease, so serious now, can be promptly checked and eventually cured.

In view of the seriousness of drug abuse and the threat it poses to societies of all nations, I urge that the Council, acting under Article 15, paragraph 14 of the Statutes, adopt the draft resolution which we are pleased and grateful that the French, Thai and Turkish delegations have joined us in sponsoring. By taking this action we will be asserting the importance of this international problem and underscoring the urgency with which Parliaments should act on it.

AMERICAN PRISONERS OF WAR HELD BY NORTH VIETNAM

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, on March 26, 1964, 7 years and 24 days ago, the first American serviceman was captured by North Vietnamese forces. Since that time, over 1,500 of our military personnel have been listed as either missing in action or as prisoners of war. We know that approximately 150 of these men have been held prisoners or have been missing for 5 years; an additional 300 have been missing for almost 4 years.

Throughout this period of time the North Vietnamese have consistently failed to abide by the Geneva Convention for the Treatment of Prisoners of War. It has repeatedly and flagrantly violated four points contained in the agreements. The Communists are breaking elementary rules which civilized countries are expected to follow in their dealings with prisoners of war.

We are only too aware of the inhumane treatment that our people are receiving at the hands of the North Vietnamese. I am proud to say that I cosponsored the resolution designating the week of March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action" to forcefully register our protest over that treatment. Our concern, however, should not stop there; Americans everywhere must arouse world opinion to bring pressure to bear on North Vietnam to correct these conditions.

ANALYSTS SEE END TO DECLINE OF INTEREST RATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, when the Congress voted to remove the 4¼-percent ceiling on long-term Government bonds early last month, many of us warned that the action might well contribute to a slowdown in the trend toward lower interest rates.

In recent days, there have been disturbing signs that interest rates are leveling out at a very high point rather than declining as many of the experts had predicted. At one point, short-term Treasury bills had declined to interest rates as low as 3.3 percent. For many weeks, these short-term rates had hovered around 3½ percent.

But last week, the short-term rates had skyrocketed above 4 percent and there are indications that they will go even higher, costing the American taxpayers millions of dollars in added interest charges.

Even more discouraging has been the lack of improvement in the long-term bond markets. In fact, there have been a number of increases in the long-term market with most corporate issues currently averaging around 7½ percent—much too high to stimulate the type of economic recovery the Nation so badly needs. The Daily Bond Buyer, in its issue of April 16, listed six corporate bond issues sold between April 13 and April 15. The lowest interest rate paid was by Texas Electric Service—7.37 percent on $25 million of Aaa bonds. Rockland Electric paid 7.875 percent; Montana Power 7.50 percent; General Telephone of Ohio, 7.70 percent; Washington Water Power, 8.32 percent; and Union Electric, 7.47 percent.

Mr. Speaker, even more important is the fact that only a small fraction of the widely ballyhooed interest rate decreases have gone to the consumer. What few declines have been recorded have invariably been for prime customers of the commercial banks and other very large borrowers. Right here in Washington, D.C., lending institutions are advertising "competitive" mortgages for 7½ percent—only about 1 percentage point below the record highs recorded in 1969 and early 1970. Interest charges on credit cards, automobile loans, and consumer loans also remain at extremely high levels despite the announcements of decreases in the prime lending rate.

The Washington Sunday Star describes the situation this way:

> The decline of interest rates is coming to an end, financial analysts believe.
>
> They predict the cost of borrowing will stabilize for a while, then gradually rise later this year.

Mr. Speaker, the Nation badly needs lower interest rates if it is to stimulate the economy and put people back to work. We also are in desperate need of lower interest rates and a more plentiful supply of money for local governments and school districts which have been forced to postpone many of the projects in recent years because of the prolonged period of tight money and high interest rates.

Unfortunately, there are apparently some politicians and monetary managers who are willing to allow interest rates to bottom out at unconscionably high levels. This Nation cannot accept the concept that the average homeowner is getting "reasonable rates" when he is charged 7½ and 8 percent for a mortgage. We cannot accept the theory that interest rates are reasonable when major utilities and other corporations are paying 7½ and 8 percent on high-quality bond issues.

Much of the propaganda and public relations excitement about recent interest rate decreases have been designed to delude the American public into believing that the administration was pursuing low interest policies. The American public is not getting the 5¼-percent interest rate and I expect that very few corporations are on these secret lists of "prime" borrowers. The 5¼-percent prime rate—that has been trumpeted by the banks and the administration spokesmen—is a fake rate which goes only to a handful—the favored few—and not to the great mass of American consumers.

Mr. Speaker, I hope the administration will start taking steps which will once again push interest rates down—particularly in consumer areas. Unfortunately, this administration's ill-timed decision to seek removal of the 4¼-percent ceiling on long-term Government bonds was a psychological blow against the trend for low interest rates. It was a high level statement of policy—and belief—that interest rates would not decline and that we would have a permanent policy of high interest rates. This psychological impact has been felt throughout the economy and has contributed greatly to the slowdown in the decline of interest rates which is now being so widely recorded. The administration made a most serious mistake when it made this announcement in February and pushed it through the Congress in March. I hope that the administration will do everything in its power to reverse this mistake and to prevent further miscalculations which are so costly to the American public.

Mr. Speaker, I place in the RECORD a copy of an article by Lee Cohn which appeared in the Washington Sunday Star with the title, "Decline of Interest Rates Appears To Be Near Halt." I also place in the RECORD, a copy of an article in the Washington Post of Sunday, April 18, with the title, "Interest Rates Climb for Bonds."

The articles follow:

[From the Washington Sunday Star, Apr. 18, 1971]

DECLINE OF INTEREST RATES APPEARS TO BE NEAR HALT

(By Lee M. Cohn)

The decline of interest rates is coming to an end, financial analysts believe.

They predict the cost of borrowing will stabilize for a while, then gradually rise later this year.

If the economy gains momentum in 1972, as expected, interest rates may climb more rapidly and the availability of credit may tighten, according to the experts.

CREDIT SQUEEZE

But few if any of them anticipate a return to the record high rates and extreme credit squeeze that plagued home buyers, state and local governments, businesses and other borrowers in 1969 and early 1970.

The expected rate increase could hurt President Nixon politically. However, if the escalation is moderate and occurs in a climate of vigorous economic recovery, the "tight money" issue may be blunted in the 1972 election campaign.

Interest rates reached the highest point in more than a century shortly before mid-1970. In one of the great turn-arounds of financial history, they have declined sharply and almost steadily since then.

Now there are signs that rates are at or near another turning point and the next basic movement will be upward.

CREDIT DEMAND CURTAILED

Rates have dropped because the economic slump has curtailed demand for credit, and because the Federal Reserve has expanded the supply in an effort to revive the economy.

Rates will stabilize and then rise, mainly because the economic recovery is increasing the demand for credit, and because the Federal Reserve is shifting to slightly firmer policies, according to the experts.

Short-term interest rates are most sensitive and often foreshadow trends. Rates on three-month Treasury bills, for example, hit a peak around 8 percent in early 1970, dropped to about 3.2 percent last month, then edged above 4 percent early last week.

This key rate declined to 3.8 percent at the end of the week and seasonal influences may lower it further during the next several weeks, but then it is expected to rise gradually.

Rates on intermediate-maturity Treasury notes climbed to about 8 percent last spring, then dropped below 5½ percent and recently have risen fractionally.

High-quality corporation bond rates soared above 9½ percent in mid-1970, declined below 7 percent earlier this year and now are above 7½ percent.

PRIME RATE DROPS

Rates on high-grade tax-exempt bonds issued by state and local governments topped 7 percent in mid-1970, dropped to about 5 percent and have remained near that level recently.

The prime rate—the minimum interest charged by banks on loans to corporations—rose to 8½ percent in June 1969, stayed there until March 1970, then plunged to 5¼ percent last month.

Rates on home mortgages and consumer loans move slower than rates in bond and money markets. They have followed the market rates down, but the declines have been smaller, and do not yet show signs of rising.

The Federal Reserve influences short-term rates, such as those on Treasury bills, most directly. Purchases and sales of Treasury securities in the open market by the Federal Reserve increase and reduce the supply of money and credit in the banking system, and thus in the economy.

Federal Reserve policy apparently started shifting to a firmer stance, for domestic and international reasons, immediately after the April 6 meeting of its open-market committee.

Domestically, the narrowly defined money supply—currency and checking accounts—had expanded at an annual rate of 8.6 percent in the first quarter of this year.

FEARS OF INFLATION

Such rapid monetary growth would be inflationary if long continued, the money managers fear, so they are trying to slow the rate of growth to a "moderately expansive" 5 or 6 percent.

This slowdown is expected to raise short-term interest rates, although they may decline for several weks as a result of seasonal factors.

Internationally, the Federal Reserve apparently feels it must nudge short-term rates higher to discourage big flows of money to Europe, where rates are higher. Heavy outflows have weakened the dollar abroad.

Although short-term rates in the United States are expected to rise, they still are abnormally low, in relation to long-term rates. Therefore, analysts believe, there still is room for long-term rates on bonds and mortgages to decline slightly.

Another reason for this expectation is the Federal Reserve's effort to minimize the impact of its policy tightening on long-term rates. The money managers want to hold these rates down to encourage housing and expenditures by state and local governments, two sectors considered crucial to an economic recovery.

But long-term rates cannot decline much further, according to analysts, because the economy is pulling out of its slump.

As the economic recovery proceeds, demand for credit to finance business inventories and plant expansion should pick up. With the Federal Reserve limiting growth of money and credit, increased demand will raise rates.

Another important factor expected to raise rates is the big deficit in the federal budget, which will compel the Treasury to borrow heavily.

Despite these upward pressures, analysts do not expect interest rates to rise sharply this year.

NO BOOM IN SIGHT

Only a moderate economic recovery—not a boom—is in sight, so demand for credit should not become overwhelming. And the Federal Reserve does not plan to tighten money and credit drastically, because a severe squeeze might halt the economic upturn and boost unemployment.

Thus, long-term interest rates are expected to fluctuate within a narrow range for gradually later in the year and perhaps more rapidly in 1972.

If the decline of interest rates is ending, rates are setting into a higher pattern than has prevailed through most of U.S. history.

Corporate bond rates, for example, ranged from 4 to 5 percent in the early 1960s and in most other normal periods. If the current decline lowers them only to about 7 percent, and then they rise again, borrowers will have to become accustomed to a new and higher "normal" range.

Many analysts believe the definition of normal rates is indeed changing. Credit needs in the years ahead will be so much larger than in the past, they predict, that rates never again will drop to the old levels.

[From the Washington Post, Apr. 18, 1971]

INTEREST RATES CLIMB FOR BONDS

Interest rates climbed in most areas of the bond market Friday the investment banking firm of Salomon Brothers reported.

Among government issues, Treasury bills were up 4-100 basis points; one-to-three-year bonds were off 3-32; three-to-seven-years were off 5-32; and seven-years and over were off 1-32.

Federal funds were quoted at 4⅛ bid and 4⅜ asked.

On the corporate side, industrials were off ⅜ and utilities were off ¼. Analysts said the heavy corporate calendar next week may have exerted a depressing influence on prices.

Offerings scheduled for next week include a $200-million Kennecott Copper issue and a $100 million province of Ontario issue.

Trading was very quiet in the municipal market.

The 60 corporate bonds followed by the Associated Press were mixed.

THE SHIFTING BALANCE OF MILITARY POWER

(Mr. SATTERFIELD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SATTERFIELD. Mr. Speaker, seven members of the President's Blue Ribbon Defense Panel which filed its report on July 1, 1970, submitted a supplemental statement dealing with matters not addressed by the full report.

Their supplemental statement submitted September 30, 1970, and released by the Department of Defense March 12, 1971, "identifies and discusses trends which if continued will result in the United States becoming a second-rate power incapable of assuring the future security and freedom of its people." One of the seven is Lewis F. Powell, Jr., a personal friend, constituent, and an outstanding member of the bar. His keen and inquiring mind, and his ability to render penetrating objective analysis are well known. He typifies the caliber of individual who joined in this supplemental report. Indeed one cannot consider the list of those who signed it without being impressed.

It is significant that these seven members, during the course of their investigations perceived so clearly the alarming course we are pursuing in dealing with our present and future military defense capability and the obvious dangers inherent in the current policies which dictate its direction.

The importance of this report, which follows, cannot be overemphasized. I urge my colleagues to read it.

THE SHIFTING BALANCE OF MILITARY POWER

PREFACE

The Blue Ribbon Defense Panel, appointed by the President and the Secretary of Defense in July 1969, submitted its Report on July 1, 1970. Members of the Panel reserved the right to submit supplemental statements on areas not addressed by the Panel's Report. This is submitted, pursuant to that reservation, by the Panel members named below.

The statement which follows deals with the balance of strategic military power at a time when the convergence of a number of trends indicates a shifting of this balance against the United States. In the course of the Panel's study during the past year, it became increasingly clear to the undersigned that if these observable trends continue the United States will become a second-rate power incapable of assuring the future security and freedom of its people.

The President and the Secretary of Defense are fully aware of the trends which cause deep concern, and have brought these to the attention of the Congress and the public in formal reports and addresses. Yet much of the public remains uninformed and apathetic. This supplemental statement is submitted with the hope that it will contribute to public discussion and in the end to the informed public understanding which is essential in a democracy.

Now a word about the scope of this statement: It does not purport to be an exhaustive assessment of the comparative military capabilities of the U.S. and the Communist superpowers, as this can best be done by intelligence experts. Nor does it address directly the specific defense and foreign policy issues which must be resolved by the Administration and the Congress. Rather, the statement deals generally with the disquieting trends which affect adversely the strategic posture and influence of this country; with the continuing buildup of Soviet and Red Chinese nuclear capabilities, including an apparent Soviet preemptive strike capability; with the vital issue of technological supremacy; and with attitudes on the domestic front which tend to inhibit the needed public debate and thoughtful reexamination of defense policies and priorities.

It is hoped that this statement will help stimulate this debate and reexamination, with a resulting wider public understanding that the balance of military power is shifting against the United States, and that the first duty of the national government is to "provide for the common defense" of our country. (Preamble to U.S. Constitution.)

William Blackie, Peoria, Illinois; George Champion, New York, New York; William P. Clements, Jr., Dallas, Texas; John M. Fluke, Seattle, Washington; Hobart D. Lewis, Pleasantville, New York; Wilfred J. McNeil, New York, New York; Lewis F. Powell, Jr., Richmond, Virginia; Members, Blue Ribbon Defense Panel, September 30, 1970.

SUMMARY

The principal points in the accompanying Statement may be summarized as follows. (This Summary is necessarily incomplete and reference should be made to the full Statement for the views of the authors):

The Converging Trends. The convergence of a number of trends indicates a significant shifting of the strategic military balance against the United States and in favor of the Soviet Union. (The principal threat to U.S. security for the 70's is the Soviet Union, and this paper is addressed primarily to that threat. By the late 70's and beyond, the most menacing country in the world may be Red China.) These trends include: (i) the growing Soviet superiority in ICBM's; (ii) the Soviet commitment of greater resources than the U.S. to strategic offensive and defensive weapons, with the continued deployment thereof; (iii) the possibility that present U.S. technological superiority will be lost to the Soviet Union; (iv) the convincing evidence that the Soviet Union seeks a preemptive first-strike capability; (v) the rapidly expanding Soviet naval capability; and (vi) the mounting hostility of segments of the public towards the military, the defense establishment and "the military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken the only forces which provide security for the U.S.

A Second-Rate Power. If these observable trends continue the U.S. will become a second-rate power incapable of assuring the future security and freedom of its people. Neither the facts concerning these trends nor the ultimate danger is generally understood by the public, which for the most part remains uninformed and hence apathetic.

A Soviet World Order. Since World War II a degree of world order has been maintained by the dominance of U.S. strategic military strength. This American preserved world order is now disintergrating, as doubts arise as to our will and strength to preserve it. There is reason to believe that the Soviet Union envisions a new era which it will dominate, employing superior military power and the threat of its use to achieve long-cherished political, economic and even military objectives.

The End of U.S. Superiority. In a dramatic shift in the balance of power, largely unnoticed by the public, the quarter century of clear U.S. strategic superiority has ended. The Soviet Union has moved significantly ahead of the United States in ICBM's, the principal weapons system of the nuclear age. The U.S. retains, for the time being, a substantial edge in the smaller, short-range SLBM's launched from Polaris submarines. Yet, the Soviet Union has a major submarine construction program which by 1973–74 could nullify this advantage. The U.S. subsonic B–52 bomber force still outnumbers the Soviet strategic bombers by a three to one margin, but both nations recognize the relatively obsolete character of this weapons system.

There are, of course, other elements in the equation of strategic military power. In some of these—such as MIRV and Poseidon—the U.S. is ahead of the Soviet Union. In others—such as strategic defense against missiles (ABM's) and against bomber attack—the Soviets are significantly ahead.

But however one may view the balancing, no informed person now denies that the period of clear U.S. superiority has ended. The Soviet SS–9 ICBM force alone is capable of delivering a megatonnage of nuclear warheads several times greater than that of the entire U.S. force of ICBM's and SLBM's.

A Soviet First-Strike Capability. Our planners in the 60's assumed that if both superpowers had an adequate retaliatory capability neither would prepare for or risk a first strike. The evidence is now reasonably conclusive that the Soviet Union, rejecting this assumption, is deploying strategic weapons systems designed for a first-strike capability. This evidence includes: (i) the continued Soviet production and deployment of ICBM's *after* having attained a clear numerical and megatonnage advantage; (ii) the emphasis on SS–9's designed as counter-force weapons capable of destroying U.S. hardened missile silos; (iii) the development of MRV with warheads also designed as counter-force weapons, and of MIRV by 1971–72; (iv) the development of a fractional orbital missile which significantly minimizes warning time; (v) the construction of a Y-class atomic powered submarine SLBM launching fleet capable, with no effective warning, of destroying our national command centers and much of our B–52 bomber force; and (vi) the continued Soviet emphasis on strategic defense systems against both missiles and bombers—an emphasis without parallel in this country.

The characteristics of these offensive and defensive weapons systems, which the Soviets continue to expand, are consistent only with a preemptive strike capability. Such a weapons mix and volume are not required for effective retaliation.

A Challenging Soviet Navy. The Soviet navy, modern and rapidly expanding, is now challenging U.S. naval superiority in every category except aircraft carriers. This Soviet naval buildup is a major element in the shifting balance of military power.

Retreat from the Threat of the 70's. The situation which our country faces is without precedent. As we enter the 70's, the strategy of American superiority has given way to the concept of deterrence by maintaining an assured retaliatory capability. But there is no longer any certainty that our nuclear deterrent will remain credible to a Soviet Union which apparently seeks a preemptive strike capability, and which is moving rapidly into the role of the world's dominant military power. Red China, bitterly hostile to the U.S., also is acquiring a significant ICBM capability. It is not too much to say that in the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure.

Yet, many of our most influential citizens respond to this unprecedented national peril, not by a renewed determination to assure an adequate national defense, but rather by demands for further curtailment of defense measures which can only increase the peril.

Cutback in Defense Spending. Although the President has submitted for FY 1971 a "bare bones" defense budget, reflecting the largest single cutback since the Korean War, public and political pressures are mounting for even more drastic reductions. As U.S. defense spending goes down, the trend of spending by the Soviet Union continues steadily upward. Its total military funding about equals that of the U.S., although its gross national product is barely half that of this country. The mix of Soviet spending is especially meaningful. Without the drain of a Vietnam War or public pressures to curtail defense funding, Soviet expenditures in dollar equivalents on strategic offensive and defensive weapons significantly exceed those of the U.S.

Threat to Technological Superiority. U.S. qualitative superiority in weapons, due to its advanced technology, has afforded a decisive advantage over the past years. This advantage is now being eroded away, as the U.S. falls behind the Soviet Union in the support of R&D and in the training of scientists and engineers. There is an ever present risk of disastrous technological surprise in major weaponry where an open society is in competition with a closed Communist society. We are neglecting, by inadequate support and planning, to minimize this risk.

Negotiations—Trap or Opportunity? Since the end of World War II repeated attempts have been made by the U.S. to negotiate limitations on the "arms race." Negotiations for sound enforceable limitations should be continued and hopes are now high for the success of the current SALT talks. But the total experience of negotiating with Communist nations suggests the utmost caution and the need for the most critical analysis of the possible consequences of any proposed terms. Not only is the security of this country at stake, but it is possible that a limitations agreement as to strategic weapons could have the effect of neutralizing the U.S. as a strategic power, leaving the Soviet Union and Red China relatively free to employ their superior tactical capabilities wherever this seems advantageous.

Hostility Towards the Military. At this critical time, when the balance of military power is shifting, it is uniquely unfortunate that public hostility toward national defense and the military is at an unprecedented level. This attitude reflects a broad spectrum of opinion from honest pacifists and dissenters over Southeast Asia to New Leftist revolutionaries. But the base is sufficiently broad, and the voices supporting various aspects of it sufficiently powerful, to have a profoundly adverse effect upon almost every aspect of national defense. In a democracy, national defense suffers when there is inadequate public understanding and support. It may be fatally undermined when a significant segment of public opinion is not merely negative but irresponsibly hostile.

A Viable National Strategy. Unless the American people wish to accept irrevocably the status of a second-rate power—with all of the probable consequences—the only viable national strategy is to regain and retain a clearly superior strategic capability. This can be accomplished by reversing the trends identified above, and by eschewing agreements which freeze the U.S. into a second-rate status. The margin of our overall strategic strength must be sufficient to convince the most reckless aggressor that, even after a surprise first strike, the capability to retaliate will in fact survive and be adequate to impose unacceptable destruction on the aggressor nation. This course of action is not incompatible with continued negotiations for arms limitations. Indeed, it will significantly enhance the chances of negotiations being genuinely fruitful without constituting a trap.

The Consequences of Second-Rate Status. Basic Communist dogma contemplates the employment—over such time spans as may be necessary—of the entire arsenal of pressures against the U.S. as the strongest democratic power. Despite discord among Communist states, there has been no amelioration of this doctrinal goal. Throughout the past quarter century, when the Soviet Union was relatively weak strategically, it precipitated or supported crisis upon crisis—directly or through puppets and satellites—designed to extend its influence and to create disarray within the U.S. and the Free World.

It is irrational to think, with the balance of military power shifting in its favor, that the policies of the Soviet Union will be less hostile, disruptive and imperialistic.

The consequences of being second rate, even if national survival is not threatened, could be seriously detrimental to the most vital diplomatic and economic interests of this country.

Weakness—The Gravest Threat to Peace. The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive. Weakness of the U.S.—of its military capability and its will—could be the gravest threat to the peace of the world.

The Blue Ribbon Defense Panel's assigned mission, though broadly defined, was related primarily to the organization and functioning of the Department of Defense and the Armed Services. The Panel was not requested to consider matters of national policy such as strategic posture, force levels, weapons systems and defense spending.

But one cannot spend a year studying the defense structure of this country without considering the vital questions of national defense policy. In the course of this study, it became increasingly clear that the balance of strategic military power is continuing to shift against the U.S.

In his Foreign Policy Report, President Nixon said:

"The overriding purpose of our strategic posture is political and defensive: to deny other countries the ability to impose their will on the United States and its allies under the weight of strategic military superiority. We must insure that all potential aggressors see unacceptable risks in contemplating nuclear attack, or nuclear blackmail, or acts which could escalate to strategic nuclear war, such as a Soviet conventional attack on Europe." [1]

If observable trends continue—in this country and abroad—there is grave doubt whether this purpose can be attained for the 1970's and beyond. The warning by Secretary Laird that the U.S. could be "in a second-rate strategic position . . . by the mid-1970's" appears to be fully justified.[2] Indeed, if these trends continue, the U.S. will become a second-rate power incapable of assuring the future security and freedom of its people.

TRENDS WHICH ENDANGER U.S. SECURITY

The trends which are combining to shift the strategic balance of power in favor of the Soviet Union include:

1. The Soviet deployment of types and numbers of offensive and defensive nuclear strategic weapons which threaten the security of this country.
2. The Soviet commitment of greater resources than the U.S. to strategic offensive and defensive weapons and weapons systems.
3. The Soviet commitment of greater manpower and resources than the U.S. to military-related research and development (R&D), thus threatening to end U.S. technological superiority.
4. The evidence that the Soviet Union seeks a preemptive first-strike capability.
5. The Soviet deployment of a fleet capable of challenging the U.S. fleet.
6. The abandonment by the U.S. of its former policy of maintaining strategic superiority.
7. The state of mind of much of the U.S. public which tends to inhibit necessary defense measures and even the full and rational discussion of the need for such measures.
8. The tendency of many to attack and criticize, whether justified or not, the military, the defense establishment, and "the military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken—at a critical time in history—the only forces which provide security for the U.S. and the free world.

It is appreciated, of course, that opinions differ as to the extent and significance of these trends. Some will think these views do not appropriately weigh such counter trends as may exist. But national defense policies in the nuclear age should be formulated conservatively, based on the most realistic assessment of potential enemy capabilities.[3] It is imprudent, indeed even reckless, to formulate such policies on the basis of subjective judgments as to Soviet and Red Chinese intentions rather than their known military and technological capabilities.[4]

Where the issues are the security of our country, the preservation of the values of a free society, and possibly the life or death of tens of millions of our people, responsible government cannot afford to run the risk of miscalculation on the optimistic side. The lessons of history abundantly teach that nations do not survive by trusting other nations to be rational or by setting examples of unilateral restraint in self defense.

THE GENERAL WORLD POSTURE

Genuine peace, the professed goal of all mankind, is as remote today as at any time since World War II.

The Asian Continent

On the Asian continent, the war in Southeast Asia drags on. Communist aggression continues in South Vietnam and Laos, and now threatens the national existence of Cambodia. With Red China building a military road across northern Laos directed to-

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Footnotes at end of article.

ward Thailand, apprehension mounts in that ancient kingdom.

North Korea, reckless and arrogant, attacked an American ship and plane with impunity and constitutes a threat so serious that some 60,000 American troops remain in South Korea 17 years after the tenuous armistice there.[5]

Despite internal convulsions, Red China maintains the world's largest ground forces and is acquiring a significant nuclear capability. Its despotic regime harbors and promotes the most virulent hatred of America.[6] Its ambitions within Asia—beyond Taiwan—remain obscure, although already it has conquered Tibet, conducted border incursions against India, and indicated a continuing covetousness toward Southeast Asia.

Some think the greatest threat to peace in Asia lies along the Soviet-Chinese border where ancient hostilities have been exacerbated. However this may be, Asia is a continent of discord and unrest with military strength mounting in the four Communist powers. There is no peace or prospect of it.

The Middle East

The situation in the Middle East, in terms of possible escalation into major confrontation, appears to be even more serious. A state of undeclared but active war existed between Israel and its Arab neighbors until the August 1970 cease fire. Although the Arab states have an implacable hatred of Israel they are incapable of waging modern war without the weapons, technicians and economic support provided by the Soviet Union.

The strategic significance of the Middle East is profound. The petroleum resources there are vital to the economic well being of much of the Free World. Effective control of these resources—at least to the extent of being able to deny them to the Free World—is an obvious Soviet strategic objective. Perhaps a less obvious objective is the reopening and control of the Suez Canal. This waterway, as important to the Soviet Union as the Panama Canal has been to the U.S., would provide the cheapest and most effective transportation route between the Soviet heartland in Europe and the Soviet far east. The critical importance of this sea link is evident in relation to a possible U.S.S.R. confrontation with Red China.[7] These strategic considerations explain the willingness of the Soviet Union to incur the gravest risks of escalation. In addition to building up United Arab Republic and Syrian capabilities, the Soviet Union has deployed in the UAR some 100 Mig 21–J's and a substantial number of SAM–3 sites, all operated by Soviet personnel.[8]

The cease-fire plan appeared initially to afford an opportunity for negotiations. But this hope was dashed, perhaps irretrievably, by Soviet and UAR duplicity in deploying SAM's within the agreed truce zones.[9]

In view of Israeli-Arab hostility and Soviet ambitions in the Middle East, including its desire to out-flank NATO in the Mediterranean, there is no prospect of genuine peace in this explosive area.

Western Europe

The situation in Western Europe, the area of our most vital interest, remains relatively precarious beneath the superficial aura of peace. The Berlin Wall and the Iron Curtain still stand. NATO forces, including some 300,000 Americans, are confronted by a larger and better equipped Soviet force. This cold-war type confrontation, without precedent in history in terms of duration and scale, has lasted more than two decades with no end foreseeable.[10] One has to visit Allied bases in West Germany to comprehend even dimly the tenseness and tragedy of hundreds of thousands of armed men facing each other night and day, with air crews alert, ground units in position, command posts staffed, and the flight of every aircraft monitored.

Berlin, that indefensible symbol of freedom which we nevertheless are committed to defend, remains surrounded by Communist forces which periodically block or harass access routes by land and air. Berlin has assumed crisis proportions a number of times in the past. No one can be sure that the future will be different.

Other areas

The foregoing are the more visible and active danger areas in a troubled world, but ruptures of peace could come anywhere. A war was concluded in Africa earlier this year with heavy loss of life and infinite human suffering. There are few stable governments in either Africa or South America, where plots and revolutions and terroristic activities are commonplace. Cuba, now an armed and erratic Communist power, is a major base for subversion, the export of revolution, and possibly for Soviet naval operations.

Communists have common objective

It is true that the solidarity of the international Communist movement has been fractured. The friendship between the Soviet Union and Red China has dissolved. Even the boasted unity of the Warsaw Pact members depends nakedly upon the military might of the Soviet Union and its openly avowed "right" to employ this might against any recalcitrant member.[11]

But this disunity among Communist powers does not necessarily enhance the chances of peace for the Free World. The hate propaganda of both the Soviet Union and Red China against the United States exceeds that leveled against each other. Each has always proclaimed that the principal enemy is "imperialistic America." The Marxist dream of unity among Communist countries may have faded, but the Marxist purpose of communizing the world remains the goal of every Communist party.

This, in briefest summary, is the disordered state of the world at the beginning of the 1970's. Rational persons, familiar with the lessons of history, would hardly choose this time to undermine our own military forces either by irresponsible criticism or unilateral reductions in defense capabilities.

World order maintained by United States

Since World War II a degree of world order has been maintained almost solely by the dominance of U.S. strategic military strength. But for this strength and our will to assert it to preserve freedom, few doubt that the Soviet Union would have imposed Communist regimes on a number of other countries. It had the ambition to subjugate Greece and much of Western Europe just as it did the Eastern European satellites. But for American military strength there also would have been Communist incursions and aggressions—beyond those we have experienced—in Asia, Africa and even in this hemisphere.[12]

This world order which we have attempted to perserve has been precarious and far from effective in many instances. But at least the principal objectives have been attained. The freedom and independence of Western Europe and the opportunity of the countries there to restructure themselves economically were assured. Many nations around the world, including the emerging new nations in Africa, were encouraged to pursue courses of nonalignment. The prospect of worldwide Communist domination—a likely one in the absence of American deterrence—was not a realizable goal. But most important of all, a fragile peace was preserved between the great powers and there was no employment of nuclear weapons.

A new era—Communist world order?

This American preserved world order is now disintegrating. We no longer have the power to preserve it. Nor do we appear to have the will, as a new neo-isolationist fever dims the perception of our people. The Communists everywhere applaud this end of an era, and even many in our country seem to welcome it.[13]

Whatever one's views on this point may be, the critical question now is what sort of world order will exist in the years ahead. There is every reason to believe that the Soviet Union envisions the new era as one which it will dominate, employing its military power and the threat of its use to promote and attain its own imperialistic objectives.

Second best in a troubled world

Thus, as we enter the 1970's America is confronted with an inherently unstable world situation in which "little wars and revolutions" can escalate and major wars develop on short notice. We face a world in which the military balance of power is shifting from the West to the East, and the world order sustained by dominant American power is fading away. In the most optimistic view, a precarious order will continue as the two superpowers maintain an uncertain balance of deterrence. A less optimistic view, and one supported by the weight of the evidence, is that the United States will become a "second rate" power subordinate to manifest Soviet military superiority. In that case, the world order of the future will bear a Soviet trademark, with all people upon whom it is imprinted suffering Communist repressions [14]

THE END OF U.S. MILITARY SUPERIORITY

The facts set forth in the Reports of the President and the Secretary of Defense, mentioned above, clearly foreshadow the end of U.S. military superiority.[15] This was predetermined by decisions made in the 1960's, which resulted in the reduction, postponement and abandonment of strategic defense measures and weapons systems. These decisions reflected the budgetary priorities of the Vietnameses war as well as a desire to de-escalate the strategic arms race by an example of self-imposed restraint.

In any event, the U.S. is now face-to-face with the fruits of this unilateral strategic arms slowdown.

Soviet missile superiority

The Soviet Union has attained for the first time a superior strategic capability—where it counts the most—in ICBM's. The U.S. froze its ICBM's at 1,054 in the mid-60's when the Soviets had less than 250 ICBM's. While we imposed a limitation on additional strategic weapons, the Soviets pressed forward to overtake and pass us. Intelligence estimates indicate that they now have over 1,250 operational ICBM's, and will have about 1,300 by the end of 1970.[16]

More than 275 of the operational Soviet ICBM's are SS–9's, each capable of delivering 25 megatons as compared to the one megaton payload of the U.S. Minuteman Missile.[17] The major portion of the remainder of the Soviet ICBM's are SS–11's and SS–13's, each capable of a payload as large as that of Minuteman.[18]

More serious than the numerical superiority is the substantial megatonnage advantage enjoyed by the Soviet Union. The enormous payloads of the SS–9's have a destructive capacity incomparably greater than any U.S. missile; they have a wider margin of error; they are effective against hardened missile silos as well as population and industrial centers; and their launch vehicle is capable of far more extensive MIRV systems than any U.S. missile.

Although the U.S. has frozen the number of its ICBM's at 1,054, we have commenced to deploy Minuteman III with MIRV warheads. This is a significant qualitative advance in missile technology. The Soviets are believed already to have deployed MRV's in some SS–9's,[19] and they have recently tested what appears to be a MIRV system for the SS–11 missile, indicating an early capability comparable to Minuteman III.[20]

The qualitative lead of the U.S. in MIRV's and guidance systems may prove to be short

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Footnotes at end of article.

lived in view of Soviet success and the scale of its effort. The Soviet Union's advantage in numbers and megatonnage of missiles also seems certain to increase, as it continues to construct and deploy ICBM's at a rate that could result in a force more than double that of the U.S. by the Mid-70's.[21] At that level of superiority, the Soviet Union would have the capability of effectively destroying both the U.S. ICBM and bomber forces as well as our cities.[22]

Polaris—A vital but limited response

The U.S. is fortunate to have its Polaris force, consisting of 41 atomic powered submarines capable of launching a total of 656 missiles (SLBM's). As in the case of ICBM's, we froze the number of Polaris submarines in the mid-60's and no new ones are authorized.

We have commenced the conversion from Polaris to the Poseidon configuration, increasing the size and range of the SLBM warheads. The Defense Department projects the ultimate conversion of 31 submarines, although only eight have been authorized by the Congress.

The U.S. superiority in this category of strategic weapons is also being challenged. The Soviet Union is now engaged in a priority construction program for its Y-class atomic powered submarine which is superior in some respects to Polaris. Ten of these submarines are believed to be operational, each with 16 SLBM's, and the Soviet Union is producing as many as eight to ten new vessels per year in two shipyards. By 1974–75, if this program continues, the Soviet Union will have some 50 Y-class subs with a missile capability greater than our present Polaris force.

Y-class submarines are already patroling the U.S. coast. Their deployment constitutes an ever-present threat to the survivability of our national command headquarters, to most of our major cities, and increasingly to the bomber element of our deterrent.[23]

Balancing the two SLBM forces against each other is not meaningful without considering the relationship of other strategic weapons systems and their survivability following a preemptive strike. If, as indicated above, the Soviet ICBM force attains the capability of destroying or neutralizing our ICBM and bomber forces, the only remaining retaliatory strategic weapon system would be Polaris.

But is it prudent, by tolerating an increasing Soviet ICBM superiority together with a rapidly expanding SLBM capability, to risk the security of the U.S. on a single retaliatory system which we do not plan to enlarge (except qualitatively) and which has definite limitations? Of our 41 Polaris submarines, a significant number are always in port and nonoperational. This means that at any given time our Polaris "assured retaliation" is considerably less than the specified total capability. Soviet strategists may conclude, as their ABM system is extended and improved, that—following a massive preemptive first strike—the damage potential of our SLBM response would be an acceptable risk.

Moreover, there can be no assurance that the presently assumed invulnerability of Polaris will continue.[24] As the Senate Armed Services Committee has said: "We cannot assume that our Polaris system will be the first weapon in history to remain invulnerable."

Strategic bombers

The third element of the U.S. strategic force consists of about 550 B–52 bombers, as compared with some 200 Soviet strategic bombers. Although a vital weapons system for many years, the subsonic and obsolescing B–52's are approaching the end of their effectiveness as a major strategic system. Both the U.S. and Soviet Union are gradually minimizing their reliance upon existing strategic bombers. In assessing the strategic balance of power for the 70's, one must discount the role and significance of these aircraft.[25]

The misleading "numbers game"

There is a pervasive public misunderstanding as to the comparative strategic capabilities of the U.S. and the Soviet Union. This may well result in major part from the widespread practice—among some of the media and among others who minimize the need for national defense measures—of treating nuclear warheads as if they were fungible. This has sometimes been referred to as the "numbers game," namely, the mere counting of warheads without analysis of megatonnage, range, accuracy, survivability and reliability of delivery.

The typical presentation of comparative strength simply totals "the number of warheads deliverable by the U.S. and Soviet strategic systems." An example, which made first-page news, was a tabulation taken from The Strategic Survey showing the U.S. capable of delivering 4,235 nuclear warheads as against only 1,880 by the Soviet Union.[26] The tabulation apparently added together all ICBM's, SLBM's and each warhead which U.S. and Soviet bombers are capable of carrying. Thus, a single bomb or one air-to-ground missile on a B–52 was equated with a Soviet 25-megaton ICBM.[27] This simplistic type of comparison creates the illusion of abundant security, if not U.S. over-kill capability.

It would be difficult to conceive of a better way to mislead the public than to present—without precise definition and analysis—comparative figures of this kind. Those who present such distortions contribute to the confusion rather than enlightenment of our people.

If one wished to make a dramatic comparison indicating precisely the opposite result, the basis could be deliverable megatonnage rather than numbers of warheads. The 300 Soviet SS–9's, expected to be operational by the end of this year, will be capable of delivering 7,500 megatons with a destructive capability several times greater than the total warhead capacity of our entire ICBM and SLBM forces. While such a comparison would be far more meaningful than the "numbers game," it also would be an oversimplified presentation of vastly complex relationships and components of strategic military power.

Other weapons systems

There are, of course, aircraft carriers and other tactical means (by fighter bomber aircraft and short-range missiles) of delivering nuclear warheads. This is not the place to discuss or balance these out in detail.[28] But analysis of the comparative numbers, types and probable employability of these weapons in a time of national or international peril is not reassuring.

The available tactical means of delivery do significantly augment the U.S. strategic forces. It must be remembered, however, that the Soviet and Warsaw Pact tactical forces deployed against NATO possess overall capabilities superior to those of NATO.[29]

This tactical superiority is fortified by the rarely mentioned Soviet intermediate range ballistic missile force (IRBM), a type of weapons system we no longer possess. The Soviet Union has deployed more than 700 IRBM's targeted against Allied and U.S. military forces and the cities of Western Europe. Following a preemptive first strike, with these and shorter range missiles, there would be little American or Allied retaliatory capability remaining there. Indeed, in view of the threat of certain destruction of much of Western Europe posed by Soviet IRBM's, one may question whether NATO would be willing to employ tactical nuclear weapons even against a Soviet attempt to overrun Western Europe with conventional forces.

In short, if the U.S. no longer possesses the strategic superiority which has been the ultimate "shield" protecting the European democracies, the tactical imbalance against the West could result in profound new military and political problems.

A Soviet first-strike capability

Our planners in the 60's assumed that if both super-powers had an adequate survivable retaliatory capability neither would risk a first strike. They further assumed that the Soviet leadership would be content with this "balance of deterrence," especially if—by freezing our own program—we permitted the Soviet Union to attain a rough parity of strength. Little consideration appears to have been given to the possibility that the Soviets would not "buy" such a rational program, but rather would seek a capability to neutralize the effectiveness of our retaliatory response.

It now appears that the Soviet Union is developing just such a capability. It is producing and deploying offensive nuclear weapons with the capability, when sufficient are deployed, to destroy the ICBM and bomber elements of our retaliatory forces. At the same time, the Soviet Union is pressing ahead with an anti-ballistic missile system designed to provide a strategic defense against such U.S. retaliatory missiles as might survive a first strike.

It is to be remembered that, with the possible exception of our obsolete B–52 force, our strategic weapons are designed primarily for retaliation against enemy centers of population. They are not designed as counter-force weapons and with their limited warheads are not an effective weapon for destroying Soviet ICBM's in hardened silos. This is in accord with America's irreversible commitment never to make a first strike, and to rely—as a deterrent—on having enough operational missiles *after* an enemy strike to destroy its population centers.

This entire theory becomes untenable if the enemy develops (i) an offensive first-strike capability against our means of delivering retaliatory missiles and (ii) a defensive capability of protecting much of its heartland from such U.S. missiles (e.g. Polaris) as survive the preemptive strike.

The evidence is reasonably conclusive that the Soviet Union is planning precisely these capabilities. This is not to say that a preemptive first strike is intended, but rather that weapons systems which are needed *only* for such a purpose are being deployed:

SS–9 missiles. These missiles, with 25-megaton warheads capable of destroying American ICBM's in hardened silos, are designed as a counter-force, preemptive strike weapon. Warheads of this size are not needed for retaliation against even the largest city. The Soviets are continuing to produce and deploy these monster missiles.

SS–9 with MRV. This multiple reentry vehicle contains a cluster of three warheads each capable of delivering five megatons. Our MIRV warheads for Minuteman III are pigmies by comparison, delivering only 200 kilotons, and are designed—not as counter-force weapons—but to penetrate ABM defenses of enemy cities.[30]

SS–11's buildup. The Soviets also are continuing to produce and deploy SS–11's, despite having attained missile superiority over the static U.S. force. They have now tested what appears to be a MIRV system for their SS–11's, which—when deployed—will escalate the ratio of superiority.

Soviet ABM deployment. The Soviet Union is committing large resources to strategic defense systems, both against missiles and bombers.[31] The Moscow population and industrial area are already protected by the Galosh system, with 67 launchers for multi-stage missiles with megaton warheads.[32] The Soviets are also deploying at about half-a-dozen points around the Soviet Union giant "Henhouse" radars for ballistic missile de-

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Footnotes at end of article.

fense acquisition and tracking. As the radar installation is the long lead time component, it is possible that the Soviets are extending their Galosh ABM system to protect many other areas. They are some five years ahead of the United States in this vital element of strategic power.[33] To the extent that Soviet cities and industrial areas are protected (while ours remain unprotected), the credibility of our retaliatory threat diminishes.

FOBS. The Soviets are developing a fractional orbital nuclear weapons system designed to minimize warning time.[34] This weapon is consistent with a first-strike strategy, as it virtually precludes the possibility of enough warning to fire our missiles or get our bombers off the ground.

Soviet SLBM's. The Y-class submarines described above will have the capability of eliminating most of our B–52 bomber force.[35] Also these SLBM's will constitute a grave threat to Washington, D.C., and to our national command centers.

It is clear from the foregoing and other evidence that the Soviets never have accepted the assumption upon which American strategic planning has been based. The structure of both their offensive and defensive forces strongly indicates that they have planned—and are moving to achieve—a first-strike capability of destroying our urban centers *and* neutralizing our retaliatory weapons except such Polaris submarines as happen to be on station.[36]

In contemplating what risks responsible officials and members of Congress are willing to assume on behalf of the American people, it is well to remember that we have no defense whatever against Soviet ICBM's and SLBM's which now have the capability of killing perhaps half of our population—more than 100 million people—by a surprise first strike.

Soviet "blue water" navy

The weapons described above relate to the Soviet Union's strategic nuclear capability. The growing Soviet Navy is a threat of a different kind, and yet it confirms Soviet intentions to be the world's dominant military power.

For centuries, both under the Czars and more recently under Communist rule, Russia was a land power with limited capability at sea. Virtually landlocked, it was not a maritime power in a "blue water" sense. This has changed strikingly in recent years, as the Soviet Union has now achieved a challenging naval capability. It has the largest conventional submarine fleet; it is moving rapidly to overtake the U.S. in ballistic missile submarines; it has by far the strongest force of surface-to-surface missile-launching ships; and it leads the U.S. in numbers of cruisers, destroyer escorts and patrol boats. Only in aircraft carriers—presumably considered by the Soviets to be vulnerable to missile-launching vessels and aircraft—has the Soviet navy failed to challenge the U.S.

More important than numbers is the quality of the vessels. Although our carrier force is formidable indeed, the U.S. has failed to maintain a balanced navy of modern surface ships. The majority of our fleet vessels are more than 20 years old, many with obsolescing weapons and equipment. By contrast, most of the Soviet fleet is relatively new and modern,[37] often with vessels of greater speed, fire power and more advanced electronics than comparable vessels in the U.S. fleet.[38]

The Soviet naval buildup, like its strategic missile deployment, is a major element in the shifting balance of military power. Although not itself a direct threat to the continental United States (except the submarines), the new and growing Soviet naval strength affects adversely the diplomatic and economic position of the United States throughout much of the world. It also threatens an historic American policy, namely, freedom of the seas.

The U.S., traditionally a sea power, has extensive worldwide commitments. These range from the defense of U.S. states (Hawaii and Alaska), and its territories and bases, to the protection of American citizens and investments in scores of countries. These commitments also include treaty obligations to our allies, and the supplying of U.S. Armed Fores abroad. Our extensive international trade is essential to the continued prosperity of our people. U.S. commitments in all of these respects can be fulfilled only by maintaining control of the seas, now being increasingly challenged by Soviet naval power.

For some three centuries the British navy preserved freedom of the seas and fostered international trade. There were also other naval powers, including the U.S., Japan, Germany, France and Italy. All of this has changed beyond recognition in a dramatic shift of sea power. All of these navies (except that of the U.S.) have ceased to exist as blue water fleets. England has dismantled its great bases around the world, and the vacuum thus created is being filled by the Soviet Union. The Indian Ocean and the Mediterranean east of Malta are already dominated by Soviet naval power. There are no limits to the seas in which the Soviet navy now operates, as demonstrated by its naval maneuvers.[39]

In the new era—in which a Soviet world order is envisioned by its Communist rulers—this navy will increasingly endanger the most vital diplomatic, military and economic interests of the U.S.

Retreat from the threat

The situation which our country faces is without precedent. For a few years following World War II our national security was complete and unchallenged. In the early 50's the Soviet Union became a nuclear power and, with gradual but increasing momentum, it undertook to challenge American superiority. But we enjoyed marked advantages in our industrial base, our technology, and in the sheer number and quality of strategic weapons. In the 60's our complacency in this respect became so great, and our preoccupation with the Vietnam war so distracting, that we neglected our strategic posture.

As a result, we enter the 70's confronted by (i) a superior Soviet offensive missile capability, (ii) a marked Soviet advantage in defensive missile capability, (iii) a menacing Soviet fleet, and (iv) with respect to all of these, a Soviet commitment and momentum which is quite unmatched in this country. We are also confronted, as Red China orbits its first satellite, with the certainty of a new and growing ICBM capability from that irrationally hostile nation.

Within a span of less than two decades we have moved from complete security to perilous insecurity.

Yet, the response of the public generally, much of the media and many political leaders ranges from apathy and complacency to affirmative hostility—not against the potential enemies which threaten us—but toward our own military establishment and the very concept of providing defense capabilities adequate to protect this country and its vital interests. The state of public opinion is such that some responsible leaders, fully familiar with the threat, believe it is futile to seek adequate defense funding. Thus, we respond as a nation—not by appropriate measures to strengthen our defenses, but by significant curtailments which widen the gap.

In short, the mood of the people and much of the Congress is almost one of precipitous retreat from the challenge. This challenge. This paradox in response to possible national peril is without precedent in the history of this country.

THE CUTBACK IN DEFENSE SPENDING

It is in this mixed climate of euphoria and retreat that a major retrenchment in America's defense effort has been deemed necessary. The defense budget proposed for FY 1971, totaling $71.8 billion in proposed expenditures, reflects the largest single cutback in defense spending since the Korean War.[40] Yet a significant portion of our political and intellectual leadership is demanding even more drastic reduction.

Difficult budgetary decisions

In addition to the public malaise, it must be recognized that the Administration and the Congress are confronted with extremely difficult budgetary decisions. The problems include (i) pressing and escalating domestic needs, (ii) inflationary costs, (iii) the continued drain of the Vietnamese war, and (iv) the imperative necessity of a budget more nearly in balance after years of deficits.

Quite apart from public and political pressures, there is an obvious need for some restructuring of national priorities as well as the effecting of all possible economies. The impact of all of these pressures centered on the defense budget, which the Secretary of Defense describes as a "bare bones" one. It is also recognized as "traditional," pending to some extent the outcome of the SALT talks and affording time for a more penetrating analysis by the new administration of defense needs, options and priorities.

Inadequate funding

As understandable as the resulting budget may be, at entails the assumption of defense risks which seem unjustified.[41] The $71.8 billion dollars proposed for FY 1971 is $9.8 bill below the Johnson administration budget proposal for FY 1970, and constitutes 7% of estimated gross national product—the lowest percentage since FY 1951. This proposed funding would constitute 34.6% of the total federal budget, the lowest commitment to defense since FY 1950.[42]

Greater Soviet effort

There has been no comparable restraint exercised by the Soviet Union either with respect to overall defense spending or the funding of its strategic programs. On the contrary, the trend of Soviet defense spending continues steadily upward. Its total military funding about equals that of the U.S., although its gross national product (GNP) is barely half that of this country. If expenditures on the Vietnam war are excluded, the total Soviet effort substantially exceeds that of the U.S. But the mix of the spending is especially meaningful in view of its effect upon the strategic balance of power. The Soviet Union is spending significantly more than the U.S. in the buildup of its strategic offensive and defensive weapons.

The results of this greater Soviet effort are now reflected in their dramatic gains in ICBM's, SLBM's and other advanced weapons systems. If we continue to permit the Soviet Union to outdistance the U.S. in defense effort, it is inevitable that the security of this country will be endangered. As Secretary Laird has warned:

"Time and again in our past history our nation has paid a heavy price for allowing its armed forces to dwindle to levels that proved to be too low to discourage or to counter aggression."

In view of the crescendo of demands for further reductions in defense spending, we may be well along the road to reliving this past history.

THE THREAT TO TECHNOLOGICAL SUPERIORITY

There are three disturbing trends in defense funding: (i) the magnitude of the overall reduction, (ii) the unfavorable balance between Soviet spending on strategic forces as compared to our effort, and (iii) a similar unfavorable balance in the critical area of research and development (R&D).

Footnotes at end of article.

Of these, perhaps the last is the cause for greatest concern.

Soviet challenge to U.S. technology

The U.S. has enjoyed a clear technological superiority over the Soviet Union and all other countries until recently. It has been this qualitative superiority, rather than the size of forces or numbers of weapons, which has enabled America to deter major war and protect the Free World World during the past quarter of a century. This superiority is today being successfully challenged by the Soviet Union.[45]

In addition to talented leadership and the necessary industrial base, the essential ingredients of a vital and competitive technology are skilled manpower and adequate R&D funding.[46] The U.S. is falling behind the Soviet Union in both of these respects.

More graduate engineers

As of 1969, the Soviet Union was believed to have about 550,000 full-time R&D scientists and engineers, as compared with about 540,000 in the U.S. But the Soviet Union is graduating annually a substantially greater number of engineers than the U.S., and its technically trained manpower base is projected steadily to outdistance that of the U.S.[47]

Greater funding of R & D

Comparative funding data for military-related R&D (including space/atomic energy) in the Soviet Union ond the U.S. reflects a similar disparity. Soviet annual funding for this purpose is now estimated at about $16 to $17 billion as compared with U.S. funding of about $13 to $15 billion. Again, the trend is also adverse as the Soviet military R&D effort during the 1960's increased by about 60% while that of the U.S. increased 30%.[48]

Secretary Laird has pointed out that "the Soviet Union is devoting more effort to military-related R&D than is the U.S.," with its rate of such expenditures increasing "about 10–13% annually" while comparable U.S. expenditures "remain relatively constant."[49]

Threat to minuteman

In relating our need for the most advanced technology to the Soviet threat, Dr. Foster has testified that by early 1974 the Soviet Union, if it continues its ICBM production and deployment, will be able "completely to overwhelm the present Minuteman portion of our deterrent."[50] He stated that the Safeguard program (ABM) should improve the survivability of a significant fraction of the U.S. land-based missiles. But the long-range survivability of an adequate number of our ICBM's cannot be assured without a more extensive and effective ABM system than has been proposed. The critical necessity of providing alternative measures is now a priority task of R&D.[51] Dr. Foster cited this problem as one example of the frightening way in which advancing technology obsolesces both offensive and defensive weapons and even entire weapons systems. Indeed, he states a "major restructuring of our strategic forces may be necessary to insure survivability."[52]

Lead time—a free society handicap

The problem of "lead time" in weapons development is particularly acute in competition between an open and a closed society. The time span between initial R&D and deployment may range from five to fifteen years, depending upon complexity and rapidity of new developments requiring changes or redesigning. In a Communist state, where secrecy is both an obsession and a way of life, the development of a new weapon may be concealed—even from our most intensive intelligence efforts—until testing begins or often until the completed weapon is displayed in Red Square. This gives the Soviet Union and Red China at least a five-year time advantage in developing new weapons systems. If a major technological breakthrough should catch us by surprise the results could be catastrophic.[53]

Hope of survival—Technological superiority

There is no way completely to guard against the possibility of some dramatic and concealed technological advance in weaponry. But this risk is minimized directly in proportion to the extent we maintain an overall superior technological base and a more effective R&D effort than any other nation.

It is precisely here that recent trends create serious doubts as to the future security of this country. The United States can never match its potential enemies in land armies or in numbers of tactical weapons. Our only hope of survival is to maintain clear weapons superiority. This simply cannot be achieved by permitting our industrial and technological manpower bases to erode and by inadequate emphasis on R&D.

No subject in the entire spectrum of defense problems deserves a higher priority of thoughtful and urgent attention.[54]

NEGOTIATIONS—TRAP OR OPPORTUNITY

One of the reasons assigned for the "transitional" budget proposed for FY 1971 is the hope that the present Strategic Arms Limitation Talks (SALT) will be fruitful. Some political leaders have urged even greater restraint than that reflected in the reduced budget, arguing—despite all experience to the contrary—that the Soviets might be influenced favorably by our example.

The object of SALT

There are obvious reasons for seeking to halt the escalation of nuclear weapons. The logic of the situation—at least on the surface—calls for a "freeze," which seems such a facile and popular solution. In simplest terms, the object of SALT is to agree upon a limitation—and perhaps a gradual reduction—of strategic nuclear weapons. An effective agreement to this end which does not leave either side at the mercy of the other, which does not in itself alter the balance of power, and with procedures to assure compliance, would be welcomed by most of the world. SALT therefore deserves the most careful attention, as all avenues toward a more peaceful world must be explored.

Disarmament talks—Record of failure

But whatever the hopes and opportunities of SALT may be, there is no precedent in history of effective disarmament being accomplished by agreement between major powers with divergent national interests. Nor has U.S. experience been reassuring. There is nothing new about our seeking disarmament through negotiation. This has been the most consistent element in American foreign policy since the beginning of the nuclear age. Few seem now to remember the U.S. offer to prevent an atomic arms race by delivering its stockpile to the United Nations—an offer rejected by the USSR. Periodically since then various efforts to slow or halt the arms race by negotiation have been frustrated in every instance by the intransigency of the Soviet Union.

It is true that three negotiations have been successful in the sense that limited agreements were reached on important issues. Yet none of these agreements has slowed the pace of the Soviet armaments or its manifest quest for superiority. Indeed, we may have magnified and perhaps even misconstrued the significance of such agreements.[55]

Communist concept of negotiation

All Americans would like to think—despite the absence of convincing evidence—that the Cold War is over and we have indeed entered a new era of negotiation. Our desire for peace is so strong and our national inclination to assume reciprocal friendliness and rationality so genuine, there is danger that we may assume without justification a similar spirit on the part of the Soviet leaders.[56]

But it is prudent to remember that the Communist concept of negotiation is radically different from ours. They view it as a component of conflict, with the objective of gaining an advantage without conceding anything. The classic description of the Soviet approach is as follows:

"Soviet officials do not converse with foreigners: they compete. There is no searching for understanding in conversation as we understand it in the West, no effort at accommodation of the mind, not even the slightest hint or suggestion that the Soviet Union has ever done anything that was in any way wrong or even unwise, imprudent or intolerable. Their idea of give and take in a talk is simple: You give, they take."[57]

Few American diplomats have had greater experience in attempting to negotiate with Communists than Dean Acheson. Writing his autobiography with the sober perspective of time, he said:

"What one must learn (from our experiences) is that the Soviet authorities are not moved to agreement by negotiation—that is, by a series of mutual concessions calculated to move parties desiring an agreement closer to an acceptable one."[58]

Humiliation and futility

The dreary and frustrating record of negotiating with Communists abundantly documents the foregoing views.[59] One need not go back to the disillusionments of Yalta and Potsdam, to the exasperating negotiations over Berlin, or to the recurrent disarmament talks which have foundered on the Soviet determination to take all and give nothing. The past failures are legion and recent experience affords little basis to expect anything different. Seventeen years of humiliating effort have failed to produce a negotiated settlement of the Korean War, and the mockery in Paris has now continued for nearly two and one-half years. It will be said that the Soviet Union has not been a direct party to the Panmunjon and Paris talks. Yet no one familiar with the realities of world power and politics doubts that the Soviets could make these discussions meaningful whenever they so desire.[60] Rather, they continue to support the aggression in Southeast Asia and the threat of aggression in Korea, while the "peace" talks are exploited for Communist propaganda.

The most recent example of the unwisdom of relying upon USSR assurances is its role in sabotaging the Middle East cease fire by supporting, if not participating in, the violation thereof by the UAR.[61]

Trap for the unwary?

This is the historical framework in which all negotiations with Communist powers should be viewed. We must continue to hope and to strive for a genuine change of attitude and for some constructive results. In the nuclear age, every opportunity to negotiate and to improve channels of communication must be pursued. But there is always the danger of fatal concessions or even of a deliberate trap.

The Soviet Union has been an unpredictable and aggressive power, certainly for the past 30 years.[62] It has acted with stealth, surprise and ruthlessness—when it attacked Poland in concert with Nazi Germany; when it subjugated its allies, Hungary and Czechoslovakia; and when it moved to deploy missiles in Cuba.

The Soviet Union has been making a massive effort, out of all proportion to its own resources or any external threat, to acquire and extend strategic nuclear superiority over the U.S. Its record of feverish military preparation is unequaled since Hitler—determined upon conquest—structured his Wehrmacht for World War II. The Soviet Union has shown an almost paranoiac hostility toward America and "capitalist imperialism," evidenced by its consistently hostile conduct in every arena of international affairs and by its

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pervasive anti-American propaganda for a quarter of a century.

Only the reckless or the naive would negotiate with such an adversary except with the greatest caution and skepticism. Likewise, we would indeed risk the security of our country if defense planning and funding are predicated on assumptions or hopes as to the willingness of the Soviet Union to agree to mutually fair and enforceable disarmament.

As President Nixon well said, "we cannot trust our future to the self restraint of countries that have not hesitated to use their power even against their allies." [63]

Strategic implications of a "freeze"

It is possible that the Soviet Union sees SALT as an opportunity to assure indefinitely for itself, by agreement, a position of military superiority. This would be accomplished if we were foolhardy enough to agree to an arms limitation which left the U.S. vulnerable to a Soviet first-strike capability or which otherwise undermines the credibiilty of our capacity effectively to retaliate. But one may assume that U.S. negotiators will not commit such egregious folly.

There may be a less visible danger. The Soviet Union could strengthen its overall military and political position by an agreement which freezes strategic capabilities at some level of specified parity. Even if it be assumed that the result would be genuine strategic parity [64]—rather than the freezing of the present Soviet advantages—the consequences could still be profound in terms of total military power and diplomatic influence.

The Soviet Union is appreciably stronger than the U.S. in tactical forces and weapons. Moreover, the Soviet Union has some 700 IRBM's deployed within convenient range of defenseless Western European cities and NATO forces. The Soviet tactical forces—capable of overrunning much of the land mass of Europe, Asia and Asia Minor—have been restrained for the past quarter century by the "shield" of the U.S. superior strategic nuclear forces. If this shield is neutralized by agreement, what restraints will then exist against Communist non-nuclear aggressions?

If such a neutralization occurs, the implications are disturbing and far reaching. Will the Soviet Union be emboldened to employ its superior tactical capabilities, secure in the knowledge of an agreed strategic standoff? Will the posture of NATO forces thereby become so untenable that the countries of Western Europe deem it prudent to move into the orbit of Soviet influence? Or, to forestall such an unwelcome move, will the U.S. find it necessary substantially to augment our NATO tactical forces? What will be the effect upon U.S. influence and interests in other friendly countries around the world?

These and related questions bring the SALT negotiations into sobering perspective. One may doubt, without in any way denegrating the importance of SALT, whether such questions have received the public discussion and scrutiny which they so manifestly deserve.

THE HOSTILITY TOWARD THE MILITARY

One of the trends in this country—perhaps the most fundamental one—which causes concern is the increasing public hostility toward "the military." This is not the place for a full discussion of this gravely disquieting problem. Some aspects of it are alluded to in the body of the Panel Report, and a brief reference is made above to the effect on defense funding. But the consequences of a largely hostile or even an apathetic public are not limited to reduced military spending. The entire structure of our defense edifice suffers when there is inadequate public understanding and support. It may be fatally undermined where public opinion is not merely negative but aggressively hostile.

Revolution on the campus

Already this level of hostility exists on the college campus and the virus is spreading. There is a widespread revulsion to the Vietnamese war and resentment of the draft, with its disruption of life plans. It is understandable, and in accord with our best traditions, that the young people who are asked to serve in the military forces should be concerned and skeptical. They have every right to ask why, to debate the assumptions and judgments with respect to defense needs, and to disagree with them. This right is acknowledged and should be zealously defended.

But there are militant and revolutionary minorities on many campuses who abuse this and other rights in their desire to destroy American institutions. A favorite tactic is forcibly to deny free speech to all who entertain different views, relying not on reason and rational discussion but on coercion and violence. Examples of this fascist-minded conduct are legion. They have demeaned the life and quality of education on some of the most prestigious campuses of this country.[65]

The hostility gains support

The greatest cause for concern is not that a few thousand New Leftist revolutionaries are on the move. Rather, it is that they—and their lawless conduct—are tolerated and often supported by a broad base of otherwise responsible students, faculty and even college administrators and trustees.[65] Many of the tactical "causes" of the New Left have acquired a broad appeal. Foremost among these is the crusade against the Armed Services, the Defense Department and—the favorite whipping boy of all—the "military-industrial complex." [67]

We have witnessed all too frequently the disheartening spectacle of avowed revolutionaries being accorded respectability by many fellow students and faculty members as well as by the national publicity so generously provided by the media. Among the most popular campus speakers are these leftists whose goal—in accord with Communist objectives—is to disarm America.

A movement of this magnitude does not remain confined to the campus. It has widened rapidly to engulf a significant segment of opinion makers in this country. Most of those who now participate in the criticism certainly do not go as far as the leftist extremists. Many remain well within the limits of legitimate comment and criticism. But the outcry against "the military" is now orchestrated with frightening unanimity—not only on the campus but by much of the media, in the theater and arts, and widely among some politicians. We may have reached what amounts to a subtle form of censorship by consensus. Few are willing to speak out in defense of the military, and even fewer in support of increased defense funding. The public figures who have the courage to present a "different viewpoint are predictably assailed as "warmongers" and "jingoists."

One has to go back to the days of McCarthyism to find such intolerance and repression of rational discussion of issues of the gravest national import.[68]

The consequences

The short-range consequences already are becoming apparent. Marked success has been attained in slandering the ROTC, in driving military recruiters from the campus, in denying recruiting opportunities to defense-related industries, and in some curtailment of university-based military-related research and development. The number of draft dodgers and deserters, encouraged not merely by revolutionaries but by many who consider themselves respectable citizens, is a cause for increasing concern.[69]

Other predictable consequences of this hostility include the adverse effect (i) on the general recruiting and retention of military personnel; (ii) the number and quality of applicants for the service academies; and (iii) on the morale and esprit of the Armed Services of our country, both at home and abroad.

There also will be an inevitable weakening of the American concept of civilian orientation of the military. Some of the institutions and practices which are prime targets of the New Leftists tend significantly to perpetuate educated civilian influence on our military affairs and establishment. One would have thought that those who distrust "the military" would be zealous to strengthen—rather than undermine—this wholesome influence.

In its broadest scope, the result of the widening public alienation from the military will be the weakening of the defense of our country and freedom everywhere. This is precisely the end desired by the revolutionaries.

The role of responsible dissent

It should be made clear at this point that no thoughtful person suggests that the military, or any aspect of national defense, is above criticism. The role of responsible criticism and dissent is vital to the health of a democracy, and for the reasons pointed out by President Eisenhower there must ever be a vigilant public overseeing of the defense establishment. This is necessary to assure the civilian control prescribed by law. It is also necessary because, in a troubled world with nuclear weapons and huge defense requirements, national security is too important to leave to the military, to Congress, to the Executive Branch or indeed to any single segment of our society. An appropriate national defense posture, adequate but not excessive, is a matter of the most urgent national concern, and every aspect of it should be subjected to the widest and most thoughtful scrutiny and inquiry.

But it is one thing to exercise responsibly these attributes of democracy. It is quite something else—by resort to irrational abuse and indiscriminate criticism—to destroy the effectiveness of the only instrumentality which protects from foreign aggression the freedoms we all cherish.

A VIABLE NATIONAL STRATEGY

Unless the American people wish to accept the status of a second-rate power—with all of the probable consequences—the only viable national strategy is to regain and retain a clearly superior strategic capability. This can be accomplished by reversing the trends identified above, and by eschewing agreements which freeze the U.S. into a second-rate status. The margin of our overall strategic strength must be sufficient to convince the most reckless aggressor that, even after a surprise first strike, the capability to retaliate will in fact survive and be adequate to impose unacceptable destruction on the aggressor nation. This course of action is not incompatible with continued negotiations for arms limitations. Indeed, it will significantly enhance the chances of negotiations being genuinely fruitful without constituting a trap.

The requisite resources

It will be said that domestic needs should have priority and that we cannot afford to continue an "arms race" with the Soviet Union. The truth is that this country can and must meet both its domestic and defense requirements. If we fail in either, there is little future for America as we know it or for our cherished freedoms.[70]

The U.S. has all of the requisite resources, except perhaps the will. The Soviet Union has a gross national product only half that of this country. It lacks a comparable industrial and technological base, and it has a backlog of domestic demands which—suppressed as they may be—vastly exceed those of this country. Indeed, in terms of consumer goods and standard of living the So-

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viet Union is at least a half century behind the U.S. In any contest to establish and maintain a superior military capability, we have an overwhelming advantage in the necessary resources.

Need for public understanding

But in our free democracy, as contrasted with a totalitarian regime, the ultimate defense posture is determined by the will of the people. It is here we suffer a serious disadvantage, especially at a time of disillusionment with international responsibilities and a greater concern with pressing domestic needs. The only hope of minimizing this disadvantage is to assure a wider public knowledge of the facts and an understanding of the probable consequences of second-rate military status.

THE CONSEQUENCES OF SECOND-RATE STATUS

The American people must be reminded that basic Communist dogma contemplates the employment—over such time span as may be necessary—of the entire arsenal of pressures against the U.S. as the strongest democratic power. Despite discord among Communist states, there has been no amelioration of this doctrinal goal. Throughout the past quarter century, when the Soviet Union was relatively weak strategically, it precipitated or supported crisis after crisis—directly or through puppets and satellites—designed to extend its influence and to create disarray within the U.S. and the Free World. Throughout this time it waged, as did Red China, massive political warfare against the United States, including subversion and propaganda as well as economic and diplomatic pressures. Nor did the Soviet Union hesitate to employ techniques of military blackmail.

It is irrational to think, with the balance of military power now shifting dramatically in its favor, that the policies of the Soviet hierarchy will be less hostile, disruptive and imperialistic.

A recent study of Kremlin policy noted the Soviet effort to achieve nuclear superiority, and commented:

"Presenting the world with a clear cut superiority in numbers of nuclear weapons may appear to some leaders in the Kremlin a feasible political means for consolidating its own alliances and disintegrating the opposing forces. Such a major shift in the worldwide balance of power may also heighten the risk of confrontation, with vast costs in the present and unforeseeable dangers in the future."[71]

As our country ponders its future course, drifting as we are into a position of inferiority or possibly even freezing that status by agreement, our people—as well as responsible officials—should consider the capability of the U.S. to respond in the types of situations which are likely to arise in the 70's and beyond, and which may include; (i) a Soviet-inspired and supported war against Israel; (ii) some other form of Soviet takeover of the Middle East, with its coveted oil reserves; (iii) a new confrontation over the status of Berlin; (iv) extension of the Brezhnev doctrine to selected non-Communist countries; (v) another Cuban-type crisis, perhaps in Latin or South America if not again in Cuba; (vi) nuclear blackmail over issues affecting our vital interests; (vii) the disruption, by force or other sanctions, of the international trade upon which the economic well being of our people depend; (viii) intensified levels of subversion to the point of threatening our internal security; and (ix) outright aggression against allies—in Western Europe or elsewhere—whom we are committed to defend.

It is difficult to believe that the proud and responsible people of this country would knowingly tolerate a national strategy which could invite these types of situations, leaving us virtully helpless to respond effectively. Certainly there would be no conscious toleration by a majority of our people of defense weakness which threatens national security and freedom itself.

WEAKNESS—THE GRAVEST THREAT TO PEACE

The most ominous danger of being second rate in the nuclear age is that it multiplies the chances—not of peace—but of nuclear war. Soviet or Red Chinese overconfidence or miscalculation in the employment of, or threat to use, their power may trigger such a war inadvertently or place the United States in a posture from which there could be no retreat.

The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive.

Weakness of the U.S.—of its military capability and its will—would be the gravest threat to the peace of the world.

FOOTNOTES

[1] U.S. Foreign Policy for the 1970's, Report to the Congress by President Nixon, Feb. 18, 1970, p. 122. (Referred to herein as the President's Report.)

[2] Defense Report for Fiscal Year 1971, by Secretary Laird before the House Subcommittee on Defense Appropriations, Feb. 25, 1970, p. 1. (Referred to herein as the Laird Report.)

[3] It should be remembered here that in recent years intelligence provisions frequently have understated these capabilities. Laird Report, *supra*, pp. 34, 101.

[4] The folly of relying on assumptions as to intentions, rather than upon known capabilities, is documented by countless military surprises down through history. Pearl Harbor is a classical example. More recent examples involving the Soviet Union include the Cuban Missile Crisis and Czechoslovakia. See Senator Henry M. Jackson, Senate Speech, July 9, 1969.

[5] Plans to withdraw 20,000 American troops are opposed by the South Korean government. As indicated in a recent on the scene report "there is no real peace in Korea today." N.Y. Times, article by Philip Shabecoff, June 24, 1970.

[6] Mao Tse-tung recently issued a fresh indictment against the U.S., calling for a "protracted peoples' war" against American "imperialism," and concluding: "People of the world, unite and defeat the U.S. aggressors and all of their running dogs!", N.Y. Times, May 21, 1970.

[7] The Suez Canal has other strategic significance. The Soviet Union continues to supply North Vietnam by sea. Soviet ships from Black Sea ports now require nearly 40 days to reach Vietnam by sailing around Africa.

[8] See The Military Balance 1970–71, The Institute for Strategic Studies, London, p. 45.

[9] See editorial comment, The New York Times, September 20, 1970. The Soviet Union also shared responsibility for Syria's brief but dangerous intervention in Jordan's September 1970 civil war.

[10] The recent Soviet-West German nonaggression pact may result in some surface lessening of tension, but as long as Soviet ground, air and missile forces are maintained in Eastern Europe, with the capability of overrunning and destroying Western Europe, there can be no assurance of peace and freedom.

[11] The Brezhnev doctrine, announced as justification of the invasion of Czechoslovakia. In commenting on this proclaimed right of aggression, the New York Times said: "This reliance on force and contempt for law must raise fears that some day Moscow will decide that the sovereignty and territorial integrity of non-Communist nations is also being interpreted" in a way which justifies Soviet intervention. New York Times editorial, Sept. 28, 1968.

[12] Only U.S. superior military strength frustrated the Soviet plan to install strategic missiles in Cuba, although history may record that U.S. concessions assured an unmolested Communist regime and base in Cuba.

[13] C. L. Sulzberger, foreign correspondent of The New York Times, recently commented on the "neo-isolationism" in this country, and noted that "U.S. influence is being slowly squeezed out" of Western Europe, the Middle East and Southeast Asia. New York Times Service, Richmond Times-Dispatch, July 24, 1970.

[14] This paper addresses primarily the Soviet threat which is clearly paramount for the 1970's. There is no thought of minimizing the threat of Red China, the leadership of which is so implacably hostile to the U.S. and to a lesser extent the Soviet Union. It is possible that in the long run Red China is more likely to rupture peace than any other nation.

[15] See also Mr. Laird's address of April 20, 1970, at the Annual Luncheon of the Associated Press, N.Y. Times, April 21, 1970; and data reported in *The Military Balance 1970-1971*, published by The Institute for Strategic Studies, London, 1970.

[16] President's Report, p. 120 and Secretary Laird's Report, p. 35. See *The Military Balance, supra*, p. 6, which reports about 1300 operational ICBM's in July 1970. Intelligence estimates of the number of ICBM's actually deployed are extremely accurate. But estimates of production rates (and hence future operational strength) have consistently erred on the low side. See Laird Report, p. 34.

[17] Secretary Laird's Report, p. 35. The Soviets are continuing to produce SS–9's at a rate of about 50 per year, and will have some 300 by the end of this year. See Laird, Address of April 20, 1970, *supra*. The Institute for Strategic Studies, based in London, publishes annually *The Military Balance* (cited *supra*) and a complementary publication entitled *The Strategic Survey*. Although there are variations in detail as to types and numbers of weapons, the data published by The Institute for Strategic Studies generally corroborates the unclassified information of the U.S. Defense Department.

[18] See *The Military Balance, supra*, p. 6, which credits the Soviet Union with 800 SS–11's, with deployment continuing.

[19] The distinction between MRV and MIRV is that in the former the multiple separate warheads are not independently guided to targets.

[20] Secretary Laird estimated last February that if the Soviets follow a "High Force-High Technology" approach they will probably have their first "MIRV's by mid-1971 and a very formidable hard target kill capability (by MIRV's) by the mid-1970's." Laird Report, p. 104. The recent Pacific testing of multiple reentry vehicles on improved SS–11 missiles indicates the Soviets are significantly ahead of this schedule.

[21] See Laird Report, p. 103. Secretary Laird recognized that this cannot be a firm estimate at this time.

[22] See Dr. John S. Foster, Director of Defense Research and Engineering, Statement before Subcommittee of House Armed Services Committee, March 9, 1970, p. 9 *et seq.;* Laird Report, pp. 48, 49, 103, 104. See also The Strategic Survey of 1969, *supra,* pp. 30, 31 where the "new and more accurate guidance systems" are discussed, and the conclusion reached: "The whole future of land-based ICBM's has been called into question (by this improved accuracy), since it begins to seem possible that no amount of protection for ICBM silos can compensate for the improvements in accuracy now in prospect." This judgment by The Strategic Survey applies primarily to the vulnerability of U.S. missiles.

[23] See Secretary Laird's Report, pp. 39, 40 and 50.

[24] A technological breakthrough in the underwater detection and tracking of submarines could give the first nation to achieve it a decisive advantage. See Interview with Dr. John S. Foster, Jr., Air Force/Space Digest, July 1970, pp. 31, 35. It has been suggested that such a technological breakthrough may be achieved by "sensing devices that could reveal every submarine in the oceans to detection." See news report on a Pre-Pugwash Conference on New Technology and the Arms Race, Racine, Wisconsin. The Washington Post, Sept. 9, 1970, p. A-3.

[25] The U.S. has plans for a test model of a new supersonic bomber (B–1). A force of such bombers capable of long distance air-to-ground launches would add flexibility and diversity to our deterrent capability, and also would be useful in limited, non-nuclear confrontations. Such bombers must be designed, however, to operate from numerous smaller and dispersed airfields to minimize vulnerability from ICBM's and SLBM's.

[26] The Strategic Survey of 1969, *supra*, p. 28. It is not suggested that the Survey itself was misleading. The tabulation which received the wide press publicity was *only one* of many tables in the Survey, which also included a great deal of relevant data on megatonnage, accuracy and survivability.

[27] Of the total warheads assigned to the U.S. 1,853 represent the optimum load of our B–52 force, while 450 were assigned to Soviet strategic bombers. A similar distortion of SLBM's apparently was included in the tabulation, assigning 1,328 warheads to Polaris submarines.

[28] This Statement addresses broadly the strategic balance of power and does not discuss comparative tactical or general force capabilities. Secretary Laird's Report, and especially the appendices, indicate the superiority of the Communist powers in non-nuclear military power. See also the publications of The Institute of Strategic Studies, *supra*.

[29] Gen. Andrew J. Goodpaster, Supreme Allied Commander in Europe, has warned that "the balance of security there is shifting in favor of the Soviet bloc." He stated that the Warsaw Pact forces "form a concentration of military power that exceeds anything the world has previously seen. These Soviet forces far exceed anything that is required solely for defense." Richmond Times-Dispatch, September 16, 1970.

[30] William Beecher, writing in the N.Y. Times, Oct. 28, 1969, assumes a 100 kiloton warhead on our MIRV, and states that the Soviet MIRV warhead is *50 times* more powerful than our MIRV. The Strategic Survey for 1969, *supra*, p. 29, assumes a 200 kiloton warhead on MIRV's. See also Laird Report, p. 102, as to Soviet MIRV.

[31] As a part of this protection, the USSR has deployed the most elaborate radar warning and counter-measure systems. It also has devoted a greater effort than the U.S. to advanced fighter interceptor aircraft (the Foxbat, for example) and to ground-to-air missiles, with larger defense forces in these categories than the U.S.

[32] *The Military Balance* 1970–71, *supra*, p. 7

[33] Although critics in this country doubt the feasibility of an ABM system, one must assume the Soviets would not be spending billions on such a system unless they had full confidence in its effectiveness. Dr. John S. Foster, Jr., and many qualified U.S. scientists, have no doubt that an effective ABM system is within the competency of existing technology. See interview with Dr. Foster published in Air Force/Space Digest, July 1970, p. 31 *et seq*. See evidence marshalled by Sen. Henry M. Jackson in his ABM debate speeches to the Senate on Aug. 6 and 11, 1970. A major component of the ABM system, the Spartan missile, successfully intercepted an ICBM over the Pacific in a test on August 28, 1970.

[34] President Nixon's Report, *supra*, p. 125.

[35] Secretary Laird has stated that by the mid-70's the Soviets will probably have "a submarine force capable of destroying most of our alert bomber and tanker force before it can be airborne." Secretary Laird's Statement, pp. 50, 105. The Defense Department confirmed for the first time on April 23, 1970 that Y-class Soviet submarines, with 16 nuclear missiles are patroling our Atlantic Seaboard. N.Y. Times, April 24, 1970. Secretary Laird reports that as of April 1970 the Soviets had over 200 operational launchers on nuclear submarines for submerged launch SLBM's, plus 70 launchers on diesel submarines. Laird's address, *supra* p. 11.

[36] Senator Jackson recently informed the Senate that "there is no doubt that their (the Soviet's) program, if continued, will produce a first-strike capability unless the U.S. takes appropriate counter measures." Senate Speech, Aug. 5, 1970.

[37] The Soviets have been more innovative than the U..S., having pioneered in gas turbine propulsion, in developing a variety of surface-to-surface missile-launching ships, and possibly in new techniques of ASW.

[38] Nor have the Soviets neglected the support elements for world-wide naval operations. They have tankers, supply and maintenance vessels, supported by an impressive merchant marine fleet. They also have emphasized, more than any other nation, oceanographic studies and surveys. Their trawlers—used extensively for intelligence purposes—regularly patrol our coasts.

[39] In April 1970 Soviet maneuvers, described by U.S. Navy spokesmen as the "biggest in history," involved some 200 warships. Associated Press story, April 23, 1970.

[40] Laird Report, *supra*, p. 21.

[41] Secretary Laird warned that in defense funding and in the deferral of decisions on vital defense measures "we are literally at the edge of prudent risk." Address of April 20, *supra*, p. 5.

[42] Laird Report, *supra*, p. 22. The detailed facts and figures are set forth in the Reports of the President and the Secretary of Defense mentioned above. These include a comparison which indicates the neglect of strategic funding (after adjusting for inflation) since the beginning of the Vietnamese war. The FY 1971 defense funding is only $3.8 billion, or 7% above the 1964 level of defense spending prior to the Vietnamese war. As the cost of that war has been running at more than $25 billion per annum, it is evident that strategic spending—for the defense of the country—has been curtailed sharply.

[43] It is difficult to know exactly what the Soviet Union is spending on defense. The statements above reflect estimates published by various sources. See Department of Defense Posture Statement, Jan. 15, 1969; Library of Congress studies; and Stanford Research Institute Studies. Mr. Laird has said that "the Soviet Union, as far as offensive strategic weapons systems, is outspending the U.S. in the ratio of three to two converted to dollars." Press conference, Feb. 18, 1969. See also address of Sen. Henry Jackson, U.S. Senate, Aug. 6, 1970.

[44] Laird Report, *supra*, p. 33.

[45] Testmony of Dr. John S. Foster, Jr., Director of Defense Research and Engineering, before a subcommittee of the House Armed Services Committee, 91st Congress, March 9, 1970. See also the Reports of the President and the Secretary of Defense, *supra*.

[45] Other essentials to the development and deployment of advanced weapons systems relate to procurement and defense planning, contracting and testing. These and related matters are discussed in the body of the Panel's Report.

[47] See Foster, *supra*, p. 28.

[48] See Foster, *supra*, p. 30 *et seq*. Dr. Foster points out that total R&D spending, both civilian and military, is still greater in the United States, but the trend is unfavorable even with the addition of our non-military-related effort.

[49] See Laird's Report, *supra*, p. 66.

[50] Foster, *supra*, pp. 9, 10.

[51] Alternative systems under consideration include (i) the mobile basing of Minuteman-type missiles, and (ii) an undersea long-range missile system (ULMS's) with submarines capable of launching missiles of ICBM range. Dr. Foster, *supra*, p. 12. Secretary Laird's Statement, pp. 48, 49. The Soviets may already be well ahead of the U.S. in developing a mobile ICBM. The Strategic Survey for 1969, *supra*, at p. 29, states: "A mobile ICBM has certainly been under development for some time, and the Soviet Union has claimed that it is already operational."

[52] Foster, *supra*, p. 14; Laird Report, *supra*, p. 49.

[53] Science and Technology, Tools for Progress, report of the President's Task Force on Science Policy, April 1970, p. 38: "Technology will not stand still; on the contrary it will likely move more rapidly. The penalty for technological surprise can be enormous."

[54] Other problems related to technology and R&D have been identified in the main body of the Panel's Report.

[55] The first of these, the Test Ban Treaty of 1963, halted nuclear testing in the atmosphere. The Soviets only agreed to this at a time when their test program, involving high-yield weapons with both offensive and defensive (ABM) capabilities, was well ahead of America's. We had previously been duped during the late 50's into the cessation of testing similar weapons on the specious theory that the Soviets might follow a good example. The second agreement was the United Nations' ban on the use of outer space for military purposes, an agreement which the Soviet Union appears already to have violated in spirit. The third of these limited agreements is the Nonproliferation Treaty, recently approved, which leaves a number of non-signing nations free to develop nuclear weapons.

[56] One may recall the disillusionment after the hopes engendered by the "spirit of Geneva" and "the spirit of Camp David" were dashed by Soviet duplicity.

[57] James Reston, New York Times, Dec. 8, 1960, p. 46.

[58] Acheson, *Present at the Creation*, W. W. Norton & Co., N.Y., 1969, p. 729.

[59] Past negotiations have occurred when the overwhelming weight of bargaining power lay on our side of the table. Now, when the U.S. is relatively weaker, and when the issue is the future security of our country, it is prudent to be skeptical as to the genuine mutuality of any agreement acceptable to the Soviet Union.

[60] The competition between the Soviet Union and Red China for dominant influence in smaller Communist countries does complicate the situation, making it less likely that either will take the lead in exercising an ameliorating influence.

[61] Although the full extent of Soviet participation in this violation may not yet be known, press reports and commentators indicate that "the Kremlin broke its word, lied to the United States and double crossed the developing peace." See, for example, Roscoe and Geoffrey Drummond, Richmond Times-Dispatch, Sept. 10, 1970; Joseph Alsop, The Washington Post, Sept. 21, 1970; and Evans and Novak, The Washington Post, Sept. 21, 1970.

[62] In addressing the Senate on July 9, 1969, Sen. Henry M. Jackson said that "an increasing number of informed western analysts assess the Soviet Union (today) as a dangerous and unpredictable opponent."

[63] The President's Report, p. 111.

[64] "Parity" is inherently a theoretical—not a realistic—concept, as there are too many variables both as to the quality and characteristics of various weapons and the circumstances under which they might be employed.

[65] The New York Times described the New

Leftist revolutionaries as "the new Fascists of our generation." Editorial, Dec. 17, 1969. See also New York Times editorial of June 10, 1970. Stewart Alsop has observed that the campus "is in danger of becoming intellectually a closed society." Newsweek, May 18, 1970.

[66] Alexander M. Bickel, *The Toleration of Violence on the Campus,* The New Republic, June 13, 1970, p. 15 *et seq.* Fred M. Hechinger, Education Editor of the New York Times has stated that: "The politicizing of the campus . . . has moved the universities to the brink of disaster." N.Y. Times, July 19, 1970. See also Dr. Nathan Pusey, *infra.*

[67] As indicated in the Panel's Report, corporations which depend in major part on defense contracts are among the least profitable of all corporations. Indeed, many corporations deliberately refuse or avoid defense business. See George E. Berkley, *The Myth of War Profiteering,* The New Republic, Dec. 20, 1969.

[68] President Nathan Pusey, Baccalaureate address at Harvard University, New York Times, June 10, 1970. See also Dr. Pusey's Annual Report for 1968–69.

[69] It is estimated that some 25,000 to 30,000 draft dodgers have sanctuary in Canada, with an elaborate organization for getting them there. Stewart Alsop, Newsweek, July 20, 1970. Already some politicians and advocates of "peace at any price" are urging amnesty for these draft dodgers.

[70] President Nixon has said: "If we are less strong than necessary . . . there will be no domestic society to look after." The President's Report, Feb. 18, 1970, p. 10.

[71] *New Trends in Kremlin Policy,* Center for Strategic and International Studies, Georgetown University, Aug. 1970, p. vi.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

During the decade 1960–70, the American National Red Cross, supported by voluntary contributions, spent $145,974,200 for disaster services. In ministering to sufferers of Hurricane Camille alone, $21,110,000 was expended.

FBI—POLITICAL WHIPPING BOY

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DEVINE. Mr. Speaker, last Wednesday in the other body the junior Senator from Maine made a startling revelation. The FBI, of all things, has been "spying" on public meetings, mass public meetings, in fact.

The very thought of this situation boggles the mind. Thousands of people are gathered for the expressed purpose of conveying to the Government their concern about a matter. Speakers with various backgrounds and motives are vying for the attention of the TV, movie and still cameras and the many reporters from the different news media. Some even have aides passing out copies of their remarks to reporters to insure their every word attracts attention. Many of them crowd around the news media representatives offering to be interviewed and anxiously trying in every way possible to attract attention.

Even a number of the spectators are moving around constantly in an effort to stay exposed to the cameras in the hopes their presence will be recorded at the meeting.

Into this throng walks a clean-cut young man—an FBI agent.

He is recognized. Immediately the speaker stops speaking. Spectators by the thousands cover their faces and flee. In a matter of moments this lone FBI agent has completely repressed this gathering of citizens exercising their constitutional rights to freedom of speech and freedom of assembly.

This horror must be stopped.

This is one of the Senators, who I am sure you all know wants to be President of these United States, says the way to do it is to create a Domestic Intelligence Review Board "to supervise the activities of all agencies of Government in this field."

Now I am sure the Senator has had enough experience with Government boards to know they function in a most cumbersome fashion. By the time such a board gets around to acting the FBI could repress public gatherings all across the country.

I think, Mr. Speaker, I have the solution. Let us quickly enact into law a prohibition against any employee of the FBI attending any public gathering. Think what a relief this will be to all the churches across the country, to the PTA, the Boy Scouts, the American Legion, the directors of the annual Fourth of July celebrations, the sponsors of the St. Patrick Day observances, and other similar gatherings.

Of course, we will have to go a step further. Some of those FBI agents are smart—some of them will take to reading the newspapers and watching the news programs on TV and filing intelligence reports from them. So we will also have to make it a violation of Federal law for any FBI employee to read a newspaper or watch television.

And while we are at it we most certainly must prohibit FBI personnel from sitting in the gallery of either the House of Representatives or the Senate. Think of all the spying they could do up there in the gallery. And to make certain we are totally protected from their spying we must make it a crime for any member of the FBI to ever have a copy of the CONGRESSIONAL RECORD. Just think of all the intelligence reports an enterprising FBI agent could compile from the RECORD.

Then, Mr. Speaker, there are a couple other avenues we have to close to make certain the FBI stops its repressive spying. We all know the FBI works very closely with other law enforcement agencies. Some of these policemen assigned to control the crowds, to protect against pickpockets, to guard against violence are bound to talk to their FBI friends. So we must make it a Federal crime for any member of a law enforcement agency to be present at any public gathering.

Now Mr. Speaker, there is one phase of this problem which I am not quite certain I have solved. A lot of Americans think it is their patriot duty, even privilege, to furnish the FBI information about subversive and criminal activities. But I do not know how we can pass a law to forbid a plain citizen from going to a public gathering—I am sure the Supreme Court would frown on such a law. But perhaps we could make every person attending any public gathering sign an oath that he will not at any time discuss with any FBI agents what was said or done at this meeting.

There is, of course, the possibility that some FBI agent will go to court and contest this law. FBI agents, after all, are citizens. But I am certain the junior Senator took this into account last Wednesday before he made his speech implying that FBI agents should not be allowed to attend public gatherings. After all, he is one of the foremost protectors of the rights of all, so I am sure he must have already found through research that FBI agents can legally be denied their right to attend public meetings, and if they like, to take notes. It really would be a shame to exclude FBI agents from the struggle against pollution, however; for I know several who are actively involved in combating this menace to our society, involved through action, not rhetoric.

Mr. Speaker, the junior Senator from Maine also raised the question of invasion of privacy in his speech last Wednesday. I will agree with him the privacy of some people was invaded—the privacy of those individuals named in the FBI report which the Senator made public to all the world. Of course, the local news media did not publicize the names of all the persons mentioned in the FBI report. Neither the Evening Star nor the Washington Post made any reference to the information contained in the FBI report about Rennie Davis, one of this Nation's most notorious rabble rousers who has been convicted in the Federal court in Chicago for conspiracy to violate the Federal antiriot law. His presence alone as a speaker at the Earth Day Rally on April 22, 1970, was ample reason for the FBI to be present. The FBI report devoted more space to his activities and comments than any one else, but the Senator and the two leading local newspapers somehow missed this.

But we must do something to protect persons named in FBI reports from having their privacy invaded by ambitious politicians and newspapers which act as fences for stolen documents and spread this confidential information over the entire world. I therefore propose, Mr. Speaker, that the FBI be required to prepare all its reports in code so that future leaks of these reports cannot be used to invade the privacy of our citizens.

YOUTH APPRECIATION WEEK

(Mr. JONAS asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. JONAS. Mr. Speaker, we all share the concerns expressed in our society regarding the views, habits, and actions of today's youth. It is not my intention today to enumerate and recite the specific differences which separate the generations. I would suggest that the "gap" may not be as wide as some indicate, nor is it as unbridgeable as some suggest.

Furthermore, I would propose that more constructive efforts be made to minimize existing misunderstandings—to seek a common ground, and an atmosphere of mutual respect necessary for our society to meet the challenges of a changing world.

To this end, I am happy to call attention to the dedicated efforts of a group within our society which has been building bridges of understanding between adults and youth for nearly two decades. Optimist International, a mens' service club organization and dedicated to serving and providing opportunities of service to youth have, since 1954, sponsored Youth Appreciation Week—the second week in November of each year.

Since its modest beginning in North Carolina by a small group of Optimists in the winter of 1954, Youth Appreciation Week has grown to become an important activity in communities served by a large majority of the 3,000 Optimist clubs. Its stated objectives are:

To recognize the accomplishments of youth in the home, school, church, and community;

To promote more active participation by members of families in the interest and activities involving the family as a unit; and to encourage parents to rededicate themselves to the responsibilities of parenthood;

To encourage organizations and other groups to publicly show their respect for youth;

To encourage the news media to recognize the accomplishments and contributions of youth through regular and special features;

To provide the proper environment for youth, including opportunities for participation in recreational and social activities;

To focus attention on the influence religion and morals have on the lives of youth and to encourage youths to actively participate in spiritual activities;

To encourage a greater interchange of ideas between adults and youth leading to a broader understanding of each other's problems.

In the 16 years since the beginning of this observance, Governors of many of our States and mayors in hundreds of communities—large, medium and small—throughout the United States, proclaimed the second week in November as Youth Appreciation Week.

Contrary to the popular viewpoint that the news media tends to ignore the good qualities of young people, broadcast and printed response to Youth Appreciation Week has been overwhelming. Well that it should be—for there has never been a more urgent need for publicizing the positive accomplishments and the good citizenship records of a majority of our youth. Youth Appreciation Week, through its observance, is more than just another superficial, publicity-related program. It does not project a "pollyanna" image of good little boys and girls marching in adult-dictated lockstep into adulthood. It projects the image of bright young men and women with plans for tomorrow, taking the route of work, school, community service, developing meaningful ideas—successfully battling handicaps, overcoming obstacles.

For this continues to be the true image of the majority of our youth today as it has been in past years. We must be mindful of this perspective as we view the bizarre reports of the youthful extremists.

Therefore, I am today offering a resolution which authorizes the President of the United States to proclaim the second week of November of each year as Youth Appreciation Week. It is my belief that the observance of this week, with appropriate activities in communities throughout our country, can be of beneficial assistance in bridging the gap between our generations.

The resolution reads as follows:

Suggested Joint Resolution Providing for the Establishment of an Annual Youth Appreciation Week

Whereas, a vast majority of the youth of our nation are constructive, responsible citizens, vitally concerned with the present and the future, willing and desirous to act in service and to the benefit of all mankind, and

Whereas, these actions and achievements of our youth, too often, are overlooked by the adult community in the hurried pace of today, and

Whereas, greater understanding between our generations will require acknowledgement of the constructive actions and responsible characteristics of our young people, now therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the seven day period beginning on the second Monday in November in each year is hereby designated as Youth Appreciation Week, and the President is requested to issue annually a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

SETTING THE RECORD STRAIGHT ON CONSUMER MATTERS

(Mr. HOLIFIELD asked and was given permission to extend his remarks at this point in the Record.)

Mr. HOLIFIELD. Mr. Speaker, I want to set the record straight on certain matters related to consumer legislation and investigations by the Committee on Government Operations. Several Members have expressed to me their concern that our committee may be neglecting or downgrading consumer affairs on the basis of allegations made by Ralph Nader and reported in the press. Mr. Nader sent a letter which was delivered to my office on Friday, March 19, about 6:30 p.m., after it had been distributed to the press. Without consulting me or waiting to hear both sides of the issue, he charges me with bad faith and improper motives in regard to certain internal committee actions.

Mr. Nader is a dedicated young man who has been doing great work for the consumer. He seeks no profit for himself, possibly not even glory, but he does seek publicity; for he knows that without publicity his power and influence will be small. Mr. Nader has been an effective advocate because of his singlemindedness in pursuing an issue, but in this case that narrow perspective led him to an erroneous conclusion. It is that the only factors which influence an organizational decision are those which concern him. This is why, undoubtedly, Mr. Nader ran to the press with his handout attacking me for not organizing the Committee on Government Operations in the way which he would prefer. It appears that Mr. Nader not only wants to be an expert on consumer affairs but an expert on the organization of the committees of Congress.

I have served in the U.S. House of Representatives continuously for 28 years. My record in support of progressive legislation for the consumer, the worker, the small businessman, minorities—for the less privileged in our society—speaks for itself. I was fighting in Congress for the public interest before Mr. Nader was out of grade school. So, I need not explain or justify my congressional actions to Mr. Nader. However, I believe I owe an explanation to my colleagues, some of whom are understandably confused by Mr. Naders' charges and possibly by editorials and letters written by persons interested in consumer affairs.

The first point I want to make clear to Members of the House is that the Committee on Government Operations will hold hearings and report on consumer legislation early in this session. The hearings were announced long before Mr. Nader dashed off his letter to the press. In fact I met with the Speaker early in February at which time a public announcement was made about hearings on consumer legislation. The hearings are scheduled to commence April 27, 1971.

The Members will recall that last year our committee reported out a consumer bill—H.R. 18214. It was sponsored by Mr. Rosenthal and cosponsored by 24 other Members including myself. As then acting chairman of the Committee on Government Operations, I requested a hearing on the bill before the Rules Committee. I appeared before the committee with other Members, including the gentleman from New York (Mr. Rosenthal), and argued strongly that a rule be granted on the consumer bill. A motion to grant the rule was defeated by a tie vote, as the Members may recall. The consumer bill, H.R. 18214, died with the 91st Congress.

Now we are in the 92d Congress, and as far as I am concerned, as far as my committee is concerned, and as far as the Speaker and the majority leadership is concerned, consumer legislation is a high priority matter. I introduced H.R. 16 on January 22, 1971, the second day of the 92d Congress. H.R. 16 is a new bill embodying the basic provisions of the predecessor bill, with improving amendments recommended last year in committee. The low number of the new consumer bill signifies the promptness with which I moved to get it into the legislative hopper.

I should note that there are several consumer bills which have been referred to the Committee on Government Operations. My bill calls for an independent Consumer Protection Agency and an Office of Consumer Affairs in the Executive

Office of the President. Several other members of the committee are proposing a bill which would make the Federal Trade Commission, rather than a new independent agency, the primary source of consumer protection. We will hold hearings on these several measures, right after the Easter recess, as I mentioned earlier. I am confident that constructive consumer legislation will be reported out in a timely way.

The next point that needs clarification is our committee's internal organization for handling legislation and investigative matters of consumer interest. The main point to keep in mind here is that the Committee on Government Operations divides its workload through subcommittee assignments. All departments, agencies and other Federal Government instrumentalities are divided up among the subcommittees for purposes of legislative oversight and investigative jurisdiction within the terms of our committee charter. As the Members know, the Committee on Government Operations is charged, among other things, with examining the operations of the Federal Government at all levels to determine economy and efficiency. Our jurisdiction, it should be understood, is oriented toward Government operations, not toward the private sector or non-Government activities as such. There are other committees of the Congress which have legislative jurisdiction in these fields.

In the field of consumer affairs, our committee acquires legislative jurisdiction primarily because we are asked to create a new organization or function of government. Our investigative jurisdiction derives from the fact that there are agencies of government which involve consumer interests or affairs; and if and when a new Consumer Protection Agency is established, our committee will have jurisdiction to monitor its work.

The Members should understand that the Committee on Government Operations never has had a Subcommittee on Consumer Affairs, but through its several subcommittees, has done some outstanding work of interest to consumers. For example, the Subcommittee on Intergovernmental Relations, chaired by the gentleman from North Carolina (Mr. FOUNTAIN) has been very active in monitoring the Food and Drug Administration and the operations of other departments and agencies within its assigned jurisdiction which vitally affect consumer interests. Preparatory to the development of a consumer agency bill, the Special Studies Subcommittee also conducted important investigations in this field.

Since I have been charged with abolishing a subcommittee which never formally existed, I believe it will be helpful if I explain, in rather precise detail, the sequence of events attending this whole matter.

In the 90th Congress, in view of the developing interest in consumer legislation, Chairman Dawson of the Committee on Government Operations constituted what he termed a special consumer inquiry as a component of the Subcommittee on Special Studies. Mr. Dawson himself chaired the Special Studies Subcommittee in the 90th Congress. A member of that subcommittee, the gentleman from New York (Mr. ROSENTHAL) was made the head of the special inquiry unit.

In an organizational sense, perhaps this was overly complicated, since there was confusion in the press and elsewhere as to who constituted the chairman of which group. Mr. ROSENTHAL was an active leader of the consumer inquiry, and he received much favorable press attention. He was not the chairman of a subcommittee, but because of the unusual arrangement within the Special Studies Subcommittee, it was widely believed that Mr. ROSENTHAL's group was itself a subcommittee. An outgrowth of the Rosenthal investigations and hearings was a bill to establish a Department of Consumer Affairs.

In the 91st Congress, the gentleman from Connecticut (Mr. MONAGAN) became chairman of the Special Studies Subcommittee. The Special Consumer Inquiry was not formally reconstituted by Chairman Dawson, but consumer affairs was carried as a subject matter within that subcommittee's assigned jurisdiction. Mr. MONAGAN had an arrangement by which special studies, in two particular situations, were to be directed, respectively, by the gentleman from New Jersey (Mr. GALLAGHER) in the field of governmental activities affecting invasion of privacy, and by Mr. ROSENTHAL in the field of governmental activities involving consumer affairs. This was an arrangement between the chairman of a subcommittee and two of its members. It was as you can well understand, a rather awkward arrangement because three members of a single subcommittee appeared to be chairmen of separate subcommittees when in fact there was but one Subcommittee for Special Studies.

Early in 1969, Mr. ROSENTHAL and others introduced a bill—H.R. 6037—to establish a Department of Consumer Affairs. After much study and consideration, this proposal was shaken down into one for an independent Consumer Protection Agency—H.R. 18067—which Mr. ROSENTHAL introduced with a number of cosponsors including myself. The bill was assigned for hearings to the Subcommittee on Executive and Legislative Reorganization under the chairmanship of the gentleman from Minnesota (Mr. BLATNIK). That subcommittee received and handled all legislation involving reorganization plans and bills, and H.R. 18067 was assigned to the Blatnik subcommittee for that reason. Mr. ROSENTHAL and I both were members of that subcommitee and we participated in hearings on the bill.

The Committee on Government Operations reported out H.R. 18214, a "clean bill" substitute for H.R. 18067, on July 30, 1970. It was this bill, as I mentioned earlier, which was held up in the Committee on Rules and expired with the 91st Congress.

In the 92d Congress I became chairman of the Committee on Government Operations. Mr. BLATNIK resigned from the committee to take the chairmanship of the Committee on Public Works. The Subcommittee on Military Operations, which I formerly chaired, was combined with the Subcommittee on Executive and Legislative Reorganization and is now termed the Subcommittee on Legislation and Military Operations. That subcommittee will hold hearings and report out a consumer agency bill.

When and if the Congress completes action on this bill and it becomes law, then the Consumer Protection Agency will be assigned to a subcommittee for purposes of legislative oversight and investigation. In the meantime, the Members may be assured that the Committee on Government Operations will continue to monitor, and investigate as required, the operations of the Federal Government.

It should be clear to the Members from this recital that there is no justification whatever for charges that the Committee on Government Operations is letting down the consumer, or that its chairman is indifferent to consumer affairs, or that he has "sold out" to interests opposing a consumer protection agency, as Mr. Nader alleges or implies. For the sake of orderly procedure and efficient conduct of committee business, we have to keep the number of our subcommittees within reasonable limit, to channel legislation to the subcommittees of assigned jurisdiction, and then when legislation is enacted creating a new agency, to assign oversight and investigative responsibility to the appropriate subcommittee. This is the way I have gone about organizing the internal activities of the Committee on Government Operations, because it makes sense, it accords with efficient practices and procedures, and it will end some unnecessary confusion about who is chairman of what subcommittee.

AN ALTERNATIVE FOR WELFARE REFORM—IN SUPPORT OF H.R. 6004

(Mr. ULLMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ULLMAN. Mr. Speaker, when I introduced my Rehabilitation, Employment Assistance, and Child Care Act of 1971, I explained why it, rather than the administration sponsored family assistance plan, pointed out the true road toward welfare reform. I emphasized that the essential ingredient of a real reform is to ensure that welfare is limited to those that are in need and cannot help themselves; that those who can help themselves need not welfare but work, both for their own sake and for society's sake. The welfare system undermines the spirit of independence; and welfare reform must foster and encourage it, not weaken it.

That essential ingredient—the commitment to fostering the spirit of independence—has been my blueprint in drafting the bill. In brief, the bill provides that all applicants for welfare will be screened by the U.S. Department of Labor to determine whether or not they are employable. Only those who are found to be incapable of employment and incapable of being trained for employment will be eligible for welfare; all the employables will be ineligible for welfare and become a Federal responsibility. The bill provides for a new Federal Child Care Corporation to provide quality child care both to enable mothers to go to work and to assist in the development of the children. It provides training and job opportunities both in the public and the private sector, through a public service employment program and through tax incentives to businessmen, so that all those found employable can actually be placed in jobs. The bill has a single over-riding purpose—to limit the welfare rolls to those who cannot provide for themselves and their families, and to provide opportunities for self-help to those who can.

There are few in this Chamber or in this country that would disagree with this objective but, as we all know, agreement on objectives does not necessarily mean agreement on the means for implementing that objective. The President's message on welfare reform sent here over 18 months ago spoke eloquently of work incentives and moving people from welfare to workfare—but the bill that he sent us provided work disincentives instead of work incentives and provided for a doubling of the welfare rolls rather than for the reduction that we all want to see.

It is easy, Mr. Speaker, to praise your own bill and to promise that it will lead us straight to the Promised Land and then to laugh at the promises made by supporters of another bill. The welfare problem that we have today is matched in its size only by its complexity; it did not appear at the stroke of a pen nor will it disappear by the enactment of a law. But it is a problem which has been exacerbated by existing law and we must be sure that any new laws that we enact point in the direction of its solution and not away from it. I want to examine in some detail why my bill does this and why the administration bill are completely different—I believe the answers in my bill point us in the right direction while the administration bill, even as it is being modified in the Committee on Ways and Means, does not.

There are, I would say, three critical questions to which we need to address ourselves when we think of welfare reform in terms of fostering the spirit of independence: What do we do with people who are in need but are able to work? How can we help the needy get jobs? And what do we do about those who are working full-time but are still in poverty? The answers to these questions in my bill and in the administration bill continues or even accentuates the errors of the past.

First, what should be our approach to the needy family in which the mother is able to work, either with or without training? Under present law that mother is eligible for welfare; after she is receiving her welfare checks she may, subject to the vagaries of State law, be referred to the Department of Labor and, if that Department finds her a job which she refuses to take, she then can be disqualified from welfare. The administration bill continues the same system of welfare first and jobs second. My bill has the opposite approach—those who are employable are not eligible for welfare. They become the responsibility of the Department of Labor and never get into the welfare system. We have tried the system of putting people on welfare and then trying to get them off; it hasn't worked in the past and I have no reason to believe it will work in the future.

The administration bill contained some improvement in the present system; it made referral to the Labor Department a matter of Federal rather than State law and the committee has gone a step further by having payments to persons referred to the Labor Department made by that Department rather than HEW. This may sound as though it is like my bill in that employables become a responsibility of the Labor Department—but it is not for two very important reasons: first, those referred to the Labor Department still get welfare checks under welfare rules and probably made out by the welfare agency unless the Labor Department sets up a duplicate payment unit. Second, those referred to the Labor Department are really not the employable at all, they are those that are required to register under a set of rules in the bill. For example, a woman with three children in a community with no child care facilities available, is sent to the Labor Department—but she cannot be sent to a job. The result will be that the Labor Department will set ever new records in what it now calls "holding"—welfare recipients for whom it can do nothing except give them a check. Whether welfare checks come from one department or another makes no great difference—they undermine the spirit of self-sufficiency just as much whether they are signed "Labor" or "HEW."

Under my bill, the employables do not get welfare checks. If they cannot be placed in jobs or in training for which a wage is paid, they are put into training carrying a training allowance which is based on the average weekly wage in that State. The training allowance is related to what they will earn after training—not to the welfare check. Further, if the Labor Department finds itself paying allowances to people that it cannot train for a job, it must report immediately to the Congress and request the necessary funds to increase the number of public service jobs.

Let me turn now to what we do for the needy who are employable. The administration bill for all practical purposes repeats existing law by directing the Labor Department to run a training program and HEW to provide child care. There are a few changes in the details of the provisions but the structure remains the same—the same as the present system under WIN which has provided neither training nor child care. The committee has improved the bill by providing some commitment to public service employment but even with this improvement the approach is inadequate, to say the least.

If present law and the administration bill are inadequate, what do we need to do? First and most important we need to do something about child care. The lack of adequate child care is the greatest single obstacle to the employment of the women on welfare; the provision of quality child care is the most productive investment that we can make not only in providing employment opportunities but also in providing opportunities for children to break out of the cycle of dependency. The present system of providing child care has simply not done the job. We have a shortage of care and yet HEW is unable to spend the money that they request and have had appropriated. What is lacking is not money—but the ability, energy, and dedication to get the job done. That is why my bill establishes an entirely new mechanism—a Federal child care corporation—with the single task of assuring that this vital need is met. Child care will be supplied free to the poor, thus not only enabling them to get work but also providing a valuable in-kind subsidy; it will be available on a sliding fee scale to those earning above the poverty level.

Second, we must not just establish another training program. We tried that in the 1967 amendments which established the WIN program. We must instead insure that all Federal and federally assisted training and employment programs give priority to those in need; then, we must build on to the existing programs, not just add one more categorical program to the too many programs we have already. But training programs are no use if they do not lead to jobs—where there are no jobs, we must create them. We must create job opportunities in the private sector and my bill does this through a system of tax incentives for employers who hire the needy and retain them in employment. My bill also provides new jobs in the public sector through a public service employment program which is expanded as the need for it increases.

In addition, my bill provides for a work expense allowance as strong incentive to go to work. The cost of transportation and other outlays that must be made to hold down a job are real, and can act as an important deterrent to seeking a job. This allowance is limited to a flat $60 per month, and its disbursement will be strictly controlled. The employer will, in effect, act as the controller by reporting the number of days that the employee actually works during the month to the Federal Government before payment is made. If the employee does not show up full time for work, he will not get his full expense allowance. If the absenteeism of an employee runs to excess, he will receive none of his work expense allowance.

So far I have concentrated on what my program and the administration's program do for what is essentially the existing AFDC category—the families in need with no father present in the home or with the father unemployed. The administration bill not only does not reduce this welfare population, it adds to it; in fact, it more than doubles it by putting those who are regularly employed onto the welfare rolls. This is, it is true, a real change from the present system—but it is, I insist, a change in the wrong direction. We do not solve the welfare problem, we cannot foster the spirit of self-reliance, by multiplying the number of those we place in dependency. Under the administration's original proposal, every family of four which earned less than $3,920 a year would have been eligible for a welfare check; under the revisions being considered in the committee that a four-person family could earn about $4,300 before the welfare check was cut off. I do not have figures on how many people in each State will be put on welfare by this provision; but I ask each of you to find out what percentage of the population in your State will be eligible for welfare checks if this proposal is enacted—and if you get the answer, the proposal will not be enacted.

The answer to the problem of those who work but are nonetheless poor is not to put them on welfare. What we want to do is to encourage self-sufficiency and not dependency—we do not do that by putting the working poor on welfare—but we also do not do it by refusing to recognize their problem. My bill recognizes the problem but not through welfare checks. Instead, it provides a work expense allowance so that the poor do not have to use their earnings for the costs of going to work; so that they do not have to pay a penalty for working. Second, it provides free child care for the working poor—this is both a valuable addition to their earnings and a valuable assistance to the development of their children. Third, it recognizes that those who work to achieve self-support are not to be treated as wards of the State who cannot look after themselves, it therefore authorizes those who work, to get the cash equivalent of the food stamp bonuses that they would otherwise be entitled to.

So far I have talked about welfare reform as it affects the individual on welfare and the best approaches to limit the welfare rolls to those who are incapable of self-support. But the welfare crisis is not only a multitude of human problems; it is also a crisis affecting Federal, State, and local finances and a problem in Federal-State relationships. Under present law, the States and the Federal Government share the cost of the AFDC program and the Federal Government bears the entire cost of the food stamp program. Under the administration's bill, as modified by the committee, the Federal Government would bear the entire cost of the first $2,400 a year payment to a family of four—and the State would bear the entire cost of any additional payment including any payment in lieu of the food stamp bonus. In other words, as far as Federal action is concerned, we will double the welfare payment in Mississippi and cut it in half in New York.

I do not think that we should federalize and turn the food stamp program over to the States at the same time. The proper division of responsibility between the Federal and State governments is not in payments above or below a certain amount—it is in the functions that they should fulfill. Under my bill the States remain responsible, with a Federal cost sharing, for those who cannot help themselves—the Federal Government will take over full responsibility for all those that are found employable. The condition of the economy and the provision of jobs has long been recognized as a Federal responsibility and I believe the time has come to implement that responsibility by recognizing the Federal responsibility for all those who are able to work. Welfare for those who cannot work should remain, as it always has been, a State and local responsibility. Recognizing that the fiscal relief for the States that will come from this assumption of Federal responsibility will take some time; my bill provides for interim revenue sharing to help the States and cities meet their immediate fiscal crisis.

Welfare reform is a goal that unites us all; no one likes the present system. There is almost as much agreement that those who are able to work should, and that welfare should be paid only to those who cannot help themselves. But agreement on generalities does mean agreement on specific legislative proposals because the question is which legislative proposal will really implement the generality. I ask you to look at what is in the bills, not just at what people say about them. If you examine the reality and ignore the rhetoric, I think that you will find my bill, the Rehabilitation, Employment Assistance and Child Care Act of 1971 will move us in the direction of meaningful reform; the administration proposal will not.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. HICKS of Massachusetts (at the request of Mr. O'NEILL) for April 19 to 22, 1971, on account of official business.

Mr. SHRIVER (at the request of Mr. GERALD R. FORD), for the week of April 19, on account of official business.

Mr. CORBETT (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BOGGS, for 60 minutes, Thursday, April 22, 1971.

(The following Members (at the request of Mr. McKEVITT) to revise and extend their remarks and include extraneous material:)

Mr. COLLINS of Texas, for 30 minutes, April 20.

Mr. MILLER of Ohio, for 15 minutes, April 20.

Mr. HOGAN, for 15 minutes, today.

Mr. McCLOSKEY, for 15 minutes, today.

Mr. HOGAN, for 60 minutes, April 22.

(The following Members (at the request of Mr. SEIBERLING) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. DENT, for 30 minutes, on April 20.

Mr. GAYDOS, for 30 minutes, on April 20.

Mr. PRYOR of Arkansas, for 60 minutes, on April 21.

Mr. CORMAN, for 60 minutes on May 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN in two instances and to include extraneous matter.

(The following Members (at the request of Mr. McKEVITT) and to include extraneous matter:)

Mr. PEYSER in 10 instances.

Mr. BROOMFIELD in 10 instances.

Mrs. DWYER in five instances.

Mr. GUBSER.

Mr. VANDER JAGT.

Mr. WHALEN.

Mr. HUNT.

Mr. SPRINGER.

Mr. SCHMITZ in four instances.

Mr. McKEVITT in two instances.

Mr. FREY.

Mr. WYMAN in four instances.

Mr. LUJAN.

Mr. ESCH.

Mr. PIRNIE in two instances.

Mr. HOSMER in four instances.

Mr. REID of New York.

Mr. GUDE.

Mr. McEWEN.

(The following Members (at the request of Mr. SEIBERLING) and to include extraneous matter:)

Mr. BYRON in 10 instances.

Mr. FISHER in six instances.

Mr. ULLMAN in 10 instances.

Mr. JAMES V. STANTON.

Mr. ABBITT.

Mr. JACOBS.

Mr. EILBERG.

Mr. HUNGATE in two instances.

Mr. HÉBERT in two instances.

Mr. ANDERSON of California.

Mr. RYAN in four instances.

Mr. VAN DEERLIN.

Mr. JOHNSON of California in three instances.

Mr. VANIK in two instances.

Mr. CELLER.

Mr. SLACK.

SENATE CONCURRENT RESOLUTIONS REFERRED

Concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 15. Concurrent resolution pertaining to the printing of additional copies of part I of the hearings before the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary; to the Committee on House Administration.

S. Con. Res. 18. Concurrent resolution authorizing the printing of additional copies of Senate Report 91–1548, entitled "Economics of Aging: Toward a Full Share in Abundance"; to the Committee on House Administration.

ADJOURNMENT

Mr. SEIBERLING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 20, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

553. A letter from the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting the 1971 Annual Report of the Board, pursuant to section 201(c) of the Social Security Act, as amended (H. Doc. No. 92–87); to the Committee on Ways and Means and ordered to be printed.

554. A letter from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting the 1971 Annual Report of the Board, pursuant to section 201(c) of the Social Security Act, as amended (H. Doc. No. 92–88); to the Committee on Ways and Means and ordered to be printed.

555. A letter from the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund transmitting the 1971 Annual Report of the Board, pursuant to section 201(c) of the Social Security Act, as amended (H. Doc. No. 92–89); to the Committee on Ways and Means and ordered to be printed.

556. A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting plans for various works of improvement prepared under the Watershed Protection and Flood Prevention Act, as amended, none of which involves a structure providing more than 4,000 acre-feet of total capacity, pursuant to section 5 of the act; to the Committee on Agriculture.

557. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Crop Insurance Act, as amended; to the Committee on Agriculture.

558. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation for the Department of Agriculture for the food stamp program, Food and Nutrition Service, for fiscal year 1971, has been further reapportioned on a basis indicating a need for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

559. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on the value of property, supplies and commodities provided by the Berlin Magistrate for the first two quarters of fiscal year 1971, pursuant to section 820 of Public Law 91–668; to the Committee on Appropriations.

560. A letter from the Assistant Secretary of the Interior, transmitting certification that an adequate soil survey and land classification has been made on the lands in the Jensen Unit, Initial Division, Central Utah project, and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation, pursuant to Public Law 172, 83d Congress; to the Committee on Appropriations.

561. A letter from the Deputy Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense contracts for military procurement negotiated under the authority of 10 U.S.C. 2304(a) 11 and 16, for the period July to December 1970, pursuant to 10 U.S.C. 2304 (e); to the Committee on Armed Services.

562. A letter from the Director of Civil Defense, Department of the Army, transmitting a report on property acquisitions of emergency supplies and equipment for the quarter ended March 31, 1971, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

563. A letter from the Acting Administrator of General Services, transmitting amendments to the long-range disposal plan and to the draft of proposed legislation previously submitted to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

564. A letter from the Acting Administrator of General Services, transmitting an amendment to the long-range disposal plan which accompanied the previously submitted draft of proposed legislation to authorize the disposal of metallurgical grade chromite from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

565. A letter from the Commissioner of the District of Columbia transmitting a draft of proposed legislation to amend the act entitled "An act to regulate the employment of minors within the District of Columbia"; to the Committee on the District of Columbia.

566. A letter from the Secretary of Health, Education, and Welfare, transmitting the Annual Report of the Department of Health, Education, and Welfare for fiscal year 1970; to the Committee on Education and Labor.

567. A letter from the Chairman, President's National Advisory Council on Supplementary Centers and Services, transmitting the third annual report of the Council; to the Committee on Education and Labor.

568. A letter from the Assistant Administrator for Legislative and Public Affairs, Agency for International Development, Department of State, transmitting a report comparing the fiscal year 1970 economic assistance program as presented to Congress with the actual program implemented during the fiscal year, pursuant to section 634(d) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

569. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to establish a revenue sharing program for rural development; to the Committee on Government Operations.

570. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 5, United States Code, to authorize the payment of the expenses of preparing and transporting to his home or place of interment the remains of a Federal employee who dies while performing official duties in Alaska or Hawaii, and for other purposes; to the Committee on Government Operations.

571. A letter from the Secretary of the Interior, transmitting copies of all laws enacted by the Legislature of the Virgin Islands in its 1970 regular and special sessions, pursuant to section 9(g) of the Revised Organic Act of the Virgin Islands of the United States; to the Committee on Interior and Insular Affairs.

572. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

573. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend certain laws relating to Indians; to the Committee on Interior and Insular Affairs.

574. A letter from the Secretary of the Interior, transmitting copies of proposed extensions of two concession contracts for the provision of accommodations, facilities, and services for the public in Grand Canyon (North Rim) National Park, Ariz., Bryce Canyon and Zion National Parks, Utah, and Cedar Breaks National Monument, Utah, for the year ending December 31, 1971, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

575. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to employ aliens in a scientific or technical capacity; to the Committee on Interior and Insular Affairs.

576. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for financing the economic development of Indians and Indian organizations, and for other purposes; to the Committee on Interior and Insular Affairs.

577. A letter from the Chairman, Indian Claims Commission, transmitting a report on the final conclusion of judicial proceedings in docket No. 13–N, *James Strong, Elmer B. Simonds, William Robert Warren, Margaret Arvold, Julia Potter, Betty Ann Nordwall, Stanley A. Nordwall, Edwin Carl Lerke, Jr., et al., as the representatives and on behalf of all members by blood of the Chippewa Tribe of Indians, Plaintiff* v. *The United States of America, Defendant,* pursuant to 60 Stat. 1055; to the Committee on Interior and Insular Affairs.

578. A letter from the Chairman, Indian Claims Commission transmitting a report of the final conclusion of judicial proceedings in docket No. 18–G, *Red Lake Band, et al., Plaintiffs,* v. *The United States of America, Defendant,* pursuant to 60 Stat. 1055; to the Committee on Interior and Insular Affairs.

579. A letter from the Acting Chairman, Indian Claims Commission, transmitting a report on the final conclusion of judicial proceedings in docket No. 27–C, *The Delaware Tribe of Indians, Plaintiff,* v. *The United States of America, Defendant,* pursuant to 60 Stat. 1055; to the Committee on Interior and Insular Affairs.

580. A letter from the Administrator, Environmental Protection Agency, transmitting the environmental impact statement for the draft of proposed legislation submitted February 17, 1971, to control the generation and transmission of noise detrimental to the human environment, and for other purposes, pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; to the Committee on Interstate and Foreign Commerce.

581. A letter from the Attorney General, transmitting his Annual Report for fiscal year 1970; to the Committee on the Judiciary.

582. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes; to the Committee on the Judiciary.

583. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according to certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

584. A letter from the Tulsa Regional Solicitor, U.S. Department of the Interior, transmitting a copy of the decision on appeal in the matter of the heirship determination of Pelagie Gonvil Franceour de Aubri, deceased halfbreed Kaw allottee, pursuant to 82 Stat. 1420; to the Committee on the Judiciary.

585. A letter from the Tulsa Regional Solicitor, U.S. Department of the Interior, transmitting a copy of the decision on appeal in the matter of the heirship determination of Basil Joncas, deceased halfbreed Kaw allottee, pursuant to 82 Stat. 1420; to the Committee on the Judiciary.

586. A letter from the Tulsa Regional Solicitor, U.S. Department of the Interior, transmitting a copy of the decision on appeal in the matter of the heirship determination of James Joncas, deceased halfbreed Kaw allottee, pursuant to 82 Stat. 1420; to the Committee on the Judiciary.

587. A letter from the Tulsa Regional Solicitor, U.S. Department of the Interior, transmitting a copy of the decision on appeal in the matter of the heirship determination of Josephine Gonvil Pappan, deceased half-breed Kaw allottee, pursuant to 82 Stat. 1420; to the Committee on the Judiciary.

588. A letter from the Acting Chief Commissioner, U.S. Court of Claims, transmitting copies of the opinion and findings of fact in the case of *Stephen H. Clarkson* v. *The United States,* pursuant to 28 U.S.C. 1492 and 2509, and House Resolution 1216 of the 90th Congress; to the Committee on the Judiciary.

589. A letter from the national director, Boys' Clubs of America, transmitting a annual report and financial statement of the Boys' Clubs of America, pursuant to Public Law 988, 84th Congress; to the Committee on the Judiciary.

590. A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting plans for various works of improvement prepared under the Watershed Protection and Flood Prevention Act, as amended, each of which involves at least one structure which provides more than 4,000 acre-feet of total capacity, pursuant to section 5 of the act; to the Committee on Public Works.

591. A letter from the Administrator, Environmental Protection Agency, transmitting the comments of Federal agencies and departments on the legislative proposals of the Environmental Protection Agency for water pollution control, pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; to the Committee on Public Works.

592. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting a report of the proposed transfer of research and development funds appropriated to NASA in fiscal year 1971 to the construction of facilities appropriation, for the construction of an addition to the Data Reduction Center, Ames Research Center, Moffett Field, Calif., pursuant to section 3 of the NASA Authorization Act, 1971; to the Committee on Science and Astronautics.

593. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a copy of the Commission's report on Fundamental Nuclear Energy Research—1970, supplementing the Commission's 1970 Annual Report; to the Joint Committee on Atomic Energy.

Received From the Comptroller General

594. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the Student Loan Insurance Fund for fiscal year 1969; Office of Education, Department of Health, Education, and Welfare (H. Doc. No. 92–90); to the Committee on Government Operations and ordered to be printed.

595. A letter from the Comptroller General of the United States, transmitting a report on improvements being made in the controls over Government testing equipment acquired by contractors, Department of Defense; to the Committee on Government Operations.

596. A letter from the Comptroller General of the United States, transmitting a report that improved financial administration and revision of fees are needed in the consular services program of the Department of State to the Committee on Government Operations.

597. A letter from the Comptroller General of the United States, transmitting an assessment of the impact of the Teacher Corps program at the University of Miami, administered by the Office of Education, Department of Health, Education, and Welfare; to the Committee on Government Operations.

598. A letter from the Comptroller General of the United States, transmitting a report on measures needed in the Departments of the Army and Navy to insure compliance with contract specifications in construction of military facilities; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House on April 7, 1971, the following report was filed on April 15, 1971*]

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 5208. A bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; with amendments (Rept. No. 92–124). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to the order of the House on April 7, 1917, the following report was filed on April 15 1971*]

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 6479. A bill to provide for the licensing of personnel on certain vessels (Rept. No. 92–125). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted April 19, 1971*]

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 5066. A bill to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended; with amendments (Rept. No. 92–126). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 7463. A bill to protect seals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BARING:

H.R. 7464. A bill to amend the Vocational Rehabilitation Act to increase the minimum State allotments provided for therein; to the Committee on Education and Labor.

By Mr. BROOMFIELD:

H.R. 7465. A bill to amend the Internal Revenue Code of 1954 to require the consent of the taxpayer concerned before a person who prepares a taxpayer's income tax return may use or disclose for other purposes any information furnished for the preparation of such return; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 7466. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 7467. A bill to amend article 52 of the Uniform Code of Military Justice to require the concurrence of all members of a court-martial to convict any person of violating a punitive article under such code; to the Committee on Armed Services.

H.R. 7468. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. EDWARDS of California:

H.R. 7469. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. EVANS of Colorado:

H.R. 7470. A bill to incorporate Retired Enlisted Association, Inc.; to the Committee on the Judiciary.

By Mr. GALIFIANAKIS (for himself, Mrs. Abzug, Mr. Adams, Mr. Boggs, Mr. Teague of California, and Mr. Whitehurst):

H.R. 7471. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GIBBONS:

H.R. 7472. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 7473. A bill to provide for the mandatory civil commitment of certain narcotic addicts, to provide for more facilities for treating, supervising, and controlling narcotic addicts, and for other purposes; to the Committee on the Judiciary.

By Mrs. GREEN of Oregon:

H.R. 7474. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, reliability, and effectiveness of medical devices; to the Committee on Interstate and Foreign Commerce.

By Mr. GUBSER:

H.R. 7475. A bill to amend the Internal Revenue Code of 1954 to allow a deduction, not in excess of $600, for amounts paid to support a parent of the taxpayer who is totally disabled, blind, or 65 or more years of age; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 7476. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes; to the Committee on Government Operations.

H.R. 7477. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 7478. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. HUNT (for himself and Mr. Wylie):

H.R. 7479. A bill limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes; to the Committee on Public Works.

By Mr. KEE:

H.R. 7480. A bill to suspend Federal financial assistance to the National Railroad Passenger Corporation until the Congress has approved the basic system of intercity rail passenger service designated by the Secretary of Transportation; to the Committee on Interstate and Foreign Commerce.

H.R. 7481. A bill to amend the Rail Passenger Service Act of 1970 to require the Secretary of Transportation to include a route from Norfolk, Va., to Cincinnati, Ohio via Portsmouth, Petersburg, Lynchburg, and Roanoke, Va., and Bluefield, Welch, Iaeger, Williamson, and Kenova, W. Va.; to the Committee on Interstate and Foreign Commerce.

H.R. 7482. A bill to provide an additional period of time for review of the basic national rail passenger system; to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7483. A bill to amend the Rail Passenger Service Act of 1970 to reduce the amount a State, regional, or local agency may be required to reimburse the National Railroad Passenger Corporation for certain rail passenger service provided by the Corporation; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself and Mr. Eilberg):

H.R. 7484. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords; to the Committee on Ways and Means.

By Mr. PATTEN (for himself, Mr. Drinan, and Mr. Collins of Illinois):

H.R. 7485. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. PEYSER (for himself, Mr. Scheuer, Mr. Dow, and Mr. Goldwater):

H.R. 7486. A bill to repeal section 15 of the Urban Mass Transit Act of 1964, to remove certain limitations on the amount of grant assistance which may be available in any one State; to the Committee on Banking and Currency.

By Mr. RANGEL:

H.R. 7487. A bill to amend the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

By Mr. ROYBAL:

H.R. 7488. A bill to amend the Public Health Service Act to provide for a comprehensive review of the medical, technical, social, and legal problems and opportunities which the Nation faces as a result of medical progress toward making transplantation of organs, and the use of artificial organs a practical alternative in the treatment of disease; to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of regional and community programs for patients with kidney disease and for the conduct of training related to such programs; and for other purposes; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 7489. A bill to provide for the development of federally owned minerals; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, and Mr. Long of Louisiana):

H.R. 7490. A bill relating to the construction of an oil pipeline system in the State of Alaska; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, and Mr. Koch):

H.R. 7491. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; to the Committee on Merchant Marine and Fisheries.

By Mr. SCHEUER:

H.R. 7492. A bill to amend the Foreign Assistance Act of 1961 to provide for international drug control assistance; to the Committee on Foreign Affairs.

By Mr. THOMSON of Wisconsin:

H.R. 7493. A bill to provide a Bureau of Adult, Vocational, and Technical Education in the Department of Health, Education, and Welfare, and to provide for an Associate Commissioner in such Department to manage such a Bureau; to the Committee on Education and Labor.

By Mr. VANIK:

H.R. 7494. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. WINN:

H.R. 7495. A bill to encourage States to establish abandoned automobile removal programs to provide for tax incentives for automobile scrap processing; to the Committee on Ways and Means.

By Mr. WYLIE (for himself and Mr. Hunt):

H.R. 7496. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matters, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7497. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to improve the procedures by which the Postal Service may prevent the use of the mails to obtain remittances of money or property for obscene and other indecent matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROOMFIELD:

H.J. Res. 554. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. GUBSER:

H.J. Res. 555. Joint resolution designating the square dance as the national folk dance of the United States of America; to the Committee on the Judiciary.

By Mr. JONAS:

H.J. Res. 556. Joint resolution providing for the establishment of an Annual Youth Appreciation Week; to the Committee on the Judiciary.

By Mr. WYATT (for himself and Mr. Evins of Tennessee):

H. Con. Res. 265. Concurrent resolution; Joint Committee on Executive Impoundment of Funds; to the Committee on Rules.

By Mr. BROTZMAN (for himself and Mr. Spence):

H. Res. 386. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

114. By the SPEAKER: Memorial of the Legislature of the State of Oklahoma, relative to setting aside additional acres from production; to the Committee on Agriculture.

115. Also memorial of the Legislature of the State of South Carolina, relative to the continuation of price supports and other aid programs to tobacco farmers; to the Committee on Agriculture.

116. Also, memorial of the Legislature of the State of South Carolina, relative to requiring that credit cards contain the addresses of persons to whom issued; to the Committee on Banking and Currency.

117. Also, memorial of the Senate of the State of Oklahoma, relative to maintaining sufficient armed forces in South Vietnam to insure release of American servicemen held as prisoners of war; to the Committee on Foreign Affairs.

118. Also, memorial of the Legislature of the State of Kansas, relative to the proposed reorganization of the functions of the Department of Agriculture; to the Committee on Government Operations.

119. Also, memorial of the Legislature of the State of New Mexico, relative to the transfer of vacant and unreserved public domain lands in New Mexico to the State; to the Committee on Interior and Insular Affairs.

120. Also, memorial of the Legislature of the State of Idaho, relative to regulations of the Department of Transportation classifying farm vehicles as commercial vehicles; to the Committee on Interstate and Foreign Commerce.

121. Also, memorial of the Senate of the State of Ohio, relative to the inclusion of the Ohio cities of Cleveland, Columbus, Toledo, Dayton, Cincinnati, Akron, and Youngstown in the Railpax system; to the Committee on Interstate and Foreign Commerce.

122. Also, memorial of the Legislature of the State of Connecticut, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

123. Also, memorial of the Legislature of the State of Idaho, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

124. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to allowing greater immigration to the people of Ireland; to the Committee on the Judiciary.

125. Also, memorial of the Legislature of the State of Michigan, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

126. Also, memorial of the Legislature of the State of Mississippi, relative to declaring an official "Week of Concern" for American prisoners of war and those missing in action in Vietnam; to the Committee on the Judiciary.

127. Also, memorial of the Legislature of the State of Nevada, relative to amending the Constitution of the United States to prevent Congress from taxing interest in State evidences of indebtedness; to the Committee on the Judiciary.

128. Also, memorial of the Legislature of the State of Nevada, relative to bankruptcy laws; to the Committee on the Judiciary.

129. Also, memorial of the Senate of the State of New Jersey, relative to the taxation of New Jersey citizens who work in Pennsylvania by the Commonwealth of Pennsylvania; to the Committee on the Judiciary.

130. Also, memorial of the Legislature of the State of New Mexico, relative to the bombing of the U.S. Capitol; to the Committee on the Judiciary.

131. Also, memorial of the Legislature of the State of New Mexico, relative to law enforcement on Indian lands; to the Committee on the Judiciary.

132. Also, memorial of the Legislature of the State of Arkansas, relative to research in disposal or useful utilization of organic wastes; to the Committee on Public Works.

133. Also, memorial of the Senate of the State of Alabama, relative to textile imports; to the Committee on Ways and Means.

134. Also, memorial of the Legislature of

the State of New Mexico, relative to Federal-State revenue sharing; to the Committee on Ways and Means.

135. Also, memorial of the Legislature of the State of North Carolina, relative to textile imports; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 7498. A bill for the relief of Marco Viscogliosi; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 7499. A bill for the relief of Ricardo Musci, Carmala Musci, and Giovanna Musci, husband, wife, and minor child; to the Committee on the Judiciary.

By Mr. HÉBERT:

H.R. 7500. A bill to provide for the placement of Lt. Gen. Keith B. McCutcheon, U.S. Marine Corps, when retired, on the retired list in the grade of general; to the Committee on Armed Services.

By Mr. ARENDS:

H.R. 7501. A bill to provide for the placement of Lt. Gen. Keith B. McCutcheon, U.S. Marine Corps, when retired, on the retired list in the grade of general; to the Committee on Armed Services.

By Mr. O'NEILL:

H.R. 7502. A bill for the relief of Mariano Gerbaudo; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 7503. A bill for the relief of Giovanni Gusella; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 7504. A bill for the relief of Rafael Rueda-Lopez; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 7505. A bill for the relief of John Alexander Staine and his wife, Georgiana Melba Staine; to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 7506. A bill for the relief of Tan J. I. Kie Sioe; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

57. By the SPEAKER: Petition of the Board of Commissioners, Salt Lake City, Utah, relative to clemency for Lt. William L. Calley, Jr.; to the Committee on Armed Services.

58. Also, petition of W. Grant Kilbourne, Pocatello, Idaho, relative to the price of imported sulfur from Canada; to the Committee on Ways and Means.

SENATE—*Monday, April 19, 1971*

The Senate met at 11 a.m. and was called to order by Hon. JOHN V. TUNNEY, a Senator from the State of California.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for this new day resplendent in the beauty of springtime, for work to do and strength with which to do it.

In these perilous days, we pray for a fresh anointing of the Divine Spirit in all our human endeavors. Spare us from mere idolatry of the past or from the chronic fondling of ancient myths. But help us to recover our pristine purpose and the early idealism of "one Nation under God with liberty and justice for all." Make us amenable to new ideas that are right. Give us a hospitality of mind and magnanimity of spirit toward those with whom we differ. Make us unafraid of the sacrificial way which is noble and good.

O Lord, grant Thy higher wisdom to our leaders and to the people which enables us to sort out the mixed motivations, to identify the partial truths from the whole truth, and to commit ourselves only to that which is holy and righteous. By Thy grace enable us to dwell together in the unity of the spirit and the bonds of peace.

In Thy holy name, we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 19, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JOHN V. TUNNEY, a Senator from the State of California, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. TUNNEY thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, April 15, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE STATUS OF APPROPRIATIONS LEGISLATION IN THE SENATE

Mr. MANSFIELD. Mr. President, now that the Easter recess is behind us and we are moving into the second quarter of the calendar year, we might take a look at where we stand in the legislative program. To date, 86 measures have been passed, including such items as a social security increase, unemployment assistance, Appalachian regional development, and the constitutional amendment on the 18-year-old vote.

With the help of the leadership on both sides of the aisle and the cooperation of the entire membership, major bills have been cleared about as fast as they have been reported and the calendar is up to date. Looking ahead, it would be my hope that this tempo can be maintained.

We can move no faster on the floor, of course, than bills and resolutions emerge from the committees which, I know, are hard at work. I would note, particularly, in the latter connection legislation which is keyed to the Federal budget. A great proportion of the Senate's work derives from that source. It is to be hoped that authorization and appropriations bills, therefore, will be sent to the calendar by the committees as early as possible in the legislative year. Insofar as these measures are concerned, the timing obviously depends not only on the action of the House and the Senate committees but on that of the departments and agencies and the executive offices of the President.

Since we have yet to see a regular appropriations bill reach the Senate floor, and it is April 19 with the fiscal year beginning July 1, I think it is a good time to note that between 1964 and 1970, only six regular appropriations bills out of 73 became law prior to the beginning of the fiscal year for which they provided funds. In the 91st Congress, none were enacted prior to July 1. In some cases, enactment did not take place until we were 6 months or more into the fiscal year.

As has been noted time and again, there is, clearly, a need for procedural remedies in this situation and they are needed not only in the Congress. The distinguished senior Senator from Washington (Mr. MAGNUSON), for example, has for many years urged a change in the Federal fiscal year to equate it with the calendar year and to reorganize the congressional work accordingly. The matter has been raised on the floor and in caucuses. The joint leadership has encouraged consideration of the Magnuson and other new approaches.

It is to be hoped that appropriate committees will give this question attention during the current year. Whether from a commission, a Senate committee or special committee or a joint congressional committee, there is a serious need for specific and comprehensive recommendations—for legislation—to adjust the fiscal year to accord with the realities of the current budgetary process.

Responsibility for the delays in the authorizing-appropriating process rests in all branches of the Government. A substantial proportion of each year's budget—as much as 30 percent of the nontrust fund appropriations—depends on new authorizing legislation. That legislation, in turn, more often than not is derived from proposals initiated by the executive departments. Sometimes the specifics of these proposals reach the Congress late in the fiscal year, with consequent delays in the whole appropriation process.

For the coming 1972 fiscal year beginning July 1, for example, approximately $50 billion of proposed expenditures depend on new authorizations. The majority policy committee has prepared a summary showing the progress of new authorizations, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

STATUS OF ITEMS REQUIRING ADDITIONAL AUTHORIZING LEGISLATION

Appalachian regional development programs and Public Works and Economic Development Act—S. 575 passed the Senate March 11; H.R. 5376 will be considered by the House of Representatives on April 21.

Atomic Energy Commission—Hearings on administration bills (S. 958 and H.R. 5522) were concluded March 25. The legislation is expected to be reported by mid-May.

Child nutrition programs—no draft legislation has been received.

Coast Guard—The Commerce Committee held a hearing March 30 on S. 1223, the administration bill, and expects to report legislation in early May. H.R. 5208 is on the House calendar.

Commission on Civil Rights—draft legislation was received on April 5 and referred to the Senate Committee on the Judiciary.

Comprehensive planning and open space land programs—draft legislation was received on February 22 and introduced as S.J. Res. 52.

Economic opportunity—draft legislation was received March 23. A Labor and Public Welfare Subcommittee held hearings March 23–25. House hearings are also underway.

Foreign assistance—no draft legislation has been received.

Health Maintenance Organization Assistance Act and Health Manpower Assistance—draft legislation was received March 1. A Labor and Public Welfare Subcommittee has been holding general health hearings.

Higher education—draft legislation was received March 1. A Labor and Public Welfare Subcommittee has been holding higher education hearings. Draft legislation on education revenue sharing was received April 14.

Maritime Administration—on March 30 the Senate Commerce Committee held a hearing on S. 981 and S. 1220 and expects to report legislation in early May. H.R. 7424 will be considered by the House of Representatives on April 20.

Military construction—draft legislation was transmitted on April 5 and has been introduced as S. 1531.

Military procurement—draft legislation has been introduced as S. 939 and is currently being considered by the Senate Armed Services Committee. House consideration of H.R. 3818 is also underway.

National Aeronautics and Space Administration—hearings on S. 720, an administration bill, are underway in the Senate Committee on Aeronautical and Space Sciences. The legislation is expected to be reported to the Senate in early May. Markup of the administration bill, H.R. 7109, is underway in the House Science and Astronautics Committee.

National Science Foundation—the House Science and Astronautics Committee concluded hearings on H.R. 4743 on April 7.

Peace Corps—no draft legislation has been received. Reorganization Plan No. 1 of 1971 to reorganize certain volunteer programs, including the Peace Corps, was transmitted to Congress March 24.

Pollution abatement legislation—a Senate Public Works Subcommittee has been holding hearings on a number of measures, including administration proposals.

Saline water—a Senate Interior Subcommittee held a hearing on S. 716, the administration bill, on April 2.

Special revenue sharing for urban community development—draft legislation was received in the Senate April 14.

Water resources planning—draft legislation was received on March 16 and introduced as S. 1398.

Welfare—legislation originates in the House of Representatives and the House Ways and Means Committee is marking up a bill.

Mr. MANSFIELD. Mr. President, it will be noted from this insert that draft legislation for new authorizations is still awaited in several cases, or that the legislation was introduced only quite recently. Especially notable is the lack of draft proposals for billions in foreign aid. I would hope that the executive branch will expedite the drafting of the missing authorizing legislation and that, once in hand, committee chairmen responsible for fiscal year 1972 authorizations would see to it, as I am sure they will, that committee action is completed as rapidly as circumstances permit.

Thereafter, the Senate Appropriations Committee will be able to complete work on these measures. I note in this connection that under the chairmanship of the President pro tempore, Senator ELLENDER, the Appropriations Committee set to work very early this year and is moving as rapidly as it can with the preliminaries. I ask unanimous consent that a list of appropriations hearings completed, in progress, or scheduled by the Appropriations Committee be printed in the RECORD at the conclusion of this statement. The committee is now waiting for the House to complete action on the appropriations bills before final preparation of these measures for the Senate floor.

In the end, under the constitutional tradition, the Senate does not act on appropriations legislation until the House has sent the bills here. As of April 14, two and a half months from the end of the fiscal year, only one out of 13 major appropriations bills has even reached the Senate. That is said not in criticism of the House which, I am sure, is doing its best nor even of the executive branch, but rather to emphasize that which is largely at fault in this situation—the antiquated concept of the fiscal year and the ineffective procedures in all branches which flow therefrom. It seems to me that a fiscal year which begins, out of the blue on July 1, no longer fits the needs of a government whose costs have grown from far less than a billion at the time when the Government began ending the year on June 30 to well over $200 billion a year at present. Nor does it dovetail with a 12-month Congress.

So long as this obsolete practice continues, therefore, it ought not to come as a surprise if all of the appropriations bills again do not make the fiscal year deadline and pile up for consideration in the Senate in the closing months of the year. If the Senate is to do its work conscientiously, adequate time must be available for a careful examination of these public expenditures not only in Senate committees but on the floor of the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt bearing on this matter.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

APPROPRIATIONS (AS OF APRIL 8)

ACTION COMPLETED

1971:

Continuing Appropriations—Transportation—Public Law 92–7.

Supplemental—Labor—Public Law 92–4.

PASSED HOUSE

H.R. 7016—Education—P/H 4/7.

SENATE ACTIVITY

Overall hears. on 1972 budget concluded.
Agriculture—Subcte. hears. underway.
Defense—Subcte. hears. underway.
D.C.—Subcte. Hears. underway.
Education—Subcte. hears. underway.
Interior—Subcte. hears. underway.
Labor—HEW—Subcte. hears. underway.
Public Works—Subcte. hears. underway.
Second Supplemental—Hears. underway in various subcommittees.

HOUSE ACTIVITY

Overall hears. on 1972 budget concluded.
Agriculture—Environmental and Consumer Protection—Subcte. hears. and exces. underway.
Defense—Subcte. hears. underway.
Foreign Operations—Subcte. consideration underway.
Housing and Urban Development-Space-Science—Subcte. hears. underway.
Interior—Subcte. hears. underway.
Labor—HEW—Subcte. hears. underway.
Legislative Branch—Subcte. exces. March 29, 30 and April 1.
Military Construction—Subcte. hears. underway.
Public Works-AEC—Subcte. hears. underway.
State-Justice-Commerce-Judiciary — Subcte. hears. and exces. underway.
Transportation—Subcte. hears. underway.
Treasury-Post Office—Subcte. hears. and exces. underway.

Mr. SCOTT. Mr. President, the distinguished majority leader has, quite properly, pointed out the importance of Congress accomplishing the legislation necessary to the Nation's welfare.

I applaud what he has said and I agree with it.

I think the fiscal year is obsolete as against the calendar year.

We are dealing with 2 years' problems every year instead of 1 and we always deal with them belatedly.

I understand that the Appropriations Committee is doing whatever it can on a certain number of these bills, even though they have not yet come over from the other body. While they cannot act definitively, I understand, I believe, and I hope that they will do as much as can be done out of our past expertise because we know what agencies will be asking for funds and we have some fairly reliable evidence of how much that is and how much we think we shall allow.

So that the further this committee can go before it rceives the actual legislation from the House, the better.

As the distinguished majority leader knows, he and I have discussed expediting committee business a number of different times and I have mentioned one. I am sure that he agrees we should keep in close touch with the chairmen and the ranking members of committees to see what legislation can be brought forth in a timely and expeditious fashion.

The administration has sent up far more legislation than can be dealt with, perhaps, in these early months; certainly more than has yet been dealt with. The President has sent up all of his specific revenue-sharing proposals, I believe—if the education one has been included. The health bill will be coming up shortly with the welfare bill, of course, and other revenue measures are pending in the other body. There is also a considerable body of recommended legislation.

I hope that the administration will take note of the distinguished majority leader's suggestions as regards foreign aid legislation, for example. I believe that by working closely together and attending to business, we can do a good job.

I think we ought to consider the Magnuson proposal that would divide the year and dispose of authorizations in one part of the year and the appropriations in the other. I believe that we ought to change the fiscal procedure to the calendar year.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. Mr. President, I am in full accord with the remarks made by the distinguished minority leader. As he so aptly points out, we can do nothing in the area of effecting legislation on authorizations or appropriations until the other body acts.

We both think they are doing the best they possibly can—at least the committees are. However, as far as the Senate is concerned, we are held back because only when they complete their work, report their proposals, and have them passed by the House itself, can we get down to work.

I would hope, along with the distinguished minority leader, that the Magnuson proposal would be given consideration expeditiously.

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alabama (Mr. ALLEN) is recognized at this time for not to exceed 15 minutes.

LACK OF UNIFORM, NATIONWIDE PROPOSAL AGAINST DISCRIMINATION IN PUBLIC SCHOOLS

Mr. ALLEN. Mr. President, the distinguished Senator from Mississippi (Mr. STENNIS), has ably documented in the CONGRESSIONAL RECORD, April 14, 1971, page 10417, an appalling example of inaction by U.S. courts, the Attorney General, and the Department of Health, Education, and Welfare in their refusal to adopt a uniform, nationwide policy against discrimination in public schools as mandated by title VI of the Civil Rights Act of 1964.

In Southern States these agencies literally stomp public schools out of existence, close them down, and scatter the children and teachers of these schools all over the countryside. This is the bulldozer approach to compulsory integration of schools used in the South. This approach is defended in U.S. courts by civil rights zealots in the employ of the U.S. Attorney General. Finally the approach is implemented by U.S. district courts and U.S. circuit courts of appeal, armed with "brass knucks." The courts use an inquisitorial power to drag public school officials into court on charges of contempt of court should they fail to comply with court orders—such failure subjecting them to confiscatory fines and imprisonment without benefit of trial by jury.

In sharp contrast, these agencies of Federal Government see no evil, hear no evil, and speak no evil when it comes to racial discrimination in public schools in regions outside of the South. Segregation in schools is on the increase in New York, Boston, Washington, Philadelphia, and in an ever increasing number of school districts outside the South. This situation stimulates the courts, the Department of Justice, and the Department of Health, Education, and Welfare to nothing more than double talk to justify double standards. Mr. President, many southern Senators have strongly condemned the hypocrisy, cynicism, subterfuges, evasions, and timidity demonstrated by these agencies in their persistent refusal to apply the law against discrimination in public schools with equal emphasis and by the same methods in all regions of the Nation. I am glad to acknowledge, however, that some Senators from States in other regions have had the courage to join in the demand for a single national policy with respect to school desegregation. In the words of the distinguished Senator from Connecticut (Mr. RIBICOFF), who is on the floor at this time, they recognize that double standards are employed and sincerely deplore the "monumental hypocrisy" reflected in the unjust and discriminatory enforcement of title VI of the Civil Rights Act of 1964.

Mr. President, in this connection, the distinguished Senator from Connecticut, (Mr. RIBICOFF), forthrightly advocates a national policy for desegregating our schools. In an interview which appeared in the Washington Star, Sunday, April 18, 1971, he announced plans to effect such a policy. While I reserve judgment on the merits of Senator RIBICOFF's proposals, I do commend him for his stand in favor of a single national school desegregation policy, and I request unanimous consent that the interview be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. Mr. President, many members of Congress are fed up with this "monumental hypocrisy," and they are fed up with the inability or unwillingness of the U.S. Supreme Court, confounded and confused by its own Court-created chaos, to point the way to a constitutionally acceptable national school desegregation policy. The Court has had public school systems in the South under its thumb for nearly 17 years. But not once in that time has it provided a definitive statement of what the Constitution does or does not require with respect to the desegregation process. In this connection, in Northcross against Board of Education of the Memphis, Tennessee City Schools, decided March 9, 1970—and that date is significant—Chief Justice Burger said:

> As soon as possible, however, we ought to resolve some of the basic practical problems when they are appropriately presented including *whether, as a constitutional matter, any particular racial balance must be achieved in the schools; to what extent school districts and zones may or must be altered as a constitutional matter; and to what extent transportation may or must be provided to achieve the ends sought by prior holdings of the Court.* (Emphasis supplied.)

These are the three things that Chief Justice Burger says have not been decided and ought to be decided. These questions were not decided March 9, 1970, and they are not decided on April 19, 1971, more than 1 year thereafter. In other words, the Chief Justice of the United States is saying that the Supreme Court after 16 years of fumbling with these important questions, still has not decided: First, Whether any particular racial balance must be achieved in the schools; second, to what extent school districts and zones may or must be altered as a constitutional matter; and third, to what extent transportation may or must be provided to achieve the ends sought by prior holdings of the Court.

Yet, we find U.S. district courts and U.S. circuit courts of appeal approving and implementing plans of HEW, or devising plans of their own, putting into effect all three of these procedures, not one of which has been ruled on by the Supreme Court, according to the Chief Justice himself.

Instead of answering hard questions, the Court has preoccupied itself with psychological abstractions, and sociological experimentation with masses of innocent schoolchildren. But even the experts in these fields do not agree as to whether or not there is any real educational or social value to anyone in merely mixing bodies in public schools.

One leading school of thought contends that compulsory racial integration of public schools, as ordained by the revised and edited Constitution of the Warren court, is authority for compulsory integration of schools by "social classes" and not necessarily by races. Another school of thought on this subject contends that racial balance in public schools is an education panacea and is authorized by the Warren court edition of the Constitution.

But one thing is certain, the Department of Health, Education, and Welfare and the Department of Justice and U.S. district courts and U.S. circuit courts of appeal in the South have opted for racial balance without waiting for the Supreme

Court to decide, in the words of Chief Justice Berger, "whether or not any particular racial balance must be achieved in the schools."

It is equally clear that these agencies will stop at nothing to achieve their preconceived, unfounded and unproven conclusions with respect to "racial balance." They willfully, wantonly, and callously proceed with the hideous business of sacrificing a generation of innocent schoolchildren in the South on the altar of racial balance Socialist dogma. And racial balance is Socialist dogma, and it is a palpable absurdity.

Commonsense dictates that the Constitution of the United States does not require racial balance in public schools in the South, or anywhere else for that matter. It is not required by the Constitution. It is prohibited by acts of Congress. It is not required even by international law as interpreted by eminent Socialists.

In this connection, the International Commission of Jurists made an in-depth study of racial discrimination at the request of the Government of British Guiana. The Commission had this to say:

> *We are of the opinion that it is neither possible nor desirable to fix such an absolute standard of racial participation.* It is not required by the existing Constitution of British Guiana or by international law. (Emphasis added.)
>
> *We are convinced that any attempt to fix an absolute standard of racial participation in the public services would lead to arbitrary procedures which would, in the long run, retard racial harmony in the community.* (Emphasis added.)

We in the South want to know why, if racial balance is a panacea for schoolchildren in the South—why is it not also a panacea for schoolchildren in all regions of the Nation?

If closing of public schools is essential to achieve racial balance in the South—why is it not also essential in other regions of the Nation where a greater degree of segregation exists?

If massive crosstown busing is justified as a means of achieving racial balance in the southern schools, why is massive busing not required in other regions of the Nation?

After all, the Brown decision—1954—was based on the proposition that segregated education is inferior education and therefore segregated education violated the equal protection clause of the 14th amendment—not merely in the Southern States, but everywhere in the United States.

Is it a wonder that many blacks are skeptical when they hear liberals expound on the supposed distinction between de facto and de jure segregation as an excuse to perpetuate segregated education in their own backyards, even though it is said to be inferior.

Mr. President, the people of the South would like to feel that the Supreme Court knows and that Congress knows that the War Between the States ended more than 100 years ago and that the tragic era of Reconstruction ended more than 95 years ago. They would like to feel that Southern States have been accepted back into the Union and at this late date they would like to know that the same Federal desegregation policy applied outside of the South will be applied in the South.

Mr. President, the Stennis amendment, which is to be offered to S. 1557, seeks to require the formulation and application of such a national school policy. It should be approved by all Americans who feel that the United States, in the words of the Chaplain in his prayer, is truly one Nation under God.

Mr. President, the people of the South have a right to demand uniform application of the law in all sections and all regions of the Nation.

Nevertheless, we are not going to have a uniform policy or uniform method of enforcement unless and until the Supreme Court finds the courage or the energy to tackle the three questions posed by Chief Justice Burger.

So long as the Supreme Court drags its feet on these hard questions, it is alienating public support of education and contributing to the destruction of public education in the South.

Furthermore, this foot dragging encourages leftwing zealots in the Department of Health, Education, and Welfare to persist in their degradation of helpless schoolchildren of the South. It encourages the adored "little statesmen and philosophers and divines" in the words of Emerson, to abandon the problems of increasing segregation, filth, crime, decadence, corruption in their own backyards and join the army of Shermanites who are now destroying the public schools in the South.

Mr. President, we in the South have had it! So long as the Supreme Court shirks its responsibility to consult its stone tablet of revealed law and refuses to tell the people what the law is and what national policy shall be enforced uniformly—it will continue to justify our condemnation.

EXHIBIT 1

[From the Washington Star, Apr. 18, 1971]

NATIONAL INTEGRATION PLANS TO BE PRESSED BY RIBICOFF

Fourteen months ago, Sen. Abraham A. Ribicoff was roundly accused by his liberal colleagues of aiding and abetting Southern strategists.

The Connecticut Democrat had voted for an amendment sponsored by Mississippi Sen. John Stennis requiring that the North and the West subscribe to the same standard for desegregating schools that now applies to the South.

The Connecticut Democrat, who often defies convenient political labels, has not changed his views on the Stennis amendment as the Senate prepares to begin tomorrow what could be a major debate on the desegregation of schools and the entire society. But he has come up with a couple amendments that may make those same liberal critics of 14 months ago a bit uneasy.

PAIN IN THE NECK

"The greatest pain in the neck are the liberals," the senator said in an interview yesterday. "What do they favor? I favor a national policy for desegregating our schools and our neighborhoods and I'm for the Stennis amendment because there should be a national policy.

"I don't care what Stennis' reasons are; they don't have to be my reasons," he continued. "The question is, once you set a national policy, how do you go about implementing it? That's where my amendments come in."

Ribicoff's amendments deal with integrating schools and housing in the suburbs.

The school amendment would give combined city and suburb metropolitan areas up to 10 years to work out a plan through placement of new schools, rezoning attendance areas, busing or any other means that would integrate schools in their generally white suburbs.

FORMULA UNDER FIRE

The Ribicoff formula—already attacked as a racial balance scheme—would require that each school in suburbs and cities have an enrollment of minority children equal to at least one-half the minority percentage for their entire metropolitan area.

In the Washington area, for example, this would mean that each suburban school would have to enroll at least 15 percent minority children, since the area-wide percentage of minority children—including Washington—equals about 30 percent.

Ribicoff's housing amendment would require all suburban communities to provide housing for all low and moderate income workers before construction or expansion of any state or federal facility or a private business with government contracts and 50 or more employees.

Race is not mentioned specifically in the housing amendment, although it is presumed that minorities would benefit the most from its provision.

While the desegregation bill stands a good chance for passage, and Stennis' amendment—which passed 56–36 in the Senate last year, then was watered down in conference—also is likely to be approved, Ribicoff's measures would appear to be years away from acceptance.

DUCKED RESPONSIBILITY

"I've been in this business a long time," he said yesterday, "and I know it generally takes five years for an idea to evolve. But, I don't think we can wait five years for this one."

The senator added:

"Both the President and the Congress have ducked their responsibility for dealing with Northern school segregation and put the burden on the Supreme Court. The President and the Attorney General (John Mitchell) have no inclination to suggest a remedy because they are unwilling to face the political consequences. They believe—and they may be right—that a great majority of the people don't want black and white children going to schools together."

Ribicoff cited recent figures issued by the Department of Health, Education and Welfare showing that the South in the last two years has more than doubled the percentage of its black children attending majority white schools, while the North and West have stayed at about the same level.

The South, in fact, now has a greater percentage of black children in integrated schools, 38.1 percent, than the North and West with 27.7 percent.

The Senator also pointed to figures from the 1970 census showing that in the North and South major cities are rapidly increasing their minority populations, while suburbs are generally getting whiter.

"It's just plain bull to say nothing will happen if we have a national school desegregation standard." the senator said. "Desegregation is happening now in the South, but not in the North.

"Look," he added, "I know all about Northern hypocrisy, because I'm a part of it myself. The Northern liberal always thinks its easy to solve something 1,500 miles away and points self-righteously at the evil Southern segregationist.

TAKEN 17 YEARS

"After Brown versus the Board of Education (the 1954 Supreme Court desegregation decision) some people suggested integrating a grade at a time, which would take about 12 years," the senator added. "But all the liberals yelled Jeez, we can't wait that long. Now, it's taken 17 years to get where we are today.

"The question is are we going to let the whole nation go the way of Newar or Washington, D.C.? Is that healthy?" the senator asked. "It's going to reach the stage where blacks and whites will send ambassadors to each other over their borders. We are rapidly reaching a state of national apartheid."

Ribicoff said he was not opposed to black majority or dominated cities, saying it was an inevitable development in some urban areas and that his amendments would have little effect on desegragating inner cities.

TAKE JOBS WITH THEM

But, he added, "It's not just a question of a city being black. It's the fact that when the whites move out, they take jobs with them and the economic base. It's the same in West Virginia or Appalachia where better off whites leave and leave poor whites behind."

But beyond economics, Ribicoff sees a loss of what he calls the "mixture and fluidity of society which has made America great." He reached back into his boyhood in the depressed city of New Britain, Conn., for an example:

"I grew up very poor. Literally and figuratively we lived across the railroad tracks. In fact, there wasn't a place you could go—schools, jobs, what have you—without having to cross the tracks. But you could cross the tracks and you went to school with kids who were Catholics, Protestants and Jews, Poles, Irish, sons of workers or bank presidents."

"That's what my amendments are all about, trying to reunite this country before it's too late," he continued. "I think every candidate for the presidency should take a stand on this issue now, and that includes Nixon. There's no issue—be it ecology, transportation, health—as important as this. The question here is whether our society rises or falls."—John Matthews

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the transaction of routine morning business for not to exceed 30 minutes, will commence, with speeches limited to 3 minutes.

WAIVER OF THE CALL OF THE CALENDAR UNDER RULE VIII

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the calendar under rule VIII of the Standing Rules of the Senate be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HUGHES ON TUESDAY AND THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Iowa (Mr. Hughes) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I make the same request with respect to Thursday morning next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEFECTIVE C–5A'S SHOULD BE RECALLED

Mr. PROXMIRE. Mr. President, on the basis of a GAO staff study made available to me, it is clear that the Air Force has knowingly accepted delivery of defective C–5A's that cannot perform their tactical mission.

All the C–5A's should be returned to the Lockheed Corp. for correction of deficiencies. Meanwhile the Pentagon must end the practice of accepting weapons that do not work or which fail to meet their performance specifications.

Mr. President, let me repeat: On the basis of the GAO study it is clear that the Air Force has been accepting delivery of defective C–5A cargo planes.

The Air Force has been accepting C–5A's knowing they are deficient and knowing that they cannot perform their tactical mission.

The deficiencies are so serious that the Defense Department is unable to determine until sometime in 1973 whether this plane will ever meet all of its performance specifications. Yet, the Air Force is accepting C–5A's which do not meet them now.

I find it absolutely disgraceful that the Pentagon has condoned the shoddy workmanship, poor performance, and mismanagement that is going into the C–5A program.

The C–5A's that have been delivered and that are now being used by the Air Force are riddled with major deficiencies in the landing gear, wings, and avionics.

A review by the General Accounting Office of the first 15 operational aircraft accepted by the Air Force revealed an average 127 unresolved deficiencies per aircraft and confirmed the assertions made over a year ago by Representative William Moorhead and myself that C–5A performance was being degraded.

The landing gear, which according to enthusiasts was supposed to allow the C–5A to kneel down like a giant camel for unloading, has experienced so many malfunctions and required so many engineering changes that it is the most troublesome system on the aircraft. In a 2-month period last year, over 1,400 maintenance man-hours were necessary to maintain the landing gear of three C–5A's.

The braking system creates a drag on the aircraft, decreases the climb, and may restrict the payload. The payload has already been restricted to about 80 percent of capacity.

One of the principal claims in behalf of this program was that C–5A's would be able to take off from and land on unimproved and rough runways. This capability does not exist. The C–5A has been restricted to hard surface runways.

The problem of the wing crack has still not been solved. The modifications made necessary after the test failures 2 years ago have themselves caused new critical fatigue conditions.

There is now a real possibility that all delivered C–5A's will require further modification of the wing structure, or that operational capability will be degraded, or both.

The automatic flight control system is not yet fully operational.

Because the automatic throttle system is not operational, the Air Force has instructed field commanders not to use it.

The radar system is not fully operational and will limit the C–5A from performing low-level missions under adverse weather conditions, or night operations.

The radar altimeter does not possess the required accuracy below 100 feet.

The navigational equipment is not considered reliable.

The aerial refueling system cannot be used.

The evidence is piling up that the C–5A is a lemon. The Air Force's acceptance of at least 15 defective aircraft is inexcusable.

What we are witnessing is the final act in the three-part tragedy of yet another defense contract.

In case after case, major weapons programs have been loaded down with a trio of failures due to contractor underperformance and bureaucratic mismanagement. These are large cost overruns, technical failures, and schedule delays.

Two and a half years ago when the $2 billion cost overrun was disclosed before our committee, the Air Force assured everyone that the delivery schedule was still on time and that actual performance would exceed the original expectations.

Soon after these assurances were given, the first schedule delay was announced. At present the C–5A is seriously behind the original schedule.

Now the evidence is conclusive that the C–5A's already delivered cannot perform their intended tactical mission, that they are defective, and that the defects may not be correctable.

The Air Force ought to be instructed to return the defective C–5A's to the manufacturer.

The Department of Defense should be prohibited from accepting delivery of weapons that do not work in accordance with performance specifications and that cannot perform their missions.

In my judgment the C–5A is at least as unsafe and unreliable as the thousands of automobiles that have had to be recalled because of deficiencies in engineering and construction. The C–5A ought to be recalled and the contractor should have to bear the costs of repairs and modifications.

I ask unanimous consent that key excerpts from the GAO staff study pertaining to the performance specifications of the C–5A be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Staff Study on the C–5A Weapon System

(Note.—This document is essentially a working paper prepared by the General Accounting Office staff for their own use in preparing the report to Congress issued on March 18, 1971 (B–163058). No formal comments on the contents have been obtained from the Department of Defense or other agencies.)

SUMMARY C–5A WEAPON SYSTEM

System description and status

The C–5A is an aircraft designed to provide a long-range airlift capability at high subsonic speeds. The aircraft is to be capable of transporting combat and support units, military supplies, and items of outsized equipment. Two squadrons of C–5As are operational with regularly scheduled airlift missions operating within the United States and overseas.

Performance

As of December 31, 1970, the Air Force anticipated that the C–5A aircraft will weigh some 4,500 pounds more than anticipated in the development estimate. The Air Force has indicated that the aircraft meets or exceeds all of the flight performance requirements (i.e., range, speed, altitude and landing and take-off distance) of the contract.

Air Force practices in accepting aircraft differ from the practices of commercial airlines. In the case of commercial airlines, we have been advised that they do not accept aircraft having performance restrictions. However, the Air Force is accepting C–5A aircraft with significant deficiencies. For example, existing deficiencies restrict the aircraft to performance of its basic cargo mission in that it cannot perform its tactical mission until such time certain deficiencies are corrected.

Final determination of whether the aircraft will eventually meet all of its performance specifications cannot be made until system testing is completed in 1973.

Cost

Total estimated cost of the program as reported in the December 31, 1970, Selected Acquisition Report (SAR), was $4,670.3 million (Development, $1,029.2; Procurement, $3,623.5; construction, $17.6) less $200 million assuming that the terms of the fixed loss settlement are agreed to. This would represent a unit cost for the 81 C–5As of $55.2 million. The SAR also identifies additional systems costs of $339.5 million for such items as modifications and replenishment spares which brings the total program cost to $4,809.8 million or a total cost of $59.4 million each.

Funds programmed as of December 31, 1970, were:

	Million
Development	$1,003.2
Procurement	3,005.5
Construction	17.6
Total	4,026.3

In January 1969, the Air Force exercised the run B option for additional C–5A aircraft, which otherwise would have expired. Subsequently, a dispute arose over the number of aircraft included in the option since the number of aircraft procured under this option coupled with a repricing formula in the contract would allow Lockheed to make up for losses suffered on the basic contract. The Air Force contended that the option was exercised for 23 aircraft, but Lockheed contended the option was exercised for 57 aircraft. As a result, Lockheed filed an appeal to the Armed Services Board of Contact Appeals.

Subsequent to the completion of our review on February 1, 1971, Lockheed announced that it had agreed to accept a DOD proposal for $200 million fixed loss and to cancel all outstanding contract disputes on its C–5A contract. Under this fixed loss proposal, Lockheed would not be reimbursed for those costs listed in Public Law 91–441. GAO reported to the Congress on the Financial Capability of Lockheed Aircraft Corporation to Produce C–5A Aircraft under this arrangement in April 1971.

The December 31, 1970, cost figures cited above takes into consideration the effects of this pending agreement. This SAR data was not reviewed by GAO. Our review of SAR data was as of June 30, 1970, and reported in the individual staff review.

The magnitude of cost growth on the C–5A program is significant. The total program and additional procurement system cost reflected in the December 31, 1970, SAR was $4,909.8 million for 81 aircraft compared to the initial planning estimate (October 1964) of $3,423.0 million for 120 aircraft.

Selected acquisition reporting

Our analysis of the Air Force's SARs on the C–5A Aircraft disclosed that the reports have not provided an accurate picture of the status of the C–5A program because relevant matters affecting aircraft performance have been omitted. For example:

The June 1970 SAR does not disclose any of the aircraft's technical problems, such as inoperable avionics subsystems, landing gear deficiencies, wing design deficiency and an 80 percent operational restriction; or show that a C–5A was severely damaged during the year because of a fire at Palmdale, California.

The SAR did not show all the system's major operational and technical characteristics or expected values and effectiveness, thus an evaluation of capability of the C–5A to satisfy its mission objectives is limited.

We believe that, without the data discussed above, the SAR does not present an accurate picture of the status of the system and that its usefulness as a management tool is limited because relevant data has not been fully disclosed. Similar deficiencies were noted on the December 31, 1970, SAR.

Program milestones

The Initial Operational Capability (IOC) was delayed 9 months, from December 1969 to September 1970 because of manufacturing problems. On June 6, 1970, the first operational squadron of the Military Airlift Command received its first C–5A aircraft.

Subsequent to June 30, 1970, the rate of production was changed from 3 to 2 aircraft per month which will result in the delivery date of the 81st production aircraft being revised from July 1972 to February 1973. Initially the 120th aircraft was planned for delivery in April 1972.

Matters for consideration

The potential impact of difficulties being experienced by Lockheed with its commercial aircraft program, the L–1011, should also be considered in appraising this procurement.

CHAPTER 3—DEFICIENCIES IN 15 ACCEPTED C–5A AIRCRAFT

The Air Force is accepting C–5A aircraft with major deficiencies, in the landing gear, wings and avionics. These deficiencies have restricted the C–5A to performance of its basic cargo mission only. The C–5A cannot perform its tactical mission until certain deficiencies are corrected. These deficiencies on the C–5A are attributable to incomplete development and testing.

Our review of the condition of the first 15 operational C–5A aircraft accepted by the Air Force showed that they were accepted with an average of 130 agreed-upon deficiencies and 127 unresolved deficiencies per aircraft. The C–5A contract requires Lockheed to correct these deficiencies at no additional cost to the Government. About $6.2 million was withheld from payments to Lockheed for the correction of deficiencies on the first 15 operational aircraft. We believe this amount was insufficient because the estimates prepared by Lockheed omitted certain items. Also, we noted that the Air Force generally accepted Lockheed's estimated cost of correcting the deficiencies without adequate review and evaulation.

A brief summary of the nature and status of some of the more significant deficiencies is presented below:

Landing gear

The C–5A is equipped with a highly complex tricycle-type landing gear which was designed to operate on unimproved as well as conventional runways; take off and land in crosswinds by changing the position of the gear; and kneel in three modes to accommodate various types of cargo operations.

Records show that significant problems have been experienced with the landing gear requiring many engineering changes. The Military Airlift Command (MAC) has also experienced many landing gear malfunctions. Maintenance data show that the landing gear is the most troublesome system on the aircraft.

Many landing gear parts taken from stock and tested as well as parts installed on the aircraft failed. A C–5 Joint Test Force reported that nose landing gear kneeling system failures are serious, persistent, and cause serious damage to components and structure.

An inordinate number of maintenance man-hours (1,429) were required at Charleston Air Force Base during June and July 1970 to maintain the landing gear of three C–5A's.

The anti-rotation braking system was deactivated because it operated inadvertently on the ground, damaging the tires. This system was intended to eliminate undesirable gyroscopic effects during the retraction of the gear by braking the wheels to a stop after lift-off. To preclude the gyroscopic effect, the gear has to be left extended for one minute after takeoff; however, this is undesirable because it creates a drag on the aircraft, decreases rate of climb, and may restrict the payload. An engineering change is being programmed to correct this problem.

The cylinder used to power the landing gear rotation during emergency extension is undersize and will not rotate the bogie at airspeeds above 160 knots. An engineering change is being programmed to correct this deficiency.

The crosswind landing system is used to pre-position the landing gear as much as 20 degrees to the right or left to facilitate landings in crosswinds; however, use of this system is restricted to 10-degree settings until completion of further testing.

Although the landing gear was designed to permit landings and takeoffs from forward area runways (matted or bare soil), the aircraft have been restricted to hard surface runways. Flight tests on unimproved runways caused severe damage to jet engines, matted runways, and the aircraft. The tests were subsequently discontinued.

Wing

During static testing of a C–5A wing in July 1969, a crack occurred at approximately 125 percent of the load limit. This necessitated modification of the wings on aircraft already accepted by the Air Force to ensure that the wings would sustain an ultimate load equal to 150 percent of the design limit without failure to the most critical wing loading condition.

Approximately 1 year later, June 18, 1970, the Air Force Plant Representative (AFPRO) advised Lockheed that data gathered in static tests did not provide positive evidence that the wing structure would eventually reach ultimate loading for all conditions scheduled. In some areas, critical fatigue conditions have been induced by the modifications themselves. He further stated that the fatigue test programs were progressing at an alarmingly slow rate.

At about the same time, Lockheed advised the SPO that a lift distribution control system (LDCS) was being developed for incorporation in the C–5A aircraft because prior analyses and tests indicated that to meet specification requirements, further reduction in wing upbending near the fuselage was necessary. Lockheeds' rough estimate of the cost of this was $8.2 million.

In August 1970, the SPO informed Lockheed that a structural analysis of the C–5A wing had shown that the original design strength would not be realized because of the redistribution of internal loads as determined by the static test and because of the inability to obtain optimum tensile strength in the built-up structure. The SPO further stated that, with or without the LDCS, the results of full scale test, strain gage measurement, component tests, and analysis indicate the possibility of a very serious reduction in fatigue resistance which would require modification to delivered aircraft, serious degradation of operational capability, or both.

In view of this situation, the SPO requested that Lockheed investigate the feasibility of making structural modifications to production aircraft at approximately aircraft No. 60 and up. These modifications could increase static strength and fatigue resistance and make the LDCS unnecessary. At the time of our review in December 1970, Lockheed was developing and testing the LDCS; however, no decision had been made to incorporate it into production aircraft.

The aircraft accepted by the Air Force are restricted to a 174,000 pound payload until completion of static tests and 100-percent flight demonstration. An Air Force program review shows this restriction will not be lifted until about December 1971.

Attitude and heading reference unit

The C-5A aircraft is equipped with two attitude and heading reference units (AHRU's) capable of furnishing both heading and attitude information to the horizontal situation indicator, the bearing-distance-heading indicator, and attitude director indicator (ADI). Pilots rely heavily on the ADI when flying in bad weather because it indicates the attitude of the aircraft in relation to the ground.

Reports from MAC wings show that gyros in the AHRU do not function properly and that electronic circuits were malfunctioning. Air Force officials expressed concern over the low reliability of the AHRU because it decreases mission performance and consumes vital spare assets. Until system reliability is improved, a restriction has been placed on takeoffs and landings when the cloud cover (ceiling) is less than 500 feet and 1-mile visibility. This limits use of the aircraft in instrument weather conditions and night operations when AHRU problems occur. The cost of providing backup information to improve reliability of the AHRU's was roughly estimated at $6.6 million.

Air turbine motors

Air turbine motors (ATM's) drive two pumps incorporated in the C-5A hydraulic system. These pumps provide auxiliary power for hydraulic subsystems which are primarily used for operation of systems while the aircraft is on the ground.

A fire occurred in aircraft No. 11 which was associated with the ATM. Foreign material in a hydraulic line caused a check valve to remain open. This created a chain of events which resulted in the malfunctioning of the ATM pumps which, in turn, caused the pump case to crack and spray hydraulic fluid on the hot ATM. The resulting fire could not be readily extinguished because the ATM was located in an inaccessible area in the belly of the aircraft. The Air Force is at present evaluating the feasibility and cost of repair as an alternative to salvage of the aircraft.

Immediately thereafter, operating restrictions were placed on the use of the ATM's installed in C-5A aircraft pending the relocation of the ATM's to a more accessible area. We noted that, although the Air Force had made a similar recommendation to Lockheed in a critical design review of the ATM prior to the fire, Lockheed rejected the Air Force recommendation on the basis that all safety requirements had been met.

Automatic flight control system

The automatic flight control system (AFCS) consists of four subsystems which provide automatic throttle control, assistance in moving the aileron and elevator flight control cables, stability augmentation (yaw-lateral-pitch), and automatic flight path control (autopilot). Flight path control functions, utilized by the AFCS, are displayed to the pilot for monitoring.

Many of these systems and subsystems are not operational or are not in the final and optimum configuration. For example, the stability augmentation system assists the pilot in pulling control cables which adjust flight control surfaces. The stability augmentation system was intended to eliminate flight deviation in three axes—pitch, roll, and yaw. According to Lockheed officials, these systems presently installed in aircraft accepted by the Air Force are safe and operable but are not in their optimum configuration. The optimum configuration has been developed and passed flight and quality testing; however, it will not be included in production aircraft until the entire AFCS has completed reliability testing.

The automatic throttle subsystem provides automatic control of the throttles on the C-5A during climb, descent, cruise, and landing. This system is presently not operational on the C-5A aircraft because of problems encountered with the auto-throttle computers. The Air Force issued a safety supplement to field commanders prohibiting its use. Although this system is installed on aircraft accepted by the Air Force, it is still undergoing development and production is not expected until December 1971.

The basic autopilot system provides automatic control of the aircraft during extended periods of flight. It provides automatic flight path control for basic flight conditions, en route navigation, low altitude terrain following, instrument landing system approach and landing, go-around, and terminal navigation-using radar.

According to a Lockheed official, the autopilot is limited to operation in the basic altitude and heading hold, heading select, and altitude hold modes. Approximately 75 percent of the autopilot is developed and testing should be completed in May 1971. Lockheed's records show that the final configuration of the autopilot will not be available for production aircraft until December 1971.

Multi-mode radar

The multi-mode radar consists of two separate and independent radars which are used to perform several different functions or modes. The modes are weather mapping, ground mapping, contour mapping, terrain following/terrain avoidance, beacon identification, and radar approach for landing without ground-based aids. Only the ground mapping, weather mapping, and beacon modes were operational on aircraft being accepted. The nonoperational modes are still in the development stage. Lockheed estimates that these modes will not be operational until after completion of tactical mission testing in July 1971. The nonoperational modes will limit the C-5A's capability to perform low-level missions under adverse weather conditions, or night operations and make landings on unimproved runways without dependence on ground-based aids.

An official at Charleston Air Force Base said that the restrictions upon use of several modes of the radar presently have no effect on operations. However, these modes will be indispensable in future tactical training and operations.

Radar altimeter

The C-5A is equipped with two low altitude radar altimeter systems intended to provide an accurate indication of airplane altitude above the ground. They provide the primary sensing signals to the all-weather landing system which automatically flares the aircraft—changes its altitude—during an automatic landing. They are also important when used in conjunction with the terrain-following mode of the multi-mode radar for low-level missions.

The radar altimeter systems installed on C-5A aircraft accepted from Lockheed are operational and can be relied upon for actual altitude information above 100 feet. They cannot, however be used with the all-weather landing system or the terrain-following mode of the multi-mode radar because they do not possess the required accuracy below 100 feet. We were advised that the radar altimeter is still undergoing tests.

Inertial doppler navigation equipment

The inertial doppler navigation equipment (IDNE) consists of an inertial navigation and a doppler radar system which is capable of performing its navigational role without dependence on ground aids. It navigates (provides position information) by sensing the motions of the airplane and computing the changes of positions. The system combines basic navigational capability with additional computer services for processing data from and to other airplane systems equipment to assist in guidance and control functions.

The IDNE on accepted C-5A aircraft was operable but its accuracy had not been verified. Therefore, limitations have been placed on use of this equipment until flight tests are completed by Lockheed.

Problems have been encountered with the doppler radar part of the equipment. The contract specifications for the doppler radar provide for a mean time between failures of 1,000 hours; however, a Lockheed engineer said that the current time was only 80 hours. He also stated that the inertial doppler and doppler dead reckonging modes are unreliable and are not being used.

Lockheed and MAC representatives said that limitations placed on the equipment do not limit airlift mission capability, because it is a back-up system used to verify the inertial measurement unit readings. However, failure of the inertial equipment would require the navigator to resort to the basic navigation equipment.

Malfunction detection analysis and recording system

The malfunction detection analysis and recording system (MADAR) was designed to assist flight crews and maintenance personnel in the detection and isolation of malfunctions in the aircraft. It also furnishes trend data related to subsystem degradation for use in prediction of impending failures.

Air Force officials at C-5A bases told us that, although MADAR on accepted C-5A aircraft was being used where possible, it was not considered reliable and its potential had not yet been achieved. They stated that MADAR and the ground processing of data was still in the development stage and the software needs updating. A C-5 Joint Test Force Progress Report showed that MADAR is among the 10 systems having the highest failure rate on the aircraft.

Crash data position indicator recording system

The crash data position indicator recording system records data and crew member conversations and the data is used in location and investigation of a crash. Although the system is considered essential to flight, it was not working satisfactorily on accepted aircraft because of problems with the air foil, corrosion, tape jamming, and water seepage. Lockheed and the Air Force currently believe the air foil, corrosion, tape jamming, and water seepage problems have been resolved satisfactorily. The recorder has been modified and is in the final testing stage. Reliability testing is scheduled to start in January 1971.

Stallimeter subsystem

The stallimeter is used to warn the pilot of an approaching stall condition of the aircraft. It is unreliable on accepted C-5A aircraft and is not being used mainly because of system computer problems. Lockheed and Air Force officials say that this system is necessary because approaching stall conditions on larger aircraft are not as discernible as on small aircraft. The computers have been redesigned but not tested. On or about January 1971, Lockheed plans to retrofit the new stallimeters on aircrafts already delivered to the Air Force.

Station keeping equipment

The station keeping equipment is intended to allow a large number of aircraft to maintain desired separation from each other while in formation. It operates as a simultaneous range tracking and 360-degree screen display system. Time-sharing methods are utilized on a single transmitting frequency and permit as many as 59 aircraft, within range of each other, to fly in a single formation.

Our review showed that while this equipment was operable, its use was limited to visual flight rules. This means that it cannot be used when the need is most important—in night operations and in bad weather. At the time of our review, testing of this system was still in progress and was not scheduled for completion until January 1971.

Aerial refueling

An aerial refueling system has been installed on the aircraft; however, its use by MAC is prohibited pending the incorporation of engineering changes presently being programmed.

Aircraft acceptance practices

Air Force practices in accepting C–5A aircraft vary greatly from the practices of commercial airlines. Standard Air Force procedures and the terms of the C–5A contract permit aircraft to be accepted which are incomplete, not fully tested and otherwise deficient. In the case of the C–5A the full range of intended operational use must be restricted until such time as the deficiencies are corrected and the aircraft fully tested. Commercial airlines, on the other hand, do not accept new aircraft having performance restrictions.

The Air Force and Lockheed inspect and test each C–5A aircraft as it is being manufactured and assembled so that, when final flight testing and acceptance occurs, both parties have compiled lists of important shortages, variances, and other deficiencies. When the Air Force has made its final equipment checks and flight tests of the aircraft, a formal inspection and receiving report (Form DD–250) is prepared officially accepting the aircraft. A list of outstanding deficiencies is appended to the receiving report. The contract requires Lockheed to correct the deficiencies within a reasonable time and requires the administrative contracing officer to withhold from payments for each aircraft an equitable amount pending correction of deficiencies. The costs of correcting deficiencies are "allowable" costs. In this sense, correction of deficiencies is at additional cost to the Government until the ceiling price of the contract is reached. No adjustment of target or ceiling prices is made, however, as a result of requiring correction of deficiencies.

Air Force acceptance procedures provide that in some cases it may be necessary or advantageous to the Government to accept items which are incomplete, not fully tested, or do not meet contract requirements. Acceptance in these circumstances may be made only when specifically authorized by the procuring contracting officer.

The SPO acknowledged that C–5A aircraft are accepted with known deficiencies and limited tactical capability. He stated that the aircraft are being developed under the concurrency concept and the aircraft are accepted if they have the capability to perform the basic mission of carrying bulk cargo to off-shore stations on a scheduled basis. In this sense each aircraft is accepted "ready for service." He further stated that, to achieve the complete tactical capabilities of the aircraft, however, additional development, modification and testing will be necessary.

In our discussion of acceptance practices with two major airlines, we were told that aircraft accepted from the manufacturer are ready for passenger service. We were also told that most of the deficiencies noted during factory inspections and flight testing were corrected prior to final acceptance. Aircraft are not accepted if all systems are not fully operational.

The commercial airlines' contracts with the manufacturer are fixed-price type, provide for in-process inspection by the airlines, but do not provide for acceptance with major deficiencies or for the withholding of payments to cover such deficiencies.

Generally, the airlines had relatively few resident inspectors as compared with the Air Force on the C–5A and, for quality assurance, relied heavily upon the manufacturer's own inspection service, FAA aircraft certification procedures, and warranty provisions of their contracts.

While final flight tests by commercial airlines usually revealed some minor deficiencies, such as improper decals, markings, and paint, which were accepted subject to later correction by the manufacturer, the airlines were emphatic in their position that no aircraft was accepted unless it could be placed in full service immediately.

In commenting on its acceptance practices, the Air Force noted that to have delayed acceptance of C–5A aircraft until all deficiencies were corrected would have adversely affected aircrew training, essential testing and airlift operations, all of which had been programmed to meet the initial operational capability dates. The delayed acceptance, we note, would also have had an unfavorable financial impact on Lockheed, at a time when Lockheed's financial ability to complete the program was in jeopardy. Additional costs would have been incurred by Lockheed in correcting the deficiencies with full payment of the billing price of each aircraft deferred until aircraft acceptance. Under the contemplated fixed loss contract the Air Force will bear the cost of the correction of those deficiencies ordered to be corrected by the Air Force Contracting Officer. As such, some deficiencies likely will not be corrected because of budget constraints or because the additional costs involved would be excessive in relationship to the added utility.

UNFAIR CRITICISM OF AMBASSADOR GODLEY AND PRESIDENT OF THE UNITED STATES

Mr. DOMINICK. Mr. President, on April 18, 1971, over "Face the Nation" and on April 19, 1971, on the "Today Show," I had the unpleasant opportunity of viewing a fellow Republican, a Congressman from California in the other body, make unfounded and totally unproven allegations which impugn the integrity of a man who has been a highly distinguished career officer in the Foreign Service for 30 years and is now Ambassador to Laos, Ambassador Godley; and then impute to the President of the United States a conscious policy of bombing unarmed and friendly Laotian villages and a conscious policy of deceiving the American public.

These unfounded and untrue allegations, made by a man who is not even a member of the Foreign Affairs Committee, the Appropriations Subcommittee on Defense, or the Armed Services Committee of the House, have been given to the American public and to the world at large as though made after a full investigation, untrue, in itself, and as though made after an official committee authorized and supported trip to Laos, also untrue.

Furthermore, they are made at the very time when the President himself has stated that negotiations on total withdrawal of American forces from Vietnam have arrived at a crucial stage in the Paris negotiations, and after the President has not only withdrawn over 50 percent of our troop levels in that theater but publicly announced, on April 7, 1971, still further withdrawals from that theater.

Obviously, anyone has the right to dissent from past and present policies of this Government, but to make charges of this nature at this time seems to me not only to be playing fast and loose with the intent of the President, who above all has endeavored to bring peace to our country, but to endanger the possibility of bringing about such peace.

Let me, Mr. President, bring up a few of the erroneous allegations which the Congressman made.

First, he pointed out that most of the refugees left their villages because of bombings in 1968 and 1969. President Nixon did not assume office until January 21, 1969, and Ambassador Godley did not assume his ambassadorship in Laos until July 12, 1969.

Second, he stated that Ambassador Sullivan had observed very closely rules of engagement which would prevent such bombings, and yet Ambassador Sullivan, who in my opinion did a fantastic job in that very difficult area of the world, was in fact in charge as Ambassador during all of 1968 and the first half of 1969.

Third, the Congressman wholly omitted from his remarks the fact that he had a lengthy interview with the Laotian governmental officials who endorsed the American assistance and who stated that their country might have been overrun by the Communist Pathet Lao and the North Vietnamese, were it not for American help.

Fourth, he wholly omitted the compliments given by his congressional colleague at a press conference in Vietnam and shortly after their visits to the refugee camp, pointing out that the refugee program was extremely well organized and run and that the fatalities and casualties were remarkably low.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I will be glad to yield my 3 minutes to the Senator from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. DOMINICK. I thank the Senator from West Virginia.

Fifth, he failed to point out that the eastern area of Laos comprises the main supply line for the North Vietnamese in their armed invasion of three countries; namely, Laos, Cambodia, and South Vietnam.

Sixth, he refers to 700,000 refugees which he implies occurred in the last 2 years but which the Laotian Government itself states were estimates and involved relocating people under North Vietnamese and Pathet Lao attacks since 1945, some 26 years of hostile action.

Seventh, he makes the unequivocal statement that the military has misinformed Congress and the public when in fact the previous Secretary of Defense, Secretary McNamara, pointed out specifically at a White House briefing in 1967 or 1968, which I attended, the areas of Laos which were under aerial attack to curtail movement of enemy supplies and logistics through Laos to reinforce their attacks on all three countries.

Eighth, although he admitted in "Face the Nation" that he had only been in Laos for 2 days, he gave the impression that he had interviewed all the refugees, when in fact I believe he talked to some eight refugees through an interpreter, Father Mengert, who stated that were it not for the American aerial support the villages involved would have been overrun by the North Vietnamese.

My point, Mr. President, is that assertions of this nature given publicly by this Congressman are harmful to the interests not only of this country but those countries of Indochina trying to preserve their own integrity, and tend to prevent successful negotiations to bring about peace with stability in that troubled area of the world.

And to impute to President Nixon the desire to bomb unarmed and friendly villages when he has in fact withdrawn over 50 percent of our forces, brought about a cease-fire in the Middle East, initiated arms limitation talks with the Soviets, opened some form of communication with the Red Chinese, and laid out the background for complete withdrawal of armed forces from South Vietnam seems to me to be the height of political irresponsibility.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore (Mr. TUNNEY) laid before the Senate the following letters, which were referred as indicated:

NASA Report of Reprograming Action, Construction of Facilities

A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, report of reprograming action, construction of facilities (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

Watershed Protection and Flood Prevention Improvement Works

A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement which have been prepared under the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and delegated to the Director of Office of Management and Budget by Executive Order No. 10654 of January 20, 1956 (with accompanying material); to the Committee on Agriculture and Forestry.

Report of the Orderly Liquidation of Stocks of Agricultural Commodities Held by the Commodity Credit Corporation and the Expansion of Markets for Surplus Agricultural Commodities

A letter from the Deputy Assistant Secretary for International Affairs and Commodity Programs, Department of Agriculture, transmitting, pursuant to law, a report of the orderly liquidation of stocks of agricultural commodities held by the Commodity Credit Corporation and the Expansion of Markets for Surplus Agricultural Commodities (with an accompanying report); to the Committee on Agriculture and Forestry.

Report on Value of Property, Supplies, and Commodities Provided by the Berlin Magistrate

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on the value of property, supplies, and commodities provided by the Berlin Magistrate for the first two quarters of fiscal year 1971; to the Committee on Appropriations.

Apportionment of Food Stamp Program Appropriations

A letter from the Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation for the Department of Agriculture for the "Food Stamp program," Food and Nutrition Service, for the fiscal year 1971, has been apportioned on a basis indicating a need for a supplemental estimate of appropriations; to the Committee on Appropriations.

Report of Order Dismissing Petition in Docket No. 27–C, Before the Indian Claims Commission

A letter from the Acting Chairman, Indian Claims Commission, reporting, pursuant to law, an order dismissing petition in The Delaware Tribe of Indians, Petitioner, vs. The United States of America, Defendant, Docket No. 27–C, before the Indian Claims Commission (with an accompanying paper); to the Committee on Appropriations.

Report of the Director of Selective Service

A letter from the Director, Selective Service System, transmitting, pursuant to law, the semiannual report of the Director of Selective Service (with an accompanying report); to the Committee on Armed Services.

Memorandum of Annual Report of the Secretary of Defense on Reserve Forces for Fiscal Year 1971

A letter from the Deputy Assistant Secretary (Reserve Affairs), submitting a corrected page copy of the Annual Report of the Secretary of Defense on Reserve Forces for fiscal year 1971 (with an accompanying paper); to the Committee on Armed Services.

Proposed Legislation to Extend Authority of Federal Reserve Banks to Purchase U.S. Obligations Directly From the Treasury

A letter from the Secretary of the Treasury, submitting a draft of proposed legislation to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

Proposed Housing Institutions Modernization Act of 1971

A letter from the Chairman, Federal Home Loan Bank Board, submitting a draft of proposed legislation to amend laws relating to savings and loan associations, to broaden their mortgage credit powers, and for other purposes (with accompanying papers; to the Committee on Banking, Housing and Urban Affairs.

Proposed Transportation Revenue Sharing Act of 1971

A letter from the Secretary of Transportation, submitting a draft of proposed legislation to provide a new and improved system of Federal financial assistance to State and local governments for solving the transportation problems of the State and local governments and for improving the Nation's capacity to meet the demands of interstate commerce, and for other purposes (with accompanying papers); to the Committee on Commerce, the Committee on Banking, Housing and Urban Affairs, the Committee on Finance, and the Committee on Public Works, by unanimous consent.

Report of Grants Basic Scientific Research

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report showing grants for basic scientific research made by the Department of Defense to nonprofit institutions during calendar year 1970 (with an accompanying report); to the Committee on Government Operations.

Letters From the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improved financial administration and revision of fees needed—consular services program, Department of State (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on assessment of the impact of the Teacher Corps program at the University of Miami and participating schools in south Florida, Office of Education, Department of Health, Education, and Welfare (with an accompanying report); to the Committee on Government Operations.

Proposed Indian Financing Act of 1971

A letter from the Assistant Secretary of the Interior, submitting a draft of proposed legislation to provide for financing and economic development of Indians and Indian organizations, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

Comments of Federal Agencies on Legislative Proposals for Water Pollution Control

A letter from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, comments of Federal agencies and departments on the legislative proposals of the Environmental Protection Agency for water pollution control (with accompanying papers); to the Committee on Interior and Insular Affairs.

Third Preference and Sixth Preference Classifications for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Report of the Attorney General of the United States

A letter from the Attorney General of the United States, transmitting, pursuant to law, the annual report of the Attorney General for the fiscal year 1970 (with an accompanying report); to the Committee on the Judiciary.

Proposed Legislation to Authorize Payment of Expenses of Preparing and Transporting to His Home or Place of Interment the Remains of a Federal Employee Who Dies While Performing Official Duties in Alaska or Hawaii

A letter from the Secretary of Transportation, submitting a draft of proposed legislation to amend title 5, United States Code, to authorize the payment of the expenses of preparing and transporting to his home or place of interment the remains of a Federal employee who dies while performing official duties in Alaska or Hawaii, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

Report of the U.S. Department of Health, Education, and Welfare

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the annual report of the U.S. Department of Health, Education, and Welfare for the fiscal year 1970 (with an accompanying report); to the Committee on Labor and Public Welfare.

Watershed Protection and Flood Prevention Improvement Work Plans

A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, submitting, pursuant to law, plans for works of improvement which have been prepared under the provisions of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and delegated to the Director of the Office of Management and Budget by Executive Order No. 10654 of January 20, 1956 (with accompanying material); to the Committee on Public Works.

Environmental Impact Statement—Noise Control Act of 1971

A letter from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Environmental Impact Statement for the Noise Control Act of 1971 (with accompanying papers); to the Committee on Public Works and the Committee on Commerce, by unanimous consent.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Tunney):

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on Agriculture and Forestry:

"A Concurrent Resolution Memorializing Congress To Continue Price Supports and Other Aid Programs to Tobacco Farmers

"Whereas, pending legislation is now before Congress which would discontinue tobacco supports and other aid programs beginning with crops to be harvested in 1972; and

"Whereas, this has been a self-supporting program and if this legislation is enacted it would mean a tremendous loss of revenue to the Federal Government and would severely cripple this one hundred million dollar industry; and

"Whereas, tobacco has for many years been one of South Carolina's main sources of revenue and the discontinuance of these programs would bring irreparable damage to the tobacco farmers of this State, particularly the smaller growers. Now, therefore,

"Be it resolved by the House of Representatives, the Senate concurring:

"That the Congress of the United States is hereby memorialized to take such action as it deems necessary in order to continue the price supports and other aid programs to tobacco farmers.

"Be it further resolved that copies of this resolution be forwarded to each United States Senator and each member of the House of Representatives of Congress from South Carolina and to the Clerk of the United States Senate and the Clerk of the United States House of Representatives."

A joint resolution of the Assembly of the State of Wisconsin; to the Committee on Agriculture and Forestry:

"Assembly Joint Resolution 35

"Joint resolution petitioning the Honorable Clifford M. Hardin, U.S. Secretary of Agriculture, to increase the support level of manufactured milk to the maximum permissible percent of parity for the coming marketing year, beginning April 1, 1971, and memorializing Congress to increase the support levels to 100 percent of parity based on 1910–14 base levels

"Whereas, farm costs have risen at an alarming rate since the start of the current marketing year and costs in dairying have risen even more, farm wage rates being up 6.5%, interest and taxes up 8% and feed costs up 9%; and

"Whereas, the present $4.66 support level for manufactured milk has slipped to about 81% of the parity equivalent and may further decline to 80% by the end of this marketing year; and

"Whereas, if current trends continue unabated, an addition of approximately 50 cents per CWT to the present support level is needed to bring the price of manufactured milk to the 90% parity level; and

"Whereas, manufactured milk production in the 12 north central states has shown a marked decrease; and

"Whereas, this combination of increased milk production costs and reduced prices has continued the exodus from the farms of the nation thereby contributing dangerously to urban as well as rural instability; and

"Whereas, these trends have been intensified by inadequate restrictions on 'milk substitutes' insidiously masquerading as dairy products; and

"Whereas, a per capita decline of milk production threatens the health and welfare of our nation; and

"Whereas, the Agricultural Act of 1949 empowers the Secretary of Agriculture to increase the support level; now, therefore, be it

"Resolved by the assembly, the senate concurring, That this legislature respectfully petitions the Secretary of Agriculture, the Hon. Clifford M. Hardin, to raise the support level for manufactured milk for the coming marketing year as soon as possible to the maximum permissible percent of parity; and, be it further

"Resolved, That this legislature respectfully urges the Congress of the United States to enact legislation increasing the permissible support level for manufactured milk to 100% of parity based on 1910–14 base levels; and, be it further

"Resolved, That duly attested copies of this resolution be immediately transmitted to the Secretary of Agriculture, to the Secretary of the senate of the United States, the clerk of the house of representatives of the United States and to each member of the congressional delegation from Wisconsin."

A resolution of the Legislature of the Territory of Guam; to the Committee on Agriculture and Forestry:

"Resolution No. 145

"Resolution relative to respectfully requesting the Congress of the United States to enact legislation necessary to constitute the University of Guam as a land grant institution

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, the University of Guam affords the opportunity for higher education not only to the residents of Guam but to many others from the surrounding islands who come to the territory to complete their studies, the University thereby being central to the whole educational process in the Western Pacific; and

"Whereas, as part of its role, the University has attempted to educate not only in the traditional academic subjects but to also participate in providing the technical training needed by the potential citizens of Guam and of Micronesia, thereby playing on the scale permitted by its limited funds the traditional role a land grant institution has played in the United States; and

"Whereas, in recognition of this, the Congress in recent years has considered legislation to grant to the University of Guam official land grant status, but, unfortunately, the legislation has never been enacted, and therefore the University does not have the funds and assistance it needs to provide the technical training and assistance needed by the future citizens of Guam and the United States Trust Territory of the Pacific Islands; and

"Whereas, it is the consensus of the Legislature that one of the reasons for the present almost total dependence of the territory on imported foodstuffs is the lack of knowledge by the local farmers of modern methods of commercial tropical farming and that until the University is in a position to give this technical training as it would be if it obtained land grant status, little will be done to upgrade the quality of technology in the territory; now therefore be it

"Resolved, that the Eleventh Guam Legislature does hereby on behalf of the people of Guam respectfully request, memorialize, and petition the Congress of the United States to grant to the University of Guam land grant status; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Frank E. Moss, Member, U.S. Senate, to the Honorable Spark M. Matsunaga, Member, U.S. House of Representatives, to the Honorable Patsy T. Mink, Member, U.S. House of Representatives, to the President of the Senate, to the Speaker, House of Representatives, to the Chairman, Senate Committee on Agriculture, to the Chairman, House Committee on Agriculture, to the Chairman, Senate Committee on Interior and Insular Affairs, to the Chairman, House Committee on Interior and Insular Affairs, to the Secretary of Interior, to the Secretary on Agriculture, to the Secretary on Health, Education and Welfare, to the President, University of Guam, to the Chairman, Board of Regents, University of Guam, to Guam's Washington Representative, and to the Governor of Guam."

A resolution of the House of Representatives of the State of Oklahoma; to the Committee on Armed Services:

"House Resolution No. 1019

"A resolution memorializing the President of the United States to grant a full executive pardon to Lieutenant William L. Calley, Jr., and memorializing the Congress of the United States to join in urging such Executive clemency; and directing distribution

"Whereas, the brave young sons of the greatest nation on earth have been saddened and shamed by being denied the chance even to strive for victory in a war in Vietnam and other areas of Southeast Asia, that has claimed more than 43,000 American lives in ten years of involvement in the longest armed conflict in which the United States has ever engaged; and

"Whereas, the sacrifices made by our heroic fighting men, who were so painstakingly trained in the deadly game of war, almost have been overlooked in the fierce political and ideological struggles waged by hawks and doves which have had a severe divisive effect on the unity of the people of the United States; and

"Whereas, the conviction of Lieutenant William L. Calley, Jr., for alleged crimes committed in the Village of My Lai while under stress of extreme personal danger to himself and members of his platoon, while carrying out a mission in the war for which he had been specially trained, has shocked and stunned a large segment of the citizens of this nation and has produced fears that it will have an extremely demoralizing and damaging effect upon the men still engaged in this holocaust in Southeast Asia; and

"Whereas, it is of the utmost importance that Lieutenant Calley be freed from the charges on which he has been convicted and that the military code of justice be revised as an assurance to all personnel of our armed forces that they will not be prosecuted or be placing their own lives in jeopardy for obeying the commands of their superiors on the battlefields of war; and

"Whereas, it is deemed to be in the best interests of the people of the United States that President Richard M. Nixon be memorialized to grant a full executive pardon to Lieutenant Calley, and that the United States Congress be memorialized to join in urging such executive pardon.

"Now, therefore, be it resolved by the House of Representatives of the first session of the 33d Oklahoma Legislature:

"SECTION 1. President Richard M. Nixon is hereby memorialized to grant a full executive pardon to Lieutenant William L. Calley, Jr., for the alleged crimes for which he has been convicted by court-martial.

"SEC. 2. The United States Congress is hereby memorialized to join the House of Representatives of the Oklahoma Legislature in urging the granting of such executive pardon.

"SEC. 3. Duly authenticated copies of this Resolution shall be forwarded to the President of the United States of America, the President Pro Tempore of the United States Senate, and the Speaker of the House of Representatives of the United States Congress."

A resolution of the House of Representatives of the General Assembly of the State of Arkansas; to the Committee on Commerce:

"HOUSE RESOLUTION No. 48

"Resolution urging the Congress of the United States to enact nationwide standards for maximum phosphate contents for detergents and for the labeling of all detergents for phosphate content and the percentage of bio-degradation of phospate content

"Whereas, a large number of detergents sold in this country contain contents of phosphate that are dangerous to sewage disposal systems and pollute streams in which said phosphates become deposited through sewage disposal systems and kill the plant and fish life in such streams; and

"Whereas, the State of Illinois recently enacted legislation prohibiting detergents from containing more than 8.7 per cent phosphate; and

"Whereas, it is essential that Nationwide standards be established prescribing maximum limitations on phosphate contents of detergents and also establishing standards for the chemical composition of phosphates contained in detergents in order to assure that said contents will not pose a severe sewage disposal problem and will not contaminate lakes and streams; and

"Whereas, the labeling of each container of detergent, in order that the purchaser thereof may be alterted to the percentage of phosphate content and the percentage of biodegradation of phosphate content, would enable purchasers who are interested in pollution control to cease purchasing such products thereby forcing the manufacturers of detergents to limit phosphate contents to acceptable standards; and

"Whereas, the enactment of maximum phosphate content standards for detergents and the enactment of Nationwide regulations with respect to the labeling and identification of phosphate contents in packages containing detergents is essential for the promotion of pollution control in this Nation; Now therefore.

"Be it resolved by the House of Representatives of the 68th General Assembly of the State of Arkansas:

"That the Congress of the United States is respectfully requested to enact legislation providing for Nationwide standards with respect to maximum phosphate content of detergents, and to establish standards to require that all packages containing phosphates include appropriate labels thereon identifying the percentage of phosphate content thereof and the percentage of bio-degradation of phosphate content, in order that the purchaser thereof may be aware of the pollution characteristics of said detergents.

"Be it further resolved that the Chief Clerk of the House of Representatives shall furnish a copy of this Resolution to each member of the Arkansas Congressional Delegation, to the President of the Senate and the Speaker of the House of Representatives of the National Congress, and to the President's Advisor on Consumer Protection."

A resolution of the Senate of the State of Ohio; to the Committee on Commerce:

"RESOLUTION

"Resolution to memorialize the Congress of the United States and John A. Volpe, Secretary of Transportation, to reconsider the 'Railpax' proposal which is before Congress, to include in its provisions the Ohio cities of Cleveland, Columbus, Toledo, Dayton, Cincinnati, Akron and Youngstown

"Whereas, The members of the Senate of the 109th General Assembly of Ohio have noted with dismay that on May 1, 1971, when Railpax, the new quasi-governmental National Railroad Passenger Corporation takes over operation of passenger trains linking twenty-one pairs of major United States cities from coast to coast, the huge metropolitan region of Cleveland, Toledo, Akron, and Youngstown, with a combined population of four million, and with thousands of rail passengers each day, will have no Railpax service; and

"Whereas, The city of Cleveland will be particularly hard-hit since it had hoped that Railpax would supplement the new terminal building which cost Clevelanders millions of dollars and thus halt the decline of the inner city of Cleveland; and

"Whereas, It is particularly unfortunate that while six routes of Railpax will traverse Ohio, this largest metropolitan and industrial area of Ohio will be ignored, thereby making Cleveland the largest city in the country to be left without inter-city rail passenger service; and

"Whereas, Inclusion in the Railpax system would be a tremendous "shot in the arm" which Cleveland so badly needs; therefore be it

"Resolved, That we, the members of the Senate of the 109th General Assembly of Ohio in adopting this Resolution respectfully and most strongly urge the Congress of the United States and John A. Volpe, Secretary of Transportation to reconsider the assigned routes of the Railpax system so as to include the northern section of Ohio, and we especially urge the twenty-four member Ohio delegation to the United States House of Representatives and Ohio's two Senators to demand that Cleveland be included; and be it further

"Resolved, That a copy of this Resolution be spread upon the pages of the Journal and that the Clerk of the Senate transmit duly authenticated copies of this Resolution to the President of the United States; the Vice-President of the United States; the Speaker of the House of Representatives; John A. Volpe, Secretary of Transportation; and to each Senator and Representative from Ohio in the Congress of the United States."

A resolution of the Senate of the State of Alabama; to the Committee on Finance:

"RESOLUTION No. 16

"Whereas, Within the last several years the situation in the American textile industry has become increasingly acute and particularly so in the Southern states where the production of cotton and the manufacturing of cotton products constitute the very life blood of this area; and

"Whereas, Hundreds of Alabamians have lost their jobs or are onto short time manufacture and the foreign competitors who flood our market and force thousands of our citizens completely out of work and market their textiles and apparel under conditions that are illegal in the State of Alabama and in the United States; and

"Whereas, The government of Japan has offered a most unsatisfactory proposal to restrain, unilaterally, its textile and apparel exports to the United States; and

"Whereas, The Japanese proposal has been rejected by the President of the United States, by the Governor of Alabama, by many members of the Congress, including the Senators and Representatives from Alabama, by the American Textile Manufacturers Institute, by the Alabama Textile Manufacturers Association, by numerous newspaper editorials and by many others; and

"Whereas, The textile markets of the United States are virtually wide open to foreign imports while many of the major exporters to this country tightly protect their own markets against our textile exports; and

"Whereas, The American textile industry pays its employees approximately two dollars an hour more than the industry of Japan, with the gap being even wider between this country and some other Asian Nations; and

"Whereas, The Alabama Legislature and the people of Alabama are not willing to see these terribly unfair conditions continue to weaken one of their most important industries which together with its supply and related industries over the years have been good, responsible corporate citizens; and

"Whereas, These unfair conditions largely have been created by a combination of policies of our Federal Government. Now, therefore;

"Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That the Legislature of Alabama respectfully requests the President of the United States and the Congress of the United States to do all in their power through legislative and administrative action to see that order is restored to the chaotic international textile and apparel situation.

"Be it further resolved, That the Legislature of Alabama expresses to the Alabama Congressional Delegation and to other members of the Congress, who continue to work for a solution to this problem, deep appreciation for their dedication to this vital effort.

"Be it further resolved, That copies of this resolution be sent to the President of the United States, to each member of Alabama's delegation in the Senate and in the House of Representatives of the United States Congress, to the Secretary of Commerce, to the Secretary of State and to the Clerks of the respective Houses of the United States Congress."

Joint memorial of the Legislature of the State of New Mexico; to the Committee on Finance:

"SENATE JOINT MEMORIAL 9

"A joint memorial to the President and the Congress of the United States relating to revenue sharing

"Whereas, the resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the federal government and strengthened state governments; and

"Whereas, increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes; and

"Whereas, federal revenues based predominantly on income taxes increased significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth; and

"Whereas, the recurring fiscal crises at state and local levels has become the overriding problem of intergovernmental relations and of continuing a vibrant and workable federal system; and

"Whereas, the evident solution to this problem is a meaningful sharing of federal income tax resources; and

"Whereas, there will be placed before the present United States Congress one or more proposals for the enactment of revenue sharing legislation; and

"Whereas, under one of these plans the counties and cities of New Mexico would receive approximately eight million dollars ($8,000,000) of general revenue sharing to be distributed as follows:

"Bernalillo 67,522; Catron 5,870; Chaves 189,566; Colfax 21,344; Curry 48,959; De Baca 19,210; Dona Ana 91,381; Eddy 97,117; Grant 152,880; Guadalupe 37,886; Harding 3,068; Hidalgo 18,009; Lea 343,913; Lincoln 34,952; Los Alamos 43,809; Luna 78,307; McKinley 45,357; Mora, 6,270; Otero 38,153; Quay 78,174; Rio Arriba 21,878; Roosevelt 61,632; Sandoval 10,806; San Juan 58,030; San Miguel 24,813; Santa Fe 66,168; Sierra 12,940; Socorro 50,026; Taos 20,811; Torrance 14,674; Union 13,340; Valencia 55,496.

"Albuquerque 3,025,844; Roswell 232,921; Raton 35,352; Clovis 339,110; Las Cruces 494,391; Artesia 148,878; Carlsbad 138,205; Silver City 78,441; Lordsburg 14,007; Eunice 15,341; Hobbs 162,351; Jal 16,409; Lovington 49,492; Deming 46,958; Tularosa 10,806; Tucumcari 68,169; Portales 135,404; Bernalillo 9,338; Aztec City 7,476; Farmington 75,425; Las Vegas City 52,294; Las Vegas Town 31,350; Santa Fe 353,518; Truth or Consequences 20,544; Socorro 31,350; Clayton 22,945; Belen 35,485; Grants 59,097; Milan 20,677; All other cities 346,447.

"Now, therefore, be it resolved by the Legislature of the State of New Mexico, that the President of the United States and the Congress of the United States be urged as a matter of vital importance to the federal system of this nation to support and enact an acceptable revenue sharing plan that would make a portion of the taxes on income levied by Congress pursuant to the Sixteenth Amendment of the Constitution of the United States available each year to state governments and the political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such moneys for any purpose not inconsistent with any other provision of the Constitution of the United State; and

"Be it further resolved, that copies of this memorial be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and to each member of the New Mexico delegation in the United States Congress."

A resolution of the Senate of the State of New Jersey; to the Committee on Finance:

"SENATE RESOLUTION No. 2006

"Whereas, By reason of the income tax recently enacted by the Commonwealth of Pennsylvania, thousands of New Jerseyans who commute to work in Philadelphia and other parts of Pennsylvania adjacent to this State will be subject to taxation of their earnings in the same manner as residents and citizens of Pennsylvania; and

"Whereas, With respect to those New Jerseyans who work in the city of Philadelphia, this new tax will be in addition to the tax upon earnings which has hitherto been imposed by that city; and

"Whereas, Such commuters, while contributing greatly to the commercial activity and economic prosperity of those areas of Pennsylvania in which they work, actually receive only minimal government services from the Commonwealth of Pennsylvania, and are excluded from educational, welfare and other services which have created the demand for new revenue sources in that Commonwealth and have led to the imposition of this new tax; and

"Whereas, Imposition of such taxes upon persons who have neither a voice in the levying or disposition of the revenues, nor an equitable share in the benefits created thereby, is highly discriminatory and in effect levies a tribute upon them for the privilege of crossing State lines to earn a living, contrary to the letter and spirit of the United States Constitution, Article IV, Section 2, and Amendment XIV, section 1; and

"Whereas, Experience by the people of this State with similar taxation imposed by the State and city of New York indicates that such taxes, once begun, continue to grow more burdensome and more inequitable as the taxing jurisdiction abuses its position in order to mulct a nonresident population without voice or vote in the establishment of its fiscal policies; and

"Whereas, There are now pending in the Congress of the United States several bills aimed at ending this abuse; now, therefore

"Be it resolved, by the Senate of the State of New Jersey:

"That this House hereby expresses and records its vigorous opposition to the discriminatory taxation of New Jersey residents by the Commonwealth of Pennsylvania through the imposition of a tax upon the income of New Jersey residents which is derived from their employment within the Commonwealth of Pennsylvania, and its further general opposition to all such unfair interstate taxation upon persons whose places of work and residence are in different states; and

"Be it further resolved, That this House firmly supports the efforts and activities of citizens and citizen groups which are engaged in combating the imposition of such taxes, and urges all citizens of this State to lend their support to pending Federal legislation designed to combat this evil; and

"Be it further resolved, That this House hereby respectfully memorializes the Congress of the United States to act promptly and effectively upon the pending legislation which would prohibit or restrict such taxation; and

"Be it further resolved, That duly authenticated copies of this resolution, signed by the President and attested by the Secretary, be transmitted to the Governor of the Commonwealth of Pennsylvania, the President of the Pennsylvania Senate and the Speaker of the Pennsylvania House of Representatives; to the Mayor of the city of Philadelphia and the President of the Philadelphia City Council; to the Vice-President of the United States and the Speaker of the United States House of Representatives, and to each of the members of the Congress of the United States elected from this State."

A concurrent resolution of the Legislature of the State of New Jersey; to the Committee on Finance:

"SENATE CONCURRENT RESOLUTION No. 42

"A concurrent resolution memorializing the Congress of the United States to enact appropriate legislation to provide that all sales taxes paid by individual taxpayers shall be treated for Federal income tax purposes as credits against Federal income tax due, rather than as deductions against income for such purposes

Whereas, It is generally recognized that taxation in this country has reached a crisis level, and that tax relief should be granted whenever feasible; and

"Whereas, Federal income tax law presently provides that all sums paid by individual taxpayers for sales taxes are to be treated as deductions to reduce the income subject to the Federal income tax; and

"Whereas, Amending the aforementioned tax law to provide that all sums paid for sales taxes shall be treated for Federal income tax purposes as credits against Federal income tax due rather than as deductions against income for such purposes would be an appropriate form of tax relief that would not unduly affect the economy; now, therefore,

"Be it resolved by the Senate of the State of New Jersey (the General Assembly concurring):

"1. That the Congress of the United States be, and it is hereby, respectfully memorialized to consider the enactment of legislation to provide that all sums for sales taxes paid by individual taxpayers shall be treated for Federal income tax purposes as credits against Federal income tax due, rather than as deductions against income for such purposes as is presently provided.

"2. The Secretary of the Senate shall cause duly authenticated copies of this resolution to be sent to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and the Members of the Congress of the United States elected from New Jersey."

A concurrent resolution of the Legislature of the State of Kansas; to the Committee on Government Operations:

"HOUSE CONCURRENT RESOLUTION No. 1060

"A concurrent resolution expressing concern over the possible abolishment of the United States department of agriculture

"Whereas, On March 25, 1971, in the Senate of the United States the President of the United States, the Honorable Richard M. Nixon, conveyed a message to the Senate concerning government reorganization which suggested that, in effect, the department of agriculture be divided and its basic components be placed in at least three different departments; and

"Whereas, Under the proposed arrangement, it is probable that programs of vital concern to the Kansas farmer would fall into the hands of people with little interest or understanding of our problems; and

"Whereas, The agricultural industry is of vital importance to the nation and to the people of Kansas; and

"Whereas, It is essential that agriculture have an agency or department which is responsive to its needs; and

"Whereas, Senator James B. Pearson has stated that he does not believe that reorganization of the department of agriculture would be in the best interest of Kansas farmers: Now, therefore,

"Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature of the state of Kansas hereby expresses concern over the possible abolishment of the United States department of agriculture.

"Be it further resolved: That the secretary of state be directed to transmit enrolled copies of this resolution to the President of the United States, the Honorable Richard M. Nixon, the president of the United States senate, the speaker of the United States house of representatives, and to each member of congress from this state."

A joint memorial of the Legislature of the State of New Mexico; to the Committee on Interior and Insular Affairs:

"SENATE JOINT MEMORIAL 7

"A joint memorial requesting the United States Congress and the President of the United States to take the action necessary to transfer ownership and administration of vacant and unrestricted public domain lands in New Mexico to the State

"Whereas, approximately thirteen million acres of land in New Mexico are classified as federal 'vacant and unreserved public domain'; and

"Whereas, this land constitutes an important portion of the state, and under present administration by the federal government does not serve the general welfare of the state and its citizens; and

"Whereas, continued federal administration of vacant and unreserved public domain lands will hinder the economic development of New Mexico inasmuch as the income derived from these federally-administered lands is significantly less than the income from similar lands administered by New Mexico;

"Now, therefore, be it resolved by the Legislature of the State of New Mexico that the United States Congress and the President of the United States are respectfully requested to give immediate attention to, and take measures necessary for, transferring ownership and administration of the vacant and unreserved public domain lands in New Mexico to the state, without any stipulations except those which will protect the lands against misuse, misappropriation or ecological harm; and

"Be it further resolved that copies of this memorial be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and the members of Congress elected from New Mexico."

Resolution of the Legislature of the State of Maine; to the Committee on the Judiciary:

"RATIFICATION RESOLUTION FOR 18-YEAR-OLD VOTE AMENDMENT

"Whereas, the 92nd Congress of the United States of America at its first Session, in both Houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

" 'JOINT RESOLUTION

" '*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE

" 'SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" 'SEC. 2. The Congress shall have the power to enforce this article by appropriate legislation,' now, therefore, be it

"Resolved: By the Members of the House of Representatives and the Senate of the 105th Legislature, that such proposed amendment to the Constitution of the United States of America be and the same is hereby ratified; and be it further

"Resolved: That certified copies of this Resolution be forwarded by the Secretary of State to the Administrator of General Services, Washington, D.C., and the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States."

A memorial of the Senate of the State of New Mexico; to the Committee on the Judiciary:

"SENATE MEMORIAL 38

"A memorial requesting the Congress of the United States to provide financial assistance for the Mutual Aid Act of New Mexico whereby State, county and municipal law enforcement agencies may cooperate with Indian tribal and pueblo councils in law enforcement

"Whereas, the social and economic interrelationships of the Indian and the non-Indian populations are increasing in our modern society; and

"Whereas, the antiquated concepts of jurisdiction when applied on the basis of ethnic differences within the same community, county or state add unnecessary burdens to law enforcement officers and allow offenders to escape punishment; and

Whereas, both the Indian and the non-Indian wish to approach the current problems of crime, delinquency and other violations of law on a local, community, people-to-people basis instead of the artificial barriers presented by jurisdictional concepts;

"Now, therefore, be it resolved by the Senate of the State of New Mexico that the Congress of the United States is requested to provide financial assistance to implement the provisions of the Mutual Aid Act of New Mexico so that the enclaves which exist both on and off the Indian lands may be adequately served with law enforcement officers, and that the rights of both Indians and non-Indians be protected regardless of the artificial jurisdictional boundaries between such lands; and

"Be it further resolved that copies of this memorial be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each member of the New Mexico Congressional Delegation."

A joint resolution of the Legislature of the State of Michigan; to the Committee on the Judiciary:

"ENROLLED HOUSE JOINT RESOLUTION 0

"A joint resolution ratifying the proposed amendment to the constitution of the United States relating to the right to vote of persons 18 years of age or older

"Resolved by the Senate and the House of Representatives of the state of Michigan, That the ninety-second congress of the United States of America, at its session, in both houses, by a constitutional majority of two-thirds thereof has made the following proposition to amend the constitution of the United States:

"JOINT RESOLUTION

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" ' "ARTICLE—

" ' "SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" ' "SEC. 2. The Congress shall have power to enforce this article by appropriate legislation." '

"Therefore, in the name of, and on behalf of, the people of the State of Michigan, we do hereby ratify, approve and assent to the proposed amendment to the Constitution of the United States.

"Resolving further, That certified copies of this joint resolution be transmitted by the governor of the state of Michigan, to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and the Administrator of General Services."

A joint resolution of the Legislature of the State of Idaho; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION NO. 1

"A joint resolution ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older

"Be It Resolved by the Legislature of the State of Idaho:

"Whereas, the Ninety-second Congress of the United States of America, at its first session, in both houses, by a constitutional majority of two-thirds thereof, has made the following proposition to amend the Constitution of the United States of America in the following words, to-wit:

" 'JOINT RESOLUTION

" 'Proposing an amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older.

" '*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" ' "ARTICLE —

" ' "SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" ' "SEC. 2. The Congress shall have power to enforce this article by appropriate legislation." '

"Now, therefore, be it resolved by the Forty-first Idaho Legislature that the proposed amendment to the Constitution of the United States of America be, and the same is hereby ratified by the Forty-first Idaho Legislature."

A joint resolution of the General Assembly of the State of Iowa; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION 15

"A joint resolution ratifying a proposed amendment to the Constitution of the United States relating to extending the right to vote to citizens eighteen years of age or older

"Whereas, the Ninety-second Congress of the United States has passed a Joint Resolution proposing an amendment to the Constitution of the United States relating to extending the right to vote to citizens eighteen years of age or older; and

"Whereas, This Joint Resolution passed the Senate of the United States on March 10, 1971, passed the House of Representatives of the United States on March 23, 1971, and now has been submitted to a vote of the States and reads:

" 'Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older

" '*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" ' "ARTICLE —

" ' "SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" ' "SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."'

"Be it resolved by the General Assembly of the State of Iowa: That the foregoing proposed amendment to the Constitution of the United States is hereby ratified and consented to by the State of Iowa and the General Assembly thereof; and

"Be it Further Resolved that the Governor of the State of Iowa forward certified copies of this resolution over the Seal of the State of Iowa to the Secretary of State of the United States, to the Presiding Officer of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to the administrator of the United States General Services Administration."

A joint memorial of the Legislature of the State of New Mexico; to the Committee on Rules and Administration:

"Senate Joint Memorial 11

"A joint memorial deploring the bombing of the United States Capitol

"Whereas, a disastrous occurrence took place in our national capitol on March 1, 1971, which portrays the lawlessness which is afflicting our great republic; and

"Whereas, an explosive charge was placed in a room near the chamber of the United States Senate, which is the very heart of our system of representative government, and the resultant explosion caused extensive damage to the building, and only by the grace of God no one suffered physical violence; and

"Whereas, it was a distinct possibility that all of the members of the United States Senate could have been exposed to great physical violence and bodily harm, thereby jeopardizing our democratic system of government;

"Now, therefore, be it resolved by the Legislature of the State of New Mexico that the President of the United States is respectfully requested to utilize all of the powers available to him to apprehend the perpetrators of this heinous crime and after they are apprehended, that they be brought to a speedy trial; and

"Be it further resolved that copies of this memorial be sent to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives and the New Mexico members of the United States Senate and House of Representatives."

A concurrent resolution of the Legislature of the State of Mississippi; to the Committee on the Judiciary:

"Senate Concurrent Resolution No. 556

"A concurrent resolution extending our gratitude to the Congress of the United States for proclaiming an official 'week of concern' for American prisoners of war and for those missing in action in Vietnam.

"Whereas, the first American still held as a prisoner of war by the Hanoi government was captured seven years ago today, on March 26, 1964; and

"Whereas, thousands of compassionate citizens, diplomats and dignitaries from the United States and from all across the free world have exerted great effort, pleas and prayers to secure for these valiant men not only humane treatment but their liberty; and

"Whereas, the Congress of the United States has proclaimed the date of March 21 through March 27 as a 'Week of Concern' all across our nation in honor of those gallant men of the United States Armed Forces held as prisoners of war and missing in action in Southeast Asia by the North Vietnamese:

"Now, therefore, be it resolved by the Mississippi State Senate, the House of Representatives concurring therein, That we do hereby extend our gratitude to the Congress of the United States for proclaiming this 'Week of Concern' for these fine Americans held captive and unaccounted for in Asia, and we urge all people who love liberty and justice to join us in our prayers for those whose well-being is foremost in our minds and hearts.

"Be it further resolved, That a copy of this resolution be sent to the President of the United States, the Secretary of the United States Senate, the Secretary of the United States House of Representatives and to the press."

A resolution of the Council of the City of Mentor, State of Ohio, in support of the President's proposed general revenue sharing program; to the Committee on Finance.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT:

S. 1558. A bill for the relief of Erdogan Altuglu, his wife, Hatice Altuglu, and their children, Suna Altuglu and Erol Altuglu; and

S. 1559. A bill for the relief of Alexander Kalnoki Bedo. Referred to the Committee on the Judiciary.

By Mr. PACKWOOD (for himself, Mr. Cooper, Mr. Gurney, Mr. Harris, Mr. Hart, Mr. Hatfield, Mr. Hollings, Mr. Humphrey, Mr. Inouye, Mr. McGovern, Mr. Mondale, Mr. Nelson, Mr. Percy, Mr. Proxmire, Mr. Randolph, and Mr. Sparkman):

S. 1560. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to permit sharing the cost of agriculture-related pollution prevention and abatement measures. Referred to the Committee on Agriculture and Forestry.

By Mr. BENNETT (for himself, Mr. Baker, Mr. Curtis, Mr. Dole, Mr. Fannin, Mr. Goldwater, Mr. Hansen, Mr. Hruska, Mr. Jordan of Idaho, Mr. McClellan, Mr. Stennis, Mr. Thurmond, and Mr. Tower):

S. 1561. A bill to protect the freedom of choice of Federal employees in employee-management relations. Referred to the Committee on Post Office and Civil Service.

By Mr. GURNEY:

S. 1562. A bill to establish the Canaveral National Seashore in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. SCHWEIKER:

S. 1563. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft. Referred to the Committee on Commerce.

By Mr. INOUYE:

S. 1564. A bill to amend title 38, United States Code, to increase the statutory rates for anatomical loss or loss of use. Referred to the Committee on Veterans' Affairs.

By Mr. CHURCH:

S. 1565. A bill to provide for the coinage of coins commemorating the bicentennial of the United States. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. CRANSTON:

S. 1566. A bill to amend the Federal Aviation Act of 1958 in order to provide for more effective control of aircraft noise. Referred to the Committee on Commerce.

By Mr. BROOKE:

S. 1567. A bill to provide capital contributions for corporations organized and operated to guarantee loans to and provide technical assistance to business concerns in areas of high unemployment, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MONDALE:

S. 1568. A bill to amend title II of the Social Security Act to extend from 22 to 26 the age limit for the receipt of child's insurance benefits thereunder by individuals attending school, and to permit reduced child's benefits to be paid to individuals attending school on a part-time basis, and to require notification of the availability of such benefits to those eligible by their 14th birthday. Referred to the Committee on Finance.

S. 1569. A bill to amend the Railroad Retirement Act of 1937 to extend from 22 to 26 the age limit for the receipt of a child's insurance annuity thereunder by individuals attending school, and to permit a reduced child's insurance annuity to be paid to individuals attending school on a part-time basis, and to require notification of the availability of such benefits to those eligible by their 14th birthday. Referred to the Committee on Labor and Public Welfare.

S. 1570. A bill for the relief of Daniel Einisman. Referred to the Committee on the Judiciary.

By Mr. MONDALE (for Mr. Jackson, Mr. Allott, Mr. Gravel, and Mr. Stevens) (by request):

S. 1571. A bill to provide for the settlement of certain land claims of Alaska natives, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MONDALE (for Mr. Jackson, and Mr. Allott) (by request):

S. 1572. A bill to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 1573. A bill to provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government, and for other purposes.

S. 1574. A bill to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MONDALE (for Mr. Jackson) (by request):

S. 1575. A bill relating to the territory of Guam. Referred to the Committee on Interior and Insular Affairs.

By Mr. TAFT (for himself, Mr. Allott, Mr. Beall, Mr. Burdick, Mr. Hatfield, Mr. Jordan of Idaho, Mr. Mansfield, Mr. McGee, Mr. Metcalf, Mr. Moss, Mr. Packwood, Mr. Pearson, Mr. Saxbe, and Mr. Young):

S.J. Res. 88. A joint resolution authorizing additional appropriations to the Secretary of Transportation for the purpose of providing urgently needed intercity rail passenger service around the Nation and for the purpose of research and development in the field of high-speed ground transportation, and for other purposes. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PACKWOOD (for himself, Mr. Cooper, Mr. Gurney, Mr. Harris, Mr. Hart, Mr. Hatfield, Mr. Hollings, Mr. Humphrey, Mr. Inouye, Mr. McGovern, Mr. Mondale, Mr. Nelson, Mr. Percy, Mr. Proxmire, Mr. Randolph, and Mr. Sparkman):

S. 1560. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to permit sharing the cost of agriculture-related pollution prevention and abatement measures. Referred to the Committee on Agriculture and Forestry.

Mr. PACKWOOD. Mr. President, in a recent nationwide poll which asked people to list the most serious problem facing their communities, the results showed Americans rating pollution above all other domestic problems. Certainly the new public awareness for our environment has heightened concern for a wide range of pollution problems which deserve our most urgent attention. Among these is the problem of pollution from agricultural sources. No longer can clean water and fresh air be taken for granted in rural America.

During the last session I introduced a bill, S. 4445 which was designed to broaden the attack on rural environmental problems by providing for greater flexibility in administering funds of the agriculture conservation program. Since that time the Department of Agriculture has changed the name of ACP to the rural environmental assistance program—REAP.

For years much of the taxpayers' money in the ACP program was used to stimulate farm production rather than support environmental preservation. Accordingly, a fair amount of criticism resulted from those who analyzed the ACP program as showing too many immediate benefits for a participating farmer and not enough for the general public.

However, now with the change of program name, I am pleased to note that the program emphasis has changed as well. Forming a partnership between the public and farmers to benefit both, the REAP program will serve as the principal channel through which the Federal Government will share with farmers and ranchers the cost of carrying out approved soil, water, woodland, and wildlife conservation and pollution abatement practices on agricultural land. Overall these measures will help to provide our country with an increased supply of clean water, clean air, an enhanced natural beauty, more opportunities for outdoor recreation, improvements in the quality of our environment, and a better ecological balance.

Mr. President, at the present time cost-sharing is being provided only for agriculture related pollution prevention or abatement practices that also conserve soil and water. Accordingly, new legislation is essential to allow the rural environmental assistance program to succeed in accomplishing its objectives. As each day passes, it becomes more imperative that needed air, water, and land antipollution measures be initiated in our rural areas. Therefore, today I am reintroducing legislation which will amend the Soil Conservation and Domestic Allotment Act to permit greater flexibility in the administration of funds under the rural environmental assistance program and thus allow sharing the cost of agriculture-related pollution prevention and abatement measures. Certainly no program already in existence, or that could be formulated, would contribute more to the control of pollution in rural America.

Testifying on the role of Government programs in the antipollution field before a House Appropriations Subcommittee last year, Mr. Milton Fricke, chairman of the Water Resources Committee for the National Association of Conservation Districts said:

> We think it rather strange that pollution people are seemingly getting such a good press and here the things that we have been doing all these years are being forgotten. If we just had a few more tools we could have done many of the things that they are asking for in another program and we would hate to see another program started.

Mr. President, Senate bill S. 1560 would make available many of the tools that Mr. Fricke asked for. Let me cite some examples:

First. In many States across the Nation, one of the principal methods of protecting fruit and vegetable crops from frost damage involves the use of smudge pots in orchards, vineyards, and fields. Smudge pots give off smoke along with the heat they are designed for, which often create a severe air pollution problem. S. 1560 would authorize cost-sharing to prevent or eliminate air pollution by such smoke.

Second. In pruning and thinning operations, both in woodlands and orchards, the slash and other wastes are generally burned as a fire prevention and insect and disease control measure, and in some cases to prevent water pollution. The smoke that results from burning often creates a severe air pollution problem. Cost-sharing to eliminate these waste materials without burning would be authorized under the provisions of S. 1560.

Third. In areas where the production of grass and legume seed are heavily concentrated, and in some rice-producing regions, heavy crop residues are left on the ground after harvest. In Oregon and other States, farmers customarily burn off these residues as a farming management and disease and insect control procedure, thereby creating air pollution problems. S. 1560 would authorize sharing the cost with farmers on pollution control practices to prevent or abate this type of air pollution.

Fourth. Many farm livestock and poultry barns and feedlots or other operations, even under good management, often cause water, air, or land pollution problems. Some corrective measures are presently authorized. However, others which are much needed are not. S. 1560 would eliminate the need to make detailed determinations of eligibility such as would now be required in many individual cases, and would make possible new and innovative solutions to this growing problem. A feedlot with 60,000 head of cattle is no longer unusual in many areas. A feedlot of this size has the sewage equivalent of a city of more than 1 million inhabitants. If manure is applied at the rate of 10 tons per acre, the annual waste from a 60,000-capacity feedlot would cover approximately 10,000 acres of land. Studies are now underway to determine the maximum amounts of animal wastes than can be applied to the land without reducing crop yield or quality.

Fifth. Farm pesticide and other chemical containers and miscellaneous other waste materials often create land or water pollution problems when they are discarded. Sanitary and safe disposal, of itself, may not also conserve soil and water, but is desirable and needed in the public interest.

In all of these and in other similar cases of farming practices and operations corrective measures and satisfactory equipment to prevent or reduce pollution are known. However, converting to and operating such suitable alternative methods and equipment may be too expensive for individual landowners and operators to accomplish by themselves using only their own resources. Farm families must be concerned first with food, clothing, housing, education, transportation, and taxes. Only after these items are taken care of are most farmers able to move on to the longer term economic, social, and environmental considerations. Also, some of the most needed antipollution practices themselves may not significantly conserve agricultural soil and water.

If farmers are forced by law and regulations to install air and water pollution prevention practices for the benefit of the public without cost-sharing assistance, a large percentage of them may be forced out of farming and the cost of food and fiber to the American consumers will rise.

Senate bill S. 1560 would provide authority for cost-sharing assistance to help with the very substantial cost of changing to nonpolluting equipment and methods where the public, not the farmer, is the principal beneficiary.

The problem of pollution from agricultural sources deserves urgent attention and assistance. I am confident that through this bill we will effectively help the farmers, ranchers, and woodland owners of America to provide a better environment for all of us.

Mr. President, I am most pleased and honored to announce that S. 1560 is cosponsored by the Senator from Kentucky (Mr. COOPER), the Senator from Florida (Mr. GURNEY), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), the Senator from Illinois (Mr. PERCY), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Alabama (Mr. SPARKMAN).

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1560

A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to permit sharing the cost of agriculture-related pollution prevention and abatement measures

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the

Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 163; 16 U.S.C. 590a), is further amended—

(1) By striking in section 7(a) the word "and" immediately before clause (5), substituting a semicolon for the period at the end of clause (5), and adding the following: "and (6) prevention and abatement of agriculture-related pollution."

(2) By changing the first sentence of section 8(b) to read as follows: "The Secretary shall have power to carry out the purposes specified in clauses (1), (2), (3), (4), (5), and (6) of section 7(a) by making payments or grants of other aid to agricultural producers, including tenants and sharecroppers, in amounts determined by the Secretary to be fair and reasonable in connection with the effectuation of such purposes during the year with respect to which such payments or grants are made, and measured by (1) their treatment or use of their land, or a part thereof, for soil restoration, soil conservation, the prevention of erosion, or the prevention or abatement of agriculture-related pollution; (2) changes in the use of their land; (3) their equitable share, as determined by the Secretary, of the normal national production of any commodity or commodities required for domestic consumption; (4) their equitable share, as determined by the Secretary, of the national production of any commodity or commodities required for domestic consumption and exports adjusted to reflect the extent to which their utilization of cropland on the farm conforms to farming practices which the Secretary determines will best effectuate the purposes specified in section 7 (a); or (5) any combination of the above."

(3) By inserting in the second paragraph of section 8 (b) after the words "soil-building services" in the two places where they occur the words "or pollution prevention or abatement aids" and after the words "soil-conserving practices" the words "or pollution prevention or abatement practices".

(4) By striking "or (5)" in the first sentence of section 8 (d) and substituting "(5), or (6)".

(5) By inserting in the proviso of section 8(e) after the words "soil-building or soil-conserving practices" the words "or agriculture-related pollution prevention or abatement practices."

(6) By striking the words "soil-building practices and soil water-conserving practices" in the penultimate sentence of section 15 and substituting "soil-building practices, soil- and water-conserving practices, and agriculture-related pollution prevention and abatement practices".

By Mr. BENNETT (for himself, Mr. Baker, Mr. Curtis, Mr. Dole, Mr. Fannin, Mr. Goldwater, Mr. Hansen, Mr. Hruska, Mr. Jordan of Idaho, Mr. McClellan, Mr. Stennis, Mr. Thurmond, and Mr. Tower):

S. 1561. A bill to protect the freedom of choice of Federal employees in employee-management relations. Referred to the Committee on Post Office and Civil Service.

Mr. BENNETT. Mr. President. In doing the necessary research prior to the introduction of this bill, I heard the comment made a number of times that the right to work issue is dead. I was told that no one was interested in requiring an employee to pay union dues in order to keep his job. Recent events have proven just the opposite, Mr. President. All of us who are concerned about the individual's right to work have watched with interest the case of Bill Buckley, brother of our distinguished colleague from New York. Mr. Buckley has contested the legality of the American Federation of Radio and Television Artists power to prevent his doing his television show until he pays dues to that organization. Mr. Buckley argues that this is an infringement of his constitutional right to freedom of speech. Now, I don't want to become involved in that controversy, Mr. President, but I do think that it points up the fact that the right to work is not a moot issue but rather a very real and important one.

Nowhere is it going to be more important that we guard against possible abuses of an employee's freedom of choice than in the employment practices of the Federal Government. To insure that employees of the Federal Government will not have to pay union dues, I am introducing this bill.

The right-to-work principle for Federal employees has been supported by Presidents Kennedy and Johnson and now by President Nixon and the platform of the 1968 Republican National Convention. The late President Kennedy in 1962 issued Executive order No. 1098, which guaranteed Federal employees the right to join a union. It also guaranteed these same employees the right to refrain from joining a union if they chose to do so.

Willard Wirtz, Secretary of Labor under President Johnson, headed the Labor Management Commission which reviewed the order in 1968. The Commission, in their report to President Johnson, recommended that the Executive order guaranteeing the freedom of choice to Federal employees remain in force. This was the same position that was adopted by the Republican platform at the last national convention, as I mentioned earlier. I am also happy to note that Richard Nixon has continued his support of this principle.

Now, with the support of our last three Presidents for this freedom of choice for Federal employees, the question may be asked as to why it is necessary to introduce this bill. To me that is the fundamental concept of free government.

By Mr. GURNEY:

S. 1562. A bill to establish the Canaveral National Seashore in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. GURNEY. Mr. President, on January 22, 1971, President Nixon delivered his state of the Union address. He announced as his third great national goal the restoration and enhancement of our natural environment, and specifically highlighted his intention "to expand the Nation's parks, recreation areas and open spaces in a way that truly brings parks to the people." To paraphrase the President for a moment, central Florida is a portion of my State now possessed of a great many people in search of a park.

I am today introducing legislation to establish the Canaveral National Seashore Park. The east central area of Florida, the section of my State which would find this national seashore most accessible, has experienced a spectacular growth in the past 20 years. This seven-county area comprised of Brevard, Volusia, Orange, Indian River, Lake, Osceola, and Seminole Counties, has ballooned from a population of 229,333 in 1950 to 656,962 in 1960 to 1,147,900 in 1970. In other words, the population of this region has approximately doubled every 10 years and now comprises nearly one-fifth of the total population of Florida.

So far, I have spoken only of the growth of the resident population. This area already provides a strong tourist lure in the space effort at the NASA complex located at Cape Kennedy; in excess of 1 million visitors visited the installation during the past year. Shortly, however, the east central region is to become a tourist mecca with the scheduled opening of Disney World in October of this year; it is conservatively estimated that 10 million tourists will visit this attraction during its opening year. Last year, an estimated 22 million people visited Florida, each for an average of 2 weeks duration. No one so far has been in a hurry to jeopardize his crystal-ball gazer's reputation to forecast what sort of increase in this figure can be expected once Disney World opens for business, but the impact is expected to be a monumental one—on a State which has routinely logged a 1-to-2 million visitor increase every year.

All of this growth in the area is beginning to exert enormous pressures on the remaining parcels of land which are as yet undeveloped, particularly beachfront property. Speculators in land values can hardly be blamed for eyeing unspoiled ranks of dunes abutting the sea with spectacles fitted with glasses of increasingly pinkish hues. Underdeveloped beach front and quiet lagoon property has recently been undergoing a rapid transition from untouched or agricultural to urban or subdivision.

The area to be included within this proposal for the Canaveral National Seashore is an 18-mile stretch of beachfront within an easy 40- to 50-mile reach of both the Orlando urban area and the Disney World complex at Kissimmee. A highway proposal, still in the planning stage, has been proposed to link Lake Kissimmee to the national seashore in a scenic highway to further facilitate projected traffic between these two points. The intense "growing pains" of this area of Florida make imperative preservation of a sizable beachfront park for recreational purposes, such as I am proposing today.

The parcel of property under consideration is an idyllic one, and, as yet, teeming with indigenous wildlife. The adjacent Merritt Island wildlife refuge has had 265 bird species identified within its boundaries. There is good fishing for the sport fisherman in both the breaker and wave action zones, and in the lagoons behind the Barrier Dunes. The beach itself is in excellent condition, and in fact is described by scientists as an example of a "prograding" beach—one which is in a condition of steadily augmenting itself. The temperature of both air and water meander annually in a gentle fluctuation between a temperature of 60 and 80 degrees.

This entire area is also rich in archeological and historical landmarks. There has been continuous habitation in the Canaveral area for at least several thousand years. There are numerous mounds with shells and bones left in middens as refuse from aboriginal meals. The shallow and treacherous waters abutting the cape frequently grounded and sank ships from the Spanish explorers onwards resulting in shipwreck survivors who frequently had to deal with hostile native populations once they conquered the raging seas and were cast ashore. Florida was a British colony under terms of the Treaty of Paris signed in 1763; following the end of the American Revolution, Florida was returned to Spain. Under Spanish control once more, large land grants encouraged the establishment of cotton and sugar plantations. In 1821, with the ratification of the Adams-Onis Treaty, the area came under jurisdiction of the United States. After the Seminole war, what is generally considered to be the first citrus grove in Florida was established on Merritt Island, just south of the proposed national seashore. The cape itself, during the Civil War, was the dividing line separating two union blockading fleets. And of course, in the present day, the Canaveral Seashore, a portion of which would be comprised of acreage now within the NASA reservation, would provide an excellent vantage point for the launching of the "big birds" during the spectacular space-shots.

I am pleased to bring to the attention of my colleagues the above arguments for the establishment of the Canaveral National Seashore and to urge its passage to insure the acquisition of a significant portion of our national and historical heritage to will to the future generations of our country.

By Mr. SCHWEIKER:

S. 1563. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft. Referred to the Committee on Commerce.

A CRIMINAL PENALTY FOR SHOOTING AT CERTAIN BIRDS, FISH, AND OTHER ANIMALS FROM AN AIRCRAFT

Mr. SCHWEIKER. Mr. President, I introduce a bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft.

This legislation is directed toward ending a practice which was highlighted by NBC in documentary film, "The Wolfmen," which displayed the actions of a few hunters who were shooting wolves from aircraft.

Last year, the Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries held hearings on this legislation. H.R. 15188 passed the House, but regrettably was not acted on by the Senate before the end of the 91st Congress on January 2, 1971.

Legitimate sportsmen across the Nation have spoken out against the use of aircraft for hunting animals or for harassing wildlife. We cannot allow this unfortunate practice, which is called a "sport" by some, to continue.

The legislation which I introduce today is identical to H.R. 5060, a bill introduced in the House of Representatives by Congressman John P. Saylor and 21 other Members of the House. This is, I believe, an improved version of the bill which passed the House last year, in that it would require those whose duty it is to engage in such activity for the protection of land, water, or wildlife under the authority of a permit issued by a State or the United States, to file an annual report with the Secretary of the Interior describing the reason for the issuance of such a permit and the type of animals authorized to be taken thereunder.

It is my hope that the Senate Commerce Committee will give favorable consideration to this legislation in the very near future.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1563

A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fish and Wildlife Act of 1956 is amended by adding at the end thereof the following new section:

"Sec. 12. (a) Any person who—

"(1) while airborne in an aircraft shoots or attempts to shoot for the purpose of capturing or killing any bird, fish, or other animal; or

"(2) uses an aircraft to harass any bird, fish, or other animal; or

"(3) knowingly participates in using an aircraft for any purpose referred to in paragraph (1) or (2); shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"(b)(1) This section shall not apply to any person in the discharge of his duties if such person is employed by, or is an authorized agent or operating under permit of, any State, or the United States to administer and protect or aid in the administration and protection of land, water, or wildlife.

"(2) In any case in which a State, or any agency thereof, issues a permit referred to in paragraph (1) of this subsection, it shall file with the Secretary of the Interior an annual report containing such information as the Secretary shall prescribe, including but not limited to—

"(A) the name and address of each person to whom a permit was issued;

"(B) a description of the animals authorized to be taken thereunder; and

"(C) the reason for issuing the permit.

"(c) As used in this section, the term 'aircraft' means any contrivance used for flight in the air.".

Sec. 2. (a) Section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429) is amended by inserting "(a)" immediately after "Sec. 609." and by adding at the end thereof the following new subsection:

"Violation of Certain Laws

"(b) The Administrator, in his discretion, may issue an order amending, modifying, suspending, or revoking any airman certificate upon conviction of the holder of such certificate of any violation of subsection (a) of section 12 of the Fish and Wildlife Act of 1956, regarding the use or operation of an aircraft.".

(b)(1) Immediately after the section heading of such section 609, insert the following:

"PROCEDURE"

(2) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 609. Amendment, suspension, and revocation of certification."

is amended by adding the following:

"(a) Procedure.

"(b) Violation of certain laws.".

Sec. 3. The amendments made by the first section of this Act shall take effect as of the thirtieth day after the date of enactment of such section.

By Mr. INOUYE:

S. 1564. A bill to amend title 38, United States Code, to increase the statutory rates for anatomical loss or loss of use. Referred to the Committee on Veterans Affairs.

STATUTORY AWARD TO VETERANS

Mr. INOUYE. Mr. President, few Members of this deliberative body are more aware of the plight of the disabled veteran than I. I have personally faced the experiences through which many have endured and will endure in the future. I was most fortunate in the years following World War II, but other disabled veterans have not been as fortunate and have suffered financially from the substantial increase in the cost of living, particularly the rampant inflation of the last 3 years.

Therefore, I am introducing today, for appropriate reference, a bill that will increase the statutory award to veterans who have lost one extremity from the current $47 to $80 per month.

A statutory award is a supplemental benefit paid to veterans who have had amputations of a foot, arm, procreative organ, or who suffer from blindness or deafness. While awards for multiple amputations have been increased, the award for a single injury have not risen since 1952. In fact, the rise since 1946, when this program was initiated, has been only $5.

Needless to say, this amount is woefully inadequate today. Although disability compensation has increased, this supplemental benefit has barely risen. Moreover, in some rare cases, the statutory award is all some men receive. Two decades of inaction are unjustified and need correction at the earliest possible date.

My interest in this bill is heightened by the war in Indochina. Thousands of young men who lose an extremity will qualify for the program and will receive an award. An increase in these benefits is the least that we can do for these dedicated veterans. I hope that Congress will take expeditious action on this long overdue legislation.

By Mr. CHURCH:

S. 1565. A bill to provide for the coinage of coins commemorating the bicentennial of the United States. Referred to the Committee on Banking, Housing and Urban Affairs.

THE BICENTENNIAL COMMEMORATIVE COINAGE ACT

Mr. CHURCH. Mr. President, I introduce today for appropriate reference the Bicentennial Commemorative Coinage Act.

This legislation, if enacted, would provide for the minting of a special set of silver coins to commemorate the 200th anniversary of American independence.

It is appropriate that the 200th anniversary of our independence be commemorated by a set of fine silver coins which hold an intrinsic value. The minting of such a special issue is not without precedent, Mr. President. In 1926, two gold coins, one with a denomination of $2.50 and the other with face value of $0.50, were issued to commemorate the 150th anniversary of our Nation's independence.

My bill would leave complete discretion to the Secretary of the Treasury to determine how many different coins should comprise such a commemorative set, how many sets should be minted, the price to be charged for such sets and, in consultation with the Joint Commission on Coinage, what designs the coins should bear.

This legislation allows the Treasury to make use of any silver in the national stockpile in excess of strategic needs, and provides authority for the purchase of such additional stocks of silver as the Secretary may deem necessary to carry out the purposes of this act.

Mr. President, it is fitting that, in marking the 200th anniversary of our Nation's independence, we issue a special set of silver coins. Early action on this proposal would give the Treasury Department the time needed to make appropriate preparations for the minting of these commemorative coin sets.

By Mr. CRANSTON:

S. 1566. A bill to amend the Federal Aviation Act of 1958 in order to provide for more effective control of aircraft noise. Referred to the Committee on Commerce.

CONTROL OF AIRCRAFT NOISE

Mr. CRANSTON. Mr. President, I rise today to introduce a bill to help cope with the rapidly increasing problem of noise pollution.

Excessive noise degrades our environment. Hence, the control of noise, like the control of other pollutants, is necessary if the overall goal of a more pleasant and healthy environment is to be achieved.

The bill will specifically cope with the problem of aircraft noise. There are many people who lose because of such noise. Residents near airports lose sleep, lose the utility of their outdoor areas, lose the efficiency of their schools, hospitals, and outdoor recreational areas. Companies lose money when it is necessary to soundproof buildings near airports.

With the advent of jet aircraft and the increase in air traffic, noise pollution invaded homes, schools, factories, and hospitals, and made them unlivable. We must stop this increasing volume of noise.

We have the technology to reduce aircraft noise. Our aerospace corporations can provide the manpower and the skills to reduce noise pollution. We must now make the commitment to a quiet and livable environment which will put these resources to work on noise reduction.

The bill I am introducing, if enacted, would reduce commercial aircraft noise from one-half and—in some cases—to less than one-fourth its present level within the next 5 years.

The proposed law would require that engines be retrofitted on all existing jet aircraft and on all future production of present type planes. Retrofitting involves lining the nacelle, or cowling, of a jet engine with soundproofing material, and enlarging the size of the engine's exhaust outlets.

Deadline for completing the procedure would be January 1, 1976. By then, there will be between 1,500 and 1,700 of the present types of airliners in operation. They now number about 1,700.

The Federal Aviation Administration last year ruled that all new types of aircraft put into service after January 1, 1972, must be acoustically treated. These would include the Lockheed Tri-Star 1011 and the DC-10.

But the FAA regulation does not apply to any planes now in service, These include the 747, 737, 727, 707, DC-8, and DC-9, and any further class or series of modifications they may undergo. With the exception of the 747, future models of these aircraft will also not be covered by the FAA regulations. New models of the 747 will be covered. About 200 747's will be produced before the new model changes are made.

The average airliner is kept in operation from 10 to 20 years.

Why wait another 10 or 20 years for the next generation of airliners to replace current planes before doing something about noise pollution?

Experts variously estimate that anywhere from 2 to 10 million people living in jet flight paths near airports across the Nation are living in unacceptable noise environments.

The FAA uses the lower figure, Dr. Karl Kryter uses the higher figure, and other estimates range between the two. Dr. Kryter is director of sensory science research at the Stanford Research Institute.

These people are subjected to serious interference with their rest, privacy, and sleep and many of them are forced to suffer physiologic and psychologic disruptions. It is totally intolerable that we allow this situation to persist.

It would cost the airlines about a billion dollars to carry out the retrofitting program. But the bill will enable them to raise passenger fares 1½ percent to cover the cost, and the Government would provide loan guarantees to help the airlines raise the initial capital they would need.

Based on figures supplied by the Aerospace Industries Association, it is estimated that 35,000 people would be employed for 2 years in the industry developing and installing the retrofits, and that these workers would generate still another 105,000 jobs outside aerospace.

This is a good example of how we can put people to work in the aerospace industry fighting pollution instead of creating it.

Aircraft noise conditions are the most severe in New York, Los Angeles, San Francisco, Boston, Atlanta, Miami, Dallas, and Washington, D.C., wher the busiest airports are located.

California, which has one of the worst noise pollution problems in the country would be a major beneficiary of the bill. the retrofitting program would improve conditions for an estimated 1 million persons living near California's 18 jet airports.

They include some 400,000 near Los Angeles International which, with 219,000 flights a year, is the second busiest airport in the country next to Chicago's O'Hare, which handles 315,000 flights annually.

Noise pollution would also be drastically cut for 200,000 people living near San Francisco International, and another 120,000 in the flight paths at San Diego's Lindbergh Field.

These 720,000 people in Los Angeles, San Francisco, and San Diego are living under unacceptable conditions, according to standards set by Dr. Kryter. Even if we go by the lower standards accepted by the FAA, the Department of Housing and Urban Development, and the Presidential Panel on Jet Aircraft Noise. This bill would rescue 360,000 of these people from unacceptable living conditions.

San Francisco has the Nation's fifth busiest airport with 149,000 flights annually. San Diego and Sacramento are among the Nation's 150 hub airports with 20,000 and 14,000 flights a year respectively.

Other California airports with jet traffic are at Bakersfield, Blythe, Burbank, Fresno, Long Beach, Monterey, Oakland, Palm Springs, Ontario, San Jose, Santa Ana, Santa Barbara, Stockton, and South Lake Tahoe.

Others in the top 10 airports besides Chicago, Los Angeles, and San Francisco are New York's Kennedy and LaGuardia, with 199,000 and 126,000 flights a year respectively; Boston, 104,000; Atlanta, 157,000; Miami, 128,000; Dallas-Love, 122,000 and National Airport in the Nation's Capital, 118,000.

Under FAA noise standards, my bill would improve noise conditions from unacceptable to acceptable for 285,000 people in New York, 183,000 in Boston, and 340,000 in Chicago.

This proposed legislation would authorize $35 million to complete research and development on retrofitting techniques so aircraft noise can be brought down to the levels set in this bill. They are the same levels FAA now requires for soundproofing new generation aircraft.

The standards established in this call for noise reductions ranging from 30 to 75 percent below present levels, depending on the age of the engines and the size of the planes. Heavier planes require more and heavier engines, and the heavier the engine, the more noise it emits.

Several industry leaders and the Stanford Research Institute have advised me that with that amount of money, retrofitting technology could be perfected within 2 years.

The FAA and the National Space and Aeronautics Administration have spent more than $25 million on noise research over the past 5 years. Boeing has already successfully flight-tested retrofits on a

707 and Douglass, on a DC–8. Both are four-engine planes.

They used a honeycomb-shaped composite of corrosion resistant nickel alloys and glass fiber as an acoustical lining, welded to the inside of the engine housing.

Companies receiving research and development grants under my bill will be required to repay them if they succeed in marketing a retrofitting process to the airline companies. This would be accomplished by the firms' paying the Government a percentage of their profits on retrofitting sales until the grant is paid back.

This bill would also make a billion dollars in loan guarantees available to the airlines to help them pay for the retofitting. It would cost about $500,000 apiece to retrofit most airliners. The older 707's however, would cost closer to a million dollars apiece.

The Civil Aeronautics Board would be required under the bill to grant the airlines rate increases to make up for the cost of retrofitting, plus earlier retirement of some planes. The airlines, for example, might decide to retire 707's earlier than planned rather than go through the expense of retrofitting them.

A study done for the FAA indicates that a 1½-percent fare increase would be enough to cover retrofit and retirement costs. The same study reported that that small an increase would not affect passenger traffic.

Finally, the bill authorizes $50 million for sound monitoring equipment so the State and local governments can enforce the act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1566

A bill to amend the Fedeal Aviation Act of 1958 in order to provide for more effective control of aircraft noise

Be it enacted by the Senate and House of Repesentatives of the United States of America in Congress assembled, That section 611 of the Federal Aviation Act of 1958, relating to the control and abatement of aircraft noise and sonic boom, is amended by inserting at the end thereof the following:

"(d) Effective on and after January 1, 1976, all Subsonic Transport Category aircraft operating within the jurisdiction of the United States shall reduce their takeoff, approach and sideline noise each by 10 EPnDb from their 1971 noise levels or to the levels as set forth in Appendix C (not including section C 36.5(c)), 14 C.F.R. Chapter 1, Part 36, and as prescribed in Docket No. 9337, 34 F.R. 18364, Nov. 18, 1969, and amended by Amendment 36–1, 34 F.R. 18815, Nov. 25, 1969; 34 F.R. 19025, Nov. 29, 1969, whichever noise reduction is greater. No airplane shall operate in violation of the prescribed noise levels.

"(e) (1) The Administrator shall undertake by contract an immediate program of research on representative aircraft models prior to January 1, 1974, to demonstrate compliance by prototype flight test with subsection (d) of this section. Such contracts may be entered into without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529 and 41 U.S.C. 5), and shall provide that each contractor shall repay the amount of the research and development grants if the sound reduction devices developed pursuant to those grants are sold commercially. Such payments shall be covered into the Treasury as miscellaneous receipts.

"(2) There is authorized to be appropriated $35,000,000 to carry out the provisions of this subsection.

"(3) The findings of all research and development grants made pursuant to this section shall be made available to foreign aircraft corporations which produce or have produced aircraft covered by the noise standards of subsection (d) of this section.

"(f) (1) The Administrator may, upon terms and conditions prescribed by him, guarantee in whole or in part the repayment of any loan or other form of financing made to an air carrier for the purpose of modifying airplanes prior to January 1, 1976, to meet the requirements of subsection (d). The total amount guaranteed pursuant to this subsection shall not exceed $1,000,000,000.

"(2) No guaranty shall be made under this subsection—

"(A) unless the Administrator finds that without such guaranty, in the amount thereof, the carrier would be unable to obtain necessary funds, on reasonable terms, for the purposes for which the financing is sought;

"(B) if in the judgment of the Administrator the financing involved is at a rate of interest which is unreasonably high;

"(C) if the terms of such financing permit full repayment more than fifteen years after the date thereof; or

"(D) unless the Administrator finds that the prospective earning power of the applicant carrier, together with the character and value of the security pledged, if any, furnish reasonable assurance of the applicant's ability to repay the financing within the time fixed therefor and reasonable protection to the United States.

A statement of the findings of the Administrator required under the provisions of this subsection shall be made a matter of public record by the Administrator with respect to each guaranty under the provisions of this subsection.

"(3) The Administrator may consent to the modification of the provisions as to rate of interest, time of payment of interest or principal, security, if any, or other terms and conditions of any guaranty which it shall have entered into pursuant to this subsection, or the renewal or extension of any such guaranty, whenever the Administrator shall determine it to be equitable to do so.

"(4) Payments required to be made as a consequence of any guaranty by the Administrator made under this subsection shall be made by the Secretary of the Treasury from funds hereby authorized to be appropriated in such amounts as may be necessary for the purpose of carrying out the provisions of this subsection.

"(5) In the event of any default on any such guaranteed financing, and payment in accordance with the guaranty by the United States, the Attorney General shall take such action as may be appropriate to recover the amount of such payments, with interest, from the defaulting carrier, carriers, or other persons liable therefor.

"(6) The Administrator shall prescribe and collect a guaranty fee in connection with each guaranty under this subsection. Such fees shall not exceed such amounts as the Administrator estimates to be necessary to cover the administrative costs of carrying out the provisions of this subsection. Sums realized from such fees shall be deposited in the Treasury as miscellaneous receipts.

"(g) The Civil Aeronautics Board shall not reject any increase in rates, fares, or charges filed by an air carrier pursuant to section 403 of this Act if such carrier files with the tariff showing such increase adequate proof that such increase is due to costs of complying with subsection (d) of this section. Such cost shall include both the cost of retrofitting aircraft with sound reduction devices and the early retirement of aircraft due to implementation of the standards imposed by this Act.

"(h) (1) The Administrator is authorized to make grants to State and local agencies, subject to such terms and conditions as he may determine appropriate for the purposes of this section, to assist in paying the cost of administering airport noise monitoring programs.

"(2) Not more than 15 per centum of the funds appropriated pursuant to this section in any fiscal year may be granted to agencies in any one State.

"(3) For the purpose of this subsection the term "State" includes the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"(4) There is authorized to be appropriated not to exceed $20,000,000 to carry out the provisions of this subsection."

By Mr. BROOKE:

S. 1567. A bill to provide capital contributions for corporations organized and operated to guarantee loans to and provide technical assistance to business concerns in areas of high unemployment, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

CONVERSION ASSISTANCE CORPORATION ACT

Mr. BROOKE. Mr. President, I am today introducing the Conversion Assistance Corporation bill which I discussed at some length here on the floor of the Senate last Wednesday.

The slowdown of our economy and the accompanying unemployment increases of the past 2 years is our most pressing and severe domestic problem. While there is no dissent to the proposition that the current level of unemployment is totally unacceptable, there is no unanimity of opinion prevailing as to the best method of combatting that unemployment.

The proposal I lay before you today emphasizes the need to develop an economic climate that will create an increased demand for labor. It also recognizes the fact that much unemployment arises out of local or regional conditions and can be treated most effectively through skillfully tooled regionalized vehicles rather than by a single massive Federal machine.

While I certainly laud the progress that has been made through the use of computers and associated devices in linking available skills with available jobs, it seems to me that further affirmative action is needed. The fact is that there are simply more people looking for jobs today than there are jobs available.

Our primary task, then, must be the creation of additional job opportunities. I offer the Conversion Assistance Corporation bill because I believe it will help us to reach that goal.

The bill provides that within each State in which the average unemployment rate for the preceding 6 months exceeds the national average, that a special corporation may be established in accord with the laws of that State consistent with the framework of this bill. The purpose of the Corporation is to provide loan guarantees and management assistance to firms wishing to expand or convert their areas of operation in the civilian market thereby increasing employment opportunities within the State.

Providing additional venture capital for higher-than-usual-risk enterprises is an economic device of proven efficacy. The availability of such capital will be greatly increased through guarantees of all or part of a loan granted by the Conversion Assistance Corporation which will be backed by a capital grant from the Department of Commerce to the Conversion Assistance Corporation. The Secretary of Commerce will be authorized to grant a capital contribution to each Conversion Assistance Corporation qualifying under the provisions of the bill. This capital grant would serve three purposes: for loan guarantees, the source of funds for operational expenses and providing for the costs of contracted management assistance programs.

It is necessary to emphasize that the Conversion Assistance Corporations will be authorized to charge for their management services and to impose an additional cost of one-half percent for their loan guarantees. This income to the Corporation will serve to prevent normal operating expenses from being a drain on the capital account.

This bill, Mr. President, provides for the repayment to the Federal Government, at the end of a period not to exceed 10 years, of an amount equal to the contributions made by the Government, or as much of that contribution as remains in the Corporation's capital account.

To a large extent, the present unemployment crisis reflects the dislocations caused by a shift in the pattern of Federal spending. This shift is, of course, due principally to the recent reductions in space and defense spending. Frankly, Mr. President, I applaud these reductions and I trust they will continue at an accelerated pace consistent with the preservation of our national security. But as we cut back on military spending, we must at the same time provide for the prompt and orderly utilization of freed resources in new pursuits. Let us match our American know-how and genius to our great unmet needs in transportation, pollution control, housing, education and health care. Enactment of this bill, Mr. President, will be an important step in that direction. I introduce it in that spirit.

Mr. President, I ask unanimous consent at this point that the text of the Conversion Assistance Corporation Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1567

A bill to provide capital contributions for corporations organized and operated to guarantee loans to and provide technical assistance to business concerns in areas of high unemployment, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be called the "Conversion Assistance Corporation Act."

DECLARATION OF POLICY

SEC. 2. The Congress declares that decreased expenditures for aeronautical and space activities or defense and related activities, and the decreased rate of economic expansion of the economy, are creating severe unemployment and underemployment in certain areas of the United States; and that to overcome this problem the Federal Government should encourage the organization of statewide corporations designed to promote industrial development in those areas of greatest need within eligible States; and provide capital contributions to such corporations for guaranteeing loans to eligible business concerns in order to facilitate the industrial development of such areas; and to provide management assistance to such eligible business concerns.

ESTABLISHMENT OF CONVERSION ASSISTANCE CORPORATIONS

SEC. 3. (a) The Secretary shall invite and encourage public agencies, or public agencies and private organizations jointly, in eligible States to establish Conversion Assistance Corporations in accordance with the provisions of this Act.

(b) Not more than one Corporation shall be approved under this Act for each eligible State.

(c) Any public agency or any such agency and private organizations applying jointly, within an eligible State, desiring to establish a Corporation qualifying under this Act shall submit an application to the Secretary at such time, in such manner and containing or accompanied by such information as the Secretary shall, by regulation, prescribe.

CONDITIONS FOR APPROVAL OF APPLICATION

SEC. 4. Applications may be approved by the Secretary under this Act only upon a determination that—

(1) The Corporation for which the application is made is incorporated in an eligible State in which the Corporation will operate;

(2) The Corporation has the legal authority under State law to carry out its functions in accordance with the provisions of this Act;

(3) The Corporation has a Board of Directors composed of not more than 12 members selected in the following manner:

(A) Two members appointed by the chief executive of the appropriate State,

(B) Not more than five members appointed by the Secretary, from individuals recommended by the Governor who are representative of the business, labor, and academic communities of the areas most severely injured by unemployment.

(C) Not more than 5 members selected by a process agreed upon by the Secretary and the chief executive of the appropriate State who are representative of the general public; and

(D) Not more than one more than one half of the members of the Board of Directors shall be members of the same political party;

(4) The Corporation shall be under the direction and control of the Board of Directors, and such Board shall have the authority to appoint a chief executive officer of the Corporation having sufficient authority to carry out the functions of the Corporation;

(5) The functions of the Corporation shall in addition to any other function contained in the articles of incorporation, be—

(A) Providing economic assistance to areas suffering high unemployment.

(B) Fostering where necessary new industry, through short term loans, guarantees, and assistance with respect to real estate acquisition, job training and program management;

(C) Entering into agreements with eligible lenders to provide loan guarantees to facilitate making loans available to business concerns whenever such lenders are reluctant to make such loans;

(D) Furnishing technical assistance designed to provide business concerns with business expertise in the areas of finance, management, sales, marketing, organization, government procurement and foreign investment; and

(6) For the purposes of the federal capital contributions paid under section 6 of this Act, the Corporation will provide assurances that all guarantee agreements will terminate not later than 10 years after the date of enactment of this Act, and that repayment of such contributions will be made, to the extent practicable, in accordance with section 9 of this Act.

CAPITAL CONTRIBUTIONS AUTHORIZED; DISTRIBUTIONS

SEC. 5. The Secretary shall from time to time set dates by which Conversion Assistance Corporations in eligible States may file applications for the payment of capital contributions in accordance with the provisions of this Act.

(b) From sums appropriated pursuant to section 12 for any fiscal year ending prior to July 1, 1973, the Secretary shall equitably distribute to each Conversion Assistance Corporation a Federal capital contribution based upon a consideration of the number of individuals unemployed or underemployed in such State, the amount requested in the application of the Corporation and the amount appropriated pursuant to section 12.

(c) No payment under this section shall exceed $10,000,000 to any Conversion Assistance Corporation, except that beginning on July 1, 1972, the Secretary may reallot sums pursuant to subsection (b) of this section in an amount that together with previous payments to a Conversion Assistance Corporation will exceed $10,000,000.

CONDITIONS OF AGREEMENTS

SEC. 6. (a) The Secretary is authorized to enter into agreements with Conversion Assistance Corporations approved for the purposes of this Act to provide Federal capital contributions to such Corporations. Any such agreement shall contain provisions adequate to assure that—

(1) The Conversion Assistance Corporation may, upon such terms and conditions as the Board of Directors of such Corporation may prescribe, enter into a contract and guarantee any loan or portion of a loan for a conversion project made by an eligible lender against loss as a result of the failure of any person to meet the terms of such loan subject to the following conditions—

(A) The person to whom the loan is made is a business concern located in an area of unemployment within an eligible State;

(B) The loan is required in order for such person to carry out a conversion project;

(C) Such person is not able to obtain such loan on reasonable terms and conditions without a guarantee under this Act;

(D) The loan bears interest at a rate not in excess of of 1½ per centum per year above the average prime interest rate in the Federal Reserve District in which the Conversion Assistance Corporation is located;

(E) The Corporation determines that there is reasonable assurance that such person will repay the loan;

(F) The conversion project for which the loan is made meets the criteria, established by regulation by the Secretary after consultation with each Corporation, for feasibility and reasonableness of costs; and

(G) The repayment period of the loan does not exceed 10 years after the date of enactment of this Act or June 30, 1982, whichever occurs first;

(2) Any contract of guarantee entered into pursuant to this Act shall obligate the Corporation to pay, upon default to an eligible lender the unpaid balance of the principal of the loan other than interest added to principal; and

(3) The Corporation shall fix a uniform annual fee, not in excess of one half of 1

per centum of the amount of any such guarantee, a uniform fee for any guarantee under this section which shall be payable at such time as may be determined by the Secretary in agreement with the chief executive officer of such Corporation.

(b) To the extent practicable having due regard for the purpose of this section the amount of any fee established pursuant to paragraph (3) of the preceding subsection shall be determined in accordance with sound actuarial practices and procedures.

TECHNICAL ASSISTANCE

SEC. 7. (a) Any Conversion Assistance Corporation approved under section 4 of this Act and receiving a Federal capital contribution shall provide technical assistance to business concerns in areas of unemployment within an eligible State concerning, but not limited to, financial, sales, marketing, organization, government procurement, and foreign investment matters.

(b) Any such Corporation is authorized to fix a service charge for such technical assistance payable by such business concern at such time and in such manner as may be determined by the Corporation.

DISTRIBUTION OF ASSETS

SEC. 8. (a) After June 30, 1982, and not later than September 30, 1982, there shall be a capital distribution of the assets of each Conversion Assistance Corporation assisted under this Act as follows:

(1) The Secretary shall first be paid an amount which bears the same ratio to the balance of such assets at the close of June 30, 1982 as the total amount of federal capital contributions of such assets paid by the Secretary under this Act bears to the sum of such federal capital contributions and other assets of such Corporation.

(2) The remainder of such balance shall be paid to the Conversion Assistance Corporation.

(b) Under such regulations as the Secretary may prescribe consistent with the purposes of this Act, the Secretary may provide for capital distribution of the assets of a Conversion Assistance Corporation prior to June 30, 1982, whenever the Secretary determines that the provisions of this Act are no longer being complied with by any such Corporation or that there is no longer a need for the continued operation of any such Corporation.

ADMINISTRATIVE PROVISIONS

SEC. 9. (a) The provisions of this Act shall be administered by the Secretary of Commerce through the Economic Development Administration of the Department of Commerce.

(b) In addition to the authority conferred upon the Secretary under this Act, the Secretary shall have, in the performance of and with respect to the functions conferred by this Act, all of the authority and be subject to the same conditions as prescribed in section 701 of the Public Works and Economic Development Act of 1965.

(c) The Secretary in addition to any other authority conferred upon him by this Act, is authorized to agree to modify an agreement made under this Act and to compromise, waive, or release any right, title, claim, or demand, however arising or acquired under this Act.

(d) Financial transactions of the Secretary pursuant to this Act and vouchers approved by him in connection with such financial transactions shall be final and conclusive upon all officers of the government, except that all such transactions shall be subject to audit by the General Accounting Office at such times and in such manner as the Comptroller General may by regulation prescribe.

(e) The Secretary shall prepare annually for transmittal to the President and to the Congress a report setting forth the activities of the corporations assisted under this Act, including an estimate based on the most satisfactory data available to him of the number of jobs provided as a result of the assistance to such corporations under this Act.

RECORDS AND AUDIT

SEC. 10. (a) Each Conversion Assistance Corporation under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the payment received by the Corporations under this Act, of the total cost of the project or undertaking in connection with which such payments were used, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the Corporation that are pertinent to receiving payments under this Act.

DEFINITIONS

SEC. 11. As used in this Act, the term—

(1) "conversion project" means the planning and carrying out of any project by a business concern which is designed to facilitate that business concern's conversion or expansion in any business activities of such concern that will create permanent employment within an eligible State; and represents a change of product or a change in the marketing of a previously produced product; or represents an initial venture by a new firm operating in civilian markets;

(2) "Corporation" means a Conversion Assistance Corporation approved for the purposes of this Act;

(3) "eligible lender" means an eligible institution, an agency, or instrumentality of a State, or a financial or credit institution (including an insurance company) which is subject to examination and supervision by an agency of the United States or of any State, or a pension fund approved by the Secretary for this purpose;

(4) "Secretary" means the Secretary of Commerce;

(5) "eligible State" means any State in which the Secretary determines, after consultation with the Secretary of Labor, that the rate of unemployment, seasonally adjusted, exceeds the rate of national unemployment for 6 consecutive months prior to any such determination, but in no event shall that determination be made after June 30, 1972.

AUTHORIZATION OF APPROPRIATIONS

SEC. 12. There are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1972, $150,000,000 for the fiscal year ending June 30, 1973 and thereafter such sums as may be necessary to carry out the provisions of this Act.

By Mr. MONDALE:

S. 1568. A bill to amend title II of the Social Security Act to extend from 22 to 26 the age limit for the receipt of child's insurance benefits thereunder by individuals attending school, and to permit reduced child's benefits to be paid to individuals attending school on a part-time basis, and to require notification of the availability of such benefits to those eligible by their 14th birthday. Referred to the Committee on Finance.

S. 1569. A bill to amend the Railroad Retirement Act of 1937 to extend from 22 to 26 the age limit for the receipt of a child's insurance annuity thereunder by individuals attending school, and to permit a reduced child's insurance annuity to be paid to individuals attending school on a part-time basis, and to require notification of the availability of such benefits to those eligible by their 14th birthday. Referred to the Committee on Labor and Public Welfare.

GREATER FLEXIBILITY IN EXTENDING BENEFITS TO STUDENTS

Mr. MONDALE. Mr. President, I introduce two bills today which would amend both the Social Security Act and the Railroad Retirement Act to provide greater flexibility in administration of benefits to eligible students. These bills are identical to S. 1638 and S. 1639 of the 91st Congress, which I introduced on March 24, 1969.

Amendments to both acts apply to the present programs which permit the administering agencies to pay the child's benefit to the child of deceased or disabled parents after he is 18, if he continues as a full-time student. The bills I propose would alter the present requirements in three ways: First, they would extend eligibility to half-time and three-quarter time students, allowing them reduced benefits; second, they would increase the maximum age at which benefits may be received from the 22d birthday to the 26th birthday, with benefits terminating in the first month after age 22 that the student becomes eligible for a baccalaureate degree; and third, they would require the administering agencies to notify persons who are potentially eligible for such benefits no later than their 14th birthday.

In the light of current statistics on higher education and of what we know of how students plan for college, I think the need for these amendments is clear.

Since 1965 the Social Security Administration and the Railroad Retirement Board have provided benefits to children of disabled or deceased parents until the age of 22, provided they remain full-time students. Much of this assistance has been in support of college students. At the end of fiscal year 1970, 529,999 students between 18 and 21 were receiving aid from the Social Security Administration, and roughly 6,800 undergraduates were receiving benefits from railroad retirement. In fiscal 1970 the average benefit payment was $83 per month—$996 per year—for social security, $115 per month, $1,380 per year—for railroad retirement.

Statistics are not available to show how many of those eligible for such benefits do not take advantage of them for programs of higher education. However, the changes proposed in these two bills will make these benefits much more responsive to the needs of potentially eligible students who are not able to use them within the present framework.

The changes do not contemplate costly new practices, but they will make it possible for many to receive benefits—and to better plan for the best use of these benefits—who are not now doing so.

There are three major effects of each bill, as I have mentioned. They are outlined as follows:

EXTENSION OF BENEFITS TO PART-TIME STUDENTS

Rather than limiting social security and railroad retirement child's benefits to full-time students only, these bills will permit half-time and three-quarter-time students to receive benefits, as follows: Those attending school on a half-time basis will be eligible for one-half the amount of the full-time benefit for which they qualify; for students attending school with a three-quarter load, their full-time benefit will be reduced by one-fourth.

The result of this distribution of benefits will mean that the same total amount of benefit will be received by each student, and simply spread over a longer time period.

Consider the fact that current Office of Education estimates put the cost during 1970–71 for tuition, room and board for 1 year at a 4-year public institution at $1,179; at a private institution the estimate is $2,570.

If, as is usually the case where the head of the family is dead or disabled, the student receives little or no assistance from home, then part-time work is necessary to cover the half or more of his expenses which social security or railroad retirement benefits do not cover.

Extending benefits to students who cannot afford to go to school full time could make a crucial difference to many who could then plan and afford to work half or quarter time, receive their benefit and attend college with a reduced load.

The payment of benefits to part-time students is not a new concept in direct Government aid to college students. The Veterans' Administration GI bill permits reduced payments to half-time and quarter-time students similar to what I am now proposing for the social security and railroad retirement programs. And according to Veterans' Administration figures, the provision of aid to part-time students forms an impressive bulk of VA aid to college students: Only 49.6 percent of those receiving college aid through its programs in 1969 were fulltime students.

Further, the students eligible for aid under social security and railroad retirement are not only usually without aid from their families in meeting living expenses.

We as a nation are providing these very students the offer of educational aid because their families are at a financial disadvantage due to the loss or disablement of a parent or parents. But unless we make the offer truly responsive to their actual situation, which so often requires them to work during the college years, then this offer is meaningless to many of them.

EXTENDING MAXIMUM AGE OF ELIGIBILITY

These bills would extend the maximum age at which students can receive benefits under these programs from the 22d to the 26th birthdate, with the qualification that benefits shall terminate in the months in which he first becomes eligible for a baccalaureate degree.

There are several good reasons for thus adjusting the age of eligibility. It follows from extending benefits to part-time students, that we must also permit such students to be eligible for a longer period of time, so as not to cut off their benefits when they are only half or part way through a degree program.

However, the present cut-off date for benefits on the 22d birthdate is unrealistic even for a 4-year, full-time progam. The 1970 current population survey reports the median age of college seniors in October of 1970 at 21.9 years. Thus in October of 1970, half of college seniors then in school, most of them presumably headed for a June 1971 graduation, were just over a month away from their 22d birthday. If they were depending on social security or railroad retirement assistance they would be cut off from those benefits over 6 months before graduation from a 4-year course.

It seems to me that we should be willing to adjust to this reality. We should also provide flexibility that would allow benefits to the high school graduate who works for a year or two and then goes on to college. This decision to seek vocational or higher education after exposure to the working world is one that I feel our programs must encourage.

REQUIRING EARLY NOTIFICATION

It is really essential that students be notified when they begin high school as to the nature of the benefits they can expect to help them in continuing their education or vocational training. Only if this knowledge is available to them while they plan their high school courses can they best prepare for continuing their education.

At the present time the Railroad Retirement Board notifies those who will be eligible for continuing benefits only 90 days before their 18th birthday. The Social Security Administration makes its notification 5 months before the 18th birthday. By this time it is often too late to plan the appropriate courses to prepare for college. Many eligible students may already have graduated before their 18th birthday, or already made commitments which prevent them from attending college. They may have believed that the cost of attending college was beyond their means. The additional money available to them through these programs might have made the crucial difference to their decision—if they had known of their eligibility.

Many students who have the ability and desire to go to college do not attend simply because adequate finances are not available. In an Office of Education research project it was found that 92 percent of the young men in the highest achievement quartile from families in the highest income quartile enter college in the year following graduation. However, for young men of equal ability but from families in the lowest income quartile, the figure was only 61 percent. The dropoff among young women is even more dramatic—from 87 to 42 percent.

Numerous authorities have expressed the belief that the early high school years are critical in the decisions to attend college. The Veterans' Administration has for several years notified potential eligibles at age 13 of college aid benefits. The agency has done this on the advice of its psychological consultants, who hold that this information is critical at this age, in order that students may make the financial calculations and course decisions that can and will lead to college attendance or appropriate vocational training.

And in the amendments last year to the GI bill in Public Law 91–219, this practice of early notification was made an official requirement in the administration of benefits to children of disabled or deceased parents.

Surely, if we are to offer such very worthwhile and badly needed educational assistance, then we must provide information about it at the time—in early high school years—when the decisions are being made by those who are eligible which will prepare them to use it.

In conclusion, I would like to ask early and favorable action on these bills during this Congress. I feel very strongly that these changes will greatly improve the responsiveness of present programs to the educational conditions and realities of students today. These changes are greatly needed, and as soon as possible.

The educational benefits of both social security and railroad retirement programs offer needed assistance, and with this additional responsiveness to the real needs of those who are eligible, this assistance will reach many, many more of those for whom it was intended.

By Mr. MONDALE (for Mr. JACKSON, Mr. ALLOTT, Mr. GRAVEL, and Mr. STEVENS) (by request):

S. 1571. A bill to provide for the settlement of certain land claims of Alaska Natives, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. MONDALE. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I introduce several bills and ask unanimous consent to have printed in the RECORD the texts of the bills and an explanatory statement of Senator JACKSON in connection with each.

There being no objection, the bills, statements, and letter were ordered to be printed in the RECORD, as follows:

S. 1571

A bill to provide for the settlement of certain land claims of Alaska natives, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Alaska Native Claims Settlement Act of 1971".

DECLARATION OF POLICY

SEC. 2. (a) Congress finds and declares that there is an immediate need for a fair and just settlement of all claims by natives and native groups of Alaska, and that the purpose of this Act is to provide—

(1) a right for natives to receive land occupied by them as a primary place of residence or a primary place of business;

(2) a grant of land to the incorporated native villages for community use and expansion;

(3) a grant to the native Corporation of $25 million per year for 20 years beginning in fiscal year 1971;

(4) a grant to the native Corporation of the mineral rights in certain lands patented to individuals and incorporated native villages;

(5) a grant of certain additional land to the incorporated native villages; and

(6) a right for the native Corporation to receive a portion of the revenues from the leasing and sale of minerals on certain lands in Alaska.

(b) It is the intent of Congress to accomplish these aims rapidly, with certainty, and in conformity to the real economic and social needs of Alaska natives by avoiding litigation, by maximizing the participation by natives in decisions affecting their rights and property and by vestng in them as rapidly as prudent and feasible control over the land set aside and the Corporation organized pursuant to this Act, without (1) establishing any permanent racially defined institutions, rights, privileges, or obligations; (2) creating a reservation system or lengthy wardship or trusteeship; or (3) adding to the categories of property and institutions enjoying special tax privileges or to the legislations establishing special relationships between the United States Government and the State of Alaska.

(c) No provision of this Act is intended to replace or diminish any right, privilege, or obligation of Alaska natives as citizens of the United States or of Alaska, nor to relieve, replace, or diminish any obligation of the United States or of the State of Alaska to protect and promote the rights of welfare of Alaska natives as citizens of the United States or of Alaska.

(d) No provision of this Act shall constitute a precedent for reopening, renegotiating or legislating upon any past settlement involving land claims or other matters with any native organization, or any tribe, band, or identifiable group of American Indians.

DEFINITIONS

Sec. 3. For the purposes of this Act, the term—

(a) "Secretary" means the Secretary of the Interior;

(b) "native" means any Alaska Indian, Eskimo, or Aleut who the Commission determines to be of at least one-fourth degree Alaska Indian, Eskimo, or Aleut blood, or a combination thereof, and any other individual who the Commission determines to be a native under rules and regulations that it shall establish, but does not include any Tsimshian Indian;

(c) "native village" means any tribe, band, clan, group, village, community, or association in Alaska listed in section 10 or 14 of this Act and which the Commission determines was on December 31, 1970, composed of twenty-five or more natives;

(d) "Commission" means the Alaska Native Commission established by this Act;

(e) "public land" means all Federal land and interests therein situated in Alaska except: (1) any improved land used in connection with the administration of any Federal installation: (2) land selections of the State of Alaska which have been patented or tentatively approved under the Alaska Statehood Act, as amended (72 Stat. 341, 77 Stat. 223); and (3) lands within the utility and transportation corridor which are described in the notice of proposed modification of classification of lands for multiple use management (Serial Nos. AA2779 and P–955) and the notice of proposed classification of lands for multiple use management (F–12423) published in the *Federal Register* on January 1, 1970 (35 Fed. Reg. 16–17), as corrected on February 4, 1970 (35 Fed. Reg. 2537).

(f) "Corporation" means the Alaska Native Development Corporation authorized to be established pursuant to this Act under the laws of the State of Alaska.

(g) "person" means any individual, firm, corporation, association, or partnership; and

(h) "incorporated native village" means any native village incorporated as a governmental unit under the laws of the State of Alaska.

DECLARATION OF SETTLEMENT

Sec. 4. (a) The provisions of this Act shall be regarded as full and final settlement and extinguishment of any and all claims against the United States, the State of Alaska and all other persons which are based upon aboriginal right, title, use, or occupancy of land in Alaska by any native or native group or claims arising under the Act of May 17, 1884 (23 Stat. 24), or the Act of June 6, 1900 (31 Stat. 321), including claims pending before the Indian Claims Commission on the effective date of this Act.

(b) The Corporation may pay all reasonable attorney's fees and reasonable attorney's expenses, as determined by the Secretary in pursuing before the Indian Claims Commission any claims pending before the Indian Claims Commission on the effective date of this Act which are dismissed pursuant to this Act.

ALASKA NATIVE COMMISSION

Sec. 5. (a) The Alaska Native Commission is hereby established. The Commission shall be in existence until June 30, 1992, and shall be composed of three members to be appointed by the President, all of whom upon appointment shall be full-time Federal employees. The Commission members shall be appointed with the advice and consent of the Senate. The Federal laws and regulations on conflicts of interest applicable to other Federal employees shall be applicable to the members of the Commission, but this provision shall not be deemed to preclude a native from serving as a member: *Provided*, That such native Commissioner shall not participate in any proceeding before the Commission in which his participation would be in conflict with section 208 of title 18, United States Code.

(b) The term of office of members of the Commission shall be three years, except that the first Commission shall be composed of one member appointed for a one-year term, one member appointed for a two-year term, and one member appointed for a three-year term. Any member appointed to fill a vacancy on the Commission occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. A member of the Commission may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office.

(c) The Chairman shall receive compensation at a rate equal to that provided for in level V of the Executive Schedule and section 5316 of title 5, United States Code. The other two Commissioners shall receive compensation at a rate equal to that provided for grade GS–18 in section 5332 of title 5, United States Code. All Commission members may be allowed travel and transportation expenses authorized by law when engaged in the performance of services for the Commission.

(d) The principal office of the Commission shall be in Alaska. Whenever the Commission deems that the convenience of the public or the parties may be promoted, or delay or expense may be minimized, or at the request of any party, it shall hold hearings or conduct other proceedings at any other place mutually agreed to by the Chairman of the Commission and the person involved in the hearing and proceeding. The Commission shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the secretary of the Commission.

(e) The Commission shall, without regard to the civil service laws, appoint and prescribe the duties of a secretary of the Commission and such legal counsel as it deems necessary. Subject to the civil service laws, the Commission shall appoint such other employees as it deems necessary in exercising its powers and duties. The compensation of all employees appointed by the Commission shall be fixed in accordance with chapter 53 of title 5, United States Code.

(f) For the purpose of carrying out its functions under this Act, two members of the Commission shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members, but any one member upon order of the Commission shall conduct any hearing or other proceeding provided for in this Act and submit the transcript of such hearing or proceeding to the entire Commission for its action thereon. Such transcript shall be made available to the parties before any final action of the Commission. An opportunity to appear before the Commission shall be afforded any party prior to any final action affecting such party and the Commission may afford the party an opportunity to submit additional evidence as may be required for a full and true disclosure of the facts. Each official action of the Commission shall be entered of record and its hearings and records thereof shall be open to the public. The Commission is authorized to make such rules and regulations as it deems necessary for the orderly transaction of its proceedings, which shall provide for adequate notice of hearings or other proceedings, to all parties. Any member of the Commission may sign and issue subpoenas for the attendance and testimony of witnesses and production of relevant papers, books, and documents and administer oaths. Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. The Commission may order testimony to be taken by deposition in any proceeding before it and in any stage of such proceeding after reasonable notice is first given in writing by the party or his attorney of record which notice shall state the name of the witness and the time and place of the taking of his deposition.

(g) Each decision made by the Commission shall show the date on which it was made and shall bear the signatures of the members of the Commission who concur therein and, upon issuance of a decision under this Act, the Commission shall cause a true copy thereof to be sent by certified mail to all parties and their attorneys of record. The Commission shall cause each decision to be entered on its official record together with any written opinion prepared by any members in support of, or dissenting from, any decision.

(h) Any decision issued by the Commission under this section shall be subject to judicial review by the United States district court in Alaska upon the filing in such court within thirty days from the date of such decision of a petition by the person aggrieved by the decision praying that the action of the Commisison be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to any other party to the proceeding and to the Commission, and thereupon the Commission shall certify and file in such court the record upon which such decision complained of was issued. The court shall hear such appeal on the record made before the Commission. The findings of the Commission, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any decision or may remand the proceeding to the Commisison for such further action as it directs. The judgment of the court shall be subject to review by the United States court of appeals for the circuit in which the petitioner is located and by the Supreme Court of the United States upon certiorari or certification as provided in section 1254, title 28, United States Code.

(i) The duties and responsibilities of the Commission shall for the purposes of this Act, among others, be:

(1) the determination of those individuals that qualify as natives and those villages that qualify as native villages and the issuance of the necessary rules and regulations to cover the procedure for such determination;

(2) the preparation of the roll, the issuance of rules and regulations applicable thereto,

and the hearing of claims filed by any applicant denied enrollment;

(3) the appointment of the incorporators of the Corporation and, in conjunction with the Secretary, the approval of the articles of incorporation before they are filed;

(4) the establishment of geographic regions under section 9 of this Act;

(5) the issuance of rules and regulations for and the approval of land transactions as provided under this Act;

(6) the submission of reports to Congress as provided in section 17 of this Act; and

(7) such other duties and responsibilities as are provided under this Act.

ENROLLMENT

SEC. 6. The Commission, in accordance with such regulations as the Commission may issue, shall prepare a roll listing all natives born on or before December 31, 1970, and living on the date of enactment of this Act. Any native whose name does not appear on the roll who was born on or before December 31, 1970, and who was living on the date of enactment of this Act shall be entitled to have his name so listed upon proof of eligibility satisfactory to the Commission. The Secretary shall make available to the Commission such personnel, services and material as he deems reasonable in connection with the preparation of the roll provided for herein. Any applicant denied enrollment shall be notified in writing thereof and such applicant and any other interested person shall be given an opportunity for a hearing by the Commission and judicial review as provided in section 5 of this Act.

ALASKA NATIVE DEVELOPMENT CORPORATION

SEC. 7. (a) There is authorized to be established the Alaska Native Development Corporation as an Alaskan Corporation which will not be an agency or establishment of the United States Government. The Corporation, for a period of twenty years after its incorporation, shall be subject to the provisions of this Act, and to the extent consistent with this Act, to the laws of the State of Alaska.

(b) The Commission shall appoint five incorporators, one of whom shall be the Chairman of the Commission, who shall take whatever actions are necessary to establish the Corporation, including the filing of articles of incorporation, as approved by the Commission and the Secretary. The incorporators shall serve as the Corporations initial board of directors and shall serve until the permanent directors have been elected as provided in subsection (c) of this section. The Secretary is authorized to pay the sum of $1,000,000 to the Corporation as paid in capital.

(c) The management of the Corporation shall be vested in a board of directors which shall consist of seventeen members elected by the stockholders of the Corporation on the following basis:

(1) One member representing and elected by the stockholders living in each of the twelve regions of Alaska as determined by section 9 of this Act; and

(2) Five members representing and elected by all of the stockholders.

Members of the Board so elected shall serve for terms of four years or until their successors have been elected and qualified: *Provided,* That among the directors first elected, five shall serve for terms of one year, four shall serve for terms of two years, four shall serve for terms of three years, and four shall serve for terms of four years: *And provided further,* That the directors who serve the shorter terms shall be determined by a drawing of lots conducted by the initial board. Any director elected to fill a vacancy shall serve only for the period of the unexpired term of the director whom he succeeds. Elections for membership on the board of directors shall be conducted in accordance with procedures set forth in the articles of incorporation or bylaws of the Corporation: *Provided,* That the first such election shall be held not less than six months nor more than one year after the effective date of incorporation of the Corporation.

(d) The Corporation shall have a president, and such other officers as may be named and appointed by the board, at rates of compensation fixed by the board and serving at the pleasure of the board. No officer of the Corporation shall engage in any other business during the period of his employment by the Corporation. The President shall be responsible for carrying out the Corporation's functions in a businesslike manner consistent with the provisions of this Act, the articles of incorporation, and the policies of the board, and shall appoint such other employees as the board deems appropriate. Such employees shall be subject to standards and requirements similar to those applicable to Federal civilian employees, but shall not be regarded as Federal employees for any purpose.

(e) The Corporation shall be authorized to have one million shares of common stock, without par value, divided into such classes of shares as may be authorized in the articles of incorporation. Until June 30, 1992, shares of stock of the corporation shall be issued only to natives and each native shall be issued ten shares of stock immediately upon the listing of his name on the roll authorized by section 6 of this Act. Until June 30, 1992, the shares authorized to be issued under this subsection shall not be sold, transferred, assigned, or otherwise disposed of or mortgaged or pledged by the holder thereof except by testamentary disposition to the surviving spouse and heirs under state law or intestate succession. Any succeeding stockholder shall, until June 30, 1992, be prohibited from transferring, mortgaging, or pledging such shares in the same manner and to the same extent as the initial stockholder. Until June 30, 1992, the stock issued pursuant to this section shall not be subject to Federal or State estate or inheritance tax laws.

(f) the Corporation shall, in accordance with such terms and conditions as the board may prescribe and consistent with the laws of the State of Alaska and for the benefit of the stockholders thereof, invest its funds; make dividend payments to the stockholders at such times as the board of directors deems appropriate; provide for the lending of funds to individuals or organizations for the construction of homes and other purposes that would promote economic development of the natives; provide loans or grants to native villages, or regional or governing bodies or native corporation for the purpose of fostering the health and welfare of the people; provide loans for the education of individual natives; provide emergency or charitable grants and loans to individuals or communities in times of distress; sell, lease, or otherwise dispose of its assets, both real and personal; and promote the economic development of the native and the native villages to the greatest possible extent. The Corporation shall establish such rules and procedures as it deems appropriate in carrying out the provisions of this subsection. For a period of twenty years after incorporation, the Corporation shall not, in any one fiscal year, issue dividends or make any unsecured loans, of more than one-half of the income received by the Corporation from the following sources during the previous fiscal year: (1) corporate profit, (2) annual contributions as provided in subsection (h) of this section or section 8, and (3) income received from disposal of minerals patented to it pursuant to subsection (e) of section 12 of this Act. Neither the annual contributions made to the Corporation under subsection (h) of this section or section 8 nor the income received by the Corporation prior to June 30, 1992, from disposal of minerals patented to it pursuant to subsection (e) of section 12 of this Act shall be subject to Federal or State tax laws.

(g) The Corporation shall be subject to audit by the General Accounting Office until June 30, 1992. After final audit by the General Accounting Office and the filing of a summary financial report with the Congress, the limitations established under this section applicable to the Corporation shall terminate and the Corporation shall continue in business under the applicable laws of the State of Alaska.

(h) The Secretary is authorized to and shall pay to the Corporation beginning in fiscal year 1972 the sum of $24,250,000 and on July 1 of each fiscal year thereafter for a period of 19 years the sum of $25,000,000. There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the payments authorized in this subsection.

REVENUE SHARING

SEC. 8. (a) (1) Disposition of all deposits of coal, phosphate, sodium, potassium, oil, oil shale, gas, or sulfur located in public lands in Alaska and of all deposits of any other minerals located in such lands which the Congress may hereafter authorize to be disposed of by sale or lease after the date of enactment of this Act shall be made only pursuant to the terms of this Act and shall be subject to the provisions on revenue sharing as provided in this section. The provisions of the Mineral Leasing Act of February 25, 1920, as amended and supplemented (41 Stat. 437; 30 U.S.C. 181 *et seq.*), and the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351, *et seq.*) shall apply to the extent that such provisions are not inconsistent with this Act.

(2) All revenues derived by the United States from rentals and bonuses upon disposition of such minerals during the period beginning January 1, 1969, and ending on the date of enactment of this Act, shall be distributed as provided in the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), except that, prior to calculating the shares of the State of Alaska and the United States as set forth in such Act, 2 per centum of such proceeds shall be deducted and paid to the Corporation. From the royalty derived by the United States from the disposition of such minerals during the same period, an amount equal to 2 per centum of the gross value of the minerals (as the gross value thereof is determined for royalty purposes under the lease involved) shall be deducted and paid to the Corporation, and the respective shares of the State of Alaska and the United States in such royalty shall be calculated on the remaining balance.

(3) All leases or other dispositions of such minerals made after the date of enactment of this Act shall provide that prior to calculating the respective shares of the State of Alaska and the United States in such proceeds under the Statehood Act: (A) a royalty of 2 per centum upon the gross value of any minerals produced (as that gross value is determined for royalty purposes under such lease or other disposition) shall be paid to the Corporation; and (B) 2 per centum of all revenues derived from rentals and bonuses shall be deducted and paid to the Corporation.

(b) The royalties provided under this section shall not operate to exclude lands subject thereto from selection by the State of Alaska under the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), if such lands otherwise are available for selection. Every patent of public lands issued to the State of Alaska under the Statehood Act after the date of enactment of this Act, however, shall expressly reserve for the benefit of the natives: (1) a royalty of 2 per centum upon the gross value (as such gross value is determined for royalty purposes under any lease or other disposition by the State of Alaska) of the minerals referred to in subsection (a) hereof produced on or removed from such lands from the royalties payable to the State of Alaska; (2) a right to receive 2 per centum of all revenues derived by the State of Alaska from rentals and bonuses upon disposition of such minerals. There are also reserved for the benefit of the natives from and after January 1, 1969, an amount equal to a like royalty and other revenues from rentals, royalties and bonuses payable to the State of Alaska under (i) leases of the United States which are or may be assumed by the State of Alaska under section 6(h) of the Alaska Statehood Act, and (ii) under conditional leases and sales made pursuant to section 6(g) of the Alaska Statehood Act in the case of lands heretofore or hereafter selected by the State of Alaska, the selection of which is or was tentatively approved by the Secretary, but as to which patents had not issued to the State of Alaska by January 1, 1969: *Provided, however,* That the bonus revenues received by the State of Alaska at the September 1969 sale of lands tentatively approved under the Statehood Act shall not be subject to the 2 per centum revenue sharing provisions of this section, nor shall rentals received pursuant to such sale up to the date of December 31, 1970. Any royalty, and rentals received pursuant to such sale after December 31, 1970, shall be subject to the revenue sharing provisions of this section.

(c) Revenues received by the United States or the State of Alaska as compensation for estimated drainage of oil and gas shall, for purposes of this section, be deemed to be revenues from the disposition of oil and gas and the appropriate payments shall be paid to the Corporation on account thereof. All royalty and other revenues required to be paid under this section shall be paid to the Corporation promptly after the expiration of the fiscal year in which they accrue by the Secretary of the Treasury or the State of Alaska as the case may be, and shall be distributed or withdrawn therefrom only in accordance with this Act. In the event the United States or the State of Alaska elects to take royalties in kind, there shall be paid to the Corporation on account thereof an amount equal to the royalties that would have been paid to the Corporation under the provisions of this section had the royalty been taken in cash.

(d) The payments required pursuant to this section shall continue only until $500,000,000 has been paid to the Corporation. Thereafter the provisions of this section shall not only apply and the reservation required in patents under subsection (b) of this section shall be of no further force and effect.

(e) The provisions of this section requiring revenue sharing by the State of Alaska shall be enforceable by the United States on behalf of the natives but this shall not preclude the Corporation from pursuing any remedies available to it in the event of default by the State of Alaska. In the event of default by the State of Alaska in making any payments due under this section, and in addition to any other remedies provided by law, there shall be deducted annually and paid to the Corporation the amount of any underpayment from the share of mineral revenues from public lands in Alaska which would otherwise be paid to the State of Alaska pursuant to Federal Law.

(f) (1) The provisions of this section requiring revenue sharing by the State of Alaska and the United States are enacted pursuant to the authority reserved by the United States in section 4 of the Alaska Statehood Act to determine the disposition of lands used and claimed by natives and as to which the State of Alaska was, by the Alaska Statehood Act, required to and did disclaim all right and title. Therefore, in the event that the State of Alaska initiates litigation or becomes a party to litigation to contest in any manner the operation of this section 8 all rights of land selection granted to the State of Alaska by the Alaska Statehood Act shall be suspended as to any public lands which are determined by the Secretary as potentially valuable for mineral development, timber or other commercial purposes, and no selections shall be made, no tentative approvals shall be granted, and no patents shall be issued for such lands during the pendency of such litigation.

(2) Any civil action commenced by the State of Alaska or by any other parties to contest in any manner the purpose and the substantive operation of this section 8 shall be barred unless the complaint is filed within one year of the date of enactment of this Act. The purpose of this limitation on suits is to insure that, after the expiration of a reasonable period of time, the right, title and interest of the United States, the natives and the State of Alaska to share in revenues will vest with certainty and finality and may be relied upon by all other parties in their dealings with the State of Alaska, the natives and the United States.

(3) In the event that rights of land selection granted to the State of Alaska by the Alaska Statehood Act should ever be suspended pursuant to the provisions of subsection (f)(1) hereof, the State of Alaska's right of land selection pursuant to section 6 of the Alaska Statehood Act, Act of 1958 (72 Stat. 341, 77 Stat. 223) shall be extended for a period of time equal to the period of time as the selection right was suspended pursuant to the provisions of subsection (f)(1).

(g) The respective shares of the United States and the State of Alaska with respect to payments to the Corporation required by this section shall be determined pursuant to this subsection and in the following order:

(1) first, from sources identified under subsection (b) hereof; and

(2) then, from sources identified under subsection (a) hereof.

(h) The provisions of this section do not apply to mineral revenues received from the Outer Continental Shelf.

REGIONS

SEC. 9. For purposes of this Act, the State of Alaska shall be divided by the Commission within one year after the date of enactment of this Act into twelve geographic regions, with each region composed as far as practicable of natives having a common heritage and sharing common interest. In the absence of good cause shown to the contrary such regions shall approximate the areas covered by the operations of the following existing native associations:

(1) Arctic Slope Native Association (Barrow, Point Hope);

(2) Bering Strait Association (Seward Peninsula, Unalakleet, St. Lawrence Island);

(3) Northwest Alaska Native Association (Kotzebue);

(4) Association of Village Council Presidents (southwest coast, all villages in the Bethel area, including all villages on the lower Yukon River and the Lower Kuskokwim River);

(5) Tanana Chief's Conference (Koyukuk, Middle and Upper Yukon Rivers, Upper Kuskokwim, Tanana River);

(6) Cook Inlet Association (Kenai, Tyonek, Ekutna, Iliamna);

(7) Bristol Bay Native Association (Dillingham, Upper Alaska Peninsula);

(8) Aleut League (Aleutian Islands, Pribilof Islands, and that part of the Alaska Peninsula which is in the Aleut League);

(9) Chugach Native Association (Cordova, Tititlek, Port Graham, English Bay, Valdez, and Seward);

(10) Tingit-Haida Central Council (southeastern Alaska);

(11) Kodiak Area Native Association (all villages on and around Kodiak Island); and

(12) Copper River Native Association (Copper Center, Glennallen, Chitina, Mentasta).

Any dispute over the boundaries of any region or regions shall be determined by the Commission and shall be final.

WITHDRAWAL OF PUBLIC LAND

SEC. 10. (a) Public Land Order Numbered 4582, 34 *Federal Register* 1025 and Public Land Order Numbered 4962, 35 *Federal Register* 18874 are hereby revoked.

(1) Except as hereinafter provided, there are hereby withdrawn, until June 30, 1992, all public lands in the State of Alaska, except land withdrawn or reserved for national defense purposes, other than naval petroleum reserve numbered 4, and land in the National Park System, subject to all valid existing rights, from all forms of appropriation under the public land laws, including selection rights under the Alaska Statehood Act, as amended, including the mining laws, and the mineral leasing laws, in each township, as shown on current plats of survey or protraction diagrams of the Bureau of Land Management, or protraction diagrams of the State of Alaska where protraction diagrams of the Bureau of Land Management are not available, which encloses all or part of any native village listed in paragraph (2) of this subsection plus all public lands in the State of Alaska, except land withdrawn or reserved for national defense purposes, other than naval petroleum reserve numbered 4 and land in the National Park System, subject to all valid existing rights, from all forms of appropriation under the public land laws, including selection rights under the Alaska Statehood Act, as amended, and including the mining laws, and the mineral leasing laws, in each township that is contiguous to or cornering on the township which encloses said native village as shown on current plats of survey or protraction diagrams of the Bureau of Land Management, or protraction diagrams of the State of Alaska where protraction diagrams of the Bureau of Land Management are not available. During a period of one year from the date of withdrawal, each native village shall select, in accordance with rules and regulations established by the Secretary, an area equal to three townships from within the townships that are contiguous to or corner on the township enclosing the native village. All selections made under this subsection shall be contiguous, and in reasonably compact tracts according to Federal or State protraction diagrams or approved surveys except as separated by bodies of water. At the end of the said one-year period, all townships or portions thereof withdrawn under the authority of this subsection, except those enclosing listed native villages and that area selected by the native villages, and also except those located in the National Wildlife Refuge System and naval petroleum reserve numbered 4 shall be subject to the provisions of subsection (b) hereof and shall be deemed to have been withdrawn under the provisions of said subsection. At the end of the said one-year period, all townships or portions thereof withdrawn under the authority of this subsection, except those enclosing listed native villages and that area selected by the native village, located in the National Wildlife Refuge System and naval petroleum reserve numbered 4, shall terminate.

(2) The following native villages are qualified for withdrawals under the provisions of this subsection:

NAME OF PLACE AND REGION

Akiachak, Southwest Coastal Lowland
Akiak, Southwest Coastal Lowland
Akutan, Aleutian
Alakanuk, Southwest Coastal Lowland
Aleknagik, Bristol Bay
Alatna, Koyukuk-Lower Yukon

Allakaket, Koyukuk-Lower Yukon
Ambler, Bering Strait
Anaktuvuk Pass, Arctic Slope
Andreafsey, Southwest Coastal Lowland
Aniak, Southwest Coastal Lowland
Anvik, Koyukuk-Lower Yukon
Arctic Village, Upper Yukon-Porcupine
Atka, Aleutian
Atkasook, Arctic Slope
Barrow, Arctic Slope
Beaver, Upper Yukon-Porcupine
Belkofsky, Aleutian
Bethel, Southwest Coastal Lowland
Bill Moore's, Southwest Coastal Lowland
Biorka, Aleutian
Birch Creek, Upper Yukon-Porcupine
Brevig Mission, Bering Strait
Buckland, Bering Strait
Candle, Bering Strait
Cantwell, Cook Inlet
Canyon Village, Upper Yukon-Porcupine
Chalkyitsik, Upper Yukon-Porcupine
Chanilut, Southwest Coastal Lowland
Chefornak, Southwest Coastal Lowland
Chevak, Southwest Coastal Lowland
Chignik, Kodiak
Chignik Lagoon, Kodiak
Chignik Lake, Kodiak
Chistochina, Copper River
Chukwuktoligamute, Southwest Coastal Lowland
Circle, Upper Yukon-Porcupine
Clark's Point, Bristol Bay
Copper Center, Copper River
Crooked Creek, Upper Kuskokwim
Deering, Bering Strait
Dillingham, Bristol Bay
Eagle, Upper Yukon-Porcupine
Dot Lake, Tanana
Eek, Southwest Coastal Lowland
Egegik, Bristol Bay
Eklutna, Cook Inlet
Ekwok, Bristol Bay
Elim, Bering Strait
Emmonak, Southwest Coastal Lowland
English Bay, Cook Inlet
False Pass, Aleutian
Fort Youkon, Upper Yukon-Porcupine
Gakona, Copper River
Galena, Koyukuk-Lower Yukon
Gambell, Bering Sea
Georgetown, Upper Kuskokwim
Golovin, Bering Strait
Goodnews Bay, Southwest Coastal Lowland
Grayling, Koyukuk-Lower Yukon
Gulkana, Copper River
Hamilton, Southwest Coastal Lowland
Holy Cross, Koyukuk-Lower Yukon
Hooper Bay, Southwest Coastal Lowland
Hughes, Koyukuk-Lower Yukon
Huslia, Koyukuk-Lower Yukon
Igiugig, Bristol Bay
Iliamna, Cook Inlet
Inalik, Bering Strait
Ivanof Bay, Aleutian
Kaktovik, Arctic Slope
Kalskag, Southwest Coastal Lowland
Kaltag, Koyukuk-Lower Yukon
Karluk, Kodiak
Kasigluk, Southwest Coastal Lowland
Kiana, Bering Strait
King Cove, Aleutian
Kipnuk, Southeast Coastal Lowland
Kivalina, Bering Strait
Kobuk, Bering Strait
Koliganek, Bristol Bay
Kokhanok, Bristol Bay
Kongiganak, Southwest Coastal Lowland
Kotlik, Southwest Coastal Lowland
Kotzebue, Bering Strait
Koyuk, Bering Strait
Koyukuk, Koyukuk-Lower Yukon
Kwethluk, Southwest Coastal Lowland
Kwigillingok, Southwest Coastal Lowland
Larsen Bay, Kodiak
Levelock, Bristol Bay
Lime Village, Upper Kuskokwim
Lower Kalskag, Southwest Coastal Lowland
McGrath, Upper Kuskokwim
Makok, Koyukuk-Lower Yukon
Manokotak, Bristol Bay
Marshall, Southwest Coastal Lowland
Mary's Igloo, Bering Strait
Medfra, Upper Kuskokwim
Mekoryuk, Southwest Coastal Lowland
Mentasta Lake, Copper River
Minchumina Lake, Upper Kuskokwim
Minto, Tanana
Mountain Village, Southwest Coastal Lowland
Nabesna Village, Tanana
Naknek, Bristol Bay
Napaimute, Upper Kuskokwhim
Napakiak, Southwest Coastal Lowland
Napaskiak, Southwest Coastal Lowland
Nelson Lagoon, Aleutian
Newhalen, Cook Inlet
Nenana, Tanana
New Stuyahok, Bristol Bay
Newtok, Southwest Coastal Lowland
Nightmute, Southwest Coastal Lowland
Nikolai, Upper Kuskokim
Nikolski, Aleutian
Ninilchik, Cook Inlet
Noatak, Bering Strait
Nome, Bering Strait
Nondalton, Cook Inlet
Nooiksut, Arctic Slope
Noorvik, Bering Strait
Northeast Cape, Bering Sea
Northway, Tanana
Nulato, Koyukuk-Lower Yukon
Nunapitchuk, Southwest Coastal Lowland
Ohogamiut, Southwest Coastal Lowland
Old Harbor, Kodiak
Oscarville, Southwest Coastal Lowland
Ouzinkie, Kodiak
Paradise, Koyukuk-Lower Yukon
Paulof Harbor, Aleutian
Pedro Bay, Cook Inlet
Perryville, Kodiak
Pilot Point, Bristol Bay
Pilot Station, Southwest Coastal Lowland
Pitkas Point, Southwest Coastal Lowland
Platinum, Southwest Coastal Lowland
Point Hope, Arctic Slope
Point Lay, Arctic Slope
Portage Creek (Ohgsenakale), Bristol Bay
Port Graham, Cook Inlet
Port Lions, Kodiak
Port Heiden (Meshick), Aleutian
Quinhagak, Southwest Coastal Lowland
Rampart, Upper Yukon-Porcupine
Red Devil, Upper Kuskokwim
Ruby, Koyukuk-Lower Yukon
Russian Mission (Kuskokwim) (or Chauthalue), Upper Kuskokwim
Russian Mission (Yukon) Southeast Coastal Lowland
St. George, Aleutians
St. Mary's, Southwest Coastal Lowland
St. Michael, Bering Strait
St. Paul, Aleutians
Salamatof, Cook Inlet
Sand Point, Aleutians
Savonoski, Bristol Bay
Savoonga, Bering Sea
Scammon Bay, Southwest Coastal Lowland
Selawik, Bering Strait
Shageluk, Koyukuk-Lower Yukon
Shaktoolik, Bering Strait
Sheldon's Point, Southwest Coastal Lowland
Shishmaref, Bering Strait
Shungnak, Bering Strait
Slana, Copper River
Sleetmute, Upper Kuskokwim
South Naknek, Bristol Bay
Squaw Harbor, Aleutians
Stebbins, Bering Strait
Stevens Village, Upper Yukon-Porcupine
Stony River, Upper Kuskokwim
Tanacross, Tanana
Tanana, Koyukuk-Lower Yukon
Telida, Upper Kuskokwim
Teller, Bering Strait
Tetlin, Tanana
Togiak, Bristol Bay
Toksook Bay, Southwest Coastal Lowland
Tuluksak, Southwest Coastal Lowland
Tuntutuliak, Southwest Coastal Lowland
Tununak, Southwest Coastal Lowland
Twin Hills, Bristol Bay
Tyonek, Cook Inlet
Ugashik, Bristol Bay
Unalakleet, Bering Strait
Unalaska, Aleutian
Unga, Aleutian
Uyak, Kodiak
Venetie, Upper Yukon-Porcupine
Wainwright, Arctic Slope
Wales, Bering Strait
White Mountain, Bering Strait

(b) Except as hereinafter provided, there are hereby withdrawn, until June 30, 1992, all public land in the State of Alaska, except land withdrawn or reserved for national defense purposes, including naval petroleum reserve numbered 4, and land in the National Park System and the National Wildlife Refuge System subject to all valid existing rights, from all forms of appropriation under the public land laws, including selection rights under the Alaska Statehood Act, as amended, including the mining laws and the mineral leasing laws in each township that is contiguous to or cornering on the townships surrounding the township which encloses each native village as set forth in paragraph (1) of subsection (a) of this section as shown on current plats of survey or protraction diagrams of the Bureau of Land Management, or protraction diagrams of the State of Alaska where protraction diagrams of the Bureau of Land Management are not available.

(c) Except as hereinafter provided, there are hereby withdrawn, until June 30, 1992, all public lands in the State of Alaska except land withdrawn or reserved for national defense purposes, other than naval petroleum reserve numbered 4, and land in the National Park System, subject to all valid existing rights, from all forms of appropriation under the public land laws, including selection rights under the Alaska Statehood Act, as amended, and including the mining laws, and the mineral leasing laws, in each section, as shown on current plats of survey or protraction diagrams of the Bureau of Land Management or protraction diagrams of the State of Alaska where protraction diagrams of the Bureau of Land Management are not available, outside the areas withdrawn and selected under subsection (a) of this section or outside of the areas withdrawn under subsection (a) of section 14 of this Act, which encloses land occupied, as determined by the Commission, by a native as a primary place of residence on December 31, 1970. Determination of land occupied by a native as a primary place of residence on December 31, 1970 shall be made by the Commission upon application filed with the Commission by such native within two years after the effective date of this Act.

(d) Pending the disposition of any land withdrawn under this section or section 14, the applicable laws and regulations, other than the mining laws and the mineral leasing laws, shall govern the use, management, and administration of such land, including the right to acquire, grant, or use leases, permits, or rights-of-way under such terms and conditions as the Secretary may establish.

(e) Withdrawals made pursuant to subsection (b) of this section shall terminate five years after the date of enactment of this Act for those lands the surface estate of which the Corporation has not designated for patent to native villages pursuant to section 12(a) and 12(d) and the mineral estate of which the Corporation has not designated for patent to itself pursuant to section 12(e). Withdrawals made pursuant to subsection (c) of this section may be terminated by the Secretary prior to June 30, 1992, upon issuance of a patent to the native occupying land within such area or upon the relocation of such native of his primary place of residence as determined by the Commission outside such withdrawn area. Withdrawals of minerals covered by the mining laws and the mineral leasing laws in lands located in naval petroleum reserve numbered 4 made pursuant to subsection (a) of this section may be terminated by the Secretary prior to June 30, 1992.

SURVEYS

SEC. 11. The Secretary shall survey the areas selected or designated for conveyance to incorporated native villages pursuant to the provisions of this Act. He shall monument only exterior boundaries of the selected or designated areas at angle points and at intervals of approximately one mile on straight lines. No ground survey or monumentation will be required along meanderable water boundaries. He shall survey within the areas selected or designated land occupied as a primary place of residence, a primary place of business, and for other purposes, and any other land to be patented under this Act.

CONVEYANCE OF LANDS

SEC. 12. (a) Upon application of any native village listed in section 10 of this Act, which is an incorporated native village, filed with the Commission and upon certification thereof by the Commission, the Secretary shall, until June 30, 1992, issue a patent to the surface estate, without payment therefor, to such applicant incorporated native village of 92,160 acres of land subject to all valid existing rights, from any public land within areas withdrawn and selected by such native village under the provisions of subsection (a) of section 10 of this Act: *Provided, however,* That if because of the lack of public lands a patent to the surface estate to any such applicant incorporated native village of 92,160 acres is not possible, the Secretary shall patent to such incorporated native village such surface estate of public land withdrawn under the provisions of subsection (b) of section 10, as the Corporation may designate, without payment therefor and subject to all valid existing rights, which are necessary to provide a total surface estate patented to such incorporated native village of 92,160 acres. Designations made for each native village under this subsection shall be contiguous, and in reasonably compact tracts according to Federal or State protraction diagrams or approved surveys except as separated by bodies of water.

Upon receipt of a patent or patents to land under the provisions of this subsection (a) the incorporated native village:

(1) shall issue deeds to the occupants, without payment therefor, for any tracts occupied by Natives as a primary place of residence, as a primary place of business, or used for subsistence campsites or for reindeer husbandry, subject to all valid existing rights;

(2) shall issue deeds to the occupants, either without payment therefor or upon the payment of an amount not in excess of fair market value for such property, determined as of the date of initial occupancy and without regard to any improvements thereon, for any tracts, occupied by non-natives as a primary place of residence or a primary place of business, subject to all valid existing rights: *Provided,* That all occupants of the same general character shall be accorded similar treatment with respect to any payment for land;

(3) shall issue deeds to the occupants, either without payment therefor or upon payment of an amount not in excess of fair market value for such property determined as of the date of initial occupancy and without regard to any improvements thereon, for any tracts occupied by nonprofit organizations for the purposes for which such organizations were established, subject to all valid existing rights: *Provided,* That all nonprofit organizations of the same general character shall be accorded similar treatment with respect to payment for land; and

(4) may issue deeds, subject to all valid existing rights, to all others.

(b) Upon application of any native village listed in section 14 of this Act, which is an incorporated native village, filed with the Commission and upon certification thereof by the Commission, the Secretary shall, until June 30, 1992, issue a patent to the surface estate, without payment therefor, to such applicant incorporated native village of 23,040 acres of land, subject to all valid existing rights, from any public land within areas withdrawn under the provisions of section 14 of this Act.

Upon receipt of a patent or patents to land under the provisions of subsection (b) the incorporated native village:

(1) shall issue deeds to the occupants, without payment therefor, for any tracts occupied by natives as a primary place of residence, as a primary place of business, or used for subsistence campsites or for reindeer husbandry, subject to all valid existing rights;

(2) shall issue deeds to the occupants, either without payment therefor or upon the payment of an amount not in excess of fair market value for such property, determined as of the date of initial occupancy and without regard to any improvements thereon, for any tracts occupied by non-natives as a primary place of residence or a primary place of business, subject to all valid existing rights: *Provided,* That all occupants of the same general character shall be accorded similar treatment with respect to any payment for land;

(3) shall issue deeds to the occupants, either without payment therefor or upon payment of an amount not in excess of fair market value for such property determined as of the date of initial occupancy and without regard to any improvements thereon, for any tracts occupied by nonprofit organizations for the purposes for which such organizations were established, subject to all valid existing rights: *Provided,* That all nonprofit organizations of the same general character shall be accorded similar treatment with respect to payment for land; and

(4) may issue deeds, subject to all valid existing rights, to all others.

(c) Upon application filed with the Commission and certification thereof, the Secretary shall, until June 30, 1992, issue a patent to the surface estate of up to, but not to exceed, 160 acres of land, subject to all valid existing rights, from any public lands within the areas withdrawn for natives under subsection (c) of section 10 of this Act, without payment therefor, to any native occupying land within such 160 acres on the date of enactment of this Act as a primary place of residence. The Secretary is authorized to apply the rule of approximation with respect to the acreage limitations set forth in this subsection.

(d) (1) Within a period of 5 years after the date of enactment of this Act the Corporation shall designate additional land for the benefit of each native village from within areas withdrawn under subsection (b) of section 10 of this Act. In designating land for the benefit of each native village, the Corporation shall take into account such factors as population, subsistence needs, traditional way of life of the occupants, economic resources, and the nature and value of the land designated. The land designated under this subsection shall in the aggregate total 40 million acres reduced by the total number of acres patented or to be patented to individuals or incorporated native villages pursuant to subsections (a), (b), and (c) of this section 12. Designations made for each native village under this subsection shall be contiguous, and in reasonably compact tracts according to Federal or State protraction diagrams or approved surveys except as separated by bodies of water.

(2) Contemporaneous with the issuance of a patent to each incorporated native village under subsection (a) hereof, or as soon thereafter as possible, the Secretary shall issue a patent to the surface estate without payment therefor subject to all valid existing rights to such additional public land designated by the Corporation for the benefit of each such native village pursuant to paragraph (1) of this subsection (d).

(e) Contemporaneous with the issuance of a patent to individuals or incorporated native villages as provided in subsections (a), (b), (c) and (d) hereof, the Secretary shall, with the exception of those lands located in the National Wildlife Refuge System, and land withdrawn or reserved for national defense purposes, including naval petroleum reserve numbered 4, issue a patent or patents to all minerals in such lands covered by the mining laws and the mineral leasing laws, without payment therefor and subject to all valid existing rights, to the Corporation: *Provided, however,* That contemporaneous with the issuance of a patent to incorporated native villages, as provided in subsection (a) hereof, of land located in the National Wildlife Refuge System or naval petroleum reserve numbered 4, the Secretary shall patent to the Corporation all minerals covered by the mining laws and the mineral leasing laws in such public land withdrawn under the provisions of subsection (b) of section 10 as the Corporation may designate, without payment therefor and subject to all valid existing rights, equal to the number of acres the surface estate of which is patented to incorporated native villages and located in the National Wildlife Refuge System or naval petroleum reserve numbered 4. Designations made under this subsection shall be contiguous, and in reasonably compact tracts according to Federal or State protraction diagrams or approved surveys except as separated by bodies of water.

(f) Where, prior to patent of any land or interest therein, under this section, a lease, contract, or permit has been issued for the utilization of resources, such patent shall contain provisions making the patent subject to the lease, contract, or permit and the right of the lessee, contractee, or permittee to the complete enjoyment of all rights, privileges, and benefits granted him by such lease, contract, or permit. After the issuance of a patent for the land or interest therein subject to such lease, contract, or permit, all income derived from any such lease, contract, or permit shall be received by the patentee except that the administration of such lease, contract or permit shall continue to be conducted by the lessor, contractor, or permitter.

MINERAL LEASING ACT

SEC. 13. Deposits of all minerals included under the mineral leasing laws, including but not limited to, coal, phosphate, sodium, potassium, oil, oil shale, or gas located in all public lands in Alaska except land within naval petroleum reserve numbered 4 shall be subject to disposition by the Secretary under the terms of this Act. Except as otherwise provided in section 12(e) herein, after the date of enactment of this Act, the Secretary is authorized to dispose of such deposits only by competitive bidding, but otherwise under the provisions of the applicable mineral leasing law. He shall prescribe by regulation the procedures to be used for competitive bidding. The term "mineral leasing laws" as used in this section means only the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C., secs. 181–283), and the Mineral Leasing Act for Acquired Lands (30 U.S.C., secs. 351–359).

THE TLINGIT-HAIDA SETTLEMENT

SEC. 14. (a) There are hereby withdrawn, until June 30, 1992, all public lands in the State of Alaska, except land withdrawn or reserved for national defense purposes other than naval petroleum reserve numbered 4, subject to all valid existing rights, from all forms of appropriation under the public land laws, including selection rights under the Alaska Statehood Act, as amended, and including the mining laws and the mineral leasing laws, in each township as shown on current plats of survey or protraction diagrams of the Bureau of Land Management or protraction diagrams of the State of Alaska where protraction diagrams of the Bureau of Land Management are not available, which encloses all or part of the following native villages:

Angoon, Southeast
Craig, Southeast
Hoonah, Southeast
Hydaburg, Southeast
Kake, Southeast
Kassan, Southeast
Klawock, Southeast
Klukwan, Southeast
Saxman, Southeast
Tatitlek, Gulf of Alaska
Yakutat, Southeast

(b) The funds appropriated by the Act of July 9, 1968 (82 Stat. 307), to pay the judgment of the Court of Claims in the case of *The Tlingit and Haida Indians of Alaska, et al . . The United States*, No. 479000, and distributed to the Tlingit and Haida Indians pursuant to the Act of July 13, 1970 (84 Stat. 431), is in lieu of the additional acreage of up to 69,120 acres to be conveyed to each village listed in section 12 of this Act which qualifies as an incorporated native village.

(c) Any and all claims of the Tlingit and Haida Indians, including but not limited to, the two and six-tenths million acres of land in southeast Alaska referred to in the Court of Claims case of The Tlingit and Haida Indians of Alaska, et al. versus The United States, No. 479000 are hereby extinguished.

REVOCATION OF INDIAN ALLOTMENTS IN ALASKA

SEC. 15. No native covered by the provisions of this Act may hereafter avail himself of an allotment under the provisions of the Act of February 8, 1887, as amended and supplemented (24 Stat. 389; 25 U.S.C. 334, 336), or the Act of June 25, 1910 (36 Stat. 363; 25 U.S.C. 337). Further, the Act of May 17, 1906, as amended (34 Stat. 197), is hereby repealed.

REVOCATION OF RESERVATIONS

SEC. 16. Notwithstanding any other provision of law, and except where inconsistent with the provisions of this Act, the various reserves set aside by legislation or by Executive or Secretarial order for native use or for administration of native affairs, including those created under the Act of May 31, 1938 (52 Stat. 593), are hereby revoked subject to any valid existing rights of non-natives. This section shall not apply to the Annette Island Reserve established by the Act of March 3, 1891 (26 Stat. 1101).

REVIEW BY CONGRESS

SEC. 17. The Commission and the Secretary shall submit to the Congress annual reports on implementation of this Act. Such reports are to be filed by the Commission until its termination, and by the Secretary annually until June 30, 1992. At the beginning of the first session of Congress preceding June 30, 1992, the Commission and the Secretary will submit, through the President, a joint report of the status of the natives and native groups in Alaska, and a summary of actions taken under this Act, together with such recommendations as may be appropriate for continuation or modification of any provisions of this Act which will specifically expire as of June 30, 1992.

APPROPRIATIONS

SEC. 18. There is authorized to be appropriated to the Secretary and to the Commission such sums as may be necessary to carry out the functions and responsibilities including payments that he is required to perform under the provisions of this Act. Such sums shall remain available until expended.

PUBLICATION

SEC. 19. The Secretary is authorized to issue and publish in the Federal Register, pursuant to the Administrative Procedures Act (5 U.S.C.) such regulations as may be necessary to carry out the purposes of this title.

SAVING CLAUSE

SEC. 20. Except as specifically provided for in this Act, nothing in this Act shall be construed as repealing any other provision of Federal law applicable to Alaska. To the extent that there is a conflict between any provision of this Act and any other Federal laws applicable to Alaska, the provisions of this Act shall govern.

SEPARABILITY

SEC. 21. If any provision of this Act or the applicability thereof is held invalid the remainder of this Act shall not be affected thereby.

ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971—STATEMENT OF SENATOR JACKSON

On behalf of the ranking minority member of the Committee on Interior and Insular Affairs (Mr. ALLOTT), the two Senators from Alaska (Mr. GRAVEL and Mr. STEVENS) and myself, I send to the desk for appropriate reference a bill to provide for the settlement of certain land claims of Alaska natives, and for other purposes.

Mr. President, this measure was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the Executive communication accompanying this draft proposal be printed in the Record at this point in my remarks.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., April 5, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To provide for the settlement of certain land claims of Alaska natives, and for other purposes."

We recommend that the proposed bill be referred to the appropriate committee for consideration and that it be enacted.

This bill sets out the recommendations of this Administration for solution of the land claims of Alaska natives.

The proposed bill, through a combination of providing land and money as settlement for the native claims, will provide an equitable solution to the claims made by the natives of Alaska. It will, on the one hand provide land that is necessary for the living and subsistence needs of those natives who continue to rely upon the land for their living, while at the same time provide an economic settlement both in terms of cash contributions and patents to land and mineral rights which we consider to be generous and equitable which will be used by the natives for promoting their economic development to the fullest extent possible. It is our firm belief that the economic development of the Alaska natives will be of benefit, not only to themselves, but to all of Alaska as well as all Americans.

Following is a discussion of the basic provisions of our proposed bill:

Section 1 of the bill is a citation section and provides that the Act may be cited as the "Alaska Native Claims Settlement Act of 1971".

Section 2 of the bill sets forth the Declaration of Policy. It states that Congress finds and declares that there is an immediate need for a fair and just settlement of all claims by natives and native groups of Alaska. It further states that the intent of the bill is to provide: (1) a right for natives to receive certain land occupied by them, (2) a grant to incorporated native villages for community use and expansion, (3) a grant of $500 million to the native Corporation, (4) a grant to the native Corporation of mineral rights in certain patented lands, (5) a grant of certain additional lands to incorporated native villages, and (6) a right to receive a portion of the revenues from the leasing and sale of mineral resources up to a total of $500 million.

Section 2 also provides that it is the intent of Congress to accomplish these ends with rapidity and with certainty and in conformity with the economic and social needs of the Alaska natives, but without establishing any permanent racially defined institution, rights privileges, or obligations, without creating a reservation system or a lengthy ward or trusteeship; without adding to the categories of property or institutions that enjoy special tax privileges; or without adding to the legislation that has established special relationships between the United States and the State of Alaska.

Section 2 makes it clear that no provision of the Act is intended to replace or diminish any right, privilege, or obligation of any Alaska native as a citizen of the United States or of Alaska, or diminish any obligation of the United States or Alaska to protect or promote the rights and welfare of the natives as citizens. Section 2 also makes it clear that no part of this Act shall constitute a basis for renegotiating or legislating upon any past settlement involving the land claims of any American Indian, or constitute a precedent for any other settlement.

Section 3 of the bill is a definition section in which are defined the terms that are commonly used throughout the bill. Excluded from the definition of "public land" are improved lands used in connection with any Federal installation, lands which have been patented or tentatively approved for patent to the States and lands within the utility and transportation corridor.

Section 4 of the bill contains the Declaration of Settlement. It provides that this Act is to be regarded as full and final settlement and extinguishment of any and all claims against the United States, the State of Alaska or others based upon the aboriginal title, right, use, or occupancy of land in Alaska by the natives. It also provides for payment of attorneys' fees by the Government in connection with claims pending before the Indian Claims Commission that are dismissed pursuant to the provisions of this Act.

In setting the compensation to be received by the attorneys, we believe that the payments should be based on proof of work performed in connection with the pending claims, with the amount of the payment being based upon an hourly rate for the hours of proven work. The hourly rate paid each attorney would be that rate generally recognized for attorneys practicing in the area where each of the claimant attorneys practice. Our investigation of the cases pending before the Indian Claims Commission reveals that $250 thousand will be more than adequate to cover the compensation of the attorneys handling the pending cases and we have added this sum to the amount that the Secretary is directed to pay to the Corporation in fiscal 1973 by section 7(h) of the bill to cover such costs.

Section 5 of the bill creates the Alaska Native Commission. The Commission will be made up of three members, all of whom are to be appointed by the President with the advice and consent of the Senate. The Commission shall exist until June 30, 1992. The Commission terms are for three years with the terms being staggered. The Commission will be located in Alaska and will have necessary staff to support its work. The principal functions of the Commission are: (1) to determine who qualifies as natives and what villages qualify as native villages, (2) the preparation of the roll of natives, (3) the appointment of incorporators of the Alaska Native Development Corporation, (4) the establishment of geographic regions, (5) the issuance of rules and regulations and the approval of land transactions, (6) the submission of required reports to Congress, and (7) any other duties required by the Act.

Section 6 provides the enrollment of the Alaska natives. The roll will be prepared by the Commission under rules and regulations issued by them and will be a listing of the natives of Alaska born on or before December 31, 1970, and living on the date of enactment of the Act. The section directs the Secretary of the Interior to make available to the Commission for their use in connection with the preparation of the roll such personnel, services, and material as he deems reasonable. This will allow the Commission to draw upon the resources and expertise of the Bureau of Indian Affairs in connection with the preparation of the roll.

Section 7 authorizes the establishment of the Alaska Native Development Corporation as an Alaskan corporation, and subjects it to the provisions of this Act for a period of 20 years. The Corporation is to be formed by five incorporators appointed by the Alaska Native Commission. The management of the Corporation shall be vested in the Board of Directors made up of 17 members elected by the stockholders; one member will be elected by the stockholders living in each of the 12 regions determined by the Commission pursuant to section 9 of this bill. The other 5 members will be elected at large by all of the stockholders. The terms of the directors is 4 years with a provision for staggering the terms of the initial board with lots to be drawn to determine who shall serve the short terms.

The Corporation is authorized to have a president and such other officers as may be named and appointed by the board at rates of compensation approved by the board. The other employees of the Corporation shall be appointed by the president. The employees are subject to standards and requirements similar to those applicable to Federal civilian employees but are not employees of the Federal Government.

This section gives the Corporation general corporate authority but provides for some additional authority in order to foster native development. This Corporation will, of course, have authority to establish subsidiary corporations on a regional basis, or any other basis the natives desire. There is a limitation placed on the amount of money the Corporation may use for dividends or unsecured loans in any one year. Certain of the Corporation's income is excluded from Federal and State tax laws.

The section authorizes the issuance of one million shares of common stock, which stock shall for the first 20 years of the life of the Corporation be issued only to natives, ten shares to each native. We have prohibited the alienation of stock in the hands of the natives until June 30, 1992, except for provisions for disposal at death. The stock is exempt from Federal or State estate or inheritance taxes until June 30, 1992. The section makes the Corporation subject to audit by the General Accounting Office until June 30, 1992.

The section provides for a payment to the Corporation of $500 million to be made over a period of 20 years by the Secretary of the Interior beginning with fiscal year 1972, with a provision for an initial payment to the Corporation of $1 million as soon as it is organized. An additional $250,000 is to be paid in the first year to be used to pay fees of attorneys who handled claims of the Alaska natives before the Indian Claims Commission.

Section 8 of the bill provides that 2 percent of all revenues received from the disposition of minerals in the State of Alaska shall be paid to the Corporation. The 2 percent override will apply to revenues received both on Federal lands in the State as well as lands patented to the State of Alaska. This section will be applicable until the Corporation receives a total of $500 million after which time the overriding royalty will cease.

Section 8 also provides that in the event of default by the State of Alaska in making payments due under this section there shall be deducted annually and paid to the Corporation the amount of any underpayment from the share of mineral revenues from public lands otherwise payable to the State. It further provides that in the event the State initiates litigation or becomes a party to litigation to contest section 8, the Secretary shall have authority to suspend State selection under the Alaska Statehood Act for certain lands. Any action brought to contest section 8 must be instigated within one year after the date of this Act or otherwise be barred.

In the final analysis, legislation on this subject represents an agreement among three parties—the Alaska natives, the State of Alaska and the United States Government. We believe it should be clearly understood among the parties concerned that the State of Alaska has an interest and shares a responsibility in reaching an equitable settlement of the Alaska Native Land Claims. The revenue sharing and other provisions of the Administration's draft bill reflect our best judgment regarding the part of the settlement which should be the State's responsibility. Certain of the provisions of the revenue sharing section seek to assure State cooperation and compliance. In any event we believe the contribution of the United States that is reflected in the bill is a fair settlement between the natives and the United States. We do not believe the United States would have a responsibility to increase its contribution now or in the future if the State were to fail to meet the State's obligations as specified in the bill.

Section 9 of the bill provides for the Commission to divide the State of Alaska into 12 geographic regions with each region being composed, as far as practicable, of natives having a common heritage and sharing common interests. The bill sets out that the 12 regions shall, unless good cause is shown to the contrary, be approximately the areas covered by the 12 existing native associations and lists those associations. It provides that any disputes over boundaries of any region shall be determined by the Commission and its determination shall be final.

Section 10(a) provides for the revocation of existing public land orders which have withdrawn all public lands in the State of Alaska. It then provides that except for land for national defense purposes other than naval petroleum reserve numbered 4 and land in the National Park System each township in which a native village, as listed in subsection (a)(2) of section 10, is located and each contiguous and cornering township shall be withdrawn. Within a period of one year, each native village is to select an area equivalent to three townships from the cornering and contiguous townships withdrawn. At the end of the one-year period all cornering or contiguous townships, except those selected by the native villages and except those in the National Wildlife Refuge System or naval petroleum reserve numbered 4, shall be subject to the provisions of subsection (b) and shall be deemed to have been withdrawn under the provisions of said subsection. At the end of said one-year period, the withdrawal of all contiguous and cornering townships in the National Wildlife Refuge System and naval petroleum reserve numbered 4 which have not been selected by the native village shall terminate.

Paragraph 2 of subsection (a) lists the native villages with the exception of the Tlingit-Haida villages which qualify for withdrawal under the provisions of section 10.

Subsection (b) provides for the withdrawal of all public land, with the exception of land withdrawn for national defense, including naval petroleum reserve numbered 4 and land in the National Park System and the National Wildlife Refuge System, in the contiguous and cornering townships surrounding the townships withdrawn under paragraph 1 of subsection (a) and section 10.

Subsection (c) provides for withdrawal of each section in which a native has his primary place of residence on December 31, 1970, if such place of residence is outside the boundaries of townships withdrawn for the village. Excepted from this withdrawal are National Park System lands and lands withdrawn or reserved for national defense purposes, except naval petroleum reserve numbered 4. Any native who is to qualify for land under this subsection must file his application for a determination of occupancy with the Commission within two years after the effective date of the Act.

Subsection (d) provides for the continuation of present management of land withdrawn under the provisions of section 10 and section 14. This management will continue until the land is either patented or returned to its use prior to withdrawal.

Subsection (e) provides that withdrawals made pursuant to subsection (b) shall terminate 5 years after the date of enactment of this Act except for those lands or interest therein designated for disposition by the Corporation pursuant to section 12 (a), (d) or (e). It further provides that withdrawals made pursuant to subsection (c) of this section may be terminated by the Secretary upon issuance of a patent to the native occupying such land or upon the relocation of such native. Withdrawals made pursuant to subsection (a) of minerals located in naval petroleum reserve numbered 4 may also be terminated by the Secretary prior to the termination of such withdrawal.

Section 11 provides that the Secretary will survey the areas selected or designated for patent to incorporated native villages. He shall monument only exterior boundaries at angle points and at intervals of approximately one mile on straight lines. No ground survey or monumentation shall be required along meanderable water boundaries. He shall also survey within such areas land occupied as a primary place of residence, a primary place of business, or for other purposes.

Section 12(a) provides for patenting to incorporated native villages of the surface of 92,160 acres of land from the withdrawn areas selected by the listed villages. The patenting of 92,160 acres is dependent upon that amount of land being available from the public domain surrounding the village. In the event there is not sufficient public land surrounding an incorporated native village to patent to it 92,160 acres, the Secretary is authorized to patent other land, designated by the Corporation, to such village to make up the difference.

This subsection further provides that upon receipt of patents by the incorporated native village, the village shall then issue deeds to native occupants of land within such area, without consideration, of tracts occupied by them as residences, places of business, subsistence campsites or reindeer husbandry. It also provides that the village will deed to non-natives and non-profit organizations land occupied by them either without consideration or upon payment of fair market value as determined on the date of initial occupancy without regard to improvements, provided that all in the same general character are accorded similar treatment.

Subsection (b) provides for patenting of the surface of 23,040 acres of land to the Tlingit-Haida villages listed in section 14 of the bill. The provisions for patenting land to natives, non-natives, and nonprofit organizations under subsection (b) is identical to the provisions set forth above under subsection (a).

Subsection (c) provides for the patenting of the surface of 160 acres of land within the sections withdrawn under the provisions of subsection 10(c) of the bill to those natives occupying such land as a primary place of residence on the effective date of this Act.

Subsection (d)(1) provides that within 5 years from the date of enactment of this Act the Corporation shall designate additional land for the benefit of each native village from within areas withdrawn under subsection (b) of section 10. The land designated under this subsection shall total 40 million acres reduced by the number of acres patented or to be patented to individuals or incorporated native villages pursuant to (a), (b), and (c) of section 12. Certain criteria is set forth in this subsection for the Corporation to use in making such determinations. This section will guarantee that the total land settlement provided for in this bill is 40 million acres.

Paragraph 2 of subsection (d) provides that the Secretary will issue a patent to the surface estate for such land designated for the benefit of each native village simultaneous with or as soon as possible thereafter, the issuance of a patent for land to the incorporated native village under subsection (a) of this section.

Subsection (e) provides that contemporaneous with the issuance of the patents to the surface provided for in subsections (a), (b), (c) and (d) of section 12, the Secretary shall, with the exception of those lands located in the National Wildlife Refuge System and land withdrawn or reserved for defense purposes including naval petroleum reserve numbered 4, issue a patent to the Corporation for all the minerals covered by the mining laws and the mineral leasing laws, such mineral patent to be without payment and subject to valid existing rights. Where those villages are located in naval petroleum reserve numbered 4 and the National Wildlife Refuge System, the Secretary shall patent to the Corporation the mineral interest in lands withdrawn under subsection (b) of section 10 as designated by the Corporation equal to the number of acres the surface estate of which is patented to villages located in the National Wildlife Refuge System or naval petroleum reserve numbered 4.

Subsection (f) provides that where prior to the issuance of a patent to any land under this section, a contract, lease, or permit has been issued for the utilization of mineral or surface resources, such patent shall be subject to such contract, lease, or permit and the patent will contain language so providing.

It further provides that all income derived from such lease, contract, or permit shall be paid to the patentee but the administration of such lease, contract, or permit shall continue to be conducted by the lessor, contractor, or permitter.

Section 13 authorizes the Secretary to dispose of all deposits of minerals included under the mineral leasing laws located in Alaska, excepting those minerals in naval petroleum reserve numbered 4, only by competitive bidding.

Section 14 provides for the settlement of the Tlingit-Haida claims. It authorizes in subsection (a) the withdrawal of the township enclosing the villages listed in section 14.

Subsection (b) provides that the distribution of funds awarded the Tlingit-Haida in the Court of Claims case and made pursuant to Public Law 91335, is in lieu of the additional townships awarded the native villages in section 12.

Subsection (c) extinguishes the claims of the Tlingit-Haida Indians including the 2.6 million acres of land referred to in their Court of Claims case.

Section 15 repeals those provisions of law that allow Indian allotments in Alaska. We believe that these provisions should be repealed since this bill makes what we consider to be adequate land provisions for the natives of Alaska.

Section 16 provides that the existing reserves that have been set aside by any means for native use or administration of their affairs are revoked when such revocation is not inconsistent with the provisions of this Act. This provision does not revoke the Annette Islands Reserve because the revoking of such reservation would be inconsistent with the provisions of this Act since the Tsiamshin Indians are not included in the settlement made by this bill.

Section 17 provides that the Commission and the Secretary shall submit annual reports to the Congress. On June 30, 1992, the Commission and the Secretary are to submit through the President a joint report of the status of the natives, a summary of actions taken, together with recommendations for the continuation or modification of the Act.

Section 18 contains the authorization for appropriations to the Secretary of the Interior and the Commission of the sums that will be necessary to carry out their functions and responsibilities under the Act.

Section 19 is a publication section and authorizes the Secretary of the Interior to publish in the *Federal Register* such regulations as may be necessary to carry out the purposes of the Act.

Section 20 is a savings-clause provision.

Section 21 provides that if any provision of this Act is held invalid the remainder of the Act shall remain valid.

In the preparation of this proposed legislation, the Department has had the benefit of the advise and views of the representatives of the Alaska Federation of Natives, with whom, not only I, but the Vice President and members of the President's personal staff have been in close consultation.

This consultation is a direct result of the President's and Vice President's interest in seeing to it that Indian and native peoples are informed about and involved in the Administration's treatment of matters which, like this legislation, so directly affect their lives.

The Office of Management and Budget has advised that the enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

By Mr. MONDALE (for Mr. JACKSON) and Mr. ALLOTT) (by request):

S. 1572. A bill to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 1572

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 3, 1952 (66 Stat. 328), as amended (42 U.S.C. 1951–1958g), is further amended to read as follows:

SECTION 1. In view of the increasing shortage of usable water in many parts of the Nation and the importance of finding new sources of supply to meet present and future water needs, it is the policy of the Congress to provide for development and demonstration of practicable means for large-scale production from saline water of low-cost water suitable for municipal, industrial, agricultural or any other beneficial purpose, and for studies and research related thereto.

SEC. 2. When used in this Act—

(a) "Saline water" shall mean seawater, brackish water, and other mineralized or chemically changed water.

(b) "Desalting" shall mean any process for the reclamation or treatment of saline water for any beneficial purpose.

(c) "Pilot plant" shall mean an experimental unit of up to one hundred thousand gallons per day capacity, used for early evaluation and development of new or improved desalting processes and also for investigations in areas of supporting research and development to obtain needed technical and engineering data.

(d) "Test bed" shall mean an experimental desalting plant of up to two million gallons per day capacity, used for further evaluation and refinement of selected processes beyond that permitted by a pilot plant.

(e) "Module" shall mean a section or integral portion of a desalting plant which is used initially to confirm new or improved desalting technology on a large scale and the critical design features required for subsequent prototype construction.

(f) "Prototype plant" shall mean a first first of a kind water-producing plant of sufficient scale and detail used for complete process verification of pilot plant test bed or modular tested technology and process economics.

SEC. 3. The Secretary of the Interior shall—

(a) conduct or provide for fundamental and applied research and studies to develop the best and most economical desalting processes, including processes for the recovery of commercially valuable byproducts produced during desalting and for the minimization of environmentally harmful effects associated therewith;

(b) conduct or provide for engineering and technical development work, including the construction and testing of pilot plants, test beds, modules, or any components thereof, for the purposes of evaluating the research and studies authorized by section 3(a) of this Act and advancing desalting processes and plant designs to the point where they can be demonstrated on a practicable scale;

(c) report to the President and to the Congress his recommendation as to the best opportunity for the early construction of large-scale prototype desalting plants. Plant siting shall consider the need for new water resources in a comprehensive plan for the area selected, plant size and best-suited technology to demonstrate the practicability of construction and operation of large-scale plants for water supply, and the availability of cooperating entity or entities willing to enter into agreements for marketing the water produced;

(d) conduct or provide for studies, surveys, and analyses (i) to determine the potential needs for, and uses of, desalting processes, (ii) to determine the present and prospective costs of reclaiming or treating saline water in various parts of the United States, and (iii) to furnish the technical and economic information to water resource planners as to the feasibility of constructing and operating proposed desalting plants;

(e) coordinate the studies, surveys, analyses, and reports authorized by this section 3 with those authorized by the Water Resources Planning Act of July 22, 1965, P.L. 89–80, 79 Stat. 244; the Colorado River Basin Project Act of September 30, 1968, 82 Stat. 885; the Federal reclamation laws (Act of June 17, 1902), 32 Stat. 388, and acts amendatory or supplementary thereto; the Federal Water Pollution Control Act of June 30, 1948, 62 Stat. 1155, as amended and supplemented; and the National Environmental Policy Act of 1969, 83 Stat. 852.

SEC. 4. In carrying out his functions under this Act, the Secretary of the Interior may—

(a) make grants to educational institutions and scientific organizations and enter into contracts with such institutions and organizations and with industrial or engineering firms;

(b) acquire the services of chemists, physicists, engineers, economists, and other personnel by contract or otherwise;

(c) utilize the facilities of Federal scientific laboratories;

(d) undertake or provide for the construction, operation, and maintenance of the facilities necessary to carry out the research, studies, testing, development, and other functions authorized by this Act;

(e) acquire by purchase, contract for construction, license, lease, or donation, secret processes, technical data, inventions, patent applications, patents, licenses, land or any interest in land, water rights, plants and facilities, and other property and rights necessary to conduct the activities authorized by this Act, as well as dispose of any such property or rights when no longer necessary for such activities: *Provided*, That such property or rights shall be acquired or disposed of as provided in the Federal Property and Administrative Services Act of 1949, as amended.

(f) assemble and maintain pertinent and current scientific literature, both domestic and foreign, and issue reports and bibliographical data with respect thereto;

(g) cause on-site inspections to be made of promising projects, domestic and foreign, and in the case of projects located in the United States, cooperate and participate in their development and operation in instances in which the purposes of this Act will be served thereby;

(h) foster and participate in regional, national, and international conferences relating to desalting;

(i) coordinate, correlate, publish, and otherwise make available information with a view to advancing the development of low-cost desalting processes;

(j) take necessary measures to preserve from loss such disclosures or discoveries as are not directly related to desalting made in the course of the research and studies authorized by section 3(a) of this Act;

(k) dispose of water or byproducts resulting from activities authorized by this Act in such manner as the Secretary shall determine best promotes the purposes thereof, with all moneys received by dispositions under this section or section 4(e) to be paid into the Treasury as miscallaneous receipts;

(l) cooperate and participate in any of the foregoing activities together with other Federal departments and agencies, with State and local departments, agencies, and instrumentalities or with interested persons, firms, institutions, and organizations.

SEC. 5. In providing for the construction and operation of such prototype desalting plants as may hereafter be authorized, the Secretary of the Interior may participate with a Federal or State agency (including a political subdivision thereof). Whenever the other participant is a non-Federal agency, the Federal financial contribution shall be limited to 50 percent of the construction cost and 50 percent of the operating and maintenance cost during the initial operating period, not to exceed three years following plant acceptance.

SEC. 6. By the end of fiscal year 1976, the Secretary of the Interior shall submit a report to the President and the Congress describing the status of the program authorized by this Act and shall include recommendations on the future role that the Federal Government should play in the desalting program.

SEC. 7. The Secretaries of the Interior, Defense; State; Agriculture; Commerce; Health, Education and Welfare; and Housing and Urban Development; the Atomic Energy Commission and the Administrator of the Environmental Protection Agency shall each cooperate and coordinate their respective programs to effectuate the purposes of this Act.

SEC. 8. Nothing in this Act shall be construed to alter existing law with respect to the ownership and control of water.

SEC. 9. The Secretary of the Interior shall make reports no less frequently than every two years to the President and the Congress describing the action taken or instituted by him under the provisions of this Act.

SEC. 10. The Secretary of the Interior shall issue rules and regulations to effectuate the purposes of this Act.

SEC. 11. There are authorized to be appropriated such sums, to remain available until expended, as may be necessary (a) to carry out the provisions of this Act during fiscal years 1973 to 1977, inclusive, (b) to finance, for not more than three years beyond the end of said period, such grants, contracts, cooperative undertakings, and studies as may heretofore have been undertaken pursuant to this Act, and (c) to finance, for not more than one additional year, such activities as are required to correlate, coordinate, and summarize in a final report to the President and the Congress the results of the research and development undertaken pursuant to this Act: *Provided*, That not more than two percent of the funds to be made available in any one year for research and development may be expended, subject to the approval of the Secretary of State to assure that such activities are consistent with the foreign policy objectives of the United States, in cooperation with public or private agencies in foreign countries for research useful to the program in the United States: *And Provided further*, That contracts or agreements made in pursuance of the foregoing proviso shall require that the results or information developed in connection therewith be available without cost, both to the Secretary of the Interior and the general public in the United States.

SEC. 12. When appropriations have been made for any activity authorized by this Act, the Secretary of the Interior may enter into contracts for such periods of time as he shall determine to be necessary but under which the liability of the United States shall be contingent upon appropriations being available therefor.

SEC. 13. The Secretary of the Interior is authorized to accept financial and other assistance from any State or public agency to conduct the program authorized by this Act and to enter into contracts with respect to such assistance which specify the purpose or purposes for which the assistance is to be used. Any funds so contributed shall be available for expenditure by the Secretary of the Interior for the purposes for which they were contributed in like manner as if they had been specifically appropriated as authorized by section 11 of this Act, and any funds not expended for these purposes shall be returned to the State or public agency from which they were received: *Provided*, That receipt of such funds shall not be the basis for entering into contracts that obligate the United States contingently or otherwise, for amounts in excess of such funds, unless actual appropriations have also been made for such contracts.

SEC. 14. This Act may be cited as the "Saline Water Conversion Act of 1971".

WATER DESALTING

(Statement of Senator JACKSON)

Mr. President, on behalf of the senior Senator from Colorado (Mr. ALLOTT) and myself, by request, I send to the desk for appropriate reference a bill to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes.

This measure has been submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication transmitting the proposed legislation be printed in the RECORD following my remarks.

U.S. DEPARTMENT
OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 1, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft bill "To expand and extend the desalting program being conducted by the Secretary of the Interior."

We recommend that the proposed bill be referred to the appropriate committee for consideration and that it be enacted.

With the enactment in 1952 of the Saline Water Act (66 Stat. 328), the Congress recognized the potential crisis that confronted the Nation in the disproportion between the available supply and the increasing demand for water. In that legislation, the Congress declared the policy of "providing for the development of practicable low-cost means of producing from sea water, or from other saline waters, water of a quality suitable for agricultural, industrial, municipal, and other beneficial consumptive uses on a scale sufficient to determine the feasibility of the development of such production and distribution on a large-scale basis, for the purpose of conserving and increasing the water resources of the Nation."

The 1952 Act, as amended, authorized annual appropriations for the purpose of initiating new projects only through fiscal year 1972, with an additional period of 5 years during which only appropriations to complete such projects could be made. The Federal desalting program will, accordingly, begin to phase out after fiscal year 1972 unless new authority is provided.

In continuing the desalting program, our main objectives will be: (1) to carry forward our basic and applied research and development program, building on the impressive gains in developing desalting systems which have already been made; (2) where desalting technology has been sufficiently developed, to stimulate its application to existing water problems; and (3) to develop large-scale prototype plants to evaluate and demonstrate the viability of desalting as an alternate water source to meet the pressing requirements that will arise in the last quarter of this century for more and better water. The location of such prototype plans will be selected on the basis of water needs and the availability of an entity or entities to participate in the construction and initial operating costs.

This bill would provide new authority for continuing with research and development activities for an additional 5 years, from fiscal years 1973 through 1977, with an additional 3-year period for completing those activities and an additional 1 year for preparing the final report. Periodic reports to the Congress no less frequent than 2 years would be required. Although the format has been changed, in substance this bill contains the same general authority as present law with the following exceptions.

1. The bill would require the Secretary of the Interior to complete and submit a preliminary report on the feasibility of constructing and operating large prototype desalting plants in order to verify that large-scale desalting is practicable by the distillation or reverse osmosis processes.

2. By the end of fiscal year 1976, the Secretary would be required to submit a report to the President and the Congress describing the status of the program authorized by the Act, including recommendations on the future role the Federal Government should play in encouraging the development and application of desalting technology. It is anticipated that information developed during this period would provide the basis for recommendations on the role of desalting in the Western United States Water Plan (Colorado River Basin Project Act of September 30, 1968, 82 Stat. 885).

3. More comprehensive definitions of the terms "pilot plant", "test bed", "module", and "prototype" are provided.

4. The scope of the research and development work on processes for the recovery of commercially valuable byproducts and for the minimization of environmentally harmful effects associated with desalting processes would be expanded.

5. New emphasis would be given to studies, surveys, and analyses that will include the use of desalting technology in comprehensive

water resource planning and in other practical applications. Coordination of such studies with studies being conducted under other legislation would be required.

6. The Secretary would be authorized to acquire or dispose of property or rights in compliance with applicable property procurement and disposal laws. No disposal authority is provided in the present legislation except with respect to water and other byproducts of the desalting process. This has impaired the Secretary's flexibility in participating in arrangements with other entities and has created other complications inimical to the purposes of the Act.

7. The Secretary of the Interior would be authorized to continue research to preserve from loss disclosures or discoveries that were not directly related to desalting in the course of authorized research and studies.

8. Cooperation and participation in foreign research, not to exceed 2 percent of the appropriated research and development funds in any fiscal year, would be authorized.

Also enclosed herewith is a sectional analysis of the proposed bill and an environmental impact statement as required by section 102(2)(C) of the National Environmental Policy Act of 1969.

The Office of Management and Budget has advised that the presentation of this proposed legislation would be consistent with the Administration's objectives.

Sincerely yours,

JAMES R. SMITH,
Secretary of the Interior.

A bill to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 3, 1952 (66 Stat. 328), as amended (42 U.S.C. 1951–1958g), is further amended to read as follows:

SECTION 1. In view of the increasing shortage of usable water in many parts of the Nation and the importance of finding new sources of supply to meet present and future water needs, it is the policy of the Congress to provide for development and demonstration of practicable means for large-scale production from saline water of low-cost water suitable for municipal, industrial, agricultural or any other beneficial purpose, and for studies and research related thereto.

SEC. 2. When used in this Act—

(a) "Saline water" shall mean seawater, brackish water, and other mineralized or chemically charged water.

(b) "Desalting" shall mean any process for the reclamation or treatment of saline water for any beneficial purpose.

(c) "Pilot plant" shall mean an experimental unit of up to 100,000 gallons per day capacity, used for early evaluation and development of new or improved desalting processes and also for investigations in areas of supporting research and development to obtain needed technical and engineering data.

(d) "Test bed" shall mean an experimental desalting plant of up to two million gallons per day capacity, used for further evaluation and refinement of selected processes beyond that permitted by a pilot plant.

(e) "Module" shall mean a section or integral portion of a desalting plant which is used initially to confirm new or improved desalting technology on a large scale and the critical design features required for subsequent prototype construction.

(f) "Prototype plant" shall mean a first of a kind water-producing plant of sufficient scale and detail used for complete process verification of pilot plant test bed or modular tested technology and process economics.

SEC. 3. The Secretary of the Interior shall—

(a) conduct or provide for fundamental and applied research and studies to develop the best and most economical desalting processes, including processes for the recovery of commercially valuable byproducts produced during desalting and for the minimization of environmentally harmful effects associated therewith;

(b) conduct or provide for engineering and technical development work, including the construction and testing of pilot plants, test beds, modules, or any components thereof, for the purposes of evaluating the research and studies authorized by section 3(a) of this Act and advancing desalting processes and plant designs to the point where they can be demonstrated on a practicable scale;

(c) report to the President and to the Congress his recommendation as to the best opportunity for the early construction of large-scale prototype desalting plants. Plant siting shall consider the need for new water resources in a comprehensive plan for the area selected, plant size and best-suited technology to demonstrate the practicability of construction and operation of large-scale plants for water supply, and the availability of cooperating entity or entities willing to enter into agreements for marketing the water produced;

(d) conduct or provide for studies, surveys, and analyses (i) to determine the potential needs for, and uses of, desalting processes, (ii) to determine the present and prospective costs of reclaiming or treating saline water in various parts of the United States, and (iii) to furnish the technical and economic information to water resource planners as to the feasibility of constructing and operating proposed desalting plants;

(e) coordinate the studies, surveys, analyses, and reports authorized by this section 3 with those authorized by the Water Resources Planning Act of July 22, 1965, Public Law 89–80, 79 Stat. 244; the Colorado River Basin Project Act of September 30, 1968, 82 Stat. 885; the Federal reclamation laws (Act of June 17, 1902), 32 Stat. 388, and acts amendatory or supplementary thereto; the Federal Water Pollution Control Act of June 30, 1948, 62 Stat. 1155, as amended and supplemented; and the National Environmental Policy Act of 1969, 83 Stat. 852.

SEC. 4. In carrying out his functions under this Act, the Secretary of the Interior may—

(a) make grants to educational institutions and scientific organizations and enter into contracts with such institutions and organizations and with industrial or engineering firms;

(b) acquire the services of chemists, physicists, engineers, economists, and other personnel by contract or otherwise;

(c) utilize the facilties of Federal scientific laboratories;

(d) undertake or provide for the construction, operation, and maintenance of the facilities necessary to carry out the research, studies, testing, development, and other functions authorized by this Act;

(e) acquire by purchase, contract for construction, license, lease, or donation, secret processes, technical data, inventions, patent applications, patents, licenses, land or any interest in land, water rights, plants and facilities, and other property and rights necessary to conduct the activities authorized by this Act, as well as dispose of any such property or rights when no longer necessary for such activities: *Provided*, That such property or rights shall be acquired or disposed of as provided in the Federal Property and Administrative Services Act of 1949, as amended.

(f) assemble and maintain pertinent and current scientific literature, both domestic and foreign, and issue reports and bibliographical data with respect thereto;

(g) cause on-site inspections to be made of promising projects, domestic and foreign, and in the case of projects located in the United States, cooperate and participate in their development and operation in instances in which the purposes of this Act will be served thereby;

(h) foster and participate in regional, national, and international conferences relating to desalting;

(i) coordinate, correlate, publish, and otherwise make available information with a view to advancing the development of low-cost desalting processes;

(j) take necessary measures to preserve from loss such disclosures or discoveries as are not directly related to desalting made in the course of the research and studies authorized by section 3(a) of this Act;

(k) dispose of water or byproducts resulting from activities authorized by this Act in such manner as the Secretary shall determine best promotes the purposes thereof, with all moneys received by dispositions under this section or section 4(e) to be paid into the Treasury as miscellaneous receipts;

(l) cooperate and participate in any of the foregoing activities together with other Federal departments and agencies, with State and local departments, agencies, and instrumentalities, or with interested persons, firms, institutions, and organizations.

SEC. 5. In providing for the construction and operation of such prototype desalting plants as may hereafter be authorized, the Secretary of the Interior may participate with a Federal or State agency (including a political subdivision thereof). Whenever the other participant is a non-Federal agency, the Federal financial contribution shall be limited to 50 per centum of the construction cost and 50 per centum of the operating and maintenance cost during the initial operating period, not to exceed three years following plant acceptance.

SEC. 6. By the end of fiscal year 1976, the Secretary of the Interior shall submit a report to the President and the Congress describing the status of the program authorized by this Act and shall include recommendations on the future role that the Federal Government should play in the desalting program.

SEC. 7. The Secretaries of the Interior, Defense; State; Agriculture; Commerce; Health, Education, and Welfare; and Housing and Urban Development; the Atomic Energy Commission and the Administrator of the Environmental Protection Agency shall each cooperate and coordinate their respective programs to effectuate the purposes of this Act.

SEC. 8. Nothing in this Act shall be construed to alter existing law with respect to the ownership and control of water.

SEC. 9. The Secretary of the Interior shall make reports no less frequently than every two years to the President and the Congress describing the action taken or instituted by him under the provisions of this Act.

SEC. 10. The Secretary of the Interior shall issue rules and regulations to effectuate the purposes of this Act.

SEC. 11. There are authorized to be appropriated such sums, to remain available until expended, as may be necessary (a) to carry out the provisions of this Act during fiscal years 1973 to 1977, inclusive, (b) to finance, for not more than three years beyond the end of said period, such grants, contracts, cooperative undertakings, and studies as may theretofore have been undertaken pursuant to this Act, and (c) to finance, for not more than one additional year, such activities as are required to correlate, coordinate, and summarize in a final report to the President and the Congress the results of the research and development undertaken pursuant to this Act: *Provided,* That not more than two per centum of the funds to be made available in any one year for research and development may be expended, subject to the approval of the Secretary of State to assure that such activities are consistent with the foreign policy objectives of the United States, in cooperation with public or private agencies in foreign countries for research useful to the program in the United States: *And Pro-*

vided further, That contracts or agreements made in pursuance of the foregoing proviso shall require that the results or information developed in connection therewith be available without cost, both to the Secretary of the Interior and the general public in the United States.

SEC. 12. When appropriations have been made for any activity authorized by this Act, the Secretary of the Interior may enter into contracts for such periods of time as he shall determine to be necessary but under which the liability of the United States shall be contingent upon appropriations being available therefor.

SEC. 13. The Secretary of the Interior is authorized to accept financial and other assistance from any State or public agency to conduct the program authorized by this Act and to enter into contracts with respect to such assistance which specify the purpose or purposes for which the assistance is to be used. Any fund so contributed shall be available for expenditure by the Secretary of the Interior for the purposes for which they were contributed in like manner as if they had been specifically appropriated as authorized by section 11 of this Act, and any funds not expanded for these purposes shall be returned to the State or public agency from which they were received: *Provided,* That receipt of such funds shall not be the basis for entering into contracts that obligate the United States contingently or otherwise, for amounts in excess of such funds, unless actual appropriations have also been made for such contracts.

SEC. 14. This Act may be cited as the "Saline Water Conversion Act of 1971."

PROPOSED SALINE WATER CONVERSION ACT OF 1971

SECTIONAL ANALYSIS

Section 1—declares Congressional policy to provide for development and demonstration of practicable means for large-scale production from saline water of low-cost water suitable for beneficial purposes and to provide for studies and research related thereto.

Section 2—defines the following terms:

2(*a*) "Saline water"—seawater, brackish water, and other mineralized or chemically charged water.

2(*b*) "Desalting"—any process of reclamation or treatment of saline water for any beneficial purpose.

2(*c*) "Pilot plant"—an experimental unit of up to 100,000 gallons per day capacity used for early developmental and investigatory work.

2(*d*) "Test bed"—An experimental desalting plant of up to 2 million gallons per day used for further evaluation and refinement of desalting technology.

2(*e*) "Module"—section or integral portion of desalting plant used initially to confirm technology on a large scale and critical design functions for prototype construction.

2(*f*) "Prototype plant"—first of a kind water-producing plant of sufficient scale and detail for complete process verification of technology and economics.

Section 3—directs the Secretary of the Interior (Secretary) to (a) undertake research and studies to develop the best and most economical desalting processes, including processes for recovery of commercially valuable byproducts and for minimizing adverse environmental effects; (b) undertake engineering and technical development work, including construction and testing of pilot plants, test beds, modules or components thereof; (c) make a report and recommendation to the President and to Congress concerning the best opportunity for early construction of large-scale prototype desalting plants; (d) undertake studies, surveys and analyses of needs for and uses of desalting processes, desalting costs in various parts of the United States and the feasibility of desalting plants; (e) coordinate these studies, surveys and analyses with activities under other Federal laws affecting water quality or quantity.

Section 4—authorizes the Secretary to (a) make certain grants or enter contracts with educational institutions or scientific organizations and with industrial or engineering firms; (b) acquire the services of professional and other personnel; (c) use Federal scientific facilities; (d) accomplish the construction, operation and maintenance of facilities necessary to carry out authorized functions; (e) acquire and dispose of property or other rights in compliance with applicable law; (f) collect and disseminate pertinent scientific information; (g) inspect projects and, in the case of projects located in the United States, join in their development and operation where the Act's purposes will be served; (h) foster and participate in desalinization conferences; (i) coordinate, correlate, publish and otherwise make available information with a view to advancing the development of low-cost desalting processes; (j) preserve disclosures and discoveries not directly related to desalting made in the course of authorized research and studies; (k) dispose of water and byproducts resulting from activities authorized by the Act; (l) cooperate and participate in these activities with others.

Section 5—provides that in undertaking construction and operation of any prototype plants which may be subsequently authorized, the Secretary may participate with a Federal or State agency. Where the other participant is a non-Federal agency, the Federal share of the costs involved shall not exceed 50 percent of construction and of initial operating and maintenance costs (continued no more than 3 years).

Section 6—requires the Secretary to submit a report on the status of the desalting program with recommendations concerning the future Federal role in it, not later than the end of fiscal year 1976.

Section 7—requires the cooperation and coordination of Federal departments and agencies to effectuate the Act's purposes.

Section 8—provides that the Act shall not alter existing law with respect to ownership and control of water.

Section 9—directs the Secretary to report to the President and Congress on the desalting program not less frequently than every two years.

Section 10—provides for issuance by the Secretary of rules and regulations to carry out the Act's purposes.

Section 11—authorizes appropriations as may be necessary (a) to carry out the Act's provisions during fiscal years 1973 to 1977; (b) to finance activities undertaken within such period for an additional 3 years; and (c) to finance for not more than one additional year activities necessary to prepare a final report to the President and Congress. The section permits expenditure for foreign research activities of up to 2 percent of research and development appropriations provided the results of, or information developed in connection with, such research shall be available without cost to the Secretary and to the general public in the United States.

Section 12—provides that when appropriations have been made for any activity authorized by the Act, the Secretary may enter contracts for such duration as he may determine to be necessary, except that the liability of the United States shall be contingent throughout upon the availability of appropriations.

Section 13—permits the Secretary to accept certain financial and other assistance, with contributed funds being available for the designated purposes as if appropriated under section 11. Unused funds will be returned to the donors. The receipt of such funds shall not be the basis for entering contracts obligating the United States unless actual appropriations have also been made.

Section 14—provides that the Act's short title shall be the "Saline Water Conversion Act of 1971".

PROPOSED BILL TO EXPAND AND EXTEND THE DESALTING PROGRAM BEING CONDUCTED BY THE SECRETARY OF THE INTERIOR

ENVIRONMENTAL IMPACT STATEMENT

1. *Nature of Proposed Bill*

The proposed bill would amend the Act of July 3, 1952 (66 Stat. 328), as amended (42 U.S.C. 1951–1958g) to expand and extend the desalting program being conducted by the Secretary of the Interior. The details are specified in the bill which this statement accompanies, and further in the covering letters to the President of the Senate and to the Speaker of the House of Representatives. The proposed legislation does not provide for a substantive redirection of the existing program.

2. *Environmental Impact of Proposed Bill*

Because of increasing shortage of usable water, and in view of the importance of finding new sources of supply to meet present and future needs, section 1 of the bill makes it the policy of the Congress "to provide for development of practicable means for large-scale production from saline water of low-cost water of a quality suitable for municipal, industrial, agricultural, or any other consumptive use or any other beneficial purpose, and for studies and research related thereto."

The saline water conversion program is the only Federal research and development program for providing practical means of converting saline waters into water suitable for beneficial uses. The proposed bill would continue this program, but in no way change the direction presently followed under existing law.

Our water supplies must be augmented to provide for the needs of a growing population and expanding economy. The means for increasing such supplies are limited. Precipitation management, use of available geothermal and ground water supplies, additional river and stream flow-management and desalination are the principal sources at this time.

The bill under consideration would have a limited immediate effect on the environment. The extension of the existing program will continue present operations of Office of Saline Water Test Facilities at the following five locations: San Diego, California; Roswell, New Mexico; Freeport, Texas; Wrightsville Beach, North Carolina; and Webster, South Dakota. These experimental facilities operate intermittently, have a negligible effect on the environment, and the effluents (hot brine and gas emissions) fully comply with all present State standards and the requirements of Executive Order 11507, Prevention, Control and Abatement of Air and Water Pollution at Federal Facilities.

The bill does not provide for the construction of new facilities, test beds and modules, and would require that the Secretary of the Interior recommend to the President and the Congress, not less than a year after passage, his recommendation as to the best opportunity for early construction of large-scale prototype desalting plants. Any of these activities may have significant environmental effects requiring statements in accordance with Section 102(2) (C) of the Environmental Quality Act of 1969. Such statements will be prepared when new projects are identified as to proposed location and data become available.

Environmental effects of existing Office of Saline Water Facilities are described as follows:

(a) *San Diego, California, Test Bed and Facility:* Steam is purchased from the existing operating power plant of the San Diego Gas & Electric Company, adding nothing to emissions produced in that company's normal operations. Brine is discharged through San Diego Gas & Electric discharge facilities to the San Diego Bay and to Western Salt Company evaporation ponds. There is no adverse effect on water quality or discernible increase in thermal pollution over that created by San Diego Gas & Electric cooling water discharge.

(b) *Roswell, New Mexico, Test Bed and Facility:* Brine is discharged into plastic lined ponds built by the City of Roswell on city owned property donated by the State of New Mexico. There is no adverse environmental effect. Natural gas is used as fuel; no adverse emissions result.

(c) *Freeport, Texas, Test Bed and Facility:* Steam is purchased from the existing production facilities of the Dow Chemical Company. Brine is discharged through that company's facilities. There is no discernible increase in the thermal pollution over that from normal Dow Chemical operations.

(d) *Webster, South Dakota, Test Bed and Facility:* Negligible gas emission. Brine effluent is discharged at ambient temperature into a local brackish lake. The facility effluent is of higher quality than the lake itself. The environmental effect is insignificant.

(e) *Wrightsville Beach, North Carolina, Test Facility:* A minimal amount of emissions, fully in compliance with North Carolina and Federal standards, is produced from this facility. Brine effluent is cooled in a pond before discharge into the Intercoastal Waterway with no adverse environmental effect.

4. *Alternative to the Proposed Bill*

None, other than termination of or continuation for a different period of the Saline Water Conversion program.

5. *Relation Between Local Short-Term Uses and Long-Term Productivity of the Environment*

In the short run, the program has little or no impact on the environment. The long-run potential is significant. Positively, the production of commercial quantities of water from saline waters, at competitive cost, could provide high quality water for blending with natural stream flows for water quality improvement, and, by virtue of increased supply, reduce the need for added streams flow regulation. It could also reduce the depletion of ground water supply in critically water short areas. Negatively, there is no question that large-scale desalting plants, as contemplated, may have slight local environmental impact. These, largely, will result from heat, brine and air emissions. The research program is designed to provide answers to these environmental questions, as well as to reach the technological objectives. Future state legislation could impose constraints on proposed test facility programs which can be overcome by investment in items as cooling towers and long outfall systems. In this manner environmental impact would be minimized.

6. *Irreversible and Irretrievable Commitments* of Resources

None.

By Mr. MONDALE (for Mr. JACKSON and Mr. ALLOTT) (by request):

S. 1573. A bill to provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government and for other purposes.

S. 1574. A bill to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 1573

A bill to provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. For the purposes of this Act:

(a) "Indian Tribe" and "Indian Community" means an Indian tribe, band, nation or Alaska Native Community for which the Federal Government provides special programs and services because of their Indian identity. The terms may also include the reservation or other land area in which the tribe or community is located and tribally recognized communities within a reservation.

(b) "Indian tribal organization" includes the elected governing body of an Indian tribe or community. The term may also include legally established organizations which are controlled by one or more such bodies or which are controlled by a board of directors elected or selected by one or more such bodies.

(c) "Secretary" means the Secretary of the Interior or the Secretary of Health, Education, and Welfare, as appropriate.

(d) "Programs" and "services" include the local activities and undertakings of the Bureau of Indian Affairs of the Department of the Interior and the Indian health service program of the Public Health Service of the Department of Health, Education, and Welfare serving Indian communities and the related facilities, equipment, supplies, materials and budget. Such other programs as may be designated by a Federal department or agency responsible for the administration thereof may also be transferred pursuant to this Act.

SEC. 2. (a) Notwithstanding any other provision of law, if an Indian tribe or community, after consultation with the Secretary, requests that it be given the control or operation of a program or service administered by the Secretary, the Secretary shall within 120 days from such request, or such later date as may be agreed to by the Secretary and the organization, transfer such control or operation to the Indian tribal organization. Any request made pursuant to this subsection must be accompanied by a plan for carrying out the program or service requested. A tribe or community assuming such control may enter into agreements to carry out all or any part of such program or service. A transfer under this subsection shall stipulate the retrocession procedures provided for in subsections (d) and (e) of this section which are designed to safeguard the residual trust responsibilities of the Federal Government. In the case where a requested program or service is serving the members of more than one Indian tribe or community, the requested transfer of such service or program must be approved by each tribe or community served by said program or service before any transfer shall be required under this Act.

(b) During the period preceding or immediately subsequent to any transfer required by this Act, the Secretary shall provide assistance, other than financial, on the request of the Indian tribal organization, to insure an orderly transfer of the control and operation of the program or service involved.

(c) For each fiscal year during which an Indian tribal organization engages in an activity pursuant to any program or service transferred to it under this Act the Indian tribal organization shall submit a report to the Secretary including an accounting of the amounts and purposes for which Federal funds were expended and information on conduct of the program or service involved. The reports and records of such Indian tribal organization with respect to such program or operation shall be subject to audit by the Secretary and the Comptroller General of the United States.

(d) Should an Indian tribe or community request retrocession to the Secretary of any program or service which was assumed by the Indian tribal organization under this Act, such retrocession shall be effective upon a date specified by the Secretary within 120 days of such indication or such later date as may be agreed to by the Secretary and the organization. Such retrocession will not prejudice the tribe's or community's right to again assume control of a service or program at a later date.

(e) In any case where the Secretary determines that any program or service assumed by an Indian tribal organization is being accomplished in a manner which involves (1) the violation of the rights or endangers the health, safety, or welfare of individuals served by such program or service, or (2) gross negligence or mismanagement in the handling or use of Federal funds provided to the organization pursuant to this Act, the Secretary may, under regulations prescribed by him, after providing notice and hearing to such Indian tribal organization, reassume control or operation of such program or service if he determines that the organization has not taken corrective action as prescribed by the Secretary. The Secretary may retain control of such program or service until such time as he is satisfied that the violations of rights, endangerment of health, safety, or welfare, or the gross negligence or mismanagement which necessitated the reassumption has been corrected as indicated by the plan accompanying a request by an Indian tribal organization to again take control or operation of such program or service.

(f) In the allocation of available funds, Indian tribal organizations that assume control or operation of programs or services under the provisions of this Act, or retrocede control or operation to the Secretary, shall be treated in the same manner as they would be if the control or operation had been maintained continuously by the Federal Government.

SEC. 3. The Secretary is authorized, upon the request of any Indian tribe, band, group, or community, to detail any civil service employee serving under a career or career-conditional appointment for a period of up to one hundred and eighty days to such Indian tribe, band, group, or community for the purpose of assisting such Indian tribe, band, group, or community in its control or operation of a program or service transferred to it pursuant to this Act. The Secretary may, upon a showing by an Indian tribe, band, group, or community of a need for an employee detailed pursuant to this section, extend such detail for a period not to exceed one hundred and eighty days.

SEC. 4. Nothing in this Act shall be interpreted as authorizing or requiring the termination of any existing trust responsibility of the United States with respect to Indians.

S. 1574

A bill to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. This Act may be cited as the "Federal Employees Indian Tribal Organization Transfer Act."

SEC. 2. (a) Notwithstanding other statutes, Executive orders, or regulations, an employee serving under an appointment not limited to one year or less who transfers on or before December 31, 1981, to an Indian tribal organization in connection with governmental or other activities which are or have been performed by employees in or for Indian communities is entitled, if he and the Indian tribal organization so elect, to the following:

(1) To retain coverage, rights, and benefits under subchapter I of chapter 81 ("Compensation for Work Injuries") of title 5, United States Code, and for this purpose his employment with the Indian tribal organization is deemed employment by the United States. However, if an injured employee, or his dependents in case of his death, receives from the Indian tribal organization any payment (including an allowance, gratuity, payment under an insurance policy for which the premium is wholly paid by the Indian tribal organization, or other benefit of any kind) on account of the same injury or death, the amount of that payment shall be credited against any benefits payable under subchapter I of chapter 81 of title 5, United States Code, as follows:

(A) payments on account of injury or disability shall be credited against disability compensation payable to the injured employee; and

(B) payments on account of death shall be credited against death compensation payable to dependents of the deceased employees.

(2) To retain coverage, rights, and benefits under chapter 83 ("Retirement" of title 5, United States Code, if necessary employee deductions and agency contributions in payment for coverage, rights, and benefits for the period of employment with the Indian tribal organization are currently deposited in the Civil Service Retirement and Disability Fund (section 8348 of title 5, United States Code); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed creditable service under section 8332 of title 5, United States Code. Days of unused sick leave to the credit of an employee under a formal leave system at the time he transfers to an Indian tribal organization remain to his credit for retirement purposes during covered service with the Indian tribal organization.

(3) To retain coverage, rights, and benefits under chapter 87 ("Life Insurance" of title 5, United States Code, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the Indian tribal organization are currently deposited in the Employees' Life Insurance Fund (section 8714 of title 5, United States Code); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 87 of title 5, United States Code.

(4) To retain coverage, rights, and benefits under chapter 89 ("Health Insurance") of title 5, United States Code, if necessary employee deductions and agency contributions in payment for the coverage, rights and benefits for the period of employment with the Indian tribal organization are currently deposited in the Employees' Health Benefits Fund (section 8909 of title 5, United States Code); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 89 of title 5, United States Code.

(5) To be reemployed within thirty days of his application for reemployment in his former position or a position of like seniority, status, and pay in the agency from which he transferred, if he transferred at the time such an activity was transferred to the Indian tribal organization or within ninety calendar days after such a transfer of activities and (A) he makes application for reemployment not later than five years after the date of his transfer to the Indian tribal organization, or (B) the activity is transferred back to the Government of the United States. On reemployment, he is entitled to the rate of basic pay to which he would be entitled had he remained in the agency from which he transferred. On reemployment, the agency shall restore his sick leave account, by credit or charge, to its status at the time of transfer. If, at the time of transfer to the Indian tribal organization the employee received a lump-sum payment for annual leave and he is reemployed under this paragraph within one year from the date of transfer, he shall refund to the agency from which he transferred the amount of the lump-sum payment, and the leave covered by the said lump-sum payment shall be restored to his account. If an employee is reemployed under this paragraph, the period of his service with an Indian tribal organization and the period necessary to effect his reemployment are deemed creditable service for all appropriate civil service employment purposes.

(b) During a transferred employee's period of service with an Indian tribal organization, that organization shall deposit currently in the appropriate funds the employee deductions and agency contributions required by paragraphs (2), (3), and (4) of subsection (a) of this section.

SEC. 3. An employee who transfers to an Indian tribal organization under section 2 of this Act and the Indian tribal organization to which he transfers shall make the election to retain the coverages, rights, and benefits in paragraphs (1), (2), (3), and (4) of subsection (a) of section 2 of this Act before the date of his transfer to the Indian tribal organization. An employee who transfers to an Indian tribal organization under section 2 of this Act shall continue to be entitled to the benefits under section 2 of this Act if he transfers to the employment of another Indian tribal organization to perform service in activities of the type described in section 2 of this Act.

SEC. 4. For the purposes of this Act—

(a) "employee" means an employee as defined in section 2105 of title 5, United States Code;

(b) "Indian tribal" includes, but is not limited to, Alaska Native; and

(c) "Indian tribal organization" includes, but is not limited to, Indian tribal governing bodies, their agencies and instrumentalities, and corporations and other organizations which are controlled by (1) one or more of the described Indian tribal governing bodies or their agencies or instrumentalities, or (2) by a board of directors elected or selected by one or more of the described Indian tribal governing bodies or their agencies or instrumentalities.

SEC. 5. The President may prescribe regulations necessary to carry out this Act and to protect and assure the compensation, retirement, insurance, leave, and reemployment rights and such other similar civil service employment rights as he finds appropriate.

SEC. 6. This Act shall be effective 60 days after the date of its enactment.

INDIAN LEGISLATION

(Statement by Senator JACKSON)

Mr. President, President Nixon proposed some innovative changes in the manner in which certain Federal agencies should relate to our Nation's Indian citizens in his July 8, 1970, message to Congress on American Indians.

As a means of ending decades of bureaucratic and paternalistic intrusion into the daily lives of Indian people, the President in his message proposed that Indian tribal groups be authorized to assume control, management and direction of those programs being administered solely for the benefit of Indians by the Bureau of Indian Affairs in the Department of the Interior, and the Indian Health Service in the Department of Health, Education and Welfare. In addition, he proposed that Civil Service employees who negotiate transfers to tribal groups assuming control of Federal programs be permitted to retain privileges and benefits authorized under various Civil Service laws.

Legislative proposals were submitted to the Congress during the latter part of the 91st Congress to authorize the change in policy. These two bills, along with several others in the President's Indian program, were introduced by myself and other members of the Senate.

On behalf of the distinguished ranking minority member of the Interior and Insular Affairs Committee (Mr. Allott) and myself, I am today introducing these two measures, which have again been submitted and recommended by the Department of the Interior. Because of the far-reaching implications of the proposed legislation, I hope to set a hearing schedule in this Congress on these bills that will permit a wide range of Indian leaders and public officials to present testimony. Mr. President, I ask unanimous consent that the executive communications accompanying these two draft proposals be printed in the Record at this point.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., April 1, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a proposal "To provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government and for other purposes".

We recommend that the proposal be referred to the appropriate committee for its consideration and that it be enacted.

Section 1 of the proposal sets out definitions that are used in the proposal.

Section 2 provides that, notwithstanding any other provisions of law, if an Indian tribe or community requests that it be given the control or operation of a program or service administered by the Federal Government the Secretary shall turn over to that tribe or community, within 120 days after request or such other period as may be agreed to, the control and operation of such program or service. Section 2 requires that the request made by the Indian tribe or community must be accompanied by a plan for carrying out the service or program requested. It authorizes the tribe or community to enter into agreements to carry out all or any part of the transferred program or service. The transfer authorized in this section shall stipulate the retrocession provision provided for in later subsections of this section.

In subsection (b) of section 2, the Secretary is required to provide assistance, other than financial assistance, to any Indian tribal organization who requests it during the period preceding or immediately following a transfer made under this proposal.

Subsection (c) of section 2 requires that for each fiscal year during which an Indian tribal organization engages in the operation or control of a program or service transferred to it under the provisions of this proposal, it must report to the Secretary, such report to include an accounting of the amounts and purposes for which Federal funds were expended. Subsection (c) also opens reports and records of the Indian tribal organization maintained in connection with such program or operation for audit by the Secretary and Comptroller General.

Subsection (d) provides that should an Indian Tribe or community request a retrocession to the Secretary of any program or service which it assumed pursuant to this proposal, such retrocession shall be effective 120 days after such request for retrocession or such later period as may be agreed to by the Secretary and the Indian tribal organization. This subsection specifically provides that retrocession of any program of service will not prejudice the Indian tribe or community's right to again assume control of the service or program.

In subsection (e) of section 2, if the Secretary determines that any program or service assumed by an Indian tribe is being accomplished in a manner which would violate the rights or endanger the health, safety or welfare of individual Indians served by such program or service or that there has been gross negligence or mismanagement in the use of Federal funds provided pursuant to this proposal, the Secretary may reassume control of the program or service under such regulations as he may prescribe but only after providing notice and hearing to the Indian tribal organization involved that he plans to reassume the program or service. The Secretary is authorized to retain the service or program until he is satisfied the problems causing him to reassume the service or program have been corrected.

Subsection (f) of section 2 provides that in the allocation of funds for programs and services to Indians, those Indian tribal organizations which assume control or operation of programs or services pursuant to this proposal or retrocede control or operation to the Secretary, shall be treated in the same manner as they would have been if the control and operation of the program or service had been maintained continuously by the Federal government.

Section 3 authorizes the Secretary, upon the request of any Indian group, to detail any Civil Service employee for a period of up to 180 days to assist the Indian group in its control or operation of a program or service transferred pursuant to this proposal. This section also provides that the Secretary may, upon a showing of need by an Indian group for a continuing need for the services of the detailed employee, extend the detail of the employee for a period of not to exceed 180 days.

Section 4 provides that nothing in this proposal shall be interpreted as authorizing or requiring the termination of any existing trust responsibility of the United States with respect to Indians.

As the President pointed out in his messages of July 8, 1970, it is necessary that we reject the suffocating pattern of paternalism that so many of our programs of the Indians have assumed. This proposal is aimed at destroying this pattern of paternalism by turning over to the Indians the control and operation of programs and services that are now extended to them by the Federal government. As the President stated:

"For years we have talked about encouraging Indians to exercise greater self-determination, but our progress has never been commensurate with our promises. Part of the reason for this situation has been the threat of termination. But another reason is the fact that when a decision is made as to whether a Federal program will be turned over to Indian administration, it is the Federal authorities and not the Indian people who finally make that decision.

"This situation should be reversed. In my judgment, it should be up to the Indian tribe to determine whether it is willing and able to assume administrative responsibility for a service program which is presently administered by a Federal agency."

This proposal will give any Indian tribe, band or group or community the right to request and assume the control to any program or service now extended to it by the Bureau of Indian Affairs of the Department of the Interior or the Indian health service program of the Public Health Service of the Department of Health, Education, and Welfare. These two program areas are the ones that deal most directly with our Indian people.

If any Indian group decides it is willing and able to assume administrative responsibility for a service or program which is presently administered by the Bureau of Indian Affairs or Public Health Service it can request that such service or program be turned over to it. The turn will be made after the tribe has consulted with the Department that is to transfer the service or program and has worked out a plan for the operation and control of the program or service to be transferred and submits the plan with its formal request.

The program or service will be transferred to the Indians if they persist in their request even if, in the judgment of the Secretary of the appropriate Department, they are not adequately equipped to control or operate the program or service. The transfer will be made subject to the rights of retrocession or reassumption as provided in the proposal. In those instances where there is a question about the adequacy of the Indian group to control or operate the transferred service or program the Secretary will monitor the program or service to be certain that the rights, health, safety and welfare of the individual Indians is not endangered. The proposal empowers the Secretary to move to reassume the service or the program at any point where he thinks the health, safety or welfare of an Indian is endangered. The proposal contemplates that the Secretary will make every effort to assist Indian groups in their efforts to assume the control and operation of the program or service. There is a provision in the proposal that will allow the Secretary to detail to the Indian group those civil servants that under a companion proposal to this bill will not transfer with the service or program to Indian control for periods up to 180 days with a right to extend the period for an additional 180 days in order to lend assistance on the transferred program or service.

The proposal makes it clear that there will be no discrimination against those tribes who assume control or operation of a service or program solely because of such assumption. This is an assurance to an Indian group that if it assumes control of a service or program that the service or program assumed by them will be given the same consideration in the allocation of budget funds as that program or service would have had if it had continued under the control of the Federal government. This assures the Indians they will not be penalized for assuming control or operation of a program or service.

The last section of the bill provides that nothing in this proposal shall be interpreted as authorizing or requiring the termination of any existing trust responsibility of the United States with respect to Indians. This provision makes it clear that even though an Indian group assumes the control and operation of a program or service, the Federal government continues its responsibility for that service and program and will continue to meet this responsibility.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,
ROGERS C. B. MORTON,
Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., April 1, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is our proposal "To retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes."

We recommend that the proposal be referred to the appropriate committee for its consideration, and that it be enacted.

Section 1 of the proposal cites the bill as the "Federal Employees Indian Tribal Organization Transfer Act."

Section 2(a) of the proposal provides that notwithstanding any other statute, executive orders, or regulations, civil service employees serving under an appointment not limited to one year or less who, before December 31, 1981, transfer to an Indian tribal organization in connection with governmental or other activities which are or have been performed by employees in or for Indian communities will be entitled, if agreed to by the employee and the Indian tribal organization to:

(1) Retain coverage, rights, and benefits under the provisions for compensation for work injuries and for the purposes of the proposal his employment with the Indian tribal organization is deemed employment by the United States. However, if an injured employee, or his dependents if he should die, receives any payment from the Indian tribal organization on account of the same injury or death, the amount of the tribal payment shall be credited against any benefits payable under the compensation for work injuries as provided in the proposal.

(2) To retain coverage, rights, and benefits under the retirement provisions of Government employment if necessary employee deductions and agency contributions in payment of the coverage, rights, and benefits for the period of employment with the Indian tribal organization are currently deposited in the Civil Service Retirement and Disability Fund and the period during which coverage, rights, and benefits are retained under this provision is deemed creditable service under the provisions of section 8332 of "title 5", United States Code. Any unused sick leave credited to an employee under a formal leave system at the time of his transfer to an Indian tribal organization will remain to his credit for retirement purposes during the period of his service with the Indian tribal organization.

(3) Retain coverage, rights, and benefits under the life insurance protection granted Federal employees if necessary employee deductions and agency contributions in payment for the coverage rights and benefits for the period of employment with the Indian tribal organization are currently deposited in the Employees' Life Insurance Fund, and the period during which life insurance rights and benefits are retained under this provision is deemed service as an employee for the life insurance program.

(4) Retain coverage, rights, and benefits under the Health Insurance Program provided Federal employees, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the Indian tribal organization are currently deposited in the Employees' Health Benefits Funds in the period during which the health insurance coverage, rights, and benefits are retained under this provision is deemed service as an employee for the Health Insurance Program.

(5) Be reemployed within 30 days of his application for reemployment in his former position or in a position of like seniority, status, and pay in the agency from which he transferred, if he transferred at the time such

activity was transferred to an Indian tribal organization or within 90 calendar days after such transfer to an Indian tribal organization, if he makes the application for reemployment not later than 5 years after the date of his transfer to the Indian tribal organization or if the activity that was transferred to the Indian tribal organization is transferred back to the United States. On reemployment under this provision, the employee is entitled to the rate of basic pay to which he would be entitled had he remained in the agency from which he transferred. Upon reemployment, the agency will restore employees sick leave account by credit or charge to its status at the time of transfer. If at the time of transfer to the Indian tribal organization, the employee received a lump-sum payment for annual leave, if he is reemployed within one year of the date of his transfer under the provisions of this proposal, he will refund to the agency from which he transferred the amount of the lump-sum payment and the leave covered by said lump-sum payment will be restored to his account. Any employee reemployed under this provision will be able to count the period of his service with an Indian tribal organization as well as the period necessary to affect his reemployment as creditable service for all appropriate Civil Service employment purposes.

Section 2(b) provides that during an employee's period of service with the Indian tribal organization, that Indian tribal organization shall deposit currently in the appropriate funds the employee deductions and agency contributions for the retirement, life insurance, and health programs.

Section 3 provides that an employee who transfers to an Indian tribal organization pursuant to section 2 of this Proposal, such transfer being agreed to by the Indian tribal organization, must make the election to retain compensation for work injuries benefits, retirement benefits, life insurance benefits, and health insurance benefits, as provided in section 2 of this proposal prior to the date of his transfer.

Section 3 also provides that an employee who elects to retain benefit coverage under a transfer to one Indian tribal organization, may retain that coverage if he transfers to another Indian tribal organization to perform service activities of the type covered by section 2 of the proposal.

Section 4 of the proposal contains definitions used in the proposal.

Section 5 authorizes the President to prescribe regulations necessary to carry out the proposal and to protect and assure the compensation, retirement, insurance, leave, and reemployment rights and such other similar civil service rights as he finds appropriate.

Section 6 provides that this proposal will be effective 60 days after the date of its enactment.

This proposal is a companion to our proposal that authorizes Indian tribes to assume control and operation of programs and services now rendered for them by the Federal Government. In most instances, when these programs or services are transferred to an Indian tribal organization, the Indian tribal organization will request that certain employees who are operating the program or service be transferred with the program or service. Any effort to take over programs or services by any Indian tribal organization without a program for the continuity of manning that this proposal would provide, would be doomed to failure. This proposal allows civil service employees to transfer with the program or service and retain coverage that they now enjoy as civil servants and also give them for a period of 5 years, preferential reemployment rights.

The right of reemployment for a five-year period assures the civil service employee that he can transfer with the program or service that he is working with and continue his work without the danger of losing any of his rights. We believe this provision will be an important factor in getting civil service employees to make a transfer to an Indian tribal organization to lend continuity to the programs and services transferred to Indian tribal organization.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

Rogers C. B. Morton,
Secretary of the Interior.

By Mr. MONDALE (for Mr. Jackson) (by request):

S. 1575. A bill relating to the territory of Guam. Referred to the Committee on Interior and Insular Affairs.

S. 1575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 101 (1) of title 32 of the United States Code is amended by adding at the end thereof the following: "For purposes of this title, the term 'territory' shall also mean Guam."

Sec. 2. The President of the United States is authorized to issue such rules and regulations as he may determine necessary in order to establish and maintain a National Guard for Guam.

National Guard for Guam

(Statement of Senator Jackson)

Mr. President, I send to the desk for appropriate reference a bill relating to the territory of Guam which would authorize the President of the United States to issue such rules and regulations as he may determine necessary in order to establish and maintain a National Guard on Guam.

I ask unanimous consent that communications I have received from the Legislature of Guam and the territory's representative in Washington, Mr. A. B. Won Pat, requesting the introduction of this proposed legislation be printed in the Record following my remarks.

Territory of Guam, Office of Guam's Representative in Washington,
Washington, D.C., March 22, 1971.

Hon. Henry M. Jackson,
Chairman, Committee on Interior and Insular Affairs, New Senate Office Building, Washington, D.C.

Dear Mr. Chairman: This is in reference to Resolution No. 59, concerning the establishment of a National Guard unit on Guam, which the 11th Guam Legislature has officially submitted to you for consideration.

I fully support the Legislature in their request, for the need of such a military unit to serve the people of Guam in a time of emergency has long existed. The threat of a devastating natural disaster or other emergency affecting Guam remains ever present. And the existence of a National Guard unit, which could assist the civil government in providing aid and protection to our citizens, would be of the greatest benefit.

As a member of the Senate Interior and Armed Forces Committees, such legislation would naturally come under your jurisdiction, and accordingly, it would be greatly appreciated if you would sponsor this legislation.

Your interest in this matter is certainly appreciated, and should you or members of your staff require further information on this subject, I shall be happy to be of assistance.

With best wishes,

Sincerely yours,

A. B. Won Pat.

Eleventh Guam Legislature,
Agana, Territory of Guam, March 8, 1971.

Hon. Henry M. Jackson,
Chairman, Senate Interior and Insular Affairs, U.S. Senate, Washington, D.C.

Dear Senator Jackson: Transmitted herewith is a copy of Resolution 59 "Relative to requesting the President and Congress of the United States to consider the establishment of a National Guard unit for the territory of Guam," which was adopted by the Eleventh Guam Legislature during its January 1971 Session.

Inasmuch as you are one of the most highly-revered and influential member of the U.S. Congress to whom we can look forward for leadership and guidance, and the fact that you have manifested your concern and interest in legislation of major significance to Guam and its populace, I am henceforth seeking your personal support and assistance on Resolution 59.

As you may know, the old Guam militia, which was the insular version of a National Guard unit, has long been inactive. In the light of Guam's rapid growth and development, we now feel that this should be reactivated along the National Guard unit concept. This, we feel, should meet any emergency should one arise. We also feel, and I am sure you will concur, that the creation of such a unit on Guam, comparable to those in the U.S. Mainland, will be in keeping with the national and local security interest which we consider is of prime importance if we are to maintain the fullest measure of security possible, both locally and nationally.

For your information, I am also enclosing a copy of a letter from Mr. Leonard Sine, Commander of the Army Reserve Group on Guam, wholeheartedly endorsing the aforementioned resolution, and a copy of a news release which appeared in a recent issue of the Pacific Daily News.

The people of Guam look upon you as a friend, compassionate with our problems and needs. It is our fervent hope that you, as chairman of the Senate Interior and Insular Affairs Committee, will give this resolution the support and attention it urgently needs and deserves.

Please rest assured that my Office will be open to you and your staff for any assistance or information you might need regarding this matter.

Thank you for your consideration.

Sincerely,

Tomas C. Charfauros.

Resolution No. 59 Relative To Requesting the President and Congress of the United States To Consider the Establishment of a National Guard Unit for the Territory Guam

Be it resolved by the Legislature of the Territory of Guam:

Whereas, the old Guam militia, so active in Pre-World War II days, has been dormant for the last decade; and

Whereas, the Governor's authority with respect to calling upon the Armed Forces of the United States in the event of an emergency causes a certain disquiet in that it is limited to requesting assistance, which assistance "may be given" at the discretion of such Armed Forces; and

Whereas, there is thus available to the Governor no immediate military force in the event of emergencies requiring such a force; and

Whereas, every state of the union and most of the territories have at their disposal National Guard units which serve as state militia in the event of emergencies, and which provide an opportunity for the men composing the various National Guard units to participate in military training and to prepare for their nation's defense in times of need; and

Whereas, the Legislature has determined that it is in the best interest of this territory that a National Guard unit be established; now therefore be it

Resolved, that the President and Congress of the United States be and they are hereby respectfully requested to consider the establishment of a National Guard unit in the territory of Guam; and be it further

Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, to the Chairmen, Committees on Interior and Insular Affairs, U.S. Senate and House, to Guam's Washington Representative, to the Secretary of the Interior, to the Secretary of Defense, to the Secretary of the Army, to the Secretary of the Navy, and to the Governor of Guam.

February 10, 1971.

Senator T. C. Charfauros,
Chairman, Public Safety, Military and Veterans Affairs, Guam Legislature Building, Agana, Guam.

Dear Senator Charfauros: As I indicated to you in your office recently, the officers and men—including myself—render their entire support to Resolution No. 59 relative to the establishment of a National Guard Unit on Guam.

We stand ready to transfer—as a Unit or individually—from an active Army Reserve Group to the proposed National Guard status to either form the nucleus or to bolster the reactivation of the Guam Militia thereby creating a cadre for such a Guard.

Do not hesitate to call on us for support or information wherever or whenever necessary. Attached are copies of the letter that I mentioned to you which I personally distributed to our Guamanian servicemen now serving in Vietnam. Should any of these men join our Unit, I feel certain that they would have no objection to a transfer to the Guam National Guard upon its inception.

Leonard Sine,
Col. TC-USAR, Commanding.

Modern Militia for Guam

The old Guam militia, so active in World War II days, may form again, but as a modern, technically trained and Federally financed National Guard Unit, well-prepared for any emergency arising from local or foreign sources as well as from natural or manmade disasters.

The 11th Guam Legislature last week adopted a resolution requesting President Nixon and the Congress of the United States to consider instituting a National Guard unit in keeping with the practice in all fifty states and most of the U.S. territories.

Senator Tomas C. Charfauros, the resolution's sponsor, pointed out that this 30-mile long island, strategically located at the cross-roads of the Pacific has been without the old Guam militia for the past decade. "While the U.S. Armed Forces have installations on Guam, these are for the most part air wings, naval operations and communications units," the Senator said.

"These units are limited in type of assistance which could be offered in response to a request from the Governor because they do not have the capacity of training to secure an area beset by an emergency," he said.

Charfauros intimated that with rumblings of Communist-inspired insurrection in various parts of the far east and in some Pacific island communities, it is important that Guamanian men, who have a long-standing loyalty to the U.S.A., be given basic military training in preparation for the defense of their nation if such need should arise. He said that Guam today has a high rate per capita of young men serving in Vietnam and in other military units wherever the U.S. flag flies.

"Of course, it's a two way street insofar as benefits to the Federal and Territorial governments go," Charfauros said. "A Guard unit would give the Governor a trained force in the event of an emergency such as a civil disturbance or a devastating disaster of nature," he explained. "With the never-ending threat of a typhoon looming out there in the Pacific, we can never be complacent about the security of our island community," the Senator said.

The resolution was adopted unanimously by the Legislature and was transmitted to the President and Congress on February 6, 1971. Copies were sent to the Secretaries of Defense, Army, Navy, Interior and to the Governor of Guam.

By Mr. TAFT (for himself, Mr. Allott, Mr. Beall, Mr. Burdick, Mr. Hatfield, Mr. Jordan of Idaho, Mr. Mansfield, Mr. McGee, Mr. Metcalf, Mr. Moss, Mr. Packwood, Mr. Pearson, Mr. Saxbe, and Mr. Young):

Senate Joint Resolution 88. A joint resolution authorizing additional appropriations to the Secretary of Transportation for the purpose of providing urgently needed intercity rail passenger service around the Nation and for the purpose of research and development in the field of high-speed ground transportation, and for other purposes. Referred to the Committee on Commerce.

INTERCITY RAIL PASSENGER SERVICE AND HIGH-SPEED GROUND TRANSPORTATION RESEARCH AND DEVELOPMENT

Mr. TAFT. Mr. President, I expect today to introduce, for appropriate reference, a joint resolution to provide $250 million for intercity rail passenger service and high-speed ground transportation research and development.

I am pleased that this measure is being cosponsored by Senators Allott, Beall, Burdick, Hatfield, Jordan of Idaho, Mansfield, McGee, Metcalf, Moss, Packwood, Pearson, Saxbe, and Young.

I am also submitting on behalf of my good friend, the distinguished Senator from Kansas (Mr. Pearson), an amendment which would add important connector service between Kansas City and Denver. The Senator from Kansas is unavoidably out of the city today and has asked me to submit this amendment to my measure on his behalf, which I am delighted to do. Mr. President, a similar but not identical bill has been introduced in the House by Representative Jack F. Kemp, of New York.

The recent announcement by the incorporators of the National Railroad Passenger Corporation of intended routes of service came as a shock to many of us. Important parts of the country were entirely eliminated. The city of Cleveland, for example, once one of the Nation's most important rail passenger centers, will be entirely without service under the announced plan.

We must recognize that the incorporators could not provide all of the desired service in light of the financial losses which are expected. Consequently, I believe that additional funding is mandatory.

To be a success, Railpax must provide good equipment, fast service, and connect important population corridors. Unless these corridors are brought within the system, there will be a corresponding passenger loss throughout the remainder of the system.

Under the measure which I am introducing today, 75 percent of the $250 million authorized would be used by the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for intercity rail passenger service. This would improve service on the routes already designated. In addition, this measure would require that service be inaugurated on the following routes:

First. Buffalo, N.Y., to Chicago, Ill., via Erie, Pa.; Cleveland, Ohio; Toledo, Ohio; and South Bend, Ind.

Second. Detroit, Mich., to Toledo, Ohio.

Third. Denver, Colo., to Portland, Oreg., via Cheyenne, Wyo.; Ogden, Utah; and Boise, Idaho.

Fourth. Fargo, N. Dak., to Portland, Oreg., via Billings, Mont.; Butte, Mont.; Spokane, Wash.; and Hinkle, Wash.

Fifth. Denver, Colo., to San Francisco, via Cheyenne, Wyo.; Ogden, Utah; and Wells, Nev.

Sixth. Washington, D.C., to Cleveland, Ohio, via Cumberland, Md.; Pittsburgh, Pa.; Youngstown, Ohio; and Akron, Ohio.

With respect to the route from Buffalo through Erie, Cleveland, and Toledo and South Bend to Chicago, I would point out that this route traverses a population corridor encompassing 25 million people. In my judgment, the inclusion of this route is essential for the generation of sufficient passenger traffic to sustain the remainder of the system. The service between Detroit and Toledo would be an important connector to give the State of Michigan rail access to the East.

This measure contains payback provisions with respect to all grants to the National Railroad Passenger Corporation for intercity passenger service. At such time as passenger service becomes profitable, the corporation would reimburse the Secretary for these grants out of profits.

Twenty-five percent of the funds authorized under this measure would be used for research and development in the area of high-speed ground transportation. If Railpax is to be a success, the traveling public must be provided with better service. We cannot expect passengers to flock to old rickety cars built 40 years ago. Research and development are required to make rail passenger service viable.

Of equal importance, this bill would save approximately 40 percent of the 16,000 jobs which may be eliminated under the existing Railpax plan.

Those of us in the Congress must recognize that the National Railroad Passenger Corporation has not been adequately funded. If Railpax is not to become a monumental albatross, we must give it the technology and financial resources which will enable it to provide good, fast, clean passenger service to the American people in the years ahead.

Finally, this measure would amend section 403 to reduce the share of the losses which State, regional, and local agencies would have to bear for additional service not now contemplated by Railpax. Under this measure, State, regional, and local agencies would be obligated to assume only one-third of the losses to the extent of the first $5 million and two-thirds of the losses in excess thereof. I believe that this is a more realistic formula if State and local agencies are to undertake the obligations of providing supplemental rail service.

Mr. President, this measure has received the endorsement of the United Transportation Union, and I ask unanimous consent that a copy of their letter to me dated April 12, 1971, appear in the Record as a part of my remarks, and that the text of this measure also be printed in the Record.

There being no objection, the letter and the text of the joint resolution were ordered to be printed in the Record, as follows:

United Transportation Union,
Washington, D.C., April 12, 1971.

Hon. Robert Taft, Jr.
U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Senator Taft: We understand that you plan to introduce a bill in the next few days which would call for increasing the funding of the National Railroad Passenger Corporation by $250,000,000. This would permit the addition of a number of passenger trains to serve areas and important population centers which have been left out of the initial passenger network.

We support the bill you are introducing because we believe that the National Railroad Passenger Corporation was underfinanced when it was created. It must be assumed that the United States now has a skeleton railroad passenger service, and it was not through a desire to cut this skeleton service in half that the Incorporators reduced the number of trains presently operating. They were forced by the inadequately funded law to set up the system which they recognized had great deficiencies but for which there was no other recourse if there was to be any national rail service at all.

We further support your proposal because we know that it will help correct the basic deficiencies of the service now imposed by the present funding. Any weakly financed operation will, in our view, fail—no matter what it merits. Many Members of the Congress must now realize that it will take many millions of dollars to create and operate a modern, clean and attractive rail passenger service, particularly in view of the long years gone by, during which America's passenger service has been allowed to deteriorate.

Therefore, because your bill will permit better funding, make possible service needed by areas that had to be omitted in the original plan, will permit greater employment for railroad workers, and—perhaps most important—will give the American Public a better rail passenger service to which we believe they are entitled, we support your bill. The service it would provide should over the long term prove profitable with an ever increasing growth potential.

Kindest regards.

Respectfully,

Al H. Chesser,
National Legislative Director.

S.J. Res. 88

Joint resolution authorizing additional appropriations to the Secretary of Transportation for the purpose of providing urgently needed intercity rail passenger service around the nation and for the purpose of research and development in the field of high-speed ground transportation, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Secretary of Transportation in the fiscal year 1972, $250,000,000 for expenditure by him to provide additional intercity rail transportation under section 2 of this Act and for the purpose of research and development in the field of high-speed ground transportation under section 3 of this Act. Amounts appropriated under this section are authorized to remain available until expended.

Sec. 2. (a) Of the amounts appropriated under section 1 of this Act, 75 per centum shall be used by the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for the purpose of initiating and operating urgently needed intercity rail passenger service around the nation, including but not limited to the routes designated by the National Railroad Passenger Corporation for service effective May 1, 1971 and the following additional routes:

(1) Buffalo, New York, to Chicago, Illinois, via Erie, Pennsylvania; Cleveland, Ohio; Toledo, Ohio; and South Bend, Indiana.

(2) Detroit, Michigan to Toledo, Ohio.

(3) Denver, Colorado to Portland, Oregon, via Cheyenne, Wyoming; Ogden, Utah; and Boise, Idaho.

(4) Fargo, North Dakota, to Portland Oregon, via Billings, Montana; Butte, Montana; Spokane, Washington; Hinkle, Washington.

(5) Denver, Colorado, to San Francisco, via Cheyenne, Wyoming; Ogden, Utah; and Wells, Nevada.

(6) Washington, District of Columbia, to Cleveland, Ohio, via Cumberland, Maryland; Pittsburgh, Pennsylvania; Youngstown, Ohio; and Akron, Ohio.

(b) In any case in which the Secretary of Transportation makes a grant to the National Railroad Passenger Corporation from amounts appropriated under section 1 of this Act, he shall negotiate with the Corporation the terms of an agreement providing that, if the route initiated and operated by the Corporation with such grant becomes a profit-making route, the Corporation will agree to make reasonable payments to the Secretary (out of such profits) by means of installments until such time as the grant with respect to such route has been repaid in full. Amounts received by the Secretary under any agreement negotiated under this section shall be covered into the Treasury as miscellaneous receipts.

Sec. 3. Of the amounts appropriated under section 1 of this Act, 25 per centum shall be used by the Secretary of Transportation to undertake research and development in high-speed ground transportation, including but not limited to, components such as materials, aerodynamics, vehicle propulsion, vehicle control, communications, right-of-way research and development, and guideways, in accordance with the provisions of section 1 of the Act of September 30, 1965, relating to research and development in high-speed ground transportation (49 U.S.C. 1631).

Sec. 4. (a) The first sentence of section 403(c) of the Rail Passenger Service Act of 1970 (84 Stat. 1336) is amended to read as follows: "For the purposes of this section, the reasonable portion of such losses, not to exceed an aggregate of $5,000,000 annually, to be assumed by the State, regional, or local agency shall be 33⅓ per centum of the solely related costs and associated capital costs, including interest on passenger equipment, less revenues attributable to such service, and the reasonable portion of any such losses in excess of $5,000,000 annually to be so assumed shall be 66⅔ per centum thereof."

(b) The first sentence of section 404(b) (4) of such Act (84 Stat. 1336) is amended to read as follows: "For the purposes of paragraph (3) of this subsection, the reasonable portion of such losses, not to exceed an aggregate of $5,000,000 annually, to be assumed by the State, regional, or local agency shall be 33⅓ per centum of the solely related costs and associated capital costs, including interest on passenger equipment, less revenues attributable to such service, and the reasonable portion of such losses in excses of $5,000,000 annually to be so assumed shall be 66⅔ per centum thereof."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 23

At the request of Mr. Schweiker, the Senator from Wisconsin (Mr. Nelson) was added as a cosponsor of S. 23, the Ethnic Heritage Studies Centers Act of 1971.

S. 78

At the request of Mr. Nelson, the Senator from Indiana (Mr. Bayh), and the Senator from North Carolina (Mr. Jordan) were added as cosponsors of S. 78, a bill to prohibit the hunting of wildlife from aircraft.

S. 120

At the request of Mr. Schweiker, the Senator from Rhode Island (Mr. Pell) was added as a cosponsor of S. 120, a bill to prohibit assaults on policemen, firemen, and judicial officers.

S. 376

At the request of Mr. McGovern, the Senator from Rhode Island (Mr. Pastore) was added as a cosponsor of S. 376, the Vietnam Disengagement Act of 1971.

S. 903

At the request of Mr. Packwood, the Senator from Tennessee (Mr. Baker), the Senator from Indiana (Mr. Bayh), the Senator from Utah (Mr. Bennett), the Senator from Nevada (Mr. Bible), the Senator from Kentucky (Mr. Cooper), the Senator from California (Mr. Cranston), the Senator from Nebraska (Mr. Curtis), the Senator from Kansas (Mr. Dole), the Senator from Mississippi (Mr. Eastland), the Senator from Florida (Mr. Gurney), the Senator from Michigan (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from Nebraska (Mr. Hruska), the Senator from Minnesota (Mr. Humphrey), the Senator from New York (Mr. Javits), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Kansas (Mr. Pearson), the Senator from Pennsylvania (Mr. Scott), the Senator from South Carolina (Mr. Thurmond), the Senator from Texas (Mr. Tower), and the Senator from North Dakota (Mr. Young) were added as cosponsors of S. 903, a bill to exempt from induction and training, under the Selective Service Act, the surviving sons of a family which has lost two or more members as the result of military service.

S. 1018

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Idaho (Mr. Church), I ask unanimous consent that the names of the Senators from Arkansas (Mr. McClellan and Mr. Fulbright) be added as cosponsors of S. 1018, to require the Secretary of Transportation to designate at least one major population center in each of the contiguous 48 States to receive rail passenger service under Railpax.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 1085

At the request of Mr. Hansen, the Senator from North Carolina (Mr. Jordan) was added as a cosponsor of S. 1085, relating to the labeling of imported meat.

S. 1188

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Idaho (Mr. Church), I ask unanimous consent that the names of the Senator from Kansas (Mr. Dole), the Senator from North Carolina (Mr. Ervin), the Senator from South Carolina (Mr. Hollings), the Senator from New Hampshire (Mr. McIntyre), the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pell), the Senator from Wisconsin (Mr. Proxmire), and the Senator from West Virginia (Mr. Randolph) be added as cosponsors of S. 1188, a bill to amend the Foreign Aid Assistance Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 1241

At the request of Mr. Cranston, the Senator from Oregon (Mr. Packwood) was added as a cosponsor of S. 1241, a bill to amend section 2(3), section 8c(2), section 8c(6)(I), and section 8c(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended.

S. 1251

At the request of Mr. Hansen, the Senator from North Dakota (Mr. Burdick) and the Senator from South Dakota (Mr. McGovern) were added as cosponsors of S. 1251, a bill relating to amending the Meat Import Act of 1964.

S. 1431

At the request of Mr. Percy, the Senator from Oregon (Mr. Hatfield) and the Senator from Nevada (Mr. Bible) were added as cosponsors of S. 1431, a bill to promote more effective management of certain related functions of the executive branch by creating a new Department of Natural Resources.

S. 1430, S. 1431, S. 1432, S. 1433

At the request of Mr. Percy, the Senator from Kansas (Mr. Dole), the Senator from Ohio (Mr. Taft), and the Senator from Connecticut (Mr. Weicker) were added as cosponsors of S. 1430, a bill to create a new Department of Community Development; S. 1431, a bill to create a new Department of Natural Resources; S. 1432, a bill to create a new Department of Human Resources; and S. 1433, a bill to create a new Department of Economic Affairs.

S. 1461

At the request of Mr. McGovern, the Senator from Oklahoma (Mr. Harris), the Senator from Alaska (Mr. Gravel), and the Senater from Minnesota (Mr. Humphrey) were added as cosponsors of S. 1461, the Truth in Advertising Act of 1971.

SENATE JOINT RESOLUTION 34

At the request of Mr. Scott, the Senator from North Carolina (Mr. Jordan) was added as a cosponsor of Senate Joint Resolution 34, proposing an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings.

SENATE RESOLUTION 99—SUBMISSION OF A RESOLUTION RELATING TO THE CONFLICT IN PAKISTAN

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Oklahoma (Mr. Harris), who is absent on official business, I submit on his behalf and at his request a resolution and ask for its appropriate referral. A statement Senator Harris prepared in relation to the submission of this resolution is also included and I ask unanimous consent that the statement and the resolution be printed at this point in the Record.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, the resolution and statement will be printed in the Reord.

The resolution (S. Res. 99), which was submitted by Mr. Mansfield (on behalf of Mr. Harris), was referred to the Committee on Foreign Relations, as follows:

S. Res. 99

Whereas a Pakistan united by the free will of its people is in the interests of concerned nations of the world;

Whereas the present conflict in East Pakistan, if continued, will make it impossible for the Pakistani people to live again in unity;

Whereas the expulsion of foreign correspondents makes it impossible for the outside world to evaluate reports of mass executions occurring in Pakistan;

Whereas reports that arms from other nations, including American arms, are contributing to the protraction of the conflict;

Whereas, unless outside powers refuse to supply arms to either party to the Pakistani conflict, that conflict may continue for years with only misery, violence, and absence of peace the victors; and

Whereas, as the conflict continues, the likelihood of involvement by other nations increases: Now, therefore, be it

Resolved, That the Senate respectfully recommends to the President that the United States propose before the United Nations Security Council that (1) all nations now providing, or in a position to provide, military assistance to Pakistan agree to halt all arms deliveries to either party to the Pakistani conflict; (2) all nations providing economic aid to Pakistan agree to withhold such aid until the conflict ceases; and (3) all nations providing economic aid to Pakistan also declare their firm intention to resume providing economic aid, including aid which was withheld, as soon as the conflict ends.

Sec. 2. Pending UN consideration of the proposals advanced, the Senate urges the President temporarily to institute a total ban on arms deliveries to either side in Pakistan and a placement of all United States aid funds to Pakistan in escrow.

Sec. 3. It is the sense of the Senate that the United States should seek the establishment of a special international reconstruction fund to assist all parties to the present Pakistani conflict to recover from the effects of that conflict.

Sec. 4. The Senate urges the Secretary General of the United Nations to appoint a respected statesman from a Moslem nation to establish contact with officials in Pakistan, including Shiek Mujibur Rahman, with a view to bringing the conflict to a halt.

Statement of Senator Harris

Mr. President, the killing in East Pakistan and the potential diplomatic consequences of the fighting there no longer permit this body to remain silent. Today I am submitting a resolution recommending to the President that he urge the United Nations to play a more positive and active role in this crisis.

Specifically, my resolution recommends that the United States propose before the United Nations Security Council: That all countries now providing, or in a position to provide, military assistance to Pakistan agree to halt all arms deliveries to either side.—That all countries now providing economic aid to Pakistan agree to place all funds in escrow until the fighting ceases.—That these same countries declare their firm intention to resume economic aid as soon as peace is restored.

The resolution also expresses the sense of the Senate in favor of the United States participation in a special international reconstruction fund which would be used to aid all parties to the present conflict to recover from the effects of the fighting. Finally, it urges the Secretary of the United Nations to appoint a respected statesman from a Moslem nation to establish contact with officials in Pakistan including Shiek Mujibur Rahman with a view to bringing the fighting to a halt.

The need for international action through the UN is now urgent. The situation in East Pakistan is a diplomatic powder keg, potentially as explosive as the situation in the Middle East. For here, in addition to the hatred between India and Pakistan, we have the rivalry between India and the People's Republic of China as well as the major interests of the Soviet Union and the United States in the subcontinent. A diplomatic balance involving so many interested powers can only be highly unstable. Necessarily, it is a victim to the course of events. Indeed the longer the fighting continues, the more likely it is that through miscalculation or opportunity one or more outside powers will become more directly involved.

Already there have been reports, denied but repeated, that India is beginning to supply the East Bengalis. Already the People's Republic of China has issued a pledge of support for the central Pakistan Government. Already the Soviet Union has expressed its "great alarm" at the use of force in East Pakistan.

Unless there is a sudden collapse of resistance, we have therefore the potential for a prolonged conflict. Suppose India were to supply the East Bengalis along the 1,349 mile border between India and East Pakistan. Suppose the People's Republic of China were to line up solidly in support of the central Pakistan Government. There could be months, even years of fighting. And in the midst of charge and countercharge, it is not difficult to imagine Indian-Pakistani or Indian-Chinese hostilities flaring out once again on the subcontinent.

To what degree the People's Republic of China will remain committed to the cause of the central Pakistan Government is not clear. It is noteworthy, however, that in 1959 the People's Republic of China moved to crush a popular revolt in Tibet. Although Pakistan voted in favor of a 1959 UN resolution critical of the intervention, it subsequently shifted its position and provided tacit support to the actions of the Chinese Communist Government by refusing to vote in favor of a similar resolution in 1961. The People's Republic of China may view the actions of the central Government in East Bengal as similar to its own actions in Tibet.

It is also important to note that even if the People's Republic of China were to join India in support of those resisting in East Bengal, the prospects of rising tension between India and China would not necessarily diminish. Should prolonged fighting in East Pakistan drive those in resistance into increasingly extreme actions, there is genuine concern in India of a radical independent East Bengal arising which will join hands with discontented elements favoring the secession of India's own West Bengal, including Calcutta. In these fears we glimpse the troubling prospect of an Indian-Chinese struggle for influence over any new government in East Pakistan.

In short, whether the People's Republic of China sides with the central Pakistan Government or with the East Bengalis, it is possible that the stage is now being set for a renewal of heightened tension, perhaps even hostilities, between China, India and Pakistan. Were this to happen, outside powers like the United States and the Soviet Union would find themselves increasingly under pressure to take sides in the form of economic aid, arms shipments, or even military action.

Working through the United Nations to halt arms shipments to either side and to place economic assistance funds temporarily in escrow holds out some hope that the fighting will end quickly before outside powers commit themselves too deeply. Making the fighting both more difficult and more expensive may encourage both sides to resume negotiations, taking into account the clear price of failure which now surrounds them. In his reply to President Podgorny of the Soviet Union, President Yahya Khan stated his intention to start talks with "rational representative elements in East Pakistan at the earliest opportunity." Now cannot be soon enough.

Hopefully, knowledge that the world is prepared to assist with the expense of reconstruction also will encourage reconciliation between fellow Pakistanis.

Some believe that simply halting our own arms deliveries would suffice. I disagree. For some time the central Pakistan Government has been drawing down its reserves to buy arms on a cash and carry basis. Thus in January 1971, Pakistan's reserves totalled only $184 million whereas they totalled $342 million a year before. United States cash sales for Pakistan and India are classified so we cannot know how much of this money was spent on United States arms. Pakistan units operating in East Bengal, however, are known to be using U.S., Soviet and Chinese arms.

We must underscore that West Pakistan's monthly imports average approximately $70 million a month whereas her exports average only $28 million. At the same time, the conflict in East Bengal, which involves massive logistical outlays, is reputedly costing as much as $70 million a month. And so long as the war continues, Pakistan is deprived of the valuable exports of jute from East Pakistan, which traditionally account for about one-half of all Pakistani exports.

According to newspaper reports, a senior Pakistani finance official, Azi Ali Mohammed, is now in Washington to obtain four objectives:

To persuade the United States to speed up delivery of the uncommitted portion of the current fiscal year's 120 million in aid funds.

To obtain a moratorium from the World Bank on a forthcoming $40 million repayment.

To receive a standby credit of $175 million from the International Monetary Fund.

To convene a meeting of the Pakistan consortium, which includes the United States, Britain, France, West Germany, Italy, Belgium, the Netherlands, and Japan.

The timing of this visit could not make more clear the close relationship between the prosecution of this war and its further financing. A decision in present circumstances to continue economic assistance is nothing other than a decision to support those forces favoring the conflict's prolongation and to weaken those working for its peaceful resolution.

The events in East Pakistan constitute a civil war. For that reason I do not believe outside powers should take sides. My concern is that by granting aid outside powers do take sides. They, in effect, state that they wish to contribute to the war effort of the central Pakistan Government. Unfortunately, donor countries cannot avoid this dilemma by earmarking aid funds for specific purposes. Money of all commodities is supremely fungible. When foreigners earmark aid funds for one purpose, the receiving government is able to trim its own allocations in this area. Meanwhile, the war continues.

In East Pakistan our correspondents have been expelled. Our diplomats are reduced in number. No impartial outside official is able to observe conditions in East Pakistan freely. Reports, necessarily unconfirmed, each day descend on us of frightful slaughter, first by the army, then by the other side. We are thus in the worst of positions—forbidden to obtain information, importuned to help. Under such circumstances the only reasonable course for ourselves and other nations is to adopt a neutral stance—to halt arms sales to both sides and to place all economic assistance funds in escrow.

A case can be made that any adjustments in our aid program should exclude food shipments which benefit the hungry East Bengalis already hard hit by the November 1970 cyclone. Unfortunately, the April 15 New York Times carries a despatch from East Pakistan which reports that the army of the central Pakistan Government is destroying food stocks in East Bengal in an effort to stamp out resistance. This is an issue which our Government should, and I know, will keep under constant review. But it makes no sense to continue to ship food to East Pakistan when the army is in the process of destroying it.

We must hope that in the end both sides in Pakistan will see reason and abandon the folly of violence. It is true that the central Pakistan Government can press ahead with a policy of suppression. But even if successful, suppression inevitably will leave a residue of communal hatred which will weaken Pakistan at every turning point in its national history. Suppression is a policy that may lead to temporary success, but could result in ultimate demise.

Those in resistance, on the other hand, may press ahead for the complete destruction of Pakistan as a nation and for final independence for East Bengal. These objectives will be purchased, however, at a fearful price is blood and devastation. Moreover, whereas Pakistan is now a major actor in the Sino-Indian drama, an independent East Pakistan may be no more than a pawn. The valuable role that Pakistan plays in world politics also would be lost.

Unless the alternative is permanent suppression, at some point there must be a renewal of negotiations. This is true whether the outcome is reconciliation or final independence. It is then that a respected Moslem statesman selected by the UN Secretary General for his wisdom and impartiality may be able to assist the two sides in talking to one another after weeks or months of bitter fighting.

Currently, the two sides may refuse to make use of the services of an impartial statesman. But this is no reason to delay his selection. He can be preparing for the moment when he will be needed.

One objection to the approach outlined may be concern that the UN is incapable of action. UN bodies could find themselves paralyzed as so often they have paralyzed on other international issues.

This possibility cannot be denied, but I believe it is incumbent on UN members as their first response to any world crisis to make an effort to mobilize international peacekeeping machinery. If there is any chance that an international approach can be worked out, that chance should be seized. Nothing is lost and nations may always turn to unilateral adjustments in their policy after others have aborted an attempt to use UN machinery.

Pending UN treatment of the proposals advanced, the only policy appropriate and consistent for the United States will be informally to implement a total ban on arms deliveries to either side in Pakistan and a placement of all United States aid funds to Pakistan in escrow. Later, in the event common action through the United Nations proves impossible, the United States may make its policy formal, reviewing it in light of events at the time.

ADDITIONAL COSPONSORS OF RESOLUTION

SENATE RESOLUTION 73

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Nebraska (Mr. Curtis) and the Senator from Florida (Mr. Gurney) be added as cosponsors of Senate Resolution 73, a resolution to amend Rule XVI of the Standing Rules of the Senate.

The ACTING PRESIDENT pro tempore (Mr. Tunney). Without objection, it is so ordered.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from North Dakota (Mr. Young) and the Senator from Arizona (Mr. Goldwater) be added as cosponsors of Senate Resolution 73, a resolution to amend Rule XVI of the Standing Rules of the Senate.

The PRESIDING OFFICER (Mr. Roth). Without objection, it is so ordered.

INTERCITY RAIL PASSENGER SERVICE AND HIGH-SPEED GROUND TRANSPORTATION RESEARCH AND DEVELOPMENT—AMENDMENT

AMENDMENT NO. 36

Mr. TAFT, on behalf of Mr. Pearson, submitted an amendment intended to be proposed by him to the joint resolution (S.J. Res. 88) authorizing additional appropriations to the Secretary of Transportation for the purpose of providing urgently needed intercity rail passenger service around the Nation and for the purpose of research and development in the field of high-speed ground transportation, and for other purposes, which was received, ordered to be printed, and appropriately referred.

The amendment—No. 36—was referred to the Committee on Commerce.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 45 AND 46

Mr. ERVIN submitted two amendments intended to be proposed by him to the bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes, which were received, ordered to be printed, and to lie on the table.

NOTICE OF HEARINGS OF THE SUBCOMMITTEE ON CHILDREN AND YOUTH

Mr. MONDALE. Mr. President, in accordance with the requirements of section 111(a) of the Legislative Reorganization Act of 1970, I announce that the Subcommittee on Children and Youth will hold hearings on Monday, April 26 and Tuesday, April 27.

These hearings will examine the recommendations of the White House Conference on Children including the conference's recommendations concerning child development.

THE UNITED STATES AS A WORLD PEACE POWER

Mr. BELLMON. Mr. President, the President of the United States has made a step in the direction of world peace by easing a 22-year embargo on trade with Red China. It is a step in the direction of peace since it opens a communications channel that historically has brought greater understanding between nations of the world. Trade and visitor exchanges put nation-to-nation relations on a people-to-people basis. Events have shown that people can be a powerful influence upon the actions of any government.

The President's action deserves our support and the support of all Americans since it demonstrates our Nation's willingness to temper its role as a world military power and more substantively emphasize our role as a world peace power.

The President's cautious but significant steps toward improved relations with Peking are well timed.

He has made them following announcement of further U.S. troop withdrawals from South Vietnam.

He has made them at a time the strategic arms limitations talks are showing signs of progress.

He has made them after a plea for world peace through disarmament was issued by the Soviet Union's Communist Party.

He has made them after Premier Chou En-lai proclaimed in Peking that "a new page in relations" between the United States and Red China has been opened.

His timing is right. This Nation needs to take the initiative and give encouragement to further moves toward improved international communications and understanding.

Americans can see the futility of continuing to try to ignore the existence of one-fourth of the world's people who only 25 years ago were fast friends and trading partners. The Chinese were our allies in World War II and there is certain to yet remain a great reservoir of good will between the Chinese and American people. But that reservoir has been untapped since the Communist takeover of the China Mainland, because our system of withholding diplomatic recognition has made impossible even private attempts to maintain a bond between the two peoples.

Mr. President, such a recognition system makes little sense when evidence clearly shows our refusal to trade and communicate with the people of Red China has and is causing no change in their system of government. The fact is that when a government emerges, whether we agree with its doctrine or not, whether we recognize it or not, that government still governs. More important, the people ruled by that government are still there. With them rests the power potential to change the government structure which rules them. It is not the policy of our Government to undertake to destroy another government on the basis that we do not agree with its doctrine. Since we have long accepted the reality of other governments it seems that the time has now come to also accept the practicality of other governments. It is time to stop dealing in absolutes in international relations by allowing the maximum communication and commerce between citizens of this Nation and citizens of other nations consistent with national security considerations.

Americans have become highly aware of the importance of effective, open communication among the varying segments of our own society, between the young and old, between blacks and whites, labor and management, Federal Government and local government. We have found out, in the last decade particularly, the turmoil that can result when individuals refuse to sit down and reason together. Nationally we have discovered that problems are not solved, and misunderstandings are not resolved when they are ignored. The time has come to make the same discovery internationally.

Mr. President, little has been accomplished by ignoring China. In fact little seems to ever be accomplished when our country cuts off all relations with any other country.

President Nixon has renewed national and international hope for greater understanding and reduced world tension by removing at least part of the needless obstacles standing between the United States and the people of China. The junior Senator from Oklahoma applauds his actions.

"FACE THE NATION"

Mr. PACKWOOD. Mr. President, as one Senator who has supported the President's actions in Vietnam, and I think I plan to do so in the future, I should like to comment briefly on my reaction to Representative MCCLOSKEY's appearance on "Face the Nation" yesterday.

As I watched the program, it appeared to me as if Representative MCCLOSKEY was saying only one thing; that was that villages in Laos are being bombed as a matter of deliberate policy, whether for military reasons or otherwise, and that the American public is not being told about it. He further alleged that he had endeavored to find out about it, that he had asked the Air Force for pictures or other evidence that villages still exist, and that no evidence has been forthcoming that they do. I did not sense that he attributed any ill motive to the President. In a number of occasions he indicated he thought the President might not be aware of what was happening to those villages as a result of American bombing action.

Without in any way commenting on the correctness or incorrectness of the Congressman's charge, I wish to state that I regard PETE MCCLOSKEY as one of my closest friends in Washington. He is a man of unquestioned integrity. Our country and the Republican Party would be better off with more men in Congress of PETE MCCLOSKEY's stature and conviction.

QUORUM CALL

The PRESIDING OFFICER (Mr. ALLEN). Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will receive a message from the President of the United States.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

DISTRICT OF COLUMBIA BUDGET—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-15, PART II)

The ACTING PRESIDENT pro tempore (Mr. TUNNEY) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Appropriations:

To the Congress of the United States:

I am transmitting to the Congress the budget for the District of Columbia for the fiscal year beginning July 1, 1971.

This budget presents the District government's plans and programs to meet the highest priority needs of the city. Consistent with the objectives of the Reorganization Plan #3 of 1967, this budget is the product of full, intensive deliberations by both the Mayor and the City Council.

My review of the proposed fiscal year 1972 District budget approved by the District of Columbia Council indicates that its appropriation requests do not provide for the full year costs of programs which have been approved by the Council for partial year funding in fiscal year 1971. These costs were included in the Mayor's budget proposals submitted to the City Council, but were eliminated during Council review.

Under the District budget approved by the Council, such important programs as implementation of the new court reform legislation and expansion of the Washington Technical Institute and Federal City College are not funded after June 30, 1971. Furthermore, the budget requests do not provide for the fiscal year 1972 costs of the pay raises granted during fiscal year 1971 and which are currently in effect.

In view of these omissions, the District budget approved by the City Council does not present to the Congress a complete statement of the budget requirements of the District for fiscal year 1972. I have therefore modified the fiscal year 1972 District budget request to include the full year costs—totalling approximately $31 million—of programs and pay raises which have been or will be initiated in fiscal year 1971 by supplemental appropriation requests. I feel this is clearly the only fiscally responsible course of action and is in accord with the budgetary practices and standards which have been established for Federal agencies.

The proposed fiscal year 1972 District expenditure requests I am transmitting today will require over $90 million from revenue sources which are not now authorized. To help balance these D.C. budget requests, I have requested a $27 million increase in the Federal contribution to the city, and the Mayor has proposed over $53 million in new local taxes which require Congressional approval. If these revenue proposals prove to be unacceptable to the Congress, I do not believe that the District's budget should be balanced solely by a slash in expenditure requests. I am sure that a more suitable resolution of issues can be arrived at through minor expenditure adjustments and consideration of other revenue sources.

Last year the Congress completed appropriation action on the District's annual budget request prior to enactment of supporting D.C. revenue legislation. Because of the need to balance expenditure requests with available revenues, the result of this Congressional timing was that the D.C. appropriation requests were substantially reduced because of the lack of needed revenues. This is neither an effective nor an efficient way to review the city's fiscal requirements, and I urge that the Congress act promptly on the D.C. revenue proposals prior to the final appropriation action on the fiscal year 1972 D.C. budget requests.

Richard Nixon.

April 19, 1971.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTES TO SENATOR SAM J. ERVIN, JR., AND HIS SUBCOMMITTEE HEARINGS ON GOVERNMENT AND PRIVACY

Mr. ALLEN. Mr. President, for the first time in our Nation's history, Congress has learned of efforts by officials in the Defense Department to spy on the activities of ordinary citizens. In recent hearings before his Constitutional Rights Subcommittee, the chairman, the distinguished Senator from North Carolina (Mr. Ervin), has made a courageous effort to publicize and reverse this serious and dangerous departure by the military from its traditional jurisdiction.

By his subcommittee hearings illustrating a Federal bureaucracy running roughshod into the private lives of our citizens for its own unmonitored purposes, Senator Ervin has touched a sensitive nerve which has outraged Americans of all political persuasions. And his hearings are a testament to what I believe is Senator Ervin's principal philosophy on government: People have a right to be left alone from unnecessary interference into their lives by the Federal Government.

Senator Ervin's hearings made it clear that Congress is not interested in denying the Government the right to collect information it needs for legitimate purposes, including the enforcement of the law. But the hearings disclosed the widespread existence in the military of the indiscreet and indiscriminate gathering and use of such information on the lives of ordinary citizens. Senator Ervin passionately believes that this governmental snooping must be curbed in this country because, as he says:

> When people fear surveillance, whether it exists or not, when they grow afraid to speak their minds and hearts freely to their government or anyone else, then we shall cease to be a free society.

Although Senator Ervin plans legislation to deal with the problems of Government and privacy, his hearings served the initial purpose of sensitizing, through the press, the American people to the intrusion into their lives of a massive Federal bureaucracy. Mr. President, in order that the Senate have the benefit of many of these significant news articles and editorials, I ask unanimous consent that the editorials entitled "Senator Ervin's Hearings" and the "Reactions to the Privacy Problem," published in the Washington Post; the articles entitled "When We Get All the Data in One Place," published in The New York Times; and "The Congress Examines a Case of 'Data-Banking Run Wild' " published in the Washington Star; and "Conservative Libertarian," published in Time magazine, be printed in the Record.

The PRESIDING OFFICER. There being no objection, the items were ordered to be printed in the Record, as follows:

Senator Ervin's Hearings

The hearings on invasion of privacy conducted last week, and due to be continued this week, by the Senate Judiciary Subcommittee on Constitutional Rights afford a fine example of how useful a congressional investigating body can be in exposing and exploring a public problem. The subcommittee has not attempted to prosecute or pillory individuals; it has not pretended that it was a court or sought to punish by publicity people who could not be punished by due process of law. Under the chairmanship of Sen. Sam Ervin, the subcommittee seems to be observing the same high standards and the same concern for individual liberty it had in its early years under the late Tom Hennings.

Government snooping is an ancient evil. It is an evil compounded now by the development of mechanical memories—data banks, as they are called—which squirrel away and interrelate bits and pieces, globules and whispers, of information, some of it accurate, some of it mistaken, ready to be resurrected, perhaps entirely out of context, at any moment in the future. The danger in this was summed up well enough in testimony before the subcommittee by Burt Neuborne for the American Civil Liberties Union: "The wedding of sophisticated information-gathering techniques with computerized information storage and dissemination systems has created, for the first time, a very real danger that the sense of privacy which has traditionally insulated Americans against the fear of state encroachment will be destroyed and be replaced, instead, by a pervasive sense of being watched. The emergence of such a police state mentality could mean the destruction of our libertarian heritage."

The glimpses that have been allowed the public of some of the unchecked "raw files" amassed by the FBI and by the House Committee on Un-American Activities afford warning of how much misleading trivia, how much venomous mendacity can be collected by indiscriminate encouragement of unverified allegations—not even subjected to denial or refutation by the accused. And even the kernels of truth in such dossiers may be deceptive when reviewed in an altered climate of opinion. Worst of all, perhaps, the mechanical memories deny the possibility of redemption—or of what is more human, forgetfulness and forgiveness. "It is clear," Senator Ervin himself remarked in a recent speech about invasions of privacy, "that in our national quest for technological efficiency, we may have so hemmed our individual lives with yesterday's errors that we may yet foreclose the chance to start anew in our society." Most of us at one time or another have said or done things which we may legitimately hope will never be recalled.

Senator Ervin sees the growing pervasiveness of government surveillance and intelligence gathering, the growing compilation of dossiers made menacing by computerized recall as invasions of privacy which may have two evil consequences. One of these consequences, as he sees them, is a threat to the development of human potentialities, a deprivation of "freedom to be an individual, to express his personality." The other is that "the free exchange in the market-place of ideas, so essential to our form of government, must certainly be limited when citizens know their demonstrations or their letters or expressions of complaint may make them objects 'of interest' to government." Senator Ervin wants to counter these threats through a protection of privacy by law.

This is a wonderfully becoming and appropriate concern for a congressional investigating committee. How useful the Committee on Un-American Activities could have been if instead of sniffing everywhere for subversion—as though the American people couldn't be counted on for loyalty to their own country—they had discerned and sought to expose the real threats to Americanism arising out of pressures for conformity and orthodoxy. The Senate Subcommittee on Constitutional Rights is rendering a real service to the real sources of American security.

Reactions to the Privacy Problem

What a world of difference there was between the responses given to Senator Sam Ervin's Constitutional Rights Subcommittee by the Department of Health, Education and Welfare on the one hand and by the Departments of Justice and Defense on the other. The subcommittee is grappling with a problem of the most vital concern to the American people—the impact on their privacy and their very sense of individual identity and security that grows out of the proliferation of snooping and surveillance by government agents and the indefinite storing of all the undigested and unverified information they garner in computerized memory banks.

From HEW there came before the subcommittee no less an official than Secretary Elliott L. Richardson himself. He came, apparently, without any purpose of evasion, concealment, buck-passing, pooh-poohing or proclamation of innocence but rather with a shared sense of the importance and relevance of the subcommittee's agenda. Right out loud in a crowded hearing room, the secretary said simply that the nation "must develop the means of controlling the potential for harm inherent" in the data banks with all their compilation of information and misinformation. "We may," he acknowledged, "need to consider affirmative regulation of this technology if present judicial processes prove inadequate in protecting our privacy."

This is the response of a man concerned not alone for maintenance of the power and prerogatives in his own satrapy but concerned also for the rights and welfare of the public he serves. His concern is an altogether proper one for the head of a department that embraces the Social Security system which has, in some respects, reduced every American to an integer. HEW, as Senator Ervin remarked, "probably maintains more personal data on individuals than any other federal department." Never mind that its purposes are beneficient. Its potentialities have seeds of malignancy which it would be folly to ignore.

The Department of Justice—mind you, the department which above all others is supposed to protect the liberties and immunities of Americans—sent an Assistant Attorney General to the subcommittee last week and had him announce haughtily that Justice "will vigorously oppose any legislation" that might impair the government's power to pry into the private lives of citizens. No audible or visible anxiety of any kind that such endeavors to promote national security might ruinously undermine the personal security that has been among the proudest boasts of Americans.

The Defense Department, for its part, has simply given the subcommittee the back of its hand. Its component Department of the Army, you will remember, started Senator Ervin's whole investigation by its arrogant assumption of authority to collect data on anyone suspected by any shavetail of harboring subversive tendencies—including even members of Congress. But now, on the pretext that it is investigating its own home-front intelligence operations, the Pentagon has asserted that it would be "inappropriate" for three Army intelligence generals summoned by the subcommittee to appear before it. Well, at least the Defense Department appears to be in favor of curbing *congressional* inquiry.

Fortunately, Sam Ervin is not a man likely to be easily snowed or overawed by legal brass in or out of uniform. He has a major problem to solve. Certainly government investigation and recordkeeping have valuable uses. But they must be used, like other instrumentalities of law and order, to enlarge liberty, not consume it.

Surveillance: When We Get All the Data in One Place

(By Richard Halloran)

WASHINGTON.—"Consider the implications of these three propositions," said the legal scholar who is troubled by the assaults on privacy in America today.

"First, Americans are scrutinized, measured, watched, counted and interrogated by more government agencies, law enforcement officials, social scientists and poll takers than at any time in our history."

"Second, probably in no nation on earth is as much individualized information collected, recorded and disseminated as in the United States."

"Third, the information gathering and surveillance activities of the Federal Government have expanded to such an extent that they are becoming a threat to several basic rights of every American—privacy, speech, assembly, association and petition of government."

DOSSIER DICTATORSHIP

Leaning across the witness table and squinting into the glare of television lights, Professor Arthur R. Miller of the University of Michigan Law School told the Senate Subcommittee on Constitutional Rights last week that America is being put "on the pathway toward a dossier dictatorship."

He was the first witness in nine days of scheduled hearings that Senator Sam J. Ervin Jr., Democrat of North Carolina, is holding to determine the extent of government and private spying on American citizens, the degree to which personal information has been collated in computers, and the legislation that might be needed to safeguard the rights of the individual.

From the evidence presented during the first week, it seems patently clear that the scrutiny of the private lives of Americans is pervasive. Professor Miller estimated that there are 10 to 20 dossiers, on the average, for every person in the country.

Much of this personal information is stored in computers, retrieved rapidly and transmitted quickly by electronic devices. Theoretically, that should enable governments and private organizations to serve individual citizens better.

But, as witnesses testified last week, the abuses are frightening. Inaccurate and unrefuted derogatory information is disgorged, citizens are turned down for jobs or insurance or loans. Worse, they have been blackmailed or defamed or have suffered reprisals.

Moreover, the collection of political information by a dozen government agencies has subjected citizens to what several witnesses called the "chilling effect." Just the idea that somebody is watching can make a citizen hesitate to attend a political rally, infringing upon his rights.

The number of dossiers on one person alone can be seen in the case of a rather typical citizen who might be called Robert Hardy. Mr. Hardy is 40, married with three children, has a middle income, lives in the suburbs, holds political views that range from moderately liberal to moderately conservative, and votes all over the lot. He has perhaps a bit more formal education than most, has served in the Army, has never been arrested, and has never, to his knowledge, been suspected of disloyalty to the United States.

Mr. Hardy knows that the Federal Government, his state and local governments and private organizations have records on him. He speculates that there are more than 40, some containing cursory information, some very detailed.

THE FEDERAL RECORDS

In the Federal Government, the Civil Service Commission has a file compiled from a job application and the results of a civil service exam. The Army has at least two records—a personnel file and a security file that rests in the Army investigative records repository at Fort Holabird, Md. The Veterans Administration, the Social Security Administration, and the Census Bureau all have dossiers on him. The Internal Revenue Service has his income tax records.

Mr. Hardy has traveled abroad with a passport so the State Department has a dossier on him. The Federal Bureau of Investigation has his fingerprints from Army records.

Mr. Hardy has lived in three states, each of which has income tax files and records of his driver's license and auto tags. Once he was found to be overdue in changing his license plates when he moved from one state to another, so at least one state police department has a file on him.

In the private sector, three universities have fairly full personal files. Mr. Hardy has used four banks and has life, medical, home and auto insurance. He has worked for three employers, each of whom has a full account of his career. Mr. Hardy and his wife have four department store charge accounts and a gasoline credit card, each requiring substantial information about his income. They have had two home mortgages, which have added to his file in a central credit bureau. His doctor has his complete medical history.

Those are the records that Mr. Hardy knows about. He doesn't know if others exist. Nor does he know what is in each file except for the information he has given each organization. He feels that it is entirely conceivable that erroneous or malicious information that he may never know about has got into one or more, as things stand.

To give Mr. Hardy a chance to have some control over all of this information about him, Representative Edward L. Koch, Democrat of New York, and Sen. Birch Bayh, Democrat of Indiana, have introduced bills that would require every government agency to notify the citizen that a record on him is being kept, permit him to correct errors or to refute abusive statements, and forbid the transmission of any information without his permission.

The Congress Examines a Case of "Data-Banking Run Wild"

(By Martha Angle)

"We'd like to know a little bit about you for our files . . . We'd like to help you learn to help yourself," crooned Simon & Garfunkel a few years ago in their famous ode to Mrs. Robinson."

The problem, a Senate subcommittee was told last week, is that "these days, the federal government would like to know almost everything about you for its files."

Often for the best of motives, virtually every major government agency—from military intelligence to Social Security—is engaged in the most massive collection, storage and exchange of personal data on U.S. citizens in the nation's history.

In fact, testimony indicates, the average American today is the subject of 10 to 20 dossiers, containing the most intimate details of his private life, which are stored in microfilmed files and computerized data banks and swapped freely among agencies.

Led by Sen. J. Ervin Jr., D-N.C., the Judiciary Subcommittee on Constitutional Rights is entering its second week of hearings on the impact all this busy-body activity is having on the privacy and civil liberties of Americans.

On Tuesday, the panel will begin grilling top-level Pentagon officials about the far-flung civilian snooping activities of military intelligence—surveillance practices which have been the primary focus of the subcommittee's attention so far.

Eight former Army intelligence agents testified at length last week about the Army's surveillance of politicians, civil rights leaders, anti-war activists, extremists of both the left and right, church groups, newspaper reporters, folk singers and thousands of ordinary citizens.

They said some 1,500 agents had, in recent years, infiltrated, photographed, tape-recorded and reported on peace rallies, civil rights marches, welfare rights demonstrations, political conventions, union meetings and other gatherings.

Most of the snooping, the former agents testified, began in earnest after the Detroit riots of 1967 and was ostensibly aimed at helping the Army prepare for civil disturbances it might be called upon to quell.

But, the agents said, the data-collectors rarely distinguished between violent and non-violent activities. "My superiors," one former snooper said, "could not differentiate between the Weathermen faction of Students for a Democratic Society (SDS) and the American Friends Service Committee," a Quaker group.

Not a single witness to date has been able to tell the subcommittee who originally authorized the massive collection of information on the lawful activities of civilians.

And that is one of the principal questions the Ervin subcommittee wants answered when Defense Department witnesses testify this week.

KEYSTONE KOPS

The subcommittee also wants to know what guidelines — if any — governed the snooping program, what happened to the data collected, and what steps have been taken to halt the surveillance and destroy the files on civilians.

At times during last week's hearings, reminiscences of the former agents made the Army's civilian spy program sound like "Keystone Kops" farce.

Quentin L. Burgess, who served with the 116th Military Intelligence Group in Washington, said he and his partner once were assigned to spy on a Halloween party for neighborhood children at a Northeast Washington elementary school—ostensibly because Rufus "Catfish" Mayfield, a local black youth leader the Army was keeping tabs on, had helped procure food for the party.

Laurence F. Lane, a former intelligence specialist at Ft. Carson, Colo., said 53 of 119 participants at a September 1969 peace rally near the base ultimately turned out to be agents from Army, Navy and Air Force intelligence units.

A good many of the agents, Lane said, were busy watching each other, while six helicopters circling overhead to keep an eye on the rally drowned out the speeches his team was trying to tape record.

Ervin, while noting that such episodes "lend great credence" to the old observation that "military intelligence is a contradiction of terms," warned that they should not be allowed to obscure the real significance of what has happened in recent years.

"Full-scale dossiers on thousands of Americans, compendiums, blacklists, computer systems, city books and massive surveillance by the U.S. Army Intelligence Command and the other military services amount to a clear and present danger to First Amendment freedoms," the senator said.

A number of prominent politicians were among the thousands of citizens on whom Army Intelligence maintained dossiers, according to testimony last week.

These included Julius Hobson and Walter Fauntroy, candidates for non-voting District delegate to the House; Sen. Adlai E. Stevenson III, D-Ill.; Rep. Abner Mikva, D-Ill., and Texas State Rep. Curtis M. Graves.

Ervin warned against giving too much attention to this aspect of the snooping.

"Senators, congressmen, state legislators, city aldermen—these are persons whose careers are founded in controversy and politics," he said. "They are the last Americans who would be intimidated by political surveillance.

"The harm comes, rather, when the ordinary citizen feels he cannot engage in political activity without becoming a 'person of interest,' without having his name and photo placed in a file colloquially if not officially labeled 'subversive.' "

The knowledge of such surveillance, or even the fear that it may be taking place, too often may lead the average citizen to refrain from speaking out or engaging in political activity, Ervin said.

The first public revelation of the Army's civilian "monitoring" program came in January 1970 in a Washington Monthly article by Christopher H. Pyle, a former agent who testified last week before the subcommittee.

According to another witness, Edward H. Sohier, the Pentagon's immediate reaction to Pyle's disclosures was to "deny any and all charges, factual or otherwise."

Sohier was a member of a special Pentagon task force created a year ago to handle inquiries about Pyle's articles.

The task group, he testified, engaged in "blatant lying and an unceasing string of misstatements" to members of Congress, the press and even the Army's own general counsel, and "never admitted any more than it absolutely had to."

When the subcommittee finishes its scrutiny of the military intelligence program, it will turn to the more complex problems posed by the sophistical data collection programs of civil law enforcement agencies, the Department of Transportation, Health, Education and Welfare, and other agencies.

MOST UNAWARE

The military snooping, Ervin believes, is a fairly simple case of "data-banking run wild" whose threat to civil liberties is clearly apparent.

"The very difficult problem of reconciling government data collection with individual freedom arises when the collection is authorized by law and when it is used to assist a socially needed program," he said.

Two lawyers and a social scientist addressed this larger issue when the subcommittee hearings first opened, explaining that most Americans are unaware of the degree to which their everyday lives are recorded in the files and computers of government and private industry.

Arthur R. Miller, a professor of law at the University of Michigan and author of the book, "Assault on Privacy," summed up the situation succinctly.

"Whether he knows it or not," Miller said, "each time a citizen files a tax return, applies for life insurance or credit cards, seeks government benefits, or interviews for a job, a dossier is opened under his name and an informational profile on him is sketched."

Everywhere a person goes, Miller added, he leaves electronic tracks on somebody's computer "that can tell a great deal about our activities, movements, habits and associations when collated and analyzed."

One subcommittee member, Sen. Birch Bayh, D-Ind., has already introduced legislation to give each citizen the right to see and correct information about him contained in government data banks.

The legislation would also prohibit an agency from disclosing any information about a citizen without his permission unless it is required to do so by law.

Exceptions to the non-disclosure rule would be made only in cases of national security or criminal prosecutions.

Last year, Congress for the first time enacted a law allowing individuals to have access to financial information about them on file with credit bureaus.

"Subject to the legitimate—and expressly drawn—demands of law enforcement and national security, I believe we should grant the same rights of access in this area as well," Bayh said.

CONSERVATIVE LIBERTARIAN

At 74, Senator Samuel J. Ervin Jr. looks and sounds like the quintessential Southern Congressman. Jowls drooping and eyebrows cascading, he drawls tall tales about good ole boys back home in hill-country North Carolina. In rambling Senate speeches, he quotes the Bible, Jefferson and Kipling; he opposes most civil rights bill and accuses the Supreme Court of killing the Constitution's meaning by "verbicide." But for all his Claghornian pomp and ceremony, Sam Ervin is no archetypal Southern reactionary. He is in fact one of the Senate's ablest civil libertarians.

As chairman of the Judiciary Subcommittee on Constitutional Rights, Ervin has long taken positions that startle conservatives and liberals alike. Despite his Bible-Belt constituency, he successfully opposed the late Senator Everett Dirksen's proposed amendment that would have allowed voluntary prayers in public schools. "I believe in a wall between church and state so high," says Ervin, "that no one can climb over it." Though a strong law-and-order man, he vainly fought the Nixon Administration's District of Columbia crime bill with its controversial "no-knock" and preventive-detention provisions. He called it "a garbage pail of some of the most repressive, intolerant, unfair and vindictive legislation that the Senate has ever been presented."

DOSSIER DICTATORSHIP

More recently, Ervin has criticized two institutions that most conservatives hold dear: the FBI and the U.S. Army. He accuses both of snooping on Americans in ways that endanger First Amendment freedoms of speech, thought and privacy. "If we are going to be a free society," says Ervin, "the Government is going to have to take some risks; they can't put everyone under surveillance."

Last week Ervin's subcommittee began hearings on his biggest concern to date: how to safeguard the political liberties of U.S. citizens from what one witness called "dossier dictatorship"—the vast files that are now being computerized by assorted snoopers, ranging from credit bureaus to Army agents, who allegedly concentrate their spying on war protesters. Dramatizing his worries about computers, Ervin displayed two props: a 1,245-page Bible and a two-inch-square piece of microfilm, each containing 773,746 words. "Someone remarked that this meant the Constitution could be reduced to the size of a pinhead," he drawled. "I said I thought maybe that was what they had done with it in the Executive Branch because some of those officials could not see it with their naked eyes."

LINGUISTIC ABOMINATION

Ervin has been a wide-eyed lover of law ever since his childhood in Morganton, N.C. (pop. 13,000). As a boy, he hung around the Burke County courthouse watching his lawyer father argue cases dressed in Victorian cutaway tails. After graduating from Harvard Law School ('22), Ervin married his hometown sweetheart, joined his father's law firm, and polished his oratory as a young state legislator. He once quashed a bill that would have outlawed the teaching of evolution in public schools with the objection that "such a resolution serves no good purpose except to absolve monkeys of their responsibility for the human race."

Appointed to the North Carolina Supreme Court in 1948, Judge Ervin rarely missed a chance to write expansive opinions. After a complex appeal contesting an ambiguous will, he blasted the lower-court judge for having "murdered the king's, queen's and everybody else's English by using the monstrous linguistic abomination *and/or*." Pondering conflicting testimony in a manslaughter case, Ervin suggested that truth often comes to the biased witness as "the image of a rod to the beholder through the water—bent and distorted." North Carolina lawyers still quote Ervin's opinions because, says one, "it gives a brief more status and authority."

As a freshman U.S. Senator in 1954, Ervin thrust himself onto the front pages with a folksy anecdote underlining his contempt for his Communist-hunting Wisconsin colleague Joe McCarthy. According to Ervin, Uncle Ephraim Swink, a sick, arthritic mountaineer, was called upon to testify to his religious experiences at a revival meeting. Uncle Ephraim remained silent. Finally the minister said, "Brother Swink, suppose you tell us what God has done for you." Uncle Ephraim pulled his crippled body from his seat and replied, "Brother, he has mighty nigh ruint me." Said Ervin: "Mr. President, that is about what Senator McCarthy has done to the Senate."

FEAR VERSUS FREEDOM

Now considered the Senate's ranking constitutional expert, Ervin is aghast that proliferating Government data banks are being fed undigested information on merely "potential" lawbreakers. Last week Ervin heard evidence that assorted public and private agencies now keep ten to 20 dossiers on virtually every American. The dossiers often stress political activities, sexual behavior and credit records, and invite misuse by officials as well as employers.

As Ervin sees it, a free country must take the risk that "a man who has never committed a crime may some day commit one." Lacking probable cause for surveillance, he argues, the Government has no right to secretly record anyone's attitudes toward politics, sex or religion. Ervin hopes that his hearings will lead to federal privacy legislation giving Americans a new right to know what information is being kept about them, and to rebut inaccurate data. If such a right is established, Ervin believes that a new federal agency may be needed to enforce it. In any case, he says, snooping must be curbed. "When people fear surveillance, whether it exists or not, when they grow afraid to speak their minds and hearts freely to their Government or anyone else, then we shall cease to be a free society."

PROCLAMATION BY GOVERNOR OF MAINE RELATING TO AMERICAN PRISONERS OF WAR IN NORTH VIETNAM.

Mrs. SMITH. Mr. President, for myself and on behalf of my colleague from Maine (Mr. Muskie), I ask unanimous consent to have printed in the Record a proclamation by Hon. Kenneth M. Curtis, Governor of the State of Maine, designating April 28, 1971, as Prisoner of War Day.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

State of Maine—Proclamation

Whereas, the Silent Majority Mobilization has designated April 28, 1971, as a national day of support for our American Prisoners of War in the hands of the North Vietnamese; and

Whereas, these men have suffered and continue to suffer pain, imprisonment, deprivation of their rights, prolonged separation from their loved ones, and the peculiar mental and physical anguish which is the unique lot of the prisoner-of-war; and

Whereas, these men have carried out, and continue to carry out their duties to their country in accordance with their principles and pursuant to directions of the American people whom they are defending; and

Whereas, it is entirely just and in accord with humanitarian instincts that we, the American people, remember these men, cherish their contributions to our security, and pray for their safety and their speedy return to their homes and families;

Now, therefore, I, Kenneth M. Curtis, Governor of the State of Maine, do hereby proclaim April 28 1971, as "POW Day" in the State of Maine and urge all citizens to show their respect and concern for these servicemen and to join me in praying for their release.

NO EVIDENCE OF CONVERSION FROM A WAR TO A PEACETIME ECONOMY

Mr. PROXMIRE. Mr. President, administration claims during the past 2 years that we are undergoing a transition from a war to a peacetime economy are clearly unfounded. While defense outlays were down very slightly last year, new budget authority for national defense in fiscal year 1972 totals $80 billion. I submit that there is nothing peacetime about an $80 billion defense budget. Administration rhetoric of a winding down of the war notwithstanding, the fiscal year 1972 budget, which reflects the real priority decisions that are made by the administration, shows that defense spending will increase rather than decline.

This means that the United States will continue to operate with a war-time level of defense spending. And the transition to a peacetime economy is negated by this high spending level. The 1971 report of the Joint Economic Committee emphatically emphasized that:

> If it is the policy of the administration to relieve the unemployment problem by increasing defense spending, the committee is in strong disagreement with that policy.

The committee recommended further that:

> In the interests of national security, defense spending should be reduced in fiscal year 1972 substantially below the estimated outlays for fiscal 1971.

The committee feels that if a true and viable transition is to be made to a peacetime economy we must adopt an economic conversion policy that would assist those individuals and communities that are adversely affected by reductions in defense spending. Such a program would include manpower and income support initiatives. These are positive efforts that would cushion economic hardship for workers, and ex-GIs, and would at the same time help restore the economy to a path of healthy growth with reasonable price stability. An innovative conversion policy rather than an increase in defense spending is the true test of a transition from a war to a peacetime economy.

Mr. President, in an extremely well written and thoughtful column in the New York Times of April 14, Mr. Leonard Silk discusses the committee's recommendations on economic conversion. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Postwar Economy—How the U.S. Involvement in Asia Ends Will Affect Which Course Is Taken

(By Leonard S. Silk)

What will be the economic impact of the windup of the Vietnam war? The question has acquired urgency with the announcement by President Nixon that he will reduce American troop strength in Vietnam from 284,000 now to 184,000 by Dec. 1, 1971.

ECONOMIC ANALYSIS

Beyond that date he has announced no timetable—although some Senators assert that he told them he had a definite date in mind. But he has pledged to "end American involvement" in Vietnam and said he expects to be held accountable—presumably on Election Day in 1972—"if I fail." His goal, he says, is "total American withdrawal."

Assuming that Mr. Nixon achieves that goal, will there be a growingly difficult problem of effecting the transition from a wartime to a peacetime economy? The Joint Economic Committee of Congress is highly dubious that there will be any such transition—at least measured in terms of total military expenditures.

Noting that the President had asked for $80.2-billion in budget authority for national defense in fiscal 1972—a $6-billion increase over 1971—both Democratic and Republican members of the Joint Economic Committee stated, "This indicates that the Administration plans to resume the upward trend in defense spending in the near future."

The Committee insisted that "it is difficult to see anything peacetime about an $80-billion national defense budget.

"If it is the policy of the Administration to relieve the unemployment problem by increasing defense spending," the Committee declared, it was "in strong disagreement with that policy." Instead, it calls for reduction in defense spending—"in the interests of national security"—through reform of weapons procurement to eliminate cost overruns, "gold-plating" of weapons, and other programs it considers wasteful.

The Committee calls for an economic conversion program, focused on social objectives, rather than simply converting wartime expenditures into garrison-state defense expenditures for military hardware, as a means of achieving full employment.

There can be no doubt that rapid military build-ups that pour money into an underemployed economy can lift it up to high employment.

But the Vietnam war was superimposed on an economy that was already at full employment. Its impact was brutally inflationary—for two reasons: It increased money incomes and demand beyond the capacity of the economy, and it reduced the human and material resources available to produce goods and services for the private economy. It also helped to undermine the United States balance of payments.

HIGH "OPPORTUNITY COSTS"

War has high "opportunity costs"—that is, the resources devoted to waging the war in Southeast Asia could not be employed to produce socially useful goods.

But the impact of Vietnam on the American economy doubtless goes beyond its physical effect on resources. The Joint Economic Committee holds that the war and the high level of defense spending have contributed to an inflationary psychology.

Although the expectation of inflation, in traditional economic theory, is supposed to lead to an immediate rush of buying, this need not be so; the sluggish behavior of consumers during the past year demonstrates that worry about inflation can have a choking effect on consumer spending that outweighs the allegedly "rational" decisions to buy ahead of price increases.

In fact, consumers may be acting most rationally when they cut their buying because of inflationary expectations. They may decide that price increases of goods they need will outrun their ability to raise their incomes—and hence that they must cut back on their discretionary purchases.

UNEMPLOYMENT FEARED

Further, as inflation pushes up interest rates, it increases the rewards for saving—that is, not spending. And fear of unemployment—a potential result of efforts to fight the inflation—can also impair consumer confidence.

In the judgment of the Joint Economic Committee, "the consumer's confidence will not fully return so long as the debilitating and demoralizing effects of the war in Southeast Asia persist."

Investors react to war-generated inflationary threats in the same way. The sickening plunge of the stock market in the spring of 1970 was a direct reaction to the Cambodian invasion—and to fears of a wider war, more Government spending, bigger deficits and escalating interest rates. The President's campaign to steady the market involved efforts to convince the business community and the public that Cambodia was a limited maneuver designed to shorten, not lengthen, the war.

But will an end to American involvement in the war in Vietnam necessarily produce a great wave of national confidence and euphoria? Mr. Nixon has suggested that, depending on how the war ended, it might instead give way to bitter national recrimination and dissension.

Such a national mood would not only aggravate social and economic tensions at home but hurt United States' relations with other countries. It could intensify existing symptoms of neo-isolationism.

After World War I, the late Professor John Maurice Clark, of Columbia University, one of the greatest American economists, wrote: "In international affairs, the sequel of the war in this country seems to have been an increasingly stubborn insularity, resisting an inescapable trend toward sharing in world affairs. The fact that this resistance is less strong on the Eastern Seaboard may be a mitigating factor, or it may only be a cause for the development of an ill-omened sectionalism between the Eastern Seaboard and the interior."

In his book, "The Costs of the World War to the American People," which has just been reprinted by Augustus M. Kelley, Professor Clark found that America's postwar insularity included "a thoroughly thick-skinned attitude as to what other people think of us." He saw this attitude as actually a defense mechanism.

America sensed that it had lost something of its reputation—and felt this in foreign reactions to the collection of the war debts, to the invasion of other countries by American capital, to intensified American protectionism in trade. "We have not been very actively loved in the past, perhaps," said Professor Clark, "but now we seem to be actively resented, for reasons not difficult to understand."

U.S. BURDENS LIGHTER

This country, he said, had not felt enough of the weight of the war to make it appreciate what others had borne and suffered; even Americans' economic and material burdens were light relative to the nation's strength.

The most important things about the war for America, said Professor Clark, were "the imponderables." Basically, he felt the war had been a calamity, though with some compensation, as men must have from any great experience; but too often we seem to have learned the wrong things. And we might have had better experiences to learn from. Perhaps all we can be sure of is that nothing has remained untouched by the war. Everything that has happened has happened differently because of it."

Professor Clark was writing from the perspective of 1931. How will we see the Vietnam war and its impact on the course of American history from the perspective of 1981? Obviously, much does depend on how and when the war ends, and what we do in its wake.

WELFARE REFORM—ADDRESS BY PRESIDENT NIXON

Mr. DOLE. Today, at the Republican Governors' Conference, in Williamsburg, Va., President Nixon delivered a thought provoking speech on welfare reform.

I ask unanimous consent the text of his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF AN ADDRESS BY THE PRESIDENT, REPUBLICAN GOVERNORS' CONFERENCE, WILLIAMSBURG, VA.

The last time we were together we talked about revenue sharing. Our seven legislative proposals for revenue sharing have now gone to the Congress, and I would say I am more optimistic about success now than I was then.

Revenue sharing, when it is enacted, will go far toward alleviating the financial burdens of State and local government. But it is hardly enough to make such great efforts to solve these problems on one hand, while on the other we pursue policies which compound the problem. I am speaking of the present disastrous system of public welfare. Rising welfare costs are not only placing heavier and heavier burdens on the Federal budget, they are crushing our States and cities. And they will continue to do so until something is done about it.

What we need is not a tinkering with the present welfare system which would merely relocate the financial disaster areas from the States and cities to Washington. We need an entirely new approach that will reach to the reasons for soaring welfare costs, and not deal simply with the results as we are doing now.

As you know, we have an entirely new approach in this administration's proposal for welfare reform which is before the Congress. I consider it our most urgent legislative proposal, because the welfare problem, allowed to run unchecked, would soon erode the benefits to be gained from reform in other areas. The House of Representatives has recognized its importance by designating it House Resolution number one. And it is going to be White House Priority number one until it is enacted.

We in this administration have urged welfare reform for three years. We discussed it in the 1968 campaign, and the country responded—and I mean the whole country—not just the taxpayer who sees his money going down the drain, but also many of the welfare recipients who see their lives going down the drain.

While we're trying to bring some order into this chaos at the Federal level, some of you have moved on your own at the State level with the same purpose. I want especially to commend Governor Reagan and Governor Rockefeller for their efforts in this area—for biting a bullet the entire country is going to have to bite if we are going to bring the financial—and worse, the human—costs of the present welfare system under control.

The abuses in the system are not only unconscionable, but contagious as well.

It is a system which not only destroys the incentive of those who are on welfare to get off it, but attacks the motivation of those who are not on welfare—the working poor—to stay off.

It is incredible that we have allowed a system of laws under which one person can be penalized for doing an honest day's work and another person can be rewarded for doing nothing. It can happen and does happen under the present system. The person on welfare can often have a higher income than his neighbor who holds a low-paying job. Tragically, these situations often exist in the same neighborhood, side by side in the same apartment houses—and the effect is corrosive. It creates bitterness on the part of the worker. In the end, I suspect, it causes resignation—and we end up with another person on welfare.

At a time when we see all about us the problems of the disintegration of the family, we continue with a system that encourages family disintegration. A man out of work, or one struggling to support his family on a low income, sees that his family can have a higher income on welfare—and yet he is torn by the knowledge that they cannot qualify as long as he is there. So he leaves. His children grow up either entirely without a father, or with a father who sneaks in and out of the house one step ahead of the welfare worker. What conclusion should his children draw about the morality and the compassion and the justness of a system which forces their father to desert them in order to feed them?

The fact is that the welfare establishment and system in the United States is a monumental failure. It makes the taxpayer furious. It makes the welfare recipient bitter, and it inflicts the distillation of all this anger and bitterness on the children who will inherit this land. It is a disgrace to the American spirit.

So I do not advocate broadening welfare. I do not advocate simply refining the system. I advocate a fundamental change of direction.

I do not advocate putting more people on welfare rolls as some have contended—I advocate getting more people off welfare rolls. And the way to get them off is to provide incentives and disincentives which will make them get off—while providing an opportunity for people to recapture the sense of dignity that comes with knowing that what you have, you have earned. I have been guided from the outset by that principle and I reaffirm my commitment to that principle now.

I do not believe in a guaranteed annual income. I do believe in a system which insures that a man is rewarded for working and not penalized, and I think it is a very sensible investment to insure that that reward is there in order to keep people safely out of the reach of welfare.

I advocate a system which will encourage people to take work. And that means whatever work is available. It does not mean the attitude expressed not long ago at a hearing on welfare by a lady who got up and screamed: "Don't talk to us about any of those menial jobs." I am not sure what she considers a menial job but I have probably done quite a few in my lifetime. And I never thought they were demeaning.

If a job puts bread on the table and gives you the satisfaction of providing for your children and lets you look everyone else in the eye, I do not think that is menial. But it is just this attitude that makes others—particularly low-income workers—feel somehow that certain kinds of work are demeaning. Scrubbing floors or emptying bed pans is not enjoyable work, but a lot of people do it—and there is as much dignity in that as there is in any other work to be done in this country—including my own. In the course of reforming the welfare system, we have to re-establish the recognition of that fact.

I do not think we can tolerate a system under which working people can be made to feel like fools by those who will not work. To the contrary, I think those who refuse to register for work and accept work or training should be ineligible for welfare payments, and we have written such a stipulation into our welfare reform proposal.

In addition, we have urged including in this proposal the language of Section 208 of the Social Security Act which clearly defines fraud, and establishes fines and other appropriate criminal punishment for abuses of the new welfare system.

So to those who see our present welfare reform proposal as a simple refinement of the old program, let me say as strongly as I can that this is not the case. We have no intention of measuring the success of this Nation's welfare programs by the money spent and the number of people supported. We are going to measure it by the money saved and the number of people who are given back the incentive and the opportunity to support themselves. We are going to measure it by the dignity it promotes, and not by the dole it provides.

One of the great strengths of America has always been that we believed in the value of work—and we need a system of caring for the poor that rewards and encourages work.

Another great strength of America is that we believe in a helping hand for those in genuine need. The Bible tells us that charity is the greatest virtue—and, by charity it means love. It blesses both the giver and the receiver.

But it is not charity to maintain a system which permits or encourages human beings to let die within themselves the energies, the dignity, and the drive that give meaning and satisfaction to life itself.

It is not charity to bind human beings into a cycle of despair and dependence when with a little courage and a little imagination and a little common sense we can end this cycle.

A long time ago this Nation proudly acquired a reputation as a refuge for the tired and the poor. Those "huddled masses" who sailed into New York Harbor so they might hold their heads up again have their counterparts today in slums all over this Nation—and our task, together, is to provide a system that will help them to raise their heads in pride and dignity—a system fair to the poor, fair to the taxpayer, and true to the spirit of independence that has built America and made it great.

THE STOL AIRPLANE

Mr. SYMINGTON. Mr. President, in St. Louis we have one of the Nation's outstanding radio stations, KMOX; and each day hundreds of thousands of our citizens listen to the station's able news director, Bob Hardy.

In addition to his nationally known program, "At Your Service," Mr. Hardy editorializes on current subjects. One that created special attention recently had to do with the STOL airplane.

In that connection, despite this Government's having invested over $500 million in an airplane that embraced the STOL concept, the United States still has nothing to show for this investment—no plane, no program.

The other evening Bob Hardy broadcast a thoughtful and perceptive editorial about the increasing importance of this development to our Nation's future. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The STOL Airplane

Currently being bandied about on Capitol Hill is a proposal that would join government and private industry, in a multi-million dollar venture to develop a new short haul transport plane known as STOL, Short Take-off and Landing. And it just may be that this aircraft has some answers to many thus-far-unresolved problems. Take the time problem alone. St. Louis to Chicago in a jetliner is less than an hour. But add on your driving time to the airport, the ride downtown to Chicago, the more-often-than-not runway delays at either or both ends of the flight, and you'll find that you could frequently *drive* it as fast.

There is a good deal of misinformation concerning STOL. Perhaps it might be well to set some things straight. 80 percent of all U.S. airline operations are on intercity flights of 500 miles or less. Standard jetliners need runways of one to two miles in length. Our own Lambert Field has a ten-thousand foot runway. STOL uses about 600 feet in landings, about 500 feet in taking off. And that's the average. Standard jetliners, often held up by heavy usage, can miss schedules, simply because of the density of traffic for one major long runway. STOL on the other hand can avoid that kind of congestion. It could use shorter parallel runways, taxi strips and even aircraft parking areas. The big jets need those distant ramps for parking, embarking passengers, etc. The STOL can use the small, close-in gate ramps. All this at already existing airports. And with STOL, a good deal of the congestion could be eliminated, simply by providing short take-off and landing craft for that 80 percent of all jetliner traffic that would use it.

Another aspect is the potential for STOL-ports closer in that existing airport. Consider the possibility of a STOL-port, let's say right across the river from the Arch, on the E. St. Louis riverfront. Or perhaps near Hall street in the northeast part of St. Louis. Or, if you'd like to consider what *other* cities are doing, Houston is looking at the possibility of a STOL-port atop a parking area; San Francisco, a floating STOL-port and yes, even St. Louis had a study underway for a STOL-port atop Union Station. AIR FACTS magazine says that with such close-to-the customer locations, STOL-ports in the nation's 20 largest cities could serve one fourth of the nation's air traffic. Think what that would do for the overall air-traffic picture.

There's another point to be made: this is not theory, it's possible. McDonnell Douglas' Model 188 STOL carries 64 passengers, has already demonstrated its ability at a number of midwest fields, de Havilland of Canada has sold more than 3000 STOLs, and is currently designing a 48 passenger model.

Engineers say the STOL can be the quietest transport plane ever built, providing less noise than on a major freeway. And it would be a plane built for the existing facility, not a plane needing new, larger facilities.

With so much discussion of a second major airport for St. Louis, perhaps some consideration of STOL . . . which could very well be tomorrow's major craft for short-haul passengers . . . might be in order. Some in Congress seem to think there's future for STOL. Perhaps the continued existence of Lambert Field lies with STOL. And for that matter, maybe that second, major St. Louis area airport—its size and location—should also depend on consideration of STOL.

IN FAIRNESS TO THE AUTO INDUSTRY

Mr. GRIFFIN. Mr. President, some well-chosen words were used the other day in a column written by Detroit Free Press Columnist Bob Talbert.

I think Bob Talbert's piece merits the attention of Senators and of many others beyond the circulation of the Detroit Free Press.

I ask that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From The Detroit Free Press, Apr. 8, 1971]

I Say We Should Quit Making Auto Industry a Whipping Boy

Most of the time I know where I stand. In most "polarizations," I know which side I'm on. I can usually give you a "yes" or "no" with some conviction. Name the issue: war, peanut butter, crime, TV commercials, dope, women's fashions, public education, smoking, Spiro Agnew, young people, tub baths-vs.-showers, who'll win the pennant, etc. I've got definite opinions in all these areas.

I must admit I'm unpredictable. I'm never "right" on "right" about everything. I'm a liberal-conservative-middle-of-the-roader. I swing back and forth like a pendulum, because I don't happen to believe anyone can honestly be one way about all issues. Everything is subject to change, especially in my mind as each new set of circumstances or statistics present themselves.

I'm not very radical about anything, with maybe the exception of cigaret smoking (I'm devoutly against it) and hair (I'm for it with zeal). I'm probably as close to the average Middle American (with a suburbanized, Sanforized, two-car, two-kid, appliance-prone family) as you'll find.

But in the last few months I've found myself in a very funny position. I like both James Roche and Ralph Nader.

There's a current battle cry I find hard to rally behind: "Big business is dead, long live the consumer!" I just can't buy that.

"You are a consumer," I'm told, "and therefore you should join the consumer crusade and make it invincible. Make big business bow down and kow-tow to consumer wishes."

The rhetoric goes on and on. And so does the publicity from Big Business, which would have you believe that a truly independent consumer advocate is still anti-business. I just can't buy that either.

This nation is, at least until 1971, business-oriented, not consumer-oriented. If the 1970s belong to the consumer he's going to have some tough sledding. The American Revolution was a businessman's revolt and if you don't believe it, may I suggest you stop by the Fisher Theater and see an excellent musical called "1776."

I can find no place in history where being for business is bad. It has produced a far better life for consumers than any other system yet tried.

At the moment, Ralph Nader is the only authentic folk hero the consumers have. Yet he's looked upon by Big Business as the enemy. He speaks for millions, the same millions who buy the goods and who elect the congressmen who look down their noses at him.

At the moment, Jim Roche, who runs the biggest business of them all, General Motors, is the folk hero of Big Business. But those same consumer millions, who depend on automobiles as much as Roche, seem determined to make the automobile the whipping boy of the '70s.

The ecologists, the insurance companies, and the mixed-media muck-rakers have labeled the automobile as today's "bad guy." Detroit gets bum-rapped at every turn. And the consumer sits back and says, "Sock it at ol' Detroit. He's as good a target as any."

I sometimes wonder if the critics of the auto industry think that the auto execs don't drive those "unsafe" vehicles? They act like the auto industry glories in highway carnage and contaminated air.

Big Business must get sick and tired of being told it created discrimination, which it didn't, and then being asked to eliminate it. Big Business gets blamed, unfairly, for our cities failure and in the next breath is asked to bail out the dying cities.

I read Action Line daily. I'm like all the other consumers who complain. Defective cars and warranty disputes bother me. Misleading and deceptive advertising is a real irritation. Getting appliances repaired and being overcharged for it bugs me. I can almost predict that everything in my house will soon fall apart or break down, because we'll have been in it three years come June.

But this "crisis in craftsmanship" or "pride in work" is a problem I personally face every day. Some columns are better than others.

Some columns have errors in them that no one catches or corrects. No one but the reader-consumer.

The consumer movement right now is "hot." It's Washington's No. 1 business at the moment. Too bad it's not on the stock market. Even if we had a Department of Consumerism with a hard-nosed Secretary putting the screws to Big Business, it wouldn't bring about instant justice in the marketplace. Would a Secretary of Peace bring about peace tomorrow? Same thing.

Human beings aren't perfect, but we are improveable, and so are the conditions under which we work and live. Human problems are seldom solved, but are often improved. Jim Roche and Ralph Nader are a lot closer to each other than people will let them be. Wait and see.

BIPARTISAN AGREEMENT ON INTERNATIONAL ECONOMIC ISSUES

Mr. PROXMIRE. Mr. President, in its 1971 Joint Economic Report on the President's Economic Report, the Joint Economic Committee has presented bipartisan views of agreement on international economic issues. This continues a tradition of essential agreement among members of the Committee on foreign economic policy. This year's report stressed that foreign economic policy should be dealt with in tandem when domestic policy decisions are made. One of the major recommendations of the joint views states that:

> The external and internal economic policy goals of the United States should be regarded as being synonymous—the maintenance of full employment and price stability.

The report goes on to emphasize that if the goals of the Employment Act can be achieved that this will also have a salutary effect on the balance of payments:

> If these goals can be achieved, the balance-of-payments position of the United States will be strengthened; but if we fail to realize these joint objectives, a progressive deterioration in our external position will compound domestic problems.

An editorial published in the Wall Street Journal on April 13 called domestic and foreign economic policy two sides of the same coin. This is certainly an apt description. For if the American economy can be restored to a path of normal growth with reasonable price stability, then both the balance of payments will be improved and the international position of the dollar will be strengthened.

Mr. President, I ask unanimous consent that the editorial be printed in the Record:

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Apr. 13, 1971]

Two Sides of the Same Coin

In an unusual display of unanimity, Democratic and Republican members of the Joint Congressional Economic Committee have endorsed a statement on the balance of payments and other international economic issues. The statement could hardly have come at a better time.

A number of leading economists recently have urged that the U.S. treat its long-running payments deficit with "benign neglect." Although there's no indication that such a policy has as yet become official, it's not surprising that some European officials think that it may.

After all, the arguments for a passive payments policy do possess a certain logic. The U.S. has run a deficit nearly every year for two decades, and the world monetary system somehow has not come unglued. Foreigners have continued to accumulate dollars, even if they haven't always been happy about the process.

"Benign neglect," moreover, would call for removal of the various controls the U.S. has placed on the outflow of capital. The controls, which were supposed to be short-term expedients, are now cutting the return flow of investment earnings and thus are, at least to some extent, self-defeating.

Perhaps the chief argument advanced for a passive policy, however, is that the U.S. must look first to its domestic economy. Foreign trade plays so small a role in total American business, the reasoning runs that international considerations cannot be allowed to determine governmental financial policy.

One answer to this argument is that the U.S., like it or not, is far and away the largest and most powerful nation in the free world. Whatever the domestic importance of U.S. foreign commerce, the nation has international responsibilities.

But the best answer, and the one the Economic Committee stresses, is that good domestic economic policy and good international economic policy should be only two sides of the same coin. "A reasonable rate of growth and stable prices," the committee says, "are the greatest contributions that American economic policymakers can make to the rest of the world as well as to our own citizens."

The U.S. dollar is central to the world monetary system, and it's likely to continue so for the foreseeable future. It's the currency against which other currencies are measured, and other nations would appreciate a more solid yardstick. Since they hold growing amounts of dollars, they have a large stake in the dollar's value.

U.S. inflation has contributed to the payments deficits, having made American exports relatively more expensive and imports relatively cheaper. In the last half of the 1960s, the overheated U.S. economy also generated a demand for goods that could not be entirely satisfied domestically, and thus helped to increase imports.

It should be self-evident that greater price stability would have purely domestic benefits, allowing businessmen and consumers to plan their futures with more assurance. And a healthy U.S. economy, growing at a steady pace, contributes to the economic health of the free world.

It will be easier for the U.S. to pursue responsible financial policies at home if it continues to reduce its military presence abroad. This accords with the Nixon doctrine, and it certainly would help the balance of payments. As the U.S. lowers its profile overseas, it can and should urge other nations to do more for their own defenses.

The U.S. cannot straighten out everything by itself. At the moment there's no doubt that some foreign currencies are overvalued in relation to the dollar. If the countries involved insist on retaining the current exchange rates, under the fixed system that prevails, they would spur their own exports and curb imports. In the process they will make it all but impossible for the U.S. to end its payments deficits.

Greater exchange rate flexibility thus could help to ease the payments problem. But the key point, as the Economic Committee says, is that "the external and internal economic policy goals of the United States should be regarded as being synonymous."

PRAYER IN OUR SCHOOLS

Mr. SCOTT. Mr. President, an editorial published recently in the Sun-Gazette, of Williamsport, Pa., again points out the need for a constitutional amendment allowing prayer and Bible reading in our public schools.

One fact I am pleased to note at this time is that the number of Senators who have joined me in sponsoring this proposed constitutional amendment has risen from the original 29 to 43.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Sun-Gazette (Williamsport, Pa.), Mar. 17, 1971]

We Need Scott's Amendment

Since the Third U.S. Circuit Court of Appeals has tightened the ban on Bible and prayer readings in public schools, there is a greater need than ever for the constitutional amendment specifically permitting such activities which Pennsylvania Senator Hugh Scott and 29 of his colleagues are backing in Congress.

The federal court announced on March 4 that the Albert Gallatin School District in Fayette County is in violation of the law because its students are voluntarily engaging in devotional periods in the classroom.

Here is the sweeping language of the court: "Neither the fact that the participation by the students in the program is 'voluntary', nor the fact that the program may be denominationally neutral is of constitutional moment when the establishment clause (of the First Amendment) is involved."

So if the majority is to have any rights in this matter, it will have to change the Constitution as Senator Scott proposes to do.

UNION PACIFIC RAILROAD IN WYOMING EXCLUDED FROM RAILPAX ROUTES

Mr. McGEE. Mr. President, the people of Wyoming were deeply disturbed, as was I, when the Railpax Corporation announced its routes for the National Railroad Passenger System last month. My constituents are at a loss to understand what logic the incorporators used in excluding the Union Pacific Railroad route from Omaha to Cheyenne, west across southern Wyoming, and onward to the west coast.

Therefore, I ask unanimous consent to have printed in the Record several editorials published in Wyoming newspapers concerning the Railpax Corporation's announcement. The editorials express the feelings of the people of my State.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Wyoming State Tribune, Mar. 20, 1971]

Across Country on a Bunch of Sour Grapes

About Railpax. As Charlie Brown would say, "Who needs it?"

But first off, we will apologize to Senator McGee for the unkind things said about him when he returned from his African junket and immediately announced that Wyoming wouldn't get Railpax. At the time we thought he must have a faulty crystal ball. But there wasn't anything wrong with it at all.

Secondly, the decision by the directors of the National Rail Passenger Service Corp. to route the Railpax system through a long, looping route into southern Colorado, up the Royal Gorge, across Tennessee Pass and down the Colorado River through Grand Junction and Salt Lake City to the West Coast is . . . uh, well, to be charitable and kindly about the matter, it is unbelievable. Also iodiotic. Also stupid. To say nothing of short-sighted.

For some reason or other it is difficult to be serious about this matter even in the cold, grim dawn of realization that these people have made the decision that was announced Friday.

Talk about a slow boat to China! Talk about driving to Laramie in low gear! This one wins the prize, hands down, for monumental something or other.

One wonders what the great builder of the Union Pacific. Maj. Gen. Grenville Dodge, or his tough tracklayers, the Brothers Casement, would have thought about all this. They probably would have laid the Railpax directors end-to-end, joined 'em up with fishplates, strung 'em over a few ties and if there had been room, run their famous locomotive, the General Sherman, back and forth across them a few times.

There is no point reviewing all the issues in this case. The representatives of this state have presented their case thoroughly; there is nothing that has been overlooked or undone in seeking to convince the Railpax people that the route should have come this way.

Probably the handwriting was on the wall when it was revealed that the route was to go from Chicago to Denver and then if—and the if, it now can be seen, was flimsier than thought here—if Wyoming would be included in the route, the trains would come up from Denver to Cheyenne and from here westward across southern Wyoming to Ogden.

That really didn't make much sense, but it made a lot more sense than the one running the trains down through southern Colorado and then across the Great Divide. Scenery presumably is the basis of this route but if this railroad passenger service is to be based purely on an amusement basis, everybody ought to save his money, take a jet to the L.A. Airport, and go out to Disneyland and ride a real entertainment train.

Incidentally, while they were about it, why didn't the Railpax geniuses route their passenger service on down from Pueblo into El Paso, Juarez, El Paso and los Estados Unidos de Mexico? That's the way the Denver & Rio Grande's founder, Gen. William J. Palmer, intended it. That would have been a real dandy tourist route.

It was our original concept of this misbegotten undertaking that what the Railpax people, and the government at the top, really wanted was to provide the traveling public with a real, practicable, working alternative to grinding across the country in the family car, or doing it jet-style in a matter of minutes. But apparently not. Railpax must be designed for something else, akin to a family outing on a Sunday afternoon, if families do those things anymore, which we doubt.

The Railpax plan makes just about as much sense as tolling a rowboat up the South Platte River to get from Omaha to Denver. It ignores history, geography, present-day transportation needs; the history part being the building of the transcontinental railroad—in a time, remember, when rail travel was the only efficient and effective means of getting places on land—across this country, and geography taking into consideration the problems of crossing the mountain massif formed by the Continental Divide west of Denver.

Crocker's and Huntington's tracklaying teams had to go through the Sierras east of Sacramento and west of Reno in the late 1860s because there was no other way to go. But Dodge and the U.P. builders didn't have to buck the mighty mountains, they went around them; or better, they went in a more or less straight line from Omaha to Cheyenne and on to Ogden and Promontory Point without deviating to go through the mountains. This was an alternative to a slightly more bowed line from Julesburg through Fort Collins and north across the Laramie plain, which they rejected.

But in today's advanced age, our great rail planners can't think this far ahead. They made work out of it. Because of this we think Railpax will fail unless it changes its plan, and if it does, it ought to run this line from Chicago to Omaha to North Platte to Cheyenne, the way it always has been run and the only way it makes sense.

If this be sour grapes, we like 'em. Have a bunch.

[From Casper (Wyo.) Star-Tribune, Mar. 22, 1971]

Unfairness of Railpax Decision

It was disappointing, but—as Sen. Cliff Hansen has stated—predictably so that the Railpax system would bypass Wyoming. There is substantial evidence that the Wyoming route would be better to Salt Lake City than from Denver. Gov. Stan Hathaway, expressing his resentment, reached the conclusion that Wyoming didn't have enough political clout.

This is not, of course, to be taken as meaning that we do not have able members of the Senate and House, but Wyoming is a small state population-wise, and its counsels are not always heard in Washington with the most telling effect.

There are five other states besides Wyoming which may have been bypassed in the program of the National Railroad Passenger Corp., which is subsidized by the taxpayers of these states as well as others. The states which were not to be included are Wyoming, South Dakota, Idaho, Vermont, New Hampshire and Maine.

At this writing we do not have the full determination regarding the other five states, so that any conclusion should be held in abeyance. Regardless of whether they are omitted or included, there is merit in the legislation proposed that all 48 contiguous states should benefit by the establishment of the corporation. If this is not to be done, this is favoritism pure and simple.

All the members of Wyoming's delegation—Senator McGee, Senator Hansen, and Representative Roncalio have supported a Railpax route along the Union Pacific in Wyoming. Both houses of the Wyoming legislature adopted a memorial to that effect. The taxpayers of this country are going to be billed for no inconsiderable amount—a $40 million grant and $300 million in guaranteed loans.

Wyoming people will put up part of that money. They are entitled to a better deal.

There is job protection for the 18 UP passenger service employes in Wyoming. That was explained Saturday by Ed Schafer, general director of public relations for the railroad. This is on the plus side, but it does not cancel out the fact that Wyoming is expected to lose passenger service in the process. More information will be forthcoming at a news conference today. As it stands now, it seems evident that if a Wyoming patron wants to ride the UP to Los Angeles or San Francisco or points east, he is going to have to make connections in Denver rather than at Rawlins.

Some of these details have to be clarified, but the situation is not reassuring.

[From the Riverton (Wyo.) Ranger, Mar. 22, 1971]

The Final Snub

The announcement by Railpax that Wyoming is not included in the routing of the national rail passenger service has brought many anguished cries from Wyoming and Washington—and it should.

Not so much because Wyoming's way of life will be changed much by the loss of the present passenger service. Union Pacific has practically abandoned it anyway, Burlington Northern gave up a few years ago, and Chicago Northwestern quit running passenger trains (into Riverton) in 1941.

But the curtailment of passenger service through Wyoming is truly a tragicomedy.

First, it does give UP the convenient excuse for dropping passenger service. They've been trying to do it in two ways for years anyway—pleading with the ICC for abandonment, and doing everything possible to discourage rail travel.

Second, Railpax is but another example of the big getting bigger, and the small smaller. No matter that we're talking dispersal of population, improving the environment et al, let's keep Denver, Omaha, and Salt Lake happy, and to hell with Wyoming. "We're planning to make a national wildlife refuge out of Wyoming anyway and as long as we can get our fast freight across the state and haul the coal out, why do anything that might help Wyoming," end quote.

Third, it is utterly ridiculous to not bring service direct from Chicago to Cheyenne, branch south to Denver, go straight west to San Francisco, Los Angeles, and Portland.

The only trouble with Railpax is that it is passenger service to nowhere, and where before it was almost impossible to ride the train and get there, now it will be actually impossible.

Raise the flag of victory in Omaha, Chicago, and Washington—and fly them at half mast in Wyoming.

Brethren, you have been snubbed and insulted again. Let's don't forget for whom the (train) bell tolls!

[From the Wyoming Eagle, Mar. 23, 1971]

The Last Hope

Railpax, the semi-government Railroad Passenger corporation created by Congress to operate the nationwide railroad passenger system, has designated four passenger routes which will go to the West Coast.

And not one of them will follow the shorter, faster, logical route from Chicago and Omaha to the West Coast, by way of Cheyenne and Ogden. In fact, not one of the routes will come even close to Wyoming.

Two of the routes will cross Colorado, one will go across northern Montana, and the fourth, from New Orleans to Los Angeles, will swing far south through San Antonio, El Paso and Phoenix.

Here are the four routes to the West Coast, unveiled yesterday by Railpax as part of the nationwide rail passenger network:

Chicago to San Francisco via Sacramento, Reno, Winnemucca, Nev., Salt Lake City, Grand Junction, Denver, Lincoln, Omaha.

Chicago to Seattle via Yakima, Pasco, Spokane, Sand Point, Glacier park, Williston, Minot, Grand Forks, Fargo, Willmar, Minneapolis, and Milwaukee.

Chicago to Los Angeles via Flagstaff, Gallup, Albuquerque, Lajunta, Hutchinson, Newton, Ottawa, Kansas City, Fort Madison and Galesburg.

New Orleans to Los Angeles via Phoenix, Tucson, El Paso, San Antonio, Houston and Beaumont.

This plan, of course, will leave the entire State of Wyoming high and dry, with absolutely no railroad passenger service.

Suppose you, a citizen of Cheyenne, wanted to go Los Angeles, by train—which should be a relatively short, day and night, trip. First, you would have to drive to Denver to catch the train for San Francisco, by way of Grand Junction, Salt Lake City and Reno. Once in San Francisco, and depending upon the schedules, you would have one choice—the Seattle to San Diego train—to get south to Los Angeles.

If your destination happened to be Phoenix, you could follow the same route, but in Los Angeles you would have to catch the Los Angeles to New Orleans train and ride it all the way back to Phoenix. You would have driven to Denver, changed trains at San Francisco and Los Angeles, and traveled nearly three times as far as the distance from Cheyenne to Phoenix. Of course, you would have had the pleasure of visiting Colorado, Utah, Nevada, Northern California, Southern California and Arizona, en route.

But this is ridiculous. . . .

And, if the situation will be bad for Cheyenne, it will be even worse for other Wyoming cities and towns, including those along the Union Pacific in Southern Wyoming.

Actually, common sense should have dictated that at least one of the passenger lines follow the route from Chicago to Omaha, then straight to the West Coast, by way of North Platte, Cheyenne and Ogden.

Such a route, following Union Pacific's excellent double-track across southern Wyoming, would have been the logical route.

It would have saved both time and distance for persons traveling from the Midwest to the West Coast.

Such a route would have been logical, and in the best interests of the traveling public.

But Railpax has decreed otherwise.

Now, it should be hoped Congress will give speedy approval to measures sponsored by Sens. Gale McGee and Clifford P. Hansen in the Senate and by Congressman Teno Roncalio in the House.

The measures would provide that Railpax must serve at least one major population area in each of the 48 contiguous states—thus insuring at least some passenger service for Wyoming.

Passage of the measures might mean a train would run north from Denver, to Cheyenne, and then westward.

Apparently, that is the last hope for passenger service in Wyoming.

[From The Wyoming State Tribune, Mar. 24, 1971]

RAILPAX' PECULIAR RATIONALE

One more look at Railpax and then we'll forget it. In the press conference Monday to announce the new railroad passenger hauling system to be operated effective May 1 by the government corporation, the following reasons were cited as basic factors in the routing decisions:

Current train ridership and number of trains per week.

Current operating costs on each route.

Adequacy of other travel modes.

Total population of cities along the route.

The physical characteristics of track and equipment.

Those, according to Railpax Chairman David Kendall, are the five criteria for the decision to pick routes. In at least three of these, a majority, the factors would have favored a route across southern Wyoming to the exclusion of the one chosen from Denver west to Salt Lake City. Those five are current train ridership and number of trains per week, adequacy of other travel modes and physical characteristics of track and equipment.

All three of these clearly favored designation of the Union Pacific's double-tracked mainline from Cheyenne to Ogden, and probably favored designation of the U.P.'s double-tracked mainline from Omaha to Ogden via North Platte, Cheyenne and the other Wyoming cities. And on a route from Omaha to Denver, thence to Cheyenne and Ogden, total population of cities along the route possibly could have become a fourth factor. We have no knowledge of current operating costs of each route but further down in the Railpax press release it is admitted that the route chosen from Denver to Salt Lake via Grand Junction is from two to three hours longer than the one from Denver, Cheyenne and on west over the Union Pacific.

The Railpax announcement also included these rather self-damning statements: "The basic route through Omaha was chosen because it is shorter in miles, faster in running time and contributed more passenger miles annually." Okay, so far, so good. Then the statement adds this: "The segment through Grand Junction and Salt Lake City was chosen because of somewhat greater population, past ridership and market potential." Before this, however, Railpax had said, of the route designation through Ottumwa, Iowa, from Chicago to Omaha: "The route . . . was chosen because it has the fastest running time and best track conditions of the three alternate routes." And, "The Lincoln segment was chosen because it has a greater population. The line has more ridership now than the alternative."

Also: "Two major corridor options are presented between Chicago and Denver with variations for particular segments. The basic route through Omaha was chosen particularly because the Omaha route is shorter and faster than the best alternative through Kansas City; despite greater population along the Kansas City route, the Omaha route contributes more passenger miles annually; the Kansas City alternative will be served by the Chicago-Los Angeles service."

In analyzing the route through Iowa, the directors said a decision was made to by-pass Des Moines and pick a route on the Burlington Northern directly from Galesburg, Ill., to Omaha via Ottumwa because "the Ottumwa segment has the fastest running time because of more double track and 79 miles per hour authorized speed (the Marion segment is slower and the Des Moines segment is more than two hours slower); while population along the Des Moines segment is twice that of the Ottumwa segment (and three times that of the Marion segment), historic ridership has been larger on the Ottumwa segment than on the Des Moines segment; the Des Moines segment track conditions are only fair with a 60-mile per hour maximum authorized speed."

Of the decision to pick Denver-Grand Junction-Salt Lake over Denver-Cheyenne-Ogden, Railpax said: "Of the two route alternatives between Denver and Wells (Nev.), the Grand Junction-Salt Lake City route was chosen principally because of population, and market potential, Although the Cheyenne route is two- three hours faster, the market potential of the Grand Junction segment is seen as much greater than the Cheyenne segment because of outstanding scenery and world-famous ski resorts."

Yet in the five controlling criteria listed by the Railpax directors at the outset nothing at all—absolutely nothing!—was said about "outstanding scenery and world famous ski resorts" and nothing was said about market potential. What the five controlling criteria consisted of was—to repeat—current train ridership and number of trains per week (more on the U.P. than on the Burlington-Rio Grande), current operating costs, adequacy of other travel modes, total population along route and physical characteristics of track and equipment.

It is clear that the Railpax directors went outside the scope of their own self-imposed rules for route designation to pick the Denver-Grand Junction-Salt Lake route over Denver-Cheyenne, etc. Thus it may be ascertained that each situation was fitted to such rules as the directors cared to make for it.

There is no point in arguing the case; we have been had. There is no appeal and no recourse and there is probably no point in fighting the thing. But we don't have to like it and we are not about to.

We will just have to continue to struggle along, doing a slow, but very deep burn. In the meantime, the governor may ponder this rationale, which he asked for in a letter to Railpax Chairman Kendall Monday; it is a most peculiar form of reasoning that Railpax labored under. Most curious.

DISENGAGEMENT OF UNITED STATES FROM VIETNAM WAR

Mr. ALLOTT. Mr. President, the Denver Post of April 8 contains an interesting and reflective editorial on President Nixon's April 7 address to the Nation on the next phase of his policy for disengaging the United States from the war in Vietnam.

This balanced judgment from a great and independent newspaper should be of interest to all Senators.

Mr. President, so that all Senators can profit from it, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THOUGH VIETNAM FUTURE UNCERTAIN, NIXON KEEPS HIS WORD ON TROOPS

The key words in President Nixon's accounting to the American people this week on the war in Vietnam were these:

"In my campaign for the presidency, I pledged to end American involvement in this war. I am keeping that pledge."

Mr. Nixon was not trying to make a case for greater involvement in the war, or even for involvement itself.

The central fact on which the President focused was that the United States *was* involved, that the escalation of the involvement had been accomplished by the Administrations that preceded his, and that his objective—from which he had not deviated—was to reverse the trend.

When he entered the presidency in 1969, Mr. Nixon pointed out, there were 540,000 American troops in Vietnam. By the first of May he will have brought more than 265,000 of them home.

Further, he pledged to bring another 100,000 home by December 1.

On the basis of the record to date, there is no reason to believe he will not do so—or that he will not have cut the total substantially beyond that during the early part of next year.

True, the President refused to bind himself to have all the American troops out of Vietnam by a specific date—as some of his critics insist he should do.

Mr. Nixon made the point that to do so would be to play into the hands of the Communists—giving them either a bargaining or a military advantage.

This may or may not be so, but it is hardly justification for accusing the President of reneging on his commitment to the American people.

Mr. Nixon obviously hopes that by withdrawing our forces gradually rather than precipitately he will enable the government of South Vietnam to gain the military and political stability either to sustain itself or to make the best possible arrangement in any subsequent negotiations with the North Vietnamese and the National Liberation Front.

This may be a forelorn hope. It may turn out that there is no viable alternative to a government run by the Communists—in which case the United States will have to accept this outcome and the additional time that Mr. Nixon has brought by his phased withdrawal will have been time, and lives, squandered.

But as Mr. Nixon sees it there is still some choice within the framework of American disengagement; a chance that would certainly be dissipated by immediate American withdrawal.

It is a choice that he feels he cannot ignore, even though the risks to Americans, in Vietnamese, and to his own political future are substantial.

His critics have been accusing Mr. Nixon both of blindly ignoring the will of the American people (a large majority of whom clearly want to get out of this mess as soon as possible), and of maneuvering for political opportunity.

The criticism seems to cancel out. He is patiently not doing the "popular" thing with his steady but measured deescalation, and unless he can sway the electorate his approach will lead to his undoing just as certainly as gradual escalation led to the undoing of Lyndon Johnson.

At the very least, the President showed his understanding of the American character when he said: ". . . we face the choice of ending our involvement in this war on a note of despair or on a note of hope. I believe as Thomas Jefferson did that Americans will always choose hope over despair."

For the sake of the country—and for the sake of the Vietnamese, who deserve a future that is free of the nightmares of the immediate past—we can only hope, just as we can only speculate, that the course Mr. Nixon is following is the right one.

JOINT RESOLUTION BY MAINE LEGISLATURE RELATING TO BOUNDARY BETWEEN CANADA AND THE UNITED STATES

Mrs. SMITH. Mr. President, for myself and on behalf of my colleague from Maine (Mr. MUSKIE), I ask unanimous consent to have printed in the RECORD a joint resolution of the State of Maine Legislature memorializing Hon. William P. Rogers, Secretary of State, to negotiate by treaty the eastern seaward boundary between Canada and the United States and the responsibilities of each Government with respect to oil spills in the Bay of Fundy.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

JOINT RESOLUTION

Joint Resolution Memorializing the Honorable William P. Rogers, Secretary of State, to Negotiate by Treaty the Eastern Seaward Boundary between Canada and the United States and the Responsibilities of Each Government with respect to Oil Spills in the Bay of Fundy

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Fifth Legislative Session now assembled, most respectfully represent and petition unto the Secretary of State of the United States, the Honorable William P. Rogers, as follows:

Whereas, the most recent treaty between the United States and Canada with respect to their eastern seaward boundary was executed in 1925; and

Whereas, such treaty extended the terminus of such boundary from the terminus fixed in the 1910 boundary treaty ". . . south 34° 41′ west, for a distance of two thousand three hundred eighty-three meters, through the middle of the Grand Manan Channel, to the High Seas" (44 Stat. 2102); and

Whereas, the location of said boundary seaward beyond the southerly end of Grand Manan Island is vague, indefinite and uncertain due to the wording of the aforementioned 1925 treaty; and

Whereas, the Canadian government has granted oil exploration permits to major oil companies covering territory within 10 miles of the Maine coast; and

Whereas, the litigation, entitled *United States* v. *Maine, et als.*, now pending in the Supreme Court of the United States, may uphold Maine's claim of authority to regulate the development of its offshore natural resources to the edge of the Continental Shelf; and

Whereas, a result favorable to Maine in such litigation, given the present indefinite nature of the United States-Canada eastern seaward boundary, could result in a dispute between Maine and Canada concerning entitlement to the offshore natural resources of the Bay of Fundy; and

Whereas, the oil tanker *Arrow*, bound for a Canadian port, and the oil barge *Dracone*, similarly bound, both foundered off the Maine coast, spilling their cargoes; and

Whereas, there presently exist no well-defined cooperative procedures between the United States and Canadian Governments concerning the cleanup of oil spills in the Bay of Fundy; and

Whereas, the indefinite nature of the United States-Canada eastern seaward boundary could result in a dispute between sovereigns concerning the responsibility for such cleanup, to the detriment of the seashores, marine resources and economy of both countries and the ecology of the Bay of Fundy; and

Whereas, it is necessary and desirable to prevent disputes and international incidents between the United States and Canada regarding the offshore natural resources of the Bay of Fundy, and to preserve the amicable relations and good will which have existed between the United States and the State of Maine, on the one hand, and Canada on the other; now, therefore be it

Resolved: That we, your Memorialists, recommend and urge the Honorable William P. Rogers, Secretary of State, to take immediate and appropriate action, by negotiation of a treaty or otherwise, to define with precision the eastern seaward boundary between the United States and Canada, and be it further

Resolved: That we likewise recommend and urge the Honorable Secretary Rogers to similarly define the responsibilities of the United States and Canadian Governments with respect to regulating the transport of oil by sea, and the cleanup of oil spills in the Bay of Fundy; and be it further

Resolved: That copies of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, to the Honorable William P. Rogers, Secretary of State of the United States, and to the members of the Maine Congressional Delegation.

PUBLIC OPINION FAVORS MILITARY SPENDING CUT—SYMPATHIZES WITH POTENTIAL TAXPAYER REVOLT

Mr. PROXMIRE. Mr. President, last week the results of two major public opinion polls—one by the Gallup organization and one by Louis Harris—were made public.

The Gallup poll shows that 50 percent of those interviewed think we are spending too much for the military. Only 11 percent think it is too small, and 31 percent believe the military spending amount is about right.

The Harris poll shows an even more startling result from the American people who traditionally have paid taxes—and high taxes—without more than the usual grumbling. To the question "Can you foresee the time when taxes in this country would reach the point where you would sympathize with a taxpayers' revolt where people would refuse to pay any more taxes unless taxes and spending were reduced, or don't you think you would sympathize with it?" some 69 percent replied that they "Would sympathize."

Spending is too high. Military spending is excessive. Only 2 years ago the Harris poll percentage was 43 to 41 instead of 69 to 17. Congress should take note and take note now.

I ask unanimous consent that the two articles from Sunday's Washington Post be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE GALLUP POLL: 50 PERCENT OF PUBLIC SAYS UNITED STATES SPENDS TOO MUCH ON DEFENSE

(By George Gallup)

PRINCETON, N.J.—Public pressure to cut military spending continues, with 50 per cent of all persons interviewed in a recent nationwide survey saying the United States is spending "too much" for defense and military purposes, compared to 11 per cent who say "too little" and 31 per cent who say the amount being spent is "about right."

Three earlier nationwide surveys conducted during the last year and a half have all shown the public favoring reductions in military spending, with results closely comparable to those reported today.

While little difference is found between the overall national findings reported today and those reported last fall, sharp differences by party affiliation are beginning to emerge. A majority of Democrats in the latest survey (54 per cent) say they would like to see military spending cut, compared to 40 per cent of Republicans. In October, Democrats and Republicans held virtually the same views.

A total of 1,566 persons, 18 and older, were interviewed March 12–14 in more than 300 localities across the nation. This question was asked:

There is much discussion as to the amount of money the government in Washington should spend for national defense and military purposes. How do you feel about this: Do you think we are spending too little, too much, or about the right amount?

[In percent]

	Too much	Too little	About right	No opinion
National	50	11	31	8
College background	59	12	25	4
High school	46	11	35	8
Grade school	49	10	26	15
East	56	9	26	9
Midwest	52	6	34	8
South	37	17	36	10
West	55	13	25	7
Republicans	40	12	37	11
Democrats	54	8	31	7
Independents	53	14	26	7
Under 30	57	10	27	6
30 to 49 years	49	11	33	7
50 and over	46	11	31	12

THE HARRIS SURVEY: SEVEN OUT OF 10 HAVE SYMPATHY FOR REVOLT OF TAXPAYERS

(By Louis Harris)

A substantial 64 per cent of the American people feel that "taxes have reached the breaking point"—up from 60 per cent last year and 54 per cent in 1969. By a 66-to-27 per cent margin, the public says that federal income taxes are simply "too high."

Nearly 7 out of 10 Americans could sympathize with a "taxpayer's revolt" where "people would refuse to pay any more taxes unless taxes and spending were reduced."

The list of taxpayer grievances covers a wide range of ground:

By an overwhelming 85 to 10 per cent, the public agrees with the statement that "politicians promise tax relief before an election and then do nothing about it when elected."

By 82 to 14 per cent, it agrees that "the big tax burden falls on the little man in this country today."

By 76 to 15 per cent, it feels that "too much tax money is given to people who don't appreciate it."

By 71 to 21 per cent, it believes that "too much tax money is going into wars and defense."

By 67 to 23 per cent, it says "I resent the way my money is being spent by the government."

So deep is the alienation over taxes that when asked directly whether they could foresee a time when they would sympathize with a "taxpayer's revolt," 69 per cent answered in the affirmative. A cross section of 1529 households was asked in late March:

"Can you foresee the time when taxes in this country would reach the point where you would sympathize with a taxpayer's revolt where people would refuse to pay any more taxes unless taxes and spending were reduced, or don't you think you would sympathize with it?'"

[Percent total public]

Would sympathize	69
Not sympathize	17
Not sure	14

A measure of the growing intensity of feeling about taxes can be obtained by comparing the current lopsided 69–17 per cent majority who might sympathize with a taxpayer revolt with a 43–41 per cent result on a similar question only two years ago.

Two key targets of taxpayer resentment are spending for the war in Vietnam and for welfare. The public sees both as prime targets for potential budget cutting.

Confidence in government has reached a low point over the past four or five years. The public no longer looks to the government as a credible agent for generating solutions to the problems which beset them. The prevailing mood of New Deal days, when sizable majorities of the public believed that government could accomplish anything, has now reversed almost 180 degrees.

Proponents of the "new economics" view taxes as a leverage instrument to help control either inflation or deflation. In times of rising prices, the argument goes, taxes should be raised as a way of cutting consumer demand which heats up price pressures. In times of deflation, a tax cut will restimulate consumer spending and create economic expansion.

During the recent period of inflation, however, the public has regarded rising taxes as simply one more drain on hard-pressed pocketbooks. Tax cuts that stimulate consumer spending are more popular. To the public, taxes are perceived as one more personal expense rather than as an instrument for guiding an economy beneficial to all.

That is why when asked if taxes had "reached the breaking point," the trend in 1971 has been up:

"As far as you and your family are concerned, do you feel you have reached the breaking point on the amount of taxes you pay, or not?"

[In percent]

	1971	1970	1969
Reached breaking point	64	60	54
Not reached	25	29	34
Not sure	11	11	12

A PING-PONG THEORY OF HISTORY

Mr. ALLOTT. Mr. President, for those of us not pre-equipped with a ping-pong theory of history, it is very difficult to decipher the real and substantial significance of the recent actions by Communist China.

We all hope that that nation is edging toward more open and civil relations with the world around it.

But one thing seems clear. The chorus of Cassandras who, just a month ago, were morosely but confidently warning that we were on the brink of war with an enraged Communist China, again seem to have been wrong.

Senators will recall at the time of the South Vietnamese incursion into Laos, several distinguished Senators, a few distinguished Presidential candidates and, needless to say, the New York Times, were in a terrible twit about Chou En-lai's visit to Hanoi. Today many of these same people are saying with equal confidence that they know the ping-pong developments are fraught with hopeful significance.

The New York Times, which discerns historic events more frequently than most of us, has led the way in ping-pong punditry by announcing that "historical change for the better" is taking place in relations between the United States and Communist China.

Let us hope that the Times and kindred spirits are correct—more correct than they were a month ago when they all felt that a historical change for the worse was taking place.

FUNDS FOR LIBRARY SERVICES

Mr. MONDALE Mr. President, I recently received a very thoughtful article from Hannis S. Smith, director of public libraries in the Minnesota Department of Education. Mr. Smith described in depth and detail the need for increased appropriations for the Library Services and Construction Act.

His article includes excellent examples about some of the programs which are funded under this act in Minnesota, such as bookmobile service to Indian reservations.

For the reasons Mr. Smith points out so well, and because valuable services are funded under this act throughout the Nation, I hope we can prevent the administration's proposed reductions in the funding of these programs and provide intead an adequate level of support.

I ask unanimous consent that Mr. Smith's article be printed in the Record. I commend it to the attention of Senators.

There being no objection, the statement was ordered to be printed in the Record, as follows:

A Statement on the Need for Expanding Rather Than Cutting Appropriations for the Library Services and Construction Act

(By Hannis S. Smith)

My office administers the Library Services and Construction in Minnesota. From its beginnings in the earlier Library Services Act, this program has emphasized establishing public library services for areas without such services and improving services in areas where such services were inadequate. In our state, the areas which were without public library services correspond very closely to counties with high percentages of low-income families. The correlation is one which could be expected, since library service costs money, and adequate library service to widely dispersed populations or to a clientele requiring specialized personnel or materials costs more than service to the healthy, educated, middle class citizenry.

The reason that the LSCA program has been spectacularly successful (and it has been by any known set of objective criteria) is that it has *added* funds to local effort in order to make it possible for the local services to be expanded and improved in ways to make these library services available to, and attractive to, all kinds and conditions of people. These efforts, once made and with their success demonstrated, have stimulated similar efforts in many other areas of our state. We no longer need to "sell" the public library development programs. Instead, we are now having to make the applicant areas "line up" and await their turn at the money.

That is basically why LSCA funds should be expanded rather than cut.

When asked to specify what effect the proposed cut in LSCA appropriations would have on our state-wide program, I think it might shed the most light to cite a few examples of what is being done that could not have been done had we not had the appropriation levels of previous fiscal years, and which we cannot extend to other equally deserving counties unless the appropriations are restored and even enlarged.

We now have bookmobile service to our Indian reservations which we did not have before LSA and LSCA. We have a substantial population on several of these reservations, consisting of people who have had no reason for trusting the white man whom they call "forked tongue." While we cannot undo the mistakes of the past, the public library can help in the effort to make amends for those mistakes. We have learned, largely through the Indians themselves by means of an Indian liaison librarian on the regional library systems staff, that Indians do want and need library services and will use them if those services are made meaningful and acceptable to them. They don't want books which make Indians look foolish, or savage, or primitive, or any of the other steretoyped derogations with which they are all too often faced.

And service to Indians, who are as disadvantaged as any people I know about, costs just a bit more than service to middle-class America. This is easy to explain. The least costly of all public library service is to the patron who comes in the library knowing what kind of book he wants to read. He is well enough educated or experienced neither to need or even want help. He chooses his armful, the clerk at the desk makes the record, and he leaves. The only expensive professional time he has consumed is indirectly involved; the selection and cataloging of the books, and the general direction and administration of the library. On the other hand, whenever services must be taken to a person where he lives because of physical handicaps, travel distances, or conditions of confinement, they cost more. When services need special attention because of the nature of the clientele, they also cost more. Service to Indians requires, for example, careful attention to materials as was mentioned earlier. Not infrequently the acceptable materials are more difficult to locate and more difficult to purchase because they are outside the established channels of publishing communication.

The current emphasis on the Right to Read is most welcome to all librarians everywhere. But one of the things that puzzles us right now is that this emphasis has been accompanied by a recommended diminishing of funds for a program which provides the raw materials for the act of reading! The Right to Read is meaningless to the man who does not have anything to read. And the Right to Read is indivisible. The laborer and the businessman have the right to read the information which each needs for his specific purpose. The housewife and the career woman may differ in some of their reading interests and be alike in others, but each also has the right to find out what she needs to know through the general act of reading about it.

In much of this country, the public library is the only agency which consistently stocks a supply of the current, serious, published materials of our civilization. The corner paper-back rack has a general supply of the popular and a little of the serious, but not much of the latter. Few good book stores are found outside the downtown or affluent neighborhoods for metropolitan centers.

If the average American is going to learn to read functionally, that is to command the skill of reading so that he makes use of what he reads, then exercise it frequently enough to keep this skill sharp, he must have regular access to quality printed materials and related audio-visual illustrative and illuminating materials which relate to his interests and which fit his needs. Also we know that a home where the parents read and where books and magazines are common sights around the house prepares the child to be a compelent consumer of recorded knowledge. This means the family must have access to good pre-school materials. They are infrequently available except from a public library.

I hope all of this demonstrates clearly that money for public library establishment and development is an important element in the programs for the Right to Read, services to the disadvantaged and to families with low incomes, and to the isolated and culturally deprived. The editor of the Red Lake Falls *Gazette* sort of sums things up in the attached editorial.

[From the Red Lake Falls (Minn.) Gazette, Feb. 15, 1971]

Money Well Spent

At a time when the mention of increased expenditures of tax money is about as popular as snowbanks in a citrus grove, the fact that the regional library, which serves Red Lake, Pennington and Roseau Counties, will make increased expenditures this year may be eyed somewhat warily.

The year's budget, $107,800, is up about $10,500 from 1970's budget of $97,362. And since the operation is almost entirely tax-supported, an increase in budget reflects an increase in taxes, whether state, federal, or local.

However, before condemning the increased library budget in a blanket indictment of all bureaucratic enterprise, we should perhaps find out where the money is to be spent. Expenditures for new books and library materials will increase from $26,892 last year to $37,600. Projected salary and wage payment will total $56,892, up from $44,400 last year. Obviously, expenditures in some other areas have been cut back to hold the line at the $10,500 increase.

What is being offered for the increase? According to information contained in a guide published by the regional library, ambitions for the coming year include greater branch library development (which involves the local library,) a "books by mail" program which will enable patrons in outlying areas to return books more easily, direct mailings of library news to inform patrons of new materials or facilities available at the library, acquisition of a collection of record albums to be loaned to patrons, and more comprehensive planning with other area and regional libraries.

We say that the benefits derived from these proposed projects would balance the increased burden on the taxpayers, if the taxpayers would make the effort to fully utilize the facilities provided. The library contains a wealth of information and entertainment available to anyone who asks for it.

And, it's really kind of hard to imagine a country going broke because it bought too many libraries.

COOPERATIVE AGREEMENT BETWEEN EASTERN AIRLINES AND ITS PILOTS

Mr. BROOKE. Mr. President, the American airline industry is at a crossroads. Capital and labor costs, increased dollar outlay because of safety and pollution legislation, together with protean travel patterns are problems which here and now require immediate and undivided attention. Commercial aviation is very susceptible to any general downturn in the economy. And when business and personal income are in a period of lagging growth, airline revenues are most vulnerable. For example, businessmen travel less frequently in order to reduce costs. Vacationers choose places closer to home, postponing European or transcontinental trips. The result has been a period of sustained losses and great economic uncertainty for almost all our leading airlines. In turn, widespread layoffs and belt tightening of all kinds have been invoked to reduce losses and spur recovery.

It is significant that one large carrier, Eastern Airlines, has tried a novel approach to avoiding layoffs and raising needed revenues. It is a cooperative effort featuring encouraging teamwork between management and company employees. This airline, its pilots, and management merit considerable praise for their efforts. I urge other companies in other industries who are having similar problems to observe and emulate Eastern's esprit and teamwork. If our economy is to move out of this downturn the conventional anodynes alone will not suffice. Management and workers together must aggressively seek new ways to move the economy back toward sustained growth and recovery. Labor and management need not and indeed, must not be constant adversaries. They should work together to anticipate and cure the problems that concern them both. I hope that this new chapter in labor management teamwork will be the beginning of a long volume to similar cooperation and good faith in American labor-management relations.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Eastern Pilots Offer More Flying in Move To Boost Company Revenue

Washington, April 12, 1971.—The 3,661 pilots of Eastern Airlines have volunteered to provide the company with extra flying time for the remainder of 1971, a move that will significantly improve revenue generating potential and assist the company in avoiding employee layoffs.

The action was announced here today by Capt. Thomas Crane, chairman of Eastern's master executive council of the Air Line Pilots Assn. Also present was Col. Frank Borman. senior vice president—operations group for Eastern.

Under the program, pilots may volunteer to fly 20 hours above their normal contract requirements between now and year's end. This will be at straight time rates with payment deferred until December 31, 1971.

Assuming a normal 3-man crew complement, this will provide Eastern with potentially more than 26,500 additional flying hours this year from its existing pilot contingent. Such extra time will greatly assist marketing people in quick confirmation of charter requests, and will expand the airline's ability to gain revenue with extra-section flights at peak travel periods.

In addition, Eastern's pilots may coordinate with the company in cancelling up to 50 per cent of their 1971 vacation time, deferring this half of their vacations until 1972.

"It is especially significant that this volunteer program was worked out and proposed by the line pilots," said Captain Crane. "It is intended to give the company added capability to cover charter flying or extra sections which may be produced on short notice by the sales employees of Eastern."

Colonel Borman expressed Eastern's pleasure and appreciation for the action, noting that it came at a time when the company is soliciting the assistance of its employees in weathering the economic difficulties of the industry.

"This generous program by the pilots demonstrates their recognition of the need for teamwork at this time, and their genuine concern for the company's welfare," Colonel Borman said. "Eastern's management heartily congratulates them.

"This action will be of great assistance in our current campaign to produce added revenue, rather than succumb to economic pressures with a program of service reductions and furloughs to cut expenses," he added.

STATE OIL AND GAS CONSERVATION LAWS

Mr. HANSEN. Mr. President, for some 2 years now, I have engaged in a running debate with certain of the President's White House advisers over administration oil and gas policy and State market demand and proration laws, or in simpler terms, the State statutes under which oil and gas production can be regulated for the prevention of waste and for the protection of the correlative rights of those who own the oil and gas.

Since these laws were first enacted by the States, and since the approval by Congress of the Interstate Oil Compact Commission and ratification of the laws by the U.S. Supreme Court, many billions of barrels of oil and trillions of cubic feet of natural gas have been produced and conserved that otherwise would have been wasted. In fact, it often was wasted during the hectic days of the early oil booms and the chaos of unrestricted drilling and production in the huge east Texas field before order could be restored.

But there are still those who insist that prorationing is a price-fixing device rather than a conservation measure.

I have presented before in this Chamber what I consider to be logical and reasonable rationales for the existence and benefits of these State proration and conservation practices and I have also communicated them to some of the President's advisers who continue to attack the basis for these laws.

Last year, Mr. Richard C. Byrd, general counsel of the Interstate Oil Compact Commission, testified before the Subcommittee on Mines and Mining of the House Interior Committee. In my opinion, Mr. Byrd did an excellent job of explaining State prorationing of oil and gas production, views endorsed by the 33 Governor members of the Commission. He cited U.S. Supreme Court decisions in which the Court found no evidence that proration orders were for the purpose of fixing prices, but rather, were for the purpose of the statutes; the prevention of waste and the protection of correlative rights.

Although I conveyed copies of Mr. Byrd's statement to those who continued to attack the market demand prorationing concept, it apparently made little impression.

In a recent speech in Dallas, Mr. Byron Tunnell, chairman of the Texas Railroad Commission, responded again to the continued criticism of Texas conservation laws—we also have them in Wyoming—still voiced by certain influential members of the administration.

I have addressed copies of Mr. Tunnell's most excellent speech to those who I hope may bring such matters to the President's attention. Also, I ask unanimous consent that Mr. Tunnell's remarks be printed in the RECORD so that the rationale in behalf of the market-demand law may be more clearly understood by the Senate.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

TEXAS LOOKS AHEAD

I was requested to furnish a title for this talk several months ago. Since I had no idea what I would speak on, for the want of a better title, I selected the provocative title, "Texas Looks Ahead." Now that I have pondered it, it seems incomplete. "Texas Looks Ahead." How?—happily?—boldly? optimistically?—with uncertainty?—with dread?—with confidence?

If I addressed myself to such speculation, I would be trespassing on the field of the economists or the horoscope experts. At the Railroad Commission, we are equipped with neither. We are equipped with a set of statutes which through the years the Legislature has given us to follow; we have a number of basic regulations which have been implemented to discharge the responsibilities set forth in the law. We have about 150 people, excluding clerical help, to supervise the regulation of some 194,000 oil wells and 24,000 gas wells in the production, storage and transportation of about 3.4 million barrels of oil and some 23 billion cubic feet of gas daily.

Our policies are subject to the ratification of the people of Texas every two years, when one of the Commissioners must run for reelection, *and* the Texas Legislature, *and* the whole judicial system from justice of the peace through the U.S. Supreme Court. And, of course, we are subject to the advice of some 5,424 oil and gas operators, their lawyers and their engineers.

In this framework—or I should say—goldfish bowl, we must make decisions every day that are responsive to changing international conditions, changing economic conditions affecting the demand for energy, changing concepts affecting our environment.

Under these conditions, I'd say that as far as the Commission is concerned, Texas looks ahead—carefully.

There are some policy trends of the Commission which I think you might discern:

The Commission pursues a policy of producing all the oil and gas that can be produced without waste.

We are looking for new regulatory methods that will encourage new discoveries.

We encourage operators to install equipment and methods which will increase recovery.

We are extremely active in the field of pollution abatement. I was a little surprised to learn from our most recent Activity Survey from our District offices that over 80% of the total man-hours of our field personnel is devoted to pollution abatement and related activities.

You can rest assured that the aroused awareness to environmental conditions will not be placated by words, and action will be the only acceptable solution.

Yet, in spite of the progressive policies which we pursue, all aimed at providing the U.S. consumer with the maximum amount of oil and gas which Texas fields and the Texas industry can produce, there seems to be a deliberate effort by some in Washington to malign the state of Texas and intimidate the Commission which is responsible for enforcing the Texas laws.

The Economic Report of the President prepared by the Council of Economic Advisors and submitted to Congress last month—at one point stated, ". . . to communicate Council viewpoints concerning current economic conditions and necessary policy decisions, Council Members and the Special Assistant to the Chairman made a substantial number of speeches throughout the year and participated in frequent interviews with representatives of all types of news media."

The Railroad Commission of Texas was mentioned prominently in a number of those speeches, those frequent interviews with the news media, and in this report. Thus, I am borrowing their procedure to communicate some of our viewpoints.

In his economic report last month, the President misinterprets our market demand law as being something separate from conservation. He said, and by he, I mean his report stated: "The state prorationing agencies have held back domestic production, and this, together with strict national security limitations on imports, has maintained relatively high U. S. oil prices." We are accused of going "beyond conservation (to) limit total production to the market demand for crude oil in the state at prevailing prices." This simply is not true. This garbled, poorly written section of the report sounds more like a sleepy sophomore's paper than the high level economic staff of the President of the United States.

Sure, we must prorate to market demand. To protect the reservoir pressures in individual fields, production must be regulated among the various producers. Though poorly explained, the report seems to concede this is a worthwhile practice. But, rather than recognizing that prorating to market demand is a logical extension of this effort—based on sound engineering principles of reservoir management—the report brands this as something "opposed" to "conservation proration." When the total productive capacity of these conservation-regulated fields adds up to more oil than anyone wants to buy, what do you do? Do you tell the producers to run it out on the ground? No, of course not, and the Texas Legislature, in its infinite wisdom, many years ago, very wisely said we will not permit such waste. We will cut back the total production to meet this demand. Isn't it logical under these circumstances to assign each well and each field a pro-rata share of this total, if the state is to give everyone a fair share of the total?

Yet, the President's report says we limit production to demand "at prevailing prices." It may come as a surprise to whoever wrote that, but we don't know anything about "prevailing prices." We don't have any economists to tell us what volumes of oil will have what effect on what prices. And I don't believe the President has anyone who can tell him that either. The only excursions the federal government has made into price regulation—witness the natural gas fiasco—has been to dry up supplies rather than increase them.

Then a few days after the President's economic report we are subjected to threats and intimidations by one of his Council of Economic Advisers, Dr. Hendrik Houthakker. In one of those frequent interviews with the news media, referred to earlier, the press reported that he said that if the Railroad Commission reduces the March production allowable, "we will suspend the Connally Act." Now, the Connally Act, as you know, was enacted by the Congress some 36 years ago to stop the movement of hot oil in interstate commerce, in much the same way that the Mann Act was directed at white slavery and the Dyer Act against stolen automobiles. Now, one of the men whom the President looks to for advice on regulating the economy of the country says that he has his eagle eye on us and if we don't do as he says, he'll take steps to encourage the running of hot oil. This seems to be a very strange stance for an administration which has had much to say about law and order and returning power to state governments.

This same Dr. Houthakker is quoted in the February 13 issue of Business Week and other media, as having said, "We are not saying that state prorationing is 100% responsible for the decline in drilling of new oil wells. But on the other hand, the state prorationing system reduces the incentive for drilling . . ."

Now, I have been on the Commission only 6 years, but in the literally thousands of hearings which have been held during that time, I have yet to hear this argument advanced by the people who risk their money in hunting for oil and gas. We hear arguments every week, I suppose, among competitors over their share of the allowables which are set for various fields. But we have yet to hear anyone asking to suspend the system as an incentive for drilling.

This same economist then puts on his antitrust fright wig and intimates rather strongly to the companies who buy oil that in the absence of the Connally Act, they might be running afoul of the law if they tell us how much oil they want to buy. What he doesn't seem to know is that this is only one source of information on which we base our judgment as to what the demand might be. A particularly helpful barometer is the level of crude and product stocks. We also take a look at what the U.S. Bureau of Mines estimates to be the need. Interestingly, at the very time when Dr. Houthakker was suggesting that we had better not reduce the March allowable, the U.S. Bureau of Mines estimate indicated a decrease of 120,000 barrels from February. Fortunately, the nominations and stocks were such that we were able to hold the line.

We would be glad for Dr. Houthakker or anyone else to "nominate" how much crude oil *he* wants to buy. Assuming he has the transportation facilities and storage facilities, and that it can be produced without harm to the reservoirs, and without undue waste of casinghead gas, and without adding to our salt water pollution problems, we would certainly consider his nomination along with those of the other would-be purchasers.

Now we find Dr. Houthakker expressing concern about oil inventories. Well, I suppose his judgment as to what is a proper and safe level of inventory is as good as any other single person. We also weigh that, too, in our decision-making. We will consider his views on the subject, but we cannot substitute his judgment for that of the literally hundreds of people who face the daily problem of guessing what the U.S. Consumer will want in oil products.

There is, of course, an alternative to our system of conservation—which seems to be the direction that some would have us take: wide open production in the more prolific fields, which of course would force the premature abandonment of the thousands of wells which are being nursed along to make whatever contribution they can to the energy needs of the country. We can ill-afford to lose these reserves. This course is so imprudent I'll not discuss it further.

While we are not in the business of manipulating the price of oil, it seems this is the major obsession of people like Dr. Houthakker. The President earlier had another group who wrote a blueprint for precisely this experimental purpose, using the import program as their machinery—and the American consumer as the guinea pig. In that instance, he had the good judgment not to follow their advice.

If these economists are sincerely interested in doing something to affect the price of oil, they should recommend some policies which would encourage an aggressive hunt for petroleum reserves. The discovery of another East Texas field or several fields with 5 or 6 billion barrels of reserves near transportation networks and markets would do more to decrease the price of oil than all the economic studies you could stuff in the White House. Oil in great quantities on the other side of the valve is just as available to the market as oil on this side under Texas law. The important thing is that each field must *share*—I emphasize the word *share*—in the market and not be allowed to take it over to the ruination of the rest of the fields and the less fortunate operators, investors, and landowners who have a royalty interest.

The criticism that these people are leveling at the industry and the Texas system of oil and gas conservation is just as silly as mine would be if I charged that all you engineers are part of a great conspiracy in which you are paid not to find oil and not to produce it; if you weren't part of this conspiracy, you would get out there and find oil and bring it to market.

Well, you know what the facts are: right now in Texas, we don't have much reserve producing capacity, perhaps two hundred thousand barrels a day, under present conditions. We are producing about 3.4 million barrels daily now and estimate a capacity for about 3.6 million barrels daily under present conditions. This is but 200,000 barrels of excess producing capacity.

When the demand for that crude exceeds our ability to produce it without waste, than what? That time will come very soon, too, unless sufficient incentive is provided to cause those idle rigs to be brought out of moth balls and cranked up again.

Our reserve capacity accumulated as a result of prudent management has been called upon many times to meet the needs of the American people and our allies in World War II and in the innumerable international interruptions since then. Right now the governments of the other major oil producing countries of the world have formed a cartel to jack up the prices, which will soon be passed on to the American consumer. And we find the President of the United States being advised to follow policies that will hasten the day when we have no barriers between us and the avarice of the Organization of Petroleum Exporting Countries.

Now it is probably obvious to everyone that I don't know anything about economics, but it seems confusing to me, why:

At a time when the demand for petroleum is steadily increasing;

At a time when we are producing faster than we are finding—thus, depleting our reserves;

At a time when we are becoming more and more dependent on foreign sources for our domestic needs;

At a time when these very sources threatened to cut off the supply altogether unless we met their demands for higher prices;

At a time when—for whatever reason—domestic drilling activity is at its lowest in 28 years;

And at a time when labor costs, drilling, developments and operational expenses continue to rise.

It is confusing to me, why at the time all this is taking place, Congress reduces the depletion allowance and the Federal Government takes over the operation of the Outer Continental Shelf for the avowed purpose of increasing the production, and thus, bring about a roll-back in the price of crude.

Now, I know everyone at all levels is interested in creating sufficient incentives to stimulate enough drilling to develop our much needed reserves, but if this is the solution, then I don't understand the problem.

I am pleased to report that about two weeks ago, we had the privilege of visiting with three gentlemen from Washington, all different departments. One was from the Council of Economic Advisers. We had an opportunity to show them through our shop and to explain our procedures.

They still may not agree with them, but if they choose to disagree further, at least it will be based on some knowledge of them. This in itself is a hopeful sign.

Bear in mind that the President of the United States has the toughest job in the whole world, and cannot be expected to be all knowledgeable on all subjects. He must of necessity rely upon the advice of others. As Americans, we have our obligations to assist him however we can.

I would hope that you men as individuals who comprise the major part of this nation's total brainpower trained in the hunting and producing of oil would write the President and give him your thoughts on the kind of advice he is receiving and your thoughts on the kind of policies we should pursue.

Only by working together will we meet the challenges that confront us.

But meet them we must. Not only is it important to our economic welfare, but it is absolutely essential to the security of our Nation.

STUDENT LEADERS ASK PRESIDENT TO END WAR

Mr. McGOVERN. Mr. President, 2 weeks ago more than 500 student body presidents and editors from our Nation's college and university campuses sent a letter to President Nixon expressing their dissatisfaction with our present policies in Vietnam, and calling for an immediate end to the destruction which we are raining on the peoples of Indochina.

I was deeply moved by their letter. The authors of the letter are not self-appointed spokesmen. They are the elected representatives of hundreds of thousands of our Nation's students. Their plea must not be ignored.

The authors of the letter represent our Nation's greatest resource; our idealistic young people. Many of these student body presidents and editors were involved in a peaceful way in the great civil rights movements of this and the last decade. They have helped lead our country to a reexamination of our policies and priorities in Vietnam, in regard to race relations, poverty, and the environment.

In my discussions with students and young people, I have sensed that they criticize America because they love America; they desperately want their country to achieve that standard of justice and compassion for which it was created.

Their letter and the concern which they express about our tragic and immoral involvement in Vietnam should be taken very seriously by everyone in this Chamber. I ask you to read their letter carefully and to consider that the finest young leaders of our times authored it.

Mr. President, because I feel that the letter to President Nixon from more than 500 student body presidents and editors is an important document, I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Student Government Office,
University of Delaware, Student, Center,
Newark, Del.

The President
The White House
Washington, D.C.

Mr. President: The Administration seriously misinterprets the mood of both the campus and the countryside. While our campuses have not been the scene of highly visible political activity so far this year, it is incorrect to infer that this surface calm implies that students have accepted or support Administration policies. On the contrary, students continue to search for means and methods of changing disastrous policies.

The aftermath of the intense political organizing of the 1969–1970 academic year has required a re-examination of our assumptions about American society and its openness to change. We have had to deal personally with the lesson of the tragic events of last May—that American students, black and white, like our Czechoslovakian, Hungarian, and Mexican peers, undertake political protest at the risk of liberty, personal safety, and even our lives. It also must be recognized that as students our activity takes place in the context of the larger community. Until recently, the false dichotomy established by your Nov. 3, 1969 speech between antiwar students and the "silent majority" had separated us from older generations of Americans whose desire for peace is every bit as intense as our own. The "Vietnamization" policy enjoyed a temporay measure of public support because Americans hoped it would end our involvement and bring peace to Vietnam.

From our participation in the affairs of the larger community, it is obvious that public support for Vietnamization is rapidly eroding. As happened gradually during the Johnson Administration, the wide distance between official rhetoric and Asian reality undermines the credibility of the Administration. There is again a mounting crisis in public confidence and trust.

Last Spring public response to the escalation of the war in Cambodia was immediate and widespread. The American people made it very clear that they did not want the war expanded. It is appalling that the only lesson the Administration learned from that extension of the war was one of public relations—that escalations of American military activity should be hedged, denied, spread out, enveloped in Pentagonese double talk, unaccompanied by Presidential addresses, and obscured by news blackouts. Regardless of this attempted obfuscation, the recent policy changes which have deepened American involvement have not been camouflaged: the resumption of the bombing of North Vietnam; the increased military aid to the Cambodian government; the indefinite operation of South Vietnamese soldiers inside Cambodia; the use of American air power to provide close combat support for South Vietnamese ground troops operating inside Cambodia and Laos; the escalation of the air war to the highest level yet; the invasion of a politically delicate Laos that borders on North Vietnam and China.

The cumulative impact of these recent escalations is now taking root. The American people are beginning to reject the logic of a policy that purports to end a war in one country by invading two and bombing three.

Despite an abundance of rhetoric surrounding Vietnamization, the Administration has not faced the basic policy questions. Will not the increased bombing necessitated by Vietnamization have the same effects as previous bombing campaigns—destroying replaceable supplies while strengthening the resolve of the North Vietnamese to fight on? How in the absence of a political settlement will the South Vietnamese be able to achieve the stability and security they could not achieve while aided by half a million American troops? How will strengthening the narrow and uncompromising Thieu-Ky regime lead to the reconciliation of political and military factions within South Vietnam? How in the absence of a political settlement are prisoners of war to be exchanged?

Unless these issues are resolved, Vietnamization will continue to be politically futile. Even beyond this, however, the moral consequences of Vietnamization are reprehensible and repugnant. The war in Vietnam is not synonymous with American casualties. Napalm sears yellow flesh as surely as it does white. My Lai's are inflicted as murderously by B–52's as they are by M–16's. Asian families suffer from the loss of their loved ones, homes, and villages. Asian mothers and wives mourn for their dead and long for the return of P.O.W.'s every bit as much as American mothers and wives do.

As long as our Asians, supplied, combat-supported and paid for by the United States, fight other Asians, the suffering and death remains an American responsibility. Changing the color of the corpses does not end the war. Yet it is apparent that our policy makers have never considered the cost in Asian lives of the policies they pursue.

Those of us, old and young, who oppose the war have no alternative but to organize our opposition as vigorously and effectively as we can. The Administration that ignores the American people's desire for an end to the war does so at the risk of terrible consequences. It should not be necessary to say this to a President whose predecessor was driven from office for precisely these reasons. But far more is at stake than the political careers of one or two Chief Executives.

Mr. President, you must reverse futile and immoral policies and use your authority to end the bloodshed in Vietnam. If not, you will have to take responsibility for an intensification of public divisiveness and disunity which will further weaken the already torn moral and social fabric of American life. The outrage and the purposefulness emerging from beneath the surface despair on our campuses, when it is coupled with the widespread loss of public confidence in your administration, cannot be deflected or contained.

List of Signatures

Mark McClafferty, Student Body President*, University of Delaware.*

Kent Adams, Editor, Johnson State (Vt.)

Mitchell Abidor, Editor, Kingsborough Community College (N.Y.).

Mike Adams, SBP, Pikeville College (Ky.).

Alida Amabile, SBP, Mercy College (N.Y.).

Laurence Anders, SBP, North Central Michigan College.

Stephen Anderson, Editor, Grace Bible Inst. (Neb.).

Tamara Anderson, Editor, Hamline University (Minn.).

Timothy Anderson, SBP, Boston College.

S. Decker Anstrom, SBP, Macalester College (Minn.).

Jesse Arenas II, SBP, Kirkwood Community College (Iowa).

Susan Kay Ashland, Editor, North Iowa Area Comm. College.

Lyndon Ashworth, SBP, Brevard College (N.C.).

Sam Averiett II, Editor, Dartmouth College.

Fred Axelrod, Editor, Hamilton College (N.Y.).

Gary Babcock, SBP, Brown University.

Peter Aleksandrowicz, Editor, SUNY, Fredonia.

Gregg Allinson, Editor, Lassen College (Calif.).

Anthony Badalucco, Editor, Yankton College (S.D.).

Joseph Bakes, Editor, Seton Hall University (N.J.).

Winston Barclay, SBP, Drake University.

Fred Barden, SBP, Appalachian State University (N.C.).

Scot Barber, SBP, The Colorado College.

Cathy Barlow, SBP, St. Mary's College (Ind.).

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SUPPORT FOR EXECUTIVE REORGANIZATION

Mr. PERCY. Mr. President, the President's major plan for reorganizing the executive branch has been greeted with strong editorial support. The Wall Street Journal in an editorial on March 29 said:

> There is evidence on all sides that a more rational management of the government bureaucracy is becoming a national imperative.

The St. Louis Globe-Democrat said:

> President Nixon's call to end the fragmentation of the federal government should be heeded by every member of Congress who is at all concerned about the excessive cost and gross inefficiency of the bureaucracy-clogged machinery now in operation.

It added that—

> The reforms sought by Mr. Nixon have solid public backing.

The Washington Star on March 29 said that the reorganization plan—"would . . . replace the ungainly result of haphazard governmental growth with a structure based on logic. It would eliminate duplication, clarify lines of responsibility and make the Government more comprehensible." The Salt Lake City Tribune on March 27 called the proposals a "solid frame" which might contain "inconsistencies" but which offers a chance to improve the function of the Government.

Finally, an excellent article written by Burt Schorr and published in the Wall Street Journal of March 26, describes well the need for Government reorganization of the kind President Nixon has proposed. Mr. Schorr describes the creation of Foss Dam in Oklahoma, the water of which is undrinkable. Built with $20 million of taxpayer dollars, the dam "is an especially galling example of bungled planning" resulting from several agencies working at cross purposes with each other.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the St. Louis (Mo.) Globe-Democrat, Mar. 2, 1971]

TIME TO PRUNE FEDERAL TREE

President Nixon's call to end the fragmentation of the federal government should be heeded by every member of Congress who is at all concerned about the excessive cost and gross inefficiency of the bureaucracy-clogged machinery now in operation.

Mr. Nixon, who has become a harsh critic of the existing multi-layered structure, told Congress in a special message that federal responsibilities are so fragmented that various agencies often "trip over one another as they move to meet a common problem" and sometimes "step on one another's toes."

Citing an example, he said, "One agency will try to preserve a swamp . . . while another is seeking to drain it."

Obviously, as the President contended, such scattered responsibility "makes it extremely difficult to launch a co-ordinated attack on complex problems."

To correct the problem the President has proposed a wholesale reorganization of federal agencies. He has asked Congress to abolish seven of the 11 existing Cabinet departments—the 12th, the Post Office Department, already is scheduled to become a governmental corporation—and establish four new ones in their place, for a total of eight Cabinet posts.

Mr. Nixon called for the creation of new departments of Natural Resources, Community Development, Human Resources, and Economic Affairs. These would absorb the present departments of Agriculture, Commerce, Labor, Transportation, Housing and Urban Development, Interior, and Health, Education and Welfare. The departments of State, Defense, Treasury, and Justice would be the only ones not affected by the reshuffling.

The President's aim is to group departments and their responsibilities around cohesive goals. To illustrate this need he said:

"Nine different federal departments and 20 independent agencies are now involved in education matters. Seven departments and eight independent agencies are involved in health. While we cannot eliminate all of this diffusion, we can do a great deal to bring similar functions under common commands."

Mr. Nixon has presented sound arguments in favor of a major overhaul of the cumbersome federal bureaucracy. Inefficiency in Washington is legend.

In addition, a streamlining and tightening up of the federal mechanism could be expected to result in appreciable savings in the costs of operations, through the elimination of wasteful duplications.

It has been estimated that the proposed changes eventually could bring about a savings of $5 billion a year.

The reforms sought by Mr. Nixon have solid public backing. Taxpayers are tired of supporting what has been described as the "bureaucratic elite." Though deeply entrenched, it's time they were uprooted.

The President has rightly declared that "a truly comprehensive restructuring" of the overlapping and needlessly complex federal system—which comes dangerously close to immobility at times—is required to meet the needs of the nation. The next move is up to Congress, which in the interests of the country's welfare should prune the overgrown federal tree.

[From the Washington Evening Star, March 29, 1971]

RESTRUCTURING THE EXECUTIVE

President Nixon, his face still stinging from the legislative slap that ended the SST hassle, has turned the other cheek to Congress by sending to the Hill his ambitious plans for streamlining the executive branch. The members will be tempted to let him have it once again. But this time, Congress should stay its hand.

The reorganization plan, first proposed in the President's latest State of the Union address, is sure to raise some congressional hackles. The proposal to reduce the total number of cabinet departments to eight would mean a major reshuffling of the entrenched congressional committee system. And unless human nature changes abruptly in the coming weeks, considerable reluctance can be expected from those chairmen who will be asked to preside over the dissolution of their empires.

But even though the pill may be bitter, the prescription is valid. Now that the details have been filled in, it is clear that the proposal would not eliminate any of the present functions of the federal government, nor would it add any new ones. It does not fulfill the predictions of those who anticipated the creation of bigger, less workable departments to replace the present big and barely workable ones.

It would, rather, replace the ungainly result of haphazard governmental growth with a structure based on logic. It would eliminate duplication, clarify lines of responsibility and make the government more comprehensible. It might make the government function with something approaching efficiency. It might save the taxpayers some $5 billion a year.

This is not to say that the proposal is perfect in its present form and that it should be swallowed whole by Congress without debate or alteration. Even a quick review of the plan turns up at least one questionable compromise and one seeming blunder, indicating that painstaking congressional consideration is not only justified but demanded.

The President has proposed a compromise solution to the struggle between the environmentalists and the military over control of the civil construction activities of the Army Corps of Engineers. The Pentagon, citing the possibility of national emergency, fought to keep the engineers in the Defense Department. The environmentalists charged the corps with a spotty ecological record, and demanded that they be placed under the watchful eye of the proposed Department of Natural Resources. Mr. Nixon's compromise would leave the engineers in the DOD, but would transfer the funding, planning and evaluation functions to Natural Resources—a move that would appear destined to increase the confusion, inflame the conflict and further tangle the lines of responsibility.

Then there is the matter of the Indians. For some reason not readily apparent, the Bureau of Indian Affairs would be moved to the Department of Natural Resources. If there are arguments for such a move, they had better be good. As it stands on paper, it appears that someone up there still thinks of the Indians in the same category as coal, oil, fish and wildlife—items to be exploited for the benefit of the latecomers to North America. Surely the Indians belong with the rest of us under the Department of Human Resources.

Despite these preliminary reservations, though, the President's reorganization plan is essentially sound and should be given the full and respectful attention of Congress. Mr. Nixon is right about the need for reform. The present structure of the government is a mess. Americans are losing faith in the ability of the government to perform. Further tinkering will only compound the problem. A major restructuring of the apparatus is overdue.

[From the Salt Lake City (Utah) Tribune, Mar. 27, 1971]

NIXON REORGANIZATION PLAN OFFERS INCONSISTENCIES, BUT SOLID FRAME

President Nixon's plan to consolidate seven cabinet departments into four is in response to what he says is the conclusion of "most Americans . . . that government is not performing well." Initial reaction is that the proposal provides the framework by which government can perform better. But the plan also prompts the question: Are they going to create chaos out of confusion?

Duplication of effort in the federal government is readily apparent. In education alone nine federal departments and 20 independent agencies share the pie. Salt Lake City, in seeking and receiving federal grants, must deal with at least three cabinet level departments—Justice, Housing and Urban Development and Health, Education and Welfare. There may occasionally be others. Any consolidation of the urban services of these agencies into the proposed Department of Community Development would certainly simplify this city's relations with the federal government.

But Mr. Nixon's initial consolidation plan presents several possible conflicts between proposed departments. He plans for the new Department of Natural Resources to handle Indian and territorial affairs. Wouldn't the Department of Human Resources be the place for Indian affairs?

Efforts to foster economic justice would be the role of the Department of Economic Affairs. Economic justice often involves poverty programs and civil rights considerations. Aren't these considerations of the Departments of Justice and Community Development? Here we have three departments possibly involved in one problem. If this results, has government really become more responsive? Or will John Q. Public still find himself being shuttled from agency to agency, with no bureaucrat able or willing to help?

However, Mr. Nixon's consolidation plan must not be given short shrift and labeled unworkable because of these inconsistencies. Instead Congress must give it a full and careful analysis.

Because of the very complexity of the federal government it seems unlikely Mr. Nixon will see fruition of his plan during his occupancy of the White House, even if he serves another term. Streamlining something as awkward as the federal government is not done swiftly.

Mr. Nixon has presented a modern grouping of areas that are the proper concerns of government. It is now the job, even duty, of Congress to reconcile any inconsistencies within the Administration's framework. The work will be long and slow, but the tortoise won the race because he kept running. Congress can't do less.

[From the Wall Street Journal, Mar. 29, 1971]

ONCE MORE UNTO THE BREACH

"Sometimes it is easier to win a big war than a small war," one of the architects of President Nixon's sweeping governmental reorganization program said the other day.

We hope he is right, because getting such a major overhaul through Congress will involve a major war. Other Presidents have failed at far less ambitious attempts. As Mr. Schorr noted on this page on Friday, Senator Stennis and other powerful Congressmen already are aiming their howitzers at the program. Their reasons aren't impressive, being mainly based, we suspect, on fears that their personal power is threatened.

They would serve their country better if they adopted a more receptive attitude. There is evidence on all sides that a more rational management of the government bureaucracy is becoming a national imperative. The government has evolved—through political interplay, not design—into a myriad of functional units, under separate commands, often duplicating each other and warring over who gets what piece of what action. To cite one horrible example, 17 different units spread across government involve themselves in international economic affairs.

Too often recently, with no single department having either sufficient authority to do a job or accountability for failure, expensive programs have failed for lack of proper implementation. The gap between what the government promises and what it delivers increasingly strains its credibility. The President and Cabinet officers waste countless hours refereeing intramural disputes.

The President's proposals, in four bills sent to Congress last week would wipe out seven existing departments and five executive agencies and divide their functions among four new departments, Natural Resources, Human Resources, Economic Affairs and Community Development.

Cynics might think that the proposed reorganization, like many, would merely apply new department names to the same people doing the same things. In fact, the program is revolutionary, which is why it will be so difficult to get through Congress. The regrouping of functions to avoid duplication and rivalries is only part of the idea.

Present departments too frequently serve as the voice in government of certain well-organized constituencies, such as organized labor or farmers, whose interests might be counter to the national interest. The reorganization would attempt to substitute departments that would be stronger and more independent from narrow pressures and thus better able to undertake missions truly in the national interest.

For example, a good case can be made that manpower retraining programs serve important national social and economic goals. They do not, however, necessarily benefit organized labor, a minority group in the work force, because they create new job competition. It probably is no accident that they have not been a notable success.

In some of the existing departments, the ability of the Cabinet secretary to manage has been deliberately weakened by Congress to enhance Congressional power. The Secretary of Health, Education and Welfare does not have even full budget control over his department. The reorganization would attempt to restore management control and accountability.

Congressmen might worry that the reorganization would weaken Congress and strengthen the executive to the point of destroying traditional balance. But we doubt that the concern is justified. Congress still would have control over appropriations. And many Congressmen themselves complain about their inability to establish accountability in the Executive Branch.

No one would argue that the reorganization proposal is perfect; yet the public has heard a lot of complaints in recent years about the untoward power of military contractors, labor leaders, farm organizations, health organizations and other lobbies in Washington. Whatever the attempts at obfuscation, voters would do well to closely observe how their own congressmen perform on a reorganization that could reduce such influences. The issue may well be a test of whether the country has the will and power to return to more representative government.

But it indeed will be a big war, and we can only hope that the country wins it.

[From the Wall Street Journal, Mar. 26, 1971]

Government Reorganization: Tough Going

(By Burt Schorr)

WASHINGTON.—If President Nixon needs to dramatize the Cabinet reorganization proposal he sent Congress yesterday, a photograph of western Oklahoma's Foss Reservoir would serve perfectly.

A decade ago the Interior Department's Bureau of Reclamation formed the reservoir by throwing an earthen dam across the upper Washita River. To carry the water to four thirsty Oklahoma towns, the bureau also constructed a 55-mile underground aqueduct and pumping system. Overall, Washington's investment totals more than $20 million (although a bit more than a third of this was to be recovered through water purchases).

Today, Foss Dam stands sturdy, the distribution system is being maintained in tip-top condition and the lake, while 80% smaller than anticipated, sparkles nevertheless amid the gently rolling hills. All is serene—except for one problem.

Foss Reservoir water is undrinkable.

The lake, it seems, is loaded with minerals, and conventional filtering and softening methods can overcome neither the "dissolved solids—or the obnoxious taste—nor the undesirable effects of the Epsom salts," as an official of the local agency that was supposed to market the water complained to Congress several years back. A $1.5 million desalination plant has been proposed as a solution. Meanwhile, the aqueduct remains dry, and beyond some minor irrigation use, the lake's chief value has been to migrating water fowl.

BUNGLED PLANNING

Laying out $20 million for a drink of Epsom salts is sad enough. But Foss Reservoir is an especially galling example of bungled planning: It is a story of two federal agencies at cross-purposes.

In the early 1950s, while the Bureau of Reclamation was still studying the project's feasibility (urged on by Oklahoma's late Sen. Robert Kerr, a powerful friend of big dams), the Agriculture Department's Soil Conservation Service was already building small flood-control dams on Washita tributary streams upriver. Ultimately, 204 of these dams were erected at a federal cost of $6 million. And nobody can say they haven't worked.

Indeed, the reclamation people believe, the small dams are the major reason that the flow into Foss Reservoir has been only a third of that projected. (Dry weather is another reason.) The water blocked by the upstream dams, moreover, is of a higher quality than that available from other parts of the reservoir watershed. This aggravates the taste and purification problem.

Clearly, Foss Reservoir is the kind of thing the President's Council on Executive Reorganization, headed by Roy L. Ash, chairman of Litton Industries Inc, had in mind when it said federal water resources development suffered from "interagency rivalry, duplicative planning and conflicting policies." The council's proposed remedy: Gather water responsibilities now vested in three tradition-encrusted departments—Agriculture, Interior and the Army (Corps of Engineers)—into a new Department of Natural Resources.

This and other recommendations contained in the 160-page Ash Council report, completed last fall, have become the foundation for the government-wide reform envisioned by Mr. Nixon. Congress willing, Mr. Nixon would forge four super departments from the present Departments of Agriculture, Labor, Commerce, Interior, Transportation, Housing and Urban Development and Health, Education and Welfare, plus lesser assorted pieces of the federal bureaucracy.

"Over the years we have added departments and created agencies at the federal level, each to serve a new constituency, to handle a particular task—and these have grown and multiplied in what has become a hopeless confusion of form and function," Mr. Nixon said in his State of the Union message. "The time has come to match our structure to our purpose—to look with a fresh eye, to organize the government by conscious, comprehensive design to meet the new needs of a new era."

The congressional response, however, hasn't been the one Mr. Nixon was looking for. At this point, it can be described as overwhelmingly negative, if not actively hostile. "Grandiose in concept, monstrous in scope and impossible of achievement," is the way one senior House Democrat whose support is crucial recently described the proposal to a White House staffer.

Another Capitol Hill heavyweight, Sen. John C. Stennis, doesn't like the idea of the new Department of Natural Resources either. He sternly warned the other day that transfering some or all of the Corps of Engineers from the Department of Defense to the intended DNR "strikes at the vitals of our national defense posture." Vagaries of metaphor notwithstanding, Mr. Stennis' words aren't to be taken lightly; the Mississippi Democrat commands the powerful Armed Services Committee and heads the Public Works Appropriations subcommittee. The latter parcels Corps dams and other pork barrel projects that benefit nearly every congressional district.

A THREAT TO CONGRESS

The Hill resistance to reorganization certainly reflects some genuine concern that creating still larger Washington bureaucracies may actually make Federal programs less responsive to national needs. But a number of Senators and Congressmen undoubtedly see the Nixon plan as a threat to their power bases. "Seniority arrangements that have been worked out over the years suddenly would have to be realigned. This would shake up every committee of Congress," observes one lobbyist in frequent contact with members of the Southern Democratic bloc that largely dominates Congress.

The special constituencies of departments marked for extinction—notably farm organizations and labor unions—are no less concerned about losing influence. In a recent newsletter, the National Rural Electric Cooperative Association razzed Mr. Nixon for arguing that carving Agriculture into four superdepartments would mean four Cabinet members speaking up for farmers, rather than only one.

Asked the newsletter, Why stop at four? Why not split Agriculture into eight departments. "Think of it. Eight voices speaking up to the White House about the troubles of farmers, none of them really knowing anything about rural problems, but all of them using good grammar."

Though they were almost radical departures in their time, the Rural Electrification Administration, the Forest Service (both also in Agriculture), the Soil Conservation Service, the Corps and the independent Atomic Energy Commission all have acquired an almost untouchable sanctity over the decades. Their dug-in positions are defended, moreover, by a fast-moving reaction force of lobbyists as well as strategically located congressional committee chairmen.

One is Democratic Rep. Chet Holifield of Los Angeles County, a leading AEC crusader. In Congress for 24 years, Mr. Holifield worries that placing the government nuclear-power activities in the Natural Resources superdepartment might allow coal and oil interests to sabotage development of atomic power. Whether this argument is valid or not, Mr. Holifield couldn't be in a better position to see that transfer never happens; he's chairman of the House Government Operations Committee through which all reorganization bills must move.

Actually, only one of Mr. Nixon's proposed changes, a Department of Community Development, is judged to have even faint prospects of passage—principally because it would consist mainly of the present Department of Housing and Urban Development and thus is calculated to provoke the least controversy. Nixon aides say that in an effort to salvage something in the current session, the President might settle for a DCD alone if he could get it. (Some Hill staffers believe, though, that no action on reorganization is possible at all until after the 1972 election, and then only if Mr. Nixon wins.)

Still, one can argue that the aspect of Mr. Nixon's plan that makes the most sense is the proposed Department of Natural Resources. For when natural resource agencies negotiate as equals from behind the parapets of their separated departments, a Foss Dam is only one of many possible boondoggles. Consider these equally depressing intragovernmental tangles cited by the Ash Council:

The Soil Conservation Service is straightening and deeping streams in Southern states to control floods, while Interior Department men deplore the toll the work is taking of fish and wildlife populations.

Authority over non-military public lands is shared by four agencies in two departments; federal recreation areas are administered by five separate agencies in three departments. (One consequence: a series of occasionally bitter struggles between the Forest Service and Interior's National Park Service over how and by whom newly designated wilderness and recreation areas will be administered. "Every time there's a proposal to make a park out of forest lands, there's a disagreement," says a Park Service official.)

In Kansas, an existing Bureau of Reclamation project is threatened by a proposed upstream watershed development by the Soil Conservation Service. In Montana, the Corps of Engineers and Bureau of Reclamation are studying separate projects for the same site.

Energy programs are scattered among several departments and agencies, the Ash report notes, "with no single agency charged with developing a unified approach to energy resource utilization and conservation." (Total federal outlays for development of nuclear power generation now approach $3 billion, dwarfing the research spending for gassification of coal, say, or commercial uses of shale oil—an imbalance that soon could prove costly to U.S. energy consumers as world petroleum demand soars.)

To mute inter-agency conflicts and to try to eliminate duplication of effort, a mysterious and ubiquitous Washington institution has emerged, the Interagency Committees. The Ash Council counted some 850 of them, though many apparently haven't met for years. The committees can produce compromises, but are the compromises really in the public interest? The history of one super interagency structure, the Water Resources Council, suggests that the answer is often no.

Congress established the Council six years ago; membership today includes the Secretaries of Interior, Agriculture, Army, HEW, Transportation and the chairman of the Federal Power Commission. Its mission: Improve Washington leadership and coordination of government water planning and construction programs. Part of the task has involved supervision of 28 comprehensive federal-state studies of major river basins, studies reckoned to cost federal taxpayers about $95 million in all.

SPLITTING UP THE TERRITORY

Now some basin study critics argue that the entire effort has largely been a waste of money and time. One of them should know: He's Council Director W. Don Maughan, a Nixon appointee who took over in mid-1969 (too late to have any impact on the basin work being done by interagency field committees). In Mr. Maughan's view the final basin reports are proving to be little more than formal agreements between federal water agencies not to intrude on each other's territory—that is, so many flood control structures for the Corps, so many dams for reclamation, so much land treatment by the Soil Conservation Service, with everybody living happily ever after.

What has been overlooked, Mr. Maughan believes, is the possibility, for example, that a basin or two might get along without any more big dams or without any more irrigation projects. "Nearly all the money's been spent and we don't have all the alternatives," he complains.

Could it have come out any other way? Probably not, considering that Congress deliberately chose to let each agency budget its own share of the basin study funds. Not surprisingly, some had much greater success with their respective appropriations subcommittees than others, creating an imbalance of basin study inputs. More important, the procedure left the Council almost powerless to force new thinking on case-hardened agency officials.

"Unless you hold the purse strings, individual agencies tend to build up their own programs," one veteran water program man on the Council staff concludes.

Control of the purse strings, of course, is what reorganization is *really* all about, and apprehension about losing control is the reason that the most logical reorganization plans often get nowhere.

STANDARD MORTGAGE FORM PROPOSED BY FNMA AND FHLMC

Mr. MONDALE. Mr. President, public hearings are currently being held on a standard mortgage form about to be issued by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation. These hearings could have extremely important consequences for American howeowners. The distinguished Senator from Illinois (Mr. STEVENSON) has submitted testimony urging that FNMA and FHLMC revise their initial draft of the standard form, since that draft contained several provisions unfair to prospective homeowners seeking mortgages.

I ask unanimous consent that Senator STEVENSON's testimony be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ADLAI E. STEVENSON, III, BEFORE THE PUBLIC MEETINGS ON THE EXPOSURE DRAFT HELD BY THE FEDERAL NATIONAL MORTGAGE ASSOCIATION AND FEDERAL HOME LOAN MORTGAGE CORPORATION, APRIL 5, 1971

First, I would like to commend both the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation for holding these public hearings.

As Ralph Nader and my colleague, Senator Proxmire, among others, have publicly and persuasively pointed out, the provisions of these standard mortgage forms are of interest to American consumers as well as to the financial community. Your response to this legitimate concern is gratifying. However, these hearings will serve a useful purpose only if the criticisms, comments, and suggestions made here are reflected in the final form.

The standard mortgage forms will be required for all conventional mortgages sold to FNMA and FHLMC under provisions of the Emergency Home Financing Act of 1970.

Therefore, not only will a large number of mortgages transactions require these forms, but there is a real possibility that the convenience of a standard form will induce its use even if a lender does not intend to sell a mortgage to FNMA. Potentially, the provisions in the form affect all homeowners.

Obviously a mortgage contract must protect the interest of the lender as well as the interest of the borrower. However, I have examined the proposed draft and I must say it provides a good deal more protection than is necessary to the former at the expense of the latter.

I find three provisions particularly objectionable.

First, the form requires that borrowers make their property tax and hazard insurance payments through their monthly mortgage payments. The lender then commingles these payments, earning interest on them, while the form prohibits the lender from paying any interest to the borrower. In other words, the provision grants the lender an interest-free loan from the borrower for up to a year.

I know of no rationale which justifies this provision. Either the lender should be required to hold the funds in escrow and not be allowed to earn interest on them or he should be required to pay any interest derived from use of the funds to the borrower or he should waive collection of such funds.

Secondly, the provision which would allow a mortgage lender to accelerate mortgage payments without prior notice if the borrower were 30 days late in making a monthly mortgage payment also seems unduly harsh on homeowners. I would think a requirement that a ten day notice be given before acceleration would give consumers some protection without unduly burdening lenders.

Finally, the draft form does not contain a truth-in-lending clause. The mechanics of mortgages, although they may be second nature to lawyers and bankers, are complex and often confusing for most borrowers. I don't believe it is asking too much to require a lender to disclose the full amount of principal and interest a homeowner would pay over the life of the loan.

If the forms are approved without changing these provisions, the federal government would, in effect, be placing its stamp of approval on provisions I consider harmful to consumers. I strongly urge FNMA and FHLMC to revise these forms so that they protect both parties in a mortgage transaction.

TELEVISION STATION JOINS EFFORTS TO CLOSE NEWS CREDIBILITY GAP

Mr. HANSEN. Mr. President, the news media of the United States have a great reputation for fairness and accuracy in their reporting, and this reputation is well deserved, in my opinion.

One of the virtues that have kept American media the world leader in setting standards for objectivity has been the willingness, or more accurately the readiness, of each medium to respond with an open and reasonable approach to responsible criticism. It is difficult for a medium to follow strictly in its news presentations a true course of objectivity.

But such a course is desirable, and the media of America constantly seek self-improvement.

One great advantage we have had and continue to have in this country in maintaining freedom of the press and freedom of speech is that most of the media and segments of each medium have business and editorial competition. When one newspaper, or magazine, or radio station, or television station has erred—either in judgment or in reporting the facts, there has always been a competitor eager to point this out—usually by a presentation of the facts.

The real test of greatness in a news medium is when that medium discovers its own mistakes and faithfully reports them to the public—allowing as much equally prominent space, or prime time in the correction as in the original presentation of the incorrect material—and preferably even more space and prime time.

According to Variety magazine of March 31 a television station in Chicago, WLS–TV, has pointed out that the subjects of a picture whom Life magazine identified as Army agents invading privacy of civilians, actually were neither detectives nor soldiers, but members of the WLS–TV news staff.

According to Variety, Life magazine refused to admit to the error.

I believe the American people readily accept the possibility and probability that members of the news media and Members of Congress are subject to mistakes on occasion. It is not acceptable when mistakes are not admitted, and when the search for the truth is discontinued.

I ask unanimous consent that the Variety article be printed in the RECORD. I commend both WLS–TV and Variety for calling this matter to the attention of the public.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WLS NEWSMEN TAGGED AS "ARMY SPIES" BY LIFE MAGAZINE; WHO GOOFED? OR WAS IT?

CHICAGO, March 30.—WLS–TV, the Chi ABC TV, started out looking tolerantly upon an apparent goof in Life magazine March 28, in which its news team was identified as an Army surveillance team at the August '68 Democratic convention. However, the station has grown increasingly irritable as Life has attempted to shift the blame to an informant and leave open the implication that the newsmen may have been in the cloak-and-dagger business.

In an article titled "Swarms of Army Agents Clumsily Assault the Privacy of Citizens." Life ran a pic with the following cutline: "Army agent Richard Stahl, at far right, walks through the (Lincoln) park. At center, radical Rennie Davis faces three other Army agents posing as newsmen: Robin Hoff, in light suit, a man named Lounsbury kneeling with earphones, and the large man in the white shirt."

WLS–TV blew up the photo to show that the camera bears their logo, and identified the man in the "white suit" as their reporter Frank Mathie, the man holding the camera to be their cameraman Harry Elatkin, "the large man in the white shirt" to be

WLS–TV lightman Ted Nagy, and the other man to be soundman Sam Stone.

On March 23, WLS–TV newsman Joel Daly wryly commented on the air: "... How could this happen? Mistaken identity, wrong information, sloppy reporting. This is the sort of foul-up for which television is so frequently criticized, but not a magazine as prestigious as Life ... No, it's obvious: We, in television—shallow, happy-talking, pretty-faced, sensation-seeking 'actors'—have made another mistake. We failed to realize that Frank Mathie was really a double agent, probably intercepting newsroom memos for the FBI, CIA, CBS and NBC. Meanwhile, that crew has been placed under house arrest and advised they are required to give only their name, rank and serial number. But Frank was heard to say as we locked the door tonight: "Where is Spiro Agnew when we really need him?' "

A few days later, the humor began to wear thin for WLS–TV as Life issued a statement that the picture identifications had been given to them by former Army Sergeant John O'Brien and that "Life intended to stick behind them." It became curiouser when O'Brien, apparently not sticking behind Life, was reached by WLS–TV and denied ever giving "positive identification" of the people in the photo.

WLS–TV then located Robin Hoff, who was identified as an Army spy in the photo and is now working in a bank in Marquette, Michigan, and Hoff said that the picture was not of him. Hoff volunteered to come in to a March 26 WLS–TV news show and say as much.

WLS–TV news director John Mies said that neither he nor the station was inclined to indulge in a debate with Life over the matter. "It was wrong," Mies said, "whether it was our station or not."

A station source said that WLS–TV had originally intended to treat the matter as a bad joke if Life confessed to the error of its ways. However, with the magazine refusing to back down, the station feels it has been maligned and its news position undermined.

EXTRADITION FEARS CONCERNING GENOCIDE CONVENTION ARE UNFOUNDED

Mr. PROXMIRE. Mr. President, the United Nations and its specialized agencies have painstakingly hammered out legally binding human rights conventions. In the Genocide Convention, acts committed with the intent to destroy in whole or in part an ethnic, racial or religious group were branded an international crime against the law of nations.

Many of those who have opposed the ratification of this human rights convention have done so because of a fear that U.S. citizens would be subject to extradition and be stripped of their constitutional safeguards. These fears are not justified in any way.

U.S. law provides for extradition only when there is an extradition treaty in force. The Convention on the Prevention and Punishment of Genocide does not purport to be an extradition treaty. There are no treaties making genocide an extraditible offense now in existence.

A major factor in any decision to negotiate an extradition treaty is whether the judicial process of the other country affords persons who may be extradited a fair trial. George Aldrich, deputy legal adviser to the Department of State testified on April 24 of last year before a subcommittee of the Foreign Relations Committee that—

> First, any extradition treaty will require the State requesting extradition to produce sufficient evidence to persuade both a United States Court and the Executive that the person sought would be held for under United States law if the offense had been committed here; second, any extradition treaty will assure the person sought the right to the remedies and resources provided by the law of the requested State . . . for example, habeus corpus . . . [third], any extradition treaty will preclude extradition when the person sought is undergoing or has undergone trial in the United States for the same act.

Article VI, which specifies that persons accused of genocide be tried in the state where the act was committed, encompasses only the obligation of that state. It does not, however, exclude trial by other states having jurisdiction. The negotiating record of the Genocide Convention makes clear that the trial for acts committed in a foreign country may be held in the state of which the offender is a national. The statute implementing the convention should cover not only the acts committed in the territory of the United States, but in addition, acts committed anywhere by American nationals.

Mr. Aldrich further stated that in the event a case is presented involving an American national before criminal proceedings have been initiated in the United States, "we would reserve discretion to initiate proceedings ourselves, rather than extradite." Our aim here should never be to evade the administration of justice, but to further strengthen it by assuring that those accused are insured their inherent constitutional rights and to be placed on record that we are as deeply interested in preventing genocide as we are in bringing to justice those who have committed this crime.

Arthur Goldberg, in recent testimony before a subcommittee of the Senate Foreign Relations Committee, disputed claims that ratification of the Genocide Convention would subject American citizens to trial in foreign countries on trumped up charges of genocide. He said such an assertion was "totally false." "There is nothing in the Genocide Convention," he said, "that would provide warrant for charges by" other countries against our citizens. Any country can make such charges, founded or unfounded, true or false, anytime of day or night, regardless of whether or not we ratify the convention. Do those who say this is not true think that by not signing the convention we will protect our citizens and our country from such trumped up charges? I hardly think so.

Some concern has been expressed over the jurisdiction we would have over a national of our state who has committed the offense of genocide abroad. In the words of Justice Arthur Goldberg:

> There is an agreed interpretation by the Legal Committee of the United Nations General Assembly that nothing in Article VI shall affect the right of any state to bring to trial before its own tribunal any of its nationals for acts committed outside the state.

In debates before the United Nations by the Economic and Social Council the representative from India was concerned that the convention, as written, said nothing about the jurisdiction of any state beyond that in which the crime was committed. In its final report to the General Assembly of the United Nations the Committee replied to the Indian delegate that—

> The first part of Article VI contemplates the obligation of the State in whose territory the acts of Genocide have been committed. Thus, in particular, it does not affect the right of any State to bring to trial before its own tribunals any of its nationals for acts committed outside the State. (United Nations Document A–760, December 3, 1948, report of the 6th Committee of the General Assembly on the Agenda item: Genocide, Draft Convention and Report of the Economic and Social Council).

Mr. President, I ask unanimous consent that the complete text of this document be printed in the Record following my remarks.

There is certainly reason to be concerned about American citizens if, they might be subjected to criminal proceedings arbitrarily and without those constitutional rights and guarantees we have in our Nation. When other Human Rights Convention were brought before the Senate for ratification, we heard similar claims. But they have turned out to be unfounded. In the words of the Foreign Relations Committee report concerning American citizens:

> Their peril will not be increased by approval of this convention while peril may be avoided for tens of millions by ratification of this convention.

Our citizens will not be endangered by our ratification of this convention. The United States can at last go on record outlawing genocide and more importantly, can contribute to the foundation of international law and respect for human dignity and human rights—on which our future depends.

I hope we can act without further delay.

There being no objection, the document was ordered to be printed in the Record, as follows:

Document A/760 & Corr. 2

Agenda item 32: Report of the Sixth Committee [*Original text: English*] [3 December 1948].

Rapporteur: Mr. J. Spiropoulos (Greece):

1. In resolution 96 (I) of 11 December 1946, the General Assembly, at the second part of its first session, affirmed that genocide is a crime under international law which the civilized world condemns. At the same time the Assembly requested the Economic and Social Council to undertake the necessary studies with a view to drawing up a draft convention on the crime of genocide to be submitted to the second regular session of the General Assembly.

2. The Economic and Social Council, by resolution 47 (IV) of 28 March 1947, instructed the Secretary-General to prepare, with the assistance of experts, a draft convention on the crime of genocide.

3. In accordance with this instruction, the Secretary-General prepared a draft convention which, on 7 July 1947, was transmitted to Member Governments for their comments and which, together with the comments received, was submitted to the second regular session of the General Assembly.

4. By resolution 180 (II) adopted on 21 November 1947, the General Assembly, at its second session, reaffirmed its former resolution on the crime of genocide and requested the continuation of the work begun by the Economic and Social Council concerning the suppression of this crime, including the

study of the draft convention prepared by the Secretariat.

5. Accordingly, the Economic and Social Council, at its sixth session, established an *ad hoc* Committee, composed of the representatives of seven Member States, to draw up a draft convention on genocide for consideration at the next session of the Council. The *ad hoc* Committee met at the headquarters of the United Nations during the period from 5 April to 10 May 1948 and prepared a report containing a draft convention on the prevention and punishment of the crime of genocide (E/794).

6. At its seventh session, the Economic and Social Council decided, by resolution 153 (VII) of 26 August 1948, to transmit to the third session of the General Assembly the report of the *ad hoc* Committee and the draft convention together with the records of the proceedings of the Council at its seventh session on this subject (E/SR.180, E/SR.201, E/SR.202, E/SR.218 and E/SR. 219).

7. The General Assembly, at its 142nd meeting held on 24 September 1948, decided to refer this matter to the Sixth Committee for consideration and report.

8. At its 63rd meeting, held on 30 September 1948, the Sixth Committee began the consideration of this item by a general discussion, after which it decided (1) to examine, article by article, the text of the draft convention drawn up by the *ad hoc* Committee; (2) to begin with article I, leaving the preamble to be discussed last of all; and (6) to refer the decisions of the Committee with respect to the various articles and the preamble to a drafting committee charged with the preparation of a final draft.

9. The text of the draft convention prepared by the *ad hoc* Committee was examined by the Sixth Committee from its 67th to 110th meetings, held between 5 October and 9 November 1948. The text revised by the Drafting Committee was examined by the Sixth Committee from its 128th to 134th meetings, held between 29 November and 1 December 1948. Several articles, especially those of a substantive character, gaverise to prolonged discussion and divergent opinions, and a considerable number of amendments was submitted to the Committee. In the present report, only those articles are referred to which to a special degree retained the attention of the Committee.

10. In dealing with article II of the draft convention, which defines the acts of genocide, the Committee had, in particular, to resolve three important problems. In the first place, the question arose whether the acts of genocide should be explicitly enumerated in the article, as was done in the text prepared by the *ad hoc* Committee, or whether a general definition of genocide should be adopted, as proposed in an amendment submitted by the representative of France (A/C.6/211). The Committee, at its 72nd meeting, decided on the principle of enumeration, the amendment submitted by the representative of France having been withdrawn. Secondly, the question arose whether political groups should be included in the groups to be protected by the convention, as proposed by the *ad hoc* Committee, or whether these groups should be excluded from the article. At its 75th meeting, the Committee decided to retain political groups, the vote being 29 in favour to 13 against, with 9 abstentions.[1] Thirdly, the question arose whether, as motives of the acts of genocide, the Committee should retain the words "on grounds of the national or racial origin, religious belief, or political opinion of its members", proposed by the *ad hoc* Committee. This was settled when the Committee, at its 77th meeting, by 27 votes to 22, with 2 abstentions, adopted an amendment submitted by the representative of Venezuela (A/C.6/231) whereby the phrase in question was deleted and the words "as such" added after the word "group", whereafter the first part of article II came to read as follows:

"In this Convention genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, political or religious group as such:"

During the discussion of the various categories of acts constituting genocide, the representative of China called the attention of the Committee to the desirability of including acts of genocide committed through the use of narcotics. This was made possible when the Committee, at its 81st meeting decided to insert in sub-paragraph 2 the words "or mental", whereby the text in question came to read: "Causing serious bodily or mental harm to members of the group".

At its 82nd meeting, the Committee adopted, by 20 votes to 13, with 13 abstentions, an amendment submitted by the representative of Greece (A/C.6/242) to include as point 5 in the acts of genocide the act of forcibly transferring children from one group to another.

11. Article III of the draft convention, which dealt with "cultural" genocide, gave rise to a discussion on the question whether this form of genocide should be covered by the convention. At its 83rd meeting the Committee decided, by 25 votes to 16, with 4 abstentions, not to include provisions relating to cultural genocide in the convention. It was pointed out, however, by several representatives that, in expressing their views on the retention or suppression of article III, no position was taken on the principle of cultural genocide, and that action to protect against this form of genocide might more appropriately be taken within the sphere of human rights.

12. With respect to article IV of the draft convention, which listed the different acts to be punished, prolonged debates took place, particularly on the question of the retention or suppression of sub-paragraph (*c*) providing that "direct incitement in public or in private to commit genocide shall be punishable whether such incitement be successful or not". At its 85th meeting, the Committee rejected, by 27 votes to 16, with 5 abstentions, an amendment submitted by the representative of the United States of America (A/C.6/214) to delete this sub-paragraph. On the other hand, the Committee decided at the same meeting to delete both the words "in private" and the words "whether such incitement be successful or not" from the original text.[2]

13. At its 82nd meeting, the Committee took up article V, dealing with the authors of the crime of genocide. It examined in the first place the amendment submitted by the representative of the Union of Soviet Socialist Republics (A/C.6/215/Rev. 1 to add to this article a second paragraph to read as follows: "Command of the law or superior orders shall not justify genocide". This amendment was rejected by 28 votes to 15, with 6 abstentions. The Committee then discussed the terminology to be used in order to describe adequately the authors of the crime of genocide. Whereas the expression used in the original French text, *"des gouvernants, des fonctionnaires ou des particuliers"*, was found satisfactory and consequently retained by the Committee, it was pointed out by several representatives that the expression "Heads of State" used in the English text went beyond the French expression *"gouvernants"* as it would appear to include Heads of State of constitutional monarchies who, according to the Constitution of their country, enjoyed immunity and could not, for that reason, be brought to trial before a national court. At its 95th meeting the Committee therefore adopted, by 31 votes to 1, with 11 abstentions, an amendement submitted by the representative of the Netherlands (A/C.-6/253) and amended by the representative of Siam, whereby the English text came to read "constitutionally responsible rulers, public officials or private individuals".[3] Finally, the Committee rejected, at its 96th meeting, an amendment submitted by the representative of Syria (A/C.6/246) which would have included in the article as authors of genocide also *de facto* Heads of State and persons having usurped authority. It was felt that such persons already came within the scope of article V.

14. Article VII of the draft convention provoked a lengthy discussion. As drafted by the *ad hoc* Committee, this article provided that persons charged with genocide should be tried by a competent tribunal of the State in the territory of which the act was committed *or* by a competent international tribunal. At its 98th meeting the Commitee, by 23 votes to 19, with 3 abstentions, decided to delete the reference in the text to trial before an international tribunal.[4] On the other hand, the Committee, at its 99th meeting, adopted a joint draft resolution submitted by the representatives of the Netherlands and Iran (resolution B), by which resolution the International Law Commission is invited to study the desirability and possibility of establishing an international judicial organ for the trial of persons charged with genocide or other crimes over which jurisdiction would be conferred upon that organ by international conventions.

15. In article X of the draft convention as drafted by the *ad hoc* Committee, it was laid down that disputes relating to the interpretation or application of the convention should be submitted to the International Court of Justice, provided that no dispute should be submitted to the Court involving an issue which had been referred to and was pending before, or had been passed upon by, a competent international criminal tribunal. At its 104th meeting the Committee adopted,

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[1] This decision was later reversed: see paragraph 21, below.

[2] The representative of Sweden made the following statement with regard to article IV:

"The discussion at the beginning of this meeting seems to me to have shown that the significance of the terms corresponding to the French and English expressions here in question—incitement, conspiracy, attempt, complicity, etc.—is subject to certain variations in many systems of criminal law represented here. When these expressions have to be translated in order to introduce the text of the Convention into our different criminal codes in other languages, it will no doubt be necessary to resign ourselves to the fact that certain differences in meaning are inevitable. It would, therefore, be advisable to indicate in the Committee's report that article IV of the Convention does not bind signatory States to punish the various types of acts to a greater extent than the corresponding acts aimed at the most serious crimes, as, for example, murder and high treason, already recognized under national laws.

"I will not enter here into the details of Swedish legislation which, moreover, does not present too great difficulties in this respect, but I find it necessary to formulate, somewhere, my reservation on this subject."

[3] The following statement was made by the representative of Sweden with regard to the question of responsibility of Members of Parliament:

"I must point out that the discussion that has taken place has in no way clarified the position of Members of Parliament under the article we have just adopted. This question raised by the Swedish delegation consequently remains unanswered. For our part, we conclude that no absolute obligation could be imposed by article V in this regard."

[4] Article VII, which became article VI in the final text, was later revised by the Committee: see paragraph 22 below.

however, in substitution for this article, a joint amendment submitted by the representatives of the United Kingdom and Belgium (A/C.6/258), and amended by the representative of India, according to which any dispute between the Contracting Parties relating to the interpretation, application or fulfilment of the convention, including disputes relating to the responsibility of a State for any of the acts enumerated in articles II and IV, should be submitted to the International Court of Justice, at the request of any of the Contracting Parties.

At its 105th meeting, the Committee adopted, as the second paragraph of article X,[5] an amendment submitted by the representative of Australia (A/C.6/265) providing that, with respect to the prevention and suppression of acts of genocide, a party to the convention may call upon any competent organ of the United Nations to take such action as may be appropriate under the Charter of the United Nations.

16. A new article dealing with the application of the convention to dependent territories was proposed by the representative of the United Kingdom as well as by the representative of the Ukrainian Soviet Socialist Republic. The amendment of the United Kingdom (A/C.6/236) provided that the application of the convention might, by a notification to the Secretary-General, be extended to all or any of the territories for the conduct of whose foreign relations the Party in question is responsible. The amendment of the Ukrainian Soviet Socialist Republic (A/C.6/264) provided that the convention should apply equally to the territory of the Contracting Parties and to all territories in regard to which they perform the functions of the governing and administering authority (including Trust and other Non-Self-Governing Territories). At its 107th meeting, the Committee rejected the Ukrainian amendment by 19 votes to 10, with 14 abstentions, but adopted the United Kingdom amendment by 18 votes to 9, with 14 abstentions. The Committee also adopted, at its 108th meeting, a draft resolution presented by the representative of Iran (resolution C), recommending Members of the United Nations administering dependent territories to take such measures as are necessary and feasible to enable the provisions of the convention to be extended to those territories as soon as possible.

17. After having disposed of the final clauses in the draft convention of the *ad hoc* Committee (articles XI–XIX) the Committee, at its 110th meeting, took up the question of the preamble of the convention and adopted, by 38 votes to 9, with 5 abstentions, a text proposed by the representative of Venezuela (A/C.6/261).

18. At its 104th meeting, held on 13 November 1948, the Sixth Committee appointed a drafting committee consisting of the representatives of Belgium, China, Cuba, Egypt, France, Poland, Union of Soviet Socialist Republics, United Kingdom, and United States of America. The membership of the Committee was later increased from nine to 13 by the addition of the representatives of Australia, Brazil, Czechoslovakia and Iran. As the representative of Cuba was unable to take part in the work, the Committee appointed the representative of Uruguay to take his place. To the Drafting Committee were referred the text of the articles of the draft convention, the preamble, and the two resolutions dealing with the study of the question of an international jurisdiction and with the application of the convention on genocide with respect to dependent territories.

19. The Drafting Committee submitted, on 23 November 1948, its report to the Sixth Committee (A/C.6/288). In this report the Drafting Committee recommended to the Sixth Committee the adoption of three draft resolutions: (A) a draft resolution, recommending the adoption by the General Assembly of the draft convention on genocide; (B) a draft resolution dealing with the study by the International Law Commission of the question of an international criminal jurisdiction (A/C.6/271); (C) a draft resolution dealing with the application of the convention on genocide with respect to dependent territories (A/C.6/272).

20. The report of the Drafting Committee and the revised texts submitted by it were considered by the Sixth Committee from its 128th to its 134th meetings. Amendments to the revised text of the draft convention were submitted by the representatives of the United States of America (articles III and VI, A/C.6/295) and India (articles II, VI, IX, and XVII, A/C.6/299). Also, a joint amendment was introduced by the representatives of Belgium, United Kingdom and United States of America (article IX, A/C.6/305). In addition, several verbal amendments were made to the articles to which formal amendments had been presented.

21. At the 128th meeting of the Committee, a proposal was made by the representatives of Egypt, Iran and Uruguay to re-examine the question of excluding "political groups" in article II of the convention. Having heard a statement by the representative of the United States of America in favour of such exclusion the Committee decided by a two-thirds majority vote of 26 to 4, with 9 abstentions, to reconsider this question. Following this, the Committee, by a second vote of 22 to 6, with 12 abstentions, decided to exclude political groups from the groups protected by article II.

22. A redrafting of article VI, dealing with the question of jurisdiction, was discussed during the 129th and 130th meetings of the Committee. The Committee decided first by a two-thirds majority of 33 to 9, with 6 abstentions, to reconsider the article. It adopted next, by 29 votes to 9, with 5 abstentions, a revised text of the United States amendment to article VI, submitted by the representative of France and drawn up in consultation with the representatives of Belgium, France and the United States of America. By this text the following words were added at the end of article VI: "or by such international penal tribunal as may have jurisdiction with respect to such Contracting Parties as shall have accepted the jurisdiction of such tribunal."[6]

23. At its 133rd meeting the Committee proceeded to vote on the three draft resolutions contained in document A/C.6/289. By 30 votes to none, with 8 abstentions, the Committee adopted draft resolution A with the annexed draft convention as amended by the Committee. By 27 votes to 5, with 6 abstentions, the Committee adopted draft resolution B. Finally, the Committee, by 29 votes to none, with 7 abstentions, adopted draft resolution C.

24. At its 131st meeting, the Committee had agreed to insert in its report to the General Assembly the substance of an amendment to article VI submitted by the representative of India, according to which nothing in the article should affect the right of any State to bring to trial before its own tribunals any of its nationals for acts committed outside the State. Following this, the representative of Sweden had requested that the report should also indicate that article VI did not deprive a State of jurisdiction in the case of crimes committed against its nationals outside national territory. After some discussion of the questions raised in this connexion, the Committee, at its 134th meeting, adopted, by 20 votes to 8, with 6 abstentions, an explanatory text for insertion in the present report.[7]

25. The Committee therefore recommends for adoption by the General Assembly the following three resolutions:

PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

A. RESOLUTION RELATING TO THE ADOPTION OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE, AND TEXT OF THE CONVENTION

The General Assembly approves the annexed Convention on the Prevention and Punishment of the Crime of Genocide and proposes it for signature and ratification or accession in accordance with its article XI.

Article XIII

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a *procès-verbal* and transmit a copy of it to each Member of the United Nations and to each of the nonmember States contemplated in article XI.

The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

Article XIV

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

Article XV

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

Article XVI

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

Article XVII

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in article XI of the following:

(*a*) Signatures, ratifications and accessions received in accordance with article XI;

(*b*) Notifications received in accordance with article XII;

(*c*) The date upon which the present Convention comes into force in accordance with article XIII;

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[5] By the rearrangement and renumbering of the articles decided upon by the Drafting Committee, the second paragraph of article X became article VIII of the final text.

[6] The text reads as follows:

"The first part of article VI contemplates the obligation of the State in whose territory acts of genocide have been committed. Thus, in particular, it does not affect the right of any State to bring to trial before its own tribunals any of its nationals for acts committed outside the State."

[7] For reservations made by some representatives with respect to the draft convention, see the summary records of the 132nd and 133rd meetings of the Committee.

(*d*) Denunciations received in accordance with article XIV;

Article VI

Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Article VII

Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

Article VIII

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

Article IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Article X

The present Convention, of which the Chinese, English, French, Russian, and Spanish texts are equally authentic, shall bear the date of . . .

Article XI

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950, the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.

Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article XII

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

ANNEX: CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

The Contracting Parties, having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world;

Recognizing that at all periods of history genocide has inflicted great losses on humanity; and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required;

Hereby agree as hereafter provided:

Article I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(*a*) Killing members of the group;

(*b*) Causing serious bodily or mental harm to members of the group;

(*c*) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(*d*) Imposing measures intended to prevent births within the group;

(*e*) Forcibly transferring children of the group to another group.

Article III

The following acts shall be punishable:

(*a*) Genocide;

(*b*) Conspiracy to commit genocide;

(*c*) Direct and public incitement to commit genocide;

(*d*) Attempt to commit genocide;

(*e*) Complicity in genocide.

Article IV

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Article V

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

(*e*) The abrogation of the Convention in accordance with article XV;

(*f*) Notifications received in accordance with article XVI.

Article XVIII

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to all Members of the United Nations and to the non-member States contemplated in article XI.

Article XIX

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

B. *Resolution relating to the study by the International Law Commission of the question of an international criminal jurisdiction*

The General Assembly,

Considering that the discussion of the Convention on the Prevention and Punishment of the Crime of Genocide has raised the question of the desirability and possibility of having persons charged with genocide tried by a competent international tribunal,

Considering that, in the course of development of the international community, there will be an increasing need of an international judicial organ for the trial of certain crimes under international law,

Invites the International Law Commission to study the desirability and possibility of establishing an international judicial organ for the trial of persons charged with genocide or other crimes over which jurisdiction will be conferred upon that organ by international conventions;

Requests the International Law Commission in carrying out this task to pay attention to the possibility of establishing a Criminal Chamber of the International Court of Justice.

C. *Resolution relating to the application of the Convention on the Prevention and Punishment of the Crime of Genocide with respect to dependent territories*

The General Assembly recommends that Parties to the Convention on the Prevention and Punishment of the Crime of Genocide which administer dependent territories, should take such measures as are necessary and feasible to enable the provisions of the Convention to be extended to those territories as soon as possible.

THE IMPEACHMENT OF FEDERAL JUDGES: A HISTORICAL OVERVIEW

Mr. ERVIN. Mr. President, the North Carolina Law Review for December 1970 carried an article by FRANK THOMPSON, Jr., a Member of the U.S. House of Representatives, and Daniel H. Pollitt, professor of law of the University of North Carolina School of Law, entitled "Impeachment of Federal Judges: An Historical Overview." This article merits the thoughtful attention of all the Members of Congress who are concerned with the provisions of the Constitution designed to secure the independence of the Federal judiciary.

During the last session of Congress, former Senator Joseph D. Tydings, of Maryland, introduced S. 1506, a bill based upon the theory that Congress has the power to define the words "good behavior" as used in the provision of the Constitution defining the tenure of Federal judges, and by virtue of such power can provide for the removal of Federal judges for any act or omission which Congress declares to be bad judicial behavior.

I had the abiding conviction that the Tydings' bill was inconsistent with the constitutional provisions designed to secure the independence of the Federal judiciary and for that reason was both unwise and unconstitutional. During the past year, the Subcommittee on Separation of Powers, of which I am honored to serve as chairman, conducted extensive hearings on the subject of the independence of the Federal judiciary.

The article by Representative THOMPSON and Professor Pollitt is in substantial agreement with the conclusions engendered by the hearings conducted by the Subcommittee on Separation of Powers; for this reason I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IMPEACHMENT OF FEDERAL JUDGES: AN HISTORICAL OVERVIEW

(Frank Thompson, Jr.* and Daniel H. Pollitt†)

"The Place of Justice is an hallowed place, and therefore ought to be preserved without scandal and corruption." These were the words of Francis Bacon, philosopher, scientist, and the most gifted of the English Renaissance men. But in his capacity as Lord Chancellor, he came a cropper. In 1621, the highest judicial officer in England was impeached for accepting bribes from litigants—sometimes from litigants on both sides of the case—and his only defense was that he never gave the briber his due unless he deserved it on the merits. Bacon was

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Footnotes at end of article.

charged by the House of Commons, found guilty by the House of Lords, and sentenced to imprisonment in the Tower "during the King's pleasure." King James liberated him from the prison within a few days and gave him a full pardon. But Bacon never regained his lost glories. In 1626 he contracted a cold while stuffing a goose with snow in order to study the effects of refrigeration on putrefaction. The exposure proved fatal to both.[1]

The Bacon impeachment illustrates the problem raised by the Roman philosopher Juvenal: *Quis quatodiet ipsos custodes*, or, who is to judge the judges. The matter was debated in the Philadelphia Constitutional Convention when John Dickinson proposed that federal judges should be removed from office on petition to the President by both the House of Representatives and the Senate. This practice was then in effect in England and in seven states, but it was decisively rejected by the Founding Fathers on the theory that it would make the Judiciary dangerously dependent upon the whim of the current legislatures.[2] Instead, the Constitutional Framers provided that federal judges "shall hold their offices during good behavior" and at a salary not subject to cut by the Congress.[3] Like all other civil officers of the United States, the judges were made subject to removal from office "on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."[4] Moreover, the Framers deliberately created a complicated and cumbersome process for the removal of federal judges to prevent hasty, unthinking action.

The House of Representatives has "the sole power of impeachment"[5] and plays a role roughly comparable to that of a grand jury. Impeachment is initiated by a proposed resolution to investigate the conduct of a judge.[6] If the resolution is adopted, the matter is referred to a committee (usually, but not always, the Judiciary Committee) for investigation.[7] If the investigating committee finds the evidence sufficient, it may issue a report favoring impeachment. The report is then voted up or down by the whole House.[8] If the House votes impeachment, it notifies the Senate and appoints "managers" to argue the case for the House before the Senate.[9]

The Constitution delegates to the Senate "the sole power to try all impeachments";[10] and the Senate acts much like any court, hearing evidence first from the prosecution and then from the defense.[11] Witnesses are sworn, examined, and cross-examined;[12] and at the close of the trial the Senate votes on each article of impeachment separately. A two-thirds vote on any article by the Senators then present is necessary to convict.[13]

If the Senate votes in favor of impeachment, the only permissible judgment extends no further than "removal from office" and "disqualification to hold and enjoy any office of honor" under the United States. But the person so convicted remains liable to indictment, trial, judgment, and additional punishment by other tribunals "according to law."[14]

William O. Douglas is the latest federal judge put to this gauntlet. On April 15, 1970, Congressman Gerald R. Ford of Michigan opened the attack on the Supreme Court Justice with a four-pronged charge.[15] The first concerned Mr. Justice Douglas' associations with Ralph Ginzburg, the publisher of magazines described by Congressman Ford as "not commonly found on the family coffee table." In 1963 Ginzburg had been tried and convicted of sending an "obscene" publication named *Eros* through the mails.[16] Justice Douglas was one of the four justices who dissented from the conviction.[17] This was in 1966. In 1969, Justice Douglas received $350.00 from *Avant Garde* magazine for an article he wrote on "Appeal of Folk Singing." *Avante Garde* is also published by Ralph Ginzburg. But there is more, according to the Republican House Leader. Ginzburg had another magazine called *Fact* and during the 1964 Presidential Campaign, *Fact* ran an article to the effect that Barry Goldwater had a "severely paranoid personality and was psychologically unfit" to be President.[18] After the campaign Goldwater sued Ginzburg for libel and recovered a verdict of $75,000. Ginzburg appealed to the Supreme Court, and Justice Douglas was one of the dissenters who would have ruled in favor of Ginzburg on the theory that the Constitutional guarantees of free speech and free press are absolute.[19] This was in 1970. Congressman Ford finds fault in the failure of Mr. Justice Douglas to disqualify himself in the Goldwater-Ginzburg controversy because of his "substantial interest" in the outcome.[20]

The second prong of the attack on Justice Douglas also concerned his publications: this time, a 97-page book called *Points of Rebellion*. Congressman Ford objected because the book is "a fuzzy harangue evidently intended to give historic legitimacy to the militant hippie-yippie movement."[21] Congressman Ford also found it offensive that "the most extreme excerpts from the book" were republished in the April 1970 issue of *Evergreen* magazine in company with "shocking" arty nudes of the kind "the U.S. Supreme Court's recent decisions now permit to be sold to your children and mine on almost every newsstand."[22]

The other two grounds for attack concerned Justice Douglas' associates. Justice Douglas, until recently, had received $12,000 a year as chairman of the Parvin Foundation, a tax-exempt charitable organization established to aid in the education of developing young leaders in Latin America by providing them with scholarships for study in the United States. This association between Justice Douglas and the Foundation is well and good on its face, but the Foundation was financed by Albert Parvin who operated hotels and gambling casinos in Las Vegas. According to Mr. Ford, the ties of Mr. Parvin with "the international gambling fraternity never have been sufficiently explored."[23]

Finally, Congressman Ford charged that Justice Douglas is a "long time consultant" and "member of the board of directors" of the Center for the Study of Democratic Institutions. The "offense" here is that the Center is headed by Dr. Robert Hutchins, the former President of the University of Chicago, and that in 1965 the Santa Barbara Center "sponsored and financed the National Conference for New Politics which was, in effect," the Congressman surmised, "the birth of the New Left as a political movement."[24]

These four charges are not offensive to most Americans, even if true. Most certainly, they do not constitute "Treason, Bribery, or other High Crimes and Misdemeanors." This latter fact is admitted by Congressman Ford, whose entire argument is that an offense need not be indictable to be impeachable.[25]

The term of federal judges, recites the Congressman, is "during good behaviour"; and when behavior ceases to be "good," the right to hold judicial office ceases also. Further, contends the Congressman, "good behaviour" (and an impeachable offense) "is whatever a majority of the House of Representatives considers [it] to be at a given moment in history"; and conviction in the Senate should result "from whatever offense or offenses two-thirds of that body considers to be sufficiently serious to require removal of the accused from office."[26]

Congressman Ford reached his conclusion from a study of "our history of impeachments."[27] This "history," however, does not support his conclusion, whether one considers only the eight judges who have been impeached in the House and tried in the Senate, or the much larger number of federal judges whose fates have been decided in the House of Representatives without trial in the Senate.

THE EIGHT COMPLETED IMPEACHMENT CASES

Eight federal judges have been impeached, or charged, by the House of Representatives and tried by the Senate. Four were acquitted, and four were convicted. The first case was in 1804; the most recent, in 1936.[28] The first two cases—those of John Pickering and Samuel Chase—must be considered together and in the light of the political events of the period.

When the Jeffersonian Republicans won the Presidency and a majority in both Houses of the Congress in 1802, they were bent upon a "political purge" of the federal judiciary, and not without cause. President John Adams and the Federalist majority in the House of Representatives and the Senate had sought to win the election by enactment and rigorous enforcement of a Sedition Law that made it illegal to criticize the United States or the incumbents in office.[29] Matthew Lynn, a Vermont Congressman, was the first victim of this law. He was sentenced to a fine and four months in jail because of a political speech in which he accused President Adams of having "an unbounded thirst for ridiculous pomp, foolish adulation, and selfish avarice."[30] The editor of the Bennington Gazette sought to raise funds to pay the fine by a lottery and advertised with a caption addressed "to the enemies of political persecutions in the western district of Vermont."[31] For this activity, he was indicted for sedition, convicted, and sentenced to two months' imprisonment. A New York state senator was indicted and arrested under the Alien and Sedition Law because he circulated a petition to Congress among his neighbors asking for repeal of the law.[32] Jeffersonian candidates and supporters felt the fangs of this law deeply. Indeed, things got so bad under this law that when President Adams campaigned in Newark and the New Jersey local artillery company fired a salute in his honour, a by-stander was convicted for an idle remark that he "wished the wadding from the cannon had been lodged in the President's backside."[33]

The Jeffersonians disliked the law; they disliked even more the men who enforced the law: the Federalist United States Marshals,[34] who selected juries of sympathizers; the Federalist United States Attorneys, who prosecuted these cases with unusual zeal; the Federalist Judges, who presided in partisan manner. They especially disliked Justice Samuel Chase because of his repeated jury charge that "if a man attempts to destroy the confidence of the people in their officers, he effectually saps the foundation of the government."[35] This charge was first announced in the trial of a Pennsylvania editor who was convicted because of an editorial asserting that President Adams had "saddled [us] with the expense of a permanent navy [and] threatened [us] with the existence of a standing army."[36]

Jefferson and his Republicans had other grievances against the Federalists. Jefferson had promised the position of Chief Justice of the United States Supreme Court to his political lieutenant Spencer Roane of the Virginia Supreme Court. But before Jefferson took office, Chief Justice Oliver Ellsworth, a staunch but aging Federalist from Connecticut, retired prematurely creating the opportunity for President Adams to appoint his Secretary of State John Marshall to this post.[37]

And there was more. After the political sweep of the Republicans at the polls, the lame-duck Federalist Congress met and (1) created sixteen federal circuit court judgeships for defeated Federalist politicians,[38] (2) created forty-two justice of the peace positions in Washington, D.C. for lesser Federalist office holders,[39] and (3) reduced the size of the Supreme Court from six to five members[40] (as of the next vacancy) to deprive Jefferson of an appointment for the foreseeable period of his Presidency.[41]

Footnotes at end of article.

Jefferson thundered that, "The Federalists have retired into the judiciary" and "from that battery all the works of republicanism are to be beaten down." [42] He would have none of this; and when his party assumed office, President Jefferson pardoned all persons convicted under the Alien and Sedition Law and fired all the United States Marshals and United States Attorneys who had enforced it.[43] Meanwhile, his Congress repealed the Sedition Law and the Judiciary Act of 1801 and thereby the judgeships created for the defeated Federalist opponents.[44] When Chief Justice Marshall threatened to declare the repeal of the 1801 Judiciary Act unconstitutional [45] as an illegal short-cut of the impeachment process,[46] the Jeffersonian Congress cancelled the terms of the Supreme Court for the next fourteen months.[47] During this interval, the Jeffersonian Congress went after the federal judiciary via the impeachment process, with Marshall himself as the ultimate target.[48] The impeachment proceedings against John Pickering and Samuel Chase are part of this tumultuous, explosive political partisanship.

John Pickering, judge of the federal district court in New Hampshire, has the dubious distinction of being the first judge to be impeached by the House, tried by the Senate, and removed from office—and for reasons unrelated to "Treason, Bribery, and other High Crimes and Misdemeanours." Senator William Giles of Virginia, the Jeffersonian leader in the Senate, was quite blunt on this score. He told his Federalist colleagues, in language not unlike that of Congressman Gerald Ford, that "We want your offices, for the purpose of giving them to men who will fill them better." [49] His announced theory was that removal by impeachment is nothing more than a declaration by Congress that, "You hold dangerous opinions, and if you are suffered to carry them into effect you will work the destruction of the Nation." [50] Federalist Senators objected that this interpretation of the Constitution's impeachment clause would make our "judges as independent as spaniels";[51] but they argued in vain. Giles insisted, with majority backing, that federal judges were removable "[f]or any cause that a dominant political party considered to be sufficient." [52]

The choice of Judge Pickering as the first target in the Jeffersonian onslaught against the federal judiciary was excellent political strategy. The unfortunate old man had been an insane drunkard for some time and was clearly unable to perform his duties as a federal judge. The Judiciary Act of 1801 had provided for such cases as Pickering's by authorizing the circuit judges to appoint one of their own members to exercise the functions of any district judge who became incapacitated.[53] Under this Act, the circuit judges determined that Pickering was indeed incapacitated and assigned Circuit Judge Jeremiah Smith to take over his duties. With the repeal of the 1801 Judiciary Act and the elimination of the circuit judges, Pickering resumed his judicial functions.[54] His family and friends urged that he resign, but Portsmouth Federalist leaders advised strongly against a resignation as the "successor will be a man whom we cannot approve" referring to John Samuel Sherburne, the newly appointed Republican United States Attorney.[55]

So Judge Pickering stayed on the bench, and one of the first cases to reach him involved the ship *Eliza*, seized by the Republican custom officials for smuggling. The ship belonged to Eliphalett Ladd, a prominent Federalist merchant, who filed suit for its return.[56] On the opening day of trial, Pickering came to the courthouse thoroughly intoxicated. He staggered to the bench and ordered the court to open. Then, apparently feeling lonely, he ordered a young lawyer named John Wentworth to sit beside him. The startled attorney demurred, and the judge started down from the bench to cane him. But seeing a former British Naval officer among the spectators, he ordered him to sit and give advice on these nautical matters. Thus fortified against the "Jacobins," Pickering roared, "Now damn them, we will fight them" and ordered the parties to proceed.

United States Attorney John Sherburne began to read the pleadings, but the Judge interrupted stating that he had heard enough and would decide the case in four minutes. He suddenly ordered that the ship *Eliza* be returned to his long-time political ally Eliphalett Ladd. Attorney Sherburne protested that his witnesses had not yet been allowed to testify, and the Judge replied, "Very well, we will hear everything—swear every damn scoundrel that can be produced—but if we sit here four thousand years the ship will still be restored." A few minutes later, however, he shut off the witness and ordered the case dismissed. When the Government sought an appeal order, the trial judge refused to sign one although the law clearly commanded that he do so. [57]

The impeachment charges against Pickering related to his above conduct and rulings. Pickering did not appear at the Senate trial, but his son did, and he moved to dismiss the charges because they did not allege "treason, bribery, or other high crimes and misdemeanors," and in the alternative he argued that his father lacked the mental capacity to have the "intent" to commit a crime.[58] The Senate rejected the underlying theory behind this defense and ruled by a party-line vote of nineteen Republicans against seven Federalists that federal judges were removable from office for any reason that the dominant polical party considered to be sufficient. Five Republican Senators refused to convict; but rather than offend their party, they left the Senate chamber during the vote.

Thus, a partisan body of Senate judges gave to poor, crazy John Pickering the unwelcome distinction of becoming the first victim of the first judicial purge in our nation's history. The impeachment would have seemed less brutal if its innocent victim had not been one of New Hampshire's most distinguished citizens. The author of her constitution, a revolutionary patriot, Pickering had been universally admired until he became incapacitated at the end of his long public career.[59]

The fact that after Pickering's impeachment the Senate quickly reversed its position on the underlying Constitutional issues has made that trial a minor development in a continuing story rather than the historic landmark it seemed at the time. John Pickering was convicted by the Senate on March 12, 1804. Within an hour, the House voted to impeach Samuel Chase.

Samuel Chase, a Baltimore lawyer, was aggressive and militant in everything he did. As a young man, he opposed the British Stamp Act and led the Sons of Liberty on midnight raids against the public offices where they rifled the files, destroyed the records, and set fire to the stamps. His militant opposition to British rule gave him a notoriety which resulted in his election to the First Continental Congress where he championed the Declaration of Independence and became one of its signers. He was a leader of the Maryland Convention that ratified the Constitution, and in 1796, President Washington appointed him an Associate Justice of the Supreme Court of the United States.[60]

The Supreme Court did not have a busy docket in the early days of the Republic. It met for two brief terms a year in Washington, and during the remaining months the six Justices "rode circuit" sitting as circuit court judges with jurisdiction to preside at the trial of important cases and hearing appeals from district court judges in lesser matters.

Justice Chase was a terror on the bench. He "bullied counsel, browbeat witnesses, ruled juries,"[61] and with his sallies from the bench "brought down the laughter of the spectators" on helpless and unfortunate defense counsel.[62] Even his friend John Marshall admitted on cross-examination during the Senate impeachment trial that Chase, as a judge, was "tyrannical, oppressive, and overbearing."[63]

Marshall was testifying about the conduct of Chase during the trials under the Alien and Sedition Laws: it was there that Chase proved most obnoxious to the Jeffersonians because of his vigorous and overbearing enforcement of these laws during the campaign against John Adams.

He presided at the trial of Thomas Cooper, the editor of the *Sunbury Gazette* in Pennsylvania, and directed the jury to convict on the theory that any criticism of public officials "effectually saps the foundation of the government."[64] He presided at the trial of Fries, a Pennsylvania farmer who had refused on grounds of principle to pay certain federal taxes. Chase charged that this was "treason" and sentenced the defendant to be "hanged by the neck until dead." The resulting Republican uproar resulted in a Presidential pardon.[65]

Chase then went to Baltimore where he impaneled a large number of grand jurors and during the impaneling process denounced the Republican proposal for universal suffrage because it would "sink" the country "into a mobocracy, the worst of all popular governments." [66]

Chase then hurried to Richmond to preside at the trial of a noted editor named Callender who had published a tract hostile to President Adams. Chase read the pamphlet prior to trial and announced in a public coach that "he would certainly punish" the editor and "teach the lawyers of Virginia the difference between the liberty and licentiousness of the press." [67] When trial began, Chase (i) refused to excuse a juror who announced that he was morally-bound to find the defendant guilty, (ii) refused to hear distinguished witnesses offered by the defense, and (iii) throughout the trial was "tyrannical, overbearing and oppressive." [68]

Chase then went to New Castle, Delaware where he refused to dismiss a grand jury until it returned an indictment against a Jeffersonian newspaper publisher. When the grand jury refused to indict, he ordered the United States Attorney to read all back issues of the paper and report any abusive language to the jury. But that body reported that it discovered nothing "treasonable" except a brief and unpleasant reference to Chase himself. Chase let the matter drop.[69]

The impeachment charges issued by the House of Representatives against Chase related to these actions and rulings while he was on the bench. Admittedly, they did not constitute "high crimes and misdemeanors"; but Senator Giles announced here, as he had earlier in the impeachment of John Pickering, that the process of impeachment "is nothing more than an inquiry by the two Houses of Congress whether the office of any public man might not be better filled by another." [70]

The Federalists responded, as they had in the Pickering trial, that such a theory of impeachment undercut "the vital necessity of the independence of the Judiciary" and put in peril "the integrity of the whole National judicial establishment." [71]

This time they fared much better. The Republican senators who had absented themselves during the Pickering vote bolted party ranks, and the fight was over.[72] There were thirty-four senators: nine Federalists and twenty-five Republicans. Two-thirds of this number, or twenty-two votes, was necessary to convict. Six of the Republicans—mostly from the Northern and Western states—and

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Footnotes at end of article.

the nine Federalists answered not-guilty on every article of impeachment.[73]

John Randolph of Virginia, a House manager who argued the impeachment, rushed from the scene of defeat to the floor of the House where he offered a constitutional amendment providing that the President might remove federal judges on the joint address of both Houses of Congress.[74] Congressman Micholson, another floor manager, was almost as frantic with wrath, and he followed with a proposal to amend the Constitution so that state legislatures might recall their United States Senators at will.[75] Neither proposal progressed very far, and President Jefferson remarked that "impeachment is a farce which will not be tried again." [76]

On the other side there was jubilation. As John Marshall's biographer, Albert Beveridge, put it, "[f]or the first time since Jefferson's election, the National Judiciary was rendered independent. For the first time in five years, the Federalist members of the Supreme Court could go about their duties without fear that upon them would fall the avenging blade of impeachment. . . . One of the few really great crises in American history had passed." [77]

But there was to be one more test case, that of *James Hawkins Peck.*

Freed from the threat of Congressional impeachment, the Supreme Court under John Marshall began to strengthen the powers of the central government and protect the interests of the industrial and monied classes.[78] This was at the expense of the small farmer in the South and West and required the nullification of the laws of many states. By 1825, the Supreme Court declared unconstitutional the laws of at least ten states.[79] Naturally, there was a good deal of resentment against the Supreme Court resulting with a number of "court curbing" plans.

Jefferson proposed that the Constitution be amended so that all federal judges serve an initial term of six years with the possibility of re-appointment by the President, but only with the consent of both Houses of Congress.[80]

Senator Johnson of Kentucky introduced a constitutional amendment that whenever the Supreme Court declared the laws of a state to be unconstitutional, there would be a further appeal to the United States Senate for final decision.[81] A proposal which received even more support but also failed to muster majority backing would have required the vote of five of the then seven Supreme Court justices (instead of a simple majority) to overturn a state law.[82]

It was during this period of growing antagonism toward the federal courts that James Hawkins Peck was appointed the United States District Judge for Missouri. In effect, he was the "federal presence"; however, he was disliked not only in principle, but also because of his arbitrary abuse of judicial authority.

When Judge Peck took office, he was faced with a number of suits by the early settlers of Missouri (the Upper Louisiana Territory) claiming title to large acreages under grants from the Spanish crown. The United States resisted these claims and countered that the land was part of the public domain and available for future distribution. A lawyer named Luke Edward Lawless represented many of these claimants, including the heirs of one Antoine Soulard.[83]

The Soulard case was tried first, and Judge Peck ruled for the government. He then wrote a letter to the editor of the Missouri Republican explaining the basis for his decision. Attorney Lawless promptly wrote an answering letter to a rival newspaper, the Missouri Advocate, in which he challenged the facts and legal conclusions of the judge.[84]

Judge Peck was incensed. He ordered the attorney to be arrested and brought to court, and without a trial, the judge held him in contempt. He imposed a sentence of twenty-four hours in jail and disbarment from the federal court for a period of eighteen months.[85]

Congressman John Scott of Missouri promptly presented a memorial requesting the House to inquire into the conduct of Judge Peck.[86] On April 21, 1830, the House overwhelmingly voted (123 to 49) to impeach the judge because of his "unjust, oppressive and arbitrary" contempt order.

Judge Peck might well have shown a lack of "good behaviour"; but his on-the-bench activities did not constitute "Treason, Bribery, or other high Crimes and Misdemeanors." For this reason, the Senate decided on January 23, 1831, in favor of Judge Peck by a vote of 21 guilty, 22 not guilty.[87] This was just short of a majority and far less than the two-thirds vote necessary for removal from office.

This vote did not mean that the Senate approved of what Judge Peck had done. Far from it. Within a few weeks, on February 10, 1831, the Senate enacted a bill denying federal judges the power to punish for contempt except in cases of misbehavior "in the presence of the said courts, or so near thereto as to obstruct the administration of justice. . . ." [88] This bill swept through the House and was signed into law by the President on March 2 of that year.[89]

The heirs of Antoine Soulard were also vindicated when they appealed Judge Peck's adverse decision to the Supreme Court and there won a unanimous reversal.[90] Be that as it may, the House of Representatives has never again voted impeachment against a federal judge because of his rulings or conduct on the bench. Nor has it *ever* voted to impeach a judge because of private activities or association unrelated to judicial duties unless that activity or association involved some criminal offense.

West H. Humphreys of the United States District Court for Tennessee was the next judge to be impeached by the House and tried in the Senate. The charge, filed in 1862, was "Treason" based on the alleged fact that he had incited "revolt and rebellion" in Tennessee "against the Constitution and Government of the United States" by "openly and unlawfully" advocating an "ordinance of secession." [91] The judge was summoned by the Senate "to appear and answer certain articles of impeachment," and upon his refusal, the Senate voted unanimously that he be removed from office. Judge Humphreys was by then serving as a judge on the "District Court of the Confederate States of America." [92]

The next four impeachment cases tried by the Senate involved allegations of "high Crimes and Misdemeanors" although all were not provable.

Charles Swayne, the United States Judge of the District Court in Florida, was impeached and tried in 1904. Always a vigorous and forthright person, he had been appointed by Republican President Harrison over the protest of all the Democratic members of the Senate. His job was to convict the Florida Democrats who had violated the voting rights of Republicans in the last election. He was relentless in this task, extending court sessions to bring all offenders to his bar of justice.[93]

He was equally vigorous in pursuit of his personal goals. Thus, in 1901, a number of suits were filed in Pensacola concerning title to what was known as the "Rivas Tract." One Florida McGuire was the principal plaintiff, and one Edgar was the principal defendant. Prior to trial, the lawyers for Miss McGuire requested the judge to disqualify himself because they had learned that defendant Edgar had sold part of his interest in the land to the Judge. The Judge refused the motion to excuse himself, saying that he had not purchased the land interest, but that a relative of his had done so. Later, it developed that this relative was his wife.[94]

Unwilling to try the case before Judge Swayne, the plaintiffs filed a new, but identical, suit in the state court against the old defendant Edgar with Judge Swayne added as a new defendant. They then went into the federal court to have the old case dismissed. Judge Swayne was presiding and quickly expressed his feelings about the new suit against him in the state court in Escambia County. After a few "abusive remarks," he held the attorneys guilty of contempt and sentenced them to ten days in jail, a fine of $100 each, and disbarment from the federal court for a term of two years.[95]

This abuse of judicial power, reminiscent of Judge Peck, undoubtedly fueled the flames of impeachment. But the serious charges related to various "high Crimes and Misdemeanors," namely, that the judge was not a resident of his judicial district as required by law (the Judge was a native of Delaware and lived there with his family while not holding court in Florida), that he padded his expense account (the judge admitted that he always claimed the maximum $10.00 per diem expenses whether he spent that much or not), and that he accepted favors from litigants before his court (the Judge admitted that he had accepted from a railroad, then in bankruptcy proceedings before his court, a free ride to California and back for himself, his wife, his sister-in-law, and her husband and had subsequently approved of the costs of the trip as part of the necessary expenses of operating the railroad).[96]

Judge Swayne's only defense was a legal one—that the offenses were not "impeachable." He argued, in effect, that the particular bribery, expense account padding, and failure to abide by the residence requirement were all minor or "low" crimes and misdemeanors. The Democratic House of Representatives rejected this defense and impeached by an almost solid party-line vote. The Republican Senate, also by party-line vote, acquitted on all charges.[97]

Robert W. Archbald, Judge of the United States Commerce Court, was impeached and convicted in 1912 on charges of "having used his judicial office and influence for his personal financial gain." [98]

Like Judge Swayne, Judge Archbald had accepted a free trip for himself and his family from a railroad then in litigation before his court. The only distinction between the two situations was that where Judge Swayne had gone to California, Archbald had made a grand tour of Europe.

There were other differences, some of which were political, between the two situations. Judge Archbald had accepted a "purse" from certain lawyers who practiced before him, and he served on a very unpopular court when the federal judiciary as a whole was under attack.

The Commerce Court of which Judge Archbald was a member was created by the Administration of President William Howard Taft to review the orders and decisions of the Interstate Commerce Commission. Increasingly, the Commerce Commission ruled against the railroads on behalf of the consumers, and just as insistently, the Commerce Court ruled against the Commission when the railroads appealed.[99]

The Commerce Court, as an institution, became the fulcrum of a bitter political controversy. Teddy Roosevelt, campaigning for the Presidency, promised to abolish the Commerce Court if elected: but the Democratic majority in Congress pre-empted this issue (and the popular appeal) by voting to abolish the court during mid-campaign.[100]

The general adverse reaction against the Commerce Court undoubtedly hurt the members of that Court, including Judge Archbald. So did the general anti-court sentiment of that period. Around the turn of the century,

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the Granger Movement swept through the agrarian mid-west, resulting in state legislation regulating the railroads, the graineries, and other utilities in favor of the consumer. At the same time, labor began to show its political muscle in the industrial states which was instrumental in bringing about the enactment of laws regulating child labor, maximum hours, and minimum wages for women. The federal courts, almost as matter of routine, declared all these state laws to be unconstitutional.[101]

LaFollette, Norris, Shipstead, Hiram Johnson and other progressive legislators introduced a series of anti-court constitutional amendments to reduce the terms of federal judges to a fixed number of years, to authorize their recall upon petition, and to require of the courts a two-thirds vote or more before they could declare a state law unconstitutional.

It was in this political climate that the Democrats and their Roosevelt "Bull Moose" allies in the Senate voted to affirm the impeachment charges of the House and thereby to remove Judge Archbald from his office.[102]

Harold L. Louderbach, Judge of the United States District Court in California, was impeached by the House of Representatives in 1932, and it is not altogether certain that the accusation met Constitutional standards. The charge against him was "favoritism in the appointment of incompetent receivers" and the "allowance of excessive fees." [103] This is not "good behavior," but is it a crime?

Judge Louderbach owed his job to Senator Samuel Shortridge, and when it came to the appointment of receivers in the bankruptcy and reorganization cases that came before him, the Judge saw to it that Samuel Shortridge, Jr., the son of the benefactor, got more than his share of the lucrative positions.[104] There was no evidence that Judge Louderbach—unlike Judge Archibald—received any direct personal financial gain from these appointments. The Senate voted to acquit.

Halsted L. Ritter is the last of the federal judges to be both impeached by the House and tried by the Senate. He was convicted. A successful lawyer in Denver, Ritter moved to Florida in 1925 for reasons of family health. Four years later, President Coolidge appointed him to a federal judgeship on recommendation of his Postmaster General. The appointment was opposed locally by both Republicans and Democrats.[105]

This opposition was justified. He was impeached by the House of Representatives in 1936, and the principal charges were that he participated in champertous proceedings brought before him for a cash consideration and that he prepared and filed false income tax returns. What he had done was to appoint a former law partner to a "receivership" which paid a $75,000 fee with a $4,500 kick-back and to conceal this income when filing his annual tax returns.[106]

The odd element in this case was the Senate action. Eighty-four Senators voted, which meant that fifty-six votes were needed to meet the two-thirds majority required by the Constitution in impeachment cases. This fifty-six figure was reached, but barely. Forty-nine Democratic Senators were joined by five Republicans who usually bolted party ranks—Borah of Idaho, Capper of Kansas, Cousins of Michigan, Frazier of North Dakota, and Norris of Nebraska—and by the two Senate independents—Shipstead, Farmer-Labor from Minnesota, and LaFollette, Progressive from Wisconsin.[107]

This completes the "history" of the eight federal judges impeached by the House and tried by the Senate. In 1803, Judge Pickering of New Hampshire was impeached and found guilty of conduct certainly not "good" but also not constituting "Treason, Bribery, or other high Crimes and Misdemeanors," unless blasphemy and public drunkenness fall within this category.[108] Not since that time has the Senate removed a judge from office in an impeachment trial because of lack of "good" behavior unless that behavoir was also criminal.

Supreme Court Justice Chase was acquitted by the Senate in 1804 although his behavior in presiding at the Alien and Sedition trials of his Jeffersonian opponents was "tyrannical, overbearing and oppressive." [109] District Court Judge Peck was acquitted in 1831 by the Senate although its disapproval of his abuse of the "contempt" power was written into a federal law.[110] Since 1831 almost 150 years have passed with no impeachment charges by the House because of "bad" behavior except where there was evidence of "Treason, Bribery, or other high Crimes and Misdemeanors."

West H. Humphreys was charged with "Treason" and convicted by the Senate in 1862 when the Tennessee judge threw his lot in with the Confederacy.[111] Charles Swayne, the Delaware lawyer who sat on the United States District Court in Florida, was acquitted by the Senate in 1904 on the House charges of defrauding the government with false expense accounts and accepting favors from litigants before his court.[112] Robert W. Archbald was convicted by the Senate in 1912 and removed from his judgeship on the Commerce Court for accepting cash bribes and other favors from litigants before his court.[113] Harold L. Louderbach was acquitted by the Senate in 1932 upon a finding that his judicial appointments to lucrative posts were motivated by personal gratitude to his political mentor rather than by hope of financial gain.[114] Halstead Ritter was convicted by the Senate in 1936 for accepting bribes and kick-backs and for income tax evasion,[115] certainly judicial behavior which is not good, but also clearly behavior that falls within the constitutional grounds for impeachment—"Treason, Bribery or other high Crimes and Misdemeanors."

In short, the constitutional history as reflected by the eight "completed cases" demonstrates that Congressman Ford is in error when he asserts that the Congress has authority under the Constitution to impeach Mr. Justice William Douglas (or any other judge) for whatever conduct a sufficient majority of the Congress considers to be an impeachable offense "at any given moment in history."

IMPEACHMENT CASES RESOLVED IN THE HOUSE OF REPRESENTATIVES WITHOUT SENATE ACTION

The eight impeachment cases tried by the Senate reflect merely the top of the iceberg. The qualifications of at least forty-seven other federal judges have been questioned in the House of Representatives since 1796 when impeachment charges against George Turner of the Northwest Territory were dropped on the assurance of Attorney General Harry Lee that he would initiate grand jury proceedings against the Judge.[116]

The decisions and actions of the House of Representatives in connection with these federal judges are an important part of the impeachment history and teach that the House refuses to impeach because of judicial misbehavior unless the offense charged constitutes "Treason, Bribery, or other high Crimes and Misdemeanors."

Treason

In 1862, Judge West Humphreys was impeached by the House and convicted by the Senate when he joined the Confederacy.[117] The only other "Treason" charge was brought against Harry Innes in 1808 on the allegation that the Kentucky federal judge had joined forces with Aaron Burr and conspired with Spain to "seduce Kentucky from the Union." The judge denied the charge, and a House Investigating Committee found him not guilty.[118]

Bribery and financial irregularity

Thirty-three federal judges have been charged with offenses directly involving financial corruption. Twenty-two did not accept the challenge, and their resignations ended any further inquiries by the House of Representatives.[119] Five were "censured" but not impeached,[120] four were acquitted of wrong-doing after investigation,[121] and a House committee turned the other two cases over to the Attorney General for possible criminal prosecution without impeachment recommendations.[122]

Excessive consumption of whiskey drove some of these judges into accepting bribes and kick-backs. Thus, in 1839, Judge Philip K. Lawrence of Louisiana was charged with corrupt conduct and "intemperate use of ardent spirits." [123] In 1872, Judge Mark H. Delahay of Kansas was charged with corrupt transactions and "intoxication." [124] In 1874, Judge Edward H. Durrell of Louisiana was charged with improper procurement of money and "drunkenness." [125]

In more recent periods, the judges were caught in an economic squeeze from the Crash of 1929 and could not resist the subsequent temptations that came their way. A notable example is Martin T. Manton, Chief Judge of the Second Circuit Court of Appeals.

Manton began his judicial career in 1916; at thirty-six he was the youngest federal judge in the country. In the following twenty-three years, he well justified his early appointment. His well-reasoned decisions and his articles in professional journals were cited as authority by bench and bar alike. He testified before congressional committees on complicated aspects of patent and bankruptcy law, and he was in great demand as a speaker before the American Bar Association, the Academy of Political Science, and other distinguished assemblies. Honorary degrees came from all sides: Columbia, Fordham, Manhattan, Vermont, and others. He was generally regarded by lawyers and knowledgeable lay persons as the tenth-ranking judge in the United States, a slight edge below the nine Justices on the Supreme Court.[126]

But Manton was equally active in the business world, and his holdings crashed around his head during the Great Depression. This fact did not lessen the public shock when on January 29, 1939, young Manhattan District Attorney Tom Dewey wrote the Judiciary Committee of the House of Representatives an itemized list of Judge Manton's corrupt transactions. The list included, in small part, a $12,500 kick-back from John M. McGrath, a bankruptcy receiver Manton had appointed, and bribes from litigants in cases pending before his court: $77,000 from the Dictograph Products Corporation, $250,000 from the American Tobacco Company (in the form of a loan to Manton's former legal partner), and $50,000 from Warner Brothers (in the form of a personal loan from Harry Warner).[127]

After the story broke, Judge Manton tendered his resignation to President Franklin Roosevelt who accepted it on the spot.[128] This prompt resignation avoided impeachment proceedings ("Why kick at the place where the fellow used to be?" asked Chairman Hatton Sumners of the Judiciary Committee),[129] but the State of New York was not so forgiving. Manton was tried, convicted, and sentenced to two years in Jail.[130]

The investigation of the Manton bribes and kick-backs led to the discovery of similar corruption by Judge J. Warren Davis of the Third Circuit United States Court of Appeals. Like Manton, J. Warren Davis was one of the most esteemed American jurists. Elected to the New Jersey Senate in 1911, he acted as floor leader for Governor Woodrow Wilson. When Wilson was elected President, he appointed Davis to the position of United States Attorney for New Jersey in 1913 and

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Footnotes at end of article.

to the Court of Appeals for the Third Circuit in 1920.[131]

Davis quickly earned his laurels as a judge, but he did not do so well on the stock market. With the crash of 1929, he ended up deeply in debt (he owed $85,000 to various banks), with an expensive style of living, an annual salary of $10,000, and power to decide the financial future of desperate men.[132] This spelled trouble, and it was not long in coming.

The Fox Film Corporation was in bankruptcy, and William Fox, its founder and President, was struggling to maintain corporate control against the demands of its creditors. The plum was a juicy one, for Fox Film claimed patent rights to "talking pictures." This claim, if established, would have put Fox Film in a position to dominate the industry and William Fox back in control of Fox Film.

On five occasions from 1935 to 1939, the trial court ruled against William Fox on his various claims, and on all these occasions, the Court of Appeals reversed and ruled for him.[133] All these Court of Appeals decisions were signed by Judge Joseph Buffington who had been appointed to the bench by President Benjamin Harrison in 1892. By the time of the Fox litigation, Buffington was in his eighties, deaf, and practically blind, and he refused to have a law clerk to look up the law, read briefs, and help write decisions. The decisions favorable to Fox were signed by Buffington but were actually written, and sold, by Judge Davis.[134]

Subsequent investigations disclosed that Fox had paid Judge Davis substantial bribes in fifty and one-hundred dollar bills: once in a hallway at the corner of Twelfth and Chestnut Streets in Philadelphia, more often in the apartment of Fox's attorney Morgan S. Kaufman.[135] Kaufman knew a good thing when he saw one, and after the Fox litigation ended, he acted as counsel and go-between with Judge Davis on behalf of the Universal Oil Products Company,[136] the American Safety Table Company,[137] and other important business concerns not unwilling to spread a little cash wherever it would advance their corporate interests.

Judge William E. Clark, the third member of the Third Circuit Court of Appeals, grew suspicious of his colleagues Davis and Buffington and relayed these suspicions to the Department of Justice. On November 8, 1941, Attorney General Francis Biddle requested Congress to investigate and impeach Judge Davis.[138] Davis blocked this move with a prompt resignation and a waiver of all pension and retirement rights. He retired to his Norfolk, Virginia, childhood home and died a broken man in 1945.

Unlike Manton and Davis, Judge Albert W. Johnson chose to bluff out the corruption charges until the verdict was certain.

Born in 1872, Johnson began his adult life as a school teacher in Lewisburg, Pennsylvania, and "read law" at night without the benefit of formal legal training. Admitted to the bar in 1898, he became active in public affairs. He was elected on several occasions to the state legislature [139] and served as the national president of the Patriotic Orders of the Sons of America. His activities reflected a long time dual interest: vigorous opposition to subversive movements and equally vigorous efforts to preserve the sanctity of the Sabbath.[140]

Johnson was appointed to the United States District Court for the Middle District of Pennsylvania by President Calvin Coolidge in 1925 over the strenuous objections of the local bar associations and the local press.[141]

Criticism soon erupted again when, in 1931, the *Philadelphia Inquirer* disclosed that Judge Johnson had appointed his son-in-law Carl Schug as trustee in eleven of the first twenty bankruptcy cases filed that year.[142] Subsequent newspaper stories revealed that the Judge and his sons owned an exclusive hunting club called the Tea Springs Lodge. The high initiation and annual dues were apparently worth the price, for eighty-two per cent of the members were appointed by Judge Johnson to lucrative posts as appraisers, receivers, trustees, attorneys for trustees, special masters, or referees in bankruptcy.[143]

Subsequent investigations came hot and heavy. In 1933, Attorney General Homer Cummings announced a federal inquiry into the "receivership racket" in Pennsylvania.[144] In 1934, a Pennsylvania grand jury looked into the matter, and in 1936 and again in 1939, there were federal probes of his judicial behavior. In 1941, Judge Albert L. Watson, who sat on the same court with Judge Johnson and who was subsequently impeached, officially complained to the Court of Appeals that Judge Johnson was "hogging" the bankruptcy business.[145]

Judge Johnson miraculously survived all this, but he came a cropper in 1943 when the United States prosecuted a clothing manufacturer for stealing cloth from the government.

The government attorneys had an "air tight" case, so they were not worried when the Judge's son was associated with the defense. But they were dismayed at the subsequent shuttlecock exchange between the judge and jury. The judge charged the jury to find the defendant innocent of all charges. The jury refused this instruction and found the defendant guilty. Judge Johnson refused to accept this verdict, berated the jury, and sent it back to the jury room with instructions to bring in a verdict of not guilty. The jury compromised this time and found the defendant guilty on some counts of the indictment and not guilty on others. Then came the sentence. A local reporter predicted to the government attorneys that the defendant would withdraw the motion for a new trial then pending, throw himself on the mercy of the court, and that Judge Johnson would do no more than impose a nominal fine. This came to pass and the government attorneys returned to Washington boiling.[146]

Congressman Sautoff of Wisconsin was informed of the case and discussed it on the floor of Congress. A few days later the House passed a resolution authorizing an investigation by the House Judiciary Committee. Judge Johnson then met his match, for the investigation was conducted by Congressman (later Senator and Vice-Presidential candidate) Estes Kefauver of Tennessee.

Kefauver went at it with vigor and, after lengthy hearings into all phases of the Judge's activities, issued a scathing report. He concluded that Judge Johnson had "notoriously engaged in the barter and sale of court offices" and that his "decisions, decrees, orders and rulings commonly were sold for all the traffic would bear." [147] The clothing manufacturer who got off (despite his guilt of wartime theft of scarce materials) with a small fine was merely small potatoes. The Bethlehem Steel Company, for one of many given examples, had paid Judge Johnson $250,000 for a decision in a bankruptcy case where it, as a creditor, wanted a favored priority position over other creditors.[148]

The Kefauver report showed that very little had escaped the avarice of Judge Johnson. He owned an apartment house where all the court attaches were required to live at rents higher than those paid by other tenants for similar quarters. He even required his government secretary to begin her day's work cleaning and dusting his home and preparing the Judge's breakfast.[149]

Judge Johnson resigned after the report was issued, and the House Committee voted to let the matter drop because the "Senate is engaged in the consideration of so many issues vital to the welfare of the nation."

The most baffling aspect of the whole situation is that Judge Johnson was elected president of the local bar association when he returned to the private practice of law.[150]

There were others like Judge Johnson who resigned when charges were made in the House that they had sold justice or taken kick-backs: Judge Charles T. Sherman of Ohio, who had actually threatened to sue the New York Stock Exchange in 1873 when it reneged on its promised payment; [151] Judge Francis A. Winslow, when Congressman LaGuardia charged in 1929 that he had organized a "banruptcy ring" in New York City and had taken "improper considerations" from a lawyer with a large practice in his court; [152] Judge Daniel Threw Wright of the District of Columbia Supreme Court, who was charged by the House in 1914 with appropriating court money for his own use; [153] Judge Ferdinand A. Geiger of Wisconsin, who thereby avoided the necessity in 1939 of explaining why he had abruptly dismissed a grand jury before it could report an antitrust indictment against Chrysler, Ford, and General Motors.[154]

Judge George H. English of Illinois delayed his resignation until the day the Senate was due to begin his impeachment trial. He owed his appointment as a judge to a politician named Charles B. Thomas, and the charge was that the Judge appointed Thomas to bankruptcy positions, that Thomas in turn appointed George H. English, Jr. as his attorney, that the Judge approved outrageous fees out of the bankrupt estates for both his former mentor and his son, and that they in turn made "loans" to the Judge. Other parts of the impeachment charge were that the Judge deposited the court funds in a hitherto obscure bank which he and his relatives controlled, and the bank made large loans to the Judge with little or no collateral and at little or no interest.[155]

The following charges made against the judges whom the House of Representatives "reprimanded" but did not impeach are equally serious: that in 1890 Aleck Boarman of Louisiana took the money of the court for his personal use and "borrowed" additional funds from the court marshal; [156] that Judge Emory Speer of Georgia accepted railroad passes in 1914 and deposited bankruptcy funds in favored banks; [157] that in 1930 Judge Grovery Moscowitz continued a business interest in his former New York law firm and appointed members of that firm to high-paid receiverships.[158]

The Judges whom the House of Representatives acquitted of wrongdoing were all charged, at least on the face of the accusations, with bribery or "other high Crimes and Misdemeanors" even though the evidence did not support the charge: Judge Henry Blodgett of Illinois in 1879 [159] and Judge Augustus Ricks of Ohio in 1895 [160] were charged with having borrowed court funds for personal use, and Judge William Van Ness of New York in 1818 [161] failed to exercise vigilance over the court funds with the consequence being that a clerk made off with them.

The charges filed against Mr. Justice William O. Douglas by Congressman Gerald Ford obviously are not of the same nature as those detailed above, nor do they approach in character the behavior, discussed below, of judges who were charged, but not impeached by the House, on the basis of job-related misconduct which did not constitute "Treason, Bribery or other high Crimes and Misdemeanors."

Scandalous or improper job-related behavior

In 1804, the House impeached and the Senate convicted John Pickering on a multitude of charges, one being that he "did appear upon the bench in a state of total intoxication, produced by the free and intemperate use of inebriating liquors." [162] Since that early date, the House of Representatives has declined to impeach a judge when the only charge against him is alcoholism. Thus,

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Footnotes at end of article.

in 1808, the legislature of Mississippi requested the House to impeach Territorial Judge Peter Bruin for this reason, but the House refused to do so.[163] And, one hundred years later in 1925, the Judiciary Committee recommended against the impeachment of West Virginia Judge William E. Baker although it was charged that he was drunk on duty, drunk, moreover, on liquor confiscated by prohibition agents and stored in the courthouse for safe-keeping.[164]

Drunkeness is only one kind of scandalous judicial behavior which is not "good." Some judges abstain, or leave their liquor at home, and carry with them to the courtroom a quick temper, a sharp prejudice, or a vanity which is openly displayed at the expense of counsel, litigants, and witnesses.

The House of Representatives impeached Mr. Justice Chase [165] and Judge Peck [166] for abusive misuse of their judicial authority, but in neither situation did the Senate agree that such behavior was an impeachable offense. Since those early years of the past century, the House has consistently refused to impeach for misuse of judicial authority: when it was charged, in 1804, that Judge Richard Peters of Pennsylvania engaged in on-the-bench misconduct in the trial of Sedition cases; [167] in 1822, that Judge Charles Tait of Alabama engaged in "tyrannical conduct" toward members of the Bar;[168] in 1825, that Judge Buckner Thurston was "rude, insolent, and undignified" while presiding on the circuit court for the District of Columbia; [169] in 1833, that Judge Benjamin Johnson of the territory of Arkansas displayed favoritism of counsel, irritability, rudeness, and habitual intemperance; [170] in 1908, that Judge Lebbus R. Wilfley of the United States Court in China maintained a "dictatorial attitude" on the bench; [171] and, in 1935, when Congressman (later Senator) Dirksen charged that Judge Samuel Alschuler sat on a case and openly favored the Pullman Company, which was represented by the son of former governor Edward Dunne with whom the Judge had long political ties.[172]

More germane to the charge against Mr. William O. Douglas that he ruled in favor of Ginzburg's pornographic magazines is the House of Representatives' history, since getting off to a bad start with Justice Chase and Judge Peck, of refusing to impeach a judge because of his rulings in a particular case or because of a line of his decisions.[173] In this century, the House refused to impeach Judge Alston G. Dayton when Congressman (later Senator) Neeley charged him in 1914 with "improperly issuing injunctions to prevent the miners from exercising their just and legal rights under the laws of West Virginia." [174]

The House refused to impeach Judge Frank Cooper of New York in 1927 when Congressman LaGuardia charged that he "ignored and disregarded the law of the land" in permitting government agents to decoy persons into violation of the Prohibition laws.[175]

The House refused to impeach Judge James A. Lowell when Congressman Howard Smith of Virginia charged him with "disregard of the Constitution . . . and the decisions of the Supreme Court" because the Massachusetts judge had refused to extradite a Negro fugitive back to Virginia for trial because "negroes there were excluded from jury service." [176]

The House refused to impeach Judge Joseph W. Molyneaux in 1934 when Congressman Shoemaker charged that the judge had interfered with an investigation of several banks by the Minnesota State Commerce Commission by issuing an illegal injunction.[177]

It is for this reason that impeachment charges against Judge Herald Cox never reached the House floor,[178] although the behavior of the Mississippi judge was not "good" when he repeatedly referred to Negro litigants before his court with racist slurs (he called them chimpanzees).[179] For the same reason, the Ku Klux Klan of Richmond, Virginia, did no more than whistle Dixie when it threatened to institute impeachment proceedings against federal Judge Robert R. Merhige if he incorporated a "busing" provision in the city's school desegregation plan.[180]

In summary, the charges against Justice William O. Douglas are unique in our history of impeachment. The House had stood ready to impeach judges for Treason, Bribery, and related financial crimes and misdemeanors. It has refused to impeach judges charged with on-the-job misconduct when that behavior was not also an indictable criminal offense. Only once before has a judge even been charged with impeachment for non-job-related activities—in 1921, when Judge Kenesaw Mountain Landis was charged with accepting the job as Commissioner of big-league baseball—and there the House Judiciary Committee refused to dignify the charge with a report pro or con.[181] Never in our impeachment history, until Congressman Ford leveled his charges against Mr. Justice Douglas, has it ever been suggested that a judge could be impeached because, while off the bench, he exercised his First Amendment rights to speak and write on issues of the day and to associate with others in educational enterprises.

CONCLUSION

This brief history of Congressional impeachment shows several things. First, it shows that it works. It is not a rusty, unused power. Since 1796, fifty-five judges—approximately one in every three to four years—have been charged on the Floor of the House of Representatives. Thirty-three judges have been charged with "Treason, Bribery, or other High Crimes and Misdemeanors." Three of them have been found guilty by the Senate and removed from office; twenty-two additional judges have resigned rather than face Senate trial and public exposure. This amounts to one "corrupt" judge for approximately every seven years. Presumably, most of the federal judges who should be impeached are impeached.

Second, by its deeds and actions, Congress has recognized what Chief Justice Burger recently described as "the imperative need for total and absolute independence of judges in deciding cases or in any phase of the decisional function." [182] Except for a few abberations in the early-1800 period of unprecedented political upheaval, Congress has refused to impeach a judge for lack of "good behaviour" unless the behavior was both job-related and criminal. This has been true whether the judge was drunk on the bench,[183] whether the judge exploited and abused the authority of his robes,[184] or whether the judge handed down unpopular or wrong decisions.[185]

How could it be otherwise? The purpose of an "independent Judiciary" in our system of government-by-separation-of-powers is to check the excesses of the legislative and executive branches of the government and to cry a halt when popular passions grip the Congress and laws are adopted which abridge and infringe upon the rights guaranteed to all citizens by the Constitution. The judges must be strong and secure if they are to do this job well.

John Dickinson proposed at the Constitutional Convention that federal judges should be removed upon a petition by the majority of each House of Congress. This proposal was rejected because it was contradictory to judicial tenure during good behavior and because it would make the judiciary "dangerously dependent" on the legislature.[186]

During the Jeffersonian purge of the federal bench, Senate leader William Giles proclaimed that "removal by impeachment" is nothing more than a declaration by both Houses of Congress to the judge that "you hold dangerous opinions." This theory of the impeachment powers was rejected in 1804 because it would put in peril "the integrity of the whole national judicial establishment." [187]

Now Congressman Ford suggests that "an impeachable offense" is nothing more than "whatever a majority of the House of Representatives considers it to be at a given moment in history." [188]

Does he really mean that Chief Justice Warren might have been impeached because "at a given moment in history" a majority of the House and two-thirds of the Senate objected strongly to his opinion ordering an end to school-segregation or to his equally controversial decision against school prayer? Does he really mean that Judge Julius Hoffman is impeachable if a majority of this or the next Congress decides that he was wrong in his handling of the "Chicago Seven"? Does he really want a situation where federal judges must keep one eye on the mood of Congress and the other on the proceedings before them in court in order to maintain their tenure in office? If Congressman Ford is right, it bodes ill for the concept of an independent judiciary and the corollary doctrine of a constitutional government of laws.

However, to suggest that Congress should not capriciously wield its impeachment power does not mean that Congress should keep its hands off the judiciary. Far from it. Many congressional actions are desirable and appropriate and entirely in keeping with the maintenance of an "independent judiciary."

Some few of our most distinguished judges (Martin Manton and J. Warren Davis, for example) have succumbed to the lure of "easy money" when caught in a financial bind. Congress should ensure that federal judges are always paid a comfortable salary ahead of inflationary costs of living. This would at least minimize the temptations for selling justice.

Other judges, with advancing age, get crotchety, forgetful, arbitrary, or just lose touch with modern currents of style and thought. A mandatory retirement age at around seventy would deprive us of the maturing wisdom of a Holmes, a Brandeis, a Frankfurter, or a Black; but it would eliminate the John Pickerings and the Joseph Buffingtons; and it would benefit over-all with the infusion of new minds and fresh outlooks.

Judges in the past, and perhaps some today, drink too much. Others bring their cupidity, their racial and other prejudices to the bench with them. Some few are incompetent and are appointed for reasons totally unrelated to merit. These undesirable traits are discernible long before late middle-age when most lawyers are tapped for federal judgeships. The answer lies not in "impeachment" after the fact, but in curing the initial appointive processes. Judge Harold Carswell was confirmed by the Senate to a top judicial post on the Court of Appeals for the Fifth Circuit after no more than an hour or two of perfunctory "hearings." There was no exploration of his background or his fitness to serve as a judge in the deep South until President Nixon appointed him to the Supreme Court when his "racial" bias was uncovered.

The American Bar Association purports to "grade" and "qualify" judicial appointees. There is no reason why the House of Representatives (with the Constitutional mandate to initiate impeachment) should not also appoint a "watch dog" committee to scrutinize all judicial appointees and share its knowledge through testimony before the appropriate Senate body.

Despite all precautions in the appointive processes, a few judges will exploit their

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Footnotes at end of article.

public position for private gain. It has happened in the past, it will happen in the future. Presently, there is no central forum to hear complaints against judges at early stages, and, as a result, the Judge Albert Johnsons survive on corruption and bribery for twenty years with the individual members of the local bar fearful of making a public outcry. A House of Representatives "watch dog" committee should be available as a matter of course, to hear complaints from fellow judges, local lawyers, newsmen, and private litigants and to sift them carefully in closed session. The approach suggested above is a better answer to the problem of the non-judicious judge who abuses his robes than the answer suggested by Congressman Ford.

"In 1835, the French observer de Tocqueville wrote:

"A decline of public morals in the United States will probably be marked by the abuse of the power of impeachment as a means of crushing political adversaries or ejecting them from office."[189]

Let us hope that that day has not yet arrived.

FOOTNOTES

* Member of the United States House of Representatives.

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[1] J. Borkin, The Corrupt Judge 5 (1962) [hereinafter cited as Borkin]. Mr. Borkin's book is by far the most definitive work on the subject of impeachment, and it should be heavily used by all subsequent writers on the subject. It compliments very well the earlier study on the subject—A. Simpson, Federal Impeachments (1916)—which appends all the charges in impeachment cases to the date of publication. *See also* Simpson, *Federal Impeachments*, 64 U. Pa. L. Rev. 803 (1916). Other notable law review coverage of the subject includes: Brown, *Impeachment of Federal Judiciary*, 26 Harv. L. Rev. 684 (1913); ten Broek, *Partisan Politics and Federal Judgeship Impeachment Since 1903*, 23 Minn. L. Rev. 185 (1939) [hereinafter cited as ten Broek]; and Yankwich, *Impeachment of Civil Officers Under the Federal Constitution*, 26 Geo. L. Rev. 849 (1938).

[2] Gouverneur Morris and James Wilson argued that such dependence by the judiciary upon the good will of the other branches was contradictory to tenure during good behavior. Dickinson's motion received the vote of only one state, his own state of Delaware. The matter is discussed in Turner, *The Impeachment of John Pickering*, 54 Am. Hist. Rev. 485, 492 (1949).

[3] U.S. Const. art. III, § 1: "The Judges, both the supreme and inferior Courts, shall hold their Offices during good Behaviour; and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office."

[4] U.S. Const. art. II, § 4: "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." It was originally intended that this section of the Constitution provide the exclusive process and the sole grounds for removal of federal judges. Thus, Alexander Hamilton in his articles explaining the Constitution to the State Conventions called to adopt it wrote that federal judges "are liable to be impeached for mal-conduct by the House of Representatives, and trial by the Senate. . . ." The Federalist No. 7 (Cooke ed. 1961).

[5] U.S. Const. art. I, § 2, cl. 5: "The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment."

[6] Impeachment may be initiated by charges made on the Floor by a member of the House, 3 A. Hinds, Precedents of the House of Representatives §§ 2342, 2400, 2469 (1907) [hereinafter cited as Hinds]. Impeachment may also be initiated by a memorial containing charges under oath, *id.* §§ 2364, 2486, 2491, 2494; by a message from the President, *id.* §§ 2294, 2319; by a charge preferred by a State or territorial legislature, *id.* §§ 2469, 2487; or by petition, *id.* § 2030.

[7] Charges have been examined by the House before impeachments have been voted. After the charge is originally made, it is by resolution referred to a standing committee or to a special committee for investigation and report. *Id.* §§ 2519, 2342.

[8] Upon conclusion of the investigation by the designated committee, a report favoring impeachment may be referred to the House Calendar, 4 *Id.* § 499. Or it may be committed to the Committee of the Whole House on the State of the Union, 3 *Id.* § 2365. The question is generally submitted to the House in the following form: "Will the House adopt the articles, as its articles of impeachment, against ———?"

[9] Managers are usually appointed from those in accord with the sentiment of the House and from both parties. After the House has voted impeachment, it notifies the Senate thereof by message. *Id.* §§ 2413, 2446. Upon receipt of the message, the Senate adopts an order and sends a memorial to the House that it is ready to receive articles. *Id.* §§ 2078, 2345. The managers, on the part of the House, present to the Senate the articles of impeachment signed by the Speaker, and the chairman of the managers impeaches at the bar of Senate by oral accusation. *Id.* §§ 2413, 2446.

[10] U.S. Const. art. I, § 3, cl. 6. "The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation . . . And no Person shall be convicted without the Concurrence of two thirds of the Members present."

[11] The respondent may demur to the charges on the grounds that the offense alleged is not a high crime or misdemeanor within the meaning of the Constitution. 3 Hinds § 2453.

[12] The presiding officer has power to issue all orders, mandates, and writs needed to compel the attendance of witnesses and to enforce obedience of his orders. The presiding officer rules on all questions of evidence and incidental questions which may arise. He may, at his option, submit questions to a vote of the members of the Senate. Witnesses are sworn and examined by the managers of the House and may be cross-examined by the respondent or his counsel. *Id.* at §§ 2082–89.

[13] See note 10 *supra*.

[14] U.S. Const. art. I, § 3, cl. 7: "Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law."

[15] 116 Cong. Rec. H. 3112 (daily ed. April 15, 1970).

[16] United States v. Ginzburg, 224 F. Supp. 129 (E.D. Pa. 1963).

[17] Ginzburg v. United States, 383 U.S. 463, 482 (1966).

[18] Ginzburg v. Goldwater, 396 U.S. 1049 (1970) (Black & Douglas, J.J., dissenting).

[19] *Id.* at 1052.

[20] 116 Cong. Rec. H. at 3114–15. Congressman Fraser interrupted to say that the earlier version of the Ford press release charged Justice Douglas with having accepted a fee for an article in a magazine at the time that person had a case pending in the Supreme Court. In fact, that was a false allegation. . . . [A]pparently between that time and the time he spoke on the floor he learned it was false and modified his statement. My only purpose in asking him to yield was so that the press would be clear that in fact he had changed that very serious allegation since it was brought. *Id.* at 3115.

[21] *Id.*

[22] *Id.* at 3116.

[23] *Id.* at 3116–17.

[24] *Id.* at 3118.

[25] *Id.* at 3113.

[26] What, then is an impeachable offense? The only honest answer is that an impeachable offense is whatever a majority of the House of Representatives considers [it] to be at a given moment in history; conviction results from whatever offense or offenses two-thirds of the other body considers to be sufficiently serious to require removal of the accused from office. *Id.* at 3113–14.

[27] *Id.* at 3114.

[28] John Pickering (1803), *convicted;* Samuel Chase (1804), *acquitted;* James H. Peck (1831), *acquitted;* West H. Humphreys (1862), *convicted;* Charles Swayne (1903), *acquitted;* Robert W. Archbald (1912), *convicted;* Harold Louderbach (1932), *acquitted;* and Halsted L. Ritter (1936), *convicted.*

[29] Act of July 14, 1798, ch. 74, § 2, 1 Stat. 596.

[30] 3 A. Beveridge, Life of John Marshall 30 (1919) [hereinafter cited as Beveridge]. Congressman Lyon was indicted under the accusation that by this speech he had tried "to stir up sedition and bring the President and the Government of the United States into contempt." *Id.* at 31. He was convicted.

[31] *Id.* at 32. Editor Anthony Haswell also asserted in the advertisement that Congressman Lyon "is holden by the oppressive hand of usurped power."

[32] *Id.* at 42. In the words of Beveridge, "[i]t seems that such were the demonstrations of the people, . . . that the case was dropped."

[33] *Id.* The by-stander, one Baldwin, was fined $100.00.

[34] The method of securing indictments and convictions also met with public condemnation. In many states the United States Marshals selected what persons they pleased as members of the grand juries and trial juries. These officers of the National Courts were, without exception, Federalists; in many cases, Federalist politicans.

[35] *Id.* at 34.

[36] Dr. Thomas Cooper, editor of the "Sunbury And Northumberland Gazette," editorialized about Adams that at the beginning of his administration, "even those who doubted his capacity thought well of his intentions . . . Nor were we yet saddled with the expense of a permanent navy, or threatened . . . with the existence of a standing army. . . . Mr. Adams . . . had not yet interfered . . . to influence the decisions of a court of justice." *Id.* at 33, *quoting* F. Wharton, State Trials of the United States During the Administrations of Washington and Adams 661–62 (1849).

[37] *Id.* at 113.

[38] Act of Feb. 13, 1801, ch. 4, § 7, 2 Stat. 90.

[39] Act of Feb. 27, 1801, ch. 15, § 11, 2 Stat. 107; this statute authorized the appointment of justices of the peace in Washington, D.C. President Adams then filled forty-two of these posts with Federalists. 3 Beveridge at 110.

[40] Act of Feb. 13, 1801, ch. 4, § 3, 2 Stat. 89.

[41] 3 Beveridge at 56–57.

[42] *Id.* at 21.

[43] *Id.*

[44] Jefferson was inaugurated on Mar. 4, 1801 and commented in his address that "The Judiciary system . . . and especially that portion of it recently enacted, will, of course, present itself to the contemplation of Congress." *Id.* at 51. On Jan. 6, 1802, Senator John Breckenridge of Kentucky "pulled the lanyard that fired the opening gun" with a motion to repeal the Judiciary Act of 1801. *Id.* at 58.

[45] John Marshall held firmly to the opinion that insofar as the Republican Judiciary Repeal Act of 1802, Act of March 8, 1802, ch. 8, §§ 1–5, 2 Stat. 132, deprived federal judges of their offices and salaries, that legislation was unconstitutional. He urged the appointed judges to ignore the 1802 Act and perform their duties. *Id.* at 122.

Certain of the deposed National judges had taken steps to bring the Republican measure before the Supreme Court, but their energies flagged, their hearts failed, and their only action was a futile and foolish protest to the very Congress that had wrested their judicial seats from under them. Marshall was thus deprived of the opportunity at the only time he could have availed himself of it. *Id.* at 123.

[46] During the floor debate, Senator Gouverneur Morris of New York argued in vain that "to repeal the Federal Judiciary Law would be a declaration to the remaining judges that they hold their offices subject to [Congress'] will and pleasure. Thus, the check established by the Constitution is destroyed." *Id.* at 60.

[47] In answer to the threat that the Supreme Court would declare unconstitutional the Republican Repeal Act, a Senate committee was appointed to examine further the National Judiciary establishment. . . . Within a week the committee proposed and the Senate enacted a law eliminating the June session of the Supreme Court, and directing that the Court should convene but once each year, and fixed the second Monday of February as the time of the annual session. *Id.* at 95.

[48] "There was a particular and powerful reason for Marshall to fear impeachment, for should he be deposed, it was certain that Jefferson would appoint Spencer Roane of Virginia to be Chief Justice of the United States." *Id.* at 113.

[49] *Id.* at 157.

[50] *Id.* at 158. The Jeffersonian Republicans also beat down a Federalist proposal that the form of final vote should be whether or not Pickering was guilty or not guilty "of high crimes and misdemeanors." Instead, the form of the vote was whether or not Pickering was guilty "as charged." Turner, *supra* note 2, at 504.

[51] 3 Beveridge at 93.

[52] *Id.* at 159.

[53] Act of Feb. 13, 1801, ch. 4, § 25, 2 Stat. 97.

[54] Turner, *supra* note 2, at 488–89.

[55] *Id.* at 490–91.

[56] *Id.*

[57] *Id.* at 490.

[58] Senator Jackson of Georgia argued that instanity was not a defense because "a still more important case was coming up soon" and "by-and-by we should have Judge Chase's friends come and pretend he was mad." *Id.* at 499.

[59] *Id.* at 487–88.

[60] 3 Beveridge 184–85.

[61] *Id.* 46–47.

[62] *Id.* at 39.

[63] *Id.* at 195.

[64] See note 35 *supra*.

[65] 3 Beveridge 36.

[66] Chase also condemned to the assembled grand jurors "the modern doctrines by our late reformers that all men, in a state of society, are entitled to enjoy equal liberty and equal rights. . . ." *Id.* at 169. The members of the Maryland legislature demanded that the Justice be impeached and removed from the bench. *Id.* at 170.

[67] *Id.* at 37.

[68] *Id.* at 39.

[69] *Id.* at 41.

[70] *Id.* at 173.

[71] *Id.* at 205–06. The Federalists argued that while the Judge's "unusual rude and contemptuous expressions" from the bench were "a violation of the principles of politeness" and displayed a "want of decorum," they did not constitute an impeachable "High Crime and Misdemeanor." *Id.* at 202.

[72] Six days before the Senate trial ended, it was interrupted by Vice President Aaron Burr to announce the Electoral College returns: Thomas Jefferson and George Clinton were duly elected to the respective offices of President and Vice-President. Burr had been "dumped" by Jefferson in favor of Burr's arch political rival, George Clinton of New York; and it is worthy of some comment that the Republican Senators who voted against impeachment were from the Burr strongholds of the Northeast and the West. *Id.* at 197. Burr was one of the few Republicans who had voted against the repeal of the 1801 Judiciary Act, and it was his followers in the Senate who had abstained in the Pickering vote. *Id.* at 280.

[73] *Id.* at 219–20.

[74] *Id.* at 221.

[75] *Id.*

[76] *Id.* at 222.

[77] *Id.* at 220.

[78] Reinhardt, *The Impeachment Proceedings Against Judge James Hawkins Peck,* 13 U. Kan. City L. Rev. 106, 108–09 (1944) [hereinafter cited as Reinhardt].

[79] *Id.* at 108.

[80] *Id.*

[81] *Id.* at 109. John Marshall, when he thought all was lost during the Chase impeachment trial, made a similar proposal, i.e., that "the doctrine of impeachment should yield to an appellate jurisdiction [of Supreme Court decisions] *in the legislature.*" 3 Beveridge at 177 (emphasis added).

[82] Reinhardt at 109.

[83] *See generally Id.* at 110–12.

[84] *See Id.*

[85] *See Id.*

[86] This was in 1826. The matter was referred to the Judiciary Committee, which reported back in 1827 that the Congressman had leave to withdraw his memorial.

On December 29, 1828, Congressman McDuffie of South Carolina presented a similar memorial. It was referred to the Judiciary Committee, which took no action during that session of Congress.

On December 14, 1829, McDuffie repeated the motion he had made the previous session, and this time the Judiciary Committee recommended impeachment. *Id.* at 110.

[87] 3 Hinds § 772.

[88] Act of March 2, 1831, ch. 99, § 1, 4 Stat. 487.

[89] Reinhardt at 117–18.

[90] Soulard v. United States, 35 U.S. (10 Pet.) 100 (1836).

[91] A. Simpson, *supra* note 1, at 197–99.

[92] The text of the charges against Judge Humphreys is set forth verbatim in A. Simpson, *supra* note 1, app. See also Brown, *supra* note 1, at 701.

[93] ten Broek at 187.

[94] Proceedings in the Senate of the United States in the Matter of the Impeachment of Charles Swayne 282–84 (1905). A version more favorable to Judge Swayne is presented in Littlefield, *The Impeachment of Judge Swayne,* 17 Green Bag 193, 200–05 (1905).

[95] Article VIII of the impeachment charge, A. Simpson, *supra* note 1, app.

[96] ten Broek at 189 n. 19.

[97] A. Simpson, *supra* note 1, 585.

[98] ten Broek at 189 n.20.

[99] *Id.* at 192 n.30.

[100] *Id.* at 192.

[101] *E.g.,* Lochner v. New York, 198 U.S. 405 (1905).

[102] ten Broek at 191–92.

[103] 3 Hinds § 515.

[104] ten Broek at 196.

[105] *Id.* at 199.

[106] The impeachment charges are set out in S. Doc. No. 200, 74th Cong., 2d Sess. 3066–69, 4597–99 (1936).

[107] ten Broek at 200; Yankwich, *supra* note 1, at 857–58.

[108] See text at note 57 *supra*.

[109] See text at note 68 *supra*.

[110] See text at note 89 *supra*.

[111] See text at note 92 *supra*.

[112] See text at notes 95 & 96 *supra*.

[113] See text at note 98 *supra*.

[114] See text at notes 103 & 104 *supra*.

[115] See text at note 106 *supra*.

[116] 1 State Papers, Misc. 4th Cong., 1st Sess. 151–52 (1796).

[117] See text at note 92 *supra*.

[118] 18 Annals of Cong. 2760–90 (1808).

[119] These include Judges Philip K. Lawrence of Louisiana (1839); John C. Watrous of Texas (1860); Mark H. Delahay of Kansas (1872); Edward H. Durell of Louisiana (1874); Charles T. Sherman of Ohio (1873); Richard Busteed of Alabama (1875); Cornelius H. Hanford of Washington (1912); Daniel Threw Wright of the District of Columbia (1914); George W. English of Illinois (1925); Francis A. Winslow of New York (1929); Ferdinand R. Geiger of Wisconsin (1939); Minton T. Manton of New York (1939); Warren J. Davis of New Jersey (1941); and Albert T. Johnson of Pennsylvania (1945). Four other judges resigned pending inquiry, and the House did not disclose the nature of the charges against them: Thomas Irwin of Pennsylvania (1859); D. C. Humphreys of the District of Columbia (1875); Andrew Wylie of the District of Columbia (1875); and William Stephens of Georgia (1818).

[120] These include Judges Alec Boarman of Louisiana (1890); Augustus J. Ricks of Ohio (1895); Emory Speer of Georgia (1914); Grover M. Moscowitz of New York (1930); and Harry B. Anderson of Tennessee (1941).

[121] Judges William P. Van Ness of New York (1818); Charles Tait of Alabama (1822); Harry W. Blodgett of Illinois (1879); and Albert L. Watson of Pennsylvania (1947).

[122] Judge Joseph L. Smith of Florida (1830); and Judge William F. Story of Arkansas (1874).

[123] H.R. Rep. No. 272, 25th Cong., 3d Sess. 35 (1839).

[124] Borkin at 229.

[125] H.R. Rep. No. 732, 43d Cong., 1st Sess. 1 (1874).

[126] Borkin at 25–26.

[127] *Id.* at 44–45.

[128] *Id.* at 27.

[129] *Id.* at 28.

[130] *Id.* at 79–80.

[131] *Id.* at 98.

[132] *Id.* at 99.

[133] *Id.* at 106–07.

[134] *Id.* at 101.

[135] *Id.* at 107.

[136] *Id.* at 108.

[137] *Id.* at 113.

[138] *Id.* at 120.

[139] *Id.* at 142.

[140] *Id.* at 143.

[141] *Id.* at 142.

[142] *Id.* at 143.

[143] *Id.* at 144.

[144] *Id.*

[145] *Id.* at 146–47.

[146] *Id.* at 148–49.

[147] H.R. Rep. No. 1639, 79th Cong., 2d Sess. 2 (1946).

[148] *Id.* at 26–38.

[149] *Id.* at 43–44.

[150] Borkin at 186.

[151] 3 Hinds § 2511; Cong. Globe, 43d Cong., 3d Sess. 1655–56 (1873).

[152] 70 Cong. Rec. 5067–68 (1929).

[153] 51 Cong. Rec. 5238 (1914).

[154] The President of the Wisconsin State Bar Association testified that Judge Geiger dismissed the grand jury because he disapproved of the Government's use of a grand jury as a means of coercing the motor companies into a "consent decree." *Hearings Before the House Comm. on the Judiciary,* 75th Cong., 3d Sess., ser. 2, at 7 (1938).

[155] ten Broek at 195.

[156] 21 Cong. Rec. 3595 (1891).

[157] 50 Cong. Rec. 3824 (1913).

[158] H.R. Rep. No. 1106, 71st Cong., 2d Sess. 3 (1930).

[159] 8 Cong. Rec. 2388 (1879).

[160] H.R. Rep. No. 1670, 53d Cong., 3d Sess. 1 (1895).

[161] H.R. Rep. No. 464, 15th Cong., 2d Sess. 1 (1819).

[162] See text at notes 56–58 *supra.*

[163] 6 H.R. Jour., 10th Cong., 1st Sess. 264 (1808).

[164] Borkin at 222.

[165] See text at note 70 *supra.*

[166] See text at note 87 *supra.*

[167] 4 H.R. Jour., 8th Cong., 1st Sess., 520, 643 (1804).

[168] 40 Annals of Cong. 463 (1822).

[169] H.R. Rep. No. 327, 24th Cong., 2d Sess. 1 (1837). The defense was that Judge Thurston labored under a mental disease. *Id.* at 5.

[170] H.R. Rep. No. 88 22d Cong., 2d Sess. 1 (1833). The House Committee also reported that a territorial judge, holding office for a term of four years, "is not a proper subject of trial by impeachment." *Id.*

[171] Among other things, it was charged that when Judge Wilfley was appointed to the United States Court for China, he gave a bar examination to the practicing lawyers and flunked them all. 42 Cong. Rec. 2263 (1908).

[172] 79 Cong Rec. 7081 (1935). When the impeachment resolution was introduced in the House, Senator Ashurst introduced in the Senate a resolution authorizing a committee of 12 Senators to receive evidence in the trial of any impeachment. *Id.* at 8309.

[173] See text at notes 70 & 87 *supra.*

[174] The Judiciary Committee recommended against impeachment although it reported that Judge Dayton "issued restraining orders of very drastic scope and comprehension in certain cases brought by coal operators of West Virginia against their operatives and employees" and that "his manner and language toward the defendants (union members) while upon the bench was that of hatred and bitterness." H.R. Rep. No. 1490, 63d Cong., 3d Sess. 4 (1915).

[175] The Judiciary Committee concluded that "while certain activities of the Hon. Frank Cooper with relation to the manner of procuring evidence in cases which would come before him for trial are not to be considered as approved by this report, it has reached the conclusion and finds that the evidence does not call for the interposition of the constitutional powers of the House with regard to impeachment." H.R. Rep. 2299, 69th Cong., 2d Sess. 1 (1927).

[176] 77 Cong. Rec. 2416–17 (1933).

[177] 78 Cong. Rec. 1099 (1934).

[178] New Republic, Sept. 4, 1965, at 13.

[179] New York Times, Jan. 12, 1965, at 18, col. 6.

[180] The Washington Post, Aug. 4, 1970, § A, at 13, col. 3.

[181] The Committee on the Judiciary recommended that the charges be considered by the next congress, H.R. Rep. No. 407, 66th Cong., 1st Sess. 1 (1921). The Sixty-seventh Congress took no action.

[182] Chandler v. Judicial Council of the Tenth Circuit, 398 U.S. 74, 84 (1970).

[183] See text following note 162 *supra.*

[184] See text following note 166 *supra.*

[185] See text following note 173 *supra.*

[186] See text at note 2 *supra.*

[187] See text at note 71 *supra.*

[188] See text at note 26 *supra.*

[189] ten Broek at 185, *quoting* Alexis de Tocqueville.

SST REPORT AND THE FREEDOM OF INFORMATION ACT

Mr. PROXMIRE. Mr. President, last Tuesday, April 13, the U.S. Court of Appeals for the District of Columbia handed down a far-reaching decision under the Freedom of Information Act—5 U.S.C. § 552. The Court declared that the Office of Science and Technology is an independent agency subject to the act and that a controversial report prepared for the agency in 1969 evaluating the SST program may be covered.

Mr. President, many Members of Congress have asked that this study—known as the Garwin report—be made public. Calls for disclosure have come from both sides of the SST controversy. Representative Boland, of Massachusetts, one of the SST's strongest proponents, stated at a recent House hearing on the SST his belief that the failure to make the Garwin report public weakened the administration's case.

The Court of Appeals decision is a welcome one. The Garwin report should have been made public long ago. Great credit for bringing about last Tuesday's decision goes to Representative Henry Reuss, of Wisconsin, whose persistent efforts to obtain the report formed the basis for the Court's action.

Mr. President, I ask unanimous consent that the decision in *Soucie* v. *David,* Docket No. 24, 573, be printed in the Record.

There being no objection, the opinion was ordered to be printed in the Record, as follows:

[United States Court of Appeals for the District of Columbia Circuit, No. 24,573]

Edward E. David, Jr., Director, Office of Science and Technology, et al.

(Appeal from the United States District Court for the District of Columbia, Decided April 13, 1971)

Mr. Peter L. Koff, with whom *Messrs. Lawrence Speiser* and *Melvin L. Wulf* were on the brief, for appellants. *Mrs. Hope Eastman* also entered an appearance for appellants.

Mr. Jeffrey F. Axelrad, Attorney, Department of Justice, with whom *Messrs. Thomas A. Flannery,* United States Attorney, *Robert V. Zener* and *Harland F. Leathers,* Attorneys, Department of Justice, were on the brief, for appellees. *Mr. Morton Hollander,* Attorney, Department of Justice, also entered an appearance for appellees.

Mr. Peter L. Koff, Assistant Corporation Counsel for the City of Boston, Massachusetts, filed a brief on behalf of the City of Boston as *amicus curiae.*

Before Bazelon, *Chief Judge,* Van Dusen,* *Circuit Judge,* U.S. Court of Appeals for the Third Circuit, and Wilkey, *Circuit Judge.*

Bazelon, *Chief Judge:* This is an appeal from the dismissal of a suit for injunctive relief under the Freedom of Information Act.[1] Two citizens seek to compel the Director of the Office of Science and Technology (OST)[2] to release to them a document known as the Garwin Report, which evaluates the Federal Government's program for development of a supersonic transport aircraft (SST).[3]

The Report originated in the following manner. The President asked the Director of the OST, then Dr. Lee A. DuBridge,[4] to provide him with an "independent assessment" of the SST program. Dr. DuBridge convened a panel of experts, headed by Dr. Richard L. Garwin, to assist him. When the President learned of the panel, he asked to see its report. Dr. DuBridge subsequently transmitted the Garwin Report, along with his own evaluation, to the President.[5]

When appellants inquired about the Garwin Report, the OST indicated that it would not release the Report to members of the public because the Report was a Presidential document over which the OST had no control, and was "in the nature of inter- and intra-agency memoranda which contained opinions, conclusions and recommendations prepared for the advice of the President"[6] Appellants brought suit under the Freedom of Information Act to compel disclosure of the Report.[7] The District Court dismissed the complaint with a brief order stating that the Report is a Presidential document, and consequently, that the court has neither authority to compel its release nor jurisdiction over a suit to obtain that relief. At the hearing, the trial judge discussed the basis for his ruling. He stated that the OST is not an "agency" for the purposes of the Freedom of Information Act, but rather a part of the Office of the President, and that the Garwin Report is protected from compulsory disclosure by the doctrine of executive privilege.

Footnotes at end of article.

In Part I of this opinion we review the origin and functions of the OST and conclude that the OST is an agency, and that the Garwin Report is an agency record. Consequently, subject to any constitutional issues which may be raised, the complaint states a cause of action under the Freedom of Information Act, and the District Court erred in dismissing the suit. The case must be remanded for that court to consider whether the document is protected, in whole or in part, by any of the specific exemptions enumerated in the Act. In Part II of this opinion we indicate some of the considerations that will be relevant to that determination.

While the District Court referred to the doctrine of executive privilege in support of its decision, the privilege was not expressly invoked by the Government, and therefore, it was not properly before the court.[8] Serious constitutional questions would be presented by a claim of executive privilege as a defense to a suit under the Freedom of Information Act,[9] and the court should avoid the unnecessary decision of those questions.[10] Accordingly, whether or not the Government makes a claim of privilege on remand, the court should first consider whether the Report falls within any statutory exemption.[11] Only if the Act seems to require disclosure, and if the Government makes an express claim of executive privilege, will it be necessary for the court to consider whether the disclosure provisions of the Act exceed the constitutional power of Congress to control the actions of the executive branch.[12]

I

Congress passed the Freedom of Information Act in 1966 to strengthen the disclosure requirements of the Administrative Procedure Act (APA). Each federal agency subject to the APA must now make its records, with certain specific exceptions, available to "any person" who requests them; district courts have jurisdiction to order the production of any "identifiable record" which is "improperly withheld," and "the burden is on the agency to sustain its action."

Under the APA, an agency is any "authority of the Government of the United States, whether or not it is within or subject to review by another agency."[13] The statutory definition of "agency" is not entirely clear, but the APA apparently confers agency status on any administrative unit with substantial independent authority in the exercise of specific functions.[14] While the primary purpose of the APA is to regulate the processes of rule making and adjudication, administrative entities that perform neither function are nevertheless agencies, and therefore subject to the public information provisions of the APA, *i.e.,* the Freedom of Information Act.[15]

The District Court ruled that the OST is not an agency, but merely staff to the President.[16] On that theory, the only "authority" controlling the Garwin Report is the President, and the trial court held that the President is not subject to the disclosure provisions of the APA. We need not determine whether Congress intended the APA to apply to the President,[17] and whether the Constitution would permit Congress to require disclosure of his records,[18] for we have concluded that the OST is a separate agency, subject to the requirements of the Freedom of Information Act, and that the Garwin Report is a record of that agency.

The OST, created in 1962 by an executive reorganization plan, is authorized (1) to evaluate the scientific research programs of the various federal agencies, and (2) to advise and assist the President in achieving coordinated federal policies in science and technology.[19] Its functions had previously been assigned to the National Science Foundation,[20] but the President found that arrangement unsatisfactory: [21]

"[T]he Foundation, being at the same organizational level as other agencies, cannot satisfactorily coordinate Federal science policies or evaluate programs of other agencies. Science policies, transcending agency lines, need to be coordinated and shaped at the level of the Executive Office of the President drawing upon many resources both within and outside of Government. Similarly, staff efforts at that higher level are required for the evaluation of Government programs in science and technology."

The President therefore proposed a reorganization plan that transferred certain functions to an administrative unit "outside the White House Office, but in the Executive Office of the President on roughly the same basis as the Budget Bureau, the Council of Economic Advisors, the National Security Council, and the Office of Emergency Planning." [22]

A reorganization plan proposed by the President can take effect only if both houses of Congress acquiesce, *i.e.*, if neither house passes a resolution disapproving the plan within a fixed period of time.[23] The congressional understanding of a proposed plan is therefore entitled to considerable weight in determining its effect. The one house of Congress that explicitly considered the plan creating the OST [24] clearly contemplated that the OST would function as a distinct entity and not merely as part of the President's staff. The House Committee on Government Operations stated: [25]

"Heretofore, the Congress has not been able to obtain adequate information on Government-wide science matters because the President's Special Assistant for Science has been unavailable for questioning by congressional committees due to his confidential relationship with the President. We express no opinion here on the merits of this reasoning but this committee's position on excessive invocation of executive privilege is well known. With the creation of the new office the Director will become available to Congress and provide us with more information than we now obtain."

A Congressman commenting on the plan emphasized the same point: [26]

"With an Office established by the reorganization plan, and a Director and Deputy Director to head it, congressional committees will be able to deal with this organization on the same basis as they do with the Bureau of the Budget and the Council of Economic Advisers. We will have a responsible officer to whom we can direct inquiries, and whom we can summon to committees to give testimony on subjects of the greatest national importance."

If the OST's sole function were to advise and assist the President, that might be taken as an indication that the OST is part of the President's staff and not a separate agency. In addition to that function, however, the OST inherited from the National Science Foundation the function of evaluating federal programs. When Congress initially imposed that duty on the Foundation, it was delegating some of its own broad power of inquiry [27] in order to improve the information on federal scientific programs available to the legislature. When the responsibility for program evaluation was transferred to the OST, both the executive branch and members of Congress contemplated that Congress would retain control over information on federal programs accumulated by the OST, despite any confidential relation between the Director of the OST and the President—a relation that might result in the use of such information as a basis for advice to the President.[28] By virtue of its independent function of evaluating federal programs, the OST must be regarded as an agency subject to the APA and the Freedom of Information Act.

Moreover, the OST's interpretation of its own charter in 1967 lends additional support to the conclusion that it is a separate administrative entity.[29] At that time, the OST apparently considered itself an agency subject to the APA, for it published a notice in the Federal Register describing the information available to the public from the OST under the new Freedom of Information Act, and setting forth procedures for obtaining that information.[30]

Having concluded that the OST is an agency, we think it clear that the Garwin Report is a record of that agency for purposes of a suit under the Freedom of Information Act. The function of the OST is to evaluate federal scientific programs.[31] Consequently, any report prepared by the agency or its consultants in fulfillment of that function must be regarded as a record of the agency. It is true that the SST program was selected for evaluation because the President had requested an assessment of it. That request may bring the document within a statutory or constitutional exemption from the disclosure requirements of the Act.[32] But the request does not deprive the Garwin Report of its character as the record of a study made in the performance of the ordinary functions of the agency.

II

The conclusion that the Garwin Report is an agency record is only the beginning of the inquiry required under the Freedom of Information Act. The Act enumerates nine specific exemptions to its general requirement of disclosure.[33] On remand, the trial court must determine whether any of those exemptions is applicable.

It has been argued that courts may recognize other grounds for nondisclosure, apart from the statutory exemptions. At least one court has held that the Act's grant of "jurisdiction to enjoin" improper withholding of agency records leaves district courts with discretion to deny relief on general equitable grounds, even when no exemption is applicable.[34] But Congress clearly has the power to eliminate ordinary discretionary barriers to injunctive relief, and we believe that Congress intended to do so here.[35]

Prior to the Freedom of Information Act, the disclosure provisions of the APA allowed the agencies to withhold information "in the public interest," or "for good cause shown," or on the ground that the person seeking the record was not "properly and directly concerned." [36] The chief purpose of the new Act was to increase public access to governmental records by substituting limited categories of privileged material for these discretionary standards, and providing an effective judicial remery.[37] The Act rejects the usual principle of deference to administrative determinations by requiring a trial "de novo" in the district court. By directing disclosure to any person, the Act precludes consideration of the interests of the party seeking relief. Most significantly, the Act expressly limits the grounds for nondisclosure to those specified in the exemptions.[38] Through the general disclosure requirement and specific exemptions, the Act thus strikes a balance among factors which would ordinarily be deemed relevant to the exercise of equitable discretion, *i.e.*, the public interest in freedom of information and countervailing public and private interests in secrecy. Since judicial use of traditional equitable principles to prevent disclosure would upset this legislative resolution of conflicting interests, we are persuaded that Congress did not intend to confer on district courts a general power to deny relief on equitable grounds apart from the exemptions in the Act itself.[39] There may be exceptional circumstances in which a court could fairly conclude that Congress intended to leave room for the operation of limited judicial discretion, but no such circumstance appears in the present record of this case.

Thus, unless the Government on remand makes a valid claim of constitutional privilege, it will be able to prevent disclosure only by showing that the Garwin Report falls within one or more of the statutory exemptions.

On the basis of the present record, the exemption which seems most likely to be relevant is the fifth, protecting "inter-agency and intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." [40] That exemption was intended to encourage the free exchange of ideas during the process of deliberation and policy-making; accordingly, it has been held to protect internal communications consisting of advice, recommendations, opinions, and other material reflecting deliberative or policy-making processes, but not purely factual or investigatory reports.[41] Factual information may be protected only if it is inextricably intertwined with policy-making processes.[42] Thus, for example, the exemption might include a factual report prepared in response to specific questions of an executive officer, because its disclosure would expose his deliberative processes to undue public scrutiny. But courts must beware of "the inevitable temptation of a government litigant to give [this exemption] an expansive interpretation in relation to the particular records at issue." [43]

The OST is specifically authorized by Congress to evaluate federal scientific programs in order to provide Congress and the President with better information. Its evaluations may be useful to the President, the Congress, and other agencies with the power to make science policy. Nevertheless, the evaluations themselves may not reflect the internal policy deliberations that the "internal communications" privilege is designed to protect. The Garwin Report may contain some policy advice and recommendations which are protected by the statutory exemption.[44] In the present record, however, there is no evidence to indicate that releasing the factual information in the Garwin Report will expose the decisional processes of the President or other executive officers with policy-making functions. Unless the Government introduces such evidence on remand, the factual information in the Report will not be protected by the exemption for internal communications.

Another statutory exemption which may be applicable to the Garwin Report is the fourth, protecting "trade secrets and commercial or financial information obtained from a person and privileged or confidential." [45] This exemption is intended to encourage individuals to provide certain kinds of confidential information to the Government, and it must be read narrowly in accordance with that purpose.[46] If the Garwin Report contains material protected by this exemption, then that material should be de-

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Footnotes at end of article.

leted before disclosure of the remainder may be required.[47]

Finally, the trial court on remand may be called upon to consider the first exemption, for matters "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy."[48]

Under the Freedom of Information Act, the District Court is required to expedite the proceedings on remand to determine whether the Garwin Report is protected by any statutory exemption or constitutional privilege.[49] The court can most effectively undertake the statutory de novo evaluation of the Government's claim by examining the Report *in camera*. Since the record indicates that the Report is an evaluation of the federal program for development of the SST, it seems likely that the Report contains factual information on the SST and on the Government's activities with respect to it. If the Government asserts a specific privilege on remand, inspection of the Report will enable the court to delete any privileged matter, so that the remainder may be disclosed in accordance with the policies of the Act.[50] Even if the Government asserts that public disclosure would be harmful to the national defense or foreign policy, *in camera* inspection may be necessary. In such a case, however, the court need not inspect the Report if the Government describes its relevant features sufficiently to satisfy the court that the claim of privilege is justified.[51]

III

Congress passed the Freedom of Information Act in response to a persistent problem of legislators and citizens, the problem of obtaining adequate information to evaluate federal programs and formulate wise policies. Congress recognized that the public cannot make intelligent decisions without such information, and that governmental institutions become unresponsive to public needs if knowledge of their activities is denied to the people and their representatives. The touchstone of any proceedings under the Act must be the clear legislative intent to assure public access to all governmental records whose disclosure would not significantly harm specific governmental interests. The policy of the Act requires that the disclosure requirement be construed broadly, the exemptions narrowly.

The public's need for information is especially great in the field of science and technology, for the growth of specialized scientific knowledge threatens to outstrip our collective ability to control its effects on our lives. The OST itself was created to help alleviate this problem; Congress intended that the OST would provide better information and coordination with respect to federal activities in the scientific field. It would defeat the purposes of the OST, as well as the purposes of the Act, to withhold from the public factual information on a federal scientific program whose future is at the center of public debate.

Reversed and remanded for further proceedings in accordance with this opinion.

FOOTNOTES

*Sitting by designation pursuant to 28 U.S.C. § 291(a) (1964).

[1] Pub. L. No. 89–487, 80 Stat. 250 (1966), *amending* Administrative Procedure Act, ch. 324, § 3, 60 Stat. 238 (1946), 5 U.S.C. § 1002 (1964). Pub. L. No. 89–487 was repealed, but its substantive provisions enacted into the United States Code, by Pub. L. No. 90–23, 81 Stat. 54 (1967), 5 U.S.C. § 552 (Supp. V, 1970).

[2] The OST was established in the Executive Office of the President by Reorganization Plan No. 2 of 1962, Pt. I, 3 C.F.R. 879 (1959–63 Compilation), 5 U.S.C. § 133z–15 (1964).

[3] The statutory basis for the SST program is a provision in the Federal Aviation Act of 1958 authorizing the Administrator of the Federal Aviation Agency to undertake research and development in aviation. Pub. L. No. 85–726, Tit. III, § 312(c), 72 Stat. 752 (1958), 49 U.S.C. § 1353(c) (1964). This function was transferred to the Secretary of Transportation, to be exercised by the Federal Aviation Administrator, by the Department of Transportation Act. Pub. L. No. 89–670, § 6(c)(1), 80 Stat. 938 (1966), 49 U.S.C. § 1655(c)(1) (Supp. V, 1970).

[4] Dr. Edward E. David, Jr. has replaced Dr. DuBridge as Director of the OST and as a party to this litigation.

[5] These uncontroverted facts are set forth in the record in statements of Dr. DuBridge. Affidavit of Dr. Lee A. DuBridge, Appendix at 14–16; Letter of April 3, 1970 from Dr. Lee A. DuBridge to The Honorable Henry S. Reuss, Member of the United States House of Representatives, Appendix at 8–9.

[6] Letter of May 20, 1970 from Mr. John D. Ehrlichman, Assistant to the President for Domestic Affairs, to The Honorable Henry S. Reuss, Member of the United States House of Representatives, Appendix at 11. In two letters to Dr. DuBridge, Mr. Reuss had tried to obtain the Garwin Report. Appendix at 6–7. Dr. DuBridge sent two letters in reply, the second of which referred Mr. Reuss' request to the Counsel to the President. Appendix at 8–10. Then Mr. Ehrlichman declined to release the Report to Mr. Reuss for the reason quoted in text above. When appellants' attorney Koff asked the OST about the availability of the Report, the Special Assistant to the Director told him that the OST "was without authority to make available to a member of the public the report of Dr. Garwin, since this matter involved a Presidential document over which the [OST] had no control, and that the [OST] would abide by the ruling of John D. Ehrlichman . . . as contained in his May 20, 1970 letter to The Honorable Henry S. Reuss . . . if a request for said report was made by a member of the public." Affidavit of Peter L. Koff, Appendix at 12–13.

This chain of events provided ample basis for appellants to bypass as futile the step of filing a written request for the document, as ordinarily required by the OST, 32 Fed. Reg. 11,060 (1967). *See generally* 3 K. DAVIS, ADMINISTRATIVE LAW TREATISE §§ 20.07–.08. (1958, Supp. 1970); L. JAFFE, JUDICIAL CONTROL OF ADMINISTRATIVE ACTION 425–37, 446–49 (1965). The OST's refusal to disclose the Report to Mr. Reuss is especially significant, for while his right as a citizen to obtain the Report under the Act is equal to that of appellants, his right as a Congressman is presumably greater. *See* H.R. REP. No. 1497, 89th Cong., 2d Sess. 11–12 (1966).

[7] The Act provides:

"[E]ach agency, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, shall make the records promptly available to any person. On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complaint [sic]. In such a case the court shall determine the matter de novo and the burden is on the agency to sustain its action. In the event the noncompliance with the order of the court, the district court may punish for contempt the responsible employee. . . ."

5 U.S.C. § 552(a)(3) (Supp. V, 1970).

[8] *See* United States v. Reynolds, 345 U.S. 1, 7–8 (1953):

"The privilege belongs to the Government and must be asserted by it; it can neither be claimed nor waived by a private party. It is not to be lightly invoked. There must be a formal claim of privilege, lodged by the head of the department which has control over the matter, after actual personal consideration by that officer. [footnotes omitted.]"

See also General Services Administration v. Benson, 415 F.2d 878, 879 (9th Cir. 1969).

[9] The doctrine of executive privilege is to some degree inherent in the constitutional requirement of separation of powers. *See, e.g.*, Berger, *Executive Privilege V. Congressional Inquiry (Pts. I & II)*, 12 U.C.L.A.L. REV. 1043, 1287 (1965); Bishop, *The Executive's Right of Privacy: An Unresolved Constitutional Question*, 66 YALE L.J. 477 (1957); Davis, *The Information Act: A Preliminary Analysis*, 34 U. CHI. L. REV. 761, 763–65 (1967). As the concurring opinion points out, the power of Congress to compel disclosure of agency records to the public is no greater than its power to compel disclosure to Congress itself. Since 1789, Congress has frequently exercised the latter power in statutes requiring executive officers to transmit information to Congress. *See e.g.*, Act of Sept. 2, 1789, ch. 12, § 2, 1 Stat. 65, *as amended*, 31 U.S.C. § 1002 (Supp. V, 1970) (Sec'y of Treasury must give certain information to either house of Congress on request); Act of May 29, 1928, ch. 901, § 2, 45 Stat. 996, *as amended*, 5 U.S.C. § 2954 (Supp. V, 1970) (each executive agency must disclose certain information to Gov't Operations Committees of House and Senate on request). However, courts have never been asked to rule on the scope of executive privilege in the context of a congressional command to disclose information. They have considered the scope of the privilege only in ruling on a litigant's request for discovery of information held by the Government, both in litigation with the Government, *e.g.*, Roviaro v. United States, 353 U.S. 53 (1957); United States vs. Reynolds, 345 U.S. 1 (1953), and in litigation between private parties, *e.g.*, Carl Zeiss Stiftung v. V.E.B. Carl Zeiss, Jena, 40 F.R.D. 318 (D.D.C. 1966), *aff'd per curiam*, 128 U.S. App. D.C. 10, 384 F.2d 979, *cert. denied*, 389 U.S. 952 (1967).

[10] *See* Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 345–48 (1936) (Brandeis, J., concurring).

[11] If the Government asserts a constitutional privilege on remand, the court will not thereby be deprived of jurisdiction, for the judicial power extends to resolving the questions of separation of powers raised by the constitutional claim. *See* Powell v. McCormack, 395 U.S. 486, 512–22, 548–49 (1969); Baker v. Carr, 369 U.S. 186, 198–204, 208–37 (1962) *cf.* Berger (Pt. II), *supra* note 9, at 1349–60. The precise limits of legislative authority over the executive branch are not clear. In discussing the President's power to remove officers, the Supreme Court has drawn an uncertain distinction between officers who exercise purely executive functions, and those whose functions are quasi-legislative or quasi-judicial; only the former are removable at the will of the President in spite of a contrary congressional enactment. *Compare* Wiener v. United States, 357 U.S. 349 (1958), *and* Humphrey's Ex'r v. United States, 295 U.S. 602 (1935), *with* Myers v. United States, 272 U.S. 52 (1926). *See also* Kendall v. United States, 37 U.S. (12 Pet.) 524, 610, 612–13 (1838).

[12] The fact that the President may have ordered the Director of the OST not to release the Garwin Report does not leave the courts without power to review the legality of withholding the Report, for courts have power to compel subordinate executive officials to disobey illegal Presidential commands. *See* Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952). If nondisclosure of the Garwin Report is not supported by a statutory exemption or a constitutional executive privilege, the Freedom of Information Act requires issuance of an injunction to compel the OST to release the Report, whether the refusal to disclose is attributable to the OST or to the President. The President is not an indispensable party, because a "decree granting the relief sought

will [not] require him to take action, either by exercising a power lodged in him or by having a subordinate exercise it for him," and because "the decree which is entered will effectively grant the relief desired by expending itself on the subordinate official who is before the court." Williams v. Fanning, 332 U.S. 490, 493, 494 (1947).

[13] 5 U.S.C. § 551(1) (Supp. V, 1970).

[14] *See* H.R. Rep. No. 1980, 79th Cong., 2d Sess. 19 (1946); S. Rep. No. 752, 79th Cong., 1st Sess. 10 (1945); Staff of Senate Comm. on the Judiciary, 79th Cong., 1st Sess., Report on the Administrative Procedure Act 2 (Comm. Print 1945); Attorney General's Comm. on Administrative Procedure, Final Report, Administrative Procedure in Government Agencies, S. Doc. No. 8, 77th Cong., 1st Sess. 7 (1941); Attorney General's Manual on the Administrative Procedure Act 9–10 (1947). *See generally* Freedman, *Administrative Procedure and the Control of Foreign Direct Investment,* 119 U. Pa. L. Rev. 1, 4–18 (1970).

[15] *See* H.R. Rep. No. 1980, 70th Cong., 2d Sess. 19 (1946); Staff of Senate Comm. on the Judiciary, 79th Cong., 1st Sess., Report on the Administrative Procedure Act 2 (Comm. Print 1945); Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act 4 (1967). For example, the APA's definition of agency apparently includes the U.S. Commission on Civil Rights, which investigates, evaluates and recommends, but does not adjudicate. Civil Rights Act of 1957, Pub. L. No. 85–315, Pt. I, 71 Stat. 635, *as amended,* 42 U.S.C. § 1975c (Supp. V, 1970); Larche v. Hannah, 176 F Supp 791, 796 & n.15 (W.D. La. 1959 (Comm'n is an agency and subject to APA's adjudication provisions), *adopted in* 177 F. Supp. 816, 819 n.5 (W.D. La. 1959) (three-judge court), *rev'd on other grounds* 363 U.S. 420, 441, 452–53 (1960) (Comm'n is not subject to APA's adjudication provisions). *See also* Exec. Order No. 11,236, 3 C.F.R. 329 (1964–65 Compilation); Skolnick v. Parsons, 397 F.2d 523 (7th Cir. 1968) (President's Comm'n on Law Enforcement & Admin. of Justice).

[16] *Compare* International Paper Co. v. FPC, Civ. No. 69–5169 (S.D.N.Y., May 15, 1970) (typewritten opinion at 12–13) (staff of FPC is not a separate agency) (unreported; typewritten opinion filed in this action in the District Court, Civ. No. 1571–70, D.D.C.).

[17] The statutory definition of "agency" specifically excludes Congress and the courts of the United States, but does not specifically exclude the President. 5 U.S.C. § 551(1) (Supp. V, 1970).

[18] *See* Mississippi v. Johnson, 71 U.S. (4 Wall.) 475, 499–501 (1867).

[19] Reorganization Plan No. 2 of 1962, Pt. I, § 3, 3 C.F.R. 879, 879–80 (1959–63 Compilation), 5 U.S.C. § 133z–15 (1964).

[20] National Science Foundation Act of 1950, ch. 171, § 3(a) (1) & (6), 64 Stat. 149, *as amended,* 42 U.S.C. § 1862(a) (1) & (6) (1964); *see* Exec. Order No. 10,521, 3 C.F.R. 183 (1954-58 Compilation), 42 U.S.C. § 1862 (1964), *as amended by* Exe. Order No. 10,807, § 6(b), 3 C.F.R. 329, 331 (1959–63 Compilation), 42 U.S.C. § 1862 (1964)

[21] Message From the President of the United States Transmitting Reorganization Plan No. 2 of 1962, Providing for Certain Reorganizations in the Field of Science and Technology, H.R. Doc. No. 372, 87th Cong., 2d Sess. (1962), *reproduced in* 108 Cong Rec. 5439–40, 5456–57 (1962). *See also* H.R. Rep. No. 34, 90th Cong., 1st Sess. 6 (1967); S. Rep. No. 1137, 90th Cong., 2d Sess. 7 (1968).

[22] H.R. Rep. No. 1635, 87th Cong., 2d Sess. 9 (1962), *quoting Hearings on Reorganization Plan No. 2 of 1962 Before the Subcomm. on Executive and Legislative Reorganization of the House Comm. on Gov't Operations,* 87th Cong., 2d Sess. 11 (1962) (statement of Elmer B. Staats, Deputy Director, Bureau of the Budget). *See also* 108 Cong. Rec. 8469, 8471–72 (1962) (remarks of Reps. Anderson and Monagan). In 1968, the National Science Foundation Act of 1950 was amended to reflect the new distribution of functions. Pub. L. No. 90–407, 82 Stat. 360 (1968), 42 U.S.C. § 1862(a) (5) & (d) (Supp. V, 1970); *see* H.R. Rep No. 34, 90th Cong., 1st Sess. 6, 21 (1967); S. Rep. No. 1137, 90th Cong., 2d Sess. 7, 16 (1968). The Director of the OST was also expected to replace the President's Special Assistant for Science and Technology in the capacity of personal adviser to the President on scientific matters. *See* H.R. Rep. No. 1635, *supra,* at 5; *Hearings, supra,* at 10–11, 13–15.

[23] Reorganization Act of 1949, ch. 226, § 6, 63 Stat. 205, *as amended,* 5 U.S.C. § 906 (Supp. V. 1970).

[24] A resolution disapproving the plan which created the OST was introduced in the House of Representatives, but did not pass. H.R. Res. 595, 87th Cong., 2d Sess. (1962); 108 Cong. Rec. 8473 (1962).

[25] H.R. Rep. No. 1635, 87th Cong., 2d Sess. 9 (1962).

[26] 108 Cong. Rec. 8473 (1962) (statement of Rep. Holifield). *See also id.* at 8472 ("I think the very fact that this makes the scientific program more answerable to the Congress in itself justifies the establishment of this Office . . . .") (remarks of Rep. Holifield).

[27] The power of investigation has long been recognized as an incident of legislative power necessary to the enactment and effective enforcement of wise laws. *See, e.g.,* McGrain v. Daugherty, 273 U.S. 135 (1927). The chief limitation on congressional inquiry is that it must be exercised for valid legislative purposes and not in derogation of fundamental personal liberties. *See, e.g.,* Watkins v. United States, 354 U.S. 178, 187, 198 (1957). Congress has often delegated portions of its investigatory power to administrative agencies. *See* 1 K. Davis, Administrative Law Treatise §§ 3.01.14 (1958, Supp. 1970).

[28] *See Hearings, supra* note 22, at 13–14 (remarks of Elmer B. Staats, Deputy Director, Bureau of the Budget, and of Reps. Anderson and Holifield).

[29] *See* Udall v. Tallman, 380 U.S. 1, 16, (1965):

"When faced with a problem of statutory construction, this Court shows great deference to the interpretation given the statute by the officers or agency charged with its administration.

[30] 32 Fed. Reg. 11,060 (1967).

[31] The Garwin Report is precisely the sort of evaluation the OST is authorized to undertake, *i.e.,* an evaluation of another agency's scientific program involving technological developments and applications. The National Science Foundation, focusing its efforts on basic science, had not gathered much information on technological applications and developments, nor had it studied agency programs. The Foundation's function of evaluating federal programs was transferred to the OST to improve performance in these very respects. *See* Message From the President of the United States Transmitting Reorganizations in the Field of Science and Technology, H.R. Doc. No. 372, 87th Cong., 2d Sess. (1962) *reproduced in* 108 Cong. Rec. 5439–40, 5456–57 (1962); H.R. Rep. No. 1635, 87th Cong., 2d Sess. 7–8 (1962).

[32] *See* pp. 17–19 *infra.*

[33] 5 U.S.C. § 552(b) (1)–(9) (Supp. V, 1970).

[34] Consumers Union of the United States, Inc. v. Veterans Administration, 301 F. Supp. 796, 806–08 (S.D.N.Y. 1969); *see* General Services Administration v. Benson, 415 F. 2d 878, 880 (9th Cir. 1969). *See generally* 1 K. Davis, Administrative Law Treatise § 3A.6 (Supp. 1970).

[35] *Compare* United Steelworkers v. United States, 361 U.S. 39. 55–59 (1959) (Frankfurter, J., concurring) (80-day injunction against strike causing national emergency is mandatory), *with* Hecht Co. v. Bowles, 321 U.S. 321, 326–31 (1944) (injunction against violation of Emergency Price Control Act is discretionary). *See* Note, *Judicial Discretion and the Freedom of Information Act: Disclosure Denied: Consumers Union v. Veterans Administration,* 45 Ind. L. J. 421 (1970). It is well established that Congress may modify the usually strict standards for equitable relief in providing for injunctions in aid of important federal policies. *See, e.g.,* Virginia Ry. v. System Fed'n. No. 40, 300 U.S. 515, 552, (1937).

[36] U.S.C. § 1002 (1964).

[37] 5 U.S.C. § 552 (Supp. V, 1970); *see* Bristol-Myers Co. v. FTC, 138 U.S. App. D.C. 22, 25, 424 F.2d 935, 938 (1970); American Mail Line, Ltd. v. Gulick, 133 U.S. App. D.C. 382, 385, 411 F.2d 696, 699 (1969); H.R. Rep. No. 1497, 89th Cong., 2d Sess. 1–2, 5–6, 8–9, 11 (1966); S. Rep. No. 813, 89th Cong., 1st Sess. 3–6, 8, 10(1965).

[38] This section does not authorize withholding information or limit the availability of records to the public, except as specifically stated in this section. 5 U.S.C. § 552(c) (Supp. V, 1970); *see* Epstein v. Resor, 421 F.2d 930, 932 (9th Cir.), *cert. denied,* 398 U.S. 965 (1970).

[39] One statement in the report of the Senate Committee on the Judiciary specifically supports the conclusion that Congress intended to eliminate equitable discretion. S. Rep. No. 813, 89th Con., 1st Sess. 3 (1965) ("It is essential that agency personnel, *and the courts as well,* be given definitive guidelines in setting information policies.") (emphasis added). The report of the House Committee on Government Operations contains language indicating that district courts do have discretion. H.R. Rep. No. 1497, 89th Cong., 2d Sess. 9 (1966) ("The Court will have authority *whenever it considers such action equitable and appropriate* to enjoin the agency from withholding its records and to order the production of agency records improperly withheld." (emphasis added). However, the House report was published after the Senate had passed its bill. Since only the Senate report was considered by both houses of Congress, the Senate Committee's reading of the Act is a better indication of legislative intent when the two reports conflict. *See* Consumers Union of the United States, Inc. v. Veterans Administration, 301 F. Supp. 796, 801 (S.D. N.Y. 1969); Benson v. General Services Administration, 289 F. Supp. 590, 595 (W.D. Wash. 1968), *aff'd on other grounds,* 415 F.2d 878 (9th Cir. 1969); 1 K. Davis, Administrative Law Treatise § 3A.2 (Supp. 1970).

[40] 5 U.S.C. § 552(b) (5) (Supp. V, 1970).

[41] *See* Grumman Aircraft Eng'r Corp. v. Renegotiation Bd., 138 U.S. App. D.C. 147, 151, 425 F. 2d 578, 582 (1970); Bristol Myers Co. v. FTC, 138 U.S. App. D.C. 22, 26, 424 F. 2d 935, 939 (1970); *see* H.R. Rep. No. 1497, 89th Cong., 2d Sess. 10 (1966); S. Rep. No. 813, 89th Cong., 2d Sess. 9 (1965). *See also* Freeman v. Seligson, 122 U.S. App. D.C. 56, 68–69, 405 F. 2d 1326, 1338–39 (1968); Machin v. Zuckert, 114 U.S. App. D.C. 335, 338–40, 316 F. 2d 336, 339–41 (1962), *cert. denied,* 375 U.S. 896 (1963); Boeing Airplane Co. v. Coggeshall, 108 U.S. App D.C. 106, 112, 280 F. 2d 654, 660 1960); note 42 *infra.*

[42] *Cf.* United States v. Morgan, 313 U.S. 409, 422 (1941); Morgan v. United States, 304 U.S. 1, 18 (1938); Carl Zeiss Stifting v. V.E.B. Carl Zeiss, Jena, 40 F.R.D. 318, 325–26 (D.D.C. 1966), *aff'd per curiam,* 128 U.S. App. D.C. 10, 384 F. 2d 979, *cert. denied,* 389 U.S. 952 (1967).

[43] Ackerly v. Ley, 137 U.S. App. D.C. 133, 138, 420 F. 2d 1336, 1341 (1969).

[44] The rationale of the exemption for internal communications indicates that the exemption should be available in connection with the Garwin Report even if it was pre-

pared for an agency by outside experts. The Government may have a special need for the opinions and recommendations of temporary consultants, and those individuals should be able to give their judgments freely without fear of publicity. A document like the Garwin Report should therefore be treated as an intra-agency memorandum of the agency which solicited it.

[45] 5 U.S.C. § 552(b)(4) (Supp. V. 1970). Other statutory exemptions also protect information that might be communicated to the Government on a confidential basis. The Act exempts "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy," and matters "contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions." *Id.*, § 552(b) (6) and (8). The Act also exempts "investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency." *Id.*, § 552(b)(7). This exemption covers files prepared for both civil and criminal law enforcement. *See* Clement Bros. v. NLRB, 282 F. Supp. 540, 542 (N.D. Ga. 1968).

[46] *See* H.R. Rep. No. 1497, 89th Cong., 2d Sess. 10 (1966); S. Rep. No. 813 8th Cong., 1st Sess. 9 (1965); Grumman Aircraft Eng'r Corp. v. Renegotiation Bd., 138 U.S. App. D.C. 147, 151, 425 F.2d 578, 582 (1970); Bristol-Myers Co. v. FTC, 138 U.S. App. D.C. 22, 25–26, 424 F.2d 935, 938–39 (1970); Consumers Union of the United States, Inc., v. Veterans Administration, 301 F. Supp. 796, 802–04 (S.D.N.Y. 1969). *See also* Roviaro v. United States, 353 U.S. 53 (1957) (identity of informers); *In re* Quarles & Butler, 158 U.S. 532 (1895); Vogel v. Gruaz, 110 U.S. 311 (1884); Freeman v. Seligson, 132 U.S. App. D.C. 56, 69–70 405 F.2d 1326, 1339–40 (1968); Westinghouse Elec. Corp. v. City of Burlington, 122 U.S. App. D.C. 65, 70–74, 351 F.2d 762, 767–71 (1965); Boeing Airplane Co. v. Coggeshall, 108 U.S. App. D.C. 106, 113, 280 F.2d 654, 661 (1960); Arnstein v. United States, 54 U.S. App. D.C. 199, 203–04, 296 F. 946, 950–51 (1924).

[47] The exemption for confidential information is available only with respect to information received from sources outside the Government. The Garwin panel's Report is therefore eligible for this exemption only to the extent it contains private information given confidentially by panel member or information obtained from nongovernmental parties on a confidential basis. *See* Grumman Aircraft Eng'r Corp. v. Renegotiation Bd., 138 U.S. App. D.C. 147, 151, 425 F.2d 578, 582 (1970); Consumers Union of the United States, Inc. v. Veterans Administration, 301 F. Supp. 796, 802–04 (S.D.N.Y.) 1969).

[48] 5 U.S.C. § 552(b)(1) (Supp. V, 1970). The other exemptions require a de novo determination of whether the record the Government seeks to withhold contains information of the class protected by an exemption. But to qualify for the first exemption, the Government need show only that the record is "specifically required . . . to be kept secret" pursuant to an Executive order; review of the propriety of keeping it secret is then limited to determining that the administrative decision was not arbitrary and capricious. *See* Epstein v. Resor, 421, F.2d 930, 933 (9th Cir.), *cert. denied,* 398 U.S. 965 (1970). *See also* United States v. Reynolds, 345 U.S. 1 (1953); Totten v. United States, 92, U.S. 105 (1875); *cf.* Dayton v. Dulles, 102 U.S. App. D.C. 372, 378, 254 F.2d 71, 77 (1957), *rev'd on other grounds,* 357 U.S. 144 (1958).

[49] Except as to causes the court considers of greater importance, proceedings before the district court, as authorized by this paragraph, take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

5 U.S.C. § (a)(3) (Supp. V, 1970).

[50] *See* Grumman Aircraft Eng'r Corp. v. Renegotiation Bd., 138 U.S. App. D.C. 147, 150, 425 F.2d 578, 581 (1970). *See also* Boeing Airplane Co. v. Coggeshall, 108 U.S. App. D.C. 106, 114, 280 F.2d 654, 662 (1960):

"In the present case, where no military or state secrets are involved, and where the generally meritorious basis of the subpoena— including necessity—has been established, we think it proper for the District Judge to examine *in camera* the individual papers which are alleged to be privileged, and direct exclusions or excisions in a manner deemed lawful and appropriate, keeping in mind the issues of the case, the nature and importance of the interests supporting the claim of privilege, and the fundamental policy of free societies that justice is usually promoted by disclosure rather than secrecy [citations omitted]"

[51] *See* United States v. Reynolds, 345 U.S. 1, 8–10 (1953); Epstein v. Resor, 421 F.2d 930, 933 (9th Cir.), *Cert. denied,* 398 U.S. 965 (1970).

CONCURRING OPINION

Wilkey, *Circuit Judge,* concurring: I concur in the result reached and in the court's opinion, except on the point of equitable discretion discussed below.

I.

It is necessary to remand this matter to the trial court, because the trial court did err in not holding the Garwin Report a record of an agency subject to the Freedom of Information Act, and therefore quite logically did not proceed to consider the exemptions under that Act.

II.

Conceivably on remand the trial court may also reach a question of constitutional privilege.[1] To put this question in perspective, it must be understood that the privilege against disclosure of the decision-making process is a tri-partite privilege, because precisely the same privilege in conducting certain aspects of public business exists for the legislative and judicial branches as well as for the executive. It arises from two sources, one common law and the other constitutional.

Historically, and apart from the Constitution, the privilege against public disclosure or disclosure to other co-equal branches of the Government arises from the common-sense common law principle that not all public business can be transacted completely in the open, that public officials are entitled to the private advice of their subordinates and to confer among themselves freely and frankly, without fear of disclosure, otherwise the advice received and the exchange of views may not be as frank and honest as the public good requires.

"No doubt all of us at times have wished that we might have been able to sit in and listen to the deliberation of judges in conference, to an executive session of a Congressional committee or to a Cabinet meeting in order to find out the basis for a particular action or decision. However, Government could not function if it was permissible to go behind judicial, legislative or executive action and to demand a full accounting from all subordinates who may have been called upon to make a recommendation in the matter. Such a process would be self-defeating. It is the President, not the White House staff, the heads of departments and agencies, not their subordinates, the judges, not their law clerks, and members of Congress, not their executive assistants, who are accountable to the people for official public actions within their jurisdiction. Thus, whether the advice they receive and act on is good or bad there can be no shifting of ultimate responsibility.[2]

Insofar as the executive branch is concerned, most, if not all, of the information protected by this common law privilege is now covered by the fifth exemption to the Freedom of Information Act which exempts from disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency."[3]

The constitutional part of the privilege arises from the principle of the separation of powers among the legislative, executive and judicial branches of our Government. This at first glance may not seem relevant here, where the appellants are private citizens relying on the Freedom of Information Act, but it puts the matter in a different focus to know that originally Congressman Henry S. Reuss had sought to obtain this Report over a period of months. Whatever justification lies behind the refusal of his request has a bearing on appellants' rights here. Only after both Dr. DuBridge and Mr. Ehrlichman, Assistant to the President, had declined to accede to the Congressman's request—on the ground that "the report was in the nature of inter- and intra-agency memoranda which contained opinions, conclusions and recommendations prepared for the advice of the President"—did the appellants make their request.

Appellants invoked the Freedom of Information Act in support of their request, but as the court's opinion points out—without deciding whether the refusal of the Assistant to the President was justified or not—". . . . while his [Mr. Reuss'] right as a citizen to obtain the Report under the Act is equal to that of appellants, his right as a Congressman is presumably greater" (footnote 6). Obviously Congress could not surmount constitutional barriers—if such exist in this or any other given case—by conferring upon any member of the general public a right which Congress, neither individually or collectively, possesses. Water does not naturally rise higher than its source.

Recognition of the necessity, on both grounds cited above, of preserving the confidentiality of certain papers and deliberations has come from all three branches of our Government. A few examples demonstrate the universality and antiquity of the principles involved here.

While the constitutional privilege has been asserted most frequently in our history by the executive against the demands of the legislature, yet the Congress itself has always recognized a privilege for its own private papers and deliberations. Not only is there no provision or procedure for a demand by a private citizen for access to any papers deemed confidential, but no court subpoena is complied with by the Congress or its committees without a vote of the house concerned to turn over the documents willingly in response to the request of the court, thus properly preserving the co-equal separate status of that branch of the Government. For example,

"[N]o evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission."[4]

The judiciary, as perhaps inherently the weakest of the three branches, has most frequently reiterated the principle of separation of powers, the classic expression being in *Kilbourn* v. *Thompson:*

"It is . . . essential to the successful working of this system that the persons intrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others, but that each shall by the law of its creation be limited to

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Footnotes at end of article.

the exercise of the powers appropriate to its own department and no other."[5]

The reason for the separation of powers was well put by Mr. Justice Brandeis:

"The doctrine of separation of powers was adopted by the Convention of 1787, not to promote efficiency, but to preclude the exercise of arbitrary power. The purpose was not to avoid friction but, by means of the inevitable friction incident to the distribution of governmental powers among three departments, to save the people from autocracy."[6]

When President Washington first declined to furnish the House of Representatives with a document requested by it, he gave as his reason for refusal,

"[I]t is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all the circumstances of this case, forbids a compliance with your requests."[7]

These examples of recognition by all three branches of a constitutional privilege to withhold certain documents under given circumstances not only show the tripartite nature of the constitutional privilege, but are relevant here, where the appellants are private citizens, because the original request for the Garwin Report stemmed from a Congressman and was denied by the executive on the grounds the validity of which is not yet finally determined. But it would be an absurdity to content that a Congressman—who is both citizen and Member of the House of Representatives—could not have access to a document in the executive branch, and yet another citizen could gain access on the strength of a statute enacted by Congress. Thus, if the exemptions to the Freedom of Information Act are found not to permit withholding of the information sought here, the executive may still assert a constitutional privilege on the ground that Congress may not compel by statute disclosure of information which it would not be entitled to receive directly upon request.

Part II of the court's opinion also expresses the view that Congress, in providing for *de novo* court review of agency refusals to disclose information, intended to *require* the courts to enjoin withholding of any agency record not exempted by the Act and not protected by a constitutional privilege. Congress, the opinion states, "did not intend to confer on district courts a general power to deny relief on equitable grounds apart from the exemptions in the Act itself." This quoted statement and related discussion relate to an issue which is not presented for decision in this case and is not likely to face the trial court on remand. There is no suggestion in the record that the District Court here denied relief on equitable grounds, nor is it likely that such grounds could be presented in the context of this case. It has been suggested that a court may, on equitable grounds, decline to require disclosure of records not covered by a specific exemption in the Act, where to order disclosure would irreparably invade personal privacy or cause the Government to violate an agreement with a private party that non-commercial and non-financial[8] information provided by him will be kept confidential.[9] There do not appear to be such equitable grounds for non-disclosure present in the instant case and I would not therefore reach the difficult question of statutory construction of the District Court's power in such circumstances.

The Act itself merely provides: "On complaint, the district court . . . *has jurisdiction to enjoin* the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant."[10] It does not in terms require that such jurisdiction be exercised in all cases. The legislative history pulls in opposite directions on this question; the Senate Report states:

"It is the purpose of this [Act] to . . . establish a general philosophy of full agency disclosure unless information is exempted under clearly delineated statutory language. . . . It is essential that agency personnel, *and the courts as well, be given definite guidelines* in setting information policies. Standards such as "for good cause" are certainly not sufficient."[11]

The House Report, on the other hand, relates that under the Act:

"The Court will have authority *whenever it considers such action equitable and appropriate* to enjoin the agency from withholding its records and to order the production of agency records improperly withheld.[12]

And a noted commentator has expressed the view that the denial of relief on equitable grounds is an appropriate course in certain circumstances.[13]

There is, no doubt, force to the majority's opinion that the thrust of the Act is to limit the grounds for agency withholding to the exemptions therein stated, and that the discretion of the court in enforcing the Act should thus be similarly curtailed. Nevertheless, because of the conflicting legislative history and the difficulty in determining congressional intent on this matter, I believe that pursuant to sound principles of judicial decision making, decision of this issue can and should await the case where it is squarely raised. I therefore express no view as to the correctness of the majority's suggestion that the courts are generally without equitable power to decline to order production of agency records in cases not specifically covered by exemption.

III.

Part III of the court's opinion is a summary of the laudable objectives of the Freedom of Information Act of assuring public access to information necessary to making informed decisions on public issues, but I respectfully suggest it is nevertheless unessential to our decision here. Since it forms part of the court's opinion, however, I think it should be made clear that neither the public nor the Congress is being denied *the facts* here in regard to the supersonic transport, and therefore recourse to legal action under the Freedom of Information Act as a practical matter was simply unnecessary.

Each of the persons who were asked by Dr. DuBridge to form the *ad hoc* panel to prepare the Report for the President could be called before the appropriate congressional committee and asked for his views on any aspect of the SST program. There is no reason why the views of these scientists and engineers cannot be made available to the Congress and to the public. The only matter about which they should not be asked is exactly what advice they gave the President. Furthermore, almost two years have gone by since they expressed their views to the President, and the opinions which they might now give to the Congress or to the public, in the light of additional information obtained, might be somewhat different from their best advice at the time they helped formulate the Garwin Report. Even without an appearance before a congressional committee any one or several of these scientists or engineers could be interviewed by the press or on TV, invited to write an article for a magazine or newspaper, or participate in public discussion in any form, in order to enlighten the public. There would be nothing improper in a public expression of individual opinion, so long as exactly what the person advised the President was not explicated.

As a matter of recorded fact, Dr. Richard Garwin, who chaired the panel, has done just that. He has appeared before *three* different congressional committees,[14] and has been publicly reported as stating that he had "said everything I have to say" in lengthy critical testimony about the SST before the three committees, although he appears to have carefully refrained from discussing the Garwin Report itself.[15]

Thus it appears that alternate means of obtaining the facts in regard to the SST, other than a lawsuit to comple production of the Garwin Report, are available both to the public and to Congress.[16] This hints at the possibility that what the appellants are seeking here is really the *advice* given the President of the United States by his subordinates, rather than the *facts* in regard to the SST program on which the public and the Congress can form an intelligent judgment. Viewed in this light, the issues may take on a different aspect from those framed by the appellants.

FOOTNOTES

[1] Although the trial court cited this as a second ground of its ruling, this issue has not been raised by the Government.

[2] Rogers, *The Right to Know Government Business From the Viewpoint of the Government Official*, 40 Marq. L. Rev. 83, 89 (1956). *See generally*, Kramer and Marcuse, *Executive Privilege—A Study of the Period 1953–1960*, 29 Geo. Wash. L. Rev. 623 (1961).

[3] 5 U.S.C. § 552(b) (5) (Supp. V, 1970).

[4] H.R. Res. 427, 81st Cong., 2d Sess., 96 Cong. Rec. 565–66 (1950); *see* H.R. Res. 460, 81st Cong., 2d Sess., 96 Cong. Rec. 1400 (1950); H.R. Res. 465, 81st Cong., 2d Sess., 96 Cong. Rec. 1695 (1950); H.R. Res. 469, 81st Cong., 2d Sess., 96 Cong. Rec. 1765 (1950). Only recently, in a situation substantially the inverse of the present case, *i.e.*, a suit to *suppress* publication of congressional documents, the House indicated its displeasure with, and asserted its independence from, what it deemed an intrusion by the judiciary into its prerogatives with respect to its own documents. See *Hentoff* v. *Ichord*, No. 3028–70 (D.D.C. 28 Oct. 1970), and H.R. Res. 1306, 91st Cong., 2d Sess., 116 Cong. Rec. H 11606, 11625 (daily ed. 14 Dec. 1970).

[5] 103 U.S. 168, 191 (1880).

[6] *Myers* v. *United States*, 272 U.S. 53, 293 (1926) (dissenting opinion).

[7] 1 Richardson, Messages and Papers of the Presidents 196 (1896).

[8] The fourth exemption of the Freedom of Information Act exempts from disclosure "commercial or financial information obtained from a person and privileged or confidential." 5 U.S.C. § 552(b) (4) (Supp. V, 1970).

[9] Davis, *The Information Act: A Preliminary Analysis*, 34 U. Chi. L. Rev. 761, 767, 787, 791, 802 (1967).

[10] 5 U.S.C. 552(a) (3) (1967). In *Hecht Co.* v. *Bowles*, 321 U.S. 321 (1944), the statute involved directed that upon complaint of the administrator of the Emergency Price Control Act an injunction *"shall be granted."* Nevertheless the Supreme Court held that the District Court could decline to issue an injunction if equitable considerations indicated that to be the appropriate result. Contrarily, in *United Steelworkers* v. *United States*, 361 U.S. 39 (1959), the Court impliedly held that under a statute which provided that District Court *"shall have jurisdiction"* to enjoin an industry-wide strike causing a national emergency, the trial judge had no equitable discretion to refuse to issue an injunction. (That conclusion was made explicit in the concurring opinion of Justices Frankfurter and Harlan.) The accommodation of these two precedents and their application to the statutory scheme of the Freedom of Information Act are, in my view, best accomplished in the context of a case where the issue is presented by the facts and argued by the parties .

[11] S. REP. No. 813, 89th Cong., 1st Sess. 3 (1965).

[12] H.R. REP. No. 1497, 89th Cong., 2d Sess. 9 (1966).

[13] Davis, *supra*, note, 7.

[14] *Hearings on H.R. 17755 Before the Subcomm. of the Senate Committee on Appropriations*, 91st Cong., 2d Sess., pt. 2, at 1621 (1970); *Hearings on Supersonic Transport Development Before the Subcomm. on Economy in Government of the Joint Economic Comm.*, 91st Cong., 2d Sess., pt. 4, at 904, 908 (1970); *Hearings on Department of Transportation Appropriations Before the Subcomm. on Dept. of Transportation and Related Agencies Appropriations of the House Comm. on Appropriations*, 91st Cong., 2d Sess., pt. 3 (Testimony of Members of Congress and Interested Individuals and Organizations) at 980 (1970).

[15] Dr. Garwin, at least, was interviewed by the *Saturday Review, The Washington Post*, and very likely a number of other media representatives. *See* Sutton, Is the SST Really Necessary, SATURDAY REVIEW, 15 Aug. 1970, at 14; Washington Post, 21 Dec. 1970, § A, at 2. According to the latter report:

"Garwin said he still did not feel free to discuss the study [made by the *ad hoc* panel at the request of the OST] itself, but he emphasized that he "said everything I have to say" about the SST in the course of critical testimony this year before three congressional committees."

These reports of Dr. Garwin's interviews with the press were quoted and discussed on the Senate Floor. *See* 116 CONG. REC. S 20921, S 20932 (daily ed. 21 Dec. 1970).

[16] Of course these considerations would not apply to personal advisors to the President such as members of the White House staff, who traditionally do not appear before Congress. But, as the court's opinion indicates, Dr. Garwin and his conferees, operating under the direction of the OST, are not thus restricted.

ADDRESS BY THE HONORABLE RICHARD HELMS TO THE AMERICAN SOCIETY OF NEWSPAPER EDITORS

Mr. STENNIS. Mr. President, on April 14, Mr. Richard Helms, Director of Central Intelligence, delivered an address to the American Society of Newspaper Editors, at a luncheon meeting here in Washington.

This was Mr. Helms' first public address since he became the Director of CIA in 1966, and it is an interesting and significant statement from one of our most respected and dedicated public servants.

Mr. Helms joined the Office of Strategic Services during World War II, after several years of newspaper work, and he has served in the intelligence field since that time. He has been with CIA since that Agency was established.

The entire speech will be of interest to all Americans, but I wish to draw particular attention to his statements concerning the reconciling of the security needs of an intelligence service with the basic principles of our democratic society.

I also point out with special emphasis two sentences that I believe deserve particular attention. He said:

> The nation must to a degree take it on faith that we too are honorable men devoted to her service. I can assure you that we are, but I am precluded from demonstrating it to the public.

Mr. Richard Helms is, indeed, an honorable man, devoted to his Nation's service. He is also a man with great intellectual ability, wise in his judgments, who is a talented administrator and has a vast capacity for hard work. He is doing an outstanding job as Director of the Central Intelligence Agency. The country is very fortunate to have him serving in that capacity. It is with the highest satisfaction that, as chairman of the committee that has jurisdiction over his activities, I am able to say these things about his administration.

I ask unanimous consent that Mr. Helms' address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

GLOBAL INTELLIGENCE AND THE DEMOCRATIC SOCIETY

Gentlemen: I welcome this opportunity to speak to you today about the place of an intelligence service in a democratic government.

In doing so, I recognize that there is a paradox which I hope can be dispelled:

On the one hand, I can assure you that the quality of foreign intelligence available to the United States Government in 1971 is better than it has ever been before.

On the other hand, at a time when it seems to me to be self-evident that our government must be kept fully informed on foreign developments, there is a persistent and growing body of criticism which questions the need and the propriety for a democratic society to have a Central Intelligence Agency.

I am not referring to the occasional criticism of CIA's performance—the question of whether we gave advance warning of this coup or that revolt, or how accurately we forecast the outcome of an election or a military operation.

By necessity, intelligence organizations do not publish the extent of their knowledge, and we neither confirm nor deny challenges of this nature. We answer to those we serve in the government.

What I *am* referring to are the assertions that the Central Intelligence Agency is an "invisible government,"—a law unto itself, engaged in provocative covert activities repugnant to a democratic society, and subject to no controls.

This is an outgrowth, I suppose, of an inherent American distaste for the peacetime gathering of intelligence. Our mission, in the eyes of many thoughtful Americans, may appear to be in conflict with some of the traditions and ideals of our free society. It is difficult for me to agree with this view, but I respect it. It is quite another matter when some of our critics—taking advantage of the traditional silence of those engaged in intelligence—say things that are either vicious, or just plain silly.

There is the charge, for example, that the Central Intelligence Agency is somehow involved in the world drug traffic. We are not. As fathers, we are concerned about the lives of our children and grandchildren, as are all of you. As an Agency, in fact, we are heavily engaged in tracing the foreign roots of the drug traffic for the Bureau of Narcotics and Dangerous Drugs, and this arrant nonsense helps not at all.

As a general rule we are silent, because we must maintain the security of our intelligence operations, but we also recognize that the people of the United States have a legitimate interest in every arm of their government. There is, fortunately, enough fact in the open record, and in the pertinent legislation, to meet that public interest.

I propose, therefore, to discuss with you the legislative charter of the CIA, the unique functions of a *central* intelligence organization, and finally—in order to reconcile our security requirements with the democratic society we serve—the role of intelligence in policy formulation, and the controls, checks, and balances under which we operate.

American intelligence did not begin with the National Security Act of 1947, which established the CIA. George Washington personally directed his espionage networks during the Revolutionary War. President Polk had a showdown with the Congress in 1846 about accounting for the funds he used "to employ individuals for the purpose of obtaining information." In the Civil War, the North hired the Pinkerton Agency to expand its intelligence services. The Department of State and our armed forces all have had long experience in the collection of information.

Why, then, a Central Intelligence Agency? The proximate cause cited by President Truman and the 80th Congress in 1947 was the experience of Pearl Harbor, when, in the words of President Truman:

". . . if there had been something like coordination of information in the government, it would have been more difficult, if not impossible, for the Japanese to succeed in the sneak attack. . . . In those days, the military did not know everything the State Department knew, and the diplomats did not have access to all the Army and Navy knew. The Army and Navy, in fact, had only a very informal arrangement to keep each other informed as to their plans."

The Central Intelligence Agency, therefore, was created not to replace, but to coordinate the existing intelligence elements of the United States Government.

Our charter, the National Security Act of 1947, provides that in the interest of national security the Central Intelligence Agency will advise the National Security Council on intelligence activities of the government, make recommendations to the National Security Council for the coordination of such activities, correlate and evaluate foreign intelligence, perform additional services of common concern, and such other functions and duties relating to intelligence as the National Security Council may direct.

This latter language was designed to enable us to conduct such foreign activities as the national government may find it convenient to assign to a "secret service." These activities have always been secondary to the production of intelligence, and under direct control by the Executive Branch. Obviously I can not go into any detail with you on such matters, and I do not intend to.

And may I emphasize at this point that the statute specifically forbids the Central Intelligence Agency to have any police, subpoena, or law-enforcement powers, or any domestic security functions. I can assure you that except for the normal responsibilities for protecting the physical security of our own personnel, our facilities, and our classified information, we do not have any such powers and functions; we have never sought any; we do not exercise any. In short, we do not target on American citizens.

In matters directly affecting the security of the United States, the President and his National Security Council want what we call "national" intelligence—evaluations which reflect the considered and agreed judgment of all of the intelligence components of the United States Government. The production and dissemination of this national intelligence is the responsibility and the primary function of the Central Intelligence Agency. We can produce these agreed evaluations, of course, only by consulting and coordinating the views of the entire intelligence community.

There is nothing arcane or mysterious about this term, "the intelligence community." It is simply a name for all of the intelligence assets at the disposal of the

United States—the CIA, the Defense Intelligence Agency, the intelligence components of the various armed services, the National Security Agency, the intelligence elements of the Department of State, and—when appropriate—those of the Federal Bureau of Investigation and the Atomic Energy Commission. They are all represented on the United States Intelligence Board. This board is chaired by the Director of Central Intelligence, not as the head of CIA, but as the principal intelligence adviser to the President and the National Security Council.

The United States Intelligence Board coordinates the assets of the United States for foreign intelligence collection, and sees to it that there are neither gaps nor unnecessary duplication in filling the information requirements of the nation's policy makers.

Just what are these national requirements for foreign intelligence?

There are the obvious ones, of course, in the era of thermonuclear deterrence: What is the scope of the strategic threat to U.S. security? What are current Soviet intentions? How soon will Communist China have an intercontinental ballistic missile?

America's intelligence assets, however, do not exist solely because of the Soviet and Chinese threat, or against the contingency of a new global conflict. The United States, as a world power, either is involved or may with little warning find itself involved in a wide range and variety of problems which require a broad and detailed base of foreign intelligence for the policy makers.

What, for instance, caused the fighting between Honduras and El Salvador, and what can be done to ease the situation?

What are the implications of impending British withdrawal from the Persian Gulf for the world's petroleum supplies?

Where are the pitfalls for the United States in the confrontation between black African nationalism and so-called White Southern Africa?

Or, for that matter, to give you an extreme example, how deep is the water alongside the docks in Djibouti? This question is not as farfetched as it may sound. If France should one day grant independence to French Somaliland—now formally the Territory of the Afars and Issas—the area would almost certainly be a source of contention between Ethiopia, which looks to the United States for support, and Somalia, which is highly dependent on the Soviet Union. What ships could be used to land a UN peace-keeping force—or unload relief shipments? Thus information on Djibouti could suddently become necessary to the United States Government in an effort to *prevent* a new international crisis.

A mass of detailed knowledge is required, of course, for the planning of military operations, but I would like to stress that accurate intelligence is equally essential to the planning and implementation of actions taken to *forestall* conflict.

President Nixon put it this way in March 1969, when he visited CIA Headquarters:

"I look up on this organization . . . as one of the great instruments of our government for the preservation of peace, for the avoidance of war, and for the development of a society in which this kind of activity would not be as necessary, if necessary at all."

The ancient Romans said: "If you wish peace, prepare for war"—or, for that matter, "forewarned, forearmed." Certainly a potential aggressor is deterred if he finds that timely intelligence has enabled his prospective victim to take countermeasures. And when it comes to waging peace, it would be unthinkable to conclude a Strategic Arms Limitation agreement with the Soviet Union without the means for monitoring compliance.

The potential benefits of an arms limitation agreement are self-evident in terms of reduced threat, eased tension, and economy—but only if they can be achieved without endangering national security. That, in turn, requires that the agreement should be honored by each side, and the Soviets have traditionally rejected international on-site inspection. The United States, then, can safely undertake such an agreement, however desirable, only if it has adequate intelligence assets to assure itself that the Soviets are living up to their part.

If the two countries should agree that no new types of intercontinental missiles will be deployed, it would be incumbent on U.S. intelligence to verify that the Soviet Union is abiding by the bargain. If it should be agreed that there will be no further expansion of defenses against ballistic missiles, we must have the means of detecting new developments which might convert one of the regular Soviet air defense missile systems into an ABM network. We can be sure, of course, that if the Russians should decide to exceed agreed limitations, they will make that attempt with the greatest possible secrecy and concealment. U.S. intelligence, therefore, will have a major and vital role in any international agreement to limit strategic arms.

Every year at budget time, there is a debate over what portion of our national wealth we must assign to defense and survival—what weapons must we buy, and how many?

The United States and the Soviet Union each have a wide variety of choices among systems to be developed, and these choices interact. The key to choice is knowledge—knowledge of the accuracy, reliability, and numbers of Soviet ICBM's, knowledge of Soviet progress in advanced radars for ABM's, knowledge, if you will, of Soviet knowledge of our own progress.

Whatever the semantics of first strike, mutual deterrence, assured destruction capability, or equivalent megatonnage, the answers must come from an accurate measurement of Soviet offense against our defense, Soviet defense against our offensive capabilities.

If good intelligence can narrow down the choices, it can save the U.S. taxpayers many times its cost. But this prospect—however desirable—is secondary to enabling the policy-maker to arrive at informed decisions on the defense budget—or the instructions to the U.S. delegation at the SALT talks.

Intelligence collection, then, is essential to the maintenance of our defenses, but let me repeat once more my conviction that intelligence at the same time makes a major contribution to the much more attractive proposition of living in peace.

I have tried to give you some idea of the subject matter of intelligence requirements, but I must attach equal importance to the nature of the intelligence provided to the government.

I have already said that it must be a comprehensive appreciation of the situation, based on all available information, reflecting the coordinated end-product of the entire intelligence community.

It must also be rigorous in analysis, concentrated in depth, and above all, as objective as we can make it.

It is precisely in these respects that the Central Intelligence Agency makes its unique contribution.

First, of the departments I listed earlier which have components in the U.S. intelligence community, only the CIA is free from responsibilities for the formulation of policy.

And second, CIA is the only one whose primary mission is to collect, evaluate, and produce foreign intelligence.

Objectivity puts me on familiar ground as an old wire service hand, but it is even more important to an intelligence organization serving the policy maker. Without objectivity, there is no credibility, and an intelligence organization without credibility is of little use to those it serves.

We not only have no stake in policy debates, but we can not and must not take sides. The role of intelligence in policy formulation is limited to providing facts—the agreed facts—and the whole known range of facts—relevant to the problem under consideration. Our role extends to the estimative function—the projection of likely developments from the facts—but *not* to advocacy, or recommendations for one course of action or another.

As the President's principal intelligence officer, I am an adviser to the National Security Council, not a member, and when there is debate over alternative policy options, I do not and must not line up with either side.

If I should take sides and recommend one solution, the other side is going to suspect—if not believe—that the intelligence presentation has been stacked to support my position, and the credibility of CIA goes out the window.

Another unique attribute of the Central Intelligence Agency is the depth of professional expertise it can bring to bear on the finished intelligence product.

The *London Economist* a few years ago commented:

"Modern intelligence has to do with the painstaking collection and analysis of facts, the exercise of judgment, and clear and quick presentation. It is not simply what serious journalists would always produce if they had time; it is something more rigorous, continuous, and above all operational—that is to say, related to something that somebody wants to do or may be forced to do."

This is a good statement of the kindred aims of the intelligence services and the information media, but in a sense we are the reverse of a newspaper. The newspaper uses a relatively few collectors and analysts to serve a mass audience; we use a great many to hand-craft a special kind of report for a very few.

Even in this day of the Information Explosion, we read everything that comes into Washington—Department of State cables, Department of Defense traffic, our own reports, and the American and foreign information media. Then we bring to bear on that information every last bit of expert analysis at the service of the United States Government.

From the time this Agency was created, we have had to deal with the fact that some of our most important intelligence targets lie in totalitarian countries where collection is impeded by the security defenses of a police state—for example, Communist China.

In the face of such limitations, the analytical process can often extract meaningful conclusions from a volume of fragmentary information. To do so requires ingenious minds and much painstaking work. On Communist China, for instance, we have assembled a panel of experts in a broad field of specialties to devote full time to study, analysis, and reporting.

On this analytical team, for instance, the economist does not concern himself with Brazilian inflation one day and the Gross National Product of Nigeria the next, but concentrates on the *Chinese* economy—just as nuclear physicist concentrates on the progress China is making in nuclear weapons. With their support, the Old China Hand on the panel need not spread himself thin to master economics and weaponry, but can focus on what the Chinese—being Chinese—may do next.

The Cuban missile crisis of 1962 affords a good example of how this across-the-board analysis—comprehensive in its scope and intensive in its concentration—serves the policy-maker.

In the early Sixties, thousands of Cubans fled their country. Many brought valuable information. Many, in good faith, brought misinformation. Some purposefully told stories intended to provoke U.S. action against Castro. And a few were Castro's agents, planted to mislead us.

It was obvious at the time—from shipping intelligence alone—that the Soviets were engaged in a substantial military aid program in Cuba, but the crucial question was whether there were any strategic offensive weapons on the island that threatened the continental United States.

The intelligence community established a joint interrogation center in Florida to sift and winnow and evaluate these thousands of reports centrally. It was a mammoth undertaking, but where possible we checked every weapon report against U-2 photography of Cuba, and against other intelligence sources.

One report, for example, claimed there were underground submarine pens at Matanzas. Our analysts had the facts to disprove this, given the geological structure of the shoreline and the crucial inshore depths in the bay.

Another report alleged that light bombers were being stored in a particular cave. We have a comprehensive speleological survey of Cuba, which showed that this particular cave curved sharply a few yards inside its entrance—too sharply to admit a vehicle, let alone an aircraft. We also had the photography to show that there had been no work to alter the shape of that cave.

A merchant seaman gave us a detailed description of what he thought might be a rounded concrete dome covering missiles—complete with range and bearing from the pier where his ship had docked. A map of Havana and a recent city directory established that it was a relatively new movie theater.

The watch for missiles, however, was complicated by the fact that there were defensive surface-to-air missiles in Cuba, and to the untrained observer, one missile looks pretty much like another. In fact, some of these "missile reports" we checked turned out to be torpedoes, fuel tanks, and even industrial pipe and mooring buoys.

Our intelligence files in Washington, however—thanks to U-2 photography of the Soviet Union and to a number of well-placed and courageous Russians who helped us—included a wealth of information on Soviet missile systems. We had descriptions or photographs of the missiles, their transporters and other associated equipment, and characteristic sites in the Soviet Union. We knew what to look for.

Guided by this background, the interrogators were able to sort out from the flood of reports the ones which established the arrival of MRBM and IRBM equipment in Cuba. We were then able to locate the sites under construction by reconnaissance, and tell President Kennedy the exact scope of the threat.

There remained the question—for the policy makers—of what to do. This required a determination—among other essentials—of whether the Soviets would be able to strike at the United States with their weapons in Cuba in the event of a U.S. ultimatum.

Again thanks to all our collection sources, and to the central analytical process, we were able to inform the President precisely how long it would take to make the missile sites in Cuba operational. The rest of the Cuban missile crisis is history.

The intelligence analysts who participate in reaching these conclusions, of course, run the gamut from some who have just begun an intelligence career to others who have devoted a lifetime of study to their specialty. To strike a more typical mean, one of the experts who enabled us to give President Johnson a correct appreciation of the Middle Eastern situation in May, 1967—just before the start of the June War—held a doctorate in Near Eastern studies, had lived for several years in Arab villages, and at the time had spent 12 years with CIA.

I do not wish to imply that we require a Ph.D. of everybody we hire, but in general we recruit our principal substantive analysts from the graduate schools or in the field, with some years of area study or overseas background already under their belts.

About half of our substantive analysts have graduate degrees. Almost one in three has his doctorate. We have capabilities in 113 foreign languages and dialects. We can call on the expertise of anthropologists, chemists, metallurgists, medical doctors, psychiatrists, botanists, geologists, engineers of every variety, statisticians, mathematicians archaeologists, and foresters. Our people have academic degrees in 298 major fields of specialization from accounting to zoology.

And as catholic and competent as our "in-house" capability may be, we do not stop there. We make copious use of consultants, from the established "think-tanks" to selected individuals outside government whose help we seek on specific problems. To the extent that security considerations permit, in fact, we encourage our substantive analysts to participate—identified as CIA employees—in professional conferences, and to write for publication, so that they will remain in touch with the great centers of study and knowledge in this country, and benefit thereby.

Ironically, our efforts to obtain foreign intelligence in this country have generated some of the more virulent criticism of the Central Intelligence Agency. It is a fact that we have, as I said, no domestic security role, but if there is a chance that a private American citizen traveling abroad has acquired foreign information that can be useful to the American policy-maker, we are certainly going to try to interview him. If there is a competent young graduate student who is interested in working for the United States Government, we may well try to hire him.

The trouble is that to those who insist on seeing us as a pernicious and pervasive secret government, our words "interview" and "hire" translate into suborn, subvert, and seduce, or something worse. We use no compulsion. If a posible source of information does not want to talk to us, we go away quietly. If some student groups object to our recruiting on campus, we fall back to the nearest Federal Office Building. Similarly, we welcome the opportunity to place research contracts with the universities, but again, these are strictly voluntary.

And so I come to the fundamental question of reconciling the security needs of an intelligence service with the basic principles of our democratic society. At the root of the problem is secrecy, because it is axiomatic that an intelligence service—whatever type of government it serves—must wrap itself in as much secrecy as possible in order to operate effectively.

George Washington on July 26, 1777, wrote to Colonel Elias Dayton, his intelligence chief for New Jersey:

"The necessity of procuring good intelligence is apparent and need not be further urged—all that remains for me to add is that you keep the whole matter as secret as possible. For upon Secrecy, Success depends in most Enterprizes of the kind, and for want of it, they are generally defeated, however well planned and promising."

Nations have vital secrets they are determined to keep secret. They surround them with the greatest possible security, and they play rough in preserving those defenses. Accordingly, the intelligence service which is assigned to obtain this information must begin by looking to its own security.

If, at the outset of our operation, the opposition can identify the agents involved, or the means we propose to use, the enterprise is doomed from the start.

If, at the conclusion, we disclose how much we know, the opposition is handed on a platter highly damaging indications of how and where we obtained the information, in what way his security is vulnerable, and who may have helped us. He can seal off the breach in his defenses, roll up the agents, and shut off the flow of information.

If any significant portion of our secret organization is exposed, it gives the opposition a starting point to work against us. That is why we seek to preserve a secrecy which, I should note, is honored without question in many thoroughly democratic countries.

In Great Britain and other European nations it would be unheard of for the head of the intelligence services to talk to a non-governmental group as I am talking to you today. In London, in fact, the location of the intelligence service headquarters and the identity of its chief have long been respected as state secrets by the British public, press, and officialdom.

In contrast, here in the United States the area of intelligence over which we can maintain the traditional secrecy has been steadily reduced.

We have made it our practice not to answer criticism. Former Senator Saltonstall summed it up pretty well when he said that in an open society like ours, it is impossible to inform the public without informing our enemies.

I cannot, then, give you an easy answer to the objections raised by those who consider intelligence work incompatible with democratic principles. The nation must to a degree take it on faith that we too are honorable men devoted to her service. I can assure you that we are, but I am precluded from demonstrating it to the public.

I *can* assure you that what I have asked you to take on faith, the elected officials of the United States Government watch over extensively, intensively, and contiunously.

Starting with the Executive Branch, the Central Intelligence Agency operates under the constant supervision and direction of the National Security Council. No significant foreign program of any kind is undertaken without the prior approval of an NSC subcommittee which includes representatives of the President, the Secretary of State, and the Secretary of Defense.

In addition, we report periodically and in detail on the whole range of foreign intelligence activities to the President's Foreign Intelligence Advisory Board, a group of men who have distinguished themselves in government, industry, education, and the professions. This board, originally created in 1956 under the chairmanship of Dr. James Killian of M.I.T., has been headed by General John E. Hull, Mr. Clark Clifford, General Maxwell D. Taylor, and currently by retired Admiral George W. Anderson.

Our budget is gone over line for line by the Office of Management and Budget—and by the appropriate committees of the Congress as well.

There are, in fact, four committees of the Congress to which we have reported regularly—not just on our foreign intelligence product but on our operations, our plans, and our organization—ever since CIA was created in 1947. Periodic calls for a "Congressional watchdog committee" may have suggested to you that no such mechanism exists. On the contrary, there are elements of the Appropriations and Armed Services committees in both the Senate and the House which—like the President's Board—are told more about our activities and our operations than is known to most of the personnel in our highly compartmented Agency. But how, in the end, we are to be supervised is for Congress itself to decide.

In short, the Central Intelligence Agency is not and can not be its own master. It is the servant of the United States Government, undertaking what that government asks it to do, under the directives and controls the government has established. We make no foreign policy.

All in all, I think, President Truman and the 80th Congress recognized that the CIA was to be both an important implement of the government, and a legitimate object of public concern. They sought to recognize the inherent contradiction between intelligence methods and democratic principles by establishing elaborate controls.

The same objectivity which makes us useful to our government and our country leaves us uncomfortably aware of our ambiguous place in it. We may chafe under the criticism we do not answer, but we understand as well as anyone the difficulties and the contradictions of conducting foreign intelligence operations on behalf of a free society.

We are, after all, a part of this democracy, and we believe in it. We would not want to see our work distort its values and its principles. We propose to adapt intelligence to American society, not vice versa.

We believe, and I say this solemnly, that our work is necessary to permit this country to grow on in a fearsome world and to find its way into a better and more peaceful one.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time set aside under the previous order for the transaction of routine morning business having now expired, morning business is closed.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The PRESIDING OFFICER (Mr. Allen). Pursuant to the previous order, the Chair lays before the Senate S. 1557, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The first assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NOS. 37 TO 42

Mr. ERVIN. Mr. President, on behalf of the distinguished Senator from Alabama (Mr. Allen) and myself, I send to the desk proposed amendments to the pending bill; and I ask unanimous consent that the proposed amendments be printed in the Record.

The PRESIDING OFFICER (Mr. Bentsen). The amendments will be received and printed, and will lie on the table; and, without objection, the amendments will be printed in the Record.

The amendments—Nos. 37 to 42—submitted by Mr. Ervin and Mr. Allen, are as follows:

Amendment No. 37

At the end of the bill insert the following:

"LIMITATION

"Sec. 17. No court, department, agency, officer, or employee of the United States shall have jurisdiction or power to deny to any child the right to attend the public school nearest his home which is operated for the education of children of his age and ability."

Amendment No. 38

At the end of the bill insert the following:

"LIMITATION

"Sec. 17. No court, department, agency, officer, or employee of the United States shall have jurisdiction or power to require any State or local public school board to assign any member of a public school faulty to any public school other than the school in which such member contracts to serve."

Amendment No. 39

At the end of the bill insert the following:

"TITLE II—BUSING LIMITATION

"Sec. 201. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school by way of grant, loan, or otherwise shall withhold, or threaten to withhold, any Federal financial assistance from any such program or activity at such public school to coerce or induce the school board operating such public school to transport students from such public school to any other public school for the purpose of altering in any way the racial composition of the student body at such public school or any other public school.

"Sec. 902. No court of the United States shall have jurisdiction to make any decision, enter any judgment, or issue any order requiring any school board to transport any students from one public school to another public school or from one place to another place or from one school district to another school district in order to effect a change in the racial composition of the student body at any school or place or in any school district."

Amendment No. 40

At the end of the bill insert the following:

DISCRIMINATION ON ACCOUNT OF RACE, CREED, COLOR, OR NATIONAL ORIGIN PROHIBITED

Sec. 17. (a) No person shall be refused admission into or be excluded from any public school in any State on account of race, creed, color, or national origin.

(b) Except with the express approval of a board of education legally constituted in any State or the District of Columbia and having jurisdiction, no student shall be assigned or compelled to attend any school on account of race, creed, color, or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone, or attendance unit, by whatever name known, shall be established, reorganized, or maintained for any such purpose: *Provided*, That nothing contained in this Act or any other provision of Federal law shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian.

Amendment No. 41

At the end of the bill insert the following:

TITLE II—OPEN ENROLLMENT IN STUDENT ASSIGNMENTS TO PUBLIC SCHOOLS

Sec. 201. The Civil Rights Act of 1964 (42 U.S.C. 1971, 1975a–1975d, 2000a–2000h–6) is amended by adding at the end thereof the following new title:

"TITLE XIII—PUBLIC SCHOOL—OPEN ENROLLMENT

"Sec. 1201. As used in this title—

"(a) 'State' means any State, district, Commonwealth, territory, or possession of the United States.

"(b) 'Public school' means any elementary or secondary educational institution, which is operated by a State, subdivision of a State, or governmental agency within a State, or any elementary or secondary educational institution which is operated, in whole or in part, from or through the use of governmental funds or property, or funds or property derived from a governmental source.

"(c) 'School board' means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

"(d) 'Student' means any person required or permitted by State law to attend a public school for the purpose of receiving instruction.

"(e) 'Parent' means any parent, adoptive parent, guardian, or legal or actual custodian of a student.

"(f) 'Faculty' means the administrative and teaching force of a public school system or a public school.

"(g) 'Open enrollment system' means a system for the assignment of students to public schools and within public schools maintained by a school board operating a system of public schools in which the public schools and the classes it operates are open to students of all races and in which the students are granted the freedom to attend public schools and classes chosen by their respective parents from among the public schools and classes available for the instruction of students of their ages and educational standings.

"Sec. 1202. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school by way of grant, loan, or otherwise shall withhold, or threaten to withhold, such financial assistance from any such program or activity on account of the racial composition of the student body at any public school or in any class at any public school in any case whatever where the school board operating such public school or class maintains in respect to such public school and class a open enrollment system as defined in section 1201(g).

"Sec. 1203. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school by way of grant, loan, or otherwise shall withhold or threaten to withhold, any such Federal financial assistance from any such program or activity at such public school to coerce or induce the school board operating such public school to transport students from such public school to any other public school for the purpose of altering in any way the racial composition of the student body at such public school or any other public school.

"Sec. 1204. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity of any public school in any public school system by way of grant, loan, or otherwise shall withhold or threaten to withhold any such Federal financial assistance from any such program or activity at such public school to coerce or induce any school board operating such public school system to close any public school, and transfer the students from it to another public school for the purpose of altering in any way the racial composition of the student body at any public school.

"Sec. 1205. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school in any public school system by way of grant, loan, or otherwise shall withhold or threaten to withhold any such Federal financial assistance from any such program or activity at such public school to coerce or induce the school board operating such public school system to transfer any member of any public school faculty from the public school in which the member of the faculty contracts to serve to some other public school for the purpose of altering the racial composition of the faculty at any public school.

"SEC. 1206. Whenever any department, agency, officer, or employee of the United States violates or threatens to violate section 1202, section 1203, section 1204, or section 1205 of this Act, the school board aggrieved by the violation or threatened violation, or the parent of any student affected or to be affected by the violation or threatened violation, or any student affected or to be affected by the violation or threatened violation, or any member of any faculty affected or to be affected by the violation or threatened violation may bring a civil action against the United States in the district court of the United States complaining of the violation or threatened violation, and the district court of the United States shall have jurisdiction to try and determine the civil action irrespective of the value or the amount involved in it and enter such judgment or issue such order as may be necessary or appropriate to redress the violation or prevent the threatened violation. Any civil action against the United States under this section may be prosecuted in the judicial district in which the school board aggrieved by the violation or threatened violation has its principal office, or in the judicial district in which any school affected or to be affected by the violation or threatened violation is located, or in the judicial district in which a parent of a student affected or to be affected by the violation or threatened violation resides, or in the judicial district in which a student affected or to be affected by the violation or threatened violation resides, or in the judicial district in which a member of a faculty affected or to be affected by the violation or threatened violation resides, or in the judicial district encompassing the District of Columbia. The United States hereby expressly consents to be sued in any civil action authorized by this section, and hereby expressly agrees that any judgment entered or order issued in any such civil action shall be binding on the United States and its offending department, agency, officer, or employee, subject to the right of the United States to secure an appellate review of the judgment or order by appeal or certiorari as is provided by law with respect to judgments or orders entered against the United States in other civil actions in which the United States is a defendant.

"SEC. 1207. No court of the United States shall have jurisdiction to make any decision, enter any judgment, or issue any order requiring any school board to make any change in the racial composition of the student body at any public school or in any class at any public school to which students are assigned in conformity with an open enrollment system as defined in section 1201(g) of this Act, or requiring any school board to transport any student from one public school to another public school or from one place to another place or from one school district to another school district in order to effect a change in the racial composition of the student body at any school or place or in any school district, or denying to any student the right or privilege of attending any public school or class at any public school chosen by the parent of such student in conformity with an open enrollment system as defined in section 1201(g) of this Act, or requiring any school board to close any school and transfer the students from the closed school to any other school for the purpose of altering the racial composition of the student body at any public school, or precluding any school board from carrying into effect any provisions of any contract between it and any member of the faculty of any public school it operates specifying the public school where the member of the faculty is to perform his or her duties under the contract."

AMENDMENT NO. 42

At the end of the bill insert the following:

"LIMITATION

"SEC. 17. No court, department, agency, officer, or employee of the United States shall have jurisdiction or power to require any State or local public school board or any other State or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school."

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered. (This order was subsequently changed to provide for the Senate to adjourn until 9:45 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR MANSFIELD TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow morning, immediately following the recognition of the two leaders under the standing order, and prior to the recognition of the Senator from Iowa (Mr. HUGHES) under the previous order, the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

The PRESIDING OFFICER (Mr. BENTSEN). The hour of 12:45 p.m. having arrived, in accordance with the previous order, the Senate will go into executive session.

ADDITIONAL PROTOCOL II TO THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA

The PRESIDING OFFICER. The Chair lays before the Senate the resolution of ratification to Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America, together with understandings and declarations, which the clerk will state.

The assistant legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America, signed at Mexico City on April 1, 1968 (Ex. H, 91–2), with the following understanding and declarations:

I

That the United States Government understands the reference in Article 3 of the treaty to "its own legislation" to relate only to such legislation as is compatible with the rules of international law and as involves an exercise of sovereignty consistent with those rules, and accordingly that ratification of Additional Protocol II by the United States Government could not be regarded as implying recognition, for the purpose of this treaty and its protocols, or for any other purpose, of any legislation which did not, in the view of the United States, comply with the relevant rules of international law.

That the United States Government takes note of the Preparatory Commission's interpretation of the treaty, as set forth in the Final Act, that, governed by the principles and rules of international law, each of the contracting parties retains exclusive power and legal competence, unaffected by the terms of the treaty, to grant or deny non-contracting parties transit and transport privileges.

That as regards the undertaking in Article 3 of Protocol II not to use or threaten to use nuclear weapons against the Contracting Parties, the United States Government would have to consider that an armed attack by a Contracting Party, in which it was assisted by a nuclear-weapon state, would be incompatible with the Contracting Party's corresponding obligations under Article 1 of the treaty.

II

That the United States Government considers that the technology of making nuclear explosive devices for peaceful purposes is indistinguishable from the technology of making nuclear weapons, and that nuclear weapons and nuclear explosive devices for peaceful purposes are both capable of releasing nuclear energy in an uncontrolled manner and have the common group of characteristics of large amounts of energy generated instantaneously from a compact source. Therefore the United States Government understands the definition contained in Article 5 of the treaty as necessarily encompassing all nuclear explosive devices. It is also understood that Articles 1 and 5 restrict accordingly the activities of the contracting parties under paragraph 1 of Article 18.

That the United States Government understands that paragraph 4 of Article 18 of the treaty permits, and that United States adherence to Protocol II will not prevent, collaboration by the United States with contracting parties for the purpose of carrying out explosions of nuclear devices for peaceful purposes in a manner consistent with a policy of not contributing to the proliferation of nuclear weapons capabilities. In this connection, the United States Government notes Article V of the Treaty on the Non-Proliferation of Nuclear Weapons, under which it joined in an undertaking to take appropriate measures to ensure that potential benefits of peaceful applications of nuclear explosions would be made available to non-nuclear-weapon states party to that treaty, and reaffirms its willingness to extend such undertaking, on the same basis, to states precluded by the present treaty from manufacturing or acquiring any nuclear explosive device.

III

That the United States Government also declares that, although not required by Protocol II, it will act with respect to such territories of Protocol I adherents as are within the geographical area defined in paragraph 2 of Article 4 of the treaty in the same manner as Protocol II requires it to act with respect to the territories of contracting parties.

The PRESIDING OFFICER. The question is on agreeing to the understandings and declarations, as reported by the committee, to the resolution of ratification.

The understandings and declarations were agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. AIKEN. Mr. President, last Wednesday, April 14, the majority leader had printed in the Record the Treaty for the Prohibition of Nuclear Weapons in Latin America. That treaty, to which the United States is not a party, has been signed by 17 Latin American nations.

Latin American nations by that treaty undertake to use nuclear materials only for peaceful purposes. The treaty prohibits contracting parties from producing, testing, or possessing nuclear weapons in their territories.

I make this brief statement about the Latin American treaty not only to commend those nations for their self-denying and sensible action in precluding the testing and use of these weapons but also as background for a brief discussion of the protocol we have before us today.

Protocol II is designed for the signature of states possessing nuclear weapons. In brief, this protocol commits the United States not to contribute in any way to the violation of the Latin American treaty and not to threaten or to use nuclear weapons against the Latin American States for which the treaty is in force.

The understandings and declarations which accompany the resolution of ratification are set forth in the committee report which was printed in the Record last week.

Full hearings have been held on the Protocol, including the testimony of Admiral Moorer speaking for the Joint Chiefs of Staff. Admiral Moorer testified, "I actively support the ratification of Protocol II," bearing in mind the understandings and declarations to which I have referred. Those understandings and reservations relate to U.S. military and transit privileges and to the fact that the United States' pledge not to use nuclear weapons would not apply in the event of an armed attack by a party with the assistance of a nuclear weapon state.

The Committee on Foreign Relations knows of no opposition to ratification of Protocol II and commends its approval to the Senate as an act of goodwill and understanding toward our Latin American neighbors.

Mr. President, I ask unanimous consent that the text of Protocol II be printed at this point in the Record.

There being no objection, the protocol was ordered to be printed in the Record, as follows:

ADDITIONAL PROTOCOL II

The undersigned Plenipotentiaries furnished with full powers by their respective Governments,

Convinced that the Treaty for the Prohibition of Nuclear Weapons in Latin America, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, as means of achieving general and complete disarmament at a later stage, and

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards promoting and strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

Article 1. The statute of denuclearization of Latin America in respect of warlike purposes, as defined, delimited and set forth in the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this instrument is an annex, shall be fully respected by the Parties to this Protocol in all its express aims and provisions.

Article 2. The Governments represented by the undersigned Plenipotentiaries undertake, therefore, not to contribute in any way to the performance of acts involving a violation of the obligations of article 1 of the Treaty in the territories to which the Treaty applies in accordance with article 4 thereof.

Article 3. The Governments represented by the undersigned Plenipotentiaries also undertake not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty for the Prohibition of Nuclear Weapons in Latin America.

Article 4. The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this Protocol is an annex, and the definitions of territory and nuclear weapons set forth in articles 3 and 5 of the Treaty shall be applicable to this Protocol, as well as the provisions regarding ratification, reservations, denunciation, authentic texts and registration contained in articles 26, 27, 30 and 31 of the Treaty.

Article 5. This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

In witness whereof, the undersigned Plenipotentiaries, having deposited their full powers, found to be in good and due form, hereby sign this Additional Protocol on behalf of their respective Governments.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the vote on the resolution of ratification.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The first assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

The hour of 1 o'clock having arrived, the question is on agreeing to the resolution of ratification as amended by the understandings and declarations. The yeas and nays having been previously ordered, the clerk will call the roll.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution of ratification, as amended, by the understandings and declarations. The yeas and nays having been previously ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Missouri (Mr. Eagleton), the Senator from Georgia (Mr. Gambrell), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Magnuson), the Senator from New Hampshire (Mr. McIntyre), the Senator from New Mexico (Mr. Montoya), the Senator from Georgia (Mr. Talmadge), the Senator from New Jersey (Mr. Williams), and the Senator from Massachusetts (Mr. Kennedy) are necessarily absent.

I further announce that the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from West Virginia (Mr. Randolph), and the Senator from Utah (Mr. Moss) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Magnuson), the Senator from New Jersey (Mr. Williams), the Senator from West Virginia (Mr. Randolph), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Massachusetts (Mr. Kennedy) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Brock), the Senator from Arizona (Mr. Fannin), the Senator from Hawaii (Mr. Fong), the

Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Connecticut (Mr. WEICKER) is absent to attend the funeral of a friend.

If present and voting, the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. MUNDT), the Senator from Kansas (Mr. PEARSON), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) would each vote "yea."

The yeas and nays resulted—yeas 70, nays 0, as follows:

[No. 41 Ex.]

YEAS—70

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fulbright
Griffin
Gurney
Hansen
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
Mathias
McClellan
McGee
McGovern
Metcalf
Miller
Mondale
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Prouty
Proxmire
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevenson
Symington
Taft
Thurmond
Tunney
Young

NAYS—0

NOT VOTING—30

Bayh
Brock
Cannon
Eagleton
Fannin
Fong
Gambrell
Goldwater
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Humphrey
Javits
Kennedy
Magnuson
McIntyre
Montoya
Moss
Mundt
Pearson
Randolph
Saxbe
Stevens
Talmadge
Tower
Weicker
Williams

The PRESIDING OFFICER (Mr. CHILES in the chair). Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification, with the understandings and declarations is agreed to.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

ORDER FOR ADJOURNMENT TO TOMORROW AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(This order was subsequently changed to provide for the Senate to adjourn until 9:45 a.m. tomorrow.)

AUTHORIZATION FOR ALL COMMITTEES TO MEET DURING THE SESSION OF THE SENATE TOMORROW

Mr. MANSFIELD. Mr. President, with the concurrence and approval of the distinguished minority leader, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SCHOOL AID AND QUALITY INTEGRATED EDUCATION ACT OF 1971

The PRESIDING OFFICER. The Chair lays before the Senate the pending business, which the clerk will state by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 1557) to provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. PELL. Mr. President, as chairman of the Subcommittee on Education, I have reported to the Senate, at the direction of the Senate Committee on Labor and Public Welfare, and now call up for action S. 1557, a bill which seeks to improve the quality of education for all our Nation's children.

Mr. President, at this point I yield to the Senator from Connecticut (Mr. RIBICOFF).

AMENDMENT NO. 46

Mr. RIBICOFF. Mr. President, I call up my amendment at the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk proceeded to read the amendment.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment offered by Mr. RIBICOFF is as follows:

Designate the text of the bill as reported "Title I" and add the following new title:

TITLE II

SEC. 101. (a) There are authorized to be appropriated to the Commissioner, for the purpose of carrying out title I of this Act, $1,000,000,000 for the fiscal year ending June 30, 1974, and the same amount for the fiscal year ending June 30, 1975.

(b) None of the funds authorized under section 101(a) shall be available for expenditure under the provisions of section 8(a) (2) of title I.

SEC. 202. It is the purpose of this title—

(a) to require State and local educational agencies in metropolitan areas throughout this country to develop and implement plans which will reduce and eliminate minority group isolation in our public schools, whatever the cause of such isolation; and

(b) to provide financial assistance to assist State and local educational agencies to develop and implement such plans.

DEFINITIONS

SEC. 301. As used in this title, except when otherwise specified—

(a) The term "minority group isolation" means a condition in which minority group children in a school constitute more than 50 per centum of the average daily enrollment of that school. The term "minority group isolated" refers to a school in which such condition of minority group isolation exists.

(b) The term "school" means those elementary and secondary public schools of a State which are located within a standard metropolitan statistical area (SMSA).

(c) The term "noncooperating local educational agency" means any local educational agency which refuses or has refused to participate in the preparation, submission, revision, or implementation of an acceptable plan as required by this title.

(d) The term "cooperating local educational agency" means any local educational agency that has participated in the preparation, submission, revision, and implementation of an acceptable plan as required by this title.

(e) The term "State" means any State in which there is an area defined as a standard metropolitan statistical area, and the District of Columbia,

(f) The term "Standard Metropolitan Statistical Area" or "SMSA" means the area in and around cities of fifty thousand inhabitants or more as defined by the Office of Management and Budget: *Provided*, That the term shall mean only that portion of any standard metropolitan statistical area which lies wholly within the boundaries of one State. Each portion of an SMSA in a different State shall be considered an independent SMSA for purposes of this title.

(g) The term "Federal educational funds" means Federal funds appropriated for grants, loans, contracts, or other financial assistance to a State educational agency, a local educational agency, an individual school, or to an individual in compensation for services rendered such organizations. This term shall not mean funds which go to individuals in the form of scholarships, fellowships, loans, cost-of-education payments, or other such assistance which is designed to further that individual's education, nor shall it mean funds which are to assist private, nonprofit organizations in the provision of education in preelementary and elementary situations.

THE PLAN

SEC. 401. Each State shall prepare and file with the Secretary for his approval, in accordance with regulations issued by him, a plan under which it will establish and supervise the operation in each SMSA of an SMSA agency to develop with the local educational agencies within the SMSA a plan to reduce minority group isolation in their schools: *Provided*, That, should any State refuse to comply with the provisions of this title, the local educational agencies within an SMSA may then independently create or assume control of such an SMSA agency.

SEC. 402. The plan developed by each such SMSA agency shall—

(a) contain the proposals by which the local educational agencies within an SMSA agree to reduce minority group isolation in their schools;

(b) provide that by a date approved by the Secretary, but in no event later than July 1, 1985, the percentage of minority group children enrolled in each school of the SMSA shall be at least 50 per centum of the percentage of minority group children enrolled in all the schools of that SMSA;

(c) include the use of techniques, as appropriate in local circumstances, such as redrawing school boundaries, creating unified school districts, pairing schools or school districts, establishing educational parks and magnet schools as well as other techniques designed to end as soon as possible minority group isolation in all schools within the SMSA;

(d) provide for the establishment of committees composed of local parents, teachers, and students, the members of such committees to be representative of the minority and majority population groups of the SMSA as a whole and the geographical areas within the SMSA, to advise the local education agencies and the SMSA agency, in open consultation including public hearings at which such persons have had a full opportunity to explore and discuss the program for which assistance is being sought and to offer recommendations thereon, regarding the development of the plan required by this title and to report periodically to the Secretary on the extent of compliance with the requirements of this title;

(e) set forth such policies and procedures as will insure that the program for which assistance is sought will be operated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committees established for the purposes of section 402(d);

(f) provide that in each year of operation of the plan, substantial progress toward fulfilling the requirements of this title shall be made; and

(g) provide that State financial assistance to local educational agencies within each SMSA shall not be so calculated, based, rated, or fixed in any manner as to result in the condition that the per pupil contribution of the State to any minority group isolated school within the SMSA shall be less than per pupil contribution of the State to any nonminority group isolated school within the SMSA.

Sec. 403. (a) The plan required by section 402 must be submitted to and approved by the Secretary no later than July 1, 1975.

(b) The Secretary is authorized to promulgate and issue regulations regarding the time and manner of submission of such plans for his approval.

Sec. 404. In extreme and unusual cases should the Secretary determine that the size, shape, or population distribution of an SMSA would make inclusion of some parts of that SMSA in a plan unnecessary for fulfillment of the purposes of this title or excessively disruptive of the educational process, he may exempt such parts from participation in the plan. Such exemptions shall be in writing, fully explained and justified, and freely available to the public and the committees established for the purposes of section 402(d).

Sec. 405. Each SMSA agency shall annually prepare and file in accordance with regulations issued by the Secretary a report setting forth the results achieved under the plan and any necessary amendments to the plan to correct any deficiency of the plan. The Secretary shall assure that the plan and any reports filed with the Secretary in accordance with this section shall be made readily available to the public and to the committees established for the purposes of section 402(d).

Sec. 406. The Secretary is directed to review annually the plan and the reports of each SMSA agency. If the Secretary finds that for any reason the purposes of this title are not being effectuated by the plan and any amendments thereto he shall, after giving appropriate notice to all concerned parties, withdraw his approval of the plan and each local educational agency in question will be treated as a non-cooperating local educational agency: *Provided*, That if within a period prescribed by the Secretary, but in no event exceeding one hundred and eighty days following the Secretary's withdrawal of approval, the local educational agencies through their SMSA agency submit a revised plan approved by the Secretary, the local educational agencies within the SMSA shall be entitled to receive all funds withheld during the period.

Sec. 407. (a) Because of its unique circumstances, the SMSA for the District of Columbia shall include for purposes of this title Montgomery and Prince Georges Counties in Maryland, Arlington, Fairfax, and Prince William Counties in Virginia, and the cities of Falls Church and Alexandria in Virginia, nothwithstanding the provisions of section 301(f) of this title.

(b) A single plan shall be designed and submitted by all local educational agencies included in the District of Columbia SMSA: *Provided*, That the existence of noncooperating local educational agencies within the SMSA shall not affect the status of cooperating local educational agencies.

Sec. 408. No State or local educational agency shall formulate or administer its plan in a manner that will result in the separation of minority group children within a school or classroom.

FINANCIAL ASSISTANCE

Sec. 501. Planning Funds.—

(a) Within six months of the date of enactment of this Act, the Secretary shall notify each State and local educational agency within an SMSA of the requirements of this title.

(b) The Secretary shall issue regulations establishing procedures and a timetable according to which SMSA agencies required to file a plan under this title may apply for funds authorized to be appropriated by this title.

(c) Upon application meeting the standards established by the Secretary, the Secretary shall grant to each SMSA agency funds for the development of a plan to reduce minority group isolation pursuant to the requirements of this title, the amount of such funds being determined by the number of minority group students and the number of all students enrolled in schools in the SMSA.

Sec. 502. (a) Each year following the implementation of an approved plan, cooperating local educational agencies, through their SMSA agency, may submit to the Secretary applications for financial assistance.

(b) An application for assistance under this title may be approved by the Secretary only if he determines that—

(1) such application—

(A) sets forth a plan which is sufficiently comprehensive to offer reasonable assurance that it will achieve one or more purposes for which grants may be made under this title; and

(B) contains such other information, terms, conditions, and assurances as the Secretary may require to carry out the purposes of this title;

(2) the applicant has adopted effective procedures for the continuing evaluation of programs or projects under this title;

(3) the programs or projects for which assistance is sought will not result, and in the case of an ongoing program or project has not resulted, in an increase in the percentage of racial separation in any school.

(4) no part of the assistance provided under this title shall be used to supplant funds, equipment, or services which are used to assist any private school. Should any funds provided under this title be used for this purpose, or for any other purpose that the Secretary finds to be inconsistent with the purposes of this title, the Secretary shall file suit in the United States District Court for the District of Columbia against either the school which received such funds or the State educational agency, or both, for restitution of the funds.

(c) Upon the submission and approval of such an application, the Secretary is authorized to provide a cooperating local educational agency with sufficient funds to meet its obligations under its approved plan.

(d) Funds provided under this section may be used for the following purposes or any other purposes the Secretary finds will promote an end to minority group isolation:

(1) establishing and constructing magnet schools or educational parks in locations chosen to reduce the degree of minority group isolation in the schools of the SMSA;

(2) providing additional staff members including paraprofessionals to provide guidance, counseling, and training to assist minority group children in adjusting to a nonminority group isolated school environment;

(3) providing counseling, retraining, and guidance for professional and other staff members who will be working with minority group children;

(4) developing and implementing interracial educational programs and projects involving the joint participation of minority group and nonminority group children attending different schools, including extracurricular activities and cooperative exchanges or other arrangements between schools within the same or different school districts;

(5) providing such additional transportation for children as may be necessitated by the plan developed pursuant in this title: *Provided*, That in the review and approval of SMSA plans under this title, the Secretary shall assure that any burden of transportation shall fall equitably on both minority and majority children;

(6) expanding or altering facilities to accommodate students transferred under the plan;

(7) community activities, including public education efforts, in support of the plans, programs, projects, or other activities developed pursuant to this title;

(8) planning and evaluation activities and expenses of administration;

(9) work study programs to provide the financial assistance necessary for minority group children to complete their education; and

(10) other specially designed programs or projects which meet the purpose of this title.

(e) No funds granted under this title may be used to supplant State or local educational funds presently being expended by State and local educational agencies.

(f) The Secretary shall issue regulations establishing procedures and a timetable according to which State and local educational agencies entitled to apply for financial assistance under this title may apply to the Secretary for funds authorized to be appropriated by this section.

RESTRICTIONS OF FEDERAL FINANCIAL ASSISTANCE

Sec. 601. (a) No noncooperating local educational agency shall be entitled to receive any Federal educational funds: *Provided*, That the presence within an SMSA of a noncooperating local educational agency shall not affect the eligibility of cooperating local educational agencies in the SMSA to receive Federal educational funds.

(b) No State that fails to participate in the preparation, submission, revision, and implementation of any plan or plans required by this title, and no State that continues to provide State funds or assistance after July 1, 1975, to any noncooperating local educational agency under section 401 (a) shall be entitled to receive any Federal educational funds.

APPROPRIATIONS

Sec. 701. (a) For the fiscal years beginning July 1, 1973, and July 1, 1974, respectively, there is authorized to be appropriated $25,000,000 each year to be used by SMSA agencies to develop and promulgate the plan herein required to be filed.

Sec. 702. For the fiscal years beginning July 1, 1975, and for each of the nine fiscal years following, there is authorized to be appropriated $2,000,000,000 each year for purposes of carrying out of this title.

SEC. 703. Funds so appropriated shall remain available for obligation for one fiscal year beyond that for which they are appropriated.

JUDICIAL REVIEW

SEC. 801. (a) Any person affected by the enforcement or nonenforcement in the SMSA in which he resides of any provision of this title may petition the Secretary for an expedited hearing of his complaint.

(b) Within sixty days of receiving such petition the Secretary shall hold a formal hearing to determine whether the provisions and purposes of this title are being carried out in the cause raised by the petitioner. A transcript shall be kept of the proceedings of the hearing.

(c) Within thirty days after the date of the hearing, the Secretary shall issue a decision in writing which sets forth his findings and appropriate orders.

(d) The Secretary's decision shall be reviewable, upon petition, by the United States Court of Appeals for the District of Columbia Circuit. The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(e) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

LAWS REPEALED

SEC. 901. The following provisions of law are hereby repealed:

(a) Section 181 of the Elementary and Secondary Education Act Amendments of 1966.

(b) Section 422 of the Elementary and Secondary Education Act Amendments of 1970.

(c) Section 2 of the Elementary and Secondary Education Act Amendments of 1970.

(d) Sections 102(d) and 205(f) of the Demonstration Cities and Metropolitan Development Act of 1966.

(e) Section 401(b) of the Civil Rights Act of 1964.

Mr. PELL. Mr. President, the bill that we have reported is, I believe, an affirmative step which recognizes the fact that one way to improve the quality of education is to aid the process of establishing and maintaining stable, quality, integrated schools and eliminating or preventing minority group isolation.

Recognizing that these goals cause great expenditures of funds by local school districts, the committee recommends to the Senate a program which will, first, encourage comprehensive planning for the elimination of minority group isolation; second, provide financial assistance to encourage the establishment and maintenance or stable, quality, integrated schools; third, assist in elimination of minority group isolation; and, fourth, aid schoolchildren to overcome the educational disadvantages of minority group isolation.

This bill, which was hammered out after much study and discussion by members or our committee, met with the unanimous approval of all the members. It was reported without a single dissenting vote, and I am pleased to note has the support of the administration.

I have studied the well-documented statement made on the Senate floor last Wednesday by the Junior Senator from Mississippi (Mr. STENNIS). His discussion of the extent of minority group isolation throughout the country was most thorough and most expert. Indeed, it is statistics like those appended to his statement which moved the committee to report S. 1557 in the form that it is in before the Senate. The bill recognizes the urgent problems in the North as well as those in the South. What is most important is that in establishing programs to meet these problems, North and South are treated equally. This measure does just what the junior Senator from Mississippi asks; it does away with the distinction between de facto and de jure; it says to the North and South you have problems which must be dealt with; and it provides a mechanism for a local educational agency to alleviate those problems. I commend and congratulate the Senator for his most useful statement for it points up the necessity for the measure pending before the Senate.

The bill itself authorizes the expenditure of $1.5 billion over the next 2 fiscal years and is allocated as follows:

First, $1,020,000,000, or 68 percent of the funds, is apportioned to the States for programs to establish and maintain quality integrated schools, and eliminate, reduce, and prevent minority group isolation;

Second, $225,000,000, or 5 percent of the funds, is to be used for metropolitan area programs for cooperative integrated schools, education, parks, and planning for the elimination of minority group isolation;

Third, $135,000,000, or 9 percent of the funds, is to be made available to the Commissioner of Education to be used at his discretion.

Fourth, $45,000,000, or 3 percent of the funds, is to be used to develop children's educational television, specifically designed to reach the goals of this proposed legislation;

Fifth, $45,000,000, or 3 percent of the funds, is to be used to develop bilingual, bicultural programs, specifically designed to reach the goals of this proposed legislation;

Sixth, $15,000,000, or 1 percent of the funds, is to be used for attorneys' fees in successful litigation to bring about compliance with Federal law; and

Seventh, $15,000,000, or 1 percent of the funds, is to be used for evaluation of programs under the bill.

Mr. President, in the second session of the 91st Congress the President sent to the Congress a proposal which would, if enacted, have aided desegregating school districts to meet the expenses growing out of desegregation activities. At the same time, $75 million from previously authorized sources was appropriated for immediate use. As the President's proposal was being considered by the committees of both Houses, that $75 million was being used for urgent projects.

In the fall of last year a report was issued by certain interested groups which seemed to indicate that errors had been made in either the allocation of funds to local school districts by the Department of Health, Education, and Welfare, or utilization of the allocated funds at the local level. These allegations, while denied in part by HEW, made it difficult to bring the President's proposal before the Senate. Nevertheless, the committee struggled with that proposal, as well as a substitute. Attempts were made to bring about a meeting of the minds, a consensus if you will, which would be acceptable to those with divergent views on this most important subject.

In the closing moments of the 91st Congress, a bill somewhat akin to the President's proposal was received from the House by the Senate. However, there was such concern over the necessity for a comprehensive approach that that bill was not acted upon.

This year both the President's proposal, S. 195, the Emergency School Aid Act of 1971, introduced by Senator JAVITS, and a substitute proposal, S. 683, the Quality Integrated Education Act of 1971, introduced by Senator MONDALE, were introduced in the Senate and hearings were held immediately. Subsequently, S. 1283, the Urban Education Improvement Act of 1971, was introduced by Senator RIBICOFF. As chairman of the Subcommittee on Education, I attempted to take the approaches found in the bills and weave them together. And here, I would like to commend all the members of the committee for their cooperative attitude. What we sought to do was bring before the Senate a bill which was affirmative in nature, which recognized the various problems throughout the Nation, and which treated them uniformly.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. PELL. Mr. President, before yielding, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. PELL. I am glad to yield to my colleague from Colorado.

AMENDMENT NO 43

Mr. DOMINICK. Mr. President, I send to the desk an amendment for printing only in connection with the pending bill.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. DOMINICK. I thank the Senator from Rhode Island for yielding.

In connection with the printing, I ask unanimous consent that my individual views in the report be set forth in the RECORD at this point.

There being no objection, the individual views were ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS OF MR. DOMINICK

Although I join in the majority opinion recommending passage of the Emergency

School Aid and Quality Integrated Education Act of 1971, as reported by the Labor and Public Welfare Committee, I do so without waiving my strong objections to the Section 11 provision for attorney's fees. The bill's questionable basic concept that quality education must include a total social experience which is improved by quotas from different races, a concept upon which many witnesses disagree, can be largely overcome with wise administration. Therefore, I believe that the very laudable objective of the bill can be accomplished. That objective has not changed since last year when President Nixon declared it to be the attainment of a "system in which education throughout the Nation is both equal and excellent, and in which racial barriers cease to exist."

Section 11, however, is not essential to the purpose of the bill and it can and should be deleted. I see no reason why the general taxpayer should indiscriminately subsidize lawyers, as this bill provides, particularly in view of the very strong divergent views about what constitutes "education" and what methods improve its quality as have been expressed before the Select Committee on Equal Education Opportunity. I will, therefore, offer an amendment to delete Section 11.

Subject to the above reservations, I support the bill which retains strong components for improving education in racially impacted areas in the North and South, and strong components for assisting school districts in meeting special problems incident to court-ordered desegregation. These are the two particular areas of concern singled out by President Nixon in his school desegregation message to the Congress on March 24, 1970.

Section 11 allows the plaintiff of a successful federal suit against any local school district, state, or the Department of Health, Education and Welfare to recover reasonable attorney's fees from the federal government for failure to comply with the provisions of this bill, Title I of the Elementary and Secondary Education Act of 1965, Title VI of the Civil Rights Act of 1964, or the provisions of the Fourteenth Amendment pertaining to elementary or secondary education.

SECTION 11 LACKS SUFFICIENT CONTROLS AND PRIORITIES

Section 11 contains no language to control the kinds of suits brought by private attorneys but rather it leaves the whole question of resource allocation to the whim of private litigants. To qualify for "reasonable attorneys' fees" suits need not establish a new principle of law, need not clarify a previously neglected area, need not be a part of a coordinated approach, or even avoid duplication. Whereas recent legislation, such as the 1964 Civil Rights Act provided, reasonable attorneys' fees as the "court may deem just" in "in the court's discretion", Section 11 preempts such discretionary court authority and assumes that legal fees should be assessed, that the litigants' cause was meritorious, and that the litigant needed federal legal assistance if the court finds that "the proceedings were necessary to bring about compliance." Also, it must be noted that the attorneys' fees authorized under the 1964 Civil Rights Act were for suits against private persons and not for suits against tax-supported school districts, states, and federal agencies.

To further compound the problems of uncontrolled attorney fee reimbursements, Section 11 extends coverage to elementary and secondary education discrimination suits brought under Title VI of the 1964 Civil Rights Act or the Fourteenth Amendment and to Title I of the Elementary and Secondary Education Act of 1965. Inclusion of Title I would expand the coverage of Section 11 to all 15,400 school districts receiving Title I aid.

SECTION 11 WILL STIMULATE LITIGATION

Despite the good intention of encouraging only valid and meritorious suits, Section 11 will stimulate much unjustified litigation against those least able to afford the large legal expenses normally incurred in protracted school desegregation litigation—the financially, troubled local school districts. Not only does Section 11 stimulate the institution of litigation, but it discourages negotiation and settlement of compliance suits because the plaintiff must pay his attorneys' fees unless he is able to force the dispute to final court disposition so he will be entitled to recover attorneys' fees.

On the other side of the coin, a poor school district threatened by a parent might well comply with demands regardless of their merit rather than contest them and risk the incurring of heavy attornys' expenses.

Section 11 also tends to put the entire burden of school desegregation litigation on the already overburdened federal courts. Many suits for enforcement of the Fourteenth Amendment with respect to the operation of public schools are now litigated in state courts, particularly in the North and West where some states have stricter nondiscrimination laws than the federal statutes. But since counsel fees are to be made available only in federal courts, potential litigants would have an enormous incentive to sue there under Section 11.

ATTORNEY'S FEE RESERVE DISPROPORTIONATELY FUNDED

One cannot assume that the above-discussed abuses can be avoided or their effect nullified by treating attorneys' fees as a matter of secondary importance to be largely ignored. Out of all proportion to its importance, Section 11 is given paramount funding priorities which treat it as the single-most important section in the bill. In very explicit language which was mysteriously lacking when the scope of the section was being defined, the reserve fund for attorneys' fees is to receive $5 million through FY '72 and $10 million more through FY '73 regardless of whether complying school districts receive a cent. All other provisions of the bill are funded on a percentage basis contingent upon appropriations. Additionally, all Section 11 funds are to remain available until expended whereas most other provisions in the bill are funded only through the succeeding fiscal year for which they are appropriated. To put the figure of $15 million in proper perspective, one must realize that the annual budget for the Education Section of the Civil Rights Division, Department of Justice, is approximately $1 million.

SECTION 11 IS UNNECESSARY

Perhaps some of the above abuses could be endured if there were some compelling reason for Section 11, but there is not. Potential Section 11 plaintiffs have access to more legal assistance than most private litigants. Section 407(a) of the Civil Rights Act of 1964 provides that the Attorney General is authorized to institute a civil action against the school board on behalf of a complaining parent if the school board is depriving the parent's child of the equal protection of the laws and if the complaint is meritorious, the complainants are unable to initiate and maintain appropriate legal proceedings for relief, and the institution of the action will materially further public education desegregation. Section 215 of the Economic Opportunity Amendments of 1966 provide "legal advice and legal representation to persons when they are unable to afford the services of a private attorney" through the OEO Legal Services Program. Also, potential complainants can institute termination proceedings through administrative channels provided for by Title VI of the Civil Rights Act of 1964 against federally assisted schools which practice discrimination. In addition, parents of children discriminated against have access to many special private funds, such as the NAACP Legal Defense Fund and the Lawyers Constitutional Defense Committee.

In summary, Section 11 should be deleted in its entirety to avoid subsidizing private lawyers. Section 11 fails to control or delineate the scope of coverage or the resource priorities for reimbursement; it discriminates in favor of the complainant to the detriment of the defendant; it contains disproportionate priorities and funding levels; and it is unnecessary as adequate remedies are available under present laws.

Mr. PELL. Mr. President, I believe that S. 1557 does what so many of us on the committee sought to do. It brings before the Senate a bill that is an affirmative step which is a recognition of the problems throughout our Nation and seeks to treat them uniformly.

After the hearings were completed, the subcommittee met in executive sessions, conferences were held with the administration's representatives and a proposal was hammered out. It should be noted here that this proposal was ordered reported to the Senate with a unanimous vote, albeit that certain features were not supported by all members of the committee.

I would add for the record that the meetings we had, while private in nature, were certainly not secret in nature, as they have been characterized in the press.

Basically, this bill makes every local education agency eligible for assistance if that local education agency has a problem with minority group isolation in its schools and if it adopts a comprehensive district-wide plan for its elimination to the maximum extent possible. As a part of that plan, it must establish and maintain at least one stable, quality, integrated school containing: a substantial proportion of children from an educationally advantaged background, and a proportion of minority group children which is substantially representative of the student population of the district.

As part of the comprehensive plan, attempts to eliminate or reduce racial isolation are fundable, while a school district with a comprehensive plan may receive funds to assist in meeting the additional cost of implementing court-ordered and title VI desegregation plans.

Funds would be provided for the following activities:

First. New curriculums and instructional methods to support a program of integrated instruction, including instruction in language and cultural heritage of minority groups;

Second. Remedial services;

Third. Guidance and counseling services designed to promote mutual understanding between minority group and non-minority group parents, students, and teachers;

Fourth. Administrative and auxiliary services;

Fifth. Community activities including public information efforts;

Sixth. Recruiting, hiring, and training teacher aides with preference given to parents;

Seventh. Inservice teacher training;

Eighth. Planning, evaluation, and dissemination of information;

Ninth. Minor alteration and remodeling limited to 10 percent of a grant.

Of the funds allocated to each State, up to 22 percent is to be reserved for promising pilot programs in racially or ethnically isolated schools; 15 percent of the funds is reserved for funding private, nonprofit groups for programs to promote equality of educational opportunities.

The bill also includes a group of special programs and projects:

Attorney's fees: 1 percent of the funds authorized are reserved to reimburse attorney's fees and costs not otherwise reimbursed in successful lawsuits pertaining to elementary and secondary education under this act, title VI, the 14th amendment, and title I of ESEA.

Children's television: 3 percent of the funds authorized are earmarked for the production of integrated children's television programs utilizing modern television techniques.

Bilingual-bicultural programs: 3 percent of the funds are reserved for programs to meet the special educational needs of children from environments in which a dominant language is other than English who, because of language and cultural barriers, do not receive equality of educational opportunity.

Metropolitan area programs: 15 percent of the authorized funds are reserved for metropolitan area projects including:

The construction of two integrated education parks;

Grants to metropolitan area school districts for the joint development of plans to eliminate minority group isolation in all schools in the area; and

Funds for suburban school districts with low concentrations of minority group students to establish, through cooperation with urban school districts, integrated schools with student bodies of which a substantial proportion are children from educationally advantaged backgrounds and which contain a proportion of minority group students equal to one-half the proportion of minority group students in the standard metropolitan statistical area.

The Commissioner's discretionary fund: 10 percent of the funds appropriated are reserved for the Commissioner to allocate as he sees fit among the various activities authorized in the act.

Evaluation: 1 percent of the funds appropriated are reserved for evaluation.

The bill also contains a detailed safeguard section which prohibits the funding of districts which have engaged in certain discriminatory activities, such as aid to private schools established to circumvent the law, discrimination against minority group teachers, separation within the school of minority and nonminority group children; and the limiting of participation in extracurricular activities by minority group children.

Mr. President, this bill is basically a project grant program for local education agencies which seek to integrate their schools. It could be titled a massive demonstration grant program which will enable each school district, if it chooses—and I emphasize this point—to find its own way of meeting the problem of minority group isolation. It does not point to one method over the other. It is general in nature and allows the local educational agency sufficient latitude to devise its own home-tailored plan.

This bill treats all sections of our country alike. Any local educational agency which submits a comprehensive plan and wants to participate can do so. It recognizes full well the fact of minority group isolation in the northern urban metropolitan areas, as well as other parts of the country, far outside the south. Indeed, it provides for instances of interdistrict cooperation to meet the problems of a minority group inner city surrounded by nonminority group suburbs.

Mr. President, I believe the bill is a fair and equitable one. It treats all parts of the country equally. It seeks to take an affirmative step in that it recognizes the need for stable, quality integrated schools and provides for Federal assistance to attain that goal.

One of the most salient facts developed in the hearings on this subject was the reaction of the witnesses to a request for a definition of desegregation and integration. The witnesses queried testified that desegregation is merely a mechanical shifting of bodies, arrived at by many means; an effort which looked to numerical balance; an administrative act. However, integration was defined as an affirmative step which called for the cooperation of school administrators, teachers, parents, and the students. The witnesses strongly supported the integration concept and agreed that the bill should call for those affirmative steps. It should be noted that about half of the witnesses supported the idea of no bill at all rather than a bill which merely aided the desegregation process.

The bill before the Senate embodies these affirmative steps of which I speak. It was arrived at by close cooperation by the minority and majority and the administration. Its approach is balanced.

Finally, it is a bill which treats the North and South exactly alike, and it is a bill which is completely voluntary in nature.

I believe S. 1557 is a bill which deserves and should have the support of the Senate.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the following members of the personal staff of the distinguished Senator from Connecticut (Mr. Ribicoff) be allowed the privilege of the floor during consideration of the amendment offered by the Senator from Connecticut: John Koskinen and Ted Leary.

The PRESIDING OFFICER (Mr. Roth). Without objection, it is so ordered.

Mr. MONDALE. Mr. President, in that connection, I also ask unanimous consent that Mr. William Smith, staff director, Francis Hennigan, minority staff director, and Bert Carp, associate counsel, be allowed the privilege of the floor during debate on this bill.

The distinguished Senator from New York (Mr. Javits) is not here but I also ask unanimous consent that his staff representative, Leonard P. Strickman be permitted the privilege of the floor, as also Mr. Emon Mahony, staff adviser to the distinguished Senator from Arkansas (Mr. McClellan).

The PRESIDING OFFICER (Mr. Roth). Without objection, it is so ordered.

Mr. MONDALE. Mr. President, first of all, I wish to express my deep appreciation and admiration for the work of the Subcommittee on Education under the inspired leadership of the gifted Senator from Rhode Island (Mr. Pell). I do not recall ever reading a record on any educational issue which I felt to be as complete, as thorough, and as relevant as the record compiled under the leadership of Chairman Pell. It is a balanced record, one which seeks to look at the real problems—and I do not think there is any issue in education which involves more real problems than this.

I think, as a result of his leadership, not only did the committee come out with a bipartisan, united measure, and one which enjoys the support of the administration as well, but I think this measure represents and incorporates all of the best and most hopeful ideas that we have been able to discover to deal with this most complex, explosive, and yet at the same time most important issue in American education, and indeed in America, today.

I therefore wish to state as strongly as I can my deep admiration for the contribution which the gifted Senator from Rhode Island has made on this issue, and indeed on all the issues affecting American education.

Mr. PELL. I thank my friend from Minnesota. As he well knows, it is a reluctant leadership, but if it is useful I am grateful.

Mr. MONDALE. One would need great imagination to perceive what more could have been accomplished with enthusiastic leadership, then. But I think the Senator is indeed to be congratulated upon his accomplishment as represented in this, one of the most difficult measures to come out of our committee.

I should also like to commend the work of the members of the Republican side of the Senate Education Subcommittee. I think they, too, approached this difficult problem with an open and honest mind, and many of their contributions and comments have strengthened the measure as it comes before the Senate today.

I think one other Member of this body should be especially mentioned, though he is not a member of the Committee on Labor and Public Welfare, for his unique contribution in this field, for his intensive interest and concern, and I would say for the courage he has demonstrated on the complex and tragic issue of racial and minority isolation in America today, and that is the Senator from Connecticut (Mr. Ribicoff).

The pending amendment to this measure by the Senator from Connecticut is, in my opinion, the most courageous and perhaps most hopeful single effort that I have seen to deal with the problem of the large ghetto and need to approach it from a metropolitan standpoint. I intend to support that measure, and am hopeful that the Senate will accept it as an amendment to the pending proposal.

FOCUS OF THE BILL

Mr. President, today marks the beginning of what may be a long and divisive debate. It has been speculated that this will be the major civil rights debate of this session. Amendments have no doubt been prepared to prohibit busing, to redirect the enforcement efforts of the Office for Civil Rights, to sanctify the neighborhood school, and to permit freedom of choice. I assume we will be debating those issues as we have in the past, year after year. I wish that did not have to be the case. For I believe it is time to focus instead on the needs and aspirations of millions of schoolchildren in whose eyes such issues are simply not relevant.

For nearly 17 years our Nation has been embroiled in a national controversy over compliance with constitutionally required desegregation. In the process the Nation's children have been nearly forgotten.

Yet, the beginning of Federal concern for school desegregation, the Brown case, was rooted in deep concern for children and for their education.

It is this concern for our Nation's most important resource—our children—which we can and must recapture now. We now have an opportunity to focus on the goals and adopt the national policies that are essential if equal educational opportunity is to become a reality instead of something debated by politicians and lawyers. We now have an opportunity to focus on the educational objectives and the human needs that underlie the requirements of law and the Constitution. Let us begin to solve the problem of racial separation in our public schools in a sensitive, humane, and intelligent way, with an understanding of the complex educational issues involved, with reference to those hopeful strategies which have been developed over the past few years, and with the objective of better education for all our children firmly in mind.

MINORITY GROUP EDUCATION

First let us look at those human needs which this bill is designed to meet and the problems which it is designed to overcome.

In 1968, there were more than 43 million children in our public elementary and secondary schools. 9 million were from minority groups: 6.3 million were black; 2 million were of Spanish origin; 194,000 were from Oriental backgrounds; 178,000 were American Indian.

Most of these children are from families living in poverty. The vast majority are deprived of a decent education throughout their lives. They go to schools which are inferior—educationally, financially, and physically. They are years behind in achievement. Few go on to higher education.

The Select Committee on Equal Educational Opportunity has heard extensive testimony about the educational deprivation of these minority groups.

Look right here in our Nation's Capital which is more than 90 percent black. Look just a few blocks from where we are now. The average 12th grade student is 2.2 years behind students in other large cities. Worse yet, the further the school child in Washington, D.C., progresses in classes, the further behind he slips. When he was in the third grade, he was four-tenths of a year below the norm for other large cities.

Washington, D.C., is not unique. In Hartford, Conn., where black youngsters constitute only 44.5 percent of that city's students, the mean verbal IQ scores of a class of black elementary school children were traced from the fourth through the eighth grade. The children started with an IQ of 94 for the fourth grade. When they reached the eighth grade, the mean IQ scores were 86. I would remind the Senate that in Connecticut the children with IQ's of 80 and less are eligible for special schools for the mentally retarded. It is my impression that this destruction of the educational and human potential of American children in ghettos is taking place uniformly and massively throughout this country.

Of Texas' 2½ million students, 505,000 are Spanish surnamed. The Equal Education Committee heard testimony that the median education attainment of 2 million Mexican-Americans in Texas is only 6.2 years. Seventy-nine percent between the ages of 20 and 49 never completed the 12th grade. Twenty percent of our Mexican-American population has never been to school at all.

Half of our American Indian students never complete high school.

Look at Puerto Rican Americans. In Chicago, 18,000 Puerto Ricans are enrolled in public elementary schools. Only 4,000 are enrolled in the public high schools—reflecting a 60 percent dropout rate.

Of 7,810 Puerto Rican students in the public schools of Newark, N.J., last year only 96 survived to the 12th grade.

Less than 10 percent of Puerto Rican children in the third grade in New York read at grade level or above. By the time they get to the eighth grade, two-thirds are retarded by more than 3 years.

Some 7,000 school age Puerto Ricans live in Boston, Mass. Between 1965 and 1969 only four graduated from high school. In June 1970, seven graduated—four from parochial schools and three from public schools.

In giving these examples about the disadvantage and the destruction visited upon minority students, I do not wish to underestimate as well a similar disadvantage and destruction visited upon poor white children in schools around this country. Since this measure is designed to deal with the school integration and desegregation issue, my comments, however, are restricted to the purposes of the proposed legislation.

These are but a few of the tragic failings of school systems which are inadequate to cope with educational deprivation.

MINORITY GROUP ISOLATION

Why is this the case? I submit it is because these children are simply forgotten. They are forgotten because most are isolated in schools which are reserved for the poor, for the black, for the brown and the red, the yellow and for those whose language and culture may be different from most American children. Look at the facts about minority group isolation in public school.

Of our 6.2 million black students 53 percent are in schools which are 99 to 100 percent composed of minority group students and 39.7 percent are in 100 percent minority schools. Nearly one-third—31.7 percent—of our 2 million Spanish surnamed children are in 80 to 100 percent minority schools.

There are 34.7 million students from nonminority groups. They, too, are isolated. Also, there are 65.6 percent, or 22.8 million, in 95- to 100-percent nonminority schools.

The figures are even worse if we define the minority group isolated school as one which is predominantly minority group. Of our black students, 76.6 percent attend schools which are between 50- and 100-percent minority.

These are some of the facts about minority group school isolation in the United States. But what is the connection between isolated schools and educational achievement? What evidence do we have that integration is educationally beneficial?

THE BENEFITS OF INTEGRATION

Mr. President (Mr. ROTH), every major report and research study on the consequences of educational disadvantage has concluded that achievement and learning are greatly hindered by minority group isolation. The fact is that children educated in isolation suffer irreparable harm while, conversely, clear, positive, and lasting benefits result from education in integrated environments.

Both research and practical experience have demonstrated that these statements are true. The most notable research was conducted by Dr. James Coleman in his massive report entitled "Equality of Educational Opportunity," published by HEW in 1966. Dr. Coleman and those who have analyzed his data more recently have concluded:

> 1. The most important characteristic of a school in terms of educational achievement is the home background of its students. This is true for both white and black students. It is more important than teacher qualifications, the school's physical facilities, the amount of money spent per pupil, or the educational program in the school.
>
> 2. The racial and socio-economic composition of a classroom is an important and determining factor in educational achievement.
>
> 3. If the ratio of disadvantaged to advantaged students is such that the class is predominantly composed of students from advantaged backgrounds, the achievement levels of advantaged students and disadvantaged students will increase substantially.

For example, these studies have found large and consistent achievement differences between 12th grade black students who come from classrooms which were predominantly white and such students in isolated high schools where classrooms were predominantly black. Among black children from lower status families in lower status high schools, those in predominantly white classrooms score at the eight and one-half level as compared to only the seventh grade level for those black children who attended all black classrooms. Among higher status black pupils in higher status high schools, those from predominantly white classrooms scored at the ten and one-half-grade level as compared with the ninth grade level of those from all black classrooms.

Thus, both the racial composition of the classroom and the socio-economic status of the student body made significant and crucial differences in educational achievement.

Dr. Coleman summed up his findings when he testified before the Select Committee on Equal Educational Opportunity last year:

> There is, however, another set of resources in the school which is not measured by educators' school quality measures. This is the educational resources brought to the school by other children, as a result of their home influences and earlier school influences.
>
> These resources are things like reading material in the home, the amount and level of discussion in the home, the parents' level of education, the parents' interest in the child's education.
>
> When these educational resources are related to a child's school performance—that is, the educational resources brought to the school by other children at school—the result showed a stronger relation than for any other resources in the school.
>
> In effect, it means that if a child is going to school with other children who are performing at a high level, he, himself, will do better than if he was going to school with other children who are performing at a low level.
>
> What appears to happen is that the educational resources held by other children are more important in increasing a child's own achievement than those that are allocated by the school board.

These conclusions are not only suggested by research, they are demonstrated by practical experience.

Last month, the Select Committee held hearings in San Francisco, Calif., and visited the integrated school system in Berkeley. The integrated elementary schools in Berkeley are composed of approximately 50 percent disadvantaged black students and 50 percent advantaged white students. Since these schools were desegregated several years ago, black students have advanced 60 percent faster than before desegregation when they were in isolated schools. White students have continued to advance at least at the 1.3 years per grade rate before integration. In some of Berkeley's schools, whites are achieving at a faster rate than before.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD certain excerpts from an article written by Dr. Pettigrew of Harvard published in a recently appearing book entitled "New Models for American Education" in which he summarizes the devastating need—if we believe in equal education—for quality integrated schools.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

A RETURN TO THE COMMON SCHOOL: STUDENT COMPOSITION, ACHIEVEMENT, AND THE METROPOLITAN EDUCATIONAL PARK

(By Thomas F. Pettigrew)

* * * * *

THE EMPIRICAL CASE FOR HETEROGENEOUS SCHOOLING

It is my opinion that competent research on race and desegregation is rare. Even authors of satisfactory studies frequently admit that they are not conclusive guides to policy makers and that continuous refinement is needed and (hopefully) foreseeable. However, while refinement is proceeding, children are still attending schools where they are not learning effectively. I believe that two recent federal studies, *Equality of Educational Opportunity* (the "Coleman Report"), and *Racial Isolation in the Public Schools,* issued by the U.S. Commission on Civil Rights, together with other related research, can provide us with an empirically based perspective for considering the critical policy issue of student mix. As we discuss these materials, readers without experience in considering statistical studies may find the first few pages a little heavy. However, I have attempted to keep the presentation aimed at the intelligent, concerned layman. The matter may be complicated, but if the policies I propose are controversial, the facts must be carefully scrutinized.

The effect of social class

No short summary of James Coleman's volume, *Equality of Educational Opportunity,* can do justice to this massive and complex work.[1] However, the report, and other research, justify a few generalizations regarding Negro academic achievement in elementary and secondary schools. The generalizations will help us to identify the factors associated with better learning.

In the Coleman data, two items of information that were consistently correlated with student performance on achievement tests were: "home background of the child" and "student body quality of the school." Though each of these factors is measured in the report by a number of indicators, both basically involve social class differences between students' families. These differences are most effectively represented by two separate measures related to parents' education. "Home background" of each student can be measured by the average length of the parents' education; and "student body quality" can be rated by a number representing the average education of parents of all of the students in a particular school. Measured in this way it is perhaps more accurate to speak of these factors as *individual social class* and *school social class.*

The individual social class factor is often said to be *the* principal correlate of achievement in the Coleman study; in other words, the most important piece of data for predicting a student's achievement score is his home background. However, the effectiveness of this predictor varies under different circumstances. For instance, individual social class proved a more important predictor of test scores for white than Negro children.[2] It proved of diminishing importance for all students as a predictor from the sixth to the twelfth grades.[3] (This decrease is consistent with considerable research on adolescents in American society that has shown the influence of family on student conduct recedes as the influence of student peers increases.) Consequently, the *school* social class factor, that is, the student mix, becomes particularly powerful in secondary education; and it is a far more important correlate of Negro than white achievement.

These trends can be elaborated upon by further analysis of Coleman Report data. For instance, the technique of regression analysis permits us to use the potential of the computer and classify each student in the data bank on the basis of two combined factors, his own individual social class plus the social class of his school. We then can attempt to determine what correlations, if any, exist between scores of students of the same age from equivalent home backgrounds in diverse sorts of school environments.

We find that the average verbal achievement levels for groups of Negro twelfth grade students range from slightly below an eighth grade level for low status students in lower status schools to almost an eleventh grade level for high status students in higher status schools. This is a decisive performance difference of three full grades.[4] School social class is thus an important predictor; moreover, it is a factor that may be changed by altering school politics, that is, revising boundary lines. Conversely, schools cannot affect individual social class. Therefore, school social class is the most important "school characteristic" we have found that is related to student achievement scores, white as well as Negro.

The Effect of Nonclass Factors on Achievement. The Coleman study also examined, by the use of regression analysis, a number of other identifiable school characteristics in order to see if differing patterns in these variables produced variations in student achievement. These other variables covered differences in (1) teacher ability and (2) school facilities and programs. Teacher ability variables, ranging from the individual teacher's years of teaching experience to years of formal education and vocabulary test score of the teacher, proved to be the more important of the two in their connection with achievement. Similar to school social class, the teacher ability factor is a stronger correlate of Negro than white student verbal achievement scores. Also it is much more powerful in the secondary than elementary years.[5]

By contrast, the factor of school facilities and programs does not relate highly to pupil performance. Once individual social class is controlled, for example, per pupil instructional expenditure in grades six, nine, and twelve is not significantly associated with achievement test scores, except in one notable case of marked extremes—Negro children in the South.[6] Nor do such school facilities or program variables as pupil-teacher ratio, library volumes, laboratories, number of extracurricular activities, comprehensiveness of the curriculum, strictness of pupil promotion, ability grouping, and school size reveal any important relationships with achievement.[7] These essentially negative findings concerning the influence of school facilities and programs have received great attention. They have apparently threatened many educators who ponder what chances for success their next school bond referendum or salary increase proposal will have. Much of this concern, however, may be caused by a misinterpretation of these results. The chief finding is that school social class is such a critical achievement correlate that, in a gross survey approach such as applied by Coleman, it simply overwhelms the smaller effects of other school factors.

Moreover, Coleman's findings do *not* mean that school facilities and programs must remain unimportant. What they do signify is that the diversity of facilities and programs now in public schools is not sufficiently great to explain, that is, cause, wide differences in

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student performance. Consider the variable of pupil-teacher ratio. Most American classrooms range between twenty and forty students per teacher; and teachers are typically not trained to exploit the advantages to instruction of smaller classes. With such limited diversity, Coleman could not illustrate a consistent relationship between pupil-teacher ratio and pupil achievement scores. Yet one can still reasonably argue that it makes a major difference whether one is teaching 5 or 500 students, especially with teachers who adapt their styles to small groups of children. But Coleman could not test this proposition, since actual pupil-teacher ratios of 5 and 500 are virtually nonexistent. In short, Coleman could only test the effects of facility or program variables in present-day schools. Just where, below twenty and above forty pupils-per-teacher, the instructional ratio variable becomes crucial for student performance, must await better trained teachers, and more studies of genuinely varied, experimental school programs.

One final set of variables analyzed by Coleman, however, did correlate highly with verbal achievement. A factor called "student attitudes" included questions measuring the student's interest in school and reading, academic self-concept, and a sense of control of the environment.[8] Each student's responses to such objective questions were fed into the computer. Regression analyses compared these responses with the student's achievement scores and his expected achievement performance as predicted by his social class and other factors. Student attitude variables were important correlates of performance for all groups of children at all three of the grade levels tested (sixth, ninth, and twelfth grades). Yet different attitude variables predicted white and Negro achievement. The academic self-concept variable, measured by responses to such items as "how bright do you think you are in comparison with the other students in your grade?" proves far more significant for white achievement. But the control of the environment variable, measured, for example, by responses to items such as "is good luck more important than hard work for success?" is much more significant for Negro achievement.

Clearly, these attitude-achievement findings are significant because they tap an attitudinal process involving a two-way causal pattern. Negro children with a sense of environmental control do better in their school achievement, and those who do well in school achievement begin to gain a sense of environmental control. Nevertheless, it is tempting to speculate, as did Coleman, that each child faces a two-stage problem. First, he must learn that one can, within reasonably broad limits, act effectively upon his surroundings. Second, he must then have a good opinion of his own relative capabilities for mastering the environment. The critical stage for white children seems to be the second stage concerning the self-concept, while the critical stage for Negro children seems realistically enough to involve the possibility of manipulating an often harsh and overpowering environment. In any event, more detailed experimental work seems justified in order to pursue Coleman's fascinating speculation:

"Having experienced an unresponsive environment, the virtues of hard work, or diligent and extended effort achievement appear to such a [minority] child unlikely to be rewarding. As a consequence, he is likely to merely "adjust" to his environment, finding satisfaction in passive pursuits. It may well be, then, that one of the keys toward success for minorities which have experienced disadvantage and a particularly unresponsive environment—either in the home or the large society—is a change in this conception.[9]

The Coleman Report's conclusions should, of course, be interpreted within the context of the data on which they are based. The Report is the target of considerable criticism, and it will be the subject of more in the future. In truth, the analysis and writing were necessarily performed in great haste; there exist major methodological problems, ranging from a relatively large rate of school system nonresponse to questionnaires, to special issues involved with a massive regression analysis of the data. Thus, a number of the Report's interpretations are open to strong challenge.

Yet all this careful scrutiny is, in its own way, a high tribute to this ambitious study. The Coleman group achieved a landmark accomplishment in an amazingly short span of time; and the Report and its data will influence American education for years to come. This is as it should be, for the Report's major conclusions will almost surely survive reanalysis and criticism.

Other Studies of Factors Affecting Achievement. Coleman's two chief conclusions, namely, the crucial importance of both individual social class and school social class as correlates of Negro and white achievement, are vital elements in any policy analysis. They suggest that varying the student mix may be an essential part of a performance improvement plan. The soundness of these key conclusions is attested to by two lines of supporting evidence. First, the U.S. Commission on Civil Rights' report, *Racial Isolation in the Public Schools,* includes an extensive reanalysis of Coleman Report data. Using more detailed contingency analyses on Coleman's metropolitan Northeast subsample, the Commission confirmed those findings of Coleman's which had originally been based on a regression analysis of the entire national sample.

Second, the central findings are substantiated by at least four detailed, though less extensive, educational studies that employed methods and samples different from those of Coleman's survey. Three of these studies antedated Coleman's emphasis upon school social class. In a study published in 1959, Alan B. Wilson demonstrates the special significance of the school social class factor in determining student college aspirations in eight high schools in the San Francisco Bay Area of California.[10] He found higher percentages of college aspirants in higher status schools, even after controlling for other determinants of college aspirations, father's occupation and education, mother's education, median academic grade, and intelligence test score. For example, among those boys whose fathers and mothers were high school graduates and whose fathers held manual occupations, 60 percent in upper status schools wanted to go to college. This compares with 54 percent in the medium status schools and only 32 percent in the working status schools. Likewise, among those boys with a modest "C" academic grade record, 72 percent from upper status schools aspired to college. In contrast, only 55 percent from medium status schools and 41 percent in working status schools held such an aspiration. Finally, for those in the 100 to 119 IQ test range, for instance, 93 percent in the upper status schools, 72 per cent in the medium status schools, and 51 percent in the working status schools aimed for college.

A second early study on the problem was mounted by a research team at Harvard University. This study differed somewhat, however, in that it substituted social class level of the school's community for a direct measure of social class levels of the schools' students.[11] Controlling for father's occupation, boys from higher status communities were found to be more likely to go to college. In addition, community status, which determined the status level of the schools, had its crucial impact only at the high school level, the level Wilson studied. Consequently, community status predicted neither performance in primary school grades nor entrance into the college preparatory courses in high school from junior high school. This finding parallels the Coleman result that school social class gained in predictive value in the secondary school grades.

The most definitive early study was conducted by John Michael.[12] He analyzed the aptitude test scores and career and college plans of 35,436 seniors in a nationally representative sample of 518 American public high schools. Together with the student's scores on a scholastic aptitude test, not unlike that used by Coleman, Michael classified students on an index of family social class using such information as the father's occupation and education and whether or not older siblings had attended college. Further, he classified high schools into five status ranks according to percentage of seniors in each school who fell into his two top family status classifications, a method similar to the school social class measure of Coleman.

The first finding revealed that, with family status controlled, the higher the status of the school, the higher the average score on the scholastic aptitude test. Further analysis revealed that variation in percentages of students scoring above the national average on the test was evenly attributable to the individual and school social class indices. However, the variation in percentages scoring in the top quarter was considerably more related to individual social class than school social class. This is a result directly in keeping with Coleman's finding that school social class is most important for the more deprived students. It is also consistent with the Civil Rights Commission's finding that, among whites in the metropolitan Northeast, school social class was least important for the highest status students.[13]

Turning to student plans to attend college, Michael, as with Wilson and the Harvard investigations, demonstrated that school social class makes a difference. Michael's analysis revealed that these effects are strongest for students from lower individual class backgrounds. Consider first those seniors from lower class backgrounds who score in the top quarter of the aptitude test distribution. Among these talented youngsters, only 44 percent who attended the lowest status high schools planned to go to college compared with 57 percent who attended the highest status high schools. By contrast, among the talented seniors from the highest individual social class group, 80 percent who attended the lowest status high schools planned to go to college compared with 86 percent who attended the highest status high schools. In other words, a high status school exerts a far greater influence on college plans among talented lower status than talented higher status children.

Much the same phenomenon is true for Michael's entire sample. The percentage difference in college plans between individual social class groups is essentially the same at each type of school; but the percentage differences in college plans between scholastic aptitude test levels is far higher in the high status than the low status high schools. Put simply, attendance at a low status school does not deter seniors from upper status families in planning for college, but attendance at a high status school is an important aid to able seniors from lower status families.

All three of these earlier studies, then, demonstrate the significant consequences of attending high schools of varying social class compositions. Yet, as James Coleman himself states,[14] these initial studies did not differentiate between the effects of school social class per se on pupil performance, or the effects of some variable or combination of variables which are strongly related to school

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social class (for example, school facilities), which Michael demonstrated did co-vary with school social class. It remained, then, for Coleman himself to answer his own query; for the Coleman Report was able to provide the relevant controls and demonstrate that these effects were indeed associated with school social class per se even after other relevant types of factors are separated out.

In addition, these three earlier investigations suffer from the interrelated methodological weaknesses which limit the Coleman survey. The results are neither longitudinal nor corrected for initial pupil achievement and aspirations upon entering school in the primary grades. In other words, the studies (1) measured pupil improvement by comparing the test scores of lower grade students against the concurrent scores of other upper grade students in the same school (to see the amount or rate of pupil improvement) rather than testing the same pupil twice, several years apart, to see *his own* amount or rate of change. And (2) these studies did not permit testers to measure whether or not the pupils studied had different levels of skills and aspirations when they began school, which might have come from the efforts of upper status families to place their children in more effective schools. These weaknesses open the studies to the possibility that their findings result from special selection biases.

A number of Coleman Report critics have challenged the social class climate finding on precisely these grounds. They apparently choose to ignore the Civil Rights Commission's study replicating the Coleman result.[15] Wilson, in a follow-up to his earlier research, studied the school social class variable with a probability sample of junior and senior high school children in Richmond, California. He had the advantage of both longitudinal data and initial test scores upon entering school, thus overcoming the critics' objection. Wilson found that the social class context of the elementary school had a strong effect upon subsequent academic success at high grade levels, even after "allowing for individual differences in personal background, neighborhood context, and mental maturity at the time of school entry." [16] Thus, three earlier investigations and a later, well-controlled study by Wilson, closely agree with the major conclusions of the Coleman Report concerning the preeminent importance of a school's social class climate.

To sum up, the Coleman study is a broad-gauged survey of what exists now in American public schools. It could neither detail precisely how children learn nor test what American public schools could become in the future. The Coleman Report outlined the gross facts of American education today; the precision of the specific experiment is now needed to detail the processes that go unseen by the survey.

Some Research Policy Implications. Hopefully, the direction of future educational research will be strongly influenced by this study. The Coleman Report sets the context within which more limited data must be interpreted; and it provides a rich variety of exciting leads with obvious policy implications. In order to minimize the operation of individual social class factors, for example, would boarding schools be an effective intervention for especially deprived youngsters in the early grades? Are there any truly effective public schools which are overwhelmingly attended by lower status children? If there are, by what means do such schools overcome the typically powerful effect of school social class? In other words, what works? If such schools do not exist, what methods not currently being tried might enable such schools to effect such pupils? What precisely is the process underlying the linkage between a Negro child's sense of environmental control and his achievement scores? How might this sense of control of the environment be imparted to the school? These and scores of other questions spring to mind from a careful consideration of the Coleman Report. Systematic funding, both public and private, of pertinent research is needed in order to make possible an attack upon these vital questions.

Is there a racial composition apart from social class effects?

Once we recognize the importance of the student social class mix on individual achievement performance, a question arises as to whether or not the effect on achievement of mixing races (desegregation) is attributable more to changing social class mix than to changing racial mix. In other words; what is the most appropriate explanation for the achievement benefits we often find associated with interracial schooling—the change in social class, when lower socioeconomic status Negro students mix with higher socioeconomic status whites, or simply the interracial mix itself, even where status of both groups of pupils is constant?

A discussion of this somewhat complex issue can deliver two important benefits: (1) to illustrate in depth the operation of many of the special problems that plague race and education research; (2) to help us better understand how desegregation affects both Negro and white children. Is its impact perhaps due entirely to the changing of the social class composition of schools via desegregation or to the concurrent change in the racial mix? This understanding of how desegregation achieves its effects is not critical for determining whether or not we want to improve Negro achievement via desegregated schools or merely through interclass schools. The relative "shortage" of middle class Negro families means that interclass schools can only be created by racial desegregation. However, such understanding will affect the kind of policies we explore and adopt to increase Negro achievement in desegregated schools. If the improvement from desegregation is actually a school social class effect, that limits our search for better policies to factors that should not be unique to interracial schools. If, however, improvement is also due to desegregation itself, regardless of social class, then our net must be cast more broadly in order to include racial considerations.

The Coleman Report provides only spotty and somewhat conflicting evidence on this focal issue; however, the Civil Rights Commission directed much of its Coleman data reanalysis to this relatively neglected question. Employing parents' education as the chief social class indicator, the Commission's study attempted to control for both individual and school social class while testing the relationship between racial composition of the classroom and Negro verbal achievement. This reanalysis uncovered relatively large and consistent achievement differences in favor of those twelfth grade Negro students in the metropolitan Northeast who came from "more than half" white classrooms.[17] For instance, among lower status Negro children in lower status high schools, those from "more than half" white classrooms scored at the eight-and-a half grade level compared to only a seventh grade level for those from "all-Negro" classrooms. At the other end of the scale, among higher status Negro pupils in high status schools, those from "more than half" white classrooms scored at the ten-and-a-half grade level in contrast to the ninth grade level of those from "all-Negro" classrooms.

In other words, these Commission findings, on the whole, maintain that the racial composition of the classroom is an important achievement factor. The Commission also recognized that other factors which typically co-vary with racial composition, such as school social class, are even more crucial for achievement than desegregation. However, for the moment, let us try to see how desegregation produces its beneficial effects. A number of explanations can be offered.

Do Predominately White Schools Have Better Staffs, More Dollars? It could be maintained that, even in the metropolitan Northeast, predominantly Negro and predominantly white schools vary sharply in school quality, especially teacher quality, and that these distinctions are responsible for the improved scores in predominantly white institutions. This explanation could be challenged by the failure of the Coleman study to uncover sharp quality differences between "Negro" and "white" schools, for example, level of expenditures, amount of teacher training in the metropolitan Northeast; but the Coleman finding can itself be seriously questioned.[18] In any event, controlling the analysis for school quality narrows slightly the performance differentials attributable to desegregation, but does not by any means exhaust them.[19]

Do More Able Negroes Get Into Predominantly White Schools? A second type of explanation involves sample selection biases, which are a typical difficulty besetting research in this area. One special form of biased selection explanation involves ability grouping, or "tracking." It can be argued that all the Commission found was that schools in the metropolitan Northeast do a reliable and accurate job of placing Negro students in "tracks." Given the social handicaps many Negro children bring to school, goes the explanation, only the very brightest do well; these gifted Negro children, who are apt students, eventually are assigned to high ability groups where most of their classmates are white. But less exceptional Negro students are assigned to low or medium ability groups where many or most of their classmates are other Negroes. Consequently, those Negroes with mostly white classmates score highest on academic achievement tests simply because only brighter Negroes are put into desegregated classes.

Another selection bias explanation concerns parental choice of community and school. One might maintain that, *within a given social class group,* more ambitious Negro parents will somehow manage to live in communities with interracial schools. Thus, what appears to be an advantage wrought by interracial schools is actually a result of the self-selection of highly motivated children of educationally minded Negro parents. A third possible selection bias explanation asserts that the likelihood is great that there are relatively more dropouts of poorly achieving Negro students from predominantly white schools. This is not viable here, because the Commission results can be replicated for the ninth grade which is before the vast majority of present-day dropouts take place.

These explanations suggest that the benefits of desegregation are really due to the types of Negroes that achieve desegregated environments, rather than to desegregation itself. The explanations based on selection bias receive some limited empirical support from the Wilson research conducted for the Commission and mentioned earlier.[20] He found that ". . . Negro students who attended integrated schools had higher mental maturity test scores in their primary grades, and came from homes better provided with educative materials." [21] Thus, when Wilson held constant the early elementary achievement of these students, he found that the school class effect remained, but that "the racial composition of schools, while tending to favor Negro students in integrated schools, does not have a substantial effect." [22]

Footnotes at end of article.

Wilson's conclusion is limited, however, in a number of ways. For instance, among these 128 desegregated eighth graders, only eight of them (6 percent) were in lower status schools; but among the 777 segregated eighth graders, 378 of them (49 percent) were in lower status schools. In other words, there is not enough variance in school social class among desegregated eighth graders for Wilson's statistical procedures to separate school social class and racial composition factors convincingly.

Since the Wilson study leaves open the question about the effects of desegregation upon the more disadvantaged Negro students, the Commission analyzed Coleman data to check the effects of interracial classrooms on the verbal scores of less gifted Negro ninth graders in the metropolitan Northeast.[23] These students had poorly educated parents and reported themselves to be in low or medium ability tracks. Both in high and low status high schools, these Negroes from predominantly white classrooms performed on the average from one-half to two-thirds of a grade better than comparable Negroes from predominantly Negro classrooms.

The selection bias that might arise from ability grouping implies that tracking may cause predominantly white *classrooms* to be associated with higher Negro scores; but it does not affect the finding that multiple tracked, predominantly white *schools* tend to relate to higher Negro performance, even in lower track classrooms. More importantly, the ability grouping does not typically begin in American public schools until the middle school grades and does not become nearly universal until the high school grades. Therefore, desegregation would appear to afford a better explanation for who gets into the high ability tracks than ability tracks do for desegregation effects. A Negro child of medium ability who begins his education in a desegregated school, for instance, has a far higher probability of being selected later for a high ability track than a Negro child of comparable ability going to a school of similar social status who began his education in an all-Negro school. Ability grouping, then, can serve as a magnifier of the differences already created by classroom differences in racial composition, a catalyst adding to the cumulative deficits of the segregated Negro.

The parental choice of community and school explanation is in some ways the reverse of the ability grouping explanation. It accounts for the fact that predominantly white *communities and schools* are associated with higher Negro achievement by suggesting that more effective Negro families move into such environments. However, it cannot account fully for the fact that the Commission found interracial *classrooms* also associated with higher Negro achievement, unless one is willing to assume that there is widespread selection by Negro parents of classrooms as well as communities and schools. There are other assumptions, too, that this particular line of reasoning must make, assumptions that are, at best, dubious. Since lower status, low ability Negro pupils also benefit from desegregation, these contentions require that poor Negro families[25] possess a sophisticated knowledge of where to go to find the better interracial schools and the funds and freedom of mobility to move accordingly. All that is known about the extreme residential discrimination practiced against Negroes, especially poor Negroes, in American metropolitan areas today makes such assumptions most improbable.

Is the Improvement Really Due to School Social Effects? Two additional explanations argue that at least some of the apparent desegregation effects revealed by the Commission's reanalysis still reflect the operation of the powerful school social class effect. One chain of reasoning is based on the difficulty of controlling for social class across racial groups. This is so because the floor of Negro deprivation is below that of whites. For example, it can be maintained that "lower class" Negroes who attend a predominantly white school comprised largely of "lower class" whites are still benefiting from a higher social class student climate, than "lower class" Negroes who attend a predominantly Negro school comprised of "lower class" Negroes. While there is some merit in this reasoning, it should be remembered that the Commission's differences for twelfth graders by racial composition of classrooms (averaging about one and one-third grades, holding constant the social class variables of the Negroes and whites) were approximately 80 percent as large as those attributable to school social class directly (averaging about one and two-thirds grades holding the individual social class and racial composition variables constant).[24] Hence, it would seem that the small school class residual under discussion, that is, the difference between lower status Negroes and lower status whites, could account for only a small portion of the effects attributed to racial composition. Besides, the two factors, school social class and racial composition, prove most important as explanations at different grade levels. The racial composition of classrooms is most powerful for the achievement scores of children in the beginning grades, while school social class is most powerful in the high school grades.

The other social class explanation is limited but, perhaps, more subtle. It applies only to certain lower status Negro students who attend predominantly white, lower status schools. The majority of Negroes in such schools may well come from middle class Negro families. Even if the lower status Negro child is of fully equivalent status to his lower status white co-pupil, the main stimulant for his improved achievement may be his membership in a student minority comprised largely of middle class Negroes. This possibility is not as remote as it may sound; a larger percentage of middle class than lower class Negroes attend predominantly white schools, and the explanation only assumes that the middle class Negro minority in such schools will serve as a more positive reference group to lower class Negroes than the white majority. Though of limited scope, this explanation elegantly illustrates the subtleties and difficulties inherent in this type of research.

How could Segregation Hurt Negroes? Still, none of those counter explanations, taken singly or together, eliminates the relatively large relationship found by the Commission between classroom racial composition and Negro achievement. If it is solely the effect of other co-varying factors, what could be the reasons for this assoication? How does segregation "hurt" Negro students? The process is undoubtedly complex, but a number of empirical clues are suggestive. For example, Coleman found that Negroes in interracial schools are somewhat more likely to feel they can control the environment, the attitude that proved such an important predictor of Negro scores. The Civil Rights Commission noted that (1) predominantly Negro schools often become stigmatized in the community as "bad schools" by Negroes and whites alike, even when at least the physical facilities are the equal of supposedly "good schools" for whites; and that (2) there are effective and ineffective interracial schools, and the differences between them point to the importance of interracial acceptance for high achievement and aspirations. A number of these considerations will be discussed in detail later in this chapter.

A practical educator might well wonder about the policy implications of this extended discussion about a racial composition effect on achievement separate from social class. For instance, does not the relatively small size of the Negro middle class make desegregation an educational imperative even if *all* of the benefits of interracial schooling for Negroes are a direct result of the school social class factor alone? For most practical purposes, the answer to this query is *yes*. There are, however, cases of predominantly Negro, high status schools with empty seats. Can one except the same benefit for a lower status Negro child from attendance at such a school as he would receive from a predominantly white school of comparable status? The Commission report suggests that the child would receive much, *though not all* of the benefits of racial desegregation.

While the foregoing discussion does not conclusively demonstrate the value of interracial (as opposed to intersocial class) schools, I believe that it does tentatively point to the operation of *both* social class and racial composition factors on Negro achievement. Since school operating decisions are being made every day which affect both these variables and will determine the quality of the education of the children concerned, it is incumbent on decision makers to take these factors into account. My tentative belief is further bolstered by the additional evidence presented in the following sections.

SIGNIFICANT DEFINITIONAL DISTINCTIONS CAN BE MADE BETWEEN "SEGREGATION," "DESEGREGATION," AND "INTEGRATION"

Coleman Report findings and Civil Rights Commission results suggest some empirically based definitional distinctions that might prove helpful in this semantically confused realm. To begin with, the legal distinctions between *de jure* and *de facto* segregation are of no practical importance for the consequences of racial isolation in the schools. The Commission's data speak to this issue directly; they suggest effects of de facto school segregation just as negative as those reported earlier for de jure school segregation. The legal distinction has little relevance for the Negro child in the all-Negro school.

Indeed, a realistic look at so-called de facto school segregation in cities today calls into question even the legal separation of the two forms of segregation. While de jure segregation has its roots in blatant state legislation, so-called "de facto" segregation generally has its roots in state action, too. Such state action may include anything from school board decisions to urban renewal plans and zoning ordinances. At some future time in American history, as Paul Freund has suggested, the judiciary will have to come to terms more clearly with the implications of the state action similarity of both de jure and de facto forms of school segregation.

Coleman Report and Commission data also have implications for the question of numbers and percentages which constitute "segregation" or "desegregation." This matter is of considerable importance, since the definition adopted will provide a conceptual framework for persons interested in advancing desegregation, the definition will describe the target towards which their policy should strive, and it will measure their success or failure. Two major alternative definitions have been proposed. One defines segregation and desegregation by pegging the definition to the nonwhite percentage of the area's overall school population. Thus, if 12 percent of a system's students are nonwhite, then ideally each desegregated school in the system would approach a nonwhite student composition of 12 percent. There are at least two possible criticisms of this approach. First, it is often impractical in all but reasonably small areas, and, second, it treats the individual school as a simple reflection of the community, rather than as an integral institution with its own dynamics and requirements.

A second definition attempted to meet these criticisms with a relatively fixed, rather than variable, gauge: on the basis of several social psychological considerations, the

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ideally desegregated school is one whose student body includes from roughly 20 to 40 percent nonwhites. The disadvantage here is that segregated schools could still result in systems with fewer than 20 or more than 40 percent nonwhite children.

The two federal studies suggest a more simple set of definitions. A segregated school is one whose student body is predominantly nonwhite; while a desegregated school is one whose student body is interracial, but predominantly white. Such definitions stem from the basic finding that the beneficial effects of interracial schools for the academic performance of Negro children are not linear; that is, Negro test scores do not rise evenly with increasing percentages of white children in the classroom. Rather, both analyses point to an achievement discontinuity which occurs past the midpoint, with the highest Negro verbal test scores reported from "more than half" white classrooms.[25] Indeed, enrollment in classes with "less than half" whites is associated with scores not significantly different from those of all-Negro classrooms.

This more simple definition receives further support from white test performance in interracial schools. As long as the class is predominantly white, white pupils' achievement levels in interracial classrooms do not differ significantly from those of white pupils in white classrooms.[26] But attendance in predominantly Negro classes is associated with lower white test scores. In other words, the same types of classes relate to higher scores for both Negro and white children; and these classrooms are predominantly white and may usefully be defined as "desegregated." Similarly, the same classes relate to lower scores for both Negro and white children; and these classrooms are predominantly Negro and may usefully be defined as "segregated."

Implications of the definitions

The ideological difficulties of such definitions are apparent. As mentioned before, Negroes can rightfully argue that such definitions indicate that "white is right," that predominantly Negro schools cannot be "good schools." Commissioner Frankie Freeman of the Civil Rights Commission addressed herself specifically to this issue:

> The question is not whether in theory or in the abstract Negro schools can be as good as white schools. In a society free from prejudice in which Negroes were full and equal participants, the answer would clearly be "yes." But we are forced, rather, to ask the harder question, whether in our present society, where Negroes are a minority which has been discriminated against, Negro children can prepare themselves to participate effectively in society if they grow up and go to school in isolation from the majority group. We must also ask whether we can cure the disease of prejudice and prepare all children for life in a multiracial world if white children grow up and go to school in isolation from Negroes."[27]

The two federal reports also suggest that another useful distinction can and should be made between "desegregated," as opposed to "integrated" schools. Note that the definition of desegregation involved only a specification of the racial mix of students, namely, more than half whites. It does not include any description of the *quality* of the interracial contact. As we will see, merely desegregated schools can be either effective or ineffective; they can promote either genuine interracial acceptance or intense interracial hostility. In short, desegregation of a school can be but part of the process of improving pupil performance.

Recall that the Coleman Report revealed consistently larger standard deviations for the test scores of Negro children in desegregated (that is, "more than half" white) classrooms.[28] In other words, while the average scores of such Negro children were higher than those in segregated schools, an unusually large proportion of these children were achieving much higher than that average, and a similar proportion were far below (and perhaps might be better off in a "segregated" school). What accounts for these wide differences? The Commission's reanalysis of these Coleman data suggests that the explanatory intervening variable is *interracial acceptance* within the school. In desegregated schools where most teachers report no tension, Negro students evince higher verbal achievement, more definite college plans, and more positive attitudes than students in tense desegregated schools.[29] White students also evince benefits from the interracially harmonious school.

The term "integrated school," then, might usefully be reserved for the desegregated school where interracial acceptance is the norm. With these usages, "desegregation" becomes a prereqiusite, but "integration" is an ultimate goal.

What are optimal environments for racial "integration"?

The special efficacy of the desegregated school with interracial acceptance and low levels of tension is completely consistent with the growing body of experimental evidence on racial optimal performance environments. The basic work in this realm has been conducted by Irwin Katz.[30]

Katz first studied biracial task groups consisting of two Negro and two white students. In a variety of conditions, Negro subjects "displayed marked social inhibition and subordination to white partners." Negroes made fewer remarks than whites, tended to accept white contributions uncritically, ranked whites higher on intellectual performance even after equal racial ability has been displayed, and later expressed less satisfaction with the group experience than did whites. These complaint tendencies were modified only after a situation was presented which required Negro subjects openly to announce correct problem solutions to their white partners. That this procedure did work suggests the general technique for the interracial classroom of making sure that the Negro members have a public opportunity to display personal competence.

Katz also demonstrated performance effects of the biracial context on his white subjects. Accustomed to all-white situations, white subjects often failed to utilize the abilities of their Negro partners, even when they could expect a monetary bonus from the experimenter for good teamwork.

A second series of experiments by Katz reveals further effects of racial isolation by introducing threat into different racial environments. Thus, students at a predominantly Negro college in the South performed better on a digit-symbol substitution task under conditions of low stress when tested by a white stranger than under conditions of high stress when tested by a Negro stranger. Likewise, Negro students in another experiment scored higher on a digit-symbol code with a white tester, as long as they believed the code to be a research instrument for studying hand-eye coordination, a nonintellectual capacity. However, they did better with a Negro tester when they thought the code was an intelligence measure.

Katz has also isolated some effects on Negro Americans of anticipated comparisons with white Americans. Students at a Negro college in the South worked on easy and difficult versions of a digit-symbol task under three different instructions. One set of instructions described the task as not being a test at all, another set described it as a scholastic aptitude test with norms from the Negro college itself, and a third set described it as a scholastic aptitude test with national (that is, predominantly white) college norms. The Negro subjects performed best when they anticipated comparison with other Negroes, less well when they anticipated comparison with whites, and least well when no comparison at all was anticipated.

Another study again varied the anticipated comparison with whites or other Negroes, but at the same time varied conditions of white or Negro experimenter and different probabilities of success. The results of this experiment are consistent with those just cited. The Negro subjects performed best when tested by a white with a reasonable expection (that is, 60 percent) of success and anticipation of comparison with Negro norms. They performed worst when tested by a white with a low expectation (that is, 10 percent) of success and anticipation of comparison with white norms.

Katz believes these findings are consistent with a four-factor model of Negro American performance in biracial situations. On the negative side of the ledger, he lists:

1. *Lowered probability of success.* Where there is marked discrepancy in the educational standards of Negro and white schools, or where Negro children have already acquired strong feelings of inferiority, they are likely to have a *low expectancy of academic success* when introduced into interracial classes. This expectancy is often realistic, considering the situation, but it has the effect of lowering achievement motivation. The practical implication of this factor is to avoid its operation by beginning interracial instruction in the earliest grades, an implication consistent with the Civil Rights Commission's finding that desegregation in the earliest grades generally has the most positive effect on the achievement of Negro children.

2. *Social threat* is involved in any biracial situation for Negro Americans; because of the prestige and dominance of whites in American society, rejection of Negro students by white classmates and teachers often elicits emotional responses that are detrimental to intellectual functioning. This Katz finding, too, is consistent with the Commission finding that Negro academic achievement is highest in integrated schools featuring cross-racial acceptance.

3. *Failure threat* arises when academic failure means extraordinary disapproval by significant people, parents, teachers, or peers at school. Low expectancy of success under failure threat may also elicit emotional responses detrimental to performance. But this need not always be the case. Sometimes, experiences in the interracial classroom act to dispel feelings of failure threat and group inferiority. When one of the nine Negro children, who, under the glare of world publicity, desegregated Central High School of Little Rock, Arkansas, in 1957, was asked what she had learned from her arduous experience, she exclaimed: "Now I know that there are some stupid white kids, too!" This insight into the white superiority myth could never have been acquired in an all-Negro high school.

Finally, on the positive side of the ledger, Katz notes that acceptance of Negroes by white classmates and teachers often has a *social facilitation* effect upon their ability to learn, apparently because it reassures Negro children that they are expected to be fully as talented in the classroom as anyone else. This anticipation, that skillful performance will win white approval rather than rejection for not "knowing your place," endows scholastic success with *high incentive* value. Katz believes this factor explains why his Negro subjects tend to perform better with white investigators on tasks which are free of severe threat.

A more recent Katz experiment adds another dimension. Heretofore, he had employed primarily Negro college students for his subjects. But when he now uses as subjects truly isolated, grade school Negro boys

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from a New York City slum, the social facilitation factor previously evident with white testers disappears. In a verbal learning task, performance was superior with the Negro experimenter under all conditions of the study including the use of approval. This result suggests the original Katz model must be placed in a larger context of the past racial experience of the Negro subjects. It also emphasizes the need for early interracial experience.

Research such as Katz' offers educators both an opportunity and a challenge. His data suggest factors which might be found in an effectively integrated school and imply principles that should govern the planning and management of such schools. At the same time, they imply that effective integration is far more than the mixing of races, and that, in itself, is a difficult issue.

FOOTNOTES

[1] James S. Coleman, *et al., Equality of Educational Opportunity* (Washington, D.C.: U.S. Government Printing Office, 1966), pp. 3–7.

[2] Coleman, *et al., Equality of Educational Opportunity,* p. 300. Replicated by Alan B. Wilson in his work in Richmond, California; see U.S. Commission on Civil Rights, *Racial Isolation in the Public Schools,* Vol. II (Washington, D.C.: U.S. Government Printing Office, 1967), pp. 172–74.

[3] Coleman, *et al., Equality of Educational Opportunity,* p. 300.

[4] *Ibid.,* p. 85.

[5] *Ibid.,* pp. 316–17.

[6] *Ibid.,* pp. 312–13.

[7] *Ibid.,* pp. 312–16.

[8] *Ibid.,* pp. 319–25.

[9] *Ibid.,* p. 321.

[10] Alan B. Wilson, "Residential Segregation of Social Classes and Aspirations of High School Boys," *American Sociological Review,* Vol. 24 (1959), 836–45.

[11] S. Cleveland, "A Tardy Look at Stouffer's Findings in the Harvard Mobility Project," *Public Opinion Quarterly,* Vol. 26 (1962), 453–54.

[12] J. A. Michael, "High School Climates and Plans for Entering College," *Public Opinion Quarterly,* Vol. 25 (1961), 585–95.

[13] U.S. Commission on Civil Rights, Vol. 1, 85.

[14] James S. Coleman, "Comment on Three 'Climate of Opinion' Studies," *Public Opinion Quarterly,* Vol. 25 (1961), 607–10.

[15] Alan B. Wilson, "Educational Consequences of Segregation in a California Community," in U.S. Commission on Civil Rights, *Racial Isolation in the Public Schools,* Vol. II, 165–206.

[16] *Ibid.,* p. 202.

[17] U.S. Commission on Civil Rights, Vol. I, 90.

[18] *Ibid.,* p. 94.

[19] *Ibid.,* pp. 98–100.

[20] *Ibid.,* pp. 100–101.

[21] *Ibid.,* p. 100.

[22] *Ibid.,* p. 101.

[23] *Ibid.,* p. 101.

[24] *Ibid.,* p. 90.

[25] *Ibid.,* p. 90; and Coleman, *et al., Equality of Educational Opportunity,* p. 332.

[26] U.S. Commission on Civil Rights, Vol. I, 160.

[27] *Ibid.,* p. 214.

[28] Coleman, *et al., Equality of Educational Opportunity,* p. 333.

[29] U.S. Commission on Civil Rights, Vol. I, 157–58.

[30] J. Katz, "Review of Evidence Relating to Effects of Desegregation on the Performance of Negroes," *American Psychologist,* Vol. 19 (1964), 381–99.

Mr. MONDALE. Mr. President, there is no question that minority group and disadvantaged children are severely damaged by segregated education. But they are only its most obvious victims.

In his testimony before the select committee, Dr. Kenneth Clark stated that advantaged, white, middle-class children are also damaged by educational systems which fail to practice the principles of racial justice and equality of opportunity that they teach.

Finally, on another level, all of us and all our children—black, white, and brown, rich and poor—suffer as each passing year brings us closer to the tragic, divided America foreseen in the report of the President's National Advisory Commission on Civil Disorders.

ESSENTIAL ELEMENTS OF INTEGRATED EDUCATION

Merely to state the case that integration results in educational benefits is not enough. We must look beyond the mere placement of children from diversified backgrounds in schools together. We must also define the essential elements of quality integrated education—the elements that provide the kind of sensitive, humane, child-oriented schools that can make integrated schools models of educational excellence. The hearings and studies conducted by the Subcommittee on Education and the Select Committee on Equal Educational Opportunity have led me to conclude that there are four elements which are essential to the success of integrated education.

First, is the participation of parents, teachers, students, and other members of the community in the educational process. These groups must be involved in planning, and in the development and implementation of programs and projects. School integration by definition involves human relations. The involvement of all affected community groups will not only prevent misunderstandings based upon misinformation, but will also assure that programs address the needs of children as these needs are seen by educators and their clients working in cooperation.

Second, is the presence of socio-economic, as well as racial and ethnic diversity. As the President stated in his message on elementary and secondary school desegregation of March 24, 1970, children benefit most from integrated environments when students are from a variety of socio-economic, as well as racial and ethnic backgrounds. There are four essential components of this diversity. First, the school must be substantially representative of all the minority and nonminority groups, which comprise the student population of the school district. In other words, token efforts will not succeed. Second, all these groups must participate in curricular and extracurricular activities on an equal basis. Third, the faculty must also be representative. Fourth, a substantial proportion, if not a majority of the children in an integrated school must be from educationally advantaged backgrounds.

The third essential element for the success of integration is the presence of a learning environment which is sensitive to the needs of all children involved—an environment which can be created only by teachers and administrators who believe that all children can learn. Where minority group children from backgrounds in which a language other than English is spoken are present, sensitive bilingual and bicultural programs are crucial. Mexican-American, Indian, Puerto Rican, oriental, and other children with differing languages and cultures must be allowed to learn and respect the language and culture associated with the group to which they belong. All children will benefit from an opportunity to learn about the cultural heritages which these children possess.

The fourth element is the need to begin to process by placing children from diverse backgrounds in school together in their early years. The most successful integration efforts are those which begin in the earlier grades. That is where children learn most from each other. It is where they will most readily develop attitudes which are tolerant and respectful of each other.

If these elements are present, if there exists in the community the will and the leadership necessary to make such efforts successful, the kinds of stable, quality, integrated schools which I have described can and will become models of educational excellence, sensitive to the background, culture, abilities, and individual needs of every student.

INTEGRATION IS FEASIBLE IN ALL BUT A FEW DISTRICTS

I am not unaware of the difficulties involved in persuading communities across the Nation that integrated education is best for all children. In many central city and other districts, with student populations that are predominantly disadvantaged or from minority groups, it is just not mathematically possible to establish integrated schools of the kind which I have described. But for the vast majority of school districts with minority group children across the country, there is no technical reason—no mechanical excuse—why integrated schools cannot be established throughout each district.

It is easy to cite the Harlems and Districts of Columbia of this country and throw up one's hands in despair. But let us look at the facts. Most minority students are in districts in which nonminority students are in the majority. There are 11,750 school districts in the United States with 300 or more children. Of these, only 693 or 5.9 percent have a majority of minority group students. We usually think of big cities as being impossible to integrate. Of the 100 largest school districts in the Nation, contain about one-fourth of all students, 16 are majority black, one is majority Mexican-American, and one is majority black and Mexican-American. Take standard metropolitan statistical areas, cities of 50,000 or more population and their suburbs. There are 217 such cities of which 42 contain a majority of minority group students. So that 82 of the 100 largest school districts and 175 of the 217 cities of 50,000 or more should have no problem meeting the formula for the establishment of integrated schools prescribed in this bill.

INTERDISTRICT AND METROPOLITAN AREA PROGRAMS

For those school districts which are so severely impacted with minority and disadvantaged students that integration is just not practical within the district this bill provides alternate solutions: Metropolitan area and interdistrict programs.

The bill reserves 15 percent of appropriated funds for metropolitan area programs. The focus of this particular section is a result of the leadership of the Senator from Connecticut. As Prof. Thomas Pettigrew of Harvard University testified before the Select Committee:

> A metropolitan perspective is essential. Pessimists often regard the racial integration of schools as impossible because of the growing concentration of black Americans in central cities.
>
> But as soon as we adopt a metropolitan perspective the dimensions of the problem are abruptly altered. Black Americans constitute only 11% of our national population and only about 14% of our metropolitan population.

A metropolitan approach does not require consolidation of political subdivisions or school districts. It does require new levels of cooperation between central cities and their suburbs. Present Federal aid to education programs, if anything, discourages such cooperation by focusing only upon distributing funds to single isolated school districts.

Federal funding that provides strong incentives for cooperation between school districts can be an important step toward both equal educational opportunity and the more efficient use of Federal funds. Beyond this, it is obvious that integrated schools within metropolitan areas must draw students from both central city districts and suburban districts.

Mr. President, in this regard I ask unanimous consent to have printed in the Record from the same article referred to earlier by Dr. Pettigrew some very cogent and compelling arguments that justify the establishment of a metropolitan educational system as part of a metropolitan program.

There being no objection, the material was ordered to be printed in the Record, as follows:

A Return to the Common School—Excerpts

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METROPOLITAN PARKS

Several designs would meet these criteria; but let us consider one as illustrative: *the metropolitan park plan*. Each park would be located on "neutral turf" in an inner-ring suburb or just inside the central city boundary.[33] It would be so placed that the same spoke of the mass transit system could bring both outer-ring suburban children into the park and ideally comprise a pie-shaped metropolitan wedge containing a minimum of 12,000 to 15,000 public school students. The thin end of the wedge would be in the more dense central city, and the thick end in the more sparsely settled suburbs.

But what incentive could generate the metropolitan cooperation necessary for such a plan? A number of systems have considered educational parks, but they usually find the capital costs prohibitive. Moreover, many systems are currently hard pressed for expansion funds, especially as referenda for school construction bonds continue to be defeated throughout the nation. Federal funding, then, on a massive scale will obviously be needed, though it must be dispersed in a far more careful and strategic manner than the everybody-gets-his cut, "river and harbors bill" principle of the 1965 Elementary and Secondary Education Act.

If federal funding for capital costs is available without acceptance of metropolitanism, many school systems, particularly those exhibiting bad faith, will not choose to join a park plan. Therefore, federal construction grants must: (1) involve more than one urban district, and the consortium must always include the central city (note that any one park would not require the entire metropolitan area to join the proposal though some coordination would be necessary, perhaps through review by each area's metropolitan planning commission); (2) require racial and social desegregation—and, hopefully, integration—in every school involved (metropolitan involvement makes this requirement feasible); and (3) exclude alternate routes for federal building funds (though if the first two criteria are met, the proposal need not adopt the metropolitan park plan as the model).

A 15,000 student, $40 to $50 million park, 90 percent of it paid by the federal government, would be a powerful inducement. Here lie both a great opportunity and an equally great danger. If the money is distributed in the easy fashion of the Elementary and Secondary Education Act to individual school districts, the antimetropolitan effects could be disastrous for both race relations and public education. Building money spent in such a manner would further insulate aloof suburbia and institutionalize de facto school segregation in the inner city for at least another half century. School construction money may be made available by the federal government; the vital question is: What will be its form and effects?

The educational park idea is not a panacea; there can be elegantly effective and incredibly ineffective parks. Yet ample federal funding combined with the nation's planning and architectural genius should be able to set a new standard and direction for public schools. This combination has successfully been applied to public facilities ranging from interstate highways to magnificent airports. Now the combination should be applied to the benefit of children.

From high rise structures to multiple unit campuses, educational parks themselves can be planned in a variety of ways. The most widely discussed design would involve a reasonably large tract of land (eighty to one hundred acres as a minimum) containing no fewer than fourteen or fifteen schools, serving grades from kindergarten through high school. One educator has visualized a campus design for 18,000 students consisting of two senior high, four junior high, and eight elementary schools.[34] If the park were to serve an especially densely populated section, it would be best if it did not include the entire grade spectrum so that it could still cover a reasonably expansive and heterogeneous attendance area. In general, however, an education park resembles a public university. Both include a variety of educational programs for a large group of students of varying abilities. And, like public universities in our major cities, some parks could consist of high rise structures and some could develop a more spacious campus atmosphere with numerous buildings. Hopefully, the metropolitan park could usually follow the campus model, since sufficient space would generally be obtainable at suburban-ring locations.[35]

Apart from offering racial remedies, the metropolitan park concept has a number of distinct advantages. First, there are considerable savings that accrue from consolidation; centralized facilities, such as a single kitchen, need not be duplicated in each of the park's units. Savings on capital costs, too, would accrue from simultaneous building of many units at one location. These savings, however, do not necessarily mean that the total construction and operating costs would be less than those for the same student capacity spread out in traditional units. The advantage is that for essentially the same cost metropolitan parks could boast significantly better facilities than traditional schools. Consequently each child would be receiving far more per educational dollar in the metropolitan park.

Improved centralized facilities of a park should maximize innovations and individualized instruction. It is difficult to institute new approaches to learning in old settings. A prime finding of social change research is that new norms are easier to introduce in new institutions. The metropolitan park offers a fresh and exciting setting that should encourage new educational techniques and attract the more innovative members of the teaching profession. In addition, a park presents a rare design opportunity for building innovation into the physical and social structures of the schools. This, of course, includes the latest equipment for aiding the teacher and the student. Centralization enhances this process, for example, by providing efficient concentration of all electronic information storage, retrieval, and console facilities. Yet such centralization of equipment should not be viewed as leading inevitably to a wide assortment of frightening Orwellian devices cluttering the school. Poor planning could lead to this result, but the accent should be on individualized instruction as the unifying and positive theme, a theme far more possible in the park design than in the present model of scattered "little red schoolhouses."

Many innovations made possible by a metropolitan park extent beyond the equipment realm. For instance, the teaching profession today suffers from being one of the most undifferentiated by rank of all professions, a characteristic which discourages a lifelong orientation to the field. While the medical profession has a graded rank order of roles from intern and resident to chief of a service, teachers must either enter administration and become principals or shift to more prestigious schools in order to move up the ladder. By concentrating a large number of teachers in a relatively small area, far more role differentiation becomes possible. Thus, a teacher might progress from an apprentice in a team teaching situation, to a master teacher in a team, to a supervisor of master teachers, and so on. Faculty concentration also allows more intensive, across-school, inservice training and the formation of departments across schools with rankings within departments as in universities (for example, a junior high history department consisting of all history teachers in the four or five junior highs on the campus).

Concentration of students also allows wider course offerings. Specialized classes, from playing the lute to seventeenth-century English literature, become economically possible when the students electing them are gathered from units throughout the park. Moreover, concentration makes possible some remarkable facilities that can be shared by all of the park's units, for example, an Olympic-size swimming pool and extensive auditorium and theatrical equipment. These special facilities could far surpass what is now available in all but the most affluent districts, become a source of student and community pride, and provide a competitive status advantage over private schools. They also would be used efficiently, rather than the minimal use expensive facilities receive in single site schools.

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[33] Other convenient and racially neutral sites would be appropriate to specialized metropolitan educational parks. Rather than near the central city and suburban boundary sites near the art museum, the science center, the music center, and colleges and universities could possess enough appeal and status to attract suburban children into the central city despite the longer commuting.

[34] G. Brain, "The Educational Park: Some Advantages and Disadvantages," in N. Jacobson, ed., *An Exploration of the Educational Park Concept* (New York: New York Board of Education, 1964), p. 16.

[35] In some of the thickly populated metropolitan areas, especially the older cities of the East, ideal sites are already scarce and rapidly disappearing. Hence, the recommendation below for park site land banks.

The metropolitan park offers unusual opportunities for an effective liaison with a local university or college. Nova, the extensive educational park near Fort Lauderdale, Florida, even plans to include college and graduate work right on its campus. But direct contiguity is not necessary to develop a mutually beneficial coordination.

Recall that an important cause of public school segregation in many central cities is the enrollment of large percentages of white children in parochial schools. This fact suggests closer cooperation between public and parochial schools; and the metropolitan educational park could facilitate such cooperation under optimal conditions. Most parochial systems are currently in serious financial condition, and tapping into the park's superior facilities should prove attractive. Roman Catholic educators point out that those items that cost the most—the physical science laboratories, gymnasium, and stadium—tend to be less related to the "moral training" that they believe to be the distinctive feature of their schools. Scattered site schools, public and parochial, make "shared time" and other cooperative arrangements awkward at best. And when parochial students come to take their public school class as a group, such segregation often reaps its usual harvest of intergroup tension and hostility.

A recent idea from Vermont introduces a more promising possibility. At the time of planning a large educational park, parochial school educators could be provided the opportunity of purchasing an adjoining plot of land and constructing a new facility of their own. As long as the land price is consistent with its true value, no constitutional infringements appear to be involved. The new parochial facility need only concentrate on courses directly needed for "moral training." Parochial school pupils would be free as individuals, not as separated groups, to cross the park's grass, not urban streets, and attend physical education, science, and other public school courses when they fit their particular schedules. The Vermont Plan offers construction and operating savings to hard-pressed parochial systems; and it offers a greater race and class student balance to hard-pressed public systems.[36]

Cost efficiency, educational innovations, more individualized instruction, wider course offerings, special facilities, and coordination with universities and parochial schools—all the advantages of the well-designed metropolitan park are features that parents, white and Negro, would welcome in the schools of tomorrow. This is politically critical, for desegregation efforts of the past have seldom had the advantage of being intrinsic parts of a larger package promising across-the-board improvements for *all* children.

BUT WHAT ABOUT THE OPPOSITION?

In addition to the natural resistance to change, four major objections have been raised to the park concept: (1) executive capital costs; (2) the phasing out of existing schools; (3) the problem of impersonalization in large complexes; and (4) loss of neighborhood interest and involvement in the school. Each is a serious objection and deserves comment.

The park *is* expensive, and major outside funding is necessary. Furthermore, mistakes in design and location could be disastrous. A park is an enormous commitment of resources, and, if poorly conceived, it could stand for years as a major mistake in planning. This is precisely what would happen if parks were operated totally within central city systems, for demographic projections prove the folly of building parks for a single central city system as a desegregation device.[37] It is for this reason that the parks of the future must be *metropolitan* in character.

Present schools were expensive, too, and raise the problem of phasing out existing facilities. For many urban districts this is not a problem; they already have overutilized schools with double shifts and rising enrollments or old schools long past their usefulness. But some urban districts have many new schools and would be hesitant to join a park consortium. The program, however, is a long-term one. Hopefully, in the 1970s, most of the nation's leading metropolitan areas would boast one or more parks; these in turn could serve as models for completing the park rings in the decade. Moreover, elementary and secondary student enrollments will rise rapidly: from 48.4 million in 1964 to a projected 54.9 million in 1974, and to 66 million in the fateful year of 1984.[38] Metropolitan parks, then, could be phased in as older facilities are phased out and as enrollments rise.

Such a process would be ideal nationally, but there will be special problems in localities with "planned de facto school segregation." These are cities, such as Chicago, which in recent years have purposely built new schools in the heart of their Negro ghettos. If racial progress is to be made in these cities, recent structures will have to be converted to new uses, perhaps, to much needed community centers.

The third objection to parks centers upon the impersonalization of organizational bigness, "the Kafka problem." Indeed, much of the park's description, 15,000 students, a staff approaching 1000, the latest electronic equipment, has a frightening Kafka ring; and one can easily imagine how an ill-designed park could justify these fears. However, such a prospect is not inherent in the park plan. Nor is bigness a park problem alone; many of today's huge urban high schools accommodate many thousands of students in a single unit and arouse the same uneasiness. In fact, imaginatively designed parks could act to counter the urban trend toward ever larger public school units. Smaller schools at each level can be economically built as units within the park; and careful planning can afford a reasonable degree of privacy for each unit while still providing access to the shared facilities of the park.

Some critics are particularly concerned about the park's loss of neighborhood interest and involvement. The criticism assumes that most urban public schools today are neighborhood based, and that they generate considerable neighborhood involvement. Serious doubts can be raised about both assumptions: we may well be worrying about the possible loss of something already extinct. In any event, there is no evidence to indicate that only a neighborhood-based school can generate parental concern, or that a metropolitan park could not duplicate this feat, or that there is a close and negative association between the size of the attendance area and involvement.

The criticism does raise an important planning issue. How can the park be initiated and planned to heighten parental and community interest? Certainly, special facilities, university liaison, and cooperation with parochial schools could help generate community pride and interest. So could smaller schools and a park school board of parents with wide authority. Furthermore, widespread use of the park for adult education, community affairs, and so on, might also contribute to public involvement. Indeed, special facilities of the park lend themselves to such adult use more readily than the typical school today.

Finally, one might ask how such a metropolitan educational park plan fits with other such widely discussed possibilities as "decentralization" and "community-controlled schools." First, it should be noted that decentralization and community control are typically advanced either apart from integration considerations or as outright alternatives to integration. "The Bundy Report" for New York City, for instance, could well lead to racially homogeneous districts that would institutionalize racial segregation for generations to come. Yet there is an obvious need in such large and unwieldy systems as New York and Chicago to decentralize authority, as well as a general need to increase parental and community involvement in public education.

Similar to compensatory education, however, these possibilities acquire force and meaning when they *accompany* the drive for integration rather than substitute for it. Thus, effective decentralization need not take the form of isolated social class or racial islands, but should assume the metropolitan wedge shapes described earlier as ideal attendance areas for educational parks. New York City's schools *could* be organized along the lines suggested by "The Bundy Report" in such a way as to help rather than hinder integration.[39]

In summary, then, those who say there is nothing we can do about the educational segregation of our major cities are fortunately wrong. This is not to say that desegregation progress will be easy, or even that we will do what is necessary to achieve such progress. But it is to say that it potentially *can* be done for a significant number of urban Americans, white and Negro.

A FINAL WORD

Stripped to its essentials, the argument of this chapter is as follows:

1. It is widely acknowledged that public education needs a major restructuring. While numerous proposals and models for the future exist now, little discussion has begun on a systems approach of optimal mixes of these models.

2. Despite difficulties in evaluating present and proposed programs in public education, there is growing empirical evidence, especially from recent federal studies, to indicate the critical importance of the social class climate of a school's student body. And, this evidence strongly suggests a model of learning which stresses that children teach children, and the need for public education that is heterogeneous in both social class and racial terms.

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[36] The old stereotype of parochial school students as children of working class immigrants is outdated. Roman Catholic children who comprise the students for the Church-operated educational systems tend as a group to be distinctly higher in socioeconomic background than Roman Catholic children who attend the public systems. Thus, inclusion of parochial pupils in public school courses and programs is likely to facilitate social class as well as racial balance.

[37] The Philadelphia Urban League, in proposing nonmetropolitan parks for a central city system whose student body is already majority nonwhite, has advanced just such a plan.

[38] F. Keppel, *The Necessary Revolution in American Education* (New York: Harper & Row, 1966), p. 19.

[39] Private communication from Professor Dan Dodson of New York University. Of course, *no* decentralization and redistricting plan in New York City can solve the problem of desegregation alone. The point is that it can be made to seal in racial and class segregation or to improve slightly the situation depending on how it is accomplished.

> 3. It is demographically possible to provide such heterogeneous education everywhere in the United States. The chief challenge to this statement are our largest metropolitan areas; and it is here that the metropolian educational park, with its advantages and disadvantages, becomes *one* important structural component for any future design for American public education.
>
> In short, then we *can* provide "common schools" again; a question remains as to *will* we?

TELEVISION

Mr. MONDALE. Mr. President, there are two other incentive programs in this bill which I would like to mention specifically. First is the set aside of $45 million for the development and production of integrated children's television programs. Ninety-seven percent of all American families and 90 percent of all families of incomes of less than $5,000 have home television receivers. By the time the average American child graduates from high school he has spent 4,000 more hours watching television than he has in the classrooms of our Nation. Studies have shown that children from low-income families watch even more television than those from middle-income families and that black children watch more television than white children. The potential for using home television reception to further equal educational opportunity is tremendous.

That educational television for young children can be successful has already been demonstrated by one imaginative dedicated group of individuals. I refer, of course, to Sesame Street which has been widely acclaimed and awarded and which has unquestionably benefitted children from disadvantaged inner-city communities, from middle-class suburbs, and from isolated rural areas by providing an effective medium for teaching young children important facts and learning skills. This is clearly demonstrated by the recent findings of the Educational Testing Service of Princeton, N.J., "The First Year of Sesame Street: An Evaluation," a report evaluating the results of Sesame Street.

First, it was found that children who watched the most learned the most. Second, the skills that received the most time and attention on the program were, with rare exception, the skills which the children learned the best. Third, children viewing Sesame Street at home showed gains as great as, and in some cases greater than, children who watched in school under the supervision of a teacher. These were the major findings of the report. Some of its other findings are even more interesting.

As between advantaged and disadvantaged children, although disadvantaged children started out with considerably lower achievement scores on the skills taught by Sesame Street, those who watched a great deal surpassed those middle-class children who watched only a little. The program thus demonstrated that television can reduce the educational gap that usually separates advantaged and disadvantaged children even by the time they enter first grade.

The report also contains a finding which ETS rated "highly tentative" but which is particularly interesting: Sesame Street may be especially effective for the teaching of some skills to children whose first language is not English and who do not test well or perform well in school. Thus, a small sample of children from Spanish-speaking homes in the Southwest made more spectacular gains than any other subgroup of children tested.

I cite these findings because I believe Sesame Street to be one of the most successful educational programs in or out of school anywhere in this country. Sesame Street has clearly demonstrated the potential of educational television. The least we can do is to build on that success.

BILINGUAL, BICULTURAL PROGRAMS

The second special program which I would like to mention concerns the reservation of $45 million for programs to meet the special needs of minority group children who are deprived of equal educational opportunity because of language barriers and cultural differences. To continue to defer bilingual and bicultural education, it seems to me, is absurd.

The need for meeting the special educational needs of minority group children with these problems is unquestioned. The Department of Health, Education, and Welfare estimates that there are 5 million pubic school children who come to school with limited English-speaking ability. Title VII of the Elementary and Secondary Education Act serves only 54,000 of these students. According to HEW's 1968 elementary and secondary school survey there are 2,002,776 Spanish-surnamed students, 177,464 American Indian students, and 194,022 oriental students in schools in the continental United States. According to the Bureau of Census, only 31 percent of the 9,230,000 persons of Spanish origin in the United States consider English their mother tongue. Half reported that English was usually spoken in their homes; 20 percent speak no English at all. Among Spanish origin persons between the ages of 16 and 25 who reported to the Bureau of the Census that they were able to read and write the language usually spoken in their homes, twice as many had completed at least 4 years of high school when that language was English than when it was Spanish.

I have heard no more disheartening description of the plight of the non-English-speaking young school child than that by Mr. Enrique Hank Lopez, quoted in the New York Times yesterday:

> For every human being, the greatest period of learning is from birth to age 5, and for the Chicano child that learning is taking place in this schizolingual amalgam which is mostly Spanish.
>
> This is the child's principal cognitive tool, but the day he enters school it is snatched away from him. You may as well perform a partial lobotomy on him. He's so severely traumatized at a crucial period in life he may never recover, and he starts dropping out the first day of kindergarten. When he's forbidden to talk his own language, he gets a terrific sense of inferiority and guilt. He begins to dislike himself and his parents and everybody else.

PROGRAM ADMINISTRATION AND ESAP

Mr. President, I have discussed the need and the potential for success of the major features of the bill before us. But no legislation can be successful unless it is administered properly.

Last August the Congress appropriated $75 million for what has been called the emergency school assistance program. I shall not take the time now to review the history of that program. There have been two exhaustive evaluation reports, one prepared by the Government Accounting Office, which was released in early March, the other by six nonprofit organizations. A reading of these reports, I must say, gives me little confidence in the capacity of the Department of Health, Education, and Welfare to administer this legislation without strong safeguards and administrative guidelines in the bill. It is because of the history of the emergency school assistance program that the Labor Committee has included in the bill strong safeguards modeled upon those added in the Senate to the emergency school assistance program appropriation. The committee has also, both in the bill and the report set forth mandatory directions to the Commissioner to try to assure proper administration of this program.

The safeguards prohibit funding of local educational agencies which engage in the following practices: Aid to private segregation academies operating as alternatives for white students fleeing desegregated public schools; discrimination against minority group teachers or other minority group personnel; segregation of children within schools for a substantial portion of the school day in conjunction with desegregation or the establishment of an integrated school; limiting participation of minority group children in extracurricular activities or limiting extracurricular activities in order to avoid the participation of minority group children; and other discrimination on the basis of race, color or national origin.

The application of these safeguards is crucial. The value of integrated education to the children involved in the programs under this act will be lost if discrimination continues to be practiced within schools which are desegragated. When a qualified black teacher is fired because of his race, or Chicano students are placed in segregated classrooms, the message is not lost on the students or on the community at large.

Mr. President, I would like to mention one other aspect of the administration of the ESAP program. That program was presented to the Congress as a project grant program. The bill which we have before us is a project grant program. Funds were to be granted under ESAP and are to be granted under this bill only on the basis of need and merit. Unfortunately, in an effort to assure that school districts were funded as quickly as possible, ESAP money was in fact awarded on the basis of a formula under which each school district was told the maximum amount of funds for which it was eligible. I would like to quote from the committee report on this bill with respect to such practices:

> The Commissioner of Education should not for any purpose in connection with the administration of this program issue guidelines, formulas or allocation tables to school districts stating the amount of funds for which

> they might be potentially eligible. Eligibility for funds under this bill is based entirely upon the provisions set forth in Section 5. There is no authority for the setting of maximum or target figures with respect to financial assistance to eligible school districts.

It is clear that this bill leaves no room and contains no authority for the award of funds to school districts on any entitlement or formula related basis.

STENNIS AMENDMENT AND ENFORCEMENT

Mr. President, the bill now before us concerns the education of our Nation's children. It is not a bill which deals or in any way changes legal standards or enforcement procedures with respect to school desegregation.

Indeed, this legislation tacitly assumes that whatever the law may be, it should be enforced nationally and uniformly everywhere.

I know, and the committee recognizes in its report, that this is not the case either with respect to particular regions of the country or with respect to all minority groups. Indeed, the junior Senator from Mississippi made a speech a week ago today in this Chamber in which he challenged his colleagues to refute the data which he cited and which demonstrate that racially isolated schools are more prevelent in the North and West than in the South. The statistics presented by the Senator from Mississippi cannot be refuted, nor can it be accurately said by anyone in this Chamber that we have a uniform national policy on school integration or that the law is being equally enforced in all regions of the country.

The Senator from Mississippi noted that the Department of Justice and HEW have taken only 15 enforcement actions outside the 17 Southern and border States since 1965. This has been the case even in the face of congressional directives in the Labor-HEW Appropriation Act of 1969 and in the Elementary and Secondary Education Amendments of 1970, that title VI must be enforced on a national basis.

Moreover, enforcement activities by the Departments of HEW and Justice have largely ignored discrimination against children belonging to national-origin minority groups—Chicano, Indian, Puerto Rican, Oriental—although title VI specifically refers to discrimination on the basis of race, color, or national origin. Although the Department of HEW issued a memorandum concerning discrimination against national origin—minority children last year, HEW and Justice each have taken only one enforcement action based primarily upon discrimination against national origin—minority group children, and have incorporated discrimination against such children in only a small number of other enforcement actions.

We must have uniform national enforcement of the laws prohibiting discrimination based upon race, color or national origin in our public schools.

But the amendment proposed by the Senator from Mississippi will hinder, not help, in achieving this goal. It does not strengthen title VI to make nationwide enforcement easier. In fact, because it is framed as a declaration of policy, the amendment probably has no effect at all, as a matter of law, on the requirements of title VI. Although it can be read to ask for a uniform national policy against discrimination in public education—a policy I vigorously support—many will read the amendment to excuse enforcement of title VI against official discrimination, North and South alike, until such time as the courts declare purely adventitious segregation unconstitutional. This would be a tragic result.

This is no time for a national policy of retreat. It is time to move forward with nationwide enforcement of the Constitution and title VI, and with a national program of financial assistance for quality education in integrated schools.

HEW and Justice, despite the demands of the Congress, have been reluctant to proceed against official discrimination except in the form of segregation required by State law, and have failed to proceed adequately against discrimination based upon national origin.

It is my hope that section 11 of S. 1557, which provides for payment of attorneys' fees and costs in successful suits under title VI, the equal protection clause of the 14th amendment, and related legislation will, by opening up the resources of the private bar to parents of children, and teachers supply the impetus for a truly nationwide program of law enforcement by both the Federal Government and the private bar.

In addition, I would hope that those of my colleagues who wish to see nationwide school integration efforts would support S. 1283, introduced by Senator Ribicoff, as well as the bill now before the Senate. Unlike the amendment proposed by the Senator from Mississippi, S. 1283, of which I am a cosponsor, would provide significant integration of schools on a metropolitan areawide basis, throughout the Nation, within 10 years.

There is urgent need for a vigorous program, which includes participation of the private bar, to enforce the antidiscrimination provisions of title IV and the 14th amendment throughout the Nation and with respect to children and teachers from all minority groups. And there is urgent need for a commitment to provide metropolitan solutions to the problem of public school segregation in metropolitan areas. There is urgent need for a national program of incentives to provide quality, integrated education in schools desegregating under law or integrating voluntarily.

The legislation before us today establishes a nationwide Federal standard for the elimination of racial isolation and for the establishment of integrated schools wherever such isolation exists.

What this legislation proposes to do, for the first time, is to provide financial incentives for integrated education. It asks that this country focus on what is best for school children. If our attentions are diverted from this issue, we shall be doing a disservice to the school children of America.

That is not to say, however, that we will not have to face up to the issues posed by the Senator from Mississippi. I am prepared to vote for any provision which is designed to enforce the laws of the Nation uniformly and equally. But I will not vote for a proposal which I am convinced is designed, admittedly or not, directly or indirectly, to turn back the constitutional clock. I will not vote for a proposal which says to those children whom the law now protects that they will be denied its protection until those whom the law does not protect are brought within its reach.

Mr. President, I would hope my colleagues would have time to carefully review the record contained in the hearings, a copy of which is on the desk of each Senator. Time and time again we have heard this plea for quality integrated education from educators, parents, teachers, and academicians.

This measure enjoys the support of the present administration, the leadership on the Republican side of the Subcommittee on Education of the Committee on Labor and Public Welfare, and the majority side of the Committee on Labor and Public Welfare.

There is no time to review the statements and appeals we have heard from all over the country establishing the need for the proposal which is pending today. One of the most revealing statements came from Dr. Wayne Teague, superintendent of the desegregated school system in Auburn, Ala. This school district was required to desegregate under court order.

Dr. Teague's testimony is found on page 649 of the hearing record.

On page 655 of the hearing record the following colloquy appears:

> Senator Mondale. It is your judgment and the teachers' judgment that the children from the poorer backgrounds are doing better than they did in the all-black schools?
>
> Dr. Teague. Yes, sir; and we have more to go on than just this year. We have had freedom of choice in our community now for a number of years and we have had token integration before this year. Well, last year we had more than token. For the black students who have been to white schools for more than a year, there is just no comparison in the rates of achievement they are making now and what they did in the past.
>
> I think this needs to be noted also. Our community is one of extremes, more so than a typical Southern community.

Then, he explained that Auburn is a college community. I commend this testimony and the other testimony, but especially I commend this testimony because it is a revealing declaration by an educator in a school system desegregated under court order which I found to be most revealing.

I yield the floor.

Mr. ALLEN. Mr. President, will the Senator yield for a question or two?

Mr. MONDALE. I am glad to yield.

Mr. ALLEN. I was interested in the

comments of the distinguished Senator from Minnesota that in the desegregation of public schools process the welfare of the schoolchild has been neglected. Certainly the junior Senator from Alabama would agree with that assessment because he does believe the Department of Health, Education, and Welfare and the Supreme Court, in their efforts to experiment sociologically, have lost sight of the welfare of the schoolchild and that less interest has been taken in educating the child than in experimenting sociologically.

The junior Senator from Alabama would like to point out that in his judgment this bill does not provide the schools and the schoolchildren in the South treatment equal to that provided to the schools and the schoolchildren in the North, because necessarily there must be read into this bill and made a part thereof the present Federal school policy regarding desegregation of public schools. Under that Federal school policy the immediate forced desegregation of the public schools of the South is required, whereas in areas outside of the South the present system of segregation is fostered, and encouraged, and perpetuated.

But the junior Senator from Alabama would like to inquire of the distinguished Senator from Minnesota if it would not be best, if it would not occupy top priority, to provide in this bill that we shall have a uniform system of Federal policy as to desegregation of public schools, because under this bill there is a carrot-and-stick approach as regards the schools in the South and only a carrot approach as to schools outside the South. Would the Senator comment on that?

Mr. MONDALE. I am very grateful to the Senator from Alabama for the question.

First, let me say that there is no question in my mind that the schoolchildren have been too often forgotten in the legal struggles, the political struggles, surrounding desegregation. But this failure is to be found at all levels of government. The answer is not to draw back from this Nation's commitment to enforce the law and this Nation's commitment to quality integration for all of our children, but to do it in a sensitive, intelligent, child-oriented way. That is where the damage has occurred.

In my opinion, the reason why this measure has such great promise is that it rests on educational practice, educational experience. In order to have quality education, children must come first. Children must be accepted fully. They must be accepted as equals. We must support their own self-esteem. It is this sort of inhumane disregard for the needs of all children, particularly where they are brought together for the first time, which has caused so much damage. What we seek to do by this measure is to do it right.

Let me get to the second question asked by the Senator from Alabama. Perhaps the Senator would be pleased by section 11 of the pending measure, because it seeks to do something about the problem to which the Senator makes reference. I said in my remarks that the Senator from Mississippi was accurate when he said that only 15 lawsuits were brought outside the South in the last 7 or 8 years. I pleaded with the Attorney General, I pleaded with the Secretary of Health, Education, and Welfare, to make this a national program. If desegregation should be required in Biloxi, it should be required in the communities of the North and the West. We must prohibit official discrimination wherever it is found, and in addition, we must support quality integrated education for educational reasons and from the standpoint of maintaining a united Nation.

I was shocked to learn, and I did not realize, that the Justice Department spends only $1 million annually to enforce school desegregation policies throughout the country. Therefore, in our bill we set aside $15 million for private lawsuits, so that parties seeking to enforce the Constitution in school desegregation matters can bring lawsuits to enforce compliance with the law anywhere in the country, North and South, and on behalf of other minorities as well as blacks.

There has been practically no concern shown for other minorities. There has not been enough shown for blacks, but practically none for the others. One of the things that will help us move toward a more consistent national, across-the-board policy would be the adoption of section 11.

The other opportunity we are going to have is to adopt the amendment, now pending, by the Senator from Connecticut, which would require every metropolitan area of the country, North, South, East, and West, to establish a metropolitan program for integration and desegregation. So we are trying to deal with the need for an effective, wholehearted national policy of enforcement.

Mr. ALLEN. The junior Senator from Alabama was not asking that we draw back; he was suggesting the advisability of going forward and to apply to the North the mandatory desegregation requirement that is exacted of the South. The Senator thinks that would be going forward rather than drawing back.

Mr. MONDALE. I think the same law that applies to the South applies to the North. I think there are some who are pursuing a policy of nonenforcement, and I am pursuing a policy of enforcement everywhere.

Mr. ALLEN. Would the distinguished Senator from Minnesota care to classify the progress of desegregation in the North? Is there more segregation in the public schools in areas outside of the South than was the case 5 years ago, or is there less, or is there approximately the same? Would the Senator care to characterize the status of desegregation in those areas?

Mr. MONDALE. I do not think there is any question that there is more segregation today in the North than there was last year or the year before. Our record shows and we stated in the record that there has not been a policy of eliminating segregation in the North or in the West, and that the present population trends are making the major cities blacker and blacker and the suburbs whiter and whiter. The question is, what are we going to do about it?

The Senator from Connecticut disclosed that the new census data shows, if anything, that the situation is getting much worse. The question is, Are we going to do anything about it?

The record will show that I pleaded with the Attorney General two or three times, and the same with respect to the Secretary of Health, Education, and Welfare, that we have a national law enforcement policy. I do not think they are doing enough in the South, either, but I think we ought to have an effective law enforcement policy in the North and South, East, and West.

The distinguished Attorney General of Mississippi came to Minneapolis recently to investigate us. We welcomed him. We said if there is any discrimination found there we want to eliminate it. We expect to be just as exposed to effective legal action as any other community.

Mr. ALLEN. The distinguished Senator, then, would support not only the Ribicoff amendment but also the Stennis amendment, which would seek to provide for uniformity of the desegregation process?

Mr. MONDALE. The Stennis amendment, in my opinion—I regret that the Senator from Mississippi is not here—has one fatal flaw. In my opinion, it is likely to lead to a national policy of nonenforcement rather than a policy of enforcement. But I have a perfecting amendment that I will suggest which will declare a national objective of affirmative law enforcement, of constitutional protection in every community in the country where there is official discrimination, and I think Senators who want such a course should support that amendment.

Mr. ALLEN. Does S. 1557 make mandatory the desegregation of a single public school in the United States?

Mr. MONDALE. Let me say that this is not a law enforcement bill. This is an education bill. I had some trouble getting the legal fee section because of the desire of so many to deal only with the question of educational policy and a course to encourage stable quality integrated education. We stated in the report the committee's desire for a much better national policy of law enforcement. We would certainly encourage that.

If the Stennis amendment issue arises, I may well propose the following language, and I would hope the Senator from Alabama could join with me in it:

> Responsible officials are directed to conduct a program for the elimination throughout the nation of discrimination based upon race, color or national origin in federally assisted programs and activities affecting pub-

lic education, as required under Title VI of the Civil Rights Act of 1964.

That would make it very clear that we want such a national policy.

Mr. ALLEN. Very well. The Senator has suggested the addition of section 11 to the bill, providing for the payment of attorneys' fees to private attorneys for successfully prosecuting desegregation suits.

Would not the Senator think that this payment of attorneys' fees out of public funds would be champertous or barratrous, to provide for any such payment?

Mr. MONDALE. Let me say that practically all, if not all, of the funds spent now for lawyers to resist integration are public funds. Section 11 is designed to equalize the situation a little bit. In order to avoid champerty, fees can only be awarded on successfully obtaining a final court order. I think the Senator from Alabama is an attorney and I am an attorney. As attorneys, we do not want to encourage champertous lawsuits. But we do think there is a major crisis in the enforcement of constitutional protections affecting civil rights in this land, in the South, in the North, in the East, and in the West.

For example, there has been wholesale firing of black teachers and principals in the South. No one seems to argue that any more. And as far as I know, very few cases have been brought by the Justice Department. That is a tragedy.

There are problems in the North, to which the Senator has made proper reference, and despite our pleas, no lawsuits have been brought. They should be brought.

There is only $1 million set aside for law enforcement in the Justice Department in this terribly important area. They have not asked for more. This attorneys' fees provision is designed to provide for remedies in this area such as we have seen in the areas of employment and public accommodations.

Mr. ALLEN. The Senator suggests, then, that desegregation suits might be brought in areas outside the South, if this $15 million for attorneys' fees is set up?

Mr. MONDALE. Oh, yes.

Mr. ALLEN. Does he feel that the offer of these legal fees to the bar of the North might awaken their social consciousness to this problem? Is that what the Senator is suggesting?

Mr. MONDALE. And in the South, too. There have been allegations by the National Education Association that several thousand black teachers have been fired in the South, or demoted. I would like to see lawsuits brought on that. There has been testimony that some schools have taken public property and given it away to segregated private academies. I would like to see some lawsuits brought on that. That I would like to see some lawsuits brought in the North where there is official discrimination. Unfortunately, they have not been forthcoming.

One of the reasons for this attorneys' fees section is to try to make national law enforcement, including private cases. What is needed is a national policy of enforcement. We do not have it today.

Mr. ALLEN. What the Senator suggests, then, is that in the South, where there has been a multiplicity of suits in this area, other suits might be filed for reasons other than the social consciousness that now exists among the lawyers of that region?

Mr. MONDALE. The Senator might consult with the Justice Department as to why they have the policies that they have today. There is a crisis affecting our schools, resulting in racial minority separation throughout this country. No region can argue moral superiority, including my own. In order for this country to enforce the law, clearly something more needs to be done than we have done, and that is one of the reasons for the attorneys' fees provision. That is why the Senator from Connecticut (Mr. RIBICOFF) is proposing his amendment. That is why I shall stand behind any proposal that would strengthen the enforcement of the laws of this land; and that is why we are here with one of the most sensitive, responsible educational proposals I have ever seen, to try to encourage, through wise use of Federal funds, the establishment of stable racially equal public schools throughout this land.

Mr. ALLEN. The desegregation of public schools in areas outside the South would seem to be pretty well an untapped field; would it not?

Mr. MONDALE. There have probably been more voluntary efforts at desegregation outside the South than elsewhere, but the basic facts of racial isolation to which the Senator and others have made reference, and to which we make reference, remains uncontested. There is a great deal remaining to be done around the country, in many, many communities in the South, the North, the East, and the West.

Mr. ALLEN. The Senator realizes, of course, that desegregation of public schools in the South has pretty well been accomplished?

Mr. MONDALE. Well, I do not agree with that. I think there are many problems in the South. I think under court orders, impressive progress has been made. I think many communities have tried very hard, and deserve tremendous credit.

I refer the Senator again to the testimony by the Superintendent of Schools of Auburn, Ala., who said that even though they were forced to desegregate, he personally thinks the desegregated school system is better than the previous school system. But there is plenty of work yet to be done of a law-enforcement nature, in the South as well as other parts of the country. I do not want to be misunderstood on that.

Mr. ALLEN. As to those systems that have already desegregated to the satisfaction of HEW and the Justice Department, would any funds be available for those systems under this bill?

Mr. MONDALE. They certainly would.

Mr. ALLEN. Under what wording of what section of the bill?

Mr. MONDALE. It is really the bill itself. The whole thrust of the measure is to provide assistance for the establishment of districtwide desegregation, to establish excellent quality integrated schools. And may I say that this measure is not limited to what might be termed the minimum judicially declared standards for desegregation under the 14th amendment. We go beyond that. This is a measure which bases its conclusions on what children need, on what makes educational sense, and on what the country needs, whether the 14th amendment requires it or not.

There may well be many school districts which have desegregated in a minimum way under some court order, which fall for short of the standard that we think is necessary and that has been proven to be necessary for good, stable, quality integrated education, and this proposal is designed to be of help in that area.

So there are many school districts that may find the provisions of this measure very helpful indeed. I would refer the Senator to page 2 of the committee report, which defines school eligibility.

Mr. ALLEN. I was asking for a citation to the bill itself, not to the committee report.

Mr. MONDALE. Section 5(a)(1)(A) is where it begins, on page 5.

Mr. ALLEN. As to a district that has already desegregated.

Mr. MONDALE. I refer the Senator to line 1 of page 6.

Mr. ALLEN. Yes, but that is one that is in process of being implemented. Would the Senator be surprised to learn that a school district in Alabama was denied relief under the $75 million appropriation of last year on the ground that it had already perfected its desegregation plan, and that no further assistance was needed?

Mr. MONDALE. As the Senator will recall, the first $75 million was spent under existing authorities. It was not new legislation. This measure, to answer the Senator's question, is a much broader, more comprehensive measure, and it includes assistance to school districts which have physically completed desegregation orders. It includes a whole host of flexible remedies and assistance to achieve districtwide school desegregation and for the establishment of quality integrated schools. It is a much broader measure.

Mr. ALLEN. The Senator would agree, I am sure, that the theory of the Supreme Court in the Brown case in 1954 was that a segregated school system provided an inferior education for the child in the segregated system. That being true, I am wondering why there has been so little effort in the Halls of Congress by Members from areas outside the South to remove the child in areas outside the North from their inferior system of segregated schools and to provide integrated schools which would be superior to the segregated schools. I am wondering why so little has been done and why the Senator said a moment ago that there is more segregation in areas outside the South than there was last year and more than there was 5 years ago.

Mr. MONDALE. I seem to be having some trouble in communicating.

In no sense is the Senator from Minnesota arguing that the North is clean on the official discrimination issue. In no sense am I arguing that. In no sense does the committee argue that. The committee makes it very clear that there has not been a national policy of law enforcement. There is not today a national policy of enforcement, and the figures are beyond argument.

Now the question is whether we are going to escape into sterile legalism, or are going to debate about who is most hypocritical in this issue, or whether we are going to get down to work and do the job. We are going to have several opportunities to do the job during the course of this debate.

First of all, we can adopt this proposal, which is a national bill, a most sweeping sensitive education-oriented proposal, which comes out flatly for quality integrated education throughout this country, which looks to district wide school desegregation, and for the first time encourages metropolitan efforts at school desegregation.

Second, we have a provision, section 11, which will increase present funds to enforce the law against school desegregation around this country 15 times. Added to that will be the amendment by the Senator from Connecticut which would mandate a metropolitan approach, and we will have an opportunity to prove how hypocritical we are when that measure comes up.

In addition, I propose to submit an amendment that lays out the requirement of a national enforcement policy in such a way that no one can deny it—a policy of enforcement, not a policy of nonenforcement; and everyone in this body will have a chance to see who the hypocrites are in that issue.

Mr. ALLEN. Does the Senator plan to add that to the present bill?

Mr. MONDALE. I will make a statement on that a little later. It will be on this bill.

Mr. ALLEN. The junior Senator from Alabama will be interested in seeing any such bill or any such amendment. He would be interested in seeing that, and he would like to have a copy of it at an early date.

Mr. MONDALE. I read it earlier for the record. It will be a part of the record.

Mr. ALLEN. In the matter of the amendment offered by the distinguished Senator from Connecticut, the junior Senator from Alabama would certainly commend the Senator for his statesmanship in seeking to provide a uniform national school policy on desegregation; and the Senator from Connecticut has disregarded any possible political consequences for his action, because the junior Senator from Alabama does not observe many Senators or Representatives from his—Mr. RIBICOFF—section of the country anxious to desegregate the public schools of the North. So the junior Senator from Alabama applauds the statesmanship of the distinguished Senator from Connecticut, because he does seek to establish a uniform national policy.

In that connection, as the distinguished Senator from Minnesota pointed out a moment ago, this would provide in metropolitan areas for achieving a 50 percent racial balance in the schools in that area over a 14-year period. I believe that is the provision of his amendment. What disturbs the junior Senator from Alabama is this: Would that comply with the Supreme Court rulings which, as regards school systems of the South, have demanded immediate desegregation of the entire systems? In other words, would this actually—while it would be a great forward step toward desegregation in the North—be a backward step as regards desegregation in the South?

Mr. MONDALE. Can the Senator from Alabama tell me of a single decision of the Supreme Court which had required a multidistrict solution in the South?

Mr. ALLEN. Yes. Very definitely.

Mr. MONDALE. Would the Senator please refer me to the case?

Mr. ALLEN. The Mississippi cases had some 30 districts involved.

Mr. MONDALE. No. There was more than one district involved in the lawsuit. I am inquirying about a case in which the desegregation order dealing with the desegregation problems of a single district required the distribution of those students outside that school district. Can the Senator refer me to one such case?

Mr. ALLEN. Yes. A number of school districts in some of the larger cities occupying more than one district, inside of the cities.

Mr. MONDALE. May I say that that is not my understanding. The courageous aspect of Senator RIBICOFF's proposal, to my knowledge, goes clear beyond any constitutional requirement of which I know. There are a few cases in which school district boundaries have been drawn——

Mr. ALLEN. Yes.

Mr. MONDALE. In order to maintain a discriminatory school system, and the courts have struck those down.

Mr. ALLEN. They have been redrawn to provide an integrated system. That is what the junior Senator from Alabama has reference to, and is complaining about.

Mr. MONDALE. These district boundaries were drawn to create a discriminatory system. In other words, the line was drawn so that the black and the white schoolchildren would continue to be separated. In some of those cases I think there are court orders saying, "We know what the motivation of the drawing of that district was, and we find that act one of official discrimination." But I do not know of a single Supreme Court order that has told a central city which has a segregation problem or a discrimination problem that part of the order will include a requirement that surrounding school districts must accept children from that district. I know of no such order; I do not think there are any.

Courts have looked at single districts. Many times they have had class actions involving several districts, but the remedy has been limited to a single district.

What is unique and courageous about the proposal of the Senator from Connecticut is that it goes clear beyond the constitutional requirement to deal with the real, human situation, which is not going to be dealt with effectively in any other way, through a metropolitan multidistrict approach.

I would be most grateful if the Senator from Alabama and others would join us in support of this national policy to eliminate discrimination and segregation in the great metropolitan areas.

Mr. ALLEN. All right. Speaking of metropolitan areas, what would be the Senator's plan, then, for desegregating the public schools of Harlem, to which he made reference in his speech? Would he suggest moving the black students from Harlem, out of that district, into surrounding districts, or would he bring white students into the Harlem district? How would he go about that?

Mr. MONDALE. I think the Senator from Alabama will find this bill very encouraging because we propose a host of remedies——

Mr. ALLEN. Which bill is that?

Mr. MONDALE. The underlying bill. Then added is the proposal of the Senator from Connecticut (Mr. RIBICOFF).

Mr. ALLEN. I thought the Senator said there was nothing mandatory about this? The Senator does not think they will desegregate unless it is required?

Mr. MONDALE. Two things can be said. First, this measure does provide counsel fees to bring action in Harlem or anywhere else if there is found to be official discrimination. It has been my assertion that much of the so-called de facto segregation, upon analysis, will prove to be official discrimination. So, we have encouraged the Justice Department to seek official remedies throughout the country. We now provide increased funds and a new remedy for enforcement against violations of law, wherever found, and also provide funds for desegregation and integration efforts within the school districts of New York and throughout the country

If the Senator from Alabama will join us further in adoption of this amendment by the Senator from Connecticut (Mr. RIBICOFF), there will be mandated an entirely new remedy not required anywhere in the country and not required by the Constitution; but what would be required by this amendment is a metropolitan approach under which schoolchildren would be introduced into suburban school communities in a very intelligent and, I think, educational and sensitive way.

Mr. ALLEN. The objection——

Mr. MONDALE. The Senator from Alabama is deeply concerned, and he obviously is, about segregation in New York, and there are some remedies here on which his help would be most appreciated.

Mr. ALLEN. Well, the junior Senator from Alabama does not know just how effective he would be in desegregating the public schools in the State of New York when dozens and dozens of Representatives and Senators from that State have been unable to accomplish it. This Senator doubts if he could be of much assistance in that regard.

Mr. MONDALE. I think the most courageous proposal I know of dealing with the metropolitan problem is that presented by the Senator from Connecticut. If we are concerned about this problem from a national viewpoint, which I think we must be, we will have the opportunity to adopt that amendment.

Mr. ALLEN. One of the chief objections of the junior Senator from Alabama as to the bill under discussion, S. 1557, is that it apparently is based on an incorrect premise; that is, that northern and southern schools alike are being desegregated on the same basis; because, since that is not true, the exact condition that we find the desegregation process in as regards northern and southern schools must be read into and become an integral part of this legislation and the schools of the South are required to desegregate and if they do desegregate by court order or voluntarily——

Mr. MONDALE. Will the Senator from Alabama yield right there?

Mr. ALLEN. Let me finish my thought first, please. But then S. 1557 would confer certain monetary benefits on them. But as regards the schools outside the South, they are not required to desegregate under the present enforcement provisions of law. If they should voluntarily decide to desegregate or if, accidentally, sometime in the future, there would be a court order requiring them to desegregate, then the monetary benefits would be conferred upon them. But there is nothing that seeks to require the desegregation of the schools in the North, whereas that is already required by existing Supreme Court rulings and policies of the Department of Health, Education, and Welfare in the South.

Mr. MONDALE. There is no question in my mind that there is a requirement in the Constitution, which runs to every school district in the country, prohibiting discrimination against schoolchildren.

Mr. ALLEN. Then why has not something been done about it since 1954?

Mr. MONDALE. That is an excellent question. We are trying to do something about it now. I have pleaded with the Justice Department for a national policy, to do a better job of enforcing the law not only in the South but also in the North, East, and West.

We have been so frustrated about it that we have added a unique, new feature in the bill, providing $15 million, which is 15 times more than the Justice Department is spending now——

Mr. ALLEN. That is unique——

Mr. MONDALE. For enforcement throughout the country. And the Senator from Connecticut has proposed mandating a metropolitan approach.

Let me read the Senator the language the committee agreed on, on page 25 of its report:

> These laws—

Referring to title VI and the 14th amendment—

> are not now being enforced throughout the nation. The Federal government is devoting neither the time, effort nor the financial resources necessary for adequate law enforcement. For example, the budget of the Justice Department's Civil Rights Division for education activities amounts to only $1 million a year. Only six school desegregation suits have been brought in Northern and Western states by the Justice Department. Only nine school districts in Northern and Western states have been required to file desegregation plans under Title VI of the Civil Rights Act of 1964. The Committee believes that funds should be made available to assure that Federal laws will be enforced throughout the country, while at the same time, under the policies and programs set forth in this bill, voluntary efforts to achieve quality education in stable integrated environments are assisted throughout the nation.

There is no question that the committee wants both to occur. This is an education bill. It goes farther than the minimum constitutional requirement. It must be read in the context of the Constitution and law enforcement. We want effective law enforcement. We have said so and have adopted this unique provision. There is no problem in terms of constitutional standards or constitutional requirements; they apply nationally. But there is a crisis in law enforcement.

Let me raise this question: It has been my impression that some who have argued there has not been a national law enforcement policy, a national program of equal enforcement, use that point to argue against any enforcement. Slow down in the South and do nothing in the North. I take a different position from the same facts, that we should have far better law enforcement everywhere. If that is what the Senator from Alabama wants, he will have no problem with the Senator from Minnesota.

Mr. PELL. Mr. President, will the Senator from Minnesota yield?

Mr. MONDALE. I yield.

Mr. PELL. This colloquy that has been going on between two lawyers leaves me, as a nonlawyer, with the thought that; this bill is not an enforcement bill—it is a voluntary, education bill, which no one need take advantage of it. It was worked out in committee in such a way that those communities—North, South, East, and West alike that desire to move in the same direction as the Senator is talking about, could take advantage of it. I would think that, quite likely, this bill will see more communities in the North decide to take advantage of it, than in other areas of the Nation.

I would hope that there would be proper competition between communities around the country in an effort to implement the bill.

Mr. ALLEN. Mr. President, the point the junior Senator from Alabama is making is that the school districts in the South and the school districts in areas outside of the South should be put on the same basis and on the same level and start at the same point on the track before we add this $1,500,000,000 appropriation.

We should equalize them on the matter of enforcement before we seek to add monetary benefits to those who do comply, because it is mandatory in the South. However, outside of the South it seems to be a matter of freedom of choice because, despite the good offices and the good intentions of my distinguished colleague, the Senator from Minnesota, desegregation is slipping in the areas outside of the South and the performance is very poor as regards the desegregation of the school systems outside of the South.

Mr. MONDALE. Mr. President, does the Senator from Alabama feel that he would be in a position to support us on the legal fees section so that we could do a better job in law enforcement?

Mr. ALLEN. Mr. President, I have not yet read the section. I would be glad to study it and give a quick appraisal of it.

Mr. MONDALE. That is a hopeful answer.

Mr. ALLEN. Yes, indeed.

Mr. RIBICOFF. Mr. President, this has been a very interesting colloquy. Hopefully before this week is over, much will be accomplished on one of the great, knotty problems facing our Nation.

I would hope that other Members of the Senate would emulate the colloquy had by the Senator from Alabama, the Senator from Minnesota, and the Senator from Rhode Island.

The debate we begin today will determine the future course of this society. No problem confronting us, whether it be environmental protection, welfare reform or improved health care is more critical to our future than the racial apartheid that threatens to become a national fact if not a national policy.

In 1954, the Supreme Court held in Brown against Board of Education, that separate but equal school systems threatened the vitality of our country and would no longer be tolerated. Today, 17 years later, we have entire communities that are separate and unequal.

For years we have maintained that this Nation could not survive with two classes of people, one rich and the other destitute, one in decent surroundings and one in slums, one white, and one black. For years dedicated men and women have worked in the Congress, in the executive branch and in courts throughout the country to see that America's promise of equal opportunity for all became a reality.

All that work is threatened today—not by the actions of vicious men but by the unwillingness of all of us to grapple with the problems we face. The 1970 census figures are only the last items on a lengthy list of facts that should have warned us long ago that we were traveling the road to destruction.

Included at the end of this statement are tables detailing the drift of this country toward separatism. The most recent figures demonstrate that residential segregation is increasing in the South as well as in the North, that school segregation is more prevalent in the North than the South, and that the suburbs throughout this country are for all intents and purposes the separate preserve of affluent whites. Increasing numbers of Americans find that the road to success in this country ends at the city line. Jobs, housing, and the good life are over the line in the white sanctuaries.

We only delude ourselves and imperil our future by thinking that the suburbs will be able to insulate themselves from the decay and suffering of the central cities. We will all soon be infected and overcome by the disease unless we take steps to eradicate it.

Many argue that the blacks no longer want integration. And whenever a black man says this, you can almost hear the sigh of relief in the suburbs. Many blacks may not want integration. But most do. And our responsibility is to provide access to that opportunity.

For years we have found ways to duck this problem. We focused on the South as the only part of the country that denied its citizens equal rights. We have been delighted to let the courts take the lead on this issue—and thereby also take the heat. Year after year, anguished citizens in this country have had no recourse but to turn to the courts for relief. Too many men in public and private life have been anxious to be hesitant followers—and never leaders—on the question of integration. This is especially true of the President, who has a major responsibility in this field but has failed to exercise leadership.

The Congress has been just as willing to defer to the courts as the initiators as well as enforcers of efforts to provide equality. Last spring, a common refrain on the Senate floor was that the Congress could not end de facto segregation because the Supreme Court had not yet dealt with the issue.

The result of this systemwide avoidance has been that the last and only bastion of personal liberty has been the Supreme Court. To its credit, it has assumed the burden thrust upon it and has attempted to solve these basic political and social problems. Progress has been achieved, however, at great cost to the Supreme Court and its ability to perform its functions effectively.

Our courts are not structured to be legislatures. They decide issues on a case by case basis that does not lend itself to legislating and administering national programs. If the courts continue to do our work for us, the ensuing public controversy will inevitably destroy their power and influence.

The Supreme Court is now struggling with several school segregation cases. No one can predict how the Justices will decide the issues. What can be predicted is that the work of two decades will go down the drain if the Court reaches out to rule that something called de facto segregation is permissible in this country. The white exodus to the suburbs will then accelerate in the South as well as the North.

Another thing is certain as we stand here today. The problem we face will not conveniently go away if we simply wait long enough for it to do so. Instead, every passing month aggravates the situation and makes it that much more difficult for us not to solve.

No greater tragedy could befall this country than to see the hopes, aspirations, and efforts of millions of Americans destroyed by our continued unwillingness to solve the problem of segregation.

We have the opportunity now, with the bill drafted by the Labor and Public Welfare Committee, to confront this issue and deal with it constructively.

Fourteen months ago I announced in the Senate that I would support an amendment offered by the Senator from Mississippi (Mr. STENNIS) proposing that this Nation adopt a uniform, national policy to deal with segregation, no matter what its origin or where it occurred. I will support the establishment of such a national policy again this year, for the intervening months have only made it clearer than ever that segregation is indeed a national, rather than a regional, problem.

The Senator from Mississippi (Mr. STENNIS) says the South will live with whatever program we in the North are willing to adopt. He challenges us, in effect, to implement a policy for the North as well as the South, for the suburbs as well as the cities, that will embody our goals for the society we want for the future.

I am confident we can meet that challenge and adopt a plan to end the slide toward racial separatism in this country. To accomplish this, I submit today an amendment to the committee bill that focuses on the problems of school integration in the North as well as the South on a metropolitanwide basis.

Until now, we have focused our attempts at integration on a district by district basis. However, in numerous areas of this country, the minority group school population of the metropolitan area as a whole is less than 25 percent, while the percentage in the central city, separately, is above 50 percent and increasing rapidly.

Unfortunately, the specter of this transformation tends to drive whites out of school districts as soon as the minority group population begins to increase. We will end this cycle only when we begin to integrate on a metropolitanwide basis. Only then can we destroy the stereotype of an integrated school as a predominantly minority school.

My amendment recognizes that we cannot afford to ignore the lessons of the past 17 years. We now know that massive social changes cannot be required overnight, nor can they be deferred until some indefinite time in the future. My amendment therefore envisions a 2-year pilot program, provided by the committee bill, followed by 2 full years for planning at the local level on the basis of the experiences of this pilot program. Up to 10 years would then be allowed for implementation of the plans developed.

Substantial progress would have to be made during each year of the plan, but the 10-year implementation period would allow local leaders and parents the time needed to insure that integration was a positive program implemented with the necessary planning and public education. At the end of the 10 years, every school throughout each metropolitan area would have to have a percentage of minority group students equal to at least one-half the percentage of minority group students in the metropolitan area as a whole.

For example, the percentage of minority group children in the Baltimore metropolitan area is about 32 percent. Under my amendment, each school in the Baltimore area would be required to have a minority group population of at least 16 percent no later than 10 years after adoption of an acceptable plan.

Adoption of such a national commitment and program now is vital if the money in the committee bill for pilot programs is to be useful. If the pilot programs are not clearly the precursor to implementation of a national program, we will have demonstration programs only in those areas where local politicians and school board members are willing to take the initiative and advocate such programs on their own.

There may be such communities and they deserve our help and encouragement. In most communities nothing will be done until the full and firm policy of the Congress is established and implemented. The critical areas, however, are those where local leaders would not voluntarily undertake a program of integration that was not a national requirement but would be willing and anxious to get in on the ground floor of an inevitable program. In many of these communities we would obtain the most meaningful information during the pilot program period.

My amendment would not mandate any particular plan or set of plans to be imposed from community to community across the country. Instead, great flexibility would be left to those involved at the local level, including parents and community members as well as educators and school officials. A plan useful and acceptable in Chicago might be substantially different than the plan for Hartford, Conn., or Durham, N.C. In addition, a plan developed at the local level is much more likely to be supported by those in the community than one imposed by authorities from Washington or another city. The planning process itself will serve an educational function for those involved at the local level.

A number of possible techniques are identified in my amendment, including construction of magnet schools and educational parks together with school redistricting, pairing and transportation. But it should be clear that this is not simply or primarily a busing proposal. If transportation is identified as a useful technique in a city, my amendment requires that the burden shall fall equitably on minority and majority children.

But, if we have to depend solely upon busing children from one area to another on a metropolitanwide basis to achieve integration, we will fail no matter what bill or plan we adopt.

Success will come only if we open up the suburbs for housing as well as education. Experience has shown that we will never have truly integrated schools until we have an integrated society. Schools have borne the burden of integration alone too long.

This does not mean we should not attack the segregation in our schools. We must.

But we must resolve to go beyond this and begin to provide housing in the suburbs for low- and middle-income whites as well as blacks.

My amendment recognizes, as does the committee's bill, that we can no longer require school systems to undertake new responsibilities or programs without sufficient funding to assure that the quality of education does not deteriorate. Two billion dollars a year would be provided for the training, construction and additional educational materials required by my program.

Under my amendment, any school district that does not cooperate in the formulation and implementation of the regional plan will be ineligible to receive Federal education funds. Furthermore, no State which provides State funds to a noncooperating school district will be eligible for Federal funds.

The amendment I have outlined will require leadership at all levels in this country. For years, politicians have been unwilling to lead this Nation out of the darkness of racial isolation and hatred. Those in the North as well as the South have found it easier to inflame the issue rather than to solve it. It has been easier to look for faults in someone else or in some other area of the country rather than to analyze our own failings.

We have allowed race to be pitted against race, region against region, and class against class. The result has been inevitable. Anger, distrust and suspicion infect the relationships of millions of Americans. Whites fear blacks and blacks distrust whites; southerners are bitter about the North, which continually castigates the South; and the lower middle class are encouraged to take out their frustrations on the poor, the young, and the black.

We cannot allow this situation to continue if this country is to survive. Millions of Americans know this and are searching for leadership from someone, somewhere. During the weeks ahead, a country that has found no leadership on the question of racial equality and questions the willingness of the Supreme Court to come to grips with this problem again as it did in 1954, will watch and listen to what we say and do. They will be guided by our views and will judge us by our actions.

Nothing would be more inspiring for this country in these days of divisiveness, petty bickering and halting leadership than to have the U.S. Senate and all its members, from North, South, East and West, thoughtfully and constructively debate the future course of our society without rancor, bitterness or vindictiveness. I hope we have reached the time when we can face the crisis before us as a single body, free of regional prejudice and willing to provide this Nation with the leadership it seeks and has despaired of finding.

I ask unanimous consent that the following exhibits be printed at this point in the RECORD:

Exhibit 1: Section-by-section analysis of Ribicoff amendment.

Exhibit 2: Census Bureau figures showing population changes in selected metropolitan areas.

Exhibit 3: HEW statistics on school integration.

Exhibit 4: Census Bureau statistics on employment in metropolitan areas together with explanatory letter of Bureau Director George H. Brown.

Exhibit 5: Questions and answers relating to amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXHIBIT 1

SECTION-BY-SECTION ANALYSIS OF RIBICOFF AMENDMENT TO S. 1557

(Adds Title II to bill)

Section 101: Authorizes $1 billion appropriation for each of the two fiscal years ending June 30, 1974 and June 30, 1975 for the purpose of carrying out Title I of the Act.

Section 202: States that the purpose of Title II is to end minority group isolation in the Nation's public schools and to provide the financial assistance to accomplish that goal.

Section 301: Provides definitions of terms used throughout the Title. "Minority group isolation" is a situation where minority group children in a school constitute more than 50% of the average daily enrollment of that school. "Standard Metropolitan Statistical Area" or "SMS", as defined by the Office of Management and Budget, is the area in and around cities of 50,000 inhabitants or more.

Section 401: Requires each state to prepare and file an acceptable plan pursuant to which it will establish and supervise the operation of an SMSA agency, within each SMSA, to develop with local educational agencies a plan to reduce minority group isolation in their schools.

Section 402 (generally): Sets forth the requirements of the plan to be prepared.

Section 402(b): The plan must insure that, no later than July 1, 1985, the percentage of minority group children enrolled in each school of the SMSA shall be at least half the percentage of minority group children enrolled in all schools in the SMSA.

Section 402(c): As appropriate in local circumstances the plan must use such techniques as redrawing school boundaries, creating unified districts, and establishing magnet schools and educational parks so as to end minority group isolation in all schools within the SMSA.

Section 402(d): Local committees of parents, teachers, and students representative of minority and majority groups and the geographical areas within the SMSA must be established to advise the local education agencies and SMSA agency in open consultation regarding the development of the plan and must report periodically to the Secretary on the extent of compliance with the requirements of this Title.

Section 420(e): Provides that parents of the children and representatives of the areas must be consulted and involved in the operation of the proposed programs.

Section 420(f): Substantial progress toward the goal must be demonstrated in each year of operation of the plan.

Section 402(g): Per pupil contributions of the State to any minority-group isolated school shall not be less than per pupil contributions to non-minority group isolated schools.

Section 403: Requires submission of the plan and approved by the Secretary no later than July 1, 1975.

Section 404: Allows the Secretary in extreme and unusual cases to exempt portions of an SMSA from the plan where necessary because of the size, shape or population distribution of an SMSA.

Section 405: Each SMSA agency must file an annual report setting forth the results achieved under the plan. The Secretary must assure the ready availability of the plan to the public and the local committees.

Section 406: The Secretary must review each plan and report for each SMSA agency annually and require revised plans where necessary.

Section 407: Provides that the District of Columbia SMSA shall include those parts of the metropolitan areas lying in Virginia and Maryland.

Section 408: Prohibits the formulation or administration of a plan in any way that will result in separation of minority group children within a school or a classroom.

Section 501: Provides Federal funds for each SMSA agency for development of the plan required by this title.

Section 502: (generally): Provides Federal financial assistance for implementation of an approved plan. No Federal funds are to be used to supplant funds, equipment, or services that are used to assist any private school. The Secretary is given power to file suit for restitution of any funds used for these purposes.

Section 502(d): Describes the purposes for which funds provided may be used including, among others, establishing and constructing magnet schools and educational parks, providing additional staff members, and the necessary counselling, retraining and guidance for those working with minority group children, furnishing transportation where necessary (provided that any burden of transportation shall fall equitably on both minority and majority group children) and expanding or altering facilities to accommodate students transferred.

Section 502(e): Prohibits the supplanting of State or local educational agency funds presently being expended.

Section 601: Any local educational agency in an SMSA refusing to cooperate in the formulation or implementation of a plan shall not be entitled to receive any Federal educational funds. Likewise, any State failing to participate in the preparation, submission, revsion or implementation of any plan required by the act and any State continuing to provide State funds to any noncooperating local educational agency shall not be entitled to receive Federal educational funds. The presence within an SMSA of a noncooperating local educational agency does not affect the eligibility for Federal funds of the remaining cooperating local educational agencies.

Section 701: Provides $25 million for each of two years for SMSA's to develop and promulgate the plans required.

Sections 702 and 703: Authorizes $2 billion a year for each of ten years to implement the plans developed pursuant to this title.

Section 801: Provides for expedited hearings by the Secretary for complaints concerning the enforcement or nonenforcement of provisions of this title. Review of the Secretary's final decision lies with the United States Court of Appeals for the District of Columbia Circuit.

Section 901: Repeals those provisions of law which would interfere with the operation of this title, particularly those forbidding the use of Federal funds to overcome racial imbalance.

EXHIBIT 2

POPULATION CHANGE FOR WHITE AND BLACK POPULATION IN SELECTED METROPOLITAN AREAS OF 500,000 OR MORE, BY CENTRAL CITY AND RING—1960 TO 1970. (IN PERCENT OF TOTAL POPULATION. SMSA'S AS DEFINED IN 1970)

SMSA, central city and ring	Percent of population white		Percent of population black	
	1960	1970	1960	1970
NORTHERN CITIES				
New York	88.0	82.0	11.5	11.3
Central city	85.3	76.6	14.0	21.2
Suburbs	95.0	93.6	4.8	5.9
Detroit, Mich	84.9	81.4	14.9	18.0
Central city	70.8	55.5	28.9	43.7
Suburbs	96.2	96.0	3.7	3.6
Chicago, Ill	85.2	81.3	14.3	17.6
Central city	76.4	65.6	22.9	32.7
Suburbs	96.9	96.0	2.9	3.5
Philadelphia, Pa	84.3	81.9	15.5	17.5
Central city	73.2	65.6	26.4	33.6
Suburbs	93.8	92.9	6.1	6.6
San Francisco-Oakland, Calif	87.5	82.8	8.5	10.6
San Francisco	79.0	71.4	10.0	13.4
Oakland		59.1	22.8	34.5
Suburbs	93.7	91.0	4.4	5.4
Baltimore, Md	78.3	75.8	21.4	23.7
Central city	65.1	53.0	34.7	46.4
Suburbs	92.8	93.5	7.0	6.0
Washington, D.C	75.5	74.3	23.9	24.6
Central city	45.6	27.6	53.9	71.1
Suburbs	93.3	91.0	6.3	7.9
SOUTHERN CITIES				
Atlanta, Ga	77.2	77.4	22.8	22.3
Central city	61.8	48.5	38.3	51.3
Suburbs	91.3	93.6	8.5	6.2
Houston, Tex	80.3	79.9	19.5	19.3
Central city	76.9	73.3	22.9	25.7
Suburbs	86.9	90.7	12.9	8.8
New Orleans, La	69.1	68.6	30.6	31.0
Central city	62.6	54.5	37.2	45.0
Suburbs	83.9	87.2	15.9	12.5
CONNECTICUT CITIES				
Bridgeport, Conn	94.7	92.0	5.2	7.4
Central city	90.0	82.7	9.8	16.3
Suburb	98.8	98.3	1.1	1.5
Hartford, Conn	94.6	91.9	5.2	7.6
Central city	84.5	70.8	15.4	27.9
Suburb	98.9	98.5	1.0	1.3
New Haven, Conn	92.3	87.7	7.5	11.6
Central city	85.1	72.6	14.5	26.3
Suburb	98.8	97.3	1.1	2.3
Stamford, Conn	94.8	92.2	5.0	7.3
Central city	91.8	87.0	8.0	12.3
Suburb	98.0	98.0	1.8	1.8
Waterbury, Conn	95.9	94.1	4.0	5.6
Central city	93.3	89.4	6.6	10.0
Suburb	99.6	99.2	.4	.7

Source: U.S. Census Bureau, U.S. Department of Commerce.

Note: Columns do not total 100 percent because nonwhite groups within the population other than Negros are not included.

EXHIBIT 3

NEGRO PUPILS IN ALL DISTRICTS*—FALL 1968, FALL 1970

[Number and percent of Negro pupils attending public elementary and secondary schools]

Geographical area	Total pupils	Negro pupils	Negro pupils attending—					
			0 to 49.9 percent minority schools		80 to 100 percent minority schools		100 percent minority schools	
			Number	Percent	Number	Percent	Number	Percent
Continental U.S.:								
1968	43, 353, 568	6, 282, 173	1, 467, 291	23.4	4, 274, 461	68.0	2, 493, 398	39.7
1970 estimated	44, 774, 679	6, 723, 950	2, 206, 521	32.8	3, 378, 231	50.2	1, 076, 033	16.0
(1) 32 North and West:								
1968	28, 579, 766	2, 703, 056	746, 030	27.6	1, 550, 440	57.4	332, 408	12.3
1970 estimated	29, 162, 896	2, 865, 059	792, 442	27.7	1, 645, 508	57.4	341, 354	11.9
(2) 11 South:								
1968	11, 043, 485	2, 942, 960	540, 692	18.4	2, 317, 850	78.8	2, 000, 486	68.0
1970 estimated	11, 738, 916	2, 187, 684	1, 215, 089	38.1	1, 328, 137	41.7	587, 172	18.4
(3) 6 Border plus District of Columbia:								
1968	3, 730, 317	636, 157	180, 569	28.4	406, 171	63.8	160, 504	25.2
1970 estimated	3, 872, 867	671, 207	198, 990	29.6	404, 586	60.3	147, 507	22.0

(1) Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

(2) Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

(3) Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

*Districts with fewer than 300 pupils are not included in the survey. 1970 figures are estimates based on latest available data and are subject to variation upon final compilation.

EXHIBIT 4

NUMBER OF EMPLOYED CIVILIANS 14 YEARS OLD AND OVER BY NONFARM OCCUPATION GROUPS AND RESIDENCE IN 1960 AND 1970

Nonfarm occupation	Metropolitan areas			In central cities			Outside central cities			Nonmetropolitan areas		
	[1] 1960	[2] 1970	Percent change	[1] 1960	[2] 1970	Percent change	[1] 1960	[2] 1970	Percent change	[1] 1960	[2] 1970	Percent change
MALE												
Total	27,520	31,910	16.0	14,333	14,049	−2.0	13,187	17,861	35.4	12,356	14,474	17.1
Professional and managerial	6,522	9,873	51.4	3,151	3,760	19.3	3,371	6,113	81.3	2,600	3,915	50.6
Clerical and sales	4,604	5,045	9.6	2,487	2,360	−5.1	2,117	2,684	26.8	1,491	1,532	2.7
Craftsmen and foremen	5,668	6,454	13.9	2,656	2,685	1.1	3,017	3,768	25.1	2,720	3,201	17.7
Operatives	5,524	6,066	9.8	2,918	2,852	−2.1	2,606	3,208	23.1	3,099	3,596	16.0
Private household workers	29	42	(3)	16	13	(3)	13	28	(3)	23	20	(3)
Other service workers	1,879	2,325	23.7	1,177	1,291	9.9	702	1,031	46.9	721	920	27.6
Nonfarm laborers	1,802	2,106	16.9	770	1,078	8.9	812	1,028	26.6	1,166	1,290	10.6
Occupation not reported	1,492	(4)	(5)	938	(4)	(5)	554	(4)	(5)	536	(4)	(5)
FEMALE												
Total	14,232	20,102	41.2	8,294	9,745	17.5	5,938	10,356	74.4	6,445	9,586	48.7
Professional and managerial	2,346	3,981	69.7	1,303	1,840	41.2	1,043	2,141	105.3	1,172	1,763	50.4
Clerical and sales	5,853	8,943	52.8	3,336	4,300	28.9	2,517	4,643	84.5	2,018	3,203	58.7
Craftsmen and foremen	184	224	21.7	105	114	8.6	79	109	38.0	75	103	37.3

Footnotes at end of table.

EXHIBIT 4—Continued

NUMBER OF EMPLOYED CIVILIANS 14 YEARS OLD AND OVER BY NONFARM OCCUPATION GROUPS AND RESIDENCE IN 1960 AND 1970—Continued

Nonfarm occupation	Metropolitan areas			In central cities			Outside central cities			Nonmetropolitan areas		
	[1] 1960	[2] 1970	Percent change	[1] 1960	[2] 1970	Percent change	[1] 1960	[2] 1970	Percent change	[1] 1960	[2] 1970	Percent change
FEMALE—Continued												
Operatives	2,124	2,552	20.2	1,252	1,275	1.8	872	1,277	46.4	1,129	1,802	59.6
Private household workers	999	1,199	20.0	646	552	−14.6	353	646	83.0	646	796	23.2
Other service workers	1,779	3,138	76.4	1,026	1,624	58.3	753	1,514	101.1	1,081	1,856	71.7
Nonfarm laborers	58	65	(3)	37	40	(3)	21	25	(3)	44	63	(3)
Occupation not reported	889	(4)	(5)	589	(3)	(5)	300	(4)	(5)	280	(4)	(5)

[1] 1960 census of population and housing.

[2] 1970 current population survey.

[3] Base less than 75,000.

[4] Occupations not reported were allocated.

[5] Not applicable.

Note on reliability of the data: These figures are estimates derived from a sample survey of households and, therefore, are subject to sampling variability. Moreover, as in all field surveys of income, the figures are subject to errors of response and nonreporting.

Source: Current population survey, Bureau of the Census.

U.S. DEPARTMENT OF COMMERCE,
Washington, D.C., February 4, 1971.
Hon. ABRAHAM A. RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIBICOFF: In response to a telephone request from Mr. Bowler, we are forwarding two tables showing the number of employed civilians 14 years old and over in April 1960 and March 1970 and median earnings in income years 1959 and 1969 (in 1969 constant dollars) for all employed civilians 14 years old and over, by nonfarm occupation groups and by residence in metropolitan areas, in or outside of central cities in metropolitan areas, and nonmetropolitan areas. The data for 1960 (and 1959 earnings) were obtained from the Census of Population and Housing while the data for 1970 (and 1969 earnings) were obtained from the March Current Population Survey. Consequently, these data may not be shortly comparable.

All of these figures are estimates derived from a sample survey of households, and are subject to sampling variability. Moreover, as in all field surveys of income, the figures are subject to errors of response and nonreporting.

Please let us know if we can be of any further assistance.

Sincerely,

GEORGE H. BROWN,
Director, Bureau of the Census.

EXHIBIT 5

QUESTIONS AND ANSWERS RELATING TO RIBICOFF AMENDMENT

Q. How does your amendment relate to the cases presently before the United States Supreme Court?

A. There is no way to predict how the Supreme Court will decide these cases. Even if the cases are used to attack de facto segregation, it will only be within individual school districts, not throughout metropolitan areas.

Q. Won't your amendment encourage migration outside SMSA's?

A. Almost 70% of the population already live within SMSA's. It would be difficult for large numbers of them to move far enough away to be beyond an SMSA and still within reach of their jobs. Moreover, the percentages of minority groups involved in integration are not large enough to generate the threat of white flight that presently exists within our central cities. Public opinion polls have demonstrated that most Americans support integration in their neighborhoods as long as it is within manageable proportions.

Q. Don't many black leaders today believe integration is irrelevant if not actually undesirable?

A. Yes. And a lot of whites could not be more pleased with that development. In many ways it is a result of the failure of the white community to do any more than talk about the importance of integration. Nonetheless, the majority of blacks in this country still seek and desire integration and the purpose of my bills for integrating housing as well as education is to provide them with that opportunity.

Q. Isn't your amendment just a thinly disguised busing proposal?

A. No. Busing is one technique which local districts in an SMSA might choose to employ, but there is no requirement that they do so. In many situations, substantial integration can be achieved with little or no significant transportation above that now being undertaken. Ultimately, no bill relying totally on busing will succeed. Only by integrating neighborhoods as we integrate our schools will we be able to end racial isolation in this country.

Q. Why was a ten-year period chosen for achieving school integration?

A. That is only to be a maximum period. Some districts can meet the requirements in a lesser period of time. However, it is important to look at this problem realistically and not naively expect that we can change patterns of housing and education on a metropolitan basis overnight or even in two years. If we can achieve the goals of my amendment within ten years, we will have made a major move away from the development of two separate societies.

Q. How and why did you choose a goal requiring each school in the metropolitan area to have a percentage of minority-group students that is at least one-half of the percentage of the minority-group school population in the metropolitan area as a whole?

A. As my amendment makes clear, the percentage requirements at the end of a ten year period are simply minimums. In most SMSA's the requirement will be between 10 and 15 percent of the school population and, therefore, will generally reflect the percentage of minority-group persons in the population as a whole.

Q. How will your amendment affect the growth and development of private schools?

A. It is hard to predict the impact of my amendment on the development of private schools. The percentage of blacks moving into suburban schools will be small enough, and over a long enough period of time, that few whites will feel so threatened that they will incur the large expense of placing their children in private schools.

Q. Your amendment says that no state which continues to provide state funds to a noncooperating local educational agency shall be entitled to receive federal educational funds. Does this mean that an entire state will lose federal funds if it continues to aid just one noncooperative agency? If so, do you believe that this will penalize more children than it will benefit?

A. I agree that it would be unwise to cut off all federal funds to all local school districts simply because one school district does not cooperate. My amendment specifically provides that cooperating local educational agencies are to continue to receive state and local funds even if there is a noncooperating educational agency in their SMSA. However, the states themselves, receive federal funds for state-wide activities as distinguished from federal funds channeled through the states to specific local educational agencies. These funds would be cut off if a state continued to provide state funds to a noncooperating local educational agency. The political realities are such that local pressures will generally result in state cutoffs of funds to noncooperating agencies rather than rejection of federal funding for state-wide programs.

Q. Nonetheless, won't many suburban school districts simply decide to do without federal aid rather than comply with the requirements of your amendment?

A. The amendment will also cut off federal educational funds for any state that continues to supply state funds to a noncooperating school district. Therefore, a suburban school district will have to do without both state and federal funds if it does not want to follow the requirements of this act. Not many will be able to do that.

Q. Won't there still be a possibility of all black central city schools?

A. Yes, but it is my hope that the development of new school construction and imaginative educational programs in the central city will alleviate much of this problem by attracting white students in the city. Moreover, the impetus behind much of the so-called "white flight" to the suburbs will fade away once it becomes clear that the racial situation is stabilizing and the suburbs are not a white sanctuary.

Q. What about the District of Columbia?

A. The District must receive separate treatment, since all of its suburbs are in other states. This is my education bill does.

Q. Aren't some metropolitan areas so large or irregularly shaped that difficulties will be encountered in developing a school plan?

A. The amendment gives the Secretary of HEW discretion to take such unusual factors into consideration.

Q. What about metropolitan areas that cross state lines?

A. My amendment provides that each portion of a metropolitan area within a state would be treated separately for purposes of the education act. This does not present a problem since in all cases there are blacks and whites on both sides of the state lines.

Q. If the focus is on large metropolitan areas what say will local residents have in the development of their school integration plan and its implementation?

A. My bill requires that any plan submitted for approval must provide for establishment of multiracial committees composed of local parents and students who are representative geographically and racially of the population for the SMSA as a whole. Open hearings must be held and full opportunity for discussion and exploration of the issues must be guaranteed. Provisions must be made for the continuing involvement of these committees during implementation of the plan. In addition, the bill requires the Secretary to assure that all plans and progress reports are made freely available to the public and to the multiracial committees in each SMSA.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I am pleased to yield to the distinguished Senator from Minnesota. I wish to thank the Senator from Minnesota for his gracious personal comments. I wish to add that about 14 months ago there was a bitter debate on the floor of the Senate concerning the Stennis amendment.

I found myself opposed by the Senator from Minnesota. I never questioned his bona fides or the depths of his sincerity. Out of that debate came the Mondale committee, which has spent these past 14 months looking into the entire problem of a segregated society and what had to be done to bring about an integrated society.

The Senator from Minnesota zealously pursued this problem wherever the facts were taken. North and South, East and West. I know of no Member of this Congress who has devoted himself more to this great, soul-searching question than the Senator from Minnesota.

During the past 14 months I have talked with the Senator frequently. Members of my staff and his staff, men of great dedication and ability, have worked very closely together to try to develop a common ground and an understanding of this problem, all of them seeking the same objective.

I want to take this opportunity to commend the Senator from Minnesota for his intellectual honesty and his hard work in this very, very tough field. All of us are going to have to address ourselves to the question of racial isolation in the weeks ahead. If we do not solve this problem now in the Senate, a great amount of work will remain for all of us in the months and years in the future.

I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, let me say how deeply appreciative I am of those kind words. I think the debate concerning that measure 14 months ago may have set a course in motion which for the first time made the Congress look at the problem as it really is, not only through the creation of the Equal Education Committee, but in the new data that the Census bureau has developed, reported to the Senate by the Senator from Connecticut (Mr. RIBICOFF), which shows clearly, nationally, and tragically, the propositions of the problem. It is that problem to which the think it is a most courageous approach.

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries and have the doors closed in the galleries?

The PRESIDING OFFICER (Mr. ROTH). The galleries will be in order. Order will be maintained in the galleries.

Mr. MONDALE. It is a most courageous approach. The census data show the situation is getting far, far worse, not better. We are headed, indeed are far down the road, toward a separated America. That policy simply must be reversed. I am pleased to rise in support of the proposed amendment. I hope it will be adopted. I think the cause of equal education and a united country, a healthy country, requires its adoption. I am grateful to the Senator for his work and for this measure, and I am hopeful that our colleagues will see the necessity of this measure in the same light.

Might I make a reference to one table, appearing in the hearing Record beginning on page 742 and extending to page 785, for our colleagues? It is a table which shows estimated students in standard metropolitan statistical areas, which will permit our colleagues to see how this measure would work out, based on the 1968 statistical data directed at students.

Mr. RIBICOFF. Mr. President, I wonder at this point, because Senators will be reading the RECORD and the colloquy, if we cannot ask unanimous consent that the table referred to by the distinguished Senator from Minnesota be included in the RECORD.

Mr. MONDALE. I so ask, Mr. President.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statistics were ordered to be printed in the RECORD, as follows:

1968 SCHOOL SURVEY—ESTIMATED STUDENTS AND TEACHERS IN SMSA'S (TOTALS)

State, SMSA, and number of schools	Total	American Indian	Negro	Oriental	Spanish American	Minority total	Other
Alabama:							
Birmingham (291):							
Students	166,189	0	63,258	0	0	62,258	102,931
Horiz. percent	100.0	0	38.1	0	0	38.1	61.9
Teachers	6,482	0	2,296	0	0	2,296	4,186
Horiz. percent	100.0	0	35.4	0	0	35.4	64.6
Gadsden (31):							
Students	15,211	0	3,965	0	0	3,965	11,246
Horiz .percent	100.0	0	26.1	0	0	26.1	73.9
Teachers	603	0	157	0	0	157	446
Horiz. percent	100.0	0	26.0	0	0	26.0	74.0
Huntsville (53):							
Students	21,954	0	5,760	3	5	5,768	16,186
Horiz. percent	100.0	0	26.2	0	0	26.3	73.7
Teachers	926	0	234	0	0	234	692
Horiz. percent	100.0	0	25.3	0	0	25.3	74.7
Mobile (119):							
Students	90,107	0	35,309	0	0	35,309	54,798
Horiz. percent	100.0	0	39.2	0	0	39.2	60.8
Teachers	3,149	0	1,233	0	0	1,233	1,916
Horiz. percent	100.0	0	39.2	0	0	39.2	60.8
Montgomery (68):							
Students	47,723	0	19,700	0	0	19,700	28,023
Horiz. percent	100.0	0	41.3	0	0	41.3	58.7
Teachers	1,688	0	657	0	0	657	1,031
Horiz. percent	100.0	0	38.9	0	0	38.9	61.1
Tuscaloosa (48):							
Students	25,400	0	9,230	0	0	9,230	16,170
Horiz. percent	100.0	0	36.3	0	0	36.3	63.7
Teachers	959	0	306	0	0	306	653
Horiz. percent	100.0	0	31.9	0	0	31.9	68.1
Total (631):							
Students	377,727	0	143,494	3	5	143,502	234,225
Horiz. percent	100.0	0	38.0	0	0	38.0	62.0
Teachers	14,230	0	5,103	0	0	5,103	9,127
Horiz. percent	100.0	0	35.9	0	0	35.9	64.1
Arizona:							
Phoenix (225):							
Students	199,102	2,518	10,298	985	29,094	42,895	156,206
Horiz. percent	100.0	1.3	5.2	0.5	14.6	21.5	78.5
Teachers	7,908	10	206	37	224	476	7,432
Horiz. percent	100.0	0.1	2.6	0.5	2.8	6.0	94.0
Tucson (103):							
Students	73,991	974	2,874	435	18,412	22,694	51,297
Horiz. percent	100.0	1.3	3.9	0.6	24.9	30.7	69.3
Teachers	2,955	6	50	15	105	177	2,779
Horiz. percent	100.0	0.2	1.7	0.5	3.6	6.0	94.0
Total (328):							
Students	273,093	3,492	13,172	1,420	47,506	65,590	207,503
Horiz. percentage	100.0	1.3	4.8	0.5	17.4	24.0	76.0
Teachers	10,864	16	256	52	329	653	10,211
Horiz. percentage	100.0	0.1	2.4	0.5	3.0	6.0	94.0

1968 SCHOOL SURVEY—ESTIMATED STUDENTS AND TEACHERS IN SMSA'S (TOTALS)—Continued

State, SMSA, and number of schools	Total	American Indian	Negr.	Orienta.	Spanish American	Minority total	Other
Arkansas:							
Fort Smith (46):							
Students	21, 498	8	1, 292	0	7	1, 307	20, 191
Horiz. percentage	100. 0	0	6. 0	0	0	6. 1	93. 9
Teachers	830	1	24	0	0	25	805
Horiz. percentage	100. 0	2	2. 9	0	0	3. 1	96. 9
Little Rock-N. Little Rock (118):							
Students	66, 818	28	17, 418	33	87	17, 566	49, 252
Horiz. percentage	100. 0	0	26. 1	0	1	26. 3	73. 7
Teachers	2, 600	0	566	2	3	571	2, 029
Horiz. percentage	100. 0	0	21. 8	1	1	22. 0	78. 0
Pine Bluff (43):							
Students	20, 158	6	10, 003	17	27	10, 083	10, 075
Horiz. percent	100. 0	0	49. 8	1	1	50. 0	50. 0
Teachers	825	0	344	0	4	348	477
Horiz. Percent	100. 0	0	41. 7	0	5	42. 2	57. 8
Total (241):							
Students	128, 214	46	38, 165	56	142	38, 409	89, 805
Horiz. percent	100. 0	0	29. 8	0	1	30. 0	70. 04
Teachers	5, 017	1	1, 243	2	7	1, 253	3, 760
Horiz. percent	100. 0	0	24. 8	0	1	25. 0	75. 0
California:							
Anaheim-Santa Ana-Garden Grove (448):							
Students	350, 503	633	2, 686	4, 154	32, 310	39, 783	310, 720
Horiz. percent	100. 0	2	8	1. 2	9. 2	11. 4	88. 6
Teachers	12, 864	16	42	165	235	458	12, 406
Horiz. percent	100. 0	1	3	1. 3	1. 8	3. 6	96. 4
Bakersfield (158):							
Students	93, 238	253	6, 764	855	16, 959	24, 831	68, 407
Horiz. percent	100. 0	0. 3	7. 3	0. 9	18. 2	26. 6	73. 4
Teachers	3, 572	3	71	26	70	170	3, 402
Horiz. percent	100. 0	0. 1	2. 0	0. 7	2. 0	4. 8	95. 2
Fresno (197):							
Students	113. 505	467	6, 569	2, 224	33, 164	42, 424	71, 080
Horiz. percent	100. 0	0. 4	5. 8	2. 0	29. 2	37. 4	62. 6
Teachers	4, 358	3	40	56	126	226	4, 132
Horiz. percent	100. 0	0. 1	0. 9	1. 3	2. 9	5. 2	94. 8
Los Angeles-Long Beach (1,671):							
Students	1, 478, 782	3, 131	204, 517	35, 159	251, 340	494, 147	984, 635
Horiz. percent	100. 0	0. 2	13. 8	2. 4	17. 0	33. 4	66. 6
Teachers	54, 807	39	4, 884	1, 631	1, 386	7, 941	46, 866
Horiz. percent	100. 0	0. 1	8. 9	3. 0	2. 5	14. 5	85. 5
Oxnard-Ventura (153):							
Students	99, 636	127	1, 915	1, 158	17, 232	20, 432	79, 204
Horiz. percent	100. 0	0. 1	1. 9	1. 2	17. 3	20. 5	79. 5
Teachers	3, 825	7	37	33	74	151	3, 675
Horiz. percent	100. 0	0. 2	1. 0	0. 9	1. 9	3. 9	96. 1
Sacramento (354):							
Students	204, 906	501	12, 875	6, 341	17, 337	37, 054	167, 042
Horiz. percent	100. 0	0. 2	6. 3	3. 1	8. 5	18. 2	81. 8
Teachers	7, 863	17	231	137	105	490	7, 373
Horiz. percent	100. 0	0. 2	2. 9	1. 7	1. 3	6. 2	93. 8
Salinas-Monterey (74):							
Students	49, 223	132	3, 323	2, 169	10, 853	16, 477	32, 746
Horiz. percent	100. 0	0. 3	6. 8	4. 4	22. 0	33. 5	66. 5
Teachers	1, 955	1	66	33	52	152	1, 803
Horiz. percent	100. 0	0. 1	3. 4	1. 7	2. 7	7. 8	92. 2
San Bernardino-Riverside-Ontario (432):							
Students	271, 513	1, 216	14, 769	1, 515	47, 915	65, 415	206, 098
Horiz. percent	100. 0	0. 4	5. 4	0. 6	17. 6	24. 1	75. 9
Teachers	10, 330	27	315	55	272	669	9, 661
Horiz. percent	100. 0	0. 3	3. 0	0. 5	2. 6	6. 5	93. 5
San Diego (388):							
Students	285, 970	764	16, 532	5, 410	32, 731	55, 436	230, 534
Horiz. percent	100. 0	0. 3	5. 8	1. 9	11. 4	19. 4	80. 6
Teachers	10, 679	9	225	63	200	496	10, 183
Horiz. percent	100. 0	0. 1	2. 1	0. 6	1. 9	4. 6	95. 4
San Francisco-Oakland (1,029):							
Students	642, 233	1, 491	93, 148	31, 051	55, 423	181, 113	261, 120
Horiz. percent	100. 0	0. 2	14. 5	4. 8	8. 6	28. 2	71. 8
Teachers	26, 646	19	1, 465	805	475	2, 765	23, 881
Horiz. percent	100. 0	0. 1	5. 5	3. 0	1. 8	10. 4	89. 6
San Jose (401):							
Students	268, 034	551	4, 656	6, 405	43, 061	54, 672	213, 362
Horiz. percentage	100. 0	0. 2	1. 7	2. 4	16. 1	20. 4	79. 6
Teachers	10, 393	13	126	337	225	701	9, 692
Horiz. percentage	100. 0	0. 1	1. 2	3. 2	2. 2	6. 7	93. 3
Santa Barbara (102):							
Students	60, 676	148	1, 786	1, 116	10, 918	13, 969	46, 707
Horiz. percentage	100. 0	0. 2	2. 9	1. 8	18. 0	23. 0	77. 0
Teachers	2, 465	2	34	20	60	117	2, 348
Horiz. percentage	100. 0	0. 1	1. 4	0. 8	2. 4	4. 7	95. 3
Stockton (121):							
Students	66, 060	103	4, 699	2, 100	10, 640	17, 542	48, 517
Horiz. percentage	100. 0	0. 2	7. 1	3. 2	16. 1	26. 6	73. 4
Teachers	2, 619	4	75	64	73	216	2, 404
Horiz. percentage	100. 0	0. 1	2. 9	2. 5	2. 8	8. 2	91. 8
Vallejo-Napa (105)							
Students	57, 775	125	5, 051	1, 573	4, 192	10, 940	46, 834
Horiz. percent	100. 0	0. 2	8. 7	2. 7	7. 3	18. 9	81. 1
Teachers	2, 354	3	65	25	36	129	2, 225
Horiz. percent	100. 0	0. 1	2. 8	1. 1	1. 5	5. 5	94. 5
Total (5,633):							
Students	4, 041, 244	9, 643	379, 289	101, 228	584, 074	1, 074, 235	2, 967, 009
Horiz. percent	100. 0	0. 2	9. 4	2. 5	14. 5	26. 6	73. 4
Teachers	154, 730	164	7, 677	3, 450	3, 390	14, 681	140, 049
Horiz. percent	100. 0	0. 1	5. 0	2. 2	2. 2	9. 5	90. 5

State, SMSA, and number of schools	Total	American Indian	Negro	Oriental	Spanish American	Minority total	Other
Colorado:							
Colorado Springs (84):							
Students	53,800	69	2,793	568	4,422	7,851	45,949
Horiz. percent	100.0	0.1	5.2	1.1	8.2	14.6	85.4
Teachers	2,176	1	27	5	31	64	2,111
Horiz. percent	100.0	0	1.2	0.2	1.4	3.0	97.0
Denver (435):							
Students	285,500	586	14,222	1,713	29,172	45,692	239,808
Horiz. percent	100.0	0.2	5.0	0.6	10.2	16.0	84.0
Teachers	11,795	12	353	75	176	616	11,180
Horiz. percent	100.0	0.1	3.0	0.6	1.5	5.2	94.8
Pueblo (58):							
Students	30,249	25	598	59	10,931	11,613	18,636
Horiz. percent	100.0	0.1	2.0	0.2	36.1	38.4	61.6
Teachers	1,266	0	5	4	71	79	1,187
Horiz. percent	100.0	0	0.4	0.2	5.6	6.2	93.8
Total (577):							
Students	369,549	679	17,613	2,339	44,525	66,156	304,393
Horiz. percent	100.0	0.2	4.8	0.6	12.0	17.6	82.4
Teachers	15,237	13	385	83	278	759	14,478
Horiz. percent	100.0	0.1	2.5	0.5	1.8	5.0	95.0
Connecticut:							
Bridgeport (254):							
Students	161,640	56	16,199	369	5,973	22,597	139,043
Horiz. percent	100.0	0	10.0	0.2	3.7	14.0	86.0
Teachers	7,384	2	215	10	20	248	7,136
Horiz. percent	100.0	0	2.9	0.1	0.3	3.4	96.6
Hartford (378):							
Students	219,295	61	16,991	301	5,369	22,722	196,573
Horiz. percent	100.0	0	7.7	0.1	2.4	10.4	89.6
Teachers	10,101	2	277	6	15	300	9,801
Horiz. percent	100.0	0	2.7	0.1	0.1	3.0	7.0
New Haven (272):							
Students	150,491	66	16,646	264	3,579	20,555	129,936
Horiz. percent	100.0	0	11.1	0.2	2.4	13.7	86.3
Teachers	6,881	0	271	4	11	286	6,595
Horiz. percent	100.0	0	3.9	0.1	0.2	4.2	95.8
New London-Groton-Norwich (100):							
Students	50,830	12	2,249	163	431	2,856	47,975
Horiz. percent	100.0	0	4.4	0.3	0.8	5.6	94.4
Teachers	2,224	0	57	3	3	62	2,162
Horiz. percent	100.0	0	2.5	0.1	0.1	2.8	97.2
Waterbury (74):							
Students	34,263	1	370	23	45	440	33,824
Horiz. percent	100.0	.0	1.1	0.1	0.1	1.3	98.7
Teachers	1,586	0	10	1	0	11	1,575
Horiz. percent	100.0	.0	0.6	.0	.0	0.7	99.3
Total (1,077):							
Students	616,519	196	52,456	1,120	15,397	69,170	547,349
Horiz. percent	100.0	.0	8.5	0.2	2.5	11.2	88.8
Teachers	28,176	4	830	24	49	907	27,270
Horiz. percent	100.0	.0	2.9	0.1	0.2	3.2	96.8
Delaware:							
Wilmington, Del., New Jersey, Maryland (162):							
Students	107,137	17	16,696	100	395	17,207	89,930
Horiz. percent	100.0	.0	15.6	0.1	0.4	16.1	83.9
Teachers	4,642	0	532	5	5	542	4,100
Horiz. percent	100.0	.0	11.5	0.1	0.1	11.7	88.3
Total (107):							
Students	82,615	9	14,069	65	162	14,305	68,310
Horiz. percent	100.0	0	17.0	0.1	0.2	17.3	82.7
Teachers	3,580	0	479	3	3	485	3,095
Horiz. percent	100.0	0	13.4	0.1	0.1	13.6	86.4
District of Columbia:							
Washington, D.C., Maryland, Virginia (854):							
Students	619,873	231	179,384	2,902	3,543	186,060	433,814
Horiz. percent	100.0	0	28.9	0.5	0.6	30.0	70.0
Teachers	25,562	17	6,268	29	52	6,367	19,195
Horiz. percent	100.0	0.1	24.5	0.1	0.2	24.9	75.1
Total (188):							
Students	148,725	31	139,006	746	662	140,445	8,280
Horiz. percent	100.0	0	93.5	0.5	0.4	94.4	5.6
Teachers	6,224	8	4,828	11	21	4,868	1,356
Horiz. percent	100.0	0.1	77.6	0.2	0.3	78.2	21.8
Florida:							
Fort Lauderdale-Hollywood (107):							
Students	103.003	114	24,516	64	823	25,517	77,486
Horiz. percent	100.0	0.1	23.8	0.1	0.8	24.8	75.2
Teachers	4,235	2	830	0	7	839	3,396
Horiz. percent	100.0	0	19.6	0	0.2	19.8	80.2
Jacksonville (135):							
Students	122,637	0	34,638	0	0	34,638	87,999
Horiz. percent	100.0	0	28.2	0	0	28.2	71.8
Teachers	4,835	0	1,328	0	0	1,328	3,507
Horiz. percent	100.0	0	27.5	0	0	27.5	72.5
Miami (215):							
Students	232,465	436	56,518	426	39,487	96,867	135,598
Horiz. percent	100.0	0.2	24.3	0.2	17.0	41.7	58.3
Teachers	8.694	3	1,621	9	317	1,950	6,744
Horiz. percent	100.0	0	18.6	0.1	3.6	22.4	77.6
Orlando (121):							
Students	93,733	20	17,251	14	57	17,342	76,391
Horiz. percent	100.0	0	18.4	0	0.1	18.5	81.5
Teachers	3,859	0	723	0	4	727	3,132
Horiz. percent	100.0	0	18.7	0	0.1	18.8	81.2
Pensacola (95):							
Students	55,704	69	13,670	122	78	13,939	41,765
Horiz. percent	100.0	0.1	24.5	0.2	0.1	25.0	75.0
Teachers	2,145	1	422	4	2	429	1,716
Horiz. percent	100.0	0	19.7	0.2	0.1	20.0	80.0

1968 SCHOOL SURVEY—ESTIMATED STUDENTS AND TEACHERS IN SMSA'S (TOTALS)—Continued

State, SMSA; and number of schools	Total	American Indian	Negro	Oriental	Spanish American	Minority total	Other
Florida—Continued							
Tallahassee (26):							
Students	19,906	5	7,183	30	27	7,245	12,661
Horiz. percent	100.0	0	36.1	0.2	0.1	36.4	63.6
Teachers	851	0	243	3	0	246	605
Horiz. percent	100.0	0	28.6	0.4	0	28.9	71.1
Tampa-St. Petersburg (240):							
Students	179,451	247	31,940	236	7,103	39,526	139,925
Horiz. percent	100.0	0.1	17.8	0.1	4.0	22.0	78.0
Teachers	7,015	5	991	5	397	1,398	5,617
Horiz. percent	100.0	0.1	14.1	0.1	5.7	19.9	80.1
West Palm Beach (91):							
Students	61,715	5	17,158	27	1,553	18,743	42,972
Horiz. percent	100.0	0	27.8	0	2.5	30.4	69.6
Teachers	2,755	0	651	1	18	670	2,085
Horiz. percent	100.0	0	23.6	0	0.7	24.3	75.7
Total (1,030):							
Students	868,614	896	202,874	919	49,128	253,817	614,797
Horiz. percent	100.0	0.1	23.4	0.1	5.7	29.2	70.8
Teachers	34,389	11	6,809	22	745	7,587	26,802
Horiz. percent	100.0	0	19.8	0.1	2.2	22.1	77.9
Georgia:							
Albany (35):							
Students	22,771	1	8,942	8	3	8,954	13,817
Horiz. percent	100.0	0	39.3	0	0	39.3	60.7
Teachers	874	0	338	1	0	339	535
Horiz. percent	100.0	0	38.7	0.1	0	38.8	61.2
Atlanta (460):							
Students	312,434	61	83,643	205	194	84,103	228,331
Horiz. percent	100.0	0	26.8	0.1	0.1	26.9	73.1
Teachers	12,334	3	3,066	2	7	3,078	9,256
Horiz. percent	100.0	0	24.9	0	0.1	25.0	75.0
Augusta, Ga.-South Carolina (106):							
Students	60,428	43	19,975	259	262	20,539	39,889
Horiz. percent	100.0	0.1	33.1	0.4	0.4	34.0	66.0
Teachers	2,432	1	746	1	0	748	1,684
Horiz. percent	100.0	0	30.7	0	0	30.8	69.2
Columbus, Ga.-Alabama (88):							
Students	53,516	12	18,789	91	184	19,076	34,440
Horiz. percent	100.0	0	35.1	0.2	0.3	35.6	64.4
Teachers	1,986	0	646	0	1	647	1,339
Horiz. percent	100.0	0	32.5	0	0.1	32.6	67.4
Macon (82):							
Students	51,589	0	18,098	13	5	18,116	33,473
Horiz. percent	100.0	0	35.1	0	0	35.1	64.9
Teachers	2,253	0	736	0	0	736	1,517
Horiz. percent	100.0	0	32.7	0	0	32.7	67.3
Savannah (63):							
Students	42,416	0	17,449	0	0	17,449	24,967
Horiz. percent	100.0	0	41.1	0	0	41.1	58.9
Teachers	1,751	0	675	0	0	675	1,076
Horiz. percent	100.0	0	38.5	0	0	38.5	61.5
Total (785):							
Students	519,050	117	153,953	557	645	155,292	363,758
Horiz. percentage	100.0	0	29.7	0.1	0.1	29.9	70.1
Teachers	20,705	4	5,776	4	9	5,793	14,912
Horiz. percentage	100.0	0	27.9	0	0	28.0	72.0
Idaho:							
Boise City (44):							
Students	24,932	81	71	96	83	331	24,592
Horiz. percentage	100.0	0.3	0.3	0.4	0.3	1.3	98.7
Teachers	967	0	0	0	0	0	967
Horiz. percentage	100.0	0	0	0	0	0	100
Total (44):							
Students	24,923	81	71	96	83	331	24,592
Horiz. percentage	100.0	0.3	0.3	0.4	0.3	1.3	98.7
Teachers	967	0	0	0	0	0	967
Horiz. percentage	100.0	0	0	0	0	0	100.0
Illinois:							
Bloomington-Normal (98):							
Students	32,492	10	515	12	127	664	31,828
Horiz. percent	100.0	0	1.6	0	0.4	2.0	98.0
Teachers	1,513	0	7	0	3	10	1,503
Horiz. percent	100.0	0	0.5	0	0.2	0.7	99.3
Champaign-Urbana (60):							
Students	29,740	7	2,882	213	79	3,181	26,559
Horiz. percent	100.0	0	9.7	0.7	0.3	10.7	89.3
Teachers	1,347	0	58	2	0	60	1,287
Horiz. percent	100.0	0	4.3	0.1	0	4.5	95.5
Chicago (1,889):							
Students	1,361,698	1,337	347,219	5,956	63,417	417,929	943,769
Horiz. percent	100.0	0.1	25.5	0.4	4.7	30.7	69.3
Teachers	51,930	10	7,741	152	164	8,067	43,863
Horiz. percent	100.0	0	14.9	0.3	0.3	15.5	84.5
Decatur (74):							
Students	30,421	5	3,360	8	6	3,379	27,041
Horiz. percent	100.0	0	11.0	0	0	11.1	88.9
Teachers	1,189	0	26	0	0	26	1,163
Horiz. percent	100.0	0	2.2	0	0	2.2	97.8
Peoria (147):							
Students	72,792	22	4,739	63	201	5,026	67,766
Horiz. percent	100.0	0	6.5	0.1	0.3	6.9	93.1
Teachers	3,045	0	53	7	4	64	2,981
Horiz. percent	100.0	0	1.7	0.2	0.1	2.1	97.9
Rockford (104):							
Students	62,473	58	4,733	52	387	5,230	57,243
Horiz. percent	100.0	.1	7.6	0.1	0.6	8.4	91.6
Teachers	2,625	0	60	0	1	61	2,564
Horiz. percent	100.0	0	2.3	0	0	2.3	97.7

State, SMSA, and number of schools	Total	American Indian	Negro	Oriental	Spanish American	Minority total	Other
Illinois—Continued							
Springfield (72):							
Students	31,637	21	2,287	33	52	2,393	29,243
Horiz. percent	100.0	0.1	7.2	0.1	0.2	7.6	92.4
Teachers	1,301	0	25	0	4	29	1,271
Horiz. percent	100.0	0	1.9	0	0.3	2.3	97.7
Total (2,783):							
Students	1,790,359	1,545	393,543	6,556	65,968	467,613	1,322,746
Horiz. percent	100.0	0.1	22.0	0.4	3.7	26.1	73.9
Teachers	69,704	10	8,766	162	190	9,129	60,575
Horiz. percent	100.0	0	12.6	0.2	0.3	13.1	86.9
Indiana:							
Anderson (60):							
Students	33,871	8	2,220	9	128	2,365	31,505
Horiz. percent	100.0	0	6.6	0	0.4	7.0	93.0
Teachers	1,292	0	10	0	0	10	1,282
Horiz. percent	100.0	0	0.8	0	0	0.8	99.2
Evansville, Ind.-Kentucky (73):							
Students	49,159	10	3,795	17	29	3,851	45,308
Horiz. percent	100.0	0	7.7	0	0.1	7.8	92.2
Teachers	1,880	0	75	0	0	75	1,805
Horiz. percent	100.0	0	4.0	0	0	4.0	96.0
Fort Wayne (89):							
Students	59,600	22	5,841	72	449	6,384	53,216
Horiz. percent	100.0	0	9.8	0.1	0.8	10.7	89.3
Teachers	2,343	0	66	1	1	68	2,275
Horiz. percent	100.0	0	2.8	0	0	2.9	97.1
Gary-Hammond-East Chicago (204):							
Students	157,334	165	36,315	168	9,413	46,060	111,274
Horiz. percent	100.0	0.1	23.1	0.1	6.0	29.3	70.7
Teachers	6,278	2	1,325	15	54	1,397	4,881
Horiz. percent	100.0	0	21.1	0.2	0.9	22.2	77.8
Indianapolis (355):							
Students	249,386	32	38,331	75	200	38,638	210,748
Horiz. percent	100.0	0	15.4	0	0.1	15.5	84.5
Teachers	9,685	3	921	4	5	934	8,751
Horiz. percent	100.0	0	9.5	0	0.1	9.6	90.4
Lafayette-West Lafayette (37):							
Students	20,678	12	186	57	98	353	20,325
Horiz. percent	100.0	0.1	0.9	0.3	0.5	1.7	98.3
Teachers	865	0	3	0	1	4	861
Horiz. percent	100.0	0	0.3	0	0.1	0.5	99
Muncie (56):							
Students	33,487	0	2,077	10	25	2,112	31,375
Horiz. percent	100.0	0	6.2	0	0.1	6.3	93.7
Teachers	1,336	0	19	1	0	20	1,316
Horiz. percent	100.0	0	1.4	0.1	0	1.5	98.5
South Bend (94):							
Students	59,403	36	5,979	74	331	6,420	52,983
Horiz. percent	100.0	0.1	10.1	0.1	0.6	10.8	89.3
Teachers	2,352	0	92	4	2	98	2,254
Horiz. percent	100.0	0	3.9	0.2	0.1	4.2	95.8
Terre Haute (80):							
Students	35,394	8	1,396	27	7	1,438	33,957
Horiz. percent	100.0	0	3.9	0.1	0	4.1	95.9
Teachers	1,478	0	22	1	0	23	1,455
Horiz. percent	100.0	0	1.5	0.1	0	1.6	98.4
Total (1,123):							
Students	735,165	300	96,890	536	10,818	108,634	626,531
Horiz. percent	100.0	0	13.2	0.1	1.5	14.8	85.2
Teachers	28,927	5	2,530	27	65	2,627	26,299
Horiz. percent	100.0	0	8.7	0.1	0.2	9.1	90.9
Iowa:							
Cedar Rapids (75):							
Students	38,513	25	506	28	43	601	37,912
Horiz. percent	100.0	0.1	1.3	0.1	0.1	1.6	98.4
Teachers	1,755	1	2	1	4	8	1,747
Horiz. percent	100.0	0.1	0.1	0.1	0.2	0.5	99.5
Davenport-Rock Island-Moline, Iowa-Illinois (147):							
Students	81,614	42	3,777	66	1,750	5,635	75,979
Horiz. percent	100.0	0.1	4.6	0.1	2.1	6.9	93.1
Teachers	3,382	0	40	1	10	51	3,331
Horiz. percent	100.0	0	1.2	0	0.3	1.5	98.5
Des Moines (131):							
Students	66,036	56	3,677	105	454	4,291	61,745
Horiz. percent	100.0	0.1	5.6	0.2	0.7	6.5	93.5
Teachers	2,670	3	38	3	3	47	2,623
Horiz. percent	100.0	0.1	1.4	0.1	0.1	1.8	98.2
Dubuque (28):							
Students	12,882	4	6	13	5	28	12,854
Horiz. percent	100.0	0	0	0.1	0	0.2	99.8
Teachers	496	0	0	1	0	1	495
Horiz. percent	100.0	0	0	0.2	0	0.2	99.8
Sioux City, Iowa-Nebraska (53):							
Students	22,655	151	311	19	48	529	22,126
Horiz. percent	100.0	0.7	1.4	0.1	0.2	2.3	97.7
Teachers	978	0	2	0	0	2	976
Horiz. percent	100.0	0	0.2	0	0	0.2	99.8
Waterloo (59):							
Students	30,082	46	3,338	48	29	2,461	27,621
Horiz. percent	100.0	0.2	7.8	0.2	0.1	8.2	91.8
Teachers	1,210	0	17	4	2	23	1,187
Horiz. percent	100.0	0	1.4	0.3	0.2	1.9	98.1
Total (442):							
Students	223,043	314	8,285	240	1,176	10,015	213,388
Horiz. percent	100.0	0.1	3.7	0.1	0.5	4.5	95.5
Teachers	9,383	4	72	11	12	99	9,283
Horiz. percent	100.0	0	0.8	0.1	0.1	1.1	98.9

1968 SCHOOL SURVEY—ESTIMATED STUDENTS AND TEACHERS IN SMSA'S (TOTALS)—Continued

State, SMSA, and number of schools	Total	American Indian	Negro	Oriental	Spanish American	Minority total	Other
Kansas:							
Topeka (82):							
Students	35,730	146	3,326	98	1,150	4,720	31,010
Horiz. percent	100.0	0.4	9.3	0.3	3.2	13.2	86.8
Teachers	1,475	0	38	1	5	44	1,431
Horiz. percent	100.0	0	2.6	0.1	0.3	3.0	97.0
Wichita (205):							
Students	98,211	374	9,174	204	1,199	10,951	87,260
Horiz. percent	100.0	0.4	9.3	0.2	1.2	11.2	88.8
Teachers	4,225	8	176	1	19	204	4,022
Horiz. percent	100.0	0.2	4.2	0	0.4	4.8	95.2
Total (463):							
Students	230,733	573	23,286	401	3,721	27,980	202,753
Horiz. percent	100.0	0.2	10.1	0.2	1.6	12.1	87.9
Teachers	9,654	9	490	6	29	534	9,120
Horiz. percent	100.0	0.1	5.1	0.1	0.3	5.5	94.5
Kentucky:							
Lexington (47):							
Students	34,867	10	5,969	31	21	6,031	28,836
Horiz. percent	100.0	0	17.1	0.1	0.1	17.3	82.7
Teachers	1,404	0	132	0	1	133	1,271
Horiz. percent	100.0	0	9.4	0	0.1	9.5	90.5
Louisville, Ky.-Indiana (212):							
Students	174,487	31	30,289	102	82	30,504	143,983
Horiz. percent	100.0	0	17.4	0.1	0	17.5	82.5
Teachers	6,784	1	755	2	0	758	6,026
Horiz. percent	100.0	0	11.1	0	0	11.2	88.8
Total (314):							
Students	240,258	34	36,906	109	90	37,139	203,119
Horiz. percent	100.0	0	15.4	0	0	15.5	84.5
Teachers	9,344	1	921	2	1	925	8,419
Horiz. percent	100.0	0	9.9	0	0	9.9	90.1
Louisiana:							
Baton Rouge (101):							
Students	63,725	39	23,751	40	123	23,953	39,772
Horiz. percent	100.0	0.1	37.3	0.1	0.2	37.6	62.4
Teachers	2,535	0	820	0	0	820	1,715
Horiz. percent	100.0	0	32.3	0	0	32.3	67.7
Lafayette (35):							
Students	27,295	0	6,984	0	0	6,984	20,311
Horiz. percent	100.0	0	25.6	0	0	25.6	74.4
Teachers	1,043	0	245	0	0	245	798
Horiz. percent	100.0	0	23.5	0	0	23.5	76.5
Lake Charles (73):							
Students	39,043	0	9,934	0	0	9,934	29,109
Horiz. percent	100.0	0	25.4	0	0	25.4	74.6
Teachers	1,552	0	359	0	0	359	1,193
Horiz. percent	100.0	0	23.1	0	0	23.1	76.9
Monroe (57):							
Students	29,115	1	10,256	7	7	10,271	18,844
Horiz. percent	100.0	0	35.2	0	0	35.3	64.7
Teachers	1,165	0	412	0	0	412	753
Horiz. percent	100.0	0	35.4	0	0	35.4	64.6
New Orleans (248):							
Students	198,167	111	92,004	183	1,463	93,761	104,406
Horiz. percent	100.0	0.1	46.4	0.1	0.7	47.3	52.7
Teachers	7,777	0	2,925	4	10	2,939	4,838
Horiz. percent	100.0	0	37.6	.1	.1	37.8	62.2
Shreveport (101):							
Students	78,700	37	30,697	103	291	31,128	47,572
Horiz. percent	100.0	0	39.0	.1	.4	39.6	60.4
Teachers	3,148	0	1,258	3	1	1,262	1,886
Horiz. percent	100.0	0	40.0	.1	0	40.1	59.9
Total (615):							
Students	436,045	188	173,626	333	1,884	176,031	260,014
Horiz. percent	100.0	0	39.8	.1	0.4	40.4	59.6
Teachers	17,220	0	6,019	7	11	6,037	11,183
Horiz. percent	100.0	0	34.0	0	.1	35.1	64.9
Maine:							
Lewiston, Auburn (63):							
Students	21,181	4	24	1	4	33	21,148
Horiz. percent	100.0	0	0.1	0	0	0.2	99.8
Teachers	841	0	0	0	1	1	839
Horiz. percent	100.0	0	0	0	0.2	0.2	99.8
Portland (118):							
Students	40,358	6	183	36	31	257	40,101
Horiz. percent	100.0	0	0.5	0.1	0.1	0.6	99.4
Teachers	1,759	0	1	1	1	2	1,757
Horiz. percent	100.0	0	0.1	0	0.1	0.1	99.9
Total (181):							
Students	61,539	10	208	37	35	290	61,249
Horiz. percent	100.0	0	0.3	0.1	0.1	0.5	99.5
Teachers	2,600	0	1	0	2	4	2,596
Horiz. percent	100.0	0	0.1	0	0.1	0.1	99.6
Maryland:							
Baltimore (543):							
Students	438,530	78	143,062	338	319	143,797	294,733
Horiz. percent	100.0	.0	32.6	0.1	0.1	32.8	67.2
Teachers	17,145	2	4,591	9	4	4,606	12,539
Horiz. percent	100.0	.0	26.8	0.1	0	26.9	73.1
Total (952):							
Students	718,934	161	171,002	1,577	2,019	174,759	544,17
Horiz. percent	100.0	.0	23.8	0.2	0.3	24.3	75.7
Teachers	28,340	6	5,670	19	17	5,712	22,628
Horiz. percent	100.0	.0	20.0	0.1	0.1	20.2	79.8

State, SMSA, and number of schools	Total	American Indian	Negro	Oriental	Spanish American	Minority total	Other
Massachusetts:							
Boston (1,271):							
Students	642,558	157	32,388	3,215	4,577	40,337	602,221
Horiz. percent	100.0	.0	5.0	0.5	0.7	6.3	93.7
Teachers	28,537	1	337	22	18	378	28,159
Horiz. percent	100.0	.0	1.2	0.1	0.1	1.3	98.7
Brockton (154):							
Students	77,687	40	1,569	149	887	2,645	75,042
Horiz. percent	100.0	0.1	2.0	0.2	1.1	3.4	96.6
Teachers	3,452	1	23	3	9	36	3,415
Horiz. percent	100.0	0	0.7	0.1	0.3	1.1	98.9
Fall River, Mass.-R.I. (30):							
Students	13,462	20	962	96	78	1,156	12,306
Horiz. percent	100.0	0.1	7.1	0.7	0.6	8.6	91.4
Teachers	666	0	10	1	2	13	653
Horiz. percent	100.0	0	1.5	0.2	0.3	2.0	98.0
Lawrence-Haverhill, Mass.-N.H. (56):							
Students	27,042	13	329	56	66	465	26,578
Horiz. percent	100.0	0	1.2	0.2	0.2	1.7	98.3
Teachers	1,196	0	1	0	4	5	1,191
Horiz. percent	100.0	0	0.1	0	0.3	0.4	99.6
New Bedford (198):							
Students	78,170	13	2,676	144	430	3,264	74,905
Horiz. percent	100.0	0	3.4	0.2	0.6	4.2	95.8
Teachers	3,442	1	24	3	6	34	3,408
Horiz. percent	100.0	0	0.7	1	0.2	1.0	99.0
Pittsfield (74):							
Students	30,910	24	494	44	40	601	30,308
Horiz. percent	100.0	0.1	1.6	0.1	0.1	1.9	98.1
Teachers	1,452	0	7	3	0	10	1,441
Horiz. percent	100.0	0	0.5	0.2	0	0.7	99.3
Springfield-Chicopee-Holyoke, Mass.-Conn. (247):							
Students	119,807	36	7,222	176	1,734	9,168	110,639
Horiz. percent	100.0	0	6.0	0.1	1.4	7.7	92.3
Teachers	5,084	1	89	2	6	98	4,968
Horiz. percent	100.0	0	1.8	0	0.1	1.9	98.1
Worcester (295):							
Students	119,983	81	1,353	223	561	2,218	117,765
Horiz. percent	100.0	0.1	1.1	0.2	0.5	1.8	98.2
Teachers	5,548	0	30	2	3	35	5,513
Horiz. percent	100.0	0	0.5	0	0.1	0.6	99.4
Total (2,239):							
Students	1,069,115	351	45,701	3,951	8,229	58,233	1,010,882
Horiz. percent	100.0	0	4.3	0.4	0.8	5.4	94.6
Teachers	47,515	4	510	36	42	592	46,923
Horiz. percent	100.0	0	1.1	0.1	0.1	1.2	98.8
Michigan							
Ann Arbor (83):							
Students	44,853	50	4,440	265	276	5,031	39,822
Horiz. percent	100.0	0.1	9.9	0.6	0.6	11.2	88.8
Teachers	1,992	1	95	7	5	108	1,884
Horiz. percent	100.0	0.1	4.8	0.4	0.3	5.4	94.6
Bay City (54):							
Students	25,783	56	249	16	691	1,012	24,771
Horiz. percent	100.0	0.2	1.0	0.1	2.7	3.9	96.1
Teachers	923	0	2	0	3	5	918
Horiz. percent	100.0	0	.2	0	0.3	0.5	99.5
Detroit (1,286):							
Students	960,389	1,029	204,734	2,172	8,129	216,064	744,325
Horiz. percent	100.0	0.1	21.3	0.2	0.8	22.5	77.5
Teachers	36,437	32	4,944	71	88	5,135	31,302
Horiz. percent	100.0	0.1	13.6	0.2	0.2	14.1	85.9
Flint (205):							
Students	128,853	134	19,002	105	1,325	20,566	108,287
Horiz. percent	100.0	0.1	14.7	0.1	1.0	16.0	84.0
Teachers	4,873	0	418	6	8	432	4,441
Horiz. percent	100.0	0	8.6	0.1	0.2	8.9	91.1
Grand Rapids (270):							
Students	118,918	278	7,573	174	1,727	9,752	109,166
Horiz. percent	100.0	0.2	6.4	0.1	1.5	8.2	91.8
Teachers	4,792	1	114	9	5	129	4,663
Horiz. percent	100.0	0	2.4	0.2	0.1	2.7	97.3
Jackson (67):							
Students	34,193	54	1,949	17	245	2,265	31,928
Horiz. percent	100.0	0.2	5.7	0	0.7	6.6	93.4
Teachers	1,339	1	30	0	5	36	1,303
Horiz. percent	100.0	0.1	2.2	0	0.4	2.7	97.3
Kalamazoo (90):							
Students	44,711	106	2,941	121	218	3,386	41,325
Horiz. percent	100.0	0.2	6.6	0.3	0.5	7.6	92.4
Teachers	1,835	0	43	3	0	46	1,789
Horiz. percent	100.0	0	2.3	0.2	0	2.5	97.5
Lansing (185):							
Students	88,047	158	3,690	199	2,292	6,339	81,708
Horiz. percent	100.0	0.2	4.2	0.2	2.6	7.2	92.8
Teachers	3,619	1	66	9	2	78	3,541
Horiz. percent	100.0	.0	1.8	0.2	0.1	2.2	97.8
Muskegon-Muskegon Heights (82):							
Students	42,446	159	5,540	47	559	6,305	36,141
Horiz. percent	100.0	0.4	13.1	0.1	1.3	14.9	85.1
Teachers	1,750	0	79	3	2	84	1,666
Horiz. percent	100.0	.0	4.5	0.2	0.1	4.8	95.2
Saginaw (103):							
Students	52,202	58	9,084	57	2,647	11,846	40,356
Horiz. percent	100.0	0.1	17.4	0.1	5.1	22.7	77.3
Teachers	2,011	0	157	0	8	165	1,846
Horiz. percent	100.0	.0	7.8	.0	0.4	8.2	91.8
Total (2,476):							
Students	1,567,858	2,102	259,879	3,186	18,555	283,722	1,284,136
Horiz	100.0	0.1	16.6	0.2	1.2	18.1	81.9
Teachers	60,006	37	5,954	109	129	6,229	54,371
Horiz	100.0	0.1	9.8	0.2	0.2	10.3	89.7

1968 SCHOOL SURVEY—ESTIMATED STUDENTS AND TEACHERS IN SMSA'S (TOTALS)—Continued

State, SMSA, and number of schools	Total	American Indian	Negro	Oriental	Spanish American	Minority total	Other
Minnesota:							
Duluth Superior (146):							
Students	66,143	678	303	89	40	1,110	65,033
Horiz. percent	100.0	1.0	0.5	0.1	0.1	1.7	98.3
Teachers	2,722	3	4	1	0	8	2,714
Horiz. percent	100.0	0.1	.1	0	0	0.3	99.7
Minneapolis-St. Paul (537):							
Students	405,073	2,234	8,570	1,109	2,286	14,199	390,874
Horiz. percent	100.0	0.6	2.1	0.3	0.6	3.5	96.5
Teachers	16,298	5	144	41	23	2.4	16,084
Horiz. percent	100.0	0	0.9	0.3	0.1	1.3	98.7
Total (684):							
Students	473,935	2,834	8,864	1,204	2,489	15,392	458,542
Horiz. percent	100.0	0.6	1.9	0.3	0.5	3.2	96.8
Teachers	19,149	8	147	42	23	221	18,928
Horiz. percent	100.0	0	0.8	0.2	0.1	1.2	98.8
Mississippi:							
Biloxi-Gulfport (56):							
Students	31,264	16	6,974	47	93	7,130	24,134
Horiz. percent	100.0	0.1	22.3	0.3	0.3	22.8	77.2
Teachers	1,243	0	241	1	2	244	999
Horiz. percent	100.0	0	19.4	0.1	0.2	19.6	80.4
Jackson (89):							
Students	62,567	24	28,303	20	27	28,374	34,193
Horiz. percent	100.0	0	45.2	0	0	45.3	54.7
Teachers	2,443	0	1,001	0	1	1,002	1,144
Horiz. percent	100.0	0	41.0	0	0	41.0	59.0
Total (145):							
Students	93,831	40	35,277	67	120	35,504	58,327
Horiz. percent	100.0	0	37.6	0.1	0.1	37.8	62.2
Teachers	3,686	0	1,242	1	3	1,246	2,440
Horiz. percent	100.0	0	33.7	0	0.1	33.8	66.2
Missouri:							
Kansas City, Mo.-Kansas (462):							
Students	292,571	103	46,049	246	1,767	48,164	244,406
Horiz. percent	100.0	0	15.7	0.1	0.6	16.5	83.5
Teachers	11,455	3	1,172	8	8	1.191	10,264
Horiz. percent	100.0	0	10.2	0.1	0.1	10.4	89.6
St. Joseph (32):							
Students	16.786	0	642	0	40	682	16,104
Horiz. percent	100.0	0	3.8	0	0.2	4.1	95.9
Teachers	647	0	14	0	0	14	633
Horiz. percent	100.0	0	2.2	0	0	2.2	97.8
St. Louis, Mo.-Ill. (803):							
Students	490,763	192	109,334	676	939	111,141	379,622
Horiz. percent	100.0	0	22.3	0.1	0.2	22.6	77.4
Teachers	19,185	6	3,14	30	35	3,213	15,972
Horiz. percent	100.0	0	16.4	0.2	0.2	16.7	83.3
Springfield (69):							
Students	32,703	16	589	49	27	681	32,022
Horiz. percent	100.0	0	1.8	0.1	0.1	2.1	97.9
Teachers	1,286	0	10	1	2	13	1,273
Horiz. percent	100.0	0	.8	0.1	0.2	1.0	99.0
Total (952):							
Students	616,403	198	120,537	694	979	122,408	493,995
Horiz. percent	100.0	0	19.6	0.1	0.2	19.9	80.1
Teachers	23,876	8	3,293	34	36	3,371	20,505
Horiz. percent	100.0	0	13.8	0.1	0.1	14.1	85.9
Nebraska:							
Omaha, Nebr. Iowa (51):							
Students	21,100	13	187	4	123	327	20,773
Horiz. percent	100.0	0.1	0.9	0	0.6	1.5	98.5
Teachers	901	0	2	1	2	5	896
Horiz. percent	100.0	0	0.2	0.1	0.2	0.6	99.4
Total							
New Hampshire:							
Manchester (129):							
Students	53,309	7	160	76	63	307	53,003
Horiz. percent	100.0	0	0.3	0.1	0.1	0.6	99.4
Teachers	2,320	0	4	0	5	9	2,310
Horiz. percent	100.0	0	0.2	0	0.2	0.4	99.6
Total (185):							
Students	80,352	20	490	133	129	771	79,580
Horiz. percent	100.0	0	0.6	0.2	0.2	1.0	99.0
Teachers	3,515	0	5	0	9	14	3,501
Horiz. percent	100.0	0	0.2	0	0.3	0.4	99.6
New Jersey:							
Atlantic City (83):							
Students	33,155	3	8,466	39	759	9,267	23,888
Horiz. percent	100.0	0	25.5	0.1	2.3	28.0	72.0
Teachers	1,331	0	212	0	0	212	1,119
Horiz. percent	100.0	0	16.0	0	0	16.0	84.0
Jersey City (102):							
Students	90,295	29	17,684	184	15,290	33,187	57,108
Horiz. percent	100.0	0	19.6	0.2	16.9	36.8	63.2
Teachers	3,779	1	213	4	12	230	3,549
Horiz. percent	100.0	0	5.6	0.1	0.3	6.1	93.9
Newark (560):							
Students	364,068	41	91,378	810	10,904	103,133	260,935
Horiz. percent	100.0	0	25.1	0.2	3.0	28.3	71.7
Teachers	16,790	1	1,641	19	41	1,703	15,087
Horiz. percent	100.0	0	9.8	0.1	0.2	10.1	89.9
Paterson-Clifton-Passaic (397):							
Students	253,500	25	20,263	545	7,398	28,231	225,269
Horiz. percent	100.0	0	8.0	0.2	2.9	11.1	88.9
Teachers	11,693	0	446	11	37	495	11,198
Horiz. percent	100.0	0	3.8	0.1	0.3	4.2	95.8

State, SMSA, and number of schools	Total	American Indian	Negro	Oriental	Spanish American	Minority total	Other
New Jersey—Continued							
Trenton (89):							
Students	56,293	24	14,251	127	983	15,384	40,909
Horiz. percent	100.0	0	25.3	0.2	1.7	27.3	72.7
Teachers	2,602	0	274	6	3	283	2,319
Horiz. percent	100.0	0	10.5	0.2	0.1	10.9	89.1
Vineland (54):							
Students	28,307	12	6,154	128	1,414	7,708	20,599
Horiz. percent	100.0	0	21.7	0.5	5.0	27.2	72.8
Teachers	1,138	3	69	5	1	78	1,060
Horiz. percent	100.0	0.3	6.1	0.5	0.1	6.9	93.1
Total (1,687):							
Students	1,048,368	175	184,583	2,382	40,036	227,176	821,192
Horiz. percent	100.0	0	17.6	0.2	3.8	21.7	78.3
Teachers	46,980	9	3,629	62	117	3,871	43,163
Horiz. percent	100.0	0	7.7	0.1	0.2	8.1	91.9
New Mexico:							
Albuquerque (111):							
Students	79,669	1,704	1,897	207	28,151	31,959	47,710
Horiz. percent	100.0	2.1	2.4	0.3	35.3	40.1	59.9
Teachers	2,851	16	38	1	365	420	2,431
Horiz. percent	100.0	0.6	1.3	0	12.8	14.7	85.3
Total (111):							
Students	79,669	1,704	1,897	207	28,151	31,959	47,710
Horiz. percent	100.0	2.1	2.4	0.3	35.3	40.1	59.9
Teachers	2,851	16	38	1	365	420	2,431
Horiz. percent	100.0	0.6	1.3	0	12.8	14.7	85.3
New York:							
Albany-Schenectady-Troy (246):							
Students	136,446	74	6,525	201	200	7,000	129,446
Horiz. percent	100.0	0.1	4.8	0.1	0.1	5.1	94.9
Teachers	6,426	0	64	6	12	82	6,344
Horiz. percent	100.0	0	1.0	0.1	0.2	1.3	98.7
Binghamton, N.Y-Pennsylvania (127):							
Students	74,891	23	637	64	45	7.9	74,122
Horiz. percent	100.0	0	0.9	0.1	0.1	1.0	99.0
Teachers	3,497	5	16	5	5	31	3,466
Horiz. percent	100.0	0.1	0.5	0.1	0.1	0.9	99.1
Buffalo (378):							
Students	271,551	1,221	31,328	264	1,816	34,629	236,922
Horiz. percent	100.0	0.4	11.5	0.1	0.7	12.8	87.2
Teachers	11,984	11	378	5	20	414	11,570
Horiz. percent	100.0	0.1	3.2	0	0.2	3.5	96.5
New York (1,912):							
Students	1,909,269	1,768	392,465	18,006	256,530	668,769	1,240,500
Horiz. percent	100.0	0.1	20.6	0.9	13.4	35.0	65.0
Teachers	92,430	51	5,162	205	645	6,063	86,367
Horiz. percent	100.0	0.1	5.6	0.2	0.7	6.6	93.4
Rochester (256):							
Students	182,467	161	17,121	212	1,799	19,293	163,174
Horiz. percent	100.0	0.1	9.4	0.1	1.0	10.6	89.4
Teachers	8,347	2	149	4	6	161	8,186
Horiz. percent	100.0	0	1.8	0	0.1	1 9	98.1
New York:							
Syracuse (225):							
Students	144,624	537	6,847	126	128	7,638	136,986
Horiz. percent	100.0	0.4	4.7	0.1	0.1	5.3	94.7
Teachers	6,583	4	61	7	14	86	6,497
Horiz. percent	100.0	0.1	0.9	0.1	0.2	1.3	98.7
Utica-Rome (150):							
Students	85,394	18	2,800	63	267	3,148	82,246
Horiz. percent	100.0	0	3.3	0.1	0.3	3.7	96.3
Teachers	3.860	1	54	4	6	65	3,795
Horiz. percent	100.0	0	1.4	0.1	0.2	1.7	98.3
Total (3,275):							
Students	2,796,414	3,802	457,722	18,936	260,785	741,245	2,055,169
Horiz. percent	100.0	0.1	16.4	0.7	9.3	26.5	73.5
Teachers	132,760	74	5,884	236	708	6,902	125,858
Horiz. percent	100.0	0.1	4.4	0.2	0.5	5.2	94.8
North Carolina:							
Asheville (47):							
Students	29,765	19	3,472	13	13	3,517	26,248
Horiz. percent	100.0	0.1	11.7	0	0	11.8	88.2
Teachers	1,117	0	111	0	0	111	1,006
Horiz. percent	100.0	0	9.9	0	0	9.9	90.1
Charlotte (136):							
Students	95,844	113	27,520	42	96	27,771	68.073
Horiz. Percent	100.0	0.1	28.7	0	0.1	19.0	71.0
Teachers	3,823	2	936	2	2	942	2,881
Horiz. percent	100.0	0.1	24.5	0.1	0.1	24.6	75.4
Durham (67):							
Students	37,875	9	14,035	21	27	14,092	23,783
Horiz. percent	100.0	0	37.1	0.1	0.1	37.2	62.8
Teachers	1,526	0	454	0	1	455	1.071
Horiz. percent	100.0	0	29.8	0.1	0.1	29.8	70.2
Fayetteville (63):							
Students	43,257	664	12,737	50	84	13,535	29,722
Horiz. percent	100.0	1.5	29.4	0.1	0.2	31.3	68.7
Teachers	1,615	13	454	0	0	467	1,148
Horiz. percent	100.0	0.8	28.1	0	0	28.9	71.1
Greensboro-High Point (201):							
Students	139,156	261	32,399	32	34	32,726	106,430
Horiz. percent	100.0	0.2	23.3	0	0	23.5	76.5
Teachers	5,363	6	1,166	0	4	1,176	4,187
Horiz. percent	100.0	0.1	21.7	0	0.1	21.9	78.1
Raleigh (84):							
Students	49,083	44	13,853	52	39	13,988	35,095
Horiz. percent	100.0	0.1	28.2	0.1	0.1	28.5	71.5
Teachers	2,071	1	572	0	1	574	1,497
Horiz. percent	100.0	0	27.6	0	0	27.7	72.3

1968 SCHOOL SURVEY—ESTIMATED STUDENTS AND TEACHERS IN SMSA'S (TOTALS)—Continued

State, SMSA, and number of schools	Total	American Indian	Negro	Oriental	Spanish American	Minority total	Other
North Carolina—Continued							
Wilmington (35):							
Students	25,283	38	7,850	12	21	7,921	17,362
Horiz. percent	100.0	0.2	31.0	0	0.1	31.3	68.7
Teachers	974	0	280	1	1	282	692
Horiz. percent	100.0	0	28.7	0.1	0.1	29.0	71.0
Total (638):							
Students	420.263	1,148	111,866	222	314	113,550	306,713
Horiz. percent	100.0	0.3	26.6	0.1	0.1	27.0	73.0
Teachers	16,489	22	3,973	3	9	4,007	12,482
Horiz. percent	100.0	0.1	24.1	0	0.1	24.3	75.7
North Dakota:							
Fargo-Moorhead, N. Dak. Minn. (55):							
Students	26,284	53	3	31	191	278	26,006
Horiz. percent	100.0	0.2	0	0.1	0.7	1.1	98.9
Teachers	1,128	0	0	0	0	0	1,128
Horiz. percent	100.0	0	0	0	0	0	100.0
Total (27):							
Students	14,159	23	1	18	20	62	14,097
Horiz. percent	100.0	0.2	0.	0.1	0.1	0.4	99.6
Teachers	572	0	0	0	0	0	572
Horiz. percent	100.0	0	0	0	0	0	100.0
Ohio:							
Akron (229):							
Students	157,480	33	16,830	176	120	17,159	140,321
Horiz. percent	100.0	.0	10.7	0.1	0.1	10.9	89.1
Teachers	5,989	0	182	5	9	196	5,793
Horiz. percent	100.0	.0	3.0	0.1	0.2	3.3	96.7
Canton (140):							
Students	84,327	27	7,043	52	228	7,350	76,977
Horiz. percent	100.0	.0	8.4	0.1	0.3	8.7	91.3
Teachers	3,331	2	74	2	8	86	3,245
Horiz. percent	100.0	0.1	2.2	0.1	0.2	2.6	97.4
Cincinnati, Ohio, Kentucky, Indiana (405):							
Students	284,743	65	43,607	307	317	44,296	240,447
Horiz. percent	100.0	.0	15.3	0.1	0.1	15.6	84.4
Teachers	10,851	1	875	14	9	899	9,952
Horiz. percent	100.0	.0	8.1	0.1	0.1	8.3	91.7
Cleveland (575):							
Students	423,815	173	97,596	769	2,657	101,195	322,620
Horiz. percent	100.0	0	23.0	0.2	0.6	23.9	76.1
Teachers	16,584	6	2,236	19	19	2,280	14,304
Horiz. percent	100.0	0	13.5	0.1	0.1	13.7	86.3
Columbus (329):							
Students	205,158	49	30,367	362	235	31,013	174,145
Horiz. percent	100.0	0	14.8	0.2	0.1	15.1	84.9
Teachers	7,690	1	527	8	7	543	7,147
Horiz. percent	100.0	0	6.9	0.1	0.1	7.1	92.9
Dayton (283):							
Students	201,471	42	27,453	284	296	28,075	173,396
Horiz. percent	100.0	0	13.6	0.1	0.1	13.9	86.1
Teachers	7,739	0	796	7	6	809	6,930
Horiz. percent	100.0	0	10.3	0.1	0.1	10.5	89.5
Hamilton, Middletown (80):							
Students	51,663	23	3,677	28	32	3,760	47,903
Horiz. percent	100.0	0	7.1	0.1	0.1	7.3	92.7
Teachers	2,096	1	45	3	1	50	2,046
Horiz. percent	100.0	0	2.1	0.1	0	2.4	97.6
Lima (85):							
Students	40,268	6	3,032	34	797	3,869	36,399
Horiz. percent	100.0	0	7.5	0.1	2.0	9.6	90.4
Teachers	1,629	1	56	2	2	61	1,568
Horiz. percent	100.0	0.1	3.4	0.1	0.1	3.7	96.3
Lorain-Elyria (102):							
Students	62,314	55	5,445	50	2,779	8,329	53,985
Horiz. percent	100.0	0.1	8.7	0.1	4.5	13.4	86.6
Teachers	2,295	0	78	2	6	86	2,209
Horiz. percent	100.0	0	3.4	0.1	0.3	3.7	96.3
Mansfield (55):							
Students	33,049	13	2,393	23	94	2,523	30,526
Horiz. percent	100.0	0	7.2	0.1	0.3	7.6	92.4
Teachers	1,386	2	13	0	5	20	1,366
Horiz. percent	100.0	0.1	0.9	0	0.4	1.4	98.6
pringfield (66):							
Students	36,817	23	4,006	41	34	4,104	32,713
Horiz. percent	100.0	0.1	10.9	0.1	0.1	11.1	88.9
Teachers	1,370	0	53	2	0	55	1,315
Horiz. percent	100.0	0	3.9	0.1	0	4.0	96.0
teubenville-Weirton, Ohio, W. Va. (92):							
Students	37,550	13	2,137	28	21	2,199	35,351
Horiz. percent	100.0	0	5.7	0.1	0.1	5.9	94.1
Teachers	1,493	1	29	2	2	34	1,459
Horiz. percent	100.0	0.1	1.9	0.1	0.1	2.3	97.7
Toledo, Ohio, Michigan (226):							
Students	143,660	55	17,372	161	2,828	20,416	123,244
Horiz. percent	100.0	0	12.1	0.1	2.0	14.2	85.8
Teachers	5,551	1	387	7	13	408	5,143
Horiz. percent	100.0	0	7.0	0.1	0.2	7.4	92.6
Youngstown-Warren (212):							
Students	116,538	25	15,866	118	1,152	17,161	99,377
Horiz. percent	100.0	0	13.6	0.1	1.0	14.7	85.3
Teachers	4,514	0	110	4	8	122	4,392
Horiz. percent	100.0	0	2.4	0.1	0.2	2.7	97.3
Total (2,766):							
Students	1,810,741	585	275,281	2,419	11,012	289,297	1,521,444
Horiz. percent	100.0	0	15.2	0.1	0.6	16.0	84.0
Teachers	69,877	14	5,419	75	90	5,598	64,279
Horiz. percent	100.0	0	7.8	0.1	0.1	8.0	92.0

State, SMSA, and number of schools	Total	American Indian	Negro	Oriental	Spanisn American	Minority total	Other
Oklahoma:							
Lawton (42):							
Students	21,892	1,264	2,490	342	661	4,757	17,135
Horiz. percent	100.0	5.8	11.4	1.6	3.0	21.7	78.3
Teachers	871	12	48	0	3	63	808
Horiz. percent	100.0	1.4	5.5	0	0.3	7.2	92.8
Oklahoma City (44):							
Students	24,508	482	293	30	71	876	23,632
Horiz. percent	100.0	2.0	1.2	0.1	0.3	3.6	96.4
Teachers	984	12	8	0	0	20	964
Horiz. percent	100.0	1.3	0.8	0	0	2.1	97.9
Tulsa (31):							
Students	10,740	356	731	16	15	1,118	9,622
Horiz. percent	100.0	3.3	6.8	0.1	0.1	10.4	89.6
Teachers	416	3	14	0	0	18	399
Horiz. percent	100.0	0.8	3.4	0	0	4.2	95.8
Total (117):							
Students	57,140	2,103	3,514	388	747	6,751	50,389
Horiz. percent	100.0	3.7	6.1	0.7	1.3	11.8	88.2
Teachers	2,271	28	70	0	3	101	2,170
Horiz. percent	100.0	1.2	3.1	0	0.1	4.4	95.6
Oregon:							
Portland, Oreg.-Washington (302):							
Students	176,385	539	6,672	1,509	1,222	9,941	166,444
Horiz. percent	100.0	0.3	3.8	0.9	0.7	5.6	94.4
Teachers	7,326	17	85	47	14	163	7,163
Horiz. percent	100.0	0.2	1.2	0.6	0.2	2.2	97.8
Salem (24):							
Students	6,368	19	23	13	295	349	6,019
Horiz. percent	100.0	0.3	0.4	0.2	4.6	5.5	94.5
Teachers	309	0	0	0	0	0	309
Horiz. percent	100.0	0	0	0	0	0	100.0
Total (273):							
Students	151,861	449	6,505	1,432	1,429	9,860	142,002
Horiz. percent	100.0	0.3	4.3	0.9	0.9	6.5	93.5
Teachers	6,506	13	79	38	14	144	6,362
Horiz. percent	100.0	0.2	1.2	0.6	0.2	2.2	97.8
Pennsylvania:							
Allentown-Bethlehem-Easton, Pa.-New Jersey (210):							
Students	107,150	9	1,673	110	1,248	3,040	104,110
Horiz. percent	100.0	0	1.6	0.1	1.2	2.8	97.2
Teachers	4,255	0	22	1	7	30	4,225
Horiz. percent	100.0	0	0.5	0	0.2	0.7	99.3
Altoona (54):							
Students	27,232	2	245	14	5	266	26,967
Horiz. percent	100.0	0	0.9	0.1	0	1.0	99.0
Teachers	1,016	0	5	0	0	5	1,011
Horiz. percent	100.0	0	0.5	0	0	0.5	99.5
Erie (90):							
Students	57,297	18	3,006	47	83	3,155	54,142
Horiz. percent	100.0	0	5.2	0.1	0.1	5.5	94.5
Teachers	2,210	0	12	0	1	14	2,196
Horiz. percent	100.0	0	0.6	0	0.1	0.6	99.4
Harrisburg (186):							
Students	95,209	13	7,976	116	151	8,256	86,953
Horiz. percent	100.0	0	8.4	0.1	0.2	8.7	91.3
Teachers	3,999	0	119	0	7	126	3,873
Horiz. percent	100.0	0	3.0	0	0.2	3.1	96.9
Johnston (142):							
Students	57,007	0	1,182	18	36	1,236	55,770
Horiz. percent	100.0	0	2.1	0	0.1	2.2	97.8
Teachers	2,314	0	7	0	3	10	2,304
Horiz. percent	100.0	0	0.3	0	0.1	0.4	99.6
Lancaster (142):							
Students	68,704	9	1,547	56	606	2,218	66,487
Horiz. percent	100.0	0	2.3	0.1	0.9	3.2	96.8
Teachers	2,913	0	14	2	6	22	2,892
Horiz. percent	100.0	0	0.5	0.1	0.2	0.7	99.3
Philadelphia, Pa.-New Jersey (1,182):							
Students	846,801	139	218,129	1,209	11,394	230,871	615,930
Horiz. percent	100.0	0	25.8	0.1	1.3	27.3	72.7
Teachers	35,685	9	4,865	46	59	4,979	30,706
Horiz. percent	100.0	0	13.6	0.1	0.2	14.0	86.0
Pittsburgh (924):							
Students	464,489	92	46,271	598	370	47,331	417,158
Horiz. percent	100.0	0	10.0	0.1	0.1	10.2	89.8
Teachers	18,536	0	446	5	10	461	18,074
Horiz. percent	100.0	0	2.4	0	0.1	2.5	97.5
Reading (132):							
Students	64,605	23	1,852	43	598	2,516	62,089
Horiz. percent	100.0	0	2.9	0.1	0.9	3.9	96.1
Teachers	2,649	0	16	0	2	18	2,631
Horiz. percent	100.0	0	0.6	0	0.1	0.7	99.3
Scranton (87):							
Students	39,955	0	264	6	12	283	39,673
Horiz. percent	100.0	0	0.7	0	0	0.7	99.3
Teachers	1,543	0	4	0	0	4	1,539
Horiz. percent	100.0	0	0.3	0	0	0.3	99.7
Wilkes-Barre-Hazleton (137):							
Students	56,558	17	314	25	18	374	56,184
Horiz. percent	100.0	0	0.6	0	0	0.7	99.3
Teachers	2,300	0	1	0	0	1	2,299
Horiz. percent	100.0	0	0	0	0	0	100.0
York (142):							
Students	68,974	2	2,641	31	110	2,783	66,191
Horiz. percent	100.0	0	3.8	0.	0.2	4.0	96.0
Teachers	2,961	0	21	2	1	24	2,936
Horiz. percent	100.0	0	0.7	0.1	0	0.8	99.2
Total (3,075):							
Students	1,752,012	283	260,586	1,729	11,549	274,146	1,477,866
Horiz. percent	100.0	.0	14.9	0.1	0.7	15.6	84.4
Teachers	71,674	5	4,782	41	76	4,904	66,770
Horiz. percent	100.0	.0	6.7	0.1	0.1	6.8	93.2

1968 SCHOOL SURVEY—ESTIMATED STUDENTS AND TEACHERS IN SMSA'S (TOTALS)—Continued

State, SMSA, and number of schools	Total	American Indian	JJNegro	Oriental	Spanish American	Minority total	Other
Rhode Island:							
Providence-Pawtucket-Warwick, R.I.-Mass. (324):							
Students	158,802	123	7,085	322	412	7,942	150,860
Horiz. percent	100.0	0.1	4.5	0.2	0.3	5.0	95.0
Teachers	6,919	0	60	5	2	67	6,852
Horiz. percent	100.0	.0	0.9	0.1	.0	1.0	99.0
Total (355):							
Students	172,264	143	8,047	417	490	9,098	163,166
Horiz. percent	100.0	0.1	4.7	0.2	0.3	5.3	94.7
Teachers	7,584	0	70	6	4	80	7,504
Horiz. percent	100.0	.0	0.9	0.1	0.1	1.1	98.9
South Carolina:							
Charleston (118):							
Students	75,628	11	33,437	68	57	33,573	42,055
Horiz. percent	100.0	0	44.2	0.1	0.1	44.4	55.6
Teachers	2,841	1	1,114	2	3	1,120	1,721
Horiz. percent	100.0	0	39.2	0.1	0.1	39.4	60.6
Columbia (112):							
Students	69,810	15	23,983	62	118	24,178	45,632
Horiz. percent	100.0	0	34.4	0.1	0.2	34.6	65.4
Teachers	2,782	0	776	2	1	779	2,003
Horiz. percent	100.0	0	27.9	0.1	0	28.0	72.0
Greenville (136):							
Students	69,290	3	14,025	7	2	14,037	55,253
Horiz. percent	100.0	0	20.2	0	0	20.3	79.7
Teachers	2,601	0	454	0	0	454	2,147
Horiz. percent	100.0	0	17.5	0	0	17.5	82.5
Total (421):							
Students	239,390	29	78,910	140	181	79,260	160,130
Horiz. percent	100.0	0	33.1	0.1	0.1	33.1	66.9
Teachers	9,169	1	2,580	4	4	2,589	6,580
Horiz. percent	100.0	0	28.1	0	0	28.2	71.8
South Dakota:							
Sioux Falls (43):							
Students	24,140	129	33	18	19	199	23,931
Horiz. percent	100.0	0.5	0.1	0.1	0.1	0.8	99.2
Teachers	1,008	1	1	0	1	3	1,005
Horiz. percent	100.0	0.1	0.1	0	0.1	0.3	99.7
Total (43):							
Students	24,130	129	33	18	19	199	23,931
Horiz. percent	100.0	0.5	0.1	0.1	0.1	0.8	99.2
Teachers	1,008	1	1	0	1	3	1,005
Horiz. percent	100.0	0.1	0.1	0	0.1	0.3	99.7
Tennessee:							
Chattanooga, Tenn.-Ga. (129):							
Students	69,182	9	15,336	39	15	15,399	53,783
Horiz. percent	100.0	0	22.2	0.1	0	22.3	77.7
Teachers	2,527	0	494	0	1	495	2,032
Horiz. percent	100.0	0	19.5	0	0	19.6	80.4
Knoxville (179):							
Students	90,667	66	7,845	45	31	7,988	82,680
Horiz. percent	100.0	0.1	8.7	0	0	8.8	91.2
Teachers	3,435	0	234	0	0	234	3,201
Horiz. percent	100.0	0	6.8	0	0	6.8	93.2
Memphis, Tenn.-Ark. (204):							
Students	183,080	46	89,041	251	96	89,434	93,646
Horiz. percent	100.0	0	48.6	0.1	0.1	48.8	51.2
Teachers	6,725	1	2,842	1	1	2,845	3,880
Horiz. percent	100.0	0	42.3	0	0	42.3	57.7
Nashville (190):							
Students	114,299	18	25,049	54	49	25,170	89,129
Horiz. percent	100.0	0	21.9	0	0	22.0	78.0
Teachers	4,227	0	8.6	0	1	817	3,410
Horiz. percent	100.0	0	19.3	0	0	19.3	80.7
Total (651):							
Students	432,393	139	129,112	379	184	129,815	302,579
Horiz. percent	100.0	0	29.9	0.1	0	30.0	70.0
Teachers	15,972	1	4,116	1	2	4,120	11,852
Horiz. percent	100.0	0	25.8	0	0	25.8	74.2
Texas:							
Abilene (56):							
Students	26,095	5	1,727	22	3,235	4,989	21,106
Horiz. percent	100.0	0	6.6	0.1	12.4	19.1	80.9
Teachers	1,137	0	36	0	7	43	1,094
Horiz. percent	100.0	0	3.2	0	0.6	3.8	96.2
Amarillo (56):							
Students	34,567	4	2,228	0	1,682	3,913	30,654
Horiz. percent	100.0	0	6.4	0	4.9	11.3	88.7
Teachers	1,450	0	68	0	8	76	1,374
Horiz. percent	100.0	0	4.7	0	0.6	5.2	94.8
Austin (79):							
Students	56,465	22	8,414	100	10,878	19,414	37,052
Horiz. percent	100.0	0	14.9	0.2	19.3	34.4	65.6
Teachers	2,426	0	325	3	58	386	2,041
Horiz. percent	100.0	0	13.4	0.1	2.4	15.9	84.1
Beaumont-Port Arthur (119):							
Students	79,889	18	19,442	44	1,647	21,150	58,739
Horiz. percent	100.0	0	24.3	0.1	2.1	26.5	73.5
Teachers	3,609	0	730	0	17	747	2,862
Horiz. percent	100.0	0	20.2	0	0.5	20.7	79.3
Brownsville-Harlingen-San Benito (72):							
Students	38,757	2	163	43	30,486	30,693	8,064
Horiz. percent	100.0	0	0.4	0.1	78.7	79.2	20.8
Teachers	1,534	0	12	3	509	524	1,009
Horiz. percent	100.0	0	0.8	0.2	33.2	34.2	65.8
Corpus Christi (127):							
Students	74,802	9	3,541	27	36,404	39,982	34,821
Horiz. percent	100.0	0	4.7	0	48.7	53.4	46.6
Teachers	3,127	0	81	0	435	516	2,611
Horiz. percent	100.0	0	2.6	0	13.9	16.5	83.5

State, SMSA, and number of schools	Total	American Indian	Negro	Oriental	Spanish American	Minority total	Other
Texas—Continued							
Dallas (464):							
Students	322, 724	716	60, 944	324	17, 095	79, 079	243, 645
Horiz. percent	100. 0	0. 2	18. 9	0. 1	5. 3	24. 5	75. 5
Teachers	12, 813	7	1, 856	2	58	1, 923	10, 891
Horiz. percent	100. 0	0. 1	14. 5	0	0. 5	15. 0	85. 0
El Paso (100):							
Students	96, 638	122	2, 738	379	54, 738	57, 977	38, 662
Horiz. percent	100. 0	0. 1	2. 8	0. 4	56. 6	60. 0	40. 0
Teachers	3, 768	2	96	10	592	700	3, 068
Horiz. percent	100. 0	0. 1	2. 5	0. 3	15. 7	18. 6	81. 4
Fort Worth (236):							
Students	165, 875	195	22, 936	145	8, 056	31, 332	134, 543
Horiz. percent	100. 0	0. 1	13. 8	0. 1	4. 9	18. 9	81. 1
Teachers	6, 427	2	759	0	30	791	5, 635
Horiz. percent	100. 0	0	11. 8	0	0. 5	12. 3	87. 7
Galveston-Texas City (67):							
Students	45, 496	168	9, 607	66	4, 216	14, 057	31, 439
Horiz. percent	100. 0	0. 4	21. 1	0. 1	9. 3	30. 9	69. 1
Teachers	2, 001	3	334	0	20	357	1, 644
Horiz. percent	100. 0	0. 1	16. 7	0	1. 0	17. 8	82. 2
Houston (523):							
Students	466, 588	310	104, 994	1, 318	44, 882	151, 504	315, 084
Horiz. percent	100. 0	0. 1	22. 5	0. 3	9. 6	32. 5	67. 5
Teachers	17, 993	8	3, 506	25	197	3, 736	14, 257
Horiz. percent	100. 0	0	19. 5	0. 1	1. 1	20. 8	79. 2
Laredo (22):							
Students	17, 086	0	64	8	15, 366	15, 438	1, 648
Horiz. percent	100. 0	0	0. 4	0	89. 9	90. 4	9. 6
Teachers	637	0	1	0	484	485	152
Horiz. percent	100. 0	0	0. 2	0	76. 0	76. 1	23. 9
Lubbock (65):							
Students	39, 003	13	4, 425	17	7, 950	12, 405	26, 598
Horiz. percent	100. 0	0	11. 3	0	20. 4	31. 8	68. 2
Teachers	1, 628	2	116	1	29	148	1, 480
Horiz. percent	100. 0	0. 1	7. 1	0. 1	1. 8	9. 1	90. 9
McAllen-Pharr-Edinburgh (85):							
Students	43, 339	1	90	29	34, 891	35, 011	8, 328
Horiz. percent	100. 0	0	0. 2	0. 1	80. 5	80. 8	19. 2
Teachers	1, 911	0	6	0	654	660	1, 251
Horiz. percent	100. 0	0	0. 3	0	34. 2	34. 5	65. 5
Midland (26):							
Students	18, 154	0	2, 176	6	1, 972	4, 154	14, 000
Horiz. percent	100. 0	0	12. 0	0	10. 9	22. 9	77. 1
Teachers	758	0	58	1	9	68	690
Horiz. percent	100. 0	0	7. 7	0. 1	1. 2	9. 0	91. 0
Odessa (32):							
Students	24, 855	15	1, 605	17	3, 658	5, 295	19, 560
Horiz. percent	100. 0	0. 1	6. 5	0. 1	14. 7	21. 3	78. 7
Teachers	1, 070	0	60	0	15	75	995
Horiz. percent	100. 0	0	5. 6	0	1. 4	7. 0	93. 0
San Angelo (29):							
Students	14, 885	3	784	5	3, 206	3, 998	10, 887
Horiz. percent	100. 0	0	5. 3	0	21. 5	26. 9	73. 1
Teachers	596	0	17	0	6	23	573
Horiz. percent	100. 0	0	2. 9	0	1. 0	3. 9	96. 1
San Antonio (255):							
Students	194, 591	44	14, 759	549	91, 137	106, 489	88, 102
Horiz. percent	100. 0	0	7. 6	0. 3	46. 8	54. 7	45. 3
Teachers	7, 582	2	668	13	835	1, 518	6, 064
Horiz. percent	100. 0	0	8. 8	0. 2	11. 0	20. 0	80. 0
Sherman-Denison (41):							
Students	16, 815	0	1, 874	0	16	1, 890	14, 925
Horiz. percent	100. 0	0	11. 1	0	0. 1	11. 2	88. 8
Teachers	714	0	43	0	0	43	671
Horiz. percent	100. 0	0	6. 0	0	0	6. 0	94. 0
Texarkana, Tex.-Ark. (48):							
Students	21, 348	6	6, 147	4	36	6, 193	15, 155
Horiz. percent	100. 0	0	28. 8	0	0. 2	29. 0	71. 0
Teachers	887	0	209	0	0	209	678
Horiz. percent	100. 0	0	23. 6	0	0	23. 6	76. 4
Tyler (53):							
Students	22, 625	0	7, 003	17	118	7, 138	15, 487
Horiz. percent	100. 0	0	31. 0	0. 1	0. 5	31. 5	68. 5
Teachers	974	1	253	4	4	262	712
Horiz. percent	100. 0	0. 1	26. 0	0. 4	0. 4	26. 9	73. 1
Waco (72):							
Students	31, 202	11	6, 549	23	2, 606	9, 189	22, 013
Horiz. percent	100. 0	0	21. 0	0. 1	8. 4	29. 5	70. 5
Teachers	1, 407	0	283	1	5	289	1, 118
Horiz. percent	100. 0	0	20. 1	0. 1	0. 4	20. 5	79. [illegible]
Wichita Falls (53):							
Students	26, 519	40	2, 578	56	1, 389	4, 063	22, 456
Horiz. percent	100. 0	0. 2	9. 7	0. 2	5. 2	15. 3	84. 7
Teachers	1, 154	2	104	0	4	110	1, 044
Horiz. percent	100. 0	0. 2	9. 0	0	0. 3	9. 5	90. 5
Total (2.671):							
Students	1, 871, 713	1, 700	282, 730	3, 198	375, 649	663, 277	1, 208, 436
Horiz. percent	100. 0	0. 1	15. 1	0. 2	20. 1	35. 4	64. 6
Teachers	75, 341	29	9, 556	63	3, 976	13, 625	61, 716
Horiz. percent	100. 0	0	12. 7	0. 1	5. 3	18. 1	81. 9
Utah:							
Ogden (57):							
Students	35, 867	206	621	273	2, 029	3, 129	32, 738
Horiz. percent	100. 0	0. 6	1. 7	0. 8	5. 7	8. 7	91. 3
Teachers	1, 358	0	9	10	1	20	1, 338
Horiz. percent	100. 0	0	0. 7	0. 7	0. 1	1. 5	98. 5
Provo-Orem (71):							
Students	35, 401	332	0	64	334	730	34, 671
Horiz. percent	100. 0	0. 9	0	0. 2	0. 9	2. 1	97. 9
Teachers	1, 237	0	0	2	0	2	1, 235
Horiz. percent	100. 0	0	0	0. 2		0. 2	99. 8

1968 SCHOOL SURVEY—ESTIMATED STUDENTS AND TEACHERS IN SMSA'S (TOTALS)—Continued

State, SMSA, and number of schools	Total	American Indian	Negro	Oriental	Spanish American	Minority total	Other
Utah—Continued							
Salt Lake City (215):							
Students	159,805	756	795	1,017	5,852	8,420	151,385
Horiz. percent	100.0	0.5	0.5	0.6	3.7	5.3	94.7
Teachers	5,809	1	3	22	19	45	5,764
Horiz. percent	100.0	0	0.1	0.4	0.3	0.8	99.2
Total (343):							
Students	231,073	1,294	1,416	1,354	8,215	12,279	218,794
Horiz. percent	100.0	0.6	0.6	0.6	3.6	5.3	94.7
Teachers	8,404	1	12	34	20	67	8,337
Horiz. percent	100.0	0	0.1	0.4	0.2	0.8	99.2
Virginia:							
Lynchburg (62):							
Students	27,497	1	7,423	16	12	7,452	20,045
Horiz. percent	100.0	0	27.0	0.1	0	27.1	72.9
Teachers	1,169	0	284	1	0	285	884
Horiz. percent	100.0	0	24.3	0.1	0	24.4	75.6
Newport News-Hampton (87):							
Students	68.670	33	20,339	241	248	20,861	47,809
Horiz. percent	100.0	0	29.6	0.4	0.4	30.4	69.6
Teachers	2,767	0	772	0	0	772	1,995
Horiz. percent	100.0	0	27.9	0	0	27.9	72.1
Norfolk-Portsmouth (182):							
Students	148,690	281	48,930	679	511	50,401	98,289
Horiz. percent	100.0	0.2	32.9	0.5	0.3	33.9	66.1
Teachers	5,819	2	1,663	2	3	1,670	4,149
Horiz. percent	100.0	0	28.6	0	0.1	28.7	71.3
Richmond (168):							
Students	114,573	51	36,760	114	60	36,985	77,588
Horiz. percent	100.0	0	32.1	0.1	0.1	32.3	67.7
Teachers	4,820	1	1,315	0	5	1,321	3,499
Horiz. percent	100.0	0	27.3	0	0.1	27.4	7.26
Roanoke (73):							
Students	40,250	5	5,677	6	6	5,694	34,556
Horiz. percent	100.0	0	14.1	0	0	14.1	85.9
Teachers	1,593	0	177	1	1	179	1,414
Horiz. percent	100.0	0	11.1	0.1	0.1	11.2	88.8
Total (855):							
Students	602,394	496	132,322	2,004	2,045	136,867	465,528
Horiz. percent	100.0	0.1	22.0	0.3	0.3	22.7	77.3
Teachers	24,799	8	4,604	12	28	4,653	20,146
Horiz. percent	100.0	0	18.6	0	0.1	18.8	81.2
Washington:							
Seattle-Everett (515):							
Students	330,715	1,972	11,224	6,042	2,537	21,775	308,940
Horiz. percent	100.0	0.6	3.4	1.8	0.8	6.6	93.4
Teachers	12,896	16	185	208	22	431	12,465
Horiz. percent	100.0	0.1	1.4	1.6	0.2	3.3	96.7
Spokane (126):							
Students	62,054	428	760	483	283	1,954	60,100
Horiz. percent	100.0	0.7	1.2	0.8	0.5	3.1	96.9
Teachers	2,361	4	8	7	4	23	2,338
Horiz. percent	100.0	0.2	0.3	0.3	0.2	1.0	99.0
Tacoma (172):							
Students	93,174	788	4,961	1,779	758	8,286	84,888
Horiz. percent	100.0	0.8	5.3	1.9	0.8	8.9	91.1
Teachers	3,576	6	69	22	11	108	3,486
Horiz. percent	100.0	0.2	1.9	0.6	0.3	3.0	97.0
Total (866):							
Students	516,835	3,296	17,090	8,394	3,666	32,446	484,389
Horiz. percent	100.0	0.6	3.3	1.6	0.7	6.3	93.7
Teachers	19,962	30	268	246	37	581	19,381
Horiz. percent	100.0	0.2	1.3	1.2	0.2	2.9	97.1
West Virginia:							
Charleston (148):							
Students	56,118	25	3,548	57	26	3,656	52,462
Horiz. percent	100.0	0	6.3	0.1	0	6.5	93.5
Teachers	2,179	1	142	1	1	145	2,034
Horiz. percent	100.0	0	6.5	0	0	6.7	93.3
Huntington-Ashland, W. Va.-Ky.-Ohio (150):							
Students	57,527	9	1,754	11	12	1,786	55,741
Horiz. percent	100.0	0	3.0	0	0	3.1	96.9
Teachers	2,333	0	29	1	0	30	2,303
Horiz. percent	100.0	0	1.2	0	0	1.3	98.7
Wheeling, W. Va.-Ohio (95):							
Students	33.264	12	953	30	11	1,006	32,258
Horiz. percent	100.0	0	2.9	0.1	0	3.0	97.0
Teachers	1,316	0	15	0	0	15	1,301
Horiz. percent	100.0	0	1.1	0	0	1.1	98.9
Total (324):							
Students	119,802	43	5,632	96	56	5,827	113,975
Horiz. percent	100.0	0	4.7	0.1	0	4.9	95.1
Teachers	4,866	2	191	2	2	197	4,669
Horiz. percent	100.0	0	3.9	0	0	4.0	96.0
Wisconsin:							
Green Bay (76):							
Students	34,040	556	13	16	76	661	33,379
Horiz. percent	100.0	1.6	0	0	0.2	1.9	98.1
Teachers	1,375	3	0	1	0	4	1,371
Horiz. percent	100.0	0.2	0	0.1	0	0.3	99.7
Kenosha (45):							
Students	25,011	21	708	29	500	1,258	23,753
Horiz. percent	100.0	0.1	2.8	0.1	2.0	5.0	95.0
Teachers	1,109	1	7	2	10	20	1,089
Horiz. percent	100.0	0.1	0.6	0.2	0.9	1.8	98.2
Madison (124):							
Students	60,595	34	640	162	110	946	59,649
Horiz. percent	100.0	0.1	1.1	0.3	0.2	1.6	98.4
Teachers	2,699	0	11	4	3	18	2,681
Horiz. percent	100.0	0	0.4	0.1	0.1	0.7	99.3

State, SMSA, and number of schools	Total	American Indian	Negro	Oriental	Spanish American	Minority total	Other
Wisconsin—Continued							
Milwaukee (184):							
Students	76,738	119	37	77	564	797	75,941
Horiz. percent	100.0	0.2	0	0.1	0.7	1.0	99.0
Teachers	3,591	1	1	2	2	6	3,585
Horiz. percent	100.0	0	0	0.1	0.1	0.2	99.8
Racine (20):							
Students	2,963	2	5	4	4	15	2,948
Horiz. percent	100.0	0.1	0.2	0.1	0.1	0.5	99.5
Teachers	128	0	1	0	0		127
Horiz. percent	100.0	0	0.8	0	0	0.8	99.2
Total (476):							
Students	208,753	839	1,413	295	1,262	3,809	204,944
Horiz. percent	100.0	0.4	0.7	0.1	0.6	1.8	98.2
Teachers	9,329	5	21	9	15	50	9,279
Horiz. percent	100.0	0.1	0.2	0.1	0.2	0.5	99.5
U.S. Total (43,168):							
Students	28,337,575	42,241	4,487,451	171,622	1,604,349	6,305,664	22,031,911
Horiz. percent	100.0	0.1	15.8	0.6	5.7	22.3	77.7
Teachers	1,154,046	573	114,300	4,941	10,872	130,686	1,023,359
Horiz. percent	100.0	0	9.9	0.4	0.9	11.3	88.7

Mr. RIBICOFF. Along that line, since the Senator from Alabama (Mr. ALLEN) has returned, I think the general figures on school integration ought to go into the RECORD too. These figures are fascinating and demonstrate the situation that caused me to raise the question of northern hypocrisy 14 months ago because I sensed then what was taking place. These figures from the Department of Health, Education and Welfare, together with the 1970 census figures, comprise one of the most significant social documents in this Nation.

These figures will be of interest to both northerners and southerners when they see what they represent. The figures now show that in the North only 27.7 percent of black students attend majority white schools, while in the South the figure is nearly half again as high, or 38.1 percent.

The Senator from Alabama asked whether it was not true that the South was making greater progress than the North generally. The answer is yes, the South has been making greater progress. Consider these additional figures. The percentage of blacks attending schools that were from 80 to 100 percent minority remained constant at 57.4 percent in the North from 1968 to 1970. In the South the percentage dropped from 78.8 percent to 41.7 percent.

When we come to schools where blacks were in 100 percent minority schools, we find that from 1968 to 1970 the percentage of blacks attending such schools dropped from 12.3 percent to 11.9 percent in the North, but in the South in the same period the blacks in 100 percent minority schools dropped from 68 percent to 18.4 percent.

While the South has gone through a period of travail over the past 17 years, we in the North—all of us—have been insisting that they move faster and faster and faster. In many instances and in many areas in the South, certain school districts were dragging their feet. But while we were pointing our fingers at the South for their hesitancy, the situation was getting worse in the North and segregation was growing apace instead of decreasing.

I recognized 14 months ago when the Stennis amendment was considered that, if we were ever going to eliminate the hostility between the North and the South and join together to do what was needed in this country, we would have to stop pointing our fingers at the South and adopt a uniform policy for the entire Nation.

I was extremely shocked to find, after my support of the Stennis amendment, that wherever I went across this Nation to discuss the problems facing the country, the criticism leveled against me was not because of the proposal but because I, as a northerner, was supporting a proposal presented by the Senator from Mississippi (Mr. STENNIS). I would ask my audience if they knew Senator STENNIS. No, they did not know Senator STENNIS, but they knew he came from Mississippi, ergo, his proposal had to be bad. They did not know that Senator Stennis is a man who has the overwhelming respect of every Member of this body, North, South, East, and West.

I think it becomes important for all of us—the 100 Members of this body—who get to know one another and who come from different sections of the country, to rise against the prejudices of our constituents. We must not hesitate to tell our constituents that they may be wrong, that other people who come from other sections of the country have their problems, and that we must not question their sincerity when we make our points. We should try to understand each other and try to reconcile the differences between and among the 100 Members of this body, which means so much to every Member of the Senate.

There is no question that the distinguished Senator from Mississippi will introduce his amendment again. I shall support that amendment, and I hope that the amendment of the Senator from Mississippi will be adopted by this body, as it was adopted 14 months ago.

But what the Senator from Mississippi achieves by his amendment is merely a statement of a policy. There is nothing in the amendment that implements the policy. What I am now trying to achieve with my amendment is a national program—North, South, East, and West—where everyone is treated alike.

There are those who say, "Your proposal will take, when all is said and done, 14 years: The 2 years of the pilot program suggested by the Senator from Minnesota, the 2 years for planning by metropolitan areas, and the 10 years of implementation."

I say we must remember that this issue, dealing with emotions and hopes for the future, is extremely complex. We should remember that in 1954 some suggested we try to integrate a grade at a time. Others said, "You cannot take all that time." Yet here we are, 17 years later, still arguing about it. This problem is so vast, and we have lived with it so long, that if we can solve it in 14 years we will indeed be a fortunate country.

We must solve this problem, because we are facing accelerating divisiveness and increasing hatred in this country. All of us have an obligation and a duty as U.S. Senators to help end the divisions between the races, between the North and South, and between the suburbs and central cities.

Frankly, I know of nobody more capable of solving this problem than the U.S. Senate.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I am happy to yield to the Senator from Minnesota.

Mr. MONDALE. I think it is important to understand that the Senator's proposal requires something which the Supreme Court does not require. In other words, under no case that I have heard of has the 14th amendment rule against discrimination in a single district been interpreted to require a multidistrict remedy. The rule is that you look at a given school district, and you ask whether the children within that school district are separated due to official discrimination, and then some sort of remedy follows. But that remedy does not include distributing those children into other school districts, unless the court finds that the district lines themselves are drawn with a discriminatory purpose.

So, although the Senator's proposal would take 12 years, in the absence of such a proposal it could well take 120 years, and more likely than not, never happen at all. So I say that the Senator's proposal, involving a new, dramatic, and courageous remedy, is the most hopeful I have seen.

Mr. RIBICOFF. Mr. President, may I add that what I am trying to say to my fellow Senators is this: We have a legislative obligation. When the legislative body of this great country of which we are a part fails to provide a national policy for a problem that is deep seated and divides the country socially, economically, or politically, that measure, in one way or another, heads for the Supreme Court. The Executive and the legislature have been fearful and timid about trying to solve the problem of integration. By ducking it we have placed the problem on the back of the Supreme Court and made the Supreme Court the scapegoat for our unwillingness to courageously come to grips with this question.

The Supreme Court now has a number of cases before it that raise the question of de facto segregation. I do not know how the Court will act. I cannot anticipate what those nine men will do. But I would be shocked if the Supreme Court ducked this issue. The Supreme Court ruled in the Brown case against "separate but equal," and they moved against one section of this country. For the life of me, I can see no difference as far as discrimination is concerned between de facto and de jure segregation. When you take a child in the fourth grade, whether it is in Hartford, Conn., New York City, Biloxi, Miss., or Durham, N.C., that black child does not know whether he is being de factoed or de jured. As far as he knows, if there is discrimination, he is a victim of it, and the fine distinction between de facto and de jure does not make much difference.

The problem the Supreme Court faces, and I sympathize with them, is this: In 1954, in Brown against Board of Education, the Supreme Court plowed new ground. I would say, if I were asked what the Warren court stood for, that the Brown case would probably be one of the landmark decisions that would distinguish the Warren court.

Should the Supreme Court fail—and they have been considering these cases now for a long time—to address themselves courageously to de facto segregation as they did to de jure, for all practical purposes the decision in Brown against Board of Education would become a nullity. The South is learning from the North about how to segregate housing. Southern black central cities are going the way of the northern black central cities, and white suburbs in the South going the way of northern white suburbs. The South, like the rest of the country, is dividing on the so-called de facto basis. In the Brown case, the Supreme Court struck down the doctrine of separate but equal. If they say now that de facto segregation is perfectly all right, the Supreme Court will condemn blacks in this country to a situation where they will be separate but not equal. The facts clearly establish this. During these 17 years there has been a galloping exodus by whites from the cities of America to the suburbs. The cities have become blacker and blacker, and the jobs have been going from the cities into the suburbs. During the past two decades, 80 percent of all jobs created in this country have been created in the suburbs. The cities have become poor, without jobs, and full of economic, social, and political problems. All you have to do is read the papers day in and day out and watch the television to realize that.

If the Supreme Court, on the other hand, were now to handle de facto segregation as it did de jure earlier, it would be a progressive step. But it should not be necessary for the Supreme Court to take us off the hook. We have a legislative problem, and I would like to see the President of the United States and the U.S. Senate take the matter into their own hands, look at the problem that faces us as a people, and write a new chapter in the history of this country on the floor of the Senate as we consider the present bill.

I am grateful for the support of the Senator from Minnesota, who has worked so hard. I value his judgment and his understanding, and I hope that other Members of this body who failed to support the Stennis amendment 14 months ago will now support not only the Stennis amendment, but the Ribicoff amendment as well.

My feeling is that if we agreed to both the Stennis amendment and the Ribicoff amendment together, we would then have a national policy that would cover the entire Nation. We could then begin working toward the solution of the problems of a separatist society. There is a great opportunity for all of us in this body, by supporting both the Stennis and Ribicoff amendments, to exercise the leadership expected of the U.S. Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF A COMMUNICATION FROM THE SECRETARY OF TRANSPORTATION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a communication at the desk from the Secretary of Transportation relative to the Transportation Revenue Sharing Act of 1971 be multiply referred to the Committee on Commerce; the Committee on Banking, Housing, and Urban Affairs; the Committee on Finance; and the Committee on Public Works for their consideration of the subject matters falling within their respective jurisdictions.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF A COMMUNICATION FROM THE ENVIRONMENTAL PROTECTION AGENCY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a communication from the Environmental Protection Agency be jointly referred to the Committees on Public Works and Commerce, to accompany the original message of the President of February 8, 1971, which was also referred by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS BUCKLEY AND BYRD OF VIRGINIA TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks by the able majority leader, under the order previously entered recognizing the majority leader for 15 minutes, the distinguished Senator from New York (Mr. BUCKLEY) be recognized for 15 minutes; that he be followed by the distinguished senior Senator from Virginia (Mr. BYRD) for not to exceed 15 minutes, the recognition of both Senators to occur prior to the recognition of the able Senator from Iowa (Mr. HUGHES) under the order previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of Senators under orders previously entered, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that on tomorrow, at the conclusion of the period for the transaction of routine morning business, the Chair lay before the Senate the unfinished business, S. 1557.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME TOMORROW UNDER RULE VIII

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow the Pastore rule, paragraph

3 of rule VIII of the Standing Rules of the Senate, be extended for a period of 5 hours, rather than the normal 3 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR TUESDAY

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9:45 a.m. Immediately following the recognition of the two leaders under the standing order, the distinguished majority leader will be recognized for not to exceed 15 minutes, to be followed by the distinguished junior Senator from New York (Mr. BUCKLEY) for not to exceed 15 minutes, to be followed by the distinguished senior Senator from Virginia (Mr. BYRD) for not to exceed 15 minutes, to be followed by the distinguished junior Senator from Iowa (Mr. HUGHES), for not to exceed 15 minutes.

At the conclusion of the recognition of Senators under the orders previously entered, there will be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes, following which the Chair will lay before the Senate the unfinished business (S. 1557), a bill to provide financial assistance to local educational agencies.

ADJOURNMENT TO 9:45 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 9:45 tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 12 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, April 20, 1971, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate April 19, 1971:

DIPLOMATIC AND FOREIGN SERVICE

Bernard Zagorin, of Virginia, to be the Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

U.S. AIR FORCE

The following officers for appointment in the Air Force Reserve to the grade indicated, under the provisions of chapters 35 and 837, title X, United States Code:

To be major general

Brig. Gen. Earl O. Anderson, [redacted]FV, Air Force Reserve.

Brig. Gen. Russell F. Gustke, [redacted]FV, Air Force Reserve.

Brig. Gen. Maurice I. Marks, [redacted]FV, Air Force Reserve.

Brig. Gen. Evelle J. Younger, [redacted]FV, Air Force Reserve.

To be brigadier general

Col. Richard Bodycombe, [redacted]FV, Air Force Reserve.

Col. Byron K. Boettcher, [redacted]FV, Air Force Reserve.

Col. Arthur W. Clark, [redacted]FV, Air Force Reserve.

Col. William J. Crandall, [redacted]FV, Air Force Reserve.

Col. Mortimer I. Gordon, [redacted]FV, Air Force Reserve.

Col. John H. Grimm, [redacted]FV, Air Force Reserve.

Col. William G. Hathaway, [redacted]FV, Air Force Reserve.

Col. William Lyon, [redacted]FV, Air Force Reserve.

Col. Oscar D. Olson, [redacted]FV, Air Force Reserve.

Col. John S. Warner, [redacted]FV, Air Force Reserve.

Col. William A. Willis, [redacted]FV, Air Force Reserve.

I nominate the following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of chapters 35, 831, and 837, title X, United States Code:

To be major general

Brig. Gen. Clarence E. Atkinson, [redacted]FG, Delaware Air National Guard.

To be brigadier general

Col. George N. Masterson, [redacted]FG, Oklahoma Air National Guard.

Col. Raymond C. Meyer, [redacted]FG, New York Air National Guard.

Col. Walter B. Staudt, [redacted]FG, Texas Air National Guard.

Col. Stanley L. Vihtelic, [redacted]FG, Michigan Air National Guard.

Col. Roland R. Wright, [redacted]FG, Utah Air National Guard.

U.S. NAVY

Rear Adm. Worth H. Bagley, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title X, United States Code, section 5321, for appointment to the grade of vice admiral while so serving.

U.S. AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title X, United States Code, as amended. All officers are subject to physical examination required by law.

Major to lieutenant colonel

LINE OF THE AIR FORCE

Aaronson, Allan E., [redacted].
Adams, Robert E., [redacted].
Adams, Vincent O., Jr., [redacted].
Addor, Henry S., [redacted].
Agosta, Howard A., [redacted].
Agosta, Joseph J., [redacted].
Akins, George D., Jr., [redacted].
Aldrin, Edwin E., Jr., [redacted].
Alexander, Sigmund, [redacted].
Allard, Joseph A., [redacted].
Allen, John E., [redacted].
Allison, Clifford, Jr., [redacted].
Allison, Jack G., [redacted].
Allison, John M., [redacted].
Allison, John V., [redacted].
Allison, William B., [redacted].
Along', Frederic F., [redacted].
Aloy, Richard N., [redacted].
Amado, Frank B., Jr., [redacted].
Ames, Henry P., Jr., [redacted].
Andersen, Robert N., [redacted].
Andersen, Roger E., [redacted].
Anderson, Charles D., [redacted].
Anderson, Loren A., [redacted].
Anderson, Paul R., [redacted].
Andrews, David B., [redacted].
Andrichak, John J., [redacted].
Anthony, Thomas P., [redacted].
Apostalon, Daniel G., [redacted].
Appleby, Phillip E., [redacted].
Apter, Ethel E., [redacted].
Areen, Frank M., [redacted].
Armbruster, Owen R., [redacted].
Artz, Robert B., [redacted].
Ash, John R., [redacted].
Astrella, Ralph J., [redacted].
Atwood, Robert L., [redacted].
Aubry, George, Jr., [redacted].
Austin, John W., [redacted].
Avinger, Isaac E., [redacted].
Babbitt, Louie A., [redacted].
Babcock, Earl L., [redacted].
Bach, Maurice D., [redacted].
Bach, Roy E., [redacted].
Bacon, Walter J., II, [redacted].
Baer, Allan R., [redacted].
Bagby, Joseph L., [redacted].
Bailey, Burt S., [redacted].
Bailey, George W., [redacted].
Baird, Weldon R., [redacted].
Baird, Willet J., Jr., [redacted].
Baker, Coleman L., [redacted].
Baker, Henry F., [redacted].
Baker, Joseph H., Jr., [redacted].
Baker, Kenneth G., [redacted].
Baker, Robert L., [redacted].
Baldwin, Robert C., [redacted].
Ballard, John G., Jr., [redacted].
Baltz, Dickey L., [redacted].
Baltzell, Leonard F., [redacted].
Bancroft, Earl F., [redacted].
Bardnell, Edward E., [redacted].
Barker, Kendall S., [redacted].
Barker, Stewart G., [redacted].
Barnes, Daniel S., [redacted].
Barnes, Jack L., [redacted].
Barnes, John F., [redacted].
Barnes, Oswald E., [redacted].
Barrett, Joseph M., [redacted].
Barrett, Ralph W., [redacted].
Barrett, William R., [redacted].
Barry, William D., [redacted].
Bartolich, Eugene, [redacted].
Bass, Thomas C., [redacted].
Baulch, Henry L., [redacted].
Baumgardner, Budd E., [redacted].
Bazley, Robert W., [redacted].
Beatie, Billingsley, [redacted].
Beatty, Bernard L., [redacted].
Beazley, Curtis E., [redacted].
Bebout, Charles W., [redacted].
Beebe, Wallace E., [redacted].
Beery, Rhoderick J., [redacted].
Beitsch, Donald E., [redacted].
Belinski, Edward J., [redacted].
Bender, Jack N., [redacted].
Bendorf, Harry H., [redacted].
Benefield, Bruce S., [redacted].
Benham, Joseph S., [redacted].
Benjovsky, Victor C., [redacted].
Benn, Bohden, [redacted].
Bennett, Donald W., [redacted].
Bennett, John H., [redacted].
Bennington, J. T., [redacted].
Bennink, William H., [redacted].
Bento, William L., [redacted].
Bepko, Stephen J., [redacted].
Beranek, Orville J., [redacted].
Berdoy, Ronald A., [redacted].
Berg, Wallace S., [redacted].
Berga, John O., [redacted].
Berher, Joseph J., [redacted].
Bernich, Kirby A., [redacted].
Berrie, William M., [redacted].
Berry, Clarence K., [redacted].
Berry, Eugene, [redacted].
Berry, Schuyler P., Jr., [redacted].
Bialas, Howard S., [redacted].
Bielefeldt, Vilas L., [redacted].
Bienert, Albert R., [redacted].
Bierman, Casper S., [redacted].
Biggers, Edgar W., Jr., [redacted].
Biggs, Walter J., Jr., [redacted].
Billingslea, Clement D., [redacted].
Binkin, Martin, [redacted].
Birch, Paul R., [redacted].
Bird, John F., [redacted].
Bischofs, Hans, [redacted].
Bishop, Norman C., [redacted].
Bissell, Robert J., [redacted].
Bittinger, Dale A., [redacted].
Bixby, Kenneth E., Jr., [redacted].
Blackbird, David P., [redacted].
Blackburn, Robert M., [redacted].
Blackmon, Leon A., [redacted].
Blaisdell, Morton C., [redacted].
Blan, Kennith W., [redacted].
Blanchard, Robert G., [redacted].
Blankinship, Albert B., [redacted].
Blincow, Dean R., [redacted].
Block, Gerald A., [redacted].

Block, Robert L., [redacted].
Blodgett, Donald B. [redacted].
Bloom, William M., [redacted].
Bloomfield, George A., Jr., [redacted].
Blume, George D., [redacted].
Bobbitt, William M., [redacted].
Bogle, Chester V., Jr., [redacted].
Bohe, Edward E., [redacted].
Bolado, Victor H., [redacted].
Boldi, George, [redacted].
Bonczek, Roman J., Jr., [redacted].
Bond, Jack D., [redacted].
Bonwit, Barry L., [redacted].
Bookout, Bertram E., Jr., [redacted].
Booth, Harry J., [redacted].
Border, George F., [redacted].
Borowski, Eugene C., [redacted].
Bosworth, Alvin L., [redacted].
Bowden, Jackson H., [redacted].
Bowe, Thomas M., [redacted].
Bowen, Donald J., [redacted].
Bowlin, Robert A., [redacted].
Bowman, Howard L., [redacted].
Bowman, Lloyd D., Jr., [redacted].
Box, George B., [redacted].
Boyd, John R., [redacted].
Boyle, James M., [redacted].
Brackett, Wentworth [redacted].
Bradford, John A., [redacted].
Braly, Harold C., [redacted].
Brame, Horace L., [redacted].
Brandt, John S. [redacted].
Brantley, Arnim L., [redacted].
Breazeale, Paul C., [redacted].
Breden, Ralph E., [redacted].
Breeding, Kenneth W., [redacted].
Brennan, James C., Jr., [redacted].
Brennen, Harold J., [redacted].
Bretzke, Lou E., [redacted].
Brewer, Donald A., [redacted].
Bridges, Garland D., Jr., [redacted].
Briggs, James E., [redacted].
Briggs, Morris F., [redacted].
Briley, James R., [redacted].
Brinson, James K., [redacted].
Brockmeyer, William D., [redacted].
Broome, Lees, [redacted].
Broussard, James H., [redacted].
Brown, Donald D., [redacted].
Brown, Jack N., [redacted].
Brown, James R., [redacted].
Brown, James L., [redacted].
Brown, John D., [redacted].
Brown, Julius W., Jr., [redacted].
Brown, Larry F., [redacted].
Brown, Norma E., [redacted].
Brown, Ogden, Jr., [redacted].
Brown, William E., Jr., [redacted].
Brown, William R., [redacted].
Brown, William S., Jr., [redacted].
Browning, Howard J., [redacted].
Browning, John W., [redacted].
Brumbeloe, James T., [redacted].
Bruton, Albert T., [redacted].
Bruton, Thomas B., [redacted].
Bryniarski, Albert F., Jr., [redacted].
Bucher, Tilman K., [redacted].
Budd, Roger, Jr., [redacted].
Budner, John R., [redacted].
Buehler, James W., [redacted].
Buettgenbach, Max A., [redacted].
Buffington, Lewis C., Jr., [redacted].
Buhler, Theodore W., [redacted].
Bull, Herbert R., [redacted].
Burgess, George M., [redacted].
Burgy, William P., [redacted].
Burkardt, Edward A., [redacted].
Burkley, Edward L., [redacted].
Burnett, James B., [redacted].
Burns, John W., [redacted].
Burns, Robert L., [redacted].
Burrell, Francis A., [redacted].
Burri, Raymond A., [redacted].
Burtt, Stuart E., [redacted].
Burwell, William D., [redacted].
Buschman, Glen W., [redacted].
Bush, David A., [redacted].
Bush, Harry L., [redacted].
Bush, James O., [redacted].
Bush, William H., [redacted].
Bushey, Warren E., [redacted].
Buss, Robert H., [redacted].
Bussell, Henry C., [redacted].
Butler, Paul A., [redacted].
Butts, Duncan R., [redacted].
Butz, William J., [redacted].
Bye, Donald R., [redacted].
Byer, Harry J., [redacted].
Bynum, Paul H., [redacted].
Byrne John J., [redacted].
Cabaniss, Robert J., [redacted].
Cady, Robert P., [redacted].
Cagle, James D., [redacted].
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Fremont, John C. [redacted].
Friday, Grady L., Jr. [redacted].
Frigeri, Peter G., [redacted].
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Fruth, Robert L. [redacted].
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Gallogly, Inman G. [redacted].
Gamache, Albert C., Jr. [redacted].
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Gant, Mason W., III, [redacted].
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Orwoll, Paul D., [redacted].
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Overton, Norris W., [redacted].
Owens, Joy L., [redacted].
Pack, Moody, J., [redacted].
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Purdy, Ira J. [redacted].
Putt, Mitchell A. [redacted].
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Stewart, Donald W., Jr., [redacted]
Stewart, Ervin O., Jr., [redacted]
Stewart, Ervin C., [redacted]
Stewart, Gerald W., [redacted]
Stickney, Frank A., [redacted]
Stiegel, Raymond B., [redacted]
Stiles, David L., [redacted]
Stiles, Ralph W., [redacted]
Stillman, Albert E., [redacted]
Stimson, James S., [redacted]
St. John, Ernest A., [redacted]
Stockdell, Victor B., [redacted]
Stockman, David T., [redacted]
Stokum, Russell L., [redacted]
Story, Warren H., [redacted]
Stringer, William L., [redacted]
Stumpf, Charles J., [redacted]
Sullivan, William F., [redacted]
Sulser, Mayo B., [redacted]
Summerdur, Jos. E., Jr., [redacted]
Summers, Deane W., [redacted]
Summers, Robert L., [redacted]
Sumner, Darvel L., [redacted]
Sverha, Michael J., [redacted]
Swan, Robert B., Jr., [redacted]
Swanson, Thomas R., Jr., [redacted]
Swearingen, Paul, [redacted]
Sweeney, Daniel J., [redacted]
Sweeney, Mack D., Jr., [redacted]
Tackett, Edward J., [redacted]
Taft, Gordon G., [redacted]
Talbert, William H., [redacted]
Talley, Franklin G., [redacted]
Tarrant, Robert E., [redacted]
Tarver, William R., [redacted]
Tatsch, Clarence C., [redacted]
Taylor, Clyde T., [redacted]
Taylor, Harold L., Jr., [redacted]
Taylor, Ira T., [redacted]
Taylor, Jack W., [redacted]
Taylor, Jack M., [redacted]
Taylor, Richard N., [redacted]
Taylor, Robert H., [redacted]
Taylor, Stillman V., [redacted]
Taylor, Victor D., [redacted]
Teater, Charles W., [redacted]
Terry, Homer T., [redacted]
Thogersen, Alton J., [redacted]
Tholen, Lloyd A., [redacted]
Thomas, Ralph W., [redacted]
Thomas, Earle G., III, [redacted]
Thomas, Will R., Jr., [redacted]
Thomas, Vernon C., [redacted]
Thomas, William E., Jr., [redacted]
Thomason, Jackson I., [redacted]
Thomason, John F., [redacted]
Thompson, Edwin E., [redacted]
Thompson, Johnny M., [redacted]
Thomson, Herman O., [redacted]
Thorne, Anthony S., [redacted]
Thresher, Russell W., Jr., [redacted]
Timmons, Robert A., Jr., [redacted]
Tinius, John O., [redacted]
Tinney, Robert E., [redacted]
Tocci, Vincent R., [redacted]
Toedt, Dell C., [redacted]
Tone, Myron L., [redacted]
Tourtellot, George P., [redacted]
Towne, Earle F., Jr., [redacted]
Tracy, Fred L., [redacted]
Trapani, Renato V., [redacted]
Travis, John T., [redacted]
Tribble, George S., [redacted]
Trost, Jack D., [redacted]
Trowbridge, Charles E., [redacted]
Trueheart, James L., [redacted]
Truesdell, Willard M., [redacted]
Tucker, Roy C., Jr., [redacted]
Tunis, William C., [redacted]
Turner, Albert N., [redacted]
Turner, Eldon K., [redacted]
Tuxhorn, William R., [redacted]
Tynan, George P., [redacted]
Tyndall, Robert H., [redacted]
Tyre, Ronald, [redacted]
Ulrich, Myron D., [redacted]
Umstead, Stanley M., Jr., [redacted]
Vaitekunas, Anthony M., [redacted]
Valdez, Bobby G., [redacted]
Valention, Rudolph A., [redacted]
Vandenberg, Hoyt S., Jr., [redacted]
Vandenheuvel, Robert J., [redacted]
Vangilder, William S., [redacted]
Vanlew, William R., [redacted]
Vanwagner, Ross, Jr., [redacted]
Vechik, Donald, [redacted]
Venable, William P., Jr., [redacted]
Verner, Edward W., [redacted]
Veurink, William J., [redacted]
Vick, Robert I., [redacted]
Vickers, Grover W., [redacted]
Vickrey, Carol D., [redacted]
Villa, Charles, [redacted]
Vogel, David A., [redacted]
Vosburgh, Leland E., [redacted]
Wachter, Robert J., [redacted]
Waechter, Luther H., [redacted]
Waggoner, Cecil E., [redacted]
Waitt, Lawrence L., [redacted]
Walker, Ruby C., [redacted]
Walsh, Kenneth L., [redacted]
Walsh, Michael J., [redacted]
Walters, George S., [redacted]
Walters, James J., [redacted]
Walters, Marvin L., [redacted]
Walters, Wilmer C., Jr., [redacted]
Ward, Albert H., Jr., [redacted]
Ward, Clifford L., [redacted]
Ward, John D., [redacted]
Ward, Kermit D., [redacted]
Ward, Robert W., [redacted]
Warix, Clay W., Jr., [redacted]
Warren, Calvin C., [redacted]
Warren, William J., [redacted]
Wassom, Chester R., [redacted]
Wasson, Glenn E., [redacted]
Waters, William G., [redacted]
Watkins, Elmer R., [redacted]
Watkins, James L., [redacted]
Watson, Charles F., Jr., [redacted]
Watson, Raymond S., [redacted]
Watts, Jack K., [redacted]
Weaver, Russell E., Jr., [redacted]
Webb, Charles L., Jr., [redacted]
Webb, Herbert G., [redacted]
Webb, James L., [redacted]
Webb, Sidney A., [redacted]
Webber, Byron L., [redacted]
Webster, Everett H., [redacted]
Wedekind, Donald H., [redacted]
Weehler, Eldon R., [redacted]
Wehe, John H., [redacted]
Weihs, Gordon J., [redacted]
Weiss, Kenneth E., [redacted]
Welch, John W., [redacted]
Welch, Robert F., [redacted]
Weller, Burton L., [redacted]
Wells, George W., [redacted]
Wells, Walter W., [redacted]
Welsh, Mark A., Jr., [redacted]
Weltz, Charles O., [redacted]
Weniger, Andrew L., [redacted]
Werner, Paul J., [redacted]
Wesse, Wilbert D., [redacted]
West, Glenn H., [redacted]
West, Joseph H., [redacted]
Wetherell, Ernest J., [redacted]
Whalen, Donald B., [redacted]
Whatley, George R., [redacted]
Whealen, Daniel M., [redacted]
Wheeler, George E., [redacted]
Whelan, Paul A., [redacted]
Whelan, Richard J., [redacted]
Whetzel, Robert D., [redacted]
Whicher, William C., [redacted]
Whitaker, J. L., [redacted]
White, Benjamin L., [redacted]
White, James E., [redacted]
White, Simon S., Jr., [redacted]
Whitener, Carr C., [redacted]
Whitten, Solomon D., Jr., [redacted]
Whittingham, Donald W., [redacted]
Wicks, Marvin A., [redacted]
Wickwire, Robert J., [redacted]
Wiekhorst, Mark C., [redacted]
Wilcox, David W., [redacted]
Wiles, Howard O., Jr., [redacted]
Wilkins, George I., [redacted]
Wilkinson, Paul K., [redacted]
Willard, Garry A., Jr., [redacted]
Willett, Homer N., [redacted]
Willey, Kenneth W., [redacted]
Williams, Clarence R., [redacted]
Williams, Gene F., [redacted]
Williams, Jackson B., Jr., [redacted]
Williams, Jessie B., [redacted]
Williams, John T., [redacted]
Williams, Mittie R., [redacted]
Williams, Richard F., [redacted]
Williams, Robert H., [redacted]
Williams, Thomas A., Jr., [redacted]
Williams, Walter A., [redacted]
Williford, James F., [redacted]
Willis, Vincent C., [redacted]
Willoughby, Michael E., [redacted]
Wills, Harley N., [redacted]
Willsie, Donovan L., [redacted]
Wilson, Forrest E., [redacted]
Wilson, William M., [redacted]
Wilson, William B., [redacted]
Winberg, Harry L., [redacted]
Windland, Sara J., [redacted]
Wingate, Clark L., [redacted]
Wise, Joseph H., Jr., [redacted]
Wissman, William O., [redacted]
Wittry, John P., [redacted]
Wolfe, Leon K., Jr., [redacted]
Wolfer, Leonard L., [redacted]
Wolff, Earle R., [redacted]
Woliver, Robert M., [redacted]
Wood, William F., Jr., [redacted]
Woodell, John N., Jr., [redacted]
Woods, David A., Jr., [redacted]
Woods, Richard M., [redacted]
Woog, Rene M., [redacted]
Worley, Luther D., [redacted]
Woske, Donald G., [redacted]
Wratten, Joseph B., Jr., [redacted]
Wright, Howard E., [redacted]
Wright, John C., [redacted]
Wright, Vernon L., [redacted]
Wurschmidt, Leo C., [redacted]
Wurthmann, Henry S. C., Jr., [redacted]
Wylie, Sherrell W., Jr., [redacted]
Wymer, James R., [redacted]
Yanecek, Earl E., [redacted]
Yeager, Marvin A., [redacted]
Yennie, Eugene V., [redacted]
Yocum, John W., [redacted]
Young, George J., Jr., [redacted]
Yuhas, Louis D., [redacted]
Zehnder, Herbert R., [redacted]
Zemple, Charles J., [redacted]
Zettel, Frank C., [redacted]
Zielinski, Lester W., [redacted]
Zinsmeister, Paul C., Jr., [redacted]
Zook, Donald B., [redacted]
Zunic, Nicholas F., Jr., [redacted]
Zunker, Gordon K., [redacted]
Zurawski, Donald D., [redacted]
Zwiacher, John W., [redacted]

CHAPLAIN CORPS

Arendsee, Roger M., [redacted]
Backman, Lee W., [redacted]
Coggins, Joseph H., [redacted]
Collins, John R., [redacted]
Conaboy, Conan J., [redacted]
Cooper, Calvin C., [redacted]
Copeland, Isaac M., Jr., [redacted]
Dier, Blanche J., Jr., [redacted]
Ellison, Ervin D., III, [redacted]
Gardiner, Homer E., [redacted]
Horstad, Dean C., [redacted]
Klaric, George M., [redacted]
Krieger, Wilfred L., [redacted]
Lyznicki, Edmund F., [redacted]
Margitich, Michael, [redacted]
Moran, Thomas J., [redacted]
Powell, Samuel G., [redacted]
Riggs, Carl B., [redacted]
Squire, Donal M., [redacted]

DENTAL CORPS

Baum, Leroy M., Jr., [redacted]
Brolling, Robert A., [redacted]
Bulman, Robert E., [redacted]
Colaizzi, Frank A., [redacted]
Cole, Theodore C., [redacted]
Curtis, William J., [redacted]
De Jmek, Homer W., [redacted]
Dooley, Benjamin E., [redacted]
Drake, Robert B., [redacted]
Fitch, Melvin G., [redacted]
Gilliam, Robert H., [redacted]
Gutweniger, Charles A., [redacted]
Harrison, William M., [redacted]
Henry, Richard A., Jr., [redacted]

Hope, Harley F., Jr., [redacted]
Jacoby, James K., [redacted]
Johnson, Robert P., [redacted]
Junghans, John A., [redacted]
McCarthy, Paul H., [redacted]
Meffert, Roland M., [redacted]
Meister, Frank, Jr., [redacted]
Morrow, Robert M., [redacted]
Parish, Gene D., [redacted]
Patterson, Joe M., [redacted]
Pelc, Henry T., [redacted]
Rank, Dale F. P., [redacted]
Reiner, Peter R., [redacted]
Rinaldi, Phillip G., [redacted]
Rogers, Edward W., [redacted]
Rogers, James H., [redacted]
Sarka, Robert J., [redacted]
Schmidt, William H., [redacted]
Smith, James R., [redacted]
Takacs, William J., [redacted]
Wall, Joseph W., Jr., [redacted]
Weiss, Lane E., [redacted]
Wilkinson, Edward G., [redacted]

MEDICAL CORPS

Battle, Earl P., [redacted]
Cleland, William O., [redacted]
Conrad, Fred G., [redacted]
Daley, John G., [redacted]
Fitzgerald, Robert T., [redacted]
Froede, Richard C., [redacted]
Funk, John W., [redacted]
Heine, Earle R., [redacted]
Howell, William D., [redacted]
Kelley, Ira M., [redacted]
Matejka, Robert E., [redacted]
Meng, Gunter R., [redacted]
Miller, Monte B., [redacted]
Ockner, Stephen A., [redacted]
Parker, Gerald W., [redacted]
Rickenbach, Howard F., Jr., [redacted]
Rueve, William W., [redacted]
Santacroce, Thomas A., [redacted]
Scibetta, Richard C., [redacted]
Sharpe, Page, Jr., [redacted]
Snoga, Jimmy R., [redacted]
Story, William C., [redacted]
Thomas, Frank W., Jr., [redacted]
Turns, James W., Jr., [redacted]
Wilson, Charles L., [redacted]
Woodmansee, Terrell R., [redacted]
Zick, Herbert R., [redacted]

NURSE CORPS

Bates, Maudie E., [redacted]
Beard, Sarah E., [redacted]
Burkhardt, Ann L., [redacted]
Carlson, Mary S., [redacted]
Chaplin, Genevieve, [redacted]
Charlton, Betty J., [redacted]
Clarke, Mary M., [redacted]
Collavd, Laverne M., [redacted]
Farrell, Eileen, [redacted]
Fueller, Jean M., [redacted]
Golden, Norma J., [redacted]
Grim, Patricia A., [redacted]
Grubbs, Garnett P., [redacted]
Halnan, Phyllis J., [redacted]
Herold, Ella W., [redacted]
Higdon, Wanda J., [redacted]
Hope, Lois V., [redacted]
Householder, Marjoprie L., [redacted]
Howard, Lillian T., [redacted]
Ingram, Helene A., [redacted]
Kellam, Agnes L., [redacted]
Maguire, Mary P., [redacted]
Marshall, Louise A., [redacted]
Martinjak, Marti J., [redacted]
Maslanka, Helen A., [redacted]
McFall, Eleanor L., [redacted]
Momrow, Esther M., [redacted]
Myles, Ruth M., [redacted]
Powell, Elma J., [redacted]
Scanlon, Mary M., [redacted]
Stewart, Bonnie L., [redacted]
Stout, Ellen M., [redacted]
Thomas, Frances E., [redacted]
Thornburgh, Erlene, [redacted]
Tyler, Eva C., [redacted]
Wallace, Mary E., [redacted]
Weaver, Phyllis J., [redacted]
Wells, Sarah P., [redacted]
Whitlock, Ona F., [redacted]
Wikoff, Lois J., [redacted]
Wood, Edith, [redacted]
Zirkle, Robbie J., [redacted]

MEDICAL SERVICE CORPS

Ables, William A., Jr., [redacted]
Beale, Charles C., [redacted]
Braden, Robert W., [redacted]
Britt, Clyde L., [redacted]
Busch, Emery B., Jr., [redacted]
Farmer, Jack N., [redacted]
Gabel, Richard J., [redacted]
Galbraith, John R., [redacted]
Gibble, Thomas B., [redacted]
Gray, Pat B., [redacted]
Green, John R., [redacted]
Grimes, Ivan B., [redacted]
Guerin, Michael D., Jr., [redacted]
Jenkins, Thomas H., Jr., [redacted]
Jones, Bruce, [redacted]
Keeffe, Loren J., [redacted]
Lapresto, Jasper, Jr., [redacted]
McIntyre, Walter V., [redacted]
Nolan, Francis X., [redacted]
Nugent, Edward S., [redacted]
Overfelt, Clifford D., Jr., [redacted]
Peters, Kenneth W., [redacted]
Pons, James T., [redacted]
Richardson, Toxie W., Jr., [redacted]
Ross, William C., Jr., [redacted]
Simmons, Bennie F., [redacted]
Summers, Donald F., [redacted]
Teems, Ray M., [redacted]
Thornell, Emmett A., [redacted]
Todd, Garry W., Jr., [redacted]
Watson, Robert A., [redacted]
Watterson, Lewis A., [redacted]

VETERINARY CORPS

Clarke, Neville P., [redacted]
Godden, William R., [redacted]
Jones, William L., Jr., [redacted]

BIOMEDICAL SCIENCE CORPS

Baber, Winston D., [redacted]
Bates, Jack H., [redacted]
Beatty, Maxine, [redacted]
Bell, Herbert E., [redacted]
Butcher, Bruce A., [redacted]
Cardarelli, Alexander J., [redacted]
Cortner, Robert H., [redacted]
Etter, Hal G., [redacted]
Hartman, John L., Jr., [redacted]
Huttenhauer, Glenn A., [redacted]
Loper, Lester R., [redacted]
Schmid, Mary H., [redacted]
Skafidas, Gregory J., [redacted]
Smith, Francis J., [redacted]
Thimm, Frederick F., [redacted]
Vanscoy, Joan L., [redacted]
Verhagen, Paul C., [redacted]
Williams, William I., [redacted]

Harold B. Munkvold, [redacted]FR, for reappointment to the active list of the Regular Air Force, in the grade of major, from the temporary disability retired list, under the provisions of sections 1210 and 1211, title X, United States Code.

U.S. NAVY

The following-named officers of the U.S. Navy for promotion to the grade of chief warrant officer, W-3, subject to qualification therefor as provided by law:

Abretski, Paul Robert
Acre, Clifton Harold
Adams, Edward Suber
Adams, George Manley
Adams, James Leo
Adrian, George William
Ahlers, Norbet Anthony
Akers, Floyd, Jr.
Akins, William Everett
Akstin, John, III
Alcorn, Raymond Elmer
Alderman, Charles David
Allbert, Eugene Lee
Allen, Benjamin Franklin
Allen, James David
Allen, Robert William
Anderson, Charles Edward
Anderson, Charles Hayward
Anderson, Charles William
Anderson, George Bryant, Jr.
Anderson, Merlin Francis
Andrews, James Robert
Andrews, William Fredric
Anzini, Albert, Jr.
Arion, Ellsworth Eugene
Armengol, Rene Adrian, Jr.
Armour, Warren Thomas
Arnold, Arlen Elmo
Artis, Herbert
Ashby, Gurney Grayson
Ashlock, Edward Lee
Atchley, Andrew Thomas
Avenson, Jerome Harvey
Backus, Irving Daniel
Bailey, Robert Chalmers
Bair, John Jacob, Jr.
Baker, Clyde Ernest
Baker, Ronald Pearce
Baldwin, Robert Lee
Bambeck, Donald Herman
Banister, Robert Lee
Banks, John Wealey
Barber, James Walter
Barger, William Ray
Bargy, Philip Mason
Barhite, Robert Eugene
Barnes, Sam Motley
Barnett, Francis Eugene
Barnhart, Edward Eugene
Barrett, Haskell Paul, Jr.
Barrows, Ray Charles
Barrows, Ray Lee
Bartlett, James Roy
Bartley, James Arnold
Barton, Hershel Vincent
Beabout, Robert Franklin
Beagle, Charles Blaine
Beaubouef, Joe Ray
Beaver, Ira Howard
Beck, Allen Earl
Becker, John David
Becker, Raymond Herbert
Beckley, Charles Dan
Beebee, Douglass Ramon
Beitinger, Richard Ervin
Benjamin, Dennis James
Bennett, James Paul
Bergan, Eldon Lavern
Bernard, Walter
Berry, Thomas Monroe
Bertels, Charles Chandler
Bertelsen, Duane Leland
Bevilacqua, Charles Anthony
Biernesser, James Carr, Jr.
Bishop, Charles Richard
Black, Harold Baxter
Black, James Leroy
Black, James Douglas
Black, Montie Duane
Black, Roy Willard
Blake, Joseph Albert, Jr.
Blanchard, Gary Franklin
Bland, Richard David
Bledsoe, Donald Ladean
Bliss, Albert McChesney
Board, George Robert
Bondurant, Curtis Charnell
Booker, Robert Sylvester
Boon, John Edward
Boor, Leo John
Boorom, Robert Francis
Booth, Robert Walter
Boring, George Thomas
Bostic, Van Gordan
Bottonfield, David Franklin
Bowden, Hayward Preston
Bowers, William Edward
Boyd, Henry Lee
Boylan, Raymond Lawrence
Brackett, Vincent George
Brackett, John Woodburry
Bradford, Edwin Dacosta
Bradford, John Harold
Bradley, Ernest Ray
Bradley, John Walter
Bramblett, Jack
Brantly, John Paul
Brasil, Robert Frank
Brasuell, Walter Joe
Bratsch, Roger G.
Brattain, Herbert Keith
Brisby, Richard Lee

Brisson, Richard Edward
Brogdon, Hubert
Brooks, George Edward
Brooks, Thomas William
Brophy, John Richard
Broussard, Clarence Joseph
Brown, Donald Claudean
Brown, Henry Lawrence
Brown, James Richard
Brown, Leonard Harrison, Jr.
Brumfield, Aubrey Lamar
Brumit, Larry David, Jr.
Bryant, Charles Thomas
Bryden, Kenneth Chester
Bucher, Hugh Alan
Buist, Andrew Robertson
Bunch, Duane Wilton
Burcham, Phillip Ray
Busch, Henry Leon
Bussell, Samuel D.
Busseno, Henry William
Butler, James Daniel
Byrd, Alwyn Millard
Cameron, Robert Murdoch
Campbell, James Thomas
Capodilupo, Chester
Carella, Augustine George
Carle, James Everett, Jr.
Carlson, Robert Stanley
Carlton, Norman Lee
Carnell, John, Jr.
Carpenter, Frank Taylor
Carr, Robert Charles
Carraway, Preston Ivanhoe
Carroll, John Henry
Carter, Arthur Edward
Carter, Harry McClain
Carter, John George
Cartwright, William Fuller
Casey, David Ronald
Caspary, Kenneth Allen
Cass, William Ernest, II
Cathey, George Mack
Catron, John Grady
Catter, Peter Baldwin
Cave, Roland Lee
Caviness, Jerry Lee
Cervantes, Pat Garcia
Chalmers, James Douglas
Chavez, Angelo
Chenoweth, Charles Everett
Chernegie, Michael Alexander
Chisholm, Leonard Marby
Choate, Edward Howe
Clabaugh, Ronald Stephen
Clark, Harry Eugene
Clement, Andrew Charles, Jr.
Cliffton, Jimmie Lee
Clouston, Warren Solomon
Cloutier, Lawrence Paul, Jr.
Coats, Daniel Michael
Cobb, Dwight Leroy
Cohl, Duane Edward
Colley, Earl Milton, Jr.
Colvin, Charles Foster
Comeau, Thomas Anthony
Confer, David Joseph
Converse, Charles Albert
Cook, Maurice Dudley
Coons, Bard See
Cooper, James Oliver
Cooper, William Jackson
Cope, Carl James
Cornett, Robert Jerry
Cottrill, William Page
Counts, Garland Lee
Courtney, Walter Edward
Cousins, Jack William
Crabb, Ronald Lee
Crawford, Gary Theodore
Crawford, Charles Henry
Creel, Cecil Doyle
Critser, Arthur Earl
Cross, Arthur William
Cruz, August Bortels
Currie, Henry Thomas
Curry, Samuel Grayson, II
Curtis, George Steven, Jr.
Daering, Arlyn Romeo
Dahl, Orvie Meryl
Dailey, Leroy
Dallman Roger Anthony, Sr.

Dame, Joseph Thomas, Sr.
Darr, Sammy Lee
Daughton, Gary Lee
Davenport, Eugene
Davis, Claude Wesley, Jr.
Davis, Dave Richard
Davis, Edward Lyle
Davis, Elbert Austin, Jr.
Davis, Robert Lee
Davis, Robert Jesse
Davison, Joseph Josh, Jr.
Dawson, Jackie Wendell
Day, Billy Eugene
Deal, Jesse Saxon
Deal, Robert Edford
Dean, David Bennett
Deese, David Shannon
Deeter, Michael Lee
Deffenbaugh, Dale Chester
Degroff, Dwight Harris, Jr.
Deguzman, Peter Munoz, Jr.
Deinhardt, John Joseph
Deitz, Charles Courtney
Denardi, William Louis
Deniz, Prudencio
Desantis, Armand Joseph
Detwiler, Donald Vernon
Deutsch, Joseph King
Dexter, Donald Nelson
Digiovanni, Donald Andrew
Dill, Mylnor Alan
Dionne, Roger William
Dix, Richard Jack
Dobson, Eugene Emmett
Doerrer, William, Jr.
Dominicci, Felix Blanco
Donald, Keith Allen
Dorsey, Edward Bryant
Draime, Neal Eugene
Drake, Hollis Derrill
Drake, Lon Eldon
Dresback, Melvin Lloyd
Drew, Jack Sanford
Drysdale, Ralph Ernest
Dubay, Roger Michael
Duchesneau, Robert Edward
Duke, Arnold Lowell
Duke, Clinton Harrison, Jr.
Dunn, Dickie Dean
Duran, Andres, Jr.
Duren, James Richard
Dykstra, Robert John
Eby, Robert Allen
Edwards, Raymond Lewis
Eilenfield, Richard Lee
Ekstein, John David
Elkins, Franklin Delano
Enevoldsen, Jack
Englebretson, Ronald Earl
Ensminnger, Gerald D.
Epley, Ernest Hugh
Epley, Jack
Erskine, Robert Sageley
Escajeda, Ruben
Estes, William Lankston
Evans, James Thomas
Evans, Lyndel Dwayne
Fabbre, Albert Joseph
Fawcett, Peter Formanek
Fetter, Norman Leonard
Fidler, Jird Malvin
Finney, Charles Edward
Finrock, Patrick
Fipps, William Franklin
Fischer, Henry Arnold
Fisher, John Straw
Fite, James Wilson
Fitzpatrick, Willie
Flahiff, Daniel Edward
Flanders, Mack Haywood
Fletchall, Donald Ray
Floyd, William Ronald
Foltz, Norbert Paul
Forbes, Clarence
Forde, Clifford William
Forgione, Frank George
Fort, Robert Edward
Foutch, Argyle Wayne
Frame, Daniel Alva
Frank, Bernard Clarence
Franklin, Robert Nelson
Franks, Otis Knight

Frantz, James Arthur
Freeman, Bobby Jack
Freeman, George
Freeman, Roy Earl
Frial, Ernesto Fabillon
Fulgham, Caleb Richard
Fuller, Emil Andrew
Gable, Donnie Emery, Jr.
Gackenback, Henry August
Gaddis, Bennie Wayne
Gale, Robert William
Galindo, Robert Martinez
Ganis, Benjamin Franklin
Gann, Virgil Eugene
Gardiner, John Peter
Gardner, Leroy Elwyn
Garner, James Houston
Garnett, Claude, Jr.
Garrett, Charles Edward
Garrison, Rolland Roy
Gaudreau, Valmore Ernest
Gaughan, James Anthony
Gault, Harry Stewart, Jr.
Gavasso, Joseph Clement
Gay, Billy Thomas
Gelsomino, Michael Joseph
Gepford, Richard Donald
Gerhard, John Robert
Germany, Charles Joseph
Gibson, Bernard Edward
Gillespie, Lindsay Moore
Glaser, Clair Chamberlin
Glaser, Leland Leonard
Glover, Thomas James
Gochenaur, George Earl
Goethe, Calvin Royce
Goode, Eugene Francis
Goodman, Sheldon J.
Goodrich, Boyd Larry
Goodrum, Daniel Joseph
Gorum, Marion Ernest
Gow, Vernon Albert
Graham, Dennis Loring
Green, Marion Wendell
Green, William Lawrence, Jr.
Greenberger, David
Greene, Walter Leo
Greer, James Nelson
Greeson, Gordon Van
Grigsby, Leon Thomas
Grimes, David Allen
Grinnell, Raymond James, Jr.
Grue, Merlin Curtis
Guerra, Manuel William, Jr.
Guevarra, Larry Nocon
Gunhouse Ramon Francis
Haaf, Joseph Bernard
Hagenbruch, Robert Henry
Hager, Eli Elias
Haisten, Fennie Carlton
Hale, Charles Allen
Hall, Charlie Hermond
Hall, Clifford Richard
Haller, Bernard Joseph
Halpern, Herbert
Hambley, James Gilbert
Hamilton, Jerry Allen
Hamilton, Robert Neil
Hamm, Walter Nolan
Hammock, Charles Raymond, Jr.
Hand, John Milton
Hanno, Henry
Hardin, Larry Kenneth
Hardin, Millard Carl
Harmon, John Ernest, Jr.
Harold, Charles Paul
Harper, Frank Damian
Harper, James Edward
Harris, Bobby Lynn
Harris, Donald Edward
Harris, Harold Danny
Harris, Robert Henry
Harris, Wendell, Jr.
Harrison, Robert Leroy
Harter, Larry Leroy
Hartley, James Cecil, Jr.
Hartman, David Lee
Harvey, Julian Tobey
Hasty, Larry
Haus, David Stauffer
Haver, Richard Ives
Havner, Jerry Glen
Hawtin, David Ray

Hayes, Karl Edward
Haynal, James Robert
Haynes, Gus Elmore
Hearn, James Robert
Heidecker, William August
Helvie, Lawrence Eugene
Henderson, Robert Dale
Hendricks, Jerry Franklin
Hennegan, Dennis Stephen
Henry, Joseph Edward
Hermann, Albert Joseph
Herning, Robert Eugene
Herrington, Frank Lamar
Hewitt, Wallace Alvin
Hickey, Raymond John, Jr.
Hight, Harvey Bea
Hiles, Ernest Merlyn
Hill, Donald Lewis
Hill, Thomas Frederick
Hillman, Lester Raymond
Hilton, John Franks, Jr.
Hines, Milton
Hinkebein, Harold Joseph
Hinson, William Phillip
Hodges, Byron Wayne
Hodges, George Lee, Jr.
Hoffman, James Lewis
Hogan, Richard Harden, Jr.
Holden, Hugh Frederick
Holder, J. D.
Holiway, Weldon Yvonne
Hollen, Danny Lee
Holliday, Donald Ainsley
Hollinger, Gerald Spickler
Holmes, Alvis Wayne
Holzendorf, William Frank
Horkay, Harold James
Hornby, Joseph George
Horsfall, William Edward
Howard, John David
Howard, Thomas Jere
Howard, William Lindo
Howell, Robert Dale
Howery, Ronald Edwin
Hubbard, William Vandy
Hubert, David Leroy
Hubner, Donald Ray
Hudson, James E.
Hughes, Charles Earl
Hughes, James
Hughes, Robert Joseph
Hughs, Jerry Trevlyn
Hulsey, William David, Jr.
Humphreys, Leslie Charles
Huskey, John Wesley
Ierien, Joseph George
Irby, Eldon Elmore
Jackson, Charles Everett
Jacobi, Frederick William
James, Charles Rayburn
James, Edwin Clarence
Jantz, Michael William
Jean, Robert Raymond
Jeffries, William Pettit, Jr.
Joel, Noble Fred, Jr.
Johns, George Kenneth
Johnson, Clara Belle
Johnson, Donald Alfred
Johnson, Horace Albert
Johnson, Larry Von
Johnson, Raymond Eugene
Johnson, Troy Ray
Johnston, Darrell Edwin
Johnstone, Robert James
Joiner, Charles William
Jones, Carl Melvin
Jones, Charlie Otto Duncan
Jones, Isaiah John
Jones, James
Jones, Rodney Richard
Joyner, James Adron
Kanaski, Richard Stephen
Kay, Raymond Erwin
Kearns, Thomas Owen
Keaton, William Creath
Keaveny, Valery Carlos
Keeth, Edward Wayne
Keisel, William Arthur
Keith, Donald Rae
Keith, William Brett, Jr.
Kelleher, Joseph Lawrence
Kelly, John Edward
Kershner, Roy Lewis
Key, Gerald Irwin
Kidd, John DeGarmo
Kiese, Manfred Gerhard
Kimball, Kenneth Richard
Kimbro, Rex Edward
King, John A., Jr.
Kirst, Gordon, Jr.
Klock, Richard Francis
Kloke, Carl Herbert
Knudtzon, George Norman
Kornman, Jerald Stephen
Krawchuk, Peter
Kressel, Herbert John
Krygier, Thomas Joseph
Kuginskie, Joseph, Jr.
Kukler, John Anthony
Kumfert, Alda True
Kuzel, Norman Emil
Kwasny, Joseph
Kyser, Harold Harlon
Laboda, Matthew
LaFleur, Jean Russel
Lambert, Nathan Eugene
Lamorticelli, Frank Thomas
Lamphere, William Lloyd
Lappin, Thomas Leo
Lardner, Thomas Paul
Larson, Marvin Leigh
Lary, Weldon James
Lauerman, James Don
Lawson, Carroll Lavon
Lawton, Richard Warren
Leavey, Joe Morris
LeCroy, Alton Brown
LeGare, Marcel Delphis
Legg, Bobby Dean
LeMaster, Joe Henry
Lenz, Jack Carl
Lewis, Robert Glenn
Leydet, Robert Joseph
Linsley, William Francis
Lister, David Earl
Little, David Joe
Lloyd, George Allan
Loe, Rex Lee Boyd
Long, Beauford Aldon
Long, Thomas Pressly
Loranger, Richard George
Lord, Don
Loria, Louis Charles
Losli, Gerald Grant
Lovett, Cecil W., Jr.
Lowe, Michael Baxter
Lowe, Walter Robert
Lowe, William Richard
Luce, Robert Emmett
Lundberg, John Robert
Lutrario, Albert
Lutze, Robert Gerald
Lynch, Michael Allen
Mackin, Thomas James
Madden, John Eugene
Maddock, James Fairweather
Mahoney, Michael
Maiden, Jesse Joe
Malloy, William
Malmborg, Charles Leroy
Manahan, Fred Verlin
Mango, Albert Francis
Mann, Elmer Heath
Mann, James Elton
Mansfield, John Alden
Marenbach, Harry Alfred
Mariano, Carl
Mariano, Marciano
Marino, Raffaele
Marr, William Leonard
Marshall, Raymond Lee
Masler, John George, Jr.
Mathis, Larry Thomas
Matthews, Billie Joe
Matthews, Dale McNeil
Maupin, William Edward, Jr.
Mauro, Richard Fay
May, Harlin Conrad
McGee, Carl Edwin
McGee, James Murry
McClellan, Robert Artie
McClure, Kreston Kay
McCowan, Kenneth Edwin
McCullough, Harvey Taylor
McDaniel, John Oliver
McDonald, Thomas Henry, Jr.
McElhaney, Paul Raymond
McElroy, Fred Carl
McElvogue, Henry Clark
McGowan, Eugene Edward
McGrath, Daniel Jerome
McKay, Roy Curtis
McKinzie, Joe Edward
McLean, Augus Laughton, Jr.,
McMaster, Timothy Richard
McNutt, Jerry Wayne
McPeak, Robert Leroy
McPherson, Alexander Joseph
McVay, Billy Gene
Meeler, True Olan
Meneses, Johnny Farinas
Mercer, Laurice Wayne
Merrill, Wayne Rucker
Meuchel, Frank Tony
Meyer, Richard John
Meyers, John Robert
Middlebrooks, Robert Durwood
Miller, John Edwards, Jr.
Miller, Kenneth Ray
Miller, Lapel
Miller, Phillip Edson
Miller, Ronald Lee
Miller, Walter Everett
Milroy, Donald Eugene
Mingo, Louis Edward
Minzenmayer, Hiram Carl
Mitchell, Newton Robb
Mitchell, Raymond Earl
Mitchell, Charles Frank
Mitchell, William Newton
Mitchell, Jimmy Lee
Moaney, Phillip Bernard
Moon, William Monroe, Jr.
Moore, Edsel Lester
Moore, Owen Edward
Morales, Vicente
Moran, Kenneth Ray
Morris, Phillip Gail
Morris, Robert Allen
Morrow, Robert Melvin
Mountford, Dale Wesley
Mueller, William Joseph
Mueller, John William
Mullen, Joseph Michael
Mulligan, Robert Dale
Mulligan, Charles Howard
Mullins, Orville Eugene
Mummert, Franklin Robert
Mundy, William Edward
Murph, William Edwin
Murphy, John Thomas
Murphy, Larry Edward
Naples, Thomas Joseph
Nash, Ronald Edwin
Neal, Paul Gartrelle
Nelson, Stephen Reeve
Nerling, John George, Jr.
Nester, Forest Ray
Nethery, Marvin James
Nevarez, Rudolph Earnest
Nichols, Joseph Franklin
Nicholson, Gerald Norman
Nitschke, Karl William
Nixon, Sammy Carol.
Njaa, John Roger.
Noche, Nicholas Harold.
Nolin, Robert.
Norman, Silas Edwin.
Northrop, Robert Stiles.
Northrup, Donald James.
Nowicki, Marvin Ernest.
Nunley, Jack Bruce.
Nyman, Keith Oscar.
Ocallaghan, Neal Michael.
Odonald, Charles Irvin.
Oehler, James Christ.
Offield, John Dale.
Ohlman, Douglas Herman.
Ohm, Robert Lee.
Olkonen, Mark Emil.
Olson, Leslie Wilbur.
Olsson, John Phillip, Jr.
Oneal, Floyd Wendell.
Oneal, Jam Franklin.

Oshell, Robert Lewis.
Ottesen, James Joseph.
Otts, Ralph Haston.
Ousley, Doy D.
Overman, William Robert.
Owens, Charles Francis.
Owens, Richard Lee.
Oxrider, James Penfield.
Oyler, John Matthew.
Padgett, Ralph Wayne.
Pajuf, Joseph John.
Paquin, Joseph Russell.
Parkhurst, Lyman Edward.
Parsons, Robert Eugene.
Parsons, William Gilbert.
Payton, John Dewey.
Pearman, George Franklin.
Pearrell, Larry William.
Perkins, Philip Eugene.
Perkins, David Eugene.
Perkins, Earl Eugene, Jr.
Perry, Ronald Robert.
Peterson, Theodore Leroy.
Pettigrew, Charles Sumner J.
Pfeiffer, Donavon Joseph.
Pfleckl, Paul Joseph.
Phenix, Borden Eugene.
Phillips, John Gerald.
Pinterton, Everett David.
Piper, Leon Tracy.
Pirozzolid, David Paul.
Pitzer, Richard Lee.
Platt, Larry Duane.
Pokrywka, James Michael.
Polak, John Anthony.
Polk, Deward Winston.
Pond, Louis Valentine .
Popikas, Charles Frederick.
Porter, Joel.
Potter, Leroy Irving.
Powell, Raleigh Foster.
Powers, Richard George.
Poynter, Charles Ray.
Prather, Luverne.
Preece, Roger Dowell.
Price, Earl Junior.
Prinz, Gerald Henry.
Prothero, Glen, Jr.
Quinn, John Cromwell O.
Quinn, Richard Andrew.
Radasevich, Rudolph Leo
Raggo, Charles Joseph
Ramsey, Quillie Anderson, Jr.
Rawls, Robert Sherwood
Ray, Edward Alfred
Raymond, James Burr
Read, Marshall Baker
Reardon, Robert Joseph
Reese, Robert Wayne
Reeves, Donald Ray
Rehanek, Thomas Deovaux
Reid, Louis Lee
Renwick, David
Reuter, Kenneth Earl
Rezabek, Richard Joseph
Rhoden, Lawrence Bernard
Richardson, Billy Earl
Ridener, Linville Lee
Riedel, Charles Nicholas
Riley, Edward Monroe, Jr.
Rishel, Robert Marion
Ritchie, Coy Doyle
Rizek, Paul Herman
Robbins, William Robert
Robbins, Donald Dean
Robbins, Robert Justin
Roberts, Robert Edward
Rodgers, William Kenneth
Roe, James Paul
Rogers, Calvin Perry, Jr.
Romas, Gregory George
Romito, Vincent Anthony
Rooks, John T.
Roos, Neal Gerald
Ross, Daniel Allen
Rucker, Seabie Paul
Ruffin, Paul Denson, Jr.
Rule, George Gilbert
Rumer, William Harry
Rupp, Leroy
Ruryk, Mirian Eugene
Russell, George William, Jr.
Russell, Richard Leon
Ryan, Gerald Dean
Sampson, Dwight Adelbert
Sarama, Charles William
Sauls, Aubrey Plowden
Sauls, Herbert Mitchell
Saunders, Frankie Noel
Scaletti, Aurelio
Scaringella, Charles Thomas
Scheierman, Robert Leroy
Scherzer, James David
Schley, Ramon Monroe
Schmidt, Charles Otto
Schontag, Richard Frank
Schwaeble, Harry Miester
Scott, Wayne Alexander
Scott, William Edward
Sebourn, Dewey, Jr.
Sedgwick, William Hamilton
Sharbutt, Hillery Mathew
Sharp, Robert Leroy
Sharp, Sidney Norris
Shaul, Michael C.
Sheehan, Donald Francis
Shelton, Lynn Dale
Sherman, Richard Floyd
Shields, Joseph Carl
Shumpert, Harold Corbett
Siegel, Allen Ray
Simmons, Norman Ray
Singletary, Joe Wayne
Skipworth, William Holland
Slayton, Gerald Clifford
Sliger, Ronald Wilburn
Sloan, Arthur, Jr.
Smeltzer, Walter Theodore
Smith, Alan Hugh
Smith, Aldo Alonzo
Smith, Charles Frederick
Smith, Floyd Harold
Smith, Lewis Baxter
Smith, Robert Emmet
Smith, Ronald Eugene
Smith, Theodore Leon
Smith, Walter, Jr.
Smith, William Ray
Smitheman, James Courtland
Snyder, Ray Lewis, Jr.
Sockell, Edward Joseph
Sokol, Richard
Sollars, Kenneth Dale
Souder, Charles Elsworth
Soudier, Robert Joseph
Southerland, Macy James
Spence, Herbert, Jr.
Spencer, Roger Carl
Sprey, Douglass
Springfield, Robert Currier
Stafford, Richard Lucius
Stephenson, Thomas Richard
Stevens, Harold Allen
Stiller, Gerald Ervin
Stokes, Bobby Randle
Stone, Frederick Cecil
Stout, Arling George, Jr.
Sturgill, Cleveland Henry
Sturm, Jackie Lee
Stutler, Frank Otley, Jr.
Sullivan, James Stephen
Sullivan, Joseph Edward
Sutton, Morris Lee
Sweet, John Lawrence
Tabor, Melvin Allen
Tarvin, William Byrd
Taylor, Douglas Kent
Terryberry, Kenneth Charles
Tessier, Harley Dell
Thames, Charles Melvin
Thomas, David Owen
Thomas, Eugene
Thomason, William Rex
Thums, Robert Ferdinand
Tibbs, John William
Tillery, Donnie V.
Toon, Norbert Leo
Torgerson, James Hagen
Tourigny, Leonard Robert
Tucker, Claude Thomas, Jr.
Tucker, Howard A.
Tudor, Tommy Neal
Turk, Joseph
Turnbow, Grady William, Jr.
Turner, Jack Eugene
Tyler, J. B.
Tyler, Warner Russell
Uhrich, Harold Mitchell
Unangst, William Clinton
Vaccaro, Paul
Valenta, Bernard Lorenz
Vandyke, Wilburn Eugene
Vandyne, Leroy Thomas
Vanhoose, Ronald
Vanrompaey, Matthew Robert
Velsor, Herbert Frank
Vick, Don Allen
Vickery, Gwynn Arnold
Voigt, Harland George, Jr.
Voll, Alan Kent
Vsetecka, Leonard John
Wales, Richard Allan
Walker, Dewey Houston
Walker, Joe Bryon
Wall, Marion Charlie
Walsh, Myles Edward
Walsh, William Charles
Walz, Lee Lucas
Warren, Daniel Lee
Warren, William Lee
Watford, Qube Gene
Waters, William Haynes
Watson, Jimmy David
Watson, Tannis Robert
Webb, Rufus Willis
Webling, Robert
Weiland, Richard Emory
Welch, Leslie Corley, Jr.
Welch, Martin Joseph
Wells, Cecil Eugene
Welsh, Edward Lee
West, Donald Francis
West, Francis Owing
Westberry, Alexander Jackson
Westcott, John Henry
Westhoff, Dennis Anthony
Wheeler, Sidney Wayne
Wilkerson, Garland Warren
Will, George Frederick
Willard, Harold Lee
Williams, Alton Laverne
Williams, David
Williams, Richard Wallace, Jr.
Williamson, Duaine Charles
Williamson, Harry Rittenhou
Wilson, Dexter Donald
Wilson, James Orville
Wilson, Jerrold Bradley
Wilson, Philip Barry
Wilson, Millard Joseph
Wilson, William Clark
Wininger, Ronald Lee
Winistorfer, Elton Edward
Winsey, Joseph Keith
Wippel, Lawrence Franklin
Wisdom, Hayden Rand
Wolchko, David Michael
Woodiel, James Claude
Woods, Gerald Bishop
Woody, Guy Willard
Woolson, Fred Oscar
Worley, Robert Allen
Wray, Donald Milford
Wyatt, Thomas Verden
Yates, Clark Dallas
Ymzon, Ramon Almeda
Yott, George Joseph
Young, Neal Ronald
Youngblood, Jimmy Bramlitt
Zakrajsek, Henry Joseph
Zeigler, Hagood Atticus
Zeman, David Allen
Zerbe, Alton Richard
Zinn, Harry Blaine
Zoglmann, Paul Samuel

The following named officers of the U.S. Navy for promotion to the grade of chief warrant officer, W-4, subject to qualification therefor as provided by law:

Carl, Charles Leroy, Jr.
Hardin, Billie Ross

EXTENSIONS OF REMARKS

EARTH WEEK, 1971

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, April 19, 1971

Mr. SCHWEIKER. Mr. President, once again this year the Nation will focus its attention on the problems of environmental quality. The initial effort last year to bring environmental problems to the attention of the American people was a marvelous success which included participation by 3,000 colleges and universities, 10,000 high schools and grade schools, 2,000 communities, and vast numbers of individual citizens. For the first time last year, we as a nation paused to examine the deterioration of our environment which has been caused partially by our anxious efforts to advance technologically without considering the environmental consequences.

During the Earth Week in April this year we will review and assess the environmental progress which has been made in the last year and attempt to determine what further steps must be taken to protect and restore the quality of our fragile environment. I am pleased that this year we are going to celebrate not an Earth "Day," but an Earth "Week" which will provide us all with a greater opportunity to examine environmental problems in depth. Across this country, public and private organizations, business, labor, government, educational institutions and individuals will join one another in seeking solutions to environmental problems with one goal in mind—to provide the kind of clean, wholesome environment to which every citizen is entitled.

I am pleased to be a cosponsor of Senate Joint Resolution 15, a joint resolution to designate the third week of April of each year as "Earth Week." Many Senators have joined me in cosponsoring this resolution, and I am hopeful that the upcoming Earth Week will establish a tradition to be followed in future years.

I am pleased to say that I have had the privilege of supporting a number of new laws which have passed Congress that set up safeguards to prevent the further contamination of our environment. I strongly supported the clean air bill, requiring substantial reductions of automotive air pollution by 1975 and providing for other strict air quality controls. The Water Quality Improvement Act establishes strict Federal standards and penalties against violators for water pollution and oil spills. In the area of solid waste management, the Resource Recovery Act has been enacted, which establishes a significant new Federal commitment to the principle of recycling solid wastes and provides for Federal financial assistance toward solving the problems of solid waste disposal. In addition, I voted against continued funding of the SST program, partly because I felt that underlying environmental concerns have not been satisfactorily resolved.

President Nixon has submitted a special message on the environment to Congress, including a comprehensive program which includes proposals to increase Federal control of water pollution, improve pesticide controls, and tax emissions of sulfur oxides and tax lead in gasoline. In addition, these proposals also covered toxic substances, noise pollution and ocean dumpings. The President has also proposed measures to promote environmental quality in land use decisions involving a new procedure for the approval of powerplant sites, including nuclear powerplants, and regulation of the environmental effects of surface and underground mining.

The actions of Congress, and the proposals of the President, demonstrate a strong commitment to cleaning up and protecting our environment. I am pleased at the progess which we have made during the last year, but clearly we cannot rest on our laurels. Instead, we must reaffirm our commitment and desire to provide permanent solutions to our environmental problems. We must rid our Nation's cities of air pollution. We must clean up our waterways. We must remove the litter from our countrysides. As individuals, each of us must be willing to bear a portion of the burden—but with the recognition of the fact that our efforts now can help to provide this Nation with a clean, wholesome environment for years to come.

LEGISLATION TO PROHIBIT UNAUTHORIZED ENCAMPMENTS ON PUBLIC LANDS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. HUNT. Mr. Speaker, I realize that all of us have just returned from the recess, perhaps refreshed, but hopefully not unmindful of the siege on Washington by an assortment of antiwar groups beginning today with a group of some 3,000 to 5,000. As of last Friday, this group was denied a permit to set up an encampment on the Mall just below the Capitol grounds, and over the weekend, because the leaders of that group insisted their followers would camp out anyway, the Interior Department obtained an injunction to enjoin such activity. Then on April 24 and the following 2 weeks, a much larger group of up to 75,000 dissidents is expected to be urged by its militant leaders to use Rock Creek Park in the face of a similar denial of use for overnight camping. In other words, the Government is being challenged to make good on its word to keep these public areas open for all persons for lawful purposes.

Mr. Speaker, it was because of the blight on the landscape left by Resurrection City in 1968 adjacent to the Lincoln Memorial—not to mention the total disregard of the rights of the general public that feared for its safety by even going near the area after dark—that H.R. 1035 was initiated in the 91st Congress. As the report of the House Committee on Public Works stated:

> Washington, as the Capital, epitomizes what this Nation stands for. It is here that the people of the United States have placed the monuments, parks and statues that identify our heritage and our purpose as a nation. It is here, too, that our Federal Government lives and functions. These grounds and buildings belong to all the people, and they should at all times be available to all our citizens . . . Clearly, access to these buildings and grounds cannot be limited, for any extended period, to any individual citizen or group of citizens, great or small, however lofty their aims may be or however idealistic their purpose.

Citing the cost to the taxpayer as a result of the ill-advised permission granted to the Resurrection City encampment, the committee report went on to note a cost in excess of $1 million "covering all the side effects of the issuance of the permit," I would remind you that of these total costs, the sponsors of Resurrection City forfeited a $5,000 bond and the Government recovered another $5,500 from the salvage of the lumber.

According to the RECORD of June 11, 1969, H.R. 1035 went on to be approved by the overwhelming vote of 327 for and 51 against. It is only to be regretted that the other body failed to act on the legislation before adjournment.

Because of the very urgent need for legislation of this type, our colleague from Iowa, the Honorable WILLIAM J. SCHERLE, on April 7, 1971, introduced a bill identical to the measure passed by the House in the 91st Congress. Today, the gentleman from Ohio, the Honorable CHALMERS P. WYLIE, and I are introducing another identical bill for the purpose of emphasizing this urgency and to urge that the House Public Works Committee give all deliberate speed to reporting the bill again so that this House will be on record as to its position on the use of publicly owned lands in the District of Columbia for unauthorized and unlawful encampments. At the same time, I trust that the feelings of the majority of my colleagues here present will bolster the decision of the Interior Department officials not to yield to the demands of these dissident groups at the expense of all other citizens. Inasmuch as it is reported that Justice Department officials are giving a fresh look at a possible Rock Creek Park encampment, I would also strongly urge the administration to stand firmly behind the Interior Department in this matter which has already denied a permit for this purpose.

Mr. Speaker, the dissident, antiwar groups that will be in this city for the next few weeks exercising their rights of speech and assembly must not be permitted to do so in a manner that will deny the rights of others who do not feel the same way. The only way to start is to absolutely prohibit these unlawful encampments. Should the law be violated, those responsible must be dealt with promptly and without bias. That is the only way the rights of all will be preserved.

REQUIEM FOR THE U.S.A.

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, April 19, 1971

Mr. SCOTT. Mr. President, a member of the Pennsylvania House of Representatives has just brought to my attention an inspiring editorial prepared by Mr. Fred Williams, of WAHT-radio in Lebanon, Pa. Representative Robert C. Rowe has been kind enough to send me a copy of the editorial broadcast on Memorial Day 1970.

Numerous comments of well-deserved gratitude and praise were sent to Mr. Williams by many inspired listeners. In my estimation, it is a fitting commentary not only for Memorial Day purposes, but a fitting message to be read and remembered all year around. I am sure that Senators will agree that Mr. Williams had a tremendous insight into a subject of considerable concern today.

I ask unanimous consent that the editorial be printed in the the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"REQUIEM FOR THE U.S.A."

(By Fred Williams)

"Requiem for the U.S.A.," is a rather ominous and sinister sounding title that deserves a more definitive explanation. Its true and valid meaning is requiem for the unknown soldier of America. Shortly after World War One, the bodies of many American soldiers that were killed in battle could not be identified, and the United States wanted to honor in some special way, the memory of these brave men. In the year 1931 the final resting place of the unknown soldier of America was completed. A white marble tomb in Arlington National Cemetery. A simple phrase of edification adorns its walls; "Here rests in honored glory, an American soldier, known but to God." Many years before, during the Civil War, a small group of faithful Southern women chose May 30th to honor and decorate soldiers' graves. They prayed for the dead of both the Union and Confederate armies. It was indeed, a most solemn day for the entire nation. As time passed, this great day became known as Memorial Day. A patriotic holiday set aside to honor and pray for American servicemen and women who truly made the supreme sacrifice, giving of their lives for the cause of freedom and justice for all. It is now 1970, and many wars later. What does Memorial Day mean to the most powerful nation on earth? What does it mean to the millions of 20th century Americans on-the-go? Is Memorial Day thought of as no more than the first weekend of fun? The advent of summer? Picnics, laughter, a stroll in the park? Hot dogs and baseball games? Can it be that spiritual remembrance and patriotism are becoming a dead issue? The apathy of man all too soon forgetting what Memorial Day is all about. For some, Memorial Day will be just another day. But thank God prayer and patriotism is very much alive. Alive and living in the hearts of every man and woman proud to shout loud and clear, "I am an American." Legions and legions of people, loyal dedicated Americans who know that Memorial Day is really Valley Forge, Gettysburg, the Spanish American War, World Wars One and Two, Korea. Memorial Day is Pearl Harbor, the steaming jungles of Guadalcanal, Bataan, Flanders Field, Iwo Jima, Corregidor, and the jagged hills of China. Memorial Day is the rolling plains of France, Normandy, Bizerte, Anzio, and the hot, dry deserts of North Africa. Memorial Day is the Atlantic and Pacific oceans, the Mediterranean Sea, everywhere and anywhere American servicemen and women spilled their blood and died for the cause of liberty and freedom. Memorial Day is South Vietnam, Danang, the Mekong Delta, and many other places in southeast Asia we never knew existed a few years ago. Memorial Day 1970 is but a few days away. Let us visualize for just a moment, that the unknown soldier could speak for himself. Will his plaintive cry be, "Why have you forsaken me?" Will his plea go unanswered? Some will turn a deaf ear, but the rest of us choose to stand up and be counted. Let us never forget that this beautiful country is God's gift to all of us. The chosen planet in all the universe, destined to be man's final salvation for suffering humanity, and a brilliant ray of hope for the persecuted and oppressed. On this Memorial Day, let us decide to rejuvenate in ourselves, and in our children the true spirit of the American way of life. True patriotism. That unyielding devotion to the basic principles and ideals upon which this country was established. The time is now America, to forget about the near veneration and admiration of material things, and return to a state of spiritual values and ethical standards which are far more valuable to all of us. On this Memorial Day, let us all pray, each of us in our own way, that the leaders of nations all over the world may resolve their differences once and for all, so that mankind everywhere may walk in the light of perpetual peace. Would the unknown soldier of America ask for less?

SETTING THE RECORD STRAIGHT ON TV PROGRAM "SAY GOODBYE"

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. McKEVITT. Mr. Speaker, I have continued to receive letters and verbal complaints from my constituents concerning a television program presented by the National Broadcasting Co. on January 8, 1971.

The complaints about the NBC–TV production entitled "Say Goodbye" center mainly over a program segment which depicted a man with a rifle, apparently hunting illegally from an aircraft, shooting down a mother polar bear. The camera showed a closeup of the bear, seemingly shot and writhing in pain as her two cubs looked on pathetically and helplessly. The conclusion one might reach from this particular program segment was that a heartless hunter, hunting illegally, had killed a mother polar bear and that the two cubs had been left to die.

Mr. Speaker, I would like to attempt to set this matter straight for the record.

This segment was not what it seemed to be. The Alaska Department of Fish and Game stated that the portions of the film showing the polar bear sequence actually were taken by an employee of the department during an operation involving the tranquilizing of a female polar bear for tagging purposes. The Alaska Department of Fish and Game also pointed out that aircraft were not used to illegally herd or chase the polar bear and her cubs.

The bear was anesthetized with a drugged dart to allow inspection and data gathering after which it was tagged and released. The bear rejoined her cubs, which were unharmed.

I might also note that the International Association of Game, Fish, and Conservation Commissioners vigorously protested this segment of the NBC–TV presentation.

Chester Phelps, president of the association, wrote NBC–TV stating that he had been advised by officials of the Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, and by fish and game authorities in Alaska that the female bear in the sequence, instead of undergoing a death agony as represented, was in fact succumbing to a tranquilizing drug administered by biologists employed in a scientific and humane project designed to improve knowledge of polar bears and thus protect the species.

NBC–TV has responded that

> The program was independently produced by Wolper Productions, Inc., for an advertiser who then supplied the program to us for broadcast.

NBC–TV continued:

> We have asked the producer for the details of the polar bear sequence and are informed by him that it was a composite creation from stock footage prepared for inclusion in this program and not, as it appeared, a record of an actual event. We are advised that the footage edited together was of the shooting of a male polar bear outside the territorial limits of the United States and of a female polar bear who had been anesthetized.

NBC–TV went on to say it is developing guidelines so that in future documentary-type programs dealing with nature, a viewer will not be misled.

I applaud NBC–TV's candor in this matter, and its stated intention to avoid such situations in the future.

However, in the case of "Say Goodbye" the damage has been done. Bill Clede, president of the Outdoor Writers Association of America, has stated:

> The false depiction, although severely damaging the image of millions of sportsmen, involves a more basic problem for all Americans.

Clede asks:

> Who has the responsibility for truth in documentaries—the network, the producer, or the sponsor?

It is a question that deserves consideration by all of us.

ACCOMPLISHMENTS OF DR. J. DUANE SQUIRES, NEW LONDON, N.H.

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Monday, April 19, 1971

Mr. COTTON. Mr. President, "Who's Who in America" carries a long and varied list of the accomplishments of Dr. J. Duane Squires, of New London, N.H.—educator, historian, writer, religious leader, worker for good government, and civic authority. Of special interest at this particular moment, however, is his authorship of various books and articles on our State of New Hampshire, for the knowledge and research which have produced such valuable and interesting historic works in the past have now resulted in another article which provides some fascinating facts for all of the millions of us who, to use Dr. Squires' words, like to know "when and how things began."

This most recent article by Dr. Squires is entitled "New Hampshire 'Firsts'—Notable Events in Granite State History." The article was published in the New Hampshire Echoes magazine, March–April 1971 issue. I ask unanimous consent that for the enjoyment and enlightenment of all who will take a few moments to enjoy the rewards of Dr. Squires' scholarship and research the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW HAMPSHIRE "FIRSTS": NOTABLE EVENTS IN GRANITE STATE HISTORY

(By J. Duane Squires)

It is always interesting to know when and how things began. In my years of studying, teaching and writing history, I have found no greater common denominator of interest than answers to queries as to origins and beginnings.

In this article, therefore, let me mention ten "firsts" which have been a part of the history of New Hampshire, each one of which has been a credit to the people and the institutions of our State.

I

New Hampshire is the first state in the nation to have named one of its towns after George Washington. On December 13, 1776, one of our pioneer communities honored itself by incorporating under the proud name of the American commander-in-chief. Eight years later, in 1784, Dr. Manesseh Cutler gave the same proud name to the tallest mountain in the State.

While Washington has been subsequently honored in scores of place names throughout the United States, New Hampshire was the first so to act. It was an absolutely fitting thing to do. No American ever lived more worthy of respect and admiration. The qualities that set George Washington above all other men were his ". . . talents as an organizer, his adroitness in managing and coordinating large and complex enterprises, his ability to work with people, his patience and willingness to consider other views, to speak frankly, to accommodate and mediate but to be firm when necessary, and, finally, to act decisively, and to enforce his will."

II

In April 1780, Benjamin Randall founded the first Freewill Baptist Church in the United States at New Durham, New Hampshire. The Rev. Mr. Randall, a former chaplain in the Continental Army, broke with orthodox Baptist faith and its tendency towards Calvinist dogmatism; he stressed the qualities of freedom of conscience for one's self and for others in the religious life.

His new denomination was legitimized by State legislative action in 1804, and for more than a century flourished in New England and in other parts of the nation. It is a matter of gratification to the contemporary religious thinker that this strain of ecumenism and toleration appeared this early in New Hampshire life.

III

In 1822, two noted New England women educators, Zilpah Grant and Mary Lyon, assisted in founding Adams Academy in Derry, New Hampshire, the first endowed seminary for girls in the United States. It antedated Miss Lyon's Mount Holyoke College in Massachusetts by 15 years.

These women educational pioneers were of the same dedicated breed of human being which had produced generations of New England ministers. As Mary Whitton has written, ". . . they were warmed through with the fire of faith that belonged to old New England. They were the spiritual sisters of the young men who left the plough for the pulpit."

IV

In 1831, the first Guernsey cows introduced into the United States arrived in New Hampshire. The gift of a sea captain out of Boston, these two animals—a bull and a heifer—were placed on a farm on an island in Lake Winnipesaukee. The Guernsey breed—in the early days often called "Alderneys"—had come from the Island of Guernsey in the English Channel, and proved to be one of the most useful dairy animals ever brought into the nation.

In 1933, the New Hampshire legislature officially renamed the Winnipesaukee habitat "Guernsey Island," and so it remains today. For many years the Guernsey breed headquarters for the pedigreed livestock of this species have been located in Peterborough.

V

No institution is more characteristic of modern life than the public library. In the early years of our State history, many communities organized "private libraries," established locally by interested persons for their own and their friends' use. The first of these was in Dover in 1792.

But in 1833, Peterborough made a major stride forward in the history of the American library movement. In that year the voters of Peterborough established a true "public library," supported by tax funds, and freely open to all people. It was the first true public library in the United States.

VI

Every year in June, the Harvard-Yale rowing contest on the Thames River in Connecticut takes columns in the sporting sections of our newspapers. Prestigious as this regatta is in our day, one may not always remember that Harvard-Yale water sports were first held in New Hampshire.

On August 3, 1852, on the waters of Lake Winnipesaukee, a Harvard crew raced a Yale crew. The spectators at Center Harbor included New Hampshire's political leader, Franklin Pierce, shortly to be elected President of the United States. The race was won by Harvard. Exactly a century later, on August 3, 1952, it was meticulously re-enacted. But the original contest was another "first for the Granite State.

VII

While the first "Concord Coach" was built in 1827, the oldest one still preserved was constructed in 1848 and is now in the Smithsonian Institution in Washington.

The great days of the "Concord Coach" came after 1865 when the firm was renamed Abbott, Downing and Company, and went into large-scale production of its famous vehicle. Of the superlative merits of the "Concord Coach," Mrs. Alice M. Earle has written: "The story of the Concord is one of profound interest. . . . It has justly been pronounced the only perfect vehicle for travelling that has ever been built." Notice Mrs. Earle's use of "Concord" as a noun, a practice followed by scores of writers on the American West.

"Concords" were found on every Rocky Mountain highway until modern times; on the pioneer roads of Canada; on the wild stage lines of Australia, South Africa and South America. Truly a New Hampshire "first" of which all transportation buffs may be proud.

VIII

In 1969, the nation observed two historic railroad centennials. One was the completion of the first transcontinental railway at Promontory, Utah, on May 10. The other was the 100th anniversary of the Mt. Washington Railway on June 3. On that day in 1869 the first genuine cog-wheel mountain railroad in the world began operations from Base Station to Tip-Top House. It was a "dream come true" for Sylvester Marsh of Littleton and Walter Aiken of Franklin, New Hampshire.

As Mrs. Ellen C. Teague reminded us in her Newcomen paper, read in Whitefield in September 1969, this technical achievement marked a significant "first" in transportation history in the Western world. It was later imitated by a Swiss company which constructed a similar cog railroad up Mt. Rigi; and, of course, by many subsequent enterprises.

IX

The first organized summer camp for boys in the United States opened on Squam Lake in New Hampshire in 1881. It had been instituted by Ernest Balch, a noted American of his day in the bringing of greater opportunity to youth. The move proved to be almost instantly popular. Within a few years scores of rival boys' camps appeared, and, also, many intended for girls.

Today, the youth camping movement is one of New Hampshire's most characteristic features in the summer months, a vast and intricate industry that brings tens of thousands of people to the State each season.

X

New Hampshire is the only state in the nation that ever was host to a formal peace conference ending a foreign war. This occurred at Portsmouth in 1905, when the sanguinary Russo-Japanese War of that era was officially terminated.

At the invitation of President Theodore Roosevelt of the United States, the two belligerent nations sent their envoys to the New Hampshire seaport, and on September 5, 1905, the Treaty of Portsmouth was signed. In the annals of American diplomacy this incident is unique, and again is one of those 'firsts" of which our people can be proud.

In his last book, that late, distinguished New Hampshire man of letters, Robb Sagendorph, wrote:

"Life holds more meaning for me somehow when the past ties into the present. When this happens, one gains the assurance the present will tie into the future. Without this hope preservation would hardly be worth while."

As we contemplate some of the "firsts" that have made New Hampshire notable in the past, we not only feel tied into the days of yesterday, but also in some sense to the days yet to be. For today, also, there are "firsts" in New Hampshire which will help to make tomorrow worth living.

BLUE RIBBON DEFENSE PANEL SUPPLEMENTAL REPORT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. SCHMITZ. Mr. Speaker, the following study was prepared by seven members of the President's Blue Ribbon Defense Panel. During the year these men spent studying the workings of the Department of Defense they became so concerned with the drastic shift of the strategic balance in favor of the Soviet Union that they reserved the right to issue a supplemental report commenting on the trends they observed and their meaning for the people of the United States.

Although this report was submitted to the Department of Defense in early October 1970 it was not released until the middle of March 1971 and therefore some of the estimates of Soviet forces are low. Since our official intelligence projections of Soviet force levels have been on the low side for the last 5 years this is not entirely unexpected. The Soviets have over 1,440 ICBM's now deployed, rather than the 1,300 figure given in the report, and the Chairman of the Joint Chiefs of Staff projects 1,500 operational Soviet ICBM's in place by June 1971. This will give the Soviets 50 percent more ICBM's than the United States has—a sixfold increase of their land-based ICBM force since 1966.

In addition to these 1,500 ICBM's Senator HENRY JACKSON has recently revealed that the Soviets are beginning construction on a completely new offensive missile system featuring weapons equal and perhaps superior to the SS–9. The SS–9 is the Soviet 25-megaton counterforce weapon. According to Senator JACKSON the Soviets have the ability to deploy between 60 and 70 of these new missiles this year and if such a number is deployed the megatonnage—destructive power—of this new system alone will surpass the total megatonnage possessed by our entire Minuteman force.

The Soviets now have 17 Y-class ballistic nuclear submarines operational rather than the 10 mentioned in the report. The Chairman of the Joint Chiefs of Staff projects 20 Soviet Y-class operational by June of 1971.

On the other hand the United States B–52 force, listed in the report at 550 aircraft, will be reduced to 450 by the end of fiscal year 1972.

With these facts in mind, facts which underline the thoughts contained in this study, I would highly recommend that all my colleagues read this report. It is a well-written, well-reasoned, incisive look at factors which are essential to the survival of the United States. It is impossible not to agree with the Panel members finding that if we do not respond adequately, and in time, to the rapidly expanding growth of the Soviet strategic offensive forces, "the United States will become a second-rate power incapable of assuring the future security and freedom of its people."

I have a very low confidence factor in the Soviets assuring our security and freedom for us, should the choice be left to them.

The study follows:

Supplemental Statement to Report of Blue Ribbon Defense Panel Submitted to the President and the Secretary of Defense on the Shifting Balance of Military Power

This Statement is respectfully submitted to The President and The Secretary of Defense as a supplement to the Report of the Blue Ribbon Defense Panel.

William Blackie, Peoria, Illinois; George Champion, New York, New York; William P. Clements, Jr., Dallas, Texas; John F. Fluke, Seattle, Washington; Hobart D. Lewis, Pleasantville, New York; Wilfred J. McNeil, New York, New York; Lewis F. Powell, Jr., Richmond, Virginia; Members of Blue Ribbon Defense Panel, September 30, 1970.

PREFACE

The Blue Ribbon Defense Panel, appointed by the President and the Secretary of Defense in July 1969, submitted its Report on July 1, 1970. Members of the Panel reserved the right to submit supplemental statements on areas not addressed by the Panel's Report. This is submitted, pursuant to that reservation, by the Panel members named below.

The statement which follows deals with the balance of strategic military power at a time when the convergence of a number of trends indicates a shifting of this balance against the United States. In the course of the Panel's study during the past year, it became increasingly clear to the undersigned that if these observable trends continue the United States will become a second-rate power incapable of assuring the future security and freedom of its people.

The President and the Secretary of Defense are fully aware of the trends which cause deep concern, and have brought these to the attention of the Congress and the public in formal reports and addresses. Yet much of the public remains uninformed and apathetic. This supplemental statement is submitted with the hope that it will contribute to public discussion and in the end to the informed public understanding which is essential in a democracy.

Now a word about the scope of this statement: It does not purport to be an exhaustive assessment of the comparative military capabilities of the U.S. and the Communist superpowers, as this can best be done by intelligence experts. Nor does it address directly the specific defense and foreign policy issues which must be resolved by the Administration and the Congress. Rather, the statement deals generally with the disquieting trends which affect adversely the strategic posture and influence of this country; with the continuing buildup of Soviet and Red Chinese nuclear capabilities, including an apparent Soviet preemptive strike capability; with the vital issue of technological supremacy; and with attitudes on the domestic front which tend to inhibit the needed public debate and thoughtful reexamination of defense policies and priorities.

It is hoped that this statement will help stimulate this debate and reexamination, with a resulting wider public understanding that the first duty of the national government is to "provide for the common defense" of our country.*

SUMMARY

The principal points in the accompanying Statement may be summarized as follows: *

The Converging Trends. The convergence of a number of trends indicates a significant shifting of the strategic military balance against the United States and in favor of the Soviet Union.** These trends include: (i) the growing Soviet superiority in ICBM's; (ii) the Soviet commitment of greater resources than the U.S. to strategic offensive and defensive weapons, with the continued deployment thereof; (iii) the possibility that present U.S. technological superiority will be lost to the Soviet Union; (iv) the convincing evidence that the Soviet Union seeks a preemptive first-strike capability; (v) the rapidly expanding Soviet naval capability; and (vi) the mounting hostility of segments of the public towards the military, the defense establishment and "the military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken the only forces which provide security for the U.S.

A Second-Rate Power. If these observable trends continue the U.S. will become a second-rate power incapable of assuring the future security and freedom of its people. Neither the facts concerning these trends nor the ultimate danger is generally understood by the public, which for the most part remains uninformed and hence apathetic.

A Soviet World Order. Since World War II a degree of world order has been maintained by the dominance of U.S. strategic military strength. This American preserved world order is now disintegrating, as doubts arise as to our will and strength to preserve it. There is reason to believe that the Soviet Union envisions a new era which it will dominate, employing superior military power and the threat of its use to achieve long-cherished political, economic and even military objectives.

The End of U.S. Superiority. In a dramatic shift in the balance of power, largely unnoticed by the public, the quarter century of clear U.S. strategic superiority has ended. The Soviet Union has moved significantly ahead of the United States in ICBM's, the principal weapons system of the nuclear age. The U.S. retains, for the time being, a substantial edge in the smaller, short-range SLBM's launched from Polaris submarines. Yet, the Soviet Union has a major submarine construction program which by 1973–74 could nullify this advantage. The U.S. subsonic B–52 bomber force still outnumbers the Soviet strategic bombers by a three to one margin, but both nations recognize the relatively obsolete character of this weapons system.

There are, of course, other elements in the equation of strategic military power. In some of these—such as MIRV and Poseidon—the U.S. is ahead of the Soviet Union. In others—such as strategic defense against missiles (ABM's) and against bomber attack—the Soviets are significantly ahead.

But however one may view the balancing, no informed person now denies that the period of clear U.S. superiority has ended. The Soviet SS–9 ICBM force alone is capable of delivering a megatonnage of nuclear warheads several times greater than that of the entire U.S. force of ICBM's and SLBM's.

A Soviet First-Strike Capability. Our planners in the 60's assumed that if both superpowers had an adequate retaliatory capability neither would prepare for or risk a first strike. The evidence is now reasonably conclusive that the Soviet Union, rejecting this assumption, is deploying strategic weapons systems designed for a first-strike capability. This evidence includes: (i) the continued Soviet production and deployment of ICBM's *after* having attained a clear numerical and megatonnage advantage; (ii) the emphasis on SS–9's designed as counter-force weapons capable of destroying U.S. hardened missile silos; (iii) the development of MRV with warheads also designed as counter-force weapons, and of MIRV by 1971–72; (iv) the development of a fractional orbital missile which significantly minimizes warning time; (v) the construction of a Y-class atomic powered submarine SLBM launching fleet capable, with no effective warning, of destroying our national command centers and much of our B–52 bomber force; and (vi) the continued

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Footnotes at end of article.

Soviet emphasis on strategic defense systems against both missiles and bombers—an emphasis without parallel in this country.

The characteristics of these offensive and defensive weapons systems, which the Soviets continue to expand, are consistent only with a preemptive strike capability. Such a weapons mix and volume are not required for effective retaliation.

A Challenging Soviet Navy. The Soviet navy, modern and rapidly expanding, is now challenging U.S. naval superiority in every category except aircraft carriers. This Soviet naval buildup is a major element in the shifting balance of military power.

Retreat from the Threat of the 70's. The situation which our country faces is without precedent. As we enter the 70's, the strategy of American superiority has given way to the concept of deterrence by maintaining an assured retaliatory capability. But there is no longer any certainty that our nuclear deterrent will remain credible to a Soviet Union which apparently seeks a preemptive strike capability, and which is moving rapidly into the role of the world's dominant military power. Red China, bitterly hostile to the U.S., also is acquiring a significant ICBM capability. It is not too much to say that in the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure.

Yet, many of our most influential citizens respond to this unprecedented national peril, not by a renewed determination to assure an adequate national defense, but rather by demands for further curtailment of defense measuers which can only increase the peril.

Cutback in Defense Spending. Although the President has submitted for FY 1971 a "bare bones" defense budget, reflecting the largest single cutback since the Korean War, public and political pressures are mounting for eevn more drastic reductions. As U.S. defense spending goes down, the trend of spending by the Soviet Union continues steadily upward. Its total military funding about equals that of the U.S., although its gross national product is barely half that of this country. The mix of Soviet spending is especially meaningful. Without the drain of a Vietnam War or public pressures to curtail defense funding, Soviet expenditures in dollar equivalents on strategic offensive and defensive weapons significantly exceed those of the U.S.

Threat to Technological Superiority. U.S. qualitative superiority in weapons, due to its advanced technology, has afforded a decisive advantage over the past years. This advantage is now being eroded away, as the U.S. falls behind the Soviet Union in the support of R&D and in the training of scientists and engineers. There is an ever present risk of disastrous technological surprise in major weaponry where an open society is in competition with a closed Communist society. We are neglecting, by inadequate support and planning, to minimize this risk.

Negotiations—Trap or Opportunity? Since the end of World War II repeated attempts have been made by the U.S. to negotiate limitations on the "arms race." Negotiations for sound enforceable limitations should be continued and hopes are now high for the success of the current SALT talks. But the total experience of negotiating with Communist nations suggests the utmost caution and the need for the most critical analysis of the possible consequences of any proposed terms. Not only is the security of this country at stake, but it is possible that a limitations agreement as to strategic weapons could have the effect of neutralizing the U.S. as a strategic power, leaving the Soviet Union and Red China relatively free to employ their superior tactical capabilities wherever this seems advantageous.

Hostility Towards the Military. At this critical time, when the balance of military power is shifting, it is uniquely unfortunate that public hostility toward national defense and the military is at an unprecedented level. This attitude reflects a broad spectrum of opinion from honest pacifists and dissenters over Southeast Asia to New Leftist revolutionaries. But the base is sufficiently broad, and the voices supporting various aspects of it sufficiently powerful, to have a profoundly adverse effect upon almost every aspect of national defense. In a democracy, national defense suffers when there is inadequate public understanding and support. It may be fatally undermined when a significant segment of public opinion is not merely negative but irresponsibly hostile.

A viable National Strategy. Unless the American people wish to accept irrevocably the status of a second-rate power—with all of the probable consequences—the only viable national strategy is to regain and retain a clearly superior strategic capability. This can be accomplished by reversing the trends identified above, and by eschewing agreements which freeze the U.S. into a second-rate status. The margin of our overall strategic strength must be sufficient to convince the most reckless aggressor that, even after a surprise first strike, the capability to retaliate will in fact survive and be adequate to impose unacceptable destruction on the aggressor nation. This course of action is not incompatible with continued negotiations for arms limitations. Indeed, it will significantly enhance the chances of negotiations being genuinely fruitful without constituting a trap.

The Consequences of Second-Rate Status. Basic Communist dogma contemplates the employment—over such time spans as may be necessary—of the entire arsenal of pressures against the U.S. as the strongest democratic power. Despite discord among Communist states, there has been no amelioration of this doctrinal goal. Throughout the past quarter century, when the Soviet Union was relatively weak strategically, it precipitated or supported crisis upon crisis—directly or through puppets and satellites—designed to extend its influence and to create disarray within the U.S. and the Free World.

It is irrational to think, with the balance of military power shifting in its favor, that the policies of the Soviet Union will be less hostile, disruptive and imperialistic.

The consequences of being second rate, even if national survival is not threatened, could be seriously detrimental to the most vital diplomatic and ecnomic interests of this country.

Weakness—The Gravest Threat to Peace. The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive. Weakness of the U.S.—of its military capability and its will—could be the gravest threat to the peace of the world.

The Blue Ribbon Defense Panel's assigned mission, though broadly defined, was related primarily to the organization and functioning of the Department of Defense and the Armed Services. The Panel was not requested to consider matters of national policy such as strategic posture, force levels, weapons systems and defense spending.

But one cannot spend a year studying the defense structure of this country without considering the vital questions of national defense policy. In the course of this study, it became increasingly clear that the balance of strategic military power is continuing to shift against the U.S.

In his Foreign Policy Report, President Nixon said:

"The overriding purpose of our strategic posture is political and defensive: to deny other countries the ability to impose their will on the United States and its allies under the weight of strategic military superiority. We must insure that all potential aggressors see unacceptable risks in contemplating nuclear attack, or nuclear blackmail, or acts which could escalate to strategic nuclear war, such as a Soviet conventional attack on Europe." [1]

If observable trends continue—in this country and abroad—there is grave doubt whether this purpose can be attained for the 1970's and beyond. The warning by Secretary Laird that the U.S. could be "in a second-rate strategic position . . . by the mid-1970's" appears to be fully justified.[2] Indeed, if these trends continue, the U.S. will become a second-rate power incapable of assuring the future security and freedom of its people.

TRENDS WHICH ENDANGER U.S. SECURITY

The trends which are combining to shift the strategic balance of power in favor of the Soviet Union include:

1. The Soviet deployment of types and numbers of offensive and defensive nuclear strategic weapons which threaten the security of this country.
2. The Soviet commitment of greater resources than the U.S. to strategic offensive and defensive weapons and weapons systems.
3. The Soviet commitment of greater manpower and resources than the U.S. to military-related research and development (R&D), thus threatening to end U.S. technological superiority.
4. The evidence that the Soviet Union seeks a preemptive first-strike capability.
5. The Soviet deployment of a fleet capable of challenging the U.S. fleet.
6. The abandonment by the U.S. of its former policy of maintaining strategic superiority.
7. The state of mind of much of the U.S. public which tends to inhibit necessary defense measures and even the full and rational discussion of the need for such measures.
8. The tendency of many to attack and criticize, whether justified or not, the military, the defense establishment, and "the military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken—at a critical time in history—the only forces which provide security for the U.S. and the free world.

It is appreciated, of course, that opinions differ as to the extent and significance of these trends. Some will think these views do not appropriately weigh such counter trends as may exist. But national defense policies in the nuclear age should be formulated conservatively, based on the most realistic assessment of potential enemy capabilities.[3] It is imprudent, indeed even reckless, to formulate such policies on the basis of subjective judgments as to Soviet and Red Chinese intentions rather than their known military and technological capabilities.[4]

Where the issues are the security of our country, the preservation of the values of a free society, and possibly the life or death of tens of millions of our people, responsible government cannot afford to run the risk of miscalculation on the optimistic side. The lessons of history abundantly teach that nations do not survive by trusting other nations to be rational or by setting examples of unilateral restraint in self defense.

THE GENERAL WORLD POSTURE

Genuine peace, the professed goal of all mankind, is as remote today as at any time since World War II.

The Asian Continent

On the Asian continent, the war in Southeast Asia drags on. Communist aggression continues in South Vietnam and Laos, and now threatens the national existence of Cambodia. With Red China building a military road across northern Laos directed toward

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Footnotes at end of article.

Thailand, apprehension mounts in that ancient kingdom.

North Korea, reckless and arrogant, attacked an American ship and plane with impunity and constitutes a threat so serious that some 60,000 American troops remain in South Korea 17 years after the tenuous armistice there.[5]

Despite internal convulsions, Red China maintains the world's largest ground forces and is acquiring a significant nuclear capability. Its despotic regime harbors and promotes the most virulent hatred of America.[6] Its ambitions within Asia—beyond Taiwan—remain obscure, although already it has conquered Tibet, conducted border incursions against India, and indicated a continuing covetousness toward Southeast Asia.

Some think the greatest threat to peace in Asia lies along the Soviet-Chinese border where ancient hostilities have been exacerbated. However this may be, Asia is a continent of discord and unrest with military strength mounting in the four Communist powers. There is no peace or prospect of it.

The Middle East

The situation in the Middle East, in terms of possible escalation into major confrontation, appears to be even more serious. A state of undeclared but active war existed between Israel and its Arab neighbors until the August 1970 cease fire. Although the Arab states have an implacable hatred of Israel they are incapable of waging modern war without the weapons, technicians and economic support provided by the Soviet Union.

The strategic significance of the Middle East is profound. The petroleum resources there are vital to the economic well being of much of the Free World. Effective control of these resources—at least to the extent of being able to deny them to the Free World—is an obvious Soviet strategic objective. Perhaps a less obvious objective is the reopening and control of the Suez Canal. This waterway, as important to the Soviet Union as the Panama Canal has been to the U.S., would provide the cheapest and most effective transportation route between the Soviet heartland in Europe and the Soviet Far East. The critical importance of this sea link is evident in relation to a possible U.S.S.R. confrontation with Red China.[7] These strategic considerations explain the willingness of the Soviet Union to incur the gravest risks of escalation. In addition to building up United Arab Republic and Syrian capabilities, the Soviet Union has deployed in the UAR some 100 Mig 21–J's and a substantial number of SAM–3 sites, all operated by Soviet personnel.[8]

The cease-fire plan appeared initially to afford an opportunity for negotiations. But this hope was dashed, perhaps irretrievably, by Soviet and UAR duplicity in deploying SAM's within the agreed truce zones.[9]

In view of Israeli-Arab hostility and Soviet ambitions in the Middle East, including its desire to out-flank NATO in the Mediterranean, there is no prospect of genuine peace in this explosive area.

Western Europe

The situation in Western Europe, the area of our most vital interest, remains relatively precarious beneath the superficial aura of peace. The Berlin Wall and the Iron Curtain still stand. NATO forces, including some 300,000 Americans, are confronted by a larger and better equipped Soviet force. This cold-war type confrontation, without precedent in history in terms of duration and scale, has lasted more than two decades with no end foreseeable.[10] One has to visit Allied bases in West Germany to comprehend even dimly the tenseness and tragedy of hundreds of thousands of armed men facing each other night and day, with air crews alert, ground units in position, command posts staffed, and the flight of every aircraft monitored.

Berlin, that indefensible symbol of freedom which we nevertheless are committed to defend, remains surrounded by Communist forces which periodically block or harass access routes by land and air. Berlin has assumed crisis proportions a number of times in the past. No one can be sure that the future will be different.

Other areas

The foregoing are the more visible and active danger areas in a troubled world, but ruptures of peace could come anyhere. A war was concluded in Africa earlier this year with heavy loss of life and infinite human suffering. There are a few stable governments in either Africa or South America, where plots and revolutions and terroristic activities are commonplace. Cuba, now an armed and erratic Communist power, is a major base for subversion, the export of revolution and possibly for Soviet naval operations.

Communists have common objective

It is true that the solidarity of the international Communist movement has been fractured. The friendship between the Soviet Union and Red China has dissolved. Even the boasted unity of the Warsaw Pact members depends nakedly upon the military might of the Soviet Union and its openly avowed "right" to employ this might against any recalcitrant member.[11]

But this disunity among Communist powers does not necessarily enhance the chances of peace for the Free World. The hate propaganda of both the Soviet Union and Red China against the United States exceeds that leveled against each other. Each has always proclaimed that the principal enemy is "imperialistic America." The Marxist dream of unity among Communist countries may have faded, but the Marxist purpose of communizing the world remains the goal of every Communist party.

This, in briefest summary, is the disordered state of the world at the beginning of the 1970's. Rational persons, familiar with the lessons of history, would hardly choose this time to undermine our own military forces either by irresponsible criticism or unilateral reductions in defense capabilities.

World order maintained by United States

Since World War II a degree of world order has been maintained almost solely by the dominance of U.S. strategic military strength. But for this strength and our will to assert it to preserve freedom, few doubt that the Soviet Union would have imposed Communist regimes on a number of other countries. It had the ambition to subjugate Greece and much of Western Europe just as it did the Eastern European satellites. But for American military strength there also would have been Communist incursions and aggressions—beyond those we have experienced—in Asia, Africa and even in this hemisphere.[12]

This world order which we have attempted to preserve has been precarious and far from effective in many instances. But at least the principal objectives have been attained. The freedom and independence of Western Europe and the opportunity of the countries there to restructure themselves economically were assured. Many nations around the world, including the emerging new nations in Africa, were encouraged to pursue courses of nonalignment. The prospect of worldwide Communist domination—a likely one in the absence of American deterrence—was not a realizable goal. But most important of all, a fragile peace was preserved between the great powers and there was no employment of nuclear weapons.

A new era—communist world order?

This American preserved world order is now disintegrating. We no longer have the power to preserve it. Nor do we appear to have the will, as a new neo-isolationist fever dims the perception of our people. The Communists everywhere applaud this end of an era, and even many in our country seem to welcome it.[13]

Whatever one's views on this point may be, the critical question now is what sort of world order will exist in the years ahead. There is every reason to believe that the Soviet Union envisions the new era as one which it will dominate, employing its military power and the threat of its use to promote and attain its own imperialistic objectives.

Second best in a troubled world

Thus, as we enter the 1970's America is confronted with an inherently unstable world situation in which "little wars and revolutions" can escalate and major wars develop on short notice. We face a world in which the military balance of power is shifting from the West to the East, and the world order sustained by dominant American power is fading away. In the most optimistic view, a precarious order will continue as the two superpowers maintain an uncertain balance of deterrence. A less optimistic view, and one supported by the weight of the evidence, is that the United States will become a "second rate" power subordinate to manifest Soviet military superiority. In that case, the world order of the future will bear a Soviet trademark, with all peoples upon whom it is imprinted suffering Communist repressions.[14]

THE END OF U.S. MILITARY SUPERIORITY

The facts set forth in the Reports of the President and the Secretary of Defense, mentioned above, clearly foreshadow the end of U.S. military supriority.[15] This was predetermined by decisions made in the 1960's, which resulted in the reduction, postponement and abandonment of strategic defense measures and weapons systems. These decisions reflected the budgetary priorities of the Vietnamese war as well as a desire to deescalate the strategic arms race by an example of self-imposed restraint.

In any event, the U.S. is now face-to-face with the fruits of this unilateral strategic arms slowdown.

Soviet missile superiority

The Soviet Union has attained for the first time a superior strategic capability—where it counts the most—in ICBM's. The U.S. froze its ICBM's at 1,054 in the mid-60's when the Soviets had less than 250 ICBM's. While we imposed a limitation on additional strategic weapons, the Soviets pressed forward to overtake and pass us. Intelligence estimates indicate that they now have over 1,250 operational ICBM's, and will have about 1,300 by the end of 1970.[16]

More than 275 of the operational Soviet ICBM's are SS–9's, each capable of delivering 25 megatons as compared to the one megaton payload of the U.S. Minuteman.[17] The major portion of the remainder of the Soviet ICBM's are SS–11's and SS–13's, each capable of a payload as large as that of Minuteman.[18]

More serious than the numerical superiority is the substantial megatonnage advantage enjoyed by the Soviet Union. The enormous payloads of the SS–9's have a destructive capacity incomparably greater than any U.S. missile; they have a wider margin of error; they are effective against hardened missile silos as well as population and industrial centers; and their launch vehicle is capable of far more extensive MIRV systems than any U.S. missile.

Although the U.S. has frozen the number of its ICBM's at 1,054, we have commenced to deploy Minuteman III with MIRV warheads. This is a significant qualitative advance in missile technology. The Soviets are believed already to have deployed MRV's in some SS–9's,[19] and they have recently tested what appears to be a MIRV system for the SS–

Footnotes at end of article.

11 missile, indicating an early capability comparable to Minuteman III.[20]

The qualitative lead of the U.S. in MIRV's and guidance systems may prove to be short lived in view of Soviet success and the scale of its effort. The Soviet Union's advantage in numbers and megatonnage of missiles also seems certain to increase, as it continues to construct and deploy ICBM's at a rate that could result in a force more than double that of the U.S. by the Mid-70's.[21] At that level of superiority, the Soviet Union would have the capability of effectively destroying both the U.S. ICBM and bomber forces as well as our cities.[22]

Polaris—A vital but limited response

The U.S. is fortunate to have its Polaris force, consisting of 41 atomic powered submarines capable of launching a total of 656 missiles (SLBM's). As in the case of ICBM's, we froze the number of Polaris submarines in the mid-60's and no new ones are authorized.

We have commenced the conversion from Polaris to the Poseidon configuration, increasing the size and range of the SLBM warheads. The Defense Department projects the ultimate conversions of 31 submarines, although only eight have been authorized by the Congress.

The U.S. superiority in this category of strategic weapons is also being challenged. The Soviet Union is now engaged in a priority construction program for its Y-class atomic powered submarine which is superior in some respects to Polaris. Ten of these submarines are believed to be operational, each with 16 SLBM's, and the Soviet Union is producing as many as eight to ten new vessels per year in two shipyards. By 1974–75, if this program continues, the Soviet Union will have some 50 Y-class subs with a missile capability greater than our present Polaris force.

Y-class submarines are already patrolling the U.S. coast. Their deployment constitutes an ever-present threat to the survivability of our national command headquarters, to most of our major cities, and increasingly to the bomber element of our deterrent.[23]

Balancing the two SLBM forces against each other is not meaningful without considering the relationship of other strategic weapons systems and their survivability following a preemptive strike. If, as indicated above, the Soviet ICBM force attains the capability of destroying or neutralizing our ICBM and bomber forces, the only remaining retaliatory strategic weapons system would be Polaris.

But is it prudent, by tolerating an increasing Soviet ICBM superiority together with a rapidly expanding SLBM capability, to risk the security of the U.S. on a single retaliatory system which we do not plan to enlarge (except qualitatively) and which has definite limitations? Of our 41 Polaris submarines, a significant number are always in port and nonoperational. This means that at any given time our Polaris "assured retaliation" is considerably less than the specified total capability. Soviet strategists may conclude, as their ABM system is extended and improved, that—following a massive preemptive first strike—the damage potential of our SLBM response would be an acceptable risk.

Moreover, there can be no assurance that the presently assumed invulnerability of Polaris will continue.[24] As the Senate Armed Services Committee has said: "We cannot assume that our Polaris system will be the first weapon in history to remain invulnerable."

Strategic bombers

The third element of the U.S. strategic force consists of about 550 B–52 bombers, as compared with some 20 Soviet strategic bombers. Although a vital weapons system for many years, the subsonic and obsolescing B–52's are approaching the end of their effectiveness as a major strategic system. Both the U.S. and the Soviet Union are gradually minimizing their reliance upon existing strategic bombers. In assessing the strategic balance of power for the 70's, one must discount the role and significance of these aircraft.[25]

The misleading "numbers game"

There is a pervasive public misunderstanding as to the comparative strategic capabilities of the U.S. and the Soviet Union. This may well result in major part from the widespread practice—among some of the media and among others who minimize the need for national defense measures—of treating nuclear warheads as if they were fungible. This has sometimes been referred to as the "numbers game," namely, the mere counting of warheads without analysis of megatonnage, range, accuracy, survivability and reliability of delivery.

The typical presentation of comparative strength simply totals "the number of warheads deliverable by the U.S. and Soviet strategic systems." An example, which made first-page news, was a tabulation taken from The Strategic Survey showing the U.S. capable of delivering 4,235 nuclear warheads as against only 1,880 by the Soviet Union. The tabulation apparently added together all ICBM's, SLBM's and each warhead which U.S. and Soviet bombers are capable of carrying. Thus, a single bomb or one air-to-ground missile on a B–52 was equated with a Soviet 25-megaton ICBM. This simplistic type of comparison creates the illusion of abundant security, if not U.S. over-kill capability.

It would be difficult to conceive of a better way to mislead the public than to present—without precise definition and analysis—comparative figures of this kind. Those who present such distortions contribute to the confusion rather than enlightenment of our people.

If one wished to make a dramatic comparison indicating precisely the opposite result, the basis could be deliverable megatonnage rather than numbers of warheads. The 300 Soviet SS–9's, expected to be operational by the end of this year, will be capable of delivering 7,500 megatons with a destructive capability several times greater than the total warhead capaciy of our entire ICBM and SLBM forces. While such a comparison would be far more meaningful than the "numbers game," it also would be an oversimplified presentation of vastly complex relationships and components of strategic military power.

Other weapons systems

There are, of course, aircraft carriers and other tactical means (by fighter bomber aircraft and short-range missiles) of delivering nuclear warheads. This is not the place to discuss or balance these out in detail.[28] But analysis of the comparative numbers, types and probable employability of these weapons in a time of national or international peril is not reassuring.

The available tactical means of delivery do significantly augment the U.S. strategic forces. It must be remembered, however, that the Soviet and Warsaw Pact tactical forces deployed against NATO possess overall capabilities superior to those of NATO.[29]

This tactical superiority is fortified by the rarely mentioned Soviet intermediate range ballistic missile force (IRBM), a type of weapons system we no longer possess. The Soviet Union has deployed more than 700 IRBM's targeted against Allied and U.S. military forces and the cities of Western Europe. Following a preemptive first strike, with these and shorter range missiles, there would be little American or Allied retaliatory capability remaining there. Indeed, in view of the threat of certain destruction of much of Western Europe posed by Soviet IRBM's, one may question whether NATO would be willing to employ tactical nuclear weapons even against a Soviet attempt to overrun Western Europe with conventional forces.

In short, if the U.S. no longer possesses the strategic superiority which has been the ultimate "shield" protecting the European democracies, the tactical imbalance against the West could result in profound new military and political problems.

A Soviet first-strike capability

Our planners in the 60's assumed that if both super-powers had an adequate survivable retaliatory capability neither would risk a first strike. They further assumed that the Soviet leadership would be content with this "balance of deterrence," especially if—by freezing our own program—we permitted the Soviet Union to attain a rough parity of strength. Little consideration appears to have been given to the possibility that the Soviets would not "buy" such a rational program, but rather would seek a capability to neutralize the effectiveness of our retaliatory response.

It now appears that the Soviet Union is developing just such a capability. It is producing and deploying offensive nuclear weapons with the capability, when sufficient are deployed, to destroy the ICBM and bomber elements of our retaliatory forces. At the same time, the Soviet Union is pressing ahead with an anti-ballistic missile system designed to provide a strategic defense against such U.S. retaliatory missiles as might survive a first strike.

It is to be remembered that, with the possible exception of our obsolete B–52 force, our strategic weapons are designed primarily for retaliation against enemy centers of population. They are not designed as counter-force weapons and with their limited warheads are not an effective weapon for destroying Soviet ICBM's in hardened silos. This is in accord with America's irreversible commitment never to make a first strike, and to rely—as a deterrent—on having enough operational missiles *after* an enemy strike to destroy its population centers.

This entire theory becomes untenable if the enemy develops (i) an offensive first-strike capability against our means of delivering retaliatory missiles and (ii) a defensive capability of protecting much of its heartland from such U.S. missiles (e.g. Polaris) as survive the preemptive strike.

The evidence is reasonably conclusive that the Soviet Union is planning precisely these capabilities. This is not to say that a preemptive first strike is intended, but rather that weapons systems which are needed *only* for such a purpose are being deployed:

SS–9 missiles. These missiles, with 25-megaton warheads capable of destroying American ICBM's in hardened silos, are designed as a counter-force, preemptive strike weapon. Warheads of this size are not needed for retaliation against even the largest city. The Soviets are continuing to produce and deploy these monster missiles.

SS–9 with MRV. This multiple reentry vehicle contains a cluster of three warheads each capable of delivering five megatons. Our MIRV warheads for Minuteman III are pigmies by comparison, deliver only 200 kilotons, and are designed—not as counter-force weapons—but to penetrate ABM defenses of enemy cities.[30]

SS–11's buildup. The Soviets also are continuing to produce and deploy SS–11's, despite having attained missile superiority over the static U.S. force. They have now tested what appears to be a MIRV system for their SS–11's, which—when deployed—will escalate the ratio of superiority.

Soviet ABM deployment. The Soviet Union is committing large resources to strategic defense systems, both against missiles and bombers.[31] The Moscow population and industrial area are already protected by the Galosh system, with 67 launchers for multistage missiles with megaton warheads.[32] The Soviets are also deploying at about half-a-dozen points around the Soviet Union giant "Henhouse" radars for ballistic missile defense acquisition and tracking. As the radar

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installation is the long lead time component it is possible that the Soviets are extending their Galosh ABM system to protect many other areas. They are some five years head of the United States in this vital element of strategic power.[33] To the extent that Soviet cities and industrial areas are protected (while ours remain unprotected), the credibility of our retaliatory threat diminishes.

FOBS. The Soviets are developing a fractional orbital nuclear weapons system designed to minimize warning time.[34] This weapon is consistent with a first-strike strategy, as it virtually precludes the possibility of enough warning to fire our missiles or get our bombers off the ground.

Soviet SLBM's. The Y-class submarines described above will have the capability of eliminating most of our B-52 bomber force.[35] Also these SLBM's will constitute a grave threat to Washington, D.C., and to our national command centers.

It is clear from the foregoing and other evidence that the Soviets never have accepted the assumption upon which American strategic planning has been based. The structures of both their offensive and defensive forces strongly indicates that they have planned—and are moving to achieve—a first-strike capability of destroying our urban centers *and* neutralizing our retaliatory weapons except such Polaris submarines as happen to be on station.[36]

In contemplating what risks responsible officials and members of Congress are willing to assume on behalf of the American people, it is well to remember that we have no defense whatever against Soviet ICBM's and SLBM's which now have the capability of killing perhaps half of our population—more than 100 million people—by a surprise first strike.

Soviet "Blue Water" Navy

The weapons described above relate to the Soviet Union's strategic nuclear capability. The growing Soviet Navy is a threat of a different kind, and yet it confirms Soviet intentions to be the world's dominant military power.

For centuries, both under the Czars and more recently under Communist rule, Russia was a land power with limited capability at sea. Virtually landlocked, it was not a maritime power in a "blue water" sense. This has changed strikingly in recent years, as the Soviet Union has now achieved a challenging naval capability. It has the largest conventional submarine fleet; it is moving rapidly to overtake the U.S. in ballistic missile submarines; it has by far the strongest force of surface-to-surface missile-launching ships; and it leads the U.S. in numbers of cruisers, destroyer escorts and patrol boats. Only in aircraft carriers—presumably considered by the Soviets to be vulnerable to missile-launching vessels and aircraft—has the Soviet navy failed to challenge the U.S.

More important than numbers is the quality of the vessels. Although our carrier force is formidable indeed, the U.S. has failed to maintain a balanced navy of modern surface ships. The majority of our fleet vessels are more than 20 years old, many with obsolescing weapons and equipment. By contrast, most of the Soviet fleet is relatively new and modern,[37] often with vessels of greater speed, fire power and more advanced electronics than comparable vessels in the U.S. fleet.[38]

The Soviet naval buildup, like its strategic missile deployment. is a major element in the shifting balance of military power. Although not itself a direct threat to the continental United States (except the submarines), the new and growing Soviet naval strength affects adversely the diplomatic and economic position of the United States throughout much of the world. It also threatens an historic American policy, namely, freedom of the seas.

The U.S., traditionally a sea power, has extensive worldwide commitments. These range from the defense of U.S. states (Hawaii and Alaska), and its territories and bases, to the protection of American citizens and investments in scores of countries. These commitments also include treaty obligations to our allies, and the supplying of U.S. Armed Forces abroad. Our extensive international trade is essential to the continued prosperity of our people. U.S. commitments in all of these respects can be fulfilled only by maintaining control of the seas, now being increasingly challenged by Soviet naval power.

For some three centuries the British navy preserved freedom of the seas and fostered international trade. There were also other naval powers, including the U.S., Japan, Germany, France and Italy. All of this has changed beyond recognition in a dramatic shift of sea power. All of these navies (except that of the U.S.) have ceased to exist as blue water fleets. England has dismantled its great bases around the world, and the vacuum thus created is being filled by the Soviet Union. The Indian Ocean and the Mediterranean east of Malta are already dominated by Soviet naval power. There are no limits to the seas in which the Soviet navy now operates, as demonstrated by its naval maneuvers.[39]

In the new era—in which a Soviet world order is envisioned by its Communist rulers—this navy will increasingly endanger the most vital diplomatic, military and economic interests of the U.S.

Retreat from the threat

The situation which our country faces is without precedent. For a few years following World War II our national security was complete and unchallenged. In the early 50's the Soviet Union became a nuclear power and, with gradual but increasing momentum, it undertook to challenge American superiority. But we enjoyed marked advantages in our industrial base, our technology, and in the sheer number and quality of strategic weapons. In the 60's our complacency in this respect became so great, and our preoccupation with the Vietnam war so distracting, that we neglected our strategic posture.

As a result, we enter the 70's confronted by (i) a superior Soviet offensive missile capability, (ii) a marked Soviet advantage in defensive missile capability, (iii) a menacing Sovet fleet, and (iv) with respect to all of these, a Soviet commitment and momentum which is quite unmatched in this country. We are also confronted, as Red China orbits its first satellite, with the certainty of a new and growing ICBM capability from that irrationally hostile nation.

Within a span of less than two decades we have moved from complete security to perilous insecurity.

Yet, the response of the public generally, much of the media and many political leaders ranges from apathy and complacency to affirmative hostility—not against the potential enemies which threaten us—but toward our own military establishment and the very concept of providing defense capabilities adequate to protect this country and its vital interests. The state of public opinion is such that some responsible leaders, fully familiar with the threat, believe it is futile to seek adequate defense funding. Thus, we respond as a nation—not by appropriate measures to strengthen our defenses, but by significant curtailments which widen the gap.

In short, the mood of the people and much of the Congress is almost one of precipitous retreat from the challenge. This paradox in response to possible national peril is without precedent in the history of this country.

THE CUTBACK IN DEFENSE SPENDING

It is in this mixed climate of euphoria and retreat that a major retrenchment in America's defense effort has been deemed necessary. The defense budget proposed for FY 1971, totaling $71.8 billion in proposed expenditures, reflects the largest single cutback in defense spending since the Korean War.[40] Yet a significant portion of our political and intellectual leadership is demanding even more drastic reduction.

Difficult budgetary decisions

In addition to the public malaise, it must be recognized that the Administration and the Congress are confronted with extremely difficult budgetary decisions. The problems include (i) pressing and escalating domestic needs, (ii) inflationary costs (iii) the continued drain of the Vietnamese war, and (iv) the imperative necessity of a budget more nearly in balance after years of deficits.

Quite apart from public and political pressures, there is an obvious need for some restructuring of national priorities as well as the effecting of all possible economies. The impact of all of these pressures centered on the defense budget, which the Secretary of Defense describes as a "bare bones" one. It is also recognized as "transitional," pending to some extent the outcome of the SALT talks and affording time for a more penetrating analysis by the new administration of defense needs, options and priorities.

Inadequate funding

As understandable as the resulting budget may be, it entails the assumption of defense risks which seem unjustified.[41] The $71.8 billion dollars proposed for FY 1971 is $9.8 billion below the Johnson administration budget proposal for FY 1970, and constitutes 7% of estimated gross national product—the lowest percentage since FY 1951. This proposed funding would constitute 34.6% of the total federal budget, the lowest commitment to defense since FY 1950.[42]

Greater Soviet effort

There has been no comparable restraint exercised by the Soviet Union either with respect to overall defense spending or the funding of its strategic programs. On the contrary, the trend of Soviet defense spending continues steadily upward. Its total military funding about equals that of the U.S., although its gross national product (GNP) is barely half that of this country. If expenditures on the Vietnam war are excluded, the total Soviet effort substantially exceeds that of the U.S. But the mix of the spending is especially meaningful in view of its effect upon the strategic balance of power. The Soviet Union is spending significantly more than the U.S. in the buildup of its strategic offensive and defensive weapons.[43]

The results of this greater Soviet effort are now reflected in their dramatic gains in ICBM's, SLBM's and other advanced weapons systems. If we continue to permit the Soviet Union to outdistance the U.S. in defense effort, it is inevitable that the security of this country will be endangered. As Secretary Laird has warned:

"Time and again in our past history our nation has paid a heavy price for allowing its armed forces to dwindle to levels that proved to be too low to discourage or to counter aggression."[44]

In view of the crescendo of demands for further reductions in defense spending, we may be well along the road to reliving this past history.

THE THREAT TO TECHNOLOGICAL SUPERIORITY

There are three disturbing trends in defense funding: (i) the magnitude of the overall reduction, (ii) the unfavorable balance between Soviet spending on strategic forces as compared to our effort, and (iii) a similar unfavorable balance in the critical area of research and development (R&D). Of these, perhaps the last is the cause for greatest concern.

Soviet challenge to U.S. technology

The U.S. has enjoyed a clear technological superiority over the Soviet Union and all other countries until recently. It has been this qualitative superiority, rather than the

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size of forces or numbers of weapons, which has enabled America to deter major war and protect the Free World during the past quarter of a century. This superiority is today being successfully challenged by the Soviet Union.[45]

In addition to talented leadership and the necessary industrial base, the essential ingredients of a vital and competitive technology are skilled manpower and adequate R&D funding.[46] The U.S. is falling behind the Soviet Union in both of these respects.

More graduate engineers

As of 1969, the Soviet Union was believed to have about 550,000 full-time R&D scientists and engineers, as compared with about 540,000 in the U.S. But the Soviet Union is graduating annually a substantially greater number of engineers than the U.S., and its technically trained manpower base is projected steadily to outdistance that of the U.S.[47]

Greater funding of R&D

Comparative funding data for military-related R&D (including space/atomic energy) in the Soviet Union and the U.S. reflects a similar disparity. Soviet annual funding for this purpose is now estimated at about $16 to $17 billion as compared with U.S. funding of about $13 to $15 billion. Again, the trend is also adverse as the Soviet military R&D effort during the 1960's increased by about 60% while that of the U.S. increased 30%.[48]

Secretary Laird has pointed out that "the Soviet Union is devoting more effort to military-related R&D than is the U.S.," with its rate of such expenditures increasing "about 10–13% annually" while comparable U.S. expenditures "remain relatively constant."[49]

Threat to Minuteman

In relating our need for the most advanced technology to the Soviet threat, Dr. Foster has testified that by early 1974 the Soviet Union, if it continues its ICBM production and deployment, will be able "completely to overwhelm the present Minuteman portion of our deterrent."[50] He stated that the Safeguard program (ABM) should improve the survivability of a significant fraction of the U.S. land-based missiles. But the long-range survivability of an adequate number of our ICBM's cannot be assured without a more extensive and effective ABM system than has been proposed. The critical necessity of providing alternative measures is now a priority task of R&D.[51] Dr. Foster cited this problem as one example of the frightening way in which advancing technology obsolesces both offensive and defensive weapons and even entire weapons systems. Indeed, he states a "major restructuring of our strategic forces may be necessary to insure survivability."[52]

Lead time—A free society handicap

The problem of "lead time" in weapons development is particularly acute in competition between an open and a closed society. The time span between initial R&D and deployment may range from five to fifteen years, depending upon complexity and rapidity of new developments requiring changes or redesigning. In a Communist state, where secrecy is both an obsession and a way of life, the development of a new weapon may be concealed—even from our most intensive intelligence efforts—until testing begins or often until the completed weapon is displayed in Red Square. This gives the Soviet Union and Red China at least a five-year time advantage in developing new weapons systems. If a major technological breakthrough should catch us by surprise the results could be catastrophic.[53]

Hope of survival—Technology superiority

There is no way completely to guard against the possibility of some dramatic and concealed technological advance in weaponry. But this risk is minimized directly in proportion to the extent we maintain an overall superior technological base and a more effective R&D effort than any other nation.

It is precisely here that recent trends create serious doubts as to the future security of this country. The United States can never match its potential enemies in land armies or in numbers of tactical weapons. Our only hope of survival is to maintain clear weapons superiority. This simply cannot be achieved by permitting our industrial and technological manpower bases to erode and by inadequate emphasis on R&D.

No subject in the entire spectrum of defense problems deserves a higher priority of thoughtful and urgent attention.[54]

NEGOTIATIONS—TRAP OR OPPORTUNITY

One of the reasons assigned for the "transitional" budget proposed for FY 1971 is the hope that the present Strategic Arms Limitation Talks (SALT) will be fruitful. Some political leaders have urged even greater restraint than that reflected in the reduced budget, arguing—despite all experience to the contrary—that the Soviets might be influenced favorably by our example.

The object of SALT

There are obvious reasons for seeking to halt the escalation of nuclear weapons. The logic of the situation—at least on the surface—calls for a "freeze," which seems such a facile and popular solution. In simplest terms, the object of SALT is to agree upon a limitation—and perhaps a gradual reduction—of strategic nuclear weapons. An effective agreement to this end which does not leave either side at the mercy of the other, which does not in itself alter the balance of power, and with procedures to assure compliance, would be welcomed by most of the world. SALT therefore deserves the most careful attention, as all avenues toward a more peaceful world must be explored.

Disarmament talks—Record of failure

But whatever the hopes and opportunities of SALT may be, there is no precedent in history of effective disarmament being accomplished by agreement between major powers with divergent national interests. Nor has U.S. experience been reassuring. There is nothing new about our seeking disarmament through negotiation. This has been the most consistent element in American foreign policy since the beginning of the nuclear age. Few seem now to remember the U.S. offer to prevent an atomic arms race by delivering its stockpile to the United Nations—an offer rejected by the USSR. Periodically since then various efforts to slow or halt the arms race by negotiation have been frustrated in every instance by the intransigency of the Soviet Union.

It is true that three negotiations have been successful in the sense that limited agreements were reached on important issues. Yet none of these agreements has slowed the pace of the Soviet armaments or its manifest quest for superiority. Indeed, we may have magnified and perhaps even misconstrued the significance of such agreements.[55]

Communist concept of negotiation

All Americans would like to think—despite the absence of convincing evidence—that the Cold War is over and that we have indeed entered a new era of negotiation. Our desire for peace is so strong and our national inclination to assume reciprocal friendliness and rationality so genuine, there is danger that we may assume without justification a similar spirit on the part of the Soviet leaders.[56]

But it is prudent to remember that the Communist concept of negotiation is radically different from ours. They view it as a component of conflict, with the objective of gaining an advantage without conceding anything. The classic description of the Soviet approach is as follows:

"Soviet officials do not converse with foreigners: they compete. There is no searching for understanding in conversation as we understand it in the West, no effort at accommodation of the mind, not even the slightest hint or suggestion that the Soviet Union has ever done anything that was in anyway wrong or even unwise, imprudent or intolerable. Their idea of give and take in a talk is simple: You give, they take."[57]

Few American diplomats have had greater experience in attempting to negotiate with Communists than Dean Acheson. Writing his autobiography with the sober perspective of time, he said:

"What one must learn (from our experiences) is that the Soviet authorities are not moved to agreement by negotiation—that is, by a series of mutual concessions calculated to move parties desiring an agreement closer to an acceptable one."[58]

Humiliation and futility

The dreary and frustrating record of negotiating with Communists abundantly documents the foregoing views.[59] One need not go back to the disillusionments of Yalta and Potsdam, to the exasperating negotiations over Berlin, or to the recurrent disarmament talks which have foundered on the Soviet determination to take all and give nothing. The past failures are legion and recent experience affords little basis to expect anything different. Seventeen years of humiliating effort have failed to produce a negotiated settlement of the Korean War, and the mockery in Paris has now continued for nearly two and one-half years. It will be said that the Soviet Union has not been a direct party to the Panmunjon and Paris talks. Yet no one familiar with the realities of world power and politics doubts that the Soviets could make these discussions meaningful whenever they so desire.[60] Rather, they continue to support the aggression in Southeast Asia and the threat of aggression in Korea, while the "peace" talks are exploited for Communist propaganda.

The most recent example of the unwisdom of relying upon USSR assurances is its role in sabotaging the Middle East cease fire by supporting, if not participating in, the violation thereof by the UAR.[61]

Trap for the unwary?

This is the historical framework in which all negotiations with Communist powers should be viewed. We must continue to hope and to strive for a genuine change of attitude and for some constructive results. In the nuclear age, every opportunity to negotiate and to improve channels of communications must be pursued. But there is always the danger of fatal concessions or even of a deliberate trap.

The Soviet Union has been an unpredictable and aggressive power, certainly for the past 30 years.[62] It has acted with stealth, surprise, and ruthlessness—when it attacked Poland in concert with Nazi Germany; when it subjugated its allies, Hungary and Czechoslovakia; and when it moved to deploy missiles in Cuba.

The Soviet Union has been making a massive effort, out of all proportion to its own resources or any external threat, to acquire and extend strategic nuclear superiority over the U.S. Its record of feverish military preparation is unequaled since Hitler—determined upon conquest—structured his Wehrmacht for World War II. The Soviet Union has shown an almost paranoiac hostility toward America and "capitalist imperialism," as evidenced by its consistently hostile conduct in every arena of international affairs and by its pervasive anti-American propaganda for a quarter of a century.

Only the reckless or the naive would negotiate with such an adversary except with the greatest caution and skepticism. Likewise,

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we would indeed risk the security of our country if defense planning and funding are predicated on assumptions or hopes as to the willingness of the Soviet Union to agree to mutually fair and enforceable disarmament.

As President Nixon well said, "we cannot trust our future to the self restraint of countries that have not hesitated to used their power even against their allies." [63]

Strategic implications of a "freeze"

It is possible that the Soviet Union sees SALT as an opportunity to assure indefinitely for itself, by agreement, a position of military superiority. This would be accomplished if we were foolhardy enough to agree to an arms limitation which left the U.S. vulnerable to a Soviet first-strike capability or which otherwise undermines the credibility of our capacity effectively to retaliate. But one may assume that U.S. negotiators will not commit such egregious folly.

There may be a less visible danger. The Soviet Union could strengthen its overall military and political position by an agreement which freezes strategic capabilities at some level of specified parity. Even if it be assumed that the result would be genuine strategic parity [64]—rather than the freezing of the present Soviet advantages—the consequences could still be profound in terms of total military power and diplomatic influence.

The Soviet Union is appreciably stronger than the U.S. in tactical forces and weapons. Moreover, the Soviet Union has some 700 IRBM's deployed within convenient range of defenseless Western European cities and NATO forces. The Soviet tactical forces—capable of overrunning much of the land mass of Europe, Asia and Asia Minor—have been restrained for the past quarter century by the "shield" of the U.S. superior strategic nuclear forces. If this shield is neutralized by agreement, what restraints will then exist against Communist non-nuclear aggressions?

If such a neutralization occurs, the implications are disturbing and far reaching. Will the Soviet Union be emboldened to employ its superior tactical capabilities, secure in the knowledge of an agreed strategic standoff? Will the posture of NATO forces thereby become so untenable that the countries of Western Europe deem it prudent to move into the orbit of Soviet influence? Or, to forestall such an unwelcome move, will the U.S. find it necessary substantially to augment our NATO tactical forces? What will be the effect upon U.S. influence and interests in other friendly countries around the world?

These and related questions bring the SALT negotiations into sobering perspective. One may doubt, without in any way degenerating the importance of SALT, whether such questions have received the public discussion and scrutiny which they so manifestly deserve.

THE HOSTILITY TOWARD THE MILITARY

One of the trends in this country—perhaps the most fundamental one—which causes concern is the increasing public hostility toward "the military." This is not the place for a full discussion of this gravely disquieting problem. Some aspects of it are alluded to in the body of the Panel Report, and a brief reference is made above to the effect on defense funding. But the consequences of a largely hostile or even an apathetic public are not limited to reduced military spending. The entire structure of our defense edifice suffers when there is inadequate public understanding and support. It may be fatally undermined where public opinion is not merely negative but aggressively hostile.

Revolution on the campus

Already this level of hostility exists on the college campus and the virus is spreading. There is a widespread revulsion to the Vietnamese war and resentment of the draft, with its disruption of life plans. It is understandable, and in accord with our best traditions, that the young people who are asked to serve in the military forces should be concerned and skeptical. They have every right to ask why, to debate the assumptions and judgments with respect to defense needs, and to disagree with them. This right is acknowledged and should be zealously defended.

But there are militant and revolutionary minorities on many campuses who abuse this and other rights in their desire to destroy American institutions. A favorite tactic is forcibly to deny free speech to all who entertain different views, relying not on reason and rational discussion but on coercion and violence. Examples of this fascist-minded conduct are legion. They have demeaned the life and quality of education on some of the most prestigious campuses of this country.[65]

The hostility gains support

The greatest cause for concern is not that a few thousand New Leftist revolutionaries are on the move. Rather, it is that they—and their lawless conduct—are tolerated and often supported by a broad base of otherwise responsible students, faculty and even college administrators and trustees.[66] Many of the tactical "causes" of the New Left have acquired a broad appeal. Foremost among these is the crusade against the Armed Services, the Defense Department and—the favorite whipping boy of all—the "military-industrial complex." [67]

We have witnessed all too frequently the disheartening spectacle of avowed revolutionaries being accorded respectability by many fellow students and faculty members as well as by the national publicity so generously provided by the media. Among the most popular campus speakers are these leftists whose goal—in accord with Communist objectives—is to disarm America.

A movement of this magnitude does not remain confined to the campus. It has widened rapidly to engulf a significant segment of opinion makers in this country. Most of those who now participate in the criticism certainly do not go as far as the leftist extremists. Many remain well within the limits of legitimate comment and criticism. But the outcry against "the military" is now orchestrated with freightening unanimity—not only on the campus but by much of the media, in the theater and arts, and widely among some politicians. We may have reached what amounts to a subtle form of censorship by consensus. Few are willing to speak out in defense of the military, and even fewer in support of increased defense funding. The public figures who have the courage to present a "different" viewpoint are predictably assailed as "warmongers" and "jingoists."

One has to go back to the days of McCarthyism to find such intolerance and repression of rational discussion of issues of the gravest national import.[68]

The consequences

The short-range consequences already are becoming apparent. Marked success has been attained in slandering the ROTC, in driving military recruiters from the campus, in denying recruiting opportunities to defense-related industries, and in some curtailment of university-based military-related research and development. The number of draft dodgers and deserters, encouraged not merely by revolutionaries but by many who consider themselves respectable citizens, is a cause for increasing concern.[69]

Other predictable consequences of this hostility include the adverse effect (i) on the general recruiting and retention of military personnel; (ii) the number and quality of applicants for the service academies; and (iii) on the morale and espirit of the Armed Services of our country, both at home and abroad.

There also will be an inevitable weakening of the American concept of civilian orientation of the military. Some of the institutions and practices which are prime targets of the New Leftists tend significantly to perpetuate educated civilian influence on our military affairs and establishment. One would have thought that those who distrust "the military" would be zealous to strengthen—rather than undermine—this wholesome influence.

In its broadest scope, the result of the widening public alienation from the military will be the weakening of the defense of our country and freedom everywhere. This is precisely the end desired by the revolutionaries.

The role of responsible dissent

It should be made clear at this point that no thoughtful person suggests that the military, or any aspect of national defense, is above criticism. The role of responsible criticism and dissent is vital to the health of a democracy, and for the reasons pointed out by President Eisenhower there must ever be a vigilant public overseeing of the defense establishment. This is necessary to assure the civilian control prescribed by law. It is also necessary because, in a troubled world with nuclear weapons and huge defense requirements, national security is too important to leave to the military, to Congress, to the Executive Branch or indeed to any single segment of our society. An appropriate national defense posture, adequate but not excessive, is a matter of the most urgent national concern, and every aspect of it should be subjected to the widest and most thoughtful scrutiny and inquiry.

But it is one thing to exercise responsibly these attributes of democracy. It is quite something else—by resort to irrational abuse and indiscriminate criticism—to destroy the effectiveness of the only instrumentality which protects from foreign aggression the freedoms we all cherish.

A VIABLE NATIONAL STRATEGY

Unless the American people wish to accept the status of a second-rate power—with all of the probable consequences—the only viable national strategy is to regain and retain a clearly superior strategic capability. This can be accomplished by reversing the trends identified above, and by eschewing agreements which freeze the U.S. into a second-rate status. The margin of our overall strategic strength must be sufficient to convince the most reckless aggressor that, even after a surprise first strike, the capability to retaliate will in fact survive and be adequate to impose unacceptable destruction on the aggressor nation. This course of action is not incompatible with continued negotiations for arms limitations. Indeed, it will significantly enhance the chances of negotiations being genuinely fruitful without constituting a trap.

The requisite resources

It will be said that domestic needs should have priority and that we cannot afford to continue an "arms race" with the Soviet Union. The truth is that this country can and must meet both its domestic and defense requirements. If we fail in either, there is little future for America as we know it or for our cherished freedoms.[70]

The U.S. has all of the requisite resources, except perhaps the will. The Soviet Union has a gross national product only half that of this country. It lacks a comparable industrial and technological base, and it has a backlog of domestic demands which—suppressed as they may be—vastly exceed those of this country. Indeed, in terms of consumer goods and standard of living the Soviet Union is at least a half century behind the U.S. In any contest to establish and maintain a superior military capability, we have an overwhelming advantage in the necessary resources.

Footnotes at end of article.

Need for public understanding

But in our free democracy, as contrasted with a totalitarian regime, the ultimate defense posture is determined by the will of the people. It is here we suffer a serious disadvantage, especially at a time of disillusionment with international responsibilities and a greater concern with pressing domestic needs. The only hope of minimizing this disadvantage is to assure a wider public knowledge of the facts and an understanding of the probable consequences of second-rate military status.

THE CONSEQUENCES OF SECOND-RATE STATUS

The American people must be reminded that basic Communist dogma contemplates the employment—over such time span as may be necessary—of the entire arsenal of pressures against the U.S. as the strongest democratic power. Despite discord among Communist states, there has been no amelioration of this doctrinal goal. Throughout the past quarter century, when the Soviet Union was relatively weak strategically, it precipitated or supported crisis after crisis—directly or through puppets and satellites—designed to extend its influence and to create disarray within the U.S. and the Free World. Throughout this time it waged, as did Red China, massive political warfare against the United States, including subversion and propaganda as well as economic and diplomatic pressures. Nor did the Soviet Union hesitate to employ techniques of military blackmail.

It is irrational to think, with the balance of military power now shifting dramatically in its favor, that the policies of the Soviet hierarchy will be less hostile, disruptive and imperialistic.

A recent study of Kremlin policy noted the Soviet effort to achieve nuclear superiority, and commented:

"Presenting the world with a clear cut superiority in numbers of nuclear weapons may appear to some leaders in the Kremlin a feasible political means of consolidating its own alliances and disintegrating the opposing forces. Such a major shift in the worldwide balance of power may also heighten the risk of confrontation, with vast costs in the present and unforeseeable dangers in the future."[71]

As our country ponders its future course, drifting as we are into a position of inferiority or possibly even freezing that status by agreement, our people—as well as responsible officials—should consider the capability of the U.S. to respond in the types of situations which are likely to arise in the 70's and beyond, and which may include: (i) a Soviet-inspired and supported war against Israel; (ii) some other form of Soviet takeover of the Middle East, with its coveted oil reserves; (iii) a new confrontation over the status of Berlin; (iv) extension of the Brezhnev doctrine to selected non-Communist countries; (v) another Cuban-type crisis, perhaps in Latin or South America if not again in Cuba; (vi) nuclear blackmail over issues affecting our vital interests; (vii) the disruption, by force or other sanctions, of the international trade upon which the economic well being of our people depend; (viii) intensified levels of subversion to the point of threatening our internal security; and (ix) outright aggression against allies—in Western Europe or elsewhere—whom we are committed to defend.

It is difficult to believe that the proud and responsible people of this country would knowingly tolerate a national strategy which could invite these types of situations, leaving us virtually helpless to respond effectively. Certainly there would be no conscious toleration by a majority of our people of defense weakness which threatens national security and freedom itself.

WEAKNESS—THE GRAVEST THREAT TO PEACE

The most ominous danger of being second rate in the nuclear age is that it multiplies the chances—not of peace—but of nuclear war. Soviet or Red Chinese overconfidence or miscalculation in the employment of, or threat to use, their power may trigger such a war inadvertently or place the United States in a posture from which there could be no retreat.

The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive.

Weakness of the U.S.—of its military capability and its will—would be the gravest threat to the peace of the world.

SEPTEMBER 30, 1970.

FOOTNOTES

* This Summary is necessarily incomplete and reference should be made to the full Statement for the views of the authors.

** The principal threat to U.S. security for the 70's is the Soviet Union, and this paper is addressed primarily to that threat. By the late 70's and beyond, the most menacing country in the world may be Red China.

[1] U.S. Foreign Policy for the 1970's, Report to the Congress by President Nixon, Feb. 18, 1970, p. 122. (Referred to herein as the President's Report.)

[2] Defense Report for Fiscal Year 1971, by Secretary Laird before the House Subcommittee on Defense Appropriations, Feb. 25, 1970, p. 1. (Referred to herein as the Laird Report.)

[3] It should be remembered here that in recent years intelligence projections frequently have understated these capabilities. Laird Report, *supra*, pp. 34, 101.

[4] The folly of relying on assumptions as to intentions, rather than upon known capabilities, is documented by countless military surprises down through history. Pearl Harbor is a classic example. More recent examples involving the Soviet Union include the Cuban Missile Crisis and Czechoslovakia. See Senator Henry M. Jackson, Senate Speech, July 9, 1969.

[5] Plans to withdraw 20,000 American troops are opposed by the South Korean government. As indicated in a recent on the scene report "there is no real peace in Korea today." N.Y. Times, article by Philip Shabecoff, June 24, 1970.

[6] Mao Tse-tung recently issued a fresh indictment against the U.S., calling for a "protracted peoples' war" against American "imperialism," and concluding: "People of the world, unite and defeat the U.S. aggressors and all of their running dogs!", N.Y. Times, May 21, 1970.

[7] The Suez Canal has other strategic significance. The Soviet Union continues to supply North Vietnam by sea. Soviet ships from Black Sea ports now require nearly 40 days to reach Vietnam by sailing around Africa.

[8] See the Military Balance 1970–71 for Strategic Studies, London, p. 45.

[9] See editorial comment, The New York Times, September 20, 1970. The Soviet Union also shared responsibility for Syria's brief but dangerous intervention in Jordan's September 1970 civil war.

[10] The recent Soviet-West German nonaggression pact may result in some surface lessening of tension, but as long as Soviet ground, air and missile forces are maintained in Eastern Europe, with the capability of overrunning and destroying Western Europe, there can be no assurance of peace and freedom.

[11] The Brezhnev doctrine, announced as justification of the invasion of Czechoslovakia. In commenting on this proclaimed right of aggression, the New York Times said: "This reliance on force and contempt for law must raise fears that some day Moscow will decide that the sovereignty and territorial integrity of non-Communist nations is also being interpreted" in a way which justifies Soviet intervention. New York Times editorial, Sept. 28, 1968.

[12] Only U.S. superior military strength frustrated the Soviet plan to install strategic missiles in Cuba, although history may record that U.S. concessions assured an unmolested Communist regime and base in Cuba.

[13] C. L. Sulzberger, foreign correspondent of The New York Times, recently commented on the "neo-isolationism" in this country, and noted that "U.S. influence is being slowly squeezed out" of Western Europe, the Middle East and Southeast Asia. New York Times Service, Richmond Times-Dispatch, July 24, 1970.

[14] This paper addresses primarily the Soviet threat which is clearly paramount for the 1970's. There is no thought of minimizing the threat of Red China, the leadership of which is so implacably hostile to the U.S. and to a lesser extent the Soviet Union. It is possible that in the long run Red China is more likely to rupture peace than any other nation.

[15] See also Mr. Laird's address of April 20, 1970, at the Annual Luncheon of the Associated Press, N.Y. Times, April 21, 1970; and data reported in *The Military Balance 1970–1971*, published by The Institute for Strategic Studies, London, 1970.

[16] President's Report, p. 120 and Secretary Laird's Report, p. 35. See *The Military Balance, supra*, p. 6, which reports about 1300 operational ICBM's in July 1970. Intelligence estimates of the number of ICBM's actually deployed are extremely accurate. But estimates of production rates (and hence future operational strength) have consistently erred on the low side. See Laird Report, p. 34.

[17] Secretary Laird's Report, p. 35. The Soviets are continuing to produce SS–9's at a rate of about 50 per year, and will have some 300 by the end of this year. See Laird, Address of April 20, 1970, *supra*. The Institute for Strategic Studies, based in London, publishes annually *The Military Balance* (cited *supra*) and a complementary publication entitled *The Strategic Survey*. Although there are variations in detail as to types and numbers of weapons, the data published by The Institute for Strategic Studies generally corroborates the unclassified information of the U.S. Defense Department.

[18] See *The Military Balance, supra*, p. 6, which credits the Soviet Union with 800 SS–11's, with deployment continuing.

[19] The distinction between MRV and MIRV is that in the former the multiple separate warheads are not independently guided to targets.

[20] Secretary Laird estimated last February that if the Soviets follow a "High Force-High Technology" approach they will probably have their first "MIRV's by mid–1971 and a very formidable hard target kill capability (by MIRV's) by the mid-1970's." Laird Report, p. 104. The recent Pacific testing of multiple reentry vehicles on improved SS–11 missiles indicates the Soviets are significantly ahead of this schedule.

[21] See Laird Report, p. 103. Secretary Laird recognized that this cannot be a firm estimate at this time.

[22] See Dr. John S. Foster, Director of Defense Research and Engineering, Statement before Subcommittee of House Armed Services Committee, March 9, 1970, p. 9 *et seq.*; Laird Report, pp. 48, 49, 103, 104. See also The Strategic Survey of 1969, *supra*, pp. 30, 31 where the "new and more accurate guidance systems" are discussed, and the conclusion reached: "The whole future of land-based ICBM's has been called into question (by this improved accuracy), since it begins to seem possible that no amount of protection for ICBM silos can compensate for the improvements in accuracy now in prospect." This judgment by The Strategic Survey applies primarily to the vulnerability of U.S. missiles.

[23] See Secretary Laird's Report, pp. 39, 40 and 50.

[24] A technological breakthrough in the unerwater detection and tracking of submarines could give the first nation to achieve it a decisive advantage. See Interview with Dr. John S. Foster, Jr., Air Force/Space Digest, July 1970, pp. 31, 35. It has been suggested that such a technological breakthrough may be achieved by "sensing devices that could reveal every submarine in the oceans to detection." See news report on a Pre-Pugwash Conference on New Technology and the Arms Race, Racine, Wisconsin. The Washington Post, Sept. 9, 1970, p. A–3.

[25] The U.S. has plans for a test model of a new supersonic bomber (B-1). A force of such bombers capable of long distance air-to-ground launches would add flexibility and diversity to our deterrent capability, and also would be useful in limited, non-nuclear confrontations. Such bombers must be designed, however, to operate from numerous smaller and dispersed airfields to minimize vulnerability from ICBM's and SLBM's.

[26] The Strategic Survey of 1969, *supra*, p. 28. It is not suggested that the Survey itself was misleading. The tabulation which received the wide press publicity was *only one* of many tables in the Survey, which also included a great deal of relevant data on megatonnage, accuracy and survivability.

[27] Of the total warheads assigned to the U.S. 1,853 represent the optimum load of our B-52 force, while 450 were assigned to Soviet strategic bombers. A similar distortion of SLBM's apparently was included in the tabulation, assigning 1,328 warheads to Polaris submarines.

[28] This Statement addresses broadly the strategic balance of power and does not discuss comparative tactical or general force capabilities. Secretary Laird's Report, and especially the appendices, indicate the superiority of the Communist powers in non-nuclear military power. See also the publications of The Institute of Strategic Studies, *supra*.

[29] Gen. Andrew J. Goodpaster, Supreme Allied Commander in Europe, has warned that "the balance of security there is shifting in favor of the Soviet bloc." He stated that the Warsaw Pact forces "form a concentration of military power that exceeds anything the world has previously seen. These Soviet forces far exceed anything that is required solely for defense." Richmond Times-Dispatch, September 16, 1970.

[30] William Beecher, writing in the N.Y. Times, Oct. 28, 1969, assumes a 100 kiloton warhead on our MIRV, and states that the Soviet MIRV warhead is 50 times more powerful than our MIRV. The Strategic Survey for 1969, *supra*, p. 29, assumes a 200 kiloton warhead on MIRV's. See also Laird Report, p. 102, as to Soviet MIRV.

[31] As a part of this protection, the USSR has deployed the most elaborate radar warning and counter-measure systems. It also has devoted a greater effort than the U.S. to advanced fighter interceptor aircraft (the Foxbat, for example) and to ground-to-air missiles, with larger defense forces in these categories than the U.S.

[32] *The Military Balance* 1970–71, *supra*, p. 7.

[33] Although critics in this country doubt the feasibility of an ABM system, one must assume the Soviets would not be spending billions on such a system unless they had full confidence in its effectiveness. Dr. John S. Foster, Jr., and many qualified U.S. scientists, have no doubt that an effective ABM system is within the competency of existing technology. See interview with Dr. Foster, published in Air Force/Space Digest, July 1970, p. 31 *et seq*. See evidence marshalled by Sen. Henry M. Jackson in his ABM debate speeches to the Senate on Aug. 6 and 11, 1970. A major component of the ABM system, the Spartan missile, successfully intercepted an ICBM over the Pacific in a test on August 28, 1970.

[34] President Nixon's Report, *supra*, p. 125.

[35] Secretary Laird has stated that by the mid-70's the Soviets will probably have "a submarine force capable of destroying most of our alert bomber and tanker force before it can be airborne." Secretary Laird's Statement, pp. 50, 105. The Defense Department confirmed for the first time on April 23, 1970 that Y-class Soviet submarines, with 16 nuclear missiles are patrolling our Atlantic Seaboard. N.Y. Times, April 24, 1970. Secretary Laird reports that as of April 1970 the Soviets had over 200 operational launchers on nuclear submarines for submerged launch SLBM's, plus 70 launchers on diesel submarines. Laird's address, *supra* p. 11.

[36] Senator Jackson recently informed the Senate that "there is no doubt that their (the Soviet's) program, if continued, will produce a first-strike capability unless the U.S. takes appropriate counter measures." Senate Speech, Aug. 5, 1970.

[37] The Soviets have been more innovative than the U.S., having pioneered in gas turbine propulsion, in developing a variety of surface-to-surface missile-launching ships, and possibly in new techniques of ASW.

[38] Nor have the Soviets neglected the support elements for world-wide naval operations. They have tankers, supply and maintenance vessels, supported by an impressive merchant marine fleet. They also have emphasized, more than any other nation, oceanographic studies and surveys. Their trawlers—used extensively for intelligence purposes—regularly patrol our coasts.

[39] In April 1970 Soviet maneuvers, described by U.S. Navy spokesmen as the "biggest in history," involved some 200 warships. Associated Press story, April 23, 1970.

[40] Laird Report, *supra*, p. 21.

[41] Secretary Laird warned that in defense funding and in the deferral of decisions on vital defense measures "we are literally at the edge of prudent risk." Address of April 20, *supra*, p. 5.

[42] Laird Report, *supra*, p. 22. The detailed facts and figures are set forth in the Reports of the President and the Secretary of Defense mentioned above. These include a comparison which indicates the neglect of strategic funding (after adjusting for inflation) since the beginning of the Vietnamese war. The FY 1971 defense funding is only $3.8 billion, or 7% above the 1964 level of defense spending *prior* to the Vietnamese war. As the cost of that war has been running at more than $25 billion per annum, it is evident that strategic spending—for the defense of the country—has been curtailed sharply.

[43] It is difficult to know exactly what the Soviet Union is spending on defense. The statements above reflect estimates published by various sources. See Department of Defense Posture Statement, Jan. 15, 1969; Library of Congress studies; and Stanford Research Institute Studies. Mr. Laird has said that "the Soviet Union, as far as offensive strategic weapons systems, is outspending the U.S. in the ratio of three to two converted to dollars." Press conference, Feb. 18, 1969. See also address of Sen. Henry Jackson, U.S. Senate, Aug. 6, 1970.

[44] Laird Report, *supra*, p. 33.

[45] Testimony of Dr. John S. Foster, Jr., Director of Defense Research and Engineering, before a subcommittee of the House Armed Services Committee, 91st Congress, March 9, 1970. See also the Reports of the President and the Secretary of Defense, *supra*.

[46] Other essentials to the development and deployment of advanced weapons systems relate to procurement and defense planning, contracting and testing. These and related matters are discussed in the body of the Panel's Report.

[47] See Foster, *supra*, p. 28.

[48] See Foster, *supra*, p. 30 *et seq*. Dr. Foster points out that total R&D spending, both civilian and military is still greater in the United States, but the trend is unfavorable even with the addition of our non-military-related effort.

[49] See Laird's Report, *supra*, p. 66.

[50] Foster, *supra*, pp. 9, 10.

[51] Alternative systems under consideration include (i) the mobile basing of Minuteman-type missiles, and (ii) an undersea long-range missile system (ULMS's) with submarines capable of launching missiles of ICBM range. Dr. Foster, *supra*, p. 12. Secretary Laird's Statement, pp. 48, 49. The Soviets may already be well ahead of the U.S. in developing a mobile ICBM. The Strategic Survey for 1969, *supra*, at p. 29, states: "A mobile ICBM has certainly been under development for some time, and the Soviet Union has claimed that it is already operational."

[52] Foster, *supra*, p. 14; Laird Report, *supra*, p. 49.

[53] Science and Technology, Tools for Progress, report of the President's Task Force on Science Policy, April 1970, p. 38: "Technology will not stand still; on the contrary it will likely move more rapidly. The penalty for technological surprise can be enormous."

[54] Other problems related to technology and R&D have been identified in the main body of the Panel's Report.

[55] The first of these, the Test Ban Treaty of 1963, halted nuclear testing in the atmosphere. The Soviets only agreed to this at a time when their test program, involving high-yield weapons with both offensive and defensive (ABM) capabilities, was well ahead of America's. We had previously been duped during the late 50's into the cessation of testing similar weapons on the specious theory that the Soviets might follow a good example. The second agreement was the United Nations' ban on the use of outer space for military purposes, an agreement which the Soviet Union appears already to have violated in spirit. The third of these limited agreements is the Nonproliferation Treaty, recently approved, which leaves a number of non-signing nations free to develop nuclear weapons.

[56] One may recall the disillusionment after the hopes engendered by the "spirit of Geneva" and "the spirit of Camp David" were dashed by Soviet duplicity.

[57] James Reston, New York Times, Dec. 8, 1960, p. 46.

[58] Acheson, *Present at the Creation*, W. W. Norton & Co., N.Y., 1969, p. 729.

[59] Past negotiations have occurred when the overwhelming weight of bargaining power lay on our side of the table. Now, when the U.S. is relatively weaker, and when the issue is the future security of our country, it is prudent to be skeptical as to the genuine mutuality of any agreement acceptable to the Soviet Union.

[60] The competition between the Soviet Union and Red China for dominant influence in smaller Communist countries does complicate the situation, making it less likely that either will take the lead in exercising an ameliorating influence.

[61] Although the full extent of Soviet participation in this violation may not yet be known, press reports and commentators indicate that "the Kremlin broke its word, lied to the United States and double crossed the developing peace." See, for example, Roscoe and Geoffrey Drummond, Richmond Times-Dispatch, Sept. 10, 1970; Joseph Alsop, The Washington Post, Sept. 21, 1970; and Evans and Novak, The Washington Post, Sept. 21, 1970.

[62] In addressing the Senate on July 9, 1969, Sen. Henry M. Jackson said that "an increasing number of informed western analysts assess the Soviet Union (today) as a dangerous and unpredictable opponent."

[63] The President's Report, p. 111.

[64] "Parity" is inherently a theoretical—not a realistic—concept, as there are too many

variables both as to the quality and characteristics of various weapons and the circumstances under which they might be employed.

[65] The New York Times described the New Leftist revolutionaries as "the new Fascists of our generation." Editorial, Dec. 17, 1969. See also New York Times editorial of June 10, 1970. Stewart Alsop has observed that the campus "is in danger of becoming intellectually a closed society." Newsweek, May 18, 1970.

[66] Alexander M. Bickel, *The Toleration of Violence on the Campus*, The New Republic, June 13, 1970, p. 15 *et seq*. Fred M. Hechinger, Education Editor of the New York Times has stated that: "The politicizing of the campus . . . has moved the universities to the brink of disaster." N.Y. Times, July 19, 1970. See also Dr. Nathan Pusey, *infra*.

[67] As indicated in the Panel's Report, corporations which depend in major part on defense contracts are among the least profitable of all corporations. Indeed, many corporations deliberately refuse or avoid defense business. See George E. Berkley, *The Myth of War Profiteering*, The New Republic, Dec. 20, 1969.

[68] President Nathan Pusey, Baccalaureate address at Harvard University, New York Times, June 10, 1970. See also Dr. Pusey's Annual Report for 1968–69.

[69] It is estimated that some 25,000 to 30,000 draft dodgers have sanctuary in Canada, with an elaborate organization for getting them there. Stewart Alsop, Newsweek, July 20, 1970. Already some politicians and advocates of "peace at any price" are urging amnesty for these draft dodgers.

[70] President Nixon has said: "If we are less strong than necessary . . . there will be no domestic society to look after." The President's Report, Feb. 18, 1970, p. 10.

[71] *New Trends in Kremlin Policy*, Center for Strategic and International Studies, Georgetown University, Aug. 1970, p. vi.

THE STERLING BALL

HON. PHILIP A. HART

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, April 19, 1971

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Michigan (Mr. HART), I ask unanimous consent that a statement by him with respect to a charitable event called the Sterling Ball be printed in the Extensions of Remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HART

Mr. President. Education is the cornerstone of a free people, and it must be freely accessible to all, regardless of race, creed or national origin or financial status. Recently, a news story appeared in the Detroit Free Press and in other news media across the nation which told of a unique charitable event called the Sterling Ball.

The ball is part of a magnificent effort by a prominent black family to provide educational opportunities to inner city high school graduates who want to continue their education. The annual gala was conceived by Berry Gordy, president of the Motown Record Corporation, and his sister Mrs. Esther Edwards, also an officer of Motown. It was created as a living memorial to their sister, the late Mrs. Loucye Gordy Wakefield, who was the first vice president of Motown, a

Whereas, increasing demands upon state with such popular talent as Diana Ross, the Jackson Five, the Supremes, Smoky Robinson and the Miracles, Marvin Gaye, Gladys Knight and the Pips, the Temptations, the Four Tops, Stevie Wonder and many others.

This charity function has taken its place among the best-attended fashion and social events of the year, and for a vital cause. To date, this event has made it possible for fifty-two young men and women—black and white—to attend college. Mrs. Edwards, general chairman of the Sterling Ball Committee, reports that this years event at the Gordy Manor in Detroit, Saturday, April 24, will again be attended by top educators, public officials, writers and entertainers.

Berry Gordy is a modern day Horatio Alger. A former prizefighter and assembly line worker, this gifted 40-year-old started Motown ten years ago with $700 and a dream. He now heads the biggest independent record firm in the world and the only black company in the entertainment industry. Now with the annual Sterling Ball. Gordy is making it possible for many young men and women to see their own dreams come true. Berry Gordy and his family have earned our thanks, and I welcome making this expression a part of the RECORD.

FAVORABLE RESPONSE TO REVENUE SHARING IS GROWING

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. LUJAN. Mr. Speaker, despite the smokescreen of misinformation that has been created around the revenue sharing program by many persons inside and outside of Government, it is very heartening to report that the truth about this proposal is finally filtering through to the people. And their favorable response is growing in overwhelming proportions.

I am very pleased to report to my colleagues that this response has been reflected in a joint memorial passed by the New Mexico State Legislature last month. The memorial states that:

> It is a matter of vital importance to the federal system of this nation to support and enact an acceptable revenue sharing plan.

In submitting this memorial for your consideration, I want to add my sincere hope that the distinguished Members of the United States House of Representatives and Senate will act as firmly and decisively on this important legislation as have the far-seeing members of the New Mexico State Legislature. The memorial reads as follows:

THE LEGISLATURE OF THE STATE OF NEW MEXICO

SENATE JOINT MEMORIAL 9

(Introduced by Senator Junio Lopez)

A Joint Memorial to the President and the Congress of the United States relating to revenue sharing

Whereas, the resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the federal government and strengthened state governments; and

Whereas, increasiing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes; and

Whereas, federal revenues based predominantly on income taxes increased significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth; and

Whereas, the recurring fiscal crises at state and local levels has become the overriding problem of intergovernmental relations and of continuing a vibrant and workable federal system; and

Whereas, the evident solution to this problem is a meaningful sharing of federal income tax resources; and

Whereas, there will be placed before the present United States Congress one or more proposals for the enactment of revenue sharing legislation; and

Whereas, under one of these plans the counties and cities of New Mexico would receive approximately eight million dollars ($8,000,000) of general revenue sharing to be distributed as follows:

Bernalillo 67,522; Catron 5,870; Chaves 189,566; Colfax 21,344; Curry 48,959; De Baca 19,210; Dona Ana 91,381; Eddy 97,117; Grant 152,880; Gaudalupe 37,886; Harding 3,068; Hidalgo 18,009; Lea 343,913; Lincoln 34,952; Los Alamos 43,809; Luna 78,307; McKinley 45,357; Mora 6,270; Otero 38,153; Quay 78,174; Rio Arriba 21,878; Roosevelt 61,632; Sandoval 10,806; San Juan 58,030; San Miguel 24,813; Santa Fe 66,168 Sierra 12,940; Socorro 50,026; Taos 20,811; Torrance 14,674; Union 13,340; Valencia 55,496.

Albuquerque 3,025,844; Roswell 232,921; Raton 35,352; Clovis 339,110; Las Cruces 494,391; Artesia 148,878; Carlsbad 138,205; Silver City 78,441; Lordsburg 14,007; Eurice 15,341; Hobbs 162,351; Jal 16,409; Lovington 49,492; Deming 46,958; Tularosa 10,806; Tucumcari 68,169; Portales 135,404; Bernalillo 9,338; Aztec City 7,476; Farmington 75,425; Las Vegas City 52,294; Las Vegas Town 31,350; Santa Fe 353,518; Truth or Consequences 20,544; Socorro 31,350; Clayton 22,945; Belen 35,485; Grants 59,097; Milan 20,677; All other cities 346,447. Now, therefore be it

Resolved by the Legislature of the State of New Mexico, That the President of the United States and the Congress of the United States be urged as a matter of vital importance to the federal system of this nation to support and enact an acceptable revenue sharing plan that would make a portion of the taxes on income levied by Congress pursuant to the Sixteenth Amendment of the Constitution of the United States available each year to state governments and the political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such moneys for any purpose not inconsistent with any other provision of the Constitution of the United States; and be it further

Resolved, That copies of this memorial be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and to each member of the New Mexico delegation in the United States Congress.

Signed and sealed at The Capitol, in the City of Santa Fe.

ROBERT A. MONDRAGON,
President, New Mexico Senate.
WALTER K. MARTINEZ,
Speaker, House of Representatives.

"THE SELLING OF THE PENTAGON"

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. HÉBERT. Mr. Speaker, as you know CBS gave me one of its "starring roles" in its now discredited program, "The Selling of the Pentagon."

The film clip of me interviewing Maj. James Rowe, a former prisoner of war, was obtained by CBS representatives from my press secretary, Lou Gehrig Burnett, with my permission, under the pretense it would be used for a POW documentary.

I said it had been obtained under false pretenses in an interview with WTOP–TV and with CBS News. Additionally, I explained the situation in press releases and in an insertion in the CONGRESSIONAL RECORD on March 3, 1971.

I also discussed a Washington Post story which said an unidentified CBS spokesman termed my charges untrue.

I want to expand on this particular aspect of my involvement in "The Selling of the Pentagon," and offer additional proof that CBS misrepresented their intent to me and other Members of Congress as well.

To set the stage, I want to quote from the transcript of a program entitled "All About TV," which was aired over WNYC–TV in New York on March 17, 1971. The host for the show was Steven Scheuer, and the guests were three representatives from CBS:

SCHEUER. One of the allegations that's been raised and the flak that's created about the show (The Selling of the Pentagon) was that Congressman Hébert has indicated that he was led to believe that the program "The Selling of the Pentagon" was originally about POW's. Is there any—what's CBS's response to that?

DAVIS. (Peter Davis, producer of "Selling") Well, he's mistaken.

SCHEUER. Because one of his assistants indicated that that was their reaction and otherwise the film would not have been given to them. Was there any such representation by CBS ever made?

WOLFF. (Perry Wolff, a producer for CBS) No. I don't think we want to go further with that.

SCHEUER. Okay. I just wanted to clarify that because there hasn't been. . .

WOLFF. I think Peter can explain that better.

DAVIS. There was never—it's not all that interesting to go into. We had a number of contacts with Chairman Hébert's office. There was never any suggestion that our broadcast was on anything except military public relations, and indeed, it would have been, Steve, in our own worst interest to have made any such misrepresentation to the Chairman's office, because dozens, literally dozens of people, not only in the Pentagon, but on Capitol Hill, very close associates of Chairman Hébert knew of our broadcast on military public relations, and have indeed furnished us material. So it would be little short of absurd for us to have gone to one office. We have the same tape we used of Chairman Hébert talking to the Green Beret major. We had similar tapes from a number of other Congressmen. All of them knew what our broadcast was about. (End of quotes from transcript)

I want you to keep in mind what Mr. Davis said—that other Congressmen who had interviewed Major Rowe were asked for their film clips and they knew that CBS was doing a documentary on Pentagon public relations.

As you may recall, CBS rebroadcast its program on March 23. It was followed by a severely edited interview which I had done with CBS about the show as well as edited remarks from Vice President AGNEW and Secretary of Defense Mel Laird. I sent telegrams to Dr. Frank Stanton, president of CBS and told him I did not want my comments edited. Nevertheless, CBS did a superb job of cutting out my comments which would have answered CBS News President Richard Salant's remarks about me in his comments which closed the broadcast. I later read a news story where CBS said it had not received my telegrams.

I discussed the editing of my interview by CBS in the CONGRESSIONAL RECORD on March 25.

I now quote a portion of Salant's comments from the March 23 broadcast:

Representative Hébert says he gave us the film under the assumption that our broadcast had to do with prisoners of war. He states it; we deny it. His own documents support our denial. In the course of preparing "The Selling of the Pentagon" we talked to dozens of people on Capitol Hill and, as you've seen, in the Pentagon. They all knew we were doing a broadcast on military public relations—because we told them. (End of quoted comments)

So here we have Peter Davis, producer of the program, and Richard Salant, president of CBS News, telling the people that other Congressmen knew what kind of program CBS was doing.

All I can say is that there is a breakdown in communications at CBS because the documents I have prove that Davis and Salant either do not know what their representatives did or they do know and refuse to admit it and deliberately falsified the facts.

I am going to insert at this point five statements which I received from other congressional offices. Four state that CBS representatives called and asked for film clips of the Congressman concerned with Major Rowe because the network was doing a documentary on "Prisoners of War." Two of the memos are signed by the Congressmen themselves, the others by assistants who talked with CBS representatives.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 5, 1971.

To: Hon. F. EDWARD HÉBERT, *Chairman, House Armed Services Committee*

From: John Kimbrough Johnson, press assistant to Congressman WILLIAM L. DICKINSON

Re: Columbia Broadcasting System (CBS) request for "Dickinson-Rowe" interview

This is to verify that several months ago a representative of the Columbia Broadcasting System in New York City, Bernie Seabrooks, did on more than one occasion contact this office in order to obtain a video taped interview. The purpose, as explained by Mr. Seabrooks, ws the preparation by CBS of a television documentary on the plight of our Prisoners of War.

The film was sent on loan to CBS in New York. It was later returned after a telephone conversation with another CBS representative, Jim Branon—Mr. Branon called to request help in obtaining the names of other Congressmen who might have taped similar interviews.

At that time it was, and still is, our opinion that this interview between Congressman Dickinson and U.S. Army Major James N. Rowe, a former prisoner of the Viet Cong, was to be used for a documentary on prisoners of war and those listed as missing in action. If any other use has been, or is being made of this film, then it is being done totally without permission and is a complete misrepresentation of facts.

JOHN KIMBROUGH JOHNSON.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 12, 1971.

Hon. F. EDWARD HÉBERT,
Chairman, Armed Services Committee,
Rayburn Building.

DEAR MR. CHAIRMAN: This is to confirm conservations with your office concerning CBS.

I do recall that sometime last year, probably in the late summer, CBS contacted this office to obtain a film strip of an interview that I had with Major Rowe, who had escaped from a North Vietnam prison camp. The man from CBS sought the strip because he said the network was intending to do a documentary on POW's.

Sincerely,

SAM STEIGER, M.C.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 18, 1971.

Hon. F. EDWARD HÉBERT,
Rayburn House Office Building,
Washington, D.C.

DEAR ED: In response to a request from Mr. Lou Burnett of your office, I did receive a telephone call sometime last summer from a Bernie Seabrooks of CBS, New York, requesting the use of my taped interview with Major Rowe.

We had taped a program, but we were unable to lend it because it had been erased. At the time, I tried to return Mr. Seabrook's long distance call; but we were never able to reach him.

With best wishes, I am

Sincerely yours,

PAGE BELCHER,
Member of Congress.

MARCH 5, 1971.

To: Congressman EDWARD F. HÉBERT,
From: Larry L. Morgan.

During the period of February 1969 to December 1970, I was Press Secretary to Congressman Ed Foreman of New Mexico. In November of 1969, Congressman Foreman interviewed in the House Recording studio Major James Rowe, a member of the U.S. Army Special Forces and a prisoner of war of the Viet Cong for five years. This television and radio program was distributed to newsmedia in New Mexico. Several months later I was contacted by an individual who identified himself as an employee of CBS. He said that the network was preparing a program on the prisoners of war and would like to borrow a copy of Congressman Foreman's interview with Major Rowe. I informed the gentleman that we had given our only copy of the program to an organization called "United We Stand" headed by H. Ross Perot of Dallas, Texas. I further told the man that I had allowed the Pentagon to make a copy of the video tape recording. I heard nothing further from CBS.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 15, 1971.

Hon. F. EDWARD HÉBERT,
Rayburn House Office Building,

DEAR CONGRESSMAN HÉBERT: This will verify a conversation with a member of your staff. Several months ago, Congressman Downing received a telephone call from someone identifying himself as an employee of CBS. I handled the call for the Congressman and learned that the caller was interested in a video tape of an interview which Congressman Downing and Congressman G. William Whitehurst had with a Major Nick Rowe of the United States Army who was formerly a prisoner in Vietnam. I informed the caller that the video tape was the property of WAVY–TV in Portsmouth, Virginia which is the NBC affiliate in that area. The caller explained the CBS interest in the video tape as relating to a television program on prisoners of war they were considering.

Sincerely,

E. M. HUTTON,
Administrative Assistant.

I know you will agree that this is indisputable proof that Davis and Salant were not being factual in their comments for reasons of their own. I cannot read what is in an individual's mind.

Nevertheless, I did want to give Mr. Salant the benefit of the doubt because I though it was possible he did not know what his men had done. So I wrote him a letter on March 25. I insert the letter here:

March 25, 1971.

RICHARD S. SALANT,
President, CBS News,
New York, N.Y.

DEAR MR. SALANT: After viewing your reply on CBS Tuesday night, I can't help but feel you have been done in by your own people.

While I can understand an executive defending his subordinates, I can't understand how those subordinates could lead their chief into such a trap as you fell into on your broadcast.

I have a feeling you never had the facts. Therefore, I am enclosing a press release which I issued on March 22 which contains five memos from congressional offices. These memos indicate that these offices were called at about the same time my office was last year by the same CBS representatives. It further indicates that these offices were asked for film clips of the congressmen and Major Rowe for a documentary on prisoners of war. The press release explains the matter in detail.

I would deeply appreciate receiving your reaction to these undisputable facts.

With kindest regards.

Sincerely yours,

F. EDWARD HÉBERT.

I received a reply from Mr. Salant dated April 1, 1971, and I insert his letter at this point:

CBS NEWS,
New York, N.Y., April 1, 1971.

Hon. F. EDWARD HÉBERT,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HÉBERT: I have your letter of March 25 by which you enclose your March 22 press release and five memoranda from Congressional offices which, you write, "indicate that these offices were called at about the same time my office was last year by the same CBS representatives" and which indicate "that these offices were asked for film clips of the congressmen and Major Rowe for a documentary on prisoners of war." You ask for my reaction "to these indisputable facts."

The basic issue is, as you indicate, whether any CBS News people misrepresented to any Congressman or his staff members the nature of the documentary which was then in preparation and which ultimately became "The Selling of the Pentagon."

It is clear that a square conflict, at worst, or a clear misunderstanding, at best, exists. This, of course, is a matter of serious concern to us and we shall make every effort to resolve the matter.

Yours sincerely,

RICHARD SALANT,
President.

As you can see, Mr. Salant admits that "a square conflict, at worst, or a clear misunderstanding, at best, exists."

I say that CBS clearly misrepresented its intentions for a documentary to me and other Members of Congress, and I believe I have documented that fact beyond a doubt.

"FEDERAL LEGISLATION THROUGH 50 YEARS" FROM THE FEDERAL BAR JOURNAL

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. HUNGATE. Mr. Speaker, when the wise framers of our Constitution drafted and adopted this basic charter of our national existence, they decided that the very first article and its first section shall declare that—

> All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

This, in itself, is proof positive of the importance of the legislative branch of our Government which consists of three equal and coordinate branches.

Our great Constitution, is a venerable and historic document that is as valid today as it was on the date of its adoption by the original 13 States of our country. As Members of the Congress and concerned as we are with legislative matters, it may be of special interest to review Federal legislation through the past one-half century.

In this connection, I wish to invite the attention of my colleagues and others interested in a learned article which appeared in the fall 1970 issue of the Federal Bar Journal, a publication of the Federal Bar Association. It was written by an erudite professor of law, Dr. Charles B. Nutting of the George Washington University on the occasion of the 50th anniversary of the association.

As president of the Capitol Hill Chapter of the Federal Bar Association, I was particularly impressed by this excellent article and I wish to share it with those concerned about Federal legislation.

Due to its importance and general interest, I now insert it in the pages of the RECORD:

FEDERAL LEGISLATION THROUGH 50 YEARS

(By Charles B. Nutting[*])

In order to sense the moods and problems of a country, one should examine its legislation. This paper represents an attempt through the use of selective materials[1] to prove the point. Naturally, in view of problems of space and time, the process must be somewhat arbitrary. But what follows, apart from a brief examination of the enactments of half a century ago, will reveal the reaction of the Congress to significant events in American history.

POST WORLD WAR I LEGISLATION

The Sixty-sixth Congress of the United States commenced its second session only a little more than a year after the close of World War I. One might have expected to see more evidence of that fact than is apparent in the statutes. Perhaps the most significant example of war's aftermath is the Transportation Act of 1920.[2] It was concerned in part with the termination of Federal control over railroads. In addition, however, it overhauled the whole area of railroad regulation and substantially expanded the jurisdiction of the Interstate Commerce Commission.

This, perhaps, was the most substantial piece of legislation enacted by that session. However, the Federal Power Commission was established at that time.[3] An act which was to have its impact during the Teapot Dome scandals and related episodes announced a policy to promote mining and similar activities on the public domain and gave the Secretary of the Interior extensive powers to grant leases to private operators.[4]

Beyond these matters, the Congress seems to have been preoccupied with what, to an unsympathetic observer, might be regarded as *trivia*. Drainage districts affecting public lands,[5] the loan of Army rifles to the American Legion[6] and local provisions regarding roads and bridges[7] are examples. In short, the laws tended to be limited in scope, for the most part to involve relatively simple situations and not to represent any incursions by the Federal government into the states' domains. And so it was until the Great Depression.

NEW DEAL LEGISLATION

At that time paralysis gripped the nation. As Robert L. Stern has pointed out:[8]

"The depression which began in the Fall of 1929 has, by 1933, produced an economic crisis probably unequalled in the history of the United States. At least thirteen million persons were unemployed; the agerage wages of those still employed in twenty-five selected industries has dropped to $16.13 per week in February, 1933; wages received in mining, manufacturing, construction and transportation had declined from 17 to 6.8 billion dollars. Prices had fallen 37 per cent and industrial production had been cut almost in half. Insolvencies were mounting, and the banks were closed. The amount of revenue freight carried by Class I railroads, a fair measure of the quantity of interstate commerce, had declined 51 per cent."

It is against this background that the country witnessed what might fairly be called a revolution in terms of traditional concepts of federal-state relations and of the role of the national government in regulating the economy. For the most part the vehicle was the commerce clause. The historic battle between the courts and the Congress regarding the revolution will not be described in detail here,[9] although passing reference will be made to it. But at the end of the battle, bloody as it was,[10] the forces of the New Deal emerged as substantial victors.[11]

The problem, as has been indicated, was whether or not the Federal Government under the commerce clause could, in effect, regulate such matters as labor relations, agricultural production, the sale of securities and wages and hours, as well as provide a system of social security. There had been intimations that the power of Congress was not plenary,[12] although Mr. Stern, who was most intimately concerned with the matter from a vantage point in the Department of Justice, concluded that ". . . there could be little doubt as to the power of Congress to use the Commerce Clause in regulating all the interrelated elements of the great interstate industries."[13]

Be this as it may, the Congress under the goad of the newly elected administration reacted rapidly and broadly. Although not the earliest, probably the most significant legislation was, in effect, the assertion of federal power over the whole economy. The National Industrial Recovery Act[14] declared a state of national emergency which was productive of widespread unemployment and disorganization of industry which, in turn, burdened interstate commerce and affected the public welfare. It further stated that the national policy was to remove obstructions to the free flow of commerce by promoting the organization of industry for the purpose of cooperative action among trade groups.

The enactment of this historic measure marked the hatching of the Blue Eagle, an extraordinary fowl which, for about two years in its original incarnation, spread its wings over vast areas of the economy. The act provided that the President might establish "codes of fair competition" and as a result

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Footnotes at end of article.

hundreds if not thousands of such codes were adopted. They purported to regulate such matters as trade practices, prices, wages and hours, and, in fact, almost every aspect of business.

Although this statute was directed toward the control of business as a whole, it, and subsidiary legislation, also attacked problems in specific areas. Section 9(c) of the Act [15] authorized the President ". . . to prohibit the transportation in interstate and foreign commerce of petroleum and the products thereof produced or withdrawn from storage in excess of the amount prohibited to be produced or withdrawn from storage by any state law. . . . " The legislation was the result of the virtual collapse of the oil producing industry because of excess production. This production was often in violation of state laws attempting to eliminate it, ostensibly to prevent physical waste of a natural resource but actually to preserve a price structure.

Another early concern of the New Deal was agriculture, where depressed prices and overproduction again had a substantial and adverse effect on the economy. The vehicle chosen to deal with this matter was the Agricultural Adjustment Act of 1933.[16] Here it was declared to be the policy of Congress "to establish and maintain such balance between the production and consumption of agricultural commodities, and such marketing conditions therefor, as will re-establish prices to farmers at a level that will give agricultural commodities a purchasing power with respect to what farmers buy, equivalent to the purchasing power of agricultural commodities in the base period." Thus was born the concept of parity, the determination of which involves occult processes too complicated to be described here.

The coal industry was another specific target. Here, in the Bituminous Coal Conservation Act of 1935 [17] the Congress found that the distribution of bituminous coal is in the national interest and directly affects interstate commerce and that therefore regulation of the industry is necessary. Although the constitutional basis for regulation was probably interstate commerce, the sanction imposed here, as in the Agricultural Adjustment Act, was the imposition of a tax. In this case, there was a drawback provision available to producers who accepted a code to be formulated by the Bituminous Coal Commission.

Regulation of securities was another problem to which the New Deal addressed itself in the early days. The Securities Act of 1933,[18] the Securities Exchange Act of 1934 [19] and the Public Utility Holding Company Act of 1935 [20] in sum constitute a pervasive exercise of federal control over the operations of the securities market. Again, the commerce clause was the asserted basis for congressional action.

Other examples of the assumption of federal authority under the commerce clause dating from these years might be cited, but those that have been mentioned are sufficient to set the stage. The judicial attitude toward these assertions and the legislative response remain to be considered.

The judicial attitude was catastrophic. Although as Mr. Stern suggested [21] precedents under the commerce clause might well have justified congressional action, the Supreme Court took a dim view of the matter. The first cases, however, involved not so much the commerce clause as the matter of delegation of legislative power. In *Panama Refining Company* v. *Ryan* [22] the Court invalidated Section 9(c) of the National Industrial Recovery Act [23] on the basis that the statute constituted an invalid delegation of power to the chief executive since no standard was to be found which limited his discretion or indicated the circumstances in which he was to act.

This case was followed by *A. L. A. Schechter Poultry Corporation* v. *United States* [24] in which a unanimous court struck down a provision in the National Industrial Recovery Act [25] authorizing the President to establish "codes of fair competition." Again it was held that the delegation was invalid since it imposed no limits on the Executive's discretion.

To say that these cases created consternation in the Department of Justice is to put it mildly. Government counsel in the *Panama* case had asserted flatly that "the extent to which Congress is permitted to delegate authority must be determined essentially by the necessities of practical administration." [26] This, indeed, was not an unreasonable assumption since, prior to the *Panama* and *Schechter* cases, no federal legislation had been held invalid because of improper delegation.

But the end was not yet. In *Carter* v. *Carter Coal Co.*,[27] the Bituminous Coal Conservation Act of 1935 [28] was invalidated in part because it contained an unlawful delegation of authority to private groups.

Meanwhile, back at the farm, a divided court, in an opinion of monumental confusion,[29] partially invalidated the Agricultural Adjustment Act of 1933.[30] The law was labeled an unconstitutional interference with reserved powers of the states. It was also declared that the provisions for benefit payments to producers were inextricably bound up with exactions in the form of taxes.

These were the principal but not the only cases in which congressional legislation was invalidated during this period.[31] It was no wonder that some saw the New Deal lying in ruins. However, this was not to be. The administration fell back, regrouped and marched on to ultimate victory.

No attempt was made to revive the National Industrial Recovery Act as such. Perhaps on the theory that the Court, which had refused to swallow a camel, might not strain at several gnats, various aspects of regulation were dealt with by acts much more confined in scope. Many of the provisions regarding labor relations were embodied in the National Labor Relations Act,[32] sustained in *National Labor Relations Board v. Jones & Laughlin Steel Corp.*[33] and the Fair Labor Standards Act,[34] sustained in *United States v. Darby*.[35] Price fixing in the coal industry was made possible by the device of having prices *proposed* rather than *prescribed* by industry committees.[36] This was accepted by the Supreme Court in *Sunshine Anthracite Coal Co. v. Adkins*.[37] Federal control over the marketing of agricultural commodities was attained through a redrafting of the Agricultural Adjustment Act and was approved in several cases.[38] The various acts regulating securities were not regarded adversely by the courts.[39]

The legislation enacted in the early thirties, which was later reframed, was followed by other laws which had a significant impact on the economy. The Congress adopted the Social Security Act of 1935 [40] which was later upheld by the Supreme Court.[41] The provisions of the Fair Labor Standards Act dealing with wages and hours were, as has been noted,[42] sustained.

Two observations regarding the technical aspects of the New Deal legislation may be made. The first is that the problem of delegation, which seemed so important in view of the *Panama* and *Schechter* cases, was resolved by a process of what I have called illusory detailed delegation.[43] This consists in listing all the factors that an administrative agency may possibly take into account and then directing it to consider these factors "to the extent practicable."

Secondly, in later legislation, the Congress was careful to focus the regulation on the commerce power more clearly than had been done in earlier provisions. This made it easier for the courts to uphold the statutes.

It cannot be denied, however, that the result of the whole body of legislation was greatly to enlarge the scope of federal control over the economy and to permit the national government to occupy areas which had previously been regarded as reserved to the states. Probably this was due to a realization that the country had become an economic unit and that national intervention was necessary if problems in this area were to be effectively resolved.[44] In any case, the legislation produced a basic reorientation in attitudes toward national power.

WORLD WAR II ENACTMENTS

World War II marked the next significant period in the history of Federal legislation. The military aspects of the matter will not be considered here since they are not in the main stream of our discussion. War, however, not only affects personal lives in the sense of military service. It also profoundly affects the economy. This is largely because of a conflict between claims for goods involving military requirements and those involving ordinary civilian use. There is never enough to go around and therefore some means of allocation must be found.

This was true in the first World War and was even more so in the second. As to the former, the basic statutory authority was Section 120 of the National Defense Act of 1916.[45] It authorized the President, through the head of any department of government, to impose a system of priorities for the procurement of needed materials.[46] Shortly after the outbreak of World War II in Europe, Congress enacted the Selective Training and Service Act of 1940 [47] and An Act to Expedite National Defense and for Other Purposes [48] each of which had provisions dealing with priorities.

With the entrance of the United States into the conflict other basic and far reaching legislation was adopted. One of the most important was the Second War Powers Act of 1942.[49] Section 2(a)(2) of Title III [50] provided:

"Whenever the President is satisfied that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of any material or of any facilities for defense or for private account or for export, the President may allocate such material or facilities in such manner, upon such conditions and to such extent as he shall deem necessary or appropriate in the public interest and to promote the national defense."

Section 2(a)(8) of the same Act gave the President broad powers of subdelegation.

The other most important Act for our purposes was the Emergency Price Control Act of 1942 [51] as amended by the Inflation Control Act of 1942.[52] This Act created the Office of Price Administration. In substance, it declared the Act to be necessary in the effective prosecution of the war and stated a policy to stabilize prices and rents. The Administrator was authorized to establish prices, after consultation with members of the affected industries so far as practicable, to fix prices which "in his judgment will be generally fair and equitable and will effectuate the purposes of this act." The Administrator was also directed to give "due" consideration to prices prevailing during a designated base period.

After the passage of these laws, there followed a spate of executive orders and administrative regulations that rivaled the "begats" in the First Book of Chronicles. In addition to the Office of Price Administration, there was the War Production Board and the War Food Administration, to mention only three. The latter agency was said to have control over the "food" program, which, to the surprise of some, included cotton and

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tobacco.[53] The various orders were so confusing in their seemingly contradictory delegations of authority that many bureaucratic man hours were spent in trying to resolve conflicts.[54]

But, in contrast to the New Deal legislation, the exercise of war powers met a friendly reception in the courts. In *Yakus* v. *United States*,[55] the price control act was upheld. The power of Congress to control prices as a war emergency measure was not questioned. As to the delegation problem, the court had no difficulty, even though the scope of the delegation seems nearly as broad as that involved in NIRA. "The Constitution," said the court, "as a continuously operative charter of government does not demand the impossible or the impracticable." [56]

Similarly, the court had no problem with the Second War Powers Act when it held in *L. P. Steuart & Bro., Inc., v. Bowles, Prices Administrator* [57] that the power of the President to allocate materials includes the power to withhold rationed materials from persons violating the ration regulations.

The war power also authorizes Congress to "unwind" and extends to acts passed after the cessation of hostilities. This was established by *Woods v. Miller Co.* [58] in which the Supreme Court upheld Title II of the Housing and Rent Act of 1947.[59]

Much of the war legislation has now expired by its own terms. But what has been said indicates clearly that in a war situation [60] the federal government has almost absolute power to regulate the economy through rationing and price control. Further, it seems that the broadest possible delegations and subdelegations will be permitted.

POST WORLD WAR II LEGISLATION

Although the country continued its involvement in international affairs after World War II, it also emphasized its concern with domestic problems. Perhaps the clearest example had to do with housing and urban development.

Some approaches to the housing problem had occurred as early as 1934, when the Federal Housing Administration was created.[61] It was established for the purpose of providing a system of mutual mortgage insurance, to exert a stabilizing influence on the mortgage market and to encourage improvement in housing standards.[62] Since that time it has had what has been described as a turbulent history illustrating ". . . the problems arising where government attempts to influence, by a mixture of carrots and sticks, the marketing and operation of property it neither owns nor manages." [63]

The original Act has undergone substantial modifications which will not be considered in detail here. Recent changes are found in the Housing and Urban Development Act of 1968.[64] Today, the Administration (now a part of the Department of Housing and Urban Development) not only insures regular home ownership housing but also administers programs involving home improvement loans, rental housing, mobile home courts, cooperative housing and many others. It also administers the rent supplement program which subsidizes part of the cost of rental housing occupied by certain low income families and individuals.[65]

The controversial aspects of the housing program will not be discussed here. However, its impact on the national economy is epitomized in the following quotation: [66]

"Since its creation in 1934, the Federal Housing Administration has insured close to $130 billion in mortgages and loans; has assisted more than 1½ million American families to become home owners, has helped builders finance about 1.4 million rental apartment units, and has insured more than 29 million home improvement loans.

"In addition, FHA has made the low payment, long term mortgage universally accepted as the most feasible and economic way for home ownership to be achieved by the greater number of families. FHA mortgage insurance has become the standard for virtually all home financing throughout the United States."

Urban renewal is a related and equally important aspect of post war legislation. The basic Act was passed in 1949.[67] Again, the complexities of the matter are too great to make detailed consideration possible.[68] Basically, urban renewal is said to be a local problem. The Federal role is primarily one of providing financial assistance, leadership and general program direction.[69] The local agency must present a workable program, which, after hearing, may be approved for execution. Generally speaking, when a program is approved, land in blighted areas is acquired, demolition of existing structures takes place and the land is transferred to a developer who builds new structures in accordance with the plans. The land and buildings are then sold or leased to private enterprises.

The Housing Act of 1949 itself seemed to raise few, if any, constitutional problems but basic issues were involved in the actual implementation of the program through local redevelopment authorities. In general, as has been said, redevelopment took place through the acquisition of land, its development and transfer to private enterprise. When the land was acquired by eminent domain, the question arose as to whether, if it were later so transferred, the "taking" could be constitutionally justified. Doubts as to this were resolved in the landmark case of *Berman* v *Parker*,[70] which directly involved the District of Columbia Redevelopment Act of 1945.[71] In essence the Court decided that the police power extended to the elimination of slums and that, this being the case, the right to realize the objective permitted the use of eminent domain. In one way or another state courts have reached the same result.[72] Since Federal financing is the core of the program, another example of Congressional legislation affecting the local economy is apparent.

However, the pervasive character of Federal involvement is not made evident by the legislation itself. As of March 31, 1969, 1,573 urban renewal projects had been approved in 760 localities.[73] Furthermore, incidental and subsidiary programs involve intimate Federal relationships with many aspects of community life.[74]

The interstate highway program is still another instance of Federal participation in domestic affairs. In 1956 Congress declared that "the prompt and early completion to the National System of Interstate and Defense Highways . . . is essential to the national interests . . ." [75] The Federal Aid Highway Act, from which this statement is taken, provided for 90 percent Federal assistance for interstate highways and 50 percent for other roads. The interstate system is now about 70 percent completed. About 29,000 miles have been finished and another 13,000 miles are in prospect. The cost thus far has been $38.8 billion.[76] Although routes are originally selected by the states, they are subject to approval by Federal authorities. Recently the program has been under heavy attack by citizen groups, largely because of displacements suffered as a result of highway construction.[77]

Still another example of Federal involvement is found in the area of environmental control. Again, the stick and carrot approach is evident. The problem of water pollution was considered by the Congress as early as 1948.[78] However, the statute has been substantially amended [79] and the latest version will be considered here. The purpose of Congress is declared to be ". . . to enhance the quality and value of our water resources and to establish a national policy for the prevention, control and abatement of water pollution." [80] The primary responsibilities of the states to attain these ends is recognized. The Secretary of Health, Education and Welfare is directed, after appropriate consultation, to develop comprehensive programs to eliminate or reduce water pollution in interstate streams and their tributaries. Grants for planning, research, experiments, demonstrations and studies are authorized. Interstate cooperation is encouraged. A Federal Water Pollution Control Administration is created, as is a Water Pollution Control Advisory Board. State plans are subject to the approval of the Federal agency and funds may be withheld if the states are not in compliance with the approved plan. The states are invited to adopt water quality standards. In the event that water pollution is said to occur, the law provides for conferences among the affected governmental agencies. Reports may be required from persons who are alleged to cause pollution and, for failure to report, a forfeiture may be imposed which may be recovered in a civil action in a United States court.

Almost the same pattern is found in statutes dealing with air pollution control. Again, an earlier statute [81] has been substantially amended.[82] The policy statement in this instance is directed toward problems of urbanization and the purposes of the statute are declared to be the protection and enhancement of the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population. To these ends, although the primary responsibility rests on the states and local governments, Federal financial assistance and leadership are regarded as essential. Once more, interstate arrangements are encouraged and provision is made for conferences regarding potential air pollution problems. Grants for the support of air pollution planning and control programs are authorized and provision is made for the establishment of air quality standards.

A significant provision of the statute is one for judicial proceedings to secure the abatement of pollution. Where the pollution endangers the health or welfare of persons in another state or foreign country, the Attorney General of the United States may institute suit in the appropriate district court to abate the nuisance, and, in cases of imminent and substantial endangerment, to secure an injunction. This procedure has been judicially tested and the constitutionality of the statute has been sustained.[83]

The most recent example of Federal interest in the environment is found in the National Environmental Policy Act of 1969, approved on January 1, 1970.[84] This goes much further than the acts previously cited in that it sets a policy regarding all aspects of the relationships between man and his environment. It provides for the cooperation of all concerned agencies and for the sharing of information among them. It also provides for a Council on Environmental Quality to gather information, review and appraise the various programs of the Federal government and to make policy recommendations to the President. Consultation with the Citizens' Advisory Committee on Environmental Quality and with various other groups is also required. Whether this measure will create a bureaucratic heaven, or the reverse, remains to be discovered.

CIVIL RIGHTS AND CRIME

The matters to be discussed here—civil rights and crime—do not fit neatly into a time frame. However, in each area, developments have occurred which deserve mention.

Congress, of course, has been concerned with civil rights since the war between the states, as is evidenced by a long series of statutes which need not be dealt with at this point. Recently, however, there has been intensive consideration of certain aspects of the problem. One instance is found in the Voting Rights Act of 1965.[85] The measure was

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passed "to enforce the Fifteenth Amendment to the Constitution of the United States and for other purposes." After declaring that no voting standard or other device shall be imposed to deny or abridge the right to vote on account of race or color, the law creates a mechanism for policing elections in order to make sure that the congressional mandate is carried out. The mechanism is triggered by the Attorney General who may institute suits if he believes that violations of the statute are taking place. Where it is determined that forbidden tests or devices are being used, the court in which the suit has been brought shall suspend them and the court retains jurisdiction until it finds that the tests and devices will not have the effect of denying the right to vote. Among the tests and devices which are forbidden, if wrongfully used, are literacy tests, demonstrations of knowledge in any particular subject and the requirement of good moral character.

Perhaps the most significant aspect of the law has to do with the appointment of federal examiners who are authorized to investigate alleged violations on the spot. They may, among other things, issue certificates evidencing eligibility to vote. In this manner, Federal supervision of state elections is assured through the judicial and administrative processes.

A final portion of the statute declares that the constitutional right of citizens to vote is abridged by the poll tax and directs the Attorney General to bring actions against the enforcement of the tax. Of course, the Twenty-Fourth Amendment, which became operative on February 5, 1964, prevents the imposition of the tax with respect to Federal offices.

The most recent revision of general civil rights legislation is found in the Civil Rights Act of 1968.[86] For our purposes, the most important provisions deal with interference with federally protected rights and with housing. As to the former, it is said that whoever, *whether or not acting under color of law* interferes with such federally protected activities as voting, enjoying employment, serving on juries and gaining access to hotels and restaurants is subject to fine or imprisonment or both. As to housing, the Act prohibits discrimination in the sale, rental or financing of housing where Federal financing or insurance is involved. Educational and conciliatory activities are provided for and enforcement procedures are prescribed. Again, penalties are imposed on violators whether or not they are acting under color of law.

It is impossible within the limitations of this discussion to examine in depth the tremendous amount of case material which the Civil Rights Acts have engendered. Probably the most significant recent case is *Jones v. Alfred H. Mayer Co.*[87] The opinion by Mr. Justice Stewart contains an elaborate review of civil rights legislation and a comparison between the 1964 Civil Rights Act and that of 1968. The most important element of the decision for our purposes is that Congress, under the Thirteenth Amendment, has power to forbid racial discrimination in housing *whether private or public*. Thus, when legislation is based on that amendment, rather than on the Fourteenth, state action need not be found and congressional legislation can reach the individual directly. It may be noted that the Thirteenth Amendment in its terms simply outlaws slavery and involuntary servitude but the court was able to find that this protected a person from discrimination in the purchase of housing on racial grounds. Thus, it appears that in situations involving discrimination in voting[88] and other types of racial discrimination, the Fifteenth and Thirteenth Amendments permit direct Federal intervention.

Federal interest in local crime is, again, a matter which has existed for some time but, again too, that interest has been intensified in recent years. Here, however, Federal intervention has not been direct but rather, as in the areas of housing, renewal and environmental control, has taken the form of aid to the states with Federal control over expenditures. The Omnibus Crime Control and Safe Streets Act of 1968[89] contains a finding that the high incidence of crime in the United States threatens the public peace and that law enforcement efforts must be better coordinated, intensified and made more effective at all levels of government. It is recognized, however, that crime is essentially a local problem and that it must be dealt with by state and local governments if it is to be controlled effectively.

Consequently, a Law Enforcement Assistance Administration is created in the Federal government which is empowered to make planning grants to states for the establishment of state planning agencies and grants for law enforcement purposes. States are required to submit comprehensive plans. The law also provides for training, education, research and demonstration grants. These are made by the National Institute of Law Enforcement and Criminal Justice which is also established by the Act.

Another title of the Act grants authority to both Federal and state officials to conduct wire taps under the supervision of the appropriate courts. These provisions are elaborate and, probably with constitutional problems in mind, appear to be most carefully drawn. Still another title has to do with state firearms control assistance, which basically provides for Federal control and licensing of importers of firearms, but also contains a provision to the effect that there is no intention to occupy the field to the exclusion of state law unless there is a positive conflict.

SUMMARY

This brief summation of significant legislative events since 1920 has given some indication of congressional reaction to depression and war. It has shown the nation's concern with blighted cities and other problems of urbanization as well as its involvement with environmental control, with civil rights and with crime. It has demonstrated the fact that the Congress does react to great social problems, whether in timely fashion, or wisely, or not.

It is difficult to find valid generalizations apart from these. Certainly the overshadowing presence of the Federal government has been demonstrated. That presence has been made known in several ways; through the commerce and war powers, through taxation and now, perhaps most significantly, through spending. In some areas the Federal government has assumed complete control. In others, it has shown sensitivity to the interests of the states and, in the case of urban renewal, even more to those of municipalities. Indeed patterns of Federal assistance in this area have raised questions as to the position of the states in our scheme of government.[90]

No one can tell what the next half century will bring. One might conjecture that there will be increasing involvement with social problems and that in one way or another the influence of the Congress may reach such areas as zoning and other forms of land use control. Congress may attempt to exercise some influence over population movements. Regional arrangements for dealing with conditions created by urbanization may be expected. The financial plight of states and municipalities may receive more attention. All of this presupposes that international affairs will be stable enough to permit more concern with domestic problems.

But, no matter what situations arise, the Congress will continue to write history through the legislative process.

FOOTNOTES

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[1] For a much more extensive treatment of the general subject, see The Statutory History of the United States, B. Schwartz Ed., 1969.

[2] 41 Stat. 456 (1920). Federal control was established as of March 21, 1918. 40 Stat. 451 (1918). *Note:* In this and in many subsequent footnotes, the United States Code is not cited. This is because the statute referred to is no longer operative and no comparable provision is contained in the Code.

[3] 41 Stat. 1063 (1920).

[4] 41 Stat. 437 (1920).

[5] 41 Stat. 392 (1920).

[6] 41 Stat. 403 (1920).

[7] 42 Stat. 4 (1921).

[8] Stern, *The Commerce Clause and the National Economy, 1933–36,* 59 Harv. L. Rev. 645, 653 (1946). I am deeply indebted to Mr. Stern for his highly informative account of the legislation and litigation of this period. Mr. Stern's footnotes are omitted from this quotation.

[9] See Stern, *supra* note 8.

[10] One of the battles involved the so-called court packing plan. On February 5, 1937, President Franklin D. Roosevelt sent a message to Congress containing a plan for the reorganization. It proposed the appointment of additional judges in federal courts where there were sitting judges who had reached retirement age and who had not retired or resigned. It also extended these provisions to the Supreme Court. After a bitter controversy the proposal was defeated. The matter is summarized in Freund, Sutherland, Howe and Brown, Constitutional Law: Cases and Other Problems, pp. 243–245 (2nd Ed. 1961).

[11] See Nutting, *Constitutional Delegations Since the Schechter case,* 14 Miss. L. J. 350 (1942).

[12] See, e.g., Stern, *supra* note 8, p. 649 and footnotes.

[13] *Id.*, p. 652.

[14] Act of June 16, 1933, 48 Stat. 195 (1933).

[15] 48 Stat. 195, 200 (1933).

[16] 48 Stat. 31 (1933).

[17] 49 Stat. 991 (1935).

[18] 48 Stat. 74 (1933).

[19] 48 Stat. 881 (1934).

[20] 49 Stat. 803 (1935).

[21] Stern, *supra* note 8, p. 652.

[22] 293 U.S. 388 (1935).

[23] *Supra,* note 14.

[24] 295 U.S. 495 (1935).

[25] 48 Stat. 195, 196 (1933).

[26] 293 U.S. 388, 403 (1935).

[27] 298 U.S. 238 (1936).

[28] *Supra,* note 16.

[29] 297 U.S. 1 (1936).

[30] *Supra,* note 15.

[31] They are collected in Freund, etc., *supra,* note 10, p. 243.

[32] 49 Stat. 449 (1935).

[33] 301 U.S. 1 (1937).

[34] 52 Stat. 1060 (1938).

[35] 312 U.S. 100 (1941).

[36] 50 Stat. 77 (1937).

[37] 310 U.S. 381 (1940).

[38] *E.g.,* Mulford v. Smith, 307 U.S. 38 (1930); United States v. Rock Royal Co-operative, Inc., 307 U.S. 533 (1939).

[39] See Jones v. Securities and Exchange Commission, 298 U.S. 1 (1936); Wright v. Securities and Exchange Commission, 112 F.2d. 89 (C.C.A. 2d 1940); Electric Bond and Share Co. v. Securities and Exchange Commission, 303 U.S. 419 (1938).

[40] 49 Stat. 620 (1935).

[41] Steward Machine Co. v. Davis, 301 U.S. 548 (1937).

[42] *Supra,* note 34.

[43] Nutting, *supra* note 11, p. 355.

[44] See Nutting, *Are States Still Legislative Laboratories?,* 52 A.B.A.J. 877 (1966).

[45] 39 Stat. 213 (1916).

[46] See Pearlman, *Wartime Priority Control Over Food,* 29 Iowa L. Rev. 430 (1944).

[47] 54 Stat. 892 (1940).

[48] 54 Stat. 676 (1940).

[49] 56 Stat. 178 (1942).

[50] *Id.*

[51] 56 Stat. 23 (1942).

[52] 56 Stat. 765 (1942).

[53] Exec. Order 9280, 7 Fed. Reg. 10179, paragraph 10 (1942).

[54] See, *passim,* Nutting and Baskette, *Food Distribution in War Time,* 23 Neb. L. Rev. 131 (1944).

[55] 321 U.S. 414 (1944).

[56] *Id.,* at p. 424

[57] 322 U.S. 398 (1944).

[58] 333 U.S. 138 (1948).

[59] 61 Stat. 193 (1947).

[60] No opinion is expressed here as to Federal power in a situation of "undeclared war."

[61] National Housing Act of 1934, 48 Stat. 1246 (1934).

[62] 1 CCH Federal Banking Law Reporter 10,031 (1966) as quoted in Lefcoe, Land Finance Law 186 (1969).

[63] Haar, Land Use Planning 650–51 (1959).

[64] Act of Aug. 1, 1968, 82 Stat. 476, 12 USC 1701.

[65] Progress Report on Federal Housing and Development Programs. Subcommittee on Housing and Urban Affairs, Committee on Banking and Currency, United States Senate. 91st Cong., 1st Sess., pp. 11–25 (1969).

[66] *Id.,* at p. 11.

[67] Housing Act of 1949, 63 Stat. 380, 42 USC 1460 *et seq.*

[68] It is almost literally true that writings on this subject would fill a library. In addition to a vast amount of other literature, there are the following casebooks, each of which contains extensive material on the problem: Haar, Land-Use Planning (1959); Mandelker Managing Our Urban Environment (1966); Lefcoe, Land Development Law (1966); Beuscher and Wright, Land Use (1969); Krasnowiecki, Housing and Urban Development (1969): Michelman and Sandalow, Government in Urban Areas (1970).

[69] The description in this paragraph is derived from a statement by William Slayton, then Commissioner of the Urban Renewal Administration, before a subcommittee of the House Committee on Banking and Currency in 1963, as quoted in Mandelker Managing Our Urban Environment, pp. 133 *et. seq.* (1966).

[70] 348 U.S. 26 (1959).

[71] 60 Stat. 790 (1945); D.C. Code sec. 5–701 to 5–719.

[72] See Mandelker, *Public Purposes in Urban Development,* 28 Tul. L. * * 96 (1953).

[73] Progress Report, *supra,* note 65, p. 110.

[74] *Id.,* pp. 111–116.

[75] 72 Stat. 885 (1958); 23 USC 101 *et seq.*

[76] Campaglia, *In the Path of the Interstates,* City, June-July 1970, p. 25.

[77] *Id.*

[78] 70 Stat. 507 (1948).

[79] 79 Stat. 903 (1970); 33 USC 466 *et seq.*

[80] *Id.,* sec. 466.

[81] 69 Stat. 322 (1955).

[82] 81 Stat. 485 (1967); 42 USC 1857(a) through (1).

[83] United States v. Bishop Processing Co., 287 F. Supp. 624 (D.C.Md. 1968); affd. 423 F.2d 469 (4th Cir. 1970); *cert. den.*—U.S.—(1970).

[84] 83 Stat. 852 (1970); 42 USC 4321 *et seq.*

[85] 49 Stat. 437 (1965); —USC—

[86] 82 Stat. 73 (1968); 18 USC 2101–2102. This was extended by Congress in June 1970, with an added provision extending voting privileges to eighteen year olds.

[87] 392 U.S. 409 (1968). The position in this case was reaffirmed in Sullivan v. Little Hunting Park, Inc.,—U.S.—; 90 S. Ct. 400 (1969).

[88] *Supra,* p. 262.

[89] 82 Stat. 197 (1968). The Act has been codified under numerous titles of the United States Code. They may be identified by consulting the Popular Name Table under the title of the Act as given in the text.

[90] See De Grove, *Help or Hindrance to Station Action? The National Government, in the States and the Urban Crisis,* The American Assembly, 1970.

EARTH WEEK: AN OPPORTUNITY TO REVIEW THE PROGRESS AND FUTURE CHALLENGE OF PRESERVING THE ENVIRONMENT

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. JOHNSON of California. Mr. Speaker, nearly a year ago, on April 22, 1970, millions of persons throughout the United States actively participated in the observance of Earth Day. Citizens everywhere recognized the importance of preserving and enhancing our environment.

This week, April 18 to 24, has been designated as Earth Week. It is appropriate at this time to add up our ecological scorecard—to check our environmental record and establish what has been accomplished in the last year and what still remains to be tackled. There were some last year who were worried that environmental awareness was just a passing fad, and that concern about making real progress in enhancing the quality of life would become a forgotten issue. There are, of course, a multitude of other pressing concerns confronting Congress and the man in the street. But I am glad to say that we are moving ahead on the environmental front. We are making solid advances in ending the deterioration of our water, our air and our entire ecosystem. The record shows that the issue of the environment is not a passing fad and not an issue that can be shunted aside. Indeed, it is a concern that may well represent the most important long-term issue we have ever confronted.

Nearly a year ago I discussed the environmental legislation Congress had approved previously. Both the quantity and scope of that legislation was extensive. Since last April a number of new bills have been passed.

The Clean Air Act, which authorized $1.1 billion over three years for air pollution and aid to the States, includes one of the toughest antipollution provisions ever passed. The act stipulates that by January 1, 1976, the auto industry must produce a virtually pollution-free engine.

This measure was opposed by Detroit, but it is necessary if we are to control the No. 1 source of air pollution. I have confidence in American technology—I believe we can produce a clean automobile engine by applying the full force of our knowledge and ingenuity. If we really invest our time and energy, we can have progress without pollution. We can produce an engine, as this Act calls for, that will reduce carbon monoxide and hydrocarbon emissions by 90 percent.

Other provisions of the Clean Air Act require the Secretary of Health, Education, and Welfare—HEW—to formulate national air pollution standards and complete the designation of air quality control regions across the Nation. Within 3 to 5 years the States must establish and enforce clean air programs meeting the national standards. If a State fails to act the U.S. Attorney General can bring suit to stop pollution, with penalties up to $10,000 per day. In addition, the act permits citizen suits to compel enforcement of existing pollution controls, including suits against lax administrators. First-time violators face up to $25,000 in fines or 1 year imprisonment.

Another important act passed since Earth Day 1970 is the Resource Recovery Act. This legislation authorized $463 million over 3 years for a variety of efforts designed to promote the recovery of energy or resources and recycle useful material.

This legislation is limited and preliminary because it involves the almost untouched technology of recycling. But it is an important beginning. As a Nation which has only 6 percent of the world's population, but which accounts for more than half of the world's annual consumption of raw materials, the United States has a responsibility to use the earth's finite energy and resources as efficiently and wisely as possible. Our technological society must learn to use its resources as intelligently as the old Indians of the Great Plains used their resource, the buffalo. The Indians did not hunt the buffalo for its meat alone—they used and often reused almost every part of its body. We too, in similar fashion, must make the most of our natural wealth. We must recycle our resources.

Under the Resource Recover Act, HEW is conducting studies of economical means of recovering useful materials from solid waste. In addition, planning grants and experimental grants to State and local governments are available for projects that lessen the environmental impact of solid waste disposal and promote resource recovery and recycling.

Numerous other acts established and funded programs relating to the environment, including the Environmental Quality Education Act, a $45 million program to increase ecological literacy. Through other legislation, Congress set aside 23 new wilderness areas, a national seashore, two national lakeshores, a national park, and a national historic park

These bills will not bring us to the ecological millenium, and neither will the hundreds of environmental bills introduced in the new 92d Congress. The environmental problem is large and complex. But progress is being made.

This year I have introduced several pieces of legislation which would help improve our environment. H.R. 5076, which I joined Representative Morris K. Udall and others in sponsoring, would provide the citizen with new and stronger legal tools to combat pollution more effectively. Citizens' suits and class action suits could be filed in U.S. district courts against personal or corporate polluters.

This bill would allow citizens to file for damage done to the total environment. At persent, they can recover damages only if a narrow and specific economic harm from pollution can be proven. In addition, relief often comes in the form of a financial award rather than a judicial directive to the polluter to stop violating the law.

Another bill I have sponsored, H.R. 6486, would deal specifically with the problem of lake pollution. This legislation also introduced by Representative CLARENCE D. LONG, calls for a $900 million, 40-year grant program to aid State and local governments in developing water plants and cleaning up existing pollution. Particular attention would be given to improving the quality of small community lakes.

Within 18 months after the passage of this bill, participating State and local governments would be required to adopt enforcible laws to control effluents discharged into lakes. In addition, land developers in areas near or adjacent to lakes or their tributaries would be required to control soil erosion, a major cause of water pollution. Violators of this legislation could be fined up to $10,000 and/or imprisoned for a year.

Water quality would also be enhanced under a bill sponsored by the House Interior Committee, Chairman WAYNE ASPINALL and myself. H.R. 5334, the saline water bill, would continue the program of research, development, and demonstration of processes for converting salt water and chemically contaminated water into fresh water. Through this bill, we may soon be able to economically convert brackish water into clean water and improve the quality of natural waters.

H.R. 6087, sponsored by Representative ROBERT L. F. SIKES, myself and others, would provide for an important program of urban environmental forestry. This legislation would promote the development of vital green spaces and parklands near our urban and suburban areas.

Two House joint resolutions I have sponsored include House Joint Resolution 5 to establish a Joint Committee on the Environment and House Joint Resolution 280 to permanently designate this, the third week of April, as Earth Week.

Thank you.

THE SEAL PROTECTION ACT OF 1971

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. ANDERSON of California. Mr. Speaker, I am today introducing the Seal Protection Act, a bill which would protect seals from being exterminated.

The wanton slaughter of wildlife for no other purpose than to adorn clothing, or place before a hearth, is obnoxious and one of the greatest obscenities of our society. Yet, for the sake of the dollar, seals are subjected to massive brutality and slaughter at the hands of man. It is time to realize that this destruction—coupled with the pollution of the oceans—may result in an upset in the balance of nature.

The preservation of animals is not an economic issue.

For no other reason than humanics in a civilized society, we should do everything in our power to preserve and protect wildlife. The preservation of animals is our duty as trustees of this planet. We have an obligation to future generations to leave this earth and her flora and fauna in a better condition than when we entered.

Mr. Speaker, to prohibit the barbaric treatment of seals at the hands of fur hunters, this bill would make it unlawful to harass, hunt, or kill seals that are in the United States. Further, this measure would prohibit the sale or importation of seal skins into the United States.

However, there are exceptions to this standard. The Eskimos, who have traditionally hunted seals for their own use, will be allowed to continue this practice, but will not be allowed to offer them for sale. In addition, municipal zoos will be allowed to replace deceased seals in their zoos.

Mr. Speaker, it is high time that we stop the wanton slaughter of helpless animals that harm no one. Instead, we should adopt a policy of enhancing our environment and preserving the precious resources that we have very nearly decimated.

ART INSTITUTE OF PITTSBURGH ESTABLISHES JOHN DENT SCHOLARSHIP

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. MOORHEAD. Mr. Speaker, we all know the great work that JOHN DENT has performed on behalf of the working man. Currently his committee is seeking legislation that will protect the pensions of workers and a second bill to raise the minimum wage and put 7 million more workers under the Fair Labor Standards Act.

With a track record like this, it is not difficult to see why homage is paid to JOHN DENT for his efforts.

But the gentleman from Pennsylvania is renowned for his work with another important group, America's students, the greatest hope our Nation has.

Most recently, the Art Institute of Pittsburgh, a school with whose good work I am very familiar and an institution which happens to be in my district, established a John Dent Scholarship to be presented every 2 years to a deserving high school senior.

I believe that this is an excellent tribute to one of this body's more energetic Members.

In establishing the John Dent Scholarship, John Johns, President of the Art Institute, said:

> We consider it a great privilege to set up a scholarship in honor of Congressman DENT, as only a small token of the tremendous work he has been doing to help the cause of education. Every student owes a debt to Mr. DENT's diligence and enthusiasm. I am just happy to be able to say "thank you" in a way that will help even more students.

Helping people seems to be a habit with JOHN DENT and a habit with the Art Institute of Pittsburgh which has provided my city of Pittsburgh with hundreds of competent art and design specialists.

A John Dent Scholarship at the Art Institute of Pittsburgh, I could not think of a better union of interests and concerns.

I just want to congratulate both JOHN DENT and the Art Institute and bring to the attention of the House this great honor, the gentleman from Pennsylvania.

LAOS ATTACK SUCCESSFUL

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. FISHER. Mr. Speaker, there has been some confusion about the results of the recent action in Laos. This subject was discussed in a recent article written by Ira C. Eaker, who served with great distinction in the Air Force during World War II. He retired as a lieutenant general. He is known for his accuracy and dependability. A copy of the article follows:

RESULTS SHOW: LAOS ATTACK SUCCESSFUL

President Nixon said, about the middle of the Laotian operation, "The jury is still out on Laos."

Now that the ground-force phase of the Laotian operation has ended, it is possible to assess the results with considerable accuracy.

It is estimated that the enemy lost about 15,000 killed and 30,000 wounded. His losses of equipment, weapons and supplies include 5,000 trucks—500 to ARVN (Army, Republic of South Vietnam), artillery and the remainder to U.S. gunships—106 tanks and armored vehicles, 600 million rounds of small arms ammunition, 2,000 machine guns, 5,000 rifles, 216,000 gallons of gasoline, and 2.5 million lbs. of rice (the rations for 100,000 soldiers for a month).

The ARVN lost 1,300 killed and about 3,000 wounded. There were 37 U.S. airmen lost in air support of the Laotian campaign.

The disparity in losses between the Reds and the ARVN was due to the fact that the enemy made massed attacks against fortified positions on high ground, defended by artillery and automatic weapons and under continual strafing and bombing from U.S. air support.

Some dispatches from Vietnam claimed that the United States suffered heavy helicopter losses. Forty thousand helicopter sorties were flown to support the Laotian operation. Total helicopter losses were 87. This is about 2 per cent. In World War II, British bomber losses (night operations) were 2 per cent while U.S. bomber losses (daylight missions) were 4 per cent.

The Reds have succeeded in moving South of the DMZ no more than 25 per cent of the supplies they have been moving in a dry season in past years.

The Laotian operation cut up and severely mauled three of the best Red divisions, greatly decreasing the threat to Cambodia, Laos and South Vietnam, improving the prospects for Vietnamization and reducing the hazard to our dwindling forces.

The Laotian tactical plan called for two ARVN divisions to advance on a narrow corridor to Tchepone where all supply trails south converge.

As the South Vietnamese divisions advanced westward to successive phase lines, four or five miles apart, they established fire bases on either flank. Ultimately six such bases were occupied on the north flank and four on the south.

A fire base was made by dropping several 15,000-pound bombs on a hilltop, thus clearing an area out of the jungle adequate for helicopter pads, a battalion of 400 men with their artillery and automatic weapons and a cleared field of fire several thousand yards in extent in all directions.

As the high command had guessed, the Reds elected to attack massively. They hit the westernmost fire base with a regiment of 1,800 men They lost 1,400 killed. For the first time they did not remove the dead, counted by low-level reconnaissance and photographs. Subsequent similar attacks on other fire bases suffered additional heavy Red casualties.

When the ARVN divisions began to withdraw (it was never planned that two divisions would hold indefinitely when outnumbered), a Pentagon senior officer was asked if this nullified the success of the operation. He replied, "It was better that the enemy chose to fight. They have now lost half of their best troops in three divisions, and they have expended their scarce ammunition and weapons at a greatly accelerated rate." He then concluded, "We also have discovered the quality of the South Vietnamese troops. They performed well, there was never any rout or panic at any time. We are much more confident that our allies can manage after we leave."

Red defectors (several hundred crossed over during the Laotian operation) report that morale in the regular North Vietnamese divisions has depreciated markedly as a result of their heavy losses. This has now been confirmed from other intelligence sources.

Another significant result of the Cambodian and Laotian operations is the fact that the enemy has now lost the initiative. No longer can he rely upon secure sanctuaries or elect his own time and place of attack.

IN SUPPORT OF J. EDGAR HOOVER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. RARICK. Mr. Speaker, Mr. J. Edgar Hoover and the Federal Bureau of Investigation which he has moulded certainly need not defend themselves. Their respect is international and their credibility is far deeper than mere politics.

As an indication of the admiration and respect with which Mr. Hoover is venerated, I have even received a letter from a prisoner in a State penitentiary commending Mr. Hoover for his efforts to make our country a better and safer place in which to live.

I insert the letter at this point:

RICHMOND, VA.,
April 14, 1971.

Hon. JOHN R. RARICK,
Member of Congress,
Washington, D.C.

MY DEAR SIR: I am writing this letter to you to commend you on your recent support of Mr. J. Edgar Hoover, Director of the F.B.I.

It may sound strange to you, that I, a convicted felon of 26, would be in support of one of the finest law enforcement officers in this country. However, I say, is it really so strange. Does my being a convicted felon mean that I cannot respect a man, who in my opinion is doing one fine job? I respect Mr. Hoover for the type of man that he is. Men of his character and virtue are rare these days. This man has done so much for the American people in trying to make this a better and safer place in which to live. He has built one of the finest crime fighting organizations in this country; or, for that matter, in the world. I truly believe that the F.B.I. has become more famous than either Interpol or Scotland Yard.

These recent attacks on him, in my judgment, are in ill taste. Have the dissenters in this country created such a stir that they have made men in higher offices turn on our living symbol of Law and Order? Have these men forgotten what Mr. Hoover has done to protect society not only from the criminal element of society but its enemies as well? Thank you once again for supporting this truly fine American.

Yours very truly,
HUGH L. ERWIN, Jr.

REX MARTIN II TOPS BRADDOCK HEIGHTS OPTIMIST ORATORICAL CONTEST

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. BYRON. Mr. Speaker, the Optimist Club of Braddock Heights, Md., held its annual oratorical contest April 6 at the Braddock Heights Fire Hall. Rex R. Martin II won first prize; Mark D. Lederman won second; and Albert L. Nagy, Jr. placed third.

I would like to extend my personal congratulations to the contest winners. Rex Martin's winning speech was a convincing appeal to America to continue the struggle to maintain its freedom:

THIS I BELIEVE

I believe in Americanism, and freedom is Americanism at its best.

Three hundred and fifty years ago our forefathers had the American dream, and came to this country for one main reason, freedom. Since then, freedom or the American way of life has been our heritage.

In 1775 the American Revolution began and was fought, under the leadership of George Washington, for one main purpose, freedom, again Americanism. The Declaration of Independence was written by Thomas Jefferson, outlining the principles of our country. Then came the Constitution of the United States, which remains the law of our land, striving for liberty and justice for all. All people are free to strive and to succeed. Mark Twain once said "An Englishman is a man who does something because it has been done before, but an American is a person who does something because it has not been done before". Freedom and Americanism are what permitted our great leaders such as Washington and Lincoln to succeed. The free atmosphere likewise, permitted Benjamin Franklin to discover electricity, Alexander Bell the telephone, and allowed Daniel Webster to become one of our greatest orators of all times. Our country has always needed more Daniel Websters, and better communication to spread the American word of freedom both at home and abroad.

In 1861 the Civil War began and was fought for freedom and to abolish slavery, again Americanism.

In 1941 World War II began and was fought to keep America free and to protect the free world. Sir Winston Churchill once said "A democracy is a terrible form of government, but I know of none better". I believe most Americans feel the same way.

Today, we find ourselves at war in Vietnam, and again fighting for freedom or Americanism to protect our interests and to uphold our treaties, and to contain Communist oppression. Under Red Rule, the freedoms of travel, speech, religion, and the many other freedoms which we Americans today all take for granted, do not exist. Today our high standard of living, and our great accomplishments including putting men on the moon, have been possible because of our great heritage, freedom.

Our generation today is enjoying greater freedom than any other in the history of man. This I believe, but we should never take it for granted. Freedom is not free, it can and has been extremely costly. You hear the question: "What type of a nut is he? He wants to run his own business. He wants to select his own doctor. He wants to select his own friends. He wants to make his own bargains. He wants to grow on his own efforts. What kind of a nut is he?" He is an American who understands and believes in the Declaration of Independence, that's what kind. Aren't you glad you are too? And don't you wonder why so many of our fellow Americans are trying so hard to destroy the kind of life that has made us the aim and the envy of every other person on earth. The question is what kind of nuts are they? When our United States Capitol building in Washington is bombed, it is time for all red blooded Americans to wake up.

Today, we American youths are well educated, filled with energy and enthusiasm and foresight, and are eager to accept and protect our heritage. To us it will always be, America, first, last, and always. This I believe. In final analysis, it matters little whether our national anthem is The Star Spangled Banner, or America the Beautiful, but what really matters is, when our flag, Old Glory, goes passing by, stand up, take off your hat, put your hand over your heart and say "Thank God, I am an American". This I believe.

CROATIAN INDEPENDENCE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. PEYSER. Mr. Speaker, Saturday, April 10, marked the 30th anniversary of independence by the people of Croatia. In April 1941, the people of that ancient and culturally well endowed land were finally able to assert their right to pursue their own destiny. Although entangled in the tragedy of World War II, the Croatians were able to make good on their determination to become an independent state.

The people of Croatia have a long and honorable history and have steadfastly maintained their great national traditions. The American public should remember the Croatians' courageous struggle for postwar freedom.

However, World War II's end saw the demise of Croatian independence and now she has become a part of Communist Yugoslavia. But for those countrymen who lived through that period of resurgence, the freedom they tasted shall never be forgotten.

On this anniversary of Croatian independence, we should all remember those patriots who solemnly recall that joyous April. On this occasion we should join with all those of Croatian heritage as they recount the glory and justifiable pride of those few years of independence.

THE GUILTY MEN

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. SCHMITZ. Mr. Speaker, Nguyen Khoa, said in Washington Star, April 1, 1971:

> We had Communists in the village then. They fight against the Americans. That's why it happened . . . if we didn't have Communists in the hamlet it would not have happened.

Nguyen Khoa is a militia leader in the Vietnamese hamlet of Tu Cung located about a half mile from My Lai 4—the subhamlet where the incident for which Lieutenant Calley has been sentenced to life imprisonment took place. Nguyen Khoa's 5-year-old son was killed during the encounter at My Lai 4. Yet Nguyen Khoa understands why it happened. He understands where the basic guilt lies. It does not rest basically with Lieutenant Calley.

Neither does it rest with the American people. Although some commentators who can find little to recommend our Nation at any time have seized upon this incident as conclusive proof that Americans are an unworthy and degenerate people, their assessment just does not square with the facts.

The men responsible for My Lai 4, the men responsible for the loss of well over three quarters of a million lives in Southeast Asia since 1957, reside in Hanoi. They and their program of action furnish the moral justification for our participation in the war. They are hardened and ruthless Communist despots who are attempting to subjugate the people of Indochina no matter what the cost in human life.

While U.S. forces have waged their campaign in defense of South Vietnam with the greatest possible precautions to preclude civilian casualties, the Communists have conducted a systematic campaign of terror against the people of South Vietnam. In order to bring this massive organized liquidation effort to the attention of my colleagues and the American people I have been inserting into the CONGRESSIONAL RECORD from time to time, reports of terrorist activities which are compiled by the National Police of South Vietnam.

This series, entitled "The Pulping of a People," brings forth most vividly the nature and scope of the Communist terrorist activities directed against civilians. Men, women, and young adults were assassinated, maimed, and abducted at the rate of approximately 290 per week during 1970.

The most vicious single attack on the civilian population of South Vietnam took place during the 1968 Tet offensive. Between January 31, 1968, and March 15, 1968, approximately 7,400 civilians were killed. Over 5,000 civilians in the city of Hue were systematically executed. It was in response to this ruthless extermination campaign that the South Vietnamese Government requested that U.S. forces be sent to the Son My area which served as headquarters for the 48th Vietcong battalion. This is the area where the My Lai incident took place.

As the House Armed Services Investigating Subcommittee, headed by Congressman F. EDWARD HÉBERT, stated in its investigative report of the My Lai incident:

> The village of Son My, of which the hamlet of My Lai 4 was a part, was a hard core Viet Cong area and had been so for more than 20 years. The hamlets were fortified by camouflaged fighting bunkers and used as a base and supply camp for the Viet Cong and North Vietnamese Army units. It was from this area that the 48th Viet Cong Battalion launched this attack on the city of Quan Ngai during the January 1968 Tet offensive.

The subcommittee report also commented on the civilians in the area:

> Based upon events which took place in the weeks preceding March 16, 1968 (the date of the incident), it is reasonable to conclude that those 'civilians' present in the hamlet of My Lai 4, except those too young to do so, were there to aid the enemy or his cause. They had been previously removed from that village to the safety of a refugee camp but subsequently returned.

The subcommittee report also sets the incident into the only perspective from which the occurrence at My Lai 4 can be understood.

> In a war such as that in Vietnam, our forces in the field must live for extended periods of time in the shadow of violent death and in constant fear of being crippled or maimed by booby traps and mines. And added to this is the fact that this is not war in the conventional sense. The enemy is often not in uniform. A farmer or a housewife or a child by day may well be the enemy by night, fashioning or setting mines and booby traps, or giving aid, comfort and assistance to the uniformed enemy troops. Under such circumstances, one can understand how it might become increasingly difficult for our troops to accept the idea that many of those who kill them by night somehow become "innocent civilians" by day.

The President's review of Lieutenant Calley's case, conducted with an understanding that, in the murky half-light of indecisive action against an elusive enemy, our soldiers are many times in the position of being damned if they do or dead if they do not, will hopefully produce a finding within the spirit as well as the letter of the law. But more importantly, we must let the firsthand experience and obvious commonsense of Nguyen Khoa help guide us to the roots of the problem.

Justice for the people of South Vietnam can only be achieved by directing our state apparatus of compulsion and coercion against the real criminals. These men are in Hanoi, not Georgia.

ECTOR MUNN: ADVOCATE OF PLANNED PARENTHOOD

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. ROGERS. Mr. Speaker, welfare costs and solutions to the problems of welfare in the United States have been the subject of countless newspaper and magazine articles, research papers, studies, reports, and debate and is presently under consideration by the House Ways and Means Committee.

Inextricably related to the problem of rising welfare costs in America is the size of the welfare family, and planned parenthood is likewise an essential part of any meaningful solution to the problem.

Mr. Ector Munn of Palm Beach, Fla., has recognized the need for effective planned parenthood programs to curb welfare costs, and I am enclosing, for the benefit of my colleagues, an article which appeared recently in the Palm Beach Daily News which describes Mr. Munn's contributions to this program.

ECTOR MUNN: BIRTH CONTROL BONUS COULD CUT RELIEF COSTS

(By Jane Skinner)

Welfare problems abound in the U.S., the "population explosion" has been picked up, carried down the field of social significance as a menace to man's survival, and all along, Palm Beach winter resident Ector Munn has been trying to do something about both conditions.

Retired from active business life 10 years ago. Munn has spent most of his time bringing the planned parenthood concept to the attention of state and county health departments throughout the southeastern U.S.

In 1964, Munn, with the assistance of famed cartoonist George McManus, creator of "Bringing Up Father," with Maggie and Jiggs, began furnishing, free of charge, posters designed to educate masses of people living in a poverty environment to the advantages of limiting family size.

The response was immediate . . . letters poured in to Munn from health educators, obstetric consultants, nursing consultants, directors of public health education and bureaus of maternal and child care in Georgia, North and South Carolina, Mississippi and Florida, asking for more posters.

In 1969, the Director of Maternal Health Service for the Georgia State Department of Health wrote, "We have a need to provide all of our 159 county health departments with one of these posters and to use others in the department of family and child services, who often refer patients to us."

But before the Planned Parenthood posters became so successful he had trouble keeping his supply commensurate with the demand. Ector Munn, in 1966, offered financial support to the first family planning clinic in Palm Beach County . . . in Pahokee.

Dr. C. L. Brumback, director of the Palm Beach County Health Dept., said Munn provided the department with funds, $6,108, to operate the glades area clinic for a period of one year.

"Mr. Munn's help has been invaluable to us," said Dr. Brumback.

Munn's efforts have taken on new energy in the past year, because he believes an incentive program could be more successful in family planning than the ever growing need for more welfare dollars.

"Only one out of four potential mothers of welfare babies try birth control, and of these, so many drop out only about one in five is protected," he said.

"An incentive plan to practice family planning should be employed."

Dr. Brumback said the family planning clinics in the county offer various means of achieving this end, and education in practicing the methods, none of which can be offensive to individuals with personal and varying religious beliefs.

Munn takes issue with providing underpriviledged people with "information," referring to a large sum of money recently allocated to the Department of Health, Education, and Welfare, to improve contraceptives.

"Certainly the poor do not need information. What they lack is motivation and the best use HEW could make of its money would be to supply motivation," he said.

Munn had small surveys made in Palm Beach and Sarasota counties to determine what constitutes the biggest stumbling blocks to successful family planning.

The women screened included "afraid of side effects (from the pill), too far to go to a clinic, too tired, and no baby sitter," among the reasons for not availing themselves of the free help.

"Fatalism" and "apathy" were not mentioned, said Munn, "but I am sure they play a large part."

Munn believes hope of turning the tide in the future does not lie with the pill, but in a new, miniature intra-uterine device (IUD). It can be inserted by specially trained visiting nurses.

Within a very few years, he said, a tiny capsule now in experimental use, will also be available, for injection under the skin.

The capsule contains hormones which pass through its membrane and protect against pregnancy for several months.

Munn suggests compensation for the mother for her time in having the IUD inserted. "A small cash remuneration . . . such as a day's wages, and perhaps a day off from work."

"The cost of an incentive reward compared to the cost of a relief-baby is nothing. From birth until 14 years old, cash cost to public authorities is about $7,000 and that is only the beginning.

"The child's home of one and two rooms is often so overcrowded and noisy that on reaching school age they cannot do homework, get discouraged and drop out.

"Without the education to get a job, they may turn to crime and drugs. The cost to the community in police, insurance, courts and prisons is beyond calculation."

Munn said "if HEW can be persuaded to experiment with incentives perhaps it can break the vicious chain of relief babies which grow up and produce other relief babies in mathematic progression like a cancer."

POTSDAM MIDGETS—NEW YORK STATE CHAMPIONS

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. McEWEN. Mr. Speaker, I am delighted that a team from Potsdam, N.Y., in my congressional district, the Potsdam Midgets, won the New York State Midget Hockey Team championship in March and earlier this month participated in the National Championships in Detroit, Mich.

While they did not emerge as the national champions, northern New York can well be proud of the team's tournament record of one win, one loss and two ties. At the National Championships, the Potsdam team tied the Partridge, Ill., team in double overtime; tied the Erie, Pa., team; defeated the Southfield, Mich., team and were defeated by the Seattle, Wash., team.

The Midgets, winners of the New York State Tournament, are made up of boys of up to 16 years of age, and traveled from Potsdam to Detroit after more than $2,000 was donated by local businessmen and area residents. I know that northern New York is proud of the Potsdam Midgets as they wear the crown of champions of New York State and for the excellent hockey and sportsmanship they displayed.

RID-LITTER DAY IN BOYNTON BEACH, FLA.

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. ROGERS. Mr. Speaker, we need not look too far to realize we are becoming surrounded by trash and litter on our streets, our sidewalks and with increasing frequency, in our parks and recreation areas.

Americans like to throw things away, but regrettably, too many Americans don't care where they throw their trash, and too often our public lands become our garbage cans. In two generations, we Americans have managed to discard enough solid waste to cover an area seven times the size of the State of Rhode Island.

During the last Congress, I was pleased to have been the author of the Solid Waste Disposal Act of 1970, now Public Law 91–512, and this new law will provide incentive for finding new ways of coping with our solid waste problems.

But, in large measure, citizen concern will be the key to improving the situation, and action at the local level is all important.

I am pleased that the city of Boynton Beach, Fla., has taken such action at the local level. The city, on April 3, held its second annual "Rid-Litter Day" from 9 a.m. to 12 noon.

I insert at this point in the RECORD for the benefit of my colleagues, a letter from Councilwoman Emily M. Jackson describing the activities of "Rid-Litter Day" as well as the formal report of the day's success.

CITY OF BOYNTON BEACH,
Boynton Beach, Fla., April 8, 1971.

The Hon. PAUL G. ROGERS,
Rayburn Building,
Washington, D.C.

DEAR MR. ROGERS: Knowing of your interest in what is happening in your district, I am enclosing a report of our second annual Clean-up day which we call "Rid-Litter Day."

As you can see the City of Boynton Beach has taken an active part in fighting pollution by having one massive event when all residents of all ages were invited to help rid our city of litter.

From 9:00 A.M. until Noon the City of Boynton Beach looked like an anthill of ants working industriously. Everywhere you looked you saw groups of residents (from 2 years up) filling yellow plastic garbage liners with cans, bottles, paper, etc., or else you saw piles of filled yellow bags heaped in piles waiting for the garbage truck to pick them up.

There were many unusual sights: people filling one bag with more bags hanging from belts, pockets or even one tied around their waists to be used when the first bag was filled.

One woman had her baby strapped to her back, while the mother gathered litter.

It was a heart-warming sight to see people, working together for the good of the community, and taking pride in doing so.

I wish more cities would try this. One of the first solutions to pollution is civic pride.

Boynton Beach is proud of its efforts and results.

Yours truly,

EMILY M. JACKSON,
Chairman, Rid-Litter Day.

REPORT OF "RID LITTER DAY"

Time: April 3, 1971—9:00 A.M. to Noon.

Councilwoman Emily M. Jackson, Chairman.

Jody Hamilton, Co-Chairman (9th Grade).

The purpose of this event was to have a community concerted effort to become aware of the need for Civic Pride, by keeping our City clean.

Participating: 5 organizations donated money, 9 individuals donated money.

Planning committee was made up of representatives (adult and students) from Rolling Green School Boynton Beach Elementary School, Boynton Beach Junior High School, Forest Park School, Wilson Youth Association, St. Marks School, Boynton Youth Association, also representatives from Junior Women's Club, Women's Club, Chamber of Commerce, Leisureville, Sorosis, Recreation Dapartment, High Point, Swim Club.

The above organizations and schools took part in the actual cleanup on "Rid Litter Day". In addition, the following also participated in the pickup: Sterling Village, Pack 322 Den 1 Cub Scouts, Pack 322 Den 6 Cub Scouts, Troop 311 Girl Scouts, Day Care Center, Troop 100 Girl Scouts, Sigma Alpha Chi Fraternity (from Florida Atlantic University) Ridgewood Hills, Little League, Brownie Troop 233, Junior Optimists, Hampshire Gardens, plus two neighborhood groups organized by parents.

795 certificates to be distributed to those who participated and contributed to the Clean-Up (From age 2 years, upwards) at Council meeting, by Co-Chairman Jody Hamilton.

127 Posters were made by students and placed in stores and schools.

197 "Badges" were made by students advertising "Rid Litter Day".

4 Supermarkets and 3 Banks distributed notices of "Rid Litter Day" a week before April 3rd.

The City furnished 3000 litter bags (garbage can size).

Grummons Printers contributed some of the certificates and an anonymous donor donated the remainder.

Thanks are due the news media: WDBF-Radio, WEAT–TV, Palm Beach Post, Palm Beach Times, Sun Sentinel, Boynton Beach News Journal, Miami Herald.

Special thanks is due to Harold Hopkins and his Sanitation Department for their cooperation.

RESULTS

15,000 pounds of litter taken to City dump, plus the aluminum cans that some people sorted from the rest of the litter and took to the Chamber of Commerce to be used for re-cycling.

The money donated ($96) will be used to purchase more Litter Barrels to be placed in strategic places.

FINAL RESULT

Boynton Beach at Noon on April 3rd was probably the cleanest city in Florida and residents have become more aware of the need to keep our City clean. EVERY DAY should be "Rid Litter Day". Use litter bags and litter barrels.

POLLY CHACE HONORED BY ALPHA GAMMA DELTA

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. HOSMER. Mr. Speaker, the Alpha Gamma Delta sorority recently honored one of its members, Mrs. Pauline Brown Chace, with its Distinguished Citizen Award for her work with handicapped children.

I have known Polly Chace and her husband, Los Angeles County Supervisor Burton Chace, of Long Beach, for many years and know of her fine work with the exceptional children of our area.

Polly recently wrote an article for Alpha Gamma Delta's quarterly magazine concerning the needs of these children and the opportunities for her sorority sisters to help. I am pleased to insert her article in the RECORD and commend a great lady for her outstanding contribution to society in making life a little easier for these children:

THESE, TOO, ARE YOUR CHILDREN

(By Pauline Brown Chace)

If you lived in Los Angeles County, you would have approximately 52,000 children identified as needing and enrolled in, "special" education programs. This sounds like a very big family of handicapped boys and girls. But you, like we are, would be uneasily conscious of this fact. Based on required reports made by school districts to the County Superintendent of Schools, Los Angeles County probably has 110,000 handicapped children who need "special" programs.

In California, all physically handicapped children may start to school at three years of age. But if the state and the school districts do not provide the money for school environments and for teachers' salaries, their being able to go to school is not a reality. I feel it is imperative that trainable and educable mentally retarded children be admitted to a school environment at three years of age just like the other handicapped children. The chance of their rehabilitation is greater the younger they are placed under the guidance of specially trained teachers. Dr. Richard Clowes, Superintendent of Los Angeles County Schools, is knowledgeable, personable, with vision and leadership abilities. He has vowed to make California's "special schools" and "special education" the finest in the country. Our seven-member Board of Education is one hundred per cent behind him.

But you say, "I live in a small town. We have so few *exceptional* children. We cannot afford *special* classes or *specially trained teachers*. Our school board, our taxpayers and our legislators cannot and will not spend the necessary money." But, can you afford not to train and educate these children? The annual cost of maintaining a child in an institution is between $5,500 and $6,500. The average cost for adequate special education is between $2,500 and $3,000 per pupil. If these children are not educated, they will become illiterates. By 1980, an illiterate will have no opportunity for employment. By the next decade, the societal cost for an illiterate will rise to between $160,000 and $240,000 per individual.

I wish that everyone of my sisters in Alpha Gamma Delta would ask herself, "Am I, as an individual or as a member of an Alpha Gamma Delta alumnae chapter or club, really concerned about "exceptional or special" children? Do I care whether or not they are discarded on Life's human scrap heap? What can I do to make *special education* and *special schools* available to all children everywhere, so that these children may become more fulfilled, happier and hopefully, a contributor in life?"

Everyone of you has "exceptional children." But I am using "exceptional" here, to identify any child who deviates from the normal either physically, mentally, emotionally, educationally or neurologically. Do you know what the schools in your town or city are doing to meet the needs of your blind or partially sighted child; of the deaf or hard of hearing child; of the cerebral palsied child; of the emotionally disturbed child; of the mentally retarded child; of the most unfortunate of all, the multiple handicapped child? Are your special schools inadequately financed? Most of them are. Then you must work for legislation with adequate, realistic, excess-cost reimbursement from the state to your local school districts. Are you adequately teacher staffed? If so, you are the exception.

You must sell special education to young men and women going into the teaching profession. You must encourage organizations and clubs to give adequate scholarships to those who will prepare themselves to teach handicapped children. We should work to have a Doctoral program in Special Education established in at least one of each state's institutions of higher learning. All student teachers should be required to spend some time in "special" classes. A course on exceptional children should be one of the curriculum requirements for regular teachers.

Do your pediatricians and other medical personnel examining children recognize the less obviously handicapped child—the child with brain damage from a birth injury? We should encourage institutions training physicians, social workers, psychologists, nurses and teachers to require courses on the etiology and diagnosis of mental retardation and the needs and problems of the mentally retarded so that they can accurately diagnose these children at the earliest possible time. Physically, mentally, emotionally and educationally handicapped children should be admitted to school at three years of age. The sooner they are under the guidance of competently trained and understanding teachers, the better their chance of rehabilitation.

If you become knowledgeable about the problems and needs of your "special" children, you can work cooperatively with your schools, with your public and with your legislators to bring about an understanding climate for your exceptional children, and wholehearted, adequate financial support. Volunteer as an aid to your special education classes. Work with your recreation department for beach or park recreational programs for your handicapped children.

Norman Johnson, Director of Los Angeles County Parks, has a varied and stimulating program for all types of handicapped children. Richard Fitzgerald, Director of Los Angeles County Beaches, has specially selected and trained lifeguards who give our County's mentally retarded children a water safety and marine life educational program. This last summer 3,000 children from the minority and inner city groups, were given five days at the beach. Many of these boys and girls had never before been to the beach. Having this program was my suggestion. You can motivate similar "life-enriching" programs in your city, county or state.

I am the mother of two daughters with nerve deafness. Both are college graduates, are married, have families and do substitute teaching for "special" education. I have a nine-year old, trainable, mentally retarded grandson. I am knowledgeable about the needs of both the physically and mentally handicapped. I am dedicating my time and experience to bring about ever-better educational, recreational and work-experience environments for the handicapped child. Won't all of you, my sisters, in Alpha Gamma Delta, join me?

FILEMON GARZA

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. DE LA GARZA. Mr. Speaker, recently an article from the May 1969 edition of the Texas Highways magazine about Mr. Filemon Garza of Rio Grande City, Tex., was called to my attention by his daughter, Mrs. Felicia Garza. The article, written by Mr. Frank Lively, editor of the Texas Highways magazine pays tribute to Mr. Garza, who, on the salary of a maintenance foreman with the Texas Highway Department, reared and educated eight fine children. I feel the pride and dedication of this man to his family refreshing and inspiring enough to share with my fellow colleagues.

The article follows:

FILEMON GARZA

The small town of Rio Grande City lies on US 83 about halfway between the lush citrus groves of Mission and the sparkling green waters of Falcon Reservoir. Except for an occasional hurricane or cloudburst, it is hot and dusty most of the year. Cacti and mesquite cover the rolling hills. It is a tough country.

It is only natural that Filemon Garza reflects the toughness of his surroundings. Garza, maintenance foreman in Rio Grande City since 1944, has to be counted as one of the tough ones, a man for the long haul.

His wife Guadalupe also knows something of self sacrifice and the toughness it takes to get the job done. Between the two of them they have reared eight children on a Highway Department maintenance man's salary. Quite an accomplishment in itself. But that's only part of it. Not only did all the children graduate from high school, but six have graduated from college and the last two are in college now!

District 21 employees look upon the Garzas' accomplishments with amazement.

"Filemon can teach us all a lesson in citizenship," says District Engineer Raymond Stotzer, who believes that many of today's social problems could be solved if parents followed the Garzas' example of strong family ties and an insistence in getting a good education. "And Filemon is so well thought of in his community that he can't help but be an asset to the Highway Department."

Garza's boss, District Maintenance Engineer Sam Cox, agrees.

"He knows practically everybody in Rio Grande City and he has the respect of the community," adds Cox. "And I'll tell you another thing. He's Highway Department through and through. It's not a job with him. It's a way of life."

But Garza always reserved at least a part of his life for his family. As Traffic Engineer Ross Fitzpatrick put it, "I think his primary goal in life has always been to educate his children."

Why this persistence for an education from a man who only finished the ninth grade?

"I knew a little bit to get this job. And I knew it was important that my children get an education," says Filemon Garza.

There was never any question about school. After the first daughter graduated from college, the rest of the children knew they had to go—and help the next one go to college.

Garza credits the long, hard pull to his wife and the Highway Department. He said his wife had to be "very economical" with his salary so they could send the children to school.

"It also helped to have a good credit rating at the bank," he added.

Garza began working for the Highway Department in Rio Grande City 38 years ago this month. He was working with an automobile dealer there in 1931 when he decided he needed a better paying job because his wife was expecting their first child. Garza asked the Highway Department maintenance foreman for a job one morning, quit his job at the auto dealer's at noon, and began working for the Department at 1 p.m. for 28 cents an hour!

It was the day of hand labor. Garza used a pick and shovel nine hours a day for six days a week. When it rained, the men pulled cars out of the mud with a team of mules. When they worked out on the roads far from town, they camped out at night. There was no per diem.

A crew of 15 to 18 men with hand tools had to maintain about 100 miles of dirt roads, Garza recalls. Today his crew of 28 maintains some 253 miles of paved highways with the latest maintenance equipment. The transition from hand labor to machinery came after World War II.

"Today a man has to work more with his head than his hands. I don't think the machinery makes people lazy. If they're lazy, they're lazy."

Garza said several of the men in those days could not read or write. But today he feels a man must be educated to handle the complicated machinery, fill out the maintenance records, estimate the cost of jobs, and handle the hundred other tasks necessary to keep a mechanized maintenance section running smoothly.

Sam Cox is proud of his maintenance foremen. He says they are aggressive and competitive and dedicated. It must rub off. Garza says almost the same things about his men.

"I'm lucky to have had good, reliable, efficient men working with me," explains Garza. "I have only four men with less than 10 years experience, and one man has been with us for 40 years."

What's the reason for such longevity? Garza thinks perhaps it is the regular hours.

"Of course, we have a better sick leave policy now, too. Highway Department wages are as good as any in this area."

What Garza calls "regular hours" may seem a little strange to those of us who are used to eight-hour days. His men still work nine hours a day—and many more when there are floods and other natural disasters, such as the 1967 hurricane.

Garza just shrugs and says he never thinks about the long hours. His day seldom ends before sundown. He drives every road in his county once a week in the daytime, and once a month at night. The night drive is to make sure signs reflect properly and that they can be read easily. If the weather is bad, he'll drive the roads more often.

Garza's eyes light up when he talks about his years with the Department.

"I've enjoyed every bit of it. I've worked with some fine men over the years. The Highway Department has a system of working that you enjoy. You know you're working for the future. My only regret is that I have to get out at 65."

When he had an operation in January, Garza was afraid he might have to take disability retirement, but he was soon able to return to work. As Sam Cox said, Filemon is a proud man who wants to complete his career with the Department and retire at 65.

There will be more time for working in church and community activities when he retires, says Garza. His wife is looking forward to the time, also, "so we can travel to see our children and our 14 grandchildren."

When he retires in the fall of 1970, the Garzas last child will be in her final year at college. That will mean they have had children in school for the last 32 years—long years of self-sacrifice.

"It's been pretty tough," says Garza, "but you can do it if you want to do it."

McCAFFREY WARNS OF CAMPAIGN TO INTIMIDATE PRESS

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. VAN DEERLIN. Mr. Speaker, Joseph McCaffrey of the WMAL stations in Washington is widely recognized as an astute commentator on Congress and its work. Few newsmen know their subject better than Joe, a familiar figure in these halls and a confidant of many Members, of varying ideological persuasions, and from both sides of the aisle.

Yesterday, Mr. McCaffrey drew on his many years of experience as a working newsman in a thoughtful address to the annual Writing Awards luncheon of the Virginia Press Women, at Culpeper, Va.

His topic: The escalating campaign of certain Government officials to discredit those who gather and report news.

As most of our colleagues are well aware, Mr. McCaffrey has no partisan ax to grind. He speaks from the informed and objective standpoint of one who has been a professional observer of the Washington scene for more than a quarter of a century.

Says Mr. McCaffrey:

> I have found during that time that reporters are not infallible, nor are men in public life infallible. However, I have found more men in public life who claimed infallibility than reporters.

As one who spent two decades as a newsman before coming to Congress, I fully subscribe to Mr. McCaffrey's conclusion: Reporters help keep the political game honest, regardless of who is in power.

His speech should be of general interest, and I am pleased to include it at this point with my remarks:

REMARKS BY JOSEPH MCCAFFREY

I'd like to talk today about what appears to be a concentrated campaign of intimidation against reporters, not just in the media I work in, television, but against all men and women who are reporting news.

When the criticism is directed by the second highest ranking elected official in the nation's government there is a fine, if not indiscernible line between criticism and censorship.

It is no happenstance that this official criticism comes at a time when reporters, and especially those who work in Washington, are dealing in a land of make believe. The people of the country are either not being told all that is going on, or they are told that what they read is really not so.

It is a sleight of hand routine which boils down to this: "things-are-not-what-they-appear,-but-what-we-tell-you-they-are."

The cost of living goes up again, but we are told this is a good sign because it didn't go up as far as it did the month before, yet we are denied briefings by the Bureau of Labor Statistics experts who can, if they are allowed to, honestly interpret what the latest figures mean.

The current criticism, taken along with this "it's-not-what-it-is-but-what-we-say-it-is," adds up to an attempt to shake the belief of the people in what they read in the press, and in their weeklies, and what they hear on radio and television.

The criticism is aimed at smudging over the real differences between the facts as they are available and what those in positions of power seek to claim those facts mean or do not mean.

There is grave doubt that the present criticism of the media is spontaneous. It may be recalled a key member of the present administration once accused the press corps of unfairly trying to get him, and told reporters they would not have him to "kick around any more".

Even the former White House resident intellectual, Daniel Moynihan, has joined the hounds. He is disturbed not only by reporters but by the bureaucrats who leak stories to them. However, he fails to explain why it is that the release of information about the government poses such a threat to the welfare of the Republic.

To categorize the bureaucrats and the reporters to whom they gave information as anti-Nixon malcontents is to foster an incorrect and even dangerous view of what this country is all about. The government, even that part of it known as the Executive Branch, does not belong to any sitting President. It belongs to the people. And news about pending changes in its composition should be disseminated widely and well. Our government functions best only in the bright glare of public discussion, however painful it may be to string pullers in the executive offices.

The role of men in government is to defend themselves against too great a glare. They are, quite naturally, protective of themselves and what they are doing. The men responsible for presenting the President's image, for example, are basically not free information people but propagandists. They are drawn from advertising and the editorial-page side of newspapers, and in the case of the present administration, these are conservative newspapers. Therefore, these men think of the media as devices for selling something—whether its soap or ideas, and their concern of course, is with ideas or perhaps, even non-ideas. Combine this with a President who is convinced that reporters are not his friends but his enemies as he indicated in his "last press conference" back in 1962—and we set today's stage.

Despite lip service to the contrary, in Washington today you sense no faith on the part of the government in the free-wheeling public discourse which has built this country. Instead you have:

Army Intelligence agents maintaining dossiers on ordinary citizens and political leaders . . .

The Attorney General asserting his right to tap almost anyone's telephone in the cause of national security . . .

Presidential policy advisers refusing to testify before Congressional committees . . .

The FBI punishing its own agents for daring to suggest that J. Edgar Hoover may possess human flaws . . .

A Congressional committee issuing a subpoena for the materials not even used in producing a television documentary . . .

This is a grim mosaic . . . one that hardly contributes to a robust discussion of public issues. And I think the current attacks on the media must be seen as a part of this general environment.

Putting the press on the defensive is a political ploy. And it is the natural, logical ploy if you have convinced yourself of three things:

1. That political considerations are ultimate considerations . . .

2. That large segments of the press are against you . . .

3. That the country will be well-served by an un-critical, un-questioning acceptance of government policies.

Washington seems well on the way to accepting all three.

All presidents have fought their battles with the news media and expressed concern over its "balance" or lack of same. George Washington was the first president and the first president to feel that way. Lyndon Johnson is still press shy, and John Kennedy, who probably got the best treatment of any recent President, told his aides not to trust reporters.

But never has an Administration mustered such a frontal assault as we see today. This may be because the art of merchandizing and image making has developed so much more during recent years, and the present Administration has become wrapped up in its image and the effect that image will have on public opinion.

Public policy is constantly being approached in terms of its impact on this or that voting block, how it will be treated in the press, and what, in turn, the result will be in the opinion polls.

The image has become more important than the substance, and so, perhaps, it is only natural that the "image presenters" are held responsible when all is not going well. South Vietnamese defeats aren't the fault of the South Vietnamese or the Americans who planned the battles, they are the fault of the Saigon press corps and the columnists and commentators in the United States. If we exalt government by public relations, this is only a natural conclusion.

Individual stories, individual newspapers, broadcast stations and networks may have presented unfair reports, even erroneous reports. But that is not the point. The point was best made by Walter Lippmann: "The theory of a free press is that the truth will emerge from free reporting and free discussions, not that it will be presented perfectly and instantly in any one account."

Does anyone really believe that there can be a free and unrestricted flow of information if radio and television broadcasters can be hailed before Congressional committees every time they touch a sensitive nerve with their news programs?

The integrity and courage of radio and television are fragile commodities . . . the men who run the industry know they face government licensing inquiries every three years. The mechanics of this has become more difficult each year.

The possibility that broadcasters will be required to come to Washington and explain their actions in producing specific programs will drive off the air the small amount of investigative reporting that is now being done.

Vice President Agnew is demanding that the free press enter the political arena, that it behave as a third political party or as a lobby group. He even proposes that network correspondents be put on a panel and interrogated, with himself as one of the interrogators, a kind of "BEAT the press" idea.

What kind of a free press is it that must appear before a panel of politicians and explain and apologize for its reporting? How much freedom is there in such an idea?

Why does the Executive branch, which spends millions of dollars on public relations men to spread the party line, (and the government is loaded with public relations men), need such extraordinary measures to answer its critics?

How can reporters, who spend their professional lives striving for objectivity be expected to survive in the political arena, where only the skilled polemists survive?

Once you have made the news media just another branch of politics you have destroyed its value. It is easy to destroy because it is a fragile institution.

Its power is held in check by public acceptance in the market place.

As I read the First Amendment that is the only test which may be applied.

It is the only test which I, as a free American, am ready to accept.

There are troublesome problems facing this country, at home and abroad. Men in government are not going to solve them by carping about the way reporters report or do not report. The job ahead of them, and this country is much more important than that. We have to face up to the problems honestly and not try to confuse and diffuse them by the use of mirrors.

I have observed the workings of Washington, and of reporters, for more than a quarter of a century. I have found during that time that reporters are not infallible, nor are men in public life infallible. However, I have found more men in public life who claimed infallibility than reporters.

It is reporters who best serve to keep the game honest regardless of who is in power or who is out of power in Washington, and that goes, too, for Richmond, and on down to a county seat such as Culpeper.

During my years as a Washington correspondent I have found that despite the razzle-dazzle of the Executive department or of the committees of Congress, or of individuals from either federal branch, the truth, by a process of osmosis, seeps through, sometimes only drop by drop, and sometimes a little late, but almost always, I would point out, because of the curiosity, the insistence, and the dedication of some reporter or many reporters.

This is a time in our history when we need, more than anything else, faith; faith in ourselves, faith in each other, and above all else, faith in this great country of ours.

PAN AMERICAN DAY

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. PEYSER. Mr. Speaker, the Organization of American States, which celebrated its 81st anniversary last week, is the oldest and most enduring of the U.S. multilateral international commitments. From the earliest days of our Nation, we have realized the importance of Latin America.

The dedication of the Latin American Republics to achieving the goals of the Alliance for Progress, including the principle of self-help, is essential to political, economic, and social progress in the hemisphere.

In honor of the founding of the Pan American Union, we should extend to the other republics of the Western Hemisphere, and their citizens, our sincere best wishes and hopes that the year ahead will mark a new period of growth, prosperity, social progress, and justice for all.

MRS. ANNA PERRY THOMAS, A DELEGATE TO WHITE HOUSE CONFERENCE ON CHILDREN

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. McCLORY. Mr. Speaker, it was my privilege and pleasure to name Mrs. Anna Perry Thomas of Waukegan, Ill., as delegate from the 12th Congressional District of Illinois to the White House Conference on Children, that was held in Washington, December 13 through 18, 1970.

Mrs. Thomas operates the Happy Day Nursery School and Children's Educational Center in Waukegan, and is an inspiration to those who know her for the dedication, enthusiasm and insight she brings to her work and to those children entrusted to her care.

Mrs. Thomas has graciously provided me with a copy of her report on the White House Conference, including some personal comments, which I wish to share with my colleagues in the Congress. Thus, I am having them inserted in the CONGRESSIONAL RECORD.

In a foreword to her personal remarks, Mrs. Thomas stated:

> I was encouraged to see the reaching out for ideas that would help us to find the instruments with which we can work. I looked with interest at the children who took part in the skits. I enjoyed the music and felt the heart beat of a troubled people—the Indians, the Spanish-speaking, the mountain people, the Afro-American, the middle-class, the affluent society and the people of influence, all fermenting—as it were—a great force of projective effort centered in their concern for the very young child of every level. The haves and have-nots, the sick and the well, both physically and mentally. But I felt a lack of moral and spiritual concern. I felt the need for recognition of our Great Educator, Great Physician, Great Father of all men, Who—because of His love for us—made the supreme sacrifice of His Son, just as some of the people all over the world are doing today. We are sending our sons to be sacrificed in Vietnam and other wars, but we are failing to plan for the good life that will make wars impossible. Understanding destroys hate, destroys, graft, destroys bigotry and degeneration and creates a sense of well-wishing that is the beginning of well-being.
>
> When we can take this firm step toward the good life, the need for the dole will be no more. Jobs will take the place of alms. When the people of America or of any other nation provide—all the way from the administration to the recipient of relief—these dependent families with understanding of their need for self-respect and self-reliance "freedom from want" will be a reality. Then and not until then will this nation or any nation prosper in the finest sense of the word.

These were the thoughts racing through my mind as I felt the resentment in many of the sentiments expressing the need of our children which poured forth from other delegates. "Oh, that men would praise the Lord for His goodness and His wonderful gifts to the children of Men!" . . . But there was no prayer.

Mrs. Thomas is one who has not forgotten that our Founding Fathers prayed as they convened, and established our Republic. I am happy and grateful that this august body continues in this practice.

Mr. Speaker, it was gratifying to learn that a recommendation submitted by my constituent at the Conference was one of the few chosen for official inclusion. Mrs. Thomas' recommendation reads as follows:

RECOMMENDATION

Due to the miscarriage of purpose that has been prevalent in many licensed and federally funded programs for the young child, there is a need for well informed leadership. Teachers, their assistants and aides, must continue to grow in educational skills.

I recommend that requirements in educational qualifications shall be specifically stated and that these qualifications shall be met by all administrators, supervisors, directors, teachers, and/or any other persons holding official positions as leaders of programs for young children.

Orientation training should be required of all persons assisting the teacher before entering into the regular program.

Workshops and periodical in-service training for teachers and teacher assistants should be a part of every program planned for the young child and participation in such training should be required of every member of the teaching staff.

PURPOSE

The child needs an atmosphere in which he can grow and develop, knowing that he is not expected to perform beyond his capacity. The young child needs time to grow and guidelines to follow which will give him a chance to know and respect himself and the dignity and rights of all people. He should have a feeling of "belonging," and of being a part of a constructive program that meets his needs and the needs of others, one where he can make his contribution and appreciate the contributions of those about him.

The child needs to know the adult as a friend, who provides interesting experiences which take him from where he is, starting with what he knows, to new knowledge—at his own speed—through his own creativeness. Here, because of quality training and the sensitivity of his needs his teacher can help him to learn to meet difficult situations; to work with problems at his own level of understanding as well as to enjoy the wonders of God's good earth; knowing full well that this child for whom she is placing guidelines must, in his time of responsibility, take the best from the past and the best from the present and build his own future.

These, we feel, are not only needs but rights—of every child that lives upon the face of the earth.

I, therefore, recommend that all programs shall provide adequate background of academic education, sensitivity to the needs of the young child, and the ability to raise the educational standards of the program to quality teaching through workshops, in-service training and continuous growth and development in knowledge and understanding of the young child—keeping in mind that the individuality of every child is of great importance.

WALL STREET JOURNAL ARTICLE POINTS OUT EFFECTIVENESS OF DAYTON'S MODEL CITIES AND LAW ENFORCEMENT EFFORTS

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. WHALEN. Mr. Speaker, last Thursday's edition of the Wall Street Journal, one of the most highly regarded newspapers in the country, carried a comprehensive story regarding two federally supported programs presently in operation in Dayton, Ohio, which lies within my congressional district.

The article examined in detail the operation of the model cities program and the law enforcement efforts now underway. The conclusion reached by the writer was that those projects are among the best in the Nation, no small accolade from so estimable a publication.

The journalist's account speaks for itself, Mr. Speaker, but I thought I would add a few observations of my own about some of the other effective initiatives that have been undertaken in the Greater Dayton area with Federal support.

One effort that certainly stands out is a scatteration housing plan developed by the Miami Valley, Ohio, Regional Planning Commission. Now under review by the Housing and Urban Development Department, this proposal seeks to provide low- and middle-income housing availabilities within the five-county suburban area surrounding the city of Dayton. The concept was originated locally and has been coordinated carefully with the political jurisdictions involved. Once implemented, it will strengthen the central city by dispersing one of the more significant burdens placed upon it.

Another program of note is the city of Dayton's effort at neighborhood conservation and stabilization which is aimed at preventing the needless deterioration of metropolitan areas.

There are several other commendable urban programs being effected in the Greater Dayton area which reflect the determination of the citizens and local government to avoid the blight and other problems that today besiege so many of our cities. Such efforts are in keeping with the innovative, can-do history of the Dayton area which produced such great men as the Wright brothers, Col. E. A. Deeds, Charles Kittering, and John H. Patterson.

Mr. Speaker, for the information of my colleagues, I insert in the RECORD the referenced article from the Wall Street Journal.

DAYTON: LEARNING TO LISTEN WELL

(By William Wong)

DAYTON, OHIO.—The Department of Housing and Urban Development calls the Dayton Model Cities program one of the best in the country. Another federal official gushes that Dayton is the "most successful law enforcement city" in the U.S.

At first glance one might wonder why. This medium-sized city (population 247,000) situated in the agriculturally rich Miami Valley is so low-key it almost yawns. There seems to be little movement, not even a rush-hour downtown traffic jam. Sidewalks roll up at 6 p.m. As one visitor from the San Francisco area recently said, "Dayton is really small-town Middle America."

That may be so, but in talking with its residents and civic leaders, a visitor begins to understand why Dayton has won raves. With comparative success, it's coming to grips with tough problems—the same kinds that New York, Chicago and Los Angeles have. But what sets Dayton apart is the fact that, in the words of Edward T. Crutcher, local Model Cities administrator, "The government here has the sense to listen."

The mayor, the city commission, the city manager, the police chief—they're all listening these days to a variety of Dayton residents, poor, middle class, rich, black and white. Listening and hearing. Indeed, "citizen participation" here isn't just an urbanologist's textbook phrase; it has become a reality.

DAYTON'S SYSTEM

In a way, Dayton needs all the "citizen participation" it can get. Its mayor, after all, is only a part-timer who's paid $1,800 a year. The four other city commissioners are also part-timers, paid $1,200 a year. The day-to-day taskmaster then is the city manager, a professional appointed by the commission and paid $35,000 a year.

Daytonians want the system kept that way. In 1963 they voted down an attempt to change to a full-time, well-paid mayor system, and prospects are slim for any such change in the near future.

"This is the cleanest type of government you can have," asserts Mayor James H. McGee, who happens to be black and an attorney. "There's hardly any politics in it."

With the personal stakes so low, it's little wonder that elected officials can turn their attention to governing and problem-solving. The federal government is offering a helping hand in many areas—a practice that grew immensely under the Johnson Administration—but perhaps the two most important are in upgrading impoverished areas and in law enforcement.

The Model Cities program, started in 1966, offers federal grants to cities for improving social and physical conditions of blighted (usually black) areas. The 1968 Safe Streets Act provides federal grants to local law enforcement agencies to fight crime and improve community relations. Both programs require some degree of citizen involvement in planning and implementation. In this regard, federal authorities say, Dayton has become a showcase city for using federal funds wisely.

The Model Cities program here is concentrated in the black slum in West Dayton. The 40,000 blacks there constitute about 95% of the area's population. In 1960, some 30% of the West Dayton slum families (who at that time made up less than 15% of the city's families) had annual incomes under $3,000. The slum infant-mortality rate was twice that of the entire city, as were the unemployment and substandard housing rates. There's little indication that things have improved in 10 years. If anything, they've worsened as more poor blacks live there now than did in 1960. The biggest gain, perhaps, is a sense of hope for the future.

The backbone of the Dayton Model Cities program—funded at about $10 million with various types of grants—is "citizen participation." Slum residents were cranked into the planning process for a comprehensive program. Through the Model Cities Planning Council, a body of 27 elected representatives of various sections of the slums, they share policy-making powers with the City Commission on matters that affect their neighborhood. The "equal partnership agreement" informally negotiated between the two bodies is considered extraordinary by federal authorities.

Slum residents also sit on the boards of four "satellite" nonprofit corporations that have been established to carry out the Model Cities program and policies set by the Planning Council and City Commission.

In the monthly joint meetings of the Model Cities Planning Council and the City Commission, slum residents are finding out just how boring and tedious government can be. "We find (government bureaucracy) distasteful," says George Washington, chairman of the Planning Council and a cement contractor. "We don't pay much attention to Robert's Rules of Order. But the Model Cities program has allowed us to exhibit that poor people can run a government. It has made people here think; it has produced leaders in our neighborhood."

Indeed, many residents here say this is the first time they have had a voice in making decisions that directly affect their lives and their living conditions, and by and large, they're taking their responsibilities seriously.

"They're still poor and deprived," says one city official, "but they've become very knowledgeable about the processes of government."

As the implementation arm of the Model Cities program, the four "satellite" corporations—social services, housing, health and job-training—coordinate existing federal, state and local programs as well as institute new ones. Rather than beef up existing agencies with Model Cities funds to expand services to slum residents—which is one possible way of bettering conditions—the City Commission and Planning Council decided to establish the four corporations. Thus, as members of the boards that govern these corporations, slum residents have some degree of control.

One or two of the corporations have had faster starts than the others and already show impressive results. The health corporation has established a part-time outpatient clinic, the neighborhood's first. A health center, now being built exclusively by black contractors inside the shell of an old supermarket, will offer comprehensive health care to some 1,000 to 1,500 neighborhood families. The social-services corporation has surveyed more than 2,000 families and is making sure the neediest get the services for which they're eligible, such as welfare, child care, medicaid or manpower training.

JOBS AND HOPE

The Model Cities program has also provided new or better jobs to some 500 slum residents, a figure that's considered "fantastic" by one administrator. "Some girls are now working as secretaries instead of being maids," says Mr. Crutcher, the Model Cities administrator.

Poverty, joblessness, unequal opportunities and shabby housing are still facts of life for slum blacks here, but the Model Cities program is offering a glimmer of hope. As Robert Owens, a partner in Deshel Inc., a black contractor responsible for the plumbing, heating and air-conditioning of the health center, its biggest job ever, says, "Well, it's a start, and it's better than nothing."

Another problem area, related to race and poverty, is crime and police credibility. Like other cities, Dayton hasn't been immune to a rise in crime or tensions between the police and its citizens, particularly blacks. Federal programs are helping the Dayton police combat crime and improve community relations, but again the key is "citizen participation."

Some 100 ordinary citizens—mechanics, engineers, housewives—from two neighborhoods where crime is rising have volunteered as unarmed "Neighborhood Assistance Officers," or NAOs. Nightly they patrol their own neighborhoods in their own cars as "the eyes and ears" for the police. Equipped only with powder blue blazers, first aid kits and portable police radios, they hail regular policemen if they spot potential trouble, and they handle minor public-service calls, such as traffic control and locating lost pets. "We're trying to take the load off the police," says John Prikkel, one citizen involved in the NAO program.

Federal programs are also teaching policemen to cool potential confrontations with words rather than clubs. The programs are also bringing into the police force (which has 425 officers, only 25 of whom are black) young and otherwise unqualified blacks as office workers while they climb toward regular patrolman status. In other areas, the programs are helping establish a modern regional crime laboratory and treating and rehabilitating alcoholics and drug addicts who otherwise might be jailed and largely forgotten.

Indeed, there's a spirited sense of change around police headquarters these days, and the man most responsible is Robert Igleburger, the 61-year-old chief of police. A good listener, he has brought in civilian assistants. Chief Igleburger, a policeman for 32 years, says, "I've reached down into our department and reached outside, and there's been cross fertilization. We're listening to some new voices now."

PRAISE FOR POLICE CHIEF

One of these voices belongs to Tyree S. Broomfield, a tall dynamic 32-year-old black man who administers two federal police programs, and who calls the chief "a beautiful cat." Says Mr. Broomfield: "We can't operate at 1955 levels any longer. Our town's changed—it's younger, it's got more black people. We've got to become the people's advocate." Naturally, that sentiment, of course, isn't universally accepted within the police force, especially among old-line cops, but, says one 10-year veteran who's convinced of the new wave, "The movement's growing."

There are, of course, reasons for the "movement," not only in the police department, but all over Dayton. For one thing, Dayton's still a "manageable size"—247,000 in the city, 900,000 or so in the metropolitan area.

The weak-mayor and strong-city manager system of government helps also. "We don't have a lot of partisan political hang-ups and petty bickering," avers City Manager James Kunde, a slender, soft-spoken 33-year-old. As a result "we're a very responsive place."

The city government has also been an example-setter, increasing the number of nonwhites on the city payroll to 25% in 1970 from 15% in 1967. Dayton's 90,000 blacks make up some 35% of the city's population.

Despite positive indications, no one here is being excessively Pollyannish or optimistic about progress. Squabbles still mark meetings between city officials and citizens. Says City Manager Kunde: "The city government still has some credibility problems with West Dayton, but now they're willing to give us a chance." Adds Police Chief Igleburger, "We've got a long way to go, but we're achieving some credibility among blacks and the young. We're adding community input, showing some responsibility to the community we serve."

BERRY GORDY, JR.: STILL PAYING HIS DUES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. CONYERS. Mr. Speaker, 10 years ago a Detroit assemblyline worker, who had formerly been a prizefighter, saved $700 and started his own business. Like so many before him, he had ideas of what he could do and wanted to try them in a business of his own. His name was Berry Gordy, Jr., and the company he created was the Motown Record Corp.

Starting from their own home, the Gordy family has built Motown into the largest independent record firm in the world, and the only major black company in the entertainment business. Motown has given America the artistic talents of innumerable celebrities and the names of Diana Ross, The Jackson Five, The Supremes, Smokey Robinson and the Miracles, Marvin Gaye, Stevie Wonder, Gladys Knight and the Pips, and The Temptations are well known in countless American households. His organization has now moved into an even wider range of activities in the entertainment world, including the production of network television programs and full-length motion pictures.

Berry Gordy is an immensely successful businessman but he has not forgotten his past and whence he came. He has paid his dues. Paying dues is a show business phrase used to describe the trials and tribulations that must be overcome to make it to the top. Like all truly outstanding individuals, however, Berry Gordy has really never stopped paying his dues. He has never forgotten that the racial discrimination and economic roadblocks which he confronted still exist for most who would attempt to follow in his steps.

Berry Gordy realizes that even in America factory workers cannot all become successful businessmen. Therefore, he believes that it is essential that each and every young person receive the maximum education possible. He knows that education is the passport to the future and that tomorrow belongs to the people who prepare for it today.

One of the many ways Gordy puts his belief to work is through the Sterling Ball, a benefit which directly provides assistance in the form of scholarships to inner-city high school graduates who wish to continue their education but are financially unable to do so. This annual charitable event has, to date, helped scores of young men and women, black and white, reach an otherwise impossible goal—a college education. Mrs. Esther Edwards, general chairman of the Sterling Ball Committee, reports that this year's event at the Gordy Manor in Detroit, Mich., on April 24 will provide even greater opportunities for many more young people. Public officials, educators, and entertainers from across the country will attend the affair as well as many hundreds of citizens from all walks of life.

The benefit was originally conceived by Mr. Gordy and his sister, Mrs. Esther Edwards, vice president in the corporation, as a continuing and meaningful memorial to their late sister, Mrs. Loucye Gordy Wakefield, who had been the first vice president of Motown and a personal inspiration to all who knew her.

In the annals of American business, there are few, black or white, who can compare with Berry Gordy's meteoric success. But unlike the heroes of Horatio Alger's novels, Gordy has reached out to those less fortunate to give them a hand up toward dignity and success. I proudly salute Berry Gordy, his family, and his organization for the many ways in which they make their community a better place for all of us. I am certain that many of my colleagues join me in commending their worthy example, which serves as the best proof of what a man can do against the odds.

MORE TAXPAYERS SEEK HELP IN PREPARING TAX RETURNS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. BROOMFIELD. Mr. Speaker, in ever larger numbers American taxpayers are turning to outside firms for help in preparing their annual income tax returns. Last year almost half of the 75 million filed were prepared by someone other than the taxpayer himself, in many cases by computer-based nationwide organizations. For a fee rarely higher than $20 these services spare the taxpaying citizen both the time and the bother of filling out the incredibly complicated Federal forms required by law.

But the practice is not without its dangers. The raw financial data accumulated and computerized by the tax preparation firms has found a ready market in the form of mutual funds, banks, insurance companies and credit bureaus. The taxpayer who has sought assistance from one or another of the thousands of tax preparation services across the country may find himself receiving, along with his finished return, unsolicited offers of investment counseling, insurance, loans and other financial services, tailored to his personal economic needs. In other words, he will find his name on one more mailing list and the details of his financial situation in one more computerized memory bank.

In my view, this practice seriously compromises the citizens' right to privacy. After all, we require the Internal Revenue Service to observe the strictest confidentiality with regard to the individual tax return, yet we allow these private firms to sell highly personal information without the taxpayer's consent. One of the bills I have introduced today would end this practice.

It requires the written consent of the client before information used to prepare his return could be disclosed. The bill defines a valid consent form as a separate document, signed by the taxpayer, which specifies the information that may be used or made available, and the purposes for which it may be made available.

Of course, this legislation does not deal with the real source of the problem: the fact that tax returns are simply too complicated to be prepared without the help of an expert. My second bill would create a citizens' commission to study ways of simplifying the tax form. I doubt that anyone here would object to that proposition.

Both these bills, Mr. Speaker, are of great importance, if we are to preserve the traditional right of Americans to personal privacy. I urge that they be most carefully considered.

UNITED STATES AT MERCY OF RUSSIA FOR VITAL DEFENSE ORE

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. VANDER JAGT. Mr. Speaker, it is always a pleasure to find editorial support for a position taken by a Member of Congress. The Muskegon Chronicle in my district supports legislation I have introduced concerning chromium ore. I am pleased to insert the Chronicle editorial at this point in the RECORD:

UNITED STATES AT MERCY OF RUSSIA FOR VITAL DEFENSE ORE—LIFT THE EMBARGO!

This newspaper carries no brief for the African nation of Rhodesia. Its government discriminates cruelly against its predominantly black population, and we supported then President Johnson's 1967 executive order barring American trade with that country.

The order was the result of a decree by the United Nations Security Council calling for a worldwide embargo against Rhodesian goods based on the charge Rhodesia had illegally declared its independence from Great Britain and that its government policies were racist.

Well and good—as matters stood at that time.

Developments since make mandatory a reexamination of the policy in terms of its impact on the security of this nation.

As 9th District Rep. Guy Vander Jagt points out in a recent statement on the embargo, the United States for years before issuance of the executive order had imported a very substantial share of its metallurgical grade chromium ore requirements from Rhodesia. This country must import virtually all the chromium it uses, and is heavily reliant on the strategic ore, since it is essential in the production of stainless steel used in industry and in defense and consumer goods.

The world's other major high grade chrome ore producer is the Soviet Union, which entered the market in the early 1960s, and by 1967 had grabbed off a substantial share of the American market by underselling its competition.

When the Rhodesian sanctions took effect, the Soviet Union pushed its share of the U.S. market close to the 50 per cent mark and then—with Rhodesia muscled out of the competition—abruptly increased its prices. High grade chromium ore costs $75 per ton today compared with the preembargo price of $25.

Rhodesia, with few shedding tears over her fate, strove frantically to find other markets and ultimately was able to sell some of its ore in Europe and Japan at distress prices. The natural result of this was the manufacture in those parts of the world of chrome-ore-based products priced on the world markets at levels well below our own.

The effect of being priced out of a part of the market is damaging enough to a sagging industrial economy—particularly since we were levered out of the picture by Russian price-gouging—but a situation which leaves the United States for the most part dependent on the Soviet Union for a raw material critical to our manufacturing processes and defense industry is absolutely intolerable.

High grade chromium ore is a top priority strategic mineral. An assured supply is essential to the nation's security, and surely there are enough Congressmen with sufficient common sense to see the necessity to avoid dependence on the Soviet Union for a mineral which might well be essential to national survival.

How critical the lack of chrome ore can be is underscored in the book "Inside the Third Reich," by Albert Speer, the architect of Hitler's industrial empire, who stated that Germany would have lost the war anyway by Jan. 1, 1946, since it was running out of its supply of chrome ore.

The situation is dangerous in the extreme, and we welcome word from Congressman Vander Jagt that he intends to support legislation which would prevent banning imports to the United States of important commodities from non-Communist countries if those commodities are being imported from Communist countries.

We think that makes eminent good sense, considering the potentially disastrous consequences of inaction, and we urge concerned readers to inform the congressman of their support by letter. The address: Rep. Guy M. Vander Jagt, 9th District, 1133 Longworth Office Building, Washington, D.C. 20515.

EDITORIALS AND COLUMNS IN OPPOSITION TO TREASURY'S PROPOSED DEPRECIATION RULING

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. VANIK. Mr. Speaker, on May 3d, public hearings will begin at the Department of the Treasury on its proposed new ruling on Asset Depreciation Range—ADR.

There is a rising chorus of opposition to this move which bypasses the Congress, costs the Treasury billions upon billions of dollars which could be used more efficiently, and exceeds Treasury's authority under the Internal Revenue Code.

I would like to print at this point in the RECORD several editorials which have questioned the ADR ruling. Following is an editorial from the April 11, 1971, New York Times, the April 17, 1971, Christian Science Monitor, the April 18, 1971, Cleveland Plain Dealer, and a column by Don Oberdorfer from the Washington Post of April 1, 1971.

[From the New York Times, Apr. 11, 1971]

$36-Billion Tax Break

Changed depreciation rules proposed by the Administration would represent a huge tax gift to business. By the Treasury's own estimate, the liberalized write-off of capital assets, coupled with special allowances for "repair, maintenance, rehabilitation, and improvement" of eligible property, would result in a revenue loss of $3 billion in fiscal 1972 alone. Between now and fiscal 1980, the total tax break to business would amount to an estimated $36 billion.

Despite the Administration's claim that it has a clear legal right to change depreciation "tolerances," Boris I. Bittker, Sterling Professor of Law at Yale University, has filed a statement with the Internal Revenue Service challenging the Treasury's statutory authority to let taxpayers depreciate assets over so wide a range. He contends that the Treasury requires explicit Congressional authority, and that the changes amount to setting new tax rates.

The Administration's rationale for the tax give-away is that it would stimulate business spending on new plant and equipment and thus speed up the sluggish economy. But the Administration has published no estimates of how big an investment bang it expects from all those lost tax bucks. Private economists forecast that the impact on investment will be far less than the tax losses. It is foolhardy, in any event, to justify a tax give-away stretching many years into the future on the ground that the economy needs an immediate shot in the arm.

If the economy does need extra stimulation to reduce unemployment, there are better ways to achieve that objective, such as increased expenditures on manpower, education, health, basic research and other programs of high social priority. If temporary stimulus through tax reduction is needed, it would be better to move up to this year the personal income tax cuts slated to take effect in 1972 and 1973.

The Internal Revenue Service has said it will hold hearings on the proposed changes before the new depreciation system is formally put into effect. There is still time for Congress to stop this outrageous tax gimmickry.

[From the Christian Science Monitor, Apr. 17, 1971]

Who Writes the Tax Laws?

The United States Treasury is moving perilously close to violating the spirit and the letter of the tax law, as written by Congress, in a proposed new business depreciation schedule, known officially as the Asset Depreciation Range (ADR).

Briefly, the situation is this: the power to tax resides with Congress, which in Section 167 of the Internal Revenue Code of 1954, provided that business may deduct from the corporate income tax "a reasonable allowance" for wear, tear, and obsolescence of capital assets, such as machinery. Last January President Nixon issued a statement announcing the new ADR system. He described its as "essentially a change in timing" that would allow business "to reduce tax payments now, when additional purchasing power is needed, and to make up these payments in later years."

But Robert J. Domrese, editor of the Harvard Law Review, terms the ADR system "a conceptually distinct system of capital cost recovery" that bears no relation to depreciation accounting as Congress provided for in the tax law. He argues that the ADR is inequitable because it confers a special bonus on business.

Secretary of Treasury Connally acknowledges that the liberalized tax credit will cost the Treasury $2.7 billion in fiscal year 1972. Mr. Domrese estimates that figure will reach $5 billion a year by 1976.

Other independent tax experts contend that the Treasury's ostensible reason for the ADR—as a fiscal tool to boost the lagging economy—is a phony argument. Prof. Robert Eisner of Northwestern University doubts the ADR "will have much effect on investment" in the long run, and "certainly almost no effect over the short period."

A public hearing is scheduled for May 3, but a Treasury spokesman is quoted in news reports to the effect that whatever the testimony, the Treasury plans to go ahead with the ADR. The opposition will certainly be represented in force at the hearing. Just as certainly, the Treasury should be on hand, displaying a more sensitive ear than it has to date.

But if the Treasury persists in its overconcern toward business via the tax laws, some public interest law group will have a strong case to carry into the courts for argument on constitutional grounds.

[From the Cleveland Plain Dealer, Apr. 18, 1971]

Debate Tax Cut

A change in Internal Revenue Service rules which would allow business to accelerate depreciation of assets reportedly would cost the U.S. Treasury an estimated $36.8 billion in 10 years.

The change, proposed by the Nixon administration to stimulate the economy, has run into opposition from some economists and some congressmen.

The critics question the legality of the scheme and some also question its efficacy in lifting business out of the current recession.

It is reasonable to suggest that a tax cut of such magnitude should be debated in Congress and enacted into law, if it is deemed just, rather than being put into effect by administrative fiat. Rep. Charles A. Vanik, D–22, and Sen. Birch Bayh, D-Ind., point out that Congress alone has authority to change tax law.

It well may be good policy to grant business a tax break to stimulate the economy but such a policy first should have a thorough public airing.

[From the Washington Post, Apr. 1, 1971]

A Curious Tax Break

(By Don Oberdorfer)

January 11 was a dreary morning in Laguna Beach, Calif., and it was not brightened by the word from the White House press staff that the daily news briefing would be held that afternoon instead of the customary 11 a.m.

Noon on the West Coast is 3 p.m. on the East Coast—the closing hour for the New York Stock Exchange—and thus the common expectation among the reporters was that some sort of economic news was in the making, timed for release after the closing of the Big Board.

The guess was correct. At 12:20 Presidential Press Secretary Ron Ziegler turned up with Under Secretary of the Treasury Charls Walker, Deputy Assistant Secretary John Nolan and a two-page presidential statement which began, "Today I have approved three important changes in the administration of the depreciation provisions of the tax laws . . ."

The news release and the briefing by the Treasury officials was dry-as-dust, and most reporters found themselves scratching their heads and wondering what the story was all about. Now, more than two months later, more information and perspective is available. It is quite a story.

As calculated by the Treasury Department, the new depreciation rules for taxing equipment will permit corporations to "defer" paying $3 billion in U.S. taxes in the coming fiscal year and even larger sums in years to come. Since millions and billions and trillions sound pretty much alike to most of us, it is difficult to grasp what an enormous sum this is. By comparison with the $3 billion corporate tax break:

The President's welfare reform proposal to bring every family of four in America up to a minimum income level of $1,600 a year would cost $2.1 billion. This has set off a big battle in Congress and the country.

Total U.S. aid to preschool, elementary and secondary education in the coming year is budgeted at $3.6 billion.

Last year, Mr. Nixon vetoed the education bill because Congress exceeded his request by $453 million and the housing bill because it exceeded his request by $514 million.

Another surprising thing about the "depreciation" tax change is that congressional action was not requested. Assistant Treasury Secretary Nolan said in an interview last week that since Congress had authorized a "reasonable" tax rebate for the obsolescence of machinery, the costly change did not need further legislation.

There is doubt about the legal authority. A 1968 Treasury study quoted "leading experts" as indicating that legislation would be required for further changes in the depreciation rules. Moreover, President Nixon's Task Force on Business Taxation, headed by a partner of Mr. Nixon's former Wall Street law firm, "strongly" recommended last fall that depreciation changes be made by legislation.

A 26-year-old 1970 law school graduate named Tom Stanton, now working for Ralph Nader's Public Interest Research Group, filed suit in federal court to force the Treasury to at least hold a public hearing before making the $3 billion-per-year tax change. The Treasury replied that it had planned to hold a hearing all along though the Jan. 11 announcement said nothing about hearings and presented the tax changes as presidential "actions."

The public hearing is scheduled for May 3, based on written opinions from the public, which are due April 12. Assistant Secretary Nolan told me "we will listen to everybody who has something to say—I will add that it is highly unlikely we will change the concept of what we recommended."

As the Treasury sees it, the $3 billion change in tax rules is necessary to encourage the modernization of American industry to compete with other nations. According to Nolan, it was not up to the Treasury to weigh this need against the possible use of $3 billion for school aid, family assistance, antipollution efforts or other purposes.

"An expenditure decision is up to Congress," Nolan said—but in a world of limited resources, revenue decisions are crucial to expenditure decisions.

Despite the traditional jealousy about the power of the purse, hardly a voice has been raised in Congress about the substance, procedure or impact of the Treasury-White House decision of Jan. 11. Maybe the lawmakers agree with it. Then again, maybe they don't understand it either.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?'

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THE HEAVY RESPONSIBILITY OF THOSE WHO RUN THE MEDIA

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. WYMAN. Mr. Speaker, the continuing responsibility of those who publish, edit and control the reporting of facts to the public is a heavy one in these times of vocal extremism. Just as an automobile engine can stand only so many pounds of pressure per square inch in its cylinder head without exploding, so our American society can stand only a measured amount of misrepresentation, engendering of hatred, or incitation to mobocracy without the destruction of society itself.

In this light, just why Tom Wicker, who is the New York Times' Washington bureau chief, should publicly state "We got rid of one President. Maybe we can get rid of another one" beats me, unless Wicker has got a thing about Vietnam that so distorts his prospective as to materially undermine his ability to be objective.

A similar thing on President Nixon or Vice President AGNEW seems to obsess a great number of those members of the fourth estate whose duty it is to report to America the news as fact and to confine their editorial opinion to comments so entitled.

In this connection, a recent address by Al Capp, delivered to the National Association of Broadcasters in Chicago on March 30, 1971, is significant. At the conclusion of this speech Mr. Capp received a standing ovation from more than 3,000 NAB members present.

The address follows:

TV HAS DELUSIONS OF INFALLIBILITY

(By Al Capp)

Anyone who shows any civility to the most despised minority group in this country—the President and his Cabinet—on any of our network night-time talk shows gets the same treatment as the only novice in a nunnery with a case of VD.

One night, on the Griffin Show, there were four Hollywood liberals on—and me. It was evenly balanced.

Hell, it was *more* evenly balanced than *most*. Mostly there are four Hollywood liberals and *no* me.

Well, we were discussing the usual subject—the repression of liberals on TV—and as it went on, it became clear they were outnumbered. So they brought *another* liberal on . . . a Broadway liberal.

I've forgotten his name, but I remember he was wearing Leon Trotsky's old beard and the suit they found Ché Guevara dead in. He was the director of a flop Broadway show he'd transformed into a smash hit by having the cast perform it stark naked and it became the most popular public hair pageant on Broadway.

Merv asked him a question. The guy replied with a misleading statement.

Now, I've studied tact under Spiro Agnew and I learned from him that there's nothing CBS reacts more graciously to than having a misleading statement on one of its shows corrected publicly. So I corrected the guy.

The guy said, "What's your source for the information?"

I said *Life* magazine.

He said everybody knows that's a fanatic, fascist filth-sheet. Next you'll be quoting Li'l Abner.

I said . . Don't knock it. I *invented* you 30 years ago in Li'l Abner, only I never thought you'd come to *life*.

Anyone who tells a bunch like this we're the most influential individuals in America is conning us. Anyone of us who believes it is naive.

It's the *hardware* we use . . . the radio and TV hardware that's influential. We, as individuals, are influential *only* as long as we have the use of it . . . but no longer.

Edward Morgan . . . remember him? He once had the use of the radio hardware. With it he shaped the opinions of millions. Morgan is still alive and well, but without the use of the hardware he has about as much influence on shaping opinions as Phyllis Diller has on shaping bras.

Jack Paar once had the use of the TV hardware.

He became a household word. Every word he spoke became a household word.

Well, he gave up the use of the hardware for a couple of years. Then he returned one night as a guest on a talk show. He asked the audience to ask him questions. Nobody did. You could see they were asking *themselves* a question. Who *was* he?

It's the hardware that's influential and those of us who, for this moment, have the use of it can influence the nation in many ways.

When Sander Vanocur uses it, the public gets his version of the truth. When Doug Edwards uses it, the public gets the truth.

Abraham Lincoln once said: "He who molds public sentiment goes much deeper than he who pronounces decisions. He makes those decisions possible or impossible."

What sentiment have those of us who are, for the moment, using the hardware molder for those the nation elected to make its decisions?

Walter Cronkite tries to be fair. Frequently he succeeds.

Eric Sevareid is too high-minded . . . or, possibly, too exhausted . . . to *revile* the President, but it's clear that he *regrets* him.

David Brinkley and Frank McGee try to conceal their contempt for the President, but not very hard. John Chancellor makes no effort to conceal his—not even in the President's presence. And, as you all saw the other night, vice versa.

Harry Reasoner doesn't *always* snarl at the President. Sometimes he merely sneers. And their staffs, the Kalbs, the Kaplows, the Wallaces, the Agronskys, the Rathers, are honest men, too. They are honestly biased against the President and they make an honest effort to conceal it, but they can't. Too honest, I guess.

Although millions of Americans respected the President enough to give him the highest office in the land, the networks have been able to come up with only one man—Howard K. Smith—who respects the presidency enough to give us a dispassionate picture of it.

Most of us who, for the moment, control the radio and TV hardware—we who Lincoln called the sentiment molders—we can't forgive Richard Nixon, can we, for his past. His campaigning against people we loved . . . Stevenson and Kennedy . . . with toughness and smartness. It was legal to run against them, we admit that, but it wasn't in good taste.

So many of us are still campaigning against *him*—so savagely, so ceaselessly—that we haven't noticed that all that toughness and smartness is now in the *nation's* service, and what's more tragic, we haven't let up on him long enough to let the nation notice.

So many of us use the sentiment-molding hardware night after night, month after month, year after year, to mold such suspicion, distrust and distaste for the men in the White House that the President's occasional attempts to use it himself to clarify his policies, or the Vice President's attempts to clarify CBS's, aren't, as so many of us claim, divisive or repressive. They're *hopeless* as we damn well know from the ratings.

Sure, the President or the Vice President can borrow the hardware to defend themselves a few nights during the year. But the Chancellors, the Brinkleys, the Vanocurs have it *every* night in the year—to *saturation bomb them!*

But our use of the hardware to demolish their efforts has given us delusions of infallibility that may demolish *our* ability to think straight.

For example, two crusaders in the last few weeks have warned the nation about flaws in products offered to them.

Ralph Nader warned us about the flaws in cars. We made a national hero of him.

The Vice President warned us about the flaws in another type of product manufactured by equally big companies—TV documentaries. We made a national whipping boy of him.

Although we honor Ralph Nader and dishonor Spiro Agnew, they are both precisely the same sort of crusaders. Only in my opinion, Agnew has more guts.

What do the sentiment molders accomplish by so savagely, so relentlessly molding sentiment against the President? Are we destroying merely *this* President as we did the last one? Or are we destroying the presidency itself?

Now I live in Cambridge, Mass., a stone's throw from Harvard. A couple of weeks ago, Tom Wicker spoke there. He said to a wildly cheering mob—including some of those who a night or two later firebombed a dean's office at nearby Tufts—he said: "We got rid of one President. Maybe we can get rid of another one."

When Tom Wicker isn't being cheered by the SDS, he's the New York *Times* Washington bureau chief and a frequent commentator for educational TV on Washington affairs.

And so we can all sleep peacefully at night knowing that in the morning we'll get as unbiased a view of the presidency from Washington as we would get from any other national capital—such as Hanoi, Peking or Moscow.

If a mob can be inflamed enough by our sentiment molders to gather in Washington to get rid of a President of the United States, can it be inflamed enough to gather in New York to get rid of the president of NBC, CBS or ABC?

If the networks' sentiment molders use their hardware to give the nation a sympathetic picture of a mob that took over private property in California and declared it a "People's Park"—will the networks be equally sympathetic when a mob takes over NBC, CBS or ABC and declares them "People's Networks"—or will they scream for the National Guard to protect them with *their* hardware, as they did at Kent State?

Tom Wicker must know Dick Cavett, who has used ABC's hardware to make a national political figure of Jane Fonda. I remember when she was simply a national figure. Even Dick Cavett must know that if a mob can blow up a police station it can blow up a radio or TV station.

Lincoln was right. We who have, for the moment, the use of the sentiment-molding hardware must not use it only to spread the sentiments of a special group of men. We must not use it to mold the public into their image. They may be wrong.

We must have enough faith in the balance and the fairness of the American people to give them a fairly balanced interpretation of the news. An unpoisoned picture of the men they've elected.

We are, with all our faults, a truly generous people. Let's be generous enough with the truth, the truth from *all* sides, to give the American people the chance to make the nation, and the world, a better place to live in.

SEEING CLEARLY IN THE MIDDLE EAST

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. ROSENTHAL. Mr. Speaker, the Near East Report and the Washington Post have each published perceptive articles during the recess about the real interests of the United States in the Middle East crisis. Both depart from a recent speech by the chairman of the Senate Foreign Relations Committee, the distinguished Senator from Arkansas (Mr. FULBRIGHT). In press accounts of that speech—which appears in full in the CONGRESSIONAL RECORD of April 14, 1971 on page 10355—Senator FULBRIGHT seemed to raise some serious questions (and provide some confused answers) about the views in Israel of the role of the Soviet Union in the Middle East. He also suggested that Israel plays a role similar to South Vietnam in relying on a fear of communism to draw assistance from the United States.

These dubious views are answered well in the following articles:

[From the Washington Post, Apr. 9, 1971]

SENATOR FULBRIGHT'S LAPSE OF JUDGMENT: AN OFFENSIVE VIEW OF ISRAEL'S RELATIONS WITH THE UNITED STATES

(By Stephen S. Rosenfeld)

"Recent visitors to the Middle East assure me," Senator Fulbright told Yale students last Sunday, "that the Israelis are quite sincere in their fear of being 'thrown into the sea' and in their conception of the Soviet Union as an insatiable imperialist power, bent, presumably, upon the conquest and communization of the Middle East. Nonetheless, I perceive in this some of the same old Communist-baiting humbuggery that certain other small countries have used to manipulate the United States for their own purposes."

"When it comes to anticommunism, as we have noted in Vietnam and elsewhere, the United States is highly susceptible, rather like a drug addict, and the world is full of ideological 'pushers' . . . Because of our continuing obsession with communism we permit client states like Israel and South Vietnam to manipulate American policy toward purposes contrary to our interests, and probably to theirs as well."

Two things need to be said about the Foreign Relations Committee chairman's remarks, and the first is that they are outrageous. To insinuate that Israel's fears for its security are contrived is mischievous, if not downright mean. To go on and attribute to Israel the palpably ridiculous view that Moscow wants to "conquer and communize the Mideast" is no less disturbing.

As for Fulbright's lumping together of Israel and South Vietnam as clients which manipulate American policy against American interests, the most charitable reading is that he got swept away by the grandeur of his thesis and did not realize the import of what he was saying. Another possible reading is that he believes American Jews who would like to have the United States continue its friendship for Israel are being disloyal. This is an ugly—and false—charge.

If one can separate from Fulbright's remarks their aspect of gratuitous innuendo, however, then it is possible to acknowledge that there is a germ of truth in his argument. It is that the cause of anticommunism which contributed to the American involvement in Vietnam is also one of the sources of official American involvement in the Middle East. That it was a factor in respect to Vietnam hardly needs to be demonstrated. That it is a factor in respect to Israel has been clear at least since President Nixon's declaration last summer that Israel commands the Mediterranean-African "gateway" and stands at the "hinge of NATO" and keeps the "radical" Arabs off the "moderate" oil Arabs' backs. Moscow's entry into a direct combat role against Israel seemingly sealed the anti-Communist component—or, to make an essential distinction, the anti-Soviet component—in administration policy.

This is, of course, a troubling matter for those many Americans, Jews and others, who have criticized the anti-Communist rationale which successive Presidents have used to support American engagement in Vietnam. They have been open to the reproof that the cause they denied in one place is the cause they accepted in other.

Fulbright's own response to this "dilemma of the doves" has unquestionably had the virtue of consistency. He does not believe that anticommunism provides sufficient basis for American involvement in either Vietnam or Israel and he has recommended policies designed to restrict the American role in both countries. He would do that in Israel, he explained Sunday, by having the United Nations impose and enforce a solution—by applying sanctions to Israel, if necessary. "It makes no sense at all for us to shrink in horror at the very notion of an 'imposed' solution," he said, "not only because we are legally bound by the United Nations Charter to accept certain kinds of 'imposed' solutions, but because the absolute sovereignty of nations is an outmoded principle . . ."

Well, Fulbright has earned high marks for consistency. So in their opposite way have the likes of Senator Jackson. But must the rest of us accept their common framework in which the available choice lies between sustaining longer than necessary a wasting involvement in Vietnam, and submitting Israel to the political experimentation of the United Nations? (Fulbright: Mideast matters "go beyond the fears and ambitions of Israel and the Arab states and their great power mentors. I perceive here an opportunity to breathe life and force into the U.N. . . .").

My answer would be no. No single cause or measure can be blindly applied to guide the disposition of American power. Rather, the constant effort should be to identify the nature of a given foreign situation, to judge the particular interests which Americans have in it, and to apply American resources in proportion to those interests.

There is a huge difference between combating communism in Vietnam and coping with Soviet power applied against Israel. There is a huge difference between Vietnam, a country with which Americans have never had strong ties of any kind, and Israel, a country of deep meaning to many Americans, particularly, of course, to Jews. There is a huge difference between expending billions of dollars and thousands of lives in Vietnam and suffering the immense social costs of that war; and supporting Israel with supplies, credits and political means but with no troops, and with negligible domestic costs. There is a huge difference between engaging in war in the one place and trying by diplomacy—on the whole intelligently—to facilitate a settlement in the other.

It is astonishing, almost embarrassing, to find that Mr. Fulbright needs to have these elementary points spelled out for him.

[From the Near East Report, Apr. 7, 1971]

FULBRIGHT'S COMPLAINT

Sen. J. William Fulbright (D-Ark.) mounted a major attack on Israel's position in a speech at Yale University last Sunday. Fulbright charged that Israel is trying to manipulate the United States by dreaming up the threat of Soviet expansionism in the Middle East and arguing that it is in America's national interest to help her block it.

The Chairman of the Senate Committee on Foreign Relations said:

"Recent visitors to the Middle East assure me that the Israelis are quite sincere in their fears of being 'thrown into the sea' and in their conception of the Soviet Union as an insatiable imperialist power, bent, presumably, upon the conquest and communization of the Middle East.

"Nonetheless, I perceive in this some of the same old Communist-baiting humbuggery that certain other small countries have used to manipulate the United States for their own purposes. When it comes to anticommunism, as we have noted in Vietnam and elsewhere, the United States is highly susceptible, rather like a drug addict, and the world is full of ideological 'pushers.'

"It is a fine thing to respect a small country's independence and to abstain from interference in its internal affairs. It is quite another matter when, in the name of these worthy principles—but really because of our continuing obsession with communism—we permit client states like Israel and South Vietnam to manipulate American policy toward purposes contrary to our interests, and probably to theirs as well."

DISTORTIONS AND INCONSISTENCIES

There are many distortions and inconsistencies in Fulbright's position.

On the one hand, Fulbright speaks contemptuously of "client states," among which he counts Israel. He is worried lest Israel involve us in her defense. But Israel's determination to defend herself irks Fulbright. For he perversely turns around and derides what he calls Israel's policy of "antiquated—and to a great degree delusional—self-reliance."

No analogy can be drawn between Viet Nam and Israel. Israel is not a client state of the United States. Israel does not want Great Power Intervention in the Middle East. Indeed, Israel is urging that the Great Powers get out of the Middle East.

Fulbright argues that Israel has been heavily dependent on the United States for arms and economic assistance.

Here again there is no analogy between Viet Nam and Israel, for, if we have poured our soldiers and billions of dollars of material into Viet Nam, we have *not granted* Israel any military aid. We have *sold* her weapons and our economic assistance has consisted, to a large extent, of loans rather than grants.

Israel has not been appealing for American soldiers. She does not invoke the U.S.-Soviet cold war. Israel is not, and does not claim to be, in the forefront of the so-called free world struggle against so-called international communism. What Israel is up aaginst is raw Soviet power—not simple Soviet ideology.

Fulbright equates Soviet and American policy and makes it appear that the United States is as culpable as the Soviet Union in the Middle East. Thus, he airily dismisses Soviet presence there as "the sailing of warships around the Mediterranean."

But he does not mention the grim threat which alarms Israel. That is the massive concentration of sophisticated Soviet weapons—planes, missiles and tanks, as well as Soviet soldiers and technicians—on her doorstep. Israel is a target. She has had to face Soviet pilots in actual combat.

Fulbright overlooks the fact that every escalation in the Arab-Israel arms race has begun with the Soviet Union, while the United States has often withheld arms from Israel in the never-ending hope that there might be some indication of Soviet restraint—which never came.

Even as Fulbright spoke, there were reports from Beirut that for the last three weeks there have been new shipments of Soviet missiles and radar-directed cannons—an airlift designed to establish a missile system covering the entire Nile Valley.

Instead of proposing Soviet withdrawal, Fulbright is insisting that Israel withdraw as the Russians and Egyptians demand and that we participate with the Soviet Union in "peacekeeping" arrangements.

MISPLACED FAITH

Fulbright's faith in the Soviet Union has no historical basis. Fulbright probably will recall that on May 24, 1967, on the eve of the six-day war, he rose in the Senate to urge that we turn to the UN and to the Russians, in particular, to avert a conflict.

During the course of that 1967 speech, he spoke wistfully of the potential role of the Soviet Union:

"Among the members of the United Nations, none has a greater opportunity to exercise leadership in the current crisis than the Soviet Union. Alone among the great powers, the Soviet Union has great influence with the Arab countries. . . . It would seem to be a singular opportunity for the Soviet Union, working within the framework of the United Nations, to take a position of leadership in support of peace. . . ."

But the Soviet Union did not live up to Fulbright's high expectations, for it was the leading actor in a farcical debate in the Security Council. And in the Middle East itself, it egged Egypt on to a fateful mobilization which led to war and defeat.

And now Fulbright is ready to let the Soviet Union and Egypt dictate the terms of the settlement.

DEMANDS ISRAEL'S WITHDRAWAL

Fulbright said that "the Soviet position now is that Israel should return to the borders of 1967; that is substantially our position as well, and it is consistent with the Security Council resolution of November 1967. . . ."

The Department of State has repeatedly denied that this was the intent of the 1967 resolutions. It is unfortunate that Fulbright interprets that resolution and the American position precisely the way the Russians have been trying to interpret it.

YOST CONCURS

Fulbright can draw support from an article in the current issue of *Life* magazine, in which the former head of the U.S. delegation, Charles Yost, writes:

"There is an argument as to whether the UN Security Council resolution of Nov. 22, 1967 called for Israeli withdrawal from *all* occupied territories or only from some occupied territories to 'secure and recognized boundaries' to be negotiated between the parties." And then he goes on to say:

"Which interpretation one chooses is immaterial."

In other words, what the United Nations had to say about the frontiers—so important to Israel's struggle for defensive lines—becomes completely "immaterial" if the Great Powers agree to impose their own map.

No wonder the Russians and the Egyptians are able to take a rigid and inflexible line. If the diplomat who was supposed to represent the United States all these weary months is now ready to declare that the language of a major UN resolution does not really matter, how can anyone place any reliance on UN resolutions, and how can anyone depend on the United States to continue firmly to support them?

This is exceedingly relevant to the major issue today. There is now, as in 1957, great pressure on Israel to rely on UN forces and UN guarantees. The vagueness of UN resolutions and resolutions back in 1957 enabled Nasser to ride roughshod over UNEF ten years later.

If UN resolutions can be misinterpreted, mistranslated and misrepresented with such utter diplomatic abandon to suit the panic of the moment, who can be expected to depend upon them?

BUT OTHERS DISAGREE

It is true that many of Israel's supporters believe that Israel's role in the Middle East does thwart Soviet expansionism. And it is also true that many of the critics of U.S. policy in Viet Nam do not share Fulbright's view that America can be complacent about the Soviet thrust in the Middle East.

Prof. Hans J. Morgenthau writes in the April 1971 issue of *Foreign Affairs* that "we have been hypnotized by the ideological aspects of the Indochina war. . . . We have been too busy with trying to save Indochina from communism to pay much attention to what the USSR was doing in the rest of the world and to compete with it or oppose it as our interests require."

The eminent political scientist and historian points out that Soviet expansionism is an important basis for the "uncertainty" of the future of Soviet-American relations.

Ideological pretensions are unimportant in the constant pattern of expansionism: "Russia has moved into the spaces left by the liquidation of the British and French Empires, thereby bringing close to consummation the Tsarist aspirations which during the better part of the nineteenth century had pitted Russia against Great Britain over the "Eastern Question."

It is the Middle East, he writes, "which appears the most obvious point at which the interests . . . of the United States and the Soviet Union appear to collide."

Testifying before the Senate Subcommittee on National and International Operations, Prof. Bernard Lewis of London University argued that Soviet decisions are made in reaction to American policy. He elaborated on the theme that the Russians move when the United States retreats or is immobile.

He recalled the missile crisis of 1970, when the Soviet Union and Egypt violated the cease-fire stand-still agreement by putting missiles into the Suez zone.

He told the Committee that the Russian assumption that the United States was "no longer capable of pursuing any kind of foreign policy was reflected in the brazen and contemptuous violation of the standstill agreement . . . and received apparent confirmation in the agitated attempts by some Washington spokesmen to look the other way."

ONE-WAY CRITICISM

It is pertinent to note that during this period Fulbright's committee did not think it necessary to inquire into the circumstances of the Soviet violation. There was no indication from Fulbright at that time that he was at all concerned about the Soviet buildup.

Fulbright has reserved his criticism in his Middle East analyses for Israel. Perhaps if, on occasion, he had criticized Soviet-Egyptian policy there might have been greater flexibility in Moscow and Cairo. Perhaps he might have stimulated the Russians themselves to rethink their own position.

Fulbright would do well to consider the fact that there is considerable dissent in Eastern Europe over the escalating Soviet involvement in Egypt. The argument that Russia has found her Viet Nam in Egypt has often been made and loyal Communists have decried the vast amounts of military aid given to Egypt as a misplacement of priorities.

Taking the Fulbright speech and the Yost article together, we must conclude that there is a campaign to stampede the Israelis into a now-or-never peace-at-any-price surrender to the Soviet-Egyptian ultimatum.

SANCTIONS!

Indeed, there was a threat of sanctions in the Fulbright speech:

"I would not shrink from applying certain sanctions as a last resort for the preservation of peace. . . . It makes no sense at all for us to shrink in horror at the very notion of an imposed solution, not only because we are legally bound by the Charter to accept certain kinds of 'imposed' solutions, but because the absolute sovereignty of nations is an outmoded principle. . . ."

[*Ed. note:* Especially for little "clients."]

Israel has always maintained that if she can have the weapons she needs she will be able to handle the Arab threat by herself, and for 23 years she has done just that.

But Israel cannot be expected to handle the Soviet Union alone. Only a firm stand by the United States can neutralize the Soviet threat.

FOR WHOM THE BELL TOLLS

We cannot retreat to the isolationist belief that the United States need be concerned about nothing beyond its shores; that Soviet expansion over large chunks of the Third World and the seas and skies around it does not really pose any threat to the independence and survival of other peoples.

HARD HIT BY UNEMPLOYMENT

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. GUBSER. Mr. Speaker, my congressional district is among those which have been most hard hit by unemployment resulting from cutbacks in aerospace activities and, needless to say, many highly skilled individuals living in the bay area of San Francisco have suffered considerably.

I recently received a copy of a letter to Governor Reagan from the wife of one of these unemployed engineers which dramatically illustrates the difficulties faced by her family. I believe this communication is worthy of note and am submitting it for inclusion in the RECORD.

Frankly I have been frustrated in my own efforts to bring about some Federal action which would ease the crisis confronting unemployed scientists and engineers. I have encountered nothing but bureaucratic negativism from various Federal agencies which should be concerned with the problem, and hope the letter which follows will be read and heeded by those who are in a position to carry out some much needed action:

LOS ALTOS, CALIF.,
March 18, 1971.

Governor RONALD REAGAN,
The State Capitol,
Sacramento, Calif.

DEAR GOVERNOR REAGAN: I have put off writing this letter, hoping something good would happen to us and that it would be unnecessary to write. However, I now find that we are *desperately in need of help and there is nowhere else to turn.* It is fervently hoped that you will read this letter personally in order that you might have a *true* picture of our seemingly hopeless situation. There must be many others in our shoes, but some of them, at least, have someone to whom they can turn for help, and we don't.

My husband worked for aerospace companies as a Systems Engineer (he has two degrees; one in Civil Engineering and one in Statistics) and along with others, was laid off in July, 1969. We hobbled along and he was able to land a *temporary* position with a small, struggling consulting firm which lasted from November, 1969 to February, 1970. Until now, March, 1971, there has been no other job in spite of hundreds of resumes sent out and many interviews. My husband, E. M. Abreu, has applied for every possible job *in* and *out* of his field in California and outside California. Almost without exception, any job available requests or requires *experience* in that particular *field.* Employers are entirely reluctant to hire former engineers for fear they won't stay on the job, especially if they might later have a better opportunity. He is willing to do *any* type work, but being *willing* doesn't seem to be enough. I, too, have applied for many jobs but prospective employers seem invariably to frown upon that fact that I haven't worked for 9 years and everywhere I go I am up against hundreds of applicants, most of whom have had *recent* experience. We are both registered with the Human Resources Dept. and private employment agencies, and we constantly follow the advertisements. On one job my husband called about, the employer said he had had *120* calls about that *one* position and the same thing has happened to me. We have both applied for full time, part time or temporary jobs to no avail. I have also called many stores thinking I could do sales work, but they tell me they are laying off and not even taking applications.

We sold our former home at a profit and used this to live on for awhile and when gradually we used up *all our resources,* including a bank loan. We never wanted to go on welfare and even though we were eligible long ago, we waited until late December, 1970 to apply after we had absolutely no recourse. We applied for food stamps at the same time, and although it is a tight squeeze, we manage to eat solely from these stamps. Our teenager son eats more than an adult, but there is just no money left monthly to supplement the food budget. We were foolish, I suppose, as we probably should have applied for welfare and food stamps much sooner, but we had been hoping against hope that we wouldn't have to ask anyone for help. Our unemployment benefits were long since used up.

Governor Reagan, I wouldn't know anything about people who supposedly cheat or take advantage of welfare. I only know we never wanted it, and would give it back if we could. This is our first time and I pray to God it will be our last, if we ever get on our feet again. However, as long as I live, I shall always feel sorry for those who *want* to earn a living and can't seem to be able to, and for the desperately poor and destitute.

We are apparently only eligible for aid under the aid to Dependent Children program and with any deductions or whatever figured in, we are only eligible for $166 per month. Food stamps, of course, do not cover paper goods, toiletries, etc. nor dog food. Some of that $165 goes for these things (only *necessary* ones), as well as gas, electric, water, garbage, telephone and newspaper (the latter two items are necessary to look for a job). Months ago we had to turn in our Pontiac because we could no longer keep up the payments. We still have a T-Bird (1963) which uses a lot of gasoline and much of that $166 goes toward this item because of so much job hunting. Unfortunately, we are in no position to trade in this car for a compact car which would get better mileage. I should explain that the reason we are only qualified for $166 per month ($83 every two weeks) is because we only have one child living at home. Our other son is 20, married, living in another state, going to school part time and working part time, and has his own financial problems.

We kept up our rent as long as possible and now are 2 months behind, *on the verge of being evicted (for the first time in our lives) and have no place to go, nor any money to do it with.* Out of the $166, we have made some token payments on our rent these past two months, but it's not enough. We were told by the Welfare Dept. that out of a Special Monthly Fund they might possibly be able to help with our moving expense, *but not rent.* We can't even possibly save enough out of that $83 every two weeks to pay rent elsewhere, and they (landlords) often require first and last months' rent or the first month plus a substantial security deposit. In addition, we are in a *high rent area,* unfortunately, and we don't have the money to move out of the state or to relocate, on our own. We thought of low rent housing and talked to Mr. R. R. Davis, Chief, Housing Authority of Santa Clara County, 770 Kiely Blvd., Santa Clara, California. He informed us that the Housing Authority has not received any money for additional housing in 1½ years, and the office has long ago stopped even taking applications, but they do allow you to get on a waiting list. *When* they are authorized to have more housing available, the old applicants (before cut-off point) will first be eligible and then the people on the waiting list and there are 1500 of them! We are on that waiting list but have no hope in this world of getting housing through them. At present, they are only authorized to help *if possible* people whose houses have been condemned or burned down. As of now, they only have 600 units in Santa Clara County, all occupied.

In the name of heaven, *WHAT are we going to do? We just can't sleep on the street.* We have no relatives living in this state, and my husband's parents are dead. My parents live in a state across the country, are in their 70's and living on a small retirement income. They are in *no position* to help us but I know they would if they possibly could. You know, if we had three or four or more children at the moment, we would be better off rent-wise. Some of them, I suppose, are eligible for $300, $400, $500 or more a month, but I really don't know. *At least* they can pay rent and their food stamps help them out.

In addition to the threat of being evicted, a bank where we have a loan is threatening to take all our furniture because it was given as collateral (we had no choice). *The bank knows we have no job and no income, but this has been turned over to an adjustment company in San Jose by them anyway.* We have been married almost 22 years and all our things are a sentimental collection of those 22 years. To make things worse, we finally could not keep up the payments on our 1963 T-Bird and we are in danger of losing that. Need I tell you that in this area it would be impossible to shop for food or look for a job without any *car?*

Things could not *possibly* be worse for us except that we have our health. My husband does have a heart condition which he had previously, but it never interfered with his profession. I will say that this terribly unhappy, frustrating situation has gone on for *so long* now that we have become enormously tense, worried and "tied up in knots". You cannot imagine what this has done to our marriage—constant worry and *never* any money for recreation. For a long time, we were brave and tried to "hold our chins up". Finally, I just want to cry and cry and feel like I am just going to jump out of my skin. Between interviews, my husband paces the floor. There *must* be an answer *somewhere.* We, and many other engineers, are not in a recession. We are in the worst *depression* possible. Unless one of us has a heart attack, a stroke or a nervous breakdown, what *more* could go wrong for us?

Governor Reagan, we never wanted handouts, and we don't *like* having to receive welfare. I thank God and the U.S. Government for the food stamps, but I want to cry every time I use them, because I would so much prefer it to be otherwise.

My husband is presently under consideration by several companies here as well as out of state, only to the extent that they haven't sent what we call a "No" letter after receiving his resumé. This has happened before and then didn't materialize, but we will keep our fingers crossed.

As for Medi-Cal, we have been eligible since late December, but haven't used it. Actually, we have never been given much information on it as far as who to go to and who will accept it, etc. My glasses have needed changing for a year, and I am getting headaches now and also get dizzy off and on. I have no money for this and yet am told Medi-Cal will not cover expense for glasses. Of course, due to raw nerves, my blood pressure could have gone up, accounting for the dizziness.

Governor, you will note below that I am sending copies of this letter to President Nixon, and some senators and congressmen in Washington, as well as Sacramento (listed in alphabetical order). We feel that we simply must explore every avenue possible open to us before another day passes. I hope and pray that you or one of these distinguished men can help us or give us some guidelines to follow, especially as far as aid in *housing,* etc. is concerned. We will drive to Sacramento if you think it necessary and can help us. May I ask, PLEASE, THAT YOU PRETEND YOU ARE IN OUR SHOES FOR *ONE MINUTE.* Pretend that all your resources are gone, that you have not had a job for a long time and that you do not have enough money for rent, utilities, gasoline for car, etc., and you will soon lose the roof over your head.

I wanted this letter to be *much* shorter, but it seemed impossible to keep it brief. If information in my letter can be used to help us or someone else, please feel free to do so. However, *I urge you not to use our name* because of our 13 yr. old son (an 8th grader) as he would be embarrassed. He is an honor student in Jr. High, on Student Council and a leader in his school. Since the age of 10, his one big ambition in life has been to go to Annapolis and I just wouldn't do *anything* to embarrass him. School is a challenge to him and he loves every minute of it. We think of *his* security always before our own and I just hope and pray somehow that we can leave him in this school until June, only 2½ months away. It means *so much* to him and would almost be tarumatic to him, I believe, to take him out now, when he graduates from Jr. High shortly. We fervently believe in God, and I *still* pray for a miracle.

In case anyone wants to call us, our telephone no. in Los Oltos is (415) 965-0869. I shall look forward to hearing from you.

Enclosed is a copy of an article from the Palo Alto Times, dated March 16, 1971. Please read *all* of it. I think you will indeed find it heartbreaking, as we did.

Very truly yours,

MRS. R. M. ABREU.

CANNOT GET JOB, DEPRESSED ENGINEER KILLS HIMSELF

Charles Mallinckrodt Jr., 35, a Palo Alto computer engineer, seemed to have everything going in his direction—until the electronics and aerospace industry in California nearly collapsed last year.

Mallinckrodt, the father of three young children, decided that despite the lack of jobs, he would enter business for himself.

The venture failed, as most others begun since the depression struck the industry, and Mallinckrodt started last December to seek a job.

Monday, his body was discovered beneath a tree near the Stanford Linear Accelerator Center. A coroner's spokesman termed the death an apparent suicide.

A white plastic bag was pulled over his head and an almost-empty bottle containing an unknown toxic liquid, possibly cleaning fluid, was found alongside.

In his hands, investigators found a blue cardboard folder containing about a dozen printed résumé forms, detailing the young engineer's background and qualifications.

Also tucked into the folder were replies to letters of inquiry he had sent to various firms in search of a job.

There were ten reply letters in all, dated in January and February, each acknowledging interest but explaining that there were no job openings.

Mallinckrodt had been reported missing from his home at 1900 Barbara Drive by his wife, Claudine, according to San Mateo County Coroner Paul B. Jensen.

Mrs. Mallinckrodt identified the body today, telling Jensen that he had been despondent because of his inability to get a job.

"This is one of the saddest cases I've had to handle," said Coroner Jensen.

"A few years ago, they were literally crying for engineers. They were begging kids to train for jobs in the field," Jensen said.

"Now you've got thousands upon thousands of these guys laid off. They can't find a job—no matter what their qualifications."

This is tragic and should not be. He escaped *his* problems here on earth, but not those of his wife and children. He must have felt it was just *hopeless.*

IMMIGRATION REFORM LEGISLATION

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. CELLER. Mr. Speaker, I have today introduced a comprehensive bill to establish a worldwide ceiling on immigration with a fair and rational system for the selection of immigrants.

The time has come to recognize the practicality and necessity of a uniform world wide ceiling on the number of immigrants who come to the United States each year.

My bill proposes a new preference system which will offer flexibility and assure fair distribution among all nations. The bill also provides for the admission of refugees who satisfy the Attorney General that they are qualified as such under the terms of the Protocol Relating to Refugees of which the United States is a signatory.

The section-by-section analysis of the bill follows:

SECTION-BY-SECTION ANALYSIS

SECTION 1

The "special immigrant" category, not included within numerical limitations, is amended to include those aliens who were previously classified as "immediate relatives" and unmarried sons or daughters are included as special immigrants.

Natives of countries contiguous to the United States are classified as special immigrants and, except for close relatives and other special immigrant classes, each contiguous country (Mexico and Canada) is limited to no more than 35,000 immigrants a year.

SECTION 2

There is established a worldwide ceiling on immigration of 260,000 immigrants per year, exclusive of defined special immigrants.

SECTION 3

Except for those countries contiguous to the United States, the number of immigrant visas available to any other country shall not exceed 25,000 in any fiscal year.

SECTION 4

The number of immigrant visas available to any subquota or dependent area of a foreign country is increased from 200 a year to 1,000 a year.

SECTION 5

A new preference system for selecting immigrants is established:

First preference—25 percent of the worldwide ceiling, or 65,000 immigrant visas are made available to the spouse, unmarried son or daughter, or parent of an alien lawfully admitted for permanent residence (in the case of a parent such lawful resident alien must be at least 21 years of age (and to the married son or daughter or the unmarried brother or sister of a citizen of the United States.

Second preference—25 percent of the worldwide ceiling, or 65,000 immigrant visas for the highly skilled immigrants—members of the professions and those with exceptional ability in the sciences or arts. However, no more than 10 percent of the total number of visas available under this preference shall be available to any one country per year. Furthermore, an alien who qualified for a second preference is precluded from any other preference except by reason of relationship to a United States citizen or permanent resident alien or as a nonpreference immigrant.

Third preference—25 percent of the worldwide ceiling, or 65,000 immigrant visas, plus any visas not required for preferences 1 and 2, shall be available to qualified immigrants capable of performing skilled labor not of a temporary or seasonable nature for which a shortage of employable and willing persons exists in the United States.

Fourth preference—15 percent of the worldwide ceiling, or 39,000 immigrant visas, plus visas not required for preferences 1, 2, and 3, shall be available for aliens principally engaged in religious duties, aliens who will not seek employment in the United States and investors.

Nonpreference—10 percent of the worldwide ceiling, or 26,000 immigrant visas, plus unused numbers from the four preferences, shall be available to nonpreference qualified immigrants in the order in which they qualify. There is a further proviso that within this category 25 percent of the numbers available to qualified immigrants who are under 25 years of age.

SECTION 6

The petition procedure to accord preference status and special immigrant status is amended to conform with amendments in this bill.

SECTION 7

The Attorney General is given discretion to admit an alien to the United States who, through no fault on his part, arrives at a port of entry with an erroneous visa classification.

SECTION 8

The labor certification requirement which became effective December 1, 1965, by the Act of October 3, 1965, is repealed and the law existing prior to that time reinstated. This, in effect, relieves the prospective immigrant from the burden of securing a labor certification that his admission to the United States will not displace an American citizen nor adversely affect labor conditions. This change in law would place the burden of proceeding back on the Government to make an availability determination and then exclude an alien who might take a job from a citizen or adversely affect labor conditions.

SECTION 9

A new refugee system is created without a numerical limitation, but which can be discontinued by a resolution of either body of Congress. The Attorney General, after consultation with the Secretary of State and in order to promote United States interests, is authorized to parole certain defined refugees into the United States. After two years, the amendment provides for retroactive adjustment of status to that of a permanent resident. Applicability of the section is directed at refugees from Communism, refugees from persecution, and those victims of natural calamity or military operations. The definition of "refugee" conforms with the definition contained in the "Protocol Relating to Refugees" to which the United States is a signatory. Furthermore, the Attorney General must report to the Congress semi-annually on the progress of this authority.

SECTION 10

Present law provides a waiver of exclusion for mental retardation if the alien is the spouse, unmarried son or daughter, minor unmarried adopted child of a United States citizen or lawfully admitted permanent resident. This amendment includes aliens who have a mental defect within the waiver possibility.

SECTION 11

Section 245 is amended to permit adjustment of status in the United States for all qualified aliens except aliens from countries contiguous to the United States and from adjacent islands.

SECTION 12

Obsolete sections of the Act of October 3, 1965 are repealed.

SECTION 13

Any alien eligible for fifth preference status on the basis of a petition filed prior to July 1, 1971, and who has retained the status accorded by the petition, and the spouse and children of such alien, shall be documented as special immigrants.

THE BICYCLE ERA

HON. ALEXANDER PIRNIE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. PIRNIE. Mr. Speaker, it has occurred to me that the following study conducted at Davis, Calif., would be of value and great interest to all as we seek to develop new methods of intracity transportation. Not only have traffic congestion problems been solved, but in my mind a healthy form of exercise is being carried on. Through the cooperative efforts of community leaders a program of multiple value is being implemented. I commend this study to my colleagues and to the public:

BIKEWAYS IN ACTION: THE DAVIS EXPERIENCE

(By Robert Sommer and Dale F. Lott)

Leaving the freeway and entering Davis the motorist sees a large sign telling him that this California city has 18,000 bicycles. Considering that its population is only 24,000, probably no other city in the United States has as high a proportion of its citizens owning bicycles and using them as a regular means of transportation. A number of factors produced this situation—the presence of many young people attending the Davis campus of the University of California, the flat terrain, the mild weather, and the many wide streets. When the campus expanded greatly and the population in the area grew rapidly in the early 1960's, the streets became much busier. About the time the first stop light was installed, people riding bicycles began to feel crowded. At the local bicycle shop, it was common to see bikes appearing with damaged front wheels when riders were forced into the curb by passing cars. Competition, both for space on the streets and opportunities to cross at intersections, grew between bicycles and automobiles. It was a lopsided competition at best—bicycles are small and frail, automobiles large and sturdy. It became clear to a number of concerned Davis citizens that if bicycles were to remain a viable part of the city transportation system they would have to be given a place of their own in city traffic planning.

What was needed was some way to separate bicycles from automobiles and the plan adopted was the bicycle path or bikeway—a strip of pavement or concrete from which automobiles would be excluded. At first this suggestion was rejected by the city council; it was considered to be visionary, impractical, and potentially dangerous and its proponents were regarded as cranks. Letters to the editor proclaimed that the day of the horse was past and the day of the bicycle was passing. It was time to build more and larger parking lots and shopping centers. Citizens were urged to welcome the 20th Century to their city, and forget the gay nineties and all its trappings. However as the debate continued, it became apparent that there was widespread support for bicycle paths. *A citizen group circulated a petition asking the city council to establish bicycle paths along principal streets and rights of way of an integral part of the city's transportation system.* This petition was signed by 90% of the several hundred voters approached. *Bike paths became the central issue in a city election of 1966 and the pro-bikeway candidates won.* Soon after that the first bike paths were established along the sides of existing wide streets.

Since that time, Davis has been developing a bicycle path network that is probably unique in the United States. New housing tracts in the city are required to set aside space for bicycle lanes separated from traffic and a *special act was passed by the California Assembly to enable the city to formulate traffic regulations for bicycles.* It is important to realize that the bicycles are not merely owned, stored, or used for recreational purposes; *they are an important part of the transportation system.* On one heavily trafficked street, traffic counts during the summer (with few University students in town) show that bicycles represented 40% of all traffic. During the rush hour, 90% of all riders are adults. The emblem of the city shown on many municipal vehicles is a gay nineties two-wheeler. Many business leaders in the community are strong proponents of bike riding and admit that this is a matter of self-interest. The use of bicycles has meant that there are no parking meters in the city and the traffic situation at rush hours is tolerable. The bicycle has also helped to preserve the central city core as a viable shopping district, since parking is not a serious obstacle to shopping downtown. The University and high schools have been able to set aside less space for parking lots than they would ordinarily. The acceptance of the bicycle as a viable means of transportation by virtually all segments of the community provides the unique opportunity to learn the structural and social requirements of safe, efficient, and pleasurable bike riding.

The potential of bicycle transportation cannot be realized without the necessary environmental support system. Just as one cannot have a railroad without tracks, or a bus system without highways, so one needs special facilities and regulations for bicycle traffic. This means planning which must rest on firm knowledge of these special requirements of the bicycle. One simply does not design highways for automobiles and sidewalks for pedestrians, leaving bicycles squeezed in between moving automobiles, parked cars and pedestrians.

First let us review the history of the Davis bicycle path network. About 8 years ago a group of concerned citizens formed the Bike Safety Committee which investigated bicycle traffic problems in the city and made various suggestions about how to alleviate them. The city Public Works Department became interested and made traffic counts to determine the streets most heavily used. There was very little precedent to follow in developing bike lanes. The City Public Works Department believed that the most feasible plan was to create bike lanes on the outside of the streets over 50 feet wide. Where this contradicted the California Motor Vehicle Code, a special bill relating to bike lanes was passed with the help of the State Assemblymen. This bill permitted the Davis City Council in 1967 to pass Ordinance 442 creating bike lanes and regulating bike traffic. The Davis City Council is very favorable to bicycle lanes and present plans call for 12 miles of bicycle paths by 1974, including 5 miles of lanes completely separated from the roadway.

The establishment of these pioneering paths offered an opportunity to study the use of the path, the attitudes of car drivers, bike riders, and city officials toward them, and the effect of the paths on safety. The safety record of the lanes is very good. Thus far not a single car-bicycle collision has taken place in the bicycle lanes. Damaged front wheels are rare problems at the bike shop. However, while the lanes protect the riders for the length of streets, they left them exposed, and in a somewhat more vulnerable position, at the intersections. There are some real problems connected with left turns from inside the bike lane, particularly when automobiles are turning right from what has become the center lane. There are also problems about educating out-of-town drivers about the bike lanes. For these reasons, and with the assistance of a small grant from the National Safety Council, we undertook a study of the bicycle path situation in the city. We felt that this information would be helpful to other cities planning bicycle paths. Over the past three years we have conducted a number of surveys among city and police officials, like riders, and car drivers. Our goal was to get an overview of the bicycle situation in the city, the ways in which problems connected with the bicycle have been met and to specify the problems that remain and how they might be solved.

In Davis the great bulk of the population lives within two miles of both downtown and campus. During the Spring of 1970 Marie Rorvik interviewed 327 young adults living in apartment houses at various distances from the campus and downtown. The bulk of those surveyed were college students. The percentage of students using bicycles as transportation to campus was the same whether they lived two blocks or two miles away, but the rate of use was not. Those students living within a mile averaged about 10 round-trips a week, while those 1½ to 2 miles away averaged about five round-trips per week. The percentage of non-students young adults who use bicycles is about 70% (no different than the students) but the number of trips per week is somewhat less. Both students and non-students rarely used their bicycles as transportation at night. There are approximately ten times as many trips during the day as at night.

It is the writer's feelings, supported by our survey results, that the bicycle path network in the city is an important factor in this heavy use of the bicycle. At Santa Barbara, where another campus of the University is located on flat terrain, one finds much less frequent use of the bicycle than at Davis.

The Davis city officials were very favorable towards the bicycle paths. However, to a man they commented about the intersection problems—the paths provided safety while riding parallel to the curb but did not help much at intersections. They also mentioned the need for continuous public education. It was difficult to reach new residents, incoming students, and people who live elsewhere but come to Davis to work. The bike riders we interviewed were also favorable towards the paths. They felt it was safer and less anxiety provoking to ride in a bike lane. Virtually everyone stated his preference for a bike path over a conventional street if the distance were the same.

We were interested in knowing whether or not bike riders like bike lanes enough to go out of their way to use them. In our first survey we asked all bike riders if they would go a block out of their way to use a bike lane. Only 1 in 5 said they would.

The study of young adults in apartment houses asked a slightly different question, "Do you go out of your way to use bike paths?" In their answers to this question college students and other young adults differed. Among the students 1 female in 4 and 1 male in 7 said they did. On the other hand when the young adult non-students were asked the same question 60% of the males and 75% of the females said they did.

The other responses supported the idea that many people would take the bike paths when available but would not make an extra effort to reach them. Virtually all of the automobile drivers who were interviewed in various parking lots, were favorable to the bike lanes. Most confessed to feelings of apprehension when they rode on a street that contained mixed car and bike traffic (i.e. without bike lanes). They felt that the paths made it easier to drive since the driver didn't have to worry about bicycles. The only improvement in bicycle paths they proposed was creating more bikeways and marking them better. Only two of the eighteen drivers said they ever went out of their way to avoid streets with bike lanes. As a follow-up, a smaller survey was undertaken in Woodland, California a nearby city of approximately the same size as Davis, but with a much smaller number of bicycles. The city officials interviewed said that Woodland did not have a significant bicycle problem and special bicycle paths were therefore unnecessary. In Woodland the use of bicycles (with identical terrain and climate to that in Davis) was almost exclusively restricted to school children. All of these interviews were uninformative since the respondents had no contact with separate bike lanes and lacked any opinions about their potential value. It was clear that the bicycle was viewed as a minor and incidental part of the traffic situation in Woodland—something to be used by children getting to and from school. However, the survey did seem of some educational value to the adult respondents. A few of them, particularly parents, considered for the first time the possibility of bike lanes in Woodland.

During the spring of 1970 a door-to-door survey was undertaken by Frank Becker in 132 households in a residential neighborhood of Davis. This is largely a white middle-class neighborhood with single family dwellings. Approximately equal proportions of men and women owned bicycles, and ownership was clearly related to age. Of the adults in the 25–35 range, 60% owned bikes, compared to 46% of those age 36–45, and only 14% of those over 46. More husbands than wives use their bicycles regularly. The major destination of the husbands was the University where they were employed or went to school, while for the women the major destinations were downtown stores or other households in the neighborhood. More men's bikes than women's had lights on them, which supports the greater reliance of the men on the bicycle for transportation.

Virtually all of the parents had discussed bicycle safety with their children. The major items mentioned were cautioning the children to watch out for cars, signaling, driving on the correct side of the street (moving in the same direction as automobiles in Davis), stopping at lights and signs, staying in bike lanes, not hurrying, and obeying traffic rules. Several parents taught bicycle rules and safety to their children during actual practice rides. Two-thirds of the parents had specifically instructed their children to use streets with bicycle lanes whenever possible, and those who hadn't, often mentioned that there were no bicycle lanes between their houses and the children's school. The vast majority believed it was safe for children to ride bicycles in Davis, and that this was due largely to the bicycle lanes. Most everyone wanted to see more bicycle lanes in the city, as well as better enforcement of existing regulations, both for bicycles and automobiles. Specifically this means keeping cars out of bike lanes, especially at intersections where cars moved into them to make right turns. No respondent expressed any dissatisfaction with the bicycle lanes or wanted to see them removed or restricted. In no case were bicycle lanes considered an inconvenience. Each respondent was asked directly whether he had ever avoided driving a car on a street containing a bicycle lane, and not a single one answered affirmatively. Most felt safer driving along a street with bicycle lanes because there was less to worry about. On the other hand, few were willing to go out of their way to drive on a street with bicycle lanes.

The parents were asked about bike usage by their children. Age was the determining factor in how far and when a child could ride. Preschoolers were restricted to the immediate vicinity of the home while children between six and twelve were allowed to ride to school. About half the children in this age group were allowed to ride downtown to the movies during the day, but not at night. Almost half of the junior high school students rode their bicycles to school every day, were permitted to go to daytime movies, and about half were increasing radius of distance and freedom of movement. However, some 16–18 year olds were still not allowed to ride bicycles at night, thus emphasizing the perceived hazards of night riding. To supplement the interview data, a brief survey of bike use was made in the nearby elementary school. Initially we had planned to do more work in the schools, but the close of the school year prevented this. The interviewer visited one class at each grade level to determine the number of students who had ridden their bikes to school that particular day. None of the kindergarteners had come by bike, compared to 22% of the first graders, about half the students in grades 2–5, and 71% of the sixth graders.

OBSERVATIONS

Along with the surveys, we have also observed bicycle traffic patterns in various parts of the city. Early in our work, it appeared that there were serious problems connected with signalling. In the driver education programs, school children are taught the various hand signals for turns yet even the most cursory observation of bike riders showed that very few people use hand signals. This is particularly true for right turns. A few hardy individuals will signal for left turns, but they are a definite minority. In fact where traffic is particularly heavy, signalling may be dangerous since it requires the rider to remove one of his hands from the bars and keep it in a nonfunctional position which may adversely affect his balance.

Another problem concerns stop and yield signs. We have collected several thousand observations of bicycles and cars at different types of intersections. It is not easy to obtain a clear-cut definition of what "stopping" means. When pressed for a legal definition, a police official is likely to give the literal phrase "the complete cessation of movement." In practice this can be measured in several ways. Some policemen insist that the rider's foot must come to the ground. Others will use wobbly handlebars as an indication of stopping. Whatever criterion is used, our observations indicate that whether or not a rider stops at an intersection is determined less by the sign at the corner than the presence of traffic in the intersection. Before a rider reaches an intersection he looks up and down the street. When his head sweep shows traffic present, he will stop to the point of placing his foot on the ground, but if the intersection is clear, most riders will continue.

Bicyclists show much greater respect for stop lights than for stop signs. This might explain the results of another survey dealing with preferred route from domicile over to the University campus. The investigator (David Kenny) was impressed by the fact that bike riders chose one route to campus and car riders another. Further analysis showed that the bicyclists' preferred route contained an average of 4.9 stop signs and 1.8 stop lights. The automobile drivers chose, from the same origin to the same destination, a route that contained an average of 2.3 stop signs and 4.2 stop lights. Our observations provide some basis for interpreting this difference. Bikes don't usually stop at stop signs, they simply slow down and continue through, traffic permitting, while they stop completely at stop lights. For a car rider, subject to greater enforcement pressure, a stop sign always means stop, but he has a 50–50 chance of going through with a light. Another observation is that bicyclists generally make more turns than automobile drivers do. This may be due to the increased maneuverability of bicycles or to the fact that they are used for shorter trips than cars whose drivers choose the most direct route. Whatever the reasons, the greater frequency of turns by bicyclists compounds the seriousness of intersection problems.

EXISTING PROBLEMS AND RECOMMENDATIONS

The major problems connected with the bike paths appear at the intersections. There is some difficulty in making a left turn from the inside bike lane or a right turn from the automobile lane when there is cross traffic present. Many bike riders and automobile drivers are unsure as to the proper turn procedures. The Davis Police Department distributes diagrams showing the proper turn procedures to school children and these are reprinted in the local newspaper. Some bicyclists sometimes solve the left turn problem by making their turn in the middle of the street before the key intersection. The result is that they are riding up the bike lane in the wrong direction, confusing the traffic situation for both car and bike riders.

Recommendation: If accidents or near-accidents resulting from left turns from bicycle lanes increase, some action will be necessary. One possibility would be to prohibit left turns from bicycle lanes at key intersections during peak traffic. This is similar to what is done in many cities with automobiles where one finds signs at key intersections declaring "no left turns between 7 and 9 a.m. or 4 and 6 p.m." With an appropriate campaign of education and enforcement, there would be value in signs in bicycle lanes that tell the bike rider at key intersections "no left turn between 4 and 6 p.m." In addition to going one block beyond the intersection and making his turn, he has the option of dismounting and walking his bicycle across the intersection, thus gaining the priorities as well as the increased safety of a pedestrian. In Amsterdam many of the bikeways have independent signal lights (a green, yellow or red bicycle lights up on the post), and these could make provision for bicycle left turns.

Problem: Drivers from out of town do not understand the bike lanes and occasionally drive in them. This behavior is understandable since the drivers have received no clear instructions as to the meaning of bike lanes.

Recommendation: A large sign at each of the major entrances of the city to inform visitors that driving in bike lanes is prohibited. Formerly the bicycle lanes as well as the center strips had been painted white, with bikeway signs over the sidewalk on the right lane. To help inform out-of-town drivers that they should stay out of bike lanes, the city authorities have now changed to a broken yellow line for the center strip and a solid white line to delineate the bicycle lane. The most unpleasant feature of the bikeway network in Holland is the ubiquitous presence of motor bikes (bromfiets). While riding on bike paths alongside the highway, it was frequently necessary to look back to see if a bromfiet was approaching since the noise of highway traffic could obscure even the noisy bromfiet. In Davis motorized bikes of all varieties are excluded from the bicycle paths.

Problem: Some improvement needs to be made in present signalling practices. The small number of people who actually use signals indicates that the present system is not working.

Recommendation: Possibly drop signals or experiment with bike turn indicator lights.

Problem: Some of the newer streets contain a bike lane which is sandwiched between a pedestrian sidewalk and a parking lane for automobiles. This provides considerable safety for the bike rider but it is difficult for him to see automobiles coming along the street when he wants to pull out because the parked cars block his vision.

Recommendation: Where the bicycle path is inside a parking lane, the city has prohibited parking at some distance from an intersection so the rider can see traffic coming down the street.

Problem: Bicyclists, particularly children, have difficulty in knowing how to navigate in the parking lots of large shopping centers where the traffic lanes are not clearly marked.

Recommendation: It may be desirable to develop special bike routes in and out of major shopping centers.

Problem: There have been some accidents where bike riders in bike lanes were injured when car drivers opened their doors just as the bike rider was coming along.

Recommendation: Bike riders must be cautioned about the possibility of doors opening in front of them and automobile drivers should be careful to look at oncoming bike traffic before they open their doors.

Problem: Downtown merchants used to be annoyed when the entrances of stores was blocked by bicycles.

Recommendation: The practice followed in Davis was to install bike racks on most blocks in the downtown area and require bicyclists to use them. Many of the bicycle racks were donated by local service clubs.

Problem: There is some ambiguity about the meaning of bikeway, and little standardization in its meaning from one situation to another. In Sausalito, California there are bikeway signs down the main street which is the main traffic artery containing virtually bumper-to-bumper traffic on weekends. In fact one rarely sees a bicycle on this street. In Seattle there are bikeway signs but apparently these only have meaning on certain designated days. The out-of-town driver has no conception of what the signs mean. In Davis one occasionally finds an out-of-town driver in the bicycle lane trying to guess why people are gesturing to him. Some interpret the bicycle lanes to mean that bicycles must stay in them but that cars can use them too.

Recommendation: The phrase "bikes only" might be preferable to "bike lane" or "bikeway." (Put into effect Fall, 1970).

CONCLUSIONS

The overall conclusion from the surveys and observations is that the Davis bikeways are almost unanimously regarded as a desirable safety feature. At present, many riders will use the paths when they are available but many will not go out of their way to use them. As the city grows (to approximately 75,000 within ten years) this situation will change. A bicycle path that is a good safety feature with light automobile traffic should be a much better safety feature in heavy car traffic. However for the bicycle to remain a viable form of transportation, and not be squeezed out by the automobile, certain structural and social requirements must be met. Just as the automobile requires the availability of gas stations, good roads, highway regulation, licensing procedures, and driver education, so the bicycle requires, in addition to a moderate climate and terrain, the separation of bicycle from automobile traffic at some points, the respect of motorists at intersections, special regulations pertaining to bicycles, bicycle racks in sufficient numbers in the downtown areas, and bicycle education in the schools.

It should be clear that we are not advocating the bicycle as the sole means of transportation within cities or in the countryside. The complexity of modern society requires a mixed system of transportation which would include railroads, buses, private automobiles, bicycles, and pedestrians. Each one of these not only has its unique capabilities and requirements, it also needs to be meshed in with the others. For a suburbanite to drive his car to the railroad station requires parking facilities at the railway station. If he should want to use a bicycle to get over to the station, there should be bike racks available for him. The system of mixed transportation presently available in Holland, the most densely populated country in the Western world, is instructive. A commuter can ride his bicycle to the station and check it in a park inside the station, and then rent another bike when he arrives at his destination. Bicycles can be rented in more than 90 city railroad stations. People on vacation can take along their bikes with them on a special bicycle train run by Netherlands railways. These are not "luxury" programs but rather these are indispensable ingredients of a successful mixed transportation system.

Our research has led us to the conclusion, that at least in the cities—*no bicycle paths, no bicycles*. This should not be a cause for pessimism as much as an urgent call for action to create and maintain a viable bicycle support system.

ATLANTIC UNION IS POWER OVER PEOPLE—THE CONSTITUTION IS POWER TO THE PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. RARICK. Mr. Speaker, it is almost incredible that the President of the United States, who has taken a solemn oath to "preserve, protect and defend the Constitution of the United States," should accept the Atlantic Union Pioneer Award which was presented to him this past November by Mr. Clarence Streit, leader of the Union Now movement.

The first promoter of Union Now, Benedict Arnold, wrote on October 7, 1780:

> I am now led to devote my life to the reunion of the British Empire.

This was just 18 months after George Washington was sworn in as the first President of this Nation.

The man who advocates the same proposal today is honored. Instead of being accused of treason or sedition, he is allowed to praise the President of the United States who likewise has for many years been a leading exponent for the union of the United States with Great Britain in an Atlantic Union. Had this fact been widely publicized and had the President made this scheme a plank in his platform as a candidate for the Presidency, it is questionable that the people would have chosen him as their President.

In addition to the President favoring an Atlantic Union, a bipartisan group of 71 House Members reintroduced the Atlantic Union Resolution on February 17, 1971.

Besides doing violence to the Constitution, an Atlantic Union would remove the power of government more distant from the people. Moreover, Atlantic Union would be a step toward world government—the ultimate in the destruction of "People Power" and the death knell to the U.S. Constitution.

The Communist International in 1936 proposed a three-step plan for bringing about world government: First, socialize the economies of all nations; second, achieve federal unions—such as Atlantic Union—of the socialized nations; second combine the regional governments into a world government of socialist states.

Clarence Streit, the Union Now leader who acclaimed President Nixon as a leader in the movement for America's entry into an Atlantic Union, proposed a similar plan when he wrote in 1941 in his book "Union Now With Britain:"

> Democrats cannot . . . quarrel with Soviet Russia or any other nation because of its economic collectivism, for democracy itself introduced the idea of collective machinery into politics. It is a profound mistake to identify democracy and Union necessarily or entirely with either capitalist or socialist society, with either the method or individual or collective enterprise. There is room for both of these methods in democracy. . . .
>
> Democracy not only allows mankind to choose freely between capitalism and collectivism, but it includes marxist governments, parties and press as well as laissez-faire governments, parties and press, and plenty of gradations in between. . . .

In his state of the Union message, President Nixon called for returning power to the people when he said:

> I have faith in people. I trust the judgment of people. Let us give the people of America a chance, a bigger voice in deciding for themselves those questions that so greatly affect their lives.

Participation in an Atlantic Union would but take power out of the hands of the people at the local level. The greatest instrument for "people power" ever devised is the U.S. Constitution.

Our Founding Fathers, representing the Thirteen Original States, established the Federal agency. They made a contract which committed the people in the States to certain obligations, delegated certain specific powers to the Federal Government, and bound today the Federal agency by certain restrictions. We need to be reminded that the Federal Government is the creature of the sovereign States and not vice versa. Say, the tail is wagging the dog.

If power is to be restored to the people, the States must regain their original powers. We of the Congress can make a good start in this direction by restoring to the people power over their money by returning ownership and control of the Federal Reserve banks to the elected representatives of the people—the Congress—and by returning power to the people over taxes by so revamping the tax structure that States and local governments keep a much larger share of the tax money at the State and local levels.

I urge all of my colleagues to give early consideration to three measures which I have introduced so as to restore power to the people over money, taxes, and war. H.R. 351, my "people power over money" bill, would vest in the Government of the United States the full, absolute, complete, and unconditional ownership of the 12 Federal Reserve banks; House Joint Resolution 23, my "people power over taxes" bill proposes an amendment to the Constitution to abolish personal income, estate, and gift taxes and prohibits the U.S. Government from engaging in business in competition with its citizens; and House Joint Resolution 535, my "people power over war" bill proposes an amendment to the Constitution for a referendum on war. The text of the three bills follows:

H.R. 351

A bill to vest in the Government of the United States the full, absolute complete, and unconditional ownership of the twelve Federal Reserve banks

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury of the United States is hereby authorized and directed forthwith to purchase the capital stock of the twelve Federal Reserve banks and branches, and agencies thereof, and to pay to the owners thereof the par value of such stock at the date of purchase.

(b) All member banks of the Federal Reserve System are hereby required and directed to deliver forthwith to the Treasurer of the United States, by the execution and delivery of such documents as may be prescribed by the Secretary of the Treasury, all the stock of said Federal Reserve banks owned or controlled by them, together with all claims of any kind or nature in and to the capital assets of the said Federal Reserve banks, it being the intention of this Act to vest in the Government of the United States the absolute, complete, and unconditional ownership of the said Federal Reserve banks.

(c) There is hereby authorized to be appropriated, out of any funds not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act.

H. J. RES. 23

Proposing an amendment to the constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the United States Government from engaging in business in competition with its citizens

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States.

"ARTICLE —

"SECTION 1. The Government of the United States shall not engage in any business, professional, commercial, financial or industrial enterprise except as specified in the Constitution.

"SEC. 2. The constitution or laws of any State, or the laws of the United States, shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.

"SEC. 3. The activities of the United States Government which violate the intent and purposes of this amendment shall, within a period of three years from the date of the ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.

"SEC. 4. Three years after the ratification of this amendment the sixteenth article of amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates, and/or gifts."

H.J. RES. 535

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States for a referendum on war

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"ARTICLE —

"SECTION 1. Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war or to engage in warfare overseas.

"SEC. 2. Congress shall have the power to carry out this article by appropriate legislation."

If the Congress fails to act on these measures, then it is incumbent upon the States to act to protect themselves and their people against infractions of the constitutional contract by their agent, the Federal Government.

The solution to the restoration of power to the people is not an Atlantic Union but strong and vibrant State and local governments controlled by local citizens.

I insert an article entitled "Union Now—With Europe?" written by writer Don Bell in his newsletter "Close-Up:"

UNION NOW—WITH EUROPE?

Dear American—"What an awful thought it is that if we had not lost America, or if even now we could arrange with the present members of the United States Assembly and our House of Commons, the Peace of the world is secure for all eternity. We could well hold your federal parliament five years at Washington and five years at London. The only thing possible to carry this idea out is a secret one, (a secret society) gradually absorbing the wealth of the world to be devoted to such an object . . ."—Cecil Rhodes in a letter to W. T. Stead, written in the autumn of 1890, and made public in the London "Review of Reviews" of May, 1902.

"Presentation of the Atlantic Union Pioneer Award to President Nixon by Clarence Streit, and its acceptance for him by Robert Finch, Counsellor to the President, formed the major event of the 4th Biennial Convocation of the Federal Union association, held in Washington, D.C. Nov. 20–22. The Convocation began with the Award Dinner, which overflowed the Congressional Hall and also filled the Senate Room of the Statler Hilton. . . ."

So began a 1 page brief appearing on page 1 of the November-December 1970 issue of Freedom & Union, official organ of Clarence Streit's Union Now movement, now in its 25th year, and apparently more powerful now than ever before. In presenting the award, Streit closed his address with these words:

"And so we Federal Unionists are proud to be the first to hail Richard M. Nixon as an Atlantic Union Pioneer, for his trail blazing toward it through 18 years before he became President. We are confident that as President he will not re-enact the past but grow in stature as do the giants that create 'man's vast future.'

"We regret deeply that his heavy schedule does not permit us to honor him in person, but happy that he has chosen his closest adviser to be his alter ego tonight. Mr. Finch, if you will please approach, I would like to give you, for him, our Atlantic Union Pioneer Award, after reading its inscription:

Richard M. Nixon, President of the United States.

Far-seeing Senator, he Cosponsored in 1951 the Original Atlantic Union Resolution.

As Vice-President, his Bold Action Led to the 1962 Atlantic Convention in Paris.

Alone among Presidential Aspirants, he Wrote the 1966 House Hearing, Urging a Stronger Bill—Still Pending—With these Words that History Will Remember:

"'The United States should be a Main Force' for a 'Federation of Free Atlantic Nations. . . . In the Age of the Rocket, Dreams become Reality with a Speed Difficult to Imagine. The Atlantic Union Resolution . . . a Forward-looking Proposal . . . Acknowledges the . . . Incredible Change Going on Around Us. I Urge its Adoption'."

Now—before Nixon sells us out and steers us into the first channel leading to the Open Sea of World Government, let us review the strange course our Ship of State has been directed into taking:

Atlantic Union is the name being used by a group of Internationalists who would substitute regional interdependence for our present federal independence, through the process of merging our Nation into a federation of North Atlantic Nations, thereby creating a Regional World Government.

Neither the idea nor the name is new. On page 98 of Catherine Palfrey Baldwin's book And Men Wept, we read:

"The Atlantic Union was established in 1897 through the aid of Sir Walter Besant and later amalgamated with the English Speaking Union. . . . (An article in the London Times, July 4, 1919) further states that the occasion of the foundation was the attempted seizure of the German fleet during the Spanish American War, when the British came to the assistance of the threatened Americans and the Germans withdrew. (They forgot to mention that Winston Churchill joined the Spanish forces and fired on the Americans.) The Atlantic Union was the pioneer of hospitality in London to English speaking visitors . . . and it sowed many seeds of friendship and good-will which have played no small part in bringing our people together."

Winston Churchill, mentioned parenthetically in the above, was quick to propose common citizenship with the French at the time of the Dunkerque evacuation. He also spoke up in favor of a United Europe, though he did not propose to surrender British leadership of such a regional government. Then, he came to the United States and in a speech at Fulton, Missouri on March 6, 1946, which is chiefly remembered because of his use of the term "Iron Curtain," Churchill called for "joint Anglo-American military and naval administration and even for a common citizenship." Again three days later at Richmond, Virginia, according to the New York Times, he said "he was the unofficial but earnest bearer of a message from his people to ours a simple message, but one which he thinks we can both understand. 'It is that we should stand together'." This, said the Times, "would amount to an Anglo-American military union which would mean, and has been objected to, as one that would not only bind us to fight for the English Speaking peoples but for any part of the Empire already restive under British control."

In this speech (we're quoting from the Times) "that it was the destiny and the Will of God that 200,000,000 Americans and Britons in the world should follow a common path." (Destiny and the Will of God brings to mind the British-Israel Message).

Meanwhile, here in the United States, the first and almost fatal epidemic of One World Movements featured the promotion of the idea of the establishment of a series of Regional Governments, preparatory to their merging into a total One World Government. And here Clarence K. Streit and his revived Atlantic Union program became popular indeed. His book Union now, published in 1939, according to the Gallup Poll "won 2,000,000 supporters in less than a year." His second book Union Now With Britain became even more popular.

Clarence Kirshman Streit, Rhodes Scholar, calls his organization Federal Union, Inc., but in March, 1949, he set up a political action unit called the Atlantic Union Committee. It is this same Atlantic Union Committee which, last November 20, honored President Richard M. Nixon with its Atlantic Union Pioneer Award.

In commenting on Streit and other Atlantic Union and Union Now With Britain advocates, Joseph Kemp made the following classical—or should we say historical—remark:

"On October 7, 1780, only 18 months after George Washington took the oath of office as the first President of the United States, the first advocate of Union Now wrote: 'I am now led to devote my life to the reunion of the British Empire.' The man who expressed those sentiments in London, in 1780, was Benedict Arnold!"

The man who promotes those same sentiments today, is honored; not accused of treason or sedition, but permitted to praise the President of the United States because the latter also promotes a scheme to reunite the United States with the British Empire.

In praise of Richard M. Nixon, Clarence

Kirshman Streit said, in part, on the night of November 20, 1970:

"Now let me explain how we measure the pioneering that we find worthy of our Atlantic Union Pioneer Award. We measure it by comparing the recipient's pioneering to the record of his peers . . . and the peers of Richard Nixon are Presidents of the United States and the heads of other major Atlantic democracies. It happens that I have known all five of his predecessors since our movement began in 1939—Presidents Roosevelt, Truman, Eisenhower, Kennedy, and Johnson . . . I have discussed Atlantic Union, and the proposed convention to explore it, with each of them orally and/or in writing. . . . All had the opportunity to pioneer for Atlantic Union to the degree that President Nixon has already done. All had the opportunity that he still has, to become the George Washington of this greater Union of the Free by bringing it about . . .

"Yet none (of them) went nearly as far in blazing this trail as Richard Nixon has already done. All let this opportunity to pioneer slip through their fingers when it was in their powerful hands. . . . Why and how did they lose this opportunity? . . . Tonight I would say only that each let slip his opportunity for one or more of these reasons: 1) lack of faith in his powers of persuasion, and in the powers of understanding of the American people; 2) over-cautious advisors who thought it more important to protect him from tomorrow's difficulties than at the bar of History; and 3) the reason General Eisenhower sadly gave at Gettysburg to Atlantic Unionist friends on at least two occasions—in substance, this: 'The great difficulty at the White House is that the urgent—the day-to-day problem—is always crowding out the important.'

"Against this background, let us now look at the pioneering President Nixon had already done before he reached the White House. . . . Mr. Finch reminded me tonight that it really started . . . in 1947, when Mr. Nixon was a freshman Congressman on the Herter Marshall Plan committee. . . . (Streit then explains how Nixon cosponsored with Senator Kefauver in 1950, the Atlantic Union Resolution—Ed.)

"In the 19 years since then, I have often—when I heard Mr. Nixon called an 'opportunist' and worse—told with good effect that story and its sequal; facts such as these: During the 1952 campaign the most powerful isolationist daily paper tried to get him, as candidate for Vice President, to disown the Atlantic Resolution but he stuck to it. . . . In 1960 the Senate Foreign Relations Committee reported to the Floor a weaker version of the resolution. . . . To make sure it would get on the Senate calendar, Elmo Roper, then President of the Atlantic Union Committee, went to see both Vice President Nixon and the Majority Leader, Senator Lyndon Johnson, the same morning, separately . . . he found the Vice President much more forthright and cooperative than Senator Johnson. Elmo, an ardent New Dealer Democrat, spoke of Vice President Nixon with an enthusiasm that surprised me. . . . Elmo added, in substance: 'If I had to choose between Nixon and Johnson for President on the basis of my experience today, I'd vote for Nixon without hesitation.' If my memory does not fail me, he did vote for him that November. . . .

". . . later he won the nomination for President—immediately after an agreement with another leading candidate, Governor Nelson A. Rockefeller, who had long been favorable to our case, and gained our Atlantic Union Pioneer Award in 1964. Point 2 of that Nixon-Rockefeller agreement of July 23, 1960 reads:

" 'The vital need of our foreign policy is new creativity, leading and inspiring the formation of all great regions of the world of *confederations* large enough to meet modern problems and challenges. We should promptly lead toward the *formation of such confederations in the North Atlantic community and in the Western Hemisphere.*' (Italics added for emphasis.)

"Invited to address the annual conference of the Society of Newspapers Editors on April 1963, Mr. Nixon used the occasion to give a 3-point 'strategy of victory.' This time, he made its point one *the transformation of the Atlantic Alliance into a political confederation.* Here are some excerpts from that speech:

" 'There is only one solution to the problem. The U.S. must take the lead now in expanding NATO from a pure military alliance into a political confederation. . . .'

"When House hearings on the (Atlantic Union) resolution were announced to begin on August 30, 1966, its supporters invited the known Presidential aspirants or possibilities to testify . . . Mr. Nixon . . . alone took the trouble to help. Here is the statement he sent on Sept. 1 to Chairman Thomas Morgan (D. Pa.) of the House Foreign Affairs Committee:

" 'It is fitting that the United States, the world's first truly federal government, should be a main force behind the effort to find a basis for a broad federation of free Atlantic nations. Although the accomplishment of the ultimate goal of the Resolution may well be impossible to attain for many years, recent events of history and numerous scientific and technological advances of the past 20 years point the way in this direction . . . the dialogue which this (Atlantic Union) Resolution contemplates will provide a resourceful tool for coping with the problems of a world which in 20 years will have undergone even more drastic changes than have occurred since World War II. . . . To be sure, the concept of an 'Atlantica' is at present only a dream, but in the age of the rocket, dreams become reality with a speed which is difficult to imagine. The Atlantic Union Resolution is a forward-looking proposal which acknowledges the depth and breadth of incredible change which is going on in the world around us. I urge its adoption.'

"How wan the record of President Nixon's five predecessors . . . who, with tragic lack of faith in their fellows and themselves, merely toyed with the Atlantic Union idea . . . how wan their record appears already in this regard! How hard it is even now for our grandchildren to understand them! How pallid will they become in 50 years—not to speak of the verdict of 2070! . . .

"And so we Federal Unionists are proud to be the first to hail Richard M. Nixon as an Atlantic Union Pioneer. . . ." (End of quotes from speech of Clarence Kirshman Streit).

The Atlantic Union Resolution was reintroduced in the House of Representatives on Feb. 17, 1971 by Congressman Paul Findley, Illinois Republican. We quote from the *Congressional Record* of that date, p. 2773:

"Mr. Speaker, 5 years ago the statesman who is now President of the United States strongly urged the Congress to adopt the Atlanic Union resolution. Today virtually the same resolution is being reintroduced in the House by a bipartisan group of 71 Members from 25 States, and every region of our own Federal Union. . . . The text of the Atlantic Union resolution follows:

"Whereas, the interdependence of the nations of the Atlantic Community has steadily grown with the increased mobility of capital and goods, while the revolutionizing speed of science, technological advances has outstripped the North Atlantic Treaty and made it necessary to forge new bonds to maintain the unity of these nations, so essential to international prosperity, peace and freedom;

"Whereas, the defense of the nations of the Atlantic Community against not only war but monetary crash and depression continues to be a mutual concern;

"Whereas, the citizens of these free nations are already united also by a common devotion to democratic traditions and the rule of law;

"Whereas, this common heritage enables and requires them, when facing such challenges as those now confronting them, to meet and explore together how best to enlarge and extend the rule of law so to provide for effective democratic government and regulation of their common concerns;

"Whereas, our Original States, when beset by divisive dangers under their Articles of Confederation, sent delegates to the 1787 Convention, who traced the trouble to the confederal structure and to replace it invented the federal system, which has effectively safeguarded member States from domination by one another, equitably apportioned among their sovereign citizens voting power on common concerns, assured each State of independent government of State affairs, met other challenges like those now facing the Atlantic allies and not merely worked but proved that free people can thus work marvels;

"Whereas, a joining together for such purposes of the democratic nations of the Atlantic Community to create an Atlantic Union within the framework of the United Nations would reduce the cost of the common defense, provide a stable currency for world trade, facilitate commerce of all kinds, enhance the welfare of the people of the member nations, and increase their capacity to aid the people of developing nations: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (1) The Congress hereby creates an Atlantic Union delegation, composed of eighteen emiment citizens and authorized to organize and participate in a convention made up of similar delegations from such North Atlantic Treaty allies as desire to join in its enterprise, to explore the possibility of agreement on:

(a) A declaration that the goal of their peoples is to transform their present alliance into a federal union;

(b) A timetable for the transition to this goal; and

(c) Democratic institutions to expedite the necessary stages and achieve the objective in time to save their citizens from another war or depression, and let them enjoy, as soon as possible, the greater freedom and higher moral and material blessings which federation has brought free people in the past;

(2) The convention's recommendations shall be submitted to the Congress for action (by constitutional procedure) . . . .

(The remainder of this resolution deals with the manner of selecting delegates, etc., and need not be reprinted here—Ed.)"

Lest you be deceived, we offer two quotations which will explain exactly what Atlantic Union is all about:

In 1936 the Communist International formally presented its 3-stage program for achieving world government: 1) socialize the economies of all nations; 2) bring about federal unions of various groupings of these socialized nations; 3) amalgamate the regional unions into a world union of socialist states. The following passage is from the official program of the 1936 Communist International:

. . . dictatorship can be established only by a victory of socialism in different countries or groups of countries, after which the proletariat republics would unite on federal lines with those already in existence, and the system of federal unions would expand . . . at length forming the World Union of Socialist Soviet Republics.

Clarence Streit, a Fabian-approved Rhodes Scholar, not only proposes the same plan—though in somewhat different words—but he also wrote in 1941, on page 192 of his book *Union Now With Britain*, the following:

Democrats cannot . . . quarrel with Soviet Russia or any other nation because of its economic collectivism, for democracy itself introduced the idea of collective machinery into politics. It is a profound mistake to identify democracy and Union necessarily or entirely with either capitalist or socialist society, with either the method of individual or collective enterprise. There is room for both of these methods in democracy. . . .

Democracy not only allows mankind to choose freely between capitalism and collectivism, but it includes marxist governments, parties and press as well as laissez-faire governments, parties and press, and plenty of gradations in between. . . .

Unless Americans awaken and act—quickly—we shall surely have World Government. The only question: will it come upon us through persuasion, or by coercion?

DR. JAMES A. LEWIS RETIRES

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. ESCH. Mr. Speaker, I would like to join those who are honoring Dr. James A. Lewis upon his retirement as professor of education at the University of Michigan after 17 years. Few people have contributed so much over the years in the way of innovation and creativity as Jim Lewis. At this time, I would like to call the attention of my colleagues to the recent resolution passed by the Michigan State Legislature attesting to the high esteem and best wishes of all Michiganers for Dr. Lewis:

HOUSE CONCURRENT RESOLUTION NO. 93, MICHIGAN LEGISLATURE

Offered by Representatives Smart, McCollough, Pilch and Senator Bursley.

A concurrent resolution honoring Dr. James A. Lewis upon his retirement as professor of education at the University of Michigan.

Whereas, Dr. James A. Lewis has announced his retirement after some seventeen years during which he has given distinguished and devoted service to the University of Michigan, first as Director of the Bureau of School Services in 1954, then as Vice-President for Student Affairs from 1954 to 1965, and finally as Professor of Education; and

Whereas, Dr. Lewis' departure will be sorely felt, not only by his University colleagues and students, but by all those persons in professional circles throughout the State who have become familar with the excellence of his work and who have come to value his academic leadership and guidance; and

Whereas, A native of Owosso, Michigan, James Lewis received most of his education in Michigan. After attending Michigan State University, he received a Bachelor of Arts degree from Central Michigan University in 1930, a Master of Arts degree from the University of Michigan in 1937, and subsequently a Doctor of Education degree from Harvard University in 1955; and

Whereas, Dr. Lewis also gained his considerable public school experience in Michigan public schools, having held teaching and administrative posts in Cass City, Dowagiac and St. Joseph before becoming an instructor at Western Michigan University in 1949. He also was Superintendent of the Dearborn Public Schools from 1948 to 1954; and

Whereas, Many honors have accrued to Dr. Lewis. The recipient of honorary degrees from Central Michigan University and Cleary College, he also has received the Michigan High School Coaches Association Award. Dr. Lewis has been a member of many advisory committees and educational associations and has served as President of the Metropolitan Detroit Administrators Association and as Vice-President of the Michigan Association of School Administrators; now therefore be it

Resolved by the House of Representatives (the Senate concurring), That by all present the highest tribute and warmest best wishes be extended to Dr. James A. Lewis of the University of Michigan as he concludes over four decades of dedicated work in education; and be it further.

Resolved, That a copy of this resolution be transmitted to Dr. Lewis, as testimony to the high esteem of the Michigan Legislature.

Adopted by the House April 6, 1971.
Adopted by the Senate April 7, 1971.
Attest:

T. THOS THATCHER,
Clerk of the House of Representatives.
BERYL I. KENYON,
Secretary of the Senate.

MALCOLM MUGGERIDGE COINS NEW WORD, "NEWZAK"

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. SPRINGER. Mr. Speaker, one of the great speeches that I have heard in recent years was made by Malcolm Muggeridge, a former editor of Punch, the famous British magazine of humor. He has sprinkled some of that humor in this speech but he has also said much that ought to be heard. His creation of the word, "newzak" is something to be remembered. His observations with reference to television are very worthwhile. I am sure my colleagues will be glad to read this very pungent and creative speech which follows:

[From the Sunday Star, April 18, 1971]

ON THE TRANSFORMATION OF NEWS INTO "NEWZAK"

(By Malcolm Muggeridge)

It is a special pleasure to me to be addressing this particular company in this particular place. Something like a quarter of a century ago, I worked in Washington as the correspondent of a London newspaper—the Daily Telegraph. Thus, most of the newspapers you represent are familiar to me, if only as names seen through frosted-glass darkly in the National Press Building on the way down from a visit to the top floor. It was the most lively stint of news-gathering in which I have ever been engaged. Subsequently, I drifted into editorial functions of one sort and another, and then into becoming a free-lance writer and knockabout television man, temperamentally preferring, as I once put it, the hazards of street-walking to the security, such as it is, provided by one or other of the licensed houses.

Incidentally, of the licensed houses with which I have been connected, far the most exacting, in terms of curious tastes to be catered for and clients to be placated, was Punch, an ostensibly humorous magazine I edited for a few years. Trying to be funny about what goes on in the world and those who conduct its affairs, gave me the feeling, which I have never been able to shake off, that the originals are infinitely more derisory than anything one can invent. So that even today I can never open the New Yorker without a sigh or the New York Times without a smile. Indeed, the two seem to me to be mirror images of one another. I feel quite sure that no one would notice if the mighty waters of the Times were to be channelled into these tiny rivulets of copy which wend their way through the lush pastures of New Yorker advertising. Or vice versa.

I spoke of news-gathering in Washington, but really, you know, in those days it was more a case of selecting from the superabundance which just fell in one's lap. My office was a rather small one, with two-ticker-tapes hard at work in it. If I happened to leave it even for an hour or so, I could scarcely get the door open for the pile of yellow paper accumulated there, into which I had to dive to pull out the one or two nuggets conceivably of interest to readers of the Daily Telegraph. Then there were the trudges up Massachusetts Avenue to the British Embassy, presided over by a bizarre figure called Lord Inverchapel, or up the Hill, were—to speak of long-forgotten, not to say spent, things—the British Loan hearings were moving along their serpentine and interminable way. Or to the State Department, then still in the old Executive Mansion before its transfer to Foggy Bottom. Or to the White House under the genial rule of President Truman and his public relations man, Charlie Ross.

BUSY WIRES

News, I have always contended, like beauty, is in the eye of the beholder, and somehow we managed to keep the wires across the Atlantic busy. The newspapers here were a great help, despite the difficulty they presented, especially on Sundays, in actually man-handling them. I worked out once that it took something like 420 acres of forest land to provide the newsprint for a bumper Sunday issue; staggering under the weight of several of them on my way to my office on a Sunday morning, I used to see in my mind's eye the wide expanse of trees against a grim Norwegian or Finnish sky which had been hewn down to provide my load.

Of all the contributors, I found Scotty Reston far the most serviceable. I've used him as "a source close to the White House," as "a high State Department official," or just as "usually well-informed." Thus attributed, one could whisk off some of his more sagacious and prescient sentences to London, where, with a bit of luck, particularly in the somnolence of a Sunday evening, someone would whisk them back to Washington. It was a kind of trans-Atlantic tennis which hurt no one, and greatly enriched Western Union and Marconi.

Then there were the requests from London for public reactions to something that had happened. Every trade has its own special fatuities, and this belongs to ours—the assumption that in the back streets of Detroit, in the cotton fields of Alabama, across the wide plains of Montana, brave men grow pale and mothers clutch their babies to their breasts at the news that, in Whitehall, Mr. So-and-so has been moved from the Department of Civil Aviation to Agriculture and Fisheries.

My first experience of the genre was in Moscow in the early thirties when I was briefly standing in for one of the wire-service men. A request came in for the reactions of the Russian toiling masses to the lavish scale of entertaining at Soviet embassies abroad. Knowing that there was no possibility, then as now, of discovering anyone's reaction to anything in that weird capital, I decided to chance my arm, and cabled back that the most noticeable reaction was a strong desire on the part of the toiling masses to get nearest the buffet. It must have been almost the only entirely truthful sentence ever to be cabled from Moscow, and doubtless for that very reason remained, to the best of my knowledge, unprinted and unsung, possibly, even, unsent.

Some thirty years later, almost the precisely converse situation arose in Chicago, where I happened to be with a BBC camera crew on the day Harold Wilson became Prime Minister for the first time. The BBC cabled me to test the reaction of the man-in-the-street to this momentous event. What we call in the trade a Vox Pop operation. So, I stationed myself in Michigan Avenue outside the Tribune Building with a microphone in my hand and asked passersby what they thought about our new Prime Minister. To my inordinate delight, no one I stopped had ever heard of Harold Wilson, or even that a General Election had been taking place in England. Their delectable indifference was given an added visual point because, high up above where we were standing, there was one of those arrangements whereby racing fiery letters spell out news-flashes. Every few minutes they spelt out: Douglas-Hume Resigns: Harold Wilson New British Premier. It provided a superb background to cut to.

HANDIER METHOD

In Washington, I may add, I discovered a handier method of uncovering non-existent reactions. The editor of the Washington Post at that time was a delightful Yorkshireman who permitted me, once in a way, to contribute a small editorial piece myself to his columns on some topic thought to be of world-shaking importance on the other side of the Atlantic but for some reason unnoticed on this one. Then I could quote from my own editorial, press a sentence or two from it upon Reuters, and honor was satisfied; the preoccupation of the Old World had been duly taken account of in the New.

There was also, of course, the White House Press Conference; quite a gala occasion in those days, I can tell you. Why, it was no uncommon thing for one of the reporters to break a leg or otherwise suffer physical injury, so ardent was he to get his story off. Sometimes, too, it was possible to use the conference, not just for getting news, but for making news as well. How well I remember sitting with some colleagues and languidly turning over the pages of a long turgid speech by Henry Wallace—then Secretary for Agriculture—taken from a great pile of similar discourses available in the Press Club. The speech, we noticed, contained some decidedly curious observations on American foreign policy, and just for the fun of it, it was arranged that the President should be asked at his press conference whether he agreed with it.

Mr. Truman's attitude, as it turned out, to Mr. Wallace's speeches—and who shall blame him?—was like Dr. Johnson's to the novels of Congreve; he would sooner praise them than read them. The speech in question, he said, was admirable in manner as in content. Thereby a story of world-wide dimensions was launched which kept us busy for days afterwards.

Looked back on, those essays in journalism in the Truman years have a very faraway air about them. Such vast changes have happened in the techniques of news transmitting that they seem to belong to the days of the flatbed press and type-setting by hand. The camera has moved in and carried all before it. Increasingly, it dominates the news scene, rendering individual efforts to find and report news a very secondary, if not obsolete, proceeding. The reporter has given place to the pundit—to the considerable annoyance of, among others, Vice-President Agnew. In my young days, as a journalist, the heroic figure par excellence was the news-hawk padding about the world in search of a scoop; today, he's the Cronkite or Severeid sitting sedately in a studio with green hair and purple cheeks telling us all what everything is about.

Mr. Agnew is convinced that these universal interlocutors are, to a man, liberal, if not subversive, voices. And it is, of course, true, that the anarchic or death-washing temperament, with its built-in passion to be on the losing side, tends to produce a more effective practitioner at the Media than the temperamental upholder of orthodoxy and the status quo. We know this well in the B.B.C., whose weird Charter, begotten by Lord Reith out of the Free Church of Scotland with the London School of Economics intervening, imposes as statutory obligation to produce what are called "balanced" programs. You'd never believe the difficulty we have in finding a suitably articulate balance on the conservative side, and how envious we are of your Bill Buckley, who seems to be capable of balancing almost anyone or anything all on his own at the drop of a hat.

In the religious department, where I've been working of late, the difficulty is even greater. To look for an articulate clergyman who believes in God, or an articulate priest who supports celibacy and Humanae Vitae is as unrewarding a quest as searching for vegetarians in the Worshipful Company of Butchers. No, what Mr. Agnew is actually complaining about, if he only knew it, is the camera itself; the most easily manipulated and plausible instrument for deceiving our fellows ever to be devised. "The eye is the window of the soul; the camera an iron shutter," Kafka wrote. Blake made the same point more mellifluously long before photography was invented:

> *This Life's dim "Windows of the Soul*
> *Distorts the Heavens from Pole to Pole*
> *And Leads you to Believe a Lie*
> *When you see with, not thro', the Eye."*

The camera is essentially for seeing with, not through. And what a multitude of lies it has induced belief in! What a world of fantasy created in which we all live! Like Caliban's Island, full of sounds and sweet airs, so that when we wake—if we ever do—we cry to sleep again. The fantasy of all our hopes and desires—love found in a cigarette, beauty in a jar, peace in a capsule, joy in a brassiere and fulfilment in an automobile. The fantasy of violence—was it the Vietnam War, or someone being assassinated, or just another episode in "The Saint"? Finally, the fantasy of news itself, becoming a sort of "Newzak," a melange of different stories as Muzak is of different tunes, drolling away in a motorist's ear as he speeds along the motorways from nowhere to nowhere, or assailing a viewer's sleepy eye as he surveys the evening's offerings in his tiny screen.

PRESS CONFERENCES

One may form some idea of how the process from news into Newzak works by noting what has happened to the White House Press Conference as a result of the intrusion of the cameras: developed, like numerous other dubious innovations, during the Kennedy regime. Whereas before the proceedings were characterized by a certain informality and spontaneity, now they have to be a set piece; both the President and his questioners cannot but be conscious that they are under millions of eyes, and react accordingly. As a set piece, any possibility of an unexpected and unrehearsed story emerging can be ruled out. The cameras impose on their subjects the rigidity of a wax-works ensemble; under their aegis, the world becomes a sort of universal Madame Tussaud's Exhibition. I doubt very much whether any reporter nowadays would think it worthwhile to risk breaking a leg in his eagerness to get to the telephone first with a story that the whole population will be gooping at before the day is out.

There is quite a strong pressure in England, as I imagine there is here, to get the Legislature likewise on television. This if it happen (as it well may) would finally fulfill de Tocqueville's gloomy prophecies about the outcome of universal-suffrage democracy. He correctly foresaw the growing fraudulence of the system as the franchise was extended; the nightmare prospect of the voters actually seeing their representatives deliberating upon their affairs was something he was mercifully spared.

A foretaste of what is likely to happen may be glimpsed at Canberra, Australia, where the proceedings of the Federal Parliament are regularly broadcast on radio. As the evening peak-listening time approaches, one may observe Honourable Members gathering around the microphones, into which they shout messages to their constituents and other ribaldries. How they would behave if their precious images as well as their words were being transmitted, I prefer not even to speculate.

The last time I was in New York I happened to catch a glimpse of Newark at the production end. I was walking back to my hotel, and came upon a little group of people standing about in the road. It was, in fact, a demo. There were the usual bearded academics and lib-females carrying slogans, a little group of police with a van, and one or two reporters. Nothing seemed to be happening, and when I asked why I was told that the cameras hadn't turned up. Shortly afterwards they arrived and set up; someone snapped a clapper-board and shouted Action! and the demo slogan began. The bearded academics and lib-females raised their slogans and shouted in unison; the police grabbed one or two of them and pitched them in their van. Then someone shouted Cut! and it was all over. Later in the evening I caught the demo on television in my hotel room. It looked fine.

RUBIN ON TV

We were visited the other day in London by one of your citizens named Rubin; also a product of the groves of academe, who signalized his presence among us by shouting obscenities on television and aiming a water-pistol at David Frost, the compere of the show, in its way quite a laudable enterprise. What impressed me about him, however, was not so much this performance—which is fairly routine by now—as the understanding he showed of how television works. "Television," he observes, "creates myths bigger than reality. . . . The medium does not *report* news; it creates it. An event *happens* when it goes on television and becomes myth." "The way to understand television," he goes on, "is to shut off the sound. No one remembers any words they hear; the mind is a technicolor movie of images, not words. . . . The pictures are the story."

This, unfortunately, is all quite true, and we who still traffic in words seem to be fighting a losing battle. In London the newspaper business is in the doldrums. It will not be surprising if, quite soon, the same state of affairs prevails there as in New York—one obnoxious tabloid (which probably won't be the Mirror) and one long-winded "serious" newspaper (which probably won't be The Times). Fantasy, as it seems to me, is taking over, and fantasy represents a far greater danger to what is called civilization than other, more ostensibly, destructive forces. In the past, civilizations have been destroyed by outside barbarians moving in; in fantasy, as Mr. Rubin clearly sees, we create, support and humor our own barbarians, dreaming up our own death-wish in the minds of our own soi-disant intelligentsia.

Must we, then, resign ourselves to this world of fantasy? Occasionally blowing our tops with Mr. Agnew when we note that, in it, our enemies always seem to come off best, and the forces of dissolution, as Mr. Rubin sees so clearly and gleefully, get all the play. Otherwise meekly submitting.

I do not think so. At the beginning of our era, in the days of the Emperor Nero, fantasy was pretty strong. If there was no television, there were the games, which in many respects fulfilled the same function; providing a spectacle of vicarious violence and eroticism to which the Roman public became addicted. Yet it was in these circumstances that the

Apostle Paul took the great moral propositions of the New Testament to the pagan world, in the process founding Christendom and the civilization whose inheritors, and perhaps liquidators, we are. It is often forgotten that it was this very Paul, not Henry Ford or Henry Luce, or Dr. Timothy Leary, or even Hugh Hefner, who was our civilization's founding father.

In the Dark Ages that followed, what were then called barbarians, but what we in our 1984-style double-think are invited to regard as forces of progress and enlightenment, tore the civilized world to pieces. Yet in Hyppo, in North Africa, a St. Augustine, in total disregard of these calamities, continued to propound his Christian faith with a charm and elegance which survive to this day to delight us. Or—to take a more homely, but to me infinitely sympathetic, prototype—a Paulinus could decide that, yes, the darkness must fall, but not forever. And he would signify his faith in the return of light by keeping a little lamp burning in one Christian shrine.

BREAKDOWN

His faith, as we know, was amply justified; the light did shine again, most splendidly. I think often of these men, living in circumstances in some respects uncannily like ours, and wonder whether another Dark Ages awaits us; whether, indeed, it has already come. In terms of power, military, economic and technological, the only possible counterpoise lies here in America. You have the means to go to the moon, and explore and perhaps colonize the universe; the resources to blow the human race and our little earth to smithereens, and to produce in virtually unlimited quantities all the necessities of mankind. Will the verdict of history be that no nation ever commanded so great a preponderance of power, or used it to so little effect?

I don't know. Of one thing, however, I feel sure. What is happening throughout the world today is, in one form or another, a breakdown of order. This applies just as much in the Communist countries as elsewhere, though the iron frame of dictatorship still serves to disguise the fact in their case. All order depends, ultimately, on a sense of moral order, which for us in the West means the Christian religion. If this has gone, then all other forms of order—political, economic, social, what you will—have likewise gone with it, and the curtain falls at last inexorably on Christendom's two thousand years. Nor will any academic or other investigation, taking of sample opinions, counting of genes or planning of families or yelling of slogans—nothing of that sort—reverse the position. Our articles of association are set forth in the New Testament, and if that is no longer valid, the association is automatically dissolved.

It is in the nature of our trade to live in the passing moment. Yesterday's papers are for pulping or wrapping fish; tomorrow's are still empty dummies, the video tape is wiped to record another story. I like this in a way it delivers one from much undue campus or faculty solemnity and pretentiousness. Swinburne used to say that he looked forward to the day when the last king would be strangled in the entrails of the last priest; I similarly should like to live to see the last sociologist fed into the last computer. Even so, I must confess that, now I am old, I look back on all the yelling down telephones, the frenzied tapping out of words, the rushing to the stone with some last minute sensation, yet another version of Shakespeare's tale told by an idiot, full of sound and fury and signifying nothing. I doubt if I shall ever again address so large and eminent a gathering of fellow-journalists, and, like an old super-annuated clown on his last benefit performance, I should like to say something serious. Just that, over the years, looking, not very assiduously or systematically, but always looking, looking, for a light in a dark time, the only one I have found shone first in Galillee.

THE CLEAR-CUTTING CONTROVERSY

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. ULLMAN. Mr. Speaker, there is a growing controversy over the forest management practice of clear cutting. Certainly, there are many timber areas in this country where clear cutting is not a wise approach, and a moratorium on the practice may well be in order. On the other hand, there are also areas, such as the Douglas-fir country of Oregon, where clear cutting is undoubtedly the soundest conservation practice in forest management. As the debate develops, we should make all views available for public consumption, and I submit the following editorial from the April 7, 1971, Oregon Journal of Portland, Oreg., in that spirit:

LAWMAKERS NOT SILVICULTURISTS

A proposal by Sen. Gale McGee, D-Wyo., that clearcutting in national forests be banned for two years is a knee-jerk reaction to a few timber harvest mistakes. It could have devastating impact in the Pacific Northwest.

McGee's intention to introduce such a bill was revealed at a Senate Public Lands subcommittee hearing on clearcutting subject of a growing controversy.

The Wyoming senator is responding to what he regards as a "spectacular tragedy" in timber cutting in the Jim Bridger National Forest. Similar complaints have been made about clearcutting in West Virginia

What must concern Oregon is that clearcutting or some modification of it is essential to good silviculture in the Douglas fir forests which abound in this state. (Clearcutting and acceptable variations of it are discussed in an article elsewhere on this page.)

A politically motivated decision that could veto the judgment of foresters trained to manage timber in the interest of the general public as well as in the interest of the timber economy might produce a depression in this state equal to that in the Seattle area. And it might in fact jeopardize good silviculture practices, to the detriment of the long-term health of the forests.

The key point is that no single policy dictated by an act of Congress could be made to apply intelligently to all regions, since the growing conditions in different parts of the country and the harvest requirements of various tree species are so different.

Western Oregon is one of the best growing regions in the world for Douglas fir. Beautiful new forests are thriving on countless acres once cut over. Members of Congress who will be acting on the McGee proposal ought to drive the forest wayside tour which takes off from Scappoose and winds over hills and valleys to Astoria. This land, once completely cut over, is rich with growing timber.

In many parts of the country, including Wyoming, what constitutes good silviculture here may not apply. Different parts of Oregon require different practices.

The Forest Service is sensitive to public pressure. It is making changes in its own practices as a result of rising environmental concerns. Congress has already set broad policy guidelines with the National Environmental Policy Act of 1969, which the Forest Service in this region is already following.

But Congress has no business trying to decide harvest methods which simply cannot be put in a pattern suitable to all regions and all species.

TRIBUTE TO JOEL CARLSON, SOUTH AFRICA'S LEADING POLITICAL LAWYER

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. REID of New York. Mr. Speaker, Joel Carlson has been one of the few brave voices in South Africa speaking out and acting against the repugnant apartheid system and the erosion of the rule of law. As South Africa's leading political lawyer, Mr. Carlson defended many prisoners accused under South Africa's repressive Terrorism Act and similar legislation. He exposed torture in the prisons although none of the 100 cases of torture he brought to court were successful.

Increasingly, he, his family, and his staff were harassed, intimidated and physically threatened, and he faced probable arrest himself by the security police. His passport was removed in 1969 for defending the family of a prisoner who died after electric-shock torture.

Mr. Carlson felt that his effectiveness as a lawyer was severely diminished by these incidents. Last week, he renounced his South African citizenship and left the country with a British passport to which he was entitled by birth. Now in seclusion in England, Mr. Carlson expects to come to the United States shortly to assume a law lectureship at New York University.

Mr. Carlson is a man of infinite courage, of principle and commitment. I salute him for the difficult decision he has made. At this point, I insert in the RECORD an editorial on this subject from the New York Times and a descriptive piece on Mr. Carlson's activities by Colin Legum from the London Observer:

[From the New York Times, Apr. 15, 1971]

CASUALTY OF APARTHEID

High on any list of those meriting the thanks of people of goodwill everywhere are the small company of white South Africans who defy heavy odds to resist the evils spawned by apartheid. For years one of these has been Joel Carlson, a young Johannesburg lawyer who scored notable victories for justice for black Africans even when confronted by such legal monstrosities as the Terrorism Act.

His case last year in behalf of twenty-two Africans accused, under the Suppression of Communism Act, of plotting to overturn white rule was so effective that the prosecution abruptly dropped the charges. When the Africans were rearrested under the Terrorism Act even before they could leave the court, Mr. Carlson resumed the fight and won an acquittal in the Supreme Court.

Mr. Carlson's skill in defending Africans and exposing police barbarism got him into deep trouble. The Government lifted his passport without explanation. He was assailed as the "terrorist lawyer." A bomb was thrown into his study and he found another in a book mailed to him. His car and office were shot up. Police "investigated" but failed to turn up anything.

Last year Mr. Carlson warned University of Witwatersrand students of the "hard and long struggle" against injustice in South Africa. "a struggle in which you may not see results." That struggle now must go on without Mr. Carlson. The police had harassed his law office staff to the point where it was obvious he was facing arrest himself, probably under the Terrorism Act. He was able to obtain a British passport and fly to London.

"I found it impossible to continue within the borders they set," he said. It seems doubtful that any South African whites will find it possible to work within those narrowing boundaries with anything approaching the effectiveness of Joel Carlson.

[From the London Observer, Apr. 11, 1971]

TORTURE LAWYER AT KENT HIDEOUT

(By Colin Legum)

JOEL CARLSON, South Africa's leading political lawyer, has temporarily taken refuge in a Kent village after quietly slipping out of Johannesburg last Monday, having renounced his citizenship in favour of a British passport, to which he is entitled by birth.

Speaking for the first time yesterday about the reasons for his sudden decision to leave—he did not dare even to tell his wife until an hour before his departure—Joel Carlson said: 'I could have gone on taking it if it were only myself who was involved. But there comes a time when the strain begins to tell on one's wife and children. It was unfair to expect them to continue leading the kind of life which my work was forcing on my family.'

'To continue with my work was being made impossible,' said Carlson. 'I was becoming like leprosy to all my contacts; no sooner did I or my family visit anybody than they in turn were visited by the security police.'

He was no longer able to interview his clients in privacy. 'I had taken to conducting confidential talks either by travelling up and down lifts, or by walking them up and down flights of stairs.'

He was taken in for police interrogation on several occasions, and felt that at any time he might be detained under the draconian BOSS law, which provides for indefinite detention.

'After years of this kind of life I had begun to feel that my dynamo was beginning to run down. What I now desperately need is a recharge,' he said.

Mr. Carlson and his family have been under close police surveillance and constant harassment for years. He has escaped four attempts on his life. Six months ago he narrowly avoided being blown up by a bomb only because his suspicions were aroused by the title of a book—the 'Selected Works of Mao Tse-tung'—delivered to his office with a Zambia postmark.

A fortnight earlier shots were fired into his fourth-floor office in broad daylight: this attempt followed the throwing of a Molotov cocktail into his study at home. On other occasions his car was shot up and he was physically assaulted.

In none of these cases did the police succeed in making any arrests.

Carlson's home and offices were bugged; his telephone was tapped; all his mail was opened; his staff were suborned; his family was continuously disturbed by late-night telephone calls; he received dozens of poison pen letters threatening the lives of himself and his family; and he was constantly tailed by security police.

Three years ago an old car was parked outside his house one night, and despite compaints by himself and his neighbours the police refused to allow it to be moved It is still there.

Carlson could not leave South Africa in the normal way because his own passport, as well as those of his family were taken away in 1959 after he had appeared in court for the family of a detainee who had died in prison after electric-shock torture. But he was able to make use of a British passport which he had legally acquired.

His career as a political lawyer started in 1957 when, as a young lawyer in Government service, he first exposed the brutal conditions under which farm labourers lived in the Bethal district.

Both as lawyer and lecturer he exposed the prevalence of torture methods in South African prisons. He has presented almost 100 cases of torture to the courts; in not a single case was he successful. He still has cases which have been awaiting trial for more than a year.

There are 14 known cases of detainees dying in prison, and he says he knows of more. 'Torture in prisons,' he says, 'is standard operative procedure.' But the routine official answer to such charges is that they are 'Communist propaganda.'

He points out that 455 police were charged last year with assaults on prisoners; but although this figure was officially given in Parliament, not a single policeman was discharged from the force as a result.

In a paper delivered to the National Union of SA Students (of which he is a Vice-President), he made a careful comparative study of the erosion of law in Hitler's Germany and Vorster's South Africa. His conclusion is that 'the rule of law has been cast to the winds in South Africa.'

The Government today, he says, maintains a form of democracy only for its own supporters.

Carlson believes that the South African Government will no longer allow political trials to be held that could be used as a platform to tell the world what is going on in the country. Only trials of a political kind that can serve to show how the Republic is being threatened by 'communist and terrorist subversion,' will be held.

He is unwilling to say how he left the country in case others similarly placed may be prevented from using the loophole he found.

His wife and four children are still in Johannesburg but he expects them to join him shortly when he goes to the United States to take up a law lectureship at the Centre for International Studies, New York University.

Mr. Carlson was the lawyer for Nelson Mandela, the African leader serving a life sentence at Robben Island, and for his wife, Winnie, who was at the centre of the last political trial held in the Republic. One of his last acts was to take Winnie for a reunion with her husband on South Africa's notorious prison island.

Now 44 years old, Carlson has been involved in most of the major political trials staged in Johannesburg in the last 10 years. His reputation was such that most opponents of the Vorster regime turned to him first for their defence when they fell foul of the law.

Asked whether he did not feel some guilt about leaving the country without an outstanding lawyer to whom Africans and others could turn for help, Joel Carlson said:

'My own capacity to fulfill this role had become so limited that is questionable whether I would be able to do much in the future. The laws as they now stand make it almost impossible to conduct a proper case for the defence. I'm glad, though, that there are some younger lawyers who are still willing to continue with this work.

'There are also extremely able people at the Bar—first-rate people who are always ready to help. They are less exposed to direct police pressures than are the lawyers who are engaged in direct consultation with accused persons.'

Carlson enjoys a high standing in international law circles. During the trial of Laurence Gandar, editor-in-chief of the *Rand Daily Mail,* he acted as an observer for both the International Commission of Jurists and for the International Press Institute.

He is the only non-American lawyer to have been briefed by the American President's Lawyers' Committee for Civil Rights. He will be one of the guest speakers at the next annual meetings of the American Society of International Lawyers.

SPEEDING AND RECKLESS DRIVING

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. JACOBS. Mr. Speaker, I am inserting the following editorials from Car Craft magazine and the Washington Post as a reminder not only to drag racers, but to drivers of any car that cars are not toys to be played with. Warnings about speeding and reckless driving are too often looked upon as jokes or nagging but with the number of highway casualties and deaths for 1970 at the unbelievably high figure of 5 million people, no one is joking. We must begin to slow down, to use caution in handling our cars, and stop killing each other.

The editorials follow:

OPINION

When someone I don't know dies, it doesn't put much of a dent in my psyche. I'm no more callous than anyone else, it's just that death is more often than not reduced into easily digestible statistics by the evening news or the morning paper. Even the death of someone like Pete Robinson, who was not a close friend, but a friend, nonetheless, I can accept with a certain stoicism. A race driver, after all, lives with the spectre of sudden death by choice. Kathy Russell never made that choice. She was killed on her birthday—suddenly and for no reason at all.

It happened on Sunday morning just before the start of eliminations at the Winternationals. She and her husband Dave, a Top Fuel driver, were walking through the pits when a roadster, full throttle and out of control, bore down on them, seemingly from nowhere. She tried to run but was struck. She died instantly.

It's not clear how the roadster got into that condition. The driver (I won't mention his name, he'll have enough demons bedeviling his mind for the rest of his life without my adding another one) claims the throttle stuck while warming the car up. Others say he was doing a burnout and lost control. Whatever the reason, it should never have happened and should never be allowed to happen again.

Standing on the line photographing the races, I thought about the tragic incident throughout the day. I could only imagine it happening to my wife. I tried not to imagine the way Dave Russell felt, but I couldn't help it. The thought that most overwhelmed me was the total needlessness, the utter waste of unredeeming death.

It's too late, of course, to do anything about what happened to Kathy Russell. But it's not too late to make sure it doesn't happen again.

Maybe drag racing has become so safe that a lot of racers have lost respect for their machinery. Maybe they no longer realize that the potential energy of their race cars, if released unwittingly, can kill and maim. Why else would so many of them perform their impromptu Chi-Town Hustler imitations in the pits and staging lanes? It certainly isn't for the reason of "warming the tires." Every drag strip I've ever seen has sufficient asphalt behind the line to allow for tire warming just before a run. It can't be for engine tuning. If you want to tune up, make a run. Then analyze your problems. It can't be to warm up a motor, a car need not be in motion for warming up.

The only reasons I can see for displays of power in areas patently unsafe are stupidity, ignorance and a childlike desire to feel power or show off. Drag racing cannot afford to indulge anyone for these reasons. Surprisingly, there is a lot of this stupidity to go around. I've seen guys, who are otherwise intelligent and respectable racers, cavort like fools in pits, staging lanes and on return roads. They must be stopped. How often have you heard a track announcer make repeated pleas for racers to slow down on the return road or cease doing burnouts in the staking lanes? This isn't the announcer's job. It should be the responsibility of the management of every drag strip to have a set of specific, explicit, strict rules dealing with car operation in the pits, staging lanes and on the return roads. Penalties for deviation must be stiff. I recommend instant expulsion from the grounds or if the transgression is serious enough, permanently barring a competitor from racing.

And it is also the responsibility of everyone operating a race car to refrain from using its powers outside the prescribed racing area. If you think this is an unreasonable thing to request, then consider the burden of having Kathy Russell's needless death on your conscience.—Fred Gregory.

A SURE WAY TO SLOW DOWN SPEEDERS

" 'The worst mess that we've ever seen, the worst traffic accident in Detroit's history.' That's how police described the Easter Sunday tragedy that occurred on Detroit's Ford Expressway . . . Police say that a car driven by 20-year-old John Giddens was traveling eastbound on the Ford Freeway at a speed estimated at over 100 miles per hour. Giddens lost control, careened off the median guardrail, and flew into the oncoming traffic in the westbound lane. Giddens' auto landed on top of a car driven by 28-year-old William Westphal. It glanced off, a 4,000 pound missile flying through the air; it smashed down on top of an auto driven by 40-year-old Dr. Jack Derderian. The impact was so great that it crushed the Derderian auto flat, killing the doctor, his wife, his father and his father's wife. Giddens, a 14-year-old passenger in his car, Helen Hawkins, and Westphal were all killed. According to police, John Giddens had been driving for only two and one half years. In that time he had compiled 11 convictions for violating traffic laws. His driver's license had been suspended three times. He had been convicted of traveling at speeds of 75, 80 and 90 miles an hour in 55-mile-an-hour zones." (From the WWJ-TV (Detroit) Monday evening news, April 12, 1971.)

American fascination with speed is nowhere more evident, or more dangerous, than in the automobile. For whatever reasons—the need to express one's personality, wanting to impress the squares in the right hand lane, contempt for authority, the hope of "saving time" or other rationalizations—tooling along at illegal or high speeds has turned many stretches of America's highways into imitation Bonneville Flats. Yet the one sure result of abused high speed cars is roadside death and injury. A 1969 Department of Transportation study on the maximum safe speed for motor vehicles confirms grimly "that high speed is involved to a major degree in the highway crash death toll." In addition, "the top speeds of passenger vehicles now produced and on the roads are markedly inconsistent with road design, operator skill, crash design of vehicle and highway . . ."

One remedy, recently proposed by the department's National Highway Traffic Safety Administration, would be to ban production of vehicles—cars, trucks, buses, motorcycles and others—able to exceed 95 mph as of October 1, 1972; vehicles would also have to be equipped with speedometers that would not function above 85 mph and a device that would trigger the horn and flasher lights at speeds above 85.

The most crucial of these is the banning of high-speed cars. The 95-mph figure was chosen according to federal officials, only as a target to shoot at; it may be lower before the proposal becomes final. The government invited comments and to date has received a record response—some 15,000 documents and letters. By last count, on 5,000 comments — per cent favor the standard, 19 per cent want a lower limit and 35 per cent oppose. This is a gratifying and hopeful response, suggesting first that much of the public sees no purpose in paying for engine power it will likely never use and, second, is beginning to realize that the greater the speed the greater the danger.

Technologically, DOT officials say that if speed controls do become law, the designs of the engine will "not affect performance of the cars at lower speeds," nor will power needed for safe passing, accelerating and hill climbing be hampered. The devices will not be governors—the power would still be there—but would be built into the engines, something General Motors and Chrysler agree is technically "feasible."

Opposition to the speed control standard has come from three out of four of the large American car-makers, with the fourth (GM) saying the device would be complex and raise the cost. Twisting logic like spaghetti, the Fiat car company of Italy said, among other reasons, that limiting maximum speeds "will make trips boring and dangerous inasmuch as alert drops dangerously when traveling becomes tedious." Thus, smooth and steady driving "may induce drowsiness and finally be determinant in causing the accident." In other words, push it up to 100, 110 or more if you want to stay awake—and never mind staying alive.

Among those favoring the standard are motorists who drive within legal speed limits themselves but mortally fear the wild characters who don't. The Insurance Institute for Highway Safety and the Center for Auto Safety insist the 95 limit is too high and should be lowered. Nationwide Insurance, in supporting the standard, said "it is unconscionable for today's vehicles to be capable of speed levels which are so grossly overmatched with their headlight and braking effectiveness and their occupant-restraint and crash-survivability design."

It is hoped the DOT will remain firm in its proposal; in fact, the 95-mile top speed is probably too high. The DOT's own 1969 study said that "fatalities might be reduced (some) 13 per cent if the speed maximum were set as low as 60 miles per hour" and a possibility of an 8 per cent cut at 70 mph. With 56,000 killed and 4½ million seriously injured on U.S. highways last year, the discussion is not about children's scooters but about the most abused machine ever invented. Almost anything is worth trying to make it less capable of abuse.

NO PING-PONG IN THE CONCENTRATION CAMPS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. SCHMITZ. Mr. Speaker, the large uproar surrounding the visit of a U.S. ping-pong team to Red China is just a touch ludicrous. From the noises emanating from the mass media one would think the Chinese Communists had released the American servicemen whom they hold, or perhaps granted some type of limited freedom to the subjects over whom they hold sway, or perhaps even stopped developing the intercontinental missiles which will pose such a grave threat to population centers in the United States by 1975.

Perhaps the most significant factor about this entire nonevent is the insight it provides into just what the mass media considers significant and what it considers to be of little consequence. Several weeks ago the House Committee on Internal Security, of which I am a member, held hearings during which expert testimony was given about the conditions existing inside Red China. The horrors of life under the Chinese Communists was fully brought forth by two college professors who had been fortunate to escape from the mainland.

The reality of life within the Communist slave state was made crystal clear by highly educated men who had actually experienced life in Red China. The slave camps, the hatred and suspicion, the "total world of fear," was vividly described. Very few people could have listened to what these men had to say and reacted with anything but incredulity over the meaning found in a ping-pong match by so many of our articulate commentators.

In the interests of bringing the essential reality of Communist China into focus I would like to include in the RECORD at this point the testimony of Prof. Ma Szu-Tsung and Mr. Richard K. Diao before the House Committee on Internal Security as part of the committee's continuing investigation into the theory and practice of communism.

The testimony follows:

STATEMENT OF PROF. MA SZU-TSUNG

I was born on March 21, 1912 in Canton, China and presently reside in Philadelphia, Pa. I now use the surname Sitson, which is the anglicized version of my name. I held the following offices in China: Director of the Central Conservatory of Music in Peking; Vice Chairman of the All-China Union of Musical Workers; Conductor of the China Symphony Orchestra; Director of the China Music Institute; Professor at Sun Yat-sen University; Director of the Sino-Soviet Friendship Association, Director of Chinese-Indonesian Friendship Association; Director of China-Latin American Friendship Association; Vice President of the Chinese-East Germany Friendship Association. For several years I was a Deputy at the National People's Congress. I graduated from the National Music Institute in Paris, France, in 1928.

My wife, my son, one daughter and I escaped from Red China in January, 1967. We went to Hong Kong and from there to the United States. A number of things influenced me in leaving my homeland. The people of China were slaves. There is no freedom whatsoever—no freedom of thought and no freedom of expression—nothing but a world of fear. One often cannot trust his own family or friends. Each person is like a bee in a honeycomb, confined to his own cell by the fear of being denounced by someone for something.

With the advent of the Red Guards all the intellectual groups in China came under sharp attack; actors, musicians, artists, dancers, all of the cultural groups for which China had been noted came under attack as nonproductive elements of society. The treatment of all of these persons at the hands of the Red Guards, many of whom had been former students, was too horrible to think about. Actors were disfigured, dancers were crippled, musicians had their hands damaged, all to satisfy what at that time was party policy.

China under Mao Tse-tung has had many programs which were difficult to understand. The "Great Leap Forward" was a national disaster. "The Hundred Flower Movement" sent many innocent people to their death in labor camps. The "Cultural Revolution" was the most devastating. The constant change and threat to any free expression of ideas was more than I could stand. Because of the many official positions which I occupied as a musician and well-known composer in China I perhaps was spared much of the suffering that was visited upon the average Chinese citizen. Even so, the part that I experienced left me a physical wreck and only now, four years after I left China, do I feel sufficiently recovered to again hope to compose or to play my violin. The hatred and suspicion which has become a way of life in China is a terrible thing. China today, is a cult of one person, Mao Tse-tung. He is a God to all Chinese. Every time you go out of doors you must wear a button with a picture of Chairman Mao on it. On your bicycle you have a small placard on which you must write a quotation of Chairman Mao or some form of praise for Chairman Mao. The only freedom that people have in China today is the freedom to praise Chairman Mao.

I have been to Russia six times. I was there in 1949, in 1951, 1955, 1957, 1958 and 1962 as Chairman of the Chinese Soviet Friendship Committee. I can tell you this, conditions in Russia are much, much better than they are today in Red China. I have traveled all over China. I gave concerts until my last one in 1962. I was privileged to be able to travel to nearly all of the farthest provinces of China in connection with my work. The factory worker, for example, could also travel if he had the money and the time, however, he has neither. The farmers on the other hand are tied to their communes. They are treated like cattle, and probably live and die without ever having left their commune, except for a party display or two during their lives. The Chinese have lived under so much cruelty and sorrow for so many years that they have become adaptable to much of this.

Life in China has varied considerably since the end of World War II. However, until 1956 most of the people had enough to eat and a place to live. After 1958 it began to change. After Mao's "Great Leap Forward" it became very difficult. By the end of 1958 a person had to line up to buy food and there was no food to buy. There was no rationing, there just was no food. Those of us who survived, and lived through this time, noticed that by 1962 things became a little better. The state control over people relaxed a little and we had more freedom, even though food was still very scarce. The bad years of the "Great Leap Forward" in 1959, 1960 and part of 1961 always remain in my memory. During this period of time there was a program of communes, which broke up families, and village foundries to make steel. This was a fiasco and was later criticized by the party, though I recall seeing a picture of Chairman Mao working in one of these foundries for propaganda purposes.

During this "Great Leap Forward" thousands of people starved to death. Each village and each commune, was supposed to pledge a certain percentage of their production to the state. Many commune directors became carried away with trying to outdo one another and pledged more food than they could provide. This left the people with nothing at all, and they died. As I said before, after 1962 things began to get a little bit better. This improvement carried part way through 1963 and even though most of the time we had nothing to eat but cabbage there was more freedom and people were happier. From 1964 on, the control of the state became more and more severe.

They used personnel from the Army as models. These teams of military personnel had become used to extreme hardships and had no fear of death. Everyone was encouraged to follow their example. Those who died trying to work for the state were hailed as heroes. Because of my position at this time, I perhaps did not suffer as did most of the citizens. We had a little more money, a place to live and our rations for food were better than most. I also had friends in Hong Kong who sent us packages and money.

I recall one time my family and I went out to a restaurant at this time. The bill for our family came to $80.00 which for me was one month's pay. Because of the shortages of food the black market grew up whereby farmers and others who had small plots of land would grow some items for sale. Eggs sold on the black market for $2.00. I recall I once bought a pound of peanuts for $6.00. If the eggs could have been bought in the store they would only have cost $.10 each. During this period of time cabbage was plentiful; however, it cost about $2.00 to $3.00 for a hundred pounds. People dried it and stored it away for future use. Most of the food was locally produced in China. The only import that we saw during this time was wheat from Canada. Food continues to be in short supply in China.

The problem of education in China has been one of long duration. Today, I believe everyone in China goes to school through the first 6 grades. If you must work, however, because of your family situation, I think that you can be excused. A person who is free to attend school can complete up through high school or twelve grades and also go on to the University provided he has a good political background. By good political background I mean that you must be from the family of workers, teachers, military or farmers. The children from the family of a former land owner or one deemed to be an enemy of the state can never go to the University.

The only charges for the children attending school are their food and clothing. All the rest of the expenses are paid by the state. In the Conservatory of Music where I was Chairman, most of the students were the children of other teachers. These students were handpicked from all over China to attend the Conservatory of Music. We looked for those individuals with the most musical talent. At one time the Conservatory was criticized because of this policy, because most of the students ended up being from artistic families. At that time we were branded as a school for the privileged class, and were ordered to open the doors to children of soldiers, workers, and farmers. This was in 1963 or in 1964. It was very difficult because the students we were getting in at that time had little or no talent.

A musician in China today has no difficulty finding a job. There are too few musicians in China and the Government will, of course, assign the job. When a student graduates from the Conservatory usually the school assigns him to his job The job may not be of his own choosing; however, he will have a place to work as a teacher or he may play in an orchestra somewhere, or he may even go into the Army as a musician. As I said before, this is up to the school, or the Ministries of Education or Culture. A student can write down his choice of an assignment but he is sent where he is needed. This is true of any occupation. If you decide not to go to that assignment then you are in great trouble. You have no job and thus nothing to eat. You are not working for the people or the state so you are punished. Those who are outstanding musicians are frequently sent to the Soviet Union to compete in world competition. Frequently they went to Russia several years ahead of time in order to study Western music.

I found it very interesting to read the Chinese constitution. It states that the people of China have all the rights that your constitution in this country provides; freedom of speech, freedom of religion, freedom to assemble, freedom to express your thoughts, and so forth. It's all a lie. The only rights a person in China has is to work and to praise Mao Tse-tung. I feel that the Chinese people now live in complete slavery. You could exercise your freedom of speech by saying, "The weather is good," or "The sky is blue," but you could not say for example, "I would like to go to America." A statement such as this would cause you a great deal of difficulty. You would then be called in to examine the root of your thinking. Questions would arise about where your education broke down and allowed such a bad thought. Perhaps they may think the individual might be a spy or perhaps he has contact with spies.

The individual should have been taught all of his life that America is the number one enemy of China, and the people of China. The individual would be called upon to confess to what prompted him to make such a statement. This confession would lead to more confessions. You must confess for the good of your soul and the good of your thought. You must completely understand why you made these statements. The more detailed your confession, the better you would understand why you were wrong. After you have confessed sufficiently you are sent off to a labor camp for re-education. Most trials in China today do not take place in a courtroom. They are held in the street, schools, in the factories, or in any group to which you belong. These are times of public confession and repentance. Upon completion of these hearings or gatherings you are then sent to labor camps for re-education through work. You may be interested to know that China does not have capital punishment. People are not executed. They are sent to labor camps where they are worked to death. This way the state derives some benefit from them. If they killed him quickly he would be of no value to the state.

In China today, the most casual comment to a friend, to a relative, or even to members of your own family can often bring you before such a tribunal. Everyone lives in a state of fear. Fear is everywhere. Everyone is isolated from everyone else by this fear. Allegations made by anyone can bring you before a peoples tribunal and there is no defense. Any of these groups that I have mentioned can send you away to a labor camp. In America I have found that everyone has so many rights that it seems to me at times that one cannot be punished for anything. Here one cannot walk the streets in safety. In China we do not seem to have this problem. I cannot be sure of this, however, because one never looks around to see what is happening to others. In China you live your own life, you do not question what happens to anyone else and you evidence no interest in what they are doing. The newspapers in China are only a media for carrying the praises of Chairman Mao. A person in my position in China could have a radio. I, for example, was permitted to purchase a large radio and could listen to radio stations outside of China: BBC, Voice of America, Japanese radio, etc. To listen to these programs, of course, was illegal, but we still did it nevertheless.

Elections in China are another example of this system which has enslaved a very old and very honorable people. Elections today are only a play. Every four years we have what are called elections. They put, for example, ten names on a ballot. Everybody must vote for these names. You may never have heard of these people before and probably never will again. There are ten positions, there are ten names, they are elected, and that is it. It is possible to put down another name—to write it in below the others—but this means nothing. The elections are decided long before the ballots are counted. For example, I was appointed to the Peoples Congress. I was a representative in the Cultural group. The representatives in the Peoples Congress represent all of the occupations of the population, Economics, the Army, etc. We numbered in the thousands and we elected the Chairman of the state and the Congressional positions. They only put down the number of names that there were positions open. One man for Chairman, Chairman Mao, and so on. Such balloting as you have in the United States is not even heard of in China today. What it amounts to is each individual must show up and approve what the state has done by approving the people it has selected. There is no alternative. You do not vote against anyone.

According to the constitution freedom of religion is permitted but this is not true. A person who goes to church is always in trouble. All the churches must adapt to Maoism. It makes no difference which religion you are referring to, if you are a Buddhist you are accused of being superstitious. If you are a Christian you have ties with imperialist countries. Members of the communist party cannot belong to any religion. Mao Tse-tung is God. His word, his teachings, are to the modern Chinese what the Bible is to a Westerner.

China has a number of political parties unlike many communist countries. However, these parties are all controlled by the communist party. Their sole purpose is to say yes to Chairman Mao and all of them must follow the wishes of Chairman Mao. I know for a fact that the communist party sends personnel into each of the other parties to control them. There is never any question about which is *the* party in China.

In China under Chairman Mao there are so many changes that a person who is in favor today may be in a labor camp tomorrow. Personnel who are friends of Mao today may be his enemies tomorrow. No one knows from day to day whether he will be doing what is considered right or whether he will be accused of doing something that is wrong. You must not think. You must not plan. You must do nothing but live from day to day only to do what is right each day in conformance with the thoughts of Chairman Mao.

I notice that in this country there are many people who are very proud of the fact that China now has the atomic bomb and is thus one of the major powers in the world. They apparently never think of the price that was paid by the Chinese people so that this was possible. I think that those in this country who are so proud of China should be sent to live there for about two years. They would then know the truth and in all probability would have a decided change of thought.

All my life I have lived for China and for my music. Because of my prominence in music I was appointed to many positions involving contacts with foreigners such as the Sino-Soviet Friendship Society, the Chinese-Indonesian Friendship Society and others. I was never a party member. My music was known all over China. One of my compositions, "Longing For Home," prefaced each Radio Peking propaganda broadcast to Taiwan. I have conducted concerts all over mainland China. Now all this is changed. While the "Great Leap Forward" program in China in 1958 to 1961 was a national disaster which cost many thousands of lives and reduced the people of China to starvation, my family and I managed to stay alive and kept our hope that some day things would work out and China would recover.

In the Fall of 1966 the full impact of the latest program "The Cultural Revolution" hit us. This was as close to anarchy as I ever wish to come. All intellectuals, artists, actors, dancers, musicians and members of any cultural group were singled out as useless members of the privileged class. I was among 500 who were rounded up and sent to a sort of concentration camp at the Socialist Institute to undergo thought reform. We were there 50 days while I was accused of following a capitalist line in my music. After this I was suddenly returned together with 18 others to the Central Academy of Music where I had been Chairman and immediately felt the wrath of the student nucleus of what later became the Red Guard.

They greeted me by pouring a bucket of paste over my head and stuck abusive slogans to the paste. I was called a devil, a demon and an authority on the reactionary capitalist class. I was confined to a small room where I was forced to write confessions to all sorts of crimes against the state. Crimes which I had never committed nor even thought of. Each morning I was forced to do hard labor with the result that my health began to fail. The tragic part of it all is that the Red Guards were mostly students who themselves had been somewhat of a privileged class but were now given free rein to do whatever they wished.

The excesses they carried out against those who fell into their disfavor were difficult to imagine. I was beaten with belt buckles many times; other artists, musicians and dancers were beaten so badly that their careers were finished. By the time I left China my right arm had been so badly injured that I could not raise it and could no longer play the violin. I remained at the Central Academy of Music for 103 days as a prisoner before my release. At this time in China no one could be sure that he would not be the next to be accused. Those who initiated many of the purges found that they themselves eventually became the victims.

As time went on the excesses of violence and confusion among the groups began to tell upon the way we were treated. By September 1966 I was permitted to spend some of my evenings at home. My house in the meantime had become a sleeping place for Red Guards. Sixty of them were sleeping in our former sitting room. My family was gone and all of my records and books were smashed or confiscated. My daughter, Celia, returned one evening and we spoke of leaving China. At last one bitter cold night in November we boarded a train and left Peking for good. I cannot discuss the details of my reunion with my family and our escape from China for fear of endangering others who are still in China and who took great risks on our behalf. To these will go our eternal thanks.

It is interesting to note that the Chinese communists used to play my music in their propaganda broadcasts beamed at Taiwan. After my escape this stopped and now the Nationalists play my music in their programs beamed to the mainland. All China now knows of my decision to leave and my escape from what has become the worst, most inhuman slave camp on earth.

STATEMENT OF PROF. RICHARD K. DIAO

My name is Richard K. Diao. I was born April 29, 1924, in Chengtu, China. I graduated from the National Central University, Department of Economics, in Chungking, China, in 1946, with a B.A. degree. In 1947 I came to the United States, and attended the University of Illinois, Department of Economics, Graduate School, at Urbana, Illinois. I graduated in 1948 with a Master's degree. In 1948–1949 I attended the Columbia University in New York City. From 1949–1950 I attended the Graduate School of Business Administration of New York University New York City, as a candidate for a Ph. D. I did not complete my studies for my Ph. D. and returned to China in 1950, prompted by glowing reports of prosperity and opportunity in my native country. I was accompanied by my fiancee, Eva Hsu, born August 5, 1927, in Shanghai, China. She had been attending Mary Crest College in Davenport, Iowa. We were engaged in New York City on June 16, 1950 and married in Peking on December 16, 1950. We have a daughter, 18, and a son, 14.

From 1950 until 1951 I worked at the Ministry of Finance, in Peking, China, as a researcher. From 1951 to 1952 I was a researcher for the Government Administrative Council's Committee on Financial and Economic Affairs in Peking. From 1952 to 1953 I was Associate Professor of Public Finance at the Central Intitute of Finance and Economics, Peking, China. From 1953 to 1958 I was Associate Professor and Deputy Head of Teaching and Research in the Department of Finance at the Central Academy for Financial Cadres in Peking. In 1957, during the program known as the "Hundred Flower Movement", the Party encouraged criticism by non-Party members. They promised that no punishment would be given to those who criticized the Party and the government, but that this would be used to improve their work. However, after I criticized the Party I was subjected to considerable harassment, I was labeled a "rightist" and enemy of the state. I was accused of being a U.S. spy, since the State Department had paid for my transportation back to China through the ECA fund then available to all Chinese students in this country after the communist take over of mainland China. In the meantime, my three brothers, two sisters and parents were all still living in the United States. My father, a retired Lt. General of the Republic of China, has since died in New York, in 1956.

In April of 1958 I was sent to the Military 850th State Farm at Heilungkiang as a laborer to undergo thought reform. This camp was located in what is called the "Chinese Siberia" in the remote northeastern part of the country. It was only 20 miles from where the Sino-Soviet border incident occurred in 1969. I stayed in this camp for two years and ten months. I feel that the treatment at this camp was more inhuman than what I had heard of the concentration camps of the Nazis. We worked at hard labor 14–16 hours per day, 7 days a week with very little food in bitter cold. At one time they worked us 10 days and nights with only a one hour nap in the snow covered and frozen ground after midnight. We built railroads, roads, dams, but mostly we dug and built drainage canals. Most of this area is very swampy. Many people at the camp died from exhaustion and malnutrition.

In addition to landlords and rich peasants, there are three types of persons designated as anti-government in China; (1) counter-revolutionaries; (2) rightists; (3) bad elements. There were some in each category in this camp. Due to the poor condition of the persons in the camp, we were finally released in December 1960 and returned to Peking where I remained about one month.

At the end of 1960, I was then sent to Shansi province in China to the Shansi College of Finance and Economics. At the college my job was to prepare lectures for others to give since I no longer could be trusted to deliver lectures, but most of the time I was still assigned to do manual work in the countryside, which included the cleaning of public toilets. In addition, I had to report each week without failure about my thought and deeds to a Party member who was assigned to "help" me and also to submit, through this man, a written report to the Party Committee every month. At this time, my wife who had worked at the Ministry of Public Health in Peking for some 10 years was also transferred to Shansi province to teach at a medical college. We began to plan how we could escape from China. Writing to one of my brothers in New York giving him a hint that we wished to come out, it was hoped that he would write me a letter claiming that my mother had come to Hong Kong hoping to see us once more before she died. Using this as a ruse and with a good record of hard work after I got out of the Labor camp, they finally let me and my son go to Hong Kong. I made up my mind that once there I would never return to China. For almost two years my wife attempted to get an exit permit and finally on the pretext of talking me into returning to China or at least to bring my son back to China, she was permitted to bring my daughter with her to visit me in Hong Kong. After our reunion I joined Union Research Institute in Hong Kong as a Senior Researcher and Head of Research Department in Finance and Economics. My wife also obtained a position as a Mandarine Chinese teacher in the New Asia Yale-in-China Language Center of the Chinese University of Hong Kong. Through much legal maneuvering and the help of many friends, we were finally able to come to the United States and arrived in New York on the 23rd of October, 1966. From 1966 until 1969 I was a Research Associate with the East Asian Institute, Columbia University, New York City.

Looking back, I suppose that in those days I was very much pro-New China. I have never joined the Communist Party and after seeing China as it is I know I never shall.

My main reasons for leaving China were the knowledge that the Socialist system will never work in China or anywhere else. There was a constant fear of being arrested for something. Each knock on the door, each visit to a superior, especially during the political movements held the threat of being detained for something. I never knew when I went to work in the morning if I would come home that night. There is absolutely no freedom of thought and absolutely no consideration of an individual as a human being.

In discussing the economy of China prior to the Great Leap Forward, the situation in China was quite good. People had enough to eat, but during 1959–1961 the situation was terrible. People had barely enough to eat. Everything was rationed according to categories. The highest category was the Army and heavy labor. Ordinary people received 15 kilograms of grain and 2 oz. of edible oil per month. Meat or fish was rationed to a few oz. once every several months. While I had had no experience under the Japanese occupation of China, persons that I have known say that things were much worse during this time in China than it was under the Japanese control. People hoarded their food and feared that others would steal it. The fixed prices were not very high but there was just no food available. Clothes also were very difficult to obtain. Each person was rationed to a few yards of cloth per year. If you bought socks or handkerchiefs you had to surrender a certain amount of cloth ration tickets. This applied to Communist Party members as well as those who were not Party members. Soldiers were given the best ration. Their rations on clothes and for food were the highest together with the highest officers in the Party and Government. Before 1958 things were much better. At that time the so-called higher intellectuals, which included myself, received more meat and rice and we also had the privilege of not standing in line to do our shopping. We had a card which allowed us to go to the front of the line each time. This was only from 1956 until 1958. During the bad years the higher intellectuals did receive more cigarettes and more oil than other people, but by that time I had been branded as a "rightist" and I did not receive this.

From the latter half of 1962 on, things began to get better. At that time you could buy extra food on the "free market". Some of the peasants in the country had extra vegetables or eggs or food grains and could bring it to the "free market" in the city where they would sell it. Prices here to be determined simply by supply and demand were extremely high but while the "free market" was officially illegal, the Party and Government turned their back on these transactions. At that time the Party had lost some control over the people. Later on, I understand the "free market" was closed down. I believe that the countryside was worse off in the bad days than the cities. Peking and Shanghai were show places and were always somewhat better than the rest of the country. Many persons died of malnutrition. Frequently they would become so ill and so weak that the slightest cold or illness would kill them.

In China everyone must work. When we first returned to China from the United States we were given our choice of work, the area where we thought we could do the most. However, once we selected a job we were not allowed to change unless the Party decided to transfer us. Most of the rest of the people are assigned by the Party to the job where they are needed. You can request a transfer to another job but very seldom are these requests granted. At this time you are also subject to criticism because they would ask you why you questioned the wisdom of the Party in assigning you a job. Generally speaking they put you in a job where they need you. If you decided that you did not want to work or would not work, then you have two choices; 1) you can die without food; 2) you are subject to arrest as a bad element for not contributing your part to the state. The crime of being a counter-revolutionist covers nearly everything in China, from being a thief, to not working or engaging in financial transactions not authorized by the authorities.

During 1959–1961 things were very bad. Many people resorted to stealing—not money but food. You could buy nothing with money, but food coupons and clothes were stolen very frequently. China has since imported substantial amounts of wheat every year from Australia, New Zealand and Canada and still continues to do so. During the bad years, the Party and Government encouraged people who had friends outside of China to ask for food packages. I had a sister-in-law, for example, in Hong Kong, who sent me packages. I received butter, milk, chocolate, etc., which enabled me to effect a speedy recovery from my poor condition resulting from the Labor camp.

To take care of discipline in the country, I believe there is a large network of Labor Camps throughout mainland China. Most of these are in the northeast and northwest. The land where I was in the remote northeast had never been farmed and there was almost no population living there except the demobilized soldiers from the Korean War. The land is very fertile but it is mostly swamp. The soil was black and rich and it did not need to be fertilized, but it was mostly covered with water. We dug and built drainage ditches but the water would still come back. There were many Russian built tractors there but they just stood idle most of the time as they could not be used in that mud. The growing season was only 120 days long and the rest of the time it is bitter cold. The coldest weather is in the forties or even fifties below zero.

Since 1950 all of the large land holdings of the landlords were taken away and distributed to the poor peasants. The land was not owned by the peasants but they were told that they would be able to use it. The state retained ownership. After 1953, and especially after 1956, the Agricultural Cooperative Movement assumed close control of the land. During the hardship years around 1959 very small pieces of land next to the houses which had been seized by the Peoples' Communes during the Great Leap Forward were given back to the peasants to raise vegetables, for their own use or to enable them to sell it in the "free market". I understand that during the recent Cultural Revolution that all these private plots were again taken back by the communes. As far as owning homes, it was a very difficult situation. Before 1958 some people did own their own. After that they were all taken by the state. They were reimbursed by the state only in the form of so-called "fixed interest" which was calculated at a price decided upon by the state. When you owned your own house you were required to keep it repaired and the Government assigned you tenants if they thought that you had too much room. People were so hard pressed to keep up the taxes and repairs that they were glad to give the houses to the state in order to be rid of the troubles. Generally speaking, each family is allowed one or two rooms, though it depends upon their size and the interpretation of the authorities in the area in which you were living. Sometimes you had a community kitchen and sometimes you had a stove outside the house and you did your cooking outside. Bathrooms are always communal.

When I was Associate Professor at the Central Academy For Financial Cadres in Peking I had a quite nice apartment with two rooms, plus kitchen and bathroom. We used one room for our bedroom and the other for the children and as a living room. I even had a maid. At that time this was alright with the Party and Government as it cut down on unemployment in the countryside and enabled both husband and wife to work. Later this practice was considered a bourgeois, capitalist practice. The maids were all forced to resign and work in street factories or on farms in the countryside. This is one of the big problems with the Chinese Government, it keeps changing from year to year, no one ever knows what is right. What is right one year is bad the next. They are always changing.

There is almost no religion in China anymore except among the older people. It makes no difference which religion is involved, whether it is Christian, Buddhist or what. It is all bad as far as the Party is concerned. Of all the religions, I believe the Catholic was persecuted the most because the Party and Government felt they had closer ties to the West. All members of the Communist Party are not allowed to have any religion. The younger persons are discouraged from having any religion as well. Most of the churches and temples have been converted to schools, hospitals, or warehouses. Only in the big cities like Peking and Shanghai are a few churches and temples still operating as a sort of window dressing for foreign visitors. When the Premier of Ceylon visited China some years ago, for example, the Mayor of Shanghai and the protocol officials from Peking went to the temple with her for worship but this was only a propaganda move.

Everyone who has reached the age of 18 years may vote in China if they are not a convicted criminal. If you don't vote they question you as to the reasons. To vote you go to the voting place and pick up your ballot. You go into a voting booth, mark the ballot, and drop it in the ballot box. All the nominees have been screened by the Party and match exactly the number of posts to be filled and thus all are elected. You just don't have any choice. To avoid trouble, people just vote for the candidates listed. In China there are 8 so-called "democratic parties" besides the Communist Part, but all take their guidance from Chairman Mao and the Communist Party. Having this many parties helps to present a picture of democratic government to the peoples of the world. It is not possible for one of these parties to become stronger than the Communist Party. There is no competition between them and the Communist Party. If any party begins to gather any strength and to challenge the Communist Party all the other parties are directed to move against it. There is one thing I might mention, concerning voting. Since China still has many illiterate persons the votng place has someone to read the ballot to you so that you can mark it. This means that it is possible that this individual does the voting, and the voter is never aware of whom he voted for. There are no campaigns for elections such as there are in the United States. There are meetings where the Party will tell you about the candidates. In China the people are so naive and so interested in avoiding any trouble that they do as they are told.

In China, as in all the rest of the Communist countries, there are labor unions. Back before the Communists seized power they controlled the labor unions and struck against the Nationalist Government. After the Communists took over the situation was changed. Now there are no strikes. The union speaks to the worker for the state. In Western countries the union speaks to the management for the workers. The function in China is to see that the workers work and that their welfare is provided for. They arrange vacations and pensions. They arrange for labor heroes and give political incentive for more work. They act as agents of the Party in all the factories and their main function is to give the workers ideological indoctrination.

As far as schooling in China goes, you can go or not as you wish. There are not enough schools in the country if everyone had to go to school. Most of the city dwellers send their children to school but in the countryside most of the children must work. If you want to go to school you can. If you don't want to go you don't have to. School is free. There is no charge for tuition, books or supplies. At the university the students have two kinds of scholarships, known as Peoples' Scholarships or Aid Type A and Type B. Type A is a basic scholarship. When you are accepted at the university it provides some money to cover food and clothes. Type B provides more money. This is for the poorer families. In all universities all students live on campus because of the many extracurricular activities in which they must engage. This is also a way the Party has of separating them from the influence of their families and the rest of the population. A student can go to college or university for four years to study liberal arts or social sciences, 5 years for engineering or applied sciences and 8 years for medicine. The Government pays for all of this. In China there is no degree offered.

In China children under 16 usually belong to the Young Pioneers and then from 16 to 25 many of them belong to the Communist Youth League. Being a member of the Communist Youth League does not necessarily make you a member of the Communist Party, but you have a better chance to join if you are a member of the Communist Youth League. The Young Pioneers, on the other hand, are somewhat like Boy Scouts and attract children by interesting programs along the Party defined lines. All children from the very young of kindergarten are taught that "no matter how good your parents are they are not as good as Chairman Mao," and that they should prepare themselves to become good communists.

If you wish to travel, from one area in China to another, you must have permission. Each individual has an identity card issued by his employing agency or his school or his factory. You must check out at whenever you work and then you must check in with the police at your destination. If you are a farmer you must obtain a pass from your brigade or commune. This is for travel inside China. Travel outside of China is always discouraged and is hence very difficult to arrange.

In China we were never allowed to contact foreigners directly. Even if you speak their language you must use an official interpreter. This applies to every foreigner and especially to those from the West. It applied to contact with the Russians too but of course not many Chinese people speak Russian, though at one time everyone was encouraged to study Russian at school or through radio. It was very fashionable to study Russian in the 1950s. After the Sino-Soviet split-up in 1959 they no longer wanted people to learn Russian. Now, I have heard that a person cannot take Russian at all. Any foreigner visiting China today is prepared for in advance. Everyone who will have contact with him is provided with a paper giving the foreigner's background, political feelings, and the questions that he might ask, and what the answers should be. Some foreigners realize that the information they are receiving is all planted propaganda and try to evade their interpreters and guides. This is not really possible because in the area of the hotels used by the foreigners, all the taxi drivers and shop keepers are part of the show. Also the people don't dare to speak up, because the foreigners soon leave and then the Party looks at you as an enemy of the state. All foreign embassies have a guard who acts to protect the embassy and also to keep people from visiting the embassy. If an embassy wants to hire a Chinese as a cook or a driver or a clerk or something, the Ministry of Foreign Affairs will take care of placing the individual. This enables them to carefully select someone to do their bidding.

There is very little anti-semitism in China because there are almost no Jews. At one time back before the Communists came into power, there were a number of Jews in some of the large cities as merchants but they are all gone now.

If you are arrested in China and brought to trial, you will be given a Government appointed defense lawyer. This presents problems for a defense counsel. First, they often arrest people without any basis, almost anyone can be arrested for anything. It can come at any time. They can just confine you to your office until you write down your confession. If you don't know what to confess to they will tell you. They use three shifts for interrogation—8 hours each—while you sit there until you confess to something. The defense counsel usually advises his client to confess. He cannot justify any crime you may have committed against the state, therefore there is no real defense. If he did try to defend an accused he would probably be the next one on trial himself. These trials are really public shows. They use the trial to demonstrate to others what happens to enemies of the state so in effect it acts as a control method. It is not really a trial as we know it here but a show of public punishment. The prosecution is not even required to furnish any proof that a crime has been committed. Of course, many of the arrests are not brought to trial at all. The offender is punished with no public hearing.

I have been asked often whether China has a secret police. Yes, they do. They call it Public Security. It is similar to the Soviet Secret Police. From my observations, however, in China the power of the secret police is not as great as in Russia. In China, especially today, the Army is the most powerful of all of the branches of the hierarchy. I think the Army also has a Secret Police of its own. In China so many people are informers for the authorities of one sort or another even though they are not directly linked with the secret police that there is a saying that if you don't need an answer, don't ask a question and never trust anybody even your own kin. It is hard to tell who is a Secret Police source. As a result you never ask your friends any questions. You comment on the weather and that's about all.

According to the Chinese constitution they say that they have almost every right that people have here in the United States, but they don't exist. There are no rights. The only rights are those of the Party to rule in any manner that they see fit.

This statement was prepared with the assistance of Investigator John Stratton.

MEMORIAL TO THE 6 MILLION JEWISH MARTYRS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. EILBERG. Mr. Speaker, on Sunday, April 4, 1971, I was among some 5,000 Philadelphia area residents who gathered to remember the 6 million Jews martyred by the Nazis.

We gathered at the Memorial to the Six Million Jewish Martyrs at Benjamin Franklin Parkway and 16th Street, Philadelphia, to lay wreaths, light candles, and conduct memorial services.

Rabbi Elias Charry, president of the Board of Rabbis of Greater Philadelphia, and Cantor Yehuda Mandel, national vice president of the Cantors' Assembly of America, led the spiritual part of the program. The Reverend Rufus Cornelson, of the Metropolitan Christian Council, and Father Donald Clifford, of the Cardinal's Commission on Human Relations, participated in the program. Theodore R. Mann, chairman of the Memorial Committee for the Six Million Jewish Martyrs, and Morris A. Kravitz, president of the Federation of Jewish Agencies, offered greetings. The Star-Spangled Banner and Hatikvah were sung by Bina Landau and choral music was offered by the Association of Jewish New Americans, the Philadelphia Workmen's Circle, and the Jewish Folk Choir of the Young Men's Hebrew Association. The choral singing was led by Samuel Goldenberg and Morry Helzner.

An inspirational address was delivered by the Honorable Yosef Tekoah, Ambassador of Israel to the United Nations. Tekoah said:

> We in Israel cannot forget the holocaust. We are not going to be the Czechoslovakia of the Middle East.
>
> There is not any international guarantee for freedom. Freedom lies in our strength. How can we forget the guarantees in 1957 that were broken in 1967.

Another speaker was Pennsylvania Gov. Milton J. Shapp, who, after recalling liberating survivors from a concentration camp near Linz, Austria, while serving in the Army during the Second World War, said:

We meet here a little more than a quarter of a century after the men, women, and children of the Warsaw ghetto stood against the Nazi Panzers and Stukas.

The lesson of history is clear. To prevent erosion of liberty for any, we must raise our voices when freedom for any group is denied.

Today we are guilty if we fail to raise our voices against the imprisonment of 40 Soviet Jews who seek freedom. For indeed that imprisonment is compounded by the denial of freedom for more than 80,000 Soviet Jewish families who have appealed for exist visas to Israel.

The cornerstone of the program was the monument itself, created by the same sculptor who designed the Warsaw memorial to the Jews who once fought the Nazis in that ghetto. In November 1969, I visited Warsaw and stood before that monument. To stand before the Philadelphia memorial is an equally moving experience. With the unanimous consent of my colleagues, I here enter in the RECORD a description of the Philadelphia monument taken from the program notes of the April 4 service:

ABOUT THE MONUMENT

The Monument to the Six Million Jewish Martyrs was presented to the City of Philadelphia by the Association of Jewish New Americans and the Federation of Jewish Agencies.

The idea of erecting a memorial to the Jews who perished at the hands of the Nazis was conceived in 1959. The project captured the imagination of many who recognized that the Monument would be a tribute not only to the dead but a reminder of the need for constant vigilance to preserve liberty for mankind. Philadelphia was deemed to be an appropriate location for this Monument because of the historic role of the city as the birthplace of American freedom and because it is the site of so many shrines to the struggle for human dignity and equality.

The Monument was created by Nathan Rapoport, the sculptor who designed the memorial to the Jews who conducted the rebellion in the Warsaw Ghetto, the monument in Paris to the Jewish underground fighters of World War II, and the memorial in Israel for Mordecai Anchilewitz, commander of the Warsaw Ghetto revolt.

The Monument is in bronze. Eighteen feet tall, it depicts a mother dying amid flames, a writhing child upholding the Scroll of the Torah—the five books of Moses, a patriarchal figure with arms raised in benediction and several arms wielding daggers, representing resistance against tyranny, all enveloped in a blazing bush and surmounted by a flaming Menorah—the traditional seven-branched candelabrum.

For as long as it stands, the Monument will remind the people of Philadelphia and visitors to this city's historic shrines of the Jews who perished in the cause of their faith and human freedom in the ghettos, the concentration camps, and the under-ground resistance groups in Europe under the Nazis.

History has recorded their fate. However, history in the future may tell a different story if mankind derives a lesson from this Monument and from the fate of the martyrs it commemorates—the lesson is that we must strive more diligently than ever to eliminate the evils of bigotry, racism, and actively uphold the cause of religious freedom, racial equality and human dignity.

Z'chor—Remember. This is the exhortation taken from the Torah. We must remember—but not to seek revenge nor to perpetuate hatred.

We must remember that man must never permit such an evil force to rise again. Remember that whenever bigotry in any form appears, it must be swiftly struck down. Remember that the Monument to the Six Million Jewish Martyrs calls on the citizens of Philadelphia and of the world, of every race, creed and walk of life, to uphold the principle on which this city and nation were founded—the Brotherhood of Man under the Fatherhood of God!

THE IMPOSSIBLE DREAM

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. ABBITT. Mr. Speaker, among the many activities of the American Legion is the annual sponsorship of the American Legion Oratorical Contests throughout the country. Each year thousands of young people spend countless hours in preparation for these contests and in the course of this activity, many older Americans are made more aware of many new facets of the fundamental ideals upon which our democracy is founded.

It is encouraging and enlightening to read and hear the speeches which these young people take such pains to prepare because they represent the best in the thinking among our youth today.

Such was my impression upon reading the splendid address of David Minton, of Petersburg, Va., who is this year's winner in the Old Dominion. David's speech, entitled "The Impossible Dream," is as fine as any I have ever read. It is a credit to his generation and to our Nation. I commend it to the reading of the Members of the House.

The speech follows:

THE IMPOSSIBLE DREAM

(By David R. Minton)

"And the world will be better for this, that one man scorned and covered with scars, still strove with his last ounce of courage to reach the unreachable star."

The man who spoke these words—Don Quixote, the legendary figure created by Cervantes in the 17th century. The idea of which he was speaking was a dream to fight for what was good and right in life, no matter how hopeless this cause might seem. To continue to press on, even in the face of irrepressible odds. As we view this unusual man from afar, he appears to be nothing more than a rather wild fanatic, who meant well, but accomplished very little. Yet by looking closer, we see that in many ways, Quixote bore a rather striking resemblance to the thirty-nine men who signed our Constitution. For here were men who were pressured from all sides to leave their famous convention in Philadelphia and go home. They were told that this dream of trying to create a perfect republic was impossible. If great men before them had attempted and failed, how could they possibly hope to do any better? Although these thirty-nine representatives were men of great vision, they had no crystal ball with which to see into the future: no magic wand they could wave to create the Utopia they hoped for so badly. Even though much could be said and done about this new Constitution, in the end, they would have to make their decision to either be content with this nation as it was or to struggle against hardships for the rest of their lives in the fight for something better. This very same decision rests with us today and though it is not an easy one, it must be done.

Is this dream for perfection in our country really worth fighting for? In this fast, modern world we live in, do dreams really play any part in a country's greatness? Americans in the past have certainly thought so. It has been estimated that since America first began over a half-million American soldiers have lost their lives in battles. This is not even counting the millions of Americans who have worked within this country to fight in its defense. Surely there have been Americans throughout our history who believed in something and fought for it. Did these people work in vain? Did they lay down their lives on unwanted principles which were of no use to anyone, or was it for something more? As we reflect on history, we realize that it was that yellowed, ancient document in the archives of Washington in which they put their faith.

Throughout this country there are many who contend that this Constitution has outlived its usefulness. These people would attempt to paint America the picture that no government at all is better than the one we now have. What these people seem to lose sight of, is that this very document they are trying to destroy, provided them with their very freedom to speak out and be heard. Peace is the rallying cry of many groups throughout this country, but rather than using a peaceable means of betterment which the Constitution has provided, they resort to violence and terrorists activities. Are these the type of people to be believed when they speak out so forcefully against this document? But even more detrimental to this dream than those who would campaign against it are those who are not concerned one way or the other as to our country's well being. Much has been said about apathy but through the years very little has been done about it. It has been estimated that only sixty-one per cent of registered American voters turned out for the last two Presidential elections. If we have any foresight at all we can see that even something so small as one election can help to undermine years of work that were made toward a common goal.

In recent studies the British historian Arnold Toynbee has made the observation that there were about nineteen other great nations in the past, who also had dreams of becoming greater, but because of the people's lack of concern, these nations collapsed before 200 years of existence. America is now almost 200 years old. Will we too be just another nation that had an impossible dream, but failed?

The answer to this question is very clear-cut. For it lies in a decision, a decision which no one can make except the American people. It is one of either believing in the Constitution and following it to its end or giving up this dream for ourselves as well as our posterity. Freedom's flame is not such that it can be lit on and off as a nation chooses, but must remain constant if it is to exist at all. Of course there are those who would tell us that a nation without a problem, a Utopia if you will, is impossible, thereby not worth working for. In this way, our Constitution's dreams would be very dim indeed. But let us search our hearts as we consider this, "How did we get the things we love in America today? How did we get our many freedoms and rights and what gave America its greatness? Was all this the product of violent demonstrations or people who were not concerned even enough to vote?" Just by looking around we can see the answer is clearly no. The people who did give us this prosperity were the authors of our Constitution and the citizens who worked to keep this dream alive. The people who believed in this document, not only because of the way it ran their country, but more important . . . because of what it stood for . . . the freedom and way of life that men had died to gain, the dreams of men and women everywhere who wanted something better in life.

Impossible? Yes, perhaps a Utopia is impossible. Then again perhaps it is just within our reach. One idea is for certain. In a period of history, in which there is so little left to have faith in, our Constitution stands out as one of the last great hopes. If this document held enough hope for thirty-nine men to help build a great nation, then how much more hope should it hold for all of us in the troubled times we are going through now.

The world will one day look back on what we did in these times. They will remember whether we cast aside our Constitution which had been our guiding light or held to it, that we might have been greater still. For our freedom as well as those who come after us let us go from this place being Quixote-like in our quest for the Impossible Dream of a better nation following the Constitution, that men may one day say:

"And the world will be better for this; that one nation scorned and covered with scars, still strove with its last ounce of courage to reach the unreachable star."

A NATIONAL ENVIRONMENTAL DATA BANK

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. GUDE. Mr. Speaker, I am pleased to include in the RECORD at this point the prepared testimony of Dr. Diana R. Dunn, director of research for the National Recreation and Park Association on H.R. 56, which would create a national environmental data system. This legislation, which has been introduced by Congressman DINGELL, would fill a badly needed gap in our legislative efforts to improve environmental quality.

As Dr. Dunn points out, the question of leisure and recreation has not been adequately fed into the environmental equation. Increased personal and family income and availability of leisure time make it imperative that the impact of these factors be considered by the park and recreation profession, and indeed by all of us.

I commend Dr. Dunn's statement and the accompanying article concerning the impact of motorized recreation vehicles on the environment to the attention of my colleagues.

The articles follow:

STATEMENT BY DR. DIANA R. DUNN

The National Recreation and Park Association is grateful for the opportunity to indicate our basic support for H.R. 56, which would create a National Environmental Data System.

NRPA is a citizen and professional research, educational and service organization dedicated to expanding recreation and park resources, programs, and professional services to enhance the leisure of all Americans. Over 30,000 members belong to our eight branches: American Association of Zoological Parks and Aquariums, American Park and Recreation Society, Armed Forces Recreation Society, Commissioners-Board Members, National Conference on State Parks, National Student Recreation and Park Society, National Therapeutic Recreation Society, and Society of Park and Recreation Educators.

Our members include the managers of some 500,000,000 acres of our nation's public outdoor recreation land, approximately one-fourth of the land mass of the continental United States. A primary function of the Association is to create a balance between man and his environment. We are concerned not only with how man affects the environment, but also with how these impacts in turn affect man, particularly during his leisure time.

One of the problems faced by our profession is the present lack of effective means of systematic analysis and cordination of data and information relating leisure and recreation to other aspects of environmental quality. This need is felt with greater urgency in regard to outdoor recreation because we deal here with a multidimensional problem and must use a multidisciplinary approach in solving it. Data from the social and behavioral sciences must be combined with data from the physical and biological sciences and related to practical aspects of resource management, transportation, leisure services, and the like. In many ways this presents a unique challenge for development of systems for obtaining and analyzing information.

An example of this problem occurs in the relationship between the expansion of leisure time and the development of new instruments of recreation such as motorized recreation vehicles. More free time is creating new industries, but also new hazards to the ecology. We still know very little about the implications of these developments. NRPA is now conducting a study of currently effective state and local laws and ordinances governing the use of these vehicles. Here is an area where a National Environmental Data System could prove most useful. Attached to this statement is an article that appeared in the July 1970 issue of our Association's magazine, Parks & Recreation, title "Motorized Recreation Vehicles: On Borrowed Time." The article points out that public land managers at the federal, state and local levels have an awesome responsibility complicated by some of man's basic conflicts—controveries such as the rights of the individual versus the state, individual property rights versus common public rights, economic growth versus the quality of life, recreational pursuits versus environmental quality. Reconciliation of the diverse interests and needs involved in this problem will call for mobilizing a great deal of information about man and the natural environment which we simply do not have at the present time.

NRPA has been actively seeking to bridge the knowledge gap attending this problem and others relating to air, water and noise pollution as they bear upon the recreation of people in our urban areas as well as in our state and national parks and other recreation environments. The quality of our parks has been diminished by pollution, and their very existence is threatened by highways, public utilities and industrial development. Pollution, in all its forms, is decreasing the quality of the recreation experience for all of us.

Although a great deal of environmental legislation has recently been enacted and more is pending, we believe that an environmental data system is needed if all of the pieces of the package are to fit together and achieve effective results. We have watched with great interest the progress of this important legislative proposal, for the progress of the bill closely parallels an important Association project. On May 5, 1970, the day that H.R. 17436 was introduced, NRPA concluded a three-day meeting of educators, librarians, and researchers from American and Canadian universities, government agencies and professional associations. These participants met at the Pennsylvania State University and sought to determine the status of systems, problems, and priorities of literature retrieval and dissemination as they relate to leisure and recreation. Information efforts were identified—some having one or more aspects with recreation and leisure as a primary focus, others with some facet of recreation and/or leisure as a sub-function. These centers were located in many situations: colleges and universities, government agencies, professional associations, and under church auspices.

The National Recreation and Park Association was designed to coordinate subsequent work on behalf of the participants, and the acronym *REALISE* (*R*ecreation, *E*nvironment, *A*nd *L*eisure *I*nformation *S*ystems *E*xchange) was devised to describe the function undertaken. Through the summer of 1970 a steering committee representing government, academia, and our Association refined the scope and direction of the effort. One important modification of the original plan was a move to embrace a system or network concept as opposed to a central physical data bank.

A second meeting was held at the National Recreation and Park Congress in Philadelphia on September 30, 1970. The session brought attendees who had not participated in the May consultation up to date and also provided opportunity for new and revised input from the expanded group. Additional centers dealing with recreation and leisure information were identified and merged into Project *REALISE*.

On December 2, 1970, the steering committee convened a dialogue in Washington, D.C., with representatives from government, business, academia, and several operational information systems. The committee solicited the advice and counsel of the "pioneers" of U.S. information system personnel.

Proceedings from the three 1970 meetings have been published by the National Recreation and Park Association, and we are pleased to transmit copies for the reference files of the Subcommittee and staff. You may wish to include portions of *Recreation and Leisure Information Systems: Status and Priorities* in the hearing record, especially pages 13–17, 35–39, 43–46, 59–61, 65–66.

NRPA cosponsored a conference on January 21–23, 1971 at the University of South Florida at Tampa which was interprofessional, multidisciplinary, and international. Over 200 researchers, college and university educators, students, government officials, planners, and consultants attended from Canada, Colombia, Czechoslovakia, England, France, West Germany, Sweden, Hungary, Switzerland, and the United States.

Supported in part by the W. K. Kellogg Foundation, the conference was cosponsored by the University of Rhode Island, Program in Gerontology; the Center for Studies of Leisure, University of South Florida; and the National Recreation and Park Association. It focused on leisure and recreation information systems, and two major projects formed the basis for the exchange: Project *CIDOL* and Project *REALISE*. Project *CIDOL* (International Centre for Documentation in Leisure), a project on automated documentation systems in leisure and popular culture, was presented by French and Canadian members of the Research Committee on Leisure and Popular Culture of the International Sociological Association. Project *REALISE* was presented by the U.S. steering committee. After intensive discussions regarding the political, conceptual, technological, and financial aspects of national and international leisure and recreation information centers and systems, the conference passed the following resolution:

"Resolved, that the Conference supports the development of international documentation and information systems for leisure and recreation, and endorses the further international cooperation of systems which will be of service to all who may benefit from this information. Every effort should be made to insure conceptual and technological compatibility of all systems through communications to include correspondence and interim meetings whenever possible."

Pursuant to this resolution, and on behalf of the U.S. steering committee, I will deliver a paper regarding the progress of Project *REALISE* in Prague, Czechoslovakia on May 12, 1971. Professor Premysl Maydl, director of the European Centre for Leisure and Education, extended the invitation to participate in a "Workshop on International Cooperation in the Field of Documentation in Leisure." The Centre was established by UNESCO and the Czechoslovak Academy of Sciences, and has cooperative liaison with the Committee for Leisure and Popular Culture of the International Sociological Association.

The Tampa conference resolution is consistent with Section 303(c) of the National Environmental Data System Act. We find there is a keen interest in other countries regarding this need and that liaison with professionals throughout the world can contribute much to our insight regarding international environmental issues as they bear on leisure and recreation.

These activities are cited to give special emphasis to our conviction that only by creating an environmental data system will the task of mobilizing information in support of recreation and environmental problems take place. Such a system must, in our view, knit together the data-generating and data-using centers of government, industry, the professions, and the universities. Our present planning group represents these sectors.

H.R. 56 as drafted meets the principal objections raised by a number of Executive branch witnesses in testimony before this Subcommittee in the 91st Congress. We particularly endorse the system concept as described in Section 303(b), and the international aspects outlined in Section 303(c). We also favor the concept that the proposed System cooperate with federal and state operating departments and offices but be free from control by any one of these.

NRPA hopes that the studies, plans, standards, and publications contemplated in Section 305(b) of H.R. 56 will give particular attention to the relationship of recreation and leisure to the environment, and that such efforts will emphasize the role of parks in this regard. With such a focus, the National Environmental Data System will be an important contribution to the quality of the recreation experiences of our people, and a great aid to the professional efforts of the National Recreation and Park Association.

In summary, Mr. Chairman, NRPA is grateful for the opportunity to express our comments on H.R. 56, and to declare our support for its early enactment.

MOTORIZED RECREATION VEHICLES

(By Diana R. Dunn)

Motorized recreation vehicles (MRVs) are a growing problem for park administrators throughout the United States and Canada. Motorcycles, snowmobiles, jeeps, trail bikes, ATVs (all-terrain vehicles), tote goats, airplanes, dune, beach, and swamp buggies, and others are all a part of this frequently volatile issue. The camp which views them as fun and desirable and the cadre cursing them as damaging and disruptive both seem to agree that they are here to stay. This article will challenge that premise.

In an effort to obtain current information from a cross section of those involved: federal, state, and local park administrators, and representatives of conservation groups, vehicular trade groups, and sports associations were invited to present their views, concerns, and suggestions. The response was overwhelming. Problems, solutions, programs, laws, regulations, angry protestations, and thoughtful evaluations of the challenge of these vehicles were received. By press time, the stack, including supporting pictures, was three feet high. After sifting and sorting, a new dimension began to emerge from the material—a philosophical one. It is from this perspective that the following is written. It is offered with sincere thanks to all who contributed.

ON BORROWED TIME

On Christmas Eve 1968 pictures transmitted from Apollo 8 slammed home to millions of earthlings the fact that our planet is a very finite, very fragile, and very unique spaceship—"a grand oasis in the big vastness of space."

Readers of Parks & Recreation include the managers of some 500,000,000 acres of our nation's public outdoor recreation land,[1] approximately one fourth of the land mass of the continental United States. The Apollo 8 photos made it clear that these managers—federal, state, and local—have an awesome responsibility. So does this magazine. The fact that this burden is often complicated by conflicting responsibilities is the crux of this article.

Some of man's basic conflicts are involved in the MRV issue—controveries such as the rights of the individual versus the state, individual property rights versus common public rights, and economic growth versus the quality of life (Interior Secretary Hickel's Net National Environment versus the Gross National Product).

Critical factors in the MRV issue are the land, the vehicles, and man.

The land

All land is biologically and geologically fragile. Enormous variances complicate measurement of fragility, and we have only recently begun to show proper concern with the science which addresses the task—ecology. We are also just beginning, on a broad citizen scale, to understand and to believe that our planet is an exhaustible and irreplaceable resource.

The United States contains less than 6 percent of the earth's population, yet it is well documented that Americans contribute more per capita to irreparable ecological damage to our planet than do the people of any other nation. We have conquered frontier after frontier; each more expensive in terms of long term ecological cost than its predecessor. Our aggressive pioneer spirit *must* be redirected from its traditional focus: Nature.

The vehicles

The vehicles are too new to be a well-understood factor. Even if we discount the typically unquantified warnings of authorities who claim we should not waste frivolously the nonrenewable resources of man and earth necessary for the creation, use, and maintenance of these vehicles, knowledge gaps still exist. For example, research commitment to such attendant problems as pollution control, ecological damage, and user injury prevention have been on the same priority level as they were throughout the early days (roughly 70 years!) of the automobile. We have no "index" against which to measure these sins, or their successful (or unsuccessful) amelioration subsequent to remedial action (an exception is the sound level meter used to assess noise).

We do not know the exact numbers of each type of MRV now in use, but production projection graphs show nearly vertical annual output estimates to 1980. We do know that recreation vehicles are increasing at a faster rate than cars did during their first decade even when population variances are considered. We also know that there are now over one million snowmobiles in use, valued at over one billion dollars!

Positive and negative aspects of MRVs were liberally sprinkled through the letters and literature received. One outstanding recreation value of the vehicles was proclaimed: they are FUN. Utilitarian values reported included their convenience to land managers, utility company personnel, physicians, researchers, ranchers, and rescuers.

Negative charges were leveled at both the users and the vehicles. The vehicles themselves were accused of tearing up trails and turf, creating fire hazards, frightening birds and animals, destroying wildlife habitat and plant life, causing the erosion of lands and the siltation of streams and lakes, creating air, water, and noise pollution, and ruining the dignity, beauty, and serenity of wilderness areas.

Man

Man is by far the most crucial factor in the MRV issue, for he is responsible and can be held accountable for actions affecting the vehicles and the land. Man is manufacturer and user of the vehicles; he is manager and steward of the land.

Man, the manufacturer, has been given one supreme challenge in the economic picture of the United States: to make money (indeed, until quite recently, this has been a noble goal for all Americans). His social conscience was long separated from his product. Although signs point to some concern by industry in the social and environmental problems besetting us all, this concern frequently requires careful nurturing (tax incentives, good publicity, etc.). The Ford Motor Company is already planning an orderly transition from Ford's traditional and current products to ones which will better serve man's post-auto society. "Now that public expectations are exploding in all directions, we can no longer regard profit and service to society as separate and competing goals, even in the short run," says Ford. "Business should look upon the rising public standards as opportunities for profit." Coincidently, MRV sales emphasis on "family fun," safety, and regulation encouragement is significant, although their admittedly pecuniary motives may distress conservation purists.

Man, the vehicle user, has received few good report cards; as with any group, the "bad guys" attract the publicity. MRV users have been accused of littering, poaching (alligators, waterfowl, frogs, deer, moose, wolves, eagles, and polar bears were among the reported victims), endangering highway motorists and pedestrians, harassing stock and wildlife, and ignoring safety regulations. The "good press" of vehicle users is less abundant, and one must turn to sports organization newsletters and other publications for copious documentation of virtues. Organized users, for obvious reasons, are the first line of defense for manufacturers. They serve as voluntary buffers between and among the abravise groups which seem to gravitate toward conflict wherever MRVs proliferate. Their sword is service in behalf of the goodwill required to keep them in the driver's seat. They organize safety programs, raise money for charities, organize clean-up campaigns, work on trails, and perform similar service functions.

Man, the recreator, clearly requires more of the land both quantitatively and qualitatively when he is aboard an MRV than when he is on foot or otherwise using his own power. The use of horses and burros is harder on the land than man on foot, as documented by stock grazing restrictions in our wilderness areas. One can envision a recreation area where annual carrying capacity might be:

1,000,000 man days on foot.
250,000 man days with stock.

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[1] The role of the contemporary administrator is that of managing man's relationship with and impact on the land. The pioneer approach of controlling, dominating, and defeating the land is not tenable in 1970.

100,000 man days with MRV.

With the population increasing geometrically, and with a national commitment to serving more Americans on modestly arithmetically increasing public recreation land, man on foot or under his own power becomes progressively more desirable. This is simply because user saturation levels are higher.

Another important dimension of carrying capacity is that of user and use diversity. MRVs tend to restrict large public areas to single use; areas which could be expected to service larger numbers of people, a wider age range of people, and a broader socioeconomic range of people. Further, these areas could be expected to provide opportunity for a fuller spectrum of recreation activities. Public land managers cannot ignore the social implications of these factors.

Man, the steward of the land, has always had a very difficult task, whether protecting royalty's forests from poachers, or the local, state, or national park from freeways. Perhaps nowhere is the conflict inherent in the task better exemplified than in the charges assigned the United States Secretary of the Interior—developer and steward! At the local level, the conflict is as old as "keep off the grass" signs. Man, the enabler of recreation on public lands, has had a complex assignment too. Generally, it has been to provide safe and legal recreation programs, services and opportunities for all citizens. It is submitted that the permitting of MRVs on public recreation land, particularly at the local level, is not compatible with the intent of this trust, especially when viewed as an extension of the land stewardship function.

Where we are

Many commonalities emerged from the information sent from across the country, and they eventually formed a pattern. The message: by permitting interim use of land (marginal, extra, or otherwise), managers are actually creating a market in which investors, manufacturers, and users will flourish, creating a land demand which probably cannot be met now, and which will be even more difficult to satisfy as pressure mounts for other land uses in the future. To explicate the pattern, The Dismal Cycle has been outlined.

THE DISMAL CYCLE

1. MRV sales produce a small, identifiable group of owners of a particular vehicle displaying one common problem: no land of their own.

2. They began to use public or private land, with or without permission.

3. The group grows, damage occurs, and initial conflict develops.

4. Either (A) Users are prohibited completely and no alternative site is offered (return to #2), or (B) some informal agreement is reached, usually with public land managers.

5. The existence of approved site is publicized by the users (to friends) and by vehicle dealers (to potential customers): more sales, more users.

6. "Bad apples" emerge to jeopardize the initial agreement; conservationists, neighbors, other user types form a coalition which forces a "shot-gun wedding" between recreation vehicle users and the manager. More sales, more users, and more outsiders begin to come.

7. "Self-organization and policing" as well as explicit management controls are initiated. Subtle co-optation of public agency has occurred, and the manager feels compelled to make the "marriage" work.

8. Publicity about favorable features is distributed; *Equilibrium* is attained; more sales, more users.

9. Too many "bad apples," too much damage, too few "police," and the *Saturation Point* is reached. The anticoalition reactivates. A "final straw" event occurs.

10. The manager declares total elimination of MRVs from the area. If alternate site is offered, go to #4B; if not, go to #2 and repeat cycle.

Camelot-like claims will no doubt besiege the editor, but the writer maintains that these claims only relate to situations where the cycle is at the *Equilibrium* state—#8.

Earlier, the claim was made that the premise that MRVs are here to stay would be challenged. The materials received from across the country give evidence that they have come and gone in many areas already. It would be foolish to suggest, however, that the demise of all MRVs is imminent, or even that it will occur within the decade. In many areas they are still increasing exponentially! Ultimately, however, they will go, for they will become increasingly philosophically untenable and physically nonsupportable. The secondary cause of their extinction will be related very much to that of endangered wild species—not enough land, and too many people. The primary cause of their end will be bitter irony to MRV buffs—success caused by too many vehicles.

As with threatened wildlife species, there will probably be a few types of recreation vehicles which will survive all onslaughts, much as the wild burro and the starling. Perhaps they have not yet been invented, but man's ingenuity is at work. Watch for the second and third generation MRVs which will include "amphicats" (capable of swamp, lake, and beach travel), and "hovercraft" (45 mph on water, 60 mph on land, 75 mph on ice). Of the current crop, a likely candidate for longevity seems to be the snowmobile (typical speeds of 30 to 50 mph, with at least one claim of 170 mph on a straight run).

Park and recreation manager strategy

Park and recreation professionals have been far too ambivalent about their environmental commitment. Many have been coopted by the very threats they were hired to regulate, becoming promoters as well as protectors of the presumed regulated group. Nearly all MRV-related "ecocatastrophies" result from successive nondecisions and nonactions. Being a nonmanager is no longer tolerable. Managers can no longer *not* look forward and *not* make decisions and *not* take stands. Isolated ad hoc holding actions and maneuvers against specific vehicular threats to the environment are not working. Particularly impotent are defenses where there has been inadequate consideration of potential alternate land uses. Managers must exercise appropriate interventions regarding potential disfunctions over which they have responsibility at the strategically expedient moment.

The choice is: will public land managers satisfy the demands of MRV users now, or will they severely limit present opportunity so that the land will not be monopolized and degraded, but will be available for broader use both today and for generations?

Ten manager strategies

The following strategies are offered as tentative; they are suggestive of some of the tactics which might be used by managers tired of reacting to new MRV challenges.

1. Support efforts to identify alternative, less destructive recreation forms. Surely if this country can reach the moon, other ways of having FUN can be found. The human race got along without MRV's for over a million years!

2. Support efforts to identify less objectionable MRVs and encourage their use over that of more destructive and dangerous types.

3. Become informed—be sure your agency has the informational capability to make intelligent decisions about the long-range social and environmental consequences of its actions. Look back to see if the ecological effects anticipated from past actions were accurate. If not, are you *still* using the same information source?

4. Inform the public and encourage them to inform themselves. If you have information and are basing decisions upon it which affect the lives of your constituents and their children, give them all the information they will absorb. You can't expect people to accept "no" for an answer without good reasons.

5. Don't confuse feasibility and advisability. If you're planning actions which will affect ecosystems and social systems, list the good reasons why NOT as well as the positive rationale.

6. Discourage proliferation of MRV sales by prohibiting use rather than entering into short-term compromise agreements which mislead buyers into a false sense of land supply security. Avoid the marginal or interim land-use trap. This is a very relative condition, and implies an obligation for further land provision when the interim or marginal condition has passed. (The proposed Everglades jetport site was less than marginal just a few months ago!)

7. Encourage private enterprise to meet the need for land. Private campground growth is helping to fill the gap near crowded national parks, and such supplemental effort will be needed even more in the future. Develop incentives to influence positive involvement from the private sector.

8. Pressure MRV manufacturers and dealers to increase vehicular safety and diminish those undesirable damaging capabilities through design modification.

9. Encourage special taxes and licenses for MRV manufacturers, dealers, users, and vehicles to pay for costs of added legislation, police patrols, damage, insurance, and ultimate product disposal.

10. If ensnared in The Dismal Cycle, try to reach *Equilibrium* quickly and maintain this condition as long as possible.

It may be argued that these strategies are Utopian, but as President Nixon said, "We have had too many visions and too little vision." And, as Pogo eloquently observed, "We have met the enemy, and he is us."

This article, and the selected comments which follow, offer insight into the current status of motorized recreation vehicles and bring into sharp focus the responsibility of the park and recreation administrator. When viewed collectively, they substantiate the thesis of this article: motorized recreation vehicles are operating "on borrowed time."

Selected comments

The following observations and information were abstracted from materials received from individuals representing conservation groups, MRV associations, and federal, state, and local park and recreation agencies.

1969 Congress for Recreation & Parks, Chicago, Illinois: With more than one million snowmobiles in operation by the end of this winter, it is imperative that public park and recreation lands be adapted to the controlled use of snowmobiles, the National Recreation and Parks Congress was told by a top executive of the world's pioneer and largest manufacturer of the winter fun machines. "All of you in the recreational field must take a serious look at whether you are fully serving members of your community if your program does not include snowmobiling."

Canadian Parks & Recreation Association: Will snowmobile regulations be enacted before ruination of the sport? Some users are carrying chain saws to cut down any fencing that gets in their way. The answer may be to urge snowmobilers to organize themselves into many more closely knit, self-policing clubs, much like ski patrols.

Michigan State University: The Recreation Research and Planning Unit has started a pilot study of snowmobile use. Questionnaires concerning socioeconomic characteristics, use patterns, attitudes, preferences, and related activities are being mailed to a sample of users.

Conservation groups

National Audubon Society: Perhaps most important of all, on public lands, laws and regulations must establish zones of use and access which will assure that off-road vehicles do not interfere with the enjoyment by nonmotorized users of a substantial part of our wild areas, do not destroy wilderness, and do not jeopardize the existence of other fragile ecosystems.

Potomac-Appalachian Trail Club, Virginia: Construction of the "Big Blue trail to the west of the Appalachian Trail is underway. Some fallen logs are being removed from the trail, and others are being left as barriers to trail bikes."

Save the Dunes Council: Dune buggy use along the beach foredunes, and inland are becoming an increasing hazard and threat to the dunes region. The vehicles "tear up the beach grasses, wild flowers, and other vegetation, creating blowouts and erosion. They level dunes, disturbing the natural contours of the region. They are noisy, destructive, and dangerous." The Council is recommending that all beach communities pass ordinances prohibiting their use.

National Parks Association: Motorized vehicles are "a substantial threat to virtually all national parks, as they damage the ecology of the area they travel through or over." NPA supports the premise that parks are for people, not vehicles, and recommends that park traffic be restricted to official, emergency, and service vehicles which would bring visitors into and through the parks. Tourist accommodations should be provided outside the parks by the private sector.

National Wildlife Federation: NWF recommends "that federal, state, and local land-managing agencies adopt and strictly enforce regulations which zone governmental areas in manners so that uses of multiterrain vehicles will be restricted to suitable locations or trails which will result in the least possible impact on the environment or impairment to other legitimate uses of public properties."

The Conservation Foundation: The Foundation has prepared a publication, "Off-Road Vehicles and Environmental Quality." The document offers vehicle profiles, recreation, trail, and noise effects, effects on fish and wildlife, and discussions of trespass, vandalism, and thefts, safety, law enforcement, policy recommendations, and model state laws.

The Salt Water Sportsman: "We are witnessing the passing of the beach buggy in many areas due to stringent laws imposed primarily by local seashore communities. Self-policing had a beneficial effect for many years, but there are now too many vehicles, and too many other people on the beaches." The Massachusetts Beach Buggy Association was the first in the United States, and at one time its membership was over 2,000. This has declined as beach buggy operations have been restricted.

MRV associations

International Snowmobile Association: "Our member clubs perform valuable services and cooperate with all government agencies and industry for the benefit of the user in safe and sane snowmobiling."

National All Terrain Vehicle Association: "ATVs have come a long way since John Gower's 'jiger' was introduced back in the early '60s. Production in 1969 was a mere 15,000, but the estimated output for 1975 is 225,000! The world is the market—we are not hindered by seasonal restrictions."

International Snowmobile Congress, Duluth, Minnesota: Delegates attending the January 1970 Congress were urged to help states regulate the design and use of the vehicles before their numbers and indiscriminate operation became a public nuisance.

International Snowmobile Industry Association, Minneapolis, Minnesota: Report of the Committee on Environmental Quality. Major Recommendation One: "The land managing agencies should take the lead in designing, developing, and maintaining areas and trails where snowmobilers can enjoy quality recreation experiences in harmony with other special interest groups."

Federal Government

Bureau of Indian Affairs: America's Indians are determined to protect their environment. Some tribes have closed parts of their land to one or more specific vehicles; whereas others have closed areas to all motorized vehicles.

Tennessee Valley Authority: At TVA's Land Between the Lakes area, use of mini-bikes by large groups of unlicensed minors has prompted regulations banning their use. Regular motorbikes, motorcycles, and 4-wheel drive vehicles are restricted to developed roads. Future intent is to accommodate MRVs where practical.

National Park Service: "Operating a vehicle outside of established public roads, parking areas, or routes designated by the Superintendent is prohibited."

Forest Service: The anticipated increase in all-terrain vehicles could cause saturation and the beginning of extensive restrictions of the use of such vehicles on public lands. The Wilderness Act already bans all MRVs from these areas.

Bureau of Land Management: In addition to a 16-million-acre garbage dump already in the Southern California desert, BLM is worried that motorcycles, dune buggies, 4-wheel drive vehicles, and other off-road vehicles traversing the desert may wipe out plant life, archaeological sites, and centuries-old Indian trails. A 15-member BLM off-road vehicle advisory council wants to mandate strict laws and regulations to protect these public lands. It is asking for a desert ranger force to patrol a beat from the Sierra Nevadas and Death Valley to Mexico, and from the Colorado River to the Pacific.

Cities, counties, and States

Bryan, Ohio: The Parks and Recreation Board passed a resolution to prohibit the use of recreational vehicles on parkland, but enforcement is difficult. "The vehicles have their place, but not in multiple-use local public parks."

Hermosa Beach, California: "The best idea is to have a very close study of the situation today and how it will shape up in the future. Then we can decide on some sane rules and regulations to be applied to all vehicles before greater destruction is realized."

Kansas City, Missouri: "Hundreds of cyclists weekly thrill to the jumps and banked curves in a marginal area between the Missouri River and river levee. We should set aside and develop such lands for motorcycle use to keep cyclists off other parklands and make issuing citations justifiable."

Midland, Michigan: A campaign is under way for larger license plates on recreation vehicles, especially motorcycles.

Anchorage, Alaska: "The problem is becoming acute—there are probably as many or more snowmobiles per capita and per square mile as in any other location in the country." The city manager has a committee working on the problem.

Ardmore, Pennsylvania: Motorized vehicles have been prohibited except at locations specifically designated for such purposes.

Concord, New Hampshire: Snowmobiles and the noise they make are the concern of a special committee working on new statewide regulations. Private development of facilities should be encouraged to reduce pressures on public lands which have more value for other use, according to the Governor's office.

Winston-Salem, North Carolina: The city is building a 91.5-acre "hobby park" to accommodate recreation "nuisances" including archery, rifle and pistol ranges, model plane, rocket, sky diving, go-cart, and motorcycle areas.

Appleton, Maine: The town was invaded by snowmobiles, causing extensive damage to blueberry bushes and forest seedlings. An improvement committee made 50 miles of trails, provided maps, and a warming hut, and proclaimed, "Don't fight 'em, join 'em!"

Southern California: Some cities are investigating the possibility of sponsoring cycle parks. A "mechanical park" is being considered by the Orange County Parks Department, and a study has been completed for a 24-acre cycle park along the Santa Ana River in Anaheim, possibly to be leased to a concessionnaire. Costa Mesa has a motorcycle and mini-bike club for boys 16 and under, "designed to keep the kids off the streets, playground, and parks with their bikes."

North Dakota State Outdoor Recreation Agency: "The step by government to tighten up rules has been a direct result of foolhardy snowmobiles who cannot tell what time of night it is, or the difference between public and private property, or have any common sense for the safety of passengers, pedestrians, and the like. A cut fence, trampled crops, dead livestock, and assorted abuses have ruined the hunter-farmer relationship. Snowmobiling is approaching this unreconcilable plateau."

New York State: Steps are necessary to cut down the growing number of snowmobile-auto accidents, and to provide identification for the estimated 100,000 snowmobiles now in use. Mufflers to cut noise to 73 decibels by June 1974 is in pending legislation.

REFERENCES

The nature of the article precludes any attempt at providing a complete bibliography. However, four recent publications are commended to the attention of readers who desire to pursue some of the basic themes.

Baldwin, Malcolm F. *Off-Road Vehicles and the Environment*. In preparation. The Conservation Foundation, 1250 Connecticut Avenue, N. W., Washington, D. C. 20036.

Ehrlich, Paul R., and Ehrlich, Anne H. *population Resources Environment; Issues in Human Ecology*. San Francisco: W. H. Freeman and Co., 1970.

Potter, Frank M., Jr., "Pollution and the Public," *The Center Magazine,* A Publication of the Center for the Study of Democratic Institutions. Vol. 3, No. 3 May, 1970, pp. 18–23.

"Society and Its Physical Environment," a special issue of *The Annals of the American Academy of Political and Social Science,* Vol. 389, May 1970.

THE CONSTITUTION SECURES POWER TO THE PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. RARICK. Mr. Speaker, "power to the people" is a slogan used not only by radical socialists in their plans to communize America but also by President Nixon in his New American Revolution.

In his state of the Union address on January 22, 1971, the President stated:

> So let us put the money where the needs are. And let us put the power to spend it where the people are.
>
> The further away government is from people, the stronger government becomes and the weaker people become. And a na-

> tion with a strong government and a weak people is an empty shell.
>
> I reject the idea that government in Washington, D.C. is inevitably more wise, more honest, and more efficient than government at the local or State level. . .
>
> The idea that a bureaucratic elite in Washington knows best what is best for people everywhere and that you cannot trust local government is really a contention that you cannot trust people to govern themselves. This notion is completely foreign to the American experience. Local government is the government closest to the people and it is most responsive to the individual person; it is people's government in a far more intimate way than the government in Washington can ever be.
>
> People came to America because they wanted to determine their own future rather than to live in a country where others determined their future for them.
>
> What this change means is that once again in America we are placing our trust in people.
>
> I have faith in people. I trust the judgment of people. Let us give the people of America a chance, a bigger voice in deciding for themselves those questions that so greatly affect their lives.

Whereas the rhetoric of the President is desirable and encouraging, the words unfortunately are made suspect by actions. By consistently asking for more and more tax funds for more and more Federal programs which add to the Federal payroll an increasing number of bureaucrats who increasingly control more and more facets of the daily lives of citizens; by grouping the States into regions with unelected Federal overseers, thereby removing power farther from the people; and by promoting such programs as the Atlantic Union which if effected would remove power still more distant from the people, the Chief Executive is, in effect, fostering power over the people rather than "power to the people."

"Power to the people" is a traditionally American concept which is what the Constitution of the United States is all about. When the necessary number of the Original Thirteen Colonies ratified the U.S. Constitution, they established a government in which political power was decentralized. By the constitutional contract they surrendered to the Federal Government only specified powers. Powers not delegated to the Federal Government were reserved to the States and to the people. And rather than to permit such a logical conclusion, the 10th amendment so specified the intent.

Under this concept of government, power was concentrated at the bottom—at the lowest denominator of government—the level closest to the people and most responsive to the desires and wishes of the individual person.

Locally controlled governments and systems of education, a basically religious people who in large measure recognized the Holy Bible as a guide to conduct, and a free enterprise economic system with a minimum of government interference produced the most prosperous and powerful Nation on earth. America abounded in Peace, opportunity, and true progress so long as America adhered to the Holy Bible and the Constitution.

The second decade of the present century saw the beginning of a trend in the direction of removing power from the hands of people at the State and local level and concentrating more and more power over the lives of people in the hands of unelected bureaucrats at the regional and Federal levels, in fact, even the surrendering of national powers and prerogatives to international bodies.

This trend was given impetus in 1913, with the enactment of the Federal Reserve Act, which took away people's control over their money; the 16th amendment to the Constitution calling for the graduated Federal income tax—a plank of the Marxist platform—and in 1919, with the establishment of the Council on Foreign Relations which has been instrumental in promoting world government.

The ratification of the U.N. Charter, a plan for world government, by the U.S. Senate in 1945, transferred "people power" still farther away from the people at the local level. The present emphasis being given to regional government and to an Atlantic Union, both of which have the President's approval, further erodes the Constitution and are obstacles to circumvent "people power."

Thanks to the seeds of knowledge planted during the past 2 or 3 decades by various constitutional groups and individuals, more and more Americans are becoming informed as to who the anti-Americans are and what they are doing to emasculate our Constitution and to destroy our country by trapping us into regional and world government. Action at the local and State levels by informed groups and individuals to salvage and restore the Constitution and, as a consequence, "people power" is a most encouraging sign.

One such organization is the Committee to Restore the Constitution, Inc. which recently presented its case to a Special Joint Committee, Wisconsin State Legislature.

I insert to follow my remarks the testimony entitled "The Most Secret Science" before a special joint committee of the Wisconsin State Legislature by Lt. Col. Archibald E. Roberts, A.U.S.—retired, director of the Committee to Restore the Constitution; resolution No. 1 of the Wisconsin Legislative and Research Committee, Inc; 1971 Assembly Joint Resolution 34 of Wisconsin Legislature; statement by the president on Restructuring of Government Service Systems; White House Press Conference of Daniel P. Monynihan, Philip S. Hughes and Ron Ziegler; an enlightening article on regional government by Mary M. Davison; a provocative article entitled "While We Slept, the States Were Being Abolished" by the eminent writer Don Bell; an article entitled "Roberts Wants People Power," and several informative articles by Jo Hindman, expert writer in the field of metro government.

The material follows:

The Most Secret Science

(Testimony by Archibald E. Roberts)

In consonance with the provisions of 1971 Assembly Joint Resolution No. 34, Wisconsin State Legislature, "Establisihng a special committee to study the constitutionality of the federal government's relations with the United Nations", I respectfully invite the members of this Special Legislative Committee to hear my testimony on proofs of a conspiracy to overthrow the Constitution of the United States and erect a socialist state governance over the American people.

Intelligence which I have previously submitted to every member of the Wisconsin State Legislature ("United Nations-Creature of the Invisible Government of Monetary Power", Congressional Record, December 14, 1971) provided evidence to indict an ambitious and morally degenerate group of financiers and industrialists who seek to erect an international, non-elected authority upon the ruins of the American civilization. This documented study explained how, via interlocking subversion, the Council on Foreign Relations (Harold Pratt House, 58 East 68th Street, New York City) captured principal agencies of the Federal Government and created the United Nations Organization as their private instrumentality for global conquest.

In documents subsequently submitted to Wisconsin Legislators, I illustrated the charge that so-called "Revenue Sharing" and "Regional Government" is the final technique for stripping away State sovereignty and eliminating elective office at State and national levels.

During the next few minutes I will show how this same group of international bankers and industrialists, by guile and deceit, gained control over the money and credit resources of the United States and thus captured the power centers of the American civilization.

First, however, I offer my credentials.

My ancestors, like yours, were mostly farmers, preachers, soldiers and laborers.

They arrived on the North American continent long before there was a United States of America and challenged the wilderness with a confidence borne of an abiding faith in God. My people fought in the Revolutionary War and have served this country in every succeeding conflict to the present day.

Our forebears, yours and mine, raised up mighty cities and establish a civilization of free men—the envy of all others. The blood and sweat of our clans fertilized the soil of America. Their achievements constitute our heritage; their culture a legacy for our children and our children's children.

Or so it seemed a few short years ago.

It is now evident that a subtle and perilous change has occurred in our America. Within the past two or three generations the civilization of our forefathers has come under sophisticated assault. The structures of freedom erected at such great cost in blood, sweat and treasure, are crumbling. Our God is blasphemed, our lineage reviled, and our Constitution dismantled.

Our destiny has turned to dust.

The descendants of the pioneers, the warriors, and the engineers of this unique order are now economic serfs in an industrialized society ruled by a self-anointed elite. We are manipulated by massive propaganda, betrayed in international military adventures and exploited by a rapacious, insatiable bureaucracy.

The founders of this nation, in the Declaration of Independence, established a course of action to which every responsible citizen must adhere when government becomes master instead of servant.

"Governments are instituted among Men, deriving their just powers from the consent of the governed . . . whenever any form of Government becomes destructive of (Life, Liberty, and the pursuit of Happiness) it is the right of the People to alter or abolish it . . ."

If we are to survive as a race and as a nation, the People must regain control over the centers of power in America.

Let us begin by reviewing the manner in which they were lost.

The most secret knowledge, a science which outdates history, is the science of control over people, governments and civilizations.

The foundation of this ultimate discipline is the control of wealth.

Through the control of wealth comes the control of public information and the necessities of life.

Through the control of news media comes thought control.

Through the control of basic necessities comes direct physical control of people.

The rule is to finance the education of members of the money aristocracy in the professions, business, political science, management, research, public speaking, writing and education. By placing trusted members, well trained and financed, in positions of influence in their communities, and in positions of leadership in nearly all organizations including the religious order and in opposing associations, it is possible to direct local, regional and national policy toward long-range objectives.

The fate reserved for less fortunate citizens, those not born of the money aristocracy, was succinctly stated by Mr. John D. Rockefeller, Sr. In a policy statement published by his General Education Board, forerunner to today's ill-famed Rockefeller Foundation, John Rockefeller heralded the plan to mold an American peasantry through control of educational process.

"In our dreams", said Rockefeller, "we have limitless resources and the people yield themselves with perfect docility to our molding hands. The present educational conventions fade from our minds", Rockefeller predicted, "and, unhampered by tradition, we work our own good will upon a grateful and responsive rural folk . . ." (Occasional Letter No 1, General Education Board, 1904).

A significant portion of the American public is yet to become aware of "The Invisible Government of Monetary Power" although this knowledge is common in Europe. Americans still believe that they are working toward a better way of life. Surreptitiously, however, social customs and forms of administration in the United States are being carefully and gradually modified. The change from one type of culture to another is thus accomplished without arousing serious public challenge.

The stark truth is that America is now passing from a constitutional republic into a totalitarian, world wide government. World dominion is the ages-old dream of the mattoids who have mastered the science of control over people.

Their success in the United States is directly related to two central issues:

One—transfer of money control from the people into the hands of an international banking combine, and

Two—creation of a complex and confusing judicial system designed to frustrate justice.

The remainder of this presentation will be concerned with the first principle—money, and those who control it.

In 1913 the money aristocracy effected a major advance toward their long-range goal of world dominion. They duped the United States Congress into adopting the Federal Reserve Act. This coup resulted in the transfer of the power to coin and regulate U.S. money from the Congress to their private banking combine, the Federal Reserve System.

Since passage of the Federal Reserve Act, the American destiny and the personal life of every citizen has been controlled by a financial elite whose sick-brained policies have spawned depression, war and revolution.

The existence of an "Invisible Government of Monetary Power" was dramatically confirmed in 1933 by the late Louis T. McFadden, Chairman, Banking and Currency Committee, United States Congress, who said:

"Every effort has been made by the Fed to conceal its powers but the truth is—the Fed has usurped the government. It controls everything here (in Congress) and it controls all our foreign relations. It makes and breaks governments at will."

Representative John R. Rarick, denouncing President Nixon's plan for deficit spending ("Deficit Financing," Congressional Record, February 1, 1971) also revealed the dominant position held by the Federal Reserve System over the American economy.

"He" (President Nixon), said Mr. Rarick, "has asked the independent Federal Reserve System to come up with enough new money to reach a projected increase in the GNP by $88 billion in order to achieve his 'objective of prosperity without inflation.'"

"The Federal Reserve", Congressman Rarick pointed out, "is not an agency of Government. It is a private banking monopoly."

"As I have said many times before," Rarick declared, "the policies of the monarch are always those of his creditors."

Gentlemen, the safety of the State and the peace and security of Wisconsin citizens now urgently require an investigation of the vast powers claimed by the Federal Reserve System.

The first consideration should be a public examination of the authority which the Federal Reserve System says established its legal status as a Government agency. Such authority is quoted in a statement submitted to Congressman Wright Patman, House Banking and Currency Committee, by the Board of Governors, Federal Reserve System and Federal Reserve Banks, dated April 14, 1952.

"The 12 Federal Reserve Banks," said the Federal Reserve Board, "are corporations set up by Federal law to operate for public purposes under Government supervision."

The Board further advised Mr. Patman that, "The Board of Governors was created by Congress and is a part of the Government of the United States. Its members," they said assuringly, "are appointed by the President, with the advice and consent of the Senate, and it (the Fed) has been held by the Attorney General to be a Government establishment (30 Op. Atty. Gen., 308, 1914)."

Retorting to these impressive claims to "legality" and "public service" Congressman Patman stated:

"There is no free market that can cope with a national debt of $272 billion (1952), with $85 billion of it to be refunded within one year. Free market," he said, "means private manipulation of (private) credit."

Private manipulation of PUBLIC credit is, of course, the purpose and objective of the Federal Reserve System. This international banking cartel, as will be shown, manages the credit of the United States for the profit and advantage of its foreign and domestic members. In so doing the Federal Reserve exploits the entire producing strata of the American society for the gain of a select, non-producing few.

"The Federal Reserve Board, to my mind," continued Mr. Patman, "is guilty of the grossest kind of misconduct in failing to support the Government of the United States at a time of its greatest economic peril in Government securities."

Congressman Patman then revealed the contradiction in the spurious Federal Reserve claim of "Government agency" status and explained how the Fed generates illegitimate profits for its members.

"The Open Market Committee of the Federal Reserve System," he said, "is composed of the 7 members of the Board of Governors and 5 members who are presidents of the Federal Reserve banks and who are selected by private commercial banking interests. The Open Market Committee has the power to obtain, and does obtain, the printed money of the United States—Federal Reserve Notes—(free) from the Bureau of Engraving and Printing, and exchanges these printed notes, which of course are not interest bearing, for United States Government obligations that are interest bearing. After making the exchange", Patman explained, "the interest bearing obligations are retained by the 12 Federal Reserve banks and the interest collected annually on these Government obligations goes into the funds of the 12 Federal Reserve banks."

Exploding the myth that the Federal Reserve System is an instrumentality of the Federal Government Mr. Patman declared:

"These funds (interest from Government obligations) are expended by the (Federal Reserve) system without an adequate accounting to the Congress. In fact there has never been an independent audit of either the 12 banks or the Federal Reserve Board that has been filed with the Congress where a Member (of Congress) would have an opportunity to inspect it. The General Accounting Office", he stated, "does not have jurisdiction over the Federal Reserve. For 40 years (1952) the system, while freely using the money (credit) of the Government, has not made a proper accounting."

Governor W. P. G. Harding of the Federal Reserve Board, in testimony before Congress in 1921, admitted that the Fed is a private banking monopoly.

"The Federal Reserve Bank is an institution owned by the stockholding member banks," he said. "The Government has not a dollar's worth of stock in it."

The Government does, however, give the Federal Reserve System free use of its billions of dollars of credit. This gives the Federal Reserve the characteristic of a central bank; the power to issue currency on the Government's credit.

Americans do not have Federal Government notes or gold certificates as currency. We have Federal Reserve Bank notes, fiat money issued by private banks. Every dollar the Federal Reserve System prints is a dollar in their pocket.

The compatible meshing of the Federal Reserve System with a network of international banking was explained by Mr. W. Randolph Burgess of the New York Federal Reserve Bank in an address before the Academy of Political Science in 1930.

"In its major principles of operation the Federal Reserve System is no different," he told Congress, "from other banks of issue, such as the Bank of England, the Bank of France, or the Reichsbank."

It is obvious that when control of money is transferred from the People to private banking centers, as is the case in Europe and America, the sovereignty of the People is surrendered, too. Control of wealth confers upon those who control its final decision in the domestic and international affairs of nations. When the financial aristocracy usurp the "coin of the realm", the People are disfranchised and real political authority passes into the hands of an "Invisible Government of Monetary Power".

Our founding fathers knew this principle very well.

"I believe that banking institutions are more dangerous to our liberties than standing armies", said Thomas Jefferson. "Already they have raised up a money aristocracy that has set the government at defiance. The issuing power (of money)", he said, "should be taken from the banks and restored to the people to whom it properly belongs."

Though but dimly perceived today the Declaration of Independence was actually a proclamation that the colonists would not serve a money aristocracy. The American Revolution was a struggle to wrest control of wealth from the Bank of England and to restore the centers of power to the People where it "properly belongs".

The Constitution is specific about the authority of the People, through their elected officials, to control the money, and thus, the affairs of their Government.

"The Congress shall have the power . . . To coin money (and) regulate the value thereof . . . " (Article 5, Section 8, United States Constitution).

Nowhere does the Constitution authorize or permit the transfer of this vast power to a money aristocracy.

Exposure of the hidden forces which have cheated the people of Wisconsin of their birthright must be of gravest concern to members of this State Legislature, each of which has sworn to "defend and preserve this Constitution". I propose that we begin the task of identifying the men behind the Federal Reserve conspiracy

A clew to the origin of the Federal Reserve Act was given by Colonel Ely Garrison, friend and financial adviser to President Theodore Roosevelt and President Woodrow Wilson. In his autobiographical book, "Roosevelt, Wilson and the Federal Reserve Act", Garrison wrote:

"Mr. Paul Warburg is the man who got the Federal Reserve Act together after the Aldrich Plan aroused such nation-wide resentment and opposition. The mastermind of both plans," declared Garrison, "was Alfred Rothschild of London."

In a preface written for a group of Warburg's essays calling for a central bank, Professor E. R. A. Seligman, of the international banking family, and head of the Department of Economics, Columbia University, said:

"The Federal Reserve Act is the work of Mr. Warburg more than any other man in the country."

Paul Moritz Warburg, whom President Wilson subsequently appointed first Chairman of the Federal Reserve Board of Governors, was an immigrant from Germany. His primary allegiance was to his family banking house of W. M. Warburg Company of Hamburg and Amsterdam.

During World War I the M. W. Warburg Company financed Germany's war against the Allied forces. Paul's brother, Max, headed the German Secret Service.

During the war years, Paul Warburg's firm of Kuhn, Loeb Company had five representatives in the United States Treasury Department in charge of Liberty Loans, thus financing America's war effort against the Kaiser.

It is unlikely that considerations of humanitarianism or patriotism inspired such interlocking, international financing of the agony of World War I.

Mr. Eustace Mullins in his book, "The Federal Reserve Conspiracy," noted that, "Woodrow Wilson and (Senator) Carter Glass are given full credit for the (Federal Reserve) act by contemporary historians, but of all the politicians concerned, Wilson had the least to do with the fight over the Act in Congress.

Mr. George Creel, veteran Washington correspondent, wrote in Harper's Weekly of June 25, 1915:

"As far as the Democratic Party was concerned, Woodrow Wilson was without influence, save for the patronage he possessed. It was (William Jennings) Bryan who whipped Congress into line on . . . the currency bill. Mr. Bryan later wrote, 'That is the one thing in my public career that I regret—my work to secure the enactment of the Federal Reserve Law.' "

Mullins summed up the effect of this fantastic law in the following words:

"The money and credit resources of the United States were now in the complete control of the banker's alliance between J. P. Morgan's First National Bank group, and Kuhn, Loeb's National City Bank, whose principal loyalties were to the international banking interests then quartered in London, and which moved to New York during the First World War."

Congressman Charles A. Lindbergh of Minnesota, father of the famous flyer, made a prophetic statement on the swindle which had been foisted on the American people. Speaking on the floor of the House on December 23, 1913, the day the Federal Reserve Act became law, Mr. Lindbergh said:

"This Act establishes the most gigantic trust on earth. When the President (Wilson) signs this bill the invisible government of the Monetary Power will be legalized . . . the worst legislative crime of the ages is perpetrated by this banking and currency bill."

The crimes alleged by Congressman Lindbergh were subsequently defined by the Honorable Louis T. McFadden.

In a statement of particulars, here offered in abridged form, Chairman McFadden, on May 23, 1933, brought impeachment charges against members of the Federal Reserve Board and the heads of the 12 member banks (Congressional Record, bound volume, pp. 4055–4058).

"Whereas I charge them jointly and severally with having brought about a repudiation of the national currency of the United States in order that the gold value of said currency might be given to private interests. . . .

"I charge them . . . with having arbitrarily and unlawfully taken over $80,000,000,000.00 (eighty billion dollars) from the United States Government in the year 1928 . . . .

"I charge them . . . with having arbitrarily and unlawfully raised and lowered the rates on money . . . increased and diminished the volume of currency in circulation for the benefit of private interests . . . .

"I charge them . . with having brought about the decline in prices on the New York Stock Exchange . . . .

"I charge them . . . with having conspired to concentrate United States Government securities . . . and thus . . . having conspired to transfer to foreigners and international money lenders title to and control of the financial resources of the United States . . . .

"I charge them . . . with having published false and misleading propaganda intended to deceive the American people and to cause the United States to lose its independence. . . .

"I charge them . . .", Congressman McFadden concluded, "with the crime of having treasonably conspired and acted against the peace and security of the United States, and with having treasonably conspired to destroy the constitutional government of the United States."

Congressman McFadden's shocking indictment of the members of the Federal Reserve System, and those who maneuvered its adoption by the Congress, was moved to the Committee on the Judiciary. It still awaits reporting to the House floor and action to impeach both former and present members of the Board of Governors and Federal Reserve Banks for criminal conspiracy against the People of the United States.

The final decision as to whether or not an "Invisible Government of Monetary Power" will continue to control the American destiny and the lives and fortunes of her People must ultimately be made by the citizens of this nation.

To begin the task of exposing and neutralizing the men and the system which seeks to overthrow constitutional government and impose a world governance over our domestic and foreign affairs, I am empowered to present to the lawmakers of the State of Wisconsin the following resolution adopted by the Wisconsin Legislative and Research Committee, and subscribed to by constituents who support the Wisconsin campaign to restore the Constitution:

A resolution declaring that the people of this State should debate the question of whether or not any agency or instrumentality of government which derives its powers from the consent of the governed can voluntarily, by treaty or otherwise, alienate the political sovereignty of a free people.

The resolution calls for an investigation by the Wisconsin State Legislature of the actions of Federal agents who have purported to negotiate with foreign governments and with private interests to transfer vast powers of government, and to surrender rights and liberties assured to the People under the Constitution of the United States, to foreigners and to international money lenders in violation of the prohibitions of the Constitution.

The resolution further requests that the Wisconsin State Legislature promulgate and enact appropriate statutes which will provide for the enforcement of the Constitution of the United States within the boundaries of the State of Wisconsin, to include criminal sanctions for violators, with regard to the United Nations Charter, the Federal Reserve Act, and other ultra vires acts by agents of the Federal Government who have, by these ultra vires acts, attempted to amend the Constitution of the United States in a manner not sanctioned by Article V.

We respectfully demand, if it be God's will, that the elected representatives of the People of Wisconsin act at once to restore America's legacy of Freedom to the descendants of the pioneers, the warriors, and the engineers who gave their blood, sweat and treasure to establish and defend it.

Thank you for your courtesy and attention.

RESOLUTION NO. 1. WISCONSIN LEGISLATIVE AND RESEARCH COMMITTEE, INC.

(A resolution declaring that the people of this State should debate the question of whether or not any agency or instrumentality of government which derives its powers from the consent of the governed can voluntarily, by treaty or otherwise, alienate the political sovereignty of a free people.)

Whereas, Federal Agencies, by treaty and other acts, allege the transfer of vast powers of government from the Congress of the United States to international agencies in violation of the prohibitions of the Constitution and without the knowledge or consent of the State or the People, and

Whereas, a compliant Congress permits the commitment of America's soldier sons to international military adventures "with neither promise nor hope of Victory"; and

Whereas, the actions of Federal agents exhibit a contempt for the limited delegated powers enumerated in the United States Constitution, which is very explicit about the authority for making war and keeping peace; and

Whereas, American citizens, acting through their State Legislature, are morally and legally obligated to do whatever may be necessary to insure that all provisions of the Constitution of the United States shall be respected and enforced, be it therefore

Resolved that the Wisconsin Legislative and Research Committee does hereby call for an investigation of the actions of Federal agents with regard to United Nations agreements and other ultra vires acts and demands enforcement of the Constitution of the United States in relation thereto.

To implement these objectives, the Wisconsin Legislative and Research Committee submits to the Legislators of the sovereign State of Wisconsin, in accord with the oath to which these officeholders subscribed upon accepting position of public trust ("to support this Constitution") and in consonance with the obligations of the parties to the Constitutional compact ("to insure that all provisions of the Constitution are respected and enforced within the boundaries of the State"), the following proposals and demands:

1. That the Wisconsin State Legislature investigate the actions of certain Federal agents who have purported to negotiate with foreign governments to coerce the State into agreements which would surrender to for-

eign governments the rights and liberties assured to the People under the Constitution of the United States, and

Which would surrender the powers of government which this Constitution guarantees to preserve to our People, and

Which would transfer citizens of the State of Wisconsin now serving in the United States military establishment to a United Nations army in the name of "international peace and security."

2. That the Wisconsin State Legislature promulgate and enact appropriate statutes which will provide for enforcement of the Constitution of the United States with regard to the United Nations Charter and other ultra vires acts within the boundaries of the State of Wisconsin.

3. That such deliberations, decisions and statutory enactments by the Wisconsin State Legislature shall be disseminated in compliance with Section 1, Article IV, and shall respect the provisions of Section 2 and Section 4, Article IV, of the United States Constitution.

Adopted this 25th day of July, 1970, by the Wisconsin Legislative and Research Committee, Inc., Post Office Box 45, Brookfield, Wisconsin 53005.

1971 Assembly Joint Resolution 34 of the State of Wisconsin

Establishing a special joint committee to study the constitutionality of the federal government's relations with the United Nations.

ANALYSIS BY THE LEGISLATIVE REFERENCE BUREAU

This joint resolution establishes a special joint committee, comprised of 4 senators and 4 representatives to the assembly, to study the constitutionality of the actions of federal agencies with regard to the United Nations, the effect of these actions on the state and possible measures which could be taken by this state to punish unconstitutional actions. The committee shall report its findings to the legislature within 6 months after adoption of the resolution.

Whereas, the state of Wisconsin, at the time of its admission into the Union of the States as attested by its ratification of the agreement known as the Constitution of the United States, assumed all obligations to the people of Wisconsin, and to the people of the several states that were parties to the same agreement, to insure that all provisions of the Constitution of the United States shall be respected and enforced within the boundaries and under the jurisdiction of the state of Wisconsin; and

Whereas, 3 federal agencies of government were created by Article I, Article II and Article III of that compact; and

Whereas, it appears, under what has been asserted to be a legal use of these limited and enumerated delegated powers, that the federal executive and legislative branches have negotiated with foreign governments and entered into agreements which may constitute a surrender to foreign governments of certain rights and liberties assured to the people under the Constitution of the United States, and which may surrender certain powers of government which this Constitution guarantees to preserve to our people; and

Whereas, as a result of some of these agreements, Wisconsin men have been drafted into the armed forces and sent to foreign countries to fight and die in a series of undeclared "No-Win" wars; and

Whereas, engaging in war without a Declaration of War by Congress constitutes a violation of Article 1, Section 8, of the U.S. Constitution; now, therefore, be it

Resolved by the assembly, the senate concurring, That the legislature hereby establishes a special joint committee consisting of 4 senators and 4 representatives to the assembly, appointed as are members of standing committees, to investigate the question of whether the agreement which is represented to be entered into by federal agencies, acting as representatives of these United States with regard to the so-called United Nations Organization and treaties made under this organization, be within the power and authority granted to said agencies under the Constitution of the United States; and, be it further

Resolved, that the committee be further authorized and directed to investigate the question of whether these agreements affect the state of Wisconsin, or relate to the relinquishment of any of the laws or rights affecting the state of Wisconsin or its people, and whether there is any change proposed to be made which would deprive the state of Wisconsin or its people of rights and privileges or would involve any change in any of the provisions of the agreement known as the Constitution of the United States without the consent of the government of the people of this state or of the several states; and, be it further

Resolved, That the committee inquire into what measures may be taken by this state to enforce the Constitution of the United States and to punish any infractions thereof that may appear to be sanctioned by any unlawful use of purported authority by an agency not sanctioned by the Constitution of the United States; and, be it further

Resolved, That the committee report its findings to the legislature not later than 6 months following adoption of this resolution.

Statement by the President on Restructuring of Government Service Systems

The Reorganization Act which the Congress has passed and which I am signing today gives the President important tools in his effort to make the machinery of government work more effectively. As a part of that same effort, I am announcing today certain structural changes which I am making in the systems through which the government provides important social and economic services.

It was possible for me to take these particular actions without the authority extended under the Reorganization Act. I announce them at this time, however, because they provide specific illustrations of ways in which we can make significant improvement in the quality of government by making it operate more efficiently.

This restructuring expresses my concern that we make much greater progress in our struggle against social problems. The best way to facilitate such progress, I believe, is not by adding massively to the burdens which government already bears but rather by finding better ways to perform the work of the government.

That work is not finished when a law is passed, nor is it accomplished when an agency in Washington is assigned to administer new legislation. These are only preliminary steps; in the end the real work is done by the men who implement the law in the field.

The performance of the men in the field, however, is directly linked to the administrative structures and procedures within which they work. It is here that the government's effectiveness too often is undermined. The organization of federal services has often grown up piece-meal—creating gaps in some areas, duplications in others, and general inefficiencies across the country. Each agency for example, has its own set of regional offices and regional boundaries; if a director of one operation is to meet with his counterpart in another branch of the government, he often must make an airplane trip to see him. Or consider two federal officials who work together on poverty problems in the same neighborhood, but who work for different Departments and, therefore, find themselves in two different administrative regions, reporting to headquarters in two widely separated cities.

Coordination cannot flourish under conditions such as that. Yet without real coordination, intelligent and efficient government is impossible; money and time are wasted and important goals are compromised.

This is why I said in the campaign last fall that "the need is not to dismantle government but to modernize it." The systematic reforms I announce today are designed to help in that modernization process. I would discuss those reforms under three headings: rationalization, coordination and decentralization. It should be recognized, of course, that the three elements are interdependent. Without one the others would be meaningless.

I. The first concern is to rationalize the way our service delivery systems are organized. I have therefore issued a directive which streamlines the field operations of five agencies by establishing—for the first time—common regional boundaries and regional office locations. This instruction affects the Department of Labor, the Department of Health, Education and Welfare, the Department of Housing and Urban Development, the Office of Economic Opportunity, and the Small Business Administration. The activities of these agencies—particularly in serving disadvantaged areas of our society—are closely related. Uniform boundaries and regional office locations will help assure that they are also closely coordinated.

The eight new regions and the locations of the new regional centers are as follows:

Region I (*Boston*)—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Region II (*New York City*)—New York, New Jersey, Puerto Rico, and the Virgin Islands.

Region III (*Philadelphia*)—Delaware, District of Columbia, Kentucky, Maryland, North Carolina, Pennsylvania, Virginia, and West Virginia.

Region IV (*Atlanta*)—Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee.

Region V (*Chicago*)—Illinois, Indiana, Minnesota, Michigan, Ohio, and Wisconsin.

Region VI (*Dallas-Fort Worth*)—Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Region VII (*Denver*)—Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

Region VIII (*San Francisco*)—Alaska, Arizona, California, Guam, Hawaii, Nevada, Oregon, and Washington.

I am asking all other federal agencies to take note of these instructions, and I am requesting that any changes in their field organization structures be made consistent with our ultimate goal: uniform boundaries and field office locations for all social or economic programs requiring interagency or intergovernmental coordination.

My directive also asks that the five Departments and agencies involved provide high-level representation in cities where regional offices do not exist. Such physical relocations as are required will be made over the next eighteen months, with special efforts to minimize disruptions to the programs, the employees, and the communities involved.

II. The second step in this reform process emphasizes coordination. It calls for an expansion of the regional council concept from the four cities where it presently operates (Chicago, New York, Atlanta, and San Francisco) to all eight of the new regional centers. The regional council is a coordinating body on which each of the involved agencies is represented. It offers an excellent means through which the various arms of the federal government can work closely together in defining problems, devising strategies to meet them, eliminating friction and duplications, and evaluating results. Such councils can make it possible for the Federal government to speak consistently and with a single voice in its dealings with states and localities, with private organizations, and with the public.

III. The third phase of this systematic restructuring of domestic programs focuses on decentralization. I am asking the Director of the Bureau of the Budget to join with the heads of nine departments and agencies in a review of existing relationships between centralized authorities and their field operations. Participating in the review will be the Departments of Agriculture; Commerce; Health, Education, and Welfare; Housing and Urban Development; Labor; Transportation; Justice; the Office of Economic Opportunity; and the Small Business Administration.

This review is designed to produce specific recommendations as to how each agency: (1) can eliminate unnecessary steps in the delegation process; (2) can develop organizational forms and administrative practices which will mesh more closely with those of all other Departments; and (3) can give more day-by-day authority to those who are at lower levels in the administrative hierarchy. Decentralized decision-making will make for better and quicker decisions—it will also increase cooperation and coordination between the Federal government on the one hand and the states and localities on the other. Those Federal employees who deal every day with state and local officials will be given greater decision-making responsibility.

Again, this action is a concrete manifestation of a concern I expressed during the campaign: "Business learned long ago that decentralization was a means to better performance. It's time government learned the same lesson."

Some of the reforms which I am announcing today have been urged for many years—but again and again they have been thwarted. This inertia must be overcome. Old procedures that are inefficient, however comfortable and familiar they may seem, must be exchanged for new systems which do the job as it must be done.

The particular reforms I have discussed here are part of a broad and continuing process of restructuring the basic service systems of government. The reorganization of the Manpower Administration in the Department of Labor—announced on March 13—is another example of this process. So are the reforms which are being made in the postal system and in the Office of Economic Opportunity.

I have established both the Urban Affairs Council and the Office of Intergovernmental Relations in part so that the government could be better advised on additional improvements in service systems. Further systematic restructuring is on the way. Each reform, I believe, will have a major impact on the quality of American government—an impact which will benefit all of our citizens—in all parts of our country—well beyond the lifetime of this Administration.

The Federal government has been assigned many new responsibilities in the last several decades—many of which it carries and many of which it fumbles. Many of the disappointments and frustrations of the last several years can be blamed on the fact that administrative performance has not kept pace with legislative promise.

This situation must be changed. The actions I announce today are important steps toward achieving such changes. By rationalizing, coordinating, and decentralizing the systems through which government provides important social and economic services, we can begin at last to realize the hopes and dreams of those who created them.

Press Conference of Daniel P. Moynihan, Assistant to the President for Urban Affairs; Philip S. Hughes, Deputy Director, Bureau of the Budget; and Ron Ziegler, Press Secretary to the President

Mr. Ziegler. You have the statement by the President on restructuring of Government service systems. It is relatively self-explanatory. Dr. Moynihan and Sam Hughes are here to discuss this with you and answer any questions you may have. Their comments are on the record, contrary to yesterday when it was on a background basis.

Is Frank Porter here? (Laughter.)

Dr. Moynihan.

Dr. Moynihan. One can say anything one thinks on the record on something about the public administration because it never gets printed anyway. If we had a war to announce, by golly, everyone would be here.

This is about the first major reorganization which the President has put into effect. I think it is a matter of some interest, as Sam Hughes, our distinguished Deputy Director of the Budget will attest, that it has been something Presidents have been trying to put into effect for almost 20 years now.

This is the first time in the history of the American Republic that the regional boundaries of the major domestic programs will be co-terminus.

You see how quickly you lose audiences with things like that? (Laughter.)

The pattern has built up that each department, when departments have been established and agencies have been established, their regional boundaries have responded to the sort of peculiarities of subjects or the Congressional arrangements that led to their enactment or just randomness. The result has been that there has been wide variation in the regional headquarters.

There are two subjects, if I could point this out. One is what is the city which has the regional headquarters, and secondly, which are the States that make up the region. Both the States have varied and the regional headquarters have varied. This, as we have gradually found in domestic affairs as more and more we have had to work one program in relation to another or we have developed programs such as Model Cities, which, by definition and by statute presumed the working between different departments on a common subject, that the regional arrangements simply impeded us very seriously

It made it possible to stand in the Fish Room, now in the Roosevelt Room, and announce enormous events and nothing happened, because there was no structure out there to make it happen, because if there is a rule in political science, it is that Government follows its structure.

What the President has done in the face of not a little bit of presumed difficulty, is to draw common boundaries to establish common regional headquarter cities for this beginning group of domestic departments with the expectation that they will be expanded in the future.

It is this, I think, that begins to make not just the question of coordination of Federal programs a serious issue and a possible result, but also begins to give some structure to the subject of decentralization. It can't be decentralized government unless you have a system of arrangements in the field to which, with authority, with discretion and responsibility, it can be given.

I think we are creating such a structure. It will be a long time, perhaps, in becoming a reality, but it is an absolutely indispensable first move. As I say to you, for 20 years we have sought this arrangement and now, at length, we have it.

I suppose my final comment would be that there is still quite a bit of detailed working out of the forms in which authority is delegated from different agencies to their regional headquarters. As between different departments, there are quite different levels of regional responsibilities, initiative and so forth, and bringing some responsibility into that is the work of years to come—the year to come in any event.

Q. Can you really put these together in a field where you do have a central office or are we going to have a half dozen or dozen offices to go to? Can one person speak with authority in the regional authority?

Dr. Moynihan. Sam, do you want to join me here at the lectern?

That is the work of the years to come. We have already begun in four cities a Regional Council, begun last August; just getting some sense in itself, not more than announced, really. But the question of how much of a coherent decision-making apparatus we will be able to develop at regional, levels remains to be seen.

It becomes a question of how much you want, but it is now possible to find that out, and up until now it has simply been a hypothetical question for professors.

Q. Will these offices all be in one office building?

Dr. Moynihan. Some of these are pretty large offices. There is a Federal Office Building in each of these cities. In some cases they will all be in the same structure and in other cases they will not. Some of these are big places.

If I could just say, in the whole question of public administration, making the Government work, in delivering public services, the biggest single weakness of the American National Government has been its field structure.

Mr. Hughes. I agree.

Dr. Moynihan. And not to attend to that is just not to be serious about this subject. It is perhaps the least exciting subject in Government, and that has been the source of the problem, just not in being able to muster the attention of persons to its absolutely essential nature.

For that reason it was almost the first issue we took up in the Urban Affairs Council out of the experience that if you didn't take it up early and get it done fast, other more glamorous issues would drive it into the next Administration.

Q. Will you save money, too, or is this just for efficiency?

Mr. Hughes. I would regard it as in the interest of efficiency. In your terms it is a management action. It could produce savings. It is not designed to do that. Rather, it is designed to make it easier to manage Federal programs out in the field where services must be delivered, and also to make it easier for the States and cities to deal with the Federal agencies.

Think of the Governor of Colorado, for instance, or the Mayor of Denver, who must deal with Federal regional offices in Denver, San Francisco, Fort Worth-Dallas, or Kansas City. He has an almost impossible kind of a problem, in a physical sense, to span. He is left with correspondence and telephone calls and so on.

So the co-location is the starting point for a whole range of actions which, as Pat said, we hope to evolve over the coming months.

Q. How many Congressmen are losing offices in their cities and how mad are they about it?

Mr. Hughes. On the latter point, I am not really an authority. My impression is that the decibels, at least at this point, are not impossibly high. Part of the difficulty over the years, the major part of the difficulty has been, as Pat said, on the one hand this is not a glamorous kind of action, and on the other hand it has been a kind of controversial action and has taken courage and determination on the part of the agency heads, the Urban Affairs Council and the President to bring it off.

If you are interested, we have a map of the revised organizational structure, and a listing of the State movements that are involved, agency by agency. The picture gets fairly complicated because each agency, and in some instances even bureaus within agencies, have a different field structure, so you have to look at it in fairly fine detail.

Dr. Moynihan. Could I add one point? In those cities which have been regional headquarters for departments and will cease to be, we are leaving behind a high-level department representative responding to the fact that those are important cities and are intended to be sub-regions at the very least.

There will be very little actual movement of people here as compared to that which would take place in the normal course of events.

What do you estimate, about 1,800 people?

Mr. Hughes. Probably less than that net, and we anticipate that the moves would take place, to the extent they are necessary, over a year or a year and a half, so that the personal impact could be minimized.

Dr. Moynihan. These are high-level and particularly high-level people in America tend to move around anyway.

Q. Do you mean you are not closing offices?

Mr. Hughes. I think the situation is this: With eight regions obviously there are major concentrations of population that would not have a regional office in them. On the other hand, to have as many regions as would be implicit in that kind of arrangement creates an impossible kind of administrative structure.

So as we see it the ideal would be to have cities not included as regional headquarters, like Kansas City, St. Louis, Detroit, Pittsburgh, perhaps, as focuses within a particular region, focuses of Federal personnel also, and having significant Federal representation and some authority in their own right.

Q. Can either of you name the cities that are losing regional headquarters?

Dr. Moynihan. There are five times eight.

Mr. Hughes. We can list cities. There are lots of moves back and forth. Because of the change in structure certain agencies move one way and other agencies move another. We can, if you would like, take an agency at a time after this session, if you want to, and discuss the moves individually. We know this, but——

Q. Are there 40 different regional offices now?

Dr. Moynihan. You can have eight regions and five agencies. You don't have 40, but you have a maximum of 40. The areas from which people are moving in and out are much simpler.

Mr. Hughes. I can run through the list. Charlottesville will be affected; Washington, D. C., Austin, Kansas City has been discussed; Birmingham, Baltimore, Nashville. There are a number of moves back and forth involving New York City itself, depending on whether the particular agency had headquarters there or not. New Orleans, Cleveland, Seattle——

Dr. Moynihan. I will give you an example of the kind of thing involved. New York City is no longer a regional headquarters for HUD, but it becomes a regional headquarters for the other agencies. People who were in New York City in a HUD arrangement who will move to New England and HUD——

Mr. Hughes. HUD stays.

Dr. Moynihan. But the New England people go out. HUD's regional headquarters remain in New York, but there will be a transfer of persons who have been in New York working on New England which now goes to Boston. It sounds complex, but it is a simple reorganization.

Q. Will Buffalo, New York be affected by any of these moves?

Mr. Hughes. Not so far as I know.

Q. The President said the things you are doing today are not involved in the signing of the Reorganization Act. What are you planning to do with the Reorganization Act to streamline the Government, or what are the plans of using the powers of the act the President has just signed?

Dr. Moynihan. Don't you think we have enough trouble for one day? (Laughter.)

Q. You don't have that in the works?

Dr. Moynihan. Yes. Remember that the reorganization powers have existed for 20 years, and are sort of a standing concomitant of the Presidency and in a normally effective Government reorganization considerations are always going on. It is a more intensive point than in the earlier Administration and President Nixon has spoken with special interest on this. I think you can look forward to proposals, but we have nothing right now.

Mr. Hughes. Lots of things are being looked at.

Q. You pointed out that for 20 years people have been interested in this. Can you identify some of the obstacles that have come up over the years?

Dr. Moynihan. I think Sam put it best. This is the kind of subject that people who are close to Government are very passionate about and people out of Government don't even know about. It always happens. To be associated with the movement of some resources from one part of the Congressional map to another. So there have always been people who by definition will have to be against it.

This combination of a rather low level of public interest and a rather specific level of local opposition has meant by and large that no President has ever been willing to bite the bullet. Now we have done so.

Mind you, once it takes place, then the new arrangements become sacred and absolutely imbedded in the Constitutional division of the Republic.

Mr. Hughes. I think a factor, also, is the growing obviousness of the need to do this sort of thing, given the structures that the President has set up, the Urban Affairs Council, the interrelationship that this group of agencies and others who are involved in urban problems.

Q. What progress is being made in those cities picked for Regional Councils?

Mr. Hughes. The Regional Councils that have been established are four in number. They were established at the only four cities where the four agencies involve happen to have co-located regional offices.

Interestingly enough, none of those regions coincide. For instance, the New York regional office, those four agencies have only one State in common, New York State. So that they have been experimental in nature thus far. They have proved, in our judgment and I believe in the judgment of the people who have participated in the Councils, to be a very useful and productive experiment in working together in a fashion that is increasingly necessary, but still is somewhat novel in Federal activities, and this particular geographic action that we are talking about here is designed to encourage that kind of cooperation.

The Federal Government has been organized categorically over the years, and agency programs, I think, have tended to construct walls around themselves. We need, by these kinds of measures, to attempt to pierce these walls and put doors in them, and so on, and by the process of co-location and the advantages that are obvious in these four cities, have people being able to meet and discuss common problems, whether it is the Model Cities program or any other of mutual interest.

Those advantages, I think, have appeared in these four locations, and we do plan, hopefully, if the experiment succeeds, to extend it in other areas and to other agencies and programs where there is this same kind of relationship and need.

Dr. Moynihan. We are going to establish Regional Councils in the four regional headquarters. Automatically that is done today.

Q. What is the make-up of these Regional Councils? Who sits on them?

Dr. Moynihan. HEW, HUD, Labor and OEO.

Mr. Hughes. We started with these as a nucleus. We don't regard it as the end of it all, but we do want to keep the Councils more or less homogeneous in terms of their interest and involve those agencies essentially that would be involved in the Urban Affairs Council structure here in Washington.

Q. The figure 1,800 was dropped, and then you seemed not sure of that. How many people are going to be moved out of the cities?

Dr. Moynihan. The problem there is that these moves will be phased over 18 months and an unknown number of those people will leave their jobs for other reasons, find other places they can stay in and so there will be an empty slot moved—join the Army.

Q. Can you give me a count at all?

Mr. Hughes. I would say 1,200 or 1,400 may be confronted with a move at some time in this period. I hate to use the numbers, because they focus attention on a problem that may not exist, given the time interval, given turnover, and given the opportunity to establish what may be called essentially sub-regional offices in some of these cities where the employees might otherwise have to move from.

Q. Are these only high-level people, or are you talking about clerical support, too?

Mr. Hughes. The numbers involve the total rage of personnel. Some of them obviously will elect to stay, perhaps, in these agencies or otherwise disassociate from the regional office so they don't have to move. That is part of the problem of estimating the moves.

Q. Do you mean then that there will be 400 who might find jobs in the cities that are now working within Government. Is that your estimate?

Dr. Moynihan. Sure. It is a long-established industrial practice now when you have to make changes in personnel to do them through the normal turn-over as much as you can. These end up to be surprisingly painless affairs if they are given time and advance notice.

Q. I am still not clear on whether any of the current regional offices will completely close in Kansas City.

Dr. Moynihan. Is Kansas City a regional headquarters?

Mr. Hughes. Yes.

Dr. Moynihan It will no longer be. That is the one that immediately comes to mind.

Q. Some will disappear but reappear as sub-regional offices?

Dr. Moynihan. Yes. They may have to go around and write "sub" on some of the windows.

Q. Is Kansas City——

Mr. Hughes. There is a map which would show the new regional structure and we have a map which shows agency by agency the impact in terms of boundaries.

Q. How about the numbers of jobs?

Mr. Hughes. The jobs we don't have, simply because we don't know what the impact will be over a period of time on these people. We don't know how the sub-regional structure will be involved.

Dr. Moynihan. If we seem to be a little vague on this, it is not that we are vague, it is because this is an immensely complex subject. If you want to know why we are doing it you ought to sit down and spend the day trying to find out what is the present state. We set up a regional council of four major departments in New York City—New York City being the headquarters for each of those departments or agencies—only to find that the only State those four departments had in common was New York itself. It is just not beyond anybody's comprehension, it is just a very complex business.

Q. You have not said exactly whether there will be any regional offices completely closed down. Is the answer no?

Dr. Moynihan. Yes, there will be, in terms of specific departments.

Q. Which ones?

Dr. Moynihan. All over this map. We can spend the afternoon on it and we will give you the data.

Q. Are those the ones you read?

Mr. Hughes. I read the list of cities where there are now regional offices or equivalent which would be affected by this action.

Q. Does that mean they will be closed down?

Mr. Hughes. No. It means that that will no longer be a regional office. There may be—and in my judgment probably will be—personnel remaining there, perhaps the same personnel, but that will not have the label on it, on the door "Regional Office."

Dr. Moynihan. Let's be very clear. There are not going to be any doors locked in this process. There is no major city in the country that doesn't have in it offices of almost all the major departments of Federal Government. The question is: Where we have tried to establish regional systems, we have settled on eight, and the question is: can we transfer to those areas a measure of initiative, a measure of responsibility and authority so that in fact the work of Government in those very areas can go on closer to the areas involved. Most of these regions are, in terms of population, if you broke these eight regions up and put them in the U.N. Gazetteer, they would be the 8th, 9th, 10th, 11th, 12th, 13th and 14th biggest and richest countries in the world.

Finding a structure where you can give real power and authority is difficult. It is not a question of the taking of people out of Kansas City and into St. Louis and so on. There are going to be HUD and HEW, DOT and Labor people in all those places. It is a question of where do you locate the man you call Regional Director and what kind of authority do you give him and do you give to each of your people a sufficiently convergent set of powers and responsibilities so they in fact can sit down and make decisions of their own that have consequences.

Q. Implicit in that, it seems to me, there will have to be a coordination among these agencies in the level of authority granted regional directors.

Dr. Moynihan. That is correct. That is the next phase of our operation.

Q. Is there going to be any single man representing all of those?

Dr. Moynihan. No, we have specifically rejected that idea.

Q. How about in the cities where you are leaving some people behind, is there going to be a single man there?

Dr. Moynihan. No. The curious fact of the American National Government is that there is only one "single man" and he is called the President and that is the arrangement we have.

Q. I would like to talk about Kansas City. You are going to move HEW, OEO and Labor. That is 825 people involved. That is $10 million a year in payroll. HEW said it will cost them $800,000 to go to Denver. The Missouri and Kansas delegations, Republicans and Democrats alike, are upset. They don't understand why you are moving three bigger offices to Denver instead of two smaller ones to Kansas City.

Dr. Moynihan. There are numbers that have to do with the headquarters functions. They do not in any sense reflect a necessary net loss to that city of Federal employees or Federal payroll. They just don't. It would be our hope that any actual change to this would be very minimal, indeed.

They are changes in our organizational structure, not in the economic structure of Kansas City.

Mr. Hughes. I think that is a fair statement. The reasons for Denver versus Kansas City—judgments differ on this—but there are reasons of transportation networks, regional practices, regional associations, the suitability of Denver versus Kansas City as the headquarters city for the mountain states and those sorts of things.

We have tried also to minimize the moves within the total structure.

Dr. Moynihan. Let's be very candid. When you ask what is the difference between Kansas City and Denver, the answer is that a good case can be made for either, but if you are going to have one regional headquarters you have to have one. It has just been the unsatisfactory nature of the decision that has been part of taking 20 years to make it.

Mr. Hughes. One of the problems here is that you can slice 50 States and some territories and so on almost an infinite number of ways and it has been extremely difficult to get any measure of concensus or agreement as to the best arrangement. In evolving an arrangement, you cannot just look at the mountain states or Kansas City or Denver. You have to look at the country and the feasibility of fanning out from Washington, how many regions there ought to be in total and those kinds of questions. That is what we tried to stress.

Q. Can we find out about our specific regions?

Dr. Moynihan. The Bureau of the Budget has it.

Q. Should we call the Bureau?

Dr. Moynihan. Yes.

Mr. Ziegler. We will pass out maps, together with that release, which spell out the area covered in each region. They will give you an indication of what area the various headquarters cover.

The Press. Thank you.

[From the Woman Constitutionalist
Jan. 9, 1971]

REGIONAL GOVERNMENT: VOICES OF PROPHECY

(By Mary M. Davison)

Many years ago Don Bell (Don Bell Reports and Closer Up) warned of a plan on the part of those who have usurped the Washington government to establish within our borders a Regional Government composed of twelve regions whose capitals would be in the cities occupied by the twelve Federal Reserve Regional banks. It was not a very glamorous story and received little attention.

Several years later David Brinkley, addressing students in an Ohio University, predicted the abolition of the States, saying that within the lifetime of most of those students there would be no more sovereign States; something else would replace them. Nobody paid any attention to that either; not even the students. Now some startling facts have come to light.

At a Press Conference held at the White House March 27, 1969, Mr. Daniel P. Moynihan officially revealed the creation of eight regions—eight separate governments within the United States (two others were added later in that year, 1969), leaving two to go to meet the Don Bell prophecy. And strangely enough the capitals of these Regional Governments are located in the cities housing the Federal Reserve branches. We will quote some of the discussion of the Moynihan Press Conference which we believe to be indicative of the manner in which the Government is being run; not by Congress, much less by the hand-picked Presidents from the stables of the Council on Foreign Relations.

Mr. Moynihan. "One can say anything one thinks on the record about the public administration because it never gets printed anyway. If we had a war to announce, by golly, everyone would be here. . . . This is about the first major reorganization which the President has put into effect. I think it is a matter of some interest . . . that it has been something Presidents have been trying to put into effect for almost 20 years now. This is the first time in the history of the American Republic (??-ed) that the regional boundaries of the regional domestic programs will be coterminous. You can see how quickly you can lose your audience with things like that. Laughter." (The language was designed "to lose your audience," reporters as well as the rest of us-ed). The next paragraphs probably explain why the news media failed to report this most momentous incident—the "restructuring" (rebuilding-ed) of the United States Government without the knowledge or consent of the Congress or the People. This, the job "presidents have been trying to put into effect for nearly 20 years."

Mr. Moynihan. "The pattern has been built up that when each department, when departments have been established and agencies have been established their regional boundaries have responded to the sort of peculiarities (the word "peculiarities" scarcely describes them-ed) of subjects or the Congressional arrangements that led to their enactment or just randomness. The result has been that there has been wide variation in the regional headquarters."

The above is typical of the hokum Congress is subjected to hours on end, when they call in some of the over-educated phonies of State, Defense, Treasury or other departments of "government" to explain such activities as Viet Nam, Interest rates, Prisoners of War or other vital subjects. Congress, for the most part, sits openmouthed listening to this senseless babble, then compliments them on their "scholarly presentation" and their "erudition" and suggest the need for a pay raise. When the "erudite" ones are out of ear-shot, they—the Congressmen—ask one another if they knew what in tunket they were talking about.

Our State representatives who have been pleading for "taxsharing" with the Federal "Government" might, if they could muster a little extra concentration, find that they have "tax shared" themselves out of business. The Fed has no intention of sharing anything. They intend to operate all the "services" out of the Regional Governments.

Mr. Moynihan. "If I could just say, in the whole question of public administration, making the Government work, in delivering public services, the biggest single weakness of the American National Government has been its field (State) structure. . . And not to attend to that is just not to be serious about this subject. It is perhaps the least exciting subject in Government and that has been the source of the problem, just not being able to muster the attention of persons to its absolutely essential nature."

Why could they not "muster the attention of persons to its absolutely essential nature?" Have the lines of communication with the One-Worlders broken down or was the necessary publicity too risky? They had taken the State Governments for a ride with a downhill pull and even under the watchful eyes of the various Rockefeller Brothers control agencies, the scheme just might come to the attention of some person or group with sufficient interest and influence to prevent the eradication of State Government.

Q. "Will you save money, too, or is this just for efficiency?" Mr. Hughes. "I would regard it in the interest of efficiency. In your terms it is a management action. It could produce savings. It is not designed to do that. Rather, it is designed to make it easier to manage Federal programs out in the field (the States-ed) where services must be delivered and also to make it easier for the States and Cities to deal with the Federal agencies." (which will be handling all the "tax sharing" money-ed.)

Mr. Moynihan. "Remember that the Reorganization powers have existed for 20 years, and are sort of a standing concomitant of the Presidency, and in a normally effective Government reorganization, considerations are always going on. It is a more intensive point than in the earlier Administrations and President Nixon has spoken with special interest in this. I think you can look forward to proposals, but we have nothing right now."

Mr. Hughes. "Lots of things are being looked at." (And somebody with an interest in the nation should be helping them "look"-ed.)

Q. "You pointed out that for 20 years people have been interested in this. Can you identify some of the obstacles that have come up over the years?"

Dr. Moynihan. ". . . This is the kind of subject that people who are close (but not too close-ed) to Government are very passionate about, and people out of Government don't even know about (it is none of their business-ed). It always happens. To be associated with the movement of some resources from one part of the Congressional map to another. So there have always been people who by definition will have to be against it (if they ever find out about it-ed) . . . This combination of a rather low level of public interest and a rather specific level of local opposition has meant, by and large, that no President has been willing to bite the bullet. Now we have done so. Mind you, once it takes place (and it has—the President, by his own admission signed it on March 27, 1969-ed) then the new arrangements become sacred and absolutely imbedded in the constitutional division of the republic."

This is something to think about. A Council on Foreign Relations President and a covey of Council on Foreign Relations empire builders, elected by nobody, have divided the United States into at least 10 regional governments, at least four of which have already been set up and are ready for action: Region 2—New York City; Region 4—Atlanta; Region 5—Chicago; Region 9—San Francisco. (Press Release by the President May 21, 1969).

While the Congress was turning the Federal Government over to the United Nations and the States were surrendering their powers and the sovereignty of the People to Rockefeller Brothers 1313 agencies, the One World operation in Pratt House, New York, was cutting up the United States like an enormous pie.

Each of these regional governments will have all the appurtenances of government. In the beginning, says Mr. Nixon in his May 21, 1969 Press Release, each regional government will be equipped with its own Departments of Labor, Health, Education and Welfare, Housing and Urban Development, Office of Economic Opportunity and the Small Business Administration. These are the very agencies from which the 1313 State legislatures expected to collect a juicy "tax-sharing." We might note in passing that 10 of the Regional Government capitals are located in the cities housing the Federal Reserve branches. At the time of this report (May 1969) Cleveland and St. Louis were excluded. This may now have changed.

A few years ago your editor conducted a one woman campaign against 1313, charging that it was operating in violation of Article 4, Section 3, of the Constitution of the United States, i.e.:

". . . nor any state be formed by the junction of two or more states or parts of states without the consent of the legislatures concerned as well as of the Congress."

Lawyers convinced me that 1313 was not in violation because they had not organized by law but by voluntary agreement. But now we have the United States divided into regions by law, for Congress and all the legislatures have passed laws permitting the division of the United States. The laws at both Congressional and State levels are drawn in such language that it might take an Einstein two weeks to decode them, but they are there and if the people of the States permit the continuation of this outrage the prophecy of David Brinkley that the States would be abolished in our lifetime will have proven true.

I have spoken with probably the most knowledgeable man to have served in a State legislature in recent years and he expressed the opinion that no State legislature in the country would have enacted this legislation if they had known what they were doing. He was not in the legislature at the time the legislation was enacted but having received a copy of that particular Bill we feel that he will realize that they did not understand the Bill and that is the reason for its passage. Inasmuch as every State (together with Puerto Rico and the District of Columbia) are covered by the legislation, it is quite likely the Bills were written at a central point and distributed to the States.

It should therefore be a matter of top priority for all persons who desire to live in a sovereign State to acquaint our State representatives, Congressmen and Senators immediately of the realities of the "Reorganization Acts" of States and Nation, insisting that these bills be promptly reviewed and rescinded. Remember that Mr. Moynihan stressed the fact that once it had been adopted—as it was when the President signed it—that it became sacred and "absolutely embedded in the Constitutional division of the Republic."

This is not possible under the Constitution which guarantees "to every State in this Union a republican form of government. . . ." Get busy—consult your lawyers, particularly those lawyers in your State legislatures. Demand a return to Constitutional Government which has been the prime objective of Women for Constitutional Government from the beginning.

The Press releases of Mr. Nixon and Dr. Moynihan are too long to be published in a column such as this, therefore we have arranged with the Council for Statehood (P. O. B. 5435, Lighthouse Point, Florida) to distribute a packet at 50 cents (postage included), the contents of which may be shown your representatives as proof that these actually did come from the White House.

In closing I wish to thank my many friends for their prayers, cards, flowers and gifts sent to me during my recent stay in the Montgomery Hospital, and to express the highest possible praise for that wonderful hospital and its services.

WHILE WE SLEPT, THE STATES WERE BEING ABOLISHED

Dear American—"New States may be admitted by the Congerss into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States without the consent of the Legislatures of the States concerned as well as the Congress."—United States Constitution; Article IV, Section 3, Paragraph 1.

President Nixon currently is engaged in the promotion of a plan to consolidate the twelve existing Cabinet-level Departments and reduce them to eight, allegedly to save money, increase efficiency, eliminate duplication of services, streamline the admittedly cumbersome machinery of bureaucracy, etc. And the plan, on first reading, sounds commendable—until one discovers that this is to be one more step in an overall plot to consolidate the fifty States and reduce them to Regional Departments; thus abolishing the States!

Lest we be labeled an alarmist without a cause, permit us to present the facts in more or less chronological order:—

When the Constitution of the United States was ratified by the original Thirteen States, there was established a kind of government different from any ever conceived before; not because it was a Republic, but because the political power was decentralized. The Federal Government was ceded certain specified and enumerated powers; all other powers were reserved to the States and the people.

No such system of government had ever been tried before: the greatest power was confined to the local level of government; and this for over 200 years prevented power-grabbers from gaining too much power. In all other countries, power was concentrated at the top; so ours was indeed an unique form of government.

And for this very reason, our system has been attacked, called inefficient, horse-and-buggy government for a nuclear age, etc. And over the years—especially since 1917—there have been repeated and almost constant attempts to reverse the flow of political power and make ours a centralized government, like other nations of the world, republics or otherwise.

The plans became more or less solidified through the efforts of a network of organizations which came to be called Terrible 1313, and which we exposed as early as February, 1958. The plans called for the establishment of Metro, megalopolitan and regional governments that cross State lines; of gigantic authorities stretching from city to city and denying State authority while appealing to the Central National authority; of the abolishment of States altogether . . .

As early as 1933, Luther Gulick, a Planner, a promoter of Metro, etc., declared: "The American State is finished. I do not predict that the States will go, but affirm that they have gone." And in his blueprints they were gone, replaced by regional districts after the manner of the twelve Federal Reserve Districts into which this Nation already has been divided.

In 1934 a writer (William Kay Wallace, in Our Obsolete Constitution), observed that "the multiplicity of forty-eight states . . . has no valid social or poliical reason for being preserved."

In September, 1969, Representative ——— of New York, told the U.S. House of Representatives: "I recently discussed with Governor Nelson Rockefeller, of New York, at a public meeting of the Intergovernmental Affairs Subcommittee of the House Government Operations Committee, the need for reorganizing our State governments. One suggestion I made was that the 50 States be abolished and regional governments be substituted for them."

To justify his suggestion, ——— submitted a study made by the Committee for Economic Development, a satellite organization of the powerful Council on Foreign Relations, which has been called our Secret Government, and justifiably so called. The CED study concluded that "the failure of state governments to meet their commitments was attributable to geographic handicaps, outmoded structures, inadequate resources, and political weaknesses. . . ." The study hinted that States should be abolished and new regional boundary lines be drawn, with such regional authorities looking to Washington for guidance.

Now, let's drop back to 1965, and we quote from an article written by Lee Bolman, which appeared in The Freedom Press:

"The 'Public Works and Economic Development Act of 1965' became law last August. . . . This Act, cited as Public Law 89–136, provides the master plan for Dictatorship of the United States. . . . Close analysis of the Act itself will prove there is 'no way back' if the States and local officials do not withhold cooperation and 'hold-the-line' against Federal Commissioners and their direct dictatorial powers through "federal fund blackjacks."

"This Public Works and Economic Development Act authorizes the setting up of 'regions' throughout the United States . . . . These 'regions' would eventually wipe out State boundaries. America may remain as a continent but you may end up saying you are from Federal Region #9 instead of from California. . . . We would be asked to give up towns, cities, counties, and States, for Regions, Districts, Areas, and Centers. But this is not merely a transfer of labels; the new boundaries will be very mobile and overlapping, changing at the whim or pleasure of the Secretary of Commerce and his staff, who have the final decision (if the President agrees) . . .

"By law, the United States is to be broken up into 'Regions,' and each 'Region' must have a comprehensive master plan. No one can disregard this plan which will include something for every square inch of American land and the compliance of every person in it." (End of quotation.)

Now, let's note how President Nixon chose to invoke and utilize the power contained in the above mentioned Public Law 89–136. We call your attention to an article appearing in the *Washington, D.C., Evening Star* of March 27, 1969, which we reprint. We call your attention to the President's apology" for having waited from 1965 to 1969 to put the changes into effect: "fumblings, disappointments and frustrations" are blamed. Here is the article, in full:

NIXON COORDINATES CITY AID

(By Garnett D. Horner)

President Nixon today directed five government departments and agencies dealing with urban and poverty programs to establish common regional boundaries and regional office locations in eight cities for their field operations.

He also ordered expansion of regional councils to the eight headquarters to coordinate the work of the agencies involved. In a third directive, he asked nine departments and agencies to move toward greater decentralization of their operations to give more decision-making powers to federal employes who deal daily with state and local officials.

"The federal government has been assigned many new responsibilities in the last several decades—many of which it carries and many of which it fumbles," Nixon said in a statement. "Many of the disappointments and frustrations of the last several years can be blamed on the fact that the administrative performance has not kept pace with the legislative promise. This situation must be changed. The actions I announced today are important steps toward achieving such changes."

The restructuring was done by executive action.

The President pointed out that each agency now has its own set of regional offices and regional boundaries, which often means that if a director of one field operation is to meet with his counterpart in another branch of government he often must make an airplane trip to see him.

State and local officials often must go to regional federal offices in different cities on the same problem. Nixon said the new uniform regions and regional headquarters will streamline and coordinate the systems through which the government provides social and economic services.

The five divisions involved are the Labor, Health, Education and Welfare, and Housing and Urban Development departments, the Office of Economic Opportunity and the Small Business Administration.

The eight regional centers are:

Region 1, Boston—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

Region 2, New York City—New York, New Jersey, Puerto Rico and the Virgin Islands.

Region 3, Philadelphia—Delaware, District of Columbia, Kentucky, Maryland, North Carolina Pennsylvania, Virginia and West Virginia.

Region 4, Atlanta—Alabama, Florida, Georgia, Mississippi, South Carolina and Tennessee.

Region 5, Chicago—Illinois, Indiana, Minnesota, Michigan, Ohio and Wisconsin.

Region 6, Dallas-Fort Worth—Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

Region 7, Denver—Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming.

Region 8, San Francisco—Alaska, Arizona, California, Guam, Hawaii, Nevada, Oregon and Washington.

Philip S. Hughes, deputy director of the Budget Bureau, said the reorganization will mean that regional headquarters of one or more of the agencies involved will be abolished in Charlottesville, Washington, Austin, Nashville, Baltimore, New York, Jacksonville, New Orleans, Cleveland and Seattle. Congressmen representing these districts have opposed Nixon's plans.

Hughes and Daniel P. Moynihan, assistant to the President for urban affairs (since resigned—Ed.) said the order will not mean these cities will lose any substantial number of federal employes, however. They said federal offices would be maintained in each of the cities, some of which functioning as subregional headquarters. Actual movement of personnel probably will involve 1,200 people or less and will be spread over the next 18 months, they said.

You will note that the foregoing article calls for only eight Regions. Here someone apparently slipped up. There are *twelve* Federal Reserve Districts, with headquarters at Boston, New York, Philadelphia, Cleveland, Richmond, Atlanta, Chicago, St. Louis, Minneapolis, Kansas City, Dallas and San Francisco. It would seem logical, therefore, that these Regional Government Centers be the same as the centers where Federal Reserve Banks are located, which would call for the establishment of four more Regional Headquarters.

President Nixon moved toward that ultimate goal when on May 21, 1969, he named two more "Regional Capitals": Kansas City and Seattle. Because of the importance of this subject, we reprint the whole of a press release issued by the White House on May 21, 1969.

STATEMENT BY THE PRESIDENT

On March 27 I announced a series of steps being taken to streamline the structure and processes of Federal agencies in the field. I am confident that these changes will greatly improve the effectiveness of Federal social and economic services.

The first of these actions was the establishment of a common pattern of regional boundaries and headquarters for the Department of Labor, the Department of Health, Education, and Welfare, the Department of Housing and Urban Development, the Office of Economic Opportunity, and the Small Business Administration.

Since the announcement we have met with congressional, state and local interests from many areas of the country and received from them a great deal of valuable information on implementing this plan.

After considering this information, I have concluded that the level of Federal service which would be required of the planned subregional offices in Kansas City and Seattle warrants their elevation to full regional status.

Three other changes are desirable. With the establishment of the new Seattle region, it is appropriate to shift Idaho to that region from the Denver region. Also, after reviewing the situation, I have concluded that the States of North Carolina and Kentucky would be better served from Atlanta than from Philadelphia.

In summary, the new alignment for the regions is as follows:

Region I (Boston)—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Region II (New York City)—New York, New Jersey, Puerto Rico, and the Virgin Islands.

Region III (Philadelphia)—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.

Region IV (Atlanta)—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

Region V (Chicago)—Illinois, Indiana, Minnesota, Michigan, Ohio, and Wisconsin.

Region VI (Dallas-Fort Worth)—Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Region VII (Kansas City)—Iowa, Kansas, Missouri, and Nebraska.

Region VIII (Denver)—Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

Region IX (San Francisco)—Arizona, California, Hawaii, and Nevada.

Region X (Seattle)—Alaska, Idaho, Oregon, and Washington.

So, here is all the necessary machinery, all installed and ready to run; in the case of five federal departments Nixon wants to revamp the Cabinet structure at Washington, so that the consolidation of departments which is to be carried out at each Regional Capital, will be carried out also at the National Capital.

However, there is "a fly in the ointment."

Congress permitted the setting up of the machinery for Regional Government, but it did not provide the fuel to run the machinery; indeed, it could not without wrecking the United States Constitution which declares, in effect, that if the States are to be abolished, the States themselves must do the abolishing. We'll explain that:

The authority to set up these Regional Governments is derived from this Public Works and Economic Development Act of 1965. This Act empowers the Federal Government to set up Regional Centers but, to be Constitutional and lawful, it also stipulated that the *State Governments must request the Federal Government to put this regional plan into operation*. The one weapon which the Executive had *to force the States to ask to be destroyed* was the money weapon: Welfare funds would be withheld unless the States fell into line.

To supply additional money power, Rep. ——— introduced H.R. 2519 in January, 1969 providing bloc grants to States *if they met regional modernization conditions*. In other words, to qualify for the promised bloc grant, a State would have to enact legislation at *the the State level* which would permit the setting up of sub-regions which, in turn, would fit into the Federal Ten Region structure.

To put it bluntly, the States would have to vote themselves into the Regional Structure if they were to qualify for Federal assistance!

Incidentally, that bill introduced by Reuss *did not* pass, though several States rushed through enabling legislation in preparation for the expected bloc grant. A Maryland correspondent informs us that State passed such legislation but that it was later defeated by a referendum vote of the citizens. To complete this story of the money bill: H.R. 2519 was reintroduced as H.R. 11764 but time ran out; and it is to be reintroduced this year, revamped and giving control over $22½ billion which will be doled out for welfare, health, education, guaranteed income, etc., *if the States agree to the Regional Plan.*

Tied to this Regional Plan are most of the Nixon goals: Revenue sharing, Government reorganization at the Cabinet level, new health care proposals, the guaranteed annual income plan, etc. (Please note: We refer to these as "Nixon's goals;" but we do not mean this to designate Nixon *the individual.* A Conspiracy is difficult to explain or comprehend as an abstraction, it must be personalized; and since Nixon is the front man and the public voice of the Conspiracy, we speak of "Nixon's goals." Personally, Nixon may know little of how these proposals coordinate, interweave, complement each other to promote Regional Government at the National level, then Regional Government at the inter-National level, and finally Regional Government at the world level, *a la 1984.* But since Nixon is known to favor Atlantic Union and Rockefeller's "New Federalism," his "ignorance is no excuse," if he should happen to plead that condition in 1974).

Prof. R. J. Phillips of New York State University says "the only effective way to modernize state government is to abolish it." Then he explains what, supposedly, is on Mr. Nixon's mind:

"The plan . . . would call for substituting a number of regional governmental units for the present fifty states. . . .Each region would serve in a dual capacity. On the one hand they would be administrative units of the national government, charged with the implementation of federal programs. . . .On the other hand they would have the responsibility for supervising local programs. Changes in the latter area would call for a dramatic alteration of existing units of local government through the development of fewer but more viable local governments.

"With the demise of the existing states we could develop a national court system, standard suffrage legislation, a national public school system that would include higher education, uniform marriage and divorce laws, standard automobile registration and licensing, and many others. . . .

"We must remove from our thinking the idea that there is something sacred about our federal system of government. . . .we do not need to establish more commissions to examine ways of strengthening and revitalizing state governments. . . . What we need now is the courage to embark upon a different course and to attack these problems. How long are we willing to permit the problems of an urban and industrial society to be administered by governmental machinery developed in a rural and agrarian society of two centuries ago?" (End of quotation)

Shall we have Regional Government, whether we like it or not? This much is certain: any appeal to the President, your Senator, or U.S. Representative, is futile. But there is this hope: you may be able to interest your State and County officials in keeping their jobs!

[From the Wisconsin State Journal, Mar. 30, 1971]

RIGHT WING ADVOCATE HERE—ROBERTS WANTS PEOPLE POWER

(By William R. Wineke)

Ideology, like politics, makes strange bedfellows.

For example, Arch E. Roberts, a retired Army colonel popular among right wing groups, will testify before a joint legislative committee meeting today that America must return power to the people.

Roberts, who believes an international banking conspiracy is behind most of the world's ills, assesses the current state of the nation in much the same way that college radicals do, although his solutions run opposite theirs.

"If we are to survive as a race and as a nation, the People (he capitalizes the word) must regain control over the centers of power in America," Roberts says in testimony prepared for today.

"The stark truth is that America is now passing from a constitutional republic into a totalitarian world-wide government."

Roberts does not find it upsetting that his words, if printed on a mimeographed leaflet, would be attributed to bearded radicals.

"We have a great deal in common" with the radical students, Roberts said in an interview Monday.

"We are opposed to the polarization of the American people into right and left camps . . . The student is not an instigator of revolution; he is a product of his education."

That education, in Roberts' view, relies heavily on foundation funds, and foundation funds rely heavily on enormously wealthy people who want to see American society destroyed so that the banking conspiracy can control the world.

Roberts finds other things in common with the radical young.

He scoffs at the reasons the United States government gives for its involvement in Vietnam and suggests that the real reason for that involvement is to gain control of the vast oil reserves lying under its soil.

"When that is accomplished, we will see troops pulled out and sent on to the next place of economic exploitation, probably the Mideast," Roberts predicted.

And, although Roberts was kicked out of the Army in 1962 after he charged that some American political leaders had Communist leanings (the U.S. Court of Appeals reinstated him in 1964), Roberts now maintains that he is not anti-Communist.

"The historical fact that has been concealed from the American people" is that the Soviet revolution was bankrolled by a New York banking house, he said.

The former officer believes that the conspiracy he sees wants a world society that operates on a Soviet model with a few men making all the decision and the people obeying them.

If Roberts and radical leftists agree on many assessments of the world situation, they obviously disagree on proposals for curing the situation.

Roberts thinks violence is useless because the other side has the power; he hopes that state legislatures will expose the alleged conspiracy, pull out of regional governmental deals—which Roberts thinks lead to world government—and go back to the ideals of the founding fathers.

Roberts is an executive of the Committee to Restore the Constitution, nationally based in Ft. Collins, Colo.

He did not reveal the committee's budget, but said funding comes from individuals who send small amounts. He lives on his Army pension (he was a public information officer) and on speaking fees.

Roberts and his wife have five sons, two of whom have served in the Marines and three of whom live at home.

[From the Valley (Minn.) Times, Apr. 1970]

MINNESOTA WORLD CITIZENS IN TAX REVOLT

(By Jo Hindman)

Over the wires came the electrifying news, "World Citizenship has been declared over the whole State of Minnesota."

State officials gathered at St. Paul to sign The Declaration of World Citizenship of the State of Minnesota, March 25, 1971 and verified by Governor Wendell Anderson's office. These signed: The Governor, Lt. Gov. Perpich, state senators Holmquist, majority leader; Coleman, minority leader; state representatives Lindstrom, majority; Sabo, minority; Speaker Aubrey Dirlam.

This is the second world unity paper signed in the state. Three years ago almost to the day, a former governor and various officials inked the Hennepin County-Minneapolis world citizenship pact, said to be almost identical with the new state document.

Governor Anderson was unavailable for comment on what the action implies.

The same question put to the chairman of the Concerned Taxpayers of Minnesota, Mrs. Joan Van Poperin, drew this: "The Declaration indicates take-over right now . . . we are in the position of citizens against World Government."

Mrs. Van Poperin sketched prior events of the week. Rep. John Bares, Jr. introduced a bill to repeal Minnesota's Regionalization Act of 1969, a radical piece of the world regionalization movement. The subcommittee hearings on March 23 were jammed with repeal citizens, many of them farmers coming from all points of the state.

A lawmaker said that he "believes in World Government." Asked why, by a constituent, the official reportedly replied that he "got new streets and new sidewalks through urban renewal."

The point is significant. Controversial urban renewal laws increasingly are attacked on the premise that they are unconstitutional, existing only because the United Nations global treaty has pre-empted the U.S. Constitution. Unprotected Americans are left defending themselves against present-day world law such as urban renewal and regional laws.

As this is written, a statewide protest march is scheduled on April 3 converging on the Minnesota capitol steps. The Governor and legislators are invited. Originally planned as a tax protest against the state legislature, the event undoubtedly will protest the world citizenship betrayal.

A press conference by CTM, 628 Stryker Ave., St. Paul 55107, dealt the cards. The words of Joan Van Poperin were picked up by TV, newspapers and radio. She said: "We have a tax crisis. Rates are 10 to 15 times what they should be. People are losing their homes. We want property taxes to be levied at one per cent (1%) of the year 1967's assessed valuation. 1967 was picked because that year the legislature passed the law to change tax base due to regionalization." (Twin Cities regional government created in 1967 consists of St. Paul, Minneapolis and seven counties).

"We urge the repeal of the statewide Regionalization Act of 1969 which followed, putting all powers under appointed officials and taking away our right to vote on those representing us on tax matters. If the April 3 protest has no effect," she said, "We shall withhold our real estate taxes."

"As for world citizenship, if it can be forcibly imposed on Minnesotans, so can it be done to all citizens in these United States!"

[From the Yakima (Wash.) Eagle, Mar. 25, 1971]

States To Question United Nations Treaty

(By Jo Hindman)

The United Nations strategy to bleed and conquer is running into a groundswell of American counter-action. Significantly, the movement is state, not Washington, D.C. inspired.

The aversion against the UN and its agencies stems from countless disasters that the international trouble makers bring upon Americans within the United States and upon their soldier sons outside the U.S.A.

The advancing thrust of a citizen-sponsored campaign in Wisconsin brilliantly demonstrates how the intelligent anger of Americans is zeroing in on the root of the trouble—the UN's Charter/Treaty (1945) ratified by the U.S. Senate in ill-advised lack of prudence.

The Wisconsin Legislative & Research Committee, a citizen group, seeks to restore the U.S. Constitution and thus eliminate the UN Charter's chaotic influence on the economic, social, political, cultural, educational, and judicial institutions of the U.S.A. and Wisconsin State.

A first step—to study the injurious effects of the UN Charter—is underway, coordinated by the Wisconsin L & R Committee working through a legislative steering committee comprised of members of both houses.

Assembly Joint Resolution No. 34 (1971) will come up for hearings before the Wisconsin Legislature late in March. Technically worded, "This joint resolution establishes a special joint committee comprised of four senators and four representatives to the assembly, to study the constitutionality of the actions of federal agencies with regard to the United Nations, the effect of these actions on the state and possible measures which could be taken by this state to punish unconstitutional actions." A list of grievances is included.

The objective is to initiate legislative action by the State which will outlaw the United Nations Treaty-Charter and other illegal acts of Congress within the boundaries of the State of Wisconsin.

The legislative "first" is part of a nationwide movement designed to help the states clean house. The legislatures of several states must investigate the UN Charter to see if it is pre-empting the Constitution of the United States or of the State. When this fact has been established, then each investigating legislature will declare that the U.S. Senate had no right to ratify the Charter. Next, each investigating state will declare the Charter to be an act outside of the law and make it a felony for anyone to try to enforce the provisions of the UN Charter within the state.

Archibald E. Roberts, Lt. Col. AUS ret., author of the state-oriented strategy, heads the nationwide Committee to Restore the Constitution, Oak at Howes St., Fort Collins, Colo. 80521. The Wisconsin L & R Committee is affiliated with the national organization.

Both the national and its affiliates believe that it is necessary to inspire public awareness of the UN peril and to encourage the voice of reason to be heard in the halls of the State capitols.

The model legislation from which the Wisconsin joint resolution is adapted was prepared under the direction of the late John Janney, nationally recognized constitutional authority and Mr. T. David Horton, counsel for the national committee.

Implementation of the legal instrument will go far in probing the forces which are manipulating the American economy, generating depression, and financing civil violence for the revolutionary purpose of establishing a Regional Governance upon the ruins of the American civilization," according to Col. Roberts who will testify in Madison. Wis.

Ref. Wisconsin Legislative and Research Committee, Inc., Box 45, Brookfield, Wis. 53005.

Revenue Sharing Opt Causes Syndicate Tiff

(By Jo Hindman)

Revenue sharing is losing its appeal among Congressmen who are hearing from tax payers back home.

Even politically organized Syndicate 1313, staunch supporter of revenue sharing, has split on a technical issue concerning method.

Tax payers deplore the magicianship whereby the federal government would give to public tax Spenders a portion of federal income raised by taxing the earnings of individuals. The flow of grants back to the states would blatantly detour around the nationwide demand for cuts in tax spending and would make funds available for local spending projects which have been blocked or turned down by local tax payers.

Sensible government requires the spending unit of government to collect the taxes it would spend.

It is fatal nonsense to separate the tax-collecting level from the level that spends. The split levels make it impossible for tax payers to call government to account on how it uses or misuses the funds.

But Syndicate 1313, Metro, is going all out for revenue sharing.

1313's "law factory" wrote a sample bill to call Congress into a convention to graft revenue sharing into the U.S. Consitution. The tiff in 1313 developed when the National Municipal League editorially attacked the sample but without identifying the Council of State Government faction as the author. Both the NML and CSG are powerful lead units in the political 1313 conglomerate, Chicago-headquartered.

1313's mail order samples, bearing the markings LC 838 1–15–71 hit all state legislatures meeting in early 1971, ready for copying. A legislator who introduced LC 838 as a House Joint Resolution in his state, admitted that the measure is a nationwide effort sponsored by the National Conference of State Legislative Leaders (NCSLL) and the National Society of State Legislators (NSSL).

Last year, those two organizations popped up in the company of the National Legislative Conference (NLC), the Office of Federal-State Relations of the National Governors (GC), the National Assn. of Attorneys-General (NAAG), the National Conference of Lieutenant Governors (NCLG), and the federal Advisory Commission on Intergovernmental Relations (ACIR) when those 1313 adjuncts collaborated under the CSG whip to get the U.S. Con-Con proposal on the road.

The NML supports the concept of revenue sharing; it merely objects to the U.S. Con-Con idea, fearing that revenue sharing (MML-defined as of statutory nature) will be put into the Constitution where, NML opines, only "new principles belong."

NML, claiming civic status, includes in its membership bankers, lawyers, professors, League of Women Voters, etc.; its treasury regularly receives tax exempt funds from Ford Foundation, Carnegie Corporation and other such institutions.

The CSG, composed of careerists in government, exacts annual tribute from the fifty state treasuries; its "secretariat" controls a legion of syndicate puppets, all active.

The time has come for Congress to heed the wishes of the American constituency rather than to listen to syndicate lobbyists.

It is high time for Congress to cut spending and to forget about revenue sharing which, in the long run, is merely debt-sharing (the national government has been spending more than it takes in).

Refs. NML's "State Legislatures Progress Report" Sept.-Oct. 1970, and National Civic Review Magazine Feb. 1971, both published by National Muncipal League, 47 E. 68 St., N.Y. 10021.

There's Only Debt to Share

(By Jo Hindman)

The tussle over so-called revenue sharing—dividing federal grants between the states—exposes two factions of the same camp maneuvering state-local governments into a fatal fiscal crunch.

The main action is taking place in Wash., D.C. The Administration's "General" sharing proposal is the force working from the top down. The blank proposal, termed "constructive alternative," is the force working from the bottom up.

The Administration, talking $5- to $10-billion per year, would mark 1.3 per cent of taxable personal income revenue to be returned to the state-local levels as their share. Population and state-local government's tax effort ratio would determine the distribution, i.e. the heavier a state taxes its citizenry, the more federal refund it would "earn."

Using the same ratios, the blank $24-billion proposal, letting the U.S. President handle the purse, requires an additional condition: a "masterplan for modernizing" state-local governments. States not "modernizing" would be stricken from the sharing list. The mandated masterplan would implement the Metro program to eliminate all local governments smaller than regions.

The Administration's "Special" sharing proposals are not divulged, as this is written, but the "General" proposal stays silent on the Presidential partitioning of the 50 states into 10 regions. Done in 1969, U.S.A.'s regionalization was accomplished by one stroke at the top.

Meanwhile, Metro's bottom-to-top regionalization is running into opposition. The most recent report comes from the Texas Panhandle.

At meetings of the Panhandle Regional Planning Commission whose jurisdiction covers 26 counties, no private citizen is allowed to address the board. Even commissioners not members of the board, although their unit of government is in PRPC, reportedly are likewise gagged. The meetings are shifted all over the Panhandle, apparently to discourage citizen attendance.

At first glance it might seem that the PRPC is following the Metro movement's COG pattern (councils of government). These, posing as state-local advisory groups, inevitably clamor for taxing and other powers of a full government.

At second glance, the Panhandle region looks like a new breed, it sports a peculiarity associated with the Administration's ten (10) regional councils in federal cities—ruling bodies composed of federal HUD, HEW, SBA, Labor and OEO staffings, more being added each day.

OEO (Office of Economic Opportunity, "anti-poverty") operates through Community Action Committee (CAC) at neighborhood levels. In the Panhandle, the Texas Panhandle Community Action Corporation has been chartered by the state to organize in the 26 Panhandle counties. Seven counties have joined the TPCAC by passing resolutions. That is significant. Resolutions are beyond citizen action.

Texans have sent letters to the state capitol and to the TPCAC headquarters in Amarillo asking why the federal government is incorporating its "give-away" programming under the laws of Texas?

Is it possible that by so doing, a queer new administrative conduit, from the U.S. President to state-blessed federal dispensaries, would be created?

Complicating the zaniness, federal spending still is exceeding its income. Therefore, the only thing to share is debt.

If Congress approves the sharing of nonexistent funds, U.S. citizens will be forced into deeper public debt.

Ref. Congressional Records: 12–17–70, 1–25 and 26–71 "State and Local Government Modernization Act of 1971;" CR 2–4–71—Administration's revenue sharing proposals.

METRO REGIONS CREATED

(By Jo Hindman)

The United States has been divided into ten beggarly Metro regions by the pronouncement of a single man.

On the Day of Partitioning* a White House spokesman boasted, "The curious fact of the American national government is that there is only one 'single man' and he is called the President." That is the arrangement.

The reorganization powers to subordinate the American people under bondage have existed in the hands of U.S. presidents for more than 20 years reportedly. "No President has ever been willing to bite the bullet," according to the assistant to the president for urban affairs, "Now we have done so."

Virtually every facet of the lives of American citizens has been brought under the hand of a single man. The pattern is simple: He divided the United States into ten regions, named the states to comprise each region, designated ten cities as regional capitals, moved into them skeletal field forces of five federal agencies—HUD, HEW, OEO, SBA and Labor, all of which comprise the ten regional councils. More agencies will be added later.

The action established embryonic Metro governance over the U.S.A.

This is the first time in the history of the American nation that the regional boundaries of the major United Nations—chartered domestic programs have been made co-terminus, under the administrative governance of the chief executive of the United States.

At first, the President announced eight Metro regions fanning out from Washington D.C. To pacify Kansas City and Seattle which desired regional capital status, he upped the count to ten regions ** Unless changed again, the new Metro alignment is as follows:

Region I (Boston): Conn., Maine, Mass., N.H., R.I., Vt.; Region II (N.Y. City): N.Y., N.J., Puerto Rico, Virgin Islands; Region III (Philadelphia): Del., D.C., Md., Pa., Va., West Va.; Region IV (Atlanta): Ala., Fla., Ga., Ky., Miss., N.C., S.C., Tenn.; Region V (Chicago): Ill., Ind., Minn., Mich., Ohio, Wisc.; Regions VI (Dallas-Fort Worth); Ark., La., N. Mex., Okla., Tex.; Region VII (Kansas City): Iowa, Kan., Mo., Nebr.; Region VIII (Denver): Colo., Mont., N.D., S.D., Utah, Wyo.; Region IX (San Francisco): Ariz., Cal., Hawaii, Nev.; Region X (Seattle): Alaska, Idaho, Ore., Washington.

A White House spokesman said that "if you broke these regions up and put them in the United Nations Gazetteer they would be the "8th . . . 12th . . . 14th biggest and richest countries in the world."

The Metro federal regional structure seeks to transfer administrative governance (U.N. global ruling power) FROM the single man TO ten (10) federal directors in the 10-region national field.

One of the federal money bills to finance Metro governance in the nation was H.R. 2519 introduced by Congressman Reuss, January 1969, providing bloc grants if regional modernization conditions were met by the states.

To qualify for the promised bloc grants, the states enacted legislation enabling—or mandating in some instances—the collectivizing of counties into sub-regions which, in turn, fit neatly into the federal 10-regions under the single man governance.

Following the White House 10-region coup, the same measure (H.R. 2519) was renumbered H.R. 11764 and reintroduced later 5–28–69 by the same congressman. Sections were added giving control over the proposed $22½ billion outlay to the "single man"—the U.S. President.

The 91st Congress, now ended, failed to approved the money bill. Watch for one like it to appear in 1971.

Refs. *White House press conference 3–27–69; **Statement by the President 5–21–69.

NACo ACTIVATES "MEIN KAMPF"

(By Jo Hindman)

NACo launched a 15-point assault in 1970 for "modernizing county governments." In Metro gibberish that means that the National Assn. of Counties began the United Nations chartered administrative rules system.

NACo is the political Syndicate 1313's unit assigned to revamp county government. In turn, 1313 is the political transformer designed to conduct the global government of the U.N. into domestic use.

By early 1971, NACo accomplishments disclosed that its "New County, U.S.A." national center has been established at NACo's headquarters, 1101 Connecticut Ave. NW., Washington, D.C. 20036.

The Center is furnished with a "situation room" and a "situation map." The "situations" to be uncovered by NACo surveillance on state constitutional revisions, Metro's so-called home rule charters and other attempts to metropolitanize the United States, will be accumulated in the files and pegged on the map. Through rewritten charters and regional geopolitics, Metro's takeover of the U.S.A. is being accomplished.

NACo has tightened its nationwide "grapevine" hoping for prompt responses to its queries. A national network of clipping services and daily exchange of information with organizations such as the U.S. Chamber of Commerce which is deeply involved with the Metro 1313 syndicate, will serve as NACo eyes and ears.

An advisory committee has been appointed, drawing membership from other 1313 adjuncts such as the National League of Cities (NLC) and Conference of Mayors, International City Managers Assn. (ICMA), National Municipal League (NML), Public Administration Service (PAS), League of Women Voters (LWV), Committee on Economic Development (CED), Urban Coalition (UC) and the "portable 1313" within federal government, the Advisory Commission on Intergovernmental Relations.

The latter ACIR is top contender in federal government for the vital spot of referee in deciding which States qualify for block federal grants. The deciding factor will depend to what extent a State has overthrown constitutional government in favor of UN-Metro administrative rule.

Spiro T. Agnew, U.S. Vice Pres. will serve as honorary chairman of NACo's advisory committee, a stance quite in line with U.S. President Nixon's delineation of duties between himself and Agnew—Spiro to oversee the domestic scene while Nixon pitches at the international level.

NACo is applying heat to accelerate Metro's "multi-county districts" project that snuggles into the new ten-region U.S.A. cassette controlled from the White House.

NACo's surveillance will be bolstered by surveys, institutes, roving teams of "experts," round tables, Urban Observatories (strategically placed watching posts), consultants, university academicians (who accept lavish fees for their advice) and a "living library" (mail order library service).

This bristling mobilization expects to use the media of radio, television and (you'll laugh) a syndicated column to disseminate the propaganda.

Shamefully, NACo's "new county" war on existing county governments is made possible by a grant from tax-exempted Ford Foundation, which means that the taxpayers are subsidizing the destruction of their local government.

Ref.: "NC–USA, First Anniversary," Special Issue Vol. 35, #12 of The American County magazine by NACo, Wash., D.C. 20036.

THE CALLEY CASE AND CAPTAIN DANIEL

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. RYAN. Mr. Speaker, the reverberations of the decision in the case of Lt. William Calley are going to remain with this Nation for a long time. It is right that they should, for the Calley case has served to stir the American body politic in profound ways about the tragic war in Southeast Asia.

In passing, I would say that it is unfortunate that the massacre of so many innocent civilians, more than 3 years ago, has only now prompted this stirring of the national conscience. The immorality of this war, its misguided premises, and its unconscionable practices were not first born in March of 1968, at My Lai. Nor have they been laid to rest since My Lai. But hopefully now, an American public, tired, disgusted, and sick of war, can finally force an end to the war.

As for the Calley case, itself, more is to come. The appellate procedure lies ahead. Thus, it was unwise for the President to intervene, as he has done, thereby placing the power and prestige of his office behind those who seek to uplift Lieutenant Calley as a hero. If any comments were in order by the President, they should have been commendation for the jurors—five of them veterans of the Vietnam war—who faced a difficult burden; for the Army, which at last has begun to act; and for the men who refused to participate in the My Lai massacre.

Capt. Aubrey Daniel III, the prosecutor in the Calley case, has correctly perceived the error of the President. In a letter to the President, he viewed the President's announcement that he will personally review and decide the case before the final sentence is carried out as opening the system of military justice to charges "that it is subject to political influence." The President's action enhanced the image of Lieutenant Calley "as a national hero" and it threatened to make meaningless the action and the courage of the jurors, "six honorable men who served their country so well."

As Captain Daniel said:

> I would expect that the President of the United States, a man whom I believe should and would provide the moral leadership for this nation, would stand fully behind the law

of this land on a moral issue which is so clear and about which there can be no compromise.

At this point, I should like to include an editorial from the April 8 edition of the St. Louis Post-Dispatch, entitled "The Captain Who Spoke His Mind"; an editorial from the April 8 edition of the New York Times, entitled "The Calley Issues"; and an editorial from the April 9 edition of the Louisville Courier-Journal, entitled "Captain Daniel's Just Rebuke of the President." The editorials follow:

[From the St. Louis (Mo.) Post-Dispatch, April 8, 1971]

THE CAPTAIN WHO SPOKE HIS MIND

If any folk hero is to be fashioned out of the Calley case, we nominate the prosecutor, Capt. Aubrey M. Daniel III. He deserves several medals with oak leaf clusters for daring to speak his mind, and doing it forcefully, eloquently and unanswerably, on President Nixon's intervention in the case.

If Capt. Daniel, a draftee, were not already scheduled to leave the Army within a short time it is safe to say that his biting letter to the President would assure, if not a quick farewell, certainly a roadblock on promotions and probably assignment to the least desirable post in the world. In any event, he performed a great public service in standing up against the pro-Calley hysteria to which Mr. Nixon succumbed, in deploring a presidential intercession which is bound to weaken the judicial system, and in recalling, to President and nation alike, that the Calley case involves a clear moral issue which cannot be compromised.

As if Mr. Nixon's meddling were not enough, Senator Jackson of Washington made equal mischief when he proposed appointment of a commission to conduct yet another extra-judicial review of the affair. Public hysteria, he said, demands immediate action to "cool it." But Capt. Daniel gave everybody a lesson in how to cool it best: by upholding a legal process that has yet to run its course, instead of substituting mob law.

One of the curious twists of the uproar is that those thoughtful and sober persons who believe that Lt. Calley convicted himself are accepting a more charitable view of the American armed forces in Vietnam than those who would make him a hero. When it is argued that Lt. Calley really didn't commit a crime, but only did what many other American soldiers did, the implication is that murdering babies and women in cold blood has been an ordinary and usual practice: "no big deal," as Calley himself said.

We would rather believe that My Lai was a departure from the norm, an aberration. President Nixon once described it in those terms, but today when he gives aid and comfort to the critics of the verdict he is in effect agreeing that what Lt. Calley did was no big deal.

[From the New York Times, Apr. 8, 1971]

THE CALLEY ISSUES

The extraordinary letter of Capt. Aubrey M. Daniel 3d, Army prosecutor in the Calley case, is at one and the same time a magnificent expression of American idealism and a stark and stunning indictment of the role played in this affair by Richard M. Nixon, President of the United States.

Captain Daniel's letter, the full text of which was published in this newspaper yesterday, ought to be read in every schoolroom of America as a courageous statement of what this country is really all about: respect for human freedom, for individual rights and for impartial justice under law.

Captain Daniel makes two major points, both of which need to be affirmed again and again in the face of the hysterical outburst from those attacking the verdict against Lieut. William L. Calley Jr. for the murder of at least 22 South Vietnamese civilians in the village of Mylai. The first of these points is that Lieutenant Calley was convicted, under the most scrupulously fair procedure, of having committed a specific and despicable crime in direct violation of the laws of the United States and the rules and policies of the United States Army.

The issue in this case is not whether the Vietnam war is good or bad, not whether the United States is in a morally indefensible position in having pursued it for these half-dozen years. The issue is not whether large-scale aerial bombing or artillery fire or naval bombardment in which many thousands of innocent civilians have lost their lives is just as reprehensible as the incident which President Nixon at another time called the "massacre" of Mylai. The issue is not whether the enemy guerrillas who have eviscerated or crucified or decapitated hundreds or thousands of innocent South Vietnamese civilians are as culpable as Calley. Nor is the issue whether or not other American soldiers who may have participated in similarly brutal killings of Vietnamese civilians have gone scot free. Nor is it even whether higher officers in the Army chain of command should be brought to trial for having concealed knowledge of the Mylai Affair.

There can be no doubt that most of these issues raised by the hawks and doves who have expressed their horror over the Calley verdict are worth raising. They are valid questions; but they are not the issue here nor do they in any way whatsoever affect the justice of this trial. Calley is not "all of us," Dean Sayre of Washington Cathedral to the contrary. Calley is a convicted murderer who deserves pity, perhaps, but neither exculpation nor adulation. To have exonerated this wretched lieutenant would have degraded the Army and made a monumental farce of American efforts to secure humane treatment of American prisoners now in enemy hands. The Army would be saying it was permissible to murder civilians under American control; and in fact the witless uproar over the Calley conviction is giving precisely that impression even now throughout the civilized world.

And here we come to the second major point made by Captain Daniel: the outrageously political intervention of his Commander in Chief, to whom Captain Daniel addressed his remarkable letter. The judicial procedures of the United States Army have been unconscionably subverted by the White House statement that the President would personally review and decide the case before the final sentence is carried out. Mr. Nixon's public entrance into this matter before the normal and automatic review procedures had even begun was an affront to the American judicial process, and has already done untold damage to respect for American law as well as justice, civil as well as military.

Captain Daniel and the rest of us had a right to expect from the President an expression of moral leadership, of reverence for the law, of honor to those millions of members of the armed forces who have *not* engaged in atrocities but who have done their duty just as the prosecutor, the judge and the jury did theirs in the trial at Fort Benning. Instead, the President of the United States, failing to stand up to his responsibility, has yielded to momentary public clamor and to illusory political expediency.

[From the Louisville (Ky.) Courier-Journal, April 9, 1971]

CAPTAIN DANIEL'S JUST REBUKE OF THE PRESIDENT

President Nixon's untimely intervention in the Calley case is difficult to interpret as anything but a case of politics over principle—unless, most disturbing of all, principle never even crossed the President's mind.

The telegrams to the White House were running 100-to-one in favor of freeing the convicted murderer of at least 22 South Vietnamese civilians. The governor of Alabama and the lieutenant governor of Georgia had rushed to the murderer's side. The governor of Indiana was calling for American flags to be flown at half-staff. The lieutenant governor of Kentucky was calling for a public rally in support of the murderer. Politicians everywhere were throwing their minds and morals to the winds and hopping on the bandwagon. Public tensions were running high.

At moments such as that, a President is supposed to exercise moral leadership, to keep his perspective even if all about him are losing theirs, rather than permit himself to be caught up in the emotional surge of the moment. Yet Mr. Nixon, properly casting about for a way to defuse explosive passions, chose the one course best guaranteed to eat away further at public respect for the foundation stone of the nation: our system of justice.

Military law already provides for the President, as commander-in-chief, to intervene in the military judicial process whenever he wants. So why did President Nixon deem it necessary to thrust himself into this particular case almost before the ink on the sentence was dry, before an appeal could even be readied, before other officers charged in the case could come to trial? To remind the emotional outcriers that, after all, he *is* the President and all will be well in the end?

DIGNITY AND PRIDE ABANDONED

It was enough to goad the young Army prosecutor—who had handled the long and difficult case with taciturn competence and dignity—into an eloquent rebuke of his chief. The President's announcement that *he* will decide Lieutenant Calley's fate opens the system of military justice to charges "that it is subject to political influence . . ." the prosecutor said. It enhanced the image of the murderer "as a national hero . . ." It threatened to make meaningless the action and the courage of the jurors, "six honorable men who served their country so well."

Captain Aubrey M. Daniel III is right. But the President's intervention did even more harm than that. In the eyes of the world, it stripped this country of the only scrap of dignity and pride it has yet been able to salvage out of the horrible bloodbath at My Lai. "That the Calley trial took place is a credit to the United States," commented *The Sunday Times* of London. "But the President has now destroyed what good the trial has done."

Politics makes strange bedfellows. But justice has never yet lain with politics and remained pure. Whatever fate President Nixon determines for Lieutenant Calley now will have the taint of politics upon it forever. For that, the commander-in-chief deserves the rebuke of the captain and of every American who can see the end result of sacrificing principle to every passing demand.

URGES ADMINISTRATION TO RELEASE FUNDS

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. JAMES V. STANTON. Mr. Speaker, the administration's refusal to spend $12 billion approved by Congress for vitally needed urban renewal, transportation, and sewer programs, raises serious questions about the sincerity of the President's efforts to reduce unemployment.

With nearly 6 percent of the Nation's work force unemployed last month, there is an even greater need to spend these funds for paycheck-producing projects.

These funds are not frills in the budget, but essential appropriations approved by Congress after long consideration and debate.

What reason could the President have for impounding $200 million for urban renewal; $200 million for water and sewer grants; $192 million for public housing, and $7 billion for transportation, including $6 billion for highways?

The administration says it is holding up this money partly to combat inflation. But the unprecedented amount of the freeze and the broad scope of these funds leads me to question the President's motives for such action at this time.

Appropriation of public funds is the historic prerogative of the Congress. When the President ignores this constitutional precedent, he threatens to compromise the checks and balances of our Government.

The Congress has exercised its responsibility by approving these funds. I ask the administration to do the same and use these funds for the purposes which Congress has directed.

IS MARCH ON WASHINGTON DESIGNED TO PROMOTE PEACE, OR IS THAT LAUDABLE OBJECTIVE BEING USED AS A SUBTERFUGE TO ADVANCE A PRO-COMMUNIST REVOLUTIONARY MOVEMENT?

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. FISHER. Mr. Speaker, there has been much publicity about pending mass demonstrations in Washington, originally announced by David Dellinger—who was convicted with the Chicago 7—and Sidney Peck, a one-time Communist Party official. Both of these men have long records of violence and pro-Communist activities.

These sponsors are joined by a motley array of subversive organizations and individual extremists alined with the New Left. In addition, there are some veterans, pacifists, and others who appear to be confused about the war and our withdrawal plans. We must assume many of these mean well, but those who feel that way must find themselves in some dubious company. It would seem they could assert their views in more compatible circumstances.

The Dellinger-Peck announcement said the objectives of the Washington convergence are to plug for a $6,500-a-year guaranteed annual income for every family of four; freedom for all "political prisoners"; and immediate unconditional withdrawal of all U.S. forces from Vietnam.

WHAT DO PROTESTERS SEEK?

Mr. Speaker, in regard to the war, while we recognize the presence in this country of honest differences of opinion regarding the conflict in Vietnam, it goes without saying that the Communist Party, U.S.A., is naturally determined to exploit to the limit the antiwar sentiment that has developed here.

Are the leaders of this movement interested in accelerated withdrawal of American combat troops from Vietnam? If so, that is already being done.

Are they interested in the program to train and equip the South Vietnamese forces, to enable them to cope with the Communist aggressors? If not, they have plenty of company in Hanoi.

Are they concerned about the fate of the 1,600 American prisoners of war held by the Communists? If so, they never mention it.

All their declarations call for immediate, unilateral, unconditional withdrawal of all Americans from Vietnam. That position jibes precisely with demands made by Hanoi's negotiators in Paris.

The real motivations behind these extremist leaders become apparent when we examine their modus operandi.

They discredit the successes achieved in Cambodia and Laos.

They even condemn the bombing of enemy supply lines.

They repeatedly attack the Government of South Vietnam, but never find fault with the Communist government in the north.

They seek to expose and exploit allegations of atrocities charged against those in the south, but completely ignore the monstrous atrocities committed by the Communists at Duc Duc, Hue, and literally scores and scores of other places in the south.

They demand a day-certain pullout of all U.S. forces, but they never—never—even suggest the same treatment for the enemy.

They join in all sorts of hate-America activities, and, strangely, are never known to indulge in hate-Communist manifestations.

Thus, we witness constant nagging and faultfinding with anything and everything that is done by Americans and South Vietnamese, but no criticism ever directed at the Communist aggressors.

WHO PROMOTES THE MARCH ON WASHINGTON?

Mr. Speaker, constructive criticism is always in order under our system. But dissent, under any circumstances, should be consistent with what is good for America. That fact prompts us to examine the motivations of those who inspired the current demonstrations.

The spring offensive, as it is called, is being promoted by the People's Coalition for Peace and Social Justice, and cosponsored by the National Peace Action Coalition. The latter is an offshoot of the Socialist Workers Party, which has been officially cited as a Communist front. In addition, the pro-Communist Young Socialist Alliance has been working on the protest since last December.

A total of 23 Members of the House and eight Senators have given their blessings to the movement.

The grand strategy for the mass convergence was recently announced by David Dellinger and Sidney Peck—already referred to.

It is of interest to note that one of the three objectives of the demonstrations is to obtain freedom for "political prisoners"—whatever that means. Apparently they are for the first time aping revolutionaries in other countries who have employed kidnaping and violent threats in efforts to obtain release from prison of their cohorts, regardless of the nature of the crimes committed.

MARCH WAS HATCHED IN STOCKHOLM

It is a known fact that the spring offensive was planned at a meeting in Stockholm last November, described in the press as the "World Conference on Vietnam, Laos, and Cambodia," attended chiefly by delegates from Hanoi and other Communist countries. David Dellinger was one of the speakers.

Shortly following the Stockholm meeting plans for the Washington march began. The services of many of the old revolutionaries were enlisted.

Among them was Rennie Davis, also one of those convicted in the Chicago Seven trial; Jane Fonda, who now bills herself as a "revolutionary woman"; and Don Gurewitz, a national officer of the radical Student Mobilization Committee. The latter, whose family has been identified with Communist causes for years, was joined by Carol Lipman, another Socialist Workers Party member.

Other sponsors include such characters as James Lafferty, closely associated with the Communist-dominated National Lawyers Guild; Vincent Hallinan, of San Francisco, longtime attorney for hard-core leftists; Corliss Lamont, a granddaddy of Communist front groups; and Ruth Gage-Colby, a repeated joiner of Communist movements.

A STRANGE AGGREGATION

While some well-meaning people have been drawn into this march, it is apparent the convergence will include the biggest aggregation of kooks, hooligans, subversives, and revolutionaries ever assembled at one time and place in this country.

There is every reason to believe, so far as the leadership of this movement is concerned, the antiwar angle is being used as a gimmick designed to suck in some well-meaning and the more naive war protesters. Rather, it is to be a concerted pro-Communist effort to mold a revolutionary movement in America, sprinkled with hate-America propaganda on the part of some participants.

WILL THERE BE VIOLENCE?

It is of interest to note that four out of the five announced national coordinators of the Washington blowout have known affiliations with revolutionary organizations. Although they, for obvious reasons, do not speak of violence, it is well known that the ringleaders are of the violent type.

One thing is certain: Violence will be employed if the leaders think violence will better serve their purpose. One of their announced objectives is "to shut down the Government until it stops the war."

Sidney Peck, one of the ringleaders, is reported to have issued a leaflet on "How to Stop the War in Vietnam," which stated:

> Massive non-violent direct action implies that many people will get hurt and some may die. And it will take the lives of many of our friends and comrades before we are able to wield the leverage of mass international opinion and disruptive internal turmoil to bring the war machine to a halt.

And Rennie Davis, described in the Washington Post as "masterminding the May disruptions," said Washington demonstrators will block traffic by abandoning old automobiles purchased for the purpose, setting them afire if possible. Massed bands, he said, will provoke the police. And Federal buildings and congressional offices will be occupied. He added that not even the Supreme Court will be immune.

The police, with all their reinforcements, will be hard pressed to maintain order. Again, it all depends on how many demonstrators actually show up, how they choose to conduct themselves, and how well the police are able to control the situation.

Mr. Speaker, it is important that the American people know what is behind this march and who the people are who promote it. After all, the only possible effect this thing can have, at this time, is to harm this country. Naturally, it can be expected to encourage the Communists, regardless of what the motivations behind it may be.

We are now in a withdrawal posture in Vietnam. The Vietnamization program is proving to be exceedingly successful thus far. Only 300,000 Americans remain, and 100,000 are due to be brought home this year. According to the best military judgment, we are pulling out as fast as conditions will permit.

TRIBUTE TO A BLACKSMITH

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. SLACK. Mr. Speaker, it is my great honor to represent, among my constituents, a man of iron, a man of stout purpose and undeviating Christian virtue, cast in the mold of those who first settled this country and made our Nation possible, a blacksmith who still tends his forge each day, although 86 years of age.

In this time of too much public clamor and jostling for attention by demagogs, we frequently forget that such men actually exist and that they are the people who represent the strength of our society. But they do exist and we have become the most powerful Nation in history because of the fortitude they have had to accomplish in a lifetime.

I take this opportunity to bring to your attention a news feature describing my constituent, Tim Harper, a good American, a good Christian, and a good citizen; a blacksmith of 60 years' experience, and I extend to him my heartiest congratulations on his birthday just passed.

The item follows:

[From the Charleston (W. Va.) Daily Mail, Apr. 12, 1971]

FORGE STILL GLOWS—HAMMER AND ANVIL RING FOR 60 YEARS

(By David McCorkle)

Almost forever there has been the blacksmith.

He lives on in our times as a legend, a symbol of the pioneer spirit of an earlier America, an exemplar of industry and toil, brawn and tenacity.

Soot-covered, tanned by his fire, with strong hands he forged and tempered the tools which plowed the ground and tilled the soil. Men of his mien built this nation.

Alone, in a small shop on the banks of Coal River, William Tim Harper still plies the ancient trade. He is a progeny of those bygone times, a vestige of the legendary village blacksmith.

Harper has been blacksmithing from daybreak to dusk for more than 60 years. His shop has stood on A Street in St. Albans almost that long, a ringing testimony to a long and productive life.

Tim Harper celebrates his 86th birthday today, and even age cannot take his work from him.

His daughter, Miss Druzetta Harper, says he starts work about 7 a.m., or "as early as he can get me up to fix his breakfast." In the evening he refuses to leave his shop until he has finished his last piece, many times not until 5:30.

Harper still works six days a week. Except for holidays and occasional illness, he sets aside one day a year for vacation, traveling to Greenbrier County for the Labor Day weekend to visit a son.

As the famous village smith of Longfellow's poem, Harper swings his hammer with a measured beat and slow. At 86, however, the beat is not as measured as it once was and it's becoming slower.

There was a time when you could give him a piece of iron, tell him what you wanted and he would fashion it by hammer—a hoe, tongs, rake, plowshare, horseshoes.

But Harper hasn't shod a horse for years, and hoes are hard to make because the materials aren't as available as in times past.

He still sharpens tools though, and fits them with handles. His patrons still comment on his inimitable expertise.

Harper lives on Church Avenue but spends most of his waking hours in the shop on A Street. His daughter said, "He is happier down there. He feels like those things are his and that the house belongs to someone else."

Harper is one of the few professional blacksmiths remaining in the Mountain State. He is a survivor of another age which most have forgotten.

Day in and day out he keeps his fire burning, though, and as long as the flames glow and the hammer rings against the anvil, William Tim Harper forges a mysteriously wonderful link with the past.

THE 28TH ANNIVERSARY OF THE WARSAW UPRISING

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. PEYSER. Mr. Speaker, 28 years ago, 60,000 Jews in the Warsaw ghetto knew that they could not hope to prevail against the mighty German Army.

They had a choice. Either they could march, like so many sheep, to the gas chambers, or they could challenge the Nazi army to battle, and fight to the last bullet.

The Jews of the Warsaw ghetto chose the latter course.

On April 19, 1943, under the leadership of Mordecai Anzelwicz, the Jewish combat organization launched their desperate and foredoomed revolt against the Nazi occupiers.

In reply, the Nazis threw into battle several divisions of troops and entire squadrons of the Luftwaffe.

For almost 3 long weeks, the Jews fought back with the few weapons they had been able to smuggle into the ghetto with the help of the Polish underground.

Finally, on May 8, 1943, the last outpost of the Jewish resistance fell. Those leaders who still survived committed suicide rather than be captured. Only a tiny minority survived to bear testimony to this epic struggle.

It is fitting that we pay tribute to the fallen martyrs of the Warsaw ghetto uprising, and in doing so, rededicate ourselves to the continuing struggle against the kind of prejudice and intolerance that led to the massacre of 6 million Jews during World War II.

THE NORTH VIETNAMESE MASSACRE OF CIVILIANS AT DUC DUC

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. FISHER. Mr. Speaker, in recent months this Nation has witnessed a sad display of one-sided criticism of anything and everything that has been done by Americans in Vietnam.

Bearing on that practice, I include a letter published in the April 18 issue of the Washington Post, written by 1st Lt. Fred M. Greguras, USMCR. Having served in Vietnam, Lieutenant Greguras is well informed about some of the reporting. The letter follows:

[From the Washington Post, Apr. 18, 1971]

THE NORTH VIETNAMESE MASSACRE OF CIVILIANS AT DUC DUC

The last time I saw the South Vietnamese village of Duc Duc was in late August of 1970. We had crossed the Thu Bon River northwest of the village after an operation in the Arizona Territory. We were met on the east bank of the river by tanks which were to lead us to the road which would take us through the village and on into the An Hoa Combat Base. We walked in the tread tracks of the tanks to preclude the detonation of booby traps which were abundant in the area.

As we neared the village the ruins of French plantation houses became frequent. The crops they had planted a generation ago now grew wildly. When we came to the road which would take us through Duc Duc the tanks deserted us and we walked somewhat leisurely through the village. We came first to the poor section of the village where the people lived in crudely constructed shelters of lumber, tin and canvas which had been acquired in one manner or another from the An Hoa Combat Base.

As we moved toward the center of the village the shelters became houses; tile roofs, plywood floor, even some glass windows. The center of the village, unlike American cities, was the section of the affluent. There were numerous small shops selling a variety of local products and a teashop which seemed to serve as a focal point for all activity.

The main street ran north and south and on the west side there were masonry homes with long green lawns and wide verandas. The only wire evident in the village was that used to pen their domestic animals. At the southwest corner of the village was the heavily fortified district capital. This cantonment was perhaps 25 yards in diameter.

The village itself was not fortified. It was not pro-American as a similar river crossing in May drew fire from the village. Marine helicopters were frequently the target for a .50 caliber machine gun located somewhere near the village.

As I try to remember the people of the village I picture barefoot young boys at the edge of the road giving the peace sign and saying "Hi Honcho." The bearded old men, who had lived under the French and Japanese, were sternfaced and only a few greeted us. The small girls tended their younger brothers and sisters while their mothers sewed or worked in the paddies. I recall one man walking toward the paddies with his hoe on his shoulder and it reminded me of my father going to his job, lunch pail in hand.

On March 31st two North Vietnamese battalions wantonly attacked the village of Duc Duc under the pretense of attacking the aforementioned district capital. A mortar barrage was followed by a ground assault on this defenseless village resulting in the death or wounding of 200 civilians and the burning of 1000 homes. An American pilot laconically reported that after the attack the village had the appearance of a large ashtray.

At a time when our nation's media have zealously attempted to pry into every nook and cranny of our involvement in South Vietnam to discover our wrongdoings no television commentator spoke from or of Duc Duc, newspapers gave the attack scant attention and termed the South Vietnamese civilians killed or wounded there as "casualties."

It was a massacre, by any definition and in great magnitude perpetrated by a ruthless enemy that wages a calculated war of attrition on a civilian populace.

This is no excuse for our wrongful acts for we Americans show our humanism in many forms including the quality of erring. But why, when our wrongdoings are justly labeled atrocities, are our enemies' acts not also so labeled?

Yet by much of our mass media the North Vietnamese are characterized as industrious, courageous and even humane in the mitigation of the court of world opinion. Yes, they are courageous when they are high on dope, they are industrious in developing such a variety of methods to kill or maim our fellow countrymen as to leave the imagination gasping and they are humane because it doesn't mean anything when North Vietnamese murder South Vietnamese?

It is important anytime anyone dies.

FRED M. GREGURAS,
1st Lt. USMCR.

Quantico, Va.

WHATEVER HAPPENED TO PRODUCT SAFETY?

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. ROSENTHAL. Mr. Speaker, during its brief 2-year life, the National Commission on Product Safety outperformed by far its more permanent and affluent sister consumer protection agencies of Government.

Although the Product Safety Commission was directly responsible for getting a number of hazardous household products off the market, its most important legacy, in my judgment, was its carefully documented conclusions that Federal consumer protection is frequently a myth and that industry is sometimes callous in terms of the safety of their products.

In an excellent article in the New Republic, Michael Lemov, who was general counsel to the Commission, graphically illustrates those conclusions by divulging that many of the industry groups and companies whose products were scrutinized by the Commission joined with three alleged Federal consumer protection agencies of Government, to finance a study explicitly designed to refute the Commission's frightening statistics on product-related injuries and deaths.

I particularly commend Mr. Lemov's article to those who believe that "consumerism has gone too far." Of course, Mr. Lemov's article is corroborative evidence that consumerism has not gone nearly far enough. His article follows:

WHATEVER HAPPENED TO PRODUCT SAFETY?

It didn't live long, but in its two-year life the National Commission on Product Safety battled one industry after another on behalf of consumers and usually won. It compelled a leading manufacturer of dishwasher detergents to substitute less toxic ingredients in its product. It goaded gas appliance manufacturers to develop an insulated cover for dangerously hot floor furnaces and glass container manufacturers to start to develop a nonexploding soda bottle. Industry response invariably followed commission hearings.

While it lasted, the commission actually functioned as a consumer regulatory agency, and not as the study group some might have wanted it to be. Without statutory authority to force anyone to do anything, it repeatedly induced manufacturers to change the design of products to incorporate new safety features. In the two years of its existence it probably had more impact on consumer product industries than most permanent federal agencies. One Federal Trade commissioner called it "the most effective federal commission in existence." According to Ralph Nader it was the "best $2 million the government ever spent." In its final report, in June 1970, the commission advised President Nixon and Congress that notwithstanding its efforts thousands of Americans continue to be needlessly killed and injured by the products they buy.

The commission's report was handed to an employee at the White House gate, the President having declined to meet with the commission's chairman, Arnold Elkind. The only official recognition given the report was a press release by Virginia Knauer, President Nixon's consumer advisor, promising a careful review and evaluation. As yet none has been forthcoming.

With the release of the President's consumer message, the reason for the cold shoulder becomes obvious. To his credit, the President has recommended the passage of new product safety legislation. However, he has recommended the law be enforced by The Department of Health, Education and Welfare, not an independent consumer product safety agency.

The Administration's decision against the creation of an independent consumer safety agency is of great significance for consumers. The commission was highly critical of the performance of existing federal agencies with consumer safety responsibilities. It emphasized that the Food and Drug Administration, the Health, Education and Welfare agency that would probably enforce the new law, had taken more than two years to remove from the market the deadly household cleaner carbon tetrachloride. It had never used its powers to temporarily ban hazardous consumer products during extended administrative proceedings, and had generally concentrated on food and drug matters to the exclusion of other consumer products.

The commission undoubtedly had the FDA in mind when it concluded: ". . . where it exists, Federal product safety regulation is burdened by . . . bureaucratic lassitude, timid administration, bargain-basement budgets, distorted priorities, and misdirected technical resources."

When the commission's initial product hearings opened in Boston in December, 1968, a manufacturer of a lidded crib that had caused the strangulation death of an infant ignored the commission's invitation to testify. The father, however, did testify, along with a medical examiner who described the manner in which the crib caused the death. The press fully reported the story. After that, no manufacturer ignored the Product Safety Commission.

Although most study commissions do no more than file their reports, the Product Safety Commission pushed through a new law—the Child Protection and Toy Safety Act of 1969, which closed a loophole in federal protection for children by giving the Food and Drug Administration authority to ban mechanical, electrical and thermal hazards in toys. The Toy Manufacturers Association sought to weaken the bill in committee but did not succeed. Unfortunately, the enforcement of the law, by the Food and Drug Administration, has been less than vigorous.

In January 1969 when the commission began looking into the safety of sliding glass doors, storm doors and other glass products used in the home, it met resistance from the National Association of Home Builders and the Federal Housing Administration. At that time the FHA still permitted dangerous nonsafety glass in sliding doors in FHA-insured houses. The commission invited Eugene Gulledge, former president of the Home Builders and now assistant secretary of the Department of Housing and Urban Development, to testify on the reasons for the Home Builders' opposition to safety glass. Gulledge refused to testify and the commission was about to issue a subpoena when the White House intervened and asked that he be excused since the Home Builders were having their annual convention in Houston on the day of the hearing. The commission went ahead without Gulledge. When the FHA failed to send policy-level officials to the hearing, commission chairman Elkind established that they were in Houston with the Home Builders. Elkind's public criticism of the FHA and extensive testimony on the deaths of consumers who walked through glass doors again demonstrated the commission's clout. The FHA subsequently reversed its position and published new regulations requiring safety glass. The Home Builders too changed their minds on the issue and at least six states passed mandatory safety-glass legislation.

The commission's last fight was with one of the largest consumer industries, manufacturers of television receivers. Based on reports of spontaneous fires, primarily in color television sets, the commission investigated and found that thousands of fires were occurring each year, apparently caused by combustible and defective parts. Manufacturers were requested to redesign the sets and recall the defective models. In a confrontation between Elkind and two other commissioners and representatives of virtually every US and Japanese TV manufacturer, the industry at first refused to do anything, claiming the problem was insignificant. Elkind stated the commission would immediately hold public hearings on the hazard. Industry spokesmen requested one hour to meet privately. Shortly thereafter, the industry agreed to develop new standards for color television sets to eliminate the fire hazard. They kept their promise, but without the commission around to review the standards' effectiveness and compliance by manufacturers the consumer can't be sure how well his interest has been protected.

While mail from consumers to the defunct commission has continued to pile up, industry lobbyists have been searching for alternatives to its recommendations, particularly that of an independent safety agency. Twelve trade associations and corporations contributed some $90,000 for a study of household product injuries that the industry hopes will refute the commission's injury estimates: 30,000 deaths, 22 million injuries annually in accidents associated with household products. The industry contributors are the American Gas Association, American Insurance Association, American Ladder Institute, Association of Home Appliance Manufacturers, Electronics Industries Association, Gas Appliance Manufacturers Association, National Electrical Manufacturers Association, Outdoor Power Equipment Institute, Sears, Roebuck, J. C. Penney and Underwriters Laboratories, Inc. Three Government agencies also contributed several thousand dollars to this study, due to be completed by May. The Food and Drug Administration of HEW, the Environmental Control Administration, and the National Bureau of Standards each allocated federal funds to an industry group to conduct a study designed to refute the findings of another federal agency. The funds were committed notwithstanding the fact that the government had already spent $2 million for the product safety commission's investigation.

With the demise of the commission, the industries it compelled to design safer products were freed from effective government control. At the injury rates projected by the commission, 2500 Americans die each month and over a million are injured in accidents involving consumer products. Consumers lost more than they know when the commission expired.

FORMER AMBASSADOR YOST ON WITHDRAWAL FROM VIETNAM

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. RYAN. Mr. Speaker, former Ambassador to the United Nations Charles W. Yost has written a most cogent article concerning Vietnam. It appeared in the April 11, 1971, edition of the Washington Post and is entitled "Deadline: A Way Out of Vietnam." It is very unfortunate that Ambassador Yost's views were not heeded while he was a member of the administration, but, as he notes, his "advice was never asked on any substantive aspects of the problem."

Ambassador Yost presents a persuasive, reasoned argument. He accurately assesses the "real reasons why the President and Kissinger are preoccupied with at least the appearance of victory in Southeast Asia:"

First, the simplistic conception . . . of an apocalyptic bipolar global struggle between communism and the free world in which any setback to either side anywhere threatens critically the delicate balance of power everywhere.

Second, their fear that the loss of South Vietnam would produce a domestic political upheaval in the United States which would discredit their administration and throw the Republican Party into the arms of its rightwing; and

Third, the panic which seems to overcome any American President at the thought of being the first to lose a war.

Ambassador Yost proposes five steps. They are proposals of an experienced diplomat who certainly cannot be charged with having any ulterior political motive. Ambassador Yost proposes:

First. We should promptly and publicly fix a date for the total withdrawal of all United States Military forces from South Vietnam—subject only to North Vietnamese agreement to commence releasing United States prisoners as soon as the date is fixed and to complete the release of all prisoners before withdrawal is completed.

Second. We should propose a general cease-fire, without making withdrawal conditional upon it.

Third. We should offer the South Vietnamese Government a last opportunity to negotiate a political settlement on the basis of an interim government acceptable to both sides to carry out elections.

Fourth. We should propose to all participants in the Geneva accords a return to the full application of those accords, with such changes as are required or are desirable.

Fifth. We should reiterate our past offer to contribute substantially to a program of economic rehabilitation, reconstruction and development in Southeast Asia.

I do not subscribe completely to all of Ambassador Yost's proposals. But I do subscribe completely to his view that the Paris negotiations were allowed to degenerate into a charade . . . I believe he presents a balanced, intelligent plan which can form the basis for movement in Paris, if only the administration will forswear the policy of military victory—however unreal the so-called victory may be in terms of reality—which it pursues.

I commend Ambassador Yost's article to my colleagues. The article follows:

[From The Washington Post, Apr. 11,1971]

DEADLINE: A WAY OUT OF VIETNAM

(By Charles W. Yost)

(Note.—Yost was charge d'affaires at Bangkok in 1956–6, ambasasdor to Laos in 1954–6 and capped his Foreign Service career with two years as ambassador to the United Nations. Since February, he has been associated with the Columbia University School of International Affairs.)

In 1968 I prepared for the Carnegie Endowment on International Peace and the Council on Foreign Relations a paper in which I urged that the recently commenced negotiations in Paris be used to seek a political settlement which, I pointed out, would require "substantial and painful concessions" by both sides.

It was perfectly clear that Hanoi would *not* accept a settlement which left the Thieu-Ky government in power indefinitely or which provided for elections to be carried out by that government, even with some international supervision. There is a strong tendency among Asian voters, even in relatively free elections, to accept "the mandate of heaven"—that is, to vote for the party in power. To Hanoi, elections managed by the present Saigon government would mean loss of all it had fought for so long and so hard.

My paper suggested, therefore, that we explore seriously and urgently in Paris whether the North Vietnamese would accept a neutral interim government to carry out elections, a government from which *both* the Thieu partisans and the National Liberation Front would be excluded or, alternatively, one in which both would be included but in a minor role. If this were possible, I thought an immediate cease-fire could be brought about and the war rapidly wound down. If Hanoi insisted on an interim government which the NLF would clearly control, that would be unacceptable to our side and the negotiations would fail.

This paper was just about to be circulated to the members of the two organizations which sponsored it when I was offered by the incoming Nixon administration the post of U.S. ambassador to the United Nations. The first request which was made to me after I accepted the post was that this paper *not* be circulated. It was clearly inconsistent with the policy which the administration intended to follow.

During my two years service with the administration, I was not involved in any way in the formulation or execution of its policy toward Southeast Asia. My advice was never asked on any substantive aspect of the problem nor was I involved in any National Security Council deliberations on it. I therefore watched from the sidelines with growing apprenhension and heartache the prolongation of our military effort in Vietnam far beyond what seemed to me a rational or justifiable point.

In October, 1969, I was moved to submit a memorandum to the administration in which I made this argument as strongly as I could. I urged that we either "bring about a drastic change in the character of the Saigon government as a basis for political settlement" or, if that was considered to be unacceptable, that we "substantially accelerate troop withdrawals without a political settlement."

I never received any response to this memorandum. On the contrary, the Paris negotiations were allowed to degenerate into a charade and troop withdrawals continued at the same deliberate pace which in April, 1971, still leaves 300,000 American troops in Vietnam. Even last Wednesday's announcement by the President of slightly accelerated withdrawals would leave about 180,000 Americans there at the beginning of 1972, nearly seven years after our major involvement in the war began.

It was and still is quite clear that, despite the Nixon Doctrine and the commitment to "Vietnamization," the President and his national security adviser, Dr. Henry Kissinger, continue to believe that "victory," in the sense of the maintenance of power of the Thieu-Ky government, can still be achieved, and that continued substantial U.S. participation in the war for this purpose is not only acceptable but necessary.

They contend that all their military actions, both defensive and offensive into Cambodia and Laos, are designed to reduce American casualties, to protect American forces as they withdraw and to secure the release of American prisoners of war. Actually, there seems little doubt that, if the administration were prepared either to accept a political settlement involving a change in the Saigon government or to fix a proximate date for the *total* withdrawal of U.S. forces, the North Vietnamese would be only too willing substantially to reduce hostilities, as well as to release all U.S. prisoners by the time U.S. withdrawal was completed.

AN EMOTIONAL BASIS

It appears more likely that the real reasons why the President and Kissinger are preoccupied with at least the appearance of victory in Southeast Asia are: (1) the simplistic conception, stamped on their minds in their politically formative years and never relinquished, of an apocalyptic bipolar struggle between communism and the "Free World" in which any setback to either side anywhere threatens critically the delicate balance of power everywhere; (2) their fear that the loss of South Vietnam, after the expenditure of so much American blood and treasure in its defense, would produce a domestic political upheaval in the U.S. which would discredit their administration and throw the Republican Party into the arms of its right wing, and (3) the panic which seems to overcome any American President at the thought of being the first "to lose a war."

These deeply felt emotions are, I suspect, much more decisive with the President and Kissinger than are the more prudent considerations which led them to proclaim the Nixon Doctrine. They cannot yet bring themselves to renounce military "options" involving U.S. forces which they still hope will preserve the status quo in South Vietnam and which the American public could still be persuaded to tolerate. The President has, partly by the exercise of his own rhetoric, persuaded himself, as President Johnson did earlier, that the "loss" of South Vietnam, however it came about, would be an intolerable "humiliation," would cause the U.S. to be considered by both foes and friends, "a pitiful, helpless giant" and would fatally blot the reputation in history of the President who presided over it.

Actually, of course, the more leaders use this sort of language in public, the more they create the atmosphere which could make it self-fulfilling. It is at least as reasonable to contend that the U.S. has, after six years of massive engagement itself and a vast buildup of the ARVN, far more than fully met any obligation it might have had to self-determination in Vietnam. If the government of South Vietnam cannot in 1972 maintain itself without U.S. military involvement, it is unlikely to be able to do so in 1973 or at any time thereafter.

Moreover, it would now seem to be demonstrated that no practicable expansion of the war is likely to be profitable or even tolerable. The Cambodian "incursion" last year and the Laotian "incursion" this year, while they produced marginal tactical advantages, have had two much more prejudicial strategic consequences: (1) they have seriously overextended the South Vietnamese forces which we have been trying to prepare to defend their own country and, in the Laotian case, have badly damaged their morale; (2) they have so aggravated U.S. public dissatisfaction with the whole Southeast Asian enterprise that, as the polls indicate, a majority of Americans now wish to withdraw almost immediately. Under these circumstances no further expansion of the war, concerning which the President still seems determined to keep his "options" open, lies within the realm of political reality.

In this connection, neither the administration nor the public has faced up to the role, present and future, of U.S. airpower in Southeast Asia. The impression is, however, emerging that the massive way in which it has been used in South Vietnam since 1965, and in Laos and Cambodia more recently is not only indecisive and often counterproductive in a war of this character, but is so undiscriminating between combatant and noncombatant, so devastating to the lives and livelihood of friends more than of foes, so cruel and inhuman in its scale and consequences, that it is unjustifiable under either the laws of war or the laws of humanity.

AN ABSOLUTE DEADLINE

In summary, in light of all this tragic history and these inexorably accumulating facts of life, what should the United States do now about getting out of Southeast Asia? I would propose the following five steps.

1. We should promptly and publicly fix a date for the total withdrawal of all U.S. military forces from South Vietnam—subject only to North Vietnamese agreement to commence releasing U.S. prisoners as soon as the date is fixed and to complete the release of all prisoners before withdrawal is completed. This date should preferably be Dec. 31, 1971, but, if this should turn out not to be logistically feasible or if agreement on the release of prisoners could not be obtained soon enough, it might be March 31 or even June 30, 1972, but certainly no later.

2. At the same time that we fix a date for withdrawal, we should propose a general cease-fire, to take effect at once or at any time prior to completion of withdrawal. We should *not*, however, make withdrawal conditional on a cease-fire. Acceptance of a general cease-fire would mean that the status quo throughout South Vietnam, and perhaps Laos and Cambodia as well, would be frozen while the Americans were withdrawing. It seems unlikely that such a freezing for a period of many months would be acceptable to either the North or South Vietnamese. On the other hand, after a date had been fixed for U.S. withdrawal, local cease-fires to facilitate withdrawal might be quite feasible.

3. Before announcing a fixed date for U.S. withdrawal, we should offer the South Vietnamese government a last opportunity to negotiate a political settlement on the only basis on which it might conceivably be negotiated—that is, an interim government acceptable to both sides to carry out elections. Obviously, if Saigon were willing to try to negotiate such a settlement, it would have a better chance of doing so successfully while the Americans were still militarily present in Vietnam and participating in the Paris negotiations. Since, however, I very much doubt that the Thieu-Ky government would agree to negotiate a settlement of this kind, even faced with the prospect of early U.S. withdrawal, I should not suggest delaying for this purpose for more than one month the announcement of a terminal date for U.S. withdrawal.

4. We should, simultaneously with this announcement, propose to all participants in the Geneva Accords of 1954 and 1962 return to the full application of those accords, with such modifications as changed circumstances require or as seem desirable to all concerned, but specifically including withdrawal of *all* foreign forces (including North and South Vietnamese) from Laos and Cambodia and reaffirmation of the neutralization of these two countries. One modification of the accords which would be most desirable, if it could be obtained, would be the creation of more effective supervisory machinery than the old International Control Commission. If a new Geneva Conference were necessary to accomplish these ends, as it very likely would be, such a conference, with the same or larger participation, should be convened as soon as possible. The conference could also concern itself with Vietnam, if the governments of both North and South so desired, but it would not necessarily do so.

5. We should at the same time reiterate the offer we have made in the past to contribute substantially to a program of economic rehabilitation, reconstruction and development in North and South Vietnam, Laos and Cambodia, to be carried out preferably under United Nations auspices.

Achievement of the objectives proposed under these five points seems to me realistic and practicable. Achievement of the objectives apparently still being pursued by the administration seems to me an empty fantasy, the continued pursuit of which under present circumstances would be disastrous to the security, welfare and moral character of the American people.

EIGHT ERRORS CAUSED OVERINVOLVEMENT

The direct and massive U.S. military involvement in Southeast Asia beginning in 1965 was grossly disproportionate to any national interest the United States had in the area, and soon proved to be prodigiously damaging to the welfare of the Vietnamese and Laotian people. There are many reasons why this highly motivated but disastrous miscalculation by U.S. leadership occurred. In my view, eight major errors of judgment caused us to get in so deeply:

1. The first was the belief that Communist China had in the 1950s and 1960s both the intention and the capability to extend its dominion beyond its borders, especially southward either through invasion or, more probably, through "wars of national liberation" which it would inspire and support. In the cooler light of hindsight we can now note that, with the exception of the war in Korea, which was certainly felt to be defensive, and the war in Vietnam, which derives almost wholly from Vietnamese rather than Chinese inspiration, Communist China has shown little intention or capability of involving itself directly or indirectly in military adventures outside its borders.

2. The second mistake in judgment, the "domino theory," was the belief that Southeast Asia outside Vietnam was acutely vulnerable to wars of national liberation or to subversion and takeover; that if South Vietnam fell, others were almost certain to follow. This error arose from an undiscriminating extrapolation of the situation in South Vietnam, which for 10 years prior to 1954 had been deeply infested at the grassroots with Communist cadres, to the rest of Southeast Asia, which had not been penetrated to anywhere nearly such a degree. Of course the extension and conduct of the war in recent years have made Laos and Cambodia much more vulnerable to takeover than they were in the 1950s.

3. A third error in judgment was the belief that North Vietnam, if partially or wholly victorious in the South, would serve thereafter as a compliant instrument of Communist China. Actually, as the history of the past 25 years has amply demonstrated; only the Yugoslav Communists have rivaled the North Vietnamese in stiff-necked recalcitrance and independence.

4. The fourth error was in imagining that NATO could be duplicated in Southeast Asia and in setting up there a purported military coalition which was in fact only a facade for unilateral U.S. support of several weak countries. Nevertheless, SEATO had the effect of committing the United States to a deeper and more formal involvement in Southeast Asia than was wise, without in fact significantly increasing its capabilities there.

5. Perhaps the most decisive mistake made in Vietnam and, for a time, in Laos was, on the one hand, U.S. insistence that regimes it supported be 100 per cent anticommunist and antineutralist and, on the other, its failure effectively to insist that the support it so unstintingly provided these regimes be used to carry out reforms which might have given them an expanding popular base.

6. The sixth mistake arose from the extravagant faith in "counterinsurgency" which swept Washington in the early 1960s. Based on the correct assessment that Communist aggression was henceforth more likely to take the form of insurgency than of massive attacks across frontiers, it nevertheless enormously overestimated the capability of *U.S. forces,* no matter how thoroughly trained for this purpose, to conduct this highly sophisticated and acutely political type of warfare in environments where language, customs and physical conditions were so wholly alien to them.

7. The seventh error was also a military one: U.S. insistence on organizing and training most of the Vietnamese forces, from 1954 on, to fight a European or Korean-type war rather than to counter insurgency. Serious efforts have been made in recent years to correct this error but even now the ARVN is still trained to fight with massive air and artillery support, which obviously will be far less effectively available when the Americans depart.

8. The final error of judgment occurred repeatedly *after* our massive involvement, when we so often neglected or fatally compromised potential opportunities for negotiation, either for ephemeral military advantage or for fear of causing trouble with and for the Saigon government.

CHARLES W. YOST.

ANTIETAM BATTLEFIELD IN JEOPARDY

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. BYRON. Mr. Speaker, the Antietam National Battlefield near Sharpsburg, Md., was the site of a Civil War battle that has been described as the bloodiest conflict ever fought on American soil and as the turning point of the war. Today, Antietam Battlefield, one of the best preserved monuments of the Civil War, is threatened by encroachments which will mar the rustic beauty of this historic area.

The Frederick, Md., News Post of April 9, 1971, published an excellent editorial cataloging the problems at Antietam. I would like to share the News Post's thoughts. I will be introducing legislation to deal with the threats to the battlefield and would hope that the News Post editorial will serve to alert many citizens to the problem:

[From the Frederick (Md.) News-Post, Apr. 9, 1971]

BATTLEFIELDS IN JEOPARDY

The Chinese have a Confucian tenet that the highest expression of a civilization is the respect paid by a nation to its honored dead.

By this standard, the United States is woefully deficient in protecting the national shrines encompassing in part the final resting places of those who fought, bled, and died at our neighboring Civil War battlefields of Gettysburg and Antietam.

For months a seething controversy has raged between the National Park Service, historians, antiquarians, and Civil War buffs on one side and commercial interests on the other over a proposal to erect a 300-foot high tower to be used as an observation post by tourists on privately owned land adjacent to the Gettysburg National Cemetery where burials still occur almost daily.

The National Park Service brands it an "environmental insult" to the memory of those who died at Gettysburg plus the veterans of more modern wars still finding their last rest in the national cemetery.

But the promoter—a Silver Spring developer—insists that he will continue with his plans to create the observation tower despite local and state-wide protests.

And, according to the officials of the Borough of Gettysburg and the Pennsylvania State Planning Board, they are both powerless to interfere with his plans due to the fact that over the years citizens of Gettysburg have repeatedly refused to enact any local zoning laws.

Now a similar "desecration" of one of only two Civil War battlefields in Maryland—neighboring Antietam—is similarly in the cards.

While the U.S. government owns 795 acres of the Civil War battlefield near Sharpsburg—generally rated by modern historians as "the decisive battle of the Civil War"—another 1,000 contiguous privately owned acres, most of which is still vacant farmland, are also a part of the national shrine including not only the National Cemetery but the surrounding rolling countryside where Union General George B. McClellan, while failing to achieve a "decisive victory," drove back across the Potomac the Army of Northern Virginia led by Confederate General Robert E. Lee.

Until recently, according to W. Dean McClanahan, the National Park Service superintendent of the Antietam shrine, the only "development on these privately owned acres has been a few individual homes which have not markedly desecrated the battlefield."

Now, however, a housing developer has filed a petition with the Washington County Planning and Zoning Commission to subdivide a 69-acre tract on the highest point of the battlefield.

And, according to Superintendent McClanahan, the site proposed, now an open field, almost completely encircles the obelisk monument to Hawkins Zouaves composed of the 9th New York Volunteer Regiment who were engaged in one of the most decisive fights of the "bloodiest battle" fought in the entire Civil War.

The monument tops a hill and marks the point where the September 17, 1862, battle ended at dusk with the repulse of the high-water attack of the Army of Northern Virginia.

But—just as at Gettysburg—while W. D. Jones, the planning director of Washington County, says that he is personally opposed the proposed "Burnside Manor" housing development at the site that he is powerless to halt it because Washington County, like the Borough of Gettysburg, has no zoning ordinance.

It seems unfortunate that we of this generation fail to appreciate the fact that we merely hold in trust these priceless and irreplacable shrines which will be even more cherished in the centuries that lie ahead.

The Civil War—because it involved the entire nation—and because of the tremendous stakes involved—is one American conflict which excites more interest in each generation.

There have been more histories written on the Civil War and on its central figures, such as the immortal Lincoln, his Confederate opponent, the proud and imperious Jefferson Davis whose misguided belief in his military sagacity did more to lose the war for the South than any other factor; the leading generals and admirals of both sides, and all other facets of the titanic struggle which divided not only states and sections of the nation but families than have been penned about any other American conflict.

The Civil War is ageless. It will be as much of a lodestone to historians and biographers in the next century as it has been in the more than 100 years since it was virtually terminated by the defeat of Lee at Appomatox by that fighter with the instinct for the jugular, Lieutenant General Ulysses S. Grant of the Union Army.

It is certainly no fault of Superintendent McClanahan of the Antietam Battlefield National Shrine that this encroachment upon its integrity is threatened.

For the past three years he has sought federal legislation in Congress to allow the National Park Service to acquire by purchase or by trade an additional 2,000 acres of farmland surrounding the national shrine.

He hoped that 1,000 acres of the total would be set aside as a "buffer zone" to prevent commercial, industrial and residential development from the edge of the battlefield.

But, he sadly adds, Congress has neglected to act.

"And right now," the superintendent says, "other property on the battlefield is for sale.

"One site is being promoted for a motel and restaurant development."

Although Congress last failed to act in 1968, there may be some lingering hope of favorable action today, according to Senators Charles McC Mathias and J. Glenn Beall Jr.

Their Washington offices revealed plans to file "very soon" new legislation in Congress to make the takeover of the surrounding land possible.

But, according to Superintendent McClanahan, action will have to be expeditious.

He says that he envisions a land development boom of major proportions over-shadowing the Battlefield and National Cemetery because the new "interstate highways have opened up the country."

"Sharpsburg," he says, "is only 10 minutes away by car from the Hagerstown-Martinsburg axis and this area is just too darned attractive both to home builders, business and industry seeking to capitalize on the tourist potential of Antietnam which last year attracted 300,000 visitors on battlefield tours."

The tourist, he adds, are "terribly fascinated," by the fact that Antietam probably marks the bloodiest encounter of any single day in American history.

Among the casualties, Superintendent McClanahan points out, were 12,140 attacking Union soldiers and 10,100 defending Confederate forces.

A LAYMAN LOOKS AT ATOMIC POWER

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. HOSMER. Mr. Speaker, one of the problems with the scientific community is its general inability to explain complex issues in terms easily understood by the layman.

On the contrary, this is one of the great strengths of the press. Constrained by the length of the newspaper column, they simplify matters to a degree which often infuriates the scientist but nonetheless informs the public.

Columnist Richard Buffum of the Los Angeles Times recently toured the San Onofre Nuclear Generating Plant in California and reported on his visit.

Many of us have been trying to explain atomic power to the public for many years. Questions about safety, radiation, earthquakes, and bombs always seem to get tangled up in complex explanations.

Mr. Buffum's column clears away the technical jargon and answers many of the questions which are on the minds of the layman concerned with atomic power. I am pleased to include his column in the RECORD as a useful contribution to the public understanding of nuclear power:

TAMING THE ATOM

SAN ONOFRE.—Like it or not, it is science and technology which shape the world today. While environmentalists argue over the dangerous effects of accelerating applied science—scientific knowledge is at least doubling every decade—a new world is being forged by scientists and technologists.

The peaceful use of nuclear energy to generate electricity is only one aspect of this new world. Most of us fear this mysterious force locked in the atom, this invisible genii of potential holocaust, unleashed in war and now tamed in stainless steel cans and made to run an electric power plant.

Apprehension was within me as I toured Southern California Edison Co.'s generating plant here, a nuclear powered steam generating plant that spins the turbines that make the electricity. The SCE plans to construct two more units on the 84-acre coastal site located about three miles south of the Western White House in San Clemente.

The existing nuclear reactor, assured Hans Ottoson, plant superintendent, is protected by a complex system of redundant safety devices from over-heating. It can be shut down in a number of ways instantly.

EFFICIENT ENERGY

It uses only one pound of uranium pellets per day to produce a net capacity of 430 megawatts of electricity. He figured this is equivalent to about 18 million barrels of oil as an energy source.

That was score one in favoring nuclear power. Highly efficient utilization of space and energy source, combined with an absence of smog pollution that fossil fuels create. But will it blow sky high?

Absolutely not, said Eugene N. Cramer, Edison engineer for advanced energy systems. An atomic bomb cannot use the uranium used in a nuclear power plant. An atomic bomb needs more than 90% fissionable uranium, as opposed to about 2% to a 4% uranium mixture for power plants. There is no way here to hold this mass of fissionable material together under enormous pressure until a chain reaction builds up to explosive force, he declared.

Does the plant leak radiation? I held my radium-faced wrist watch against a detection portal through which employes must pass. A buzzer intoned loudly above the plant's hum. A needle on a dial leaped forward and pointed at 250.

QUAKE PROTECTION

That alarm goes off at 1/10th of a millirem of radiation," explained Cramer. "We who live at sea level are exposed to about 100 millirems or MRs per year naturally from the solar system. Your wrist watch (which is harmless) releases about 900 MRs per year. That would be about nine times as much as you'd get living here outside the fence. We cannot detect, and we monitor constantly, any additional radiation from the plant."

OK, what about an earthquake? Phil West, seismologist, answered: "Construction is based upon the greatest earthquake event possible. Frankly, if there were a major quake the only thing left standing will be the nuclear power plant." I went home and thought about it. The peaceful, industrial use of nuclear energy need not be feared—but it sure as hell must be respected. One other conclusion: When I remove my wrist watch for the night, setting it on my bedside stand, I'm taking pains that the dial is facing away from me.

RESULTS OF CONGRESSMAN McKEVITT'S 1971 QUESTIONAIRE

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. McKEVITT. Mr. Speaker, during the second week of March 1971, I sent more than 170,000 questionnaires to households in the First Congressional District of Colorado. As I sent out the poll cards, which contained eight questions on domestic issues, I pledged to my constituents that I would report the results to the Congress and to the President.

The results of my poll, based on 30,500 returns, follow:

[In percent]

1. Now that 18-year-olds can vote in Federal elections, do you believe they should be permitted to vote in State and local elections?

Yes	64.4
No	33.9
Undecided	1.7

2. Would you vote funds to continue development of the supersonic transport plane (SST)?

Yes	27.3
No	69.6
Undecided	3.1

3. Do you favor sharing Federal revenues with State and local governments?

Yes	68.0
No	25.8
Undecided	6.2

4. Would you vote for a national health insurance program financed by higher social security and other Federal taxes?

Yes	46.6
No	48.6
Undecided	4.8

5. Would you be willing to pay more for products and services (autos, gasoline, electricity etc.) if they could be made pollution free?

Yes	74.1
No	22.2
Undecided	3.7

6. When management and labor are unable to settle a rail dispute, would you support a binding settlement of the dispute by Government-appointed mediators?

Yes	76.4
No	19.6
Undecided	4.0

7. Would you favor wage and price controls as a tool to combat inflation?

Yes	69.6
No	26.0
Undecided	4.4

8. Do you support legislation to automatically adjust social security benefits upward with the cost of living?

Yes	83.8
No	13.7
Undecided	2.5

I believe the results of my poll are a highly accurate reflection of how the people of Denver feel about these particular issues. I appreciate this opportunity to share the results of my poll with the Congress.

PRESIDENT OVERTURNS MILITARY ABORTION RULE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1971

Mr. SCHMITZ. Mr. Speaker, those who read my weekly report regularly know that I have been critical of the Federal Government for the Defense Department policy, announced last July 31, which permitted the killing of unborn babies in U.S. military hospitals without regard to local State laws.

Hundreds of people from across the Nation have wirtten to me, and to other Congressmen, in support of H.R. 4257, my bill which would have forced the Defense Department to at least make its foeticide policy conform to the regulations established by the individual States in which military hospitals are located.

I am happy to say that President Nixon has rendered my bill unnecessary. The Chief Executive, acting in his capacity as Commander in Chief of our Armed Forces, has ordered this latest military abortion-on-demand regulation rescinded. The President gave as the central motive of his action his basic opposition to abortion on the grounds that it conflicts with his belief in the quality and sanctity of life. In a subsequent explanation, he indicated that he considers abortion an unacceptable form of population control.

The implications of the President's statement are even more far-reaching and complex than they would seem at first glance. Technically, the President has done nothing except make the military observe State laws with regard to crimes against the unborn. This means, of course, that military facilities in places like New York will continue to be available for abortions to military personnel stationed in other States which have more restrictive laws.

On the other hand, however, the President indicated firmly that he means his performance to be interpreted as his own view of all abortion legislation:

> While the abortion issue is being debated in the states, the country has a right to know my personal views.

He continued by declaring that the unborn have rights and that "a good and generous people" will not attempt to solve its population problems by abortion. This undoubtedly means that the President shall continue to support the various other pieces of antilife legislation already passed and presently in the works, but now the White House has at least provided nominal moral leadership in the fight to prevent the killing of unborn babies.

I applaud the President's action, while at the same time realizing full well that it was not taken in a political vacuum. As White House sources have indicated to me and to the press, the directive formulated was not unconnected with the vociferous criticism of the defense policy which emerged after I first publicized the scandal and introduced legislation to counter it. H.R. 4257 and the consequent public outcry were instrumental in the President's decision.

But whatever the motivation, it is immediately clear that the abortion proponents intend to jump down Mr. Nixon's throat with all feet. Shortly after the President's announcement, the New York Times pontificated editorially that to make the President's statement a basis for public policy would be cruel and regressive. The Times thinks that—

> Issues affecting the "sanctity of human life" are far more involved in the Vietnam war than they are in the removal of legal obstacles to abortion.

It is certain that antilife automatons will pick up this dismal chorus and transform it into a transcontinental shriek. We will hear them stridently echo the Times' appraisal of Mr. Nixon's move as "an act of inhumanity and social irresponsibility."

At the same time, those of us who are concerned about human life must not become content at winning this preliminary skirmish. Hundreds of thousands of unborn infants continue to die by the knife in the United States, and our duty to them is not diminished in the least.